



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY AUGUST 15TH, 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• Councillor Larry Patterson• Jim Gaffan Jr.	<ul style="list-style-type: none">• Manager of Planning & Development Services – Robert Brown

ABSENT: Town Planner – Kristina Brcic
Interim Planner – David French
Thomas Neufeld

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, JUNE 20TH, 2017.

CA - 33 - 2017

Moved by Russell Horrocks, seconded by Jim Gaffan Jr. the Committee of Adjustment Meeting Minutes dated June 20th, 2017 be adopted.

CARRIED

D. HEARINGS

1. A/06/17 – 29 & 31 Robin Court – 1552843 Ontario Ltd. / Noah Homes

Manager of Planning & Development Services, Robert Brown introduced the minor variance application and reviewed the report prepared by Interim Planner, David French dated August 3rd, 2017 in which the applicant is seeking permission for reduction in front yard setback, rear yard setback and lot coverage for lands known as 29 & 31 Robin Court, Block 83, on Plan 12M-598 in the Royal Oak at the Creek subdivision

The parcel is an 859.65 sq. m (9253 sq. ft.) vacant lot. It is proposed that a semi-detached dwelling be constructed on the parcel. However, in order to construct the proposed dwelling the applicant has requested a minor variance which will provide for the following: 1.) A reduction in front yard setback from 6 m (19.66 ft.) to 5.5 m (18 ft.) 2.) A reduction in rear yard setback from 7.6 m (25 ft.) to 5.5 m (18 ft.) and 3.) An increase in permitted lot coverage from 50% to 52%.

The applicant was in attendance.

Committee member Jim Gaffan Jr. expressed no issues with the requested variance but did ask since there have been repeated requests for the same variance why a zoning amendment is not pursued.

Manager of Planning & Development Services, Robert Brown explained that this would be the ideal solution but would require the developer rather than the builder to make the application.

Committee member Russell Horrocks asked if consideration of the requested variance would be different if the rear yard didn't back onto Jasperson Dr.

Mr. R. Brown replied not likely.

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

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

CA - 34 - 2017

Moved by Russell Horrocks, seconded by Larry Patterson that Minor Variance Application A/06/17, for the reduction in front yard setback from 6 m (19.66 ft.) to 5.5 m (18 ft.); the reduction in rear yard setback from 7.6 m (25 ft.) to 5.5 m (18 ft.) and an increase in permitted lot coverage from 50% to 52% on lands currently known as 29 & 31 Robin Court in the Town of Kingsville, be **Approved** subject to the following conditions:

1. The applicant obtain a letter from the engineer of record stating that the requested increase in lot coverage would not have an adverse effect on the approved stormwater management plan for the approved Plan of Subdivision.

CARRIED

2. A/07/17 – 25 & 27 Robin Court – 1552843 Ontario Ltd. / Noah Homes

Manager of Planning & Development Services, Robert Brown introduced the minor variance application and reviewed the report prepared by Interim Planner, David French dated August 3rd, 2017 in which the applicant is seeking permission for reduction in front yard setback, rear yard setback and lot coverage for lands known as 25 & 27 Robin Court, Block 84, on Plan 12M-598 in the Royal Oak at the Creek subdivision

The parcel is an 859.65 sq. m (9253 sq. ft.) vacant lot. It is proposed that a semi-detached dwelling be constructed on the parcel. However, in order to construct the proposed dwelling the applicant has requested a minor variance which will provide for the following: 1.) A reduction in front yard setback from 6 m (19.66 ft.) to 5.5 m (18 ft.) 2.) A reduction in rear yard setback from 7.6 m (25 ft.) to 5.5 m (18 ft.) and 3.) An increase in permitted lot coverage from 50% to 52%.

The applicant was in attendance.

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

CA - 35 - 2017

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that Minor Variance Application A/07/17, for the reduction in front yard setback from 6 m (19.66 ft.) to 5.5 m (18 ft.); the reduction in rear yard setback from 7.6 m (25 ft.) to 5.5 m (18 ft.) and an increase in permitted lot coverage from 50% to 52% on lands currently known as 25 & 27 Robin Court in the Town of Kingsville, be **Approved** subject to the following conditions:

1. The applicant obtain a letter from the engineer of record stating that the requested increase in lot coverage would not have an adverse effect on the approved stormwater management plan for the approved Plan of Subdivision.

CARRIED

3. B/08/17 & A/08/17 –168 Harold Cull Drive – David & Sharon O’BEID

Manager of Planning & Development Services, Robert Brown introduced the consent application and minor variance application and reviewed the report prepared by Interim Planner, David French dated August 8th, 2017 in which the applicant is seeking permission to create a new vacant 498.8 sq. m (5369 sq. ft.) parcel, for the purpose of future residential development. The retained parcel will contain the existing dwelling and accessory sheds. As a result of the proposed severance, the following zone deficiencies are created which will require a minor variance application to address: 1.) Reduced rear yard setback of the dwelling on the retained parcel (Part 2) from the required 7.5 m (25 ft.) to 5.8 m (19.29 ft.); and 2.) Reduced lot area of the severed parcel from the required 500 sq. m (5382 sq. ft.) to 498.8 sq. m (5369 sq. ft.). In addition to the above noted deficiencies the minor variance will also recognize the location of an existing shed located in the front yard of the dwelling on the retained parcel.

The applicant was in attendance, and outlined the dimensions of the lot.

John and June Pisani, at 169 Harold Cull Drive, asked if the requested severance would establish a precedent, and also if the lot creation will enhance the neighborhood.

Nelson Santos, on behalf of his mother Lurdes Santos, at 336 Stonehedge Dr. expressed concern with current upkeep of the lot, gardens and trimming of trees.

The applicant indicated that with the development of the new dwelling lot there would be a change in the upkeep for the better.

Committee member Allison Vilardi, requested clarification of the location of the rear yard.

Councillor Larry Patterson requested clarification on the location of the front of the lot.

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

CA - 36 - 2017

Moved by Jim Gaffan Jr., seconded by Larry Patterson that Consent Application B/08/17, for the creation of a new vacant 498.8 sq. m (5369 sq. ft.) parcel, for the purpose of future residential development. The retained parcel will contain the existing dwelling and accessory sheds on lands currently known as 168 Harold Cull Drive 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. That Minor Variance application A/08/17 be finally approved;
8. The conditions imposed above shall be fulfilled by **August 15, 2018** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 37 - 2017

Moved by Jim Gaffan Jr., seconded by Larry Patterson that Minor Variance Application A/08/17, for the reduction in rear yard setback of the dwelling on the retained parcel (Part 2) from the required 7.5 m (25 ft.) to 5.8 m (19.29 ft.); and reduced lot area of the severed parcel from the required 500 sq. m (5382 sq. ft.) to 498.8 sq. m (5369 sq. ft.). In addition to the above noted deficiencies the minor variance will also recognize the location of an existing shed located in the front yard of the dwelling on the retained parcel on lands currently known as 168 Harold Cull Drive in the Town of Kingsville, be **Approved**.

CARRIED

4. B/09/17 – 3145 Olinda Side Road – Johan & Mandi Lynn QUIRING

Manager of Planning & Development Services, Robert Brown introduced the consent application and reviewed the report prepared by Interim Planner, David French dated August 3rd, 2017 in which the applicant is requesting consent to create a rural residential 0.743 ha (1.836 ac.) lot from the lands known as 3145 Olinda Sideroad, in the Town of Kingsville.

The parcel is a 10.559 ha (26.092 ac.) farm parcel containing a single detached dwelling and three accessory structures.

In March of 1978 a consent was granted by the former Gosfield South Township to create vacant 0.26 ha (0.64 ac.) residential lot, fronting on Olinda Sideroad, in the northeast corner of the larger farm parcel. This lot is known as Part 1, 12R-5302 and maintains a Kingsville Roll Number being 3711 400 000 05005. This parcel (Part 1, 12R-5302), owned by the applicants, is currently vacant and is farmed as part of the larger farming operation on the subject parcel.

The applicants have indicated that this vacant lot sits in an area of high soil quality and high crop yields and as such they have applied to relocate this lot to another area of the farm which provides both lower soil quality and lower yields. As such an application for consent to this effect has been filed which will create a new 0.743 ha (1.836 ac.) lot, shown as Part 1 on the applicants' sketch attached to this report as Appendix 'B'

As per the applicants', the requested increase in size of the new lot over the existing is to accommodate the construction of a new 325 sq. m (3500 sq. ft.) dwelling and associated septic system, and a pool. Further to this, the applicants have indicated they wish to site the dwelling further back on the proposed lot in so that the greater front yard will act as a buffer between the residential use of the dwelling and the vehicular traffic on Olinda Sideroad. Please refer to Appendix 'C'.

In order to accommodate this request the Town will require, through conditions to the consent, that the existing rural residential lot (PIN 75148-0048 / Part 1, 12R-5302) merge back with the farm so that in effect no new (additional) lot is created.

The applicant was in attendance. Mr. Quiring echoed the rationale outlined by Mr. R. Brown on why the request for the larger lot.

Walter Brander, 3249 Olinda Side Road, asked if there will be the possibility of a future severance between the existing farm house and the proposed lot as an infill?

Mr. R. Brown indicated that infill lots are not permitted so this would not be a possibility.

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

CA - 38 - 2017

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/09/17, to create a new vacant lot, being 0.743 ha (1.836 ac.) in area, from the lands known as 3145 Olinda Sideroad, Part of Lot 20, Concession 5, 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 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 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.
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 the existing lot known as PIN 75148-0048 / Part 1, 12R-5302 merge on title with the remnant farm parcel (PIN 75148-0047)
6. The conditions imposed above shall be fulfilled by **August 15, 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 - 39 - 2017

Moved by Allison Vilardi, seconded by Larry Patterson there being no further hearings scheduled, the meeting was adjourned at 6:40 p.m.

CARRIED


CHAIRPERSON G. QUEEN
SECRETARY-TREASURER