



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

November 19, 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

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto: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 November 19, 2024**

**COA24-11-62**

Moved By William Baker, Vice Chair

Seconded By Dorene Lester

**That** the published agenda for the November 19, 2024 Committee of Adjustment Meeting be adopted as amended, adding the future meeting under section 8.0.

**Carried**

**5. Adoption of Minutes**

**5.1 Committee of Adjustment Minutes for October 16, 2024**

**COA24-11-63**

Moved By Dorene Lester

Seconded By Matthew Child

**That** the minutes of the Committee of Adjustment meeting held October 16, 2024 be adopted as circulated.

**Carried**

**6. Reports from Administration/Applications**

**6.1 A-16-24 133 Laird Avenue - 1000836172 Ontario Inc. c/o Daniel Croft, Agent: Lassaline Planning Consultants c/o Jackie Lassaline**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 133 Laird Avenue, Essex Centre, Ward 1. The applicant is looking to construct a three (3) storey apartment building with a total of nine (9) dwelling units. The apartment building will have a total height of 9.6m (31.5ft), and a gross floor area of 790sqm (8,505sqft). The apartment building will be located 3.42m (11.25ft) from the southern interior lot line, and 3.05m (10ft) from the northern interior lot line. The apartment building will have six (6) balconies encroaching up to a maximum of 1.2m (4ft) into the required northern interior side yard. Therefore, the applicant is requesting relief from the following sections of the Zoning By-law, By-law 1037:

- Section 16.1 b) viii) which requires a side yard width minimum of 6m (20ft) where a habitable room window of any dwelling unit faces a side lot line.
- Section 9.5 c) which permits balconies to encroach into a required side yard to a maximum depth equal to 25% of the required side yard width

Ms. Jackie Lassaline noted the balconies face the parking lot and have 300 metres distance separation from the apartment building to the North, therefore, infringement would be minimal. The West side will have a 6' privacy fence installed.

Gordon Wright of 138 Laird questioned the amount of parking spaces available for residents and visitors. The 2 apartment buildings existing do not have enough parking, causing many cars to park on Laird and Victor.

Mr. Rawlings explained the existing apartment buildings were constructed prior to the current parking regulations of the Zoning By-law. As a result of the traffic issues residents experienced, traffic studies were completed, which signaled the need for parking regulations. This new structure will be required to provide more parking as a result. Any issues with traffic and parking for the existing apartments should be documented under Report A Problem for review by the Infrastructure Department.

Ms. Rita Rocheleau of 137 Laird specified concerns with parking, privacy, noise and property values.

Mr. Matthew Child took into consideration comments received from a resident regarding drainage and questioned how the stormwater will be managed at this site.

Ms. Lassaline explained that stormwater will be connected to current infrastructure and will be considered and approved through infrastructure prior to the issuance of a building permit.

**COA24-11-64**

Moved By Matthew Child

Seconded By Dorene Lester

**That** application A-16-24 be approved to construct a three (3) storey apartment building as presented in the application with the requested relief from Subsection 16.1 b) viii) & Subsection 9.5 c), subject to the following conditions:

1. That the applicant constructs a continuous privacy fence along the southern interior lot line, as indicated in the Engineered drawings stamped by George Mikhael, and dated June 18, 2024, prior to the issuance of a Building Permit, to a standard satisfactory to the Chief Building Official.

**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 B-18-24 687 Beach Street - Maria Francisco c/o Joe Francisco**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 687 Beach Street, former Colchester South, Ward 3. The applicants are proposing to sever a  $\pm 94.42$  sqm (0.023 acre) parcel from the existing  $\pm 1,131$  sqm (0.279 acre) residential lot to be added to the adjacent property identified as 685 Beach Street. The retained residential lot is proposed to have an area of  $\pm 1,036.58$  sqm (0.256 acres). The applicant is proposing this consent for the purposes of a lot addition.

**COA24-11-65**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** application B-18-24 be approved to sever a  $\pm 94.42$  sqm (0.023 acre) parcel from the existing  $\pm 1,131$  sqm (0.279 acre) residential lot to be added to the adjacent property identified as 685 Beach Street, subject to the following conditions:

1. That a draft reference plan prepared by an Ontario Land Surveyor, be submitted to the Town of Essex for review. Once the draft is reviewed and deemed acceptable, the reference plan can be numbered, dated, signed and registered.

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, 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 685 Beach Street. 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 all of the above conditions be fulfilled on or before November 19, 2026, as per Section 53 (41) of the Planning Act, R.S.O. 1990.

**Reason for Decision:**

That Application B-18-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

**Carried**

**7. Adjournment**

**COA24-11-66**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** the meeting be adjourned at 5:48 p.m.

**Carried**

**8. Future Meetings**

Tuesday, December 17, 2024, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex.

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Chair

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Recording Secretary