

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 17, 2023

Applicant: Helen, David & Stacie Diemer (Owner)
Jim Renick (Agent)

Subject: Consent Application B/25/2022 – 2889 Lakeshore Rd 225

Recommendation

Approve Consent Application B/25/2022 to sever approximately 5,948.9 m² in lot area for a surplus dwelling severance at 2889 Lakeshore Rd 225, 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, septic systems, 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 submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;
- 5) That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That a septic test report indicating the location of the existing septic system on the retained parcel from the proposed severance line be submitted; to the satisfaction of the Municipality;
- 7) That the applicant demonstrate that the bridge used for accessing the turbine is a permanent access bridge and not temporary. Should the access bridge be temporary, then the applicant shall install a new access bridge to provide access to the retained farmland in accordance with the drainage act, and to the satisfaction of the Municipality

and the Drainage Superintendent;

8) 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;

9) 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;

10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 15, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Proposal

The applicants are proposing to sever the surplus dwelling for the creation of one lot. The qualifying home base dwelling is located at 2920 Lakeshore Rd 225. The proposed lot will have approximately 60.9 m of frontage along Lakeshore Rd 225, and approximately 5,948.9 m² in lot area. The retained lot will have approximately 243.9 m of frontage along Lakeshore Rd 225, and approximately 19.3 ha in lot area. As a condition of consent per Municipal policy and the PPS, the retained farmland will be required to be rezoned to prohibit further dwellings from being constructed on the lands.

Summary

Location

The subject property 2889 Lakeshore Rd 225 is approximately 19.9 ha in area with 304.8 m of frontage along Lakeshore Rd 225 and currently contains a residential dwelling and a windmill at the rear of the property. The subject property is located on the western side of Lakeshore Rd 225, north of County Rd 8.

Surrounding Land Uses

North: Farmland and Single Detached Residential Housing

East: Farmland and Single Detached Residential Housing

West: Vacant Farmland

South: Farmland, Woodlot, and a Single Detached Residential Dwelling

Provincial Policy Statement

The proposed surplus farm severance conforms to Section 2.3.4.1 c) Lot Creation in prime agricultural areas as:

1. *“the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective”*

The severed lot will maintain the minimum size needed to accommodate a residential dwelling and will maintain appropriate sewage and water services currently available to the existing residential dwelling.

As a condition of the consent an application to rezone the retained farmland from “Agricultural (A)” to “Agricultural zone exception 1 (A-1)” will be included as to prevent the construction of future dwellings in accordance with the PPS and Official Plan.

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 b) of the current Lakeshore Official Plan permits a surplus farm severance in Agricultural designated areas subject to the following conditions:

- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;*
- iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and*
- iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.*

The retained lot will conform to Official Plan requirements through a rezoning, as previously mentioned. No livestock facilities are currently present upon the property and will not be permitted upon the severed lot. Therefore, the proposed surplus farm severance conforms with parts i), ii), iii), and iv) of the Lakeshore Official Plan.

Zoning

The subject property is zoned Agriculture. The proposed lot will have approximately 60.9 m of frontage along Lakeshore Rd 225, and approximately 5,948.9 m² in lot area. The retained lot will have approximately 243.9 m of frontage along Lakeshore Rd 225, and approximately 19.3 ha in lot area.

The retained land will need to successfully complete a rezoning to prohibit the construction of single detached residential dwelling per the PPS requirements. Therefore, the proposed lot will conform to the Lakeshore Zoning By-law.

Conclusion

The proposed consent application 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

External and Internal Agencies

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

The Drainage Department has expressed that the applicant will need to demonstrate that the bridge used for accessing the Turbine is a permanent access bridge and not Temporary. Should the access bridge be temporary in use then a new access bridge is to be installed. Drainage reapportionment will be required. Full comments can be found in Appendix C.

ERCA has expressed no objections to Consent Application B-25-2022. Full comments can be found within Appendix D.

Engineering has expressed that surface water and subsurface drainage tile and water should be redirected around the severed parcel. Full comments can be found within Appendix E.

Hydro One Networks Inc. has expressed no objections to Consent Application B-25-2022. Full comments can be found within Appendix F.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested consent application was sent to all property owners within 60 m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan
Appendix C – Drainage Comments
Appendix D – ERCA Comments
Appendix E – Engineering Comments
Appendix F – Hydro One Networks Inc 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-25-2022 Report - February 15.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Site Plan.pdf- Appendix C - Drainage Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Engineering Comments.pdf- Appendix F - Hydro One Networks Inc Comments.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 11:16 AM