

**The Corporation of the Town of Essex**  
**Minutes of Regular Committee of Adjustment Meeting**  
**Tuesday October 15, 2019**

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, October 15, 2019 at 4:00 PM in the Council Chambers at the Municipal Building at 33 Talbot Street South, Essex, Ontario.

**1. Roll Call**

Members Present:	Percy Dufour, Chair Phil Pocock Ray Beneteau Brian Gray, Vice Chair
Also Present:	Rita Jabbour, R.P.P Manager, Planning Services Secretary-Treasurer Sarah Aubin, Planning Assistant
Regrets:	Dan Boudreau

Members of Public in Attendance: See sign-in sheet attached hereto

**2. Declaration of Conflict of Interest**

None

**3. Adoption of Published Agenda**

**3.1** The Published Agenda for October 15, 2019 meeting of the Committee of Adjustment be adopted.

Moved by Ray Beneteau

Seconded by Brian Gray

**(COA-2019-10-84)** That the published agenda for the October 15, 2019 meeting of the Committee of Adjustment be adopted as circulated.

“Carried”

**4. Adoption of Minutes**

**4.1** The Regular Minutes from the Committee of Adjustment Meeting of September 17, 2019 be adopted.

Moved by Phil Pocock

Seconded by Brian Gray

**(COA-2019-10-85)** The Regular Minutes from the Committee of Adjustment Meeting of September 17, 2019 be adopted.

"Carried"

## **5. Unfinished Business**

### **5.1 Unfinished Business be moved**

Members discuss moving **Unfinished Business** for discussion after **Reports / Applications**.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

**(COA-2019-10-86)** That Unfinished Business be moved indefinitely after Reports / Applications.

"Carried"

## **6. Reports / Applications**

### **6.1 Rita Jabbour, Planner RE:**

**Application B-24-19 Karl and Sandy Neudorf & Brendon Laporte and Kerry Ann Dugan, V/L on the South Side of Huffman Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the South Side of Huffman Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 0.68$  hectare ( $\pm 1.68$  acre) parcel from the existing  $\pm 63$  hectare ( $\pm 155$  acre) farm lot. The retained parcel will have an area of  $\pm 61.2$  hectares ( $\pm 153$  acres). The applicant is proposing this severance for the of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the East and known municipally as 1677 Huffman Road

#### **6.1.1 Public Presentations**

**Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Agricultural"

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

An application for consent has been submitted for the agricultural lands located on the south side of Huffman Road in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 0.68$  hectare ( $\pm 1.68$  acre) grassed parcel from the existing  $\pm 63$  hectare ( $\pm 155$  acre) farm lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the East and known municipally as 1677 Huffman Road. Access to the severed lot will be by way of Huffman Road. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel is proposed to have an area of  $\pm 61.2$  hectares ( $\pm 153$  acres) and will continue to be used for agricultural purposes. Access to the retained parcel will continue to be by way of Huffman Road.

In accordance with the Provincial Policy Statement (PPS), 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 proposed severance will not result in the creation of a new lot, nor will it adversely impact the existing farming operation. As a condition of this consent, the applicants will be responsible for submitting evidence that the severed parcel will be consolidated with the property at 1677 Huffman Road.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday October 11, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application.

No comments were received from circulated internal agencies as of Friday October 11, 2019.

**Actions:**

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

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands owned by Brendan Laporte and Kerry Ann Dougan at 1677 Huffman 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 October 15, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

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

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 PPS, 2014 - Stormwater Management**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The severed portion of the subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

**FINAL RECOMMENDATION**

We have no objections to this application for Consent

**Discussions:**

Rita Jabbour, Planner, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

**(COA-2019-10-87)** That application B-24-19 be granted to sever a  $\pm 0.68$  hectare ( $\pm 1.68$  acre) parcel from the existing  $\pm 63$  hectare ( $\pm 155$  acre) farm lot for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the East and known municipally as 1677 Huffman Road

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands owned by Brendan Laporte and Kerry Ann Dougan at 1677 Huffman 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 October 15, 2020.

"Carried"

**6.2 Rita Jabbour, Planner RE:**

**Application B-25-19 Antonio Digiovanni (1530343 Ontario Ltd), 9529 County Road 11 (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 9529 County Road 11 in the former township of Colchester North. The applicants is proposing to sever a  $\pm 700$  square metre ( $\pm 7500$  square foot) parcel from the existing  $\pm 2212$  square metre ( $\pm 23815$  square foot) parcel. The retained parcel will have an area of  $\pm 1393.5$  ( $\pm 15000$  square feet). The applicant is proposing this severance for the purpose of creating a new residential lot.

#### **6.1.2 Public Presentations (if any)**

**Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Hamlet"

Zoning: Commercial District 2.1 (C2.1) –general commercial uses; and,

Residential District 2.1 (R2.1) –Medium Density Housing on Urban Lots

An application for consent has been submitted for the lands located at 9529 County Road 11 in the former township of Colchester North. The subject property is designated "Hamlet" under the Town of Essex Official Plan and is zoned both Commercial District 2.1 (C2.1) for general commercial uses and Residential District 2.1 (R2.1) for medium density housing under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 700$  square metre ( $\pm 7500$  square foot) parcel from the existing  $\pm 2212$  square metre ( $\pm 23815$  square foot) lot. The applicants are proposing this consent for the purposes of creating a new residential lot. The lot to be severed is zoned Residential District 2.1 which permits the development of a single detached, duplex or semi-detached dwelling. The applicants are proposing the construction of a semi-detached dwelling on the severed lot.

A *semi-detached dwelling* is defined as one (1) dwelling divided vertically into two (2) dwelling units by a common interior wall having a minimum area above grade of ten (10) square metres. The minimum lot width and lot area required to accommodate a semi-detached dwelling under the R2.1 zoning district is 18 metres (60 feet) and 590 square metres (6350 square feet) respectively. The severed parcel is proposed to have a lot width of 18 metres and a lot area of  $+696$  square metres ( $+7500$  square feet). Thus, the proposed severance will meet and exceed the minimum lot area and lot width regulations under the R2.1 zoning district for a semi-detached dwelling.

Access to the severed lot will be by way of Arquette Street. The severed lot is also serviced by the Arquette Street Drain and has access to a municipally owned and operated water and sanitary sewer. The retained parcel will have an area of  $+1393.5$  square metres ( $+15000$  square feet) and will be converted to accommodate residential apartments and accompanying infrastructure (i.e. apartment parking lot).

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday October 11, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were also received from Kristoffer Balallo, Engineering Technician with the County of Essex. The comments provided were engineering related only and were not reviewed from a planning perspective. The applicant will be required to comply with County Road regulations to provide for the protection of highways and the installation of entrance ways.

No comments were received from internal agencies as of Friday October 11, 2019.

**Actions:**

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

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before October 15, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

The following is provided as a result of our review of Application for Consent B-25-19 B-26-19. The applicants are proposing to sever a 700 square metre parcel from the existing 2212 square metre parcel identified as 9529 County Road 11 in order to create a new residential lot (B-25-19). The applicants are also proposing to sever a 55.8 square metre parcel from the existing 750 square metre residential lot identified as 9531 County Rd 11, for the purposes of a lot addition that will be merged with the property identified as 9529 County Rd 11 (B-26-19).

#### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 PPS, 2014 - Stormwater Management**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies

#### **FINAL RECOMMENDATION**

We have no objections to this Consent application



**Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 11. The Applicant will be required to comply with the following County Road regulation:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. Property lying in unincorporated hamlet, any proposed setbacks will be reviewed and determined by the County of Essex.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

**Discussions:**

Rita Jabbour, Manager, Planning Services, explains the nature of the application

Moved by: Phil Pocock

Seconded by: Brian Gray

**(COA-2019-10-88)** That application B-25-19 be granted to sever a  $\pm 700$  square metre ( $\pm 7500$  square foot) parcel from the existing  $\pm 2212$  square metre ( $\pm 23815$  square foot) parcel for the purpose of lot creation.

**Actions:**

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

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

f) That all of the above conditions be fulfilled on or before October 15, 2020.

“Carried”

### **6.3 Rita Jabbour, Planner RE:**

#### **Application B-26-19 Antonio Digiovanni (1530343 Ontario Ltd), 9531 County Road 11 (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 9531 County Road 11 in the former township of Colchester North. The applicants are proposing to sever a  $\pm 55.8$  square metre ( $\pm 601$  square foot) parcel from the existing  $\pm 720$  square metre ( $\pm 7753$  square foot) residential lot. The retained lot will have an area of  $\pm 664$  square metres ( $\pm 7152$  square feet). The applicant is proposing this severance for the purpose of a lot addition. The severed parcel is proposed to be merged with the commercial lands located directly to the south and known municipally as 9529 County Road 11.

#### **6.1.3 Public Presentations (if any)**

##### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: “Hamlet”

Zoning: Residential District 1.1 (R1.1) –Low density housing on urban lots

An application for consent has been submitted for the lands located at 9531 County Road 11 in the former township of Colchester North. The subject property is designated “Hamlet” under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 55.8$  square metre ( $\pm 601$  square foot) parcel from the existing  $\pm 720$  square metre ( $\pm 7753$  square foot) lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the commercial lands located directly to the south and known municipally as 9529 County Road 11. The parcel to which the severed land will be merged is proposed to have dwelling units on the ground floor. The addition of the severed parcel will allow the proponents to meet the provisions of the building code.

The minimum lot area required for lots zoned R1.1 which are serviced by a sanitary sewer is 460 square metres (5000 square feet). The retained lot will measure  $\pm 664$  square metres ( $\pm 7152$  square feet). Thus, the proposed severance will not affect the lot area for

the retained parcel. Further, the existing buildings will be demolished to accommodate the severance.

As a condition of this consent, the applicants will be responsible for providing evidence to ensure the severed parcel is merged with the property at 9529 County Road 11.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday October 11, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were also received from Kristoffer Balallo, Engineering Technician with the County of Essex. The comments provided were engineering related only and were not reviewed from a planning perspective. The applicant will be required to comply with County Road regulations to provide for the protection of highways and the installation of entrance ways.

No comments were received from circulated internal agencies as of Friday October 11, 2019.

**Actions:**

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

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands located to the south of the subject property and known municipally as 9529 County Road 11. 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 October 15, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

The following is provided as a result of our review of Application for Consent B-25-19 B-26-19. The applicants are proposing to sever a 700 square metre parcel from the existing 2212 square metre parcel identified as 9529 County Road 11 in order to create a new residential lot (B-25-19). The applicants are also proposing to sever a 55.8 square metre parcel from the existing 750 square metre residential lot identified as 9531 County Rd 11, for the purposes of a lot addition that will be merged with the property identified as 9529 County Rd 11 (B-26-19).

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 PPS, 2014 - Stormwater Management**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

## **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies

### **FINAL RECOMMENDATION**

We have no objections to this Consent application

**Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 11. The Applicant will be required to comply with the following County Road regulation:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. Property lying in unincorporated hamlet, any proposed setbacks will be reviewed and determined by the County of Essex.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

### **Discussions:**

Rita Jabbour, Manager, Planning Services, explains the nature of the application.

Percy Dufour motions that a condition be added that the garage at 9531 County Rd 11 be demolished.

Moved by: Brian Gray

Seconded by: Ray Beneteau

**(COA-2019-10-89)** That application B-26-19 be granted to sever a  $\pm 55.8$  square metre ( $\pm 601$  square foot) parcel from the existing  $\pm 720$  square metre ( $\pm 7753$  square foot) residential lot for the purpose of lot addition. The severed parcel is proposed to be merged with the commercial lands located directly to the south and known municipally as 9529 County Road 11.

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands located to the south of the subject property and known municipally as 9529 County Road 11. 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 the garage at 9531 County Road 11 be demolished.
- g) That all of the above conditions be fulfilled on or before October 15, 2020.

"Carried"

**6.4 Rita Jabbour, Planner RE:****Application B-27-19 Yvonne & Ronald Davie, V/L on the South side of 4<sup>th</sup> Concession Road, (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the South side of 4<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 3.95$  hectare ( $\pm 9.88$  acre) parcel from the existing  $\pm 12.7$  hectare ( $\pm 31.56$  acre) residential lot. The retained parcel is proposed to have an area of  $\pm 8.67$  hectares

(±21.68 acres). The applicants are proposing this severance for the purpose of creating a new residential lot.

#### **6.1.4 Public Presentations (if any)**

**Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Estate Residential"

Zoning: Residential District 1.2 (R1.2) –Pleasant Valley –estate residential, limited agricultural uses

An application for consent has been submitted for the vacant lands located on the south side of 4<sup>th</sup> Concession Road in the former township of Colchester South. The subject property is designated "Estate Residential" under the Town of Essex Official Plan and zoned Residential District 1.2 (R1.2) for estate residential, limited agricultural uses under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ±3.95 hectare (±9.88 acre) parcel from the existing ±12.7 hectare (±31.56 acre) lot for the purposes of creating a new residential lot. The retained parcel is proposed to have an area of +8.67 hectares (+21.68 acres). The width of the severed and retained lot will be +93 metres (+304 feet) and +446 metres (+1464 feet). In accordance with section 5.10 of the Town of Essex Official Plan, the minimum lot area for the estate residential land designation will be 4 hectares. In accordance with the Town of Essex Zoning Bylaw, the minimum width for lots within the R1.2 zoning district is 60 metres (200 feet). The severed and retained parcel will conform to these regulations.

The severed parcel is proposed to be accessed by way of an existing access area off of County Road 23. The severed parcel however does not have access to a municipally owned or operated water, sanitary or storm water sewer. In accordance with section 6.1 of the Town of Essex Official Plan, the division of land will only be permitted when it has been established that the severed and retained parcels involved are suitable to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction and the necessary approvals are obtained.

The severed and retained lot are of an adequate size to accommodate a private sewage system. The applicants will be responsible for installing private water and sewage collection and treatment systems to the satisfaction of the Town and the statutory approval authority having jurisdiction at the time of application for building permit.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday October 11, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were also received from Kristoffer Balallo, Engineering Technician with the County of Essex. The comments provided were engineering related only and were not reviewed from a planning perspective. The applicant will be required to comply with County Road regulations to provide for the protection of highways and the installation of entrance ways and County Bylaws to regulate the location of buildings and structures on land adjacent to county Roads.

No comments were received from circulated internal agencies as of Friday October 11, 2019.

**Actions:**

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

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before October 15, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

The following is provided as a result of our review of Application for Consent B-27-19 B-28-19. The applicants are proposing to sever a 3.95 ha parcel from the existing 12.7 ha



residential lot, in order to create a new residential lot (B-27-19). The applicants are also proposing to sever a 55.8 square metre parcel from the existing 720 square metre residential lot for the purpose of a lot addition to the property identified as 4995 4th Concession Road.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The western portion of the parcel falls within the regulated area of the Dryburgh D&W. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 PPS, 2014 - Stormwater Management**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2014 – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the provincial Endangered Species Act. Prior to any proposed works on this property, contact should be made with the Species at Risk Branch of the Ministry of Environment, Conservation and Parks (MECP) to confirm any issues with respect to the Endangered Species Act on this property. It is the proponent's responsibility to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the

Endangered Species Act should be made with Permissions and Compliance Section of the MECP (email address: SAROntario@ontario.ca). Please see the attached Technical Memo: Aylmer District Species at Risk Screening Process for further information. Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed, we would therefore have no objections to this application.

#### **FINAL RECOMMENDATION**

We have no objections to this Consent application

#### **Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 23. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads. The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 23. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

#### **Discussions:**

Rita Jabbour, Manager, Planning Services, explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

**(COA-2019-10-90)** That application B-27-19 be granted to sever a  $\pm 3.95$  hectare ( $\pm 9.88$  acre) parcel from the existing  $\pm 12.7$  hectare ( $\pm 31.56$  acre) residential lot for the purpose of lot creation.

#### **Actions:**

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

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before October 15, 2020.

“Carried”

#### **6.5 Rita Jabbour, Planner RE:**

##### **Application B-28-19 Yvonne & Ronald Davie, V/L on the South side of 4<sup>th</sup> Concession Road, (Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the South side of 4<sup>th</sup> Concession Road in the former township of Colchester South. The applicants are proposing to sever a ±0.6 hectare (±1.64 acre) parcel from the existing +12.7 hectare (±31.56 acre) residential lot. The retained parcel is proposed to have an area of ±12.1 hectares (±29.9 acres). The applicant is proposing this severance for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the North and known municipally as 4995 4<sup>th</sup> Concession.

##### **6.1.5 Public Presentation**

##### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: “Estate Residential”

Zoning: Residential District 1.2 (R1.2) –Pleasant Valley –estate residential, limited agricultural uses

An application for consent has been submitted for the vacant lands located on the South Side of 4<sup>th</sup> Concession Road in the former township of Colchester South. The subject property is designated “Estate Residential” under the Town of Essex Official Plan and zoned Residential District 1.2 (R1.2) for estate residential, limited agricultural uses under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 0.6$  hectare ( $\pm 1.64$  acre) parcel from the existing  $\pm 12.7$  hectare ( $\pm 31.56$  acre) lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the lands located directly to the North and known municipally as 4995 4<sup>th</sup> Concession Road.

The minimum lot area required for lots zoned R1.2 is 4 hectares (10 acres). The retained lot will measure  $\pm 12.1$  hectares ( $\pm 29.9$  acres). Thus, the proposed severance will not affect the lot area for the retained parcel.

As a condition of this consent, the applicants will be responsible for providing evidence to ensure the severed parcel is merged with the property at 4995 4<sup>th</sup> Concession Road.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday October 11, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were also received from Kristoffer Balallo, Engineering Technician with the County of Essex. The comments provided were engineering related only and were not reviewed from a planning perspective. The applicant will be required to comply with County Road regulations to provide for the protection of highways and the installation of entrance ways and County Bylaws to regulate the location of buildings and structures on land adjacent to county Roads.

No comments were received from circulated internal agencies as of Friday October 11, 2019.

**Actions:**

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

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands located to the north of the subject property and known municipally as 4995 4<sup>th</sup> Concession 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 October 15, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

The following is provided as a result of our review of Application for Consent B-27-19 B-28-19. The applicants are proposing to sever a 3.95 ha parcel from the existing 12.7 ha residential lot, in order to create a new residential lot (B-27-19). The applicants are also proposing to sever a 55.8 square metre parcel from the existing 720 square metre residential lot for the purpose of a lot addition to the property identified as 4995 4th Concession Road.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The western portion of the parcel falls within the regulated area of the Dryburgh D&W. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

#### **SECTION 1.6.6.7 PPS, 2014 - Stormwater Management**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2014 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the provincial Endangered Species Act. Prior to any proposed works on this property, contact should be made with the Species at Risk Branch of the Ministry of Environment, Conservation and Parks (MECP) to confirm any issues with respect to the Endangered Species Act on this property. It is the proponent’s responsibility to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (email address: SAROntario@ontario.ca). Please see the attached Technical Memo: Aylmer District Species at Risk Screening Process for further information. Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed, we would therefore have no objections to this application.

#### **FINAL RECOMMENDATION**

We have no objections to this Consent application

#### **Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 23. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 23. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

**Discussions:**

Rita Jabbour, Manager, Planning Services, explains the nature of the application

Moved by Phil Pocock

Seconded by: Brian Gray

(**COA2019-10-81**) To grant application B-28-19 to sever a  $\pm 0.6$  hectare ( $\pm 1.64$  acre) parcel from the existing  $\pm 12.7$  hectare ( $\pm 31.56$  acre) residential lot. The severed parcel is proposed to be merged with the lands located directly to the North and known municipally as 4995 4<sup>th</sup> Concession.

**Actions:**

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) 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 severed parcel be consolidated with the lands located to the north of the subject property and known municipally as 4995 4<sup>th</sup> Concession 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 October 15, 2020.

“Carried”

## **7. Correspondence**

## **8. New Business**

### **8.1 File No. B-17-19 (7880 County Road 18) LPAT Update**

Rita, Manager, Planning Services, provides the Committee members with an update on the Local Planning Appeal Tribunal (LPAT) hearing for consent application B-17-19 (7880 County Rd 18).

She advises that a date has been set by the LPAT for Friday, November 15<sup>th</sup>, 2019 at 11:00 a.m. at the Essex Civic Centre, in the Council Chambers.

She states that the Secretary Treasurer will be speaking on behalf of the Town of Essex at the hearing and states that anyone can attend but only the applicant and secretary treasurer can speak at the hearing.

Ray Beneteau requests clarification on the Secretary Treasurer role at the hearing. He states that he would like to know if the treasurer will speak on behalf of the Committee and their decision.

She advises that she has to remain unbiased and only speak to the (Provincial Policy Statement) PPS and Town Official Plan.

Percy Dufour requests that Rita contact the LPAT and place him on the list to speak at the hearing as he would like to speak on behalf of the Committee.

He states that he understands that the Secretary Treasurer has to remain objective and can only speak to the PPS and Official Plan. He advises he would like the opportunity to advise the LPAT of the reasons behind the decision.

Rita advises that she will speak with the Director of Planning at the Town of Essex and LPAT and inquire about the Chair speaking at the hearing on November 15<sup>th</sup>, 2019.

Percy request that a copy of the LPAT notice be given to each member for review prior to the meeting.



**9. Notices of Motion**

**10. Adjournment**

Moved by Ray Beneteau

Seconded by Phil Pocock

**(COA-2019-10-82)** That the meeting be adjourned at 4:49 p.m.

"Carried"

**11. Next Meeting**

Tuesday November 19<sup>th</sup>, 2019 at 4:00 pm, Council Chambers, 33 Talbot Street South,  
Essex, Ontario.

---

Chair

---

Secretary-Treasurer/Manager, Planning  
Services