

**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 25, 2024

Subject: Consent Application B/08/2024 – 16325 Lakeshore Road 301

Recommendation

Approve consent application B/08/2024 for the creation of one surplus dwelling lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 4,479.87 m² (approx. 1.107 acres) and a lot frontage of approximately 52.1 metres (approx. 171 feet), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That the applicant obtains a draft plan of survey to be approved by Community Planning at the Municipality of Lakeshore prior to its registration that details setbacks of buildings/structures from lot lines;
- 3) That the applicant obtain a letter from a qualified water well driller/installer demonstrating that the existing well on the severed lot is capable of providing an adequate water supply to the existing dwelling, including the following deemed adequate by them: Litres per minutes, type of well pumping system including its condition and age, and acceptable location including its location relative to the private sanitary system.
- 4) That, to the satisfaction of the Building Department at the Municipality of Lakeshore, stairs and landing that are Building Code compliant be installed for operable doors on the dwelling;
- 5) That, to the satisfaction of the Municipality of Lakeshore, the applicant will install a private sanitary system for the dwelling with required setbacks on the severed lot;
- 6) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 7) That a Parkland Dedication Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of payment of cash in lieu of parkland at the time of payment, and that such fee shall be paid prior to the stamping

of the Deed;

8) That the applicant relocate or remove any existing accessory structures that are in non-compliance with the Zoning By-law (setbacks, etc.), to the satisfaction of Community Planning at the Municipality of Lakeshore;

9) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings and additional residential units on the retained farmland parcel;

10) That the applicant enters 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;

11) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the satisfaction of the Municipality of Lakeshore, prior to the stamping of the Deeds;

12) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application to sever a dwelling and accessory buildings/structures from the subject property (16325 Lakeshore Road 301) as a separate rural residential lot. The farm dwelling is surplus to a farming operation. The subject property is located north of County Road 2, west of Richardson Sideroad, east of County Road 37/Gracey Sideroad, on the southside of Lakeshore Road 301 (Appendix A).

The subject property is a 21.18 hectare (52.33-acre) farm lot designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law. It has approximately 307 metres (1008 feet) of lot frontage along Lakeshore Road 301.

The owner of the subject property owns other farm holdings and resides at a different property. They recently purchased the subject property and the dwelling on the farm is surplus to their needs. Therefore, the consent application is to sever a residence surplus to their agricultural operation because of farm consolidation, which is permitted under the Provincial Planning Statement (PPS).

The proposed lot will have a frontage of approximately 52.12 metres (171 feet) along Lakeshore Road 301, and a lot area of approximately 0.44 hectares (1.107 acres). The retained farmland parcel will be left with approximately 20.73 hectares (51.229 acres) of lot area and approximately 255.33 metres (837.7 feet) of lot frontage along Lakeshore

Road 301.

The rural residential lot being severed will contain the existing dwelling on the subject property and accessory building/structures as shown on the draft Plan of Survey, Part 1 (Appendix B). Existing accessory structures located on the proposed south side lot line will need to be removed/relocated to achieve zoning compliance as a condition of any consent approval granted by the Committee of Adjustment.

A permit has been issued from the Building Division to install a new private septic system for the dwelling. Installation of the private septic system to the satisfaction of the Municipality, and confirmation that the proposed lot will incorporate the private septic system with required setbacks from lot lines will be a condition of any consent approval granted by the Committee of Adjustment.

The applicant indicates that the proposed severed lot is serviced with private water supply (well). A bacteriological analysis from Public Health Ontario dated October 8, 2024, was submitted with the application. It notes that “there is no evidence of fecal contamination”. The results relate to a sample tested for the presence of both Total Coliforms and E. coli bacterial indicators of contamination by Membrane Filtration. Please note that the sample was not tested for other contaminants.

As a condition of any consent approval, it is recommended that the Committee of Adjustment impose a condition requiring the applicant to obtain a letter from a qualified water well driller/installer demonstrating that the existing well is capable of providing an adequate water supply to the existing dwelling including the following:

- Litres per minutes;
- Type of well pumping system including condition, type and age;
- Acceptable location, including location relative to the private sanitary system.

There is an open municipal drain that runs along the entire frontage of the subject property. The proposed lot has an existing access bridge, and the applicant has identified an existing access for the retained farmland located at the northwest corner of the subject property.

The applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwellings as a condition of any consent approval granted by the Committee of Adjustment. Request for comments with respect to that future application will be circulated at a later date.

Summary

Surrounding Land Uses:

North: Agriculture

West: Agriculture

East: Agriculture, rural residential lots

South: Agriculture

Servicing for proposed lot:

Water: Private (well)

Sanitary: Private sanitary system

Provincial Planning Statement (PPS)

The proposed surplus farm severance is consistent with Subsection 4.3.3 c) for the lot creation of one new residential lot per farm consolidation for a residence surplus to an agricultural operation. That subsection permits such severance, provided that:

1. *“the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*

Comment: The proposed severed lot will incorporate the dwelling, accessory structures, private servicing, and surrounding landscaped open space used in connection with the residential use. The setbacks of the accessory structures from the proposed lot lines are appropriate. Based on 2024 aerial photography, it appears that some land currently dedicated to existing landscaping that surrounds the dwelling and accessory buildings will be included in the retained farmland parcel.

2. *the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective”*

Comment: As a condition of consent approval, the applicant will need to rezone the retained farmland parcel to prohibit new dwellings and additional residential units on that parcel of land in accordance with the PPS.

County of Essex Official Plan

The subject property is designated Agricultural in the County of Essex Official Plan. Subsection 3.3.3.4 c) of the County of Essex Official Plan states the following:

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. In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations. Local municipalities may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.

Comment: The consent application conforms to this policy as long as the retained farm parcel is rezoned as a condition of consent approval to prohibit the construction of any new residential dwellings and additional residential units. A minimum lot size for the retained farmland parcel is not established in the Lakeshore Official Plan, however it is noted that the parcel will meet the minimum lot size regulations (frontage/area) in the current Lakeshore Zoning By-law.

Lakeshore Official Plan

The subject property is designated Agricultural in the Official Plan. Subection 6.2.3 b) of the current Lakeshore Official Plan permits a surplus farm dwelling severance in areas designated Agricultural 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 lot creation proposal conforms to this section of the Lakeshore Official Plan. There are no livestock facilities on the subject property or in the area according to the applicant. The Zoning By-law will automatically recognize the proposed lot as a rural residential lot that does not permit agricultural use – including livestock operations. As a condition of provisional consent approval, the retained farm parcel will need to be rezoned to prohibit the construction of any new dwellings and additional residential units.

Zoning

The proposed severed lot will comply with the minimum and maximum lot area regulations, and minimum lot frontage regulations, in the Zoning By-law for a rural residential lot zoned “Agriculture”. As previously stated, as a condition of consent approval, the applicant will be required to relocate or remove any existing accessory structures that do not meet required setbacks from proposed lot lines under the Zoning By-law.

The retained farmland parcel will meet the minimum lot area and frontage requirements in the Zoning By-law for a farm parcel zoned “Agriculture”.

Correspondence from external and internal agencies

External and Internal Agencies

The application was circulated to various external and internal agencies, comments received from them are summarized below.

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

The Chief Building Official commented that an operable door of the dwelling should have a set of code compliant stairs and landing.

The Operations Department commented that a drain apportionment agreement will be required for each parcel. Full comment can be found in Appendix D.

Lower Thames Valley Conservation Authority state that they have no objection to the proposed severance. Any proposed structures will be required to be flood proofed to a minimum elevation for the lowest openings into the structure. An application from their office is required prior to any works/construction taking place within the regulated area. Full comment can be found in Appendix E.

At the time of writing this report, no comments were received from the County of Essex.

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

Notice of the Public Meeting and information regarding the requested consent application was given in accordance with the Planning Act. At the time of writing, no comments were received from any residents.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Plan of Survey
Appendix C – Photos
Appendix D – Operations Department
Appendix E – LTVCA comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-08-2024 - Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Plan of Survey.pdf - Appendix C - Photos.pdf - Appendix D - Operations Department.pdf - Appendix E - LTVCA Comment.pdf
Final Approval Date:	Nov 27, 2024

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

Urvi Prajapati - Nov 27, 2024 - 4:08 PM

Daniel Mercer - Nov 27, 2024 - 4:38 PM

Tammie Ryall - Nov 27, 2024 - 11:29 PM