

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Planning Services



**To:** Mayor & Members of Council

**From:** Ian Search, BES  
Planner I

**Date:** April 8, 2024

**Subject:** Zoning By-law Amendment ZBA-03-2024 –9141 Lakeshore Rd. 305

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-03-2024 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 9, Concession 5, Tilbury, designated as Part 1 on 12R2728, save and except Part 1 on Plan 12R29538, being part of the Property Identifier Number 75063-0043(LT), and known municipally as 9141 Lakeshore Rd. 305, from “Agriculture (A)” to “Agriculture Zone Exception 119 (A-119)” zone (indicated as “9141 Lakeshore Rd. 305 Retained Land” on the Key Map, Appendix B), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 47-2024 during the Consideration of By-laws, all as presented at the April 30, 2024 Council meeting.

### Background

The Municipality of Lakeshore has received a Zoning By-law Amendment application for the farm property known municipally as 9141 Lakeshore Road 305, located on the south side of Lakeshore Road 305 and the north side of Highway 401. The subject property is designated “Agriculture” in the Lakeshore Official Plan and zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012. It is currently 25 acres and has approximately 125 metres of frontage along Lakeshore Road 305.

A provisional consent (file: B-32-2023) was granted from the Lakeshore Committee of Adjustment to sever a surplus farm dwelling from this farm as a separate residential lot. Part 1 on registered Plan 12R-29538 (Appendix D) is the surplus dwelling lot. The remainder of the subject property is the retained farmland and is the land subject to the rezoning application.

A provisional consent (file: B-33-2023) was also granted from the Lakeshore Committee of Adjustment to provide an easement in favour of the owners of the future surplus farm dwelling lot over a portion of the retained farmland for access. Part 2 on registered Plan 12R-29538 (Appendix D) is the easement land. Both the severed lot and retained

farmland will have separate access from Lakeshore Rd. 305, but the easement will provide driveway access over the retained farmland to an accessory building on the west side of the severed lot that is inaccessible from the severed lot's access due to a septic system located in the front yard. This easement will include an easement/right-of-way agreement that is being prepared to the satisfaction of staff.

As a condition of their provisional consent for the lot creation (file: B-32-2023), 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 retained farmland to recognize its deficient frontage of 38 metres, and its deficient area of 23 acres (9.3 hectares). The Lakeshore Zoning By-law requires a minimum lot frontage of 75 metres and a minimum lot area of 19 hectares for a farm property zoned Agriculture (A) in the Lakeshore Zoning By-law.

Subject Land: 25 acres (10.12 hectares)  
Existing Use – Agriculture  
Proposed Use – Agriculture and one rural residential lot  
Access — Lakeshore Road 305  
Services — Municipal water, private sanitary services

Surrounding Uses: North: Agriculture  
South: Highway 401 and 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-32-2023) was granted to sever a surplus dwelling from this farm parcel as a separate lot. 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.*

Comment: The Zoning By-law Amendment will prohibit new residential dwellings on the retained farmland parcel created by the severance of the surplus farm dwelling lot.

### **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.*

Comment: The application will prohibit the construction of any additional dwellings on the retained farmland in accordance with the Official Plan. The surplus dwelling lot will automatically be recognized in the Zoning By-law for non-farm residential use that cannot accommodate a livestock operation due to its lot size. There are no livestock facilities on the retained land and no known facilities in the general area of the severed lot.

### **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 lot from the farm parcel (File: B/32/2023), 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 recognize the deficient area and lot frontage of the retained farmland as part of the Zoning By-law Amendment application. The Lakeshore Zoning By-law requires a farm parcel zoned “A” to have a minimum lot area of 19 hectares and a minimum lot frontage of 75 metres. It is important to note that the subject property already has deficient lot area for a farm parcel under the Zoning By-law, but it is considered a legal non-complying farm parcel.

The lot frontage of the retained farmland created by the severance will be 38 metres, and the lot area will be 23 acres (9.3 hectares). The proposed severed lot has been restricted in lot size to prevent unnecessary encroachment onto the cultivated farmland. The retained farmland parcel will remain 125 metres wide south of the severed lot. Moreover, the 38 metres of lot frontage will provide enough space for farming practices west of the severed lot, as is currently the case. It is recommended that the deficient lot area and lot frontage of the retained farmland be recognized as part of the rezoning.

### **Conclusion**

Based on the foregoing, it is recommended that Council approve ZBA-03-2024 (By-law 47-2024) 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 or internal departments, and no concerns were expressed by 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 – Registered Survey

**Report Approval Details**

Document Title:	ZBA-03-2024 - 9141 Lakeshore Rd. 305.docx
Attachments:	- 9141 Lakeshore Road 305 Appendices.pdf
Final Approval Date:	Apr 24, 2024

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

Prepared by Ian Search

Submitted by Urvi Prajapati and Ryan Donally

Approved by the Corporate Leadership Team