



## COMMITTEE MINUTES

### COMMITTEE OF ADJUSTMENT MARCH 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 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 FEBRUARY 16<sup>TH</sup>, 2021.

**CA-08-2021**

Moved by Gord Queen, seconded by Shannon Olson that the Committee of Adjustment Meeting Minutes dated February 16<sup>th</sup>, 2021 be adopted.

**CARRIED**

#### D. HEARINGS

##### 1. B / 01 / 21 & A / 01 / 21 – Antonio & Fernando Frias – 105, 115 & 121 Main St E

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, March 9<sup>th</sup>, 2021 which provides details regarding the requested consent to re-establish three (3)

individual lots, and a minor variance for an accessory structure, for the lands known as 105, 115 & 121 Main St E, in the Town of Kingsville.

The Town of Kingsville has received the above-noted applications for lands located on the south side of Main St E, and on the corner of Cherry Lane. The subject properties are designated 'Residential' by the Official Plan. Each parcel is separately zoned; 105 Main St E is zoned 'Residential Zone 1 Urban (R1.1)', 115 Main St E is zoned 'Residential Zone 4 Urban Exception 3 (R4.1-3)' and 121 Main St E is zoned 'Residential Zone 1 Urban - Exception 15 (R1.1-15)', under the Town of Kingsville Comprehensive By-law.

As a result of the lands being registered in the same name and not whole lots on a plan of subdivision or lots created by consent the lots have merged into one. The owners have applied for consent to re-establish the property as three individual conveyable lots (See Appendix B). There is no change proposed to the former lot fabric. (See Appendix A) The properties at 105 and 121 Main St. E. each contain a single detached dwelling. The property at 115 Main St E contains a multi-unit building with an existing covered parking structure. This structure is only 0.5 m (1.8 ft.) from the former westerly side lot line. The required side yard setback for an accessory structure is 1 m (3.28 ft.). With the re-establishment of the former lot fabric it is necessary to address this reduced setback. Therefore, the applicant has applied for a minor variance to recognize the reduction. The rear yard of the structure is also less than required however since this lot line remains in place this setback is recognized as existing.

The applicant's agent, Brian Collins 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-09-2021**

Moved by Gord Queen, seconded by Allison Vilardi that Consent application B/01/21 to re-establish three (3) residential lots, known as 105, 115 & 121 Main St E, Part Lot 1, Concession 1, ED, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. That a plan of survey be prepared or a reference plan deposited in the registry office, ***both an electronic and paper*** copy of to be provided to the Town for the files of the Secretary-Treasurer.
2. 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.

3. 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.
4. 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.
5. That Minor Variance (A/01/21) is approved and finalized to recognize the reduced setback of the existing carport on 115 Main St E.
6. The conditions imposed above shall be fulfilled by **March 16, 2022** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **CA-10-2021**

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/01/21 to reduce the minimum side yard setback of the existing accessory structure (carport) located at 115 Main St. E., from 1 m (3.3 ft.) to 0.5 m (1.8 ft.) be **APPROVED** without condition.

**CARRIED**

#### **2. B / 03 / 21 - 1088090 Ontario Inc – 21, 31 & 37 Pearl St W**

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, March 9<sup>th</sup>, 2021 which provides details regarding the requested consent to re-establish two lots known as 37 & 31 Pearl St W, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of Pearl St W, and west of Division Rd S. The subject property is designated 'Residential' by the Official Plan, and zoned 'Residential Zone 2 Urban – Exception 11 (R2.1-11)', under the Town of Kingsville Comprehensive By-law.

As a result of the lands being registered in the same name and not whole lots on a plan of subdivision or lots created by consent, the lots have merged into one. The owner has applied for consent to re-establish the property as three individual conveyable lots. There is no change proposed to the former lot fabric (See Appendix A). As a result of re-establishing the lot lines via consent, a shed in the southeast corner of 31 Pearl St W (see Appendix B) does not meet the minimum side yard setback of 1 m (3.3 ft.) and as a condition of this consent, the owner shall either remove the structure or apply for a minor variance. All other aspects of the proposed severance meet the requirements of the zoning by-law.

The applicant's agent Terrence L. Sims 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 shed is completely contained within the property lines. Kristina Brcic, Town Planner explained that a survey has confirmed the location of the shed and it is completely contained on one parcel.

The applicant's agent, Terry Sims spoke to the application on his client's behalf. Mr. Sims explained that each parcel has its own roll number, PIN, etc.

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

### **CA-11-2021**

Moved by Shannon Olson, seconded by Gord Queen that Consent application B/03/21 to create two (2) new residential lots, known as 31 & 37 Pearl St W, consisting of Lots 4-6, Plan 184-185, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. 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.
2. 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.
3. 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.
4. 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.
5. That the owner apply for and receive approval of a minor variance to recognize a reduced setback for the shed on 31 Pearl St. W., or the shed is relocated in compliance with the zoning or removed.
6. The conditions imposed above shall be fulfilled by **March 16, 2022** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **3. A / 02 / 21 – James & Jillian McCallum – 66 Main St W**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, March 9<sup>th</sup>, 2021 which provides details regarding the requested minor variance to increase the accessory structure height to allow construction of a new detached garage consisting of a secondary dwelling unit, on lands known as 66 Main St. W., in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Main St. W., west of Queen St. The subject property is designated 'Residential' by the Official Plan. The parcel is zoned 'Residential Zone 4 Urban – Exception 2 (R4.1-2)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 966 sq. m (10,397.9 sq. ft.) residential lot with a single detached dwelling and detached garage (see appendix A). The applicant would like to re-build the detached garage and include a secondary dwelling unit on the upper floor (shown on Applicants' Sketch). The applicants would like to build the accessory structure with a steeper roof to accommodate a more comfortable living space in the secondary dwelling unit. Thus, the applicants are seeking an increase of 0.6 m (2 ft.) to the permitted height of an accessory structure under Section 4.2 h) which limits the permitted height to 5m (16.4 ft.). As a result of the increased height, the applicants have agreed to increase the side yard setbacks of the accessory structure to allow for maintenance access and open space surrounding the structure. All other zone performance standards will be met.

The applicants James and Jillian McCallum 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-12-2021**

Moved by Allison Vilardi, seconded by Gord Queen that Minor Variance application A/02/21 to increase the maximum permitted accessory structure height from 5m (16.4 ft.) to 5.6 m (18.4 ft.), pertaining to the lands known as 66 Main St W, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. That the proposed accessory structure maintain a minimum side yard setback of 1.5 m (5 ft.) and rear yard setback of 3.28 m (10 ft.);
2. That any new construction complies with all other applicable provisions of the By-law.
3. That any new construction complies 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 April 20<sup>th</sup>, 2021 via Zoom @ 6:00 p.m.

**G. ADJOURNMENT**

**CA-13-2021**

Moved by Gord Queen, seconded by Allison Vilardi to adjourn this Meeting at 6:23 p.m.

**CARRIED**



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**CHAIR, Thomas Neufeld**



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**SECRETARY TREASURER,  
Kristina Brcic**