

# 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/12/2024 – 475 Charron Beach Road and 477 Charron Beach Road

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### Recommendation

Approve consent application B/12/2024 to separate 475 Charron Beach Road and 477 Charron Beach Road back to the same two separate properties that they were prior to merging on title, with the severed lot (475 Charron Beach Road) having a frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres), and the retained lot (477 Charron Beach Road) having a frontage of approximately 96 feet (approximately 29.3 metres) and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a draft Plan of Survey that confirms that buildings/structures and private sanitary system(s) are wholly located on their respective lot;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) 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.

### Purpose

The subject land is located on the north side of Charron Beach Road, east of Stuart Lane, and west of Strong Road. Appendix A provides an aerial map of the subject land. A technical consent application has been received to separate 475 Charron Beach Road and 477 Charron Beach Road back into two separate residential lots. Currently,

the subject land has merged into one lot. The residential lots will be separated back to the way they were prior to the merge.

The land associated with 477 Charron Beach Road contains two older dwellings and a small shed, while the land associated with 475 Charron Beach Road contains an older dwelling and an accessory building. The exact date of construction of the two dwellings on 477 Charron Beach Road, and the dwelling and accessory building on 475 Charron Beach Road, is unknown, but they are visible in aerial photos available to administration in the same location dating back to 2000 – the earliest year available. Information from tax accounts suggest that the dwellings on 477 Charron Beach Road were constructed around the 1940's/1950's, while the dwelling and accessory building on 475 Charron Beach Road was constructed in the 1930's.

477 Charron Beach Road was transferred from an individual to their corporation in October 2020. Then, in January 2023, the same corporation acquired 475 Charron Beach Road. As a result, the two properties merged on title through common ownership. A memo from their solicitor states that they were not involved in the transfer of 477 Charron Beach road from the individual to their corporation, and that the merger occurred as a result of inadvertence.

The severed lot is identified as 475 Charron Beach Road for the consent application. It will have a lot frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres). The lot to be retained will be 477 Charron Beach Road. It will have a lot frontage of approximately 96 feet (approximately 29.3 metres), and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres). A plan of survey will be required as a condition of any consent approval which will survey the severed and retained lot along their existing Property Identification Number (PIN) boundaries. This is needed to execute the technical severance of returning the lots to their original state prior to the inadvertent merger. Verification that the buildings, structures and private sanitary system are on their respective lots will be required.

Community Planning has not been informed of any intention to demolish existing buildings/structures on the subject land. However, the following information on heritage is provided for information. 475 Charron Beach Road, the lot to be severed, contains a limestone colonial dwelling, which is estimated to have been built in the 1930's. 475 Charron Beach Road is included on the Municipality's register of properties that are of cultural heritage value or interest under the Ontario Heritage Act. As such, the owner shall not demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove a building or structure or to permit the demolition or removal of a building or structure. Such notice shall be accompanied by such plans and shall set out such information as the council may require. This provides the Municipality an opportunity to determine whether or not to proceed with heritage designation under the Ontario Heritage Act. If the Municipality does not pursue heritage designation, a demolition permit can be submitted to the Municipality following expiration of the 60-day period. If

the Municipality does pursue heritage designation, the owner is bound by the requirements of the Ontario Heritage Act.

Subsection 27(16) of the Ontario Heritage Act states the following: *(16) In the case of a property included in the register under a predecessor of subsection (3), as of December 31, 2022, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before January 1, 2027 or such later date as may be prescribed.*

## **Summary**

### Surrounding Land Uses:

North: Lake St. Clair

West: Residential

East: Residential

South: VIA Rail Canada Inc. right-of-way, rural residential/agriculture

### Servicing for proposed lot:

Water: Existing municipal piped water supply

Sanitary: Existing private sanitary system

### Provincial Planning Statement (PPS)

There are no issues of provincial significance with this application. The consent application is for legal or technical reasons as defined in the PPS:

*Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

Comment: The consent application is to simply return/separate the two properties (475 Charron Beach Road and 477 Charron Beach Road) back to their original state prior to inadvertently merging on title in January 2023. The consent application could be identified as a “correction of deed” rather than the “creation of a new lot”. The two addresses/properties have separate tax roll numbers and PIN numbers, but nonetheless inadvertently merged on title through common ownership.

### County of Essex Official Plan

The consent application conforms to the County of Essex Official Plan. The subject land is located in a Secondary Settlement Area. Subsection 3.2.5 e) states that:

*All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans.*

Comment: The subject land is designated Waterfront Residential in the Lakeshore Official Plan which permits residential uses. There are existing residential uses on the subject land. Nothing in the Lakeshore Official Plan affects the continuance of uses legally existing on the date the Official Plan was adopted by Council.

### Lakeshore Official Plan

The subject land is located within the Lake St. Clair Floodprone Area of the Lakeshore Official Plan. Essex Region Conservation Authority (ERCA) was circulated the application for comment. Their office commented that they have no objection to the application.

Subsection 8.3.5.2 b) of the Lake Official Plan states:

Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, easement or right-of-way). The lots that are the subject of that type of application and any retained lands will comply with the Zoning By-law, or the By-law will be amended or a minor variance granted as a condition of the consent.

Comment: The consent application conforms to the Lakeshore Official Plan as a technical consent to separate two properties back to their original state that they were prior to inadvertently merging on title in January 2023. The consent application is essentially for the correction of a deed – new lot boundaries are not proposed in returning the lots to their original state. The subject land is zoned Residential Waterfront – Lake St. Clair (RW2). The RW2 zone requires a minimum lot frontage of 23 metres (75.46 feet) where municipal sanitary servicing is unavailable and a minimum lot area of 1,400 m<sup>2</sup> (0.346 acres). It is recognized that the severed lot, 475 Charron Beach Road, is deficient in this regard, and that setbacks of buildings/structures on either property (475 Charron Beach Road and 477 Charron Beach Road) may not comply with the Zoning By-law currently in effect. However, the consent is to simply correct the deed and return the lots to the same state that they were prior to the inadvertent merger.

A plan of survey will be required as a condition of any consent approval which will survey the severed and retained lot along their existing Property Identification Number (PIN) boundaries. This is needed to execute the technical severance. Verification that the buildings, structures and private sanitary system are on their respective lots will be required.

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

#### External and Internal Agencies

The Chief Building Official commented that the septic systems are to be wholly contained on each property.

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

The Operations Department commented that they have no comments on this file.

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

VIA Rail Canada Inc. provided their standard comment on applications circulated to this agency (Appendix E). It is noted that the building/structures on the severed and retained lot are existing and no new development is proposed.

No comments were received from the County of Essex at the time of writing this report.

## **Conclusion**

The proposed consent application is consistent with the Provincial Planning Statement (PPS), 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 – Aerial Map  
Appendix B – Sketch of Severed and Retained Lots  
Appendix C – Photos  
Appendix D – ERCA  
Appendix E – VIA Rail Canada Inc.

## **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-12-2024 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Sketch of Severed and Retained Lots.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - ERCA.pdf</li><li>- Appendix E - VIA Rail Canada Inc.pdf</li></ul>
Final Approval Date:	Nov 6, 2024

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

**Urvi Prajapati - Nov 6, 2024 - 8:31 AM**

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

**Tammie Ryall - Nov 6, 2024 - 1:48 PM**