



Report to Council

Department: Development Services

Division: Planning

Date: December 20, 2021

Prepared by: Corinne Chiasson, Assistant Planner

Report Number: PLANNING 2021-31

Subject: Site Specific Zoning Amendments: 27 Maple Ave (ZBA-09-21) and 2151 Roseborough (ZBA-10-21)

Number of Pages: 13 pages (plus attachments)

Recommendation(s)

That Planning Report PLANNING 2021-31 entitled Site Specific Zoning Amendment, 27 Maple Avenue (ZBA-09-21) and 2151 Roseborough (ZBA-10-21) prepared by Corinne Chiasson, Assistant Planner, dated December 20, 2021 be received, and

That Bylaw 2105, being a Bylaw to amend By-law Number 1037 for the property at 27 Maple Avenue to permit a semi-detached dwelling be adopted, and

That Bylaw 2106, being a Bylaw to amend By-law Number 1037 for the property at 2151 Roseborough to permit a sit-down restaurant be adopted.

Purpose

To recommend adoption of two (2) site specific zoning amendments for the lands identified as 27 Maple Avenue, and lands identified as 2151 Roseborough Road. The zoning amendments are required to permit at their respective locations: a semi-detached dwelling with the condition that a second dwelling unit not be permitted within

a semi-detached dwelling unit or within a detached structure accessory or ancillary to the main use; and the other to permit one (1) sit-down restaurant on an interior industrial lot.

Background and Discussion

An application for two (2) site specific zoning amendments to the Comprehensive Zoning Bylaw, Bylaw 1037 were received at the Town of Essex for the vacant residential lands identified as 27 Maple Avenue and the industrial lands located on the west side of Roseborough Road, municipally known as 2151 Roseborough. Both lands are located within Harrow Centre (Ward 4).

ZBA-09-21: - 27 Maple Avenue, Applicant, 2636380 Ontario Inc. (Agent: Andrew Talbot)

The subject lands are vacant and located along Maple Avenue, which is a well-established older neighbourhood within the primary settlement area of Harrow Centre. **Figure 1** identifies the location of the subject lands:



Figure 1. Location Map of Subject Lands

The subject lands are 809 square metres (8712 square feet) in total lot area, and are designated “Residential” on Schedule “A-4” of the Town of Essex Official Plan. The subject lands are zoned Residential District 1.1 (R1.1) for low density housing on urban lots on Map 14 of Bylaw 1037.

Lands designated “Residential” are either currently developed for residential uses or have been determined to be appropriate for future residential development. The Official Plan permits two-unit dwellings and secondary dwelling units in the low-density residential zone.

The current zoning (R1.1) only permits the construction of one (1) single detached dwelling on a lot. A *single detached* dwelling is defined as one (1) dwelling, other than a mobile home, having one (1) 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.

Neighbouring land uses in proximity to the subject lands include low density residential, general commercial uses, the former Harrow High school and associated recreational lands, Harrow Arena and the Harrow fairgrounds. The lands are **not** located within an area regulated by the Essex Region Conservation Authority (ERCA).

The applicants are requesting a site-specific zoning amendment to Bylaw 1037 for the subject lands to allow for the following uses:

- One (1) semi-detached dwelling

A *semi-detached* dwelling is defined as one (1) dwelling divided vertically into two (2) dwelling units by a common interior wall.

A semi-detached dwelling is proposed to provide accessible rental units for seniors. The owner is not intending to establish second dwelling units within the basement of the proposed dwelling units.

The subject lands have full access to municipally owned and operated storm, water, and sanitary sewers and front on a road that is municipally owned. Each semi-detached dwelling unit will need a separate water service connection. The design includes two (2) garages (one per dwelling unit) as well as a driveway for each unit. This will allow for one (1) parking space for each unit, a requirement under Bylaw 1037.

This proposal will satisfy policies under the Provincial Policy Statement (PPS), specifically sections that promote appropriate, affordable, cost-effective development patterns that provide a mixture of residential types within the settlement areas. This proposal will support the policies that promote intensification and density within the core areas that are near services and amenity areas promoting walkable neighbourhoods.

Any By-law passed under Section 34 of the Planning Act such as By-law 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.

This proposal satisfies Essex Official Plan policies for Harrow Centre, as it supports infill and redevelopment opportunities such as semi-detached dwellings that satisfy zoning requirements and enhance the neighbourhood character. The Maple Avenue neighbourhood has a mixture of architectural styles spanning from the 1900's to present time. Homes located on Maple Ave are **not** presently identified as heritage homes nor is the street identified as a heritage district by the Town of Essex.

Comments:

A statutory public meeting – required to hear public comments on the application for site specific zoning amendment prior to the rendering of a decision of Council – was held virtually on Monday, December 6, 2021. **A copy of the public presentation is attached to this report.** At this meeting, Council was informed that internal departments and external agencies were circulated on the proposal. No objections to the proposal were received from the following Departments:

- Infrastructure Services
- Development Services (Building and Planning)
- Essex Region Conservation Authority (ERCA).

As a result of circulation, administration received nine (9) letters of objection in advance of the public meeting from members of the public within the circulated radius for a Zoning Amendment (120 metres). The specific concerns expressed were of the following:

Public Main Concerns	Response
Does not fit-in with the old well-established character of the neighbourhood	Neighbourhood is not designated as a historical district. Architectural styles vary in design and in era.
All properties on Maple are single family dwellings	This proposal would be the first semi-detached constructed on Maple Avenue. Official Plan allows for two-unit dwellings in a low density residential neighbourhood.
Allows a precedent to be set for more semi-detached proposals	Any future semi-detached proposal would be subject to the site-specific amendment process, and would be

	evaluated based on the site-specific conditions/proposal
Creates a negative impact on home values	The owner has provided side views demonstrating the new structure's design and could raise neighbourhood values.
Increase in traffic and noise	The owner's intention is to rent out the accessible units to seniors, whereas the maximum occupancy per unit will be typically 1 or 2 persons. An increase in noise is not anticipated.
Opposition to increasing density in the quiet neighbourhood	The R1.1 Zone currently allows one main dwelling unit and one second dwelling unit within the main structure or within an ancillary/accessory structure. A semi-detached structure with a restriction prohibiting second dwelling units would not increase the density permitted on this site.
Semi-detached homes should be planned in newer subdivisions	The Provincial Policy Statement (PPS) and the Town of Essex Official Plan both identify the need for increased density and mixed housing types in core settlement areas.

Cause for increased parking on the road shoulders	Maple Avenue currently allows on-street parking on gravel shoulders. As the proposal contains private garages and driveways for both semi-detached units, no increase to road-side parking is anticipated.
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Council also heard from two (2) members of the public at the Special Council meeting. Their comments were in line with the above noted concerns.

Since the meeting, Administration has received a letter of support jointly from the two (2) flanking neighbouring property owners who were originally opposed to the application. Their letter states that since attending the public meeting on December 6, they no longer oppose the application. They are now in favour of the proposal as they feel the design would be of a suitable architectural style. With a restriction on second dwelling unit, they feel the applicant has satisfied their concerns.

Comments from Council	Response
<p>Has there been similar rezoning applications recently in the area, and how is this property different?</p> <p>In this term of Council we've allowed in the R1.1 Zone, 1 or 2 applications to pass in Ward 1 for semi-detached dwellings, and a few in Colchester Village, is this correct?</p>	<p>Yes, we've had similar applications in Ward 1 & Ward 3 to permit semi-detached dwellings.</p>

Mr. Talbot submitted photos for Council's review, can we share these with the viewing public.	Unfortunately, no, Mr. Talbot's presentation was not received by administration prior to the meeting deadline. Mr. Talbot's presentation has been forwarded to all councillors for review.
This proposal provides an opportunity to market rentals to seniors, and is of a beautiful design. This proposal looks like it would fit in better in the neighbourhood than a larger home, that may take up more parking and max out lot coverage. Would the neighbourhood feel this would be more suited?	Yes the applicant could construct a single detached home with a maximum height of 32 feet, as well as all other zoning provisions described in the R1.1 Zone. There is also the opportunity to create a second dwelling unit within the main dwelling.

Should Council choose to approve this application for site-specific zoning amendment, a second dwelling unit may be constructed in each dwelling unit or in a structure accessory or ancillary to the main use, substantially increasing the permitted density. To prevent this, a restriction on the addition of a second dwelling unit within a semi-detached dwelling unit or within an accessory or ancillary structure is recommended.

Bylaw 2105 amends Bylaw 1037 to allow a semi-detached dwelling as a main use on the subject property subject to all building regulations for Residential District 1.1 (R.1.) and adds a restriction on the addition of a second dwelling unit within a semi-detached dwelling unit or within an accessory or ancillary structure.

ZBA-10-21 – 2151 Roseborough Road, Applicant: 18082234 Ontario Inc. (Agent: Tony Boudreau)

The subject lands are 15781 square metre (3.89 acres) in total land area. They are designated “Industrial” on Schedule “A-4” of the Town of Essex Official Plan and are zoned Manufacturing District 2.2 (M2.2) for general manufacturing uses. The subject lands are also subject to existing site-specific zoning provisions which permit specific commercial uses (such as; commercial school, day nursery, medical, light repair shop, professional or health studio, restaurant exclusive to a corner lot, wholesale store) not normally permitted in general industrial and manufacturing zoning districts.

The subject lands are identified below in **Figure 2**:

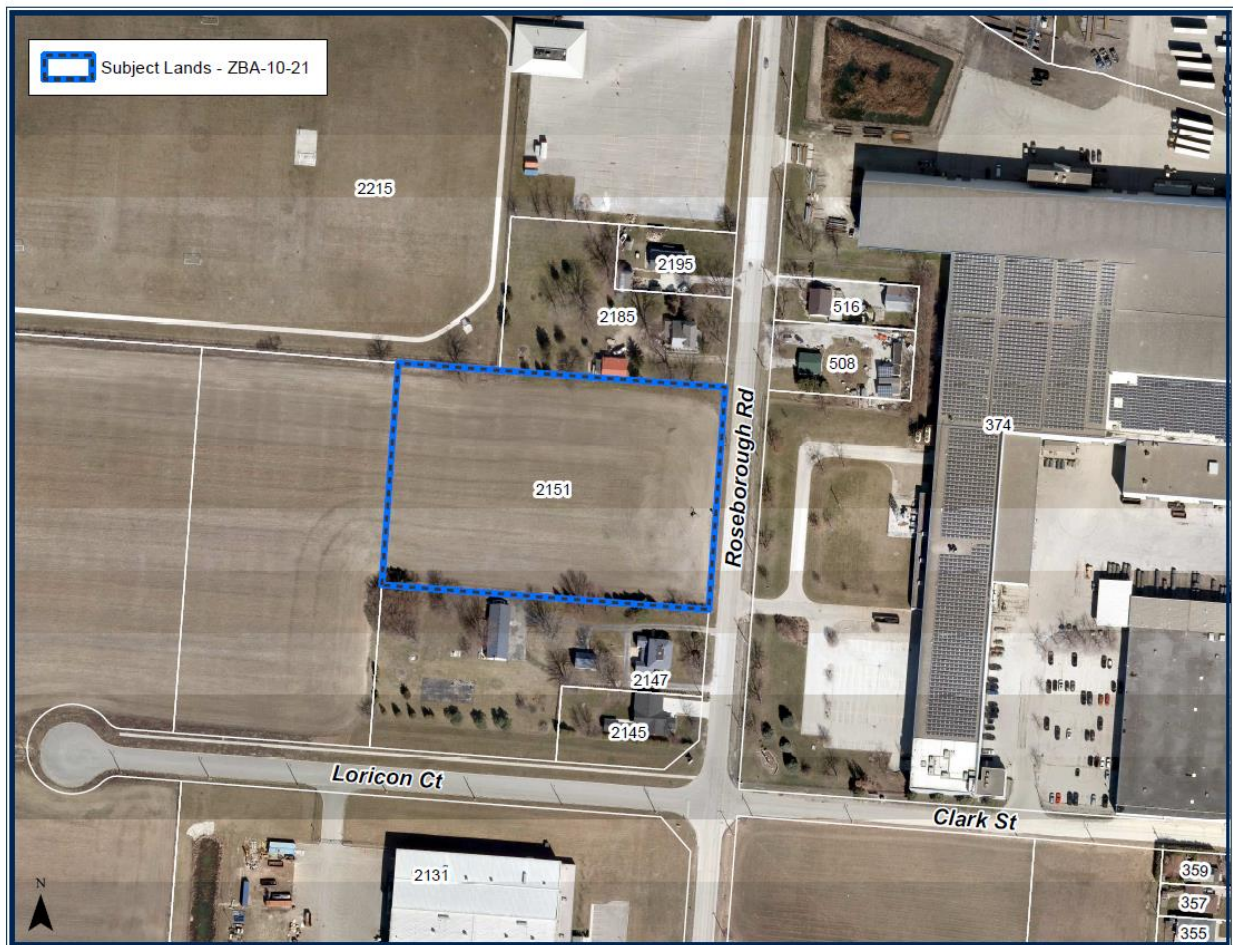


Figure 2. Location Map of Subject Lands

Neighbouring land uses in proximity to the subject lands include; Atlas Tube and Sellick Equipment, two (2) low density residential dwellings, and the Harrow soccer park. The lands are **not** located within the area regulated by the Essex Region Conservation Authority (ERCA).

The applicant has applied for site-specific zoning amendment to allow for the following use:

- One (1) sit down restaurant

The applicant is only currently permitted to construct a “take-out food outlet”, which is defined as a retail store for the sale, exclusively to walk-in customers, of prepared food from consumption elsewhere than on the premise.

A restaurant is defined as a building or part thereof used primarily for the preparation and serving of food and beverages to patrons for immediate consumption therein or within a physically defined open air sit down eating area located on the same lot therewith.

The applicant intends this restaurant to serve the patrons and employees of the future business/industrial park.

Comments:

A statutory public meeting – required to hear public comments on the application for site specific zoning amendment prior to the rendering of a decision of Council – was held virtually on Monday, December 6, 2021. **A copy of the public presentation is attached to this report.** At this meeting, Council was informed that internal departments and external agencies were circulated on this proposal. At the time of writing of this report, no objections to the proposal were received from the following Departments:

- Infrastructure Services
- Development Services (Building and Planning)
- Essex Region Conservation Authority (ERCA).

Comments from Council	Response
<p>Asked whether the Zoning By-law stated restrictions to the type of restaurant permitted (eg. Chain/fast food restaurants).</p>	<p>The Zoning By-law does not stipulate "type" of restaurant</p>
<p>Was this intended to be a fast food ban/prohibition on the property, as the zoning specifies a restaurant on a corner lot only? This appears to be more similar to a small restaurant like the Backstreet Café near the Windsor Assembly Plant, which would not be a high traffic impact or major change.</p>	<p>The site-specific zoning uses were established on this property in 2014-2015, when the lands were taken into the settlement area of Harrow Centre. There are no prohibitions on type of restaurant for this property. Allowing for a restaurant on a corner lot was intended because of ease of movement of vehicles but the subject lot is large enough to accommodate vehicular traffic to the restaurant.</p>
<p>Would the zoning allow for a restaurant also on the corner (currently with an existing dwelling)?</p>	<p>Yes, a restaurant could be permitted on the corner lot as identified in the existing site specific zoning.</p>
<p>How many of the unit are rented out already?</p>	<p>3 buildings will be utilized for the applicant's company, and the other buildings are being negotiated for leasing.</p>

Asked for the overall value of the larger development.	The applicant advised that the development investment is upwards of 2 million dollars
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As a result of circulation, we received one (1) letter of support from the adjacent neighbours at 2145 Roseborough, in advance of the public meeting. The letter states that they are in full support of a restaurant being located nearby and looking forward to being patrons.

Bylaw 2106 amends Bylaw 1037 of the Zoning Bylaw to include the additional permitted use of a sit-down restaurant on an interior lot.

Financial Impact

Notwithstanding an appeal, there is minimal financial impact associated with costs to undertake normal administrative operations for notifying the applicant and interested parties of the decision and revising planning documents to reflect the amendments. Costs are recouped 100 percent through the application fee.

Development Charges for Residential Uses within the Harrow Primary Settlement Area are waived at 100% until January 1, 2022, after which time they will increase to 25% of the standard development charge rate. Development Charges for Commercial or Industrial establishments are waived 100 percent (%) in all areas of the Town and are calculated based on gross floor area at the time of building permit following site plan control approval.

A development charge is applicable for each dwelling unit of the proposed semi-detached structure. For Ward 4, the 2022 overall total of municipal-wide services plus area-specific services would be \$12,476.00 for each unit. As seventy-five (75) percent (%) of the development charges are waived in 2022, should a building permit be issued in 2022, the total waived amount would equal \$18,714.00. The applicable development charge payable by the applicant would be \$6,238.00. The Town is required to fund this waiver from other revenue

sources. The waiver of such fees has been included in the 2022 Approved (in principle) Operating Budget under "Council".

The Development Charge for the restaurant will amount to \$5,595.00 for 2022. Since this amount is 100% waived, the Town will be required to fund this amount from other revenue sources. The waiver of such fees has been included in the 2022 Approved (in principle) Operating Budget under "Council".

Consultations

Notice of the applications for zoning bylaw amendment were 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

- ☐ 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:	PLANNING 2021-31 - Site Specific Zoning Amendments - 27 Maple Avenue and 2151 Roseborough.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2105 27 Maple Ave.docx- Bylaw 2106 2151 Roseborough Rd.docx- ZBA Public Meeting - December 6-21 FINAL.pdf
Final Approval Date:	Dec 15, 2021

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

Rita Jabbour, Manager, Planning Services - Dec 15, 2021 - 1:40 PM



Lori Chadwick, Director, Development Services - Dec 15, 2021 - 1:46 PM

No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by workflow administrator Shelley Brown, Deputy Clerk, Legal and Legislative Services

Doug Sweet, Chief Administrative Officer - Dec 15, 2021 - 1:55 PM