



## Special Council Meeting Agenda

March 29, 2021, 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](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

This meeting will be hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting is not currently open to the public for in person attendance. This meeting can only be viewed by the public electronically via livestream on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

The purpose of this meeting is to consider amendments to the General Zoning By-Law 1037 under the provisions of the Planning Act, R.S.O. 1990.

Pages

**1. Call to Order**

**2. Declarations of Conflict of Interest**

**3. Adoption of Published Agenda**

**3.1. Special Council Meeting Agenda for March 29, 2021**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the published agenda for the March 29, 2021 Special Council Meeting be adopted as presented / amended.

**4. Reports from Administration**

**4.1. Site Specific Zoning Amendment at O County Road 50 East**

1

RE: The Kiwanis Club of Windsor, ZBA-01-21

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation entitled "Site Specific Zoning Amendment at O County Road 50 East", be received.

4.1.1. Edwin C. Hooker, Agent, Wolf Hooker Professional Corporation

4.1.2. Dan Inverarity, Representative, The Kiwanis Club of Windsor

**4.2. Site Specific Zoning Amendment at 3900 North Malden Road**

25

RE: Lorne McKim, ZBA-02-21

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation entitled "Site Specific Zoning By-Law Amendment at 3900 North Malden Road", be received.

4.2.1. Jennifer McKim, Agent

4.2.2. Lorne McKim, Applicant

**4.3. Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road**

48

RE: Salvatore Mazella, ZBA-03-21

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the presentation entitled "Site Specific Zoning Amendment for the Vacant Lands on the North Side of South Talbot Road", be received.

4.3.1. Matt Baird, Agent, Baird AE

4.3.2. Salvatore Mazella, Applicant

4.3.3. Mike Mazzella, General Manager, Sturgeon Woods

**5. Adjournment**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

That the meeting be adjourned at \_\_\_\_\_.



## Public Meeting to Consider Amendments to the Town of Essex Zoning By-law 1037

**ZBA-01-21**

**Applicant:** The Kiwanis Club of Windsor (Agent: Edwin C. Hooker –Wolf Hooker Professional Corporation)

**Lands:** Vacant lands comprising lots 40 to 52, located on the South Side of County Road 50 East, West of Breezeway Drive, Colchester South

### Meeting Information

The Council for the Town of Essex will hold a virtual public meeting on **Monday, March 29, 2021 starting at 5:00pm** to consider an amendment to the General Zoning By-law 1037 under the provisions of the Planning Act, R.S.O. 1990.

You are invited to attend this electronic meeting and to express any interest you may have in the requested amendments. This matter is also scheduled for formal decision at the Regular Council Meeting on **Monday April 6, 2021** commencing at **6:00pm**.

### Proposal

The subject lands are zoned Residential District 1.1 (R1.1) for low density housing on urban lots under the Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037. The lands are also subject to site specific zoning conditions limiting the minimum lot area to 4000 square metres (Section 28.1.30).

The applicants have submitted an application for site specific zoning by-law amendment to allow for the following:

- A reduction in the minimum lot area from 4000 square metres to 1850 square metres to permit residential infilling for four (4) residential lots

**A Site Plan has been attached for reference.** The minimum lot area for R1.1 lands not serviced by a sanitary sewer under Bylaw 1037 is 1850 square metres. East of the Colchester Hamlet, residential development is restricted to minor infilling that meets the applicable provisions of the Ministry of Environment and/ or the Ontario Building Code for the provision of septic systems within the currently established and zoned residential areas, in accordance with the Town of Essex Official Plan.

### Public Comment and Rights to Appeal

Any person may attend the virtual public meeting and/or make written or verbal comments in support of or in opposition to the proposed amendments. **Any person who wishes to attend this meeting electronically and/or speak at this meeting as a delegate will need to register as an electronic delegation by providing their contact information to the Planning Division via email to [essexplanning@essex.ca](mailto:essexplanning@essex.ca) or by phone at 519.776.7336 extension 1128 no later than the deadline of 24 hours prior to the date and time of the scheduled meeting. Attendees/delegates will be contacted directly with registration details prior to the meeting.**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council for the Town of Essex before the proposed Zoning By-law amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of the Town of Essex to the Local Planning Appeals Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council for the Town of Essex before the proposed Zoning By-law amendments are adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party.

## Publication of Personal Information

Personal information contained in any correspondence or oral presentation that you provide will become part of the public record and will be available on the Town website. Personal information is collected and disclosed pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

## Comment Submissions and More Information

More information relating to the proposed amendment is available for review at Essex Town Hall (33 Talbot Street South, Essex Centre, N8M 1A8) during regular office hours (8:30am to 4:30pm). It is recommended that an appointment be scheduled for this purpose. To schedule an appointment, please contact the Planning Division at 519-776-7336 ext. 1128.

Written submissions must be directed to the Town of Essex Planning Division, 33 Talbot Street South, Essex, Ontario, N8M 1A8.

## Public notice placed by:

Rita Jabbour, RPP, BA. MSc

Manager, Planning Services

Tel: 519-776-7336 extension 1112

Fax: 519-776-8811

Email: [rjabbour@essex.ca](mailto:rjabbour@essex.ca)

February 25, 2021

## Subject Property:





Notes  
Enter Map Description

THIS MAP IS NOT TO BE USED FOR NAVIGATION  
Copyright © 2020 by the Corporation of the County of Essex. This map is provided by the Corporation of the County of Essex on an "as is" basis. Assessment parcel provided by Termet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



# **Public Meeting**

**Regarding a Site Specific Zoning Amendment  
at 0 County Road 50 East**

**Applicant: Kiwanis Camp of Windsor**

March 29, 2021

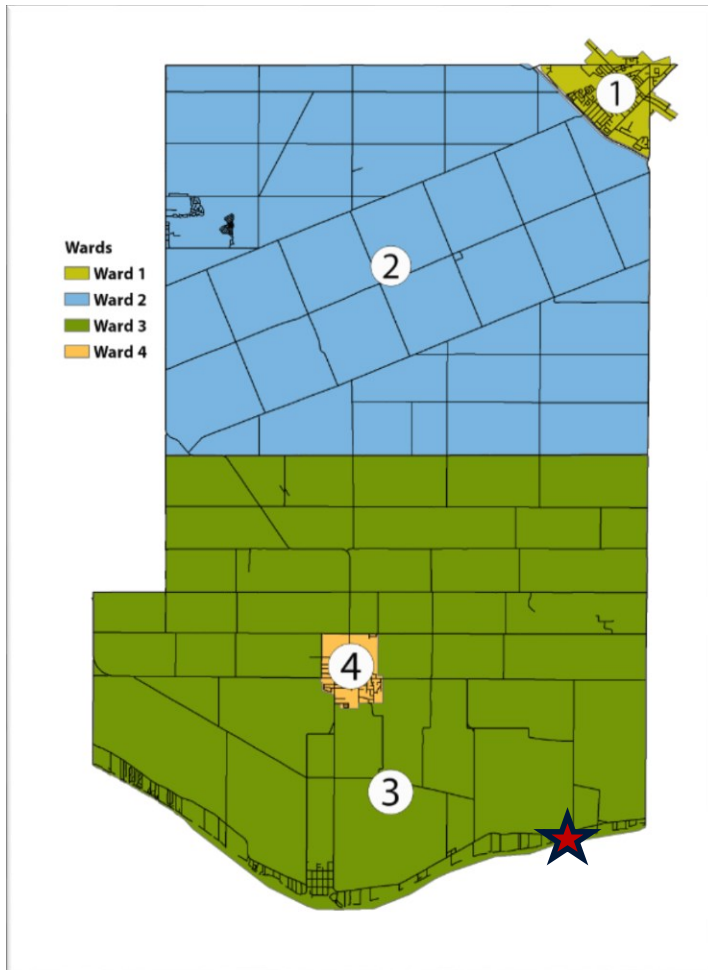


## Purpose of Meeting:

At this statutory public meeting, Council hears representations regard to the merits and concerns related to the application for amendment.

**Council does not make a decision at this time.**

# Subject Lands



## Location:

0.8 hectares (2 acres) of residential lands on the South side of County Road 50 East

**Official Plan Designation:**  
Lakeshore Residential

**Existing zoning:** Residential District 1.1, low density housing on urban lots

★ Subject lands

# Development Profile

- Vacant land on the West side of Breezeway
  - Accessory to Kiwanis Camp
  - **Within 120 metres** of Natural Heritage Feature
- Feature



# Neighbourhood Profile

- South of County Road 50
  - Residential District 1.1
  - Just East of Kiwanis Camp, Erie Shore Campground
  - **Not** within 120 metres of Provincially significant wetland/Area of Natural Environment
- North of County Road 50
  - General agricultural District



- ★ Subject lands
- ★ Wetland/Area of Natural Environment

# Infrastructure

## Existing Infrastructure:

- Municipal Road (gravel, Owned by the Town but not assumed)
- Municipally owned and operated water supply depicted in blue
- Provisions for private on-site septic system system required



★ Subject Lands

# Proposed Zoning Change

To permit a reduction in the minimum lot area from 4000 square metres to 1850 square metres to permit residential infilling for four (4) residential lots (Lots 40-52 on RP 1390)



# Reason for Zoning Change

## 2014:

- Zoning Bylaw Amendment approved to change zoning designation for subject property and Kiwanis Camp property from Green District to Residential District (Bylaw 1313).

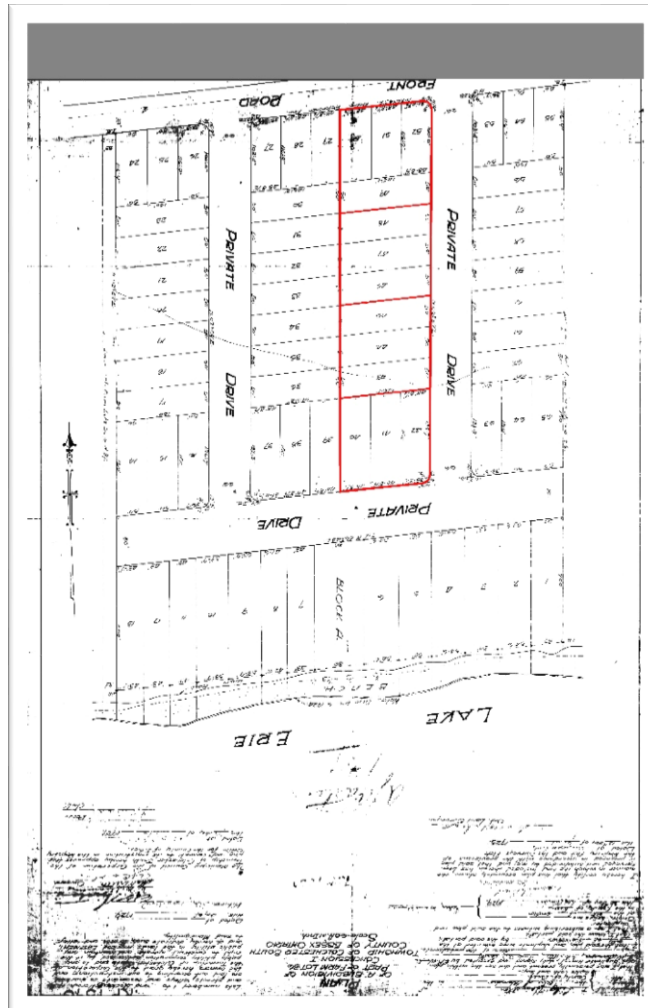
- Three (3) building lots were proposed at the time (one on each parcel A, B and C).

- A supplementary regulation was added restricting each building lot to a minimum lot area of 4000 square meters (approximately 43,000 square feet) in order to satisfy Council's direction for no more than six (6) building lots to qualify as "minor infilling".



# Registered Plan 1390

- Registered in 1929
- 13 lots on Subject lands





# Definitions

*Lot Area* means the total land area, as measured along a horizontal plane, within the lot lines of a lot, but does not include any part of a lot permanently covered with water.

# Current Regulations

- 1850 square metre minimum lot area for lots not serviced by a sanitary sewer in R1.1 district

Subsection 14.1 Residential District 1.1 (R1.1)			
Low density housing on urban lots			
a) Permitted Uses			
i. Main use	One Single Detached Dwelling or One Bed and Breakfast Dwelling	Lawfully Existing Duplex Dwelling	Lawfully Existing Semi-Detached Dwelling
ii. Accessory use	Any use accessory to the Main Use		
b) Regulations			
i. Lot Width – Minimum	15m (50f)	18m (60f)	21m (70f)
ii. Lot Area – Minimum	460m <sup>2</sup> (5000f <sup>2</sup> ) for a lot serviced by a sanitary sewer 1850m <sup>2</sup> (20,000f <sup>2</sup> ) for a lot not serviced by a sanitary sewer	555m <sup>2</sup> (6000f <sup>2</sup> )	650m <sup>2</sup> (7000f <sup>2</sup> )
iii. Lot Coverage – Maximum	40% of lot area	40% of lot area	40% of lot area
iv. Building Height – Maximum	10m (32f) for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building	10m for a main building 1 storey for an accessory building
v. Front Yard Depth – Minimum	7.5m (25f)	7.5m	7.5m
vi. Rear Yard Depth – Minimum	7.5m	7.5m	7.5m



# Policy Framework

## Provincial Policy Statement (PPS) 2020

Residential development that is locally appropriate is permitted on *rural lands*. Development must be appropriate to the infrastructure which is available and avoid the need for the uneconomical/ unjustified expansion of infrastructure

## Town of Essex Official Plan

Restricted to “minor infilling” within currently established and zoned residential areas where the development meets the applicable provisions for septic systems

One (1) Single detached dwelling permitted in the Lakeshore Residential Designation

# Agency Comments

Department/Agency	Comments
Essex Fire and Rescue	No objections
County of Essex	Compliance with County Road setback required for any structure/building (85 of CTY RD 50 ROW) Permits required Access must be off of Breezeway Drive
Essex Region Authority (ERCA)	Owner required to obtain permit prior to construction/site alteration activity No EIA required No objection

# Public Comments

- 120 metre circulation radius
- No public comments received as of Friday March 26, 2021





# Next Steps

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the April 6, 2021 Regular Council Meeting.
2. At the April 6, 2021 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

That Bylaw 1313 be amended to remove the minimum lot area regulation for lots 1390.

Proposed Revision:

**Section 28.1.30.** For the lands comprising Lots 14 to 20, 27 to 39 ~~and 40 to 52~~, all inclusive, on Plan 1390, located on the south side of County Road 50, west of minimum lot area shall be 4000 square meters and the provisions of paragraph not apply.



**Thank You!**

**Questions?**



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 02, 2021

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-01-21  
COUNTY RD 50 (BREEZEWAY DR)  
ARN 375461000006400; PIN: 751860068  
Applicant: KIWANIS CLUB OF WINDSOR

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-01-21. The applicants have submitted an application for site specific zoning by-law amendment to allow for a reduction in the minimum lot area from 4000 square metres to 1850 square metres to permit residential infilling for four (4) residential lots.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Dolson Creek. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Ms. Jabbour  
March 02, 2021

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

## **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Notwithstanding the above noted references to the PPS policies, based on our review of the subject application, it is our recommendation to the Municipality that an Environmental Impact Assessment is not required for this site specific zoning by-law amendment. However, the PPS policies that addresses natural features can be addressed in any subsequent consent application.

Ms. Jabbour  
March 02, 2021

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA notes that there is a natural feature on the subject site. The PPS policies that addresses natural features can be addressed in any subsequent consent application. Therefore, we do not have any objection to this current site specific zoning by-law application.

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

Sincerely,



Vitra Chodha  
*Resource Planner*  
/vc



March 5, 2021

Ms. Rita Jabbour  
Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

Dear Ms. Jabbour:

**Re: ZBA-01-21, The Kiwanis Club of Windsor, Part Lot 40 to 52, Breezeway Beach & Row Over Blk A, Plan 1390, South Side of County Road No. 50**

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Please be advised that the County Infrastructure Service has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 50. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 50. Permits are necessary for any changes to existing structures, or the construction of new structures. Property fronting County Road No. 50 will be required to access from Breezeway Drive. No access will be permitted off County Road No. 50.

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,

Kristoffer Balallo  
Engineering Technologist

☎ 519-776-6441  
TTY 1-877-624-4832

📍 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

💻 [countyofessex.ca](http://countyofessex.ca)



## Public Meeting to Consider Amendments to the Town of Essex Zoning By-law 1037

**ZBA-02-21**

**Applicant:** Lorne Mc Kim (Agent: Jennifer Mc Kim)

**Lands:** 3900 North Malden Road, Colchester North, Ward 2

### Meeting Information

The Council for the Town of Essex will hold a virtual public meeting on **Monday, March 29, 2021 starting at 5:00pm** to consider an amendment to the General Zoning By-law 1037 under the provisions of the Planning Act, R.S.O. 1990.

You are invited to attend this electronic meeting and to express any interest you may have in the requested amendments. This matter is also scheduled for formal decision at the Regular Council Meeting on **Monday April 6, 2021** commencing at **6:00pm**.

### Proposal

The applicants have submitted an application for site specific zoning by-law amendment to allow for the following:

- The use of the existing single-detached dwelling to accommodate the housing of farm help

The subject property is zoned Agricultural District 1.1 (A1.1). In accordance with the Town of Essex Official Plan, only one (1) dwelling unit will be permitted per lot in the agricultural district. One (1) or more ancillary dwellings on an operating farm for the purposes of housing farm help may be permitted by site-specific zoning by-law amendment and Site Plan Control approval, where:

- the farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm, and
- the ancillary dwellings are located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.

**A site plan has been attached for reference.** Under the Town's Zoning Bylaw, Bylaw 1037, an *ancillary use* is defined as use which complements or otherwise provides a service to the main uses of the zoning district in which it is located. A *dwelling* is defined as a building or structure that is occupied, in whole or in part, for the purpose of human habitation.

A new single detached dwelling is proposed to serve as the primary residence for the farm operators/property owners. The ancillary dwelling will utilize the existing access area that will serve the proposed dwelling. In accordance with the Provincial Policy Statement (PPS), the severance of a dwelling ancillary to a farming operation is not permitted.

### Public Comment and Rights to Appeal

Any person may attend the virtual public meeting and/or make written or verbal comments in support of or in opposition to the proposed amendments. **Any person who wishes to attend this meeting electronically and/or speak at this meeting as a delegate will need to register as an electronic delegation by providing their contact information to the Planning Division via email to [essexplanning@essex.ca](mailto:essexplanning@essex.ca) or by phone at 519.776.7336 extension 1128 no later than the deadline of 24 hours prior to the date and time of the scheduled meeting. Attendees/delegates will be contacted directly with registration details prior to the meeting.**

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If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council for the Town of Essex before the proposed Zoning By-law amendments are adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party.

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### Comment Submissions and More Information

More information relating to the proposed amendment is available for review at Essex Town Hall (33 Talbot Street South, Essex Centre, N8M 1A8) during regular office hours (8:30am to 4:30pm). It is recommended that an appointment be scheduled for this purpose. To schedule an appointment, please contact the Planning Division at 519-776-7336 ext. 1128.

Written submissions must be directed to the Town of Essex Planning Division, 33 Talbot Street South, Essex, Ontario, N8M 1A8.

### Public notice placed by:

Rita Jabbour, RPP, BA, MSc

Manager, Planning Services

Tel: 519-776-7336 extension 1112

Fax: 519-776-8811

Email: [rjabbour@essex.ca](mailto:rjabbour@essex.ca)

February 25, 2021

### Subject Property:



Lot 16  
(119.25 Acres)

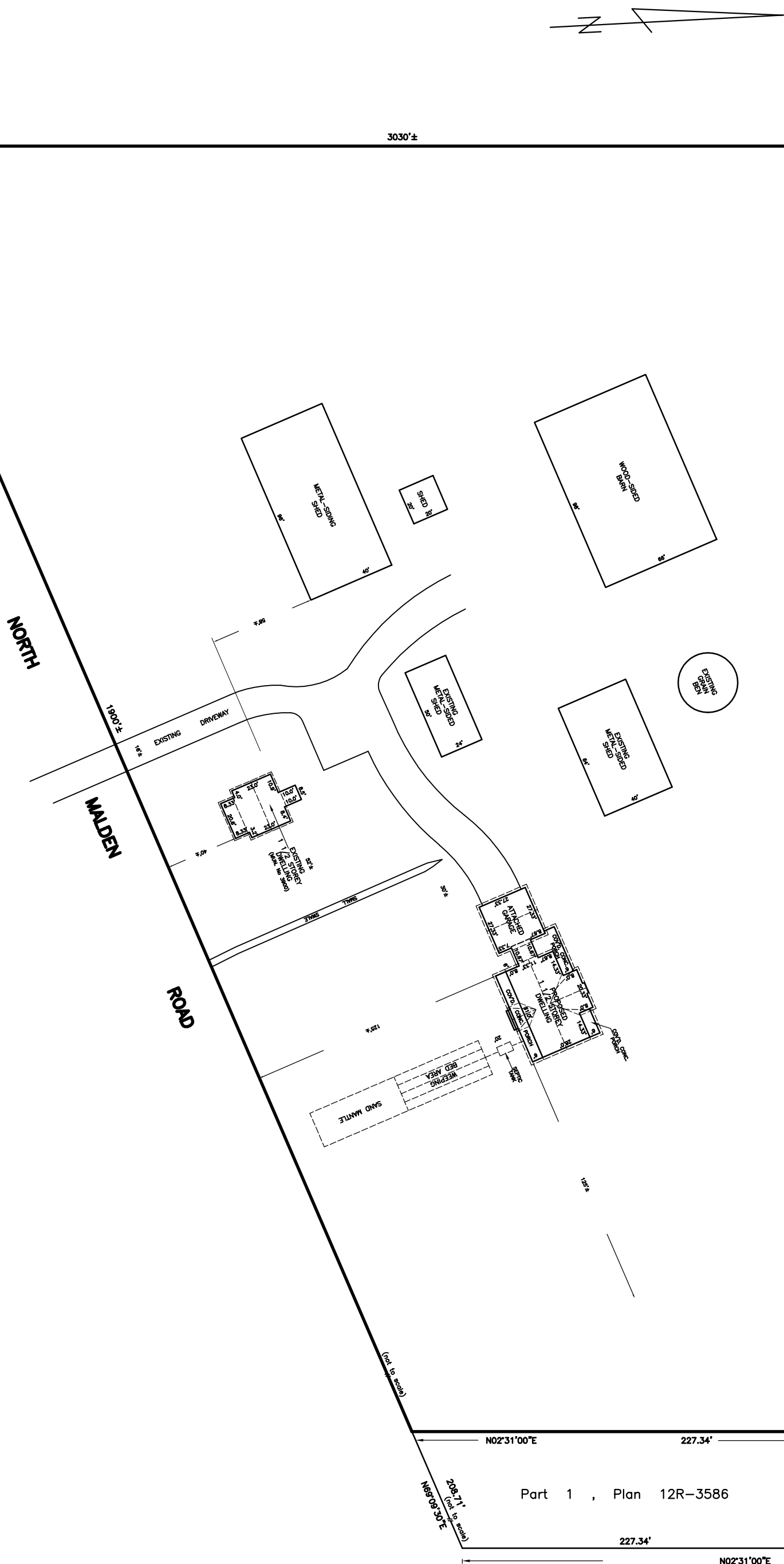
Lot 15

2000' F

(not to scale)

(not to scale)

1938'± (not to scale)



**ROAD ALLOWANCE BET'N . LOTS 16 AND 17**

## SITE PLAN

SCALE 1" = 60'



# **Public Meeting**

**Regarding a Site Specific Zoning Amendment  
at 3900 South Malden Road**

**(Applicant: Lorne McKim)**

March 29, 2021

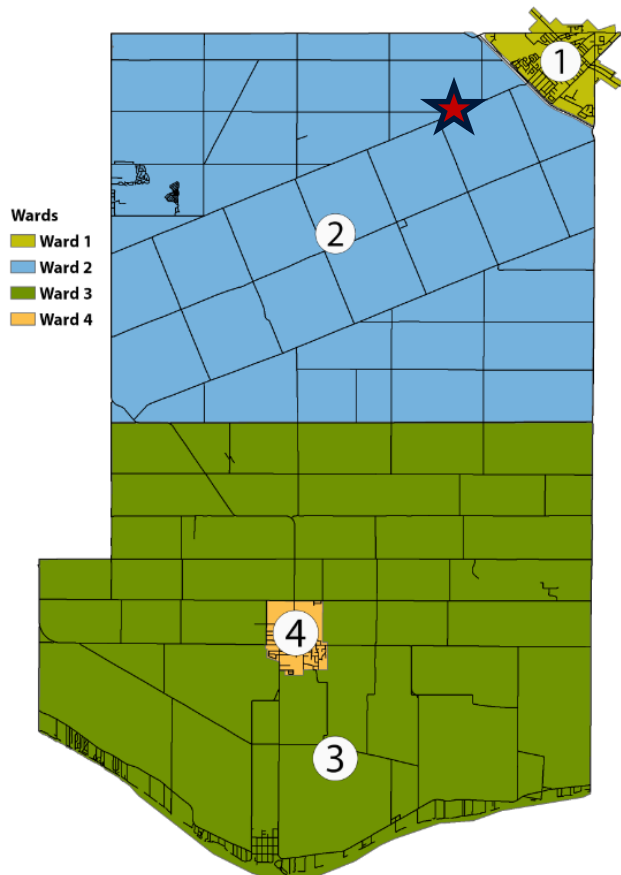


## Purpose of Meeting:

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:

48 hectares (119 acres) of agricultural lands on the North side of North Malden Road

## Official Plan Designation:

Agricultural

**Existing zoning:** Agricultural District 1.1, general agriculture and farm production support activities

★ Subject lands









# Proposed Zoning Change

To permit:

- The use of the existing single-detached dwelling(s) to accommodate the housing of farm help.

## Definitions

- An *ancillary use* is defined as a use which complements or otherwise provides a service to the main uses of the zoning district in which it is located.
- A *dwelling* is defined as a building or structure that is occupied in whole or in part, for the purposes of human habitation.



# Current Regulations

## Town of Essex Zoning Bylaw

Only one (1) single detached dwelling is permitted per lot in the A1.1 zoning district

## Provincial Policy Statement (PPS) 2020

In prime agricultural areas, permitted uses and activities are: agricultural uses.

PPS definition of *Agricultural Uses* includes accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

## Town of Essex Official Plan

One (1) or more ancillary dwellings for the purposes of housing farm help by site specific zoning by-law amendment and site plan control approval, where:

- 1) the farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm, and,
- 2) the ancillary dwellings are located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.



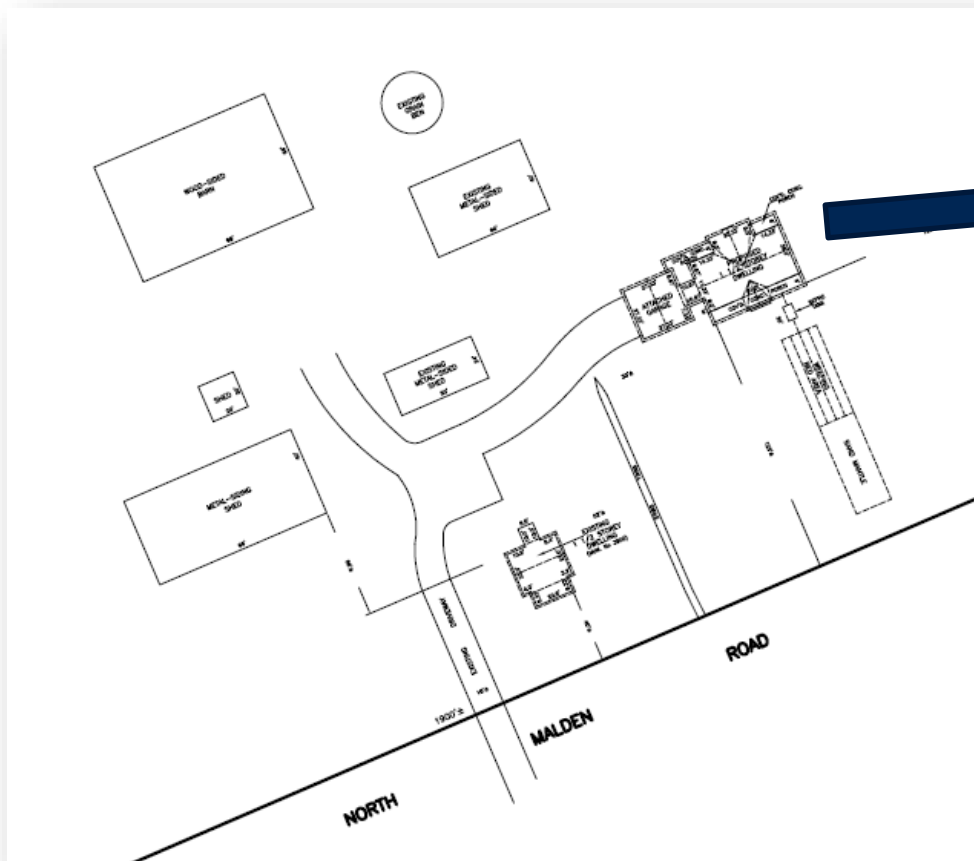
# McKim Farms

## Farming Operation:

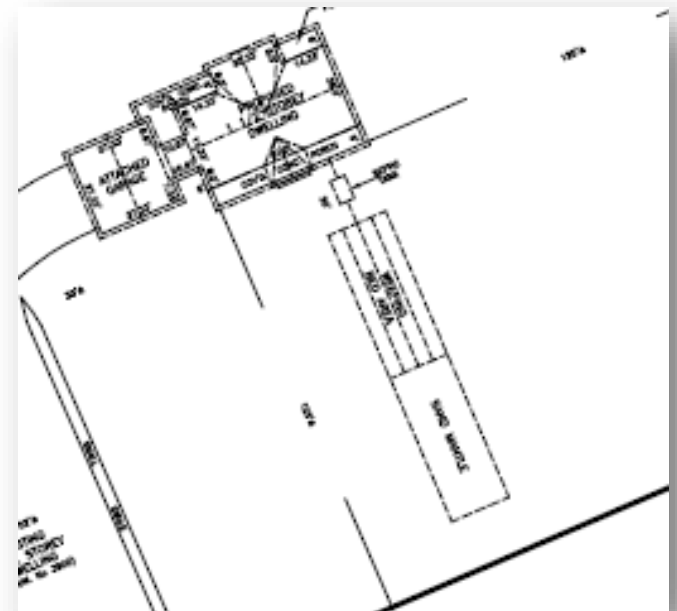
- 1) Subject lands currently used for agricultural crops cultivation and raising beef cattle. The operation also houses chickens and horse.
- 2) Applicant owns adjoining parcel of land which forms part of the agricultural cash crop cultivation.
- 3) In total, applicant owns 85.58 hectares of agricultural land in the Municipality\*

*\* The farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm*

# Site Plan



Proposed main dwelling



# Proposed Development

Permit the existing dwelling as an Ancillary Dwelling for farm labour accommodation:

- Existing dwelling is  $\pm 88$  square metres (+947.84 sq feet) in total footprint area
- Proposed to accommodate one farm labourer
- Located behind the warehouse/cooler





# Agency Comments

Department/Agency	Comments
Essex Fire and Rescue Services	No objections
Department of Infrastructure Services	No objections – existing & main dwelling will need to be supplied with water from the existing plumbing on site. No additional water meter will be provided
Building Division	No objections - proof of existing farm labour accommodation may be required
Essex Region Conservation Authority (ERCA)	No objections – permit required prior to any construction

# Public Comments

- 120 metre circulation radius
- No public comments received as of Friday March 26, 2021





# Next Steps

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the April 6, 2021 Regular Council Meeting.
2. At the April 6, 2021 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.
3. Applicant proceeds to Site Plan Control approval.



# Proposed Bylaw Passage

For the lands municipally known as 3900 North Malden Road, the use of the existing dwelling to accommodate the housing of farm help shall be permitted in accordance with the site plan adopted by Bylaw [Bylaw Number to be determined].



**Thank You!**

**Questions?**



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 03, 2021

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-02-21  
3900 NORTH MALDEN RD  
ARN 375457000000300; PIN: 752280038  
Applicant: Lorne McKim

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-02-21. The applicants have submitted an application for site specific zoning by-law amendment to allow the use of the existing single-detached dwelling to accommodate the housing of farm help.

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Dooley Drain and Essex Outlet Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

Ms. Jabbour  
March 03, 2021

#### **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

#### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, based on our review of the subject application, it is our recommendation to the Municipality that an Environmental Impact Assessment is not required because the current application seeks only to add a new use to an existing development. In our opinion based on these circumstances, a demonstration of no negative impact is not necessary in this case.

Ms. Jabbour  
March 03, 2021

**FINAL RECOMMENDATION**

With the review of background information and aerial photo, ERCA has no objection to this application for zoning by-law amendment.

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

Sincerely,



Vitra Chodha  
*Resource Planner*  
/vc



March 5, 2021

Ms. Rita Jabbour  
Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

Dear Ms. Jabbour:

**Re: ZBA-01-21, The Kiwanis Club of Windsor, Part Lot 40 to 52, Breezeway Beach & Row Over Blk A, Plan 1390, South Side of County Road No. 50**

---

Please be advised that the County Infrastructure Service has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 50. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 50. Permits are necessary for any changes to existing structures, or the construction of new structures. Property fronting County Road No. 50 will be required to access from Breezeway Drive. No access will be permitted off County Road No. 50.

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,

Kristoffer Balallo  
Engineering Technologist

☎ 519-776-6441  
TTY 1-877-624-4832

📍 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

💻 [countyofessex.ca](http://countyofessex.ca)



## Public Meeting to Consider Amendments to the Town of Essex Zoning By-law 1037

### ZBA-03-21

**Applicant:** Salvatore Mazzella (Agent: Matt Baird, Baird AE)

**Lands:** Vacant lands on the North side of South Talbot Road and East of King's Highway 3, identified as Part 1 and 2 on 12R-28489 in the Essex Centre.

### Meeting Information

The Council for the Town of Essex will hold a virtual public meeting on **Monday March 29, 2021 starting at 5:00pm** to consider an amendment to the General Zoning By-law 1037 under the provisions of the Planning Act, R.S.O. 1990.

You are invited to attend this electronic meeting and to express any interest you may have in the requested amendments. This matter is also scheduled for formal decision at the Regular Council Meeting on **Monday April 6, 2021** commencing at **6:00pm**.

### Proposal

The applicants have submitted an application for site specific zoning bylaw amendment to allow for the following:

- The development of an automobile sales lot for the sale and display of Recreational Vehicles (RV)

The subject lands are zoned Manufacturing District 1.3 (M1.3) for Light Industrial and Business Park purposes under the Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037. The development will also include a self-storage facility but the facility is **not** subject to a zoning amendment as the facility is a permitted use in the M1.3 zoning district under Bylaw 1037.

A motor vehicle dealership is a permitted use under the Town of Essex Official Plan for lands designated "Industrial". **A Site Plan has been attached for reference.** The development will also be subject to Site Plan Control approval.

### Public Comment and Rights to Appeal

Any person may attend the virtual public meeting and/or make written or verbal comments in support of or in opposition to the proposed amendments. **Any person who wishes to attend this meeting electronically and/or speak at this meeting as a delegate will need to register as an electronic delegation by providing their contact information to the Planning Division via email to [essexplanning@essex.ca](mailto:essexplanning@essex.ca) or by phone at 519.776.7336 extension 1128 no later than the deadline of 24 hours prior to the date and time of the scheduled meeting. Attendees/delegates will be contacted directly with registration details prior to the meeting.**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council for the Town of Essex before the proposed Zoning By-law amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of the Town of Essex to the Local Planning Appeals Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council for the Town of Essex before the proposed Zoning By-law amendments are adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party.

### Publication of Personal Information

Personal information contained in any correspondence or oral presentation that you provide will become part of the public record and will be available on the Town website. Personal information is collected and disclosed pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

### Comment Submissions and More Information

More information relating to the proposed amendment is available for review at Essex Town Hall (33 Talbot Street South, Essex Centre, N8M 1A8) during regular office hours (8:30am to 4:30pm). It is recommended that an

appointment be scheduled for this purpose. To schedule an appointment, please contact the Planning Division at 519-776-7336 ext. 1128.

Written submissions must be directed to the Town of Essex Planning Division, 33 Talbot Street South, Essex, Ontario, N8M 1A8.

**Public notice placed by:**

Rita Jabbour, RPP, BA, MSc

Manager, Planning Services

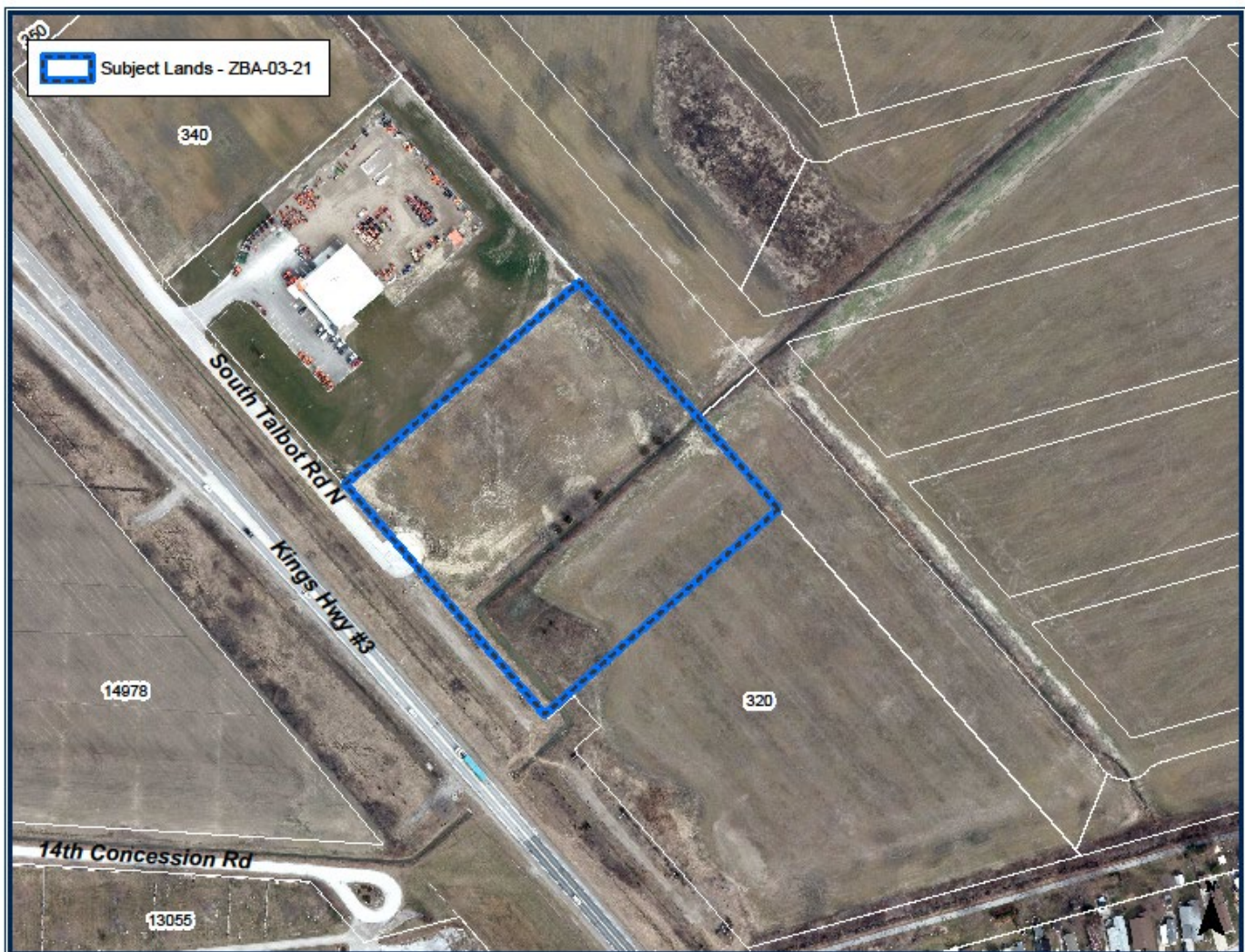
Tel: 519-776-7336 extension 1112

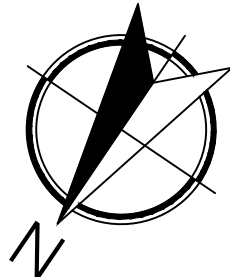
Fax: 519-776-8811

Email: [rjabbour@essex.ca](mailto:rjabbour@essex.ca)

February 25, 2021

**Subject Property:**





SITE ZONING:	M1-3		
DESCRIPTION:	REQUIRED:	PROVIDED:	
LOT WIDTH	24m	145.5m	
FRONT YARD DEPTH	7.5m	19.4m	
SIDE YARD WIDTH	3m FROM INTERIOR LOT LINE	6.9m	
BUILDING HEIGHT MAXIMUM	12m	8m	
LANDSCAPED AREA	15% OF LOT AREA	40%	
PARKING REQUIREMENTS:	1 FOR EACH 22.5M2 GFA		
PARKING:	41 SPACES	41 SPACES PROV.	
BARRIER FREE PARKING:	2 SPACES REQ.	2 SPACES PROV.	
LOADING SPACES	1	1	
LOT / BUILDING INFO:			
TOTAL LOT AREA	22,167.9 m²		
TOTAL BUILDING AREA:	911.9 m²		
NO. OF STOREYS:	2		
BUILDING USE & OCCUPANCY:	DEALERSHIP: F2		

NOTES:

1. ALL LIGHTING TO BE SHROUDED AND DARK SKY COMPLIANT
2. FIRE ROUTE SIGNAGE TO BE COORDINATED WITH FIRE DEPARTMENT UPON COMPLETION OF CONSTRUCTION

**LEGEND:**

## CONCRETE

LANDSCAPE (GRASS)

## HORNBEAM TREE

KARL FOERSTER REED GRASS

# FENCE

GRAVEL

## ASPHALT



# **Public Meeting**

**Regarding a Site Specific Zoning Amendment  
for the Vacant Lands on the North Side of South Talbot Road**

**Applicant: Salvatore Mazella (Agent: Matt Baird, Baird AE)**

March 29, 2021

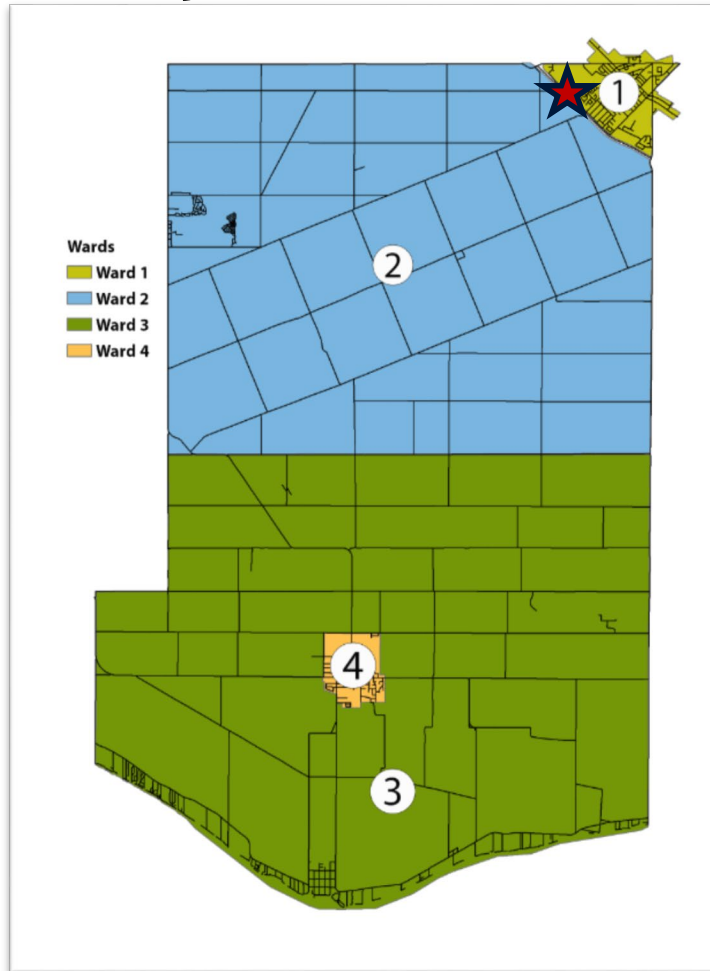


## Purpose of Meeting:

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:

2 hectares (5 acres) of industrial land on the North side of South Talbot Road and East of King's Highway #3

## Official Plan Designation:

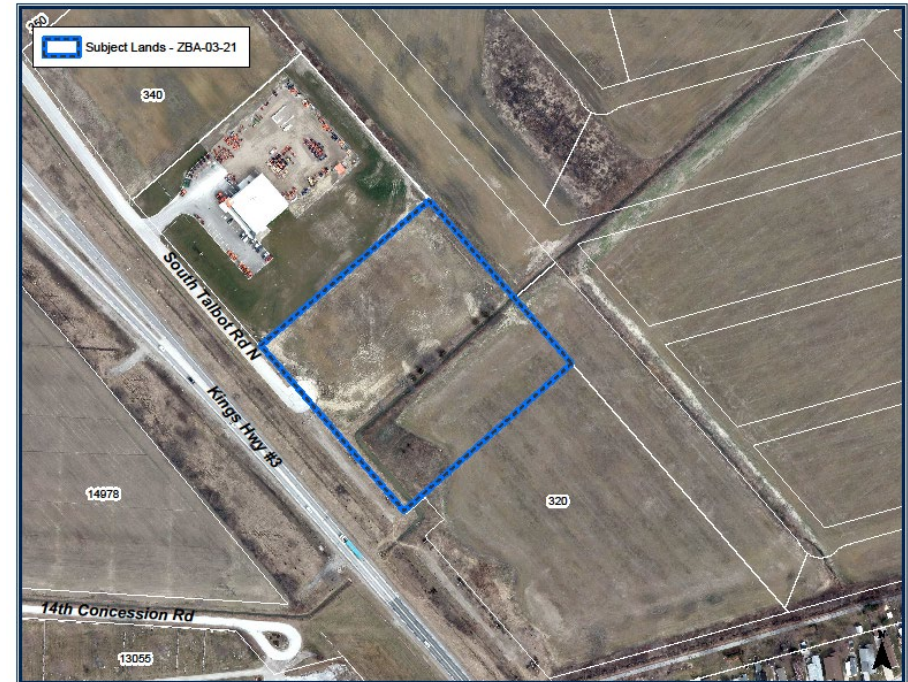
Industrial

**Existing zoning:** Manufacturing District 1.3, Light Industrial and Business Park

★ Subject lands

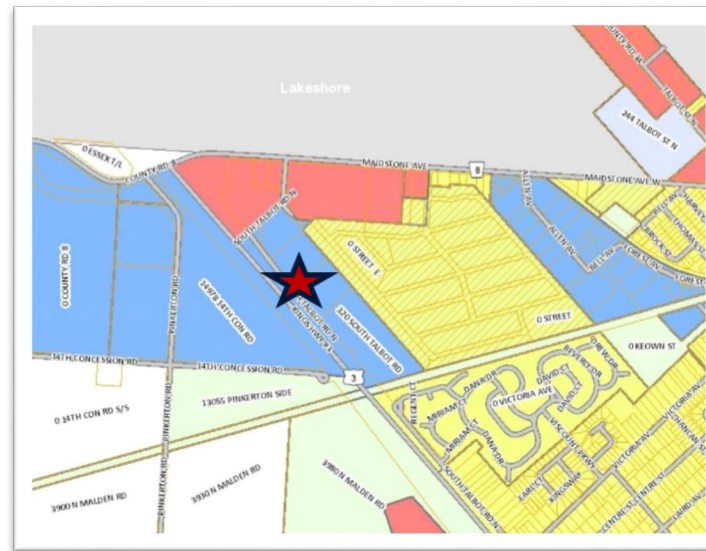
# Development Profile

- Vacant land Located within the Essex Centre Settlement Area
- Accessed off South Talbot Road
- Currently includes a portion of the Rush Drain



# Neighbourhood Profile

- **North:** Future residential Lands (Essex Town Centre)
- **East and West:** Industrial lands with Highway 3 Frontage and Highway Commercial Lands with County Road 8 Frontage
- **South:** Industrial Land



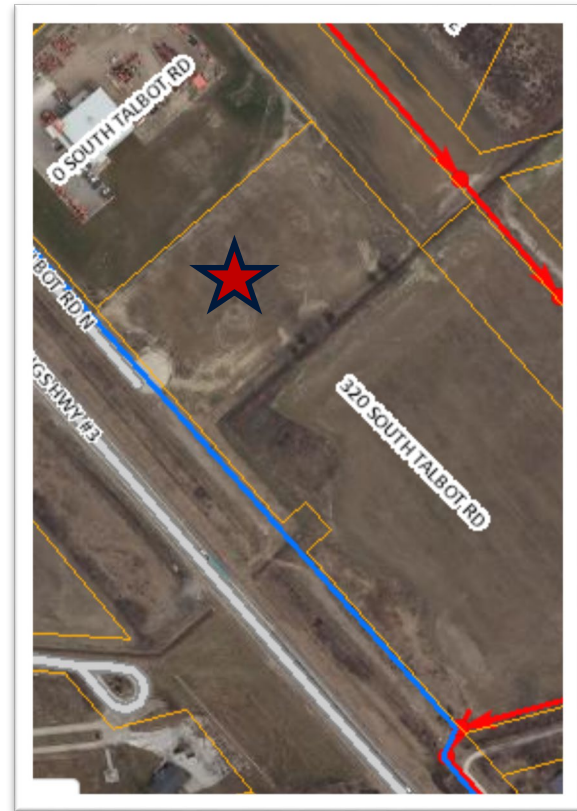
★ Subject lands



# Infrastructure

## Existing Infrastructure:

- Municipal Road (MTO reconstruction work underway)
- Municipally owned and operated water supply along South Talbot Road, as depicted in blue
- Municipally owned and operated sanitary sewers accessed through easement at rear of site, as depicted in red



★ Subject Lands



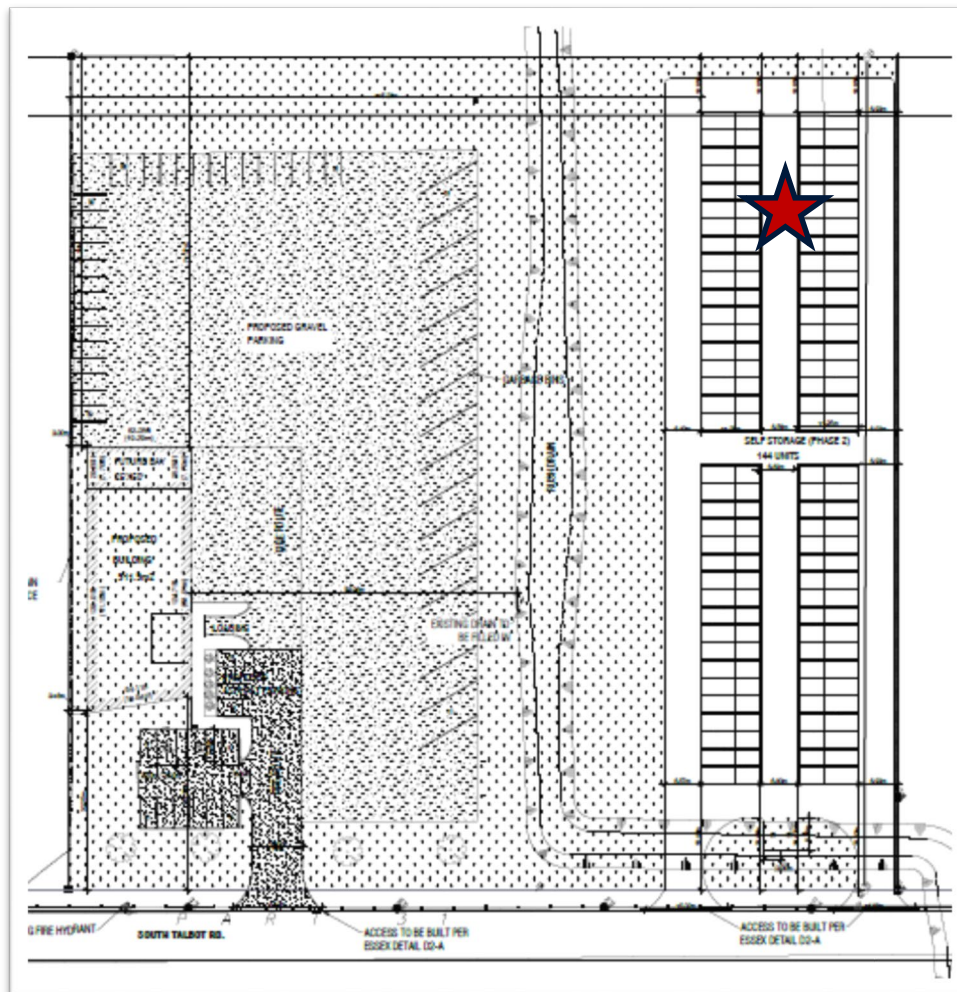
# Proposed Zoning Change

A Motor Vehicle Dealership is not permitted in the M1.3 zoning category under Zoning Bylaw 1037, therefore the reason for the zoning change is to permit:

- The development of a motor vehicle dealership for the sale and display of Recreational Vehicles (RV); and
- The development of one (1) building for a sales office, parts store, and repair garage (service building)

The applicants are the proprietors of Sturgeon Woods RV Sales and Campground in Leamington.

# Site Plan



- ★ Proposed self storage facility not subject to zoning amendment because it is a permitted use under the M1.3 zoning district



# Policy Framework

## Town of Essex Official Plan

**A** motor vehicle dealership is a permitted use under the Town of Essex Official Plan for lands designated “Industrial”.

## Provincial Policy Statement (PPS) 2020

Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

# Agency Comments

Department/Agency	Comments
Essex Fire and Rescue Services	No objections
Ministry of Transportation (MTO)	<ul style="list-style-type: none"><li>• No objections</li><li>• Site access off of South Talbot Road</li><li>• Building and land use permit required</li><li>• Will require a site plan, grading plan, drainage plan, servicing plan and stormwater management plan</li><li>• All plans to be reviewed during site plan</li></ul>
Essex Region Conservation Authority (ERCA)	No objections, further stormwater comments provided at the time of Site Plan Control

# Public Comments

- 120 metre circulation radius
- No public comments received as of Friday March 26, 2021





# Next Steps

1. A report to Council and proposed Bylaw will be prepared for Council's decision at the April 6, 2021 Regular Council Meeting.
2. At the April 6, 2021 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.
3. Applicant proceeds to Site Plan Control Approval.



# Proposed Bylaw Passage

**For the lands comprising Part of Lot 284 and 285 Concession South Talbot Road, more particularly described as part1 and 2 on 12R28489: a motor vehicle dealership is a permitted use.**



**Thank You!**

**Questions?**



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 02, 2021

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-03-21  
S TALBOT RD (330 S Talbot Rd)  
ARN 375421000000500; PIN: 752270223  
Applicant: Salvatore Mazella

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-03-21. The applicants have submitted an application for site specific zoning bylaw amendment to allow for the following:

- The development of an automobile sales lot for the sale and display of Recreational Vehicles (RV)

The subject lands are zoned Manufacturing District 1.3 (M1.3) for Light Industrial and Business Park purposes under the Town of Essex Comprehensive Zoning Bylaw, Bylaw 1037. The development will also include a self-storage facility but the facility is not subject to a zoning amendment as the facility is a permitted use in the M1.3 zoning district under Bylaw 1037. A motor vehicle dealership is a permitted use under the Town of Essex Official Plan for lands designated "Industrial".

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 14th Conc. E. Drain Branch and Rush Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region

Ms. Jabbour  
March 02, 2021

Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

### **SECTION 1.6.6.7 PPS, 2020 - Stormwater Management**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

## **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.



Ms. Jabbour  
March 02, 2021

**FINAL RECOMMENDATION**

With the review of background information and aerial photographs, ERCA has no objection to this application for site specific zoning bylaw amendment. However, further stormwater comments will be provided at the time of the site plan control circulation.

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

Sincerely,



Vitra Chodha  
*Resource Planner*  
/vc



March 5, 2021

Ms. Rita Jabbour  
Town of Essex  
33 Talbot Street South  
Essex, Ontario  
N8M 1A8

Dear Ms. Jabbour:

**Re: ZBA-01-21, The Kiwanis Club of Windsor, Part Lot 40 to 52, Breezeway Beach & Row Over Blk A, Plan 1390, South Side of County Road No. 50**

---

Please be advised that the County Infrastructure Service has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 50. The Applicant will be required to comply with the following County Road regulations:

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Regards,

Kristoffer Balallo  
Engineering Technologist

☎ 519-776-6441  
TTY 1-877-624-4832

📍 360 Fairview Ave. W.  
Essex, ON N8M 1Y6

💻 [countyofessex.ca](http://countyofessex.ca)