

# Planning Justification Report

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Proposed Minor Variance Application  
for a proposed **Four-Unit Dwelling** at  
**76 Union Street** in the Community of Forest

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Prepared by B.M. Ross & Associates Limited for  
**Habitat for Humanity Sarnia Lambton**

File No. 24197

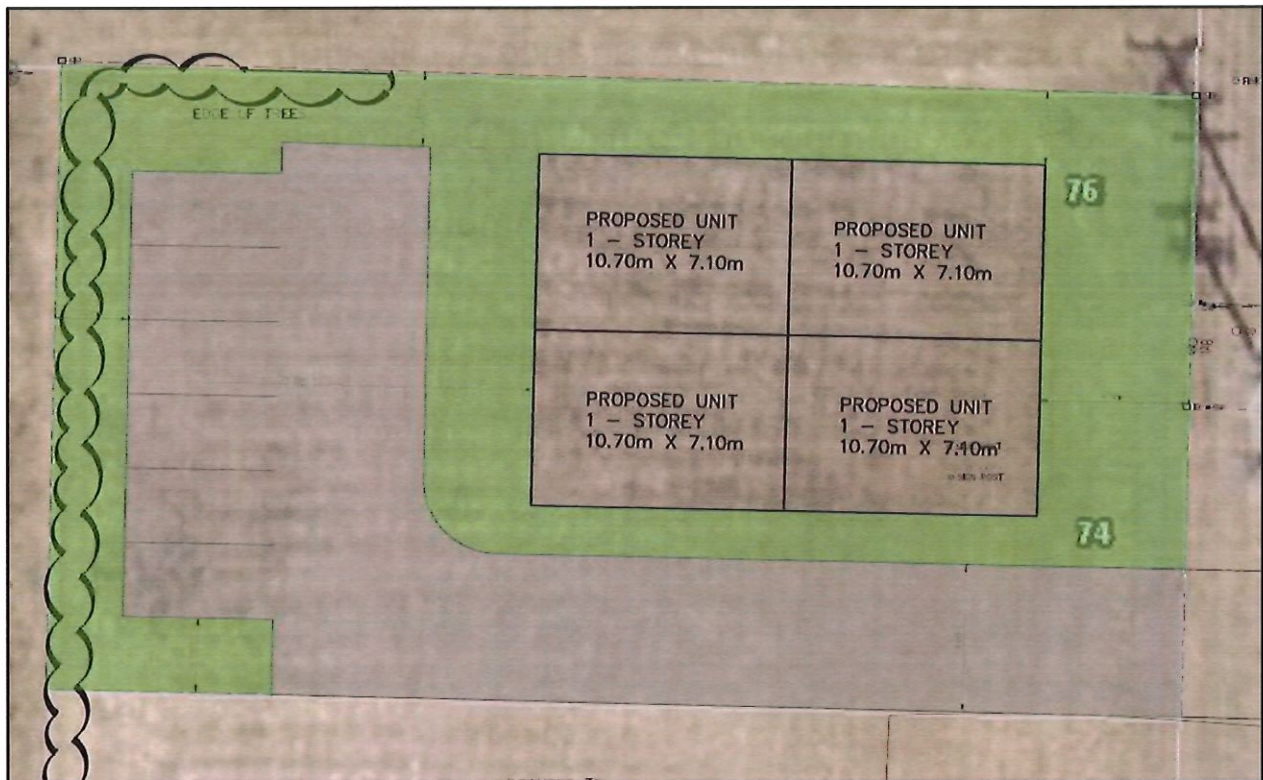


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January 9, 2025

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## **HABITAT FOR HUMANITY SARNIA-LAMBTON**

### **PLANNING JUSTIFICATION REPORT FOR PROPOSED MINOR VARIANCES AT 76 UNION STREET (FOREST)**

#### **1.0 INTRODUCTION**

This report has been prepared on behalf of Habitat for Humanity Sarnia-Lambton, in support of a minor variance application for relief from the provisions of Zoning By-law 1 of 2003 to allow a four unit dwelling at 76 Union Street in the Community of Forest. More specifically, the proposed development requires the following variances:

- Permit a four-unit dwelling (units separated vertically) to be considered a fourplex, whereas the Zoning By-law states that a fourplex needs to be separated both vertically and horizontally (Section 2).
- Permit a landscape strip of 0m along a portion of the south side lot line (that is adjacent to a driveway), whereas a minimum 3m landscape strip is required where a parking area abuts a side lot line, except where a mutual driveway is provided between fourplex dwellings on separate lots (Section 9.4d)k)a.).

#### **2.0 LOCATION AND SITE DESCRIPTION**

The subject lands are situated on the west side of Union Street, south of Townsend Line, on the north side of the Community of Forest. The site is designated 'Residential', on Schedule A6 of Lambton Shore's Official Plan and is zoned Exception 4 to the Residential – 3 (R3-4) Zone.

The property has frontage of 25.1 metres, depth of 45.6 metres, and area of 1,146.6 square metres. The site is currently vacant and is adjacent to:

- a semi-detached dwelling to the south
- undeveloped commercial land to the north
- a place of worship and parking area to the west, and
- a hydro substation, single detached dwellings and townhouse development to the east.

### **3.0 BACKGROUND**

The current owner (Habitat for Humanity Sarnia-Lambton) received approval in 2021 to change the R3-4 Zone to permit semi-detached dwellings on the lands known as 70 and 72 Union Street (lands to the south). A semi-detached dwelling was recently constructed on property to the south. The owner has now proposed to construct a four-unit dwelling on the remaining portion of the lands described as Parts 1 to 3 on Plan 25-11346, that would have a height of one-storey.

### **4.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

The applicant is proposing to construct a four-unit dwelling with lot coverage of 303.9 square metres at the front section of the site. The proposed development would have a height of one-storey and contain the following:

- Four-units split vertically with two-units facing Union Street and two-units facing the west side of the site.
- Rear yard parking area with six parking spaces with a 6.0m wide driveway located along the south lot line.
- Landscaped open space area of 36.3%.
- Lot coverage of 26.5% and
- Front yard depth of 6.0m, rear yard depth of 19.35m, side yard width (north) of 3.0m, and side yard width (south) of 7.9m.

The proposed site plan is shown in Appendix 'A'.

### **5.0 PLANNING COMMENTS**

Subsection 45(1) of the Planning Act states that a successful variance shall meet the general intent of the Official Plan and Zoning By-law, be desirable for the appropriate development or use of the lands and be minor in nature. We have reviewed these criteria and provide the following in support of the application.

#### **5.1 Lambton Shores Official Plan**

The subject lands are designated 'Residential', as shown on Schedule A6 of the Municipality's Official Plan (OP). This land use designation permits medium density development (including townhouses), provided that the development does not exceed 40 units per gross hectare (Section 5.3). The gross density of the proposed development is approximately 36 units per gross hectare, which conforms with the use and density policies in the Residential designation.

Land use policies in the Residential designation require new development to be compatible with the scale, density and character of existing surrounding land uses (Section 5.4). The site is located adjacent to a semi-detached dwelling that also contains a driveway along the side lot line and is within 70 metres of two fourplex developments that have driveways along their mutual lot lines. For these reasons, we

are of the opinion that the proposed 0m landscape strip adjacent to the proposed laneway is compatible and consistent with other developments in the area.

## **5.2 Zoning By-law**

The Municipality's Zoning By-law 1 of 2003 contains regulations for the development of land in Lambton Shores. The proposed four-unit dwelling would comply with parking, setbacks, lot area, lot coverage, and landscaped open space regulations for fourplex dwellings in the R3-4 Zone. However, the proposed development would not comply with the definition of "Fourplex" or the landscape strip provisions of the R3-4 Zone.

### Definition of Fourplex

The subject lands are zoned to permit fourplexes and semi-detached dwellings. A 'Fourplex' is defined in the Zoning By-law as *"the whole of a Dwelling divided horizontally and vertically into four Dwelling Units, with each Unit having an independent entrance from outside the dwelling"*. The proposed development includes a four-unit dwelling that is separated vertically but not horizontally. For this reason, the proposed building is considered a townhouse dwelling instead of a fourplex dwelling. To permit a one-storey four-unit dwelling on the site, we request relief from the definition of "Fourplex" as it applies to development of this site. More specifically, we request the following variance:

*"To vary the definition of Fourplex, to also permit four-unit dwellings with units that are separated vertically (instead of vertically and horizontally)".*

Fourplex dwellings are only permitted in the R3-4 Zone, which appears to only apply to the subject lands and two adjacent semi-detached lots to the south. The parent R3 Zone includes large portions of the surrounding area and it permits four-unit dwellings that are only separated vertically (e.g., townhouses).

In our opinion, the intent of the By-law is to allow both two-unit and four-unit dwellings on the property. The proposed development would comply with the lot coverage, landscape open space, and minimum floor area provisions of the Zoning By-law and have massing that is consistent with other developments on the west side of Union Street. For these reasons, we are of the opinion that the proposed variance (definition change) meets the general intent of the Zoning By-law.

### Landscaped Strip

The intent of the landscape strip provisions of the by-law are to permit a driveway along the lot line and to buffer parking areas from adjacent properties. It's our understanding that the intent is also to permit sidewalks in the landscaped strip.

The proposed development contains a 6.0 metre driveway that provides access to six parking spaces in the rear yard. The parking spaces are buffered from adjacent property lines with 3.0 metre wide landscape strips to the north, south, and east. However, the proposed driveway would not provide a landscape strip, as it would be located along the

lot line. A 1.5m wide sidewalk is also proposed to provide access to units on the north side of the site.

The proposed development reflects other developments in the area, including developments located at 64 and 66 Union Street. The development would provide six parking spaces that are buffered from abutting properties and the site is adjacent to a semi-detached dwelling that contains a driveway along the lot line.

The general regulations for planting strips in Subsection 3.20.4 of the Zoning By-law permits interruption for driveways and walkways. More specifically, it states that: *"Where a driveway or walkway extends through a planting strip it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of such walk"*.

For these reasons, we are of the opinion the proposed variance (landscape strip) meets the general intent of the Zoning By-law.

### **5.3 Desirable for the Appropriate Development or Use of the Lands**

The proposed development would add affordable housing units to the Community of Forest and be developed in a manner that reflects other developments in the surrounding area. For these reasons, we are of the opinion the proposed variances are desirable for the appropriate development or use of the lands.

### **5.4 Minor in Nature**

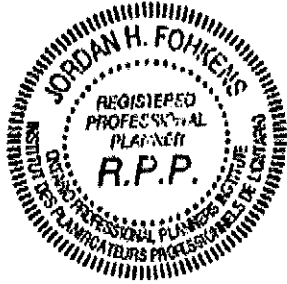
We are of the opinion that the requested variances would not have a major impact on the streetscape or on adjacent lots. In the case of the requested definition change, the proposed variance would have less of an impact compared to what could be built as-of-right, as it would have a height of one storey instead of two. The proposed landscape strip variance reflects other developments in the area (including the adjacent site) and would not appear to impact adjacent lots. For these reasons, we are of the opinion the proposed variances are minor in nature.

## **6.0 SUMMARY**

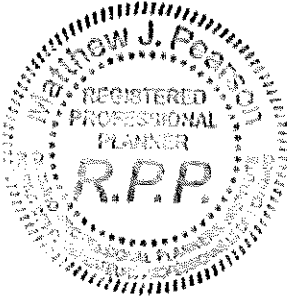
This proposed development would allow Habitat for Humanity to proceed with a four-unit dwelling that would be consistent with other developments along Union Street. The site is currently zoned for four units and we are of the opinion that the requested variances are of a technical nature. For these reasons, we are of the opinion the proposal meets the criteria for a successful variance application under subsection 45(1) of the Planning Act.

All of which is respectfully submitted.

B. M. ROSS AND ASSOCIATES LIMITED



Per Jordan Fohkens  
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**Appendix 'A'**  
**Conceptual Site Plan**

