



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT & APPEALS

February 14th, 2023, 6:00 p.m.

Town Hall, Council Chambers

2021 Division Road North

A. CALL TO ORDER

Chairperson Gord Queen called the Meeting to order at 6:00 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Gord Queen
Councillor Thomas Neufeld
Nicole Hackett-Winkels
Sandra Zwiers
Russell Horrocks

MEMBERS OF ADMINISTRATION:

Sarah Campbell, Town Planner
Angelina Pannunzio, Recording Secretary

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson Gord Queen 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

Adoption of Committee of Adjustment & Appeals Meeting Minutes, dated January 17th, 2023

CA-05-2023

Moved by Sandra Zwiers, seconded by Councillor Thomas Neufeld, that the Committee of Adjustment & Appeals Meeting Minutes dated January 17th, 2023, be adopted.

CARRIED

D. HEARINGS

1. B / 13 / 22 – Daniel, Michael, & Yvonne Dobrich – 31 Pearl Street West

Sarah Campbell, Town Planner, introduced the Consent application, and reviewed the report dated January 12th, 2023, which provides details regarding the requested consent to create two residential lots on lands known as 31 Pearl Street West, in the Town of Kingsville.

The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 2 Urban Exception 11 (R2.1-11)' under the Kingsville Comprehensive Zoning By-law. The applicant has requested consent to create two residential lots on lands known as 31 Pearl Street West. The subject land is approximately 1,753.52 m² (18,874.76 ft²) in area with a lot frontage of 43.2 m (141.81 ft.) and contains a single detached dwelling and one accessory structure. The proposed lot on the east side (Part 3 and Part 4) will be approximately 434.24 m² (4,674.2 ft²) in area with a depth of 40.8 m (134 ft.), and a lot frontage of approximately 10.6 m (35 ft.) on Pearl Street West. The accessory structure on the east lot will be removed post severance. The proposed lot on the west side (Part 1) will be 428.97 m² (4,617.39 ft²) in area with a depth of 40.2 m (132 ft.), and a lot frontage of approximately 10.6 m (35 ft.) on Pearl Street West. The retained parcel (Part 2) will be 890.31 m² (9,583.19 ft²) in area with a depth of 40.5 m (132.85 ft.), and a lot frontage of approximately 21.89 m (71.81 ft.). The single detached dwelling will remain on Part 2 as 31 Pearl Street West. All Residential Zone 2 Urban Exception 11 (R2.1-11) regulations will be met and comply with the proposed lot creations.

The applicant, Daniel Dobrich, was in attendance.

Chairperson, Gord Queen asked if there were any comments or questions from the Committee, the applicant, or the public.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicant, nor the public.

CA-06-2023

Moved by Councillor Thomas Neufeld, seconded by Sandra Zwiers, that Consent application B / 13 / 19 to create two (2) new residential lots located at 31 Pearl Street West, PLAN 184/185 LOT 5 PT LOTS 4 AND 6, RP 12R-28630 PARTS 3 AND 4, in the Town of Kingsville be APPROVED, subject to the following conditions:

1. *That a plan of survey be prepared or a reference plan deposited in the registry office, **both an electronic and paper** copy of either to be provided to the Town for the files of the Secretary-Treasurer.*
2. *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.*
3. *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.*
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. *The applicant is to obtain permits and provide a new sanitary, private storm drain connection, and water service connection to the severed parcel at the applicant's expense.*
6. *A permit shall be obtained from the Town for the installation of a new entrance or changes to existing entrances from Pearl Street West to the retained or severed lot, including hard surfacing of the right-of-way any cost associated with the access installation shall be the applicant's responsibility.*
7. *A park fee of \$1,500.00 per lot is paid to the municipality for the creation of the new lot prior to certification.*
8. *That the severed lot obtain a municipal address.*
9. *The conditions imposed above shall be fulfilled by **February 14, 2025** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

2. A / 23 / 22 – Shawn & Nicola Klassen – 1622B Seacliff Drive

B / 32 / 22 – Mary & Antonio DiMenna – 1622 Seacliff Drive

Sarah Campbell, Town Planner, introduced the applications and reviewed the report dated January 26th, 2023, which provides details regarding the requested consent for a lot addition and an associated minor variance for lands known as 1622 Seacliff Drive and 1622B Seacliff Drive, in the Town of Kingsville.

The subject properties are designated 'Hamlet' by the Official Plan and zoned 'Residential Zone 2 Rural/Urban (R2.2)' under the Kingsville Comprehensive Zoning By-law. The subject parcel is approximately 396.88 m² (4,272 ft².) in area with a single family dwelling. The applicants intend to cure/fix certain legal anomalies in order to give effect to what exists "on the ground" today and what the respective owners of said properties desire. The applicants are requesting a conveyance of a lot addition of Part 1 12R-4498 from 1622B Seacliff Drive to 1622 Seacliff Drive. The proposed location of both driveways for 1622 and 1622B Seacliff Drive have been provided for reference. As a result of the proposed consent, a minor variance is required to recognize the reduced lot frontage of the severed parcel at 1622B as follows:

- Required Residential Zone 2 Rural/Urban (R2.2) Frontage: 15 m (50 ft.); proposed 1622B Frontage: 7.62 m (25 ft.).

All other provisions of the zoning by-law will be met.

The applicants' agent, David Halliwill, was in virtual attendance.

Chairperson, Gord Queen, asked if there were any comments or questions from the Committee, the applicant, or the public.

Chairperson, Gord Queen, confirmed there were no other comments or questions from the Committee, the applicant, nor the public.

CA-07-2023

Moved by Russell Horrocks, seconded by Nicole Hackett-Winkels, that Consent application B / 32 / 22 for conveyance of a lot addition of Part 1 12R-4498 from 1622B Seacliff Drive to 1622 Seacliff Drive, in the Town of Kingsville, be APPROVED, subject to the following conditions:

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

2. *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.*
3. *That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage and private park fees be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.*
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. *Confirmation that existing service lines will not cross property boundaries.*
6. *A permit shall be obtained from the Town for the installation of a new entrance or changes to existing entrances from Seacliff Drive to the severed lot.*
7. *That Minor Variance (A/23/22) is approved and finalized.*
8. *The conditions imposed above shall be fulfilled by February 14, 2025 for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

CA-08-2023

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that Minor Variance application A / 23 / 22, to recognize the reduced required lot frontage on the severed parcel from 15m (50 ft.) to 7.62m (25 ft.), at 1622B Seacliff Drive, in the Town of Kingsville, be APPROVED, without conditions.

CARRIED

E. NEXT MEETING DATE

The next meeting of the Committee of Adjustment & Appeals shall take place March 21st, 2023 at 6:00 p.m.

F. ADJOURNMENT

CA-09-2023

Moved by Councillor Thomas Neufeld, seconded by Sandra Zwiers, to adjourn this meeting at 6:22 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
Sarah Campbell**