



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

March 19, 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: Lori Chadwick, Director, Development 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 5:02 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

4.1 Committee of Adjustment Meeting Agenda for March 19, 2024

COA24-03-19

Moved By Dorene Lester

Seconded By Danny Sauve

That the published agenda for the March 19, 2024 Committee of Adjustment Meeting be amended to remove Item 6.1 as the Applicant for application A-04-24 has voluntarily deferred the application.

Carried

COA24-03-20

Moved By Matthew Child
Seconded By Dorene Lester

That the published agenda for the March 19 2024 Committee of Adjustment Meeting be adopted as amended.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for February 13, 2024

COA24-03-21

Moved By Dorene Lester
Seconded By William Baker, Vice Chair

That the minutes of the Committee of Adjustment meeting held February 13, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 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 meters (431 square foot) in gross floor area and located 3.328 metres (10.92 ft) from the eastern interior lot line, and 5.41 meters (17.75 ft) from the rear lot line. The applicant is requesting relief from Zoning Bylaw Section 14.1 b) vii) which requires a rear yard depth minimum of 7.5 meters (25ft). Therefore, the relief being requested is 2.09 metres (7.25 feet).

COA24-03-22

Moved By Dorene Lester
Seconded By Danny Sauve

That application A-04-24 be deferred as instructed by the Applicant.

Carried

6.2 A-05-24 Jason & Julie Brooks, 326 Centre Street

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 326 Centre Street, Essex Centre. The applicants are looking to construct an accessory structure being 102.2 meters squared (1,100 square foot) in gross floor area, 1.2 meters (4 ft) from the interior lot line and 7.5 meters (25 ft) from the rear lot line. The construction of the proposed accessory structure would result in a total combined area for all accessory structures of 120 meters squared (1,292 square foot). The applicant is requesting relief from Zoning Bylaw Section 14.1 b) x) which states that *no accessory building and combination of accessory buildings shall exceed 70 meters squared (750 square foot) and 92 meters squared (1,000*

square foot) respectively. Therefore the relief being requested is for 28 metres squared (292 square feet).

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from Planning Services Department, (attached hereto as Schedule A) whereby the report recommended the approval of the application. The Ministry of Transportation (MTO) advised that the Applicant will be required to obtain a Building and Land Use permit from the MTO as it falls within the MTO permit control area.

Phil Pocock, Chair, posed questions regarding the necessity of the size of the structure, as well as drainage strategies.

Mr. Brian Dame, Authorized Agent, advised the Committee that the applicants requested a larger structure for parking 2 cars, a motorcycle and lawn tractors as well as firewood storage. Eavestroughs will be installed which will be detailed on the plans, with building permit applications.

COA24-03-23

Moved By Matthew Child

Seconded By Dorene Lester

That application A-05-24 be approved to permit construction of an accessory structure + 102.2 square metres (1,100 square foot) in gross floor area, and to allow a total combined area for all existing accessory structures of + 120 meters squared (1,292 square foot), subject to the following condition:

1. That the accessory structure currently located on the concrete slab be removed in its entirety prior to the issuance of a building permit.

Reason for the Decision:

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

Carried

6.3 B-06-24 Casey & Nicholson Martin, 0 Briton Side Road

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 0 Briton Side Road, formerly known as Colchester North. The applicants are proposing to sever a ± 4.13 ha (10.2 acre) parcel from the existing ± 19.75 ha (48.8 acres) agricultural lot to be added to the adjacent property identified as 1241 South Malden Road. The retained agricultural lot is proposed to have an area of ± 15.62 ha (38.6 acres). The purpose of the farm lot addition is to expand the adjacent vineyard operation located at 1241 South Malden Road.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from Planning Services Department, (attached hereto as Schedule A) whereby the report recommended the approval of the application.

Applicant Casey Martin provided the members with an overview of the history of the property and advised it has been in the family for over 60 years. They want to maintain the family heritage, while also ensuring a financially viable solution. Allowing Vin Winery to purchase some of the property provides an opportunity for them to retain most of the land.

Matthew Child, member, specified that in past applications with natural heritage features a conservation easement may be registered on title to protect natural features and wondered if that may be considered in this case. Lori Chadwick, Director, of Development Services advised that Vin Winery which is the property next door that will be acquiring the land is currently undergoing a Site Plan Control application, as such identification of terms for a natural heritage review or environmental impact assessments are under review with an expert peer reviewer.

COA24-03-24

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

That Consent application B-06-24 be approved to sever a + 4.13 ha (10.2 acre) parcel from the existing + 19.75 ha (48.8 acres) agricultural lot to be added to the adjacent property identified as 1241 South Malden Road be approved, subject to the following condition(s).

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the severed parcel be consolidated with the lands known as 1241 South Malden Road. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to

sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;

6. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
7. That all of the above conditions be fulfilled on or before March 19, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-06-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents" and subsection 6.5 respecting "Consents in Areas Designated Agricultural."

Carried

6.4 A-06-24 Casey & Nicholson Martin, 0 Briton Side Road

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 0 Briton Sdrd, formerly known as Colchester North. As a result of a lot addition severance on the subject lands, the resulting lot area for the retained parcel will be reduced from ± 19.75 ha (48.8 acres) to ± 15.62 ha (38.6 acres), respectively. Relief is therefore required from Section 13.1 b) ii) of the Zoning By-law which states: *The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.*

COA24-03-25

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

That application A-06-24 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 lot addition severance on the subject lands, the resulting lot area for the retained parcel will be reduced from ± 19.75 ha (48.8 acres) to ± 15.62 ha (38.6 acres), respectively.

Reason for the Decision:

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

Carried

7. Adjournment

COA24-03-26

Moved By Dorene Lester

Seconded By Matthew Child

That the meeting be adjourned at 5:41 p.m.

Carried

8. Future Meetings

April 16, 2024 at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex

Chair

Recording Secretary