

# Municipality of Lakeshore - Report to Council

## Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Ian Search, Planner 1

**Date:** June 2, 2021

**Subject:** ZBA-2-2021 – Wylie Surplus Farm Dwelling - 12560 Lakeshore Road 309

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-2-2021 (By-law 49-2021, Municipality of Lakeshore By-law 2-2012), to rezone a portion of the farm parcel, indicated as the “Retained Farmland” on the Key Map, Appendix A, located at 12560 Lakeshore Road 309, in the Municipality of Lakeshore, from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-1)”, which prohibits a single detached dwelling, as presented in the June 22, 2021 Council report.

### Background

The subject property is a 40.47 hectare (100 acre) parcel of farmland located east of Highway 77, south of Highway 401, and is located at the northwest corner of Gracey Sideroad and Lakeshore Road 309, in the Community of Tilbury West, known municipally as, 12560 Lakeshore Road 309 (See Appendix ‘1’).

The subject property is designated ‘Agricultural’ in the Municipality of Lakeshore Official Plan and is zoned Agriculture Zone (A) in the Lakeshore Zoning By-law. The subject property is not part of any hazard lands, significant valley lands, woodlands or wetlands. It is located within the Lower Thames Valley Conservation Authority Limit of Regulated Area.

Recently, provisional consent (File: B/5/2021) was granted to sever a surplus dwelling lot from the farm parcel. In order to meet conditions of the provisional consent, the applicants have submitted an application to rezone the surplus dwelling lot to recognize the non-farm use and to rezone the remnant (retained) farmland to prohibit single detached dwellings. As a result of the surplus lot creation, the severed lot is automatically recognized for its non-farm residential use, as long as it is under 4 hectares or 9.88 acres. As the surplus farm lot is under 4 ha, there is no need to rezone the severed lot.

Surplus Dwelling Lot (On Plan 12R-28618)	Lot Area – 0.85 ha (2.11 ac.) Existing Use – single detached dwelling Proposed Use – same Access – existing driveway access from Lakeshore Road 309 Services – municipal water and private septic
Neighbouring Land Uses	North, South, East & West – agricultural lands
Official Plan	‘Agricultural’
Zoning By-law	Agriculture Zone (A)

## Comments

### Provincial Policy Statement

The PPS (2.3.4.1(c)(2)) 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.”

Note: It was a condition of the consent application which created the surplus dwelling lot, that a zoning by-law amendment application be submitted to the Municipality for the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. In addition, the Municipality 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 of Essex Official Plan and Lakeshore Official Plan and Zoning By-law

The proposal conforms to the land use and consent policies of the Agricultural designations of both the County and Lakeshore Official Plans. In order to satisfy a condition of the provisional consent to sever a surplus dwelling from the farm parcel, the “Retained Farmland” will be re-zoned from “A, Agriculture” to a site-specific “A-1 Agriculture zone” which shall prohibit a single detached dwelling.

## Conclusion

Based on the foregoing, it is recommended that Council approve ZBA-2-2021 (Bylaw 49-2021) as per the Recommendation section of the report, as it is consistent with the Provincial Policy Statement and conforms to the County and Lakeshore Official Plans.

## 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 budget impacts resulting from the recommendation.

**Attachment:** Appendix 1 Key Map - Wylie

## Report Approval Details

Document Title:	ZBA-2-2021 Larry and Ann Wylie.docx
Attachments:	- Appendix 1 Key Map - Wylie.pdf
Final Approval Date:	Jun 17, 2021

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

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