



COMMITTEE MINUTES

**COMMITTEE OF ADJUSTMENT
FEBRUARY 16, 2021 @ 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 item 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 DECEMBER 22ND, 2020.

CA-04-2021

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated December 22nd, 2020 be adopted.

CARRIED

D. HEARINGS

1. B / 15 / 20 – 217 County Rd 27 E – Michael Grant

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, February 8th, 2021 which provides details regarding the requested consent to sever and convey

a portion of lands from 217 County Rd 27 E, as a lot addition to an abutting rural residential lot (205 County Rd 27 E), in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands between County Rd 27 E and North Talbot Rd (see Appendix A). 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 approximately 17.7 ha (43.7 ac.) of farm with a residential dwelling. The applicant would like to purchase some property to add as rear yard space to their lot at 205 County Rd 27 E, which contains a dwelling and small shed. The lot addition (Part 1 in Appendix B) would increase the applicant's lot size from 0.7 ac. to 1.1 ac, allowing space to build a pole barn behind the house. Both the receiving lot and severed lands are zoned the same, and all other applicable regulations of the zoning b-law are met.

The applicant Michael Grant 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-05-2021

Moved by Gord Queen, seconded by Shannon Olson that Consent application B/15/20 to sever and convey a portion of the subject land (Part 1) as a lot addition from 217 County Rd 27 E to an abutting parcel known as 205 County Rd 27 E, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to and consolidated with the abutting parcel, known as 205 County Rd 27 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 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.
3. 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.
4. That the owner shall provide that all municipal taxes be paid in full.

5. 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.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. 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.
8. That any necessary drainage reapportionments be undertaken.
9. The conditions imposed above shall be fulfilled by **February 16, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B / 17 / 20 – VL SS Road 6 W – Robert, Dorothy & James Vermeulen

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, February 8th, 2021 which provides details regarding the requested consent to sever and convey a portion of lands from VL SS Rd 6 W, as a lot addition to an abutting rural residential lot (1601 Road 6 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 6 W, east of Arner Townline (County Rd 23) (see Appendix A). The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture Restricted (A2)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 17.7 ha (43.7 ac.) of farm land with one outbuilding. The applicants have been approached by the owner of the neighbouring lands at 1601 Road 6 W to purchase some land as a lot addition (Part 1 in Appendix B) for increased yard space. Part of the lot addition lands would include the outbuilding currently located on the farm, as shown on the sketch.

In 2013, the house lot (1601 Road 6 W) was granted severance from the farm as surplus to the farming operation of the owners. As a result, the severed lands are zoned A2 while the receiving lands are zoned A1. This does not create an issue as there are no plans to build a house over the lot addition lands therefore, a zoning by-law amendment will not be necessary.

The applicant Dorothy Vermeulen 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-05-2021

Moved by Allison Vilard seconded by Shannon Olson that Consent application B/17/20 to sever and convey a portion of the subject land (Part 1) as a lot addition from VL SS Rd 6 W to an abutting parcel known as 1601 Road 6 W, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to and consolidated with the abutting parcel, known as 1601 Road 6 W (P.I.N. 75167-0097) 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 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.
3. 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.
4. That the owner shall provide that all municipal taxes be paid in full.
5. 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.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. 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.
8. That any necessary drainage reapportionments be undertaken.
9. The conditions imposed above shall be fulfilled by **February 16, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. A / 11 / 20 – VL Peter St – Peter Dyck

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, February 10th, 2021 which provides details regarding the requested minor variance to decrease the front and rear yard setbacks to allow construction of a new single detached dwelling on lands known as VL Peter St, in the Town of Kingsville.

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

The subject land is a 700 sq. m (7,535 sq. ft.) vacant residential lot (see Appendix A). The applicant wishes to build a 78 sq. m (840 sq. ft.) single detached dwelling on the western part of the property (see Applicant's Site Plan in Appendix B). The applicant believes that it would be difficult to design an appealing house given the setbacks required in the zoning, relative to the shallow, wide lot. As a result, the owner is requesting a minor variance to reduce the front yard setback from 6 m (20 ft.) to 4.8 m (15.67 ft.), as well as the rear yard setback from 7.5 m (25 ft.) to 4 m (13 ft.). Plenty of amenity space will remain in the side yards of the property as the proposed dwelling only has a proposed lot coverage of 11%.

The applicant, John Dyck 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, noted that neighbouring properties are the most effected by the development. If they do not have a concern, it points a positive light on the application. Deputy Mayor Gord Queen, added that if the neighbours had concerns he would look at this application differently. Mr. Queen is in support with the neighbours.

The applicant Mr. John Dyck expressed his thanks to the Planning Department, for working with him to get this application to the committee.

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

CA-06-2021

Moved by Gord Queen, seconded by Allison Vilardi that Minor Variance application A/16/20 pertaining to the lands known as VL Peter St to reduce the minimum required front yard setback from 6 m (20 ft.) to 4.8 m (15.67 ft.); and reduce the minimum required rear yard setback from 7.5m (25 ft.) to 4 m (13 ft.); be **APPROVED** subject to the following:

- i. That any new construction complies with all other applicable provisions of the By-law.
- ii. That any new construction complies with the Ontario Building Code.

- iii. 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 16th, 2021;
Electronic Participation; Via Zoom @ 6:00 p.m.

G. ADJOURNMENT

CA-07-2021

Moved by Shannon Olson, seconded by Allison Vilardi to adjourn this Meeting at 6:27 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**