



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY SEPTEMBER 19TH, 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• Thomas Neufeld• Russell Horrocks• Allison Vilardi• Jim Gaffan Jr.	<ul style="list-style-type: none">• Manager of Planning & Development Services – Robert Brown• Interim Planner – David French

ABSENT: 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, AUGUST 15TH, 2017.

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Moved by Allison Vilardi, seconded by Russell Horrocks the Committee of Adjustment Meeting Minutes dated August 15th, 2017 be adopted.

CARRIED

D. HEARINGS

1. A / 09 / 17 – 1503 Seacliff Drive – Antonino MUCCI

Interim Planner, David French introduced the minor variance application and reviewed his report dated September 11th, 2017 in which the applicant is seeking permission for reduction in the required lot frontage of the severed parcel from 24 m (78.74 ft.) to 18.47 m (60.6 ft.); and reduce the required lot frontage of the retained parcel from 24 m (78.74 ft.) to 21.9 m (71.85 ft.).

The subject land is a 1.22 ha (3.0 ac.) residential parcel containing a single detached dwelling. In June, 2016, a provisional consent was granted to sever the existing dwelling on a 0.69 ha (1.717 ac.) lot, shown as Parts 1 and 3 on the attached survey sketch, leaving a vacant 0.53 ha (1.309 ac.) vacant retained parcel. Both parcels met the minimum lot area requirement, however the provided lot frontage of each parcel was left undersized. It was a condition of the consent that the applicant successfully acquire a minor variance dealing with this deficiency on each parcel.

The applicant and agent were in attendance.

Russell Horrocks explained his concern of a Precedent Issue.

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 Jim Gaffan Jr. that Minor Variance Application A/09/17, to reduce the required lot frontage of the severed parcel from 24 m (78.74 ft.) to 18.47 m (60.6 ft.); and reduce the required lot frontage of the retained parcel from 24 m (78.74 ft.) to 21.9 m (71.85 ft.) on lands currently known as 1503 Seacliff Dr. in the Town of Kingsville, be **Approved** without conditions:

CARRIED

2. B / 07 / 17 – S/S Talbot Rd – Mucci Farms Ltd.

Interim Planner, David French introduced the consent application and reviewed his report dated September 7th, 2017 in which the applicant is requesting to sever and convey a 0.05 ha (0.129 ac.) vacant portion of the parcel as a lot addition to an abutting rural residential lot known 1937 County Road 34 in the Town of Kingsville.

The subject land is a 7.97 ha. (19.7 ac.) vacant agricultural parcel (outlined in green on the attached aerial photo). The applicant received a request from an abutting property owner at 1937 County Road 34 to purchase a 0.05 ha. (0.129 ac.) portion of the parcel to be added as a lot addition to their 0.2 ha (0.65 ac.) lot.

There are no zoning issues raised as a result of the proposed lot addition as the severed lands and receiving lot are both zoned 'Agriculture Zone 1 (A1)' and both resultant lots meet the minimum required performance standards.

The applicant was in attendance.

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

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Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Consent Application B/07/17, to sever and convey a 0.05 ha (0.129 ac.) vacant portion of County Road 34 (No Address), Part of Lots 11 & 12, Concession 2, Eastern Division as a lot addition to an abutting rural residential lot known 1937 County Road 34 (PIN 75143-0153), 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 of the registered plan is to be provided to the Town for the files of the Secretary-Treasurer.
2. That the lot addition to be severed, shown as Part 2 on the applicant's sketch (attached) be conveyed to the owner of the abutting rural residential parcel (1937 County Rd 34 / PIN 75143-0153) 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 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.
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 confirm that all building services are contained within existing property lines and do not cross over newly established lot lines.
8. The conditions imposed above shall be fulfilled by **September 19, 2018** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B / 11 / 17 – 194 Division St N – Windsor Essex Community Housing Corporation

Interim Planner, David French introduced the consent application and reviewed his report dated September 7th, 2017 in which the applicant is requesting consent to create a new 4,244.996 sq. m (45,692 sq. ft.) vacant residential lot at 194 Division Street North, Part of Lot 1, Concession 1, Western Division, Part 1, RP 12R 24623, in the Town of Kingsville.

The parcel is an 8,483.67 sq. m (91,317.46 sq. ft.) medium density residential lot containing an existing apartment dwelling and ancillary parking lot. It is proposed that the lot be subdivided to create a new 4,244.996 sq. m (45,692.76 sq. ft.) vacant lot with frontage on Westlawn Avenue. The remnant parcel, containing the apartment dwelling and parking lot, is proposed to be 4,238.674 sq. m (45,624.71 sq. ft.) in area and will maintain existing road access on Division Street North.

There are no zoning issues created as a result of the proposed consent.

The applicant's agent, Mr. Jeff Belanger of the Windsor Essex Community Housing Corporation was in attendance.

Committee Member, Jim Gaffan Jr. ask for clarification of the frontage issue on the severed lot.

Interim Planner, David French outlined the frontage requirement of 25 m. At present the site only has 19 m. frontage.

Mr. J. Belanger, outlined the rationale for the severance, asset management, there are no development plans at present.

Committee Member, Jim Gaffan Jr. stated that the property is zoned for high density and could be expanded, Mr. Gaffan asked about the Cornies letter that was included in the committee binders/packages.

Ed Cornies, 110 Prince Albert St N. Mr. Cornies spoke to the Committee of Adjustment. Written submission submitted.

Russell Horrocks asked Mr. Cornies about the request made by the applicant.

Mr. E. Cornies asked for the application to be deferred

Russell Horrocks questioned the applicant regarding the deferral.

Mr. J. Belanger, explained that Windsor Essex Community Housing Corporation (WECHC) is only seeking a severance. At this time they have no development plans. There is nothing to discuss with neighbours regarding future plans. If anything were to be brought to the development table it would be 5 to 10 years before anything happened. WECHC wants to be ready for development, if something should arise, selling the property is also an option.

William Cornies, 204 Westlawn Ave, outlined the history of the subject property and area. Mr. W. Cornies feels that the zoning should be changed to R1.1. Mr. W. Cornies is concerned about increased traffic on Westlawn Ave., and concerned with safety and security, regarding the type of tenants. Mr. W. Cornies was told by the Town that the lot could not be developed or accessed from Westlawn

Jim Gaffan Jr. clarified that zoning is not a consideration at this meeting nor are there development plans.

Sherri Lowrie, 47 Cameron Dr. Mrs Lowrie spoke to the Committee of Adjustment. See attached written submission, as well as a petition which included 96 signatures.

Thomas Neufeld thanked everyone for their comments.

Thomas Neufeld motioned to receive the written submission as well as the petition, Allison Vilardi seconded the motion.

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

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Moved by Russell Horrocks, seconded by Thomas Neufeld that Consent Application B/11/17, to create a new 4,244.996 sq. m (45,692 sq. ft.) vacant residential lot at 194 Division Street North, Part of Lot 1, Concession 1, Western Division, Part 1, RP 12R 24623, in the Town of Kingsville, be **Deferred** for one month for further discussion.

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

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Moved by Allison Vilardi, seconded by Russell Horrocks there being no further hearings scheduled, the meeting was adjourned at 6:55 p.m.

CARRIED



CHAIRPERSON G. QUEEN



SECRETARY-TREASURER