

# Municipality of Lakeshore Report to Committee of Adjustment

## Growth and Sustainability

### Planning Services



**To:** Chair and Members of the Committee of Adjustment  
**From:** Jacob Dickie, Planner II  
**Date:** June 6, 2025  
**Subject:** Minor Variance Application A/11/2025 – 8705 County Rd 46

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### Recommendation

Approve Minor Variance Application A/11/2025, 8705 County Rd 46 (subject property), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the expansion of an existing “Agricultural Service and Supply Establishment” on the subject property.

- Relief from subsection 6.5 c) ii) to permit items for sale to be displayed within an “Outdoor Display and Sales Area” on a permanent basis, whereas subsection 6.5 c) ii) only permits items for sale to be displayed during the operating hours of the business.
- Relief from subsection 6.40 c) to permit a reduced setback of 2.27 m from the side lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 4.5 m.
- Relief from subsection 6.40 c) to permit a reduced setback of 3.27 m from the rear lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 7.5 m.
- Relief from subsection 6.40 d) to permit a reduced setback of 1.44 m from the front lot line an “Outdoor Display and Sales Area”, whereas subsection 6.40 d) requires a setback of 7.5 m.

### Summary

#### Subject Property

The subject property is located just east of Comber on the south side of County Rd 46 and contains an approximate total lot area of 35,084 m<sup>2</sup> (8.7 acres/3.51 hectares), with an approximate frontage of 110.68 m on to County Rd 46. The lands are currently occupied by one existing 1,672.25 m<sup>2</sup> building which functions as the Huron Tractor farm equipment dealership and servicing centre. For zoning purposes, the use is deemed as an “Agricultural Service and Supply Establishment”. The remainder of the site is comprised of parking spaces, a stormwater pond and farm equipment displayed

for sale within the front yard, outdoor storage within the rear yard and landscaping around the perimeters of the property (Appendix A). The lands are serviced by municipal water, private septic and municipal drains. The legal description for the lands is as follows: Part of Lot 8, Concession South of Middle Road, Tilbury, designated as Parts 1-3 on Plan 12R18479, subject to R1507064; Lakeshore, being all of the Property Identifier Number 75062-0443(LT).

### Surrounding Land Uses

The subject property is located approximately 570 m east of Comber's Settlement Area boundaries and is surrounded by farmland and rural residential lots. There are stormwater drains located on both sides of County Rd 46 and on the abutting property to the east which ends right at the subject property's eastern property line.

### Proposed Development

The applicant has submitted a Site Plan Control Application to the Municipality to facilitate the development of a 1,306.8 m<sup>2</sup> rear building addition to the existing 1,672.25 m<sup>2</sup> Huron Tractor farm equipment dealership and servicing centre. As a part of the Site Plan Control process, the applicant has been actively working with staff to fine tune the design of the overall site such as making revisions to the parking layout, the stormwater management approach and the grading of the lands. The applicant is also seeking to expand the extent of the "Outdoor Display and Sales Area" and "Outdoor Storage Area" beyond what was originally approved in the existing Site Plan Agreement dating back to the year 2000. The proposed "Outdoor Display and Sales Area" and "Outdoor Storage Area" requires relief from the provisions of Lakeshore's current Zoning By-law, hence the need for Minor Variance Application A/11/2025.

A Site Servicing and Grading Plan, Servicing Brief and Lighting Plan were submitted as a part of the Site Plan Control Application and are being thoroughly vetted by Administration to ensure that the proposed development is safe, functional and of good quality.

No significant concerns remain with the overall design of the proposed development at this point in the process from Administration's perspective. However, the applicant is still required to obtain approval for the proposed minor variances which is necessary to permit the expanded "Outdoor Display and Sales Area" and "Outdoor Storage Area" which already exists but in a non-conforming status.

### **Applicable Planning Policies and Zoning Regulations**

#### County of Essex Official Plan

The subject property is designated as "Agricultural" in the current and in-effect version of the County of Essex Official Plan.

#### Municipality of Lakeshore Official Plan

The subject property is designated as “Agricultural” in the current and in-effect version of the Municipality of Lakeshore Official Plan.

Lakeshore Zoning By-law 2-2012

The subject property is zoned as “Rural Commercial/Employment (CR)” in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

Essex Region Conservation Authority (ERCA)

A small segment of the subject property is regulated by ERCA at the eastern extent of the property near the municipal drain located on the abutting lands.

### **Planning Act 45(1)**

Subsection 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### **Minor in Nature**

The applicant is seeking to expand the previously approved “Outdoor Display and Sales Area” by bringing it closer to the front lot line. The impacts will be minor in nature as the newly expanded area does not conflict with vehicular/pedestrian maneuverability on the lands or with any infrastructure or structures. No concerns have been raised by ERCA or by the Operations Department with respect to negative impacts on the stormwater drains. Further, the equipment can be moved at any time.

When the original site plan was first approved in 2000 there was no provision under the former Tilbury West Zoning By-law that required the business owner to remove equipment from the “Outdoor Display and Sales Area” after business hours. As such, the owner has been able to continue leaving their sales display items out overnight and into the early morning within the existing “Outdoor Display and Sales Area” as a legal non-conforming use. As such, permitting the owner to display items for sale after business hours within the expanded “Outdoor Display and Sales Area” would be considered minor in nature given the existing circumstances.

The request to reduce the required setbacks for the “Outdoor Storage Area” is minor in nature as the impacts will be negligible on the surrounding lots. The property is surrounded by farmland to the east, west and south and there are no structures within the immediate area. Furthermore, the expanded “Outdoor Storage Area” remains hidden from public view and there are no nearby residences to complain about noise impacts.

As such, the proposed variances are minor in nature.

## **Desirable for the Appropriate Development or Use of Land**

The proposed expansion of the “Outdoor Display and Sales Area” into the front yard will result in a more efficient use of vacant land. Further, it will generate more public visibility and increase economic opportunities for a business that is important to the local agricultural community. The same applies to the request to permit items for sale to be left out within the expanded display area after business hours as it will generate more visibility and reduce the amount of unnecessary labour associated with moving the equipment around every morning and night.

The proposed expansion of the “Outdoor Storage Area” into the rear and side yards will result in a more efficient use of vacant land and yield more economic benefits for the business which plays a major role in supporting the local agricultural economy. No stormwater or public nuisance issues are anticipated as a result of the proposed expansion. Further, there is limited opportunity to farm the perimeter of the site. As such increasing the outdoor storage area would serve as a more optimal use for the subject lands.

As such, the proposed variances are desirable for the appropriate development or use of land.

## **County of Essex Official Plan**

The proposed variances are consistent with the policies of the current and in-effect version of the County of Essex Official Plan such as the following:

- “3.3 AGRICULTURAL
- 3.3.3 Specific Agricultural Policies
- 3.3.3.1 Permitted Uses

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

- a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses”.

The proposed expansion of the “Outdoor Display and Sales Area” and “Outdoor Storage Area” are connected to the Huron Tractor farm equipment dealer and service center which is considered an “Agricultural-Related Use”, which is permitted within the “Agricultural” Land Use Designation. The business activities on the subject lands are related to farm operations within the area and is compatible with the surrounding environment.

As such, the proposed variances meet the general intent and purpose of the County of Essex Official Plan.

## **Lakeshore Official Plan**

The proposed variances are consistent with the policies of the current and in-effect version of the Lakeshore Official Plan such as the following:

#### “4.4 Economic Environment

##### 4.4.1 Locations of Economic Activity

- a) The Town will promote opportunities for economic activity by adopting different strategies for different parts of the Town in an effort to focus specific economic activities in close proximity to the resources, amenities and forms of existing development they require to thrive.”

#### “6.2 Agricultural Designation

##### 6.2.1 Permitted Uses

- d) Agriculture related commercial and industrial uses directly related to, and supportive of an agricultural operation are permitted, provided the following policies are considered:
  - v) the agriculture related commercial and industrial uses will be located and designed to minimize potential adverse impacts including noise, visual, odours, and air emissions, upon nearby residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout; and”

The proposed variances will increase economic opportunities for a farm equipment business that plays a prominent role in supporting the long-term viability of the local agricultural economy within Lakeshore. The requested reliefs are appropriate for the lands and will not create any significant adverse impacts on the surrounding farmland. Furthermore, the expansion of the Huron Tractor Dealership and Service Centre satisfies the criteria set out in the “Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” for an “Agricultural-Related” use. As such, the business activities associated with the proposed expansion of the Huron Tractor Dealership and Service Centre are permitted within the Lakeshore Official Plan’s “Agricultural” Land Use Designation because they are considered to be agricultural-related.

As such, the proposed variances meet the general intent and purpose of the Lakeshore Official Plan.

#### **Lakeshore Zoning By-law 2-2012**

The Zoning By-law requires a specific setback between an “Outdoor Display and Sales Area” and the front lot line to ensure that there are no conflicts between the items being displayed and any other items or activities within the front yard and public right-of-way. In this case, the proposed expansion of the “Outdoor Display and Sales Area” does not conflict with the site access, vehicular/pedestrian maneuverability or any structures, infrastructures or activities that are required in the front yard or public right-of-way.

The Zoning By-law requires that items displayed for sale only be left out during the operating hours of the business. The intent of this requirement is to ensure that the items being displayed for sale are carefully monitored, and that a sense of safety is maintained during hours with less natural surveillance and daytime lighting. There are no safety concerns associated with leaving the farm equipment out overnight as it is not considered

dangerous to the general public. The heavy equipment cannot be easily moved and there is a gate which blocks access to the site when the business is closed.

The Zoning By-law requires specific setbacks between the “Outdoor Storage Area” and the side and rear lot lines. The separation distance seeks to ensure that nuisance impacts on the abutting properties are mitigated. Given the context of the area surrounding the subject property which consists of vacant farmland, there should be no concerns with the proposed expansion of the “Outdoor Storage Area”. Public visibility and sound impacts will remain limited. Furthermore, there still remains a landscape buffer between the proposed “Outdoor Storage Area” and surrounding lots.

As such, the proposed variances meets the general intent and purpose of the Lakeshore Zoning By-law 2-2012 .

### **Conclusion**

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Subsection 45 (1) of the *Planning Act*:

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

### **Correspondence**

#### Internal Departments and External Agencies

Minor Variance Application A-11-2025 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire, the County of Essex, and the Essex Region Conservation Authority. No concerns have been raised.

#### Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject land. At the time of writing, no written comments were received.

### **Appendices:**

Appendix A – Aerial View

Appendix B – Proposed Site Plan, 2025

Appendix C – Approved Site Plan, 2000

## Report Approval Details

Document Title:	A-11-2025 - 8705 County Rd 46.docx
Attachments:	- Appendix A - Aerial View.pdf - Appendix B – Proposed Site Plan, 2025.pdf - Appendix C – Approved Site Plan, 2000.pdf
Final Approval Date:	Jun 11, 2025

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

**Urvi Prajapati - Jun 10, 2025 - 2:58 PM**

**No Signature found**

**Jacob Dickie - Jun 10, 2025 - 3:17 PM**

**Daniel Mercer - Jun 10, 2025 - 5:05 PM**

**Tammie Ryall - Jun 11, 2025 - 5:36 PM**