



Committee of Adjustment Meeting Minutes

February 15 2022 4:30 PM

Location: Electronic Meeting

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

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

Also Present: Rita Jabbour, Manager Planning Services / Deputy Secretary Treasurer
Lori Chadwick, Director Development Services

Regrets: Sarah Aubin, Recording Secretary / Planning Assistant
Corinne Chiasson, Secretary Treasurer / Assistant Planner

Absent: None

1. Call to Order

The Chair called the meeting to order at 4:30 PM.

2. Declarations of Conflict of Interest

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

3. Adoption of Published Agenda

3.1 Committee of Adjustment Meeting Agenda for February 15 2022

COA22-02-01

Moved by Vice Chair Beneteau

Seconded by Member Pocock

That the published agenda for the February 15 2022 Meeting be adopted as presented

Carried

4. Adoption of Minutes

4.1 Committee of Adjustment Meeting Minutes for December 21st 2021

COA22-02-02

Moved by Vice Chair Beneteau

Seconded by Member Pocock

That the minutes of the Committee of Adjustment Meeting held December 21st 2021 be adopted as circulated.

Carried

5. Unfinished Business

6. Reports from Administration / Applications

6.1 Corinne Chiasson, Assistant Planner RE:

Application B-01- 22 J Brush Farms Ltd (Agent: Peggy Golden) 1168 Gore Road West (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1168 Gore Road West in the former township of Colchester South. The applicants are proposing to sever a ± 0.98 acre parcel from the existing ± 62.5 acre Agricultural 1.1 (A1.1) farm lot. The retained agricultural lot is proposed to have an area of ± 61.52 acres. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operation

6.1.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

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

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1168 Gore Road West in the former township of Colchester South. The applicants are proposing to sever a ± 0.98 acre parcel from the existing ± 62.5 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operation.

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 severed parcel contains an existing single detached dwelling, and two small accessory buildings. The lot coverage of the existing buildings was calculated to

ensure that the resulting surplus lot satisfies the maximum lot coverage provision of the By-law. Upon analysis, the existing lot coverage will be well under the maximum provision of 25%. Access to the severed lot will continue to be by way of Gore Road, and access to the retained farm lot will continue to be from Gore Road and Fox Road.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The owners own another farm parcel containing the main farming operation therefore the existing home is deemed surplus to their needs.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structures will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* The surplus dwelling lot drains to road side swales along Gore Road. The existing dwelling has service to a ground water well located just outside of the proposed severed parcel, a condition of this consent will therefore be that a new well be installed for the severed parcel. The surplus dwelling also has an existing private septic system where as condition of this consent will be that the owner confirms with the Building Department that the septic system satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. No livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on Gore Road West, a public road which is owned and assumed by the Town of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department.

Requirement for Minor Variance A-01-22

The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. The lot area for the severed and retained parcel will be reduced from 62.5 acres to 0.98 acres and \pm 61.52 acres, respectively. The minimum lot area for lots within the Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing. Relief is required to recognise the 0.98 ac severed parcel and the resulting 61.52 acre farm parcel.

Proposal Conformity with Provincial and Town of Essex Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of February 10, 2022.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections with the proposed severance or minor variance applications.

No further comments were received from circulated internal agencies as of February 10, 2022.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, one hard copy and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That, 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 and severed parcel.
 - f) That the applicant install a new ground water well source and certification be provided to the satisfaction of the Town of Essex.
 - g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - h) That all of the above conditions be fulfilled on or before February 15, 2024

Discussion:

Rita Jabbour, Manager Planning Services / Deputy Secretary Treasurer explains the application.

COA22-02-03

Moved by Member Ducedre

Seconded by Member Dufour

That application B-01-22 be approved to sever a +0.98 acre parcel from the existing +62.5 acre agricultural farm lot. The retained lot will have an area of +61.52 acres. This consent is for the purposed of creating a surplus dwelling lot.

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

Carried

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- h) That all of the above conditions be fulfilled on or before February 15, 2024.

6.2 Corinne Chiasson, Assistant Planner RE:

Application A-01-22 J Brush Farms Ltd (Agent: Peggy Golden) 1168 Gore Road West (Colchester South, Ward 3) Matthew Hennin & Christina Bezaire, 3280 Drummond Road (Colchester South, Ward 3)

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Colchester South. The lot area for the severed and retained parcel will be reduced from ± 62.5 acres to ± 0.98 acres and ± 61.52 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

6.2.1. Public Presentations (if any)

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- h) That all of the above conditions be fulfilled on or before February 15, 2024

Discussion:

Rita Jabbour, Manager Planning Services / Deputy Secretary Treasurer explains the application.

COA22-02-04

Moved by Member Ducedre
 Seconded by Member Pocock

That application A-01-22 be approved To accommodate a lot area of 0.98 acres and 61.52 acres for the severed and retained lots, respectively, as a result of consent application B-01-22 and lot width of 182 feet for the severed lot and a lot area of 0.98 acres and 61.52 acres, respectively, for the severed and retained lots.

Carried

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

7. Correspondence

8. New Business

8.1 Bill 276 Amendments to the Planning Act

Rita Jabbour, Manager Planning Services / Deputy Secretary Treasurer advised the members that the timeline to complete conditions will now be two (2) years instead of one (1) year. She stated that this comes into affect for any application decided upon after January 1st 2022.

Ms. Jabbour advised that the other change is to the cancellation of consents, she advised that if an applicant has gone through the consent process and later decides to cancel the application they can now do so.

Another change is to respects to amending applications, this amendment allows for committees to make minor changes during the public meeting without recirculation requirements.

Ms. Jabbour continued to state that the Planning Act has changed that anyone that has an agreement of purchase and sale can make an application without the current owner of the land.

9. Notices of Motion

10. Adjournment

Member Pocock inquired if members will be returning to in person at the next March 15th meeting as it will be after March 1st 2022 with the provincial mandates being dropped.

Chair Gray advised that March 1st provincial mandates being dropped is conditional on the case numbers and advised that it is only a proposed date at this time.

Vice Chair Beneteau stated that he believes members can attend in person now.

Ms Jabbour advised Vice Chair Beneteau is correct and that these are hybrid meetings and so long as we are allowing in person meetings you can attend the zoom room for the meetings moving forward.

Development Director Chadwick thanked Ms. Jabbour for her comment, she stated administration will also be discussing the item at Town Council in the coming weeks. Mrs. Chadwick stated that a hybrid model not including members of the

public but applicants and committee members and delegates attending in person will be the discussion and to stay tuned.

COA22-02-05

Moved by Member Ducedre

Seconded by Member Pocock

That the meeting be adjourned at 5:01 PM

11. Future Meetings

March 15 2022 at 4:30 PM

Location: Electronic Meeting