

**TOWNSHIP OF ESSA
COMMITTEE OF ADJUSTMENT**

AGENDA

April 25th, 2025 - 10:00 a.m.

**Council Chambers
Chair to open the meeting.**

1. DISCLOSURE OF INTEREST:

2. MINUTES:

Committee to accept Minutes from the March 28th, 2025, Meeting. See attached.

3. APPLICATIONS:

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| i) | A4-25
85 Curtis Street
Description: | Mackenzie Robson
<i>Minor Variance</i>
The applicant is seeking relief from Section 4.21 (b) which regulates that a pool must be located at the same distance an accessory building is to be located from a property line for the applicable zone as per 4.36.2.1 (b) which stipulates that a 3.0m landscape buffer shall be provided between lots with conflicting residential and non-residential uses. The applicant is proposing a 1.5-metre setback from the lot line. The applicant will also require a minor variance to allow a swimming pool to be permitted as an accessory structure on a property zoned Core Commercial (C2).
Core Commercial (C2) |
| | Zoning: | |
| ii) | A5-25
7887 8th Line
Description: | Gary & Sandra Lee
<i>Minor Variance</i>
The applicant is seeking relief from section 5.3 (a) of Zoning By-law 2003-50 which regulates the maximum floor area and maximum |

height for accessory buildings on lots greater than or equal to 1.0 ha in size. The applicant is proposing a building that would exceed the maximum permitted floor area, increasing it from 139.0 m² to 261.0 m², and raise the height from 6.0 m to 6.3 m. This structure is intended to store tractors, agricultural implements, and vehicles.
Rural (RL)

Zoning:

iii) **A6-25**
5974 5th Sideroad
Description:

RJ Mackenzie
Minor Variance
The applicant is seeking relief from Subsection 4.38.3 (b) of Zoning By-law 2003-50 which regulates the maximum height for Additional Residential Units (ARU) stating that they shall not exceed 4.5 m in height and subsection 4.38.3 (g) which states that ARUs shall not have basements.

Zoning:

Agricultural (A)

iv) **A7-25**
146 Mill Street
Description:

Stacey Knobel
Minor Variance
The applicant is seeking relief from Section 4.28.7 (a), 4.36.1, 4.36.2, and 30 of Zoning By-law 2003-50 which regulates the following in their respective order: (1) the minimum entrance width for a commercial property at 9.0m; (2) the minimum landscape buffer along road allowances at 3.0m; (3) the minimum landscape buffer along lot lines at 1.5m, and; (4) the minimum rear yard setback for commercial buildings at 6.0m.

Zoning:

Core Commercial (C2)

v) **B4-25**
5475 & 5493 5th Line
Description:

Edwin & Krista Stutz and Stephanie Ashley
Lot Line Adjustment
The applicant has submitted a proposal for a lot line adjustment between the adjacent properties at 5475 5th Line and 5493 5th Line. The

proposal entails the transfer of 1,638 square meters of land from 5475 5th Line to 5493 5th Line, and the transfer of 3,042 square meters of land from 5493 5th Line to 5475 5th Line.

Designation:

Agricultural

vi) **B6-25**
8718 & 8726 9th Line
Description:

Kevin Bays & David Tarzwell

Lot Line Adjustment

The applicant has submitted a proposal for a lot line adjustment between the adjacent properties at 8718 9th Line and 8726 9th Line. The proposal entails the transfer of 0.4 hectares from 8718 9th Line to 8726 9th Line. This would result in new lot areas of 2.53 hectares (8726 9th line) and 0.69 hectares (8718 9th Line).

Designation:

Residential

4. OTHER BUSINESS

5. ADJOURNMENT

**COMMITTEE OF ADJUSTMENT
MINUTES
March 28th, 2025**

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

Also Present: Owen Curnew, Secretary-Treasurer

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 January 31st, 2025, were approved by the Committee.

DISCLOSURE OF INTEREST:

Henry Sander disclosed a potential conflict of interest for A1-25 – 6608 11th Line as the owner are the neighbour of his sibling, and he stated that he would be stepping out during the meeting due to concerns regarding potential impacts of the relationship to the evaluation of the property and application.

APPLICATIONS

A1-25 6608 11th Line	Walter Vaz Minor Variance
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Present (other than Committee & Staff Members):

Walter Vaz, Applicant

Henry Sander left after the application was introduced due to the aforementioned conflict of interest.

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

John Stelmachowicz invited the applicant to present.

Walter Vaz provided a brief presentation in which he stated Steve Walmsley, Building Inspector, had convinced the applicant to build it as an Additional Residential Unit. The applicant did some detailing to make the ARU entrance look like a garage door entrance.

John Stelmachowicz asked if there were any comments from the public. No comments were received.

Joe Pantalone motioned to approve the application.
Joanne Truax seconded the motion.

The Committee voted to APPROVE the variance with the conditions recommended by Staff.

**A2-25
36 Baycroft Boulevard**

**Muhammad Hassan
Minor Variance**

Present (other than Committee & Staff Members):

Muhammad Hassan, Applicant

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

John Stelmachowicz invited the applicant to present.

John Stelmachowicz asked if there were any comments from the public. No comments were received.

Joe Pantalone asked that given that the built coverage of the property is being increased, asked that the applicant commit to planting a full-shade canopy tree at the expense of the applicant and to the satisfaction of the Township.

Muhammad Hassan provided a presentation regarding the proposal.

Henry Sander expressed concerns regarding the practicality in placing a tree in the front yard considering there may be considerations like servicing that aren't being recognized and could impact the tree placement.

Joe Pantalone indicated that based on the site plan there should be sufficient room to accommodate the request.

Henry Sander asked for clarification regarding the intention of the driveway and where it is being placed.

Henry Sander asked what the difference was between the original condition for a drainage plan and the new wording provided.

Owen Curnew provided clarification.

John Stelmachowicz asked when the temporary hydro-poles would be removed, and asked the subdivision would be assumed while they were there.

Owen Curnew stated the Township would not assume a subdivision without removing the temporary hydro.

Joe Pantalone motioned to amend the condition to include the following: that the applicant commit to planting a full-shade canopy tree at the expense of the applicant and to the satisfaction of the Township, and once the Township has confirmed a tree can be placed.

John Stelmachowicz seconded the motion.

The motion was approved.

John Stelmachowicz motioned to approve the application.
Joe Pantalone seconded the motion.

The Committee voted to APPROVE the variance with the conditions recommended by Staff.

**A3-25/B1-25/B2-25/B3-25
4 Bank Street**

**Muhammad Hassan
Consents & Minor Variance**

Present (other than Committee & Staff Members):

Celeste Phillips, Applicant
Mellisa Millerson, 8 Bank Street
Monique Majdan, 18 Bank Street
Michael De Filippis, 18 Bank Street

Joe Pantalone called a point of order for the 4 Bank Street applications and stated that the Ontario Land Tribunal has reached a decision, and that the committee has not been provided with the minutes of settlement, or decision, which would allow the committee to reach a well-informed decision.

Joe Pantalone recommended a motion to defer the application to a future meeting until the Committee of Adjustment receives the adequate information to make a decision.

Owen Curnew provided statement that he did not have the minutes of settlement on hand.

Celeste Phillips suggested that the deferral would 'kill' the application and that a decision can not be provided from the tribunal as the Township and applicant are currently engaged in mediation.

Joe Pantalone asked if the applicant would be willing to provide the legal correspondence or minutes of settlement to help inform the committee's decision.

Celeste Phillips stated that there are minutes of settlement that staff and committee may not be privy to and that she was unsure of the legal implications of sharing the minutes at the meeting.

Celeste Phillips requested for clarification for what materials and information the Committee needs to help inform the matter.

Joe Pantalone asked that the applicant provide minutes of settlement and, if the minutes of settlement can not be produced, that the Township's legal counsel should be here to help

clarify and provide information to the committee.

Henry Sander asked the applicant if the Zoning By-law Amendment would still have to come back Council.

Celeste Phillips clarified that the OLT is responsible making decisions on applications appealed, and that File No. Z1-23 – 4 Bank Street was appealed for a non-decision.

John Stelmachowicz asked if the OLT had reached a final decision on the Zoning By-law Amendment.

Celeste Phillips stated that the Township and owner were engaged in mediation with the file, and a formal decision can not be provided as there is not one.

Joe Pantalone stated that given that the applicant can not provide minutes of settlement to the committee, they can not make a well-informed decision and believes it would be premature at this time.

Joe Pantalone motioned to defer

The motion was defeated.

Henry Sander requested that the committee talk so that they may consider the deferral more.

John Stelmachowicz motioned to consider the item after Items 5 and 6 on the agenda, for efficiency.

Henry Sander seconded the motion.

The Committee voted to move the application to be heard after Items 5 and 6.

B6-24	Snyder & Urech
4992 & 5002 25th Sideroad	Consent – Lot Line Adjustment

Present (other than Committee & Staff Members):

Andrew Snyder, Owner/Applicant (4992 25th Sideroad)
Tim Urech, Owner (5002 25th Sideroad)

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

John Stelmachowicz invited the applicant to present.

Andrew Snyder provided a brief presentation.

John Stelmachowicz asked if there were any comments from the public. No comments were received.

Henry Sander proposed two conditions to be added: 1. That a covenant be placed on title that

no new accesses be permitted off the 25th Sideroad, and; 2. That the existing agricultural entrance be eliminated and removed at the applicant's expense.

John Stelmachowicz asked for clarification regarding the entrance and expressed a general agreeance with the proposed conditions.

John motioned to approve the conditions as mentioned above.
Henry Sander seconded the motion.

The motion was approved.

John Stelmachowicz motioned to approve the application.

Joe Pantalone seconded the motion.

The motion was approved.

The Committee voted to APPROVE the variance with the conditions recommended by Staff.

**B5-25
7560 & 7568 8th Line**

**Gary Banting & Sherry Oudit
Consent – Lot Line Adjustment**

Present (other than Committee & Staff Members):

Gary Banting, Owner
Sherry Banting, Owner

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

John Stelmachowicz invited the applicant to present.

Gary Banting provided a brief presentation.

John Stelmachowicz asked if there were any comments from the public. No comments were received.

John Stelmachowicz motioned to approve the application.

Henry Sander seconded the motion.

The motion was approved.

The Committee voted to APPROVE the variance with the conditions recommended by Staff.

THE COMMITTEE TOOK A 8 MINUTE BREAK BETWEEN 11:04am – 11:12am.

THE COMMITTEE RECONVENED AT 11:12am.

**A3-25/B1-25/B2-25/B3-25
4 Bank Street**

**Muhammad Hassan
Consents & Minor Variance**

Present (other than Committee & Staff Members):

Celeste Phillips, Applicant
Mellisa Millerson, 8 Bank Street
Monique Majdan, 18 Bank Street
Michael De Filippis, 18 Bank Street

Celeste Phillips confirmed that the legal counsel for the applicant confirmed that minutes of settlement were to be allowed to be shared and read the minutes of settlement related to the appeal for the Zoning By-law Amendment (Z1-23) for 4 Bank Street.

Joe Pantalone asked that the applicant provide copies or confirm if copies can be made, and expressed confusion as whether or not the Committee members are able to discuss during a public meeting or if they needed to go in camera.

Owen Curnew stated they were unsure of the legal implications and process required for the information to be disclosed, and stated that he was comfortable with printing copies nor going in camera.

John Stelmachowicz asked if the normal process for hearing an application could begin, given that the previous point of order and motions did not allow the secretary-treasurer to read the report nor identify the recommendations from staff.

Owen Curnew provided a brief presentation.

John Stelmachowicz asked that the applicant provide a presentation

Celeste Phillips provided a brief presentation and stated that the Township's Official Plan sets out the considerations for development and stated the proposal was in-keeping with all relevant policy and that any decision regarding the application should be based on the merits of the applications. She stated that the minutes of settlement clearly stated that the Committee would proceed with the approval of the application, expeditiously and in good faith. Furthermore, that the failure to reach a decision or deny the application would be in contravention of the minutes of settlement.

Melissa Millerson stated that she has been involved in several stages of the proposal and is generally satisfied with the proposal; however, there are outstanding concerns regarding drainage, traffic, environmental factors, safety, etc. Melissa recommended a four (4) way stop at the intersection of Centre and Bank.

Monique Majdan stated that she has significant concerns regarding the visibility of the driveway and safety given the proximity of the proposed driveway to the intersection. Expressed concerns regarding on-street parking and parking available on the properties.

Michael De Filippis stated that there is a lot of people that walk in the area and expressed safety concerns and said it would not be in-keeping with the low-density character of the area. The applicant stated they do not agree with the application and does not agree with the

proposal and urged denial. Concerned regarding a lack of guarantee about what is going on the lots.

Celeste Phillips provided clarification as to the intention of the lots and that satisfactory materials have been provided to the Township ensuring adequate traffic flow, the depth of the lots allow for additional parking, etc. She also clarified that the development agreement would hold the developer to the proposal agreed upon between the Township and applicant.

Owen Curnew confirmed that the statement from Celeste Phillips was accurate.

Joe Pantalone stated that the applicant has not provided enough information for the Committee and would like more information so that they may reach a well-informed decision and requested an updated site plan showing the number of buildings and units proposed and with parking spaces identified.

Joe Pantalone is recommending a motion to deny.

Henry Sander asked for a motion to reconsider the deferral application.

Joe Pantalone seconded the motion to reconsider.

The Committee voted to reconsider the deferral of the application, where the previous vote for deferral failed.

John Stelmachowicz motioned to defer.

Joe Pantalone seconded the motion.

The Committee voted to DEFER the applications to a future meeting.

Henry Sander is stating that more material is needed to make a decision.

John Stelmachowicz asked if there was a more detailed site plan to demonstrate parking, buildings, etc.

Celeste Phillips stated that page 3 contains the site plan and proposed units.

Celeste Phillips requested clarification regarding what is being asked by the Committee: is staff required to ensure that the solicitor will be in attendance at the next meeting? Does the Committee require an update site plan?

John Stelmachowicz confirmed this is the case.

OTHER BUSINESS

ADJOURNMENT

The Chair, John Stelmachowicz, closed the meeting at 12:02 p.m.