



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT MAY 18, 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 APRIL 20TH, 2021.

CA-22-2021

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated April 20th, 2021 be adopted.

CARRIED

D. HEARINGS

1. A / 05 / 21 – 1552843 Ontario Ltd. / Robert Molliconi – 866 Erie Ave

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, May 10th, 2021 which provides details regarding the requested minor variance to permit a dwelling with no attached garage to have a side yard setback of 1.5 m (5 ft.) on both sides of the dwelling on lands known as 866 Erie Ave, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the east side of Erie Ave, south of King Blvd. 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 416.10 sq. m (4,478.88 sq. ft.) vacant residential lot. The applicant would like build a single detached dwelling with a secondary dwelling unit and without an attached garage (shown on Applicants' Sketch). Since the proposed dwelling does not include an attached garage, the Zoning By-law requires a minimum interior side yard setback of 1.5 m (5 ft.) on one side and 3 m (10 ft.) on the other. The applicant is seeking a minor variance to permit the dwelling to be built with 1.5 m (5 ft.) side yards on both sides of the dwelling. Based on the applicant's sketch, all other zone performance standards will be met.

Since writing of the report several comments were received from neighbouring property owners and have been circulated to the committee members and applicant for their review and consideration. Several phone calls were had with neighbours concerned about the inclusion of the secondary dwelling within the main dwelling. Ms. Brcic explained Secondary Dwellings are permitted within the Town of Kingsville, subject to regulations both within the Official Plan and Zoning By-law. Letters of opposition were received regarding the reduced side yard. If the applicant had submitted the proposed development with an attached garage or covered car port, they would not be seeking relief, as it would a permitted setback. Ms. Brcic did receive two (2) requests for adjournment of the meeting, due to lack of days notified of the meeting. The Notice of public meeting was mailed on May 3rd, 2021 giving more than the required 10 days notice.

The applicant, Robert Molliconi was in attendance.

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

Committee member Russell Horrocks referenced the public comments received within the agenda package. Mr. Horrocks asked if Mr. Kim DeLaurier is suggesting that he did not received the notice in a timely manner. Town Planner, Kristina Brcic explained that the notice was mailed in sufficient time, as well as available on the town website.

Applicant, Rob Molliconi had no further comment. Mr. Molliconi agrees with administrations recommendations.

Dean Clark, introduced himself as lawyer in Kingsville. Reviewed the material provided by the Town Planner, Kristina Brcic. Mr. DeLaurier received the notice of public notice last week. The planner has already addressed some of his comments. Referring to the 1-2014 By-law, subsection 6.7 Lakeshore Residential (LR), Mr. Clark referred to **c. regulations; vii) Interior Side yard depth** and confirmed this is the stated purpose of the application is to reduce the setback on the south side of the property from 10 feet to 5 feet, if constructed with no garage. Mr. Clark then referred to Section 23 of the application; **Reason why a minor variance is necessary or reasons/justification why the proposed building or structure cannot comply with the Zoning By-law?** The applicant's response reads, "*Due to no garage a 10 foot side yard is required currently, however requesting relief to 5 feet.*" Mr. Clark feels that no reason or justification as to why the proposed structure requires the minor variance has been given. Mr. Clark feels this application is deficient and cannot be approved at this time. Mr. Clark further referred to Section 21 of the application; **Proposed new development of the subject lands requiring the variance?** The applicants response reads, "*Build a single-family dwelling without*

a garage, with a secondary unit.” Mr. Clark asked for clarification on secondary dwelling unit. Mr. Clark feels that the floor plan shows a duplex, not a single family home, and feels that the application should be made for rezoning to allow a duplex. Mr. Clark again referred to the Zoning By-law (1-2014), **subsection 6.7 LR, c. regulations i) Lot area (minimum) – 557 m² (5,995 ft²)** if the residence is connected to all three municipal water, sewer, and storm water services; Mr. Clark feels that the lot size is not big enough for the intended use for the lot, again referring to **LR c. regulations ii) Lot frontage (minimum) – 18 m (59 feet)** if serviced by a *municipal storm sewer*, this lot does not meet this requirement, this subject property is only 31 feet wide. Mr. Clark feels that there are plenty of other lots available for this type of structure. Mr. Clark feels that an established subdivision of single family houses is not the place for a duplex.

Town Planner, Kristina Brcic referred to the 1-2014 By-law, **subsection 4.13 – Existing Lots - d) such lots have a minimum frontage of 10.6 m (35 ft)**; and explained that the subject property is an existing lot, with a frontage of 35 feet. Ms. Brcic explained the LR section of the by-law is to regulate new lot creation, not existing lots. Ms. Brcic also explained the Secondary Dwelling Unit Policy as found in the Town of Kingsville Official Plan Policy as well as in the Zoning By-law, **4.35.1 Secondary Dwelling Units**, which permits Secondary Dwelling Units. Ms. Brcic explained the secondary dwelling unit requirements; there are maximum sizes on floor area (40% of total buildings on the lot), the unit can only have 1 bedroom, must have a bathroom, kitchen and living area, etc. Ms. Brcic explained the requirements of this application meeting all requirements.

Mr. Clark referred back to section 23 of the application that was not properly completed. Why can the structure not comply? Ms. Brcic explained that applicant made the request to build the structure without the garage or carport and as such requesting the variance to not require to be built to the 10 foot side yard, and instead be built at the 5 foot side yard.

Resident, Aline La Fleche of 969 Erie Ave W. Ms. La Fleche feels the submitted plan looks to be a duplex, not a single-family home. The neighbourhood is made up of single family homes. Parking is also a concern for Ms. La Fleche as Erie Ave is a cottage grade road that is not wide enough for street parking. Ms. La Fleche referred to the Secondary Dwelling by-law, regarding residential intensification. Ms. La Fleche feels that this proposal does not meet the requirement of the Secondary Dwelling By-law, as it does not fit in with the neighbourhood, as a single family home. Ms. La Fleche read the definition of the secondary dwelling units. She feels that this application does not meet any of these requirements. This proposal is not conducive with this neighbourhood.

Town Planner; Kristina Brcic explained that a duplex would not be permitted on this property as it is not a permitted use in the Lakeshore Residential zoning. Ms. Brcic explained that the submitted drawing is preliminary. She explained the maximum driveway width, and the site drawing shows 22 feet. Parking can be contained within the lot for what is required.

Residents, Lizanne and Dan Lebedyk of 952 Erie Ave W. Comments were provided to the committee prior to the meeting. Mr. Lebedyk read key points from his comments. Ms. Lebedyk, added the parking will require 4 cars on the driveway. Ms. Lebedyk noted the proximity of the stop sign to this property, noting that parking on the road would be dangerous.

Resident, Kim De Laurier of 864 Erie Ave W. Mr. De Laurier agrees with the neighbour's comments. Mr. De Laurier feels this development would change the whole character of the

neighbourhood. He feels that the property value will decrease because of the intensification of the properties. A single family home would be an asset to the neighbourhood.

Town Planner Kristina Brcic, brought the attention back to the requested minor variance of the application, which is the reduction of the side yard setback. Ms. Brcic noted that there is a similar sized house on the same size lot at 932 Erie Ave W.

Resident Lizanne Lebedyk of 952 Erie Ave W noted the property referenced at 932 Erie Ave W by Ms. Brcic is a single family dwelling. Ms. Lebedyk feels that residents were not aware that secondary dwelling units were permitted in Kingsville, noting that all residents need to be more involved. Ms. Lebedyk feels that there are laws in place to protect the community, we should not be allowing a forgiveness of the law just because someone asks.

Town Planner, Kristina Brcic, noted that in 2016 province wide, secondary dwelling units were approved. The Town of Kingsville has since adopted these policies into our Official Plan and Zoning By-law. Ms. Brcic noted that only a small percentage of applications received by the town are brought forward to the public through the Committee of Adjustment or Council since most do not require any amendments.

Resident, Laura Kocot of 871 Park Ave lives directly behind subject property. Ms. Kocot appreciates and agrees with the comments heard tonight by the neighbours as well as Mr. Clark. Ms. Kocot would like to state that she is strongly apposed to this application.

CA-23-2021

Moved by Allison Vilardi, seconded by Shannon Olson that email correspondence and comments regarding this application be moved into record for receipt.

CARRIED

Chairperson, Thomas Neufeld asked the Town Planner if lot coverage was considered for this application. Ms. Brcic noted that the lot coverage is indicated on the preliminary site plan, noting that the applicant is 0.1% shy of the lot coverage requirements.

Deputy Mayor Gord Queen, appreciates the comments heard tonight. Mr. Queen wants it noted that this committee is not a rubber stamp. The committee listens to the planner as well as the residents. Mr. Queen sat on council when Affordable Housing and Secondary Dwelling units were reviewed, as driven by the province as well as the needs of the community. Mr. Queen appreciates the fact that we have to have good planning, and respect the need and stability of our community as we plan for secondary dwellings.

CA-24-2021

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/05/21 to permit a minimum required side yard setback for a dwelling without an attached garage or carport to be 1.5 m (5 ft.) on both sides of the dwelling, on lands known as 866 Erie Ave in the Town of Kingsville; be **DENIED**.

CARRIED

Committee Member Shannon Olson, noted that he visited the site and feels that due to the undersized lot, the request to reduce the setback would not be favorable.

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

2. A / 06 / 21 – Donatantonio and Emily Dalimonte – 442 Waterview Rd

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, May 10th, 2021 which provides details regarding the requested minor variance to decrease the rear yard setback and increase the permitted lot coverage for the construction of a new dwelling on lands known as 442 Waterview Rd, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located between Foreman Rd and 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 an 828.7 sq. m (8,920 sq. ft.) vacant residential lot with an existing shed on the north-west corner of the lot. The applicant would like to build a single detached dwelling on the property with the front yard facing Waterview Rd and Lake Erie (shown on Applicants' Sketch). The applicant would like to increase the Lakeshore Residential (LR) zone maximum lot coverage from 40% to 42% and decrease the rear yard setback from 7.5 m (24.6 ft.) to 3.5 m (11.5 ft.). Based on the applicant's sketch, all other zone performance standards will be met.

Ms. Brcic noted the concerns regarding the bay window and covered unenclosed porches were reviewed by administration and are found to be within the regulations of the zoning by-law. Ms. Brcic provided a sketch showing the proposed and permitted. Setbacks are being maintained with these items. Ms. Brcic received concerns and comments from the neighbours regarding the property to the West of the subject property, as being on or at the property line, bringing forward the concerns of soil stability at time of building. Ms. Brcic assured the residents that those matters will be addressed through the building stage of the project through the Ontario Building Code.

The applicant's agent Gudrin Beggs was in attendance.

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

Gudrin Beggs, representation for the application, agrees with the report presented to the committee. Ms. Beggs noted the importance of land use planning merits by applying the 4 tests. Ms. Beggs explained the meeting of the 4 tests with this application.

Resident John and Heather Arrowsmith of 450 Waterview Rd is in objection to the variance. Mr. John Arrowsmith feels that increase in lot coverage is not necessary. The proposed development does not fit into the neighbourhood. Ms. Heather Arrowsmith, noted that Forman Rd is a very narrow road, reducing the rear yard setback would make the road appear to be even smaller. Many residents who are unfamiliar with the road, drive down and have nowhere to turn around.

Residents Chuck and Nada Leonard of 454 Waterview Rd. Mr. and Ms. Leonard have been a resident of Waterview since 1983. When the Leonard's moved to the area it was composed of

mainly cottages, with very little permanent residents. This area sees a lot of pedestrian traffic. Mr. Leonard feels that the proposed development with the variance does not fit into the neighbourhood. Just because it is legal does not mean you should do it.

Resident Kimberly Cocks of 447 Heritage Rd. Ms. Cocks feels the proposed size of the house is too big for this neighbourhood. Ms. Cocks enjoys the area because of the air flow, green space etc., she is concerned with parking; snow removal, etc. Ms. Cocks is in agreement with other comments from the neighbours.

Mr. Arrowsmith, asks that the applicant consider fitting in with the neighbourhood. Mr. and Ms. Arrowsmith are not opposed to building a nice single family home, but would appreciate keeping with the current requirements.

Resident Melissa Taveirne of 449 Heritage Rd. Ms. Taveirne recently purchased the property North of the subject property and will be directly affected by this development. Ms. Taveirne agrees with all comments presented tonight.

Ms. Beggs, address the comments or concerns brought forward by the residents. Regarding the driveway and parking issues, the primary driveway will be off Waterview, therefore it should not be a concern. Waterview will be the main entrance. Regarding drainage, storm water management will be addressed at the building permit stage. As a condition of this variance the applicants have agreed to tie into the Forman Road drain. To clarify the building lot size is 8,900 sq ft, not the size of the house, as stated in the comments. To address the notion of character, Ms. Beggs wants it to be kept in mind that character is a subjective perception. This area does not fall under any regulations regarding, urban design guidelines, heritage area, etc. The applicants are making a substantial investment on waterfront property.

Ms. Cocks, explained the feeling of being closed in, or unable to maneuver if the setback being requested is approved. Ms. Cocks asked what the square footage of this house being proposed?

Ms. Beggs indicated that the building footprint will be 3,727sq ft house. The proposed building permit plans have not been settled at this time as the applicant is waiting for the results from tonight's meeting to confirm the footprint. Ms. Beggs indicated that the home would be one story and a half, with a basement.

Mr. and Ms. Arrowsmith are opposed to increasing lot coverage, as it is not necessary. Ms. Arrowsmith indicated that there has been an ongoing drainage issue, causing a sink hole, due to a ditch that was filled in at the front of the subject lot, for the past 4 years, will this be taken care of in this development? Ms. Beggs spoke to applicant's willingness to work with requests of Administration.

Mr. Leonard, no one is opposed to having a nice house, it is the proposed size and lack of green space.

Committee member Russell Horrocks, rear set back causes concern, 53% reduction in setback. Mr. Horrocks does not feel this is a minor request. Town Planner, Kristina Brcic commented on the appropriateness of looking at each individual lot, not just the numbers. The overall consideration was given to this application.

Committee Member Allison Vilardi; noted her immediate concern was the rear yard setback and feeling that it is not minor. An ariel photo of the area in question shows other properties that are smaller in size, yet still able to build a beautiful home.

Committee Member Shannon Olson, asked if the proposed site plan is showing a double-sided garage? Ms. Beggs indicated a second garage door was proposed but can be removed if it is not permitted.

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

CA-25-2021

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/06/21 to decrease the minimum required rear yard setback from 7.5 m (24.6 ft.) to 3.5 m (11.5 ft.); and increase the maximum lot coverage from 40% to 42%, on lands known as 442 Waterview Rd, in the Town of Kingsville; be **DENIED**.

CARRIED

Committee Member Shannon Olson, feels this proposal is fitting to the area if constructed with in the regulations. Mr. Olson is not in support of the requested variance.

CA-26-2021

Moved by Gord Queen, seconded by Allison Vilardi that email correspondence and comments regarding this application be moved into record for receipt.

CARRIED

3. B / 09 / 21 – CSH Royal Oak LTC Inc / Amico Properties Inc. – 1750 Division Rd N

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, May 10th, 2021 which provides details regarding the requested consent to establish a permanent easement in favour of the plaza properties to the north on lands known as 1750 Division Rd N, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on Division Rd N, south of Road 2 E. The subject parcel is designated 'Residential' 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 2.2 ha (5.4 ac.) with an existing long-term care facility on the property. The lands directly to the north, which are currently under development, have a number of servicing and access easements already in place. The subject application is for the establishment of an easement (shown as Parts 1 & 2 and highlighted in purple on the Applicant's Sketch) for access to and maintenance of an existing sanitary main. This main was installed when the existing facility on the subject lands was constructed and was always intended to service both the Chartwell property and the lands to the north which are now known as 1768, 1774 & 1788 Division Rd N as well as 75 Road 2 E.

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.

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

CA-27-2021

Moved by Gord Queen, seconded by Russell Horrocks that Consent application B/09/21 to establish a permanent easement for access to and maintenance of an existing sanitary sewer main on the subject lands in favour of 75 Road 2 E, 1768, 1774 and 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 **May 18, 2022** or this application shall be deemed to be denied 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 June 22nd, 2021 via Zoom at 6:00 p.m.

G. ADJOURNMENT

CA-28-2021

Moved by Russell Horrocks, seconded by Allison Vilardi to adjourn this Meeting at 7:40 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**