

# **Municipality of Lakeshore Report to Committee of Adjustment**

## **Growth and Sustainability**

### **Planning Services**



**To:** Chair and Members of the Committee of Adjustment

**From:** Ian Search, BES, Planner I

**Date:** April 3, 2025

**Subject:** Consent Application B/02/2025 – 1078 Countryview Lane

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### **Recommendation**

Approve consent application B/02/2025 for the creation one lot containing an existing dwelling (surplus farm dwelling) and accessory buildings/structures that will have a lot area of approximately 6,232 m<sup>2</sup> (approx. 1.54 acre) and a lot frontage of approximately 61.2 metres (approx. 200 feet), subject to the following conditions:

- 1) That the applicant obtain a draft Plan of Survey to be reviewed by Community Planning at the Municipality of Lakeshore prior to registration that details setbacks of buildings/structures from lot lines and provides information regarding the frontage and area of the lot to be severed;
- 2) That the applicant submits a Reference Plan prepared by an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 3) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the existing private sanitary system on the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 4) That the applicant remove all livestock from the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 5) That the applicant obtain the appropriate permit(s) deemed necessary by the Building Department and convert the existing livestock building(s) on the severed lot to accessory building(s) used for storage to the satisfaction of the Building Department;
- 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 Lakeshore Parkland Dedication By-law 110-2024, and that such fee shall be paid prior to the stamping of the Deed;

- 8) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwelling(s) and additional residential unit(s) on the retained farmland parcel;
- 9) That the applicant complete the process under the Drainage Act for the severance required by the Operations Department to the satisfaction of the Operations Department;
- 10) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 11) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by April 17, 2027. 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 farm dwelling and accessory buildings/structures from the subject property (1078 Countryview Lane) as a separate rural residential lot. The farm dwelling is considered surplus to a farming operation as the owner of the subject property owns multiple farm holdings and resides at a different farm property. It is unknown at this time who the proposed severed lot will be conveyed to.

The subject property is located east of County Road 31, north of County Road 46, and south of the Highway 401. It is located on the south side of Countryview Lane and borders Lakeshore Road 241 to the west and Mitchell Road to the east (Appendix A).

The subject property is approximately 53 acres (21.45 hectares). It is a farm property designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" (A) in the Lakeshore Zoning By-law. It has approximately 640 metres (2,099 feet) of lot frontage along Countryview Lane which is the street that the existing dwelling fronts.

The consent application is to sever a residence surplus to an agricultural operation as a result of farm consolidation under the Provincial Planning Statement (PPS). This is a non-contiguous farm as part of the owner's farming operation and a consent certificate has not been requested for the retained farmland parcel.

The proposed severed lot will have a frontage of approximately 61.2 metres (approx. 200 feet) along Countryview Lane and a lot area of approximately 6,232.16 m<sup>2</sup> (1.54 acres). The retained farmland will be left with approximately 51.4 acres (20.8 hectares) of lot area and approximately 578 metres (1,896 feet) of lot frontage along Countryview Lane. The existing frontage on Mitchell Road and Lakeshore Road 241 will be maintained. There is an existing access from Countryview Lane for the proposed severed lot and the retained farmland has existing accesses along Lakeshore Road 241 (Appendix B).

The proposed severed lot will contain five existing buildings/structures which include the dwelling and four buildings that will be used for personal storage/accessory use (Appendix C). The applicant has noted that one of the four accessory buildings currently contains horse stalls and is used to board horses. The consent application states that the horses will be removed from this accessory building and the severed lot all together. Additionally, the building will be converted to a personal storage use on the proposed severed lot.

The Ontario Heritage Act allows municipalities to list properties of cultural heritage value or interest on a municipal heritage register. Listed properties have not yet been designated for long term protection by the Municipality but are candidates for potential designation in the future. The subject property was formerly included on the register for having historical and architectural significance. It was recognized that further research was needed to evaluate the significance of the property. However, on June 14, 2022, Lakeshore Council removed the property from the heritage register after receiving a request for removal earlier that year.

No horses/livestock are proposed on the retained farmland parcel. However, there are several existing structures (horse shelters) on this land that the Applicant will remove according to the consent application.

There is a current resource extraction operation (active oil well) on the subject property that is maintained by Tanner Engineering Ltd. The operation is supported by a Petroleum Natural Gas Lease and Grant that has been registered on the title of the property since 2005. Tanner Engineering Ltd. was circulated notice of the consent application. At the time of writing this report no comments were received. An interactive mapping system suggests that the resource extraction well is located over 120 metres (393 feet) from the existing dwelling and will be contained on the proposed retained farmland parcel.

The applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwelling(s) and additional residential unit(s) on the retained farmland parcel as a condition of any consent approval granted by the Committee of Adjustment. Comments with respect to that future application will be circulated at a later date once that application is deemed complete and the fee is paid.

## **Summary**

### Surrounding Land Uses:

North: Agriculture

West: Agriculture

East: Rural residential

South: Agriculture

### Servicing for proposed severed lot:

Municipal water, private sanitary system

### Provincial Planning Statement (PPS)

The PPS provides the following definition for a “*residence surplus to an agricultural operation*”: means one existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

The proposed surplus farm severance is consistent with Subsection 4.3.3 c) which states that lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for one new residential lot per farm consolidation for a *residence surplus to an agricultural operation*, 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 meet the minimum lot frontage (30 metres/98.4 feet) and lot area (3,000 m<sup>2</sup>/0.74 acres) requirements of the Lakeshore Zoning By-law for a residential lot zoned Agriculture. A new Official Plan adopted by the County of Essex has been sent to the Ministry of Municipal Affairs and Housing for final approval that states the following with respect to surplus farm dwelling severances (5.A.4.1 b): *The size of any new lot shall be an area of approximately 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and County requirements to a maximum of one hectare in lot area;*. As previously mentioned, the proposed lot will be approximately 6,232.16 m<sup>2</sup> (approx.1.54 acres/0.62 hectares). The proposed area is deemed reasonable in this case to support a private sanitary system, existing accessory buildings/structures, and amenity space.

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 residential dwelling(s) and additional residential unit(s) on that parcel of land in accordance with the PPS. The applicant will need to apply for a Zoning By-law Amendment that will be considered by the appropriate decision-making authority – currently Lakeshore Council. Comments with respect to that future application will be circulated at a later date once the application is deemed complete and fee is paid.

### County of Essex Official Plan

Subsection 3.3.3.4 c) of the current 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 farmland parcel is rezoned as a condition of consent approval to prohibit the construction of any new residential dwelling(s) and additional residential unit(s) on the retained farmland parcel. A minimum lot size for the retained farmland parcel is not established in the Lakeshore Official Plan. However, the Lakeshore Zoning By-law requires a farmland parcel zoned Agriculture (A) to have a minimum lot area of 46.95 acres (19 hectares). Given that the subject property today is approximately 53 acres (21.45 hectares) the retained farmland will comply with the minimum lot area required following the severance.

#### Lakeshore Official Plan

The subject property is designated Agricultural in the Official Plan. Subsection 6.2.3 b) of the current Lakeshore Official Plan permits a surplus farm 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 application conforms to these Lakeshore Official Plan policies. The applicant states that they will remove existing livestock from the proposed severed lot and will convert their livestock building to accessory storage use. There are no existing or proposed livestock facilities on the retained farmland parcel. Moreover, there do not appear to be any large livestock operations in the vicinity of the proposed severed lot. Due to its lot size, the Zoning By-law will automatically recognize the proposed severed lot as a rural residential lot that does not permit agricultural use – including livestock. As a condition of provisional consent approval, the retained farmland parcel will need to be

rezoned to prohibit the construction of any residential dwelling(s) and additional residential unit(s) on the retained farmland parcel.

### Petroleum Resources

The subject property is located within the Petroleum Resources overlay of Lakeshore Official Plan and County of Essex Official Plan. This overlay maps the known petroleum resources areas in the Municipality that have the potential for exploration, discovery and production of petroleum deposits.

Subsection 5.3.1 d) of the Lakeshore Official Plan states: *Within all land use designations, new building construction will not be permitted within 75 metres of existing petroleum resource operations. Lesser setbacks for new building construction may be permitted in consultation with the Ministry of Natural Resources. This setback does not apply to petroleum operations decommissioned according to Provincial abandonment and rehabilitation requirements.* Likewise, Subsection 2.3.1 of the County of Essex Official Plan states: *New development shall be setback a minimum of 75 metres from existing wells. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development.*

Comment: An interactive mapping system suggests that the existing dwelling and accessory buildings/structures are located greater than 75 metres (246 feet) from the existing resource extraction well on the subject property. The application is to sever existing buildings from the subject property for the creation of a new rural residential lot with no new buildings/structures currently proposed on the lot to be severed.

Subsection 8.3.5.2 e) of the Lakeshore Official Plan states that: *consents for building purposes will not be permitted under the following circumstances: the land is located on or within 300 metres of an area, or 75 metres of mineral or petroleum resource deposits or an active petroleum well, as identified by the Province;*

Comment: The consent application is for a surplus farm dwelling severance – the creation of a rural residential lot containing an existing dwelling and accessory buildings/structures. It is not a consent application to create vacant lot(s) for “building purposes” that will support new buildings/structures in the area.

### Zoning

The proposed severed lot will comply with the minimum/maximum lot area and minimum lot frontage regulations of the Zoning By-law for a rural residential lot zoned Agriculture. A draft plan of survey will be required as a condition of consent approval to confirm compliance with the Zoning By-law, including setbacks of buildings/structures from lot lines.

As previously mentioned, the retained farmland parcel will meet the minimum lot area requirement in the Zoning By-law for a farm parcel zoned Agriculture. It will also meet the minimum lot frontage requirement of 75 metres (246.06 ft) in the Zoning By-law.

Confirmation that the existing private sanitary system will be located on the proposed severed lot and will meet required setbacks from lot lines will need to be made a condition of consent approval.

## **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:

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

The Essex Region Conservation Authority (ERCA) stated that their office has no objection to the consent application. If any new construction is proposed, the property owner will be required to obtain an approval from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. The full comment can be found in Appendix D.

The Lakeshore Fire Department did not have any comments on the application.

The Chief Building Official commented that a change of use permit will be required to convert agricultural building(s) to accessory building(s) used for storage on the future residential lot.

The Operations Department provided comments requiring the applicant to engage and complete a process under the Drainage Act for the severance. The full comment can be found in Appendix E.

## **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 – Drawing

Appendix C – Photos  
Appendix D – ERCA comment  
Appendix E – Operations Department

**Prepared by:**



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Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	B-02-2025 - 1078 Countryview Lane.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - ERCA Comment.pdf</li><li>- Appendix E - Operations Department.pdf</li></ul>
Final Approval Date:	Apr 7, 2025

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

**Urvi Prajapati - Apr 4, 2025 - 4:25 PM**

**Daniel Mercer - Apr 7, 2025 - 8:52 AM**

**Tammie Ryall - Apr 7, 2025 - 9:32 AM**