

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, April 13, 2022, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Land Acknowledgement
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act

- a. Minor Variance Application A-18-2022 - 266 E. Pike Creek Road

The following relief is being sought from the Lakeshore Zoning By-law 2-2012 to permit a new accessory building, and to permit an existing dwelling to temporarily remain on the lot during the construction of a new dwelling, with the existing dwelling to be demolished after occupancy of the new dwelling:

- Relief from Section 6.20 Dwelling Units Per Lot to temporarily permit two dwelling units on a lot
- Relief from Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 92.903 m² (1000 ft²)

Section 6.20 permits only one dwelling unit on a lot except in a zone where more than one dwelling unit on a lot is specifically permitted or in the case of a lot which contained more than one dwelling unit on the date the by-law was passed

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone

b. Minor Variance Application A-19-2022 - 1995 County Road 46

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory building for the following relief:

- Relief from Section 6.5 a) ix) to permit a maximum gross floor area of 80.27 m² (864 ft²)

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone

c. Minor Variance Application A-20-2022 - 512 River Downs Ave.

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit a pool shed and pool equipment in the rear yard:

- Relief from Section 6.5 a) vii) to permit an accessory structure to be setback 0.91 metres (3 feet) from the side lot line
- Relief from Section 6.5 b) iii) to permit the pool pump, filter and heater to be setback 0.91 metres (3 feet) from the side and rear lot line
- Relief from Section 8.3 to permit a maximum lot coverage of 36.5%

Section 6.5 a) vii) requires accessory buildings to not be built closer than 1.5 m from any lot line;

Section 6.5 b) iii) states that water circulating or treatment equipment such as pumps or filters, or pool heaters, shall not be located closer than 1.5 m to any side or rear lot line;

Section 8.3 Residential Waterfront Zone Regulations permits a maximum lot coverage of 35%

d. Consent Application B-6-2022 - 2615 Victoria Street

The applicant has submitted a consent application for the subject land that is located on the west side of Victoria Street, in the Community of Rochester. The applicant is severing a residential lot, with the severed lot having a frontage of approximately 22.86 metres and an area of approximately 1,059 m². The retained lot, will have a frontage of approximately 20.72 metres and an area of approximately 960.24 m². The subject land is zoned Hamlet Residential "HR" and is designated "Hamlet" in the Official Plan.

If approved, the severed and retained lot will comply with the Zoning By-law (lot frontage/ area)

e. Consent Application B-7-2022 - 0 Lakeshore Road 229 Roll: 470-01000

The subject farm property is located on the east side of Lakeshore Road 229 in the Community of Rochester, and has approximately 493 metres of frontage and an overall area of 96.3 acres. The applicant is applying to sever a lot addition from the subject farm property – consisting of an overall area of approximately 1784.27 m² (0.44 acre) – to be added to a residential property (2908 Lakeshore Road 229). The retained land, will have a new frontage of approximately 487 metres, and an overall area of approximately 95.86 acres. The subject lands are designated "Agricultural" and zoned "A, Agriculture".

f. Minor Variance Application A-21-2022 - 276 Elmgrove Drive

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory structure for the following relief:

- Relief from Section 6.5 a) xii) to permit an accessory structure in the rear yard

Section 6.5 a) xii) states that accessory structures shall not be built within the rear yard in an RW2 zone where the lot abuts Lake St. Clair.

g. Minor Variance Application A-22-2022 - 254 Xavier Circle

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit a single detached dwelling for the following relief:

- Relief from Section 8.1 to permit a maximum lot coverage of 39.96%

Section 8.1 Urban Residential Zone Regulations permits a maximum lot coverage of 35%

h. Minor Variance Application A-23-2022 - 401 Harvest Lane

The applicant is proposing to construct a sunroom on the subject property and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Relief from Section 9.2.11 b) iii) to permit a maximum lot coverage of 49%
- Relief from Section 9.2.11 b) ix) to permit a minimum rear yard of 4.87 metres
- Relief from Section 6.42 d) to permit the eaves to encroach 2.743 metres into the required rear yard

Section 9.2.11 b) iii) Residential Type 2 Zone Exception 11 permits a maximum lot coverage of 45% for exterior triplex and townhouse dwellings

Section 9.2.11 b) ix) requires a minimum rear yard of 7.6 m.

Section 6.42 d) permits eaves to encroach 1 metre into any required yard setback.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

Approve minutes of the previous meeting as listed on the agenda.

a. March 16 2022 Meeting Minutes

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7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, March 16, 2022, 6:00 PM

Members Present: Member Ron Barrette, Member Robert Sylvestre, Chair Mark Hacon, Member Michael Hoffman

Members Absent: Member Steve Diemer

Staff Present: Ian Search, Aaron Hair, Urvi Prajapati

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM. All members participated in the meeting through video conferencing technology from remote locations.

2. Disclosures of Pecuniary Interest

None of the committee members declared a disclosure of pecuniary interest.

3. Public Meetings under the Planning Act

Approve minor variance application A/12/2022 if no objections are received from other commenting parties.

Approve proposed consent as it would be consistent with the Provincial Policy Statement (PPS) and conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

1. That, if deemed required by the Secretary-Treasurer, the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor that details the severed and retained parcel to the satisfaction of the Secretary-Treasurer;
2. That the Deed and a copy for our records be forwarded to the Secretary for stamping;

3. That the holding symbol be removed from the severed parcels of land.
4. That a park fee be imposed for each severed lot in accordance with the prevailing parkland dedication by-law in effect at the time payment is made to the Secretary-Treasurer, and such fees shall be paid prior to the stamping of the Deeds

That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **March 18, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

a. A/10/2022 Mark Campeau - 453 Lakeview Drive

Member Barrette mentioned that there was a similar minor variance application for this property less than a year ago. Ian Search explained that the applicant has reduced the height and gross floor area of the proposed building since that time.

Moved By Michael Hoffman

Seconded By Ron Barrette

If the Committee decides to approve Minor Variance Application A/10/2022, it is recommended that approval be subject to the following conditions:

- 1) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law
- 2) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law
- 3) That the accessory building is constructed in the location as indicated on the site plan drawing submitted with the minor variance application, to the satisfaction of Building Services.
- 4) No plumbing fixtures permitted in the accessory building if a requirement of the Chief Building Official

Carried Unanimously

b. A/11/2022 Baird AE Inc. - 6305 Main Street

Moved By Ron Barrette

Seconded By Michael Hoffman

Approve minor variance application A/11/2022

Carried Unanimously

c. A/12/2022 Robert MacDonald - 775 Valentino Drive

Moved By Robert Sylvestre

Seconded By Ron Barrette

Approve minor variance application A/12/2022

Carried Unanimously

d. A/13/2022 Pierre Chauvin (MHBC Planning) - 1628 County Road 22

Moved By Ron Barrette

Seconded By Michael Hoffman

Approve Minor Variance Application A13/2022

Carried

e. A/14/2022 Michael & Donna Travis - 2246 County Road 31

Member Barrette asked if there was an existing municipal water connection. The applicant stated that there was. Member Barrette suggested a condition be imposed to remove the redundant water service connection as required by the EIS department.

Moved By Ron Barrette

Seconded By Michael Hoffman

Minor variance A/14/2022 be approved subject to the following conditions:

1. The owner of the subject property enter into an agreement with the Municipality of Lakeshore by April 5, 2023 that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and this agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore;

2. That the Building Department and Fire Services are satisfied with the proposal and with the location of the new dwelling;

3. That the new dwelling will be subject to a water buy in fee according to the tariff of fees by-law at the time of servicing and the redundant water service will be disconnected at the main if required by the Municipality of Lakeshore and to the satisfaction of the Municipality of Lakeshore.

Carried Unanimously

f. A/15/2022 Travis and Bree-Ann Roath - 2077 County Road 27

Moved By Michael Hoffman

Seconded By Robert Sylvestre

Approve minor variance A/15/2022 subject to the following condition: no plumbing fixtures permitted in the accessory building if a requirement of the Chief Building Official

Carried Unanimously

g. A/16/2022 Jonathan Renaud - 210 Pierre Avenue

Member Barrette asked if the trees along the south side lot line will remain on the property. The applicant stated that it is their intention to keep the trees.

Moved By Robert Sylvestre

Seconded By Michael Hoffman

Approve minor variance A/16/2022 subject to the following condition: No plumbing fixtures permitted in the accessory building if a requirement of the Chief Building Official

Carried Unanimously

h. A/17/2022 Icon Management Inc. - 626 Old Tecumseh Road

The Authorized Applicant asked that the application be deferred so that the proposal could be revised.

Moved By Ron Barrette

Seconded By Robert Sylvestre

Defer Minor Variance Application A/17/2022

Carried Unanimously

i. B/3/2022 Kirwin Partners Law Firm - 383 & 385 Matese Street

Member Sylvestre asked where the easement was going to be located. Ian Search explained it would be located adjacent to the north side lot line of the north lot.

Moved By Robert Sylvestre

Seconded By Michael Hoffman

Approve Consent Application B-3-2022 subject to the following conditions of consent:

- 1) That, if deemed required by the Secretary-Treasurer, the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor that details the severed and retained parcel to the satisfaction of the Secretary-Treasurer;
- 2) That the applicant convey a 6 metre wide sewer easement over Block 11 of the severed lot, along the boundary between Blocks 11 and 18, to the satisfaction of the Municipality of Lakeshore;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping; 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **March 18, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

j. B/4/2022 John & Ruth Fuerth - 2462 County Road 27

The Applicant stated that they would like to ask questions about some of the recommended conditions from administration.

Steve Chevalier (2503 Church Street) questioned if there was sanitary capacity for the proposed lots and if the proposed lots would result in traffic issues.

Ian Search explained that the EIS department has advised that there is sanitary capacity for the proposed lots. He also advised that the County of Essex did not recommend a traffic study, and that the County of Essex would like a 50 foot by 50 foot sight triangle to be deeded to the County of Essex for safety.

The Applicant asked if the drainage enclosure condition could be removed because the ditch in front of the properties is not a municipal drain. The Committee agreed that the request for a drain enclosure from the Drainage Department did not make sense in this case.

Moved By Ron Barrette

Seconded By Michael Hoffman

Approve Consent Application B/4/2022 subject to the following conditions of consent:

1. That, if deemed required by the Secretary-Treasurer, the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor that details the severed and retained parcel to the satisfaction of the Secretary-Treasurer;
2. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
4. That the holding symbol be removed from the severed parcels of land;
5. That a park fee be imposed for each severed lot in accordance with the prevailing parkland dedication by-law in effect at the time payment is made to the Secretary-Treasurer, and such fees shall be paid prior to the stamping of the Deeds;
6. That the applicant enter into a drain apportionment agreement for the severed lots and retained land to the satisfaction of the Municipality of Lakeshore;
7. That, if required by the County of Essex, a daylight corner of 50 feet by 50 feet be deeded/transferred to the County of Essex, and to the satisfaction of the County of Essex;
8. That, to the satisfaction of the Municipality of Lakeshore, the applicant enter into an agreement with the Municipality of Lakeshore to be registered on title that a separate access will be provided for each severed lot to the satisfaction of the Municipality of Lakeshore;
9. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **March 18, 2024**. Failure to fulfil the

conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

k. B/5/2022 Gerald & Diane Trepanier - 641 County Road 2

The Applicant had no questions, concerns or comments. Member Barrette asked about the drain enclosure recommendation from the Drainage Department. The Applicant stated that they were planning on enclosing the ditch.

Moved By Ron Barrette

Seconded By Michael Hoffman

Approve Consent Application B/5/2022 subject to the following conditions of consent:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcels of land and retained land, and that the draft survey be to the satisfaction of the Municipality of Lakeshore;
2. That the applicant receive approval from the Municipality of Lakeshore to remove the hold symbol from the subject property's zoning under the Zoning By-law prior to the stamping of the Deeds;
3. That all municipal taxes be paid in full prior to the stamping of the Deeds;
4. That a park fee be imposed for each severed lot in accordance with the prevailing parkland dedication by-law in effect at the time payment is made to the Secretary-Treasurer, and such fees shall be paid prior to the stamping of the Deeds;
5. That the applicant enter into an agreement with the Municipality to be registered on title at the expense of the applicant prior to the stamping of the Deeds, that each severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands;
6. That the applicant enter into an Agreement with the Municipality to be registered on title at the expense of the applicant prior to the stamping of the Deeds, to provide an access for each severed and retained lot, at the expense of the applicant in accordance with specifications and

supervision of the Municipality of Lakeshore and/or the County of Essex;

7. That, if deemed necessary by the Municipality of Lakeshore, the applicant enter into an Agreement with the municipality prior to the stamping of the Deeds regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
8. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deeds that a Sanitary Sewer connection be provided for all severed and retained property in the Sanitary Sewer area at the expense of the applicant according to the requirements of the Ministry of the Environment if and when services become available;
9. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deeds ensuring that the noise control measures from the noise and vibration assessment entitled "Noise and Vibration Assessment for the proposed Residential Development at 641 County Road 2, Municipality of Lakeshore" prepared by akoustik engineering limited be implemented for the development of the land, that the measures are to the satisfaction of VIA Rail Canada, and that the specified warning clauses in the assessment be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease.
10. That the drainage ditch in front of the severed and retained lots be enclosed to the satisfaction of the Municipality of Lakeshore;
11. That the Deeds and a copy for our records be forwarded to the Secretary for stamping;
12. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **March 18, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

4. **Completion of Unfinished Business**
5. **Approval of Previous Meeting Minutes**

Moved By Robert Sylvestre

Seconded By Ron Barrette

Approve minutes from the February 16, 2022 Committee of Adjustment meeting.

Carried Unanimously

a. February 16 2022 Meeting Minutes

6. New Business

7. Adjournment

Moved By Michael Hoffman

Seconded By Ron Barrette

The Committee of Adjustment adjourn its meeting at 8:54 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer