



2021 Division Road North
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Date: March 2, 2020

To: Mayor and Council

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Town Planner

RE: Applicant for Zoning By-law Amendment ZBA/01/20 by
Chris and Lori King
1681 Division Road North (County Road 29)
PT Lot 1, CON 1, WD, 12R24704 Parts 1 & 3
Roll No. 3711 320 000 07900

Report No.: PS 2020-017

AIM

To provide the Mayor and Council with information regarding a Zoning By-law Amendment application to permit a secondary dwelling unit on lands known as 1681 Division Road North.

BACKGROUND

The parcel is a 1.35 hectare (3.33 acre) residential lot with 6.9 m (74.32 ft.) frontage onto Division Road North (see Appendix A). The property currently contains a single detached house and a pole barn. The applicants are looking to build a 111.48 sq. m (1,200 sq. ft.) detached garage with a 98.7 sq. m (1,062 sq. ft.) second dwelling unit on the upper level (see Applicants Site Sketch in Appendix B). The current zoning of the property permits a single family dwelling and accessory structures.

A site-specific zoning amendment is proposed to permit the second dwelling unit, as per *Section 2.10* of the Official Plan for a property not on full municipal servicing, where the subject property is on private septic. Additionally, the zoning amendment will address the height of the proposed secondary dwelling unit/garage of 6.7 m (22 ft.) (as shown on the applicants' sketch). All other applicable provisions of the by-law will be met.

DISCUSSION

1) Provincial Policy Statement

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment."

Section 1.4.3 states that " Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"

Comment: There are no issues of Provincial significance raised as a result of the proposed zoning-by law amendment.

2) Essex County Official Plan

The Official Plan for Essex County Section 3.2.8 Affordable Housing f) indicates that "The County generally permits *second dwelling units* [within]... an accessory structure..." Further, it is indicated that local municipal Official Plans and implementing Zoning By-law will further detail policies and provisions of second dwelling units.

Comment: There are no issues raised as a result of the proposed zoning by-law amendment.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as 'Agriculture'. The Policies of Section 2.10 Secondary Dwelling Units, provides a definition for the use and further outlines the requirement for a zoning by-law amendment since the subject property is not on full servicing, as outlined in subsection f). The applicant will need to demonstrate the ability to adequately serve the secondary dwelling unit to the satisfaction of the Town.

Comment: The applicants have applied for the Zoning By-law Amendment as a result of the requirement outlined in the Official Plan. Due to the large size of the property the owners have ample space to provide for septic improvements if needed, to accommodate the additional living quarters of the proposed secondary dwelling unit. This application meets the Goals and Policies of the Official Plan.

4) Town of Kingsville Comprehensive Zoning By-law

The subject parcel is currently zoned 'Rural Residential Exception 11 (RR-11)' where the exception permits the decrease in lot frontage from 30 metres ('Rural Residential (RR)') to 21 metres (RR-11). The Comprehensive Zoning By-law Section 4.35.1 provides that secondary dwelling units are permitted in residential zones on full municipal servicing.

The owners wish to build the Accessory Structure, which will contain a ground floor garage and upper floor secondary dwelling unit, higher than what the current zoning permits.

Comment: The proposed zoning by-law amendment in relation to the secondary dwelling unit is a requirement of the Official Plan policies due to the lack of municipal sanitary servicing on the property. As a result of the proposed structure height (as seen on the Applicants Building Sketch Appendix C) the zoning by-law amendment will also permit an increase to the height of the accessory structure from 5 m (16.4 ft.) to 6.7 m (22 ft.). The applicants' lot area can adequately accommodate the size of building and the location will be well in the rear yard, with ample separation from neighbours. The applicants' have mature evergreen trees lining the property boundary creating privacy for both themselves and from neighbours. All other provisions of the zoning by-law will be met.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in assessment as a result of the application once the proposed development is completed.

CONSULTATIONS

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries are required to receive the Notice of Open House/ Public Meeting by mail. At the time of writing, no public comment has been received.

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email.

Agency or Administrator	Comment
Essex Region Conservation Authority	<ul style="list-style-type: none">• No objections. (See Appendix D).• ERCA requests a copy of the decision.
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the requested rezoning.• All applicable drawings to be submitted for Building Permit.• Proposed building must meet Ontario Building Code regulations.
County of Essex	<ul style="list-style-type: none">• No comments received.

RECOMMENDATION

It is recommended that Council approve Zoning By-law Amendment application ZBA/01/20 to rezone the subject lands at 1681 Division Road North (County Road 29), Part Lot D, Con 1, WD, 12R24704 Parts 1 & 3, Town of Kingsville, from 'Rural Residential Exception 11 (RR-11)' to 'Rural Residential Exception 13 (RR-13)' and adopt the implementing by-law.

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