Special Council Meeting Agenda

July 6, 2020, 5:00 pm
Location: https://www.youtube.com/user/EssexOntario

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

This statutory public meeting is being held for the purpose of providing background information and the purpose of a proposed site specific zoning amendment related to 128 Harvey Street, Essex Centre, Ward 1.

Pages

1. Roll Call

2. Declarations of Conflict of Interest

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for July 6, 2020

July 6, 2020 Special Council Meeting Agenda

Moved by _____
Seconded by _____
That the published agenda for the July 6, 2020 Special Council Meeting be adopted as presented.

4. Presentations from Administration

4.1 Presentation entitled "Public Meeting regarding a Site Specific Zoning Amendment at 128 Harvey Street 1

Re: Site specific Zoning Amendment Application ZBA-02-20, Richard and Pauline Brockman

Vacant Land on the corner of Medora Avenue West and Harvey Street, Essex Centre, Ward 1

Moved by _____
Seconded by _____
That the presentation entitled Statutory Public Meeting regarding a Site Specific Zoning Amendment at 128 Harvey Street dated July 6, 2020, as prepared by Rita Jabbour, Manager, Planning Services, be received.

5. Correspondence

5.1 Fay Hermann 14

Re: Opposition to ZBA-02-20, 128 Harvey Street Essex, Ontario

5.2 Daniel Chan, CN Rail 16

Re: Railway Setback Restrictions

5.3 Kevin Carter, CBO Town of Essex 18

Re: Response to ZBA-02-20 (128 Harvey Street, Essex Centre, Ward 1)

Moved by _____
Seconded by _____
That the correspondence listed in Agenda Item 5 be received or received/supported.

6. Public Presentations

The Chair is to call for public delegations if any.

7. Adjournment

Moved by _____
Seconded by _____
That the meeting be adjourned at

Statutory Public Meeting

Regarding a

Site Specific Zoning Amendment at 128 Harvey Street

July 6, 2020

Lands affected: 929 square metre (10,000 square foot) vacant land at the westerly corner of Harvey Street and Medora Avenue

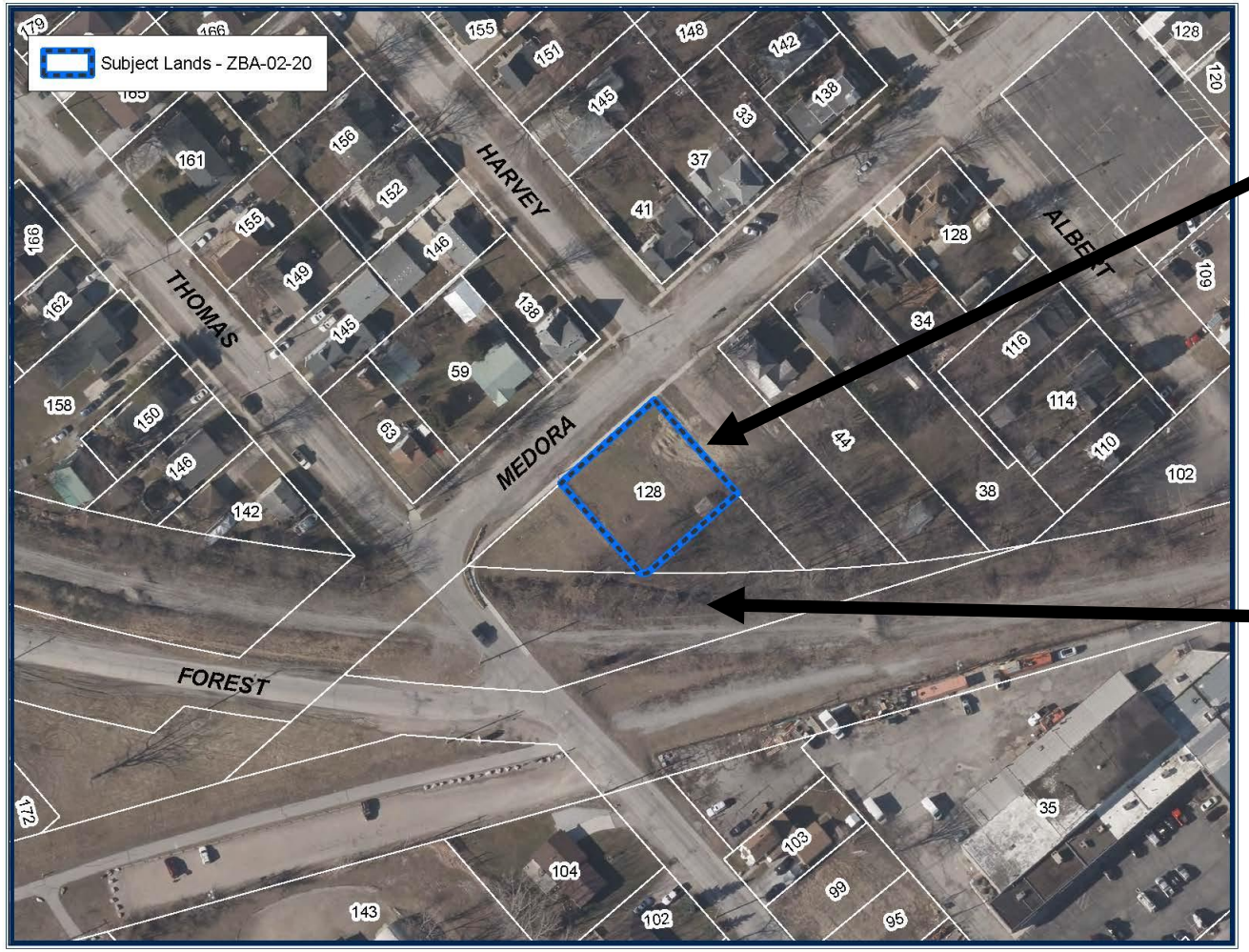
Official Plan Designation: Residential

Existing zoning: R1.1, low density housing on urban lots

Zoning change proposed:

To permit one (1) *semi-detached dwelling* with:

- a 1.2 metre (4 foot) setback from the exterior side lot line facing Harvey Street; and,
- A 7.5 metre (25 foot) setback from the main residential building and the railway Right of Way (ROW)

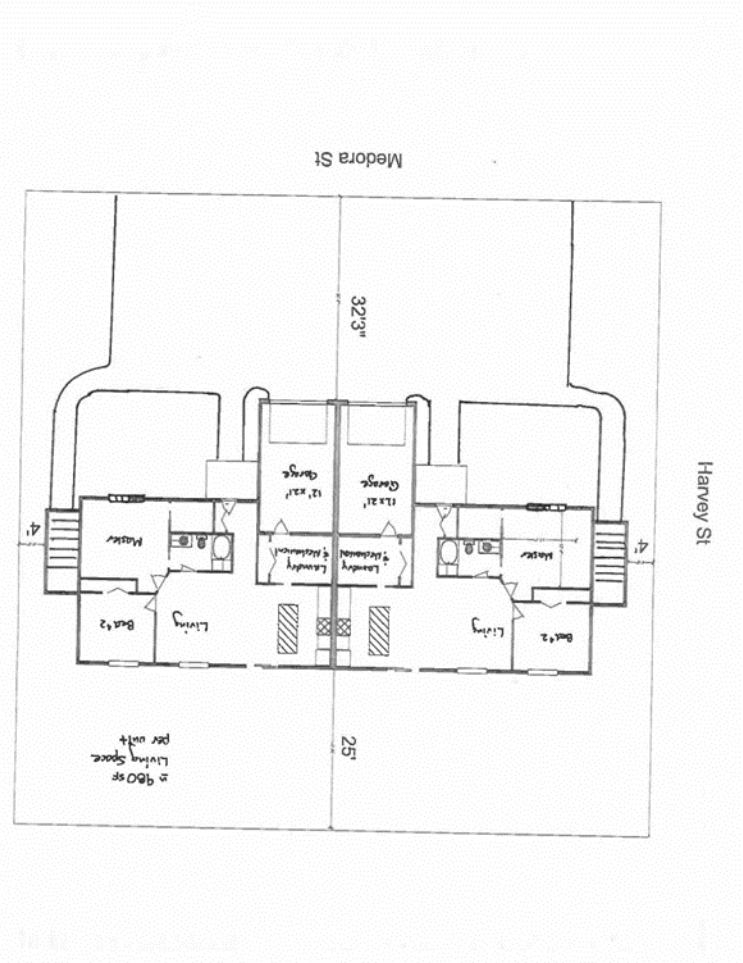

Subject Lands - ZBA-02-20
HARVEY
THOMAS
MEDORA
ALBERT
FOREST
128
Exterior Lot line
Railway ROW

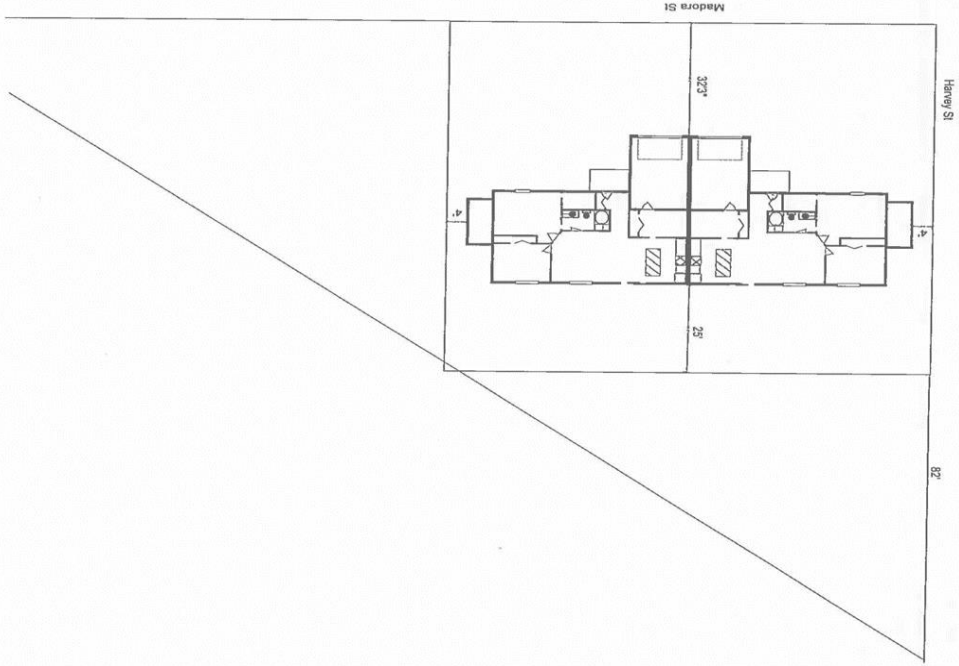
Current regulations:

1) Minimum distance between exterior side lot line and nearest wall of main building shall be 4.5 metres (15 feet)

2) Minimum separation of 30 metres (99 feet) between a railway right of way and a residential main building

Site Plan of the Proposal:





Other Considerations:

One (1) second dwelling unit is an additional permitted use in each semi-detached dwelling unit

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.

Agency Comments

No objections:

- Essex Region Conservation Authority (ERCA)
- Department of Infrastructure Services
- Chief Building Official
- CN Rail

Public Comments

One (1) objection within 214 metres of the subject property:

"I have been a resident of Harvey Street for the past 33 years.

I have enjoyed , on my many walks , watching the display of wildlife residing in the wood lot behind this property. A large group of renters will destroy the natural habit that exists there. People will disrupt their natural habitat.

The number of vehicles, at this point , no one knows how many vehicles will have to park somewhere along Harvey Street and Medora Avenue West.
The situation already exists with numerous vehicles parking along Medora Strret now which causes difficulty in making a left hand turn from Harvey Street.
Additional vehicles will impair vision exiting Thomas , from the railroad tracks, onto Medora .
Many children enjoy riding their bikes down the curve from Thomas Street to Medora Street. When they come down the street and there is parked cars along the street It will impair their vision and possibly cause an accident.

Will our existing old storm sewer be able to handle the excessive water absorbent loss from the green space?"

Next Steps:

1. A report to Council and Bylaw have been prepared for Council's adoption on the July 6 Regular Council agenda.

2. Should Council not endorse this development proposal or request an amendment to the proposed Bylaw, the By-law can be defeated or the decision deferred until amendments are made.

3. If Bylaw is approved, notice of approval will be sent to the applicant and all persons requesting to be notified of the decision

4. A 20 day public appeal period takes effect.

Proposed Bylaw Passage

50. For the lands comprising in combination Lots 23 and 25 on Registered Plan 249, the following provisions shall apply:

i. Additional permitted main use: one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district
ii. And, for the lands comprising Lots 23 and 25 on Registered Plan 249, a minimum exterior side yard width of 1.2 metres (4 foot)
iii. And, for a main dwelling on Lots 23 and 25 on Registered Plan 249, a 7.5 metre (25 foot) setback from the railway right of way
iv. And the following accessory uses: any use accessory to the main use.

ZDM 3

From: Aubin, Sarah
To: Jabbour, Rita
Cc: Auger, Robert; Brown, Shelley
Subject: FW: File No. ZBA-02-20, 128 Harvey Street Essex , Ontario
Date: Monday, June 22, 2020 8:40:31 AM

Good Morning,

Please see the opposition letter from Fay Hermann regarding ZBA-02-20 (128 Harvey).

Sarah Aubin | Planning Assistant
Planning and Development Services
Town of Essex | 33 Talbot Street South, Essex, ON N8M 1A8
Phone: 519-776-7336 ext 1128 | Fax: 519-776-8811

-----Original Message-----
From: Fay Hermann [redacted]
Sent: Sunday, June 21, 2020 7:44 AM
To: essexplanning <essexplanning@essex.ca>
Subject: File No. ZBA-02-20, 128 Harvey Street Essex , Ontario

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I strongly oppose the Planning Department to approve an application, submitted by Mr. Richard and Pauline Brockman , for site specific zoning amendments.

I have been a resident of Harvey Street for the past 33 years.
I have enjoyed , on my many walks , watching the display of wildlife residing in the wood lot behind this property.
A large group of renters will destroy the natural habit that exists there. People will disrupt their natural habitat.

The number of vehicles, at this point , no one knows how many vehicles will have to park somewhere along Harvey Street and Medora Avenue West.
The situation already exists with numerous vehicles parking along Medora Strret now which causes difficulty in making a left hand turn from Harvey Street.
Additional vehicles will impair vision exiting Thomas , from the railroad tracks, onto Medora .
Many children enjoy riding their bikes down the curve from Thomas Street to Medora Street. When they come down the street and there is parked cars along the street It will impair their vision and possibly cause an accident.

Will our existing old storm sewer be able to handle the excessive water absorbent loss from the green space?

Please consider my concerns when making your decision. It will greatly be appreciated.

Sincerely,

Fay Hermann

Sent from my iPad
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From: Watson, Jeff
To: Jabbour, Rita
Subject: FW: Railway setback restrictions
Date: Thursday, March 5, 2020 1:12:21 PM
Attachments: image001.png

From: Daniel Chan [redacted]
Sent: Thursday, March 5, 2020 11:48 AM
To: Watson, Jeff; Proximity
Subject: RE: Railway setback restrictions

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders

Hi Jeff,
No, I do not handle these matters, but hopefully I can point you in the right direction.

As the corridor is discontinued (and unlikely to become rail again), CN has no comment on the matter.

For future reference on operating rail corridors, property owners should consult the RAC guidelines:
You can find information on the Railway Association of Canada website (https://www.proximityissues.ca/wp-content/uploads/2017/09/2013_05_29_Guidelines_NewDevelopment_E.pdf) for a guideline that was developed in association with the Federation of Canadian Municipalities.

All development/planning related inquiries to CN should be sent to proximity@cn.ca.

Thanks,
Daniel
[redacted]

From: Watson, Jeff <jwatson@essex.ca>
Sent: Thursday, March 05, 2020 11:33 AM
To: Daniel Chan [redacted]
Subject: FW: Railway setback restrictions

Hi Daniel

I am contacting you about a matter in the Town of Essex, Essex Centre. Not sure if you handle this sort of thing so if not please direct this inquiry to the appropriate person.

The map attached shows in a broken blue line the limits of the former CN rail line in Essex Center. Our zoning by-law requires that a minimum 30m building setback be maintained from the rail right of way. The owners of the vacant residentially zoned property at 128 Harvey wish to construct a semi-detached dwelling. But with the lot being 30m deep and the ZBL restriction, that is not possible unless we grant relief from the 30m setback regulation.

So my question to CN is would you agree to such a reduction from 30m to 7.5m (our normal rear yard setback) to permit this?

When the property owners apply for a rezoning, CN will get notice, but I would like to give the owners some indication of your position on the matter.

Jeff

Jeff Watson
Planner
Town of Essex
Tel: 519-776-7336 x 1116
jwatson@essex.ca

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From:	Carter, Kevin
To:	Jabbour, Rita; CountyofEssex-Brennan; Planning; Mike Nelson; Fernando Cirino; HyDro One - Johnston (steve.johnston@hydroone.com); ELK; UnionGas; business.customer.centre@hydroone.com; proximity@cn.ca; Rebecca Belanger; executivevp.lawanddevelopment@opg.com; eileen_belanger@wecdsb.on.ca; melissa.leboeuf@publicboard.ca; RodgLynn@cscprovidence.ca; Auger, Robert; Nepszy, Chris; Morrison, Jeffrey; Girard, Kevin; Chadwick, Lori; Silveira, Nelson; vcoughlin@lakeshore.ca
Cc:	Chiasson, Corinne; Aubin, Sarah; Watson, Jeff
Subject:	RE: Application for Site Specific Zoning Bylaw Amendment (128 Harvey Street, Essex Centre, Ward 1)
Date:	Wednesday, June 10, 2020 10:33:30 AM

No Objections

P.S.- separate service connections & fees will apply to each semi-detached dwelling.

Kevin Carter, C.E.T. , C.B.C.O.
Manager Building Services |Chief Building Official
Town of Essex

2610 County Rd 12, Essex, Ontario N8M 2X6
Phone: 519-776-6476 ext 1402 | Fax: 519-776-7171
Email: kcarter@essex.ca

From: Jabbour, Rita
Sent: Wednesday, June 10, 2020 10:01 AM
To: CountyofEssex-Brennan <mbrennan@countyofessex.on.ca>; Planning <planning@ERCA.org>; Mike Nelson <MNelson@erca.org>; Fernando Cirino <FCirino@erca.org>; HyDro One - Johnston (steve.johnston@hydroone.com) <steve.johnston@hydroone.com>; ELK <nmacaulay@elkenergy.com>; UnionGas <wceccacci@uniongas.com>; business.customer.centre@hydroone.com; proximity@cn.ca; Rebecca Belanger <RBelanger@countyofessex.ca>; executivevp.lawanddevelopment@opg.com; eileen_belanger@wecdsb.on.ca; melissa.leboeuf@publicboard.ca; RodgLynn@cscprovidence.ca; Auger, Robert <rauger@essex.ca>; Nepszy, Chris <cnepszy@essex.ca>; Morrison, Jeffrey <jmorrison@essex.ca>; Carter, Kevin <KCarter@essex.ca>; Girard, Kevin <kgirard@essex.ca>; Chadwick, Lori <lchadwick@essex.ca>; Silveira, Nelson <nsilveira@essex.ca>; vcoughlin@lakeshore.ca
Cc: Chiasson, Corinne <cchiasson@essex.ca>; Aubin, Sarah <saubin@essex.ca>; Watson, Jeff <jwatson@essex.ca>
Subject: Application for Site Specific Zoning Bylaw Amendment (128 Harvey Street, Essex Centre, Ward 1)
Importance: High

Hello.

Please see the attached notice for a site specific Zoning Bylaw Amendment for the property located at 128 Harvey Street in the Essex Centre (Town of Essex, Ward 1).

Please review the attached notice at your earliest convenience and provide comments on

or before **Wednesday, June 17, 2020** if possible. If you have 'no objections', please let us know this as well.

If you have any questions or require additional information, please don't hesitate to contact the undersigned.

We look forward to receiving your comments.

Thank you!

Rita Jabbour, RPP. BA. MSc | Manager, Planning Services
Town of Essex | 33 Talbot Street South, Essex, ON N8M 1A8
Phone: 519-776-7336 ext 1112 | Fax: 519-776-8811

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