



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

June 17, 2025, 5:00 pm
Location: Essex Municipal Building, 33 Talbot Street South

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

Absent: Member - Child, Matthew

Also Present: Rita Jabbour, Manager, Planning Services
Cheyenne Mailloux, Heritage & Planning Intern
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 June 17, 2025

COA25-06-28

Moved By Dorene Lester
Seconded By William Baker

That the published agenda for the June 17, 2025 Committee of Adjustment Meeting be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for May 21, 2025

COA25-06-29

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

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

Carried

6. Reports from Administration/Applications

COA25-06-30

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

That the report entitled Committee of Adjustment Regular Meeting, June 17, 2025, be received.

Carried

6.1 A-05-25 | 205 Centre Street | Lisa & Michael Girard (Agent: Dean Santarossa)

(Deferred by the applicant from the May 21, 2025 Committee of Adjustment Meeting)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 205 Centre Street, Essex Centre, Ward 1. The applicant is looking to construct an additional dwelling unit that is 70.0 sqm (753 sq ft) in gross floor area to be located 1.51 m (5 ft) from the rear lot line. Therefore, the applicant is requesting relief from section 8.15 c) xi) of the Zoning By-law which states: an Additional Dwelling Unit located in a detached accessory or ancillary building shall be permitted in a rear yard, except in a required rear yard. The subject property is zoned Residential District 1.1 which requires a minimum rear yard depth of 7.5m (25ft).

Mr. Ian Rawlings, Junior Planner, provided an overview of the application by way of the presentation titled Committee of Adjustment, Regular Meeting, June 17, 2025.

Mr. Dean Santarossa and applicant Michael Girard were present as Delegates for the application. Mr. Santarossa advised of significant damage to a tree close to where the ADU was originally to be located and as a result they moved it further back to avoid future damage.

Mr. William Baker requested clarification of the amenity space distance. The site plan detailed 66.5 feet.

Ms. Donna Flood, rear yard neighbouring property owner, spoke of concerns regarding the close location of the ADU to her rear yard. She currently doesn't have anything in the backyard; however, she may put a pool or something in the future. She stated she wasn't opposed to the application, but wondered if a privacy fence could be built, or a compromise to the location of the structure could be considered.

Chair Pocock questioned whether the application was minor in nature. Mr. Rawlings advised that when determining variances, administration considers the qualitative impacts to neighbouring properties, not quantitative. As a result, the application was considered minor.

COA25-06-31

Moved By Dorene Lester
Seconded By William Baker

That application A-05-25 be approved, with the condition to put up a 6' privacy fence.

Defeated

COA25-06-32

Moved By Danny Sauve, Vice Chair
Seconded By William Baker

That the application A-05-25 be approved provided the applicants compromise on the distance of the ADU from the rear lot line to 15 feet rather than the listed 5 feet. Ms. Rita Jabbour stated that the Committee of Adjustment does not have the authority to modify the application for a minor variance under the planning act at the hearing.

Defeated

COA25-06-33

Moved By Danny Sauve, Vice Chair
Seconded By William Baker

That application A-05-25 be deferred for the applicants to consider alternative setback options for the Additional Dwelling Unit.

Carried

6.2 A-06-25 | 4493 4th Concession Road | Trajce & Elaine Filiposki

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 4493 4th Concession Road, former Colchester South, Ward 3. The applicant is looking to convert a portion of an existing accessory structure into an Additional Dwelling Unit (ADU). The existing accessory structure is located 1.2 m (4 ft) from the rear lot line. The applicant is requesting relief from section 8.15 c) xi) of the Zoning By-law which prohibits *an ADU in a detached accessory or ancillary building from being located within a required rear yard*. The subject property is zoned Agricultural District 1.1 which requires a minimum rear yard depth of 15m (50ft).

Mr. Ian Rawlings, Junior Planner, provided an overview of the application by way of the presentation titled Committee of Adjustment, Regular Meeting, June 17, 2025.

Applicants, Trajce and Elaine Filiposki were present as Delegates to the application. Mr. Dan Sauve questioned if the structure was built with an ADU in mind. Mr. Filiposki advised they did upgrade and go with much higher standards

than code, as they were not 100 percent sure what they would need in the future.

COA25-06-34

Moved By William Baker

Seconded By Dorene Lester

That application A-06-25 be approved to allow the conversion of a portion of an existing accessory structure into an Additional Dwelling Unit (ADU) located 4 ft from the rear lot line subject to a condition that an application be made to the Building Services Division for a change of use permit.

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-08-25 | 61 Bell Avenue | Kirk Vivier (Agent: Rocco Mancini)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 61 Bell Avenue, in Essex Centre, Ward 1. The applicants are proposing to sever a \pm 651.5 square metre (7,013.2 square foot) parcel from the existing \pm 1,487.6 square metre (16,013.2 square foot) residential lot. The retained residential lot is proposed to have an area of \pm 836.1 square metres (9,000 square feet). The applicant is proposing this consent for the creation of one (1) new residential lot.

Mr. Ian Rawlings, Junior Planner, provided an overview of the application by way of the presentation titled Committee of Adjustment, Regular Meeting, June 17, 2025.

Mr. Rawlings detailed there is a holding provision on the property which does not allow construction of a new home at this time; therefore, the site plan was for illustrative purposes only. Mr. Rawlings read comments received from Ms. Jill Cadarette of 57 Bell Avenue, detailing her objection to the severance citing concerns of loss of privacy, natural buffer, negative impacts on property value, incompatibility of neighbourhood character, drainage issues and removal of mature trees.

Mr. Rocco Mancini, Agent to application was present to speak to the application.

COA25-06-35

Moved By Dorene Lester

Seconded By William Baker

That application B-08-25 be approved to sever a \pm 651.5 square metre (7,013.2 square foot) parcel from the existing \pm 1,487.6 square metre (16,013.2 square foot) residential lot to create a new residential lot 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 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 accessory structure located on the severed lands be demolished prior to the issuance of the certificate;
6. That all of the above conditions be fulfilled on or before June 17th, 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

6.4 B-09-25 | 1153 County Road 11 | Stephen J. Zavaros

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1153 County Road 11, former Colchester North, Ward 2. The applicants are proposing to sever a \pm 0.024 ha (0.059 acre) parcel from the existing \pm 14.473 ha (35.763 acre) agricultural lot to be added to the adjacent property identified as 1169 County Road 11. The retained agricultural lot is proposed to have an area of \pm 14.435 ha (35.67 acres). The applicant is proposing this consent for the purposes of a lot addition.

Mr. Ian Rawlings, Junior Planner, provided an overview of the application by way of the presentation titled Committee of Adjustment, Regular Meeting, June 17, 2025

Mr. Stephen Zavaros was present as a Delegate to speak to the application.

COA25-06-36

Moved By Dorene Lester

Seconded By William Baker

That application B-09-25 be approved to sever a \pm 0.024 ha (0.059 acre) parcel from the existing \pm 14.473 ha (35.763 acre) agricultural lot to be added to the adjacent property identified as 1169 County Road 11 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 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 1169 County Road 11. 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 June 17th, 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

6.5 A-07-25 | 1153 County Road 11 | Stephen J. Zavaros

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1153 County Road 11, former Colchester North, Ward 2. As a result of two (2) consent applications for the purposes of a lot addition, the lot area for the retained lands will be reduced

from ± 14.473 ha (35.763) to ± 14.435 ha (35.67 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.*

COA25-06-37

Moved By William Baker

Seconded By Danny Sauve, Vice Chair

That application A-07-25 be approved with the requested relief required from Section 13.1 b) ii) 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

6.6 B-10-25 | 1153 County Road 11 | Stephen J. Zavaros

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1153 County Road 11, former Colchester North, Ward 2. The applicants are proposing to sever a ± 0.011 ha (0.027 acre) parcel from the existing ± 14.473 ha (35.763) agricultural lot to be added to the adjacent property identified as 1179 County Road 11. The retained agricultural lot is proposed to have an area of ± 14.435 ha (35.67 acres). The applicant is proposing this consent for the purposes of a lot addition.

Mr. Stephen Zavaros was present to speak to the application.

COA25-06-38

Moved By Danny Sauve, Vice Chair

Seconded By Dorene Lester

That application B-10-25 be approved to sever a ± 0.011 ha (0.027 acre) parcel from the existing ± 14.473 ha (35.763) agricultural lot to be added to the adjacent property identified as 1179 County Road 11 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 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 1179 County Road 11. 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 June 17th, 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

7. New Business

7.1 Verbal reports on Ontario Association of Committees of Adjustment & Consent Authorities (OACA) Conference May 11 - 14, 2025

Mr. William Baker provided an overview of the information received at the Ontario Association of Committees of Adjustment & Consent Authorities (OACA) Conference May 11 - 14, 2025.

COA25-06-38

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

That the verbal report regarding the Ontario Association of Committees of Adjustment & Consent Authorities (OACA) conference attended by 3 Committee Members, May 11-14, 2025 be received.

Carried

8. Adjournment

COA25-06-39

Moved By Danny Sauve, Vice Chair

Seconded By Dorene Lester

That the meeting be adjourned at 6:10 p.m.

Carried

9. Future Meetings

Tuesday, July 15, 2025, at 5:00 p.m. in Council Chambers, 33 Talbot Street, South, Essex ON.

Chair

Recording Secretary