



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

December 17, 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
Cheyenne Mailloux, Heritage & Planning Intern

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

Phil Pocock, Chair, called the meeting to order at 4:59 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 December 17, 2024

COA24-12-67

Moved By William Baker, Vice Chair

Seconded By Danny Sauve

That the published agenda for the December 17, 2024 Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for November 19, 2024

COA24-12-68

Moved By Dorene Lester
Seconded By Matthew Child

That the minutes of the Committee of Adjustment meeting held November 19, 2024 be adopted as circulated.

Carried

6. Reports from Administration/Applications

6.1 A-12-24 110 Santa Ana Avenue - Dennis Tuffin

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 110 Santa Ana Avenue, former Colchester South, Ward 3. The applicant is looking to construct an additional dwelling unit that is 31.26sqm (336sqft) in gross floor area to be located 1.53m (5ft) from the rear lot line. Therefore, the applicant is requesting relief from section 8.15 c) xi) of the Zoning By-law which states: *an Additional Dwelling Unit located in a detached accessory or ancillary building shall be permitted in a rear yard, except in a required rear yard.* The subject property is zoned Residential District 1.1 which requires a minimum rear yard depth of 7.5m (25ft).

Mr. Danny Sauve questioned circulation of notices with regard to the Canada Post strike. Ms. Buchta advised an alternate courier service was utilized.

COA24-12-69

Moved By Dorene Lester
Seconded By Danny Sauve

That application A-12-24 be approved to construct an additional dwelling unit that is 31.26sqm (336sqft) in gross floor area, to be located 1.53m (5ft) from the rear lot line with the requested relief from section 8.15 c) xi) of the Zoning By-law for minimum yard depth, subject to the following condition:

- 1. That the applicant applies for a building permit.

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-19-24 32 Maple Avenue - Claudio Medeiros

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 32 Maple Avenue, Harrow, Ward 4. The applicants are proposing to sever a \pm 942 sqm (10,146 sqft) parcel from the existing \pm 2,174 sqm (23,401 sqft) residential lot to be added to the adjacent property identified as 0 King Rear Alley (ARN: 375495000003600). The retained residential lot is proposed to have an area of \pm 1,232 sqm (13,255 sqft). The applicant is proposing this consent for the purposes of a lot addition.

COA24-12-70

Moved By Matthew Child

Seconded By William Baker, Vice Chair

That Consent application B-19-24 to sever a \pm 942 sqm (10,146 sqft) parcel from the existing \pm 2,174 sqm (23,401 sqft) residential lot for the purpose of a lot addition, to be merged with the adjacent property identified as 0 King Rear Alley (ARN: 375495000003600) be approved, 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 0 King Rear Alley (ARN: 375495000003600). 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 December 17, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-19-24 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

Carried

7. New Business

7.1 Adoption of the 2025 Committee of Adjustment Meeting Schedule

COA24-12-71

Moved By William Baker, Vice Chair

Seconded By Matthew Child

That the 2025 Draft Meeting Schedule be adopted as presented.

Carried

7.2 Election of Chair 2025 Committee Season

COA24-12-72

Moved By Matthew Child

Seconded By Dorene Lester

That Phil Pocock be nominated for the position of Chair of the Committee of Adjustment for the 2025 calendar year effective January 2025.

Carried

7.3 Election of Vice Chair 2025 Committee Season

COA24-12-73

Moved By William Baker, Vice Chair

Seconded By Phil Pocock, Chair

That Danny Sauve be nominated for the position of Vice Chair of the Committee of Adjustment for the 2025 Calendar year effective January 2025.

Carried

8. Adjournment

COA24-12-74

Moved By William Baker, Vice Chair

Seconded By Matthew Child

That the meeting be adjourned at 5:33 p.m.

Carried

9. Future Meetings

Tuesday, January 21, 2025, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex

Chair

Recording Secretary