

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday October 20th, 2020

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, October 20th, 2020 at 4:00 PM via Virtual Zoom Meeting.

1. Roll Call:

Members Present	Percy Dufour, Chair Brian Gray, Vice Chair Phil Pocock Ray Beneteau Dan Boudreau
Also Present	Corinne Chiasson, Secretary Treasurer /Assistant Planner Rita Jabbour, Manager, Planning Services Sarah Aubin, Planning Assistant, Recording Secretary Lori Chadwick, Director of Development Services Sara Smith, IT Technician
Members of the Public	Jerry Goldberg Fay Hermann James Mathies Paul & Tawnie Scott Edwin Hooker Josh Beaudoin Brad Robitaille Harold Hayes Jr Daryl Hermann

2. Declaration of Conflict of Interest

None

3. Adoption of Published Agenda

3.1 That the published agenda for the October 20th, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Dan Boudreau

Seconded by: Brian Gray

(COA-2020-10-66) That the published agenda for October 20th, 2020 be adopted as presented

“Carried”

4. Adoption of Minutes

4.1 That the minutes of the September 15th, 2020 Committee of Adjustment meeting be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(COA-2020-10-67) That the Regular Minutes from the Committee of Adjustment Meeting of September 15th, 2020 be adopted as circulated.

“Carried”

5. Reports / Applications

5.1 Corinne Chiasson, Assistant Planner RE:

Application A-22-20 Michael Reaume (Agent: Brad Robitaille) 15467 County Road 8 (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 15467 County Road 8 in the former Township of Colchester North. The applicants are proposing to construct a +432 square foot carport to the rear of the property. As a result, the required rear yard depth will be reduced to + 11 feet. The minimum required rear yard depth for properties within the A1.1 zoning district is 15 metres (50 Feet). Thus the applicants are seeking a variance of ± 11.8 metres (39 feet).

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

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 15467 County Road 8 in the former Township of Colchester North. The applicants are proposing to construct a +432 square foot carport to the rear of the property. As a result, the required rear yard depth will be reduced to + 11 feet and align with the existing south wall of the dwelling. The minimum required rear yard depth for properties within the A1.1 zoning district is 15 metres (50 Feet). Thus the applicants are seeking a variance of ± 11.8 metres (39 feet).

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 single detached dwelling is a permitted main use in the Agricultural District under the Town of Essex Official Plan and Zoning Bylaw, Bylaw 1037. Any use accessory to the main use, such as a carport, is permitted either as a completely separate standalone structure or attached to the main use.

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

The car port will be in line with the existing dwelling. The existing dwelling is setback 11 feet from the rear lot line.

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

The new car port will be located at the rear of the dwelling, and will not be any closer in proximity to any public road, or cause any changes to the existing driveway. The current driveway is a shared driveway with their neighbouring family members who live at 15465 County Road 8. No changes to this configuration is proposed.

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

The owners have identified that the proposed car port is necessary to further aid the owner in accessibility. The car port will be open walled but will shelter a wheelchair ramp from the elements. This will also assist the applicant for ingress and egress from this vehicle sheltered from the elements. The applicant requires this variance because the car port needs to line up and shelter the existing rear entrance to the dwelling.

Public and Agency Comments

Upon circulation of the public notice we did not receive any comment as of October 15th, 2020.

Internal departments were circulated, and we did not receive any 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:

Vitra Vimalananthan, Resource 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 Colchester Townline Drain. The property owner will not require a Permit from the Essex Region Conservation Authority for this specific development.

This letter serves as clearance from Essex Region Conservation Authority for the addition of the carport.

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 of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photographs, ERCA has no concerns in relation to stormwater, natural hazards or natural heritage for this application. Therefore, ERCA has no objection to this application for Minor Variance.

Discussion:

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

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-10-68) That application A-22-20 be **granted** the reduction in the rear yard depth from 15m (50 feet) to + 3.4 metre (11 feet) in order to construct a carport

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”

5.2 Corinne Chiasson, Assistant Planner RE:

Application A-23-20 Harold Hayes (Agent: Harold Hayes Jr) 94 Langtry Street (Essex Centre, Ward 1)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located 94 Langtry Street in Essex Centre. The applicants are proposing to construct a ± 990 square feet accessory structure. An accessory structure is limited to 70 square metres (750 square feet) under Town of Essex Zoning Bylaw, Bylaw 1037, in Residential District 2.1. Therefore the applicants are requesting a variance of ± 240 square feet for the proposed accessory structure

5.2.1 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 94 Langtry Street in Essex Centre. The applicants are proposing to construct a ± 92 square metres (990 square feet) 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. **The applicants are therefore requesting a variance of 22 square metres (± 240 square feet) for the proposed 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 the following items:

- family vehicles
- yard and garden maintenance equipment
- recreational vehicles
- 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 other building regulations prescribed in the R1.1 zoning. 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).

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

The variance will not result in any disruptions to traffic or parking patterns. Rear yard drainage will be the responsibility of the owner. The existing driveway will be utilized to access the accessory building.

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

More storage space is required due to limited storage space in the dwelling. The proposed accessory structure is comparable in size to other accessory structures in the neighbourhood that have also received similar approval through the Committee of Adjustment. One of these structures is located directly opposite the road from the subject property (A-02-19 – 101 Langtry).

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 October 15, 2020.

Action:

To be determined by Committee

Comments were received from the public on October 19, 2020 by Daryl Hermann who resides at 105 Westlawn Drive.

I would like to register to speak as a delegate during the Committee of Adjustment on Tuesday October 20th, 2020 at 4:00PM

I have concerns with the Minor Variance Application File Number: A-23-20 for 94 Langtry Street (Essex Centre, Ward 1)

The "Proposed Building" according to the application submitted shows some concerns that I would like to inform all members of this delegation and advise them to pay specific attention to detail when reviewing this application. Also please take note that this building does not in any way shape or form being used in whole or in part for a dwelling unit. **Thus should NOT be passed on simple merit of the province's plan for Ontario to promote more affordable housing.**

When reviewing the drawing in the application and comparing it to the Essex GIS Mapping tool I have determined the following:

It shows the proposed building has a side and rear yard setback of 4 ft off of the lot line. If you look closely at the drawing it shows that the lot line is right against the neighbour's house. Where is the neighbour's house setback on this drawing? It appears that there is no setback at all. Now if you look at the attached photos from the Town of Essex GIS mapping, the building lot property lines do not reflect what is proposed on the print submitted. They actually show that the property lines are completely shifted. Where the owner of 94 Langtry driveway is located is actually more than 6ft on the neighbouring property. There appears to be significant differences between these calculations and **I believe a survey should be done to show the true property lines before building any structure of any type or size.** I did a quick measure with a tape wheel and found that this is true and should be held as a major concern prior to building anything at all on this property.

I also have a concern with the size of the building. The lot is approximately 6,000 sq ft. The existing house is approximately 1,500 sq ft. The proposed structure is 990 sqft. Given the maximum lot coverage for a 50 ft wide lot is 40% this would be a total building envelope of 2,400 sq ft, this would be over the maximum allowance, nonetheless the by-law only allows for a maximum accessory building size of 750 sq ft.

Another concern with building any accessory building in the location shown on the submitted application is that it shows that the owner's driveway is actually the neighbour's property and they would not have access to this large structure in the rear of the yard. This would be a significant issue in accessing this structure for building it, servicing it, and in life safety matters such as fire fighting. What will be the primary use for this large structure? and how will it impact neighbouring properties with the concern for life safety.

Also I have concerns with access for ELK to the hydro poles that run on the property line 4ft away from this structure. How will they be able to service the lines?

How will the water runoff be controlled and managed? There is no rear yard drain on the mentioned property. The neighbour already has a pole barn and this is a concern every time it rains, their yard floods and is constantly damp. This promotes mosquito activity!

Regardless of the above issue, I also have a concern with the continuance of allowing such "Pole Barn" type structures built in the town R1.1 zones. These structures raise several concerns. They are high risk for a completely residential neighborhood. These structures never match any of the existing house facade thus standing out like a sore thumb "Tin Box" and have no curb appeal to promote a growing community that is appealing to new residents. They are out of character in a residential community. They also typically do not comply with property standards, promoting excess storage on the property and promoting commercial activity in a residentially zoned area. The structures are typically constructed of corrugated metal siding and roofs which reflects solar radiation from the sun. They are not long lasting and are a lower valued structure. They are large and typically taller than the allowed 1 storey height of 13 ft. The weather can cause issues; when it rains the water droplets make a loud ting sound that can be heard several properties away however more concerning is when it snows, the snow tends to fall off in large sheets. This can be a concern for the neighbour since the side and rear setbacks are 4 ft and due to the pitch of the roof the snow will all hit a neighbouring property causing property damage. They typically are used to store vehicles or other items. They promote commercial activity. They typically are used as shops and when people are working inside them the sound is loud and exceeds noise by-laws.

Before voting on this matter. I would like you to really put yourselves in the shoes of the affected residents of this town. Picture living on a nice normal street or newly developed subdivision and a structure like this was erected 4ft off your backyard property line exceeding 25 ft wide and 20 ft in the air at the highest point. You're out on your back deck and this is what you have to look at 10-20 feet away. How will this affect your property? living and lifestyle, outdoor value, nature, landscaping, growing a garden that gets no sun, feeling the heat reflect off the steel building, hearing the pinging noise created when it rains, snow falling off the roof destroying your property. These are just a few examples... Better yet how would this impact the resale of your home? Would it devalue because of a neighbour having such a structure? Would a potential buyer step out on your back porch and say "Oh this house was perfect, but now that I see this, No way are we putting in an offer!

I also propose in the future that the town of Essex should possibly investigate if these structures should continue to be erected within R1-1 zoning. I have done some research and found that some municipalities have banned them from their long range plan for growth and development within R1-1 zoning. Some municipalities are regulating esthetics of residential homes and accessory buildings in traditional neighborhoods.

Sincerely,

Daryl A. Hermann, MET
Home Address:
105 Westlawn Drive
Essex, Ontario
N8M 1H9

Personal Contact Info:

[REDACTED]

Email: dharm82@gmail.com

Work Contact Info:

[REDACTED]
[REDACTED]

Email: dharmann@citywindsor.ca

SOURCES

The "Proposed Building" does not comply with ESSEX BY-LAW NO.1037

8.5 Home Occupation, Residential

a) Unless otherwise specifically provided in this by-law, a home occupation is a permitted use in a dwelling unit, in any zoning district, provided that it is conducted in accordance with the following regulations:

- iv) there shall be no external storage of materials, goods or equipment related to the home occupation;
- v) there shall be no generation of perceptible noise, odour, fumes or dust outside the dwelling unit;
- vi) it is conducted entirely within the main dwelling, not in a garage or accessory building;

10.3 Accessory Buildings

e) Unless, otherwise specifically provided, a building accessory to a dwelling shall:

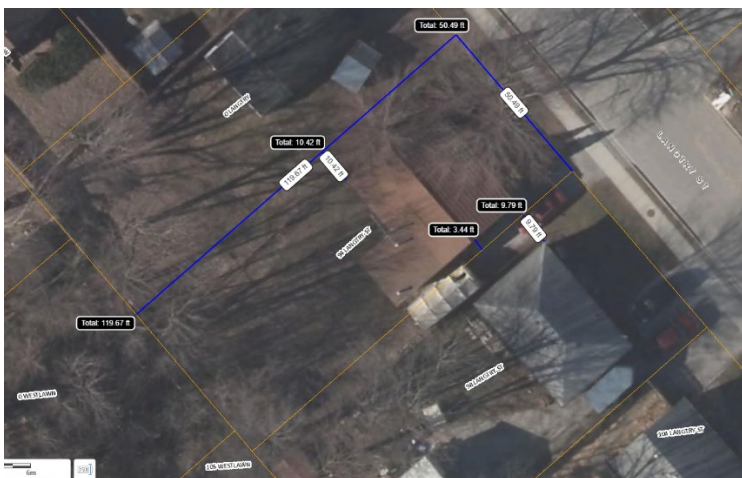
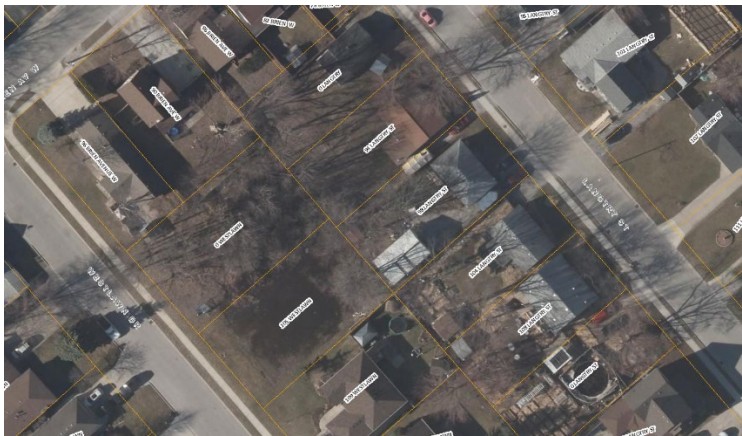
- iv) not have a ceiling height or make provision for a ceiling height of greater than 1.8m (71 inches) within the area enclosed by the roof from the bottom of the eaves to the supporting structure or substructure next above;
- v) and the maximum height of a storey shall be 4m (13ft).

10.4 Special Provisions for Garages and Parking Garages

b) In any Residential District, for a single detached, semi-detached, duplex dwelling or townhome dwelling, the maximum width of an attached garage shall not exceed 60% of the maximum permitted width of the main building on the lot.

ix. No accessory building and combination of accessory buildings shall exceed 70m² (750f²) and 92m² (1000f²) respectively.

Attached are the documents.



Additional comments resulting from circulation:

Vitra Vimalananthan, Resource 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).

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. Based on our review, we have no objection to the application with respect to natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photographs, ERCA has no concerns in relation to stormwater, natural hazards or natural heritage for this application. Therefore, ERCA has no objection to this application for Minor Variance.

Discussion:

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

Ray Beneteau, asks the applicant if accommodations for drainage and appropriates eaves was considered.

Harold Hayes Jr, Applicant, states that they will retain their water runoff and appropriate eaves will be installed.

Phil Pocock states that there is no alley access to the structure and states that the current laneway is small. He states that there are drainage concerns within the neighbourhood currently.

Dan Boudreau states that he is in agreement, the accessory structure is the same size as the current residence and that the smaller lot will be over powered by the structures.

Percy Dufour, Chair, asks if the applicant can build the accessory structure smaller and closer to the 750 sq ft requirement under zoning by-law 1037.

Corinne Chiasson, advises that the applicant is permitted to place up to a total of 1000 sq ft in accessory structures on the property. 750 sq ft for a main accessory structure and 250 sq ft for a secondary accessory structure.

Harold Hayes Jr, applicant, states that the structure has already been paid for in full to the size stated in the application.

Daryl Hermann, 105 Westlawn Drive, states that exceptions for these types of accessory structures has been made within the neighbourhood however they have caused drainage and water retention issues.

Phil Pocock, states that he is not in agreement of such a large accessory structure due to drainage concerns. He states that he would like to see a condition that the applicants tie into the storm sewer to ensure water is not pooling on the property or neighbouring properties.

Rita Jabbour, Manager of Planning, advises that administration has recommended that tie ins to the storm sewer be removed.

Moved by: Ray Beneteau

(CAO-2020-10-69) That application A-23-20 be **granted** to construct a +990 square foot accessory structure and that the applicant retain its water on the subject property.

“Defeated”

Moved by: Phil Pocock

Seconded by: Dan Boudreau

(CAO-2020-10-70) That application A-23-20 be **denied** to construct a +990 square foot accessory structure

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”

Corinne Chiasson, Assistant Planner RE:

5.3 Application B-20-20 Richard and Beverly Bonneau (Agent: Jerry Goldberg) 171 Harvey St (Essex Centre, Ward 1)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 171 Harvey Street in Essex Centre. The applicants are proposing to sever a ± 5100 square foot parcel from the existing $\pm 10,200$ square foot residential lot for the purposes of lot creation. The retained parcel is proposed to have an area of a ± 5100 square foot to accommodate a ± 6.3 metre (20 foot) reduction in the rear yard depth.

Note: An application for minor variance has also been received for the subject lands (File Number: A-24-20). The public notice for the minor variance application has been included with this notice.

5.3.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

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

An application for consent and minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 171 Harvey Street in Essex Centre. The applicants are proposing to sever a ± 5100 square foot parcel from the existing $\pm 10,200$ square foot residential lot for the purposes of creating a new residential lot. As a result, the lot width of both the severed and retained parcels will be reduced to ± 12.95 metres (42.5 feet) and the minimum required side yard width will be reduced to 9 feet and 8.6 feet for the severed and retained lots, respectively.

The minimum required lot width in Residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 15 metres (50 feet). The minimum required side yard width for interior lots within Residential District 1.1 is 3 metres (10 foot) on one side where there is no attached garage or carport, and 1.2 metres (4 feet) on the opposite side.

The applicants are proposing to construct a single family dwelling on the resulting severed and retained lots. A *single detached dwelling* is defined as one (1) dwelling, other than a mobile home, having one (1) dwelling unit, but may also include a second dwelling unit within it. Due to the proposed design of the dwellings, the applicants are requesting a variance to accommodate a reduced side yard width of 9 feet and 8.6 feet for the severed and retained lot respectfully.

Proposal Conformity with 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 also have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The Town of Essex Official Plan encourages infilling within the existing developed areas in areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Residential". Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for minor variance. No further comments were received from other public authorities or agencies as of Thursday October 15, 2020.

c) The continuation of an orderly development pattern:

The proposed lot is comparable in size and in configuration to other lots located along Harvey St, and neighbouring adjacent Thomas Street and Albert Street.

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:

The proposed lot has access to municipal water, and is serviced by storm and sanitary sewers.

Requirement for Minor Variance

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:*

Consents for new development parcels are permitted for lands designated "Residential" under the Town of Essex Official Plan;

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

Lot areas in the Residential district vary greatly. There are lots existing in this neighbourhood that are under the 50 foot frontage provision.

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

The Harvey Street neighbourhood contains single family dwellings. The R1.1 zoning category permits 2nd dwelling units to be located within the main dwelling provided that there are no indications externally of the second dwelling. The applicants are proposing one single family dwelling on the retained lot and on the severed lot, each with a second dwelling unit within the structures. One parking space is required for the main dwelling and one for the 2nd dwelling unit. These parking spaces will be accommodated within the driveways. On street parking is available on Harvey St directly in front of the subject property.

The entrance to the structure must be a single shared entrance. A 10 foot side yard is required on one side of the dwelling where there is no attached garage, the applicants are proposing a 9 foot and 8.6 foot side yard instead.

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

The variance is necessary in order to accommodate the consent application.

Public Comment

As a result of the giving of public notice, we received the following phone calls and written correspondence objecting to the severance, from members of the public as of Thursday, October 16, 2020.

Fay Hermann – 187 Harvey St

Attention: Committee of Adjustment, Town of Essex, Mr. Brian, Dan, Percy and Phil

Please give strong consideration to the tax payer's voices, residing for many years on Harvey Street, strongly opposing severing the already existing one residential lot. File Number A-24-20(B-20-20)

1. There is a shortage of LARGE, affordable homes to accommodate Asian Indians.

Transportation drivers moving from overpriced areas, east of Essex, who accommodate their large family, consisting of grandparents staying together in a loving ONE residential home - their custom OF BEING TOGETHER YET HAVE LARE PRIVAVCY living areas, living a more simpler life with respect of others.

Not excessive noise and additional cars.

2. Dividing this aforementioned property will destroy 4 existing mature trees.

An excellent source of oxygen and nature habitat to the animals.

The government has allocated and has spent in the years 2017 - 2018 of \$1,164.8

million to preserve, maintain, and sustain our environment with planting trees.

Please do not destroy and throw away hard earned taxpayer's money.

3. As Harvey Street is located not far from Sadler's Pond and not far from the former railroad tracks, there are a variety of trees and plants located along the railroad tracks, we have a variety of animals walking down our street, we do not want any disruption of their existing habitats caused by numerous residents and excessive cars travelling and living in a severed lot.

4. Old caving in, existing sewers that have been addressed to council members and past mayors by many living and deceased residents of Harvey Street for a number of years. The repairs have been bandage solutions not resolved.

There has been cave in driveways, a young girl falling down and hurting her ankle from one of the many caved in sewers.

A severed lot will bring it additional people, who knows the number using a compromised, aged system.

5. A severed lot would mean many cars parking on the boulevard, causing excessive noise, Visibility issues, sinking in the sewers to a more destructive situation.

6. Residents of Harvey Street have voiced that the value of their homes will decrease.

Renters, because they have no Interest or assets in the home they rent, can be very destructive with property standards. No cares as to manicuring the lawns, garbage and maintaining the resident.

7. Our homes on Harvey Street are old, historical homes. Allowing this severance, the structure proposed will not be suitable including size and shape for our neighborhood.

The dwellings will not fit with the character of our neighbourhood. The magnitude of the reduction in lot size, in lot area is significant and will result in a set of 2 lots which fail to remain in the character of our old historical homes.

8. There are a number of residents that have built strong, personal rapport with our Harvey Street neighbours over the years, if this severance is passed, in fact 2 residents have said they will sell their homes.

9. The structures, intended to be built will be too close to one another.

Pass history, if neighbours moving in in that close proximity to one another might need constant police presence. Tying up law enforcement for more emergencies.

10. The cost of living is astronomically high. There are many families now searching for a larger home so that they can help split the monthly bills and mortgage payments to accommodate their low wages.

11. A petition has been circulated with over 20 signatures strongly opposing a severance of this property.

I know you can take each point that has been addressed, and turn it around in your favour. However in saying that, please keep in consideration the taxpayers who have lived on Harvey Street for many years.

I know that will be a large income for the lot owner but is money everything.

Thanking you in advance. Sincerely, Fay Hermann

James Mathies (Agent: Dan McCulloch) 181 Harvey St

I, James Mathias, am the home owner of 181 Harvey Street next door east of the applicant's lot at 171 Harvey Street.

I am just now in receipt of the variance notice which was not included in the information that I had previously received.

For this reason I am asking that the hearing of this matter be **DEFERRED** until such time as it can be determined if I was the only one in such a position (highly unlikely) or if others also missed this important information and are under the impression that this is just a simple severance to create 2 lots. The affect of these issues are simply too grievous to just push through without due consideration by all notified parties.

I object to these applications for the following reasons:

1. With respect to the severance I bring to your attention that **there exists many trees** that are fully mature on this lot that would be easily saved if the lot were used for a single family home on the existing 85 foot lot.

The act of severing this lot into two will be the death knell for these trees which form a natural heritage feature in the neighbourhood.

If ERCA has not been made aware of this fact or has not yet provided comments then this is more reason to **DEFER! These trees must be saved!**

2. The variance for two 42.5 foot lot will not be in the character of the neighbourhood. My lot is 65 feet and most lots in the neighbourhood are 50 foot lots with some being larger.

3. The variance of the sideyard widths will reduce the amount of room for vehicle parking with proper allowance for pedestrian bypass and firefighting capability.

4. The architectural style of the homes being presented clearly allows for a triplex dwelling.

Although there is no application before this committee for such a matter it will surely become a triplex in the future by way of future applications with the present application being the **thin edge of the wedge**.

Even a dual occupancy on these lots will require 4 car parking spaces per lot being 8 cars trying to cram into this area.

The roads are not designed for this and have no curbs and gutters for street parking which will lead to spillover onto the front yards.

New intensified development should take place on new roads or roads that have been properly designed with poor planning.

Imagine when this becomes the triplex for which it is clearly designed - up to 12 vehicles or more jockeying for a space on driveways designed for single family use.

5. With respect to a double rental unit, the allowance in today's laws that say that a single family home can be used for rental accommodations for one additional occupancy was not written with the purpose in mind of new home development, rather it was meant to take existing homes and allow them to convert to this use to alleviate housing shortages in metropolitan areas. We are not in dire need in the town of Essex and there is land available for development of multi-family dwellings of proper zoning and parking. This committee should impose conditions such that the use will remain single family if narrower lots and sideyards are going to be allowed.

6. The height of this dwelling is not in the character of this neighbourhood.

Although it may be in compliance with bylaws this committee must pay heed to the disruption of our enjoyment of our property and those of our tenants.

The style, as stated in item 4, will tower over all other homes adjacent and along the street sticking out like a sore thumb and having inhabitants staring down on the yards of ourselves and our neighbours. Fire protection to a virtual 3rd storey with only internal accesses will be a problem.

I am beseeching you to first defer this matter so that all parties can seek out guidance in how to deal with this intensification within our neighbourhood. If you insist on dealing with it then I suggest your motion be to deny both application based upon the saving of the trees alone let alone all of the other items listed herein.

Sincere Regards, James Mathies,

Mike Spidilari – 160 Albert (expressed comments via phone call)

- The proposed drawings appear to look like an apartment building and would be uncharacteristic of the neighbourhood
- Concerns that the owners are intending to create 3 dwelling units within the proposed new structures.
- Due to the height, which appears to be 3 storeys (basement is only half in the ground), he has concerns for the privacy of the neighbouring properties, top story looks down over back yards
- Concerns with increased traffic and a need for additional street parking.

In response to the above noted concerns the following information is provided as a recap:

- The applicants are only able to have a maximum of two dwelling units in each main building
- the proponents must provide one onsite parking space for each dwelling unit
- The main building height is restricted to 10 metres (32 feet)
- Building Height is defined as the vertical distance between the grade and the midpoint between the lowest eaves and the highest point of the roof (there is nothing dictating how high you can go beyond this point.
- A basement is defined as a storey *which is partially below grade* where the vertical distance from the grade to the floor is equal to or less than the vertical distance from the grade to the ceiling next above.

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 applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) 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 frontage distance and the reduction in the side yard lot line area for the severed and retained parcel.
- g) That all of the above conditions be fulfilled on or before October 20, 2021.

Comments were received from the public on October 19, 2020

Tawnie Scott resides at 183 Harvey St.

I am writing you this e-mail in response to file number B-20-20 for property 171 Harvey St. I currently reside at 183 Harvey St and would like to express my objections to allowing the proposed variances for the following reasons;

1. Not only does the proposed size of the buildings does not meet the standards set out by the township, but by building something that size makes the property seem small and squeezed in. All of our single family homes fit the charming neighborhood and look properly proportioned to our lots. A 3 story building would look out of place, oversized, and cast a shadow much of the day on the homes surrounding it.
2. Due to the fact we are all single family homes, we all have a driveway to accommodate our vehicles. There is no proposed parking for this new building. Majority of people have 2 cars per household, with 2 triplexes, that could potentially be another 12 cars parking on our street. This tears up the grass on the boulevard, creates ruts, and reduces visibility for homeowners leaving their driveways. There is simply no safe space to park that amount of vehicles on our street.
3. Adding more families to this block will add more strain on and already strained sewer system. We get flooding on our street with rain as it is, and adding even more to the system that has not been properly but temporarily fixed will cause more issues for the residents.
4. By-law currently stats that a building cannot envelop more the 60% of the total available green space. This building would not be following that by-law.
5. Adding multiple rentals could bring low income families to the area. We have low-income rentals in the Essex co-op and plenty of new building locations that would better suit a triplex rather than breaking the by-laws to squeeze one into a single family home area.
6. We have a lot of children who play on the sidewalks on our street and overcrowding it can cause safety concerns, especially for the amount of people who would be living in the rental with no parking. We are risking our sidewalks being blocked, and our visibility for leaving home being obscured by the amount of vehicles that will be added and risk not seeing children playing.

Thank you for your review of this e-amil and your consideration.

Sincerely,
Tawnie Scott

A petition signed by 32 residents was also received by the Town of Essex on October 19th 2020. The petition states:

We, the undersigned, strongly oppose File Number A-24-20 B-20-20 171 Harvey Street, Essex, Ontario Richard and Beverly Bonneau Application with the Committee of Adjustment to sever the above mentioned parcel of land into two lots. Town of Essex for the following reasons: Mature Trees will be destroyed. Oxygen Loss – Destroy Nature . Additional water into an already compromised sewer / storm water issue on Harvey Street Historical Old Homes. Parking on the boulevard // structure does not fit on lot size! Decreasing the value of our home / property. Excellent rapport neighbours will sell their homes No emergency access to hydro in back of property. 25 Signatures from residents on Harvey St. and 7 signatures from residents on Albert St.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource 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 Conservation Authorities Act, (Ontario Regulation No. 158/06).

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

With the review of background information and aerial photographs, ERCA has no concerns in relation to stormwater, natural hazards or natural heritage for this application. Therefore, ERCA has no objection to this application for Minor Variance and Consent.

Discussion:

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

Fay Hermann, 187 Harvey St., states that the proposed dwellings do not fit within the established neighbourhood. She states the current infrastructure cannot sustain the required services for the proposed dwellings. She states that the area currently has issues with pooling water and flooding and advises that with this development it would cause further more extreme flooding and pooling on the roads and within neighbouring yards.

James Mathies, 181 Harvey St., states that the proposed dwellings appear to be a 3 plex and recommends that the dwellings be amended to a 2 plex with an attached garage as with the current proposal there will be no green space or parking available.

Paul Scott, 183 Harvey St., states that parking on the street is currently limited and with the proposed 3 plex it will be even more. He states that each residence will have a minimum of two vehicles per family. He states that the street and infrastructure beneath cannot sustain the increase in vehicles.

Daryl Hermann, 105 Westlawn Drive, states that there is no side parking and that parking on the shoulder over the infrastructure could cause it to collapse. He states that the revised drawings that were provided at this evenings meeting by the applicant seem to be more appropriate. He states that the application should be deferred so that the revised drawings can be re-circulated.

Jerry Goldberg, Applicants Agent, states that he would be in favor of deferral so that the revised drawings can be re-circulated.

Moved by: Phil Pocock

Seconded by: Dan Boudreau

(CAO-2020-10-71) That application B-20-20 to sever a 5100 square foot parcel from the existing 10,200 square foot residential lot for the purposes of lot creation. The retained parcel is proposed to have an area of a 5100 square feet be **deferred**.

Reasons for Decision: To re-circulate revised drawings

“Carried”

5.4 Corinne Chiasson, Assistant Planner RE:

Application A-24-20 Richard and Beverly Bonneau (Agent: Jerry Goldberg) 171 Harvey St (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 171 Harvey Street in Essex Centre. The applicants are proposing to sever a \pm 5100 square foot parcel from the existing \pm 10,200 square foot residential lot. As a result, the lot width will be reduced to \pm (42.5 feet). The minimum required lot width in residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 15 metres (50 feet). The minimum required side yard width for interior lots within Residential District 1.1 is 3 metres (10 foot) on one side where there is no attached garage or carport. The applicants are also requesting a variance to accommodate a side yard width of 9 feet and 8.6 feet for the severed and retained lot

Note: An application for consent has also been received for the subject lands (File Number: B-20-20). The public notice for the consent application has been included with this notice.

5.4.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

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

An application for consent and minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 171 Harvey Street in Essex Centre. The applicants are proposing to sever a \pm 5100 square foot parcel from the existing \pm 10,200 square foot residential lot for the purposes of creating a new residential lot. As a result, the lot

width of both the severed and retained parcels will be reduced to ± 12.95 metres (42.5 feet) and the minimum required side yard width will be reduced to 9 feet and 8.6 feet for the severed and retained lots, respectively.

The minimum required lot width in Residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 15 metres (50 feet). The minimum required side yard width for interior lots within Residential District 1.1 is 3 metres (10 foot) on one side where there is no attached garage or carport, and 1.2 metres (4 feet) on the opposite side.

The applicants are proposing to construct a single family dwelling on the resulting severed and retained lots. A *single detached dwelling* is defined as one (1) dwelling, other than a mobile home, having one (1) dwelling unit, but may also include a second dwelling unit within it. Due to the proposed design of the dwellings, the applicants are requesting a variance to accommodate a reduced side yard width of 9 feet and 8.6 feet for the severed and retained lot respectfully.

Proposal Conformity with 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 also have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The Town of Essex Official Plan encourages infilling within the existing developed areas in areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Residential". Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for minor variance. No further comments were received from other public authorities or agencies as of Thursday October 15, 2020.

- g) The continuation of an orderly development pattern:

The proposed lot is comparable in size and in configuration to other lots located along Harvey St, and neighbouring adjacent Thomas Street and Albert Street.

- 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:

The proposed lot has access to municipal water, and is serviced by storm and sanitary sewers.

Requirement for Minor Variance

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:

Consents for new development parcels are permitted for lands designated "Residential" under the Town of Essex Official Plan;

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

Lot areas in the Residential district vary greatly. There are lots existing in this neighbourhood that are under the 50 foot frontage provision.

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

The Harvey Street neighbourhood contains single family dwellings. The R1.1 zoning category permits 2nd dwelling units to be located within the main dwelling provided that there are no indications externally of the second dwelling. The applicants are proposing one single family dwelling on the retained lot and on the severed lot, each with a second dwelling unit within the structures. One parking space is required for the main dwelling and one for the 2nd dwelling unit. These parking spaces will be accommodated within the driveways. On street parking is available on Harvey St directly in front of the subject property.

The entrance to the structure must be a single shared entrance. A 10 foot side yard is required on one side of the dwelling where there is no attached garage, the applicants are proposing a 9 foot and 8.6 foot side yard instead.

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

The variance is necessary in order to accommodate the consent application.

Public Comment

As a result of the giving of public notice, we received the following phone calls and written correspondence objecting to the severance, from members of the public as of Thursday, October 16, 2020.

Fay Hermann – 187 Harvey St

Attention: Committee of Adjustment, Town of Essex, Mr. Brian, Dan, Percy and Phil

Please give strong consideration to the tax payer's voices, residing for many years on Harvey Street, strongly opposing severing the already existing one residential lot. File Number A-24-20(B-20-20)

1. There is a shortage of LARGE, affordable homes to accommodate Asian Indians.

Transportation drivers moving from overpriced areas, east of Essex, who accommodate their large family, consisting of grandparents staying together in a loving ONE residential home - their custom OF BEING TOGETHER YET HAVE LARE PRIVAVCY living areas, living a more simpler life with respect of others.

Not excessive noise and additional cars.

2. Dividing this aforementioned property will destroy 4 existing mature trees.

An excellent source of oxygen and nature habitat to the animals.

The government has allocated and has spent in the years 2017 - 2018 of \$1,164.8 million to preserve, maintain, and sustain our environment with planting trees.

Please do not destroy and throw away hard earned taxpayer's money.

3. As Harvey Street is located not far from Sadler's Pond and not far from the former railroad tracks, there are a variety of trees and plants located along the railroad tracks, we have a variety of animals walking down our street, we do not want any disruption of their existing habitats caused by numerous residents and excessive cars travelling and living in a severed lot.

4. Old caving in, existing sewers that have been addressed to council members and past mayors by many living and deceased residents of Harvey Street for a number of years. The repairs have been bandage solutions not resolved.

There has been cave in driveways, a young girl falling down and hurting her ankle from one of the many caved in sewers.

A severed lot will bring it additional people, who knows the number using a compromised, aged system.

5. A severed lot would mean many cars parking on the boulevard, causing excessive noise, Visibility issues, sinking in the sewers to a more destructive situation.

6. Residents of Harvey Street have voiced that the value of their homes will decrease.

Renters, because they have no interest or assets in the home they rent, can be very destructive with property standards. No cares as to manicuring the lawns, garbage and maintaining the resident.

7. Our homes on Harvey Street are old, historical homes. Allowing this severance, the structure proposed will not be suitable including size and shape for our neighborhood.

The dwellings will not fit with the character of our neighbourhood. The magnitude of the reduction in lot size, in lot area is significant and will result in a set of 2 lots which fail to remain in the character of our old historical homes.

8. There are a number of residents that have built strong, personal rapport with our Harvey Street neighbours over the years, if this severance is passed, in fact 2 residents have said they will sell their homes.

9. The structures, intended to be built will be too close to one another.

Pass history, if neighbours moving in in that close proximity to one another might need constant police presence. Tying up law enforcement for more emergencies.

10. The cost of living is astronomically high. There are many families now searching for a larger home so that they can help split the monthly bills and mortgage payments to accommodate their low wages.

11. A petition has been circulated with over 20 signatures strongly opposing a severance of this property.

I know you can take each point that has been addressed, and turn it around in your favour. However in saying that, please keep in consideration the taxpayers who have lived on Harvey Street for many years.

I know that will be a large income for the lot owner but is money everything.

Thanking you in advance. Sincerely, Fay Hermann

James Mathies (Agent: Dan McCulloch) 181 Harvey St

I, James Mathias, am the home owner of 181 Harvey Street next door east of the applicant's lot at 171 Harvey Street.

I am just now in receipt of the variance notice which was not included in the information that I had previously received.

For this reason I am asking that the hearing of this matter be **DEFERRED** until such time as it can be determined if I was the only one in such a position (highly unlikely) or if others also missed this important information and are under the impression that this is just a simple severance to create 2 lots. The affect of these issues are simply too grievous to just push through without due consideration by all notified parties.

I object to these applications for the following reasons:

1. With respect to the severance I bring to your attention that **there exists many trees** that are fully mature on this lot that would be easily saved if the lot were used for a single family home on the existing 85 foot lot.

The act of severing this lot into two will be the death knell for these trees which form a natural heritage feature in the neighbourhood.

If ERCA has not been made aware of this fact or has not yet provided comments then this is more reason to **DEFER! These trees must be saved!**

2. The variance for two 42.5 foot lot will not be in the character of the neighbourhood. My lot is 65 feet and most lots in the neighbourhood are 50 foot lots with some being larger.

3. The variance of the sideyard widths will reduce the amount of room for vehicle parking with proper allowance for pedestrian bypass and firefighting capability.

4. The architectural style of the homes being presented clearly allows for a triplex dwelling.

Although there is no application before this committee for such a matter it will surely become a triplex in the future by way of future applications with the present application being the **thin edge of the wedge**.

Even a dual occupancy on these lots will require 4 car parking spaces per lot being 8 cars trying to cram into this area.

The roads are not designed for this and have no curbs and gutters for street parking which will lead to spillover onto the front yards.

New intensified development should take place on new roads or roads that have been properly designed with poor planning.

Imagine when this becomes the triplex for which it is clearly designed - up to 12 vehicles or more jockeying for a space on driveways designed for single family use.

5. With respect to a double rental unit, the allowance in today's laws that say that a single family home can be used for rental accommodations for one additional occupancy was not written with the purpose in mind of new home development, rather it was meant to take existing homes and allow them to convert to this use to alleviate housing shortages in metropolitan areas. We are not in dire need in the town of Essex and there is land available for development of multi-family dwellings of proper zoning and parking. This committee should impose conditions such that the use will remain single family if narrower lots and sideyards are going to be allowed.

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The style, as stated in item 4, will tower over all other homes adjacent and along the street sticking out like a sore thumb and having inhabitants staring down on the yards of ourselves and our neighbours.

Fire protection to a virtual 3rd storey with only internal accesses will be a problem.

I am beseeching you to first defer this matter so that all parties can seek out guidance in how to deal with this intensification within our neighbourhood. If you insist on dealing with it then I suggest your motion be to deny both application based upon the saving of the trees alone let alone all of the other items listed herein.

Sincere Regards, James Mathies,

Mike Spidilari – 160 Albert (expressed comments via phone call)

- The proposed drawings appear to look like an apartment building and would be uncharacteristic of the neighbourhood
- Concerns that the owners are intending to create 3 dwelling units within the proposed new structures.
- Due to the height, which appears to be 3 storeys (basement is only half in the ground), he has concerns for the privacy of the neighbouring properties, top story looks down over back yards
- Concerns with increased traffic and a need for additional street parking.

In response to the above noted concerns the following information is provided as a recap:

- The applicants are only able to have a maximum of two dwelling units in each main building
- the proponents must provide one onsite parking space for each dwelling unit
- The main building height is restricted to 10 metres (32 feet)
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- A basement is defined as a storey *which is partially below grade* where the vertical distance from the grade to the floor is equal to or less than the vertical distance from the grade to the ceiling next above.

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;

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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 applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) 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 frontage distance and the reduction in the side yard lot line area for the severed and retained parcel.

g) That all of the above conditions be fulfilled on or before October 20, 2021.

Comments were received from the public on October 19, 2020 by Tawnie Scott who resides at 183 Harvey St.

I am writing you this e-mail in response to file number B-20-20 for property 171 Harvey St. I currently reside at 183 Harvey St and would like to express my objections to allowing the proposed variances for the following reasons;

1. Not only does the proposed size of the buildings does not meet the standards set out by the township, but by building something that size makes the property seem small and squeezed in. All of our single family homes fit the charming neighborhood and look properly proportioned to our lots. A 3 story building would look out of place, oversized, and cast a shadow much of the day on the homes surrounding it.

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4. By-law currently stats that a building cannot envelop more the 60% of the total available green space. This building would not be following that by-law.

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Thank you for your review of this e-mail and your consideration.

Sincerely,
Tawnie Scott

A petition signed by 32 residents was also received by the Town of Essex on October 19th 2020. The petition states:

We, the undersigned, strongly oppose File Number A-24-20 B-20-20 171 Harvey Street, Essex, Ontario Richard and Beverly Bonneau Application with the Committee of Adjustment to sever the above mentioned parcel of land into two lots. Town of Essex for the following reasons: Mature Trees will be destroyed. Oxygen Loss – Destroy Nature . Additional water into an already compromised sewer / storm water issue on Harvey Street Historical Old Homes. Parking on the boulevard // structure does not fit on lot size! Decreasing the value of our home / property. Excellent rapport neighbours will sell their homes No emergency access to hydro in back of property. 25 Signatures from residents on Harvey St. 7 signatures from residents on Albert St.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource 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 Conservation Authorities Act, (Ontario Regulation No. 158/06).

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

With the review of background information and aerial photographs, ERCA has no concerns in relation to stormwater, natural hazards or natural heritage for this application. Therefore, ERCA has no objection to this application for Minor Variance and Consent.

Discussion:

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

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

(CAO-2020-10-72) That application A-24-20 to accommodate a side yard reduction of 9 feet and 8.6 feet on the severed and retained lot and to accommodate a reduction in the minimum lot width provision from 50 feet to 42.5 feet be **deferred**.

Reasons for Decision: To re-circulate revised drawings

“Carried”

5.5

Corinne Chiasson, Assistant Planner RE:

Application B-21-20 Gordon Daniher & Daniher Farms (Agent: Richard Beaudoin) Vacant Land on the East side of Ridge Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the former township of Colchester South. The applicants are proposing to sever a ± 1.4 acre wooded parcel with pond from the existing ± 47.4 acre agricultural lot. The retained agricultural lot is proposed to have an area of ± 46 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the lands located directly to the west of known municipally as 1270 Ridge Road

The applicants are also requesting an easement over the existing pond for irrigation purposes.

Note: An application for minor variance has also been received for the subject lands (File Number: A-25-20). The public notice for the minor variance application has been included with this notice

5.5.1 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

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the former township of Colchester South. The applicants are proposing to sever a \pm 1.4 acre wooded parcel with pond from the existing \pm 47.4 acre agricultural lot. The retained agricultural lot is proposed to have an area of a \pm 46 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the lands located directly to the west of known municipally as 1270 Ridge Road. The applicants are also requesting an easement over the existing pond for irrigation purposes.

The applicant is proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the west of the property known municipally as 1270 Ridge Road. No new buildings are proposed to be constructed on the severed parcel.

An application for minor variance has also been received for the subject lands (File Number: A-25-20).

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. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 1270 Ridge Road.

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 by 1.4 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

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 as it currently contains a pond and wooded feature. The retained parcel will continue to be used for agricultural purposes. Access to the retained parcel will continue to be by way of an existing access bridge on Ridge Road. The proposed severance will have no adverse impact on access to the retained lot.

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.

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.

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.

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Thursday October 15, 2020. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies.

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 owned by Richard Beaudoin, 1270 Ridge 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 the appropriate documents for the easement be prepared and be suitable for registration. A copy will remain as record with the Town.
- g) That all of the above conditions be fulfilled on or before October 20, 2021.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-25-20 and Consent B-21-20, B-22-20, B-23-20.

A-25-20: requesting relief from minimum lot area for agricultural land

B-21-20: sever a 1.4 acres wooded parcel with a pond from an existing 47.4 acres agricultural lot, the severed lot will be added to 1270 Ridge Road.

B-22-20: sever 4.2 acres parcel from a 47.4 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the North

B-23-20: sever 0.27 acres from an existing 25 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the South.

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 Dolson Creek. 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.

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 Provincial Policy Statement of the Planning Act. 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.

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background data and aerial photography, ERCA does not have any concern related to storm water management, natural heritage and natural hazard for these application for Consents (B-21-20, B-22-20, and B-23-20) and the application for Minor Variance (A-25-20)

Discussion:

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

Percy Dufour, Chair states that he has concerns with condition (f) That the appropriate documents for the easement be prepared and be suitable for registration. A copy will remain as record with the Town. He states that the farmer Mr. Daniher does not require an easement to the pond for the type of crops grown on the property.

Edwin C Hooker, Applicant Agent, states that at this time the crops grown do not require the pond, however during a future sale the use of the pond for irrigation could be required.

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

(CAO-2020-10-73) That application B-21-20 be **granted** to sever a + 1.4 acre wooded parcel with pond for the purpose of lot addition. The severed parcel will be merged with the lands located directly to the west, known municipally as 1270 Ridge Road and that condition (f) That the appropriate documents for the easement be prepared and be suitable for registration. A copy will remain as record with the Town be removed from the conditions.

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

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 owned by Richard Beaudoin, 1270 Ridge 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 the appropriate documents for the easement be prepared and be suitable for registration. A copy will remain as record with the Town.~~
- g) That all of the above conditions be fulfilled on or before October 20, 2021.

"Carried"

5.6 Corinne Chiasson, Assistant Planner RE:

Application A-25-20 Gordon Daniher & Daniher Farms (Agent: Richard Beaudoin & Edwin Hooker) Vacant Land on the East side of Ridge Road (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the vacant agricultural lands located on the East side of Ridge Road in the former township of Colchester South. As a result of a proposed severance, the lot area for the retained agricultural parcel will be reduced from ± 47.5 acres to ± 41.73 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing

Note: Two applications for consent have also been received for the subject lands (File Number: B-21-20 and B-22-20). The public notice for the consent applications have been included with this notice.

5.5.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the vacant agricultural lands located on the East side of Ridge Road in the former township of Colchester South. As a result of a proposed severance, the lot area for the retained agricultural parcel will be reduced from ± 47.5 acres to ± 41.73 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

This Minor Variance accommodates for the two consents noted previously for the subject lands (File Number: B-21-20 and B-22-20).

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 severances, the lot area for the retained farm parcel will be reduced from the original size of 47.4 acres to 43.1 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 severed and retained farm parcels 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. There will be no impact to the accesses to either the retained or severed parcels.

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. The severances will align with the extents of the two farm parcels to follow the natural severance of the Dolson Creek Drain.

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

The variance is necessary to accommodate the applications for consent, to facilitate the lot additions.

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 October 15, 2020.

No comments were received from circulated internal agencies as of Thursday October 15, 2020.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-25-20 and Consent B-21-20, B-22-20, B-23-20.

A-25-20: requesting relief from minimum lot area for agricultural land

B-21-20: sever a 1.4 acres wooded parcel with a pond from an existing 47.4 acres agricultural lot, the severed lot will be added to 1270 Ridge Road.

B-22-20: sever 4.2 acres parcel from a 47.4 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the North

B-23-20: sever 0.27 acres from an existing 25 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the South.

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 Dolson Creek. 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.

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 Provincial Policy Statement of the Planning Act. 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.

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background data and aerial photography, ERCA does not have any concern related to storm water management, natural heritage and natural hazard for these application for Consents (B-21-20, B-22-20, and B-23-20) and the application for Minor Variance (A-25-20)

Discussion:

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

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-10-74) That application A-25-20 be **granted** accommodate the reduction in lot area for the retained agricultural parcel from 47.5 acres to 41.73 acres.

Reasons for Decision: 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;

“Carried”

5.7 Corinne Chiasson, Assistant Planner RE:

Application B-22-20 Gordon Daniher & Daniher Farms (Agent: Edwin Hooker) Vacant Land on the East side of Ridge Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the

former township of Colchester South. The applicants are proposing to sever a ± 4.2 acre parcel from the existing ± 47.4 acre agricultural lot. The retained agricultural lot is proposed to have an area of a ± 43.1 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the north of the subject property.

Note: An application for minor variance has also been received for the subject lands (File Number: A-25-20). The public notice for the minor variance application has been included with this notice

5.5.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: Agricultural

Zoning By-Law: Agricultural District 1.1 – for general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the former township of Colchester South. The applicants are proposing to sever a ± 4.2 acre parcel from the existing ± 47.4 acre agricultural lot. The retained agricultural lot is proposed to have an area of a ± 43.1 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the north of the subject property.

This application is as a result of the property being divided by the Dolson Creek Drain. The owner wishes to add the portion located on the north side of the Dolson Creek to his adjacent lands to the north to legally merge the remnant parcel. This parcel is already currently farmed with the adjacent parcel on the north side of the Dolson Creek Drain. Access to the retained parcel will continue to be by way of an existing access bridge via Ridge Road.

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. This severance will correct the parcels of land that are separated because of the diagonal location of the Dolson Creek Drain.

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 will correct and follow the natural severance of these farm parcels, and will improve the farming operations on these two parcels. This lot addition 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.

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 October 15, 2020.

No comments were received from circulated internal agencies as of Thursday October 15, 2020.

Action Items:

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 vacant farm lot located immediately north of the Dolson Creek Drain. 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 October 20, 2021.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-25-20 and Consent B-21-20, B-22-20, B-23-20.

A-25-20: requesting relief from minimum lot area for agricultural land

B-21-20: sever a 1.4 acres wooded parcel with a pond from an existing 47.4 acres agricultural lot, the severed lot will be added to 1270 Ridge Road.

B-22-20: sever 4.2 acres parcel from a 47.4 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the North

B-23-20: sever 0.27 acres from an existing 25 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the South.

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 Dolson

Creek. 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.

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 Provincial Policy Statement of the Planning Act. 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.

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background data and aerial photography, ERCA does not have any concern related to storm water management, natural heritage and natural hazard for these application for Consents (B-21-20, B-22-20, and B-23-20) and the application for Minor Variance (A-25-20)

Discussion:

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

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-10-75) That application B-22-20 be **granted** to sever a + 4.2 acre parcel for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the north of the subject property.

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

Actions:

- 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 vacant farm lot located immediately north of the Dolson Creek Drain. 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 October 20, 2021.

"Carried"

5.8 Corinne Chiasson, Assistant Planner RE:

Application B-23-20 Daniher Farms (Agent: Edwin Hooker) Vacant Land on the East side of Ridge Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the former township of Colchester South. The applicants are proposing to sever a $\pm .27$ acre parcel from the existing ± 25 acre agricultural lot. The retained agricultural lot is proposed to have an area of a ± 24.73 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the south of the subject property.

5.5.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: Agricultural

Zoning By-Law: Agricultural District 1.1 – for general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located on the East side of Ridge Road in the former township of Colchester South. The applicants are proposing to sever a $\pm .27$ acre parcel from the existing ± 25 acre agricultural lot. The retained agricultural lot is proposed to have an area of a ± 24.73 acres. The applicant is proposing this consent for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the south of the subject property.

This application is as a result of the property being divided by the Dolson Creek Drain. This parcel is already currently farmed with the adjacent parcel on the south side of the Dolson Creek Drain. Access to the retained parcel will continue to be by way of an existing access bridge via Ridge Road.

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. This severance will correct the parcels of land that are separated because of the diagonal location of the Dolson Creek Drain.

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.

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 will correct and follow the natural severance of the farm parcels, and will improve the farming operations on each. This lot addition 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.

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 October 15, 2020.

No comments were received from circulated internal agencies as of Thursday October 15, 2020.

Action Items:

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 vacant farm lot located immediately south of the Dolson Creek Drain. 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 October 20, 2021.

Additional comments resulting from circulation:

Vitra Vimalananthan, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-25-20 and Consent B-21-20, B-22-20, B-23-20.

A-25-20: requesting relief from minimum lot area for agricultural land

B-21-20: sever a 1.4 acres wooded parcel with a pond from an existing 47.4 acres agricultural lot, the severed lot will be added to 1270 Ridge Road.

B-22-20: sever 4.2 acres parcel from a 47.4 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the North

B-23-20: sever 0.27 acres from an existing 25 acres agricultural lot, the severed land will be added to the adjacent vacant lot to the South.

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 Dolson Creek. 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.

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 Provincial Policy Statement of the Planning Act. 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.

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is for a lot addition only, and that there will be no change in land use. In our opinion, we believe that this type of Planning Act application does not meet the definition of development under the PPS, 2020. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background data and aerial photography, ERCA does not have any concern related to storm water management, natural heritage and natural hazard for these application for Consents (B-21-20, B-22-20, and B-23-20) and the application for Minor Variance (A-25-20)

Discussion:

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

Moved by: Dan Boudreau

Seconded by: Brian Gray

(CAO-2020-10-76) That application B-23-20 be **granted** to sever a + 0.27 acre parcel for the purpose of lot addition. The severed parcel is proposed to be merged with the vacant lands directly to the south of the subject property.

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

Actions:

- 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 vacant farm lot located immediately south of the Dolson Creek Drain. 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 October 20, 2021.

“Carried”

6. Unfinished Business

None

7. Correspondence

None

8. New Business

8.1 Committee Training Session

Corinne Chiasson, Secretary Treasurer advises the members that training will take place on November 10th from 5 pm to 7 pm at the McGregor Community Centre.

9. Notices of Motion

None.

10. Adjournment

Moved by: Dan Boudreau

Seconded by: Phil Pocock

(CAO-2020-10-77) That the meeting be adjourned at 5:36 p.m.

“Carried”

11. Next Meeting

11.1 November 17th, 2020 Virtual Zoom Meeting at 4:00 p.m.

Chair

Secretary-Treasurer