

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: August 3, 2022
Applicant: Dianne St. Louis
Subject: Consent Application B/13/2022 lot addition – 131 Rourke Line Rd

Recommendation

Deny Consent Application B/13/2022 as it does not conform to the policies set out by the Provincial Policy Statement and does not comply with the policies set out by the Lakeshore Official Plan. Should the Committee approve this Consent it should be subject to the conditions located within the conclusion of this report.

Requested

The applicant of 131 Rourke Line Rd has applied to sever a portion on the rear half of their property as a lot addition to an adjacent property (127 Rourke Line Rd). The severed portion will add 464.52m² (0.11 acre) to 127 Rourke Line Rd. The retained parcel would maintain 15.24m frontage, a lot coverage of 24% and 557.42m² (0.14 acre) of lot area. Both the severed and retained lot will comply with the Zoning By-law frontage and lot size minimum requirements.

Summary

Location:

The subject property 131 Rourke line Rd is located on the west side of Rourke Line Rd, north of County Road 22.

Surrounding Land Uses:

North: Railway tracks, with single detached dwelling units on the opposing side (R1)
East: Single detached dwelling units (R1)
West: Single detached dwelling units (R1)
South: Single detached dwelling units (R1)

Provincial Policy Statement

The proposed severance does not comply with section 3.1.2 which states:

Development and site alteration shall not be permitted within:

C) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard

As the subject lands resides within a hazard Land and is prone to flooding.

Official Plan:

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

Section 8.3.5.2 of the current Official Plan details the restrictions placed upon consents. Both the severed lot and the retained lot will abide by the regulations set out in the Lakeshore Official Plan.

However, the proposal does not conform to section 4.2.1 Community Design which states that Lakeshore:

v) will encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighborhood structure;

Zoning:

The subject property is zoned Residential – Low Density (R1). The minimum lot area for an R1 zone is 500m² and the minimum lot frontage is 15m. Both the severed lot and retained lot will maintain the required lot area and frontages. Therefore, the proposal complies with the Zoning By-law.

Conclusion

The proposed consent is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Lakeshore Official Plan. However, the subjected lands comply with the Zoning By-law 2-2012.

Should the Committee approve this Consent it should be 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 the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severance.
- 5) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 6) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
- 7) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Correspondence from external and internal agencies

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

ERCA has expressed concern regarding the low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event and that the Municipality may not properly service this area at this time. ERCA does not express support nor hinderance to the application. ERCA will require the applicant to obtain a permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Attachment(s):

Appendix A – Key Plan
Appendix B – Site Plan and Elevations
Appendix C – ERCA Comments

Prepared by:

A handwritten signature in black ink, appearing to read "Ian Rawlings", is positioned above a horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	B-13-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:55 PM