



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

January 21, 2025, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

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

Also Present: Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Rita Jabbour, Manager, Planning Services, Deputy Secretary Treasurer
Ian Rawlings, Junior Planner
Cheyenne Mailloux, Heritage & Planning Intern
Marsha Buchta, Recording Secretary

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

1. Call to Order

Phil Pocock, Chair, called the meeting to order at 5:00 p.m.

2. Land Acknowledgement

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

3. Declarations of Conflict of Interest

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

4. Adoption of Published Agenda

4.1 Committee of Adjustment Meeting Agenda for January 21, 2025

COA25-01-01

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

That the published agenda for the January 21, 2025 Committee of Adjustment Meeting be amended as follows:

1. Agenda Items 6.4 and 6.5 be moved to 6.1 and 6.2 respectively and that all subsequent Agenda Items be renumbered accordingly

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for December 17, 2024

COA25-01-02

Moved By Matthew Child

Seconded By William Baker

That the minutes of the Committee of Adjustment meeting held December 17, 2024 be adopted as circulated.

Carried

6. Reports from Administration / Applications

6.1 B-32-22 | 14978 14th Concession Road (Pinkerton) | Inspiration Industrial Park c/o Abe Friesen | Agent Jackie Lassaline

Please Note: decision on this application was previously deferred.

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 14978 14th Concession Road in the former Township of Colchester North, Ward 2. The subject lands have a total lot area of ±13.5 Hectares and are designated and zoned to accommodate General Industrial Uses. The applicants are proposing to sever five (5) lots for industrial lot creation. The severance proposal is as follows and the lots will not be developed until such time servicing is constructed and site plan approval is granted:

- Lot 1 will have a lot area of 4.04 Hectares
- Lot 2 will have a lot area of 1.66 Hectares
- Lot 3 will have a lot area of 1.86 Hectares
- Lot 4 will have a lot area of 1.65 Hectares
- Lot 5 will have a lot area of 0.81 Hectares

The retained lands will have a total area of 2.73 Hectares. An easement for access purposes is also proposed to be created over Lot 3 and is further described in the Notice of Public Hearing for Consent Application B-02-25.

Ms. Rita Jabbour, Manager of Planning Services, provided an overview of Application B-32-22.

Ms. Jackie Lasalline of Lasalline Planning Consultants, Delegate, concurred with the conditions specified in the presentation.

Ms. Dorene Lester questioned the condition of servicing and development agreements and whether the finalization of the consents would be tied to 6 separate site plan control applications. Ms. Jabbour clarified that the agreements were for the parcel as a whole. Separate site plan control agreements would be required for each lot once development proposals are received.

Mr. William Baker was looking for clarification on lot sizing, culvert requirement, and parcel configuration. Ms. Lassaline explained that different commercial businesses require different land requirements, and a variety of parcel sizes allow for diversification of commercial businesses. Ms. Jabbour advised the culvert would be installed over the mutual access point to service all lots.

Mr. Matthew Child advised the Official plan states consents are typically granted for 4 lots or fewer, but this application is requesting 6 in total. Ms. Jabbour advised the provincial planning direction is for commercial and residential intensification. The applicants completed research based on market industrial development and have brought the proposal forward accordingly.

Mr. Dan Sauve looked to administration for clarification on storm water management to ensure that this could be controlled individually, based on the size of lots proposed. Mr. Kevin Girard, Director of infrastructure, explained that a Storm Water Management strategy was developed for the site as a whole, specifying a release rate for each individual lot based on the agricultural release rate that the drain is designed to. Looking at the strategy provided, the Infrastructure Department is satisfied that Storm Water Management is feasible for each individual lot.

Mr. Phil Pocock, Chair questioned whether road improvements will be considered as Pinkerton is a small road and adding 5 additional commercial lots will substantially increase truck traffic effecting safety. Mr. Kevin Girard, Director of Infrastructure advised they have been in talks with the developer regarding future upgrades; however, the mutual access road was proposed to limit the number of trucks entering off of Pinkerton and the 14th Concession. The Development agreement may allow for future road improvements.

COA25-01-03

Moved By Dorene Lester

Seconded By William Baker

That Consent application B-32-22 to create five (5) new industrial lots **be approved**, subject to the following conditions;

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for All, copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of the Drainage Act, S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

5. That the applicant enters into a development agreement with the Town of Essex, and to the satisfaction of the Town of Essex and the Essex Region Conservation Authority (ERCA), for the development and servicing of the lands;
6. That the applicant enters into a servicing agreement with the Town of Essex for the cost sharing and construction of the watermain, sanitary sewer, and pump station;
7. That a new culvert be installed in accordance with Report 24-8160 prepared by Dillon Consulting in the 14th Concession East Branch Drain to serve as an access to the subject lands;
8. That all of the conditions be fulfilled on or before January 21, 2027 as per section 53(41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-32-22 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

Carried

6.2 B-02-25 (Easement) | 14978 14th Concession Road (Pinkerton) | Inspiration Industrial Park c/o Abe Friesen | Agent Jackie Lassaline

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 14978 14th Concession Road in the former Township of Colchester North, Ward 2. The applicants are proposing to create a ±24-metre-wide easement for the purpose of road access in favour of the industrial lots proposed to be created by consent application B-32-22.

Ms. Rita Jabbour, Manager of Planning Services, provided an overview of Application B-02-25.

COA25-01-04

Moved By Dorene Lester

Seconded By Matthew Child

That Consent application B-02-25 to create a ± 24-metre wide easement / right of way for access and servicing of the proposed industrial lots be approved subject to the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

4. That all of the above conditions be fulfilled on or before January 21, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

That Application B-02-25 is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

Carried

6.3 A-02-25 | 955 County Road 50 | Kiwanis Club of Windsor c/o Dan Inverarity

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 955 County Road 50, in the former Township of Colchester South. The applicants are looking to permit the expansion and enlargement of a legal non-conforming use. The applicants wish to construct an addition to the existing ± 225.1 square metre (2,422.5 sqft) bunk house. The bunk house is used to accommodate staff of the Kiwanis Camp. The addition will be ± 108.56 square metres (1,168.5 sqft) and will be located ± 58.29 m (191.25 ft) from the front lot line, ± 7.01 m (23 ft) from the western exterior lot line.

Mr. Ian Rawlings, Junior Planner provided an overview of the application recommending approval with conditions.

COA25-01-05

Moved By Danny Sauve, Vice Chair
Seconded By Dorene Lester

That application A-02-25 to permit the expansion and enlargement of a legal non-conforming use being a ± 108.56 square metre (1,168.5 sqft) addition to the existing ± 225.1 square metre (2422.5 sqft) bunkhouse be approved, subject to the following conditions:

1. That the applicant applies for a building permit.
2. That the applicant provides a minimum of three (3) parking spaces.

Reason for the Decision:

The Application is in keeping with the prescribed criteria for non-conforming uses under subsection 9.7 of the Town of Essex Official Plan:

1. the use does not constitute a danger, a nuisance or blight to the neighbourhood by virtue of its function or operational characteristics and its extension or enlargement nor would a change in its functionality be detrimental to or pose a nuisance to the adjacent neighbourhood;
2. the scale of proposed extension or enlargement is of an appropriate size relative to that of the existing non-conforming use;
3. neighbouring uses will be protected, where necessary, by the provision of landscaping, buffering or screening and appropriate setbacks for buildings and structures to reduce nuisance, and where necessary, by regulating outside storage, parking, lighting and signage;

4. traffic and parking conditions in the vicinity will not be adversely affected by the application, and potential traffic hazards will be minimized by the appropriate design of site ingress and egress and the preservation of proper sight lines, especially in proximity to intersections and rail corridors;
5. adequate provisions have been or will be made for off-street parking and loading facilities or the Committee is satisfied that the new or expanded use will not impose a worse traffic or parking condition;
6. applicable municipal services such as storm drainage, sanitary sewage disposal and potable water supply are adequate and meet the approval of the applicable statutory approval authority having jurisdiction.

Carried

6.4 B-01-25 | 4522 4th Concession Road | Ronald Regan Catherwood & Kathleen Declie Catherwood

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 4522 4th Concession Road, former Colchester South. The applicants are proposing to sever a ± 0.36 hectares (0.89 acres) parcel from the existing ± 15.38 hectares (38 acres) agricultural lot. The retained agricultural lot is proposed to have an area of ± 14.98 hectares (37.02 acres). The applicant is proposing this consent because the dwelling has been deemed surplus to the needs of the farming operation.

Mr. Ian Rawlings, Junior Planner, provided an overview of the application recommending approval with conditions.

COA25-01-06

Moved By Danny Sauve, Vice Chair
Seconded By William Baker

That Consent application B-01-25 to sever a ± 0.36 hectare (0.89 acre) parcel from the existing ± 15.38 hectares (38 acre) agricultural property for the creation of a surplus lot **be approved**, subject to the conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, S.O. 1990, and amendments thereto, be provided to the

satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

5. That a septic report be completed and filed with the municipality by a Certified Septic System Installer confirming that both septic systems meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or issuance of the certificate;
6. A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System. (GIS)
7. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
8. That all of the above conditions be fulfilled on or before January 21, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.

Reason for Decision:

The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents" and subsection 6.5 respecting "Consents in Areas Designated Agricultural".

Carried

6.5 A-01-25 | 4522 4th Concession Road | Ronald Regan Catherwood & Kathleen Delcie Catherwood

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 4522 4th Concession Road, in the former Township of Colchester South. As a result of a surplus severance on the subject lands, the lot width of the severed parcel will be reduced to \pm 40.16 metres (131.76 feet), and the lot area for the severed and retained parcels will be reduced from \pm 15.38 hectares (38 acres) to \pm 0.36 hectares (0.89 acres) and \pm 14.98 hectares (37.02 acres), respectively. Relief is therefore required from Section 13.1 b) i) which states: The minimum lot width for lots within Agricultural District 1.1 (A1.1) is the lesser of 60 metres (200 feet) or as existing, unless otherwise specifically provided, and Section 13.1 b) ii) of the Zoning By-law which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Mr. Ian Rawlings, Junior Planner provided an overview of the application recommending approval.

COA25-01-07

Moved By Danny Sauve, Vice Chair

Seconded By Dorene Lester

That application A-01-25 be approved with the requested relief required from Section 13.1 b) i) which states "the minimum lot width for lots within Agricultural District 1.1 (A1.1) is the lesser of 60 metres (200 feet) or as existing, unless otherwise specifically provided;" and Section 13.1 b) ii) of the Zoning By-law

which states "the minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing."

As a result of a surplus severance on the subject lands, the lot width of the severed parcel will be reduced to ± 40.16 metres (131.76 feet), and the lot area for the severed and retained parcels will be reduced from ± 15.38 hectares (38 acres) to ± 0.36 hectares (0.89 acres) and ± 14.98 hectares (37.02 acres), respectively.

Reason for the Decision:

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

Carried

7. Adjournment

COA25-01-08

Moved By Dorene Lester

Seconded By Matthew Child

That the meeting be adjourned at 5:57 p.m.

Carried

8. Future Meetings

Wednesday, February 19, 2025, at 5:00 p.m. at Town Hall, Council Chambers, 33 Talbot Street South, Essex.

Chair

Recording Secretary