



Committee of Adjustment Meeting Minutes

Monday, November 14, 2022 4:30 PM

Location: Harrow Arena, Community Room, 243 McAfee Street

Accessible formats or communication supports are available upon request. Please contact the Planning Department at essexplanning@essex.ca or 519-776-7336 extension 1128

- Present: Brian Gray, Chair
- Percy Dufour, Vice Chair
- Sherry Ducedre, Committee Member
- Phil Pocock, Committee Member
- Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner
- Sarah Girard, Recording Secretary / Planning Clerk
- Marsha Buchta, Planning Clerk
- Lori Chadwick, Director, Development Services
- Regrets: Percy Dufour, Vice Chair

1. Call to Order

The Chair called the meeting to order at 4:32 pm.

2. Declarations of Conflict of Interest

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

3. Adoption of Published Agenda

Committee of Adjustment Meeting Agenda for November 14, 2022

COA22-11-93

Moved by Member Pocock

Seconded by Member Ducedre

That the published agenda for the November 14, 2022 Committee of Adjustment meeting be adopted as presented.

Carried

4. Adoption of Minutes

Committee of Adjustment Meeting Minutes for October 18, 2022

COA22-11-94

Moved by Member Ducedre

Seconded by Member Pocock

That the adoption of minutes from the Committee of Adjustment meeting held October 18, 2022 be deferred.

Carried

5. Unfinished Business

6. Reports from Administration / Applications

6.1 Corinne Chiasson, Assistant Planner

Application A-27-22 Daniel and Melissa Levitt 2992 County Road 20 East (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, at 2992 County Road 20 East in the form of Colchester South. The applicants are requesting relief from Zoning Bylaw 1037, Section 10.11 ii) that states any buildings are to be setback 23 metres (76 feet) from the centre of the road right of way, outside of an urban centre or hamlet. The applicants are proposing to replace the existing garage with a new garage structure and will match the existing setback distance of 65 feet from the centre line of the roadway. Therefore, the applicants are seeking relief for 11 feet from the Zoning Bylaw provision.

6.1.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-95

Moved by Member Pocock

Seconded by Member Ducedre

That application A-27-22 be approved to replace the existing garage with a new garage structure and match the existing setback distance of 65 feet from the centre line of the roadway and the requested relief for 11 feet from the Zoning Bylaw provision.

Carried

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:

- 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; and

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

6.2. Corinne Chiasson, Assistant Planner

Application A-30-22 Karen Matlack (Agent John Woelk) Vacant Land on Milne (Essex Centre, Ward 1)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at Vacant land on Milne Street in Essex Centre. The applicants are requesting a reduction to the required rear yard setback within the Residential District 1.1 (R1.1). The required rear yard setback is 25 ft, the applicants are proposing a 16 ft setback. Therefore, the applicants are seeking a minor variance for relief of 6 ft from the required front yard setback to accommodate a proposed building envelope.

6.2.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-96

Moved by Member Pocock

Seconded by Member Ducedre

That application A-30-22 be approved relief of the 6 ft from the required front yard setback to accommodate a proposed building envelope.

Carried

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:

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

6.3 Corinne Chiasson, Assistant Planner

Application B-28-22 Bradley & Kathryn Ouellette, 7003 Giardini (Colchester North, Ward 2)

An application has been received by the Town of Essex Committee of Adjustment for the lands located at 7003 Giardini Road in the former township of Colchester North. The Official Plan designation for this property is Rural Residential, and the Zoning Bylaw category is Agricultural (A1.1). The applicants are proposing to sever a ± 1.48 acre parcel from the existing ±5 acre zoned Agricultural 1.1 (A1.1) lot. The retained parcel will be ±3.52 acres respectively. The applicant is proposing this consent for the purpose of lot creation.

6.3.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-97

Moved by Member Ducedre

Seconded by Member Pocock

That application B-28-22 be approved to sever a ± 1.48 acre parcel from the existing ±5 acre zoned Agricultural 1.1 (A1.1) lot. The retained parcel will be ±3.52 acres respectively. The applicant is proposing this consent for the purpose of lot creation.

Carried

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":

- a) That at the time the conveyance is prepared for certification, one 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;

- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate; and
- f) That all of the above conditions be fulfilled on or before November 14, 2024.

6.4 Corinne Chiasson, Assistant Planner

Application A-28-22 Bradley & Kathryn Ouellette, 7003 Giardini (Colchester North, Ward 2)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, at 7003 Giardini Road in former Colchester North. The lot area for the severed and retained parcel will be reduced from ± 5 acres to ± 3.52 acres and ± 1.48 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

6.4.1. Public Presentations (if any)

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

COA22-11-98

Moved by Member Pocock

Seconded by Member Ducedre

That application A-28-22 be approved as a result of a proposed severance, applicants are requesting relief from the minimum lot area of 40 hectares (100 acres) for lots within the Agricultural District (A1.1). They are proposing to sever a ± 1.48 acre parcel from the existing ± 5 acre zoned Agricultural 1.1 (A1.1) lot. The retained parcel will be ± 3.52 acres respectively.

Carried

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:

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

6.5 Corinne Chiasson, Assistant Planner

Application B-29-22 Saund Hardeep Kaur & Sembhi Mandeep Singh (Agent: Larry Snively, UCG) 1055 Ferris Road (Colchester South, Ward 3)

An application has been received by the Town of Essex Committee of Adjustment for the lands located at 1055 Ferris Road in the former township of Colchester South. The subject lands are zoned Agricultural 1.1 (A1.1). A previous application B-24-21 was completed on the subject property in August of 2021. The applicants are proposing a minor lot line adjustment to the previously severed (1055 Ferris Road) ± 1.48 acre parcel and the previously retained parcel (0 Ferris Road) ± 3.52 acres in size respectively. The purpose of this application is to realign the north and south property lines perpendicular to the roadway.

6.5.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-99

Moved by Member Ducedre

Seconded by Member Pocock

That application B-29-22 be approved for a minor lot line adjustment to the previously severed (1055 Ferris Road) ± 1.72 acre parcel and the previously retained parcel (0 Ferris Road) ± 18.28 acres in size respectively.

Carried

- a) That at the time the conveyance is prepared for certification, one 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 digital 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;
- e) That the severed parcels be consolidated with the lands identified as 1055 Ferris and 0 Ferris Road respectively. 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; and
f) That all of the above conditions be fulfilled on or before November 14, 2024.

6.6 Corinne Chiasson, Assistant Planner

Application A-29-22 Saund Hardeep Kaur & Sembhi Mandeep Singh (Agent: Larry Snively, UCG) 1055 Ferris Road (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, at 1055 Ferris Road in former Colchester South. The applicants are proposing a minor adjustment to the previously severe a \pm 1.72 acre parcel and the previously retained parcel known municipally as 0 Ferris Road \pm 18.28 acres respectively zoned Agricultural 1.1 (A1.1) lot.

6.6.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-100

Moved by Member Ducedre

Seconded by Member Pocock

That application A-29-22 be approved as a result of the proposed lot line adjustment, applicants are requesting relief from the minimum lot area of 40 hectares (100 acres) for lots within the Agricultural District (A1.1). They are proposing a minor lot line adjustment to the previously severed (1055 Ferris Road) + 1.72 acre parcel and the previously retained parcel (0 Ferris Road) + 18.28 acres in size respectively. The purpose of this application is to realign the north and south property lines perpendicular to the roadway.

Carried

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:

- 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; and

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

6.7 Corinne Chiasson, Assistant Planner

Application B-30-22 Jose and Maria Francisco (Agent: Luigi DiPierdomenico) 687 Beach Street (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 687 Beach Street in the former township of Colchester South. The subject property is composed of two historic lots of record, and 2 part lots that were inadvertently merged all under one ownership. The applicants have proceeded in separating the ownership of lots 25 and 26 through their solicitor. The applicants now wish to add part lot 27 to whole lot 26, and add part lot 24 to whole lot 25. The purpose of this application is to merge the part lots with the individual whole lots identified on Registered Plan 1397.

6.7.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-101

Moved by Member Pocock

Seconded by Member Ducedre

That application B-30-22 be approved to add part lot 27 to whole lot 26 and add part lot 24 to whole lot 25.

Carried

- a) That at the time the conveyance is prepared for certification, one 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;
- e) That the holding zone provision be removed on the severed portion.
- f) That the severed parcels identified as Part lots 24 and 27 be consolidated with the lands identified on Registered Plan 1397 as lots 25 and 26 respectively. 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; and
- g) That all of the above conditions be fulfilled on or before November 11, 2024.

6.8 Corinne Chiasson, Assistant Planner

Application B-31-22 Rick and Cheryl Huczel c/o Wing On Li (Agent: Melanie Muir, Dillon Consulting) 1370 County Road 13 (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1370 County Road 13 in the former township of Colchester South. The applicants are proposing to sever a \pm 3.76 acre parcel from the existing \pm 21.77 acre parcel Agricultural 1.1 (A1.1) the retained parcel will have \pm 18.01 acres remaining. The severance is being proposed as its surplus to the farming needs.

6.8.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-102

Moved by Member Ducedre

Seconded by Member Pocock

That application B-31-22 be approved to sever a \pm 3.76 acre parcel from the existing \pm 21.77 acre parcel Agricultural 1.1 (A1.1) the retained parcel will have \pm 18.01 acres remaining.

Carried

- 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;

e) 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.

f) 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; and

g) That all of the above conditions be fulfilled on or before November 14, 2024.

6.9 Corinne Chiasson, Assistant Planner

Application A-31-22 Rick and Cheryl Huczel c/o Wing On Li (Agent: Melanie Muir, Dillon Consulting) 1370 County Road 13 (Colchester South, Ward 3)

application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, at 1370 County Road 13 in former Colchester South. The applicants are proposing a minor adjustment for the severed and retained parcel as they will be reduced from ± 21.77 acres to ± 3.76 acres and ± 18.01 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. line is 25 feet for a lot that is less than 1 acre within the Agricultural District 1.1 (A1.1).

6.9.1. Public Presentations (if any)

Corinne Chiasson, Secretary Treasurer, Planning Assistant 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.

COA22-11-103

Moved by Member Ducedre

Seconded by Member Pocock

That application A-31-22 be approved for a minor adjustment for the severed and retained parcel as they will be reduced from ± 21.77 acres to ± 3.76 acres and ± 18.01 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. line is 25 feet for a lot that is less than 1 acre within the Agricultural District 1.1 (A1.1).

Carried

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:

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

6.10 Rita Jabbour, Manager Planning Services

Application B-32-22 Inspiration Industrial Park Ltd. (Agent: Jackie Lassaline) 14978 Pinkerton Road (Colchester North, Ward 2)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 14978 14th Concession Road in the former township of Colchester North. The subject lands are 13.5 hectares in total lot area and are designated and zoned to accommodate General Industrial Uses. The applicants are proposing to sever five (5) lots for industrial lot creation. The lands will not be developed until such time servicing is constructed and site plan approval is granted.

The severance proposal is as follows:

- Lot 1 will have a lot area of 2.43 hectares
- Lot 2 will have a lot area of 2.3 hectares
- Lot 3 will have a lot area of 2.07 hectares
- Lot 4 will have a lot area of 2.06 hectares
- Lot 5 will have a lot area of 2.5 hectares

The retained lot will have a lot area of 2.19 hectares.

6.10.1. Public Presentations (if any)

Lori Chadwick, Director, Development Services 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.

James Bryant, Essex Region Conservation Authority (ERCA) stated that the comments received from the agency to the committee was to defer the application before them until more information regarding the Storm Water Management (SWM) Plan was provided as there was a hazard to the municipal drain. He stated that the applicants are aware of the concerns and the request to rectify these concerns prior to the approval of the severance.

Jackie Lassaline, applicant's agent, stated that there is a SWM plan obtained for the retained parcel and that another SWM would not be required for individual lots.

Mrs. Chadwick stated that if applications to further divide lots is received, the applications would go to the Committee of Adjustment for approval at which time ERCA would be circulated for comment.

Member Ducedre questioned why an application with over 4 lots was being presented to the Committee of Adjustment and not Council as a subdivision approval. She states that the proposal seems rushed and incomplete. That not all the proper checks have been done.

Mrs Chadwick stated that Rita Jabbour, Manager, Planning Services stated that she believed that this application does not need a Draft Plan of Subdivision as the Town of Essex Official Plan accommodates for severances greater than 4 on lands that are serviced with water, sanitary and road access.

Member Pocock asked whether the request from ERCA would be satisfied if the conditions to this application were amended to include a Storm Water Management review.

Mr. Bryant stated that ERCA would like to see the application deferred to ensure it is cleaned up and that nothing is missed by the agency and the developer.

Ms. Ducedre stated that the application should be denied as the application should go to Council for approval. She further stated that the County should be involved in the approval as the application would need a Draft Plan Approval for Subdivision.

Mrs. Lassaline stated that the circumstances are better for severance rather than draft plan. She stated that the property is appropriately zoned for the proposed use.

Chair Gray stated that the SWM report that was requested by ERCA should be completed prior to the approval and that the application be deferred.

COA22-11-104

Moved by Chair Gray

Seconded by Member Pocock

That application B-32-22 be deferred.

Carried

6. Correspondence

7. New Business

7.1 2023 Committee of Adjustment Meeting Schedule

COA22-11-105

Moved by Member Pocock

Seconded by Member Ducedre

That the 2023 Committee of Adjustment Meeting schedule be adopted as circulated.

Carried

7.2 Committee of Adjustment 2023: Application for new members process

Corinne Chiasson, Secretary Treasurer, Planning Assistant advised members that the application date for the 2023 to 2026 Committee of Adjustment season will be available on the website on December 2nd 2022 . She stated that the deadline for submissions will be on December 12th 2022 and appointments will be known by December 19th 2022.

8. Notices of Motion

9. Adjournment

COA22-11-106

Moved by Member Pocock

Seconded by Member Ducedre

That the meeting be adjourned at 7:40 p.m.

Carried

10. Future Meetings

To be determined.



**Committee of Adjustment
Planning Comments for November 14, 2022 Meeting**

Department: Planning

Date: November 14, 2022

Prepared by: Corinne Chiasson, Secretary-Treasurer/Assistant Planner,
Rita Jabbour, Deputy Secretary-Treasurer/Manager,
Planning Services

Submitted to: Town of Essex Committee of Adjustment

Report Number: Committee of Adjustment 2022-10

Subject: Planning Comments for November 14, 2022 Agenda

Number of Pages: 34

The comments of the Planning Department regarding the applications on the November 14, 2022 Committee of Adjustment agenda are as follows.

NOTE: All numbers are approximate for ease of discussion. Accurate numbers will be reflected in the registered reference plan resulting from the Committee's approval of each consent request.

Item 1: (RELIEF FROM FRONT YARD SETBACK PROVISIONS)

Application A-27-22, Daniel and Melissa Levitt, 2992 County Road 20 East (Colchester South, Ward 3)

Official Plan Designation: "Rural Residential"

Zoning: Residential District 1.3 (R1.3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, at 2992 County Road 20 East in the former Township of Colchester South. The applicants are requesting relief from Zoning Bylaw 1037, Section 10.11 ii) that states any buildings are to be setback 23 metres (76 feet) from the centre of the road right of way, outside of an urban centre or hamlet. The applicants are proposing to replace the existing garage with a new garage structure, which will match the existing garage setback distance of 65 feet from the centre line of the roadway. Therefore the applicants are seeking relief for 11 feet from the Zoning Bylaw provision.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* Accessory structures are permitted in the Residential designation and R1.3 zoning category, provided the proposal meets the provisions identified in the Bylaw. The Bylaw states that any structure is to be at least 23 metres (76 ft) from the centre of the road right of way on a town road outside of an urban centre or hamlet where no municipal drain parallels the road. The provision is set to ensure a setback that provides area for utilities and safety from roadways that have higher levels of traffic and speed limits. The applicants are replacing an existing older structure in need of repair with a new structure in the same location. This proposal will maintain the existing setback, and therefore not impact the current conditions. The replacement of this structure therefore meets the general intent of the Official Plan and Zoning Bylaw.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The applicants are requesting this variance to replace an existing accessory structure in disrepair with a new structure that complies with the residential land use. The new structure will be used for storage that is supportive of and accessory to the main dwelling (vehicles and lawn equipment). The new proposed structure will comply with all other applicable zoning provisions, such as lot coverage, and required side and rear yard setbacks. The building permit process ensures completion of construction to building code standards and the Zoning Bylaw.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The new accessory structure will match the setback of the current existing structure and be accessed by the current driveway, therefore no impacts to traffic along County Road 20 is anticipated. Correspondence was received from the County of Essex, confirming no objections to the replacement of the structure at the same location. Large accessory structures are permitted in the R1.3 zoning category, and accessory structures of comparable size are nearby on neighbouring sites.

d) *The variance deals with circumstances particular to the site and development:* The applicants are wishing to replace the accessory structure to provide needed additional storage space. The property is a corner lot on two intersecting County Roads, and had a restrictive roadway setbacks on the south and east sides. Due to these restrictive setbacks construction of the new structure could only be located where the existing garage is located.

Public and Agency Comments

Upon circulation to internal departments we did not receive any objections as of November 11th, 2022.

Comments were received from the Essex Region Conservation Authority, stating no objections.

Comments were received from the County of Essex, stating, "the minimum setback for any new proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 20 or 43 feet from the property limit. Building onto existing structures that do not come closer to the road may be permitted, further review will be required. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures."

We did not receive any further comments from external agencies as of November 11th, 2022.

Action: decision to be determined by the Committee

Options:

1. Approval as presented
2. Approval with conditions:
3. Denial
4. Deferral pending further information

Item 2: (RELIEF FROM FRONT YARD DEPTH SETBACK)

Application A-30-22, Karen Matlack (Agent: John Woelk) Vacant Land on Milne (Essex Centre, Ward 1)

Official Plan Designation: "Residential"

Zoning: Residential District 1.1 (R1.1)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at Vacant Land on Milne in Essex Centre. The applicants are requesting a reduction to the required rear yard setback within the Residential District 1.1 (R1.1). The required rear yard setback is 25 feet, the applicants are proposing a 19 ft setback. Therefore, the applicants are seeking a minor variance for relief of 6 ft from the required rear yard setback provision to accommodate a proposed building envelope.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* A single detached dwelling is a permitted main use for lands designated "Residential" and is also permitted under the R1.1 zoning district. This proposal satisfies the general intent of the Official Plan and Zoning excepting the required rear yard provisions. The proposed 19 ft setback from the rear lot line will still provide a functional amenity area, and not cause an impact to the neighbouring amenity areas of the adjacent neighbours.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The rear yard setback and resulting amenity area will be reduced by 6 ft which is considered minor. The owner wishes to provide a defined building envelope to assist in the sale of the vacant lot. The subject property is a legal property of record that meets the zoning bylaw provisions for lot size, but has a shallow depth of 60 feet, which constricts a future building envelope. The Zoning Bylaw prescribes a 25 foot front yard and a 25 foot rear yard in accordance with the R1.1 Zoning category. Zoning Bylaw Section 10.2 allows a front yard to be reduced to a minimum of 3 metres (10 feet) if equal or comparable to the adjacent dwelling setbacks on abutting lots. The The Town of Essex Official Plan encourages infill developments within the

settlement areas, and a single detached dwelling complies with the appropriate land use designation.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: The subject property is an infill lot that can support a single family dwelling which is compatible to the established character of this older neighbourhood. The lot will have an access driveway, which will allow parking. No changes to traffic and parking patterns are anticipated.

d) The variance deals with circumstances particular to the site and development: The owner wishes to sell the vacant lot for a single family development. The property meets the minimum lot size and width for a R1.1 zone. Due to the shallow depth, the building envelopment is constricted. The Minor Variance will allow a modest size building envelope, and the reduced rear yard setback will still allow ample amenity space. Due to the configuration of rear yards in the neighbourhood, no impediment to the amenity space of the neighbouring lots is anticipated.

Public and Agency Comments

Upon circulation to internal departments we did not receive any objections as of November 11th, 2022.

We received comments from the Essex Region Conservation Authority, stating no objections.

Action: decision to be determined by the Committee

Options:

1. Approval as presented
2. **Approval with conditions:**
3. Denial

4. Deferral pending further information
-

Item 3: (CREATION OF NEW LOT)

B-28-22 Bradley & Kathryn Ouellette, 7003 Giardini Road (Colchester North, Ward 2)

Official Plan Designation: "Rural Residential"

Zoning Category: "Agricultural (A1.1)" – General agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 7003 Giardini Road in the former Township of Colchester North. The Official Plan designation for this property is Rural Residential, and the Zoning Bylaw category is Agricultural (A1.1). The applicants are proposing to sever a ± 1.48 acres parcel from the existing ± 5 acres property zoned A1.1. The retained parcel will be ± 3.52 acres respectively. The applicant is proposing this consent for the purpose of lot creation.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) The proposal's consistency with Provincial legislation, policies and guidelines:

Section 1.1.5.2 c) states that residential development, including lot creation, that is locally appropriate, is permitted on rural lands. This property is located within the rural residential area, identified in the Town of Essex Official Plan. The location of this site is within a cluster of large residential properties typical of the neighbourhood along Giardini Road. This area was recognised historically as "Rural Residential" under the Colchester North Official Plan prior to

amalgamation with the Town of Essex. The PPS does permit infill lots within rural residential areas.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The current Town of Essex Official Plan identifies this property as "Rural Residential" designation. The Official Plan policies do encourage infilling within existing areas designated "Residential" if the proposal meets the criteria for land severance policies of the Official Plan and PPS. Single detached dwellings are permitted in this designation and the size of the lot proposed can satisfy the minimum size needed for adequate private septic services. The proposed severed lot will front onto Giardini Road, a public road that is owned and maintained by the Town of Essex.

c) The continuation of an orderly development pattern: The proposed severed lot will have a frontage width of 200 feet which is comparable to adjacent lot widths along Giardini Road, as well as satisfying that Agricultural (A1.1) zoning requirement of 200 feet for lot width. The proposed depth (325 feet) and area (1.48 acres) of the lot however are not comparable with the established 5 acre Giardini Road lot development pattern. A Planning Justification Report was requested by administration to provide justification how the submitted proposal satisfies this policy of the Official Plan.

The Planning Justification Report was completed by David French, Storey Samways Planning Ltd. on behalf of the applicants. Please refer to the full report attached to these comments.

The justification provided by Storey Samways Planning Ltd. states that:

" the Town of Essex Official Plan designates the subject parcel, and those adjacent parcels fronting on Giardini and County Road 18, as Rural Residential. As such, this strip of residential development exhibits the characteristics of a rural settlement area/hamlet."

The report further quotes:

“b) should an application be made to the Committee of Adjustment to sever an existing lot of record for lot expansion, boundary realignment or some other purpose, the minimum size of the new and retained lots should conform to the average size of the adjoining rural residential lots”.

The response to this Official Plan policy states:

“the resultant sizes will be smaller than the adjoining rural residential lots, I would suggest from a streetscape perspective...there will be no discernable difference from the lot sizes and development pattern in the area.”

d)The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: The proposed severed parcel will have access to municipal water, drainage, and will require installation of a private septic system. The proposed severed lot will have adequate area for a building envelope and septic envelope.

Requirement for Minor Variance A-28-21

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 proposed severance, the lot area for the severed and retained parcels will decrease in size from 1.48 acres to 3.52 acres, therefore a variance is required to recognize the Zoning By-law provision reduction.

Proposal Conformity with Provincial and Town of Essex Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of new lots within the area designated “rural

residential” which is in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town Official Plan, the proposed new lot is of a size sufficient to accommodate septic services acceptable to the Town. The lot will also front onto Giardini Road, a roadway that is owned and maintained by the Town of Essex.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the Rural Residential designation and A1.1 zoning district vary greatly in lot area. The subject property is under residential use with 1 dwelling and outbuildings. The proposed severed parcel is a vacant field, that is kept occasionally manicured. Residential use of the severed parcel would be desirable and comparable to the neighbouring adjacent lots along Giardini Road.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The proposed severed parcel is located over 450 feet from the intersection of County Road 18 and Giardini Road, where as no impacts to traffic patterns are anticipated. The proposed severed lot will be 200 feet in width which compares to the typical 200 feet of frontage of the neighbouring lots. No negative impacts are anticipated to neighbouring properties due to the proposed width and depth of the severed lot dimensions. Zoning provisions for setbacks, services, and lot coverage can all be readily complied with.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate the proposed new lot creation. The resulting severed and retained lot areas need to be recognized as reduced from the existing subject property size of 5 acres.

Agency and Public Comments

No phone calls or written correspondence have been received from members of the public as of November 11, 2022.

Comments were received from the Essex Region Conservation Authority (ERCA) which state:

The above-noted lands are subject to our Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act (Ontario Regulation No. 158/06). Prior to any **future** construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority.

In addition, the South Townline Drain is a municipal drain that falls under the jurisdiction of the Town of Essex. The municipal drain typically has an unregistered working space, and the municipality has the right to use it to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

The ERCA has reviewed safe access for this subject property and have no concerns in regards to safe access and we have no concerns relating to stormwater management for this potential application for Consent.

Additionally, the subject property may lie wholly or partially within the Event-Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

Furthermore, our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – *"Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements"*. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's

responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

Comments were received from the County of Essex, which states that "*The minimum setback must be 110 feet from the centre of the original ROW of County Road 18 with the presence of the South Townline Drain. Permits are necessary for any changes to existing structures, or the construction of new structures. No new access will be permitted off County Road 18.*"

No further comments were received from circulated internal or external agencies as of November 11, 2022.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, one 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;
 - e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before November 14, 2024.
-

Item 4 : (LOT ADDITION TO AGRICULTURAL LOT – PROPERTY LINE REALIGNMENT)

Application B-29-22 Saund Hardeep Kaur & Sembhi Mandeep Singh (Agent: Larry Snively, UCG) 1055 Ferris Road (Colchester South, Ward 3)

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1055 Ferris Road in former Colchester South. The subject lands are zoned Agricultural 1.1 (A1.1). A previous application B-24-21 was completed on the subject property in August of 2021. The applicants are proposing a minor lot line adjustment to the previously severed (1055 Ferris Road) + 1.8 acre parcel and the previously retained parcel (0 Ferris Road) + 18.17 acre in size respectively. The purpose of this application is to realign the north and south property lines perpendicular to the roadway.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. The owners wish to realign the north and south property line extents of 1055 Ferriss Road that were a result of the previous owners surplus dwelling severance (B-24-21), approved in 2021. The proposed new lot extents will create an alignment that is perpendicular to Ferriss Road. This correction will allow the farming operation to align orchard supports in a straight line. This application will not result in the loss of farmland or change the access to the existing dwelling or farm property. As condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcels will be consolidated with the property at O Ferris Road and 1055 Ferriss Road.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate any slight reduction in lot area for the severed or retained parcels. The Zoning Bylaw states that the minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size.

c) The continuation of an orderly development pattern:

The lot additions being proposed will correct two existing slightly angled property lines, making them perpendicular to the roadway. This will create a more orderly development pattern.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

Water supply, and stormwater management is existing for the surplus lot, and not required for the farming operation at this time.

REQUIREMENT FOR MINOR VARIANCE: A-29-22

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1055 Ferriss Road, in former Colchester South. As a result of a previous severance for surplus dwelling, the new owners of the property wish to realign the north and south property lines to be perpendicular with the roadway. As a result of the application for consent, a slight reduction in the area of the severed or retained lands is expected dependant on the final survey. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained:

The main land use of the retained and severed parcels will remain Agricultural, and both parcels will also remain zoned agricultural A1.1. This proposed lot adjustment

will satisfy the Zoning Bylaw provisions regarding appropriate setbacks from buildings, and lot coverage.

b) The variance(s) is minor and desirable for the appropriate use of the land:

The owners wish to correct the lot lines in order for the neighbouring farming operation to set orchard support lines straight and efficiently. No agricultural land will be taken out of production as a result of this severance.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. No new lots are proposed, resulting in no negative impacts to traffic or parking patterns.

d) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to slightly realign the property extents perpendicular to the roadway.

Public and Agency Comments

As a result of the giving of public notice, we received no written correspondences of objections from the public as of November 11, 2022.

Comments were received from the Essex Region Conservation Authority (ERCA). The comments state:

“The retained lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The retained parcel partially falls within the regulated area of the Shepley Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. Please note that the severed parcel does not fall within the regulated area of the Shepley Drain and is not subject to ERCA approvals.

It should be noted that any proposed future development on the western retained parcel would be subject to setback restrictions from top of bank of the Shepley Drain. The setback is determined from a site specific analysis.

The Shepley Drain is a municipal drain that falls under the jurisdiction of the Town of Essex. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. It is the owner's responsibility to obtain all necessary permits and/or clearances from the Town of Essex for any works to the drain. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Essex. In addition, ERCA recommends that the proposed severance or lot addition merges with the lot being enlarged, in accordance with the appropriate Sections 50(3) and (5) of the Planning Act.

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

ERCA recommends that the proposed severance or lot additions merge with the lot being enlarged, in accordance with the appropriate Sections 50(3) and (5) of the Planning Act."

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, one 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 digital 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;
- e) That the severed parcels be consolidated with the lands identified as 1055 Ferris and 0 Ferris Road respectively. 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.
- f) That all of the above conditions be fulfilled on or before November 14, 2024.
-

Item 6: (LOT ADDITION)

Application B-30-22, Jose & Maria Francisco (Agent: Luigi DiPierdomenico) 687 Beach Street (Colchester South, Ward 3)

Official Plan Designation: "Lakeshore Residential"

Zoning: "Residential" R1.1

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 687 Beach Street in the former township of Colchester South. The subject property is composed of two historic lots of record, and 2 part lots that were inadvertently merged all under one ownership. The applicants have proceeded in separating the ownership of lots 25 and 26 through their solicitor. The applicants now wish to add part lot 27 to whole lot 26, and add part lot 24 to whole lot 25. The purpose of this application is to merge the part lots with the individual whole lots identified on Registered Plan 1397.

The purpose of this application is undertake two (2) lot additions only, to be merged onto two historic lots of record to allow a more feasible size and area. This application is **not** for new residential lot creation, only to add the part lots legally to the original Registered Plan 1397 lots 25 and 26.

Proposal Conformity with Provincial and Town of Essex Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines:* This application is consistent with the policies of the Provincial Policy Statement.
- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* Official Plan Section 6.4 e) states that consents should only be granted "for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing Zoning By-law or such variances granted through the Committee of Adjustment and the consent is granted in accordance with Section 50(3) of the Planning Act". Upon review of the application this proposal will not offend the policies of the Official Plan. This application is for the purpose of two lot additions only, there will be no changes to the use of the property, and no impacts to traffic patterns or parking issues will result.

c) The continuation of an orderly development pattern:

The proposed lot additions are not irregular in size or will hinder any adjoining land uses. The lot additions will allow a more compatible lot size and will be comparable to the neighbouring lots.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: the existing lots of record have full municipal services of sanitary and potable water.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of November 11, 2022.

Comments were received from the Essex Region Conservation Authority (ERCA). The comments provided state:

“The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Although ERCA has no objections in regards to the Application for Consent B-30-22, as the proposed lot additions do not meet the definition of "development" as specified in the Provincial Policy Statement, 2020, we note the following in regards to potential future construction or site alteration on the parcel:

Section 3.1.2 of the Provincial Policy Statement notes that Development and Site Alteration shall not be permitted within:

c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard Section 3.1.7 notes, further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, Development and Site Alteration may be permitted in those portions of hazardous lands and

hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standard
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result

We note that the low lying nature of roadway in this area, may result in over 0.6 meters of water over the road in a flooding event. ERCA advises that the Town of Essex and the Municipal Emergency Services (fire, police) confirm that they have the ability to access these parcels in order to fulfill the responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above.

In addition, it should be noted that any proposed development on these parcels will be subject to setback restrictions from top of bank of Lake Erie. The setback is determined from a site specific analysis. Any development and/or redevelopment proposals might only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant to overcome flooding and/or erosion associated with Lake Erie. The commissioning of this study is the responsibility of the proponent.

ERCA recommends that the proposed severance or lot additions merge with the lot being enlarged, in accordance with the appropriate Sections 50(3) and (5) of the Planning Act.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS

ERCA recommends that the proposed severance or lot additions merge with the lot being enlarged, in accordance with the appropriate Sections 50(3) and (5) of the Planning Act. ERCA advises that prior to development or site alteration on these parcels, the applicant will be required to obtain a Permit from this office. Any development and/or redevelopment proposals might only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant. In addition, upon receipt of an Application for Permit, ERCA will require the Town of Essex and the Municipal Emergency Services (fire, police) to confirm that they have the ability to access these parcels in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above."

No comments were received from circulated internal agencies as of November 11, 2022.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, one 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;

e) That the holding zone provision be removed on the severed portion.

f) That the severed parcels identified as Part lots 24 and 27 be consolidated with the lands identified on Registered Plan 1397 as lots 25 and 26 respectively. 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.

f) That all of the above conditions be fulfilled on or before November 11, 2024.

Item 7: (CREATION OF SURPLUS LOT)

Application B-31-22 Rick & Cheryl Huczel c/o Wing On Li (Agent: Melanie Muir, Dillon Consulting) 1370 County Road 13 (Colchester South, Ward 3)

Official Plan Designation: "Agricultural" and part "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1370 County Road 13 in the former township of Colchester South. The applicants are proposing to sever a ± 3.76 acre parcel from the existing ± 21.77 acre Agricultural A1.1 (A1.1) farm lot. The retained agricultural lot will have ± 18.01 acres remaining. The severance is proposed as result of the existing dwelling being surplus to the needs of the farming operations.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The current owners of the property wish to sell the vacant farm parcel to a purchases that wishes to consolidate the lands with their other farm holdings/operation off of Dunn Road. As a result, the severance of the two existing homes and outbuildings will meet the criteria for a severance for a surplus under the PPS.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated “Agricultural”, one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town’s Geographic Information System (GIS);

b) *the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structures will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* The surplus dwelling lot drains to the County Road 13 roadside drain. The existing dwelling has service to municipal water and an existing private septic system. A condition of this consent will be that the owner confirms with the Building Department that the septic systems satisfy Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains 2 existing dwellings and outbuildings. No dwellings will be permitted on the retained lot. No livestock facilities will be impacted by the proposed severance;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling has frontage on County Road 13, a public road which is owned and assumed by the County of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* Both existing dwellings are habitable. No objections to the application were received from the Building Department.

Requirement for Minor Variance A-31-22

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1370 County Road 13, in former Colchester South. The lot area for the severed and retained parcel will be reduced from ± 21.77 acres to ± 3.76 acres and ± 18.01 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Proposal Conformity with Provincial and Town of Essex Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.
- b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or no dwelling will be permitted on the retained farm parcel;
- c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land. No impacts to the neighbourhood character, or traffic patterns are anticipated as result of this application.
- d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application, that will result in the reduction on an Agriculturally (A1.1) zoned lot.

Public and Agency Comments:

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday November 11, 2022.

Preconsultation comments were received by the Essex Region Conservation Authority (ERCA). They stated they have no objections to the application, as there will be a restriction placed over the retained parcel that will prohibit any future dwelling being constructed on the farm parcel. Further they noted that any works completed within the vicinity of the regulated Erie Drain or Shepley drain may require a permit from ERCA. They noted that although the property is within 120 metres of a significant natural heritage feature, no negative impacts are anticipated because the retained parcel will remain vacant farmland as a result of this application.

No further comments were received from internal or external agencies as of November 11, 2022.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- 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;
- e) 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.

- f) 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;
- g) That all of the above conditions be fulfilled on or before November 14, 2024
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Item 8: (CREATION OF 5 NEW INDUSTRIAL LOTS)

B-32-22 Inspiration Industrial Park Ltd. (Agent: Jackie Lassaline) 14978 14th Concession Road (Essex Centre, Ward 1)

Official Plan Designation: "Industrial"

Zoning Category: "Holding – Manufacturing 2.1 (HM2.1)" – General Industrial Uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 14978 14th Concession Road in the former township of Colchester North (ward 2).

The subject lands are 13.5 hectares in total lot area and are designated "Industrial" under the Town of Essex Official Plan and zoned to accommodate General Industrial Uses under the Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037. The lands are also subject to a Holding Zone ("H") restriction under Bylaw 1037. For lands where a Holding restriction is applicable, no use, building or other structure shall be permitted until such time full municipal services (paved road, sanitary sewer, stormwater outlet) are available, or an executed agreement to provide full municipal services are in effect. **The Holding restriction does not restrict the issuance of consents (severances).**

The applicants are proposing to sever five (5) lots to allow for industrial lot creation. The severance proposal is as follows:

- Lot 1 will have a lot area of 2.43 hectares
- Lot 2 will have a lot area of 2.3 hectares
- Lot 3 will have a lot area of 2.07 hectares
- Lot 4 will have a lot area of 2.06 hectares
- Lot 5 will have a lot area of 2.5 hectares

The retained lot will have a lot area of 2.19 hectares.

The severed lands will not be developed until such time municipal servicing is installed, individual site plans are approved, and the Holding restriction is removed. **The severances are required to facilitate the sale of the lands, however.**

Proposal Conformity with Town of Essex Official Plan Policies

Lands designated “Industrial” under the Town of Essex Official Plan include areas that are presently reserved for such purpose. Therefore, for lands designated “Industrial”, a goal of the Town of Essex Official Plan, is to [...] develop areas with good access and transportation links, where industrial development can take place in an orderly manner.

Although the Official Plan recognizes that industrial development should proceed on the basis of a registered plan of subdivision rather than consents, the Official Plan provides for exceptions, such as, where a Plan of Subdivision is deemed by the Town **not** to be necessary and the consent application(s) are in keeping with the land division policies contained within section 6 of the Official Plan.

Town of Essex administration, which included consultation with members of Planning and Infrastructure Services, Community and Corporate Services, have met on this file and have deemed that the consent process is appropriate for the development of these lands.

In accordance with subsection 6.4 of the Official Plan, in considering an application(s) for consent, the Committee of Adjustment should have regard to:

- a) The proposals’ consistency with Provincial legislation, policies and guidelines;*

When considering whether a provisional consent is to be given, a Committee must have regard to matters under subsection 51 (24) of the Planning Act, the same criteria used in considering a draft plan of subdivision. Criteria relevant to the consideration of this proposal include:

- the development's impact on matters of provincial interest as referred to in section 2 of the Planning Act:

Section 2 of the Planning Act is concerned with the protection of ecological systems, the conservation of agricultural, natural, and cultural resources, the adequate provision and efficient use of transportation, sewage and water services, the adequate provision of employment opportunities, and the appropriate location of growth and development.

The proposed development will not impact on the protection of ecological systems as the lands are **not within** or adjacent to any natural heritage feature that may meet the criteria for significance as defined under the Provincial Policy Statement (PPS), or an area of natural environment or provincially significant wetland.

The lands are designated for industrial use and therefore, no loss of agricultural land is anticipated. The lands **are not** listed or designated on the municipal Heritage register. The lands do not contain any salt or petroleum resources. A portion of the lands are within the Intake Protection Zone on Schedule B-2 of the local Official Plan and are classified as Type 3. These are areas where run-off from drainage systems may impact municipal drinking water intakes. Type 3 are tertiary protection zones which include drains, drainage systems and lesser streams within the rural watersheds of the Town. The lands are currently subject to Holding restrictions and cannot be developed for the intended use until such time a Stormwater Management Plan (SWMP) is completed. SWMP typically require the evaluation of runoff water quality to ensure impacts to the drinking water system are mitigated. Further, should future proposals require

the installation of fuel storage on the site, the proponent will be asked to contact the Risk Management Officer to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The impact on drinking water systems is therefore limited at the time of consent because no construction or site alteration is proposed.

The lands are within the Primary Essex Centre Settlement Area and therefore, qualify for development. The lands have recently been included into the Town's sanitary service area, and a watermain crossing highway 3 at the 14th concession has been installed giving access to municipal water supply. The lands therefore have adequate access to sewage and water services.

The lands front on the 14th Concession and Pinkerton Sideroad. Both roads are owned and maintained by the Town of Essex and are classified as "local roads" in the Official Plan. Access to the proposed lots will be through these roads. Local roads are designed to carry lower volumes of traffic and direct access to properties from local roads is permitted. An upgrade of the transportation network may be required because of future development. An upgrade is not necessary to accommodate the creation of the proposed lots as no site alteration or construction is proposed.

The lands are adjacent Highway 3 and County Road 8. Highways are designed to carry high volumes of interurban traffic at high speeds and County roads are designed to carry interurban and regional traffic. Therefore, the proposal will result in the efficient use of the transportation network that serves both regional and international traffic.

The consent will result in the development of five (5) industrial parcels for future industrial construction. Industrial land is at a historically low supply in the region. The development of these parcels, after severances, will allow for significant employment generation for the Town of Essex and the region.

- whether the subdivision is premature or in the public interest:

The lands are within the primary settlement area for Essex Centre and are fully serviceable. Primary Settlement Areas are the primary location for growth. Industrial land supply is at a historic low in the region. Planning authorities have a responsibility to promote economic development and competitiveness. Approval of the consents will facilitate the development of five new industrial developments and add significantly to employment opportunities to residents of Essex and the region.

- whether the Plan conforms to the Official Plan:

The proposed lots conform to the land division policies under section 6 of the Official Plan. The Official Plan prescribes that the division of land will only be allowed if it has been established that the severed and retained lands are suitable to permit the proper siting of a building and other mandated facilities and setbacks, and to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management. The severed and retained lands conform with the minimum zoning regulations for land area and lot width. The lands are serviceable with municipal water and sanitary supply. The applicants will be responsible for providing a SWMP to address stormwater management strategies as a condition of this consent for future development.

- the suitability of the land for which it is to be subdivided:

The lands are suitable for development because they are located within a primary settlement area, are serviceable with municipal water and sanitary service, and are appropriately zoned. To ensure further suitability of the site for future development, a functional servicing report, stormwater management plan, and traffic impact study have been proposed as conditions of consent.

- the adequacy of highways and the highways linking the highways in the proposed subdivision:

the lands are adjacent a County Road and Provincial Highway. The lands will have access to these major transportation links via two local roads. To ensure adequacy of the road network for future development, a traffic impact study has been included as a condition of consent.

- the dimensions and shapes of the proposed lots:
the severed and retained lots conform with the regulations for the respective zoning designation for lot width and lot area.
- the conservation of natural resources and flood control:
The Lands are not located within a floodplain and do not contain salt or petroleum resources. A small portion of the lands corresponding with the municipal drain, falls within the regulated area of the ERCA. Once construction or site alteration is proposed, the proponent will be required to obtain a section 28 permit from ERCA.
- the adequacy of utilities and municipal services:
The subject lands are serviceable. The connection or extension of any sanitary or water service or hydro/gas/internet service will be the responsibility of the proponent.

b) The requirements and policies of this Plan and the comments of other public authorities and agencies;

Comments have been received from the County of Essex (Infrastructure division), Ministry of Transportation (MTO) and the Essex Region Conservation Authority (ERCA). Since County Road 8 will be impacted by the future development of these lands, the County has requested the submission of a Traffic Impact Study (TIS) as a condition of consent. They had no further comments and will be included in future discussions regarding the development of these lands. A TIS has been made a condition of this consent.

ERCA has recommended that the Committee of Adjustment **defer the applications until** additional detailed engineering information about the proposed stormwater

management strategy for the proposed industrial development is received. Submission of a stormwater management plan to the satisfaction of ERCA has been made a condition of this consent.

The Ministry of Transportation does not object to the proposed severances and development of the individual lots through individual applications for site plan control. They will be circulated on the stormwater management plan and TIS that are submitted as a condition of consent.

c) The continuation of an orderly development pattern;

The proposed lots will all have access/frontage on a local road that is owned and operated by the Town of Essex. All proposed lots will meet or exceed the minimum lot width and lot area required for industrial lot under the respective zoning.

d) the adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

The lands are within the sanitary service area and have access to a municipal water supply.

Agency and Public Comments

No phone calls or written correspondence have been received from members of the public as of November 11, 2022.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, one 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;
- e) That a **Traffic Impact Study (TIS)** that assesses and analyzes the impact of the development on the road network, completed by a Registry, Appraisal and Qualification System (RAQS) approved traffic consultant, be submitted to the satisfaction of the Town of Essex, County of Essex and the Ministry of Transportation (MTO);
- f) That a **Stormwater Management Report**, to ensure that stormwater runoff from this property does not adversely affect the highway drainage system or highway corridor, be submitted to the satisfaction of the Town of Essex, the Essex Region Conservation Authority (ERCA), and the Ministry of Transportation (MTO);
- g) That a **Functional Servicing Report (FSR)** that addresses the servicing strategy reflecting on supporting studies for the transportation, sanitary, stormwater management, and watermain servicing of the lands for the highest possible use of the lands be submitted to the satisfaction of the Town of Essex and the Essex Region Conservation Authority (ERCA);
- h) That the applicant enter into a development agreement with the Town of Essex for the development and servicing of the lands.
- g) That all of the above conditions be fulfilled on or before November 14, 2024.