

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 4, 2022

Applicant: Robert Lanoue

Subject: Consent Application B/16/2022 for lot creation – 0 Rochester Townline
CON 7 PT LOT 17 & LOT 18 – PIN: 750520136

Recommendation

Approve Consent Application B/16/2022 to allow a lot creation from the property 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, of approximately 32 hectares for the retained lot, and approximately 23 hectares for the severed 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 and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line, and existing entrances.
- 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 enter into an Agreement with the Municipality to be registered on title prior to the stamping of the Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds
- 6) 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
- 7) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law and that such fee shall be paid prior to the stamping

of the Deed;

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

Background

The applicant of 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, has applied to sever the land into two parcels. The retained lot will result in approximately 605m frontage and will be approximately 79 acres (32 ha). The severed lot will result in approximately 311m frontage and will be approximately 57.5 acres (23 ha). 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 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, is located on the western side of Rochester Townline, directly north of Highway 401.

Surrounding Land Uses:

North: Vacant Farmland (A)

East: Vacant Farmland / Several Single Detached Dwelling Units (A)

West: Vacant Farmland / Single Detached Dwelling Unit (A)

South: Provincial Highway 401, Area Zoned "Parks and Open Space"

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 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 Lakeshore Official Plan permits a severance to split a lot in the Agriculture designation subject to the following conditions:

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

The Retained and severed lot will conform to Official Plan requirements through maintaining a minimum lot area of 32 and 23 Hectares respectively. It is important to note that the Official Plan is currently under review and the criteria to permit a Severance within Agricultural land use designations is subject to change.

Zoning:

The subject property is zoned Agriculture and is required to maintain a minimum lot area of 19.0 ha and a minimum of 75m frontage. Both the Retained and Severed lot will maintain the minimum lot area and frontage requirements described in the Lakeshore 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 them are summarized below.

Engineering has expressed that the applicant will be subjected to a water buy in fee, and that surface water and subsurface drainage tiles, and water should be redirected around any future dwelling and the severed parcel. Engineering is in support of the severance and has mentioned that applicant will require a drainage apportionment and will require an entrance permit from the Municipality of Lakeshore should a new entrance be constructed.

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

Attachment(s):

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

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style.

Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-16-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- Engineering 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 - 3:54 PM