



**MUNICIPALITY:** Town of Kingsville  
**MUNICIPAL ADDRESS:** 20, 24, 28, 34, 40 Jasperson Dr.  
**APPLICANT:** Joseph Moavro  
Joseph Jr. Moavro  
**DATE:** June 3, 2019

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## 1. INTRODUCTION

Lassaline Planning Consultants have been retained to undertake a planning justification review and report on the feasibility of a Zoning By-law Amendment that will facilitate a proposed re-development of existing residences located at 20, 24, 28, 34 and 40 Jasperson Dr., Kingsville.

A pre-submission consultation meeting was held at Town Hall with the land owners and the Town Planner on March 26, 2019.

Jackie Lassaline MCIP RPP has prepared this justification report to support, explain and justify the requested Zoning By-law Amendment Application for the subject lands.

### 1.1 Purpose

The Owner is making application for a Zoning By-law Amendment (ZBA) to change the zoning of the subject lands from the existing 'Residential Zone 1 Urban (R1.1)' zone to 'Residential Zone 2 Urban 2.1 (R2.1)' zone.

The intent of the ZBA is to permit the conversion of the existing single detached residences on 20, 24, 28, 34 and 40 Jasperson Dr. to a duplex dwelling to permit a two unit residence on each of the separate parcels.

The requested zoning amendment will result in the division of a large single detached residence into two units defined as a duplex. The two residential units will be a reasonable size for rental units. Each residence has a total floor area with a range of approximately 2,200 ft<sup>2</sup> to 2,600 ft<sup>2</sup>. With the conversion from a single detached residence to a duplex, each converted unit will have a floor area between 1,100 ft<sup>2</sup> to 1,300 ft<sup>2</sup>.

The Town of Kingsville has a significant need for rental apartments. The proposed duplexes will provide alternative reasonable sized residential units within a municipality that has a notable need for reasonable sized units.

### 1.2 Location of Subject Lands

The subject lands are located within the identified urban settlement area of the Town of Kingsville.

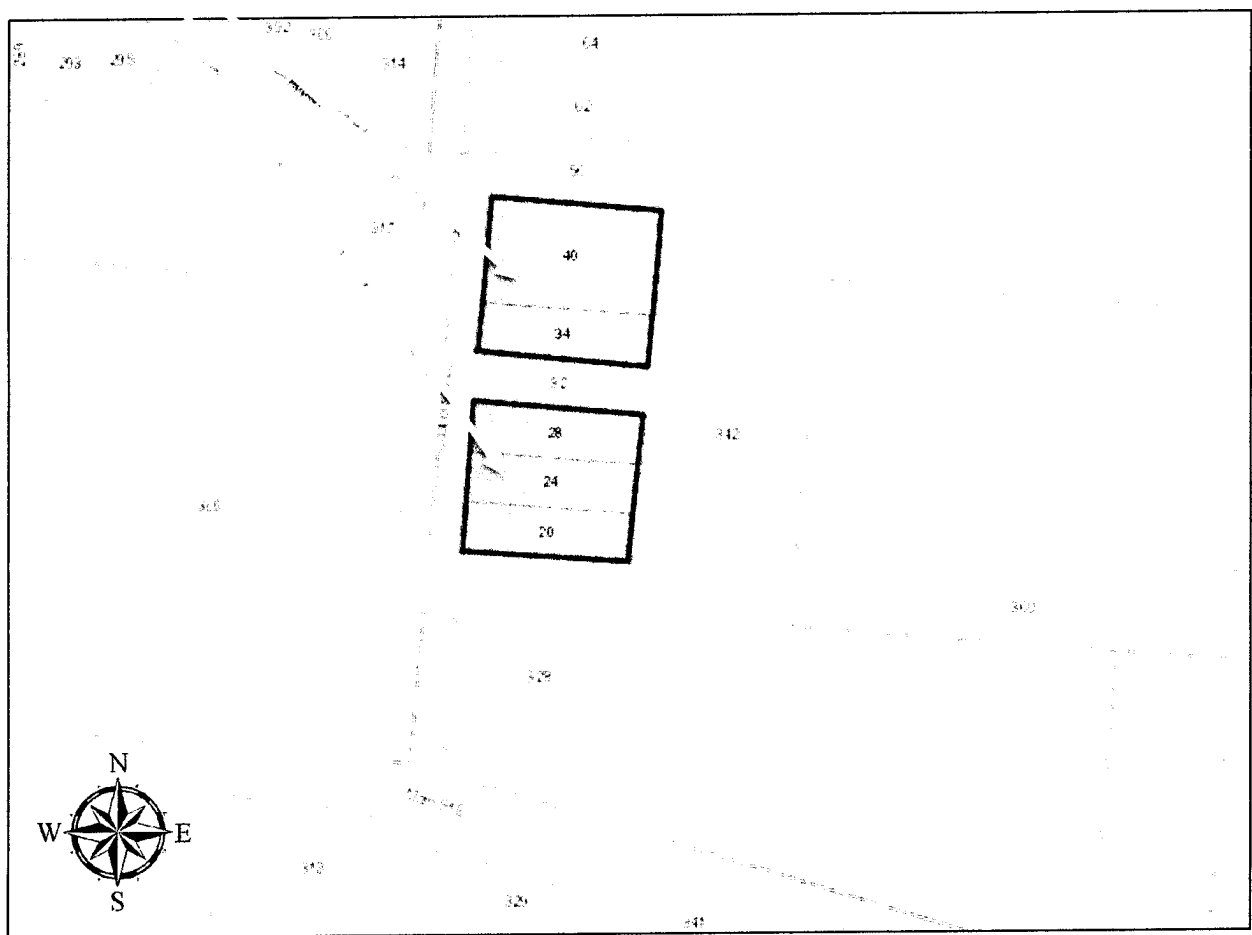
The lands are located just north of the intersection of Jasperson Dr. and Main Street in the eastern area of Kingsville. The five subject lots all front along Jasperson Drive.

The neighbourhood is a mix of land uses with a commercial bank to the south of the property; a commercial grocery store across Jasperson; residences immediately adjacent to the subject lands to the north and across the street; the municipal arena complex further to the north on Jasperson Dr; a proposed residential plan of subdivision to the north and the proposed mega school proposed further north on Jasperson.

The residential lots can be considered transitional for the neighbourhood with different residential building types located within this neighbourhood: adjacent to the north are single, detached residences; across Jasperson are semi-detached residences; to the north is a recently approved plan of subdivision with single detached, semi-detached and townhouse residential housing styles proposed.

### FIGURE 1 – LOCATIONAL MAP

#### 20, 24, 28, 34 and 40 JASPERSON



### 1.3 Details of the Subject lands

The subject lands consist of four residential parcels with a single detached residence on each parcel and known municipally:

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PJR –20, 24, 28, 34 and 40 Jasperson



- i) 20 Jasperson Dr. - 15.75 m frontage;  
824 m<sup>2</sup> area;
- ii) 24 Jasperson Dr. - 15.75 m frontage;  
838 m<sup>2</sup> area;
- iii) 28 Jasperson Dr. - 15.75 m frontage;  
838 m<sup>2</sup> area;
- iv) 34 Jasperson Dr. - 15.75 m frontage  
840 m<sup>2</sup> area;
- v) 40 Jasperson Dr. - 33.5 m frontage  
1783 m<sup>2</sup> area.

The Zoning Bylaw Amendment (ZBA) will establish a regulatory framework for the conversion of the existing residences from a single detached residence to a two-unit duplex.

The (R1.1) zone is limited to a single detached dwelling as a permitted structure for the subject lands. The ZBA is proposing to allow for a duplex dwelling on the subject lands.

#### 1.4 Surrounding Area

The predominate use of the neighbouring lands are primarily residential land uses with commercial uses to the west and to the south. Housing styles are mixed within the adjacent residential neighbourhoods with single detached, semi-detached, and townhouse units as the predominate form of housing.

- a) **South** – Libro Credit Union
- b) **East** – vacant agricultural
- c) **North** – Residential
- d) **West** – Sobey's Grocery Store, Residential

**FIGURE 3 – NEIGHBOURHOOD AERIAL**



## **2. PROPOSED ZBA**

The Owner is proposing to maintain the residential land use while facilitating the conversion of the existing single, detached residences to a duplex (two unit) residences. The ZBA will support the conversion of the existing infrastructure without the need for new residences or infra structure.

The subject lands are designated 'Residential' in the Official Plan for the Town of Kingsville. The requested ZBA will be placed within the context of the Provincial Policy Statement (PPS, 2014) for the provision of housing; within the municipal policy framework for lands designated "Residential" for lands within areas having a neighbourhood development

pattern under the *Official Plan*. An examination of the proposed future development will be referenced in this report.

### 3. PROVINCIAL POLICY STATEMENTS

When considering a Zoning By-law Amendment, it is imperative to review the Provincial Policy Statement to ensure that all decisions in planning are consistent with the PPS 2014: *“The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.”*

#### 3.1 Section 1.1.1 Managing and Directing Efficient Land Use Patterns

**“Section 1.1.1 Healthy, liveable and safe communities are sustained by:**

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

##### PLANNING COMMENTS

The ZBA will establish a regulatory framework for lands located as an infilling property within a settlement area, urban centre that is in a well-established residential neighbourhood of a mix of residential housing styles and tenures. Municipal services are available to the property and future development of these lands under the ZBA promotes efficient use of the existing municipal services.

In my professional opinion, the proposed ZBA will support the development of the property in an efficient, organized manner; and will support land use patterns that makes sound planning.

- b) *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

##### PLANNING COMMENTS

The ZBA will apply a zone category to the subject property that provides for alternative housing styles and tenures and will provide for a range of housing and alternative mix of residential units within the existing neighbourhood that contains a mix of housing styles and tenures.

### PLANNING COMMENTS

The subject property is located within walking distance to parkland, community arena, and community uses in the neighbourhood. The municipal arena, soccer pitches and baseball diamonds are within walking distance.

The ZBA will rezone lands that can be considered infilling residential lands within an established residential neighbourhood. The surrounding, existing residential neighbourhood has a mix of single, semi-detached and multiple unit style residential development.

The ZBA will allow for duplex units, an alternative housing styles from the standard, single residences. The bylaw will provide for duplex residences, a housing style comparable and similar to the housing style existing in the neighbourhood.

There are supportive land uses and amenities within walking distance for the residents. The lots are in close proximity to the commercial main street with the Sobey's located across Jasperson. The units will be within walking distance to employment opportunities within close proximity.

In my professional opinion, the ZBA provides for an appropriate housing style comparable to the existing neighbourhood and the municipality.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

### PLANNING COMMENTS

There are no natural hazards or environmental issues associated with the subject lands. The subject lands are **not** located within hazard land or natural features. There are no public health or safety concerns associated with the development of these lands for residential purposes as proposed through the ZBA.

- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

### PLANNING COMMENTS

The proposed ZBA will facilitate an infill development within the settlement area of the Town of Kingsville within an existing mix of housing styles in the residential neighbourhood. The lands will not force the expansion of the settlement area boundaries for the City.



- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

**PLANNING COMMENTS**

The proposed ZBA will not result in the uneconomical extension of services as it will be confined to the existing dwellings. No new structures are proposed to facilitate the proposal but rather will be the conversion of the existing residences each to a two unit structure.

The ZBA seeks to convert the existing single detached dwellings to permit a two unit dwelling. The proposed conversion will result in an interior modification with no exterior changes proposed. The subject parcels front on a municipal road with separate municipal water and sanitary service connections and access to a storm sewer.

- f) *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*

**PLANNING COMMENTS**

Conversions will be in compliance with the Ontario Building Code with modifications to have regard for the provisions of the OBC affecting persons with disabilities.

- g) *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*

**PLANNING COMMENTS**

All necessary infrastructure is presently available to the existing residences. The subject parcels front on a municipal road with full access to a municipally owned and operated water, sanitary and storm sewer.

**3.2 Section 1.1.3 Settlement Areas**

***“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:***

- a) *densities and a mix of land uses which:*
- 1. efficiently use land and resources;*
  - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
4. *support active transportation;*
5. *are transit-supportive, where transit is planned, exists, or may be developed; and*
6. *are freight-supportive; and b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."*

#### **PLANNING COMMENTS**

The proposed ZBA will facilitate the infilling of a residential development within a neighbourhood of a mix of residential densities and tenures; will authorize re-development of existing residences that are within a built up area of the municipality and within an area of like and similar uses; is located on municipal transit and trails supporting the walkable community; will allow for connection to existing infrastructure; provides for a residential development connected to amenity space within walking distance, significantly reducing dependency on a vehicle for future residents; and will provide for alternative housing with alternative tenure and reasonable sized units.

The ZBA will establish a regulatory framework to support an infilling residential development in a neighbourhood with public transit, supportive commercial amenity uses, and parkland uses that will effectively reduce vehicular use and support use of municipal transit, all having a positive overall impact on air quality and climate control.

#### **PLANNING COMMENTS**

**In my professional opinion, the requested ZBA is consistent with the Provincial Policy Statements (PPS) 2014.**

## 4.0 OFFICIAL PLAN POLICY FRAMEWORK

Any bylaw passed under Section 34 of the Planning Act, such as Bylaw 1-2014, the Comprehensive Zoning Bylaw for the Town of Kingsville, may be amended to allow for a use that is not identified in the respective zoning district so long as the new use is permitted under the Official Plan for the area in which the subject lands are situated.

The subject lands are located within the 'Primary Settlement Area' under Schedule A-2 of the County of Essex Official Plan. The subject lands are designated 'Residential' on Schedule 'A' in the Official Plan for the Town of Kingsville.

The report will place the proposed zba within the policy context of both the County of Essex and the Town of Kingsville Official Plans.

### 4.1 County of Essex Official Plan

The County of Essex identifies Primary Settlement Areas as the largest and traditional centres of settlement and commerce in the County and the focus of growth and public/private investment. As such, the Official Plan directs that Primary Settlement Areas contain a healthy mixture of housing types including affordable housing options by encouraging residential intensification and redevelopment in order to provide a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.

#### "S. 3.2.8 Housing

*f) The County generally permits second dwelling units within all single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an ancillary structure to those house types on the property. If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the second dwelling unit on the property."*

#### PLANNING COMMENTS

The County policies supports the inclusion of second dwelling units within single detached, semi-detached and townhouse dwelling units. Effectively, this policy direction is supported by the request to convert a single detached residence into two single, attached residences each as separate apartment units within a duplex.

The requested zoning bylaw amendment will effectively create an apartment in the residence, or two-unit residence in conformity with the intent of the second unit policy

**The requested ZBA conforms with the intent of the Official Plan for the County of Essex.**

## 4.2 Town of Kingsville Official Plan

It is the intent of the Official Plan for the Town of Kingsville that a broad range of residential housing types be permitted on lands designated 'Residential' in order to meet the needs of all households anticipated during the Plan's 20 year planning period.

### ***"3.6.1 Residential"***

*Areas designated "Residential" on Schedules "A-1" and "A-2" are either currently developed residentially or have previously been determined to be appropriate to accommodate future residential development. It is the intent of this Plan that a broad range of residential types be permitted on lands designated "Residential" in order to meet the needs of all households anticipated during the 20 year planning period of this Plan."*

#### **PLANNING COMMENTS**

The ZBA will authorize the conversion of the 5 existing single detached residences to 5 duplexes. There won't be any exterior additions or significant changes so the existing infrastructure will continue to appear as a single detached residence. The requested ZBA will support the creation of alternative housing to the single, detached residence. The ZBA will provide for a reasonable sized apartment unit for rental, a housing tenure needed in the Town of Kingsville.

### ***"S 3.6.1 Residential Goals"***

*The following goals for areas designated "Residential" on Schedules "A-1" and "A-2" of this Plan are to:*

- a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;*
- b) 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) encourage infilling of the existing development pattern;*
- d) encourage the development of a greater variety of housing types;*
- g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated "Residential" as a means of increasing the supply of affordable rental and ownership accommodations."*

**PLANNING COMMENTS**

The existing residences are located within an existing residential neighbourhood containing a mix of single detached, semi-detached, duplexes, and townhouses. The proposed duplex style residences will be consistent with the neighbourhood and will fit well within the neighbourhood. As a duplex, the conversion will provide for an alternative housing style and tenure than the typical single detached residence.

**“3.6.1 Residential Policies**

*The following policies shall apply to those lands designated “Residential” on Schedule “A-1” and “A-2” of this Plan:*

- a) *a variety of housing types and densities are permitted subject to conformity and compliance with the Zoning By-law. The types of residential units permitted include single unit detached dwellings, two unit dwellings, three unit dwellings, single unit attached dwellings, townhouses, apartments and seniors’ housing including retirement homes and nursing homes and other housing designed to accommodate special needs or interests;”*

**PLANNING COMMENTS**

Residential policies permits a variety of housing types and densities throughout the area designated ‘Residential’, including two-unit dwellings, subject to conformity and compliance with the implementing Zoning Bylaw, Bylaw 1-2014.

The Official Plan for the Town of Kingsville provides opportunity to increase the supply of alternative housing by permitting second dwelling units in areas with full municipal services in either single-detached, semi-detached or townhouse dwellings. Accordingly, the Official Plan permits opportunities to increase the housing supply in the ‘Residential’ area through residential intensification, which includes conversions and redevelopments.

**“S.3.6.1 Residential Policie**

***i. Low Density Residential***

*The low density residential zone will permit single unit dwellings, two unit dwellings and three unit dwellings at a maximum density of 20 units per gross hectare.”*

**PLANNING COMMENTS**

The conversions will result in 10 residential units within a 0.51 ha land area or 20 units per gross hectare, fitting well within the low density designation.

*"S. 3.6.1 Residential Policies*

- r) the conversion of single unit dwellings to create more than two new dwellings units may be permitted subject to an amendment to the Zoning By-law subject to compliance with the following requirements:*
- i) external changes should be minimal and the single unit character of the dwelling should be preserved as far as possible;*
  - ii) adequate off-street parking should be made available for all dwelling units;*
  - iii) adequate services should be available to accommodate all units."*

**PLANNING COMMENTS**

The requested ZBA and subsequent conversions will not result in an extensive redevelopment of the existing dwellings as the proposal seeks to utilize the existing square footage of each dwelling. No construction of additional storeys or expansion of the dwellings' gross floor area is proposed or required as a result of this amendment.

Adequate services are available to the residence to accommodate both units.

The subject lands have capacity for the required 3 parking spaces per lot as required under the CZB.

*"3.6.1 Residential*

*g) provide opportunity to increase the housing supply through residential intensification. Residential intensification includes infilling, conversions and redevelopment, and will be encouraged in areas designated "Residential" as a means of increasing the supply of affordable rental and ownership accommodations."*

Like most communities across Ontario, Kingsville is also experiencing an affordable housing crisis. Rental development in the community has not kept up with the growing demand, resulting in an imbalance in the mix and type of housing available. According to Kingsville's Affordable Housing Strategy, the municipality has a vacancy rate of 2 to 3 percent (%) in which 39 percent of these households are contributing more than 30 percent of their gross income on housing. In comparison, a healthy housing market consists of a vacancy rate around 5 percent and an affordable rental unit is defined as rent which does not exceed 30 percent of the gross annual household income for low and moderate income households.

The Official Plan was amended in 2015 to allow secondary dwelling units in areas with full municipal services.

**PLANNING COMMENTS**

In my professional opinion, the ZBA supports the healthy, liveable and walkable community policies of the Town of Kingsville.

**In my professional opinion, the ZBA will establish a regulatory framework that supports an appropriate conversion that will fit well within the existing neighbourhood. The ZBA conforms with relevant policies of the Official Plan for the Town of Kingsville.**

## 5. COMPREHENSIVE ZONING BYLAW

### Zoning Matrix:

	BYLAW PROVISIONS: (R1.1)	BYLAW PROVISIONS: (R2.1)	LOTS 20, 24, 28, 34, 40
PERMITTED BUILDINGS	SINGLE;	SINGLE; DUPLEX; SEMI-DETACHED; CONVERTED; (2 UNIT)	
Lot Area	500 m <sup>2</sup> ;	SINGLE - 400 m <sup>2</sup> ; <b>DUPLEX - 600 m<sup>2</sup>;</b>	LOT 20 – 824 m <sup>2</sup> LOT 24 – 838 m <sup>2</sup> LOT 28 – 838 m <sup>2</sup> LOT 34 – 840 m <sup>2</sup> LOT 40 – 1783 m <sup>2</sup>
Lot Frontage	15 metres	SINGLE - 12 m; <b>DUPLEX - 15 m;</b>	LOT 20 – 15.75 m LOT 24 – 15.75 m LOT 28 – 15.75 m LOT 34 – 15.75 m LOT 40 – 33.5 m
Building height	11 metres	11 metres	4 m
Front yard depth	5.5 metres	5.5 metres	6 m
Rear yard depth	7.5 metres	7.5 metres	7.5 m
Interior side yard	1.5 metres with attached garage or carport 1.5 metres and 3.0 metres without an attached garage or carport	1.5 metres with attached garage or carport; 1.5 metres and 3.0 metres without an attached garage or carport; 0 metre side yard on common wall side	1.5 m
Total lot coverage	40%	50%	30%
Parking req'd	2 spaces	1.5 spaces/unit	3 spaces



**PLANNING COMMENTS**

**In my professional opinion, the requested ZBA will provide for the regulatory framework that will facilitate the conversion of the existing single unit residences to a duplex under the 'Residential District 2.1 (RD2.1)' zone once the by-law is passed.**