



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT & APPEALS
May 17TH, 2022 @ 6:00 p.m.
ELECTRONIC PARTICIPATION – Via Zoom
Council Chambers, 2021 Division Road North, Kingsville

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:02 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE

OF ADJUSTMENT:

Councillor Thomas Neufeld
Deputy Mayor Gord Queen
Allison Vilardi
Shannon Olson
Russell Horrocks

MEMBERS OF ADMINISTRATION:

Richard Wyma, Director of Community and Development Services
Angelina Pannunzio, Administration

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 & APPEALS MEETING MINUTES DATED APRIL 12TH, 2022.

CA-16-2022

Moved by Gord Queen, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated April 12th, 2022, be adopted.

CARRIED

D. HEARINGS

1. A / 02 / 22 – 280 Fairview Avenue – Luigi Chiarappa

Richard Wyma, Director of Community and Development Services, introduced the Minor Variance application and reviewed the report dated May 5th, 2022, which provides details regarding the request to recognize the increase in the permitted accessory building lot coverage from 10% to 13%.

The subject property is a 1,350 sq. m. (14,530 sq. ft.) agricultural lot with an existing dwelling and an accessory building, shown in the aerial photo. The applicant is proposing to expand the existing accessory building on the site with a new accessory building with the dimension of 12.2 m by 14 m, for a total area of 170.9 sq. m. (40 ft. x 46 ft., 1,840 sq. ft.), shown in the Applicant's Sketch. To construct the proposed addition, a minor variance has been requested for an increase in the permitted accessory building lot coverage from 10% to 13%.

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-17-2022

*Moved by Gord Queen, seconded by Allison Vilardi, that Minor Variance application A/02/22, to recognize the increase in the permitted accessory building lot coverage from 10% to 13%, be **APPROVED** without conditions.*

CARRIED

2. A / 07 / 22 – 1639 Elgin Street – Sarah and Scott Inglis

Richard Wyma, Director of Community & Development Services, introduced the Minor Variance application and reviewed the report dated May 5th, 2022, which provides details regarding the request to recognize the increase in the permitted accessory building height from 5m (16.4 ft.) to 5.8 m (19 ft).

The subject property is a 1,568 sq. m. (16,887 sq. ft.) residential lot with an existing dwelling, shown in the aerial photo. The applicants are proposing to construct a new detached storage building in the rear yard, seen in the Applicants' Sketch. The building is proposed as a 9.75 m x 14.6 m (32 ft. x 48 ft.) building with a height of approximately 5.8 m (19 ft). to accommodate the parking of a recreational vehicle and permit a vehicle lift for personal use. To facilitate the proposed addition, a minor variance has been requested for an increase in the permitted accessory building height from 5 m (16.4 ft.) to 5.8 m (19 ft.). The home to the west of the subject property is a heritage designated property.

The applicants, Sarah and Scott Inglis, 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 other comments or questions from the committee, applicant, or the public.

CA-18-2022

*Moved by Gord Queen, seconded by Allison Vilardi, that Minor Variance application A/07/22, to recognize the increase in the permitted accessory building height from 5 m (16.4 ft.) to 5.8 m (19 ft.), be **APPROVED**, without conditions.*

CARRIED

3. A / 08 / 22 – 1036 Spruce Avenue – Linda Rivard

Richard Wyma, Director of Community and Development Services, introduced the Minor Variance application and reviewed the report dated May 5th, 2022, which provides details regarding the request to recognize the relief from the side yard setback from 1.5 m (5 ft.) to 1m (3.3 ft.) for the existing dwelling.

The subject property consists of three whole lots on a plan of subdivision. Each of the lots has a frontage of 10.97 m (36 ft.). Lots 113 and 114 contain an existing dwelling and detached garage, shown in the aerial photo. The applicant would like to convey lot 112 to a third party, shown in the Applicant's Sketch. However, this will create a zoning deficiency for the existing lot (Lot 113 & 114). The westerly side yard

setback for the existing dwelling on lot 113 & 114 will be 1 m (3.3 ft.). To maintain clear title, the owner is requesting relief from the westerly side yard setback from 1.5 m (5 ft.) to 1 m (3.3 ft.) for the existing dwelling.

The applicant, Linda Rivard, was in attendance.

CA-19-2022

Moved by Allison Vilardi, seconded by Gord Queen, that comments received from the public regarding Minor Variance application A/08/22 be accepted into Public Record.

CARRIED

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

Committee Member, Allison Vilardi, requested that Richard Wyma, Director of Community and Development Services, elaborate on the meaning and impact of the three whole existing lots.

Richard Wyma, Director of Community and Development Services, explained that the original configuration comprises of narrow cottage lots, and that there are three lots underlying this single lot.

Committee Member, Allison Vilardi, asked for confirmation that a consent would not be required to classify the parcel as three separate lots.

Richard Wyma, Director of Community and Development Services, confirmed that from a Planning perspective, a consent would not be required.

Committee Member, Allison Vilardi, asked if the existing configuration with the attached garage was based on the three existing lots that underlie the single lot.

Richard Wyma, Director of Community and Development Services, confirmed the existing configuration is based on the three lots, and that the vacant portion is the subject of the proposed Minor Variance.

Committee Member, Allison Vilardi, asked if the intent is to eventually sell the vacant portion for development.

Richard Wyma, Director of Community and Development Services, stated that he is uncertain as to the end result of the proposal.

The Applicant, Linda Rivard, relayed that in speaking to her neighbours, they did not have any concerns of the proposed Minor Variance. She further stated that there are multiple 2-storey dwellings in the area, and that the lot has sufficient space for a tiny home if desired.

Jodie Hailstone, a Kingsville Resident who resides on Hemlock Avenue, was in attendance and had requested to speak to the Minor Variance application. She expressed her concerns with the zoning deficiency on the existing lot, and that its size is not adequate for yard-space. She also communicated her concerns surrounding air flow, and that the proposed relief from the minimum westerly side yard set-back is insufficient, resulting in a lot size that she feels is too small.

The Applicant, Linda Rivard, addressed the concern with air flow, stating that the lot is currently surrounded by 2-storey dwellings and that air flow will not be further affected. She stated that the eventual buyer of this lot will be required to follow Kingsville's Zoning By-Laws in the course of any construction.

Jodie Hailstone mentioned that the aerial photo of 1036 Spruce Avenue provided to the public by The Town of Kingsville in the Notice of Public Meeting did not depict the shed that currently exists on the property and its possible affect on air flow.

Committee Member and Deputy Mayor, Gord Queen, acknowledged that the Town of Kingsville has been supportive of Secondary Dwelling Units, as increased tiny homes are desired.

Richard Wyma, Director of Community and Development Services, confirmed that Secondary Dwelling Units are consistent with both provincial policy statements and The Town's Official Plan, as they provide more affordable and attainable housing options. He further stated that the proposed Minor Variance minimizes the usual process for Secondary Dwelling Units from a Planning perspective, as narrow lots result in increased affordable housing.

Committee Member, Russell Horrocks, questioned if a building could be constructed on the lot and conform to the current Zoning By-Law for the parcel.

Richard Wyma, Director of Community and Development Services, confirmed that it is possible to construct a building that could meet set-back requirements.

Committee Member, Shannon Olson, requested confirmation that the decision of the Committee would address only the Minor Variance application, and that there is currently no concern with construction of a building on the parcel.

Richard Wyma, Director of Community and Development Services, confirmed that the current proposal does not include any construction, and that the Committee's decision only will focus on the Minor Variance application.

CA-20-2022

*Moved by Shannon Olson, seconded by Russell Horrocks, that Minor Variance application A/08/22, to recognize the relief from the side yard setback from 1.5 m (5 ft.) to 1 m (3 ft.) for the existing dwelling, be **APPROVED**, without conditions.*

CARRIED

4. B / 08 / 22 – 1588 Jasperson Drive – Yehya Atwan and Atwon Dev

Richard Wyma, Director of Community and Development Services, introduced the Consent application and reviewed the report dated May 5th, 2022, which provides details regarding the requested consent to sever a lot, shown as Part 1 on the Applicants' Sketch.

The subject parcel has an area of 2,885 sq. m (31,058 sq. ft.) with an existing dwelling, two accessory buildings, and a pool, shown in the aerial photo. The owner is proposing to create a new lot south of the existing dwelling, shown in the Applicants' Sketch. New service connections and access will be required for the new lot. The severed lands will have a frontage of 21.98 m and an area of approximately 1238.34 sq. m. The retained lands will have a frontage of 29.23 m, and an area of approximately 1647.07 sq. m. The existing shed that is located on the proposed lot line is proposed to be removed.

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 farmland behind the parcel is intended for development, or for the new high school that is being constructed, and whether there is a storm sewer.

Richard Wyma, Director of Community and Development Services, confirmed that the farmland is intended for the new high school, and the storm sewer and required services will be completed by November of 2022 to avoid having to later rip up the asphalt that will eventually be laid.

Committee Member, Shannon Olson, asked for clarification on whether the buyer of the parcel could potentially relay to the seller they would like to keep the pool, and come to an agreement where the buyer will remove the shed and set up services if the seller were to maintain the pool in the meantime.

Richard Wyma, Director of Community and Development Services, confirmed there is a possibility that such an agreement could be made between seller and buyer.

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

CA-21-2022

*Moved by Russell Horrocks, seconded by Gord Queen, that Consent application B/08/22 to sever a lot, shown as Part 1 on the Applicants' Sketch, be **APPROVED**, subject to the following conditions:*

- a. That a plan of survey be prepared, or a reference plan deposited in the registry office, **both an electronic and paper** copy of to be provided to the Town for the files of the Secretary-Treasurer.*
- b. 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;*
- c. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act;*
- d> 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;*
- e. That the applicants pay for and install a new water service to the severed parcel;*
- f. That the applicants pay for and install a new sanitary service connection to the severed parcel;*
- g. That the applicants demonstrate that the existing municipal services remain aligned with the frontage of the parcel to be severed;*
- h. That the applicant obtain a permit for the installation for a new access;*
- i. That the applicant obtain a new municipal address for the severed parcel;*

- j. *That the applicants remove or relocate the existing shed in compliance with the Kingsville Zoning By-law;*
- k. *The conditions imposed above shall be fulfilled by **May 17, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

5. B / 09 / 22 & B / 10 / 22 – 1665 & 1655 Graham Side Road – Del Sol Greenhouses Inc. and Delellis Farms Limited

Richard Wyma, Director of Community and Development Services, introduced the Consent application and reviewed the report dated May 5th, 2022, which provides details regarding the proposal of a boundary adjustment, as shown in the Applicants' Sketch, for the lands known as 1655 & 1665 Graham Side Road, Part of Lot 6, Concession 1 ED, Pt. of Part 2, Part 3 & Pt. of Part 4, RP 12R 15407, in the Town of Kingsville.

The subject applications relate to two separate parcels: 1665 Graham Side Road has an area of 18.77 ha (46.4 ac.) and contains a greenhouse, outbuildings, and a dwelling; and, 1655 Graham Side Road has an area of 17.8 ha (44 ac.) with two farm buildings. The applicants are requesting a consent to sever for the purpose of a boundary adjustment to better reflect the current line of occupation and to improve access to the existing buildings. Part 1 as shown on the on the applicants' sketch will be conveyed from 1655 Graham Side Road to 1665 Graham Side Road, and Part 2 will be conveyed from 1665 Graham Side Road to 1655 Graham Side Road.

The applicant, Dave Delellis, was in attendance.

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

The Applicant, Dave Delellis, acknowledged that if the proposed boundary adjustment were approved, it would be more reflective of the tree-line and the current use of the property.

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

CA-22-2022

*Moved by Gord Queen, seconded by Allison Vilardi, that Consent applications B/09/22 & B/10/22 for the purpose of a boundary adjustment, as shown on the Applicants' Sketch, for the lands known as 1655 & 1665 Graham Side Road, Part of Lot 6, Concession 1 ED, Pt. of Part 2, Part 3 & Pt. of Part 4, RP 12R 15407, in the Town of Kingsville, be **APPROVED**, subject to the following conditions:*

- a. *That a plan of survey be prepared, or a reference plan deposited in the registry office, **both an electronic and paper** copy of to be provided to the Town for the files of the Secretary-Treasurer.*
- b. *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.*

- c. *That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.*
- d. *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.*
- e. *The conditions imposed above shall be fulfilled by **May 17, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

E. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on June 21st, 2022.

F. ADJOURNMENT

CA-23-2022

Moved by Gord Queen, seconded by Allison Vilardi, to adjourn this Meeting at 6:39 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Richard Wyma**