



COMMITTEE MINUTES

COMMITTEE OF ADJUSTMENT & APPEALS MARCH 22, 2022 @ 6:00 p.m. ELECTRONIC PARTICIPATION – Via Zoom

A. CALL TO ORDER

Chairperson Thomas Neufeld called the Meeting to order at 6:06 p.m. with the following persons in virtual attendance:

MEMBERS OF COMMITTEE OF ADJUSTMENT:

Councillor Thomas Neufeld
Deputy Mayor Gord Queen
Allison Vilardi
Russell Horrocks

MEMBERS OF ADMINISTRATION:

Manager of Planning Services, Robert Brown
Angelina Pannunzio, Administration
Stephanie Coussens, Administration

ABSENT: Shannon Olson

B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson Thomas Neufeld reminded the Committee that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. MINUTES OF THE PREVIOUS MEETING

1. ADOPTION OF COMMITTEE OF ADJUSTMENT & APPEALS MEETING MINUTES DATED JANUARY 18, 2022.

CAA-04-2022

Moved by Gord Queen, seconded by Russell Horrocks, that the Committee of Adjustment & Appeals Meeting Minutes dated January 18th, 2022, be adopted.

CARRIED

D. HEARINGS

1. A / 01 / 22 – Chris & Michelle BISHOP

Manager of Planning Services, Robert Brown, introduced the Minor Variance Application and reviewed the report dated March 10th, 2022, which provides details regarding the requested minor

variance to increase the lot coverage to allow construction of a single detached dwelling on lands known as 13 Gregory Ave, in the Town of Kingsville.

The subject parcel is a 1,207.92 m (13,001.89 sq. ft.) vacant residential lot in the final phase of the Timbercreek subdivision currently under development. (See Appendix A) The applicants are planning to construct a new house on the subject lands. The total footprint of the new dwelling is 468.77 sq. m (5,045.85 sq. ft.) of that, 79.9 sq. m (860.29 sq. ft.) is for the front and rear covered porches, resulting in a total lot coverage is 39%. The permitted total coverage is limited to 35%, therefore the applicant is requesting relief to increase the maximum permitted lot coverage in the 'Residential Zone 1 Urban – Exception 24 (R1.1-24)' zone, specific to this lot to 39%.

Chairperson, Thomas Neufeld asked if there were any comments or questions from the committee, applicant, or the public.

Chairperson, Thomas Neufeld confirmed there were no other comments or questions from the committee, applicant, or the public.

CAA-05-2022

Moved by Gord Queen, seconded by Allison Vilardi that minor variance application A/01/22 for the construction of a single detached dwelling, pertaining to the lands known as 13 Gregory Avenue be **APPROVED** subject to the following:

- i. That any new construction complies with all other applicable provisions of the By-law;
- ii. That any new construction complies with the Ontario Building Code

CARRIED

2. B / 23 / 21 – 105 Laurel Street – Robert & Shelley DeVEER

Manager of Planning Services, Robert Brown, introduced the Consent application and reviewed the report dated March 10th, 2022, which provides details regarding the requested consent to sever and convey a portion of lands from 105 Laurel Street, as a lot addition to an abutting lot (99 Laurel Street), in the Town of Kingsville.

The subject parcel is a 1,051.6 sq. m (11,319.1 sq. ft.) residential parcel located on the east side of Laurel St. between Mill St. W and Elm St. (See Appendix A) containing a single detached dwelling. It is proposed that an 88.7 sq. m (954.8 sq. ft.) parcel (shown as Part 2 on the Applicants' Sketch – Appendix B) be severed and conveyed as a lot addition to an abutting lot, 99 Laurel St. (Part 3) A zoning amendment is not required as both the severed parcel and receiving lot are zoned 'Residential (R1.1)'.

Chairperson, Thomas Neufeld asked if there were any comments or questions from the committee, applicant, or the public.

Committee member Allison Vilardi asked for confirmation of the removal of the shed. Robert Brown, Manager of Planning Services, confirmed the shed would be relocated or removed to satisfy setbacks.

Mr. Simon S. Yared, solicitor and representative for the applicant, confirmed no services in the portion of land to be severed.

Chairperson, Thomas Neufeld confirmed there were no other comments or questions from the committee, applicant, or the public.

CAA-06-2022

Moved by Gord Queen, seconded by Allison Vilardi that consent application B/23/21 to sever and convey a portion of the subject land (Part 2) as a lot addition from 105 Laurel St. to an abutting parcel known as 99 Laurel St. (Part 3), in the Town of Kingsville, be **APPROVED** subject to the following:

1. That the lot addition to be severed, shown on the applicants' sketch as Part 2, be conveyed to and consolidated with the abutting parcel, known as 99 Laurel St. (Part 3) (P.I.N. 75183-0267) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
2. At the time the conveyance is prepared for certification, two (2) print copies of the reference plan prepared by an Ontario Land Surveyor including digital files in .pdf format and .dwg in the NAD 83 format (UTM Zone 17 Metric), numbered, dated, signed and registered are to be submitted to the Town.
3. That the owner shall provide that all municipal taxes be paid in full.
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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
6. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), prior to certification.
7. The conditions imposed above shall be fulfilled by March 22, 2024 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. B / 01 / 22 – Maria BAKALIC – 406 County Road 34 West

Manager of Planning Services, Robert Brown, introduced the Consent application and reviewed the report dated, March 10th, 2022, which provides details regarding the requested consent to create three new residential lots from 406 County Rd 34 W, in the Town of Kingsville.

The subject property has frontage on both County Rd 34 W and the Cameron Side Road. It is partially designated 'Rural Residential' adjacent to County Rd 34 W and Cameron Side Road. The remainder of the property is designated 'Agriculture' by the Official Plan and zoned a mix of 'Agriculture, Exception 47 (A1-47)' with a portion of the lands along Cameron Side Road zoned 'Rural Residential (RR)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 17.8 ha (44 ac.) in area with 79.2 m (260 ft.) of frontage along County Rd 34 W. The property currently contains one single detached dwelling and several farm

buildings. The owner is proposing to create three residential lots with frontage on Cameron Side Road. The dimensions of the proposed lots are shown on the applicant's sketch. (Appendix B) This portion of lands is already designated Rural Residential and zoned 'Rural Residential (RR)', thus a zone change is not required.

CAA-07-2022

Moved by Allison Vilardi, seconded by Gord Queen, to receive the Letters of Opposition / Comments submitted by neighbouring residents dated March 21, 2022.

CARRIED

Chairperson, Thomas Neufeld asked if there were any comments or questions from the committee, applicant, or the public.

Committee member Allison Vilardi, asked if there is a potential to create more lots by the property owner. Robert Brown, Manager of Planning Services, explained that there is no potential to split further to the North East into further lots, however there is potential to sever PT 3 into one additional lot. He further stated that separate services and shared access to minimize culverts are required. Any further subdivision is unlikely as the remaining lands are not designated rural residential and outside the settlement boundaries.

Committee member Russell Horrocks, asked Robert Brown, Manager of Planning Services, if the approval would address comments made by Essex Region Conservation Authority (ERCA). Mr. Brown explained that once a Building permit is requested, an ERCA permit will be required that will directly address any applicable comment that was provided. Further, Mr. Horrocks understands the Planning Act, and the designation of the land in the Official Plan and Zoning By-Law for the Town of Kingsville. Mr. Horrocks hopes the residents that submitted their letters of opposition have been satisfied, and that they understand the approval would adhere to the Planning Act, Zoning By-Law, and the Official Plan. Mr. Brown explained that several residents have requested a copy of the decision. Appeals with Planning rationale will be processed.

Committee member Allison Vilardi, agreed with Mr. Horrocks' comments regarding the Official Plan and Zoning By-law indicating the designation as residential.

Chairperson, Thomas Neufeld confirmed there were no other comments or questions from the committee, applicant, or the public.

CAA-07-2022

Moved by Allison Vilardi, seconded by Russell Horrocks, that consent application B/01/22 to create three (3) lots, shown as Parts 1, 2 & 3 on the applicant's sketch, each with frontage on Cameron Side Rd., from Part Lot 276, Concession NTR, known as 406 County Rd 34 W, in the Town of Kingsville, be **APPROVED** subject to the following:

1. At the time the conveyance is prepared for certification, two (2) print copies of the reference plan prepared by an Ontario Land Surveyor including digital files in .pdf format and .dwg in the NAD 83 format (UTM Zone 17 Metric), numbered, dated, signed and registered are to be submitted to the Town.
2. That the owner shall provide that all municipal taxes be paid in full.

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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
5. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), prior to certification.
6. That the applicant obtain the necessary permits for and install two new accesses to the severed lots (one access to be shared) at the applicant's expense and to the satisfaction of the Town;
7. That the applicant install (at the applicant's expense) or deposit the cost of three new water services, one to each of the proposed lots (Parts 1, 2 & 3);
8. That each newly created lot obtain a municipal address and 911 sign.
9. That cash-in-lieu of parkland in the total amount of \$4,500, be paid to the Town.
10. That any necessary drainage reapportionments be undertaken.
11. The conditions imposed above shall be fulfilled by March 22, 2024 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B / 02 / 22 – AL-LE Acres – V/L County Road 7 E

Manager of Planning Services, Robert Brown, introduced the Consent application and reviewed the report dated, March 10th, 2022, which provides details regarding the requested consent to sever and convey a portion of lands from VL County Rd 7 E, as a lot addition to an abutting rural residential lot (97 Rd 7 E), in the Town of Kingsville.

The subject parcel is a 121.4 ha (300 ac.) farm parcel with farm buildings located in the northeast corner of the intersection of Graham Side Road and Road 7 E. (Appendix A) The owner would like to convey a 0.14 ha (0.35 ac.) parcel, shown as Part 1 on the attached survey (Appendix B) as a lot addition to an abutting lot located at 97 Road 7 E, for additional rear yard space. A zoning amendment is not required as the farm and receiving lot are both zoned 'Agriculture (A1)'.

Chairperson, Thomas Neufeld asked if there were any comments or questions from the committee, applicant, or the public.

Chairperson, Thomas Neufeld confirmed there were no other comments or questions from the committee, applicant, or the public.

CAA-08-2022

Moved by Russell Horrocks, seconded by Gord Queen, that consent application B/02/22 to sever and convey a portion of the subject land (Part 1) as a lot addition from VL Rd 7 E

to an abutting parcel known as 97 Rd 7 E, in the Town of Kingsville, **APPROVED** subject to the following:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to and consolidated with the abutting parcel, known as 97 Rd 7 E (P.I.N. 75151-0038) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
2. That the applicant convey a 1 ft. square portion of the receiving lot, if necessary, shown as Part 2 on the draft survey, to the Town free of charge and clear of all encumbrances;
3. At the time the conveyance is prepared for certification, two (2) print copies of the reference plan prepared by an Ontario Land Surveyor including digital files in .pdf format and .dwg in the NAD 83 format (UTM Zone 17 Metric), numbered, dated, signed and registered are to be submitted to the Town.
4. That the owner shall provide that all municipal taxes be paid in full.
5. 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.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), prior to certification.
8. That any necessary drainage reapportionments be undertaken.
9. The conditions imposed above shall be fulfilled by March 22, 2024 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

E. NEW AND UNFINISHED BUSINESS

F. NEXT MEETING DATE

The next meeting of the Committee of Adjustment shall take place on April 12th, 2022, at 6:00 p.m. Format of the meeting will be noted in the agenda and notice for the April meeting.

G. ADJOURNMENT

CAA-09-2022

Moved by Gord Queen, seconded by Russell Horrocks to adjourn this Meeting at 6:39 p.m.

CARRIED

CHAIR, Thomas Neufeld

**SECRETARY TREASURER,
Robert Brown**