

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Paige Docherty, Planning Student

Date: August 9, 2023

Subject: Consent Application B/28/2023 – 1096 Lakeshore Road 107

Recommendation

Approve consent application B/28/2023 to sever a surplus dwelling with a lot area of approximately 4,653.8 m² (1.15 ac) from 1096 Lakeshore Road 107, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deed;
- 6) That the applicants complete the septic test report attached to the consent application to the satisfaction of the Municipality for the lot to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deed;
- 7) If required, the applicants 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;
- 8) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be

paid prior to the stamping of the Deed;

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act

Purpose

The Municipality of Lakeshore has received a consent application for a subject property (farm parcel) located on the east side of Lakeshore Rd 107, north of Walls Rd, known municipally as 1096 Lakeshore Rd 107. The subject property is zoned Agriculture (A) in the Lakeshore Zoning By-law and designated "Agricultural" in the Lakeshore Official Plan.

The subject property is a farm parcel that is approximately 19.07 ha (47.14 acres) with approximately 282.96 metres (928 feet) of frontage along Lakeshore Rd 107. The property currently contains a residential dwelling and an accessory building. The residential dwelling is considered surplus to a farming operation, and the applicants are proposing to sever the surplus dwelling from the farm property for the creation of one lot. The proposed lot will have approximately 67.05 metres (220 feet) of frontage along Lakeshore Road 107 and will be approximately 4,653.8 m² (1.15 ac) in lot area. The retained lot will maintain its existing frontage along Walls Road and will have approximately 216 metres (708.66 feet) of frontage along Lakeshore Road 107, and will be approximately 18.61 ha (46 acres) in lot area. If approved, the exact frontage and area of each lot will be determined by a land survey.

Summary

Surrounding Land Uses

North: Agriculture
East: Agriculture
West: Agriculture
South: Walls Rd & Agriculture

Provincial Policy Statement (PPS 2020)

The proposed surplus farm severance is consistent Section 2.3.4.1 c) Lot Creation in prime agricultural areas as:

1. *"the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective"*

The severed lot will maintain the minimum size needed to accommodate a residential dwelling and will maintain appropriate sewage and water services currently available to the existing residential dwelling.

As a condition of the consent an application to rezone the retained farmland from “Agricultural (A)” to “Agricultural Zone Exception 1 (A-1)” will be included as to prevent the construction of future dwellings in accordance with the PPS and Official Plan.

Official Plan

The subject property is designated Agricultural in the Official Plan. Section 6.2.3 b) of the current Lakeshore Official Plan permits a surplus farm severance in Agricultural designated areas subject to the following conditions:

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- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;*
- iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and*
- iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.*

The retained lot will conform to Official Plan requirements through a rezoning, as mentioned above. No livestock facilities are currently present upon the property and will not be permitted upon the severed lot. Therefore, the proposed surplus farm severance conforms with parts i), ii), iii), and iv) of the Lakeshore Official Plan.

Zoning:

The property is currently zoned Agriculture (A). The proposed lot will have approximately 67.05 metres of frontage along Lakeshore Rd 107 and will be approximately 4,653.8 m² in lot area, therefore conforming to the minimum lot area of 3,000 m² in the Lakeshore Zoning By-law. The retained lot will maintain its existing frontage along Walls Road and will have approximately 216 metres of frontage along Lakeshore Rd 107 and will be approximately 18.61 ha (46 acres) in lot area. It will be a condition of consent approval to recognize the deficient lot area of the retained land through a rezoning application.

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

The Operations Department has expressed that surface water and subsurface drainage tiles and water should be redirected around the severed parcel. They also note that any new established entrances required for the farm parcel will require an entrance permit from the Municipality of Lakeshore.

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 property. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Operations Comments
Appendix D – Photos

Prepared by:



Paige Docherty,
Planning Student

Report Approval Details

Document Title:	B-28-2023 - 1096 Lakeshore Road 107.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Sketches.pdf - Appendix C - Operations Comment.pdf - Appendix D - Photos.pdf
Final Approval Date:	Aug 10, 2023

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

Kristina Brcic - Aug 10, 2023 - 3:40 PM