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Date: July 22, 2020

To: Mayor and Council

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Manager, Planning Services

RE: Application for Zoning By-law Amendment by
Jennifer Gagnon
111 Queen St., Pt. Lot 5, Plan 187

Report No.: PS 2020-042

AIM

To provide the Mayor and Council with information regarding a zoning by-law amendment request to permit a private school as an additional permitted use in a single detached dwelling.

BACKGROUND

The subject land is a 928 sq. m (9,988 sq. ft.) residential property with an existing single detached dwelling and detached garage. The applicant currently does home schooling as a home occupation from her home at 89 Queen St. She has purchased the subject dwelling at 111 with the hope of establish a more permanent and dedicated private school at the location. The proposed zoning would be a site-specific addition to the current R1.1 zoning, limited to the addition of a private school with a limited student capacity.

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

PPS, Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development." Section 1.1.3.3 further outlines that, "Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the

availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Comment: PPS does not speak directly to the provision of or location of education facilities either public or private. Schools in Kingsville, with the exception of Jack Miners and Gosfield North are located within residentially designated areas and incorporated as part of the community at large. How location is determined then becomes a matter of compatibility and scale which are more specifically addressed in the Town's Official Plan and zoning by-law.

2) Town of Kingsville Official Plan

The subject property is designated Residential. Section 3.6.1 Residential, Policies, item b) notes the following: other uses which are considered necessary and complimentary to serve residential areas, such as schools, parks, churches, day care centres and home occupations and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area.

Comment: The applicant acquired the home with the intention of preserving the home in its current residential form with no significant planned exterior modifications beyond that of possible entrance upgrades. As a note the property is not on the heritage interest list in the Official Plan but does contribute to the overall character of the area and streetscape.

The applicant has provided their own review of the proposal and some background information about the school. (Appendix A). The proposal does offer an alternative to the traditional school setting and is well located to access a number of resources in the area. It is centrally located so it can be accessed for walking students and the roadway can accommodate drop off with limited impact to traffic on Queen St.

The development of new and the expansion of existing institutional uses such as schools, churches, cemeteries, community halls, government buildings, public works facilities and public utilities shall be permitted in all designations, except the "Agriculture" designation, without an amendment to this Plan, subject to a site specific rezoning and the following policies:

- a) new and existing institutional uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing institutional uses which are limited to the confines of the current zoning shall be permitted; however expansions into the "Agriculture" designation would require an amendment to this Plan;

Comment: The purpose of the application is to amend the zoning to permit a private school.

- b) adequate precautions shall be taken to ensure that the permitted uses minimize adverse impacts on adjacent land uses;

Comment: The recommended zoning of the property will be limited. It will continue to permit a single detached and add private school as an additional use. The zoning will also need to provide for a limited number of students based on the permitted occupancy.

- c) adequate parking, vehicular access, tree planting, landscaping using local native plantings, buffering and site and building design will be required to create an attractive appearance and ensure compatibility with surrounding land uses;

Comment: As noted earlier the applicant is not looking to alter the outside of the dwelling but rather would like to preserve the residential exterior. The site has an existing driveway which can accommodate teacher parking. Queen St. has street parking on the east side of the road and can accommodate drop-off without blocking traffic. The applicant would need to educate parents on appropriate drop-off so that children are not crossing the road.

- d) suitable arrangements will be made for potable water supply, sanitary sewage treatment and disposal, storm drainage and all other similar services;

Comment: The property is on full municipal services and no additional development is proposed that would impact on storm water drainage.

- e) no other suitable location within the Town serviced by municipal potable water and municipal sanitary sewage and storm drainage services is available; and

Comment: The subject location is in close proximity to the applicant homes. In consultation with the Town it was suggested that the applicant should consider use of possible Town locations such as the arena, Unico, or Grovedale. I suspect that while this provides an option it likely does not work ideally as there are not individual classrooms at each of these facilities.

- f) the retention, renewal and conservation of institutional built resources such as schools, churches, jails, monuments, courthouses and other buildings of historic or architectural merit will be encouraged if they are affected by an application of development or re-development. The impact of such development plans on the character of the surrounding area will also be considered; &

Comment: This is similar to item c) in that the applicant is intending to maintain the residential character of the exterior to minimize impact to the surrounding area.

- g) new institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas.

Comment: Not applicable

3) Comprehensive Zoning By-law

The subject property, which is under consideration, is zoned Residential Zone 1 Urban, (R1.1). The proposed zoning would not rezone the site to commercial classification but rather add a private school with a limited occupancy as an additional site-specific permitted use. The exact number of students in the school at any given time will be based on the final determined occupancy through the change of use process. Building Services has indicated that based on the dwelling size they are of the opinion that an occupancy of more than 20 is unlikely. As such the amending by-law will cap the

maximum number of student at one time at 20 or as determined by the final occupancy through both Fire and Building Code, whichever is less.

LINK TO STRATEGIC PLAN

Strive to make the Town of Kingsville a more accessible community.

FINANCIAL CONSIDERATIONS

The change of use for the property will be subject to building permit fees. As a private school there also may be some increase in assessment once the use is developed.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 544/06 and 545/06 of the Planning Act, property owners within 120 m of the subject site boundaries received the Notice of Public Meeting by mail. Comment was received both in support of and in objection to the proposed zoning amendment. See Appendix B and C

Agency & Administrative Consultation

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.

Essex Region Conservation Authority (ERCA)

- The parcel is not within a regulated area.
- ERCA has no objection to the proposed development
- See full comment in Appendix D.

Town of Kingsville Management Staff

- Municipal Services, Fire and Building Dept. staff met with the applicant to outline the need for consultation with a private designer, engineer or architect to determine the specific requirements for use of the dwelling as a school
- Parking and traffic impact remain an item of interest
- Any form of servicing upgrades such as water or sewer would be the applicant responsibility

RECOMMENDATION

That Council:

Approve zoning amendment application ZBA/03/2020 to rezone 111 Queen St. from Residential Zone 1 Urban (R1.1) to a site-specific Residential Zone 1 Urban Exception (R1.1-29) to add a private school limited to a maximum student occupancy of 20 or as determined by the change of use permit process, whichever is less.

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