

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ayusha Hanif, Planner II

Date: July 21, 2021

Subject: Updated Zoning By-law Amendment ZBA-14-2021 – Forest Hill Phase 4B

Recommendation

Approve Zoning By-law Amendment Application ZBA-14-2021 (By-law 65-2021, Lakeshore By-law 2-2012), to increase the maximum lot coverage of Lots 62, 65, 67, 83, 86 and 94, 12M-654 as indicated as the “Subject Property”, on the Key Map, Appendix A, located in the Municipality of Lakeshore, from “Residential Low Density (R1) Zone” to “Residential Low Density Zone Exception 38 (R1-38)” to increase the maximum lot coverage from 35% to 40%.

Background

The applicant had previously applied for a zoning by-law amendment that was presented at the July 13th 2021 Council Meeting, to increase the maximum lot coverage of Lots 51 – 94 (incl.), 107 – 113 (incl.), 12M-654 from 35% to 55% in order to meet the demand of larger units including rear yard decks. However, the Essex Region Conservation Authority raised some concerns with regards to Stormwater management and a decision was not made on the application in order for the storm water management concerns to be addressed.

The applicant has now come forward with a revised zoning by-law amendment application to increase the maximum lot coverage of 6 lots of the Phase 4B of the Forest Hill Subdivision from 35% to 40%. The six lots are as following Lots 62, 65, 67, 83, 86 and 94, 12M-654. Please note, due to the decrease in the request for lot coverage increase and only requesting the increase for 6 lots, it is the opinion of administration that a notice for public meeting is not required under the *Planning Act* (subsections 34(12) and 34 (17).

Proposal

The proposed zoning by-law amendment application affects 6 lots of the Phase 4B of the Forest Hill Subdivision (see Appendix A). The lands are legally described as Lots 62, 65, 67, 83, 86 and 94, 12M-654.

The application wishes to increase the maximum lot coverage of the 6 lots from 35% to 40%.

Subject Land: (6 Lots of the Forest Hill Phase 4B) 364 Christine Ave., 360 Christine Ave., 354 Christine Ave., 339 Christine Ave., 333 Christine Ave., 317 Christine Ave.	Existing Use — Low density residential Proposed Use – Low density residential Access — access off of Christine Avenue Services — municipal water, municipal sewage
Neighbouring Land Uses:	North: Residential South: Residential East: Residential (future) West: Residential
Official Plan:	Residential
Existing Zoning:	Residential – Low Density

Comments

Provincial Policy Statement

The proposed development is consistent with the policies of the 2020 Provincial Policy Statement (PPS).

County of Essex Official Plan

The subject site is located within the primary settlement area in the County of Essex Official Plan. The proposed development is consistent with the County of Essex Official Plan policies for residential development.

Municipality of Lakeshore Official Plan

The site is designated Residential in the Lakeshore Official Plan. The development proposal conforms to the residential policies of the Lakeshore Official Plan.

Zoning By-law

The subject property is currently zoned R1, in the Lakeshore Zoning By-law 2-2012, as amended. A zoning by-law amendment application has been submitted to permit the following exceptions in the R1 zone for the subject property:

- To increase the maximum lot coverage from 35% to 40%.

All other requirements shall be in accordance with the General Provisions of the R1 Zone.

Regulations of the R1 Zone:

Zone Regulations	Residential – Low Density (R1)
Minimum <i>Lot Area</i>	500 m ²
Minimum <i>Lot Frontage</i>	15.0 m
Maximum <i>Lot Coverage</i> (including <i>accessory buildings</i>)	35%
Minimum <i>Landscaped Open Space</i>	30%
Minimum <i>Setbacks</i> (<i>main buildings</i>):	
Front Yard	7.5 m
Rear Yard	7.5 m
<i>Interior Side Yard</i>	1.5 m (where a private <i>garage</i> is <i>attached</i> or <i>detached</i> from the <i>main building</i>); or 3.0 m on one side and 1.5 m on the other side (where no private <i>garage</i> is <i>attached</i> or <i>detached</i> from the <i>main building</i>)
<i>Exterior Side Yard</i>	4.5 m
Maximum <i>Height</i> of <i>Buildings</i> and <i>Structures</i>	10.5 m

Examples of Other Municipalities in the County of Essex

Staff did a comparative analysis with other municipalities in the County of Essex and it was determined that other municipalities in comparable zones do allow for higher lot coverages typically up to 40% and some zone exceptions allow for greater than 45% lot coverages.

Correspondence from external and internal agencies

To address the concerns related to the increase in lot coverage a memo has been provided by the Stormwater engineer from Dillion Consulting dated July 21st, 2021(see Attachment C).

Essex Region Conservation Authority has also provided comments stating no concerns and that any future lot coverage increase will trigger the need for the Stormwater management report to be updated (Appendix D). Further, Further, Lakeshore engineering department had similar comments stating that should there be any future lot coverage increases (or any other changes that impact stormwater management) within this development, that the Stormwater management report would require updating.

Therefore Administration recommends that Council approve the zoning by-law amendment.

Conclusion

Administration recommends approval of the zoning by-law amendment, as it is consistent with the Provincial Policy Statement and conforms to the County of Essex and the Lakeshore Official Plans.

Based on the foregoing, Administration recommends that Council approve ZBA-14-2021 (By-law 65-2021) as per the Recommendation section of the 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 and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

Appendix A – Key Plan
Appendix B – Alternatives under the Planning Act
Appendix C – SWM Memo from Dillion Consulting
Appendix D – Comments from ERCA

Report Approval Details

Document Title:	Updated ZBA-14-2021 RE Forest Hill Phase 4B.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Key Map.pdf- Appendix B - Alternatives under the Planning Act.docx- Appendix C Forest Hills Phase 4B - Lot Coverage SWM Impact Letter.pdf- Appendix D - Comments from ERCA - July 27, 2021.pdf
Final Approval Date:	Aug 5, 2021

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

Aaron Hair

Tammie Ryall

Kristen Newman

Truper McBride