



THE MUNICIPALITY OF CENTRAL ELGIN

REPORT TO COUNCIL

REPORT NO. CEP.04.24
CEPO FILE NO. PS2-01-24
TO Mayor & Members of Council
FROM Kevin McClure, Planner
SUBJECT Application to Amend the Village of Port Stanley By-law No. 1507
156 Maud Street – Ann Waz and Victor Anastase
DATE January 24, 2024

RECOMMENDATION

THAT Report CEP.04.24 be received;

AND THAT direction be given by Council to prepare a site-specific draft amendment to the Village of Port Stanley Zoning By-law for proposed residential use on lands at 156 Maud Street, which lands may be legally described as Lots 67, 68 and 69, on Plan 176, in the Municipality of Central Elgin;

AND FURTHER THAT a date for a public meeting be established in accordance with Ontario Regulation 545/06 as amended.

REPORT

The applicant approached the Central Elgin Planning Office in March of 2023 with a proposal to sever and develop the property at 157 Maud Street. Staff at the Municipality of Central Elgin, County of Elgin, Central Elgin Planning Office, and the Kettle Creek Conservation Authority consulted with the applicant on March 16, 2023. As part of that meeting, Staff suggested that the applicant obtain a legal opinion on the status of the lots as the proposed severances would not meet the minimum lot standards of the Village of Port Stanley By-law.

On April 22, 2023, the applicant circulated a legal opinion letter that the property was comprised of three separate lots in a registered plan of subdivision. As such, a follow-up consultation meeting was held on June 1, 2023 to discuss a residential development proposal on the individual lots. Through this process, it was determined that a zoning by-law amendment application would be required to support the proposal and the submission requirements were outlined. A subsequent technical meeting was held with the applicant to discuss stormwater management requirements on September 8, 2023.

Staff have reviewed the application and documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 34(10.4) of the Planning Act, R.S.O., 1990 as amended. In accordance with Subsection 4.1(d) of By-law 1864, the applicants have been notified that the application is considered complete.

ANALYSIS:

1) Location:

The subject lands are located on the west side of Maud Street, between Erie Street and Lotus Lane in the Community of Port Stanley. They have approximately 36.576 metres (120 feet) of frontage on George Street with a total lot area of approximately 0.056 hectares (0.138 acres) (see Location Plan). Municipally known as 156 Maud Street, they may be legally described as Lots 67, 68, and 69, Registered Plan 176, in the Municipality of Central Elgin.

As noted in the legal description, and confirmed by a legal opinion letter, 156 Maud Street is comprised of three separately conveyable lots in a registered plan of subdivision. Each lot itself is approximately 12.19 metres (40 feet) and a depth of 15.24 metres (50 feet).

The subject lands are predominantly surrounded by seasonal cottages and full-time residential uses. Further, they are entirely within an identified Shoreline Flood Hazard Limit.



2) Proposal:

The applicant is seeking to rezone the lands to permit the development of three, two-storey single detached dwellings, one on each of the legally conveyable lots.

The purpose of the amendment is to change the existing zoning on the property to site-specific residential zones to allow for the proposed residential development. The effect of the zoning would be to change the existing Open Space 3 (OS3) zoning to site-specific Residential Zone 1 (R1)

zones on the three individual lots to allow for the construction of two-storey residential dwellings with off-street parking. This would include the recognition of the existing lot sizes, an increase in permitted lot coverage, exceptions to front, side, and rear-yard setbacks, and the maximum floor area ratio.

The properties are within Kettle Creek Conservation Authority's Regulated Area and are identified as being in a Shoreline Flood Hazard Limit. Appropriate floodproofing measures will also be incorporated into the building design to the satisfaction of the Municipality and Conservation Authority.

3) Existing Policies/Regulations:

a) 2020 Provincial Policy Statement:

The Community of Port Stanley is a designated and fully serviced settlement area within the Municipality of Central Elgin. Section 1.1.3.1 of the PPS states that, "settlement areas shall be the focus of growth and development". Through Section 1.1.3.2, the PPS provides for the efficient use of land and resources and for the efficient use the infrastructure that is planned or available.

Section 1.1.3.6 states that, "new development taking place in designated growth areas should occur adjacent to the existing build-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities". Further, Section 1.1 provides direction on managing and directing land use to achieve efficient and resilient development and land use patterns.

Within Section 1.1.1, there are policies that speak to promoting efficient development and land use patterns, accommodating an appropriate range and mix of residential uses to meet long-term needs, and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs. Section 1.1.3.3 builds upon this direction by providing that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, with 1.1.3.4 providing that, "appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety".

Section 1.6.6 of the PPS provides policy direction on sewage, water and stormwater with an emphasis on directing and accommodating expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewage and water services. There is further direction that where these types of services are available, intensification and redevelopment within these areas should be promoted. The proposed development will be on full municipal services and the stormwater management will be in accordance with the Municipality of Central Elgin's design criteria.

The property is entirely within an identified shoreline flood hazard limit on Schedule "G2" – Community of Port Stanley Natural Hazards. As such, Section 3.1 of the PPS as it relates to Natural Hazards would apply. While the PPS, though subsection 3.1.1. c), provides that development shall generally be directed, in accordance with guidance developed by the Province, to areas outside of hazardous sites, Section 3.1.7 outlines what is required to be demonstrated to allow for development in those portions of hazardous lands where the effect and risks to public safety are minor, can be mitigated in accordance with provincial standards, and where several criteria are demonstrated and achieved.

The proposed development will incorporate appropriate floodproofing standards to the satisfaction of the Kettle Creek Conservation Authority (KCCA) and, given the historical development and approvals that have taken place along Maud and Bessie Streets, no concerns were raised by KCCA that appropriate floodproofing measures could be incorporated to permit the development.

Given the above noted information, it is my opinion that a decision to approve this application would be consistent with the policies of the PPS.

b) County of Elgin Official Plan:

The subject lands are designated as “settlement area” within the County of Elgin Official Plan. The Community of Port Stanley is categorized as a Tier 1 Settlement Area given its full municipal services and is intended to be one of the primary settlement areas within the County where new growth is to be directed.

Section B2.6 provides direction on new development in existing settlement areas. The policies state that, “the new development area will generally serve as a logical extension to the existing built up area, is compact and minimizes the consumption of land”, “the scale and location of the development will be in conformity with the policies in Section B2.5 d)”, “a range of housing choices will be provided”, “all of the other infrastructure required to service the new development is available, and such infrastructure will be used as efficiently as possible”, and that “all of the other relevant policies of this Plan have been satisfied”.

Subsection C1.1.1 provides objectives for residential development in settlement areas that include, *“promoting the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification”* and *“encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development”*. Section C1.3.1 builds on this direction by providing housing goals that ensure *“the provision of an appropriate range of housing types and densities to meet the needs of current and future residents”*, and the encourage *“the development and redevelopment of lands within settlement areas and in appropriate locations at higher densities to maximize the use of infrastructure”*.

The “Residential Areas” subsection also provides objectives related to maintaining and enhancing the character and identity of existing residential areas and requiring a high standard of urban design for development and redevelopment. As the planning justification report states, there are several properties in the area that have been subject to recent land use planning approvals for redevelopment at standards that are more intensive than what is permitted in the R1 zone. Further, the proposed development would accommodate off-street parking, which is generally of concern along Maud and Bessie Streets and the applicant is looking to use building materials that will compliment the area.

Part D of the Official Plan provides direction on natural heritage, water and natural hazards. Section D1.1 outlines several objectives with subsection D1.1 h) providing that development and site alteration is to be directed outside of hazardous lands adjacent to the shorelines of Lake Erie which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazard; and hazardous sites. The property is within an identified hazard in the Municipality of Central Elgin Official Plan, specifically a shoreline flooding hazard.

Subsection D3.2 speaks to the Shoreline of Lake Erie and noted that, *“the shoreline hazard lands is not shown on this Plan. Instead, it is a policy of this Plan that this area be delineated in lower tier*

Official Plans and zoning by-laws". Further, *"Conservation Authority regulations have resulted in development design standards and/or prohibition within the established shoreline hazard lands"*. These lands have been delineated in the Municipality's Official Plan and the KCCA has developed standards for development within this area. As has been provided in this report, the Municipality and KCCA did not raise any concerns with respect to development in accordance with appropriate floodproofing standards to permit the proposed uses.

Given the above noted information, it is my opinion that a decision to approve the application would conform to the policies of the County of Elgin Official Plan

c) Official Plan Policies:

The subject lands are located within the "Urban Settlement Area" designation in accordance with Schedule "A" – Land Use Plan, and further designated "Residential", in accordance with Schedule "G" – Community of Port Stanley, Land Use Plan, to the Municipality of Central Elgin Official Plan. Schedule "G2" – Community of Port Stanley Natural Hazards, has the property entirely within the "Shoreline Flood Hazard Limit (Climate Change)". Further, Schedule "G3" – Community of Port Stanley Greater Harbour Area – Land Use Plan designates the property as "Harbour Low Density Residential" with a "Maud Street / Bessie Street Area" Special Policy overlay.

The "Urban Settlement Areas" policies are contained in subsection 2.1.1 of the Plan, with these areas of the municipality being identified as the focus of urban growth in Central Elgin. Subsection 2.3 as it relates to "Housing" provides goals to encourage an affordable and market-based mix and range of housing options to meet the needs of present and future residents, encourage residential intensification within the built-up areas of the urban settlement areas to allow for the efficient provision and utilization of existing infrastructure to minimize the cost of providing services, and to encourage the provision of a full range of housing types and densities to meet the projected demographic and market requirements of current and future residents of Central Elgin.

As it has been stated in this report, the applicant is proposing three residential dwellings on existing lots of record on Maud Street.

The Community of Port Stanley is classified as an Urban Settlement Area within the Municipality of Central Elgin. Through subsection 2.8.1 Water and Wastewater Services, the preferred hierarchy of services is full municipal sewage and water systems within Urban Settlement Areas. The proposed development will be connected to the municipal sewage and water system to the municipality's design standards. In addition to the water and wastewater policies of the Plan, subsection 2.8.4.1 provides policy direction for stormwater management. Sub-bullet a) of this section indicates that *"No new development will have a negative impact on the drainage characteristics of adjacent lands"*.

Based on the materials that were submitted, Municipal Staff have noted technical engineering/servicing matters that will need to be resolved prior to issuing of building permits, however, they did not raise any concerns with respect to the advancement of the Zoning By-law amendment to permit the use.

Subsection 4.3.1 provides policy direction for lands designated "Residential" within the municipality and through subsection or 4.3.1 a) a range of residential dwelling types and densities shall be permitted, including single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings. Subsection 4.2.2 b) provides further direction on residential density classification with subsection 4.2.2 b) 1. stating that this, "includes single detached dwellings, semi-detached dwellings, an accessory apartment in a single detached or

semi-detached dwelling, duplex dwellings, triplex dwellings and converted single detached dwellings up to a maximum density of 22 units per net hectare (9 units per net acre)". The applicant is seeking to permit 2-storey single detached residential dwellings on the three separate lots of record.

Direction on Community Design is provided through subsection 2.10.3.1 and encourages "design that considers, and wherever possible continues, the existing and traditional street patterns and neighbourhood structure", "building design, massing, and scale that respects and reinforced the human scale and creates attractive and vibrant streetscapes", and "consideration for shadowing impacts on adjacent lands and/or impacts to existing views and vistas". The application would generally be consistent with the policy direction in the Official Plan and would be utilizing housing forms that would be compatible with the adjacent low-density residential uses. Further, the proposal would accommodate off-street parking to assist in alleviating on-street parking issues along Maud Street and the setback requirements will ensure that the proposed front porch remains unenclosed to allow for adequate sight lines for access and egress to each property.

The lands are also identified as "Harbour Low Density Residential" and the policies of Subsection 4.7.6.4 g) would apply. Similar to the "Residential" section of the plan, this section provides for, "*Low-density, ground-oriented housing*", that includes, "*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*".

Subsection 3.2.1 speaks to natural hazards and provides policy direction for those lands identified as "Natural Hazard" in the Official Plan. The extent of the natural hazards that impact the proposed development relate to the Shoreline Flood Hazard Limit (Climate Change) as identified on Schedule "G2" of the Official Plan. Subsection 3.2.1 a) provides that the designations shown on the land use schedules identifies those lands which exhibit or potentially exhibit a hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation or the presence of steep slopes or other physical limitations. Subsection 3.2.1 c) states that, "*where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those permitted in the underlying land use designation, subject to the policies of this Plan*".

The underlying land use designation in this area is "Residential". Further, through the consultation process, and confirmation by KCCA through the circulation of the application materials, the KCCA has no concerns with respect to the approval of the Zoning By-law Amendment application subject to the construction and approval of appropriate floodproofing measures under KCCA permit.

Based on the information above, it is my opinion that a decision to approve the application would conform to the policies of the Municipality of Central Elgin Official Plan.

d) Zoning By-law No. 1507:

The subject lands are comprised of three separate lots (Lots 67, 68, and 69) within a registered plan of subdivision (Plan 176) and are zoned Open Space 3 (OS3) in the Village of Port Stanley By-law. The OS3 zone would not permit the proposed residential uses on the parcels of land which is facilitating the need for a zoning by-law amendment.

Two site-specific Residential Zone (R1) zones are proposed to permit the use. Lots 67 and 69 will have the same zone provisions, with Lot 68 having almost identical provisions other than the side yard setbacks as the lot configuration will be mirrored to allow for better sightlines between properties.

The following is what has been proposed through the applicant's Planning Justification Report.

Permitted Uses	Residential uses
Permitted Buildings and Structures	Buildings and structures for the permitted uses – single family detached dwelling
Minimum Lot Area	185 sq m (existing condition) (2000 sq ft)
Minimum Lot Frontage	12.19 m (40 ft)
Minimum Lot Depth	15.24m (50 ft)
Maximum Lot Coverage	41% maximum for the main building; 52% maximum for the main building and porch
Front Yard Setback	3.96 m (13 ft) to front of exterior wall; 1.07 m (3.5 ft) to the front of porch
Side Yard Setbacks	South side yard: 1.2 m (3.94 ft)* North side yard: 3.52 m (11.56 ft)*
Rear Yard Setback	1.2 m (3.94 ft)
Maximum Height	2 storey maximum for the main building
Maximum Floor Area Ratio	0.81
Off Street Parking	2 space per dwelling unit

While not part of the requested amendment, Staff will be including a provision that the front porch remain unenclosed, Further, while the applicant is providing 2 parking spaces per unit an exception to permit tandem parking will also be required.

Staff Comment:

The Municipality is in receipt of a zoning by-law amendment application for a development proposal at 156 Maud Street. As noted in the report, while the property has historically operated as a single parcel of land, the Municipality has received a legal opinion letter that the property is comprised of three separately conveyable parcels of land within a registered plan of subdivision. As such, the owners have applied for a zoning by-law amendment to support the development of three single detached residential dwellings on the individual lots.

Given the historical nature of these undersized parcels of land, two site-specific Residential Zone 1 (R1) zones will be required. One zone would be applied to Lots 67 and 69, and a separate zone to Lot 68 that would be a mirror image of the residential proposal on Maud Street.

The proposed development is within a fully serviced settlement area within the Community of Port Stanley and is designated for residential use with the property itself being "Natural Hazard" in the Official Plan, as it is within the Shoreline Flood Hazard Limit (Climate Change).

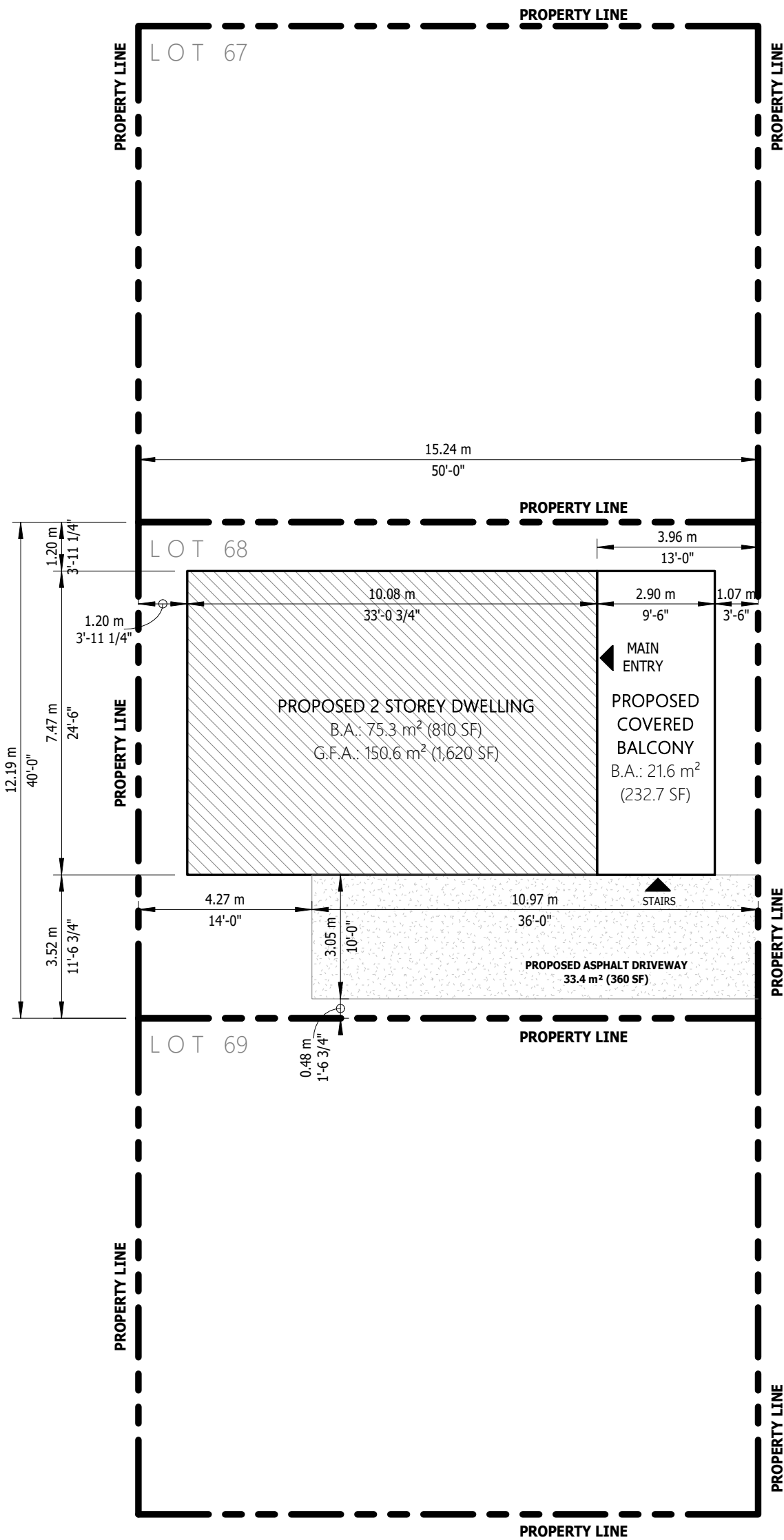
While Municipal and Kettle Creek Conservation Authority Staff have noted technical revision that will need to be addressed prior to the issuing of Building Permits and Conservation Authority Regulation Permits, no concerns were raised with respect to advancing the approval of the Zoning By-law Amendment application.

Based on the information noted above, it is my opinion that the proposed amendment would be consistent with the 2020 Provincial Policy Statement and would conform to the policies of the County of Elgin Official Plan, the Municipality of Central Elgin Official Plan.



Kevin McClure, MCIP, RPP
Planner

Robin Greenall
CAO/Clerk



Preliminary Site - LOT 68

3/32" = 1'-0"

LOT 68 - 156 MAUD ST.		
Regulation	Required	Proposed
Zone Variation	OS3	TO BE DETERMINED
Permitted Uses	as per 8.4.1.1.	Single Family Home
Lot Area (ft ²) (min.)	4,000 sqft	2,000 ft² / 185.8 m²
Lot Frontage (ft) (min.)	40 ft	40 ft / 12.19 m
Lot Depth (ft) (min.)	100 ft	50 ft / 15.24 m
Lot Coverage (%) (max.)	25%	52.1%
Front Yard (ft) (min.)	25 ft	13 ft / 3.96 m
Side Yards (ft) (min.)	10 ft	3'-11-1/4" / 1.20 m North Side Yard 11'-6-3/4" / 3.52 m South Side Yard
Rear Yard (ft) (min.)	equal to the height of the main building	3'-11-1/4" / 1.20 m
Building Height (max.)	2 storeys	2 storeys
Floor Area Ratio (max.)	0.40	0.81
Off-Street Parking	1 parking space per Summer Cottage	2 parking spaces

NOTE:

1. THIS SITE PLAN IS NOT A LEGAL SURVEY.
2. ALL DIMENSIONS AS SHOWN ARE BASED ON SITE MEASUREMENTS AND OWNER/CONTRACTOR ACCEPTS RESPONSIBILITY TO VERIFY ALL DIMENSIONS.
3. REPORT ANY DISCREPANCIES TO THE ENGINEER BEFORE COMMENCING WORK.

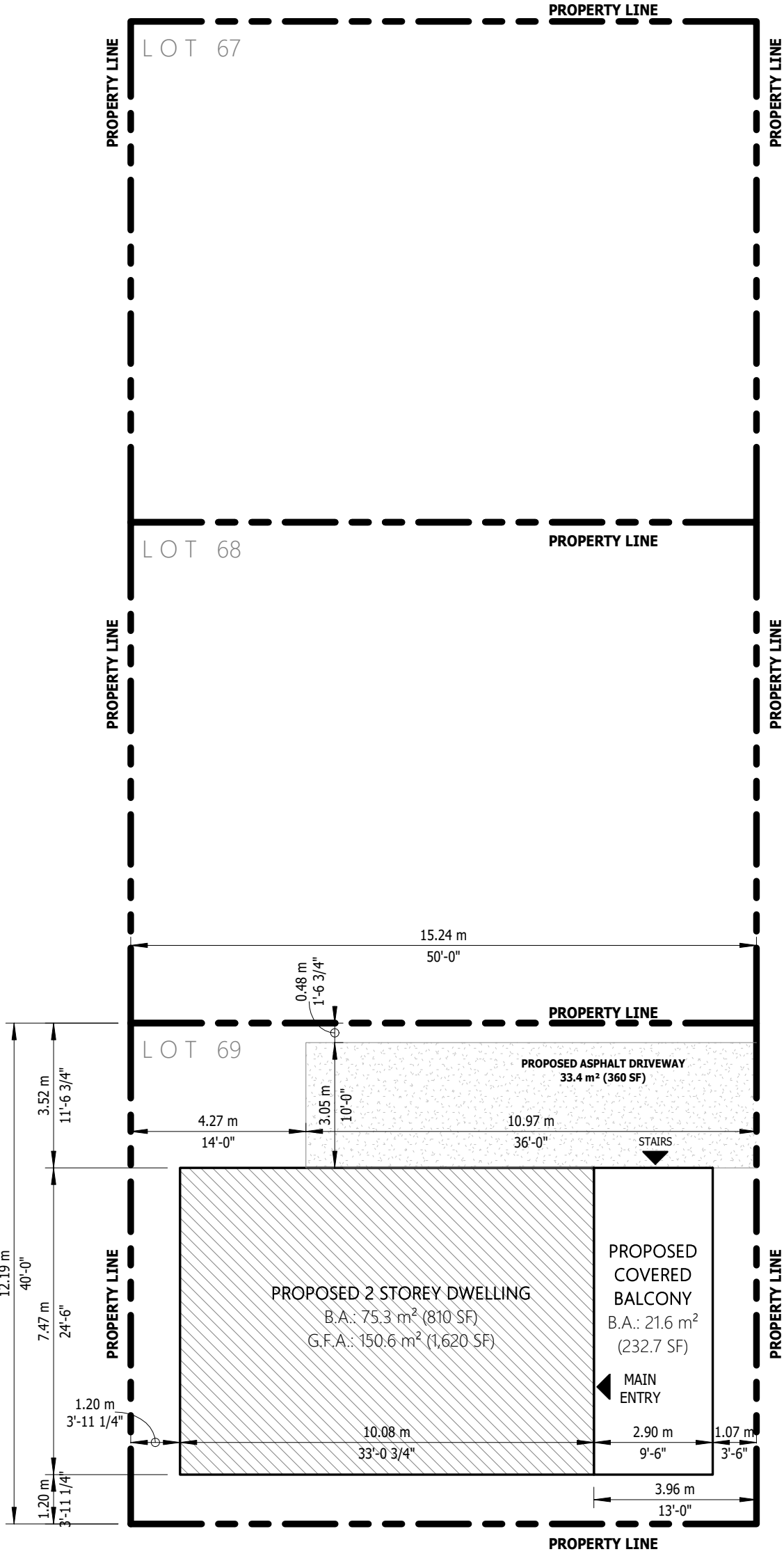
MAUD ST.

156 Maud St | Port Stanley, ON

Site Plan - LOT 68

Nov. 20, 2023

452023



Preliminary Site - LOT 69

3/32" = 1'-0"

LOT 69 - 156 MAUD ST.		
Regulation	Required	Proposed
Zone Variation	OS3	TO BE DETERMINED
Permitted Uses	as per 8.4.1.1.	Single Family Home
Lot Area (ft ²) (min.)	4,000 sqft	2,000 ft² / 185.8 m²
Lot Frontage (ft) (min.)	40 ft	40 ft / 12.19 m
Lot Depth (ft) (min.)	100 ft	50 ft / 15.24 m
Lot Coverage (%) (max.)	25%	52.1%
Front Yard (ft) (min.)	25 ft	13 ft / 3.96 m
Side Yards (ft) (min.)	10 ft	11'-6-3/4" / 3.52 m North Side Yard 3'-11-1/4" / 1.20 m South Side Yard
Rear Yard (ft) (min.)	equal to the height of the main building	3'-11-1/4" / 1.20 m
Building Height (max.)	2 storeys	2 storeys
Floor Area Ratio (max.)	0.40	0.81
Off-Street Parking	1 parking space per Summer Cottage	2 parking spaces

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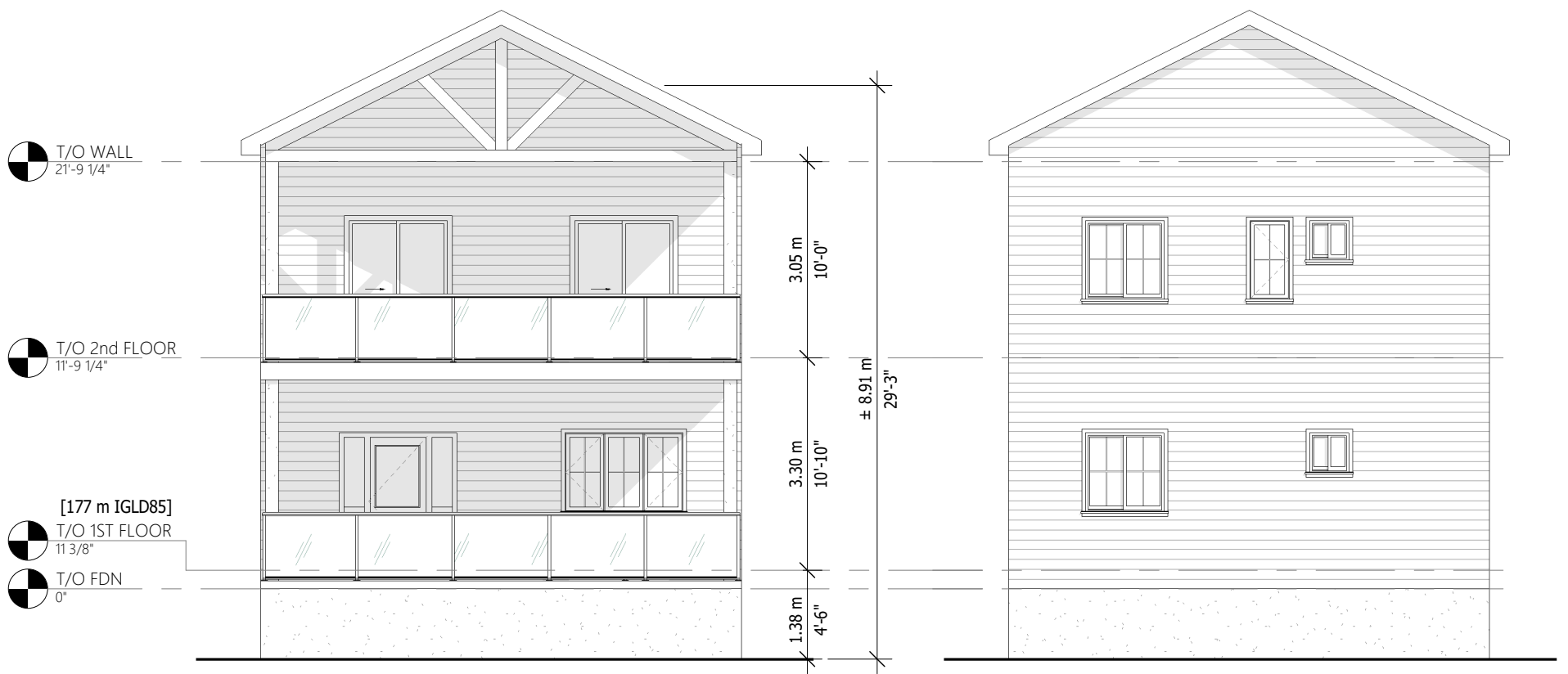
MAUD ST.

156 Maud St | Port Stanley, ON

Site Plan - LOT 69

Nov. 20, 2023

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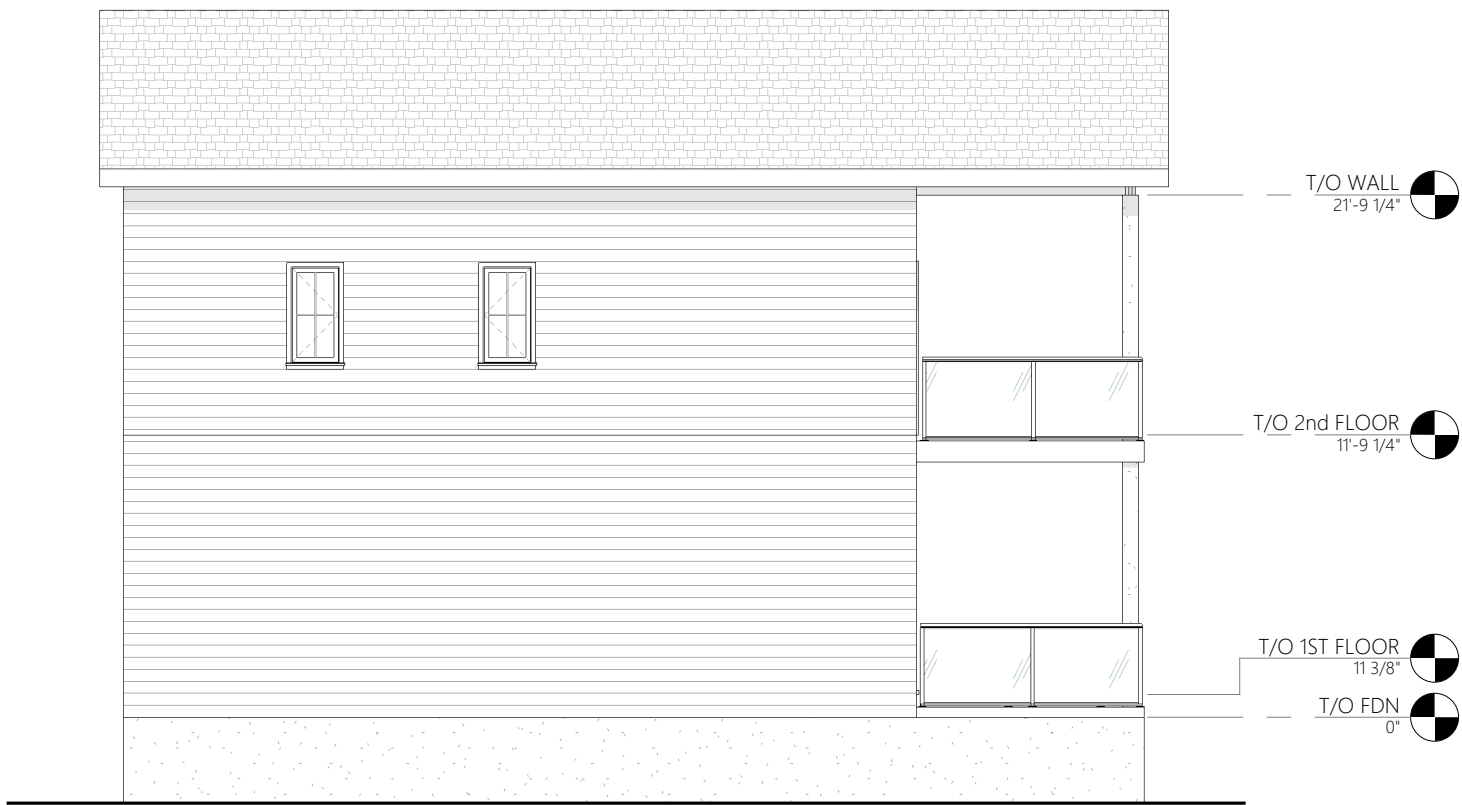


Front Elevation (East)

1/8" = 1'-0"

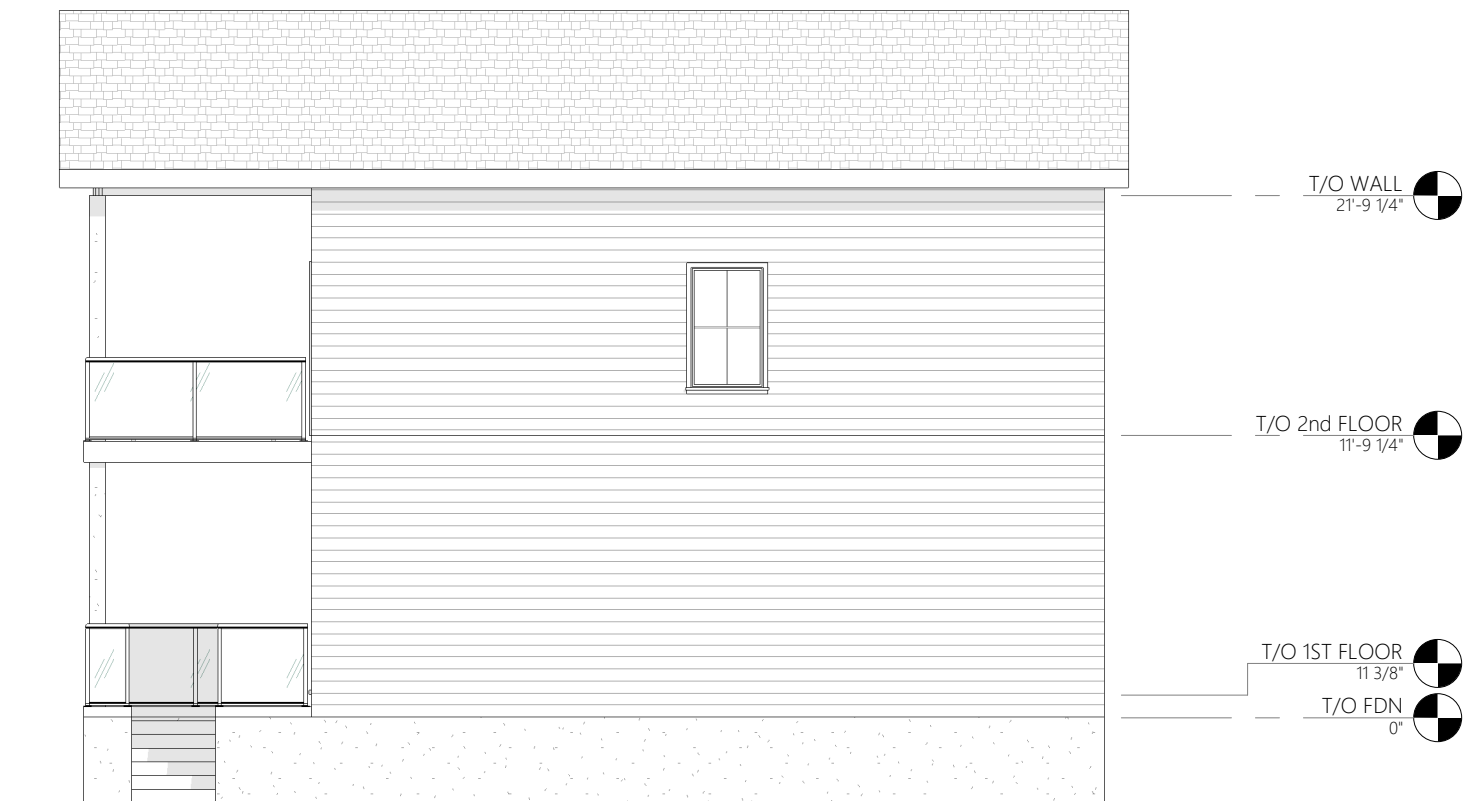
Rear Elevation (West)

1/8" = 1'-0"



Side Elevation 1

1/8" = 1'-0"



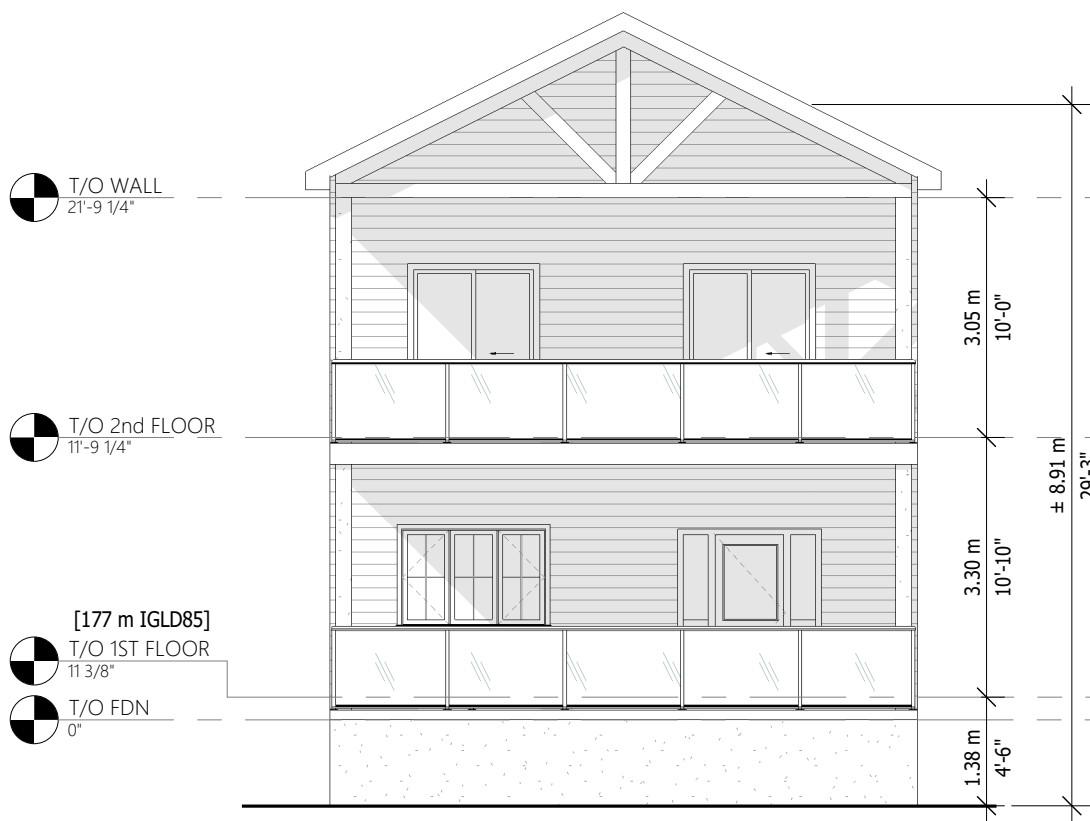
Side Elevation 2

1/8" = 1'-0"

156 Maud St | Port Stanley, ON

Preliminary Elevations - Lots 67 and 69

Nov. 20, 2023
452023



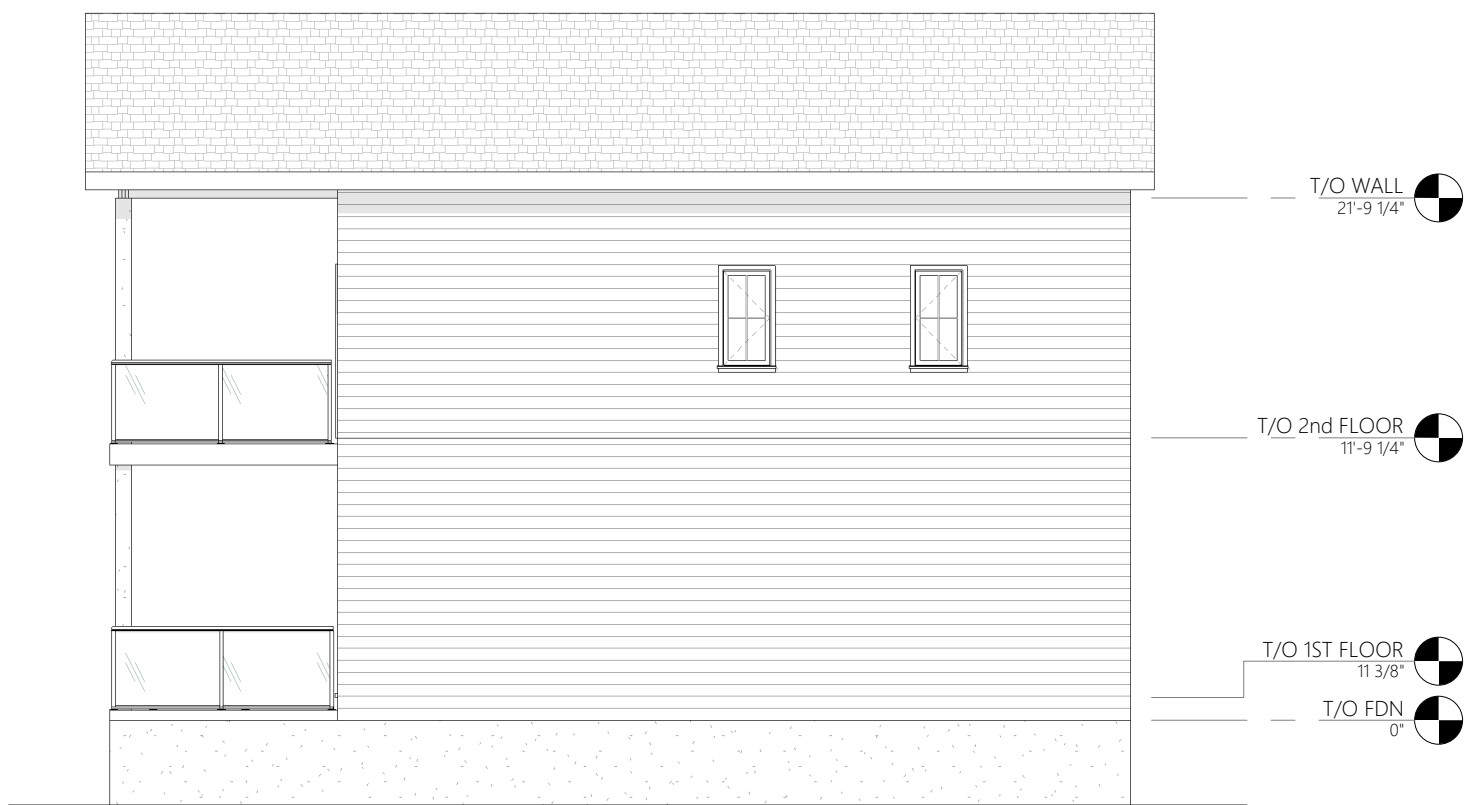
Front Elevation (East)

1/8" = 1'-0"



Rear Elevation (West)

1/8" = 1'-0"



Side Elevation 1

1/8" = 1'-0"



Side Elevation 2

1/8" = 1'-0"

156 Maud St | Port Stanley, ON

Preliminary Elevations - Lot 68

Nov. 20, 2023
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