



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

April 15, 2025, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

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

Absent: Chair - Pocock, Phil

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 Vice Chair called the meeting to order at 5:04 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. Closed Meeting Report

3.1 March 18, 2025

Marsha Buchta, Recording Secretary / Planning Clerk, reported that on March 18, 2025 at 5:00 p.m. the Committee of Adjustment met in Closed Session as permitted to do so pursuant to Section 239 (3.1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, to receive procedural training.

4. Declarations of Conflict of Interest

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

5. Adoption of Published Agenda

5.1 Committee of Adjustment Meeting Agenda for April 15, 2025

COA25-04-16

Moved By William Baker

Seconded By Dorene Lester

That the published agenda for the April 15, 2025 Committee of Adjustment Meeting be adopted as presented.

Carried

6. Adoption of Minutes

6.1 Committee of Adjustment Minutes for February 19, 2025

COA25-04-17

Moved By William Baker

Seconded By Dorene Lester

That the minutes of the Committee of Adjustment meeting held February 19, 2025 be adopted as circulated.

Carried

7. Reports from Administration/Applications

7.1 A-04-25 | 671 Ambassador Beach Road | Kathy Marie Pniewski, Trustee c/o Ronald Pniewski

Ian Rawlings, Junior Planner, provided an overview of the Application by way of a presentation entitled Committee of Adjustment Regular Meeting April 15, 2025.

The Langlois Arner Drain outlet runs through the property of Mr. Pniewski. Mr. Ron Pniewski, Agent for the Applicant, attended virtually to answer any questions from the Committee.

No objections were received from ERCA or MTO. The Drainage Superintendent provided written comments and advised the drainage works have yet to be finalized and are subject to the Drainage Act process including appeals. Upon consultation with the drainage engineer on the project, no concerns or objections were noted with the reduction in setback.

Matthew Child noted the history of the flooding in the area and asked if there were mitigating actions taken. Mr. Rawlings advised that they are in a Flood Plain area and ERCA will be involved with any construction approvals.

Mr. Tom Reavell, Property owner at 659 Ambassador Beach, advised of his support of the application.

COA25-04-18

Moved By William Baker

Seconded By Dorene Lester

That application A-04-25 be approved with the required relief from Section 10.6 d) ii) permitting a reduction of the minimum separation between any building or structure from a covered municipal drain from 6.0 metres (20 feet) to 2.1 m (6.9 f).

Reasons for Decision: The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

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

7.2 B-05-25 | 0 Bagot Street | Zacarias Braga

Ian Rawlings provided an overview of the application. No objections were received from internal or external agencies circulated.

Mr. Zacarias Braga Jr. was available to speak to the application.

Mr. Trevor Kulczycki neighbouring property owner advised he is not opposed to the severance but has concerns of the number of units being proposed as well as drainage, parking and privacy. He requested that the committee consider the requirement to build a fence for privacy.

Mr. Rawlings stated that the applicant is proposing 2 dwelling units on each lot; however, under the R1.1 zoning they are permitted to have three dwelling units on each lot, parking must be provided for each, and stormwater runoff is handled through the building permit phase. There is a 7.5m (25 ft) rear yard setback.

COA25-04-19

Moved By Dorene Lester

Seconded By William Baker

That application B-05-25 be approved to sever the lands into two (2) \pm 335.81 square metre (3,614.6 square foot) parcels for the purpose of constructing a Semi-Detached Dwelling being a building separated vertically into two dwelling units by a common interior wall, subject to the following condition(s):

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 a building permit for a footing and foundation wall to finish grade be issued;
6. That all of the above conditions be fulfilled on or before April 15, 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

COA25-04-20

Moved By Dorene Lester

Seconded By Matthew Child

That the presentation entitled Committee of Adjustment, April 15, 2025 Regular Meeting, presented by Administration, be received.

Carried

8. Adjournment

COA25-04-21

Moved By Dorene Lester

Seconded By Matthew Child

That the meeting be adjourned at 5:37 p.m.

Carried

9. Future Meetings

Wednesday, May 21, 2025, at 5:00 p.m. in Council Chambers, 33 Talbot Street, South, Essex ON.

Chair

Recording Secretary