



Committee of Adjustment Planning Comments

Department: Planning Services

Hearing Date: May 21st, 2025

Prepared by: Ian Rawlings, Junior Planner

Submitted to: Town of Essex Committee of Adjustment

Report Number: Committee of Adjustment 2025-04

Subject: Planning Comments for May 21st, 2025 Agenda

Number of Pages: 13 including attachments

The comments of the Planning Department regarding the applications on the May 21st, 2025 Committee of Adjustment agenda are as follows.

NOTE: All numbers are approximate for ease of discussion. Accurate numbers will be reflected in the registered reference plan resulting from the Committee's approval of each consent request.

NOTE: This Planning Report was prepared as of May 16th, 2025. Any public comments received after this date have not been incorporated into this Report, however consideration of such public comments will be given at the Committee of Adjustment hearing on May 21st, 2025 as is normal practice.

Item 2 & 3: **Consent Application for the purposes of a lot addition, and the
Creation of One (1) Lot**

Application: **B-06-25 & B-07-25**

Applicant: **Robert & Steven Mathies**

Location: **265 Maidstone Ave E (Essex Centre)**

Designation: **Residential**

Zoning: **Development Reserve District 1.1 (DR1.1)**

Proposal

Two (2) consent applications have been received by the Town of Essex Committee of Adjustment for the lands located at 265 Maidstone Avenue East, located on the north side of Maidstone Ave East, just East of Gosfield Avenue, in Essex Centre, Ward 1. The subject property is designated 'Residential' on Schedule A-2 of the Town of Essex Official Plan and is zoned 'Development Reserve District 1.1' (DR1.1) on Map 3 of the Town of Essex Comprehensive Zoning By-law 1037. 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. The subject property is not located within the Essex Region Conservation Authority's (ERCA) limit of regulated area.

The subject property currently contains a single unit dwelling, and three (3) accessory structures in the rear of the property.

The first consent application (B-06-25) details the applicant's intent to sever a $\pm 9,299.34$ sqm (2.3 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot to be added to the adjacent residential property identified as 0 Maidstone Ave E (the "receiving lands"). The applicant is proposing the lot addition to create a residential building lot to support the construction of a single unit dwelling and associated accessory structure. The receiving lands are currently vacant are designated 'Residential' on Schedule A-2 of the Town of Essex Official Plan, and are zoned

'Residential District 1.1' (R1.1) on Map 3 of the Town of Essex Comprehensive Zoning By-law 1037.



The second consent application (B-07-25) proposes to sever a $\pm 1,912$ sqm (0.47 acre) parcel from the existing $\pm 13,322.3$ sqm (3.29 acre) lot for the purposes of creating one (1) new residential building lot. The proposed lot will front Maidstone Ave East and will contain no structures at this time.



Following the completion of both consent applications, the retained lot is proposed to have a lot area of $\pm 2,111$ sqm (0.52 acres) and will front Maidstone Ave East. The retained lands will contain the existing single unit dwelling, access to the property, and accessory structures.

The applicant is also applying for a minor Zoning By-law Amendment to change the zoning district for the subject property from Development Reserve District 1.1 (DR1.1) to Residential Zoning District 1.1 (R1.1). The DR1.1 zoning district does not detail specific lot width and lot

area regulations. , Therefore, both severance applications are conditional on the completion of the minor Zoning Amendment to change the zoning district for the subject lands to Residential District 1.1.

Conformity with Provincial Planning Statement (PPS 2024):

Section 2.2.1 of the 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 redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, 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.*

The proposed consent applications are supportive of section 2.2.1 and 2.3.1.3 of the Provincial Planning Statement as it promotes residential intensification through infill development within an area of settlement and maintains the linear development patterns along Maidstone Ave East.

It is our opinion that this proposal is in conformity with subsection 2.2.1 and 2.3.1.3 of the Provincial Planning Statement (PPS).

Conformity with the County of Essex Official Plan (2024):

The proposed lot creation supports the housing goals listed in section 4.B. of the County of Essex Official Plan as it supports a mix and range of housing options through infill development.

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.

Primary settlement areas are considered the focus of growth and supports residential intensification through infill development. The subject lands will be used for low density development which reflects the available services and existing developments along Maidstone Ave E.

The County of Essex has delegated Consenting authority to Lower-Tier Municipalities under section 12.K of the County of Essex Official Plan. The proposed consent application supports the County of Essex Official Plan as it promotes infilling development and provides a range of housing options through lot creation within a primary settlement area.

It is our opinion that this proposal is in conformity with the County of Essex Official Plan.

Conformity with Town of Essex Official Plan:

In accordance with Sections 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines;*

The Provincial Planning Statement (PPS) and the County of Essex Official Plan encourages growth and development within settlement areas and encourages intensification through infill development within settlement areas. Therefore, the application is considered in keeping with the Provincial Planning Statement (PPS) and the County of Essex Official Plan due to its location within a primary settlement area.

b) *the requirements and policies of this Plan and the comments of other public authorities and agencies;*

Section 5.7 of the Town of Essex Official Plan details the following goals for new development on lands designated residential:

b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;

c) to encourage infilling within the existing developed areas;

The proposed lot is considered an infill lot and will have access to available water and sanitary services. The subject property is proposed to be rezoned to the Residential 1.1 zoning district for low density residential purposes as it is reflective of neighboring low density residential uses and . Under the Residential 1.1 zoning district the property would be able to support single unit, two-unit, three-unit, or a semi-detached dwelling.

Section 5.7 of the Official Plan, for lands designated residential, does not contain any goals or provisions with respect to the proposed lot addition. The applicant intends to re-zone the subject lands to permit low density residential development which reflects the underlying land use designation. Both the severed lands and retained lands comply with the lot regulations for the Residential 1.1 zoning district. Any building regulations that the applicant is unable to comply with in the Residential 1.1 zoning district will be more appropriately addressed through the Zoning by-law Amendment application.

c) *the continuation of an orderly development pattern;*

The proposed lots abide by the minimum lot area and lot width requirements for lots within a Residential 1.1 zoning District that supports a single unit dwelling. The proposed lot will be reflective of existing lot layouts of neighbouring lots along the northern side of Maidstone Ave E. The proposed lot addition maintains the low-density development pattern and is viewed as technical in nature to convey land from one lot to another.

d) *the adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with this Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction.*

Capacity is available for municipally provided water, sanitary, and storm services. Infrastructure Services has confirmed that individual service hookups are existing.

The lot addition does not impact any existing potable water supply, sanitary sewage treatment and disposal and stormwater management systems, and Infrastructure Services has expressed no objections to the proposed severance.

It is our opinion that this proposal is in conformity with subsections 6.4 of the Town of Essex Official Plan.

Administration/ Agency Comments:

Town of Essex Infrastructure Services	Application B-06-25, based on our records sanitary and water servicing is already provided, but these should be verified and confirmed to be operational. If no cleanout is present on the sanitary sewer, then one must be installed at the property line. A storm connection is not required, although recommended depending on site drainage. A driveway permit may be required and the approach into Maidstone Avenue does not need
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	<p>be hardscaped as this is a County Connecting Link ROW, but the resident can choose to do so. No comments on this severance otherwise.</p> <p>Application B-07-25, based on our records sanitary and water servicing is already provided, but these should be verified and confirmed to be operational. If no cleanout is present on the sanitary sewer, then one must be installed at the property line for each lot. A storm connection is not required, although recommended depending on site drainage. As the existing driveway is on the severed lot, a new driveway is required on the Block 51. A permit may be required and the approach into Maidstone Avenue does not need be hardscaped as this is a County Connecting Link ROW, but the resident can choose to do so.</p>
Town of Essex Building/Bylaw Enforcement Division	No Objections
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	Circulated/no comments
County of Essex	Circulated/no comments

The location of the water and sanitary servicing connections, the status of, and the potential need for a storm water hook up is not included as condition of consent. This will instead be considered at the time of applying for a building permit, where the scope of development for each property is more appropriately determined.

Comments provided by Infrastructure Services are not included as conditions as the location of servicing connections and the

Public Comments:

Notice of public meeting and information regarding the Consent was sent to all property owners within 60 m of the subject lands. No correspondence was received from the public at the time of writing this report 05/16/2025.

Summary/conclusion:

It is our opinion that both applications for consent meet the policies of the Provincial Planning Statement (PPS 2024), County of Essex Official Plan, and the Town of Essex Official Plan and Town of Essex Zoning By-law.

Attachments:

No Attachments.

Recommendation – B-06-25

It is recommended that Consent application B-06-25 to sever a \pm 9,299.34 sqm (2.3 acre) parcel from the existing \pm 13,322.3 sqm (3.29 acre) lot to be added to the vacant residential property to the south identified as 0 Maidstone Ave East, **be approved**, subject to the following condition(s):

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;

3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the severed parcel be consolidated with the lands known as 0 Maidstone Avenue East. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office;
6. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
7. That all of the above conditions be fulfilled on or before May 21st, 2027, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Recommendation – B-07-25

It is recommended that Consent application B-06-25 to sever a \pm 1,912 sqm (0.47 acre) parcel from the existing \pm 13,322.3 sqm (3.29 acre) lot for the creation of one (1) lot, **be approved**, subject to the following condition(s):

1. That at the time the conveyance is prepared for certification, a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, be submitted to the satisfaction of the Town of Essex;
2. That the appropriate documents for the conveyance be prepared and suitable for registration. All copies shall have original signatures and one digital copy will remain as a record with the Town;
3. That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
4. That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
5. That the subject lands be re-zoned from Development Reserve District 1.1 (DR1.1) to Residential District 1.1 (R1.1).
6. That all of the above conditions be fulfilled on or before May 21st, 2025, as per Section 53(41) of the Planning Act, R.S.O. 1990.

Approved by:



Rita Jabbour, RPP
Deputy Secretary-Treasurer/ Manager, Planning Services