

**TOWNSHIP OF ESSA
COMMITTEE OF ADJUSTMENT**

AGENDA

April 28th, 2023 - 10:00 a.m.

**IN-PERSON MEETING
Council Chambers
Chair to open the meeting.**

1. DISCLOSURE OF INTEREST:

2. MINUTES:

Committee to accept Minutes from the March 24th, 2023, Meeting. See attached.

3. APPLICATIONS:

- i) **B22/22**
8616 10th Line
Description:
- Linda Brown**
Consent – Validation Certificate
The applicant is seeking a Validation Certificate to restore the configuration of the properties municipally known as 8616 10th Line and 8630 10th Line. The applicant argues that the merging of the properties was in contravention to the subdivision control provision in the *Planning Act*.
- Designation:** **Rural**
- ii) **B4/23**
8786 8th Line
Description:
- Anthony Musso**
Consent – Lot Line Adjustment
The applicant is proposing a lot line adjustment that would transfer approximately 10.25ha (25.3ac) from the property municipally known as 8786 8th Line to the property known municipally known as 5413 County Road 90. The retained lot (8786 8th Line) would be approximately 15.1ha (37.3ac) and the proposed lot (5413 County Road 90) would be approximately 10.8ha (26.7ac).
- Designation:** **Rural & Aggregate Potential**

- iii) **A5/23**
6606 8th Line
Description:
- Danette Coles**
Minor Variance
The applicant is seeking relief from Section 5.3a of Essa Township's Zoning By-law 2003-50 which regulates the maximum height (6.0m) and gross floor area (93.0m²) of detached accessory buildings in agricultural zones. The applicant is proposing to build a detached garage with living space above. The proposed garage would be 7.3m in height and would have a gross floor area of 107m².
- Zoning:** **Agricultural (A)**
- iv) **A6/23**
227 Margaret Street
Description:
- Kim Clarke**
Minor Variance
The applicant is seeking relief from Section 17 of Essa Township's Zoning By-law 2003-50 which regulates the minimum front yard setback for dwellings (7.5m). The applicant is proposing to build an addition on their existing dwelling that will reduce their front yard setback to 3.8m.
- Zoning:** **Residential, Low Density, Detached (R1)**
- v) **A7/23**
5795 Old Mill Road
Description:
- Walter Drobny**
Minor Variance
The applicant is seeking relief from section 8.1d of Essa Township's Zoning By-law 2003-50 which regulates the maximum gross floor area (93.0m²) and height (4.5m) of detached accessory buildings in residential zones. The applicant is proposing to place a prefabricated workshop. The proposed workshop would be 4.8m in height and would have a gross floor area of 98m².
- Zoning:** **Residential, Low Density, Detached (R1)**

4. OTHER BUSINESS

5. ADJOURNMENT

**COMMITTEE OF ADJUSTMENT
MINUTES
March 24th, 2023.**

Present: John Stelmachowicz, Chair
Joe Pantalone, Member
Joan Truax, Member
Henry Sander, Member
Ron Henderson, Member

Also Present: Owen Curnew, Secretary-Treasurer
Colleen Healey-Dowdall, CAO
Sam Haniff, Manager of Planning

The Committee voted Joe Pantalone as the Vice-Chair for the Committee of Adjustment.

The Chair, John Stelmachowicz, called the meeting to order at 10:00 a.m. and explained the meeting process and the time frame for appeals to those persons present. He advised that all statements and evidence given before the Committee are of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

MINUTES:

The Minutes of February 24th, 2023 were accepted by the Committee.

DISCLOSURE OF INTEREST:

John Stelmachowicz disclosed a conflict of interest with File No. A2/23; Drew Applegate submitted concerns regarding the proposed Minor Variance and is John Stelmachowicz brother-in-law.

APPLICATIONS

B11/22
5485 County Road 15

Alan Douglas & Jane Downey
Consent – Lot Line Adjustment

Present (other than Committee & Staff Members):

Jane Downey, Applicant
Katie Bagshaw, Daughter of Applicant

Owen Curnew provided a brief synopsis, outlining the purpose of the applications, all comments received, and the recommendation of Planning Staff, APPROVAL of the application.

John Stelmachowicz invited the applicant to present.

Katie Bagshaw made a presentation on behalf of her mother.

Colleen Healey-Dowdall suggested the following conditions:

“That Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).”

And

“That the applicant enters into a legal agreement (to be drafted by the Township’s solicitor) at no cost to the municipality, to be registered on title, to prevent any intended lot additions to be merged on title.”

Katie Bagshaw asked for clarification on the condition.

Joe Pantalone proposed the following condition: ““that the approval be subject to the applicant planting and maintaining at his total cost, at least 3, 6 feet, full shade canopy trees on the severed property line to the satisfaction of the Township.”

Katie Bagshaw asked for clarification on the condition.

Joe Pantalone asked that his condition be put forward to a vote.

The committee voted to approve the conditions suggested by Colleen Healey-Dowdall.

The committee denied the condition suggested by Joe Pantalone.

The Committee voted to approve B11/22 with the suggested conditions from staff.

B2/23
4919 County Road 90

Worsnop & Eveleigh
Consent – Lot Line Adjustment

Present (other than Committee & Staff Members):

Casey Van Kessel, Applicant’s Agent

Owen Curnew provided a brief synopsis, outlining the purpose of the applications, all comments received, and the recommendation of Planning Staff, APPROVAL of the application.

John Stelmachowicz invited the Applicant’s Casey Van Kessel to present.

Casey Van Kessel provided a presentation suggesting that applications B2/23 and B3/23 are meant to facilitate succession planning and a means to provide affordable housing to the applicant’s children.

Joe Pantalone suggested the following condition: “that the approval be subject to the applicant planting and maintaining at his total cost, at least 3, 6 feet, full shade canopy trees on the severed property line to the satisfaction of the Township.”

John Stelmachowicz suggests that condition be applied to the B3/23 not B2/23.

Henry Sander suggested that both B2/23 and B3/23 should be dealt with concurrently.

The Committee agreed to deal with both applications concurrently.

Henry Sander asked the about the applicability of NVCA comments and authority on the site, pertaining to ARUs.

Sam Haniff, through the chair, suggested that the NVCA approval is still required for any future development.

Colleen Healey-Dowdall concurred with Sam Haniff and suggested that in the future, the Township would most likely be in support of an ARU with the proper paperwork and applications.

Colleen Healey-Dowdall suggested the following condition:

“That Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).”

And

“That the applicant enters into a legal agreement (to be drafted by the Township’s solicitor) at no cost to the municipality, to be registered on title, to prevent any intended lot additions to be merged on title.”

The Committee voted to approve the suggested condition by Colleen Healey-Dowdall for B2/23

The Committee voted to approve B2/23 with the suggested conditions from staff.

The Committee voted to approve Joe Pantalone’s condition that the approval be subject to the applicant planting and maintaining at his total cost, at least 3, 6 feet, full shade canopy trees on the severed property [insert legal address] line to the satisfaction of the Township for B3/23.

The Committee voted to approve B3/23 with the suggested conditions from staff.

B3/23
No municipal address

James Worsnop
Minor Variance

Present (other than Committee & Staff Members):

Casey Van Kessel, Applicant's Agent

The application B3/23 was dealt with concurrently with B2/23, and as such did not require further deliberation.

A2/23

5444 County Road 21

Leigh Recker

Minor Variance

Present (other than Committee & Staff Members):

John Stelmachowicz stepped out of the room.

John Pantalone acted as chair in John's absence.

Owen Curnew provided a brief synopsis, outlining the purpose of the applications, all comments received, and the recommendation of Planning Staff, APPROVAL of the application.

Colleen Healey-Dowdall suggested the following condition:

“That the applicant has a drainage and lot grading plan prepared by a professional engineer to the satisfaction of the Township, at no cost to the Township.”

Joe Pantalone invited Leigh Recker to present.

Leigh Recker provided a presentation for their application.

Leigh Recker asked for clarification on the public comment and suggested condition for a lot grading and drainage plan.

Owen Curnew spoke through the chair to clarify the neighbour's concern.

Colleen Healey-Dowdall clarified the condition for Leigh Recker.

Joe Pantalone spoke about the role and responsibilities of the Committee to consider comments and concerns of neighbours.

Henry Sander asked Colleen Healey-Dowdall about the impact of the development on the clay-tiles, as mentioned by the neighbour.

Henry Sander referred to the correspondence with Ryan Winder and the NVCA about the contaminated soil.

Colleen Healey-Dowdall provided an explanation as to how the NVCA's concerns would be addressed through the NVCA permitting process and building permit application process and

that the requested drainage and lot grading plan would also help in satisfying these concerns.

The Committee voted to approve the suggested condition by Colleen Healey-Dowdall

The Committee voted to approve A2/23 with the suggested conditions from staff.

ADJOURNMENT

The chair, John Stelmachowicz closed the meeting at 11:00 a.m.

X

John Stelmachowicz
Chair