

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday March 20, 2018

A regular meeting of the Town of Essex Committee of Adjustment was held on March 20, 2018 at 4:00 PM in the Small Council Chambers of the Municipal Building at 33 Talbot Street South, Essex, Ontario.

1. Roll Call

Members Present: Councillor Sherry Bondy
Councillor Larry Snively
Joe latonna
Also Present: Rita Jabbour, Assistant Planner
Sarah Girard, Planning Assistant

Members of Public in Attendance: See sign-in sheet attached hereto

Rita Jabbour, Assistant Planner, opens the meeting. She states that a member must be elected to preside over the meeting, as both the Chair and Vice Chair are absent.

(COA-2018-03-05) That Joe latonna be elected to chair the meeting.

Moved by Councillor Snively

Seconded by Councillor Bondy

"Carried"

2. Declarations of Conflict of Interest

None

3. Adoption of Minutes

Moved by Councillor Snively

Seconded by Councillor Bondy

(COA-2018-03-06) That the minutes of the February 6, 2018 Committee of Adjustment meeting be adopted as circulated.

"Carried"

4. Adoption of Published Agenda

Moved by Councillor Snively

Seconded by Councillor Bondy

(COA-2018-03-07) That the published agenda for the March 20, 2018 meeting of the Committee of Adjustment be adopted as circulated.

"Carried"

5. Applications

The following applications were heard:

a) A-02-18– James and Susan Ulian– 71 Sullivan Street (Colchester South, Ward 3)

A-02-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 71 Sullivan Street, in Colchester South, Ward 3. The applicants are proposing to construct a 30.95 square metre (333.19 square foot) accessory structure. As a result of the proposal, the minimum setback for the easterly side lot line will be reduced by 0.6 metres (2 feet) to 0.6 metres (2 feet). The minimum side lot line setback from accessory structures on properties within the Residential District 1.1 (R1.1) 1.2 metres (4 feet) under the Town of Essex Zoning Bylaw, Bylaw 1037.

Rita Jabbour, Assistant Planner, wrote:

Official Plan Designation: “Lakeshore Residential”

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

An application for minor variance has been submitted for the lands located at 71 Sullivan Street in the former township of Colchester South. The subject property is designated “Lakeshore Residential” under the Town’s Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to construct a 30.95 square metre (333.19 square foot) second free standing accessory structure to the east of the property. As a result of the proposal, the minimum setback from the easterly side lot line will be reduced by 0.6 metres (2 feet) to 0.6 metres (2 feet). The minimum side lot line setback from accessory structures on properties within the R1.1 zoning district is 1.2 metres (4 feet). As such, the applicants are requesting this variance for a 0.6 metre (2 foot) relief in the setback from the easterly side lot line.

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. An accessory structure is permitted within the R1.1 zoning district. The combination of all accessory structures on the property will not exceed 92 square metres (1000 square feet);
- 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.

The distance between the two accessory structures is proposed to be 1.8 metres (6 feet), the minimum setback requirement between an accessory structure and any other building located on the same lot under section 10.3 of Bylaw 1037.

As this is a waterfront property, the accessory structure will be located in the front yard. Planning has consulted with Emergency Medical Services (EMS) and the Fire department to determine if the proposed space between the two structures is sufficient should they require access to the main dwelling.

EMS states that access is possible but that the limited space between the structures could pose some issues with access and egress and safety concerns for staff, depending on weather conditions. Fire has no objections.

Should this application be successful, the east wall of the proposed structure must be constructed as a fire rated wall with no windows or openings, as per comments received by the building department.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public, other departments and agencies notified as of Thursday March 15, 2018.

Actions:

To be determined by the Committee.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

“The following is provided for your information and consideration as a result of our review of Application for Minor Variance A-02-18. The applicants are proposing to construct a new 30.95 square metre accessory structure and are requesting a reduction in the side yard setback provision from the required 1.2 metres to 0.6 metres.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

A review of our files indicates that ERCA Permit Approval No. 990-17 was issued to James and Susan Ulian, for the construction of a new accessory building at 71 Sullivan Street. This

approval was issued November 29, 2017 and will remain valid until November 2018. This Minor Variance application satisfies the natural hazard policies of the PPS, and Section 28 of the Conservation Authorities Act, therefore we have no objections to this application.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Minor Variance.”

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

She explains that the proposed structure will be the second accessory structure on the property. She states that the distance between the two structures will be 1.8 metres (6 feet), the minimum distance required between two structures.

She explains that Planning has contacted Emergency Medical Services (EMS) and the Fire department to determine if they had any concerns. She states that EMS believes access is possible but that the limited space between the structures could pose some issues with access and egress and safety concerns for staff, depending on weather conditions. Fire has no objections.

James Ulian, the applicants, asks which wall has to be fire rated.

Rita explains that it would need to be the east wall because the distance between the structure and the easterly side lot line is going to be less than 1.2 metres (4 feet).

Moved by Councillor Snively

Seconded by Councillor Bondy

(COA-2018-03-08) That application A-02-18 be granted.

“Carried”

Reasons:

The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

Susan Ulian, the applicant, asks when the building permit can be retained.

Rita states that there is a 20 day appeal period that needs to be observed first. She explains that a building permit can be obtained once the appeal period lapses.

b) B-02-18 and A-03-18– Bruce, Ron and Lyle Hall– 2716 County Road 12 (Colchester North, Ward 2)

B-02-18

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 2716 County Road 12 in the former Township of Colchester North, Ward 2. The applicants are proposing to sever a + 0.32 hectare (± 0.8 acre) parcel from the existing +38.56 hectare (± 96.4 acre) lot. The retained parcel is proposed to have an area of +38 hectares (± 95 acres). The applicants are proposing this consent for the purpose of a lot addition. The severed lot is proposed to be merged with the property directly to the West and known municipally as 2720 County Road 12.

A-03-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 2716 County Road 12, in the former Township of Colchester North, Ward 2. As a result of a proposed severance, the lot area for the retained parcel will decrease in size from +38.56 hectares (± 96.4 acres) to +38.24 hectares (+95.6 acres). The required minimum lot area for properties within the General Agricultural district (A1.1) under the Town of Essex Zoning By-Law 1037 is 40 hectares (100 acres) or as existing. Thus, variances are being sought to accommodate the reduction in total lot area for the retained parcel.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Agricultural

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

Applications for consent and minor variance have been submitted for the lands located at 2716 County Road 12 in the former township of Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +0.32 hectare (+0.8 acre) parcel from the existing +38.56 hectare (+96.4 hectare) lot for the purposes of lot addition. The severed lot is uncultivated, grassed and contains an area of natural heritage feature. The severed lot is proposed to be merged with the property directly to the West, known municipally as 2720 County Road 12 and owned by Bruce and Elizabeth Hall.

The minimum lot area required for lots zoned A1.1 under the Town of Essex Zoning 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 parcel will be reduced by +0.32 hectares, therefore requiring a variance.

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;
- 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.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public, other departments and agencies notified as of Thursday March 15, 2018.

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, three hard copies 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 in triplicate (three copies) 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 owned by Bruce and Elizabeth Hall (municipal address 2720 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 March 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained parcel.”

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided for your information and consideration as a result of our review of Application for Consent B-02-18, and Minor Variance A-03-18. The applicants are requesting to sever a 0.32 ha parcel from 2716 County Rd 12 and add it to the property identified as 2720 County Rd 12, as a lot addition. As a result, relief is required to recognize the reduction in the minimum farm lot size requirement.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The most southern portion of the above noted lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). This portion of the subject parcel falls within the regulated area of John's Creek. The property owner would be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (specifically any works within the vicinity of the regulated drain, such as the installation of a culvert or drainage outlet) or other activities affected by the regulations.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS 2014

Based on this application being for a severance for a lot addition only, where a small portion of land will be added to the neighbouring site, and where there is no change in land use associated, it is our opinion that the natural heritage policies of PPS would not apply in this case. Based on our review, we have no objection to the application with respect to natural heritage policies of the PPS.

FINAL RECOMMENDATION

We have no objections to these Consent and Minor Variance applications.”

William J. King, Manager of Planning Services, County of Essex, wrote:

"Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 248t - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands to update our mapping records. Thank you for your assistance and cooperation in this matter."

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

She states that the applicants have requested deferral of the application until further notice.

Joe Iatonna, Chair, asks if there is anyone in the audience who wishes to speak on the applications.

(COA-2018-03-09) That consent and minor variance application B-03-18 and A-03-18 be deferred.

Moved by Councillor Bondy

Seconded by Councillor Snively

"Carried"

C) B-03-18 and A-04-18– Bruce, Ron and Lyle Hall– 2716 County Road 12 (Colchester North, Ward 2)

B-03-18

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 2716 County Road 12 in the former Township of Colchester North, Ward 2. The applicants are proposing to sever a + 1.36 hectare (± 3.4 acre) parcel from the existing +38.56 hectare (± 96.4 acre) lot. The retained parcel is proposed to have an area of +37.2 hectares (± 93 acres). The applicants are proposing this consent as a result of farm consolidation. An easement to provide access to the dwelling at 2720 County Road 12 by way of the existing driveway is also being requested.

A-04-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 2716 County Road 12, in the former Township of Colchester North, Ward 2. As a result of a proposed severance, the lot area for the retained and severed parcel will decrease in size from +38.56 hectares (± 96.4 acres) to +37.2 hectares and +1.36 hectares (± 93 acres and +3.4 acres), respectively. The total lot width for the severed parcel will be reduced to +46 metres (+151.8 feet). The required minimum lot area for properties within the General Agricultural district (A1.1) under the Town of Essex Zoning By-Law 1037 is 40 hectares (100 acres) or as existing. The required minimum width for lots in the General Agricultural district (A1.1) under the Town of Essex Zoning By-Law 1037 is 60 metres (200 feet) or as existing. Thus, variances are being sought to accommodate the reduction in total lot area for the retained and severed parcels and a reduction in lot width for the severed parcel.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Agricultural

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

Applications for consent and minor variance have been submitted for the lands located at 2917 County Road 12 in the former township of Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +1.36 hectare (+3.4 acre) parcel from the existing +38.56 hectare (+96.4 acre) lot. The severed parcel will be occupied by the existing single detached dwelling, two outbuildings and accompanying infrastructure (i.e. septic system, driveway and well). Access to the severed lot will be by way of County Road 12.

The retained lot is proposed to have an area of +37.2 hectares (+93 acres) and will continue to be used for agricultural purposes. Access to the retained lot is by way of County Road 12. The applicants plan on constructing a new bridge to access the retained farm parcel.

The applicants are proposing this consent due to the house being surplus to their needs. In addition to the subject parcel, the applicants own 20 hectares (49.6 acres) of agricultural land just east of 2727 County Road 12. The Provincial Policy Statement (PPS) states that a surplus dwelling, namely a dwelling that is acquired as part of farm land acquisition, may be severed and sold, with the stipulation that no new dwelling will be permitted on the retained farm parcel.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. The required minimum width for lots in the General Agricultural District 1.1 (A1.1) under the Town of Essex Zoning Bylaw 1037 is 60 metres (200 feet) or as existing. As a result of the proposed severance, the lot area for the retained and severed parcel will decrease in size from +38.56 hectares to 37.2 hectares and 1.36 hectares,

respectively. The total width for the severed parcel will be reduced to +46 metres (+151.8 feet).

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;
- 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.

The existing driveway serving the subject parcel is currently used for access to the properties at 2720 and 2712 County Road 12. As such, the applicants are requesting an easement to provide access to the dwelling at 2720 County Road 12 by way of the existing driveway for a period in excess of 21 years. The easement would extend the entire length and width of the exiting driveway. A new driveway is being proposed for the property at 2712 County Road 12. As a result of the giving of public notice, one objection has been received from a Mrs. Marie Hall, the secondary owner of the property at 2712 County Road 12. Mrs. Hall is objecting to the severance application because the subject property shares infrastructure with the property at 2712 County Road 12, namely, the well and the access area.

The Manager of Environmental Services has confirmed that the subject parcel, 2716 County Road 12, and 2712 have existing water service connections along their County Road 12 frontage. However, the well is still actively used by both properties. No reciprocal agreement/easement exists for the shared use of these services and the Committee cannot force conditions on a property that is not the subject of this consent application (2712 County Road 12).

No further objections or comments were received from members of the public or agencies as of Thursday March 15, 2018.

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, three hard copies 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 in triplicate (three copies) 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 a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That the appropriate documents for the easement be prepared and be suitable for registration. A copy will remain with the Town;
- g) That the applicant pay the applicable water buy in fee if necessary;
- h) That all of the above conditions be fulfilled on or before March 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained parcel.”

Additional Comments Resulting from Circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

“The following is provided for your information and consideration as a result of our review of Application for Consent B-03-18, Application for Minor Variance A-04-18. The applicants are requesting to sever a residential dwelling that is surplus to the needs of the farming operation, and establish an access easement between the properties identified as 2716, and 2720 County Rd 12. Relief is also being requested to recognize the reduction in the resulting farm lot size.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The most southern portion of the above noted lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). This portion of the subject parcel falls within the regulated area of John's Creek. The property owner would be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (specifically any works within the vicinity of the regulated drain, such as the installation of a culvert or drainage outlet) or other activities affected by the regulations.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Consent or Minor Variance applications.”

William J. King, Manager of Planning Services, County of Essex, wrote:

"Please be advised that the County has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 12. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 248t - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 12. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands to update our mapping records. Thank you for your assistance and cooperation in this matter."

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

She states that she received a letter of opposition to the severance from the owners at 2712 County Road 12. She explains that the residents at the abutting lot are opposing the severance because the proposed lot contains the driveway and water well serving their property.

She states that the applicants are requesting the application for consent and minor variance be deferred until issues with services can be mitigated.

(COA-2018-03-10) That consent and minor variance applications B-04-18 and A-03-18 be deferred.

Moved by Councillor Snively

Seconded by Councillor Bondy

"Carried"

c) B-04-18– Susie L. Gagnon– 3449 North Malden Road (Colchester North, Ward 2)

B-04-18

An application for a Certificate of Validation under Section 57 of the Planning Act, R.S.O 1990, c.P. 13, has been received by the Town of Essex Committee of Adjustment for the property at 3449 North Malden Road in Colchester North, Ward 2.

It has come to light that there has been an error on title of this property as a Planning Act Consent was not registered when the lot was created in 1987. Thus, the applicants are requesting a Certificate of Validation to correct the error.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Agricultural

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

An application for Certificate of Validation under Section 57 of the Planning Act, R.S.O 1990, c.P. 13, has been submitted for the property at 3449 North Malden Road in Colchester North. The subject property is designated “Agricultural” under the Town’s Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

In March of 1987, Alfred Gagnon applied to the Committee of Adjustment for the Township of Colchester North to create the 0.3 hectare (0.75 acre) lot (File No. B-5-87). The property, described as Part 1 on 12R8876, was granted on March 30, 1987. The file contains the decision granting the consent with conditions. The property appears as a separate lot with a separate roll number on the municipal interactive mapping system, however, no Planning Act Consent exists within the file or was affixed to the Transfer/deed. The property was subsequently transferred in 1990.

The applicant’s solicitor has provided Planning with a copy of the Transfer/deed. According to the solicitor, the Land Registry Office has certified that there was no contravention of the Planning Act when it converted the farm and the lot to Land Titles in 2002. Had there been a Planning Act contravention, the lands would not have been converted to Land Titles and remained in the old Registry System. The Registry office could have seen the Consent when the lands were converted but it could have been inadvertently not microfilmed with the Transfer.

The requested certificate of validation will not change any previous approvals but will correct the error on the title of the property.

The criteria for granting a validation order are similar to those for granting a consent by the Committee of Adjustment. However, as the validation order is the procedure that is directly related to a factual circumstance such as this one, the procedure required by Section 57 of the Planning Act for the Committee of Adjustment to grant a validation order should be followed in this case.

The criteria set out in O/Reg 144/95 are:

- (1) Conformity to the Official Plan;
- (2) Conformity to the Zoning By-law;
- (3) The absence of any ministerial order prohibiting the granting of a consent (there are no such orders concerning Essex);
- (4) Conformity to the criteria set out in Section 51(24) of the Planning Act R.S.O. 1990, c.P. 13, for the subdivision of land.

No public notice is required for an application for Certificate of Validation.

Actions:

To be determined by the Committee.”

Additional Comments Resulting from Circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

"The following is provided for your information and consideration as a result of our review of Application for Consent B-04-18. The purpose of the application is for a certification of validation under Section 57 of the Planning Act.

Our office has reviewed the application and has no objection to the Certificate of Validation to be issued."

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

She explains that no public notice is required for a certificate of validation and there is no option to appeal.

(COA-2018-03-11) That the application for a certificate of validation be granted.

Moved by Councillor Bondy

Seconded by Councillor Snively

"Carried"

d) B-05-18 and A-05-18–Bruce and Theresa Coristine – 3876 3rd Concession (Colchester South, Ward 3)

B-05-18

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 3876 3rd Concession Road, in the former Township of Colchester South, Ward 3. The applicants are proposing to sever a +3.9 hectare (+9.75 acre) parcel from the existing +13.48 hectare (+33.7 acre) lot. The retained parcel is proposed to have an area of + 5.5 hectares (+13.75 acres). The applicants are proposing this consent for the purpose of lot creation. The applicants are also requesting a conservation easement to maintain the existing area of natural heritage feature.

Note: An application for minor variance has also been received for the subject lands (File Number A-05-18). The public notice for the minor variance application has been included with this notice.

A-05-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 3876 3rd Concession Road, in the former Township of Colchester South, Ward 3. As a result of a proposed severance, the lot area for the severed parcel will decrease in size from +13.48 hectares (±33.7 acres) to +3.9 hectares (+9.75 acres). The required minimum lot area for properties within the Residential District 1.2 (R1.2) under the Town of Essex Zoning By-Law 1037 is 4 hectares (10 acres). Thus, variances are being sought to accommodate the reduction in total lot area for the severed parcel.

Note: An application for consent to sever the subject lands has also been received (File Number B-05-18). The public notice for the consent application has been included with this notice.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Estate Residential

Zoning: Residential District 1.2 (R1.2) –Pleasant Valley - estate residential, limited agricultural uses

Applications for consent and minor variance have been submitted for the lands located at 3876 3rd Concession Road in the former township of Colchester South. The subject property is designated “Estate Residential” under the Town’s Official Plan and zoned Residential District 1.2 (R1.2) for estate residential, limited agricultural under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +3.9 hectare (+9.75 acre) parcel from the existing +13.48 hectare (+33.7 acre) lot. The retained parcel is proposed to have an area of +5.5 hectares (+13.75 acres). The applicants are proposing this consent for the purpose of residential lot creation.

The minimum lot area required for lots zoned R1.2 is 4 hectares (10 acres). As a result of the proposed severance, the lot area for the severed parcel will be reduced to +3.9 hectares (+9.75 acres).

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;
- 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.

The subject parcel contains natural heritage features that are identified as a significant wetland, significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). In accordance with Town of Essex Official Plan policies regarding lands within the Natural Heritage Overlay, the applicants and their agent have completed and submitted an Environmental Impact Assessment (EIA).

The EIA has been reviewed by staff at the Essex Region Conservation Authority (ERCA). As a result of the recommendation of the EIA, the applicants are also requesting a conservation easement be granted to conserve the area of existing natural heritage and future reforestation areas. ERCA has recommended the same. Due to the proximity of the existing access area to the proposed entrances, a condition to relocate the access area serving the retained lot has been made a condition of the consent.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public, other departments and agencies notified as of Thursday March 15, 2018.

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, three hard copies 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 in triplicate (three copies) 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 a Conservation Easement, acceptable to the Town and the Conservation Authority, be registered on Title prohibiting development and site alteration of the natural heritage feature and reforestation area on the subject property (severed and retained lot), except in accordance with the provisions of the easement;
- f) That the applicants pay the applicable park fee in the amount \$1, 250.00 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds.
- g) That the existing access area serving the retained parcel be relocated;
- h) That all of the above conditions be fulfilled on or before March 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed parcel."

Additional Comments Resulting from Circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided for your information and consideration as a result of our review of Applications for Consent B-05-18, B-06-18, and Minor Variance A-05-18. The applicants are proposing to sever 2 new residential lots from the property identified as 3876 3rd Concession Rd. The applicants will also be undertaking a conservation easement over the

existing natural heritage features and over the proposed future plantation/restoration areas on the subject site.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Richmond Drain and portions of the lot are within the hazard lands identified as floodway. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We have reviewed this proposal with regard to the natural hazard policies of the PPS, as well as Section 28 of the Conservation Authorities Act and have no objections, because the 2 new lots will be located outside of the floodway hazard zone.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains natural heritage features that are identified as a significant wetland (Cedar Creek Wetland Complex (ER 15)), significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS 2014 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

Mr. and Mrs. Coristine and their agent Dillon Consulting have submitted an Environmental Impact Assessment (EIA-23-17) to this office for review. ERCA staff have recently completed their review, and provide the following information. We have attached a copy of this review for your convenience.

The EIA was completed in compliance with the provided terms of reference. Upon review of the EIA we are in support of the recommendations listed, and that a conservation easement registered on title over the retained lot and new severed lots will be utilized as a demonstration of no negative impact on the natural heritage features. It is our opinion that the terms detailed in the conservation easement will adequately protect the natural heritage features in perpetuity, as well as the future proposed reforestation areas (labeled on Schedule C). Provided that these applications are subject to full implementation of the EIA recommendations, it is our opinion that these applications will satisfy the natural heritage policies of the PPS.

FINAL RECOMMENDATION

We therefore ask that the following condition of approval be applied to these applications:

That the owners complete the full implementation of all the Environmental Impact Assessment recommendations, and register the Conservation Easement on title over the natural heritage and future reforestation areas (described on Schedule C).

We request a copy of the decision of these applications.”

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

Resident (Julius Langpeter, 3865 3rd Concession) advises the Committee Members that there is a pond on the subject property that floods due to debris.

He questions if there will be 3 separate driveways for the proposed severed lots.

If this is the case he states that it is unsafe as the road bends in that particular area of the 3rd Concession.

Melanie Muir (Applicants Agent: Dillon Consulting) advises that ERCA requires an E.I.A (Environmental Impact Assessment) which was completed by Dillon Consulting.

Melanie also explains that there will be 3 separate driveways to service the proposed lots and that safety for the residents is a top priority.

Resident (Kevin Swarts, 3859 3rd Concession) suggested to the Committee that a traffic study be completed to ensure safety of the 3 new driveways.

Rita Jabbour explains to the Committee that the O.P.P is circulated for comments and no objections were received with regards to this application.

She states that if the Committee members would like to defer the applications until a later date that can be done but that the traffic impact study cannot be made a condition of the consent.

Councillor Larry Snively stated that he is prepared to move the application(s) forward with the O.P.P. review and comments.

Councillor Snively advised the audience that the application does meet requirements of the Committee of Adjustment and that the members have to accept the application, but a recommendation to have the O.P.P review the traffic on the 3rd Concession be made.

(COA-2018-03-12) That the application(s) B-05-18 & A-05-18 be granted and that a report from the O.P.P advising of any traffic concerns be obtained in the future.

Moved by Councillor Bondy

Seconded by Councillor Snively

“Carried”

e) B-06-18–Bruce and Theresa Coristine – 3876 3rd Concession (Colchester South, Ward 3)

B-06-18

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 3876 3rd Concession Road, in the former Township of Colchester South, Ward 3. The applicants are proposing to sever a +4 hectare (+10 acre) parcel from the existing +13.48 hectare (+33.7 acre) lot. The retained parcel is proposed to have an area of + 5.5 hectares (+13.75 acres). The applicants are proposing this consent for the purpose of lot creation. The applicants are also requesting a conservation easement to maintain the existing area of natural heritage feature.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Estate Residential

Zoning: Residential District 1.2 (R1.2) –Pleasant Valley - estate residential, limited agricultural uses

An application for consent has been submitted for the lands located at 3876 3rd Concession Road in the former township of Colchester South. The subject property is designated “Estate Residential” under the Town’s Official Plan and zoned Residential District 1.2 (R1.2) for estate residential, limited agricultural under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +4 hectare (+10 acre) parcel from the existing +13.48 hectare (+33.7 acre) lot. The retained parcel is proposed to have an area of +5.5 hectares (+13.75 acres). The applicants are proposing this consent for the purpose of residential lot creation.

The subject parcel contains natural heritage features that are identified as a significant wetland, significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). In accordance with Town of Essex Official Plan policies regarding lands within the Natural Heritage Overlay, the applicants and their agent have completed and submitted an Environmental Impact Assessment (EIA).

The EIA has been reviewed by staff at the Essex Region Conservation Authority (ERCA). As a result of the recommendation of the EIA, the applicants are also requesting a conservation

easement be granted to conserve the area of existing natural heritage and future reforestation areas. ERCA has recommended the same.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public, other departments and agencies notified as of Thursday March 15, 2018.

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, three hard copies 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 in triplicate (three copies) 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 a Conservation Easement, acceptable to the Town and the Conservation Authority, be registered on Title prohibiting development and site alteration of the natural heritage feature and reforestation area on the subject property (severed and retained lot), except in accordance with the provisions of the easement;
- f) That the applicants pay the applicable park fee in the amount \$1, 250.00 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds.
- g) That all of the above conditions be fulfilled on or before March 20, 2019."

Additional Comments Resulting from Circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

"The following is provided for your information and consideration as a result of our review of Applications for Consent B-05-18, B-06-18, and Minor Variance A-05-18. The applicants are proposing to sever 2 new residential lots from the property identified as 3876 3rd Concession Rd. The applicants will also be undertaking a conservation easement over the existing natural heritage features and over the proposed future plantation/restoration areas on the subject site.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Richmond Drain and portions of the lot are within the hazard lands identified as floodway. The property owner will be required to obtain a Permit **and/or** Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We have reviewed this proposal with regard to the natural hazard policies of the PPS, as well as Section 28 of the Conservation Authorities Act and have no objections, because the 2 new lots will be located outside of the floodway hazard zone.

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains natural heritage features that are identified as a significant wetland (Cedar Creek Wetland Complex (ER 15), significant woodland, significant valleyland, significant wildlife habitat under the Provincial Policy Statement (PPS, 2014).

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant valleyland... and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS 2014 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed. Mr. and Mrs. Coristine and their agent Dillon Consulting have submitted an Environmental Impact Assessment (EIA-23-17) to this office for review. ERCA staff have recently

completed their review, and provide the following information. We have attached a copy of this review for your convenience.

The EIA was completed in compliance with the provided terms of reference. Upon review of the EIA we are in support of the recommendations listed, and that a conservation easement registered on title over the retained lot and new severed lots will be utilized as a demonstration of no negative impact on the natural heritage features. It is our opinion that the terms detailed in the conservation easement will adequately protect the natural heritage features in perpetuity, as well as the future proposed reforestation areas (labeled on Schedule C). Provided that these applications are subject to full implementation of the EIA recommendations, it is our opinion that these applications will satisfy the natural heritage policies of the PPS.

FINAL RECOMMENDATION

We therefore ask that the following condition of approval be applied to these applications:

That the owners complete the full implementation of all the Environmental Impact Assessment recommendations, and register the Conservation Easement on title over the natural heritage and future reforestation areas (described on Schedule C).

We request a copy of the decision of these applications.”

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

(COA-2018-03-13) That the application B-06-18 be granted

Moved by Councillor Bondy

Seconded by Councillor Snively

“Carried”

f) B-07-18 and B-08-18–Michael and Amy Flanagan–155 Given Road (Harrow Centre, Ward 4)

B-07-18 and B-08-18

Consent applications have been received by the Town of Essex Committee of Adjustment for the lands at 155 Given Road, in the Harrow Centre, Ward 4. The applicants are proposing to sever two +2218.84 square metre (+23896 square foot) parcels from the existing +26081 square metre (+280733.55 square foot) lot. The retained parcel is proposed to have an area of +21483.5 square metres (+231246.5 square feet). The applicants are proposing this consent for the purpose of residential lot creation.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Residential

Zoning: Holding Zone Residential District 1.1 (HR1.1) – Low density housing on urban lots
Applications for consent have been submitted for the lands located at 155 Given Road in the Harrow Centre. The subject property is designated “Residential” under the Town’s

Official Plan and zoned Holding Zone Residential District 1.1 (HR1.1) for low density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037. The holding symbol applies to lands where development is to be delayed until such time as specific preconditions have been met. Preconditions might include the provision of adequate infrastructure or the approval of a subdivision plan.

The applicants are proposing to sever two +2218.84 square metre (+23896 square foot) parcels from the existing +26081 square metre (+280733.55 square foot) lot. The applicants are proposing this consent for the purposes of creating new residential lots. The proposed lots will exceed all minimum regulations under the R1.1 zoning regarding lot area and lot width. The retained parcel is proposed to have an area of +21483.5 square metres (+231246.5 square feet) and a lot width of +213.83 metres (+705.6 feet). The existing single detached dwelling, outbuildings and accompanying infrastructure will be contained on the retained lot.

The holding symbol may be removed by further by-law amendment when Council is satisfied that the conditions for the removal have been met. The proposed lots have access to full municipal services including a paved road and municipal sanitary, water and storm water infrastructure. Thus, a future application for removal of the H over the proposed lots, allowing future owners to obtain a building permit, would be supported by administration.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public, other departments and agencies notified as of Thursday March 15, 2018.

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, three hard copies 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 in triplicate (three copies) 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 \$1,250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against each 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 March 20, 2019.”

Additional Comments resulting from circulation:

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

“The following is provided for your information and consideration as a result of our review of Application for Consent B-07-18, and B-08-17. The applicants are applying to sever two new residential lots from the property identified as 155 Given Rd.

NATURAL HAZARD POLICIES OF THE PPS, 2014

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 Regulations under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATER RESOURCES MANAGEMENT

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

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these Consent applications.”

Discussions:

Rita Jabbour, Assistant Planner, explains the nature of the application.

Peggy Golden, agent for the applicants, states that the applicants would like the depth of the lots reduced to ± 40.9 metres (135 feet) from the originally requested 44.2 metres (145 feet). She explains that the depth originally requested would make the lots too close to the existing barn.

Peggy also requests a consent certificate for the retained parcel.

Resident (James Lamoure, 1325 Snake Lane) asks if the property is setup for future subdivision development.

Rita explains that the subject property is zoned residential as well as agricultural and that the property does have enough room for at least one more lot creation in the residential zoned area.

Resident (Gunter Froese, 309 Walnut St.) states that he believes there are 5 residential lots and questions when the agricultural portion will be rezoned to accommodate lot creation. Chair Joe latonnna states that at this time there are only two lots being created and can only speak to the current applications.

Resident (Barry Mannell, 240 Given) advises the Committee members that there is an Iron Bar and that one of the lots being created is part of Given Road as the Town has paved over it.

Rita states that a reference plan will have to be done to determine the iron bar and stake it out.

Peggy Golden explains that a Site Plan has already been completed for the property in question.

Rita states that she will speak with the Clerks department about acquiring the land that is being used for the road portion.

Resident (Kevin O'Brien, 303 Walnut St.) questions if the property owners are seeking to make a subdivision in the near future.

Peggy advises that the land owners are only seeking these two lot creations at this current time for family members, and advises that if they are to seek another lot creation then a consent and hearing date would then be set.

James Lamoure, asks Peggy Golden how many lots can be severed at one time.

Rita responds that at any one time you can create 4 lots under the residential zoning.

Councillor Snively states to the audience that the agricultural zoned property cannot be zoned residential at this time.

Resident (Salvatrice Nantais, 336 Given Rd) asks the Committee if the lots were built upon would that affect her low laying land.

Councillor Snively advises that the property owners are responsible for their own water shedding.

(COA-2018-03-14) That the application B-07-18 & B-08-18 be granted with a 10 ft. reduction in lot size and that a 3rd consent be obtained for the retained parcel.

Moved by Councillor Bondy

Seconded by Councillor Snively

"Carried"

6. New Business

None

7. Old Business

None

8. Next Meeting Date –April 17, 2018

The next Committee of Adjustment meeting is scheduled to be held at 4:00 PM on Tuesday April 17, 2018, in the Small Council Chambers of the Essex Town Hall, subject to the submission of complete applications for this agenda.

9. Adjournment

Moved by Councillor Snively

(COA-2018-03-15) That the meeting be adjourned at 4:51 pm.

“Carried”


Chair

Secretary-Treasurer/Assistant Planner

Date: March 20 2018

Meeting Time: 4:00pm

Location: 33 Talbot Street South, Essex, Ontario

Full Name (Please Print)	Address (Please Print)	Telephone Number	Email Address (Please Print)
1. Fran McEwen	4881 Concession 4 / Harrow		N/A
2. JULIUS LANG, PETER	RR # 2 3865 Con. 3 Harrow		jandb@fritz.net
3. Melodie Muir	Dillon Consulting Limited.		mmuir@dillon.ca
4. Kevin Swartz	3859 Con. 3. HARROW.		disencl at is primus. ca
5. Barry Mannell	240 Gwin Harrow		barry.mannell@gmail.com
6. Susan Finner	309 Walnut St Harrow Ont		Po Box 233
7. W. P. MARTIN	297 WALNUT ST, HARROW, ON		hickeybrynn@cogeco.net
8. Colleen Sylvester	3444 N Malden		
9. James Carmichael	1325 SWARE LANE HARROW		
10. KETIA CHILIFER	303 IN ACACIA HARROW		d.k.abrien@primus.ca
11. DIANE DASH			
12. JAMES DILLON	71 SULLIVAN HARROW		
13. SALVATORE NANTAS	336 GWINED, HARROW, ON. 519-819-8510		
14. Peggy Golden	Box 279 Harrow NOR1G0		p.golden@goldenlanharrow.ca
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Personal information that you provide on this sign in sheet is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request for information regarding the application. Please note that this sign in sheet will appear in the published Committee of Adjustments Meeting Minutes and will also be included in the Council Agenda, both of which become part of the public record and are posted on our municipal website.