



Report to Council

Department: Development Services
Division: Planning
Date: September 21, 2020
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: PLANNING2020-23
Subject: Site Specific Zoning Amendment (101 Poplar Bluff Drive, Colchester South, Ward 3)
Number of Pages: 24 (including attachments)

Recommendation(s)

That Planning report PLANNING2020-23 entitled Site Specific Zoning Amendment prepared by Rita Jabbour, RPP, Manager, Planning Services dated September 21, 2020 be received, and

That Bylaw 1948, permitting a 104 square metre accessory building with second storey to accommodate a second dwelling unit at the property municipally known as 101 Poplar Bluff Drive, be adopted.

Purpose

To recommend adoption of a site specific zoning amendment for the property located at 101 Poplar Bluff Drive to allow for the construction of a 104 square metre accessory building with a second storey to accommodate a second dwelling unit. In Residential District 1.1 (R1.1), accessory structures are limited to 70 square metres and one (1) storey under Zoning Bylaw, Bylaw 1037, and second dwelling units are confined to the main dwelling.

Background and Discussion

An application for a site specific zoning amendment to the Comprehensive Zoning Bylaw, Bylaw 1037, was received on July 27, 2020 at the Town of Essex for the residential lands located at 101 Poplar Bluff Drive in the former township of Colchester South (Ward 3), herein referred to as the "Subject Property". Bernard and Nancy Gorski, herein referred to as the "Applicants", are the owners of the Subject Lands. A location map of the Subject Property is provided below:



The Subject Property is 1.32 hectares (3.3 acres) in total lot area. The Subject Property is designated "Lakeshore Residential" on Schedule A-3 of the Town of Essex Official Plan and is zoned Residential District 1.1 (R1.1) for low density housing on urban lots on Map 17 of Bylaw 1037.

The Subject Property is occupied by one (1) single detached dwelling and one (1) 11 square metre (120 square foot) accessory building. Neighbouring land uses and physical features include a residential district and the Oxley Golf Course to the East; an agricultural property to the North; and, Lake Erie to the South.

The Proposal

The Applicants are requesting a site specific zoning amendment to Bylaw 1037 for the Subject Lands to permit the following:

- A 104 square metre (1120 square foot) *accessory building* with a second storey to accommodate a *second dwelling unit*.

An *accessory building* is defined as a completely detached building, such as a garage, used for an *accessory use*. An *accessory use* is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. A *second dwelling unit* is a *second dwelling unit* constructed within an existing single, semi or townhome dwelling unit. A *dwelling unit* is defined as a room or suite of rooms used by or designed to be used by one (1) or more individuals as an independent and separate housekeeping unit.

Accessory buildings are permitted within Residential District 1.1 (R1.1) but are limited to 70 square metres (750 square feet) and cannot be greater than one (1) *storey* in building height. (A *storey* is defined as any part of a building, exclusive of a cellar, between any floor and the floor, ceiling or roof next above. The maximum height of a storey is 4 metres).

Second dwelling units are an additional permitted use in the R1.1 district within a single detached dwelling forming the main use of the lot provided the lot affected has the following:

- Frontage on a street:
The Subject Property has frontage on Poplar Bluff Drive, a private road;
- An approved sanitary system, stormwater outlets and piped water supply:

The Subject Property is serviced by a private septic system (installed in 2008), a series of private catch basins for stormwater management, and a municipal water supply;

- One (1) onsite parking space for each dwelling unit:
Adequate on-site parking is available for the main dwelling and the second dwelling unit;
- No outward indication of the existence of a second dwelling unit, except as mandated by the Ontario Building Code (OBC).

Any Bylaw passed under Section 34 of the *Planning Act* such as Bylaw 1037, may be amended to allow for uses that are not permitted in the respective zoning district so long as the new use is permitted under the Official Plan for the area in which the subject property is designated.

Proposal Conformity with Town of Essex Official Plan

The Town of Essex Official Plan permits a second dwelling unit in an accessory building by site specific zoning amendment as an alternative to a second dwelling unit in a single detached dwelling, subject to the availability of a municipal sanitary sewer connection for the second dwelling unit and compliance with the applicable provisions of the Official Plan and Bylaw 1037.

Unlike the residential lands west of Colchester, the Subject Property is located in a lakeshore residential area that does not have access to municipal sanitary sewers because of the fragmented distribution of the existing dwellings along the lakefront, separated by agricultural parcels and other non-residential uses along the south side of County Road 50, some of which extend to the Lake.

Although municipal sewage services are the preferred form of servicing for settlement areas, recent changes to the Provincial Policy Statement (PPS) promotes the use of individual on-site sewage services where municipal sewage services are not available, planned or feasible provided site conditions are suitable for the long-term provision of such services with no

negative impacts. No risks to human health and safety and degradation to the quality and quantity of water, sensitive surface features and ground water features were identified by circulated agencies as a result of this proposal.

September 8, 2020 Statutory Public Meeting

A statutory public meeting was held on Tuesday September 8 through virtual means to hear public comments on the application prior to Council rendering a decision on the application on September 21. A copy of the public presentation is attached to this report. No written comments were received in advance of the meeting from members of the public and no delegations presented oral comments other than the Applicants. The Applicants clarified that the second dwelling unit would not be rented but would rather be utilized as accommodations for visitors and healthcare aides in the future.

As a result of circulation, one (1) comment was provided by the Essex Region Conservation Authority (ERCA). They noted that with additional information and potential engineering costs, an ERCA permit can be supported to accommodate construction of the accessory building. No objections or comments were received from internal departments.

Bylaw 1948 adds the following uses as additional uses to the Subject Property:

- 104 square metre accessory structure with second storey, subject to the regulations of subsection 14.1, R1.1 district, and
- A second dwelling unit within the accessory building, and
- 115 square metres for the combination of all accessory buildings on the lot.

Financial Impact

None.

Consultations

Kevin Girard, P.Eng, MBA, Director, Infrastructure Services

Jason Pillon, Assistant Deputy Fire Chief –Prevention/Public Education

Mike Nelson, BSc, MSc (Planning), Watershed Planner, Essex Region Conservation Authority (ERCA)

Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Site Specific Zoning Amendment (101 Poplar Bluff Drive, Ward 3).docx
Attachments:	- Bylaw 1948.docx - Poplar Bluff ZBA Presentation.pdf
Final Approval Date:	Sep 14, 2020

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - Sep 14, 2020 - 11:55 AM



Chris Nepszy, Chief Administrative Officer - Sep 14, 2020 - 5:45 PM