



## MINUTES

### COMMITTEE OF ADJUSTMENT MEETING

TUESDAY DECEMBER 13<sup>TH</sup>, 2016 AT 6:00 P.M.  
CORPORATION OF THE TOWN OF KINGSVILLE  
COUNCIL CHAMBERS  
2021 DIVISION RD N, KINGSVILLE, ONTARIO N9Y 2Y9

#### A. CALL TO ORDER

Chairperson G. Queen called the meeting to order at 6:00 p.m. with the following Committee members in attendance:

Members of Committee of Adjustment	Members of Administration
<ul style="list-style-type: none"><li>• Deputy Mayor Gord Queen</li><li>• Russell Horrocks</li><li>• Allison Vilardi</li><li>• Thomas Neufeld</li><li>• Jim Gaffan Jr.</li></ul>	<ul style="list-style-type: none"><li>• Manager of Planning &amp; Development Services – Robert Brown</li><li>• Town Planner – Kristina Galinac</li></ul>

#### B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson G. Queen reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

#### C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, OCTOBER 18<sup>TH</sup>, 2016.

##### CA - 48 - 2016

Moved by Allison Vilardi, seconded by Jim Gaffan Jr. the Committee of Adjustment Meeting Minutes dated October 18<sup>th</sup>, 2016 be adopted.

CARRIED

#### D. HEARINGS

##### 1. B/20/16 – Elvira & Andreas Miller – 851 – 867 County Road 34

Town Planner, Kristina Galinac introduced the consent and minor variance applications and reviewed her report dated December 8<sup>th</sup>, 2016 in which the property owners are requesting consent to sever an existing dwelling surplus to the farming needs of the prospective farm purchaser from a 20.2 ha (50 ac.) lot from lands known as 851/867 County Road 34, in the Town of Kingsville.

The subject land is a 20.2 ha (50 ac.) agricultural parcel which contains an existing dwelling and farm buildings. The prospective purchasers, John & Jennifer Fittler, maintain a base of operations and personal dwelling at 1284 Road 3 East making the dwelling and outbuildings on the subject lands surplus to the purchaser's farm operations. The applicant is requesting to sever the dwelling on a 0.359 ha (0.89 ac.) lot. Only the dwelling is to remain with the severed lot while the farm outbuildings will remain on the farm lot. A zoning amendment will be required to rezone the retained farm to prohibit future dwellings as a condition of the proposed consent and address any other applicable zoning regulation deficiencies.

Chairperson, G. Queen confirmed there were no comments from the applicant or the audience.

**CA - 49 - 2016**

Moved by Allison Vilardi, seconded by Thomas Neufeld that Consent Application B/20/16 for Elvira & Andreas Miller, to create a lot for a surplus farm dwelling, being 0.359 ha (0.89 ac.) in area, from the lands known as 851-867 County Road 34 (Part Lot 259, Concession STR) in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the subject property is to be angle staked and a plan of survey prepared and reference plan 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.
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 necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
4. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
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 the severed and retained farm parcel be transferred to John & Jennifer Fittler, as outlined in the Agreement of Purchase and Sale;
7. A clearance letter of approval for the location of the septic system on the severed parcel must be obtained from the Town's Building Department.
8. That the owners obtain the necessary permit for and install a new access for the retained farm lot, at the expense of the applicant and acceptable to the Town and/or County.
9. That the applicants remove any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning.
10. That the applicant obtains a municipal address/911 signage for the retained farm lot and that any unnecessary municipal address currently assigned to the entire property be reviewed and revised accordingly;
11. The owners submit an agreement for drainage apportionment due to land severance;
12. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to certification;
13. The conditions imposed above shall be fulfilled by **December 13, 2017** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **2. B/17/16 and B/19/16 – Kathleen Hudak – 507 County Rd 34 W**

Town Planner, Kristina Galinac introduced the consent and minor variance application and reviewed her report dated December 7<sup>th</sup>, 2016 in which the property owner is requesting consent for lot creation for lands known as 507 County Road 34 West, and for the establishment of a permanent easement for the purpose of locating a private water line over the subject lands in the Town of Kingsville.

The subject lands consist of a 1.00 ha (2.48 ac.) rural residential parcel consisting of one dwelling and two accessory structures, with a section of vacant land to the rear of the existing dwelling which is currently farmed as part of the abutting farm parcel. The applicant is proposing to create a new rural residential lot on the vacant land portion of the property. A Town water connection will be required for the new lot. It is proposed that a new connection be made at County Road 34 W and extended via a proposed easement over what will be the retained parcel. As such applications have been filed to create the new 0.65 ha. (1.6 ac.) lot and a permanent easement in favour of the severed parcel.

Chairperson, G. Queen questioned how many motions does this application require, one or two. Town Planner, Kristina Galinac replied that these are two separate consent applications and require two separate motions.

Committee Member, A. Vilardi asked if Storm Water Management has been addressed yet. Town Planner, Kristina Galinac replied that at the time that a building permit is applied for lot grading will be required to address storm water management on the proposed new lot.

Committee Member, R. Horrocks asked who is responsible for the easement maintenance. Town Planner, Kristina Galinac responded that the owner of 507 County Rd 34 W is responsible for the grounds maintenance and that the easement simply gives the ability for the water line to connect to the proposed new lot and allow for any future maintenance to the line.

Chairperson, G. Queen confirmed there were no comments from the applicant or the audience.

### **CA - 50 - 2016**

Moved by Russell Horrocks, seconded by Thomas Neufeld that Consent Application B/17/16 for the creation of a lot being 0.65 ha. (1.6 ac.) in area on lands currently known as 507 County Road 34 West in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the subject property is to be angle staked and a plan of survey prepared and reference plan 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;
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 necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
4. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act;
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. The applicant provides a new water service, at the applicants' expense and to the satisfaction of the Town extending from County Road 34 W prior to certification;
7. That a park fee of \$1500.00 is paid to the municipality for the creation of the new lot prior to certification;
8. That the applicant obtains the necessary permits from the Town for any changes to existing entrances or the construction of new entrances prior to building permits being issued;
9. That the applicant obtains municipal address/911 signage for the new lot;
10. The owners submit an agreement for drainage apportionment due to land severance;
11. The conditions imposed above shall be fulfilled by **December 13, 2017** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **CA - 51 - 2016**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/19/16 to establish a permanent private water line easement, shown as Part 3 on the applicants' sketch, the retained parcel, in favour of Part 2, the severed parcel, in Part of Lot 279, STR, in the Town of Kingsville be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy to be provided for the files of the Secretary-Treasurer.
2. That the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. The conditions imposed above shall be fulfilled by **December 13, 2017** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **3. B/18/16 and A/06/16 – Michael McCallum – VL E/S Malott Avenue**

Town Planner, Kristina Galinac introduced the consent and minor variance applications and reviewed her report dated December 5<sup>th</sup>, 2016 in which the property owners are requesting for consent and minor variance to create a lot on lands known as V/L E/S Malott Avenue, located between 870 and 888 Malott Avenue, in the Town of Kingsville.

The subject land is a 965.1 sq. m. (10,388.3 sq. ft.) vacant residential parcel. The applicant is requesting to sever the existing lot into two residential parcels. As part of the consent application, relief is required from the zoning provisions of the 'Lakeshore Residential (LR)' zone requirements in regards to lot frontage and lot area.

The property owner is requesting a reduction in the required lot frontage from 18 m (59 ft.) to 15.7 m (51.5 ft.) for both the severed and retained lots. The relief requested from the lot area differs for both lots. The retained lot requires a reduction from 557 sq. m (5,995 sq. ft.) to 483 sq. m (5,207 sq. ft.). The severed lot requires a reduction from 557 sq. m (5,995 sq. ft.) to 481 sq. m (5,181 sq. ft.).

Committee Member, J. Gaffan Jr. is curious about minimum lot frontage standards, is there a set standard? Town Planner, Kristina Galinac responded that there is a set minimum lot frontage required by the zoning by-law. Being that this is an application for minor variance the applicant is requesting a relief from the lot frontage zoning requirements.

Committee Member, R. Horrocks asked if the applicant owns the abutting property to the South and North? Town Planner, Kristina Galinac is not aware if the applicant owns the property to the North, but can confirm that the applicant owns the property to the South.

Chairperson, G. Queen confirmed there were no comments from the applicant or the audience.

#### **CA - 52 - 2016**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/18/16 for Michael McCallum, to split the existing vacant lot into two residential parcels located at V/L E/S Malott Avenue, Plan 1169, Lots 42 & 43 PT, Part 1, Closed King Street, 12R 11015 in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy to be provided for the files of the Secretary-Treasurer;
2. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage and private park fees be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act;
3. 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;
4. That the necessary deed(s), transfer or charges be ***submitted in triplicate***; signed and fully executed (***no photo copies***), prior to certification;
5. That the applicant pay for and install individual water and sanitary sewer connections to the retained and severed parcels to the satisfaction of the Town;
6. That the applicant obtain municipal address and 911 signage for the retained and severed parcels at the owners expense;
7. The conditions imposed above shall be fulfilled by **December 13, 2017** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **CA - 53 - 2016**

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Minor Variance Application A/06/16 for Michael McCallum, to reduce the required lot frontage for the severed and retained parcels from 18m (59 ft.) to 15.7 m (51.5 ft.), and reduce the required lot area from 557 sq. m. (5,995 sq. ft.) to 481 sq. m (5181 sq. ft.) for the severed parcel and from 557 sq. m (5,995 sq. ft.) to 483 sq. m (5,207 sq. ft.) for the retained parcel, without conditions.

**CARRIED**

#### **E. OTHER BUSINESS**

##### **MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED**

RE: Correction of Committee of Adjustment Meeting Minutes dated May 17, 2016

#### **CA - 54 - 2016**

Moved by Russell Horrocks, seconded by Jim Gaffan Jr. to Amend Something Previously Adopted in order to correct the May 17, 2016 Minutes to add the 'CARRIED' result on page 4 at Motion CA-28-2016, to add the "CARRIED" result at Page 4 at Motion CA-29-2016, and finally, to add the 'CARRIED' result at Page 6 at Motion CA-30-2016; and that in all other respects the Minutes remain the same with no further amendment.

**CARRIED**

**F. ADJOURNMENT**

**CA - 55 - 2016**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld there being no further hearings scheduled, the meeting was adjourned at 6:29 p.m.

**CARRIED**

  
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CHAIRPERSON G. QUEEN  
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SECRETARY-TREASURER