



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT & APPEALS

July 19th, 2022 @ 6:00 p.m.

ELECTRONIC PARTICIPATION – Via Zoom

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:04 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:

George Robinson, Manager of Planning
Angelina Pannunzio, Administration

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 & APPEALS MEETING MINUTES DATED June 21st, 2022

CA-30-2022

Moved by Gord Queen, seconded by Allison Vilardi, that the Committee of Adjustment & Appeals Meeting Minutes dated June 21, 2022, be adopted.

CARRIED

D. HEARINGS

1. B / 08 / 21 – Joseph Cichon – 543 County Road 34 West

George Robinson, Manager of Planning, introduced the Consent application and reviewed the report dated July 19th, 2022, which provides details regarding the requested consent to sever a portion of lands located on the south side of County Rd 34 W, and west of Malden Road, in the Town of Kingsville.

The total subject site is 18.84 ha (46.53 ac.) in area with a 183.31 m (601.25 ft.) frontage along County Rd. 34 W. The current property contains a single detached dwelling and two farm buildings. The existing dwelling and farm buildings to the west of the property have their own driveway access to County Rd. 34 W. The applicants are requesting consent to sever for the purpose of a boundary adjustment. Part 1, and seeks to convey a 0.280 ha (0.69 ac) vacant lot with 51.82 m (170 ft.) of frontage along the south side of County Rd. 34 W. The proposed parcel maintains access to the farm field.

As a condition of the consent, an application to re-zone the newly created lot from 'Agricultural (A1)' to 'Rural Residential (RR)' to match the existing residential properties along County Rd. 34 will be heard concurrently at Council under File ZBA/05/21.

The applicant's spouse, Jayne Cichon, was in virtual attendance.

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

Committee Member, Allison Vilardi, asked why there was not a condition prohibiting a further severance on the remnant parcel that would be created.

George Robinson, Manager of Planning, confirmed that the parcel is located within Kingsville's settlement area along County Road 34, and therefore the normal policy for surplus dwellings is not required.

Committee Member, Allison Vilardi, questioned if there is potential that the applicant could request an additional severance in the future.

George Robinson, Manager of Planning, stated that it would not be supported, as the frontage requirements could not be met with an additional severance if the initial request is approved.

The applicant's spouse, Jayne Cichon, confirmed there is no intent to request an additional severance in the future.

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

CA-31-2022

Moved by Gord Queen, seconded by Shannon Olson, that Consent application B/08/21 to sever a portion of the land for purpose of a boundary adjustment for the lands known as 534 County Rd. 34 W, CON STR PT LOT 279, 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 the 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 **July 19, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

CARRIED

2. B / 14 / 22 – Deborah & James Gemmell – 314 Road 10

George Robinson, Manager of Planning, introduced the Consent application and reviewed the report dated July 19th, 2022, which provides details regarding the requested consent to sever a portion from the farm lot to add to the dwelling lot by way of boundary adjustment/lot addition, in the Town of Kingsville.

The subject land is located on the south side of Road 10 West, west of Graham Sideroad. The Farm parcel is 30 ha (74.13 ac) in size and consists of a home, three outbuildings, and a woodlot in the southwest corner. The dwelling parcel is 0.28 ha (0.69 ac) in size and consists of a home, two outbuildings and a pool. Both the farm and dwelling parcels are described on the same PIN (PIN 75155-0121 LT), municipally known as 330 Road 10 East, Cottam. Both properties were

transferred by way of two distinct deeds to current owners. The applicant is proposing to sever 0.23 ha (0.568 ac) from the farm lot to add to the dwelling lot by way of boundary adjustment/lot addition.

The applicant, Deborah Gemmell, was in virtual 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-32-2022

Moved by Gord Queen, seconded by Allison Vilardi, that Consent application B/14/22 sever the lot for the purpose of lot-line adjustment for the lands known as 314 Road 10, PT LT 18, CON 9, DESIGNATED AS PART 1 ON PLAN 12R-3578, 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 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 **July 19, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

CARRIED

3. B / 19 / 22 – Mackenzie Mastronardi – 909 & 919 Erie Avenue

George Robinson, Manager of Planning, introduced the Consent application and reviewed the report dated July 19th, 2022, which provides details regarding the requested consent to sever the lot for the purpose of a lot-line adjustment to add 24 ft. from 919 Erie Avenue West to 909 Erie Avenue West, in the Town of Kingsville.

The subject land is located on the west side of Erie Avenue, north of County Road 50. 909 Erie Avenue has a total area of 748.5 sq. m (8,058.7 sq. ft.) with approximately 22 m (72.2 ft.) of frontage on Erie Avenue West. The lot has an existing house and small shed, and 919 Erie Avenue has a total area of 1,092 sq. m (11,760 sq. ft.) with approximately 32 m (105 ft.) of frontage on Erie Avenue West. The lot is currently vacant. The applicant is requesting to sever the lot for the purpose of a lot-line adjustment to add 24 ft. from 919 Erie Avenue West to 909 Erie Avenue West to align lot lines with adjacent properties to the west.

The applicant's agent, Don Mastronardi, was in virtual 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-33-2022

Moved by Gord Queen, seconded by Shannon Olson, that Consent application B/19/22 sever the lot for the purpose of a lot-line adjustment to add 24 ft. from 919 Erie Avenue West to 909 Erie Avenue West, 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 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 favorable 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 **July 19, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

CARRIED

4. B / 20 / 22 – Coppola Property Inc. – 1126 & 1108 Seacliff Drive

George Robinson, Manager of Planning, introduced the Consent application and reviewed the report dated July 19th, 2022, which provides details regarding the requested consent to sever a portion of lands located on north side of County Road 20, East of Graham Sideroad, in the Town of Kingsville.

The subject application relates to two parcels: 1108 County Road 20 (Seacliff Drive) has an area of 1.45 acres and 1126 County Road 20 (Seacliff Drive) has an area of 0.78 acres. The properties were two separate lots used for residential purposes until 2017. In 2017, they were sold to Coppola Property Inc., which resulted in the two lots merging. The properties are still being used as two separate residential properties. The Applicant is proposing to sever the new merged properties so that in the event the owner, Coppola Properties Inc., wishes to sell, they will have the ability to do so. The consent to create a lot would effectively revert to the prior lot fabric from 2017 when the two lots merged due to the one landowner purchasing both lots. Both formerly existing lots from 2017 are connected to municipal water and have existing private septic systems.

The applicant's Solicitor Joshua Cheifetz, was in virtual 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, the applicant's solicitor, or the public.

CA-34-2022

Moved by Gord Queen, seconded by Russell Horrocks, that Consent application B/20/22 to sever the subject lands known as 1126 & 1108 Seacliff Drive, CON 1 ED PT LOT 7 AND PT ROAD, CON 1 ED PT LOT 7, in the Town of Kingsville 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 **July 19, 2024**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

E. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place September 20th, 2022, at 6:00 p.m.

F. NEW AND UNFINISHED BUSINESS

Deputy Mayor, Gord Queen, stated that Committee Members should authorize & appoint the change of Secretary Treasurer from Richard Wyma to George Robinson.

CA-35-2022

Moved by Allison Vilardi, seconded by Russell Horrocks, that Committee of Adjustment and Appeals Members authorize and appoint George Robinson as Secretary Treasurer.

G. ADJOURNMENT

CA-36-2022

Moved by Allison Vilardi, seconded by Shannon Olson, to adjourn this Meeting at 6:27 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
George Robinson**