



COMMITTEE MINUTES

**Committee of Adjustment & Appeals
July 18th, 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 6:06 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Councillor Thomas Neufeld
Nicole Hackett
Gord Queen
Russell Horrocks
Sandra Zwiers

MEMBERS OF ADMINISTRATION:

George Robinson, Manager of Planning
Angelina Pannunzio, Recording Secretary
Raven Bolivar, Planning 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 June 20th, 2023

CA-30-2023

Moved by Sandra Zwiers, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated June 20th, 2023, be adopted.

CARRIED

D. Committee of Adjustment & Appeals - Hearings

1. A-2023-5 – Minor Variance – 1284 Road 4 East

Raven Bolivar, Planning Student, introduced the minor variance application, and reviewed the report dated July 18, 2023, which provides details regarding the request allow the construction of an Additional Dwelling Unit (ADU) in the front yard on lands known as 1284 Road 4 East, in the Town of Kingsville.

The subject land is a 3,483.9 sq. m (37,500 sq. ft.) lot with an existing dwelling and existing accessory structure.

The applicant is proposing an accessory structure, which includes an ADU in the front yard of the existing house on the lot. As a result, the applicant is requesting a minor variance to allow relief from Section 4.35.1 of the Zoning By-law, as it does not permit ADUs in front yards. All other requirements of the new construction comply with zoning requirements.

The applicant, Robert Ure, was in attendance.

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

Councillor Thomas Neufeld asked whether the request to place the ADU in the front-yard was due to the location of the adjacent golf course, or the existing septic system or weeping bed.

George Robinson, Manager of Planning confirmed the proposed location for the ADU meets the front setback requirements for a main building and all other zoning provisions, and suggested the request may be for convenient access with the existing driveway.

The applicant, Robert Ure, stated the request is mostly for convenience, as there is not enough space to extend the driveway around the existing house.

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

CA-31-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that minor variance application A-2023-5 be APPROVED, which will allow relief from Section 4.35.1 of the Zoning By-law for Additional Dwelling Units (ADUs):

g) accessory structures which contain an additional dwelling unit must be located in the rear yard or an interior side yard;

and will permit the development of an accessory structure with an ADU in the front yard of the single detached house at 1284 Road 4 East.

CARRIED

2. B / 21 / 22 – Lot Addition – 40 & 14 Cameron Side Road West

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the request to sever and convey approximately 1.57 ha (3.90 ac) of land from 40 Cameron Side Road West to 14 Cameron Side Road West, as a lot addition.

40 Cameron Side Road West will retain approximately 29.68 ha (73.34 ac). 14 Cameron Side Road West will have an area of approximately 3.19 ha (7.90 ac) after receiving the lot addition.

A recent zoning amendment (ZBA-2023-4) changed the portion proposed to be added to 14 Cameron Side Road West from 'Agriculture (A1)' to 'Light Industrial Exception 12 (M1-12)'. The zoning amendment facilitates the lot addition and future development of outdoor storage for the business located on the property. A future application for Site Plan Control will be required to proceed with the development of the outdoor storage area.

The applicants' agent, Robert Brown, 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, Robert Brown, stated he reviewed the Planner's Report and concurs with the recommendation for approval.

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

CA-32-2023

Moved by Sandra Zwiers, seconded by Councillor Thomas Neufeld, that consent application B / 21 / 22, to legally sever and convey approximately 1.57 ha (3.90 ac) of land from 40 Cameron

Side Road West to 14 Cameron Side Road West as a lot addition, be APPROVED, subject to the following conditions:

- 1. That the lot addition to be severed be conveyed to the owner of the abutting parcel (14 Cameron Side Road West) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.*
- 2. That a reference plan be deposited in the registry office, **both an electronic and paper** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.*
- 3. 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.*
- 4. That the owner shall provide that all municipal taxes be paid in full.*
- 5. 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.*
- 6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.*
- 7. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.*
- 8. That any necessary drainage apportionments be undertaken. The applicant shall submit a Request for Drainage Improvements Form to the Public Works Department.*
- 9. The conditions imposed above shall be fulfilled by **July 18, 2025** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.*

CARRIED

3. B-2023-3 – Lot Addition – 2058, 2064, & 2074 Seacliff Drive

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the requested consent to sever lands from two parcels as lot additions to an abutting farm parcel at 2064 Seacliff Drive, all owned by the applicant, in the Town of Kingsville.

The subject properties are located on the north side of Seacliff Drive (County Road 20), west of Albuna Townline (County Road 31). The subject properties are designated 'Agricultural' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

2064 Seacliff Drive is a 4.04 ha (10 ac.) farm parcel and contains a pole barn and single detached dwelling. The applicant also owns the two abutting lots to the east, 2058 Seacliff Drive, and west, 2074 Seacliff Drive. The applicant wishes to widen the subject property through lot additions in order to plant cedar tree hedges for privacy in a preferred location, while maintaining the required minimum lot frontage for all three parcels. Therefore, Part 1, a 0.002 ha (0.047 ac.) strip of land, will be added from the west, and Part 2, a 0.058 ha (0.143 ac.) strip of land, will be added from the east. There are no zoning compliance issues raised as a result of the proposed lot additions.

The applicant, Joni Mastronardi, was in virtual attendance.

Chairperson, Gord Queen, requested a motion to accept a written comment of support received from Tony and Karen Cianfarani into Public Record.

CA-33-2023

Moved by Councillor Thomas Neufeld, seconded by Sandra Zwiers, that a written comment of support received from Tony and Karen Cianfarani, regarding Consent Application B-2023-3, 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.

The applicant, Joni Mastronardi, stated she feels the request is straight-forward and required no further statement.

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

CA-34-2023

Moved by Councillor Thomas Neufeld, seconded by Nicole Hackett, that consent application B-2023-3, to sever and convey two portions of land, Part 1 being 0.002 ha (0.047 ac.) in area from the lands known as 2058 Seacliff Drive (County Road 20) (P.I.N. 75143-0488), and Part 2 being a 0.058 ha (0.143 ac.) from the lands known as 2074 Seacliff Drive (County Road 20) (P.I.N. 75143-0486) to an abutting parcel, known as 2064 Seacliff Drive (County Road 20) as a lot additions, in the Town of Kingsville, be APPROVED, subject to the following conditions:

- 1. That the lot additions to be severed, shown on the applicants' sketch as Part 1 & Part 2, be conveyed to the owner of the abutting parcel (2064 Seacliff Drive (County Road 20)) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.*
- 2. That a reference plan be deposited in the registry office, **both an electronic and paper** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.*
- 3. 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.*
- 4. That the owner shall provide that all municipal taxes be paid in full.*
- 5. 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.*
- 6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.*
- 7. That the necessary deed(s), transfers or charges be **submitted in triplicate**; signed and fully executed (**no photocopies**), including a copy of the reference plan, prior to certification.*
- 8. That the applicant provide proof to the satisfaction to the Town of the location of the municipal water service connections in relation to the revised lot line locations.*
- 9. That the applicant provide confirmation to the satisfaction of the Town for the location of any existing septic systems in relation to the revised lot line locations.*
- 10. That the applicant convey a 3m offset from the existing property limit over the subject lands and will be deeded to the County of Essex at the proponent's expense for the purposes of widening County Road 20.*

*11. The conditions imposed above shall be fulfilled by **July 18, 2025** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.*

CARRIED

4. B-2023-10 – Lot Creation – 345 & 337 County Road 27 East

Raven Bolivar, Planning Student, introduced the consent application, and reviewed the report dated July 18, 2023, which provides details regarding the request to sever lands located at 337 County Road 27 East and 345 County Road 27 East, in the Town of Kingsville.

The subject parcels are designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

337 County Road 27 East has an area of 19.9 ha (49.25 ac), and 345 County Road 27 East has an area of 1,672.25 m² (0.41 ac). Both properties front onto the west side of County Road 27 East, north of Road 10. The two properties previously merged under the same ownership, and the underlying lot fabric and addressing remained while the two parcels legally became the same lot. The applicant is proposing to sever the merged properties in order to sell or transfer 345 County Road 27 East. The consent to create a lot would legally re-establish the prior lot boundaries of the two parcels, reversing the merger of the two properties. This proposal does not remove any prime agricultural lands and will not result in the change of use of the lands.

The applicant, John Trimble, was in attendance.

The applicant's brother, Jeff Trimble, 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-35-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that consent application B-2023-10, to legally sever the lots known municipally as 337 and 345 County Road 27 East, 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 septic review to the satisfaction of the Town determining if there is an existing and compliant septic system on the severed lot.*
6. *That the applicant provide proof to the satisfaction to the Town of the location of the municipal water service connections in relation to the lot line locations.*
7. *The conditions imposed above shall be fulfilled by **July 18, 2025** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.*

CARRIED

E. Other Business

Chairperson, Gord Queen, requested the Planning Department explain the next steps after an application is approved, including the appeals process, for the meeting attendees.

George Robinson, Manager of Planning, stated the general process is for the Planning Department to provide the applicant with the notice of decision following the meeting, which outlines the

appeals process and the deadline for submission. Mr. Robinson relayed that once the deadline has passed, the Planning Department will notify the applicant whether any appeals have been received, and if none, that the Committee's decision is considered final. Mr. Robinson added that depending on the proposal, the applicant may be required to fulfill conditions set out by the Town, and the Planning Department will assist with fulfillment.

F. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place August 15th, 2023 at 6:00 p.m.

G. Adjournment

CA-36-2023

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

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
George Robinson**