

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, October 19, 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-38-2022 7

Recommendation:
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.
 - b. Minor Variance Application A-39-2022 17

Recommendation:
Deny minor variance application A/39/2022, to construct a 251m² accessory structure with a height of 6.12m in the rear yard, as it does not pass the four tests prescribed under Section 45 (1) of the *Planning Act*.

Recommendation:

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.

Recommendation:

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

Recommendation:

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

5. Completion of Unfinished Business

- a. Minor Variance Application A-35-2022

67

Recommendation:

Deny Minor Variance Application A/35/2022 for a 12.42m wide driveway, as it does not pass the four tests prescribed under Section 45 (1) of the Planning Act. .

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. September 14, 2022 Meeting Minutes

86

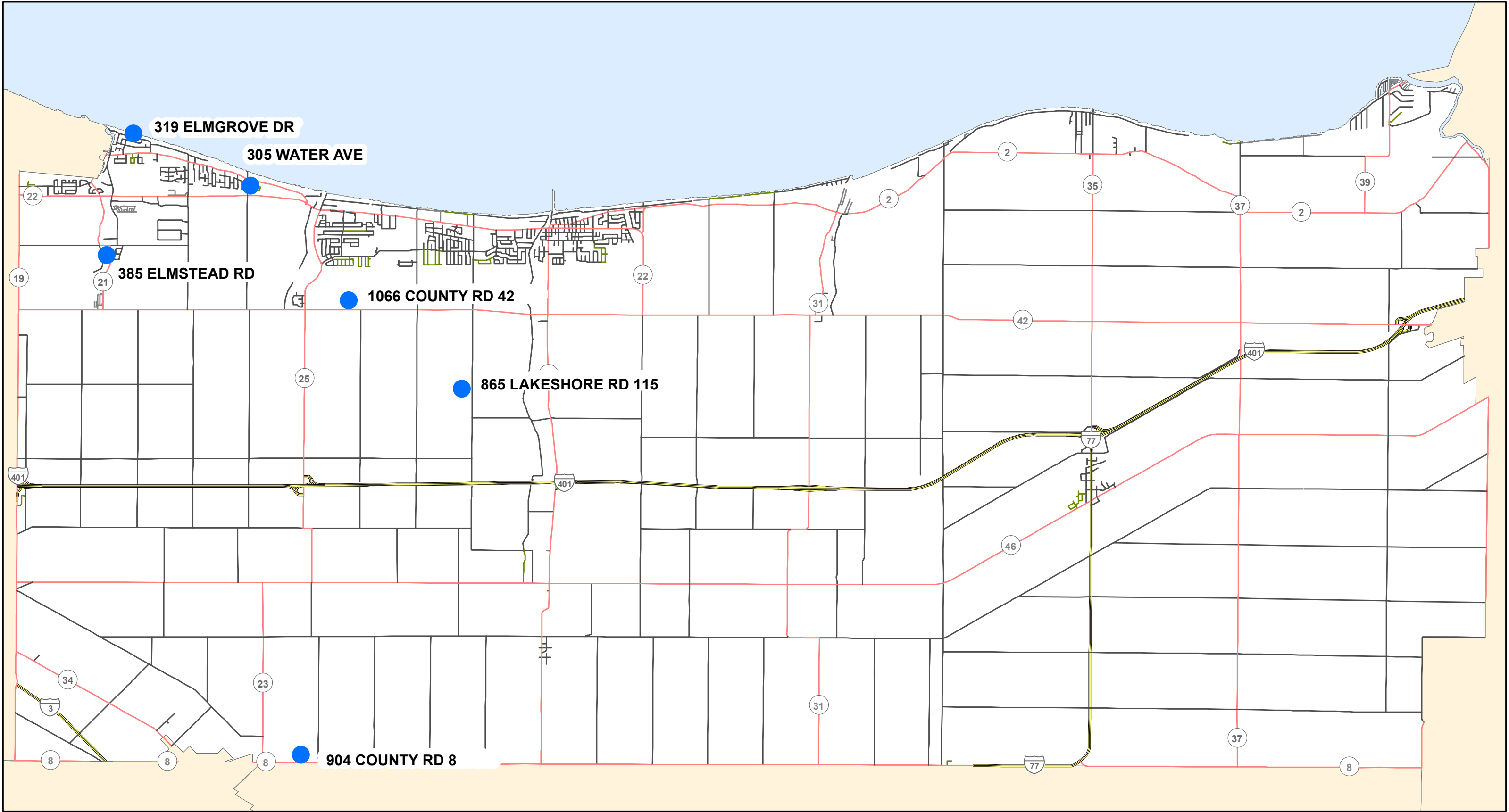
7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Committee of Adjustment Meeting Application Location, October 19, 2022



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Paige Docherty, Planning Student
Applicant: John & Jenna Lot
Date: October 14, 2022
Subject: Minor Variance Application A-38-2022 – 319 Elmgrove Drive

Recommendation

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.

Proposal

The applicants are proposing to install an air conditioning (AC) unit in the interior side yard of their property at a distance of 1.22 m from the interior lot line. Therefore, the applicants are requesting relief from Section 6.42 m) of the Lakeshore Zoning By-law 2-2012 which:
'only permits a window or wall-mounted furnaces, heat pumps and outdoor freestanding air conditioning units in rear yards and exterior side yards only.'

Summary

Location:

The subject property, 319 Elmgrove Dr, is a 1,254 m² lot with 27.4 m of frontage along Elmgrove Dr and contains 1 single detached dwelling. The subject lands are located on the southern side of Elmgrove Drive, west of Majestic Drive.

Surrounding Land Uses:

North: Single detached dwelling
East: Single detached dwelling
South: Single detached dwelling
West: Single detached dwelling

Official Plan

The Lakeshore Official Plan designates the property as 'Residential'.

Zoning:

The subject property is zoned Residential Low Density (R1) which permits outdoor freestanding air conditioning units in rear yards and exterior side yards only.

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 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 to neighbouring properties as there is adequate spacing between the proposed location and the interior lot line.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The variance 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. 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.

Correspondence

External and internal agencies

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

ERCA expresses no concerns with the proposed AC unit. Full comments are provided in Appendix C.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

Attachment(s)

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

Prepared by:



Paige Docherty,
Student Planner

Report Approval Details

Document Title:	A-38-2022 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Site Plan.pdf - Appendix C - ERCA Comments.pdf
Final Approval Date:	Oct 14, 2022

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

Kristina Brcic - Oct 14, 2022 - 9:52 AM



Legend

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

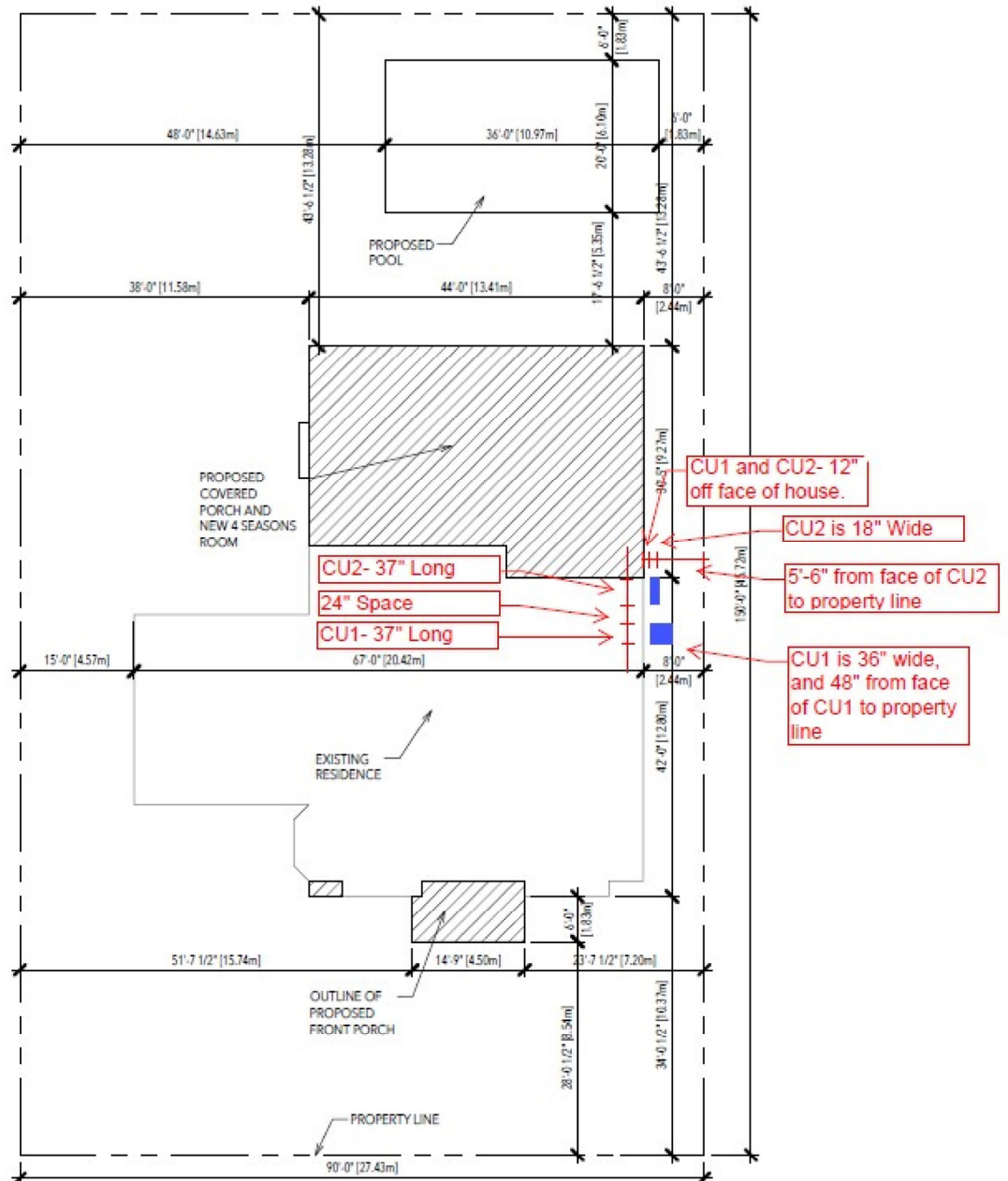
1: 440



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 CALCULATIONS	
ZONING	PROV'D
LOT AREA	13,500 ft ²
BUILDING FOOTPRINT (HOUSE & TERRACE)	3,857 ft ²
LOT COVERAGE	28.6%
FRONT YARD	28.0' (8.54m)
REAR YARD	43.5' (13.3m)
MIN SIDE YARD	8.0' (2.44m)





planning@erca.org

P.519.776.5209

F.519.776.8688

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

September 29, 2022

Mr. Ian Rawlings

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

Dear Mr. Ian Rawlings:

RE: Application for Minor Variance: A-38-2022
319 ELMGROVE DR
ARN 375121000044500; PIN: 750000092
Applicant: Jonathan & Jenna Lot

The following is provided as a result of our review of Application for Minor Variance A-38-2022.

The Municipality of Lakeshore has received an application for the subject property located on the southern side of Elmgrove Dr, west of Majestic Dr.

The subject property is designated "Residential" by the Lakeshore Official Plan and zoned "Residential - Low Density (R1)" under the Lakeshore Zoning By-law 2-2012. The subject land is approximately 1,254 m² in lot area with 27.4 m of frontage along Elmgrove Rd. The property currently contains a single family home.

The applicants are proposing to install an air conditioning (AC) unit on the interior side yard of their property at a distance of 1.22 m from the interior lot line. Therefore, the applicants are requesting relief from section 6.42 m) of the Lakeshore Zoning By-law 2-2012 which:

'only permits a window or wall-mounted furnaces, heat pumps and outdoor freestanding air conditioning units in rear yards and exterior side yards only.'

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

Mr. Ian Rawlings
September 29, 2022

Regulation No. 158/06). The parcel falls within the regulated area of the 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 future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. Please be advised that the AC Unit does not require a permit.

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

No objections to the Minor Variance for the AC Unit. Please be advised that the AC Unit does not require a permit. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



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





Legend

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

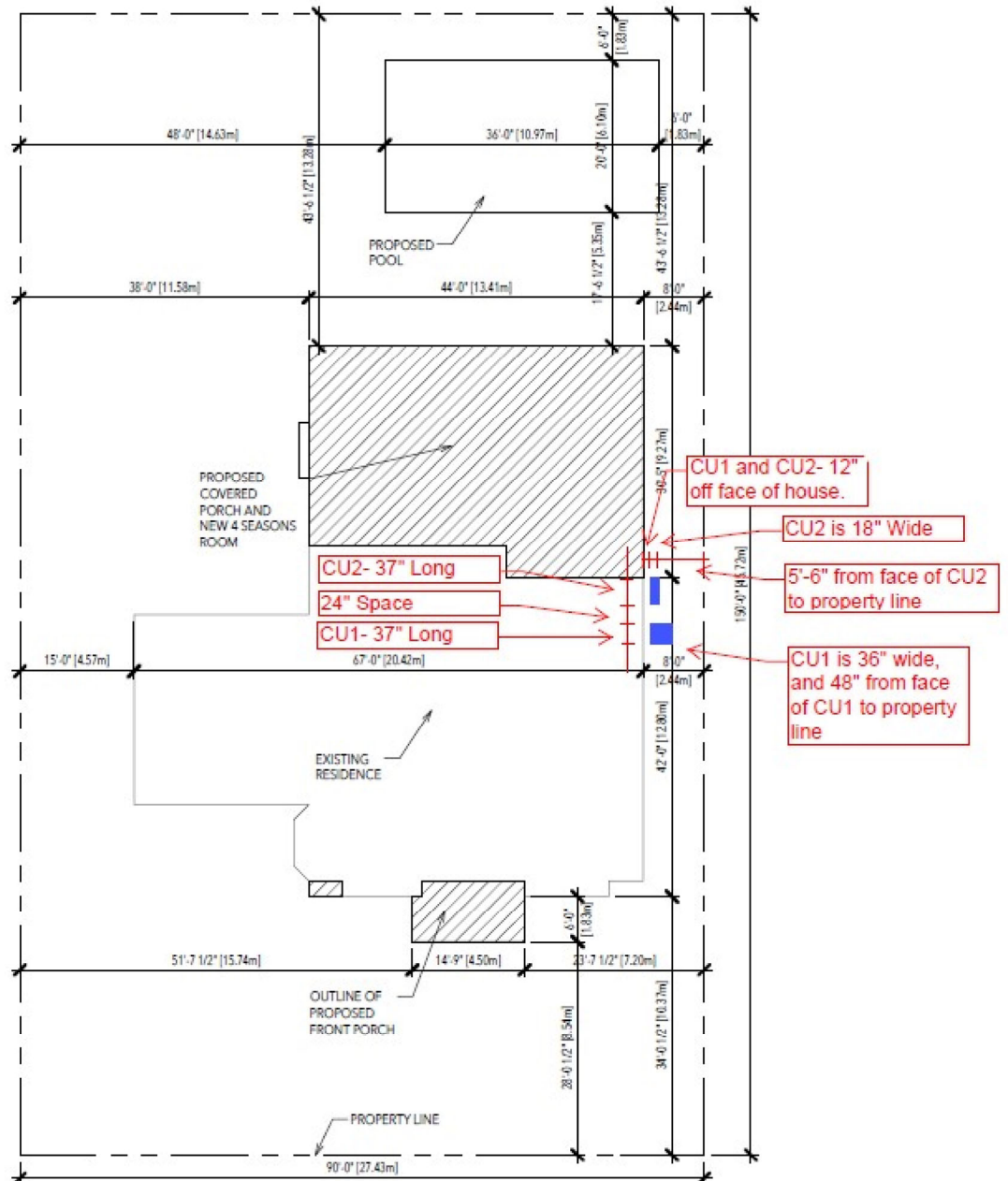
1: 440



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 CALCULATIONS	
ZONING	PROV'D
LOT AREA	13,500 ft ²
BUILDING FOOTPRINT (HOUSE & TERRACE)	3,857 ft ²
LOT COVERAGE	28.6%
FRONT YARD	28.0' (8.54m)
REAR YARD	43.5' (13.3m)
MIN SIDE YARD	8.0' (2.44m)



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Applicant: Jo-Anne & George Dillon

Date: October 13, 2022

Subject: Minor Variance Application A/39/2022 – 385 Elmstead Rd

Recommendation

Deny minor variance application A/39/2022, to construct a 251m² accessory structure with a height of 6.12m in the rear yard, as it does not pass the four tests prescribed under Section 45 (1) of the *Planning Act*.

Proposal:

The applicants of 385 Elmstead Rd are proposing to construct a 251m² accessory structure with a height of 6.12m in the rear yard of their property. Therefore, the applicants are seeking relief from section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012 which limits accessory dwellings to a gross floor area of 55.0 m² in RW1 zones, and section 6.5 a) xi) which limits accessory structures to 5.0 m in height.

Summary:

Location:

385 Elmstead Rd is a 4,468.6 m² property with 30.4 m of frontage along Elmstead Rd and contains a single detached dwelling and two sheds to be demolished in the rear yard. The subject property is located on the western side of Elmstead Rd, south of Little Baseline Rd.

Surrounding Land Uses:

North: Single detached dwelling
East: Single detached dwelling
South: Single detached dwelling
West: Pike Creek

Official Plan

The Lakeshore Official Plan designates the property as 'Residential'.

Zoning:

The subject property is zoned Residential Waterfront – Watercourse (RW1) which permits the use of accessory structures.

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 residential and therefore allows buildings accessory to the main use.

The intent and purpose of the zoning by-law is met as the maximum gross floor area placed upon accessory structures is to keep accessory structures as secondary in relation to the main structure. With the additional gross floor area, the proposed accessory structure will account for 5.6% of the total lot coverage and remains accessory to the main structure. Resulting in an overall lot coverage of 12.1%.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The proposed structure appears similar in lot coverage as the existing main structure located on the property with only a 38m² difference in gross floor area. Due to the proportions of the proposed accessory structure the application is not deemed minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is not deemed appropriate as the proposed size in gross floor area and in height is not reflected in the neighbouring properties. The proposed accessory structure is not desirable as it will not maintain neighbourhood character throughout Elmstead Rd.

Therefore, the requested variance does not pass the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would not be "minor" in nature.
- ii. It would not 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.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

Should the Committee approve the minor variance application A/39/2022 the following conditions should be included:

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 the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Correspondence

External and internal agencies

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

The Lakeshore County Fire Department has expressed that the applicant will need to contact them to assess the use and to determine if any Ontario Fire Code requirements apply. The Lakeshore Fire Department states that there is no guaranteed level of coverage and anticipated response times, equipment and required staffing may be delayed through its volunteer firefighter service.

The County of Essex has provided engineering related comments. Full comments are provided in Appendix C.

ERCA states that the applicant is required to obtain a permit for the construction of the proposed accessory structure prior to any development. ERCA has expressed 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. The full comment can be found in Appendix D

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – Fire Department Comments
Appendix D – County Comments
Appendix E – 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-39-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan and Elevations.pdf- Appendix C - Fire Department Comments.pdf- Appendix D - County Comments.pdf- Appendix E - ERCA Comments.pdf
Final Approval Date:	Oct 13, 2022

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

Kristina Brcic - Oct 13, 2022 - 2:58 PM



Legend

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

1: 1,383

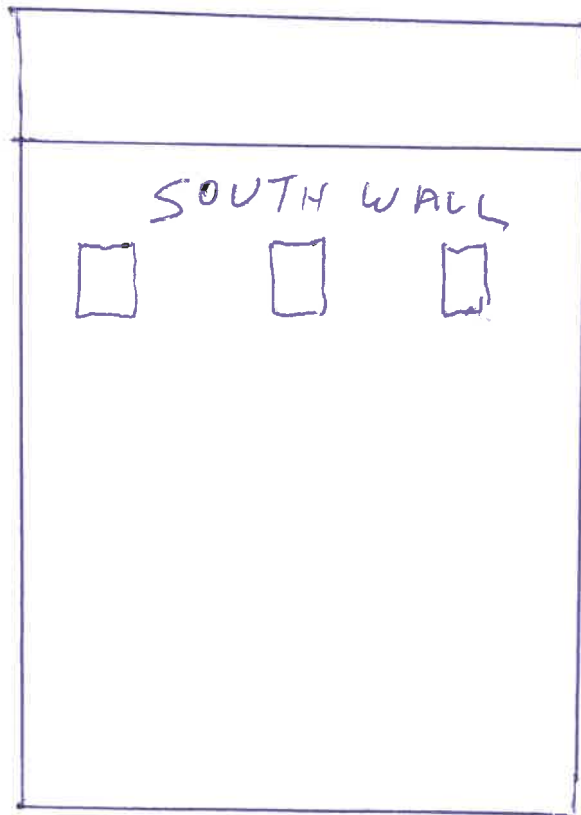
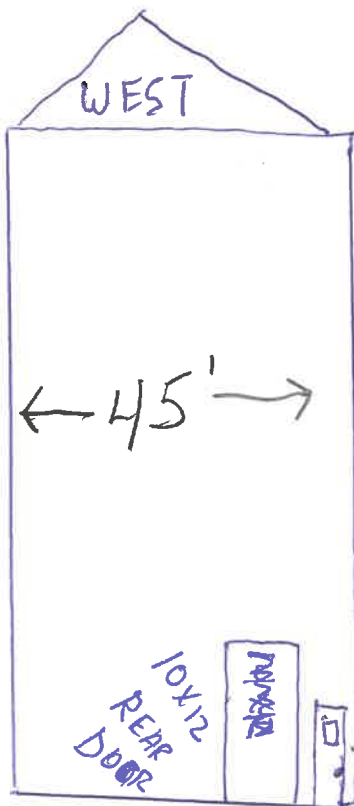
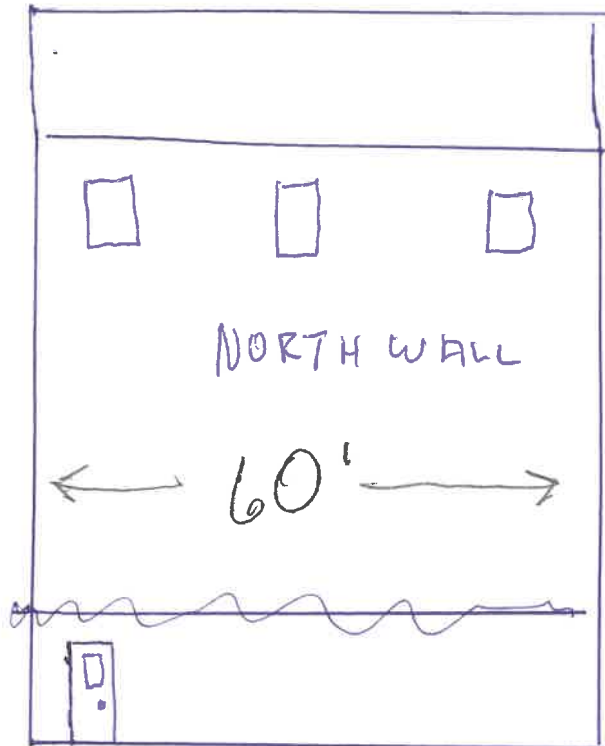
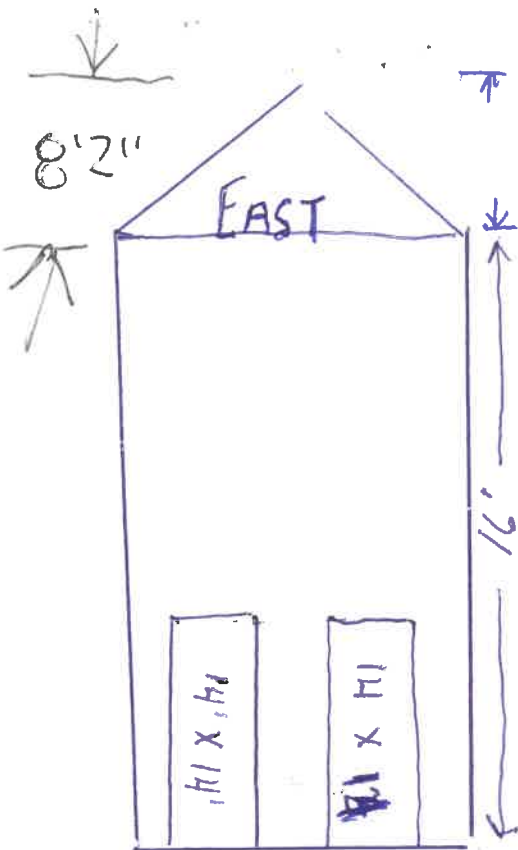


Notes:

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

DILLON

385
ELMSTEAD



From: [Don Williamson](#)
To: [Ian Rawlings](#)
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments
Date: October 11, 2022 12:50:05 PM

Yes A-39/2022 – sorry my bad – was reading in order of the attachments.

Don Williamson, CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI
Fire Chief

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-0550 x421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings [REDACTED]
Sent: October 11, 2022 9:40 AM
To: Don Williamson [REDACTED]
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments

Good morning Don,

Not to worry as I still have plenty of time to include this information within our reports. Just to confirm, are you speaking to Application A/39/2022 as the application you detailed below (B/19) is not proposing to construct any new buildings.

Ian Rawlings
Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-2488 ext 676
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Don Williamson [REDACTED]
Sent: October 11, 2022 9:37 AM
To: Ian Rawlings [REDACTED]
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments

Hi Ian

I know this response is way past the deadline.

Fire has no comments for A/38, A/39, B/18.

B/19/2022 - The proponent should be advised that

- The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
- Due to the size of the proposed building, it should be noted that the Lakeshore Fire

Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

Don Williamson, CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI
Fire Chief

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-0550 x421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings [REDACTED]

Sent: September 26, 2022 4:08 PM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Committee of Adjustment - October 19th - Notice of Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following Committee of Adjustment applications:

- A/38/2022
- A/39/2022
- B/18/2022
- B/19/2022

Please note that comments are to be provided by October 4th, 2022 for inclusion in the Planning Report.

Thank you,

Ian Rawlings
Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-2488 ext 676
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



September 29, 2022

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

Dear Mr. Rawlings:

Re: COA Submission, A-39-2022, Jo-Anne & George Dillon

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 21. 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 21. 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. Thank you for your assistance and cooperation in this matter.

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

September 29, 2022

Mr. Ian Rawlings

Corporation of the Municipality of Lakeshore

Community Planning, Planning Division

419 Notre Dame Street

Belle River, ON N0R 1A0

Dear Mr. Ian Rawlings:

RE: Application for Minor Variance: A-39-2022

385 ELMSTEAD RD

ARN 375122000006600; PIN: 750090049

Applicant: Jo-Anne & George Dillon

The following is provided as a result of our review of Application for Minor Variance A-39-2022.

The Municipality of Lakeshore has received an application for the subject property located on the western side of Elmstead Rd, south of Little Baseline Rd.

The subject property is designated "Residential" by the Lakeshore Official Plan and zoned "Residential Waterfront – Watercourse (RW1)" under the Lakeshore Zoning By-law 2-2012. The subject land is approximately 4,468.6 m² in area with 30.4 m of frontage along Elmstead Rd.

The property currently contains a single-family home along with two sheds to be demolished. The applicants are proposing to construct a 251m² accessory structure with a height of 6.12m.

Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012: 'Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.' 'Section 6.5 a) xi) limits accessory structures to not exceed 5.0 m in height unless within an Agriculture 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

Mr. Ian Rawlings
September 29, 2022

Regulation No. 158/06). The parcel falls within the regulated area of the Pike Creek. 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*.

No development is permitted within the 'floodway', as per Section 3.12 of the *2020 Provincial Policy Statement*:

"3.1.2 Development and site alteration shall not be permitted within:

d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."

In addition, the municipal drain, typically, has an unregistered working space, the municipality has the right to use to maintain or repair the drain. Also, 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.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration*



Mr. Ian Rawlings
September 29, 2022

*shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*.*

Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

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*.

All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

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 Search, BES, Planner II

Applicant: Essex Top Crop Sales LTD.

Date: October 12, 2022

Subject: Minor Variance Application A/40/2022 – 904 County Road 8

Recommendation

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.

Proposal

The subject property is located on the north side of County Road 8, east of County Road 23, known municipally as 904 County Road 8. It has approximately 4.83 acres of lot area with 106.7 m of frontage along County Road 8. The site is used as a warehousing/distribution centre for wild bird and pet food with an accessory office. The applicant is developing a 1,858.06 m² building addition and 92.96 m² breezeway on the north side of the existing building for warehousing operations. This development is currently being reviewed under site plan control – Section 41 of the Planning Act.

Warehousing is not a permitted use on the subject property in the Zoning By-law currently in effect. The applicant is seeking permission to enlarge and extend a building with an existing use not permissible within the zone in which it is located in accordance with Section 6.36.2 of the by-law. In addition, a number of minor variance reliefs are being requested following review of the proposed development:

- To permit a minimum of 21 parking spaces on the subject property; whereas Section 6.41.1 requires a total of 36 parking spaces;
- To permit a west side yard of 3.05 metres, whereas Section 8.5 requires a minimum interior side yard of 4.5 metres;
- To permit a gravel parking area and gravel approaches on the subject property; whereas Section 6.41.2 k) requires parking areas and approaches in the Rural Commercial/Employment Zone (CR) zone to have a cement or asphaltic binder or any other permanent type of surfacing.

Summary

Official Plan

The subject property is designated Urban Fringe and Salt Deposits in the Lakeshore Official Plan, and Secondary Settlement Area and Salt Deposits in the County of Essex Official Plan.

Surrounding Land Uses:

North: Sewage Lagoons

East: Rural Commercial/Employment (Currently Vacant)

South: Agricultural and Residential

West: Rural Commercial/Employment

Zoning:

The entire subject property is zoned Rural Commercial/Employment Zone Exception 40 (CR-40).

Conclusion:

Permission to Extend Legal Non-Conforming Building

Section 45(2) of the *Planning Act* grants authority to the Committee of Adjustment to permit the enlargement or extension of a building or structure that was lawfully used for a purpose now prohibited by the Zoning By-law if the use that was made of the building or structure on the day the by-law was passed continued until the date of the application to the Committee of Adjustment.

It is recommended that the Committee grant permission to enlarge and extend the existing building on the property for the proposed 1,858.06 m² warehouse building addition and 92.96 m² breezeway. The use of the existing building as a warehouse/distribution centre for wild bird and pet food has existed on the subject property for decades.

The site, and its neighbouring properties to the east and west, are located within an area designated Urban Fringe which permits small scale commercial and industrial uses provided they are of a dry nature and do not require excessive amounts of water for their operations and are compatible with adjacent uses. The nature of the use and the proposed development meets this criterion. No by-law complaints have been received with respect to this property to suggest incompatibility with the surrounding area.

A traffic memo was provided as part of the site plan control review process that indicates no changes to existing loading dock facilities, truck-traffic or existing entrances to the site. Furthermore, the proposed development will also not result in an increase of employees on site. Currently the site receives 5 shipments of product from their manufacturing facility per day, and there are approximately 10 shipments leaving the facility per day between the hours of 8am and 5pm, Monday through Friday. The County of Essex expressed no immediate concerns with the traffic memo, but have reserved the right to revisit the situation should the operation advance in such a way where more traffic and/or conflicts are generated. If such circumstances arise, they will review mitigation measures and require mitigation to be undertaken by the proponent.

The subject property is designated Salt Deposits in the Lakeshore and County of Essex Official Plan. There are no known resource operations within 75 metres of the proposed building construction. The municipality will require that improperly abandoned wells that are known or discovered on the land during development will be properly plugged, capped or otherwise made safe in accordance with Provincial requirements.

Parking Spaces

As previously stated, the traffic memo provided by the proponent indicates no changes to truck traffic and no increase to the number of employees on the site. The existing asphalt parking area located at the southwest area of the property has more than adequately satisfied parking needs (staff, visitors, outside contracts, etc.) according to the applicant. If the operation on-site evolves to require additional parking spaces in the

future, then the site plan agreement can be amended to introduce more parking spaces at that time.

Side Yard

A 25.04 m² porch is not included in the existing site plan agreement on title but has been constructed on the west side of the building with a 3.05 metre side yard setback. The porch has been included on the site plan for the proposed building addition, and a minor variance has been applied for to recognize the structure. The applicant has indicated through correspondence that the porch was constructed for the use of employees during their breaks.

Section 8.5 requires a minimum interior side yard of 4.5 metres. The purpose of the side yard setback in the Zoning By-law is to provide light and air circulation, maintenance, fire prevention and drainage. The existing building on the neighbouring property to the west is located over 100 metres away from the mutual lot line, and a 3.05 metre setback will ensure adequate light and air circulation with any future development of those lands. The intended use of the structure as a porch does not threaten compatibility with the neighbouring property through a reduced setback. The proposed setback should provide adequate space for maintenance of the structure – no concerns were raised by the Building Department. Fire prevention and drainage are aspects being reviewed through the site plan control process. Fire Services and Operations Department did not express any concerns in response to the minor variance application with respect to these issues.

Gravel Parking Area and Gravel Approaches

The Zoning By-law states that in the case of any CR zone, the parking area and approaches shall have a cement or asphaltic binder or any other permanent type of surfacing. The intent of this regulation is to prevent the raising of dust and loose particles from vehicle use that may adversely affect nearby properties.

The applicant is seeking a relief from the by-law to provide a gravel fire route and gravel parking area/turning space for a fire truck. No overhead doors are proposed on the east side of the building addition as part of the warehousing operation. All on-site parking spaces are provided on an existing asphalt parking area located at the southwest area of the site. The existing gravel approach from County Road 8 is recognized in the existing site plan agreement and has been used for site operations with no complaints received by By-law enforcement. The subject property is located within a larger area zoned for rural commercial/employment uses, with the closest residential properties located over approximately 130 metres away in the Town of Kingsville.

It is recommended that the gravel parking area and approaches shall be maintained to prevent the raising of dust and loose particles and limited to fire route, parking and maneuvering. Fire Services commented that gravel is an acceptable engineered option, but stated that the surface needs to be designed to support the weight of fire vehicles, and must be kept clear of snow and maintained.

Is it the opinion of the Planner that the requested variances meet the following four tests prescribed under Section 45 (1) of the *Planning Act*, subject to the conditions in the Recommendation section of this report.

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

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, none of which expressed objection to the requested reliefs. Essex Region Conservation Authority states that stormwater management for this site is currently being reviewed under the site plan control process. Likewise, the Operations Department commented that all paving, grading and stormwater concerns are being addressed through the site plan control process.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan

Prepared by:



Ian Search, BES
Planner II

Report Approval Details

Document Title:	A-40-2022 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Site Plan.pdf
Final Approval Date:	Oct 13, 2022

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

Kristina Brcic - Oct 13, 2022 - 1:55 PM



Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV
- OwnershipParcel
- Sanitary Manhole
 - Rain Cap - Yes
 - Rain Cap - No
- Sanitary Main
 - GRAVITY
 - FORCE MAIN
- Water Valve
 - MAIN LINE
 - BLOW OFF
 - SECONDARY
 - AIR RELEASE
 - AUTO FLUSH
- Water Main
- 2015 Distribution of Fish Species
 - Protected under SARA (Extirpat
 - Special Concern Species (includ listing)
- 2015 Distribution of Mussel :
 - Protected under SARA (Extirpat

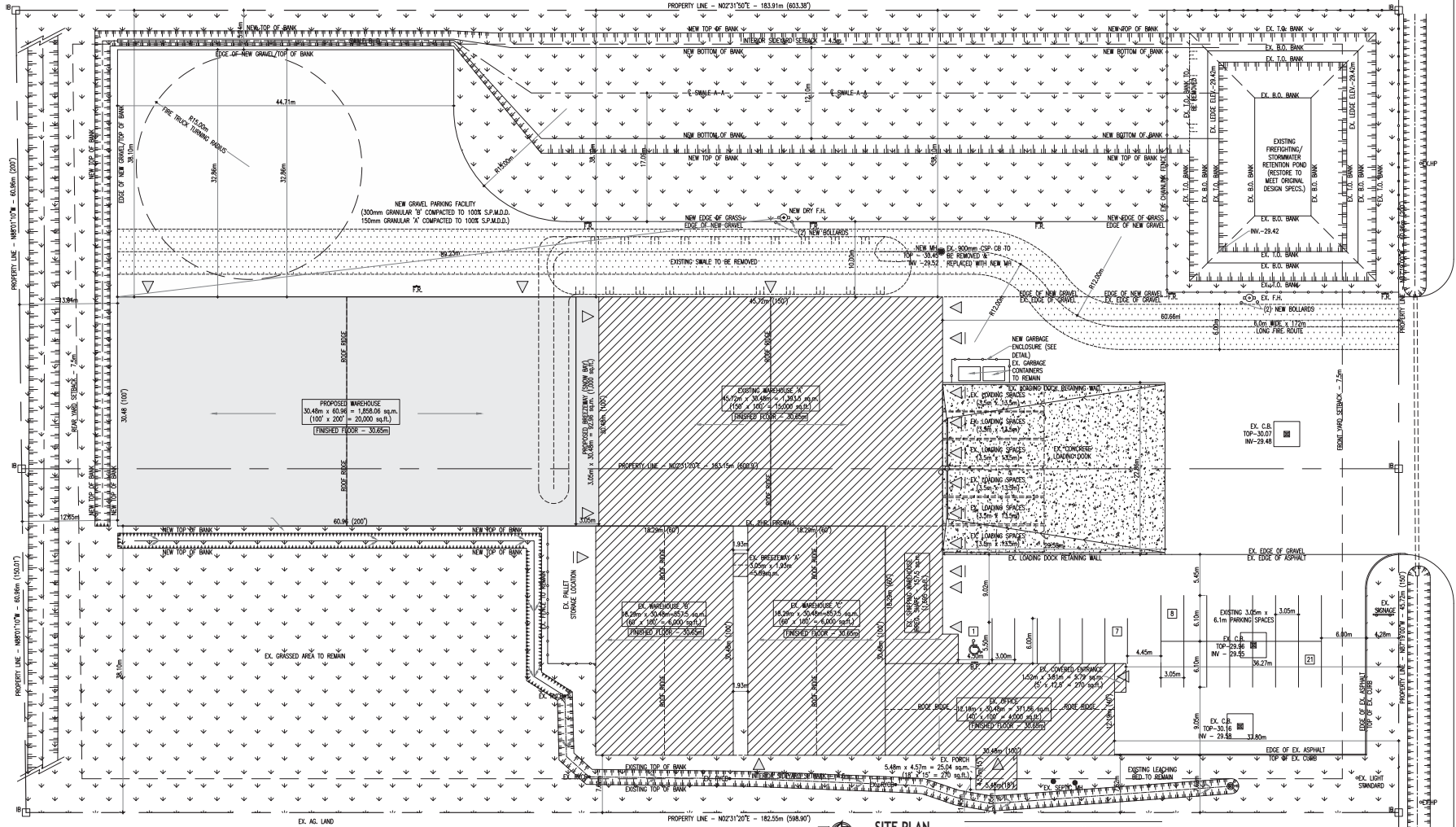
1:1,607



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

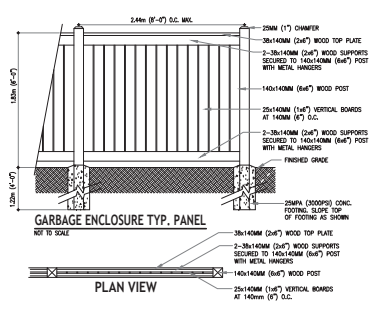
EX. AG. LAND



COUNTY ROAD 8

ZONING REQUIREMENTS	
CR-42-371 BURL COMMERCIAL DEVELOPMENT	
REQUIRED	PROPOSED
LOT AREA (min.)	1,858 sq.m.
LOT FRONTAGE (min.)	30.0 m.
FRONT YARD DEPTH (min.)	7.5 m.
INT. SIDE YARD WEST (min.)	4.5 m.
INT. SIDE YARD EAST (min.)	4.5 m.
REAR YARD DEPTH (min.)	7.5 m.
LOT COVERAGE (max.)	30%
LANDSCAPE SPACE (min.)	20%
BUILDING HEIGHT (max.)	10.5 m.
GROSS FLOOR AREA (max.)	3,000 sq.m.

BUILDING DATA	
EX. OFFICE SPACE	12.19 x 30.48
EX. WAREHOUSE AREA 'A'	45.72m x 30.48m
EX. WAREHOUSE AREA 'B'	18.29m x 30.48m
EX. WAREHOUSE AREA 'C'	18.29m x 30.48m
EX. SHIPPING WAREHOUSE	18.29m x 30.48m
EX. BREWERY 'A'	18.29m x 30.48m
EX. BREWERY 'B'	18.29m x 30.48m
EX. COVERED ENTRANCE	1.52m x 3.61m
EX. PORCH	5.48m x 4.57m
EX. BUILDING AREA	3,048.18 sq.m.
NEW WAREHOUSE	30.48m x 60.96m
NEW BREWERY	3.05m x 30.48m
NEW BUILDING AREA	1,351.02 sq.m.
EX. BUILDING AREA	3,048.18 sq.m.
TOTAL BUILDING AREA	4,399.2 sq.m.



CONSTRUCTION NOTES:

- GENERAL
 - SITE PLAN PROVIDED BY Y.C. LIU ENGINEERING
 - TOPOGRAPHIC SURVEY PROVIDED BY Y.C. LIU ENGINEERING
 - ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS, AND THE MINISTRY OF THE ENVIRONMENT AND ENERGY GUIDELINES (LATEST EDITION)
 - THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING UTILITIES PRIOR TO AND DURING CONSTRUCTION
 - CONTRACTOR RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF CONSTRUCTION
- EROSION CONTROL MEASURE NOTES
 - PROTECT ALL EXPOSED SURFACES AND CONTROL ALL RUNOFF DURING CONSTRUCTION
 - ALL EROSION CONTROL MEASURES ARE TO BE IN PLACE BEFORE STARTING CONSTRUCTION AND REMAIN UNTIL RESTORATION IS COMPLETE
 - ALL COLLECTED SEDIMENT MUST BE DISPOSED OF AT AN APPROVED LOCATION
 - PROTECT ALL CFS, MANHOLES AND PIPE ENDS FROM SEDIMENT INTRUSION WITH GEOTEXTILE (TENSILE 2700)
 - KEEP ALL STAMPS CLEAN DURING CONSTRUCTION STRAW BALES TO BE USED IN LOCATED AREAS AS SHOWN AND AS DIRECTED BY THE ENGINEER DURING CONSTRUCTION FOR THE WORKS WHICH ARE IN OR ADJACENT TO FLOODLINES, FILL LINES, AND HAZARDOUS SLOPES
 - STRAW BALES TO BE TERMINATED BY ROUNDING BALES TO CONTAIN AND FILTER RUNOFF
 - SEEDING APPROVAL FROM CONSERVATION AUTHORITY PRIOR TO CONSTRUCTION FOR WORKS WHICH ARE IN, OR ADJACENT TO FLOODLINES, FILL LINES AND HAZARDOUS SLOPES
 - DO NOT LOCATE TOPSOIL PILES AND EXCAVATION MATERIAL CLOSER THAN 2.5m FROM ANY PAVED SURFACE, OR ONE WHICH IS TO BE PAVED BEFORE THE PILE IS REMOVED. ALL TOPSOIL PILES TO BE SEEDING IF THEY ARE TO REMAIN ON-SITE LONG ENOUGH FOR SEEDS TO GROW (LONGER THAN 1 MONTH)
 - CONTROL WIND-BLOWN DUST OFF-SITE TO ACCEPTABLE LEVELS, BY SEEDING TOPSOIL PILES AND OTHER AREAS TEMPORARILY, AND/OR WATERING AS REQUIRED
 - ALL OF THE ABOVE NOTES AND ANY SEDIMENT AND EROSION CONTROL MEASURES ARE AT THE MINIMUM TO BE IN ACCORDANCE WITH THE MINISTRY OF NATURAL RESOURCES GUIDELINES ON EROSION AND SEDIMENT CONTROL FOR URBAN CONSTRUCTION SITES
- MINIMUM PAVEMENT STRUCTURE FOR GRAVEL SURFACES:
 - GRAVEL SURFACES
 - 300mm GRANULAR 'B' COMPACTED TO 100% S.P.M.D.D.
 - 150mm GRANULAR 'A' COMPACTED TO 100% S.P.M.D.D.

Disabled Parking Permit Rb-93

BY PERMIT ONLY

Sign No. & Colour Image Ref. Blank Special Notes

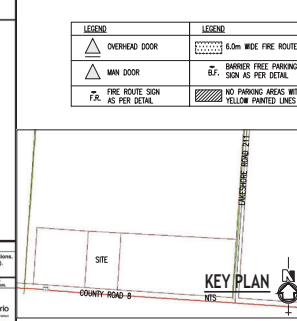
Sign Element Colour Min. Ref. Notes Font

Blank White 10mm 10mm 10mm

Blank White 10mm 10mm 10mm

Blank White 10mm 10mm 10mm

Blank White 10mm 10mm 10mm



REVISIONS		ISSUED FOR		DATE
PRE-CONSULTATION BY TOWNSHIP OF LAKESHORE		SITING PLAN APPROVAL		JAN. 13/2022
REVISED PER MUNICIPAL COMMENTS		REVISED PER MUNICIPAL COMMENTS		MAY 30/2022
REVISED PER MUNICIPAL COMMENTS		REVISED PER MUNICIPAL COMMENTS		AUG. 25/2022

SITE PLAN		SITE PLAN		SITE PLAN	
FOR		FOR		FOR	
ESSEX TOPCROP SALES LIMITED		ESSEX TOPCROP SALES LIMITED		ESSEX TOPCROP SALES LIMITED	
804 ESSEX COUNTY ROAD		804 ESSEX COUNTY ROAD		804 ESSEX COUNTY ROAD	
ESSEX, ONTARIO		ESSEX, ONTARIO		ESSEX, ONTARIO	

Y.C. LIU ENGINEERING	FILE NO.	DATE	DATE
Y.C. LIU	21-308	2025.9	2025.9
20529	29635	JAN. 22	SP-1 of 3

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Applicant: Gurcharan Dhaliwal, Gagandeep Grewal, Hardeep Grewal
Date: October 13, 2022
Subject: Consent Application B/18/2022 – 1066 County Rd 42

Recommendation

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

Proposal

The subject land is approximately 11.7 ha in area with 266 m frontage along County Rd 42. The property currently contains a single family home as well as a garage, and paved court within the rear yard. The applicant is proposing to sever the surplus dwelling for the creation of one lot with approximately 4,856 m² in lot area and 46m of frontage. The retained lot will have 11.3 ha in lot area and 220m of frontage along County Rd 42.

Summary

Location:

The subject property 1066 County Rd 42 contains one residential dwelling unit, an accessory structure used as a garage, and a paved court yard in the rear yard. The subject property is located on the northern side of County Rd 42, directly west of Lakeshore Rd 111.

Surrounding Land Uses:

North: Vacant Farmland

East: Vacant Farmland / Single Detached Dwelling Units

West: Vacant Farmland / Single Detached Dwelling Units

South: Vacant Farmland / Single Detached Dwelling Units

Provincial Policy Statement

The proposed surplus farm severance conforms to Section 2.3.4.1 c) Lot Creation in prime agricultural areas as:

1. *“the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective”*

The severed lot will maintain the minimum size needed to accommodate a residential dwelling and will maintain appropriate sewage and water services currently available to the existing residential dwelling.

As a condition of the consent an application to rezone the retained farmland from “Agricultural (A)” to “Agricultural zone exception 1 (A1)” will be included as to prevent the construction of future dwellings in accordance with the PPS and Official Plan.

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 b) of the current Lakeshore Official Plan permits a surplus farm severance in Agricultural designated areas subject to the following conditions:

- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;*
- iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and*
- iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.*

The retained lot will conform to Official Plan requirements through a rezoning, as previously mentioned. No livestock facilities are currently present upon the property and will not be permitted upon the severed lot. Therefore, the proposed surplus farm severance conforms with parts ii), iii), and iv) of the Lakeshore Official Plan.

Zoning:

The subject property is zoned Agriculture. The proposed lot will have 46 m of frontage along County Rd 42, and 4,856 m² in lot area. The retained lot will have 220 m of frontage along County Rd 42, and will be approximately 11.3 ha in area.

The retained land will need to successfully complete a rezoning to prohibit the construction of single detached residential dwellings per the PPS requirements. Therefore, the proposed lot will conform to 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

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 any new entrances to the subject lands will require an entrance permit from the County of Essex. That surface and subsurface drainage tiles and water should be redirected around the severed parcel. That a drain apportionment will be required.

ERCA expresses no objections to the surplus lot creation.

The County of Essex has provided engineering related comments. Full comments are provided in Appendix E

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

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

Prepared by:



Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-18-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plans.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - County Comments.pdf
Final Approval Date:	Oct 13, 2022

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

Kristina Brcic - Oct 13, 2022 - 2:59 PM



Legend

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

1: 3,448

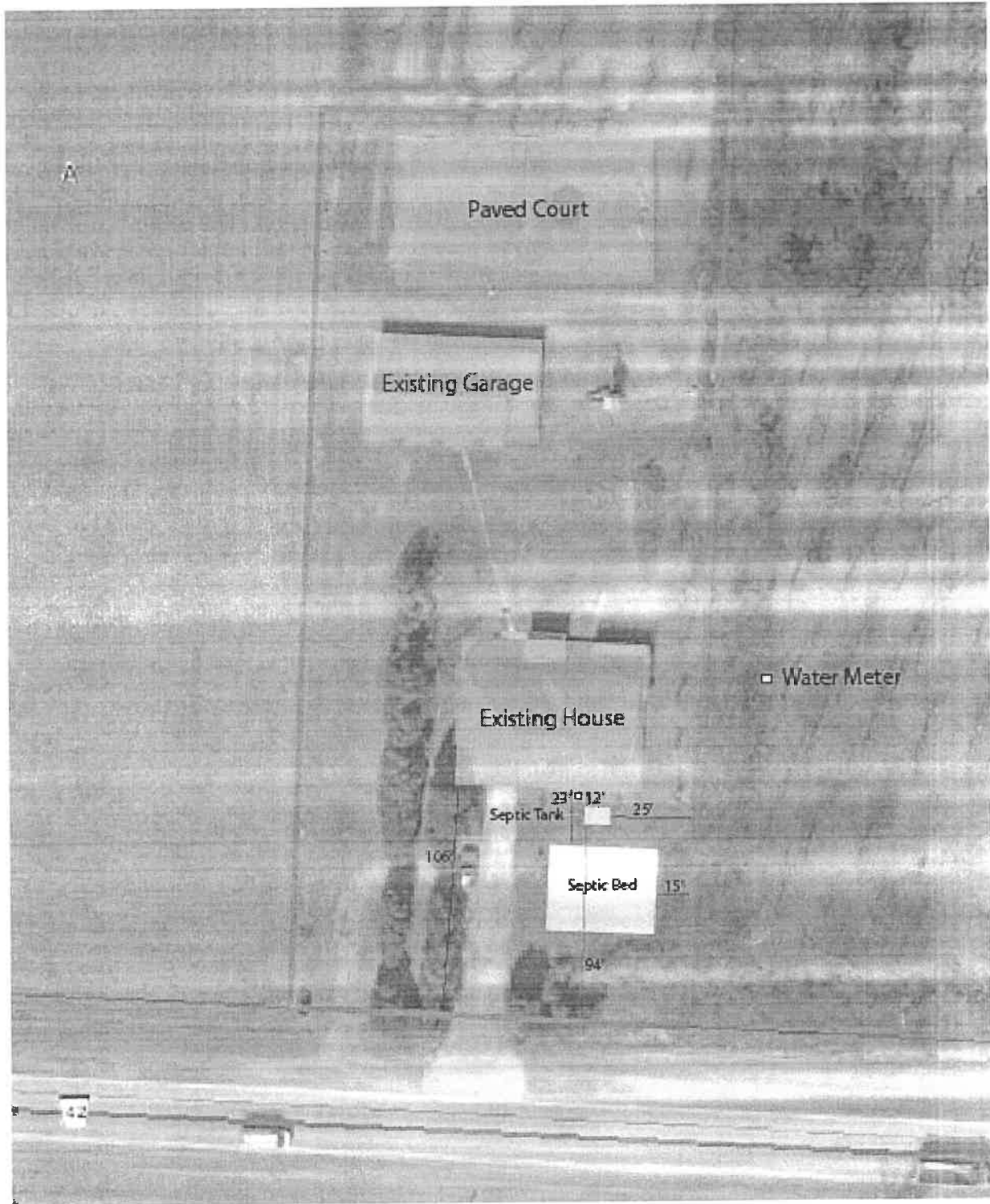


Notes:

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

Required Sketch (Use Separate Sheet If Necessary)

If The Property Is On A Septic System Please See Next Page For More Details



Date: October 3, 2022

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – October 19, 2022

Operations has received and reviewed all Committee of Adjustment applications for October 19, 2022 meeting and provide the following comments:

Application	Comments
A/38/2022 – 319 Elmgrove Ave	<ul style="list-style-type: none"> No comments.
A/39/2022 – 385 Elmstead Rd	<ul style="list-style-type: none"> No comments.
A/40/2022 – 904 County Rd 8	<ul style="list-style-type: none"> All paving, grading and stormwater concerns are being addressed through the site plan control process.
B/18/2022 – 1066 County Rd 42	<ul style="list-style-type: none"> Any new entrances to the subject lands will require an entrance permit from the County of Essex Surface water and subsurface drainage tiles and water should be redirected around the severed parcel A drain apportionment will be required (4th Concession Drain and Pump)
B/19/2022 – 865 Lakeshore Rd 115	<ul style="list-style-type: none"> Any new entrances to the subject lands will require an entrance permit from the Municipality of Lakeshore Surface water and subsurface drainage tiles and water should be redirected around the severed parcel

	<ul style="list-style-type: none">• A drain apportionment will be required (Girard Drain)• This application fronts onto the Girard Drain. Currently, there is only one bridge severing this property. If the severance is approved, then another bridge for the remaining farmland will need to be installed under the Drainage Act. This process can take up to one year.
--	---

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Rivest, CET
Engineering Technologist – Development



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 3, 2022

Mr. Ian Rawlings

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

Dear Mr. Ian Rawlings:

RE: Application for Consent: B-18-2022
1042 COUNTY 42 RD (ERCA Mapping) / 1066 County Rd 42 (Lakeshore)
ARN 375119000007800; PIN: 750050630
Applicant: Gurcharan Dhaliwal, Gagandeep & Hardeep Grewal

The following is provided, as a result of our review of Application for Consent B-18-2022.

The Municipality of Lakeshore has received an application for the subject property located on the northern side of County Rd 42, east of Puce Rd. The subject property is designated "Agriculture" by the Lakeshore Official Plan and zoned "Agriculture (A)" under the Lakeshore Zoning By-law 2-2012. The subject land is approximately 11.7 ha in area, with 266 m frontage along County Rd 42. The property currently contains a single family home, as well as a garage, and paved court.

The applicant is proposing to sever the **surplus dwelling** for the creation of one lot. The proposed lot will have 46 m of frontage along County Rd 42, and 4,856 m² in lot area. The retained lot will have 220 m of frontage along County Rd 42, and 11.3 ha in lot area. As a condition of the consent an application to rezone the existing farmland from "Agricultural (A)" to "Agricultural zone exception 1 (A1)" will be placed upon the application if passed.

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 subject property appears on our mapping system to be partially regulated. ERCA mapping notes that 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)* and that the parcel falls within the regulated area of the *Kennedy Award Drain*, at the rear of the property. However, the Municipality's drainage mapping layer, does not show this drain, as a municipal drain. Confirmation of the "status" of this drain would have to be confirmed by the Municipality's Drainage Superintendent. We would therefore, have to confirm, if this part of the property, is under our LORA or not (*i.e. municipal drain / watercourse*). Nonetheless, a Permit and/or Clearance is not required for the *surplus lot creation*, fronting County Road 42, containing the existing structures and existing access. If any future construction or site alteration, in the vicinity, of

Mr. Ian Rawlings
September 30, 2022

the *Kennedy Award Drain*, at the rear of the property, is contemplated in the future, for agricultural uses (i.e. barn etc.), the status of the drain in this area, would have to be confirmed at that time, by the Municipality and the ERCA.

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.

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel.

Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

FINAL RECOMMENDATION

No objections to the surplus lot creation.

A *Permit and/or Clearance* is not required for the *surplus lot creation*, fronting County Road 42, containing the existing structures and existing access.

If any future construction or site alteration, in the vicinity, of the *Kennedy Award Drain*, at the rear of the property, is contemplated in the future, for agricultural uses (i.e. barn etc.), the status of the drain, in this area, would have to be confirmed, at that time, by the Municipality and the ERCA.

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

Sincerely,



Mr. Ian Rawlings
September 30, 2022



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



September 29, 2022

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

Dear Mr. Rawlings:

Re: COA Submission, B-18-2022, Gurcharan Dhaliwal, Gagandeep Grewal, Hardeep Grewal

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 42. 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 42. 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: October 13, 2022

Applicant: Edward & Denise Mailloux Pavlakovich (Owner)
James Damphouse (Authorized agent)

Subject: Consent Application B/19/2022 – 865 Lakeshore Rd 115

Recommendation

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

Proposal

The applicant is proposing to sever the surplus dwelling for the creation of one lot. The proposed lot will have 96 m of frontage along Lakeshore Rd 115, and 1,772 m² in lot area. The retained lot will have 188 m of frontage along Lakeshore Rd 115, and 12.8 ha in lot area.

Summary

Location:

The subject property, 865 Lakeshore Rd 115 contains a single residential dwelling, an accessory pole barn, and a solar panel unit. The subject property is located on the western side of Lakeshore Rd 115, north of Rogers Rd.

Surrounding Land Uses:

North: Farmland with windmill
East: Vacant Farmland
West: Farmland / Single Detached Dwelling Unit
South: Vacant Farmland

Provincial Policy Statement

The proposed surplus farm severance conforms to Section 2.3.4.1 c) Lot Creation in prime agricultural areas as:

1. *“the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective”*

The severed lot will maintain the minimum size needed to accommodate a residential dwelling and will maintain appropriate sewage and water services currently available to the existing residential dwelling.

As a condition of the consent an application to rezone the retained farmland from “Agricultural (A)” to “Agricultural zone exception 1 (A1)” will be included as to prevent the construction of future dwellings in accordance with the PPS and Official Plan.

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:

- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*
- ii) the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation;*
- iii) any livestock facilities to remain on the retained parcel will not be made unsuitable for further livestock operations if the Minimum Distance Separation I provisions cannot be met; and*
- iv) the implementing Zoning By-law will not impose a setback on nearby expanding livestock operations greater than that required by the application of Minimum Distance Separation II Formula including the Minimum Distance Separation Guidelines.*

The Retained lot will conform to Official Plan requirements through a rezoning previously mentioned. No livestock facilities are currently present upon the property and will not be permitted upon the severed lot. Therefore, the proposed surplus farm severance conforms with parts ii), iii), and iv) of the Lakeshore Official Plan.

Zoning:

The subject property is zoned Agriculture. The proposed lot will have 96 m of frontage along Lakeshore Rd 115, and 1,772 m² in lot area. The retained lot will have 188 m of frontage along Lakeshore Rd 115, and 12.76 ha in lot area. Therefore the proposed lot will conform to the Lakeshore Zoning By-law.

The subject land will be rezoned to prohibit the construction of new dwelling units as previously detailed.

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

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 applicant will require a drainage apportionment and that surface water, subsurface drainage tiles, and water should be redirected around the severed parcel. Engineering has expressed that the applicant will require an entrance permit from the Municipality of Lakeshore as there is currently no access bridge to the retained farmland

ERCA has identified that the property is within, and/or adjacent to a natural heritage feature that is identified as a significant woodland area. The provincial policy statement prohibits site alteration on adjacent lands until a proper evaluation has been conducted. ERCA states that the proposed surplus severance will not impact the adjacent natural heritage features. ERCA has no objection for the proposed surplus severance.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

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

Prepared by:



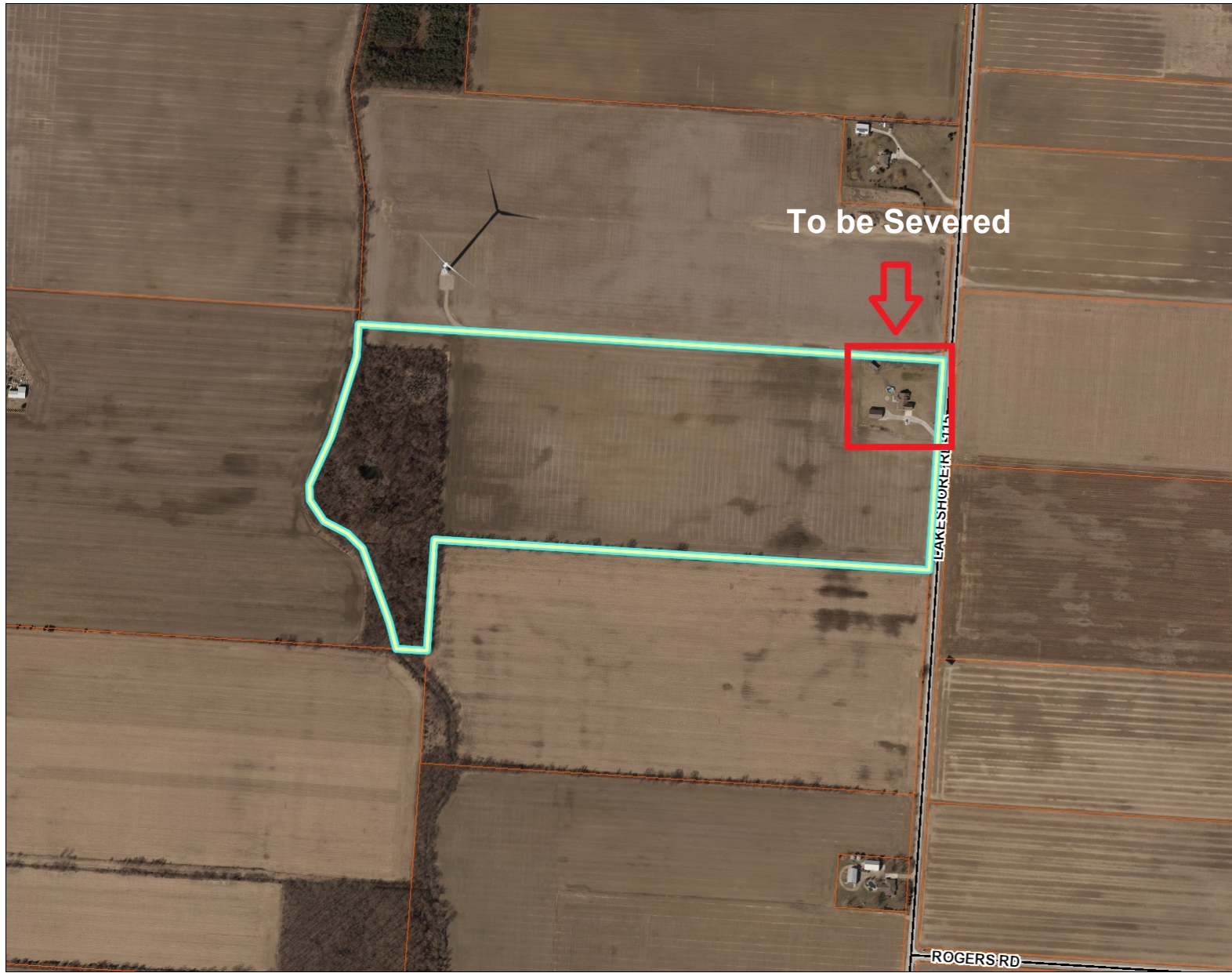
Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-19-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plans.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf
Final Approval Date:	Oct 13, 2022

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

Kristina Brcic - Oct 13, 2022 - 2:59 PM



Legend

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

1: 8,009

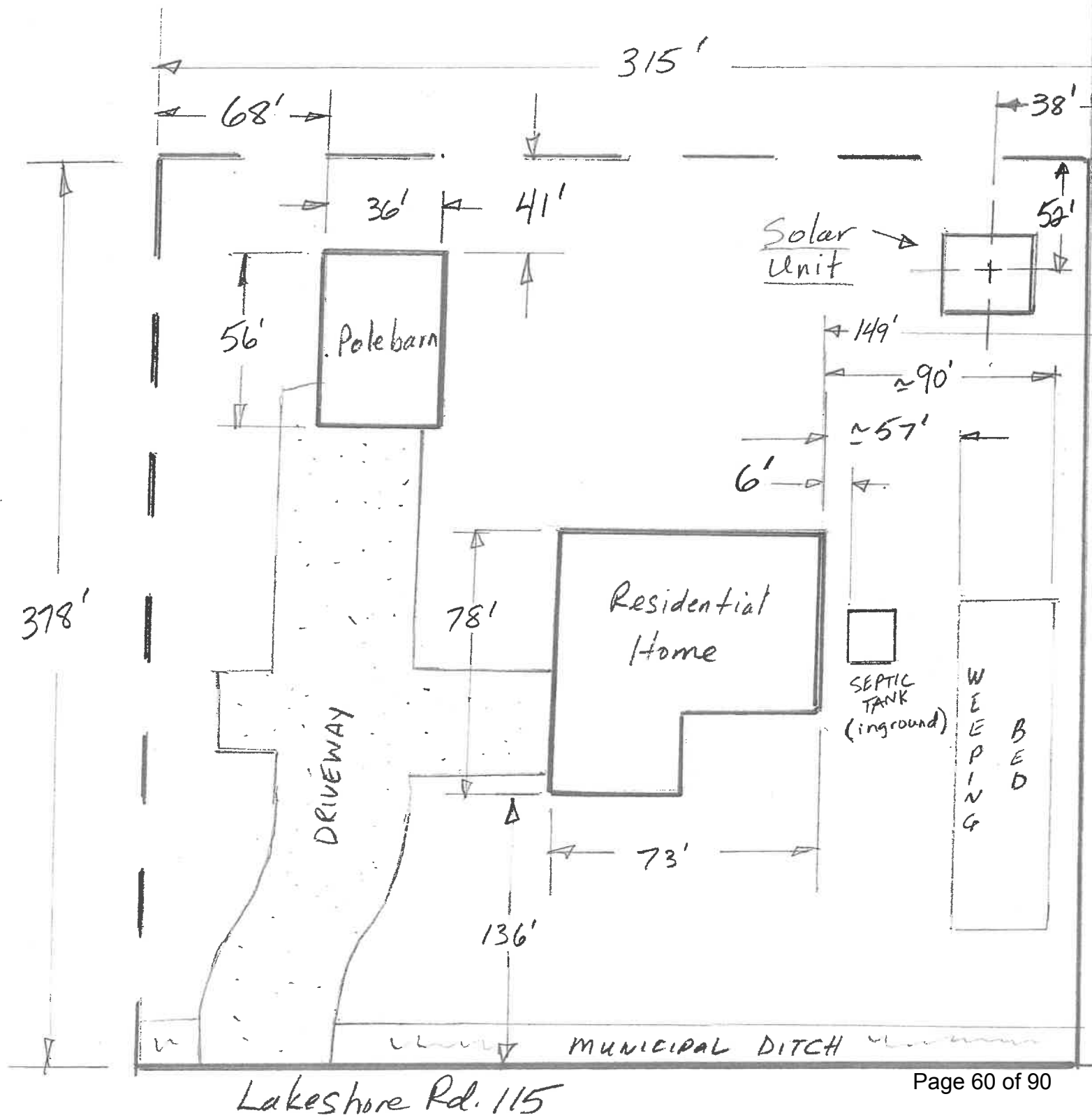


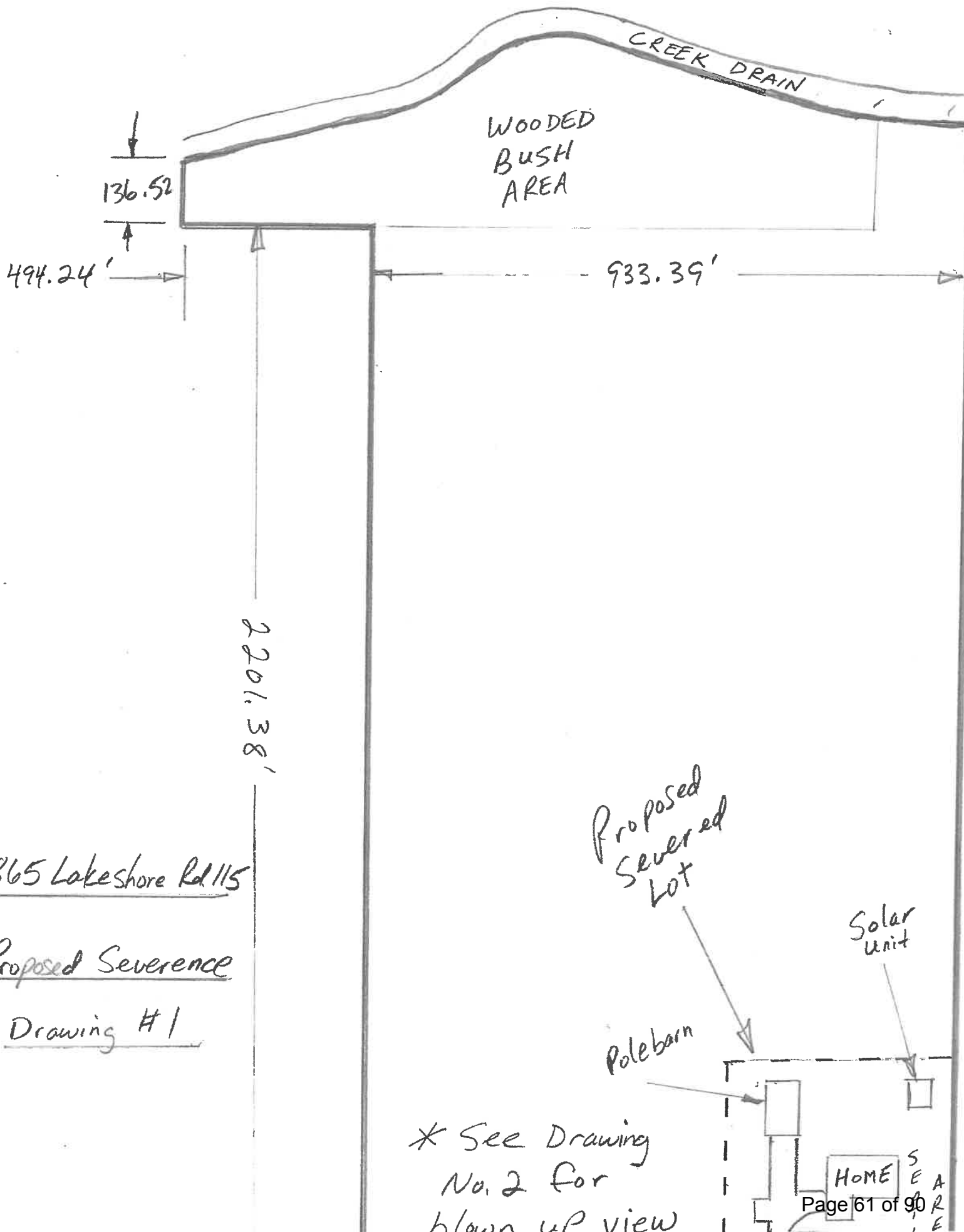
Notes:

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

865 Lakeshore Rd. 115
Proposed Severance

Drawing #2





865 Lakeshore Rd 115

Proposed Severance

Drawing #1

* See Drawing
No. 2 for
blown up view

Date: October 3, 2022

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – October 19, 2022

Operations has received and reviewed all Committee of Adjustment applications for October 19, 2022 meeting and provide the following comments:

Application	Comments
A/38/2022 – 319 Elmgrove Ave	<ul style="list-style-type: none"> No comments.
A/39/2022 – 385 Elmstead Rd	<ul style="list-style-type: none"> No comments.
A/40/2022 – 904 County Rd 8	<ul style="list-style-type: none"> All paving, grading and stormwater concerns are being addressed through the site plan control process.
B/18/2022 – 1066 County Rd 42	<ul style="list-style-type: none"> Any new entrances to the subject lands will require an entrance permit from the County of Essex Surface water and subsurface drainage tiles and water should be redirected around the severed parcel A drain apportionment will be required (4th Concession Drain and Pump)
B/19/2022 – 865 Lakeshore Rd 115	<ul style="list-style-type: none"> Any new entrances to the subject lands will require an entrance permit from the Municipality of Lakeshore Surface water and subsurface drainage tiles and water should be redirected around the severed parcel

	<ul style="list-style-type: none">• A drain apportionment will be required (Girard Drain)• This application fronts onto the Girard Drain. Currently, there is only one bridge severing this property. If the severance is approved, then another bridge for the remaining farmland will need to be installed under the Drainage Act. This process can take up to one year.
--	---

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Rivest, CET

Engineering Technologist – Development



planning@erca.org

P.519.776.5209

F.519.776.8688

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

September 29, 2022

Mr. Ian Rawlings

Corporation of the Municipality of Lakeshore

Community Planning, Planning Division

419 Notre Dame Street

Belle River, ON N0R 1A0

Dear Mr. Ian Rawlings:

RE: Application for Consent: B-19-2022
865 LAKESHORE RD 115
ARN 375114000000750; PIN: 750260081
Applicant: Edward Pavlakovich

The following is provided as a result of our review of Application for Consent B-19-2022.

The Municipality of Lakeshore has received an application for the subject property located on the western side of Lakeshore Rd 115, south of County Rd 42.

The subject property is designated "Agriculture" by the Lakeshore Official Plan and zoned "Agriculture (A)" under the Lakeshore Zoning By-law 2-2012.

The subject land is approximately 24.28 ha in area with 284 m of frontage along Lakeshore Rd 115. The property currently contains a residential dwelling as well as a garage, and solar unit. The applicant is proposing to sever the surplus dwelling for the creation of one lot. The proposed lot will have 96 m of frontage along Lakeshore Rd 115, and 1,772 m² in lot area. The retained lot will have 188 m of frontage along Lakeshore Rd 115, and 12.76 ha in lot area.

As a condition of the consent an application to rezone the existing farmland from "Agricultural (A)" to Agricultural zone exception – 1 (A1) will be placed upon the application if passed. Comments regarding the rezoning will be requested at a separate time.

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

Mr. Ian Rawlings
September 29, 2022

Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Girard Drain and Lower Part of Browns Creek 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.

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 within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development



Mr. Ian Rawlings
September 29, 2022

and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel. Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

FINAL RECOMMENDATION

No objections to the surplus dwelling consent.

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,



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

Applicant: John & Cathy Mastronardi

Date: October 13, 2022

Subject: Minor Variance Application A/35/2022 – 305 Water Ave

Recommendation

Deny Minor Variance Application A/35/2022 for a 12.42m wide driveway, as it does not pass the four tests prescribed under Section 45 (1) of the Planning Act. .

Proposal:

The applicants of 305 Water Ave are proposing to construct a 12.42m wide driveway and is therefore seeking relief from section 6.41.4 a) of the Lakeshore Zoning By-law 2-2012 which limits driveways for residential uses to have a maximum width of 7.6m at the lot line and at the curb, edge of pavement, or edge of the travelled portion of the road, as determined by the town.

The minor variance application was presented to the Committee of Adjustment on September 14th, 2022. The application was deferred on the basis that the applicants and the Municipality of Lakeshore engineering department have a discussion on the issues following the driveway widening.

Summary:

Location:

305 Water is a double lot that contains a single residential dwelling unit with an attached 3 car garage. The subject lands are located on the northern side of Water Ave, east of Wallace Line Rd.

Surrounding Land Uses:

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Single Detached Dwelling
West: Single Detached Dwelling

Official Plan

The Lakeshore Official Plan designates the property as 'Residential'.

Zoning:

The subject property is zoned "Residential - Low Density" under the Lakeshore Zoning By-law 2-2012 which permits and regulates the size of driveways that access municipal roads.

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 residential and will require access from municipal roads

The intent and purpose of the zoning by-law is not met. The intent of the zoning by-law is to regulate the size of driveway openings to maintain appropriate design within residential neighbourhoods and maintain adequate storm water management.

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 is not considered minor in nature.

The widening of the driveway does not relate to the existing driveway patterns in the neighborhood. Other dwelling units that have attached 3 car garages maintain the required maximum width of 7.6 m at the lot line.

The final test regards the appropriateness and desirability of the use. The proposed driveway widening is not deemed desirable and appropriate for the area. The subject lands are situated between a 3 way intersection where no driveway access would be most desirable. Therefore, extended driveway access would be undesirable.

Therefore, the requested variance does not meet the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would not be “minor” in nature.
- ii. It would not 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 not maintain the general intent and purpose of the Zoning By-law.

Staff are recommending that the committee deny minor variance application A-35-2022 as the application does not meet the requirements of the four tests.

Correspondence

External and internal agencies

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

ERCA does not express any concerns regarding storm water management. Full comments are available in Appendix C.

Engineering does not support the request to increase the width of the driveway on 305 Water Ave. Engineering wishes to maintain these standards as multiple requests of this nature will increase safety concerns regarding active transportation and could potentially overwhelm the storm water management system implemented within this neighborhood. Full comments are provided in Appendix D.

VIA Rail provided standard comments and expresses no concern regarding the application. Full comments are provided in Appendix F.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land.

Jacalyn Gualtieri, resident of 382 Water Ave expressed that they have no issues regarding the proposed minor variance application. Comments received are provided in Appendix E.

Item Deferral

The applicants of 305 Water Ave have met with the engineering department to discuss the proposed minor variance application. Engineering has expressed concerns with setting a precedent for driveway widening applications. An increase in applications of this manner will result in storm sewer capacity issues. Full engineering comments conveyed at the meeting with the applicant can be found in Appendix G – Engineering Memo.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – ERCA Comments
Appendix D – Engineering Comments
Appendix E – Jacalyn Gualtieri
Appendix F – VIA Comments
Appendix G – Engineering Memo

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-35-2022 Report - Deferred Item.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan and Elevations.pdf- Appendix C - Fire Department Comments.pdf- Appendix D - County Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Via Rail Comments.pdf- Appendix G - Engineering Memo.pdf
Final Approval Date:	Oct 14, 2022

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

Kristina Brcic - Oct 14, 2022 - 4:19 PM



Legend

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

1: 1,383



Notes:

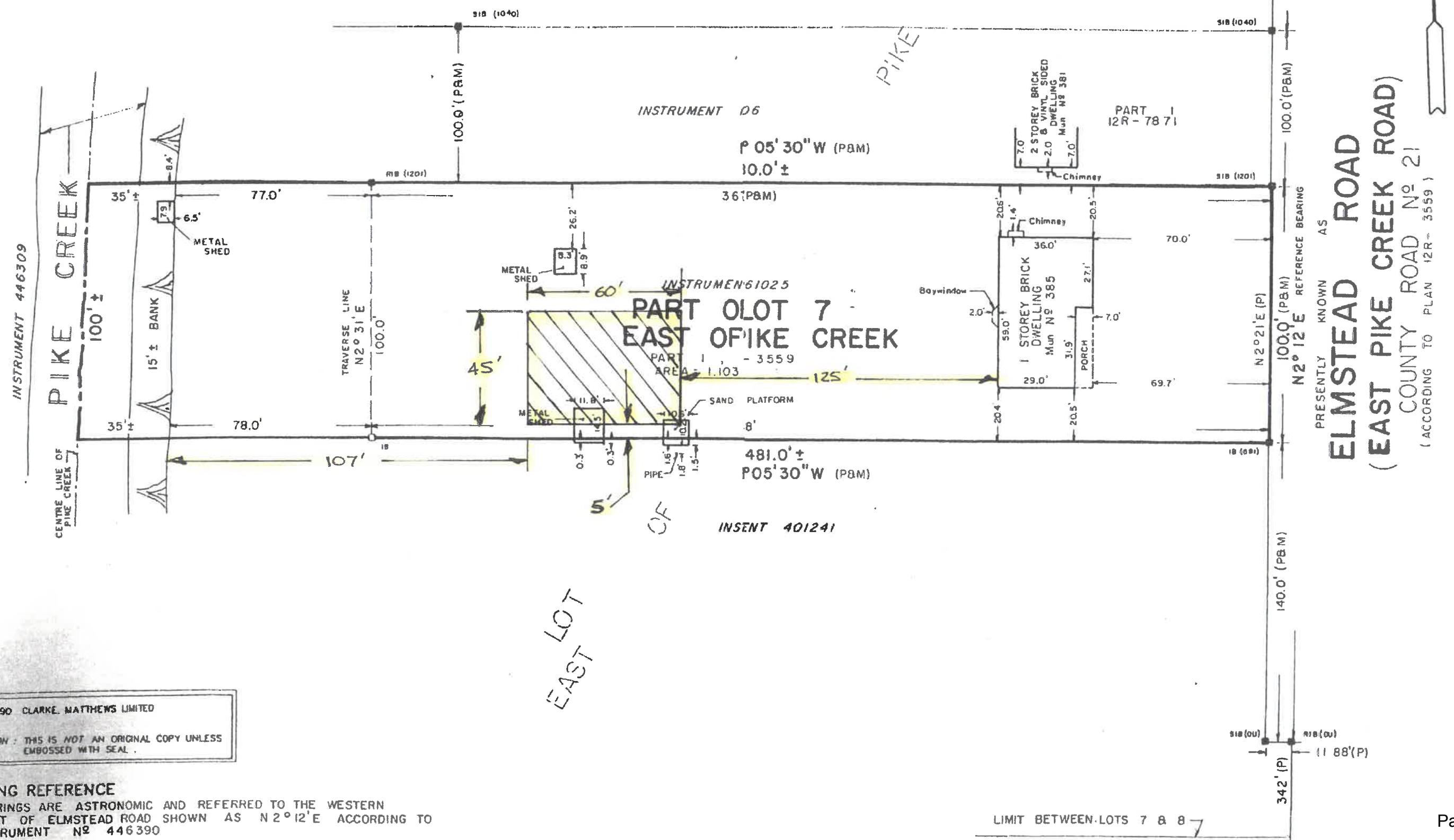
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

**PART OF LOT 7
EAST OF PIKE CREEK**
IN THE
TOWNSHIP OF MAIDSTONE
COUNTY OF ESSEX, ONTARIO

SCALE 1" = 40'

CLARKE, MATTHEWS LIMITED
ONTARIO LAND SURVEYORS
1990

ROAD ALLOWANCE BETWEEN LOTS 6 & 7



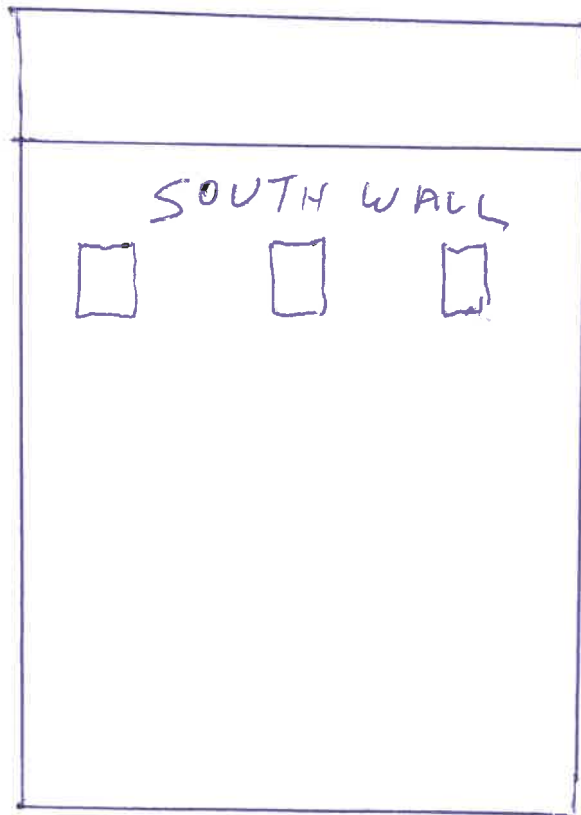
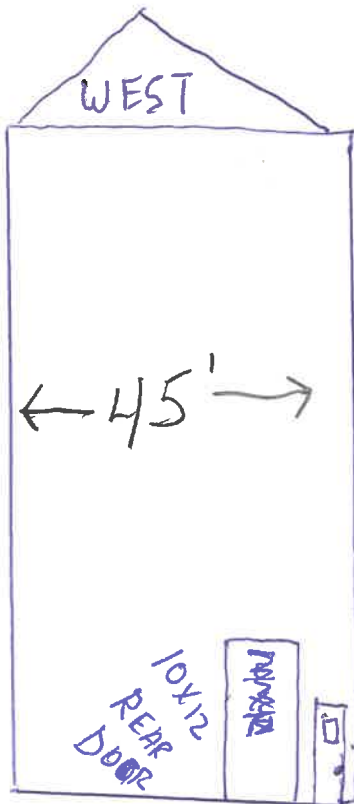
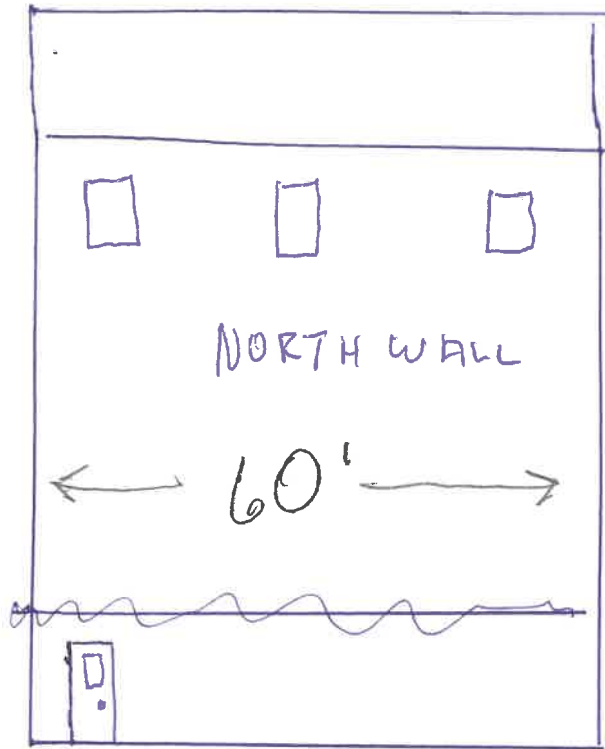
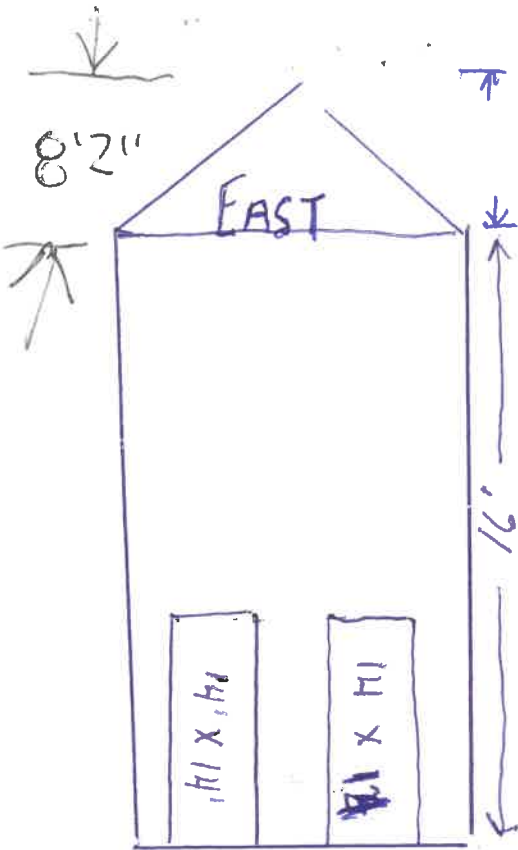
© 1990 CLARKE, MATTHEWS LIMITED
CAUTION: THIS IS NOT AN ORIGINAL COPY UNLESS
EMBOSSED WITH SEAL.

BEARING REFERENCE
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE WESTERN
LIMIT OF ELMSTEAD ROAD SHOWN AS N2°12'E ACCORDING TO
INSTRUMENT N° 446390

LIMIT BETWEEN LOTS 7 & 8

DILLON

385
ELMSTEAD



From: [Don Williamson](#)
To: [Ian Rawlings](#)
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments
Date: October 11, 2022 12:50:05 PM

Yes A-39/2022 – sorry my bad – was reading in order of the attachments.

Don Williamson, CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI
Fire Chief

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-0550 x421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings [REDACTED]
Sent: October 11, 2022 9:40 AM
To: Don Williamson [REDACTED]
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments

Good morning Don,

Not to worry as I still have plenty of time to include this information within our reports. Just to confirm, are you speaking to Application A/39/2022 as the application you detailed below (B/19) is not proposing to construct any new buildings.

Ian Rawlings
Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-2488 ext 676
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Don Williamson [REDACTED]
Sent: October 11, 2022 9:37 AM
To: Ian Rawlings [REDACTED]
Subject: RE: Committee of Adjustment - October 19th - Notice of Comments

Hi Ian

I know this response is way past the deadline.

Fire has no comments for A/38, A/39, B/18.

B/19/2022 - The proponent should be advised that

- The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
- Due to the size of the proposed building, it should be noted that the Lakeshore Fire

Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

Don Williamson, CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI
Fire Chief

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-0550 x421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings [REDACTED]

Sent: September 26, 2022 4:08 PM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Committee of Adjustment - October 19th - Notice of Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following Committee of Adjustment applications:

- A/38/2022
- A/39/2022
- B/18/2022
- B/19/2022

Please note that comments are to be provided by October 4th, 2022 for inclusion in the Planning Report.

Thank you,

Ian Rawlings
Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-2488 ext 676
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



September 29, 2022

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

Dear Mr. Rawlings:

Re: COA Submission, A-39-2022, Jo-Anne & George Dillon

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 21. 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 21. 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. Thank you for your assistance and cooperation in this matter.

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

September 29, 2022

Mr. Ian Rawlings

Corporation of the Municipality of Lakeshore

Community Planning, Planning Division

419 Notre Dame Street

Belle River, ON N0R 1A0

Dear Mr. Ian Rawlings:

RE: Application for Minor Variance: A-39-2022

385 ELMSTEAD RD

ARN 375122000006600; PIN: 750090049

Applicant: Jo-Anne & George Dillon

The following is provided as a result of our review of Application for Minor Variance A-39-2022.

The Municipality of Lakeshore has received an application for the subject property located on the western side of Elmstead Rd, south of Little Baseline Rd.

The subject property is designated "Residential" by the Lakeshore Official Plan and zoned "Residential Waterfront – Watercourse (RW1)" under the Lakeshore Zoning By-law 2-2012. The subject land is approximately 4,468.6 m² in area with 30.4 m of frontage along Elmstead Rd.

The property currently contains a single-family home along with two sheds to be demolished. The applicants are proposing to construct a 251m² accessory structure with a height of 6.12m.

Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012: 'Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.' 'Section 6.5 a) xi) limits accessory structures to not exceed 5.0 m in height unless within an Agriculture 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

Mr. Ian Rawlings
September 29, 2022

Regulation No. 158/06). The parcel falls within the regulated area of the Pike Creek. 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*.

No development is permitted within the 'floodway', as per Section 3.12 of the *2020 Provincial Policy Statement*:

"3.1.2 Development and site alteration shall not be permitted within:

d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding."

In addition, the municipal drain, typically, has an unregistered working space, the municipality has the right to use to maintain or repair the drain. Also, 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.

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration*



Mr. Ian Rawlings
September 29, 2022

*shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*.*

Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

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*.

All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

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

From: [Paul Charbachi](#)
To: [Ian Rawlings](#)
Cc: [Gabriel Nathan](#); [Myriam Pelletier-Dufresne](#); [Shant Demirdjian](#)
Subject: RE: Committee of Adjustment Meeting - September 14th, 2022
Date: September 6, 2022 9:33:01 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically.

The Applicant must meet the following requirements:

- **Transport Canada:**
- *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
- *Railway Right of Way Access Control Policy*;
- *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
- *Standards Respecting Railway Clearances* – TC E-05;
- Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **For pipelines or other utilities crossings under railways:**
- *Standards Respecting Pipeline Crossings Under Railways* – TC E-10.
- **Traffic control near a railways:**
- *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
- *Grade Crossings Regulations*;
- The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
- *Grade Crossings Standards*;
- *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
- *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
- The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
- **Canadian Standards Association:**

- CAN/CSA C22.3 No. 1 – Overhead Systems;
- CAN/CSA C22.3 No. 7 - Underground Systems;
- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
- *Buried Signal and Communication Guidelines;*
- *Guidelines for New Development;*
- *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: [Guidelines for New Development in Proximity to Railway Operations](#).*
- Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
- All loads must be in compliance with Cooper E90;

- **The Federation of Canadian Municipalities and the Railway Association of Canada:**

- *Guidelines for New Development in Proximity to Railway Operations.*

- **Other:**

- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

- **Utilities:**

- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

- **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development. Refer to the blue dashed line of Exhibit A, attached to this letter.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

- **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development to LRT).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the LRT station.
- Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation between Tremblay Rd and the Station parking. VIA also needs confirmation that Avenue L (yellow dotted line shown on Exhibit A), as well as the access to it, will be kept for our operations and upcoming growth.

- **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
 - Air contaminants / Dust pollution;
 - Noise pollution / Working hours;
 - Existing conditions;
 - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



Paul Charbachi

Infrastructure Engineer

Date: October 12, 2022
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Rawlings, Planner 1
Re: A/35/2022 – 305 Water Avenue, Municipality of Lakeshore

Engineering and Infrastructure Division met with the applicant of A/35/2022 on October 4, 2022, to discuss the minor variance application to construct a driveway with a width of 12.42 metres at 305 Water Avenue. The maximum allowable driveway width is 7.5 meters, as noted in the Municipality's zoning bylaw.

The following concerns were discussed with the applicant during the meeting:

1. **Impacts to Stormwater Management and Drainage** – The stormwater management system in this subdivision was designed to accommodate 60% imperviousness (lot coverage) and outlets directly into the Wallace Line Drain. The increased width of the driveway contributes to an increase beyond the design of the stormwater management system, causing adverse impacts to drainage. The subject property is located within a flood prone area that outlets into the Wallace Line Drain. This drain outlet requires improvements to assist with mitigation of the current flooding concerns in this area.
2. **Impacts to Active Transportation and Pedestrian Safety** – Allowing for significant driveway width increases could result in safety concerns on the active transportation facilities (sidewalks and multi-use paths). Further, the subject property is located at a sensitive location in active transportation network in the development as a pedestrian road crossing is also required to be accommodated causing greater conflicts with the proposal.
3. **Impacts to Operation and Safety of the Intersection** – As noted above, the subject property is in close proximity to the T-shaped intersection. Widening of the driveway significantly causes a greater conflict and increases safety risks at this location both operationally and from a safety perspective. It should be noted that the driveway width being proposed is wider than the roadway pavement on Water Avenue (7.9 meters), essentially creating the perception of a 4th wider leg of the intersection.

The Operations Department receives this request numerous times a year from Lakeshore residents. These applications are consistently refused as multiple requests for this variance creates even greater adverse impacts on the above-noted items.

Engineering & Infrastructure Division continues to not support minor variance application A/35/2022. If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Services Division.

Sydnee Rivest, CET, rcji
Engineering Technologist – Development



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, September 14, 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 6:00 PM. All members participated in the meeting through video conferencing technology from remote locations.

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

No Disclosures of Pecuniary interest were made

4. Public Meetings under the Planning Act

a. Minor Variance Application A/35/2022

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

The applicant, John Mastronardi, provided a presentation

Robert Sylvestre asked why the lands have not merged. Kristina Brcic detailed that the process is difficult to explain as the lots were created through the subdivision process.

Ron Barrette asked what side of the road sidewalks will go on. Applicant stated sidewalks will go across their driveway.

Michael Hoffman asked to restate engineering comments. Ian Rawlings restated the engineering comments. Kristina detailed engineering concerns regarding storm water management.

Moved By Robert Sylvestre

Seconded By Michael Hoffman

Defer Minor Variance Application A/35/2022 until engineering and the applicant have a discussion. Findings are to be presented back to the committee at the next committee meeting.

Carried Unanimously

b. Minor Variance Application A/36/2022

Ian Rawlings presented the application. The applicants, Melissa and Craig Mahon were in attendance.

Ron Barrette asked if any comments were received from the neighbours. Ian Rawlings stated that no additional comments were received.

Steve Diemer asked how the structure was constructed in the first place. The applicants stated they hired a contractor who did not proceed with a building permit or with keeping with the setbacks in the zoning by-law and as such they are requesting relief.

Moved By Ron Barrette

Seconded By Steve Diemer

Approve Minor Variance Application A-36-2022 to permit a 41.6m² accessory structure 1.24m from the interior lot line with the condition:

1) That the applicant provide a drainage plan to demonstrate water mitigation.

Carried Unanimously

c. Minor Variance Application A/37/2022

Ian Rawlings presented the application, detailing the consent cancellation first. The applicants, Chris and Shanna Oyler were in attendance.

The applicant, Chris Oyler, detailed the need for a large, accessory structure. Detailing the need for storage of various items.

Ron Barrette suggests pursuing the consent cancellation prior to considering the accessory structure.

Robert Sylvestre requested clarification on the consent cancellation. The applicant detailed the history of the subject lands as a by-product of a consent application, leaving two parcels that can not merge.

Moved By Robert Sylvestre

Seconded By Steve Diemer

Approve cancellation of the consent registered as R778839 on PIN 75004-0069 (LT), (844 Old Tecumseh Rd).

Carried Unanimously

Moved By Steve Diemer

Seconded By Michael Hoffman

Approve Minor Variance Application A-37-2022 to permit an accessory structure with a gross floor area of 105m² with the condition:

1) That the applicant contacts the fire department to assess the use and review the contents of the proposed accessory structure.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Moved By Ron Barrette

Seconded By Steve Diemer

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

Carried Unanimously

a. September 6, 2022 Meeting Minutes

7. New Business

a. Change of Conditions B/04/2022

Ian Search presented the application.

Steve Diemer was not present when application B/04/2022 was first passed. Therefore, Steve Diemer was unable to vote.

Ron Barrette asked if the applicant would need the extended time to fulfill the conditions. Ian Search expressed that fulfilling the new condition is a lengthy process and could potentially take a year.

Moved By Ron Barrette

Seconded By Michael Hoffman

Change the conditions of provisional consent B-4-2022 given on March 16th, 2022, by:

1) adding the following condition to the list of conditions under Schedule "A" of the Decision: "That the applicant initiate and complete work under Section 4 under the Drainage Act to the satisfaction of the Municipality. This is required to create a subsequent connection into the Croson Drain (a municipal drainage system) located on the south side of South Middle Road. The subsequent connection is required to span the length of the frontage of all three lots and shall be completed prior to the stamping of the deed(s). All requirements of the Drainage Superintendent shall be completed prior to the stamping of the deed(s).";

2) amending current condition numbered "9" to Schedule "A" of the Decision by replacing it with the following condition: "That all conditions be met in accordance with Section 53 (41) of the Planning Act, R.S.O. 1990, c. P.13";

3) giving notice of the changes to the conditions of provisional consent B-4-2022 in accordance with subsection 53 (24) of the Planning Act.

Carried

8. Adjournment

adjourn at 7:03

Moved By Steve Diemer

Seconded By Michael Hoffman

The Committee of Adjustment adjourn its meeting at 7:03 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Rawlings

Secretary-Treasurer