



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT SEPTEMBER 21, 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
Deputy Clerk, Roberta Baines
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 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 AUGUST 17TH, 2021.

CA-43-2021

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated August 17th, 2021 be adopted.

CARRIED

D. HEARINGS

1. B / 16 / 21 – 1421 Road 2 W – Chris and Allison LEWIS

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, September 16th, 2021 which provides details regarding the requested consent to sever a house deemed surplus to the farming operation and convey the retained farm land as a lot addition to an abutting farm parcel, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of Road 2 W, west of McCain Sd Rd. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is an 11.4 ha (28.2 ac.) farm with an existing dwelling and a shed. It is proposed that the dwelling at 1421 Rd 2 W be severed on a 1.5 ha (3.6 ac.) lot (Part 1) as surplus to the applicants who own an abutting farm parcel and dwelling at 1379 Rd 2 W. The retained farm parcel (Part 2) will be consolidated with the applicants' abutting lands to the east. Because of the consolidation rezoning, to prohibit future dwellings, is not necessary as there is an existing dwelling on the receiving lands and only one dwelling is permitted on a lot.

The applicant Chris Lewis, 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-44-2021

Moved by Gord Queen, seconded by Shannon Olson, that Consent application B/16/21 to sever an existing dwelling deemed surplus to the applicants' farming operation, shown as Part 1 on the Applicants' Sketch, on the lands known as 1421 Road 2 W, in the Town of Kingsville, be **APPROVED** subject to the following:

1. That the retained farm lands, shown on the applicant's sketch as Part 2 (PIN 75172-0052), be conveyed to the owner of the abutting parcel, known municipally as 1379 Road 2 W (PIN 75172-0149), 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 apportionments be undertaken.
9. That the applicant provide confirmation to the satisfaction of the Town the location of any

existing septic system(s) in relation to the new lot line locations.

10. The conditions imposed above shall be fulfilled by **September 21, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B / 18 / 21 – 1723 Regent St – 1552843 Ontario Limited / Noah Homes

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, September 16th, 2021 which provides details regarding the requested consent to sever and convey land as a lot addition, from 1723 Regent St to an abutting parcel, 1727 Regent St, in the Town of Kingsville.

The subject land is a 1,348.5 sq. m (14,515.13 sq. ft.) vacant residential lot. Based on the site plan of the proposed dwelling at 1727 Regent St, a lot addition from 1723 Regent St. is required to accommodate the proposed dwelling. Therefore, the applicant is seeking a 270 sq. m (2,906.3 sq. ft.) lot addition (Part 2) for 1727 Regent St. The retained parcel (Part 1 – 1723 Regent St) would maintain 18.3 m of frontage and 1,080 sq. m (11,625 sq. ft.) of lot area as a result of the severance.

The applicant's representative, 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 Shannon Olson, questioned when the lot lines were originally created and why such an adjustment is required now. Town Planner, Kristina Brcic explained that at the plan of subdivision stage the lots are plotted but as development occurs changes may be requested by the developer based on the scale of the proposed dwelling.

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

CA-45-2021

Moved by Allison Vilardi, seconded by Shannon Olson that Consent application B/18/21 to sever and convey a portion of land, shown as Part 2 on the Applicant's Sketch, from the lands known as 1723 Regent St, to an abutting parcel, known as 1727 Regent St, as a lot addition, 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 2, be conveyed to the owner of the abutting parcel, known municipally as 1727 Regent St, as a lot addition 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 applicant confirm, to the satisfaction of the Town, that existing services are contained within the newly created boundary lines.
9. The conditions imposed above shall be fulfilled by **September 21, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. A / 10 / 21 – 738 Dix Alley – Abe FRIESEN and John FRIESEN

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, September 16th, 2021 which provides details regarding the requested minor variance to decrease the front yard setback to allow construction of a new single detached dwelling on lands known as 738 Dix Alley, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the northeast corner of Dix Alley and Heritage Rd (County Rd 50). 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 371.89 sq. m (4,003 sq. ft.) residential lot with an existing shed on the property. The applicants would like to build a single family dwelling on the property (see Applicant's Site Plan). Due to the shallow and long, irregular shaped lot, the applicants propose to build a long house parallel with Heritage Rd. As a result, the owner is requesting a minor variance to reduce the front yard setback (Dix Alley) from 6 m (20 ft.) to 4.1 m (13.5 ft.). All other zone performance standards appear to be met.

The applicant's representative, Noah Friesen was in attendance.

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

Committee member Gord Queen, asked for confirmation of the 26 foot setback from Heritage Rd as required by the County of Essex. Town Planner, Kristina Brcic confirmed that the site plan in the notice was a working copy and that the site plan attached as part of the report reflects the 26 foot setback from Heritage Rd as required by the County of Essex. Committee member Allison Vilardi, asked if the County of Essex had a concern with the driveway access onto County Road 50 / Heritage Rd. Ms. Brcic confirmed that County of Essex had no objections or concerns with the access. Ms. Vilardi asked if the shed that is currently on the property would be removed. Ms. Brcic confirmed that the applicants intend to keep the existing shed. The applicant's representative, Noah Friesen confirmed a survey will be completed to ensure the size and placement of the house on the lot.

Committee member, Gord Queen suggested the application be defer to allow time for the applicant to obtain further information in the way of a Survey.

CA-46-2021

Moved by Gord Queen, seconded by Russell Horrocks that Minor Variance application A/10/21 pertaining to the lands known as 738 Dix Alley to reduce the minimum required front yard setback from 6 m (20 ft.) to 4.1 m (13.5 ft.); be **DEFERED**, until the next Committee of Adjustment meeting, October 19, 2021 giving the applicant an opportunity to have a survey completed to confirm the location of the house on the subject property.

CARRIED

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

4. A / 13 / 21 – 222 Road 10 – James & Kelly PUKAY

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, September 16th, 2021 which provides details regarding the requested minor variance to increase the permitted accessory structure height to allow for the construction of a pole barn on lands known as 222 Road 10, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of Road 10, west of Graham Sd Rd. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' by the Comprehensive Zoning By-law.

The subject land is approximately 1.3 ha (3.2 ac.) rural residential lot with a single detached dwelling and an outbuilding. The applicants would like to build a new pole barn in the rear yard. They are seeking a 1 m (3.4 ft.) variance to increase the height of the pole barn to 6 m (19.8 ft.), in order to accommodate the storage requirements of the owner for their landscaping and fence business. Therefore, relief is being requested from the Town of Kingsville Zoning By-law Accessory Buildings and Structures section 4.2 h) where the maximum permitted height is 5m (16.4 ft.). All other zone performance standards shall be met in accordance with the applicant's drawings.

The applicants James and Kelly Pukay 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-47-2021

Moved by Gord Queen, seconded by Shannon Olson that Minor Variance application A/13/21 pertaining to the lands known as 222 Road 10 to increase the maximum permitted accessory building height from 5m (16.4 ft.) to 6 m (19.8 ft.) for the construction of a new pole barn, 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.

CARRIED

Chairperson, Thomas Neufeld asked due to the number of applications for increased accessory structure height if there will be an amendment to the policy. Town Planner Kristina Brcic noted that the planning department is working to bring a zoning amendment to Council to amend the current zoning by-law.

E. NEW AND UNFINISHED BUSINESS

New committee to begin next month. Welcome Roberta Baines from administration for minute taking.

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on October 19th, 2021, via Zoom at 6:00 p.m.

G. ADJOURNMENT

CA-48-2021

Moved by Allison Vilardi, seconded by Shannon Olson to adjourn this Meeting at 6:32 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Kristina Brcic**