



## **The Corporation of the Town of Kingsville**

### **Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville**

Tuesday, March 19, 2024

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

#### **Members Present:**

Gord Queen, Chair

Thomas Neufeld, Councillor

Phil Caruana

Nicole Hackett-Winkels

#### **Members Absent:**

Russell Horrocks

#### **Administration Present:**

Vitra Chodha, Town Planner

Lu-Ann Marentette, Drainage Superintendent

Angela Toole, Acting Clerk

Angelina Pannunzio, Office Support

Richard Wyma, Director of Planning and Development

#### **A. Call to Order**

The Chair called the meeting to order at 6:00 p.m.

#### **B. Disclosures of Pecuniary Interest**

The Chair asked members if there were any disclosures of pecuniary interest.  
None were noted.

**C. Adoption of Minutes**

**CA-11-2024**

Moved By: Phil Caruana

Seconded By: Nicole Hackett-Winkels

That the Minutes of the Committee of Adjustment and Appeals meeting dated February 20, 2024, **BE ADOPTED** as presented.

**Carried**

**D. Committee of Adjustment Hearings**

**D.1 File B-2024-8 - Application for Consent**

Vitra Chodha, Planner, introduced the application and reviewed the report dated March 19, 2024, which provides details regarding the requested consent for lands north of 1576 Jasperson Drive, located East of Jasperson Drive and North of Walter Way.

The subject property is designated 'Residential' by the Official Plan and zoned 'Residential Zone 2 Urban (R2.1)' under the Kingsville Comprehensive Zoning By-law.

The site has a total area of 1,464.96 metres square (15,768.70 square feet), with approximately 21.98 metres (72.1 feet) of frontage on Jasperson Drive. There is an existing semi-detached dwelling on the subject site, which is a permitted use in the R2.1 zone.

The applicant is seeking to create two (2) separate lots along the centreline of the common wall of the units, to be able to legally convey each separately. As a result, each new lot will have an area of 732.48 metres square (7,884.35 square feet) and a frontage of 11 metres (36.05 feet) on Jasperson Drive.

The applicant, John Atwan, was not in 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 additional comments nor questions from the Committee nor the applicant, and noted that there were no members of the public present.

## CA-12-2024

Moved By: Thomas Neufeld, Councillor  
Seconded By: Nicole Hackett-Winkels

That the Committee of Adjustment:

1. **APPROVE** consent application B-2024-8 for the purpose of a lot creation, shown on the Applicants' Sketch, municipally known as 0 Jasperson Drive, having the legal description CON 1 ED PT Lot 3 (Part 2 12R-29060), in the Town of Kingsville, subject to the following conditions:
2. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a reference plan, prior to certification.
3. The conditions imposed above shall be fulfilled by March 19, 2026, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

**Carried**

### D.2 File A-2024-02 - Application for Minor Variance

Vitra Chodha, Planner, introduced the application and reviewed the report dated March 19, 2024, which provides details pertaining to a request for lands located on the South Side of Nottingham Avenue and West side of Oxford Avenue. The subject parcel is designated 'Lakeshore Residential East' in the Official Plan and zoned 'Lakeshore Residential (LR)' in the Town of Kingsville Comprehensive Zoning By-law.

1215 Nottingham Avenue is a 1,297 square metre (13,961.52 square foot) residential lot. The applicant is proposing to build an extension to the existing garage, which would extend into the minimum required front yard set-back of 6 metres (20 feet). A relief of 1.85 metres (6.08 feet) is being requested to allow a set-back of 4.24 metres (13.92 feet) on part of the frontage for the proposed addition. All other requirements of the proposed development comply with the by-laws in the Lakeshore Residential zone.

The applicant, Adam Rutgers, was in attendance.

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

The applicant, Adam Rutgers confirmed that he is proposing to add a third bay garage, as the current garage is only a crawl space, which does not provide sufficient storage. Mr. Rutgers added that the addition is merely to accommodate the need for additional storage.

Committee Member, Phil Caruana relayed that he had visited the site prior to the meeting and noted an existing evergreen tree. Mr. Caruana asked Mr. Rutgers whether the proposal would impact the tree.

The applicant, Adam Rutgers, confirmed that if approved, the addition will be built approximately (5) feet from the edge of the tree, and there will be no impact.

Chairperson, Gord Queen, confirmed there were no additional comments nor questions from the Committee nor the applicant, and noted that there were no members of the public present.

#### **CA-13-2024**

Moved By: Phil Caruana

Seconded By: Thomas Neufeld, Councillor

That the Committee of Adjustment **APPROVE** minor variance application A-2024-2, to allow a reduced front yard setback of 4.24 m (13.92 ft), from the required 6 m (20 ft), only for the proposed 25.27 m<sup>2</sup> (272 ft<sup>2</sup>) addition to the garage as seen on Appendix B. The required front yard setback of 6 m (20 ft) remains in effect for the remainder of the subject land and is only reduced where the new addition to the garage is being proposed.

**Carried**

## **E. Court of Revision**

### **E.1 Cameron Branch of Billings Drain**

#### **CA-14-2024**

Moved By: Thomas Neufeld, Councillor  
Seconded By: Nicole Hackett-Winkels

That the Schedule of Assessment for the Cameron Branch of the Billings Drain, forming part of the Engineer's Report as prepared by N.J. Peralta Engineering Ltd. and dated January 5, 2024, **BE APPROVED** as presented.

**Carried**

### **E.2 Jamis Drain and Branches**

#### **CA-15-2024**

Moved By: Thomas Neufeld, Councillor  
Seconded By: Phil Caruana

That the Schedule of Assessment for Jamis Drain and Branches, forming part of the Engineer's Report as prepared by N.J. Peralta Engineering Ltd. and dated January 15, 2024, **BE APPROVED** as presented.

**Carried**

### **E.3 Orton Drain**

#### **CA-16-2024**

Moved By: Nicole Hackett-Winkels  
Seconded By: Phil Caruana

That the Schedule of Assessment for the Orton Drain, forming part of the Engineer's Report as prepared by Rood Engineering Inc. and dated January 4, 2024, **BE APPROVED** as presented.

**Carried**

## **F. Property Standards Appeal Hearings**

### **F.1 377 Heritage Road - Mishel and Lidra Remacka**

#### **F.1.1 Order to Remedy Violation of Standards of Maintenance and Occupancy**

Mr. Remacka, Resident at 377 Heritage Road, appeared before the Committee to make submissions respecting the Order to Remedy Violation of Maintenance and Occupancy.

Kyla Ferguson, By-law Enforcement Officer, appeared before the Committee to make submissions on behalf of the Town respecting the Order to Remedy Violation of Maintenance and Occupancy.

Gord Queen, Chair, asked the Acting Clerk to provide clarification to the Committee respecting their authority with respecting to the Hearing.

Angela Toole, Acting Clerk, noted that for Property Standards Hearings in particular, the Committee's authority is derived from the *Ontario Building Code Act*. She noted that the Committee may confirm, modify, or rescind the Order and further noted that the Committee may extend the time for complying with the Order.

#### **F.1.2 Notice of Appeal**

#### **F.1.3 Notice of Hearing**

### **CA-17-2024**

Moved By: Nicole Hackett-Winkels

Seconded By: Phil Caruana

That the time for complying with the Order to Remedy issued to Mishel Remacka respecting the property at 377 Heritage Road, **BE EXTENDED** by 6 months (September 19, 2024).

**Carried**

**G. By-law Appeal Hearings**

No By-law Appeal Hearings at this time.

**H. Next Meeting Date**

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is April 16, 2024 at 6:00 p.m. at the Unico Community Centre.

**I. Adjournment**

**CA-18-2024**

Moved By: Phil Caruana

Seconded By: Thomas Neufeld, Councillor

That the Meeting be adjourned at 6:43 p.m.

**Carried**

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Gord Queen, Chair

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Vitra Chodha, Secretary-Treasurer