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**Date:** October 16, 2020

**To:** Mayor and Council

**Author:** Kristina Brcic, MSc, BURPI

**RE:** Application for Zoning By-law Amendment ZBA/11/20 by  
Pigeon Bay Home Construction  
595 Malo St.  
Lots 76 & 77, Plan 1434  
Roll No. 3711 270 000 06505

**Report No.:** PS 2020-053

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## **AIM**

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to permit the construction of a four-unit townhouse, on lands known as 595 Malo St, in the Town of Kingsville.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. The subject property is designated 'Lakeshore Residential West' by the Official Plan and zoned 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

The subject property is a 513 sq. m (5,526 sq. ft.) vacant lot. The applicant is proposing to develop a four unit townhouse structure. A site-specific zoning amendment would be necessary to permit the proposed use and establish regulations such as a reduced side yard for a townhouse without garages and a reduced rear yard in favour of increased front yard to accommodate parking, and to increase lot coverage to 42%.

## **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 for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

Section 1.1.3.2 states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment".

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: The proposed zoning by-law is consistent with Provincial Policy Statement as it provides opportunity to expand the type and variety of housing in the subject area which is currently limited to single detached only.

### **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject properties as 'Lakeshore Residential West'. Section 3.6.4, states that "The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main urban centre."

The Goals and Policies support amendments to the zoning for such development and include:

"a) to recognize existing residential development and areas previously designated for residential development;

d) to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy;

a) residential development shall consist primarily of single unit dwellings but may also include single unit detached two unit (semi-detached), and single unit attached dwellings(townhouses)."

Comment: The applicant applied for a Zoning By-law Amendment in order to permit the construction of a four-unit townhouse. The applicant would like to provide an additional type of housing than what is currently available in the immediate neighbourhood. Since the subject property is currently made up of 2 lots of record, the applicant can separately convey one of these lot. As a result, a semi-dwelling could be built on either lot. Instead, the applicant would like to develop the lands in a townhouse style comprising for 4 units. Therefore, the application conforms to the goals and policies outlined in the Town's Official Plan.

### **3) Town of Kingsville Comprehensive Zoning By-law**

The subject parcel is currently zoned 'Lakeshore Residential (LR)' which permits a single detached dwelling as the main use. The existing lot fabric in this area varies, as do the style and size of homes. While the zoning only permits single detached housing, the applicant has applied to permit a 4-unit town home on the subject property. In addition, the applicant is seeking an amendment to permit a reduced side yard for a townhouse without garages to allow 1.5 m (5 ft.) on both sides of the dwelling, a reduced rear yard from 7.5 m (25 ft.) to 3.84 (12.583 ft.) in favour of increased front yard from 6 m (20 ft.) to 6.7 m (22 ft.) to accommodate parking, and to increase the lot coverage from 40% to 42%, as shown on the applicants sketch in Appendix B.

Comment: The proposed amendment would permit the construction of a 4-unit townhouse on the subject lands. Currently, the property is made up of 2 lots of record which could be separately conveyable and could result in separate developments on each lot. However, the applicant would like to design the dwelling in a townhouse style made up of a total of 4 units. Since the design would not include garages, the applicant would like to increase the front yard to accommodate any extra parking needs and in turn reducing the rear yard depth. Since the design does not allow for the construction of detached garages in the rear yard, the 10 ft. side yard requirement for a house without an attached garage is not applicable, hence the request for only 1.5 m (5 ft.) side yard setback on either side of the dwelling. Due to the increased lot coverage permitted, the owners would not be permitted to erect any accessory structures or buildings. Therefore a site-specific Lakeshore Residential is proposed.

### **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

### **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once the lot is developed.

### **CONSULTATIONS**

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. At the time of writing this report, a number of residents phoned in with questions and concerns and they also provided written comments. The residents in the area have also submitted a petition against the proposed zoning amendment. The submitted comments can be view in

Appendix C and are mainly concerned with the density and type of the development and its impact on traffic and drainage.

Comment: Both the Malo St. and Peter St. areas are low density but in part due to several potential infilling opportunities and vacant lots. Care is required to properly manage storm water for all new development. Variety of housing is also an important consideration. New development that has occurred in other areas of the Town has led to overall improvement of the area.

### **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. At the time of writing, the following comments have been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- See full comment in Appendix D.

#### **2) Town of Kingsville Management Staff**

- Any encroachment to the lot lines may lead to spatial separation concerns.
- Ensure all Ontario Building Code requirements are met as this may have an impact on design, construction and costs.

### **RECOMMENDATION**

That Council:

Approve zoning by-law amendment application ZBA/11/20 to rezone the subject parcel, Lots 76 & 77 on Plan 1434, known as 595 Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'; to permit a four-unit townhouse, establish site-specific regulations and adopt the implementing by-law.

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