

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: June 6, 2025
Subject: Change of Conditions – B/02/2025 – 1078 Countryview Lane

Recommendation

Change the conditions of provisional consent (file: B/02/2025) by removing condition number 7, which reads as follows:

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;

and, deem the change of the provisional consent conditions as a minor condition change under Subsection 53 (26) of the Planning Act.

Background

On April 16th, 2025, the Municipality of Lakeshore Committee of Adjustment granted a provisional consent (file: B/02/2025) with respect to 1078 Countryview Lane (“subject property”, Appendix A). The provisional consent (Appendix D) is a surplus farm dwelling severance for the creation of one lot containing an existing dwelling (surplus farm dwelling) and accessory buildings/structures. The lot to be created will have a lot area of approximately 6,232 m² (approx. 1.54 acre) and a lot frontage of approximately 61.2 metres (approx. 200 feet) along Countryview Lane. Sketches from the application illustrating the surplus farm dwelling severance are attached to this report (Appendix B).

The Municipality’s Parkland Dedication By-law 110-2024 enables the Municipality to require the payment of cash to the value of land otherwise required to be conveyed for parkland under the By-law (known as “Payment of Cash in Lieu”, PIL).

By-law 110-2024 defines “Development” and “Redevelopment” as follows:

“Development”: the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;

“Redevelopment”: the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;

Part 3 of By-law 110-2024 states that for all Residential Development or Redevelopment, the PIL may be calculated and imposed by unit type based on Schedule 1 (Single-detached rural 2025 - \$3,400).

Where the payment of PIL is not required as a condition of a consent, the PIL shall be paid prior to the issuance of the building permit in respect of the Development or Redevelopment in accordance with Section 42 of the *Planning Act*.

At the request of the owner, Administration reviewed Condition 7, and consulted with others, including internal legal staff. Specifically, Administration reviewed the definitions of “Development” in the Parkland Dedication By-law, and in the Provincial Planning Statement.

Comments

Subsection 53(23) of the *Planning Act* permits the conditions of a provisional consent to be changed at any time before the issuance of a consent certificate.

Provincial Planning Statement (PPS) and County of Essex Official Plan

There are no issues of provincial significance raised by the request. The condition change does not conflict with any of the policies in the County of Essex Official Plan.

The Provincial Planning Statement defines “Development” as the following: *the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act*. Whereas “Development” defined in By-law 110-2024 is focused specifically on the construction, addition and/or alteration to building(s) or structure(s) on land – it does not include the mere creation of a new lot. Decisions with respect to parkland dedication should be focused on meeting the intent of By-law 110-2024, which is to have parkland or PIL dedicated in response to development as it is defined in the by-law.

Lakeshore Official Plan

Subsection 8.3.5.2 d) of the Lakeshore Official Plan states that the Municipality may require parkland dedication or PIL as a condition of approval of a consent application for the severed and/or retained lot, where such a condition is appropriate.

Zoning By-law

The condition change would not impact any zoning considerations.

After reviewing the applicable information, Administration is of the opinion, that there is no Development or Redevelopment planned during this time with respect to the main building (dwelling) on the subject property. As previously mentioned, the provisional consent is for the creation of one lot containing an existing dwelling and accessory buildings/structures. If a future owner decides to engage in Development or Redevelopment with respect to this land - formerly included on the register for having historical and architectural significance - then the applicable PIL will be paid prior to the issuance of the building permit in respect of the Development or Redevelopment. Therefore, it is recommended that the Committee of Adjustment change the conditions of provisional consent (file: B/02/2025) by removing condition number 7.

There is no Development or Redevelopment required in the conditions of the provisional consent approval that would trigger or warrant PIL, nor is Development or Redevelopment anticipated immediately following conveyance of the severed lot (creation of a vacant lot, etc.). In this case it is therefore appropriate to charge PIL during the building permit process if Development or Redevelopment is engaged by a future owner with respect to the severed lot.

Conclusion

It is the opinion of the Planner that removing condition number 7 of provisional consent B/02/2025 is an appropriate change that does not conflict with the PPS, County of Essex Official Plan, Lakeshore Official Plan or Zoning By-law.

It is also the opinion of the Planner that the change to the provisional consent conditions is minor and therefore, as per subsection 53(26) of the Planning Act, notice should not be required to be given under subsection 53(24).

Also, a written request was not received from any person or public body to be notified of changes to the conditions. No person(s) from the public, other than the applicant and their agent, appeared at the April 16th 2025 Committee of Adjustment meeting when the consent application was heard by the committee.

Attachment(s):

Appendix A – Aerial Map

Appendix B – Drawings

Appendix C – Photos

Appendix D – B-02-2025 Decision

Prepared by:



Ian Search, BES, Planner I

Report Approval Details

Document Title:	B-02-2025 - Condition Change Report - 1078 Countryview Lane.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawing.pdf - Appendix C - Photos.pdf - Appendix D - B-02-2025 Decision.pdf
Final Approval Date:	Jun 11, 2025

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

Urvi Prajapati - Jun 9, 2025 - 4:20 PM

Daniel Mercer - Jun 10, 2025 - 12:07 PM

No Signature found

Ian Search - Jun 10, 2025 - 1:50 PM

Tammie Ryall - Jun 11, 2025 - 2:13 PM