



# COMMITTEE MINUTES

**COMMITTEE OF ADJUSTMENT  
JUNE 16, 2020 @ 6:00 p.m.  
ELECTRONIC PARTICIPATION – Via Zoom**

## **A. CALL TO ORDER**

Chairperson Thomas Neufeld called the Meeting to order at 6:05 p.m. with the following persons in virtual attendance:

### **MEMBERS OF COMMITTEE OF ADJUSTMENT:**

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

### **MEMBERS OF ADMINISTRATION:**

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 MARCH 17<sup>th</sup>, 2020.**

#### **CA-17-2020**

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated March 17<sup>th</sup>, 2020 be adopted.

**CARRIED**

## D. HEARINGS

### 1. B 02 20 – 2064 Seacliff Drive – Angelo Mastronardi

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, April 6<sup>th</sup>, 2020 which provides details regarding the requested to sever and convey lands from two parcels, as lot additions to an abutting farm parcel at 2064 Seacliff Drive, all owned by the applicant and his spouse, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Seacliff Drive (County Road 20), west of Albuna Townline (County Rd 31). The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject lands involve three parcels (shown on the attached subject parcel map): i) a 4.03 ha (9.96 ac.) farm parcel at 2064 Seacliff (the receiving lot shown in blue) with an existing pole barn; ii) a 6.99 ha (17.28 ac.) farm parcel with outbuildings at 2058 Seacliff (retained parcel 1 shown in red) and; iii) a 4.35 ha (10.77 ac.) farm parcel with an existing dwelling at 2074 Seacliff (retained parcel 2, shown in green).

The applicant is proposing to build a new home at 2064 Seacliff Drive and would like to widen the receiving lot (in red) by conveying land from abutting parcels to the east and west. A 0.037 ha (0.093 ac.) strip of land shown as Part 1 will be severed and conveyed to the west side of the receiving lot and a 0.038 ha (0.096 ac.) strip of land will be severed and conveyed to the east side of the receiving lot (both shown in blue on Appendix A). This will increase the frontage of the receiving lot by 6.096 m (20 ft.) resulting in a total frontage of 47.95 m (157.3 ft.). There are no zoning issues raised as a result of the proposed lot additions.

The applicant, Angelo Mastronardi 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 other comments or questions from the committee, applicant or the public.

### CA-18-2020

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/02/20 to sever and convey two portions of land, Part 1 being 0.037 ha (0.093 ac.) in area from the lands known as 2068 Seacliff Dr (County Rd 20) (P.I.N. 75143-0119), and Part 2 being 0.038 ha (0.096 ac.) from the lands known as 2074 Seacliff Dr (County Rd 20) (P.I.N. 75143-0121) to an abutting parcel, known as 2064 Seacliff Dr (County Rd 20) (P.I.N. 75143-0120) as a lot additions, in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) That the lot additions to be severed, shown on the applicant's sketch as Part 1 & Part 2, be conveyed to the owner of the abutting parcel (2064 Seacliff Dr (County Rd 20)) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- ii) 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.
- 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 municipality.
- iv) That the owner shall provide that all municipal taxes be paid in full.
- 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) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
- vii) 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.
- viii) That any necessary drainage reapportionments be undertaken.
- ix) That the applicant provide proof to the satisfaction to the Town of the location of the municipal water service connections in relation to the revised lot line locations.
- x) That the applicant provide confirmation to the satisfaction of the Town for the location of any existing septic systems in relation to the revised lot line locations.
- xi) The conditions imposed above shall be fulfilled by **June 16, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **2. B 03 20 – 1688 ROAD 4 W – Brad ANGER, Brenda ANGER & Donald ANGER**

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, April 6<sup>th</sup>, 2020 which provides details regarding a consent application to sever a 0.559 ha (1.381 ac.) lot with an existing dwelling surplus to the farming operations of the applicant at 1688 Road 4 W (County Rd 18), in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 4 West (County Rd 18), east of Arner Townline (County Rd 23). The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 20.88 ha (51.6 ac.) farm parcel (in red on Appendix A) and contains a dwelling and outbuildings. The applicant's base of operations is located at 5025 County Rd 23 in the neighbour Town of Essex as such the existing dwelling is surplus to the farm operation. The proposal is to sever the existing dwelling on a 0.556 ha (1.375 ac.) lot (shown as Part 1 on the attached survey sketch). The applicants also own abutting lands (shown in blue on Appendix A) and have indicated the remnant farm parcel of 20.33 ha (50.22 ac.) will be consolidated with the vacant farm parcel to the west, which has access to Road 4 W (County Rd 18). A zoning amendment will not be necessary as the retained farm parcel will be required, as a condition of consent, to be consolidated with the owner's abutting farm parcel.

The applicant, Brad Anger 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-19-2020**

Moved by Gord Queen, seconded by Russell Horrocks that Consent application B/03/20 to sever and existing dwelling surplus to the farming operation of the applicants on a 0.559 ha (1.375 ac.) lot at 1688 Road 4 W (County Rd 18), in the Town of Kingsville, be **Approved** subject to the following:

- 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 retained lands, shown on the applicants' sketch be conveyed to and consolidated with the abutting agricultural parcel (V/L Road 4 W / PIN 75167-0049) 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 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.

- 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) That the owner confirm that all building services are contained within existing property lines and do not cross over newly established lot lines.
- vii) That the owners provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcel.
- viii) The owners submit an agreement for drainage apportionment due to land severance.
- ix) That the buildings on the applicants' survey sketch shown as "to be removed" be removed in compliance with the applicant zoning standards.
- x) A clearance letter for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department or a deposit of \$10,000 be submit to the Town, to be held until such time as a new septic system is installed to the satisfaction of the Town.
- xi) The conditions imposed above shall be fulfilled by **June 16, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **2. B 04 & 05 20 – 1364674 Ontario Limited – Anthony Abraham – 1021 Oak Ave**

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, June 8<sup>th</sup>, 2020 which provides details regarding the requested consents to create individual lots for the existing semi-detached dwelling units, on lands known as 1021 Oak Avenue, in the Town of Kingsville.

The Town of Kingsville has received the above-noted applications for lands located in the southwest corner of the intersection of Oak Avenue and McCain Sideroad. The subject parcel is designated 'Lakeshore Residential West' by the Official Plan and is zoned 'Lakeshore Residential Exception 33 (LR-33)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is a 854.708 sq. m (9,200 sq. ft.) residential lot, on which a semi-detached dwelling is currently being constructed. It is proposed that the lot be subdivided so that each semi-detached dwelling unit is on a separately conveyable parcel. The applicant has requested that both Parts 1 and 2 receive Consent concurrently in order for both of the lots to be conveyable. The lots will be subdivided as shown on the Applicant's Sketch attached:

- Part 1: 18.4 m (60.40 ft.) of frontage and an area of 449.20 sq. m (4,835.16 sq. ft.) as B/04/20;
- Part 2: 16.64 m (54.60 ft.) of frontage and an area of 404.69 sq. m (4,356 sq. ft.) as B/05/20.

It should be noted that in 2018 a zoning by-law amendment (ZBA/32/18) was passed to permit the semi-detached dwelling and established site-specific setbacks under 'Lakeshore Residential Exception 33 (LR-33)'.

The applicant, was not in attendance however their legal representative, Simon Yared, was 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 sewer and water connections are separate.

Simon Yared, representing the applicant, spoke to the confirmation of separate services.

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

## **CA-20-2020**

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/04/20 for the creation of a lot being 449.20 sq. m (4,835.16 sq. ft.) in area, shown as Part 1 on the applicants survey and currently known as 1021 Oak Avenue in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) That the subject property is to be angle staked and a plan of survey prepared and reference plan 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;
- ii) That the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification;
- iii) 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;

- 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) That any necessary drainage reapportionments be undertaken.
- vi) The applicant provide a servicing drawing confirming, to the satisfaction of the Town that the separate sanitary and water services are contained within the proposed lot lines.
- vii) The conditions imposed above shall be fulfilled by **June 16, 2021** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **CA-21-2020**

Moved by Gord Queen, seconded by Allison Vilardi that Consent application B/05/20 for the creation of a lot being 404.69 sq. m (4,356 sq. ft.) in area, shown as Part 2 on the applicants survey and currently known as 1021 Oak Avenue in the Town of Kingsville, be **Approved** subject to the following conditions;

- i) That the subject property is to be angle staked and a plan of survey prepared and reference plan 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;
- ii) That the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification;
- iii) 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;
- 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) That any necessary drainage reapportionments be undertaken.
- vi) That the applicant apply for a new address and 911 sign with the Town Planner.

- vii) The applicant provide a servicing drawing confirming, to the satisfaction of the Town that the separate sanitary and water services are contained within the proposed lot lines.
- viii) The conditions imposed above shall be fulfilled by **June 16, 2021** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **3. A 03 20 – 888 County Rd 8 – David & Katharina Schmitt**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, April 7<sup>th</sup>, 2020 which provides details regarding the requested minor variance to increase the accessory structure height to allow construction of a new agricultural building on lands known as 888 County Road 8, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of County Road 8, west of Albuna Town Line (County Rd 31). The subject property is designated 'Agriculture' by the Official Plan. The parcel is zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 0.57 ha (1.420 ac.) rural residential lot with a single detached dwelling and outbuildings. The applicants wish to build a 297.29 sq. m (3,200 sq. ft.) storage building with a maximum height of 5.4 m (18 ft.) shown on Applicants' Sketch, in the rear yard. Relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures Section 4.2 h) i) which limits the maximum permitted height is 5m (16.4 ft.). Therefore the applicants have requested a minor variance for the additional 0.4 m (2.4 ft.) in height for the pole barn. All other zone performance standards comply with the Agricultural, (A1) zone.

The applicants, David & Katharina Schmitt 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 discussion was had with the applicant regarding a home occupation, storage of commercial.

K. Brcic, Town Planner, informed that the applicant intends to store equipment and materials that are currently located on the lands and not currently stored within a building. Some of these items may be related to a personal business but storage of such is permitted. The applicant also submitted a new site plan, as shown in the report, showing that the new outbuilding will not be behind the neighbours property.

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

## CA-22-2020

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/03/20 pertaining to the lands known as 888 County Road 8 to increase the maximum accessory building height from 5m (16.4 ft.) to 5.4 m (18 ft.) for the construction of a new storage building, 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 04 20 – 4029 Graham Side Road – Domric Holdings

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, June 8<sup>th</sup>, 2020 which provides details regarding the requested minor variance to decrease the rear yard setback for an addition to an existing dwelling on lands known as 4029 Graham Side Road, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the west side of Graham Side Road. The subject property is designated 'Agriculture' by the Official Plan, and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is an 858.4 sq. m (9,240 sq. ft.) rural residential lot with an existing single detached dwelling. The applicant is undertaking renovations on the dwelling to expand the home and upgrade the structure. The owner is requesting a minor variance to further reduce the existing rear yard setback from 11.2 m (37 ft.) (actual zoning requirement is 15 m (49.2 ft.) to 9.4 m (31 ft.) to accommodate a 6 ft. addition at the rear of the building.

The applicants agent, Jackie Lassaline, was in attendance.

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

Gord Queen, asked will this home be used for a Bunkhouse.

K. Brcic, a bunkhouse will not be permitted as the parcel is not attached to a farm.

Jackie Lassaline, commented that the owner Rick Pollicella is moving into the home. Ms. Lasalline further explained the need for the Minor Variance where during a home renovation they found an issue with the septic which needed to be replaced but the lot did not accommodate for the size and location required. Ms. Lasalline included that it is a Rural Lot, with lots of room to accommodate the minor variance.

Committee Member, Shannon Olson, asked if the photo in the report which shows the rear wall if that is to be further extended or it is built to the request of the current minor variance.

K. Brcic confirmed the new wall is already constructed to the minor variance.

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

### **CA-23-2020**

Moved by Shannon Olson, seconded by Allison Vilardi that Minor Variance application A/04/20 pertaining to the lands known as 4029 Graham Side Road, to further reduce the existing rear yard setback from 11.2 m (37 ft.) (actual zoning requirement is 15 m (49.2 ft.) to 9.4 m (31 ft.) to accommodate a 6 ft. addition at the rear of the building, 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 variance is granted for the existing use as a single detached dwelling.
3. that the owner(s) obtain any applicable permits for new construction, which must comply with the Ontario Building Code.

**CARRIED**

### **5. A 05 20 – 1321 Road 3 W – Nicholas & Amy Warkentin**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, June 5<sup>th</sup>, 2020 which provides details regarding the requested minor variance to increase the accessory structure height to allow construction of an outbuilding on lands known as 1321 Road 3 W, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of Road 3 W. The subject property is designated 'Agriculture' by the Official Plan, and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 7,153 sq. m (77,000 sq. ft.) rural residential lot with an existing single detached dwelling. The applicant is proposing a new detached outbuilding for personal use. The owners are requesting a minor variance to increase the permit maximum height from 5 m (16.4 ft.) to 6.1 m (20 ft.).

The applicants, Nicholas & Amy Warkentin 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 about running a business out of the out building.

K. Brcic explained the difference between Rural Residential and Agricultural Use.

Allison would like to have noted that the applicant will not be permitted to operate a business.

Nick Warkentin, no comment.

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

### **CA-24-2020**

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/05/20 pertaining to the lands known as 1321 Road 3 W, to increase the maximum accessory structure height from 5m (16.4 ft.) to 6.1 m (20 ft.) for the construction of a new pole barn, 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**

### **E. NEW AND UNFINISHED BUSINESS**

### **F. NEXT MEETING DATE**

The next meeting of the Committee of Adjustment shall take place on July 21<sup>st</sup>, 2020 at The Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

### **G. ADJOURNMENT**

### **CA-25-2020**

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

**CARRIED**

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**CHAIR, Thomas Neufeld**

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**SECRETARY TREASURER,  
Kristina Brcic**