



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

August 20, 2024, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

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

Also Present: Rita Jabbour, Manager, Planning Services
Ian Rawlings, Junior Planner
Marsha Buchta, Recording Secretary

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

1. Call to Order

The Chair, Phil Pocock, called the meeting to order at 4:58 p.m.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Committee of Adjustment Meeting Agenda for August 20, 2024

COA24-08-51

Moved By William Baker, Vice Chair
Seconded By Dorene Lester

That the published agenda for the August 20, 2024, Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for June 18, 2024

COA24-08-52

Moved By William Baker, Vice Chair

Seconded By Dorene Lester

That the minutes of the Committee of Adjustment meeting held June 18, 2024, be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 B-15-24 2701916 Ontario Inc (c/o Brad Gyori) 255 Laird Avenue

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 255 Laird Avenue, in Essex Centre. The applicants are proposing to sever a ± 291 square metre (3,132 square foot) parcel from the existing ± 578 square metre (6,220 square foot) residential lot. The retained residential lot is proposed to have an area of ± 287 square metres (3,087square feet). The applicant is proposing this consent for the creation of one (1) residential lot to accommodate a *Semi-Detached Dwelling Unit*.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department, whereby Administration recommends the approval of the application with the conditions specified. Brad Gyori, Applicant, was available to speak to the application.

Mr. Matthew Child questioned the sequencing of events as the duplex is currently being constructed.

Mr. Rawlings clarified that specifically for Semi-Detached Dwelling Units, the preference is for the foundation to be completed prior to obtaining the Survey as the common wall is a key component and must be accurately depicted. This sequence ensures that separate services for water, sanitary and driveway accesses are included as conditions of the severance.

COA24-08-53

Moved By Dorene Lester

Seconded By William Baker, Vice Chair

That application B-15-24 be approved to create a residential lot accommodating a Semi-Detached Dwelling Unit by severing a ± 291 square metre (3,132 square foot) parcel from the existing ± 578 square metre (6,220 square foot) residential lot. The retained residential lot will have an area of ± 287 square metres (3,087square feet). The severance will be subject to the following conditions:

1. That a draft reference plan prepared by an Ontario Land Surveyor, be submitted to the Town of Essex Secretary-Treasurer for review. Once the draft is reviewed and deemed acceptable, the reference plan can be numbered, dated, signed and registered. A copy of the registered plan is required to be sent to essexplanning@essex.ca prior to the issuance of the consent certificate;
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 to the satisfaction of the Town and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
6. That the applicant pays the applicable development charges and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
7. That the applicant install separate water and sanitary connections for the retained and severed lot prior to the stamping of the deeds and/or issuance of the certificate;
8. That the applicant install separate accesses for the retained and severed lot prior to the stamping of the deeds and/or issuance of the certificate;
9. That all of the above conditions be fulfilled on or before August 20, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-15-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

Carried

6.2 A-13-24 James Manning & Cindy Ross 332 Laird Avenue

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 332 Laird Avenue, in Essex Centre. The applicants are looking to construct a two (2) storey accessory building with a total building height of 7.02 metres (23.05 ft) and a gross floor area of 178.0 square metres (1,916 sqft). Therefore, the applicants are requesting relief from the following sections of Zoning By-law 1037 to permit the accessory building:

- Section 14.1 b) v. which limits the maximum building height of an accessory building to one (1) storey,
- Section 14.1 b) x. which limits the size of an accessory building and combination of accessory buildings to 70 square metres (750 sqft) and 92 square metres (1,000 sqft) respectively.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department, whereby Administration recommends the approval of the application with the conditions specified. Mr. Rawlings read letters received from the public:

Roy and Maribeth Koster opposed the application and detailed their concerns for size, height, use, drainage, fire access and setting precedence.

Tracey Moroze and George Gabriel are also opposed and detailed concerns of height, flooding causing landscape damage, size of structure, backyard view, fire access and future precedence setting.

Leslie Holmes is in full support of the application and feels she would be the most effected by the building structure.

Mr. James Manning spoke to the application and advised he took into consideration the character of the neighbourhood prior to moving forward with the variance. He detailed the many two-storey homes and five storey apartment building on Laird Avenue.

Mr. Shawn Connelly advised he had complained through report a problem and wanted to address several concerns with the proposed structure. He's concerned about fire access to the rear lot. Flooding of several Iler lots occurs every spring and building such a large structure, will add to this issue.

Matthew Child advised he was unsure if the variance was minor and if it was compatible with the established character of the neighbourhood. He chose the block as the area in question to be considered the neighbourhood, from Milne to South Talbot including 30 homes. There are two other two-story accessory structures and 2 homes that are two storey, within that area. He also doesn't believe the variance is minor based on the total square footage requested.

William Baker specified his concerns with building height and footprint and doesn't believe the variance is minor.

Application A-13-24 will be brought back for Committee of Adjustment consideration at the October 16, 2024 meeting.

Moved By Dorene Lester
Seconded By William Baker, Vice Chair

That application A-13-24 be approved with the requested relief from section 14.1 b) v. which limits the maximum building height of an accessory building to one (1) storey, and section 14.1 b) x. which limits the size of an accessory building and combination of accessory buildings to 70 square metres (750 sqft) and 92 square metres (1,000 sqft) respectively.

Defeated

7. Adjournment

COA24-08-54

Moved By William Baker, Vice Chair
Seconded By Dorene Lester

That the meeting be adjourned at 5:57 pm.

Carried

8. Future Meetings

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

Chair

Recording Secretary