



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

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

Tuesday, August 20, 2024

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

#### Members Present:

Gord Queen, Chair

Russell Horrocks

Nicole Hackett-Winkels

Phil Caruana

#### Members Absent:

Thomas Neufeld, Councillor

#### Administration Present:

Vitra Chodha, Town Planner

Lu-Ann Marentette, Drainage Superintendent

Yuxi Liu, Acting Office Support

Matthew Ducharme, Recording Secretary

#### **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-33-2024**

Moved By: Phil Caruana

Seconded By: Nicole Hackett-Winkels

That the Minutes of the Committee of Adjustment and Appeals meeting dated July 16, 2024, **BE ADOPTED** as presented.

**Carried**

**D. Committee of Adjustment Hearings**

1. Requests for Withdrawal or Deferral

None noted.

2. Current Applications

1. A-2024-7 - Application for Minor Variance

Vitra Chodha, Town Planner, presented the application.

The applicant and their representative from Peralta Engineering were present and spoke to the application, and were available for questions from the members.

The following members of the public spoke in opposition to the application:

- Jeanne and Riley McKellar (75 Victoria Avenue)
- Fred Grant (83 Victoria Avenue)
- Jeff Caron (68 Walker Drive)

**CA-34-2024**

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the correspondence from Michael Klassen (89 Mill Street East) and Jeff Caron (68 Walker Drive) **BE RECIEVED** into the public record by the Committee of Adjustment and Appeals.

**Carried**

**CA-35-2024**

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals **DENY** minor variance application A-2024-7, to increase the lot coverage of accessory buildings and structures for the land known as 79 Victoria Avenue from 12% to 16%.

**Carried**

2. B-2023-20 - Application for Consent

Vitra Chodha, Town Planner, presented the application.

**CA-36-2024**

Moved By: Russell Horrocks

Seconded By: Nicole Hackett-Winkels

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2024-20 for the purpose of a lot-line adjustment, shown on the Applicant's Sketch, for the lands known as 3249 Olinda Sideroad & 3181 Olinda Sideroad, in the Town of Kingsville, subject to the following conditions:

1. Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to land severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
2. Prior to consent being endorsed on the deeds a lot grading plan acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
3. Prior to consent being endorsed on the deeds, confirmation from the Building Department is required that the septic system on the retained lot at 3249 Olinda Sideroad is

adequately setback from the proposed lot lines and is operational to the satisfaction of the Building Department.

4. Prior to consent being endorsed on the deeds, confirmation that no servicing is being provided to the barn from 4249 Olinda Side Road is required by means of private locates.
5. 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.
6. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
7. The conditions imposed above shall be fulfilled by **August 20, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

**Carried**

## **E. Court of Revision**

### 1. Moroun Pumping Scheme - Improvements

Matthew Ducharme, Recording Secretary, advised that this drainage work affects landowners in a neighbouring municipality (Town of Essex). Section 97(3) of the Drainage Act requires that the Court of Revision consist of two members from the Town of Kingsville, of whom one shall be the chair, and one member from the Town of Essex. The Court of Revision for this drainage work consisted of Gord Queen (Chair, Town of Kingsville), Russell Horrocks (Town of Kingsville), and Tiffany Pocock (appointed by the Town of Essex).

#### 1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tony Peralta, N.J. Peralta Engineering Ltd., presented the report.

#### 2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-37-2024**

Moved By: Tiffany Pocock, Town of Essex

Seconded By: Russell Horrocks

That the Schedule of Assessment for the Moroun Pumping Scheme Improvements, forming part of the Engineer's Report as prepared by N.J. Peralta Engineering Ltd. and dated June 21, 2024, **BE APPROVED** as presented.

**Carried**

2. Cottam Sideroad Branch of the 7th Concession Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tim Oliver, Dillon Consulting Ltd, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-38-2024**

Moved By: Nicole Hackett-Winkels

Seconded By: Russell Horrocks

That the Schedule of Assessment for the Cottam Sideroad Branch of the 7th Concession Drain, forming part of the Engineer's Report as prepared by Dillon Consulting Ltd. and dated June 10, 2024, **BE APPROVED** as presented.

**Carried**

3. 8th Concession Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tim Oliver, Dillon Consulting Ltd, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-39-2024**

Moved By: Nicole Hackett-Winkels

Seconded By: Phil Caruana

That the Schedule of Assessment for the 8th Concession Drain, forming part of the Engineer's Report as prepared by Dillon Consulting Ltd. and dated June 10, 2024, **BE APPROVED** as presented.

**Carried**

4. 9th Concession Drain

Lu-Ann Marentette, Drainage Superintendent, noted that under Section 78(5) of the Drainage Act, a Court of Revision is not required for this drainage work.

1. ~~Engineer's Report~~

2. ~~List of Appeals~~

3. Deliberation and Decision

**CA-40-2024**

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the verbal update of the Drainage Superintendent regarding the 9th Concession Drain **BE RECIEVED** by the Committee of Adjustment and Appeals.

**Carried**

**H. Next Meeting Date**

**CA-41-2024**

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals hold its next regularly scheduled meeting on September 17, 2024 at 6:00 p.m. at the Unico Community Centre.

**Carried**

**I. Adjournment**

**CA-42-2024**

Moved By: Phil Caruana

Seconded By: Nicole Hackett-Winkels

That the meeting **BE ADJOURNED** at 6:46 p.m.

**Carried**

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Chair

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Recording Secretary