

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 49-2021

Council Meeting Date: December 21, 2021

TO: Mayor Weber and Members of Council
FROM: Will Nywening, Senior Planner
RE: ZBA Application ZO-18/2021
Concession Lake Road East, Part Lots 35
9782 Northville Crescent, Northville

RECOMMENDATION:

THAT Report PL 49-2021, relating to a ZBA Application, submitted by Garrett Pedlar, be received;

THAT ZBA Application ZO-18/2021, submitted by Garrett Pedlar, requesting an amendment to Zoning By-Law 1 of 2003 to rezone portions of 9782 Northville Cres. to permit a singled detached dwelling on a proposed new lot, be approved, subject to natural heritage features on both the severed and retained lots being zoned for conservation; and

THAT By-Law 103 of 2021 be approved.

SUMMARY

This report relates to the Zoning Amendment Application submitted by Garrett Pedlar affecting lands known as 9782 Northville Cres, Northville. The applicant seeks to amend Zoning By-law 1 of 2003 by changing the zone designation on portions of the lands from the "Multi-Residential-3 (R3) Zone". In this respect, the applicant has applied for consent to sever a new, vacant residential lot. The proposed rezoning would establish a building envelope zoned for a single detached dwelling on a portion of the proposed lot. The balance of the proposed lot would be zoned to a "conservation" zone.

BACKGROUND

At the time of submitting this report, the Committee of Adjustment was scheduled to hear an application at its December 15, 2021 meeting for consent to sever the proposed new parcel. The parcel would have 200 feet frontage and 2.45 acres lot area. It is intended as a building lot for a single detached dwelling. The retained lands would be 3.5 acres and contain an existing townhouse.

Staff produced Report COA 49-2021 for the Committee of Adjustment, respecting the severance. The report is attached to this report for Council's reference. It addresses

relevant Official Plan and Zoning designations, natural heritage, servicing, and other planning considerations and policies. Staff has recommended that Committee approve the consent subject to conditions, including that the proposed lot be rezoned.

DISCUSSION

The requested rezoning is proposed to fulfill an anticipated condition of consent and also anticipated requirements under the *Endangered Species Act*.

The proposed lot is already zoned residential, but not for a single detached dwelling. The current R3 Zone permits multi-residential uses such as apartment buildings and townhouses. Staff recommends that the building envelope on the new lot be zoned to the R6 Zone, which is the zone designation used for single detached dwellings in the immediate neighbourhood. It also reflects the reliance on private sewage disposal in Northville. The proposed lot and single detached dwelling are consistent with the lot size and other regulations of the R6 Zone. (Staff notes that the applicants requested the R1 Zone, however that is a zone designed for fully serviced areas; the R1 Zone would also permit dwelling types such as semi-detached and duplex, inappropriate in this case).

The proposed building envelope would impact a number of Dwarf Hackberry bushes, which are species at risk, protected under the *Endangered Species Act*. Construction of a house will therefore require an Overall Benefit Permit, issued by the Ministry of Environment, Conservation, and Parks. The applicant's consultant has been in discussion with MECP and prepared a Preliminary Screening for Species at Risk Report (attached). The report recommends as compensation that the impacted bushes be transplanted/replaced at a ratio of 5:1 at the rear of the property, and that those portions of the parcel outside the proposed building envelope be rezoned to a "conservation" zone that would help preserve the natural heritage features in the long term.

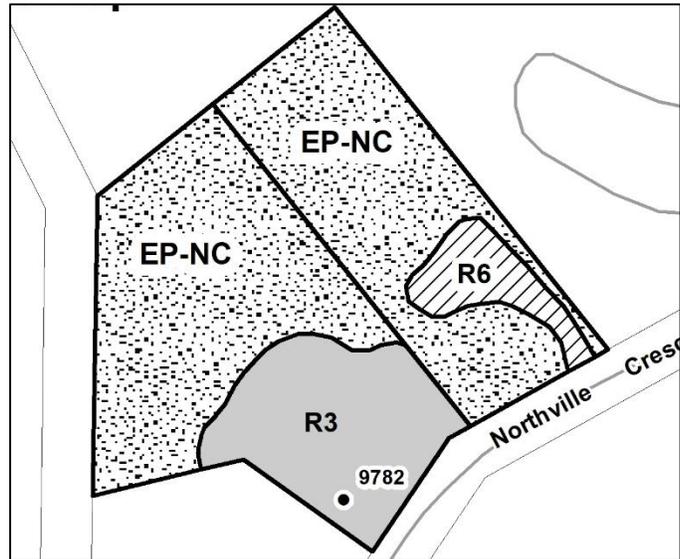
The Ausable Bayfield Conservation Authority has reviewed the Preliminary Screening for Species at Risk Report and provided written comments (attached). They recommend that the mitigation and restoration measures included in the report be followed. This will be addressed through the MECP and the Overall Benefit Permit. They also recommend that, the natural heritage features on the retained land as well as the new lot, both be zoned for conservation.

Although the applicants only applied to rezone to conserve the natural heritage features on the proposed new lot, Staff agrees that the natural heritage features on the retained lot should also be zoned for conservation as a condition of the proposed development. The rear portions of the retained lands contain a wooded dune, which is a sensitive natural heritage feature and has little development potential. The applicant's agent has indicated verbally to Staff that this is acceptable to them.

Draft Amending By-law: Staff has drafted an amending by-law included in the by-laws section of Council's agenda. The "Environmental Protection – Natural Conservation (EP-NC) Zone", which prohibits all buildings, site alteration, and any removal of

vegetation is normally used for conservation purposes related to the *Endangered Species Act*. The draft amending by-law would:

- Change the proposed building envelop of the new lot to the R6 Zone;
- Change the balance of the proposed new building lot to the EP-NC Zone;
- Leave the un-treed portion of the retained lot in the R3 Zone (where the existing townhouse and accessory building are located); and
- Change the wooded dune portion of the retained lot to the EP-NC Zone.



Planning Opinion: Based on the rationale contained in the report to the Committee of Adjustment and additional comments in this report, it is Staff's opinion that the proposed new single detached dwelling building lot is appropriate and that servicing and natural heritage considerations will be addressed appropriately, provided the natural heritage features on both lots are also zoned for conservation. In Staff's opinion, the proposed zoning amendment supports an appropriate land use, conforms with the Official Plan, and represents good planning. Staff has no objection to approval of the amendment, as per the draft amending by-law presented in the by-laws section of Council's agenda.

ALTERNATIVES TO CONSIDER

At the time of writing this report, the Committee of Adjustment had not yet heard the application for consent or rendered a decision. Staff has recommended that the Committee approve the consent. If Committee determines it appropriate to defer or refuse the consent, then Council may wish to reconsider approving the proposed zoning amendment.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 49-2021;
- Approve ZBA Application ZO-18/2021 subject to zoning natural heritage features on both proposed lots for conservation; and
- Approve implementing By-law 103 of 2021.

FINANCIAL IMPACT

The applicant has paid the Municipality a \$1200 application fee.

CONSULTATION

The applicant
Jessica Smeekens, Ausable Forestry
Ausable Bayfield Conservation Authority Staff
Corrine Nauta, County Building Services Department

Attachment 1: Subject Lands



Subject Lands



Proposed Severed Lot

Attachment 2: Proposed Building Envelope



Impacted Dwarf Hackberry Bushes:

