



## Committee of Adjustment Meeting Minutes

September 21<sup>st</sup> 2021, 4:30 PM

Location: Electronic Meeting

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

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

Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner  
Rita Jabbour, Manager Planning Services  
Sarah Aubin, Recording Secretary / Planning Assistant  
Connor Wilson, Planning Student

Regrets: None

Absent: None

### 1. Call to Order

The Chair called the meeting to order at 4:33 PM

### 2. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time

### 3. Adoption of Published Agenda

#### 3.1 Committee of Adjustment Meeting Agenda for September 21 2021

##### COA21-09-79

Moved by Member Gray

Seconded by Member Pocock

**That** the published agenda for the September 21, 2021 Meeting be adopted with the amended item 8.1 under New Business be removed from the Agenda and discussed at the October 19<sup>th</sup> 2021 Member Training meeting.

#### **4. Adoption of Minutes**

##### **4.1 Committee of Adjustment Meeting Minutes for August 17<sup>th</sup> 2021**

###### **COA21-09-80**

Moved by Member Beneteau

Seconded by Member Gray

**That** the minutes of the Committee of Adjustment Meeting held August 17<sup>th</sup> 2021 be adopted as circulated.

#### **5. Unfinished Business**

#### **6. Reports from Administration / Applications**

##### **6.1 Corinne Chiasson, Assistant Planner RE:**

###### **Application A-20- 21 Cody & Kelsey Smith (Agent: Gerard Levesque 58 Kingsway (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 58 Kingsway in the Essex Centre. The applicants are proposing to construct a covered porch to the existing dwelling. As a result, the applicants are requesting a variance from the Residential 1.1 (R1.1) side lot line from the required 4ft side yard to 2.8 ft.

###### **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 58 Kingsway in the Essex Centre. The applicants are asking to retain the recently constructed covered porch which was added to the existing dwelling. As a result, the applicants are requesting a variance from the Residential 1.1 (R1.1) zoning provision for an interior side lot line, reduction from the required 1.2 metre (4ft) to 0.6 metre (2 ft).

A porch is defined under Bylaw 1037 as an unheated structure, with a floor and a fixed roof directly above, primarily intended to provide sheltered access to a building.

A side yard is defined under Bylaw 1037 as any exterior or interior lot line other than the front or rear lot line. The proposed new porch addition would encroach into this required yard by 0.6 metres (2 ft).

The porch addition was constructed as a 10 foot by 23 foot addition to cover the existing deck area and provide shelter from the elements. The owners advised that they constructed the structure 2 feet from the side yard property line to cover the

existing deck, and to coordinate with the location of the dwelling's utility line. Due to the configuration of the back-split style dwelling, the side yard in this case, is utilized as part of their 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: A single detached dwelling is a permitted main use for lands designated "Residential" and is also permitted under the R1.1 zoning district. A porch is permitted as an addition to a main dwelling use.
- b) The variance(s) is minor and desirable for the appropriate use of the land: The porch addition will support the existing main use dwelling. The porch addition will be located on the north side of the dwelling and will satisfy front and rear yard setbacks however will encroach 2 feet into the required 4 foot side yard. The addition will be an open walled structure on 3 sides and is intended to protect a play area for the owner's children and a seating area protected from the elements. The inclusion of this covered porch will still fall within the lot coverage provisions permitted for a R1.1 zoning district.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: This porch addition is considered minor in size, with no anticipated impacts to the neighbouring properties. There will be no changes to the access to this property, therefore no adverse effects to traffic or parking patterns are anticipated;
- d) The variance deals with circumstances particular to the site and development: The owners wish to provide a roof over the existing deck, to shelter the side yard as an amenity area protected from the elements. The structure is for shade only, and not have enclosing walls. The proposal will still allow 2 feet of setback from the north lot line. Prior to the issuance of a building permit, the owners must ensure that all run off water be directed to within the property, and not adversely affect neighboring properties.

#### Public and Agency Comments

Upon circulation to internal departments, we did not receive any objections as of September 16th, 2021.

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

Verbal comments were received from Kevin Carter, Manager, Building Services, who stated he had no objections, any water runoff from the roof is to be directed within the subject lot as part of the building permit.

As a result of the giving of public notice, we received two letters of support from adjacent neighbours located on the north side, and opposite of the street from the subject lands:

"August 28 2021, We Carl and Rose Smith at 54 Kingsway, have no objection and are in full support of the Minor Variance at 58 Kingsway. We are immediately beside the roof extension structure. We have agreed all water run-off will be directed through eaves, onto the property of 58 Kingsway Kelsey and Cody Smith. "

"As residents of 77 Kingsway, our property is located directly across the street from the above mentioned property in question. Please let it be noted that we do not have any issue with this covered porch and are in full support of this applicant by Cody and Kelsey Smith. Should you have any questions or concerns or if any other paperwork is required from us to show our support please do not hesitate to contact us. Yours Truly Jannis and Jason Roy, 77 Kingsway"

No other calls or written correspondence was received from members of the public as of September 16, 2021.

**Actions: to be determined by the Committee**

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Member Beneteau stated that from the photos provided by administration it appears to be a wall started within the structure and is seeking clarification that the structure is not being enclosed in the future.

Cody Smith, Applicant, stated that the half wall structure was built to hold a television for an outdoor living space.

Member Ducedre questioned if the fire department was circulated and aware that the covered porch will be less than the required 4 ft side yard for fire retention.

Rita Jabbour, Manager Planning Services, stated that due to the structure being a covered porch the 4 ft side yard is not required and advised that fire was circulated with no objection.

**COA21-09-81**

Moved by Member Gray

Seconded by Member Pocock

**That** application A-20-21 be approved for the construction of a covered porch, the applicants are requesting a variance from the Residential 1.1 (R1.1) side lot line from the required 4ft side yard to 2.0 ft.

**Carried**

**Reasons 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-28- 21 Jason and Emily Stevenson 146 Gloucester Drive (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 146 Gloucester Drive in the former township of Colchester South. The applicants are proposing to sever a  $\pm 929.03$  square metre parcel from the existing  $\pm 3890.31$  square metre Residential 1.1 (R1.1) farm lot. The retained residential lot is proposed to have an area of  $\pm 2961.28$  square metres. The applicant is proposing this consent for lot creation.

#### **6.2.1. Public Presentations (if any)**

Official Plan Designation: "Lakeshore 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 146 Gloucester Drive in the former township of Colchester South. The applicants are proposing to sever a  $+ 929.03$  square metre (10,000 sq ft) parcel from the existing  $+ 3890.31$  square metre (41,874.94 sq ft) Residential 1.1 (R1.1) lot. The retained residential lot is proposed to have an area of  $+ 2961.28$  square metres (31,874.95 sq ft). The applicant is proposing this consent for lot creation.

The Residential 1.1 (R1.1) zone permits single family dwellings as a main use. The proposed severed lot would have a frontage of 80 feet and a depth of 125 feet, for a

total of 10,000 square feet in lot area. The proposed lot would therefore satisfy the minimum lot area required for an R1.1 Zone which is 5000 square feet and the minimum lot width provision of 50 feet. The proposed severed lot currently contains a tennis court, which is a permitted use when accessory to a dwelling. As this severance will separate the tennis court from the main dwelling, and is not permitted as a stand-alone use, the court will need to be removed as a condition of Consent approval.

#### 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 land severance policies of the PPS.

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 "Lakeshore Residential" where there are municipal services available. This designation supports new single family residential lots that are characteristic of the surrounding older established development patterns and have available sanitary sewer design capacity. There are no conflicts to the Official Plan policies.

c) The continuation of an orderly development pattern: The creation of this lot will be comparable in width and depth to adjacent lots fronting Gloucester Drive. The proposed lot area will provide a modest sized building envelope that will be able to satisfy the required setbacks and amenity areas. The resulting retained lot will still satisfy all requirements for required yards and zoning provisions.

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, and storm sewers, and there is capacity available in the sanitary sewers for this development.

#### Agency and Public Comments

No further phone calls or written correspondence have been received from members of the public as of September 16, 2021.

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

No further comments were received from circulated internal agencies as of September 16, 2021.

Actions:

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 the owners provide evidence to the Town of Essex that the tennis court facility has been removed.
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-09-82**

Moved by Member Ducedre

Seconded by Member Beneteau

**That** application B-28-21 be approved to sever a  $\pm$  929.03 square metre parcel from the existing  $\pm$  3890.31 square metre Residential 1.1 (R1.1) lot for the purpose of lot creation.

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

**Carried**

**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 the owners provide evidence to the Town of Essex that the tennis court facility has been removed.
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

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

**Application B-29- 21 HVM Holdings Inc. (Agent: Sabistian Somorse) Vacant Land on County Road 8 (Essex Centre, Ward 1)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at Vacant Land on County Road 8 in Essex Centre. The applicants are proposing to sever a  $\pm 0.932$  Acre parcel from the existing  $\pm 6.41$  Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is proposed to have an area of  $\pm 5.478$  Acres. The applicant is proposing this consent for lot creation.

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

Official Plan Designation: "Highway Commercial"

Zoning Category: "Commercial District (C3.3)" – Highway Corridor Commercial Area

Two consent applications have been received by the Town of Essex Committee of Adjustment for the vacant lands located on County Road 8 in Essex Centre. The applicants are proposing to sever the first parcel, a + 0.932 Acre parcel from the existing + 6.41 Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is

proposed to have an area of + 5.478 Acres. The applicant is proposing these consents for lot creation.

The applicant is also proposing to sever a second + 0.931 acre parcel from the existing + 6.41 Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is proposed to have an area of + 5.479 Acres. The applicant is proposing this consent for lot creation

The Commercial District 3.3 (C3.3) zone permits several main uses conducive to services near a highway, such as drive thru restaurants, and auto services. The proposed severed lots would have frontage on Maidstone Avenue, however access would be required through the extension of the private roadway and easement between the severed and retained parcels. An easement currently exists over Parts 25 & 30 on 12R-21870 and Part 2 on 12R-22867 benefiting the Tim Hortons and McDonalds properties. An access and service easement will be required for these proposed new properties (Parcel A & B) over the private drive, in accordance with the existing easement registered on title. Services include municipal water, sanitary sewer and storm sewer connections. As access near provincial highways is regulated by the Ministry of Transportation, extension of the service roadway will be a requirement of any future development proposal. All future development on the severed or retained lots would also be subject to the Site Plan Control review process.

#### 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 uses in urban settlement areas. The PPS promotes 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 development in the Highway Commercial designation that meets the retail needs of the commuting public. This development will incorporate parking facilities, combined entrances, landscaping and create a visually attractive commercial area compatible with the future residential area. The commercial area acts as a transition zone from the industrial lands along South Talbot and Highway 3, and the future residential areas to be located to the southeast.
- c) The continuation of an orderly development pattern: The creation of these lots are very comparable to the adjacent lot sizes of the McDonalds and Tim Hortons restaurants. These severances will provide opportunities to expand services to commuters and are considered compliant with the existing orderly development

pattern of this commercial area. These lots will also be easily accessed from the shared pedestrian and cycling multi use trail system that is being completed along South Talbot Road.

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: Any future development on the proposed severed parcels, will require the establishment of legal easements over the private drive for access and extension of municipal services from South Talbot Road which are readily available. Future development will be subject to the Site Plan Control review process.

#### Agency and Public Comments

No phone calls or written correspondence have been received from members of the public as of September 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the severances, but noted the property is subject to regulations, whereas a permit may be needed for any works within the vicinity of regulated 14th Concession E Drain Branch.

Comments were received from Kevin Girard, Director, Infrastructure Services, stating that access and services rights need to be assured through an easement agreement.

No further comments were received from circulated internal agencies as of September 16, 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 an easement agreement for access and services be established over the private drive for the 2 severed parcels identified as A & B.
- f) Payment by the applicant of a park fee in the amount of two percent of the appraised value of the severed lot;
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Member Beneteau questioned who owned the private access to the proposed severed parcels.

Rita Jabbour, Manager of Planning, advised that the owners of the private road is Tim Hortons, McDonalds and the applicant and that the town does not own the road or have an interest in assuming the road in the future.

Member Pocock stated that the private road is narrow and difficult to maneuver at this time and has concerns with traffic should the parcels be severed for development.

Rita advised that the private road must adhere to the towns requirements for width which are in the Zoning By-law private road requirement which is 16.5 feet per lane. Therefor 33 feet total in width is what is required.

**COA21-09-83**

Moved by Member Beneteau

Seconded by Member Gray

**That** application B-29-21 be approved to severe a  $\pm$  0.932 Acre parcel from the existing  $\pm$  6.41 Acres Commercial 3.3 (C3.3) lot for the purpose of lot creation.

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

**Carried**

**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 an easement agreement for access and services be established over the private drive for the 2 severed parcels identified as A & B.
- f) Payment by the applicant of a park fee in the amount of two percent of the appraised value of the severed lot;
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

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

**Application B-30- 21 HVM Holdings Inc. (Agent: Sabistian Somorse) Vacant Land on County Road 8 (Essex Centre, Ward 1)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at Vacant Land on County Road 8 in Essex Centre. The applicants are proposing to sever a ± 0.931 Acre parcel from the existing ± 6.41 Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is proposed to have an area of ± 5.479 Acres. The applicant is proposing this consent for lot creation

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

Official Plan Designation: "Highway Commercial"

Zoning Category: "Commercial District (C3.3)" – Highway Corridor Commercial Area

Two consent applications have been received by the Town of Essex Committee of Adjustment for the vacant lands located on County Road 8 in Essex Centre. The applicants are proposing to sever the first parcel, a + 0.932 Acre parcel from the existing + 6.41 Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is proposed to have an area of + 5.478 Acres. The applicant is proposing these consents for lot creation.

The applicant is also proposing to sever a second + 0.931 acre parcel from the existing + 6.41 Acres Commercial 3.3 (C3.3) lot. The retained commercial lot is proposed to have an area of + 5.479 Acres. The applicant is proposing this consent for lot creation

The Commercial District 3.3 (C3.3) zone permits several main uses conducive to services near a highway, such as drive thru restaurants, and auto services. The proposed severed lots would have frontage on Maidstone Avenue, however access would be required through the extension of the private roadway and easement between the severed and retained parcels. An easement currently exists over Parts 25 & 30 on 12R-21870 and Part 2 on 12R-22867 benefiting the Tim Hortons and McDonalds properties. An access and service easement will be required for these proposed new properties (Parcel A & B) over the private drive in accordance with the existing easement registered on title. Services include municipal water, sanitary sewer and storm sewer connections. As access near provincial highways is regulated by the Ministry of Transportation, extension of the service roadway will be a requirement of any future development proposal. All future development on the severed or retained lots would also be subject to the Site Plan Control review process.

#### 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 uses in urban settlement areas. The PPS promotes 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 development in the Highway Commercial designation that meets the retail needs of the commuting public. This development will incorporate parking facilities, combined entrances, landscaping and create a visually attractive commercial area compatible with the future residential area. The commercial area acts as a transition zone from the industrial lands along South Talbot and Highway 3, and the future residential areas to be located to the southeast.
- c) The continuation of an orderly development pattern: The creation of these lots are very comparable to the adjacent lot sizes of the McDonalds and Tim Hortons restaurants. These severances will provide opportunities to expand services to commuters and are considered compliant with the existing orderly development pattern of this commercial area. These lots will also be easily accessed from the shared pedestrian and cycling multi use trail system that is being completed along South Talbot Road.

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: Any future development on the proposed severed parcels, will require the establishment of legal easements over the private drive for access and extension of municipal services from South Talbot Road which are readily available. Future development will be subject to the Site Plan Control review process.

#### Agency and Public Comments

No phone calls or written correspondence have been received from members of the public as of September 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the severances, but noted the property is subject to regulations, whereas a permit may be needed for any works within the vicinity of regulated 14th Concession E Drain Branch.

Comments were received from Kevin Girard, Director, Infrastructure Services, stating that access and services rights need to be assured through an easement agreement.

No further comments were received from circulated internal agencies as of September 16, 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 an easement agreement for access and services be established over the private drive for the 2 severed parcels identified as A & B.

- f) Payment by the applicant of a park fee in the amount of two percent of the appraised value of the severed lot;
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-09-84**

Moved by Member Gray

Seconded by Member Pocock

**That** application B-30-21 be approved to severe a  $\pm$  0.931 Acre parcel from the existing  $\pm$  6.41 Acres Commercial 3.3 (C3.3) lot for the purpose of lot creation.

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

**Carried**

**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 an easement agreement for access and services be established over the private drive for the 2 severed parcels identified as A & B.
- f) Payment by the applicant of a park fee in the amount of two percent of the appraised value of the severed lot;
- g) That all of the above conditions be fulfilled on or before September 21, 2022.

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

### **Application B-31- 21 Joseph Gorski, Bernard Gorski, James & Linda Fraser (Agent: Jerry Goldberg) Vacant Land on County Road 13, 108 County Road 50 East, 116 County Road 50 East (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at: Vacant Land on County Road 13, 108 and 116 County Road 50 East in the former Township of Colchester South. The applicants are proposing a 519 metre easement of the private sewer line that runs North East to South West over the above noted properties

#### **6.5.1. Public Presentations (if any)**

Official Plan Designation: "Agricultural"

Zoning Category: Agricultural 1.1 (A1.1) – General agricultural and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at: Vacant Land on County Road 13, 108 and 122 County Road 50 East in the former Township of Colchester South. The applicants are proposing a 519 metre easement of the private sewer line that runs northeast to southwest over the above noted properties. The sewer easement will favour the property address identified as 130 County Road 50 East, known as North 42 Winery.

A private sanitary sewer line was installed across the above noted properties. The owners of the above noted lands wish to create an easement to identify North 42 Winery as legally benefitting to the agreement. This private line connects to the municipal sewer line that ends at County Road 13 in the hamlet of Colchester. Currently there are no municipal sanitary sewers that extend along the County Road 50 East. This easement allows the winery's sanitary sewers to be linked directed to the municipal sanitary service, and the agreement will describe rights to the land, should maintenance be required to the sewer line. The applicants listed are in full agreement with establishing the easement.

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 because the purpose of this application is simply to allow right of benefit to an existing private service tying into the municipal line.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies: The servicing requirement policies in the Official Plan state that full municipal sanitary sewage services are the preferred form of servicing. Upon preconsultation with the Town's Infrastructure Services, sewer reserve was already confirmed available when the Winery property was hooked up to the service.

c) The continuation of an orderly development pattern: The creation of this easement will not change the development pattern of the existing lots, or affect traffic patterns on County Road 50.

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 purpose of this application is to provide a connection to municipal services. Approval from Environmental Services will be required prior to hook up. No other changes are proposed to the existing services for the subject properties.

#### Agency and Public Comments

As a result of the giving of public notice, we did not receive any comments from the public as of September 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections but identified if works are undertaken within the vicinity of the regulated Tom Wright Drain, an approval will be necessary.

No comments were received from circulated internal departments as of September 16, 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 an easement benefitting the property identified as 130 County Road 50 E, be registered on title, and acceptable to the Town of Essex, over the properties identified as (375464000013150), and 122 County Road 50 E (375464000013100)

f) That all of the above conditions be fulfilled on or before September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

Member Beneteau asked if the easement is 21 year or 99 year.

Corinne Chiasson, advised that the easement would be in perpetuity of the subject properties.

Member Gray stated that there is three parties that the easement pertains to within the application, the third party member Mr. Fraser did not sign the authorization form or one was not provided to the Town and members.

He continued to state that there is also discrepancies within the application and the subject properties. He advised that the application stated the subject property is 108 County Road 59 East, and 122 County Road 59 E, and advised that at the road of the subject properties the address read 126 County Road 50 East, 118 County Road 50 East and stated that the public notices state 116 County Road 50 East and 108 County Road 50 East.

He further stated that clarification for appropriate addresses is required, as well as if the Fraser property has two dwellings on the property and if they are in fact separate, as there appears to be two 911 addresses at the road.

Corinne Chiasson stated that with regards to the Fraser authorization form, it could be provided to administration as a condition of approval should the committee wish to add it to the Schedule A.

**COA21-09-85**

Moved by Member Beneteau

Seconded by Member Pocock

**That** application B-31-21 be **approved** a 519 metre easement of the private sewer line that runs North East to South West over the above noted properties and that a condition be added to Schedule A to obtain the Fraser's authorization form.

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

**Defeated**

## **6.6 Corinne Chiasson, Assistant Planner RE:**

### **Application B-32- 21 Kenneth Illingworth (Agent: Karl G Melinz) 2544 County Road 20 East (Colchester South, Ward 3)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2544 County Road 20 East in the former Township of Colchester South. The applicants are proposing to sever a  $\pm 1.62$  Hectare parcel from the existing  $\pm 18.079$  Hectare property which contains three zoning categories; Residential 1.1 (R1.1), Agricultural 1.1 (A1.1) and Manufacturing 2.1 (M2.1). The applicant is proposing this consent for the purpose of lot creation. The proposed severed lot contains one existing dwelling, several outbuildings, and a driveway access. The retained lot will result in a total area of  $\pm 16.45$  Hectares.

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

Official Plan Designation: "Residential" and located within the Settlement Area of Harrow

Zoning Category: "Agricultural (A1.2)" – Limited 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 2544 County Road 20 East in the former Township of Colchester South. The applicants are proposing to sever a + 1.62 Hectare parcel from the existing + 18.079 Hectare property which contains three zoning categories; Residential 1.1 (R1.1), Agricultural 1.1 (A1.1 & A1.2) and Manufacturing 2.1 (M2.1). The applicant is proposing this consent for the purpose of lot creation. The proposed severed lot contains one existing dwelling, several outbuildings, and a driveway access. The retained lot will result in a total area of + 16.45 Hectares.

The "Residential" designation in the Official Plan identifies lands that are currently developed for residential, or are intended for appropriate future residential development. Portions of the subject lands (south of the Chrysler Canada Greenway) are designated for future residential development and lie within the settlement area of Harrow. However, currently these lands described as the "retained" are vacant, and being utilized for agricultural crop production. The proposed "severed" lot contains an existing residence and several outbuildings. The owner wishes to sell the vacant

farmland (retained), and continue to utilize the residence and outbuildings (severed) for his personal use.

The Agricultural Zoning 1.2 (A1.2) is a district that recognizes agricultural uses near urban core areas, and acts as a transition zone between urban and rural areas. As the portion of the property south of the Chrysler Canada Greenway is located within the Harrow settlement area, and is designated in the Official Plan for future residential development, this application is being brought forward as the creation of a new lot.

The proposed severed parcel will be 60.96 metres (200 feet) in width, and the total area calculated for the existing structures is well under the prescribed 25% maximum lot coverage zoning provision. There are no conflicts regarding the required yards (front, rear, or side) setbacks. The resulting proposed severed parcel will be 1.62 ha, which requires a minor variance to recognize an undersized lot within the A1.2 Zoning Category of the Zoning By-law. As the proposed severed parcel is located within the urban settlement area of Harrow, and designated residential in the Official Plan, this variance is considered minor, and the size of the lot is comparable to adjacent neighbouring residential lot sizes.

#### 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 is promoted in core areas, and creates 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. This area has been identified for future development of the urban area.
- 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" and within the primary settlement areas.
- c) The continuation of an orderly development pattern: The creation of this lot will sever an existing dwelling and outbuildings from vacant land that is intended for future residential development. The size of the severed parcel is comparable with residential lot sizes found near the extent of the settlement area boundary area. Access to the severed lot is from King Street, through a 9.14 m (30 ft) wide existing driveway corridor that is included with this severance.

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 retained and severed parcels have access to municipal water, storm and sanitary sewers along King Street. The existing dwelling utilizes a private septic system.

#### Requirement for Minor Variance A-21-21

The minimum lot area for lots within Agricultural District 1.2 (A1.2) is 4 hectares (10 acres) or as existing. As a result of the proposed severance, the lot area for the retained parcel will decrease in size from 18.079 hectares to 16.45 hectares. Therefore the proposed severed parcel being 1.62 hectares requires relief of 2.38 ha to be recognized under the Zoning By-law provision.

#### Proposal Conformity with Provincial and Town of Essex 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 (OP) permits the creation of new lots within the settlement area, and within the areas designated "residential" which is in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town Official Plan, the proposed new lot is of a size sufficient to accommodate septic services acceptable to the Town. This application and severance are preparing the lands for future residential development.
- b) The variance(s) is minor and desirable for the appropriate use of the land: Lots in the A1.2 zoning district vary greatly in lot area. No new development is proposed on the severed, and all existing structures will meet the zoning provisions for lot coverage and setbacks;
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: The dwelling and accompanying infrastructure are existing, no impacts are anticipated to neighbouring properties.
- d) The variance deals with circumstances particular to the site and development: The variance is necessary in order to accommodate the proposed new lot creation.

#### Agency and Public Comments

No further phone calls or written correspondence have been received from members of the public as of September 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, but noted if any future works are undertaken with the vicinity of

the Philip Ferris Drain, a permit approval may be necessary. They also noted that any future works located near the ERCA owned Chrysler Canada Greenway, contact should be made to the Director of Conservation Services.

Comments were received from the County of Essex, stating this property is under Town of Essex jurisdiction.

No further comments were received from circulated internal agencies as of September 16, 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 September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-09-86**

Moved by Member Gray

Seconded by Member Pocock

**That** application B-32-21 be approved to sever a  $\pm$  1.62 Hectare parcel from the existing  $\pm$  18.079 Hectare property which contains three zoning categories; Residential 1.1 (R1.1), Agricultural 1.1 (A1.1) and Manufacturing 2.1 (M2.1). The applicant is proposing this consent for the purpose of lot creation

**Reasons 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".

**Carried**

**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 September 21, 2022.

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

**Application A-21- 21 Kenneth Illingworth (Agent: Karl G. Melinz) 2544 County Road 20 E (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 2544 County Road 20 in Harrow. As a result of a severance of a new lot, the applicant is requesting relief from the minimum lot area

provision of 4 ha (10 acres) or as existing, in the A1.2 Zone. The resulting severed parcel would be 1.62 ha in area, therefore relief requested is 2.38 ha.

#### **6.7.1. Public Presentations (if any)**

Official Plan Designation: "Residential" and located within the Settlement Area of Harrow

Zoning Category: "Agricultural (A1.2)" – Limited 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 2544 County Road 20 East in the former Township of Colchester South. The applicants are proposing to sever a + 1.62 Hectare parcel from the existing + 18.079 Hectare property which contains three zoning categories; Residential 1.1 (R1.1), Agricultural 1.1 (A1.1 & A1.2) and Manufacturing 2.1 (M2.1). The applicant is proposing this consent for the purpose of lot creation. The proposed severed lot contains one existing dwelling, several outbuildings, and a driveway access. The retained lot will result in a total area of + 16.45 Hectares.

The "Residential" designation in the Official Plan identifies lands that are currently developed for residential, or are intended for appropriate future residential development. Portions of the subject lands (south of the Chrysler Canada Greenway) are designated for future residential development and lie within the settlement area of Harrow. However, currently these lands described as the "retained" are vacant, and being utilized for agricultural crop production. The proposed "severed" lot contains an existing residence and several outbuildings. The owner wishes to sell the vacant farmland (retained), and continue to utilize the residence and outbuildings (severed) for his personal use.

The Agricultural Zoning 1.2 (A1.2) is a district that recognizes agricultural uses near urban core areas, and acts as a transition zone between urban and rural areas. As the portion of the property south of the Chrysler Canada Greenway is located within the Harrow settlement area, and is designated in the Official Plan for future residential development, this application is being brought forward as the creation of a new lot.

The proposed severed parcel will be 60.96 metres (200 feet) in width, and the total area calculated for the existing structures is well under the prescribed 25% maximum lot coverage zoning provision. There are no conflicts regarding the required yards (front, rear, or side) setbacks. The resulting proposed severed parcel will be 1.62 ha, which requires a minor variance to recognize an undersized lot within the A1.2 Zoning Category of the Zoning By-law. As the proposed severed parcel is located within the urban settlement area of Harrow, and designated residential in the Official Plan, this

variance is considered minor, and the size of the lot is comparable to adjacent neighbouring residential lot sizes.

#### 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 is promoted in core areas, and creates 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. This area has been identified for future development of the urban area.
- 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" and within the primary settlement areas.
- c) The continuation of an orderly development pattern: The creation of this lot will sever an existing dwelling and outbuildings from vacant land that is intended for future residential development. The size of the severed parcel is comparable with residential lot sizes found near the extent of the settlement area boundary area. Access to the severed lot is from King Street, through a 9.14 m (30 ft) wide existing driveway corridor that is included with this severance.
- 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 retained and severed parcels have access to municipal water, storm and sanitary sewers along King Street. The existing dwelling utilizes a private septic system.

#### Requirement for Minor Variance A-21-21

The minimum lot area for lots within Agricultural District 1.2 (A1.2) is 4 hectares (10 acres) or as existing. As a result of the proposed severance, the lot area for the retained parcel will decrease in size from 18.079 hectares to 16.45 hectares. Therefore the proposed severed parcel being 1.62 hectares requires relief of 2.38 ha to be recognized under the Zoning By-law provision.

#### Proposal Conformity with Provincial and Town of Essex 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 Town of Essex Official Plan (OP) permits the creation of new lots within the settlement area, and within the areas designated “residential” which is in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town Official Plan, the proposed new lot is of a size sufficient to accommodate septic services acceptable to the Town. This application and severance are preparing the lands for future residential development.
- f) The variance(s) is minor and desirable for the appropriate use of the land: Lots in the A1.2 zoning district vary greatly in lot area. No new development is proposed on the severed, and all existing structures will meet the zoning provisions for lot coverage and setbacks;
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: The dwelling and accompanying infrastructure are existing, no impacts are anticipated to neighbouring properties.
- h) The variance deals with circumstances particular to the site and development: The variance is necessary in order to accommodate the proposed new lot creation.

#### Agency and Public Comments

No further phone calls or written correspondence have been received from members of the public as of September 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, but noted if any future works are undertaken with the vicinity of the Philip Ferris Drain, a permit approval may be necessary. They also noted that any future works located near the ERCA owned Chrysler Canada Greenway, contact should be made to the Director of Conservation Services.

Comments were received from the County of Essex, stating this property is under Town of Essex jurisdiction.

No further comments were received from circulated internal agencies as of September 16, 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 September 21, 2022.

**Discussion:**

Corinne Chiasson, Secretary Treasurer explains the application

**COA21-09-87**

Moved by Member Beneteau

Seconded by Member Pocock

**That** application A-21-21 be approved / denied relief from the minimum lot area provision of 4 ha (10 acres) or as existing, in the A1.2 Zone. The resulting severed parcel would be 1.62 ha in area, therefore relief requested is 2.38 ha

**Carried**

**Reasons 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**

**9. Notices of Motion**

**10. Adjournment**

**COA21-09-88**

Moved by Member Ducedre

Seconded by Member Beneteau

**That** the meeting be adjourned at 5:57 PM

**11. Future Meetings**

11.1 Training Session October 19 2021 at 4 30 PM

Location: Electronic Meeting

11.2 November 16 2021 at 4:30 PM

Location: Electronic Meeting