



Report to Council

Department: Development Services
Division: Planning
Date: July 15, 2024
Prepared by: Ian Rawlings, Junior Planner
Report Number: Planning-2024-18
Subject: 753 Sydenham Street – Removal of Holding (H) Provision
Number of Pages: 4 plus attachments

Recommendation(s)

That Planning report Planning-2024-18 entitled 753 Sydenham Street – Removal of Holding (H) Provision prepared by Ian Rawlings, Junior Planner, dated July 15, 2024 be received, and

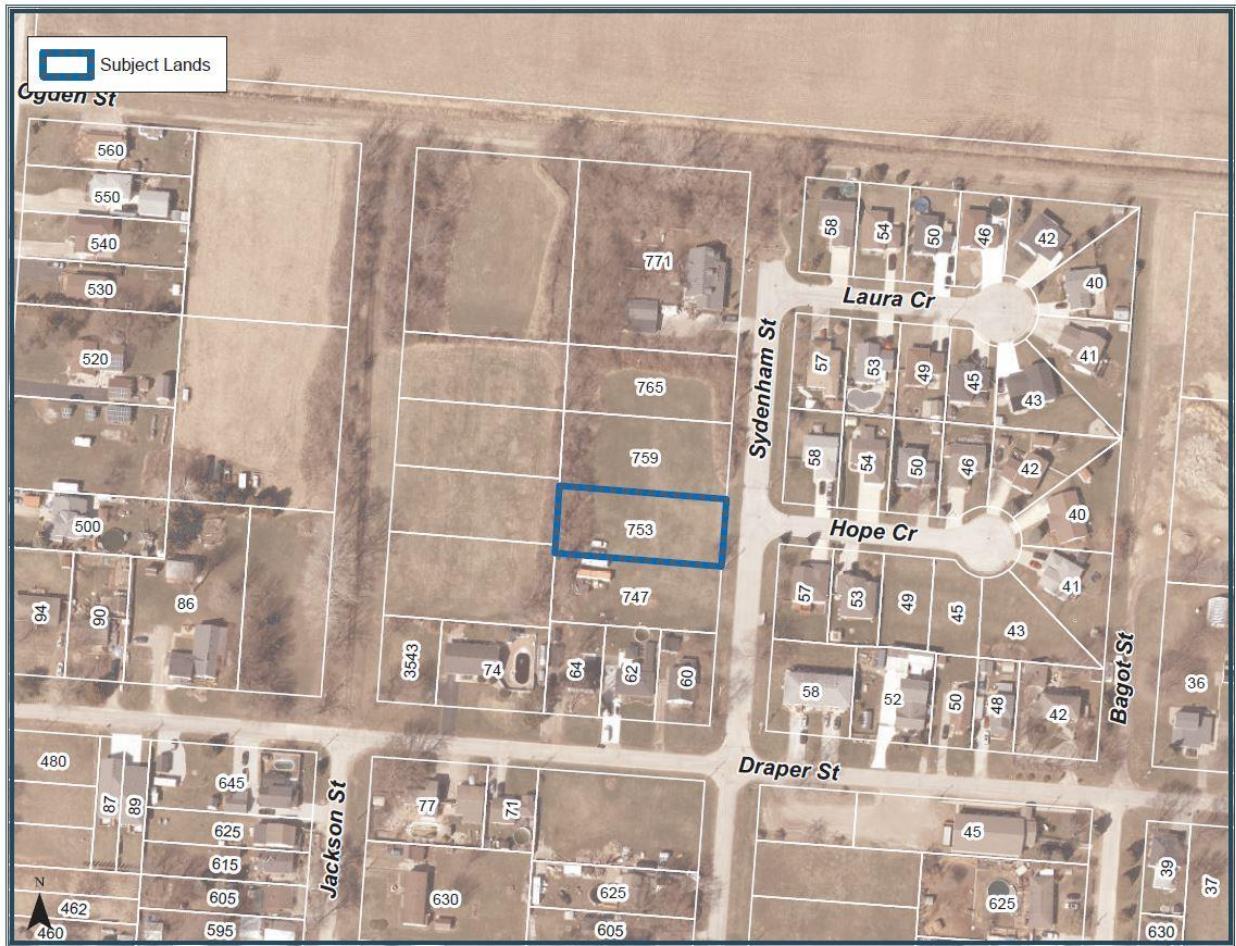
That By-law Number 2345, being a By-law to remove the holding zone restrictions for PLAN 18 PT LOT 14 PT LOT 15 be read a first, a second and a third time and finally passed on July 15, 2024.

Purpose

Adoption of By-law Number 2345 is required to authorize the removal of the Holding (H) provision to permit the construction of a future single unit dwelling for the subject property, 753 Sydenham Street, legally described as PLAN 18 PT LOT 14 PT LOT 15.

Background and Discussion

An application for the removal of a Holding (H) Provision has been received by the Town of Essex for the Lands located at 753 Sydenham Street, within the Colchester Hamlet (Ward 3). A map of the subject property is provided below:



The subject property is designated 'Hamlet Residential' on schedule A of the Colchester Hamlet Guideline Plan and is zoned 'Residential District 1.1' (R1.1) and is subject to a Holding (H) Provision as detailed on Map 19 of the Town of Essex Comprehensive Zoning By-law 1037. The subject property has frontage along Sydenham Street and is currently vacant.

Where the prefix 'H' precedes any zoning district symbol, no use, building or other structure shall be permitted. The "H" prefix may be removed by Council when the following

preconditions as listed within Section 8.13 b) of the Town of Essex Zoning By-law have been satisfied:

- i. the property is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law or subject to an approved consent to sever by the Committee of Adjustment;
- ii. where required by the Official Plan, full compliance with or an executed agreement to comply with an approved remediation/mitigation plan is in effect;
- iii. full municipal services (a paved road, a municipal sanitary sewer and an approved storm water outlet) are available or an executed agreement to provide full municipal services satisfactory to the Town and/or approval authority having jurisdiction is in effect;
- iv. where applicable, a site plan control agreement and/or such other mandated agreement is in effect.

The developer of the Village Heights Subdivision (Laura and Hope Crescent) located east of the vacant lots paid for the extension of services north on Sydenham to service the respective subdivision. To ensure that the owners of the vacant lots on the west side of Sydenham Street (the subject property included) contributed to their share of the cost of these services, a Holding (H) provision was placed on the lands. The applicants, being the new owners of the subject property, have since paid the applicable costs to the developer in accordance with the Village Heights Subdivision Agreement, thereby covering the associated costs for services and access to the subject property.

The lands have access to full municipal services along Sydenham Street being water, sanitary and storm water. The lands are identified on a Registered Plan (Plan 18). The Official Plan does not require that these lands comply with a remediation/mitigation plan. Lastly, a site plan control agreement or other such mandated agreements are not required for the scale of the development. Therefore, it is now appropriate to remove the Holding Provision. Adoption of By-Law 2345 effectively removes the Holding Provision from the Subject Lands.

Financial Impact

There is no financial impact from removing the Holding (H) provision from the Subject Lands. All costs associated with processing the request have been borne by the Applicant. Removal of the Hold will facilitate the development of the lands for one (1) single unit dwelling and any uses accessory thereto. Development Charges are applicable at the time of Building permit Issuance.

Consultations

Joseph A. Malandruccolo, Director, Legal and Legislative Services/Clerk

Kevin Girard, Director, Infrastructure Services

Rita Jabbour, Manager, Planning Services

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:	753 Sydenham Street - Removal of Holding (H) Provision - Planning-2024-18.docx
Attachments:	- By-law 2345 - Final.pdf
Final Approval Date:	Jul 9, 2024

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



Lori Chadwick, Director, Development Services - Jul 9, 2024 - 11:34 AM



Doug Sweet, Chief Administrative Officer - Jul 9, 2024 - 11:36 AM