



COMMITTEE MINUTES

**Committee of Adjustment & Appeals
January 16th, 2024, 6:00 p.m.
Unico Community Centre
37 Beech Street, Kingsville
Or via Electronic Participation (Zoom)**

A. Call to Order

Chairperson Gord Queen called the Meeting to order at 6:01 p.m. with the following persons in attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Councillor Thomas Neufeld
Nicole Hackett
Gord Queen
Russell Horrocks

MEMBERS OF ADMINISTRATION:

Vitra Chodha, Planner
Angelina Pannunzio, Recording Secretary
Lu-Ann Marentette, Drainage Superintendent
Angela Toole, Acting Clerk
Daryl Flacks, By-Law Enforcement Officer
Kyla Ferguson, By-Law Enforcement Officer

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 December 19th, 2023

CA-01-2024

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that the Committee of Adjustment & Appeals Meeting Minutes dated December 19th, 2023, be adopted.

CARRIED

D. Hearings

B-2023-19 – 498 County Road 20 West – Lot Addition

Vitra Chodha, Planner, introduced the consent application, and reviewed the report dated January 16th, 2024, which provides details regarding the requested consent for the purpose of a lot-line adjustment for lands known as 498 County Road 20 & Vacant Land County Road 20, in the Town of Kingsville.

498 County Road 20 has a total area of 15,094.77 metres square (162,478.80 square feet), with approximately 40.23 metres (132.00 feet) of frontage on County Road 20, and contains a dwelling and a small shed.

The vacant parcel on County Road 20 has a total area of 1,582.32 metres square (17,031.96 square feet), with approximately 30.48 metres (100 feet) of frontage on County Road 20.

Both the parcels are designated 'Agricultural' under the Town's Official Plan and zoned 'Agricultural (A1)' under the Town's Comprehensive Zoning By-law.

The applicants are requesting to sever a 357.49 square metre (3,848.00 square foot) parcel with no frontage from the vacant parcel, for the purpose of lot addition to 498 County Road 20. The purpose of the lot addition is to align the lot line with the adjacent property to the east of 498 County Road 20.

The applicants, Mark Buis & Marlene Ross (Buis), 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 referred to the conditions noted in the report, noting the deadline for fulfillment set out in condition f). Councillor Neufeld requested clarification from the Planner as to whether the *Planning Act* had extended the time frame from one year to two years.

Vitra Chodha, Planner, confirmed that the *Planning Act* increased the allotment from one year to two years.

Applicant, Mark Buis, referred to the Planner's Report, citing his name was incorrectly noted as "Andrew Buis".

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

CA-02-2024

Moved by Councillor Thomas Neufeld, seconded by Nicole Hackett, that Consent application B-2023-19 for the purpose of a lot-line adjustment, for lands known as 498 County Road 20 &

Vacant Land County Road 20, CON 1 WD PT LOT 8 & GOSFIELD SOUTH CON 1 WD PT, in the Town of Kingsville, be APPROVED, subject to the following conditions:

- a) That a plan of survey be prepared, or a reference plan deposited in the registry office, **both an electronic and paper** copy be provided to the Town for the files of the Secretary-Treasurer.
- b) 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 favorable minor variances shall have been processed for any non-compliances.
- c) 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.
- d) 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.
- e) That, prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance approved by the Municipality.
- f) That the conditions imposed above shall be fulfilled by **January 16, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. By-Law Appeals

Chairperson, Gord Queen, confirmed there were no reports for by-law appeals to be presented at this time.

F. Court of Revision - Lane Drain & Realignment & Culvert Replacement for King's Highway No. 3 and Gilboe Drain – Relief Drain for Highway No. 3

Lu-Ann Marentette, Drainage Superintendent, opened the Court of Revision and reviewed the Engineer's Report prepared by Dillon Consulting, dated November 8, 2023, which provides details on the upcoming construction on King's Highway No. 3.

Ms. Marentette relayed that due to the widening of the highway being completed by the Ministry of Transportation of Ontario (MTO), projects such as drain improvements, relocations, road crossings, and diversions between drains will be required. She confirmed that the projects outlined in the report will be paid for by the MTO, and that landowners will not be affected financially.

Ms. Marentette confirmed that all landowners impacted by these projects were notified of the meeting, and that the Town did not receive any correspondence nor appeals on the matter.

Chairperson, Gord Queen noted there were no audience members present, and asked if there were any comments or questions from the Committee.

Committee Member Russell Horrocks requested clarification on the Town's usual process, and questioned why this matter was being brought before the Committee.

Ms. Marentette stated that under the *Drainage Act*, a Court of Revision must be held to allow any impacted property owners, or any members of the public, the opportunity to deliver comments or submit appeals. She added that the *Drainage Act* requires the authority to provide their decision regardless of whether any appeals were received.

Chairperson, Gord Queen confirmed there were no additional comments or questions from the Committee.

CA-03-2024

Moved by Councillor Thomas Neufeld, seconded by Russell Horrocks, that the Schedule of Assessment, Lane Drain – Engineer's Report, prepared by Dillon Consulting dated November 8, 2023 in the Town of Kingsville, County of Essex, be approved. And that the Schedule of Assessment, Gilboe Drain – Engineer's Report, prepared by Dillon Consulting dated November 8, 2023 in the Town of Kingsville, County of Essex, be approved.

CARRIED

G. Fence Viewers

Chairperson, Gord Queen, confirmed there were no reports for fence viewers to be presented at this time.

H. Property Standards Violation Appeal

Angela Toole, Acting Clerk, noted a scheduling error for this item and advised the Committee to defer the item to the upcoming Committee of Adjustment & Appeals meeting.

CA-04-2024

Moved by Russell Horrocks, seconded by Councillor Thomas Neufeld, that item H. Property Standards Violation Appeal, being the appeal of violation order 240002 – Remacka v. The Town of Kingsville, for the property municipally known as 377 Heritage road, be deferred.

CARRIED

I. Next Meeting Date

The next meeting of the Committee of Adjustment & Appeals shall take place February 20th, 2024 at 6:00 p.m at Unico Community Centre.

J. Adjournment

CA-05-2024

Moved by Nicole Hackett, seconded by Councillor Thomas Neufeld, to adjourn this meeting at 6:19 p.m.

CARRIED

CHAIR, Gord Queen

**SECRETARY TREASURER,
Vitra Chodha**