



COMMITTEE MINUTES

**Committee of Adjustment & Appeals
May 16th, 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:

Councillor Thomas Neufeld
Nicole Hackett
Gord Queen
Russell Horrocks
Absent: Sandra Zwiers

MEMBERS OF ADMINISTRATION:

Sarah Campbell, Planner
Angelina Pannunzio, Recording Secretary
Raven Bolivar, Summer Student

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 April 18th, 2023

CA-20-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that the Committee of Adjustment & Appeals Meeting Minutes dated April 18th, 2023, be adopted.

CARRIED

D. Hearings

1. B / 35 / 22 – Lot Creation & Lot Addition - Terry Scott Murdoch – Vacant Land on County Road 34 West

Sarah Campbell, Planner, introduced the Consent application, and reviewed the report dated April 19th, 2023, which provides details regarding the requested consent lot creation for lands known on County Road 34 West, in the Town of Kingsville.

The subject parcel is located on the North side of County Road 34 West. The front portion of the subject parcel is designated 'Rural Residential', and the remainder is designated 'Agricultural' by the Official Plan. The subject site is zoned 'Agriculture Exemption 81 (A1-81)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 8.14 ha (20.1 ac.) in size and contains two former chicken barns and two grain bins. It is proposed that the existing structures are deemed surplus to the owner and be severed on a new lot. The proposed severed parcel (Part 2) has an area of 0.77 ha (1.9 ac.) and frontage of 42.46 m (139.3 ft.). Part 1 is the retained farm parcel and has an area of 7.36 ha (18.19 ac.), which is to be added to the abutting 4.1 ha (10.1 ac.) of farmland. This would create an approximate 11.4 ha (28.29 ac.) parcel of farmland, with a frontage on County Road 34 West, of 7.62 m (25 ft.). The applicant recently went through a zoning by-law amendment (Town file ZBA-2023-5) that was approved by Council on April 11, 2023, to permit a contractor's yard and shop on an undersized parcel.

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

The applicant's agent, Wayne Mills, was in attendance, and stated the Planning Department for the Town explained the proposal adequately. Mr. Mills wanted to assure the Committee that the owner was not proposing the creation of a new lot, and that of the two existing lots, one is buildable, of which the front portion is being severed (Part 2). He added that Part 1, the retained parcel, will be added to an abutting parcel, also owned by Ms. Murdoch.

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

CA-21-2023

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that Consent application B / 35 / 22 to create one (1) agriculture lot located at V/L County Road 34 West, PART OF LOT 273, Concession North of Talbot Road, in the Town of Kingsville, and one lot addition to the neighbouring parcel, PART 2 AND 3 12R-14357, 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. That any necessary drainage apportionments be undertaken.
6. The applicant is to obtain permits and provide a new water service connection to the severed parcel at the applicant's expense, or demonstrate that existing connections are installed.
7. A permit shall be obtained from the Town and/or County for the installation of a new entrance or changes to existing entrances from County Road 34 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.
8. That the severed lot obtain a municipal address.
9. The conditions imposed above shall be fulfilled by **May 16, 2025** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B-2023-2 – Lot Addition – Barbara R. Healey – 627 McCracken Road

Sarah Campbell, Planner, introduced the application and reviewed the report dated February 15th, 2023, which provides details regarding the requested consent to sever and convey a 0.357 ac. (1,444.73 m²) portion of land as a lot addition from a farm parcel at 627 McCracken Road to an abutting lakeshore residential lot at 617 Woodbridge Lane, in the Town of Kingsville.

The subject properties are located on the west side of McCracken Road, south of Seacliff Drive (County Road 20). The subject parcel is designated 'Lakeshore Residential East' by the Official Plan and is zoned 'Lakeshore Residential (LR (h))' with a holding symbol under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 5.68 ha (14.034 ac.) of vacant farm land with a single detached dwelling along the Lake Erie shore line. The applicant is seeking consent for a lot addition to the neighbouring parcel at 617 Woodbridge Lane. If approved, this would result in the severed portion to be a 0.386 ac. (1,562.09 m²) parcel, and the retained portion to be 5.53 ha (13.68 ac.) parcel.

The applicant's agent, Amanda Camlis, was in virtual attendance.

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

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

CA-22-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that Consent application B-2023-2 to sever and convey a 0.386 ac. (1,562.09 m²) portion of land from 627 McCracken Road, PART OF LOTS 26 & 27, CONCESSION 1, WESTERN DIVISION, as a lot addition to an abutting residential lot known as 617 Woodbridge Lane, in the Town of Kingsville, be APPROVED, subject to the following conditions:

- i) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town for the files of the Secretary-Treasurer.*

- i) That the lot addition to be severed, shown as Parts 3, 14, and 16 on the applicant's sketch be conveyed to the owner of the abutting residential parcel (617 Woodbridge Lane) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.*

- ii) *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.*
- iii) *That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.*
- iv) *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.*
- v) *That the owner confirm that all building services are contained within existing property lines and do not cross over newly established lot lines.*
- vi) *An establishment or updating of an easement in favour of the Town of Kingsville be established over Parts 14 and 16 on the draft sketch, to the satisfaction of the Town.*
- vii) *The conditions imposed above shall be fulfilled by **May 16, 2025** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.*

CARRIED

3. A-2023-4 – David & Jennifer Forrest – Minor Variance – 610 Peter Street

Sarah Campbell, Planner, introduced the application and reviewed the report dated May 16th, 2023, which provides details regarding the requested minor variance to decrease the interior side yard set-back to allow the placement of an accessory structure on lands known as 610 Peter Street, in the Town of Kingsville.

The subject property is located on the north side of Peter Street, is designated 'Lakeshore Residential West' by the Official Plan, and zoned 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 342.3 sq. m (3,685 sq. ft.) residential lot. A single detached dwelling approximately 117.1 sq. m (1,260 sq. ft.) in size exists on the property. The applicants are proposing to place a 13.37 sq. m (144 sq. ft.) shed 0.6 m (2 ft.) from the interior side yard. As a result, they are requesting a minor variance to reduce the interior side yard setback from 1.5 m (5 ft.) to 0.6 m (2 ft.) (Section 4.2(k) of the Town's Comprehensive Zoning By-Law). Additional amenity space will be provided in the side yards of the property. Maximum total lot coverage in the 'Lakeshore Residential (LR)' zone is 40%, and the proposed dwelling and accessory structure combined are only 38%. The proposed accessory structure will conform to all other by-laws.

The subject property had a minor variance application (A / 09 / 21) approved to construct the current single detached dwelling, where a previous owner proposed to reduce the front yard setback from 6 m (20 ft.) to 4.5 m (14.75 ft.), as well as the rear yard setback from 7.5 m (25 ft.) to 3 m (10 ft.). All other provisions of the zoning by-law will be met.

The applicant, Jennifer Forrest, was in attendance.

Chairperson, Gord Queen, requested a motion to accept a public comment of support received from Penny Peltier and Kurtis Dobson into Public Record.

CA-23-2023

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that a public comment of support received from Penny Peltier and Kurtis Dobson, regarding Minor Variance Application A-2023-4, be accepted into Public Record.

CARRIED

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

Committee Member, Councillor Thomas Neufeld, acknowledged the 6-foot setback required by the Fire Department for the Town, but questioned whether there would be concern with the structure abutting the existing fence. He asked whether the neighbour to the North could add a structure, should the proposal at the subject property be approved.

Planner, Sarah Campbell, confirmed there are no concerns, and that any proposed additional structures could not fit between the neighbouring side yard. Ms. Campbell stated that any proposed structures by neighbours would be required to undergo the usual process, where all departments for the Town would conduct reviews, and a minor variance application may be required.

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

CA-24-2023

Moved by Councillor Thomas Neufeld, seconded by Nicole Hackett, that Minor Variance application A-2023-4 for the construction of an accessory structure, pertaining to the lands known as 610 Peter Street, to reduce the minimum required interior side yard set-back for an accessory structure from 1.5 m (5 ft.) to 0.6 m (2 ft.), be APPROVED, without conditions.

CARRIED

E. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place June 20th, 2023 at 6:00 p.m.

F. Adjournment

CA-25-2023

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, to adjourn this meeting at 6:25 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
George Robinson**