

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Urvi Prajapati, BEDP, MES
Planner 1

Date: June 29, 2022

Applicant: Paul and Deborah Reeb,
1900 Naylor Sideroad (County Rd 23)
Lakeshore, ON

Subject: Consent Application B/12/2022

Recommendation

Approve Consent Application B/12/2022 subject to the following conditions:

1. That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line;
2. That all municipal taxes be paid in full prior to the stamping of the Deed;
3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed;
4. That, the severed lot is subject to water buy-in fee according to the tariff of fees by-law at the time of servicing;
5. That any additional modifications to the driveway in the municipal right-of-way or the addition of hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the County of Essex;
6. That the applicant enter into a drain apportionment agreement as it pertains to the municipal drain Puce River Drain at the rear of the property;
7. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
8. That all conditions be met in accordance with Section 53(41) of the Planning

Act, R.S.O. 1990 by **July 15, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Relief Requested

The applicants of 1900 Naylor Sideroad (County Rd 23) have applied to sever the land into two parcels. Both the severed lot and retained lot will result with approximately 990.0 ft of frontage along Naylor Sideroad (County Rd 23) and will be approximately 50.0 acres (20.23 ha) each. If approved, both the severed and retained lot will comply with the Zoning By-law frontage and lot size minimum requirements.

Summary

Location:

The subject property 1900 Naylor Sideroad is located south of South Middle Road, west of Lakeshore Rd. 211, east of Lakeshore Rd. 205 and north of North Talbot Rd and Naylor Sideroad.

Surrounding Land Uses:

North: Agriculture
South: Agriculture

East: Agriculture
West: Agriculture

Provincial Policy Statement

The proposal conforms to Section 2.3.4.1 Lot Creation and Lot Adjustments of the Provincial Policy Statement; as it permits lot creation in prime agricultural areas for the following:

- a) *“agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services,”*

Official Plan:

The entire subject property is designated Agriculture and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

Section 6.2.3 of the current Official Plan permits a consent to split a lot in the Agriculture designation subject to the following conditions:

- i. *“the minimum area of both the retained and severed lots will be approximately 20 hectares.”*

Both the severed and retained lot will have an approximate area of 50 acres (20.23 ha) respectively and therefore conforms to the current Official Plan policies. It is to be noted that an review to the Official Plan is currently being processed that may require severances in areas designated Agriculture maintain a minimum lot area of 40 hectares. However, the Official Plan review is not adopted yet thus, the current policies currently apply.

Zoning:

The subject property is zoned Agriculture (A). The minimum lot area for Agriculture zone is 19.0 ha; both the severed and retained lots will maintain the required lot area as well as the required minimum lot frontage of 75.0 m. Therefore, the proposal complies with the Zoning By-law.

Conclusion

The proposed consent is consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, and complies with the Zoning By-law 2-2012 and is subject to the conditions included in the recommendation section of the report.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, comments received from the are summarized below.

Engineering is in support of the severance and has mentioned that the severed lot will be subject to water buy-in fee at the time of servicing. Moreover, any modifications to the driveway will require the applicant to obtain an entrance permit from the County of Essex. Lastly, the Drainage Division will require the applicants to enter into a drain apportionment agreement once the property has been severed.

County of Essex has mentioned that the applicants comply with the County Road Regulations and that the minimum setback for any future structures must be 85 feet from the center of the original right of way of County Rd. 23. Moreover, approvals and permits will be required for any new accesses.

ERCA is also in support of the application and has mentioned that the applicants must obtain a permit and/or clearance prior to any site alteration or construction.

Attachment(s):

Appendix A – Key Plan
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments
Appendix D – County of Essex Comments
Appendix E – ERCA Comments

Prepared by:



Urvi Prajapati, BEDP, MES
Planner I

Report Approval Details

Document Title:	B-12-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan and Elevations.pdf - Engineering Comments.pdf - ERCA Comments.pdf - County of Essex Comments.pdf
Final Approval Date:	Jul 8, 2022

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

Prepared by Urvi Prajapati

Approved by Kristina Brcic