



# MINUTES

## COMMITTEE OF ADJUSTMENT MEETING

TUESDAY OCTOBER 18<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 Gord 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 Gord 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, JULY 19<sup>TH</sup>, 2016.

#### CA - 43 - 2016

Moved by Russell Horrocks, seconded by Thomas Neufeld the Committee of Adjustment Meeting Minutes dated July 19<sup>th</sup>, 2016 be adopted.

CARRIED

### D. HEARINGS

#### 1. A/04/16 and B/16/16 – Sunvalley Hydroponics Ltd. – 1579 Albuna Townline

Town Planner, Kristina Galinac introduced the consent and minor variance application and reviewed her report dated October 11<sup>th</sup>, 2016 in which the property owner is requesting consent to create a lot for an existing dwelling surplus to a farming operation on lands known as 1579 Albuna Townline (County Road 31), in the Town of Kingsville.

The subject land is a 2.04 ha (5.03 ac.) agricultural parcel and contains an existing dwelling and approximately 1.17 ha (2.9 ac.) of greenhouse. The applicant is requesting to sever the dwelling as surplus to the farming operation on a 0.147 ha (0.363 ac.) lot with 24.079 m (79 ft.) of frontage on Albuna Townline.

Since the applicant is trying to minimize any irregular lot fabric as a result of the severance, relief is required from the rural residential zoning provisions of the 'Agriculture (A1)' zone in regards to lot frontage and lot area. The property owner is requesting reduction from 25 m (82 ft.) to 24 m (79 ft.) for lot frontage, and a reduction in the minimum required lot area from 0.2 ha (0.49 ac.) to 0.147 ha (0.363 ac.).

Applicant was not in attendance and no neighbours were present to speak.

Member, Allison Vilardi asked what was meant by the minimum lot frontage at 66 feet.

SCANNED

The Planner explained that 66 ft. relates to the width of most road allowances and is considered adequate for the movement of traffic so the proposed reduction in the frontage to 79 ft. should not pose a problem.

Member, Jim Gaffan Jr. asked re: first page – west side not east side of Albuna Townline.

The Planner acknowledged that the correction would be noted in the file.

Member, Allison Vilardi asked if the retained farm parcel had a formal access. Town Planner, Kristina Galinac outlined that there was an existing access but it could be reviewed again and a condition for access added to ensure this was addressed. The Committee agreed to the addition of a condition that a new access be installed, if necessary. (The condition was added as item #6).

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

#### **CA - 44 - 2016**

Moved by Jim Gaffan Jr., seconded by Allison Vilardi that Consent Application B/16/16 for Sunvalley Hydroponics Ltd. to create a 0.147 ha (0.363 ac.) lot for a surplus dwelling, located at 1579 Albuna Townline, Part of Lot 13 Concession 1 ED, Part of Part 1 RP 12R-25908 and Part of Part 1 RP 12R-7360, 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. The owner submit an agreement for drainage apportionment due to land severance.
6. The owner obtain an access permit and install a new access to the retained farm parcel at the owner's expense and to satisfaction of the Town and County, if necessary.
7. A clearance letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.
8. To the satisfaction of the Town, the applicant obtains the necessary permit for and install an access to the retained farm parcel at the applicant's expense and, if applicable;
9. That a successful zoning by-law amendment is obtained which rezones the severed lands from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)'.
10. The conditions imposed above shall be fulfilled by October 18, 2017 for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **CA - 45 - 2016**

Moved by Jim Gaffan Jr., seconded by Allison Vilardi that Minor Variance Application A/04/16 for Sunvalley Hydroponics Ltd. - 1579 Albuna Townline, Part of Lot 13 Concession 1 ED, Part of Part 1 RP 12R-25908 and Part of Part 1 RP 12R-7360, in the Town of

Kingsville, to reduce the required lot frontage from 25m (82 ft.) to 24.079 m (79 ft.), and reduce the required lot area from 0.2 ha (0.49 ac.) to 0.147 ha (0.363 ac.) be **Approved** without conditions.

**CARRIED**

**2. A/05/16 – Richard & Sandra POUBLON – 293 Erieview Drive**

Town Planner, Kristina Galinac introduced the minor variance application and reviewed her report dated October 11<sup>th</sup>, 2016 in which the property owners are seeking relief to increase the maximum lot coverage for an accessory building or structure for the lands known as 293 Erieview Drive, in the Town of Kingsville.

The subject property is a 422.24 sq. m (4,545 sq. ft.) residential lot with an existing dwelling and detached garage. The applicants have utilized a temporary carport canopy, placed in front of the garage, for several years and would like to replace it with a permanent structure of the same use. The property owners are requesting a minor variance to increase the accessory building lot coverage to 14% to accommodate the construction of a proposed new 14.884 sq. m (160.2 sq. ft.) carport to be attached to the front of the existing garage. Therefore, a 4% relief is required from the zoning provisions for section 4.2 'Accessory Buildings and Structures', where 10% is the maximum lot coverage permitted for accessory buildings or structures in residential zones.

Member, Russell Horrocks asked if the existing garage is in compliance with the zoning? Town Planner, Kristina Galinac outlined that the garage is in compliance.

Member, Allison Vilardi asked if there are issues with the required setback of the carport addition to the main building? Town Planner, Kristina Galinac expressed there is no issue and the proposed construction of the carport is in compliance with zoning setbacks.

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

**CA - 46 - 2016**

Moved by Russell Horrocks, seconded by Thomas Neufeld that Minor Variance Application A/05/16 for Richard & Sandra POUBLON at 293 Erieview Drive, to increase the lot coverage for accessory buildings or structures from 10% to 14% be **Approved** subject to the following conditions:

1. that any new construction comply with all other applicable provisions of the By-law;

**CARRIED**

**E. OTHER BUSINESS**

**F. ADJOURNMENT**

**CA - 47 - 2016**

Moved by Thomas Neufeld, seconded by Allison Vilardi there being no further hearings scheduled, the meeting was adjourned at 6:35 p.m.

**CARRIED**

  
CHAIRPERSON G. QUEEN

  
SECRETARY-TREASURER