

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Jacob Dickie, RPP, Planner II

Date: January 9, 2025

Subject: Deeming By-law – DEEM-01-2024 – 169 and 177 Lakeview Drive

Recommendation

Deem Lots 44, 45 and 46, in Registered Plan of Subdivision 1411 in the Municipality of Lakeshore as no longer forming part of a Plan of Subdivision, to allow the subject lands municipally known as 169 and 177 Lakeview Drive to merge on-title and become one lot; and

Direct the Clerk to read By-law 14-2025 during the “Consideration of By-laws”, all as presented at the February 4, 2025 Council meeting.

Strategic Objectives

This does not relate to a Strategic Objective. However, it is a core service of the Municipality.

Background

The reason for bringing the proposed Deeming By-law before Council is because the applicant would like to build an addition to the existing home located on 169 Lakeview Drive that would extend onto 177 Lakeview Drive across all three lots within the original Plan of Subdivision. The applicant will not be able to build the proposed addition until all three lots are merged.

The Council of the former Village of Belle River approved Plan of Subdivision 1411 on December 2, 1930. The subject lands municipally known as 169 Lakeview Drive, legal description Lots 45-46, Plan 1411 Belle River; Lakeshore, PIN 75046-0149 (LT) and 177 Lakeview Drive, legal description Lot 44, Plan 1411 Belle River; Lakeshore, PIN 75046-0148 (LT); consists of three of the original lots from Registered Plan of Subdivision 1411. 177 Lakeview Drive is comprised of Lot 44 from the Original Plan of Subdivision, while 169 Lakeview Drive is comprised of Lot 45 and Lot 46 from the Original Plan of Subdivision (See Appendix A).

Both 169 and 177 Lakeview Drive are under the same ownership. Typically, when properties are put under the same ownership they merge automatically. However, this does not apply to lots created through a registered Plan of Subdivision.

As such, in order for the subject lands to be merged - Subsection 50(4) of the Planning Act requires that Council pass a By-law, so as to deem Lots 44, 45 & 46, of Registered Plan of Subdivision 1411, as not being registered lots within a Plan of Subdivision. The applicable excerpts from the Planning Act are as follows:

“Designation of plans of subdivision not deemed registered

50(4) The council of a local municipality may by by-law designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered Plan of Subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).”

If the Deeming By-law were to be passed by Council and the lots merged effectively, the proposed addition shown in the concept site plan drawing provided by the applicant (see Appendix B) would comply with the requirements of Lakeshore Zoning By-law 2-2012 apart from the proposed second driveway access. The applicant has submitted a Minor Variance Application (A-01-2025) and will be going to the Committee of Adjustment on February 12, 2025 to seek relief from Section 6.41.4 d) of the Zoning By-law, allowing for a second driveway to provide access to the new garage on the merged single property. No additional residential units are proposed in the new building addition.

<p>Subject Lands:</p> <p>177 Lakeview Drive (Lot 44 of Plan 1411)</p> <p>169 Lakeview Drive (Lot 45 and Lot 46 of Plan 1411)</p>	<p>Existing Use: one single-detached dwelling</p> <p>Proposed Use: lot merger to accommodate a proposed addition to the existing single-detached dwelling.</p> <p>Access: Lakeview Drive</p> <p>Services: municipal water, municipal sewage and municipal stormwater</p>
<p>Lakeview Drive</p>	<p>Open municipal road</p>
<p>Surrounding Land Uses:</p>	<p>Lake St. Clair to the north. Residential to the east and west. Via Rail train tracks to the south across the road.</p>
<p>County of Essex Official Plan</p>	<p>- Primary Settlement Area</p>
<p>Lakeshore Official Plan:</p>	<p>- Residential - Floodprone Hazard Lands in the rear abutting the Lake</p>
<p>Existing Zoning:</p>	<p>- Residential Waterfront – Lake St. Clair (RW2)</p>
<p>Conservation Authority:</p>	<p>The subject lands are regulated by the Essex Region Conservation Authority (ERCA). A Conservation Development Permit from ERCA is required, and was issued on November 28, 2024 (ERCA Permit #622 – 24).</p>

Planning Comments

Provincial Planning Statement, 2024

There are no issues of Provincial Significance associated with the proposed Deeming By-law. The overall build out of the proposed addition will be thoroughly vetted through the Minor Variance, Building Permit and Conservation Development Permit processes.

County of Essex Official Plan and Lakeshore Official Plan

The proposed Deeming By-law is consistent with the policies of the County of Essex Official Plan and Lakeshore Official Plan. In conjunction with Subsection 50(4) of the Planning Act, which is applicable law, Section 4.6.1 of the current and in-effect version of the County of Essex Official Plan allows for relotting to occur through the use of deeming by-laws.

Section 8.3.3. n) of the Lakeshore Official Plan states that Lakeshore may:

“consider passing a By-law under the provisions of the Planning Act deeming old registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access or undesirable location, not to be registered.”

The proposal is in keeping with the residential policies and the deeming policies of the Official Plan.

Lakeshore Zoning By-law 2-2012

The proposed Deeming By-law and associated lot merger complies with the requirements of Zoning By-law 2-2012. Regarding the proposed addition shown on the Conceptual Site Plan (See Appendix B), the applicant has submitted a Minor Variance Application (A-01-2025) and will be going to the Committee of Adjustment on February 12, 2025 to seek relief from Section 6.41.4 d) of the Zoning By-law, allowing for a second driveway to provide access to the new garage on the merged single property.

Conclusion

Based on the foregoing, Administration recommends that Council enact Deeming By-law no. 14-2025 (Deem-01-2024), to deem Lots 44, 45 and 46, in Registered Plan of Subdivision 1411 in the Municipality of Lakeshore as no longer forming part of a Plan of Subdivision so that the subject lands municipally known as 169 and 177 Lakeview Drive can merge on-title and become one lot.

Others Consulted

This is a stepwise process to eventually allow the applicant to be able to build the proposed addition to an existing dwelling which will also include a minor Variance, Building Permit and Conservation Development Permit processes. As this report involves the first step only, the merger of the three lots, it has been circulated internally within the Administration. As of the writing of this report, no concerns were raised from internal

departments regarding the Deeming By-law itself, and the concept of lot merger to permit the proposed construction. ERCA has also been circulated and has no concerns with the proposal. ERCA has issued a permit for this proposed development dated November 28, 2024 (See Appendix C).

The Minor Variance Application (A-01-2025) has been circulated externally and internally and comments will be integrated into the Committee of Adjustment Report.

Financial Impacts

There are no budget impacts resulting from the recommendation.

If Council approves the Deeming By-law, a Minor Variance Application (A-01-2025) would be heard by the Committee of Adjustment and a Building Permit Application submitted in order to proceed with construction of the proposed addition, with all applicable fees due for those processes.

Attachments

Appendix A – Plan of Subdivision
Appendix B – Concept Site Plan Drawing
Appendix C – ERCA Comments

Report Approval Details

Document Title:	Report - 169 and 177 Lakeview Drive Deem-01-2024.docx
Attachments:	- Appendix A - 1930 Plan of Subdivision.pdf - Appendix B - Concept site plan drawing.pdf - Appendix C - ERCA Comments 169 and 177 Lakeview Dr Deeming By-law.pdf
Final Approval Date:	Jan 28, 2025

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

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Submitted by Urvi Prajapati, Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team