

January 19, 2022

Planning Department  
Municipality of Lambton Shores  
9575 Port Franks Road, RR#1  
Thedford, ON  
N0M 2N0

**Attention:** Will Nywening, Senior Planner

Our File #: 21-1200

**Reference:** MFL Properties Ltd.  
Supplementary Submission for a Proposed Zoning By-law Amendment  
to Permit Residential Redevelopment & Infill  
17 Pine Street, Grand Bend, Ontario

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**Monteith Brown Planning Consultants** ("MBPC"), on behalf of our client, **MFL Properties Ltd.** (c/o Kyle Ford), is pleased to make a submission to revise the previously-submitted application to amend the Municipality of Lambton Shores Zoning By-law No. 1 of 2003 as it applies to 17 Pine Street in Grand Bend ("the subject lands"), which are under our client's ownership. The original Zoning By-law Amendment application was submitted to the Municipality of Lambton Shores on November 12, 2021, and a public meeting for the application was held on December 21, 2021.

The purpose of this submission is to respond to comments from staff and Council regarding our client's proposal to construct a three-unit, three-storey family residence on the subject lands, as well as justification for the proposed special provision to permit an increase in lot coverage beyond what is generally permitted in the 'Residential 3' zone. This package is intended to **supplement** information previously submitted to the Municipality in November 2021 and presented to Municipal Council in December 2021.

### **Development Proposal**

The subject lands are proposed to be re-zoned FROM 'Residential 4' ('R4') and 'Lakeshore' ('LS') TO 'Residential 3-#' ('R3-#') and 'LS' to permit the development of a three-storey, three-unit residence for our client and their family. ('MFL Properties' is an acronym for McGillivray, Ford, and Legault, the surnames of our client, their mother, and sister.) A detailed description of the proposed development and building design was provided in the Planning Justification Report and Architectural Drawings Package submitted as part of the Zoning By-law Amendment application. Changes to the development proposal and additional justification for certain special zoning provisions and the proposed density are provided below, and an updated architectural drawing package by Skinner Architects is enclosed with this submission.

## **Changes to the Development Proposal**

### *Building Height & Rooftop Amenity Space*

Our client's architect has **revised** the plans for the proposed building to reduce the height as much as possible while retaining the three units. The building height from the top of foundation to the top of the parapet has been **reduced by 1.2 metres** FROM 11m (36 feet) TO 9.8m (32 feet) to conform to the requirements of the proposed 'R3' zone; the proposed rooftop amenity area has subsequently been **eliminated** from the proposed design; and the stairwell and elevator penthouse have been removed from the roof which further reduces the perceived height of the structure (as that element was not governed by the height restrictions in the zoning by-law). The visual impact of these changes is illustrated on Figure 1, below. The enclosed architectural drawings also depict the visual impact of the reduction in height, particularly in relationship to the dwelling to the north. As we stated in our presentation to Council in December 2021, the properties most likely to be impacted by the proposed development are 16 and 18 Pine Street. These properties are owned by our client's spouse, who has no objections to this proposal.

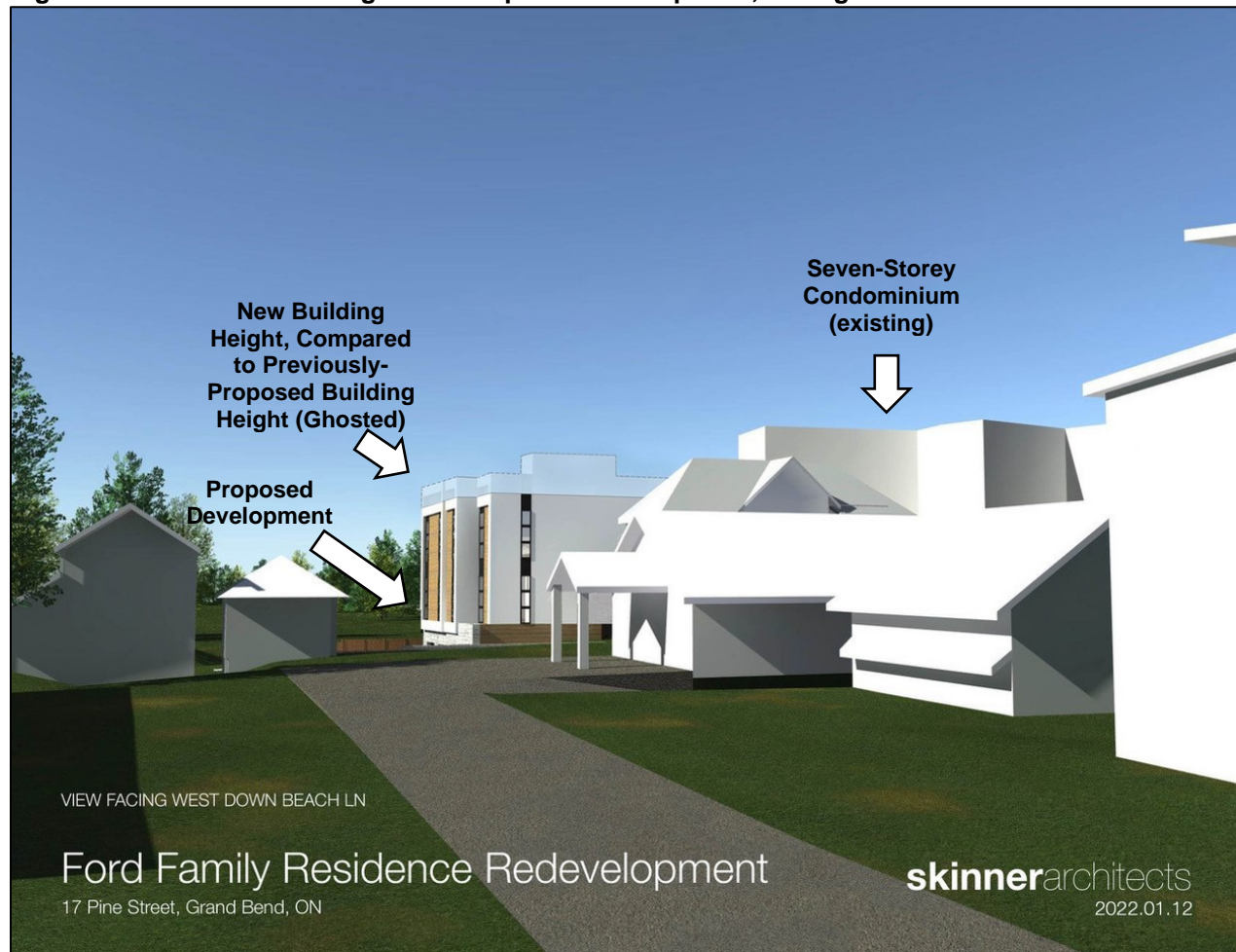
The reduction in height was accomplished by lowering the ceiling heights on each storey and reducing the thickness of the floor/ceiling separating each unit. Although stairwells and elevator penthouses are not included in building height calculations, our client recognized that there were concerns from the community regarding how these features might contribute to the appearance of height from neighbouring properties (s. 2, s.s. 3.15 i)). It is also expected that the removal of the stairwell will provide assurance to the community that the rooftop will not be used as an amenity space.

The reduction in building height also improves the width to height ratio of the proposed development, which was identified as a general concern by the Municipality's planner for flat-roof buildings in a July 13, 2021 Planning Report (PL 23-2021). As noted in the Planning Justification Report submitted with the application, the subject lands have a frontage of approximately 18.3m, wider than the "typical" 'R4' width of 12.2 m cited in the Planning Report. The main face of the building is about 13.44 metres in width (not including the main entryway on the south side of the dwelling, which is set back from the main face), which balances the new building height of 9.8 metres and reduces the perceived height of the building when viewed from the street.

With the new change in height, the proposed building is now **lower** in height than the two-storey dwelling to the north and is **less than** the maximum height permitted for triplex dwellings in the 'R3' zone (11 metres). As we noted in our previous submission, the Municipality recently amended the 'R4' zoning provisions to limit permitted dwelling heights to 7.4 metres for buildings with flat roofs, but this provision was not applied to 'R3' zone through By-law 56 of 2021. It is our understanding that the general intent of the Zoning By-law Amendment was to limit the height of residential buildings within all lands currently zoned 'R4', including the subject lands, and the Planning Justification Report submitted with the application provided extensive justification for why a three-storey building is appropriate for the subject lands. For brevity's sake, these arguments will not be repeated here, as this letter is intended to **supplement** our original report. It continues to be our opinion that our client's proposal should be evaluated by its individual attributes, based on the land-use context and the type of building proposed for the site.

**In light of the above, our client no longer requires a special provision to permit a main building height of 11.2m in the proposed Zoning By-law Amendment, or special provisions to recognize proposed rooftop guardrails and amenity spaces. The proposed building height complies with the provisions of the 'R3' zone.**

**Figure 1 – Revised Rendering of the Proposed Development, Facing West Down Beach Lane**



Source: Skinner Architects, 2022

#### *Number of Bedrooms*

In the Planning Report presented to Council at the December 21, 2021 Public Meeting, planning staff noted that there were thirteen bedrooms depicted on the floor plans submitted by the applicant. Our client and Skinner Architects would like to clarify that all rooms without assigned uses (i.e. rooms other than the kitchen, dining room, bathrooms, and open living areas) were generically labelled as “bedrooms” on the previously-submitted floor plans. Our client and their family members plan to use many of these rooms for gym space amenity areas and dens, and the floor plans have been revised to reflect this. As such, **A total of eight bedrooms are proposed between the three units, not thirteen.** The Servicing Brief prepared by Johnson Engineering Consultants dated November 26, 2021 was based on an occupant load of about 26 persons (two per bedroom). It is anticipated that the increase in sanitary flow rate will be **less than** the estimate provided in the servicing brief, which itself was identified in the municipal Planning Report as “*relatively minimal*”. Our client would be pleased to provide a revised servicing brief for the Municipality’s consideration and review, if desired.

**Multiple Dwelling Units on a Lot: Permissions Granted Under the *Planning Act* and the Municipality of Lambton Shores Planning Documents**

The *Planning Act* requires Official Plans to contain policies allowing additional residential units on a property:

*“16(3) An official plan shall contain policies that authorize the use of additional residential units by authorizing,  
(a) the use of two residential units in a detached house, semi-detached house or rowhouse; and  
(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.”*

Although a person or public body may choose to appeal all or part of a decision of Council to adopt all or part of an Official Plan to the Tribunal, *“there is no appeal in respect of the policies described in subsection 16(3), including, for greater certainty, any requirements or standards that are part of such policies”* (with the exception of the Minister of Municipal Affairs and Housing) (s.s. 24.1, s.s. 24.1.1).

The Municipality of Lambton Shores Official Plan includes policies permitting garden suites, or granny flats in residential areas, and also permits secondary suites *“as-of-right”* in single- and semi-detached dwellings, townhouse dwellings, and related accessory buildings *“allowing more efficient use of housing and infrastructure”*, consistent with *Planning Act* requirements (s.s. 5.3).

The *Planning Act* also requires that Official Plan policies allowing up to three dwelling units on a property are to be implemented through the Zoning By-law:

*“35.1(1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16(3).”*

The Municipality of Lambton Shores Zoning By-law 1 of 2003 permits a second dwelling unit in zones where single-detached dwellings are permitted (s.s. 3.8). The second dwelling unit must be located within the single-detached dwelling on the property, as the Zoning By-law does not contain provisions permitting garden suites or granny flats (s.s. 3.8).

The proposal to develop three residential units on the property is **consistent** with *Planning Act* permissions for up to three dwelling units on a low-density residential property. and only represents an increase of **one** unit from the number of residential units permitted as-of-right through the Local OP and Zoning By-law.

We would also note that the number of dwelling units proposed for the property is the **same** number (three) that currently exist on the abutting property to the north at 19 Pine Street. Through discussions with our client and municipal staff, we have also learned that one of the dwelling units at 19 Pine Street is used as a short-term rental for Grand Bend lifeguards.

### **Proposed 'R3-#' Special Provisions**

#### *Proposed Lot Area and Coverage in the 'R3-#' Zone*

As noted in the Planning Report presented to Council at the December 21, 2021 Public Meeting, when a lot is divided into more than one zone, each portion of the lot shall be considered separately for the purposes of calculating zone provisions such as lot area, lot coverage, and required rear yard setbacks, in accordance with s.s. 3.9.3 of the ZBL. The Municipality of Lambton Shores Zoning By-law does allow for certain exemptions, as using zone lines as lot lines may skew zoning calculations in some cases:

*“where a portion of a Lot is Zoned Environmental Protection or Natural Conservation, such portion may be included in determining the minimum Lot area requirements and the Environmental Protection or Natural Conservation Zone line shall not be considered a Lot Line for Setback purposes on the adjoining Zoned area” (s.s. 3.9.3).*

In this case, the subject lands are currently zoned 'R4' and 'LS', with the 'R4' portion of the property having an area of approximately 783 m<sup>2</sup> (8,424 square feet), and the 'LS' portion having an area of approximately 1,417 m<sup>2</sup> (15,252 square feet), for a total of 2,204 m<sup>2</sup>. Although s.s. 3.9.3 of the ZBL does not list the 'LS' zone as being exempt from lot line considerations, it is our professional opinion that the same principle should apply to the subject lands. Development is also restricted in the 'LS' zone, with the list of permitted uses being similar to what is permitted in 'Environmental Protection' zones (with the addition of marine facilities and existing parking areas, s.s. 51.1). The authors of the Zoning By-law may not have considered that the 'Lakeshore' zone could have an impact on minimum zoning requirements for a developable lot, as the zone line generally follows the rear lot lines of lakeside residential properties in the Plan 24 area of Grand Bend with only a few exceptions (one being the subject lands, where the 'LS' zone covers 64% of the property).

In light of the above, this submission provides additional justification for the proposed reduction in lot area and increase in coverage for the proposed 'R3-#' zone (the reduced minimum rear yard setback was discussed in the previously-submitted Planning Justification Report), recognizing that properties partially zoned 'LS' are not exempt from the requirements of s.s. 3.9.3 of the Zoning By-law, as written. The proposed building will be located solely within the area currently zoned for residential uses, and the proposed Zoning By-law Amendment provisions must respond to the artificial lot line created to the north of the proposed building by the zone boundary.

The parent 'R3' zone requires a minimum lot area of 300 m<sup>2</sup> per dwelling unit for a triplex dwelling, for a total of 900 m<sup>2</sup>. The subject lands as a whole have an area of approximately 2,204 m<sup>2</sup>, which is more than double the minimum requirement. However, for the purposes of the Zoning By-law Amendment, the lot area must be equal to the proposed 'R3-#' area of 783 m<sup>2</sup>. The vertical form of the proposed building ensures that land will be used efficiently, with units being built “up” instead of across the subject lands. The total lot area provides sufficient space for parking, amenity areas, landscaped open space, and the proposed building, as demonstrated on the attached conceptual site plan.

A minimum lot area may also be used to limit density (i.e. the number of units permitted) on a property. Using the 'R3-#' area, the proposed development has a density of approximately 38 units per Ha (or approximately 13 units per Ha, calculated over the entire site area). The proposed density is consistent with the policies of the Municipality of Lambton Shores Official Plan, which endorses an overall “target density” of 17 units per Ha to achieve a compact urban form, with densities of 40 units per Ha permitted for townhouses and cluster dwellings, and 72 units per Ha permitted for low-rise multiple dwellings (Municipality of Lambton Shores Official Plan, s.s. 5.3).

**A special provision is proposed to allow for a minimum lot area of 785 m<sup>2</sup> in the 'R3-#' zone to reflect existing conditions.**

The parent 'R3' zone permits a maximum lot coverage of 30% for a triplex dwelling, and the proposed building footprint is approximately 343 m<sup>2</sup> (3,695 square feet), for a total "lot" coverage of 43.8% within the proposed 'R3-#' zone. When the lot coverage is calculated over the entire property, coverage is reduced to 15.6%. Similar lot coverages are permitted within the parent 'R3' zone for other types of dwelling units. Specifically, the 'R3' zone permits lot coverages of up to 40% for townhouses and multiple dwellings, which is almost identical to what is being proposed for the subject lands (s.s. 9.2 h)).

The general purpose of lot coverage provisions in the Zoning By-law is to ensure that a property has sufficient remaining area for stormwater management and amenity space, and that the size of the dwelling is proportionate to the size of the property. In our experience, stormwater management plans generally assume an impervious surface of at least 50% for new developments (which is greater than the proposed lot coverage for the 'R3' portion of the subject lands). The proposed development will also be required to go through the Site Plan Approval process with the Municipality to ensure that stormwater can be effectively managed on-site. The 'LS' area to the north of the dwelling will provide a great deal of amenity space for our client and their family ('passive recreation' is listed as a permitted use in the 'LS' zone (s.s. 51.1)). The proposed building conforms to the required side and front yard setback provisions within the 'R3' zone, and has been situated to ensure that the lake views of the neighbour to the north are preserved, along with the current access arrangement to that neighbour's garage across our client's property (for which there is no legal easement or formal agreement). As noted in our previous submission, a special provision is being requested to reduce the minimum rear yard setback from 7m to 2.5m to address the artificial lot line created by the 'LS' zone on the north side of the property, but the proposed building will be set back approximately 80 metres from the actual rear lot line and the Grand Bend Public Beach.

**A special provision is proposed to allow for a maximum lot coverage of 45% within the 'R3-#' zone (with the extra 1.2% coverage to account for variations in building construction), where 30% is permitted under the standard 'R3' zone.**

## Revised Zoning By-law Amendment

The following constitutes the proposed revised Zoning By-law Amendment table for the proposed 'R3-#' zone to reflect the above noted change in building height and respond to the requirements of s.s. 3.9.3 of the Zoning By-law. Special provisions are identified in *italicized red text*.

**Table 1 – Proposed R3-# Zoning Provisions**

Black Text – Original Zoning Provision  
*Italicized Red Text* – Proposed Special Provision

Zoning Provision		Proposed R3-# Zone	Proposed Development
<b>9.1 Permitted Uses</b>	a) converted dwelling, triplex dwelling, street townhouse dwelling, stacked townhouse dwelling, multiple dwelling, group home – type 1 b) home occupations, bed and breakfasts c) buildings, structures and uses accessory to a permitted use	a) triplex dwelling b) home occupations c) buildings, structures and uses accessory to a permitted use	Triplex dwelling
<b>9.2 a) Minimum Lot Area</b>	300 square metres per dwelling unit (900 square metres)	<i>785 square metres</i>	783 square metres <sup>1</sup>
<b>i) Triplex Dwelling</b>			
<b>9.2 b) Minimum Lot Frontage</b>	12 m	Same as existing	18.29 m
<b>i) Triplex Dwelling</b>			
<b>9.2 c) Minimum Front Yard Setback</b>	6 m	Same as existing	14.79 m
<b>i) Triplex Dwelling</b>			
<b>9.2 d) Minimum Interior Side Yard Setback (if attached garage)</b>	1 m	Same as existing	1.67 m (north) 1.38 m (south)
<b>i) Triplex Dwelling</b>			
<b>9.2 f) Minimum Exterior Side Yard Setback</b>	6 m	Not applicable	Not applicable
<b>i) Triplex Dwelling</b>			
<b>9.2 g) Minimum Rear Yard Setback</b>	7 m	<i>2.5 m</i>	2.5 m <sup>1</sup>
<b>i) Triplex Dwelling</b>			
<b>9.2 Maximum Lot Coverage</b>	30%	<i>45%</i>	43.8% <sup>1</sup>
<b>i) Triplex Dwelling</b>			
<b>9.2 Maximum Building Height</b>	11m	11 m	9.8 m
<b>i) Triplex Dwelling</b>			
<b>9.2 Minimum Landscaped Open Space</b>	30%	30%	30% <sup>2</sup>
<b>i) Triplex Dwelling</b>			

<sup>1</sup> Measured from the R3-# zone limit, as required by s.s. 3.9.3 of the Municipality of Lambton Shores Zoning By-law. Note that the subject lands as a whole have an area of approximately 2,204 m<sup>2</sup>

<sup>2</sup> "Landscaped Open Space" is not listed as a zone provision which must be considered separately for each portion of the lot when a lot is divided into more than one zone in s.s. 3.9.3 of the Municipality of Lambton Shores Zoning By-law.

**Conclusion**

In light of the above analysis and the previously-submitted Planning Justification Report, the proposed Zoning By-law Amendment application continues to be consistent with the Provincial Policy Statement, conforms to the Lambton County Official Plan and the Municipality of Lambton Shores Official Plan, and maintains the general intent and purpose of the Municipality of Lambton Shores Zoning By-law No. 1 of 2003.

**For your review and consideration, please find enclosed the following:**

- One (1) copy of an Architectural Drawings Package from Skinner Architects and
- One (1) copy of a rendering showing a view of the building facing west from Beach Lane.

We trust that the enclosed information is satisfactory to address the Municipality's comments and look forward to continuing to work with staff towards timely approvals. If you have any questions regarding this matter or require any additional information, please do not hesitate to contact me.

Respectfully submitted,

**MONTEITH BROWN PLANNING CONSULTANTS**



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