



COMMITTEE MINUTES

**COMMITTEE OF ADJUSTMENT
SEPTEMBER 22, 2020 @ 6:00 p.m.
ELECTRONIC PARTICIPATION – Via Zoom**

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

A. 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.

B. MINUTES OF THE PREVIOUS MEETING

1. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED AUGUST 18TH, 2020.

CA-35-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated August 18th, 2020 be adopted.

CARRIED

D. HEARINGS

1. A / 08 / 20 – 468 Waterview Rd – Robert & Jeanine HAJDU

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, September 14th, 2020 which provides details regarding the requested minor variance to increase the lot coverage for the construction of a detached garage, on lands known as 466 Waterview Road, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Waterview Rd. The subject property is designated 'Lakeshore Residential West' by the Official Plan. The parcel is zoned 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a through lot which is divided by the unopened road allowance (Foreman Road) and Waterview Rd, splitting the property into three smaller sections (see Location Map in Appendix A). One of these sections is used as a driveway and abuts Heritage Rd while another section, which is used as amenity space, fronts onto Lake Erie and abuts Waterview Rd. The subject lot is bound by Foreman Rd to the north and Waterview Rd to the south (see lot outlined in red on the Location Map in Appendix A). The subject land is a 418.68 sq. m (4,506.68 sq. ft.) residential lot with a single detached dwelling. The applicants wish to build a 66.89 sq. m (720 sq. ft.) detached garage (shown on the Applicants Sketch in Appendix B) in the rear yard, between the house and Foreman Road. Relief is being requested from the Town of Kingsville Zoning By-law for accessory structure lot coverage and total maximum lot coverage.

The applicant is seeking the following variances:

- Total lot coverage, from 40% to 45.5%
- Accessory Structure/building lot coverage, from 10% to 16%

As per the attached site plan, all other zone performance standards are to be met with the proposed construction of the detached garage.

The applicants Robert & Jeanine Hadju 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 the lot coverage is calculated with all three sections of the parcel, or only the parcel highlighted in red? Town Planner, Kristina Brcic confirmed that the calculation of lot coverage was done on only the parcel in red.

Committee Member Shannon Olson, asked what type of road is Forman Rd exactly? Town Planner, Kristina Brcic explained that Forman Rd is partially an unopened road not on maintenance.

Ken Myers, 472 Waterview Rd; Mr. Myers is the neighbour to the West of the subject parcel. Mr. Myers is in support of the application to increase total lot coverage and accessory structure lot coverage.

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

CA-36-2020

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/08/20 pertaining to the lands known as 468 Waterview Road to permit an increase in the total lot coverage from 40% to 45.5%; and permit an increase in the accessory structure maximum lot coverage from 10% to 16%; be **APPROVED** subject to the following conditions:

- that any new construction comply with all other applicable provisions of the By-law;
- that the owners obtain any applicable permits from ERCA for construction and site alteration.

CARRIED

2. A / 10 / 20 – 6 Elwood Crt – 1552843 Ontario Ltd. / O/A Noah Homes

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, September 15th, 2020 which provides details regarding the requested minor variance to increase the lot coverage for new home construction for lands known as 6 Elwood Crt, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the west side of Elwood Crt. The subject property is designated 'Residential' by the Official Plan. The parcel is zoned 'Residential Zone 2 Rural/Urban (R2.2)' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 681.76 sq. m (7,338.49 sq. ft.) residential lot on a cul-de-sac. The applicant plans to construct a 257.48 sq. m (2,771.52 sq. ft.) single detached home. At the time of writing the report, construction of the home has begun. The lot coverage maximum on this lot is 35%, more specifically 238.62 sq. m (2,568.47 sq. ft.). The proposed home would be just under 35% lot coverage. However, the applicant would like to include a 19.51 sq. m (210 sq. ft.) rear yard covered porch, which then puts the lot coverage slightly over to 38%. Therefore, the applicant is seeking 3% relief from the overall lot coverage to construct the dwelling in the R2.2 zone. The proposed construction is in compliance with all other aspects of the zoning by-law. As a result of maximizing the lot coverage with the main dwelling, the property owners would not be permitted to build any additional structures on the property, including accessory structures.

The applicant, Walter Branco was in attendance.

On Monday September 21st, 2020 letters of support were submitted to the Town Planner by the neighbouring properties, regarding the above mentioned minor variance. Motion to receive the letters of support.

CA-37-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that the letters of support regarding Minor Variance application A/10/20 pertaining to the lands known as 6 Ellwood Crt be received by the committee.

CARRIED

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

Deputy Mayor Gord Queen, noted that the house is already under construction. Mr. Queen asked the Town Planner how is the home being built if the variance has not passed. Town Planner, Kristina Brcic explained that the building permit was issued for the Single Family Dwelling, without the covered porch. Mr. Queen asked if the home owner decides to build a shed at a later day would they be permitted? Ms. Brcic explained that the lot coverage would be at its maximum if this variance is approved and a permit would not be issued if the home owner submitted an application for a shed.

Committee Member Russell Horrocks, spoke to the purpose of the committee. Mr. Horrocks noted that the construction of the covered porch had been started without permit. The Town Planner, Kristina Brcic explained that when the town was made aware of this error, the applicant was contacted, and the construction of the covered porch was removed promptly. Mr. Horrocks noted if you are asking for relief you should come before the committee with clean hands. Mr. Horrocks feels that the applicant came in bad faith. This committee shouldn't be made a mockery by disobeying the instructions that were given to the applicant to not construct the covered porch. Mr. Horrocks is in objection to this application.

Committee Member Allison Vilardi, is not impressed with what has happened; however when you look at the overall end result, she is impressed with the neighbourhood support. Ms. Vilardi supports the application.

Committee Member Shannon Olson asked the Town Planner how we found out about the covered porch being constructed. Town Planner, Kristina Brcic explained that the permit was submitted, and approved, without the covered porch. After the neighbouring property owners received notice of the meeting of the Committee of Adjustment, they reached out to the Town to make us aware that the covered porch was under construction.

The applicant, Walter Branco, apologized for the miscommunication with his framers. He was quick to remove the roof line once he was made aware.

Committee Member Shannon Olson, asked the applicant why the foundation was poured before the meeting and appeal period. The applicant, Walter Branco explained that the

foundation is not part of the lot coverage. The foundation will be for an uncovered deck/porch if this application for a covered porch is not approved.

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

CA-38-2020

Moved by Allison Vilardi, seconded by Shannon Olson that Minor Variance application A/10/20 for the lands known as 6 Elwood Court to permit an increase in the lot coverage from 35% to 38% be **APPROVED** subject to the following:

- that any new construction comply with all other applicable provisions of the By-law;

CARRIED

Committee Member Allison Vilardi, asked the Town Planner, as far as additional accessory structures, is there any way to add this as a condition. The Town Planner, Kristina Brcic explained that the Zoning By-law holds regulations on lot coverage, and setbacks. The Zoning By-law is the mechanism we have to control accessory structures. Staff does not have the direction from Council to seek out sheds that have been constructed without a permit due to being under 108 sq ft.

Committee Member Allison Vilardi, asked if the Committee has the ability to approve a decision with an amendment to the conditions? The Town Planner, Kristina Brcic explained that the committee is able to change conditions; but we have to be able to enforce it. The Zoning By-law is in place to assist in this. The property owner is already at their maximum lot coverage.

Committee Member Russell Horrocks and Deputy Mayor Gord Queen are opposed to this application. Chairman Thomas Neufeld voted to approve this application as a tie breaker.

3. B / 09 & 10 / 20 – VL E/S Division Rd N – Amico Properties Inc.

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, September 15th, 2020 which provides details regarding the requested consent to create three (3) new commercial lots, and to establish permanent easements and rights-of-way for lands known as V/L E/S Division Rd N, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the southeast corner of Division Rd N and Road 2 E. The subject parcel is designated 'Highway Commercial' by the Official Plan and is zoned 'Rural Commercial Exception 7 (C6-7)' under the Kingsville Comprehensive Zoning By-law.

The subject lands is a vacant 2.3 ha (5.72 ac.) parcel. The applicant wishes to subdivide the lot in preparation for development. The proposed configuration would be as follows:

Severed Parcels:

Part 2, 4 and 5: 0.535 ha (1.32 ac.);

Part 6: 0.293 ha (0.72 ac.);

Part 8: 0.392 ha (0.97 ac.);

Retained Parcel:

Parts 7, 9, 10, 11, 12, 13, 14 and 15.

Because the property is intended to function as a single site and have limited access points, the applicant needs to establish a number of easements and/or rights-of-way for servicing and access in favour of both the severed and retained lots. The easements are shown over Parts 5, 7, 9, 10, 11, 12, 13 and 14.

The applicant's representative, Gudrin Beggs was in attendance.

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

Deputy Mayor Gord Queen, commented that the Senior/Retirement Home to the South of the subject parcel, appears to be using Amico's property for staff parking.

The applicant's representative, Gudrin Beggs, explained that the two property owners have an agreement in place to grant access to the Senior/Retirement Home for staff parking until the property is developed. Deputy Mayor Gord Queen asked if a traffic study was done. How will traffic impact the infrastructure? Ms. Beggs confirmed as part of the development Amico did a traffic study. Concluding that no necessary infrastructure improvements are required.

Committee Member Russell Horrocks, asked if this development will have multiple access points? Ms. Beggs explained that they will be using the existing access off of Road 2 and Division Rd N. Town Planner, Kristina Brcic noted that the Town is not in support in additional access.

Committee Member Shannon Olson, declared pecuniary interest.

Committee Member Allison Vilardi, asked if the neighbours that sent in correspondence were in attendance of this meeting, and if they wanted to discuss their concerns.

Resident, Jack Lecot, 68 Road 2 E has concerns with the traffic we have now, and does not want to see additional traffic. Mr. Lecot also noted that the access off of Road 2 E will have exiting traffic lights shining into his home. Ms. Beggs explained that Amico has been in discussions with the resident to put landscaping in place to help mitigate the nuisance of lights.

Resident Jeff McCallum, 76 Road 2 E asked if this landscaping is going to affect other properties getting in or out of their driveway.

Ms. Beggs, explained that Amico will work together with the residents. Town Planner Kristina Brcic explained that Amico is aware of the Site triangle requirements.

Deputy Mayor Gord Queen, site plan information should be shared with this committee.

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

CA-39-2020

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent application B/09/20 to create three (3) new lots, (shown as Parts 2, 4 and 5, 6 and 8), from the lands known as V/L E/S Division Rd N, Part of Lot 1, Concession 1 ED, Parts 2 to 5, RP 12R 20470, in the Town of Kingsville, be **APPROVED** subject to the following:

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) That the applicant convey Parts 1 and 3 to the Town, as a daylight corner, free of charge and clear of all encumbrances.
- f) The applicant service each of the proposed lots with all applicable services to the satisfaction of the Town and at the applicant's expense.
- g) The applicant include the Town as a party to the easement for the existing water service to the subject lands and 1750 Division Rd. N.
- h) A permit shall be obtained from the Town for the installation of a new entrance from Road 2 E, any cost associated with the access installation shall be the applicant's responsibility.

- i) A park fee of \$6,660.00 is paid to the municipality for cash-in-lieu of parkland dedication, prior to certification.
- j) That the severed and retained lots obtain municipal addresses.
- k) The conditions imposed above shall be fulfilled by **September 22, 2021** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-40-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that Consent application B/10/20 for the continuation of any and all existing easements and/or rights-of-way over the subject lands in favour of the abutting parcel at 1750 Division Rd. N., and the establishment of permanent easements and rights-of-way for the purpose of servicing, access to and maintenance of services and egress to and over the subject lands, shown as Parts 5, 7, 9, 10, 11, 12, 13 and 14 on the applicant's sketch, in favour of both the severed and retained lots as established in consent file B/09/20, in the Town of Kingsville, be **APPROVED** subject to the following:

- a) That a reference plan be deposited in the registry office, **both an electronic and paper copy** to be provided for the files of the Secretary Treasurer;
- b) The conditions imposed above shall be fulfilled by **September 22, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B 11 20 – VL S/S County Rd 14 – Walter & Marlene Dick

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, September 14th, 2020 which provides details regarding the requested consent to sever and convey lands as a lot addition to an abutting rural residential lot (266 County Road 14 E) and consolidate the remnant parcel with the abutting farm parcel, at V/L County Rd 14 E, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of County Rd 14 E, east of Graham Side Rd. 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 parcel is a 0.55 ha (1.37 ac.) vacant, non-serviced lot (shown in red on the location map) that has been farmed. The applicants wish to subdivide the lot and convey Part 1, being 0.37 ha (0.918 ac.) to the abutting farm (shown in blue on the location map), which is also owned by the applicants. Part 2, being 0.19 ha (0.459 ac.) is to be conveyed to the neighboring residential lot at 266 County Rd 14 E (shown in green on the location map), which is owned by the applicants brother. In both cases, the receiving lots are also zoned 'Agriculture (A1)'.

The applicants authorized agent, Harry Dick 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 when the original lot was created. Town Planner, Kristian Brcic is not sure of the exact date. The applicants authorized agent, Harry Dick explained that the lot was created prior to amalgamation. Ms. Vilardi, asked since we are dissolving a lot does it affect the possibility of development later. Ms. Brcic explained that the vacant farm would be permitted to build a new home. Ms. Vilardi, asked if a future lot severance would be permitted? Ms. Brcic explained that in order to create a new lot out of the existing properties they would need to result in minimum 100 acre parcels.

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

CA-41-2020

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/11/20 to sever and convey a portion of the subject land (Part 2) as a lot addition from V/L County Rd 14 E (P.I.N. 75152-17046) to an abutting parcel known as 266 County Rd 14 E (P.I.N. 75152-0082), in the Town of Kingsville be **APPROVED** subject to the following:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 2, be conveyed to and consolidated with the abutting parcel, known as 266 County Rd 14 E (P.I.N. 75152-0082) 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.
2. That retained parcel, shown on the applicant's sketch as Part 1, be conveyed to and consolidated with the abutting parcel, known as V/L County Rd 14 E (P.I.N. 75152-0084) 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.
3. 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.
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.
5. That the owner shall provide that all municipal taxes be paid in full.
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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
8. 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.
9. That any necessary drainage reapportionments be undertaken.
10. The conditions imposed above shall be fulfilled by **September 22, 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 October 20th, 2020 at The Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-42-2020

Moved by Gord Queen, seconded by Shannon Olson to adjourn this Meeting at 7:06 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**