

# 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/13/2024 – 2380 Lakeshore Road 223

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### Recommendation

Approve consent application B/13/2024 for a lot addition, to sever an approximately 900 m<sup>2</sup> (approx. 9,687.52 ft<sup>2</sup>) parcel of land from 2380 Lakeshore Road 223 to be added to the rear of 2368 Lakeshore Road 223 that will increase the lot depth of 2368 Lakeshore Road 223 while maintaining its width, subject to the following conditions:

- 1) That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality. The draft plan of survey is to be reviewed and approved by the Community Planning Division at the Municipality of Lakeshore prior to registration;
- 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 the lot addition land to be severed from 2380 Lakeshore Road 223 be conveyed to and consolidated with 2368 Lakeshore Road 223, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving that parcel of land;
- 5) That the applicant and/or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 6) That if required by the Drainage Department, the applicants 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;
- 7) That all conditions be met in accordance with Subsection 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.

That the following notice be included in the Decision for information: No development (buildings, structures, etc.) is permitted on the lands currently zoned with a “h9” holding symbol, including the lot addition land, until such time as the Zoning By-law is amended to remove the holding symbol.

## **Purpose**

The subject property is an L-shaped residential lot located south of County Road 46, east of County Road 27, known municipally as 2380 Lakeshore Road 223.

A portion of the subject property is designated Hamlet in the Lakeshore Official Plan, while the east portion of the subject property is located outside of a settlement area and designated Agricultural (Appendix C).

The Municipality of Lakeshore has received a lot addition application to sever an approximately 900 m<sup>2</sup> (approx. 9,687.52 ft<sup>2</sup>) parcel of land from the subject property to be added to 2368 Lakeshore Road 223. The land subject to the lot addition is directly east (behind) 2368 Lakeshore Road 223. The subject property will retain its existing lot frontage along Lakeshore Road 223 and will retain approximately 3,674 m<sup>2</sup> of lot area.

The lot addition is proposed to maintain the regular lot shape of 2368 Lakeshore Road 223 while increasing its depth, so that the depth of this property will be the same as the subject property and the residential properties fronting Lakeshore Road 223 to the north (Appendix B). The proposal is an appropriate lot line adjustment to provide land to a property owner who is in a better position to maintain this land located north of a water/drainage feature on the subject property. The applicant has indicated that the water/drainage feature is used for drainage of the retained land and that the lot addition land retains its water.

## **Summary**

### Surrounding Land Uses:

North: Residential  
West: Residential, Agriculture  
East: Agriculture  
South: Agriculture, Hydro One Corridor

### Servicing for proposed lot:

Water: Municipal water  
Sanitary: Private sanitary system

### Provincial Planning Statement (PPS)

There are no issues of provincial significance raised by the application. The portion of the subject property that is subject to the lot addition is designated Agricultural in the Lakeshore and County of Essex Official Plan. Therefore, the Agriculture policies of the PPS apply. While lot creation in prime agricultural areas is discouraged, subsection 4.3.3.2 of the PPS permits lot adjustments for “legal or technical reasons”. This includes *“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”*. The lot addition application is an appropriate boundary adjustment that does not result in the creation of a new lot.

### County of Essex Official Plan

The subject property is split designated Secondary Settlement Area and Agricultural in the County of Essex Official Plan that is currently in effect at the time of writing this report. Within the portion of the subject property designated Secondary Settlement Area, all types of land uses are permitted subject to the specific land use policies of the local Official Plans. In this case that land designated Secondary Settlement Area is designated Hamlet in the Lakeshore Official Plan, which permits low density residential use and accessory uses (Appendix C).

The remainder of the subject property is designated “Agricultural” in the County of Essex Official Plan – this includes the rear part of the L-shaped property, including the lot addition land. This designation pertains to all land in the County of Essex that is not included in the settlement areas or identified as “Natural Environment” lands. Subsection 3.3.3.4 e) states that lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are permitted in this designation. The consent application conforms to this policy since it is for an appropriate boundary adjustment that does not result in the creation of a new lot.

The County of Essex has recently adopted a new Official Plan that has been sent to the Ministry of Municipal Affairs and Housing for final approval. It currently appears that the new Official Plan, if approved, will remove the split designation and include the land of the subject property designated Agricultural – including the lot addition land – in the Secondary Settlement Area boundary.

### Lakeshore Official Plan

The subject property is currently split designated Hamlet and Agricultural in the Lakeshore Official Plan (Appendix C), to match the County of Essex Official Plan designation currently in effect.

The Hamlet Designation policies apply to the portion of the subject property designated Hamlet. Subsection 6.3.1 of the Lakeshore Official Plan permits low density residential dwellings and accessory uses within this designation.

With respect to the portion of the subject property designated as Agricultural, subsection 6.2.3 e) permits a consent to sever for “minor boundary adjustments or corrections and easements, and in accordance with Sections 50(3) and (5) of the Planning Act, which do not result in the creation of a new lot”. This application for consent conforms to this Lakeshore Official Plan policy as a minor boundary adjustment that does not result in the creation of a new lot.

If the new County of Essex Official Plan includes the portion of the subject property designated Agricultural – including the lot addition land – in the Secondary Settlement Area boundary, then Lakeshore will need to update its Official Plan to reflect this change and re-designate those lands into an appropriate designation (e.g. Hamlet).

### Zoning

Currently the subject property is split zoned Hamlet Residential (HR) and Agriculture A(h9) (Appendix D). The zoning matches the current “Hamlet” and “Agricultural” designations in the Official Plan, with the lot addition land being zoned A(h9).

The “h9” holding symbol only permits existing uses until the holding symbol is removed. Condition for removal of the holding symbol in the Zoning By-law is the following: *The holding symbol shall not be removed until such time as the subdivision agreement is executed by the owner and the Municipality and the development receives final approval by the County.* It appears that the portion of the subject property with this zoning – which includes the lot addition land – was at some point part of the farm parcel that abuts the subject property to the east. It appears the “h9” holding symbol previously applied to that farm parcel as well. A subdivision was previously contemplated in the area.

If in the future the Official Plan designations are changed in the County of Essex Official Plan and Lakeshore Official Plan as described in this report, then Lakeshore may at some point in the future amend its Zoning By-law to appropriately remove the split zoning and the holding symbol. In the interim, the A(h9) zoning with the “h9” holding symbol does not permit any development to occur on any land that is subject to this zoning – including the lot addition land – even after the lot addition transfer is registered.

The “HR” zone requires a minimum lot area of 2,000 m<sup>2</sup> where sanitary servicing is unavailable. In the Agriculture zone the minimum lot area required is 3,000 m<sup>2</sup> for a rural residential lot. The retained parcel of the subject property will maintain approximately 3,674 m<sup>2</sup> of lot area following the severance. Its existing frontage will not change. A plan of survey will be required as a condition of any consent approval that provides information regarding the area of the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore.

2368 Lakeshore Road 223 is approximately 1,828 m<sup>2</sup>, and will have a lot area of approximately 2,728 m<sup>2</sup> following the lot addition. The property will maintain its existing frontage, with the lot addition adding increased lot depth. The property is currently

zoned HR. However, it will be split zoned HR and A(h9) following the lot addition given that the lot addition land is zoned A(h9).

## **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 stated that they have no concerns.

The Operations Department commented that they have no concerns on this file at this time (Appendix F).

Essex Region Conservation Authority (ERCA) commented that they have no objection to the application. Full comment can be found in Appendix G.

At the time of writing this report, no comments were received from the County of Essex or Hydro One Networks Inc.

## **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 – Sketch of Proposal
- Appendix C – Land Use Designation
- Appendix D – Zoning
- Appendix E – Photos
- Appendix F – Operations Department
- Appendix G – ERCA comment

## **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-13-2024 - Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Sketch of Proposal.pdf</li><li>- Appendix C - Land Use Designation.pdf</li><li>- Appendix D - Zoning.pdf</li><li>- Appendix E - Photos.pdf</li><li>- Appendix F - Operations Department.pdf</li><li>- Appendix G - ERCA Comment.pdf</li></ul>
Final Approval Date:	Nov 26, 2024

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

**Urvi Prajapati - Nov 26, 2024 - 4:42 PM**

**Daniel Mercer - Nov 26, 2024 - 7:08 PM**

**Tammie Ryall - Nov 26, 2024 - 10:23 PM**