



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

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

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

Also Present: Lori Chadwick, Director, Development Services
Rita Jabbour, Manager, Planning Services
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

Matthew Child declared a conflict of interest for Application A-05-25, 205 Centre Street.

4. Adoption of Published Agenda

4.1 Committee of Adjustment Meeting Agenda for August 19, 2025

COA25-08-46

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

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

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for July 15, 2025

COA25-08-47

Moved By Dorene Lester

Seconded By William Baker

That the minutes of the Committee of Adjustment meeting held July 15, 2025 be adopted as circulated.

Carried

6. Reports from Administration/Applications

COA25-08-48

Moved By Dorene Lester

Seconded By Matthew Child

That the presentation entitled Committee of Adjustment, Regular Meeting, August 19, 2025, be received.

Carried

COA25-08-49

Moved By Danny Sauve, Vice Chair

Seconded By William Baker

That deferred application A-05-25, 205 Centre Street be brought forward for review by the Committee of Adjustment on August 19, 2025.

Carried

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

Deferred by the Committee at the June 17, 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 4.57 m (15 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, gave a brief overview, providing an updated site plan for the Committee's consideration. The applicants and Agent were present for questions.

COA25-08-50

Moved By Danny Sauve, Vice Chair

Seconded By William Baker

That application A-05-25 be approved to allow the construction of an ADU, 4.57 m (15 ft) from the rear lot line subject to a condition that the applicant obtain a building 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

6.2 B-14-25 | 0 Gore Road | Gorski Holdings Inc. (Thad A. Gorski - President)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 0 Gore Road, former Colchester South, Ward 3. The applicants are proposing to sever a ± 10.1 ha (25 acre) parcel from the existing ± 56.6 ha (140 acre) agricultural lot to be added to the adjacent property identified as 634 County Road 50. The retained agricultural lot is proposed to have an area of ± 46.5 ha (115 acres). The applicant is proposing this consent for the purposes of a lot addition.

Mr. Ian Rawlings provided an overview of the application. Mr. Thaddeus Gorski, President of Gorski Land Holdings Inc. was present as a delegate for the application, he explained the purpose of the application was to square off parcels of agricultural property.

Mr. Matthew Child questioned if the severance listed on the application from 2008 has any impact on the application being presented. Mr. Rawlings clarified that it does not have any impact.

COA25-08-51

Moved By William Baker

Seconded By Danny Sauve, Vice Chair

That application B-14-25 be approved to sever a ± 10.1 ha (25 acre) from the existing ± 56.6 ha (140 acre) to be added to the property identified as 634 County Road 50, 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 634 County Road 50. 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 the applicant confirm and update any existing easements on the subject lands, and provide evidence that the legal descriptions are updated to the satisfaction of the Town, prior to the issuance of the consent certificate
7. That all of the above conditions be fulfilled on or before August 19th, 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

6.3 B-15-25 | 136 County Road 50 | Colchester Bay Inc. (c/o Wing On Li) Agent: Dillon Consulting Limited. (c/o Melanie Muir)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 136 County Road 50, former Colchester South, Ward 3. The applicants are proposing to sever a \pm 15.52 ha (38.35 acre) parcel from the existing \pm 49.69 ha (122.79 acre) lot. The retained lot is proposed to have an area of \pm 34.17 ha (84.44 acres). The applicant is proposing this consent for the creation of one (1) lot.

Mr. Ian Rawlings provided an overview of the application by way of the presentation. Three comments were received from the public in opposition to the application from John Rounq, Terry Kuhn and Kim Dossenbach.

Ms. Rukma Ramdenee, from Dillon Consulting was present on behalf of Colchester Bay Inc. for questions.

Chris Smith, resident, requested more information on what will be developed on this property.

Ms. Lori Chadwick, Director of Development Services clarified the application being brought forward for consideration is separating the land uses of the north Agricultural property and that slated as development reserve to the south. The

developer hosted a public open house as part of a future rezoning or application for plan of subdivision / condominium on a potential development on the property. As a result of hundreds of comments received, the developer is working to complete a revised concept plan, to reduce the density and address comments and concerns received. They will be hosting a future open house. Ms. Ramdenee confirmed they are working with the client to address the concerns before coming back to the Town and County.

Member Matthew Child questioned the prior severances on the property from 1972 and 1978, as well as if there has been a Plan of Subdivision previously on the property.

Ian Rawlings confirmed prior severances created retirements lots both currently housing single dwelling homes.

Mr. Child questioned considerations for the natural heritage feature located on the proposed severed lot.

Ms. Chadwick conveyed that the woodlot is being studied as part of the Zoning By-Law Amendment and Plan of Subdivision / Condominium applications. An Environmental Impact Assessment is required, and the terms of reference are being completed with Town and County third party environmental specialists. The Town has identified the area as undevelopable land, not including the area for density calculations, with intentions of protecting the natural heritage feature.

Janet Keith - resident explained in a previous application that a retirement home was proposed on the property. She and her mother came to the Town and were told no other development would occur as the province protects the agricultural lands. She also expressed concerns of the native trees along the side of the property.

Chair Pocock conveyed we are only dealing with the severance of the property and not the development at this time. When the development occurs, the questions can be brought forward at that time.

Member Dorene Lester was looking for clarification on what the developer can do if the severance is approved.

Ms. Chadwick explained the property is zoned as development reserve in the official plan and is proposed for development. The developer is required to follow specific steps prior to constructing homes. There must be a registered lot. Future lots would require plan of subdivision / condominium, which must be approved by the County. New homes would require a rezoning application. As it's a Secondary settlement area, lower density housing is preferred. A rezoning will trigger the public consultation process and residents can bring forward their concerns and comments at that time.

Member William Baker commented that the Committee of Adjustment can only consider the severance of the land.

Robert Merrit - Resident requested clarification on the minor variance.

Mr. Rawlings explained that both Agriculture and Development Reserve zoning have a minimum lot area requirements, Agriculture requires 100 acres and development reserve specifies as existing, therefore; in order to split them from each other they require the variances.

Joe Gorski - Resident commented that in 2010 the land was rezoned R1 Holding.

Member Dan Sauve questioned why the boundary line wasn't established at that time, now requiring a minor variance.

Ms. Rita Jabbour, Manager of Planning advised that the boundary line was established much earlier than 2010 and we are not looking to take any lands from either zoning but merely recognizing what's already existing and splitting the properties into 2 separate lots, one remaining agricultural and one for development reserve within the settlement area.

Mr. Matthew Child requested if the application is denied, would the development occur anyway?

Ms. Chadwick advised that the severance is not necessary for the development; however, it is preferred for planning practices, to ensure the property isn't split zoned.

Mr. Child expressed his concerns regarding the sequencing of applications and whether the variance is minor.

COA25-08-52

Moved By Dorene Lester

Seconded By William Baker

That application B-15-25 be approved to allow the creation of one lot, by severing \pm 15.52 ha (38.35 acres) from the existing \pm 49.69 ha (122.79 acres) 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. The applicant and applicant's solicitor shall provide and undertake to provide a copy of the deed cover page, as registered with the instrument number being shown thereon, to the Secretary-Treasurer within thirty days of the issuance of the consent certificate;
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. A restricted development layer will be applied to the retained lands upon provisional consent approval on the Town's Geographic Information System. (GIS);
8. That all of the above conditions be fulfilled on or before August 19th, 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 and 6.5 of the Town of Essex Official Plan respecting "Consents".

Carried

6.4 A-08-25 | 136 County Road 50 | Colchester Bay. Inc. (c/o Wing On Li) Agent: Dillon Consulting Limited. (c/o Melanie Miur)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 136 County Road 50 in the Colchester Hamlet Centre (Ward 3). As a result of a severance on the subject lands, the lot area for the severed and retained parcels will be reduced from \pm 49.69 ha (122.79 acre) to \pm 15.52 ha (38.35 acre) and \pm 34.17 ha (84.44 acres), respectively. Relief is therefore required from the following sections of the Zoning By-law:

- Section 27.1 b) i) which states that the minimum lot area and lot width for lots zoned Development Reserve District 1.1 (DR1.1) shall be as lawfully existing.
- Section 13.1 b) ii) which states the minimum lot area for lots zoned Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

COA25-08-53

Moved By Dorene Lester
 Seconded By William Baker

That application A-08-25 be approved with the requested relief stated in the application.

Reason for the 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. Adjournment

COA25-08-54

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

That the meeting be adjourned at 6:03 p.m.

Carried

8. Future Meetings

Tuesday, September 16, 2025, at 5:00 p.m. in Council Chambers, 33 Talbot Street, South, Essex ON.

Chair

Recording Secretary