



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

February 19, 2025, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

Present: Chair - Pocock, Phil
Member - Baker, William
Member - Lester, Dorene

Absent: Member - Child, Matthew
Vice Chair - Sauve, Danny

Also Present: Ian Rawlings, Junior Planner
Marsha Buchta, Recording Secretary

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

1. Call to Order

The 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 February 19, 2025

COA25-02-10

Moved By Dorene Lester
Seconded By William Baker

That the published agenda for the February 19, 2025, Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for January 21, 2025

COA25-02-11

Moved By Dorene Lester
Seconded By William Baker

That the minutes of the Committee of Adjustment meeting held January 21, 2025, be adopted as circulated.

Carried

6. Reports from Administration / Applications

6.1 B-03-25 | 7043 County Road 23 | Joseph Drouillard

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 7043 County Road 23, former Colchester North (Ward 2). The applicants are proposing to sever a ± 0.45 ha (1.1 acre) parcel from the existing ± 37 ha (92 acres) agricultural lot to be added to the adjacent property identified as 7045 County Road 23. The retained agricultural lot is proposed to have an area of ± 36.55 ha (90.9 acres). The applicant is proposing this consent for the purposes of a lot addition.

Mr. Joseph Drouillard was present as a Delegate.

COA25-02-12

Moved By Dorene Lester
Seconded By William Baker

That consent application B-03-25 be approved to sever a ± 0.45 ha parcel from the existing ± 37 ha agricultural lot to be added to the adjacent property identified as 7045 County Road 23 with the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the severed parcel be consolidated with the lands known as 7045 County Road 23. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the

severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;

6. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel;
7. That all of the above conditions be fulfilled on or before February 19, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.

Reason for the Decision:

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

Carried

6.2 A-03-25 | 7043 County Road 23 | Joseph Drouillard

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 7043 County Road 23, former Colchester North (Ward 2). As a result of a severance for the purpose of a lot addition regarding the subject lands, the lot area for the retained parcel will be reduced from ± 37 ha (92 acres) to ± 36.55 ha (90.9 acres). Relief is therefore required from Section 13.1 b) ii) of the Zoning By-law which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

COA25-02-13

Moved By Dorene Lester

Seconded By William Baker

That application A-03-25 be approved to reduce the retained parcel from ± 37 ha to ± 36.55 ha with the required relief from Section 13.1 b) ii) of the Zoning By-law which states: The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Reason for the Decision:

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

Carried

**6.3 B-04-25 | 21 3rd Concession Road | Pollmar Holdings Limited c/o Larry Pollard
Agent: Ashley Harmon**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 21 3rd Concession Road, Harrow (Ward 4). The applicants are proposing to sever a \pm 2,771 square metre parcel from the existing \pm 1.94 ha highway commercial lot. The retained lot is proposed to have an area of \pm 1.66 ha. The applicant is proposing this consent for the creation of one (1) highway commercial lot.

Mr. Ian Rawlings, Junior Planner, provided an overview of application B-04-25 by way of presentation. The Planning Division recommended approval with the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the applicant confirms the location of onsite services, and, if located on the severed lands, services be abandoned and relocated, or an easement be granted with respect to the applicable onsite services;
6. That the applicant provide a deposit in the amount of \$20,000.00, prior to the issuance of the consent certificate, to be returned at the discretion of the Chief Building Official.
7. That all of the above conditions be fulfilled on or before February 19, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.

Mr. Rawlings advised that there are two open building permits with respect to the subject property, as well as incomplete works required as a condition of an existing site plan control agreement. The \$20,000 deposit condition was suggested to ensure all deficiencies are closed out, without effecting the timelines of the severance.

Mr. Larry Pollard was present as a Delegate.

Mr. Bill Baker questioned conditions regarding servicing and the requirement for a deposit. Mr. Baker felt the deposit was outside of the scope of the application for consideration, deeming it punitive to the Applicant.

COA25-02-14

Moved By William Baker
Seconded By Phil Pocock, Chair

That application B-04-25 be approved to create (1) highway commercial lot by severing a ± 2,771 square metre parcel from the existing ± 1.94 ha lot with the following conditions:

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the applicant confirms the location of onsite services, and, if located on the severed lands, services be abandoned and relocated, or an easement be granted with respect to the applicable onsite services;
6. That all of the above conditions be fulfilled on or before February 19, 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".

Carried

COA25-02-15

Moved By William Baker
Seconded By Dorene Lester

That the presentation entitled Committee of Adjustment, February 19, 2025 Regular Meeting, presented by Administration, be received.

Carried

7. Adjournment

COA25-02-16

Moved By William Baker
Seconded By Dorene Lester

That the meeting be adjourned at 5:43 p.m.

Carried

8. Future Meetings

Tuesday, March 18, 2025, in Council Chambers, 33 Talbot Street South, Essex ON.

Chair

Recording Secretary