



The Corporation of the Town of Essex

Special Council Meeting Minutes

August 23, 2021, 4:30 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting is not currently open to the public for in person attendance.

This meeting can be viewed by the public electronically via livestream on YouTube at www.youtube.com/EssexOntario

This statutory public meeting was being held for the purpose of providing background and public information in regards to General Zoning By-Law Amendments

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Ward 1 Councillor Joe Garon
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
Ward 3 Councillor Steve Bjorkman
Ward 4 Councillor Sherry Bondy
Ward 3 Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Kate Giurissevich, Acting Director, Corporate Services
Matt Ducharme, Legal and Legislative Services Intern

1. Call to Order

Mayor Snively called the meeting to order at approximately 4:30 PM.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for August 23, 2021

SP21-08-001

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the published agenda for the August 23, 2021 Special Council Meeting be adopted with the following amendments:

1. That the ERCA letter dated August 10, 2021 be added to Agenda Item 4.
2. That Item 5.3 be added to allow for the delegation by Robert Molliconi representing Noah Holmes.

3. That Item 5.4 be added to allow for the delegation by Remo and Peter Valente.

Carried

4. Presentations from Administration

RE: General Amendments to the Town of Essex Comprehensive Zoning By-Law, By-Law 1037

Rita Jabbour, Manager, Planning Services, explained that the purpose of this meeting was to discuss general amendments to By-Law 1037 being the Comprehensive Zoning By-Law for the Town of Essex and that no decision would be made at this time.

Ms. Jabbour detailed the six proposed amendments as follows:

1. Revision to the minimum exterior side yard width for a detached building and main dwelling with attached garage.

Ms. Jabbour purposed a reduction to the minimum side yard width between a main dwelling and a detached accessory building in Residential Districts R1.1, R2.1, R2.2. She explained that if a garage entrance faces the exterior lot line than that garage should be subjected to a minimum 6-metre setback. She noted that the current zoning prescribes a 1.2-metre setback between a detached accessory structure and the exterior lot line but there are no regulations establishing a setback between the entrance to a garage and an exterior lot line. She stated that this is being proposed to decrease the number of vehicles encroaching onto the road.

2. Revision to provisions for permitted encroachments of porches, decks and sunrooms in required rear yards.

Ms. Jabbour proposed a revision for permitted encroachments of porches, decks, and sunrooms in required yards. She explained that the provisions of subsection 9.5, of the Zoning By-Law, should be removed or the encroachments of porches and sunrooms should be limited to one-story. She stated that the current zoning regulations allow for a deck or a porch to have a floor height of 1.2-metres and to encroach into a required rear yard at a maximum of 2.5-metres with no restrictions on the height of the structure.

3. Reduction of the minimum lot area and dwellings for lots outside of the settlement areas.

Ms. Jabbour proposed a reduction to the minimum lot area and dwellings for lots outside of the settlement areas that are not serviced by a municipal sanitary sewer in the Residential R1.1 zoning district. She proposed that the minimum lot area should be reduced to 925 square metres and that the choice of a septic sewage treatment system should be determined by the Chief Building Official. She explained that the current zoning regulation prescribes a minimum lot area of 1850 square metres for a lot not serviced by a municipal sanitary sewer.

4. Establishment of minimum and maximum building and yard regulations for dwellings on less than 0.8 hectares (1 acres).

Ms. Jabbour proposed the establishment of a minimum and maximum building and yard regulations for dwellings on less than 0.8 hectares. She proposed that the provisions of the Agricultural A1.1 zoning district regarding special building and yard regulations for small lots be applied to lots of 0.8 hectares or less in both the A1.1 and

A1.2 districts. She explained that Agricultural A1.1 zoning district establishes the provisions for a lot having an area less than 1850 square metres and width of less than 30 metres. She noted that the minimum rear yard depths in both the A1.1 and A1.2 Districts is 15m and the recommended reduction to 7.5m will provide more flexibility for dwelling locations on smaller lots.

5. Allowance for the use of outbuildings for home occupations on lots greater than 1850 square metres (20,000 square feet).

Ms. Jabbour explained proposed the fifth amendment for allowance of home occupations in outbuildings on lots greater than 1850 square metres. She explained that this amendment to the zoning regulation will allow for a residential home occupation in an accessory building to a dwelling located on a lot of 1850 square metres or greater provided that the accessory building is not located in a required yard or within a floodplain development control area.

6. Expansion of allowances for temporary outdoor vendor's sites in additional highway commercial districts.

Ms. Jabbour proposed an expansion of allowances for temporary outdoor vendor's sites in additional highway commercial districts. She explained the proposed amendment is for a temporary Outdoor Vendor's Site to be added as permitted use in the Zoning Districts C2.1 and C2.2, the downtown commercial districts of Essex Centre and Harrow and C3.1, the highway commercial lands along Talbot Street, north of Maidstone and portions of Queen Street, north of Sinasac Street.

Ms. Jabbour outlined the next steps advising that it is expected that a report to Council and proposed By-Law will be prepared for Council's consideration in September. Ms. Jabbour reminded Council that at that meeting they can approve, deny or defer the proposed by-law.

Deputy Mayor Meloche stated that currently residents seeking relief from the setback requirements in a rear yard submits a minor variance application for consideration by the Committee of Adjustment. He inquired whether a porch structure that did not meet the proposed changes to the Zoning By-Law would need to be included at the time the minor variance application for a rear yard reduction is submitted.

Ms. Jabbour stated that typically an application to construct a porch would be submitted to the Building Department. As part of their review process, the Building Department would verify that the application complied with all zoning requirements. Ms. Jabbour advised that application that did not comply would be required to submit a minor variance application for consideration by the Committee of Adjustment.

Councillor Bjorkman asked if the porches and the three season sunrooms were permitted and if so, would the height be restricted.

Ms. Jabbour stated that it is Council's decision however Administration recommends that they be limited to the building envelopment.

Councillor Vander Doelen asked if the 40-foot minimum lot width coincides with the desire for tiny homes.

Ms. Jabbour noted that when second dwelling units were discussed a regulation was added in the zoning by-law that would prohibit any second dwelling unit in a detached structure on a lot that was less than the minimum which is 50 feet.

Councillor Garon asked if a non-temporary structure such as a gazebo would be permitted on a permitted porch or deck in a rear yard.

Ms. Jabbour noted that if Council passes these amendments with the proposed regulations a non-temporary structure such as a gazebo would not be permitted to encroach in that rear yard.

Councillor Garon noted that it may be problematic if non-temporary structures are permitted with new builds that typically have smaller rear yards.

Deputy Mayor Meloche expressed his concern regarding the potential for an increase in minor variance applications as new properties such as a two-story back spilt with a patio door on the second level would require a back porch.

Ms. Jabbour noted that there is no provision to remove any encroachments of decks that are less than 1.2 meters.

SP21-08-002

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That the presentation entitled General Amendments to the Town of Essex Comprehensive Zoning By-Law, By-Law 1037, be received.

Carried

5. Public Presentations

SP21-08-003

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That the delegations listed in Item 5 be received.

Carried

5.1 Tim Sunderland

RE: Home Occupations in Outbuildings

Tim Sunderland explained that he was speaking on behalf of his daughter Kelsey and her husband Chris Peters who own the property at 1730 Huffman Road in Colchester which is zoned as A1.1. He noted that they are in favour of the use of outbuildings for home occupations on lots greater than 1850 square meters.

Mr. Sunderland explained that his family has been effected by Celiac disease which effects approximately 1 percent of the population. He noted that his daughter wishes to open a gluten-free bakery as a home occupation business. She cannot use her current kitchen inside her residence as this baking has to be done in a completely separate kitchen to ensure there is no cross contamination with wheat products used in other food preparation. He stated that she would like to open her bakery in the outbuilding on her property here in the Town of Essex that will service the Essex County area which benefit those you need to eat gluten free.

5.2 Ernest Barczak

The Chair called upon Mr. Barczak to speak but he was not present.

5.3 Rob Molliconi

The Chair called upon Mr. Molliconi who was present on the call but he did not answer.

5.4 Peter and Remo Valente

RE: Proposed Regulations

Peter Valente stated that, in his opinion, the proposed changes to the rear yard decks could result in an in minor variance applications. Mr. Valente inquired whether the Town is wanting to restrict the height of rear yard decks and porches.

Ms. Jabbour stated that an encroachment of 25 feet with a deck or porch higher than 1 story cm infringe on an abutting neighbours privacy.

Mr. Valente asked why this proposal is being brought forth and if there was an incident that caused this proposal.

Ms. Chadwick noted that this proposal is in our general amendments as a motion that was brought forward by Council due to the impact of these types of encroachments in new subdivisions, new builds that abut existing neighbourhoods and the impacts that were recently discovered in some of these subdivisions. She stated that the regulations were proposed to alleviate the impact of a two-story or rather a deck on a second story.

Ms. Jabbour noted that a deck is measured from grade to the floor and anything that is higher than four feet in terms of the proposal being presented would need to be located within that building footprint. She stated that it could not be located any closer than 25 feet between that rear lot line as opposed to the current encroachment of 8.2 feet which has no restriction on the height of the structure. She explained that there are new development abutting old developments, grade standards and two story porches within 8.2 feet of the rear lot line that look directly into a neighbouring lot. She noted that a rear yard is supposed to be free and clear of any buildings, structures or any impositions and there are complaints from neighbours at the Committee of Adjustment relating to reductions in rear yards.

6. **Adjournment**

SP21-08-004

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the meeting be adjourned at 5:36 PM.

Carried

Mayor

Clerk