

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Ian Rawlings, Planner I

**Date:** April 27, 2023

**Applicant:** Edward & Denise Mailloux Pavlakovich (Owner)  
James Damphouse (Agent)

**Subject:** Zoning By-law Amendment ZBA-12-2022 – 865 Lakeshore Rd 115

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-12-2022 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 14, Concession 2 West of Belle River, Maidstone designated as Parts 2 and 3 on Plan 12R11616; Lakeshore, and municipally as 865 Lakeshore Rd 115, 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 35-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

### Background

The subject property known as 865 Lakeshore Rd 115, legally described as Part of Lot 14, Concession 2 West of Belle River, Maidstone designated as Parts 2 and 3 on Plan 12R11616; Lakeshore, is a 23.10 ha parcel of farmland. The subject property is in the Essex Region Conservation Authority’s regulated area and is not part of any hazard lands, significant valley lands, or wetlands. The subject property is located on the western side of Lakeshore Rd 115, north of Rogers Rd and contains a woodlot in the western portion of the property.

A provisional consent (File: B/19/2022) was granted to sever a surplus dwelling lot from the farm parcel located at 865 Lakeshore Rd 115. Condition #9 of the Consent required 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: 23.10 ha  
Existing Use – Farming/Agriculture  
Proposed Use – impose a zone amendment to prohibit residential dwellings.  
Access — Lakeshore Rd 115  
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/19/2022), 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 23.10 ha with approximately 176.17 m of frontage along Lakeshore Rd 115. The minimum lot size is 19 ha and the minimum lot frontage is 75 m. Therefore, the proposal conforms 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:

#### Internal Departments

No comments of significance were produced. Engineering has expressed that all comments have been addressed during the circulation of the Committee of Adjustment application.

#### The Essex Region Conservation Authority

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

#### Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-12-2022 (By-law 35-2023) 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 by any agencies.

### **Financial Impacts**

There are no financial impacts as a result of the proposed zoning by-law amendment.

### **Attachments**

Appendix A – Key Map  
Appendix B – ERCA Comments

### **Report Approval Details**

Document Title:	ZBA-12-2022 - 865 Lakeshore Rd 115 - Pavlakovich - Damphouse - Surplus Rezoning.docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - ERCA Comments.pdf
Final Approval Date:	May 24, 2023

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

Prepared by Ian Rawlings

Submitted by Kristina Brcic, Ryan Donally and Tammie Ryall

Approved by - Krystal Kalbol, Justin Rousseau and Truper McBride