



The Corporation of the Town of Essex
Special Council Meeting Minutes

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

A Public Meeting was held on Monday, July 6, 2020 at 5:00 via Zoom Video Conferencing for the purpose of providing background information and the purpose of a proposed site specific zoning amendment related to the property located at 128 Harvey Street, Essex Centre, Ward 1.

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Sherry Bondy
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Rita Jabbour, Manager, Planning Services
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services

1. Roll Call

The Mayor called the meeting to order at 5:00 pm.

2. Declarations of Conflict of Interest

There were no 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

SP20-07-001

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the published agenda for the July 6, 2020 Special Council Meeting be adopted as amended with the following additions:

a) Correspondence from Daryl Hermann to be added as agenda item 5.4

b) Correspondence from Kevin Girard, Director, Infrastructure Services to be added as agenda item 5.5

Carried

4. Presentations from Administration

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

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

a) Lori Chadwick, Director, Development Services

Ms. Chadwick provided information as to the purpose of the meeting. Ms. Chadwick explained that although there is no prohibition in the Planning Act against having a public meeting on the same night as a Council meeting where a decision would be made on the matter, Development Services is recommending this approach for various reasons.

Ms. Chadwick explained that when this proposal was evaluated it was anticipated that it would not be contentious and that the Planning Department assessed for feasibility, desirability, the characteristics of the lot and availability of municipal infrastructure, Ms. Chadwick stated that the applicant has been quite patient during this COVID emergency since submitting the application back in March of 2020 and despite the approach of having the Council meeting where a decision would be made on the same night, Council can always defer the decision until a later date.

Ms. Chadwick stated that the subject property used to be two lots and has merged on title and the two lots, prior to being merged on title, had the ability to be developed into two single-family dwelling units with a secondary unit in each of those structures. Ms. Chadwick explained that the proposal is to rezone as to permit a semi-detached dwelling with secondary units for a total of four units and that the site specific zoning amendment being requested is not an intensification.

b) Rita Jabbour, Manager, Planning Services

Ms. Jabbour provided a PowerPoint presentation to those in attendance detailing the proposed application. Ms. Jabbour explained that the lands affected are located on the corner of Medora Avenue West and Harvey Street and the lands consist of two 50' by 100' lots on a registered plan of subdivision. Ms. Jabbour noted that these lots likely merged when title was taken under the same ownership which is something that occurs commonly and due to the fact that the lots appear separately on a registered plan of subdivision, can be sold separately without obtaining severance approval and used separately for their intended purposes.

Ms. Jabbour explained that due to the zoning, two separate dwellings are permitted to be constructed however for the purposes of this application the lands will be treated as one lot with a total lot width of 100' and a total lot area of 10,000 square feet. Ms. Jabbour advised that adjacent to the lot is a discontinued railway right-of-way and two triangular parcels belonging to CN Rail.

Ms. Jabbour explained that the subject lands are designated for residential purposes under the Town of Essex Official Plan and lands designated as residential under the Official Plan are either currently developed for residential uses or have been determined to be appropriate for future residential development. The subject lands in this application are suitable for development due to the fact that it fronts on a public road, has access to municipal sanitary, water and storm sewer and is situated within a primary settlement area in Essex Centre. The existing zoning on the subject land is R1.1, low density housing on urban lots that permits the construction of one residential detached dwelling as a main use.

Ms. Jabbour stated that the applicants are requesting a site specific zoning amendment to allow for the construction of one semi-detached dwelling on the site. Ms. Jabbour stated that a semi-detached dwelling is not permitted under the current zoning of R1.1 and provided details regarding the zoning change proposed. Ms. Jabbour provided visual graphics along with detailed explanations regarding the location of the property and the proposed site plan.

Ms. Jabbour further stated that consideration should be given to the fact that the allowance of one second dwelling unit in each semi-detached dwelling unit (per the Official Plan) with the same density would be permitted if there were two single-family dwellings as it is two separate lots.

Ms. Jabbour advised that the purpose of this meeting is to hear representations from the public and allow Council the opportunity to ask questions to staff and the applicant however Council does not make a decision at this time.

Ms. Jabbour explained that the proposal was circulated to residents within 120 metres of the subject parcel as well as agencies and received no objections from the Essex Region Conservation Authority, Department of Infrastructure Services, the Chief Building Official and CN Rail.

Ms. Jabbour explained that one objection was received from a resident within 214 metres of the subject property and that email is included in the correspondence section of these minutes.

Ms. Jabbour outlined the next steps in the rezoning process explaining that the report to Council and corresponding by-law on the agenda for the Regular Council Meeting on July 6th can be accepted, amended or defeated by Council and if approved, a notice of approval would be sent to the applicant and all persons requesting to be notified. The 20 day public appeal period takes effect shortly after the by-law is passed by Council.

Ms. Jabbour provided information regarding the proposed by-law, if passed, would allow an additional permitted main use of one semi-detached dwelling, a minimum exterior side yard width of 1.2 metres (4 feet), and a 7.5 metre (25 feet) setback from the railway right-of-way as well as any use accessory to the main use.

The Chair asked if any members of Council had any questions:

a) Councillor Garon, Ward 1

Councillor Garon requested that the applicant clarify whether the driveway would be on Medora Avenue or Harvey Street.

Pauline Brockman, Applicant advised that it would be on Medora Avenue.

Councillor Garon asked administration if parking permitted on the north and south side of Medora Avenue.

Kevin Girard, Director, Infrastructure Services advised that he would have to verify.

Councillor Garon asked the applicant if each driveway would hold two or four cars side by side.

Ms. Brockman stated that the development is designed for seniors with the upper unit having access to park in the garage and the lower unit would park in the driveway as well as one addition spot for visitor parking per unit.

Councillor Garon asked if the wooded lot would be touched.

Ms. Brockman advised that the lot is cleared of trees and nothing further would be cut

Councillor Garon asked if the second resident that wrote in this afternoon had formal consultation with the Town.

Ms. Jabbour informed Councillor Garon that the resident has not had any formal consultation with the Town that she is aware of.

b) Deputy Mayor Meloche

Deputy Mayor Meloche asked the applicant for clarification regarding the location of the driveways.

Ms. Brockman stated that parking will be at least 2 cars wide and 2 cars deep with the upper units parking in the garage and the lower units parking in the driveway. Ms. Brockman also stated that there will additional spaces for each unit to have a visitor and that their goal is to have all parking contained to driveway and not on street.

c) Councillor Verbeek, Ward 2

Councillor Verbeek stated that she is happy to see development and that it will create much needed housing.

d) Councillor Vander Doelen, Ward 3

Councillor Vander Doelen inquired whether the lots had ever been occupied and if so, when the homes were removed.

Mayor Snively advised that there had been homes on the lots.

Lori Chadwick, Director, Development Services advised that the homes were demolished in approximately the last year or two.

e) Councillor Bowman, Ward 1

Councillor Bowman inquired whether the issues with storm sewer drainage will be affected by this development.

Kevin Girard, Director, Infrastructure Services stated that the front of the property would have been designed for two previously existing lots and believes they should have enough capacity to service these lots.

f) Councillor Bjorkman, Ward 3

Councillor Bjorkman inquired if the units are going to be being sold separately or if they will be available for rent.

Pauline Brockman, applicant advised that they are rental properties.

Councillor Bjorkman asked if there is any difference between this development and individual owners renting out their basement.

Rita Jabbour, Manager, Planning Services explained that the Town regulates by land use and not the types of ownership.

g) Councillor Bondy, Ward 4

Councillor Bondy asked if this development is going to be 4 units or 2 units.

Pauline Brockman, applicant advised that it is a semi-detached home with 2 units in basement.

h) Councillor Garon, Ward 1

Councillor Garon stated that he would like to see if parking on Medora Avenue on south side of road can be eliminated up to Harvey Street.

j) Chris Nepszy, Chief Administrative Officer

Mr. Nepszy reminded Council that at any point before next meeting, Council has the ability to defer the By-Law and extend a decision on this development application should they choose.

k) Councillor Bjorkman, Ward 3

Councillor Bjorkman inquired about the 20 day appeal period and if it still applicable should By-Law be passed at the regular Council meeting tonight.

Rita Jabbour, Manager, Planning Services advised that yes the appeal period still takes effect if the by-law is passed at the regular Council meeting tonight.

SP20-07-002

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

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.

Carried

5. Correspondence

5.1 Fay Hermann

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

5.2 Daniel Chan, CN Rail

Re: Railway Setback Restrictions

5.3 Kevin Carter, CBO Town of Essex

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

SP20-07-003

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That the correspondence listed in Agenda Item 5 be received or received.

Carried

6. Public Presentations

The Chair asked if any members of the public present would like to provide comments.

a) Pauline Brockman, applicant.

Ms. Brockman stated that she had no further comments.

7. Adjournment

SP20-07-004

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

That the meeting be adjourned at 5:41 pm.

Carried

Mayor

Clerk