



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY MAY 16TH, 2017 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">• Deputy Mayor Gord Queen• Russell Horrocks• Allison Vilardi• Thomas Neufeld• Jim Gaffan Jr.	<ul style="list-style-type: none">• Manager of Planning & Development Services – Robert Brown• Town Planner – Kristina Brcic

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, APRIL 18TH, 2017.

CA - 22 - 2017

Moved by Russell Horrocks, seconded by Thomas Neufeld the Committee of Adjustment Meeting Minutes dated April 18th, 2017 be adopted.

CARRIED

D. HEARINGS

1. B / 01 / 17 – 1503 Seacliff Drive – Antonino MUCCI

Committee Member, Jim Gaffan Jr. declared a conflict of interest.

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated May 8th, 2017 in which the property owner is requesting consent for lot creation on lands known as 1503 County Road 20 West, in the Town of Kingsville.

The subject land is a 1.22 ha (3.0 ac.) residential parcel with a new single detached dwelling. The applicant is proposing to sever the existing dwelling on a 0.69 ha (1.72 ac.) lot, shown as Parts 1 and 3 on the attached survey sketch leaving a vacant 0.53 ha (1.31 ac.) retained parcel.

Both parcels meet the minimum lot area requirement however lot frontage would be undersized on both as the lands do not have connections to the municipal storm sewer. A minor variance would be required to address this deficiency. A new municipal water service would be required and it is assumed that the County would prefer that a shared access be used to provide access to both parcels. The lot configuration is not consistent with the abutting lots, by way of lot stacking and is not considered good land use planning.

The applicant's daughter and son-in-law, Mr. & Mrs. Arlindo Rocha were in attendance along with legal representation, Ms. Marnie Setterington. Ms. Setterington made presentation to the Committee outlining the rationale for support of the application; efficient

use, not stacked, location of the services, services are aligned with the severed lot lines, access easement will be required.

Committee Member T. Neufeld asked Town Planner, Ms. K. Brcic if a Minor Variance would be required to address the frontage, which it would.

Committee Member R. Horrocks mentioned that variances have been granted in the past for frontage reduction. He asked what the main issue is for denial of the application.

Town Planner, Ms. K. Brcic explained lot stacking which is not good land use planning.

Committee Member R. Horrocks commented that we are limiting the owner's ability to develop their lands.

Committee Member A. Vilardi raised concerns of drainage over the proposed severed and retained properties. Mr. A. Rocha replied there are no drainage issues on the property as there are drains available.

Chairperson, G. Queen asked that the appeal process be outlined by the Town Planner.

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

CA - 23 - 2017

Moved by Thomas Neufeld, seconded by none that Consent Application B/01/17, for the creation of a 0.68 ha (1.68 ac.) lot, on lands currently known as 1503 County Road 20 (Seacliff Drive) in the Town of Kingsville, be **Approved**.

FAILED

Motion to defer until conditions return and services are outlined.

CA - 24 - 2017

Moved by Allison Vilardi, seconded by Russell Horrocks that Consent Application B/01/17, for the creation of a 0.68 ha (1.68 ac.) lot, on lands currently known as 1503 County Road 20 (Seacliff Drive) in the Town of Kingsville, be **Deferred** until conditions return and services are outlined.

CARRIED

2. B / 02 / 17 – E/S McRae Ave – Jeremy TRUAX & Donald RUTGUERS

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated May 4th, 2017 in which the property owner is requesting consent to sever the lands known as ES McRae Ave. and convey each half to the respective abutting property being, 1310 McRae Ave. and 1318 McRae Ave., in the Town of Kingsville.

The subject land is a 0.31 ha. (0.766 ac.) vacant parcel. The applicants are also the abutting neighbours on either side of the subject parcel. They wish to split the subject property and convey each abutting portion to their own residential properties as a lot addition, Part 1 will be a lot addition for 1318 McRae Ave. and Part 2 will be a lot addition for 1310 McRae Ave. The main purpose of the severance is to expand the available yard space of each respective receiving lot. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lots are all zoned 'Lakeshore Residential (LR)'. The proposed severed parcel and retained lands will continue to meet the minimum lot area and lot frontage requirements under the existing zoning.

Applicant, Mr. Donald Rutguers was in attendance.

Committee Member, A. Vilardi asked for a review of Section 50 (Sub 3 or 5). Manager of Planning & Development Services, Mr. R. Brown explained.

The applicant Mr. Donald Rutguers brought with him letters of support from his neighbours on McRae Ave.

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

CA - 25 - 2017

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Consent Application B/02/17 to sever and convey a vacant portion of land, being 0.15 ha (0.375 ac.) in area, as a lot addition to an abutting residential parcel to the north, known as 1318 McRae Avenue, and simultaneously convey the retained vacant portion of land, being 0.16 ha (0.390 ac.) in area, as a lot addition to an abutting residential parcel to the south, known as 1310 McRae Avenue with in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting residential parcel (1318 McRae Avenue) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. That the lot addition to be retained, shown on the applicant's sketch as Part 2, be conveyed to the owner of the abutting residential parcel (1310 McRae Avenue) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
3. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided to the Town for the files of the Secretary-Treasurer.
4. 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.
5. That the owners shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
6. 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.
7. The conditions imposed above shall be fulfilled by **May 16, 2018** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B / 04 / 17 – 472 County Rd 20 – Robert ADAMS and David ADAMS

Committee Member, Russell Horrocks declared a conflict of interest.

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated May 10th, 2017 in which the property owner is requesting consent to sever and convey a portion of land, being 0.15 ha (0.381 ac.) in area, as a lot addition to an abutting residential property, from the lands known as 472 County Road 20 to the lands known as 488 County Road 20, in the Town of Kingsville.

The subject land is an 18.54 ha. (45.82 ac.) parcel. The applicant received a request from an abutting property owner, known as 488 County Road 20, to purchase a 0.15 ha. (0.381 ac.) section of land. These lands would then be conveyed as a lot addition to the abutting parcel. The proposed new eastern property line cannot be straightened out due to the location of the weeping bed on the subject property.

The main purpose of the severance is to attain the piece of land as additional back yard space where the neighbouring owner has since application for consent constructed an

outbuilding. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lot are both 'Agriculture Zone 1 (A1)'. The proposed severed parcel and retained lands will continue to meet the minimum lot area and lot frontage requirements under the existing zoning.

The Applicants were in attendance.

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

CA - 26 - 2017

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/04/17 to sever and convey a portion of land, being 0.15 ha (0.381 ac.) in area, as a lot addition to an abutting residential property, from the lands known as 472 County Road 20 to the lands known as 488 County Road 20, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel (488 County Road 20) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided to the Town 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 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.
4. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage 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 conditions imposed above shall be fulfilled by **May 16, 2018** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B / 05 / 17 – 626 Seacliff Drive – John Scott BALKO

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated May 10th, 2017 in which the property owner is requesting consent to sever and convey a portion of land, being 0.12 ha (0.289 ac.) in area, as a lot addition to an abutting residential property, from the lands known as 626 Seacliff Drive to the lands known as 648 Seacliff Drive, in the Town of Kingsville.

The subject land is a 7.15 ha. (17.68 ac.) agricultural parcel. The applicant received a request from an abutting property owner, known as 648 Seacliff Drive, to purchase a 0.12 ha. (0.289 ac.) section of vacant land. These lands would then be conveyed as a side yard and back yard lot addition to the abutting parcel.

The main purpose of the severance is to attain the piece of land as additional yard space in which the owner wishes to build an accessory structure. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lot are both

'Agriculture Zone 1 (A1)'. The proposed severed parcel and retained lands will continue to meet the minimum lot area and lot frontage requirements under the existing zoning.

The applicant was in attendance.

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

CA - 27 - 2017

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/05/17 to sever and convey a portion of land, being 0.12 ha. (0.289 ac.) in area, as a lot addition to an abutting residential parcel, from the lands known as 626 Seacliff Drive to the lands known as 648 Seacliff Drive, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel (648 Seacliff Drive) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided to the Town 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 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.
4. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage 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 conditions imposed above shall be fulfilled by **May 16, 2018** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

CA - 28 - 2017

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld there being no further hearings scheduled, the meeting was adjourned at 6:43 p.m.

CARRIED



CHAIRPERSON G. QUEEN



SECRETARY-TREASURER