

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 03-2024

Committee Meeting Date: January 22, 2025

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Ken Bulgin, Planner

RE: Consent Application B-13/2024 – Con LRE Pt Lot 18 – 9780 Lakeshore Road, Lambton Shores – Ken Stead (Agent: Ralph Naujokaitis)

RECOMMENDATION:

THAT Consent Application B-13/2024, requesting permission to sever a vacant parcel from the lands known as 9780 Lakeshore Road, having approximately 20.18 m (66.2 ft) frontage and 10.66 ha (26.34 ac) lot area, leaving a retained lot with approximately 62.8 m (206.03 ft) frontage and 0.69 ha (1.71 ac) lot area, containing one single detached dwelling and one detached garage, and to establish an easement, if required, for access and servicing in favour of lands known as 9782 Lakeshore Road, be approved, subject to the following condition(s):

1. That the Owner submit to the Municipality an electronic copy of a reference plan showing the severed lot and any required easement or submit a written description which is acceptable to the County of Lambton Registrar;
 2. That an easement in favour of lands known as 9782 Lakeshore Road, providing an access and servicing route over the remnant lot, be registered with the Land Registry Office, if one does not already exist;
 3. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
 4. That the applicant pay the Municipality's fee to stamp the deed;
 5. That the applicant obtain a zoning amendment to rezone the severed parcel to an Environmental Protection Zone and a portion of the retained parcel that includes the dwelling and detached garage to a Residential-6 (R6) Zone to match the zoning on the remainder of the retained lot;
 6. That the applicable road authority be satisfied that the resultant parcels have suitable, independent road access, or the applicant install or upgrade entrances as required by the road authority;
 7. That all conditions be fulfilled and the certificate of consent required by Section 53(42) of the *Planning Act* be obtained within two years of the notice of decision of this consent.
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SUMMARY

An application for consent (severance) has been submitted for a property located at 9780 Lakeshore Road, Grand Bend. The purpose of the application is to sever a parcel having a frontage of 20.18 m (66.2 ft) and lot area of 10.66 ha (26.34 ac) for conservation purposes, leaving a retained lot having a frontage of 62.8 m (206.03 ft) and lot area of 0.69 ha (1.71 ac) containing an existing dwelling and a detached garage and to establish an easement, if required, on the retained parcel for access and servicing of the property known as 9782 Lakeshore Road.

BACKGROUND

The subject lands are situated on the west side of Lakeshore Road approximately 616.8 m north of Greenway Road, back onto the eastern boundary of Pinery Provincial Park, and is known municipally as 9780 Lakeshore Road, Lambton Shores (see Attachment 1). The property is an irregular shape, has a total lot size of approximately 11.35 ha (28.05 ac), and lot frontages of 20.18 m and 62.8 m along Lakeshore Road, which are separated by three residential lots (9764, 9774 and 9778 Lakeshore Road).

Within the boundaries of the subject lands is a landlocked parcel of land (no frontage) known municipally as 9782 Lakeshore Road. The property gains access to Lakeshore Road through the subject lands.

The subject lands are part of a larger dune complex, associated with its proximity to Lake Huron, and known to contain significant natural heritage features. The parcel is currently occupied by a single detached dwelling and a detached garage, both of which are situated in the northeast corner of the property and directly north of the landlocked property at 9782 Lakeshore Road. The remainder (majority) of the property is naturalized area.

Surrounding land uses include:

- **To the north:** lands zoned for Residential Use and Future Development which are predominantly naturalized area;
- **To the west:** Pinery Provincial Park;
- **To the south:** lands zoned for Residential Use and Environmental Protection that include a low-density residential area (Pinery Bluffs) which is made up predominantly of single detached dwellings; and
- **To the east:** lands zoned for Residential, Commercial and Agricultural use

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) states: Natural features and areas shall be protected for the long term.

Lambton County Official Plan

The subject property is designated as “Urban Settlement” in the Lambton County Official Plan.

The Lambton County Official Plan reflects the Natural Heritage Policies of the PPS under Section 8 Natural Heritage. Specifically, Section 8.1.11 states:

“... Landowners are encouraged to preserve and improve, where possible, the unique species and habitat found in natural heritage areas...”

Lambton Shores Official Plan

The subject property is designated as “Residential – Grand Bend Hwy. 21 Gateway” in the Municipality of Lambton Shores Official Plan.

The Grand Bend Hwy. 21 Gateway Residential designation is a special designation recognizing the significant environmental features and sensitivity of these lands. Only existing Residential and Commercial Uses are permitted on these lands with no new lot creation for development purposes.

Zoning By-law

The subject lands are Zoned “Residential-6 (R6) and Future Development (FD)” under the Lambton Shores Zoning By-law.

Regulated Area

The subject lot is not located within a General Regulation Area regulated by the Ausable Bayfield Conservation Authority but does contain significant natural heritage features (woodlands).

COMMENTS

Proposed Development

The applicant is proposing to sever a vacant parcel having a frontage of 20.18 m (66.2 ft) and lot area of 10.66 ha (26.34 ac). The applicant has indicated that the purpose of the severance is to allow for the transfer of the severed lands to a land trust for conservation.

The retained parcel would have a frontage of approximately 62.8 m (206.03 ft) frontage and a lot area of 0.69 ha (1.71 ac) and would maintain the existing dwelling, currently occupied by a tenant, and a detached garage (see Attachments 2,3 & 4).

The proposed easement on the retained parcel, if required, would have a width of approximately 20.208 m and extend west from Lakeshore Road to the west property line of 9782 Lakeshore then continue south along the entirety of the western property line of 9782 Lakeshore Road. This easement would encompass the existing northern access to the property. The easement would formalize an access and servicing for the property at 9782 Lakeshore Road which does not have frontage on any road.

Zoning Provisions

The proposed retained and severed parcel meet all Site Regulations in Sections 12.2 (R6 Zone) and 53.2 (FD Zone) of Zoning By-law.

Services

The subject lot is serviced by municipal water along Lakeshore Road and utilizes a private sewage disposal system (see Attachment 5).

The County Building Services Department has provided written comments respecting private sewage disposal. They are satisfied with the condition of the existing septic system and advise that the lot size of the retained lot meet ministry reasonable use guidelines for private sewage disposal.

The remnant lot would continue to be serviced by the existing municipal water connection. The severed lot would not require the installation of an independent water connection (though one is available) as the owner would be responsible for rezoning the severed lot, as a condition of consent, to an Environmental Protection Zone, which does not permit residential use.

Access

There are two accesses from Lakeshore Road that service the subject property. The proposed severed lot would use the southern access from Lakeshore Road. The proposed remnant lot would maintain vehicular entry to the property using the existing northern access along Lakeshore Road. The proposed easement in favour of the 9782 Lakeshore Road, if required, would also utilize the existing northern access.

Existing Right of Way Easements

There are two easements, which together recognize a Right of Way, extending from the southern property access through to the northern property access. The purpose of the Right of Way was likely to provide access and servicing routes to the existing property at 9782 Lakeshore Road and two future lots (which will not be developed). A municipal water line is located along the entire length of the Right of Way and services both the subject lot and 9782 Lakeshore Road. This can be seen in the attached survey (see Attachment 6 and 7) provided by the applicant as part of the severance application package. If these two easements do not also provide the necessary access and servicing Right of Way for 9782 Lakeshore Road, as a condition of consent the applicant will be required to formalize an easement for this purpose.

Planning Opinion

The Official Plan indicates the subject lands are part the Hwy 21 Gateway Designation that acts as a buffer for Pinery Provincial Park and contains significant natural heritage features. Under this Designation, only existing residential and commercial uses are permitted with no new lot creation for the purpose of development. The requested severance would create a vacant parcel containing naturalized area for the purpose of conservation. As a condition of consent the owner would be required to rezone the severed lot to an Environment Protection Zone which does not permit development.

The retained lot, containing a single detached dwelling and detached garage, would meet all Site Regulations for the R6 Zone following rezoning.

Staff are of the opinion that the requested severance is an appropriate use of the land.

Department and Agency Comments

The application has been circulated to various departments and agencies, and notice sent to adjacent property owners. The following comments were received:

<i>Agency</i>	<i>Comments</i>
<i>Lambton County Building Services Department</i>	The Building Services Department has indicated the existing septic system appears to be in good working order and they have no concerns with regard to the proposed severance for both the retained (1.71 acres) and severed (26.34 acres) portions as it relates to the Reasonable Use Guidelines and the required minimum lot sizes.
<i>Huron Tract Land Trust Conservancy</i>	The HTLTC has indicated the property supports a high level of biodiversity, specifically vegetation surveys have reported 184 plant species identified of which 41 are considered rare in Lambton County. They support the application and the applicants desire to transfer the lands to the HTLTC for Conservation purposes.
<i>Lakeshore Eco-Network</i>	The Lakeshore Eco-Network submitted a letter in support of the severance for the purpose of habitat protection and as a buffer/extension of Pinery Provincial Park.
<i>Adjacent Property Owners</i>	No comments received as of January 15, 2025. Any comments received prior to the January 22, 2025 Committee of Adjustment meeting shall be presented at the meeting.

RECOMMENDATION

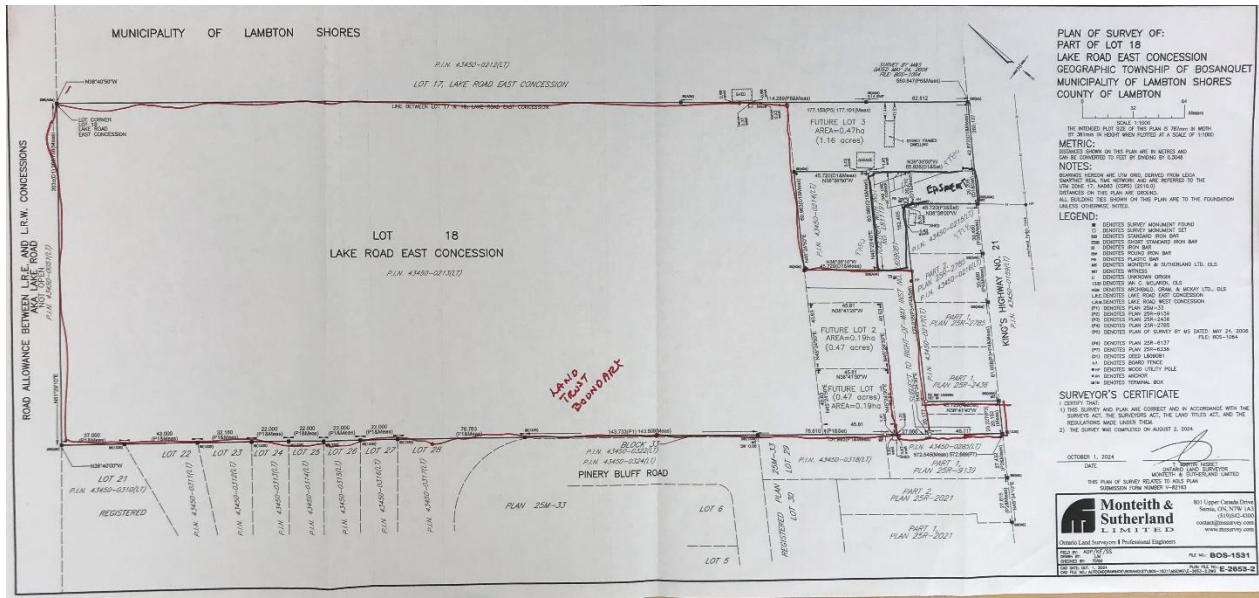
It is Staff’s opinion that the proposed severance complies with applicable policies, is compatible with existing development, and represents good planning. Staff has no objection to the application for consent, subject to the recommended conditions.

ATTACHMENT 1: LOCATION MAP

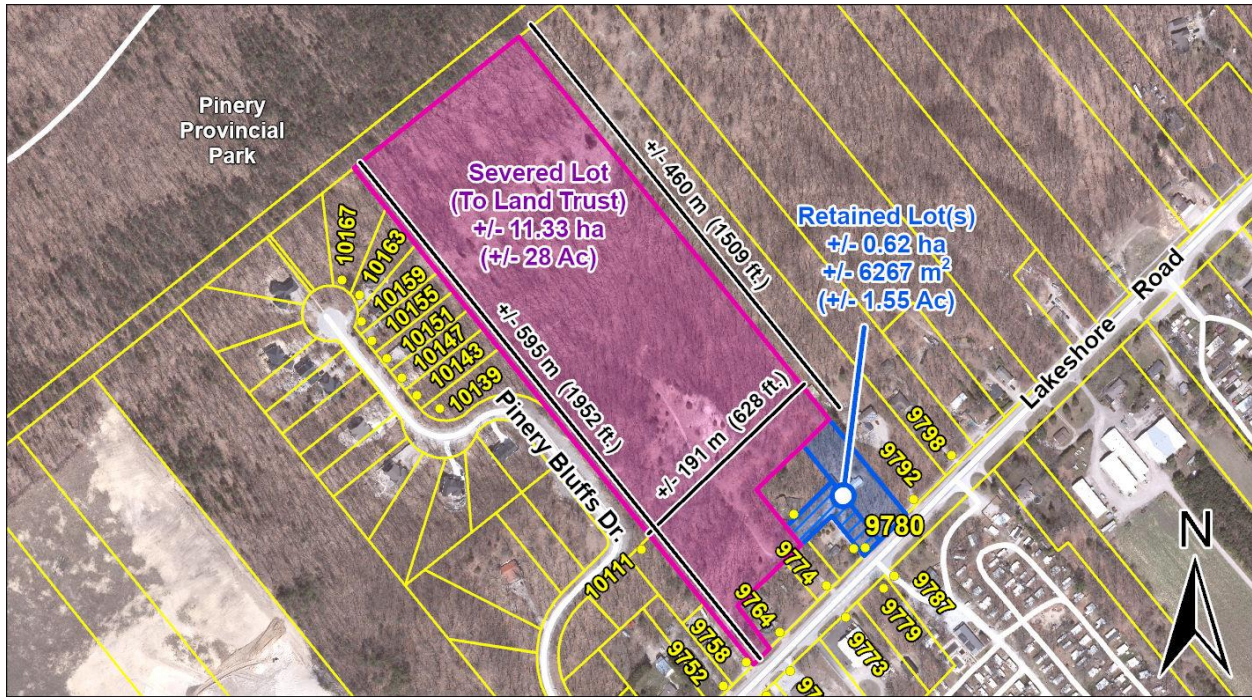


SUBJECT PROPERTY

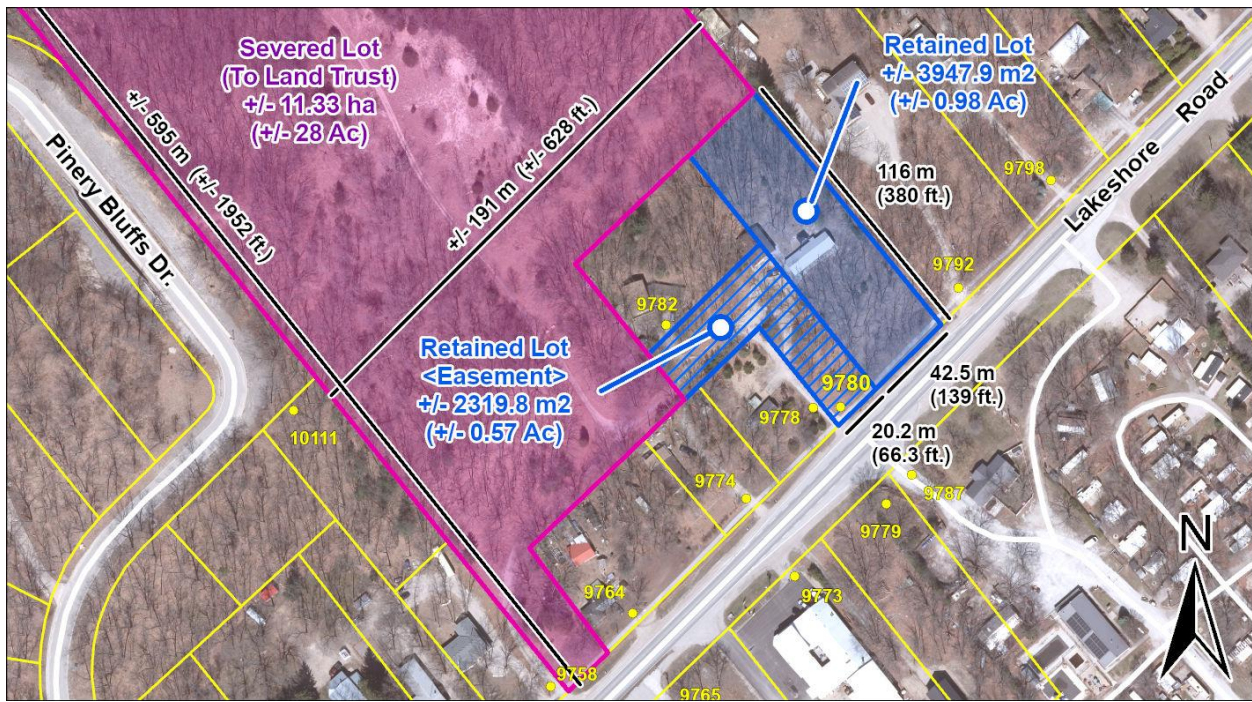
ATTACHMENT 2: SITE PLAN (APPLICANT)



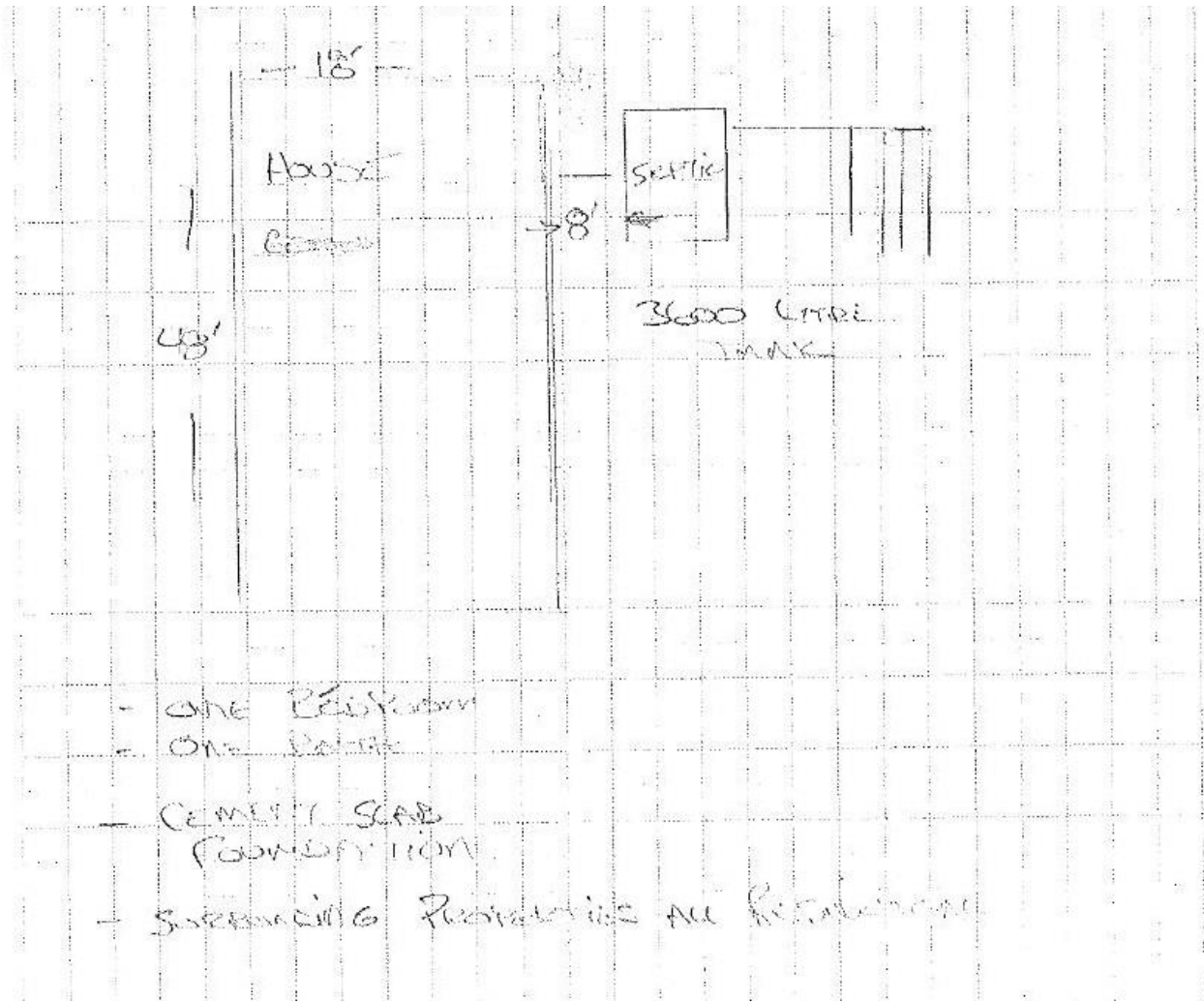
ATTACHMENT 3: SITE PLAN



ATTACHMENT 4: SITE PLAN (DETAILED)



ATTACHMENT 5: SEPTIC SYSTEM



ATTACHMENT 7: SURVEY (SHOWING WATERLINE)

