

# THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

## AGENDA

### PUBLIC MEETING



ZONING BY-LAW AMENDMENT 49  
- 439 SEACLIFF DRIVE  
WEST/COUNTY ROAD 20  
(1814375 Ontario Ltd)

MONDAY, DECEMBER 5, 2011  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

---

#### ITEMS FOR CONSIDERATION:

1. Notice of Public Meeting  
Page 2-3
2. Report PLA 57/11 dated October 25, 2011 re: Zoning By-law Amendment Request Proposed Residential Zoning 439 Seacliff Drive West - 1814375 Ontario Inc. (Previously considered at the November 7, 2011 Council Meeting)  
Pages 4-7
3. Correspondence from the Corporation of the County of Essex dated November 23, 2011  
Page 8

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON  
**NOTICE OF PUBLIC MEETING**  
ZONING BY-LAW AMENDMENT  
**ZBA 49 - 439 SEACLIFF DRIVE WEST/COUNTY ROAD 20**

---

**TAKE NOTICE** that the Council of the Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **Monday, December 5<sup>th</sup>, 2011 at 7:00 pm** in the Council Chambers at the Municipal Building.

The subject property is described as Concession 1, Parts Lot 2, Parts 2 to 5 on 12R-15362 and locally known as 439 Seacliff Drive West (also known as County Road 20) in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).

The subject property is designated Residential and Agricultural on Schedule "A-6A" of the Leamington Official Plan. The subject property is currently zoned Agricultural Hobby Farm Zone (A3) on Map 57 in Zoning By-law. The property owner requested that the Committee of Adjustment, at their meeting of October 25, 2011, consider severing a 183' x 250' (0.4 ha/1 acre) surplus dwelling lot and retain a 4.6 ha (11.5 acre) greenhouse operation. The lot was severed at one time, but merged on title. The main difference is that the lot is slightly bigger than previously approved. Surplus dwellings may be permitted on condition that a successful application for zoning by-law amendment is obtained to change the zone of the retained lands from Agricultural Hobby Farm (A3) Zone to Residential (R1) Zone. In addition, relief is requested to decrease the frontage of the retained lot from the required 196.85' to 66' and to decrease the minimum side yard set back for an existing greenhouse structure to the east of the surplus dwelling from the required 49' to 27'.

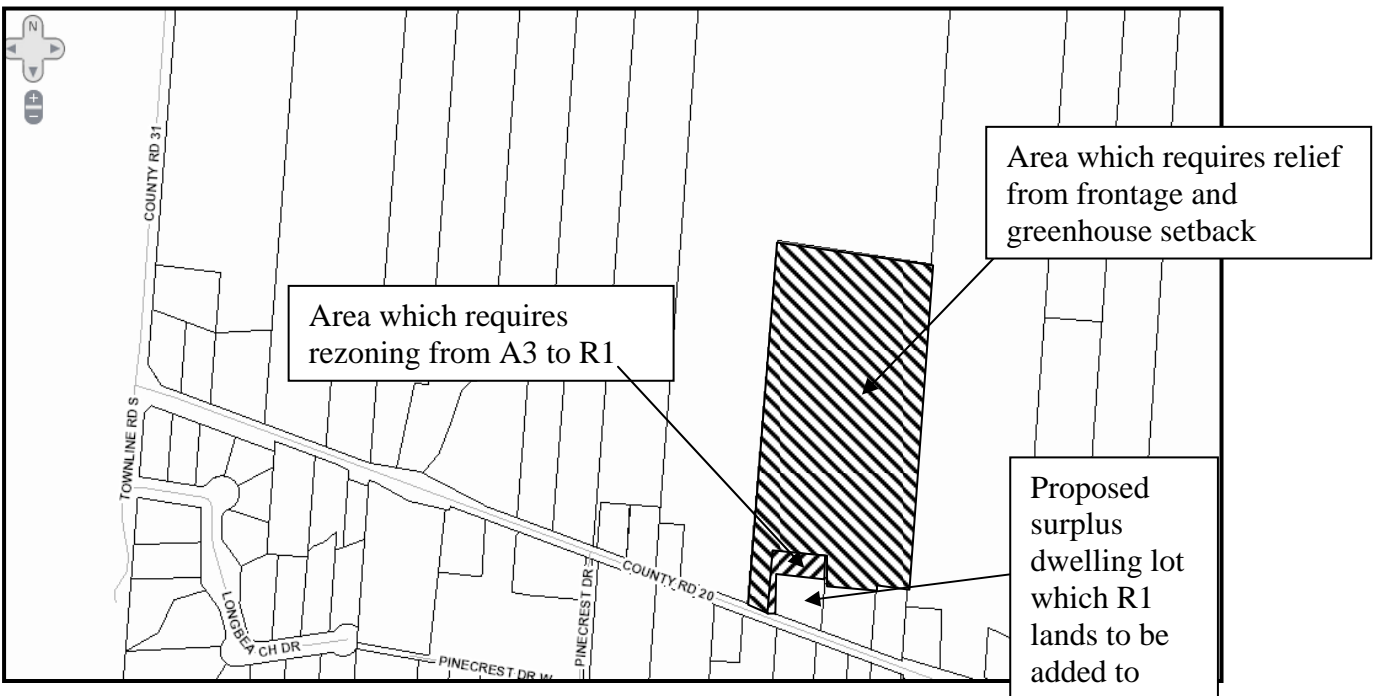
**ANY PERSON** may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed zoning by-law amendment.

If a person or public body that files an appeal to a decision of the Municipality of Leamington in respect of the proposed zoning by-law amendment does not make oral submission at a public meeting or make written submissions to the Municipality before the proposed by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Municipal Office for the Corporation of the Municipality of Leamington, during regular office hours. Please contact Tracey Pillon-Abbs, Director of Development Services, for further information.

**DATED** at the Municipality of Leamington this 8<sup>th</sup> day of November 2011.

**BRIAN R. SWEET, CLERK**  
MUNICIPALITY OF LEAMINGTON  
111 ERIE STREET NORTH  
LEAMINGTON, ONTARIO N8H 2Z9  
TELEPHONE: (519) 326-5761



## REPORT

**TO:** MAYOR AND MEMBERS OF COUNCIL

**FROM:** TRACEY PILLON-ABBS, DIRECTOR OF DEVELOPMENT SERVICES

**DATE:** OCTOBER 25, 2011

**SUBJECT:** ZONING BY-LAW AMENDMENT REQUEST  
 PROPOSED RESIDENTIAL ZONING  
 439 SEACLIFF DRIVE WEST/COUNTY ROAD 20 (1814375 ONTARIO INC)

---

**AIM:**

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located on 439 Seacliff Drive West.

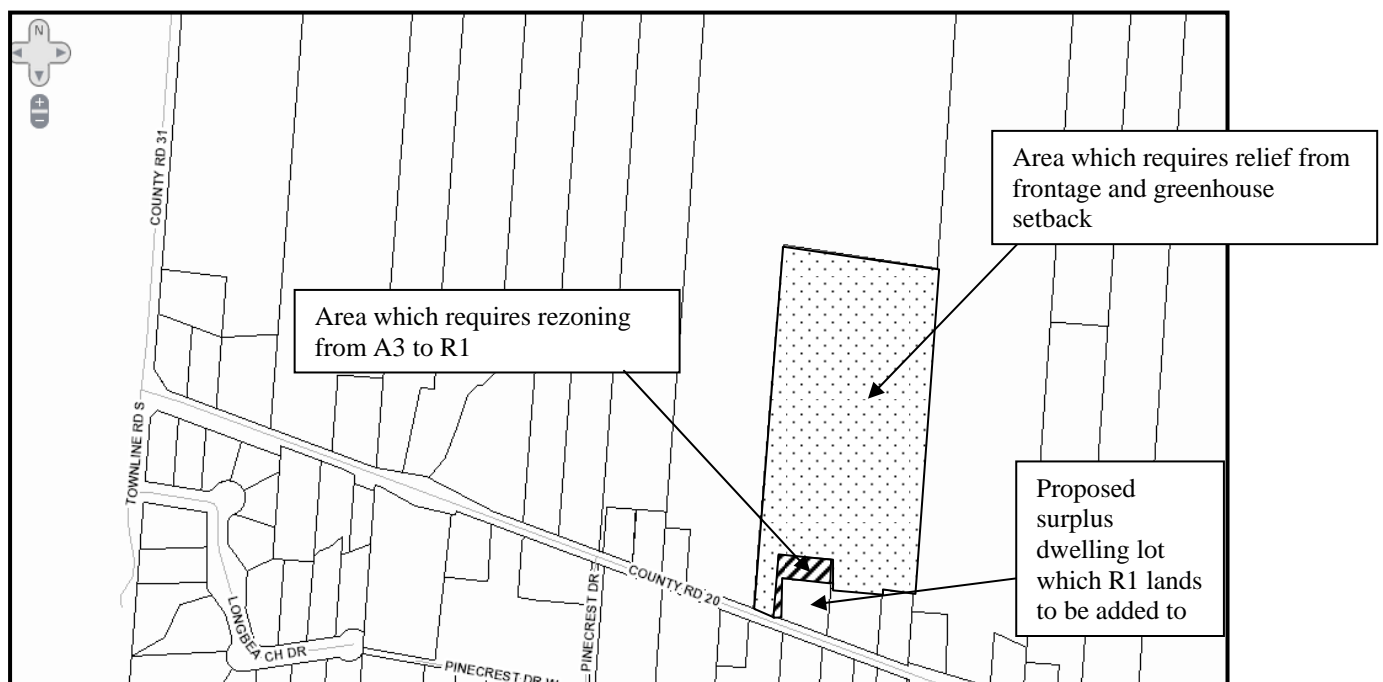
**BACKGROUND:**

**Purpose of Application:**

Staff has received an application for re-zoning by the owners of the property, to amend the zoning for the subject lands as part of a condition of approval for consent application (B/26/11) on the subject lands.

**Property Description:**

The subject property is described as Concession 1, Parts Lot 2, Parts 2 to 5 on 12R-15362 and locally known as 439 Seacliff Drive West (also known as County Road 20) in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property has a residential dwelling and greenhouses. The lot will maintain frontage on Seacliff Drive West (County Road 20). There are agricultural uses, including greenhouses abutting the subject lands.

**COMMENTS AND ANALYSIS:**

**Provincial Policy Statement (PPS):**

According to section 2.3.3.1 of the PPS, in prime agricultural areas, permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

**County of Essex Official Plan 2005 (OP):**

The subject land is designated within the Agricultural Area on Schedule "A" of the County OP. The goal is to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource.

**Leamington Official Plan, 2008 (OP):**

The subject property is designated Residential and Agricultural on Schedule "A-6A" of the Leamington OP. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

**Leamington Zoning:**

The subject property is currently zoned Agricultural Hobby Farm Zone (A3) on Map 57 of Zoning By-law #890-09.

The property owner requested that the Committee of Adjustment, at their meeting of October 25, 2011, consider severing a 183' x 250' (0.4 ha/1 acre) surplus dwelling lot and retain a 4.6 ha (11.5 acre) greenhouse operation. The lot was severed at one time, but merged on title. The main difference is that the lot is slightly bigger than previously approved.

Surplus dwellings may be permitted on condition that a successful application for zoning by-law amendment is obtained to change the zone of the retained lands from Agricultural Hobby Farm (A3) Zone to Residential (R1) Zone. In addition, relief is requested to decrease the frontage of the retained lot from the required 196.85' to 66' and to decrease the minimum side yard set back for an existing greenhouse structure to the east of the surplus dwelling from the required 49' to 27'.

**CONSULTATION:**

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

**CONCLUSION:**

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, December 5, 2011 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. If no concerns are raised, it is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

**RECOMMENDATION:**

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at Concession 1, Parts Lot 2, Parts 2 to 5 on 12R-15362 and locally known as 439 Seacliff Drive West (also known as County Road 20) as part of a condition for B/26/11 to change the zone from (A3) Zone to Residential (R1) Zone, in addition relief is requested to decrease the frontage of the retained lot from the required 196.85' to 66' and to decrease the minimum side yard set back for an existing greenhouse structure to the east of the surplus dwelling from the required 49' to 27'. (PLA 57/11);

AND THAT Administration be directed to schedule the required public meeting for Monday, December 5, 2011 at 7:00 pm;

AND THAT if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration.

Respectfully submitted,

---

Tracey Pillon-Abbs,  
Director of Development Services

/tpa

*T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-57-11 451 Seacliff Dr W ZBA request and approval.docx*



**Corporation of the County of Essex**  
*Planning Services*

**William J. King, AMCT, MCIP, RPP**  
 Manager of Planning Services

November 23, 2011

Mr. Brian Sweet, Clerk  
 Committee of Adjustment  
 Municipality of Leamington  
 38 Erie Street North  
 Leamington, Ontario  
 N8H 2Z3

Dear Ms. Jackson:

**RE: ZBA-49-11, North Side of County Road No. 20, West of Sherk Street, Part Lot 2, Concession 1, Registered Plan 12R-15362, Parts 2 to 5, Municipal Number 439 Seacliff Drive West**

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex. Therefore, setback and entrance requirements will be as per MTO corridor control procedures. No new accesses will be permitted to County Road No. 20 as a result of this submission.

The minimum setback for any proposed structures on this property must be 25 feet from the north limit of the original ROW of County Road No. 20 in the case of a dwelling, and 45 feet in the case of an accessory building. Applications must be filed with the County to obtain the necessary permits for any changes to existing entrances or structures, or the construction of new structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Sincerely,

William J. King AMCT, MCIP, RPP  
 Manager, Planning Services

Feuillets de transmission par télécopieur Post-it™ Fax Note	Date 7571B	Date Nov 24 11	# of pages Nbre de pages ▶ 1
To / À Brian Sweet	From / De Bill King		
Co./Dept./ Cie/Service Mun. of Leamington	Co./ Cie		
Phone # / N° de tél.	Phone # / N° de tél.		
Fax # / N° de télécopieur 519-226-2481	Fax # / N° de télécopieur		