



# COMMITTEE MINUTES

## COMMITTEE OF ADJUSTMENT & APPEALS DECEMBER 21, 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  
Deputy Clerk, Roberta Baines

### 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 NOVEMBER 16, 2021.

##### CA-64-2021

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated November 16, 2021 be adopted.

**CARRIED**

### D. HEARINGS

#### 1. B / 20 / 21 – VL County Rd 27 E – Giuseppe QUADRINI

Town Planner, Kristina Brcic introduced the Consent application and reviewed her report dated, December 9<sup>th</sup>, 2021 which provides details regarding the requested consent to sever and convey a portion of lands from VL County Rd 27, as a lot addition to an abutting rural residential lot (242 County Rd 27 E), in the Town of Kingsville.

The subject parcel is a 14.97 ha (37 ac.) vacant farm parcel. The owner of 242 County Rd 27 E has requested to purchase a portion of land from the applicant as a lot addition in order to increase their yard space. It is proposed that a 473.5 sq. m (5,096.5 sq. ft.) parcel be severed and conveyed as a lot addition to an abutting lot located at 242 County Road 27 E. A zoning amendment is not required as the farm and receiving lot are both zoned Agriculture, (A1).

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

The applicant's representative, William Good, is in support of the application and indicated that the additional land will enable the continuation of the drain on the property owner's own land.

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

### **CA-65-2021**

Moved by Gord Queen, seconded by Allison Vilardi that Consent application B/20/21 to sever and convey a portion of the subject land (Part 1) as a lot addition from VL County Rd 14 E to an abutting parcel known as 242 County Rd 27 E, 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 242 County Rd 27 E (P.I.N. 75155-0041) 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. At the time the conveyance is prepared for certification, two (2) print copies of the reference plan prepared by an Ontario Land Surveyor including digital files in .pdf format and .dwg in the NAD 83 format (UTM Zone 17 Metric), numbered, dated, signed and registered are to be submitted to the Town.
3. That the owner shall provide that all municipal taxes be paid in full.
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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
6. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), prior to certification.
7. That any necessary drainage reapportionments be undertaken.
8. The conditions imposed above shall be fulfilled by **December 21, 2022** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **2. A / 19 / 21 – 239 Queen St – Richard and Donna WALTERS**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated, December 14<sup>th</sup>, 2021 which provides details regarding the requested minor variance to decrease the rear yard setback to allow construction of an attached garage on lands known as 239 Queen St, in the Town of Kingsville.

The subject land is an 809.4 sq. m (8,712 sq. ft.) residential lot with single detached home and a shed. Since the property does not currently contain a garage the owners park their vehicles in the rear yard and store some items outside that do not fit within their existing shed. Due to the position of the house on the lot, the owners utilize their interior side yard as their rear yard amenity space. As a result the owners would like to build an attached garage which will include upper level living quarters (see Applicant's Site Plan). Due to the orientation of the lot, the applicants propose to build the attached garage to the east of the house, which would encroach into their rear yard. However, the proposed location of the attached garage is the location in which the vehicles are currently stored outside. As a result, the owner is requesting a minor variance to reduce the rear yard setback from 7.5 m (25 ft.) to 5.6 m (18.5 ft.). All other zone performance standards are met.

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

Committee member Russell Horrocks inquired about the upper living space and Ms. Brcic confirmed that it meets the zoning requirements.

Committee member Gord Queen asked Ms. Brcic to explain the rear yard setback requirements.

The applicant Donna Walters added a few additional comments relating to the proposed garage.

Karen Edgerton, resident of 37 Melbourne Street, objects to the application and expressed the following concerns: setbacks and surveyor issue, directly affects her property, site lines, natural light, large window impacting privacy, slope and drainage, maintain proper fire break, and size of the proposed garage.

Ms. Brcic provided response to Ms. Edgerton's concerns relating to the survey, building department and review the grading and code matters, fit in neighbourhood, detached garage versus attached garage and different setback requirements and height.

Chairperson Thomas Neufeld inquired on who insures that the space is accurate when there is a lack of survey. Ms. Brcic responded that the onus is entirely on the applicant to meet the requirements.

The applicant Ms. Walters provided additional comments regarding the survey, and Ms. Brcic confirmed that the Town has received a copy.

Committee member Allison Vilardi inquired on the location of the surveyor stakes and Ms. Edgerton confirmed that one flag is on her side of the fence. Ms. Vilardi also stated that it would difficult to approve this application when there is lot line uncertainty.

Town Planner Ms. Brcic added that there shouldn't be assumptions that fences are perceived to be the lot lines.

Committee member Allison Vilardi had a follow up inquiry into the distance between the fence and stake placement. The applicant Ms. Walters indicated that the difference is a matter of inches and could be measured.

Committee member Russell Horrocks agreed that fences don't equal lot lines and stated that if discovered that the fence encroached on the applicant's property it probably won't be relocated.

Committee member Allison Vilardi expressed one final concern on granting a variance when there is a discrepancy on the location of the lot line. Ms. Vilardi concluded that if the lot line discrepancy was a matter of inches it would be acceptable.

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

#### **CA-66-2021**

Moved by Russell Horrocks, seconded by Shannon Olson that Minor Variance application A/19/21 for the construction of an attached garage, pertaining to the lands known as 239 Queen St to reduce the minimum required rear yard setback from 7.5 m (25 ft.) to 5.6 m (18.5 ft.); be **APPROVED** subject to the following:

1. That any new construction complies with all other applicable provisions of the By-law;
2. 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 January 18, 2022, via Zoom at 6:00 p.m.

#### **G. ADJOURNMENT**

#### **CA-67-2021**

Moved by Gord Queen, seconded by Shannon Olson to adjourn this Meeting at 6:47 p.m.

**CARRIED**

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**CHAIR, Thomas Neufeld**

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**SECRETARY TREASURER,  
Kristina Brcic**