



## **The Corporation of the Town of LaSalle**

**To:** Members of the Committee of Adjustment

**Prepared by:** Ryan Tufts, Planning Technician

**Department:** Development & Strategic Initiatives

**Date of Report:** January 12, 2022

**Report Number:** DS-04-21

**Attachments:** Figure 1- Aerial, Figure 2- Site Plan, Figure 3- Site Plan for Minor Variance

**Subject:** B-16-21 and A-14-21

**Application for Consent:** B-16-21 and A-14-21

**Application on Behalf of:** Mark and Margaret Marcotte

**Location of Application:** 165 and 171 Riverview Avenue

### **Purpose & Effect of Application**

#### **B-16-21**

The subject lands are zoned a Residential One (R1 and R1-2), according to Zoning By-Law No. 8600.

The applicant wishes to sever a parcel of land with a frontage of 24 metres and a depth of approximately 21 metres having an area of approximately 505 m<sup>2</sup>.

The retained parcel of land will have a frontage of approximately 24 metres and a depth of approximately 21 metres, having an area of approximately 505 m<sup>2</sup>.

If the application is successful, the applicant wishes to create one new lot.

#### **A-14-21**

The subject lands are zoned a Residential One (R1 and R1-2), according to Zoning By-Law No. 8600.

The Applicant is seeking relief from the provisions of Subsection 4.1 g) of By-Law No. 8600, to allow a reduced rear yard depth from 7.5 metres to 6 metres.

## Report

B-16-21

### Provincial Policy Statement:

The Provincial Policy Statement (PPS), provides direction on matters of provincial interests as they relate to planning and development. In reviewing the proposed severance of this site, the proposed severance/intensification is in keeping with the character and built form of the surrounding neighbourhood and it is an efficient use of existing municipal services. It is my opinion that the severance of this lot is in keeping with the policies outlined below.

The following are relevant sections of the Provincial Policy Statement that were considered as they relate to the proposed development;

- i) In section 1.0 of the PPS it states that “Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, live able, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”
- ii) In section 1.1.2 of the PPS it states “within settlement areas, sufficient land shall be made available through intensification and redevelopment...”
- iii) In section 1.4.3 of the PPS it states that “Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
  - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
  - e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

In the County of Essex Official Plan, the subject lands are located within a “Settlement Area” designation. It is my opinion that the severance of this lot is in keeping with the policies and the goals of this upper tier plan.

The following are relevant sections of the County OP that were considered as they relate to the proposed development;

- i) In sections 3.2.2 of the County OP, goals for land designated as “Settlement Area” are set out and include the following:
  - a) Support and promote public and private re-investment in the Primary Settlement Areas.
  - e) To require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities including schools as provided for in the growth management policies contained within this Plan.
- ii) In sections 3.2.4 of the County OP, goals for lands in the “Primary Settlement Areas” are as follows:
  - a) Primary Settlement Areas shall be the focus of growth and public/private investment in each municipality.
  - b) Primary Settlement Areas shall have full municipal sewage services and municipal water services and storm water management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).
  - h) All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans.

#### Town of LaSalle Official Plan

The Official Plan for the Town of LaSalle designates the lands subject to this application as a “Residential District”.

It is my opinion, based on the policies below, the proposed severance is in keeping with the policies and the intent of the approved Official Plan of the Town of LaSalle.

1. Section 4.7 of the Official Plan contains policies for the “Residential District Designation” as follows:

#### Intent

- a) An array of housing and building types, as well as uses that support neighbourhood living, are encouraged throughout the Residential District Designation.

#### Permitted Uses

- b) Lands within the Residential District Designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. The following uses may be permitted on lands within the Residential District Designation, as shown on Schedule B: Land Use Plan, subject to the policies of this Section:
  - i) Dwelling units in low-rise, mid-rise and high-rise built forms;

2. Section 5.2 of the Official Plan contains “Urban Area Use Specific Policies” as follows:

#### Urban Area Use Specific Policies

- a) In addition to all the other applicable policies of this Plan, the following land use specific policies shall also apply throughout the Urban Area Land Use Designations, where the use is permitted:
  - ii) Policies for Low-Rise Residential Development – The following criteria apply to all low-rise residential development:
    - Built-forms that are considered low-rise residential include:
      - Detached, duplex, and semi-detached dwellings;
      - Second units; and,
      - Street and block townhouse dwellings;

The creation of one new infill lot will efficiently utilize existing services and meets the objectives of both the Upper and Lower Tier Official Plan documents. The proposed infill lot and the retained lot exceeds the requirements of Zoning By-Law 8600.

It should be noted that when the alley was closed and purchased, it merged the property together.

There is also an 8' portion of closed right of way in front of this property that is still in the municipalities ownership. Prior to issuance of a certificate the owner will need consult with municipal solicitor to determine the mechanism to complete the purchase of 8' portion of land and combine it accordingly.

It is my opinion that the proposed severance conforms to the applicable Provincially approved Official Plan policies of the County of Essex and the Town of LaSalle; the implementing Zoning By-Law 8600 and is deemed appropriate for these lands.

A-14-21

When evaluating the merits of individual Minor Variance applications, the Committee of Adjustment should apply each of the following four (4) tests:

1. Does the application conform to the general intent and purpose of the applicable Official Plan policies?
2. Does the application maintain the general intent and purpose of the applicable Zoning By-law? (This test requires an understanding as to the nature and purpose of the regulations in effect as adopted by Council).
3. Will the relief that is being applied for result in an appropriate development of the subject property?
4. Is this application minor in nature? (Minor does not mean a mathematical calculation- ex. A 10% variance, but rather should be assessed on the basis of the impact that the requested change would have on abutting lands. Will an adverse impact be created as a result of this application being approved? If it will have an adverse impact, it should not be viewed as being minor in nature).

As the Committee is aware, before granting approval to a minor variance application, the Committee must be satisfied that all four of these tests have been met.

The following comments are offered with respect to this application:

- The applicant has requested the variance as they have a potential purchaser whose house design requires a larger lot.
- It should be noted that there is an easement to the rear of the property. No structures or overhangs can be constructed or placed on or over the easement
- If the potential builder decides to construct a deck as part of their new home, they are only able to encroach into the required rear yard 4 metres.

## **Consultations**

The subject application was circulated to the Essex Regional Conservation Authority (ERCA), the County of Essex, to the local school boards, and to several utility companies.

## Recommendation

That whereas the Consent is consistent with the general intent and purpose of the Official Plan and the implementing Zoning By-law, as amended from time to time, and having heard all comments and concerns from the public, agencies, and Town Staff, be it therefore resolved that Application B-16-21 File #4128 be approved subject to the following:

1. THAT one (1) paper copy and one (1) digital copy in .DWG format of a reference plan depicting the subject lands, which has been prepared by an Ontario Land Surveyor and which has been signed, numbered, dated and registered be submitted to the Secretary-Treasurer;
2. THAT the Applicant enter into a Severance Agreement with the Town, pertaining to the subject lands, to be registered on title at the entire cost of the Applicant, including, but not limited to such matters as servicing, drainage, fees and other matters as they relate to the development of the lands;
3. THAT the Applicant prepare lot grading and servicing plans prepared by a Professional Engineer for the severed and retained lands to the satisfaction of the Town Engineer;
4. That the Applicant provide a copy of the deed indicating the Owner has successfully obtained the 8' portion of right of way;
5. THAT all of the above conditions be fulfilled on or before January 26<sup>th</sup>, 2023.

That whereas the Minor Variance, is consistent with the general intent and purpose of the Official Plan and the implementing Zoning By-law, as amended from time to time, and having heard all comments and concerns from the public, agencies, and Town Staff, be it therefore resolved that Application A-14-21 File # 4129 be approved subject to the following conditions:

1. THAT one (1) paper copy and one (1) digital copy in .DWG format of a reference plan depicting the subject lands, which has been prepared by an Ontario Land Surveyor and which has been signed, numbered, dated and registered be submitted to the Secretary-Treasurer;
2. THAT file B-16-21 be approved,
3. THAT all of the above conditions be fulfilled on or before January 26<sup>th</sup>, 2023

Prepared By:



Planning Technician

Ryan Tufts, Planning Technician

### Reviewed By



Allen Burgess, MCIP, RPP  
Supervisor of Planning & Development Services  
Town of LaSalle

I have reviewed and support the recommended decision.

### Link to Strategic Goals

1. Enhancing organizational excellence - Not Applicable
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Not Applicable
4. Build on our high-quality of life - Not Applicable
5. Sustaining strong public services and infrastructure - Not Applicable

### Communications

Notices given by local newspaper and notifications pursuant to the Planning Act.

### Notifications

*\* Not Applicable.*

**Report Approval Details**

Document Title:	B-16-21 and A-14-21.docx
Attachments:	<ul style="list-style-type: none"><li>- Figure 1 Marcotte.pdf</li><li>- Figure 2 Marcotte.pdf</li><li>- Figure 3 Marcotte.pdf</li></ul>
Final Approval Date:	Jan 20, 2022

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



Supervisor, Planning and Development

Allen Burgess