



# MINUTES

## COMMITTEE OF ADJUSTMENT MEETING

TUESDAY JUNE 18<sup>TH</sup>, 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"><li>• Deputy Mayor Gord Queen</li><li>• Councillor Thomas Neufeld</li><li>• Allison Vilardi</li><li>• Russell Horrocks</li></ul>	<ul style="list-style-type: none"><li>• Town Planner – George Robinson</li><li>• Administrative – Stephanie Coussens</li></ul> <p>ABSENT - Shannon Olson</p>

### 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, MAY 21<sup>ST</sup>, 2019.

#### CA - 33 - 2019

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated May 21<sup>st</sup>, 2019 be adopted.

CARRIED

### D. HEARINGS

#### 1. B / 08 / 19 – 106 Wigle Ave – 2524634 Ontario Ltd.

Town Planner, George Robinson introduced the Consent application and reviewed his report dated June 7<sup>th</sup>, 2019 which provides details regarding the requested consent to establish a permanent easement for lands known as 86 and 106 Wigle Avenue, in the Town of Kingsville.

The subject land at 106 Wigle Avenue is an approximately 1.68 ha (4.16 ac.) parcel (shown in red on Appendix A) and contains an existing multi-tenant mixed use industrial building and outdoor storage. The applicant, under separate ownership also owns the abutting property to the south 86 Wigle. The applicant is in the process of establishing a commercial condominium for the existing building at 86 however it relies on a number of services coming from the abutting lands at 106. As part of the condo process it is necessary to establish several easements in favour of 86 (shown as Parts 1-8 on the Applicant's Sketch). These lands would be used for vehicular access and egress (Parts 1-6), access to storm water facilities (Parts 2 & 8), and ELK Energy (Parts 1, 3, 6, & 7) to service the new industrial structure on the abutting parcel, 86 Wigle Avenue. There is no zoning issue raised as a result of the proposed easement as both subject lot and abutting lot are zoned 'Light Industrial (M1)'.

The applicant Jeremy Truax was in attendance.

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

#### **CA - 34 - 2019**

Moved by Gord Queen, seconded by Russell Horrocks that Consent Application B / 08 / 19 to establish a various permanent easements including access, servicing and storm water management on the lands known as 106 Wigle Road (P.I.N. 75178-0511) in favour of 86 Wigle Road (P.I.N. 75178-0510), as shown on the applicant's sketch as Parts 1-8, 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 applicant install and maintain fire route signage to the satisfaction of the Town.
3. 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.
4. The conditions imposed above shall be fulfilled by **June 18, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **2. B / 07 / 19 – 17 Spruce Street E. & 87 Main St. E. – Olivito Dentistry Prof. Corporation**

Town Planner, George Robinson introduced the Consent application and reviewed his report dated June 7<sup>th</sup>, 2019 which provides details regarding the requested consent to sever and convey a portion of land, being 276.9 sq. m (2,980.6 sq. ft.) in area, as a lot addition from an abutting residential property, known as 17 Spruce Street to the lands known as 87 Main Street, in the Town of Kingsville.

The subject parcel (17 Spruce Street) is approximately 1008.7 sq. m (10,857.9 sq. ft.) in size and contains an existing single detached dwelling. The applicant proposes to sever and convey a portion of the subject parcel to his abutting property at 87 Main St. E as a lot addition for the purposes of expanding the on-site parking area and improving the accessibility of the building entrance. The proposed lot addition parcels are shown on the applicant's sketch as follows:

- Part 4 – severed lands to be added to dental clinic parcel: Area of 276.9 sq. m (2,960.6 sq. ft.)
- Part 5 – retained residential parcel: Area of 731.8 sq. m (7,877.3 sq. ft.), Frontage of 25.15 m (82.51 ft.)

To allow the development of the parking area, an application to rezone the severed lot addition lands (shown as Part 4 on the applicant's sketch) from 'Residential Zone 1 Urban (R1.1)' to 'Residential Zone 1 Urban Exemption 14 (R1.1-14)' is required and has been received (File ZBA/09/19). This application will also allow for the rear setback of the dwelling on the retained lands to be 1.67m instead of the 7.5m required under the current zoning. A Site Plan application has been received (File SPA/09/19) and will be considered by council with the Zoning Bylaw Amendment.

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

Committee Member Gord Queen noted the size of the rear yard of the property at 17 Spruce Street. The South side of the property is smaller than the West side. Town Planner, G. Robinson explained that the front yard is actually off of Pearl, instead of Spruce. The 'back' yard of 17 Spruce Street abuts the property at 87 Main St E.

The applicant Dr. Mark Olivito was in attendance.

Michelle Martin, 93 Main St E lives right next door to the Dental office, her backyard will run adjacent the parking lot addition. She is concerned about her property line, and if she is going to become exposed to Spruce St., and lose her privacy. Dr. Olivito has no plans to remove or touch the fence that is currently providing privacy to Ms. Martin's property.

Committee Member Allison Villardi, asked if the site plan process can address Ms. Martin's concerns. Town Planner, G. Robinson will bring the comments and concerns to council in July when the zoning and site plan applications are heard.

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

### **CA - 35 - 2019**

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B / 07 / 19, to sever and convey a portion of land, being 276.9Sq. m (2,980.6 sq. ft.) in area, from the lands known as 17 Spruce Street (P.I.N. 75178-0143) to an abutting parcel, known as 87 Main Street East (P.I.N. 75178-0122) as a lot addition, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 4, be conveyed to the owner of the abutting parcel (87 Main Street East) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. An easement in favour of Bell Canada and/or ELK Energy shall be registered on 87 Main Street East (P.I.N. 75178-0122) to protect infrastructure to the satisfaction of the Secretary-Treasurer.
3. 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.
4. 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.
5. That the owner shall provide that all municipal taxes be paid in full.
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. That a favourable Zoning Bylaw Amendment application is processed to allow the dental office use on the severed lands, and to address any site-specific requirements for the retained lands.
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 **June 18, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

**CARRIED**

**3. B / 05 / 19 – 256 County Rd 14 E – Estate of Hidegard Von Flotow**

Town Planner, George Robinson introduced the Consent application and reviewed his report dated June 7<sup>th</sup>, 2019 which provides details regarding the requested consent to sever an existing dwelling deemed surplus to the needs of the prospective purchaser, from lands known as 256 County Road 14 E, in the Town of Kingsville.

The Town of Kingsville received the above-noted application for lands located on the south side of County Road 14 East, east of Graham Side Road. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 39.15 ha (96.75 ac.) in size and consists of a single detached dwelling, several outbuildings, including a barn, a woodlot, and vacant farmland. The existing dwelling is surplus to the farming operations of the prospective purchaser. The proposed severed parcel (Parts 2 and 3) is shown as follows on the applicant's sketch:

- Part 2 – existing woodlot: Area of 1.68 ha (4.154 ac.), Frontage of 103.21 m (338.6 ft.)
- Part 3 – existing dwelling and barn: Area of 0.389 ha (0.962 ac.), Frontage of 25.91 m (85 ft.)
- Total severance: Area of 2.07 ha (5.116 ac.), Frontage of 131.55 m (431.6 ft.)

As a condition of the consent, an application to rezone the retained farm parcel (shown as Part 1 on the applicant's sketch) from 'Agricultural (A1)' to 'Agriculture - Restricted (A2)' is required to prohibit dwellings as per Provincial and Town policies (File ZBA / 07 / 19).

With the recent adoption of a Tree Retention Policy and in co-operation with the owner the zoning application will also rezone the woodlot portion of the proposed severed parcel (shown as Part 2 on the applicant's sketch) from 'Agricultural (A1)' to 'Natural Environment (NE)'. The 'Natural Environment (NE)' zone prohibits the construction of dwellings and will help identify the natural area in the future.

The applicant Julia von Flotow and Frank Von Flowtow were in attendance.

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

Committee Member Russell Horrocks asked if we had heard this application previously. Town Planner G. Robinson clarified that yes this is the same family, but different property.

Chairperson Thomas Neufeld, asked if building on the Natural Environment zoned area would be permitted. Town Planner G. Robinson noted that no dwellings would be permitted to built on the Natural Environment zoned area.

The applicant Julia Von Flowtow, spoke to the committee on behalf of her siblings, and the estate noting how delighted they have been with the work of the Town Planning Services department. The Von Flowtow's intent is to honor their parents, and save the trees. The family wants to let the Agricultural land go to be used the way they were intended to be used. Ms. J. Von Flowtow noted that 6 of 7 silbling agree, as per an agreement.

Committee Member Allison Vilardi, asked if access to the farm would be compromised? Town Planner G. Robinson noted that existing access for the farm parcel is from Road 8 E and will remain with the farm.

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

Committee member Gord Queen thanked Ms. J. Von Flowtow for her comments and her presentation to the committee.

**CA - 35 - 2019**

Moved by Gord Queen, seconded by Allison Villardi that Consent Application B / 05 / 19, to sever an existing dwelling deemed surplus to the needs of the prospective purchaser on a 2.07 ha (5.116 ac.) parcel shown as Parts 2 and 3 on the applicants' sketch, located at 256 County Road 14 E, Part of Lot 19, Concession 8, 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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full along with 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. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel (Part 1) and woodlot (Part 2) prior to the consent being endorsed on the deeds.
7. That the severed and retained parcels be transferred to Bonnefield Canadian farmland LP IV, as outlined in the Agreement of Purchase and Sale.
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 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 June 18, 2020 or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

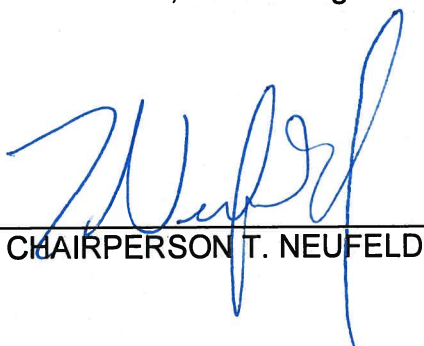
**E. OTHER BUSINESS**

**F. ADJOURNMENT**

**CA - 36 - 2019**

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

**CARRIED**

  
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CHAIRPERSON T. NEUFELD  
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SECRETARY-TREASURER