

# THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 25-2024**

**Council Meeting Date: October 1, 2024**

**TO:** Mayor Cook and Members of Council

**FROM:** Ken Bulgin, Planner

**RE:** ZBA ZO-14/2024 – 9530 Northville Road – Barbara Willsie

**RECOMMENDATION:**

**THAT** Report PL 25-2024, relating to a Zoning By-Law Amendment Application, submitted by Barbara Willsie be received;

**THAT** Zoning By-Law Amendment Application ZO-14/2024 submitted by Barbara Willsie requesting an amendment to Zoning By-Law 1 of 2003 to change the zone designation from the M2-Zone to the A1-89 Zone on the lands known as 9530 Northville Road, be approved; and

**THAT** By-Law 78 of 2024 be approved.

---

**SUMMARY**

This report relates to the Zoning By-Law Amendment Application submitted by Barbara Willsie affecting the lands on the east side of Northville Road known municipally as 9530 Northville Road. The applicant seeks to amend Zoning By-Law 1 of 2003 by changing the Zone designation on the subject land from the “Extractive Industrial-2 (M2) 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 lands are located south of the Lakeshore Road (Provincial Highway 21) and Northville Road (County Road 79) intersection on the east side of Northville Road in an agricultural area that supports a mixture of cash crop farming and aggregate extraction (See Attachment 1). The subject lands are rectangular in shape, are approximately 0.72 hectares (1.77 acres) in area, with approximately 100.0 m (328.0 ft) of frontage along Northville Road.

The western and southern edges of the property are relative flat. A ridge extending from northwest corner to the southeast corner splits the property. As you move east from the ridge there is a significant drop in grade.

The applicants recently removed a dwelling that had existed as a non-conforming use on the property leaving two storage sheds. The remainder of the property contains grassed areas with trees and a pond along the southern property line.

The lands are adjacent to Willsie Farm Equipment to the south, Municipality of Lambton Shores Municipal Office Building and Sandhills Golf Course to the west, agricultural uses to the north and east, and extraction uses to the east.

### ***Official Plans***

The subject property is designated as “Agricultural Area” in the County of Lambton Official Plan and “Agriculture” in the Lambton shores Official Plan.

### ***Zoning By-Law***

The subject property is Zoned as “Extractive Industrial - 2 (M2)” in the Zoning By-Law (ZBL) 1 of 2003. The M2 Zone permits Agricultural and Extractive Uses. The proposed construction of a single detached dwelling for Residential Use does not conform with the permitted uses of the M2 Zone listed in Section 41.1.

### ***Regulated Area***

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

## **DISCUSSION**

### ***Proposed Development***

The application proposes to change the current M2 Zone designation to a zone that would permit the applicant to construct a house on the subject lands.

The applicant has recently completed the demolition of a house that had existed on the subject lands as a non-conforming use.

The applicant is proposing to construct a new larger dwelling in a location similar to that of the original dwelling. The new dwelling would have a front yard setback of 4.36 m (14.32 ft) and side yard setbacks of 54.86 m (180 ft) and 21.5 m (70.55 ft).

### ***Compatibility***

The M2 Zone does not permit Residential uses. The question is whether a rezoning of the lands to allow the construction of a dwelling for residential use is an appropriate and efficient use of these lands.

The property is Zoned Extractive Industrial – 2 (M2) which permits Extractive Uses but is located outside and to the west of the area designated Extractive in the Official Plan. It is therefore unlikely that this property contains sufficient aggregate resources for extraction.

The location of the subject property is in an area primarily used for agricultural and extraction purposes (east of subject lands). However, at the intersection of Northville Road and Port Franks Road, adjacent to the subject lands, there are properties Zoned for Institutional (Lambton Shores Municipal Office), and Open Space (Sand Hill Golf Course) uses.

In addition, the subject property has maintained a dwelling utilized primarily for residential purposes for a number of decades.

In this regard, allowing the rezoning of the subject lands to an Agricultural-1 (A1) Zone designation for Residential Use would not alter the existing character of the neighbourhood or negatively impact the properties immediately surrounding the subject lands.

The proposed dwelling would meet all A1 Site Regulations with the exception of Front Yard Setback. The applicant has proposed a front yard setback of 4.36 m (14.32 ft) where 20 m (65.62 ft) is required. The property size would also not meet A1 Site Regulations as it is approximately 0.72 ha where 0.8 ha is required for a single detached dwelling that is not accessory to Agriculture (Residential Use).

### ***Front Yard Setback***

The previous non-conforming dwelling had a Front Yard Setback of 1.51 m (4.98 ft). The proposed reconstruction would locate the house further back from the Front Lot line but would not meet the required Front Yard Setback of 20 m in the A1 Zone. The proposed placement of the new dwelling would situate it on top of a portion of the previous dwelling's footprint with the expansion extending along the property ridgeline. Due to the size, shape, existing septic system, topography and shed locations, it would be difficult or may not be possible to relocate a dwelling in an area on the property to meet all Setbacks for the A1 Zone.

The location of the house will not interfere with sightlines along the road or intersection of Northville Road with Bog Line to the north.

In addition, the property at 9519 Northville, which is Zoned Institutional, has a dwelling a similar distance from Northville Road as the proposed dwelling on the subject lands.

Planning Staff have no concern with the placement of the proposed dwelling or that there be any negative impacts upon neighbourhood character.

### ***Lot Size***

The current lot size of 0.72 ha under the M2 Zoning meets Lot Size requirements of that Zone and is the result of a historical situation that predates existing Zone Site Regulations. Planning Staff are supportive of a Site Specific A1 Zoning to permit the minimum 0.72 ha lot size for this property as it has existed at this size for decades under the current M2 Zoning.

### ***Minimum Distance Separation (MDS)***

Based upon the MDS formulae there are no livestock barns or manure storage facilities that would impact the proposed development of a single detached dwelling on the subject lands.

### ***Services***

The subject lot is serviced by municipal water along Northville Road and utilizes a private sewage disposal system. The County Building Services has provided written comments respecting private sewage disposal. They are satisfied with the condition of the existing septic system and advise that it is adequate for the proposed new dwelling per the plans presented.

### ***Property Access***

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

### ***Draft Amending By-law***

The property is currently Zoned M2, which does not permit a dwelling for Residential Uses. The applicants have requested a zone designation that would permit a single detached dwelling. In Staff's opinion, the A1 Zone, which reflects the location of the property in an agricultural area, applies to properties to the south of the subject lands, and permits Residential Use, 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:

1. Establish a new Agricultural-1 Exception 89 (A1-89) Zone and add site-specific provisions for the A1-89 Zone to the text of the By-law including:
  - The minimum required Front Yard Setback shall be 4.36 m
  - The minimum required Lot Size shall be 0.72 ha

### ***Planning Opinion***

The location of the subject property is in area primarily used for agricultural purposes.

The proposed zoning amendment would Rezone an Extractive Industrial-2 (M2) property, located outside the Extractive Designation in the Official Plan to a Site Specific Agricultural-1 Zone. The proposed A1-89 zoning is more appropriate for the location and would permit existing Residential Use.

Based on the foregoing it is Staff's opinion that the proposed rezoning of an Extractive Industrial property for Extractive Use to an Agricultural Zone that permits Residential Use for the construction of a dwelling is consistent with the *Planning Act* and 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 the ZBA Application by Barbara Willsie be approved.

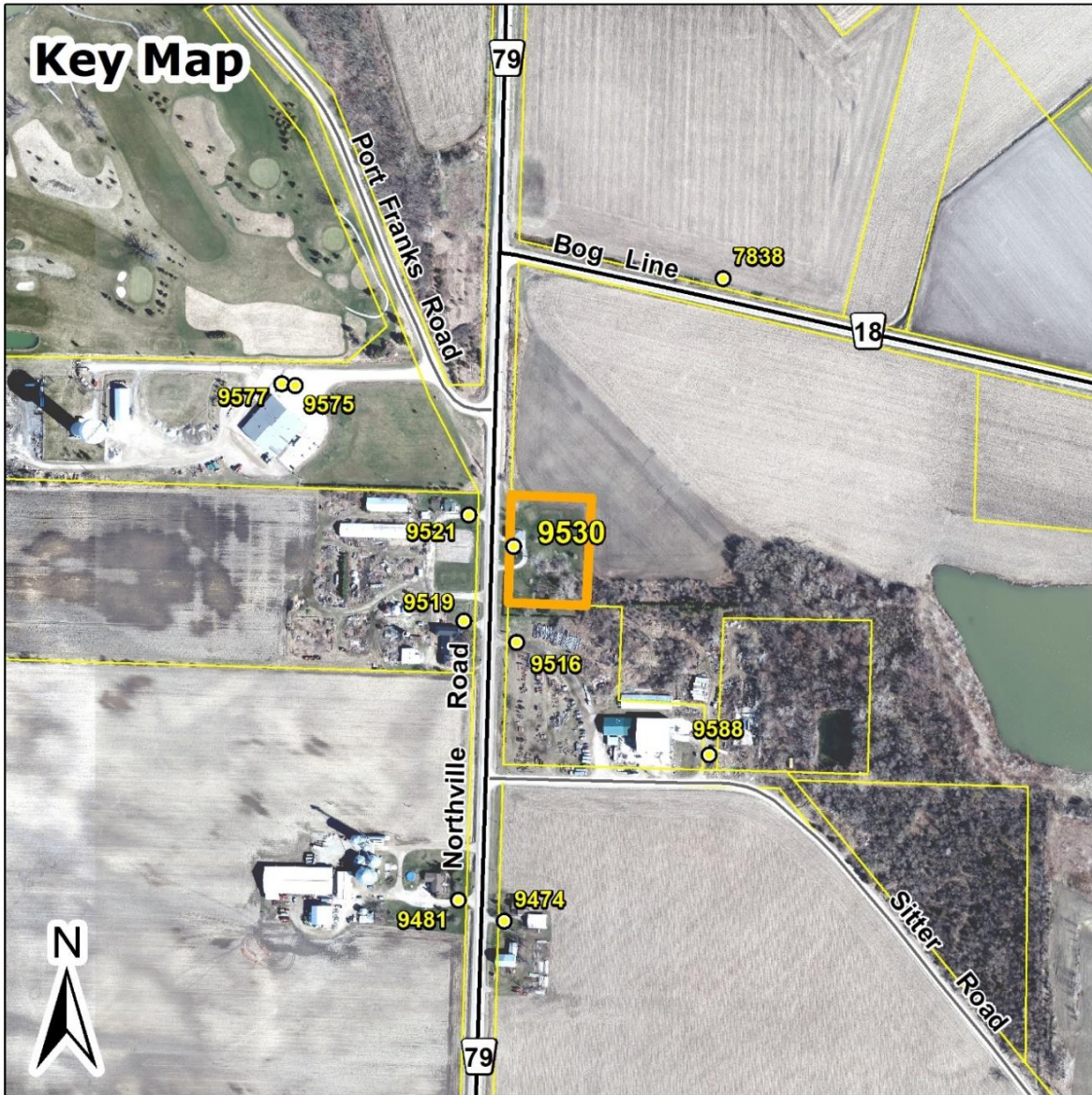
### **FINANCIAL IMPACT**

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

### **CONSULTATION**

The Applicant  
Lambton Shores Public Works Department

**ATTACHMENT 1: LOCATION MAP**



**SUBJECT PROPERTY**

APPLICANT: Barbara Willsie

LOCATION: CON 5 W PT LOT 30  
9530 Northville Road, Lambton Shores

FILE: ZO-14/2024

NORTHVILLE RD

