



Special Council Meeting Agenda

July 7, 2025, 5:00 pm

Location: Essex Municipal Building, 33 Talbot Street South and by livestream at
<https://www.youtube.com/@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.

The purpose of this meeting is to consider a Zoning By-Law Amendment for 265 Maidstone Avenue East in
Ward 1

Pages

1. Call to Order

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

4. Adoption of Published Agenda

4.1 Special Council Meeting Agenda for July 7, 2025

Moved by _____

Seconded by _____

That the published agenda for the July 7, 2025 Special Council Meeting be adopted as presented / amended.

5. Reports from Administration

5.1 Planning-2025-14

1

RE: ZBA-01-25 (265 Maidstone Avenue East, Essex Centre, Ward 1)

Recommended Action:

Moved by _____

Seconded by _____

That Planning Report-2025-14 entitled ZBA-01-25 (265 Maidstone Avenue East, Essex Centre) prepared by Ian Rawlings, Junior Planner, dated July 7, 2025 be received; and

That By-Law 2457, being a by-law to amend By-Law 1037, the Comprehensive Zoning By-Law for the Town of Essex, to amend the zoning designation for the lands municipally known as 265 Maidstone Avenue East from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1) and to request

relief from Subsection 14.1 b) x. and Subsection 10.3 e) v. of the Zoning By-Law, be read a first and a second time and provisionally adopted on July 7, 2025.

5.1.1 By-Law 2457

68


6. Public Presentations

7. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at _____.



Public Meeting: Proposed Zoning By-law Amendment for 265 Maidstone Avenue E

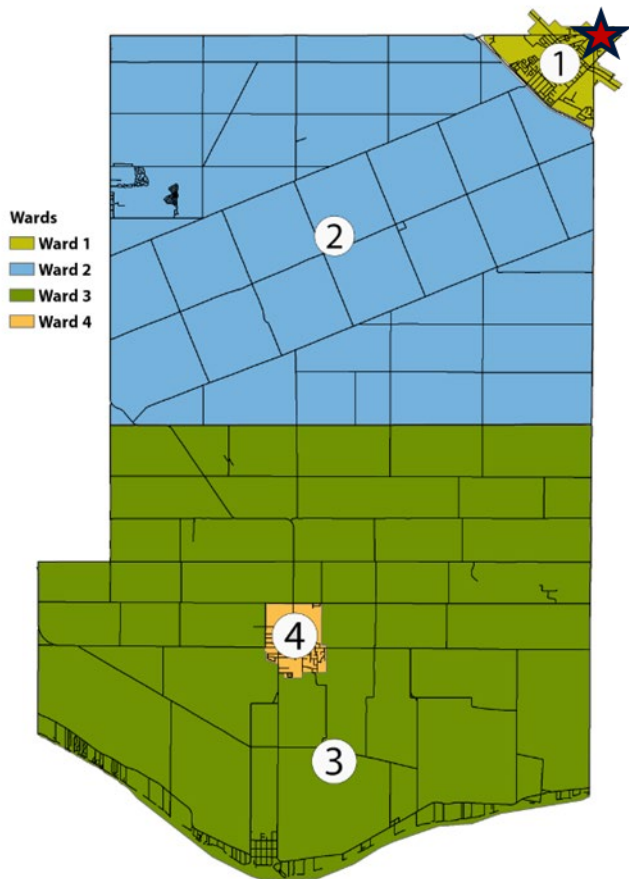
Essex Centre, Ward 1

July 7th, 2025



Where you belong

ZBA-01-25: Subject Lands



Location:

265 Maidstone Avenue East

Official Plan Designation:

Residential

Existing zoning:

Development Reserve District 1.1 (DR1.1)

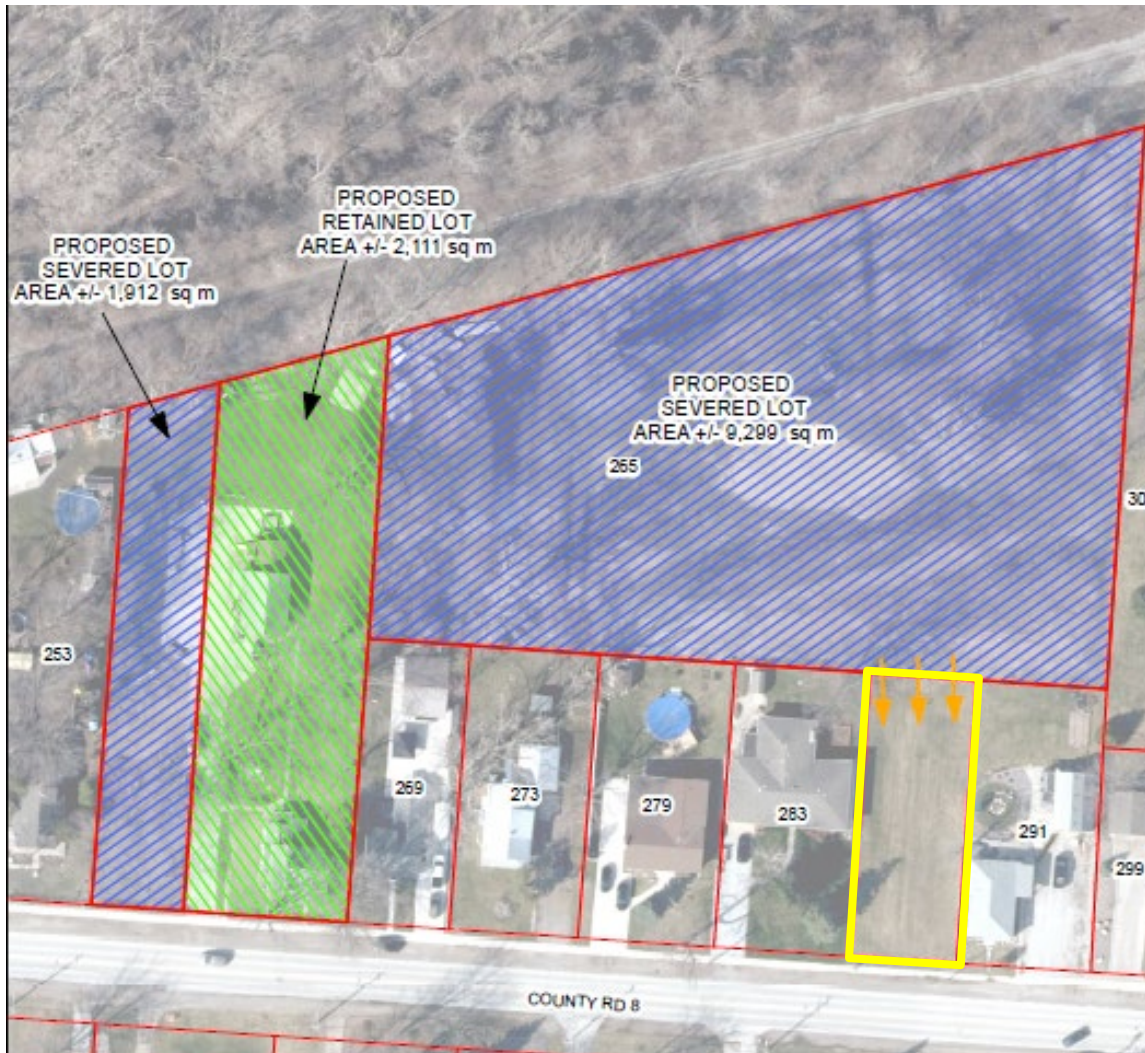
★ Subject lands

ZBA-01-25: Subject Lands

Property Dimensions :
13,322.3 sqm (3.29 acre)



ZBA-01-25: Subject Lands



Property Dimensions :
13,322.3 sqm (3.29 acre)

Proposed Zoning Change

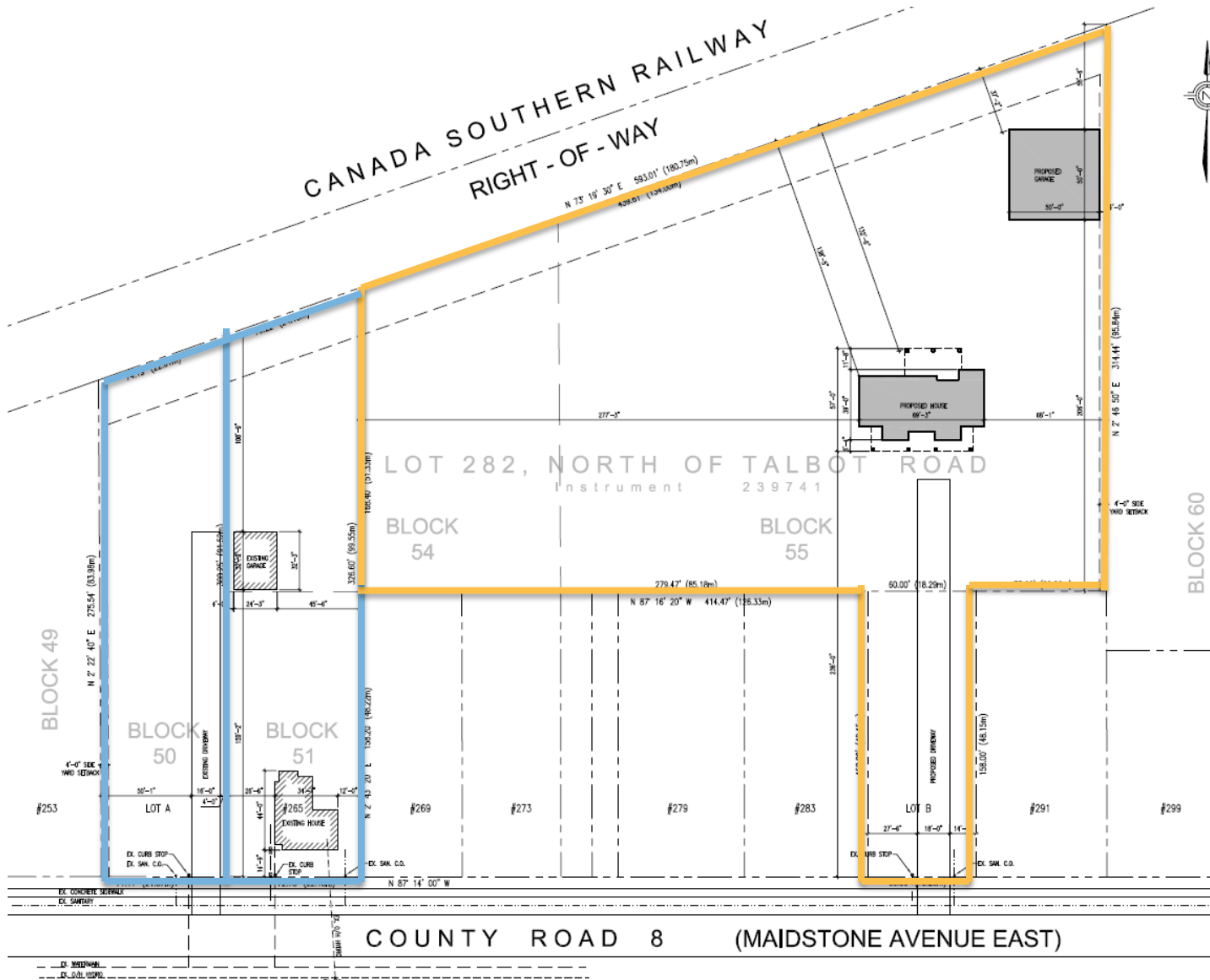
ZBA-01-25

ZBA-01-25: Proposed Zoning Change

- Amend the zoning designation of the lands to Residential District 1.1 (R1.1)
- Requesting relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law to permit an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area, with a building height of (19 ft).



ZBA-01-25: Proposed Zoning Change



Policy Considerations

ZBA-01-25

ZBA-01-25: Policy Considerations

Provincial Planning Statement (PPS) 2024

Section 2.2.1 planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

b) permitting and facilitating: 2. all types of residential intensification, including the development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

Section 2.3.1.3. of the PPS states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

ZBA-01-25: Policy Considerations

County of Essex Official Plan (2024)

4.A.2.5. All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.

4.A.2.12. Development in Primary Settlement Areas will integrate land use planning, fiscal planning, and infrastructure planning to responsibly manage forecasted growth and to support:

- a) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market bases and affordable housing needs.
- b) Opportunities for the integration of gentle density, and a mix and range of housing options that considers the evolving character of residential neighbourhoods.

ZBA-10-24: Policy Considerations

Town of Essex Official Plan (2009)

Section 5.7 details that areas designated residential are either currently developed for residential uses or have been determined to be appropriate for future residential development.

e) Low density residential zoning categories are described as: i) single unit dwellings, two unit dwellings, and secondary dwelling units generally to a maximum density of 20 units per gross hectare and townhomes generally to a density of 30 dwelling units per gross hectare.

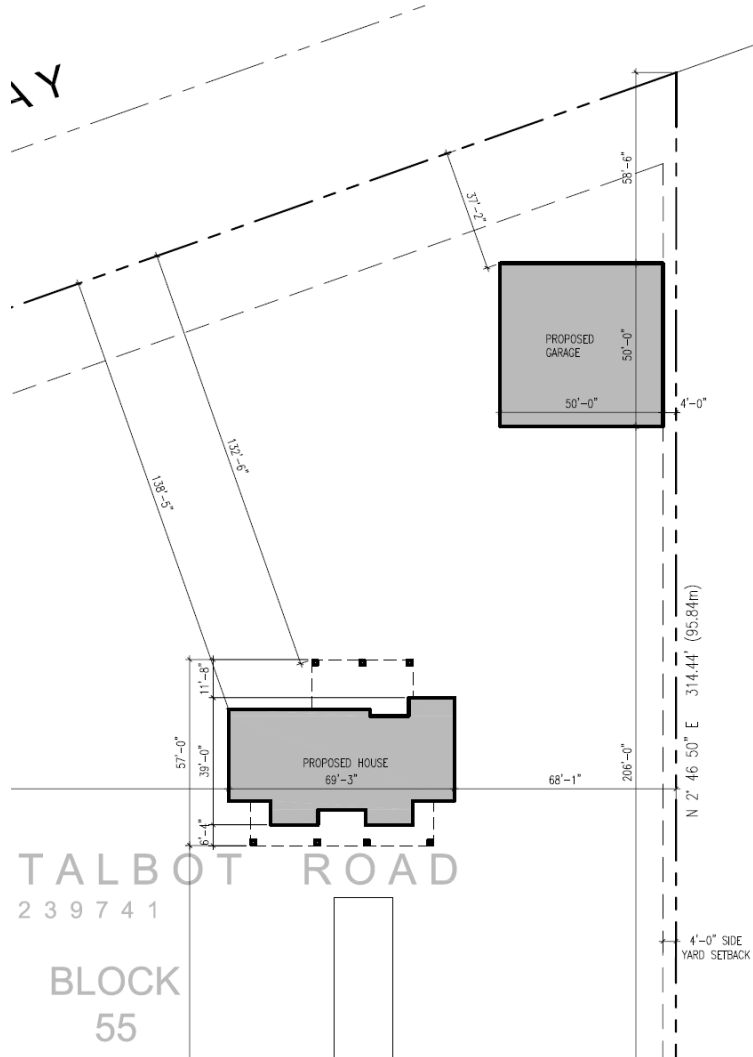
ZBA-01-25: Policy Considerations

Town of Essex Zoning By-law

Subject property is designated Development Reserve District 1.1 (DR1.1)

Development Reserve Area	
a) Permitted Uses	
i. Main Uses	Lawfully existing Agricultural Operation Lawfully existing Dwelling
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i.	Minimum lot area and lot width shall be as lawfully existing.
ii.	Maximum building height, maximum lot coverage and minimum front yard depth, side yard width and rear yard depth shall conform to the regulations of subsection 14.3, R1.3 District, of this by-law applicable thereto.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

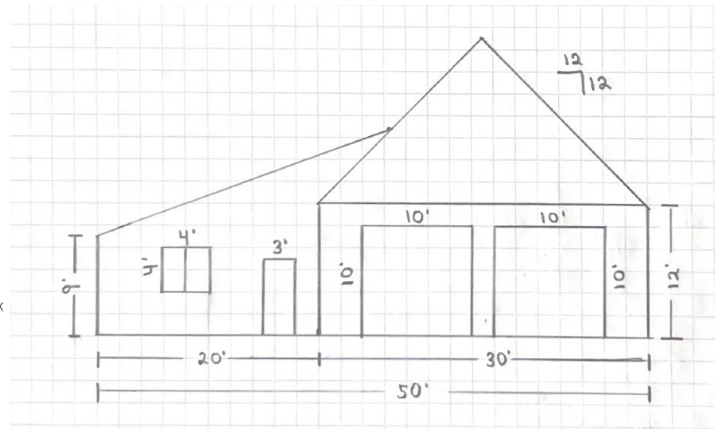
ZBA-10-24: Policy Considerations



Town of Essex Zoning By-law

Relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law to permit an accessory structure that is 232 sqm in Gross Floor Area, with a building height of 5.8 m.

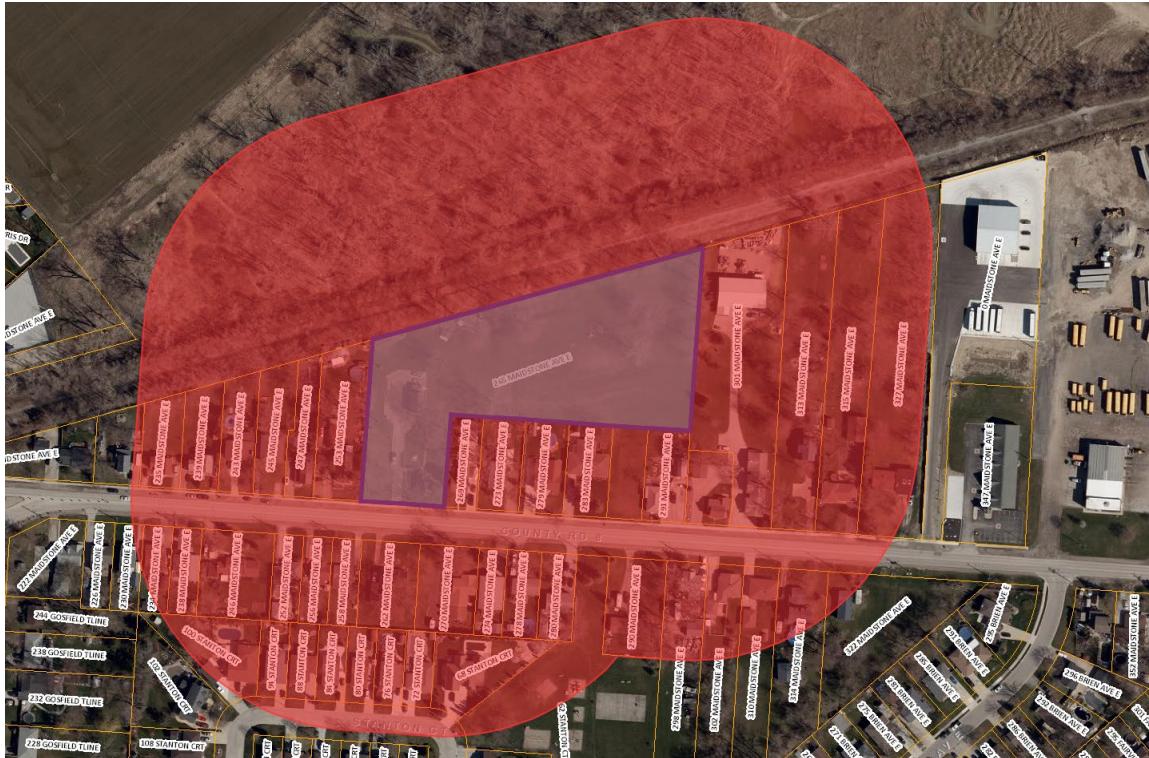
Whereas the Zoning By-law prescribes a *maximum size of 70 sqm (750 sqft)* and a *maximum building height of 4 m (13 ft)* for an accessory structure in a R1.1 Zoning District.



Agency and Public Comments

ZBA-01-25

ZBA-01-25: Agency and Public Comments



- Circulated all property owners within 120 metre radius
- No Comments Received 06/26/25

ZBA-01-25: Agency and Public Comments

Infrastructure Services

No objections

Building Services

Circulated/no comments

County of Essex

Circulated/no comments

Essex Region Conservation Authority

No objections

Next Steps

ZBA-01-25

ZBA-01-25: Next Steps

1. A report to Council and proposed By-law has been prepared for Council
2. At the Special Council Meeting, Council may:
 - Adopt By-law 2457 for three readings.
 - Provisionally adopt By-law 2457 for two readings where the third and final reading is read at the July 21 Council meeting.
 - Defer the By-law in its entirety until the July 21 meeting if more information is required or significant concerns are raised.
 - Deny By-law 2457 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.

Staff Recommendation: Provisionally adopt the By-law for two (2) readings with a final reading at the July 21 Council meeting



Questions/Comments

Thank You for Listening!



Report to Council

Department: Development Services
Division: Planning
Date: July 7, 2025
Prepared by: Ian Rawlings, Junior Planner
Report Number: Planning-2025-14
Subject: ZBA-01-25 (265 Maidstone Avenue East, Essex Centre)
Number of Pages: 15 Plus Attachments

Recommendation(s)

That Planning Report Planning-2025-14- entitled ZBA-01-25 (265 Maidstone Avenue East, Essex Centre) prepared by Ian Rawlings, Junior Planner, dated July 7, 2025 be received, and

That By-Law 2457, being a By-law to amend By-law 1037, the Comprehensive Zoning By-Law for the Town of Essex, for the Lands located at 265 Maidstone Avenue East, to amend the zoning designation from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1) and to request relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law, be read a first and second time and provisionally adopted on July 7, 2025.

Purpose

To recommend the adoption of a Zoning By-law amendment for the lands municipally known as 265 Maidstone Avenue East in the Essex Centre, Ward 1, to

amend the zoning designation of the subject lands from 'Development Reserve District 1.1 (DR1.1)' to 'Residential District 1.1 (R1.1)' and to provide relief from Subsection 14.1. b) (x). and Subsection 10.3 e) (v) of the Zoning By-law to permit an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area with a building height of 5.8 m (19 ft) for the 2.5 acre lot.

Background and Discussion

An application for an amendment to the Comprehensive Zoning By-law for the Town of Essex, By-Law 1037, has been received for the residential lands known as 265 Maidstone Avenue East, located in the Primary Settlement Area of Essex Centre, on the north side of Maidstone Ave East, just East of Gosfield Avenue. The location of the subject property is identified in *Figure 1*.



Figure 1. Location of Subject Property

The subject property measures \pm 13,322.3 sqm (3.29 acre) in total land area. The Subject Lands are designated “Residential” on Schedule “A-2” of the Town of Essex Official Plan and are zoned “Development Reserve District 1.1” (DR1.1) on Map 3 of the Town of Essex Zoning By-law, By-law 1037. The subject property currently contains one (1) Single Unit Dwelling, and three (3) accessory structures.

The subject property does not contain any natural heritage features or items identified under the Ontario Heritage Act and is not located in a floodplain development control area or within the Essex Region Conservation Authority’s (ERCA) limit of regulated area.

The Proposal:

The Subject Lands were recently granted severance approval by the Committee of Adjustment on May 21st, 2025 resulting in the creation of three (3) lots (Committee of Adjustment File Nos. B-06-25 & B-07-25). As a condition of severance, the applicant is required to amend the zoning designation of the subject lands from ‘Development Reserve District 1.1 (DR1.1)’ to ‘Residential District 1.1 (R1.1)’. The condition was placed as the DR1.1 zoning district only permits lawfully existing agricultural operations and dwellings and requires the lot width and area to remain “as existing”. Therefore, the applicant is seeking to amend the zoning designation of the lands to ‘Residential District 1.1 (R1.1)’ to support the purpose of the severance applications: to permit the construction of low-density residential development, such as Single Unit Dwellings and accessory

uses on the lots. A depiction of the granted severance approval is identified in *Figure 2*.

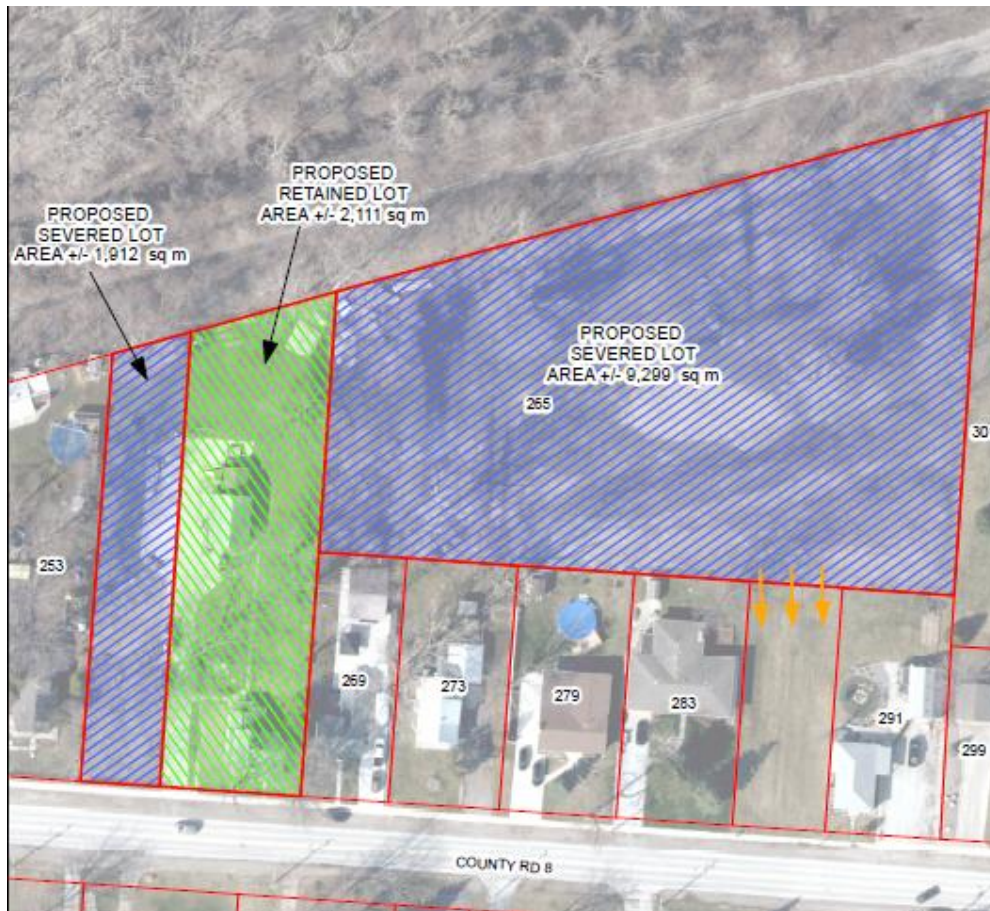


Figure 2. Granted Severance Approval Map

In addition, the applicant is requesting relief from Subsection 14.1. b) (x) and Subsection 10.3 e) (v) of the Zoning By-law to permit an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area with a building height of 5.8 metres (19 ft). The Zoning By-law prescribes a maximum size of 70 sqm (750 sqft) and a maximum building height of 4 m (13 ft) for an accessory structure in a R1.1 Zoning District. The applicant has provided a site plan that is

attached to this report detailing the approved severance applications, the location of the single unit dwelling they intend to construct, and the location of the accessory structure.

In accordance with subsection 3(5) of the Planning Act, any decision of a Council of a Municipality on an application under the Planning Act, is required to be consistent with the Provincial Planning Statement 2024 (PPS, 2024).

Provincial Planning Statement 2024 (PPS)

Section 2.2.1 of the Provincial Planning Statement (PPS) details that planning authorities *shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

b) permitting and facilitating:

2. all types of residential intensification, including the development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

Section 2.3.1.3. of the PPS states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Comments: The PPS is supportive of the Zoning Amendment as the current Zoning District does not support any residential development. Amending the zoning district to a low-density zoning district to support the severance applications is considered residential *intensification* through *redevelopment*, as defined by the PPS.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

a) redevelopment, including the reuse of brownfield sites and underutilized shopping malls and plazas;

b) the development of vacant and/or underutilized lots within previously developed areas;

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

The PPS does not contain policy direction applicable to the requested amendment to allow for a larger accessory structure on residential lands.

It is our opinion that this proposal is in conformity with the Provincial Planning Statement (PPS)

County of Essex Official Plan 2024 (COP)

The subject property is located in the Primary Settlement Area known as Essex Centre, as identified on Schedule A2 of the County of Essex Official Plan.

4.A.2.5. All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.

4.A.2.12. Development in Primary Settlement Areas will integrate land use planning, fiscal planning, and infrastructure planning to responsibly manage forecasted growth and to support:

a) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market bases and affordable housing needs.

b) Opportunities for the integration of gentle density, and a mix and range of housing options that considers the evolving character of residential neighbourhoods.

Comments: Primary settlement areas are considered the focus of growth and supports residential intensification through redevelopment. The subject lands will be used for low density development which is reflective of neighbouring residential uses along Maidstone Avenue East and appropriately utilizes municipal services.

The County of Essex Official Plan (COP) does not detail policy direction applicable to the requested amendment to allow for a larger accessory structure on residential lands.

Town of Essex Official Plan 2009 (OP)

The land use designation for the subject property is Residential as identified on Schedule A-2 of the Town of Essex Official Plan. The Official Plan does not contain policy direction for lands zoned within a Development Reserve District, or any similar type of zoning district or designation.

Section 5.7 details that *areas designated residential are either currently developed for residential uses or have been determined to be appropriate for future residential development*. The goals listed within section 5.7 further details that residential development should *occur in a manner in keeping with the capacity of the services available and the financial capability of the Town* and further supports *infilling within the existing developed areas*;

5.7 Provisions e) Low density residential zoning categories are described as: i) single unit dwellings, two unit dwellings, and secondary dwelling units generally to a maximum density of 20 units per gross hectare and townhomes generally to a density of 30 dwelling units per gross hectare.

Comments: The current zoning district of the subject land is not reflective of the land use designation under the Town's Official Plan. The current zoning district does not support residential development in its entirety and only allows the continuation of existing uses. Section 5.7 of the Official Plan supports the amendments to the Zoning By-law so that the lands can be developed for low-density residential development. Amending the Zoning district for the subject lands, which further supports the applicant's intent to sever the properties to

establish three buildable lots, is considered infill development within a previously developed area that is in keeping with the available services along Maidstone Ave East.

The applicants have explored alternative development plans for the subject property, such as medium density residential development. However, due to servicing constraints, low density residential development was recommended for the site.

Section 5.7 of the Town of Essex Official plan permits uses accessory to residential dwellings. However, regulations to guide the implementation and development of accessory uses are not included in the Official Plan and are delegated through the Zoning By-law.

Town of Essex Zoning By-law, By-law 1037

The subject property is zoned 'Development Reserve District 1.1' (DR1.1) on Map 3 of the Town of Essex Zoning By-law, By-law 1037. Section 27.1 of the Zoning By-law details the permitted uses and regulations within the DR1.1 District as identified in *Figure 3* below.

Development Reserve Area	
a) Permitted Uses	
i. Main Uses	Lawfully existing Agricultural Operation Lawfully existing Dwelling
ii. Accessory Uses	Any use accessory to the main use
b) Regulations	
i.	Minimum lot area and lot width shall be as lawfully existing.
ii.	Maximum building height, maximum lot coverage and minimum front yard depth, side yard width and rear yard depth shall conform to the regulations of subsection 14.3, R1.3 District, of this by-law applicable thereto.
c) Supplementary Regulations: See Sections	
7: Definitions	10: Supplementary Building Regulations
8: Supplementary Use Regulations	11: Parking Space Regulations
9: Supplementary Lot Regulations	12: Parking Area Regulations.

Figure 3. Development Reserve District 1.1 permitted uses and regulations

The DR1.1 zoning district only permits lawfully existing agricultural operations, and dwellings, while requiring that all lots, with respect to lot area and width, under the applicable zoning district, remain as existing. Therefore, the creation of new lots, and the construction of any new dwellings is not permitted. The subject property is the only land within Essex Centre that is zoned DR1.1.

The Residential 1.1 zoning district is the standard low density residential zoning district found throughout the Town of Essex and permits single unit, two-unit, three-unit, and semi-detached dwellings. All residential lots along Maidstone

Avenue East are zoned Residential District 1.1, and are able to support the same low density, residential uses. Amending the zoning district for the subject lands would be reflective of the surrounding residential zoning district.

Additionally, the applicant is requesting relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law to permit an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area, with a building height of 5.8 m (19 ft). Whereas the Zoning By-law prescribes a *maximum size of 70 sqm (750 sqft)* and a *maximum building height of 4 m (13 ft)* for an accessory structure in a R1.1 Zoning District. Maximum building height is defined as *the vertical distance between the grade and the mid-point between the lowest eaves and the highest point of the roof, for any other roof*.

The intent of the Subsection 14.1. b) x. and Subsection 10.3 e) v. is to ensure that an accessory structure remains supplementary to the main use of the property by limiting the gross floor area and the height of an accessory structure so that it remains smaller in size compared to the main use of the property.

The applicant has provided a memo detailing the intended use of the accessory structure to support its increase in size and height. The memo is **attached** to this report. The applicant details that the proposed dwelling will not have an attached garage, and that half of the accessory structure will be used to store items such as equipment to maintain the property, a number of classical cars, tools, and personal vehicles. The remaining half of the structure will be used for hobby type uses, such as woodworking and landscaping. The access height is requested so that the pitch of the roof for the accessory structure can match the pitch of

dwelling that the applicant intends to construct. The applicant has expressed that they do not have formal plans currently to construct the accessory structure as they plan to construct the single unit dwelling first. The attached memo includes preliminary elevations of the structure, and images of the items the applicant intends to store in the structure.

Planning Services has no concern regarding the requested relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law because of the size of the property (\pm 10,181 sqm in lot area) which is approximately twenty-seven (27) times larger than the minimum required lot for an R1.1 zoning district, the location of the accessory structure being 1.2 m (4.0 ft) from the eastern interior lot line and 11.3 m (37.16 ft) from the rear lot line.

The By-law **attached** to this report contains provisions to ensure the accessory structure is constructed in accordance with the site plan provided and does not encroach closer to neighbouring property owners. In addition, the By-law specifies that the accessory structure is unable to be used as a residential home occupation as prescribed under Section 8.5 of the Zoning By-law.

Comments:

A statutory public meeting was held on Monday, July 7, 2025, to hear public comments on the application prior to Council rendering a decision on the application. Notice of public meeting and information regarding the Zoning By-law Amendment Application was sent to all property owners within 120 m of the subject lands as required under the Planning Act.

No formal comments from members of the public have been provided at the time of writing this report, 06/30/2025.

No comments or objections to the proposal were received from the following Departments and Agencies:

Town of Essex Infrastructure Services	No Objections
Town of Essex Building/Bylaw Enforcement Division	Circulated/no comments
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	No Objections
Chippewa of the Thames First Nation	Circulated/no comments
County of Essex	Circulated/no comments

Attachments

Comments from the Essex Region Conservation Authority dated 06/20/2025.

Next Steps

At the July 7th meeting, Council may:

- Provisionally approve the By-law 2457 for two readings where the third and final reading is deferred until the July 21 Council meeting.
- Defer decision of the By-law until the July 21 meeting if more information is required or significant concerns are raised.
- Defeat By-law 2457 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.

The recommendation of Administration is that By-Law 2457, attached to this Report, be read a first and second time and provisionally adopted on July 7, 2025.

Financial Impact

Notwithstanding an appeal, there is no financial impact associated with costs to undertake normal administrative operations for notifying the applicant and interested parties of the decision of Council and revising planning documents to reflect the amendments. Costs are recouped 100% through the application fee.

Consultations

Notice of the application for Zoning By-law Amendment was circulated to all persons and public bodies required to be notified under subsection 5(9) of Ontario Regulation 545/06, including staff members from each Town of Essex department.

Link to Strategic Priorities

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ Leverage our Town's competitive advantages to promote jobs and economic investment.
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	ZBA-01-25 - 265 Maidstone Avenue East - Planning-2025-14.docx
Attachments:	<ul style="list-style-type: none">- ZBA-01-25 - By-law 2457.pdf- ZBA-01-25 - Site Plan.pdf- ZBA-01-25 - Memo_Redacted.pdf- May - Committee of Adjustment Report - 2025 - 04 - Committee of Adjustment-2025-04.pdf- B-06-25 and B-07-25 - Decisions and Conditions.pdf- ERCA Comments ZBA-01-25.pdf
Final Approval Date:	Jul 4, 2025

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Rita Jabbour, Manager, Planning Services was completed by workflow administrator Shelley Brown, Deputy Clerk, Legal and Legislative Services

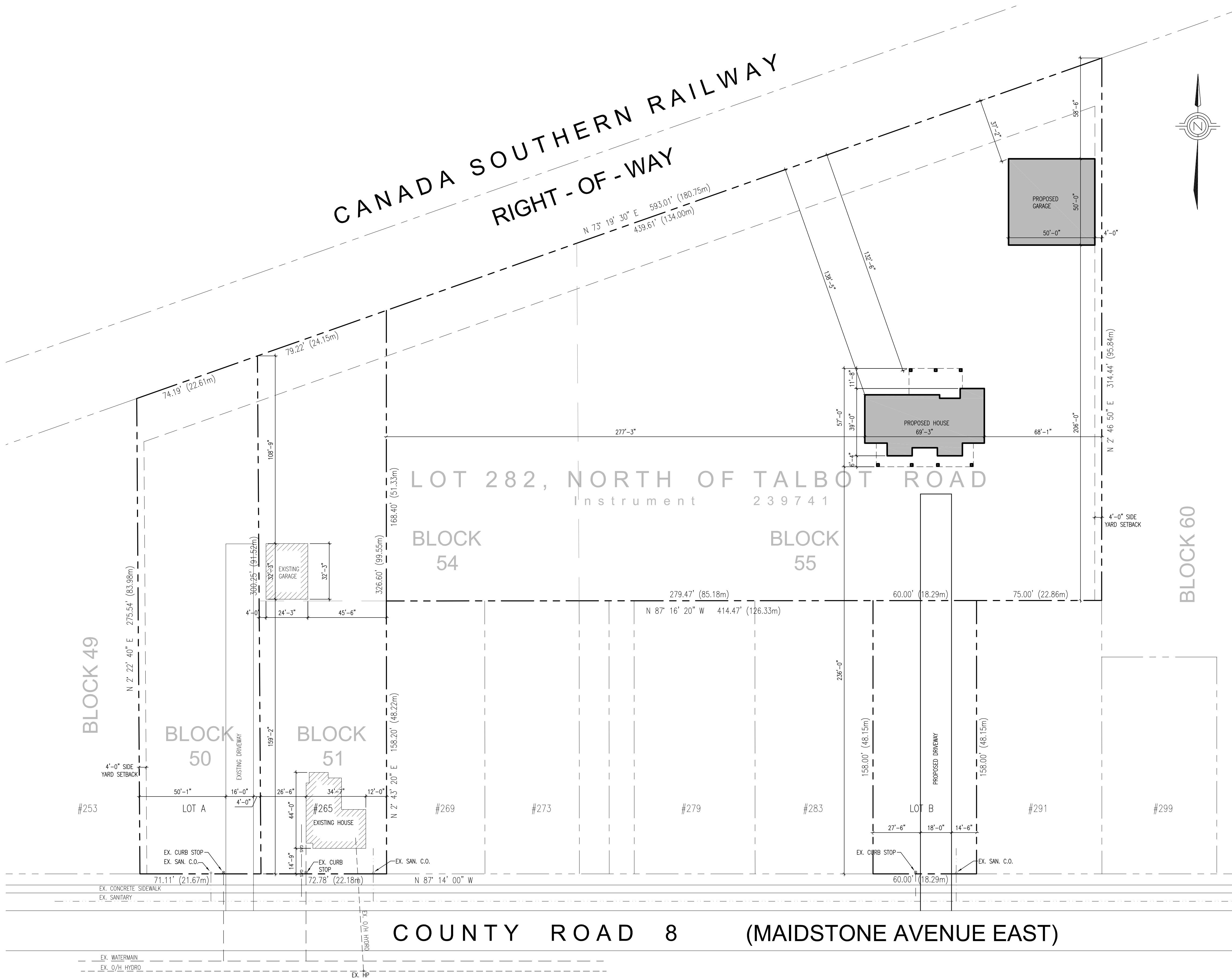
Rita Jabbour, Manager, Planning Services - Jul 4, 2025 - 10:33 AM



Lori Chadwick, Director, Development Services - Jul 4, 2025 - 10:36 AM

No Signature - Task assigned to Kate Giurissevich, Chief Administrative Officer was completed by delegate Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk

Kate Giurissevich, Chief Administrative Officer - Jul 4, 2025 - 10:41 AM



SITE PLAN

SCALE : 1" = 30'-0"



PROJECT: #265 MAIDSTONE AVENUE EAST
ESSEX, ONTARIO

DATE: APRIL 2025

DRAWING No. C1

To: Ian Rawlings

Subject: Explanation for Accessory Structure Size and Height

As requested by the Town of Essex, we are providing this explanation regarding the size and height of our proposed accessory structure.

The primary purpose of the structure is to accommodate our everyday vehicles, bicycles and other household equipment, as our home will not include an attached garage. Approximately half of the structure will be dedicated to this use.

The additional garage area is intended to house our classic cars. The proposed height of the building is necessary to install a storage lift system, allowing us to double-stack vehicles and thereby free up space for other essential equipment, including tractors, mowers, and additional tools needed for maintaining our large yard and property.

The "lean-to" section of the structure is designated for hobbies such as woodworking, as well as storage of gardening and landscaping tools. The roofs pitch is designed to match the architectural style of the main residence.

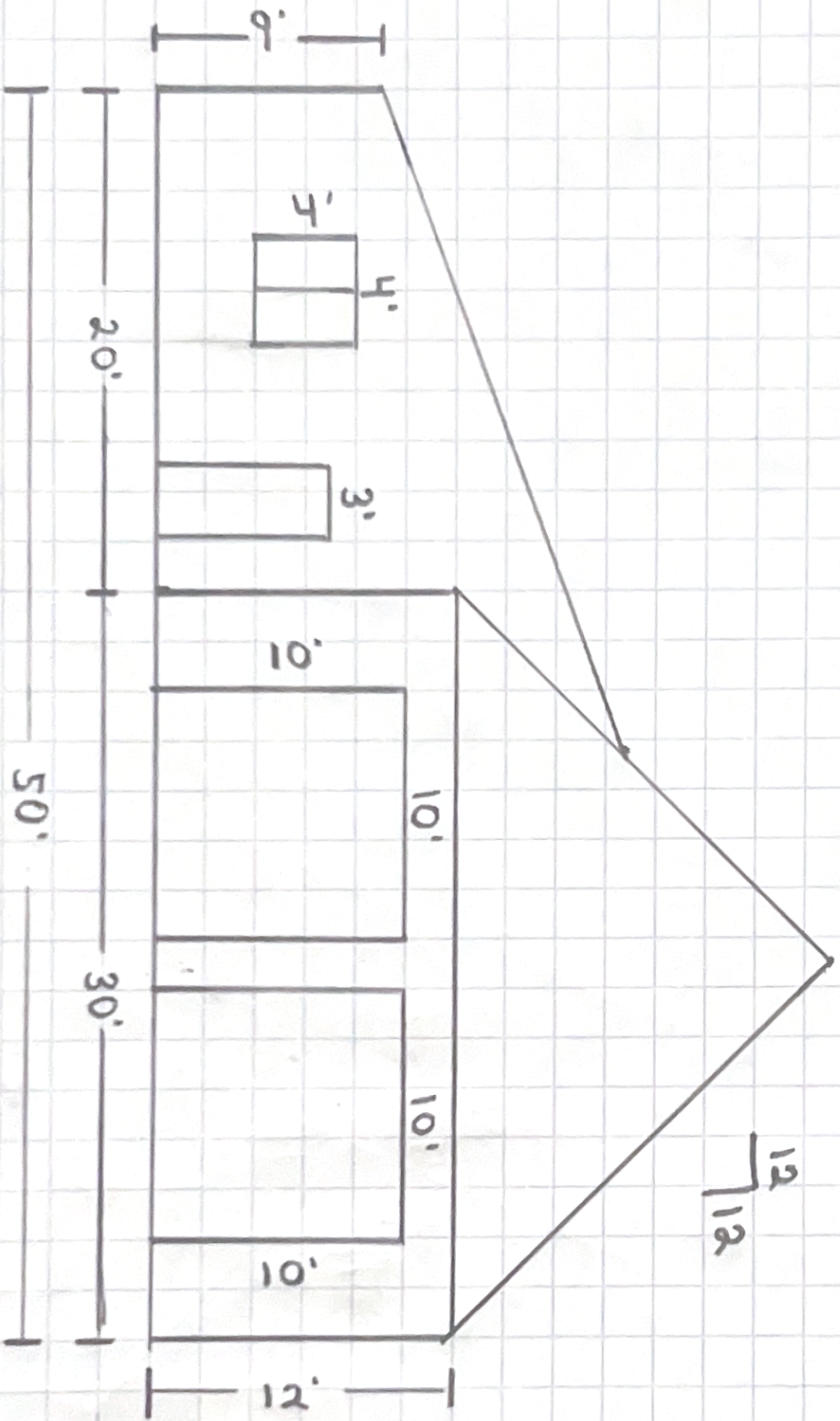
Given the size of our over 2-acre lot, we believe the structure will be proportionate to the property and will not be visually imposing, especially where located.

Thank you for your consideration. Please let us know if any additional information is needed.

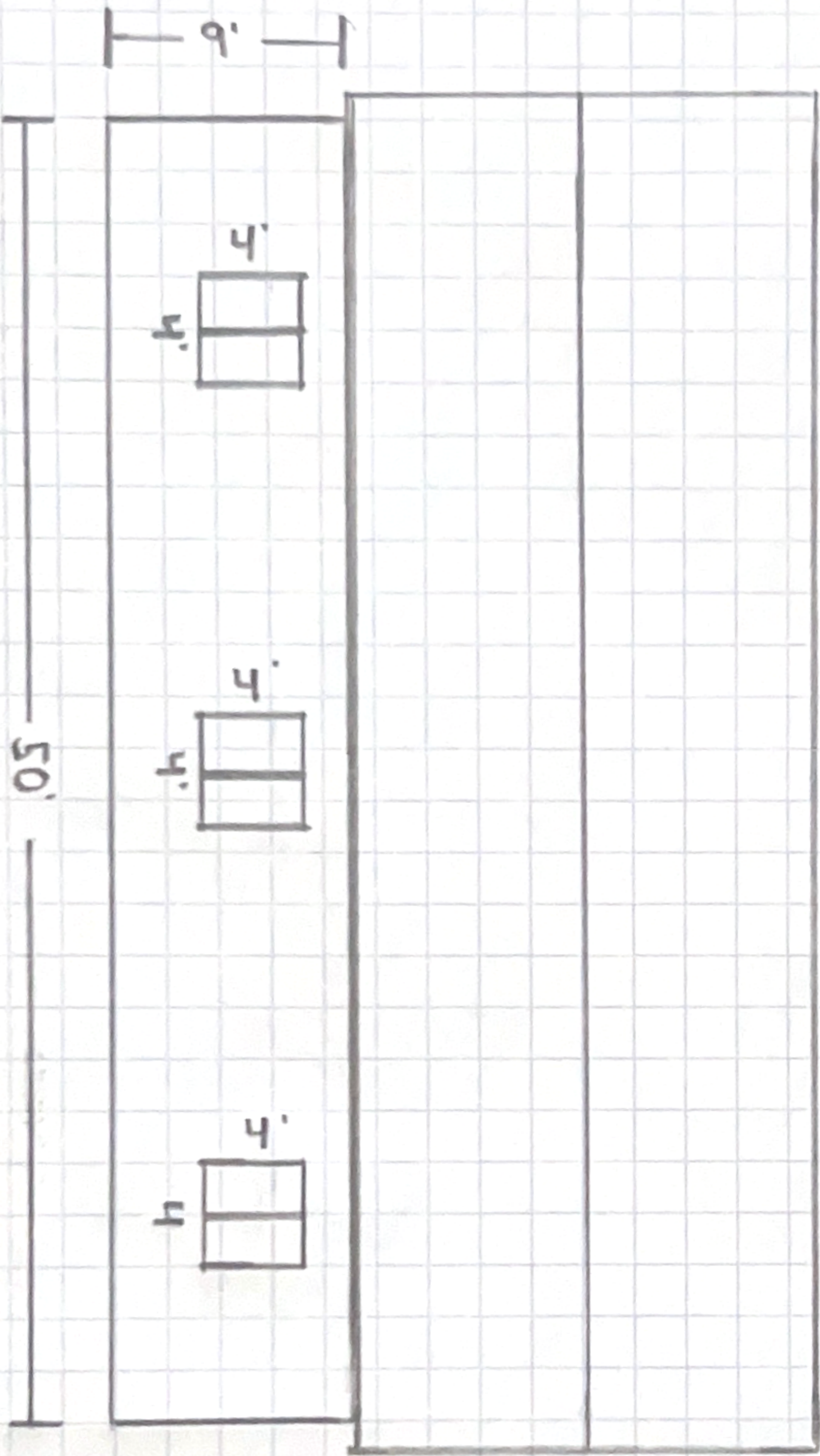
Sincerely,
Stephen Mathies

██████████

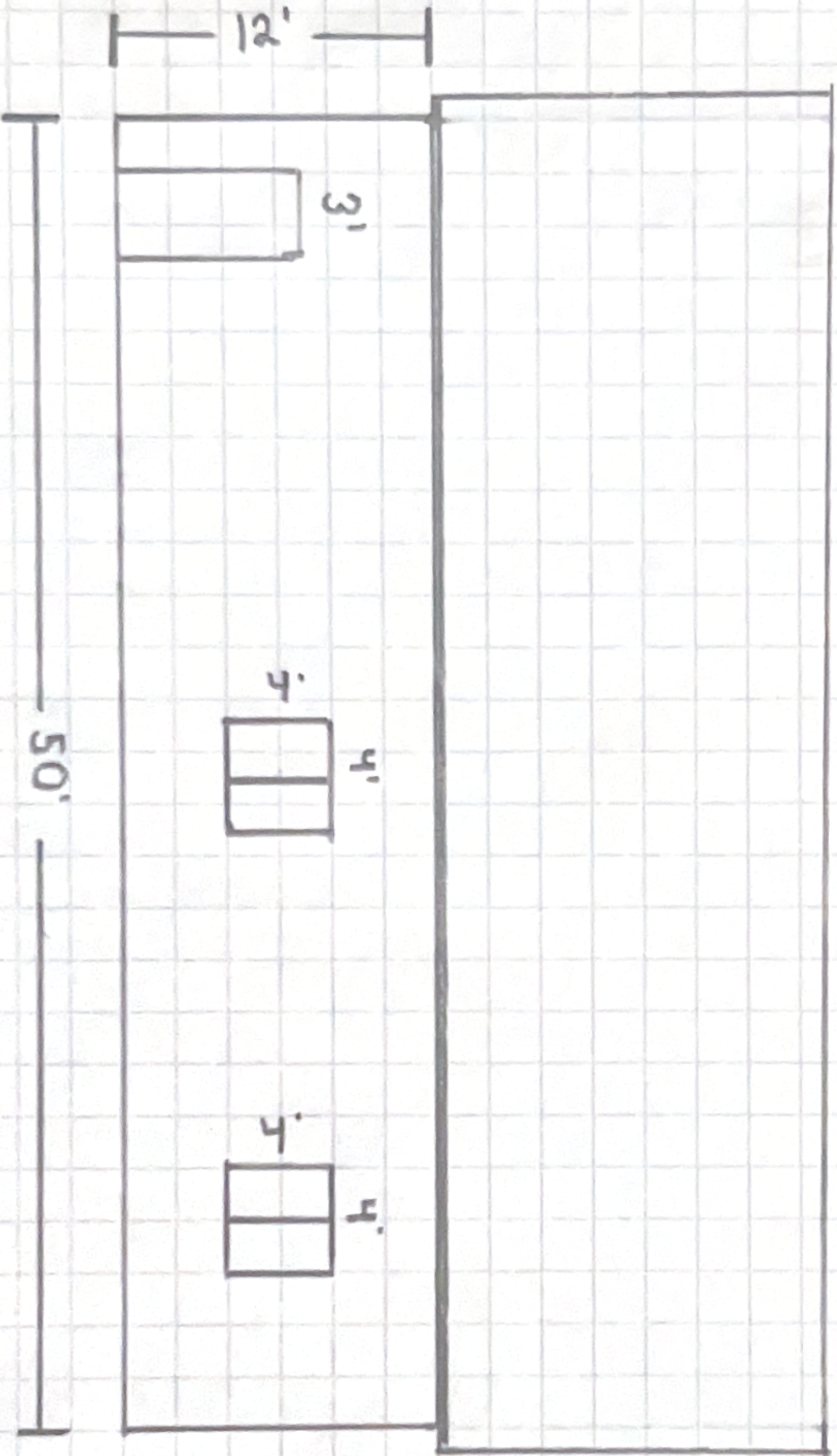
Front View



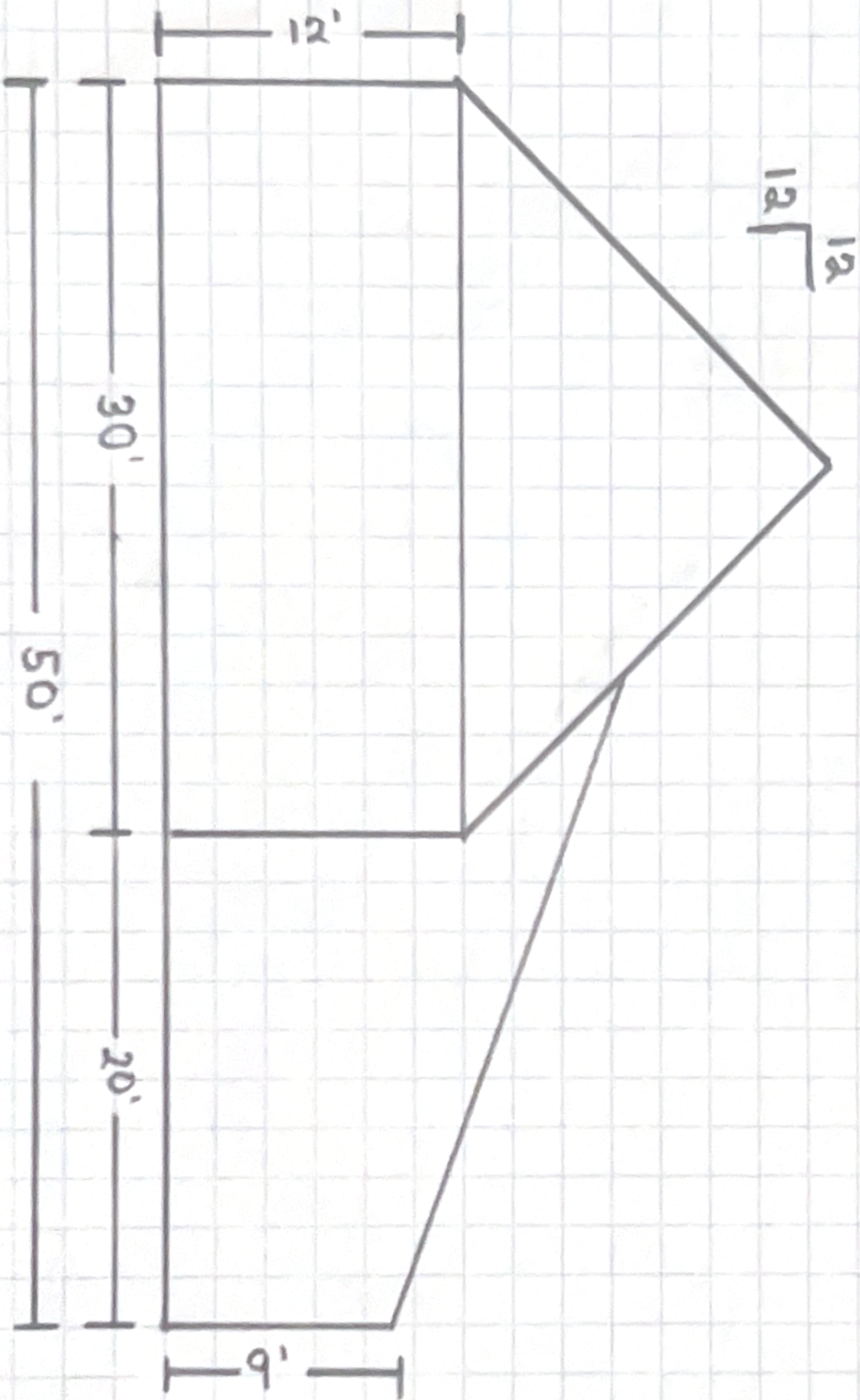
Left Side View

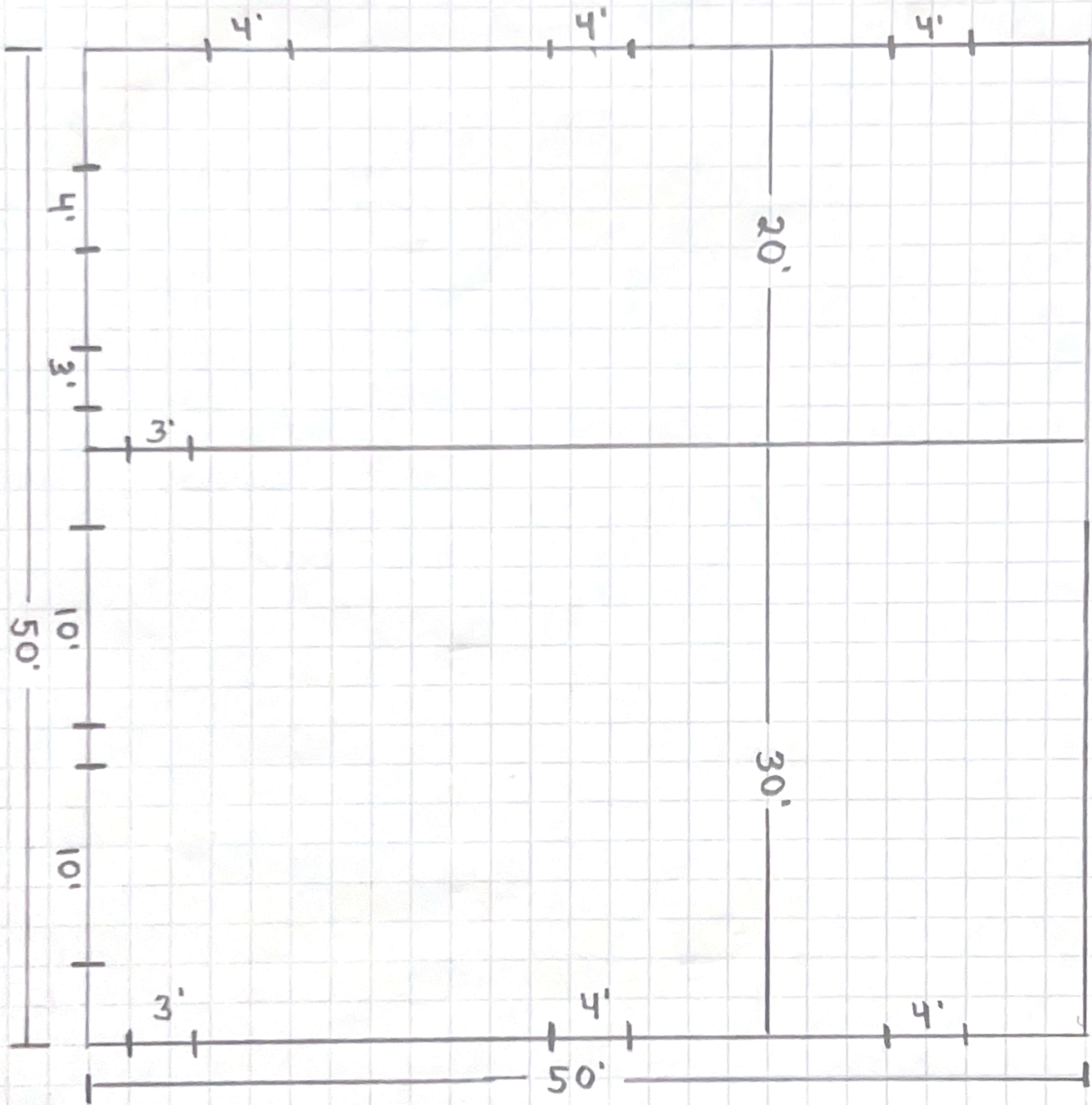


Right Side View



Rear View





Top View













Committee of Adjustment Planning Comments

Department: Planning Services

Hearing Date: May 21st, 2025

Prepared by: Ian Rawlings, Junior Planner

Submitted to: Town of Essex Committee of Adjustment

Report Number: Committee of Adjustment 2025-04

Subject: Planning Comments for May 21st, 2025 Agenda

Number of Pages: 13 including attachments

The comments of the Planning Department regarding the applications on the May 21st, 2025 Committee of Adjustment agenda are as follows.

NOTE: All numbers are approximate for ease of discussion. Accurate numbers will be reflected in the registered reference plan resulting from the Committee's approval of each consent request.

NOTE: This Planning Report was prepared as of May 16th, 2025. Any public comments received after this date have not been incorporated into this Report, however consideration of such public comments will be given at the Committee of Adjustment hearing on May 21st, 2025 as is normal practice.

Item 2 & 3: **Consent Application for the purposes of a lot addition, and the
Creation of One (1) Lot**

Application: **B-06-25 & B-07-25**

Applicant: **Robert & Steven Mathies**

Location: **265 Maidstone Ave E (Essex Centre)**

Designation: **Residential**

Zoning: **Development Reserve District 1.1 (DR1.1)**

Proposal

Two (2) consent applications have been received by the Town of Essex Committee of Adjustment for the lands located at 265 Maidstone Avenue East, located on the north side of Maidstone Ave East, just East of Gosfield Avenue, in Essex Centre, Ward 1. The subject property is designated 'Residential' on Schedule A-2 of the Town of Essex Official Plan and is zoned 'Development Reserve District 1.1' (DR1.1) on Map 3 of the Town of Essex Comprehensive Zoning By-law 1037. The subject property does not contain any natural heritage features or items identified under the Ontario Heritage Act and is not located in a floodplain development control area. The subject property is not located within the Essex Region Conservation Authority's (ERCA) limit of regulated area.

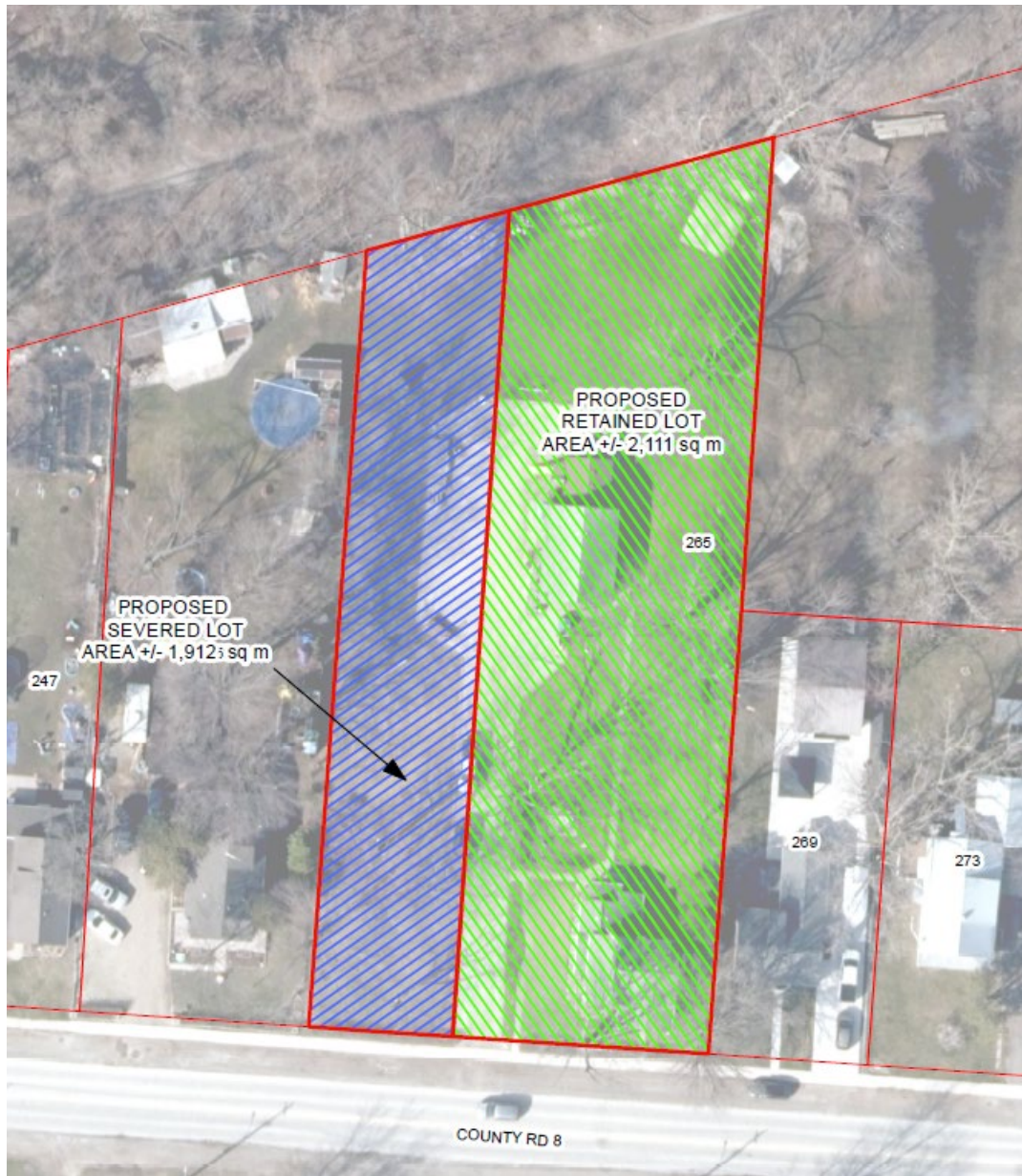
The subject property currently contains a single unit dwelling, and three (3) accessory structures in the rear of the property.

The first consent application (B-06-25) details the applicant's intent to sever a $\pm 9,299.34$ sqm (2.3 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot to be added to the adjacent residential property identified as 0 Maidstone Ave E (the "receiving lands"). The applicant is proposing the lot addition to create a residential building lot to support the construction of a single unit dwelling and associated accessory structure. The receiving lands are currently vacant are designated 'Residential' on Schedule A-2 of the Town of Essex Official Plan, and are zoned

'Residential District 1.1' (R1.1) on Map 3 of the Town of Essex Comprehensive Zoning By-law 1037.



The second consent application (B-07-25) proposes to sever a $\pm 1,912$ sqm (0.47 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot for the purposes of creating one (1) new residential building lot. The proposed lot will front Maidstone Ave East and will contain no structures at this time.



Following the completion of both consent applications, the retained lot is proposed to have a lot area of $\pm 2,111$ sqm (0.52 acres) and will front Maidstone Ave East. The retained lands will contain the existing single unit dwelling, access to the property, and accessory structures.

The applicant is also applying for a minor Zoning By-law Amendment to change the zoning district for the subject property from Development Reserve District 1.1 (DR1.1) to Residential Zoning District 1.1 (R1.1). The DR1.1 zoning district does not detail specific lot width and lot

4

Committee of Adjustment Meeting Planning Comments –
May 21st, 2025

area regulations. , Therefore, both severance applications are conditional on the completion of the minor Zoning Amendment to change the zoning district for the subject lands to Residential District 1.1.

Conformity with Provincial Planning Statement (PPS 2024):

Section 2.2.1 of the PPS details that *planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

b) permitting and facilitating:

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

Section 2.3.1.3. of the PPS states that *planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

The proposed consent applications are supportive of section 2.2.1 and 2.3.1.3 of the Provincial Planning Statement as it promotes residential intensification through infill development within an area of settlement and maintains the linear development patterns along Maidstone Ave East.

It is our opinion that this proposal is in conformity with subsection 2.2.1 and 2.3.1.3 of the Provincial Planning Statement (PPS).

Conformity with the County of Essex Official Plan (2024):

The proposed lot creation supports the housing goals listed in section 4.B. of the County of Essex Official Plan as it supports a mix and range of housing options through infill development.

4.A.2.5. All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local municipal Official Plan that are in effect at the time of approval of this Plan.

4.A.2.12. Development in Primary Settlement Areas will integrate land use planning, fiscal planning, and infrastructure planning to responsibly manage forecasted growth and to support:

a) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market bases and affordable housing needs.

b) Opportunities for the integration of gentle density, and a mix and range of housing options that considers the evolving character of residential neighbourhoods.

Primary settlement areas are considered the focus of growth and supports residential intensification through infill development. The subject lands will be used for low density development which reflects the available services and existing developments along Maidstone Ave E.

The County of Essex has delegated Consenting authority to Lower-Tier Municipalities under section 12.K of the County of Essex Official Plan. The proposed consent application supports the County of Essex Official Plan as it promotes infilling development and provides a range of housing options through lot creation within a primary settlement area.

It is our opinion that this proposal is in conformity with the County of Essex Official Plan.

Conformity with Town of Essex Official Plan:

In accordance with Sections 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines;*

The Provincial Planning Statement (PPS) and the County of Essex Official Plan encourages growth and development within settlement areas and encourages intensification through infill development within settlement areas. Therefore, the application is considered in keeping with the Provincial Planning Statement (PPS) and the County of Essex Official Plan due to its location within a primary settlement area.

b) *the requirements and policies of this Plan and the comments of other public authorities and agencies;*

Section 5.7 of the Town of Essex Official Plan details the following goals for new development on lands designated residential:

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) to encourage infilling within the existing developed areas;

The proposed lot is considered an infill lot and will have access to available water and sanitary services. The subject property is proposed to be rezoned to the Residential 1.1 zoning district for low density residential purposes as it is reflective of neighboring low density residential uses and . Under the Residential 1.1 zoning district the property would be able to support single unit, two-unit, three-unit, or a semi-detached dwelling.

Section 5.7 of the Official Plan, for lands designated residential, does not contain any goals or provisions with respect to the proposed lot addition. The applicant intends to re-zone the subject lands to permit low density residential development which reflects the underlying land use designation. Both the severed lands and retained lands comply with the lot regulations for the Residential 1.1 zoning district. Any building regulations that the applicant is unable to comply with in the Residential 1.1 zoning district will be more appropriately addressed through the Zoning by-law Amendment application.

c) *the continuation of an orderly development pattern;*

The proposed lots abide by the minimum lot area and lot width requirements for lots within a Residential 1.1 zoning District that supports a single unit dwelling. The proposed lot will be reflective of existing lot layouts of neighbouring lots along the northern side of Maidstone Ave E. The proposed lot addition maintains the low-density development pattern and is viewed as technical in nature to convey land from one lot to another.

d) *the adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.*

Capacity is available for municipally provided water, sanitary, and storm services. Infrastructure Services has confirmed that individual service hookups are existing.

The lot addition does not impact any existing potable water supply, sanitary sewage treatment and disposal and stormwater management systems, and Infrastructure Services has expressed no objections to the proposed severance.

It is our opinion that this proposal is in conformity with subsections 6.4 of the Town of Essex Official Plan.

Administration/ Agency Comments:

Town of Essex Infrastructure Services	Application B-06-25, based on our records sanitary and water servicing is already provided, but these should be verified and confirmed to be operational. If no cleanout is present on the sanitary sewer, then one must be installed at the property line. A storm connection is not required, although recommended depending on site drainage. A driveway permit may be required and the approach into Maidstone Avenue does not need
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	<p>be hardscaped as this is a County Connecting Link ROW, but the resident can choose to do so. No comments on this severance otherwise.</p> <p>Application B-07-25, based on our records sanitary and water servicing is already provided, but these should be verified and confirmed to be operational. If no cleanout is present on the sanitary sewer, then one must be installed at the property line for each lot. A storm connection is not required, although recommended depending on site drainage. As the existing driveway is on the severed lot, a new driveway is required on the Block 51. A permit may be required and the approach into Maidstone Avenue does not need be hardscaped as this is a County Connecting Link ROW, but the resident can choose to do so.</p>
Town of Essex Building/Bylaw Enforcement Division	No Objections
Town of Essex Community Services	Circulated/no comments
Town of Essex Corporate Services	Circulated/no comments
Town of Essex Fire Services	Circulated/no comments
Town of Essex Accessibility Committee	Circulated/no comments
Essex Region Conservation Authority	Circulated/no comments
County of Essex	Circulated/no comments

The location of the water and sanitary servicing connections, the status of, and the potential need for a storm water hook up is not included as condition of consent. This will instead be considered at the time of applying for a building permit, where the scope of development for each property is more appropriately determined.

Comments provided by Infrastructure Services are not included as conditions as the location of servicing connections and the

Public Comments:

Notice of public meeting and information regarding the Consent was sent to all property owners within 60 m of the subject lands. No correspondence was received from the public at the time of writing this report 05/16/2025.

Summary/conclusion:

It is our opinion that both applications for consent meet the policies of the Provincial Planning Statement (PPS 2024), County of Essex Official Plan, and the Town of Essex Official Plan and Town of Essex Zoning By-law.

Attachments:

No Attachments.

Recommendation – B-06-25

It is recommended that Consent application B-06-25 to sever a $\pm 9,299.34$ sqm (2.3 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot to be added to the vacant residential property to the south identified as 0 Maidstone Ave East, **be approved**, subject to the following condition(s):

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;

3. 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;
4. 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;
5. That the severed parcel be consolidated with the lands known as 0 Maidstone Avenue East. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;
6. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
7. That all of the above conditions be fulfilled on or before May 21st, 2027, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Recommendation – B-07-25

It is recommended that Consent application B-06-25 to sever a \pm 1,912 sqm (0.47 acre) parcel from the existing \pm 13,322.3 sqm (3.29 acre) lot for the creation of one (1) lot, **be approved**, subject to the following condition(s):

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. 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;
4. 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;
5. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
6. That all of the above conditions be fulfilled on or before May 21st, 2025, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Approved by:



Rita Jabbour, RPP
Deputy Secretary-Treasurer/ Manager, Planning Services



Provisional Decision of Approval Authority with Reasons
Re: Application for Consent

NOTE - The last day for appealing this decision is **Tuesday, June 10, 2025.**

Planning Act, R.S.O. 1990

Town of Essex Committee of Adjustment

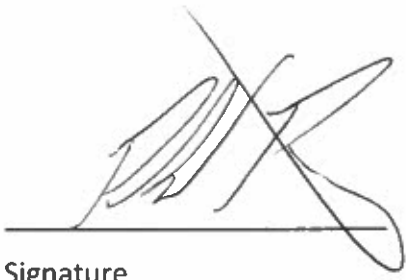
File Number: 8-06-25
Owner: Robert & Stephen Mathies
Location of Property: 265 Maidstone Avenue East (Essex Centre, Ward 1)
Purpose of Application: To sever a $\pm 9,299.34$ sqm (2.3 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot to be added to the vacant residential property to the south identified as 0 Maidstone Ave E. The retained lot is proposed to have an area of $\pm 2,111$ sqm (0.52 acres). The applicants are proposing this consent for the purposes of a lot addition.

I/We the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under the Planning Act, R.S.O. 1990, Concur in the following decision and reasons for decision made on 21st day of May, 2025

Decision: GRANTED
Amendments: None
Conditions: (X) Yes
() No

Reasons for Decision: The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".

No written and oral submissions were received as a result of public notice.



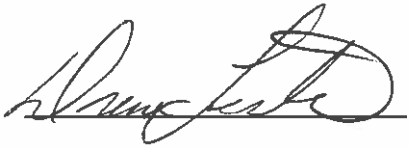
Signature

Phil Pocock



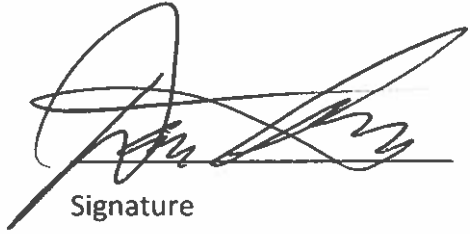
Signature

William Baker



Signature

Dorene Lester



Signature

Dan Sauve



Signature

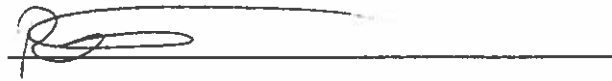
Matthew Child

Certification

Planning Act, R.S.O. 1990

I, Rita Jabbour, Deputy Secretary-Treasurer of the Town of Essex Committee of Adjustment, hereby certify that the above is a true copy of the Provisional Decision of the Committee with respect to the application recorded therein.

May 21, 2025



Rita Jabbour, RPP

Deputy Secretary-Treasurer/ Manager, Planning Services

Schedule A

B-06-25

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. 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;
4. 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;
5. That the severed parcel be consolidated with the lands known as 0 Maidstone Avenue East. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;
6. That the existing accessory structures located in rear yard be brought into compliance with the Zoning By-law.
7. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
8. That all of the above conditions be fulfilled on or before May 21st, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.



Provisional Decision of Approval Authority with Reasons
Re: Application for Consent

NOTE - The last day for appealing this decision is **Tuesday, June 10, 2025.**

Planning Act, R.S.O. 1990

Town of Essex Committee of Adjustment

File Number: B-07-25
Owner: Robert & Stephen Mathies
Location of Property: 265 Maidstone Avenue East (Essex Centre, Ward 1)
Purpose of Application: To sever a \pm 1,912 sqm (0.47 acre) parcel from the existing \pm 13,322.3 sqm (3.29 acre) lot. The retained lot is proposed to have an area of \pm 2,111 sqm (0.52 acres). The applicants are proposing this consent for the creation of one (1) new lot.

I/We the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under the Planning Act, R.S.O. 1990, Concur in the following decision and reasons for decision made on 21st day of May, 2025

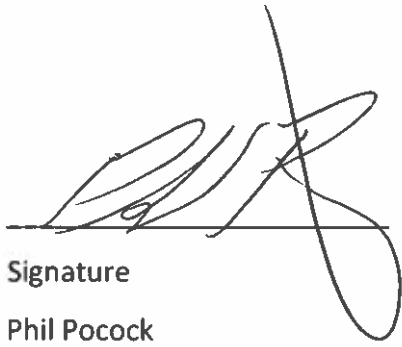
Decision: GRANTED

Amendments: None

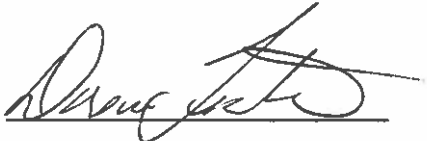
Conditions: (X) Yes
() No

Reasons for Decision: The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting "Consents".


No written and oral submissions were received as a result of public notice.


Signature
Phil Pocock

Signature
William Baker


Signature
Dorene Lester


Signature
Dan Sauve


Signature
Matthew Child

Certification
Planning Act, R.S.O. 1990

I, Rita Jabbour, Deputy Secretary-Treasurer of the Town of Essex Committee of Adjustment, hereby certify that the above is a true copy of the Provisional Decision of the Committee with respect to the application recorded therein.

May 21, 2025



Rita Jabbour, RPP
Deputy Secretary-Treasurer/ Manager, Planning Services

Schedule A

B-07-25

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures, and one digital copy will remain as a record with the Town;
3. 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;
4. 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;
5. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
6. That all of the above conditions be fulfilled on or before May 21st, 2027, as per Section 53 (41) of the Planning Act, R.S.O. 1990.



2025-06-20

File Number: 1409-25

Ian Rawlings, Town of Essex
Development Services, 2610 County Road 12
Essex, ON
N8M 2X6

RE: Rezoning
265 MAIDSTONE AVE E
Municipal File Number: ZBA-01-25

The Town of Essex has received Application for Zoning By-law Amendment ZBA-01-25 for the above noted subject property, which is zoned Development Reserve District 1.1 (DR1.1) under the Town of Essex Comprehensive Zoning By-Law, By-Law 1037 and is located within the Primary Settlement Area of Essex Centre.

The Subject Lands were recently granted severance approval resulting in the creation of three (3) lots (File No. B-06-25 & B-07-25). The applicant is seeking to amend the zoning designation of the lands to Residential District 1.1 (R1.1) to permit the construction of one (1) Single Unit Dwelling and accessory uses (i.e. detached garages, sheds) on the lots. In addition, the applicant is requesting relief from Subsection 14.1. b) x. and Subsection 10.3 e) v. of the Zoning By-law to permit an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area, with a building height of (19 ft). The Zoning By-law prescribes a maximum size of 70 sqm (750 sqft) and a maximum building height of 4 m (13 ft) for an accessory structure in a R1.1 Zoning District.

ERCA AS A LANDOWNER

For the owner's information we note that this property is adjacent to the ERCA owned Chrysler Canada Greenway. For inquiries regarding the Greenway, or prior to any construction and/or site alteration activities adjacent to the Greenway (including proposals for access corridors), please contact Conservation Services.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. **O. REG 686/21**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the Conservation Authorities Act.

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 (Ontario Regulation 41/24 under the Conservation Authorities Act). As a result, an approval is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act.

FINAL RECOMMENDATION



Our office has no objection to ZBA-01-25.

Sincerely,

Alicia Good

Alicia Good
Watershed Planner

The Corporation of the Town of Essex

By-Law Number 2457

Being a By-Law to amend By-Law 1037, the
Comprehensive Zoning By-Law for the Town of
Essex, for the Lands Located at 265 Maidstone
Ave East

WHEREAS By-Law Number 1037 is the Town’s Comprehensive Zoning By-Law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-Law Number 1037;

NOW THEREFORE be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. **That** the zoning district for the lands located at 265 Maidstone Avenue East be rezoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
2. **That** Subsection 28.1 a), of By-Law 1037, be amended by adding the following paragraph:

71. For the lands comprising Blocks 54 and 55, Part Lot 282, located on the north side of Maidstone Avenue East, an accessory structure (detached garage) that is 232 sqm (2,500 sqft) in Gross Floor Area, with a building height of (19 ft) is permitted, subject to the following provisions:

 - a) That the accessory structure be located 1.2 m (4.0 ft) from the eastern interior lot line, and 11.3 m (37.16 ft) from the rear lot line.
3. **That** Zoning District Map Number 3 be amended accordingly.
4. **That** this By-Law shall come into full force and effect upon the final passing thereof.

Read a first, and second time and provisionally adopted on July 7, 2025.

Mayor

Clerk

Read a third time and finally passed on July 21, 2025.

Mayor

Clerk