



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

February 13, 2024, 5:00 pm  
Location: Essex Municipal Building, 33 Talbot Street South

Present: Chair - Pocock, Phil  
Member - Child, Matthew  
Member - Lester, Dorene  
Member - Sauve, Danny

Absent: Vice Chair - Baker, William

Also Present: Corinne Chiasson, Secretary-Treasurer, Senior Planner  
Sarah Girard, Planning Assistant  
Ian Rawlings, Junior Planner  
Marsha Buchta, Planning Clerk

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at [clerks@essex.ca](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

**1. Call to Order**

The Chair called the meeting to order at 5:01 p.m.

**2. Land Acknowledgement**

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

**3. Declarations of Conflict of Interest**

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

**4. Adoption of Published Agenda**

**4.1 Committee of Adjustment Meeting Agenda for February 13 2024**

**COA24-02-14**

Moved By Dorene Lester  
Seconded By Danny Sauve

**That** the published agenda for the February 13 2024 Committee of Adjustment Meeting be adopted as presented.

**Carried**

**5. Adoption of Minutes**

**5.1 Committee of Adjustment Minutes for January 16 2024**

**COA24-02-15**

Moved By Matthew Child

Seconded By Dorene Lester

**That** the minutes of the Committee of Adjustment meeting held January 16 2024 be adopted as circulated.

**Carried**

**6. Reports from Administration/Applications**

**6.1 B-05-24 Merle and Margaret Howie & Denis Morton, 1282 Gore Road**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1282 Gore Road, formerly known as Colchester South. The applicants are proposing to sever a  $\pm 0.186$  ha (0.46 acre) parcel from the existing  $\pm 43.26$  ha (106.9 acres) agricultural lot to be added to the adjacent property identified as 1276 Gore Road. The retained agricultural lot is proposed to have an area of  $\pm 43.07$  ha (106.44 acres). The applicant is proposing this consent for the purposes of a lot addition.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') where by the report recommended the approval of the application.

**COA24-02-16**

Moved By Danny Sauve

Seconded By Matthew Child

**That** application B-05-24 be approved to sever a  $\pm 0.186$  ha (0.46 acres) parcel from the existing  $\pm 43.26$  ha (106.9 acres) agricultural lot for the purpose of a lot addition be approved, subject to the following condition(s):

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

5. That the severed parcel be consolidated with the lands known as 1272 Gore 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;
6. That the applicant obtain the necessary approvals and install an access to the retained lands to the satisfaction of the Corporation of the Town of Essex;
7. That a variance or other measure satisfactory to the Corporation of the Town of Essex be obtained to mitigate any necessary setback reductions between the proposed lot line and the existing outbuilding;
8. That all of the above conditions be fulfilled on or before February 13, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

**Carried**

## **6.2 B-04-24 Donald Brisebois, 420 Dunn Road**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 420 Dunn Road, formerly Colchester South. The applicants are proposing to sever a  $\pm 602$  square metre (6,480 square foot) parcel from the existing  $\pm 1,471.58$  square metre (15,840 square foot) residential lot. The retained residential lot is proposed to have an area of  $\pm 869.57$  square metres (9,360 square feet). The applicant is proposing this consent for the creation of one (1) residential lot.

Ian Rawlings, Junior Planner, provided an overview of the application by way of a Report from the Planning Services Department (attached hereto as Schedule 'A') where by the report recommended the approval of the application.

Ian Rawlings, Junior Planner, advised the members that the Infrastructure and Drainage Departments provided comments. The Infrastructure Department stated that they had concerns with rainwater discharge. The Drainage department recommended at the cost of the applicant a drainage report under Section 65 of the Drainage Act be done by an Engineer and provided to the Town for review prior to the Consent being finalized.

Matthew Child, Member, stated he had concerns with the language within condition 6 of the recommended conditions of the application. He continued that he has concerns that the Section 65 report may not be completed within the time frame and may state that there is no capacity.

Corinne Chiasson, Senior Planner, stated that the applicant is fully aware of the timeframe and the financial commitment to do the Section 65 Report. She continued to state that the application has 2 years to complete the condition and through the report they will be reviewing a small area of the drain that truncates adjacent to the property.

Dan Sauve, Member, stated that he has concerns that the lot doesn't compare to the lots in the area. He questioned if the 1.2 metre setback would be efficient for the watershed off of the existing accessory structure.

Mr. Rawlings, stated that the applicant provided a 220 square metres drawing that accommodates the required setback.

Miss Chiasson, stated that Colchester is a unique Hamlet and this lot provides an opportunity for infill in an older neighborhood with no negative impacts. The application was circulated in January to all neighbouring properties within 60 metres and no negative responses were provided.

**COA24-02-17**

Moved By Matthew Child

Seconded By Dorene Lester

**That** application B-04-24 be approved to sever a  $\pm$  602 square metre (6,480 square foot) parcel from the existing  $\pm$  1,471.58 square metre (15,840 square foot) residential lot for the creation of a one (1) lot be approved, subject to the following condition(s):

1. That a draft reference plan prepared by an Ontario Land Surveyor, be submitted to the Town of Essex Secretary-Treasurer for review. Once the draft is reviewed and deemed acceptable, the reference plan can be numbered, dated, signed and registered. A copy of the registered plan is required to be sent to [essexplanning@essex.ca](mailto:essexplanning@essex.ca) prior to the issuance of the consent certificate;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the applicant pay the applicable parkland dedication fee 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;
6. That, at the expense of the applicant, a section 65 Engineering report under the Drainage Act be completed and deemed satisfactory by the Drainage Superintendent to ensure the capacity of the drain can handle additional water runoff and assess this property into the drain;
7. That, at the expense of the applicant, the required drainage works be installed, and appropriate permits and agreements be entered into to ensure that that the severed property establishes a proper drainage system/outlet, to the satisfaction of the Corporation of the Town of Essex;

8. That all of the above conditions be fulfilled on or before February 13, 2026, as per Section 53(41) of the Planning Act, R.S.O. 1990.

**Carried**

**7. Adjournment**

**COA24-02-18**

Moved By Dorene Lester

Seconded By Danny Sauve

**That** the meeting be adjourned at 5:28 p.m.

**Carried**

**8. Future Meetings**

March 19 2024, at 5 p.m. at Town Hall, Council Chambers, 33 Talbot Street South.

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Chair

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Recording Secretary