



Committee of Adjustment Meeting Minutes

June 15, 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
Lindsay Dean, Drainage Superintendent
Norm Nussio, Manager Operations/Drainage
Scott Plancke, Heritage Student

Regrets: None

Absent: None

1. Call to Order

The chair called the meeting to order at 4:01 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 June 15, 2021

COA21-06-48

Moved by Member Pocock

Seconded by Member Gray

That the published agenda for the June 15, 2021 Meeting be adopted as amended with the addition of Item 8.3 OACA Conference Discussion.

Carried

4. Adoption of Minutes

4.1 Committee of Adjustment Meeting Minutes for May 18 2021

COA21-06-49

Moved by Member Beneteau

Seconded by Member Ducedre

That the minutes of the Committee of Adjustment Meeting held May 18, 2021 be adopted as circulated.

Carried

5. Unfinished Business

6. Reports from Administration / Applications

6.1 Corinne Chiasson, Assistant Planner RE:

Application B-19-21 Leonard & Romy Mayea (Agent: Bayside Homes Limited) 550 Bagot Street, Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 550 Bagot Street in Colchester South. The applicants are proposing to sever a ± 0.137 acre parcel from the existing ± 0.275 acre residential lot for the purposes of lot creation. The retained parcel would result in an area of ± 0.138 acres.

6.1.1. Public Presentations (if any)

Milton and Penny Harris

580 Bagot St. RR#1

To whom it may concern.

First, please note that we will not be able to attend the meeting virtually...but want for the record, our written response, with our concerns for this variance.

The parties have requested a severance for the above land. (of which we are not in agreement) Bagot St has become a very populated and busy street in the village of Colchester. To have 2 homes on this property is definitely too many for this property/area. There will surely be parking issues...right now when people have visitors to their properties, many times people are already parking on the street(the street is not very wide for allowing parking on the street) Safety issues with children using this street as a cut through for the subdivision to the North of us. The sewer and flooding issues are many...and well documented. Even with the now 2nd sewer fixes, of which we will be paying for 10 years after paying outright the first time. We continue to have flooding issues in our front yard and street (which we did not have, previous to the last year "fix" So adding 2 homes, on this small parcel of land will surely

add to the problem. Two houses will potentially add many, many people/cars/problems. You just have to look at the plans and at the property and see that it in no way should have 2 houses on it. Understanding that it is a (nice size property for 1 home, but certainly, not 2 on this street) At least 4 vehicles will be in and out of that property if 2 houses are built. Unless you know the area well, you would not understand just how busy this street has become and potentially a dangerous situation, especially for children. We thank you for taking the time to read this email, with our concerns. We will try to watch it Live but may not be available...so please let us know of the decision made.

Milton and Penny Harris

580 Bagot St. RR#1

harrowharris4@aol.com

Official Plan Designation: "Residential"

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

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The Residential 1.1 (R1.1) zone permits single family dwellings as a main use. The proposed severed lot would have a frontage of 50 feet by 120 feet, for a total of ± 0.137 acres, (6000 square feet). The proposed lot would therefore satisfy the minimum lot width and 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 higher and 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 Colchester, in an established neighbourhood with comparable sized lots.

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 immediate adjacent neighbouring lots, however is comparable to lots within the larger neighbourhood. The majority of the neighbourhood contains smaller single family dwellings in which these lots will be comparable, therefore providing a continuation of an existing orderly development pattern.

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 no calls or written correspondence from members of the public as of June 10, 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 June 10, 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 hard copy, and one digital 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 June 15, 2022.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-06-50

Moved by Member Beneteau

Seconded by Member Ducedre

That application B-19-21 be **granted** to sever a + 0.137 acre parcel from the existing + 0.275 acre residential lot for the purposes of lot creation.

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

Actions:

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- b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one hard copy, and one digital copy will remain as a record with the Town;
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- f) That all of the above conditions be fulfilled on or before June 15, 2022.

Carried

7. Correspondence

8. New Business

8.1 Culvert Assessments Presentation

Assistant Planner, Corinne Chiasson provided a recap of the previous motion, that administration contacts a third-party engineer to determine what the cost sharing

should be for the farmer who is utilizing the access bridge with heavy equipment and the cost for the resident who is utilizing the access bridge with a personal vehicle in an agricultural district and to provide an update at the May 18th meeting (deferred to June 15th, 2021).

Lindsay Dean, Drainage Superintendent provided a presentation and discussed with the members the different type of scenarios with them.

She advised that Scenario 1 would be a private mutual drain agreement that is registered on title through a consent. Scenario 2 would be apportionment agreement and mutual drainage agreement through the drainage act.

She advised that through the drainage act there are some requirements however it does encompassed construction, improvement and maintenance.

She stated that a 3rd party engineer was also consulted (Gerard Rood, Engineering) to answer the question posed in the motion. Mr. Rood advised that a typical drainage assessment would be a cost sharing of 50 %, because it is a 'right to use', not a 'frequency of use' assessed for a crossing.

8.2 Meeting Time Discussion

Assistant Planner Corinne Chiasson stated to the members that Member Ducedre had commented to administration that 4 pm has interfered with her work schedule and therefor has requested that the start time of the committee be moved to accommodate.

Discussion ensued and it was determined that a later start time would be sufficient as other committee members are also taking time off work to attend.

Chair Dufour reminded the committee that the schedule for the 2021 year has already been approved and sent out to the public and advised that the time should remain the 4 pm start time.

COA21-06-51

Moved by Member Beneteau

Seconded by Chair Dufour

That the Committee meetings remain at 4 p.m.

Defeated

CAO21-06-52

Moved by Member Pocock

Seconded by Member Ducedre

That the Committee meetings start at 4:30 pm starting August 2021 for the remainder of the term of council.

Carried

8.3 OACA Conference Discussion

Corinne Chiasson, Assistant Planner provided an overview of the June 8th virtual OACA Conference. She stated that the courses provided were beneficial to the current state of the committee and encouraged other members to attend when another one becomes available.

9. Notices of Motion

10. Adjournment

COA21-06-53

Moved by Member Beneteau

Seconded by Member Pocock

That the meeting be adjourned at 5:02 PM

Carried

11. Future Meetings

July 20, 2021 4:00 PM

Location: Electronic Meeting