



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT APRIL 20, 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 MARCH 16TH, 2021.

CA-14-2021

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated March 16th, 2021 be adopted.

CARRIED

D. HEARINGS

1. A / 03 / 21 – Paul and Brenda REMARK – 877 McRae Ave

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, April 9th, 2021 which provides details regarding the requested minor variance to reduce side yard setback of an air conditioning unit for the construction of a new single detached dwelling, on lands known as 877 McRae Ave, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of McRae Ave, abutting Lake Erie. The subject property is designated 'Lakeshore Residential East' by the Official Plan. The parcel is zoned 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 1,700.1 sq. m (18,300 sq. ft.) residential lot with a new single detached dwelling currently under construction. The applicant would like locate the air conditioning unit in the side yard, setback 0.8 m (2.5 ft.) from the side yard (shown on Applicants' Sketch). The applicants are seeking a 0.46 m (1.5 ft.) relief from the Town of Kingsville Zoning By-law 4.29 e) which currently permits an air conditioning unit to encroach into a side yard with a minimum setback of 1.2 m (4 ft.). All other zone performance standards are met.

The applicant's agent, Gino Piccioni of Timberland Homes 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 asked if comments or concerns have been received by neighbouring property owners. Town Planner, Kristina Brcic confirmed that no comments or concerns were received regarding this application.

Gino Piccioni of Timberland Homes spoke to the application, noting that the a/c unit will be a slim line design, and quieter. He confirmed that the location of the neighbouring a/c unit is in similar location at the back of the house.

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

CA-15-2021

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/03/21 to reduce the minimum side yard setback for an air conditioning unit from 1.2 m (4 ft.) to 0.8 m (2.5 ft.), on lands known as 877 McRae Ave in the Town of Kingsville; be **APPROVED** without conditions.

CARRIED

2. B / 02 / 21 – Universal Greenhouse Structures Ltd. – 1956 Settrington Dr

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, April 9th, 2021 which provides details regarding the requested consent to sever and convey a portion of lands from 1932 Settrington Dr., as a lot addition to an abutting industrial lot (1956 Settrington Dr.), in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands on the north side of Settrington Dr. The subject property is designated 'Industrial' by the Official Plan and zoned 'Light Industrial (M1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 1.4 ha (3.5 ac.) with an existing building. The adjacent property (1956 Settrington Dr.) is part of the overall operation and is expanding its buildings and seeking a lot addition of approximately 0.4 ha (1 ac.). The proposed boundary adjustment will not create any zoning issues related to minimum lot frontage and lot area requirements.

Once the lot adjustment is completed the owner will be undertaking additional development on both parcels and will require submission of new and/or amended site plan approvals. This will require internal review and final approval by Council.

The applicant's agent Amanda Camlis 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-16-2021

Moved by Russell Horrocks, seconded by Gord Queen that Consent application B/02/21 to sever and convey a portion of the subject land (Part 1) as a lot addition from 1932 Settingington Dr to an abutting parcel known as 1956 Settingington Dr, 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 1956 Settingington Dr (P.I.N. 75147-0148) 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 the owners provide confirmation, to the satisfaction of the Town, that the existing service connections are aligned with the revised lot fabric;
9. The conditions imposed above shall be fulfilled by **April 20, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B / 04 / 05 / 06 / 21 – Amico Properties Inc. – VL ES Division Rd N / 75 Road 2 E

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, April 11th, 2021 which provides details regarding the requested consent to create one (1) new commercial lot, and to establish permanent easements for lands known as 75 Rd 2 E in favour of the surrounding plaza owners, 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 are approximately 1.68 ha (4.15 ac.) which were subject to consents and easements in 2020. A severance over Part 4 was incorrectly executed under File B/09/20 and the applicant wishes to allow that consent to lapse and correctly sever the lot under File B/04/21 to include only Parts 2 & 4 on 12R-28404 being 0.58 ha (1.43 ac.) (highlighted in yellow on the Applicant's Sketch A).

Due to the nature of the development, the applicant needs to establish easements, as referenced on 12R-28437, for the maintenance and access of services. Both the sanitary easement under File B/05/21, shown as Parts 11, 12 & 13 (highlighted orange on the Applicant's Sketch B), and the waterline easement under File B/06/21, shown as Parts 5, 6, 7 & 8 (highlighted in blue on the Applicant's Sketch B), will be in favour of the plaza owners at 75 Rd 2 E, 1768, 1774 & 1788 Division Rd N (addressing shown in Appendix D). The waterline easement will also need to include the Town in order to maintain the Town as the purveyor of water to the various lots within the development.

The applicant's agent, Gudrin Beggs of Amico Properties Inc. 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 what is required to void the lot creation that was granted in September 2020 through file B / 09 / 20. Town Planner, Kristina Brcic confirmed that she will not be stamping the deed of previous decision, B / 09 / 20 and it will simply lapse.

Gudrin Beggs of Amico Properties Inc., explained the current application is for house keeping purposes since the incorrect part was referenced on the decision under file B / 09 / 20.

Committee member Allison Vilardi, asked where the sewer line is coming from. Town Planner, Kristina Brcic confirmed the sewer line is coming across the Chartwell property, tying into the sewer behind the fire hall. The sewer easement is in favour of all the plaza properties.

Gudrin Beggs of Amico Properties Inc., explained the history of the site and lot creation.

Deputy Mayor Gord Queen asked what assurance we have that Chartwell will grant access? Gudrin Beggs of Amico Properties Inc., explained that Chartwell is the applicant with Amico as the agent for Chartwell on the upcoming easement application to tie up the loose ends of this easement, which will grant access and maintenance rights over the sewer.

Gudrin Beggs of Amico Properties Inc., noted that Part 5 is a hydrant on the waterline easement sketch.

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

CA-17-2021

Moved by Gord Queen, seconded by Allison Vilardi that Consent application B/04/21 to create one (1) new lot, shown as Parts 2 & 4 on 12R-28404, from the lands known as 75 Rd 2 E, 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 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. The conditions imposed above shall be fulfilled by **April 20, 2022** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-18-2021

Moved by Allison Vilardi, seconded by Shannon Olson that Consent application B/05/21 for the establishment of a permanent easement for the purpose of servicing, access to and maintenance of the sanitary sewer over the subject lands, shown as Parts 11, 12 and 13 on 12R-28437, in favour of 75 Rd 2 E, 1768, 1774 & 1788 Division Rd N, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. 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;
2. The conditions imposed above shall be fulfilled by **April 20, 2022** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA-19-2021

Moved by Allison Vilardi, seconded by Gord Queen that Consent application B/06/21 for the establishment of a permanent easements for the purpose of servicing, access to and maintenance of the water line over the subject lands, shown as Parts 5, 6, 7 & 8 on 12R-28437, in favour of The Corporation of the Town of Kingsville, 75 Rd 2 E, 1768, 1774 & 1788 Division Rd N, in the Town of Kingsville; be **APPROVED** subject to the following conditions:

1. 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;
2. The conditions imposed above shall be fulfilled by **April 20, 2022** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

4. A / 04 / 21 – Marie Mayhew / 1088090 Ontario Inc. – 31 Pearl St W

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, April 8th, 2021 which provides details regarding the requested minor variance for an existing shed, on lands known as 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.

The subject property was recently granted provisional consent under file B/03/21 to re-establish individual lots for 21, 31 and 37 Pearl St W, which had been consolidated under one ownership. As a result of re-establishing the lots, it was identified that the shed located on the southeast corner of the subject property is situated closer to the side yard than the 1 m (3.3 ft.) permitted by the Zoning By-law. Therefore, as a condition of consent the owner is seeking a minor variance to recognize the reduced 0.4 m (1.3 ft.) side yard setback for the accessory structure. All other zone performance standards will be met.

The applicant, Marie Mayhew 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 a new shed would be permitted to be reconstructed in this location. Town Planner, Kristina Brcic confirmed that this Minor Variance will be for the existing accessory structure (shed) located at 31 Pearl St W, and is described as such in the decision.

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

CA-20-2021

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/04/21 to reduce the minimum side yard setback of the existing accessory structure (shed) located at 31

Pearl St W., from 1 m (3.3 ft.) to 0.4 m (1.3 ft.), on lands known as 31 Pearl St W., in the Town of Kingsville; be **APPROVED** without conditions.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on May 18th, 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 6:30 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**