



Special Council Meeting Agenda

September 8, 2020, 5:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

This meeting is being held electronically during a time of Declared Emergency pursuant to Town of Essex By-Law 1902.

Pages

- 1. Call to Order
- 2. Declarations of Conflict of Interest
- 3. Adoption of Published Agenda
 - 3.1 Special Council Meeting Agenda for September 8, 2020
 - Moved by _____
 - Seconded by _____
 - That the published agenda for the September 8, 2020 Special Council Meeting be adopted as presented.
- 4. Reports from Administration
 - 4.1 Presentation entitled "Zoning By-Law Amendment: 101 Poplar Bluff Drive" 1
 - RE: ZBA: 101 Poplar Bluff Drive
 - Moved by _____
 - Seconded by _____
 - That the presentation entitled "101 Poplar Bluff Drive" dated September 8, 2020, as prepared by Rita Jabbour, Manager, Planning Services, be received.
- 5. Public Presentations
 - 5.1 Bernard Gorski
- 6. Correspondence
 - 6.1 Essex Region Conservation Authority 18
 - Moved by _____
 - Seconded by _____
 - That the Correspondence listed in Agenda Item 6 be received.
- 7. Adjournment
 - Moved by _____
 - Seconded by _____
 - That the meeting be adjourned at _____.



Public Meeting

**Regarding a Site Specific Zoning Amendment
at 101 Poplar Bluff Drive**

September 8, 2020



Purpose of Meeting:

At this statutory public meeting, Council hears representations from the public in regard to the merits and concerns related to the application for site specific zoning amendment. Council does not make a decision at this time.

Subject Lands



Location:

1.32 hectares (3.3 acres) of residential lands at the southwest corner of Poplar Bluff Drive

Official Plan Designation:

Lakeshore Residential

Existing zoning: Residential District

1.1, low density housing on urban lots

Development Profile

Subject property contains:

- One (1) single detached dwelling (3400 square feet)
- One (1) accessory building (120 square feet)



Neighbourhood Profile

Neighbouring Zoning:

- Residential District (East)
- Oxley Golf Course (East)
- Agricultural District (North and West)



Infrastructure

Existing Infrastructure:

- Private Road
- Municipally owned and operated piped water supply
- Individual on-site sewage service (installed in 2008)
- Private catch basins for stormwater management





Proposed Zoning Change

To permit a 104 square metre (1120 square foot) *accessory building* with a second storey to accommodate a *second dwelling unit*.



Definitions

An *accessory building* is defined as a completely detached building, such as a garage, used for an *accessory use*. An accessory use is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

A *dwelling unit* is defined as room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit. A second dwelling unit is a second *dwelling unit* constructed within an existing single, semi or townhome dwelling unit.



Current Regulations

For an *accessory building* within the R1.1 zoning district:

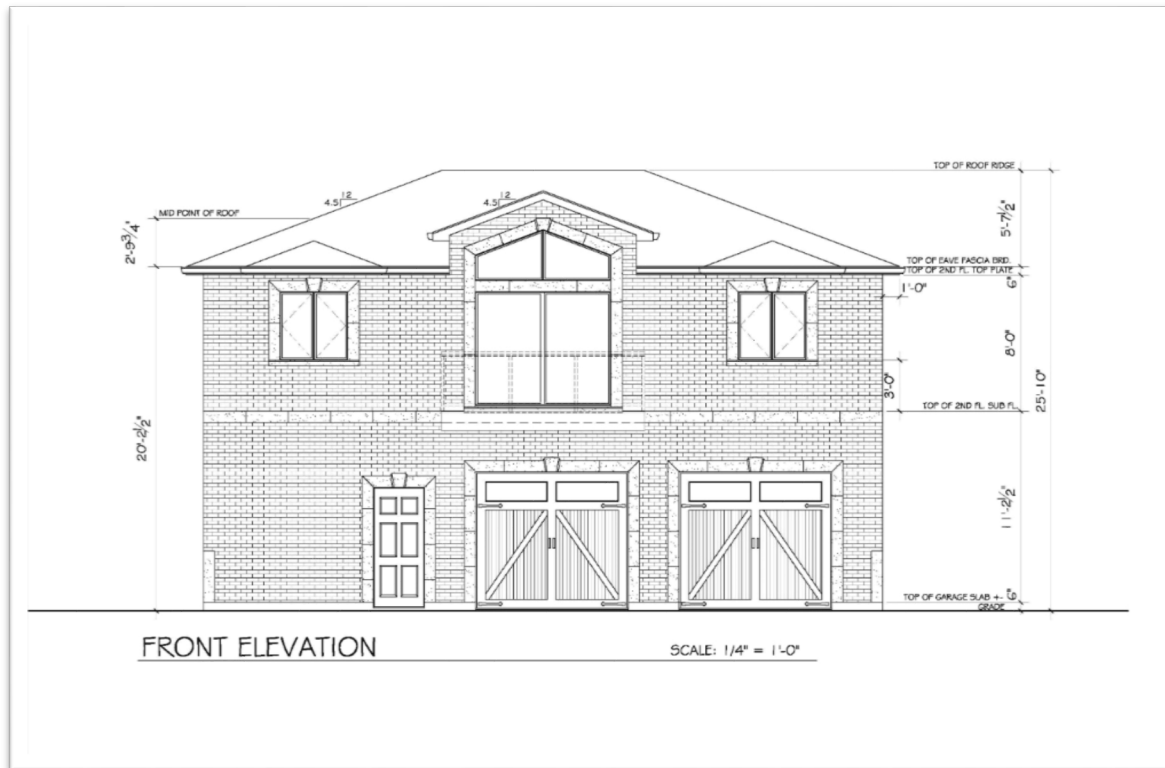
- 1) Total Gross Floor Area (GFA) maximum is 70 square metres (750 square feet)
- 2) Building height is limited to one (1) storey (4 metres)

For a *second dwelling unit* within the R1.1 zoning district:

- 1) Only permitted *within* an existing single detached dwelling



Proposed Structure





Policy Considerations

Planning Act

Official Plans must contain policies authorizing the use of additional residential units by authorizing use of two residential units in a building or structure ancillary to a detached house (s. 16.3)

Town of Essex Official Plan

A second dwelling unit may be accommodated in a building accessory to the main dwelling subject to the availability of a municipal sanitary sewer connection for the second dwelling unit and compliance with the applicable provisions of the Official Plan and Zoning Bylaw, Bylaw 1350 (p. 66)

Provincial Policy Statement (PPS) 2020

Where municipal sewage services are not available, individual on-site sewage services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts (subsection 11.6.6.4)

Other Considerations

No combination of accessory buildings shall exceed 92 square metres (1000 square feet)



Existing 120 square foot accessory building



Agency Comments

No Objections from Internal Departments

One (1) comment from Essex Region Conservation Authority (ERCA):

- No EIA would be required to accompany the re-zoning application
- Continues to reflect the need to have engineering assessments completed to support the proposed development application
- Recommends that with additional information and potential engineering costs that this location can be supported through an ERCA permit.

Public Comments

- Notice given to all property owners within 120 metres of subject site
- No public comments as of Wednesday September 2, 2020





Next Steps

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the September 21, 2020 Regular Council Meeting.
2. At the September 21, 2020 Council Meeting, Council may:
 - Approve the application where notice of approval will be sent to the applicant and all persons requesting to be notified of the decision, and a 20 day appeal period takes effect.
 - Deny the application where notice of denial will be sent to the applicant and all persons requesting to be notified of the decision and a 20 day appeal period takes effect.
 - Defer the decision to a later date if further information is required.



Proposed Bylaw Passage

51. For the lands municipally known as 101 Poplar Bluff Drive, the following provisions shall apply:

- i. Additional permitted use: One (1) accessory building with a gross floor area of 104 square metres (1120 square feet) and second storey, subject to the regulations of subsection 14.1, R1.1 district
- ii. And, a second dwelling unit shall be permitted within the accessory building
- iii. And, the combination of all accessory buildings on the lot shall be 115 square metres (1240 square feet)

ZDM 17



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

August 26, 2020

Ms. Jabbour, Secretary-Treasurer/Planner
Committee of Adjustment
Town of Essex
33 Talbot Street South
Essex, ON N8M 1A8

Dear Ms. Jabbour:

RE: Zoning By-Law Amendment (ZBA-03-20) 101 POPLAR BLUFF DR
ARN 375463000000200; PIN: 751880156
Applicant: GORSKI BERNARD STANLEY

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-03-20. Please consider the following comments in addition to the comments provided to your office on August 12, 2020.

Per our discussions on this application I can advise that no EIA would be required to accompany the re-zoning application based on the additional information you and Corinne provided to ERCA. The area of the proposed structure would be within an identified and cleared manicured lawn setting. In the future, it would benefit ERCA to have additional information provided in advance of the receipt of the Planning Act application in order to provide the Town with natural heritage advice on the applicability of natural heritage policies. In some cases, this may include a selection of photographs, a site plan delineating the proposed area of work including parking expansion the proposed and existing structures in the vicinity of the subject area. This is in particular important in areas where natural heritage features are identified and/or are subject to the application of Town of Essex natural heritage policies.

As it relates to the requirement to have a completed engineering assessment, our office continues to reflect the need to have engineering assessments completed to support the proposed development application. The requirement for the ERCA permit for this development is a requirement of the application. Regardless of whether previous ERCA approvals have been issued for previously completed works, the current application requires additional or supplementary work and analysis to ensure that the proposed development can be supported at this location. However, ERCA recognizes that the intent of the amendment to the Zoning By-law is to allow a larger accessory building than currently permitted in the zone. For future applications located within the flood hazard limit of the Lake Erie shoreline it is recommended that pre-consultation with our office be undertaken to allow us to reflect natural hazard planning requirements and considerations as early in the process as possible. As it stands, the proposed location is located further away from the shoreline than the existing home, which was permitted through a previously issued ERCA approval. Given that the owner is fully aware of the potential additional engineering costs and assessments to locate this additional structure at this location ERCA recommends that with additional information and potential engineering costs that this location can be supported through an ERCA permit.

However, at this time the information to confirm this has not been provided to our office to allow us to provide confirmation that this zoning by-law amendment can be supported at this time.

Ms. Jabbour
August 26, 2020

ERCA requests to receive a copy of the Notice of Decision on this application.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Nelson", is placed on a light green rectangular background.

Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn