



COMMITTEE MINUTES

Committee of Adjustment & Appeals

March 21st, 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:

George Robinson, Manager of Planning
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 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

Adoption of Committee of Adjustment & Appeals Meeting Minutes, dated February 14th, 2023

CA-10-2023

Moved by Sandra Zwiers, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated February 14th, 2023, be adopted.

CARRIED

D. In-Camera Session

Chairperson, Gord Queen, relayed to the Committee that pursuant to section 239(2) of the *Municipal Act*, 2001, the Committee was to enter into a Closed Session to address the following items:

- Item 1 – Legal advice - Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CA-11-2023

Moved by Russell Horrocks, seconded by Nicole Hackett-Winkels, that the Committee enter into a Closed Session.

CARRIED

The Committee convened to a private boardroom to conduct the Closed Session

CA-12-2023

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that the Committee rise from the Closed Session.

CARRIED

The Committee completed their in-camera item and returned to resume the meeting. There was nothing to report out of the closed session.

E. Committee of Adjustment Hearings

1. A-2023-3 – Minor Variance for Kevin & Janice Schill – 17 Gregory Avenue

George Robinson, Manager of Planning, introduced the Minor Variance application and reviewed the report dated February 17th, 2023, which provides details regarding the request to increase lot coverage to allow construction of a single detached dwelling, on lands known as 17 Gregory Avenue, in the Town of Kingsville.

The subject parcel is a 1,132.5 sq. m (12,190 sq. ft.) vacant residential lot in the final phase of the Timbercreek subdivision currently under development. The applicants are planning to construct

a new single-detached dwelling on the subject lands. The total footprint of the new dwelling is 418.71 sq. m (4,507 sq. ft.) with a 16.72 sq. m (180 sq. ft.) accessory structure. The proposed dwelling has front and rear covered porches, and a proposed pool house as an accessory structure, resulting in a total lot coverage of 38.5%. The permitted total coverage is limited to 35%, therefore the applicants are requesting relief to increase the maximum permitted lot coverage in the 'Residential Zone 1 Urban – Exception 24 (R1.1-24)' zone, specific to this lot to 38.5%.

The applicants' agent, Cindy Prince, was in attendance.

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

The applicants' agent, Cindy Prince offered to provide further information to the Committee for their consideration. Ms. Prince stated the applicants had submitted a similar proposal in 2022, which the preceding Committee denied. She relayed the applicants have altered their original plans with a smaller accessory structure, which has reduced the requested relief. Ms. Prince mentioned the applicants are caring for a family member with special needs, where a two-storey home would not be fit. She said the applicants require a larger floor plan as they are a family of five, require an additional bedroom for a care-giver, and a ranch-style house plan would eliminate a portion of the needed space given with a two-storey plan.

Ms. Prince stated the rear lot abuts storm water management pond for the Timbercreek subdivision, which provides open green space, and suggested that the small proposed increase in lot coverage would not have drastic impact on lost green space. She confirmed the aesthetic and size for the planned house is comparable to other homes in the neighbourhood.

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

CA-13-2023

Moved by Sandra Zwiers, seconded by Councillor Thomas Neufeld, that Minor Variance application A-2023-3 for the construction of a single detached dwelling, pertaining to the lands known as 17 Gregory Avenue to increase the maximum permitted lot coverage from 35% to 38.5%, be APPROVED, without conditions.

CARRIED

2. A-2023-2 – Minor Variance for Heinrich & Susie Klassen – 150 Division Street South

George Robinson, Manager of Planning, introduced the Minor Variance application and reviewed the report dated February 15th, 2023, which provides details regarding the request to provide relief from the exterior yard setback, interior side-yard setback, and to permit an additional driveway, on lands known as 150 Division Street South, in the Town of Kingsville.

The subject property is designated 'Residential' by the Official Plan. The parcel is zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 1,318.29 sq. m (14,190 sq. ft.) residential lot with an existing single-detached dwelling and an accessory structure. The applicants would like to build an addition to the existing single-detached dwelling and an addition on the existing accessory structure. The applicants are asking for three variances from the following Kingsville Comprehensive Zoning By-law sections:

1. Section 6.1.1(c) (viii): Exterior Side Yard Width for main building
 - House Addition – Reduction from 4.5m (14.7 ft.) to 2.4m (7.8 ft.);
2. Section 4.2(i): Interior Side Yard Width for accessory building
 - Garage Addition – Reduction from 1m (3 ft.) to 0.3m (1 ft.) (*Note length of wall exceeds 50% limit set out in non-complying buildings Section 4.24(b)*);
3. Section 5.9 (a): only one entrance will be permitted for each residential lot
 - Proposed: Additional driveway off of Stewart Street.

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

The applicants' agent, Joyce Eaton, was in attendance.

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

Committee Member, Sandra Zwiers, requested clarification from the Planning Department as to whether the recommendation for denial was partly due to the applicants submitting one application requesting three variances, and if the evaluation would differ had the applicants submitted three applications.

George Robinson, Manager of Planning, confirmed that the recommendation was not affected by the request for three variances on one application, and the evaluation would be unchanged.

Committee Member, Russell Horrocks, questioned if the Town would be supportive if the applicants were to propose an addition to the house and abort plans for the garage addition and added driveway.

George Robinson, Manager of Planning, stated the plans submitted for the house addition were most compliant with the four tests for minor variances, and therefore would have been supportable as a single request.

The applicants' agent, Joyce Eaton, stated the existing garage has posed issues for the applicants, as they are unable to drive their car into the garage and are required to park on a cement slab. She relayed they are requesting an additional driveway because they prefer not to remove the cement, and wish to have the ability to drive into the garage to park their vehicle.

Ms. Eaton further relayed the intention for the proposed addition to the garage is partly for a workshop for the applicants. She stated the request for reduction in interior side yard width for the garage exceeds the 50% limit for legal non-conforming buildings to allow for sufficient area for the workshop and garage.

Ms. Eaton referred to the preliminary departmental comments from the Town's Technical Advisory Committee (TAC), citing the concern the applicants may convert the garage to an additional dwelling unit (ADU), and emphasized there is no intention for an ADU in the future. She confirmed additional services would not be required for the proposed addition to the garage.

Ms. Eaton stated the applicants plan to address any concerns from the Kingsville Fire Department, including fire-rating where necessary. Ms. Eaton mentioned the applicants were issued a permit by the Town's Public Works Department for a second entrance.

Councillor Thomas Neufeld requested clarification as to why a permit for a second driveway had been issued by the Public Works Department, when it is not permitted by the Town's Zoning By-Law regulations.

George Robinson, Manager of Planning, stated that permits for entrances do not refer to zoning regulations, and instead relate to attributes such as curb cut, curb apron detail, or the required type of materials. Mr. Robinson confirmed that if future requests for a second driveway are submitted, the Planning Department will review at that time.

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

CA-14-2023

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that Minor Variance application A-2023-3 for relief from the exterior yard setback, interior side-yard setback, and to permit an additional driveway on lands known as 150 Division Street South, in the Town of Kingsville, be denied.

CARRIED

F. New Business

George Robinson, Manager of Planning, advised the Committee that the Town has created an online form, available on the Town's website, for Committee members who are required to disclose any conflicts with agenda items for public meetings.

G. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place April 18th, 2023 at 6:00 p.m.

H. Adjournment

CA-15-2023

Moved by Russell Horrocks, seconded by Nicole Hackett-Winkels, to adjourn this meeting at 6:53 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
George Robinson**