

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner II

Date: July 25, 2022

Subject: Zoning By-law Amendment Application ZBA-4-2022, John Thomas and Ruth Ann Fuerth

Recommendation

Approve Zoning By-law Amendment Application ZBA-4-2022 to remove the Holding Symbol (h6) from the subject lands (indicated on the Key Plan, Appendix A); and

Direct the Clerk to read By-law 75-2022 during the “Consideration of By-laws”, all as presented at the August 9, 2022 Council meeting.

Background

The subject property is a 27.19 hectare (67.19 acre) parcel of farmland located south of County Road 46 on the northeast corner of County Road 27 and S. Middle Road, known municipally as 2462 County Road 27 (See Appendix ‘1’).

The subject property is designated “Agricultural” and “Hamlet” in the Lakeshore Official Plan. In the Lakeshore Zoning By-law, it is split zoned Agriculture (A) and Hamlet Residential (HR) holding symbol h6. Existing uses are the only uses permitted until the holding symbol is removed. The condition for removal of the holding symbol is:

“that adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”.

Recently, provisional consent (File: B/4/2022) was granted to sever three residential lots from the farm parcel. The lots will have frontage on S. Middle Road between Church Street and County Road 27. They will be located within the portion of the subject property designated “Hamlet” and zoned HR(h6). In order to meet conditions of the provisional consent, the applicants have submitted a rezoning application to remove the holding symbol from the zoning affecting the severed lots. Removal of the hold symbol will allow each of the severed lots to be developed for the permitted uses under the Hamlet Residential (HR) zone once they are registered.

Severed Lots	Lot Area – two lots each 0.381 acres, one lot 0.559 acres Existing Use – Agriculture Proposed Use – Residential Access – S. Middle Road Services – Municipal water and sanitary services
Neighbouring Land Uses	North – Agricultural South - Residential East – Residential, Parkland West – Residential
Official Plan	“Agricultural” and “Hamlet”
Zoning By-law	Agriculture Zone (A) and Hamlet Residential (HR(h6))

Comments

Provincial Policy Statement, County of Essex Official Plan and Lakeshore Official Plan

There are no issues of provincial significance raised by this application.

The subject property is designated “Secondary Settlement Area” in the County of Essex Official Plan. All types of land uses are permitted within the “Secondary Settlement Area” subject to specific land use policies of the local Official Plan. Infill development of this nature is permitted.

The subject property is designated “Agricultural” and “Hamlet” in the Lakeshore Official Plan. Development of the severed lots will occur entirely within the portion of the subject property designated “Hamlet”, which permits low density residential dwellings.

Essex Region Conservation Authority (ERCA) was circulated the proposal for comment. No comments were received from this agency at the time of writing this report. ERCA was circulated the consent application when the proposal was considered by the Committee of Adjustment and stated they had no objection to the lot creations.

Zoning By-law

Development of the severed lots will occur entirely on lands zoned HR(h6). Removal of the holding symbol was imposed as a condition by the Committee of Adjustment on their approval of the lot creations.

The condition for removal of the holding symbol is “that adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Town of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”. The availability of municipal water and sanitary services has been confirmed. The applicant applied through the consent process for lot creation and obtained provisional consent from the Committee of Adjustment earlier this year. It is now

appropriate to remove the holding symbol from the zoning affecting the severed lots so that the registration of the severed lots can proceed.

Part 1 on the registered plan is a 50' by 50' daylight corner that will be transferred to the County of Essex. The severed lots meet the minimum frontage and area requirements for the HR zone.

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-4-2022 (Bylaw 75-2022) as per the Recommendation section of the report.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

Appendix A – Key Plan

Appendix B – Reference Plan

Report Approval Details

Document Title:	ZBA-4-2022 - Fuerth H Removal.docx
Attachments:	- Appendix A - Key Plan.pdf - Appendix B - Reference Plan.pdf
Final Approval Date:	Aug 3, 2022

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

Prepared by Ian Search

Submitted by Kristina Brcic and Tammie Ryall

Approved by Justin Rousseau and Truper McBride