

**Municipality of Lakeshore  
Committee of Adjustment Report**

**Growth & Sustainability**

**Community Planning**



**To:** Chair and Members of Committee of Adjustment

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

**Date:** September 5, 2024

**Subject:** Condition Change to Consent Application B/12/2023 – 492 County Road 8 and 244 Talbot Street North

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**Recommendation**

- (1) Delete and replace the conditions of provisional consent Schedule “A” to consent application B/12/2023 so that it reads as follows:
  - 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality;
  - 2) That, if deemed required by the Drainage Superintendent, the applicant 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;
  - 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
  - 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
  - 5) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
  - 6) That services be abandoned to the satisfaction of the Town of Essex;
  - 7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage) and servicing capacity from the Town of Essex, and development approval;
  - 8) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date,

shall deem the consent refused, as per the Planning Act.

(2) Not consider the change to be minor, thereby requiring notice of change to the conditions of the provisional consent to be given in accordance with subsection 53(24) of the Planning Act.

## **Purpose**

On July 19<sup>th</sup>, 2023, the Committee of Adjustment granted a provisional consent (file: B-12-2023) for the creation of one lot at the property known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road/County Road 34 and east of Highway 3. The subject property, comprised of both 492 County Road 8 and 244 Talbot Street North, is one property located in both the Municipality of Lakeshore and the Town of Essex.

The portion of the subject property located in Lakeshore (492 County Road 8) contains a vacant building formerly known as the Sun Parlor Public School, parking area, and a portion of a running track used in connection with Essex District High School. The portion of the subject property located within the Town of Essex (244 Talbot Street North) contains the Essex District High School building and accessory uses.

The severed lot will be approximately 2.89 ha (7.15 ac) in lot area and will have approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140). This proposed lot currently supports a former elementary school building and surrounding open space. The retained land will be approximately 7 ha (17.3 ac) in lot area with approximately 109.7 m (359.92 ft) of frontage along County Road 8 (Parts 2-5 on PLAN 12R-29140). It will continue to support the high school and accessory recreational uses.

The applicant has indicated that the land to be severed is surplus to the needs of the Greater Essex County District School Board (GECDSB). They do not expect that the previous use of the building as an elementary school will re-open following the severance. Currently, no new uses are proposed for the severed lot.

The entirety of the severed lot and part of the retained land will be in Lakeshore, while most of the retained land will be in the Town of Essex. The applicant received provisional consent approval from both Lakeshore and Town of Essex Committees of Adjustment. Provisional consent approval was granted by the Town of Essex Committee of Adjustment on May 16, 2023. One of the conditions of that provisional consent approval requires that all conditions respecting provisional consent granted by Lakeshore is to be satisfied prior to issuance of the consent certificate.

The conditions imposed by Lakeshore Committee of Adjustment on provisional consent approval are attached to this report as Appendix D. The applicant currently has until July 20, 2025, to satisfy the conditions of their Lakeshore provisional consent approval before the provisional consent expires.

Subsection 53(23) of the Planning Act enables the Committee of Adjustment to change the conditions of a provisional consent at any time before a consent is given.

## **Summary**

### Surrounding Land Uses:

North: Commercial, vacant lands

West: Rural residential

East: Agriculture

South: Commercial, residential

## **Proposed Condition Change**

Condition number 4 of the Lakeshore current provisional consent requires: “That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department”.

In response to this condition, the applicant provided information from Haddad Morgan & Associates Ltd that reviewed existing services and concluded that, based on the data collected, all but sanitary sewer services are contained within the limits of the proposed severed lot. The information from the engineering firm states: “Sanitary sewer services for the building are conveyed from the east side of the building, through the adjacent parking lot to a manhole structure located on the adjacent school lands. This manhole then conveys flow from the former roadway fronting the aquatic center to a 450mm sanitary sewer on Maidstone Ave”. The information concludes that: “Should separation of the sanitary sewer become necessary a new sanitary sewer extension has been installed recently on the south side of Maidstone directly across from the current school site. In light of this new sanitary extension discussions with the Town of Essex, and the County of Essex (road authority) could be entered into to redirect flow from the current service across the school parking lot to the new sewer. However, it should be noted that a closer review of the existing schools’ inverts comparative to the new sanitary sewer would be needed”.

Upon receiving the information from Haddad Morgan & Associates Ltd, the Infrastructure Services Department at the Town of Essex was contacted by Lakeshore to determine if development of the severed lot could potentially be serviced by the new sanitary sewer extension. The following information was confirmed:

- Currently the sanitary sewer service in front of the severed lot on County Road 8 is privately owned as part of the development of a subdivision across the street on the southside of County Road 8 in the Town of Essex. However, this privately owned sanitary sewer service in front of the severed lot on County Road 8 will be owned by the Town of Essex and become Town of Essex infrastructure once 80% of the subdivision is developed. The subdivision has received all approvals and is currently being developed. It is anticipated that it will be Town of Essex infrastructure within one year,

but it could be longer depending on the speed of the development/home construction of the subdivision.

-During the time that the sanitary sewer service in front of the severed lot on County Road 8 is privately owned, the private owner of that sanitary sewer service could deny servicing the severed lot.

-Future development of the severed lot (Part 1 on Plan 12R29140) has the potential to connect to the sanitary sewer service in front of the severed lot on County Road 8. The Town of Essex will need to review and approve servicing capacity needs of development.

-The Town of Essex will require servicing capacity studies (sanitary, water, storm) for development of the severed lot.

It is recommended that the Committee of Adjustment change the conditions of the provisional consent by eliminating condition 4 as it reads in its entirety and replacing it with two new conditions to the provisional consent to be numbered as conditions 6) and 7):

- 6) That services be abandoned to the satisfaction of the Town of Essex;
- 7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage), servicing capacity, and development approval.

Further, the existing condition number 7) will be deleted and replaced with a new condition numbered as condition 8), to extend the time to fulfill the conditions from July 20, 2025 to September 19 2026.

## **Correspondence from internal departments and external agencies**

### External and Internal Agencies

Planning Services and Infrastructure Services at the Town of Essex were consulted regarding the proposed change to the conditions of provisional consent. It was confirmed that they have no issue with the change to the conditions and recommended that a new condition be imposed on Lakeshore's provisional consent requiring the abandonment of services to their satisfaction, which has been captured in the recommendation section of this report.

The proposed change to conditions was also shared with Operational Services at the Municipality of Lakeshore and no issues or concerns were raised by this department.

The Engineering Technologist at the County of Essex commented that they have no issues with the proposed changed to the conditions.

## **Conclusion**

It is recommended that the Committee of Adjustment change the conditions of the provisional consent in accordance with the Recommendation section of this report. It is also recommended that the Committee of Adjustment not consider the change to be minor. Notice of change to the conditions of the provisional consent will be given in accordance with subsection 53(24) of the Planning Act. If no appeals are received during the appeal period following notice of the change to the conditions, then the applicant will have two years from the date notice was given to fulfill the conditions before the application for consent is deemed refused.

## **Public Notice Circulation**

Notice of Public Meeting and information regarding the consent application (file: B-12-2023) was sent to all property owners within 60 metres of the subject land for the July 19, 2023 Committee of Adjustment meeting. No written comments were received in response to the circulation and no neighbouring landowners were present at the July 19, 2023 meeting. No public notice was required or given for the September 18, 2024 Committee of Adjustment meeting to consider an amendment to the conditions of the provisional consent.

## **Attachment(s):**

Appendix A – Aerial Image  
Appendix B – Registered 12R Plan  
Appendix C – Draft Plan  
Appendix D – Current Conditions

## **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-12-2023 - Condition Change Report - 492 County Road 8.docx
Attachments:	- Appendix A - Aerial Image.pdf - Appendix B - Registered 12R Plan.pdf - Appendix C - Draft Plan.pdf - Appendix D - Current Conditions.pdf
Final Approval Date:	Sep 11, 2024

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

**Urvi Prajapati - Sep 10, 2024 - 2:15 PM**

**Ryan Donally - Sep 11, 2024 - 11:31 AM**

**Tammie Ryall - Sep 11, 2024 - 4:13 PM**