



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT
JULY 21, 2020 @ 6:00 p.m.
ELECTRONIC PARTICIPATION – Via Zoom

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:00 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 June 16th, 2020.

CA-26-2020

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated June 16th, 2020 be adopted.

CARRIED

D. HEARINGS

1. B 15 18 – 1473 Wellington Union Ave – 1185609 Ontario Inc.

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, July 14th, 2020 which provides details regarding the requested to sever two residential lots, on lands known as 1473 Wellington Union Ave, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the west side of Wellington Union Avenue, with frontage also on Buona Vista Drive. The subject parcel is designated 'Lakeshore Residential East' by the Official Plan and is zoned 'Lakeshore Residential (holding), (LR(h))' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 2.43 ha (6 ac.) residential parcel with approximately 17.98 m (324.5 ft.) of frontage on Wellington Union Avenue and 13.29 m (43.60 ft.) of frontage on Buona Vista Drive. The property currently contains one dwelling and three outbuildings, all of which are to be contained on the retained parcel. The subject lot contains an area identified as an Environmentally Significant Area, shown on Appendix A. The applicant proposes to subdivide the property to create two new residential lots (see Appendix B) as follows:

- Severed Parcel 1 (Part 1): Area – 1.12 ha (2.778 ac.); Frontage on Wellington Union Ave – 18.44 m (60.5 ft.);
- Severed Parcel 2 (Part 2): Area – 0.82 ha (2.026 ac.); Frontage on Buona Vista Dr – 13.29 m (43.6 ft.);

In addition to the above noted consent, the applicant also filed an application for a zoning by-law amendment. The zoning by-law amendment will consider removal of the holding symbol (h) on the subject lands, and recognize a reduced frontage for Part 2. This application will be heard by Council at a later date.

The applicant's agent, Shaun Martinho 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-27-2020

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/15/18 for the creation of a two (2) lots, one being 1.12 ha (2.778 ac.) in area, shown as Part 1, and the second being 0.82 ha (2.026 ac.) in area, shown as Part 2 on the applicants survey and currently known as 1473 Wellington union 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, if applicable, with the Town Planner for the new lots (Parts 1 & 2 on the Applicants Sketch).
- vii) A permit shall be obtained from the Town for the installation of a new entrances or changes to existing entrances to the retained or severed lots, any cost associated with the access installation shall be the applicant's responsibility.
- viii) The applicant is to obtain permits and provide a new water service connection to the severed parcels (Parts 1 & 2 on the Applicant's Sketch).
- ix) A park fee of \$1,500.00, per new lot created, is paid to the municipality for the creation of the new lots prior to certification.
- x) That the applicant obtain Council approval through a Zoning By-law Amendment for removal of the Holding (h) symbol as well as a reduction in lot frontage along Buona Vista Drive in favour of Part 2, shown on the Applicant's Sketch), prior to certification.
- xi) That the applicant obtain site plan approval including submission of a landscape plan or enter into a development agreement with the Town to address the ERCA required conditions and comments, prior to certification.
- xii) The conditions imposed above shall be fulfilled by **July 21, 2021** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B 07 20 and A 05 20 – 909 Erie Ave – Rick & Brenda KAY

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, July 13th, 2020 which provides details regarding consent to create an additional lot and an associated minor variance for lands known as 909 Erie Avenue, in the Town of Kingsville.

The subject land is 1,456.87 sq. m (15,681.6 sq. ft.) in area and contains an existing single detached dwelling, shed and a detached garage, which the owner has since removed. The applicants propose that the lot be subdivided into two parts, hence creating one new lot. The owners plan to build a new single detached house on the new lot, (Part 2 as shown on the Applicants' Sketch).

As a result of the proposed consent, both the retained and severed lots will be undersized in lot frontage and lot area for a lot not on full services in the "Lakeshore Residential (LR)" zone. As such, the applicants are seeking relief from the minimum lot area and lot frontage for both the retained and severed parcels with a minor variance. The requested minor variance includes the following:

- Retained (Part 1): Required Frontage: 24 m (78.5 ft) Area: 1,400 sq. m (15,070 sq. ft.); Proposed Frontage: 21.95 m (72 ft.) Area: 748.67 sq. m (8,058.6 sq. ft.)
- Severed (Part 2): Required Frontage: 24 m (78.5 ft) Area: 1,400 sq. m (15,070 sq. ft.); Proposed Frontage: 20.73 m (68 ft.) Area: 708.2 sq. m (7,623 sq. ft.)

All other provisions of the zoning by-law will be met.

The applicant, Rick & Brenda Kay 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-28-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that Consent application B/07/20 to create one (1) new residential lot, being 708.2 sq. m (7,623 sq. ft.) in area, from the lands known as 909 Erie Avenue., Lots 62-65, Plan 1022, in the Town of Kingsville, be **Approved** subject to the following:

- 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 obtain permits and provide a new sanitary, private storm drain connection, and water service connection to the severed parcel at the applicant's expense.
- vi) A permit shall be obtained from the Town for the installation of a new entrance or changes to existing entrances from Erie Avenue to the retained or severed lot, including hard surfacing of the right-of-way 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/06/20) is approved and finalized.
- x) The conditions imposed above shall be fulfilled by **July 21, 2021** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-29-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that Minor Variance application A/06/20 to:

- i) reduce the required lot frontage on the severed and retained parcel as follows:
 - a) Retained Parcel (Part 1): from 24 m (78.5 ft), to 21.95 m (72 ft.);
 - b) Severed Parcel (Part 2): from 24 m (78.5 ft), to 20.73 m (68 ft.);
- ii) reduce the required lot area on the severed and retained parcel as follows:
 - a) Retained Parcel (Part 1): from 1,400 sq. m (15,070 sq. ft.), to 748.67 sq. m (8,058.6 sq. ft.);

b) Severed Parcel (Part 2): from 1,400 sq. m (15,070 sq. ft.), to 708.2 sq. m (7,623 sq. ft.) the lands known as 909 Erie Avenue., Lots 62-65, Plan 1022, in the Town of Kingsville, be **Approved** subject to the following:

- i) that any new construction complies with all other applicable provisions of the By-law.
- ii) 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 August 18th, 2020 at The Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-30-2020

Moved by Gord Queen, seconded by Shannon Olson to adjourn this Meeting at 6:25 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**