

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Rawlings, Planner I

Date: January 27, 2023

Subject: Zoning By-law Amendment ZBA-22-2021 – 8225 Essex Kent Rd

Recommendation

Approve Zoning By-law Amendment Application ZBA-22-2021 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as , Part N1/2 Lot 21 Concession 8 Tilbury; Part Lot 22 Concession 8 Tilbury as in R1248644, and municipally as 8225 Essex Kent Rd, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 12-2023 during the Consideration of By-laws, all as presented at the February 14, 2023 Council meeting.

Background

The subject property known as 8225 Essex Kent Rd, located at the south-east corner of the intersection between Essex Kent Rd and Lakeshore Rd 308, is a 24.70 ha (61.04 acres) parcel of farmland. The subject property is in the Lower Thames Valley Conservation Authorities regulated area and is not part of any hazard lands, significant valley lands, woodlands or wetlands. The legal description of the property is Con 8 N PT Lot 2 and it contains the Robert Drain that cuts through the property running north.

A provisional consent (File: B/33/2021) was granted to sever a surplus dwelling lot from the farm parcel located at 8225 Essex Kent Rd. Condition #4 of the Consent was that the applicant obtain a Zoning By-law Amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, in order to conform with the Provincial Policy Statement and both the County of Essex and Lakeshore Official Plans. In order to meet the conditions of the provisional consent, the applicants, have submitted an application to rezone the remnant (retained) farmland to agriculture uses only.

Subject Land: 24.70 ha (61.04 acres)
Existing Use – Farming/Agriculture
Proposed Use – impose a zone amendment to prohibit residential dwellings and continue practicing agriculture.

Access — Essex Kent Rd
Services — municipal water, septic, storm drainage: ditches

Surrounding Uses: North: Agricultural Lands
South: Agricultural Lands
East: Agricultural lands
West: Agricultural lands

Official Plan: Agricultural

Existing Zoning: Agricultural (A)

Comments

Provincial Policy Statement (PPS)

The proposed application was reviewed under the lot creation and lot adjustments agricultural policies of the 2020 Provincial Policy Statement (PPS) and it was determined to be consistent with section 2.3.4.1 c) 2) which states: that “a residence surplus to a farming operation as a result of farm consolidation,” to be severed is permitted “provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.”

County of Essex Official Plan

The proposed application conforms to the County of Essex’s Official Plan and is consistent with their land use policies:

3.3.3.4 Lot Creation

c) Lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.

Municipality of Lakeshore Official Plan

The subject property is designated Agricultural in the Lakeshore Official Plan and the application is to rezone the remnant farm parcel to prohibit the construction of any dwellings and therefore conforms to the land use and consent policies of the Lakeshore Official Plan.

6.2.3 Agricultural Lot Creation & Lot Adjustment

A consent to sever may be granted for the following purposes:

b) Where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:

i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;"

Zoning By-law 2-2012, as Amended

The subject property is currently zoned Agriculture (A), in the Lakeshore Zoning By-law 2-2012, as amended.

In order to satisfy the condition of the provisional consent to sever a surplus dwelling the farm parcel (File: B/33/2021), a Zoning By-law Amendment Application has been submitted to rezone the remnant parcel to prohibit residential dwelling units. The subject property conforms to the regulations detailed within the Lakeshore Zoning By-law 2-2012 being that the property is 24.70 ha with approximately 262 m of frontage along Essex Kent Rd. Therefore, conforming to the Lakeshore Zoning By-law 2-2012 as amended.

Correspondence from external and internal agencies

The application was circulated to external and internal agencies and comments are included below:

Lower Thames Valley Conservation Authority

The LTVCA states that they have no objections to the proposal. Full comments can be found within Appendix B.

County of Essex

The County of Essex has provided engineering related comments only. The County of Essex provides no objection to the proposal. Full comments can be found within Appendix C.

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-22-2022 (By-law 12-2023) as per the Recommendation section of this report.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

The creation of a surplus lot, has the potential to increase the tax base of the municipality and generate additional development charges should a new residential home be constructed.

Attachments

Appendix A – Key Map
Appendix B – LTVCA Comments
Appendix C – County of Essex Comments

Report Approval Details

Document Title:	ZBA-22-2021 Report.docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - LTVCA Comments.pdf - Appendix C - County of Essex Comments.pdf
Final Approval Date:	Feb 9, 2023

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

Prepared by Ian Rawlings

Submitted by Kristina Brcic, Aaron Hair and Tammie Ryall

Approved by Krystal Kalbol, Justin Rousseau and Truper McBride