



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

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

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

Also Present: Rita Jabbour, Manager, Planning Services
Corinne Chiasson, Secretary-Treasurer, Senior Planner
Ian Rawlings, Junior Planner
Marsha Buchta, Recording Secretary

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

1. Call to Order

The Chair called the meeting to order at 5:00 p.m.
Dan Sauve arrived at the meeting at 5:02 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

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

4.1 Committee of Adjustment Meeting Agenda for April 16, 2024

COA24-04-27

Moved By Dorene Lester
Seconded By William Baker, Vice Chair

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

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for March 19, 2024

COA24-04-28

Moved By William Baker, Vice Chair

Seconded By Dorene Lester

That the minutes of the Committee of Adjustment meeting held March 19, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 B-07-24 Ralph Trealout c/o Joe Grondin, 5247 5th Concession

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5247 5th Concession Road, former Colchester South. The applicants are proposing to sever a ± 0.93 hectare (2.3 acre) parcel from the existing ± 15.9 hectare (39.29 acre) agricultural lot. The retained agricultural lot is proposed to have an area of ± 14.97 hectares (36.99 acres). The applicant is proposing this consent because the dwelling has been deemed surplus to the needs of the farming operation.

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

Corinne Chiasson advised the Committee that an additional condition was added after the planning comments were provided, binding the retained farm parcel to a specific name / consent application.

Mr. Joe Grondin informed administration that condition 8 should be amended to Grondin Farms Ltd. as specified in the Purchase and Sale agreement.

Matthew Child questioned why the potential severed lot would extend further south than the adjacent properties to the East, for agricultural purposes, should it be aligned with the other properties.

Mr. Grondin advised that a portion is currently grass, non-agricultural, that together with weeping bed location uncertainty were considerations in determining site plan layout. Squaring the non-agricultural portion of the property off was deemed preferable. The total area in question is approximately 1/4 of an acre.

COA24-04-29

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That Consent application B-07-24 be approved to sever a ± 0.93 hectare (2.3 acre) parcel from the existing ± 15.9 hectare (39.29 acre) agricultural lot with the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That 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;
6. A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);
7. 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;
8. That the retained agricultural parcel of approximately 14.97 Hectares be conveyed to Grondin Farms Ltd. as per the signed purchase agreement.
9. That all of the above conditions be fulfilled on or before April 16, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-07-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents" and subsection 6.5 respecting "Consents in Areas Designated Agricultural."

Carried

6.2 A-07-24 Ralph Trealout c/o Joe Grondin, 5247 5th Concession

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 5247 5th Concession Road, former Colchester South. As a result of a surplus severance on the subject lands, the lot area for the severed and retained parcels will be reduced from \pm 15.9 hectares (39.29 acre) to \pm 0.93 hectares (2.3 acre) and \pm 14.97 hectares (36.99 acres), respectively. Relief is therefore required from Section 13.1 b) ii) of Zoning

By-law 1037 which states: *The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.*

COA24-04-30

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That application A-07-24 be approved with the requested relief from the Zoning Bylaw 1037, 13.1 b) ii) which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

As a result of a surplus severance on the subject lands, the lot area for the severed and retained parcels will be reduced from ± 15.9 hectares (39.29 acre) to ± 0.93 hectares (2.3 acre) and ± 14.97 hectares (36.99 acres), respectively.

Reason for the Decision:

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

Carried

6.3 A-04-24 Sherry Bondy, 255 Wellington Street

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 255 Wellington Street, Harrow. The applicant is looking to construct an additional dwelling unit that is 40.04 square metres (431 square foot) in gross floor area to be located 5.72 meters (18.75 ft) from the rear lot line. The applicant is requesting relief from Zoning By-law Section 8.15 b) (ii) which states: a second dwelling unit shall not be permitted in an accessory or ancillary residential building located in a required yard. Section 14.1 b) vii requires a rear yard depth minimum of 7.5 metres (25ft). Therefore, the relief being requested is to encroach 1.78 metres (6.25 feet) into the required rear yard.

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

Sherry Bondy, Applicant, advised the Committee she would like to build an additional dwelling unit as she is a single mother and would feel more secure having someone else living on the property. She has considered having her son move into the unit to provide him an affordable solution or alternatively a senior

resident in a nanny capacity. With her current housing, she needs to be within a 1km radius of her childcare facility.

The unit would be built by Laneway Homes and be completely encompassed in the back yard by a fence.

Dan Sauve requested clarification on the sanitary sewer connection.

Dan McLean advised the unit will be gravity fed to the main house.

Corrine Chiasson read comments from the public received:

Deborah Dow and Susan Lourenco - Adjacent Neighbour - Declared primary issues: loss of sunlight, privacy views, spacing, drainage, traffic, noise and incompatibility of the character of the neighbourhood.

Jamie and Laurie McGhee - Opposition of small homes on small lots.

Rick Johnson - Opposed to application as there were issues with flooding during past floods.

Sarah Ford - Objecting application as doesn't want to set a precedence of allowing tiny homes in the subdivision. Current area is not a tiny home community and she doesn't want to negatively affect the value of her home.

Julie Edwards / Steve Bakker - Concerns regarding precedence, overcrowding, privacy issues, noise disturbances, and strain on infrastructure.

Mary Gibb - Rear neighbour - Concerns regarding precedence, stress on drainage and infrastructure, closeness of unit to fence.

Ray Bishop - Opposed as affects subdivision negatively, by putting stress on services and potential future rental which may affect property values.

Robin Myles - Opposed.

Sasha Hardin - Opposed

William Baker commented on the Government's mandate through legislation, Bill 23 Build More Homes Faster Act, 2022 which allows ADUs to help address housing shortages, and affordable housing while utilizing existing infrastructure which speaks to many of the comments / opposition.

Dorene Lester questioned if the building would be allowed if it was an accessory structure as well as the total lot coverage with the ADU?

Ian Rawlings advised an accessory structure would be within the requirements. The ADU and all structures will result in a total lot coverage of 31.5%, well under the 40% permitted in an R1.1 zone.

Delegate: Randy Burrell - 261 Wellington Street - How will materials be transported onto the site where ADU would be constructed and is the current infrastructure able to handle the added stress of this ADU?

Applicant's Builder - Dan McLean - Laneway Homes advised the gate along the side of the house will be utilized to access the property.

Delegate: Diane Balen - Realtor - Valente Real Estate - wanted clarification on the amount of relief requested, the probability of future applications and an understanding of why they couldn't stay within current setback requirements.

Corinne Chiasson provided an overview on the stringent specifications of the Zoning By-law, the skewed property layout of applicant, the process of Committee of Adjustment, the potential for future applications and an explanation of the Fire Code requirements which would not allow the applicant to move the ADU any closer to the house. As the unit is a kit, it cannot be changed without significant cost increases.

The applicant added that the ADU model chosen is the smallest one they manufacture, and custom options would substantially raise the costs.

Matthew Child thanked the residents for their comments and advised that they consider every application impartially and objectively. If this ADU, had been strictly an accessory structure it would have been permitted. The Government's mandate for intensification utilizing existing infrastructure further promotes the acceptance of this application.

COA24-04-31

Moved By William Baker, Vice Chair

Seconded By Matthew Child

That application A-04-24 be approved with the requested relief from Zoning By-law Section 8.15 b) (ii) and Section 14.1 b) (vii), therefore; allowing construction of a second dwelling unit in an accessory or ancillary residential building located in a required yard that is 40.04 square metres (431 square foot) in gross floor area and located 5.72 metres (18.75 ft) from the rear lot line encroaching 1.78 metres (6.25 feet) into the required rear yard.

Reason for Decision:

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

Carried

7. Adjournment

COA24-04-32

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That the meeting be adjourned at 6:04 p.m.

Carried

8. Future Meetings

Wednesday, May 22, 2024 at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex.

Chair

Recording Secretary