



COMMITTEE MINUTES

**COMMITTEE OF ADJUSTMENT
FEBRUARY 19, 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
Deputy Mayor Gord Queen
Russell Horrocks
Allison Vilardi
Shannon Olson

MEMBERS OF ADMINISTRATION:

Manager of Planning Services, Robert Brown
Town Planner, Kristina Brcic
Administration, Stephanie Coussens

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 JANUARY 21st, 2020.

CA-07-2020

Moved by Shannon Olson, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated January 21st, 2020 be adopted.

CARRIED

D. HEARINGS

1. B 28 19 – 140 ROAD 3 E – JEREMY WOOD & JONATHAN WOOD

Manager of Planning Services, Robert Brown introduced the Consent application and reviewed his report dated, February 3rd, 2020 which provides details regarding the request to create a new 16.386 ha (40.49 ac.) farm lot (Parts 1, 2, and 3), together with the continuation of the existing permanent easement over Parts 2 & 5 on the severed and retained lands; the continuation of any existing Hydro One easement and or rights-of-way on the severed and retained lands, and the establishment of a blanket right-of-way over the retained lands for access to the portion of the severed lands south and west of the Wallace Fox Drain in Part of Lot 1, Concession 3, ED, on the lands know as 140 Road 3 E in the Town of Kingsville

The subject land is a 32.77 ha (81 ac.) farm parcel with a single detached dwelling and outbuildings. The applicants are proposing to divide the farm parcel into two equal halves. The applicants are in the process establishing a specialty farming operation for the growing and initial processing of hops used in the production of beer. The production of hops require a significant initial investment to establish and the owner needs a smaller farm parcel with specific soil characteristics to make the venture work. The subject farm is located on a soil type that is unique and in limited supply in Kingsville. The applicants are also hoping to provide a local source for a number of micro-breweries in both Kingsville and Essex County.

The applicants, Jeremy Wood and Jonathan Wood were in attendance.

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

Committee Member Allison Vilaridi asked why a severance is required for the purpose of a specialty crop. If the severance is granted, would another residential dwelling be permitted on the severed parcel? If so, why is the severed parcel not being re-zoned to A2 to prohibit this? Manager of Planning Services, Robert Brown explained that the specialty crop could be done without the severance, in this case the application has been submitted to isolate financial risk for the applicant. The applicant would like to mortgage just one parcel, separating the specialty crop from the applicant's home. Mr. Brown also explained that the consent policies do not require the applicant to apply for re-zoning for this type of severance.

Committee Member Russell Horrocks asked if this is a true consent, or is this a technical consent. Could the applicant be seeking a severance to sell the severed parcel to gain finance? And if this was not a specialty crop would we be considering this application. Manager of Planning Services Robert Brown, explained that the applicant has not indicated an interest in selling the severed parcel, the application is being brought forward because of the specialty crop and would not be considered if it wasn't.

Committee Member Shannon Olson asked if there is a house on the retained parcel; and if there is a home on the parcel is there opportunity for another home to be permitted? Manager of Planning, Robert Brown, confirmed that yes the applicants personal dwelling is located on the retained parcel; and another dwelling would not be permitted.

The applicant, Jeremy Wood, discussed his intention for the property. Mr. Wood has been in touch with local breweries, regarding the need for locally available hops. His goal is to fill the void for the local breweries. The soil on his land is Harrow Loam and would host the hop crop well. Mr. Wood has been approached by greenhouse operators to sell, but Mr. Wood wants to see the land used as a cash crop. He knows that the soil is best in the county for growing.

Timothy Chrcek 96 Park St. – Mr. Chrcek is in support of this application. Mr. Chrcek agrees that cash crop is what the land should be used for. Mr. Chrcek doesn't want to see any more plastic from greenhouse development.

Deputy Mayor Gord Queen, was originally hesitant regarding this application and if the applicant was here to find a loophole to build multiple homes on the severed land. Mr. Queen now understands the intention of the applicant, and is in support of this application.

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

CA-08-2020

Moved by Gord Queen, seconded by Russell Horrocks that Consent application B/28/19 to create a new 16.386 ha (40.49 ac.) farm lot (Parts 1, 2, and 3), together with the continuation of the existing permanent easement over Parts 2 & 5 on the severed and retained lands; the continuation of any existing Hydro One easement and or rights-of-way on the severed and retained lands, and the establishment of a blanket right-of-way over the retained lands for access to the portion of the severed lands south and west of the Wallace Fox Drain in Part of Lot 1, Concession 3, ED, on the lands know as 140 Road 3 E 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 any necessary drainage reapportionments be undertaken.
3. That the applicants convey a 9m x 9m site visibility triangle at the intersection of Division Rd North and Road 3 E, free of charge and clear of all encumbrances to the Town.
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 Town.

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. The conditions imposed above shall be fulfilled by **February 19, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. A 10 19 – 102 PARK ST – JOE TEIXEIRA

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, February 10th, 2020 which provides details regarding a minor variance application to decrease the required landscaped space for the construction of a new mixed use building on lands known as 102 Park Street, in the Town of Kingsville.

The subject property is designated 'Waterfront Commercial' by the Official Plan, and zoned 'Waterfront Mixed Use Commercial (C5)' under the Kingsville Comprehensive Zoning By-law.

A minor variance (A/01/19) was approved in early 2019 for a reduction in the side yard setbacks. The approved reductions were 4.5 m along the east and 1.5 m along the west. The redesigned building will have an easterly side yard setback of 6.4 m and westerly side yard of 2.7 m. However, in order to meet the minimum parking requirement and provide two-way access to the parking area the applicant is seeking a reduction in the required landscaped space outlined in Section 8.5 c) iv) from 30% to 20%.

The applicant, Joe Teixeira was not 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 the parking shown on the applicants site plan is the maximum allowed, and amount required. With the current zoning is the applicant able to change his plan, and propose a 3 story building? Town Planner, Kristina Brcic explained that the parking meets the requirements and the limits on this property. Manager of Planning Services, Robert Brown, explained that 3 story would be permitted in the current zoning, but with the original Minor Variance the applicant was granted on a 2 story building.

Committee Member Allison Vilardi would like a recommendation to be added to ensure that this the Minor Variance be granted only for a 2 story building. Seconded by Shannon Olson.

Deputy Mayor Gord Queen is opposed to any further variances on this property. Mr. Queen does not support the variance.

Committee Member Shannon Olson asked if parking is maxed out at 2 story. Manager of Planning Services Robert Brown replied, yes.

Russell Horrocks, asked Gord to explain his opposition.

Timothy Chrcek, 96 Park St. is the neighbour to the West of the property. Mr. Chrcek is not in favor of the variance. Mr. Chrcek has concerns of where smokers will be permitted with the setbacks required from the door of the commercial store front. Mr. Chrcek asked if fire route, and accessible parking has been addressed. Manager of Planning Services, Robert Brown ensured that one accessible parking space and fire route have been identified on the draft site plan.

Committee Member Shannon Olson, would like to hear from the applicant, with the applicant not in attendance, Mr. Olson will not vote in favor.

Committee Member Allison Vilardi, is not against the application because this has already been heard by the committee, but she would like to hear from the applicant. This is the first application of its kind to come forth to the committee. More applications with a mixed residential and commercial use are to be expected since they are permitted in the current zoning of the lands.

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

CA-09-2020

Moved by Russell Horrocks, seconded by Allison Vilardi that Minor Variance application A/10/19 pertaining to the lands known as 102 Park Street, in the Town of Kingsville to reduce the required landscaped space minimum from 30% to 20%, be **Deferred** until the next regular meeting of the Committee so the applicant can attend and answer questions related to the changes in the proposed development.

CARRIED

3. A 01 2020 – 302 STONEHEDGE DRIVE – DEBORAH DONNELLY

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, February 12th, 2020 which provides details regarding an application to

increase the accessory structure lot coverage to allow construction of a new detached garage on lands known as 302 Stonehedge Drive, in the Town of Kingsville.

The subject land is an approximately 872.35 sq. m (9,390 sq. ft.) residential lot with a single detached dwelling and garden shed. The applicant wishes to build a 75.8 sq. m (816 sq. ft.) detached garage (shown on Applicant's Sketch). Relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures section 4.2 g) which permits a maximum lot coverage of 10%. However, the requested detached garage in part with the existing 17.84 sq. m (192 sq. ft.) shed will bring the accessory structure lot coverage to just over the permitted 10%. Therefore the applicant has requested a minor variance for an additional 1% of accessory structure lot coverage. All other provisions of the zoning are in full compliance.

The applicant, Deborah Donnelly was in attendance.

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

Committee Member Russell Horrocks resides on Stonehenge, he does not declare concern of Pecuniary Interest, but wanted it to be known to maintain transparency.

John Harvey, 312 Stonehedge Dr., lives to the south of 302 Stonehedge Dr and has no major objections, but initially had a few concerns. After speaking with the Town Planner, Kristina Brcic Mr. Harvey better understands the zoning and how a lot is defined. Mr. Harvey wanted to thank Ms. Brcic for her professionalism and patients with him. Mr. Harvey's concern was that the proposed garage projects past the front of the house, which is actually considered the exterior side yard as per the Town's Zoning By-law. Ultimately, Mr. Harvey supports the application with no concerns.

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

CA-10-2020

Moved by Gord Queen, seconded by Allison Vilardi that Minor Variance application A/01/2020 to increase the maximum accessory structure lot coverage from 10% to 11%, on lands known as 302 Stonehedge Drive, in the Town of Kingsville, be **Approved** subject to the following conditions;

1. that any new construction complies with all other applicable provisions of the By-law.
2. that the owner(s) obtain any applicable permits for new construction, which must comply with the Ontario Building Code.

CARRIED

4. A 02 2020 – 751 SCRATCH LANE – KATHERINA WIELER

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, February 10th, 2020 which provides details regarding an application to decrease the front and rear yard setbacks to allow construction of a new single dwelling on lands known as 751 Scratch Lane, in the Town of Kingsville

The subject land is a vacant irregular shaped lot approximately 436.21 sq. m (4,695.29 sq. ft.). The applicant wishes to build a 127.37 sq. m. (1,371 sq. ft.) house with an attached garage (as shown on the Site Plan).

The property owner is requesting a minor variance to reduce the front yard setback from 6.0m (20 ft.) to 5.2m (17 ft.) and the rear yard setback from 7.62m (25 ft.) to 6.0m (20 ft.) to permit the proposed development. A similar variance was requested on neighbouring lands for a similar type of development. Many of the existing dwellings on Scratch Lane, Malo St. and Peter St. have reduced front yard and/or rear yard setbacks. The irregular shaped lot is the main issue limiting the building envelope on the subject property.

The applicant, Katharina Wieler was 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-11-2020

Moved by Gord Queen, seconded by Allison Vilardi that Minor Variance application A/02/2020 to decrease the minimum required front yard setback from 6.0m (20 ft.) to 5.2m (17 ft.); and decrease the minimum required rear yard setback from 7.62m (25 ft.) to 6.0m (20 ft.); on lands known as 751 Scratch Lane, in the Town of Kingsville, subject to the following conditions:

1. That any new construction complies with all other applicable provisions of the By-law.
2. That any new construction complies with the Ontario Building Code.
3. That the owner(s) obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on March 17th, 2020 at The Grovedale Art & Culture Centre, 103 Park St, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-12-2020

Moved by Shannon Olson, seconded by Russell Horrocks to adjourn this Meeting at 7:00 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**