

# THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 02-2024**

**Council Meeting Date: January 16, 2024**

**TO:** Mayor Cook and Members of Council

**FROM:** Ken Bulgin, Planner  
Will Nywening, Senior Planner

**RE:** ZBA Application ZO-02/2024 – Plan 25M102, Fraser Crescent and VanRooyen Court, Forest – Larry Wellington, Vaughan Wellington, 2275368 Ontario Inc. and 2275369 Ontario Inc. (Agent: B.M. Ross and Associates Ltd. – Jordan Fohkens)

## **RECOMMENDATION:**

**THAT** Report PL 02-2024, relating to a ZBA Application, submitted by – Larry Wellington, Vaughan Wellington, 2275368 Ontario Inc. and 2275369 Ontario Inc. be received; and

**THAT** ZBA Application ZO-02/2024 submitted by – Larry Wellington, Vaughan Wellington, 2275368 Ontario Inc. and 2275369 Ontario Inc. requesting an amendment to Zoning By-Law 1 of 2003 to rezone Plan 25M102, Fraser Crescent and VanRooyen Court, Forest, to allow a maximum lot coverage of 40% in the residential zone be deferred.

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## **SUMMARY**

This report relates to the Zoning Amendment Application submitted by Larry Wellington, Vaughan Wellington, 2275368 Ontario Inc. and 2275369 Ontario Inc affecting the lots in the plan of subdivision recently registered as Plan 25M102, which includes 50 residential lots on the new streets Fraser Crescent and VanRooyen Court, in the Town of Forest. The applicant seeks to amend Zoning By-law 1 of 2003 to change the existing “Exception 9 to the Residential-1 (R1-9) Zone” on Plan 25M102 to a new site-specific zone like the R1-9 Zone but allowing a maximum lot coverage of 40%.

## **BACKGROUND**

The subject lands, irregular in shape, are approximately 20.68 ac in lot area. The lands are located south of Field Street (Woodside Phase 1) and east of Forest Road (Provincial Highway 21) in the Town of Forest (See Attachment 1).

The subject lands are the fifth and final phase of the Woodside subdivision. Plan 25M102 was recently granted final approval and registered. This phase contained 50 residential lots located at the south end of the overall development.

Unassumed roadways, Fraser Crescent and VanRooyen Court, and street lighting infrastructure currently occupy the subject lands. A water course runs from the eastern boundary through to the northwestern boundary, splitting the north and south sections of the subject lands. No houses have been commenced on any of the registered lots.

Surrounding land uses include:

- To the north: the stormwater management facility now owned by the Municipality is zoned Open Space and Environmental Protection – Hazard due to the presence of a watercourse. Lands further north are zoned for residential uses;
- To the east: lands zoned for Open Space and Agricultural and used as crop lands;
- To the west: lands zoned Environmental Protection - Hazard presently occupied by woodlot; and
- To the south: lands zoned Environmental Protection - Hazard and Agricultural and primarily used for farming activities.

### ***Provincial Policy Statement***

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development to respond to current and future needs.

### ***County of Lambton Official Plan***

In the County of Lambton Official Plan, the entirety of the subject lands is designated “Urban Settlement”.

Section 3 of the Plan *County Development and Growth* states that future growth will be directed to Urban Settlement areas.

### ***Lambton Shores Official Plan***

The subject property is designated as “Residential” in the Lambton Shores Official Plan (OP).

Section 5.3 *Residential Permitted Uses* of the OP notes that single detached dwellings are a permitted use within the lands designated for residential purposes within the Municipality.

Section 5.4 *Land Use and Design Policy* of the OP states that new development/uses will be compatible with the scale, density, and character of the surrounding land uses.

### ***Zoning By-Law***

The subject property is Zoned Residential-1 Exception 9 (R1-9) and Environmental Protection – Hazard (EP-H) in the Zoning By-Law (ZBL) 1 of 2003.

The R1-9 Zone lists Single Detached Dwelling as a permitted use, subject to the requirements of Section 7.2 i) *Site Regulations* of the Zoning By-law.

The proposed single detached dwellings conform with the Site Regulations of Section 7.2 i) except for the requirement that the total lot coverage for single detached dwellings shall not exceed 30%.

The Municipal stormwater management block is zoned Open Space-2 Exception 3 (OS2-3). The OS2-3 Zone lists municipal storm water management facility, municipal pump station and public park as permitted uses, subject to the requirements of Section 45.3 c) *Site Provisions* of the Zoning By-law.

The EP-H Zone does not permit single detached dwellings. However, when the Conservation Authority grants development approvals under its regulations, Section 4.6 of the Zoning By-law deems lands to be within the abutting (residential) zone.

### ***Regulated Area***

A portion of the property extending from the western boundary to the eastern boundary is part of a General Regulation Area overseen by the St. Clair Region Conservation Authority (SCRCA) under Ontario Regulation 147/06 and associated with proximity to a watercourse. The SCRCA regulates development, including construction on lands located within a regulated area.

## **DISCUSSION**

### ***Proposed Development***

The application proposes to change the Zone designation of the R1-9 Zone to a site specific R1 Zone that permits an increase in lot coverage for single detached dwellings, but otherwise has the same provisions as the existing R1-9 Zone. Staff understands that the applicant anticipates using the 40% lot coverage to construct single storey dwellings with larger footprints more often than to build larger two storey homes in the rezoned residential area.

The development includes 50 residential lots on the new streets Fraser Crescent and VanRooyen Court. Of the 50 proposed lots 46 will be located entirely within the Residential Zoned area, with an additional 4 lots along Fraser Crescent, proposed to be partially or fully located in the EP-H Zone.

### ***Compatibility***

In the R1-9 Zone a Single Detached Dwelling is a permitted use. The question is whether an increase in maximum lot coverage to 40%, whereas 30% is currently permitted, is an effective use of these lands.

There are existing residential developments to the north and west of the subject property. These properties are Zoned R1-9 which permits a maximum lot coverage of 30% and R3-5 which permits a maximum lot coverage of 35%.

While the proposed development is an extension of the neighbourhood along Field street the majority would be separated from the existing neighbourhoods by a watercourse and Open Space Lands. For the last two houses on Field Street in the previous phase, one of those lots is a double-wide lot. The other flanks the rear yards of the lots in Phase 5, so this is a good transition point to the larger lot coverages.

Also, the stormwater block acts as a partial buffer, isolating much of the area with the proposed larger lot coverage from existing residential development in the area. Essentially the proposed development would be its own neighbourhood. Therefore, in staff's opinion an increase in lot coverage for this area is compatible and will not adversely impact neighbourhood character.

### ***Stormwater Management***

In support of the application, the applicant's engineer submitted revised stormwater calculations for the subdivision's stormwater management facility, taking into account the proposed increase in permitted lot coverage and associated increase in hard surfacing and storm run-off. The Public Works department enlisted the services of a third party consultant to review the report. The third party review identified a number of questions and comments that the applicant's engineer should address before the zoning is approved to permit the 40% lot coverage. The applicants have not had time to respond to the comments.

Planning staff cannot be supportive of the Zoning application until the applicant has addressed concerns raised in the third party consultant review, to the satisfaction of the Public Works Department.

### ***Lot Coverage***

Section 7.2 i) of the Zoning By-law limits the lot coverage for single detached dwellings to 30% of the area of a lot in the current R1-9 Zone. This limit is intended to address neighbourhood character, amenity area and stormwater management.

As mentioned above, due to the proposed subdivision location and its relative separation from existing residential development, planning staff have no concerns related to impacts on neighbourhood character with the proposed increase in lot coverage to 40%.

The applicant has provided a massing concept for a single detached dwelling with 40% lot coverage on a typical lot in the proposed subdivision plan (See Attachment 3). The house is able to meet all required yard setbacks in the R1-9 Zone. One purpose of setbacks is to provide for amenity space and in this regard this space will be maintained with the proposed lot coverage increase.

Finally, the applicant has revised stormwater calculations for the subdivision's stormwater management plan to take into account the proposed 40% lot coverage. As mentioned previously, this report has been reviewed by a third party consultant who indicated they have concerns and questions that should be addressed. At this time the applicant's engineer has not had the opportunity to provide a response to the concerns outlined in the third party consultant review.

It is Staff's opinion the special provision requested to increase lot coverage is appropriate from a community character perspective and meets the intent of the Official Plan.

Planning Staff has no concern with the increase in lot coverage, in principle, as long as concerns related to stormwater management are addressed to the satisfaction of Public Works staff.

### ***Watercourse Hazard Area***

The entirety and/or a portion of 4 of the lots along Fraser Crescent are located within the area regulated by the St Clair Region Conservation Authority due to the presence of a water course and stormwater management pond. The plan was granted draft approval some time ago, prior to the current delineation of the SCRCA's regulated area. Prior to final approval of Phase 5 (Plan 25M102) however, the SCRCA confirmed that these lots have a reasonable building envelope and that it will be possible to obtain permits from the SCRCA to develop the lots for single detached dwellings. The SCRCA also confirmed as part of this application's circulation that it has no concerns with the proposed zoning amendment.

### ***Staff Modifications***

Staff is recommending that the amending by-law incorporate a number of amendments not specifically requested by the application.

First, the R1-9 Zone currently permits 1m interior side yard setbacks. At this distance, the Ontario Building Code requires onerous fire separation standards, including no doors or windows in the side wall. Staff recommends that this be revised to 1.2m in the proposed new zone to avoid OBC restrictions.

Second, Staff recommends adding a provision that clarifies that the general provisions for accessory buildings will apply to accessory buildings in the new residential zone. This will clarify which "notwithstanding" provision in the Zoning By-law takes precedent (e.g.

that accessory building provisions at s. 3.3 of the Zoning By-law apply to accessory buildings and not the larger site-specific setbacks that apply to the main house).

Third, the boundary established between the existing R1-9 Zone and OS2-3 Zone was based on an older development concept and does not entirely match the boundary of the stormwater management block, such that significant portions of the stormwater management block are zoned residential. Staff recommends that the zoning amendment include the Municipally-owned stormwater management block for the purpose of correcting the zone boundary to match the registered lot fabric.

Finally, the existing EP-H Zone does not match the SCRCA's General Regulation Area on both the stormwater management block and Plan 25M102. Staff recommends that the EP-H Zone be updated with this zoning amendment to reflect the actual SCRCA regulated area.

Proposed zone boundaries are shown in Attachment 2.

### ***Planning Opinion***

Based on the foregoing it is Staff's opinion that amending the zoning the existing R1-9 Zone to permit a 40% maximum lot coverage in Plan 25M102 (Phase 5 of the Woodside subdivision) is consistent with the *Planning Act* and the Official Plan and is compatible with surrounding land uses from a community character perspective.

The amendment should include a number of aspects not specifically requested by the applicant including updating the boundaries between the residential and open space zones, updating the boundary of the EP-H Zone to match the SCRCA regulated area, changing the minimum interior side yard requirement from 1m to 1.2m, and clarifying which provisions in the zoning by-law apply to siting accessory buildings in the new proposed residential zone.

However, based on concerns raised by the third party consultant review of the revised stormwater calculations, approval of the application as currently presented should be deferred. Staff recommends that a decision be deferred to allow the applicant and their engineer an opportunity to address concerns raised by the third party consulting firm review of the revised stormwater calculations.

### **ALTERNATIVES TO CONSIDER**

None at this time.

### **RECOMMENDED ACTIONS**

Staff recommend that the Zoning By-law Amendment Application ZO-02/2024 be deferred until the applicant can respond to third party review comments regarding stormwater management calculations.

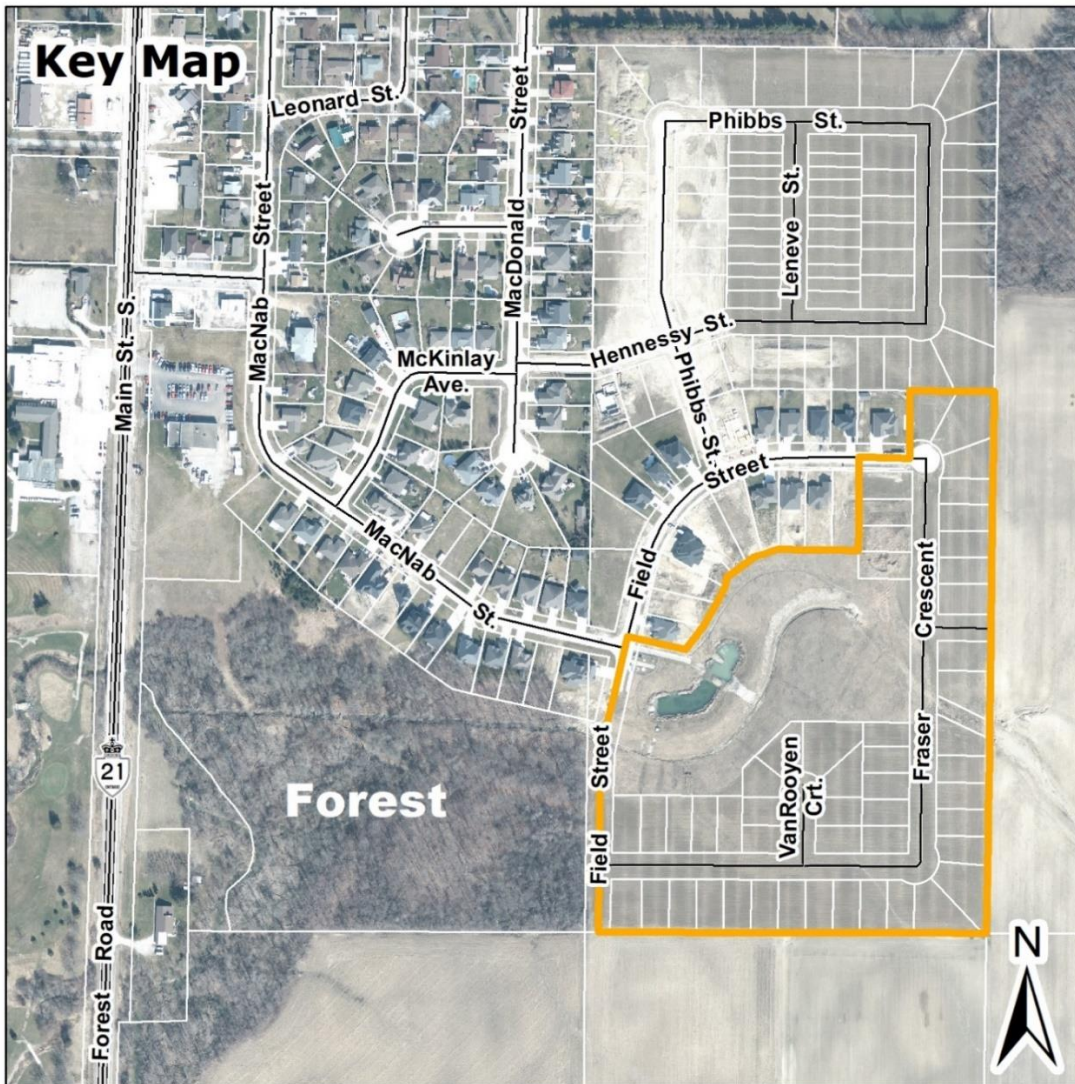
## FINANCIAL IMPACT

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

## CONSULTATION

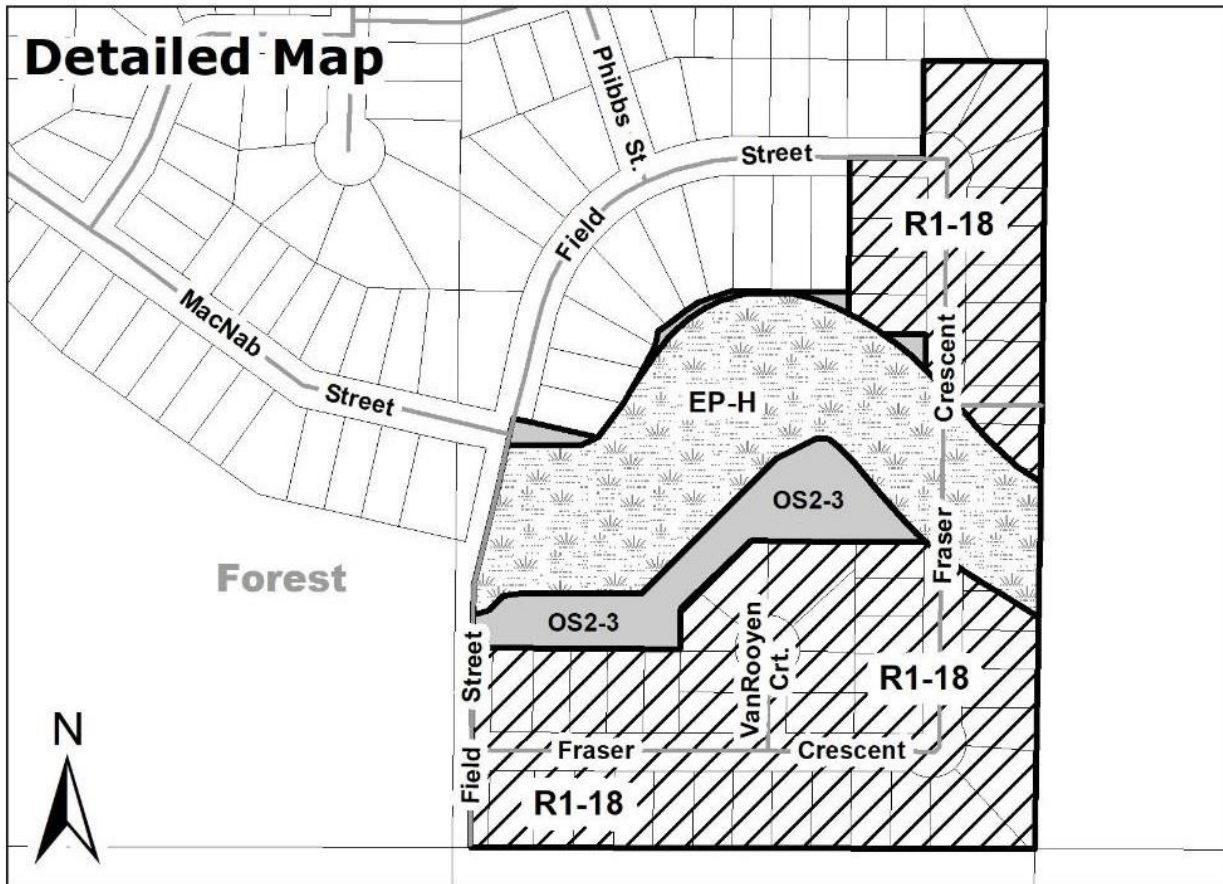
The applicants  
Public Works Department  
GM BluePlan Engineering (third party review)


## ATTACHMENT 1: LOCATION MAP



**SUBJECT PROPERTIES**

**ATTACHMENT 2: PROPOSED ZONE ADJUSTMENT**



 Lands to be rezoned from a Residential-1 Exception 9 (R1-9) Zone to a Residential-1 Exception 18 (R1-18) Zone



**ATTACHMENT 3: SINGLE DETACHED DWELLING MASSING CONCEPT**  
(Provided by Applicant)

