



The Corporation of the Town of Kingsville

Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville

Tuesday, February 20, 2024

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Members Present:

Thomas Neufeld, Councillor

Phil Caruana

Nicole Hackett-Winkels

Russell Horrocks

Members Absent:

Gord Queen, Chair

Administration Present:

Vitra Chodha, Town Planner

Angelina Pannunzio, Office Support

Lu-Ann Marentette, Drainage Superintendent

Angela Toole, Acting Clerk

Sahar Jamshidi, Manager of Planning

A. Call to Order

The Acting Chair called the meeting to order at 6:00 p.m.

B. Disclosures of Pecuniary Interest

The Chair asked members if there were any disclosures of pecuniary interest.

None were noted.

C. Adoption of Minutes

CA-06-2024

Moved By: Russell Horrocks
Seconded By: Nicole Hackett-Winkels

That the Minutes of the Committee of Adjustment and Appeals meeting dated January 16, 2024, **BE ADOPTED** as presented.

Carried

D. Committee of Adjustment Hearings

D.1 Requests for Withdrawal or Deferral

No requests for Withdrawal or Deferral.

D.2 Current Applications

D.2.1 File B-2024-04 - Application for Consent for Lot Creation

Vitra Chodha, Planner, introduced the application, and reviewed the report dated February 20, 2024, which provides details regarding the requested consent for the purpose of a lot creation for lands known as 200 Heritage Road, in the Town of Kingsville.

The subject lands are located west of Heritage Road (County Road 50), south of Normandy Avenue, and is designated 'Lakeshore Residential West' and 'Agricultural' by the Official Plan and zoned 'Lakeshore Residential – Holding (LR-h)' and 'Agricultural (A1)' in the Town of Kingsville Comprehensive Zoning By-law.

The subject site is a vacant parcel covering an area of approximately 41.2 hectares (101.8 acres). The applicants are proposing to create a new lot by using parts of the subject lands that are designated as Lakeshore Residential West and zoned as 'Lakeshore Residential – Holding (LR(h))'. The intent is for a proposed future subdivision development. The proposed new parcel will have an area of 9.82 hectares (24.3 acres) and a frontage of approximately 1,084 feet (330.4 metres). The retained parcel will remain designated as 'Agricultural' in the Official Plan and zoned as 'Agricultural (A1)'. No additional land is being added

to the settlement area, and no land is being removed from the agricultural area as a result of this proposal.

A plan of subdivision application will be required in the future prior to undertaking development. A subdivision proposal will require Council approval and will be the subject of a future public meeting.

The applicants' agent, Robert Brown, was in virtual attendance.

Robert Brown offered to elaborate on the proposal outlined in the Planner's report, stating that a portion of the southerly proposed remnant parcel, currently in the Town's settlement area, may be developed in the future, but would remain under their existing agricultural designations.

Acting Chairperson, Councillor Thomas Neufeld, asked if there were any comments or questions from the Committee or the public.

Acting Chairperson, Councillor Thomas Neufeld, confirmed there were no additional comments nor questions from the Committee, the applicants' agent, nor the public.

CA-07-2024

Moved By: Russell Horrocks
Seconded By: Phil Caruana

That the Committee of Adjustment **APPROVE** consent applications B-2024-4 to create one (1) new lot located at 200 Heritage Road, in the Town of Kingsville, subject to the following conditions:

1. That a plan of survey be prepared or a reference plan deposited in the registry office, both an electronic and paper copy of either 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 established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
4. That the owner provide confirmation that the retained and severed parcels have legal access to their assessed drain.
5. That the owner provide confirmation that all services do not cross property lines on the retained and severed parcel.

Carried

D.2.2 Files B-2024-3 and A-2024-1 - Application for Lot Line Adjustment and Minor Variance

Vitra Chodha, Planner, introduced the application, and reviewed the report dated February 20, 2024, which provides details regarding the requested consent for the purpose of a lot-line adjustment for lands known as 1467 and 1469 Wellington Union Avenue, in the Town of Kingsville, and a request to reduce the required lot frontage for the proposed retained parcel for lands known as 1467 Wellington Union Avenue, in the Town of Kingsville. The subject sites are designated 'Lakeshore Residential East' and zoned 'Lakeshore Residential

(LR) and 'Lakeshore Residential exception 34 (LR-34).

1467 Wellington Union Avenue is a 121,096.8 square foot (2.78 acre) property containing one single detached dwelling. The applicants intend to sever and convey a 2,274.3 square foot (0.05 acre) parcel with a frontage of 4.27 metres (14 feet) to their neighbors at 1469 Wellington Union Avenue.

As a result of the proposed consent for lot addition to 1469 Wellington Union Avenue, the applicants will also need a minor variance for relief from lot frontage for the retained parcel, which is proposed at 14.17 metres (46.5 feet), versus 18 metres (78.5 feet) as required under the 'Lakeshore Residential (LR)' zone.

The applicant, Shaun Martinho, was in attendance.

Committee member, Russell Horrocks requested clarification from the Planner as to why a request for relief of 32 feet is considered minor.

Vitra Chodha, Planner, confirmed that the frontage of 1467 Wellington Union Avenue is currently only used to access the property. She stated that the exception to the zoning reduces the required minimum lot frontage, and that should the lot-line adjustment be approved, 1469 Wellington Union Avenue will comply with the requirements under the 'Lakeshore Residential (LR)' zone. She added that 1469 Wellington Union Avenue would then have a reduced frontage, which would be lower than the required minimum in its zone.

Committee member, Phil Caruana, asked whether the request for relief from the required lot frontage at 1467 Wellington Union Avenue was intended for access to a possible future development.

Vitra Chodha, Planner, confirmed a single-detached dwelling is currently being built at 1467 Wellington Union Avenue and an existing single-detached dwelling at 1469 Wellington Union Avenue. She assured the Committee that the request does not relate to any development proposals at this time.

The applicant, Shaun Martinho, confirmed that he does not have intentions for any further development of the property, and that the request is only to increase the frontage at 1469 Wellington Union Avenue. Mr. Martinho added that the piece he is proposing to sever currently serves no purpose and would better benefit his parents at the neighbouring property.

Acting Chairperson, Councillor Thomas Neufeld, confirmed there were no additional comments nor questions from the Committee, the applicant, nor the public.

CA-08-2024

Moved By: Phil Caruana
Seconded By: Nicole Hackett-Winkels

1. That the Committee of Adjustment **APPROVE** consent application B-2024-3 for the purpose of a lot-line adjustment, shown on the Applicants' Sketch, for the lands known as 1467 & 1469 Wellington Union Avenue, in the Town of Kingsville, subject to the following conditions:
 - a. That a plan of survey be prepared, or a reference plan deposited in the registry office, both an electronic and paper copy be provided to the Town for the files of the Secretary-Treasurer.
 - b. 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 favorable minor variances shall have been processed for any non-compliances.
 - c. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
 - d. That the owner shall provide confirmation that services does not cross property boundaries between the severed and retained lots and on-site verification by Town required to confirm the septic systems are within appropriate property lines.
 - e. 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.

- f. The conditions imposed above shall be fulfilled by February 26th, 2026, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

2. That the Committee of Adjustment **APPROVE** minor variance application A-2024-1 to reduce the required lot frontage for the retained parcel, for the lands known as 1467 Wellington Union Avenue, in the Town of Kingsville from 18 m (78.5 ft) to 14.7 m (46.5 ft).

Carried

E. Court of Revision

E.1 Engineer's Report - Division Road Drain

Lu-Ann Marentette, Drainage Superintendent, provided an overview of the Engineer's Report.

E.2 List of Appeals

None noted.

E.3 Deliberation and Decision

CA-09-2024

Moved By: Russell Horrocks

Seconded By: Nicole Hackett-Winkels

That the Schedule of Assessment for Division Road Drain North, forming part of the Engineer's Report, prepared by Baird AE dated November 9, 2023, in the Town of Kingsville, County of Essex, **BE APPROVED** as presented.

Carried

F. Property Standards Appeal Hearings

No Property Standards Appeals at this time.

G. By-law Appeal Hearings

No By-law Appeals at this time.

H. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is Tuesday, March 19, 2024 at 6:00 p.m. at the Unico Community Centre.

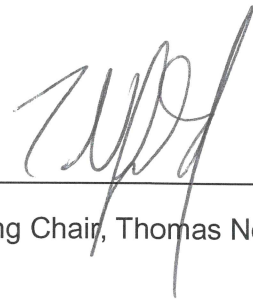
I. Adjournment

CA-10-2024

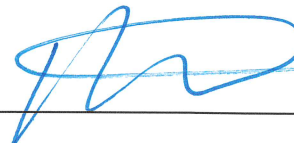
Moved By: Phil Caruana
Seconded By: Nicole Hackett-Winkels

That the meeting **BE ADJOURNED** at 6:17 p.m.

Carried



Acting Chair, Thomas Neufeld



Recording Secretary, Vitra Chodha