

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 49-2021

Committee Meeting Date: December 15, 2021

TO: Chair Robinson and Members of Committee of Adjustment

FROM: Will Nywening, Senior Planner

RE: Consent Application B-25/2021
Concession Lake Road East, Part Lots 35
9782 Northville Crescent, Northville
Douglas Pedlar (Agent: Garrett Pedlar)

RECOMMENDATION:

That **Consent Application B-25/2021**, respecting lands known as 9782 Northville Cres., requesting permission to sever a 2.45 acre lot with 200 feet frontage for construction of a single detached dwelling, leaving a retained parcel of 3.54 acres containing an existing townhouse, **be APPROVED**, subject to the following conditions:

1. That the Owner submit to the Municipality two copies 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 drainage assessment be reapportioned, if applicable;
4. That cash-in-lieu of parkland dedication requirements be paid in the amount of \$1000.00;
5. That the Owner install a water connection to the severed lot; and
6. That the Owner or his agents apply for and obtain a zoning by-law amendment respecting the severed lot to establish a building envelope with a residential zone permitting a single detached dwelling and to establish a zone to conserve the natural heritage features on the balance of both the severed and retained lots.

Application

The applicants seek consent to create a vacant lot with 200 feet (60.96m) frontage and a lot area of 2.45 acres (0.99 hectares), intended as a building lot for a single detached dwelling. The remnant parcel would be a parcel of 3.52 acres (1.4 hectares), containing a detached garage and a townhouse-type building with 5 dwelling units.

Comments

Planning Documents: The Lambton Shores Official Plan designates the subject lands “Port Franks/Northville Residential”. The existing and proposed uses are consistent with this designation. The Official Plan also designates this property as part of one of the “Environmentally Sensitive Areas” identified by the 1979-80 Lamb survey of Lambton County. The Official Plan identifies the wooded portions of this property as “Significant Woodlot”. Species at risk are common in the general area.

In Zoning By-law 1 of 2003, the entire property is zoned “Residential-3 (R3)”, which permits multi-residential uses, including the existing 5 unit townhouse.

Land Use Compatibility: The townhouse on the retained lands is a converted motel. The parcel of land immediately to the south (left) contains a similar townhouse, also a converted motel. The two townhouse buildings were originally located on one parcel, prior to a 1994 severance.

A new residential use conforms to the existing residential designation on the Official Plan. It is also Staff’s opinion that this particular type of residential use (single detached dwelling) is appropriate in the context of surrounding uses. Although located between the mobile home park to the east and the townhouse use on the retained lands to the west, this mixture of residential uses is consistent with the mix of uses located along Northville Cres, which includes a mix of single detached, townhouse, mobile home, cabin, and campground uses. The proposed single detached dwelling use will however be subject to the owner obtaining a zoning by-law amendment from one residential zone type to another (multi-residential to single detached dwelling).

Natural Heritage: The Official Plan and Provincial Policy Statement 2020 require that development in and adjacent to such natural heritage features be subject to natural heritage assessments showing no net negative impacts to the natural heritage features and functions. Also, the *Endangered Species Act*, administered by the Ministry of Environment, Conservation, Parks (MECP), prohibits the harming of species at risk or their habitat. The applicant retained Ausable Forestry to complete a “Preliminary Screening for Species at Risk” (included in the agenda), which identified Dwarf Hackberry bushes across the front of the proposed new lot. The applicant has proposed a building envelope that requires removal of and/or would encroach on the required buffer around a number of these bushes. This will require an Overall Benefit Permit from the MECP. As mitigation, the consultant proposes that a net increase in Dwarf Hackberry bushes be transplanted/planted towards the rear of the proposed lot and that the portions of the lot outside the recommended building envelope be placed in a conservation zone. The consultant indicates that pre-consultation with MECP staff indicates that this method of mitigation will be acceptable through a formal Overall Benefit Permit and a condition of such permit.

Rezoning: The applicant has submitted a zoning amendment application. The public meeting is scheduled for the December 21, 2021 Council meeting. It would establish a

building envelope with a residential zone for a single detached dwelling. It would place the balance of the severed lot into the “Environmental Protection – Natural Conservation (EP-NC) Zone”, which prohibits any kind of site alteration or vegetation removal. The Ausable Bayfield Conservation Authority is reviewing the natural heritage assessment work that has been completed. They do not object to the approval of the lot in principle but have comments to Council about the specifics of the rezoning and building envelope.

Services: Northville has no sanitary sewers and County Building Services has reviewed the proposal with respect to private sewage disposal. The proposed lot is 2.45 acres on sand, and meets Ministry guidelines for lot sizes on private septic systems. The proposed building envelope has been sized to accommodate a reasonably sized home, septic system, and accessory buildings. A hydrogeotechnical report was completed for the retained lands because of there being 5 townhouse dwelling units on 3.52 acres. The report concluded Ministry guidelines for private sewage disposal are met and the County Building Services Department has accepted the report. The owner has also installed a new, larger septic tank for the existing septic system on the remnant parcel, as required by County Building Services. It is already installed and the permit is closed.

The lot will need a water service connection. Site access will be approved through a future building permit application (there are no specific building plans at this time).

The Official Plan permits residential infill lots on partial services in situation such as this: an area within an identified settlement area fronting onto an existing public street.

Summary: Based on the foregoing, it is Staff's opinion that the proposed severance is appropriate, meets applicable severance policies, and represents good planning, provided the conditions of consent recommended at the beginning of this report are imposed and met. Foremost of these conditions is that, prior to the consent being finalized, the severed lot be rezoned to establish a building envelope with residential zoning for a single detached dwelling.