



Date: November 28, 2022

To: Mayor and Council

Author: George Robinson, MCIP, RPP
Manager of Planning

RE: Application for Zoning By-law Amendment by
Daniel, Michael and Yvonne Dobrich
31 Pearl Street West
Plan 184/185 Lot 5 Pt Lots 4 and 6, RP 12R-28630 Parts 3 and 4

Report No.: CADS – 2022-26

RECOMMENDED ACTION

1. That the zoning by-law amendment application ZBA-2022-17 to amend the exemption for the subject parcels, Plan 184/185 Lot 5 Pt Lots 4 and 6, RP 12R-28630 Parts 3 and 4, in the Town of Kingsville, from 'Residential Zone 2 Urban Exception 11 (R2.1-11)'; to permit Single Detached and Duplex Dwellings **BE APPROVED** with the following:
 - i. Reduction of the required lot area minimum from 600 m² (6,460 ft².) to 400 m² (4,305 ft²);
 - ii. Reduction of the required lot frontage from 15 m (50 ft.) to 10.5 m (35 ft.);
 - iii. Reduction of the required front yard depth from 5.5 m (18 ft.) to 4.5 m (15 ft.);
 - iv. Reduction of the required interior side yard setback from 1.5 m (5 ft.) to 1.2 m (3.9 ft.) on one side, and 3.0 m (9.84 ft.) on the other;
 - v. Maximum driveway entrance width of 3.0 m (9.84 ft.); and,
1. **By-law 67-2022** being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the south side of Pearl Street West, West of Division Street South (see location map attached as Appendix A). The subject parcel is designated 'Residential' by the Official

Plan and is zoned 'Residential Zone 2 Urban Exception 11 (R2.1-11)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is approximately 1,739 m² (18,718 ft²) in size and contains an existing duplex dwelling and a shed. The applicant is proposing a zoning by-law amendment to allow the creation of four lots on this parcel in two phases as shown on the applicant's conceptual site plan (attached as Appendix C). It is proposed that the existing main building will be demolished in phase two of the applicants plan, the shed in phase one.

The applicant is seeking the approval of the following zoning by-law amendment regulations:

- i. Reduction of the required lot area minimum from 600 m² (6,460 ft².) to 400 m² (4,305 ft²);
- ii. Reduction of the required lot frontage from 15 m (50 ft.) to 10.5 m (35 ft.);
- iii. Reduction of the required front yard depth from 5.5 m (18 ft.) to 4.5 m (15 ft.);
- iv. Reduction of the required interior side yard setback from 1.5 m (5 ft.) to 1.2 m (3.9 ft.) on one side, and 3.0 m (9.84 ft.) on the other.
- v. Maximum driveway entrance width of 3.0 m (9.84 ft.).

The applicant has a consent application (file B/13/22) for the creation of 2 new lots which will proceed to the Committee of Adjustment if the Zoning By-law Amendment is approved. The proposed severed parcels are shown as Part 1 and Parts 3 and 4 on the applicant's sketch, the retained land as Part 2 (attached as Appendix B). Part 1 will have an area of 1,408 m² (4,620 ft²) and frontage of 10.6 m (35 ft.), Part 3 and 4 will have an area of 435.5 m² (4,688 ft²) and a frontage of 10.6 m (35 ft.). The retained land, Part 2 will have an area of 887 m² (9,551 ft²) and frontage of 21.8 m (71.81 ft.).

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

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 1.4.3 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 and permitting such development is encouraged by the Provincial Policy Statement.

2) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject properties as ‘Residential’. Section 3.6.1 Residential, states that “It is the intent of this Plan that a broad range of residential types be permitted on lands designated “Residential” in order to meet the needs of all households anticipated during the 20 year planning period of this Plan.” The Goals and Policies strongly encourage residential infilling and intensification where it is determined appropriate and where servicing is available. The Plan also encourages increasing the housing and rental supply by including a variety of housing types.

Section 3.6.1 policies subsection (g) states that “*residential infill development in areas of significant historical, architectural or landscape merit shall be encouraged provided:*

- i. sensitive to the existing scale, massing and pattern of the area;*
- ii. be consistent with the existing landscape and streetscape qualities; and*
- iii. will not result in the loss of any significant heritage resources.”*

Comment: The applicant applied for the Zoning By-law Amendment in order to create four lots with the option for single detached or duplex dwellings within an existing residential neighbourhood. This neighbourhood has seen several residential redevelopment and infill projects in recent years. The area mainly consists of single detached dwellings, with a desirable growing supply of duplex and semi-detached dwellings.

The existing duplex structure is not a designated heritage resource, and zoning regulations have been proposed that would ensure the development would be consistent with the existing landscape and streetscape qualities. Therefore, this application meets the Goals and Policies of the Official Plan.

3) Comprehensive Zoning By-law

The subject parcel is currently zoned ‘Residential Zone 2 Urban Exception 11 (R2.1-11)’ where currently single detached and duplex dwellings are permitted. The

exception code allows a residential care facility with a maximum of 40 units (amended as per By-law 89-2007). The applicant wishes change the zoning to allow a single detached house or duplex dwelling on each lot to be created subject to altered lot width, lot area, and yards. They are seeking relief from the 15 m (50 ft.) lot frontage from Pearl Street in order to allow the creation of 4 lots. The applicant wishes to also amend the lot area minimum, front yard depth and the interior side yard setback. Administration is recommending the inclusion of a regulation to limit the maximum driveway entrance width of 3.0 m (9.84 ft.) to limit the size and control the spacing of new accesses to Pearl Street.

Comment: The surrounding neighbourhood offers a diversity of housing types and lot sizes. Offering different types and sizes of residential buildings have been both desirable and successful in meeting the goals and policies of both the Provincial Policy Statement and Official Plan and the County of Essex Official Plan regarding infill housing and affordable/attainable housing. Thus, permitting single detached and duplex dwellings would be appropriate for the lands. Further, the purpose of the 10.5 m (35 ft.) lot frontage and the front yard setback of 4.5 m (15 ft.) is generally in keeping with the existing lot fabric along Pearl Street W.

FINANCIAL CONSIDERATIONS

The proposed lot creation and eventual residential construction will result in an increase in tax assessment. Increasing density in a location that already has full services represents a lower long term cost to the municipality than new subdivision development.

ENVIRONMENTAL CONSIDERATIONS

Increasing density in a walkable urban area in close proximity to shops and other services has a lower environmental impact than new subdivision development.

CONSULTATIONS

Public 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.

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 from circulated agencies.

Town of Kingsville Technical Advisory Committee

- TAC noted that the reduced lot frontage is not widely seen in Kingsville, though there

are lots in the neighbourhood that also have reduced frontages.

- 4 sets of services, encroachment permits will be needed, 1 for each lot. Any existing curb cuts will need to be restored.
- The applicant shall ensure that any future building permit applications for new dwellings meet the requirements of the Ontario Building Code. To help achieve this they should work with a qualified designer with a Building Code Identification number.
- Any new dwellings will require a lot grading plan to address storm water to ensure that storm water is maintained and managed on their own property and does not adversely impact the neighboring properties.
- All applicable law shall be met at the time a building permit application is made.
- The proposed 4ft side yard setback will affect the limiting distance and exposing building face calculations per the Ontario Building Code. Calculations and construction type for exterior walls and cladding must be provided prior to issuance of a building permit.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



Richard J.H. Wyma, CSLA
Director of Community and Development Services

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