



## Staff Report

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**Report To: Council Meeting**  
**From: Bryan Pearce, Planner**  
**Date: 2021-06-24**  
**Subject: Zoning By-law Amendment Application D14 01-2021 – 257 Graham Road – Recommendation Report (Planning Report 2021-22)**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce, Planner, regarding Zoning By-law Amendment Application D14 01-2021 – 257 Graham Road Recommendation Report (Planning Report 2021-22); and

That West Elgin Council approve the rezoning of 257 Graham Road from Institutional (I) Zone to Residential Third Density Holding 3 (R3-H-3) Zone, in accordance with the draft by-law contained within Appendix Two of this report, Planning Report 2021-22; and

Further That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the June 24, 2021 Council Agenda.

### **Purpose:**

The purpose of the Zoning By-law Amendment is to consider the conversion of the existing church to multiple unit residential use, by rezoning the lands from Institutional (I) Zone to Residential Third Density Holding 3 (R3-H-3). The Holding 3 provisions would be used to require Site Plan Approval and execution of a Site Plan Agreement for the subject property.

### **Background:**

Below is background information from the application, in a summary chart:

<b>Owner:</b>	Ed Rachidi
<b>Applicant/Agent:</b>	Ted Halwa
<b>Legal Description:</b>	Lots 1 and 2 and Block O, Plan 68
<b>Civic Address:</b>	257 Graham Road
<b>Entrance Access:</b>	Frederic Street
<b>Water Supply:</b>	Municipal Water
<b>Sewage Disposal:</b>	Municipal Sewer
<b>Lot Area:</b>	1,645.6 square metres (0.321 acres)
<b>Lot Frontage:</b>	40.2 metres (132 feet)
<b>Lot Depth:</b>	31.9 metres (105 feet)
<b>Existing Use of Lands:</b>	Vacant except for former church and occasional vehicle parking by owner
<b>Existing Buildings and Structures:</b>	Church: (Floor area: 167 square metres, Height: 7.5 metres, Date of construction: 1928)

<b>Proposed Use of Lands:</b>	To convert church to 3 apartments – one on main floor and two below in basement
<b>Proposed Buildings and Structures:</b>	None at this time

Figure One below, depicts the subject lands:



The surrounding land uses area as follows:

- North: Existing commercial uses of a gas station, convenience store and car wash;
- East: Existing single detached residential dwellings;
- South: Frederic Street, followed by existing single detached residential dwellings; and
- West: Graham Road, followed by existing single detached residential dwellings.

**Financial Implications:**

None. Application fees were collected in accordance with the Municipality’s Fees and Charges By-law, as amended time to time.

**Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

**PPS:**

The subject lands are within the settlement area of West Lorne, that shall be the focus of growth and development and accommodates a significant supply and range of housing options through intensification and redevelopment through existing building to be converted, in accordance with Section 1.1.3 of the PPS. The proposal would be on full municipal water and sewer services, being the preferred form of servicing for settlement areas, in accordance with Section 1.6.6. of the PPS.

Therefore, this proposal is consistent with the PPS.

**CEOP:**

The subject lands are designated as Tier 1 Settlement Areas, as shown on Schedule 'A' Land Use of the CEOP.

Settlement areas allow for residential, commercial and employments areas that are further detailed within the local OP. Policies under Section C1.1 state that the objective is to maintain and enhance the character and identify the existing residential areas and efficient use of infrastructure, noting that this proposal would allow for intensification of the subject lands on full municipal services.

Therefore, this proposal conforms to the CEOP.

**OP:**

The subject lands are designated as Residential, as shown on Schedule 'D' of the Land Use and Transportation Plan of the OP.

The residential designation allows for primary uses of single unit dwellings, semi-detached dwellings, apartments in houses, townhouses and low rise small-scale apartment buildings, in accordance with Section 5.2.1 of the OP. It is noted that this proposal would be considered multiple unit residential building, like that of apartments.

The scale, density and form shall respect and be sensitive to the 'small town' character of West Lorne, recognizing that multiple unit residential will provide the potential for more affordable housing, the diverse needs and preferences of the community, in accordance with 5.2.3 of the OP.

It is noted that this proposal would allow for the intensification of the existing building with the proposed conversion.

Medium density residential development, in the form of townhouses, low-rise apartments and other forms of multiple unit house shall be encouraged, with preference given to sites with direct or proximate access to the County Road; proximity to the downtown core, shallows parks and open



space; and sites which due to their size, configuration or neighbouring land uses are considered suitable for such purposes, in accordance with Section 5.2.8 of the OP. Further Section 5.2.8 requires municipal services, intrusions into existing single detached residential areas shall be discouraged and compatibility with the design of the neighbouring development is expected, appropriate buffering and setbacks shall be provided where necessary to ensure compatibility.

It is noted that this proposal, if proposing 3 residential units on the existing lot of 1,645.6 square metres, would be considered on the low end of medium density residential in general planning principles, calculated at 18.2 units per hectare and would meet the policies preferences, providing close access to a County Road, being Graham Road, close to the downtown core of West Lorne and would be a conversion of the existing building. Further, the proposal would be on full municipal services, would not be intruding onto existing single detached residential areas, being that it is a corner lot and abuts an existing gas station and convenience store and buffering techniques will be utilized through a future site plan application.

It is noted that the Applicant did not want to file the applications concurrently with the zoning by-law amendment application, so the holding provision would be utilized in order to prevent the conversion of the existing building, until such time site plan approval and the associated agreement is executed, in accordance with Section 36 of the Planning Act and Section 10.5.6 of the OP.

Therefore, this proposal conforms to the OP.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned Institutional (I) on Schedule C, Map 3 of the ZBL, as depicted in figure two on the right. The request in the zoning by-law amendment application is to rezone the subject lands to Residential Third Density (R3), to permit multiple unit residential dwellings. The holding symbol would also be utilized to require a site plan agreement, thus rezoning the lands to R3-H-3 Zone.

The R3 Zone permits a range of medium density residential development, including multiple-unit dwelling.

The minimum lot area is 250 square metres per dwelling unit for multiple-unit dwellings, so with the existing lot area of 1645.6 square metres, the subject lands can contemplate up to 7 dwelling units, although the proposal would be for 3 dwelling units to occupy the existing building in the proposed conversion.



The minimum lot frontage is 30.5 metres for multiple-unit dwellings, which the existing lot would comply with, as the lot frontage, being Graham Road, is 40.5 metres – being the same distance of the exterior lot line of Frederic Street where the current entrance access is located.

It is noted that the existing building would not comply with the exterior side yard width to the exterior side lot line on Frederic Street, as the minimum required is 7.5 metres for apartments and multiple-unit dwellings. It is noted that this would be non-complying to the ZBL, but being that no new construction is proposed to the exterior of the building the proposal would not have to comply. Further, the Applicant hasn't requested that the exterior side yard be recognized in their request through the zoning by-law amendment application.

The remainder of the R3 Zone provisions would appear to comply with the proposal, but will be checked if and when the development proposal proceeds to the site plan approval. The Applicant will be required to have a pre-application consultation with the Municipality to detail the submission requirements for submitting a site plan application at that time.

Section 10 of the ZBL, being the R3 Zone is appended to this report as Appendix One, for reference purposes.

In accordance with Section 3.3(c) of the ZBL, the holding symbol would be utilized on the subject application to require site plan approval and the associated site plan agreement to be executed prior to it being removed. This will require the Applicant to file an application at the later stages of site plan approval when the agreement is executed in order to have the holding symbol removed by West Elgin Council, through an amending by-law.

A draft of the zoning by-law amendment be considered is appended to this report as Appendix Two, for reference purposes.

### **Circulation of the Application:**

The application was circulated to the applicable municipal departments, applicable commenting agencies and neighbouring property owners within 120 metres (400 feet) of the subject lands on June 3, 2021, being 21 days prior to the public meeting of June 24, 2021 (minimum of 20 days required).

### **Municipal Department Comments:**

The zoning by-law amendment application was circulated to the Development Application Review Team for comment. The following comments were received:

#### **Building Department**

Noted the following:

- Professional design for the change of use and renovation permits will be required.

Planning Staff notes that the Applicant will require to complete planning approvals through site plan approval and the associated agreement; and removal of the holding symbol prior to the Chief Building Official being able to issue a building permit. It is noted that planning and building approvals can be paralleled at the final stages of the planning process for efficiencies, should the proponent wish to do so.

### **Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

#### Lower Thames Valley Conservation Authority

Lower Thames Valley Conservation Authority, in their June 7, 2021 letter noted the following:

- No objections to the proposal.
- The subject property is not subject to the Authority's regulation.
- The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of flood damage from local, overland drainage waters is always recommended.

Planning Staff has no issues or concern with the Lower Thames Valley Conservation Authority comments, as the comments can aid the Applicant with their proposal and does not impact the proposed zoning by-law amendment, as proposed.

#### Enbridge

Enbridge, in their June 4, 2021 email noted the following:

- Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.
- Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.
- If there is any work (i.e. underground infrastructure rebuild or grading changes...) at our easement and on/near any of our existing facilities, please contact us as early as possible (1 month in advance at least) so we can exercise engineering assessment of your work. The purpose is to ensure the integrity of our main is maintained and protected.
- Confirmation of the location of our natural gas pipeline should be made through Ontario One Call 1-800-400-2255 for locates prior to any activity.

Planning Staff has no issues or concern with the Enbridge comments, as the comments can aid the Applicant with their proposal and does not impact the proposed zoning by-law amendment, as proposed.

#### Public Comments

At the time of subject of this report, no written comments from the public have been received related to the zoning by-law amendment.

**Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment is consistent with the PPS, conforms to the CEOP and conforms to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, Notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal, as of June 1, 2021) for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin

### Report Approval Details

Document Title:	ZBLA Application D14 01-2021 - 257 Graham Road - Recommendation Report - 2021-22-Planning.docx
Attachments:	- Planning Report 2021-22 - Appendix One - R3 Zone.pdf - Planning Report 2021-22 - Appendix Two- Draft Zoning By-law Amendment - 257 Graham Road.pdf
Final Approval Date:	Jun 21, 2021

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

Jana Nethercott



## **SECTION 10. RESIDENTIAL THIRD DENSITY (R3) ZONE**

The Residential Third Density (R3) Zone applies to medium density residential development in the village areas of Rodney and West Lorne. The corresponding land use designation in the Municipality's Official Plan is, in most instances, 'Residential'. Development is restricted to multiple unit dwellings (i.e. 3 units or more) in a variety of configurations (e.g. townhouses, triplexes, apartment dwellings) that do not exceed a height greater than three storeys. Within the R3 zone, standards apply to such matters as lot area, lot frontage, setbacks, coverage and height.

### **10.1 GENERAL USE REGULATIONS**

#### **10.1.1 PERMITTED USES**

No land shall be used and no buildings or structures shall be erected, used or altered in the Residential Third (R3) Zone except for the following purposes:

apartment dwelling  
 double duplex dwelling  
 home occupation  
 multiple-unit dwelling  
 senior citizens' home  
 townhouse dwelling

**TABLE 10-1**

### **RESIDENTIAL THIRD DENSITY (R3) ZONE STANDARDS**

<b>1</b>	<b>Minimum Lot Area</b> a) double duplex, townhouse and multiple-unit dwellings b) apartment dwelling	a) 230 m <sup>2</sup> per dwelling unit b) 230 m <sup>2</sup> for each of the first four (4) dwelling units and 95 m <sup>2</sup> for each additional unit thereafter
<b>2</b>	<b>Minimum Lot Frontage</b> a) double duplex dwelling b) townhouse and multiple-unit dwellings	a) 25 m b) 30.5 m
<b>3</b>	<b>Maximum Lot Coverage</b>	35%
<b>4</b>	<b>Front Yard Depth</b> a) double duplex dwelling b) townhouse and multiple-unit dwellings	a) 7.5 m b) 7.5 m
<b>5</b>	<b>Side Yard Width</b> a) double duplex dwelling b) townhouse c) apartments and multiple-unit dwellings	a) 3.0 m on an interior lot, 7.5 m on the side abutting the street and 3.0 m on the other side on a corner lot b) 6.0 m or one-half the height whichever is greater on an interior lot, 10.5 m on the side abutting the street and 6.0 m or one half the height on a corner whichever is the greater on the other side c) 7.5 m
<b>6</b>	<b>Rear Yard Depth</b> a) main building	a) 10.5 m
<b>7</b>	<b>Maximum Building Height</b> a) main building	a) 3 storeys
<b>8</b>	<b>Minimum Outdoor Amenity Area</b>	45 m <sup>2</sup> per dwelling unit
<b>9</b>	<b>Maximum Density</b>	60 dwelling units per hectare
<b>10</b>	<b>Municipal Services</b> No dwelling shall be erected or used that is not connected to the municipal water supply system and the municipal sanitary sewage system.	

**10.1.2 LOCATION OF PARKING SPACES**

- a) All parking spaces shall be located in an attached or detached private garage, or in a hard surfaced parking lot, provided that the lot coverage of the spaces shall not exceed fifteen (15) percent of the lot area.
- b) Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required.

**10.2 SPECIAL USE REGULATIONS**

**10.2.1 HOME OCCUPATIONS**

The following provisions shall apply to home occupations:

- a) outside storage of materials, containers, or finished products shall not be permitted;
- b) the character of the dwelling or dwelling unit as a residence shall not change, or a nuisance particularly in regard to noise, traffic or parking shall not be created;
- c) mechanical equipment shall not be used, the operation of which would result in any noise, fumes, dust, or odour escaping to any adjoining use;
- d) not more than 25 percent of the total floor area of the dwelling or dwelling unit or forty (40) square metres whichever is the lesser, shall be used for the home occupation;
- e) a maximum of one non-flashing sign, one-half (0.5) square metre in area shall be permitted.

**10.3 SITE-SPECIFIC ZONES**

**10.3.1 a) Defined Area (*West Lorne Heritage Homes*)**

R3-1 as shown on Schedule “C”, Map No. 3.

**b) Permitted Uses**

senior citizens’ home  
 clinic  
 community centre  
 all other permitted uses of the R3 zone

- c) **Front Yard Depth** 5.5 m
- d) **Rear Yard Depth** 8.0 m
- e) **Maximum Lot Coverage** 40 %
- f) **Minimum Off-Street Parking Spaces** 40



# MUNICIPALITY OF **West Elgin**

## **The Corporation of the Municipality of West Elgin**

### **By-Law No. 2021-xx**

**Being a By-Law to Amend the Municipality of West Elgin Comprehensive Zoning By-Law No. 2015-36 for the property known as 257 Graham Road.**

**Whereas** the Council of the Corporation of the Municipality of West Elgin deems it advisable to amend By-law No. 2015-36, as amended, being the Comprehensive Zoning By-law of the Municipality of West Elgin:

**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That Schedule "C" Map No. 3 to By-law No. 2015-36, is hereby amended by changing the subject property from **Institutional (I) Zone** to **Residential Third Density Holding 3 (R3-H-3) Zone** for those lands outlined in heavy solid lines and described as R3-H-3, on Schedule "A" attached hereto and forming part of this By-law, being Lots 1 and 2 and Block O, Plan 68; Municipality of West Elgin.
2. This By-law comes into force upon the day it is passed in the event an appeal has not been filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended. In the event an appeal is filed with the Clerk within the time prescribed by the Planning Act, R.S.O. 1990, as amended, the By-law shall be deemed not to have come into force until the appeal has been finally disposed of, whereupon the By-law, except for such parts as are repealed or amended as so directed by the Local Planning Appeal Tribunal (LPAT), shall be deemed to have come into force on the day it was passed.

Read a first, second, and third time and finally passed this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2021.

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Duncan McPhail  
Mayor

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Jana Nethercott  
Clerk

GRAHAM ST

Lands to be Zoned R3-H-3

FREDERIC ST

This is Schedule "A" to By-law No. 2021-  
passed on the      day of      , 2021

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

MUNICIPALITY OF WEST ELGIN  
Comprehensive Zoning By-Law 2015-36  
SCHEDULE 'C' MAP 3



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Meters

