

January 20, 2025

Planning Department - The Municipality of Lambton Shores
9577 Port Franks Road
Thedford, Ontario
N0M 2N0

Sent via email

LAMBTON SHORES
Northville Office

JAN 23 2025

RECEIVED

ATTN: Will Nywening

Re: Consent to Sever Application and Minor Variance Application for Four (4) Semi-Detached Dwellings/Lots
65 Macnab Street
Forest, ON

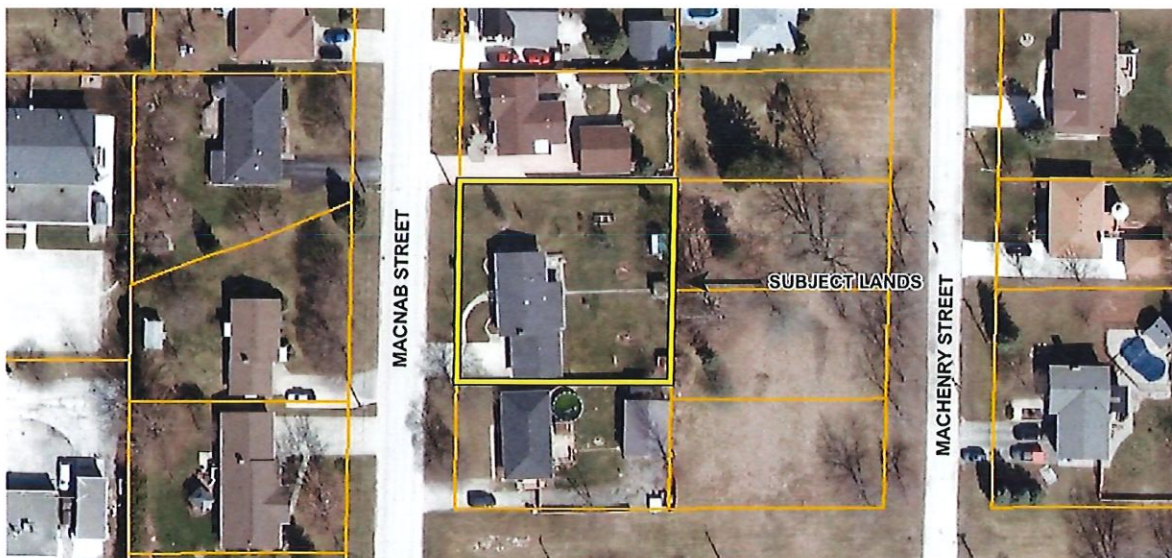
Our File: SAM/LSH/24-01

On behalf of Mudassar Khan and Saboor Khan, Zelinka Priamo Ltd. is pleased to submit a Consent to Sever Application and a Minor Variance Application for the lands known as 65 Macnab Street (the 'subject lands'). This application seeks to sever the subject lands into four (4) lots to facilitate the redevelopment of the lands for four (4) semi-detached dwellings. As a result of this severance, a concurrent Minor Variance Application is required for minor relief (approximately 0.8m) for the lot frontages of each lot.

SITE DESCRIPTION

The subject lands are located on the east side of MacNab Street, between Royal Street and Leonard Street (Figure 1).

Figure 1: Subject Lands – 65 MacNab Street



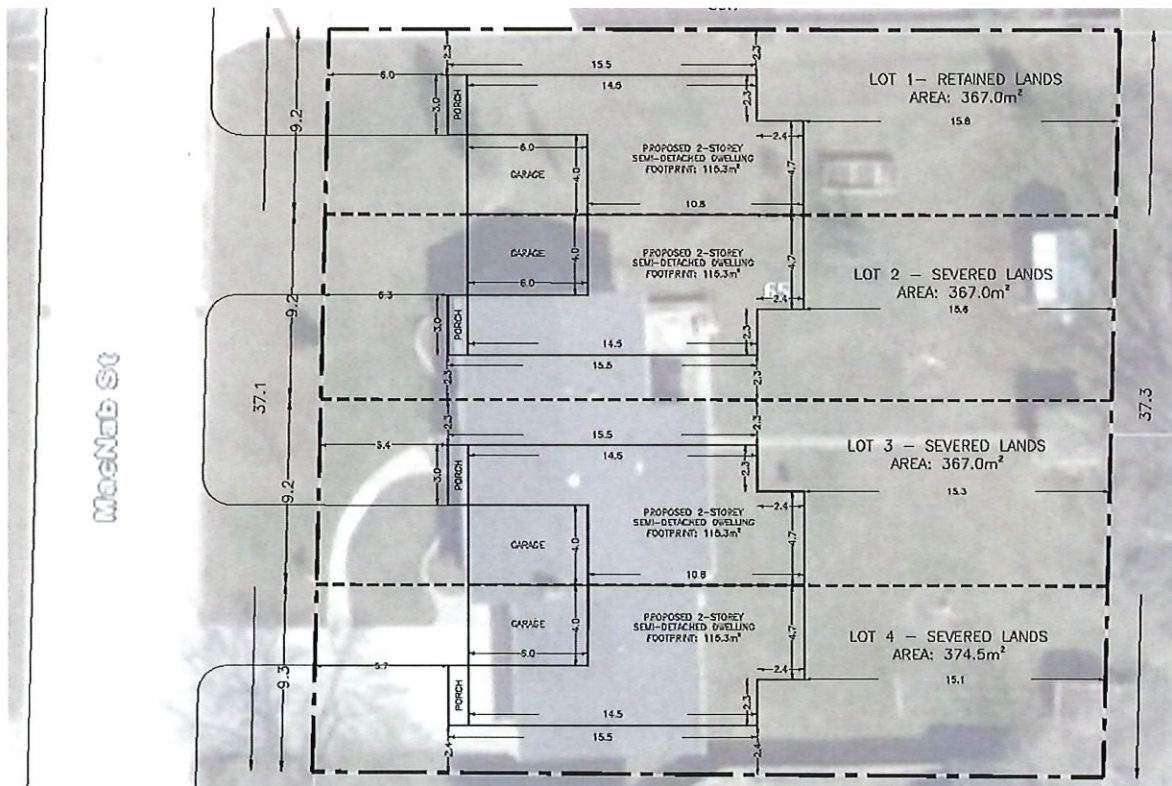
The regular-shaped subject lands have an area of approximately 1,475.6m², with approximately 37.1m of frontage along MacNab Street. The subject lands contain a 1-storey, single-detached dwelling. Access to the subject lands is provided through an asphalt driveway that connects to MacNab Street. The remainder of the subject lands generally consists of lawn and landscaping.

The subject lands are designated “Residential” on “Schedule ‘A6’ – Forest” in the Municipality of Lambton Shores Official Plan; and, are zoned “Residential – 1 (R1)” in the Municipality of Lambton Shores Zoning By-Law, which permits semi-detached dwellings.

PROPOSED DEVELOPMENT

This proposal seeks to demolish the existing dwelling and sever the subject lands into four (4) lots for the purposes of redeveloping the subject lands for four (4) semi-detached dwellings, see Figure 2 for an excerpt of the preliminary consent sketch.

Figure 2: Conceptual Development Plan/Consent Sketch (excerpt)



A breakdown of the proposed land division is as follows:

Lot Number	Area	Frontage
Lot 1 – Lands to be retained	367.0m ²	9.2m
Lot 2 – Lands to be severed	367.0m ²	9.2m
Lot 3 – Lands to be severed	367.0m ²	9.2m
Lot 4 – Lands to be severed	374.4m ²	9.3m

The preliminary consent sketch shows approximate building footprints for 2-storey semi-detached dwellings that could be accommodated on each of the four lots that would be capable of fully complying with the R1 zoning requirements for minimum setbacks, building coverage, building height, and landscaped open space. A concurrent Minor Variance Application is being submitted seeking minor relief (approximately 0.8m or 2.6ft) for the lot frontages of each of the four lots. All lots will have vehicular access to MacNab Street, with asphalt driveways large enough to accommodate parking in front of the dwelling/integrated garage.

CONSENT ANALYSIS

Provincial Planning Statement, 2024 (PPS 2024)

Section 2.2 of the PPS, 2024 outlines that *“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 housing market by:*

b) permitting and facilitating:

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3

c) promoting densities for new housing which effectively use land.

The proposed severance is consistent with the above-noted policies as the proposed development provides a redevelopment/infill opportunity on the subject lands by creating 3 additional residential units in the Municipality of Lambton Shores. The proposal also promotes an appropriate increase of density within a settlement area by effectively using an underutilized, vacant portion of the subject lands for a housing opportunity, while utilizing existing municipal infrastructure.

Lambton County Official Plan

Section 10.4.1, of the Lambton County Official Plan sets out a list of general severance policies for Municipalities to follow when considering an application for consent. The general severance policies of the Lambton County Official Plan are as follows:

a) All lots are to front on a public road;

All lots resulting from the proposed consent to sever application will front onto a public road, being Macnab Street.

c) The creation of a lot will not result in a landlocked parcel;

No landlocked parcels will be created as a result of this consent to sever application.

d) The lot must be provided with adequate services, including the provision of a satisfactory sanitary sewage system and a potable water supply;

The lands to be severed and the lands to be retained have access to full municipal services.

- e) *No consent granted for the land that has a natural or human-made hazard;*

As indicated on "Appendix Map D – Select Natural Hazard Features" of the Lambton County Official Plan, the subject lands are located in a "No Hazard Potential" area.

- f) *No consent will be granted which will have a negative effect on significant natural areas, including significant woodlands and Area of Natural and Scientific Interest;*

According to "Map 2 – Natural Heritage System" in the Lambton County Official Plan, the subject lands are not located in a significant natural area.

- g) *The lot and its intended use must conform to the local municipality's zoning by-law. Where necessary, the consent granting authority may require appropriate zoning amendments or minor variances as a condition of approval.*

A concurrent minor variance application has been submitted seeking modest relief for the lot frontages of the four lots created from this consent to sever application. Apart from lot frontages, the four lots are fully compliant with all other zoning regulations.

- h) *Lots created by consent should neither create nor contribute to ribbon development along roads where services or development does not exist.*

The lots created from this consent to sever application are surrounded by existing residential development and will not create to ribbon development.

- i) *Compliance with Section 4.2 of this Plan is required when dealing with consents in Agricultural areas.*

The subject lands are not located within an Agricultural Area.

Municipality of Lambton Shores Official Plan

In the Municipality of Lambton Shores Official Plan, when the Committee of Adjustment considers a consent application, the following items of Policy 19.8.1 are considered:

- *Any lots created must conform to the Official Plan's land use designations and policies and comply with the Zoning By-Law.*

The proposed lots resulting from this consent to sever application generally conform with Official Plan policies relating to the "Residential" land use designation as semi-detached dwellings are permitted in the "Residential" designation. The proposed lots (measured from the centreline of MacNab Street) result in a density of 22 units per hectare which is under the maximum density of 25 units per hectare for lands within the "Residential" land use designation.

- *The size and shape of the lots to be created must be appropriate for the intended use, compatible with surrounding existing and future development and not adversely affect the development potential of the adjoining lands.*

The size and shape of the proposed lots are consistent, compatible, and appropriate for the area as the surrounding area is made up of a mix of single-detached dwellings and semi-detached

dwelling. The development potential of abutting lots will not be prejudiced as a result of the proposed development.

- *The proposed lots must front onto or have access to an existing improved and maintained public road and not involve a road extension or create a traffic hazard.*

The proposed lots will have access to, and front onto a public road being MacNab Street. This severance does not involve a road extension and is not anticipated to create any traffic hazards.

- *New lots must not create any landlocked parcels.*

No landlocked parcels will be created as a result of this consent to sever application.

- *Adequate municipal services and utilities must be available. Lots serviced by individual on-site water services and/or individual on-site sewage services must meet all requirements of the Ontario Building Code and Lambton County Building Services Department.*

Adequate municipal services and utilities are available for the subject lands.

MINOR VARIANCE ANALYSIS

The purpose of the concurrent Minor Variance Application is to seek relief from the following provision under the Municipality of the Lambton Shores Zoning By-Law 1 of 2003, as amended:

1. To permit a minimum lot frontage of 9.2m; whereas the minimum required lot frontage for a semi-detached dwelling in the R1 Zone is 10.0m (Section 7.2 b) ii)).

FOUR TESTS OF THE PLANNING ACT

To assess the merit of an application for Minor Variance, the four tests for Minor Variance under the Planning Act are applied. The requested variance is appropriate and meet the four tests of the Planning Act as follows:

Does the proposed variance maintain the intent and purpose of the Official Plan?

The subject lands are located within the Forest Settlement Area; and are designated "Residential" in the Municipality of Lambton Shores Official Plan, which permits a range of residential uses including the proposed semi-detached dwellings. The proposed development is within the prescribed maximum density range of 25 units per hectare for lands within the "Residential" designation.

Does the proposed variance maintain the intent and purpose of the Zoning By-Law?

It is our opinion that the intent of the lot frontage requirement is to ensure that every lot has adequate access onto a public road, and to ensure that a lot is sized appropriately to accommodate the requisite development facets for the proposed built form. As shown on the enclosed consent sketch (Figure 2, above), each lot provides a 4.0m driveway providing vehicular access to each lot, and provides sufficient lot width to provide a modestly sized building that meets the minimum requirements for setbacks, coverage, landscaped area etc.

The proposed variance will not be detrimental to the streetscape or the existing character of the area as the proposed housing form is consistent with the surrounding area which includes lots sized for single-detached dwellings, and semi-detached dwellings.

Is the proposed variance minor in nature?

It is considered that there will be no significant, adverse impacts for neighbouring land uses as a result of the proposed variance.

The requested relief of 0.8m or 2.6ft for each lot frontage is modest in nature, and represents only an 8% departure from the required minimum.

Apart from the modest relief request for the minimum lot frontage, all other zoning regulations are complied with, including required minimum lot area, minimum required yard setbacks, minimum landscaped open space, and on-site parking.

Is the proposed variance desirable for the appropriate use of the subject lands?

The proposed development is desirable from a planning and public interest perspective as it provides the opportunity to increase the housing stock in the Municipality of Lambton Shores while making efficient use of an underutilized site without creating any significant undue negative impacts for the surrounding area. The proposed semi-detached dwellings provide intensification that integrates appropriately with the surrounding neighbourhood that consists of a mix of residential lots/dwellings.

As demonstrated above, the proposed variance meets the four tests of the Planning Act as the variance maintains the intent and purpose of the Official Plan and Zoning By-Law; is minor in nature; and, is desirable for the appropriate use of the subject lands.

ELECTRONIC SUBMISSION MATERIALS

As per the submission requirements for Minor Variance and Consent Applications, please find attached the following electronic materials:

- A copy of the completed Minor Variance Application Form, including authorizations;
- A copy of the completed Consent Application Form, including authorizations;
- A letter of agents authorization from the property owner; and,
- A copy of the Preliminary Consent Sketch.

Please note that a cheque in the amount of \$2,900.00 for the Minor Variance Application Fee, and a cheque in the amount of \$4,000.00 for the Consent Application Fee will be provided to Municipal Offices Shortly.

Please let us know if hard copies of the above documents are required.

We trust that the enclosed information is complete and satisfactory, and we look forward to working with staff on this project, and to a timely approval process. Should you have any questions, or require further information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Caden McAllister
Planner

cc. The Client (via e-mail)