

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: July 12, 2023

Subject: Consent Application B/12/2023 – 492 County Road 8 and 244 Talbot Street North

Recommendation

Approve consent application B/12/2023 to sever approximately 2.89 ha (7.15 ac) of lot area and approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140) from a subject property known municipally as 492 County Road 8 and 244 Talbot Street North, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality;
- 2) That, if deemed required by the Drainage Superintendent, the applicant enter into an agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
- 4) That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by July 20, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act

Purpose

The Municipality of Lakeshore has received a consent (severance) application for the creation of one lot at a property known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road. The subject property, comprised of both 492 County Road 8 and 244 Talbot Street North, is one property located in both the Municipality of Lakeshore and the Town of Essex.

The portion of the subject property located in Lakeshore (492 County Road 8) contains a vacant building formerly known as the Sun Parlor Public School and a portion of a running track used in connection with Essex District High School. The portion of the subject property located within the Town of Essex (244 Talbot Street North) contains the Essex District High School building and accessory uses.

The severed lot will be approximately 2.89 ha (7.15 ac) in lot area and will have approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140). This proposed lot currently supports a former elementary school building and surrounding open space. The retained land will be approximately 7 ha (17.3 ac) in lot area with approximately 109.7 m (359.92 ft) of frontage along County Road 8 (Parts 2-5 on PLAN 12R-29140). It will continue to support the high school and accessory recreational uses.

The applicant has indicated that the land to be severed is surplus to the needs of the GECD SB. They do not expect that the previous use of the building as an elementary school will re-open following the severance. Currently, no new uses are proposed for the severed lot.

Lakeshore and Town of Essex administration are working together with the applicant to process the severance since the subject property is in both municipalities. The entirety of the severed lot and part of the retained land will be in Lakeshore, while most of the retained land will be in the Town of Essex. The applicant requires approval from both municipal Committee of Adjustments. Approval of the severance has already been granted by the Town of Essex Committee of Adjustment on May 16, 2023. A planning recommendation report from Town of Essex staff demonstrated to their Committee of Adjustment how the proposed consent conforms to the Town of Essex Official Plan.

Summary

Location:

The subject property is known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road, is 9.89 ha (24.43 Ac) in area with 309.81 m (1016.43 ft) of frontage along County Road 8.

Surrounding Land Uses:

The proposed severed lot is located near vacant lands to the northwest. To the west and south are single detached dwellings. North of the severed lot are some rural commercial lots fronting County Road 34 (Talbot Road).

Provincial Policy Statement

There are no issues of provincial significance raised by the application. Section 1.3.1 of the PPS states that Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs. The development is consistent with this section as the applicant proposes to sever off surplus land for future development potential. It is also consistent with Section 1.1.3.2 of the PPS since the proposed infill lot will efficiently use land and infrastructure within a settlement area. The Town of Essex has confirmed the availability of municipal servicing and reserve capacity to support the lot creation under Section 1.6.6.6 of the PPS.

Official Plan

The portion of the subject property in Lakeshore is designated Urban Fringe in the Lakeshore Official Plan. The Urban Fringe designation permits small scale institutional uses and states that the specific uses permitted on this land will be established in the Zoning By-law. Currently, the future use of the severed lot is unknown, but the parcel is zoned I1 (Major Institutional) in the Lakeshore Zoning By-law which permits uses such as a public/private school. If the vacant building on the property is to be repurposed, or if new buildings are proposed for a different use, the applicant may be required to obtain additional Planning Act approvals (Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, etc.).

The land is designated Salt Deposits in the Official Plan. A site visit was conducted, and no wells were discovered on the premises. No salt extraction operations were observed. In this case, the development is for the creation of an infill lot containing a building formerly used as an elementary school on a parcel of land that is already largely developed (high school, etc.). The land is already zoned I1 in the Lakeshore Zoning By-law for institutional use. As such, it is the opinion of the Planner that the proposed development does little to prevent future access, use or extraction opportunity, and that the subject land has already been set aside in the Zoning By-law for greater long-term public interest. Therefore, the development conforms with Section 5.3.1 Mineral & Petroleum Resources.

The application conforms to the consent policies of Section 8.3.5.2. Both the severed and retained lot will have frontage on a public road, and existing access for both parcels will not change as part of the severance. The lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and future uses. A minimum lot area of 2 hectares, and a minimum lot frontage of 15 metres is required under the I1 zone. The severed lot will meet these minimum requirements. Moreover,

given its proposed size and configuration, it will be able to support the development of a future use while still providing sufficient setbacks from neighbouring uses and, where appropriate, the provision of appropriate buffering.

The portion of the subject property in Lakeshore is part of the Essex Fringe Settlement Area where municipal water and municipal sewage servicing is the preferred servicing requirement under Section 7.3.1 of the Official Plan. The applicant has indicated in their application that there is an existing water service connection and sanitary sewer connection. Municipal water and municipal sanitary services are currently available from the Town of Essex for future development of the severed lot.

Zoning

The proposed severed lot is currently zoned Major Institutional (I1) and, as previously mentioned, will meet the minimum frontage and area requirements of this zone category. A draft reference plan provided with the application shows that the former elementary school building will meet minimum setback requirements. Lot coverage and minimum landscaped open space does not appear to be a concern.

The rear lot line of the proposed severed lot follows an existing chain link fence except where Part 2 is indicated on the survey, at which point the lot line cuts through the outdoor playground area of the former elementary school (See Appendix B and Appendix C). A condition should be imposed on any approval of the consent requiring that the applicant remove any fencing that crosses the boundary of the severed lot onto the retained land.

Parkland Dedication

Pursuant to Section 14 b) of By-law #90-2022 being a By-law to provide for the dedication of parkland or the payment of cash in lieu thereof as a condition of development or redevelopment, the parkland dedication by-law shall not apply to *development or redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education.*

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, and complies with the Zoning By-law 2-2012. Approval is to be subject to the conditions included in the recommendation section of the report.

Correspondence from external and internal agencies

External and Internal Agencies

The applications were circulated to various external and internal agencies, comments received from them are summarized below.

The County of Essex states that the setback from the County Road is 85 feet from the centre of the right-of-way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. Full comments can be found in Appendix D.

The Operations Department states that a drain apportionment agreement is required for this application. Full comments can be found in Appendix E.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Image
Appendix B – Registered 12R Plan
Appendix C – Fences Photo
Appendix D – County of Essex Comments
Appendix E – Operations Department Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-12-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Registered 12R Plan.pdf- Appendix C - Fences Photo.pdf- Appendix D - County of Essex Comments.pdf- Appendix E - Operations Department Comments.pdf
Final Approval Date:	Jul 13, 2023

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

Kristina Brcic - Jul 13, 2023 - 3:14 PM