

# 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:** November 4, 2024

**Subject:** Consent Application B/11/2024 – 0 Orsini Court

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### Recommendation

Approve consent application B/11/2024 for the creation of two semi-detached dwelling residential lots, with one of the residential lots having a frontage of approximately 12.708 metres (approx. 41.7 feet) and a lot area of approximately 673.7 m<sup>2</sup> (approx. 7,251.7 ft<sup>2</sup>), and the other residential lot having a frontage of approximately 10.119 metres (approx. 33.2 feet), and a lot area of approximately 1048.7 m<sup>2</sup> (approx. 11,288.1 ft<sup>2</sup>), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lots to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Including the following notice in the approval: Development of the two lots is subject to the provisions of the Subdivision Agreement dated September 11, 2018 and registered on October 3, 2018 (registered as CE852528).

### Purpose

The subject land is located on the north side of Orsini Court, east of Matese Street, and south of Oakwood Avenue. Appendix A provides a location map of the subject land. The Applicant has applied for a consent application to sever two residential lots from the subject land. Each residential lot will support a semi-detached dwelling that is currently under construction.

The subject land is part of a block (Block 11, Plan 12M-659) on a registered Plan of Subdivision (Appendix B). The subject land will eventually support six townhouse dwellings and four semi-detached dwellings (Appendix C). The two semi-detached dwellings at the very east end of the block are currently under construction, and this application for consent has been made to sever those two semi-detached residential lots from the subject land so that they can be conveyed to future owners (Appendix D, page 2, Parts 9 and 10, draft reference plan).

Normally land division of a block in a registered Plan of Subdivision occurs by way of a part-lot control exemption by-law under subsection 50(7) of the Planning Act, for which the County of Essex is the ultimate approval authority. Land division of the subject land must occur by way of a consent application since the land is only part of a block and not a whole block on a registered Plan of Subdivision.

In 2020 the west end of the block was severed to create a part for the development of two semi-detached dwellings that front on Matese Street (file: B-8-2020). That part was then severed to create the two semi-detached dwelling lots at this location in 2023 (file: B-3-2022). Those severances resulted in the block no longer being a whole block in a registered Plan of Subdivision. In addition to this current consent application, future consent applications are anticipated to complete the development of the remainder of this block.

The two residential lots being created by this consent application are Part 9 and Part 10 on the draft reference plan submitted with the application (highlighted in yellow, Appendix D, page 2). Part 9 is 673.7 m<sup>2</sup> (0.166 acres) and has a frontage of 12.708 metres (41.7 feet) on Orsini Court. Part 10 is 1048.7 m<sup>2</sup> (0.26 acres) and has a frontage of 10.119 metres (33.2 feet) on Orsini Court.

The subject land is subject to an easement indicated as Part 2, 3 and 4 on Plan 12R-28502 (Appendix E). The easement is in favour of the Municipality of Lakeshore for storm sewer. This is a 6-metre-wide easement located inside the subject land at the north lot line. The 6-metre-wide easement runs along the rear lot line inside the two semi-detached dwelling lots that will be created by the consent application.

The subdivision agreement, registered in 2018, requires parkland dedication to be contributed via cash-in-leu at the time of building permit issuance for each unit. Therefore, no conditions related to parkland dedication are necessary for the approval of the consent application. Similarly, the subdivision agreement contains requirements for other matters such as road construction and installation of services. Therefore, the consent approval does not need to contain conditions regarding the installation of services or the collection of indemnity fees.

## **Summary**

### Surrounding Land Uses:

North: Institutional/school (St. Anne Catholic High School)  
West: Residential  
East: Municipal drain  
South: Future residential

Servicing for proposed lots:

Water: Municipal piped water supply  
Sanitary: Municipal sanitary services

Provincial Planning Statement (PPS 2024)

There are no issues of provincial significance with this application. The consent application facilitates the development of a registered Plan of Subdivision that will provide an increased range and mix of housing options in Lakeshore (semi-detached dwellings, townhouse dwellings).

County of Essex Official Plan (2014)

The subject land is included in a Primary Settlement Area of the County of Essex Official Plan. Subsection 3.2.4.1 b) and d) state:

*Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).*

*All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

Comment: The consent application conforms to the County of Essex Official Plan by facilitating the development of a registered Plan of Subdivision that will help provide an increased mixture of housing types on full municipal services.

Lakeshore Official Plan

The subject land is within the Inland Floodplain Development Control Area overlay in the Lakeshore Official Plan, and is located within the Essex Region Conservation Authority (ERCA) limit of regulated area. ERCA was circulated notice of the application for comment. ERCA stated:

*“Our office has **no objections** to B-11-2024. As noted above, ERCA Permit # 410 - 24, dated June 21, 2024, has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the site plans approved in the Permit.”*

The subject land is designated Residential in the Lakeshore Official Plan. Subsection 6.6.1 a) states:

*The predominant use of land will be for a variety of residential dwelling types, including single detached dwellings, semi-detached dwellings and duplex dwellings.*

Comment: the consent application is for the creation of two residential lots each supporting a semi-detached dwelling, which is a permitted use under the Residential designation.

### Zoning

The subject land is zoned R2-22 in the Lakeshore Zoning By-law which permits semi-detached dwellings. The minimum lot area for a semi-detached dwelling is 266 m<sup>2</sup> and the minimum lot frontage is 9 metres, except on a corner lot where it shall be 12 metres. Part 9 is 673.7 m<sup>2</sup> and has a lot frontage of 12.708 metres. Part 10 is 1048.7 m<sup>2</sup> and has a lot frontage of 10.119 metres on Orsini Court. Neither proposed lot is a corner lot. Therefore, the proposed lots comply with the Zoning By-law minimum area and frontage requirements.

The Lakeshore Zoning By-law requires a minimum rear yard setback of 7.5 metres for the dwellings. This will not conflict with the 6-metre-wide easement for storm sewer that runs along the rear lot line inside the two proposed semi-detached dwelling lots created by the consent application.

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

#### External and Internal Agencies

The Chief Building Official commented that they have no concerns at this time.

The Fire Department commented that they have no comments at this time.

The Operations Department commented that the approved subdivision agreement is consistent with the proposed application therefore no comments.

Comments from ERCA have been shared in this report under the Lakeshore Official Plan section. The full comment from ERCA can be found in Appendix F.

At the time of writing this report no comments were received from the County of Essex or Canadian Pacific Kansas City Railway Company.

### **Conclusion**

The proposed consent application is consistent with the Provincial Planning Statement (PPS 2024), conforms to the County of Essex and Lakeshore Official Plan, subject to the conditions included in the recommendation section of the report.

### Public Notice Circulation

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

### **Attachment(s):**

Appendix A – Location Map  
Appendix B – Plan of Subdivision  
Appendix C – Build Plan  
Appendix D – Draft Plan of Survey  
Appendix E – Easement Lands  
Appendix F – ERCA  
Appendix G – Photos

### **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-11-2024 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Location Map.pdf</li><li>- Appendix B Plan of Subdivision.pdf</li><li>- Appendix C - Build Plan.pdf</li><li>- Appendix D - Draft Plan of Survey.pdf</li><li>- Appendix E - Easement Lands.pdf</li><li>- Appendix F - ERCA.pdf</li><li>- Appendix G - Pictures.pdf</li></ul>
Final Approval Date:	Nov 5, 2024

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

**Urvi Prajapati - Nov 5, 2024 - 9:01 AM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 5, 2024 - 4:55 PM**