

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 5, 2022

Applicant: Cindy Prince

Subject: Consent Application B/14/2022 lot creation – 1477 County Rd 22

Recommendation

Approve Consent Application B/14/2022 to sever a lot from the lands known as 1477 County Rd 22 to create a new 3.9 ha (9.59 acres) lot, 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 Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicant acquire a revised updated schedule of assessment to be completed by a Drainage Engineer to the satisfaction of Engineering Services.
- 5) That the applicant shall fulfill the requirements of parkland dedication in accordance with the Municipality of Lakeshore's Parkland dedication By-law, as amended.
- 6) 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 Currently two years from decision date.

Background

The applicants of 1477 County Rd 22 have applied to sever the lands to create a new lot. The retained lot will result in approximately 90 m of frontage and will be approximately 3.9 ha (9.59 acre). The severed lot will result in approximately 20.2 m of frontage and will be approximately 2.4 ha (5.9 acre). The application is in relation to a recent Zoning By-law Amendment (ZBA-8-2020), which permits the use of a school and

accessory uses upon the subject lands, which was read and passed by council on July 12th, 2022.

Summary

Location:

The subject land 1477 County Rd 22 is a 2.4 hectare (5.9 acre) vacant lot and is located on the Northern side of Girard Dr, west of Rourke Line Rd, and south of County Rd 22.

Surrounding Land Uses:

North: Single Detached Residential Dwellings and mixed-use commercial businesses (MU)

East: Mixed-use commercial businesses (R1)(h8)/(MU)

West: Single Detached Residential Dwellings (R1)

South: Single Detached Residential Dwellings(R1)

Official Plan:

The subject property is designated Mixed Use and conforms with the land use policies detailed within section 6.9.1 of the Lakeshore Official Plan:

i) *Places of worship, neighborhood community and cultural centers and institutional uses of similar scale will be permitted, provided the following criteria are met:*

Although the Subject lands does not conform to section 6.9.1.i)

ii) *the use will have an overall site area of up to a maximum of 2 hectares*

However, section 8.7 speaks to better the understanding and interpretation with regards to numerical values.

8.7 Interpretation

e) Any reference to numerical values such as quantity, area, density, or population and employment targets will be considered as approximate only and not absolute. Minor changes will not necessitate an amendment to this Plan.

As section 6.9.1.i) speaks to the maximum area to be permitted being 2 hectares, no amendment is necessary as an area of 2.4 hectare appears minor in relation.

Zoning:

The subject property is zoned Mixed Use Zone Exception 37 (MU-37)(h30) which only permits the use of a school and accessory uses. The Holding Symbol (h30) will be removed based on satisfaction of the conditions below:

- *That public engagement take place to the satisfaction of the Municipality.*
- *That site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act.*

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 are summarized below.

Engineering will require a revised updated schedule of assessment to be completed by a drainage engineer (see Appendix C).

The County of Essex, which has provided engineering related comments (see Appendix D), provided that permits will be necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. That any proposed access off County Road 22 be discouraged, and that the minimum structure setback for this property be 14m from the property line. The county has requested further involvement regarding the development of this site. Additional opportunities to provide comments will be available through the site plan control process.

ERCA requested that the applicant obtain a permit and/or clearance letter from the Essex Region Conservation Authority, prior to any construction or site alteration or other activities affected by section 28 of the Conservation Authorities Act. ERCA requests that the application be deferred until the provisions of "Dry Access" for the proposed elementary school can be confirmed. The Municipality of Lakeshore Planning Department recommends the applicant proceed with the consent as presented within the report as the provisions of "Dry Access" are more appropriately addressed during the site plan control process. Full comments are available in Appendix E.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan
Appendix C – Engineering Comments
Appendix D – County of Essex Comments
Appendix E – ERCA Comments

Prepared by:



Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-14-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- Engineering Comments.pdf- County of Essex Comments.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 - 3:37 PM