

# 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:** Maurice Chauvin (Owner)  
Jackie Lassaline (Authorized Agent)

**Subject:** Consent Application B/15/2022 for lot addition - 0 Tecumseh Rd, CON BF LOT3 12R12257 PART 1 - PIN:750680144

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### Recommendation

Approve Consent Application B/15/2022 for a 7,891.3 m<sup>2</sup> lot addition to be added from 0 Tecumseh Rd, legally described as CON BF LOT3 12R12257 PART 1, to a neighboring property, 3810 Tecumseh Rd, 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 the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 5) That section 50(3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- 6) 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.

7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19<sup>th</sup>, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

## **Background**

The applicants of 0 Tecumseh Rd (County Rd 2), legally described as CON BF LOT3 12R12257 PART 1, have applied to sever the lands for a lot addition to be added to the adjacent property 3810 Tecumseh Rd (County Rd 2). The lot addition will consist of an overall area of 7,891.3 m<sup>2</sup> to be added to the rear yard of the property. The retained land will result in approximately 22.3 ha (55.1 acres) and will maintain its frontage of 147 m. The subject lands are to be used as a vacant contractor's yard in association with the existing lands current use as a contractor's yard.

The subject lands have undergone an Official Plan amendment and a Zoning By-law amendment. The Official Plan amendment, By-law 47-2022 (OPA-17), was read and passed at council on May 31<sup>st</sup>, 2022. The Official Plan Amendment created a new site-specific policy area recognizing the existing use of a contractor's yard and restricting any future expansion to be developed in accordance with the Rural Commercial/Employment Exception 12 (CR-12)

The Zoning By-law Amendment By-law 48-2022 (ZBA-22-2020), read and passed at council on May 31<sup>st</sup>, 2022. Changed the zoning of the subject lands from "Agricultural Zone Exception 1 (A-1)" zone to "Rural Commercial/Employment Exception 12 (CR-12)" zone.

## **Summary**

### Location:

The subject property 0 Tecumseh Rd, legally described as CON BF LOT3 12R12257 PART 1, is located on the north side of Tecumseh Rd (County Rd 2), west of Hale St.

### Surrounding Land Uses:

North: Single detached Dwelling units (RW2)  
East: Vacant Farmland (A)  
West: Residential Dwelling (A)  
South: Vacant farmland (A)

### Official Plan:

The subject property to be severed is designated as a new Site -Specific Policy Area that would recognize the existence of a contractor's yard and allow for the expansion in the Agricultural Designation for 3810 Tecumseh Road and on a portion of 0 Tecumseh Rd 2, immediately to the north of 3810 Tecumseh Road. The amendment would have the effect

recognizing the existing use of a contractor's yard within the Official Plan, and to allow for an expansion to the north for the same business.

Zoning:

The subject property to be severed has recently undergone a Zoning By-law Amendment changing its zoning from Agriculture Zone Exception 1 (A-1) to Rural Commercial/Employment Exception 12 (CR-12).

*"Permitted Uses: Shall include a contractor's yard or shop and accessory uses."*

**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 applicant will require a drainage apportionment.

ERCA is 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

The County of Essex has requested a copy of the revised survey plan of the subject lands. The County has also expressed that the applicant adhere to County By-Law Number 2481 and County By-Law Number 2480.

**Attachment(s):**

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

**Prepared by:**

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

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Ian Rawlings  
Planner I

## Report Approval Details

Document Title:	B-15-2022 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Aerial Map.pdf</li><li>- Site Plan.pdf</li><li>- Engineering Comments.pdf</li><li>- ERCA Comments.pdf</li><li>- County of Essex Comments.pdf</li></ul>
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 - 3:43 PM**