



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 14, 2021

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI
Town Planner

RE: Zoning By-law Amendment File ZBA/17/21 by
Julie Sherman - Dann
1775 Division Rd N
Concession 1 WD, Pt Lot 1
Roll No. 3711 320 000 06600

Report No.: PS 2021-063

RECOMMENDED ACTION

That Council:

approve Zoning By-law Amendment application ZBA/17/21 to rezone the subject lands at 1775 Division Rd N (County Road 29), Concession 1 WD, Pt Lot 1, Town of Kingsville, from 'Rural Residential (RR)' to 'Rural Residential Exception 15 (RR-15)' and adopt the implementing by-law.

BACKGROUND

The Town of Kingsville has received a Zoning By-law Amendment Application for lands known as 1775 Division Rd. N, located on the west side of Division Rd N (County Rd 29), and south of Road 2 (see Appendix A). The subject property is designated 'Agriculture' by the Official Plan and zoned 'Rural Residential (RR)' under the Kingsville Comprehensive Zoning By-law.

The parcel is a 0.21 ha (0.52 ac.) residential lot with 24.1 m (79 ft.) frontage onto Division Rd N. The property currently contains a single detached house and a shed (to be removed). The applicant is looking to construct a new 133.78 sq. m (1,440 sq. ft.) detached garage in the rear yard with 93.6 sq. m (1,008 sq. ft.) living quarters above (see Appendix B). In order to comfortably accommodate the secondary dwelling unit above the garage, the applicant is requesting an increase in height from the permitted 5 m (16.4 ft.) for an accessory structure to 6.58 m (21.6 ft.). The current zoning of the property permits a single detached 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 servicing, where the subject property is on private septic and will include the increased height to 6.58 m (21.6 ft.) in order to build a comfortable upper floor living space. The applicant provided a septic analysis for the proposed secondary dwelling unit for review.

DISCUSSION

1.0 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.

2.0 Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject property 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.

The applicant has applied for the Zoning By-law Amendment as a result of the requirement outlined in the Official Plan. The applicant's septic analysis was reviewed and approved by the Town's Building Department stating there were no septic issues for the proposed development. This conforms to the Goals and Policies of the Official Plan.

3.0 Town of Kingsville Comprehensive Zoning By-law

The subject parcel is currently zoned 'Rural Residential (RR)'. The Comprehensive Zoning By-law Section 4.35.1 provides that secondary dwelling units are permitted in residential zones on full municipal servicing.

The owner is proposing to construct a new accessory structure, which will contain a ground floor garage and upper floor secondary dwelling unit. The proposed zoning by-law amendment is required to permit a secondary dwelling unit on a property not fully serviced. In order to accommodate the secondary dwelling unit in the building the zoning by-law amendment will also permit an increase to the height of the accessory structure from 5 m (16.4 ft.) to 6.58 m (21.6 ft.). (See Appendix B). The lot area can adequately accommodate the size of the building and the location will be in the rear yard with ample separation from neighbours with a minimum of 1.5 m (5 ft.) side yard, which is the same required side yard setback for the main dwelling. All other provisions of the zoning by-law will be met.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

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

CONSULTATIONS

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, no comments have been received.

1.0 ERCA

- No objection to the application
- Full comments available in Appendix C

2.0 Town of Kingsville – Technical Advisory Committee (TAC)

- Septic approval with Building Department

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services