

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: May 10, 2023

Subject: Minor Variance Application A/18/2023 – 538 Blanchard Drive

Recommendation

Approve minor variance application A/18/2023 to permit 11% minimum landscaped open space on the subject property subject to the following condition:

1) That, if required by Community Planning following a required pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore.

Proposal

A 31,600 ft² building addition to an existing manufacturing building is currently under construction on the subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.7 (Employment Zone Regulations) to permit 11% minimum landscaped open space on the subject property, whereas the By-law requires 20% minimum landscaped open space in the General Employment (M1) zone.

Summary

Location

The subject property is located on the west side of Patillo Road, north of County Road 22, south of the VIA Rail Canada Inc. railway, known municipally as 538 Blanchard Drive (Appendix A). The subject property is approximately 12.06 acres in area with approximately 70 metres of frontage on Patillo Road and 260 metres of irregular frontage on Blanchard Drive.

Surrounding Land Uses

There are employment/manufacturing land uses west of the subject property and to the south fronting Blanchard Drive. North of the subject property is the VIA Rail Canada Inc.

railway lands and a 30 metre wide strip of land owned by the Municipality of Lakeshore. Beyond that is a low-density residential subdivision. East of the subject land, on the other side of Patillo Road are two single detached dwellings on a 7.78-acre parcel of land zoned mixed use that is mostly underutilized/vacant.

Official Plan

The subject property is designated “Employment” in the Official Plan.

Zoning

The entirety of the subject property is zoned “General Employment (M1)”

Conclusion

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Official Plan

The minor variance will maintain the general intent and purpose of the Official Plan. The subject property is located within the County Road 22 Special Planning Area. Development is therefore subject to Section 3.3.9 County Road 22 Mixed Use Corridor and Section 3.4.3 County Road 22 Corridor Special Planning Area.

Section 3.4.3 states the Municipality will ensure appropriate land use and built form compatibility between adjacent uses through transitions in building heights, massing, siting, landscaping and buffering measures. This section also requires development applications and land use decisions to be consistent with the County Road 22 Special Planning Area Design Guidelines. The design principles in the guidelines promote high quality urban design along the corridor, “greening” of the corridor, and ensure appropriate land use and built form compatibility between adjacent uses and established neighbourhoods.

The Employment Designation policies of Section 6.11.2 state that the provision of appropriate and adequate landscaping and/or other forms of buffering will be provided to: i) enhance all parking lots, and outdoor loading, storage, and service areas; and ii) provide separation between the use and any adjacent use, where appropriate.

The subject property does not front on County Road 22. It is located over 100 metres away from this right-of-way and is separated from it by other employment uses. At this location the parcel does little to promote “greening” of the corridor – even if it met or exceeded the minimum landscaped open space requirements. Furthermore, the residential subdivision to the north is approximately 70 metres from the subject property. The intervening space is heavily landscaped and consists of the VIA Rail Canada Inc.

right-of-way and a strip of grassed area owned by the Municipality of Lakeshore. Thus, a landscaped transition to nearby residential land uses already exists.

Blanchard Drive is a privately owned road that provides access to a number of industrial/employment lots located at the northwest corner of County Road 22 and Patillo Road. Landscaping along this street frontage is less vital to the urban design and “greening” of the corridor than the provision of landscaping along the subject property’s Patillo Road frontage. Patillo Road, in contrast, is a public road used by a variety of different travelers, and across this street from the subject property is a parcel zoned mixed use that could develop to support residential use in the future. The site plan drawing indicates an existing landscaped buffer adjacent to this lot line will be preserved which provides a landscaped gateway into the development. This landscaped space was observed during a site visit (Appendix C).

Section 7.3.3 of the Official Plan states that the Municipality will incorporate stormwater management requirements as a component of the development approvals process. The reduction of landscaped open space could have implications on previously approved stormwater management design for the building addition development. The applicant will be required to have a pre-consultation meeting with Municipal staff, which will likely result in them having to apply for a site plan amendment to address any storm water issues.

Zoning By-law

The purpose of the regulation requiring minimum landscaped open space is to minimize the impact between non-residential and residential land uses. It is to provide visual and spatial separation between uses associated with non-residential/industrial use and abutting residents. There is very little opportunity to provide landscaped open space north of the existing building given that it was constructed very close to the north lot line. The minor variance does not impact this existing situation, and the 70 metres of intervening space between the subject property and the subdivision to the north has provided the visual and spatial separation for those nearby residential properties since the building was first developed.

It appears the reduction in minimum landscaped open space is mostly due to the building addition currently under construction which displaced some of the grassed area west of the existing building adjacent to the west lot line. It is acknowledged that an industrial use – a non-sensitive land use – exists immediately west of the development.

Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. While the minor variance proposes to reduce the landscaped open space to 11%, there are no anticipated impacts or land use compatibility issues with permitting the request. As previously mentioned, reducing the landscaped open space as proposed will have little to no impact on the appearance of the County Road 22 streetscape and the reduction will be compatible with surroundings. In terms of existing standards, it is noted that other

employment/manufacturing uses in the immediate area have very little landscaped open space incorporated on their lots – 472 Blanchard Drive is one example which supports a public storage business. The applicant has expressed the following hardship in a memo provided to administration:

- The inclusion of landscaping space to the east and south of the existing building would involve removing 47 parking spaces in addition to 9 spaces near the main building entrance due to its reconfiguration.
- The large area south of the addition, is required for outdoor storage in relation to the new addition.
- Removing existing paved areas in the parking area as well as around the large bay doors will cause negative disruptions to the manufacturing processes: truck staging when deliveries are occurring on the East docks, truck and equipment staging during assembly line change overs.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

The following conditions should be imposed on any minor variance approval:

1) That, if required by Community Planning following a require pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies, comments received are summarized below.

The Operations Department has expressed that the applicant shall adhere to setbacks from the municipal drain outlined in Lakeshore’s Zoning By-law, and that all engineering comments on the proposal shall be addressed during site plan control. Full comments available in Appendix D.

Essex Region Conservation Authority (ERCA) commented that they previously reviewed the Stormwater Management Report and related plans associated with the development of the site, and their concerns with respect to stormwater management were adequately addressed. However, if any changes to the previously reviewed development are proposed, the property owner’s consultant will be required to review and reassess those

changes with respect to their potential impacts on stormwater management. If it is determined that additional stormwater management measures and/or modifications to the original report are required, it may be necessary for the owner to obtain a revision to their original approval. These comments will be addressed through the recommended condition imposed on the minor variance approval requiring a site plan amendment. Full comments available in Appendix E.

VIA Rail submitted their standard comments in response to the application. It is anticipated that the request for reduced landscaped open space will not have any impact on their operations. Full comments available in Appendix F.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject land. At the time of writing, no comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Photo
Appendix D – Operations Department
Appendix E – ERCA
Appendix F – VIA Rail

Prepared by:



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Planner I

Report Approval Details

Document Title:	A-18-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawing.pdf- Appendix C - Photo.pdf- Appendix D - Operations Department.pdf- Appendix E - ERCA.pdf- Appendix F - VIA Rail.pdf
Final Approval Date:	May 12, 2023

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

Kristina Brcic - May 12, 2023 - 10:15 AM