



COMMITTEE MINUTES

**Committee of Adjustment & Appeals
September 19, 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
Sandra Zwiers

MEMBERS OF ADMINISTRATION:

Vitra Chodha, 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 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 August 15th, 2023

CA-41-2023

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that the Committee of Adjustment & Appeals Meeting Minutes dated August 15th, 2023, be adopted.

CARRIED

D. Committee of Adjustment & Appeals - Hearings

1. A-2023-8 – Minor Variance – 458 County Road 34 West

Vitra Chodha, Planner, introduced the minor variance application, and reviewed the report dated September 19, 2023, which provides details regarding a request for lands located on the northeast side of County Road 34 West, northwest of Cameron Side Road East. The subject property is designated 'Rural Residential' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a rural residential lot with an area of 2,468.58 square metres (0.61 acres). The applicant has applied for a permit to construct an addition on the existing single-detached dwelling located on the property. The addition is located to the front of the existing dwelling, towards County Road 34 West and extends past the building envelope by 2.4 metres (7.87 feet). As such, the applicant is requesting a minor variance to allow the construction of the residential addition to have a minimum front setback of 12.6 metres (41.34 feet) instead of the required 15 metres (49 feet). All other zoning regulations are proposed to be met.

Eric Ricker was in attendance on behalf of the applicant, Leslie Ricker-Singer.

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

Eric Ricker offered details as to the request to the Committee, stating they wish to add a few extra feet to the addition to increase the size of the house.

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

CA-42-2023

Moved by Sandra Zwiers, seconded by Nicole Hackett, that minor variance application A-2023-8 to allow for a reduced front set back from the required 15 m. (49 ft.) to allow for a setback of 12.6 m (41. 34 ft. – reduction of 2.4 m (7.87 ft.)) in the Town of Kingsville, be APPROVED.

CARRIED

2. A-2023-9 – Minor Variance – 1068 Birch Avenue

Vitra Chodha, Planner, introduced the minor variance application, and reviewed the report dated September 19, 2023, which provides details regarding a request for lands located on the north side of Birch Avenue, east of the intersection between Lewis Avenue and Birch Avenue. The subject property 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 an 854.71 square metre (9,200 square feet) corner residential lot. The applicants have submitted a proposal to build a three-bedroom, single-detached dwelling. To accommodate the number of desired bedrooms, the applicants' site plan proposes an exterior side-yard setback of 3.0 metres (10 feet). Zoning requirements for the lot require a 4.5 metre (15 foot) exterior side-yard setback. As such, the applicants are requesting a minor variance to allow for the 1.5 metre (5 foot) reduction in the exterior side-yard. All other zoning provisions are proposed to be met.

The applicants, Jean Pierre and Miray Nicolas, were in attendance.

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

Councillor Thomas Neufeld noted the neighbouring residents' concerns regarding the impact that a larger house may have on sight lines, and requested clarification from the Planner.

Vitra Chodha, Planner, confirmed the minimum dimension of sight triangles on local streets are 10 feet (3 metres), and stated the sight triangle on this property, and per the applicants' site plan, would meet the minimum requirement. Ms. Chodha added that the applicants are not requesting relief for sight triangle provisions, and therefore the Town does not have concerns.

The applicant, Miray Nicolas, elaborated on the intention of the request, relaying that more space is needed to accommodate two beds per bedroom, as they have a larger family. Mrs. Nicolas confirmed the aerial picture from the Town's mapping service attached to the notice is out-of-date, and that the lot is currently vacant.

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

CA-43-2023

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that minor variance application A-2023-9 to allow for a reduced exterior yard setback from the required 4.5 m.

(15 ft.) to allow for a setback of 3.0 m. (10 ft.) (reduction of 1.5 m. (5 ft.)), in the Town of Kingsville, be APPROVED.

CARRIED

3. A-2023-10 – Minor Variance – 1560 County Road 34

Vitra Chodha, Planner, introduced the minor variance application, and reviewed the report dated September 19, 2023, which provides details regarding a request for lands located on the east side of County Road 34 West, north of Road 3 East, and south of Highway 3. The subject property is designated 'Agricultural' by the Official Plan and zoned 'Rural Commercial (C6)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 2,842.8 square metre (30,600 square feet) commercial lot. The applicant has submitted a site plan application to redevelop the existing commercial property to create a new 737 square metre (7,936 square foot) commercial establishment, comprised of a retail grocery store and restaurant. For restaurant establishments, 1 parking space is required per every 5 fixed seats. For retail stores, 1 parking space is required for every 22.5 square metres (242.2 square feet) of gross floor area. There are 30 fixed seats in the proposed restaurant, requiring 6 parking spaces, and 394.5 square metre (4,246.4 square feet) of gross floor area for the retail portion, requiring 18 parking spaces. In total, under the zoning by-law, the applicant is required to provide 24 parking spaces for the commercial establishment. As such, the applicant is requesting relief from the parking provisions in order to provide 21 standard parking spaces, plus 1 barrier-free parking space as shown in their site plan.

The applicant's agent, Peter Sawatzky, was in attendance.

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

Peter Sawatzky relayed to the Committee the applicant would like to demolish and re-build the existing store and restaurant, and that relief of 2 parking spots from the zoning by-laws' minimum is required to accommodate their plans. Mr. Sawatzky confirmed the final number of parking spaces on the site plan is 21 spaces, plus 1 barrier-free parking space.

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

CA-44-2023

Moved by Russell Horrocks, seconded by Nicole Hackett, that minor variance application A-2023-10 to allow relief from parking provisions requiring 24 parking spaces on the subject land for commercial uses, and allow for 21 standard plus 1 barrier-free parking space, in the Town of Kingsville be APPROVED.

CARRIED

4. B-2023-12 – Lot Addition – 1466 & 1468 Heritage Road

Vitra Chodha, Planner, introduced the consent application, and reviewed the report dated September 19, 2023, which provides details regarding a request for lands located on the north side of Heritage Road (County Road 50), and west of McCain Side Road. The subject properties are designated 'Agriculture' and 'Lakeshore Residential West' by the Official Plan and zoned 'Agriculture (A1)' and 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

1468 Heritage Road is an agricultural parcel with a single-detached dwelling, with a lot size of 8.83 acres (3.57 hectares). 1466 Heritage Road is a vacant lot with an area of 1,064.32 square metres (11,456.28 square feet). The applicants are requesting to sever a 0.109 acre (0.044 hectare) portion of 1468 Heritage Road for the purpose of a lot-line adjustment to add to 1466 Heritage Road. If approved, 1468 Heritage Road would be reduced to 8.82 acres (3.569 hectares) following the severance, and the vacant lot would be increased to 1,505 square metres (16,199.7 square feet). Once the lot addition is completed, the vacant lot will meet minimum lot area requirements for its 'Lakeshore Residential (LR)' zoning.

The applicant, Patricia Nadasdi, was in attendance.

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

Ms. Nadasdi, relayed that her parents own 1468 Heritage Road, which had been severed many years ago to create 1466 Heritage Road, which she now owns. She added that the request is to straighten the property at 1466 Heritage Road for the purpose of improved lot grading and more yard space for when their new home is built.

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

CA-45-2023

Moved by Councillor Thomas Neufeld, seconded by Sandra Zwiers, that consent application B-2023-12, for the purpose of a lot addition, shown on the Applicants' Sketch, for the lands known as 1468 and 1466 Heritage Road CONCESSION 1 WESTERN DIVISION PART OF LOT 1 AND REGISTERED PLAN 12R22864 PART 1, in the Town of Kingsville, be APPROVED, subject to the following conditions:

1. That the lot addition to be severed, shown on the applicants' sketch as Part 1, be conveyed to the owner of the abutting parcel (1466 Heritage Road (County Rd 50)) 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, and an electronic 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 any necessary drainage apportionments be undertaken.
8. 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.
9. 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.
10. The conditions imposed above shall be fulfilled by **September 19th, 2025**, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place October 17th, 2023 at 6:00 p.m.

F. Adjournment

CA-46-2023

Moved by Russell Horrocks, seconded by Sandra Zwiers, to adjourn this meeting at 6:19 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
Vitra Chodha**