

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals

Date: May 8, 2023

Subject: Zoning By-law Amendment file ZBA-08-2023 at 1258 County Road 22 by Taras Natyshak (Owner) Denis Buj (Agent)

Recommendation

Approve Zoning By-law Amendment Application ZBA-08-2023 to amend Zoning By-law 2-2012 for the lands known municipally as 1258 County Road 22, to increase both the permitted home occupation floor area to 33% and the maximum parking spaces to 10; and

Direct the Clerk to read By-law 49-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Background

The subject property, 1258 County Road 22, currently contains a single detached dwelling and two small outbuildings on the eastern side of the yard. The applicants wish to operate a Bed and Breakfast concurrently with a home occupation. The proposed home occupation will focus on health and wellness services in a group/class format. Due to the open concept design of the home and the space available within the house for studio space for group classes, the applicants have requested to increase the 25% floor area permitted for a home occupation to 33%. In addition, since there is additional space on the subject property, the owners request to increase the number of permitted off-street parking spaces for the home occupation from 3 to 10. As a result, application was made for a site-specific amendment to the R1 zone to recognize the 33% floor area and 10 parking spaces for a home occupation.

Subject Land: 8,079 m²
Existing Use – Residential
Proposed Use – include a Bed and Breakfast and Home Occupation to the residential use
Access — County Road 22
Services — municipal water, municipal sewage disposal, storm drainage: municipal

Surrounding Uses: North: Via Rail / Residential
South: County Rd 22 / Residential
East: Residential
West: Residential

Official Plan: Residential

Existing Zoning: Residential – Low Density (R1)

Comments

Provincial Policy Statement (PPS)

There are no issues of provincial or county significance raised by this proposed zoning by-law amendment.

Municipality of Lakeshore Official Plan

The subject property is designated Residential in the Lakeshore Official Plan. Bed and Breakfast establishments are permitted in the current Official Plan policy without a zoning by-law amendment, provided that all the required parking is accommodated on the same lot, and subject to criteria in the Zoning By-law.

Home occupations are also permitted in the Residential designation, in a dwelling, provided the use does not change the residential character of the building and lot, and residential remains the principal use. The use must be compatible with the surrounding residential uses, and sufficient parking must be available on site. The proposed increase in floor area and parking spaces for a home occupation conforms to the Lakeshore Official Plan policies as a home occupation is permitted in the Residential designation as long as it is compatible with surrounding land uses and does not alter the character of the building and lot.

Zoning By-law

The subject property is currently zoned Residential – Low Density (R1), in the Lakeshore Zoning By-law 2-2012, as amended. Both Home Occupation and Bed and Breakfast establishments are permitted in the R1 Zone, therefore complying to the Lakeshore Zoning By-law. Section 6.27 of the Zoning By-law outlines the specific regulations for a Home Occupation. Specifically, the maximum permitted floor area is 25% and the maximum designated parking spaces is 3. The applicant has proposed to utilize 33% of the floor space within the existing single-detached dwelling due to the open floor layout and size of the dwelling.

As a result of the size of the dwelling and lot, the applicants believe they can accommodate additional persons for the health and wellness group classes, therefore, they have requested to increase the parking to 10 spaces. Ample space on the property remains for the Bed and Breakfast and Residential uses. The Site Plan Drawing the applicant provided in Appendix B identifies the parking spaces on the site. All other provisions of the zoning by-law appear to be met.

Others Consulted

Notice was given to neighboring owners within 120 m of the subject property as required under the provisions of the *Planning Act*. At the time of writing this report, no comments were received.

The Essex Region Conservation Authority (ERCA) does not have any objections. The property owner will be required to obtain a Permit from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Full comments are provided in Appendix C.

County of Essex Engineering provided Engineering comments that do not currently apply to the proposed zoning by-law amendment since site construction of new buildings or entrances is not proposed. Full comments are provided in Appendix D.

Lakeshore engineering has no objections to the proposal.

Financial Impacts

There are no financial impacts as a result of the proposed zoning by-law amendment.

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-08-2023 (By-law 49-2023) as per the Recommendation section of this report.

Attachments

Appendix A – Location Map

Appendix B – Site Plan Drawing

Appendix C – ERCA Comments

Appendix D – County Engineering Comments

Report Approval Details

Document Title:	ZBA-08-2023 - 1258 Cty Rd 22 - Taras Natyshak - Denis Buj.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Location Map.pdf- Appendix B - Site Plan Drawing.pdf- Appendix C - ERCA Comments.pdf- Appendix D - County Engineering Comments.pdf
Final Approval Date:	May 25, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Kristina Brcic

Submitted by Ryan Donally and Tammie Ryall

Approved by Krystal Kalbol, Justin Rousseau and Truper McBride