



Committee of Adjustment Meeting Agenda

November 19, 2024, 5:00 pm

Location: Essex Municipal Building, 33 Talbot Street South

Accessible formats or communication supports are available upon request. Please contact the Clerk’s Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. Call to Order

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

4. Adoption of Published Agenda

4.1 Committee of Adjustment Meeting Agenda for November 19, 2024

Moved by _____

Seconded by _____

That the published agenda for the November 19, 2024 Committee of Adjustment Meeting be adopted as presented / amended.

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for October 16, 2024

1

Moved by _____

Seconded by _____

That the minutes of the Committee of Adjustment meeting held October 16, 2024 be adopted as circulated.

6. Reports from Administration/Applications

7

6.1 A-16-24 133 Laird Avenue - 1000836172 Ontario Inc. c/o Daniel Croft, Agent: Lassaline Planning Consultants c/o Jackie Lassaline

8

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 133 Laird Avenue, Essex Centre, Ward 1. The applicant is looking to construct a three (3) storey apartment building with a total of nine (9) dwelling units. The apartment building will have a total height of 9.6m (31.5ft), and a gross floor area of 790sqm (8,505sqft). The apartment building will be located 3.42m (11.25ft) from the southern interior lot line, and 3.05m (10ft) from the northern interior lot line. The apartment building will have six (6) balconies encroaching up to a maximum of 1.2m (4ft) into the required northern interior side yard.

Therefore, the applicant is requesting relief from the following sections of the Zoning By-law, By-law 1037:

- Section 16.1 b) viii) which requires a side yard width minimum of 6m (20ft) where a habitable room window of any dwelling unit faces a side lot line.
- Section 9.5 c) which permits balconies to encroach into a required side yard to a maximum depth equal to 25% of the required side yard width

6.2 B-18-24 687 Beach Street - Maria Francisco c/o Joe Francisco

27

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 687 Beach Street, former Colchester South, Ward 3. The applicants are proposing to sever a \pm 94.42 sqm (0.023 acre) parcel from the existing \pm 1,131 sqm (0.279 acre) residential lot to be added to the adjacent property identified as 685 Beach Street. The retained residential lot is proposed to have an area of \pm 1,036.58 sqm (0.256 acres). The applicant is proposing this consent for the purposes of a lot addition.

7. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at _____.

8. Future Meetings



**The Corporation of the Town of Essex
Committee of Adjustment Meeting Minutes**

October 16, 2024, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

Present: Chair - Pocock, Phil
Vice Chair - Baker, William
Member - Child, Matthew
Member - Lester, Dorene
Member - Sauve, Danny

Also Present: Ian Rawlings, Junior Planner
Marsha Buchta, Recording Secretary
Lori Chadwick, Director, Development Services

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

1. Call to Order

The Chair, Phil Pocock, called the meeting to order at 5:01 p.m.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Committee of Adjustment Meeting Agenda for October 16, 2024

COA24-10-55

Moved By William Baker, Vice Chair
Seconded By Dorene Lester

That the published agenda for the October 16, 2024 Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for August 20, 2024

COA24-10-56

Moved By Dorene Lester
Seconded By Matthew Child

That the minutes of the Committee of Adjustment meeting held August 20, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 A-13-24 James Manning & Cindy Ross, 332 Laird Avenue, Essex Deferred

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 332 Laird Avenue, in Essex Centre. The applicants are looking to construct a two (2) storey accessory building with a total building height of 7.02 metres (23.05 ft) and a gross floor area of 178.0 square metres (1,916 sqft). Therefore, the applicants are requesting relief from the following sections of Zoning By-law 1037 to permit the accessory building:

- Section 14.1 b) v. which limits the maximum building height of an accessory building to one (1) storey,
- Section 14.1 b) x. which limits the size of an accessory building and combination of accessory buildings to 70 square metres (750 sqft) and 92 square metres (1,000 sqft) respectively.

On Tuesday August 20, the Town of Essex Committee of Adjustment heard Minor Variance application A-13-24. Following a presentation by Staff, and public delegations by the applicant and members of the public, a motion to approve the application was made by a member of the Committee but did not receive a majority of support to be granted. No further motion was made on the application. Therefore, the application has been deemed **“deferred”** and must be brought back to the Committee of Adjustment for a decision.

Ian Rawlings, Junior Planner, provided a brief overview of Application A-13-24. As no decision was formally made during the last meeting held August 20, 2024, the Application was deferred and brought back. Mr. James Manning spoke to the Committee advising he chose to revise the plans to permit a one-storey structure with a building footprint of 96.6 square metres. All set back requirements are met with the amended site plan.

Mr. Shawn Conley advised there are flooding problems in the area; he was not in support of the application and would like the matter referred to Council.

COA24-10-57

Moved By Dorene Lester
Seconded By William Baker, Vice Chair

That application A-13-24 be approved with the requested relief from section 14.1 b) x. which limits the size of an accessory building and combination of accessory buildings to 70 square metres (750 sqft) and 92 square metres (1,000 sqft) respectively, subject to the following Condition:

1. That, prior to the issuance of a building permit, that the two (2) accessory structures located in the rear yard be removed/demolished/brought into compliance with the Zoning By-law.

Reason for the Decision:

1. The general intent of the Town of Essex Official Plan is maintained;
2. The general intent of the Zoning Bylaw is maintained;
3. The variance(s) is minor;
4. The variance(s) is desirable for the appropriate use of the land;
5. The variance is compatible with the established character of the neighborhood, traffic and parking patterns;
6. The variance deals with circumstances particular to the site and development.

Carried

6.2 A-15-24 Town of Essex (c/o Jake Morassut) 33 Talbot Street South

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 33 talbot Street South, Essex Centre, Ward 1. The applicants are proposing to construct an addition to the existing structure currently used as the Town Hall Facilities. The proposed addition will be two (2) storeys with a total building height of 7.49 m and a building footprint of 528.37 sqm. The addition will be located 1.48 m from the exterior rear lot line. Therefore, the applicant is requesting relief from subsection 17.2 b) vi which states that a rear yard depth minimum must be 7.5m from an exterior rear lot line.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department, whereby Administration recommended the approval of the application. The building is Split Zoning but falls within the I 1.2 provision which requires 7.5 m rear yard setback. The encroachment will be the same as is existing. Chair Pocock questioned parking requirements. Ms. Chadwick clarified that the Zoning By-law requires 41 parking spaces. Mr. Morassut advised there are 70 staff members, current site plans provide parking for each staff member.

COA24-10-58

Moved By Danny Sauve

Seconded By William Baker, Vice Chair

That application A-15-24 be approved with the requested relief required from subsection 17.2 b) vi which states that a rear yard depth minimum must be 7.5 m from an exterior rear lot line.

Reason for the Decision:

1. The general intent of the Town of Essex Official Plan is maintained;
2. The general intent of the Zoning Bylaw is maintained;

3. The variance(s) is minor;
4. The variance(s) is desirable for the appropriate use of the land;
5. The variance is compatible with the established character of the neighborhood, traffic and parking patterns
6. The variance deals with circumstances particular to the site and development.

Carried

6.3 B-17-24 Joseph Paul Grondin, 1172 South Malden Road

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1172 South Malden Road, former Colchester North, Ward 2. The applicant is proposing to sever a ± 0.16 ha (0.4 acre) parcel from the existing ± 19.38 ha (47.9 acres) agricultural lot to be added to the adjacent property identified as 1184 South Malden Road. The retained agricultural lot is proposed to have an area of ± 19.22 ha (47.5 acres). The applicant is proposing this consent for the purposes of a lot addition.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department, whereby the report recommended the approval of the application with the conditions specified.

Mr. Baker questioned how an accessory structure was built on 1172 South Malden Road and utilized by 1184 South Malden.

Mr. Joe Grondin informed the Committee that his sister owns the property which will acquire the lot addition housing the accessory structure.

COA24-10-59

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That application B-17-24 be approved to sever a ± 0.16 ha (0.4 acre) parcel from the existing ± 19.38 ha (47.9 acres) agricultural lot to be added to the adjacent property identified as 1184 South Malden Road, subject to the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the

satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

5. That the severed parcel be consolidated with the lands known as 1184 South Malden Road. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;
6. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
7. That all of the above conditions be fulfilled on or before October 16, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-17-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents" and subsection 6.5 respecting "Consents in Areas Designated Agricultural".

Carried

6.4 A-14-24 Joseph Paul Grondin, 1172 South Malden Road

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1172 South Malden Road, former Colchester North, Ward 2. As a result of a consent application for the purpose of a lot addition on the subject lands, the lot area for the retained parcel will be reduced from ± 19.38 ha (47.9 acres) to ± 19.22 ha (47.5 acres). Relief is therefore required from Section 13.1 b) ii) of the Zoning By-law which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

COA24-10-60

Moved By Dorene Lester

Seconded By Matthew Child

That application A-14-24 be approved with the requested relief required from Section 13.1 b) ii) of the Zoning By-law which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing."

As a result of the severance on the subject lands, the lot area for the severed and retained parcels will be reduced from ± 19.38 ha (47.9 acre) to ± 19.22 ha (47.5 acres) respectively.

Reason for the Decision:

1. The general intent of the Town of Essex Official Plan is maintained;
2. The general intent of the Zoning Bylaw is maintained;
3. The variance(s) is minor;
4. The variance(s) is desirable for the appropriate use of the land;
5. The variance is compatible with the established character of the neighborhood, traffic and parking patterns;
6. The variance deals with circumstances particular to the site and development.

Carried

7. Adjournment

COA24-10-61

Moved By Dorene Lester

Seconded By Danny Sauve

That the meeting be adjourned at 5:36 p.m.

Carried

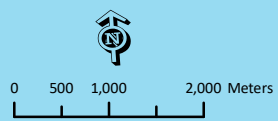
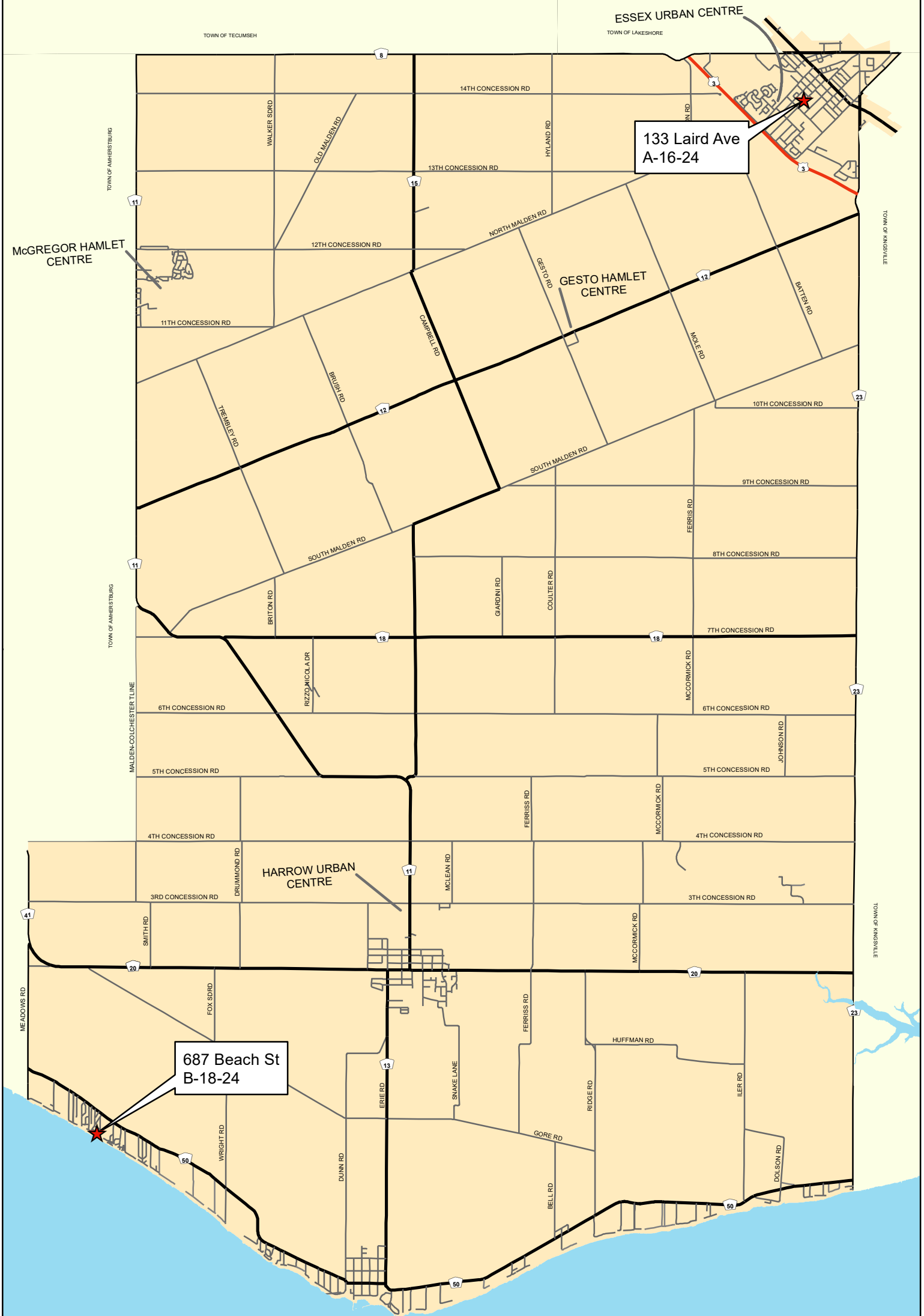
8. Future Meetings

Tuesday, November 19, 2024, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex.

Chair

Recording Secretary

APPLICATION LOCATIONS NOVEMBER 2024





**Notice of Public Hearing
Application for Minor Variance
Town of Essex Committee of Adjustment**

File Number: A-16-24
Owner: 1000836172 Ontario Inc. (c/o Daniel Croft)
Agent: Lassaline Planning Consultants. (c/o Jackie Lassaline)
Location: 133 Laird Avenue (Essex Centre, Ward 1)

Purpose:

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 133 Laird Avenue, Essex Centre, Ward 1. The applicant is looking to construct a three (3) storey apartment building with a total of nine (9) dwelling units. The apartment building will have a total height of 9.6m (31.5ft), and a gross floor area of 790sqm (8,505sqft). The apartment building will be located 3.42m (11.25ft) from the southern interior lot line, and 3.05m (10ft) from the northern interior lot line. The apartment building will have six (6) balconies encroaching up to a maximum of 1.2m (4ft) into the required northern interior side yard. Therefore, the applicant is requesting relief from the following sections of the Zoning By-law, By-law 1037:

- Section 16.1 b) viii) which requires a side yard width minimum of 6m (20ft) where a habitable room window of any dwelling unit faces a side lot line.
- Section 9.5 c) which permits balconies to encroach into a required side yard to a maximum depth equal to 25% of the required side yard width.

Take Notice:

An application under the above file number will be heard by the Town of Essex Committee of Adjustment on **Tuesday, November 19, 2024 at 5:00 p.m.** in Council Chambers, at Town of Essex Municipal Building, 33 Talbot Street South, Essex, ON, N8M 1A8. Any owner of land that contains seven (7) or more residential units is requested to post this notice in a location that is visible to all residents.

Public Hearing:

You are entitled to attend this public hearing to express your views about this application or you may be represented by counsel for the purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the Secretary-Treasurer of the Committee of Adjustment for the Town of Essex, via email at essexplanning@essex.ca.

Please Note:

This meeting will be available for members of the public to attend in person. Please note there is limited space for in-person attendees and delegates, therefore pre-registration is recommended to essexplanning@essex.ca. Delegates and the public requesting to attend electronically due to special accommodation is permitted, however pre-registration is mandatory to essexplanning@essex.ca. Please provide your contact information (name, address, email and phone number) to the Committee Recording Secretary via email to essexplanning@essex.ca or phone 519-776-7336 extension 1128 no later than the deadline of 24 Hours prior to the date and time of the scheduled meeting. Electronic participation in

meeting practices shall be in accordance with Subsection 3.13 of the Town of Essex Procedural Bylaw.

Where and when feasible, all Committee of Adjustment meetings shall be livestreamed and/or made available electronically for public viewing with such determination to be based on the resources available at the time, the prevailing circumstances of the Meeting including the location thereof, any other factors that support the livestreaming or electronic availability of such Meeting. The failure to livestream and/or make available electronically for public viewing any particular Committee of Adjustment meeting shall not affect the validity of the Meeting or any action lawfully taken at the Meeting.


The livestream for this meeting will be available at the YouTube address listed below. The stream will be made live approximately 10 minutes before the start of the meeting and accordingly, the meeting will not appear on the YouTube account page until then.

<https://www.youtube.com/user/EssexOntario/videos>

Notice of Decision:

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment for the Town of Essex, 2610 County Road 12, Essex Ontario, N8M 2X6

October 31, 2024



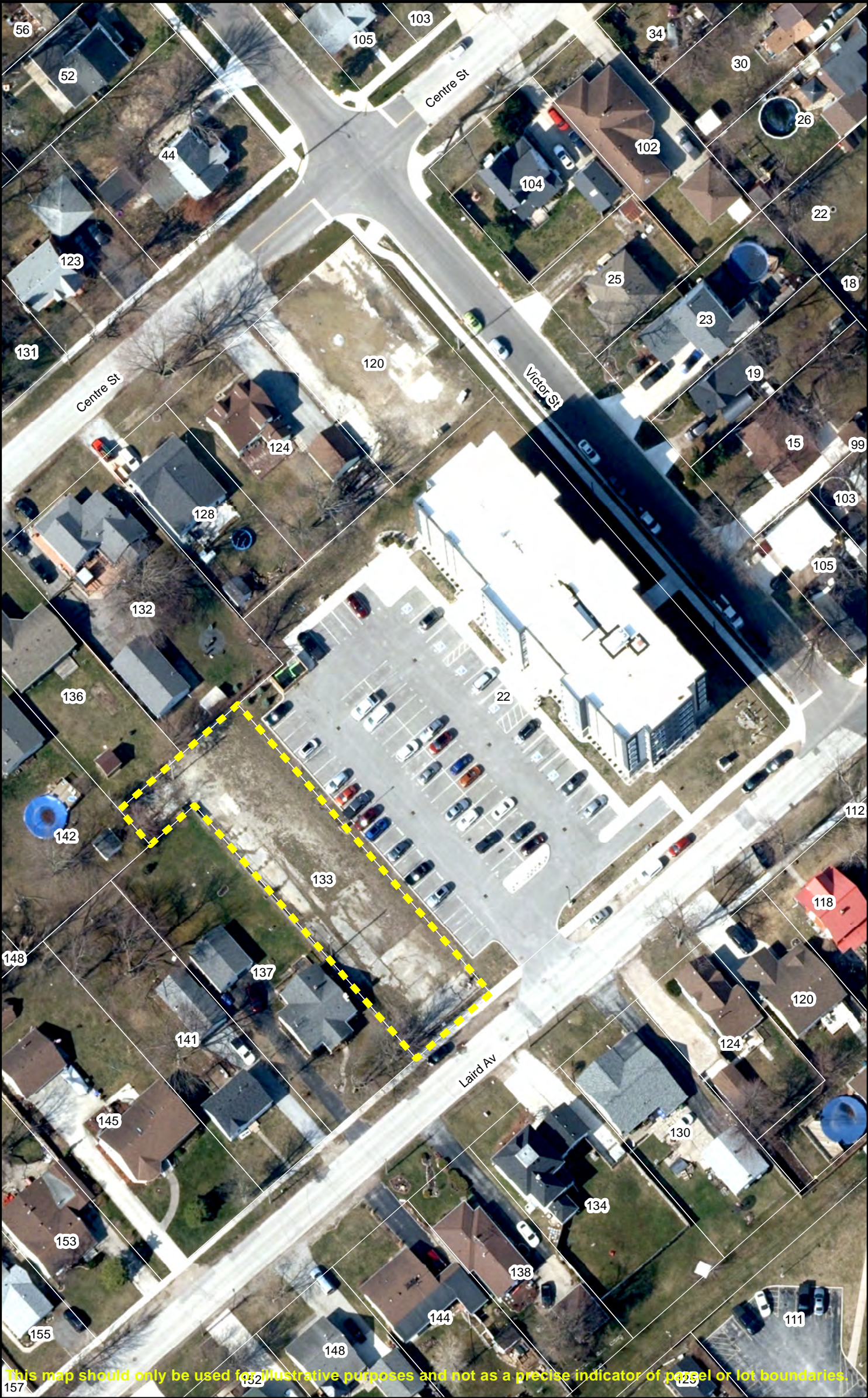
Rita Jabbour, RPP

Deputy Secretary-Treasurer/ Manager, Planning Services

Town of Essex Committee of Adjustment

Telephone: 519-776-7336, extension 1000

Email: essexplanning@essex.ca



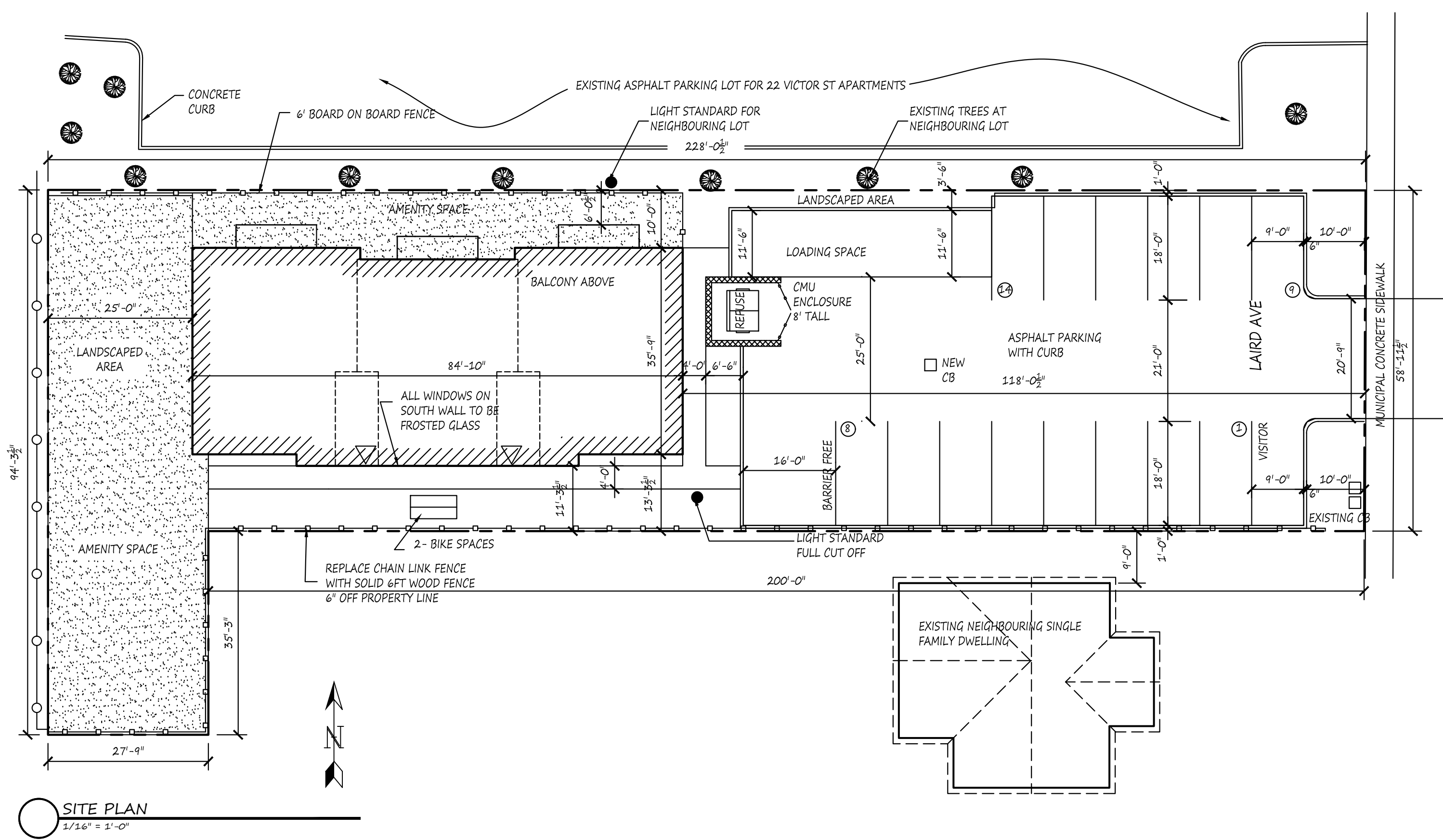
This map should only be used for illustrative purposes and not as a precise indicator of parcel or lot boundaries.

APPLICATION A-16-24

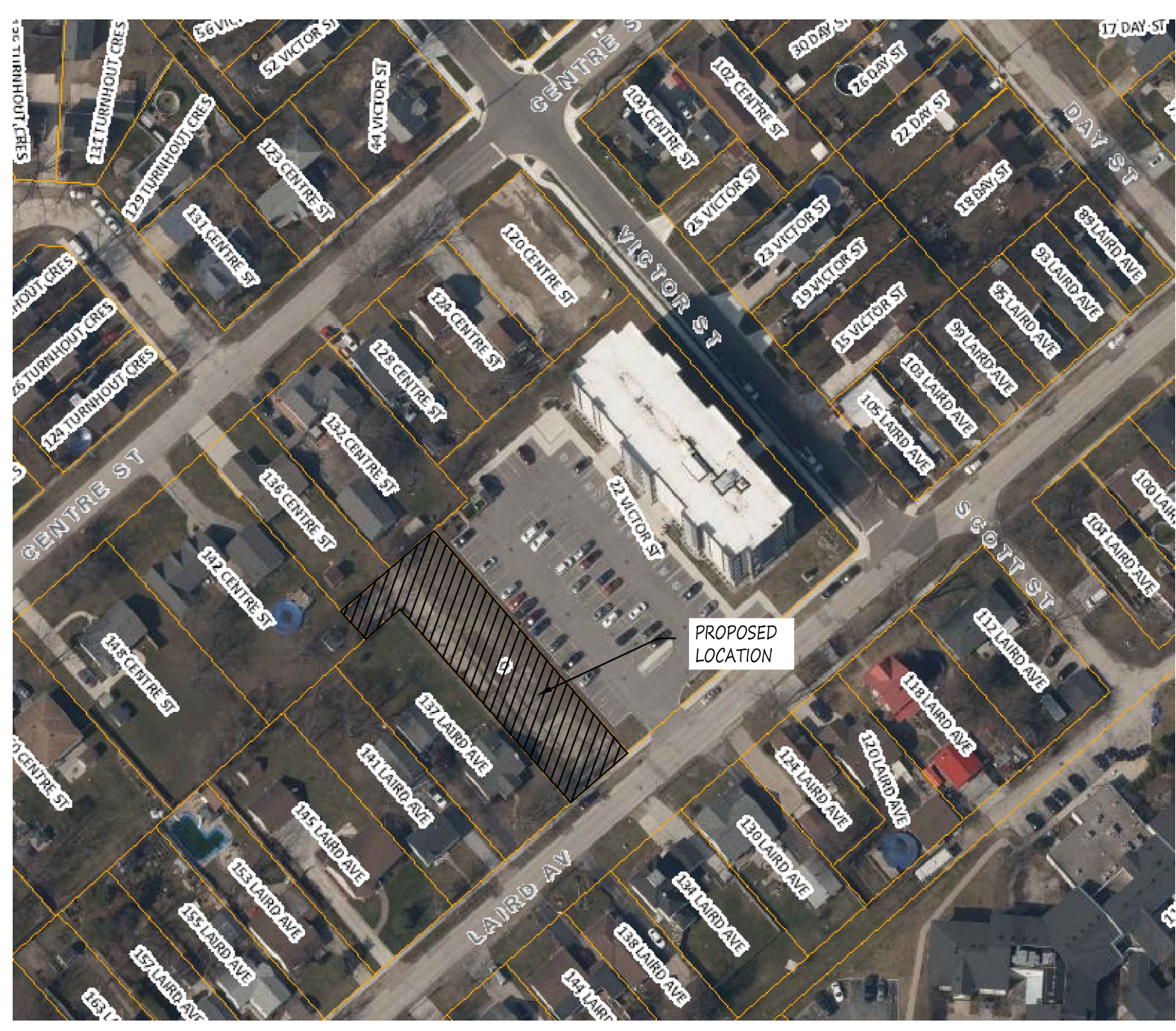


 Subject Lands

Applicant Name: 1000836172 Ontario Inc. (c/o Daniel Croft)
Lassaline Planning Consultants. (c/o Jackie Lassaline)
Location: 133 Laird Ave



SITE PLAN
 1/16" = 1'-0"

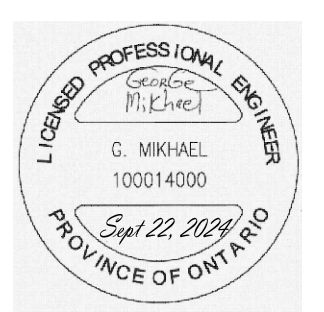


KEY PLAN
 SCALE: N.T.S.

AREAS	
	PROVIDED
GREENSPACE	447.0M2 / 4812SQFT
ASPHALT	532.6M2 / 5733SQFT
CONCRETE	48M2 / 516SQFT
6" CONCRETE CURB	90M / 296LF

ZONING	R3.1	HIGH DENSITY RESIDENTIAL
	REQUIRED	PROVIDED
AMENITY AREA	15M2 / 162SQFT PER UNIT	32.1M2 / 346SQFT PER UNIT
LOT WIDTH	18M / 60FT	17.96M / 59FT
LOT AREA	1007.9M / 10850SQFT	1340.5M / 14,429SQFT
LOT COVERAGE	35% = 469M2 / 5050SQFT	285.8M2 / 3077SQFT
BLDG HEIGHT	12M / 39FT	9.6M / 31'-6"
FRONT YARD DEPTH	7.5M / 25FT	35.96M / 118FT
REAR YARD DEPTH	7.5M / 25FT	7.5M / 25FT
SIDE YARD WIDTH	6M / 20FT (HABITABLE RM)	SOUTH 3.42M / 11'-3" NORTH 3.05M / 10'-0"
GROSS FLOOR AREA		790M2 / 8,505SQFT

PARKING	REQUIRED		PROVIDED
	REQUIRED	SIZE	
DWELLING UNITS	1.5/UNIT X 9 UNITS	5.5Mx2.75M / 18'x9'	14
BARRIER FREE	1	5.5Mx4.5M / 18'x15'	1
BICYCLE SPACES	1	2.43Mx6.1M / 8'x20'	2
LOADING SPACE	1 (DWELLING OVER 750M2)	13.5Mx3.5M / 45'x11.5'	1



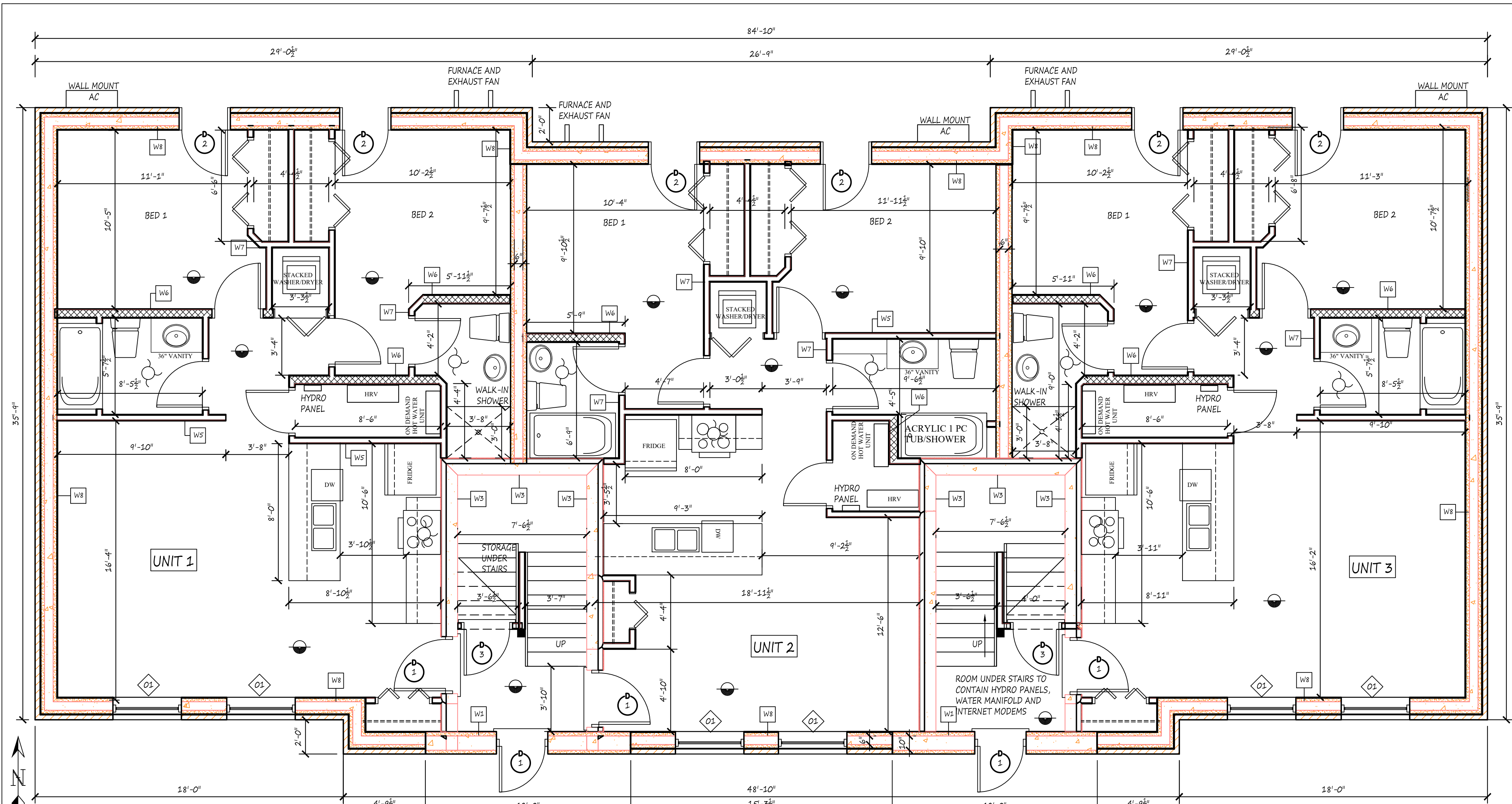
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 PROPOSED BUILDING
 LOT NORTH OF
 137 LAIRD AVE

SHEET TITLE:
 SITE PLAN

DATE:
 SEPT 22, 2024

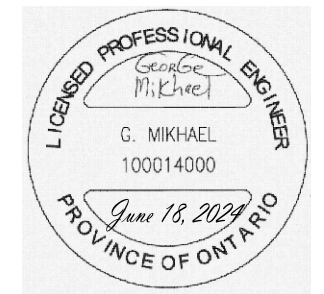
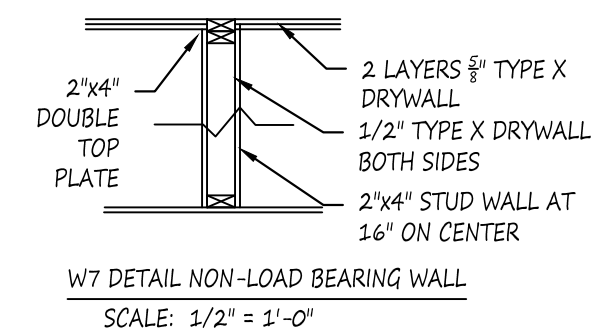
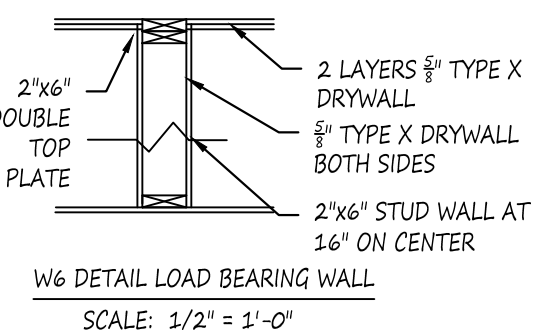
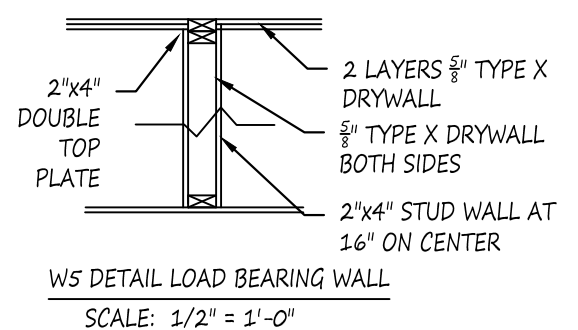
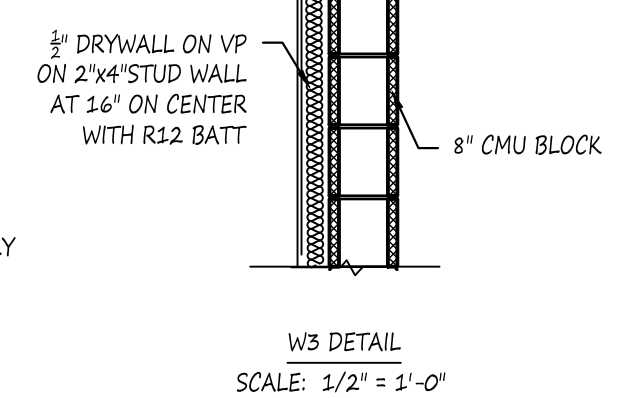
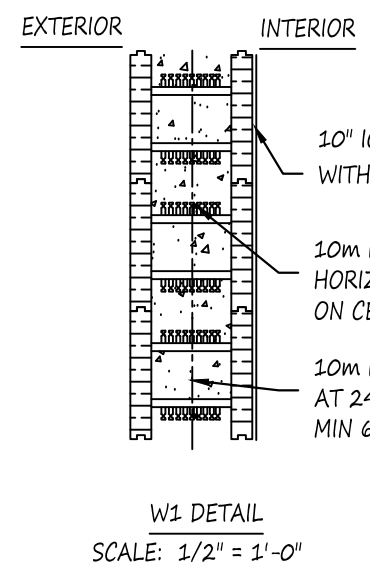
SCALE: 1/16" = 1'-0" ON
 18x24

A-0



1ST FLOOR PLAN
1/4" = 1'-0"

- 1 36"x6"8", 18GA SLAB AND EMA FRAME (7'-4" TALL) INCLUDING DEAD BOLT, CLOSURE AND 45MIN FIRE RATING
- 2 36"x6"8", 18GA SLAB AND EMA FRAME (7'-4" TALL) INCLUDING DEAD BOLT
- 3 32"x6"8", 18GA SLAB, 3PC KNOCK DOWN FRAME
- ALL INTERIOR DWELLING DOORS ARE MIN 32"x6"-8" HOLLOW CORE DOOR WITH MDF FRAMES
- 01 48"x48" WINDOW FIXED (WITH FROSTED GLASS) + 48"x12" AWNING STYLE TRANSOM WINDOW ABOVE



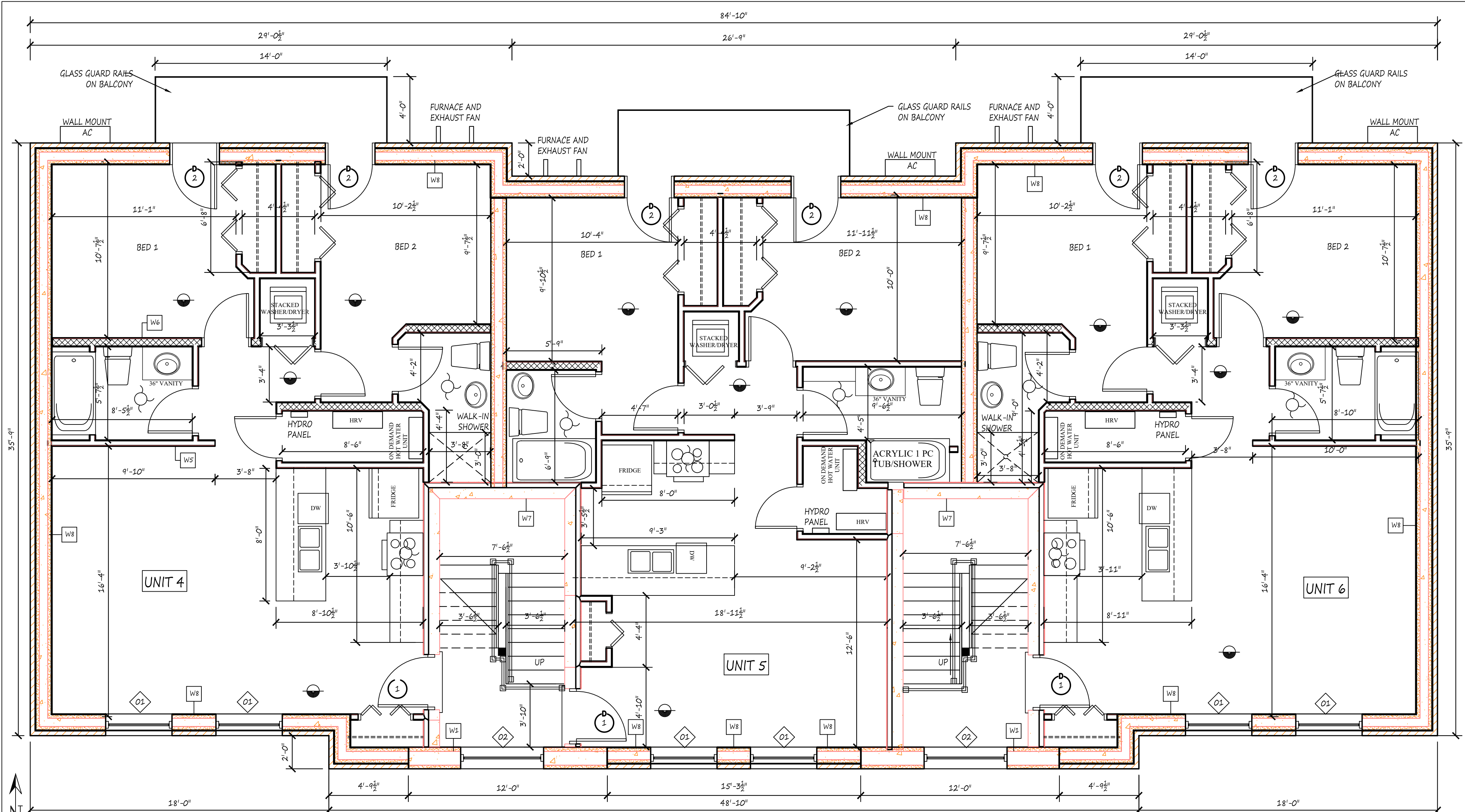
PROJECT TITLE:
PROPOSED BUILDING
LOT NORTH OF
137 LAIRD AVE

SHEET TITLE:
1ST FLOOR PLAN

DATE:
JUNE 18, 2024

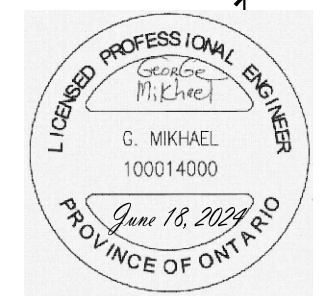
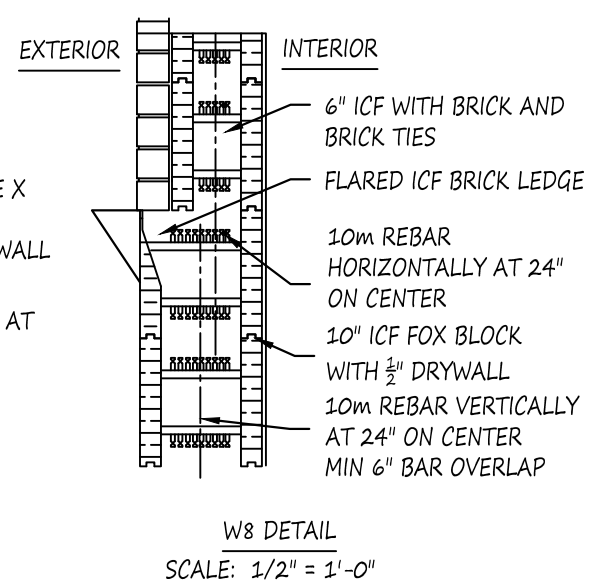
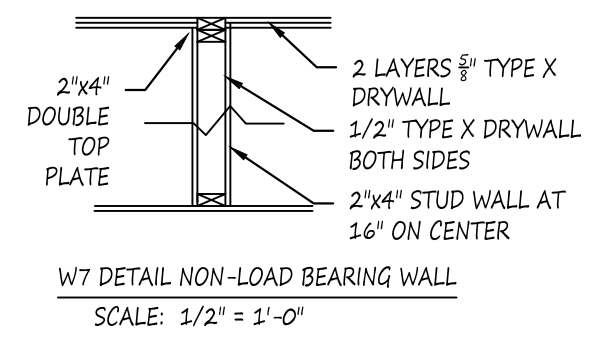
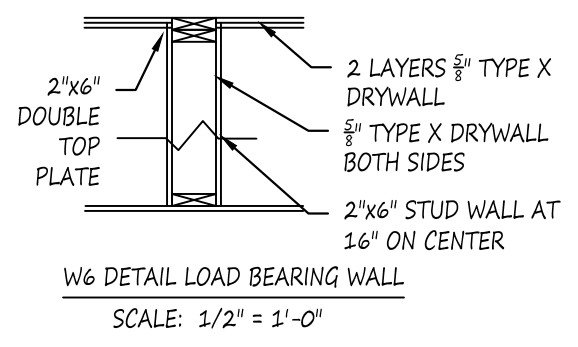
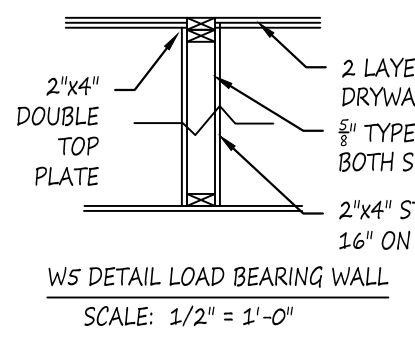
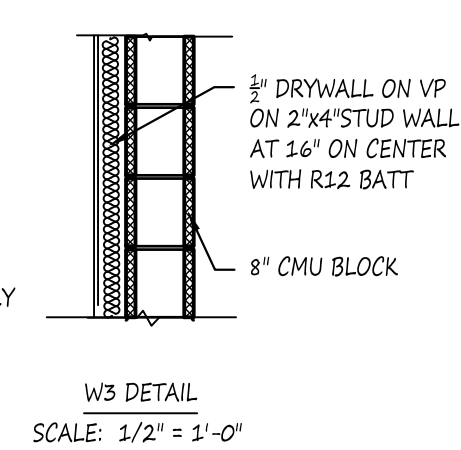
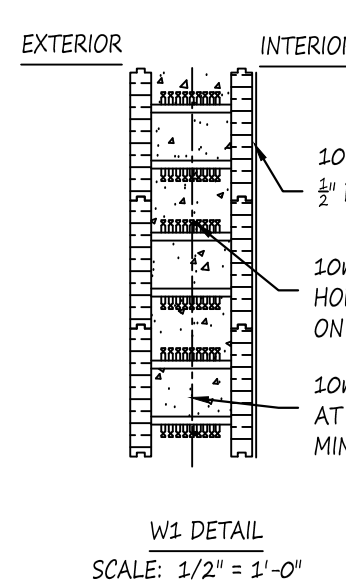
SCALE: 1/4" = 1'-0" ON
18x24

A-2



2 +3 FLOOR PLAN
1/4" = 1'-0"

- 1 36"x6'8", 18GA SLAB AND EMA FRAME (7'-4" TALL) INCLUDING DEAD BOLT, CLOSURE AND 45MIN FIRE RATING
- 2 36"x6'8", 18GA SLAB AND EMA FRAME (7'-4" TALL) INCLUDING DEAD BOLT
- ALL INTERIOR DWELLING DOORS ARE MIN 32"x6'-8" HOLLOW CORE DOOR WITH MDF FRAMES
- 01 48"x48" WINDOW FIXED (WITH FROSTED GLASS) + 48"x12" AWNING STYLE TRANSOM WINDOW ABOVE
- 02 60"x48" WINDOW FIXED + 60"x12" TRANSOM WINDOW ABOVE



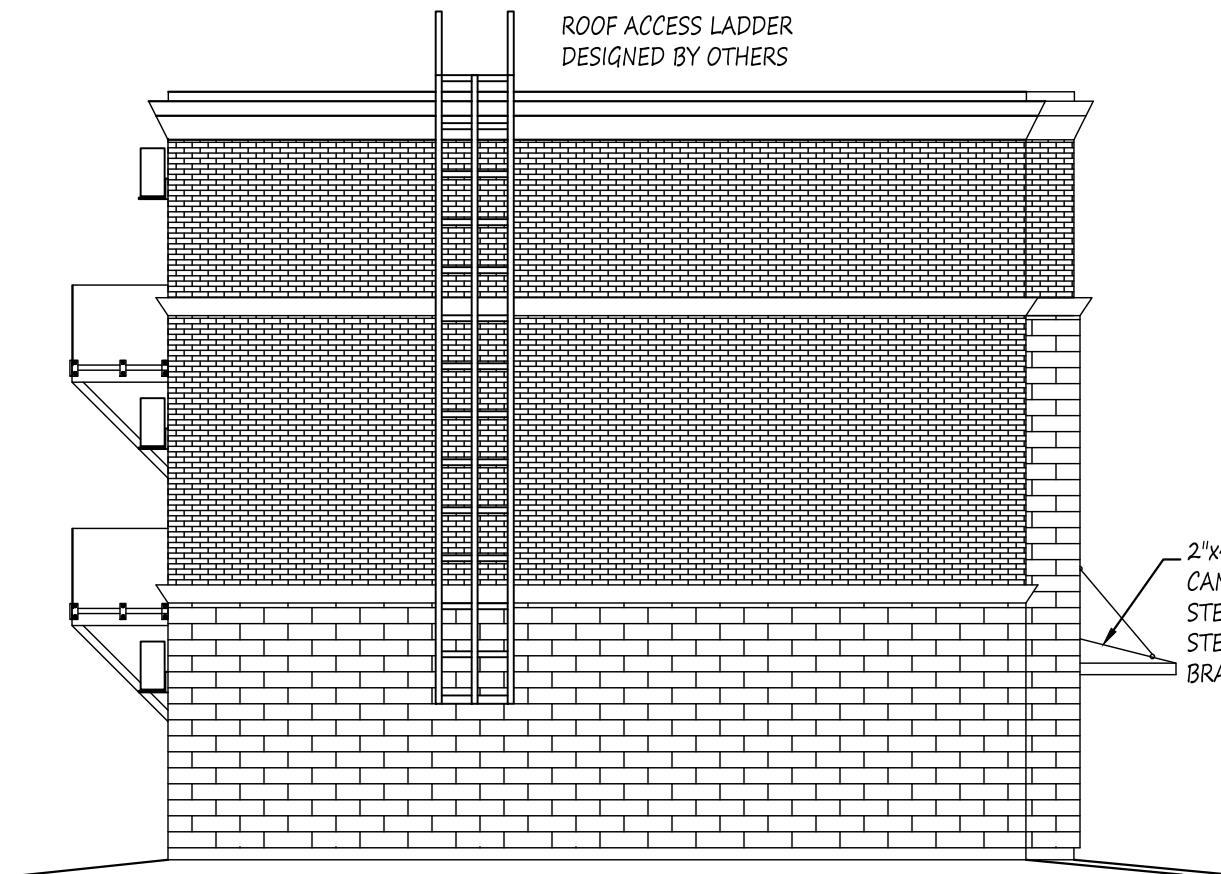
PROJECT TITLE:
PROPOSED BUILDING
LOT NORTH OF
137 LAIRD AVE

SHEET TITLE:
2+3 FLOOR PLAN

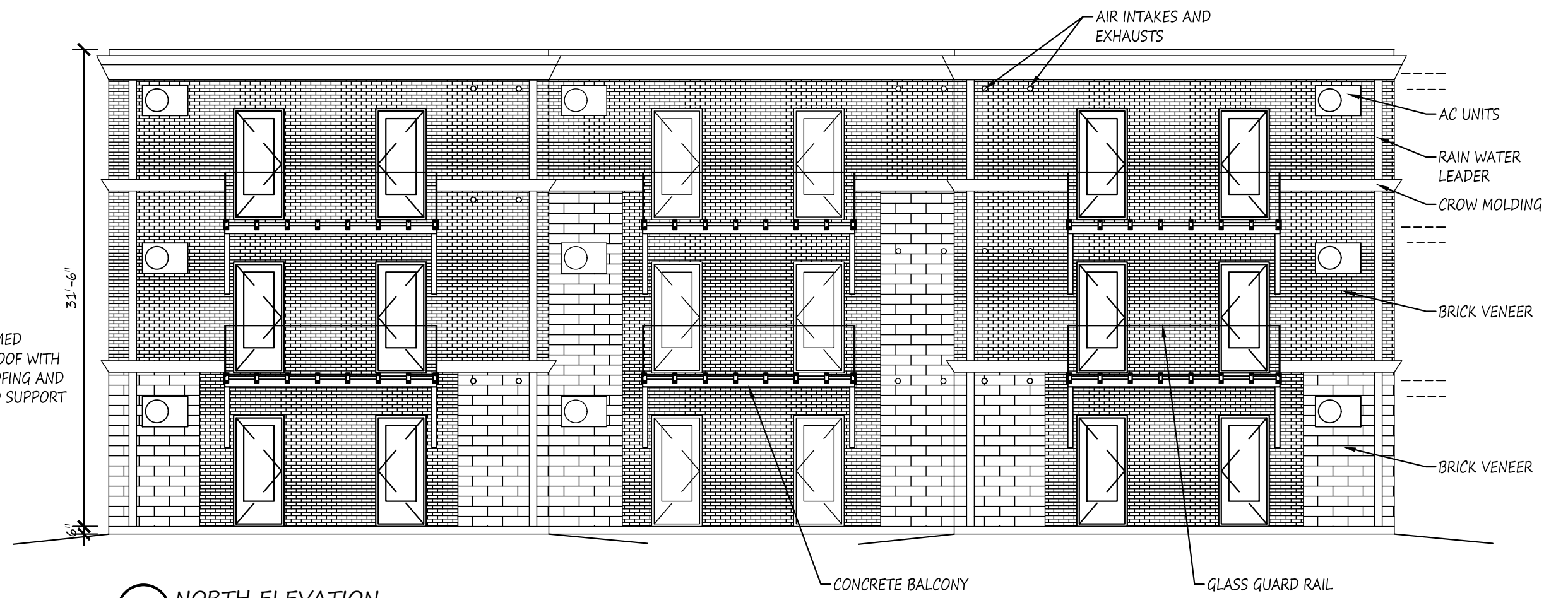
DATE:
JUNE 18, 2024

SCALE: 1/4" = 1'-0" ON
18x24

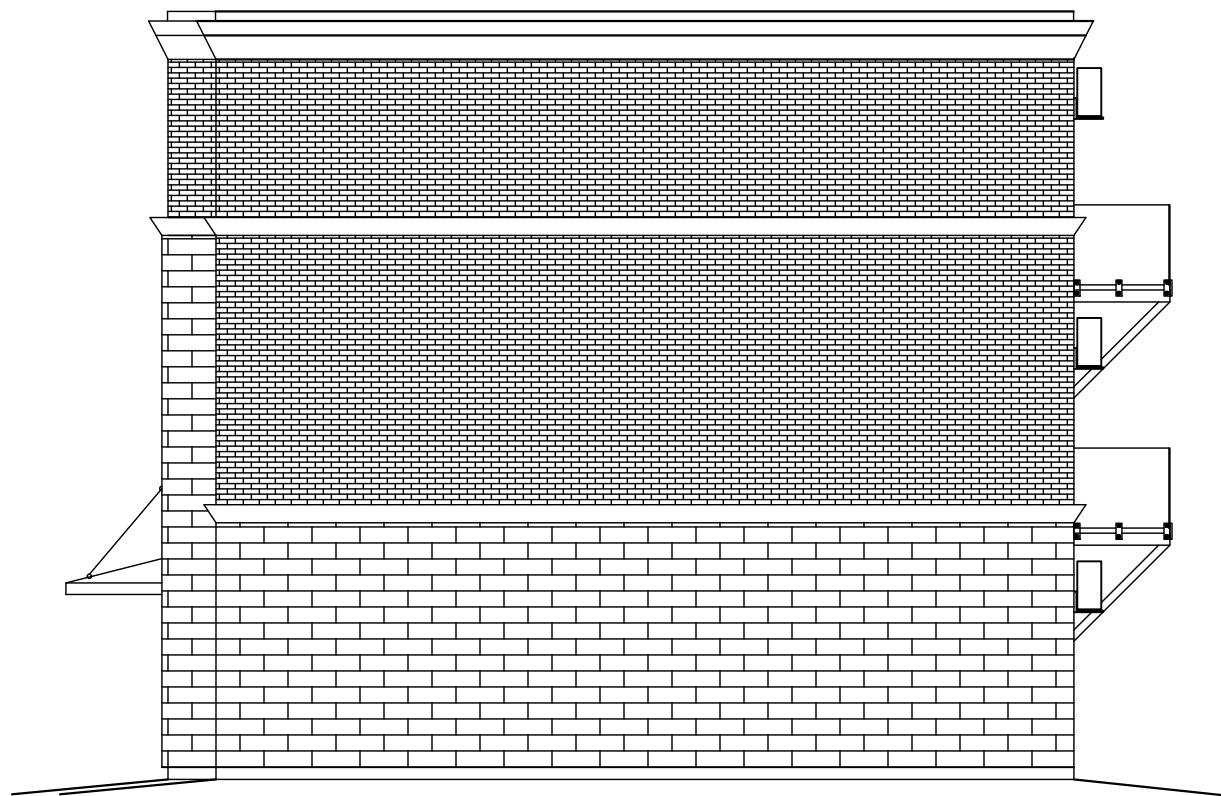
A-4



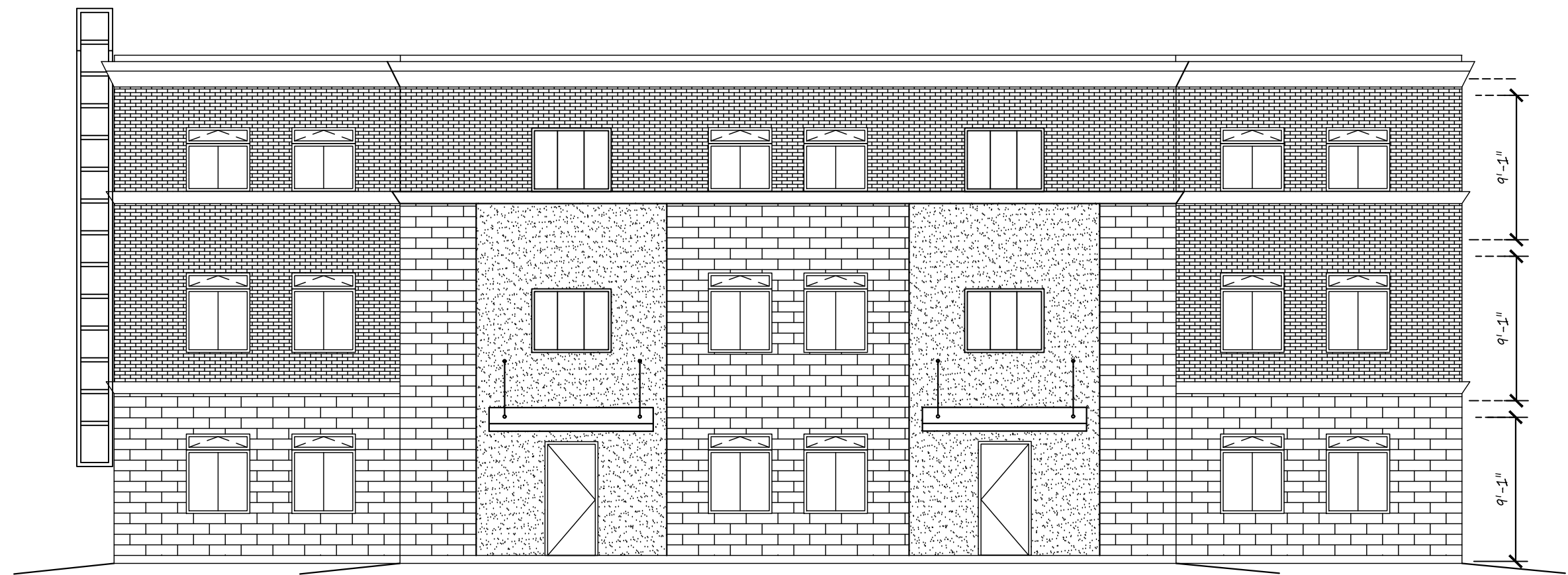
WEST ELEVATION
1/8" = 1'-0"



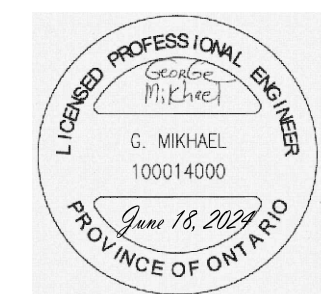
NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



PROJECT TITLE:
PROPOSED BUILDING
LOT NORTH OF
137 LAIRD AVE

SHEET TITLE:
ELEVATIONS

DATE:
JUNE 18, 2024

SCALE: 1/8" = 1'-0" ON
18x24

A-6

October 24, 2024

Ian Rawlings, Planner
Town of Essex

Attn. Ian Rawlings

SUBJECT: Minor Variance
133 Laird Avenue
Town of Essex

BACKGROUND:

This Planning Memo has been prepared by Lassaline Planning Consultants Inc. in support of a request for a minor variance to address an interior side yard and the balconies that encroach into the side yard.

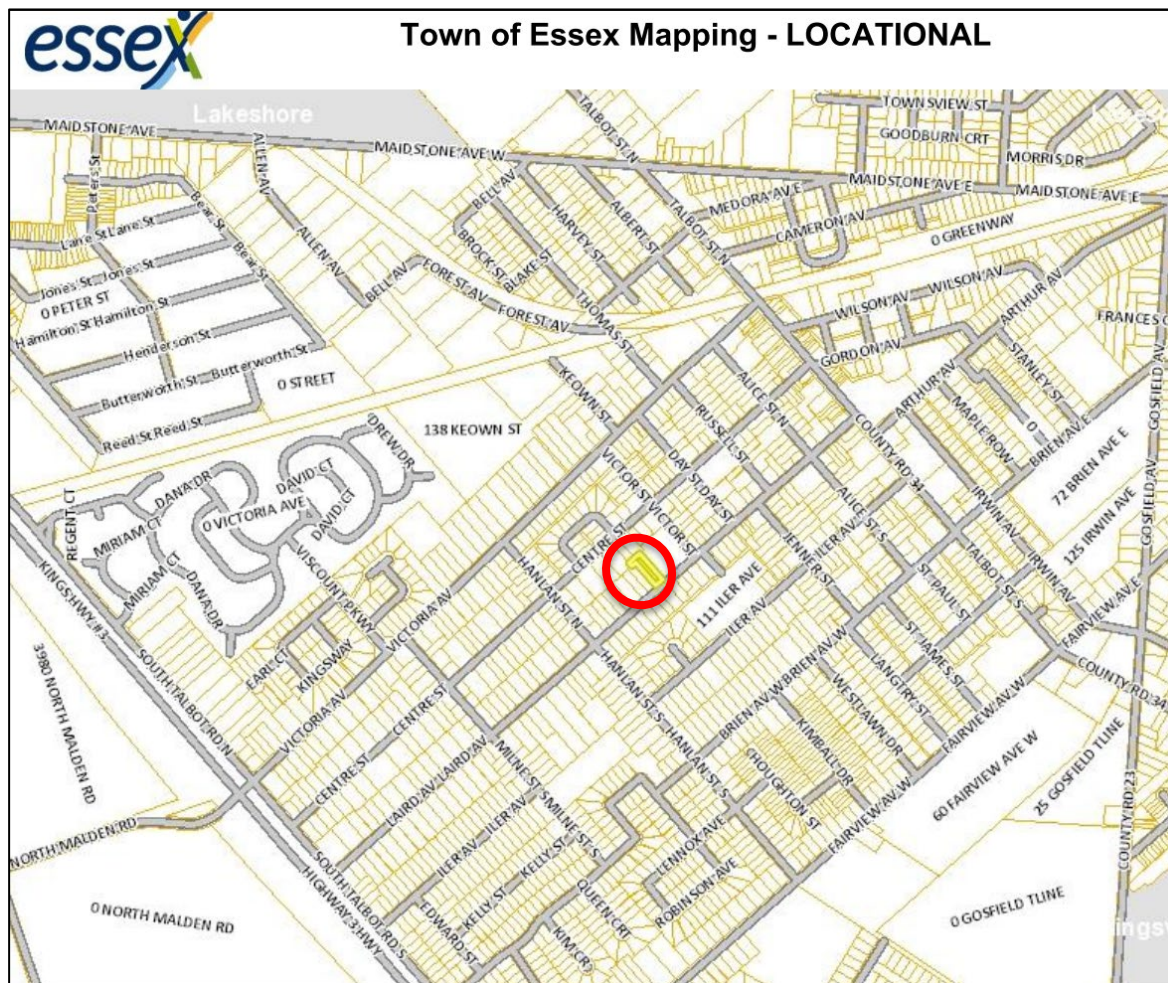


Figure 1 - Location Map



Figure 2 – google street map – vacant lot between 6 storey and single detached

The subject property is located at 133 Laird Ave (refer to Figure 1 below). The subject property is presently vacant lands adjacent to an existing 6 storey multiple-unit building to the north and a single detached residence to the south. The lands are designated 'Residential' and zoned 'Residential District 3 (RD3)' in the Comprehensive Zoning Bylaw 1037 (CZB).



Figure 3 – Aerial 133 Laird Ave

The Minor Variance Application has been submitted through The Town of Essex with the following supporting documents:

1. Aerial Location Map;
2. Site Plan showing 9 unit residential multiunit building and setbacks;
3. Planning Memo.

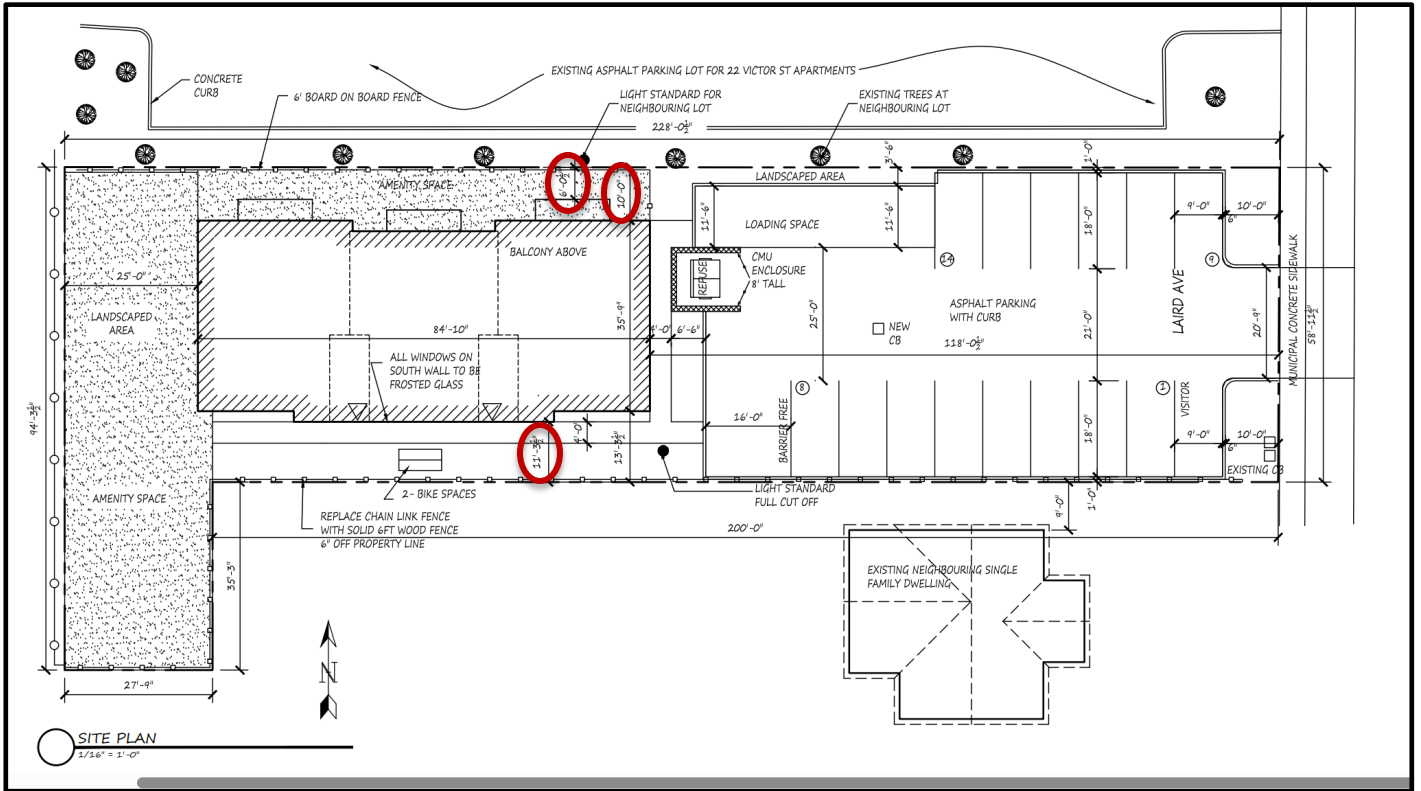


Figure 4 - SITE PLAN

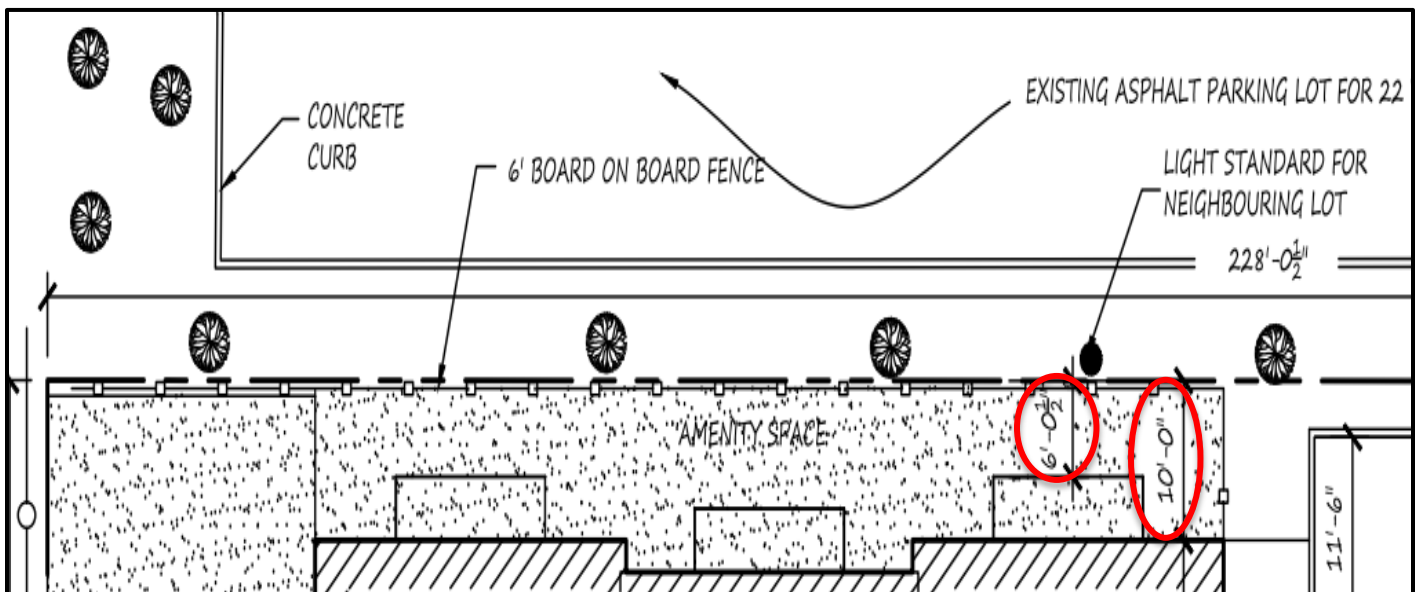


Figure 5 - ZOOMED SITE PLAN NORTH

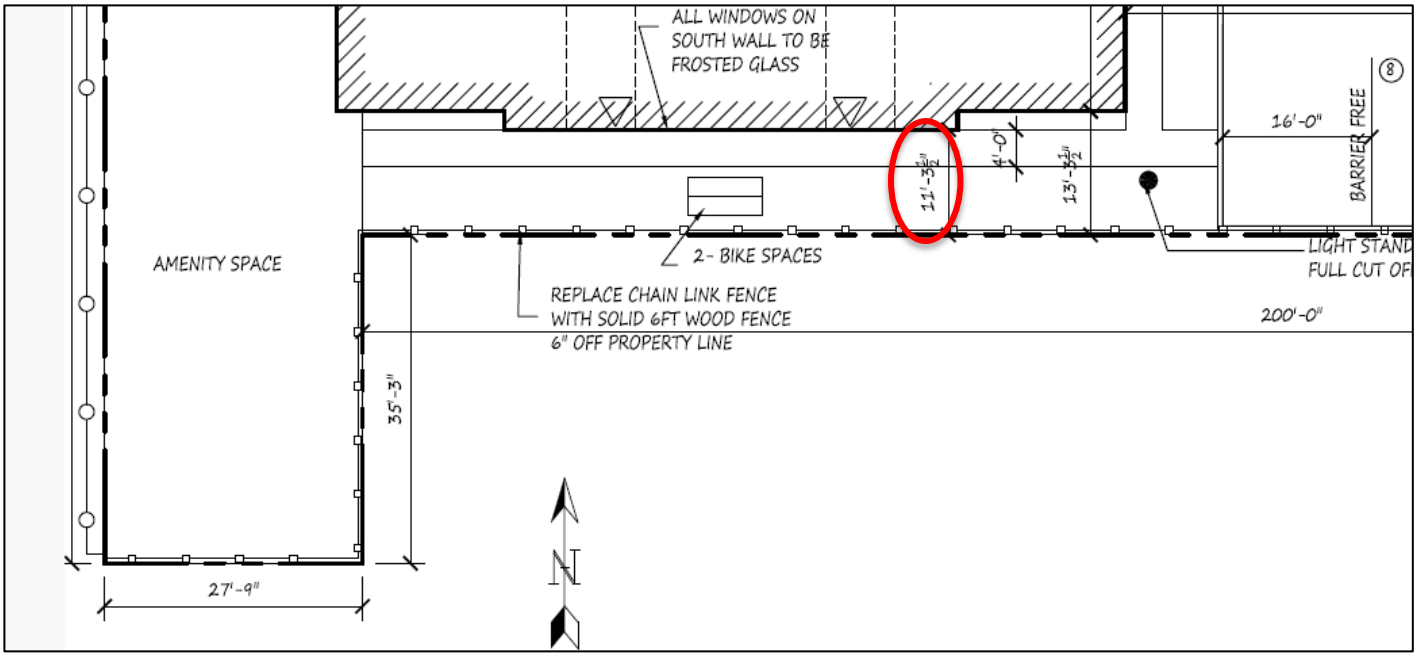


Figure 6 - ZOOMED SITE PLAN SOUTH

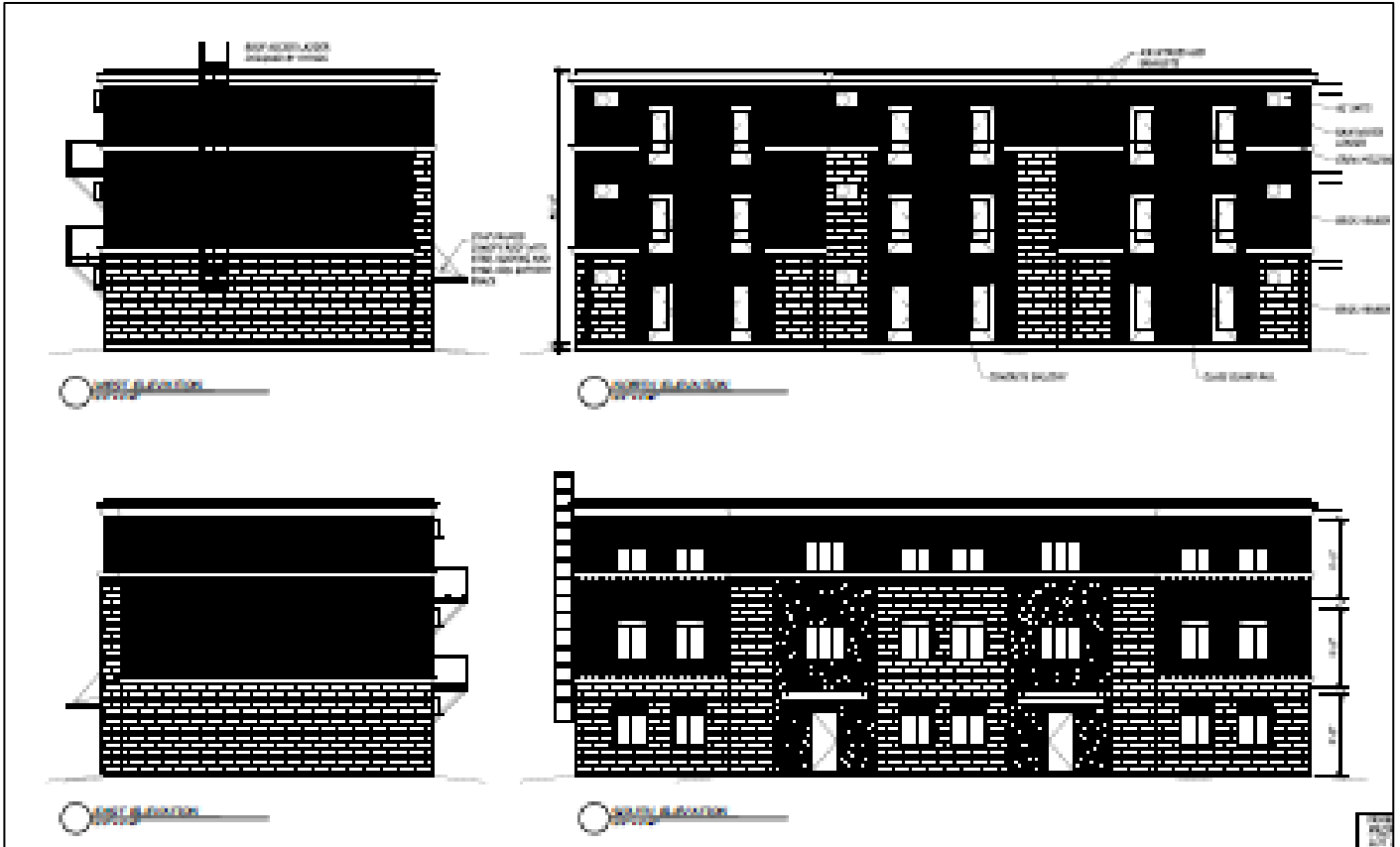


Figure 7 - Elevations

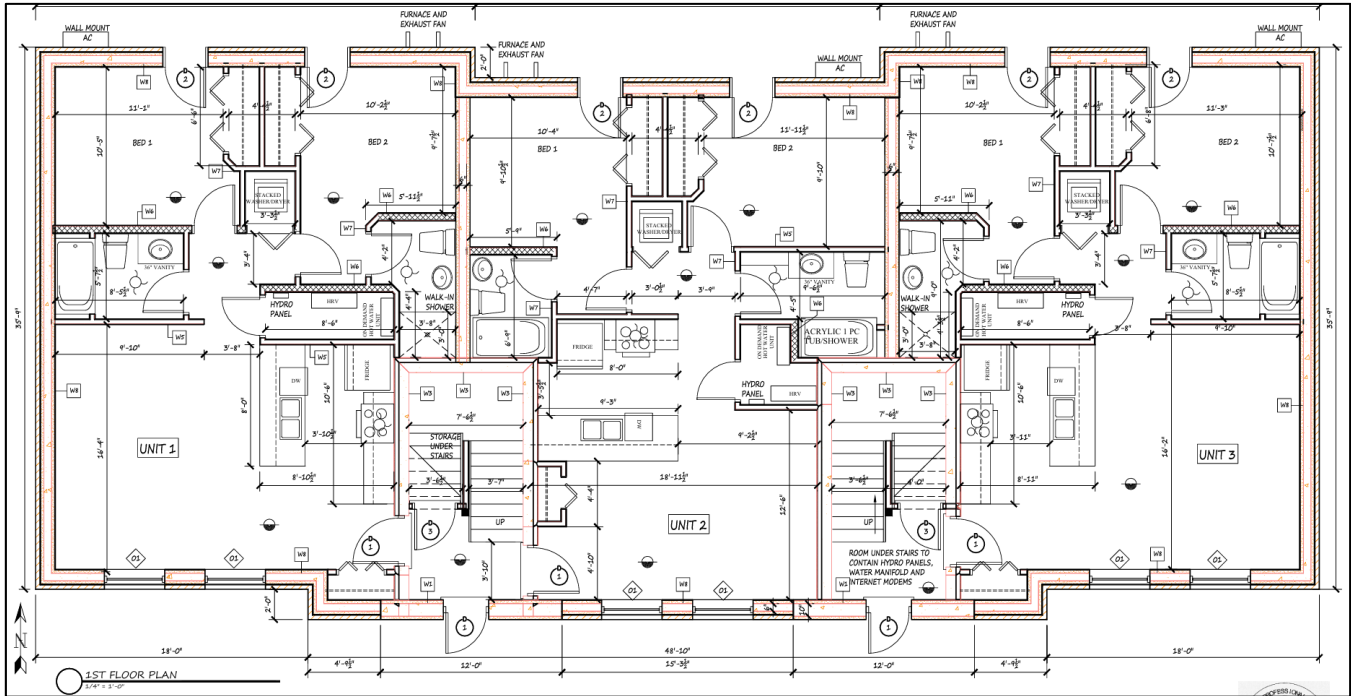


Figure 8 – Floor plans

Proposed is the construction of a 9.6 m high, 3 storey, 9 unit residential rental building with 3 residential units on each floor. The building will have a GFA of 273 m² with 20% lot coverage and with 35% + landscaped open space. There are 14 parking spaces to be provided including 1 Barrier Free and in addition 1 loading space and 2 bike parking spaces. The proposed use, building and site are in compliance with the bylaw for the exception of the north interior side yard requested under this variance.

The CZB supports the land use of a multiple unit building, however, the CZB has an Interior Side Yard Setback provision that specifies:

1) Section 16.1 b) viii Side Yard Setback Minimum:

- i) **6m (20f) where a habitable room window of any dwelling unit faces a side lot line;**
- ii) 3m (10f) where a one-way vehicular access area (driveway) abuts the main building wall;
- iii) 6m where a two-way vehicular access area (driveway) abuts the main building wall; OR
- iv) **Equal to 30% of the building height, if none of the provisions above apply.**
 - The **north interior side yard** sits at 3m and therefore requires a variance of 3m to allow for the proposed 3m interior side yard associated with the side with bedroom windows (habitable rooms).

- The **south interior side yard** requires a variance of 2.6m to allow for the proposed 3.4m interior side yard. The variance will recognize the reduced interior side yard associated with the front entrance.

2) **Section 9.4 c BALCONY - Permitted Encroachment:**

Balconies are permitted into any yard: but into a required side yard to a maximum depth equal to 25% of the required side yard width, not within 1.2m (4f) of a side lot line.

- The north side lot line is at a 3 m setback from the building;
- The balconies are approximately 1.2 m in depth from the wall with a 1.8 m interior side yard setback remaining for the balcony;
- **At 25% of 3m = 0.75 m is the maximum depth of a balcony allowable for encroachment. A variance of 0.45 m or an increase of 15% is required to allow for the 1.2m encroachment (40%) into the 3m sideyard.**

In examining a minor variance, it is important to examine the request based on the four tests established in the Planning Act that ensure the appropriateness of the request and place it in context of the Official Plan policy framework, the Zoning Bylaw regulatory framework and sound planning:

(1) **Does the variance maintain the general intent and purpose with Official Plan policies?**

The lands are designated 'Residential' with the following policies:

“Section 5.7 Lands Designated Residential: If the level of municipal services permits, it is the intent of this Plan that a broad range of residential uses be permitted on lands designated “Residential” in order to meet the needs of all households.”

Further, ***“Section 5.7 Goals of the Residential designation: c) to encourage infilling within the existing developed areas; and d) to encourage the construction of a greater variety of housing types.”***

The subject lands are within the settlement area of the Town and there are municipal services and capacity for the proposed use of the lands for medium residential land use.

The low-profile, 9 residential multi-unit building will be an appropriate infill within a residential neighbourhood comprising a mix of residential heights and densities. In addition, the medium density, low-profile building is an appropriate transition from the low profile, single unit residence to the south and the high profile, multiple unit apartment building adjacent to the north.

“Section 9.8 Minor Variance Policies The Committee of Adjustment, when reviewing applications for minor variances to the Zoning By-law should be satisfied that:

- a) the general intent of this Plan and the Zoning By-law are maintained;*
- b) the variance(s) is minor and desirable for the appropriate use of the land;*
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;*
- d) the variance deals with circumstances particular to the site and development.”*

The proposed variances will allow for balconies, an amenity space for each unit, to be placed on the north side of the proposed building adjacent to the vacant parking lot for the high-density building, significantly distance separated from the existing use and providing for buffer between the two buildings. As discussed below, the new building can be considered an appropriate, compatible infilling building that will be an asset to the neighborhood.

In my professional opinion, the requested variances will allow for the low profile, 9 unit residential building that maintains the intent with the use and development policy directions of the Official Plan as an appropriate infilling and compatible residential development within the residential neighbourhood.

2) **Does the variance maintain the general intent with the Comprehensive Zoning Bylaw 1097?**

The subject lands are zoned 'Residential District 3 (RD3)' in the CZB 1097.

The minor variance will allow for balconies on the north side of the building adjacent to the parking lot of a high density residential building, with distance separation between the balconies and the adjacent residential building to the north. The distance separation between the buildings and without balconies on the south side of the building there will not be a loss of privacy for the residents to the north or for the single, detached residence to the south.

The balconies will provide for amenity space for each residential unit.

The interior side yard reduction will provide for larger residential apartment units that will provide for necessary alternative housing tenure and style within the Town of Essex.

The requested development maintains the intent of the CZB 1097 and will allow for an appropriate residential use as an infilling building in a residential neighbourhood. In my professional opinion, the proposed land use, building, and yard provisions maintain the intent with the (RD3) zone regulatory requirements.

3) **Is the application desirable for the appropriate development of the lands in question?**

Desirability and the appropriateness of a variance are not quantifiable as a number, but rather is the consideration of whether the variance will allow for appropriate development and not result in a negative impact on the neighbourhood.

The variance will allow for a reduction in the interior side yard for a new medium density, low profile residential building with 9 units. The low profile building and residential use can be considered a positive, compatible infilling residential development within a residential neighbourhood.

The north side yard variance will not have a negative impact on the north neighbour since the adjacent building is significantly separated with approximately 48 m separation to the existing building from the new building.

There is no privacy impact on the north residential apartment since the distance separation is so great between the buildings. The variance will allow for the positive addition of the balconies as outdoor amenity space for the new residential building without any impact on the adjacent existing apartment building being so distance separated.

The south lot line reduction is adjacent to the rear yard area of the existing adjacent single detached residence. There are no balconies or outdoor amenity space on this side of the new building and therefore no land use conflict created with the variance requested.

In my professional opinion the minor variance is desirable to support the establishment of a new 9 unit, 3 storey residential building as an alternative, compatible, and appropriate infilling residential building within a built residential neighbourhood.

4) **Can the requested variance be considered minor?**

The setback established under 16.1 b) viii at 6 m is to ensure that the habitable rooms (bedrooms) will be distance separated from the lot line to ensure that there is no loss of privacy and there is sufficient distance separation from a use on the adjacent parcel.

The adjacent building to the north is approximately 48 m separated with a parking lot between the two buildings. It is my professional opinion that the setback is minor and will allow for the appropriate use of the long, narrow parcel without infringing on the use of the adjacent lands to the north.

The increase in permitted encroachment of the balcony overhang will allow for the outdoor amenity space for the residential units, providing for a positive apartment dwelling experience.

With the vast open space between the two buildings, the 0.45 m increase in balcony encroachment and the 3 m reduction of both the south and north interior side yard will not be noticeable or have a negative impact on the adjacent, existing land use and buildings or have a negative impact on privacy of both buildings and therefore can be considered minor.

There are no balconies on the south side of the building. The building will be adjacent to the rear yard of the existing residence and will not have any impact on the existing residence to the south.

It is my professional opinion that the variances will allow for a visual reduction that is negligible and not identifiable within the significant distance separation between the north residential building and the south single detached residence.

As a three storey building, the structure will be both a visual and a noise buffer between the existing single detached residence from the high density residential development to the north. The variances can be considered minor and will allow for a new residential building that is appropriately infilling within the residential neighbourhood.

5) **Is the requested variance compatible with the established character of the neighbourhood, traffic and parking patterns?**

The lot configuration is challenging for design however, parking has been provided on site and in compliance with the bylaw.

There will be landscaping, a wood privacy fence and a large rear yard amenity space for the tenants. In addition, the variance will support the balconies as more amenity space, providing for a positive infilling development.

The proposed development will assist with buffering the low profile, single detached residence to the south from the high profile, high density development to the north.

The lower profile of the three storey proposed building will provide both density and a visual transition between the low density to the south and the high density to the north. The transitional nature and the buffering component of the proposed development ensures compatibility of the proposed building with the adjacent properties and the neighbourhood.

It is my professional opinion that the proposed design of the building in conjunction with the variances makes for a positive, infilling building that is compatible with the established neighbourhood.

6) the variance deals with circumstances particular to the site and development?

The lot is unique in shape with a long narrow 'L' shaped property. The building has been designed with the balconies only on the north side where there is significant separation distance between the two buildings. There are no balconies on the south side adjacent to the single, detached residence. The variance will allow for the residential infilling building without impact on either existing residential use to the north or to the south.

In my professional opinion, the variance can be considered to allow for a compatible infilling development on a unique parcel and therefore conforms with the intent of the Official Plan policies.

In my professional opinion, the requested 0.45 m (15%) variance for the increase of the permitted encroachment of the balconies; the 3 m variance to allow for a 3m interior north side yard for the habitable rooms; and the 2.6m reduction that will allow for a 3.4m interior south side yard can be considered minor and appropriate. The variances will allow for a compatible residential infilling building in an existing residential neighbourhood.

CONCLUSION:

A variance is not determined minor using a differential in numbers. A variance is determined based on conformity and compliance of the allowable land use with the policy and regulatory frameworks with legislation.

Also, determining if there is negligible impact on the neighbourhood from the variance assists in determining whether the requested change in the site specific setback is minor and will allow for compatible development.

In my professional opinion and based on the above evaluation, the variance application meets the four tests and can therefore be considered minor and represents good planning.

Should you have any further questions or comments, do not hesitate to contact me.

Regards,

Lassaline Planning Consultants

Jacqueline Lassaline

Jackie Lassaline BA MCIP RPP

Owner, Principal Planner



**Notice of Public Hearing
Application for Consent
Town of Essex Committee of Adjustment**

File Number: B-18-24
Applicant(s): Maria Francisco (c/o Joe Francisco)
Location: 687 Beach Street (former Colchester South, Ward 3)

Purpose:

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 687 Beach Street, former Colchester South, Ward 3. The applicants are proposing to sever a ± 94.42 sqm (0.023 acre) parcel from the existing $\pm 1,131$ sqm (0.279 acre) residential lot to be added to the adjacent property identified as 685 Beach Street. The retained residential lot is proposed to have an area of $\pm 1,036.58$ sqm (0.256 acres). The applicant is proposing this consent for the purposes of a lot addition.

Take Notice:

An application under the above file number will be heard by the Town of Essex Committee of Adjustment on **Tuesday, November 19, 2024 at 5:00 p.m.** in Council Chambers, at Town of Essex Municipal Building, 33 Talbot Street South, Essex, ON, N8M 1A8. Any owner of land that contains seven (7) or more residential units is requested to post this notice in a location that is visible to all residents.

Public Hearing:

You are entitled to attend this public hearing to express your views about this application or you may be represented by counsel for the purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the Secretary-Treasurer of the Committee of Adjustment for the Town of Essex, via email at essexplanning@essex.ca.

Please Note:

This meeting will be available for members of the public to attend in person. Please note there is limited space for in-person attendees and delegates, therefore pre-registration is recommended to essexplanning@essex.ca. Delegates and the public requesting to attend electronically due to special accommodation is permitted, however pre-registration is mandatory to essexplanning@essex.ca. Please provide your contact information (name, address, email and phone number) to the Committee Recording Secretary via email to essexplanning@essex.ca or phone 519-776-7336 extension 1128 no later than the deadline of 24 Hours prior to the date and time of the scheduled meeting. Electronic participation in meeting practices shall be in accordance with Subsection 3.13 of the Town of Essex Procedural Bylaw.

Where and when feasible, all Committee of Adjustment meetings shall be livestreamed and/or made available electronically for public viewing with such determination to be based on the resources available at the time, the prevailing circumstances of the Meeting including the location thereof, any other factors that support the livestreaming or electronic availability of such Meeting. The failure to livestream and/or make available electronically for public

viewing any particular Committee of Adjustment meeting shall not affect the validity of the Meeting or any action lawfully taken at the Meeting.

The livestream for this meeting will be available at the YouTube address listed below. The stream will be made live approximately 10 minutes before the start of the meeting and accordingly, the meeting will not appear on the YouTube account page until then.

<https://www.youtube.com/user/EssexOntario/videos>

Failure to Attend Hearing:

If a person or public body has the ability to appeal the decision of the Town of Essex Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Town of Essex Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal.

Notice of Decision:

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment for the Town of Essex, 2610 County Road 12, Essex Ontario, N8M 2X6

October 31, 2024



Rita Jabbour, RPP

Deputy Secretary-Treasurer/ Manager, Planning Services

Town of Essex Committee of Adjustment

Telephone: 519-776-7336, extension 1000

Email: essexplanning@essex.ca





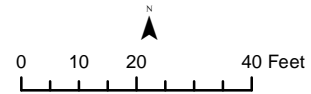
APPLICATION B-18-24

Applicant Name: *Maria Francisco*
(c/o Joe Francisco)

Location: 687 Beach St

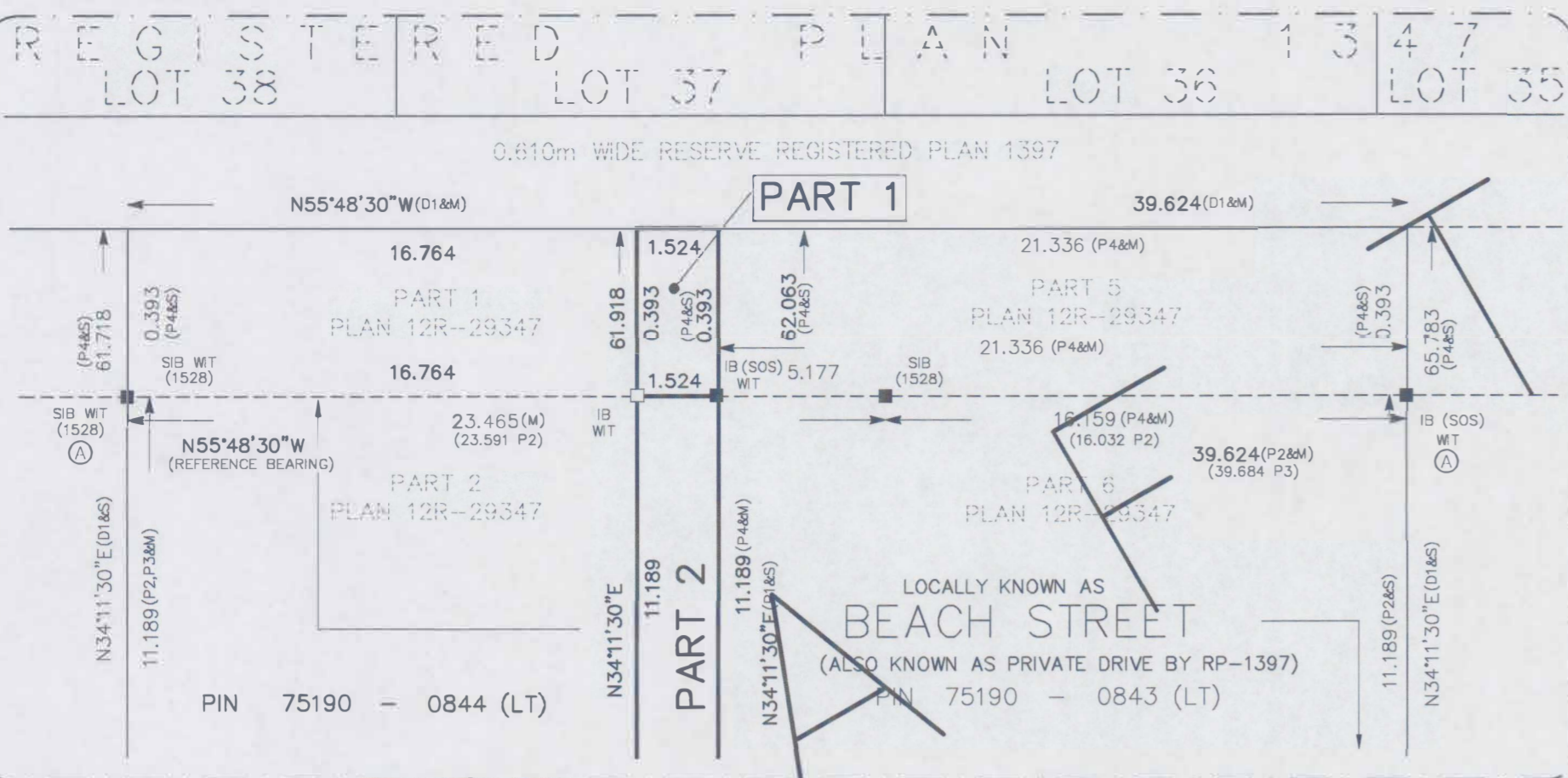


-  Proposed Severed Lands
-  Proposed Retained Lands



DETAIL 'A'

NOT TO SCALE



SCHEDULE		PLAN	PIN	AREA (m ²)
1	PART OF PRIVATE DRIVE	REGISTERED PLAN 1397	PART OF PIN 75190-0844 (LT)	0.60
2	PART OF LOT 26			17.05
3				76.77

GEOGRAPHIC TOWNSHIP OF COLCHESTER SOUTH
PART 2: SUBJECT TO EASEMENT AS IN R1098066, R1110419 & R1149004
SUBJECT TO RIGHT OF WAY AS IN R1251619

PLAN OF SURVEY OF
PART OF LOT 26
AND
PART OF PRIVATE DRIVE
REGISTERED PLAN 1397
GEOGRAPHIC TOWNSHIP OF COLCHESTER SOUTH
TOWN OF ESSEX
COUNTY OF ESSEX

SCALE 1 : 250 METRES
0 1 2 3 4 5 10 20 30
SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250.

LEGEND

□	MONUMENT PLANTED
■	MONUMENT FOUND
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
IP	IRON PIPE
CC	CUT CROSS
M	MEASURED
S	SET
P1	REGISTERED PLAN 1397
P2	PLAN 12R-9585
P3	PLAN 12R-11349
P4	PLAN 12R-29347
D1	INSTRUMENT R1251619
1201	CLARKE SURVEYORS INC.
1341	RICHARD W. MURRAY, O.L.S.
1528	VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC.
SOS	SURVEYORS ON SITE INC.
OU	ORIGIN UNKNOWN

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999912322.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID BEARING OF N55°48'30"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1 - 5'13"30" CLOCKWISE
P2, P3 - 1'18"10" CLOCKWISE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

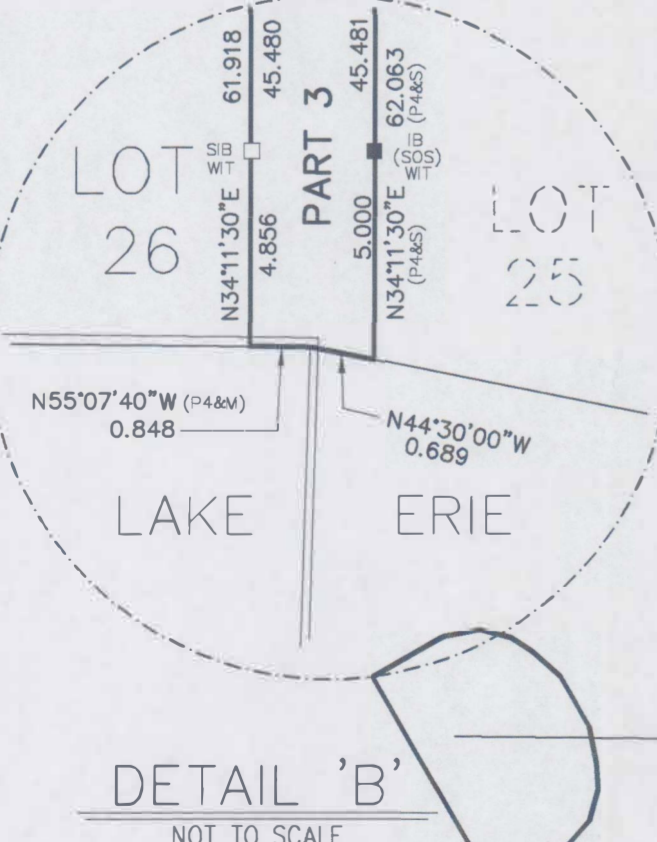
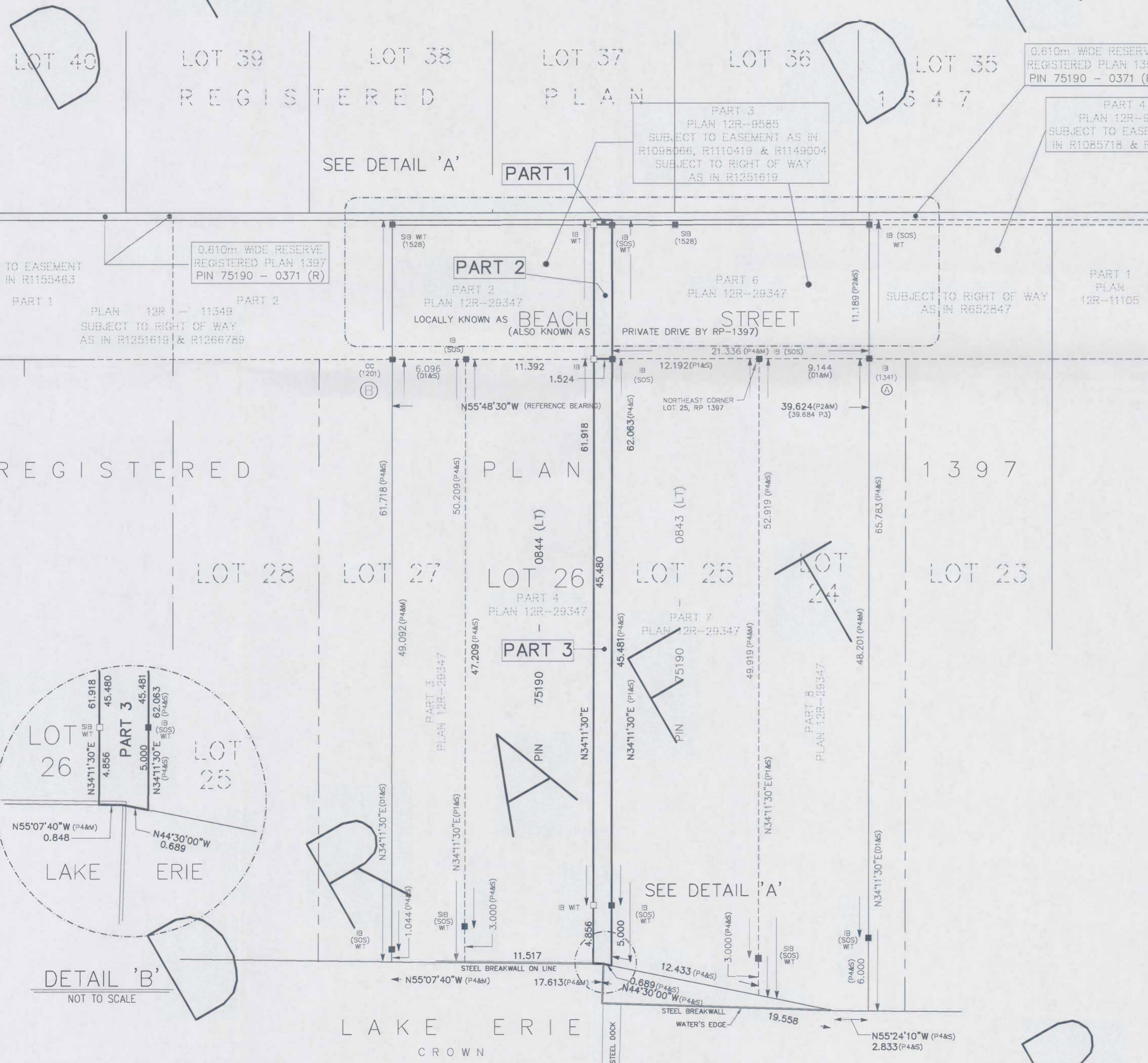
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON THE 10th DAY OF OCTOBER, 2024.

OCTOBER 17, 2024

ROBERT WANNACK
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.



COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
(A)	4652976.687	335541.380
(B)	4652998.950	335508.608

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

3560 WALKER ROAD
WINDSOR, ONTARIO
N8W 3S4
519-818-0767
www.surveyorsonsite.com