



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*.

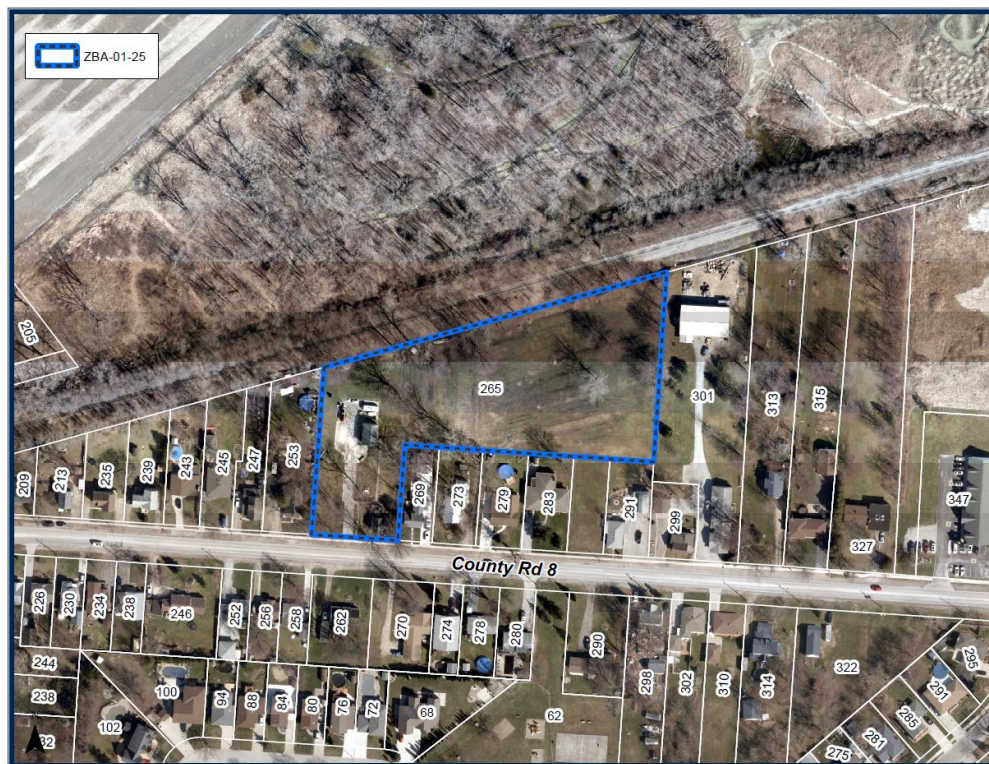


Figure 1. Location of Subject Property

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*.

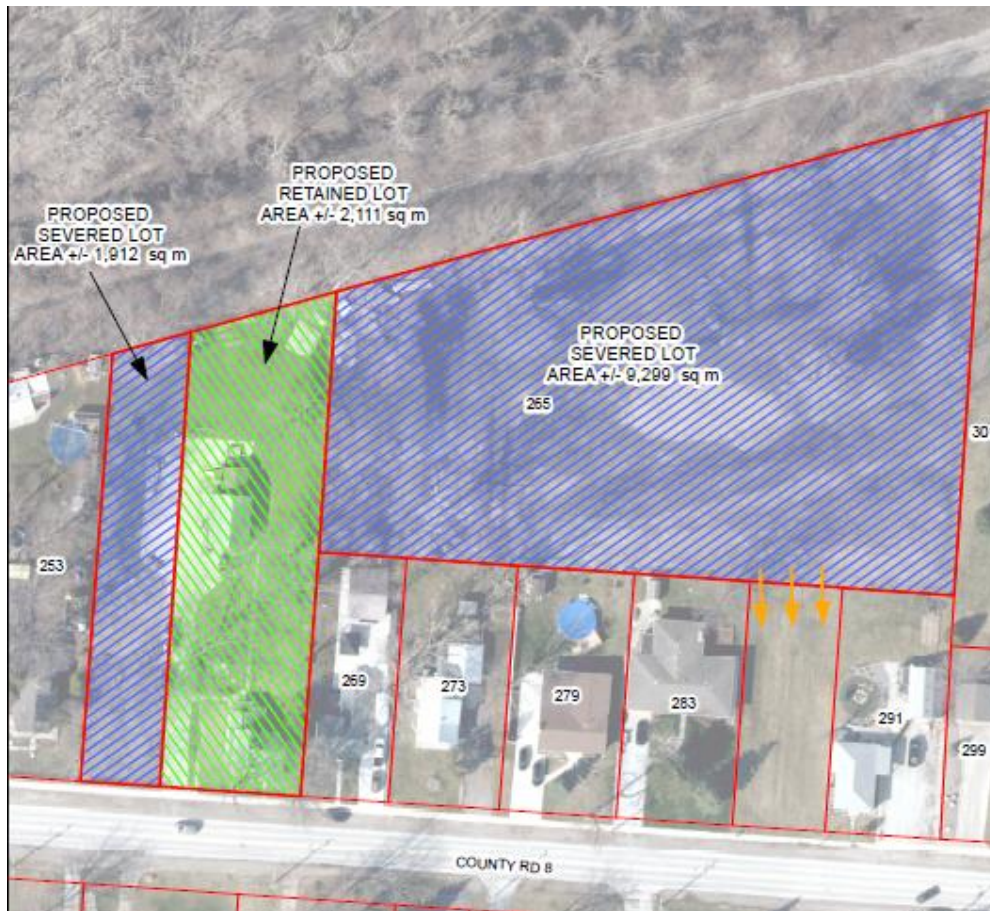


Figure 2. Granted Severance Approval Map

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