



Committee of Adjustment Planning Comments

Department: Planning Services

Hearing Date: April 21, 2026

Prepared by: Ian Rawlings, Junior Planner

Reviewed by: Rita Jabbour, RPP, Manager, Planning Services

Submitted to: Town of Essex Committee of Adjustment

Report Number: Committee of Adjustment 2026-07

Subject: A-06-26

Applicant(s): Paula Combdon, Kasey Combdon & Ryan Balon

Agent(s): Floro Culmone

Location: 2323 County Road 20 (former Colchester South, Ward 3)

Number of Pages: 12 including attachments

Please note that this Planning Report was prepared as of April 16, 2026. Any public comments received after this date have not been incorporated into this report; however, consideration of such public comments will be given at the Committee of Adjustment hearing on April 21st, 2026.

Recommendation(s)

It is recommended that minor variance application A-06-26 which requests relief from section 8.15 c) x) and 9.15 i) of the Zoning By-law to permit a one (1) storey Additional Dwelling Unit with a gross floor area of 59.5 sqm (640 sqft) to be located 9.1 m (30 ft) from the rear lot line, and 1.5 m (5 ft) from the interior side lot line, be approved, subject to the following condition(s):

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

Proposal

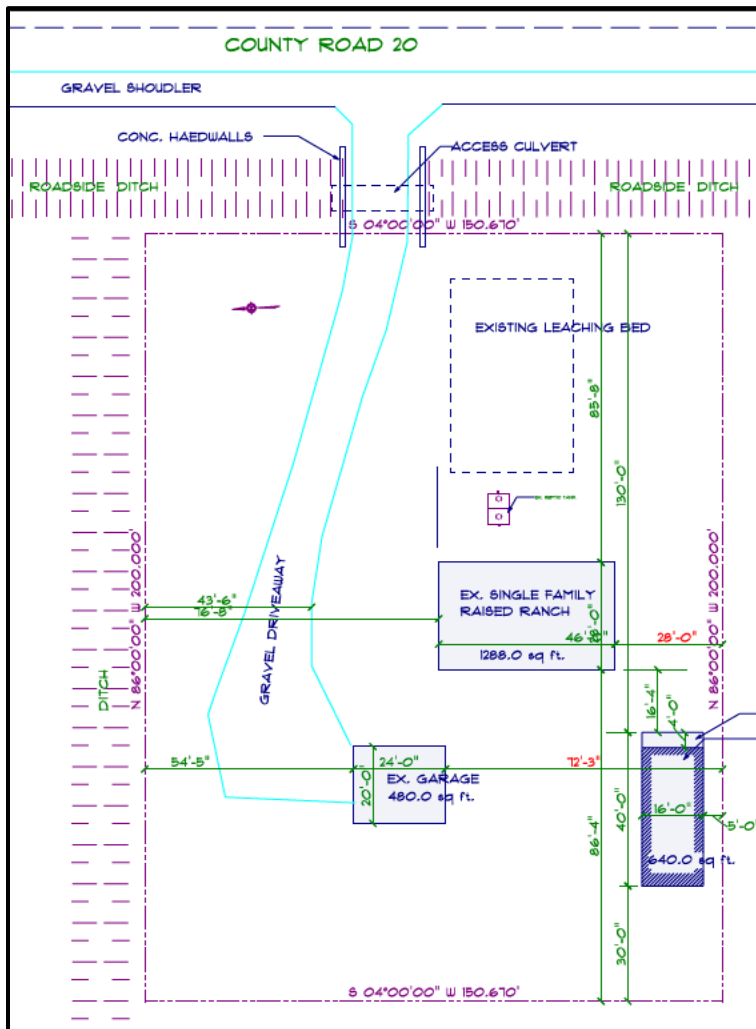
A minor variance application has been received by the Town of Essex Committee of Adjustment for the property located at 2323 County Road 12, former Colchester South, Ward 3. The property is located in an Agricultural Area, as identified on Schedule A1 of the County of Essex Official Plan; is designated 'Agricultural' on Schedule A-3 of the Town of Essex Official Plan; and is zoned Agricultural District 1.1 (A1.1) on Map 14 of the Town of Essex Zoning By-law, By-law 1037.



The property does not contain any natural heritage features; items identified under the Ontario Heritage Act; and is not located in a floodplain development control area. The property is located within the Essex Region Conservation Authority's (ERCA) limit of regulated area.

The property contains a single unit dwelling, and an accessory structure in the rear yard.

The applicants are proposing to construct a one (1) storey Additional Dwelling Unit (ADU) with a gross floor area (GFA) of 59.5sqm (640sqft). The ADU will be located 9.1m (30ft) from the rear lot line, and 1.5m (5ft) from the interior side lot line. The applicant is requesting relief from section 8.15 c) x) of the Zoning By-law which prohibits an ADU in a detached accessory or ancillary building from being located within a required rear yard and side yard. The subject property is zoned Agricultural District 1.1 which requires a minimum rear yard depth of 15m (50 ft) and a minimum side yard depth of 3m (10 ft).



The applicants are requesting the reduction to the rear and side yard setbacks due to site constraints as a result of the deficient size of the property and the location of the existing dwelling which was constructed at a time where ADUs were not considered in the Zoning By-law, which now hinders the ability for the applicant to construct an ADU and service it accordingly. The reduced side and rear yard setbacks would allow the ADU to be located in a manner which would permit an additional septic system if the existing septic system located in the front yard is unable accommodate the additional capacity.

Furthermore, the ADU will have an attached porch which will encroach up to 1.5 m (5 ft) into the minimum required side yard. Under Section 9.15 i) of the Zoning By-law a porch is not permitted to encroach into a required side yard for any zoning district. Therefore, the applicants are requesting relief from this section to allow the attached porch to encroach into the required side yard, alongside the ADU, in accordance with the attached drawings. Relief from this section is considered technical in nature as the porch is attached to the ADU. The respective tests of a Minor Variance were therefore applied to both the ADU and the attached porch simultaneously as identified within this report.

Policy Consideration

In accordance with subsection 45(1) of the Planning Act, the Committee of Adjustment may authorize such minor variance from the provisions of a By-law passed under section 34 of the Planning Act, being By-law 1037, only if the minor variance conforms with the prescribed criteria as detailing in section 45 (1) of the Planning Act, and the criteria established by the local municipality, being Section 9.8 of the Town of Essex Official Plan.

In accordance with subsection 3(5) of the Planning Act, any decision of a Committee on an application under the Planning Act, is required to be consistent with the Provincial Planning Statement, 2024 (PPS, 2024).

The following PPS (2024) policies are relevant to the proposed application for Minor Variance:

4.3.2.5. Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:

- a) comply with the minimum distance separation formulae;*
- b) are compatible with, and would not hinder, surrounding agricultural operations;*

- c) *have appropriate sewage and water services;*
- d) *address any public health and safety concerns;*
- e) *are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and*
- f) *minimize land taken out of agricultural production.*

Comments: Section 4.3.2.5 of the PPS permits ADU's within agricultural areas and contains policy direction that ADUs within Prime Agricultural areas must abide. The Town of Essex Building Department has verified that the subject lands comply with Minimum Distance Separation Formulae as of March 11th, 2026. The ADU is compatible with, will not hinder, and does not remove land taken out of agricultural production as it will be located on a lot that does not contain any agricultural operations. The ADU will utilize municipal water services and private sanitary services. The ADU will be limited in scale based on the regulations within the Town of Essex Zoning By-law, By-law 1037. The Town of Essex Zoning By-law requires that the ADU remains smaller in GFA than the main dwelling situated on the property. The main dwelling is ± 119 sqm (1,288sqft) in GFA, whereas the ADU has a GFA of 59.5sqm (640sqft) and is therefore limited in scale. No public safety or public health concerns will result from the requested variance.

It is our opinion that this proposal is consistent with the Provincial Planning Statement, 2024 (PPS, 2024).

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning By-law, the Committee of Adjustment should ensure that the four (4) tests provided by the Planning Act and the two (2) tests provided by the Official Plan are satisfied:

- a. *The general intent of the Town of Essex Official Plan and County of Essex Official Plan is maintained;*

Comments: Section 5.A.2.1 of the County of Essex Official Plan details that Additional Residential Dwelling units are permitted, in accordance with the provisions in the Planning Act. The Provincial Planning Statement (PPS, 2024) is sanctioned under the Planning Act. The PPS allows up to two additional residential units in prime agricultural areas.

Section 4.B.4.1. provides tools to be considered to support the development of affordable and attainable housing such as:

e) Site standards that facilitate the development of additional residential units, such as non-hazard related setbacks, narrower lot sizes, and reduced parking standards.

Permitting the construction of the ADU facilitates residential intensification through the reduction of non-hazardous related setbacks, such as the rear and side yard setback, which is intended to maintain private amenity space and separation of neighbouring land uses.

Section 5.4 of the Town of Essex Official Plan includes goals, permitted uses, and provisions for lands designated 'Agricultural'. Additional Dwelling units are permitted in an accessory buildings and is required *to be serviced with potable water, stormwater management and sanitary sewage collection and treatment facilities to the satisfaction of the Town*. A porch is considered an accessory component to an ADU, and is therefore permitted, with building regulations delegated to the local Zoning By-law.

b. The general intent of the Zoning By-law is maintained;

Comments: The intent of the 15 meter (50 feet) rear yard setback and the 3 meter (10 foot) interior side yard setback within an agricultural zone is to ensure adequate separation between all uses permitted within the Agricultural 1.1 (A1.1) zoning district 1.1. The A1.1 zoning district permits a number of uses that are both sensitive in nature and can adversely impact the use and enjoyment of neighbouring properties, such as a variety of Agricultural Operations, Farm Production Support Uses, Veterinarian Clinics, Dwellings, etc. The variances meet the intent of the Zoning By-law as amenity space is still provided for the applicants, the site can be circulated for access and maintenance, and adjacent agricultural operations are not impacted as a result of the encroachment. Directly east of the proposed ADU is an existing barn which serves the onsite agricultural operations of the neighbouring property. The location of the ADU would not impact the ability for the existing agricultural operation to either continue operation, or expand its operation, in accordance with the Zoning By-law. Therefore, the intent of the Zoning By-law is maintained.

The requested relief to allow for the encroachment of the attached porch is technical in nature and was assessed alongside the additional dwelling unit.

c. The variance(s) is minor:

Comments: The proposed ADU is reflective in mass and location of a typical structure that is accessory to a main dwelling within Agricultural Districts and would abide by all zoning regulations for an accessory structure. The ADU is one (1) storey in height, with a building height of 3.1 m (10.25ft) and has a total GFA of 59.5sqm (640sqft). The applicant will be

required to maintain their own storm water runoff, and the Building Department has reviewed the provided plans and has provided no objections at this time. Therefore, impacts to site circulation, drainage capabilities and fire separation are not anticipated due to the location of the structure itself.

The attached porch will face the main dwelling and does not encroach on the privacy of the neighbouring agricultural lands.

Rear yard amenity space is still provided between the main dwelling, accessory structure and the ADU. The use of the structure as an ADU does not result in the creation of any nuisances or impacts to neighbouring properties as it is only utilizing more of the rear yard to serve its permitted uses and the lands to the south are used for cash crop farming, and the lands to the east contains a barn (with no livestock) which serves the farm. The Town of Essex has passed By-laws to regulate items such as property standards, and noise, to ensure impacts and nuisances are prevented and/or addressed appropriately should any arise. The use maintains the general intent of the agricultural designation and is therefore minor.

d. The variance(s) is desirable for the appropriate use of the land:

Comments: The variance is desirable and appropriate as it allows for the construction of an ADU on a property that is both deficient in size and developed at a time when ADUs were not considered permitted uses in Agricultural Districts. The variance is consistent with Provincial Policy and conforms to the County of Essex, and Town of Essex Official Plan.

The requested variance to permit the encroachment of the porch is viewed as technical in nature as it is a supporting use to the additional dwelling unit. The location of the ADU and the attached porch allows for the maximization of the site without impacting the neighbouring land uses.

e. The variance is compatible with the established character of the neighborhood, traffic and parking patterns:

Comments: The established character of the neighbourhood will be maintained as the ADU will be located in the rear yard and will remain smaller in scale compared to the main dwelling and maintains the character of the area being agricultural uses and low density residential uses, where permitted. The applicant is required to provide an additional onsite parking space in accordance with the Town of Essex Zoning By-law. No new access is being constructed to accommodate the additional dwelling unit. Therefore, the variance is deemed compatible with

the character area of the neighbourhood and will not adversely impact traffic and parking patterns.

f. The variance deals with circumstances particular to the site and development:

Comments: The variance is required to facilitate the construction of an additional dwelling unit on an agricultural lot that is deficient in lot area and width, which was developed prior to the permittance of additional dwelling units.

Administration/ Agency Comments

Town of Essex Infrastructure Services	No Objections
Town of Essex Building Services	<p>I (Chief Building Official) have reviewed the submitted drawings for 2323 County Road 20 along with the circulated notice and can provide the following from a Building perspective regarding drainage and the reduced side yard setback.</p> <p>While the proposed ADU is shown at approximately 1.5 m (5 ft) from the interior side lot line, drainage control is addressed through the Building Permit process, not through the variance itself.</p> <p>As part of permit review and construction, the following measures are applied:</p> <p>Lot grading and drainage control: The site must be graded to direct surface water away from the building and toward appropriate drainage outlets (typically roadside ditch or rear/side yard swales), without impacting adjacent properties.</p> <p>No adverse impact requirement: Drainage cannot be directed onto neighbouring lands. This is a standard requirement under the Building Code and is verified through review and inspection.</p>

	<p>Foundation drainage: The ADU will be required to manage roof drainage (eavestroughs/downspouts) and foundation drainage in a controlled manner, typically discharging to grade in a manner that does not create runoff toward the lot line.</p> <p>Site inspection: Building staff will attend site to confirm grading intent and ensure positive drainage is achieved prior to final approval. Adjustments can be required in the field if needed.</p> <p>Based on the site plan (see page 1), the property appears to drain toward the roadside ditch along County Road 20, which provides a reasonable outlet, provided final grading is properly established.</p> <p>In this case, although the reduced side yard setback limits the available area for drainage swales along that side, it does not remove the requirement for the owner to manage runoff on-site. Compliance is achieved through grading design and inspection rather than setback alone.</p> <p>In short, Building will ensure through the permit and inspection process that stormwater is managed on the subject property and not directed onto the neighbouring lands.</p>
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments

Essex Region Conservation Authority	Our office has no objection to A-06-26. The property owner will be required to obtain an approval 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.
County of Essex	The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original right-of-way. Permits are necessary for any changes to existing entrances or structures, or the construction of new entrances and structures.

Public Comments:

The public hearing, in accordance with the requirements of the Planning Act, will provide an opportunity to hear concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. It is important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

Notice of public meeting and information regarding the Minor Variance was sent to all property owners within 60 m of the subject lands.

Planning Services received one (1) phone call regarding the application where the individual expressed concerns regarding water runoff to the neighbouring property to the east. Comments provided by the Building Services addresses such concerns.

Attachments:

Comments provided by the Essex Region Conservation Authority dated 04/07/26.

Comments provided by the County of Essex dated 04/14/26.

Summary/conclusion:

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the application satisfies the four tests of the Planning Act, and two tests prescribed by the Town of Essex Official Plan.

I hereby certify that this plan/report was prepared under the supervision of a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



Rita Jabbour, RPP

Deputy Secretary-Treasurer/ Manager, Planning Services



2026-04-07

File Number: 0602-26

Ian Rawlings, Town of Essex
Development Services, 2610 County Road 12
Essex, ON
N8M 2X6

RE: Construct an ADU
2323 COUNTY RD 20, Town of Essex
Municipal File Number: A-06-26

The Town of Essex has received Application for Minor Variance A-06-26 for the above noted subject property. The Applicant is proposing to construct a single storey Additional Dwelling Unit (ADU) with a gross floor area of 59.5 sqm (640 sq ft). The ADU will be located 9.1 m (30 ft) from the rear lot line, and 1.5 m (5 ft) from the interior side lot line. The applicant is requesting relief from section 8.15 c) x) of the Zoning By-law which prohibits an ADU in a detached accessory or ancillary building from being located within a required rear yard and side yard. The subject property is zoned Agricultural District 1.1 which requires a minimum rear yard depth of 15m (50 ft) and a minimum side yard depth of 3m (10 ft).

Furthermore, the ADU will have an attached porch which will encroach up to 1.5 m (5ft) into the minimum required side yard. Under Section 9.15 i) of the Zoning By-law a porch is not permitted to encroach into a required side yard for any zoning district.

Therefore, the applicants are requesting relief from this section to allow the attached porch to encroach into the required side yard, alongside the ADU.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT.
O. REG 686/21

The Essex Region Conservation Authority is reviewing this application circulated under the Planning Act pursuant to its delegated Provincial authority for the purpose of ensuring that the decisions under the Act are consistent with the natural hazards policies under the Provincial Planning Statement, 2024. Conservation Authorities also regulate development activities in areas affected by natural hazards under s. 28 of the Conservation Authorities Act and may provide comments related to satisfying permit requirements for the benefit of the Applicant.

The above noted lands are subject to our Regulation under the Conservation Authorities Act (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Bayliss Drain and the Quick Drain. The property owner will be required to obtain an approval 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.

FINAL RECOMMENDATION



Our office has no objection to A-06-26. The property owner will be required to obtain an approval 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.

Sincerely,

Alicia Good

Alicia Good
Watershed Planner
/a.l.g



April 14, 2026

Ms. Rita Jabbour
Town of Essex
33 Talbot Street South
Essex, Ontario
N8M 1A8

Dear Ms. Jabbour:

Re: Application for Minor Variance, A-06-26, Combdon & Balon,

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. There are no objections as it pertains to this application. The subject lands have frontage on County Road 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.

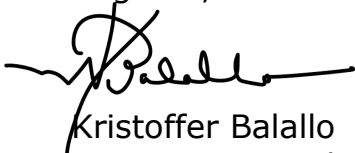
County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original right-of-way. Permits are necessary for any changes to existing entrances or structures, or the construction of new entrances and structures.

We are requesting a copy of the Decision on the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact me by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technologist

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca