



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY APRIL 16TH, 2019 AT 6:00 P.M.
CORPORATION OF THE TOWN OF KINGSVILLE
COUNCIL CHAMBERS
2021 DIVISION RD N, KINGSVILLE, ONTARIO N9Y 2Y9

A. CALL TO ORDER

Chairperson, Thomas Neufeld called the meeting to order at 6:00 p.m. with the following Committee members in attendance:

Members of Committee of Adjustment	Members of Administration
<ul style="list-style-type: none">• Deputy Mayor Gord Queen• Councillor Thomas Neufeld• Russell Horrocks• Shannon Olson	<ul style="list-style-type: none">• Town Planner – George Robinson• Administrative – Stephanie Coussens• Allison Vilardi - ABSENT

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson Thomas Neufeld reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, MARCH 19TH, 2019.

CA - 24 - 2019

Moved by Russell Horrocks, seconded by Gord Queen that the Committee of Adjustment Meeting Minutes dated March 19th, 2019 be adopted.

CARRIED

D. HEARINGS

1. B / 02 / 19 – 255 County Rd 14 E – Estate of Hildegard VON FLOTOW

Town Planner, George Robinson introduced the Consent application and reviewed his report dated April 5th, 2019 which provides details regarding the requested Consent to sever an existing dwelling deemed surplus to the needs of the owner, from lands known as 255 County Road 14 E, in the Town of Kingsville.

The subject parcel is approximately 39.25 ha (96.99 ac.) in size and contains a single detached dwelling and several outbuildings. It is proposed that the dwelling, deemed surplus to the owner, be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's sketch (Appendix B) with an area of 1.389 ha (3.433 ac.) and frontage of 71.63 m (235 ft.)

As a condition of the consent, an application to rezone the retained farm parcel from 'Agriculture (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA/03/19).

The applicant Julie Von Flotow and her brother Frank Von Flotow (purchaser of the severed dwelling) were in attendance.

Chairperson, Thomas Neufeld asked if there were any comments from the committee, applicant or the public.

Chairperson T. Neufeld referred to Appendix D in the Planners Report regarding the objections surrounding interpretation of Provincial Policy. Mr. Neufeld asked the Town Planner, George Robinson if the Management team, ERCA and the County concurred that the application does in fact comply with the Provincial Policy. Mr. Robinson confirmed that all agencies, including the Municipal Management team were circulated, No Objections were received, and that it was the position of Administration that this application complies with Provincial Policy.

Committee Member Russell Horrocks, asked for a reasoning of the shape of the lot. Town Planner George Robinson explained the history of the property, regarding a previous severance. In designing this particular parcel the objective is to ensure all buildings and services are contained within existing property lines and do not cross over into newly established lines. Mature vegetation is encouraged to be contained in the severed parcel, and the layout and orientation of tree rows was discussed. Severed and retained parcels have sufficient access locations. Septic beds to be completely located within proposed severed lots.

The applicant, Julia Von Flotow; spoke to the application. She explained that the motivation of herself and her 6 siblings was to preserve the trees that their parents planted many years ago. Frank Von Flotow, one of the siblings, plans to purchase and return to the family home. Andy Von Flotow, the author of Appendix D had put an offer to purchase back in January 2019 and then retracted the offer.

Mr. Tom Congdon, 238 County Rd 14 E, lives across the road of the property in question. Mr. Congdon has no objections to this severance. He would be happy to see a family member move back and enjoy the property. Mr. Congdon asked if access to the farm field would be an issue. Mr. Frank Von Flotow noted two separate accesses to the farm field.

Mr. Norm Lundale; attorney for Andy Von Flotow was in attendance. Mr. Lundale wanted to ensure that his client's voice was heard as noted in Appendix D.

Committee Member Gord Queen asked that the planner explain the zoning of the severed and retained parcel. Town Planner, George Robinson explained the differences between the two zonings A1 vs A2, emphasising that no new dwellings will be permitted on the agricultural parcel.

Committee Member Russell Horrocks, asked if all beneficiaries agree to the sales. The applicant Julia Von Flotow confirmed that all siblings agreed to the sale. Ms. Von Flotow explained that once they knew that the application was possible, they sought an individual to purchase the farm house. Andy Von Flotow was originally to be the purchaser of the severed lot, once he withdrew his offer he changed his mind on the severance.

Chairperson, Thomas Neufeld confirmed there were no other comments from the committee, applicant or the public.

CA - 25 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B / 02 / 19, to sever an existing dwelling deemed surplus to the needs of the owner on a 1.389 ha (3.433 ac.) parcel shown as Part 1 on the applicants' sketch, located at 255 County Road 14 E, Part of Lot 19, Concession 9, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary drainage reapportionments be undertaken.
5. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer

systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.

6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
8. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
9. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
10. The conditions imposed above shall be fulfilled by **April 16, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B / 03 / 19 – 1562 Pigeon Bay Lane – Victor and Hilda TIESSEN

Town Planner, George Robinson introduced the Consent application and reviewed his report dated April 5th, 2019 which provides details regarding the requested Consent to create an additional lot from lands known as 1562 Pigeon Bay Lane, in the Town of Kingsville.

The subject parcel is 6,195.74 sq. m (1.531 ac.) in size and contains a single detached dwelling and two sheds. The applicants are requesting to sever the parcel into two residential lots (shown in red and blue in Appendix A), as shown on the applicant's sketch (Appendix B) as:

- Part 1 - The severed parcel: area of 1,861.55 sq. m (20,037.6 sq. ft.), with 25.91 m (85.0 ft.) of frontage onto Union Avenue.
- Part 2 - The retained parcel: area of 4,334.18 sq. m (46,652.76 sq. ft.), with 18.44 m (60.50 ft.) of frontage onto Union Avenue.

There is no zoning issue raised as a result of the proposed lot creation as the severed lands and retained lot are both 'Lakeshore Residential (LR)' and both parcels will continue to meet the minimum lot area and lot frontage requirements.

Chairperson, Thomas Neufeld asked if there were any comments from the committee, applicant or the public.

The applicant Victor Tiessen was in attendance. Mr. Tiessen, 1562 Pigeon Bay Lane is looking to reduce the size of his lot and create a new lot for a new neighbour.

Chairperson, Thomas Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 26 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B / 02 / 19, to create one (1) new residential lot, being 1,861.55 sq. m. (20,037.6 sq. ft.) in area, from the lands known as 1562 Pigeon Bay Lane, Pt. Lot 7, Lots 3, 4, 5, 6 and Pt. Lots 1 & 2, Pt. Prince St., RP 28 & Lots 1, 5 & 6, RP 30, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a plan of survey be prepared or a reference plan deposited in the registry office, ***both an electronic and paper*** copy of either to be provided to the Town for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.

3. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage and private park fees be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
4. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
5. The applicant is to provide a new private storm drain connection and water service connection to the severed parcel.
6. The applicant is to confirm the location of sanitary, private storm drain connection, and water service connection to the retained parcel, and obtain new connections where required.
7. A permit shall be obtained from the Town for the installation of a new entrances or changes to existing entrances from Union Avenue to the retained or severed lots, any cost associated with the access installation shall be the applicant's responsibility.
8. A park fee of \$1,500.00 is paid to the municipality for the creation of the new lot prior to certification.
9. That the severed and retained lots be appropriately addressed from Union Avenue and obtain 911 signage.
10. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
11. The conditions imposed above shall be fulfilled by **April 16, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B / 04 / 19 – 3 Marsh Side Road – Rudolf WARTLIK

Town Planner, George Robinson introduced the Consent application and reviewed his report dated April 5th, 2019 which provides details regarding the requested Consent to sever an existing dwelling deemed surplus to the needs of the owner, from lands known as 3 Marsh Side Road, in the Town of Kingsville.

The subject parcel is approximately 9.01 ha (22.26 ac.) in size and contains a single detached dwelling, barn, and two solar trackers. The owner has enter into an agreement of purchase and sale with the abutting landowner. The dwelling on the subject parcel is surplus to the farming operation of the prospective purchaser. The proposed severed parcel shown as Part 2 on the applicant's sketch would have and area of 1.384 ha (3.421 ac.) and frontage of 77.72 m (255 ft.)

The remnant vacant farmland (Part 1) 7.619 ha (18.828 ac.), as a condition of consent will be conveyed and consolidated with the 115.51 ha (285.42 ac.) abutting farm parcel to the southwest owned by the prospective purchaser.

Chairperson, Thomas Neufeld asked if there were any comments from the committee, applicant or the public.

The purchaser was in attendance. Peter Steckle, 301 County Rd 34 W, is interested in purchasing the severed parcel for a lot addition to his farm on County Rd 34 W.

Chairperson, Thomas Neufeld confirmed there were no other comments from the committee, applicant or the public.

CA - 27 - 2019

Moved by Shannon Olson, seconded by Russell Horrocks that Consent Application B / 04 / 19, to sever an existing dwelling deemed surplus to the needs of the owner on a 1.384 ha

(3.421 ac.) parcel shown as Part 2 on the applicants' sketch, located at 3 Marsh Side Road, Part of Lot 272, Concession South Talbot Road, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That Part 1 and Part 2 on the applicant's sketch known as 3 Marsh Side Road (P.I.N. 75161-0132) be conveyed and consolidated with the abutting agricultural parcel (P.I.N. 75161-0109), known as Steckle Farms Ltd;
2. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
3. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
4. That the owner shall provide that all municipal taxes be paid in full.
5. That any necessary drainage reapportionments be undertaken.
6. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
7. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
8. A clearance letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.
9. That the owners provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcel.
10. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
11. The conditions imposed above shall be fulfilled by **April 16, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

CA - 28 - 2019

Moved by Russell Horrocks, seconded by Gord Queen there being no further hearings scheduled, the meeting was adjourned at 6:27 p.m.

CARRIED



CHAIRPERSON T. NEUFELD



SECRETARY-TREASURER