

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: May 9, 2023

Applicant: Martin & Sandra Mailloux (Owners)
Milan Stipic (Agent)

Subject: Consent Application B/09/2023 – 3776 Comber Sideroad

Recommendation

Approve Consent Application B/09/2023 to sever a surplus dwelling with a lot area of 7,600.00 m² from 3776 Comber Sdrd as in Parts 1 & 2 on the draft 12R plan provided. Subject to the following conditions:

- 1) That the applicants obtain 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 applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area, and the surplus lot be rezoned to recognize the non-farm use;
- 5) 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;
- 6) That the applicants obtain any necessary driveway permits from the County of Essex and complete the works to provide a separate access for the retained farmland prior to the stamping of the deed;
- 7) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality for both lots to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deeds;

- 8) That the applicants 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 at the time of payment, 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 May 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Purpose

The applicants of 3776 Comber Sdrd are proposing to sever a surplus dwelling from the subject property. The qualifying home base dwelling is located at 2197 County Rd 31.

The surplus dwelling lot to be severed (Parts 1 & 2 in Appendix B) will have approximately 7,600.00 m² of lot area and 76.00 m of frontage along Comber Sdrd. The lot will contain one single detached residential dwelling. The retained lot will maintain approximately 76.00 m of frontage along Comber Sdrd, with approximately 7.52 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 3776 Comber Sdrd is approximately 8.28 ha in area with 152.00 m of frontage along Comber Sdrd and contains a single detached residential dwelling. The subject property is located on the eastern side of Comber Sdrd, north of County Rd 42.

Surrounding Land Uses:

North: Farmland/ Single detached Residential Dwellings/ Windmill
East: Essex County Feed Lot
West: Farmland/ Single detached Residential Dwellings
South: Farmland/ Single detached Residential Dwellings

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 lots 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 lots 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.

i) Road Access

- *The lot to be retained and the lot to be severed will have frontage on and access to an open, improved public road which is maintained on a year round basis.*

- *Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.*

The applicants will be required to obtain an access permit from the County of Essex and complete any necessary driveway works deemed necessary prior to the completion of the severance.

Zoning

The subject property is currently zoned Agriculture (A). The retained lot will have approximately 76 m of frontage along Comber Sdrd, and approximately 7.52 ha in lot area and will contain no structures. The retained land does not conform to the minimum lot area required for farming parcels within the Agriculture Zone (A).

The surplus lot to be severed (Parts 1 & 2) will have approximately 7,600.00 m² of lot area and 76 m of frontage. The lot will contain the single detached residential dwelling. All existing structures adhere to the regulations found within the Lakeshore Zoning By-law.

The applicants will need to successfully rezone the retained land to prohibit the construction of a single detached residential dwelling per the PPS requirements. Additionally, the applicants will be required to recognize the deficient lot area for the retained farmland during the rezoning of the subject property. 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 from external and internal agencies

External and Internal Agencies

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

ERCA has expresses no concerns regarding the surplus severance. Full Comments can be found in Appendix D

Operations has expressed that surface water and subsurface drainage tiles and water should be redirected around the severed parcel. Any newly established entrances

required for the farm parcel will require an entrance permit from the County of Essex. A Drainage Apportionment will be required. Full comments can be found in Appendix E.

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 – Draft 12R Plan
Appendix C – Supporting Drawings
Appendix D – ERCA Comments
Appendix E – Engineering Comments
Appendix F – Site Images

Prepared by:



Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-09-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Draft 12R Plan.pdf- Appendix C - Supporting Drawings.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Operations Comments.pdf- Appendix F - Site Pictures.pdf
Final Approval Date:	May 11, 2023

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

Kristina Brcic - May 11, 2023 - 4:11 PM