

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Kim Darroch, Manager of Development Services

Date: June 25, 2020

Subject: ZBA-15-2019, 1972 County Road 27 (Leboeuf)

Recommendation

Approve Zoning By-law Amendment Application ZBA-15-2019 (By-law No.051-2020), Town of Lakeshore By-law 2-2012, as amended), to rezone a portion of the farm parcel(s), indicated as the "Retained Farmland" on the Key Map, Appendix 1, located at 1972 County Road 27, in the Town of Lakeshore, from "A, Agriculture" to a site-specific "A-1, Agriculture" zone, which prohibits a single detached dwelling on the parcel east of the Hydro Corridor and a site specific "A-103, Agriculture Exception Zone, which prohibits a single detached dwelling and recognizes a deficient lot area on the parcel fronting County Road 27.

Background

The subject property (1972 County Road 27) is located on the east side of County Road 27, south of Highway 401, in the Community of Rochester (See Appendix 1).

The subject property is designated 'Agricultural', 'Floodplain', 'Woodland' and 'Limit of Regulated Area (ERCA Jurisdiction)' in the Town of Lakeshore Official Plan and is zoned Agriculture (A) in the Lakeshore Zoning By-law, 2-2012, as amended.

The proposed surplus lot and the retained farmland located east of the Hydro Corridor, appear to comply with the minimum lot frontage and lot area requirements of the Zoning By-law. However, the retained farmland adjacent to the surplus lot and fronting County Road 27, does not comply with the minimum lot area requirements for a farm parcel to be used for farming purposes. Relief will be required from the Zoning By-law, in addition to recognizing the need to prohibit residential dwellings on both retained farm parcels, in accordance with provincial policy.

Comments

2020 Provincial Policy Statement (PPS)

The PPS permits “a residence surplus to a farming operation as a result of farm consolidation,” to be severed, “provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.”

Comment: It was a condition of the Consent Application B23/2019 which created the surplus dwelling lot, that a zoning by-law amendment application be submitted to the Town for the retained lands on both sides of the Hydro Corridor, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel(s) of farmland created by the severance. The retained farm parcel abutting County Road 27 will be re-zoned to recognize its deficient lot area for a farm parcel, whereby 19 hectares (46.9 acres) is required and 10.5 hectares (26 acres) is provided. The retained farm parcel east of the Hydro Corridor is over 200 acres or 80.9 hectares.

In addition, the Town of Lakeshore Official Plan (Section 6.2.3 b) ii requires that the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation. By severing off the surplus lot, from the farm lot, the Zoning By-law automatically recognizes the surplus lot's non-farm use (as a result of the lot's smaller size).

Therefore the proposal is consistent with the PPS.

County Official Plan and Lakeshore Official Plan

The proposal conforms to the land use and consent policies of the Agricultural designations of both the County and Lakeshore Official Plans.

Conclusion

Administration recommends approval of the zoning by-law amendment, as it is consistent with the Provincial Policy Statement and conforms to the County and Town of Lakeshore Official Plans. Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
 - (a) the person or public body that made the application;
 - (b) each person and public body that filed a written request to be notified of a

- refusal; and
(c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the LPAT.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

Comment - At the time of writing, no additional information or studies were deemed necessary.

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

Comment - There are no modifications that would substantially improve the application.

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, the Town's Planner supports Alternative 4 (Approval).

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachment(s):

Appendix 1 – Key Map

Report Approval Details

Document Title:	ZBA-15-2019 1972 County Road 27.docx
Attachments:	- Appendix 1 Key Map 1972 County Road 27.docx
Final Approval Date:	Jul 7, 2020

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman