

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals

Date: August 23, 2023

Subject: Updated Report - Zoning By-law Amendment file ZBA-06-2023 at 6804 County Road 8 by 1000048386 Ontario Inc. - Lisa Aronne

Recommendation

Approve Zoning By-law Amendment Application ZBA-06-2023 to amend Zoning By-law 2-2012 for the lands known municipally as 6804 County Road 8, to permit a Group Home on the property and provide relief from the rear yard setback in accordance with the site plan provided; and

Direct the Clerk to read By-law 48-2023 during the Consideration of By-laws, all as presented at the September 12, 2023 Council meeting.

Background

The applicants of 6804 County Road 8 wish to develop the site into a Group Home and intend to construct an addition to the main building and parking lot in the front yard. This application was presented at the Public Meeting of Council on May 30, 2023. Following the Public Meeting, Council passed a motion:

139-05-2023

Defer, for no longer than 3 months, Zoning By-law Amendment Application ZBA-06-2023, to amend Zoning By-law 2-2012 for the lands known municipally as 6804 County Road 8, to permit a Group Home on the property and provide relief from the rear yard setback in accordance with the site plan provided.

The reason for deferral was to provide time for the applicant of the subject property and the owner(s) of the property to the rear, known as 6806 County Rd 8, to work together to resolve the driveway situation. It is understood that the owner of 6806 County Rd 8 has been utilizing the driveway and paying for improvements of such without having established a permanent easement. The shared driveway access, without a permanent right-of-way easement, is a pre-existing situation.

As three (3) months has passed, Administration is bringing forward this Report to implement the Council direction.

The existing building on the subject lands was previously utilized as a place of worship. A small shed in the rear yard will be demolished. The current Minor Institutional (I2) zoning of the property does not permit the proposed Group Home use therefore, the applicants are applying for a site specific zoning by-law amendment. The proposed addition to the main building will require relief from the rear yard setback where the minimum setback is 7.5 m and the proposed is 5.7 m. However, the existing building has a rear yard setback of 4.4 m that is not currently recognized in the zoning by-law and both reduced setbacks will be established in the site-specific amendment. As per the applicants site plan drawing in Appendix B, all other aspects of the zoning by-law appear to be met. Following approval from Council for the zoning by-law amendment, the applicant will file an application for Site Plan Control.

Subject Land:	1,819.8m ² Existing Use – Institutional, former place of worship site Proposed Use – Group Home Access — County Road 8 Services — municipal water, septic, storm drainage: municipally owned and operated piped water supply
Surrounding Uses:	North: Agricultural Lands South: Agricultural Lands East: Agricultural lands West: Agricultural lands
Official Plan:	Agricultural
Existing Zoning:	Minor Institutional (I2)

Comments

Provincial Policy Statement (PPS)

Within the PPS's Vision for the Ontario Land Use Planning System it is stated that "Planning authorities are encouraged to permit and facilitate a range of *housing options*, including new development as well as residential intensification, to respond to current and future needs." The PPS term '*housing options*' not only includes housing types but also a variety of housing arrangements and forms including housing for people with *special needs*. Furthermore, Section 1.4.3 b) 1. states that planning authorities shall permit and facilitate "all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities". Therefore, the proposed Group Home would be an example of the creation of housing options for special needs. The proposed zoning by-law amendment is consistent with the PPS in that the redevelopment and repurposing of the site and existing building will provide group home residential services needed in the community.

Municipality of Lakeshore Official Plan

The subject property is designated Agricultural in the Lakeshore Official Plan and lies within the Limit of Regulated area. The application was circulated to the Lower Thames

Valley Conservation Authority, which manages the lower reaches of the Thames River and its tributaries. The Group Home falls under Residential uses which are permitted within the Agriculture designation. Therefore, the application conforms to the land use policies of the Lakeshore Official Plan.

Zoning By-law

The subject property is currently zoned Minor Institutional (I2) in the Lakeshore Zoning By-law 2-2012, as amended, as the existing main building on the site was previously used as a place of worship. However, the new owners propose to redevelop the site and repurpose the existing building into a Group Home.

The Lakeshore Zoning By-law 2-2012, as amended, details the provisions that apply to a group home dwelling:

6.24 Group Home Dwelling

- a) The *group home dwelling* shall be permitted in a *dwelling*, where it is permitted by this By-law, and provided that it complies with the regulations of the zone within which the *group home dwelling* is located.
- b) A *group home dwelling* shall comprise the sole use of the *dwelling*.
- c) Approval of a site-specific zone amendment shall be required to accommodate a *group home dwelling* for more than 6 persons, to a maximum of 10 persons (exclusive of supervisory or attendant staff).
- d) Any existing *group home dwelling* which satisfies Provincial standards of operation but which fails to comply with the requirements of this By-law in the date that this By-law comes into effect, will be allowed to continue in operation, but will not be permitted to increase its number of occupants (exclusive of supervisory or attendant staff). Physical *building* expansion that otherwise complies with the provisions of this By-law shall be permitted.

The proposed building addition will allow for more bedrooms and increased amenity space. As the proposal is to accommodate between 6 to 10 persons, a rezoning is required, as per Section 6.24 c) of the Zoning By-law. It was determined that the existing building does not currently comply with 7.5 m minimum rear yard setback minimum for the existing building and the proposed building addition will also require rear yard setback relief. The site specific zoning amendment will reflect the 4.4 m rear yard setback of the existing building and the 5.7 m rear yard setback of the proposed building addition. All other aspects of the proposed site plan are in compliance with the zoning by-law.

The adequacy of the septic system will be reviewed at the site plan approval and building permit stage.

Others Consulted

The application was circulated to external and internal agencies and comments are included below:

The Lower Thames Valley Conservation Authority (LTVCA) does not have any objections to the application. Full comments are provided in Appendix C.

The County of Essex Engineering Division provided that the change of use requires the County to review a Traffic Brief and circulation to MTO since the property also fronts Highway 77, which will be completed during the site plan control process. The minimum setback from the centre of the County Road 8 to any buildings or structures is 85 feet. The County has requested a copy of the decision. Full comments are provided in Appendix D.

In accordance with the Planning Act, notice was given to owners within 120 m of the subject property advising of the May 30, 2023 public meeting. Comments that were submitted were presented to Council, and members of the public spoke at the May 30, 2023 Public Meeting. The required public meeting was held.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation. New development will result in additional building permit revenue as well a potential increase in tax assessment.

Conclusion

The applicant provided that, to date, there has not been any progress made with the owner(s) of 6808 County Rd 8 in establishing a separate driveway and access off of County Road 8 (Appendix E). It is recommended that further discussions with the two owners and their legal counsels can continue while the related site plan application is under review.

Based on the foregoing, Administration recommends that Council approve ZBA-06-2023 (By-law 48-2023) as per the Recommendation section of this report.

Attachments

Appendix A – Location Map

Appendix B – Site Plan Drawing

Appendix C – LTVCA Comments

Appendix D – County Engineering Comments

Appendix E – Progress Update Email from Applicant, Lisa Aronne

Report Approval Details

Document Title:	ZBA-06-2023 - 6804 Cty Rd. 8 - 1000048386 Ontario Inc. - Lisa Arrone deferred from May 30, 2023.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Location Map.pdf- Appendix B - Site Plan Drawing.pdf- Appendix C - LTVCA Comments.pdf- Appendix D County Engineering Comments.pdf- Appendix E Update 6804 County Road 8.pdf
Final Approval Date:	Sep 5, 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 Justin Rousseau