



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT

NOVEMBER 19, 2019 @ 6:00 P.M.

Town of Kingsville Arena, 1740 Jasperson Lane, Kingsville

A. CALL TO ORDER

Chairperson Gord Queen 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 Kimberly DeYong
Russell Horrocks
Allison Vilardi
Shannon Olson

MEMBERS OF ADMINISTRATION:

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

ABSENT: Councillor Thomas Neufeld

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson G. Queen 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 SEPTEMBER 17TH, 2019.

CA-48-2019

Moved by Allison Vilardi, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated September 17th, 2019 be adopted.

CARRIED

D. HEARINGS

1. B 10 19 – VL CTY RD 20 & 1609 CTY RD 20 – PETER & ELIZABETH PUCOVSKY

Interim Planner, David French introduced the Consent application and reviewed his report dated, October 9th, 2019 which provides details regarding an application to sever and convey a 0.245 (0.554 ac.) portion of land as a lot addition from a farm parcel (no address) to an abutting rural residential lot (1609 County Road 20), in the Town of Kingsville.

The subject land is a 65.58 ha (162.06 ac.) farm parcel. The applicant has received a request from an abutting property owner (1609 County Road 20) to purchase approximately 0.224 ha (0.554 ac.) of land (shown as Part 1 on the applicants' sketch, attached as Appendix B) containing a barn and a garage to be added to their 0.245 ha (0.6 ac.) rural residential lot. It is proposed that these lands be conveyed as a lot addition to 1609 County Road 20. There are no zoning issues raised as a result of the proposed lot addition as the severed lands and receiving lot are both 'Agriculture (A1)' and the retained farm parcel will be approximately 65.14 ha (161.56 ac.).

The applicant's as well as their solicitor, Karl G. Melinz were in attendance.

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

Committee member Allison Vilardi drew attention to the Westerly lot line, and asked why it appears to be jagged, is it following a natural drain or watercourse? Town Planner David French explained that the line is following an existing drain as per ERCA's comment.

Mr. Melinz introduced the applicants. Explained they understand the conditions and agree with the report from the Planner.

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

CA-49-2019

Moved by Russell Horrocks, seconded by Kimberly DeYong that Consent application B/10/19 to sever and convey a 0.224 ha (0.554 ac.) portion of land from County Road 20 (no address), Part of Lots 26 & 27, Concession 1, Western Division as a lot addition to an abutting rural residential lot known as 1609 County Road 20, 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 to the Town for the files of the Secretary-Treasurer.
2. That the lot addition to be severed, shown as Part 1 on the applicants' sketch (attached) be conveyed to the owner of the abutting rural residential parcel (1609 County Road 20 / PIN 75185-0539) 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.
3. That a one-foot square be conveyed from the receiving lot to the County of Essex, free of charge and clear of all encumbrances, if necessary, to facilitate the consolidation of the lot addition and receiving lot.
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 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.
5. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
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 the owner confirm that all building services are contained within existing property lines and do not cross over newly established lot lines.
8. The conditions imposed above shall be fulfilled by **November 19, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B 20 19 AND A 08 19 – 191 QUEEN ST – JOSEPH & PHYLLIS JEFFREY

Interim Planner, David French introduced the Consent and Minor Variance applications and reviewed his report dated, November 12th, 2019 which provides details regarding the requested consent to create a new vacant residential lot and an associated minor variance for lands known as 191 Queen Street in the Town of Kingsville.

The subject land is 858 sq. m (9,235 sq. ft.) in area and contains an existing single detached dwelling and a shed. It is proposed that the lot be subdivided into two parts – Part 1, being the retained parcel containing the dwelling and shed, and 441 sq. m (4,748 sq. ft.) in size, and Part 2, being the vacant severed parcel, and 417 sq. m (4,487 sq. ft.) in size. Please refer to the attached draft reference plan (Appendix “B”).

As a result of the proposed consent, a minor variance is required to recognize the reduced lot area of both the retained and severed parcels from the required 500 sq. m (5,382 sq. ft.) to 441 sq. m (4,748 sq. ft.) and 417 sq. m (4,487 sq. ft.), respectively. Further, as a result of the severance, the front yard of the existing dwelling will no longer be from McLean Street, and as such, the minor variance will also recognize the front yard (3.14 m / 10.3 ft.) and rear yard (1 m / 3.3 ft.) setbacks of the existing dwelling with the frontage now being provided on Queen Street.

The applicant’s solicitor, Karl G. Melinz, as well as the applicant’s realtor, Harry Bergman were in attendance.

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

Councilor Kimberly DeYong asked for clarification of the McLean St. address. Town Planner, David French explained that the narrowest frontage is considered the front of the lot however it may not be how the property is addressed.

Committee member Allison Vilardi ask if the variance applies to both properties. Mr. French explained that the variance only applies to the current house. The new build must follow current by-laws. Mr. Bergman agrees this is an ideal severance. Comparable to other lots in the area.

Chairperson, G. Queen confirmed there were no comments or questions from the committee, applicant or the public.

CA-50-2019

Moved by Kim DeYong, seconded by Shannon Olson that Consent application B/20/19 to create one (1) new residential lot, being 417 sq. m. (4,487 sq. ft.) in area, from the lands known as 191 Queen Street, Lot 11, Plan 291, in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) 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.

- ii) 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.
- iii) 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.
- iv) 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.
- v) The applicant is to provide a new sanitary, private storm drain connection, and water service connection to the severed parcel.
- vi) A permit shall be obtained from the Town for the installation of a new entrances or changes to existing entrances from Pearl Street to the retained or severed lots, any cost associated with the access installation shall be the applicant's responsibility.
- vii) A park fee of \$1,500.00 is paid to the municipality for the creation of the new lot prior to certification.
- viii) That the severed lot obtain a municipal address.
- ix) That Minor Variance (A/08/19) is approved and finalized.
- x) The conditions imposed above shall be fulfilled by **November 19, 2020** for this application or shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-51-2019

Moved by Shannon Olson, seconded by Allison Vilardi that Minor Variance application A/08/19 to reduce the minimum required lot area of the retained and severed parcels from 500 sq. m (5,382 sq. ft.) to 441 sq. m (4,748 sq. ft.) and 417 sq. m (4,487 sq. ft.), respectively; and recognize the existing the front yard and rear yard setbacks of the existing dwelling on the retained parcel of 3.14 m (10 ft.) and 1 m (3.3 ft.), respectively; without conditions.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on December 17th, 2019 at Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-52-2019

Moved by Russell Horrocks, seconded by Kim DeYong to adjourn this Meeting at 6:14 p.m.

CARRIED



CHAIR, Gord Queen



**SECRETARY TREASURER,
Robert Brown**