

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor & Members of Council
From: Ian Search, BES, Planner I
Date: January 4, 2024
Subject: Zoning By-law Amendment ZBA-15-2023 – 1368 Rochester Townline Road

Recommendation

Approve Zoning By-law Amendment Application ZBA-15-2023 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of the South half of Lot 1, Concession 4, Tilbury; Part of Lot 2 Concession 4, Tilbury as in R1321296, save and except Part of Lot 1 Concession 4, designated as Parts 1, 2, 3 and 4 on Plan 12R29514; Lakeshore, being part of the Property Identifier Number 75064-0017(LT); from “Agriculture (A)” to “Agriculture Zone Exception 115 (A-115)” (indicated as “1368 Rochester Townline Rd Retained Land” on the Key Map, Appendix B), and rezone the lands known legally as, Part of Lot 1, Concession 4, Tilbury, designated as Parts 3 and 4 on Plan 12R29514, being part of the Property Identifier Number 75064-0017(LT); from “Agriculture (A)” to “Agriculture Zone Exception 116 (A-116)” (indicated as Part 3 and Part 4 on the Draft Survey, Appendix C) in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 4-2024 during the Consideration of By-laws, all as presented at the January 30, 2024 Council meeting.

Background

The Municipality of Lakeshore has received a Zoning By-law amendment application for a farm parcel known municipally as 1368 Rochester Townline Road, located on the east side of Rochester Townline Road, north of Lakeshore Road 305, south of County Road 42. The subject property is designated “Agriculture” in the Lakeshore Official Plan and zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012. The property is currently 100 acres.

A provisional consent (file: B-08-2023) was granted from the Lakeshore Committee of Adjustment to sever two (2) surplus farm dwellings from this subject farm parcel as separate residential lots with shared access from Rochester Townline Road. Part 1 and Part 2 together on the draft survey is one surplus dwelling lot, and Part 3 and Part 4 together on the draft survey is a second surplus dwelling lot (Appendix B).

As a condition of their consent approval from the Committee of Adjustment, the applicants are required to rezone the retained farmland to prohibit residential dwellings, as required in the Lakeshore Official Plan and Provincial Policy Statement. Additionally, the applicant is applying to rezone the north surplus dwelling lot (Part 3 and Part 4) to recognize the 1.18 metre setback of the “metal clad building” (as indicated on the draft survey) from the rear lot line. The Lakeshore Zoning By-law requires an accessory building to be setback 1.5 metres from a lot line.

Subject Land: 100 acres (40.46 hectares)
Existing Use – Agriculture
Proposed Use – Agriculture and two rural residential lots
Access — Rochester Townline Road
Services — Municipal water

Surrounding Uses: North: Agriculture
South: Agriculture
East: Agriculture
West: Agriculture

Official Plan: Agricultural

Existing Zoning: Agriculture (A)

Provincial Policy Statement (PPS)

The proposed rezoning application is consistent with the PPS. Section 2.3.4.1 requires the planning authority to ensure that new residential dwellings are prohibited on the retained farmland created by the surplus farm dwelling severances. A provisional consent (B-08-2023) was granted to sever two surplus dwellings from this farm parcel as separate lots - with each dwelling having been identified as surplus to a farming operation. As a condition of consent, and as required by the PPS, the applicants are rezoning the retained farmland to prohibit residential dwellings.

County of Essex Official Plan

The rezoning application conforms to the County of Essex Official Plan and is consistent with their land use policies:

3.3.3.4 Lot Creation

c) Lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.

There are two existing dwellings on the subject property. The Committee of Adjustment

has granted two surplus farm dwelling severances so that each of these surplus dwellings will be accommodate on its own lot. New residential dwellings will be prohibited on the vacant remnant parcel of farmland in accordance with the County of Essex Official Plan.

Lakeshore Official Plan

The subject property is designated Agricultural in the Lakeshore Official Plan, and the rezoning application conforms to the Agricultural Designation policies.

6.2.3 Agricultural Lot Creation & Lot Adjustment

A consent to sever may be granted for the following purposes:

b) Where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:

- 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 application will prohibit the construction of any additional dwellings on the retained farmland in accordance with the Official Plan. In this case there are two surplus dwellings, and provisional consent has been granted to accommodate each surplus dwelling on its own lot. Both surplus dwelling lots will automatically be recognized in the Zoning By-law for non-farm residential use that cannot accommodate a livestock operation due to their lot size. There are no livestock facilities on the retained land and no known facilities in the general area of the severed lots.

Lakeshore Zoning By-law

The subject property is currently zoned Agriculture (A), in the Lakeshore Zoning By-law 2-2012, as amended.

In order to satisfy a condition of the provisional consent to sever the surplus dwelling lots from the farm parcel (File: B/09/2023), a Zoning By-law Amendment Application has been submitted to rezone the remnant parcel to prohibit residential dwelling units.

Additionally, the applicant is applying to rezone the north surplus dwelling lot (Part 3 and Part 4) to recognize the 1.18 metre setback of the “metal clad building” (as indicated on the draft survey) from the rear lot line of this surplus dwelling lot. The Lakeshore Zoning By-law requires an accessory building to be setback 1.5 metres from a lot line. Only a part of this building will have a deficient setback due to the way the building is angled. No concerns were raised by internal departments (Fire Department, Operations Department, etc.) or Essex Region Conservation Authority (ERCA) with respect to recognizing the deficient setback as part of the rezoning application.

Comments

The application was circulated to internal departments and external agencies. Comments received are summarized below:

Essex Region Conservation Authority (ERCA) stated that they have no objection to the proposal. Full comments can be found within Appendix D.

Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-15-2023 (By-law 4-2024) as per the Recommendation section of this 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 – Aerial Map
Appendix B – Key Map
Appendix C – Draft Survey
Appendix D – ERCA comments

Report Approval Details

Document Title:	ZBA-15-2023 - 1368 Rochester Townline Road.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Key Map.pdf - Appendix C - Draft Survey.pdf - Appendix D - ERCA comments.pdf
Final Approval Date:	Jan 25, 2024

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

Prepared by Ian Search

Submitted by Sahar Jamshidi and Tammie Ryall

Approved by Justin Rousseau and Truper McBride