Committee of Adjustment Meeting Minutes
May 18, 2021, 4:00 PM
Location: Electronic Meeting

Accessible formats or communication supports are available upon request. Please contact the Planning Department at essexplanning@essex.ca or 519-776-7336 extension 1128

Present: Percy Dufour, Chair
Brain Gray, Co-Chair
Phil Pocock, Committee Member
Ray Beneteau, Committee Member
Sherry Ducedre, Committee Member

Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner
Rita Jabbour, Manager Planning Services
Lori Chadwick, Director Development Services
Sarah Aubin, Recording Secretary / Planning Assistant

Regrets: None
Absent: None

1. **Call to Order**
   
   The chair called the meeting to order at 4:00 PM

2. **Declarations of Conflict of Interest**
   
   There were no declaration of conflicts of interest noted at this time

3. **Adoption of Published Agenda**

   3.1 **Committee of Adjustment Meeting Agenda for May 18 2021**

   **COA21-05-33**
   Moved by Brian Gray
   Seconded by Ray Beneteau

   That the published agenda for the May 18, 2021 Meeting be adopted as amended with item 6.10 application A-12-21 be moved to the first item to be heard on the agenda due to technical difficulties of the applicant.

   **Carried**
4. Adoption of Minutes

4.1 Committee of Adjustment Meeting Minutes for April 20 2021

COA21-05-34
Moved by Phil Pocock
Seconded by Brian Gray

That the minutes of the Committee of Adjustment Meeting held April 20 2021 be adopted as circulated.

Carried

5. Unfinished Business

6. Reports from Administration / Applications

6.1 Corinne Chiasson, Assistant Planner RE:

Application A-12-21 Steve Vandervelden 62 Harrison, Colchester South, Ward 3

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 62 Harrison Street, in former Colchester South Township. In accordance with Zoning By-law 1037, no accessory building and combination of accessory buildings shall exceed 70 square metres (750 square feet) and 92 square metres (1000 square feet) respectively. The applicant is proposing to construct a new detached garage 832 square feet with a covered porch area of 260 square feet, for a total area of 1092 square feet.

6.1.1. Public Presentations (if any)

Official Plan Designation: “Residential”
Zoning: Residential District 1.1 (R1.1) – Low density housing on urban lots.

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 62 Harrison Street, in former Colchester South Township. In accordance with Zoning By-law 1037, no accessory building and combination of accessory buildings shall exceed 70 square metres (750 square feet) and 92 square metres (1000 square feet) respectively. The applicant is proposing to construct a new detached garage 832 square feet with a covered porch area of 260 square feet, for a total area of 1092 square feet.

An accessory structure is defined as a completely detached building used for an accessory use. An accessory use is defined as a use that is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. The subject property is occupied by a single detached dwelling (the main use). There is also an existing accessory structure on the subject property which will be removed upon construction of the new accessory structure. The
applicant requires the accessory structure for storage of yard maintenance equipment, vehicles, workshop area and a porch amenity area.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) **The general intent of this Plan and the Zoning Bylaw are maintained:**
   The Town of Essex Official Plan permits uses accessory to the main use in areas designated Residential. The Town of Essex Zoning Bylaw, Bylaw 1037, permits the construction of any use accessory to the main use. The accessory structure will not exceed one (1) storey in height and will not be utilized as a dwelling unit or to accommodate a home occupation.

b) **The variance(s) is minor and desirable for the appropriate use of the land:**
   The proposed accessory structure will satisfy all building regulations prescribed in the R1.1 zoning. The subject property is a larger residential property in comparison with lots in the surrounding neighbourhood. The structure will be setback a greater distance that the required zoning provisions.

c) **The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:**
   Neighbouring lots are considerably smaller in scale than the subject property. Although Bylaw 1037 only permits an accessory structure of no greater than 70 square metres (750 square feet), lots within the R1.1 zoning district may have a combination of accessory buildings of no greater than 92 square metres (1000 square feet). A portion of the square footage proposed is for a covered porch area. The variance will not result in any disruptions to traffic or parking patterns.

d) **The variance deals with circumstances particular to the site and development:**
   The subject property is larger than the average lot in the neighbourhood, and the owner has identified a need to replace the existing garage. They have incorporated a porch into the design to create a covered amenity area.

Internal and External Agency Comments:

Internal departments were circulated. No comments or objections on the proposal were received.

External agencies were circulated. One (1) comment was received from the Essex Region Conservation Authority (ERCA). They had no objections.

Public Comment
As a result of the giving of public notice, no correspondences were received as of May 14, 2020.

**Action:**

That the existing garage be removed upon completion of the new accessory structure.

That the new accessory structure be moved 2 feet further west than the proposed location, to comply with the safety recommendation that a setback of 20 ft be imposed from any garage opening facing a roadway.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager**

The following is provided as a result of our review of Application for Minor Variance A-12-21. The applicant is proposing to construct a new detached garage 832 square feet with a covered porch area of 260 square feet, for a total area of 1092 square feet. The requested relief is 92 square feet.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**
The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance.

**Discussion:**
Corinne Chiasson, Secretary Treasurer explains the application

Member Beneteau stated that he has concerns that the accessory structure will be utilized for a secondary dwelling unit rather than an accessory structure for storage purposes. He advised that a full bathroom in an accessory structure appears to be for a second dwelling unit.

Applicant Steven Vandervelden stated that the bathroom was due to the residence not having sufficient facilities available and there for placing a proper bathroom in the accessory structure.

**COA21-05-35**  
Moved by Member Beneteau to deny application A-12-21  
Defeated

**COA21-05-36**  
Moved by Member Gray  
Seconded by Member Ducedre

That application A-12-21 be **granted** to construct a new detached garage 832 square feet with a covered porch area of 260 square feet, for a total area of 1092 square feet. That the existing garage be removed upon completion of the new accessory structure. That the new accessory structure be moved 2 feet further west than the proposed location, to comply with the safety recommendation that a setback of 20 ft be imposed from any garage opening facing a roadway.

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

a) the general intent of this Plan and the Zoning By-law are maintained;
b) the variance(s) is minor and desirable for the appropriate use of the land;
c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
d) the variance deals with circumstances particular to the site and development

6.2 Corinne Chiasson, Assistant Planner RE:

**Application B-12-21 Weston Apartments (Agent: Mackie and Terry Jones) 22 Victor Street, Essex Centre, Ward 1**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 22 Victor St, in Essex Centre. The applicants are proposing to sever a + 947.76 square metre parcel from the existing + 2 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 7043.58 square metres.

**Note:** An application for consent has also been received for the subject lands (File Number: B-13-21). The public notice for the consent application has been included with this notice.

6.2.1. Public Presentations (if any)

**Official Plan Designation:** “Residential”

**Zoning Category:** “Residential District 3.1 (R3.1)” – High Density Residential

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 22 Victor St, in Essex Centre. The applicants are proposing to sever a + 947.76 square metre parcel from the existing + 2.0 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 7043.58 square metres. This parcel will be located on the corner of Victor Street and Centre Street.

Permitted main uses on the proposed severed lot could include the following: bed & breakfast dwelling, duplex, group home, lodging house, multiple dwelling, residential care facility, semi-detached dwelling, or a townhome. Due to the proposed size of lot, some options listed above may not be feasible. The property identified as 22 Victor is subject to a Site Plan Control agreement, which is specifically for the Weston Apartment building. The proposed severed parcel was previously identified in the agreement’s site plan as a future severance.

At this time, the owners are not proposing development on this parcel, they simply wish to sever the parcel from the Weston Apartments property.
Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal’s consistency with Provincial legislation, policies and guidelines: This proposal does not conflict with the policies of the PPS. The PPS does promote mixed density in urban areas. Higher density in core areas, promote attractive walkable neighbourhoods, accessibility, and connectivity to community amenities.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies: The Town of Essex Official Plan encourages infilling within the existing areas designated “Residential”. Increased density in core areas minimize urban sprawl and promote compact urban forms that encourage accessibility, walkability, and maximize efficiency of services.

c) The continuation of an orderly development pattern: The creation of this lot will provide a transition from the 5 storey high density apartment building, to the characteristic single detached dwellings nearby. This lot will line up with the rear lot line of the adjacent neighbouring lot at 124 Centre Street, and aligns well with the established development pattern of this neighbourhood. Any new development on the proposed new lot will be required to satisfy parking requirements and demonstrate no negative impact to traffic patterns around the intersection of Centre St. and Victor St.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: The proposed lot will have access to municipal water, storm and sanitary sewers. From discussion with Infrastructure Services, it is recommended that the service connection for this lot be located along Centre Street, to not interfere with the reconstruction project planned for Victor Street.

Agency and Public Comments

As a result of the giving of public notice, we received one call to watch the public hearing, however we did not receive any disclosure of objections to this application from the public as of May 14, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Girard, Director, Infrastructure Services, stating that he had no objections to the consent proposed. Servicing for this site will
need to be located off of Centre Street, as Victor Street road improvements are forthcoming.

No further comments were received from circulated internal departments as of May 14, 2021.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following **conditions:**
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
   f) That services be located off of Centre Street to the satisfaction of the Infrastructure services department.
   g) That all of the above conditions be fulfilled on or before May 18, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-37**

Moved by Ray Beneteau  
Seconded by Phil Pocock

That application B-12-21 be **granted** sever a ± 947.76 square metre parcel from the existing ± 2 acre residential lot for the purposes of lot creation

Carried

**Reason for Decision:** The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.
Actions:

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;

d) 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;

e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) That services be located off of Centre Street to the satisfaction of the Infrastructure services department.

g) That all of the above conditions be fulfilled on or before May 18, 2022.

6.3 Corinne Chiasson, Assistant Planner RE:

Application B-13-21 Weston Apartments (Agent: Mackie and Terry Jones) 22 Victor Street, Essex Centre, Ward 1

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 22 Victor St, in Essex Centre. The applicants are proposing to sever a + 1356.37 square metre parcel from the existing + 2 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 6634.97 square metres.

Note: An application for consent has also been received for the subject lands (File Number: B-12-21). The public notice for the consent application has been included with this notice.

6.3.1. Public Presentations (if any)

Official Plan Designation: “Residential”

Zoning Category: “Residential District 3.1(R3.1)” – High Density Residential
A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 22 Victor St, in Essex Centre. The applicants are proposing to sever a +1356.37 square metre parcel from the existing +2 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of +6634.97 square metres.

(Note: An application for consent has also been received for the subject lands, File Number: B-12-21)

Permitted main uses on the proposed severed lot could include the following: bed & breakfast dwelling, duplex, group home, lodging house, multiple dwelling, residential care facility, semi-detached dwelling, or a townhome. Due to the proposed size of lot, some options listed above may not be feasible. The property identified as 22 Victor is subject to a Site Plan Control agreement, which is specifically for the Weston Apartment building. The proposed severed parcel was previously identified in the agreement’s site plan survey as a future severance.

At this time, the owners are not proposing development on this parcel, they simply wish to sever the parcel from the Weston Apartments property.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal’s consistency with Provincial legislation, policies and guidelines: This proposal does not conflict with the policies of the PPS. The PPS does promote mixed density in urban areas. Higher density in core areas, promote attractive walkable neighbourhoods, accessibility, and connectivity to community amenities.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies: The Town of Essex Official Plan encourages infilling within the existing areas designated “Residential”. Increased density in core areas minimize urban sprawl and promote compact urban forms that encourage accessibility, walkability, and maximize efficiency of services.

c) The continuation of an orderly development pattern: The creation of this lot will provide a transition from the 5 storey high density apartment building, to the characteristic single detached dwellings nearby. This lot will line up with the rear lot line of the adjacent neighbouring lot at 137 Laird Street, and aligns well with the established development pattern of this neighbourhood. Any new development on the proposed lot will be required to satisfy parking requirements and demonstrate no negative impact to traffic patterns along Laird Ave.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having
jurisdiction: The proposed lot will have access to municipal water, storm and sanitary sewers.

Agency and Public Comments

As a result of the giving of public notice, we received one phone call asking to receive the zoom link for the meeting. As of May 14, 2021, we have not received any correspondence expressing objections to this application.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Girard, Director, Infrastructure Services, noting that he had no objections.

No further comments were received from circulated internal departments as of May 14, 2021.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

   c) 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;

   d) 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;

   e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

   f) That all of the above conditions be fulfilled on or before May 18, 2022.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application
That application B-13-21 be granted sever a ± 1356.37 square metre parcel from the existing ± 2 acre residential lot for the purposes of lot creation.

Carried

Reason for Decision: The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;

d) 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;

e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) That all of the above conditions be fulfilled on or before May 18, 2022.

6.4 Corinne Chiasson, Assistant Planner RE:

Application B-14-21 Custom Quality Built Homes Inc. (Agent: Lisa Grant) 80 Laird Street, Essex Centre, Ward 1

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 80 Laird Ave, in Essex Centre. The applicants are proposing to sever a + 232.26 square metre parcel from the existing + 464.52 square metre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 232.26 square metres. The owners wish to sever the recently constructed semi-detached dwelling into two free hold residential lots.

6.3.1. Public Presentations (if any)
**Official Plan Designation:** "Residential"

**Zoning Category:** "Residential District 2.1 (R2.1)" – Medium density housing on urban lots

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 80 Laird Ave, in Essex Centre. The applicants are proposing to sever a + 232.26 square metre parcel from the existing + 464.52 square metre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 232.26 square metres. The owners wish to sever the recently constructed semi-detached dwelling into two free hold residential lots.

This property was subject to previously approved minor variance A-26-20 to recognize the construction of a semi-detached home on an undersized lot (50 ft width instead of the required 60 ft width provision in By-law 1037 for an R2.1 Zone). The R2.1 Zone Category permits semi-detached dwellings as of right.

**Proposal Conformity with Town of Essex Official Plan Policies**

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) **the proposal’s consistency with Provincial legislation, policies and guidelines:** This proposal does not conflict with the policies of the PPS. The PPS promotes mixed density in urban areas, to promote attractive walkable neighbourhoods, accessibility, and connectivity to community amenity areas.

b) **The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:** The Town of Essex Official Plan encourages infilling within the existing areas designated “Residential”. Increased density in core areas minimize urban sprawl and promote compact urban forms that encourage accessibility, walkability, and maximize efficiency of services.

c) **The continuation of an orderly development pattern:** The creation of this lot will separate the recently constructed semi-detached home into two free hold lots. This property is located between a multi-unit residential building and a single detached dwelling lot which provides a good transition from a medium density to a low density neighbourhood. This is an existing lot that lines up well with the rear lot line of the adjacent neighbouring lot at 84 Laird Street, and aligns with the established development pattern of this neighbourhood.

d) **The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having**
jurisdiction: The proposed lot is connected to municipal water, storm and sanitary sewers.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of May 14, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal departments or external agencies as of May 14, 2021.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

   c) 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;

   d) 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;

   e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

   f) That all of the above conditions be fulfilled on or before May 18, 2022.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

Member Ducedre questioned why the property was not severed when they previously appeared before the committee in November with regards to the minor variance for the 50ft lot width.
Corinne advised that a severance is required to have the specific numbers for the proposed lot sizes. She stated that this is common practice for semi detached dwelling units.

**COA21-05-39**  
Moved by Member Beneteau  
Seconded by Member Ducedre  
Opposed by Member Pocock  
Opposed by Brian Gray

That application B-14-21 be granted sever a ± 232.26 square metre parcel from the existing ± 464.52 square metre residential lot for the purposes of lot creation.

Carried

**Reason for Decision:** The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

**Actions:**

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;

d) 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;

e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) That all of the above conditions be fulfilled on or before May 18, 2022.

**6.5 Corinne Chiasson, Assistant Planner RE:**

**Application B-15-21 Larry and Judy Shepley (Agent: Edwin C. Hooker) 2608 County Road 12, Colchester North, Ward 2**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12, in former Colchester North.
The applicants are proposing to sever a + 0.53 acre parcel from the existing + 76.46 acre Agricultural (A1.1) lot. The severed parcel is proposed to be merged with the property to the south known municipally as 2604 County Road 12.

Note: An application for minor variance has also been received for the subject lands (File Number: A-10-21). The public notice for the consent application has been included with this notice.

6.4.1. Public Presentations (if any)

Official Plan Designation: “Agricultural” and “Hamlet” (Gesto)

Zoning Category: “Agricultural 1.1 (A1.1)” – General agriculture and farm production support activities, and “Rural Residential (R1.3)” – low density residential development in agricultural areas.

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12, in former Colchester North. The applicants are proposing to sever a + 0.53 acre parcel from the existing + 76.46 acre Agricultural (A1.1) lot. The severed parcel is proposed to be merged with the property to the south known municipally as 2604 County Road 12.

Note: An application for minor variance has also been received for the subject lands (File Number: A-10-21).

The subject parcel is split zoned, Agricultural A1.1, and Residential R1.3. The lot addition will be mostly contained to the lands identified within the R1.3 Zone. The severed lands are not under agricultural production and have been utilized as a manicured grassed area.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal’s consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 2604 County Road 12.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.53 acres.
As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

c) The continuation of an orderly development pattern:

The lot addition is not irregular in shape, comparable in size to the neighbouring properties, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing driveway off County Road 12. The proposed severance will have no adverse impact on access to the retained lot.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

REQUIREMENT FOR MINOR VARIANCE: A-10-21

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12 in the former township of Colchester North. The subject property contains two zoning categories: “Residential R1.3” located on the southern portion, and “Agricultural District 1.1” on the northern portion. As a result of a lot addition, the following relief from Zoning By-law 1037 is required: the reduction of the minimum lot area within the Agricultural District 1.1 (A1.1) which is 40 ha (100 acres) or as existing. Therefore the resulting retained farm lot parcel will be reduced from ± 76.46 acres to ± 74.46 acres.

Note: An application for consent has also been received for the subject lands (File Number: B-15-21).

Proposal Conformity with the Town of Essex Official Plan Policies
As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for residential uses and falls within the Hamlet designation area of Gesto.

b) The variance(s) is minor and desirable for the appropriate use of the land:
No agricultural land will be taken out of production as a result of this severance. Property is not under cultivation, and is a manicured grassed yard.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

d) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of May 18, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;

d) 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;

e) That the severed parcel be consolidated with the lands identified as 2604 County Road 12. 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.

f) That all of the above conditions be fulfilled on or before May 18, 2022.

Discussion:
Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-40**
Moved by Member Beneteau
Seconded by Member Pocock

**That** application B-15-21 be **granted** severe a + 0.53 acre parcel from the existing ± 76.46 acre Agricultural (A1.1) lot. The severed parcel is proposed to be merged with the property to the south known municipally as 2604 County Road 12.

**Carried**

**Reason for Decision:** The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated “Agricultural”.

**Actions:**

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;
d) 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;

e) That the severed parcel be consolidated with the lands identified as 2604 County Road 12. 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.

f) That all of the above conditions be fulfilled on or before May 18, 2022.

6.6 Corinne Chiasson, Assistant Planner RE:

Application A-10-21 Larry and Judy Shepley (Agent: Edwin C. Hooker) 2608 County Road 12, Colchester North, Ward 2

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12 in the former township of Colchester North. The subject property contains two zoning categories: “Residential R1.3” located on the southern portion, and “Agricultural District 1.1” on the northern portion. As a result of a lot addition, the following relief from Zoning By-law 1037 is required: the reduction of the minimum lot area within the Agricultural District 1.1 (A1.1) which is 40 ha (100 acres) or as existing. Therefore the resulting retained farm lot parcel will be reduced from ± 76.46 acres to ± 74.46 acres.

Note: An application for consent has also been received for the subject lands (File Number: B-15-21). The public notice for the consent application has been included with this notice.

6.5.1. Public Presentations (if any)

Official Plan Designation: “Agricultural” and “Hamlet” (Gesto)

Zoning Category: “Agricultural 1.1 (A1.1)” – General agriculture and farm production support activities, and “Rural Residential (R1.3)” – low density residential development in agricultural areas.

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12, in former Colchester North. The applicants are proposing to severe a + 0.53 acre parcel from the existing + 76.46 acre Agricultural (A1.1) lot. The severed parcel is proposed to be merged with the property to the south known municipally as 2604 County Road 12.
Note: An application for minor variance has also been received for the subject lands (File Number: A-10-21).

The subject parcel is split zoned, Agricultural A1.1, and Residential R1.3. The lot addition will be mostly contained to the lands identified within the R1.3 Zone. The severed lands are not under agricultural production and have been utilized as a manicured grassed area.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

e) the proposal’s consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 2604 County Road 12.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.53 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

g) The continuation of an orderly development pattern:

The lot addition is not irregular in shape, comparable in size to the neighbouring properties, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing driveway off County Road 12. The proposed severance will have no adverse impact on access to the retained lot.
h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

**REQUIREMENT FOR MINOR VARIANCE: A-10-21**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2608 County Road 12 in the former township of Colchester North. The subject property contains two zoning categories: “Residential R1.3” located on the southern portion, and “Agricultural District 1.1” on the northern portion. As a result of a lot addition, the following relief from Zoning By-law 1037 is required: the reduction of the minimum lot area within the Agricultural District 1.1 (A1.1) which is 40 ha (100 acres) or as existing. Therefore the resulting retained farm lot parcel will be reduced from + 76.46 acres to + 74.46 acres.

**Note:** An application for consent has also been received for the subject lands (File Number: B-15-21).

**Proposal Conformity with the Town of Essex Official Plan Policies**

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

e) The general intent of this Plan and the Zoning Bylaw are maintained:
   The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for residential uses and falls within the Hamlet designation area of Gesto.

f) The variance(s) is minor and desirable for the appropriate use of the land:
   No agricultural land will be taken out of production as a result of this severance. Property is not under cultivation, and is a manicured grassed yard.

g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
   Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

h) The variance deals with circumstances particular to the site and development:
   The variance is necessary to accommodate an application for consent to facilitate a lot addition.

**Public and Agency Comments**
As a result of the giving of public notice, no written correspondences have been received from members of the public as of May 18, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the severed parcel be consolidated with the lands identified as 2604 County Road 12. 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.
   f) That all of the above conditions be fulfilled on or before May 18, 2022.

**Discussion:**
Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-41**

Moved by Member Beneteau

Seconded by Member Pocock
That application A-10-21 be **granted** to allow for the reduction of the minimum lot area within the Agricultural District 1.1 (A1.1) which is 40 ha (100 acres) or as existing. Therefore the resulting retained farm lot parcel will be reduced from + 76.46 acres to + 74.46 acres.

**Carried**

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

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

**6.7 Corinne Chiasson, Assistant Planner RE:**

**Application B-16-21 Karl and Sandy Neudorf, 1659 Huffman Road, Colchester South, Ward 3**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1659 Huffman Road in the former township of Colchester South. The applicants are proposing to severe a + 1.4 acre parcel from the existing + 99.43 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the northeast known municipally as 1673 Huffman Road.

**Note:** An application for minor variance has also been received for the subject lands (File Number: A-11-21). The public notice for the consent application has been included with this notice.

**6.6.1. Public Presentations (if any)**

**Official Plan Designation:** "Agricultural"

**Zoning:** Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1659 Huffman Road in the former township of Colchester South. The applicants are proposing to severe a + 1.4 acre parcel from the existing + 99.43 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the northeast known municipally as 1673 Huffman Road.
**Note:** An application for minor variance has also been received for the subject lands (File Number: A-11-21).

**Proposal Conformity with the PPS and Town of Essex Official Plan Policies**

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

**a) the proposal's consistency with Provincial legislation, policies and guidelines:**

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 1673 Huffman Road.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 1.4 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

**b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:**

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

**c) The continuation of an orderly development pattern:**

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access on Huffman Road. The proposed severance will have no adverse impact on access to the retained lot.

**d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:**

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.
REQUIREMENT FOR MINOR VARIANCE: A-11-21

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1959 Huffman Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance for lot addition, the lot area for the retained parcel will be 98.03 acres.

Note: An application for consent has also been received for the subject lands (File Number: B-16-21).

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained:

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel is the historic original Huffman farm (log cabin and outbuildings) which the neighbouring Huffman descendants wish to add to their parcel, and will be utilized as a hobby farm.

b) The variance(s) is minor and desirable for the appropriate use of the land:

No agricultural land will be taken out of production as a result of this severance. Property has not been cultivated in a long period of time.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

d) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, we received a request from Mr. & Ms. Humber to view the meeting. We received no correspondences of objections from the public as of May 18, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.
No comments were received from circulated agencies or internal departments.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the severed parcel be consolidated with the lands identified as 1673 Huffman Road. 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.
   f) That all of the above conditions be fulfilled on or before May 18, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-42**

Moved by Member Ducedre
Seconded by Member Gray

That application B-15-21 be **granted** to severe a ± 1.4 acre parcel from the existing ± 99.43 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the northeast known municipally as 1673 Huffman Road.

Carried
**Reason for Decision:** The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated “Agricultural”.

**Actions:**

a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) 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;

d) 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;

e) That the severed parcel be consolidated with the lands identified as 1673 Huffman Road. 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.

f) That all of the above conditions be fulfilled on or before May 18, 202

6.8 Corinne Chiasson, Assistant Planner RE:

**Application A-11-21 Karl and Sandy Neudorf, 1959 Huffman Road, Colchester South, Ward 3**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1959 Huffman Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance for lot addition, the lot area for the retained parcel will be 98.03 acres.
Note: An application for consent has also been received for the subject lands (File Number: B-16-21). The public notice for the minor variance application has been included with this notice

6.7.1. Public Presentations (if any)

Official Plan Designation: “Agricultural”

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1659 Huffman Road in the former township of Colchester South. The applicants are proposing to sever a + 1.4 acre parcel from the existing + 99.43 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the northeast known municipally as 1673 Huffman Road.

Note: An application for minor variance has also been received for the subject lands (File Number: A-11-21).

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal’s consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 1673 Huffman Road.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 1.4 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in
accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

e) *The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access on Huffman Road. The proposed severance will have no adverse impact on access to the retained lot.

f) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

**REQUIREMENT FOR MINOR VARIANCE: A-11-21**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1959 Huffman Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance for lot addition, the lot area for the retained parcel will be 98.03 acres.

**Note:** An application for consent has also been received for the subject lands *(File Number: B-16-21).*

**Proposal Conformity with the Town of Essex Official Plan Policies**

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

e) *The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel is the historic original Huffman farm (log cabin and outbuildings) which the neighbouring Huffman descendants wish to add to their parcel, and will be utilized as a hobby farm.

f) *The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance. Property has not been cultivated in a long period of time.
g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

h) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, we received a request from Mr. & Ms. Humber to view the meeting. We received no correspondences of objections from the public as of May 18, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the severed parcel be consolidated with the lands identified as 1673 Huffman Road. 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.

f) That all of the above conditions be fulfilled on or before May 18, 2022.

Discussion:
Corinne Chiasson, Secretary Treasurer explains the application 

COA21-05-43

Moved by Member Gray
Seconded by Member Ducedre

That application A-11-21 be granted to allow for the reduction of the minimum lot area within the Agricultural District 1.1 (A1.1) which is 40 ha (100 acres) or as existing. As a result of a proposed severance for lot addition, the lot area for the retained parcel will be 98.03 acres.

Carried

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

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

6.9 Corinne Chiasson, Assistant Planner RE:

Application B-17-21 Harkirat Bhullar (Agent: Tracey Pillon-Abbs) 469 County Road 20, Harrow Centre, Ward 4

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 469 King St, in Harrow. The applicants are proposing to sever a ± 0.153 acre parcel from the existing ± 0.573 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of ± 0.42 acres.

Note: An application for consent has also been received for the subject lands (File Number: B-18-21). The public notice for the consent application has been included with this notice.

6.8.1. Public Presentations (if any)

Official Plan Designation: “Residential”
Zoning Category: “Residential District (R1.1)” – Low density housing on urban lots

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 469 King St, in Harrow. The applicant is proposing to sever a ±0.153 acre parcel from the existing ±0.573 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of ±0.42 acres.

Note: An application for consent has also been received for the subject lands (File Number: B-18-21).

The Residential 1.1 (R1.1) zone permits single family dwellings as a main use. The proposed severed lot would have a frontage of 62 feet by 88 feet (irregular), for a total of ±0.153 acres, (6664.68 square feet). The proposed lot would therefore satisfy the minimum lot area required for an R1.1 Zone.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) The proposal’s consistency with Provincial legislation, policies and guidelines: This proposal does not conflict with the policies of the PPS. The PPS does promote mixed density in urban areas. Higher density in core areas, promote attractive walkable neighbourhoods, accessibility, and connectivity to community amenities.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies: The Town of Essex Official Plan encourages infilling within the existing areas designated “Residential”. Increased density in core areas minimize urban sprawl and promote compact urban forms that encourage accessibility, walkability, and maximize efficiency of services.

c) The continuation of an orderly development pattern: The creation of this lot is smaller than the surrounding neighbouring lots. Although the lot does not provide a continuation of an existing orderly development pattern, the proposed lot area does comply with the minimum residential lot area provision.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: The proposed lot will have access to municipal water, storm and sanitary sewers.

Agency and Public Comments

As a result of the giving of public notice, we received one email advising that the sign had been removed from the property. A replacement sign was promptly erected in place the following day by the agent for the owner.
No further phone calls or written correspondence have been received from members of the public as of May 14, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of May 14, 2021.

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
   f) That all of the above conditions be fulfilled on or before May 18, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Member Gray advised that the calculation in the application does not concur with the actual lot size. He advised that he has concerns with understanding what the actual lot size will be for the severed parcel.

Agent, Tracy Pillon Abbs, advised that there may have been conversion issues and advised that they provided the calculation from the survey completed on the subject property.

Member Gray questioned who the Sunset Drive Subdivision sign would now belong to as it resides on the proposed severed property.
Manager of Planning, Rita Jabbour, advised that the sign would be apart of the public right of way.

Member Gray questioned if a sign of the magnitude and the set back as far as it is on the subject property is common in nature.

Rita advised that a sign stating the subdivision can be placed on the public right of way with the developer conveying the sign to the Town.

Member Pocock questioned who will be maintaining the sign in question. The proposed severance owner or the town.

Rita advised that the sign appears to be within the boundaries of the proposed severed parcel and states that upon first appearance it appears to be the responsibility of the subject property to maintain the sign however suggested that the subdivision agreement be reviewed to determine responsibility of the said sign.

Agent Tracey Pillon Abbs advised that she will get clarification from the surveyor on the location of the subdivision sign. She continued to advise that the owners of the proposed severed parcel are in concurrence with maintaining the sign.

Member Ducedre asked if there was an encroachment registered on the property with regards to the sign.

Tracy advised that they can do an abstract and to determine if there is an encroachment agreement.

**COA21-05-44**

Moved by Member Ducedre
Seconded by Member Gray

That application B-17-21 be **deferred**

Carried

6.10 Corinne Chiasson, Assistant Planner RE:

**Application B-18-21 Harkirat Bhullar (Agent: Tracey Pillon-Abbs) 469 County Road 20, Harrow Centre, Ward 4**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 469 King St, in Harrow. The applicants are proposing to sever a + 0.136 acre parcel from the existing + 0.573 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 0.437 acres.

**Note:** An application for Consent has also been received for the subject lands (File Number: B-17-21). The public notice for the Consent application has been included with this notice.

**Official Plan Designation:** “Residential”
Zoning Category: “Residential District 1.1 (R1.1)” – Low density housing on urban lots

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 469 King St, in Harrow. The applicants are proposing to sever a + 0.136 acre parcel from the existing + 0.573 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of + 0.437 acres.

**Note:** An application for Consent has also been received for the subject lands (File Number: 8-17-21).

The Residential 1.1 (R1.1) zone permits single family dwellings as a main use. The proposed severed lot would have a frontage of 77 feet by 77 feet, for a total of +0.136 acres, (5929 square feet). The proposed lot would therefore satisfy the minimum lot area required for an R1.1 Zone.

**Proposal Conformity with Town of Essex Official Plan Policies**

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) The proposal’s consistency with Provincial legislation, policies and guidelines: This proposal does not conflict with the policies of the PPS. The PPS does promote mixed density in urban areas. Higher density in core areas promote attractive walkable neighbourhoods, accessibility, and connectivity to community amenities. This property is located within the settlement area of Harrow, on King Street which is the Main Street.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies: The Town of Essex Official Plan encourages infilling within the existing areas designated “Residential”. Increased density in core areas minimize urban sprawl and promote compact urban forms that encourage accessibility, walkability, and maximize efficiency of services.

c) The continuation of an orderly development pattern: The creation of this lot is smaller than the surrounding neighbouring lots. Although the lot does not provide a continuation of an existing orderly development pattern, the proposed lot area does comply with the minimum residential lot area provision.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: The proposed lot will have access to municipal water, storm and sanitary sewers.

**Agency and Public Comments**

As a result of the giving of public notice, we received one email advising that the sign had been removed from the property. A replacement sign was promptly erected in
place the following day. No further phone calls or written correspondence have been received from members of the public as of May 14, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of May 14, 2021

**Actions:**

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
   a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
   b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
   c) 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;
   d) 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;
   e) That the applicant pay the applicable parkland dedication fee in the amount of $1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
   f) That all of the above conditions be fulfilled on or before May 18, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Member Gray stated that there are also concerns with application B-18-21 and advised that the application advised that access would be had by way of the County Road and states that the proposed severed lot may not have access to the County Road and or Sunset Drive. He advised that he would like to revisit the application when all items of concerns can be cleared up by the applicant and their agent.

**COA21-05-44**

Moved by Member Ducedre
Seconded by Member Gray

*That application B-17-21 be deferred*
6.11 Corinne Chiasson, Assistant Planner RE:

**Application A-08-21 Norene Investments Company Inc. (Tim Hortons) (Agent: Steve Pauls, EXP Services Inc. 9 Maidstone Ave (Essex Centre, Ward 1)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 9 Maidstone Ave in Essex Centre. In accordance with their adopted site plan By-law 260, the applicants are required to maintain 29 parking spaces. As a result of proposed modifications to the site access and parking area, the applicants will require a variance to accommodate a reduction of 6 parking spaces.

**Official Plan Designation:** “Highway Commercial”

**Zoning:** Commercial District 3.1 (C3.1) – Highway Commercial Uses

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 9 Maidstone Ave in Essex Centre. The site is currently occupied by a Tim Hortons restaurant with drive-thru facilities. As a result of proposed modifications to the site access and parking area to alleviate traffic flow in and out of the drive-thru restaurant, the applicants will require a variance to accommodate a reduction of 6 parking spaces for a total of 23 parking spaces. The site can currently accommodate 29 parking spaces, as per the site plan control agreement adopted through Bylaw 260.

Although lawfully existing uses, such as the restaurant, do not need to make up any deficiencies in parking before any addition or change of use, the existing number of parking spaces is legally recognized under the Zoning Bylaw and cannot be reduced without a minor variance.

(Nota: An amendment to the site plan control agreement is also required and has been made a condition of the variance but is the sole responsibility of Council).

**Proposal Conformity with Town of Essex Official Plan Policies**

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) **The general intent of the Official Plan and the Zoning Bylaw are maintained:**

**Official Plan:** The existing Tim Hortons business is a permitted use under the Highway Commercial designation. This commercial business has a registered site plan control agreement By-Law 260. The Site Plan agreement prescribes that 29 parking spaces are required for this permitted business, therefore as a result of this development an amendment to the SPC Agreement will also be required. The Official Plan promotes functional character of the main street and parking and traffic pattern. This minor
update to the drive-thru is intended to alleviate traffic congestion at this Main Street intersection.

b) The variance(s) is minor and desirable for the appropriate use of the land;

The reduction of parking spaces will facilitate works to alleviate traffic flow into and out of the drive-thru area, as well as the restaurant entrance fronting onto Maidstone Avenue. Widening the drive thru to two lanes will allow for a condensed, compact staging area which will help to resolve congestion within the parking areas and ingress and egress at the entrances. The removal of the 6 parking spaces include 4 spaces located at the staging area that are typically blocked by the drive-thru line up, and 2 spaces that are located at the Maidstone entrance. As a result, a minimal area of landscaping will be removed to allow for the widened entrance.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The Tim Hortons is an already established business at this location, the proposed minor change will not affect the character of the neighbourhood, and the purpose of this application is to alleviate congestion of the drive-thru staging area. The reduction of parking relates to 4 underutilized or blocked parking spaces, and two located at the entrance to relieve ingress and egress congestion.

d) The variance deals with circumstances particular to the site and development.

This application is as a direct result of the lot layout of 9 Maidstone Ave and an increased customer demand for drive-thru use due to the global pandemic. The lot is an irregular configuration and set at an awkward angled intersection. The changes to the staging area will alleviate high traffic periods in the morning commute.

Public and Agency Comments

Upon circulation of the public notice we did receive one call from Mr. Weatherby, who lives at 13 Maidstone Ave. He noted concerns regarding the layout submitted, which shows the entrance curb encroaches onto his property slightly. He also stated a concern that the existing sewer cleanout is located in the widened entrance area, but was not shown on the drawing.

We did not receive any other concerns from the public as of May 14, 2021.

Comments were received from Mr. Kevin Girard, Director, Infrastructure Services, stating that he had no objections to the relief being requested. Improvements to the Maidstone and Talbot intersections are forthcoming, and Infrastructure Services will incorporate any comments/conditions at the Site Plan Control Amendment stage.

Internal departments were circulated, and we did not receive any objections as of May 14th, 2021.
Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

**Actions:**

That the applicants receive an amendment to the site plan control agreement currently registered against the property and adopted by Bylaw 260.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-45**

Moved by Member Pocock

Seconded by Member Ducedre

That application A-08-21 be **granted** to accommodate a reduction of 6 parking spaces.

**Carried**

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

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

6.12. Corinne Chiasson, Assistant Planner RE:

**Application A-09-21 Jake & Lisa McAgy 2623 County Road 12 (Colchester North, Ward 2)**

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 9 Maidstone Ave in Essex Centre. In accordance with Zoning By-law 1037, the minimum required front yard for a dwelling in the Residential (R1.1) Zone is 25 feet. The applicant is proposing to construct a porch, 8 feet in width, onto the front and side of the existing dwelling. As a result, the porch would encroach into the front yard setback provision by 3 feet.

Official Plan Designation: “Hamlet“ Gesto

Zoning: Residential District 1.1 (R1.1) –Low density housing on urban lots

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2623 County Road 12. In accordance with Zoning By-law 1037, the minimum required front yard for a dwelling in the
Residential (R1.1) Zone is 25 feet. The applicant is proposing to construct a porch, 8 feet in width, onto the front and side of the existing dwelling. As a result, the porch would encroach into the front yard setback provision by 3 feet.

A front yard is defined under Bylaw 1037 as a yard extending across the full width of a lot between the front lot line and the nearest wall of a main building on such lot. The existing dwelling encroaches slightly into this required yard. Therefore, the applicants are requesting a further encroachment of 3 feet to construct the covered porch and add to the historic character of the dwelling.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained: A single detached dwelling is a permitted main use for lands designated “Residential” and under the R1.1 zoning district. A porch is an architectural feature that is permitted to encroach into the required front yard, a maximum of 2m (6.5 feet) without the requirement of a variance. However, the owners are asking to extend into the front yard an additional 1.5 feet which is considered to be minor relief.

b) The variance(s) is minor and desirable for the appropriate use of the land: The relief requested to encroach 1.5 feet past the amount that is permitted in Section 9.5 g) is considered minor in nature, the owners desire this architectural feature to enhance the historic character of the existing dwelling.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: The neighbourhood is a mixture of older and newer homes within the hamlet of Gesto. The dwellings are offset with different setbacks from County Road 12, as the western neighbour is set closer to the road, than the subject dwelling, and the eastern neighbour. This minor change to setback will not affect the neighbourhood character, or cause any traffic or parking pattern changes.

d) The variance deals with circumstances particular to the site and development: The historic old home at the subject property once contained a side porch which was long ago removed, the owners wish to reconstruct and extend the porch to the front of the dwelling to enhance architectural character and add amenity area.

Public and Agency Comments

Upon circulation to internal departments we did not receive any objections as of May 14, 2021.

Comments were received from the Essex Region Conservation Authority, and they had no objections.

Comments were received from the County of Essex, and they stated that although they have no objections to the placement of a porch on the north side, the porch
would encroach into the County Road 12 setback area. As this portion of County Road 12 is located within the Hamlet of Gesto, it was recognized that this area is under the Town of Essex jurisdiction.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Friday May 14, 2020.

Actions: to be determined by the Committee

Discussion:
Corinne Chiasson, Secretary Treasurer explains the application

**COA21-05-46**

Moved by Member Pocock
Seconded by Member Ducedre

**That** application A-09-21 be **granted** to accommodate the porch encroaching into the front yard setback provision by 3 feet.

Carried

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

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

7. Correspondence

8. New Business

8.1 Update on New Committee of Adjustment Member

Committee to be updated on the selection of a new Committee of Adjustment Members

Corinne Chiasson, introduces Sherry Ducedre as the new Committee Member of the Committee of Adjustment.

8.2 Second Dwelling Unit Policies in the Town of Essex

Rita Jabbour provides an overview of what was discussed at the Public Council Meeting with regards to Second Dwelling Units Zoning By-law Amendment on April 6th 2021.
She stated that the amendments are currently being drafted by administration.

She stated that a second dwelling unit is a structure outside of the main dwelling. She continued to advise that council does not want to see the second dwelling unit outside of the acquired yard and states that the size of the second dwelling unit will be the same size as the existing house or smaller and height will be 1 story possibly 2 depending on what is recommended and approved.

She stated that under sized lots less then 5000 sq ft is not permitted. That only secondary units within the main residence be permitted in these smaller areas.

She advised that agricultural areas that place a second dwelling unit on their property will not be permitted to be severed off the property.

She stated that these are recommendations that will be brought forward to Council at a future Regular Council meeting.

8.3 Culvert Assessments

Corinne advised that she spoke with the Towns drainage department. She stated that prior to excepting easements the Town needs to ensure that the bridge is a legal. She stated that the drainage act does not discriminate against the weight of a vehicle. And continued to advise that cost sharing agreements can also be setup between the lawyer and the property owners.

She advised that she will discuss easements and conservation easements at the June meeting.

9. Notices of Motion

10. Adjournment

Moved by Member Pocock

Seconded by Member Ducedre

That the meeting be adjourned at 6:02 PM

11. Future Meetings

June 15, 2021 at 4:00 PM

Location: Electronic Meeting

______________________________
Secretary Treasurer