



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT

SEPTEMBER 17, 2019 @ 6:00 P.M.

Council Chambers, 2021 Division Road North, Kingsville

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:00 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Deputy Mayor Gord Queen
Councillor Thomas Neufeld
Russell Horrocks
Allison Vilardi
Shannon Olson

MEMBERS OF ADMINISTRATION:

Town Planner, David French
Manager of Planning, Robert Brown
Administration – Stephanie Coussens

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson T. Neufeld reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. MINUTES OF THE PREVIOUS MEETING

1. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED AUGUST 20TH, 2019.

CA-41-2019

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated August 20th, 2019 be adopted.

CARRIED

D. HEARINGS

1. B/11/19 & A/03/19 – 1117 CAMPBELL LANE – 1683310 ONTARIO LTD.

Town Planner, David French introduced the Consent and Minor Variance applications and reviewed the report dated, September 12th, 2019 which provides details regarding a combined application for consent and minor variance to create a lot and convey a lot addition from lands known as 1117 and 1119 Campbell Lane, in the Town of Kingsville.

The subject land is a 0.89 ha (2.2 ac.) parcel and contains two single detached dwellings and three accessory buildings. The applicant has received a request from an abutting property owner at 1284 Graham Side Road to purchase approximately 0.168 ha (0.415 ac.) of vacant land (shown as Parts 3 and 4 on the applicants sketch). These lands would then be conveyed as a lot addition to 1284 Graham Side Road. (See Location Map – Appendix A)

On the remaining lands the applicant is proposing to remove both dwellings and the accessory buildings for the development of two new single detached dwellings. In order to accommodate this the applicant has requested consent to subdivide the remaining land to create one new lot shown as Part 1 on the applicant's sketch. (Appendix B) The proposed lot would have an area of 1,161.4 sq. m (12,501 sq. ft.) and frontage of 28.44 m (93.32 ft.). This lot would require a minor variance for lot area as a minimum of 1,400 sq. m (15,070 sq. ft.) is required under the 'Lakeshore Residential, (LR)' zoning.

The applicant, Tony Visca was in attendance.

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

Committee member Allison Vilardi asked if any public comment has come in since the writing of the report, in the form of written or verbal. Town Planner, David French confirmed no comments, written or verbal have been received to date.

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

CA-42-2019

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/11/19 to sever and convey lands shown as Parts 3 and 4 on the applicant's sketch as a lot addition to 1284 Graham Side Road, subject to conditions a) through f), inclusive and j), k) and l); create one (1) new vacant 1,161.4 sq. m (12,501 sq. ft.) residential parcel, subject to conditions a) through i) inclusive and k) and l); make any necessary

amendment to continue the existing easement over Part 3 on the applicant's sketch; all from the lands known as 1117 & 1119 Campbell Lane, Part of Lot 7, Concession 1 Eastern Division, in the Town of Kingsville, be **Approved** subject to the following conditions;

- a) That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy to be provided for the files of the Secretary-Treasurer.
- b) 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 including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.
- c) That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
- d) That any necessary drainage reapportionments be undertaken.
- e) That the applicant obtain a demolish permit and remove all existing dwellings and accessory building from the severed and retained parcel prior to certification of the lot creation deed.
- f) 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.
- g) The applicant provides a new water service at the applicant's expense and to the satisfaction of the Town prior to certification.
- h) That any new or revised municipal addressing being completed.
- i) That the applicant obtains the necessary permits from the Town for the construction of a new entrance for the severed lot, Part 1.
- j) That the lot addition lands, Part 3 and 4 be conveyed to and consolidated with the abutting lot located at 1284 Graham Side Road and that Section 50, 3 or 5) apply to any future consent.
- k) That the necessary deed(s), transfer or charges be ***submitted in triplicate***; signed and fully executed (***no photo copies***), prior to certification.

- l) The conditions imposed above shall be fulfilled by **September 17, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-43-2019

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/03/19 to reduce the required lot area of the severed parcel, Part 1 from 1,400 sq. m (15,070 sq. ft.) to 1,161.4 sq. m (12,501 sq. ft.) and reduce the required lot frontage for the retained parcel, Part 2 from 18 m (59 ft.) to 13.47 m (44.18 ft.); all from the lands known as 1117 & 1119 Campbell Lane, Part of Lot 7, Concession 1 Eastern Division, in the Town of Kingsville, be **Approved**.

2. B/13/19 – 15, 17 AND 19 METTAWAS LANE – HTM MANAGEMENT INC.

Town Planner, David French introduced the Consent application and reviewed the report dated, August 23rd, 2019 which provides details regarding the requested consent to establish a permanent easement over lands known as 17 Mettawas Lane in favour of 15 and 19 Mettawas Lane, in the Town of Kingsville.

The subject lands, 15 and 17 Mettawas Lane, contain a recently completed semi-detached dwelling. Due to the lot configuration and limited frontage several of the existing lots in the subdivision have rights-of-way over the front portion of the lot to provide for access to one or more neighbouring lots. The subject lands share a similar circumstance as such a request for consent to establish a right-of-way for shared access (shown as Parts 4 and 5 on the Applicants Survey) has been submitted. This would result in the establishment of a right-of-way over 17 Mettawas Lane in favour of 15 and 19 Mettawas Lane for access from the road.

The applicant, was not in attendance.

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

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

CA-44-2019

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent application B/13/19 to establish a permanent right-of-way for access over lands known 17 Mettawas Lane, as shown on the applicant's sketch as Part 4 and Part 5, RP 12R

27759, in favour of 15 and 19 Mettawas Lane, in the Town of Kingsville, be **Approved** subject to the following conditions;

- a) 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.
- b) 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.
- c) The conditions imposed above shall be fulfilled by **January 22, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

3. A/04/19 – 105 COUNTY RD 34 E – DOUGLAS AND LOUISE POTIER

Town Planner, David French introduced the Minor Variance application and reviewed the report dated, August 23rd, 2019 which provides details regarding the requested minor variance to the required side yards to for an addition between the house and garage on lands known as 105 County Road 34 E, in the Town of Kingsville.

The subject land is a 960.5 sq. m (10,340 sq. ft.) residential lot with an existing single detached dwelling and detached garage. The applicants started construction of a 50.2 sq. m. (540.24 sq. ft.) addition to the existing single detached dwelling which connects it to the existing garage (as shown on the applicants' Site Plan - Appendix B). Both the existing house and detached garage have legal non-conforming side yard setbacks. As a result of the addition that legal non-conforming status is technically lost. To maintain compliance with the zoning by-law two variances are required:

- 1. Relief from Section 6.2.2(c)(vii) to recognize the existing north side yard setback of 0.51 m ((1.7 ft.) versus the required 1.5 m (4.9 ft.) for the garage.
- 2. Relief from Section 6.2.2(c)(vii) to recognize the existing southerly side yard setback of 1.42 m (4.7 ft.) for the existing dwelling versus the required 1.5 m (4.9 ft.)

The existing house and garage appear to have been constructed in or around 1926.

The applicant, Douglas Potier was in attendance.

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

Committee member Russell Horrocks, asked how the build began without the Minor Variance. Manager of Planning Services, Robert Brown, explained that the applicant brought a change request to the Building Department after the permit was issued. The change required a Minor Variance in order to proceed.

The applicant, Mr. Potier explained that reason for the change is because his family Fosters children in need; and they have been asked to care for a few additional children that needed a place to live.

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

CA-45-2019

Moved by Russell Horrocks, seconded by Shannon Olson that Minor Variance application A/04/19 to grant relief from Section 6.2.2(c)(vii) to recognize the existing north side yard setback of 0.51 m (1.7 ft.) versus the required 1.5 m (4.9 ft.) for the garage; and grant relief from Section 6.2.2(c)(vii) to recognize the existing southerly side yard setback of 1.42 m (4.7 ft.) for the existing dwelling versus the required 1.5 m (4.9 ft.), pertaining to the lands known as 105 County Road 34 E, in the Town of Kingsville, be **Approved** subject to the following conditions;

- a) That any new construction complies with all other applicable provisions of the By-law.
- b) That the owners obtain any applicable permits from ERCA for construction and site alteration.

CARRIED

4. A/06/19 – 189 ROAD 11 – JEAN CAMPBELL & WILLIAM ALBRIGHT

Manager of Planning Services, Robert Brown introduced the Minor Variance application and reviewed the report dated, August 26th, 2019 which provides details regarding a requested minor variance to reduce the required Minimum Distance Separation (MDS I) distance under Section 4.22 of the Zoning By-law, between an existing livestock operation and a new single detached dwelling on lands known as 189 Road 11, in the Town of Kingsville.

The subject land is a 2,787 sq. m (30,000 sq. ft.) vacant rural residential lot. The applicants are proposing to construct a new single detached dwelling on the lot, which is permitted, however new dwelling construction, as per Section 4.22 of the Kingsville Zoning By-law must comply with the Minimum Distance Separation (MDS I)

requirements from the nearest livestock operation which is to the south of the subject parcel.

The applicants, Jean Campbell and William Albright were in attendance.

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

Committee member Shannon Olson asked where the Minimum Distance Separation (MDS) number came from? Manager of Planning Services, Robert Brown explained that the Ontario Agricultural Food and Rural Affairs sets MDS Formulae based on five factors; 1) the type of livestock housed; 2) the potential number of livestock housed (based on barn capacity or lot size); 3) the percentage increase in the size of the operation; 4) the type of manure system and storage; and 5) the type of encroaching land use. Municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications (e.g. lot creation applications) or building permits.

Committee member Russell Horrocks expressed concern with potential issues or complaints from a new owner if the dwelling were later sold.

Mr. Brown explained that future complaints are a potential issue however a new owner should be purchasing the property with an awareness of their neighbours and what is going on.

Mr. Horrocks further asked what would the cutoff be? How far would we allow the MDS number to be altered? Mr. Brown explained that it is dependent on the individual circumstances each time. In this case there was house on the lot before and there were livestock in the barns so there is really not a new situation created so the variance is easier to support.

Committee member Allison Vilardi, is MDS just about smell and setback guidelines, or is manure leaching into the ground or well water taken into consideration. Will this home be on town water, or a well.

Manager of Planning Services, Robert Brown indicated that the new house will use the existing well on the property. Mr. Brown also noted that MDS mainly focuses on smell. All livestock operations with more than 5 nutrient units require a Nutrient management plan. As part of those plans risk management may be required to address items such as leaching or proximity of manure storage.

The applicant Jean Campbell explained the family history of the property and her excitement to be able to return to her roots.

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

CA-46-2019

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/06/19 to grant relief from Section 4.22 to reduce the required MDS I setback requirement for a new dwelling from 181 m to 130 m minimum, pertaining to the lands known as 189 Road 11, in the Town of Kingsville, be **Approved** subject to the following conditions;

a) that any new construction complies with all other applicable provisions of the By-law.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on October 22nd, 2019 at Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-47-2019

Moved by Russell Horrocks, seconded by Allison Vilardi to adjourn this Meeting at 6:24 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Robert Brown**