



## Committee of Adjustment Meeting Minutes

February 14, 2023, 5:00 PM

Location: Essex Centre Sports Complex– 60 Fairview Ave W, Essex, ON N8M 2E1

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

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

Also Present: Corinne Chiasson, Secretary Treasurer  
Rita Jabbour, Deputy Secretary Treasurer  
Abbie Woods, Legislative Clerk

### 1. Call to Order

Phil Pocock, Chair called the meeting to order at 4:58 p.m.

### 2. Land Acknowledgement

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

### 3. Declarations of Conflict of Interest

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

### 4. Adoption of Published Agenda

#### 4.1 Committee of Adjustment Meeting Agenda for February 14 2023

COA23-02-001

Moved by Vice Chair Baker

Seconded by Member Sauve

**That** the published agenda for the February 14 2023 Committee of Adjustment Meeting be adopted with the following amendments:

- 1) That Agenda Item 8.8 be deferred to the next scheduled meeting; and
- 2) That Agenda Item 8.9 be deferred to the next scheduled meeting.

**Carried**

## **5. Adoption of Minutes**

### **5.1 Committee of Adjustment Meeting Minutes for January 18 2023**

#### **COA23-02-002**

Moved by Member Child

Seconded by Member Lester

**That** the minutes for the January 18 2023 Committee of Adjustment Meeting be adopted as presented.

**Carried**

### **5.2 Committee of Adjustment Meeting Agenda for January 31 2023**

#### **COA23-02-003**

Moved by Member Child

Seconded by Vice Chair Baker

**That** the minutes for the January 31 2023 Committee of Adjustment Meeting be adopted as presented.

**Carried**

## **6. Public Presentations**

## **7. Unfinished Business**

## **8. Reports from Administration**

### **8.1 Corinne Chiasson, Assistant Planner RE:**

#### **Application B-01-23 Timothy Ennis, V/L Northwest corner of 4<sup>th</sup> Concession Road and Drummond Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 0 4<sup>th</sup> Concession Road and Drummond Road, in former Colchester South. The applicant is proposing to sever a  $\pm$  2.6 acre parcel from the existing  $\pm$  3.72 acre which is designated Rural Residential under the Official Plan. The property is Zoned A1.1 under the Zoning By-law. The retained lot will result in an area of  $\pm$  1.12 acres. The applicant is proposing this consent for lot addition as the severed parcel will be joined with the property to the North known as 0 Drummond Road.

#### **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.

**COA23-02-004**

Moved by Vice Chair Baker

Seconded by Member Sauve

**That** application B-01-23 be approved to permit the severance of a +2.6-acre parcel for the purposes of lot addition. The severed lot will be added to the parcel to the North and known municipally as 0 Drummond Road.

**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, 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 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 parcel be consolidated with the lands located directly north identified as 0 Drummond Road. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before February 14, 2025.

## **8.2 Application A-01-23 Timothy Ennis, V/L Northwest corner of 4<sup>th</sup> Concession Road and Drummond 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 the Northwest corner of 4<sup>th</sup> Concession Road and Drummond Road, in the former township of Colchester South. As result of a consent for lot addition, the lot area for the severed and retained parcel will be reduced from  $\pm 3.72$  acres to  $\pm 2.6$  acres and  $\pm 1.12$  acres, respectively. Although the subject lands are designated Rural Residential in the Official Plan, the lands are zoned Agricultural A1.1 in the Zoning Bylaw 1037. Therefore, relief is required from Section 13.1 ii) which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. Relief is also required from Section 13.1 i) to recognize the resulting lot width of the retained parcel fronting on the 4<sup>th</sup> Concession Road. The Zoning Bylaw states: the lesser of 60m (200 ft) or as existing. The applicant is proposing the resulting retained lot will be 51.81 metres (170 feet) in width.

### **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.

### **COA23-02-005**

Moved by Member Child

Seconded by Member Lester

**That** application A-01-23 be approved as a result of consent application B-01-23, the lot area for the subject lands will be reduced from +3.72 acres to +2.6 acres and the lot width will be reduced to 51.81 metres.

**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

### **8.3 Application B-02-23 Helen Arner (Agent: MaryAnn Keefner), 865 County Road 23 (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at: 865 County Road 23, in the former Township of Colchester South. The applicant wishes to secure an easement in perpetuity over an existing waterline that crosses diagonally over the subject lands in favour of the property identified as 1355 County Road 23.

#### **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.

#### **COA23-02-006**

Moved by Member Lester

Seconded by Vice Chair Baker

**That** application B-02-23 be approved to permit an easement in perpetuity over the existing waterline located on the subject lands. The easement is in favour of 1355 County Road 23.

**Carried**

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

- a) That at the time the conveyance is prepared for certification, a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance/easement 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 the easement agreement be prepared to the satisfaction of the Town of Essex, and that the Secretary Treasurer be provided with satisfactory evidence that the agreement is registered on title within thirty days of the issuance of the certificate of consent.
- e) That all of the above conditions be fulfilled on or before February 14, 2025.

#### **8.4 Application A-02-23 Gordon and Wendy Forsythe, 619 Poplar Bluff Drive (Colchester South, Ward 3)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located, 619 Poplar Bluff Drive in the former township of Colchester South. The applicants are requesting a reduction to the required 7.62 metre (25 ft) rear yard setback within the Residential District 1.1 (R1.1), to accommodate an existing accessory structure proposed to be converted into a secondary dwelling unit. The applicants are requesting 0.6 metres (2 ft) of relief on the northeast corner and 2.13 metres (7 ft) of relief on then northwest corner.

##### **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.

##### **COA23-02-007**

Moved by Member Lester

Seconded by Member Sauve

**That** application A-02-23 be approved to permit a reduction in the required front yard of 0.6 metres and 2.13 metres for the northeast and northwest corner, respectively, to accommodate the conversion of an existing accessory structure into an additional dwelling unit.

**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

#### **8.5 Application B-03-23 Brad and Joel Yzerman, 199 Irwin Ave (Essex Centre, Ward 1)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 199 Irwin Ave in Essex Centre (Ward 1). The Official Plan designation is Residential, and the Zoning By-law category for this property is Residential (R1.1). The applicants are proposing a severance of the existing  $\pm 18601.35$  square foot property into two equal sized new residential lots. Therefore the severed parcel will 9300.6 square feet, and the retained parcel will be 9300.6

square feet respectively. The applicants are proposing this consent for the purpose of creating an infill residential lot creation.

**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.

**COA23-02-008**

Moved by Member Lester

Seconded by Vice Chair Baker

**That** application B-03-23 be to approved permit the creation of two (2) new 9300.9 square foot residential lots and that the condition of parkland fee be determined by the Planning Department due to Bill 23.

**Carried**

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

- a) That at the time the conveyance is prepared for certification, a digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- 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 (if deemed applicable by administration in accordance with the transitional review of Bill 23) 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 the owners provide evidence to the Town of Essex that the existing dwelling has been removed.
- g) That all of the above conditions be fulfilled on or before February 14, 2025.

### **8.6 Application A-03-23 Johannes Kok, 685 Ruthven Drive (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, 685 Ruthven Drive in the former township of Colchester South. The applicant is requesting relief of Zoning Bylaw 1037, Section 14.1 (b) ix) which states: no accessory building and combination of accessory buildings shall exceed 70 square metres (750 sq ft) and 92 square metres (1000 sq ft) respectively. Relief is being requested to build a carport addition of 102.4 metres (336 sq ft) onto an existing 170.6 square metres (560 sq ft) garage. Therefore, the applicant is requesting relief of 146 square feet.

#### **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.

#### **COA23-02-009**

Moved by Member Sauve

Seconded by Member Child

**That** application A-03-23 be approved permit an accessory structure in a residential district of 896 square feet.

**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

### **8.7 Application A-04-23 Nikolas Neels, 29 Jenner Street (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 29 Jenner Street in Essex Centre. The applicant is requesting relief of Zoning Bylaw 1037, Section 15.1 (b) subsection i) which specifies a maximum lot width of 18m (60f) is required for a semi-detached dwellings. The minor variance is being requested to allow the construction of a semi-detached dwelling on the existing lot which is 15.24 metres (50 ft) lot. Therefore, the applicant is requesting relief of 3.048 metres (10 ft)



**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.

**COA23-02-010**

Moved by Member Lester

Seconded by Member Child

**That** application A-04-23 be approved to permit a lot width of 50 feet to accommodate the construction of a semi-detached dwelling unit.

**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

**8.8 Application B-04-23 1808236 Ontario Ltd (Raja Shehadi), 1345 Iler Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1345 Iler Road, in former Colchester South. The applicants are proposing to sever a  $\pm 0.60$  Acre parcel from the existing  $\pm 49.24$  Acre Agricultural A1.1 (A1.1) farm lot. The retained agricultural lot is proposed to have an area of  $\pm 48.64$  Acres respectfully. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operations.

**Public Presentations (if any)**

**At the adoption of the agenda, this Agenda Item was deferred to the next meeting.**

**8.9 Application A-05-23 1808236 Ontario Ltd (Raja Shehadi), 1345 Iler 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 1345 Iler Road, in the former township of Colchester South. As a result of a consent application to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be

reduced from  $\pm 49.24$  acres to  $\pm 0.60$  acres and  $\pm 48.64$  acres, respectively. Therefore, relief is required from Section 13.1 ii) which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. Relief is also required from Section 13.1 i) to recognize the lot width of 51.81 metres (170 ft) for the resulting surplus dwelling lot. The lot width minimum for an A1.1 zoned property is 60.96 metres (200 ft) in Zoning Bylaw 1037.

**Public Presentations (if any)**

**At the adoption of the agenda, this Agenda Item was deferred to the next meeting.**

**8.10 Application B-05-23 Luanne Weston (Ron Lafferty), 15733 County Road 8 (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 15733 County Road 8, in former township of Colchester North. The applicants are proposing to sever a  $\pm 43,600$  square feet parcel from the existing  $\pm 51.3$  Acre Agricultural A1.1 (A1.1) farm lot. The retained agricultural lot is proposed to have an area of  $\pm 50.3$  Acres respectfully. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operations.

**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.

**COA23-02-011**

Moved by Member Child

Seconded by Member Sauve

**That** application B-05-23 be approved permit the creation of a 43, 600 square foot surplus dwelling lot.

**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, 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) 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);
- h) That all of the above conditions be fulfilled on or before February 14, 2025

#### **8.11 Application A-06-23 Luanne Weston (Ron Lafferty), 15733 County Road 8 (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 15733 County Road 8, in the former township of Colchester North. As a result of a consent application to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be reduced from  $\pm 51.3$  acres to  $\pm 1$  acre and  $\pm 50.3$  acres, respectively. Therefore, relief is required from Section 13.1 ii) which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

#### **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.

#### **COA23-02-012**

Moved by Member Lester

Seconded by Member Child

**That** application A-06-23 be approved to permit a severed and retained lot area, as a result of consent application B-05-23, of +1 acre and +50.3 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

**9. Correspondence**

**10. Adjournment**

**COA23-02-013**

Moved by Member Sauve

Seconded by Member Lester

**That** the meeting be adjourned at 6:40 p.m.

**Carried**

**11. Future Meetings**

March 21 2023 at 5:00 PM

Location: TBD

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Chair

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Recording Secretary



## Committee of Adjustment Planning Comments

Department:	Planning Services
Hearing Date:	February 14, 2023
Prepared by:	Corinne Chiasson, Assistant Planner/Secretary-Treasurer
Submitted to:	Town of Essex Committee of Adjustment
Report Number:	Committee of Adjustment 2023-01
Subject:	Planning Comments for February 14, 2023 Agenda
Number of Pages:	35 including attachments

The comments of the Planning Department regarding the applications on the February 14, 2023 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.

**NOTE:** This Planning Report was prepared as of February 10, 2023. Any public comments received after this date have not been incorporated into this Report, however consideration of such public comments will be given at the Committee of Adjustment hearing on February 14, 2023 as is normal practice.

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**Item 1 & 2:** Lot addition to an Agricultural Lot/Relief for reduction in existing Agricultural Lot size

**Application:** Consent Application B-01-23

**Applicant:** Timothy Ennis

**Location of Property:** Vacant Land Northwest Corner of 4<sup>th</sup> Concession Road and Drummond Road (Colchester South, Ward 3)

**Official Plan Designation:** Rural Residential

**Zoning:** Agricultural District 1.1 (A1.1)

### **Proposal**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 0 4th Concession Road and Drummond Road, in the former township of Colchester South. The applicant is proposing to sever a + 2.6 acre parcel from the existing + 3.72 acre lot which is designated "Rural Residential" on Schedule A-3 of the Town of Essex Official Plan.

The property is Zoned Agricultural District 1.1 (A1.1) on Map 10 of the Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037. The retained lot will result in an area of + 1.12 acres. The applicant is proposing this consent for lot addition as the severed parcel will be joined with the property to the North known as 0 Drummond Road.

### **Conformity with Provincial Policy Statement (PPS 2020):**

Section 2.3.4 - Lot Creation and Lot Adjustments, Subsection 2.3.4.2 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 owner owns two abutting properties, and wishes to add more land to the northern lot fronting off Drummond Road. This realignment will change the

southern property from an “L shaped” irregular lot into a more appropriate linear development pattern.

Section 2.1.8 Natural Heritage: The property is located adjacent to (within 120 metres) a natural heritage feature that may meet the criteria for significant woodland. The PPS states that development and site alteration shall not be permitted on adjacent lands to the natural heritage feature unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts. The definition provided for “development” in the PPS means “the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act”. As the intent of this application is for the reconfiguration of an existing lot of record only, where there is no new lot creation and no change in land use, and the subject lands are mowed and manicured grassed areas, no negative impacts to the adjacent natural heritage feature is anticipated.

**It is our recommendation that this proposal satisfies the PPS criteria for lot addition for legal or technical reasons.**

**Conformity with Town of Essex Official Plan Policies:**

In accordance with Sections 6.4 and 6.5 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 proposal will satisfy the criteria for lot addition under the PPS policies. The owner will be required to consolidate the lot addition with the property located directly north of the subject lot. This proposal does not create a new lot, only reconfigures two existing lots of record. Both properties (subject lot and receiving lot) are vacant lots that are maintained as manicured grassed areas. No change in land use is proposed as a result of this lot addition. No impacts to natural hazards or natural heritage areas will result from this proposal.

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

Section 6.5 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 the reduction in the existing lot area for the retained lot. . 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. The retained lot is well below the bylaw provision of “40 hectares”, therefore the variance is required to recognize the small change in lot area . Both the retained and receiving parcels front onto a publicly owned roadway, and are of a size to ensure proper services for future use as agricultural or rural residential.

*c) The continuation of an orderly development pattern:*

The lot addition is being proposed to correct an irregular “L” shaped parcel and add land to the adjacent property. This will create a more orderly development pattern than the existing configuration and will have no negative impacts to the neighbouring properties. The retained parcel will be comparable to the adjacent lot to the west fronting Concession Rd 4.

*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:*

Municipal water supply, and drainage are available to these lots. The size of the resulting retained property and the receiving lot have adequate area to install private septic systems should development be proposed.



### **REQUIREMENT FOR MINOR VARIANCE: A-01-23**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at the Northwest corner of 4th Concession Road and Drummond Road, in the former township of Colchester South. As result of a consent for lot addition, the lot area for the retained and severed parcel will be reduced from +3.72 acres to + 2.6 acres and +1.12 acres, respectively. Although the subject lands are designated Rural Residential in the Official Plan, the lands are zoned Agricultural A1.1 in the Zoning Bylaw 1037. Therefore, relief is required from Section 13.1 ii) which states: the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. Relief is also required from Section 13.1 i) to recognize the resulting lot width of the retained parcel fronting on the 4th Concession Road. The Zoning Bylaw states: the lesser of 60m (200 ft) or as existing. The applicant is proposing the resulting retained lot will be 51.81 metres (170 feet) in width.

#### 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 the following four tests are satisfied:

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

There will be no change to the land use designation “rural residential” for the subject property, as a result of this lot addition. The resulting retained lot will still contain enough area to support a potential future dwelling with the appropriate private septic system services. This application only adjusts current lot lines, no new lots will be created as result. The property is currently vacant and will remain zoned agricultural A1.1. This proposal meets the general intent of the Official Plan policies.

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

The proposed lot addition will correct an irregular “L” shaped lot. The relief requested is considered minor because the subject land is already an undersized lot within the Agricultural A1.1 zone, and is not utilized for agricultural uses. The relief requested from the lot width provision in the A1.1 zone is also considered minor because 51.81 meters (170 feet) will still allow area for the installation of a culvert, building envelopes and area for a septic system on the retained parcel if intended.

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

The realignment of the property lines better reflect the lot layout character of the rural residential neighbourhood. No negative impacts to adjacent properties are anticipated as a result of this lot addition. The subject lands are manicured grassed areas and existing rural residential lots of record. No new lots are being created as result of this application and therefore no change to the character of the neighbourhood is anticipated. A new culvert will be required to be installed to access the retained lot. The culvert will be installed to the satisfaction of the Town of Essex, ensuring that the location will be adequately setback from the intersection of 4<sup>th</sup> Concession and Drummond Road.

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

The variance is necessary to accommodate an application for consent to realign the property line to allow for a linear configuration. This will result in a small reduction of lot area for the retained property. The owner is applying for this change to accommodate a future dwelling and outbuildings on the receiving parcel located north of the subject lands.

#### Administration/ Agency Comments

Town of Essex Infrastructure Services	A new culvert fronting on the 4 <sup>th</sup> Concession will require an access permit, a drainage report would be required for an access over the Brooks Drain off Drummond Rd.
Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	Section 28 permit required No objection
County of Essex	Circulated/no comments

#### Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

#### Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan, as well as the four (4) tests of a Minor Variance prescribed under the Planning Act and section 9.8 of the Town of Essex Official Plan.

**Recommendation:**

It is recommended that Consent B-01-23 **be approved** subject to the following condition(s) and that Minor Variance A-01-23 **be approved** in conjunction with the Consent.

- 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 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 parcel be consolidated with the lands located directly north identified as 0 Drummond Road. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before February 14, 2025.

Attachment(s):

- Correspondence from ERCA

Prepared By:



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Corinne Chiasson, Assistant Planner

Approved by



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Rita Jabbour, RPP, Manager, Planning Services

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**Item 3: Creation of a Water Service Easement**

**Application:** Consent Application B-02-23

**Applicant:** Helen Arner (Agent: Mary Ann Keefner)

**Location of Property:** 865 County Road 23, (Colchester South, Ward 3)

**Official Plan Designation:** "Agricultural"

**Zoning:** Agricultural District A1.1

Proposal:

Committee of Adjustment Meeting Planning Comments –  
February 14, 2023

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 865 County Road 23, in the former Township of Colchester South. The applicant wishes to secure an easement in perpetuity over an existing waterline that crosses diagonally over the subject lands in favour of the property identified as 1355 County Road 23.

The subject property is designated "Agricultural" on Schedule A-3 of the Town of Essex Official Plan and is zoned Agricultural District 1.1 (A1.1) on Map 15 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

Conformity with Provincial Policy Statement (PPS 2020):

The applicant wishes to establish a maintenance easement over an existing private water line that benefits property address 1355 County Road 23. This application is consistent with the agricultural policy section of the PPS, in that easements do not result in the creation of new lots. There are no changes to the existing land use (agricultural) proposed as a result of this application.

Section 2.1.8 Natural Heritage: The property contains a natural heritage feature that may meet the criteria for significant woodland and Provincially Significant Wetland. The PPS states that development and site alteration shall not be permitted on adjacent lands to the natural heritage feature unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts. The definition provided for "development" in the PPS means "the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act". The intent of this application is to establish in perpetuity a maintenance corridor for a private waterline. The waterline is located under an agricultural field area and does not intersect the natural heritage feature on the subject property therefore a demonstration of no negative impact is **not** required.

**Due to the purpose of this application being for the establishment of an easement for a private water line only, it is our recommendation that this proposal is consistent with the PPS policies.**

Conformity with Town of Essex Official Plan:

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:* The creation of a maintenance easement for technical reasons does not conflict with the Agricultural Consent policies of the PPS.
- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* In accordance with the Planning Act and the Town of Essex Official Plan, the Committee of Adjustment approves the establishments of easement agreements (over 21 years) via the consent process. The Official Plan states that full municipal services are the preferred form of servicing. Upon review of the Town of Essex infrastructure, no municipal services are available to the subject lot along County Road 23. The existing private water line has been established for a long length of time, and the property owner wishes to ensure the protection and maintenance of the private service in perpetuity to benefit property address 1355 County Road 23. This easement would be registered on title to the satisfaction of the Town as condition of approval.
- c) *The continuation of an orderly development pattern:* The creation of this easement will not change the development pattern of the existing lots or affect traffic patterns on County Road 23.
- 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 subject lands do not have access to municipal services. The purpose of this application is to ensure the existing

private water connection is registered on title in perpetuity. No changes are proposed to the existing services traversing the subject property.

Agency Comments:

Town of Essex Infrastructure Services	Circulated/no comments
Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	Section 28 permit required No objection
County of Essex	Circulated/no comments

Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan.

Recommendation



It is recommended that Consent application B-03-23 to permit the creation of an easement, **be approved** subject to the following condition(s):

- a) Submission of survey
- b) Submission of transfers/easement agreement
- c) Submission of deeds

Attachment(s):

- Correspondence from ERCA

Prepared By:



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Corinne Chiasson, Assistant Planner

Approved by



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Rita Jabbour, RPP, Manager, Planning Services

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**Item 4: Relief from Rear Yard Setback**

**Application:** Minor Variance Application A-02-23

**Applicant:** Gordon & Wendy Forsythe

**Location of Property:** 619 Poplar Bluff Drive, (Colchester South, Ward 3)

**Official Plan Designation:** "Lakeshore Residential"

**Zoning:** Residential R1.1

### Proposal:

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 619 Poplar Bluff Drive in the former township of Colchester South. The applicants are requesting a reduction to the required 7.62 metre (25 ft) front yard setback within the Residential District 1.1 (R1.1), to accommodate an existing accessory structure proposed to be converted into a secondary dwelling unit. The applicants are requesting 0.6 metres (2 ft) of relief on the northeast corner and 2.13 metres (7 ft) of relief on the northwest corner.

The subject property is designated "Residential" on Schedule A-3 of the Town of Essex Official Plan and is zoned Residential District 1.1 (R1.1) on Map 17 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

### **Conformity with Provincial Policy Statement (PPS 2020):**

Section 1.4.3 Housing: supports a mix of housing options, densities, and intensification to meet projected requirements for current and future residents. The proposed renovation of an existing accessory structure into a second dwelling unit is consistent with PPS policy Section 1.4.3.

### **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 ensure that the four (4) tests are satisfied:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan encourages second dwelling units provided that the proposal meets the general intent of the land use and Zoning bylaw. A single detached dwelling, as well as a second

dwelling unit located within an accessory structure, are permitted uses within the "Residential" land use designation. Second dwelling units are also permitted within the R1.1 zoning district. This proposal satisfies the general intent of the Official Plan and Zoning excepting the required front yard provisions. The resulting reduction in front yard setback will still provide a safe buffer from the private roadway. No negative impacts to adjacent neighbouring properties are anticipated because the building is existing, and renovations will be conducted to the interior. The subject property has municipal water, drainage, and sanitary services.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The Zoning bylaw permits second dwelling units in accessory structures with setback provisions that ensure no impacts will result on neighbouring properties. The 7.5 metre (25 foot) setback was established in the bylaw to ensure privacy and protect against encroachment into amenity areas. The subject property however is located on the lakefront where dwellings typically face Lake Erie and accessory structures face a private roadway. In this case, a reduction in the front yard setback is considered minor as there are no rear abutting lands, or neighbour's amenity areas. The property also lies on an angle to the roadway, with the main dwelling and accessory structure perpendicular with the shoreline. As a result, the existing structure requires a slight variance of 0.6 metres (2 ft) on the northeast corner, and 2.13 metres (7f ft) on the Northwest corner of the existing structure. This will still allow a setback of 18 feet, which provides a safe distance from the roadway as well as additional parking spaces and/or a porch/amenity area. There will be no change to the footprint of the existing accessory structure. There will be no change to the lot coverage as a result of this renovation.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* As the accessory structure will be renovated on the interior only, there will be no impacts to the character of this older neighbourhood. The lot can provide for the additional parking space needed for the second dwelling unit. 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 convert the existing accessory structure into a second dwelling unit for a family member. The second dwelling unit will remain a one floor structure. The property meets all other requirements for a second dwelling unit in an R1.1 zone.

Agency Comments:

Town of Essex Infrastructure Services	Circulated/no comments
Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	Section 28 permit has been issued for the proposed works (477/22) No objection
County of Essex	Circulated/no comments

Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan. This proposal also meets the four (4) tests of a Minor Variance in accordance with the Planning Act.

#### Recommendation

It is recommended that Minor Variance application A-02-23 to permit the renovation of an accessory structure into a second dwelling unit, which encroaches into the prescribed front yard setback distance, **be approved.**

Attachment(s):

- Correspondence from ERCA

Prepared By:



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Corinne Chiasson, Assistant Planner

Approved by



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Rita Jabbour, RPP, Manager, Planning Services

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#### **Item 5:** Creation of a New Residential infill Lot

**Application:** Consent Application B-03-23

**Applicant:** Brad and Joel Yzerman

**Location of Property:** 199 Irwin Ave (Essex Centre, Ward 1)

**Official Plan Designation:** Residential

**Zoning:** Residential District 1.1 (R1.1)

Proposal:

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 199 Irwin Ave in Essex Centre (Ward 1). The applicants are proposing a severance of the existing+ 18601.35 square foot property into two new, equal sized residential lots. Therefore the severed parcel will be 9300.6 square feet, and the retained parcel will be 9300.6 square feet respectively. The applicants are proposing this consent for the purpose of creating infill residential lot creation.

The subject property is designated "Residential" on Schedule A-2 of the Town of Essex Official Plan and is zoned Residential District 1.1 (R1.1) on Map 3 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

The Residential 1.1 (R1.1) zone permits single family dwellings as a main use. The proposed severed lot would have a frontage of 67.25 feet and a depth of 138.3 feet, for a total of 9300 square feet in lot area. The proposed severed and retained lots would satisfy the minimum lot area required for an R1.1 Zone which is 5000 square feet and the minimum lot width provision of 50 feet. A condition of approval of consent will be that the existing dwelling be demolished prior to finalizing the consent.

**Conformity with Provincial Policy Statement (PPS 2020):**

Section 1.1.3.4 supports the creation of infill lots for intensification and redevelopment in settlement areas.

Section 1.4.3 Housing: supports a mix of housing options, increase in densities, in areas on full services that meet projected requirements for current and future residents. It is our recommendation that this proposal is consistent with the PPS.

**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:* This proposal does not conflict with the land severance policies of the PPS.
- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* The Town of Essex Official Plan encourages infilling within lands designated "Residential" in the settlement area, and where there are full municipal services available. This designation supports infills of new single family residential lots that are characteristic of the layout and scale of the surrounding neighbourhood and have full municipal services. There are no conflicts to the Official Plan policies.
- c) *The continuation of an orderly development pattern:* The creation of this lot will be comparable in width and depth to adjacent lots fronting on Gosfield Townline. The existing neighbourhood has a combination of townhomes, multi-residential units and larger residential lots along Irwin Ave. The proposed lot area will provide a modest sized building envelope that can satisfy prescribed setbacks and amenity areas.
- 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 lot will have access to municipal water, and storm sewers, and there is capacity available in the sanitary sewers for this development.

**Agency Comments:**

Town of Essex Infrastructure Services	Circulated/no comments
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Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	No objection
County of Essex	Circulated/no comments

### Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

### Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan.

### Recommendation

It is recommended that Consent application B-03-23 to create a new residential lot **be approved** subject to the following condition(s):

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 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 the owners provide evidence to the Town of Essex that the existing dwelling has been removed.
- g) That all of the above conditions be fulfilled on or before February 14, 2025.

Attachment(s):

- Correspondence from ERCA

Prepared By:



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Corinne Chiasson, Assistant Planner

Approved by

*Rita Jabbour*

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Rita Jabbour, RPP, Manager, Planning Services

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**Item 6:** Relief from Side Yard Setback

**Application:** Minor Variance Application A-03-23

**Applicant:** Johannes Kok

**Location of Property:** 685 Ruthven Drive (Colchester South, Ward 3)

**Official Plan Designation:** "Lakeshore Residential"

**Zoning:** Residential 1.1 (R1.1)

**Proposal:**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at, 685 Ruthven Drive in the former township of Colchester South. The applicant is requesting relief of Zoning Bylaw 1037, Section 14.1 (b) ix) which states: no accessory building and combination of accessory buildings shall exceed 70 square metres (750 sq ft) and 92 square metres (1000 sq ft) respectively. Relief is being requested to build a carport addition of 102.4 metres (336 sq ft) onto an existing 170.6 square metres (560 sq ft) garage. Therefore, the applicant is requesting relief of 146 square feet.

The subject property is designated "Lakeshore Residential" on Schedule A-3 of the Town of Essex Official Plan and is zoned Residential District 1.1 (R1.1) on Map 16 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

**Conformity with Provincial Policy Statement (PPS 2020):**

Section 1.0: This proposal is consistent with the general housing policies of the PPS.

Section 3.0: This property is located within the hazard area of Lake Erie. We have received confirmation from the Essex Region Conservation Authority that the applicant has received a permit for the proposed works. This proposal is therefore consistent with the hazards land policies of the PPS.

### **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, and an accessory structure are permitted uses within the lands designated "Residential" and are also permitted under the R1.1 zoning district. This proposal satisfies the general intent of the Official Plan and Zoning excepting the maximum accessory structure area provision in the Zoning Bylaw.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The property is utilized for a residence with an accessory building. The owner wishes to add a carport onto the existing accessory structure in order to protect a vehicle and yard equipment from the elements which is deemed an accessory use. The carport will be open walled on 3 sides. The proposal will still fall under the maximum lot coverage provisions.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The subject property contains an existing main dwelling unit and a detached accessory structure. The car port will not significantly change the façade of the existing structure. No impacts to the neighbourhood character, traffic, or parking patterns are anticipated.

d) *The variance deals with circumstances particular to the site and development:* The owner wishes to add a carport onto the existing accessory structure. Any extension of the roofline on a structure is calculated in the total square footage, as well as lot coverage calculations. The proposal will satisfy all other Zoning Bylaw provisions, such as setbacks from rear and side yard lot lines.

Agency Comments:

Town of Essex Infrastructure Services	Circulated/no comments
Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	Section 28 permit issued (750-22) No objection
County of Essex	Circulated/no comments

Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan. This

proposal also satisfies the four (4) tests of a Minor Variance in accordance with the Planning Act.

#### Recommendation

It is recommended that Minor Variance application A-03-23 to permit the construction of a carport onto the existing accessory structure **be approved.**

Attachment(s):

- Correspondence from ERCA

Prepared By:



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Corinne Chiasson, Assistant Planner

Approved by



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Rita Jabbour, RPP, Manager, Planning Services

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**Item 7:** Relief from Property Width for a Semi-Detached dwelling

**Application:** Minor Variance Application A-04-23

**Applicant:** Nick Neals

**Location of Property:** 29 Jenner Street (Essex Centre, Ward 1)

**Official Plan Designation:** "Residential"

**Zoning:** Residential District 2.1 (R2.1)

Proposal:

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 29 Jenner Street in Essex Centre. The applicant is requesting relief of Zoning Bylaw 1037, Section 15.1 (b) subsection i) which specifies a maximum lot width of 18m (60f) is required for a semi-detached dwellings. The minor variance is being requested to allow the construction of a semi-detached dwelling on the existing lot which is 15.24 metres (50 ft) wide . Therefore, the applicant is requesting relief of 3.048 metres (10 ft).

The subject property is designated "Residential" on Schedule A-2 of the Town of Essex Official Plan and is zoned Residential District 2.1 (R2.1) on Map 3 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

**Conformity with Provincial Policy Statement (PPS 2020):**

Section 1.1.3.4 supports intensification and redevelopment in settlement areas.

Section 1.4.3 Housing: supports a mix of housing options, increase in densities, in areas on full services that meet projected requirements for current and future residents.

It is our recommendation that this proposal is consistent with the PPS.

**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 semi-detached dwelling is a permitted use within the Residential R2.1 Zoning District. This proposal satisfies

the general intent of the Official Plan and Zoning as all other provisions can be satisfied. The subject property has municipal water, drainage, and sanitary services, and fronts on to a municipal owned roadway.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The applicant has provided a design with building envelopes that can satisfy the Zoning Bylaw setbacks and lot coverage. The lot also has considerable depth to allow for parking needs. The Town of Essex Official Plan encourages intensification in settlement areas, and the semi-detached drawings will meet the general intent of the land use and Zoning bylaw.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The subject property is zoned Residential R2.1 which permits semi-detached dwellings. Due to the ample depth of the subject lot additional parking for dwelling units can be accommodated. No changes to traffic and parking patterns are anticipated.

d) *The variance deals with circumstances particular to the site and development:* The lot is slightly undersized to satisfy the provision in the R2.1 Zoning Category, however the submitted design provides evidence that the semi-detached dwelling can fit the subject property without the need for additional relief.

Agency Comments:

Town of Essex Infrastructure Services	Circulated/no comments
Town of Essex Building/Bylaw Enforcement Division	No objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	No objection
County of Essex	Circulated/no comments

### Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

### Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan. This proposal satisfies the four (4) tests of a Minor Variance in accordance with the Planning Act.

### Recommendation

It is recommended that Consent application A-04-23 to permit the construction of a semi-detached dwelling on a 50 ft wide lot, **be approved.**

Attachment(s):

- Correspondence from ERCA

Prepared By:



Corinne Chiasson, Assistant Planner

Approved by





**Item 8 & 9:** Agricultural Surplus dwelling severance

**Application:** Consent B-05-23 and Minor Variance Application A-06-23

**Applicant:** Luanne Weston and Ron Lafferty

**Location of Property:** 15733 County Road 8 (Colchester North, Ward 2)

**Official Plan Designation:** "Agricultural"

**Zoning:** Agricultural 1.1 (A1.1)

**Proposal:**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 15733 County Road 8, in the former township of Colchester North. The applicants are proposing to sever a + 43,600 square feet parcel from the existing + 51.3 Acre Agricultural A1.1 (A1.1) farm lot. The retained agricultural lot is proposed to have an area of + 50.3 Acres respectfully. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operations.

The subject property is designated "Agricultural" on Schedule A-1 of the Town of Essex Official Plan and is zoned Agricultural District 1.1 (A1.1) on Map 2 of Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037.

**Conformity with Provincial Policy Statement (PPS 2020):**

Section 2.3.4 states: Lot creation in prime agricultural areas is discouraged and may only be permitted for: c) a residence surplus to a farming operation as a result of farm consolidation.

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 owners own two farming operations in Tecumseh (Sandwich South Township) in which the retained lot will be consolidated with. The owners wish to sever the dwelling lot due to estate planning purposes and that it is deemed surplus to their farming operation needs.

The proposed surplus lot is of a size to accommodate a private septic system and has municipal water services. No residences will be permitted on the retained farmland. This proposal will satisfy the agricultural lot severance policies of the PPS.

#### Proposal Conformity with Provincial and Town of Essex Policies

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 8 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 1 existing dwelling and no outbuildings. No dwellings will be permitted on the retained lot. No livestock facilities will be impacted by the proposed severance;

e) *the severed dwelling has frontage on County Road 8,* 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:* the existing dwelling is deemed habitable. No objections to the application were received from the Building Department.

### **Requirement for Minor Variance A-06-23**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 15733 County Road 8, in the former township of Colchester North. As a result of a consent application to sever a surplus dwelling lot from the farming operation, the lot area for the severed and retained parcels will be reduced from +51.3 acres to + 1 acre and +50.3 acres, respectively. Therefore, relief is required from Section 13.1 ii) which states: 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.

Agency Comments:

Town of Essex Infrastructure Services	Circulated/no comments
Town of Essex Building/Bylaw Enforcement Division	<ul style="list-style-type: none"><li>• No objections</li></ul>
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments

Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	<ul style="list-style-type: none"> <li>• Section 28 permit required</li> <li>• No objection</li> </ul>
County of Essex	Circulated/no comments

### Public Comments

Notice of public meeting and information regarding the Consent and Minor Variance was sent to all property owners within 60m of the subject lands.

No correspondence was received from the public as of the writing of this report, February 10, 2023.

### Summary/conclusion

It is the opinion of this author that the application meets the policies of the Provincial Policy Statement (PPS 2020), County of Essex Official Plan, and the Town of Essex Official Plan.

### Recommendation

It is recommended that Consent application B-05-23 to sever a surplus dwelling, **be approved** subject to the following condition(s), and that Minor Variance application A-06-23 be approved in conjunction with B-05-23:

- 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) *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);
- h) That all of the above conditions be fulfilled on or before February 14, 2025

Attachment(s):

- Correspondence from ERCA

Prepared By:



Corinne Chiasson, Assistant Planner

Approved by

Committee of Adjustment Meeting Planning Comments –  
February 14, 2023

*Rita Jabbour*

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Rita Jabbour, RPP, Manager, Planning Services

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