



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, February 15, 2023, 6:00 PM

Members Present: Chair Mark Hacon, Member Michael Hoffman, Member Nancy Flagler-Wilburn, Member Jeremy Prince, Member Linda McKinlay

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

1. Call to Order

Secretary Treasurer Kristina Brcic called the meeting to order at 6:19 pm. All members participated in the meeting. Members Mark Hacon, Linda McKinlay and Nancy Flagler-Wilburn participated in person at Town Hall through council chambers. Members Michael Hoffman and Jeremy Prince participated in the meeting through video conferencing technology from remote locations.

a. Selection of Chair

Kristina Brcic called for nominations of chair.

Mark Hacon was nominated as chair.

01/02/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Appoint Mark Hacon as Chair for the Committee of Adjustment.

Carried Unanimously

Kristina Brcic called for nominations of Vice Chair.

Michael Hoffman was nominated as Vice Chair.

02/02/2023

Moved By Mark Hacon

Seconded By Linda McKinlay

Appoint Michael Hoffman as Vice Chair for the Committee of Adjustment.

Carried Unanimously

2. **Land Acknowledgement**
3. **Disclosures of Pecuniary Interest**
4. **Public Meetings under the Planning Act**

a. Minor Variance Application A-44-2022

Ian Rawlings presented the application, the applicant, Denise Madden was in attendance.

The applicant, Denise Madden, stated that there is only one applicable definition and detailed that the item in question is a structure, not a covered patio as Ian Rawlings referred to. The applicant stated that they received a site plan detailing an exterior unit of a triplex and that they were allotted 40% lot coverage. Yet the builders constructed the triplex dwelling consuming 41% lot coverage. The applicant stated that they believe they meet all the requirements of the zoning by-law.

Linda McKinlay asked administration what the engineering department would consider to resolve this issue in lot coverage. Ian Rawlings stated that it has been exercised in the past where an application is deferred at the request that a meeting between the applicant and engineering takes place to come to a resolution.

Nancy Flagler-Wilburn asked if the covered patio is currently built. The applicant confirmed that the structures are currently built.

Mark Hacon asked administration if the covered patio was constructed after the house was built. Ian Rawlings confirmed that the structure was built following the construction of the house.

Nancy Flagler-Wilburn asked if a covered porch is built into the existing structure. The applicant confirmed that a covered porch was built into the existing structure.

Mark Hacon asked administration if the accessory structures would require a building permit. Ian Rawlings confirmed that the accessory structures would require a building permit.

03/02/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

Deny minor variance application A/44/2022 at 742 Faleria Street which seeks to legalize the construction of two accessory structures within the rear yard 0.0 m from the main structure and 0.0 m from an existing easement resulting in 46.8% total lot coverage.

Carried Unanimously

b. Minor Variance Application A-46-2022

Ian Rawlings presented the application, the applicants agent, Cindy Prince was in attendance.

The applicants agent, Cindy Prince, stated that they agree with the planning report, and requested that the requirements detailed by the Essex Region Conservation Authority not be included as conditions.

Linda McKinlay asked administration to confirm the height of the accessory structure. Ian Rawlings stated that the height is approximately 4.6 meters.

Michael Hoffman asked the applicant what is the intended use of the structure and if there is any commercial use. The applicants agent stated that it is a large property and the owners are avid gardeners and wanted the potting shed attached to the garage. The applicants agent detailed that there will be no commercial use, just personal use.

Mark Hacon asked administrations if the requirements detailed by the Essex Region Conservation Authority are included as conditions. Ian Rawlings stated that all requirements detailed by the Essex Region Conservation Authority will be handled through the building department when appropriate.

04/02/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/46/2022, to permit an 70.0 m² accessory structure in the rear yard of 797 Old Tecumseh Rd, in accordance with the site plan provided in Appendix - B.

Carried Unanimously

c. Minor Variance Application A-47-2022

Ian Rawlings presented the application, the applicant, Attila Sherman was in attendance.

The applicant, Attila Sherman, stated that they agree with report provided.

Nancy Flagler-Wilburn asked administration if there is a fence along the Wallace Line elevation. Ian Rawlings confirmed that there is a fence.

Linda McKinlay asked administration if there are any concerns with turf. Ian Rawlings stated that turf is not regulated under the current Zoning By-law.

05/02/2023

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve minor variance application A/47/2022, to permit a 13.4 m² deck built within the rear yard of 200 Rafih Crescent, that is 0.25 m from the rear lot line and is 0.15 m in height.

Carried Unanimously

d. Minor Variance Application A-48-2022

Ian Rawlings presented the application, the applicant, Megan Di Caro was in attendance.

The applicant, Megan Di Caro, stated that the neighbour closest to the proposed garage is built up higher, and that they are applying to save a mature tree.

Linda McKinlay stated that the proposal is keeping with the neighbourhood.

06/02/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

Approve minor variance application A/48/2022, to permit a 46 m² accessory structure in the side yard of 1546 Caille Ave, to be located 1.10

m from the eastern side lot line in accordance with the site plan in Appendix - B.

Carried Unanimously

e. Minor Variance Application A-49-2022

Ian Rawlings presented the application. The applicant, Dan Caster, was present.

The applicant, Dan Caster, stated that he is looking to construct a home for a customer whose parents need a wheelchair accessible home. He stated that he made sure to maintain the correct green space required under the Lakeshore Zoning by-law. The development will reflect other homes in within the area and all additional setbacks detailed within the zoning by-law are maintained.

Mike Hoffman asked administration to clarify the issues that the engineering department has with the proposed application. Ian Rawlings detailed that Engineering and Drainage had issue with lot coverage but are willing to support the additional lot coverage for accessibility purposes.

07/02/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

Motion: approve

Approve minor variance application A/49/2022, to permit a maximum lot coverage of 40% for the construction of a 262.49m² single detached dwelling at 262 Xavier Circle, in accordance with the site plan provided in Appendix B.

Carried Unanimously

f. Minor Variance Application A-50-2022

Ian Rawlings presented the application. The applicant, Ray Proulx, was present.

The applicant, Ray Proulx, stated that he was there to answer any additional questions.

Nancy Flagler-Wilburn asked if the existing structure closest to the road is going to be replaced and what the height of the proposed structure will be. The applicant stated that the height of the new structure will be the same as the current.

08/02/2023

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve minor variance application A/50/2022, to permit a 158.31 m² accessory structure in the front yard of 389 Lakeview Dr, 1.22 m from the eastern interior lot line in accordance with the site plan provided in Appendix - B.

Carried Unanimously

g. Minor Variance Application A-51-2022

Ian Rawlings presented the application. The applicant, Jeffrey Diemer, was present.

The applicant, Jeffrey Diemer, stated that they agree with the report provided.

09/02/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

Approve minor variance application A/51/2022, to permit a setback of 1.7 m from the rear lot line at 2037 County Rd 46, in accordance with the site plan provided in Appendix - B.

Carried Unanimously

h. Minor Variance Application A-01-2023

Ian Rawlings presented the application. The applicant, Scott Harris, was present.

The applicant, Scott Harris, stated that they have complied with ERCA requirements for the break-wall and are the highest point of the road.

Albert Missant of 4856 St Clair stated that they are not supportive of the minor variance application as they have issues with gross floor area and

the separation from the lake. They detailed that it is a lot of development in a small footprint and that the setback from the front lot line is not detailed accurately.

Ian Rawlings stated that the inaccuracies found within the site plan will not hinder the development of the application and that the application still meets all other setbacks as required.

Linda McKinlay asked administration if the height is keeping with the neighbourhood. Ian Rawlings stated that it is.

Nancy Flagler-Wilburn asked if the development is going to be roughly in the same location. Ian Rawlings detailed that the dwelling unit will be constructed in the same location and the accessory structure will be closer to the road.

10/02/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

Approve minor variance application A/01/2022 at 4778 St Clair Rd, to permit the construction of a 153 m² single detached dwelling to be located 0.91 m from the eastern interior lot line, and 1.22 m from the western interior lot line and to permit a 78 m² accessory structure with a height of 5.1 m, to be located 0.61 m from the eastern interior lot line in accordance with the site plan in Appendix B.

Carried Unanimously

i. Consent Application B-25-2022

Ian Rawlings presented the application. The applicant, Jim Diemer, was present.

The applicant, Jim Diemer provided no statement.

11/02/2023

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve Consent Application B/25/2022 to sever approximately 5,948.9 m² in lot area for a surplus dwelling severance at 2889 Lakeshore Rd 225, 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, septic systems, 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 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;
- 5) That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That a septic test report indicating the location of the existing septic system on the retained parcel from the proposed severance line be submitted; to the satisfaction of the Municipality;
- 7) That the applicant demonstrate that the bridge used for accessing the turbine is a permanent access bridge and not temporary. Should the access bridge be temporary, then the applicant shall install a new 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;
- 8) 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;
- 9) 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;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 15, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

Michael Hoffman left the meeting not feeling well at 7:40pm prior to the application B/01/2023 being presented.

j. Consent Application B-01-2023

Ian Rawlings presented the application. The applicants agent, Jennifer McKim, was present.

The applicants agent, Jennifer McKim, detailed that she is representing the applicant and abutting receiving lands. The applicant asked, when the Zoning By-law Amendment will be completed.

Kristina Brcic stated that the Zoning By-law Amendment is being brought to the Feb 28th council meeting and that the application will be complete following the 20 day appeal period. If no appeals are filed then the Zoning By-law Amendment will be will be completed.

Nancy Flagler-Wilburn asked if the nearby development detailing “Phase 3” is related to this application or the subject lands. The applicant stated that is a separate property development under another ownership.

12/02/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve consent application B/01/2023 to sever approximately 1,021.93 m² from the rear yard of 218 Renaud Line Rd for a lot addition to be added to the neighboring property, 1303 County Rd 22. 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 for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severance;

- 5) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge;
- 6) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 7) That the applicant applies for a zoning by-law amendment and be granted approval to place a holding symbol on the lands to be severed, currently zoned "Residential – Low Density (R1)";
- 8) 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;
- 9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 15, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

k. Consent Application B-02-2023 and B-03-2023

Ian Rawlings presented applications B-02-2023 and B-03-2023 together. The applicants, Ed Hooker and Karen Fuerth were in attendance.

The applicant, Ed Hooker, stated he is present to answer any questions.

The applicant, Karen Fuerth, stated she is present to witness the proceedings.

13/02/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve Consent Application B/02/2023 to sever approximately 4,046 m² (1 ac) in lot area for a surplus dwelling severance at 1475 O'Brien Sdrd, 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, septic systems, 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 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;
- 5) That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That a septic test report indicating the location of the existing septic system on the retained parcel from the proposed severance line be submitted, to the Municipality's satisfaction;
- 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 at the time of payment, 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 February 15, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

14/02/2023

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve Consent Application B/03/2023 to sever approximately 4,046 m² (1 ac) in lot area for a surplus dwelling severance at 1162 County Rd 46,

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, septic systems, 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 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;
- 5) That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That a septic test report indicating the location of the existing septic system on the retained parcel from the proposed severance line be submitted, to the Municipality's satisfaction;
- 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 at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 9) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the retained farming parcel and the abutting farming parcel will be registered in the same name(s) in satisfaction that all parcels will merge;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 15, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

a. December 7, 2022 Meeting Minutes

Deferred minutes of the previous meeting as listed on the agenda until clarification from clerks department is provided.

7. New Business

a. Consent Cancellation - 216 Renaud Line Rd, 1303 County Rd 22, 1313 County Rd 22

Ian Rawlings presented the application, the applicant, Jennifer McKim was in attendance.

The applicant presented an explanation of consent cancellations and the need for development on the subject property.

Consent Cancellation - R440291 on PIN 75031-0175 (R)

15/02/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-0175 (R);

Carried Unanimously

Consent Cancellation - R440291 on PIN 75031-1444 (LT)

16/02/2023

Moved By Jeremy Prince

Seconded By Linda McKinlay

Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-1444 (LT);

Carried Unanimously

Consent Cancellation - R647381 on PIN 75031-1444 (LT)

17/02/2023

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Cancel the consent registered as R647381 dated 1975/10/28 on PIN 75031-1444 (LT);

Carried Unanimously

Consent Cancellation - R663529 on PIN 75031-1444 (LT)

18/02/2023

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Cancel the consent registered as R663529 dated 1981/04/21 on PIN 75031-1444 (LT), and;

Carried Unanimously

Consent Cancellation - R851751 on PIN 75031-1444 (LT)

19/02/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

Cancel the consent registered as R851751 dated 1981/10/21 on PIN 75131-1444 (LT).

Carried Unanimously

b. Minor Condition Change to Consent Application B-4-2022

Ian Rawlings presented the application for a minor condition change.

Mark Hacon asked administration if both the drainage department and the applicant are supportive of this change. Ian Rawlings confirmed that both parties requested the change together.

20/02/2023

Moved By Mark Hacon

Seconded By Nancy Flagler-Wilburn

Amend condition #9 for consent application B-04-2022 to state the following:

(9) Drainage works to be completed to the satisfaction of the Drainage Superintendent prior to the stamping of the deed.

Carried Unanimously

c. Approval of Future Meeting Dates

21/02/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Carried Unanimously

8. Adjournment

22/02/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 8:43 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer