

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 05-2025

Committee Meeting Date: March 26, 2025

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Ken Bulgin, Planner

RE: Consent Applications B-02/2025 to B-05/2025 and Minor Variance Applications A-02/2025 to A-05/2025 – Plan 10 Lot 42 N Pt Lot 43 - 65 MacNab Street, Forest – Mudassar Khan (Agent: Caden McAllister, Zelinka Priamo Ltd.)

RECOMMENDATION:

THAT Consent Applications B-02/2025 and B-03/2025, requesting permission to sever a total of two (2) vacant residential building lots intended for development with semi-detached dwellings, be denied.

THAT Consent Applications B-04/2025 and B-05/2025, requesting permission to sever a total of two (2) vacant residential building lots, intended for development with semi-detached dwellings leaving a retained lot intended for a single detached dwelling, be approved, subject to the following condition(s):

1. That the Owner submit to the Municipality an electronic copy of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the applicant pay the Municipality's deed stamping fee for each transfer document stamped;
4. That each of the severed lots (B04/2025 and B05/2025) have a lot frontage of at least 10 m and the retained lot be located at the north side of the lands and have a lot frontage of at least 17 m;
5. That the drainage apportionment be divided between the resultant parcels, if applicable;
6. That the applicant install independent connections to municipal water, storm, and sanitary sewer mains for each of the resulting lots where connections do not already exist;
7. That the applicant pay to the Municipality a \$1000 cash-in-lieu of parkland dedication for each residential lot created (\$2000 in total); and

8. That all conditions be fulfilled and the certificate of consent required by Section 53(42) of the *Planning Act* be obtained within two years of the notice of decision of this consent.

THAT Minor Variance Applications A-02/2025 to A-05/2025, affecting lands known as 65 MacNab Street, to permit a lot frontage for the resulting lots of 9.2 m for Lots 1, 2 and 3 and 9.3 m for Lot 4, be denied.

SUMMARY

An application for consent (severance) has been submitted for a property located at 65 MacNab Street, Forest. The purpose of the application is to sever four residential lots, three having a frontage of approximately 9.2 m (30.18 ft) and a lot area of 367 m² (3,950.36 ft²) and the fourth having a frontage of 9.3 m (30.51 ft) and lot area of 374.5 m² (4,031.08 ft²). The property currently contains a single detached dwelling.

An application has been made for a minor variance seeking relief from the R1 Zones minimum lot frontage requirement of 10 m (32.8 ft) in Section 7.2 b) of the Zoning By-law 1 of 2003 for the four lots. A minor variance is required to permit a lot frontage of:

1. 9.2 m for three severed lots (A02/2025, A03/2025 and A04/2025)
2. 9.3 m for one severed lot (A05/2025)

It is the intent of the applicant to construct semi-detached dwellings (four (4) total dwelling units) with one dwelling unit on each of the four lots.

BACKGROUND

The subject lands are situated on the east side of MacNab Street south of Royal Street and north of Leonard Street, known municipally as 65 MacNab Street, Forest (see Attachment 1). The property is rectangular in shape, has a lot frontage of approximately 37.1 m (121.72 ft) on MacNab Street, and a total lot size of 1,475.5 m² (15,882.15 ft²).

The property is located in a low-density residential area made up predominantly of single detached dwellings. A closed municipal drain (Kernohan Drain) runs along the northern property line of the subject lands.

The property is relatively flat and is currently occupied by a single detached dwelling. The remainder of the lands contain an assortment of grassed and landscaped areas.

Provincial Policy Statement, 2024

The Provincial Policy Statement (PPS) focuses growth and development within Urban and Rural Settlement Areas and encourages residential intensification to respond to current and future housing needs.

Section 2.2 of the PPS states:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

...

b) permitting and facilitating:

- 2. all types of residential intensification, including ... development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units ...”*

Lambton County Official Plan

The subject property is designated as “Urban Centre” in the Lambton County Official Plan.

The Lambton County Official Plan reflects the housing policies of the PPS under Section 2.3. Specifically, Section 2.3.12 states:

“Local municipalities are encouraged to provide opportunities for the intensification of housing. Techniques may include permitting second units in existing dwellings or detached accessory buildings, encouraging the creation of infill lots, directing housing to vacant lots in existing residential areas,...”

Lambton Shores Official Plan

The subject property is designated as “Residential” in the Municipality of Lambton Shores Official Plan.

Zoning By-law

The subject lands are Zoned “Residential-1 (R1)” under the Lambton Shores Zoning By-law.

The R1 Zone permits residential uses including single detached dwellings and semi-detached dwellings subject to the requirements of Section 7.2 Site Regulations of the Zoning By-Law. The proposed lots conform with the Provisions except for:

- a) the minimum frontage of 10 m per dwelling unit for a semi-detached dwelling.

Due to the presence of a Closed Municipal Drain, the property is subject to the requirements of Section 3.19.1 *Setbacks from Drains and Watercourses*. Specifically, Section 3.19.1 a) states that no building or structure shall not be constructed:

“closer than 5 metres, measured perpendicularly, from the centre line of a Closed Municipal Drain”

Regulated Area

The subject lands are not part of a General Regulation Area overseen by the St. Clair Region Conservation Authority (SCRCA) and do not contain any Significant Natural Heritage features.

COMMENTS

Proposed Development

The applicant is proposing to remove the existing single detached dwelling and sever a total of four lots. Three lots (Lot 1, Lot 2 and Lot 3) would have a lot frontage of 9.2 m (30.18 ft) and a lot area of 367 m² (3,950.36 ft²) and one (Lot 4) would have a lot front of 9.3 m (30.51 ft) and a lot area of 374.5 m² (4,031.08 ft²). The applicant has indicated that the purpose of the severances are to construct four (4) two-storey semi-detached dwellings (one dwelling unit per lot) (see Attachments 2 & 3).

Kernohan Drain

A closed municipal drain was identified through the detailed application review and public notification. It is located approximately 2.44 m (8 ft) from the north property line, running east to west and spanning the entirety of the north property line. Due to the presence of the drain a minimum setback of 5 m from the centre of the closed drain is required for any building or structure (see Attachment 3).

As a result, the location of the drain along with required setbacks (Drain and Interior Side Yard) render the northerly-most of the four proposed lots unbuildable.

Frontage

The proposed retained and severed parcels meet all Site Regulations in Section 7.2 of Zoning By-law, with the exception of frontage. The applicant has requested that each of the four (4) proposed lots have a frontage of either 9.2 m or 9.3 for the construction of four (4) semi-detached dwellings (one dwelling unit per lot) whereas a minimum of 10 m is required.

The presence of the Kernohan Drain and associated setbacks eliminates the viability of one of the four proposed buildable lots.

As a result, Staff are of the opinion that with the potential for only three buildable lots on this property, minimum frontage requirements for semi-detached dwelling and single detached dwelling lots are achievable and staff are therefore not supportive of the minor variance request.

Services

The subject lot is serviced by municipal water, storm and sanitary sewer along MacNab Street. As a condition of consent the owner would be responsible for the installation of independent connections to municipal water, sanitary and storm sewer mains for the

severed lots and/or retained lot (depending upon which lot the existing connection services).

Access

There is a single access from MacNab Street that services the property. All resulting lots will require separate accesses from MacNab Streets. This would be completed with the issuance of a Building Permit in coordination with the Municipality's Transportation Manager.

Planning Opinion

The requested severances would create four (4) vacant residential lots (infill) within an established neighbourhood. However, due to the presence of a municipal drain only three (3) of the four (4) lots would be buildable due to the location of the drain and required setbacks. Planning Staff are therefore not supportive of the applicant's proposal for the creation of four (4) lots and in turn not supportive of the proposal for reduced lot frontages for the four (4) lots.

However, Staff can be supportive of two (2) severances resulting in three (3) vacant lots where one (1) would be sized to support a single detached dwelling and two (2) would be sized for Semi-detached dwellings. With the reduction in the number of lots from four (4) to three (3), Planning Staff is of the opinion that lot frontages should be met and are not supportive of any reduction in lot frontage for the creation of new residential lots.

Discussion with the applicant's agent has resulted in the applicant providing a revised sketch for two (2) consents that result in the creation of three (3) vacant residential lots all meeting all site regulations for the R1 Zone including Lot Frontage which Planning Staff is supportive of (see Attachment 5).

Department and Agency Comments

The application has been circulated to various departments and agencies, and notice sent to adjacent property owners. The following comments were received:

<i>Agency</i>	<i>Comments</i>
<i>Public Works Department</i>	There is a municipal drain (Kernohan Drain) located on the property and setbacks outlined in the Zoning By-law will apply.
<i>Adjacent Property Owners</i>	No comments received as of March 18, 2025. Any comments received prior to the March 26, 2025 Committee of Adjustment meeting shall be presented at the meeting.

RECOMMENDATION

It is Staff's opinion that the proposed severances resulting in four (4) lots is not compatible with existing development (infrastructure), does not represent good planning and cannot be supported, given the location of the closed municipal drain. Allowing two (2) severances resulting in three (3) lots complies with applicable policies, is compatible

with existing development, represents good planning and is recommended for approval subject to conditions.

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 variance to allow a decrease in lot coverage for the proposed four (4) lots does not meet the tests of Section 19.8.2.1 of the OP in accordance with the Planning Act and cannot be supported.

Staff can support the revised concept noted above: the severance of the two (2) most southerly of the proposed lots (files B04-2025 and B05-2025) would be approved as lots for semi-detached dwellings, each lot with 10m frontages per the minimum requirement of the R1 Zone. This would leave a remnant parcel with 17.1m frontage as a building lot for a single detached dwelling.

ATTACHMENT 1: LOCATION MAP

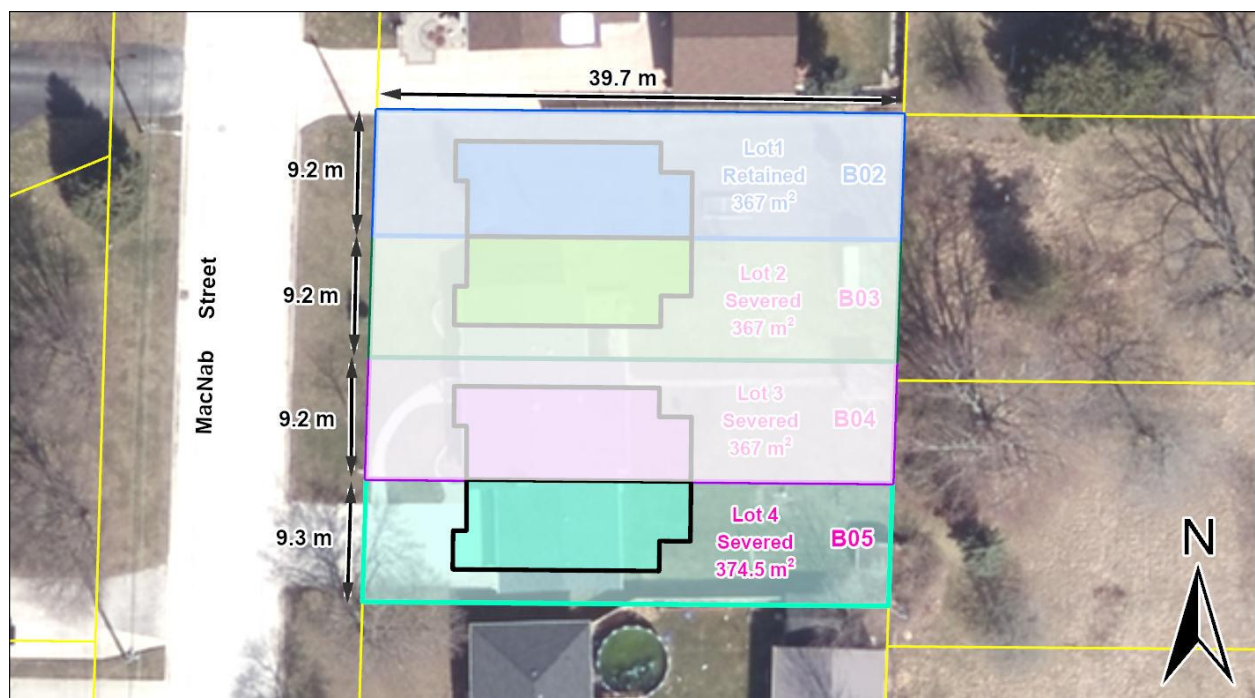


SUBJECT PROPERTY

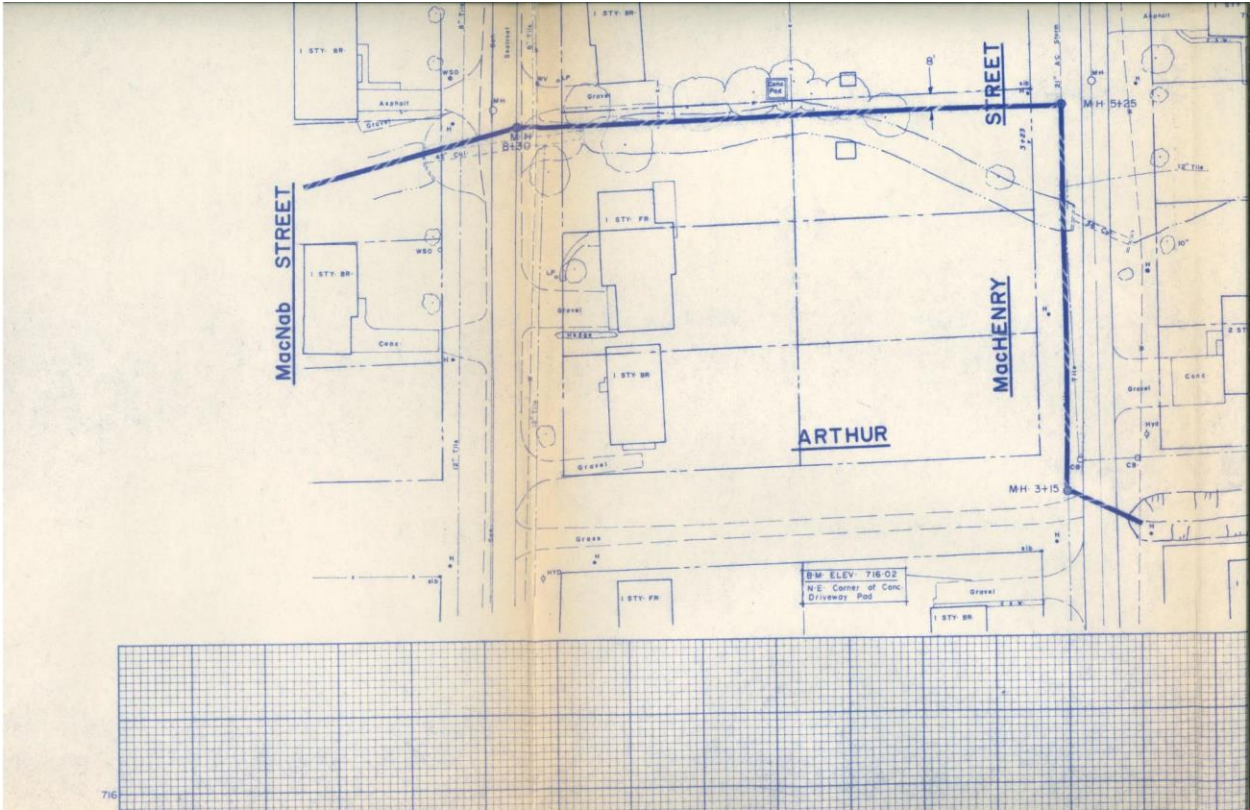
ATTACHMENT 2: ORIGINAL SKETCH (APPLICANT)



ATTACHMENT 3: SITE PLAN (GIS)



ATTACHMENT 4: KERNOHAN DRAIN



ATTACHMENT 5: REVISED SKETCH (APPLICANT)

