



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

May 16, 2023, 5:00 pm  
Colchester Community Centre, 100 Jackson Street

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

Also Present: Corinne Chiasson, Assistant Planner  
Sarah Girard, Planning Assistant  
Rita Jabbour, Manager, Planning Services

**1. Call to Order**

The Chair called the meeting to order at 5 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 conflicts of interest noted at this time.

**4. Adoption of Published Agenda**

**4.1 Committee of Adjustment Meeting Agenda for May 16, 2023**

**COA23-05-29**

Moved By William Baker, Vice Chair

Seconded By Matthew Child

**That** the published agenda for the May 16, 2023, Committee of Adjustment Meeting be adopted as amended to include changes to the relief being request in Item 6.1 A-11-23 690 Lakeview Ave, the relief originally being requested was 19.5 square metres (210 square feet) however, relief that is being requested is amended to 10.59 square metres (114 square feet).

**Carried**

**5. Adoption of Minutes**

Committee of Adjustment Meeting Minutes – May 16, 2023

**5.1 Committee of Adjustment Minutes for April 19, 2023**

**COA23-05-30**

Moved By William Baker, Vice Chair

Seconded By Matthew Child

**That** the minutes of the Committee of Adjustment meeting held April 19, 2023, be adopted as circulated.

**Carried**

**6. Reports from Administration/Applications**

**6.1 A-11-23 690 Lakewood Ave**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 690 Lakewood Ave, in the former township of Colchester South. The applicants are seeking relief from Zoning By-law 1037, Residential 1.1 (R1.1), Section 14.1 ix) which states: no accessory building and combo of buildings shall exceed 70 square metres (750 square feet) and 92 square metres (1000 square feet) respectively. The applicants wish to construct an accessory building 960 square feet in size. Therefore, the amount of relief being requested is 10.59 square metres (114 square feet).

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

Ms. Chiasson advised at the beginning of the meeting that the requested relief was 10.59 square metres (114 square feet) rather than the circulated 19.5 square metres (210 square feet).

**COA23-05-31**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** A-11-23 be accepted to provide relief of the requested 10.59 square metres (114 square feet) from Zoning By-law 1037, Residential 1.1 (R1.1), Section 14.1 ix) which states: no accessory building and combo of buildings shall exceed 70 square metres (750 square feet) and 92 square metres (1000 square feet) respectively.

**Reasons for Decision:** The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

1. a) the general intent of this Plan and the Zoning By-law are maintained;
2. b) the variance(s) is minor and desirable for the appropriate use of the land;
3. c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns; and

4. d) the variance deals with circumstances particular to the site and development.

Carried

## 6.2 B-07-23 3530 3rd Concession Road

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 3530 3<sup>rd</sup> Concession Road, in the former Township of Colchester South (Ward 3). The applicant is proposing to sever a  $\pm$  1.14 Acre (0.462 ha) parcel from the existing  $\pm$  18.73 acre (7.58 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm$ 17.59 acres (7.122 ha). The applicant is proposing this consent as a surplus dwelling lot.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

### COA23-05-32

Moved By Dorene Lester

Seconded By Danny Sauve

**That** B-07-23 be accepted to sever a  $\pm$  1.14 Acre (0.462 ha) parcel from the existing  $\pm$  18.73 acre (7.58 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm$ 17.59 acres (7.122 ha). The applicant is proposing this consent as a surplus dwelling lot.

**Reasons for Decision:** The Application 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"

1. That at the time the conveyance is prepared for certification, a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
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, 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.

6. That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
7. A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);
8. That all of the above conditions be fulfilled on or before May 16, 2025

**Carried**

**6.2.1 Delegate: Marvin Shepley, 3145 Mclean Road**

Marvin Shepley, 3145 Mclean Road, requested that Administration advise where the Applicant's farming operation resides.

Corinne Chiasson, Secretary Treasurer, stated that the Applicant also owns the property located at applications B-08-23 & A-08-23, 3670 3rd Concession Road. She continued that this satisfies the requirement for farm consolidation.

**6.2.2 Delegate: Rick Hamilton, 3560 3rd Concession**

Rick Hamilton, 3560 3rd Concession, stated that he had no questions for the Committee or Applicant as the questions were answered in the Secretary Treasurer's report

**6.2.3 Delegate: Laura & Shawn O'Neil, 13008 County Road 15**

Laura and Shawn O'Neil, 13008 County Road 15, asked Administration to advise what the amount of acres they can sever off is.

Rita Jabbour, Manager, Planning Services, stated that there is no specified amount of acreage that can be severed off when it comes to a surplus dwelling. She continued that the person severing the surplus property does not have to be a bonafide farmer and stated that a surplus severance is possible when the main dwelling is not being utilized for the Applicant's residential purposes, meaning it is surplus to the Applicant's needs.

**6.3 A-07-23 3530 3rd Concession**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3530 3<sup>rd</sup> Concession Road, in the former township of Colchester South (Ward 3). As a result of consent application B-07-23 to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be reduced from  $\pm 7.58$  hectares (18.73 acres) to  $\pm 0.462$  hectares (1.14 acres) and  $\pm 7.122$  hectares (17.59 acres), respectively. Therefore, relief is required from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department

(attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

**COA23-05-33**

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

**That** A-07-23 be accepted that relief be given from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing as the severed and retained parcels from  $\pm 7.58$  hectares (18.73 acres) to  $\pm 0.462$  hectares (1.14 acres) and  $\pm 7.122$  hectares (17.59 acres), respectively.

**Reasons for Decision** The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

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

**Carried**

**6.4 B-08-23 3670 3rd Concession**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 3670 3<sup>rd</sup> Concession Road, in the former Township of Colchester South (Ward 3). The applicant is proposing to sever a  $\pm 5.122$  Acre (2.073 ha) parcel from the existing  $\pm 52.48$  acre (21.237 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm 47.34$  acres (19.16 ha). The applicant is proposing this consent as a surplus dwelling lot.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

Member Dan Sauve asked if anyone was residing in the second dwelling units on the subject property and if so, could a review of the septic system for the second dwelling units be added as a condition.

Ms. Chiasson stated that if the application is approved, that the condition to review the second dwelling unit's septic system will be added.

**COA23-05-34**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** B-08-23 be accepted to sever a  $\pm 5.122$  Acre (2.073 ha) parcel from the existing  $\pm 52.48$  acre (21.237 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm 47.34$  acres (19.16 ha). The applicant is proposing this consent as a surplus dwelling lot

**Reasons for Decision:** The Application 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".

1. That at the time the conveyance is prepared for certification, a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
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, 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.
6. That a septic test report for the dwelling be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
7. That a septic test report for the rental units be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
8. A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);
9. That all of the above conditions be fulfilled on or before May 16, 2025

**Carried**

## **6.5 A-08-23 3670 3rd Concession**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3670 3<sup>rd</sup> Concession Road, in the former township of Colchester South. As a result of consent application B-o8-23, to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be reduced from  $\pm 52.47$  acres (21.237 hectares) to  $\pm 5.123$  acres (2.077 hectares) and  $\pm 47.34$  acres (19.16 Hectares), respectively. Therefore, relief is required from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

**COA23-05-35**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** A-o8-23 be accepted that relief be given from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing as the severed and retained parcels will be reduced from  $\pm 52.47$  acres (21.237 hectares) to  $\pm 5.123$  acres (2.077 hectares) and  $\pm 47.34$  acres (19.16 Hectares), respectively with

**Reasons for Decision:** The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

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

**Carried**

**6.6 B-10-23 1340 County Road 13**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1340 County Road 13, in the former Township of Colchester South (Ward 3). The applicant is proposing to sever a  $\pm 0.4$  acre (0.16 ha) parcel from the existing  $\pm 28.01$  acre (11.33 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm 27.61$  acres (11.17 ha). The applicant is proposing this consent as a surplus dwelling lot.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

**COA23-05-36**

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

**That** B-10-23 be accepted to sever a  $\pm 0.4$  acre (0.16 ha) parcel from the existing  $\pm 28.01$  acre (11.33 ha) agricultural lot. The retained agricultural lot is proposed to have an area of  $\pm 27.61$  acres (11.17 ha). The applicant is proposing this consent as a surplus dwelling lot.

**Reasons for Decision:** The Application 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".

1. That at the time the conveyance is prepared for certification, a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
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, 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.
6. That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

**Carried**

**6.6.1 Delegate: James Lamoure, 1325 Snake Lane**

James Lamoure, 1325 Snake Lane, advised that his only concern was that the property would be utilized for development, but understands that a restrictive layer will be placed on the severed parcel and therefore will be utilized within the agricultural designation.

**6.7 A-09-23 1340 County Road 13**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1340 County Road 13, in the former township of Colchester South. As a result of consent application B-10-



23, to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be reduced from  $\pm 28.01$  acres (11.33 ha) to  $\pm 0.4$  acres (0.16 ha) and  $\pm 27.6$  acres (11.16 ha), respectively. Therefore, relief is required from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. Relief is also required from Section 13.1 i) to recognize the reduction in lot width of the severed parcel from 200 ft to 175 ft. The Zoning Bylaw states that the minimum lot width for an agricultural lot is the lesser of 60m (200 ft) or as existing.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

**COA23-05-37**

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

**That** A-09-23 be accepted that relief be given from Section 13.1 ii) of the Town of Essex Zoning Bylaw, Bylaw 1037, which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing and relief from Section 13.1 i) to recognize the reduction in lot width of the severed parcel from 200 ft to 175 ft. The Zoning Bylaw states that the minimum lot width for an agricultural lot is the lesser of 60m (200 ft) or as existing. The severed and retained parcels will be reduced from  $\pm 28.01$  acres (11.33 ha) to  $\pm 0.4$  acres (0.16 ha) and  $\pm 27.6$  acres (11.16 ha), respectively.

**Reasons for Decision:** The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

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

**Carried**

**6.8 B-13-23 492 County Road 8**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at Maidstone Avenue, in Essex Centre (Ward 1). The applicant is proposing to sever a  $\pm 7.15$  acre (2.89 ha) parcel (former Sun Parlor Elementary School) from the existing  $\pm 24.46$  acre (9.89 ha) institutional lot (combined Sun Parlor Elementary and Essex High school lands). The retained lot (Essex High School) is proposed to have an area of  $\pm 17.31$  acres (7.00 ha). The applicant is proposing this consent to separate the two main buildings and their corresponding amenity areas.

Corinne Chiasson, Secretary Treasurer, Senior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') whereby the report stated no objection to the approval of the application.

Michael Cara, Agent, Greater Essex County District School Board, stated that the subject property has been vacant since 2021 and has been deemed surplus to the Board's needs since 2005. He continued that the current use of both buildings, located in the Town of Essex and in the Municipality of Lakeshore, will not change at this time.

Member Matthew Child, recommended that a condition be added that states that the Municipality of Lakeshore also approve the severance.

**COA23-05-38**

Moved By Matthew Child

Seconded By William Baker, Vice Chair

**That** B-13-23 be accepted sever a  $\pm 7.15$  acre (2.89 ha) parcel (former Sun Parlor Elementary School) from the existing  $\pm 24.46$  acre (9.89 ha) institutional lot (combined Sun Parlor Elementary and Essex High school lands). The retained lot (Essex High School) is proposed to have an area of  $\pm 17.31$  acres (7.00 ha). The applicant is proposing this consent to separate the two main buildings and their corresponding amenity areas.

**Reasons for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents"

- a) That at the time the conveyance is prepared for certification a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) 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;
- d) 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; Municipality of Lakeshore has approved the corresponding Consent application and that all conditions are satisfied.
- f) That all of the above conditions be fulfilled on or before May 16, 2025

**Carried**

**7. New Business**

**7.1 Method for Prohibiting Dwellings on Remnant Farm Parcels as a result of Surplus Dwelling Applications**

**COA23-05-39**

Moved By Matthew Child

Seconded By Danny Sauve

**That** the report from administration regarding the method for prohibiting dwellings on remnant farm parcels as a result of surplus dwelling applications be placed on the June 20 2023 agenda for discussion.

**Carried**

**8. Adjournment**

**COA23-05-40**

Moved By Danny Sauve

Seconded By Matthew Child

**That** the meeting be adjourned at 6:54 p.m.

**Carried**

**9. Future Meetings**

June 20, 2023, at Town Hall, 33 Talbot Street South, Essex, Council Chambers at 5 p.m.

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Chair

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Recording Secretary