



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, October 19, 2022, 6:00 PM

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

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

1. Call to Order

Chair Hacon called the meeting to order at 6:03 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-38-2022

Paige Docherty presented the application. The applicant, Jonathan Lot was in attendance.

The applicant, Jonathan Lot, expressed that placing the AC unit in the side yard will create less of an impact on the neighbouring yard that expressed concern.

Ron Barrette asked administration if there was any correspondence from the west side neighbour residing at 315. Administration stated that they have requesting meeting link but provided no comments

Ron Barrette asked if the fence is going to be repaired and replaced in its current position. Applicant stated yes.

David Yunan, resident of 315 Elmgrove Drive, stated they were fine with the AC unit location.

Moved By Steve Diemer

Seconded By Michael Hoffman

Approve Minor Variance Application A-38-2022 to permit the installation of an air conditioning (AC) unit 1.22 m from the interior lot line of a single detached dwelling at 319 Elmgrove Drive.

Carried Unanimously

b. Minor Variance Application A-39-2022

Ian Rawlings presented the application. The applicant, Jo-Anne Dillion was in attendance.

The applicant, Jo-Anne Dillion stated that the house will be larger than the proposed accessory structure and has sent examples of similarly sized accessory structures within a mile of the property. The applicant stated they need this building for storage of RV, antique cars, ATV's and lawnmowers. The applicant stated that this will be a metal clad building and that it will not be an eyesore as they plan to put landscaping around the new building. When they retired they signed a non-competition clause when closing their business, so they have no intention of running a business. They believe it is in character with the neighbourhood and the height is required to fit a garage door tall enough for an RV.

Michael Hoffman asked if anyone else will be storing things in the building other than those living in the home. The applicant stated no.

Michael Hoffman asked if they have looked at alternative designs to be able to reduce the height and if they can you revise the application and reduce the size and height. The applicant stated no.

Ron Barrette asked how deep is the lot. The applicant stated 481 ft.

Ron Barrette asked if the applicant will need to cut any trees down in the rear yard and if access to the building will be from the south side of the house. The applicant stated about 2-3 trees will need to come down, but will be replanted on the side. Access can be from either side that is preferable.

Moved By Robert Sylvestre
Seconded By Steve Diemer

Approve minor variance application A/39/2022, to construct a 251m² accessory structure with a height of 6.12m in the rear yard, subject to the following conditions:

- 1) That the applicant contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks to ensure all issues related to the Endangered Species Act are addressed:
- 2) That the applicant contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Carried Unanimously

c. Minor Variance Application A-40-2022

The applicant, Craig Brummell stated that the use was permitted under the old Maidstone zoning by-law and that the zoning has since changed. The applicant stated they currently have buildings rented in Windsor to accommodate storage needs and want to pursue a permanent storage solution at their current site.

Ron Barrette asked the applicant if granted will the completion of the addition increase employment numbers. The applicant stated that the addition is mainly for storage and will allow the business to work more efficiently.

Ron Barrette asked if there are any conditions on this application. Ian Search stated that there are conditions attached and included within the planning report.

Ron Barrette stated that during his site visit the parking lot was well maintained and provided plenty of space for parking.

Mark Hacon asked if the land use is legal non-conforming due to the old by-law. Ian Search confirmed that this application is legal non-conforming, and that the application is to expand the building and not the use.

Moved By Steve Diemer
Seconded By Ron Barrette

Approve minor variance application A/40/2022, including permission to enlarge and extend a building with an existing use not permissible within the zone in which it is located, conditional upon:

- 1) The permission to enlarge and extend the existing building is specifically for a 1,858.06 m² building addition and 92.96 m² breezeway in accordance with a site plan agreement;
- 2) Any improperly abandoned wells for resource extraction that are known or discovered on the land during development are properly plugged, capped or otherwise made safe in accordance with Provincial requirements;
- 3) Relief for a 3.05 metre west interior side yard only applies to a porch in accordance with a site plan agreement;
- 4) Relief for gravel parking area and gravel approaches only applies to areas exclusively used for fire route, fire vehicle parking and fire vehicle maneuvering in accordance with a site plan agreement;
- 5) The gravel parking area and gravel approaches shall be designed and maintained to support the weight of fire vehicles to the satisfaction of the Municipality of Lakeshore in accordance with a site plan agreement;
- 6) The gravel parking area and gravel approaches shall be kept clear of snow and maintained to prevent the raising of dust and loose particles.

Carried Unanimously

d. Consent Application B-18-2022

Ian Rawlings presented the application. The applicants Gagandeep Grewal, and Hardeep Grewal were present.

The applicant, Gagandeep Grewal expressed no concerns.

Moved By Michael Hoffman

Seconded By Ron Barrette

Approve Consent Application B/18/2022 to sever approximately 4,856 m² in lot area for a surplus dwelling severance at 1066 County Rd 42, 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 complete the septic test report attached to the consent application to the satisfaction of the Municipality, and if required, install a new septic system on the severed lot that meets Part 8 OBC regulations and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, 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 October 19, 2024. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act

Carried Unanimously

e. Consent Application B-19-2022

Ian Rawlings presented the application. The applicant, Denise Mailloux-Pavlovich, was present.

The applicant, Denise Mailloux-Pavlovich, stated that the farm will remain agricultural land and will be sold to a neighbouring farmer.

Moved By Ron Barrette

Seconded By Steve Diemer

Approve Consent Application B/19/2022 to allow a lot creation from the property 865 Lakeshore Rd 115 of approximately 12.8 hectares for the retained lot, and approximately 1,772m² 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 install an access bridge to provide access to the retained farmland in accordance with the drainage act, and to the satisfaction of the municipality and the Drainage Superintendent;
- 5) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality, and if required, install a new septic system on the severed lot that meets Part 8 OBC regulations and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed
- 6) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds;
- 7) 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;

8) 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;

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

Carried Unanimously

5. Completion of Unfinished Business

a. Minor Variance Application A-35-2022

Ian Rawlings presented the application. The applicant, John Mastronardi was present.

The applicant, John Mastronardi, provided his perspective on the meeting with Engineering and expressed his reasons for it to be supported.

Ron Barrette asked administration what the lot coverage is and if the applicant considered reducing the entrance to the road. Ian Rawlings did not provide lot coverage and detailed that the applicant has not expressed reducing the entrance to the road.

Robert Sylvestre stated he does not see an issue with the application if it was two separate lots and therefore needed two separate driveways.

Ron Barrette expressed that the committee needs to be careful because there are lots in the area that are the same size as these two lots put together.

Steve Diemer asked if the applicant is willing to reduce the width of the driveway to 30 ft. The applicant stated they will take what the committee is willing to give.

Moved By Steve Diemer

Seconded By Ron Barrette

Approve Minor Variance Application A/35/2022 for a 30 ft (9.14 m) wide driveway.

Carried Unanimously

6. Approval of Previous Meeting Minutes

Moved By Steve Diemer

Seconded By Michael Hoffman

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

Carried Unanimously

a. September 14, 2022 Meeting Minutes

7. New Business

8. Adjournment

Moved By Ron Barrette

Seconded By Steve Diemer

The Committee of Adjustment adjourn its meeting at 7:10 PM.

Mark Hacon

Chair

Ian Rawlings

Secretary-Treasurer