

# **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, Planner I, BES

**Date:** April 3, 2025

**Subject:** Consent Files B-03-2025-A, B-03-2025-B, B-03-2025-C (2462 County Road 27)

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### **Recommendation**

Approve each of the three consent files B-03-2025-A, B-03-2025-B, and B-03-2025-C, with each file being the creation of one residential lot that will have a lot frontage of approximately 27.8 metres (91.21 feet) and a lot area of approximately 1,696 m<sup>2</sup> (0.419 acres), and with each file being subject to the following conditions of approval:

- 1) That the applicant submits a Reference Plan prepared by an Ontario Land Surveyor of the development to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That the applicant obtain an archaeological assessment conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Gaming, as well as licensing requirements developed under the Ontario Heritage Act. The report is to be entered into the Ontario Public Register of Archaeological Reports and will identify and recommend any conservation/mitigation strategies that need to be implemented by the applicant to the satisfaction of the Community Planning Division;
- 3) That the applicant satisfy all requirements of the Operations Department;
- 4) That the applicant enters into a severance agreement to the satisfaction of Community Planning that is to be registered on the title of the property and binding on future owners;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That a Parkland Dedication fee be imposed on the granting of each file (per lot) 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;

- 7) That the applicant obtain a Zoning By-law amendment to remove the holding symbol from the zoning on each of the lots, to the satisfaction of the Community Planning division;
- 8) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 9) 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 an application to sever three new residential lots from the Subject Property (2462 County Road 27). The lots will be adjacent to one another and have frontage on South Middle Road located east of the South Middle Road and Church Street intersection (Appendix A). Each of the residential lots will have a frontage of approximately 27.8 metres (91.21 feet) and an area of approximately 0.419 acres (1696 m<sup>2</sup>). The retained farmland parcel will retain over 64 acres (25.9 hectares) of area.

On March 16, 2022, the Lakeshore Committee of Adjustment approved the creation of three residential lots from the Subject Property that have frontage on South Middle Road located at the corner of South Middle Road and County Road 27. Two of those three residential lots each have an area of 0.381 acres (1,541.86 m<sup>2</sup>) and a frontage of 25.3 metres (83 feet). The other, located at the very corner of the intersection, has an area of 0.559 acres (2,262.2 m<sup>2</sup>) and a frontage of 23.78 metres (78 feet). The three new residential lots proposed under this application will be additional residential lots located east of those previous lot creations. They will be located 20 metres (65.62 feet) east of the previous lot creations to accommodate a Bell Canada easement and service bridge (Appendix B). There is an existing dwelling on the retained parcel with an existing access from County Road 27.

Each of the proposed residential lots have been assigned their own file number (files: B-03-2025-A, B-03-2025-B, B-03-2025-C). The file numbers are indicated on the sketch detailing the lot creation proposal (Appendix B). The Committee of Adjustment will render a separate decision with respect to each lot.

## Summary

Surrounding Land Uses	North: Agricultural land existing on the retained land parcel of the Subject Property West: County Road 27 and South Middle Road intersection, Church Street and County Road 27 intersection, residential lots (including the three previous
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	undeveloped lots created from the Subject Property) East: Agricultural land existing on the retained land parcel of the Subject Property, Libro Community Centre and Library/park, residential lots, transportation business South: residential lots
Proposed Servicing	Municipal water, municipal sanitary
Zoning	The proposed lots will be created on land zoned Hamlet Residential with holding symbol “h6” (HR(h6))
Lakeshore Official Plan	The proposed lots will be created on land designated “Hamlet”
County of Essex Official Plan	Significant Groundwater Recharge Area (low), Secondary Settlement Area where lots are proposed to be created

### Provincial Planning Statement (PPS)

Section 2.3.1.1 of the PPS states: *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas*

Comment: The proposed development will occur in the North and South Woodslee Settlement Area (Hamlet Area) of the Lakeshore Official Plan, and is an infill development introducing new residential growth to the settlement area. The proposal is therefore consistent with this policy.

Section 4.6.2 of the PPS states that: *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

Comment: The Applicant submitted a copy of a Stage 1 archaeological assessment completed in 2016 for 18,926 hectares of land impacted by a proposed wind energy project to the attention of Administration. It was completed to meet the requirements for a Renewable Energy Approval under the Environmental Protection Act. The assessment covers an area spanning various lots and concessions in the Municipality of Lakeshore and includes the Subject Property. At the time of the assessment the precise area that would be subject to construction disturbance for the project was unknown. The assessment concludes that the majority of the assessed land retains the potential for the identification of archaeological resources. It states that a further Stage 2 archaeological assessment is required, which would be limited to only the areas subject to construction disturbance once the precise project location is ascertained.

In accordance with Subsection 4.2.3.4 of the Lakeshore Official Plan, the applicant will need to obtain an archaeological assessment as a condition of consent approval to support the development. The archaeological assessment report is to be conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Gaming, as well as licensing requirements developed under the Ontario Heritage Act. It is to be entered into the Ontario Public Register of Archaeological Reports. Ultimately, the licensed archaeologist hired by the applicant will need to review and determine if the Stage 1 work completed in 2016 is sufficient for a Stage 1 assessment of the development proposal and complete all subsequent stages of an assessment that are required.

Subsection 4.2.3.4 of the Lakeshore Official Plan states: *Where archaeological resources are identified, the Municipality recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources as a result of development proposals. The Municipality may consider archaeological preservation on site to ensure that the integrity of the resource is maintained. The Municipality may also maintain the integrity of archaeological resources by enacting a Zoning By-law to prohibit incompatible land uses and/or the erection of buildings or structures on land that is a site of a significant archaeological resource.*

Comment: The archaeological assessment will identify and recommend any conservation/mitigation strategies that need to be implemented by the applicant to the satisfaction of the Community Planning Division.

The development is consistent with the PPS and there are no other issues of provincial significance.

#### Current County of Essex Official Plan

The lot creation proposal will occur in an area designated as “Secondary Settlement Area” in the County of Essex Official Plan. The following policies are applicable to the development:

Subsection 3.2.5 e): *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*

Subsection 3.2.5 g): *Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies: New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.*

Comment: The area proposed for the lot creations is designated “Hamlet” in the Lakeshore Official Plan which permits low density residential dwellings. North and South Woodslee is a settlement area generally containing non-employment uses (residential), and the proposed development is an infill development that will utilize an existing street

and municipal services. Therefore the proposed development conforms to the County Official Plan Secondary Settlement policies.

The lot creation proposal will occur in an area of the “Significant Groundwater Recharge Area (SGRA)” (low vulnerability) overlay in the County of Essex Official Plan which is an overlay that spans a large part of North and South Woodslee. Subsection 2.5.2 b) states that: *Development and site alteration that may be a significant threat will only be permitted within a Highly Vulnerable Aquifer (HVA) or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA.*

Comment: Essex Region Conservation Authority (ERCA) does not typically provide comments on SGRA with respect to consents for residential lots. The agency did not express concerns regarding this matter considering the small residential development proposed. It is noted that the proposed development will be on full municipal services (water and sewage) and the likelihood of groundwater contamination is small.

Based on the aforementioned information, the development proposal conforms to the County of Essex Official Plan.

#### Lakeshore Official Plan

The lot creations are proposed in an area that is part of the North and South Woodslee Settlement Area. This settlement area is specifically identified as a “Hamlet Area” in the Lakeshore Official Plan.

Subsection 3.3.3 of the Lakeshore Official Plan states that: *The Hamlet Areas may continue to experience limited growth through appropriate infilling and development of vacant lands. For the purposes of this Plan, infilling refers to the development and/or redevelopment of existing vacant and/or underutilized lots.* Moreover, Subsection 3.3.3 a) states that: *Hamlet Areas may continue to experience limited growth through infilling, in accordance with the policies of Section 8.3.5.2, and development of vacant lands.* Section 8.3.5.2 is a reference to the general consent policies of the Lakeshore Official Plan.

Comment: The proposed lot creation is an infill development of vacant land in the Hamlet Area which is contemplated by the policy.

The development conforms to the policies of Section 8.3.5.2 of the Lakeshore Official Plan. Subsection 8.3.5.2 a) states: *A consent should only be considered where a plan of subdivision is deemed to be unnecessary, and the consent will not result in the creation of four or more new lots, and where the application conforms with the policies of this Official Plan.* Section 4.6.1 of the County of Essex Official Plan is a similar policy which states: *The plan of subdivision process is required for lot creation where four or more new lots result from the application or where a service extension is required except where lot frontages for the new lots currently exist on a public road.*

Comment: The proposed lot creation is proceeding by way of a consent application rather than a plan of subdivision process under the Planning Act. It is in an infill development proposal that does not require the extension of services. Lot frontages for the new lots will exist on a public road (South Middle Road). Technical requirements to support the development proposal can be achieved through the consent process.

Subsection 6.3.1 a) of the Lakeshore Official Plan permits low density residential dwellings in the Hamlet Designation.

Based on the aforementioned information, the development proposal conforms to the Lakeshore Official Plan.

### Zoning

The area where the lots are proposed is zoned Hamlet Residential (HR) with holding symbol “h6” (HR(h6)). Each of the residential lots will have a lot frontage of approximately 27.8 metres (91.21 feet) and an area of approximately 1,696 m<sup>2</sup> (0.419 acres), which will comply with the minimum lot frontage (15 metres) and minimum lot area (550 m<sup>2</sup>) requirements for a fully serviced lot supporting a single detached dwelling in the HR zone.

The proposed lots will have virtually the same depth as two of the three previous lot creations, but their frontage will be approximately 2.5 metres (8.2 feet) wider, resulting in residential lots that overall closely resemble the previous lot creations severed from the Subject Property.

The “h6” holding symbol affixed to the zoning states that “Existing uses shall be the only uses permitted in the interim”. The condition for removal of the holding symbol is: *“That adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Municipality of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”*.

Comment: As with their previous lot creation, the applicant will need to obtain a Zoning By-law Amendment to remove the “h6” holding symbol from the proposed lots as a condition of consent approval. This will ensure the proposed lots are buildable prior to them being registered and transferred to new owners. A Reference Plan from an Ontario Land Surveyor and confirmation/review of servicing (water, sanitary, storm) by the Operations Department will be required to process the Zoning By-law Amendment. Lakeshore Council is the current decision-making authority for H-removal Zoning By-law Amendments.

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

#### External and Internal Agencies

The application was circulated to various external and internal agencies.

The Operations Department provided several comments on the application related to matters such as lot grading, site servicing, stormwater management, requirements under the Drainage Act, and the need for a severance agreement dealing with these matters which is to be registered on the Subject Property and binding on future owners. The full comment from the Operations Department can be found in Appendix D.

The Lakeshore Fire Department had no comments on the development proposal.

The Lakeshore Chief Building Official had no comments on the development proposal.

The Engineering Technologist at the County of Essex commented that they have no objections to the development proposal. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The full comment can be found in Appendix E.

ERCA commented that their office has no objection to the development proposal. Their office encourages the Municipality to consider the cumulative impact of development on stormwater management for the site. The full comment from ERCA can be found in Appendix F.

## **Conclusion**

The proposed development 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 proposed development was 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 – Drawings  
Appendix C – Photos  
Appendix D – Operations Department  
Appendix E – County of Essex  
Appendix F – ERCA

## **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-03-2025-ABC - 2462 County Road 27.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - County of Essex.pdf</li><li>- Appendix F - ERCA.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 - 4:27 PM**

**Daniel Mercer - Apr 7, 2025 - 9:23 AM**

**Tammie Ryall - Apr 7, 2025 - 10:00 AM**