

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 17-2024

Council Meeting Date: July 16, 2024

TO: Mayor Cook and Members of Council
FROM: Ken Bulgin, Planner
RE: ZBA ZO-11/2024 - 84 Royal Street – Mike Shaw

RECOMMENDATION:

THAT Report PL 17-2024, relating to a Zoning By-Law Amendment Application, submitted by Mike Shaw be received;

THAT Zoning By-Law Amendment Application ZO-11/2024 submitted by Mike Shaw requesting an amendment to Zoning By-Law 1 of 2003 to change the zone designation from the C1 to the R1 Zone on the lands known as 84 Royal Street, be approved; and

THAT By-Law 57 of 2024 be approved

SUMMARY

This report relates to the Zoning Amendment Application submitted by Mike Shaw affecting the lands on the east side of Royal Street known municipally as 84 Royal Street. The applicants seek to amend Zoning By-law 1 of 2003 by changing the Zone designation on the subject land from the “Commercial-1 (C1) Zone” to a zone that would permit a single detached dwelling. It is the intent of the applicants to construct a house on the subject lands.

BACKGROUND

Location

The property is situated on the east side of Royal Street and South of Main Street in Thedford (Attachment 1). The subject lands are rectangular in shape, are approximately 919.74 m² (0.23 acres) in area, with approximately 20.11 m (66 ft) of frontage along Royal Street.

The subject lot is vacant and has been used as an additional access to buildings located on the property at 97 Victoria Street, which is under the same ownership. The remainder of the property contains grassed areas interspersed with trees.

Surrounding land uses include:

- To the north: lands zoned for commercial use along Main Street;
- To the east: lands zoned for commercial uses of which not all are occupied;
- To the west: lands zoned for residential and commercial uses; and
- To the south: abutting the subject property are lands zoned for residential use, predominantly in the form of single detached dwellings.

Official Plans

The subject property is designated as “Urban Settlement” in the County of Lambton Official Plan and “Downtown Commercial” in the Lambton shores Official Plan.

Zoning By-Law

The subject property is Zoned as Commercial - 1 (C1) in the Zoning By-Law (ZBL) 1 of 2003. The C1 Zone permits a variety of Commercial Uses but does not permit the construction of a Dwelling. The proposed construction of a single detached dwelling for residential use does not conform with the permitted uses of the C1 Zone listed at Section 20.1.

Regulated Area

The subject property is not part of a General Regulation Area overseen by the Ausable Bayfield Conservation Authority (ABCA).

Written Submission

Comments in support of the application were received from the resident at 87 Ontario St, Thedford and are attached below.

DISCUSSION

Proposed Development

The application proposes to change the Zone designation of the C1 Zone to a zone that would permit residential uses on the subject lands.

The applicant also owns 97 Victoria St, lands to the rear of the subject lands. Assessment records show it as one parcel with 84 Royal, however the subject lands are a full lot in a plan of subdivision and a search of title shows no deeming by-law register to title, meaning 84 Royal is a separately conveyable parcel from 97 Victoria.

The proposed rezoning for residential use would encompass the vacant lot known as 84 Royal Street. The abutting lot known as 97 Victoria Street, which contains four commercial buildings, would remain with the existing C1 Zoning.

It is the intent of the applicants to construct a house on the property.

Compatibility

The Official Plan designation of Downtown Commercial and C1 Zone do not permit the construction of a Residential dwelling. The question is whether a rezoning of the lands to allow conversion of these lands for residential use is an appropriate and efficient use of these lands.

The location of the subject property is in an area of mixed usage for residential and commercial purposes. Generally, within an Urban Settlement Area, commercial areas are located along a primary thoroughfare with residential areas occurring behind the commercial development. In this situation, the subject lands are part of the Downtown Commercial designation but are located to the back of commercial development that fronts Main Street and occurs in a transitional zone between commercial and residential use.

Properties immediately to the south and west of the subject lands are Zoned as Residential-1 (R1) and contain single detached dwellings, which is a permitted use.

In addition, residential uses, that include single detached dwellings, occur on properties as non-conforming uses in Commercial Zones in the immediate area of the subject lands.

In this regard, while the Downtown Commercial boundary is set in the Official Plan, the actual pattern of commercial versus residential development shows some variation. The location of the subject lands is in a transitional area from commercial to residential, away from Main Street. In Section 6.1.1 of the Official Plan, it states that residential use is permitted in the form of a multi residential development for Downtown Commercial areas. While the proposal is for a house, Staff feel that due to the subject lands transitional location between uses, the integrity of current Downtown Commercial designation can be maintained and ultimately the proposed residential use conforms with the intent of the Official Plan to have Commercial uses on the north side of the block and Residential on the south side.

The proposed house on the subject lands would be consistent with existing residential uses that abut the subject lands to the south and that occur directly west of property (on the west side of Royal Street). Allowing the rezoning for construction of a dwelling for residential use would not be out of character for properties immediately surrounding the subject lands.

Environmental Site Assessment

With a proposed change of use that would see a property rezoned from a Commercial designation to a more sensitive Residential Zone, an Environmental Site Assessment (ESA) Phase 1 is generally required in accordance with Ontario Regulation 153/04 and is to be submitted as part of the planning application. The ESA Phase 1 assesses the

property to determine the likelihood that one or more contaminants have affected any land or water on, in or under the property.

In this circumstance it has been determined through voting records from the 1950's and 1960's, obtained from Lambton Archives, and the inspection of Aerial Photography (County of Lambton Planning Department) dating back to the early 1970's, that a residential building was present on the subject lands and that the last known use was residential. The dwelling appears to have been removed from the property in the 1970's and the lands have remained as a vacant parcel since this time. Staff is satisfied that an ESA Phase I Environmental Site Assessment is not required due to these findings.

Services

The lot will have access to municipal sanitary and water services along Royal Street.

Access

There is an existing single access from Royal Street Road that services the property.

Draft Amending By-law

The original lot is currently in the C1 Zone, which does not permit a dwelling. The applicants have requested a zone designation that would permit a single detached dwelling. In Staff's opinion, the R1 Zone, which applies to neighbouring residential to the west and south of the subject lands, would be appropriate.

Staff has prepared a Draft amending By-law included in the By-laws section of Council's agenda. The By-law, as drafted, would rezone the subject lands to the Residential-1 Zone to permit residential uses including single detached dwellings.

The existing lot complies with the R1 Zone Site Regulations.

Planning Opinion

As outlined in More Home More Choice: Ontario's Housing Supply Action Plan released May 2019 by the Ministry of Municipal Affairs and Housing, housing of all kinds is needed within all areas of the province. The proposed zoning amendment would eliminate a Commercial property. Due to its location away from Main Street and the difficulty of maintaining full occupancy of existing commercial store fronts in the area, it is unlikely that property would find a commercial use to occupy the premises. Ultimately, the property is vacant and would likely remain this way. The proposal promotes redevelopment of a vacant property for residential use, filling a need for housing in the community.

Based on the foregoing it is Staff's opinion that the proposed rezoning of a vacant commercial property to residential for the construction of a dwelling is consistent with the

Planning Act and the general land use pattern for that area envisioned by the Official Plan and is compatible with surrounding land uses. Staff has no objection to approval of the application and adoption of the amending By-law as presented in the By-laws section of the Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 17-2024;
- Approve ZBA Application ZO-11/2024; and
- Approve implementing By-Law 57 of 2024.

FINANCIAL IMPACT

The applicant has paid the Municipality a \$1300 application fee.

CONSULTATION

The Applicant
Lambton Shores Public Works Department
Lambton County Planning Department
Lambton County Archives

WRITTEN SUBMISSION

Received June 30, 2024 by email.

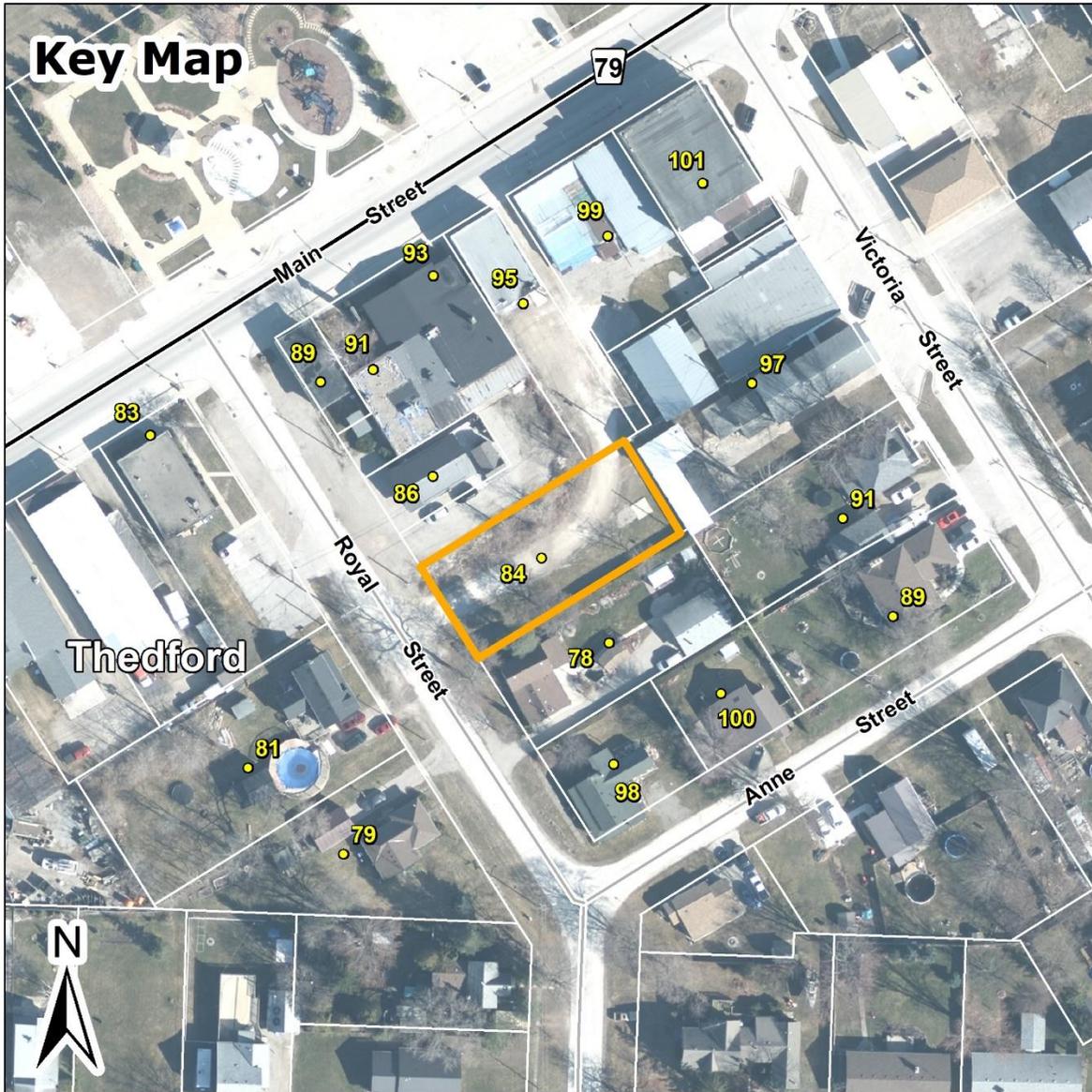
Dear Mr Nywening,

I fully support this application to rezone Mr. Mike Shaw's property to residential. It will improve the aesthetics of my neighborhood and eliminate easy access by undesirable characters to the rear of the post office and Zavit's store.

Yours sincerely,

*David Wilkinson
87 Ontario Street
Thedford*

ATTACHMENT 1: LOCATION MAP



SUBJECT PROPERTY

APPLICANT: Mike Shaw

LOCATION: Plan 1 Lot 31
geographic Township of Bosanquet
84 Royal Street, Theedford, Lambton Shores

FILE: ZO-11/2024