

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor & Members of Council
From: Ayusha Hanif – Planner II (RPP)
Date: April 29, 2024
Subject: Zoning By-law Amendment Application ZBA-07-2024 – 1750 Caille Avenue

Recommendation

Approve Zoning By-law Amendment Application ZBA-07-2024, 1750 Caille Avenue to allow for deficient lot frontages and a single detached dwelling unit on each lot on the lands legally know as Part of Block A, Plan 1420, Belle River, as in R902324, (Firstly); Lakeshore, being all of the Property Identifier Number 75034-0155(LT), and municipally known as 1750 Caille Avenue and;

Direct the Clerk to read By-law 61-2024 during the Consideration of By-laws, all as presented at the May 28, 2024 Council meeting.

Background

The applicant brought the subject property located at 1750 Caille Avenue to the Committee of Adjustment on March 10, 2023 (file B-05-2023). The Consent Application was supported by the Committee of Adjustment with conditions that included, but are not limited to:

1. That the applicant successfully rezones the subject property to remove the site specific zoning that permits four housekeeping cottages and to recognize the deficient lot frontages to conform with the Lakeshore Official Plan and Lakeshore Zoning By-law 2-2012;
2. That the applicant demolish the four housekeeping cottages located on the subject property prior to the stamping of the deeds; and,
3. That the existing single detached dwelling located on the northeast corner of the subject property be demolished/removed or brought into compliance with the Lakeshore Zoning By-law

Through this request for rezoning, the applicant is attempting to satisfy the conditions placed on the subject property by the Committee of Adjustment.

Comments

The property is designated “Residential” in the Lakeshore Official Plan and zoned “Residential Waterfront 2 – Lake St. Clair Zone Exception 7” in the Lakeshore Zoning By-law 2-2012. The applicant has requested to amend the zoning of the subject property to allow for both the severed and retained lands to be recognized for the deficient lot frontages of 15.3 metres each. The required lot frontage in the RW 2 Zone is 18.0 metres where municipal sanitary servicing is available. The zoning amendment request has been made to satisfy one of the conditions of consent as approved by the Committee of Adjustment. The implementing zoning by-law amendment permits a minimum frontage of 15.0 metres. It is important to note that the cottages which existed at the time the consent application was made have been demolished.

The subject property, upon severance will be comprised of two lots with an area of approximately 1500 square meters and a frontage of approximately 15.3 metres. There are multiple lots in the vicinity of the subject property that have lot frontage equal to or less than 15 metres.

Subject Land: Size – 1500 square meters
Existing Use – Residential
Proposed Use – Residential
Access — Caille Avenue
Services — Municipal water, municipal sanitary services

Surrounding Uses: North: Lake St. Clair
South: Residential
East: Residential
West: Residential

Official Plan: Residential

Existing Zoning: Residential Waterfront – Lake St. Clair Zone Exception 7

Proposed Zoning: Residential Waterfront – Lake St. Clair Zone Exception 7

Provincial Policy Statement (PPS)

The proposed rezoning application was reviewed under the settlement area policies of the Provincial Policy Statement (2020), and it was determined that the proposed development was consistent with the policies below:

Section 1.4 - Housing of the Provincial Policy Statement 2020 states:

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

County of Essex Official Plan

The rezoning application conforms to the County of Essex Official Plan and is consistent with their land use policies:

Section 3.2.7 of the County Official Plan states:

- a) Intensification & Redevelopment: The County encourages well-planned intensification development projects in the “Settlement Areas” to encourage more efficient use of land and municipal infrastructure, renew urban areas and to facilitate economic and social benefits for the community.
- b) The County also specifically encourages residential intensification and redevelopment within Primary Settlement Areas in order to increase their vitality, offer a range of housing choices, efficiently use land and optimize the use of infrastructure and public service facilities.
- c) The County requires that 15 percent of all new residential development within each local municipality occur by way of residential intensification and redevelopment. Implementation and annual reporting to the County on meeting this target will be the responsibility of the local municipalities.
- d) The County will permit intensification and redevelopment within Secondary Settlement Areas to assist in meeting the target provided it occurs on full municipal sewage services and municipal water services.
- e) Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

Comment: The Zoning By-law Amendment will permit for the redevelopment of the subject property for a single detached dwelling.

Lakeshore Official Plan

The subject property is designated Residential in the Lakeshore Official Plan, and the rezoning application conforms to the Residential Designation policies.

6.4 Waterfront Residential Designation

6.4.1 Permitted Uses Subject to the other policies of this Plan, the following policies will apply in determining uses permitted on land designated Waterfront Residential Designation on Schedule “C”.

- a) A single unit residential dwelling will be permitted on a lot suitably sized to accommodate appropriate servicing systems.
- b) Home occupations will be permitted in association with a residential use.
- c) Bed and breakfast establishments will be permitted within a single detached residential dwelling, provided that all of the required parking is accommodated on the same lot, and subject to criteria in the Zoning By-law.
- d) Small scale institutional uses, and park and open space uses will be permitted.
- e) Uses accessory to any of the permitted uses in the Waterfront Residential Designation will be permitted.
- f) The specific uses permitted and accessory uses will be established in the Zoning Bylaw.

The applicant has requested to rezone the subject property to allow for the construction of a single detached dwelling. As per the above policies, a single unit residential dwelling is permitted in the waterfront residential designation.

Lakeshore Zoning By-law

The subject property is currently zoned Residential Waterfront – Lake St. Clair Zone Exception 7 (RW2-7). The applicants have requested to amend the zoning of the subject property to allow for both the severed and retained lands to be recognized for the deficient lot frontages and to permit a single detached dwelling.

Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-07-2024 (By-law 61-2024) as per the Recommendation section of this report.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and regulations. As of the writing of this report, no comments were received from the public.

Comments received from agencies and internal departments are summarized below.

Essex Region Conservation Authority (ERCA) Comments

ERCA provided comments stating that permits from the agency will be required prior to any construction or site alterations. Please see full comments in Appendix E.

Engineering

Engineering has no concerns with the rezoning.

Drainage

The Drainage Division has no comments.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

- Appendix A – Aerial Map
- Appendix B – Key Map
- Appendix C – Preliminary site plan
- Appendix D – Reference Plan
- Appendix E – ERCA Comments

Report Approval Details

Document Title:	ZBA-07-2024 - 1750 Caille Avenue .docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Key Map.pdf - Appendix C - Preliminary Site Plan.pdf - Appendix D - Reference Plan.pdf - Appendix E - ERCA Comments.pdf
Final Approval Date:	May 16, 2024

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

Prepared by Ayusha Hanif

Submitted by Ryan Donally and Tammie Ryall

Approved by the Corporate Leadership Team