

# Planning Justification Report

**Lots 67, 68, and 69**

**156 Maud St, Port Stanely**

**Municipality of Central Elgin**

A. Waz and V. Anastase



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## Table of Contents

1	Introduction.....	1
1.1	Subject Lands.....	1
1.2	Surrounding Land Uses .....	4
2	Proposed Development.....	8
3	Existing Planning Policies .....	10
3.1	2020 Provincial Policy Statement .....	10
3.2	County of Elgin Official Plan (2015).....	11
3.3	Municipality of Central Elgin .....	12
3.3.1	Official Plan (2023) .....	12
3.3.2	Village of Port Stanley Zoning By-Law 1507 (1968).....	16
4	Supporting Studies .....	18
4.1	Geotechnical Assessment .....	18
4.2	Servicing Design Brief .....	18
5	Conclusion .....	19

## List of Figures

Figure 1.	The subject lands, Lots 67, 68, and 69, and surrounding area.....	2
Figure 2.	June 2023 Google Streetview, looking south, showing the subject lands from Maud St. ....	3
Figure 3.	June 2023 Google Streetview, looking north, showing the subject lands from Maud St. ....	3
Figure 4.	The subject lands, looking south from Maud St, are currently vacant, as pictured in December 2023.....	4
Figure 5.	Streetscape to the north of the subject lands, fronting Maud St. (Google Streetview June 2023) .....	5
Figure 6.	Streetscape to the south of the subject lands, fronting Maud St. (Google Streetview June 2023) .....	6
Figure 7.	Streetscape to the north-east of the subject lands, fronting Maud St. (Google Streetview June 2023) .....	6
Figure 8.	Streetscape to the south-east of the subject lands, fronting Maud St. (Google Streetview June 2023) .....	7
Figure 9.	Streetscape to the west of the subject lands, fronting Bessie St. (Google Streetview June 2023) .....	7

Figure 10. Surrounding Area Context, with the subject lands shown as a red star. .... 8  
Figure 11. Proposed Site Plan for Lot 67. .... 9  
Figure 12. Conceptual rendering of the proposed single detached home. The elevations would be mirrored for Lot 68. ....10  
Figure 13. Official Plan of the Municipality of Central Elgin, Schedule “G3” Community of Port Stanley Greater Harbour Area Land Use Plan, with subject lands denoted as a red star. ....12  
Figure 14. Official Plan of the Municipality of Central Elgin, Schedule “G2” Community of Port Stanley Natural Hazards, with subject lands denoted as a red star. ....14  
Figure 15. Required floodproofing elevations for the subject lands (Zone C), per the June 2022 “Port Stanley Floodproofing Elevations and Development Guides” study completed by True Consulting for the Kettle Creek Conservation. ....15

## List of Tables

Table 1. Proposed Zoning By-Law Amendment Special Provisions .....17

# 1 Introduction

The property owners, A. Waz and V. Anastase, are proposing to develop the subject properties, Lots 67, 68, and 69, municipally known as 156 Maud St in the Community of Port Stanley (the “subject lands”), with the construction of a new two storey residential dwelling on each lot, which will include a laneway to accommodate two off-street parking spaces on each lot.

In order to develop the property, a Zoning By-Law Amendment is required to the Village of Port Stanley Zoning By-Law (No. 1507).

This report has been prepared as part of the Zoning By-Law Amendment application to provide an overview of the properties, surrounding area, relevant planning framework, and proposed planning application.

## 1.1 Subject Lands

The subject lands are located on the west side of Maud Street, south of the intersection with Erie Street, in the Community of Port Stanley. The lots legally described as Lots 67, 68, and 69 on Plan 176, Municipality of Central Elgin, County of Elgin, are municipally known as 156 Maud St. Each lot is considered a standalone parcel. The legal opinion regarding the lot status is provided as part of the complete application submission.

The subject lands are comprised of three rectangular shaped parcels, each with an approximate frontage of 12.19 m (40 ft) and a lot depth of 15.24 m (50 ft), as shown in Figure 1. The subject lands are generally flat. A 1.5 storey home (with a building footprint of 100 m<sup>2</sup>) and detached two car garage (with a building footprint of 60 m<sup>2</sup>) previously spanned Lots 67, 68 and 69, as shown in Figure 1, Figure 2, and Figure 3, and were demolished in December 2023. The subject lands are currently vacant, as shown in Figure 4.

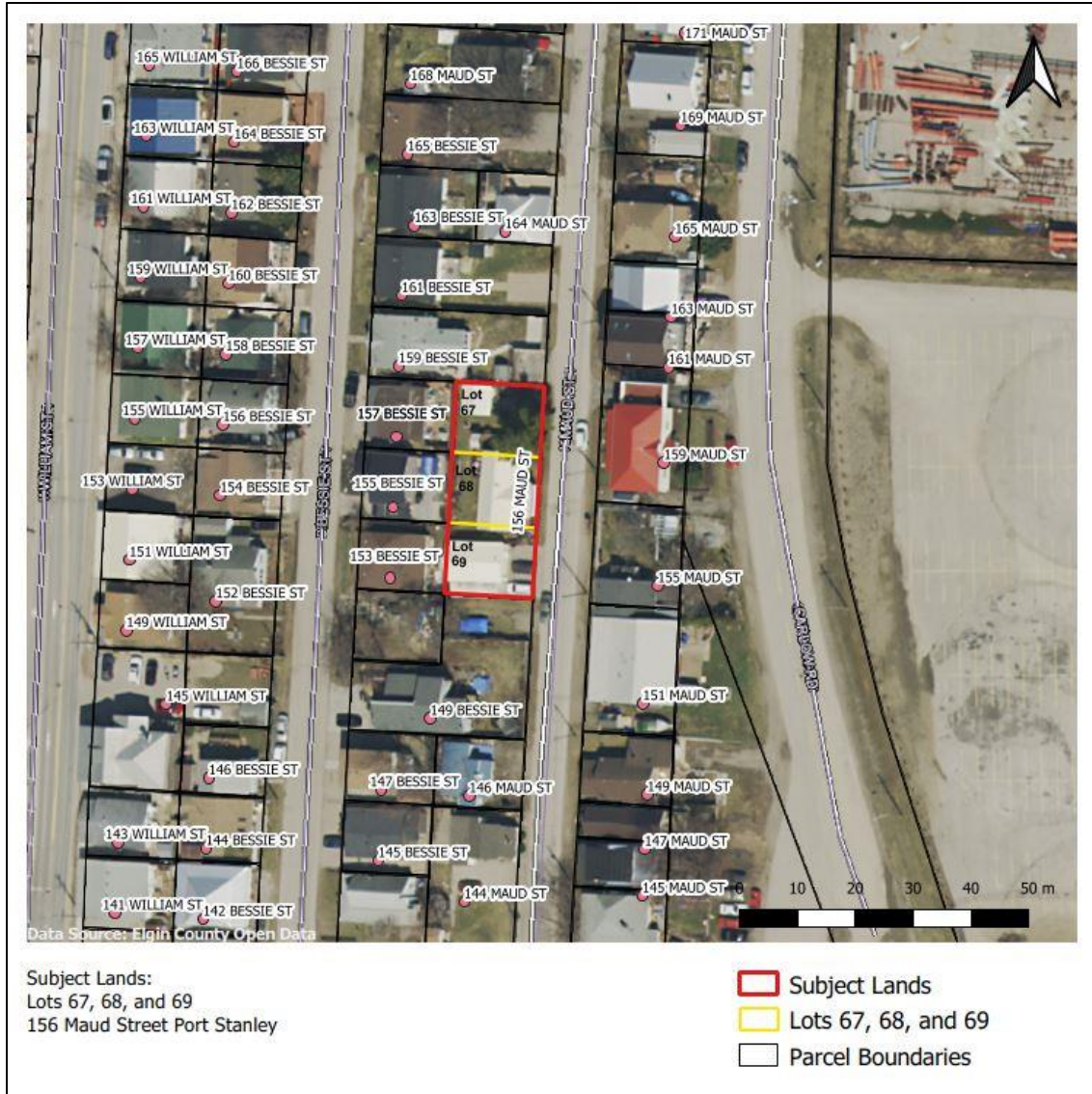


Figure 1. The subject lands, Lots 67, 68, and 69, and surrounding area.



Figure 2. June 2023 Google Streetview, looking south, showing the subject lands from Maud St.



Figure 3. June 2023 Google Streetview, looking north, showing the subject lands from Maud St.



*Figure 4. The subject lands, looking south from Maud St, are currently vacant, as pictured in December 2023.*

## 1.2 Surrounding Land Uses

Uses surrounding the subject lands are low density residential to the north, south, east, and west, as seen Figure 1. The residential lands are comprised of single detached dwellings, some of which are used seasonally. These dwellings range in height and include a mix of one storey, one-and-a-half-storey, two-storey homes, as well as a three-storey home. A majority of the adjacent dwellings are clad in horizontal and vertical siding. Lands to the north, south, and west of the subject property are of an older built form, while the lands to the east include properties of an older built form, as well as contemporary properties which are more recently built.

The lands to the north of Lots 67, 68 and 69 consists of a yard and parking for a one storey home of an older built form which fronts on Bessie St (159 Bessie St). The streetscape to the north of the subject lands is shown in Figure 5.

The lands to the south of Lots 67 to 69 consists of a yard and parking for a raised one storey home of an older build form which fronts on Bessie St (149 Bessie St). The streetscape to the south of the subject lands is shown in Figure 6.

Properties to the east of the subject lands, fronting on the west side of Maud St, include a two-storey home of a contemporary built form (161 Maud St), a two-storey home of older built form (159 Maud St), a one-storey home of older built form (155 Maud St), and a one-storey home of an older built form (153 Maud St). The streetscape to the east of the subject lands is shown in Figure 7 and Figure 8.

The lands to the west of Lots 67 to 69 consists of homes of an older built form which front on Bessie St and include a one storey home (157 Bessie St), a two-storey home (155 Bessie St), and a one-storey home (153 Bessie St). The streetscape to the west of the subject lands is shown in Figure 9.



*Figure 5. Streetscape to the north of the subject lands, fronting Maud St. (Google Streetview June 2023)*





Figure 6. Streetscape to the south of the subject lands, fronting Maud St. (Google Streetview June 2023)



Figure 7. Streetscape to the north-east of the subject lands, fronting Maud St. (Google Streetview June 2023)



Figure 8. Streetscape to the south-east of the subject lands, fronting Maud St. (Google Streetview June 2023)

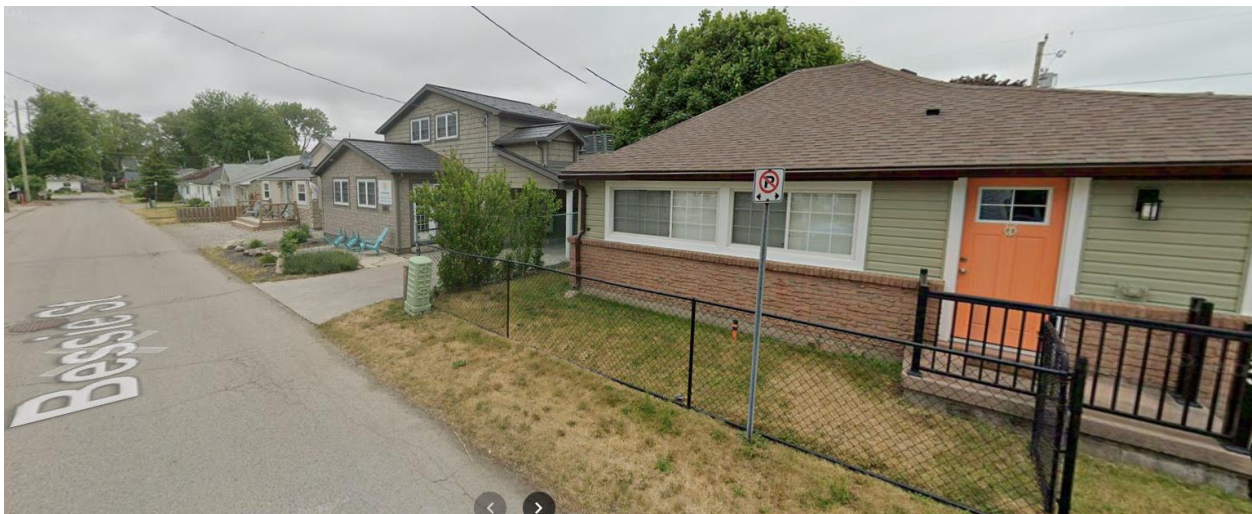


Figure 9. Streetscape to the west of the subject lands, fronting Bessie St. (Google Streetview June 2023)

In the broader context, Figure 10 shows the subject lands and 400m and 800m radii from the subject lands, representing walking distances of approximately 5 and 10 minutes respectively. The subject lands are located on a 'local' street classification. The subject lands are surrounded by a range of land uses including residential, commercial, light industrial, and open space. In the vicinity of the subject lands, low density residential uses take the form of single-detached dwellings. Commercial uses such as restaurants and stores are found along William St and George St. Light industrial use south east of the property consists of McAsphalt Industries. Surrounding open spaces uses include Hofhuis Park, Why Not Park, and Port Stanley's Main Beach.

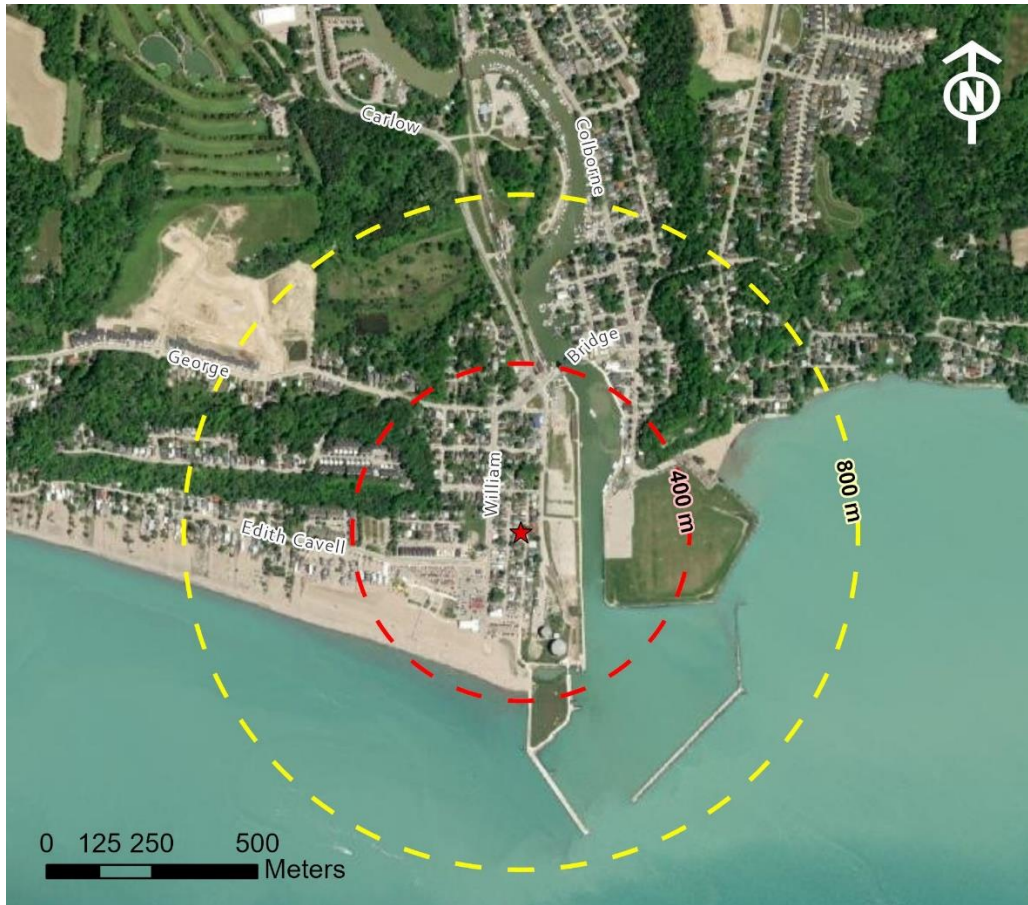


Figure 10. Surrounding Area Context, with the subject lands shown as a red star.

## 2 Proposed Development

Each lot is proposed to be developed to accommodate one two-storey single family home, with a private laneway to accommodate two tandem off-street parking spaces. Figure 11 includes the proposed site plan for Lot 67, with the proposed laneway to the north of the structure. The proposed site plan for Lot 68 is a mirror image of Lot 67. The proposed site plan for Lot 69 is the same as Lot 67.

The site plan addresses the parking challenges in the Maud Street and Bessie St area by providing two tandem off-street parking spaces for each lot. The laneway is proposed on the north part of Lot 67 as the adjacent land use is also a laneway on the neighboring property, allowing for improved sight lines for each property, minimizing the impact on the adjacent property and promoting safe movement between sites for pedestrians, cyclist, and motorists. Similarly, a mirrored site plan for the interior Lot 68 allows for improved sight lines from the laneways for Lot 68 and 69.

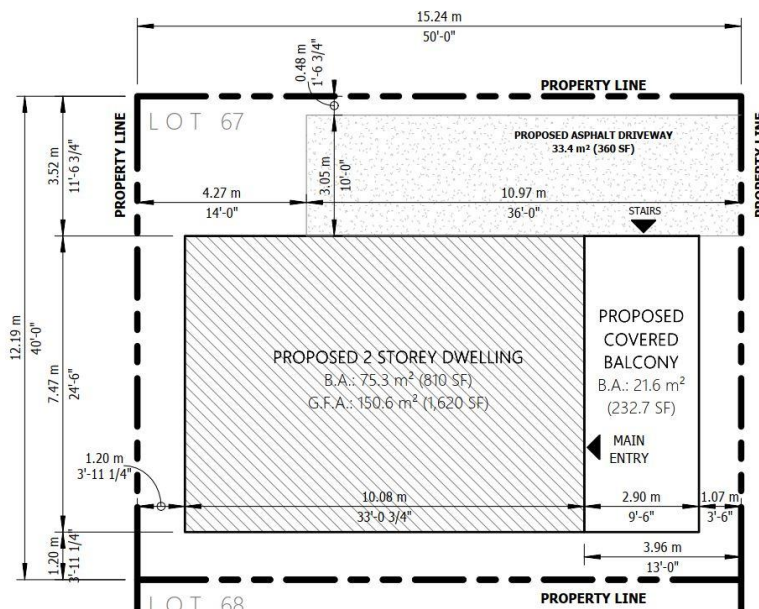


Figure 11. Proposed Site Plan for Lot 67.

The proposed two storey dwelling measures 10.08 m by 7.47 m, for a building footprint of 75.3 sq. m (810 sq. ft), and a gross floor area of 150.6 sq. m (1,620 sq. ft). A 2.9 m wide covered, unenclosed, porch and balcony span the width of the dwelling on the east side of the home, facing Maud St. The proposed lot coverage is 41% for the main building, or 52% for the main building and porch, coverages which are consistent with the existing residential developments within the Maud Street and Bessie Street area.

A 1.20 m rear yard setback is proposed. Side yard setbacks of 1.2 m and 3.52 m are proposed. The proposed front yard setback is 3.97 m to the dwelling, and 1.07 m to the porch. These proposed setbacks leave adequate separation for access and maintenance of the new dwelling without encroaching onto the neighboring properties. The proposed setbacks are consistent with setbacks being applied to existing and new residential developments in the Maud and Bessie St area. For example, located to the northeast of the subject lands, 161 Maud St and 163 Maud St have been developed in the last 10 years. Through a zoning by-law amendment, the two-storey dwelling at 161 Maud St (built in approximately 2014) includes a 2.9 m front yard setback, 1.07 m side yard setbacks, and 1.96 m rear yard setback. Through a zoning by-law amendment, the three-story dwelling at 163 Maud St (built in approximately 2020) includes a front yard setback of 1.0 m, side yard setbacks of 1.07 m, and a rear yard setback of 1.4 m.

A conceptual rendering is provided in Figure 12. Conceptual cladding materials are proposed to be horizontal siding, however, the final materials and colors will be determined as part of the building permit approval process. Siding is the most common cladding material in the Maud Street and Bessie Street area. The final materials and

colors would vary between each lot to diversify the building facades, adding to the character of the existing neighborhood.

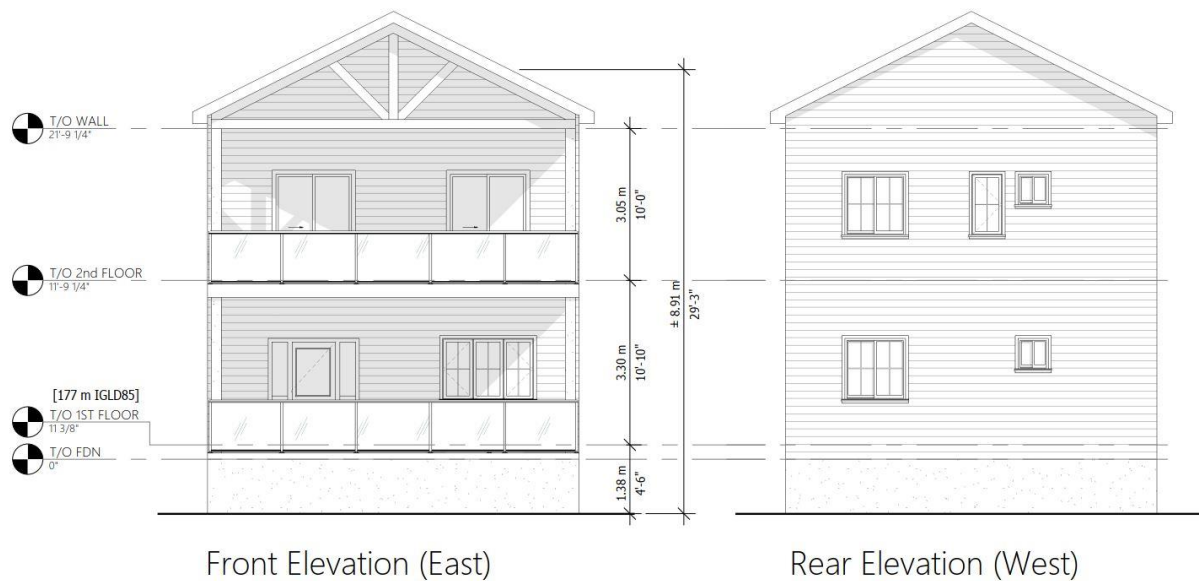


Figure 12. Conceptual rendering of the proposed single detached home. The elevations would be mirrored for Lot 68.

### 3 Existing Planning Policies

The proposed development is guided by a range of provincial and municipal legislation, policies, plans, and by-laws. This section outlines the applicable land use planning framework and how the proposed development adheres to these policies.

#### 3.1 2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, “provides policy direction on matters of provincial interest related to land use planning” to ensure efficient use and management of land, infrastructure, and resources. Planning applications, including Zoning By-Law Amendment applications, are required to be consistent with these policies.

An analysis of applicable 2020 PPS policies is provided below:

- The subject lands are located within an existing urban settlement area, which are a focus of growth and development (Section 1.1.3.1)
- The development of underutilized lots (Lots 67, 68, and 69) within built up areas represents a form of residential intensification which is promoted in the PPS, and which also represents an efficient use of land (Section 1.1.3.3 and 1.1.3.2)
- The subject lands have existing municipal sewage and water services, and as such the proposed development promotes efficient and cost-effective

development by optimizing the use of existing services (Sections 1.1.1 e and 1.6.6.2)

- The proposed development is a compact, efficient form of housing, contributing to housing supply (Section 1.4.1)
- The proposed development includes flood proofing measures that will be incorporated into the building design in accordance with the Kettle Creek Conservation Authority's updated 2022 floodproofing elevations, preparing for the regional and local impacts of a changing climate (Section 1.1.1 i)

The proposed development is consistent with the applicable policies of the 2020 PPS.

### 3.2 County of Elgin Official Plan (2015)

The subject lands are within a Tier 1 Settlement Area as per Schedule 'A' - Land Use of the County of Elgin Official Plan (2015). Section C1 of the Official Plan outlines objectives for residential, commercial, and employment areas within settlement areas. Under Section C1.3.2 General Policies, the County supports residential intensification and redevelopment within settlement areas. Section C1.1.1 includes objectives such as:

- the maintenance and enhancement of the character of existing residential areas;
- the efficient use of existing infrastructure by supporting residential intensification; and
- increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development.

As part of the County of Elgin's Official Plan Review, the Draft Elgin County Official Plan was released for public review in March 2023. The subject lands continue to be located within a Tier 1 Settlement Area as per updated mapping in Schedule 'A'. Section 6.7 regarding development in Tier 1 Settlement Areas includes policies where new development should serve as a logical extension of the existing built up area, be compact, and minimize the consumption of land and infrastructure.

The proposed development conforms to the policies of the County of Elgin Official Plan. The proposed development:

- is located within the existing built-up area in Port Stanley;
- is compact and minimizes land consumption;
- maximizes the use of existing infrastructure and services;
- represents a gentle form of residential intensification; and
- the proposed low density residential development maintains compatibility with the surrounding low density residential land use.

### 3.3 Municipality of Central Elgin

#### 3.3.1 Official Plan (2023)

The subject lands are within the Port Stanley Urban Settlement Area, as per Schedule “1” - Land Use Structure of the Official Plan of the Municipality of Central Elgin. The subject lands fall within the “Harbour Area Plan Limits” and are further designated as “Harbour Low Density Residential” and are within the “Maud Street/Bessie Street Special Policy Area” per Schedule “G3” Community of Port Stanley Greater Harbour Area Land Use Plan (Figure 13). The “Harbour Low Density Residential” designation extends to include lands to the north, east, south and west of the subject lands.



Figure 13. Official Plan of the Municipality of Central Elgin, Schedule “G3” Community of Port Stanley Greater Harbour Area Land Use Plan, with subject lands denoted as a red star.

Section 2.3 of the Official Plan provides goals regarding housing, including the encouragement of residential intensification within built-up areas and utilization of existing infrastructure. Per Section 2.3.2, residential intensification “means the development of a property, site or area at a higher density than currently exists through redevelopment (including the reuse of brownfield sites); the development of vacant and/or underutilized lots; infill development; and, the expansion or conversion of

existing buildings.” The proposed development is a gentle form of residential intensification, making use of vacant/underutilized lots within a built-up area. Section 2.3 also encourages housing that is climate resilient. The proposed development is climate resilient as it includes flood proofing measures in accordance with the Kettle Creek Conservation Authority’s updated 2022 floodproofing elevation of 177.0m IGLD85.

Section 2.3.2 provides specific policies for residential intensification including only supporting residential intensification in built-up areas of urban settlement areas, and only permitting residential intensification where full municipal sewer and water services exist. The proposed development is consistent with these policies.

The subject lands fall within the “Shoreline Flood Hazard Limit (Climate Change)” per Schedule “G2” Community of Port Stanley Natural Hazards (Figure 14). Section 3.2.1 provides specific policies for areas within natural hazards designations, including that uses permitted in the natural hazard designation shall be the same as those permitted in the underlying land use designation, and that within the natural hazard designation, building/structures/additions require approval from the Municipality and the conservation authority having jurisdiction in the area. Per Section 3.2.4, lands within the regulatory flood uprush shall incorporate floodproofing standards to the satisfaction of the Municipality and the Kettle Creek Conservation Authority, using the most current technical studies for the flood uprush elevations. The proposed development is consistent with these policies. Floodproofing standards have been applied to the building design using the most current technical studies for the flood uprush elevations, namely, the June 2022 “Port Stanley Floodproofing Elevations and Development Guides” study completed by True Consulting for the Kettle Creek Conservation



Authority, which requires a floodproofing elevation of 177.0m IGLD85 for the subject lands (Figure 15).

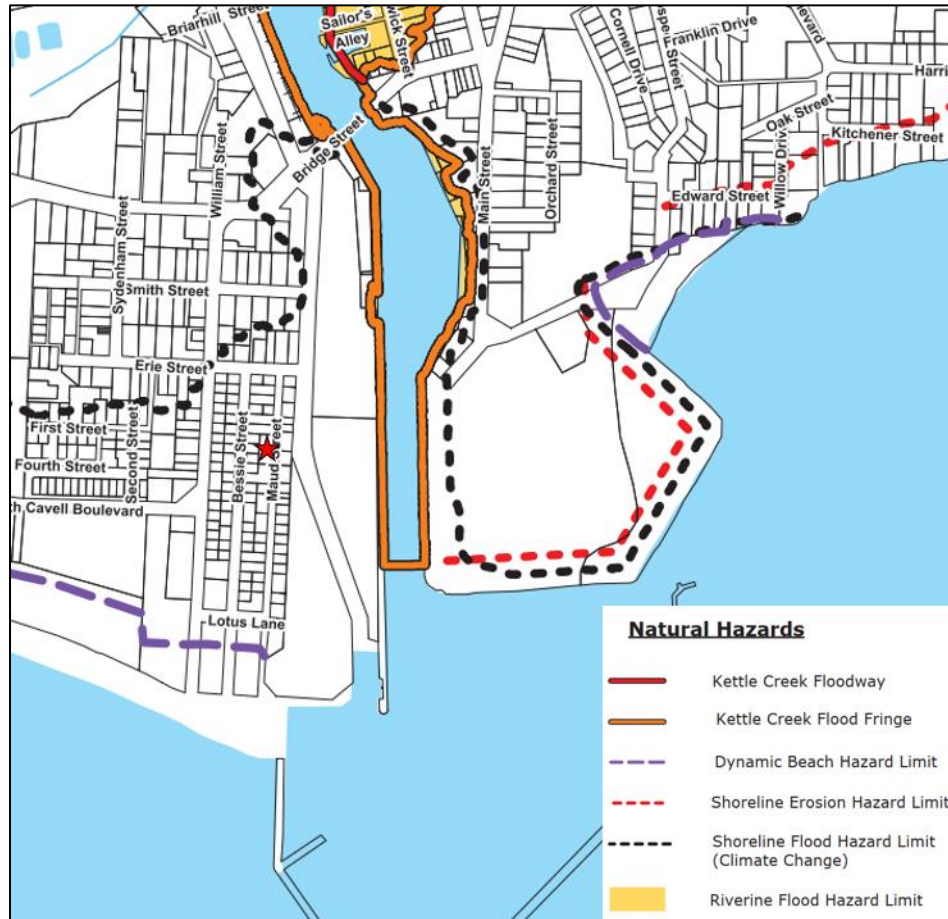


Figure 14. Official Plan of the Municipality of Central Elgin, Schedule "G2" Community of Port Stanley Natural Hazards, with subject lands denoted as a red star.

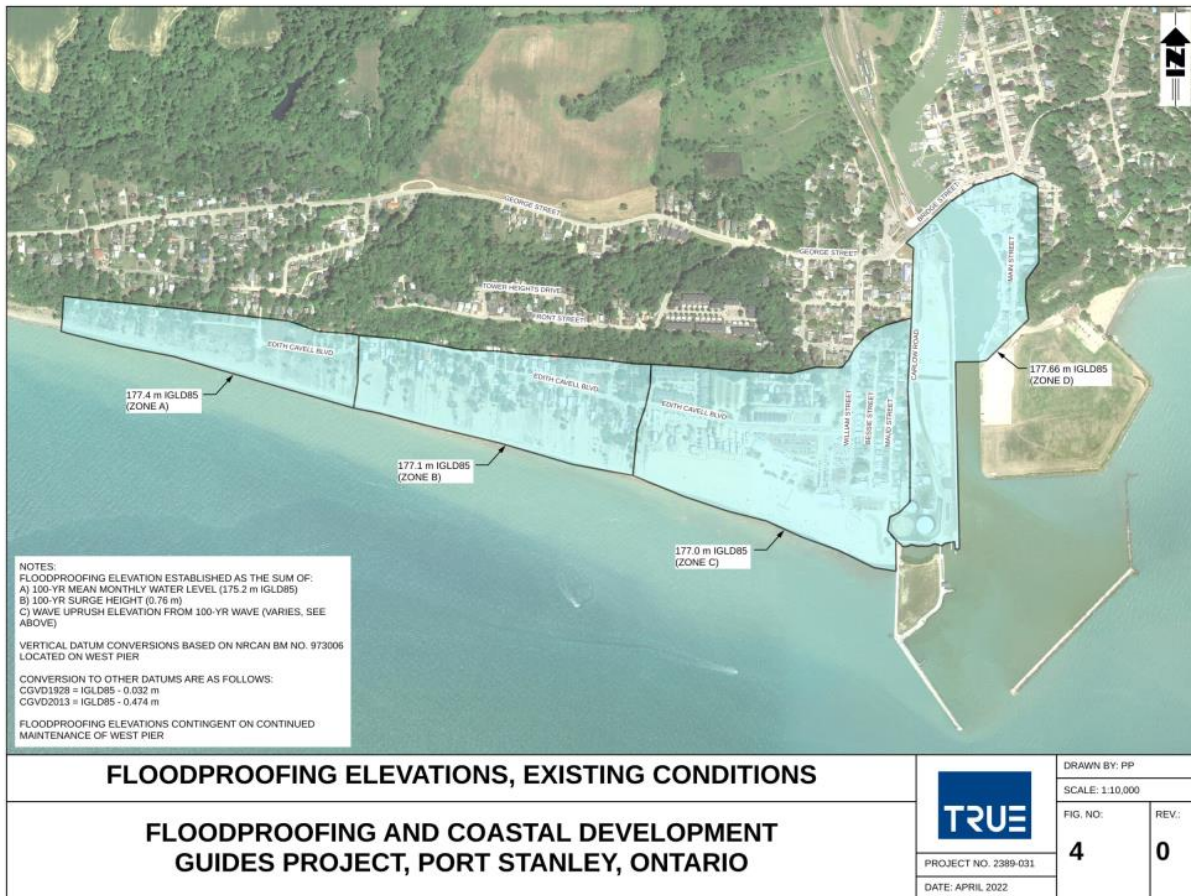


Figure 15. Required floodproofing elevations for the subject lands (Zone C), per the June 2022 “Port Stanley Floodproofing Elevations and Development Guides” study completed by True Consulting for the Kettle Creek Conservation.

Section 4.7.6.4 provides specific goals and policies related to Port Stanley Harbour Area. Section 4.7.6.4b provides general land use permissions within the Harbour Area, including the “replacement and expansions to existing legal uses, buildings and structures in conformity with the policies of the Official Plan.” The proposed development, a single family home on each lot, replaces the previous legal use of the subject lands as a single family home spanning across three lots.

Section 4.7.6.4g speaks specifically to “Harbour Low Density Residential” designations, whose planned function is low-density, ground oriented housing. The proposed development is consistent with the permitted uses which include “residential single detached dwellings, semi-detached dwellings, an accessory apartment in a single detached or semi-detached dwelling, duplex dwellings and cottage conversions to single detached dwellings. The permitted density and scale for housing is up to a maximum density of 22 units per net hectare. In many instances, the existing lots within the Maud Street / Bessie Street area are inadequate to comply with this density.

Regarding density, one single family home (one dwelling unit) is being proposed on each lot within the subject lands, consistent with the existing low-density housing pattern within the area.

Further, Section 4.7.6.4m provides policies specific to the Main Street/Bridge Street Adjacent lands and the Maud Street/Bessie Street Special Policy areas. A high standard of building and landscape design is encouraged for new development/redevelopment, cottage conversions and/or community improvements/renovations to existing development to ensure compatibility with surrounding land uses and enhancement of the overall character of the Port Stanley community. The proposed development maintains a high standard of building design, utilizing built form and materials similar to surrounding homes. Through the zoning by-law and site plan approval process, council shall ensure that the height and scale of new development/redevelopment is compatible with surrounding land uses. The proposed two-storey height of the development is compatible with surrounding building heights, which include a mix of single storey, one and a half storey, two storey, and three storey homes. As part of this Zoning By-Law Amendment application, the proposed two-storey height of the development is consistent with these policies.

### 3.3.2 Village of Port Stanley Zoning By-Law 1507 (1968)

The subject lands are currently zoned "Open Space Zone 3 (OS3)" in the Village of Port Stanley Zoning By-law No. 1507. Within the Open Space Zone 3, permitted uses include, among others, summer cottages as well as residential uses which lawfully exist on the day of passing of the by-law. The lots do not comply with the requirements of the Open Space Zone 3 (OS3); however the lots predates the zoning by-law. The existing zone on the subject lands does not permit the proposed development; as such, a Zoning By-Law Amendment is being sought to re-zone the "Open Space Zone 3 (OS3)" to a special provision "Residential Zone 1 (R1- ( ))", to permit the proposed development.

#### 3.3.2.1 Zoning By-Law Amendment

Special provisions for the proposed "Residential Zone 1 (R1- ( ))" are included in Table 1, including information on how the special provisions are applied to the proposed concept plan shown in Figure 11 and Figure 12.

Table 1. Proposed Zoning By-Law Amendment Special Provisions

	<b>Existing Regulations</b> Open Space Zone 3 (OS3)	<b>Proposed Regulation</b> Residential Zone 1 (R1-( ))”
Permitted Uses	Farm use; Private, public and commercial recreational uses and, without limiting the generality of the foregoing, may include a clubhouse, restaurant, marina or similar uses; Summer cottages; Residential uses which lawfully exist on the day of the passing of this by-law; Home occupations and accessory uses	Residential uses
Permitted Buildings and Structures	Buildings and structures for the permitted uses	Buildings and structures for the permitted uses – single family detached dwelling
Minimum Lot Area	4000 sq ft	185 sq m (existing condition) (2000 sq ft)
Minimum Lot Frontage	40 ft	12.19 m (40 ft)
Minimum Lot Depth	100 ft	15.24m (50 ft)
Maximum Lot Coverage	25% max for main building; 8% max for accessory buildings	41% maximum for the main building; 52% maximum for the main building and porch
Front Yard Setback	25 ft	3.96 m (13 ft) to front of exterior wall; 1.07 m (3.5 ft) to the front of porch
Side Yard Setbacks	10 ft	South side yard: 1.2 m (3.94 ft)* North side yard: 3.52 m (11.56 ft)*
Rear Yard Setback	Equal to the height of the main building	1.2 m (3.94 ft)
Maximum Height	2 storey maximum for the main building	2 storey maximum for the main building
Maximum Floor Area Ratio	0.40	0.81
Off Street Parking	1 space per summer cottage; 1.5 spaces dwelling unit	2 space per dwelling unit

\*Note, the proposed north and south side yard setbacks would be the opposite for Lot 68, which has a mirrored site plan.

## 4 Supporting Studies

### 4.1 Geotechnical Assessment

LDS Consultants Inc. was retained to undertake a geotechnical investigation for the proposed development on the subject property. Two test pits were advanced at the site to examine soil and shallow groundwater conditions. The test pits consisted of topsoil overlying natural sand and sand and gravel soils. Groundwater observations in the test pits were found to be indicative of shallow groundwater conditions, approximately 1.1 m below existing grades, consistent with well records in the area. Considerations were provided for foundation design, which will be applied during the design and building permit process. Considerations were also provided for stormwater design, which were subsequently used for stormwater design.

A copy of the geotechnical assessment with full results and recommendations is provided as part of the complete application submission.

### 4.2 Servicing Design Brief

Driven Engineering Inc. was retained to undertake the civil engineering design for the proposed development of the subject lands. The purpose of this brief is to address how existing infrastructure can be utilized to service the proposed development and how stormwater will be managed on the subject lands. The sanitary service for the proposed development will connect to the existing 200 mm diameter sanitary sewer main along Maud St with a minimum slope of 1.0%. The water service for the proposed development will connect to the existing 150 mm water main along Maud St. Regarding stormwater management and flood impact mitigation, the proposed soak away pits will control and retain the 25-year storm event.

A copy of the servicing design brief is provided as part of the complete application submission.

## 5 Conclusion

The proposed Zoning By-Law Amendment to permit the development of one single family detached home on each of Lot 67, 68, and 69 is an efficient and desirable use of the subject lands. The proposed development is appropriate and desirable for the following reasons:

- The proposed Zoning By-Law Amendment is consistent with the policies and intent of the 2020 Provincial Policy Statement, the County of Elgin Official Plan and the Municipality of Central Elgin Official Plan;
- The proposed development is located within the existing built-up area in Port Stanley;
- The proposed development is compact and minimizes land consumption;
- The proposed development has taken into consideration the parking challenges within the Bessie and Maud St area by providing two tandem parking spaces, with the site plan minimizing the impact on sight lines for the adjacent properties;
- The proposed development is a use and built form that is appropriate and compatible with the surrounding land uses;
- The proposed development is of a height, scale, and intensity which is compatible with the character of the surrounding neighborhood;
- The proposed development utilizes existing infrastructure and will be fully serviced, representing an efficient utilization of land, infrastructure, and resources; and
- The proposed development sufficiently addresses hazards including stormwater management and flood impact mitigation.