

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Rawlings, Planner I

Date: May 9, 2023

Applicant: Gurcharan Dhaliwal, Gagandeep Grewal, Hardeep Grewal

Subject: Zoning By-law Amendment ZBA-13-2022 – 1066 County Rd 42

Recommendation

Approve Zoning By-law Amendment Application ZBA-13-2022 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lots 6 and 7, Plan 26, Maidstone, as in R1412055; Lakeshore, subject to an easement over Part 1 on Plan 12R22403 as in CE196410, and municipally as 1066 County Rd 42, from “Agriculture (A)” to “Agriculture Zone Exception 113 (A-113)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 36-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Background

The subject property known as 1066 County Rd 42, legally described as Part of Lots 6 and 7, Plan 26, Maidstone, as in R1412055; Lakeshore, subject to an easement over Part 1 on Plan 12R22403 as in CE196410, is a 11.3 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, woodlands or wetlands. The subject property is located on the northern side of County Rd 42, west of Lakeshore Rd 111.

A provisional consent (File: B/18/2022) was granted to sever a surplus dwelling lot from the farm parcel located at 1066 County Rd 42. 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 and recognize the deficient lot area of the farming parcel, in order to conform with the Provincial Policy Statement, the Lakeshore Zoning By-law, 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 retained farmland to agriculture uses only.

Subject Land: 11.3 ha
Existing Use – Farming/Agriculture
Proposed Use – impose a zone amendment to prohibit residential dwellings.
Access — County Rd 42
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/18/2022), a Zoning By-law Amendment Application has been submitted to rezone the remnant parcel to prohibit residential dwelling units and recognize the deficient lot area of the farming parcel.

As a result of the surplus severance the retained farmland is deemed deficient in size being that the property is 11.3 ha with approximately 217.4 m of frontage along County Rd 42. The Lakeshore Zoning By-law 2-2012, as amended requires a minimum lot area of 19 ha for farming parcels. The site-specific zoning being "Agriculture Zone Exception 113 (A-113)" accounts for the deficient lot size and prohibits the construction of residential dwellings. 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:

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.

County of Essex

The County of Essex has provided Engineering comments only. The County states no objection to the proposed Zoning Amendment. Full Comments can be found within Appendix B.

The Essex Region Conservation Authority

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

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-13-2022 (By-law 36-2023) 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

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

Attachments

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

Report Approval Details

Document Title:	ZBA-13-2022 - 1066 County Rd. 42 - Grewal - Dhaliwal - Surplus Rezoning.docx
Attachments:	- Appendix A - Key Map.pdf - Appendix B - County of Essex Comments.pdf - Appendix C - 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