



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

November 18, 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
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, Dan Sauve, called the meeting to order at 5:04 p.m. Phil Pocock, Chair, arrived at 5:34 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 November 18, 2025

COA25-11-78

Moved By William Baker
Seconded By Dorene Lester

That the published agenda for the November 18, 2025 Committee of Adjustment Meeting be adopted as amended to hear Application A-11-25 (6.4) first, followed by all applications for Essex Non-Profit (Agenda Items 6.7- 6.12) second due to Applicant / Agent time constraints.

Carried

5. Adoption of Minutes

5.1 Committee of Adjustment Minutes for October 21, 2025

COA25-11-79

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

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

Carried

6. Reports from Administration/Applications

6.1 A-11-25 | 800 County Road 13 | Heather Marchand & David Klie, Committee of Adjustment-2025-22

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 800 County Road 13, in the former Township of Colchester South, Ward 3. The applicants are looking to permit the expansion and enlargement of a legal non-conforming residential use. The applicant is looking to convert a portion of an existing accessory structure into an Additional Dwelling Unit (ADU). The ADU will have a gross floor area of 179.9 sqm (1,936 sqft), and will be 2 storeys in height, with a building height of 6.87 m (22. 5 ft).

Ms. Rita Jabbour, Manager of Planning Services, provided an overview of the application by way of the Presentation entitled Committee of Adjustment, Regular Meeting November 18, 2025. Heather Marchand and David Klie, applicants, were present as Delegates to the application. No questions or concerns were raised.

COA25-11-80

Moved By Dorene Lester

Seconded By William Baker

That application A-11-25 be approved to convert a portion of an existing accessory structure into an Additional Dwelling Unit (ADU). The ADU will have a gross floor area of 179.9 sqm (1,936 sqft), and will be 2 storeys in height, with a building height of 6.87 m (22. 5 ft) subject to the following condition:

1. That the applicant obtains a Building Permit from the Town of Essex.

Reasons 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.

6.2 B-30-25 | 169 & 173 Patrick Crescent | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 169 and 173 Patrick Crescent, Essex Centre, Ward 1. The applicants are proposing to sever a ± 351.7 square metre (3,773 square foot) parcel, consisting of Parts 2 and 6 on the draft plan provided, for the creation of one (1) new residential lot. The retained lands are proposed to have an area of ± 491 square metres (5,285 square feet) (169 Patrick Crescent) and ± 488.6 square metres (5,259 square feet) (173 Patrick Crescent), respectfully. The applicant is proposing this consent for the creation of one (1) new residential lot to facilitate the construction of a three-unit dwelling on the severed lands and a three-unit dwelling on the retained lands (173 Patrick Crescent).

Ms. Jabbour reviewed the applications with the Committee and members of the public. One written comment was received by email after the creation of the Planning Report and was forwarded to the Committee prior to the meeting to review.

Hal Kersey from HRK Realty Services was present virtually as a Delegate. Hans Kogel was also present as a Delegate on behalf of Essex Non-Profit.

COA25-11-81

Moved By William Baker

Seconded By Dorene Lester

That application B-30-25 be approved to sever a ± 351.7 square metre (3,773 square foot) parcel, consisting of Parts 2 and 6 on the draft plan. The retained lands to have an area of ± 491 square metres (5,285 square feet) (169 Patrick Crescent) and ± 488.6 square metres (5,259 square feet) (173 Patrick Crescent), respectively. The new residential lot will facilitate the construction of a three-unit dwelling on the severed lands and a three-unit dwelling on the retained lands (173 Patrick Crescent). The application is 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.
7. That all of the above conditions be fulfilled on or before November 18, 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

6.3 A-12-25 | 169 & 173 Patrick Crescent | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 169 and 173 Patrick Crescent, Essex Centre, Ward 1. As a result of a severance application for the purpose of creating one (1) new residential lot, and for the purposes of constructing a three-unit dwelling on the retained lands and severed land, the applicant requires the following relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii. to reduce the minimum rear yard depth requirement for 169 Patrick Crescent to 6.6 m (21.7 ft), whereas the By-law requires 7.5 m (25 ft);
- Section 14.1 b) i. to reduce the minimum lot width requirements to 11.2 m (36.7 ft) for the severed lands, whereas the By-law requires 12 m (40 ft);
- Section 14.1 b) ii. to reduce the minimum required lot area requirements to 351.7 sqm (3,773 sqft) for the severed lands, whereas the By-law requires 360 sqm (4,000 sqft);
- Section 14.1 b) viii. To reduce the minimum required interior side yard width requirements to 1.2 m (4 ft) for the severed lands for both sides of a dwelling when no attached garage or carport is provided, whereas the By-law requires a minimum interior side yard width of 1.2 m (4 ft) on one side, and 3 m (10 ft) adjacent side, when no attached garage or carport is provided.

COA25-11-82

Moved By Matthew Child

Seconded By William Baker

That application A-12-25 be approved with the requested relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii. to reduce the minimum rear yard depth requirement for 169 Patrick Crescent to 6.6 m (21.7 ft), whereas the By-law requires 7.5 m (25 ft);

- Section 14.1 b) i. to reduce the minimum lot width requirements to 11.2 m (36.7 ft) for the severed lands, whereas the By-law requires 12 m (40 ft);
- Section 14.1 b) ii. to reduce the minimum required lot area requirements to 351.7 sqm (3,773 sqft) for the severed lands, whereas the By-law requires 360 sqm (4,000 sqft);
- Section 14.1 b) viii. To reduce the minimum required interior side yard width requirements to 1.2 m (4 ft) for the severed lands for both sides of a dwelling when no attached garage or carport is provided, whereas the By-law requires a minimum interior side yard width of 1.2 m (4 ft) on one side, and 3 m (10 ft) adjacent side, when no attached garage or carport is provided.

Reasons 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

6.4 B-31-25 | 118 & 122 Michael Drive | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.), Committee of Adjustment-2025-26

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 118 and 122 Michael Drive, Essex Centre, Ward 1. The applicants are proposing to sever a ± 407.3 square metre (4,384 square foot) parcel, consisting of Parts 3 and 7 on the draft plan provided, for the creation of one (1) new residential lot. The retained lands are proposed to have an area of ± 513.1 square metres (5,523 square feet) (118 Michael Drive) and ± 408 square metres (4,392 square feet) (112 Michael Drive), respectively. The applicant is proposing this consent for the creation of one (1) lot to facilitate the construction of a three-unit dwelling on the severed lands and a three-unit dwelling on the retained lands (118 Michael Drive).

Hal Kersey from HRK Realty Services was present virtually as a Delegate. Hans Kogel was also present as a Delegate on behalf of Essex Non-Profit.

COA25-11-83

Moved By Dorene Lester

Seconded By William Baker

That application B-31-25 be approved to sever a ± 407.3 square meter (4384 square foot) parcel 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.
7. That all of the above conditions be fulfilled on or before November 18, 2027, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Carried

6.5 A-13-25 | 118 & 122 Michael Drive | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 118 and 122 Michael Drive, Essex Centre, Ward 1. As a result of a severance application for the purpose of creating one (1) new residential lot, and for the purposes of constructing a three-unit dwelling on the retained lands and severed land, the applicant requires the following relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for 118 Michael Drive to 6.09 m (20 ft), whereas the By-law requires 7.5 m (25 ft);
- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for 122 Michael Drive to 6.2 m (20.3 ft), whereas the By-law requires 7.5 m (25 ft);
- Section 14.1 b) i. to reduce the minimum lot width requirements to 11.2 m (36.7 ft) for the severed lands, whereas the By-law requires 12 m (40 ft);Section
- 1 b) viii. To reduce the minimum required interior side yard width requirements to 1.2 m (4 ft) for both sides of a dwelling when no

attached garage or carport is provided for the severed lands, whereas the By-law requires a minimum interior side yard width of 1.2 m (4 ft) on one side, and 3 m (10 ft) adjacent side, when no attached garage or carport is provided.

COA25-11-84

Moved By Dorene Lester

Seconded By Matthew Child

That application A-13-25 be approved with the requested relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for 118 Michael Drive to 6.09 m (20 ft), whereas the By-law requires 7.5 m (25 ft);
- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for 122 Michael Drive to 6.2 m (20.3 ft), whereas the By-law requires 7.5 m (25 ft);
- Section 14.1 b) i. to reduce the minimum lot width requirements to 11.2 m (36.7 ft) for the severed lands, whereas the By-law requires 12 m (40 ft);Section
- 1 b) viii. To reduce the minimum required interior side yard width requirements to 1.2 m (4 ft) for both sides of a dwelling when no attached garage or carport is provided for the severed lands, whereas the By-law requires a minimum interior side yard width of 1.2 m (4 ft) on one side, and 3 m (10 ft) adjacent side, when no attached garage or carport is provided.

Reasons 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-32-25 | 130 Kim Court | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.), Committee of Adjustment-2025-27

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 130 Kim Court, Essex Centre, Ward 1. The applicants are proposing to sever a \pm 567.4 square metre (6,107.4 square foot) parcel from the existing \pm 1,167.5 square metre (12,566.9 square foot) residential lot. The retained lot is proposed to have an area of \pm 600.1 square metres (6,459.4 square feet). The applicant is proposing this consent for the creation of

one (1) residential lot to facilitate the construction of two (2) three-unit dwellings.

Hal Kersey from HRK Realty Services was present virtually as a Delegate. Hans Kogel was also present as a Delegate on behalf of Essex Non-Profit.

COA25-11-85

Moved By Matthew Child

Seconded By William Baker

That application B-32-25 be approved to sever a \pm 567.4 square metre (6,107.4 square foot) parcel 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.
7. That the existing dwelling located on the subject lands be demolished prior to the issuance of the certificate
8. That all of the above conditions be fulfilled on or before November 18, 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

6.7 A-14-25 | 130 Kim Court | Essex Non-Profit Homes Inc. (Agent: HRK Realty Services Ltd.)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 130 Kim Court, Essex Centre, Ward 1. As a result of a severance application for the purpose of creating one (1) new residential lot, and for the purposes of constructing two (2) three-unit dwellings on the retained and severed lands, the applicant requires the following relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for the severed lands (Part 2 on the Draft Plan provided) to 4.8 m (15.75 ft), whereas the By-law requires 7.5 m (25 ft).

COA25-11-86

Moved By William Baker

Seconded By Matthew Child

That application A-14-25 be approved with the requested relief from the Zoning By-law, By-law 1037:

- Section 14.1 b) vii to reduce the minimum rear yard depth requirement for the severed lands (Part 2 on the Draft Plan provided) to 4.8 m (15.75 ft), whereas the By-law requires 7.5 m (25 ft).

Reasons 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

6.8 B-18-25 | 199 Brien Avenue | 1000836172 Ontario Inc. (Previously Deferred from September 16, 2025), Committee of Adjustment-2025-28

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant residential lands located on the northern side of Brien Avenue, just west of Sweetman Avenue, Essex Centre, Ward 1. The applicants are proposing to construct one (1) Semi-Detached Dwelling (a building separated vertically into 2 dwelling units by a common interior wall. Each dwelling has a separate entrance at street level). Each Semi-Detached Dwelling Unit will contain two (2) Additional Dwelling Units (ADU) for a total of six (6) dwelling units within the building. The applicants require a consent (severance) to divide the Semi-Detached Dwelling along the common interior wall to create two (2) separate parcels. The Severed parcel will be ± 560.1 square metres (6,028.0 square feet) in total lot area and the Retained parcel will be ± 446.2 square metres (4,804.0 square feet) in total lot area. Each parcel will contain a Semi-Detached Dwelling Unit and two (2) ADUs and the required on-site parking spaces for each dwelling unit (3 parking spaces).

On Tuesday September 16, 2025, the Town of Essex Committee of Adjustment heard Consent application B-18-25. Following a presentation by Staff, and public delegations by the applicant and members of the public, a motion to defer the application until such time that a Traffic Memo, completed by a licensed professional traffic engineer, to the satisfaction of the Town of Essex, was submitted to the Committee. The applicant has prepared and submitted a Traffic Memo. The application is now being returned to the Committee for decision.

Ms. Rita Jabbour, Manager of Planning Services provided a brief overview of the applications which had been deferred from September 16, 2025. The Traffic memo was completed by professional Traffic Operations Engineers from RC Spencer. The memo included a supplementary on-street parking utilization to ensure any overflow parking demand could be sufficiently accommodated.

The Engineer concluded:

- Site generated traffic would have a nominal impact on Brien Avenue West.
- Egress sight lines clear for good decision making;
- 33 underutilized on-street parking spaces within 200m walking distance, sufficient to accommodate overflow demands;
- Proposed residential development will not adversely impact traffic operations in the area.

Memo was reviewed by Town of Essex Infrastructure Services staff who agreed with conclusions.

Delegations:

Jonathon Little - 190 Brien Avenue West - Concerns:

- Parking;
- Parking lots and environmental impacts of said lots with additional costs associated to surrounding homeowners;
- Traffic memo should be available to the community and in language understood by residents;
- Comments received by residents should be read publicly;
- Proximity of development to schools;
- All inquiries should be fully addressed prior to a decision;
- Deviation from original plans which were proposed to be parkland.

Moses Kakumba - 316 Sweetman Avenue - Concerns:

- Overcrowding with 6 families in 2 duplexes;
- Actions permissible for residents in attendance.

Sherry Bondy - Harrow Resident - Concerns:

- Recommended deferral to allow the applicant to return with the Traffic Engineer to answer any resident's questions;

- pictures of sightlines detailed empty streets which would not be the case with a 3 storey development;
- emphasis on safe walkable communities;
- Applicant's discrepancy advising of an additional consent to be brought forward for additional overflow parking and a second driveway behind 117 and 119 Brien Avenue;
- Town of Essex Engineer attendance to answer resident questions.
- Developers utilizing public parking on roads shifts costs to taxpayers;
- Town needs to keep roads clear for snow removal, street plows and road maintenance.
- Visitor parking and additional onsite parking remain unresolved.

Murray Curtis - 228 Brian Avenue West - Concerns:

- Noncompliance of Multi vehicle stop signs creating safety issues with increased density.

Tiffany Pocock Jubenville - 41 Park Lane

- Provided letter addressing concerns to the Town regarding the applications, as an Engineer she is available to answer any technical questions the Committee may have.

Mike Carew - 196 Brien Avenue West - Concerns:

- Witnessed many residents not stopping and has safety concerns.
- Are 33 parking spots within the area on both sides of the roadway?
- Request to see the Traffic Memo.

Patti Klepic - 312 Sweetman Avenue - Concerns:

- The proposed development includes on street overflow parking, yet fails to account for the parking needs of current taxpaying residents.

Katie McGuire-Blais - Essex Resident - Concerns:

- Proposed development, does not reflect smart planning, character or needs of surrounding community;
- Developer hasn't taken community into consideration;
- Inadequate parking and incompatible with the neighborhood;
- Parking by-law amendments did not apply to residential zoning only commercial units, Council is currently revising the parking by-laws as a result of this proposal. Not aligned with Town's intentions of planning framework;
- Smart planning doesn't allow multi-unit dwellings to have stacked, tandem parking, blocking each other;
- Developer advised of overflow parking in rear; rear yard parking is not permissible under zoning by-law and doesn't fit planning principles;
- Density, design and parking conflict with existing land use patterns;

- Parking memo fails to address nearby park entrance, identifies a false community safety zone, doesn't address overflow parking and advises of 0.41 vehicles entering and leaving site per day per unit.

Kim Kucharski - 64 Hanlan - Concerns:

- Extensive roadside parking poses potential challenges to the collection process under the new recycling program.

Temitope Johnson - 308 Sweetman - Concerns:

- Not feasible due to safety concerns for children and elderly.
- Curvature of roadway will affect parking.
- Drainage and infrastructure of the current neighbourhood was not designed to accommodate 18 additional units.

Rick Pascoe - 224 Brien Avenue West - Concerns:

- Safety and sightline issues with speeding and curvature of roadway, despite what traffic memo states, area is a safety issue prior to any density being proposed.
- Compensation of property value loss for current residents.

Daniel Crofts - Applicant

- Traffic memo completed by unbiased professional Traffic Engineer reviewed by Infrastructure who requested additional information, which was provided to the satisfaction of the Town;
- Proposing to build what the Town of Essex by-law allows.

Vice-Chair Sauve noted that parking concerns remain unresolved with the proposed increase in density. The development includes 18 two-bedroom units, potentially generating 36 vehicles in the area. A deferral is recommended until overflow parking solutions are addressed.

Member Baker stated that what may be legal and conform may not always be right. Many issues raised that need answers. With new biodiversity measures coming forward, no plan on how this will be addressed with the development. May need to be deferred to address all questions.

Member Lester agreed with Member Baker that government mandates allow regulations and opinions are not considered. The Committee needs to ensure all factors are evaluated to defend the decision in the event of an Appeal. Recommended deferral to allow the Traffic Engineer to come back to answer any questions the Committee or public may have.

Member Child read Traffic Memo and doesn't question calculations but has issues with assumptions memo makes for example parking is assessed within 200m of subject site. Will occupants walk that far consistently with children, groceries, or mobility issues? Due diligence was done by developer, development meets the zoning by-law. Issue is subjective, is the application consistent with the existing neighbourhood and does it constitute orderly development. County of Essex Official Plan Section 4.A.2.12 calls for opportunities of gentle density in development, which provides for slightly higher density than adjacent single detached dwellings in a way that is compatible with

the existing neighbourhood. The 78 units per hectare greatly exceeds the density of the surrounding area. The Town of Essex Official Plan section 6.4 states that the Committee of Adjustment shall have regard to the continuation of an orderly development pattern. The 18 dwellings will have 9 parking spots with additional on street parking adjacent to Bridalwood Optimus Park, being one of largest parks in Town, potentially creation a safety hazard.

Chair Pocock questioned applicant on his proposal to put additional parking in back when lots will only have one access, what are the plans for garbage, recycling and organic waste with so many units in one location and will developer be landlord or will it be later sold?

Daniel Crofts advised they will be the landlord. The waste will be maintained at the back of the properties, keeping it out of sight. Plan for parking was to have right of ways over all 3 properties, haven't pursued this as may not be feasible. They would require permission to add an additional driveway off the side of Brien, then could put additional parking in rear with 12-15 parking spaces, but would also require a fence so rear neighbours wouldn't be affected. Town may disagree and require rezoning or variances.

Member Sauve questioned parking enforcement.

The applicant advised they would reasonably enforce, but by-laws are created for this purpose.

COA25-11-87

Moved By Dorene Lester

Seconded By William Baker

That Applications from 1000836172 Ontario Inc, B-18-25 - 199 Brien Avenue, B-19-25 - 197 Brien Avenue and B-20-25 - 195 Brien Avenue be taken from the table to be reconsidered.

Carried

COA25-11-88

Moved By Matthew Child

Seconded By Danny Sauve, Vice Chair

That application B-18-25 be denied.

Reasons for Decision:

1. The subject properties are immediately adjacent to the Brien Avenue entrance to Bridlewood Optimist Park and the proposed nine onsite parking spaces on Brien Avenue pose a potential hazard to park users, in particular children and youth who regularly frequent the park from the Brien Avenue access point.
2. The applications, which together propose three duplexes containing 18 dwellings with 36 bedrooms in total, is not consistent with the existing neighbourhood character does not constitute orderly development. Specifically, the proposed developments do not meet the following planning guidance:
 - a. County of Essex Official Plan (Section 4.A.2.12) calls for opportunities for the integration of gentle density in development

within primary development areas, where gentle density is defined as “...additional housing units are provided of slightly higher density than adjacent single detached dwellings (or low density), in a way that is compatible with the existing neighbourhood”. Taken together the three lots propose a density of 78 units/hectare, which greatly exceeds the density of the surrounding neighbourhood. For comparison, if a single-family home was constructed on each of the three lots, taken together they would have a density of 13 units/hectare.

- b. Town of Essex Official Plan (Section 6.4) – “In considering an application for consent, the Committee of Adjustment should have regard to...the continuation of an orderly development pattern.” For the reasons stated above, the Committee of Adjustment is of the view the applications do not continue an orderly development pattern.

Carried

6.9 B-19-25 | 197 Brien Avenue | 1000836172 Ontario Inc. & 2829580 Ontario Ltd. (Previously Deferred from September 16, 2025)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant residential lands located on the northern side of Brien Avenue, just west of Sweetman Avenue, Essex Centre, Ward 1. The applicants are proposing to construct one (1) Semi-Detached Dwelling (a building separated vertically into 2 dwelling units by a common interior wall. Each dwelling has a separate entrance at street level). Each Semi-Detached Dwelling Unit will contain two (2) Additional Dwelling Units (ADU) for a total of six (6) dwelling units within the building. The applicants require a consent (severance) to divide the Semi-Detached Dwelling along the common interior wall to create two (2) separate parcels. The Severed parcel will be ± 260.3 square metres (2,801.8 square feet) in total lot area and the Retained parcel will be ± 498.7 square metres (5,368.0 square feet) in total lot area. Each parcel will contain a Semi-Detached Dwelling Unit and two (2) ADUs and the required on-site parking spaces for each dwelling unit (3 parking spaces).

On Tuesday September 16, 2025, the Town of Essex Committee of Adjustment heard Consent application B-19-25. Following a presentation by Staff, and public delegations by the applicant and members of the public, a motion to defer the application until such time that a Traffic Memo is completed by a licensed professional traffic engineer, to the satisfaction of the Town of Essex, was submitted to the Committee. The applicant has prepared and submitted a Traffic Memo. The application is now being returned to the Committee for decision.

COA25-11-89

Moved By Matthew Child

Seconded By Danny Sauve, Vice Chair

That application B-19-25 be denied.

Reasons for Decision:

1. The subject properties are immediately adjacent to the Brien Avenue entrance to Bridlewood Optimist Park and the proposed nine onsite

parking spaces on Brien Avenue pose a potential hazard to park users, in particular children and youth who regularly frequent the park from the Brien Avenue access point.

2. The applications, which together propose three duplexes containing 18 dwellings with 36 bedrooms in total, is not consistent with the existing neighbourhood character does not constitute orderly development. Specifically, the proposed developments do not meet the following planning guidance:
 - a. County of Essex Official Plan (Section 4.A.2.12) calls for opportunities for the integration of gentle density in development within primary development areas, where gentle density is defined as "...additional housing units are provided of slightly higher density than adjacent single detached dwellings (or low density), in a way that is compatible with the existing neighbourhood". Taken together the three lots propose a density of 78 units/hectare, which greatly exceeds the density of the surrounding neighbourhood. For comparison, if a single-family home was constructed on each of the three lots, taken together they would have a density of 13 units/hectare.
 - b. Town of Essex Official Plan (Section 6.4) – "In considering an application for consent, the Committee of Adjustment should have regard to...the continuation of an orderly development pattern." For the reasons stated above, the Committee of Adjustment is of the view the applications do not continue an orderly development pattern.

Carried

6.10 B-20-25 | 195 Brien Avenue | 1000836172 Ontario Inc. (Previously Deferred from September 16, 2025)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant residential lands located on the northern side of Brien Avenue, just west of Sweetman Avenue, Essex Centre, Ward 1. The applicants are proposing to construct one (1) Semi-Detached Dwelling (a building separated vertically into 2 dwelling units by a common interior wall. Each dwelling has a separate entrance at street level). Each Semi-Detached Dwelling Unit will contain two (2) Additional Dwelling Units (ADU) for a total of six (6) dwelling units within the building. The applicants require a consent (severance) to divide the Semi-Detached Dwelling along the common interior wall to create two (2) separate parcels. The Severed parcel will be \pm 260.5 square metres (2,802 square feet) in total lot area and the Retained parcel will be \pm 260.5 square metres (2,802 square feet) in total lot area. Each parcel will contain a Semi-Detached Dwelling Unit and two (2) ADUs and the required on-site parking spaces for each dwelling unit (3 parking spaces).

On Tuesday September 16, 2025, the Town of Essex Committee of Adjustment heard Consent application B-20-25. Following a presentation by Staff, and public delegations by the applicant and members of the public, a motion to defer the application until such time that a Traffic Memo is completed by a licensed professional traffic engineer, to the satisfaction of the Town of Essex, was

submitted to the Committee. The applicant has prepared and submitted a Traffic Memo. The application is now being returned to the Committee for a decision.

COA25-11-90

Moved By Matthew Child

Seconded By William Baker

That application B-20-25 be denied.

Reasons for Decision:

1. The subject properties are immediately adjacent to the Brien Avenue entrance to Bridlewood Optimist Park and the proposed nine onsite parking spaces on Brien Avenue pose a potential hazard to park users, in particular children and youth who regularly frequent the park from the Brien Avenue access point.
2. The applications, which together propose three duplexes containing 18 dwellings with 36 bedrooms in total, is not consistent with the existing neighbourhood character does not constitute orderly development. Specifically, the proposed developments do not meet the following planning guidance:
 - a. County of Essex Official Plan (Section 4.A.2.12) calls for opportunities for the integration of gentle density in development within primary development areas, where gentle density is defined as "...additional housing units are provided of slightly higher density than adjacent single detached dwellings (or low density), in a way that is compatible with the existing neighbourhood". Taken together the three lots propose a density of 78 units/hectare, which greatly exceeds the density of the surrounding neighbourhood. For comparison, if a single-family home was constructed on each of the three lots, taken together they would have a density of 13 units/hectare.
 - b. Town of Essex Official Plan (Section 6.4) – "In considering an application for consent, the Committee of Adjustment should have regard to...the continuation of an orderly development pattern." For the reasons stated above, the Committee of Adjustment is of the view the applications do not continue an orderly development pattern.

Carried

6.11 B-27-25 | 0 Maidstone Avenue West | Essex Town Centre Ltd (Agent: Corey St. Onge), Committee of Adjustment-2025-23

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 0 Maidstone Avenue West, Essex Centre, Ward 1. The applicants are proposing to sever a $\pm 6,430$ square metre (1.589 acre) parcel from the existing $\pm 8,892$ square metre (2.197 acre) commercial lot. The retained lot is proposed to have an area of $\pm 2,460$ square metres (0.608 acres). The applicant is proposing this consent for the creation of one (1) commercial lot.

Ms. Rita Jabbour provided an overview of the application.

Katie McGuire-Blais questioned whether the road running through the severed portion is municipal owned.

Ms. Jabbour advised that Bear Street within the severed portion is owned by Essex Town Centre, may be conveyed to the Town in the future.

Corey St. Onge, Agent to the Applicant, advised that the piece of road in question will be conveyed to the Town and when that happens, will be a separate lot adjacent to the Canadian Tire.

COA25-11-91

Moved By Dorene Lester

Seconded By William Baker

That application B-27-25 be approved to sever a \pm 6,430 square metre (1.589 acre) parcel from the existing \pm 8,892 square metre (2.197 acre) commercial 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 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 November 18, 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

6.12 B-28-25 | 0 Maidstone Avenue West | 1002982881 Ontario Inc. c/o Nathaniel Sherman, Committee of Adjustment-2025-24

The applicants are proposing to construct one (1) Semi-Detached Dwelling (a building separated vertically into 2 dwelling units by a common interior wall. Each dwelling has a separate entrance at street level). Each Semi-Detached Dwelling Unit will contain two (2) Additional Dwelling Units (ADUs) for a total of six (6) dwelling units within the building. The applicants require a consent (severance) to divide the Semi-Detached Dwelling along the common interior wall to create two (2) separate parcels. Each parcel will have a lot area of ± 464.5 square metres (5,000 square feet). Each parcel will contain a Semi-Detached Dwelling Unit, two (2) ADUs and the required on-site parking spaces for each dwelling unit (3 parking spaces).

Ms. Jabbour overviewed the application with the Committee and members of the public.

Member Sauve questioned where parking would be located for the Semi-detached dwelling units.

Nathaniel Sherman, Applicant detailed that parking would be located along the ends of each unit.

COA25-11-92

Moved By William Baker

Seconded By Matthew Child

That application B-28-25 be approved to sever a ± 464.5 square metres (5,000 square feet) parcel for the purpose of constructing a Semi-Detached Dwelling 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 a building permit for a footing and foundation wall to finish grade be issued;
6. 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;

7. That all of the above conditions be fulfilled on or before November 18, 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

6.13 Planning Presentation Committee of Adjustment Regular Meeting November 18, 2025

COA25-11-93

Moved By Dorene Lester

Seconded By Danny Sauve, Vice Chair

That the presentation entitled Committee of Adjustment, Regular Meeting November 18, 2025 be received.

Carried

7. Adjournment

COA25-11-94

Moved By Danny Sauve, Vice Chair

Seconded By Matthew Child

That the meeting be adjourned at 7:07 p.m.

Carried

8. Future Meetings

Tuesday, January 20, 2025, at 5:00 p.m. in Council Chambers, 33 Talbot Street South, Essex, ON

Chair

Recording Secretary