

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 08-2025

Council Meeting Date: March 18, 2025

TO: Mayor Cook and Members of Council

FROM: Ken Bulgin, Planner

RE: ZBA ZO-04/2025 - 8552 Vance Drive – Joseph & Tracy Brophy

RECOMMENDATION:

THAT Report PL 08-2025, relating to a Zoning By-Law Amendment Application, submitted by Joseph & Tracy Brophy be received;

THAT Zoning By-Law Amendment Application ZO-04/2025 submitted by Joseph & Tracy Brophy requesting an amendment to Zoning By-Law 1 of 2003 for a site-specific rezoning to permit a secondary dwelling unit in a detached building and a maximum lot coverage for accessory buildings of 122.63 m² (1320 ft²) on the lands known as 8552 Vance Drive, be approved; and

THAT By-Law 19 of 2025 be approved.

SUMMARY

This report relates to the Zoning Amendment Application submitted by Joseph and Tracy Brophy affecting the lands on the north side of Vance Drive known municipally as 8552 Vance Drive. The applicants seek to amend Zoning By-law 1 of 2003 by changing the Zone designation on the subject lands to a site-specific Residential-6 Zone permitting an accessory building with a proposed use as a second dwelling and total lot coverage of 122.63 m² (1320 ft²). It is the intent of the applicants to construct a secondary dwelling and detached garage on the subject lands.

BACKGROUND

Location

The subject property is located on the north side of Vance Drive, approximately 210 m west of the Vance Drive and Lakeshore Road intersection. The subject lands are rectangular in shape, are approximately 4734.82 m² (1.17 acres) in area, with approximately 48.66 m (159.66 ft) of frontage along Vance Drive (See Attachment 1).

The lands are vacant and contain grassed areas with a number of shrubs and trees located along the perimeter of the property.

The property is located within a residential area made up of a mix of vacant lots and single detached dwellings with one medium density development to the east.

Official Plans

The subject property is designated as “Secondary Settlement” in the County of Lambton Official Plan and “Residential” in the Lambton Shores Official Plan.

Consistent with the *Planning Act*, the residential policies of the Official Plan (2015) permit secondary dwellings in detached buildings:

Second suites are permitted in single and semi-detached dwellings and townhouse dwellings and related accessory buildings “as-of-right”, allowing more efficient use of housing and infrastructure.

Currently however, the Zoning provisions (2001) only permit secondary dwellings “as-of-right” within the main dwelling itself. The Zoning By-law has yet to be updated to reflect the Official Plan and *Planning Act* by specifying the circumstances under which secondary dwellings will be permitted in detached accessory buildings.

As of 2022, the Province of Ontario under Bill 23, More Home Built Faster Act, now allows up to 3 dwelling units on a lot occupied by a detached dwelling (up to one of these in a detached building) in any zone where residential uses are permitted in fully serviced areas of the Municipality. In this regard, the subject lands are only partially serviced and therefore continue to follow the provisions of the current Zoning By-law which prohibit habitable space in accessory buildings.

Zoning By-Law

The subject property is Zoned as Residential - 6 (R6) in the Zoning By-Law (ZBL) 1 of 2003. The R6 Zone lists Single Detached Dwelling as a permitted use, with site regulations listed at Section 12.2 of the Zoning By-law, and allows Buildings, Structures and Uses Accessory to a Permitted Use subject to the requirements of Section 3.3 of the Zoning By-law.

The proposed singled detached dwelling, detached secondary dwelling and detached garage conform with the Site Regulations of 12.2 and 3.3 except for the requirement that human habitation not be permitted in an accessory building and that the total maximum lot coverage for accessory buildings not exceed 93 m² (1001 ft²) or 10 % of the lot area, whichever is less.

Regulated Area

The property is not part of a General Regulation Area overseen by the St. Clair Region Conservation Authority (SCRCA).

DISCUSSION

Proposed Development

The application proposes to change the Zone designation of the R6 Zone to a site-specific R6 zone that permits a second dwelling in a detached accessory building and a total maximum lot coverage for accessory buildings of 122.63 m² (1320 ft²). It is the intent of the applicants to construct a single detached dwelling, a secondary detached dwelling and a detached garage (see Attachment 2 – Site Plan).

The subject lands have a frontage of approximately 48.66 m (159.66 ft) along Vance Drive, a depth of 97.3 m (319.21 ft), and an approximate area of 4734.82 m² (1.17 acres). The proposed house, 202.53 m² (2180 ft²) in size, would be situated on the eastern side of the property midway between the front and rear lot lines.

The detached garage would be 6.1 m (20 ft) x 9.14 m (30 ft) approximately 55.74 m² (600 ft²) in size and located to the west of the house.

The second dwelling would be 7.32 m (24 ft) x 9.14 m (30 ft) approximately 66.89 m² (720 ft²) in size and located north and west of the house.

Compatibility

The R6 Zone residential provisions allow buildings, structures, and uses accessory to a single detached dwelling. The question is whether a rezoning of the lands to allow a dwelling unit within an accessory building and an increase in the total lot coverage for accessory building of 122.63 m² (1320 ft²) is an appropriate and efficient use of these lands.

The proposed development is to be located on a relatively large parcel of land at approximately 1.17 acres in a residential neighbourhood of similarly sized properties. The secondary detached dwelling would be a single-story dwelling, 4.95 m (16.25 ft) in height and 66.89 m² (720 ft²) in size that would be secondary to the main dwelling which is 6.05 m (19.83 ft) in height and approximately 202.53 m² (2180 ft²) in size. The detached garage would be 4.93 m (16.17 ft) in height and 55.74 m² (600 ft²). Both accessory buildings would be located at a minimum of 3.05 m from the interior yard property line, significantly greater than the 1 m required for detached buildings, which is important for fire ratings and separations under the Ontario Building Code.

In Staff's opinion, the proposed buildings generally relate well to surrounding properties. All three buildings comply with building height and setback requirements. The buildings are modestly sized on a large property and would be separated from existing residential uses to the east and west by distance and some vegetation. In this regard, allowing a second dwelling, and a maximum total lot coverage for accessory buildings of 122.63 m² (1320 ft²) would not negatively impact neighbours or be out of character for properties immediately surrounding the subject lands.

Parking

The subject lands would be accessed from a driveway off Vance Drive. The site contains sufficient space on the driveway for parking for two dwellings.

Services

The lot would access municipal water along Vance Drive and would utilize a private sewage disposal system.

The County of Lambton Building Services Department commented on the Zoning By-law Amendment Application and advised that Department can support the proposed amendment to the R1 Zone with the condition that a septic permit be obtained for a new septic system prior to the issuance of any building permits and achieve all applicable setbacks and all other criteria contained within Part 8 of the 2024 Ontario Building Code.

Property Access

Access to the property would be gained from Vance Drive.

Additional Dwelling Unit

The lots along Vance Drive are large with frontages of 48.66 m and depths of 97.13 m for a lot size of approximately 4734.82 m² (1.17 acres). The larger size of the new single detached dwelling (202.53 m² footprint) would make it clear that it is the primary residence and the smaller single detached dwelling (66.89 m² footprint) would be secondary and accessory.

Section 16(3) of the *Planning Act* requires, as a general rule, that municipal Official Plans contain policies that permit “one residential unit in a building or structure ancillary to a detached house”. Although the zoning by-law does not allow it as-of-right, the Lambton Shores Official Plan (section 5.4) allows a secondary dwelling, in principle, on most residential lots. Until the Zoning By-law can be updated, Lambton Shores has been dealing with requests for second dwelling units on a case-by-case basis through site-specific zoning amendments, for partially serviced properties that do not fall under recent Provincial legislation permitting secondary dwellings as-of-right, which would supersede zoning provisions.

The proposed rezoning would allow two single detached dwellings: a primary dwelling and a second dwelling as an accessory building. This is appropriate in view of the existing number of dwellings/units on the lot, the nature of the abutting lands and immediate neighbourhood, the permissions in the Lambton Shores Official Plan, and existing and potential provincial legislation regarding secondary residences.

Lot Coverage (Accessory Buildings)

The Zoning By-law includes a maximum permitted accessory use lot coverage of 93 m². The applicants are proposing a 55.74 m² detached garage and a 66.89 m² secondary accessory dwelling, both typical of normal accessory residential use and in scale with the building form in the immediate neighbourhood. Together these proposed buildings will result in (or recognize) a total accessory use lot coverage of 122.63 m². This is a substantial increase over the 93 m² that is normally permitted but is appropriate given that it supports a secondary dwelling as opposed to an oversized accessory building. The accessory detached dwelling and detached garage both comply with the 5.5 m maximum permitted accessory building height, per the information in the application.

Draft Amending By-law

The original lot is currently in the R6 Zone, which is an appropriate use for this property with some modifications.

Staff has prepared a Draft amending By-law included in the By-laws section of Council's agenda. The By-law, as drafted, would rezone the subject lands to a new Residential-6 Exception 41 (R6-41) Zone, and would add site-specific provisions for the R6-41 Zone to the text of the By-law including:

1. A second dwelling shall be permitted in a detached accessory building
2. The second dwelling and detached garage shall be limited to a maximum accessory use lot coverage of 122.63 m² (1320 ft²).

Planning Opinion

As outlined in More Home More Choice: Ontario's Housing Supply Action Plan released May 2019 by the Ministry of Municipal Affairs and Housing, housing of all kinds is needed within all areas of the province. The proposed zoning amendment would allow the construction of a second dwelling that is relatively small in size at 66.89 m² and a detached garage 55.74 m² for a total accessory building lot coverage of 122.63 m². The development meets Zoning By-law setbacks, parking regulations and septic servicing requirements. The proposed development, which includes a dwelling, and two accessory buildings would not be out of character for this neighbourhood, and allowing this development would help fill a need for housing in the community.

Based on the foregoing it is Staff's opinion that the proposed rezoning for the construction of a second dwelling and an increase in lot coverage for accessory use is consistent with the *Planning Act* and the Official Plan and is compatible with surrounding land uses. Staff has no objection to approval of the application and adoption of the amending By-law as presented in the By-laws section of the Council's agenda.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Report PL 08-2025 be received, the zoning by-law amendment application be approved, and the implementing by-law be passed.

FINANCIAL IMPACT

The applicant has paid the Municipality a \$1300 application fee.

CONSULTATION

Lambton County Building Services

ATTACHMENT 1: LOCATION MAP



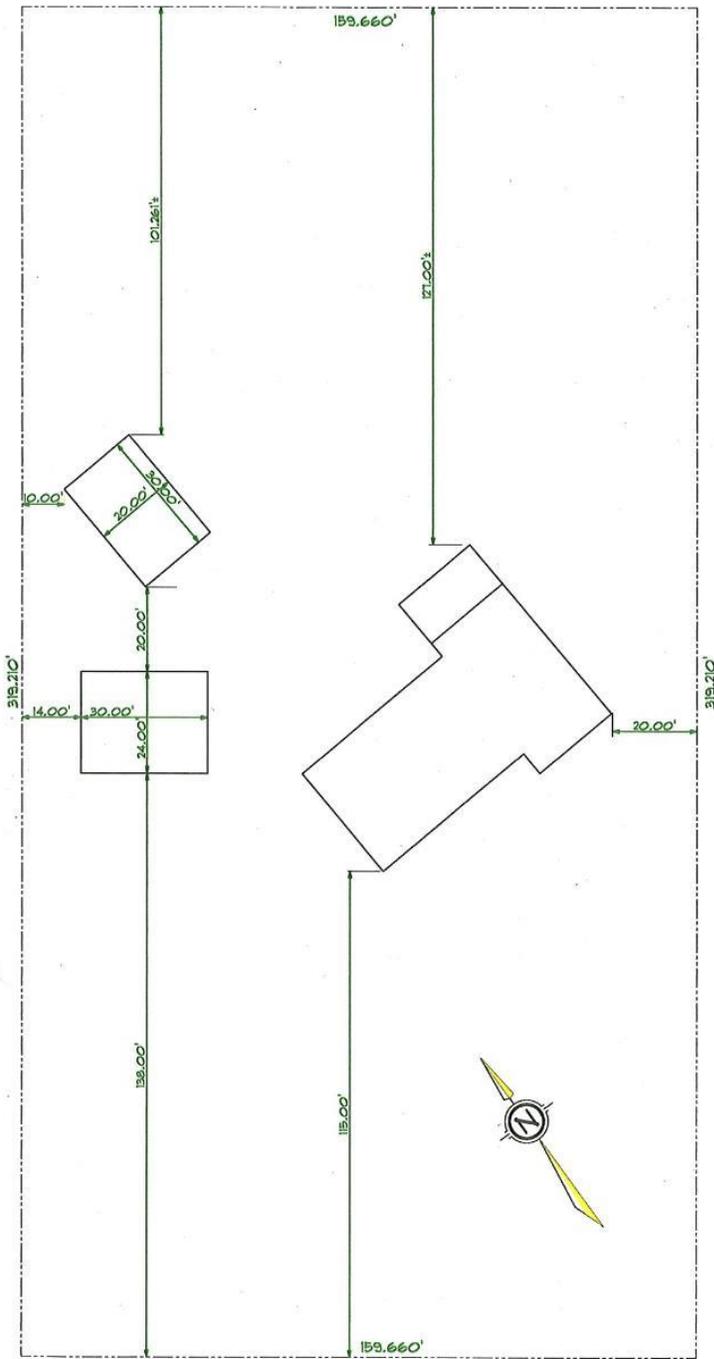
 **SUBJECT PROPERTY**

APPLICANT: Joseph and Tracy Brophy

LOCATION: Plan 691 Lot 27
8552 Vance Drive, Lambton Shores

FILE: Z04-2025

ATTACHMENT 2: SITE PLAN



PLOT PLAN

SCALE: 1" = 20'-0"