



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

June 18, 2024, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

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

Absent: Member - Child, Matthew

Also Present: 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 Vice-Chair, William Baker, called the meeting to order at 5:01 p.m. Phil Pocock, Chair arrived at 5:03 p.m. William Baker, Vice presided as Chair for the remainder of the meeting.

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 June 18, 2024

COA24-06-43

Moved By Dorene Lester
Seconded By Phil Pocock, Chair

That the published agenda for the June 18, 2024 Committee of Adjustment Meeting be adopted as presented.

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for May 22, 2024

COA24-06-44

Moved By Danny Sauve

Seconded By Dorene Lester

That the minutes of the Committee of Adjustment meeting held May 22, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 B-12-24 997025 Ontario Inc. (c/o Giacomo [Jack] Ramieri) 71-77 Talbot Street N

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 71-77 Talbot Street N, Essex Centre. The applicants are proposing to sever a + 649 square metre (6,992 square foot) parcel from the existing + 981 square metre (10,565 square foot) commercial lot. The retained commercial lot is proposed to have an area of + 332 square metres (3,573 square feet). The applicant is proposing this consent for the creation of one (1) commercial lot.

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. Jack Ramieri, Agent for the Applicant, and Michael Elanchkar, Owner, were Delegates for the Application.

COA24-06-45

Moved By Dorene Lester

Seconded By Phil Pocock, Chair

That application B-12-24 be approved to allow the creation of a commercial lot by severing a ± 649 square metre parcel from the existing ± 981 square metre commercial 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 the applicant pay the applicable parkland dedication fee 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;
6. That all of the above conditions be fulfilled on or before **June 18, 2026**, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-12-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

Carried

6.2 B-13-24 Hugh & Margaret Fackrell (c/o Richard F. Wolf), 10839 10th Concession Road

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 10839 10th Concession Road, former Colchester North. The applicants are seeking approval on two items:

1) To sever a + 20 hectare (49 acre) parcel from the existing + 40 hectare (100 acre) agricultural lot for the purpose of a farm split to re-establish the original layout of the farm parcels that were merged. The retained agricultural lot is proposed to have an area of + 21 hectares (51 acres).

2) As a result of the farm split, the applicants are requesting an easement be established over an existing hydro corridor and laneway access on the severed lands. The applicants require the easement to maintain an irrigation reservoir and to access the western portion of the retained lands, which are naturally divided by the Canard River Floodplain. The easement is proposed to be 12.192 metres (40 ft) in width, and 306 metres (1005 ft) in length.

Therefore, the applicants are proposing this consent for the creation of one (1) agricultural lot and the establishment of one (1) easement.

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. Richard Wolf, Agent for the Applicant, Hugh and Margaret Fackrell, and David French were in attendance to answer questions regarding the application.

COA24-06-46

Moved By Dorene Lester

Seconded By Phil Pocock, Chair

That application B-13a-24 be approved To sever a ± 20 hectare (49 acre) parcel from the existing ± 40 hectare (100 acre) agricultural lot for the purpose of a farm split to re-establish the original layout of the farm parcels that were merged; subject to 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. A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);
6. That a Conservation Easement be registered on title over the applicable natural heritage feature located on both the retained and severed portions of land, for the purpose of habitat protection and maintaining the existing natural hazard feature. A copy of the registered Easement be provided as a record to the Town.
7. That, prior to the granting of this consent, the requested variance be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
8. That, prior to the granting of this consent, the requested access easement be granted by the Committee of Adjustment to maintain an irrigation reservoir and to access the western portion of the retained lands;
9. That all of the above conditions be fulfilled on or before June 18, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for the Decision:

That Application B-13a-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

COA24-06-47

Moved By Phil Pocock, Chair

Seconded By Dorene Lester

That Application B-13b-24 be approved to establish an easement over existing hydro corridor and laneway access on the severed lands. The applicants require the easement to maintain an irrigation reservoir and to access the western portion of the retained lands, which are naturally divided by the Canard River Floodplain. The easement is proposed to be \pm 12.192 metres (40 ft) in width, and 306 metres (1005 ft) in length, subject to 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 all of the above conditions be fulfilled on or before June 18, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-13b-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

6.3 A-11-24 Hugh & Margaret Fackrell (c/o Richard F. Wolf), 10839 10th Concession Road

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 10839 10th Concession Road, former Colchester North. As a result of a severance on the subject lands, the lot area for the severed and retained parcels will be reduced from + 40 hectare (100 acre) to + 20 hectare (49 acre) and + 21 hectares (51 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.

COA24-06-48

Moved By Dorene Lester

Seconded By Danny Sauve

That application A-11-24 be approved with the requested relief 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."

As a result of the severance on the subject lands, the lot area for the severed and retained parcels will be reduced from \pm 40 hectare (100 acre) to \pm 20 hectare (49 acre) and \pm 21 hectares (51 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

6.4 B-14-24 Terry Frances Bale (c/o Jeffrey A. Baker), 118 Levergood Drive

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 118 Levergood Drive, former Colchester South. The applicants are requesting a \pm 185.8 square metre (1991 square foot) easement over the front yard in favour of the neighbouring property, 124 Levergood Drive, to be used for sanitary servicing purposes. The applicant is proposing this consent for the establishment of one (1) easement.

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. Jeffrey Baker, Diane and Dan Hannigan were in attendance to speak to the Application. Member, Danny Sauve, questioned the forced main connection location, current systems of neighbouring property owners as well as future developments which may affect the proposed easement. Corinne Chiasson advised that the other homes in the area have private septic systems and future developments are outside of the scope of this application. Mr. Dan Hannigan advised they chose the current system as they will be building a home and an ADU, the size of the septic system required to accommodate both structures, was very large and close to the Bondy Drain. This is an ERCA regulated property, as it is in a floodplain. The applicants were advised by a Licenced Contractor, that it was the cleanest option, encroaches the least on the floodplain area and utilizing directional boring does the least amount to disruption to the property. As a result, the Applicants chose to go with the forced main connection.

COA24-06-49

Moved By Dorene Lester

Seconded By Phil Pocock, Chair

That application B-14-24 be approved to sever a \pm 185.8 square metre easement over the front yard in favour of the neighbouring property, 124 Levergood Drive, to be used for sanitary servicing purposes, subject to 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 all of the above conditions be fulfilled on or before **June 18, 2026**, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Carried

7. Adjournment

COA24-06-50

Moved By Dorene Lester

Seconded By Phil Pocock, Chair

That the meeting be adjourned at 5:40 p.m.

Carried

8. Future Meetings

Tuesday, August 20, 2024, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex

Chair

Recording Secretary