

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, August 17, 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 6
 - a. Minor Variance Application A/32/2022 7

Recommendation:
Approve the minor variance application A/32/2022 to permit the construction of an accessory structure with a maximum gross floor area of 89.19m², a setback of 4.8m from the interior lot line, and a setback of 14m from the rear lot line. Subject to the following condition: 1) That the applicant adhere to all setbacks from the Municipal Drain as required in the Zoning By-law.
 - b. Minor Variance Application A/34/2022 21

Recommendation:
Approve the minor variance application A/34/2022 to permit the relocation of an AC unit 2.82m from the interior lot line.
 - c. Consent Application B/13/2022 30

Recommendation:
Deny Consent Application B/13/2022 as it does not conform to the policies set out by the Provincial Policy Statement and does not comply with the policies set out by the Lakeshore Official Plan. Should the Committee approve this Consent it should be subject to the conditions located within the conclusion of this report.

Recommendation:

Approve Consent Application B/14/2022 to sever a lot from the lands known as 1477 County Rd 22 to create a new 3.9 ha (9.59 acres) lot, 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 the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicant acquire a revised updated schedule of assessment to be completed by a Drainage Engineer to the satisfaction of Engineering Services.
- 5) That the applicant shall fulfill the requirements of parkland dedication in accordance with the Municipality of Lakeshore's Parkland dedication By-law, as amended.
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act Currently two years from decision date.

Recommendation:

Approve Consent Application B/15/2022 for a 7,891.3 m² lot addition to be added from 0 Tecumseh Rd, legally described as CON BF LOT3 12R12257 PART 1, to a neighboring property, 3810 Tecumseh Rd, 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 the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
- 4) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 5) That section 50(3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- 6) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.
- 7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Recommendation:

Approve Consent Application B/16/2022 to allow a lot creation from the property 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, of approximately 32 hectares for the retained lot, and approximately 23 hectares for the severed lot, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line, and existing entrances.
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) 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 and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds
- 6) That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property
- 7) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law and that such fee shall be paid prior to the stamping of the Deed;
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19, 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.

- a. July 13, 2022 Meeting Minutes

78

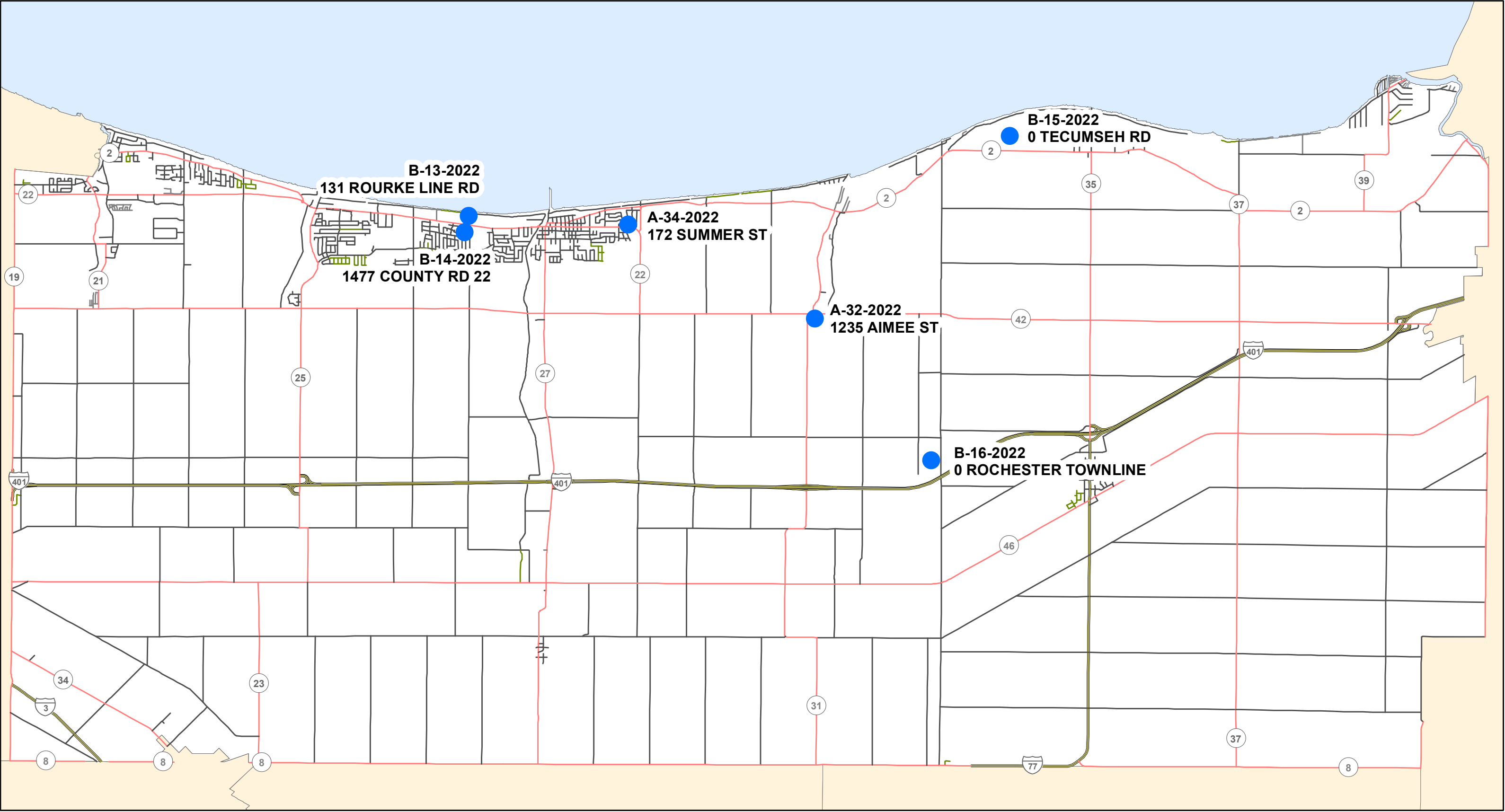
7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Committee of Adjustment Meeting Application Location, August 17, 2022



Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: August 8, 2022
Applicant: Brenda and Michael Donahue
Subject: Minor Variance Application A/32/2022 – 1235 Aimee St

Recommendation

Approve the minor variance application A/32/2022 to permit the construction of an accessory structure with a maximum gross floor area of 89.19m², a setback of 4.8m from the interior lot line, and a setback of 14m from the rear lot line. Subject to the following condition:

1) That the applicant adhere to all setbacks from the Municipal Drain as required in the Zoning By-law.

Proposal:

The applicants of 1235 Aimee St wish to construct an 89.19m² storage pole barn (accessory structure) that will be 4.8m from the interior lot line, and 14m from the rear lot line. As a result, they are seeking relief from section 6.5 and section 9.7.3 of the Lakeshore Zoning By-law 2-2012. Section 6.5 limits accessory buildings gross floor area to 55m², and section 9.7.3 requires a 9.1m set back from interior lot lines, and 15.2m setback from rear lot lines.

Summary:

Location:

The subject land is a 4,046.86 m² (1 acre) lot containing the main building in the center of the lot with an outdoor pool behind the main building. The subject lands is located on the northern side of Aimee St, south of County Rd 42, and east of County Rd 31.

Official Plan

The subject property is designated Hamlet in the Lakeshore Official Plan.

Surrounding Land Uses:

North: Municipal Drainage Ditch
East: Single Detached Dwelling zoned (HR-3)
South: Single Detached Dwelling zoned (HR-3)
West: Single Detached Dwelling zoned (HR-3)

Zoning:

The subject property is zoned Hamlet Residential Zone Exception 3 (HR-3). The Lakeshore Zoning By-law permits accessory buildings within the Hamlet Residential zone. The HR-3 sets out specific setback regulations, such as a 9.1m set back from interior lot lines, and 15.2m setback from rear lot lines, in order to maintain character and esthetics within the neighborhood.

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 is designated Hamlet and any uses accessory to the permitted uses is allowed. Therefore, an accessory structure for storage is permitted.

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 2.2% of the total lot coverage and remains accessory to the main building. Totalling a lot coverage of 10%.

The intent of the HR-3 Zone Exception is to maintain neighbourhood character and esthetics. The main building on the subject lands abides by the regulations set out by the Zoning By-law. Neighbourhood esthetic is detailed within the final minor variance test.

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 appears minor in nature as the size and location of the proposed structure will not adversely affect the surrounding neighborhood, and neighboring properties have similar structures.

The final test regards the appropriateness and desirability of the use. The proposed accessory structure appears similar to neighboring residents in both placement and size. Therefore, the proposed accessory structure appears appropriate as it maintains the character and esthetic of the neighborhood and proves desirable for the residents and surrounding neighbors.

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.

Staff are recommending approval of Minor Variance A-32-2022 if no objections are received from other departments.

Correspondence from external and internal agencies

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

Engineering has expressed that the construction of the accessory building will not adversely impact the rear yard drainage or any neighboring lands. Engineering has also noted that the property is limited to one driveway access as per the lakeshore zoning By-law, and that the applicant must adhere to the municipal drain setbacks.

ERCA has confirmed that the applicants have obtained the necessary permits on June 27th, 2022. If any changes are made to the application the applicant must apply for a revised permit from ERCA.

Attachment(s):

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

Prepared by:

A handwritten signature in black ink, appearing to read "Ian Rawlings", written over a horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-32-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plans and Elevations.pdf- Engineering Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:29 PM



Legend

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

1: 514



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

LOT LINE

← 238 FT →

1235

Almeida ST

ST TO BACK ON

NOV 150

PART LOT 12

CONCESSION S

DRIVE

75 FT

75 FT

Side entrance

CARAGE

HOUSE

2694
SQ FT TOTAL
AREA

21 FT

40 FT

14 FT

POLE

BARN

19 FT

40 FT

TO EDGE
OF DRAINAGE
DITCH
46 FT

8'10" X
pool
shed.

POOL

40 FT

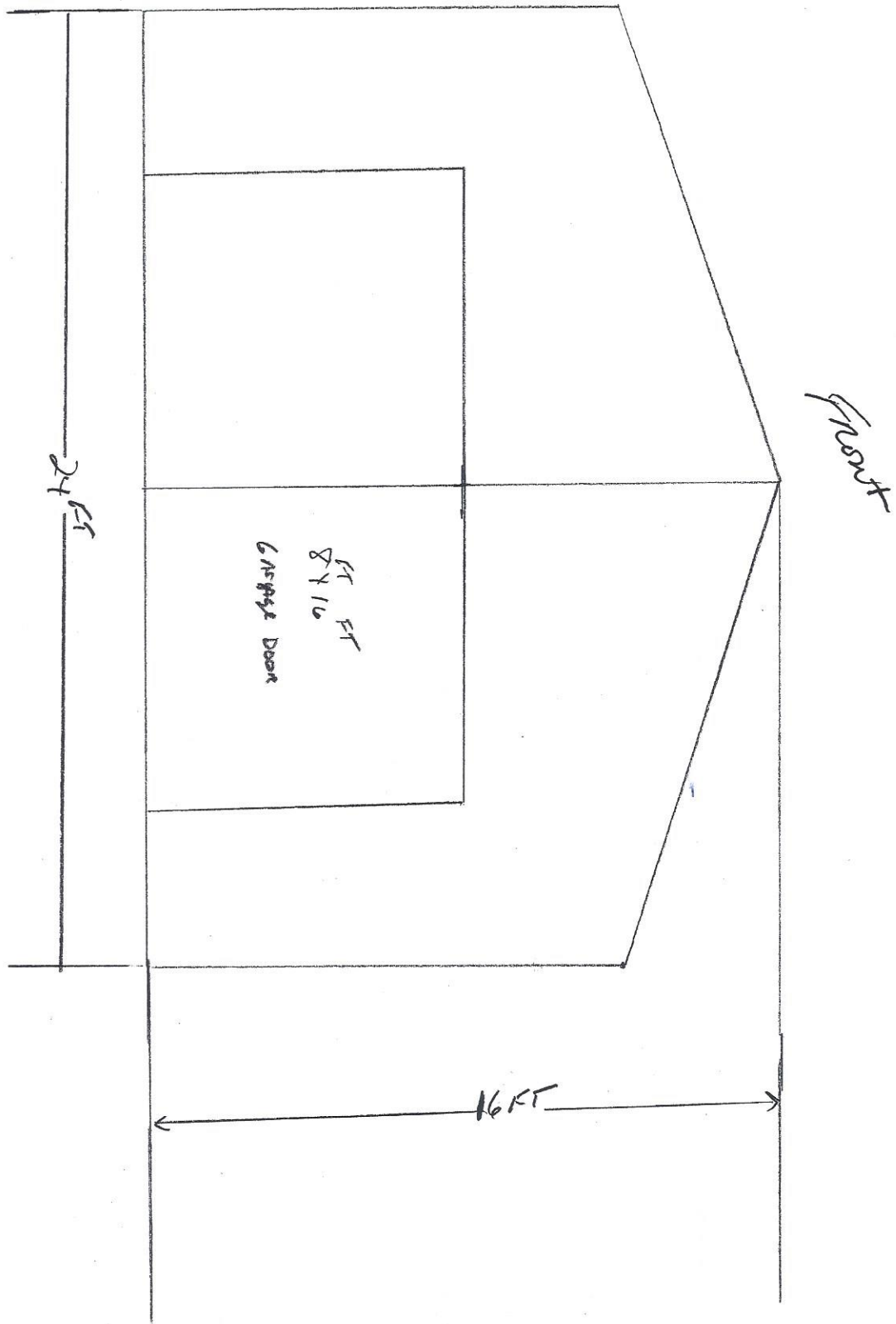
4'6" X

8'5" FT
TO DITCH

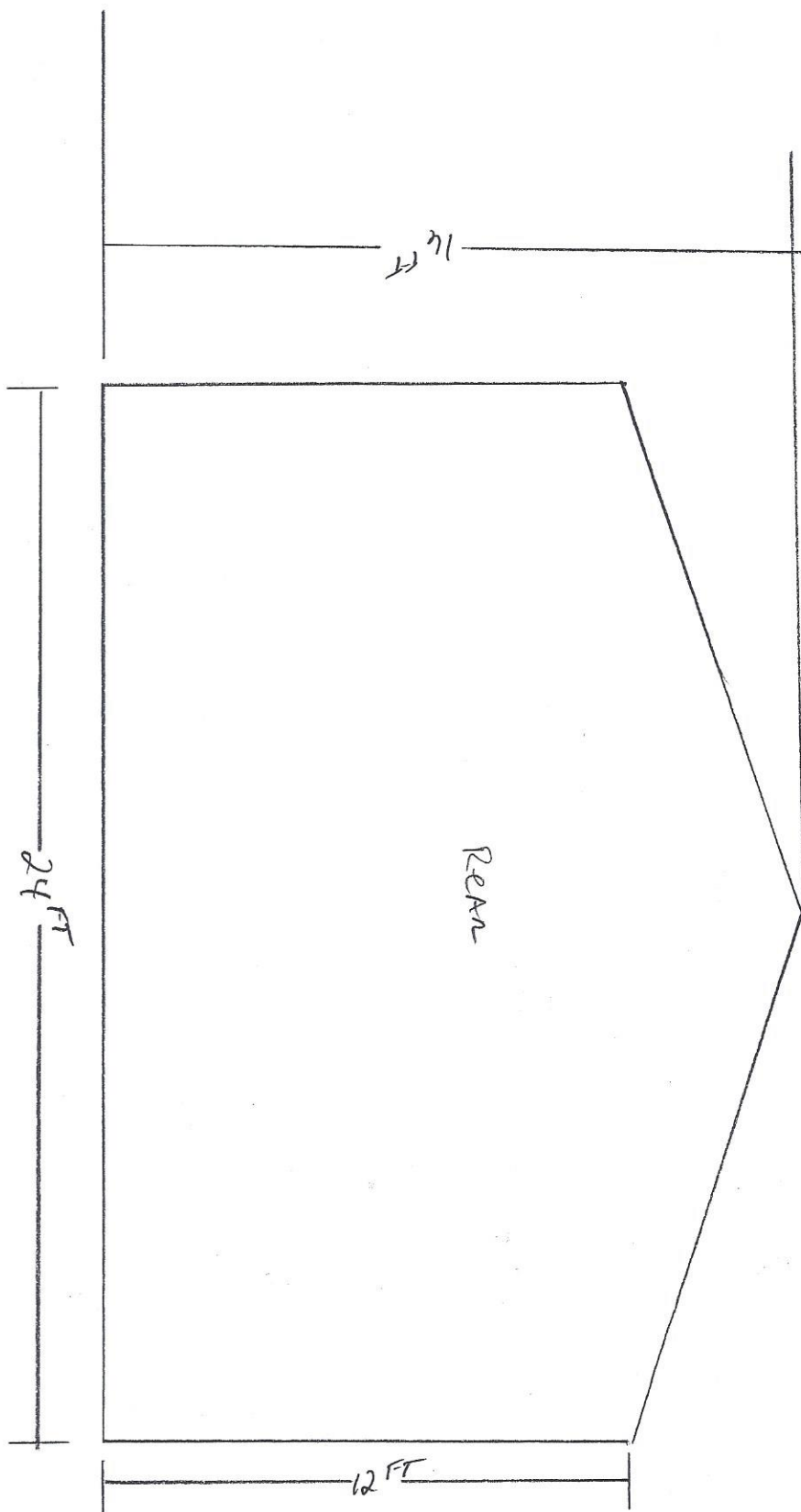
← 187 FT →

LOT LINE

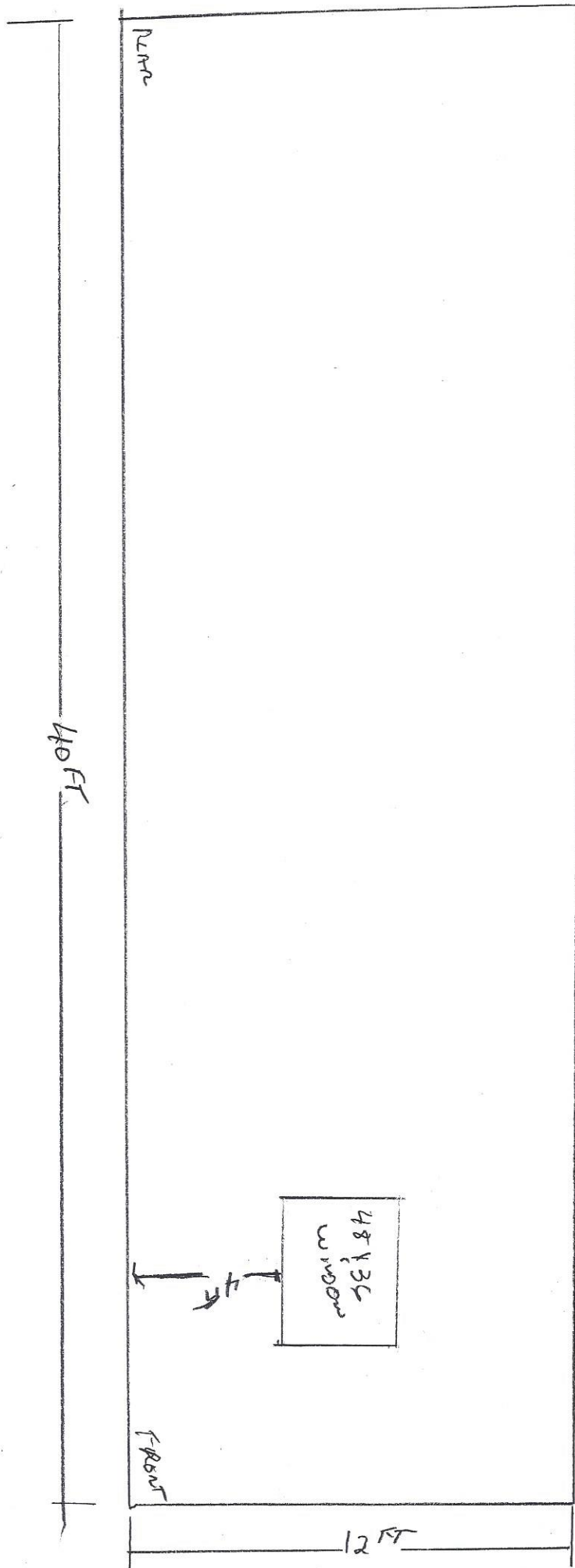
Facing
South



North

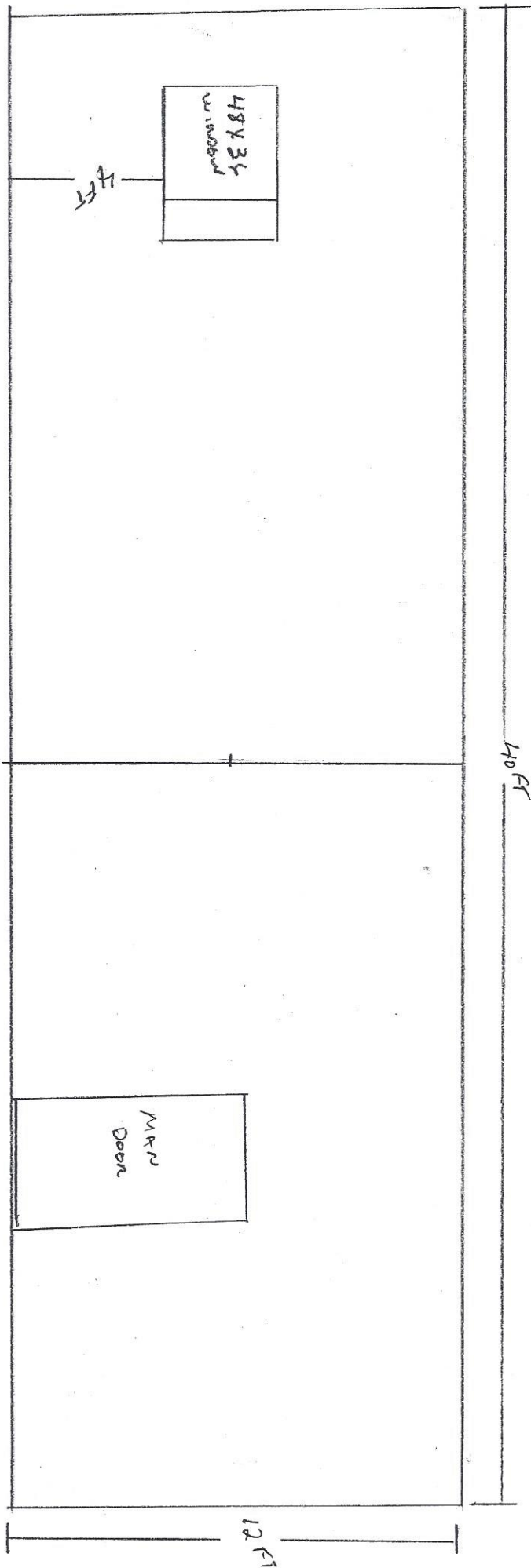


EAST side



EAST side

west



facing west

ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Rawlings, Planner 1
FROM: Sydnee Rivest, CET, Engineering Technologist
MEETING DATE: August 17, 2022

1. Minor Variance

A/32/2022

Brenda
c/o Michael Donahue
1235 Aimee Street
(Community of Rochester)

Comments:

- Construction of the accessory buildings shall not adversely impact the rear yard drainage or adjacent neighboring lands.
- The property is limited to one access (driveway) as per Lakeshore zoning by-law.
- All setbacks from the Municipal Drain (Baseline Drain) must be adhered to.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 05, 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-32-2022
1235 AIMEE ST
ARN 375156000000990; PIN: 750520033
Applicant: Brenda c/o Michael Donahue

The following is provided as a result of our review of Application for Minor Variance A-32-2022. The applicant would like to construct a 89.18 meter square accessory structure and is therefore seeking relief from Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012 which: limits accessory buildings to not exceed a gross floor area of 55.0 meter square, for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

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 Ruscom River and Baseline Drain. The property owner has obtained Permit 365-22 on June 27th, 2022. If any changes are proposed, the applicant must apply for a revised Permit from the ERCA.

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 municipal building setbacks from a municipal drain are applicable, which can apply to open and / or covered, municipal drains. In addition, ERCA setbacks may also be applicable from open municipal drains / watercourses. Please contact your local municipality's drainage superintendent for more information.

Mr. Ian Search
August 05, 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 provided and aerial photo, the ERCA confirms that the property owner obtained Permit 365-22 on June 27th, 2022. If any changes are proposed, the applicant must apply for a revised Permit from the ERCA.

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: Ian Rawlings, Planner I
Date: August 8, 2022
Applicant: Chiu Herman and Yen Mark, c/o Justin Clairmont
Subject: Minor Variance Application A/34/2022 – 172 Summer St

Recommendation

Approve the minor variance application A/34/2022 to permit the relocation of an AC unit 2.82m from the interior lot line.

Proposal:

The applicants of 172 Summer St are seeking relief from section 6.42 m) of the Lakeshore Zoning By-law to permit a free-standing AC unit within the interior side yard of their property. The AC unit will be located 2.82m from the interior lot line, alongside the exterior wall of the main building.

Summary:

Location:

The subject land is an 802.68 m² (0.2 acre) lot containing the main building in the center of the lot. 172 Summer St is located on the west side of Summer St, north of County Rd 22, and west of County Rd 2.

Official Plan

The subject property is designated Residential in the Lakeshore Official Plan.

Surrounding Land Uses:

North: Vacant Land, zoned R1-16

East: Single detached dwelling units (R1-16)

South: Single detached dwelling units (R1-16)

West: Duck Creek, Single detached dwelling units (R1) on the opposing side

Zoning:

The subject property is zoned Residential – Low Density Zone Exception 16 (R1-16). The Lakeshore Zoning By-law permits accessory buildings within Residential – Low Density zone exception 16, which regulates all lot and building requirements to have:

- i) *The minimum lot area shall be 557.4 m².*
- ii) *The minimum lot frontage shall be 15.2 m, except where the lot abuts County Road 2; the minimum lot frontage shall be 18.2 m.*

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 residential. The Lakeshore Official Plan does not speak to the location of free-standing AC units and instead delegates specific regulations to the Zoning By-law. Therefore, conforming to the intent and purpose of the Official plan.

The intent and purpose of the zoning by-law is also met, as the restriction to keep freestanding AC units is to reduce the impact of noise and vibration to neighbouring properties. The location will not be disruptive as there is adequate spacing between the proposed location and the interior lot line, and a privacy fence to help mitigate noise.

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 will provide no adverse effects to the neighboring properties and is therefore deemed minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed location does not affect the circulation around the main structure. The neighbouring property also has a privacy fence which will aid in noise and vibration reduction. As there is no desirable location upon the rear yard for the AC unit, the proposed location appears both appropriate and 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.

Staff are recommending approval of Minor Variance A-34-2022.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, Engineering, Building, and ERCA expressed no concerns.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – ERCA Comments

Prepared by:

A handwritten signature in black ink, appearing to read "Ian Rawlings", is written above a horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-34-2022 Report.docx
Attachments:	- Aerial Map.pdf - Drawings.pdf - ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:32 PM



Legend

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

1: 324



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

NEW A/C
UNIT
LOCATION -
2.8M AWAY
FROM
INTERIOR
SIDE YARD

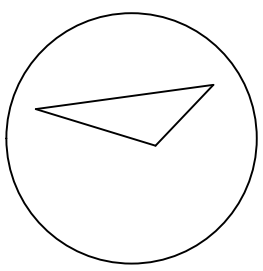
EMPTY LOT
←

INTERIOR LOT LINE

9' 3"

INTERIOR LOT LINE

N 89° 47' 4
75' 1



3 A/C LOCATION

A33 Scale: 1/4" = 1'

Project Info

Client Name: Herman Chiu

Address: 172 Summer St

City: Belle River

State/Province: Ontario

Zip/Postal Code: N0R 1A0

Designer Name: Justin Clairmont

Company Name: Landscape FX

Data Not Verified





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

August 05, 2022

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-34-2022
172 Summer Street
ARN 375163000004604; PIN: 750450400
Applicant: Herman Chiu & Yen Mark

The following is provided as a result of our review of the Application for Minor Variance A-34-2022. The applicant is moving the current air conditioning (AC) unit to the interior side yard at 2.83 meters from the lot line. The applicant requests relief from Section 6.42 m) of the Lakeshore Zoning By-law 2-2012, which only permits window or wall-mounted furnaces, heat pumps, and outdoor freestanding air conditioning units in rear yards and exterior side yards.

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 Duck Creek and Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to future any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Mr. Ian Search
August 05, 2022

The applicant does not require an ERCA Clearance and/or Permit for moving the air conditioning (AC) unit to the interior side yard.

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 municipal building setbacks from a municipal drain are applicable, which can apply to open and / or covered, municipal drains. In addition, ERCA setbacks may also be applicable from open municipal drains / watercourses. Please contact your local municipality's drainage superintendent for more information.

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 the background information provided and aerial photograph, the ERCA advises that we have no further concerns with this application for Minor Variance.



Mr. Ian Search
August 05, 2022

The property owner does not require an ERCA Clearance and/or Permit for moving the air conditioning (AC) unit to the interior side yard. However, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any **future** 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: Ian Rawlings, Planner I
Date: August 3, 2022
Applicant: Dianne St. Louis
Subject: Consent Application B/13/2022 lot addition – 131 Rourke Line Rd

Recommendation

Deny Consent Application B/13/2022 as it does not conform to the policies set out by the Provincial Policy Statement and does not comply with the policies set out by the Lakeshore Official Plan. Should the Committee approve this Consent it should be subject to the conditions located within the conclusion of this report.

Requested

The applicant of 131 Rourke Line Rd has applied to sever a portion on the rear half of their property as a lot addition to an adjacent property (127 Rourke Line Rd). The severed portion will add 464.52m² (0.11 acre) to 127 Rourke Line Rd. The retained parcel would maintain 15.24m frontage, a lot coverage of 24% and 557.42m² (0.14 acre) of lot area. Both the severed and retained lot will comply with the Zoning By-law frontage and lot size minimum requirements.

Summary

Location:

The subject property 131 Rourke line Rd is located on the west side of Rourke Line Rd, north of County Road 22.

Surrounding Land Uses:

North: Railway tracks, with single detached dwelling units on the opposing side (R1)
East: Single detached dwelling units (R1)
West: Single detached dwelling units (R1)
South: Single detached dwelling units (R1)

Provincial Policy Statement

The proposed severance does not comply with section 3.1.2 which states:

Development and site alteration shall not be permitted within:

C) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard

As the subject lands resides within a hazard Land and is prone to flooding.

Official Plan:

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

Section 8.3.5.2 of the current Official Plan details the restrictions placed upon consents. Both the severed lot and the retained lot will abide by the regulations set out in the Lakeshore Official Plan.

However, the proposal does not conform to section 4.2.1 Community Design which states that Lakeshore:

v) will encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighborhood structure;

Zoning:

The subject property is zoned Residential – Low Density (R1). The minimum lot area for an R1 zone is 500m² and the minimum lot frontage is 15m. Both the severed lot and retained lot will maintain the required lot area and frontages. Therefore, the proposal complies with the Zoning By-law.

Conclusion

The proposed consent is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Lakeshore Official Plan. However, the subjected lands comply with the Zoning By-law 2-2012.

Should the Committee approve this Consent it should be 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 the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severance.
- 5) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 6) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
- 7) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Correspondence from external and internal agencies

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

ERCA has expressed concern regarding the low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event and that the Municipality may not properly service this area at this time. ERCA does not express support nor hinderance to the application. ERCA will require the applicant 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.

Attachment(s):

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

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive style with a large, stylized 'I' and 'R'.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	B-13-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan.pdf - ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:55 PM



Legend

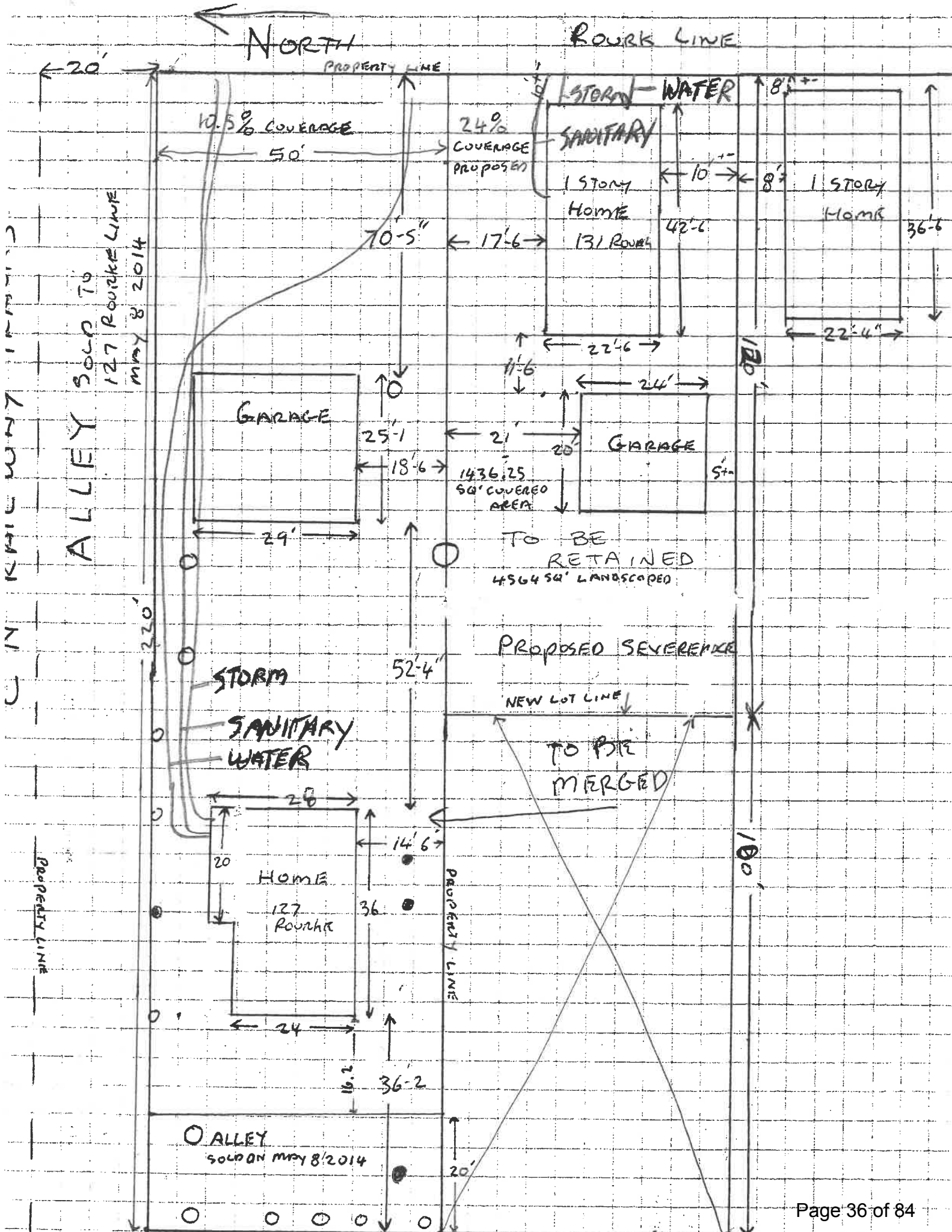
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- PRIV
- PROV

1: 622



Notes:

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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

August 05, 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-13-22
131 ROURKE LINE, 127 ROURKE LINE
ARN 375118000022600, 375118000022500; PIN: 750310146,750310147
Applicant: ST LOUIS DIANNE MICHELLE

The following is provided as a result of our review of the Application for Consent B-13-22. The applicant is proposing a Consent for lot addition.

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 Lake St. Clair and Highway 2 & Girard Drain System. 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*.

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 municipal building setbacks from a municipal drain are applicable, which can apply to open and / or covered, municipal drains. In addition, ERCA setbacks may also be applicable from open municipal drains / watercourses. Please contact your local municipality's drainage superintendent for more information.

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.



Mr. Ian Search
August 05, 2022

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

We note that the low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). However, it is acknowledged that a "lot addition" is not considered to be "Development" under the 2020 Provincial Policy Statement.

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.

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: Ian Rawlings, Planner I

Date: August 5, 2022

Applicant: Cindy Prince

Subject: Consent Application B/14/2022 lot creation – 1477 County Rd 22

Recommendation

Approve Consent Application B/14/2022 to sever a lot from the lands known as 1477 County Rd 22 to create a new 3.9 ha (9.59 acres) lot, 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 the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicant acquire a revised updated schedule of assessment to be completed by a Drainage Engineer to the satisfaction of Engineering Services.
- 5) That the applicant shall fulfill the requirements of parkland dedication in accordance with the Municipality of Lakeshore's Parkland dedication By-law, as amended.
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act Currently two years from decision date.

Background

The applicants of 1477 County Rd 22 have applied to sever the lands to create a new lot. The retained lot will result in approximately 90 m of frontage and will be approximately 3.9 ha (9.59 acre). The severed lot will result in approximately 20.2 m of frontage and will be approximately 2.4 ha (5.9 acre). The application is in relation to a recent Zoning By-law Amendment (ZBA-8-2020), which permits the use of a school and

accessory uses upon the subject lands, which was read and passed by council on July 12th, 2022.

Summary

Location:

The subject land 1477 County Rd 22 is a 2.4 hectare (5.9 acre) vacant lot and is located on the Northern side of Girard Dr, west of Rourke Line Rd, and south of County Rd 22.

Surrounding Land Uses:

North: Single Detached Residential Dwellings and mixed-use commercial businesses (MU)

East: Mixed-use commercial businesses (R1)(h8)/(MU)

West: Single Detached Residential Dwellings (R1)

South: Single Detached Residential Dwellings(R1)

Official Plan:

The subject property is designated Mixed Use and conforms with the land use policies detailed within section 6.9.1 of the Lakeshore Official Plan:

i) *Places of worship, neighborhood community and cultural centers and institutional uses of similar scale will be permitted, provided the following criteria are met:*

Although the Subject lands does not conform to section 6.9.1.i)

ii) *the use will have an overall site area of up to a maximum of 2 hectares*

However, section 8.7 speaks to better the understanding and interpretation with regards to numerical values.

8.7 Interpretation

e) Any reference to numerical values such as quantity, area, density, or population and employment targets will be considered as approximate only and not absolute. Minor changes will not necessitate an amendment to this Plan.

As section 6.9.1.i) speaks to the maximum area to be permitted being 2 hectares, no amendment is necessary as an area of 2.4 hectare appears minor in relation.

Zoning:

The subject property is zoned Mixed Use Zone Exception 37 (MU-37)(h30) which only permits the use of a school and accessory uses. The Holding Symbol (h30) will be removed based on satisfaction of the conditions below:

- *That public engagement take place to the satisfaction of the Municipality.*
- *That site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act.*

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 are summarized below.

Engineering will require a revised updated schedule of assessment to be completed by a drainage engineer (see Appendix C).

The County of Essex, which has provided engineering related comments (see Appendix D), provided that permits will be necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. That any proposed access off County Road 22 be discouraged, and that the minimum structure setback for this property be 14m from the property line. The county has requested further involvement regarding the development of this site. Additional opportunities to provide comments will be available through the site plan control process.

ERCA requested that the applicant obtain a permit and/or clearance letter 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. ERCA requests that the application be deferred until the provisions of "Dry Access" for the proposed elementary school can be confirmed. The Municipality of Lakeshore Planning Department recommends the applicant proceed with the consent as presented within the report as the provisions of "Dry Access" are more appropriately addressed during the site plan control process. Full comments are available in Appendix E.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan
Appendix C – Engineering Comments
Appendix D – County of Essex Comments
Appendix E – ERCA Comments

Prepared by:



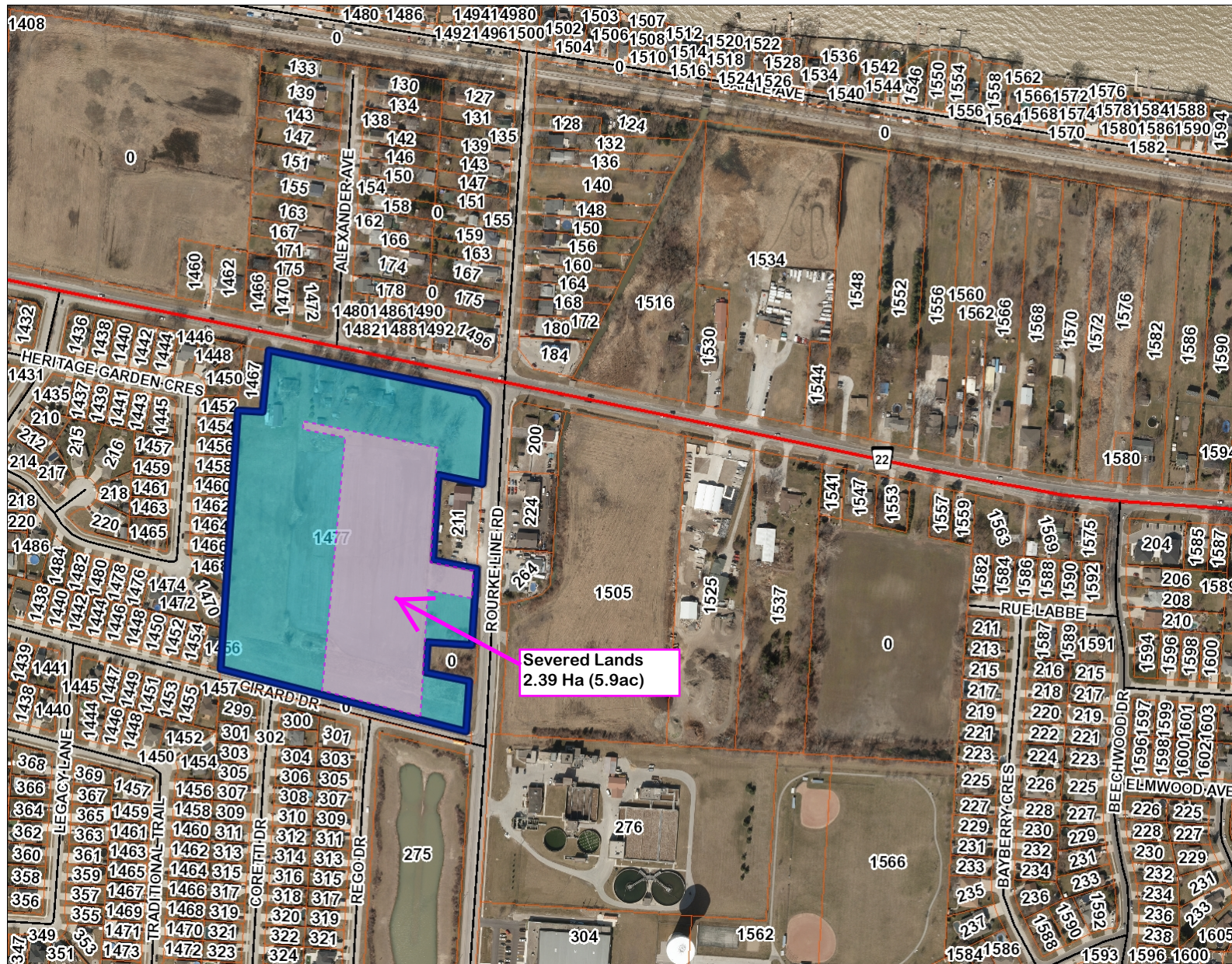
Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-14-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- Engineering Comments.pdf- County of Essex Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:37 PM



Legend

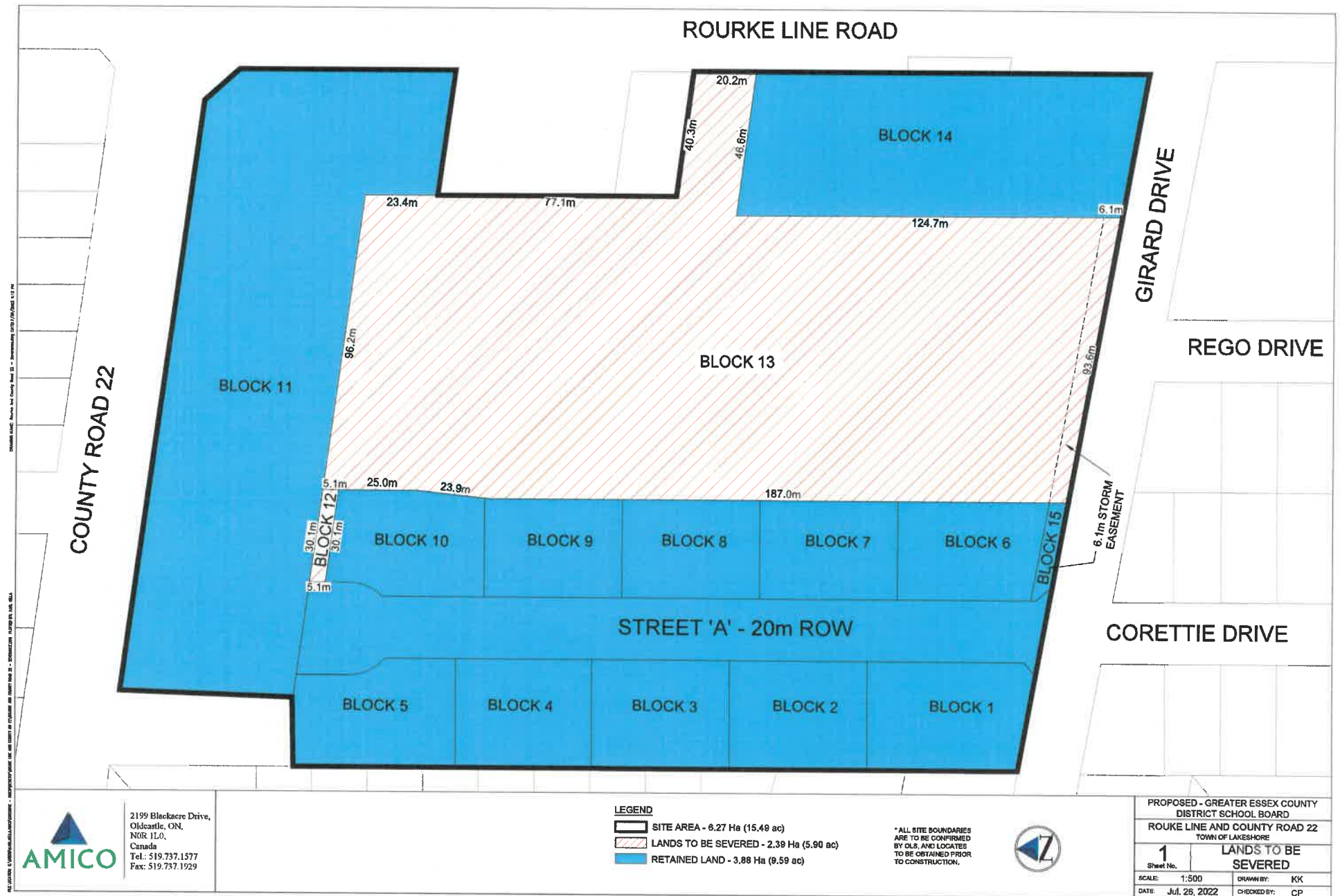
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- PRIV
- PROV

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Notes:

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ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Rawlings, Planner 1
FROM: Sydnee Rivest, CET, Engineering Technologist
MEETING DATE: August 17, 2022

1. Consent Application	B/14/2022	MGV Developments Inc. c/o Cindy Prince 1477 County Rd 22 (Community of Maidstone)
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Comments:

- A revised updated schedule of assessment must be completed by a Drainage Engineer.



August 8, 2022

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

Dear Mr. Search:

Re: COA Submission, B-14-22, Municipal 1477 County Rd 22

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 22. The Applicant will be required to comply with the following County Road regulations:

This portion of County Road 22 was formerly King's Highway 2 until it was downloaded to the County of Essex. Therefore setback and entrance requirements will be as per MTO corridor control procedures. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

The minimum structure setback for this property is 14m from the property limit.

Any proposed access off County Road 22 is highly discouraged. With future road improvements, it may create concerns relating to traffic flow and safety.

The County request to be included in further discussion regarding the development of the site.

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



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 10, 2022

Mr. Aaron Hair
Division Leader – Community Planning
Municipality of Lakeshore
Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Aaron Hair:

RE: Consent Application: B-14-2022
(1469 ERCA Mapping) 1477 COUNTY 22 RD & Rourke Line
ARN 375118000038100; PIN: 750311531
Applicant: MG V Developments Inc.

The following is provided, as a result of our review of Consent Application B-14-2022.

The applicant has requested a lot severance of approximately 2.39 ha (5.9 acres), with 93.6 m frontage on Girard Dr. and 20.2 m frontage on Rourke Line Road and proposes to construct an elementary school on the site.

It appears from the ERCA mapping, that the *Clean Water Agency*, still owns part of Block 14, for a buffer from the treatment plant across the road (*unclear if this buffer is still needed and or can be purchased by the adjacent landowner, to create a lot or block for a future stormwater management pond*).

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 Browns Creek Drain and Lake St. Clair.

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*.

The ERCA hazard information for this site and the Lakeshore Shoreline Management Plan, confirm, the subject property is within an identified hazard land (*i.e. floodplain*).

With regard to the provision of safe access at this location, we note that the low lying nature of the existing roadways in this area (*i.e. Rourke Line and Girard Drive*) may result in excess water over the

Mr. Aaron Hair
August 10, 2022

roads, during a 1:100 year flood event. The municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 b) of the *Provincial Policy Statement* (2020).

"Development" according to the 2020 PPS: *"means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act."*

Section 3.1.2 c) of the PPS states, development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Further, Section 3.1.5 a) of the 2020 PPS states:

3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Further, Section 3.1.7 of the PPS states:

Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

Mr. Aaron Hair
August 10, 2022

As the proposal includes institutional development (i.e. elementary school), there is a requirement to achieve “dry access” during the 1:100 year event, for the purposes of emergency responses, during times of flooding. The ERCA, has asked previously, for further information from the developer and their consultant, including proposed entrance locations, existing grades in the area etc. for both the Municipality and the ERCA, to make the appropriate informed decision regarding the “dry access” requirement for the proposed elementary school. The submitted plans for the proposed lot creations, do not indicate proposed driveway and / or emergency access(s) points. No concept plan has been submitted to the ERCA to support the consent application.

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 PPS, 2020 - Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site.

We recommend that the municipality ensure through the Site Plan Control process and the Plan of Subdivision approval process, that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the *Stormwater Management Planning and Guidance Manual*, prepared by the Ministry of the Environment (MOE, March 2003) and the *Windsor-Essex Region Stormwater Management Standards Manual*.

The ERCA has not reviewed the proposed stormwater management solution for this proposed lot creation and for the rest of the retained land, through either the site plan control process or the plan of subdivision process and feels the consent application maybe premature at this time. In addition, a regional stormwater management pond is proposed for the entire mixed use development on Block 14 and it appears from the ERCA mapping system that the *Clean Water Agency* still owns part of Block 14 for a buffer from the treatment plant across the road.

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 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.

Mr. Aaron Hair
August 10, 2022

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.

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 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 – Deferral

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*, prior to a Building Permit being issued by the Municipality for the proposed elementary school.

Therefore, it is strongly recommended, that this consent application, be deferred, by the Committee of Adjustment, until the provision of "*dry access*" for the proposed elementary school, can be confirmed / assessed by the Municipality and the proposed stormwater management scheme for this area, has been approved by the ERCA, at least "*in principle*", to proceed with a decision on the consent application.

We noted in our previous correspondence on the re-zoning application for this area, that we would comment further on the provision "*safe ingress and egress*" to the mixed use development, including the provision of "*dry access*" for the proposed school site, during the site plan control / plan of subdivision agency planning review process. At which time, more details maybe provided to the ERCA, in order to satisfy Section 3.1 *Natural Hazards of the 2020 PPS* and Section 28 of the *Conservation Authorities Act* for safe access / dry access. The stormwater management scheme for this area would be reviewed at this time as well. However, the proponent and the Municipality, have elected to proceed by way of a consent application, rather than a plan of subdivision / site plan application, at this time, which would have provided an opportunity for the entire site to be reviewed comprehensively, to better address safe access / dry access and stormwater management concerns.

We are formally requesting a **Deferral** of this consent application. Please provide a copy of the Decision for our records.

Mr. Aaron Hair
August 10, 2022

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

Sincerely,



Kim Darroch, B.A.(Hons.), M.PL., RPP, MCIP
Team Lead, Planning Services

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: August 5, 2022

Applicant: Maurice Chauvin (Owner)
Jackie Lassaline (Authorized Agent)

Subject: Consent Application B/15/2022 for lot addition - 0 Tecumseh Rd, CON BF LOT3 12R12257 PART 1 - PIN:750680144

Recommendation

Approve Consent Application B/15/2022 for a 7,891.3 m² lot addition to be added from 0 Tecumseh Rd, legally described as CON BF LOT3 12R12257 PART 1, to a neighboring property, 3810 Tecumseh Rd, 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 the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
- 4) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 5) That section 50(3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- 6) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.

7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19th, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Background

The applicants of 0 Tecumseh Rd (County Rd 2), legally described as CON BF LOT3 12R12257 PART 1, have applied to sever the lands for a lot addition to be added to the adjacent property 3810 Tecumseh Rd (County Rd 2). The lot addition will consist of an overall area of 7,891.3 m² to be added to the rear yard of the property. The retained land will result in approximately 22.3 ha (55.1 acres) and will maintain its frontage of 147 m. The subject lands are to be used as a vacant contractor's yard in association with the existing lands current use as a contractor's yard.

The subject lands have undergone an Official Plan amendment and a Zoning By-law amendment. The Official Plan amendment, By-law 47-2022 (OPA-17), was read and passed at council on May 31st, 2022. The Official Plan Amendment created a new site-specific policy area recognizing the existing use of a contractor's yard and restricting any future expansion to be developed in accordance with the Rural Commercial/Employment Exception 12 (CR-12)

The Zoning By-law Amendment By-law 48-2022 (ZBA-22-2020), read and passed at council on May 31st, 2022. Changed the zoning of the subject lands from "Agricultural Zone Exception 1 (A-1)" zone to "Rural Commercial/Employment Exception 12 (CR-12)" zone.

Summary

Location:

The subject property 0 Tecumseh Rd, legally described as CON BF LOT3 12R12257 PART 1, is located on the north side of Tecumseh Rd (County Rd 2), west of Hale St.

Surrounding Land Uses:

North: Single detached Dwelling units (RW2)
East: Vacant Farmland (A)
West: Residential Dwelling (A)
South: Vacant farmland (A)

Official Plan:

The subject property to be severed is designated as a new Site -Specific Policy Area that would recognize the existence of a contractor's yard and allow for the expansion in the Agricultural Designation for 3810 Tecumseh Road and on a portion of 0 Tecumseh Rd 2, immediately to the north of 3810 Tecumseh Road. The amendment would have the effect

recognizing the existing use of a contractor's yard within the Official Plan, and to allow for an expansion to the north for the same business.

Zoning:

The subject property to be severed has recently undergone a Zoning By-law Amendment changing its zoning from Agriculture Zone Exception 1 (A-1) to Rural Commercial/Employment Exception 12 (CR-12).

"Permitted Uses: Shall include a contractor's yard or shop and accessory uses."

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 applicant will require a drainage apportionment.

ERCA is 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

The County of Essex has requested a copy of the revised survey plan of the subject lands. The County has also expressed that the applicant adhere to County By-Law Number 2481 and County By-Law Number 2480.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – County Comments

Prepared by:

A handwritten signature in black ink, appearing to read "Ian Rawlings", written in a cursive style.

Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-15-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- Engineering Comments.pdf- ERCA Comments.pdf- County of Essex Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:43 PM



Legend

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

1: 12,896



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

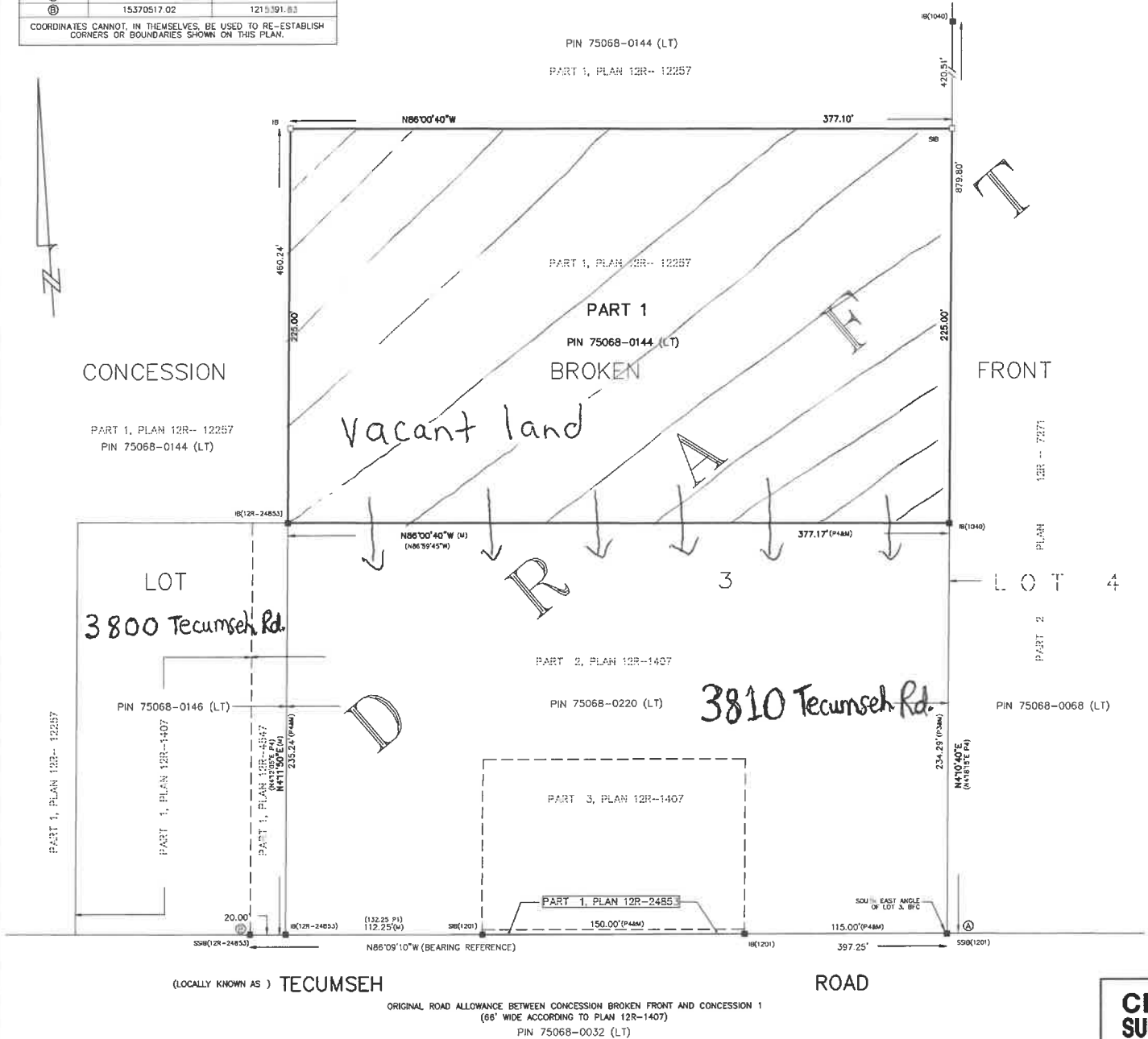
COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES COMPLY WITH THE RURAL ABSOLUTE ACCURACY PER SEC. 14(2) OF O. REG. 216/10.		
POINT ID	NORTHING	EASTING
①	15370490.38	1215788.10
②	15370517.02	1215791.83
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

* THIS PLAN IS COMPILED FROM OFFICE INFORMATION AND NEEDS TO BE FIELD VERIFIED IF PLAN IS APPROVED BY THE TOWN OF LAKESHORE. *

SCHEDULE				
PART	LOT/BLOCK	PLAN	PIN	AREA (ACRES)
1	PART OF LOT 3	CONCESSION BROKEN FRONT	PART OF PIN 75068-0144 (LT)	1.95

GEOGRAPHIC TOWNSHIP OF TILBURY NORTH

PART 1 COMPRISE PART OF PIN 76068-0144 (LT).



PLAN OF SURVEY OF
PART OF LOT 3
CONCESSION BROKEN FRONT
GEOGRAPHIC TOWNSHIP OF TILBURY NORTH
TOWN OF LAKESHORE
COUNTY OF ESSEX

SCALE 1" = 40' FEET
0 5 10 15 20 40 80 160 FEET
THE INTENDED PLOT SIZE OF THIS PLAN IS 24inches IN WIDTH BY 18inches IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=40' FEET.
SURVEYORS ON SITE INC.

LEGEND	
□	MONUMENT PLANTED
■	MONUMENT FOUND
SIB	STANDARD IRON BAR
SSIB	SHORT STANDARD IRON BAR
IB	IRON BAR
M	MEASURED
P1	PLAN 12R-1407
P2	PLAN 12R-4547
P3	PLAN 12R-7271
P4	PLAN 12R-24853
1201	CLARKE SURVEYORS INC.
1040	WILLIAM L. SETTERINGTON LTD.

NOTES
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999784100.
BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) ON MONUMENTS ① AND ② AS SHOWN HEREON, HAVING A GRID BEARING OF N86°09'10"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE)
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P - 0°04'40" CLOCKWISE.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE XXth DAY OF JANUARY, 2021.

JANUARY 26, 2021
CHRISTOPHER JOHN OYLER
ONTARIO LAND SURVEYOR
THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXXX.

CLARKE
SURVEYORS
A DIVISION OF SURVEYORS ON SITE INC.

SOS
Ontario Land Surveyors
Consulting Surveyors
2535 Lesperance Road
Tecumseh, Ontario
N9B 2X1
Ph: (519) 258-4166
Toll Free: 1-888-735-4166
www.surveyorsonsite.com

DRAWN BY	SJP
CHECKED BY	CJO
JOB NO.	CS2020-091
FILE	L-TIL N-BFC-3
CAD FILE	CS2020-091_DEC 20

ENGINEERING SERVICES DIVISION

COMMITTEE OF ADJUSTMENT MEMO

TO: Ian Rawlings, Planner 1
FROM: Sydnee Rivest, CET, Engineering Technologist
MEETING DATE: August 17, 2022

1. Consent Application	B/15/2022	Fermes Chauvin Farms Ltd. c/o Maurice Chauvin Lassaline Planning Consultants c/o Jackie Lassaline 3810 Tecumseh Road (Community of Tilbury North)
------------------------	-----------	--

Comments:

- A drainage apportionment will be required (1st Concession Drain).



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 05, 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-15-2022
3810 TECUMSEH RD
ARN 375175000049600; PIN: 750680220
Applicant: Fermes Chauvin Farms

The following is provided as a result of our review of Application for Consent B-15-2022. The applicant is proposing a Consent for lot addition.

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 1st Concession Drain and Edward 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*.

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 municipal building setbacks from a municipal drain are applicable, which can apply to open and / or covered, municipal drains. In addition, ERCA setbacks may also be applicable from open municipal drains / watercourses. 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
August 05, 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

With the review of the background information and aerial photograph, the ERCA has no further concerns regarding this application for Consent.



Mr. Ian Search
August 05, 2022

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any **future** 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



August 11, 2022

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

Dear Mr. Search:

Re: COA Submission, B-15-2022, Fermes Chauvin Farms Ltd. c/o Lassaline Planning Consultants

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 2. The Applicant will be required to comply with the following County Road regulation:

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

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.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 2. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

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 Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: August 4, 2022

Applicant: Robert Lanoue

Subject: Consent Application B/16/2022 for lot creation – 0 Rochester Townline
CON 7 PT LOT 17 & LOT 18 – PIN: 750520136

Recommendation

Approve Consent Application B/16/2022 to allow a lot creation from the property 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, of approximately 32 hectares for the retained lot, and approximately 23 hectares for the severed lot, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line, and existing entrances.
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) 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 and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds
- 6) That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property
- 7) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law and that such fee shall be paid prior to the stamping

of the Deed;

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **August 19, 2024**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act

Background

The applicant of 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, has applied to sever the land into two parcels. The retained lot will result in approximately 605m frontage and will be approximately 79 acres (32 ha). The severed lot will result in approximately 311m frontage and will be approximately 57.5 acres (23 ha). 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 0 Rochester Townline, legally described as CON 7 PT LOT 17 & LOT 18, is located on the western side of Rochester Townline, directly north of Highway 401.

Surrounding Land Uses:

North: Vacant Farmland (A)

East: Vacant Farmland / Several Single Detached Dwelling Units (A)

West: Vacant Farmland / Single Detached Dwelling Unit (A)

South: Provincial Highway 401, Area Zoned "Parks and Open Space"

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 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 Lakeshore Official Plan permits a severance to split a lot in the Agriculture designation subject to the following conditions:

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

The Retained and severed lot will conform to Official Plan requirements through maintaining a minimum lot area of 32 and 23 Hectares respectively. It is important to note that the Official Plan is currently under review and the criteria to permit a Severance within Agricultural land use designations is subject to change.

Zoning:

The subject property is zoned Agriculture and is required to maintain a minimum lot area of 19.0 ha and a minimum of 75m frontage. Both the Retained and Severed lot will maintain the minimum lot area and frontage requirements described in the Lakeshore 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 them are summarized below.

Engineering has expressed that the applicant will be subjected to a water buy in fee, and that surface water and subsurface drainage tiles, and water should be redirected around any future dwelling and the severed parcel. Engineering is in support of the severance and has mentioned that applicant will require a drainage apportionment and will require an entrance permit from the Municipality of Lakeshore should a new entrance be constructed.

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

Attachment(s):

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

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive style with a large, stylized 'I' and 'R'.

Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-16-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plan.pdf- Engineering Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:54 PM



0 Rochester Townline - B/16/2022



Legend

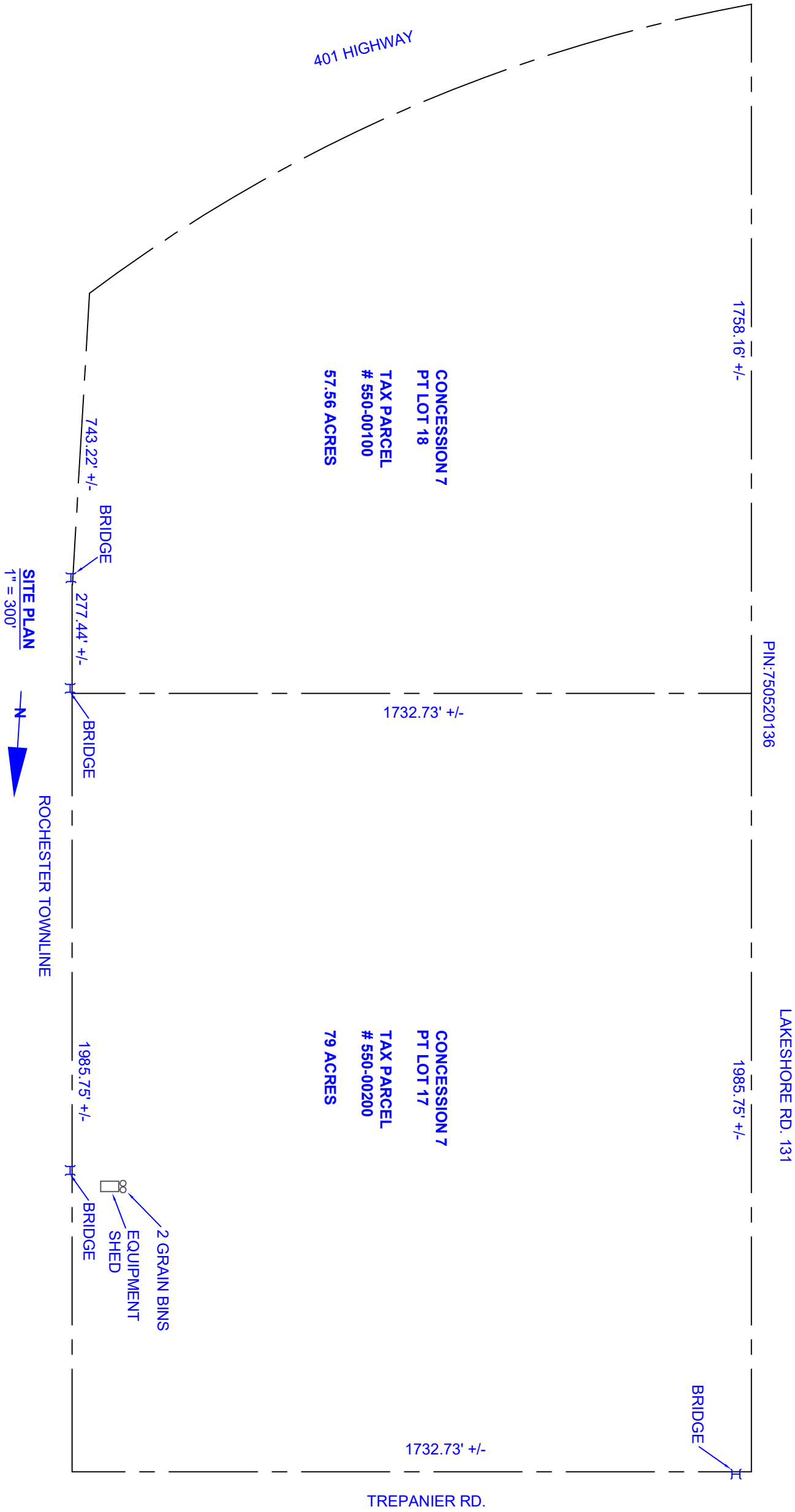
- Tax Parcel
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 19,728



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



Project: PROPOSED SEVERANCE FOR LOT 17 & 18 ROCHESTER TOWNLINE	
Date: JULY 2022	Revisions: JULY 20, 2022
Drawing: SITE PLAN	Scale: AS SHOWN

A-1

COMMITTEE OF ADJUSTMENT MEMO

1. Consent Application	B/16/2022	Michael Lanoue & Robert Lanoue c/o Maurice Lacharite Lot 17 & 18 Rochester Townline (Community of Rochester)
-------------------------------	------------------	---

- Any new entrances require an entrance permit from the Municipality of Lakeshore
- The severed lot will be subject to water buy in fee according to the tariff of fees by law at the time of servicing
- Surface water and subsurface drainage tiles and water should be redirected around any future dwelling / around the severed parcel
- A drain apportionment will be required (Mailloux Drain)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 05, 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-15-2022
3810 TECUMSEH RD
ARN 375175000049600; PIN: 750680220
Applicant: Fermes Chauvin Farms

The following is provided as a result of our review of Application for Consent B-15-2022. The applicant is proposing a Consent for lot addition.

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 1st Concession Drain and Edward 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*.

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 municipal building setbacks from a municipal drain are applicable, which can apply to open and / or covered, municipal drains. In addition, ERCA setbacks may also be applicable from open municipal drains / watercourses. 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
August 05, 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

With the review of the background information and aerial photograph, the ERCA has no further concerns regarding this application for Consent.



Mr. Ian Search
August 05, 2022

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any **future** 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

Minutes of the Committee of Adjustment Meeting

Wednesday, July 13, 2022, 6:00 PM

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

Members Absent: Chair Mark Hacon

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

1. Call to Order

Acting Chair Ron Barrette called the meeting to order at 6:02 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. Minor Variance Application A/28/2022

Ian Rawlings presented the application. The owners did not have any comments. Public no comments. Committee Member Robert clarified about the entrance permit. The applicants confirmed that they are not needing any entrances and are going to be using the existing one.

approve

Moved By Michael Hoffman

Seconded By Steve Diemer

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.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

b. Minor Variance Application A/29/2022

Owner comments: Needs the space for working on cars and storage.

Public Comments: None.

Committee members comments: Michael, is working on cars a commercial endeavor or a personal and are you willing to decrease the size.

Owner said it is personal and has already decreased the size and doesn't want to go any smaller.

Steve: is the area behind the property zone for something other than farmland. Urvi advised that the zoning is agriculture.

Steve asked if any neighbours had objections, Urvi expressed no comments received. Applicant said all neighbours are in support.

Ron said that the garage is big. Urvi said that the lands behind are zoned M2(holding). Steve says he would like to make a motion that it gets approved along with the conditions.

Approve application along with conditions

Moved By Steve Diemer

Seconded By Michael Hoffman

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.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

c. Minor Variance Application A/30/2022

Owner comments: I don't have any rear neighbours that would be bothered by the noise.

Public Comments: None

Committee comments: None

Approved with conditions as read

Moved By Robert Sylvestre

Seconded By Steve Diemer

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*.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

d. Minor Variance Application A/31/2022

Owner comments: none

Public Comments: none

Committee comments: Robert asked what is the timeframe for moving the house?

Owner: 1 year and moving it across the field so depends on the crop and the ground conditions.

Ian S : clarified that the owners have a year to get into an agreement with the Municipality, the timeframe to move the house can be revised and set out during that agreement.

Approve with conditions as read

Moved By Steve Diemer

Seconded By Michael Hoffman

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.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

e. Consent Application B/12/2022

Owner comments: There is an existing entrance and we do not wish to connect water as we do not want to build on the lot.

Public comments: none

Committee comments: none

Approve with conditions as read

Moved By Steve Diemer

Seconded By Robert Sylvestre

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.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

5. Completion of Unfinished Business

None

6. Approval of Previous Meeting Minutes

accept as read

Moved By Steve Diemer

Seconded By Michael Hoffman

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

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

a. June 15, 2022 Meeting Minutes

7. New Business

November 16th meeting moved to Wednesday November 9th due to new Council

8. Adjournment

Meeting adjourned at 6:56pm

Moved By Steve Diemer

Seconded By Michael Hoffman

The Committee of Adjustment adjourn its meeting at 6:56 PM.

In Favour (4): Ron Barrette, Steve Diemer, Robert Sylvestre, and Michael Hoffman

Carried

Mark Hacon

Chair

Ian Search

Secretary-Treasurer