



## Report to Council

Department: Development Services

Division: Planning

Date: September 23, 2024

Prepared by: Ian Rawlings, Junior Planner

Report Number: Planning-2024-23

Subject: Site-Specific Zoning Bylaw Amendment – 103 Centre Street (ZBA-05-24)

Number of Pages: 8 (Plus Attachments)

### Recommendation(s)

**That** Planning Report Planning-2024-23- entitled Site-Specific Zoning Bylaw Amendment – 103 Centre Street (ZBA-05-24) prepared by Ian Rawlings, Junior Planner, dated September 23, 2024 be received, and

**That** By-Law Number 2364, being a Bylaw to amend Bylaw 1037, the Comprehensive Zoning Bylaw for the Town of Essex, to permit the use of the existing Single Unit Dwelling located at 103 Centre Street as a Medical Office, be approved.

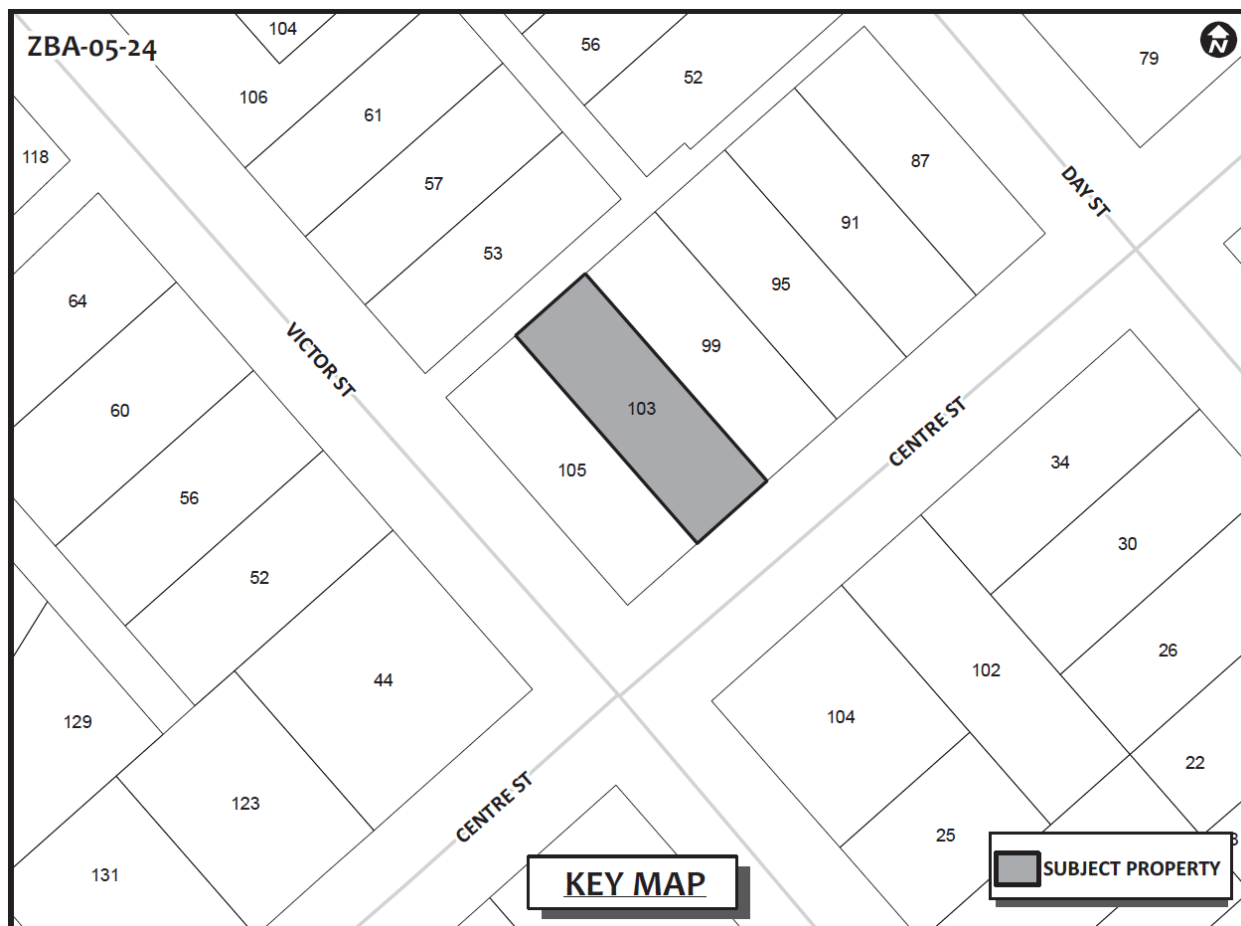
### Purpose

To recommend approval of a site-specific zoning amendment for the property identified as 103 Centre Street, Essex Centre (Ward 1). The zoning amendment is required to permit the use of an existing Single Unit Dwelling as a Medical Office, and to provide an exemption from the minimum required number of parking spaces for a Medical Office.

## Background and Discussion

An application for a site-specific zoning amendment to the Comprehensive Zoning Bylaw, Bylaw 1037, was received by the Municipality for the lands located at 103 Centre Street in the Primary Settlement Area of Essex Centre (Ward 1), herein referred to as the “Subject Lands”. The owners, Ramrock Holdings Inc. (c/o Deanna Marchese – Cunningham & Steven Cunningham) herein referred to as the “Applicants,” own the subject property and intend to use the existing Single Unit dwelling as a medical office.

*Figure 1 – Key Map*



The Subject Lands measure 530.95 square metres (5,715.1 square feet) in total land area. The Subject Lands are designated “Residential” on Schedule “A-2” of the Town of Essex Official

Plan and are zoned "Residential District 1.1" (R1.1) under the Town of Essex Zoning Bylaw 1037, Map "3".

The subject property contains one (1) single unit dwelling with a gross floor area of 187 square meters (2,012.9 square feet) and one (1) accessory structure in the rear yard. The subject property is located on the northwestern side of Centre Street, northeast of Victor Street. Access to the subject property is located on Centre Street, which is owned and assumed by the Town of Essex. The subject lands are fully serviced by municipal potable water, and sanitary sewers. The subject property is not identified under the natural heritage overlay, floodplain development control area, a parking exemption area, nor is not listed or designated under the Ontario Heritage Act.

#### The Proposal:

The Applicants are requesting a site-specific zoning amendment to Bylaw 1037 for the subject lands to permit an existing Single Unit Dwelling to be used as a Medical Office to provide an educational and therapeutic space for children with autism, and associated office space for staff. A site plan is **attached** to this Report.

Section 14.1 a) of the Zoning By-law details permitted uses within Residential District 1.1. The Residential District 1.1 zone is geared towards low density housing on urban lot and does not permit a medical office as a permitted use. The use of the subject property as a medical office is not considered a home occupation under subsection 8.3 of the Zoning Bylaw 1037 as the use is not carried out by the inhabitants of the dwelling, and the use utilizes more than 25% of the dwelling. Therefore, the use is not permitted under Zoning By-law 1037.

Section 11.5 a) details that a medical office requires one (1) parking space for every 7.5 meters of gross floor area, resulting in 25 required parking spaces. The single unit dwelling currently has two dedicated parking spots: One (1) located in the attached garage, and one (1) located outside. Therefore, an exemption from the required amount of parking spaces for a medical office is required.

The applicants have provided a business plan, **attached** to this Report, detailing the intended use of 103 Centre Street and the respective scope of work that Behaviour Essentials Inc. provides such as applied behavioral analysis (ABA) services.

### Proposal Conformity to Policies and Recommendation

#### *Provincial Policy Statement 2020 (PPS)*

Section 1.1.1 f) of the PPS details that *communities are sustained by improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society*. In accordance with the provided business plan, permitting the use of the single unit dwelling as a medical office provides safe location for children with autism and other disabilities than typical employment areas due to available traffic, lack of greenspace and more available nuances such as dust, noise, odours, etc.

Section 1.3.1 details that 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;*

Permitting the use of a medical office within a single unit dwelling, within an existing residential subdivision, provides for a range of employment opportunities and diversifies the Towns economic base as it provides a unique service for individuals that are not readily available within the Town of Essex.

Section 1.7.1 b) details that long-term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs and provide

necessary housing supply and range of *housing options* for a diverse workforce. As detailed on Page 8 of the provided business plan, the Windsor-Essex area contains minimal ABA services and that a need is demonstrated.

#### *County of Essex Official Plan*

The policies within the County of Essex Official Plan are reflective of those found within the PPS. Section 3.2.2 details that planning authorities should *promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds*. Permitting the use of a medical office within a single unit dwelling, within an existing residential subdivision, provides for a broader range of employment services geared towards children with autism and other disabilities, and remains compact in size, and pedestrian orientated due to location within an existing residential subdivision.

#### *Town of Essex Official Plan*

Section 5.7 i) details permitted uses for lands designated “Residential” which includes neighbourhood commercial uses subject to a site-specific Zoning By-law amendment if the following provisions are maintained:

*i) the proposed use(s) is deemed to be compatible in its scale, form and height with the surrounding land uses;*

The medical office will be located entirely within the existing single unit dwelling, maintaining the neighbourhood scale, form, and height. No changes to the existing site and its structures are proposed at this time.

*ii) there is a demonstrated need for the proposed uses(s) for the existing neighbourhood;*

The need for the medical office for the purpose of providing an educational and therapeutic space for children with autism is demonstrated on page 7 and 8 of the provided business

plan. As detailed, the Windsor-Essex area lacks ABA services for children with autism and the services are in great need.

iii) the building and parking areas have adequate setbacks or other buffering from existing residential uses and adequate onsite parking;

As detailed within the provided business plan, the rear yard is entirely encompassed by a fence which provides a buffer between land uses, and a safe space for individuals utilizing the premises. Due to the nature of the business, minimal parking is required as the site will only be utilized by staff and small groups of clients. Therefore, the clients are requesting an exemption from the required one (1) parking space per 7.5 meters of gross floor area which would result in the need of 25 parking spaces. Currently, the subject property supports two (2) parking spaces in accordance with the Zoning By-law. On street parking is available, however, on street parking cannot be dedicated to a specific site. Due to the nature of the proposed use, services are provided by appointment only.

iv) adequate municipal services and facilities are available;

No change in municipally provided services are required. Centre Street is owned and assumed by the Town of Essex.

v) the uses or combination of uses serve the walk in public and no drive through facilities are provided;

No drive through facilities are provided, a sidewalk is available on either side of the street.

**Definitions:**

"Medical Office" means the office of anyone (1) or more of the following persons: chiropodist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other licensed professional person offering treatment services for the physical, mental or emotional health of people.

"Single Unit Dwelling" means a building having as a main use one (1) dwelling unit.

**Comments:**

A statutory public meeting will be held on Monday, September 23, 2024, to hear public comments on the application prior to Council rendering a decision on the application.

As of September 19, 2024, no written comments from members of the public have been received. No objections to the proposal were received from the following Departments and Agencies:

- Infrastructure Services
- Development Services
- Legal and Legislative Services
- Essex Region Conservation Authority (ERCA)

Next Steps

Council may:

- Approve the proposed Bylaw where notice of approval will be sent to the applicant and all persons requesting to be notified of the decision, and a 20-day appeal period takes effect.
- Deny the proposed Bylaw where notice of denial will be sent to the applicant and all persons requesting to be notified of the decision and a 20-day appeal period takes effect.
- Defer the decision to a later date if further information is required.

The recommendation of Administration is that By-Law Number 2364, **attached** to this Report, be approved.

## **Financial Impact**

Notwithstanding an appeal, there is no financial impact associated with costs to undertake normal administrative operations for notifying the applicant and interested parties of the decision of Council and revising planning documents to reflect the amendments. Costs are recouped 100 percent through the application fee.

## **Consultations**

Notice of the application for zoning bylaw amendment was circulated to all persons and public bodies required to be notified under subsection 5(9) of Ontario Regulation 545/06, including staff members from each Town of Essex department.

## **Link to Strategic Priorities**

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☒ Leverage our Town's competitive advantages to promote jobs and economic investment.
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.



## Report Approval Details

Document Title:	ZBA-05-24 - 103 Centre Street - Planning-2024-23 - Planning-2024-23.docx
Attachments:	<ul style="list-style-type: none"><li>- ZBA-05-24 - Bylaw - Final.pdf</li><li>- ZBA-05-24 - Site Plan.pdf</li><li>- ZBA-05-24 - Business Plan_Town of Essex (2024)_Redacted.pdf</li></ul>
Final Approval Date:	Sep 19, 2024

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

**Rita Jabbour, Manager, Planning Services - Sep 19, 2024 - 4:15 PM**



**Lori Chadwick, Director, Development Services - Sep 19, 2024 - 4:16 PM**

**No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by delegate Kate Giurissevich, Director, Corporate Services**

**Doug Sweet, Chief Administrative Officer - Sep 19, 2024 - 5:05 PM**