



**Date:** March 6, 2023

**To:** Mayor and Council

**Author:** Sarah Campbell MSc, BDEM  
Town Planner

**RE:** ZBA-2023-1 – Zoning By-law Amendment for 74 Jasperson Drive

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## RECOMMENDED ACTION

1. That the zoning by-law amendment application ZBA/2023/01 to amend the zoning for the subject parcel at 74 Jasperson Drive in the Town of Kingsville, from Residential Zone 1 Urban (R1.1) to Residential Zone 2 Urban (R2.1) to permit Single Detached and Semi Detached Dwellings **BE APPROVED**; and
2. **By-law 15-2023** 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 applications for lands located on the east side Jasperson Drive, north of the intersection with Applewood Road (see location map attached as Appendix A). The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 1 Urban (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The total subject site is 2,101.5 m<sup>2</sup> (22,619.9 ft<sup>2</sup>.) in area with a 39.6 m (130 ft.) frontage along Jasperson Drive. The applicant is requesting that the zoning of the North portion of the subject property (Parts 2 and 3 on the applicant's sketch) be changed from Residential Zone 1 Urban (R1.1) to Residential Zone 2 Urban (R2.1) to permit a Semi-Detached Dwelling.

The applicant has a consent application (file B/2023/04) for the creation of a new parcel for a Semi-detached Dwelling which will proceed to the Committee of Adjustment if the Zoning By-law Amendment is approved. The proposed severed parcels are shown as Part 2 and Part 3 on the applicant's sketch, the existing dwelling on the retained land as Part 1 (sketch for severance attached as Appendix B). Part 2 will have an area of 533.4 m<sup>2</sup> (5,742 ft<sup>2</sup>) and frontage of 10.1 m (33 ft.), Part 3 will have an area of 533.4 m<sup>2</sup>

(5,742 ft<sup>2</sup>) and a frontage of 10.1 m (33 ft.). Part 2 and 3 combined have an area of 1,066.89 m<sup>2</sup> (11,483.91 ft<sup>2</sup>) and a frontage of 20.12 m (66 ft.). The retained land, Part 1 will have an area of 1,034.5 m<sup>2</sup> (11,135.9 ft<sup>2</sup>) and frontage of 19.5 m (64 ft.).

## **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.”

Comment: The subject property is located within the Town of Kingsville settlement area. Section 1.1.3.1 of the PPS states that “Settlement Areas” shall be the focus of growth and development.

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

The subject lands are within the ‘Residential’ designation of the Town’s Official Plan. No change to the land use designation is required. Section 7.3 of the Official Plan states that new lots may be created by the consent, provided that the proposed use is permitted in the Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water and sanitary sewage treatment can be supplied, disposal and stormwater management can be provided in accordance with the Plan and all the proposed lots comply with the Zoning By-law.

Comment: The lot creation is considered infilling and utilization of a currently underutilized lot. The property has access to full municipal services in the adjacent public right of way, new servicing connections will be coordinated as a condition of the future consent application (file B/2023/04).

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

The Town’s Comprehensive Zoning By-Law includes a set of guidelines and provisions for lands within the Town that must conform to the Official Plan.

The subject parcel is currently zoned Residential Zone 1 Urban (R1.1). This application will rezone the newly created lot to Residential Zone 2 Urban (R2.1) to allow the development of additional permitted uses including a Semi-Detached dwelling.

Comment: The parcel meets the minimum lot frontage and other regulations for Residential Zone 2 Urban (R2.1). The zoning change does not impact any existing buildings and does not create any zoning non-compliance.

## **FINANCIAL CONSIDERATIONS**

There will be a change in assessment with the construction of the semi-detached dwellings on the property.

## **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**

### **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. No public comment has been received.

#### **1) Technical Advisory Committee**

- 2 sets of services, encroachment permits will be needed, 1 for each lot. Any existing curb cuts will need to be restored.
- Engineering and Public Works are concerned with the requirement to construct new servicing connections which would require excavation in the public right of way, damaging the new asphalt on Jasperson Road. The applicant will be required to fund reconstruction to current standard. A condition will be placed on the consent application to follow this rezoning if approved, that would require a \$20,000.00 deposit be held until such time as the underground work is complete and all restorations complete to the Town's satisfaction.
- 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.

### **PREPARED BY:**

*Sarah Campbell*

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Sarah Campbell, MSc BDEM

**Town Planner**

REVIEWED BY:



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George Robinson, MCIP, RPP  
**Manager of Planning**

REVIEWED BY:



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Richard Wyma, CSLA  
**Director of Community and Development Services**