



# COMMITTEE MINUTES

## COMMITTEE OF ADJUSTMENT AUGUST 17, 2021 @ 6:00 p.m. ELECTRONIC PARTICIPATION – Via Zoom

### A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:05 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  
Manager of Planning Services, Robert Brown  
Administrative Support, 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 JULY 20TH, 2021.

##### CA-37-2021

Moved by Russell Horrock, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated July 20<sup>th</sup>, 2021 be adopted.

**CARRIED**

## **D. HEARINGS**

### **1. A / 09 / 21 – 610 Peter St – John DYCK**

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, August 11<sup>th</sup>, 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 610 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 (see Location Map in Appendix A). 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 342.3 sq. m (3,685 sq. ft.) vacant residential lot. The applicant wishes to build an 117.1 sq. m (1,260 sq. ft.) single detached dwelling on 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 and long shaped lot. As a result, the owner is requesting a minor variance to reduce the front yard setback from 6 m (20 ft.) to 4.5 m (14.75 ft.), as well as the rear yard setback from 7.5 m (25 ft.) to 3 m (10 ft.). As show on the sketch, additional amenity space will also be provided in the side yards of the property. Total lot coverage in the LR zone is 40%, the proposed dwelling is only 34%.

Letters of objection were received by Dale & Debbie Wales, 601 Malo St. A copy of the letter was forwarded to committee members prior to the meeting. The main concern was for adequate parking on the lot for two vehicles. The applicant, Mr. Dyck confirmed that parking would be sufficient on the property and agreed to amend his site plan to demonstrate.

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, has a concern with parking on the lot. Ms. Vilardi requested the addition of a condition addressing the adequate parking space of two full sized vehicles on the property.

#### **CA-38-2021**

Moved by Allison Vilardi , second by Gord Queen that an additional condition be add to the decision that the site plan shows adequate parking for two full sized vehicles on the permit for building permit.

**CARRIED**

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

#### **CA-39-2021**

Moved by Russell Horrocks, seconded by Allison Vilardi, that Minor Variance application A/09/21 to reduce the minimum required front yard setback from 6 m (20 ft.) to 4.5 m (14.75 ft.); and to

reduce the minimum required rear yard setback from 7.5m (25 ft.) to 3 m (10 ft.), 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.
- iv. That a rear yard drain be approved and included in the construction plans for building review.
- v. That the permit and site plan drawings for building review demonstrate parking spaces for two full sized vehicles within the property boundary.

**CARRIED**

## **2. A / 11 / 21 – Kyle & Krysta EDWARDS – 80 Pearl St W.**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, August 11<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, on lands known as 80 Pearl 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 Pearl St. W., just west of Queen St. (see Location Map in Appendix A). The subject property is designated 'Residential' by the Official Plan and zoned 'Residential Zone 1 Urban (R1.1)' by the Comprehensive Zoning By-law.

The subject land is approximately 505.9 sq. m (5,445 sq. ft.) in area with a single detached dwelling and shed. The applicants would like to remove the existing shed and build a new 61.3 sq. m (660 sq. ft.) detached garage on the property (as shown in Appendix B). Since they do not have a basement in the house, the owners are seeking two variances in order to build this new garage that will accommodate their storage requirements. The first being a 0.5 m (1.6 ft.) variance to increase the height of the garage to 5.5 m (18 ft.), and the second variance to increase the accessory structure lot coverage from 10% to 13%. This will result in an overall lot coverage of 30%, which is still well under the maximum permitted 40%. Because of the requested height, the owners are proposing to maintain a minimum of 1.5 m (5 ft.) from the interior side yard and rear yard. Therefore, relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures Section 4.2 h) to increase the permitted maximum height from 5m (16.4 ft.) to 5. M (18 ft.) and 4.2 g) to increase the maximum lot coverage for an accessory structure from 10% to 13%. All other zone performance standards shall be met in accordance with the applicant's drawings.

The applicants Kyle and Krysta Edwards were 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 current zoning by-law permits the current or future owners to use this structure as living quarters? Town Planner, Kristina Brcic explained

the Secondary Dwelling Unit permitted in the Town of Kingsville. If the application came forward to convert this space into a dwelling, he would require a change of use permit. The applicant stressed the importance of safety in having a full size stair well to carry items for storage to the upper level.

The applicant Kyle Edwards spoke to the application confirming the 5 foot setback requested from the side and rear yard, as indicated on the drawings. Mr. Edwards confirmed that the second story will be used for storage only, not for living quarters as there is no plans to install plumbing.

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

### **CA-40-2021**

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/11/21 pertaining to the lands known as 80 Pearl St W to increase the maximum permitted accessory structure height from 5m (16.4 ft.) to 5.5 m (18 ft.); to increase the maximum permitted accessory structure lot coverage from 10% to 13%; subject to the following:

- i. That the proposed accessory structure maintain a minimum side yard setback of 1.5 m (5 ft.) and a minimum rear yard setback of 1.5 m (5 ft.);
- ii. That any new construction complies with all other applicable provisions of the By-law.
- iii. That any new construction complies with the Ontario Building Code.

**CARRIED**

### **3. B / 14 / 21 – Robert VERMEULEN – 1862 Road 6 W.**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, August 10<sup>th</sup>, 2021 which provides details regarding the requested consent to sever and convey a portion of lands from 1862 Road 6 W, as a lot addition to an abutting rural residential lot (1970 Road 6 W), in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 6 W, east of Arner Townline (County Rd 23), see Location Map in 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 20.3 ha (50.1 ac.) of farm land with an outbuilding and silo. The applicants have been approached by the owner of the neighbouring lands at 1970 Road 6 W to purchase 0.18 ha (0.45 ac.) (shown as Part 1 in Appendix B) as a lot addition for increased rear yard space. Part of the lot addition lands would include the outbuilding currently located on the farm, as shown on the sketch, however the old silo will be removed. The severed lands are zoned 'Agriculture- Restricted (A2)' while the receiving lands are zoned 'Agriculture (A1)'. This does not create an issue as there are no plans to build a house over the lot addition lands. As such, there is no requirement to amend the zoning on the lot addition lands.

The applicant Robert Vermeulen was in attendance.

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

The applicants Dorothy and Robert Vermeulen; asked the Town Planner for confirmation of the timeline and confirmed that all conditions would be fulfilled by the deadline. Ms. Brcic confirmed the one-year timeline and offered a meeting with Mr and Mrs. Vermeulen to discuss the final conditions.

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

### **CA-41-2021**

Moved by Allison Villard, seconded by Gord Queen that Consent application B/14/21 to sever and convey a portion of the subject land (Part 1) as a lot addition from 1862 Rd 6 W to an abutting parcel known as 1970 Road 6 W, in the Town of Kingsville; be APPROVED subject to the following:

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. 75166-0122) 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 **August 17, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **E. NEW AND UNFINISHED BUSINESS**

A committee update was presented to the committee by Chief Administrative Officer, John Norton. Mr. Norton, spoke to the committee regarding changes approved by council to amalgamate five committees to form a new committee called the Committee of Adjustment and Appeals. The amalgamated committees consist of; Committee of Adjustment; Property Standards Committee; By-law Appeals Committee; Court of Revisions (Drainage Act); and Fence Viewers. Council has approved that the current committee members would remain on this new committee until the end of their current term. Mr. Norton explained that training and further explanation will be provided. Committee members are encouraged to reach out to the CAO directly if you have any concerns.

Committee member, Russell Horrocks asked Mr. Norton if other municipalities use a similar model? If so, what has been their experience. Mr. Norton, confirmed that this model is being used in other municipalities, confirming that this is common practice. In order to provide support, some internal administrative changes have been discussed, such as having a single reporting clerk. The goal is to develop expertise in the committee, this will help us ensure the procedural process is followed.

Committee member, Allison Vilardi asked for a confirmation that the existing time commitment would be consistent with the current schedule. Mr. Norton explained that the hope is to continue to keep the meeting dates as scheduled.

Committee member, Shannon Olson spoke to the consideration of balanced agenda. Mr. Norton confirmed that consideration would be given.

Deputy Mayor Gord Queen, spoke to the Fence Viewer / Line Fence Act, and the lack of use of the committee.

Town Planner, Kristina Brcic explained that public comment on all decision by committee to have the planner input the public comment.

## **F. NEXT MEETING DATE**

The next meeting of the Committee of Adjustment shall take place on September 21<sup>st</sup>, 2021, via Zoom at 6:00 p.m.

## **G. ADJOURNMENT**

### **CA-42-2021**

Moved by Shannon Olson, seconded by Gord Queen to adjourn this Meeting at 6:45 p.m.

**CARRIED**

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**CHAIR, Thomas Neufeld**

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**SECRETARY TREASURER,  
Kristina Brcic**