



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

October 16, 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: Ian Rawlings, Junior Planner
Marsha Buchta, Recording Secretary
Lori Chadwick, Director, Development Services

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 5:01 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 October 16, 2024

COA24-10-55

Moved By William Baker, Vice Chair
Seconded By Dorene Lester

That the published agenda for the October 16, 2024 Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for August 20, 2024

COA24-10-56

Moved By Dorene Lester

Seconded By Matthew Child

That the minutes of the Committee of Adjustment meeting held August 20, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 A-13-24 James Manning & Cindy Ross, 332 Laird Avenue, Essex Deferred

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.

On Tuesday August 20, the Town of Essex Committee of Adjustment heard Minor Variance application A-13-24. Following a presentation by Staff, and public delegations by the applicant and members of the public, a motion to approve the application was made by a member of the Committee but did not receive a majority of support to be granted. No further motion was made on the application. Therefore, the application has been deemed **“deferred”** and must be brought back to the Committee of Adjustment for a decision.

Ian Rawlings, Junior Planner, provided a brief overview of Application A-13-24. As no decision was formally made during the last meeting held August 20, 2024, the Application was deferred and brought back. Mr. James Manning spoke to the Committee advising he chose to revise the plans to permit a one-storey structure with a building footprint of 96.6 square metres. All set back requirements are met with the amended site plan.

Mr. Shawn Conley advised there are flooding problems in the area; he was not in support of the application and would like the matter referred to Council.

COA24-10-57

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) 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, subject to the following Condition:

1. That, prior to the issuance of a building permit, that the two (2) accessory structures located in the rear yard be removed/demolished/brought into compliance with the Zoning By-law.

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

6.2 A-15-24 Town of Essex (c/o Jake Morassut) 33 Talbot Street South

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 33 talbot Street South, Essex Centre, Ward 1. The applicants are proposing to construct an addition to the existing structure currently used as the Town Hall Facilities. The proposed addition will be two (2) storeys with a total building height of 7.49 m and a building footprint of 528.37 sqm. The addition will be located 1.48 m from the exterior rear lot line. Therefore, the applicant is requesting relief from subsection 17.2 b) vi which states that a rear yard depth minimum must be 7.5m from an exterior rear lot line.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department, whereby Administration recommended the approval of the application. The building is Split Zoning but falls within the I 1.2 provision which requires 7.5 m rear yard setback. The encroachment will be the same as is existing. Chair Pocock questioned parking requirements. Ms. Chadwick clarified that the Zoning By-law requires 41 parking spaces. Mr. Morassut advised there are 70 staff members, current site plans provide parking for each staff member.

COA24-10-58

Moved By Danny Sauve

Seconded By William Baker, Vice Chair

That application A-15-24 be approved with the requested relief required from subsection 17.2 b) vi which states that a rear yard depth minimum must be 7.5 m from an exterior rear lot line.

Reason for the Decision:

1. The general intent of the Town of Essex Official Plan is maintained;
2. The general intent of the Zoning Bylaw is maintained;

3. The variance(s) is minor;
4. The variance(s) is desirable for the appropriate use of the land;
5. The variance is compatible with the established character of the neighborhood, traffic and parking patterns
6. The variance deals with circumstances particular to the site and development.

Carried

6.3 B-17-24 Joseph Paul Grondin, 1172 South Malden Road

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1172 South Malden Road, former Colchester North, Ward 2. The applicant is proposing to sever a ± 0.16 ha (0.4 acre) parcel from the existing ± 19.38 ha (47.9 acres) agricultural lot to be added to the adjacent property identified as 1184 South Malden Road. The retained agricultural lot is proposed to have an area of ± 19.22 ha (47.5 acres). The applicant is proposing this consent for the purposes of a lot addition.

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.

Mr. Baker questioned how an accessory structure was built on 1172 South Malden Road and utilized by 1184 South Malden.

Mr. Joe Grondin informed the Committee that his sister owns the property which will acquire the lot addition housing the accessory structure.

COA24-10-59

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That application B-17-24 be approved to sever a ± 0.16 ha (0.4 acre) parcel from the existing ± 19.38 ha (47.9 acres) agricultural lot to be added to the adjacent property identified as 1184 South Malden Road, 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. That the severed parcel be consolidated with the lands known as 1184 South Malden Road. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;
6. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
7. That all of the above conditions be fulfilled on or before October 16, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-17-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents" and subsection 6.5 respecting "Consents in Areas Designated Agricultural".

Carried

6.4 A-14-24 Joseph Paul Grondin, 1172 South Malden Road

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1172 South Malden Road, former Colchester North, Ward 2. As a result of a consent application for the purpose of a lot addition on the subject lands, the lot area for the retained parcel will be reduced from ± 19.38 ha (47.9 acres) to ± 19.22 ha (47.5 acres). 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.

COA24-10-60

Moved By Dorene Lester

Seconded By Matthew Child

That application A-14-24 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 ± 19.38 ha (47.9 acre) to ± 19.22 ha (47.5 acres) respectively.

Reason for the Decision:

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

Carried

7. Adjournment

COA24-10-61

Moved By Dorene Lester

Seconded By Danny Sauve

That the meeting be adjourned at 5:36 p.m.

Carried

8. Future Meetings

Tuesday, November 19, 2024, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex.

Chair

Recording Secretary