

COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT OCTOBER 20, 2020 @ 6:00 p.m. ELECTRONIC PARTICIPATION – Via Zoom

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:03 p.m. with the following persons in virtual attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

MEMBERS OF ADMINISTRATION:

Councillor Thomas Neufeld Deputy Mayor Gord Queen Allison Vilardi Shannon Olson Russell Horrocks 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 SEPTEMBER 22ND, 2020.

CA-43-2020

Moved by Gord Queen, seconded by Shannon Olson that the Committee of Adjustment Meeting Minutes dated September 22nd, 2020 be adopted.

CARRIED

D. HEARINGS

1. B / 08 / 20 - V/L County Rd 14 - Giuseppe QUADRINI

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, October 14th, 2020 which provides details regarding the requested consent to sever and convey lands from V/L County Rd 14 as lot additions to eleven (11) abutting parcels, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of County Road 14, just east of County Rd 27 E. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 11.5 ha (28.36 ac.) vacant farm land. It is proposed that a portion of land totalling 0.26 ha / 0.634 ac.) be severed and conveyed as individual lot additions to eleven (11) abutting residential lots (222, 224, 226, 228, 232, 234, 236, 238, 240 County Rd 27 E & 11 and 13 County Rd 14) for the purpose of adding land area for amenity and other uses as may be required. The proposed lot additions are shown as Parts 1-11 on the applicant's sketch. The retained farm parcel will have a resultant lot area of approximately 11.24 ha (27.7 ac.).

There is currently a shared water line coming from County Rd 27 E that supplies 11 & 13 County Rd 14. This was established prior to installation of a water line on County Road 14. There is no formal easement for ongoing access to and maintenance of this water line and best practise is that each lot have its own dedicated water service. Municipal Services has indicated that it is willing to install new water connection at the road for both 11 and 13 County Road 14 to correct this issue at the Town's expense. Connection from the road to reconnect 11 and 13 will be the responsibility of the property owner.

When the lots abutting the subject property were created, a drain was installed along the back of the properties for storm drainage for these houses. As a result of the lot addition lands, this drain will now be located within each individual owner's rear yards. Permanent easements were never established and to ensure the ability and proper maintenance of the drain, it is recommended to have an easement put in place as a condition of the consent.

The applicant Giuseppe QUADRINI was in attendance.

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

Resident Thomas Pyper, 13 County Rd 14 E, regarding Condition #20 *That the owners of 11 and 13 County Rd 14 make application for new water services to the satisfaction of the Town.* The condition doesn't state that there is no cost associated. Town Planner, Kristina Brcic confirmed that there will not be cost associated with the application for a new water service. Mr. Pyper asked if the connection needs to be completed within the one year to ensure that the consent application doesn't laps. Mr. Pyper asked how long will it take for Municipal Services to install the water services? Ms. Brcic noted that this condition was requested by Municipal Services, she is not sure of the time frame.

Committee member Allison Vilardi, asked with respect to the water line, does it affect any of the other consents, if the waterline is not complete. Town Planner, Kristina Brcic would like to see all the lots completed at the same time, the application is required to be submitted for the new water service. If the water line is not installed within the one year it will not affect the consent.

Resident Starre Miller, 15 County Rd 14 E asked about the drain and easement. What would she do if there is a problem and they need to fix it, if we don't own the property. Town Planner Kristina Brcic explained that the easement allows entrance onto the property to preform maintenance. Ms. Miller asked if there is a condition that no one can build over the easement. Ms. Brcic explained that it is a private drain on private property, it is good practice to not build on top of it. Manager of Planning Services, Robert Brown explained that the wording of the easement that will be registered on the deed of the property will restrict permanent construction on that easement.

The subject parcel has two separate drains, one along County Road 27 and one along County Road 14

Resident Lawrence Bos, 11 County Rd 14 E requested that Condition #20 *That the owners of 11 and 13 County Rd 14 make application for new water services to the satisfaction of the Town* be removed from the list of conditions. Mr. Bos feels his waterline should be considered legal non-conforming. Mr. Bos feels this waterline has nothing to do with the land being conveyed. Mr. Bos noted that he was not made aware of this condition until Friday October 16th via email; Mr. Bos feels that he should have been given more notice so he could consider his options. The Manager of Planning Services, Robert Brown agrees that up until now there has not been a problem. Mr. Brown explained that the water line crosses over the property lines at 220 & 222 County Rd 27. Now that the town is aware of the issue we would like to rectify it. If anything were to happen to the water line currently feeding 11 and 13 County Rd 14, the owners would be left with no access to potable water, as they do not have an Easement registered on the deeds to grant them access to the properties at 220 & 222 County Rd 27.

Resident Matthew Miller, 222 County Rd 27, asked if the owners of 11 and 13 County Rd 14 don't make application for the water service within the one year, would that hold up the consent being finalized. Town Planner, Kristina Brcic explained that the hope is to get the consent finalized all together, ensure that the property lines are not jagged, but a straight line.

Committee member Shannon Olson, asked if an easement could be established on 220 & 222 County Rd 27. Is this something that could be grandfather in? Mr. Olson would not appreciate being put in this situation if he was the property owner. Manager of Planning Services, Robert Brown, reminded the committee of the possibility that the waterline needs repairs. This situation needs to be corrected, either by easement, or the new water service connection. The Town is offering to absorb the cost of bringing the waterline under County Rd 14 to the front of the property lines at 11 and 13 County Rd 14. We are only asking for the homeowners to make application. The homeowners would only be responsible to pay for the connection to be made on the private side. Mr. Olson asked if it were not for this

application would this offer have been presented. Mr. Brown explained that it was brought to light because of this application, and now that we are aware we need to rectify it. Mr. Brown explained that the condition was written specifically to read that the owners make application for a new water service. Municipal Service will provide the new water services at the road for 11 and 13 Cty. Rd 14 at the Town's expense. Connection from the road to reconnect each property will be the individual lot owner's responsibility.

Mr. Bos, now understands the requirements and is okay with the condition, he will apply for the water service now that he understands there is no fee associated with the application.

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

CA-44-2020

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/08/20 to sever and convey eleven (11) portions of land, shown on the applicant's sketch a Parts 1 to 11, from the lands known as V/L County Rd 14 (P.I.N. 75155-0042), to the abutting residential parcels, known as 222, 224, 226, 228, 232, 234, 236, 238, 240 County Rd 27 E and 11 and 13 County Rd 14 as lot additions, together with a mutual easement for access to and maintenance of the existing subsurface drainage outlet located on Parts 1 to 11; be **APPROVED** subject to the following conditions:

- That the lot additions to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel (240 County Rd 27 E P.I.N. 75115-0043) 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 the lot additions to be severed, shown on the applicant's sketch as Part 2, be conveyed to the owner of the abutting parcel (238 County Rd 27 E P.I.N. 75115-0044) 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 the lot additions to be severed, shown on the applicant's sketch as Part 3, be conveyed to the owner of the abutting parcel (236 County Rd 27 E P.I.N. 75115-0045) 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.
- 4. That the lot additions to be severed, shown on the applicant's sketch as Part 4, be conveyed to the owner of the abutting parcel (234 County Rd 27 E P.I.N. 75115-0046) 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.
- 5. That the lot additions to be severed, shown on the applicant's sketch as Part 5, be conveyed to the owner of the abutting parcel (228 County Rd 27 E P.I.N. 75115-

- 0048) 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.
- 6. That the lot additions to be severed, shown on the applicant's sketch as Part 6, be conveyed to the owner of the abutting parcel (226 County Rd 27 E P.I.N. 75115-0049) 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.
- 7. That the lot additions to be severed, shown on the applicant's sketch as Part 7, be conveyed to the owner of the abutting parcel (224 County Rd 27 E P.I.N. 75115-0050) 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.
- 8. That the lot additions to be severed, shown on the applicant's sketch as Part 8, be conveyed to the owner of the abutting parcel (222 County Rd 27 E P.I.N. 75115-0051) 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.
- 9. That the lot additions to be severed, shown on the applicant's sketch as Part 9, be conveyed to the owner of the abutting parcel (232 County Rd 27 E P.I.N. 75115-0047) 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.
- 10. That the lot additions to be severed, shown on the applicant's sketch as Part 10, be conveyed to the owner of the abutting parcel (11 County Rd 14 P.I.N. 75115-0054) 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.
- 11. That the lot additions to be severed, shown on the applicant's sketch as Part 11, be conveyed to the owner of the abutting parcel (13 County Rd 14 P.I.N. 75115-0000) 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.
- 12. 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.
- 13. 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.
- 14. That the owner shall provide that all municipal taxes be paid in full.
- 15. 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.
- 16. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
- 17. 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.
- 18. That the applicant make application for a zoning by-law amendment to rezone the lot addition lands to Rural Residential, RR.
- 19. That any necessary drainage reapportionments be undertaken.
- 20. That the owners of 11 and 13 County Rd 14 make application for new water services to the satisfaction of the Town.
- 21. That the applicant make application for the establishment of a permanent easement over 232 County Rd 27 E for access to and maintenance of the existing subsurface drainage line servicing the affected lot addition lands.
- 22. The conditions imposed above shall be fulfilled by **October 20, 2021** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. A / 11 / 20 - 1719 Road 4 E - Jacob PETERS

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, October 9th, 2020 which provides details regarding the requested minor variance to increase the accessory structure height to allow for the construction of a pole barn on lands known as 1719 Road 4 E (County Rd 18), in the Town of Kingsville.

The subject land is a 0.87 ha (2.14 ac.) rural residential lot with a single detached dwelling. The owners would like to build a pole barn (Appendix B) in the rear yard. Since the proposed pole barn would be 6 m (19.7 ft.) in height, relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures Section 4.2 h) where the maximum permitted height is 5m (16.4 ft.). All other zone performance standards are met.

The applicant's agent, Frank Peters was in attendance.

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

The applicant's agent, Frank Peters, wanted to make the committee aware that the neighbouring property to the East has a pole barn 6m high, and the Telus cell tower on another abutting property. This pole barn will fit in with what is existing.

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

CA-45-2020

Moved by Russell Horrocks, seconded by Allison Vilardi that Minor Variance application A/11/20 pertaining to the lands known as 1719 Road 4 E (County Rd 18) to increase the maximum accessory building height from 5m (16.4 ft.) to 6 m (19.7 ft.) for the construction of a new pole barn, be **APPROVED** subject to the following:

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

CARRIED

3. A / 12 / 20 - 187 Queen St - 1552843 Ontario Ltd. / O/A Noah Homes

Town Planner, Kristina Brcic introduced the minor variance application and reviewed her report dated, October 13th, 2020 which provides details regarding the requested minor variance to decrease the exterior side yard and rear yard setbacks for the construction of a new home on lands known as 187 Queen St, in the Town of Kingsville.

The subject land is a vacant 416.2 sq. m (4,480 sq. ft.) residential lot. The subject parcel is the result of a severance completed in 2019 under file B/20/19. As a result of the severance, the applicants were granted a minor variance for a reduced lot size, under file A/08/19. Presently, the applicant would like to build a new 143.5 sq. m (1,545 sq. ft.) home for the prospective purchasers.

Relief is being requested from the exterior side yard and rear yard requirements of the Town of Kingsville Zoning By-law 'Residential Zone 1 Urban (R1.1)' zone. The requested reduction would include the exterior side yard from 4.5 m (15 ft.) to 3 m (10 ft.) and a reduction of the rear yard from 7.5 m (25 ft.) to 6 m (19.68 ft.). The proposed dwelling will have a lot coverage of 34.5%, as per the site plan attached, the permitted limit is 40%. This will also allow for the potential building of a small accessory building in the future. All other provisions of the by-law will be met.

The applicant, Walter Branco 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 where the lot is fronting? Town Planner, Kristina Brcic confirmed the property will be fronting onto Queen Street.

Deputy Mayor Gord Queen, noted that the lot to the East of this property is double the size. When the Committee of Adjustment created the smaller lot in 2019, Mr. Queen was hopeful that they would not see this parcel again for a minor variance. Mr. Queen feels like we are jamming houses in like they do in Windsor, and he is not in support of that.

Committee member Shannon Olson, agrees with Mr. Queen in not supporting a second variance on this property.

The applicant, Mr. Walter Branco, explained that lot coverage is not at the maximum, only at 34.5%. Mr. Branco recognized that the lot is unique in size. Committee member Allison Vilardi asked the applicant if this project is able to move forward without this minor variance. Mr. Branco explained that the lot is 2,400 sq. ft., with a maximum lot coverage of 40% is 1600sq feet. Without the minor variance they could only build a 1,100 sq. ft. and only be at 30%. Ms. Vilardi asked if the applicant could move the building up 5 feet, and stay within the building envelope. Town Planner, Kristina Brcic, explained that unfortunately if the house is moved forward it would go into front yard setbacks.

Committee member Russell Horrocks, commented that when the committee allowed this severance and minor variance back in 2019, it was known that there was going to be a home being built on. It is a legal lot, zoned residential, and the request is minor.

Chairperson Thomas Neufeld, agrees with infill lots, it is a matter of if it fits in with what is existing. Ms. Vilardi has heard all the committee members' comments and concerns and states we have granted similar variances and this application meets the 4 tests. Mr. Horrocks agrees with Ms. Vilardi's statement.

Deputy Mayor Gord Queen, and Committee member Shannon Olson are Opposed to this application. Chairperson Thomas Neufeld is the tie breaker, he approves this application.

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

CA-46-2020

Moved by Allison Vilardi, seconded by Russell Horrocks that minor variance application A/12/20 for the lands known as 187 Queen St to permit a decrease in the exterior side yard setback from 4.5 m (15 ft.) to 3 m (10 ft.); and permit a decrease in the rear yard setback from 7.5 m (25 ft.) to 6 m (19.68 ft.); be **APPROVED** subject to the following:

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

CARRIED

4. A / 13 / 20 - 279 County Rd 34 W - Jeffery ALLISON

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, October 9th, 2020 which provides details regarding the requested minor variance to increase the accessory structure height to allow for the construction of a pole barn on lands known as 279 County Rd 34 W, 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 34 E, west of Marsh Side Road. The majority of the subject property, and the location of the proposed building, is within the area designated 'Agriculture' by the

Official Plan and zoned 'Agriculture (A1)'. However, the driveway portion of the property is designated 'Rural Residential' and zoned 'Rural Residential (RR)'.

The subject land is a 0.49 ha (1.2 ac.) flag-shaped rural residential lot with a single detached dwelling. The applicant would like to build a 190.27 sq. m (2,048 sq. ft.) pole barn (Appendix B) in the rear yard. The applicant is seeking a variance to increase the height of the pole barn to 8 m (26.25 ft.), in order to accommodate the storage of a camper and a second storey home office. Therefore, relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures Section 4.2 h) where the maximum permitted height is 5 m (16.4 ft.). All other zone performance standards shall be met in accordance with the applicant's drawings.

The applicant, Jeffery Allison was in attendance.

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

Greg Weaver, of James Sylvestre Enterprises who is the builder hired for this project, explained the need of the height for this customer. Mr. Weaver also explained that the building will be 30 feet from the top of the bank, the applicant along with Mr. Weaver are in contact with ERCA, regarding setbacks. Town Planner Kristina Brcic, explained that zoning does regulate the setback for a building or structure to a municipal drain, being determined by the type and depth of the drain plus the standard setback requirement. The Town's Drainage Superintendent, Ken Vegh went on site and measured, he confirmed the type and depth of the drain.

Deputy Mayor Gord Queen, originally had concerns with the height, now seeing how far away from County Rd 34 the building will be, he is in support.

Committee member Allison Vilardi, asked if the applicant is planning to use this structure as a secondary dwelling unit.

Town Planner Kristina Brcic explained the proposed use as storage as well as a home office, since the applicant is working from home, this offers him a separate working environment from his home.

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

CA-47-2020

Moved by Shannon Olson, seconded by Gord Queen that Minor Variance application A/13/20 pertaining to the lands known as 279 County Rd 34 W to increase the maximum accessory building height from 5 m (16.4 ft.) to 8 m (26.25 ft.) for the construction of a new pole barn, be **APPROVED** subject to the following:

- i. that the minimum rear yard setback of the proposed structure is 3 m (9.84 ft.), minimum.
- ii. that any new construction complies with all other applicable provisions of the By-law.

CARRIED

5. A / 14 / 20 – 1541 County Rd 34 E – Hillside Hothouse Limited

Manager of Planning Services, Robert Brown introduced the Minor Variance application and reviewed his report dated, October 1st, 2020 which provides details regarding the requested minor variance to reduce the front yard setback for a new bunkhouse and reduce the required side yard setback for a new cooler addition on the property known as 1541 County Road 34 W, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the west side of County Road 34 E, just south of County Road 18. (Appendix A) The subject land is a 9.63 ha (23.8 ac.) farm parcel with an existing greenhouse and support facilities. The applicant has submitted a request for an amendment to the existing site plan to construct a new on-site bunkhouse and expanded cooler area to support the greenhouse. (Appendix B) Currently the operation utilizes existing houses on lots immediately abutting the farm for housing purposes. Because of anticipated changes to space requirements for worker housing, many greenhouse operations are in need of additional space, not for added workers, but rather more separation and isolation room. The property currently has an approved site plan and did include a bunkhouse with a 15 m front yard setback however since the bunkhouse was not constructed the recently revised front yard setback for greenhouse development would be applicable. In order to accommodate the proposed bunkhouse on the existing parcel a variance is required to reduce the required front yard setback from 20 m to 15 m. A variance has also been requested to reduce the side yard setback for the proposed cooler addition from 15 m to 1.9 m.

The applicant, Hillside Hothouse was not in attendance.

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

Committee member Russell Horrocks, asked if this cooler temporary? Manager of Planning Services, Robert Brown, explained that the Cooler will be permanent but the applicant has indicated that he has plans to consolidate the front lots, making this minor variance "temporary". Mr. Horrocks asked if there would be any guidelines coming in the future from provincial or federal government addressing bunkhouses that could have effect on this application. Mr. Brown, explained the new policies and procedures from the provincial and federal government are still pending.

Committee member Allison Vilardi, asked what is existing. Ms. Vilardi does not consider the yard reduction minor in nature. Ms. Vilardi asked if the applicant was present/on-line? Mr. Brown confirmed that the applicant was not in attendance. Mr. Brown has confirmation from the applicant that the four lots in front of the existing greenhouse will be consolidated with the greenhouse lot. Ms. Vilardi is not comfortable with this application; she does not feel the setback for the cooler is minor.

Committee Member Shannon Olson, agrees with Ms. Vilardi that this application is not Minor. Mr. Olson asked why the applicant doesn't do the lot consolidation instead of this minor

variance. Mr. Olson proposed a motion to defer. Mr. Brown, explained that if the applicant consolidates now they have an issue with providing septic.

Committee member Russell Horrocks, suggested the Cooler be removed from the application.

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

CA-48-2020

Moved by Russell Horrocks, seconded by Allison Vilardi that Minor Variance application A/14/20 for lands known as 1541 County Road 34 E to reduce the required front yard setback for a permitted bunkhouse accessory to an existing greenhouse from 20 m to 15 m, be **APPROVED** subject to the following:

- a) that all new construction comply with all other applicable provision of the Zoning By-law;
- b) that site plan amendment SPA/17/2020 is approved, and
- c) that the applicant obtain all applicable permits for new construction, for compliance 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 November 17th, 2020 at The Council Chambers, 2021 Division Road North, Kingsville @ 6:00 p.m.

G. ADJOURNMENT

CA-49-2020

Moved by Russell Horrocks, seconded by Allison Vilardi to adjourn this Meeting at 7:33 p.m.

CARRIE
CHAIR, Thomas Neufeld
SECRETARY TREASURER, Kristina Brcic