

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Kim Darroch, Manager of Development Services

Date: February 19, 2020

Subject: ZBA-2-2020: 85 and 87 East Pike Creek RD (Sylva)

Recommendation

Council approve Zoning By-law Amendment Application ZBA-2-2020 (By-law No. 021-2020), Town of Lakeshore By-law 2-2012, as amended), to rezone a portion of the subject property from an RW1- Residential Waterfront - Watercourse Zone, to an EP-1, Environmental Protection Zone, Exception 1, to recognize the floodway and to rezone a portion of the subject property to an RW1-18 , Residential Waterfront –Watercourse Zone Exception 18, to permit a minimum lot area of 1,160 m² for 85 East Pike Creek Road and 1,025 m² for 87 East Pike Creek Road, indicated on the Key Map, Appendix 1, in the Town of Lakeshore.

Background

The subject property is located on the west side of East Pike Creek Road, south of County Road 2 (Old Tecumseh Road), in the Community of Maidstone (See Appendix 1).

The site is designated 'Residential' and 'Limit of Regulated Area' in the Town's Official Plan and is zoned (RW1, Residential Waterfront - Watercourse), which permits a single detached dwelling and accessory uses.

Recently, a provisional consent (File: B/14/2019) was granted to sever the property into two residential lots. In order to meet conditions of the provisional consent, the applicants have submitted an application to rezone the "floodway" to an EP-1, Environmental Protection Zone, Exception 1 zone, as directed by the Essex Region Conservation Authority and to recognize a minimum lot area of 1,160 m² for 85 East Pike Creek Road and 1,025 m² for 87 East Pike Creek Road.

Comments

Provincial Policy Statement

County Official Plan and Lakeshore Official Plan and Zoning By-law

Both the 2014 Provincial Policy Statement and the County and Town's Official Plan permit residential lot severances of this nature in Settlement Areas, provided the proposed residential lots comply with the Town's Zoning By-law 2-2012, as amended. A Minor Variance Application (File: A/16/2019) permitted a minimum lot frontage of 10 metres, whereby 23 metres was required. A variance was also approved for a minimum lot area of 1,250 m², whereby 1,400 m² was required. When the official survey was completed by the Applicant, it was confirmed by the surveyor and staff, that additional relief was required to permit a minimum lot area of 1,160 m² for 85 East Pike Creek Road and 1,025 m² for 87 East Pike Creek Road.

Conclusion

Staff recommend approval of the zoning by-law amendment as it is consistent with the Provincial Policy Statement and conforms to the County and Town of Lakeshore Official Plans. Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
 - (a) the person or public body that made the application;
 - (b) each person and public body that filed a written request to be notified of a refusal; and
 - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

Comment - At the time of writing, no additional information or studies were deemed necessary.

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

Comment - *There are no modifications that would substantially improve the application.*

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval).

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 and no concerns were expressed from any agencies.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachment(s): Appendix 1 – Key Map

Report Approval Details

Document Title:	ZBA-2-2020 Sylva.docx
Attachments:	- Key Map Appendix 1 - Sylva.pdf
Final Approval Date:	Feb 26, 2020

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

Tammie Ryall

Truper McBride