

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 08-2025

Committee Meeting Date: March 26, 2025

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Ken Bulgin, Planner

RE: Minor Variance Application A-07/2025 – Plan 6 Pt Park Lots 10 and 11 RP 25R6367 Part 1 – 76 Union Street, Forest – Habitat for Humanity – Sarnia-Lambton (Agent: B.M. Ross and Associates Ltd. (c/o Jordan Fohkens))

RECOMMENDATION:

THAT Minor Variance Application A-07/2025, affecting lands known as 76 Union Street, Forest, which would permit a fourplex divided vertically into four units and locate a driveway and parking area along an interior side lot line with a 0 m landscape strip, be approved, subject to the following condition(s):

1. That a 3 m planting strip consisting of a cedar hedge or a fence and row of trees be established on the western and northern property lines of subject lands where for the portions abutting the parking area; and
2. That the variance only apply to permit construction as proposed in the applicant's sketch.

SUMMARY

An application has been made for a minor variance seeking relief from Section 2 of the Zoning By-law 1 of 2003 which defines Fourplex Dwelling as the whole of a Dwelling divided horizontally and vertically into four Dwelling Units, with each Unit having an independent entrance from outside the Building and from Section 9.4 d) k) which requires a landscape strip having a minimum width of 3 metres be provided where a parking area containing two or more vehicles abuts a rear or side lot line.

BACKGROUND

The property is situated on the west side of Union Street and approximately 112 m south of Townsend Line (Attachment 1). The subject lands are rectangular in shape and approximately 1146.6 m² (0.28 acres) in area, with approximately 25.1 m (82.34 ft) of frontage along Union Street.

The lands are located in a residential development on the northwest side of Forest. The area is made up of a mix of low and medium density residential uses with a commercial development abutting the subject lands to the north.

The property is relatively flat, contains no buildings or structures and is maintained as grassed area with newly planted cedars along the western and part of the northern property lines. Two hydro poles are located along the frontage of the property.

The subject lot, and a lot abutting to the south, were rezoned in 2005 to the R3-4 Zone to allow fourplex dwellings (two units side by side above and two units side by side below (two-storeys in height)). The applicant received Zoning By Amendment approval in 2021 and Consent approval in 2003 to sever the abutting property to the south (known municipally as 70 and 72 Union Street) and permit the construction of semi-detached dwellings. The owner is now proposing to construct a fourplex dwelling split vertically (single storey) on the subject lands (known municipally as 76 Union Street).

Surrounding land uses include:

- **To the north:** lands zoned commercial with the present use being a Canadian Tire Store, beyond which are lands zoned for Residential, Future Development, Industrial and Agricultural use;
- **To the east:** lands zoned for Residential use, occupied by a hydro substation, a townhouse development and single detached dwellings;
- **To the south:** Semi-detached dwellings, beyond which is an apartment complex and single detached dwellings; and
- **To the west:** lands zoned for Institutional and Residential, occupied by a place of worship and a Seniors Living Complex.

Official Plans

The subject property is designated as “Urban Centre” in the County of Lambton Official Plan and “Residential” in the Lambton Shores Official Plan (OP).

Zoning By-Law

The subject property is Zoned as “Residential – 3 Exception 4 (R3-4)” in the Zoning By-Law 1 of 2003.

The R3-4 Zone permits residential uses including a fourplex dwelling subject to the requirements of Section 9.4 d) *Exception 4 to the Residential-3 Zone* of the Zoning By-Law. The proposed fourplex dwelling conforms with the Provisions except for:

Section 2 of the Zoning By-law which defines Fourplex Dwelling as:

“...the whole of a Dwelling divided horizontally and vertically into four Dwelling Units, with each Unit having an independent entrance from outside the Building”

Section 9.4. d) k) a. which requires”

“A landscape strip having a minimum width of 3 metres shall be provided where a parking area containing two or more vehicles abuts a rear or side lot line, except

where a mutual driveway is provided between Fourplex dwellings on separate lots, then no landscape strip is required along the mutual side lot line”

Regulated Area

The subject lot is not located within a General Regulation Area regulated by the St. Clair Region Conservation Authority (SCRCA). The lot does not contain significant natural heritage features.

Summary of Variances Required

Based upon the Site Plan details, an analysis of the proposal with the requirements of Section 2 of the Zoning By-Law for the definition of Fourplex Dwelling and Section 9.4 d) of the Zoning By-Law for the “Exception 4 to the Residential-3 Zone” determined the following variances are required. These requirements are specific to the construction of a single-storey fourplex dwelling:

<i>Section 2 Definition</i>	Section 2 Requirement	Proposed	Compliant/Variance Required:
<i>Fourplex Dwelling</i>	Split horizontally and vertically	Split vertically	Variance Required

<i>Section 9.4 d) Provision</i>	Section 9.4 d) Requirement	Proposed	Compliant/Variance Required:
<i>Landscape Strip</i>	3 m where a parking area abuts a side lot line	0 m	Variance Required

Note: All other regulations in the above noted sections have been found to be compliant.

COMMENTS

Development

The application proposes construction of a single-storey fourplex dwelling that would be split vertically into four dwelling units. Each of the four dwelling units is proposed to be 75.97 m² in size for a total building area of approximately 303.88 m² (see Attachment 2).

The building would be located towards the north end of the property, access gained from Union Street with the driveway running along the southern edge of the building to the rear of the property where six parking spaces are to be located. The Driveway would also abut the northern lot line of the property to the south (known municipally as 72 Union Street).

The applicant has indicated that the proposed single-storey fourplex is to provide affordable and accessible dwelling units and the reduction of a landscape strip from 3 m

to 0 m between the driveway\parking area and the abutting property to the south is so the proposed development can meet required driveway width of 6 m and provide a sidewalk with a width of 1.5 on the north side of the development for access into the building.

Application Analysis

Consistent with Section 45 of the *Planning Act*, Section 19.8.2.1 of the Municipality's Official Plan states that in order for the Committee of Adjustment to grant a variance to a Zoning By-Law requirement, they must determine the following:

1. is the requested variance minor;
2. is the general intent and purpose of the Official Plan maintained;
3. is the general intent and purpose of the Zoning By-Law maintained; and
4. is the minor variance desirable for the appropriate development or use of the land, building or structure.

Is the requested variance minor?

There is no definition for when a variance is considered minor and so this must be determined based on the merits of the situation.

The requested variance is to allow a single story fourplex and reduce the requirement of a landscape strip width from 3 m to 0 m along the southern (shared) property line with 72 Union Street where the driveways of both properties would abut.

A two-storey fourplex dwelling would be allowed a maximum lot coverage of 30%. The proposed single storey fourplex dwelling would have a 26.5% lot coverage having similar or less impact to the property and neighbouring lots than what is permitted as of right.

A 3 m wide landscape strip would be provided along the north and west property lines where the parking area abuts neighbouring properties. Along the south property line (abutting 72 Union Street), there would be a 3 m setback between the parking area and the lot line. The remainder of the south lot line would have a 0 m buffer which is where the driveway would travel from Union Street back to the rear of the subject property where the parking area is located. The driveways for the subject lands and 72 Union Street would abut along the southern property line. Had a fourplex been developed on 72 Union Street there would have been no requirement for a landscape strip for the abutting driveways. With minimal traffic utilizing the proposed driveway and the parking area being located to the rear of the property it is expected that impacts to the abutting property will be minimal.

Allowing this variance is considered minor in nature.

Is the general intent and purpose of the Official Plan maintained?

The proposed development is in alignment with the Official Plan for lands designated "Residential".

Is the general intent and purpose of the Zoning By-Law maintained?

The general intent and purpose of the Zoning By-law is maintained except for the definition of a fourplex and the requirement for 3 m wide landscape strip along a portion of the southern property line where a driveway extends to a parking area at the rear of the property. The Residential-3 Exception 4 (R3-4) Zone lists “Fourplex Dwelling” as a Permitted Use.

Staff are of the opinion that the proposed single storey fourplex dwelling (which meets all site regulations related to the building) will have less impact than what could be built as of right on the subject property.

The reduction of the landscape strip from 3 m to 0 m where the driveways abut (southern lot line) would be permitted had the developments on each property been fourplexes. Instead, with a semi-detached dwelling constructed on 72 Union Street, a 3 m landscape strip is required along this lot line. Both properties are Habitat for Humanity developments. In Staff’s opinion, with no vehicles parking along this stretch and its use as a driveway only, the absence of a landscape strip, which is not typically required between residential developments, will not adversely affect the streetscape or neighbourhood character.

Is the minor variance desirable for the appropriate development or use of the land, building or structure?

From a property perspective, the proposed development has no more impact than what is already permitted as of right in the R3-4 Zone

From a neighbourhood perspective, the proposed development would provide additional housing units within the community. In meeting all setback requirements and being below the maximum lot coverage staff is of the opinion this development would not detract from the continuity in street design and building lines and adheres to the basic design principles important in maintaining an aesthetically pleasing community.

Department and Agency Comments

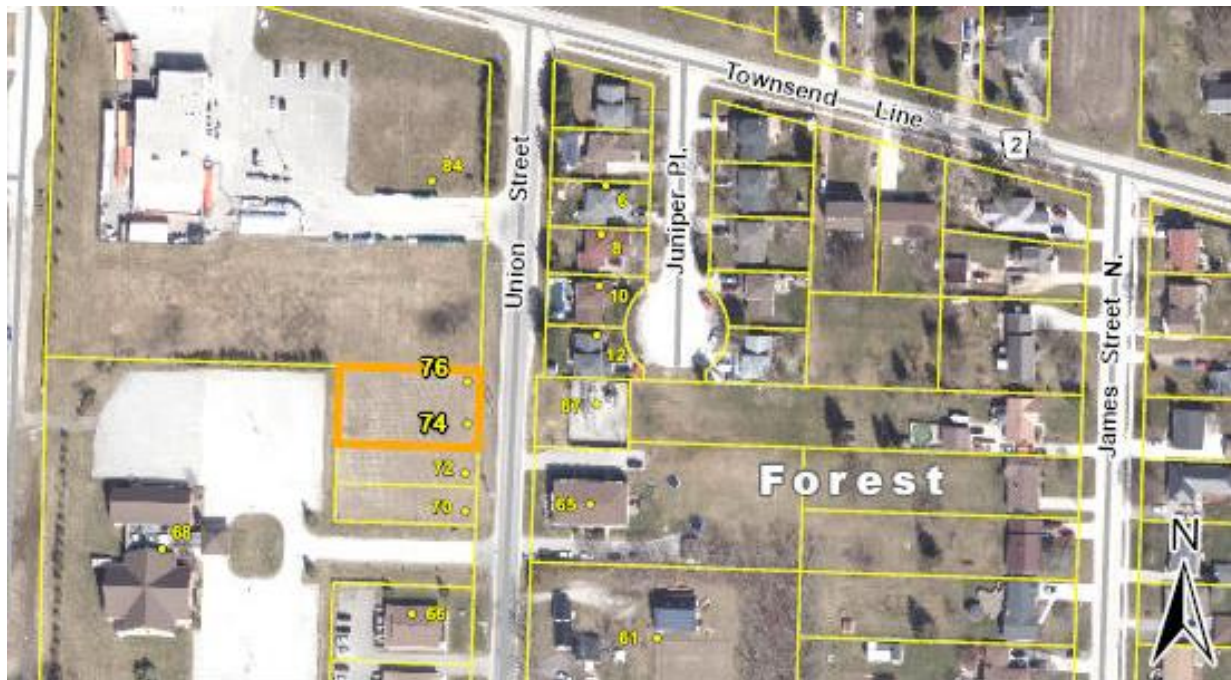
The application has been circulated to the required agencies as per the *Planning Act*. No comments have been received as of March 18, 2025. All comments received prior to the March 26, 2025, Committee of Adjustment meeting date shall be presented at the meeting.

Summary

As previously noted, the proposed development is in alignment with the Municipality of Lambton Shores Official Plan and is in general conformance with the requirements of the Zoning By-law. The proposed variance is considered minor as it does not adversely impact adjacent properties.

On the basis of the policy context provided above related to the Municipality of Lambton Shores Official Plan, and Zoning By-law, Planning staff are of the opinion that the variances can meet the tests of Section 19.8.2.1 of the OP in accordance with the *Planning Act*. Therefore, Planning staff have no objection to the proposed minor variance as presented.

ATTACHMENT 1: LOCATION MAP



SUBJECT PROPERTY

This aerial site plan illustrates a proposed residential development. The overall dimensions of the site are 45.72 m (150 ft) in width and 25.15 m (82.5 ft) in depth. The plan includes a 'Rear Parking' area on the left, a 'Paved Driveway' on the right, and a 'Landscape Strip' at the bottom. The central area is designated for a 'PROPOSED 4 Unit Dwelling' which is 'Split Vertically' into two units. Each unit is 10.70m x 7.10m. The total area for the four units is 303.9 m² (3271 ft²), with a note indicating 75.97 m² per unit (817.7 ft²). The plan also shows various setbacks, including a 3m (9.8 ft) setback from the top boundary and a 6m (19.7 ft) setback from the right boundary. A north arrow is located in the bottom left corner.

Site Dimensions and Layout:

- Overall Width:** 45.72 m (150 ft)
- Overall Depth:** 25.15 m (82.5 ft)
- Left Side (Rear Parking):** 18.35 m (60.2 ft)
- Right Side (Paved Driveway):** 6 m (19.7 ft)
- Bottom (Landscape Strip):** 0 m (0 ft) (No Strip)
- Top Boundary:** 3 m (9.8 ft) setback
- Right Boundary:** 6 m (19.7 ft) setback

Proposed Units:

- PROPOSED 4 Unit Dwelling**
- Split Vertically**
- PROPOSED UNIT 1 - STOREY** (10.70m X 7.10m)
- PROPOSED UNIT 2 - STOREY** (10.70m X 7.10m)
- PROPOSED UNIT 3 - STOREY** (10.70m X 7.10m)
- PROPOSED UNIT 4 - STOREY** (10.70m X 7.10m)
- Total Area:** 14.2 m x 21.4 m = 303.9 m² (3271 ft²)
- Area per Unit:** 75.97 m² per Unit (817.7 ft²)

Other Features:

- EDGE OF TREES** (top left)
- EDGE OF GRAVEL** (bottom right)
- CONCRETE SIDEWALK** (right side)
- STORM WATER SERVICES** (top right)
- INVESTIGATE PRIOR TO CONSTRUCTION** (top right)
- CONCRETE SIDEWALK TO BE REPLACED BY NEAREST JOINT (5 PANE 31)** (right side)
- BECK** (bottom center)
- BUILDING** (bottom center)
- 76** (top right)
- 74** (middle right)
- 72** (bottom right)