

Municipality of Chatham-Kent

Development Services

Planning Services

To: Mayor and Members of Council

From: Anthony Jas
Manager, Development, Planning Services

Date: May 27, 2024

Subject: Application for Zoning By-law Amendment
PL202400043– Murray Malott
97 Victoria Street, Community of Thamesville (East Kent)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 TH/11/24/M, to rezone the lands known as 97 Victoria Street, in Part of Lot 15, Concession B, in the Community of Thamesville, to a site-specific Residential Low Density Second-1719 (RL2-1719) zone, to permit up to two (2) additional dwelling units within an existing detached accessory building, be approved, and the implementing by-law be adopted.

Background

The subject property is a triangular shaped lot bounded by Victoria Street, Industrial Road, and Jane Street, in the Community of Thamesville. The lands are approximately 3,730 sq. m (40,165 sq. ft.) in area and contain a single detached dwelling and one (1) detached accessory structure. The property is designated Secondary Urban Centre in the Chatham-Kent Official Plan and zoned Urban Commercial-Highway Commercial First Density-608 (UC(HC1)-608). A key map showing the location of the subject lands is attached as Appendix A. Site photos are attached as Appendix B.

The current zoning includes an antique store and service trade establishment as additional permitted uses under the UC(HC1) zone. These uses previously operated from the existing accessory building. These uses have since ceased and the intent is for the building to be utilized for two (2) additional dwelling units.

To facilitate the proposal, the Zoning By-law Amendment application proposes to rezone the lands to a site-specific Residential Low Density Second (RL2) zone, to permit only low-density residential uses and to permit up to two (2) additional dwelling units within the existing detached accessory building.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The intent of the application is to recognize the primary use of the subject lands as being residential, and to permit small-scale intensification of the property by permitting up to two (2) additional dwelling units within a detached accessory building. This is consistent with the policies of Section 2.3.7, Secondary Urban Centres, which encourage low- and medium-density residential uses on full municipal services.

2.3.7.2.2 Secondary Urban Centres shall continue to function as service centres for the surrounding agricultural areas. ... In Secondary Urban Centres, low- and medium-density residential uses and commercial, recreational, industrial and institutional uses shall be permitted based on full municipal services. ...

The proposal is also supported by the policies of Section 2.3.4, Housing, which encourage varying forms of housing types to increase the housing supply across the municipality. The forms of housing supported under the following policies includes small-scale residential intensification, such as additional residential units within a building accessory to a single detached dwelling on a fully serviced parcel within a Secondary Urban Centre:

2.3.4.1.1 Plan for a diverse range of housing choices to ensure that the housing stock can accommodate an aging population, a variety of household types and sizes, a greater diversity of culture and a range of physical and mental disabilities, and that the housing stock can respond to fluctuations in these needs.

2.3.4.2.4 A portion of Chatham-Kent's housing supply will be accommodated through residential intensification. The Municipality has established a residential intensification target of 10% within the built-up portions of the Primary and Secondary Urban Centres. Residential intensification may include any of the following:

a) Small-scale intensification by modifying an existing dwelling to include additional residential units;

b) Residential infill development of vacant or underutilized land in existing neighbourhoods; and

c) Redevelopment through the replacement of existing residential uses with compatible new residential developments at a higher

density or the replacement of non-residential uses with compatible residential or a residential mixed-use development.

2.3.4.2.18 Additional residential units are defined as a separate and complete dwelling units that are contained within the structure of a single detached dwelling, semi-detached dwelling, or townhouse dwelling; or as a separate and complete dwelling unit contained within a building or structure ancillary to a single detached dwelling, semi-detached dwelling or townhouse dwelling. Where permitted by the policies of this Plan, the following applies to the development of additional residential dwellings:

a) In the Residential Area designation and Secondary Urban Centres the following is permitted: Up to three residential units in a single detached dwelling, semi-detached dwelling or townhouse dwelling, if no building or structure ancillary to the aforementioned dwelling types contains any residential units; or, up to two residential units in a single detached dwelling, semidetached dwelling or townhouse dwelling and a maximum of one residential unit in a building or structure ancillary to the aforementioned dwelling types; subject to the following conditions:

- i) Additional residential units will be permitted where municipal water and sanitary sewer services are available;*
- ii) The Zoning By-law shall establish the zones within which additional residential units may be permitted and shall include provisions to regulate those uses;*
- iii) The additional dwelling units can be appropriately serviced in accordance with the policies of this Plan;*
- iv) The additional residential units are incidental to the main permitted residential use and shall not change the general characteristics of the main residential structure; and,*
- v) The additional residential units will comply with the Ontario Building Code, the Fire Code and all other relevant municipal and provincial standards.*

Policy 2.3.4.2.18, above, specifies the number and location of Additional Dwelling Units (ADUs) permitted on a residential lot within a Secondary Urban Centre. It specifically permits up to two (2) ADUs on a fully serviced residential lot; however, it only permits up to one (1) ADU in a detached accessory structure.

The intent of this policy is to limit the scale of an accessory structure on a residential lot so that it remains secondary to the primary residential building. This is appropriate for an established residential neighbourhood where lot configuration and built form is intentionally more uniform.

As it relates to this proposal, the subject property is a large triangular shaped lot, bound on all sides by municipal right-of-ways. The lot is not part of a typical residential subdivision development, such as exists east of the subject property across Victoria Street. Given this context, the intent of the above policy is not applicable to the subject property as allowing for two (2) ADUs in the detached accessory structure does not represent the potential for significant change to the built form that exists in the area. It should be noted, however, that the proposal does limit the ADUs in the existing accessory building, which will preserve the general built form of the area as exists at the date of this application.

In sum, the proposal does not offend the above policy, but rather allows an appropriate development and intensification of an existing building, and will result in three (3) dwelling units in total on the property.

Potentially Contaminated Properties

The Official Plan contains policies specific to determining the site suitability when a planning application proposes to introduce a more sensitive land use on a property. These policies apply to this proposal as the application is to rezone the lands from a commercial zone to a residential zone, when it is known that past non-residential uses operated in the accessory structure.

2.6.2.1 *To assist in the determination of the potential for site contamination, the Municipality shall require development proponents to document previous uses of a property that are subject to a planning application and/or properties that may be adversely impacted by the property that is subject to a planning application.*

2.6.1.2 *For properties that have been identified through the planning application review process as potentially contaminated and where there is a land-use change proposed to a more sensitive use, the Municipality shall:*

a) require verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and/or regulations that the property or properties in question do not require

remediation in accordance with provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by municipal policy or provincial legislation and/or regulations. This includes a filing by the owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry and submission by the owner to the Municipality of proof that the MOE has acknowledged receipt of the RSC;

To support the proposed development and to adhere to the above policy, the applicant retained a qualified professional (Pinchin Ltd.) to undertake a Phase I Environmental Site Assessment (ESA). The findings and recommendations of this assessment are summarized as follows:

Based on the results of the Phase I ESA completed by Pinchin, nothing was identified that is likely to result in potential subsurface impacts at the Site. As such, no subsurface investigation work (Phase II ESA) is recommended at this time, and it is Pinchin's opinion that the Site is suitable for residential land use.

Therefore, the lands subject to this application are suitable for residential use and no further investigation is required.

Overall, the proposal conforms to the policies of the Official Plan.

Zoning By-law

The subject property is zoned Urban Commercial (Highway Commercial First Density)-608 (UC(HC1)-608). This site-specific zoning permits an antique store and service trade establishment as-of-right, both of which formerly operated from the existing accessory building. The existing single detached dwelling was secondary to these commercial uses until they ceased and the dwelling became the primary use of the property.

The intent is for the accessory building to be utilized for two (2) ADUs, for a total of three (3) residential units on the property. For context, a fully serviced residential lot, located in an urban area, is permitted to contain up to three (3) dwelling units as-of-right by Section 4.6(4), Dwelling Units, of the Chatham-Kent Zoning By-law. However, this policy only permits one (1) dwelling unit within an accessory building.

To facilitate this development, it is recommended the lands be rezoned to a Residential Low Density Second (RL2) zone which will:

- Recognize the primary use of the lands being a single detached dwelling;
- Permit two (2) ADUs within an existing accessory building;
- Clarify the Front Yard and Rear Yard of the property, as was established for the current commercial zoning:

- Victoria Street is deemed to be the front yard; and
- Industrial Road is deemed to be the rear yard.
- Permit parking in the front yard setback.

Conclusion

The proposed Zoning By-law Amendment has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability

Consultation

No consultation was required as part of this application.

Communication

Information on Council's action will be posted to the municipal website. All persons who have made a submission regarding this application will receive a notice of Council's decision. Any other person who wishes to receive notice must submit a written request to the Clerk.

Diversity, Equity, Inclusion and Justice (DEIJ)

This report does not have implications related to diversity, equity, inclusion or justice.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by: Allison Lambing, Planner I, Planning Services

Reviewed by: Anthony Jas, Manager, Development, Planning Services

Reviewed by: Ryan Jacques, MCIP, RPP, Director, Planning Services

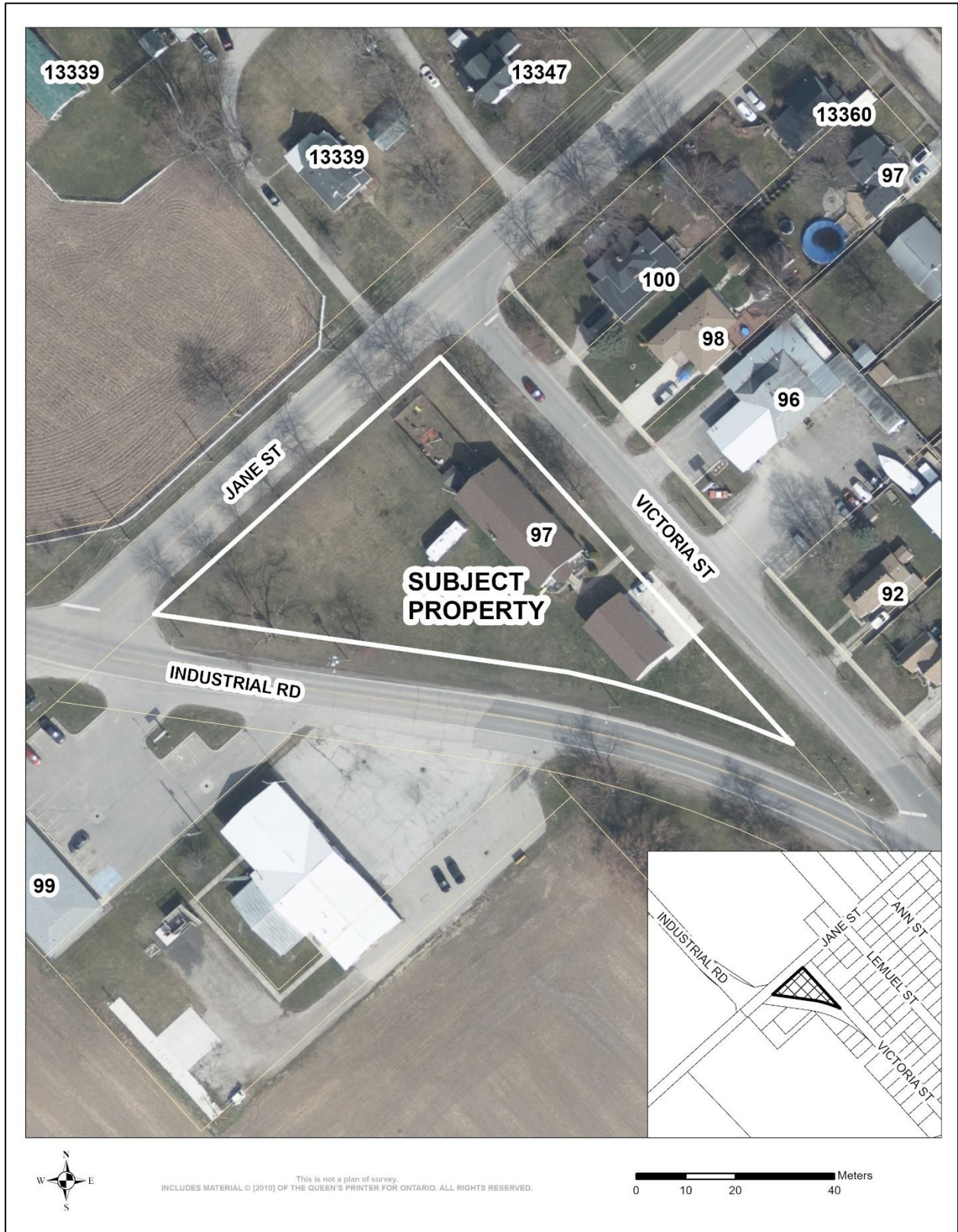
Reviewed by: Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachments: Appendix A – Key Map

Appendix B – Site Photos

Draft By-law to amend By-law 216-2009

Appendix A – Key Map



Appendix B – Site Photos



Looking west from Victoria Street at the accessory structure proposed to be converted into two residential units.



Looking south from Victoria Street at the existing dwelling on the property.