

Date: April 1, 2024  
To: Ms. Traci Denault-Roque, Deputy Clerk, Town of Espanola  
From: Nikita Jariwala, RPP, MCIP  
CC:  
Subject: Lot 80, Second Ave Zoning By-law Amendment Application  
JLR No.: 26773 (38)

## PROPERTY DESCRIPTION

The property is described as LT 80 PL M883 MERRITT; S/T LT269453; ESPANOLA. The property is approximately 736 square metres in area with approximately 20.14 metres of frontage on Second Avenue.

## APPLICATION

The purpose of this Zoning By-law Amendment application to rezone the subject property from Residential First Density (R1) to Residential Third Density, Special Exception 8 (R3-8) in order to permit the development of six dwelling units. The special exception is to permit:

- Lot frontage of 20.14m
- Front yard setback of 5.44m
- Minimum unit size for a one-bedroom dwelling is 46.45 m<sup>2</sup>
- 1.9m continuous strip of landscaped open space where the parking lot is adjacent to the western property line
- 1 parking space per dwelling unit
- 1m projection into the east interior side yard for external stairs

## RECOMMENDATION

We are of the opinion that the proposed Zoning By-law Amendment application can be recommended for approval.

## BACKGROUND

The Town of Espanola (Town) has requested J.L. Richards & Associates Limited's (JLR) professional opinion regarding a Zoning By-Amendment application for a property located in LT 80 PL M883 MERRITT; S/T LT269453; ESPANOLA. The applicant, XP Developments, is seeking a Zoning By-law Amendment to rezone the subject property from Residential First Density (R1) to Residential Third Density, Special Exception X (R3-X) in order to permit the development of 6 one-bedroom rental units. The special exceptions requested by this application include:

- Reduction of minimum lot frontage from 25m to 20.14m
- Reduction of minimum front yard setback from 7m to 5.44m
- Reduction of unit size for a one-bedroom dwelling unit from 55 m<sup>2</sup> to 46.45 m<sup>2</sup>
- Reduction of continuous strip of landscaped open space along the western property line from 3m to 1.9m
- Reduction of parking ratio from 1.5 spaces per unit to 1 space per unit
- A 1m projection into the east interior side yard for external stairs

The subject property is rectangular and approximately 736 square metres in area. The subject property has approximately 20.14 metres of frontage on Second Avenue. The subject property is vacant. It is surrounded by low rise, primarily single detached, residential dwellings to the north, south, and west. To the east of the subject property is Pinegrove Park and east of there is Espanola Regional Hydro, Espanola Public Works, and Espanola Fire Department. See Figure 1 for site context.



*Figure 1 Site context of subject property.*

## ANALYSIS

### Provincial Policy Statement (PPS) 2020

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

Section 1 of the PPS deals with Building Strong Healthy Communities and encourages healthy, livable, and safe communities through a variety of means, including accommodating an appropriate affordable, market-based range and mix of residential types (including single-detached, additional residential, multi-unit house, etc.).

Section 1.1.3 indicates that settlement areas should be the focus of growth and development. Section 1.1.3.3 promotes the accommodation of a significant supply and range of housing options through intensification and redevelopment in urban settlement areas. The proposed rezoning application for the purposes of 6 dwelling units contributes to increasing the housing stock and the mix of residential types in the Town. The development is located within the urban area of the Town of Espanola, which is identified as a settlement area. The development of residential dwellings in this urban setting is an opportunity for residential intensification.

Section 1.6.6 indicates that municipal water and sewer services are the preferred form of servicing for development. The PPS encourages intensification where infrastructure is planned or available within the Urban Service Area of the Town. The proposed development will be able to connect to existing municipal services from Second Avenue.

There are no conflicts regarding the proposed development and Sections 2 and 3 of the PPS.

Therefore, we are of the opinion that the application is consistent with the PPS.

#### Growth Plan for Northern Ontario (GPNO)

Together Sections 3.4.3 and 4.2.1 of the GPNO indicates that municipalities should prepare long-term community strategies which address, among other items, the accommodation of the diverse needs of all current and future residents. The proposed development will serve the housing needs of current and future residents of the Town as an addition of six dwelling units are proposed through this application.

Therefore, we are of the opinion that the application is consistent, or does not conflict, with the GPNO.

#### Town of Espanola Official Plan

The subject property is located within the Urban Service Area and is designated 'Residential' on Schedule A1 of the Town of Espanola Official Plan.

Section 3.1 notes that the Town will encourage new development to be planned to provide a mix of housing types and tenures as a means of diversifying the housing stock and encouraging the supply of affordable housing. Section 4.1.1 states that the residential designation shall include a full range of housing types and densities that is generally consistent with the existing physical character of the Urban Service Area. The proposed development for residential dwellings contributes to the variety of housing types in the Town. Rezoning the subject property for the proposed development will improve the efficiency of an otherwise vacant lot to increase the amount of rental housing in the Town.

A number of policies encourage and guide infill development (on vacant or underutilized sites within an established residential neighbourhood) and intensification (at a higher density than which was there before). Section 4.1.1.2 provides criteria for multiple residential development as follows:

1. *"the density of development should be related to the size of the site to avoid excessive densities on inadequate sites;*
2. *the design should be compatible with adjacent uses, particular attention should be paid to maintaining the character and amenity of adjacent residential areas;*
3. *adequate parking should be available;*
5. *the site must be served by municipal water supply, storm and sanitary sewers."*

The proposed development is reasonable with regard to the size of the subject property as it meets with the height and lot coverage provision of the proposed zone (R3). Several amendments are being requested to the provisions of the proposed zone to accommodate the development however, the intent of the zoning by-law has been maintained as there are sufficient setbacks from the development to adjacent properties, screening from the parking area to the west abutting property, adequate parking for the residents, and a backyard amenity area. The low-rise design of the proposed apartment building is compatible to the character of the adjacent residential areas which are primarily comprised of low rise, single-detached dwellings. An amendment is being requested to the Zoning By-law to reduce the parking requirements, however the 7 parking spaces proposed are sufficient for each resident to have one parking space, plus one visitor parking spot. The proposed development will be served by municipal services.

Due to recent changes to the Planning Act, Site Plan Control is no longer permitted for residential developments of 10 units or less. As such, the proposed development will not be subject to Site Plan Control; however, the Official Plan provides criteria for site layout considerations to evaluate proposed zoning by-law amendments.

Section 4.1.1.3.g indicates that proposals beyond single detached dwelling conversions will be subject to site plan control, and that proposal will be evaluated to ensure:



- i) *“sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;*
- ii) *the use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and*
- iii) *consideration of the following Urban Design Principles:*
  - 1. *Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped.*
  - 2. *The form and design of Residential Intensification projects should complement and/or enhance any significant natural features that form part of the site or are located adjacent to the site.*
  - 3. *New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses.*
  - 4. *New infill development should have a similar relationship to the street as surrounding development and may be required to provide for pedestrian travel.*
  - 5. *The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets.*
  - 6. *Buildings should be positioned to define usable and secure open space areas on the site and to afford a reasonable measure of privacy to individual dwelling units.*
  - 7. *Parking and driveways should be located and designed to facilitate maneuverability on site and between adjacent sites, and reduce traffic flow disruption to and from the property”*

Finally, the following criteria regarding adequate infrastructure are provided in Section 4.1.1.3.h:

- i) *“off-street parking supply and buffering;*
- ii) *community facilities, with an emphasis on outdoor recreational space;*
- iii) *traffic impacts and transportation infrastructure; and*
- iv) *municipal services.”*

The proposed development of 6 one-bedroom rental dwellings is encouraged through the Town’s policies on infill housing in the urban residential area. The proposed development represents the appropriate use of underutilized vacant lands within the built-up and serviced residential area of the Town. The evaluation criteria noted above for infill residential development are analyzed as follows with respect to the site and demonstrate conformity to the policies of the OP:

The proposed development is surrounded by low rise development, primarily in the form of single-detached dwellings. The development is proposed to be two storeys with a proposed height of approximately 5.7 metres (18 feet 8 inches) which is typical for a two-storey single detached dwelling. The building is proposed to have a gable roof and architectural style which is comparable in form and design to the surrounding existing development. The images in Figure 2 demonstrate a standalone one-bedroom unit in a tiny home completed by the applicant. The proposed development is anticipated to have the same level of finish and exterior.



*Figure 2 Standalone one-bedroom unit completed by the applicant demonstrating the interior and exterior finishes for the proposed development.*

The proposed development will provide 6 units over 0.07 hectares or 85 units per hectare. The proposed development is an opportunity for residential intensification and encourages compact urban form, thereby improving efficiency of the land.

The proposed development will provide sufficient off-street parking for residents. An amendment is being requested to the Zoning By-law to reduce the parking requirements, however the 7 parking spaces proposed are sufficient for each resident to have one parking space, plus one visitor parking spot. Additional screening in the form of vegetation and/or fencing will be required along the west side of the property, where the parking lot is abutting the adjacent property, in accordance with the provisions of the Zoning By-law.

Section 3.2 of the Plan provides policies on servicing, noting that existing services and infrastructure will be optimized before considering new infrastructure and public service facilities. Further, development will be encouraged to take place within the Urban Service Area where services are already available. Section 3.4 requires all new development to have frontage on and direct access to an improved public road, maintained year-round by the Town. The subject property is located within the Urban Service Area and will be able to connect to existing services from Second Avenue.

Section 3.10.3.a states that, “affordable housing shall be encouraged through infilling and intensification where servicing is appropriate, by encouraging non-profit housing, and an appropriate mix of housing types and low to medium densities. Council will encourage affordable rental housing accommodation in existing and new housing stock.” The development of rental dwellings that are smaller in size is a means of providing affordable rental housing.

The applicant has indicated that they have developed an innovative solution for site drainage which incorporates an eavestrough system with gutter guards, and the intent is to prevent leaves and debris from entering the gutter while efficiently draining water away from the building. The eavestroughs will be set at the roof level and sloped towards the back of the building, where downspouts will lead water to the ground and into the sewer system located at the front of the property. The applicant was unable to provide lot grading and drainage plans due to ice and snow on the property. The applicant has committed to working with Tulloch Engineering and providing a detailed site drainage plan and site survey at the time of building permit.

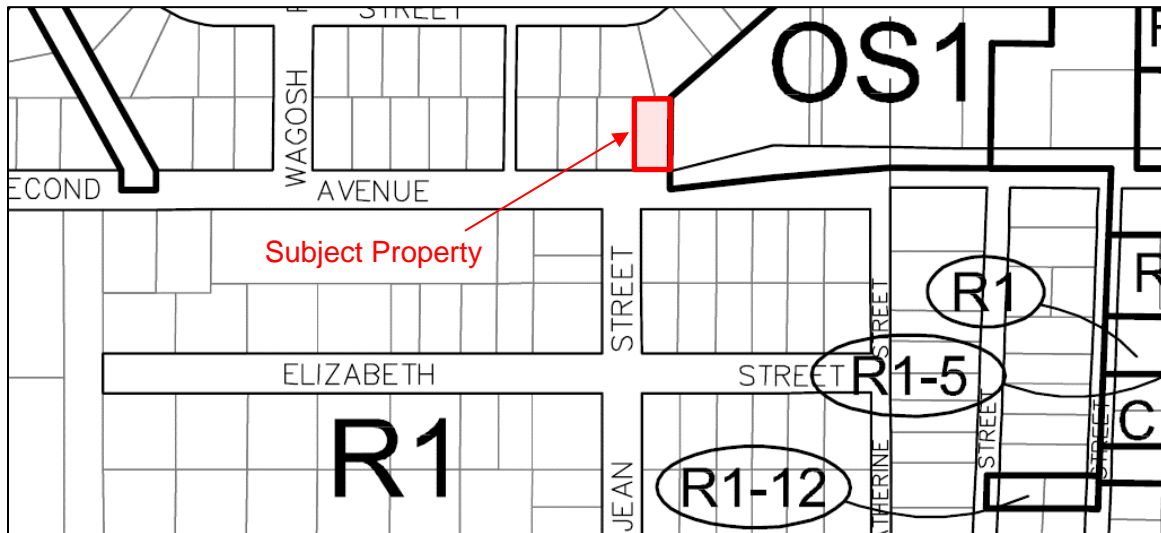
Therefore, we are of the opinion that the application conforms to the Official Plan.

#### Town of Espanola Zoning By-law No. 3022/21

The subject property is zoned Residential First Density (R1) on Schedule A of the Town of Espanola Zoning By-law (see Figure 3). The R1 Zone permits a variety of low-rise residential uses such as single detached dwellings, duplex dwellings, and semi-detached dwellings. However, the proposed development for 6 one-bedroom dwellings is not a permitted use in this zone. As such the applicant is seeking to rezone the subject property from R1 to Residential Third Density (R3) with a Special Exception in order to permit the proposed development of 6 one-bedroom dwelling units. The Special Exception is to permit:

- Lot frontage of 20.14m
- Front yard setback of 5.44m
- Minimum unit size for a one-bedroom dwelling is 46.45 m<sup>2</sup>
- 1.9m continuous strip of landscaped open space where the parking lot is adjacent to the western property line
- 1 parking space per dwelling unit
- 1m projection into the east interior side yard for external stairs

The proposed development falls within the definition of apartment building in the Zoning By-law. As such, the provisions of Section 6.3.b are applicable to this development. The minimum lot frontage required for an apartment building in the R3 zone is 25 metres. The reduction of frontage to 20.14 metres, requested through this amendment, is a recognition of the existing lot fabric. The front yard setback is being requested to be reduced from 7 metres to 5.44 metres. The reduction of this setback is being sought to accommodate the parking area and to avoid parking in the minimum front yard setback. A reduction of 1.56 metres is minor and maintains the intent of the Zoning By-law of providing a reasonable setback between the street and the parking lot.



*Figure 3 Excerpt from Schedule A Zoning By-law 3022/11*

Section 6.3.b states that the minimum gross floor area per dwelling unit for a one-bedroom unit is 55 square metres. This zoning by-law amendment seeks to reduce this provision by 8.55 square metres to permit a unit size of 46.45 square metres for a one-bedroom dwelling unit. Through the provided floor plans, the applicant has demonstrated a practical and comfortable layout with the reduced size.

Section 3.12.a of the Zoning By-law addresses landscaped open space and states that where, in any yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces adjoins a lot in any Residential Zone, then a continuous strip of landscaped open space of a minimum width of 3 metres shall be provided and maintained from the lot line of the said yard or lot. Plant materials shall be trees and shrubs of not less than 3 metres and 1 metre respectively in height at the time of planting and whose heights at maturity will reach at least 9 metres and 3 metres respectively and will be of a type which will provide an effective visual screen between the particular properties. Such plant materials may be combined with or replaced by landscaped berms and fencing to provide an effective visual screen. This requirement applies to the west side of the property where the parking lot abuts the property line. Due to the parking requirements for the development and limited width of the lot, the largest continuous strip of landscaped open space that can be provided along the western property line is 1.9m. Despite the reduction, the applicant will be expected to provide sufficient visual screening in accordance with the plant materials detailed in Section 3.12.a.

Section 3.23 of the Zoning By-law delineates parking requirements and states that 1.5 parking spaces per dwelling unit is required for apartment buildings, resulting in the need for 9 parking spaces. Given the limited lot area and the expectation for the units to be for single occupants, this Zoning By-law Amendment is seeking to reduce the parking ratio to 1 parking space per unit for a total of 6 parking spots. Section 3.23 requires that 15% of the parking is reserved for visitor parking, as such one visitor parking space is provided. One Type A accessible parking space is also being provided.

Section 3.33.b of the Zoning By-law identifies permitted yard encroachments as it pertains to porches, balconies, and steps. The Zoning By-law does not permit projection into the interior side yard but does permit 1.5m projections in the front, exterior side, and rear yards. The application is seeking a 1m projection into the east interior side yard for exterior stairs. This request meets with the intent of the Zoning By-law which maintains a sufficient setback from the property line to the structure. There are also no privacy issues with this encroachment as the neighbouring lot is a municipal park.

The proposed development complies with all other R3 Zone provisions.

Therefore, we are of the opinion that the application is reasonable and can be recommended for approval.

**RECOMMENDATION**

The Zoning By-law Amendment proposed to rezone the subject property from Residential First Density (R1) to Residential Third Density, Special Exception 8 (R3-8). This application is consistent with the Provincial Policy Statement and Growth Plan for Northern Ontario, and conforms to the Town's Official Plan. As such, the application can be recommended for approval.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Nikita Jariwala, RPP, MCIP  
Planner

Reviewed by:



David Welwood, MCIP, RPP  
Senior Planner

NJ:sv

**Attachments:**

Site Plan  
Floor Plans  
Elevation Drawings