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Date: October 16, 2020

To: Mayor and Council

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RE: Application for Zoning By-law Amendment ZBA/12/20 by
Pigeon Bay Home Construction
V/L Malo St.
Lots 72 & 73, Plan 1434
Roll No. 3711 270 000 06500

Report No.: PS 2020-054

AIM

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to permit the construction of a semi-detached dwelling, on lands known as V/L 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 385 sq. m (4,148 sq. ft.) vacant lot. The applicant is proposing to develop a semi-detached dwelling. A site-specific zoning amendment would be necessary to permit the proposed use and establish regulations for a reduced rear yard in favour of increased front yard to accommodate parking and regulations specific to establishing each unit as a freehold.

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 application is consistent with the Provincial Policy Statement as it help to support a wider variety of housing forms.

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 (townhouse)."

Comment: The applicant applied for a Zoning By-law Amendment in order to permit the construction of a semi-detached dwelling. The application would like to provide an alternative type of housing of what is currently available in the immediate neighbourhood, however semi-dwellings are commonly found in the York subdivision just northwest of the subject property. As stated in the Official Plan, two unit attached dwellings shall be supported. 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 currently 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 currently zoning only permits single detached housing, the applicant has applied to permit a semi-detached dwelling on the subject property. In addition, the applicant is seeking an amendment to permit a reduced rear yard from 7.5 m (25 ft.) to 3.84 m (12.583 ft.) in favour of increased front yard from 6 m (20 ft.) to 6.7 m (22 ft.) to accommodate parking.

Comment: The proposed amendment would permit the construction of a semi-detached dwelling on the subject lands. 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. There are no issues with lot coverage as the applicants are proposing a 36.5% lot coverage of a total 40% permitted, as shown on the Applicants Sketch in Appendix B. As a result the applicants seek a site specific Lakeshore Residential zone amendment.

Therefore, the proposed amendment has been determined to be good planning.

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: The area in question offers a number of vacant lots along with infilling opportunities. It is important in all areas of the Town to provide a variety of housing types.

Drainage consideration for all new development have to be undertaken with care and attention to not impact on existing development.

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/12/20 to rezone the subject parcel, Lots 72 & 73 on Plan 1434, known as V/L Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'; to permit a semi-detached dwelling, establish site-specific regulations and adopt the implementing by-law.

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