

## Appendix C



**REPORT:** **PLANNING RATIONALE REPORT (PRR)**

**MUNICIPALITY:** TOWN OF KINGSVILLE

**MUNICIPAL ADDRESS:** 9 PULFORD ST., KINGSVILLE

**OWNER:** **2791854 ONTARIO INC.**  
c/o Simone Chisholm

**DEVELOPMENT:** ZBA

**DATE:** SEPTEMBER 6, 2021

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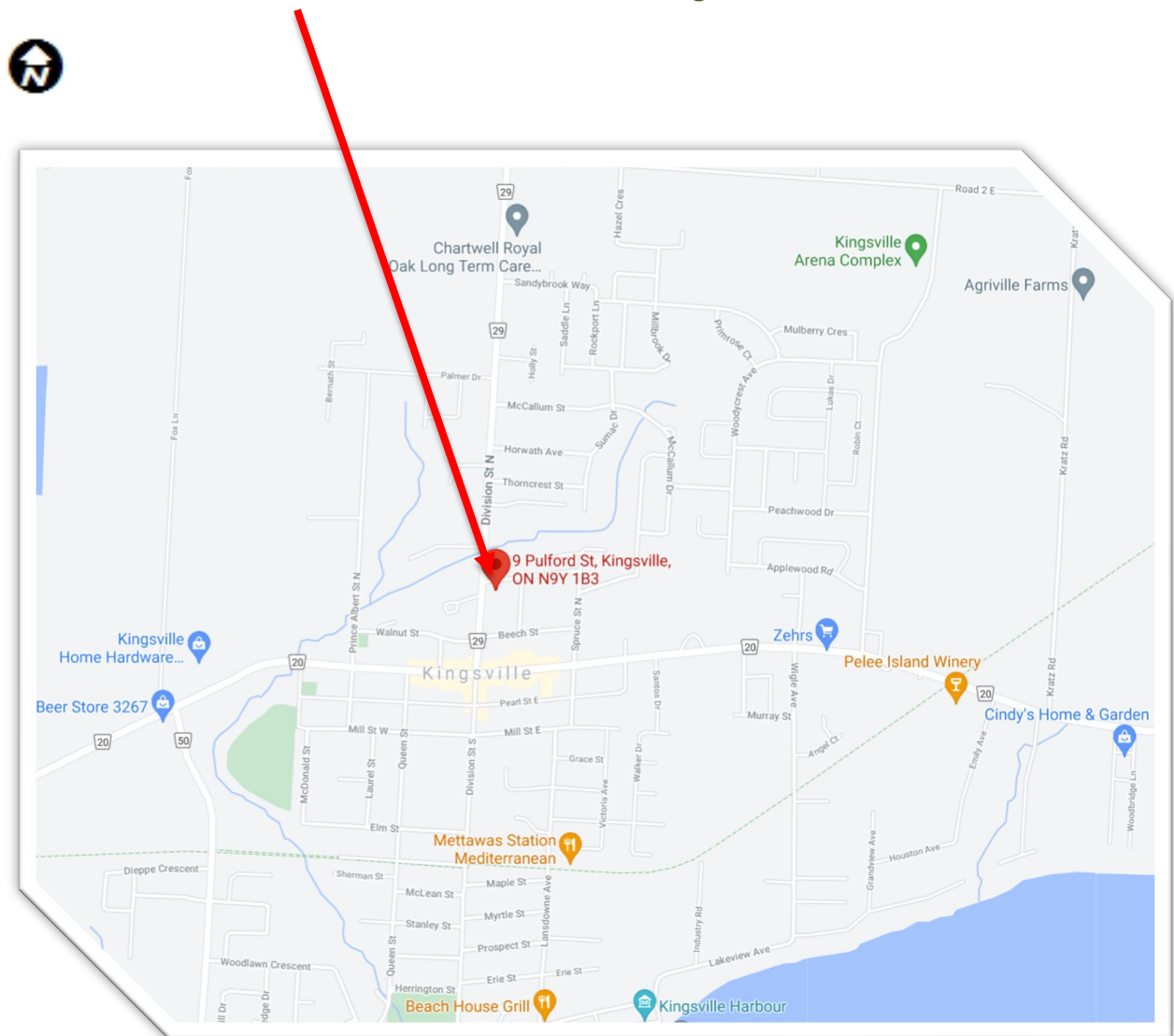
#### **APPENDIX B – CZBL 1-2014 (RESIDENTIAL URBAN 1 (R1.1))**

## 1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of a Zoning Bylaw Amendment (ZBA) for lands known as 9 Pulford Street, Town of Kingsville. The rezoning will accommodate the addition of an expanded home occupation of a professional office use as an additional use to the existing residential use in the single, detached residence.

A pre-consultation meeting was held between Simone Chisholm, Town of Kingsville (Robert Brown, Manager of Development Services) and Lassaline Planning Consultants (Jackie Lassaline, Principal Planner). Jackie Lassaline, BA MCIP RPP has prepared this planning rationale to support, explain and justify the requested Zoning Bylaw Amendment (ZBA).

**FIGURE 1 - LOCATIONAL MAP – 9 Pulford Street, Kingsville:**



## 1.1 PURPOSE OF THE REPORT

The subject property is designated 'Residential' in the Official Plan and zoned 'Residential Urban 1 (R1.1)' zone in the Comprehensive zoning Bylaw 1-2014 for the Town of Kingsville.

The owner of the residence owns a business known as 'Plan A Windsor' a human resources firm. The firm has a staff of 4 people who provide administrative support to Simone Chisholm, owner of 'Plan A'. The principal function of the firm is to interview candidates and hire personnel for placement in senior homes in the Windsor Essex region. Interviews with staff being hired either occur individually at the office or virtually.

All people attending the facility are invited and there will not be members of the general public attending the office: there is no 'walk in customers'. There will not be any changes to the interior or exterior of the building and the building will not change in appearance: the existing residence will remain looking like a residence.

During Covid19 it was evident that 'Plan A' provides an essential service for senior homes by providing for the necessary support staff and personal care providers for our senior establishments. 'Plan A' is a quiet professional office function.

The owner has requested a site specific Zoning Bylaw Amendment (ZBA) for the purposes of allowing for a minor expansion of the existing permitted home occupation regulations specific to this site. The site specific regulations being requested will allow for the home occupation permitted use of an office in the residence with a maximum floor of 35% of the total residential floor area. The proposed site specific regulation is providing for 4 employees, an additional 2 employees to the 2 permitted under the home occupation bylaw.

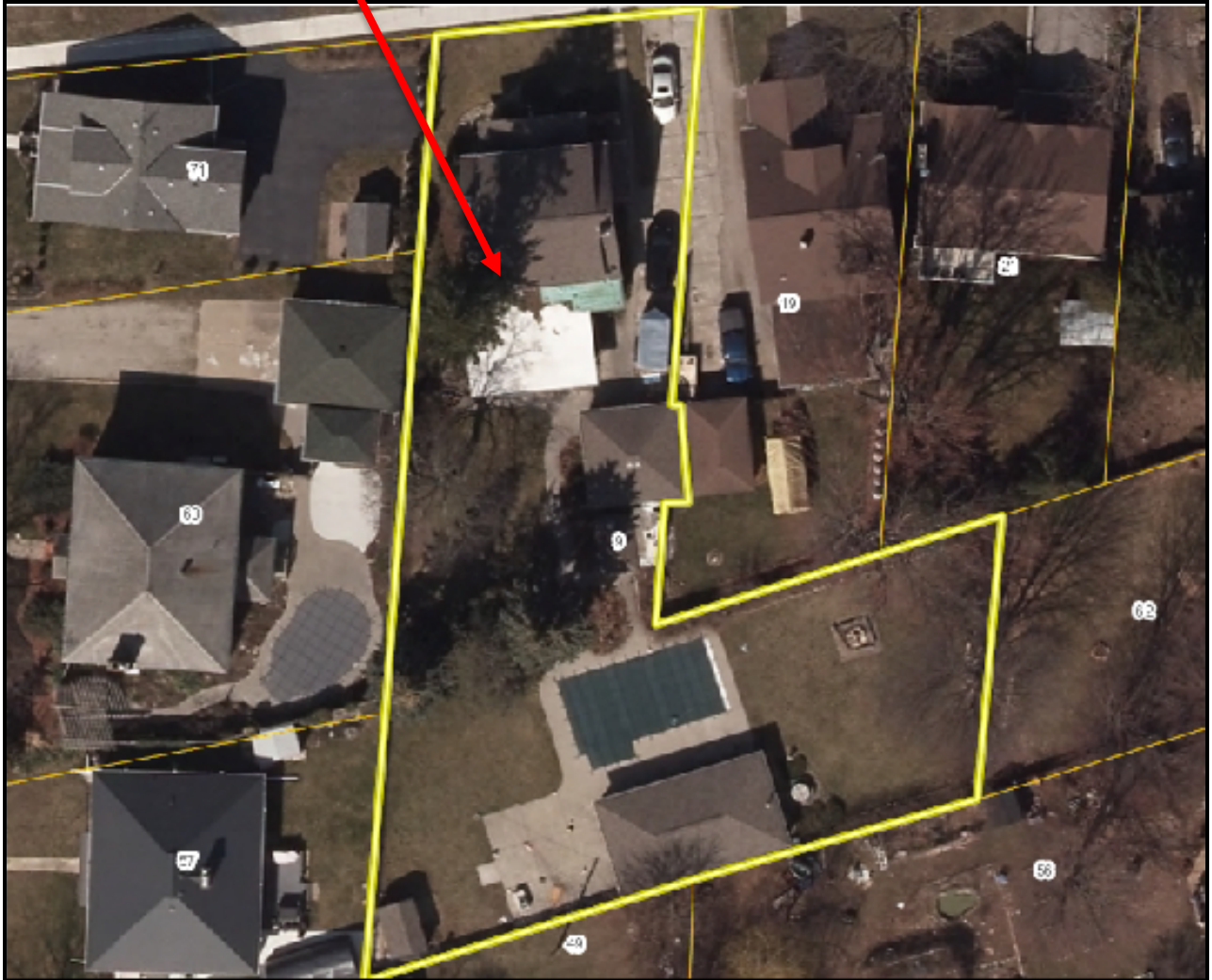
This planning rationale report will demonstrate the consistency of the proposal with the Provincial Policy Statement 2020 and how the minor office expansion is consistent with employment and healthy community policies of the province. The requested Zoning Bylaw Amendment (ZBA) will be examined in context of the Official Plan (OP) policies for the County of Essex as well as the policy framework of the OP for the Town of Kingsville.

Significantly, this rationale report will examine the requested ZBA change to provide for a site specific 'Residential Urban 1 Exception (R1.1-#)' zone with regulations that allow for a professional office to occupy 35% of the Gross Floor Area and 4 employees in the office in context of the Comprehensive Zoning Bylaw 1-2014.

## 1.2 9 Pulford Street, Kingsville

9 Pulford Street has a lot frontage of 18.5 m on Pulford Street and a lot area of 1,665 m<sup>2</sup> and is presently used as a residential parcel containing a single detached, 2 storey residence, with 5 parking spaces on the mutual shared driveway, a parking space in the garage for a total of 6 parking spaces on site. A pool and an accessory shed are also on the site.

**FIGURE 2 – AERIAL PLAN**



## 1.3 NEIGHBOURHOOD LAND USES TO THE SUBJECT PROPERTY:

Please refer below to **NEIGHBOURHOOD MAP**:

- a) **North** - residential
- b) **East** - residential
- c) **South** - commercial (Peralta Engineering)
- d) **West** - commercial (professional office and hair dressers) and residential



The subject lands are located in the northern area on the periphery to the CBD for the Town of Kingsville.

Adjacent lands to the west, 71 Division Street N is a fully converted residence to a commercial building with a hairdresser on the main floor and a professional office on the second floor. 63 and 57 Division Street N. are residential uses. Further to the west are commercial uses including retail commercial, institutional, and service commercial.

Adjacent to the subject lands on the south is 45-49 Division Street that is zoned for a professional office. To the south of the subject lands are retail commercial, service commercial and general commercial uses.

To the north and east of the subject lands are predominately residential with some home occupation/minor commercial activities occurring within the neighbourhood.

9 Pulford St, the subject site, is located within a mixed use urban block consisting of residential and commercial uses and is considered in the fringe block of the CBD (Central Business District), the downtown commercial core for Kingsville.

**FIGURE 4 – NEIGHBOURHOOD MAP:**



## 1.4 PROPOSED ZBA APPLICATION:

The owner bought the residence with the intent of establishing a home based business within the residential building by maintaining a residence balanced with a business to create a live/work environment. A home occupation is a permitted use in the existing residence with a professional office as an appropriate home occupation.

Home Occupation Bylaw Section 4.18 a) of the CZB for the Town of Kingsville allows for the owner and 2 employees on a lot of 0.2 ha area to work from the office. The existing two storey building has a total floor area of 1,996 ft<sup>2</sup> on a property with 0.2 ha area.

A site specific provision has been requested to identify 4 employees will be working in this professional office. The office occupancy will be focused mainly on the second floor with main floor access by employees and people attending the office for specific meetings. There will be three private offices upstairs only accessible to employees. The residence will be maintained as a residence and there will not be any changes to the exterior that identify the building as anything other than a residence.

Home Occupation Bylaw Section 4.18 c) of the CZB for the Town of Kingsville allows for 25% of the gross floor area to be used for the office. The owner is proposing to utilize 35% portion of the existing building for a professional office while maintaining 65% the remainder of the building for their residential accommodation as the owner's principal residence. This is a slight variance of only 10% increase for the permitted professional office as a home occupation.

The residential component will consist of the main floor sitting room, kitchen and sunroom, bathroom, living room and sunroom (1215 ft<sup>2</sup>) area while on the second floor one bedroom at (80 ft<sup>2</sup>) with a total of (1295 ft<sup>2</sup>) or 65% of the Total Floor Area to be maintained for residential purposes. The pool and outdoor patio will be utilized by both the staff of the office and residents of the residential unit.

The commercial component will consist of the use of the dining room on the main floor and three bedrooms and the bathroom upstairs for a total of 65 m<sup>2</sup> (701 ft<sup>2</sup>) or 35% of the of Gross Floor Area.

The owner has recently purchased the residence and has undertaken changes of all personal documentation such as their drivers licence, etc. showing 9 Pulford as their principal accommodation. The owner will be living in the residence and it will be her principal residence while allowing her to work in the office in the residence.

Presently there is an existing driveway with 5 parking spaces on the driveway and 1 space in a garage for a total of 6 parking spaces available.

Site specific bylaw provisions will provide for a maintenance of the complimentary nature of the residence and the professional office with the following specific regulations. Specifically, the site specific bylaw will provide for the following site specific provisions:

- 1) Professional office as a home occupation;
- 2) Parking on-site: 5 parking spaces;
- 2) Office Space (maximum): 65 m<sup>2</sup> (701 ft<sup>2</sup>).

The professional office use is quiet and compatible with the neighbourhood. The applicant has requested a site specific Zoning Bylaw Amendment (ZBA) to permit the addition of an expanded home occupation of a professional office use as an additional use that will share the existing single, detached residence.

The ZBA will provide for a regulatory framework for the combined use of the building for both an expanded home occupation of a professional office while maintaining the residential use. The ZBA will support a live work initiative and allow for professional office use while maintaining the residential unit.



## 2. PROVINCIAL POLICY STATEMENT (PPS 2020)

When reviewing a planning application to determine if the requested Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (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. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

***"Section 1.1.1 Healthy, liveable and safe communities are sustained by:***

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

**COMMENT:**

Subject lands are located within the urban settlement area of the municipality. The lands are also located adjacent to the downtown commercial area and in an area of mixed use neighbourhood. The requested ZBA will support a minor expansion of a professional office as a home occupation while maintaining the residential use, supporting the PPS direction of promoting efficient and effective development.

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

**COMMENT:**

The site specific zoning will support the development of the site for a combined use building that will maintain a residential unit at 65% occupancy and a professional office use at 35% occupancy. A professional office as a home occupation is a quiet use that is appropriate for compatibility with both the commercial and the residential uses within the mixed-use neighbourhood. In my professional opinion, the use is an appropriate use for the neighbourhood from commercial use to the south to the residential use to the north while providing for a compatible with the existing neighbourhood.

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

**COMMENT:**

The professional office use in the existing building will not be creating environmental, public health or safety concerns.

- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

**COMMENT:**

The subject lands are located in the urban settlement area of the Town of Kingsville. Specifically, the lands are located in an area peripheral to the downtown core, in a mixed use neighbourhood with like and similar uses on adjacent parcels. The use fits within the present mixed use neighbourhood. In my professional opinion, the requested ZBA supports the minor expansion of the quiet home occupation of a professional office in the residence on the subject lands and supports the efficient and effective growth of the Municipality.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

**COMMENT:**

The proposed ZBA will support the professional office use in an existing building that is located in an area on the periphery of the central commercial area and adjacent to existing residential neighbourhoods. The location of the building supports the work and live as well as the walkable community initiatives of the province and municipality. The expansion of the permitted use will provide for the continuation of existing lands and municipal services.

To support, encourage and provide for climate change initiatives, and to support the reduction of the use of the automobile, and because of the ability to work/live within the community neighbourhoods, 4 bike parking spaces will be provided on site to encourage both staff and the public to walk or bike.

The proposed professional office in an existing building, in my professional opinion, minimizes land consumption, allows for minor intensification of uses, and servicing costs while supporting a healthy community.

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

**COMMENT:**

The main floor of the building will be accessible and will provide opportunities for employment and professional services for persons with disabilities.

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs*

**COMMENT:**

Services and infrastructure are existing with service capacity available for the inclusion of the professional office. The requested ZBA will facilitate the the professional office on existing municipal services, supporting the efficient and effective use of municipal services.

- h) promoting development and land use patterns that conserve biodiversity; and*

**COMMENT:**

The professional office within the existing building within an existing mixed-use neighbourhood will effectively promote land use patterns that conserve biodiversity.

- i) Preparing for the regional and local impacts of a changing climate.*

**COMMENT:**

The professional office is in close proximity and walking distance to amenities and supportive commercial uses and residential uses. The combined professional office and residential unit provides for work/live opportunity as well as supporting the walkable, healthy community. The location supports walking for commuting to work, walking downtown for meals or meetings, and walking for access to banking/shopping supporting the provincial and municipal initiative of the healthy community.

***“Section 1.1.3.2 Land use patterns within settlement areas shall be based on:***

***a) densities and a mix of land uses which:***

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. prepare for the impacts of a changing climate;*
- 5. support active transportation;*
- 6. are transit-supportive, where transit is planned, exists or may be developed; and*
- 7. are freight-supportive; and*

***b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”***

**COMMENT:**

As noted above, the proposed ZBA provides for an expanded home occupation of a professional office located within an existing building within a mixed-use neighbourhood. The use is an appropriate use for a mixed use neighbourhood with adjacent professional office uses and the downtown commercial core uses.

The home office will be an efficient and effective use of existing infrastructure.

The location of the professional office will support the work/live and the walking, biking and healthy community initiatives of the municipality.

The building is existing at 2 storeys, comparable to the height and massing of adjacent buildings. There are no changes proposed to the exterior of the residence. The look of the residence will be maintained.

The bylaw will establish site specific provisions that will provide a minor expansion of the home occupation of a professional office to 35% of the existing building while maintain 65% of the building for residential, an appropriate balance of intensification for the building and the neighbourhood.

***“1.3.1 Planning authorities shall promote economic development and competitiveness by:***

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed-uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide*

*range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.”*

**COMMENT:**

In my professional opinion, the professional office will provide for an appropriate balance of uses between the commercial of the CBD and the existing residential uses in the mixed-use neighbourhood.

The professional office will provide for employment opportunities providing for the growth of the employment opportunities of the professional business.

The allowance of the minor expanded professional office with the balance of maintaining the residential unit supports the live/work initiative of the municipality and the Province, supporting a healthy community.

In my professional opinion, the site specific provisions of the requested ZBA will facilitate the balance of a quiet professional office and a residence in a mixed use neighbourhood that also includes other professional offices and residences.

**COMMENT:**

**In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient inclusion of an expanded home occupation of of a professional office in an existing residential building. The ZBA is consistent with the 2020 PPS for supporting sound development in a mixed-use neighbourhood of similar uses and including a use that is compatible with existing uses. The requested ZBA supports the healthy community and the live/work initiatives of the PPS.**



### 3. COUNTY OF ESSEX OFFICIAL PLAN:

#### ***“Section 3.2.1 Land Use Policies: General Directive***

*It is the vision and purpose of this Plan to direct the majority of future growth and development into the Primary Settlement Areas in order to strengthen the County’s settlement structure, focus public and private investment in fewer areas and to preserve the lands designated “Agricultural” and “Natural Environment” for the purposes outlined in the policies of this Plan.”*

#### **COMMENT:**

The lands subject to the ZBA are located within the Primary Settlement area of the Town of Kingsville. In my professional opinion, the subject lands are located in the appropriate primary settlement area of the municipality and conforms with the policy direction of the County of Essex Official Plan.

#### ***“Section 3.2.2 Land Use Policies: Goals***

*The following goals are established for those lands designated as “Settlement Areas” on Schedule “A1”:*

- f) To increase the opportunity for job creation within each local municipality by attracting and maintaining industries and businesses closer to where County residents live.”*

#### **COMMENT:**

The ZBA will provide for site specific provisions to facilitate the balance of an expanded home occupation professional office in an existing residence while maintaining the residential component providing for a live/work scenario.

#### ***“3.2.4.1 Land Use: Policies***

- f) Downtown/Uptown areas should maintain and/or enhance the existing character of these areas. Mixed-use development and an accessible pedestrian oriented streetscape are encouraged. The preparation of Community Improvement Plans are also encouraged.”*

#### **COMMENT:**

The professional office is an appropriate use within the mixed-use neighbourhood and is particularly appropriate as a quiet use adjacent to other existing professional offices and the existing residential uses within the neighbourhood.

#### **COMMENT:**

**In my professional opinion, the requested ZBA conforms with relevant policies of the County of Essex Official Plan.**

#### 4. TOWN OF KINGSVILLE OFFICIAL PLAN:

The subject lands is located at 9 Pulford Street and presently contains a single, detached residence and is designated 'Residential' in the OP for the Town of Kingsville. The parcel contains a two storey professional office.

The intent is to allow for the continuation of the residential use while supporting an expansion of the professional office within the residence. The ZBA will include a professional office space while maintaining the residential component. To maintain the intent of the OP, the ZBA will be specific in the maximum allowable floor space used for the professional office.

***"2.1.1 Land Use Planning Principles:***

***a) to create more compact, mixed-use, and pedestrian oriented development within designated and fully serviced urban settlement areas;***

**COMMENT:**

The requested ZBA will support an expanded home occupation of a professional office in an existing building as a shared use in an existing building on full municipal services. The inclusion of an additional use for the building without any additions or changes to the exterior of the building supports a compact built form while providing for additional employment opportunities as a live/work solution.

***b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy recreational opportunities;***

**COMMENT:**

The proposed development supports the healthy community by providing for employment opportunities within a mixed-use neighbourhood of like and similar uses while supporting the live-work initiative provided for by the municipality.

By providing for additional employment opportunities for residents within the community, and within walking distance to the downtown amenities, the requested ZBA supports the healthy community initiative.

- c) *to provide a broad range of housing types, services and amenities, employment and leisure opportunities for a growing and aging population;*

**COMMENT:**

The requested ZBA will support a minor expansion of a home occupation of a professional office as an employment use within a mixed use neighbourhood with professional offices located on adjacent properties to the subject land. The residential unit will be maintained with a mixed use building being created through the inclusion of the professional office. The ZBA will support the live/work initiative of supporting the inclusion of the professional office, a use comparable to other professional offices within the neighbourhood.

- d) *to promote the creation of public spaces within all neighbourhoods and settlements that foster a sense of community pride, well-being, and create a sense of place;*

**COMMENT:**

The proposed ZBA will support and provide for employment opportunities, supporting a positive sense of community.

- e) *to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;*

**COMMENT:**

The ZBA will provide site specific regulations for an expanded home occupation of a professional office in an existing building and will support an efficient and effective use of municipal resources and existing infrastructure. The office will provide for responsible, managed growth in an area that has similar existing uses and are compatible with the proposed professional office.

- f) *to promote opportunities for intensification and redevelopment within Primary Settlement Areas which are consistent with the existing built form of the area, in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities;*

**COMMENT:**

The requested ZBA will provide for a minor expansion of a home occupation for an efficient professional office that does not have members of the public frequenting the establishment. The owner will be maintaining a residential unit at 65% of the building. The professional office will be located within an existing two storey building consistent with the two storey professional office buildings and residences on adjacent lands and located within a mixed-use neighbourhood.

The professional office being purported is a quiet, unobtrusive use that is compatible with existing neighbourhood use that includes professional offices and residences on adjacent lands. The existing privacy fence and landscaping will provide for an aesthetically high level property while providing for buffering from existing uses.

- i) to create and maintain an improved balance between residential and employment growth by increasing the opportunity for job creation, and maintaining and attracting industries and businesses;*

**COMMENT:**

The ZBA will provide for site specific regulations for an expanded home occupation of a professional office that will support the live/work initiative of accommodating residential and work in an existing facility.

- j) to maintain and enhance the uptown area of Kingsville and the commercial area of Cottam as focal points where a broad range of community and commercial facilities and services and housing and employment opportunities are available at higher densities in a mixed-use environment;*

**COMMENT:**

The subject lands are located adjacent to the uptown area of Kingsville and within walking distance to uptown commercial uses. With the ZBA providing for a minor expansion of a professional office within an existing residence while maintaining a residential unit will provide for the owner to both live and work in the same location. The building is located within a mixed use neighbourhood and adjacent to other properties containing professional office space.

In my professional opinion, the requested ZBA conforms with the relevant policies of the OP.

**“2.8 SITE SUITABILITY:**

*Prior to the approval of any development or amendments to this Plan and/or the Town’s Zoning By-law, Council shall be satisfied that:*

- a) the proposed development has demonstrated that all necessary services are available to adequately accommodate the proposal;*

**COMMENT:**

The existing building is connected to all municipal services. There are 6 parking spaces on site and can facilitate the use of a professional office as well as provide for the use of the residential unit.

- b) development be required to connect to sanitary sewer services and demonstrate that adequate unreserved capacity is available. Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available;*

**COMMENT:**

The existing building is connected to all municipal services. There is capacity to accommodate the proposed office use.

- c) development demonstrate appropriate, safe access to the local and County Street network capable of supporting the type and volume of vehicular traffic generated by the proposed development;*

**COMMENT:**

The small office will not generate traffic issues. The staff will arrive in the morning and leave in the afternoon while the owner will be living on site and not generating traffic.



- d) development provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s);*

**COMMENT:**

No new buildings or addition are proposed. The existing building is connected to all municipal services including storm sewers.

- e) development make best efforts to incorporate best management practices and the utilize low impact storm water management systems;*

**COMMENT:**

There will not be any additions that warrant a change to the Storm Water Management for the property.

- f) development with limited lot frontage be required to demonstrate to the satisfaction of the Town how the subject site can be accessed without impact to abutting sensitive land uses. Minimum lot frontage requirements are more specifically outlined in the implementing Zoning By-law;*

**COMMENT:**

The professional office will be included in an existing building on an existing lot. There are not any exterior changes or modifications to the existing building. The existing building is a two storey residence, comparable in size, massing and setback with existing professional offices and residences within the neighbourhood.

- g) development located to the rear of existing sensitive land uses be required to demonstrate a higher standard of separation and buffering through the site plan approval process;*

**COMMENT:**

The use of the existing building will occur on the inside and there will not be anything visible from the neighbourhood respecting the inclusion of the professional office.

- h) development be designed and oriented as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in ERCA's Environmental Impact Assessment Guidelines. Generally, "adverse effect" can be summarized as impairment of the quality of the natural environment; injury or damage to property, plant, or animal life;*

*harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and interference with normal conduct of business.”*

**COMMENT:**

The subject lands are located within mixed use area of the Town that have been developed for over a hundred years. There are no natural features, species at risk or regulated area by ERCA located on the subject lands or adjacent lands.

**“3.6.1.1 Goals**

*The following goals for areas designated “Residential” on Schedules “A-1” and “A-2” of this Plan are to:*

- a) provide areas in which residential development may occur in a controlled and progressive manner and to recognize existing residential development and areas presently designated for residential development;*
- b) ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town;*
- c) encourage infilling of the existing development pattern within vacant and underutilized areas in a manner that is compatible with the surrounding neighbourhood character and built form;*
- d) encourage the development of a greater variety of housing types and densities within appropriate locations which provides infrastructure and community services and amenities to support such uses;*
- e) direct neighbourhood commercial, institutional and other non-residential development to appropriate locations in a manner that is compatible with the surrounding neighbourhood character;*
- f) encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Section 7 of this Plan;*
- g) encourage new plans of subdivision to provide a full range of housing densities to facilitate movement toward the County target of 20% affordable housing in all new development;*
- h) provide opportunity to increase the housing supply through residential intensification, in accordance with the policies of Section 2.11 of this Plan;*
- i) development standards for residential intensification, infilling, conversions and redevelopment shall be implemented through the zoning by-law and guidelines within the Town’s Development Standards Manual;*
- j) encourage an adequate supply of new building lots to meet the anticipated demand for additional housing units over the planning period.*
- k) provide opportunity to increase the supply of affordable housing, in accordance with the policies of Section 2.13 of this Plan.”*

**COMMENT:**

The owner is maintain 65% of the existing building as their principal residence within a residential unit. The inclusion of a professional office will not result in the loss of a residential unit.

The professional office within the building supports the needed professional office space available within the Municipality. There is a lack of vacant professional space available for rent and though the space will be utilized by the owner, in future this space will be available within walking distance to the CBD, adjacent to like and similar uses, and will provide for live/work opportunities.

The subject site is appropriate as it is a building within a neighbourhood where existing residences have had professional offices successfully included in the buildings. The subject use is a quiet use for a building within an area of other similar uses.

***“3.6.1.2 Policies***

*The following policies shall apply to those lands designated “Residential” on Schedule “A-1” and “A-2” of this Plan:*

*b) other uses which are considered necessary and complimentary to serve residential areas, such as schools, places of worship, and institutional uses of a similar scale, neighbourhood-scale commercial uses, and essential buildings and structures for public utilities, may be permitted where they are compatible with the residential area and located on an arterial or collector road;”*

**COMMENT:**

The requested ZBA to provide for a minor expansion of a home occupation of a professional office is small scale at only 35% of the gross floor area with no visible impact to the neighbourhood. The conversion of a component of the building for a professional office will be for a quiet use that already exists in multiple buildings within the neighbourhood. Maintaining the residential unit and not changing the exterior will support the low impact of the proposed use to the neighbourhood.

**COMMENT:**

**In my professional opinion, the requested ZBA conforms with relevant policies of the general principles, ‘Residential’ designation, and policies the Official Plan for the Town of Kingsville.**

## 5.0 ZONING BY-LAW REGULATIONS

The subject site is zoned 'Residential Urban 1 (R1.1)' in the Comprehensive Zoning Bylaw for the Town of Kingsville.

A ZBA has been requested to rezone the subject site to a site specific 'Residential Urban 1 (R1.1)' zone to allow for a combined residence and professional office.

The following is a review of the CZB for the 'Residential Urban 1 (R1.1)' zone provisions. The ZBA will include a professional office as an additional permitted use.

Site specific bylaw provisions will provide for a maintenance of the complimentary nature of the residence and the professional office with the following specific regulations. Specifically, the site specific bylaw will provide for the following site specific provisions:

- 1) Professional office as a home occupation to a maximum 35% floor area;
- 2) Parking on-site: 5 parking spaces;
- 2) Office Space (maximum): 65 m<sup>2</sup> (701 ft<sup>2</sup>).

Please refer to **APPENDIX B – 'Residential Urban (R1.1)' zone regulations**.

PROVISION	(R1.1) REGULATIONS	SUBJECT SITE
PERMITTED USES	RESIDENTIAL	RESIDENTIAL PROFESSIONAL OFFICE WITH A MAX OF 701 m2 FLOOR AREA
LOT AREA	500 m <sup>2</sup>	1,665 m <sup>2</sup>
LOT FRONTAGE	15 m	18.5 m
LOT COVERAGE	40 %	8 %
FRONT YARD SETBACK	5.5 m	5.5 m
INTERIOR SIDE YARD	3.0 m and 1.5 m	3.0 m and 1.5 m
REAR YARD	7.5 m	18 m
PARKING SPACES	1	5
BIKE PARKING SPACES	0	4

**COMMENT:**

To support, encourage and provide for climate change initiatives, and to support the reduction of the use of the automobile, and because of the ability to work/live within the community neighbourhoods, 4 bike parking spaces will be provided on site to encourage both staff and the public to walk or bike.

**COMMENT:**

To ensure the balance of residential and professional office space is complimentary and the use remains in conformity with the mixed use neighbourhood, it is recommended the following site specific provisions be included in the bylaw:

- 1) Professional office as a home occupation to a maximum 35% floor area;
- 2) Parking on-site: 5 parking spaces;
- 2) Office Space (maximum): 65 m<sup>2</sup> (701 ft<sup>2</sup>).

**COMMENT:**

There are presently 6 parking spaces on site: 5 on the driveway and 1 within the garage. The garage space is allocated to the residential unit. The remaining 5 spaces will be for the staff working within the professional office.

**COMMENT:**

**The requested site specific by-law amendment, in my professional opinion, will support the minor expansion of the home occupation of a professional office to a maximum of 35% gross floor area. In my professional opinion the requested ZBA, after adoption, will comply with the intent of the CZB.**



## 6.0 CONCLUSIONS

In my professional opinion, the requested Zoning Bylaw Amendment (ZBA) will provide a new site specific framework to support the minor expansion to 35% of the gross floor area of a home occupation for a professional office within the existing residence while providing for the maintenance of the residential unit at 65% of the existing building. The professional office will provide for a quiet use adjacent to existing residential and other professional commercial uses in a mixed-use neighbourhood.

In my professional opinion, the ZBA makes sound planning by providing for the compatible use that will maintain the residential unit in the existing building, provide for the professional office to support the live-work initiative, provide for employment opportunities, and will support the professional office as a quiet use on a property adjacent to existing professional offices.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with relevant policies of the County of Essex Official Plan;
- 3) conforms with relevant policies of the Town of Kingsville OP;
- 4) maintains the intent of the Town of Kingsville CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 5) makes sound planning.

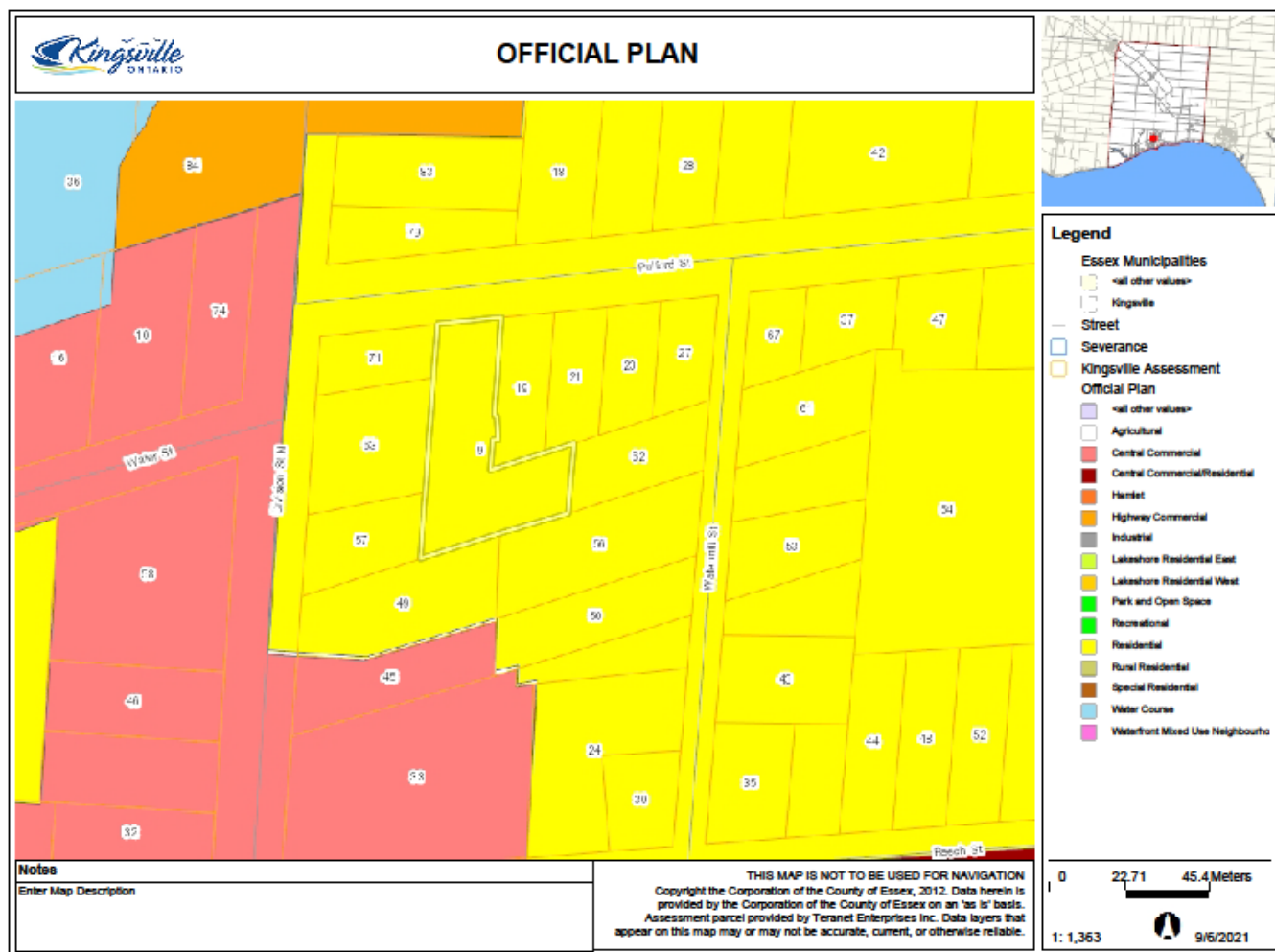
I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP  
Principal Planner Owner

## APPENDIX A - OFFICIAL PLAN SCHEDULE A



## APPENDIX B – CZBL 1-2014 – HOME OCCUPATION REGS

### 4.18 Home Occupation

Unless otherwise specifically provided in this by-law, a *home occupation* is a *permitted use* in a *dwelling unit*, provided that it is conducted in accordance with the following regulations:

- a) No more than one employee is *permitted* to engage in the business and working in the *home occupation*;
- b) Notwithstanding subsection a) above, no more than 2 employees are *permitted* to be engaged in the business and working in the *home occupation* where the subject *lot* is greater than 0.2 hectares in area or is zoned (A1);
- c) a *maximum* of 25% of the *gross floor area* or a *maximum* of 30 m<sup>2</sup> (323 ft<sup>2</sup>), whichever is the lesser *floor area*. This limitation *shall* not apply to *guest rooms* and *guest facilities* within a *bed and breakfast dwelling*;
- d) it is carried on exclusively by the inhabitants of the *dwelling unit*;
- e) it is conducted entirely within the main *dwelling*, not in a *garage* or *accessory building*;
- f) only 1 *home occupation* *shall* be *permitted* on a *lot*;
- g) there *shall* be no visible indication from the exterior of the *dwelling unit* that a *home occupation* is being carried on except for a *sign* having a *maximum sign face area* of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>);
- h) there *shall* be no sale of goods other than those produced on the premises;
- i) there *shall* be no external storage of materials, goods or equipment related to the *home occupation*;
- j) there *shall* be no generation of perceptible noise, odour, fumes or dust outside the *dwelling unit*;
- k) The following *home occupations* *shall* only be *permitted* on a *lot* that has frontage or an exterior *lot line* on a *County Road* or a major arterial road:
  - i) a *medical office*;
  - ii) a dog groomer.
- l) The following *uses* are prohibited as a *home occupation*:
  - i) an *adult entertainment* establishment;
  - ii) dating/escort services;
  - iii) contractors *yard*;
  - iv) tattoo parlour;
  - v) taxi stand, taxi dispatch, taxi establishment;
  - vi) any *use* involving the parking, storage, repair, maintenance and/or towing of motor *vehicles*, *recreational vehicles*, *commercial trucks* or engines;
  - vii) any *use* requiring ventilation, other than ventilation typically found in a residence;
- m) a *bed and breakfast* *shall* operate in compliance with Subsection 4.5 of this By-law.