

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 18-2021

Council Meeting Date: June 15, 2021

TO: Mayor Weber and Members of Council

FROM: Will Nywening, Senior Planner

RE: Zoning By-law Amendment Application ZO-06/2021
Concession Lake Road East, Part Lot 4 (BO)
244 and 252 Ontario St South, Grand Bend

RECOMMENDATION:

THAT Report PL 18-2021, relating to a Zoning By-Law Amendment Application, submitted by 2366021 Ontario Inc, be received;

THAT Zoning By-Law Amendment Application ZO-06/2021, submitted by 2366021 Ontario Inc, requesting an amendment to Zoning By-Law 1 of 2003 respecting 244 and 252 Ontario St South and conditions of provisional Consent application B-07/2021, be approved; and

THAT By-Law 43 of 2021 be approved.

SUMMARY

This report relates to the Zoning Amendment Application submitted by 2366021 Ontario Inc. affecting abutting parcels known as 244 and 252 Ontario St South, Grand Bend. The applicant seeks to amend Zoning By-law 1 of 2003 to address conditions of Consent application B-07/2021. Specifically, the amendment would create holding provisions and create a site-specific zone to permit lots with lot frontage and area that are less than the existing R6-1 Zone.

BACKGROUND

The applicants obtained provisional consent from the Committee of Adjustment on April 28, 2021 – File #B-07/2021. The Committee approved the severance of a parcel “out of the middle” of 252 Ontario St South including the existing house and an area to be set held as a potential future street. The consent results in remnant parcels to both the north and south sides of the severed parcel. The one to the north is to be merged with the existing parcel known as 244 Ontario St South. The remnant parcel to the south would become a vacant residential building lot. The Committee also granted easements for the severed parcel and southerly remnant parcel for servicing and shared access. The image below shows the development concept (ignore the hatching along the river).

That the applicant apply for and obtain a zoning amendment to change the zone designation on the subject lands and 244 Ontario St South to an appropriate residential zone with appropriate holding provisions respecting further subdivision, servicing, and establishing a street applied to relevant portions of the lands.

Report COA 16-2021 was provided to the Committee in relation to the consent application. It includes a more detailed planning analysis and description of the proposed development and is included as Attachment 2 to this report. The Committee approved the consent subject to the conditions recommended in the report, with a modification to condition 10. (At the Applicant and Staff's request, Committee worded that condition to be more generic regarding what will be required to satisfy parkland dedication requirements.)

ZONING AMENDMENT

Official Plan: The Lambton Shores Official Plan designates the subject lands "Grand Bend Residential", and also identifies a "Significant Woodlot" on the wooded portions of the lot. Areas abutting the Ausable River are designated "General Regulation Area", as per their being located within the Ausable Bayfield Conservation Authority regulation limits. The existing dwelling is outside the ABCA regulation limits. The area is also an area of archaeological potential.

Zoning By-law: In Zoning By-law 1 of 2003, the property is zoned "Residential-6.1 (R6-1)", "Agriculture-2 (A2)", and "Environmental Protection-Hazard (EP-H)". The EP-H Zone is immediately adjacent to the River. The A2 Zone is located on the east end of the property between the existing dwelling and the EP-H Zone. The A2 Zone prohibits a house unless it is a farm dwelling and essentially acts as a holding zone. The balance of the lot is R6-1, like the Merrywoods Subdivision to the south. The R6-1 Zone permits single detached dwellings, but not bed and breakfast establishments. It has minimum lot size requirements of 30m frontage and 4000m² lot area and a 2m minimum interior side yard.

Draft Amending By-law: Staff has drafted an amending by-law included in the by-laws section of Council's agenda. As proposed by Staff, the amendment would:

1. Establish a new, site-specific, "Residential-6.34 (R6-34) Zone" with the same prohibition of Bed & Breakfast Establishments as in the existing R6-1 Zone, but having a minimum required lot area of 2500m² and a minimum required lot frontage of 20m.
2. Rezone 244 Ontario St South to the new R6-34 Zone (along with the lot addition conveyed as part of the severance).

This will address the fact that the new lot (although increasing in size) is still less than the minimum required lot area and frontage of the existing R6-1 Zone.

3. Rezone the easterly portion of the severed lot to the new R6-34 Zone (the portion containing the existing house on 252 Ontario St South).

This will address the fact that the severed lot's frontage will be only 20m as long as the future road allowance serves as its street frontage. It will also address the fact that the severed lot's lot area would be reduced to less than the existing R6-1 minimum if and when a future street and services are constructed and conveyed to the Municipality as a road allowance.

4. Establish a new, site-specific, "Future Development-1 (FD-1) Zone" with permitted uses limited to a street, a private driveway, and private services (buildings prohibited).
5. Rezone the westerly portion of the severed lot to the new FD-1 Zone (the portion with an easement for a future street).

This will allow this area to serve as an access and provide services to both the house on the severed lot and the house proposed on the new building lot and also while ensure that no buildings are constructed on the area set aside as a potential future street. An FD-1 Zone will draw attention (more so than a holding provision) to the potential street and help ensure it is considered in any development proposed in the immediate area.

6. Keep the new building lot in the existing R6-1 Zone and expand that zone to the portions of that lot currently zoned A2.

This will bring the zone designation into compliance with the residential designation in the Official Plan.

7. Apply a Holding-1 (H1) provision to the westerly portions of the new building lot (those portions that are still wooded and may be subdivided in the future).

The H1 holding symbol is an existing holding provision prohibiting further development until land division approvals and development agreements are in place, and specifically requiring full municipal services to be provided. This will ensure that no structures are built on this portion of the lot and that the land is not further developed until municipal sanitary sewers are available, proper servicing plans have been approved, and necessary studies and clearances have been completed with respect to natural heritage and archaeological features. It would not apply to the easterly end of the property, allowing the construction of a house on those portions of the lot that are already cleared and disturbed.

8. Adjust (expand) the existing EP-H Zone to match the ABCA regulation limit on the new building lot and the severed lot.

This will properly identify the area within which ABCA approvals are needed. As per section 4.6 d) of the Zoning By-law, can be permitted in the EP-H Zone with ABCA approvals and subject to complying with the abutting residential zone(s).

FURTHER COMMENTS

Public input was received during the consent application process from Merrywoods Drive residents backing onto the proposed building lot. They had questions about the setback of any future building from their lots. For the Merrywoods Drive lots, the lot line is a rear lot line and the R6-1 Zone requires a 7.5m setback for a house and 1m for an accessory building. For the proposed building lot the lot line is an interior side yard and the R6-1 Zone requires only a 2m setback for a house and 1m for an accessory building.

The Merrywoods Drive residents suggested that any new construction should meet a much larger setback than the 2m minimum. The Committee did not feel it was their place to impose this as a condition of severance and the residents were advised that the rezoning process would be the appropriate place to make this kind of site-specific zoning request.

At the time of writing this report, no such requests have been formally made by neighbours, but Staff has discussed the idea with the Applicants. They indicate they do not wish to increase the side yard requirement. Having considered the matter, Staff does not recommend requiring an increased side yard setback. While the lot line is a rear lot line for Merrywoods Drive, it is a side lot line currently, will be a side lot line under the approved new lots, and will continue to be a side lot line even if the parcel is further subdivided along a new street. It is not unusual for a rear yard to abut a side yard.

SUMMARY

Based on the forgoing discussion and the discussion in Report COA 16-2021 (Attachment 2) it is Staff's opinion that the rezoning as proposed adequately implements the conditions of consent imposed by the Committee and represents good planning. The lands are designated for residential development and are large enough to accommodate infilling development when sanitary sewers are available. The rezoning facilitates an appropriate development of the lands, helps preserve and even facilitate the potential to further develop the lands and adjacent lands in the future, and helps ensure that further development does not proceed without appropriate background studies, services, and approvals in place.

Staff has no objection to Council approving the rezoning application or passing the zoning amendment in the form presented by Staff in the by-laws section of Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 18-2021;
- Approve Zoning By-law Amendment Application ZO-06/2021; and
- Pass Implementing By-law 43 of 2021.

FINANCIAL IMPACT

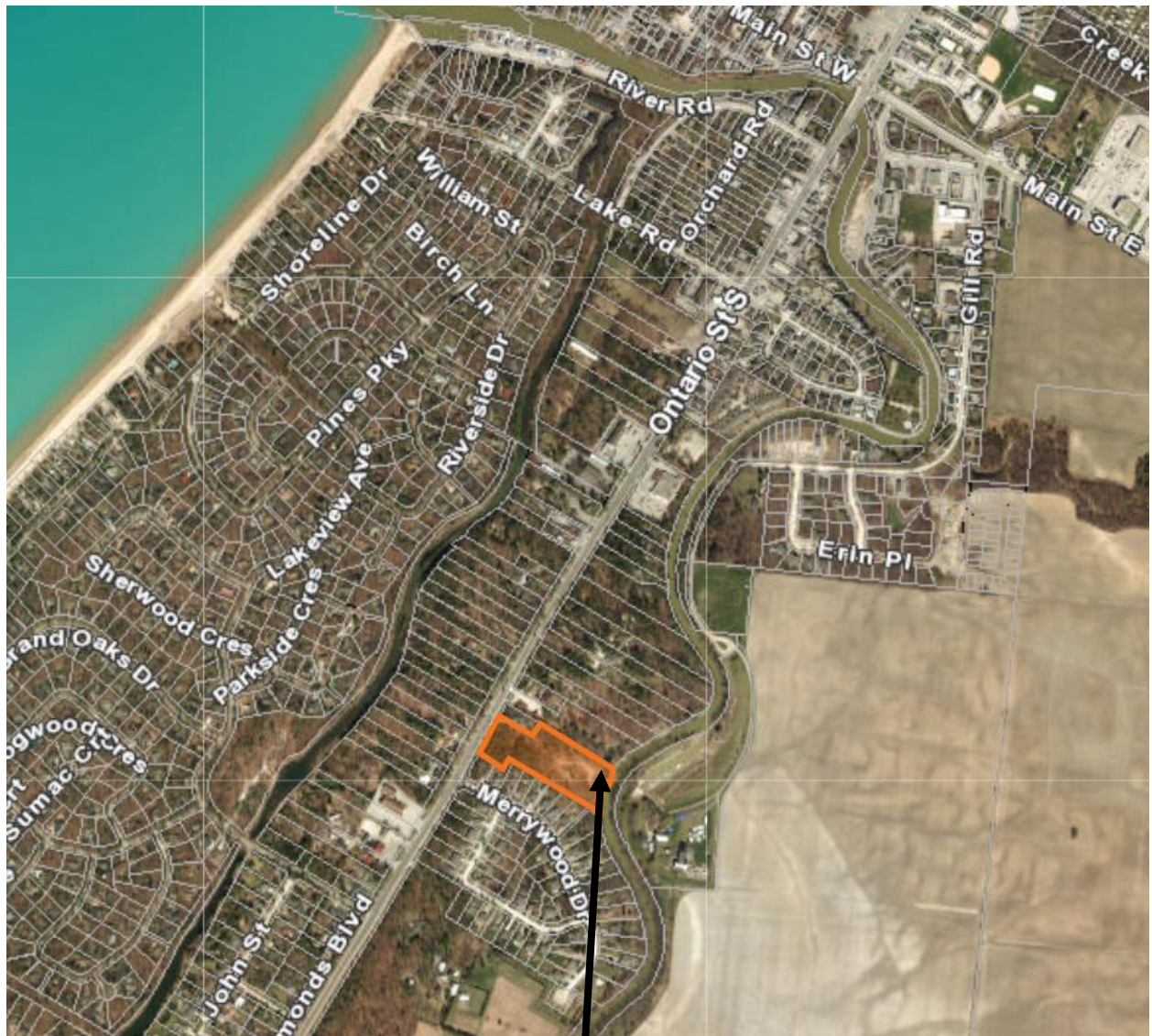
The applicant has paid the Municipality a \$1200 application fee.

CONSULTATION

The Applicants

Nick Verhoeven and Steve McAuley, Community Services Department
Abutting Merrywoods Drive residents, as part of the consent application

Attachment 1 – Subject Lands



Subject Lands