



Report to Council

Department: Development Services
Division: Planning
Date: July 6, 2020
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: PLANNING2020-13
Subject: Site Specific Zoning Bylaw Amendment, 128 Harvey Street (Lots 23 and 25 on Registered Plan 249)
Number of Pages: 5

Recommendation(s)

That Planning report PLANNING2020-13 entitled Site Specific Zoning Bylaw Amendment, 128 Harvey Street prepared by Rita Jabbour, RPP, Manager, Planning Services dated July 6, 2020 be received, and

That By-law 1923, permitting a semi-detached dwelling and reductions in the exterior side yard width and setback from a railway right of way for the property at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249), be adopted.

Purpose

To recommend adoption of By-law 1923 to permit the development of a semi-detached dwelling at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249) in the Essex Centre.

Background and Discussion

An application for a site specific zoning bylaw amendment to the Comprehensive Zoning By-law, By-law 1037, was received at the Town of Essex for the vacant residential lands located at 128 Harvey Street (Lots 23 and 25 on Registered Plan 249) in the Essex Centre, herein referred to as the "subject lands". A location map of the subject lands is provided below:



The subject lands are designated "Residential" on Schedule A-2 of the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots on Map 3 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 each 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.

The subject lands are located at the corner of Medora Avenue West and Harvey Street and parallel a discontinued railway Right of Way (ROW) to the South belonging to CN Rail. In accordance with Bylaw 1037, the applicants must maintain a minimum separation of 30 metres (99 feet) between the railway ROW and a residential main building, and maintain a side yard width of 4.5 metres (15 feet) between the main building and an exterior side lot line. (Note: An *exterior lot line* is defined as a lot line which parallels and abuts a street).

Therefore, the applicants are requesting a site specific zoning amendment to Bylaw 1037 for the subject lands to allow for the following uses and setbacks:

- One (1) semi-detached dwelling
- A 1.2 metre (4 foot) setback from the exterior side lot line facing Harvey Street
- A 7.5 metre (25 foot) setback from the main residential building and the railway Right of Way (ROW)

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

Comments

The subject lands have full access to municipally owned and operated storm, water and sanitary sewers and front on public roads constructed to municipal standards.

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 July 6, 2020. At this meeting, Council was informed that internal departments and external agencies were circulated on the proposal. At the time of writing of this report, no objections

to the proposal were received from the Town's Department of Infrastructure Services, Chief Building Official, nor the Essex Region Conservation Authority (ERCA). Correspondence was also received from CN Rail with respects to the reduced setback from the railway ROW. They had no objections on the matter as the ROW is discontinued and is unlikely to become a rail again.

One (1) letter of objection was received in advance of the public meeting from a member of the public within 214 metres of the subject site expressing concerns with the loss of natural habitat, parking and drainage. Council was informed that the subject lands are not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined under the Provincial Policy Statement (PPS). The applicant will be responsible for providing on-site parking for each dwelling unit and will be required to install individual storm services with all necessary valves and cleanouts to the satisfaction of Infrastructure Services.

Bylaw 1923 adds one (1) semi-detached dwelling subject to the regulations of subsection 14.1, R1.1 district, as an additional permitted use for the subject property, in addition to allowances for a minimum exterior side yard width of 1.2 metres (4 foot) and a 7.5 metre (25 foot) setback from the main dwelling and a railway right of way.

Financial Impact

None. The applicants will be responsible for paying any applicable service connection fees and development charges at the time of building permit.

Consultations

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Manager, Building Services, Chief Building Official

Fernando Cirino, Resource Planner, Essex Region Conservation Authority (ERCA)

Daniel Chan, CN Rail

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.