



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT

JANUARY 21, 2020 @ 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:

Councillor Thomas Neufeld
Councillor Larry Patterson
Russell Horrocks
Allison Vilardi
Shannon Olson

MEMBERS OF ADMINISTRATION:

Town Planner, Kristina Brcic
Administration – Stephanie Coussens

ABSENT: Deputy Mayor Gord Queen

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson Thomas 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 NOVEMBER 19TH, 2019.

CA-01-2020

Moved by Russell Horrocks, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated November 19th, 2019 be adopted.

CARRIED

D. HEARINGS

1. A 09 19 – 103 ERIE ST – LLOYD & HOLLY MAYHEW

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed the report prepared by Interim Planner David French dated, January 7th, 2020 which provides details regarding the requested expansion of a legal non-conforming use to permit the conversion of an existing accessory structure to an addition residential dwelling unit on the lands known as 103 Erie Street, in the Town of Kingsville.

The subject land is 1,129 sq. m (12,152 sq. ft.) in area and contains four structures – four residential dwellings, and one accessory structure. It is proposed that the accessory structure be converted to a fourth dwelling on the site. It is noted that the three existing dwellings are deemed to hold “Legal Non-Conforming” status under the Kingsville Zoning By-law.

In order to permit the fourth dwelling an application for Minor Variance (Expansion of a Legal Non-Conforming Use) has been submitted. A proposed site plan detailing the existing, and proposed, situation was submitted.

The applicant's Mr. and Mrs. Mayhew were in attendance.

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

Committee Member Allison Vilardi asked if there has been any by-law enforcement issues or complaints on the subject property recently. Ms. Vilardi asked if By-law investigations are brought to the Planners attention as part of the Administration Staff review. Town Planner, Kristina Brcic noted that the Chief Building Official is included in the Administration Staff review, but to her knowledge there have been no mention of By-Law issues on this property.

Committee Member Allison Vilardi asked if this Legal Non-conforming, multi-unit property is approved will there be additional buildings request in the future. Town Planner, Kristina Brcic confirmed that no additional building will be permitted as the property is at lot coverage maximum.

Alternate Committee Member, Larry Patterson (replacing Deputy Mayor Gord Queen) asked if each dwelling unit will be serviced and metered separately. Town Planner, Kristina Brcic confirmed that this new unit will be serviced and metered separately as per the conditions of the Minor Variance.

Mark Gee - 106 Erie St. Mr. Gee has a concern with parking, he asked if the applicants are required to have one parking space per unit? Town Planner, Kristina Brcic stated that yes one parking space per unit is a requirement as per the Zoning By-law. Mr. Gee asked for confirmation that the parking is required on the applicants own property, at 103 Erie St. Mr. Gee states that one of the parking spaces is not on the applicant's property.

Committee Member Allison Vilardi, asked who can the neighbours call if they feel that the parking is on the neighbours property. Is this a by-law enforcement issue? Is there 4 parking spaces now? Town Planner, Kristina Brcic confirmed that residents are encouraged to call the Town Hall, By-Law enforcement office if they have any concerns with the parking. Ms. Brcic confirmed that there are 4 off-street parking spaces already approved by Town Administration.

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

CA-02-2020

Moved by Allison Vilardi, seconded by Shannon Olson that Minor Variance application (expansion of a legal non-conforming use) A/09/19 pertaining to the lands known as 103 Erie Street, in the Town of Kingsville to permit the conversion of an existing accessory structure to a dwelling for human habitation, be **Approved** subject to the following conditions;

1. That the applicants provide a Site Servicing Drawing, to the satisfaction of the Town, prior to an occupancy permit being issued.
2. That the converted accessory structure comply with all applicable Ontario Building Code regulations and that a Change of Use permit be issued by the Town prior to occupancy.
3. That one additional off-street parking space be installed to the satisfaction of the Town prior to occupancy.

CARRIED

2. B 23 19 – 1881 ROAD 4 W – NEIMAR FAMILY HOLDINGS LTD.

Town Planner, Kristina Brcic introduced the Consent application and reviewed the report prepared by Interim Planner, David French dated, December 17th, 2019 which provides details regarding an application to sever and convey a 0.253 ha (0.625 ac.) portion of land as a lot addition from a rural residential lot (1881 Road 4 West to an abutting rural residential lot (1887 Road 4 West), in the Town of Kingsville.

The subject land is 0.6 ha (1.48 ac.) in area and contains a single detached dwelling and two outbuildings. It is proposed that a 0.253 ha (0.625 ac.) portion, shown as Part 2 on the applicant's sketch (Appendix B), be severed from the rear of the parcel and conveyed to the abutting rural residential parcel to the west (1887 Road 4 West / PIN 75171-0035) as a lot addition. There are no zoning issues created as a result of the proposal.

The applicant, Neil Arnold was in attendance.

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

Mr. Neil Arnold, the applicant and owner of the property, wanted known the reasoning for this application. Mr. Arnold purchased his neighbours property because the neighbour attempted to have a cattle farm next to Mr. Arnolds home. Mr. Arnold asked the Town Planner to explain A1 Zoning and ensure Mr. Arnold that a cattle farm will not be permitted on this property. Mr. Arnold asked if Semi Trucks are permitted to be parked and stored on the property.

Town Planner, Kristina Brcic explained and put up on the screens the current zoning By-law 'Agriculture (A1)' and the three (3) sub sections; Agricultural Uses; Rural Residential; and Specialty Crops/All other Uses, and that his property would be assessed through the Rural Residential subsection of the 'Agricultural – (A1)' zone. Ms. Brcic noted that in A1 zoning only trucks under 7000 lbs. are permitted, including non-farm trucks.

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

CA-03-2020

Moved by Shannon Olson, seconded by Russell Horrocks that Consent application B/23/19 to sever and convey a 0.253 ha (0.625 ac.) portion of land, shown as Part 2 on the applicant's sketch, to the abutting rural residential parcel to the west (1887 Road 4 West / PIN 75171-0035) in Part of Lot A, Concession 3, WD, in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) 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.

- ii) 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 (1887 Road 4 West / PIN 75171-0035) 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.
- iii) That a one-foot square be conveyed from the receiving lot to the retained parcel, if necessary, to facilitate the consolidation of the lot addition and receiving lot.
- iv) 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 Town.
- v) 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.
- vi) 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.
- vii) That the owner confirm that all building services are contained within existing property lines and do not cross over newly established lot lines.
- viii) The conditions imposed above shall be fulfilled by **January 21, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B 25 19 – VL SS ROAD 11 – JAMES AND ELSIE HUTCHINS

Town Planner, Kristina Brcic introduced the Consent application and reviewed the report prepared by Interim Planner, David French dated, December 17th, 2019 which provides details regarding an application to sever and convey a 465 sq. m (5,010 sq. ft.) portion of land as a lot addition from a farm parcel (no address) to an abutting rural residential lot (692 Road 11), in the Town of Kingsville.

The property in question is a 20.5 ha (50.67 ac.) vacant farm parcel. The applicant has received a request from an abutting property owner at 692 Road 11 to purchase approximately 465 sq. m (5,010 sq. ft.) of vacant land (shown as Part 1 on the Applicant's Sketch – Appendix B). These lands would be conveyed as a lot addition to the abutting parcel. 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)'. The retained

parcel will be reduced in size by less than 10% and as such will be in compliance with Section 4.13 e) of the Kingsville Zoning By-law.

It is noted that a one-foot square will be required to be conveyed from the receiving lot to the Town in order to effect the merger of the lot addition lands with the receiving lot.

The applicant's were in attendance.

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

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

CA-04-2020

Moved by Larry Patterson, seconded by Shannon Olson that Consent application B/25/19 to sever and convey a 465 sq. m (5,010 sq. ft.) portion of land as a lot addition from a farm parcel (no address / PIN # 75153-0101) to an abutting rural residential lot (692 Road 11 / PIN # 75153-0102) in Part of Lot 24, Concession 10, in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) 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.
- ii) 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 (692 Road 11 / PIN # 75153-01029) 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.
- iii) That a one-foot square be conveyed from the receiving lot to the Town of Kingsville, free of charge and clear of all encumbrances, if necessary, to facilitate the consolidation of the lot addition and receiving lot.
- iv) 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 Town.
- v) 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.

- vi) 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.
- vii) That the owner confirm that all services are contained within existing property lines and do not cross over newly established lot lines.
- viii) The conditions imposed above shall be fulfilled by **January 21, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B 27 19 – 1219 COUNTY RD 20 – KRUSHELNISKI FARMS INC.

Town Planner, Kristina Brcic introduced the Consent application and reviewed the report prepared by Interim Planner, David French dated, January 7th, 2020 which provides details regarding an application to sever and convey a 0.345 ha (0.853 ac.) portion of land as a lot addition from a farm parcel (1219 County Road 20) to an abutting farm parcel (1321 County Road 20) and to establish a formal right-of-way for access to the receiving lot and lands being conveyed to the Essex Region Conservation Authority, in the Town of Kingsville

The subject land is a 51.75 ha (127.88 ac.) farm parcel (in red) and contains a dwelling and outbuildings. The applicant is in the process of purchasing the neighbouring farmland to the west. The current owners of the neighbouring farm would like to remain in the existing dwelling, which would be considered surplus to the prospective purchaser/applicant. A separate application to sever that dwelling has also been filed with the Town however due to the location of the dwelling to be severed it would lead to the creation of a landlocked farm parcel. In order to overcome this problem it was proposed that the purchaser/applicant convey a 15.24 m (50 ft.) wide portion of his existing holding as a lot addition to the lands he is purchasing (in blue) therefore giving what will be the retained farm parcel frontage on County Road 20. Access to the retained farm parcel would be by way of an existing laneway on 1219 County Road 20 that will be established as a right-of-way (Parts 4 & 5). The application will also establish a permanent right-of-way over Parts 4, 5 & 6 in favour of lands that are being conveyed to ERCA under a separate application but require access for future maintenance of the conveyed lands.

The applicant's were in attendance.

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

Committee Member, Larry Patterson, was pleased to read the positive comments from all agencies.

Chairperson Thomas Neufeld asked if the Wetlands being transferred to Essex Region Conservation Authority (ERCA) would require Council approval.

Town Planner, Kristina Brcic explained that the subject property applied for a Zoning By-law Amendment and is seeking Council approval at the upcoming meeting.

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

CA-05-2020

Moved by Larry Patterson, seconded by Russell Horrocks that Consent application B/27/19 to sever and convey a 0.345 ha (0.853 ac.) portion of land (Part 1 – Sketch A) as a lot addition from a farm parcel (1219 County Road 20) to an abutting farm parcel (1321 County Road 20), together with:

- a. the establishment of a permanent right-of-way over Parts 4 & 5 – Sketch B on the retained land (1219 County Road 20) in favour of the receiving lands (1321 County Road 20), and
- b. the establishment of a permanent right-of-way over Parts 4, 5 & 6 – Sketch B on the retained lands (1219 County Road 20) in favour of Part 3 on Sketch B,

both in Part of Lots 19 & 20, Concession 1, WD, in the Town of Kingsville, subject to the following conditions:

- i) 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.
- ii) That the lot addition to be severed, shown as Part 1 on the applicant's sketch (attached as Sketch A) be conveyed to the owner of the abutting farm parcel (1321 County Road 20 / PIN 75185-0676) 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.
- iii) 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 Town.

- iv) 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.
- v) 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.
- vi) The conditions imposed above shall be fulfilled by **January 21, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

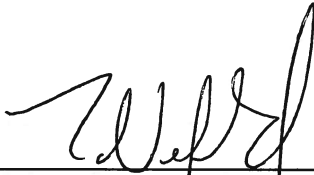
The next meeting of the Committee of Adjustment shall take place on February 18th, 2020 at Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT


CA-06-2020

Moved by Russell Horrocks, seconded by Allison Vilardi to adjourn this Meeting at 6:31 p.m.

CARRIED



CHAIR, Thomas Neufeld



SECRETARY TREASURER,
Kristina Brcic

