

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: October 11, 2023

Subject: Consent Application B/34/2023 – 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 (see attached aerial map)

Recommendation

Approve consent application B/34/2023 to sever the farm property 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 (legal: Con 9 S Pt Lot 11) into two farm parcels approximately 50 acres in lot area, subject to the following conditions:

- 1) That, if required by Community Planning, the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of the Municipality;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of Parkland or the Payment of Cash in Lieu Thereof at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 4) That, if required by the Operations Division, the applicant enters 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;
- 5) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 19, 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 an application for a farm split severance to divide the subject property known as 11841 Lakeshore Road 309 & 0 Lakeshore Road

310 (Appendix A), located west of County Road 37 and east of Highway 77. Currently the two addresses have separate tax roll numbers, but the land is merged on title through common ownership. The subject property is designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law.

The subject property is approximately 40.46 ha (100 acres) and is a through lot with approximately 300 metres of frontage along Lakeshore Road 309 and 300 metres of frontage along Lakeshore Road 310. The property currently contains a residential dwelling and accessory buildings that have access from Lakeshore Road 309.

The proposed farm split will result in the severed lot having an area of approximately 50 acres and a lot frontage of approximately 300 metres on Lakeshore Road 310. The retained lot will have an area of approximately 50 acres and approximately 300 metres of frontage on Lakeshore Road 309.

Summary

Location:

The subject property is located west of County Road 37/Gracey Sideroad, east of Highway 77, and south of County Road 46. It is known municipally as 11841 Lakeshore Road 309 & 0 Lakeshore Road 310.

Surrounding Land Uses:

The subject property is surrounded by agricultural uses and rural residential lots. There are woodlands located just east of the subject property.

Provincial Policy Statement (PPS) and County of Essex Official Plan

The subject property is designated "Agricultural" in the County of Essex Official Plan and is part of the County's prime agricultural area in accordance with Provincial Policy. Section 2.3.4.1 of the PPS states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

The County of Essex Official Plan states that until such time as an Agricultural Lot Size Study is approved by County Council and implemented by amendment to the plan, existing agricultural lot creation policies at the local level remain in effect. In addition, lot creation policies of Section 3.3.3.4 a) state:

Lot creation to accommodate an agricultural use shall only be considered where the lots proposed are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of

agricultural operations. These agricultural lots shall also comply with the Minimum Distance Separation Formulae.

Both the severed and retained lots will be approximately 20 hectares in size and will comply with the Minimum Distance Separation Formulae as the subject property is not within 1,000 metres of an existing livestock facility. Therefore, the proposal conforms to the existing agricultural lot creation policies under the Lakeshore Official Plan. It conforms with the County of Essex Official Plan and is consistent with the PPS.

Lakeshore Official Plan

Section 6.2.3 of the Official Plan permits a farm split severance in the Agricultural designation if the minimum area of both the retained and severed lot is approximately 20 hectares. Also, when either the proposed severed or retained lot does not contain an existing dwelling, and the subject lot is within 1,000 metres of an existing livestock facility, the consent must be implemented by a Zoning By-law amendment requiring any new dwelling construction to meet the Minimum Distance Separation I Formula, including the Minimum Distance Separation Guidelines.

The proposal conforms to these policies under the Lakeshore Official Plan. Both the severed and retained lots will be approximately 20 hectares in size and will comply with the Minimum Distance Separation Formulae as the subject property is not within 1,000 metres of an existing livestock facility.

Zoning

The Zoning By-law requires a minimum lot area of 19 hectares for a farm parcel zoned Agriculture (A) and a minimum lot frontage of 75 metres. The proposed farm split will result in the severed lot having an area of approximately 50 acres (20.2 hectares) and a lot frontage of approximately 300 metres on Lakeshore Road 310. The retained lot will have an area of approximately 50 acres (20.2 hectares) and a lot frontage of approximately 300 metres on Lakeshore Road 309. Therefore, the proposal complies with the Lakeshore Zoning By-law minimum lot frontage and area.

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the County of Essex and Lakeshore Official Plan, and complies 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 applications were circulated to various external and internal agencies, comments received from them are summarized below.

Operations has expressed that any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Corridor Management and Access Control Policy, the Municipality's Development Manual and/or may require an access bridge to be obtained through the Drainage Act. A Drainage Apportionment will be required. Full comments can be found in Appendix D.

Lower Thames Valley Conservation Authority (LTVCA) did not provide any comments as of the date of this report.

Public Notice Circulation

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

Attachment(s):

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

Prepared by:



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Planner I

Report Approval Details

Document Title:	B-34-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Operations Comments.pdf
Final Approval Date:	Oct 13, 2023

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

Sahar Jamshidi - Oct 13, 2023 - 4:16 PM