

**The Corporation of the Town of Essex**  
**Minutes of Regular Committee of Adjustment Meeting**  
**Tuesday December 17, 2019**

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, December 17, 2019 at 4:00 PM in the Council Chambers at the Municipal Building at 33 Talbot Street South, Essex, Ontario.

**1. Roll Call**

Members Present: Percy Dufour, Chair  
Brian Gray, Vice Chair  
Phil Pocock  
Ray Beneteau  
Dan Boudreau

Also Present: Rita Jabbour, R.P.P  
Manager, Planning Services, Secretary-Treasurer  
Sarah Aubin, Planning Assistant

Members of Public in Attendance: See sign-in sheet attached hereto

**2. Declaration of Conflict of Interest**

**2.1** Phil Pocock declares a conflict of interest under Reports / Applications - 5.3  
Application B-31-19 Dawn Pocock (Agent: Phil Pocock), 21 Wellington (Essex Centre, Ward 1)

**3. Adoption of Published Agenda**

**3.1** The Published Agenda for December 17th, 2019 meeting of the Committee of Adjustment be adopted.  
Moved by Brian Gray  
Seconded by Ray Beneteau  
(**COA-2019-12-99**) That the published agenda for the December 17th, 2019 meeting of the Committee of Adjustment be adopted as circulated.  
"Carried"

**4. Adoption of Minutes**

**4.1** The Regular Minutes from the Committee of Adjustment Meeting of November 19, 2019 be adopted.  
Moved by Ray Beneteau  
Seconded by Phil Pocock  
(**COA-2019-12-100**) The Regular Minutes from the Committee of Adjustment Meeting of November 19, 2019 be adopted.  
"Carried"

## **5. Reports / Applications**

### **5.1 Rita Jabbour, Planner RE:**

#### **Application B-30-19 Gorski Land Holdings Inc. and Christopher & Diane McQueen, Vacant Land on the North side of County Road 20 West (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 North side of County Road 20 West in the former township of Colchester South. The applicants are proposing to sever a ±0.23 acre (±9480 square foot) grassed parcel from the existing ±25 hectare (±62 acre) farm lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County Road 20 West.

#### **5.1.1 Public Presentations (if any)**

##### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the North Side of County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +0.23 acre (+9480 square foot) grassed parcel from the existing +25 hectare (+62 acre) agricultural lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County Road 20 West. The severed parcel is occupied by an existing +134 square metre (+1440 square foot) pole barn. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 20 West via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

In accordance with the Provincial Policy Statement (PPS), 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 2060 County Road 20 West.

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 +0.23 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 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 Wednesday December 11, 2019. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections. Comments were also received from Kristoffer Balallo, Engineering Technician for the County of Essex. Mr. Balallo's comments were engineering related only and were not reviewed from a planning perspective.

Mr. Balallo notes that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, Mr. Balallo did not state any explicit concerns with the applications.

No further comments were received from circulated agencies as of Wednesday December 11, 2019.

**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 Christopher and Diane McQueen at 2060 County Road 20 West. 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 December 17, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) 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 Pigeon Drain and 2nd Concession Drain. 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.

Based on our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

#### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

#### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

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**

We have no objections to this application for Consent and Minor Variance

#### **Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

- County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
- County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 20 due to the presence of the

2nd Concession Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

**Discussions:**

Rita Jabbour, Planner, explains the nature of the application.

Ray Beneteau questions if the severed parcel can be built upon in the future once merged with 2060 County Road 20 West.

Rita advises that the parcel can be built upon on in the future.

Percy Dufour requests clarification on the current right of way.

Joe Gorski, Applicant, advises that the right of way is on the 60ft access bridge. He states it has been on title before his ownership of the property.

Percy asks if the right of way has expired.

Rita advises that the committee approves right of ways that are over 21 years. She states they are in perpetuity.

Moved by: Brian Gray

Seconded by: Phil Pocock

**(COA-2019-12-101)** That application B-30-19 be granted to sever a  $\pm 0.23$  acre ( $\pm 9480$  square foot) grassed parcel from the existing  $\pm 25$  hectare ( $\pm 62$  acre) farm lot subject to 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 Christopher and Diane McQueen at 2060 County Road 20 West. 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 December 17, 2020.

"Carried"

**Reasons for Decision:** The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

## **5.2 Rita Jabbour, Planner RE:**

### **Application A-22-19 Gorski Land Holdings Inc. and Christopher & Diane McQueen, Vacant Land on the North side of County Road 20 West (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 North side of County Road 20 West in the former township of Colchester South. As a result of a proposed severance the lot area for the retained farm parcel will be reduced in size from  $\pm 25$  hectares ( $\pm 62$  acres) to  $\pm 24$  hectares ( $\pm 61$  acres). The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

#### **5.2.1 Public Presentations (if any)**

**Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant agricultural lands located on the North Side of County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +0.23 acre (+9480 square foot) grassed parcel from the existing +25 hectare (+62 acre) agricultural lot. The applicants are proposing this consent for the purposes of a lot addition. The severed lot is proposed to be merged with the property located directly to the south and known municipally as 2060 County

Road 20 West. The severed parcel is occupied by an existing +134 square metre (+1440 square foot) pole barn. No new buildings are proposed to be constructed on the severed parcel.

The retained parcel will continue to be used for agricultural purposes. The proposed severance will not adversely impact the existing farming operation as the severed parcel is not actively farmed. Access to the retained parcel will continue to be by way of County Road 20 West via an existing access bridge. The proposed severance will have no adverse impact on access to the retained lot.

In accordance with the Provincial Policy Statement (PPS), 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 2060 County Road 20 West.

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 +0.23 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:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:  
The main use of the retained farm parcel will remain agricultural.
- f) 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.
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:  
Agricultural lot sizes vary greatly in the agricultural district.
- h) 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 Wednesday December 11, 2019. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections. Comments were also received from Kristoffer Balallo, Engineering Technician for the County of Essex. Mr. Balallo's comments were engineering related only and were not reviewed from a planning perspective.



Mr. Balallo notes that the applicants will be required to comply with County Road regulations to provide for the protection of highways and the installation of entranceways, and to regulate the location of building and structures on land adjacent to County Roads, should they choose to make any changes to existing entrances and structures, or construct new entrances or structures in the future. Otherwise, Mr. Balallo did not state any explicit concerns with the applications.

No further comments were received from circulated agencies as of Wednesday December 11, 2019.

**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 Christopher and Diane McQueen at 2060 County Road 20 West. 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 December 17, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) 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 Pigeon Drain and 2nd Concession Drain. 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.

Based on our review, we advise that these applications are consistent with the natural hazard policies of the PPS.

### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

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**

We have no objections to this application for Consent and Minor Variance

#### **Kristoffer Balallo, Engineering Technician, County of Essex wrote:**

Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

- County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
- County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No. 20 due to the presence of the 2nd Concession Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

#### **Discussions:**

Moved by: Ray Beneteau

Seconded by: Brian Gray

**(COA-2019-12-102)** That application A-22-19 be granted to accommodate a reduction in lot area for the retained farm parcel from  $\pm 25$  hectares ( $\pm 62$  acres) to  $\pm 24$  hectares ( $\pm 61$  acres).

“Carried”

#### **Reasons:**

The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

### **5.3 Rita Jabbour, Planner RE:**

#### **Application B-31-19 Dawn Pocock. (Agent: Phil Pocock), 21 Wellington (Essex Centre, Ward 1)**

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 21 Wellington Avenue West in Essex Centre. The applicants are proposing to sever a  $\pm 510$  square metre ( $\pm 5500$  square foot) parcel from the existing  $+1161$  square metre ( $\pm 12500$  square foot) residential lot. The retained parcel is proposed to have an area of  $\pm 650$  square metres ( $\pm 7000$  square feet). The applicant is proposing this consent for the purpose of residential lot creation.

#### **5.3.1 Public Presentations (if any)**

#### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: “Residential”

Zoning: Residential District 2.1 (R2.1) –Medium density housing on urban lots

An application for consent has been submitted for the residential lands located at 21 Wellington West in the Essex Centre. The subject property is designated “Residential” under the Town of Essex Official Plan and zoned Residential District 2.1 (R2.1) for medium density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ±510 square metre (±5500 square foot) vacant parcel from the existing ±1161 square metre (±12500 square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential lot. The severed parcel is proposed to have a lot width of ±16 metres (±55 feet) and be accessed by way of Wellington West. The severed parcel also has access to existing municipally owned and operated piped water, sanitary and storm water sewers along Wellington West.

The retained parcel will continue to be occupied by the existing single detached dwelling and accessory structure, and will continue to be used for residential purposes. The retained parcel is proposed to have a lot area of ±650 square metres (±7000 square feet) and lot width of ±21 metres (±70 feet), conforming with lot regulations for a single detached dwelling in the R2.1 zoning district. The existing single detached dwelling and accessory structure also conform to building regulations under the R2.1 zoning district with respects to minimum side yard width requirements between the proposed easterly side yard.

Access to the retained parcel will continue to be by way of Wellington West via the existing access area. The retained parcel will continue to be serviced by the existing municipally owned and operated piped water, sanitary and storm water connections along Wellington West and St. Paul Street.

The R2.1 zoning district permits the development of a single detached, duplex or semi-detached dwelling as a main use –subject to conformity with lot and building regulations –and any use accessory to the main use. The proposed severed lot will likely be developed in the future for a single detached dwelling due to its lot width and lot area.

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. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to the following when reviewing an application:

- a) Its consistency with Provincial legislation, policies and guidelines;
- b) The requirements and policies of this Plan 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 consent application. No comments were received from other circulated internal agencies as of Wednesday December 11, 2019;

- c) The continuation of an orderly development pattern; and,
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consent should only be granted:

- a) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal service would not be required:

The severance will result in the creation of one (1) additional lot. All major municipal services (water, sanitary, storm) are available along the Wellington West and St. Paul Street frontage;

- b) When the land fronts on an existing public road which is of a reasonable standard of construction of acceptable to the Town and/or Ministry of Transportation or the County of Essex:

The severed parcel will have frontage along Wellington West which is a public road that is owned and assumed by the Town of Essex;

- c) For infilling in existing built-up areas:

Residential development exists on the east and west side of Wellington.

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Wednesday December 11, 2019.

### **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 all of the above conditions be fulfilled on or before December 17, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) 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).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

he 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**

We have no objections to this application for Consent.

#### **Discussions:**

Phil Pocock excuses himself from the Committee and sits within the audience.

Rita Jabbour, Planner, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

**(COA-2019-12-103)** That application B-31-19 be granted to sever a ±510 square metre (±5500 square foot) parcel from the existing +1161 square metre (±12500 square foot) residential lot for the purpose of creating a new residential lot subject to 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 all of the above conditions be fulfilled on or before December 17, 2020.

"Carried"

**Reasons for Decision:** The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

#### **5.4 Rita Jabbour, Planner RE:**

##### **Application B-29-19 1277083 Ontario Ltd. (Agent: Katie Dunn), 135 Crystal Beach Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 135 Crystal Beach Road in the former township of Colchester South. The applicants are proposing to sever a  $\pm 526$  square metre ( $\pm 5664$  square foot) parcels from the existing  $\pm 1578$  square metre ( $\pm 16992$  square foot) residential lot. The retained parcel is proposed to have an area of  $\pm 526$  square metres ( $\pm 5664$  square feet). The applicant is proposing these consents for the purpose of residential lot creation.

#### **5.4.1 Public Presentations (if any)**

##### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: "Lakeshore Residential"

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

An application for consent has been submitted for the lands located at 135 Crystal Beach Road in the former township of Colchester South. **Note: The applicant is applying for a simultaneous consent application (B-32-19). This application was previously heard and deferred on November 19.**

The subject property is designated "Lakeshore Residential" under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is described as lots 30-33 and Part of Lot 29 on Plan 1392. As such, the subject property is composed of four whole lots on a registered plan of subdivision which are transferable without the need for a severance, however, the applicants are proposing the following severance to create a wider residential lot.

The applicants are proposing to sever a  $\pm 526$  square metre ( $\pm 5664$  square foot) parcel from the existing  $\pm 1578$  square metre ( $\pm 16992$  square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential parcel for the development of a single detached dwelling.

The R1.1 zoning district permits the development of a single detached dwelling as a main use, and any use accessory to the main use. 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. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application. On November 19, the Committee deferred this application until such time comments from the Drainage Superintendent and the Manager of Environmental Services were received regarding flooding concerns along Crystal Beach Road and lagoon capacity for the Colchester settlement area.

Comments were received from Andy Graf, Manager of Environmental Services, regarding lagoon capacity. He states that he has no issue with the severance and that lagoon capacity is available. He indicates that the subject parcel is within the original design area for Ward 3 sanitary sewer servicing. Additionally, he notes that any costs associated with the water and sanitary services for the new lot will be the responsibility of the proponent and that it may be an expensive proposition based on the water table being so close to the lake.

Comments were received from Norman Nussio, Manager of Operations and Drainage, who states that he is ok with the severance and does not believe there will be an issue with drainage due to capacity. He states that the issue that pertains to flooding is at the outlet of the drain which gets plugged from time to time with sand. He states that the new drainage report will address the issue with the plugged pipe by installing a V wall at the outlet of the drain.

Planning has also consulted with Jake Morassut, By-law Enforcement Officer, who has advised that he is not aware of any property standards concerns at the subject property. That correspondence is as recent as Thursday December 12.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to:

- a) Its consistency with Provincial legislation, policies and guidelines;
- b) The requirements and policies of this Plan and the comments of other public authorities and agencies:

The Official Plan permits new residential development on full municipal services, and a single detached dwelling in the Lakeshore Residential designation. The lot is serviced by the Crystal Beach Drain and has access to a municipally owned and operated piped water, sanitary and storm sewer.

- c) The continuation of an orderly development pattern; and,

- d) The adequate provision of a potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consents should only be granted:

- a) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal services would not be required:

This application is for the creation of only one (1) lot;

- b) When the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town and/or the Ministry of Transportation or the County of Essex:

Access to the severed and retained parcel is by way of Crystal Beach Road which is a public road that is owned and assumed by the Town of Essex;

- c) For infilling in existing built-up areas:

Residential development exists on the west and east side of Crystal Beach Road.

The minimum lot width and lot area required to accommodate a single detached dwelling on a lot that is serviced by a sanitary sewer under the R1.1 zoning district is 15 metres (50 feet) and 460 square metres (5000 square feet), respectively. The severed parcel is proposed to have a lot width of 18 metres and a lot area of +526 square metres. Thus, the proposed severance will meet and exceed the minimum lot area and lot width regulations under the R1.1 zoning district for a single detached dwelling.

The retained parcel is proposed to have a lot width and lot area of 18 metres (60 feet) and +526 square metres (+5664 square feet), respectively. The retained parcel will continue to be occupied by an existing single detached dwelling, two accessory sheds and accompanying infrastructure and will continue to be used for residential purposes. Access to the retained lot will continue to be by way of Crystal Beach Road via the existing access area. Access to the retained lot will not be impacted by the proposed severance.

The condition of a parkland dedication fee has been proposed. The purpose of this policy is to put in place a uniformed park impost fee against all new single residential lots created by consent. The Committee may choose to remove this condition if they believe this proposal does not conform to the policy.

As a result of giving of public notice, no written correspondences have been received from members of the public as of Thursday December 12, 2019.

### **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 all of the above conditions be fulfilled on or before December 17, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) 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).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

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**

We have no objections to this application for Consent.

**Discussions:**

Rita Jabbour, Planner, explains the nature of the application

Rita advises the members that they can choose to remove condition 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.

She states that the applicants are not creating new lots, they are rather making the 4 existing lots larger. Therefore the committee can deem that the parkland dedicate fee be removed as no new lot is being created.

Percy Dufour asks the applicant if they were charged the parkland fees when they originally created the 4 lots.

Rudy Viale, Applicant, advises that the lots were created in 1930 and payment for parkland fees are unknown at this time.

Moved by: Ray Beneteau

Seconded by: Brian Gray

Opposed by: Phil Pocock

**(COA-2019-12-104)** That application B-29-19 be granted to sever a  $\pm 526$  square metre ( $\pm 5664$  square foot) parcel from the existing  $+1578$  square metre ( $\pm 16992$  square foot) residential lot for the purpose of creating a new residential lot subject to 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 all of the above conditions be fulfilled on or before December 17, 2020.

“Carried”

**Reasons for Decision:** The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

## 5.5 Rita Jabbour, Planner RE:

### **Application B-32-19 1277083 Ontario Ltd. (Agent: Katie Dunn), 135 Crystal Beach Road (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the subject lands located at 135 Crystal Beach Road in the former township of Colchester South. The applicants are proposing to sever a ±526 square metre (±5664 square foot) parcels from the existing +1578 square metre (±16992 square foot) residential lot. The retained parcel is proposed to have an area of ±526 square metres (±5664 square feet). The applicant is proposing these consents for the purpose of residential lot creation.

#### **5.5.1 Public Presentations (if any)**

#### **Rita Jabbour, Planner, wrote:**

Official Plan Designation: “Lakeshore Residential”

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

An application for consent has been submitted for the lands located at 135 Crystal Beach Road in the former township of Colchester South. **Note: The applicant is applying for a**

**simultaneous consent application (B-29-19). This application was previously heard and deferred on November 19.**

The subject property is designated “Lakeshore Residential” under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is described as lots 30-33 and Part of Lot 29 on Plan 1392. As such, the subject property is composed of four whole lots on a registered plan of subdivision which are transferable without the need for a severance, however, the applicants are proposing the following severance to create a wider residential lot.

The applicants are proposing to sever a +526 square metre (+5664 square foot) parcel from the existing +1578 square metre (+16992 square foot) residential lot. The applicants are proposing this consent for the purpose of creating a new residential parcel for the development of a single detached dwelling.

The R1.1 zoning district permits the development of a single detached dwelling as a main use, and any use accessory to the main use. 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. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. An example of an accessory use is a detached garage.

At the November 19 meeting, concerns were raised by the abutting neighbour at 131 Crystal Beach Road regarding the possible encroachment of his garage onto the proposed severed lot. The applicants have since provided a letter from Brain Coad, an Ontario Land Surveyor, and accompanying draft survey, which confirms that the garage at 131 Crystal Beach Road is a minimum of .43 metres south of the property line of the subject parcel. Thus, it has been confirmed that there is no encroachment of the garage on the subject parcel. The garage is completely confined to the neighbouring property at 131 Crystal Beach Road.

On November 19, the Committee also deferred this application until such time comments from the Drainage Superintendent and the Manager of Environmental Services were received regarding flooding concerns along Crystal Beach Road and lagoon capacity for the Colchester settlement area.

Comments were received from Andy Graf, Manager of Environmental Services, regarding lagoon capacity. He states that he has no issue with the severance and that lagoon capacity is available. He indicates that the subject parcel is within the original design area for Ward 3 sanitary sewer servicing. Additionally, he notes that any costs associated with the water and sanitary services for the new lot will be the responsibility of the proponent

and that it may be an expensive proposition based on the water table being so close to the lake.

Comments were received from Norman Nussio, Manager of Operations and Drainage, who states that he is ok with the severance and does not believe there will be an issue with drainage due to capacity. He states that the issue that pertains to flooding is at the outlet of the drain which gets plugged from time to time with sand. He states that the new drainage report will address the issue with the plugged pipe by installing a V wall at the outlet of the drain.

Planning has also consulted with Jake Morassut, By-law Enforcement Officer, who has advised that he is not aware of any property standards concerns at the subject property. That correspondence is as recent as Thursday December 12.

In accordance with section 6.4 of the Town of Essex Official Plan, the Committee of Adjustment should have regard to:

- e) Its consistency with Provincial legislation, policies and guidelines;
- f) The requirements and policies of this Plan and the comments of other public authorities and agencies:

The Official Plan permits new residential development on full municipal services, and a single detached dwelling in the Lakeshore Residential designation. The lot is serviced by the Crystal Beach Drain and has access to a municipally owned and operated piped water, sanitary and storm sewer.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the consent application. The continuation of an orderly development pattern; and,

- g) The adequate provision of a potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.

Consents should only be granted:

- d) When there are four or fewer lots proposed and only in areas where the premature extension of any major municipal services would not be required:  
This application is for the creation of only one (1) lot;
- e) When the land fronts on an existing public road which is of a reasonable standard of construction acceptable to the Town and/or the Ministry of Transportation or the County of Essex:  
Access to the severed and retained parcel is by way of Crystal Beach Road which is a public road that is owned and assumed by the Town of Essex;
- f) For infilling in existing built-up areas:  
Residential development exists on the west and east side of Crystal Beach Road.

The minimum lot width and lot area required to accommodate a single detached dwelling on a lot that is serviced by a sanitary sewer under the R1.1 zoning district is 15 metres (50 feet) and 460 square metres (5000 square feet), respectively. The severed parcels are proposed to have a lot width of 18 metres and a lot area of +526 square metres. Thus, the proposed severances will meet and exceed the minimum lot area and lot width regulations under the R1.1 zoning district for a single detached dwelling.

The retained parcel is proposed to have a lot width and lot area of 18 metres (60 feet) and +526 square metres (+5664 square feet), respectively. The retained parcel will continue to be occupied by an existing single detached dwelling, two accessory sheds and accompanying infrastructure and will continue to be used for residential purposes. Access to the retained lot will continue to be by way of Crystal Beach Road via the existing access area. Access to the retained lot will not be impacted by the proposed severance.

The condition of a parkland dedication fee has been proposed. The purpose of this policy is to put in place a uniformed park impost fee against all new single residential lots created by consent. The Committee may choose to remove this condition if they believe this proposal does not conform to the policy.

As a result of giving of public notice, no written correspondences have been received from members of the public as of Thursday December 12, 2019.

**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 all of the above conditions be fulfilled on or before December 17, 2020.

**Additional comments resulting from circulation.**

**Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) 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).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Our office has reviewed the proposal and has no concerns relating to stormwater management

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

he 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**

We have no objections to this application for Consent.

**Discussions:**

Rita Jabbour, Planner, explains the nature of the application

She advises the members that a survey was completed on the subject property by Verhaegen Land Surveyors. She states that they advised that the garage on 131 Crystal Beach is a minimum of .43 metres south of the property line. Therefore it is not encroaching on the proposed severed property.

Ray Beneteau asks if the .43 metre distance can be registered on title to protect the property owner.

Percy Dufour advises that the garage would fall under legal non-conforming.

Rita advises that the garage was built prior to Zoning By-law 1037 being adopted so it would have a legal non-conforming status. She states that the survey is a registered document which depicts the location of the garage.

Moved by Phil Pocock

Seconded by Dan Boudreau

Opposed Brian Gray

Opposed Ray Beneteau

**(COA 2019-12-105)** That application B-32-19 be granted to sever a  $\pm 526$  square metre ( $\pm 5664$  square foot) parcels from the existing  $+1578$  square metre ( $\pm 16992$  square foot) residential lot for the purposes of creating a new residential lot subject to 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 all of the above conditions be fulfilled on or before December 17, 2020.

“Defeated”

**Reasons for Decision:** The Application is not in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

Moved by Ray Beneteau

Seconded by: Brian Gray

Opposed: Dan Boudreau

Opposed: Phil Pocock

**(COA 2019-12-106)** That application B-32-19 be granted to sever a  $\pm 526$  square metre ( $\pm 5664$  square foot) parcels from the existing  $+1578$  square metre ( $\pm 16992$  square foot) residential lot for the purposes of creating a new residential lot subject to 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 all of the above conditions be fulfilled on or before December 17, 2020.

"Carried"

**Reasons for Decision:** The Application is in keeping with the intent of the Essex Official Plan policies and the Provincial Policy Statement.

## **6. Unfinished Business**

## **7. Correspondence**

## **8. New Business**

### **8.1 Committee to review 2020 Meeting Schedule**

Rita advises the members that she spoke with administration regarding changing locations for Committee of Adjustment meetings should there be an abundance of Colchester South and Harrow area applications. She states that the Community rooms

in these locations book up quickly however she will keep locations on a status of to be determined for the entire 2020 season. Members and the public will be updated on location once the agenda is posted for the month.

## **8.2 Committee to vote on Chair & Vice Chair**

### **8.2.1 Election of Chair**

Ray Beneteau nominated Percy Dufour for position of Chair.

Percy Dufour agrees to the nomination

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

**(COA-2019-12-107)** That Percy Dufour be nominated for the position of Chair of the Committee of Adjustment effective January 2020.

"Carried"

It is noted that there are no other nominations for the position of Chair of the Committee, and that Percy Dufour is therefore acclaimed as Chair of the Town of Essex Committee of Adjustment.

### **8.2.2 Election of Vice Chair**

Phil Pocock nominated Brian Gray for position of Vice Chair.

Brian Gray agrees to the nomination.

Moved by: Phil Pocock

Seconded by: Dan Boudreau

**(COA-2019-12-108)** That Brian Gray be nominated for the position of Vice Chair of the Committee of Adjustments

"Carried"

It is noted that there are no other nominations for the position of Vice Chair of the Committee, and that Brian Gray is therefore acclaimed as Chair of the Town of Essex Committee of Adjustment.

## **9. Notices of Motion**

## **10. Adjournment**

Moved by Ray Beneteau

Seconded by Brian Gray

**(COA-2019-12-109)** That the meeting be adjourned at 4:50 p.m.

"Carried"

**11. Next Meeting**

Tuesday January 21<sup>st</sup>, 2020 at 4:00 pm, Council Chambers, 33 Talbot Street South,  
Essex, Ontario.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary-Treasurer/Manager, Planning  
Services