

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday December 19, 2017

A regular meeting of the Town of Essex Committee of Adjustment was held on December 19, 2017 at 4:00 PM in the Large Meeting Room of the Municipal Building at 33 Talbot Street South, Essex, Ontario.

1. Roll Call

Members Present: John Scott, Chair
 Percy Dufour, Vice-Chair
 Councillor Sherry Bondy
 Councillor Larry Snively

Also Present: Rita Jabbour, Assistant Planner
 Sarah Girard, Planning Assistant

Regrets: Joe latonna

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

2. Declarations of Conflict of Interest

None

3. Adoption of Minutes

Moved by Councillor Bondy

Seconded by Councillor Snively

(COA-2017-12-76) That the minutes of the November 21, 2017 Committee of Adjustment meeting be adopted as circulated.

"Carried"

4. Adoption of Published Agenda

Moved by Percy Dufour

Seconded by Councillor Bondy

(COA-2017-12-77) That the published agenda for the December 19, 2017 meeting of the Committee of Adjustment be adopted as circulated.

"Carried"

5. Applications

The following applications were heard:

a) B-18-17 –B.T. Wachna Limited –314 Queen Street (Harrow Centre, Ward 4)

B-18-17

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 314 Queen Street, in the Harrow Centre, Ward 4. The applicants are proposing to

sever a 891.84 square metre (9600 square foot) parcel from the existing 1859 square metre (20,021 square foot) lot. The retained parcel is proposed to have an area of 966.7 square metres (10,406 square feet). The applicants are proposing this consent for the purpose of lot creation.

Rita Jabbour, Assistant Planner, wrote:

“Official Plan Designation: Residential

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

An application for consent has been submitted for the lands located at 314 Queen Street in the Harrow Centre. The subject property is designated “Residential” under the Town’s Official Plan and zoned Residential District 2.1 (R2.1) for medium density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever an 891.84 square metre (9600 square foot) parcel from the existing 1859 square metre (20,021 square foot) lot. The applicants are proposing this consent for the purpose of creating a new residential lot.

The proposed lot conforms to all regulations under the R2.1 zoning regarding lot area and lot width. The retained parcel is proposed to have an area of 966.7 square metres (10,406 square feet) and a lot width of 26 metres (86 feet). The existing single detached dwelling will be contained on the retained lot and will have a setback of 2.7 metres (9 feet) from the proposed interior side lot line. The retained parcel conforms to all regulations regarding lot area, lot width and building setbacks under the R2.1 zoning.

In consultation with the Manager of Environmental Services, it was determined that the subject property already has two existing water and sanitary sewer connections, as it may have been two separate properties at one time. Thus, there would be no associated buy in fees. The water buy in fee has not been made a condition of the consent.

As a result of the giving of public notice, no objections were received from the public, departments and agencies notified as of Thursday December 14, 2017.

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 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 December 19, 2018."

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-18-17. We understand that the owners wish to create a new residential lot.

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.

For the owners information we note that the retained parcel is adjacent to a property which is owned and/or managed by the Essex Region Conservation Authority. Prior to any construction and/or site alteration activities directly adjacent to this property, or for general

information regarding this property, please contact Kevin Money, Director of Conservation Services at (519) 776-5209 ext. 351.

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 application.”

Discussions:

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

She states that the water buy in fee has not been made a condition of this consent application because it has been confirmed by the Manager of Environmental Services that this property does have an existing water and sanitary sewer connection.

Rita explains that the setbacks between the existing dwelling on parcel to be retained and the proposed side lot lines do not contravene any zoning bylaw regulations. She states that no variance is thus required.

Percy Dufour asks if residential development will create more traffic along Queen Street due to the proposed development of the property at 44 Sinasac West.

Rita states that it should not.

Jean Bondy, the applicant, states that it is currently an empty lot and that they would like to construct a new house or sell it off as a building lot.

Moved by Councillor Snively

Seconded by Councillor Bondy

(COA-2017-12-78) That application B-18-17 be granted subject to 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 the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

“Carried”

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

B) B-19-17 and A-23-17 –Norm and Rose Jobin –2499 County Road 12 (Colchester North, Ward 2)

B-19-17

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 2499 County Road 12, in the former Township of Colchester North, Ward 2. The applicants are proposing to sever a ± 0.33 hectare (± 0.83 acre) parcel from the existing ± 3.98 hectare (± 9.96 acre) lot. The retained parcel is proposed to have an area of $+3.65$ hectares ($+9.13$ acres). The applicants are proposing this consent as a result of farm consolidation.

Note: An application for minor variance has been received for the subject lands (File Number A-23-17). The public notice for the minor variance application has been included with this notice.

A-23-17

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 2499 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 $+3.98$ hectares ($+9.96$ acres) to $+3.65$ hectares and $+0.33$ hectares ($+9.13$ acres and $+0.8$ acres), respectively. The total lot width for the severed parcel will be reduced to $+45.45$ metres ($+150$ feet). The required minimum lot area for properties within the General Agricultural district (A1.1) under the Town of Essex Zoning Bylaw 1037 is 60 metres (200 feet) or as existing. Thus, variances are being sought to accommodate the reduction in total lot area and lot width for the severed parcel.

Note: An application for consent to sever the subject lands has also been received (File Number B-19-17). The public notice for the consent application has been included with this notice.

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 2499 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 +0.33 hectare (+0.83 acre) parcel from the existing +3.98 hectare (+9.96 acre) lot. The severed parcel will be occupied by the existing single detached dwelling and accompanying infrastructure (i.e. septic system and access bridge). Access to the severed lot will be by way of County Road 12.

The retained lot is proposed to have an area of +3.65 hectares (+9.13 acres) and will continue to be used for agricultural purposes. Access to the retained lot is by way of County Road 12. A separate access bridge exists to serve the retained lot.

The applicants are proposing this consent due to the house being surplus to their needs. The applicants own several agricultural parcels within the Town of Essex. 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 can be constructed on the retained farm lot. The intent is to preclude the construction of new dwellings on prime agricultural lands. The application conforms to these mandates and the applicants understand 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 (A1.1) under the Town of Essex Zoning By-Law 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 +3.98 hectares to +3.65 and +0.33 hectares respectively. The total lot width for the severed parcel will be reduced to +45.45 metres (+150 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 septic system serving the existing dwelling was recently replaced on October 19, 2017. As such, the Building department has no issues with the system and no requirement for septic approval has been made a condition of this consent.

As a result of the giving of public notice, no objections were received from the public, departments and agencies notified as of Thursday December 14, 2017.

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 all of the above conditions be fulfilled on or before December 19, 2018."

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-19-17, and Minor Variance A-23-17. The applicants wish to sever a

parcel of land containing a dwelling that is surplus to the needs of the farming operation. Relief is required as a result of this severance due to the reduction in the minimum farm lot size.

NATURAL HAZARD POLICIES OF THE PPS, 2014

The western portion of 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). This portion of the subject parcel falls within the regulated area of the Campbell Side Road Drain. 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.

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 applications for Consent and Minor Variance.”

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. The setback for any new structures is 110 feet from the center of the original ROW of County Road No. 15 due to the presence of the Campbell Sideroad Municipal Drain. 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 septic system was recently replaced and a review has thus not been made a condition of the consent.

Rose Jobin, the applicant, states that they have tried to sell the property in tact but did not receive any interest.

Moved by Percy Dufour

Seconded by Councillor Bondy

(COA-2017-12-79) That application B-19-17 be granted subject to 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 all of the above conditions be fulfilled on or before December 19, 2018.

"Carried"

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

Moved by Percy Dufour

Seconded by Councillor Snively

(COA-2017-12-80) That application A-23-17 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.

C) B-20-17 and A-24-17- Mathias Baumgartner (Agent: Karl Melinz) –4709 4th Concession Road (Colchester South, Ward 3)

B-20-17

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 4709 4th Concession Road, in the former Township of Colchester South, Ward 3. The applicants are proposing to sever a +18.889 hectare (+47.2 acre) parcel from the existing +20.68 hectare (+51.7 acre) lot. The retained parcel is proposed to have an area of +1.809 hectares (+4.5 acres). The applicants are proposing this consent as a result of farm consolidation.

Note: An application for minor variance has also been received for the subject lands (File Number A-24-17). The public notice for the minor variance application has been included with this notice.

A-24-17

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 4709 4th Concession Road, in the former Township of Colchester South, Ward 3. As a result of a proposed severance, the lot area for the retained and severed parcel will decrease in size from +20.68 hectares (+51.7 acres) to +1.809 hectares and +18.889 hectares (+4.5 acres and +47.2 acres), respectively. 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 and severed lot.

Note: An application for consent to sever the subject lands has also been received (File Number B-20-17). The public notice for the consent application has also been included with this notice.

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 4709 4th Concession Road in the former township of Colchester South. 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 +18.889 hectare (+47.2 acre) parcel from the existing +20.68 hectare (+51.7 acre) lot. The severed parcel will continue to be used for agricultural purposes. Access to the severed lot will be by way of 4th Concession Road and 3rd Concession Road.

The retained lot is proposed to have an area of +1.809 hectares (+4.5 acres) and will be occupied by the existing single detached dwelling, accessory structures and the accompanying infrastructure (i.e. septic system). Access to the retained lot is by way of 4th Concession Road. A separate access bridge exists to serve the retained lot.

The applicants are proposing this consent due to the house being surplus to the needs of the purchaser acquiring the severed farm parcel. The purchaser owns the abutting agricultural property to the west of the subject lands. 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 can be constructed on the farm lot. The intent is to preclude the construction of new dwellings on prime agricultural lands. The application conforms to these mandates and the applicants understand that no new dwelling will be permitted on the severed 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. As a result of the proposed severance, the lot area for the retained and severed parcel will decrease in size from +20.68 hectares to +1.809 and +18.889 hectares respectively.

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 septic system serving the existing dwelling was replaced in 2012. As such, the Building department has no issues with the system and no requirement for septic approval has been made a condition of this consent.

As a result of the giving of public notice, no objections were received from the public, departments and agencies notified as of Thursday December 14, 2017.

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 all of the above conditions be fulfilled on or before December 19, 2018."

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-20-17, and Minor Variance A-24-17. We understand that the owners wish to sever a parcel of the above noted lands that is surplus to the farming operation. Relief is required to recognize the reduction of the resulting farmlot size. We acknowledge that the surplus lot will also contain the entirety of the tree plantation.

NATURAL HAZARD POLICIES OF THE PPS, 2014

There are portions of the above noted lands that 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). These portions of the subject property fall within the regulated area of the following watercourses/waterbodies:

Lockhart Drain and the 4th Concession Drain South Side. 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 or other activities affected by the regulations.

We have reviewed these applications with regards to the natural hazard policies of the PPS and Section 28 of the Conservation Authorities Act and have no objections.

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 applications for Consent or Minor Variance.”

Discussion:

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

She states that the septic system was recently replaced thus septic review was not made a condition of the consent.

Brenda Scott, 3702 3rd Concession Road, states that she and her husband, Mr. Brian Scott, who was unable to attend the meeting, are in objection to the application.

Mrs. Scott states that they purchased a retirement lot that was originally severed off of the subject parcel. She states that they were reassured that no future severances can occur on the subject parcel.

She explains that they were interested in purchasing some land from Mr. Baumgartner but that they had received a letter from the applicant’s attorney asking for a \$10,000 donation to hospice and that they pay for the fees of processing the severance.

Mrs. Scott states that she is skeptical of this application as he is now selling it to someone else.

Councillor Snively asks Mrs. Scott how long ago they bought the property.

Mrs. Scott states that it was 25 years ago.

Councillor Snively explains that there have been significant changes to the Provincial Policy Statement (PPS) since. He states that this application does conform with the current policies.

Mrs. Scott states that she is concerned that if the farm will be severed in the future and that someone will be able to build upon it.

Rita states that the farm is automatically rezoned so that no one can build a new dwelling on the property. She states that no one can apply to sever land for the purpose of residential lot creation under today's policy framework.

Mrs. Scott asks what will happen in twenty years if policy changes.

Rita states that the Committee's decision will have to conform with those policy changes.

Mr. Baumgartner states that he purchased the property in 2012 and built his home. He explains that the survey stakes were removed at the time and a new survey was ordered by his attorney. He explains that the survey revealed an landscaping encroachment.

He states that he approached the Scotts with an option to adjust the boundaries through a donation or payment.

Councillor Snively explains again that the Committee cannot overrule provincial policy. He states that the application is within the boundaries.

He explains to Mrs. Scott that she has the right to appeal the Committee's decision.

Moved by Snively

Seconded by Councillor Bondy

(COA-2017-12-81) That application B-20-17 be granted subject to 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 all of the above conditions be fulfilled on or before December 19, 2018."

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

Moved by Councillor Bondy

Seconded by Councillor Snively

(COA-2017-12-82) That application A-24-17 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.

6. New Business**a) OACA Conference –Councillor Sherry Bondy**

Councillor Sherry Bondy explains that she attended the OACA conference in Cobourg Ontario on October 23rd.

She states that most municipalities do not have Councillors as members of their Committee of Adjustments and that this is something Council should consider for the new term.

She states that it might be a good idea to have applicants sign an authorization form to permit members to enter their property and that they should be supplied with safety equipment and name tags.

Councillor Bondy also states that there are changes to the Ontario Municipal Board and asks Rita to forward Committee members the email she received from the Province.

She also states that there were discussions about holding meetings in the Winter.

She explains that some municipalities do not because of the snow accumulation and not being able to determine what is on the ground.

7. Old Business

Rita states that the January meeting is cancelled as she has not received any applications.

8. Next Meeting Date –December 19, 2017

The next Committee of Adjustment meeting is scheduled to be held at 4:00 PM on Tuesday February 7, 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-2017-12-83) That the meeting be adjourned at 4:30 pm.

“Carried”

Chair

Secretary-Treasurer/Assistant Planner



Date: December 19, 2017	Meeting Time: 4:00pm	Location: 33 Talbot Street South, Essex, Ontario
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Full Name (Please Print)	Address (Please Print)	Telephone Number	Email Address (Please Print)
1 NATHAN BAUMGARTNER	4709 46 th CONC, HARROW		VILLIC@AOL.COM
2 John Mueller	RR 3 Con 4 46 th Harrow		
3 David Boud	3712 Con 3 HARROW		Sidelot@hotmail.com
4 Brenda Stott	3702 CONCESSION #5		
5 Shelley Miller Parks	3688 CON-3 Harrow		David Land@Sympati.co.ca
6 Tedu Boud	51 Edward St Essex		
7 Ron John	RR3 Hamilton, Ont N4A 1K0		
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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.