

## Attachment 2 – Consent Report

### THE MUNICIPALITY OF LAMBTON SHORES

Report COA 16-2021

Committee Meeting Date: April 28, 2021

**TO:** Chair Robinson and Members of Committee of Adjustment

**FROM:** Will Nywening, Senior Planner

**RE:** Consent Application B-07/2021  
Concession Lake Road East, Part Lot 4 (BO)  
252 Ontario St South, Grand Bend  
2366021 Ontario Inc. (Scott Pym and Teresa Bousfield)

#### RECOMMENDATION:

That **Consent Application B-07/2021**, requesting permission to sever a residential parcel containing an existing dwelling from lands known as 252 Ontario St South, be **APPROVED**, subject to the following conditions:

1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lot and easements or submit a written description which is acceptable to the County of Lambton Registrar;
2. That all municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lands be paid to date;
3. That the severed lands consist of (1) a "future road allowance" of 20m width extending approximately 125 from Ontario St South to the north property line, and (2) an area abutting the "future road allowance" and north property line, extending to the river, and measuring approximately 30m and 97m;
4. That the resultant remnant parcel to the north of the severed lands measuring approximately 24.36m wide by 34.7m deep be registered in the same name and interest and merged with the adjacent lands known as 244 Ontario St South;
5. That the severed parcel retain an easement over the resultant remnant parcel to its south for services and a shared access where the services and access currently exist;
6. That the severed parcel be subject to an easement in favour of the resultant remnant parcel to its south for services and a shared access over the "future road allowance" until such

- time as the “future road allowance” may be dedicated as a public highway;
7. That the owner convey an easement to the Municipality over the “future road allowance” allowing the Municipality to establish and maintain a public highway and services;
  8. That the owner enter into and register on title an agreement with the Municipality and the owner of lands known as 244 Ontario St South respecting the future conveyance of the “future road allowance” to the Municipality, its dedication as a public highway, the construction of a road and services, the division and recovery of front-ended development approval and construction costs; and the recovery of such costs from other benefiting properties;
  9. That the applicant apply for and obtain a zoning amendment to change the zone designation on the subject lands and 244 Ontario St South to an appropriate residential zone with appropriate holding provisions respecting further subdivision, servicing, and establishing a street applied to relevant portions of the lands;
  10. That, in lieu of parkland dedication requirements, the Owner convey to the Municipality an easement for a public walkway along the river’s edge similar to that the Municipality has over lands in Plan 734 to the south;
  11. That the owner satisfy the County of Lambton Building Services Department that the existing septic system is in good working order and not impacted by the severance and provide that Department with a copy of the survey with the septic system diagrammed thereon; or alternatively that the owner modify or replace the system to the satisfaction of that Department; and
  12. That the drainage apportionment be divided between the resultant parcels, if applicable.
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## Application

The applicant seeks consent to sever a parcel resulting in two remnant parcels as outlined below and shown in the inset diagram. The applicant also seeks consent to create several easements.

- The severed parcel would consist of Parts 2 and 3 on the diagram, having 20m frontage and approximately 5700m<sup>2</sup> lot area. It contains the existing dwelling.
- The first remnant parcel consists of Part 1 on the diagram, having dimensions of 34.7m by 24.36m, lot area of approximately 845m<sup>2</sup>, vacant, and lacking frontage. It would be merged to the abutting parcel known as 244 Ontario St South, also

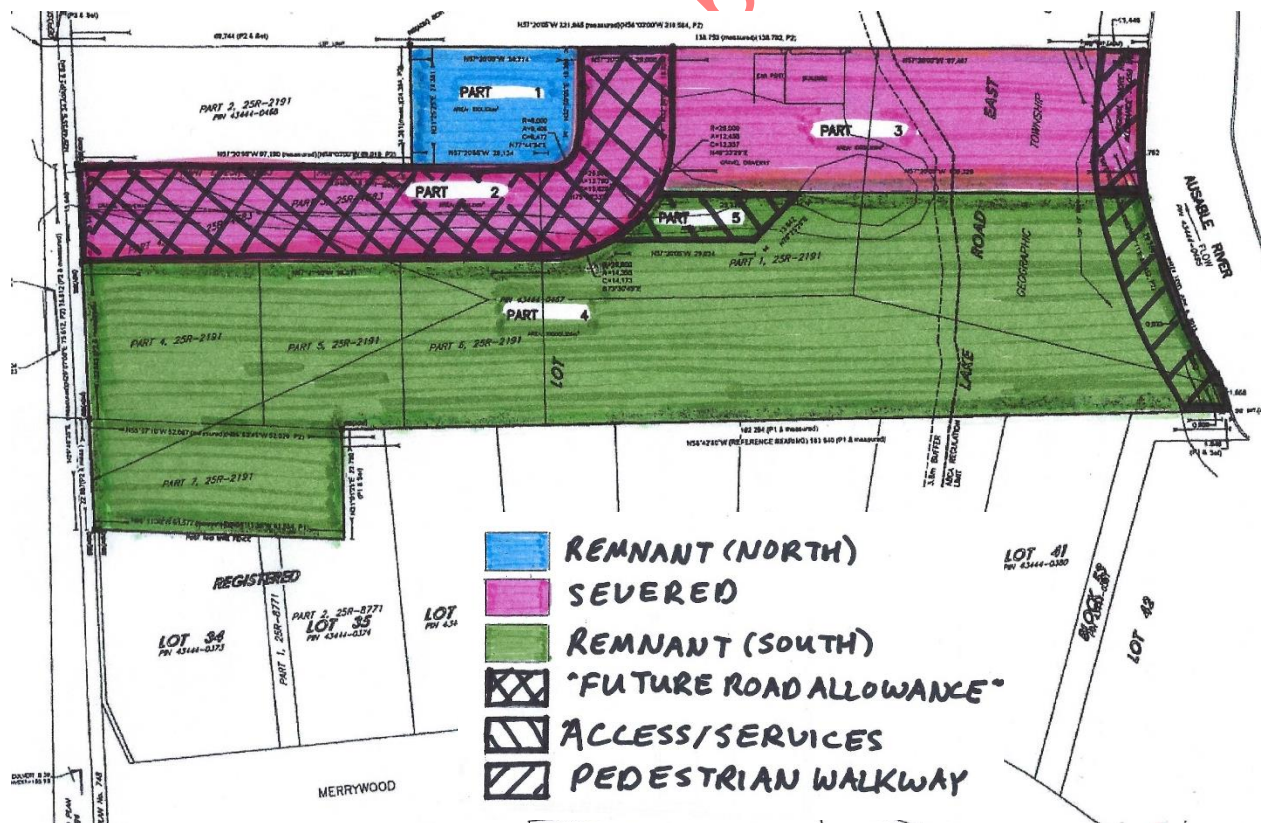
under the control of the applicants, increasing that parcel's lot area to approximately 2537m<sup>2</sup>.

- The second remnant parcel consists of Parts 4 and 5 on the diagram, having approximately 55m frontage, 11,025m<sup>2</sup> in lot area, and vacant. The applicant proposes to construct a single detached dwelling on this parcel.

Easements are proposed over:

- Part 2 in favour of the Municipality for a future road allowance and services.
- Part 2 in favour of the southerly remnant parcel for it to use a shared driveway and to route its services therein.
- Part 5 in favour of the severed parcel to allow it to continue to have its services and driveway located on lands that are to become part of the vacant building lot (the remnant parcel to the south).

In this respect, the applicant seeks to create a vacant parcel on which to build a single detached dwelling towards the east end. The proposed configurations and easements are required by the Municipality in order to preserve and better facilitate the potential development of a street and subdivision on this and abutting lands at some future time when it becomes feasible to extend sanitary sewers to this area.



The application as submitted shows some conflicting diagrams and information with respect to the proposed parcels. Staff believes it has clarified with the applicants that what

is described in this report is what is intended by the applicants. In any event, it represents the conditions under which Staff can support creation of a new building lot. Some modification in dimensions could be supported in the final, stamped documents, which can be sorted out through the development agreement that will be required.

## **Comments**

Official Plan: The Lambton Shores Official Plan designates the subject lands “Grand Bend Residential”, and also identifies a “Significant Woodlot” on the wooded portions of the lot. Areas abutting the Ausable River are designated “General Regulation Area”, as per their being located within the Ausable Bayfield Conservation Authority regulation limits. The existing dwelling is outside the ABCA regulation limits.

The Grand Bend Residential designation applies to portions of Grand Bend located within the oak savannah ecosystem and contains policies aimed at allowing residential areas while preserving tree cover and natural heritage functions. On the one hand, the policies prohibit severances (in already developed areas) in order to preserve tree cover and natural heritage function. On the other they permit more comprehensive developments by way of subdivision in areas with potential for redevelopment. As available development lands are rapidly being consumed elsewhere in Grand Bend, this lot and lots to the north do have the potential for comprehensive redevelopment. Provincial and local policy requires that such development be on full services. Sanitary sewers have not been extended to this area yet. Land division that would further fragment the land base and make such redevelopment more difficult should not be permitted.

Zoning By-law: In Zoning By-law 1 of 2003, the property is zoned “Residential-6.1 (R6-1)”, “Agriculture-2 (A2)”, and “Environmental Protection-Hazard (EP-H)”. The EP-H Zone is immediately adjacent to the River. The A2 Zone is located on the east end of the property between the existing dwelling and the EP-H Zone. The A2 Zone prohibits a house unless it is a farm dwelling and essentially acts as a holding zone. The balance of the lot is R6-1, like the Merrywoods Subdivision to the south. The R6-1 Zone permits single detached dwellings, but not bed and breakfast establishments. It has minimum lot size requirements of 30m frontage and 4000m<sup>2</sup> lot area.

The A2 portion of the lot should be changed to a residential zone recognizing the existing and proposed residential uses, and the designation in the Official Plan. The lot known as 244 Ontario St South will still be less than the R6-1 Zone minimum lot area even after the addition of the northerly remnant parcel. The severed lot will have only 20m of frontage until such time as a road may actually be constructed in the “future road allowance”. These items need to be addressed in the rezoning. Those portions of the property the Municipality would like to see preserved for future subdivision should have holding provisions applied also.

Future Road Allowance and further Land Division: Part 2 is a standard 20m road width. This proposal would give the Municipality or someone acting on its behalf or under its direction the right to construct a road and services within Part 2. This would eventually

replace the shared driveway, provide the existing and future dwelling frontage, and open up the remnant parcels and lands to the north for further development. This would not be possible until sanitary sewers are available and would require various design work, studies, and approvals. Depending on what future property owner initiates the development, other property owners will benefit. This property, the Municipality, and 244 Ontario St South need to enter into an agreement that future owners will be bound to, setting out conditions under which Part 2 will be conveyed to the Municipality, proportionate responsibility between properties for costs to obtain approvals and construct actual infrastructure, and recouping front-ended costs from properties that benefit from others' investment.

Parkland Dedication: The Planning Act permits the municipality to take 5% of the land for park use as a condition of severance (or its cash-in-lieu value). Staff recommends that Committee waive this requirement and instead require an easement for a public walking trail along the River's edge as an extension of the easement the Municipality has (but has never used) within the Merrywoods subdivision abutting to the south. The approximate location is shown on the previous diagram, but the actual width should follow the example of the Merrywoods easement.

Private Sewage Disposal: Sanitary sewers are not currently available. In the meantime, these lots will rely on private sewage disposal. The 4000m<sup>2</sup> (1 acre) minimum lot area requirement in the R6-1 Zone reflects the fact lots in this area are in sandy soils and currently rely on private septic systems. The severed and new building lot meet the lot area requirement. After the lot addition to 244 Ontario St South, it will be less than this, but is improving the situation. At the time of submitting this report, County Building Services has not provided formal comments respecting private sewage disposal. Based on previous applications however, Staff anticipates that Department will not have a concern or require a hydro-geotechnical study. Staff anticipates that Department's only concern will be that it be determined as a condition of approval that the septic system on the severed lot be shown to be in good working order and contained to the new lot boundaries.

Natural Hazards: At the time of submitting this report, ABCA had not submitted formal comments. Staff does not anticipate any concerns as the existing house is located outside the ABCA regulation limits. The proposed building lot likewise has ample building area outside areas under ABCA regulations and outside natural heritage features

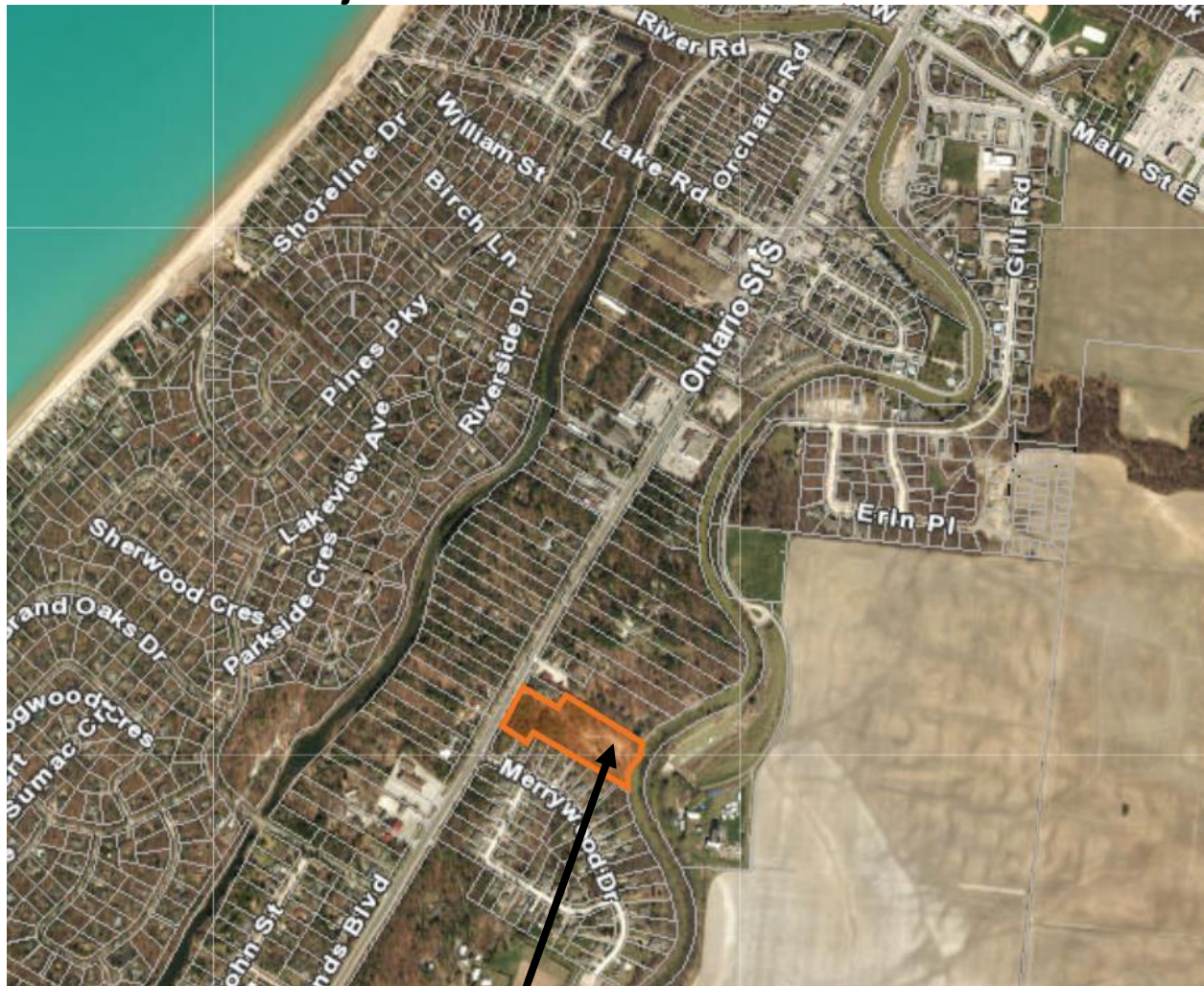
Summary: This proposal presents a compromise between the applicants and the Municipality that benefits both. It allows the applicants to have a building lot for the proposed house despite sanitary sewers not yet being available, but it also sets up the property for the potential for a more comprehensive development of this and other property when sewers are available. Extension of the road allowance and subdivision of lots further north would be as those property owners may choose to participate.

Such future development would be subject to engineering and to natural heritage, archaeological, and potentially other studies and approvals. Staff is satisfied that the

proposed house can proceed however without such approvals. The proposed location is disturbed by the previous church retreat use and outside the wooded area. There is room outside ABCA regulation limits. The proposed easements between the severed and southerly remnant parcel will allow the new house to route its services and share the existing driveway with minimal alteration to the area of the future development lands or natural heritage features.

Recommendation: Based on the foregoing, and provided County Building Services and ABCA do not raise any unanticipated concerns, it is Staff's opinion that the proposed severance is appropriate, meets the intent of applicable policies, furthers the intent of the Official Plan, and represents good planning. Staff has no objection to the application for consent, subject to the recommended conditions of consent.

### Attachment 1 – Subject Lands



**Subject Lands**