



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY JUNE 20TH, 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, MAY 16TH, 2017.

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Moved by Thomas Neufeld, seconded by Russell Horrocks the Committee of Adjustment Meeting Minutes dated May 16th, 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 June 13th, 2017 in which the Committee of Adjustment requested to be provided with the next steps regarding the requested consent for lot creation on lands known as 1503 County Road 20 West, in the Town of Kingsville.

The application was initially heard before the Committee of Adjustment members at the public meeting held on May 16, 2017 where approval of the application was not granted and Planning Services recommendation was to not approve the application. However, the Committee deferred the application and requested that conditions be presented and required services outlined in the event that a decision to approve the applicants' requested consent is granted. The applicant has provided the location of services on a sketch.

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 the County has requested that a shared entrance 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 was in attendance along with legal representation, Ms. Marnie Settingington. Ms. Settingington 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 the Provincial Policy Statement (PPS) supported infilling, which Ms. Brcic confirmed that it does.

Committee Member R. Horrocks is concerned with the lack of conditions being provided to applicant for review, there is disagreement that the lot complies with the Town policies, if approved its poor land use planning.

Chairperson, G. Queen provided the agent time to review the conditions

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

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Moved by Thomas Neufeld, seconded by Allison Vilardi 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** 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 necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. 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;
4. 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;
5. That a park fee of \$1500.00 is paid to the municipality for the creation of the new lot prior to certification;
6. That the applicant(s) obtains a shared access easement and the necessary permits from the County for establishment of the shared access, if necessary;
7. That the applicant prepare and enter into an agreement, to be registered on title, with the owner of the retained parcel outlining that maintenance of the shared portion of the access and driveway on the subject lands is the sole responsibility of both property owners including but not limited to surface maintenance, drainage, snow removal and dust control;
8. That the applicant provide a new water service, at the applicants' expense and to the satisfaction of the Town for the retained parcel;
9. That the applicant obtain a private water line easement for the portion of the existing water serviced crossing over the proposed property lines for access to and maintenance of the private water line and include the Town as a party to that easement;
10. That the applicant provide an easement over the proposed severed parcel for access to and maintenance of the existing storm water drain from the retained parcel;

11. That applicant apply for and receive approval of a consent application to create permanent easements over the neighboring property to the west (1495 Seacliff Dr.) for access to and maintenance of existing storm water drainage outlets for the severed and retained lands;
12. That the applicant obtains municipal address/911 signage for the retained lot at the applicant's expense;
13. That the applicant submit a comprehensive lot grading plan completed to the satisfaction of Municipal Services;
14. That a successful Minor Variance is obtained which permits an undersized lot frontage for the severed parcel (1503 Seacliff Dr);
15. That a successful Minor Variance is obtained which permits an undersized lot frontage for the retained parcel;
16. The conditions imposed above shall be fulfilled by **June 20, 2018** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B/23/16 – 364 County Rd 34 W – 1298466 Ontario Inc.

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated June 13th, 2017 in which the property owner is requesting consent to sever and convey a portion of land, being 0.14 ha (0.34 ac.) in area, as a lot addition to an abutting property to the west, from the lands known as 358 County Rd 34 W to the lands known as 364 County Rd 34 W, in the Town of Kingsville.

The subject land is a 0.55 ha. (1.36 ac.) residential parcel (Part 2 & 3 – Appendix B). The applicant also owns the abutting parcels to the west and wishes to expand the property to accommodate an existing parking lot. The proposed lot addition (Part 2 – Appendix B) would convey 0.13 ha (0.33 ac.) of land from the subject parcel to the receiving lot Part 1 also known as 364 County Rd 34 W.

The parking area on the receiving lot currently accommodates the parking needs of the restaurant business located at 366 County Rd 34 W. As a condition of consent the applicant will be required to amend the zoning of the property for commercial parking use. A site plan agreement will be required in addition to the zoning amendment and will be presented to Council at a later date.

The applicant was in attendance.

Committee Member, A. Vilardi asked if there were any setback issues on the retained lands. Town Planner, Ms. K. Brcic confirmed that there are no setback issues but there is a shed that is to be removed.

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

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Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/23/16 to sever and convey a portion of land from 358 County Road 34 W, being 0.14 ha (0.34 ac.) in area, as a lot addition to an abutting property known as 364 County Rd 34 W, 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 2, RP 12R-16586, be conveyed to the owner of the abutting parcel shown as Part 1, RP 12 16586 (364 County Rd 34 W) 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 one-foot square be conveyed from the receiving lot to the County of Essex, free of charge and clear of all encumbrances, if necessary, to facilitate the consolidation of the lot addition and receiving lot.
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 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.
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. That the owner shall verify the location of the water service(s) on the receiving lot (364 County Rd 34 W) to the satisfaction of the Municipal Services Department.
8. That a successful zoning by-law amendment is obtained which rezones the lot addition lands and receiving lot from 'Rural Residential (RR)' to 'Transitional Commercial (C3)'.
9. That a successful site plan agreement is registered on title for the combined lot addition and receiving lot.
10. The conditions imposed above shall be fulfilled by **June 20, 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

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Moved by Allison Vilardi, seconded by Thomas Neufeld there being no further hearings scheduled, the meeting was adjourned at 6:45 p.m.

CARRIED



CHAIRPERSON G. QUEEN



SECRETARY-TREASURER