

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, July 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/28/2022 5

Recommendation:
Approve the minor variance application A/28/2022 to permit the construction of an accessory structure with a maximum gross floor area of 71.34m².
 - b. Minor Variance Application A/29/2022 15

Recommendation:
Refuse Minor Variance Application A/29/2022, since the requested minor variance does not pass the four tests as the size of the proposed structure cannot be deemed minor, and the proposal is not consistent nor compatible with the existing built form.
 - c. Minor Variance Application A/30/2022 24

Recommendation:
Approve minor variance application A/30/2022 conditional upon:

 - 1) An approved pool permit of the existing pool;
 - 2) Obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Recommendation:

Approve Minor Variance A/31/2022, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore by July 13, 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 a demolition permit be obtained for MPEC to conduct their assessment;
- 3) All setbacks from the Municipal Drain that runs along the front of the property (2nd Concession Road Drain South of Malden) must be adhered to;
- 4) Any new entrances or hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the Municipality of Lakeshore;
- 5) That prior to occupancy being issued for the new house, the water service from the new house will be connected to the existing curb stop on the property, and a representative from Lakeshore's water division must be on-site at the time of connection to the existing curb stop.

Recommendation:

Approve Consent Application B/12/2022 subject to the following conditions:

1. That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line;
2. That all municipal taxes be paid in full prior to the stamping of the Deed;
3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed;
4. That, the severed lot is subject to water buy-in fee according to the tariff of fees by-law at the time of servicing;
5. That any additional modifications to the driveway in the municipal right-of-way or the addition of hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the County of Essex;
6. That the applicant enter into a drain apportionment agreement as it pertains to the municipal drain Puce River Drain at the rear of the property;
7. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 15, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings,
Co-op Student

Date: July 7, 2022

Applicant: Richard and Susana Wilkinson,
5623 St Clair Rd,
Stoney Point, ON

Subject: Minor Variance Application A/28/2022

Recommendation

Approve the minor variance application A/28/2022 to permit the construction of an accessory structure with a maximum gross floor area of 71.34m².

Proposal

The applicants of 5623 St. Clair Road wish to construct a 71.34m² detached garage in the rear yard of the residential property. As a result, they are seeking a 16.34 m² relief from Section 6.5 of the Lakeshore Zoning By-law 2-2012, which limits accessory buildings to a gross floor area of 55.0 m².

Summary

Location:

The subject land is a 3,836.89 m² (0.94 acre) lot containing the main building on the East side of the lot, and a small shed on the mid-West portion of the lot. The subject land, 5623 St. Clair Road, is located on the south side of St. Clair Road, west of Columbus Drive.

Official Plan:

The Northern portion of the property is designated Residential, while the Southern portion of the property is designated Agricultural. The proposed structure is located with the Northern designated portion of the property.

Surrounding Land Uses:

North: Residential
East: Residential and Agriculture
South: Agriculture
West: Residential

Zoning:

The entire subject property is zoned Waterfront Residential- Lake St. Clair (RW2). The Lakeshore Zoning By-law permits accessory buildings within Waterfront Residential- Lake St. Clair (RW2) zones.

Conclusion:

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The subject property as mentioned before is designated as Waterfront Residential and any uses accessory to the permitted uses is permitted. The use of a garage is already a permitted use.

The intent and purpose of the zoning by-law is also met, as the restriction placed upon gross floor area is to limit the impact of accessory buildings placed upon the property. With the additional gross floor area, the proposed accessory building will only account for 2% of the lot coverage area and will remain accessory to the main building. Totalling a lot coverage of 5.8% when combined with the existing structure.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighborhood as the neighboring properties have similar structures.

The final test regards the appropriateness and desirability of the use. The placement of the proposed residential accessory building abides by the minimum front yard setback required within its zone and uses materials complementary to that of the main building. The location of the proposed detached garage in respect to the driveway seems optimal for future uses, therefore making the proposed accessory building desirable.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, all of which expressed no concerns with the application. Engineering has expressed that an entrance permit will be required and that the accessory building must adhere to the setbacks from the municipal drain running along the Eastern side of the property. The Engineering comments received are included as Appendix C.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments

Prepared by:



Ian Rawlings,
Planning Coop Student

Report Approval Details

Document Title:	A-28-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan and Elevations.pdf - Engineering Comments.pdf
Final Approval Date:	Jul 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Ian Rawlings

Approved by Kristina Brcic



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 911



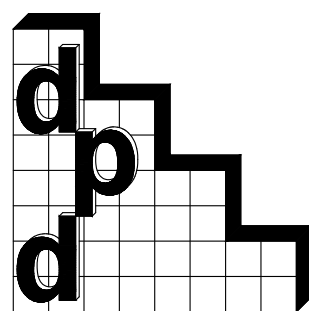
Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

The Wilkinson Garage

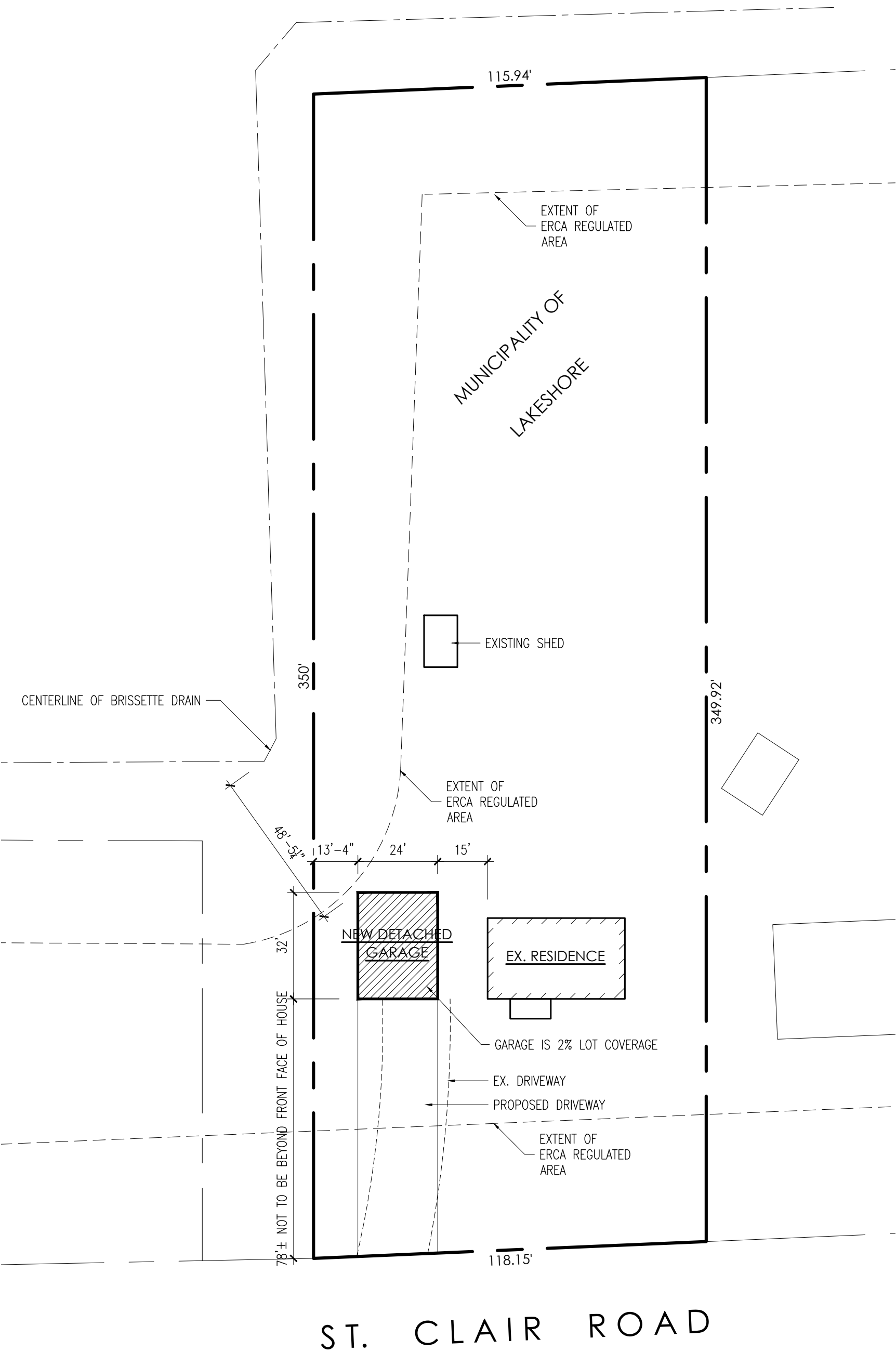
5623 St. Clair Road, Lakeshore, ON

Prepared By:



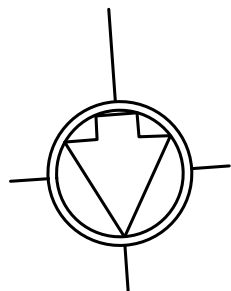
dave polowick design
BUILDING DESIGNERS

361 Colborne Street, Chatham, ON 519-354-8106 Email:dave@davepolowickdesign.com



SITE PLAN
SCALE: 1"=30'

PIN
75068-0081
Address
5623 ST CLAIR TILBURY
Description
PT LT 5 CON BROKEN FRONT TILBURY PT 6, 12R16403; LAKESHORE



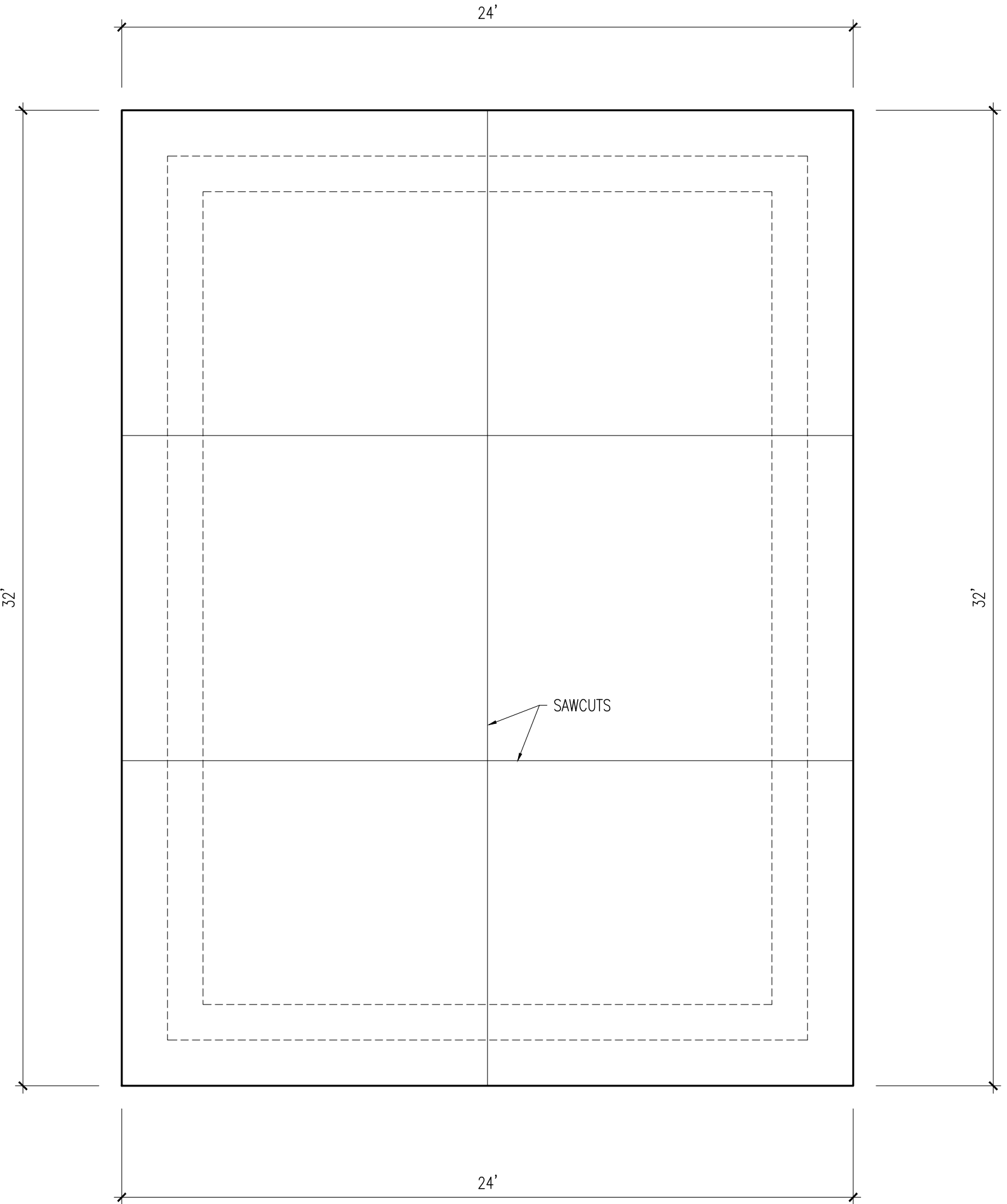
NOTE:
IT IS THE CONTRACTOR'S RESPONSIBILITY TO REVIEW ALL SETBACKS AND DIMENSIONS PRIOR TO CONSTRUCTION. ALL CONSTRUCTION TO MEET ONTARIO BUILDING CODE REGULATIONS.

GENERAL FOUNDATION NOTES

- 1.0
- GENERAL
- 1.1
- PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR FABRICATION, THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS. SHOULD FIELD CONDITIONS OR DIMENSIONS VARY FROM DESIGN DRAWINGS, THE CONSULTANT SHALL BE NOTIFIED.
- 1.2
- THE LOCATION OF UTILITIES AS SHOWN ON THESE DRAWINGS ARE NOT CERTIFIED TO BE ACCURATE. THE ONUS LIES UPON THE CONTRACTOR TO ASCERTAIN, AT HIS OWN EXPENSE, THE EXACT LOCATION OF EACH UTILITY.
- 1.3
- ALL WORK SHALL BE DONE BY SKILLED AND EXPERIENCED TRADESMEN. ALL WORK SHALL BE CARRIED OUT IN A SUBSTANTIAL MANNER TO ENSURE A RIGID, STRAIGHT, SQUARE, PLUMB AND HORIZONTAL LINES LEVEL STRUCTURES.
- 1.4
- THE CONTRACTOR SHALL SHORE EXISTING STRUCTURE AS REQUIRED.
- 2.0
- CODES
- 2.1
- THE NATIONAL BUILDING CODE OF CANADA, LATEST REVISIONS, AND THE BUILDING CODE OF ONTARIO LATEST REVISIONS, SHALL BE THE BASIS FOR DESIGN AND CONSTRUCTION OF ALL WORK.
- 2.2
- ALL WORK TO BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT, ONT. LATEST REVISIONS.
- 3.0
- FOUNDATIONS AND BACKFILL
- 3.1
- ALL FOOTINGS SHALL BE PLACED ON NATURAL UNDISTURBED SOIL AT ELEVATIONS SHOWN ON THE DRAWINGS UNLESS OTHERWISE NOTED. THIS CONTRACTOR SHALL HIRE A CERTIFIED FIRM TO INSPECT AND ENSURE THE EXPOSED BEARING CAN ATTAIN THE DESIRED ALLOWABLE CONTACT BEARING PRESSURE OF 3000 PSF.
- 3.2
- BACKFILL AGAINST WALLS SHALL BE AS SPECIFIED.
- 3.3
- EXCAVATION FOR FOOTINGS SHALL BE CLEAN AND FREE OF STANDING WATER. THE FOUNDATION CONCRETE SHALL BE PLACED WITHOUT DELAY AFTER EXCAVATION
- 4.0
- CONCRETE
- 4.1
- UNLESS OTHERWISE NOTED, COMPRESSIVE STRENGTH OF CONCRETE AT 28 DAYS SHALL BE AS FOLLOWS:
- | | |
|---------------------------|-------------------|
| MUDMATS AND FILL CONCRETE | 15 MPa (2175 psi) |
| FOOTINGS/WALLS | 20 MPa (2900 psi) |
| PIERS | 25 MPa (3625 psi) |
| INTERIOR SLABS-ON-GRADE | 25 MPa (3625 psi) |
| EXTERIOR SLABS-ON-GRADE | 32 MPa (4640 psi) |
- ALL EXTERIOR CONCRETE SHALL HAVE 5% TO 7% AIR ENTRAINMENT. ALL CONCRETE SHALL DEVELOP 70% OF ULTIMATE STRENGTH AT SEVEN (7) DAYS.
- 4.2
- MINIMUM CLEAR CONCRETE COVER FOR STEEL REINFORCEMENT SHALL BE AS FOLLOWS:
- | | |
|---|----|
| FOOTING OR CONCRETE CAST AGAINST EARTH: | 3" |
| FORMED CONCRETE EXPOSED TO EARTH & WEATHER: | 2" |
- 4.3
- REINFORCING STEEL SHALL BE HARD GRADE NEW BILLET STEEL, Fy = 400 MPa (58 k.s.i.) IN ACCORDANCE WITH THE LATEST C.S.A. STANDARD G30.18-M92.
- 4.4
- LAP REINFORCING BARS A MINIMUM OF 36 BAR DIAMETERS OR A MINIMUM OF 12", WHICHEVER IS GREATER GOVERNS, AND/OR AS STIPULATED IN CSA-A23.3-94. UNLESS OTHERWISE NOTED.
- 4.5
- FOOTING SHALL BE PLACED IN FORMS WHICH ARE FREE OF STANDING WATER. ALL PRECAUTIONS SHALL BE TAKEN FOR CONCRETE WHICH IS PLACED DURING COLD OR HOT WEATHER .
- 4.6
- DOWELS TO MATCH VERTICAL REINFORCEMENT.
- 4.7
- GROUT SHALL BE NON-SHRINK GROUT MEADOWS V-3 CONSTRUCTION TYPE OR APPROVED EQUAL.

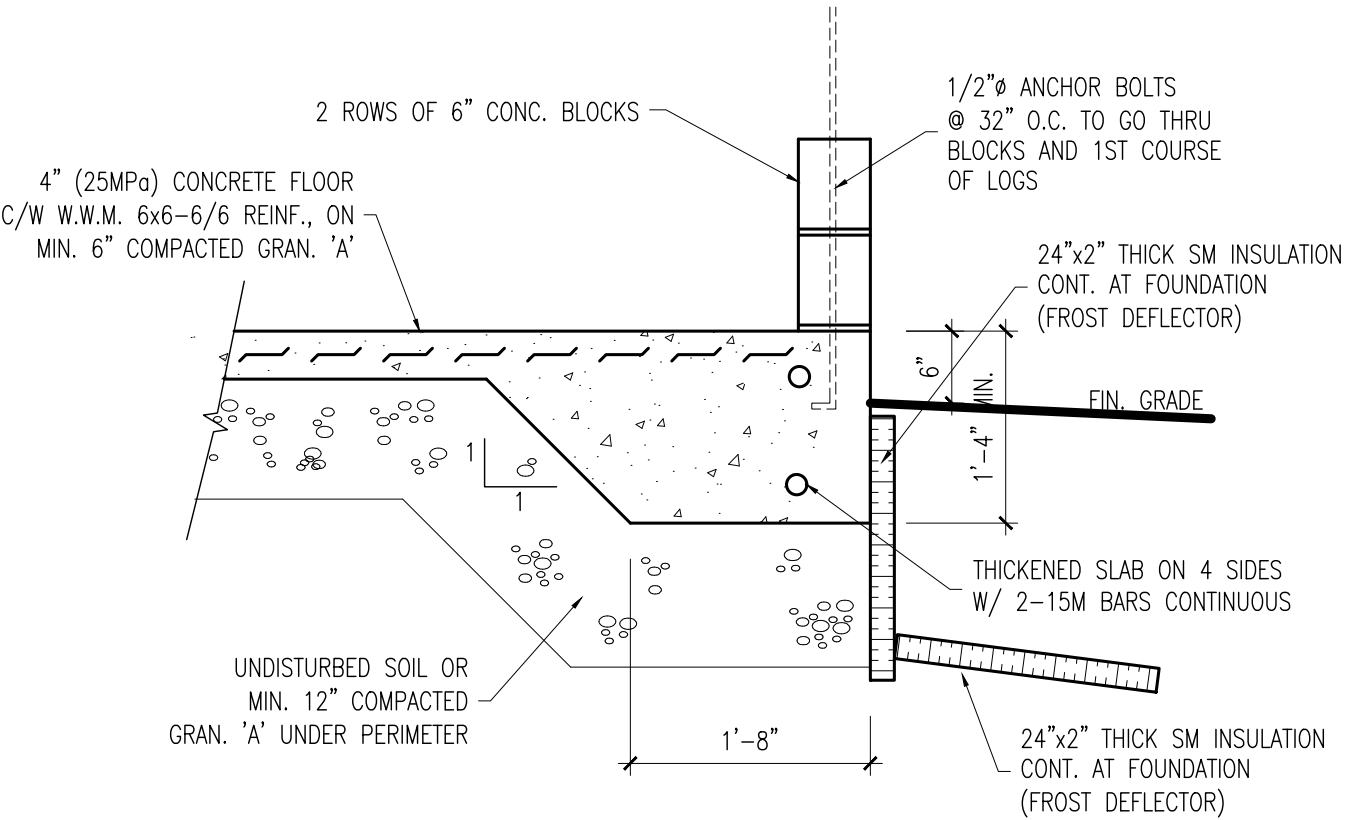
CONCRETE BLOCK NOTES

- 9.20.3. Mortar
- 9.20.3.1. Mortar Materials
- (1) Cementitious materials and aggregates for mortar shall comply with
- (a) ASTM C 5, "Quicklime for Structural Purposes",
- (b) ASTM C 207, "Hydrated Lime for Masonry Purposes",
- (c) CAN/CSA-A5, "Portland Cement",
- (d) CAN/CSA-A8, "Masonry Cement", or
- (2) Water and aggregate shall be clean and free of significant amounts of deleterious materials.
- (3) Lime used in mortar shall be hydrated.
- (4) If lime putty is used in mortar, it shall be made by slaking quicklime in water for not less than 24 h or soaking hydrated lime in water for not less than 12 h.
- 9.20.3.2. Mortar Mixes
- (1) Except as provided in Sentences (3) and (4), mortar mixes shall conform to Table 9.20.3.2.
- (2) Water and aggregate shall be clean and free of significant amounts of deleterious materials.
- (3) Lime used in mortar shall be hydrated.
- (4) If lime putty is used in mortar, it shall be made by slaking quicklime in water for not less than 24 h or soaking hydrated lime in water for not less than 12 h.
- 9.20.3.2. Mortar Mixes
- (1) Except as provided in Sentences (3) and (4), mortar mixes shall conform to Table 9.20.3.2.
- (2) Mortar containing portland cement shall not be used later than 2.5 h after mixing.
- (3) Mortar for sand-lime brick and concrete brick is permitted to consist of 1 part masonry cement to not less than 3 or not more than 3.5 parts of aggregate by volume in addition to those mixes permitted in Table 9.20.3.2.
- (4) Mortar for glass block shall consist of 1 part portland cement and 1 part hydrated lime to not more than 4 parts aggregate by volume.
- 9.15.5. Joist and Beam Support
- 9.15.5.1. Support of Floor Joists
- (1) Except as permitted in Sentence (2), foundation walls of hollow unit masonry supporting floor joists shall be
- (a) capped with not less than 50 mm (2 in) of solid masonry or concrete, or
- (b) have the top course filled with mortar or concrete.
- (2) Capping required in Sentence (1) is permitted to be omitted
- (a) in localities where termites are not known to occur,
- (b) when the joists are supported on a wood plate not less than 38 mm by 89 mm (2 in by 4 in), and
- (c) when the siding overlaps the foundation wall not less than 12 mm (2 in).



CONCRETE SLAB

SCALE: 1/4"=1'-0"



THICKENED SLAB DETAIL

SCALE: 3/4"=1'-0"

NOTE:
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dave polowick design

BUILDING DESIGNERS

(519) 354-8106

DATE	ISSUED FOR
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PROJECT
The Wilkinson Garage 5623 St. Clair Road, Lakeshore, ON

DRAWING TITLE
CONCRETE SLAB

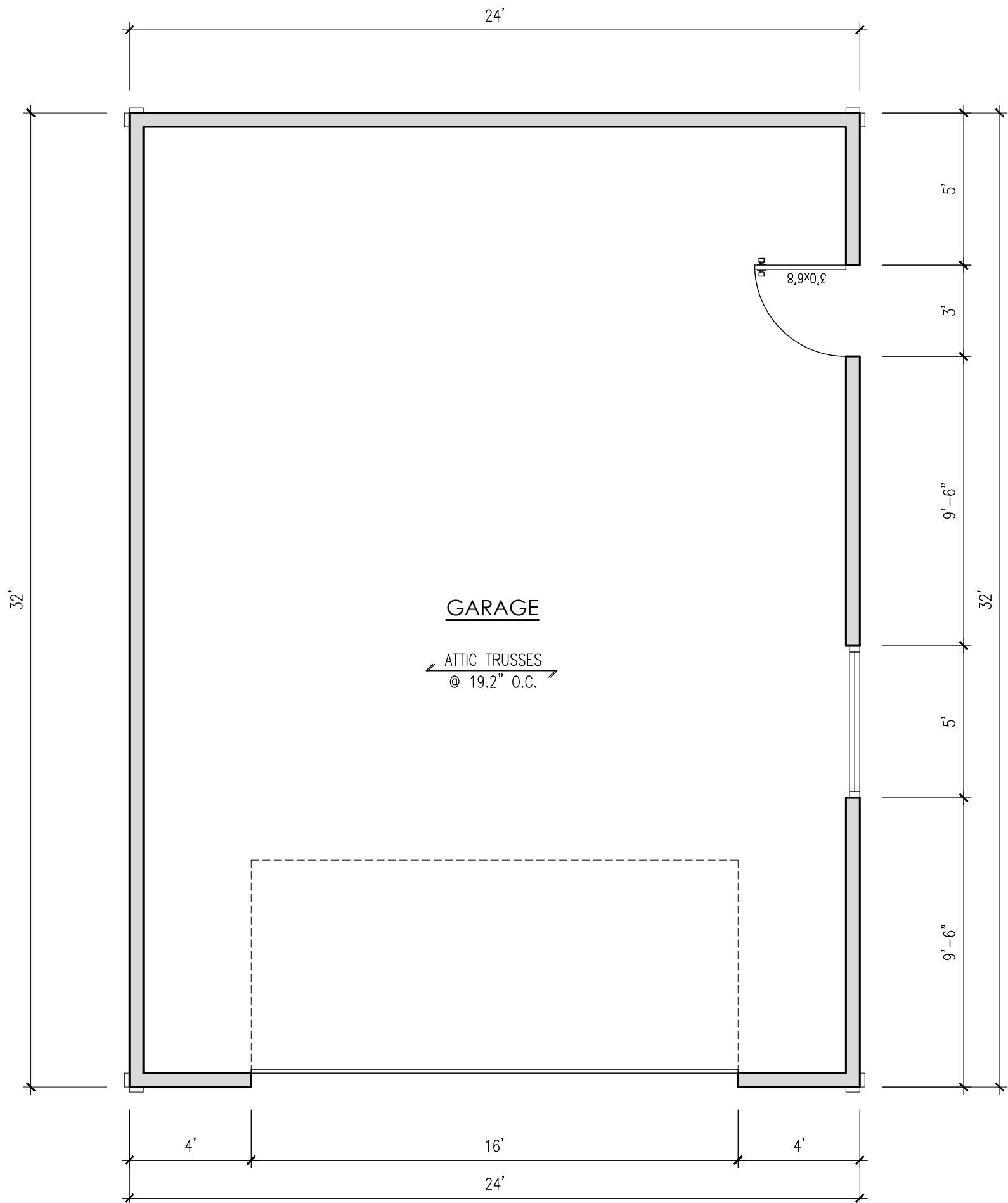
DATE
MAY 2, 2022

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DAVE P. POLOWICK

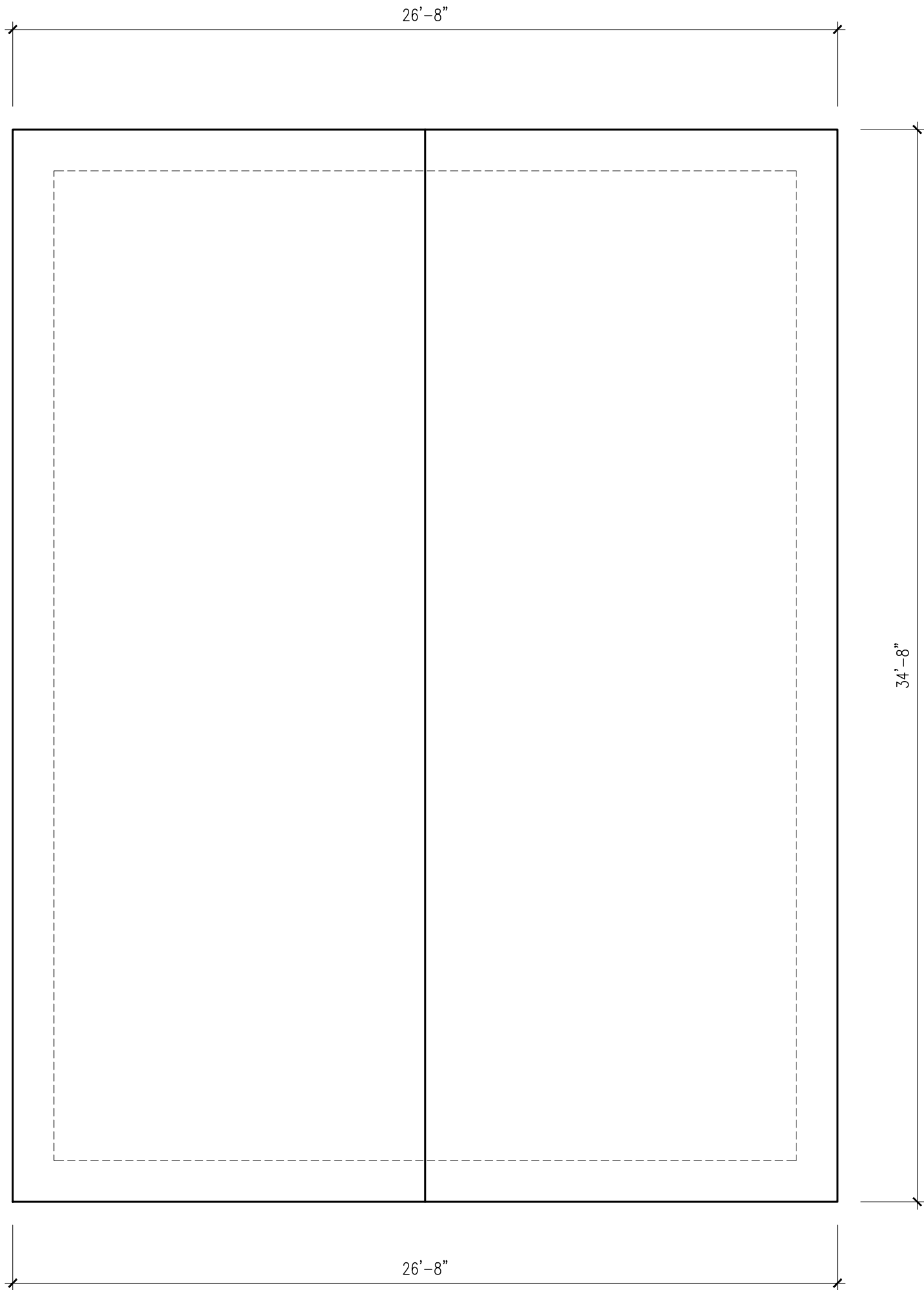
JOB NO.
2022-dpd33

SHEET NO.
2 OF 5

DRAWING NO.
A-2



FLOOR PLAN
SCALE: 1/4"=1'-0"



ROOF PLAN
SCALE: 1/4"=1'-0"

GENERAL ROOFING NOTES

9.23.15.3. Direction of Installation

- (1) Plywood roof sheathing shall be installed with the surface grain at right angles to the roof framing.
- (2) OSB roof sheathing conforming to CAN/CSA-0325.0, "Construction Sheathing", or to O-1 and O-2 grades as specified in CSA-0437.0, "OSB and Waferboard", shall be installed with the direction of face orientation at right angles to the roof framing members.

9.23.15.4. Joints in Panel Type Sheathing

- (1) Panel-type sheathing board shall be applied so that joints perpendicular to the roof ridge are staggered where,
- (a) the sheathing is applied with the surface grain parallel to the roof ridge, and
- (b) the thickness of the sheathing is such that the edges are required to be supported.
- (2) A gap of not less than 2 mm (3/32 in) shall be left between sheets of plywood, OSB or waferboard.

9.23.15.6. Edge Support

- (1) Except as permitted in Sentence (2), where panel-type roof sheathing requires edge support, the support shall consist of,
- (a) metal H clips, or
- (b) not less than 38 mm by 38 mm (2 in by 2 in) blocking securely nailed between framing members.
- (2) The supports referred to in Sentence (1) are not required when tongued-and-grooved edged panel-type sheathing board is used.

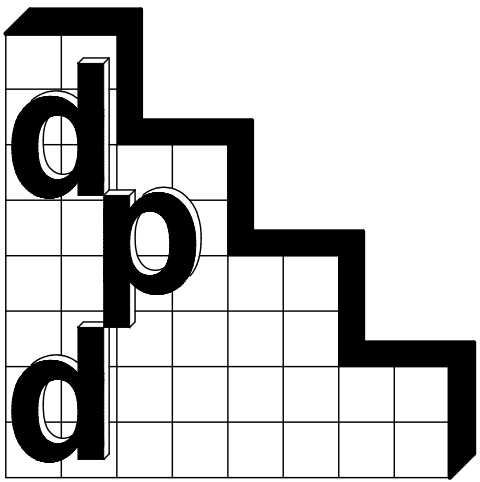
9.26.5. Eave Protection for Shingles and Shakes
9.26.5.1. Required Eave Protection

- (1) Except as provided in Sentence (2), eave protection shall be provided on shingle, shake or tile roofs, extending from the edge of the roof a minimum of 900 mm (2 ft 11 in) up the roof slope to a line not less than 300 mm (11 3/4 in) inside the inner face of the exterior wall.
- (2) Eave protection is not required,
- (a) over unheated garages, carports and porches,
- (b) where the roof overhang exceeds 900 mm (2 ft 11 in) measured along the roof slope from the edge of the roof to the inner face of the exterior wall,
- (c) on roofs of METAL ROOFING installed in accordance with Subsection 9.26.8.,
- (d) on roofs with slopes of 1 in 1.5 or greater, or
- (e) in regions with 3 500 or fewer degree-days.

9.26.5.2. Materials

- (1) Eave protection shall be laid beneath the starter strip and shall consist of,
- (a) No. 15 asphalt-saturated felt laid in two plies lapped 480 mm (18 7/8 in) and cemented together with lap cement,
- (b) Type M or S roll roofing laid with not less than 100 mm (4 in) head and end laps cemented together with lap cement,
- (c) glass fibre or polyester fibre coated base sheets, or
- (d) self-sealing composite membranes consisting of modified bituminous coated material.

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PROJECT
The Wilkinson Garage
5623 St. Clair Road, Lakeshore, ON

DRAWING TITLE

FLOOR PLAN
ROOF PLAN

DATE MAY 2, 2022

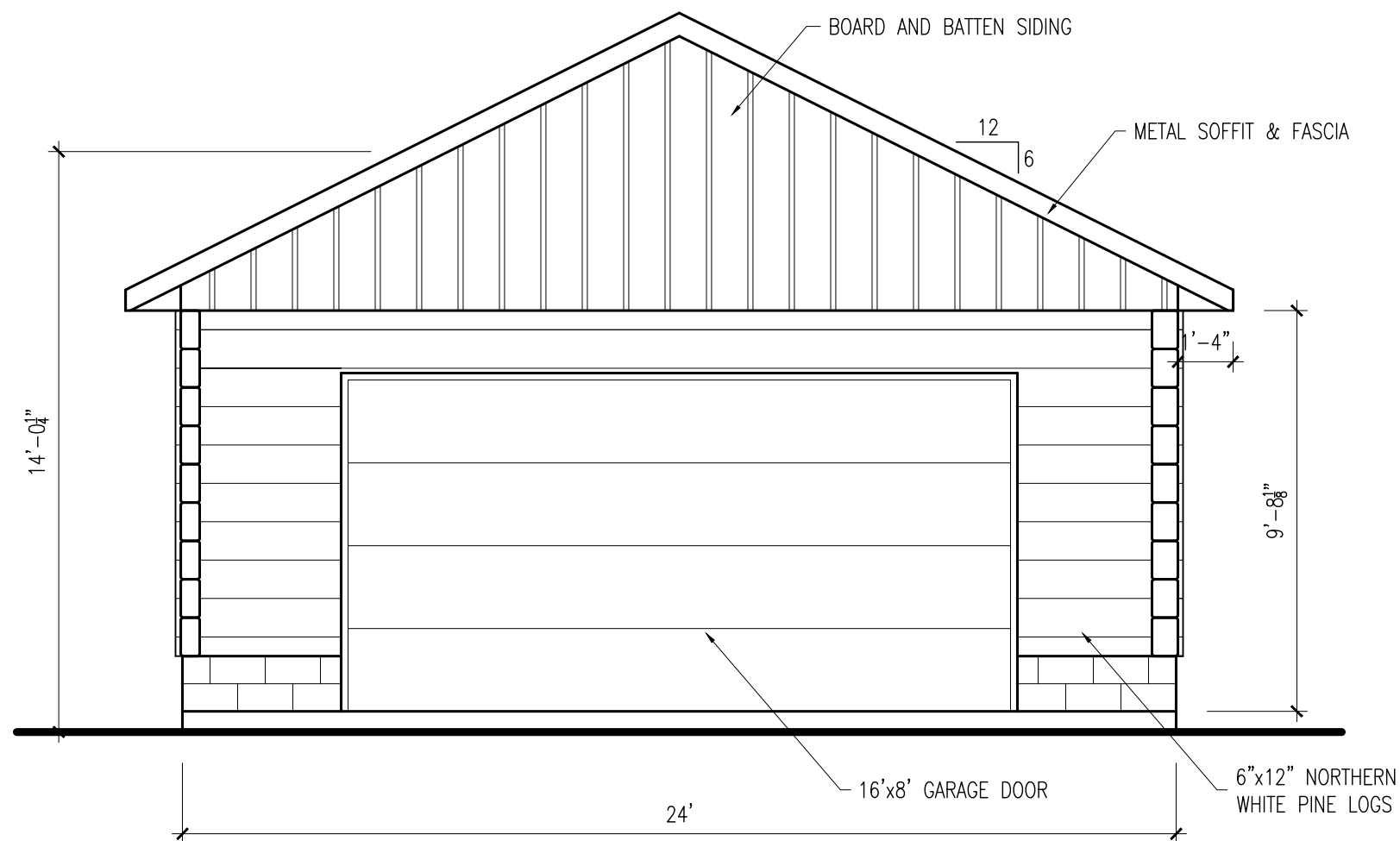
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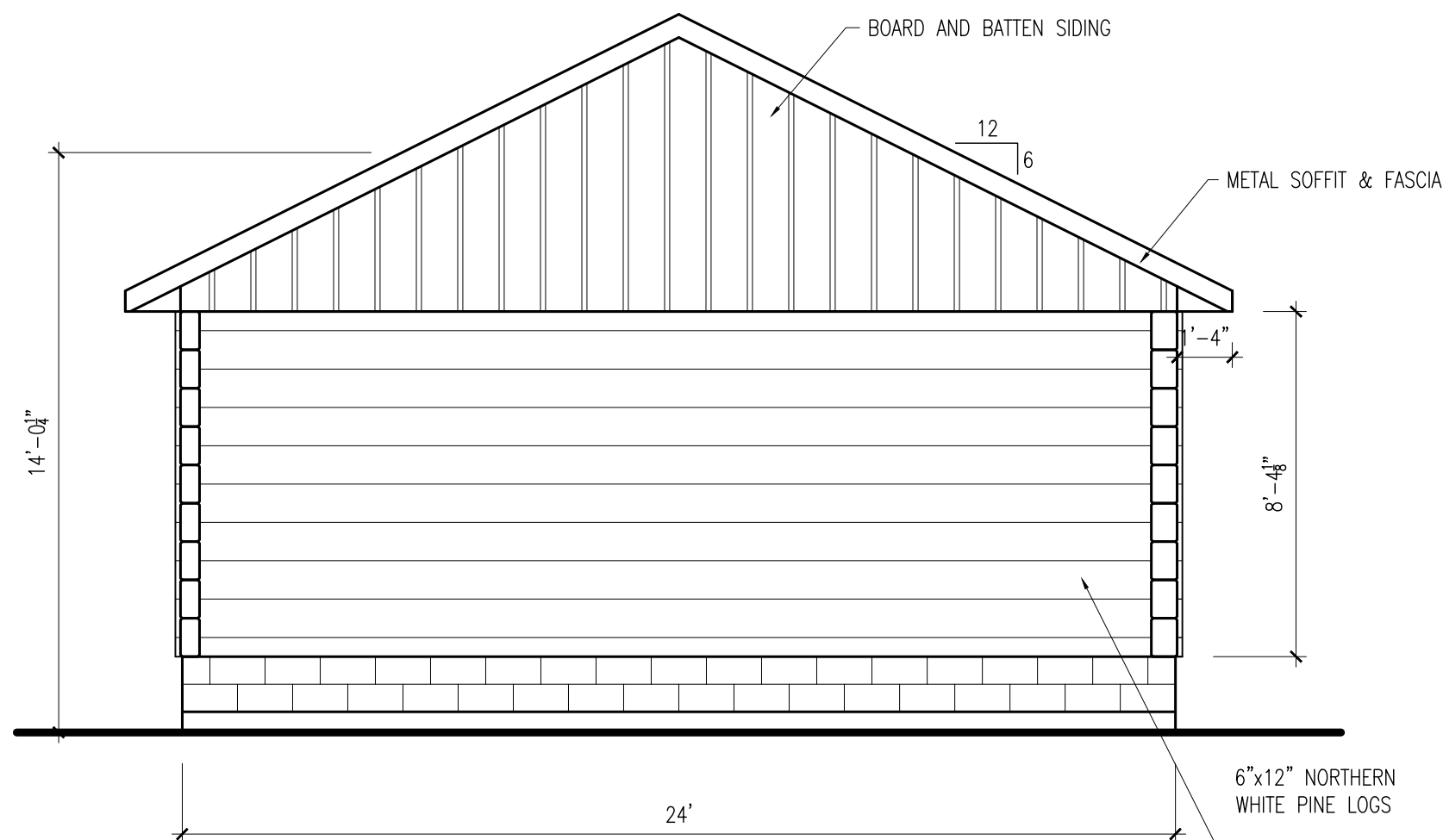
SHEET NO. 3 OF 5

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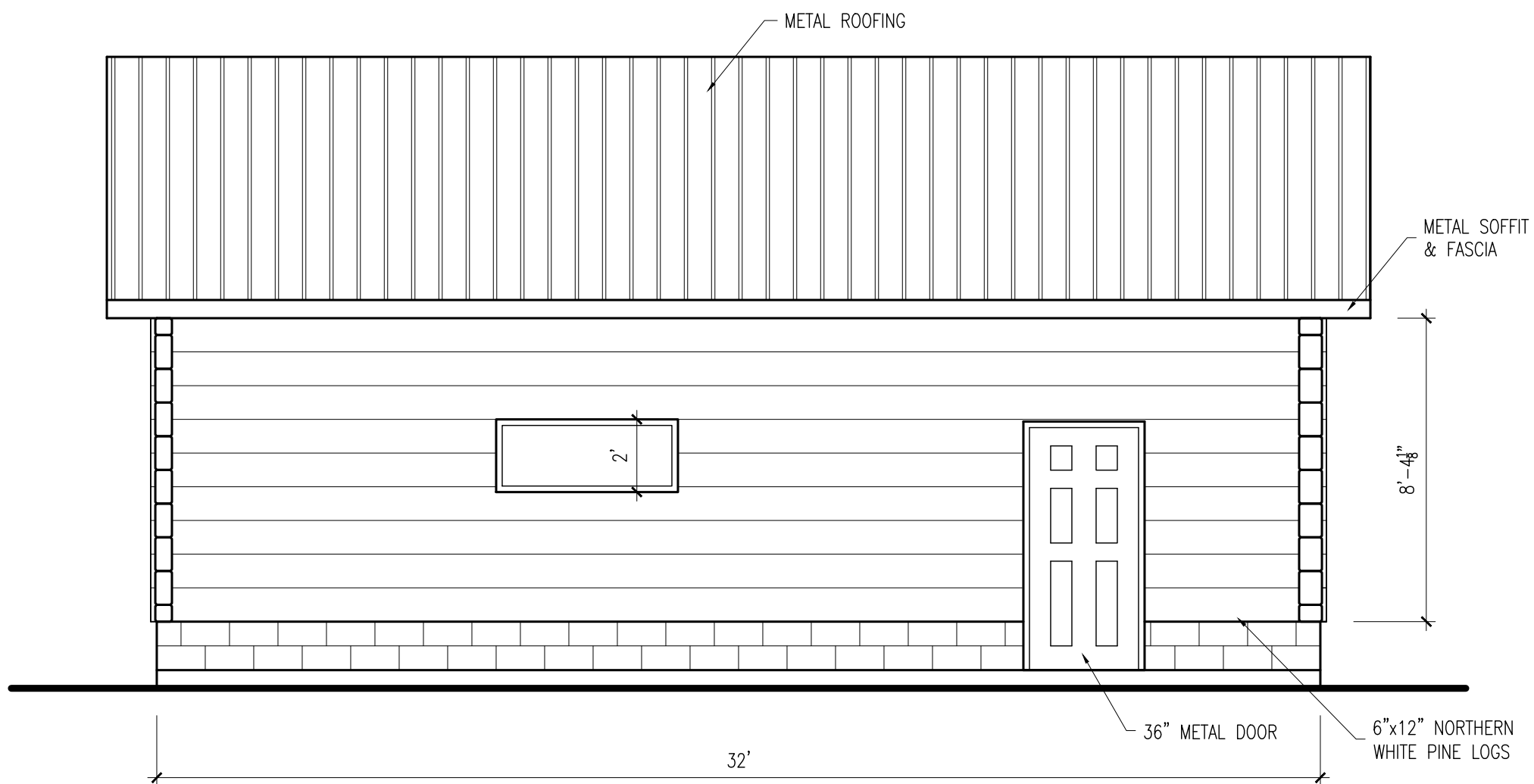
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Page 11 of 58



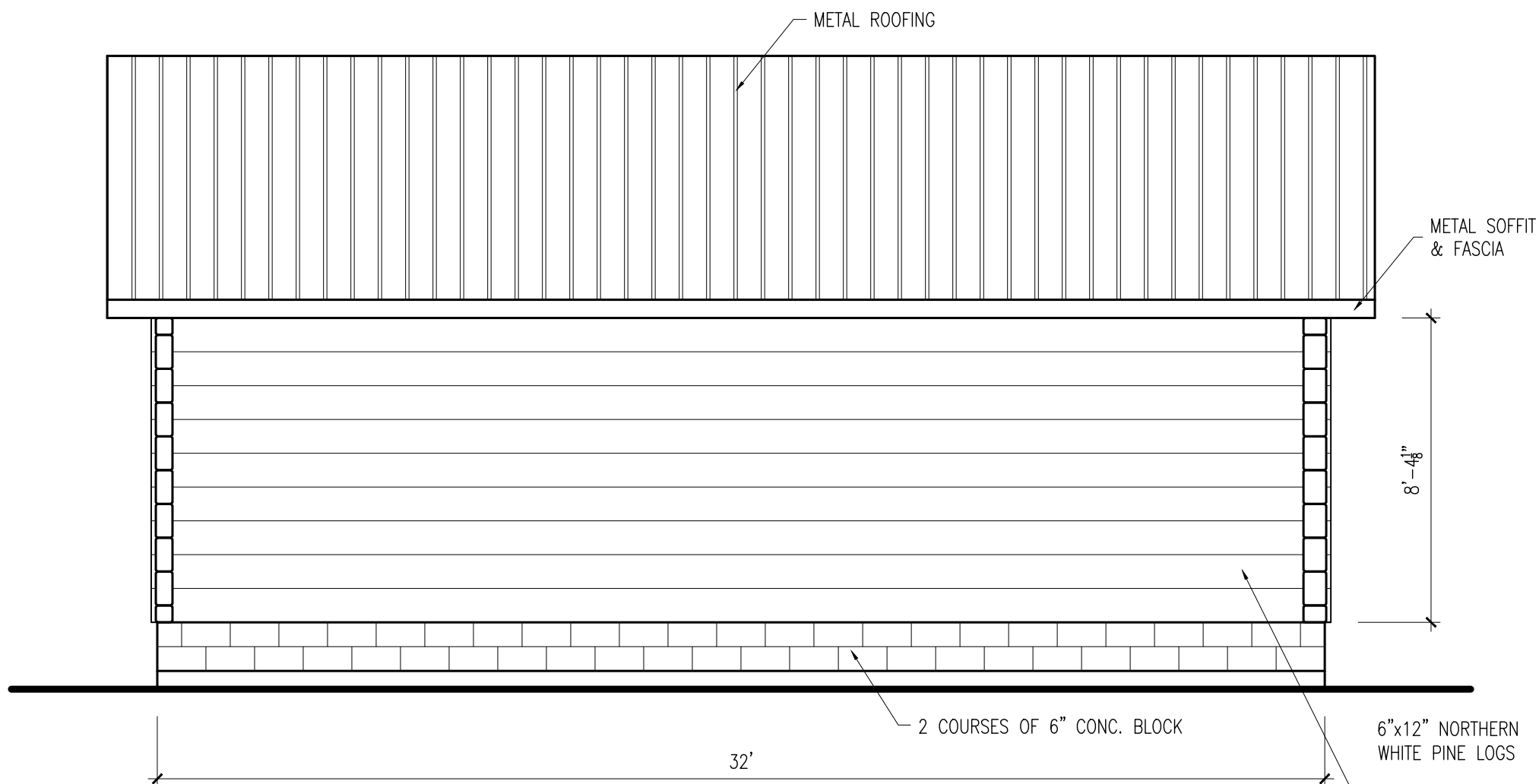
FRONT ELEVATION
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"

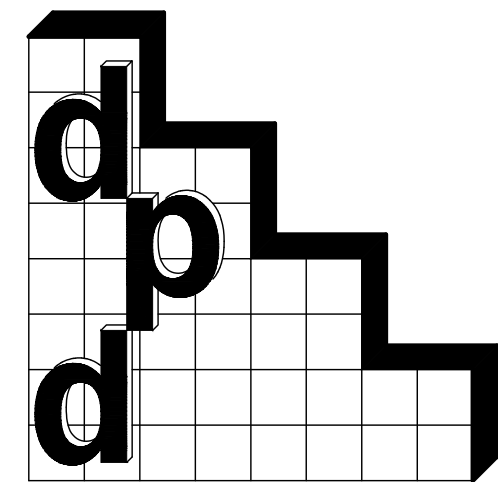


RIGHT ELEVATION
SCALE: 1/4"=1'-0"



LEFT ELEVATION
SCALE: 1/4"=1'-0"

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ALL CONSTRUCTION TO MEET ONTARIO
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PROJECT
The Wilkinson Garage 5623 St. Clair Road, Lakeshore, ON

DRAWING TITLE
EXTERIOR ELEVATIONS

DATE	MAY 2, 2022
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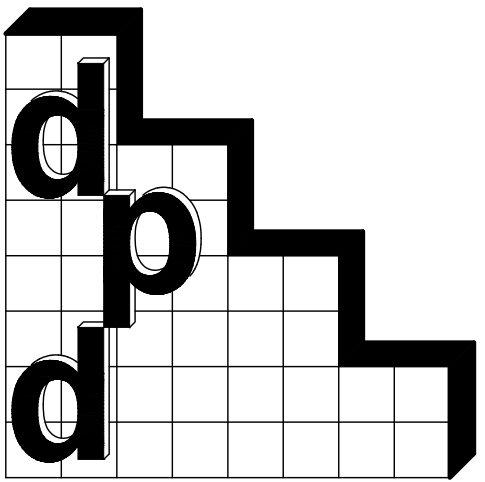
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JOB NO.	2022-dpd33
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SHEET NO.	4 OF 5
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DRAWING NO.

A-4
Page 12 of 58



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DATE
MAY 2

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PROJECT

The Wilkinson Garage
5623 St. Clair Road, Lakeshore, ON

DRAWING TITLE

CROSS SECTION

DATE
MAY 2, 2022

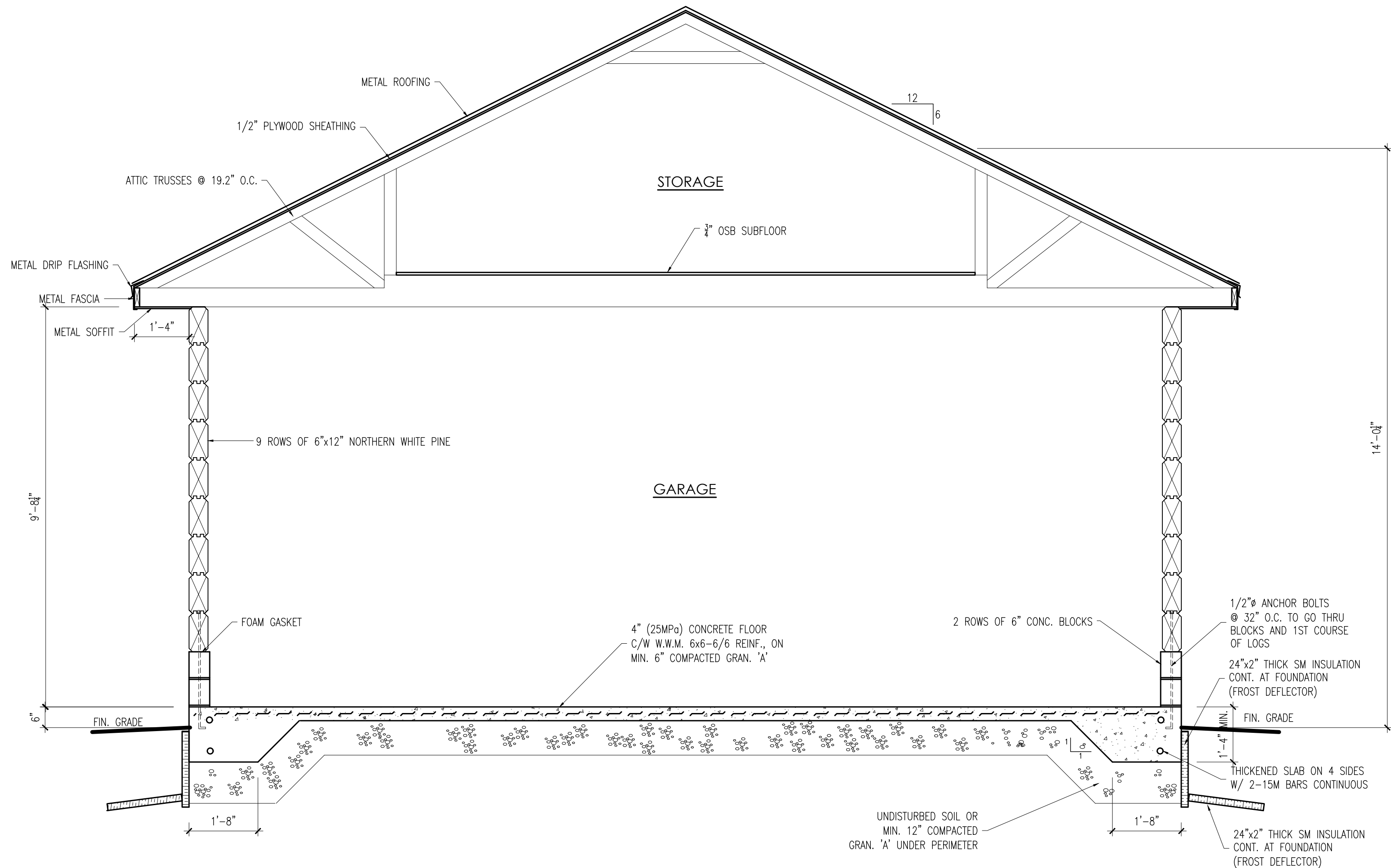
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JOB NO.
2022-dpd33

SHEET NO.
5 OF 5

DRAWING NO.

A-5
Page 13 of 58



CROSS SECTION
SCALE: 1/2"=1'-0"

NOTE:
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DIMENSIONS PRIOR TO CONSTRUCTION.
ALL CONSTRUCTION TO MEET ONTARIO
BUILDING CODE REGULATIONS.

ENGINEERING SERVICES DIVISION
COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Search
FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

1. Minor Variance

A/28/2022

Richard & Susan Wilkinson
5623 St Clair Rd
(Community of Tilbury North)

Comments:

- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands
- An entrance permit from the Municipality of Lakeshore will be required to complete any driveway modifications in the right-of-way and apply any hard surfacing (asphalt, concrete, etc.) to the driveway.
- The accessory building must adhere to the setbacks from the Municipal Drain that runs along the rear and east side of the property (Brissette Drain)

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Urvi Prajapati, BEDP, MES
Planner 1

Date: June 28, 2022

Applicant: Robert Masse,
6209 Emerson Ave,
Comber, ON

Subject: Minor Variance Application A/29/2022

Recommendation

Refuse Minor Variance Application A/29/2022, since the requested minor variance does not pass the four tests as the size of the proposed structure cannot be deemed minor, and the proposal is not consistent nor compatible with the existing built form.

Proposal

The applicants of 6209 Emerson Avenue wish to construct a 118.91 m² accessory structure in the rear yard of the residential property. As a result, they are seeking a 63.91 m² relief from Section 6.5 of the Lakeshore Zoning By-law 2-2012, which limits accessory buildings to a gross floor area of 55.0 m².

Summary

Location:

The subject land is a 16,403 ft² (0.376 acres) residential lot containing an existing house and storage shed in the backyard. The storage shed is going to be demolished and the proposed accessory structure will be replacing it. The subject land, 6209 Emerson Avenue, is west of Main St., south of Wallace Avenue, and north of Canada Southern Railway.

Surrounding Land Uses:

North: Residential/ Employment
South: Residential/ Central Area

East: Service Commercial/ Residential
West: Employment

Official Plan:

The entire subject property is designated as Residential and does not fall under any areas regulated by conservation authorities.

Zoning:

The property is zoned Residential – Low Density (R1). The Lakeshore Zoning By-law permits accessory buildings within the R1 zone.

Conclusion

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Discussion:

The first test adheres to if the variance is minor in nature. After reviewing the application, planning staff are of the opinion that the proposal is not minor in nature and hence does not pass this test. The proposed gross floor exceeds by 63.0 m² in the R1 zone, where the permitted is 55.0 m².

Moreover, the second test determines if the proposal would be desirable with the land use. The purpose of limiting the gross floor area is to avoid overbuilding of the lot. The size restriction is to prevent overbuilding on a given lot and further encourage consistent and compatible built form. After conducting research, it was noted that a few properties within the area have accessory structures that are smaller in size varying from 75.0 - 85.0 m². The proposed size exceeds what already exists in the neighbourhood and is not compatible with the existing built forms.

The third test looks at whether it would maintain the general intent and purpose of the Official Plan. The subject site is designated as Residential in the official plan and accessory structures are permitted. However, the purpose of limiting the gross floor area is to ensure there is enough space for landscaping and drainage. The proposal will increase the gross floor area, however, will still maintain sufficient space for landscaping and drainage. Therefore, the proposal conforms to the Official Plan.

The last test looks at whether the proposal maintains the general intent and purpose of the zoning by-law. Accessory structures are permitted in the R1 zone, however, it exceeds the permitted size in the R1 zone. The setbacks set out in the by-law ensures that the existing streetscape is maintained and that there is privacy between the private and public realm. The accessory structure is going to be located in the backyard with no abutting neighbours to the south. However, one of the main concerns with oversized accessory buildings is what they will ultimately be used for. This accessory building cannot be used as a

‘Home Occupation – which provides gain or support for individuals permanently residing in such dwelling or dwelling unit and is clearly secondary to the main use of the dwelling unit as a private residence...’

After reviewing the application it is recommended that the application be refused since the size of the accessory structure cannot be deemed minor and it is not consistent nor compatible with the existing built form in the area.

If the Committee decides to approve Minor Variance Application A/29/2022, it is recommended that:

- 1) The gross floor area of the accessory building be reduced to a size more consistent with accessory buildings in the area, in order for it to be deemed minor.
- 2) That in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Occupation (as defined in the Zoning By-law) in accordance with Section 6.27.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, and the concerns expressed are summarized below.

Engineering advised that the accessory structure should not adversely impact the rear yard drainage or adjacent neighbouring lands.

Fire stated that the applicants will be required to contact the Lakeshore Fire Department to assist with assessing the use to determine if Ontario Fire Code requirements may apply.

Both Engineering and Fire comments received are enclosed as Appendix C and D respectively under attachments below.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments
Appendix D – Fire Comments

Prepared by:



Urvi Prajapati, BEDP, MES
Planner 1

Report Approval Details

Document Title:	A-29-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan and Elevations.pdf - Engineering Comments.pdf - Fire Comment.pdf
Final Approval Date:	Jul 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Approved by Kristina Brcic



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

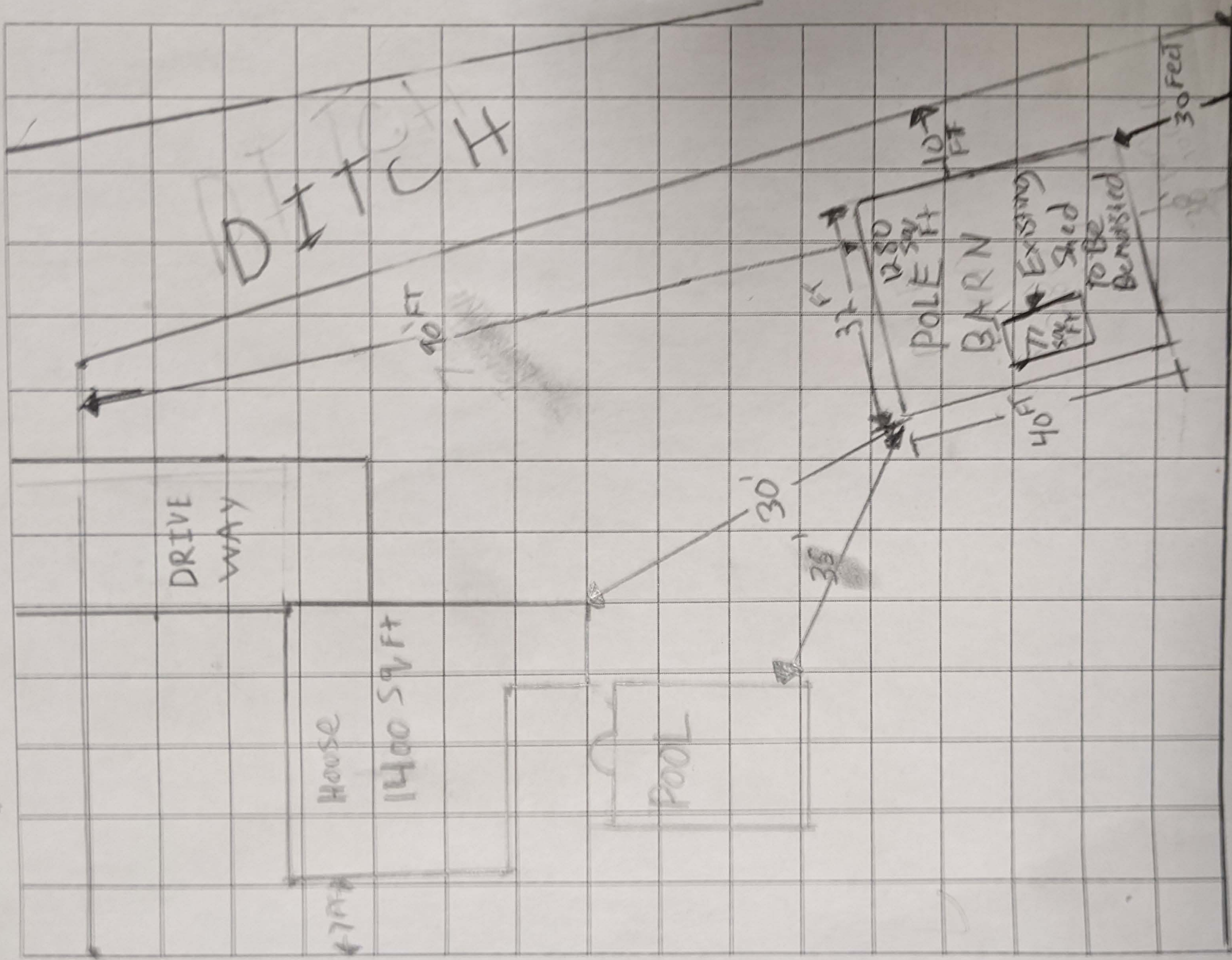
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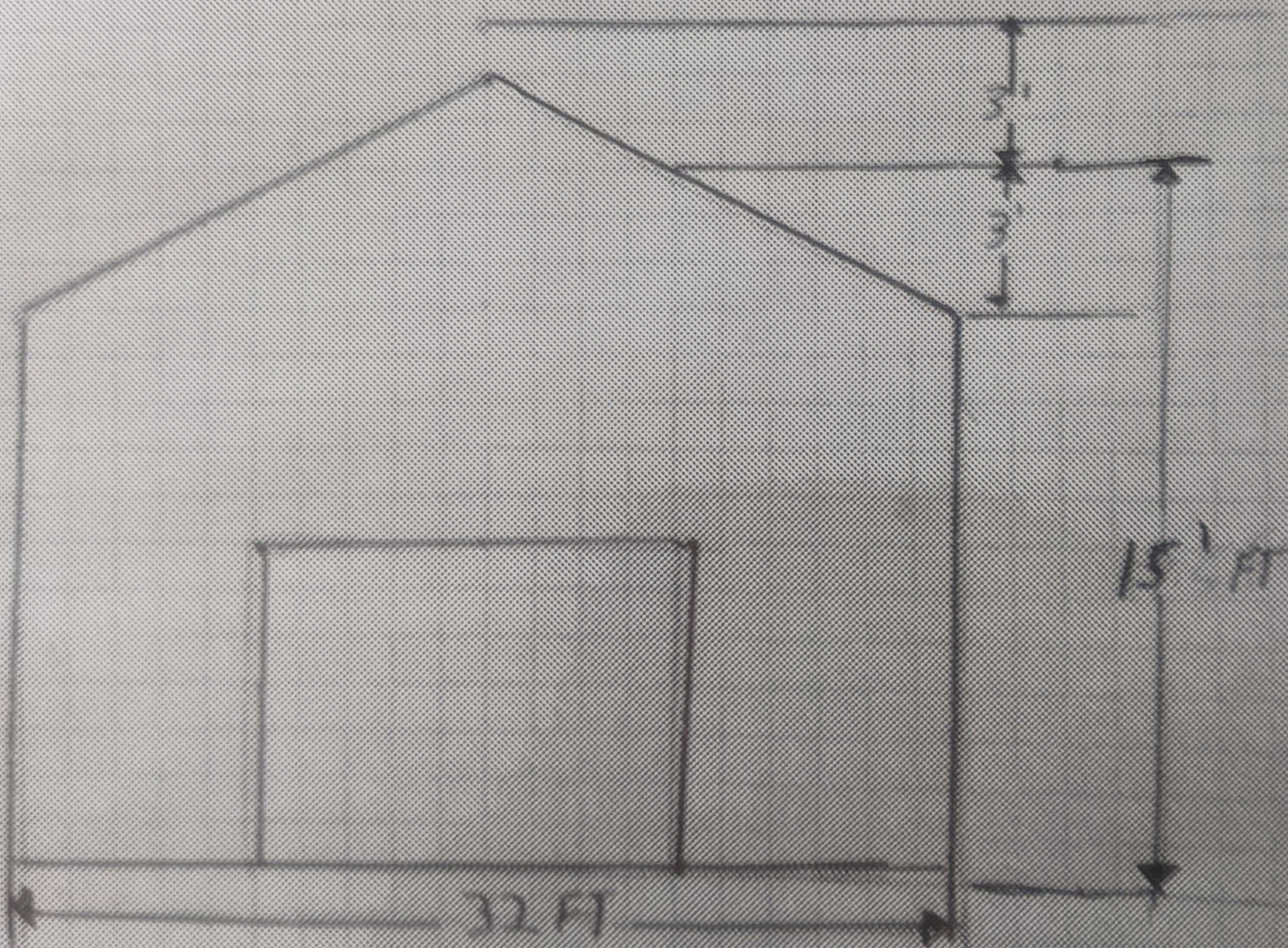
Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

EMERSON AVE



FARM FIELD



ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Search
FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

1. Minor Variance

A/29/2022

Robert Masse
6209 Emerson Ave
(Community of Tilbury West)

Comments:

- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands

Fire Comment

A/31/2022

The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

Municipality of Lakeshore Accessibility Advisory Committee Report

Growth & Sustainability

Community Planning



To: Chair & Members of the Accessibility Advisory Committee

From: Ian Rawlings, Planning Coop Student

Date: July 7, 2022

Applicant: Marjan Jovovski c/o Alexander Jovovski
202 Rafih Cres,
Belleriver, On

Subject: Minor Variance Application A/30/2022

Recommendation

Approve minor variance application A/30/2022 conditional upon:

- 1) An approved pool permit of the existing pool;
- 2) Obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Proposal

The applicant of 202 Rafih Crescent has constructed a pool in the rear yard of a residential property. They are seeking a 0.81 metre variance from Section 6.5 of the Lakeshore Zoning By-law 2-2012 which permits pool equipment to be located a minimum of 1.5 metres from a side or rear lot line. The applicant has indicated that the reason for the minor variance request is to place pool equipment which includes the pump, heater, and filter, closer to the rear lot line behind an existing shed. Ultimately keeping the yard clear from the pool equipment.

Summary

Location:

The subject land is a 603.87 m² (0.149 acre) residential lot containing a dwelling with a pool and shed in the rear yard. The subjected land, 202 Rafih Cres. Is located on the East side of Rafih Crescent North of County Road 22, South of Old Tecumseh Rd, and on the West of Wallace Line Rd.

Official Plan

The entire subject property is designated as Residential

Surrounding Land Uses:

North: Residential

East: Wallace Line Rd

South: Residential

West: Residential

Zoning:

The entire subject property is zoned Residential – Low Density (R1).

Conclusion:

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The subject property as mentioned before is designated as Residential – Low Density and private pools and associated equipment are common features of residential development in Lakeshore. Further, the Official Plan does not regulate nor make mention of private pools and pool equipment and is more appropriately addressed under the Zoning By-law.

The intent and purpose of the zoning by-law is also met, as the restriction of 1.5m from any lot line is to reduce the impact of noise and vibration to neighbouring properties. The location will not be disruptive to any neighbours as the equipment will be kept private through fencing and there are no neighbors adjacent to the rear lot line since to the east of the property is Wallace Line Rd.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The variance has little to no impact on the neighborhood as pools are a common accessory to residential dwellings and there are no neighboring properties adjacent to the rear lot line.

The final test regards the appropriateness and desirability of the use. The placement of the pool equipment behind the tool shed is chosen to minimize impact upon the rear yard, maintaining the aesthetics, and have no negative impacts to neighboring properties. Therefore, the proposed variance is considered appropriate and desirable for the lands.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, all of which expressed support for the application. Engineering expressed concerns regarding the approved pool permit along with the grading that may affect the surrounding neighbors or adjacent right of way. The Engineering comments received are included as Appendix C.

ERCA provided comments and is in support of the application. They have advised that the property owner obtain a permit prior to any construction or alteration. ERCA comments received are included as Appendix D.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments
Appendix D – ERCA Comments

Prepared by:



Ian Rawlings, Planning Coop Student

Report Approval Details

Document Title:	A-30-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Drawings.pdf- Engineering Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Jul 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Ian Rawlings

Approved by Kristina Brcic



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

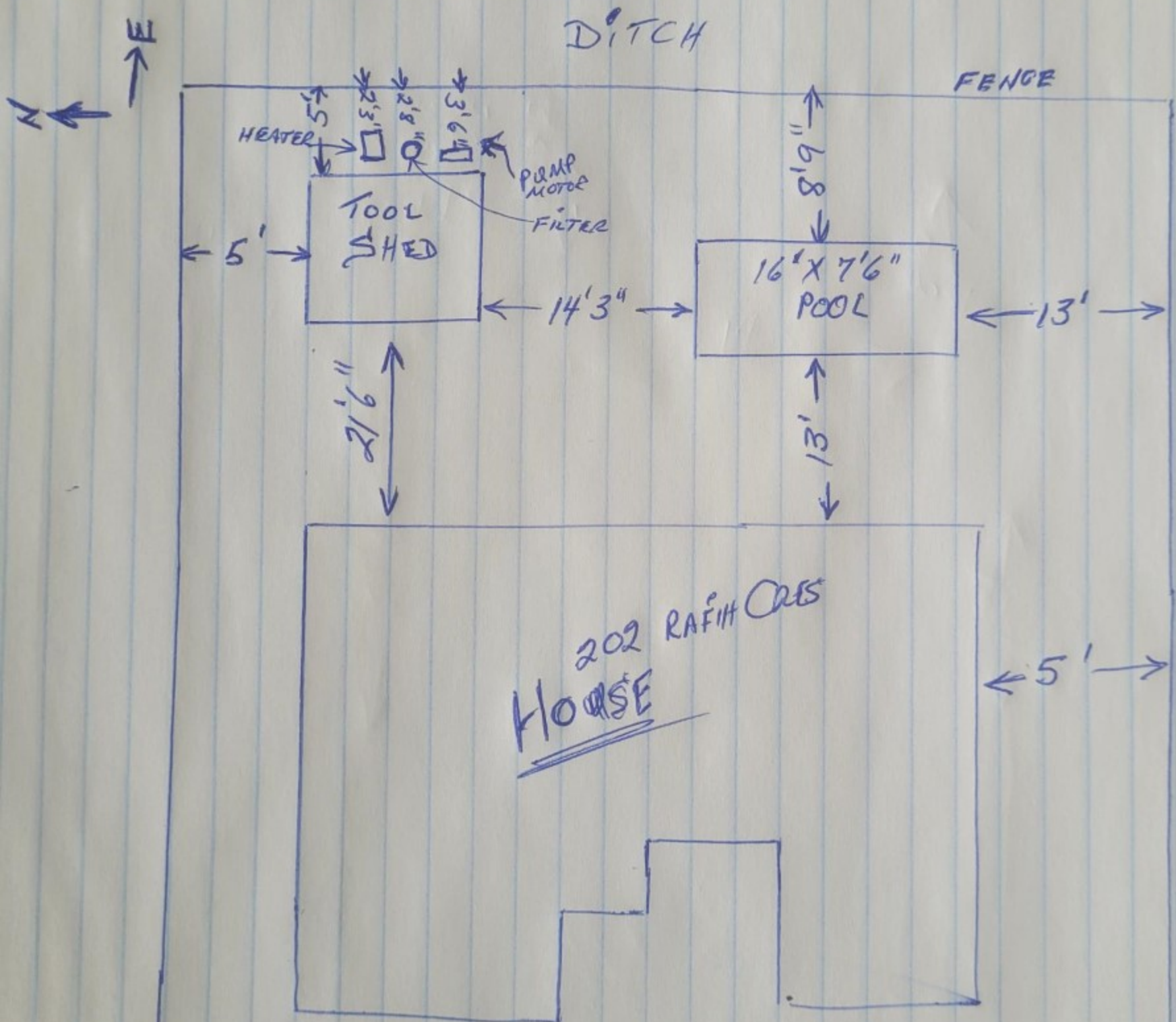
1: 306



Notes:

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WALLACE LANE



ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Search
FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

1. Minor Variance

A/30/2022

Ljubica & Marjan Jovski
c/o Alexander Jovski
202 Rafih Cres
(Community of Maidstone)

Comments:

- The grading of the rear yard to accommodate the pool equipment must not adversely impact the surrounding neighbours or adjacent right-of-way (Wallace Line).
- It is recommended that this application be deferred until the applicant obtained an approved pool permit from Lakeshore. Currently. The pool was constructed without a permit.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

July 07, 2022

Mr. Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search

RE: Application for Minor Variance A-30-2022
202 RAFIH CRES
ARN 375120000012427; PIN: 750020584
Applicant: Ljubica & Marjan Jovovski c/o Alexander Jovovski

The following is provided as a result of our review of Application for Minor Variance A-30-2022. The applicants have constructed a pool pump, a pool filter and a pool heater and are seeking relief from Section 6.5 b) iii) of the Lakeshore Zoning By-law 2-2012 which states that water circulating or treatment equipment such as pumps or filters, or pool heaters, shall not be located closer than 1.5 meters to any side or rear lot line.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

In addition, the Wallance Line Drain is a municipal drain that falls under the jurisdiction of the Municipality of Lakeshore. Please contact your local municipality's drainage superintendent / planning department to obtain any applicable setbacks from the enclosed municipal drain.

Mr. Ian Search
July 07, 2022

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, we advise that the property owner must obtain a Permit from the Essex Region Conservation Authority prior to any construction, site alteration, or other activities affected by Section 28 of the Conservation Authorities Act.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Urvi Prajapati, BEDP, MES
Planner 1

Date: July 29, 2022

Applicant: Greg and Lisa Cavers,
1729 Lakeshore Rd. 219,
Lakeshore, ON

Subject: Minor Variance Application A/31/2022

Recommendation

Approve Minor Variance A/31/2022, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore by July 13, 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 a demolition permit be obtained for MPEC to conduct their assessment;
- 3) All setbacks from the Municipal Drain that runs along the front of the property (2nd Concession Road Drain South of Malden) must be adhered to;
- 4) Any new entrances or hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the Municipality of Lakeshore;
- 5) That prior to occupancy being issued for the new house, the water service from the new house will be connected to the existing curb stop on the property, and a representative from Lakeshore's water division must be on-site at the time of connection to the existing curb stop.

Relief Requested

The applicants wish to temporarily permit two dwelling units on a lot while a new home is being constructed. Therefore, they are seeking relief from Section 6.20 of the Lakeshore Zoning By-law 2-2012 which permits only one dwelling unit on a lot.

The applicants are requesting to temporarily permit an existing dwelling to remain on the subject property during the construction of their new dwelling. Upon the construction of the new dwelling, the existing house will be moved to another property, while the garage will stay on the subject lands. The existing dwelling will provide housing for the applicant during construction of the new dwelling. Upon the construction of the new dwelling the existing house will be moved to another property; while the existing garage will remain on the subject lands as mentioned before.

Summary

Location:

The subject property 1729 Lakeshore Rd. 219 is located in the south-west corner of South Middle Road and Lakeshore Road 219; in the community of Maidstone.

Surrounding Land Uses:

North: Agriculture
South: Agriculture

East: Agriculture
West: Agriculture

Official Plan:

The entire subject property is designated Agriculture and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

Zoning:

The subject property is zoned Agriculture (A).

Conclusion

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Through minor variance approval, residents can enter into a legal agreement with the Municipality of Lakeshore to temporarily permit two dwellings on a single lot. Under this agreement, a resident can apply for a building permit to build a new dwelling while their existing dwelling remains on the lot during construction of the new dwelling. They are then required to demolish, dismantle, relocate and/or remove any and all debris of the original

dwelling in accordance with the specifications of the agreement. The agreement requires an indemnity deposit of \$20,000.00 as prescribed under the current user fee by-law (by-law 113-2021), and requires the original dwelling – including any and all debris – to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling.

The minor variance will provide the applicant with housing during construction of the new dwelling. The Planner is of the opinion that this aspect of the requested variance meets the four tests under the Planning Act.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies and the comments received from Engineering and ERCA are summarized below.

Engineering is in support of the application as long as all the setbacks are adhered to from the Municipal Drain; as well as the applicants are required to apply for an entrance permit for any new entrances on the subject lands. Lastly, prior to occupancy issuance the water service from the new home will be connected to the existing curb stop on the property.

ERCA is also in support of the application and have mentioned that the owners must obtain a permit and or clearance prior to any construction or alteration on the site.

Attachment(s):

Appendix A – Key Plan
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments
Appendix D – ERCA Comments

Prepared by:



Urvi Prajapati, BEDP, MES
Planner I

Report Approval Details

Document Title:	A-31-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan and Elevations.pdf- Engineering Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Jul 8, 2022

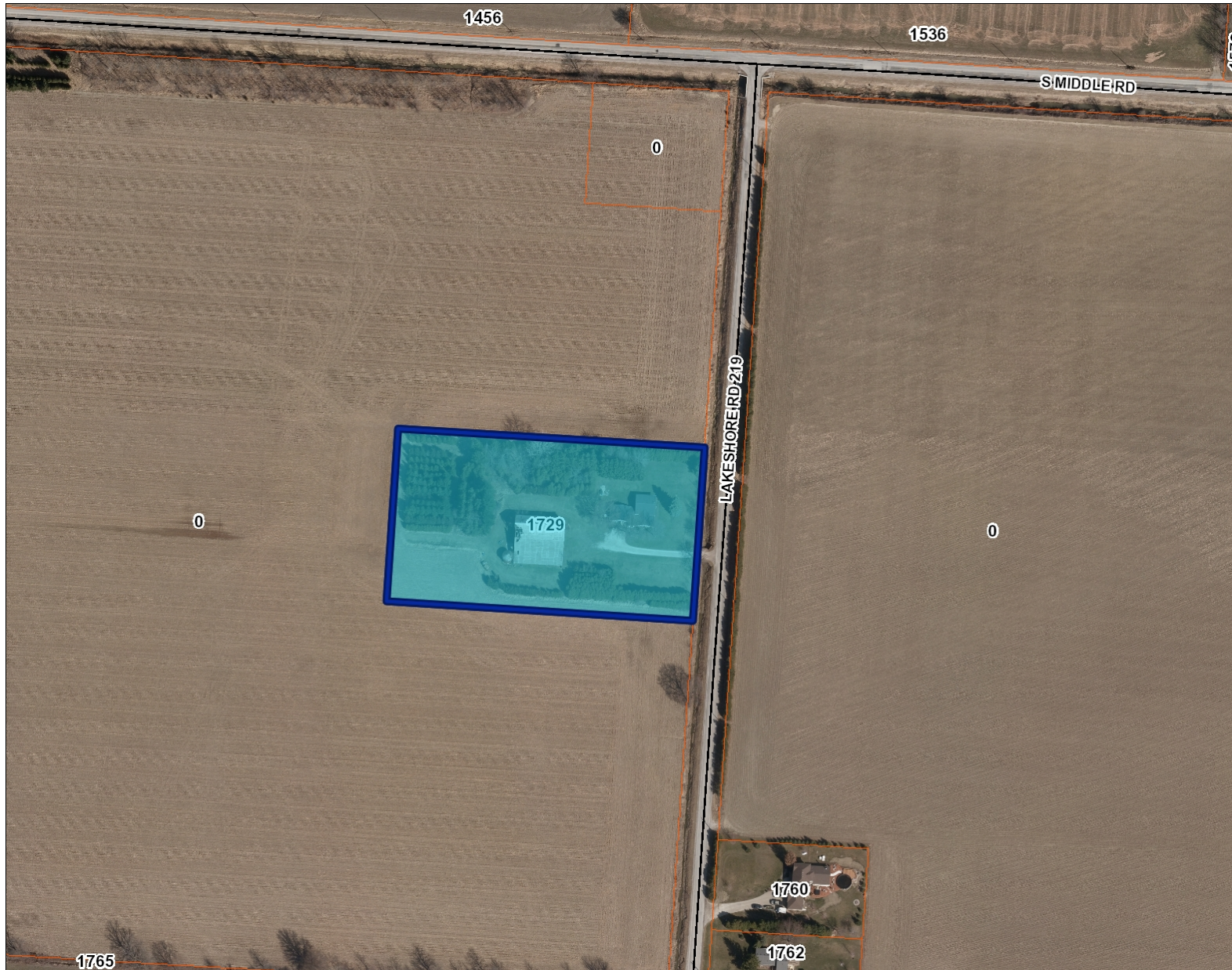
This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Approved by Kristina Brcic



A/31/2022 1729 Lakeshore Rd. 219



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 2,986



Notes:

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Never Rest Farm
Agriculture Use

W

←286→

Total lot size
3.3 acres^{is}

218'

↑
502'
↓

4072 sq. feet
Gross Floor Area

including house, garage
& covered porches.

S

75'

Driveway

64'

Garage

New House

New House is
107'

Approximately 25-30'
from the proposed
Septic tank

N

Proposed
Septic
Bed

80'

14' high

720 square feet

Existing
Garage
To Be Kept

150'

Garage

107'

220'

Existing
House
To Be Moved

Existing
Septic

1800 square feet
gross floor plan

Existing
Bridge

110'

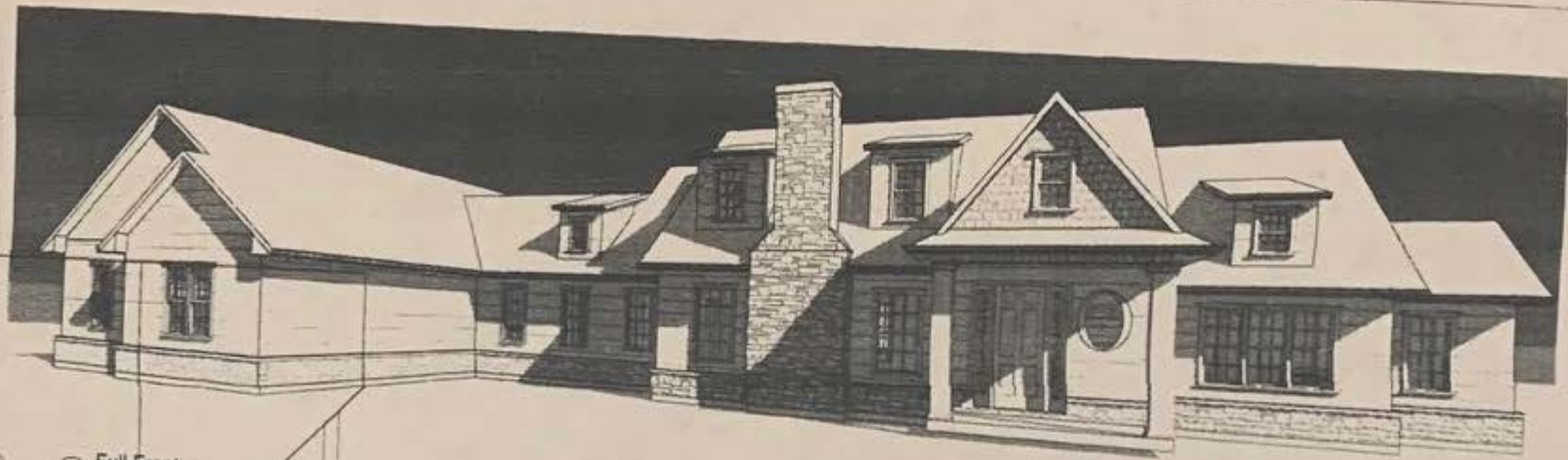
1729

Municipal Drain

Lakeshore Road 219

Greg and Lisa Cavers

Proposed House



② Full Front



35' high



1729 Lakeshore Rd 219

Greg and Lisa Cavers

519 9903983



Existing
Garage
To Be Kept
14' high

ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Search
FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

1. Minor Variance

A/31/2022

Greg & Lisa Cavers
1729 Lakeshore Rd 219
(Community of Maidstone)

Comments:

- All setbacks from the Municipal Drain that runs along the front of the property (2nd Concession Road Drain South of Malden) must be adhered to.
- Any new entrances or hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the Municipality of Lakeshore.
- Prior to occupancy being issued for the new home, the water service from the new home will be connected to the existing curb stop on the property. A representative from Lakeshore's water division must be on-site at the time of connection to the existing curb stop.

Reviewed by: Krystal Kalbol, P. Eng



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360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

July 07, 2022

Mr. Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Minor Variance A-31-2022
1729 LAKESHORE RD 219
ARN 375101000002600, 375101000002604; PIN: 750210064
Applicant: Greg and Lisa Cavers

The following is provided as a result of our review of the Application for Minor Variance A-31-2022. The applicants wish to temporarily permit two dwelling units on a lot while a new home is being constructed. Therefore, they seek relief from Section 6.20 of the Lakeshore Zoning By-law 2-2012, which permits only one dwelling unit on a lot.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 2nd Conc. Rd Drain South Of Malden Rd. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

In addition, the 2nd Conc. Rd Drain South Of Malden Rd is a municipal drain that falls under the jurisdiction of the Municipality of Lakeshore. The municipal drain typically has an unregistered working space, the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

Mr. Ian Search
July 07, 2022

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, we advise that the property owner must obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction, site alteration, or other activities affected by Section 28 of the Conservation Authorities Act.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Urvi Prajapati, BEDP, MES
Planner 1

Date: June 29, 2022

Applicant: Paul and Deborah Reeb,
1900 Naylor Sideroad (County Rd 23)
Lakeshore, ON

Subject: Consent Application B/12/2022

Recommendation

Approve Consent Application B/12/2022 subject to the following conditions:

1. That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line;
2. That all municipal taxes be paid in full prior to the stamping of the Deed;
3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed;
4. That, the severed lot is subject to water buy-in fee according to the tariff of fees by-law at the time of servicing;
5. That any additional modifications to the driveway in the municipal right-of-way or the addition of hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the County of Essex;
6. That the applicant enter into a drain apportionment agreement as it pertains to the municipal drain Puce River Drain at the rear of the property;
7. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
8. That all conditions be met in accordance with Section 53(41) of the Planning

Act, R.S.O. 1990 by **July 15, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Relief Requested

The applicants of 1900 Naylor Sideroad (County Rd 23) have applied to sever the land into two parcels. Both the severed lot and retained lot will result with approximately 990.0 ft of frontage along Naylor Sideroad (County Rd 23) and will be approximately 50.0 acres (20.23 ha) each. If approved, both the severed and retained lot will comply with the Zoning By-law frontage and lot size minimum requirements.

Summary

Location:

The subject property 1900 Naylor Sideroad is located south of South Middle Road, west of Lakeshore Rd. 211, east of Lakeshore Rd. 205 and north of North Talbot Rd and Naylor Sideroad.

Surrounding Land Uses:

North: Agriculture
South: Agriculture

East: Agriculture
West: Agriculture

Provincial Policy Statement

The proposal conforms to Section 2.3.4.1 Lot Creation and Lot Adjustments of the Provincial Policy Statement; as it permits lot creation in prime agricultural areas for the following:

- a) *“agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services,”*

Official Plan:

The entire subject property is designated Agriculture and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

Section 6.2.3 of the current Official Plan permits a consent to split a lot in the Agriculture designation subject to the following conditions:

- i. *“the minimum area of both the retained and severed lots will be approximately 20 hectares.”*

Both the severed and retained lot will have an approximate area of 50 acres (20.23 ha) respectively and therefore conforms to the current Official Plan policies. It is to be noted that an review to the Official Plan is currently being processed that may require severances in areas designated Agriculture maintain a minimum lot area of 40 hectares. However, the Official Plan review is not adopted yet thus, the current policies currently apply.

Zoning:

The subject property is zoned Agriculture (A). The minimum lot area for Agriculture zone is 19.0 ha; both the severed and retained lots will maintain the required lot area as well as the required minimum lot frontage of 75.0 m. Therefore, the proposal complies with the Zoning By-law.

Conclusion

The proposed consent is consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, and complies with the Zoning By-law 2-2012 and is subject to the conditions included in the recommendation section of the report.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, comments received from the are summarized below.

Engineering is in support of the severance and has mentioned that the severed lot will be subject to water buy-in fee at the time of servicing. Moreover, any modifications to the driveway will require the applicant to obtain an entrance permit from the County of Essex. Lastly, the Drainage Division will require the applicants to enter into a drain apportionment agreement once the property has been severed.

County of Essex has mentioned that the applicants comply with the County Road Regulations and that the minimum setback for any future structures must be 85 feet from the center of the original right of way of County Rd. 23. Moreover, approvals and permits will be required for any new accesses.

ERCA is also in support of the application and has mentioned that the applicants must obtain a permit and/or clearance prior to any site alteration or construction.

Attachment(s):

Appendix A – Key Plan
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments
Appendix D – County of Essex Comments
Appendix E – ERCA Comments

Prepared by:



Urvi Prajapati, BEDP, MES
Planner I

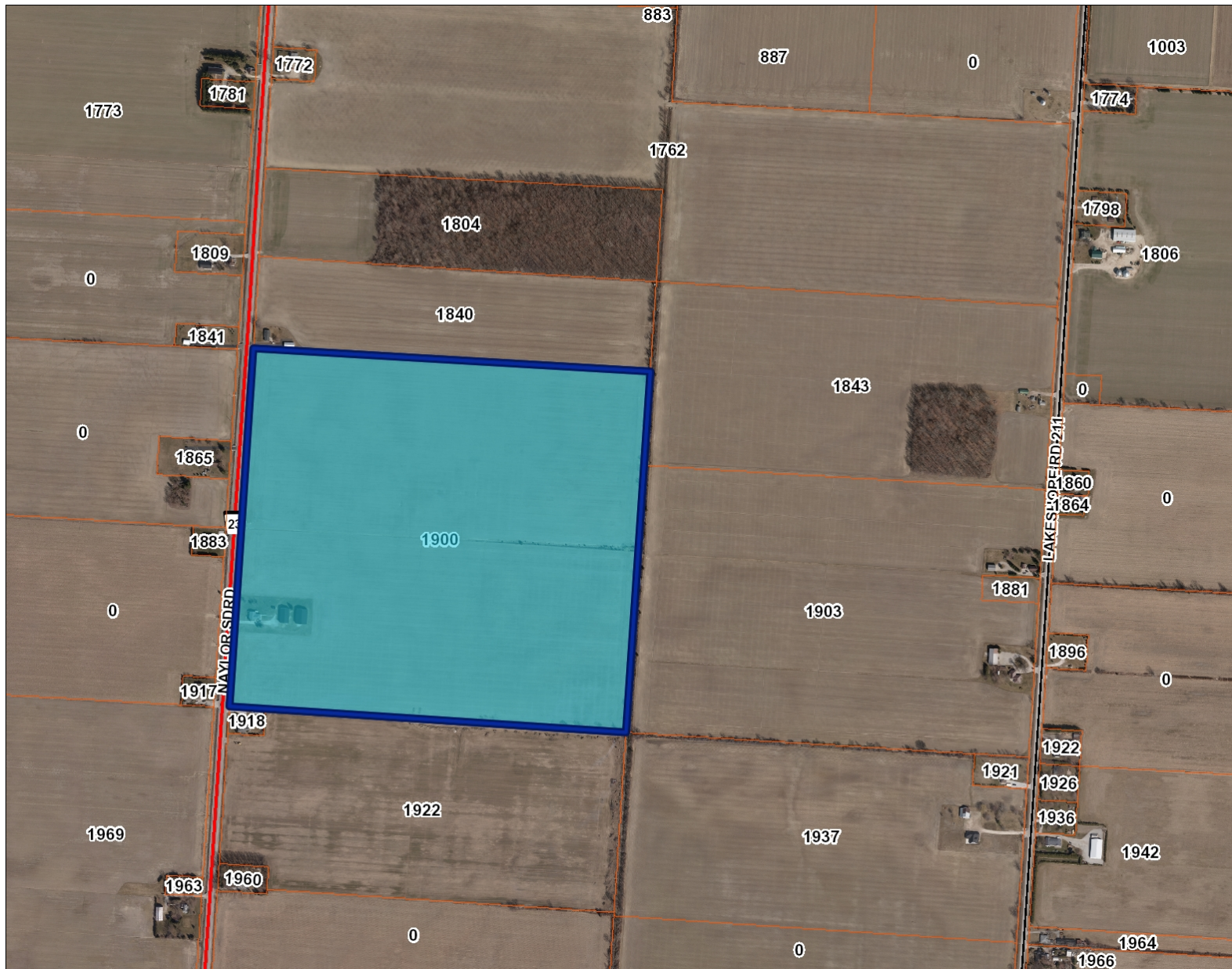
Report Approval Details

Document Title:	B-12-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan and Elevations.pdf - Engineering Comments.pdf - ERCA Comments.pdf - County of Essex Comments.pdf
Final Approval Date:	Jul 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Approved by Kristina Brcic



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 9,955



Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Search
FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

1. Consent Application

B/12/2022

Paul Reeb
c/o Deborah Reeb Graham
1900 Naylor Sideroad
(Community of Maidstone)

Comments:

- Severed lot is subject to water buy-in fee according to the tariff of fees by law at the time of servicing
- Any additional modifications to the driveway in the municipal right-of-way or the addition of hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the Municipality of Lakeshore.
- Lakeshore's Drainage Division will require this applicant to enter into a drain apportionment agreement once this property has been severed. The municipal drain being affected is the Puce River Drain at the rear of the property.

ENGINEERING SERVICES DIVISION

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FROM: Sydnee Rivest
MEETING DATE: July 13, 2022

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planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

July 07, 2022

Mr. Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Consent B-12-2022
1900 NAYLOR SIDERD
ARN 375103000002800; PIN: 750200049
Applicant: Paul Reeb c/o Deborah Reeb Graham

The following is provided as a result of our review of the Application for Consent B-12-2022. The applicant is proposing a farm split.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Puce River Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

In addition, the Puce River Drain is a municipal drain that falls under the jurisdiction of the Municipality of Lakeshore. The municipal drain typically has an unregistered working space, the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which



Mr. Ian Search
July 07, 2022

came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

ERCA has no further concerns regarding this Consent application after reviewing the background information and aerial photograph. The property owner will be required to obtain a Permit and/or



Mr. Ian Search
July 07, 2022

Clearance from the Essex Region Conservation Authority prior to any **future** construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc



July 7, 2022

Mr. Ian Search
Municipality of Lakeshore
419 Notre Dame Street
Belle River, Ontario
N0R 1A0

Dear Mr. Search:

Re: COA Submission, B-12-2022, Paul Reeb c/o Deborah Reeb Graham

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 23. The Applicant will be required to comply with the following County Road regulation:

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 23. Approval and Permits are necessary for any changes to existing structures and accesses, or the construction of new structures and accesses.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technologist

 519-776-6441
TTY 1-877-624-4832

 360 Fairview Ave. W.
Essex, ON N8M 1Y6

 countyofessex.ca

Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting



Wednesday, June 15, 2022, 6:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River

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

Staff Present: Planner I Ian Search, Planner II Urvi Prajapati, Team Leader - Development Approval Kristina Brcic

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. Land Acknowledgement

3. Disclosures of Pecuniary Interest

No disclosures of pecuniary interest were made

4. Public Meetings under the Planning Act

a. Consent Application B-10-2022 - 337 E. Pike Creek Road

The applicant mentioned that the septic system on the retained parcel may be too close to the proposed severance lot line. They stated that deferring the application would make sense to address this issue.

Moved By Steve Diemer

Seconded By Michael Hoffman

Defer application B/10/2022.

Carried Unanimously

b. Consent Application B-11-2022 - 9 Middle Road

Laura Margerison, resident of 8 County Rd. 46, was present and provided comments. Her concerns were mainly in regards to the various land use changes that have taken place surrounding her house and the impacts it

has had on their property as well as their quality of life. Moreover, she mentioned that this consent is not necessary and was concerned about the future business that would be taking place here. Some of her key points included:

- The ecosystem being affected by construction
- The illuminating lights from one of the businesses creating light pollution
- Leakage of tertiary septic system into her yard causing the health inspector to come in and assess the situation further.

Member Barette asked what type of business would be operating on the severed lot in the future. The authorized agent mentioned that they were looking into their options and that the business would likely involve the storage of cars and stone.

Moved By Michael Hoffman

Seconded By Ron Barrette

Approve consent application B/11/2022 to create a new lot, being 3,804.04 m² (0.94 acres) in area, from the lands known as 9 Middle Rd, Part of Lot 1, Concession NMR, registered under the Plan R1450506, in Municipality of Lakeshore, subject to the following conditions:

That, 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;

1. That the applicant enter into an agreement with the Municipality to be registered on title prior to the stamping of the Deed that a separate entrance will be constructed by them in order to connect the Severed Lot to a road allowance to the satisfaction of the Municipality of Lakeshore;
2. That the applicant enter into an Agreement with the Municipality to be registered on title prior to the stamping of the Deed that the severed parcel will be subject to the water buy in fee according to the tariff of fees by-law at the time of servicing;
3. That a survey is obtained and submitted indicating the location of the existing septic system on the retained parcel from the proposed severance line adhering to the building code setbacks to the satisfaction of the Chief Building Official;

4. That if any currently exists, subsurface drainage tiles and water should be redirected around any future dwelling/around the severed parcel;
5. That all municipal taxes be paid in full prior to the stamping of the Deed;
6. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
7. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **June 17, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

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

Moved By Robert Sylvestre

Seconded By Steve Diemer

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

Carried Unanimously

- a. **May 18 2022 Meeting Minutes**

7. **Certificate of Validation Request - V-2-2022 - 348 Jordan Lane**

Member Steve asked administration if the sewers already existed through the easement lands on the subject property. Ian Search confirmed that they were already in place.

8. Adjournment

Moved By Michael Hoffman

Seconded By Ron Barrette

The Committee of Adjustment adjourn its meeting at 7:25 PM.

Carried Unanimously

Mark Hacon
Chair

Ian Search
Secretary-Treasurer