

**The Corporation of the Town of Essex**  
**Minutes of Regular Committee of Adjustment Meeting**  
**Tuesday September 15<sup>th</sup>, 2020**

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, September 15<sup>th</sup>, 2020 at 4:00 PM via Virtual Zoom Meeting.

**1. Roll Call:**

|                       |   |
|-----------------------|---|
| Members Present       | Percy Dufour, Chair<br>Brian Gray, Vice Chair<br>Phil Pocock<br>Ray Beneteau<br>Dan Boudreau  |
| Also Present          | Corinne Chiasson, Secretary Treasurer /Assistant Planner<br>Rita Jabbour, Manager, Planning Services<br>Sarah Aubin, Planning Assistant, Recording Secretary<br>Lori Chadwick, Director of Development Services |
| Members of the Public | Paul Antonel<br>Derek & Monica Hoffman<br>Earnest Jay Martin<br>Brian & Janice Garant<br>Richard & Pauline Brockman<br>Donato Digiovanni<br>Elaine Robins<br>Mike Nelson<br>Vitra Vimalananthan<br>Val Domingo  |

**2. Declaration of Conflict of Interest**

None

**3. Adoption of Published Agenda**

**3.1** That the published agenda for the September 15<sup>th</sup>, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

**(COA-2020-09-56)** That the published agenda for September 15<sup>th</sup>, 2020 be adopted as presented

**“Carried”**

**4. Adoption of Minutes**

**4.1** That the minutes of the August 18<sup>th</sup> 2020 Committee of Adjustment meeting be adopted as circulated.

Moved by: Brian Gray

Seconded by: Phil Pocock

**(COA-2020-09-57)** That the Regular Minutes from the Committee of Adjustment Meeting of August 18<sup>th</sup> 2020 be adopted as circulated.

**“Carried”**

## **5. Reports / Applications**

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

#### **Application B-19-20 Derek and Monica Hoffman (Agent: Ernest Jay Martin) 13242 13<sup>th</sup> Concession Rd (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 13242 13<sup>th</sup> Concession Road in the former township of Colchester North. The applicants are proposing to sever a  $\pm 0.75$  acre parcel from the existing  $\pm 50$  acre agricultural lot for the purposes of lot addition. The severed parcel is proposed to be merged with the lands identified municipally as 13252 13<sup>th</sup> Concession to support infrastructure relating to the installation a septic system. The retained agricultural lot is proposed to have an area of  $\pm 49.25$  acres.

**Note:** An application for minor variance has also been received for the subject lands (File Number: A-19-20). The public notice for the minor variance application has been included with this notice.

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

#### **Corinne Chiasson, Assistant Planner wrote:**

Official Plan Designation: “Agricultural”

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

Applications for consent and minor variance have been submitted for the agricultural lands located at 13242 13<sup>th</sup> Concession Road in the former township of Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 0.75$  acre grassed parcel from the existing  $\pm 50$  acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands identified municipally as 13252 13<sup>th</sup> Concession to support infrastructure relating to the installation of a septic system.

The severed parcel is vacant, consists of manicured grass, and is not under agricultural production. As a result of the severance, the retained agricultural lot will be reduced to an area of  $\pm 49.25$  acres and will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of an existing access bridge via 13<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained agricultural lot.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. The owners of 13242 13<sup>th</sup> Concession were approached by the owners of 13252 13<sup>th</sup> Concession Road to undertake this lot addition to provide the area needed for the installation of a new septic system. 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 13252 13<sup>th</sup> Concession Road;

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

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies;

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

The lot addition is not irregular in shape, and will not take agricultural land out of production.

d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot. The lot addition will permit the upgrade of the existing septic system at 13252 13<sup>th</sup> Concession Rd.

#### Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from  $\pm 50$  acres, the existing lot size, to  $\pm 49.25$  acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

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

The main use of the retained farm parcel will remain agricultural.

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

No agricultural land will be taken out of production as a result of this severance. The variance will not impact access to the retained parcel.

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

Agricultural lot sizes vary greatly in the agricultural district.

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

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

#### Agency and Public Comments

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 Thursday September 10, 2020.

No comments were received from circulated internal agencies as of Thursday September 10, 2020.

#### **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 at 13252 13<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 September 15, 2021.

**Additional comments resulting from circulation:**

**Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote**

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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 13th Concession Center Drain. 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 Section 28 of the Conservation Authorities Act.

We have no objections to the application with respect to our natural hazards or regulatory perspective.

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

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 as outlined in Section 2.1 of the PPS. 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 as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

### **FINAL RECOMMENDATION**

ERCA has no objection to this application

#### **Discussion:**

Corinne Chiasson, Assistant Planner, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

**(CAO-2020-09-58)** That application B-19-20 be granted to sever a  $\pm$  0.75 acre parcel from the existing  $\pm$  50 acre agricultural lot for the purposes of lot addition. The severed parcel is proposed to be merged with the lands identified municipally as 13252 13<sup>th</sup> Concession Road to support infrastructure relating to the installation a septic system

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 at 13252 13<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 September 15, 2021.

**Reasons for Decision:** The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated “Agricultural”.

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

### **Application A-19-20 Derek and Monica Hoffman (Agent: Ernest Jay Martin) 13242 13<sup>th</sup> Concession Rd (Colchester North, Ward 2)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 13242 13<sup>th</sup> Concession Road in the former township of Colchester North. 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 proposed severance for lot addition, the lot area for the retained parcel will be reduced from  $\pm 50$  acres, the existing lot area, to  $\pm 49.25$  acres

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

##### **Corinne Chiasson, Assistant Planner wrote:**

Official Plan Designation: “Agricultural”

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

Applications for consent and minor variance have been submitted for the agricultural lands located at 13242 13<sup>th</sup> Concession Road in the former township of Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a  $\pm 0.75$  acre grassed parcel from the existing  $\pm 50$  acre agricultural lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands identified municipally as 13252 13<sup>th</sup> Concession to support infrastructure relating to the installation of a septic system.

The severed parcel is vacant, consists of manicured grass, and is not under agricultural production. As a result of the severance, the retained agricultural lot will be reduced to an area of  $\pm 49.25$  acres and will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of an existing

access bridge via 13<sup>th</sup> Concession Road. The proposed severance will have no adverse impact on access to the retained agricultural lot.

#### Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

e) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. The owners of 13242 13<sup>th</sup> Concession were approached by the owners of 13252 13<sup>th</sup> Concession Road to undertake this lot addition to provide the area needed for the installation of a new septic system. 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 13252 13<sup>th</sup> Concession Road;

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

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or minor variance. No other comments were received from circulated public authorities or agencies;

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

The lot addition is not irregular in shape, and will not take agricultural land out of production.

h) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot. The lot addition will permit the upgrade of the existing septic system at 13252 13<sup>th</sup> Concession Rd.

#### Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area

for the retained farm parcel will be reduced from  $\pm 50$  acres, the existing lot size, to  $\pm 49.25$  acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

*e) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will remain agricultural.

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

No agricultural land will be taken out of production as a result of this severance. The variance will not impact access to the retained parcel.

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

Agricultural lot sizes vary greatly in the agricultural district.

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

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

#### Agency and Public Comments

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 Thursday September 10, 2020.

No comments were received from circulated internal agencies as of Thursday September 10, 2020.

#### **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 at 13252 13<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 September 15, 2021.

**Additional comments resulting from circulation:**

**Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote**

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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 13th Concession Center Drain. 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 Section 28 of the Conservation Authorities Act.

We have no objections to the application with respect to our natural hazards or regulatory perspective.

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

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 as outlined in Section 2.1 of the PPS. 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 as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

## **FINAL RECOMMENDATION**

ERCA has no objection to this application

### **Discussion:**

Corinne Chiasson, Assistant Planner, explains the nature of the application

Moved by: Dan Boudreau

Seconded by: Brian Gray

**(CAO-2020-09-59)** That application A-19-20 be granted the severed and retained parcel will be reduced from  $\pm 50$  acres, the existing lot area, to  $\pm 49.25$  acres.

**Reasons for Decision:** The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

### **“Carried”**

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

#### **5.3 Application A-20-20 Brian and Janice Garant 110 Brien Ave West (Essex Centre, Ward 1)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 110 Brien Ave West in the Essex Centre. The applicants are proposing to construct a  $\pm 86.02$  square metre (926 square foot) addition to the existing dwelling for the purposes of a garage and living space. As a result, the rear yard depth will be reduced to  $\pm 1.2$  metres (4 feet). The minimum required rear yard depth for lands within Residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 7.5 metres (25 feet). Thus the applicants are requesting a variance to accommodate a  $\pm 6.3$  metre (20 foot) reduction in the rear yard depth.

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

### **Corinne Chiasson, Assistant Planner wrote:**

Official Plan Designation: “Residential”

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

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 110 Brien Ave West in Essex Centre. The subject property is designated “Residential” under the Town’s 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 construct a +86.02 square metre (926 square foot) addition to the existing dwelling for the purposes of a garage and living space. As a result, the rear yard depth will be reduced to 1.2 metres (4 feet).

The minimum rear yard depth for lands within Residential District 1.1 (R1.1) under the Town of Essex Zoning By-law 1037 is 7.5 metres (25 feet). Thus, the applicants are requesting a variance to accommodate a +6.3 metre (20 foot) reduction in the rear yard depth.

A *rear yard* is defined as a yard extending across the full width of a lot between the rear lot line or the intersection of the side lot lines and the nearest wall of a main building on such lot, under Bylaw 1037. A *rear lot line* is defined as the exterior or interior lot line which is farthest from the front lot line.

#### Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

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

A residential dwelling with an attached garage is a permitted main use in the R1.1 zoning district.

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

The garage addition will replace an existing detached garage that is currently located less than 4 feet from the rear lot line. The new addition will be located 4 feet from the property line.

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

The new addition will be located at the rear of the existing dwelling, and will not be closer in proximity to any public road, or cause any changes to the existing driveway.

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

The owners have identified that the existing garage is in disrepair and needs to be replaced. The new garage will be used for storage of dwelling items and for parking a family vehicle. The addition above the garage will provide further living space for the family. The owners are requesting this reduction in the rear yard setback to situate the new addition just behind the existing dwelling to not impede the existing basement windows. The addition footprint will only be a slight change from the existing garage footprint, and will improve the setback distance from the rear property line from 2 feet to 4 feet. No windows are proposed to be located on the rear or west side of the structure that faces the immediate neighbouring properties.

#### Public and Agency Comments

Through circulation of the public notice we received one comment on September 11, 2020 from Mr. and Mrs. Fairbairn, who live at the property address 122 Brien Ave. They stated they were in support of this application, and had no objections. No further comments were received from members of the public as of Thursday September 10, 2020.

Comments were received from Kevin Carter, Chief Building Official and Manager of By-law Enforcement. He had no objections.

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

**Actions:**

To be determined by the Committee.

**Additional comments resulting from circulation:**

**Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote**

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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).

We have no objections to the application with respect to our natural hazards or regulatory perspective.

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

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 as outlined in Section 2.1 of the PPS. 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 as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

**FINAL RECOMMENDATION**

ERCA has no objection to this application

**Discussion:**

Corinne Chiasson, Assistant Planner, explains the nature of the application and advised the members of the Chief Building Official, Kevin Carters comments.

Please note that the Building Department has concerns regarding this minor variance if there are any proposed opening's (window's/doors/etc.) on the exterior walls facing the side and rear yards.

Ontario Building Code requires a minimum of 1.2 meters (3'-11") spatial fire separation from property lines to the face of a structure.

If the committee approves this minor variance with openings, the property owner/future property owner must "Fire Rate" the exterior exposed walls with 1hr. rating. Only the walls facing the side & rear yards will require a fire rating.

Please note that the Building Department discourages all minor variances of structures (House/Garage/etc.) abutting property line's less than 4'-0" from the side and rear yards in residential zones. The reason being, if approved today by the Committee of Adjustment, tomorrow or five years down the road the owner/future owner may wish to install a window/door without a permit which leads to the Town of Essex being exposed to liable legal actions.

In other words, if the committee proceeds with approvals please, place clear precise conditions before approving. Example/s no future openings in the rear or side yard. Supply the building department with an O.L.S. survey indicating exactly what all the existing yard setbacks are presently at before applying for a building permit.

Brian Garant, Applicant, advises the members that the addition to the existing dwelling is to provide a living space for his mother.

Ray Beneteau requests clarification on the exact distance of the proposed structure from the rear and side yard lot line as he would like to ensure the proposed structure would be greater than the build departments 3 ft 11inch requirement.

Corinne Chiasson, states that the proposed structure would be 4 ft away from the rear lot line and greater than the building department's requirements.

Dan Boudreau states that this application is not minor in nature as the applicant is requesting a 21 ft variance from the 25 ft required rear yard setback.

Brian Garant, Applicant, and states that his rear yard is only 27 ft therefore he would continue to require a variance to accommodate an added structure.

Dan Boudreau states that another concern is that the existing dwelling is a 1 storey and that the applicant is requesting an addition with a second storey roughly 16 ft above ground. He continues to state that it would provide an unpleasant view to a minimum of two adjoining neighbours as the structure would be 4ft from the rear and side lot line.

Brian Garant, advises that he spoke with the neighbours within the vicinity who advised they had no concerns with the proposal.

Brian Gray states that the proposed structure is a granny suite and independent from the main residence with only 1 entrance and exit.

Corinne Chiasson advises that the second dwelling unit would have access from the interior of the existing dwelling and would not have a separate access way. The entrance and exit to the existing residence would be the one utilized for the proposed structure.

Brian Gray asks the assistant planner if this application before the committee is a bit untimely.

Corinne Chiasson states that the planning department is currently reviewing an amendment to allow for a living space overtop a structure. She states that the application before the committee is to solve a living space concern. She states that the applicant and the planning department has worked closely to bring the best version to accommodate that concern to the committee.

Chair, Percy Dufour, states that he agrees with Brian Gray and states that the zoning by-law should align with an application prior to the committee reviewing it.

Phil Pocock, asks the applicant if there is a way to move the proposed structure forward to better accommodate the rear yard requirement.

Brian Garant, states that the proposed designed is the best version to accommodate all the required living space and esthetic view for the neighbourhood.

Rita Jabbour, Manager of Planning, she states that Corinne Chiasson, Assistant Planner, advised the members that the existing garage is 2ft from the rear lot line which does not currently meet the zoning requirements and that there is a need to accommodate the required setback. She states that the applicant has explained the reasons for such a variance and advised the members to review the 4 test that are required when reviewing a minor variance application.

Moved by: Phil Pocock

Seconded by: Brian Gray

Opposed by: Ray Beneteau

Opposed by: Dan Boudreau

**(CAO-2020-09-60)** That application A-20-20 be granted the variance to accommodate a  $\pm$  6.3 metre (20 foot) reduction in the rear yard depth in order to replace a detached accessory structure with an attached garage containing living space on the second storey. And that a condition be placed that the rear yard be a minimum of 4ft from the lot line.

**"Defeated"**

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

**(CAO-2020-09-61)** That application A-20-20 be **denied** the variance to accommodate a  $\pm$  6.3 metre (20 foot) reduction in the rear yard depth in order to replace a detached accessory structure with an attached garage containing living space on the second storey.

**Reasons for Decision:** The Application **is not** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

**“Carried”**

**5.4 Corinne Chiasson, Assistant Planner RE:**

**Application A-21-20 Richard and Pauline Brockman 290 Talbot St South (Essex Centre, Ward 1)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 290 Talbot Street South in the Essex Centre. The applicants are proposing to construct a  $\pm 101$  square metre (1088 square foot) accessory structure. The maximum gross floor area for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under the Town of Essex Zoning By-law, By-law 1037.

**5.4.1 Public Presentations (if any)**

**Corinne Chiasson, Assistant Planner wrote:**

Official Plan Designation: “Residential”

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

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 290 Talbot Street South in Essex Centre. The subject property is designated “Residential” under the Town’s Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to construct a  $\pm 101$  square metre (1088 square foot) accessory structure. The maximum gross floor area for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under Bylaw 1037. Thus, the applicants are seeking a variance to accommodate a GFA increase of  $\pm 31.4$  square metres (338 square feet) for the accessory structure. An *accessory structure* is defined as a completely detached building used for an *accessory use*. An *accessory use* is defined as a use that is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. The applicants require the accessory structure for storage of: family vehicles, yard and garden maintenance equipment; recreational vehicles (boat, UTV’s, ATV), and household/seasonal items.

The subject property is occupied by a single detached dwelling (the main use). No accessory structure presently exists on the subject property.

#### Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

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

The Town of Essex Official Plan permits uses accessory to the main use in areas designated Residential. The Town of Essex Zoning Bylaw, Bylaw 1037, permits the construction of any use accessory to the main use. The accessory structure will not exceed one (1) storey in height and will not be utilized as a dwelling unit or to accommodate a home occupation.

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

The proposed accessory structure will satisfy all building regulations prescribed in the R1.1 zoning. The subject property is a large residential property that backs onto a vacant agricultural lot. Although Bylaw 1037 only permits an accessory structure of no greater than 70 square metres (750 square feet), lots within the R1.1 zoning district may have a combination of accessory buildings of no greater than 92 square metres (1000 square feet). This proposal only exceeds this provision by 88 square feet.

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

The owners have proposed a façade design that will match the exterior materials used in the dwelling. The structure will be set far back from the neighbouring properties and from the view of the street. The variance will not result in any disruptions to traffic or parking patterns.

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

The subject property is considerably larger than the average lot in residential district 1.1, but is subject to the building regulations of that district. More storage space is required to accommodate the family's personal vehicles, and equipment needed for the care of the owner's special needs daughter.

#### Internal and External Agency Comments:

Internal departments were circulated. No comments or objections on the proposal were received.

External agencies were circulated. One (1) comment was received from the Essex Region Conservation Authority (ERCA). They had no objections.

#### Public Comment

As a result of the giving of public notice, no correspondences were received as of September 10, 2020.

**Action:**

To be determined by Committee

**Additional comments resulting from circulation:**

**Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote**

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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).

We have no objections to the application with respect to our natural hazards or regulatory perspective.

**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 Stormwater Management (PPS, 2014)**

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**

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 as outlined in Section 2.1 of the

PPS. 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 as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

**FINAL RECOMMENDATION**

Therefore, we have no objection to this application

**Discussion:**

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

**(CAO-2020-09-62)** That application A-21-20 be granted to construct a  $\pm$  101 square metre (1088 square foot) accessory structure.

**“Carried”**

**Reasons for Decision:**

The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

**5.5 Corinne Chiasson, Assistant Planner RE:**

**Application A-17-20 Paul & Eva Antonel 581 County Road 50 East (Colchester South, Ward 3) (Previously deferred at August 18<sup>th</sup> Meeting)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 581 County Road 50 East in the former township of Colchester South (Ward 3). The applicants are proposing to construct a  $\pm$  126.5 square metre garage addition to the existing dwelling. As a result, the required exterior side yard width would be reduced to  $\pm$  1.2 metre (4 feet). The required exterior side yard width for exterior lots within the Residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 4.5 metres (15 feet). Thus the applicants are requesting  $\pm$  3.3 metre (11 foot) reduction in the exterior side yard width

**5.5.1 Public Presentations (if any)**

**Corinne Chiasson, Assistant Planner wrote:**

Official Plan Designation: “Lakeshore Residential”

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

An application for minor variance has been submitted for the lands located at 581 County Road 50 East in the former township of Colchester South. The subject property is designated

"Lakeshore Residential" under the Town's 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 construct a +126.5 square metre addition to the existing dwelling to accommodate an accessory use (an attached garage). As a result, the required exterior side yard width will be reduced to +1.2 metres (4 feet) from the private road right-of-way of Poplar Bluff Drive.

An *exterior side yard* is defined under Bylaw 1037 as a side yard of a corner lot between an *exterior side lot line* and the nearest wall of a main building on such lot. An *exterior lot line* is defined as a lot line which parallels and abuts a street. The required exterior side yard width for lots within Residential District 1.1 under Bylaw 1037 is 4.5 metres (15 feet), thus, the applicants are requesting a +3.3 metre (11 foot) reduction in the exterior side yard width.

This application was heard at the August 18<sup>th</sup>, 2020, Committee of Adjustment meeting. Committee members deferred decision on the application at that time pending submission of a site plan which depicts two (2) bay doors on the west side only. The owner has submitted two (2) new site plans to be considered by the Committee.

The preferred option, "Proposal A", shows the garage addition having 2 garage doors only located on the west side. "Proposal B" shows the garage doors only located on the north and south sides of the addition. Should the Committee have concerns regarding the reduction of the exterior side yard setback distance, or the proximity of the garage doors to the private road right of way, the applicant asks that "Proposal B" be considered by the Committee as a possible alternative solution.

#### Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

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

A single detached dwelling is a permitted main use for lands designated "Residential" and under the R1.1 zoning district. An accessory use is defined as use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. In accordance with Bylaw 1037, an accessory use may be situated within the main building (dwelling).

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The garage addition will support the main use of the property which is for residential purposes. The garage addition will be located on the west side of the dwelling to satisfy County Road 50 setbacks, and Town of Essex front yard and rear yard setbacks. The addition to the dwelling will also fall within the lot coverage provisions for the R1.1 zoning district.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* Neighbouring residential properties contain attached and detached structures of relative size and use. The variance will allow access off Poplar Bluff Drive, a private road, as opposed to County Road 50, a highly travelled public road with cycling infrastructure. The owner has obtained permission to have a driveway access off of Polar Bluff Drive from the Poplar Drive Homeowners Association. The site plan provided ensures setbacks from the intersection of County Road 50 and Poplar Bluff Drive are maintained and do not affect traffic patterns;

d) *The variance deals with circumstances particular to the site and development:* Due to the configuration of the Poplar Bluff Drive road right-of-way allowance, County of Essex setbacks for County Road 50, and the Town of Essex exterior side yard setback provision of 4.5 metres (15 feet), development on the west side of this dwelling is very restrictive.

The proposed 1.2 metre (4 foot) setback from the property line to the addition is a typical setback for interior lots (lots that are not corner lots).

Although this relief would allow the southern corner of the addition to be 4 feet from the road allowance, the majority of the addition meets the 15 foot exterior side yard width.

As a condition of approval, no openings to accommodate vehicular ingress and egress will be permitted within 6 metres (20 feet) of the exterior side lot line to satisfy road safety concerns.

#### Town of Essex Internal Department Comments

Comments were received from Kevin Girard, Director, Infrastructure Services. He stated the following:

"I am amicable to accepting the 25' x 50' garage addition with a minor variance for reduction in exterior side yard to 4'. This proposal would meet the criteria specified to allow for a 20 metre right of way for Poplar Bluff Drive. We would require proof of permitted access to Poplar Bluff Drive from the homeowner's association. Driveway access beyond 25 feet wide should not be permitted within the road right of way."

In response, proposed conditions of approval will stipulate that the driveway access will be no wider than 7.5 metres (25 feet).

Comments were received from Kevin Carter, Chief Building Official and Manager of By-law Enforcement. He had no objections.

#### Public and Agency Comments

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

As a result of the recirculation of the public notice, no phone calls or written correspondence were received from members of the public as of Thursday September 10, 2020.

**Actions:**

The following conditions of approval are proposed:

- a) The minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet);
- b) Driveway accesses will be no wider than 7.5 metres (25 feet);

**Additional comments resulting from circulation:**

**Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote**

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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 Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. To date, our office has not received an application for permit to review.

**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 Stormwater Management (PPS, 2014)**

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**

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 as outlined in Section 2.1 of the

PPS. 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 as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

**FINAL RECOMMENDATION**

ERCA has no objection to the application for minor variance.

**Kristopher 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. 50. 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. 50. 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. Thank you for your assistance and cooperation in this matter.

**Discussion:**

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Moved by: Dan Boudreau

Seconded by: Ray Beneteau

**(CAO-2020-09-63)** That application A-17-20 be granted the reduction in the exterior side yard width from 4.5 m (15 feet) to  $\pm$  1.2 metre (4 feet) in order to construct an attached garage addition.

**Actions:**

The following conditions of approval are proposed:

- a) The minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet);
- b) Driveway accesses will be no wider than 7.5 metres (25 feet);

**“Carried”**

**Reasons for Decision:**

The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

**6. Unfinished Business**

None

**7. Correspondence**

None

**8. New Business**

**8.1 B-26-19 Dan Digiovanni Condition Change (9531 Walker Road)**

Rita Jabbour, Manager of Planning, explain to the members that applicant Dan Digiovanni for application B-26-19, 9531 Walker Rd is requesting that condition (f) be amended to allow for the rear wall of the garage be reduced by 4ft to accommodate the side yard requirement. .

Ray Beneteau asks if the Chief Building Official, Kevin Carter, has reviewed the applicant's proposal.

She states that he has and that the drawings the applicant provided have been approved with the Chief Building Officials stamp.

Moved by: Phil Pocock

Seconded by: Ray Beneteau

**(CAO-2020-09-64)** That Condition (f) on application B-26-19 (9531 Walker Road) be granted to amend condition (f) to that the rear wall of the garage be permitted to have a 4ft reduction to accommodate the side yard requirements.

**"Carried"**

**9. Notices of Motion**

None.

**10. Adjournment**

Moved by: Ray Beneteau

Seconded by: Brian Gray

**(CAO-2020-09-65)** That the meeting be adjourned at 5:30 p.m.

**"Carried"**

**11. Next Meeting**

**11.1** October 20<sup>th</sup>, 2020 Virtual Zoom Meeting at 4:00 p.m.

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Chair

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Secretary-Treasurer