

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, February 15, 2023, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
 - a. Selection of Chair
2. Land Acknowledgement
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act 8
 - a. Minor Variance Application A-44-2022 9

Recommendation:
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.
 - b. Minor Variance Application A-46-2022 20

Recommendation:
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.
 - c. Minor Variance Application A-47-2022 40

Recommendation:
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.

- d. Minor Variance Application A-48-2022 55
- Recommendation:**
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.
- e. Minor Variance Application A-49-2022 69
- Recommendation:**
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.
- f. Minor Variance Application A-50-2022 94
- Recommendation:**
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.
- g. Minor Variance Application A-51-2022 109
- Recommendation:**
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.
- h. Minor Variance Application A-01-2023 119
- Recommendation:**
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 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.
- i. Consent Application B-25-2022 134
- Recommendation:**
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.

Recommendation:

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.

Recommendation:

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.

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

186

Recommendation:

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

- a. December 7, 2022 Meeting Minutes

7. New Business

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

191

Recommendation:

That the Committee of Adjustment endorse a consent cancellation certificate for the following:

- 1) Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-0175 (R);
- 2) Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-1444 (LT);
- 3) Cancel the consent registered as R647381 dated 1975/10/28 on PIN 75031-1444 (LT);
- 4) Cancel the consent registered as R663529 dated 1981/04/21 on PIN 75031-1444 (LT), and;
- 5) Cancel the consent registered as R851751 dated 1981/10/21 on PIN 75131-1444 (LT).

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

202

Amend Condition #10 to state the following:

- 10) Drainage works to be completed to the satisfaction of the Drainage Superintendent Prior to the stamping of the deed.

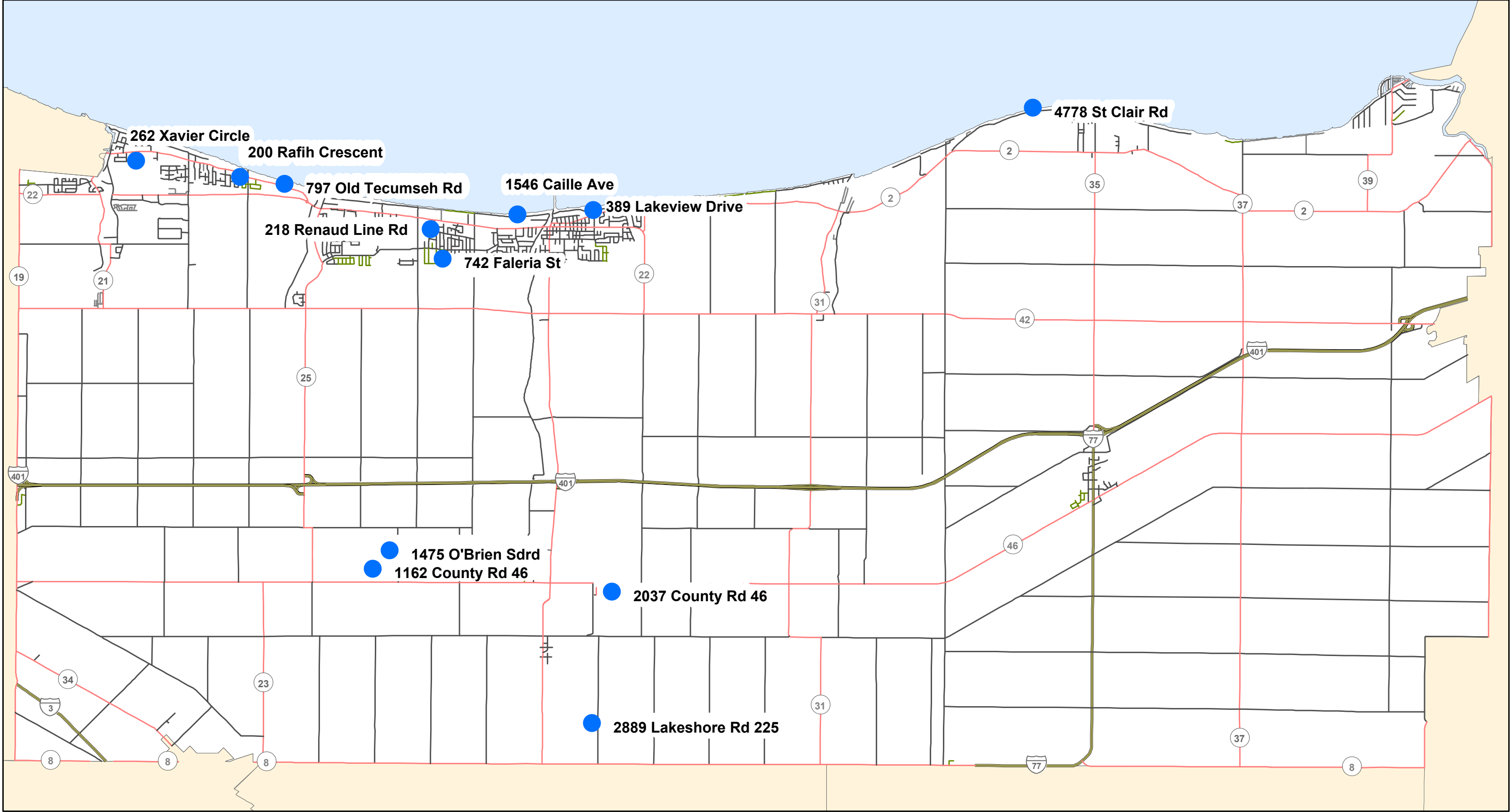
- c. Approval of Future Meeting Dates

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Committee of Adjustment Meeting Application Locations, February 15, 2023



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings
Date: February 9, 2023
Applicant: Craig & Denise Madden
Subject: Minor Variance Application A/44/2022 – 742 Faleria St

Recommendation

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.

Proposal:

The applicants of 742 Faleria Street are applying to legalize the construction of two accessory structures within the rear yard of their property. The first accessory structure is an un-enclosed, covered patio with a gross floor area of 20.5 m², located 0.0 m from the main dwelling and 0.0 m from an existing easement on the property. The second accessory structure is a storage shed, with a gross floor area of 7.1 m² and is located 0.0 m from an existing easement. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- To permit a maximum lot coverage of 46.8 %, whereas section 9.2.16 iii) permits a maximum lot coverage of 40% for exterior single attached dwellings (including accessory buildings and structures)
- To permit an accessory structure 0 m from the main building, whereas section 6.5 a) x) requires a setback of 3.0 m from the main building.
- To permit a 0.0 m setback from an existing easement, whereas section 6.6 requires a setback of 1.0 m from an existing easement with a width less than 6 m.

Summary:

Location:

The subject property known as 742 Faleria Street is approximately 457 m² in area with 12.1 m of frontage along Faleria St. The property currently contains the end unit of a dwelling triplex. The subject property contains a 1.5 m easement that runs along the rear lot line and the interior lot line on the south side of the property. This easement is in favor of the central triplex dwelling unit allowing them access to their rear yard from the outside. The subject property is located within the Lakeshore New Centre Estates Subdivision on the western side of Faleria Street, north of Campana Crescent.

Surrounding Land Uses:

North: Interior, single attached dwelling (Attached to subject property)

East: Triplex Dwelling

South: Duplex Dwelling

West: Single Detached Dwelling

Official Plan

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

Zoning:

The subject property is zoned Residential Type 2 Zone Exception 16 (R2-16) which contains specific permitted uses and zoning regulations detailed within section 9.2.16 of the Lakeshore Zoning Bylaw.

Minor Variance Tests:

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 which permits accessory structures and uses for residential designations. The Lakeshore Official Plan does not regulate lot coverage for residential designations and does not speak to easement setbacks. Therefore, conforming to the Lakeshore Official Plan.

Relief from Section 9.2.16 iii): Lot Coverage

- To permit a maximum lot coverage of 46.8 %, whereas section 9.2.16 iii) permits a maximum lot coverage of 40% for exterior single attached dwellings (including accessory buildings and structures)

The intent and purpose of the zoning by-law is not met as regulations detailing lot coverage are implemented to ensure that the size and massing of structures upon the property conform with the character area, provide outdoor amenity space, and adequate drainage for the property. The proposed increase in lot coverage maintains both private and non-private outdoor amenity space. However, the lot coverage of 40% is designed for the drainage systems implemented within the subject area. The increase in lot coverage could potentially impact the drainage systems in place and impact drainage capabilities of neighbouring properties.

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 lot coverage does not prove minor as it can adversely impact the drainage systems implemented and multiple applications of this nature can overwhelm the existing drainage systems.

The final test regards the appropriateness and desirability of the use. The proposed increase in lot coverage does not prove desirable as the request for increase lot coverage can impact the drainage systems available to the neighboring properties and increase water runoff from the subject property, onto neighboring properties.

Relief from Section 6.5 a) x) Setbacks from Main Building

- To permit an accessory structure 0 m from the main building, whereas section 6.5 a) x) requires a setback of 3.0 m from the main building.

The intent and purpose of the zoning by-law which establishes a setback of 3.0 m for accessory structures from the main structure is to provide adequate circulation and fire protection. As no comments were received from the fire department or the building department and the proposed accessory structure to be located 0.0 m from the main structure is of simple wood framing and is open on all sides it is of the opinion of the planner that the intent and purpose of the Zoning By-law is met.

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. As the proposed accessory structure remains open on all sides and maintains circulation, the proposed setback of 0.0 meters from the main building proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed setback of 0.0 meters appears appropriate for the intended use as a covered patio to be used for leisure and comfort. Therefore, the proposed setback appears appropriate for the development within the subject lands.

Relief from Section 6.6: Setbacks from existing Easements

- To permit a 0.0 m setback from an existing easement, whereas section 6.6 requires a setback of 1.0 m from existing easement with a width less than 6 m.

The intent and purpose of the zoning by-law and the established 1.0 m setback is to allow adequate circulation and access to easement lands for its intended use as described in an easement agreement. The use of the subject easement in question is in place to provide circulation for the residents of the interior, single attached dwelling to access their rear yard. As the intent of the easement is met without the 1.0 m setback the intent and purpose of the zoning by-law is met.

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 setback of 0.0 m from the existing easement for both accessory structures reflects the setback from the easement of the main structure. As the setback of 0.0 m maintains circulation and access it is determined to be minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed setback of 0.0 m from the existing easement for both accessory structures does not impede on the intent of the easement and access to the neighboring rear yard is provided. Therefore, the proposed setback of 0.0 m for both accessory structures is deemed appropriate for the intended use.

Conclusion:

The requested variance for an increase in lot coverage 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 deemed 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 not maintain the general intent and purpose of the Zoning By-law.

The requested variance for a reduced setback of 0.0 meters from the main structure and the existing easement passes 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 deemed 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.

Correspondence:

External and internal agencies

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

Engineering has expressed that the existing storm sewer/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional storm water runoff may create adverse impacts on the surrounding drainage system. Engineering has also expressed that access to the easement must be maintained at all times. Full comments can be found within Appendix – C.

The building department has expressed that the neighboring unit must have appropriate access to the easement lands. Full comments can be found within 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
Appendix C – Engineering Comments
Appendix D – Building Comments

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-44-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site plan.pdf- Appendix C - Engineering Comments.pdf- Appendix D - Building Comments.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 9:29 AM



Legend

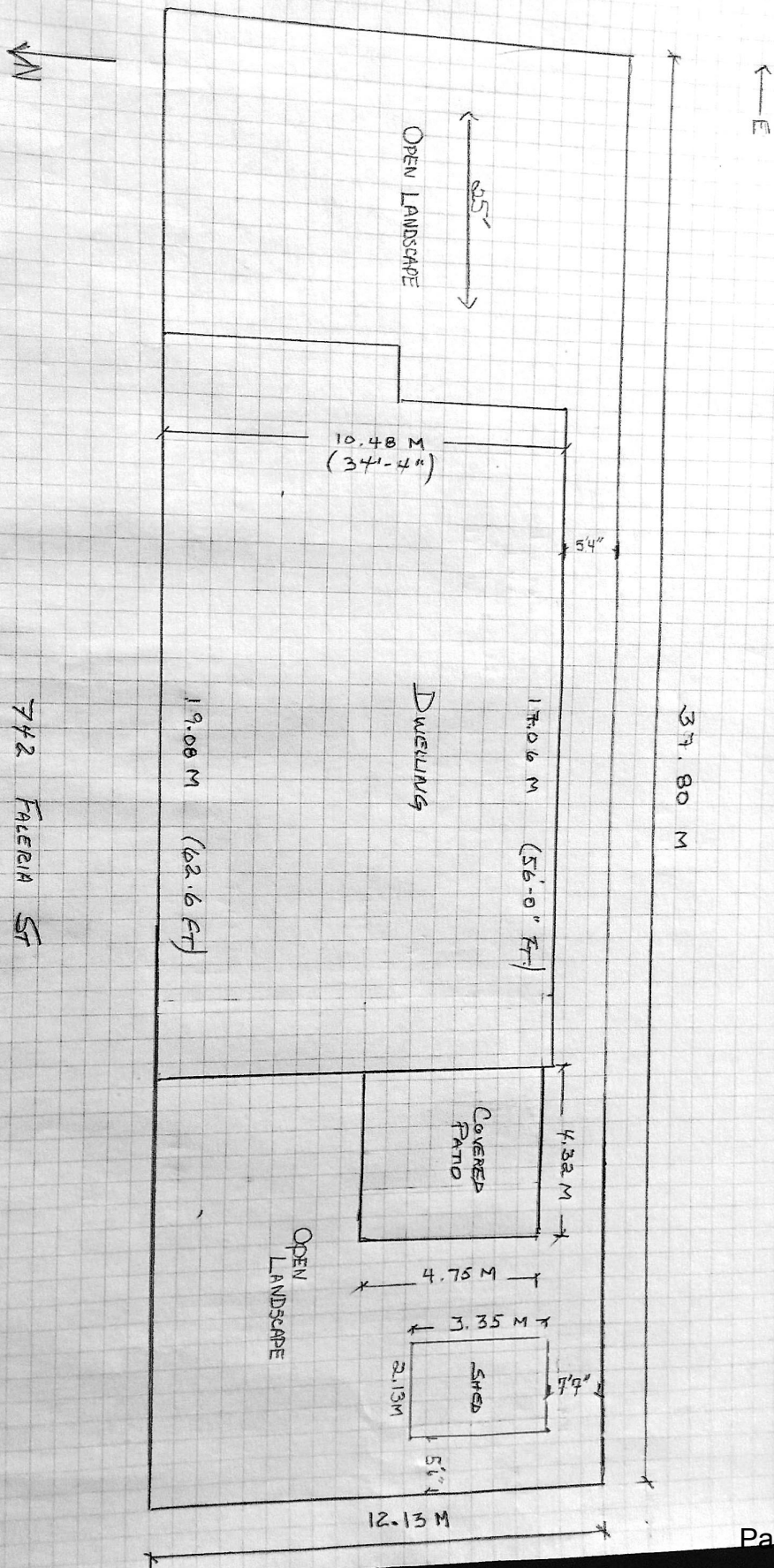
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- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 595



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



742 FALEIA ST

Date: February 3, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – February 15, 2023

Operations has received and reviewed all Committee of Adjustment applications for February 15, 2023 meeting and provide the following comments:

Application	Comments
A/44/2022 – 742 Faleria St	<ul style="list-style-type: none"> The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional stormwater runoff may create adverse impacts on the surrounding drainage system. Access to the existing easement must be maintained at all times.
A/01/2023 – 4778 St. Clair Rd	<ul style="list-style-type: none"> The reduction of side yard setback beyond 1.5m may result in adverse impact to the drainage on the private lands and create flooding issues. Construction of the home and accessory buildings should not adversely impact the side yard drainage or adjacent neighboring lands.
B/02/2023 – 1475 O'Brien Sdrd	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage

	<p>tiles and water should be redirected around any future dwelling / around the severed parcel.</p> <ul style="list-style-type: none"> Any new entrances require an entrance permit from the Municipality of Lakeshore.
B/03/2023 – 1162 County Rd 46	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage tiles and water should be redirected around any future dwelling / around the severed parcel. Any new entrances will require an entrance permit from the County of Essex.

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

Sydnee Rivest, CET, rcji

Engineering Technologist – Development

From: [Morris Harding](#)
To: [Ian Rawlings](#)
Subject: RE: Committee of Adjustment - February 15, 2023 - Notice for Comments
Date: January 23, 2023 8:52:22 AM

Good morning, Ian.

We have reviewed the Feb 15th Committee of Adjustment Applications; our comments are as follows.

A/01/2023- Shall comply with The Ontario Building Code regarding spatial separation.

A/44/2022- Please ensure the neighboring unit will still have complete access to their rear yard.

B/02/2023 No concerns

B/03/2023 No concerns.

Thank You

Morris Harding , C.B.C.O.
Division Leader - Building and Chief Building Official
Municipality of Lakeshore | Growth and Sustainability - Building
419 Notre Dame Street, Belle River, ON, NOR 1A0
T: 519-728-1975 x258
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 17, 2023

Applicant: Jamie & Lisa Larocque (Owners)
Cindy Prince (Agent)

Subject: Minor Variance Application A/46/2022 – 797 Old Tecumseh Rd

Recommendation

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.

Proposal:

The applicants of 797 Old Tecumseh Rd are proposing to construct a 70.0 m² accessory structure 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 buildings to not exceed a gross floor area of 55.0 m² for each accessory building on a lot in an R1 zone.

Summary:

Location:

The subject property known as 767 Old Tecumseh Rd is approximately 7,216 m² in area with 30.56 m of frontage along Old Tecumseh Rd and contains a single-family home under construction. The subject property is located on the southern side of Old Tecumseh Rd, east of Wallace Line Rd.

Surrounding Land Uses:

North: Single Detached Dwellings

East: Single Detached Dwellings

South: VIA Railway Line, County Rd 22, and a Wood lot

West: Single Detached Dwellings

Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which permits accessory structures for residential dwellings.

Zoning:

The subject property is zoned Residential – Low Density (R1) under the Lakeshore Zoning By-law 2-2012 which permits accessory structures in accordance with section 6.5 a) of the Lakeshore Zoning By-law 2-2012.

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 accessory uses and structures for residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on gross floor area for accessory structures are implemented to maintain the use as secondary to the main structure. The proposed structure will remain secondary to the main structure in height and area. Therefore, complying with the intent and purpose of the zoning by-law.

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 accessory structure will only account for 1% of the total lot coverage, well below the maximum percentage of 15%. Staff are of the opinion that the construction of the proposed accessory structure shall not adversely impact rear and side yard drainage or adjacent neighboring lands.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size and use of accessory structures of neighboring properties in the area. The proposed accessory structure will not impact the character area and proves desirable in its use as a garage and storage area within the rear yard.

Therefore, the requested variance passes 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.
- iii. 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 has expressed that the applicant will be required to obtain a permit from ERCA prior to any construction or site alteration and that the proposed structure will need to satisfy the minimum floodproofing requirements. Full comments can be found within Appendix – C.

The County of Essex has provided engineering comments only which can be found within Appendix – D.

VIA Rail has provided standard comments which can be found within Appendix – E.

Engineering has expressed the construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighboring lands. Full comments can be found within 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. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – ERCA Comments
Appendix D – County of Essex Comments
Appendix E – VIA Rail Comments
Appendix F – Engineering Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-46-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan and Elevations.pdf- Appendix C - ERCA Comments.pdf- Appendix D - County of Essex Comments.pdf- Appendix E - VIA Rail Comments.pdf- Appendix F - Engineering Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 9:42 AM



Legend

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

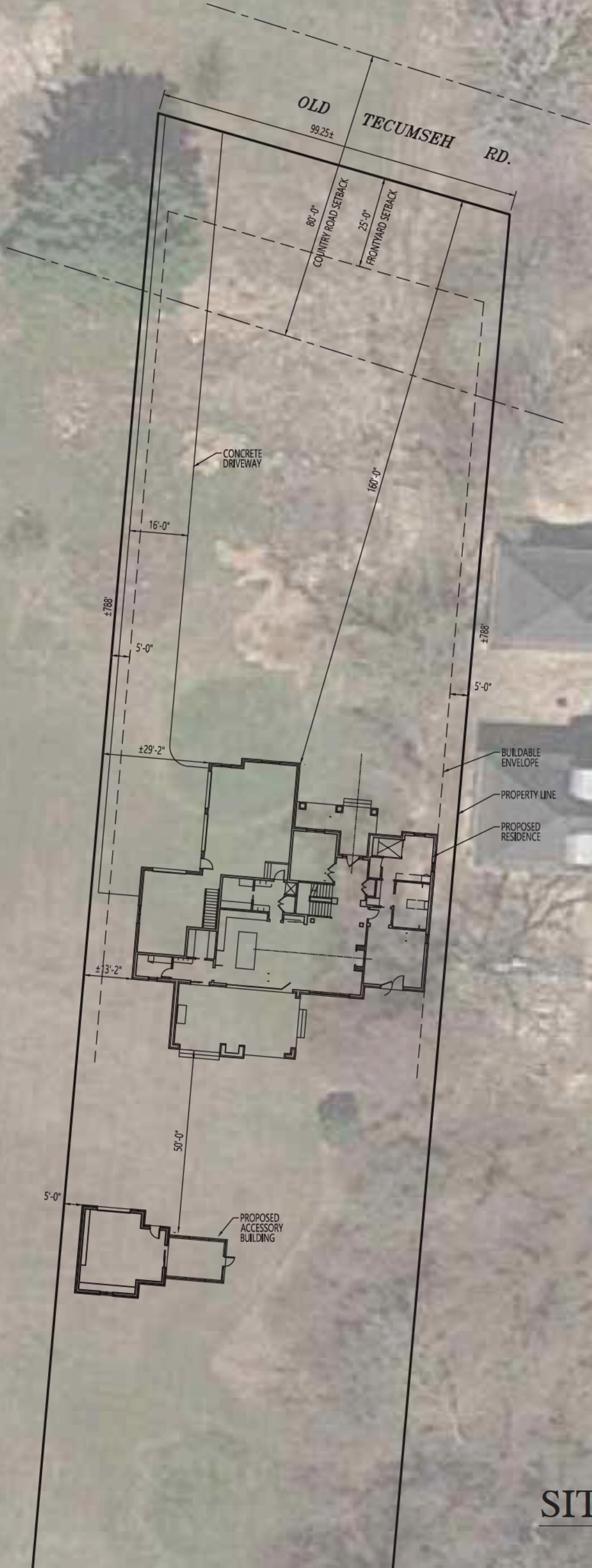
1: 2,081



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

SITE DESCRIPTION:
Mun. No. 797 Old Tecumseh Road Town of Lakeshore, Ontario

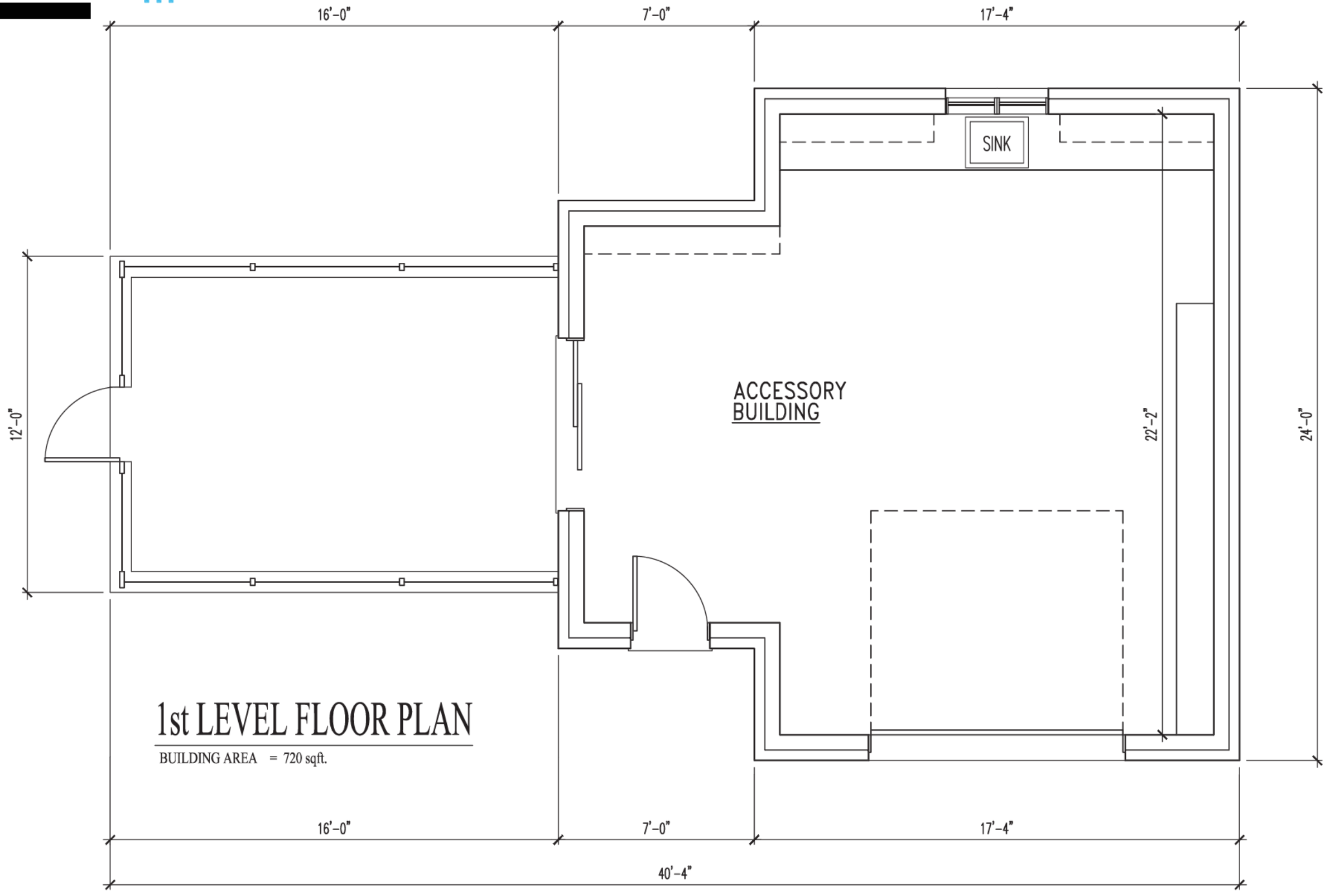


LAROCQUE ACCESSORY BLDG.

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NOVEMBER 15, 2022

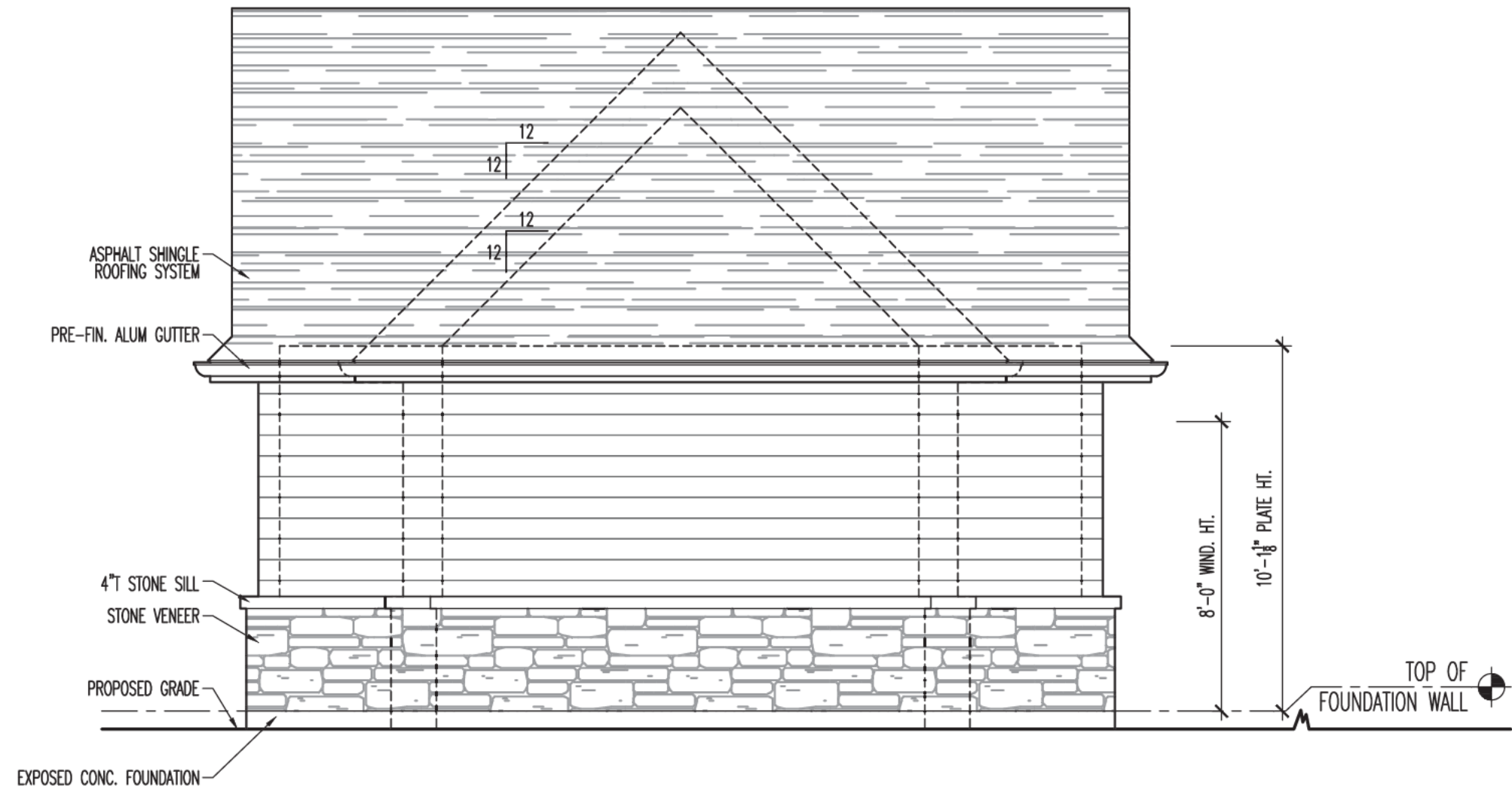
SITE PLAN
SCALE: 1" = 30'



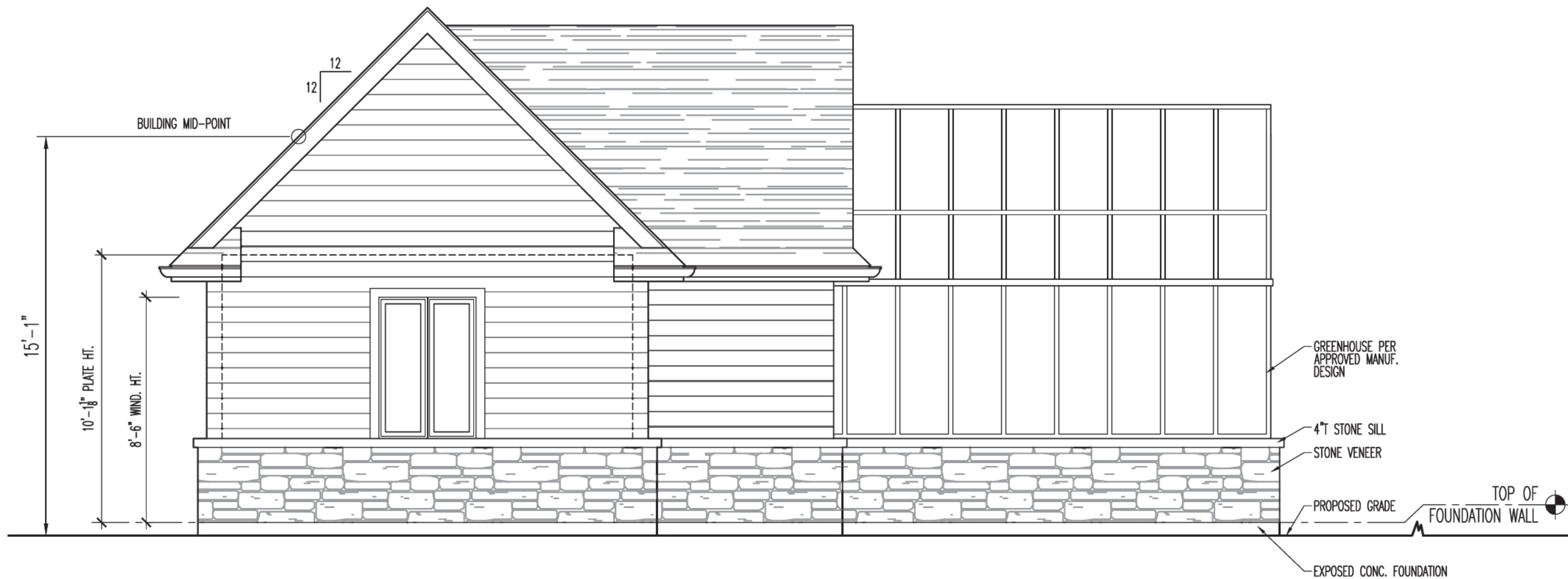




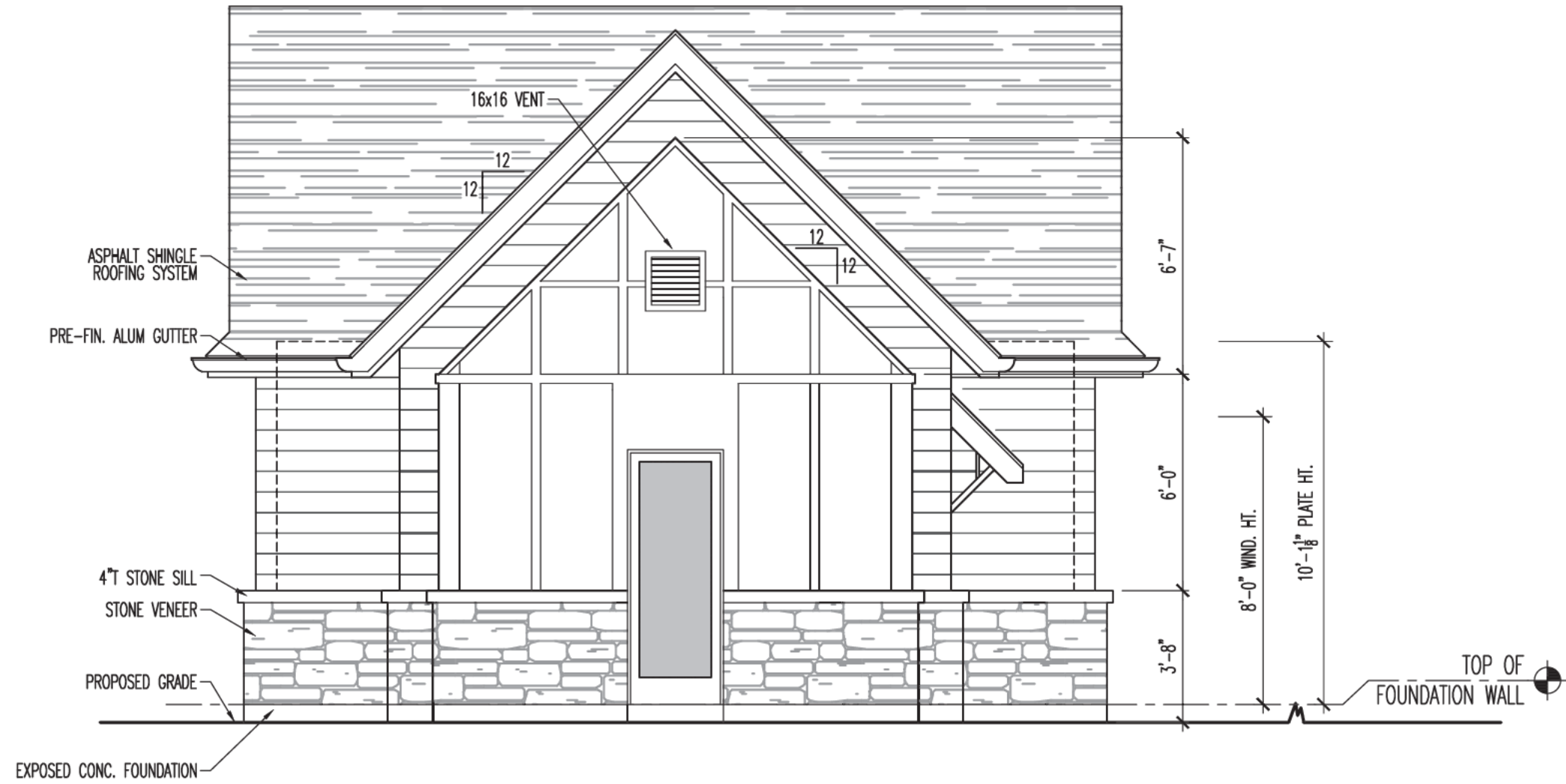
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-46-2022 797 OLD TECUMSEH RD
ARN 375120000013900; PIN: 750040110
Applicant: Jamie & Lisa Larocque

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct a 70.0 m2 accessory structure in the rear yard. The following is provided as a result of our review of Application for Minor Variance A-46-2022.

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

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

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

The proposed structure will need to satisfy the minimum floodproofing requirements.

FINAL RECOMMENDATION

The property owner is required to obtain a Permit from ERCA prior to any construction or site alteration. The proposed structure will need to satisfy the minimum floodproofing requirements.

Mr. Ian Rawlings
January 11, 2023

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



January 12, 2023

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

Dear Mr. Rawlings:

Re: COA Submission, A-46-2022, Jamie & Lisa Larocque

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 2. The Applicant will be required to comply with the following County Road regulation:

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

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

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

We are requesting a copy of the Decision of the aforementioned application. 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

From: [Paul Charbach](#)
To: [Ian Rawlings](#)
Cc: [Myriam Pelletier-Dufresne](#); [Gabriel Nathan](#); [Allan Fisher](#); [Shant Demirdjian](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 5, 2023 6:56:40 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.
- **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. 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

M: 514-607-5833

Paul_Charbachi@viarail.ca

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: January 17, 2023
Applicant: Attila & Alina Sherman
Subject: Minor Variance Application A/47/2022 – 200 Rafih Crescent

Recommendation

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.

Proposal

The applicants of 200 Rafih Crescent are applying to legalize a 13.4 m² deck built within the rear yard of their property that is 0.25 m from the rear lot line and is 0.15 m in height. Therefore, the applicants are seeking relief from Section 6.12 a) of the Lakeshore Zoning By-law 2-2012 which limits a deck or patio having a maximum height of 0.2 m from grade or less to encroach into any yard setback without restriction, provided it is located no closer than 0.6 m to the rear or interior side lot line.

Summary

Location

The subject property known as 200 Rafih Crescent is approximately 642 m² in area with 18.9 m of frontage along Rafih Crescent and contains a single-family home and a shed in the rear yard. The subject property is located within the Lakeside Estates Subdivision on the eastern side of Rafih Crescent, north of Water Ave.

Surrounding Land Uses

North: Single Detached Dwellings
East: Single Detached Dwellings
South: Single Detached Dwellings
West: Single Detached Dwellings

Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which does not provide policy direction for the use of balconies, decks and patios.

Zoning

The subject property is zoned Residential – Low Density (R1) under the Lakeshore Zoning By-law 2-2012 which permits balconies, decks, and patios in association with any residential use in accordance with section 6.12 a) of the Lakeshore Zoning By-law 2-2012.

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 Lakeshore Official Plan does not speak to the use of balconies, decks and patios 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 met as the regulations on setbacks and encroachments for balconies, decks, and patios are implemented to maintain privacy for adjacent neighbours and provide adequate circulation and drainage for the subject property. The resulting setback of 0.25 meters from the rear lot line in combination with a height of 0.15 meters maintains the intent of the Zoning By-law.

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. As the rear of the property abuts a municipal drain, and the Municipality of Lakeshores Drainage department identifies no impact on its systems. Therefore, the variance appears minor in nature.

The final test regards the appropriateness and desirability of the use. A setback of 0.25 meters from the rear lot line proves desirable as it does not impede on neighboring properties, poses little impact on drainage and drainage systems, and maintains circulation throughout the subject property.

Therefore, the requested variance passes 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.
- iii. 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.

The drainage department has noted that the Wallace Line Drain is located at the rear of the property and has no concerns with the application. Full comments can be found within Appendix – C.

ERCA has expressed no objections to Minor Variance Application A-47-2022. Full comments can be found within Appendix – D.

VIA Rail has provided Standard comments which can be found within 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 – Drainage Comments
Appendix D – ERCA Comments
Appendix E – VIA Rail Comments

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-47-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - Drainage Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - VIA Rail Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 11:49 AM



Legend

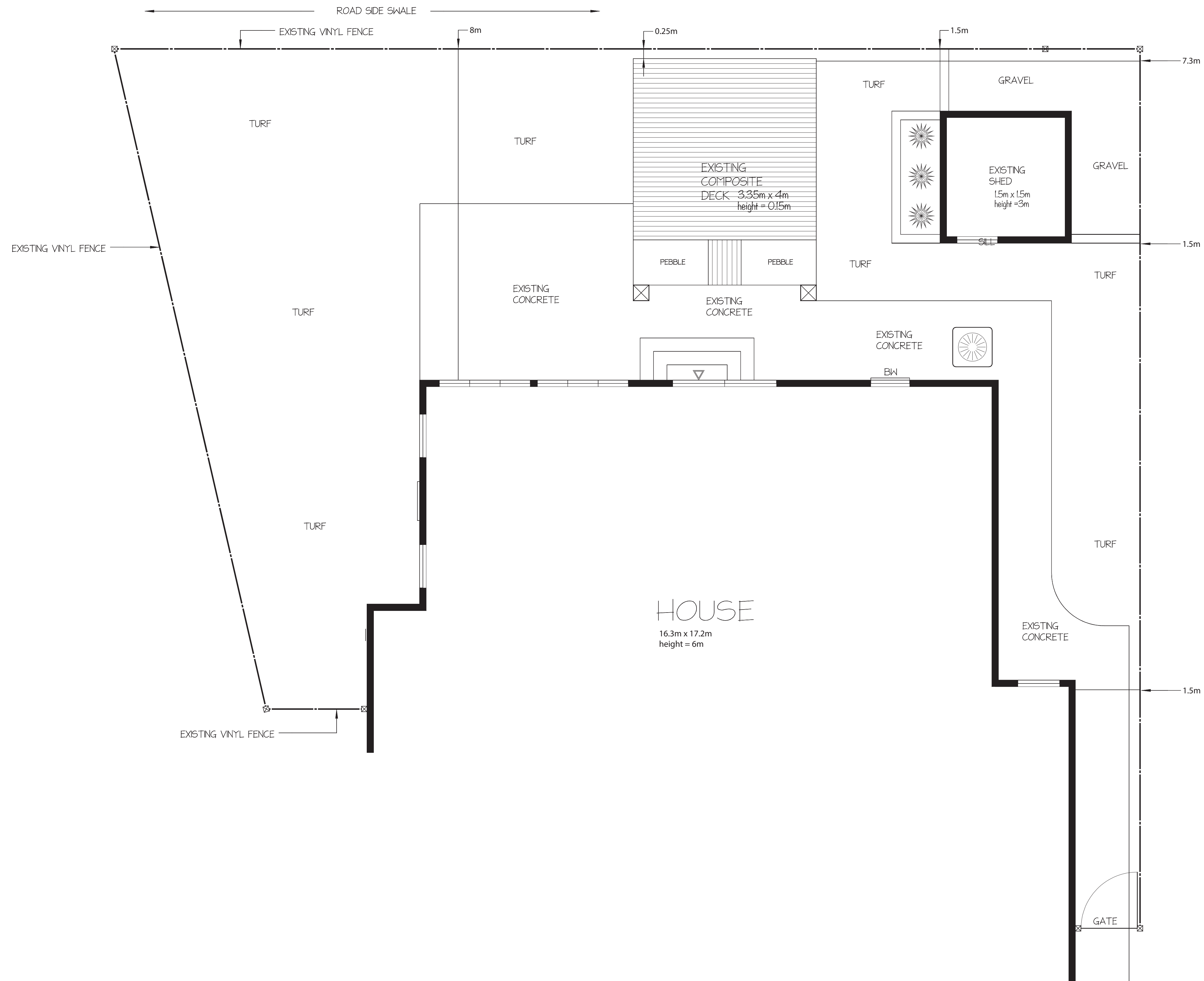
- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 408



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



From: [Jill Fiorito](#)
To: [Ian Rawlings](#); [Amy McMillan](#); [Sydnee Rivest](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 13, 2023 1:01:08 PM

Good day:

Please find comments from drainage division regarding the upcoming COA meeting.

A/46/2022 – Drainage division has no concerns with this application.

A/47/2022 – even though the Wallace Line Drain is located at the rear of the property (enclosed system) Drainage division has no concerns with this application.

A/48/2022 – Drainage division has no concerns with this application.

A/49/2022 – Drainage division has no concerns with this application.

A/50/2022 – Drainage division has no concerns with this application.

A/51/2022 – Drainage division has no concerns with this application.

B/25/2022 – Drainage division has no concerns with this application if it can be confirmed that the access that they will be using that is currently accessing the turbine is a permanent bridge and not a temporary construction.

B/01/2023 – Drainage division has no concerns with this application.

Thank you,

Please see the attached Notice for Comments for your review for the following January 25th, 2023, Committee of Adjustment applications:

- A/46/2022 - 797 Old Tecumseh Rd
- A/47/2022 - 200 Rafih Crescent
- A/48/2022 - 1546 Caille Ave
- A/49/2022 - 262 Xavier Circle
- A/50/2022 - 389 Lakeview Drive
- A/51/2022 - 2037 County Rd 46
- B/25/2022 - 2889 Lakeshore Rd 225
- B/01/2023 - 218 Renaud Line Rd

Please note that comments are to be provided by January 16th, 2023, for inclusion in the Planning Report. If you have any questions regarding the applications please feel free to contact me.

Have a great day, Thank you.

Ian Rawlings
Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, NOR 1A0
T: 519-728-2488 ext 676
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

Jill Fiorito

Drainage Superintendent

Municipality of Lakeshore | Operations - Drainage

419 Notre Dame Street, Belle River, ON, N0R 1A0

T: 519-728-2488 x621

Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-47-2022 200 RAFIH CRES
ARN 375120000012421; PIN: 750020578
Applicant: Attila & Alina Sherman

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are applying to legalize a deck built within the rear yard. The following is provided as a result of our review of Application for Minor Variance A-47-2022.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. Typically, the property owner would 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*.

However, based on our review of the drawings provided and aerial photography, the works proposed in Application for Minor Variance A-47-2022 do not require a permit from this office as it meets the definition of "works exempt from obtaining approvals" in the attached memo sent to municipalities on October 23, 2020.

Mr. Ian Rawlings
January 11, 2023

FINAL RECOMMENDATION

ERCA has no objection to Application for Minor Variance A-47-2022.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



regs@erca.org

P.519.776.5209

F.519.776.8688

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

October 22, 2020

To: Essex Region Conservation Authority (ERCA) Member Municipalities

Re: Types of Activities Exempt from Obtaining ERCA Approval

Dear Sir/Ma'am:

In an effort to improve efficiency and in keeping with the intent of Section 28 of the *Conservation Authorities Act* and O. Reg 158/06, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses, the below activities will be exempt from obtaining an approval from ERCA on **inland properties**, provided that all of the requirements outlined below are met.

"Inland properties" are properties not abutting a lake, river, stream, municipal drain or any other watercourse in any way.

Decks

- Wooden or composite decks, without walls, roofs, or sides on inland properties DO NOT require an ERCA approval.
- Wooden or composite decks without walls that are constructed under an existing covered area, where the structure has received a previous approval from ERCA DO NOT require an additional ERCA approval (i.e. the dwelling received an ERCA approval and the landowner is now proposing to construct a wooden deck under the covered porch that was previously approved by this office).

Placement and Grading of Fill for In-ground/On-ground/Above-ground Pools

- The placement and grading of fill for any in-ground, on-ground, or above-ground pools on inland properties DO NOT require an ERCA approval.

The above does not include any additional activities (i.e. covered porches, shade structures, gazebos, raised concrete decks, pool houses, etc.) aside from those listed above. Prior to any development or construction, all other regulated activities will be required to obtain appropriate permits/approvals from this office.

These exemptions are to take effect immediately, and we ask that you amend your processes to reflect these changes. Any Applications for Permit for the above works that this office has received prior to today will be reviewed by ERCA Staff accordingly and the approvals and/or clearances will be sent out as per the previous processes.

October 22, 2020

If further information or clarification is required, please do not hesitate to contact this office.

Yours Truly,



Tim Byrne
Interim General Manager/Secretary Treasurer
/ag

From: [Paul Charbach](#)
To: [Ian Rawlings](#)
Cc: [Myriam Pelletier-Dufresne](#); [Gabriel Nathan](#); [Allan Fisher](#); [Shant Demirdjian](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 5, 2023 6:56:40 PM
Attachments: [image001.png](#)

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 - *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.
- **Traffic control near a railways:**
 - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
 - *Grade Crossings Regulations*;
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 - *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.
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 - 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.

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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. 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

M: 514-607-5833

Paul_Charbachi@viarail.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: January 18, 2023
Applicant: Danny & Megan Di Caro
Subject: Minor Variance Application A/48/2022 – 1546 Caille Ave

Recommendation

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.

Proposal:

The applicants of 1546 Caille Ave are proposing to construct a 46 m² accessory structure in the side yard of the property 1.10 m from the eastern side lot line. Therefore, the applicants are seeking relief from Section 6.5 a) vii) of the Lakeshore Zoning By-law 2-2012 which prohibits accessory structures from being built closer than 1.5 m from any lot line.

Summary:

Location:

The subject property known as 1546 Caille Ave is approximately 984 m² in area with 24.4 m of frontage along Caille Ave and contains a single-family home and dock leading into Lake St. Clair. The subject property is located on the northern side of Caille Ave, east of Rourke Line Rd.

Surrounding Land Uses:

North: Lake St. Clair
East: Single Detached Dwellings
South: VIA Railway, Single Detached Dwellings
West: Single Detached Dwellings

Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which permits accessory structures for residential dwellings.

Zoning:

The subject property is zoned 'Residential Waterfront – Lake St. Clair (RW2)' under the Lakeshore Zoning By-law 2-2012 which permits accessory structures in accordance with section 6.5 a) of the Lakeshore Zoning By-law 2-2012.

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 accessory uses and structures for residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on side yard setbacks for accessory structures are implemented to maintain fire prevention, circulation, and access for the subject property. Circulation will be maintained through a 6.5 meter separation between the main structure and the proposed accessory structure. The proposed structure will need to meet building code standards which will be identified when presented for a building permit. Therefore, the intent and purpose of the Zoning By-law is met.

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 neighboring property closest to the proposed accessory structure is separated by a privacy fence along the lot line and sits at a higher grade than 1546 Caille Ave. With the height of the proposed accessory structure only being 2.8 meters in approximation, the proposed accessory structure poses minimal impact on the neighboring property. Municipal staff are of the opinion that the construction of the accessory building shall not adversely impact the side yard drainage or adjacent neighboring lands.

The final test regards the appropriateness and desirability of the use. The proposed accessory structure is deemed appropriate as it reflects the character and placement of accessory structures within the neighboring area. The placement of the accessory structure will also prevent the removal of significant landscaping features, including a

mature tree. Therefore, the proposed variance appears desirable and appropriate for the intended use.

Therefore, the requested variance passes 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.
- iii. 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 has expressed no objections to the Application for Minor Variance A-48-2022. ERCA has stated that all openings into the proposed structure must meet the minimum required flood proofing elevation. Full comments can be found within Appendix – C.

VIA Rail has provided Standard comments which can be found within Appendix – D.

Engineering has expressed that the construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighboring lands. Additionally, engineering has detailed that there is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter, and limit driveway widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by Operations. Full comments can be found within 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 – ERCA Comments
Appendix D – VIA Rail Comments
Appendix E – Engineering Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style. Below the signature is a solid black horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-48-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - ERCA Comments.pdf- Appendix D - VIA Rail Comments.pdf- Appendix E - Engineering Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 9:53 AM



Legend

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

1: 895



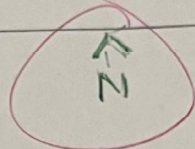
Notes:

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

80 Ft Deck
24.4 M



Pence

Fence

190 Fence
57.9 M

Sun Room overhang (Deck)

House.

Fireplace

21' 5"
6.53 M



4.21 M

overhang

14

38

1.11 M

36

Shed

Concrete

14' Pool

36 Ft
10.97 M



planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-48-2022 1546 CAILLE AVE
ARN 375118000018500; PIN: 750340029
Applicant: Danny & Megan Di Caro

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct a 46 m2 accessory structure in the side yard of the property. The following is provided as a result of our review of Application for Minor Variance A-48-2022.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner is 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*.

We note the following in regards to safe ingress/ egress at the subject property:

Section 3.1.2 of the Provincial Policy Statement notes that Development and Site Alteration shall not be permitted within:

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

Section 3.1.7 notes, further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, Development and Site Alteration may be

Mr. Ian Rawlings
January 11, 2023

permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

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

Notwithstanding the above, due to the size and nature of the proposed structure (non-habitable structure and less than 64m²), the safe access requirement is waived for the works proposed in the Application for Minor Variance A-48-2022.

We note that ERCA Permit #279-22, dated October 4, 2022, was issued for the proposed accessory building. All openings into this structure must meet the minimum required floodproofing elevation.

FINAL RECOMMENDATION

ERCA has no objections to Application for Minor Variance A-48-2022. All openings into the proposed structure must meet the minimum required floodproofing elevation.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Paul Charbach](#)
To: [Ian Rawlings](#)
Cc: [Myriam Pelletier-Dufresne](#); [Gabriel Nathan](#); [Allan Fisher](#); [Shant Demirdjian](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 5, 2023 6:56:40 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.
- **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. 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

M: 514-607-5833

Paul_Charbachi@viarail.ca

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: February 10, 2023
Applicant: Daniel Caster
Subject: Minor Variance Application A/49/2022 - 262 Xavier Circle

Recommendation

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.

Proposal:

The applicant of 262 Xavier Circle is proposing to construct a 262.49m² single detached dwelling with accessibility features resulting in 40% lot coverage. Therefore, the applicant is seeking relief from section 8.1 of the Lakeshore Zoning By-law 2-2012 which permits a maximum lot coverage of 35% for “Residential – Low Density (R1)” zones.

Summary:

Location:

The subject lands known as 262 Xavier Circle is approximately 663 m² in area with 18 m of frontage along Xavier Circle and is currently vacant. The subject property is located on the eastern side of Xavier Circle, south of Jordan Lane within the Serenity Bay Subdivision.

Surrounding Land Uses:

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

Official Plan

The subject property is designated “Residential” by the Lakeshore Official Plan.

Zoning:

The subject property is zoned “Residential – Low Density (R1)” under the Lakeshore Zoning By-law 2-2012 which provides regulations for development under Section 8.1 of the Lakeshore Zoning By-law 2-2012.

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 single detached residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on lot coverage for residential dwellings are implemented to maintain proper drainage and landscaping, and to provide sufficient outdoor amenity space. The site plan provided details the proposed residential dwelling having adequate outdoor amenity space. Engineering has expressed that the existing stormwater management services installed consider a water runoff of 60% as per the Windsor-Essex Region Stormwater Management Manual. Support of the additional lot coverage will be considered non-compliant with this design and will impact the amount of hard surface on the parcel without exceeding stormwater runoff standards of 60%.

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 single detached residential dwelling complies with all other zoning regulations for “Residential – Low Density” zones and poses no impact on surrounding properties. The need for excess lot coverage is requested to provide an increased area of usage for accessibility purposes. Therefore, the variance appears minor in nature.

The final test regards the appropriateness and desirability of the use. As dwelling units of various types are being constructed throughout the Serenity Bay Subdivision the proposed structure is deemed appropriate as it reflects the mass, and placement of other built structures along Xavier Circle.

Therefore, the requested variance passes 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.
- iii. 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.

Engineering has expressed that the existing stormwater management services installed consider a water runoff of 60% as per the Windsor-Essex Region Stormwater Management Manual. Support of the additional lot coverage will be considered non-compliant with this design and will impact the amount of hard surface on the parcel without exceeding stormwater runoff standards of 60%. Full comments can be found within 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.

Daniel Caster, the applicant, has provided written comments found within Appendix D.

Attachment(s):

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

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-49-2022 Report - Feb 15.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - Applicant Letter.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 11:23 AM



Legend

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

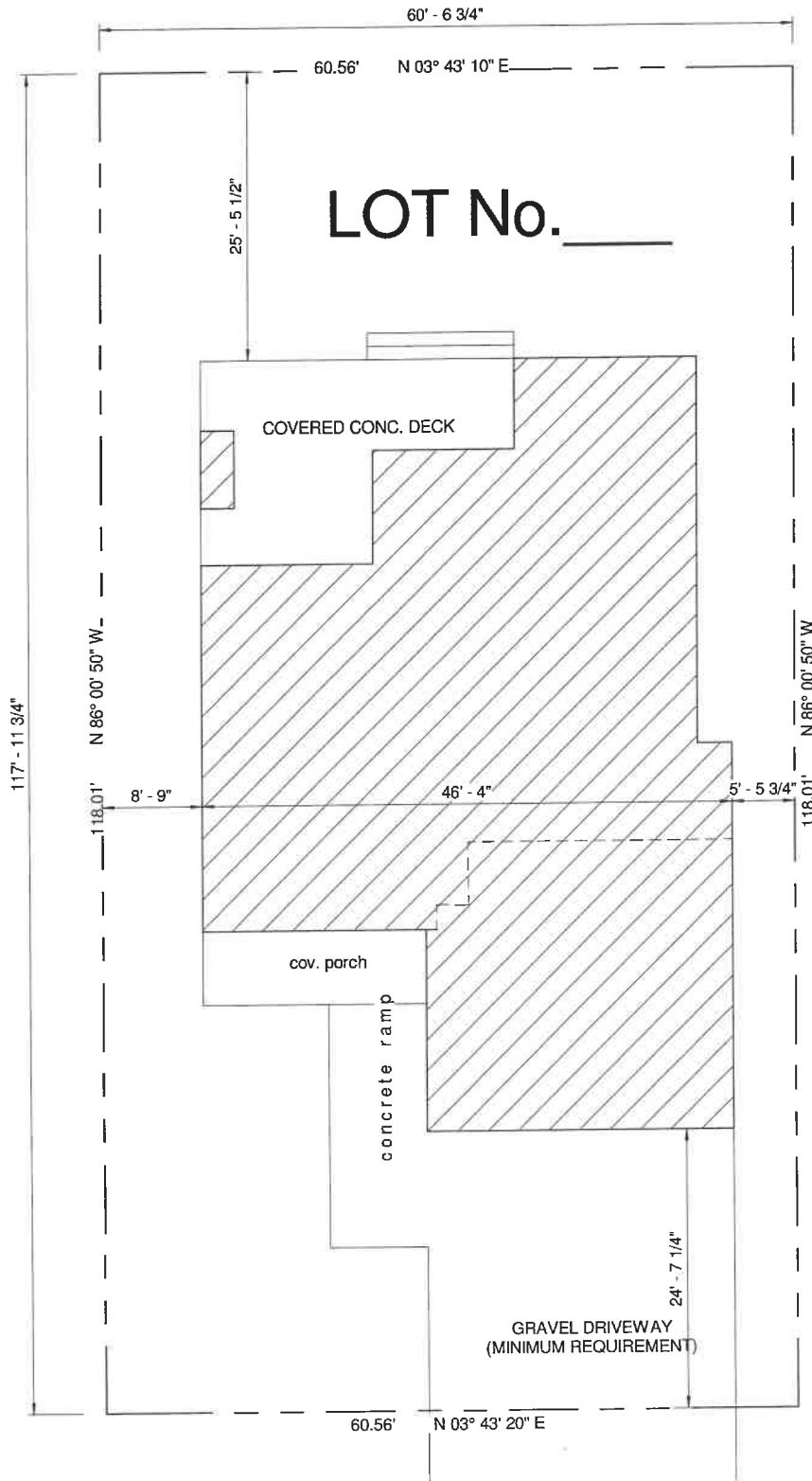
1: 355



Notes:

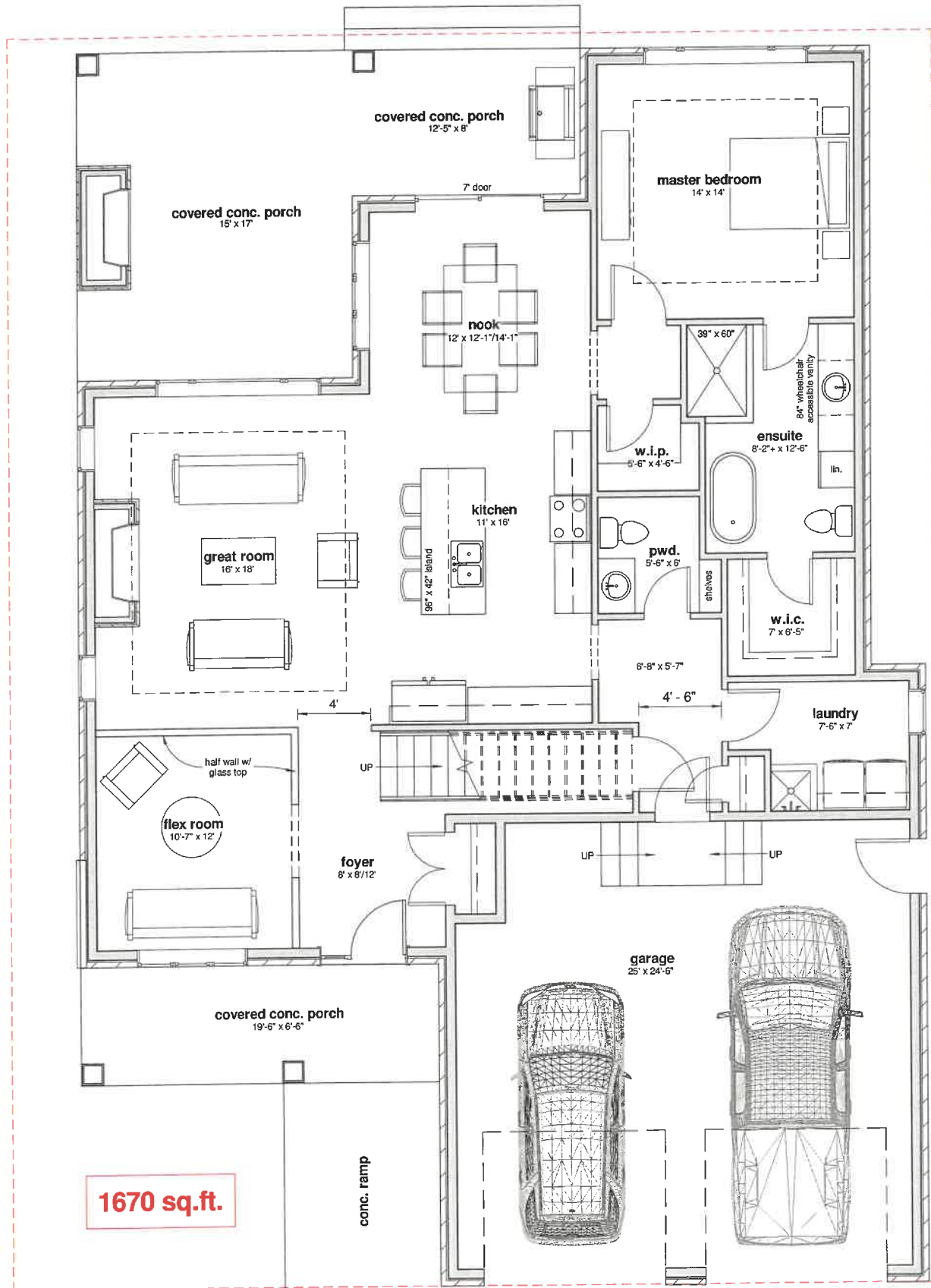
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

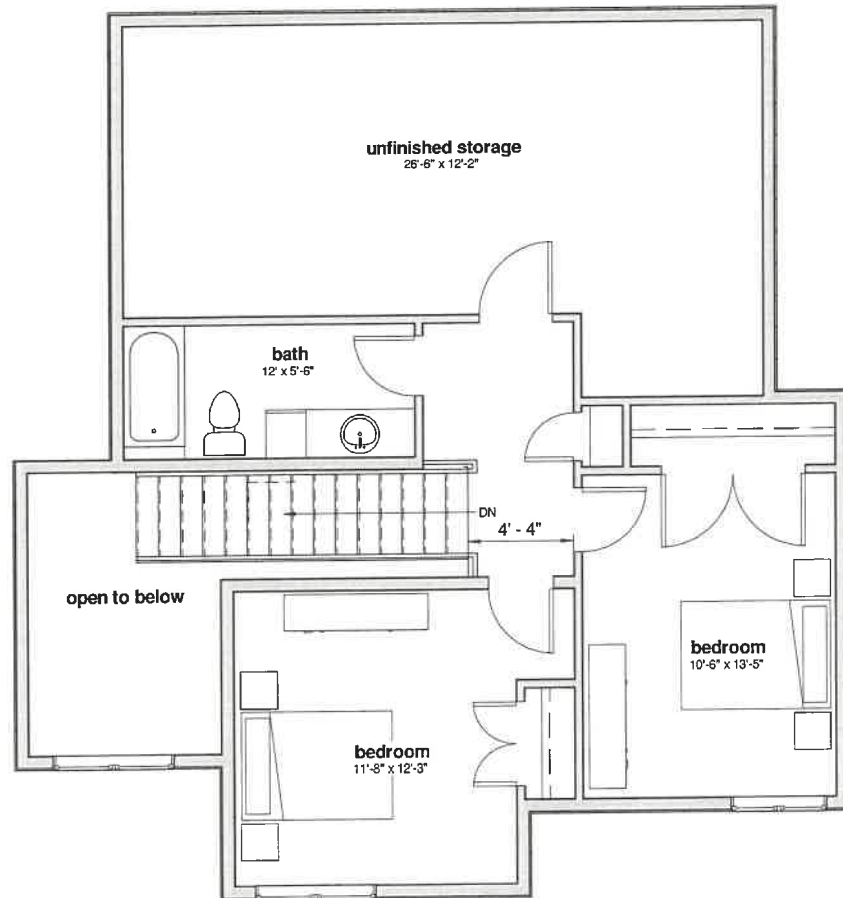




LOT COVERAGE	
LOT SQUARE FOOTAGE =	7,145.32 sq.ft.
<u>TOTAL HOUSE FOOTPRINT =</u>	<u>2,825.43 sq.ft.</u>
MAIN HOUSE PLOT =	1,669.78 sq.ft.
GARAGE PLOT =	659.57 sq.ft.
COVERED PORCHES =	496.08 sq.ft.
% LOT COVERAGE =	39.54%

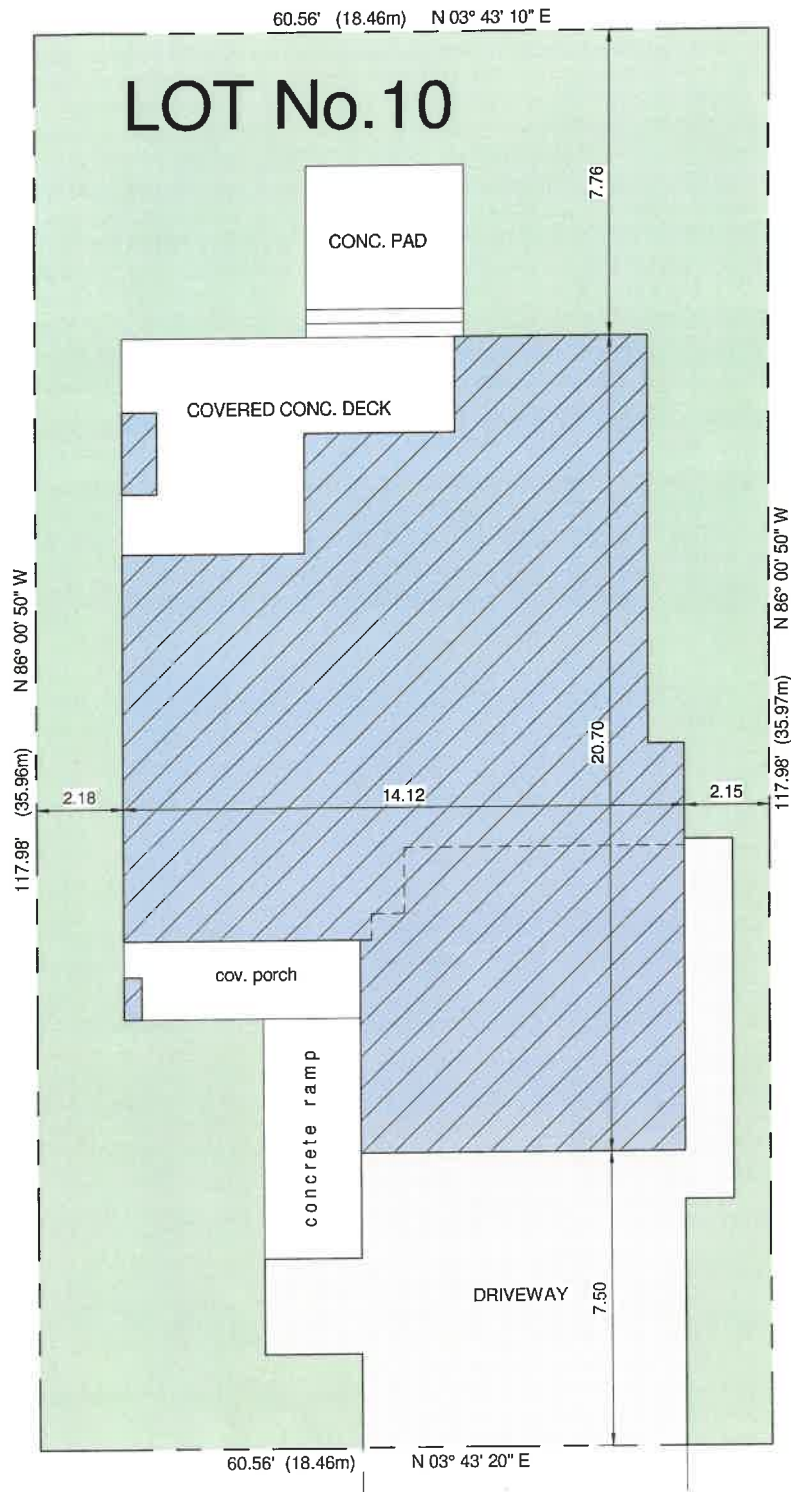
XAVIER





525 sq.ft.

unfinished storage not included



LOT COVERAGE			
LOT SQUARE FOOTAGE =	7,145.32 ft ²	(663.82 m ²)	
TOTAL HOUSE FOOTPRINT =	2,825.43 ft ²	(262.49 m ²)	
MAIN HOUSE PLOT =	1,669.78 ft ²	(155.13 m ²)	
GARAGE PLOT =	659.57 ft ²	(61.27 m ²)	
COVERED PORCHES =	496.08 ft ²	(46.09 m ²)	
% LOT COVERAGE =	39.54%		
RAMP =	160.00 ft ²	(14.86 m ²)	2.24%
HARD LANDSCAPING =	1,000.07 ft ²	(92.91 m ²)	13.99%
GREEN SPACE =	3,129.48 ft ²	(290.73 m ²)	43.80%

XAVIER

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

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A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

CASTER

CUSTOM HOMES



Ian Rawlings
Town of Lakeshore
Planning Department
Re: Variance 262 Xavier

February 9, 2023

Hi Ian,

Please find attached, the written letter to be presented to the committee of adjustments. Please convey to the committee, my sincere apologies for not attending the meeting personally. When we booked our family vacation, the meeting was to be in January. Understandably, this meeting was cancelled due to weather and the safety of the committee.

Ian, as we discussed, I will make every effort to log into the meeting, but I do not know the quality of the internet where we are staying and I may not be able to. I would ask again that if this is not going to be accepted for any reason, you ask the committee to set it aside until I can attend the next meeting.

Thank you for all of your efforts Ian on this matter. Please feel free to contact me at any time.

Sincerely,



Daniel Caster





CUSTOM HOMES



Letter to the Committee of Adjustments

Thank you for your time and consideration of our application for a variance at 262 Xavier. My name is Daniel Caster, from Caster Custom Homes, and I apologize for not being able to attend this meeting in person. This meeting is of great importance to us and our homeowner. If I may, I would like to note a few of the reasons for our request for a variance.

Our homeowner is building this home with handicap access, to allow them to care for their aging parents, who require assistance in living. Our goal is to construct a new home with wheelchair access and a main floor bedroom to allow for their care. In designing the home, when we add the main floor bedroom, it put the home over the 35% allowable lot coverage.

Also, in designing the home, we allowed for wider stairs and enough room to allow free movement in the home. This also requires some extra space on the main floor as the floor plan gets a little larger. We have worked hard to get the home to the size it is and remain comfortable for them.

We feel the home will still fit very nice in the neighbourhood as all the town homes built by Evola construction have a lot coverage of 50% and we are seeking relief to just 39%. The townhomes make up 80% of the subdivision.

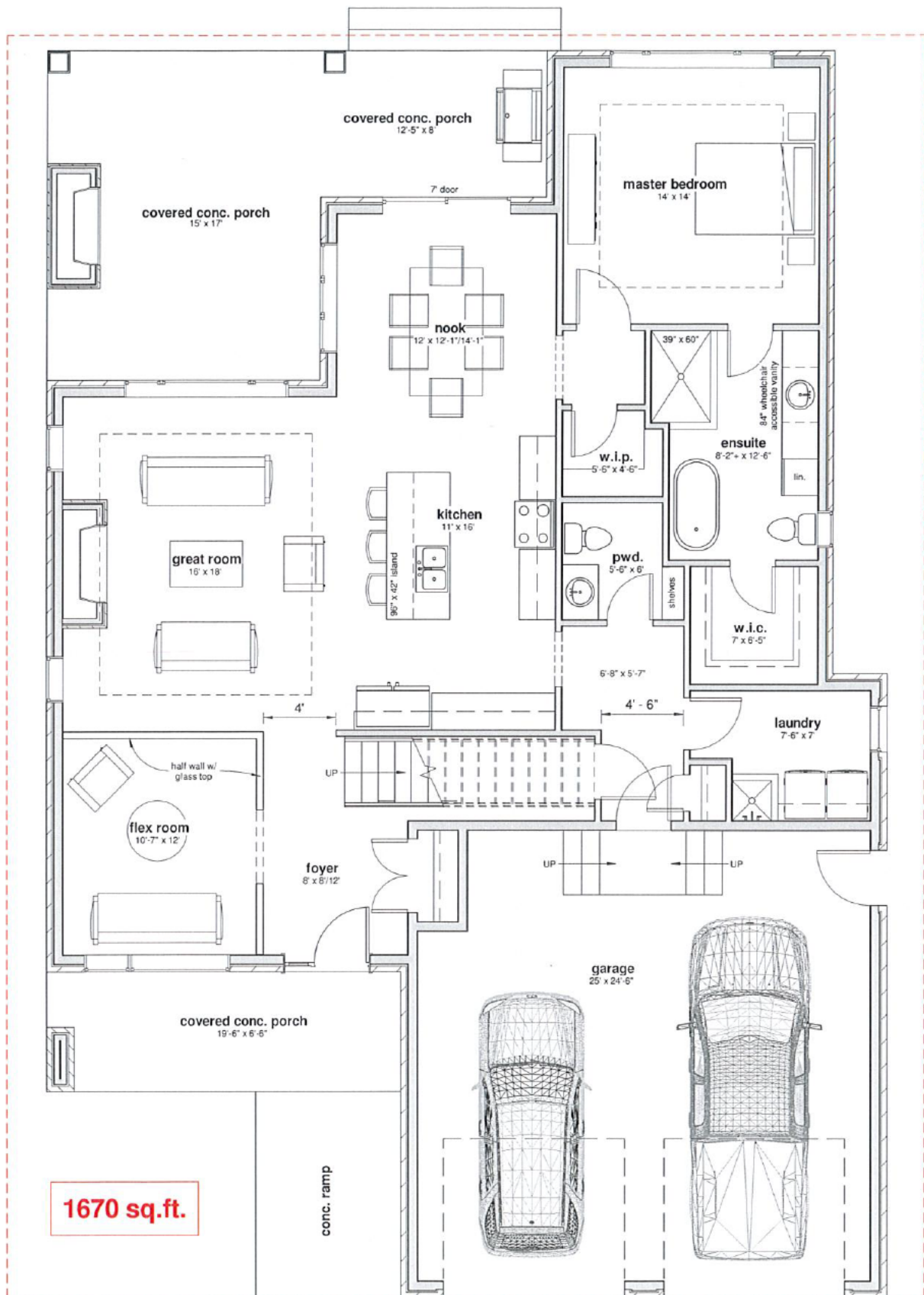
When speaking with engineering, I understand the engineer design was with a 40% lot coverage specification and we are under this. We do understand the rule is a 35% lot coverage. It is my understanding when speaking with Mr. Rawlings in Planning, that the subdivision was designed with a hard surface area allowance of 60%, and this home has a hard surface area of only 43.81%.

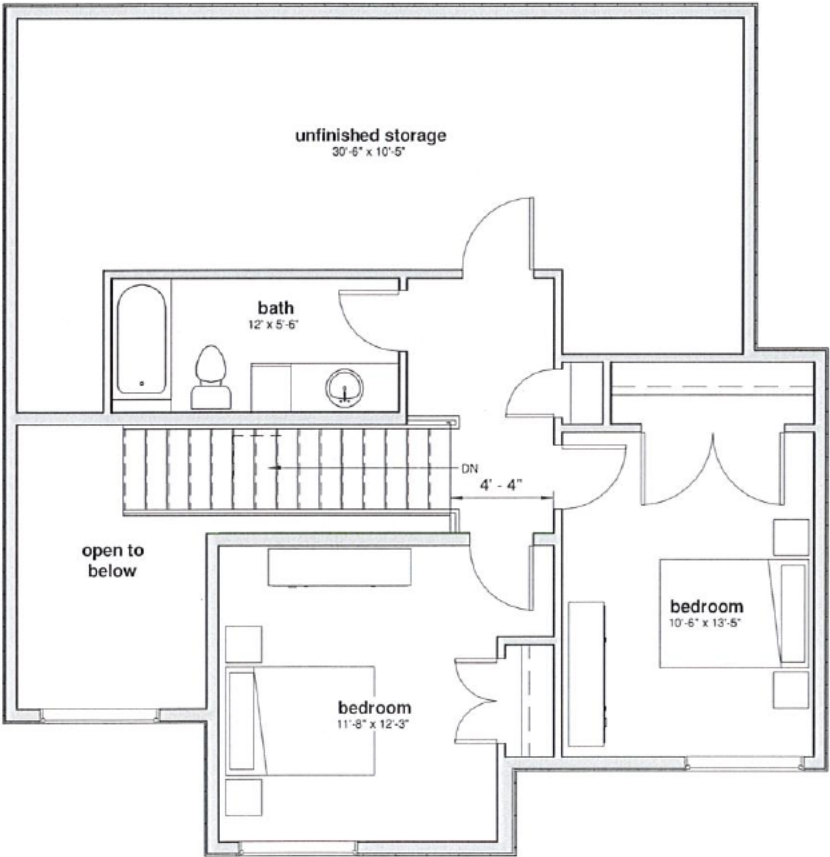
The home fits within the designated building envelope and we are not seeking to build any of the respected setbacks. Ranch homes or storey and half homes are difficult to fit on the lot sizes available today. It is my understanding that future developments are being set at 40% lot coverage which would be very helpful when designing these homes.

Since COVID, we have built more homes with accessible living and with the intent of homeowners remaining in their homes later in life and homeowners building with the idea of caring for family members.

Your consideration on this is greatly appreciated.

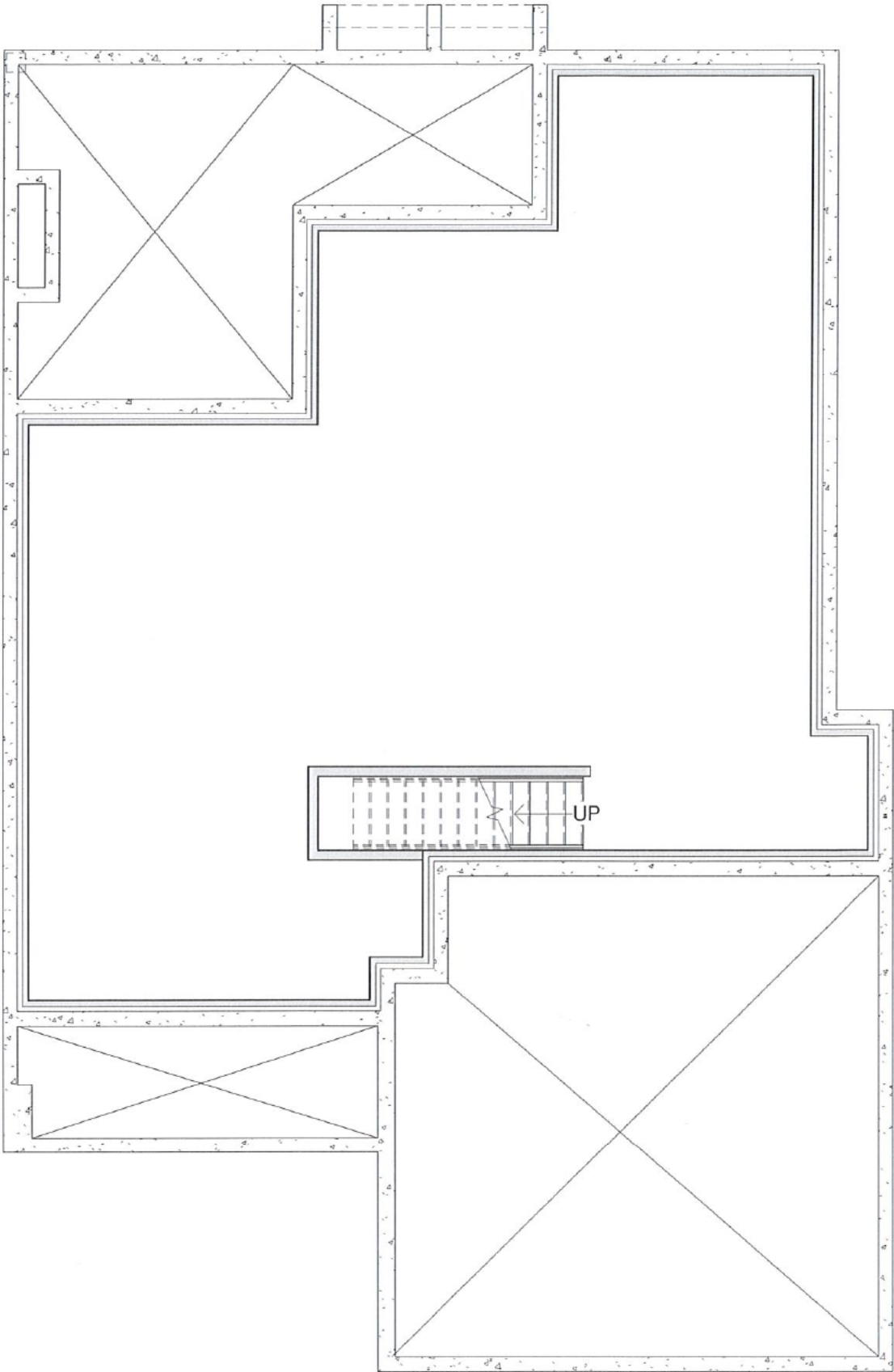
Daniel Caster

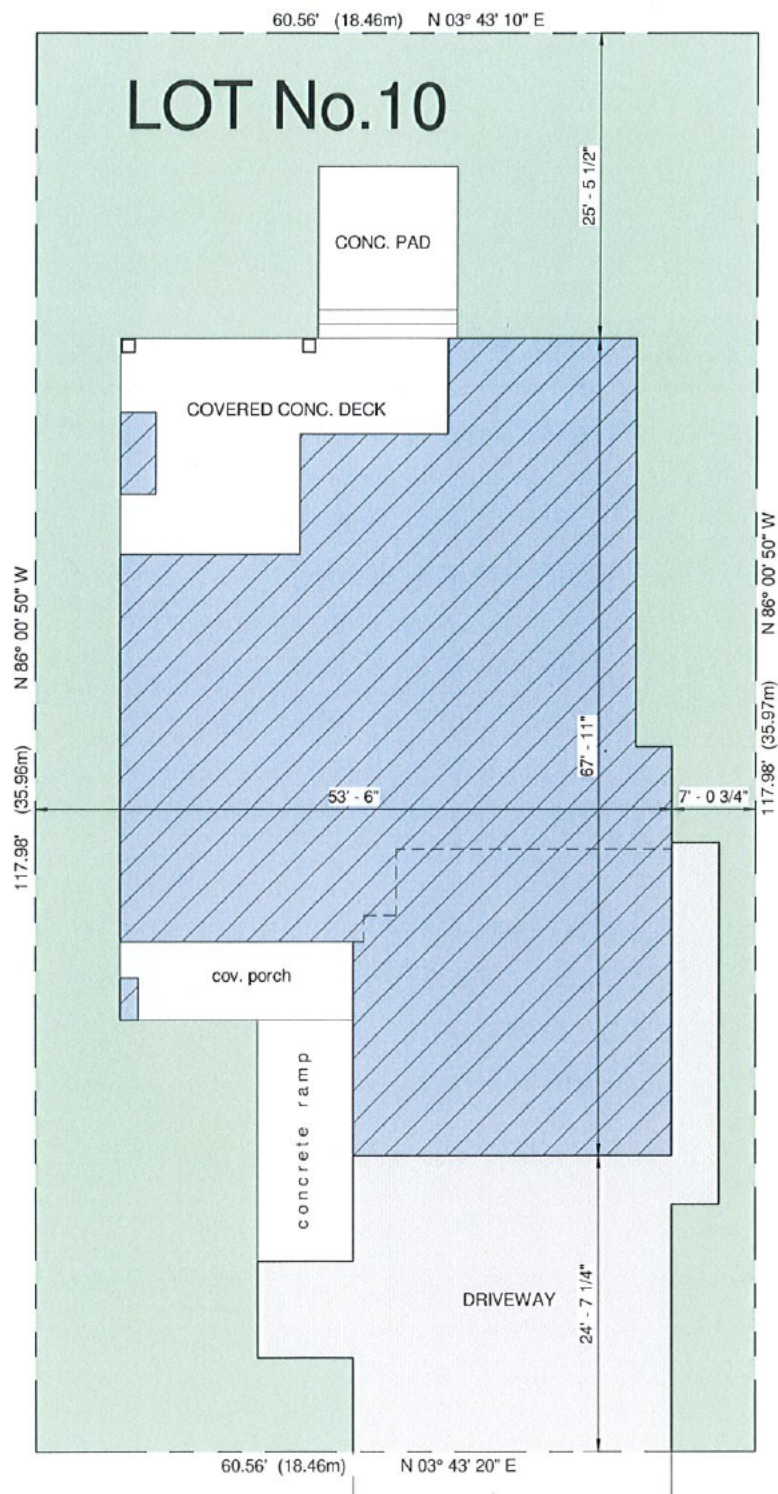




525 sq.ft.

unfinished storage not included





LOT COVERAGE			
LOT SQUARE FOOTAGE =	7,145.32 ft ²	(663.82 m ²)	
<u>TOTAL HOUSE FOOTPRINT =</u>	<u>2,825.43 ft²</u>	<u>(262.49 m²)</u>	
MAIN HOUSE PLOT =	1,669.78 ft ²	(155.13 m ²)	
GARAGE PLOT =	659.57 ft ²	(61.27 m ²)	
COVERED PORCHES =	496.08 ft ²	(46.09 m ²)	
% LOT COVERAGE =	39.54%		
RAMP =	160.00 ft ²	(14.86 m ²)	2.24%
HARD LANDSCAPING =	1,000.07 ft ²	(92.91 m ²)	13.99%
GREEN SPACE =	3,129.48 ft ²	(290.73 m ²)	43.80%

XAVIER













file no. | 22-21

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 18, 2023

Applicant: Amy Green (Applicant)
Ray Proulx (Agent)

Subject: Minor Variance Application A/50/2022 – 389 Lakeview Drive

Recommendation

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.

Proposal

The applicants of 389 Lakeview Drive are proposing to construct a 158.31 m² accessory structure in the front yard of their property, 1.22 m from the eastern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) which limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an RW2 zone.
- Section 6.5 a) vii) which prohibits accessory structures from being built closer than 1.5 m from any lot line.

Summary

Location

The subject property known as 389 Lakeview Drive is approximately 1,537 m² in area with 15 m of frontage along Lakeview Drive and contains a single-family home, and a garage in the front yard that is planned to be demolished. The subject property is located on the northern side of Lakeview Drive, east of Lake Street.

Surrounding Land Uses

North: Lake St. Clair
East: Single detached dwelling
South: Community Park, Railway
West: Vacant Land

Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which permits accessory structures for residential dwellings.

Zoning

The subject property is zoned "Residential Waterfront – Lake St. Clair (RW2) under the Lakeshore Zoning By-law 2-2012 which permits accessory structures in accordance with section 6.5 a) of the Lakeshore Zoning By-law 2-2012.

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 accessory uses and structures for residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on gross floor area for accessory structures are implemented to maintain the use as secondary to the main structure. The proposed structure will remain secondary to the main structure as the main structure accounts for 13% of the lot coverage, and the accessory structure only accounts for 10% of lot coverage. Resulting in a lot coverage of 23% for the subject property.

The intent and purpose of the zoning by-law is met as the regulations on side yard setbacks for accessory structures are implemented to maintain fire prevention, circulation, and access for the subject property. A side yard setback of 1.22 meters will maintain the necessary circulation to access the proposed accessory structure and the proposed structure will need to meet building code standards to be identified when presented for a building permit.

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. No issues or concerns were raised through correspondence with external and internal agencies and the proposed accessory structure will be located in a similar position to the neighboring properties as the current accessory structure. As no concerns with the location of the existing accessory structure were identified the proposed accessory structure then proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size, use, and placement of accessory structures throughout the neighboring area. The proposed accessory structure will not impact the character area and proves desirable in its use as a garage and storage area within the front yard of the subject property.

Therefore, the requested variance passes 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.
- iii. 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 has expressed no objections to the Application for Minor Variance A-48-2022. ERCA has stated that all openings into the proposed structure must meet the minimum required flood proofing elevation. Full comments can be found within Appendix – C.

VIA Rail has provided Standard comments which can be found within Appendix – D.

Engineering has expressed that the construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighboring lands. Full comments can be found within 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 – ERCA Comments
Appendix D – VIA Rail Comments
Appendix E – Engineering Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-50-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - ERCA Comments.pdf- Appendix D - VIA Rail Comments.pdf- Appendix E - Engineering Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 10:04 AM



Legend

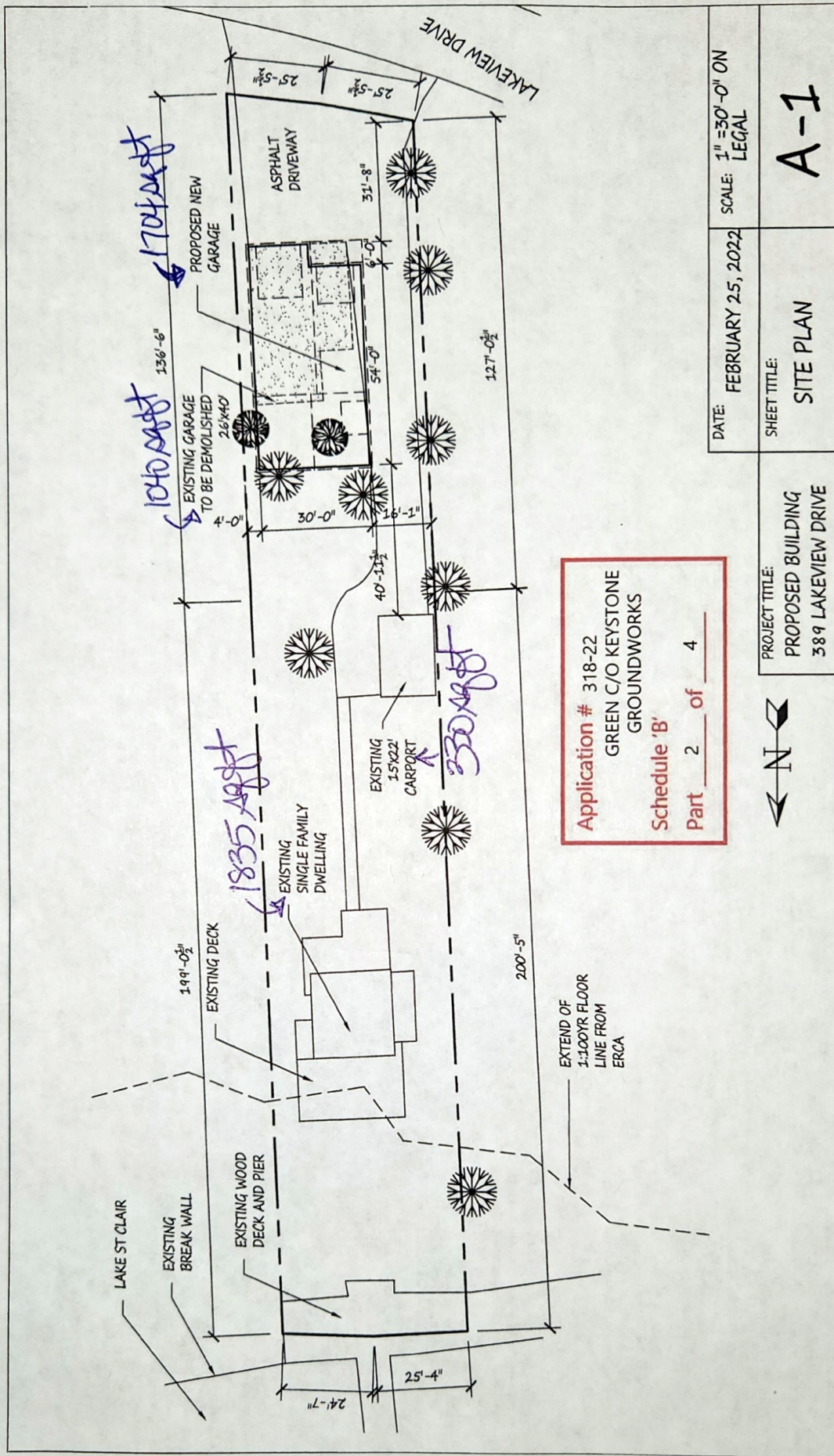
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- WorkingParcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 868



Notes:

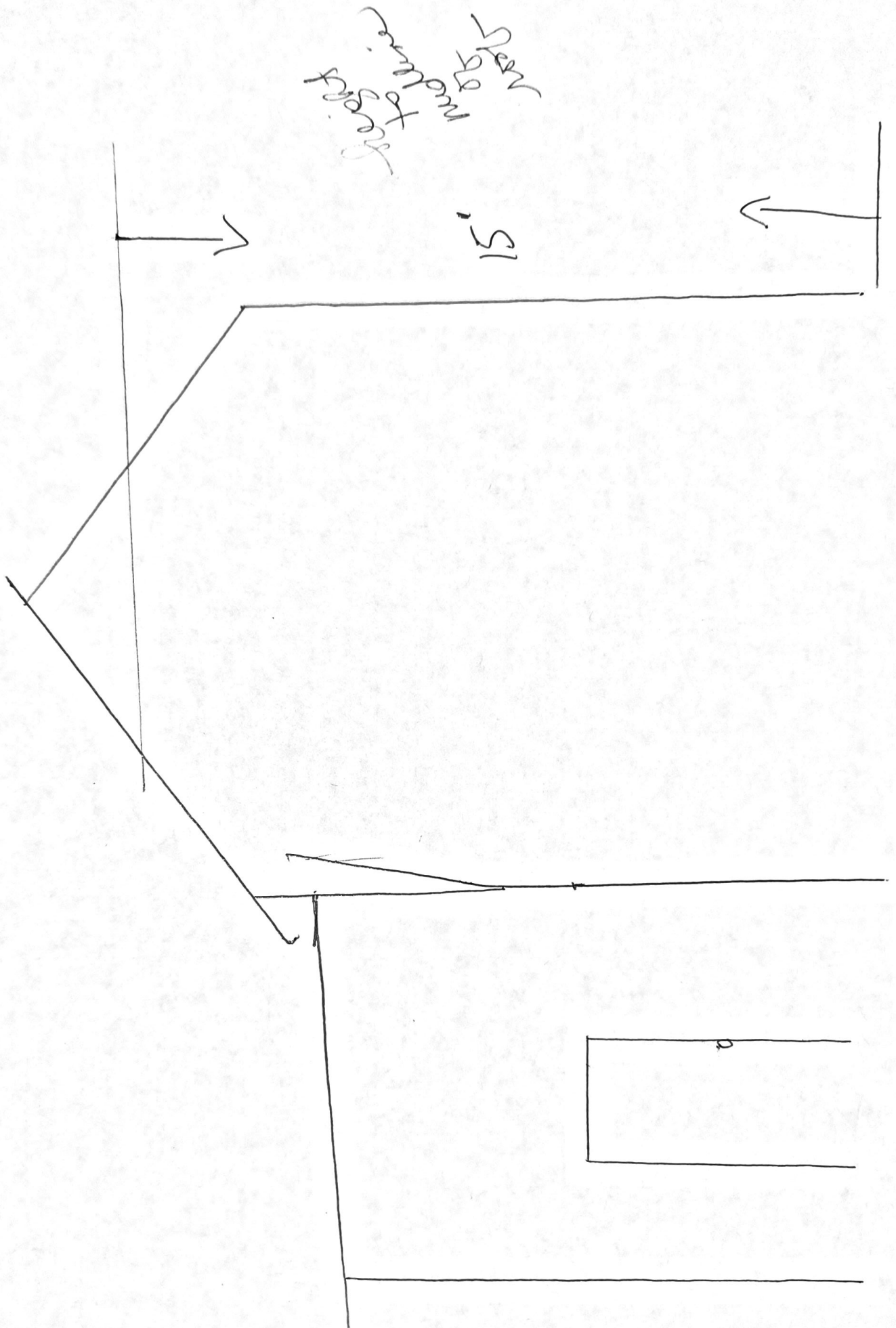
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



DATE: FEBRUARY 25, 2022	SCALE: 1" = 30'-0" ON LEGAL
SHEET TITLE: SITE PLAN	A-1

PROJECT TITLE:
PROPOSED BUILDING
389 LAKEVIEW DRIVE

389 Lakeview Dr
Garage to be demolished





planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-50-2022 389 LAKEVIEW DR
ARN 375132000002300; PIN: 750460074
Applicant: Amy Green

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct a 158.31 m² accessory structure in the front yard of the property, 1.22 m from the interior lot line. The following is provided as a result of our review of Application for Minor Variance A-50-2022.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner is 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*.

We note that ERCA Permit #318-22, dated June 29, 2022, was issued for the proposed accessory building. All openings into this structure must meet the minimum required floodproofing elevation.

FINAL RECOMMENDATION

ERCA has no objections to the Application for Minor Variance A-50-2022. All openings into the proposed structure must meet the minimum required floodproofing elevation.

Mr. Ian Rawlings
January 11, 2023

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Paul Charbach](#)
To: [Ian Rawlings](#)
Cc: [Myriam Pelletier-Dufresne](#); [Gabriel Nathan](#); [Allan Fisher](#); [Shant Demirdjian](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 5, 2023 6:56:40 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.
- **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. 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

M: 514-607-5833

Paul_Charbachi@viarail.ca

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 18, 2023

Applicant: Jeffrey Diemer

Subject: Minor Variance Application A/51/2022 – 2037 County Rd 46

Recommendation

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.

Proposal

The applicant of 2037 County Rd 46 is proposing to construct an addition to the existing house, which will result in a gross floor area of 556.85 m² and a setback of 1.7 m from the rear lot line. Therefore, the applicant is seeking relief from section 8.4 of the Lakeshore Zoning By-law 2-2012, which requires a minimum rear yard setback of 7.5 m for the main building.

Summary

Location

The subject lands known as 2037 County Rd 46 is approximately 1,627 m² in area with 36 m of frontage along County Rd 46 and contains a single-family home. The subject property is located on the southern side of County Rd 46, east of Lakeshore Rd 223.

Surrounding Land Uses

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

Official Plan

The subject property is designated “Hamlet” by the Lakeshore Official Plan.

Zoning

The subject property is zoned ‘Hamlet - Residential (HR)’ under the Lakeshore Zoning By-law 2-2012 which provides regulations for development under Section 8.4 of the Lakeshore Zoning By-law 2-2012.

Conclusion

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

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The subject property is designated Hamlet and single detached residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on rear yard setbacks for residential dwellings are implemented to provide privacy and open space between abutting properties. Private open space is still provided elsewhere along the subject property and the property abutting the rear lot line is an active farming property with no structures within close proximity.

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 rear yard setback allows for adequate circulation around the main structure, maintains all additional zoning regulations, and maintains open space in the eastern side of the rear yard of the subject property. Staff are of the opinion that the construction of the home addition shall not adversely impact the side yard drainage or adjacent lands. Therefore, the variance is determined minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it will not impact neighboring residential dwellings or farming operations. Character area will be maintained with minimal impact on the streetscape, and the structure appears similar in mass as other residential dwellings.

Therefore, the requested variance passes 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.
- iii. 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.

The County of Essex has provided engineering comments only. Full comments are located within Appendix – C.

Engineering has expressed that the construction of the home addition shall not adversely impact the side yard drainage or adjacent neighboring lands. Full comments can be found within 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 – Drawings
Appendix C – Count of Essex Comments
Appendix D – Engineering Comments

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-51-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - County of Essex Comments.pdf- Appendix D - Engineering Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 10:14 AM



Legend

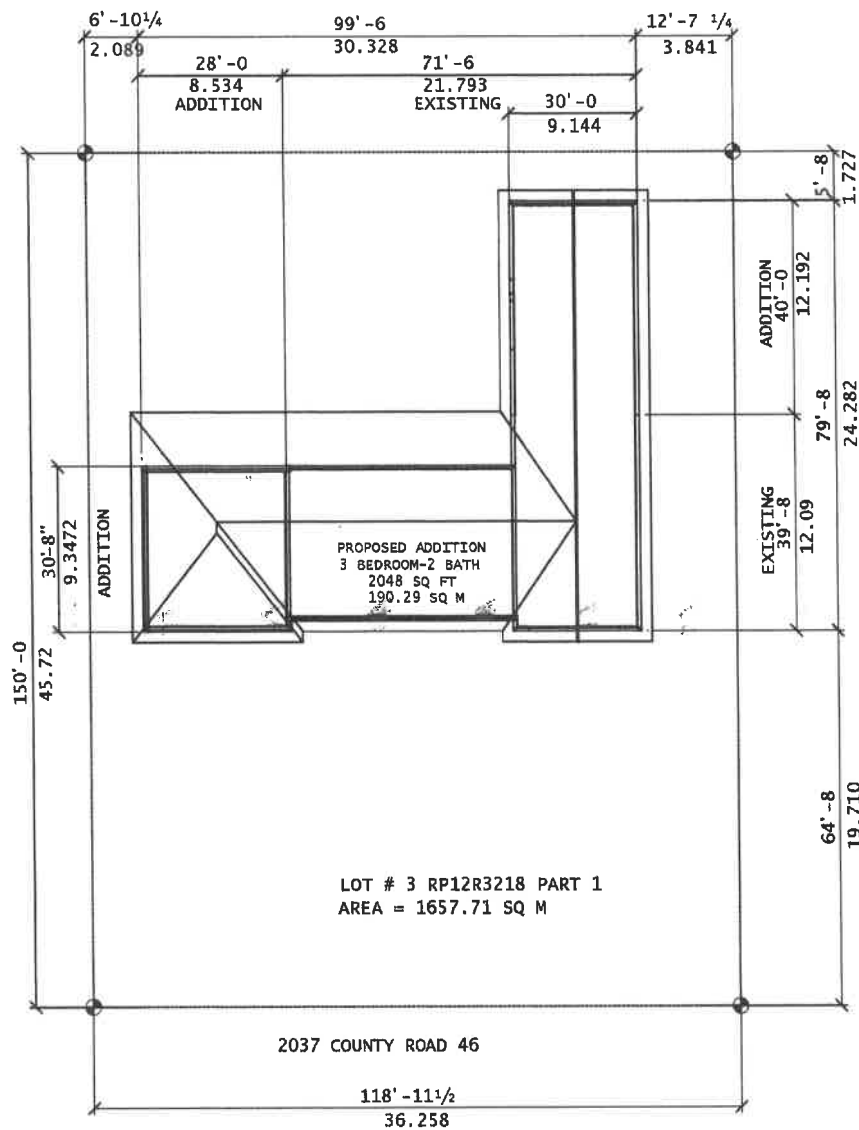
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- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 814

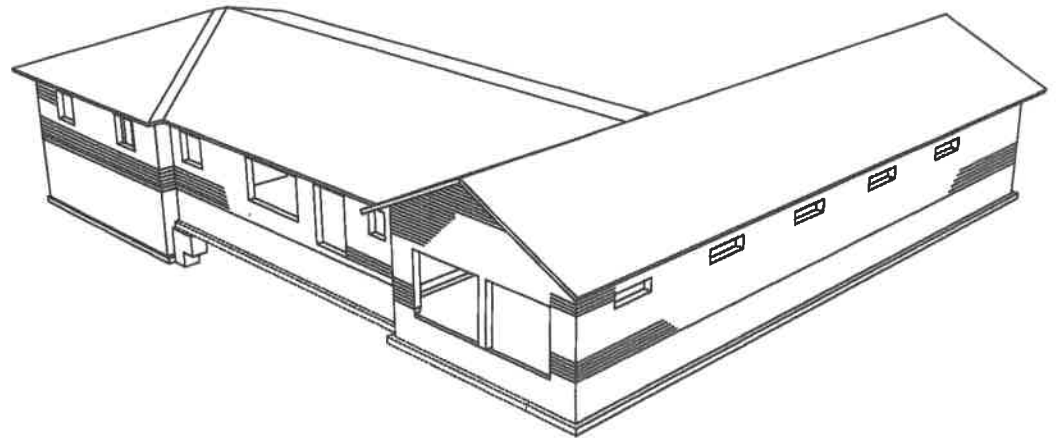


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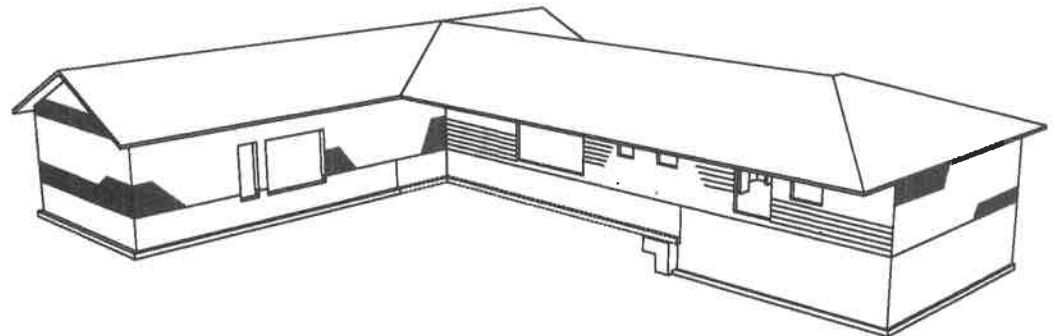
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PROPOSED PLOT PLAN



NORTHWEST VIEW



SOUTHEAST VIEW

**PROPOSED ADDITION PLANS
JEFF DIEMER**

2037 COUNTY ROAD 46	SHT #
TOWN OF LAKESHORE	1 A



January 12, 2023

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

Dear Mr. Rawlings:

Re: COA Submission, A-51-2022, Jeffrey Diemer

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 46. 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 46. 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

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: February 8, 2023
Applicant: Scott and Tara Harris
Subject: Minor Variance Application A/01/2023 – 4778 St Clair Rd

Recommendation

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.

Proposal

The applicants are proposing to construct a new single detached dwelling and a new accessory structure within the front yard. The proposed single detached dwelling will have a gross floor area of 153 m² and will be located 0.91 m from the eastern interior lot line, and 1.22 m from the western interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a side yard setback of 0.91 m from the eastern lot line and 1.22 m from the western lot line, whereas the by-law states 1.5 m on either side.

The proposed accessory structure will be located in the front yard of the property with a gross floor area of 78 m², a height of 5.1 m, and will be located 0.61 m from the eastern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) vii) to permit a setback of 0.61 m from the interior side lot line, whereas the by-law states 1.5 m;
- Section 6.5 a) ix) to permit a GFA of 77.9 m² in an RW2 zone, whereas the by-law states a maximum GFA of 55.0 m²;

- Section 6.5 a) xi) to permit a height of 5.1 m, whereas the by-law states a maximum height of 5 m.

Summary

Location

The subject property known as 4778 St Clair Rd is approximately 1873 m² in area with 12.2 m of frontage along St Clair Rd and contains a single-family home to be demolished, and a garage in the front yard to be demolished. The subject property is located on the northern side of St Clair Rd, west of Columbus Dr.

Surrounding Land Uses

North: Lake St. Clair
East: Single detached dwelling
South: Vacant Farmland
West: Single detached dwelling

Official Plan

The Lakeshore Official Plan designates the property as 'Waterfront Residential' which permits single detached residential dwellings and accessory structures.

Zoning

The subject property is zoned "Residential Waterfront – Lake St. Clair (RW2)" under the Lakeshore Zoning By-law 2-2012 which permits development of single detached residential dwellings under section 8.3 and permits accessory structures in accordance with section 6.5 a).

Conclusion

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

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 which permits the use of single detached residential dwelling units and accessory uses to be regulated through the Lakeshore Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

Construction of the Single Detached Dwelling

- Section 8.3 to permit a side yard setback of 0.91 m from the eastern lot line and 1.22 m from the western lot line, whereas the by-law states 1.5 m on either side.

The intent and purpose of the zoning by-law is met as the regulations on side yard setbacks for main structures is implemented to maintain fire prevention, circulation around the property, and drainage. A side yard setback of 0.91 meters and 1.22 meters will maintain the necessary circulation to access around the neighbouring structures should no entrances and exits exist along the side yards. The proposed structure will need to meet building code standards for fire prevention to be identified when presented for a building permit.

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 reduction of the side yard setbacks on both sides of the proposed structure could adversely impact drainage on the lands and result in potential flooding issues. Construction of the proposed structure will need to meet above the hazard land requirements to be identified when obtaining an ERCA clearance permit to address potential issues in flooding.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the placement of single detached dwellings throughout the neighboring area. The proposed detached dwelling unit will not impact the character area.

Construction of the Accessory Structure

- Section 6.5 a) vii) to permit a setback of 0.61 m from the interior side lot line, whereas the by-law states 1.5 m.
- Section 6.5 a) ix) to permit a GFA of 77.9 m² in an RW2 zone, whereas the by-law states a maximum GFA of 55.0 m².
- Section 6.5 a) xi) to permit a height of 5.1 m, whereas the by-law states a maximum height of 5 m.

The intent and purpose of the zoning by-law is met as the regulations on height and gross floor area for accessory structures are implemented to maintain the use as secondary to the main structure. The proposed structure will remain secondary to the main structure as the main structure accounts for 18% of the lot coverage, and the accessory structure only accounts for 10% of lot coverage. Resulting in a lot coverage of 28% for the subject property.

The regulations on side yard setbacks for accessory structures are implemented to maintain fire prevention, circulation, and access for the subject property. A side yard setback of 0.61 meters will maintain the necessary circulation required as 3 meters remains on the opposite side allowing for circulation. The proposed accessory structure will need to meet building code standards for fire prevention to be identified when presented for a building permit.

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. No issues or concerns were raised through correspondence with external and internal agencies and the proposed accessory structure will be located in a similar position as the current accessory structure to be demolished. As no concerns with the location of the existing accessory structure were identified the proposed accessory structure then proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size, use, and placement of accessory structures throughout the neighboring area. The proposed accessory structure will not impact the character area and proves desirable in its use as a garage and storage area within the front yard of the subject property.

Therefore, the requested variance passes 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.
- iii. 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.

Engineering has expressed that the reduction of the side yard setback beyond 1.5 meter may result in adverse impact to the drainage on the private lands and create flooding issues and that the construction of the home and accessory buildings should not adversely impact the side yard drainage or adjacent neighboring lands. Full comments can be found within Appendix C.

The building department has stated that the proposed minor variance application complies with the Ontario Building Code regarding special separation. Full comments can be found within Appendix D.

ERCA has expressed that the property owners will be required to obtain a permit from the Essex Region Conservation Authority prior to the construction of the proposed dwelling and detached garage. Additionally, the structures will need to meet above noted hazard land requirements. Full comments can be found within 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 – Building Comments
Appendix E – ERCA Comments

Prepared by:

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

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-01-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - Engineering Comments.pdf- Appendix D - Building Comments.pdf- Appendix E - ERCA Comments.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 10:54 AM



Legend

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

1: 565



Notes:

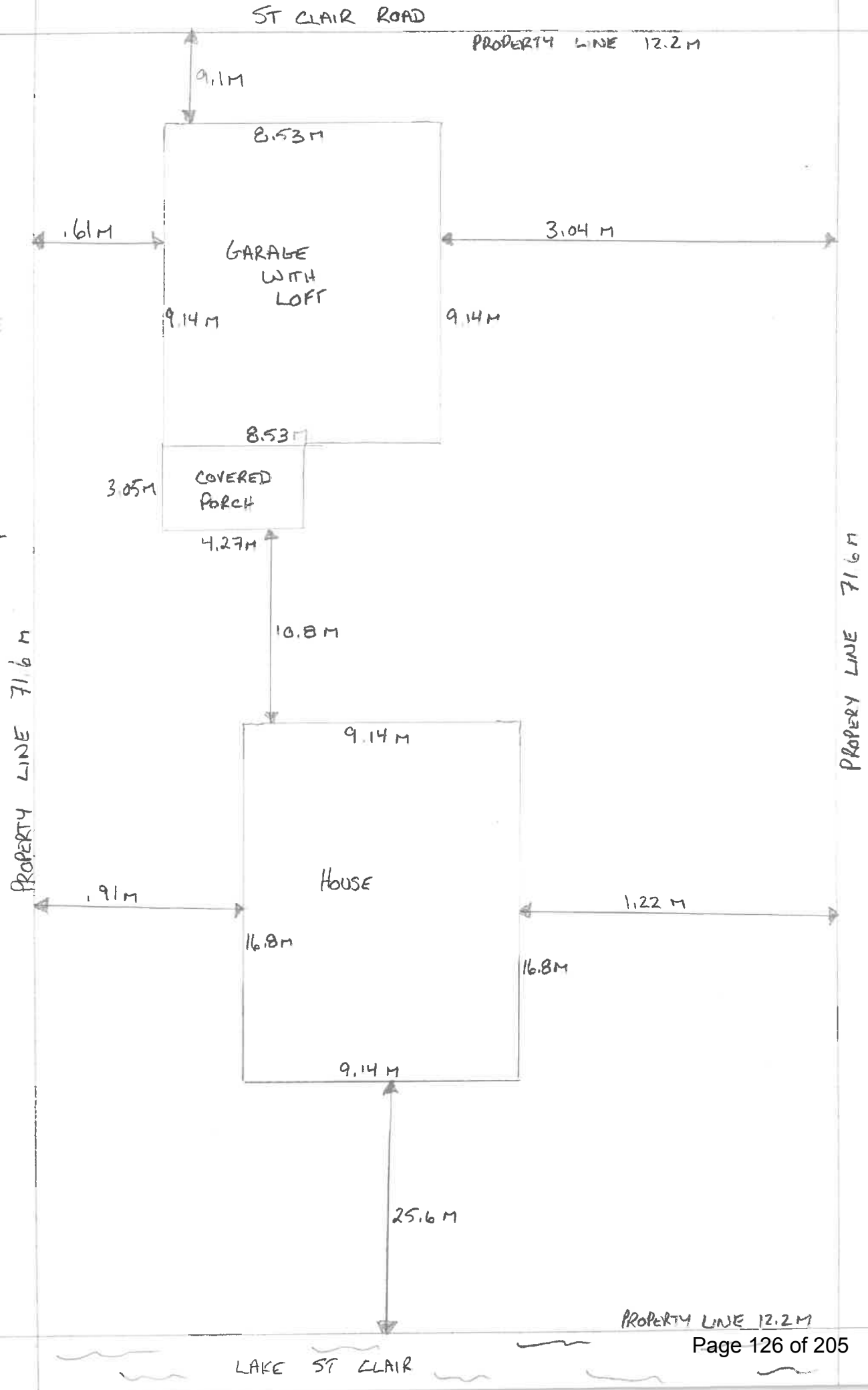
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

4778
ST CLAIR ROAD
STONEY POINT

PROPOSED
GARAGE & HOUSE
DIMENSIONS

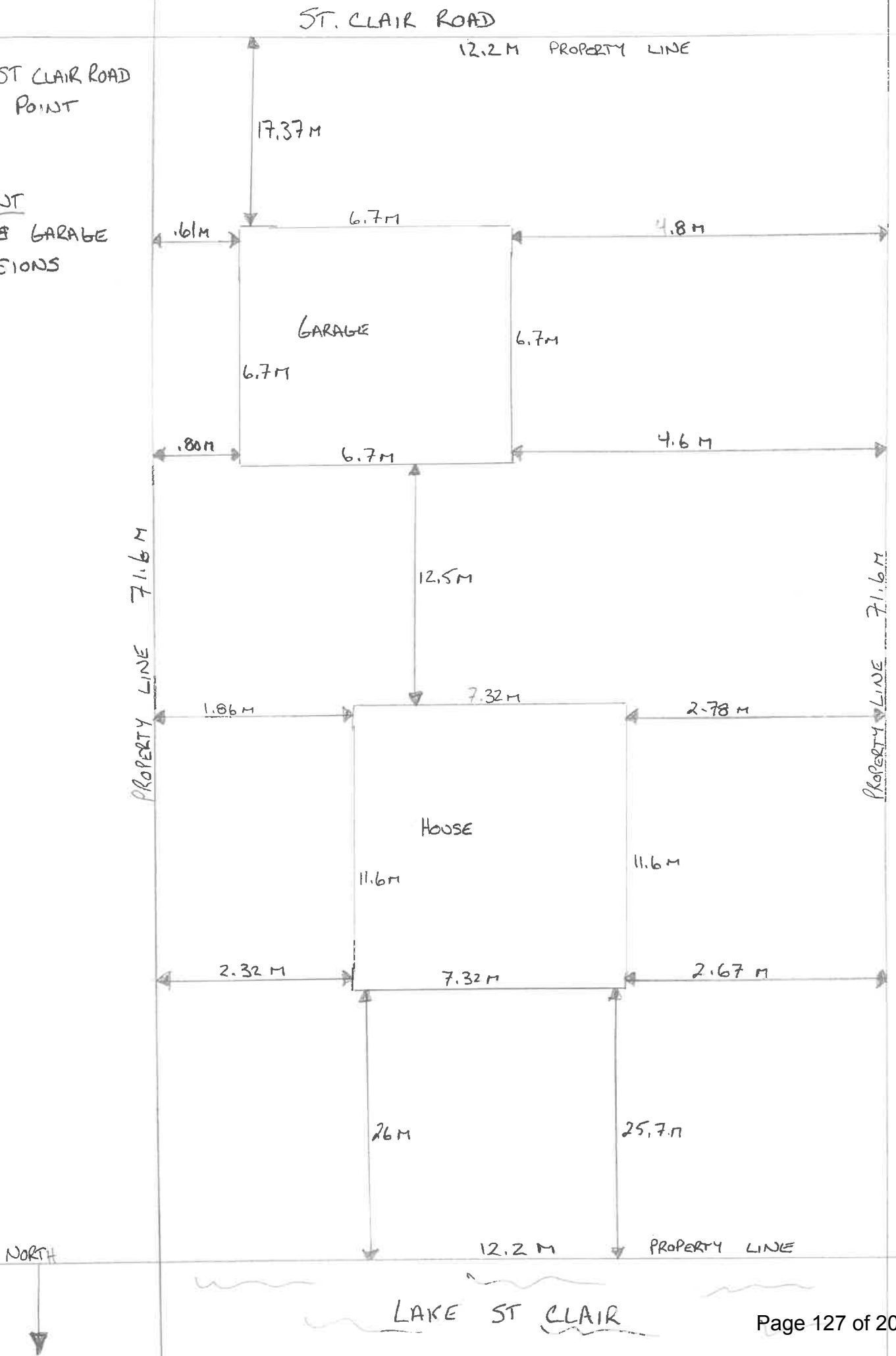
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GARAGE 980^{sq} FT
2630^{sq} FT

LOT COVERAGE
9400^{sq} FT



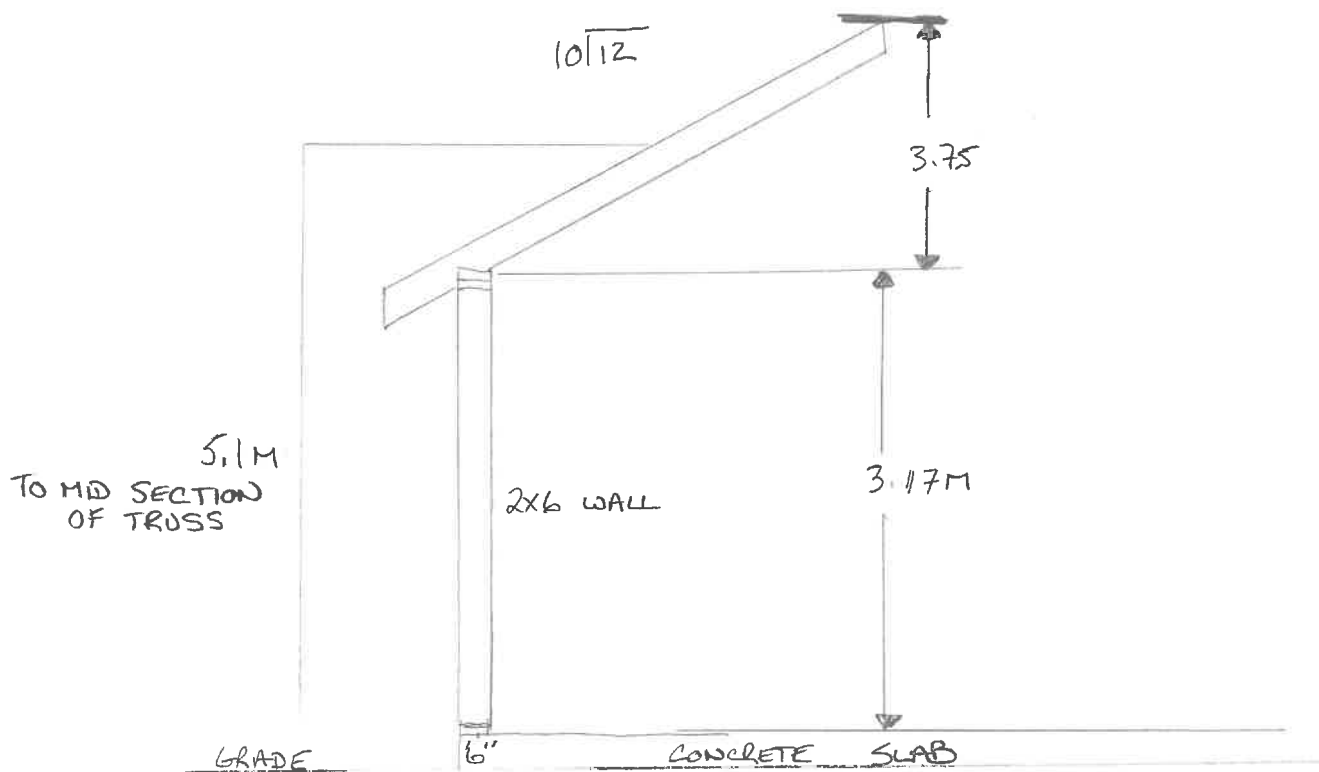
4778 ST CLAIR ROAD
STONE POINT

CURRENT
HOUSE & GARAGE
DIMENSIONS



PROPOSED WALL & TRUSS HEIGHTS

4778 ST CLAIR ROAD
STONEY POINT



Date: February 3, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – February 15, 2023

Operations has received and reviewed all Committee of Adjustment applications for February 15, 2023 meeting and provide the following comments:

Application	Comments
A/44/2022 – 742 Faleria St	<ul style="list-style-type: none"> The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional stormwater runoff may create adverse impacts on the surrounding drainage system. Access to the existing easement must be maintained at all times.
A/01/2023 – 4778 St. Clair Rd	<ul style="list-style-type: none"> The reduction of side yard setback beyond 1.5m may result in adverse impact to the drainage on the private lands and create flooding issues. Construction of the home and accessory buildings should not adversely impact the side yard drainage or adjacent neighboring lands.
B/02/2023 – 1475 O'Brien Sdrd	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage

	<p>tiles and water should be redirected around any future dwelling / around the severed parcel.</p> <ul style="list-style-type: none"> Any new entrances require an entrance permit from the Municipality of Lakeshore.
B/03/2023 – 1162 County Rd 46	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage tiles and water should be redirected around any future dwelling / around the severed parcel. Any new entrances will require an entrance permit from the County of Essex.

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

Sydnee Rivest, CET, rcji

Engineering Technologist – Development

From: [Morris Harding](#)
To: [Ian Rawlings](#)
Subject: RE: Committee of Adjustment - February 15, 2023 - Notice for Comments
Date: January 23, 2023 8:52:22 AM

Good morning, Ian.

We have reviewed the Feb 15th Committee of Adjustment Applications; our comments are as follows.

A/01/2023- Shall comply with The Ontario Building Code regarding spatial separation.

A/44/2022- Please ensure the neighboring unit will still have complete access to their rear yard.

B/02/2023 No concerns

B/03/2023 No concerns.

Thank You

Morris Harding , C.B.C.O.
Division Leader - Building and Chief Building Official
Municipality of Lakeshore | Growth and Sustainability - Building
419 Notre Dame Street, Belle River, ON, NOR 1A0
T: 519-728-1975 x258
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 2, 2023

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-01-2023 4778 ST CLAIR RD
ARN 375175000006700; PIN: 750700136
Applicant: Scott and Tara Harris

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property.

The applicants are proposing to construct a new single detached dwelling and a new accessory structure within the front yard. The proposed single detached dwelling will have a gross floor area of 153 m² and will be located 0.91 m from the eastern interior lot line, and 1.22 m from the western interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a side yard setback of 0.91 m from the eastern lot line and 1.22 m from the western lot line, whereas the by-law states 1.5 m on either side.

The proposed accessory structure will be located in the front yard of the property with a gross floor area of 78 m², a height of 5.1 m, and will be located 0.61 m from the eastern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) vii) to permit a setback of 0.61 m from the interior side lot line, whereas the by-law states 1.5 m.
- Section 6.5 a) ix) to permit a GFA of 77.9 m² in an RW2 zone, whereas the by-law states a maximum GFA of 55.0 m².
- Section 6.5 a) xi) to permit a height of 5.1 m, whereas the by-law states a maximum height of 5 m.

The following is provided as a result of our review of Application for Minor Variance A-01-2023.

Mr. Ian Rawlings
February 02, 2023

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

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

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

We note that ERCA Permit #531 - 21 has been issued for shoreline works to support this development. A Letter of Conformance has been received for the shoreline works undertaken in accordance with engineering plans/designs prepared by Chall.Eng Consulting Engineers, Project No. 221115 and dated revised August 27, 2021. An Application for Permit is required for the proposed dwelling and detached structure.

The structures must meet minimum setback and floodproofing elevation requirements as outlined in Chall.Eng Consulting Engineers, Project No. 221115 and dated revised August 27, 2021.

FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to the construction of the proposed dwelling and detached garage. The structures will need to meet above noted hazard land requirements.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 17, 2023

Applicant: Helen, David & Stacie Diemer (Owner)
Jim Renick (Agent)

Subject: Consent Application B/25/2022 – 2889 Lakeshore Rd 225

Recommendation

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.

Proposal

The applicants are proposing to sever the surplus dwelling for the creation of one lot. The qualifying home base dwelling is located at 2920 Lakeshore Rd 225. The proposed lot will have approximately 60.9 m of frontage along Lakeshore Rd 225, and approximately 5,948.9 m² in lot area. The retained lot will have approximately 243.9 m of frontage along Lakeshore Rd 225, and approximately 19.3 ha in lot area. As a condition of consent per Municipal policy and the PPS, the retained farmland will be required to be rezoned to prohibit further dwellings from being constructed on the lands.

Summary

Location

The subject property 2889 Lakeshore Rd 225 is approximately 19.9 ha in area with 304.8 m of frontage along Lakeshore Rd 225 and currently contains a residential dwelling and a windmill at the rear of the property. The subject property is located on the western side of Lakeshore Rd 225, north of County Rd 8.

Surrounding Land Uses

North: Farmland and Single Detached Residential Housing

East: Farmland and Single Detached Residential Housing

West: Vacant Farmland

South: Farmland, Woodlot, and a Single Detached Residential Dwelling

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 (A-1)” 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 i), ii), iii), and iv) of the Lakeshore Official Plan.

Zoning

The subject property is zoned Agriculture. The proposed lot will have approximately 60.9 m of frontage along Lakeshore Rd 225, and approximately 5,948.9 m² in lot area. The retained lot will have approximately 243.9 m of frontage along Lakeshore Rd 225, and approximately 19.3 ha in lot area.

The retained land will need to successfully complete a rezoning to prohibit the construction of single detached residential dwelling per the PPS requirements. Therefore, the proposed lot will conform to the Lakeshore Zoning By-law.

Conclusion

The proposed consent application 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.

The Drainage Department has expressed that the applicant will need to demonstrate that the bridge used for accessing the Turbine is a permanent access bridge and not Temporary. Should the access bridge be temporary in use then a new access bridge is to be installed. Drainage reapportionment will be required. Full comments can be found in Appendix C.

ERCA has expressed no objections to Consent Application B-25-2022. Full comments can be found within Appendix D.

Engineering has expressed that surface water and subsurface drainage tile and water should be redirected around the severed parcel. Full comments can be found within Appendix E.

Hydro One Networks Inc. has expressed no objections to Consent Application B-25-2022. Full comments can be found within Appendix F.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested consent application was sent to all property owners within 60 m 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 – Drainage Comments
Appendix D – ERCA Comments
Appendix E – Engineering Comments
Appendix F – Hydro One Networks Inc Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style.

Ian Rawlings
Planner I

Report Approval Details

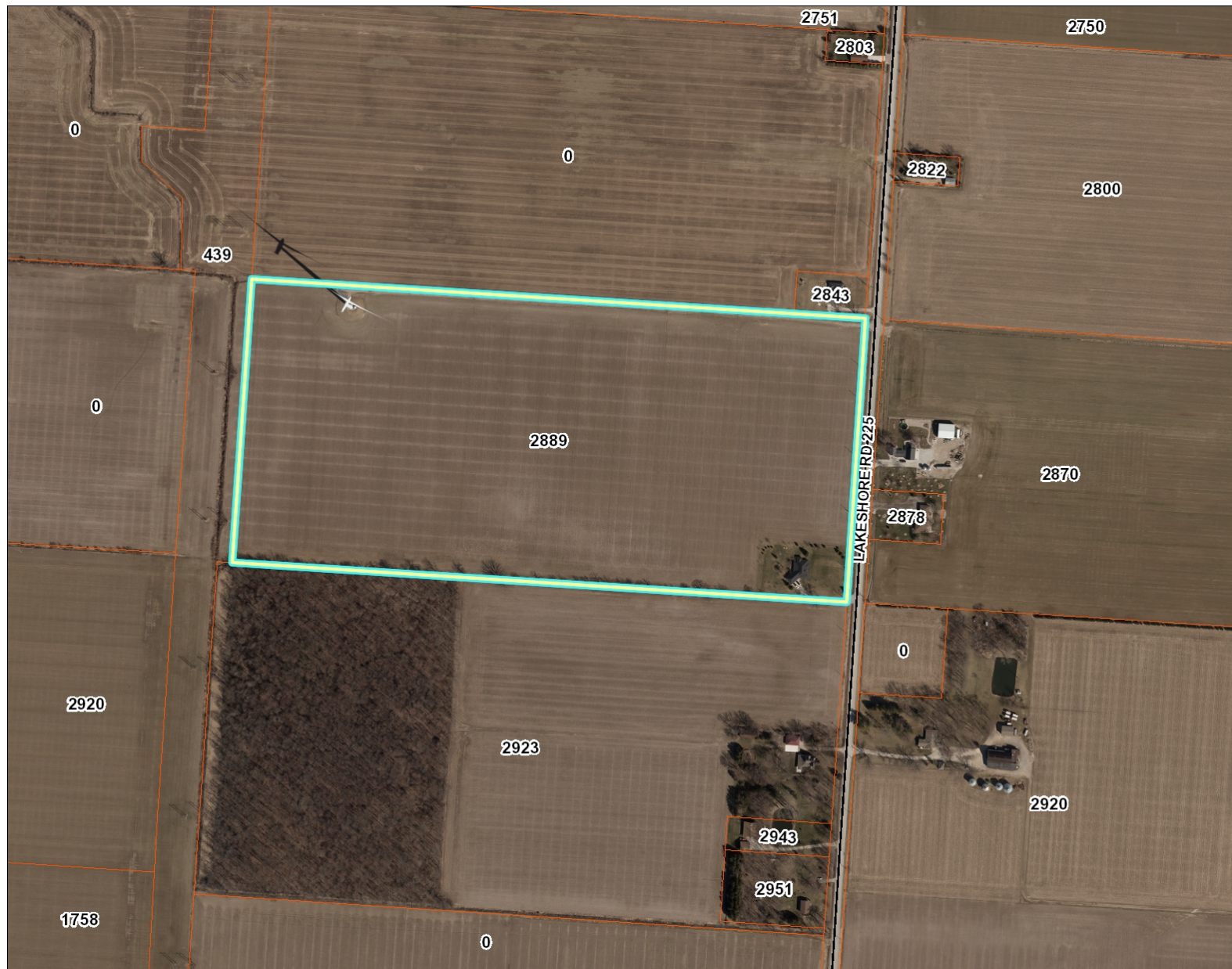
Document Title:	B-25-2022 Report - February 15.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Site Plan.pdf- Appendix C - Drainage Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Engineering Comments.pdf- Appendix F - Hydro One Networks Inc Comments.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 11:16 AM



2889 Lakeshore Rd. 225 B/25/2022 ZBA-17-2022



Legend

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

1: 6,304



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



Legend

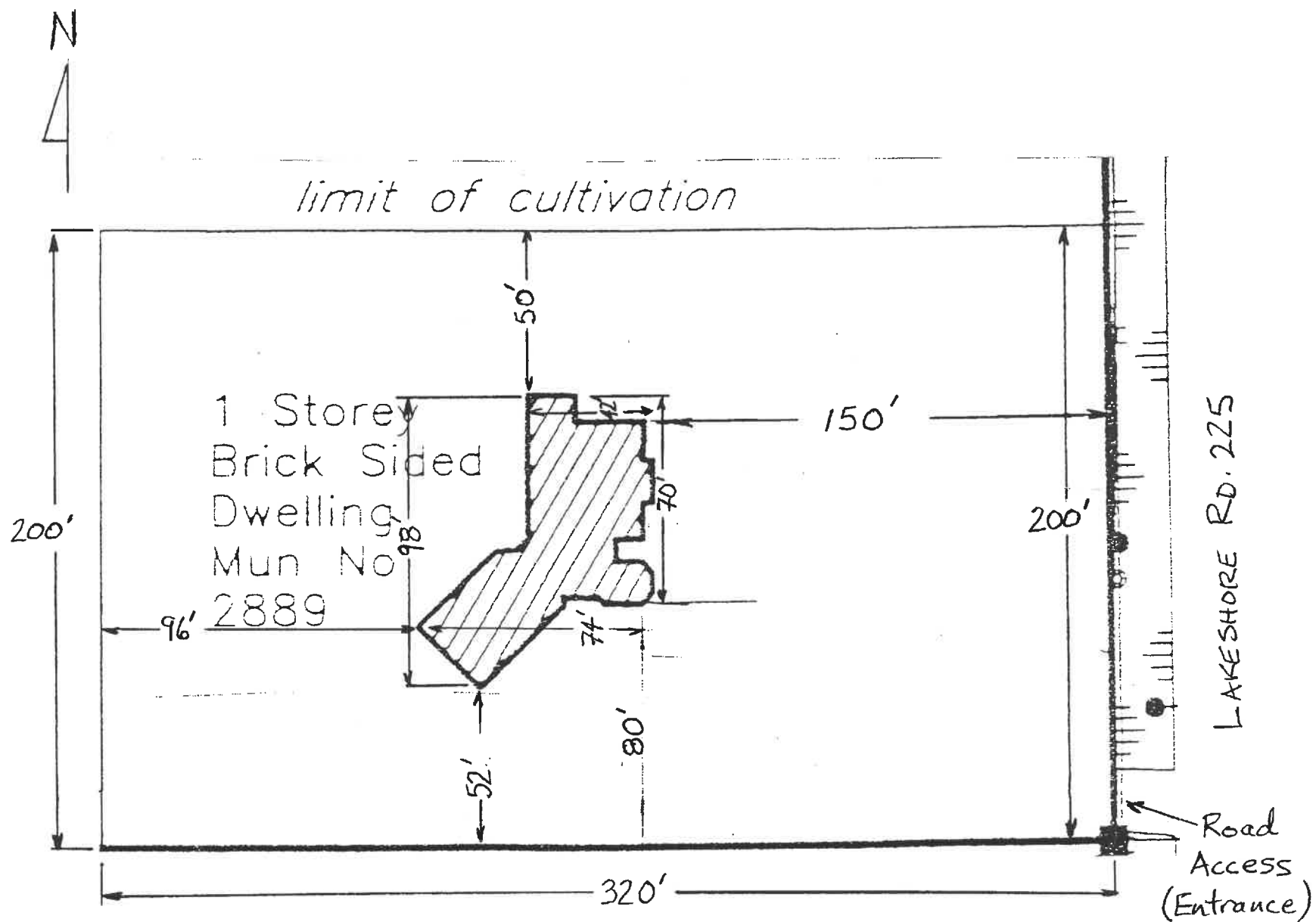
- Windsor Airport
- Greenway Trail
- Chrysler Canada Greenway
- Cypher Systems Greenway
- Rotary (1918) Centennial Hub
- Streets (20,000 >) White
- Streets (20,000 >) Black
- Street
- Property Parcels
- Municipal Boundary
- <all other values>
- Pelée Island
- Lakes

Notes

Enter Map Description

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2019. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 72.64 145.3 Meters



From: [Jill Fiorito](#)
To: [Ian Rawlings](#); [Amy McMillan](#); [Sydnee Rivest](#)
Subject: RE: Committee of Adjustment - January 25, 2023 - Notice for Comments
Date: January 13, 2023 1:01:08 PM

Good day:

Please find comments from drainage division regarding the upcoming COA meeting.

A/46/2022 – Drainage division has no concerns with this application.

A/47/2022 – even though the Wallace Line Drain is located at the rear of the property (enclosed system) Drainage division has no concerns with this application.

A/48/2022 – Drainage division has no concerns with this application.

A/49/2022 – Drainage division has no concerns with this application.

A/50/2022 – Drainage division has no concerns with this application.

A/51/2022 – Drainage division has no concerns with this application.

B/25/2022 – Drainage division has no concerns with this application if it can be confirmed that the access that they will be using that is currently accessing the turbine is a permanent bridge and not a temporary construction.

B/01/2023 – Drainage division has no concerns with this application.

Thank you,

Please see the attached Notice for Comments for your review for the following January 25th, 2023, Committee of Adjustment applications:

- A/46/2022 - 797 Old Tecumseh Rd
- A/47/2022 - 200 Rafih Crescent
- A/48/2022 - 1546 Caille Ave
- A/49/2022 - 262 Xavier Circle
- A/50/2022 - 389 Lakeview Drive
- A/51/2022 - 2037 County Rd 46
- B/25/2022 - 2889 Lakeshore Rd 225
- B/01/2023 - 218 Renaud Line Rd

Please note that comments are to be provided by January 16th, 2023, for inclusion in the Planning Report. If you have any questions regarding the applications please feel free to contact me.

Have a great day, 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)

Jill Fiorito

Drainage Superintendent

Municipality of Lakeshore | Operations - Drainage

419 Notre Dame Street, Belle River, ON, N0R 1A0

T: 519-728-2488 x621

Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-25-2022 2889 LAKESHORE RD 225
ARN 375148000001100; PIN: 750220106
Applicant: David & Stacie Diemer

The Municipality of Lakeshore has received an Application for Consent for the subject property. The applicants are proposing to sever the surplus dwelling for the creation of one lot. The following is provided as a result of our review of Application for Consent B-25-2022.

In addition, we understand that 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 Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel partially falls within the regulated area of the Wilcox Drain. 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*.

FINAL RECOMMENDATION

ERCA has no objections to Application for Consent B-25-2022.

Mr. Ian Rawlings
January 11, 2023

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com



Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO irawling@lakeshore.ca

January 19, 2023

Attention: Committee of Adjustment

Re: Proposed Application for Consent, David and Stacie Diemer
2889 Lakeshore 225
Lakeshore
File: B-25-2022

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango".

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 18, 2023

Applicant: Sean & Heather Tracey (Owner)
Gregory Tolmie (Applicant)

Subject: Consent Application B/01/2023 – 218 Renaud Line Rd

Recommendation

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.

Purpose

The applicants of 218 Renaud Line Rd 46 are proposing to sever approximately 1,021.93 m² from the rear yard of their property for a lot addition to be added to the neighboring property, 1303 County Rd 22 for a future, undetermined development. The proposed severance will result in approximately 2,294.71 m² of lot area and 30.48 m of frontage for the retained land and approximately 22,227 m² of lot area for the land receiving the lot addition.

Summary

Location

The subject property 218 Renaud Line Rd is approximately 3,316.64 m² in lot area with 30.48 m of frontage along Renaud Line Rd and contains a single detached residential dwelling, a detached garage, and shed in the rear yard of the property. The subject property is located on the eastern side of 218 Renaud Line Rd, south of County Rd 22.

Surrounding Land Uses

North: Lakeshore MedArts Plaza

East: Vacant Land/Lakeshore MedArts Plaza

West: Vacant Land

South: Single Detached Dwelling/Lakeshore MedArts Plaza

Official Plan

The subject property is designated “Residential” by the Lakeshore Official Plan. The subject property receiving the lot addition is split designated “Residential” and “Mixed Use”.

Section 8.3.5.2 b) permits a consent for technical or legal purposes in all designations:

“Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, easement or right-of-way). The lots that are the subject of that type of application and any retained lands will comply with the Zoning By-law, or

the By-law will be amended or a minor variance granted as a condition of the consent.”

The proposed consent application is considered a boundary adjustment and will require the retained and severed lands to conform with the Lakeshore Zoning By-law. An Official Plan amendment will not be required at this time to achieve uniform designation throughout the subject property until a future development proposal is identified.

Zoning:

The subject property is zoned “Residential – Low Density (R1)” under the Lakeshore Zoning By-law 2-2012. The proposed lot addition will add approximately 1,021.93 m² to 1303 County Rd 8. The proposed severance will result in approximately 2,294.71 m² of lot area and will maintain its 30.48 m of frontage for the retained land.

The land receiving the lot addition is split zoned “Residential – Low Density (R1)” and “Mixed Use Zone Exception 27 (MU-27).” The Mixed Use Zone Exception 27 includes the following zoning regulations:

- i. For the purposes of this By-law, lands zoned MU-27 are considered to be a single lot.*
- ii. Notwithstanding Section 8.6, Mixed Use and Section 6.14 h), a Buffer Strip shall be a minimum 1.5 meters along the rear yard and as existing, along the interior side yard for existing buildings. No buffer strip is required for the exterior side yard.*
- iii. Section 6.17, County Road 22 Street Frontages shall not apply to lands zoned MU-27.*
- iv. Notwithstanding Section 6.41.1, Parking Requirements and Section 6.41.2, Parking Areas and Other Parking Provisions, the minimum number of parking spaces shall be two hundred and fifteen (215), which includes three (5) parking spaces for persons with disabilities.*
- v. Notwithstanding Section 6.41.2 e) and g), Parking Areas and Other Parking Provisions, parking spaces shall be a minimum of 2.8 m in width and 5.7 m in length, and parking spaces for persons with disabilities shall be a minimum of 4.5 m in width and 5.7 m in length.*
- vi. A minimum of (1) loading space shall be required.*
- vii. No waste area enclosure shall be located closer than 5.2 meters from any residential zone.*

The retained land conforms to the regulations detailed within the Lakeshore Zoning By-law 2-2012 as a residential lot containing a single detached residential dwelling and accessory uses.

The land to be severed will be required to reflect the zoning of the property receiving the lot addition. As the land receiving the lot addition is a split zoning between “Residential – Low Density (R1)” and “Mixed Use Zone Exception 27 (27)” a Zoning By-law Amendment will be required as a condition of the consent application as discussed with

the applicant. Since a developmental plan for the subject lands zoned “Residential – Low Density (R1)” has not been proposed the lands will be placed under a holding symbol until conditions for removal are satisfied. Therefore, complying with the Lakeshore Zoning By-law.

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

ERCA recommends that the proposed severance merge with the lot being enlarged. ERCA expresses no objections as detailed within Appendix – C.

Engineering has expressed that they will provide additional comments related to servicing, grading, traffic impact, etc, through the site plan control process for the future development. Drainage reapportionment required. Full comments can be found within Appendix – D.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested consent application was sent to all property owners within 60 m 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
Appendix D – Engineering Comments

Prepared by:

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

Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-01-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - ERCA Comments.pdf- Appendix D - Engineering Comments.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 1:56 PM

Report Approval Details

Document Title:	B-01-2023 Report - February 15.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - ERCA Comments.pdf- Appendix D - Engineering Comments.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 11:12 AM



Legend

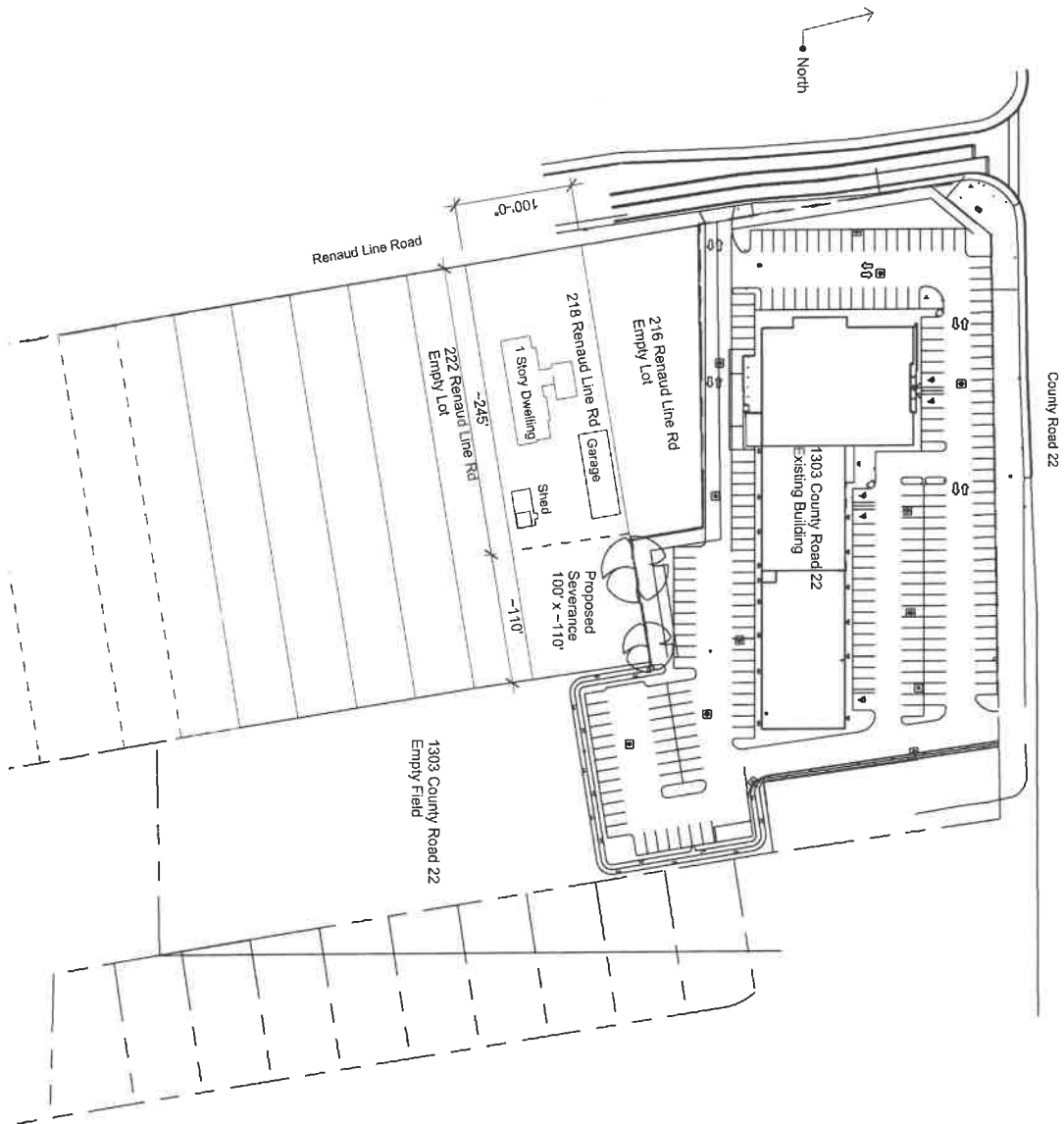
- Tax Parcel
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

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Notes:

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



01

a

DRAWN BY
DC
DESCRIPTION
Site Plan

PROJECT
218 Renaud
Severance

ISSUE
2022-12-08

CLIENT
Lakeshore MedArts
1303 County Road 22
Lakeshore, ON

Lakeshore
MedArts

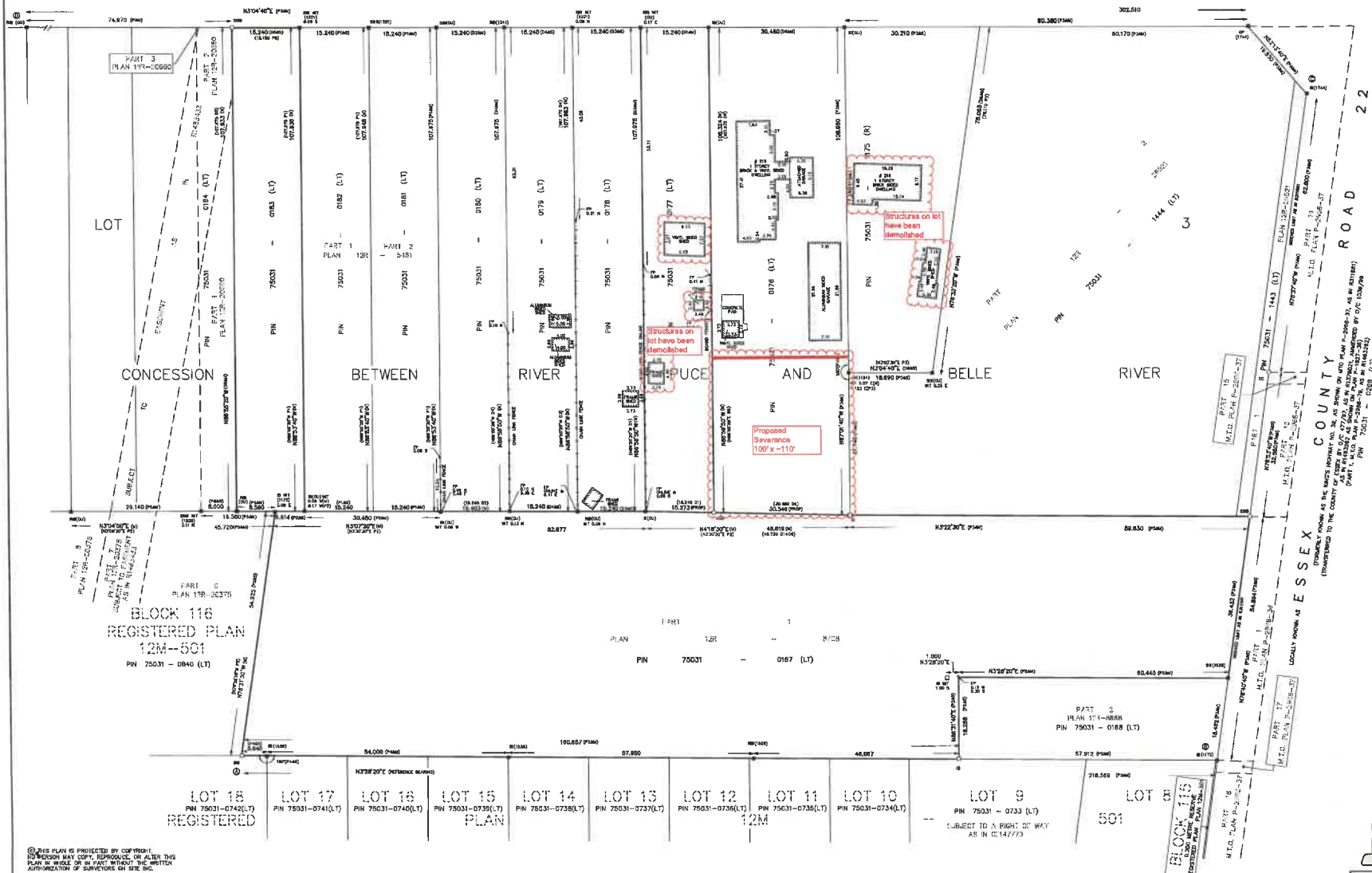
COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 COORD. (2011.0)		
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(1) OF O. REG. 216/76		
POINT ID	NORTHING	EASTING
1	4883612.882	365815.533
2	4884132.024	365826.798
3	4884131.442	365861.438
4	4883847.220	365641.468

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LOCALLY KNOWN AS RENAUD LINE ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS LAKESHORE RANCH & EAST PUCE RIVER)
PIN 75031 - 0270 (R)

PLAN OF SURVEY OF
PART OF LOT 3
CONCESSION BETWEEN RIVER
PUCE AND BELLE RIVER
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF LAKESHORE
COUNTY OF ESSEX

SCALE 1 : 400 METRES
0 2 4 6 8 10 20 30 40
SURVEYORS ON SITE INC. ©



LEGEND

1	MONUMENT PLANTED
2	MONUMENT FOUND
3	STANDARD IRON BAR
4	SHORT STANDARD IRON BAR
5	IRON BAR
6	CONCRETE PIN
7	POURED IRON BAR
8	CUT CROSS
9	MEASURED
10	SET
11	PLAN 12M-5000
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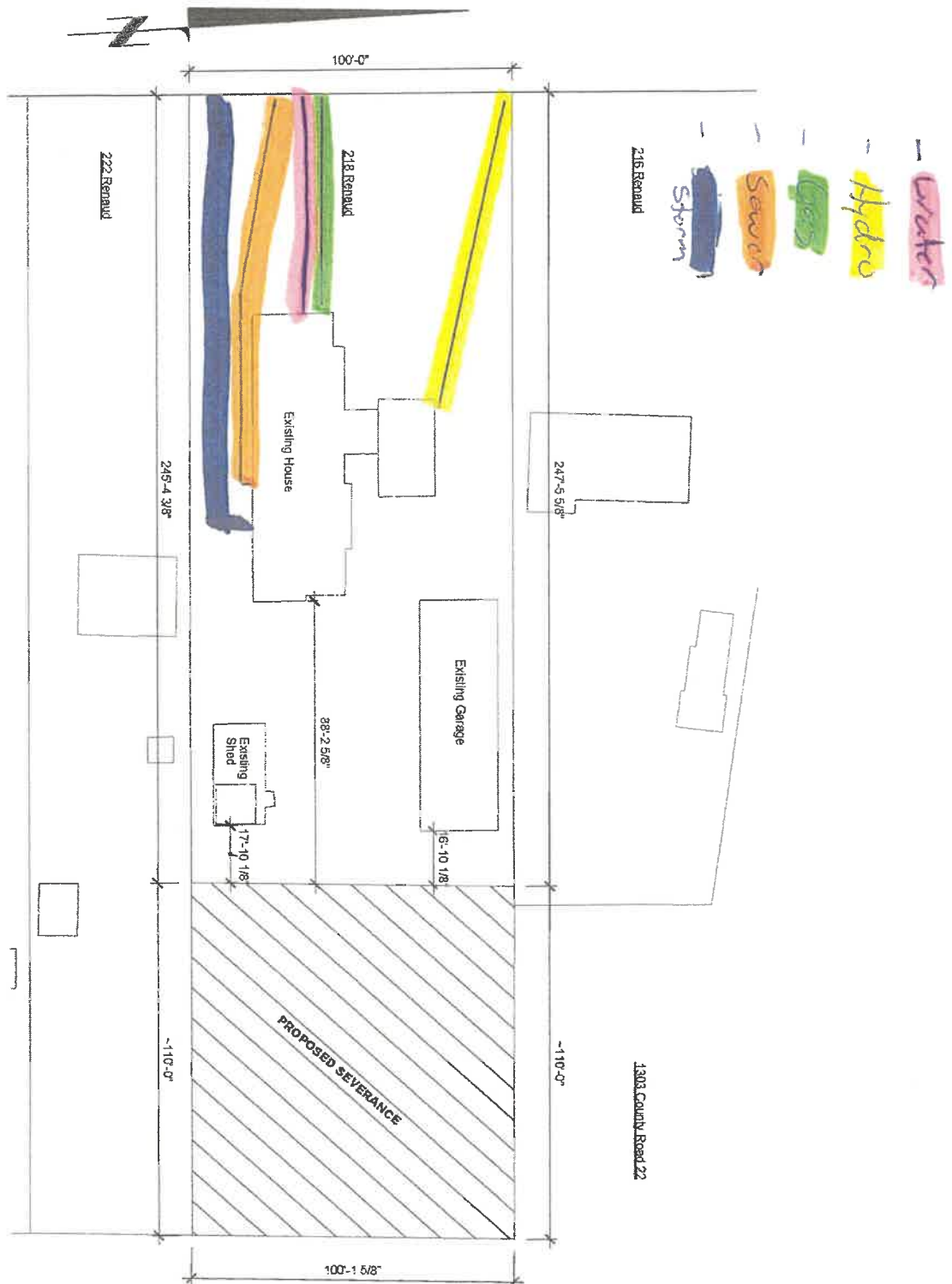
NOTES
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
DISTANCES ON THIS PLAN ARE HORIZONTAL GRANT DISTANCES AND CAN BE CONVERTED TO CURVE DISTANCES BY MULTIPLYING BY THE AVERAGE CURVED SCALE FACTOR OF 0.999833870.
BEARINGS ARE UTM GRID COORDINATES FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) OR MONUMENTED AND AS SHOWN HEREON, HAVING A DEED BEARING OF 102°52'00" NAD83 COORD. (2011.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (UTM LAKESHORE).
FOR BEARING CONVERSIONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1, B1, D1, D4, D5, D8, D9 - 120°10' CLOCKWISE
P2 - 17°32' CLOCKWISE
P3 - 174°23' CLOCKWISE
P4 - 0°00'00' COUNTER CLOCKWISE



SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 17th DAY OF DECEMBER, 2021.
DECEMBER 20, 2021
CHRISTOPHER JOHN OLLER
ONTARIO LAND SURVEYOR

SOS SURVEYORS ON SITE INC.
3560 WALKER ROAD
WINDSOR, ONTARIO
N9B 3E4
518-818-0787
www.surveyorsonsite.com

THIS PLAN IS PROTECTED BY COPYRIGHT.
NO REPRODUCTION OR ALTERATION OF THIS PLAN IS PERMITTED WITHOUT THE WRITTEN AUTHORIZATION OF SURVEYORS ON SITE INC.



Scale: 1" = 30'-0"

<p>01</p> <p>a</p>	<p>DATE: 01/01/2014</p> <p>DC</p> <p>DESCRIPTION: 218 Renaud</p>	<p>PROJECT: 218 Renaud Severance</p>	<p>LOTUS: MM.DD.YY</p>	<p>DATE: 01/01/2014</p> <p>2680 Temple Drive</p> <p>Windsor, ON N8W 5J5</p>
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planning@erca.org

P.519.776.5209

F.519.776.8688

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

January 11, 2023

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-01-2023 218 RENAUD LINE RD
ARN 375118000044100; PIN: 750310176
Applicant: Sean & Heather Tracey

The Municipality of Lakeshore has received an Application for Consent for the subject property. The applicants are proposing to sever approximately 1,021.93 m² from the rear yard to be added to the neighboring property 1303 County Rd 22 for a future development. The subject property will retain approximately 2,294.71 m² of lot area and 30.48 m of frontage along Renaud Line Rd. The following is provided as a result of our review of Application for Consent B-01-2023.

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

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

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

ERCA recommends that the proposed severance or lot additions merge with the lot being enlarged, in accordance with the appropriate Sections 50(3) and (5) of the *Planning Act*.

FINAL RECOMMENDATION

ERCA recommends that the proposed severance or lot additions merge with the lot being enlarged, as noted above. ERCA has no objections to the Application for Consent B-01-2023.

Mr. Ian Rawlings
January 11, 2023

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

Sincerely,

A handwritten signature in black ink that reads "Kathleen Schnekenburger". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Kathleen Schnekenburger
Resource Planner
/ks

Date: January 18, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – January 25, 2023

Operations has received and reviewed all Committee of Adjustment applications for January 25, 2023 meeting and provide the following comments:

Application	Comments
A/46/2022 - 797 Old Tecumseh Rd	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/47/2022 - 200 Rafih Crescent	<ul style="list-style-type: none"> No comments.
A/48/2022 - 1546 Caille Ave	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighbouring lands There is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter and limit driveways widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by

	Operations.
A/49/2022 - 262 Xavier Circle	<ul style="list-style-type: none"> The development this parcel is located in (Serenity Bay Subdivision) was constructed in 2020. Therefore, the stormwater management considers a runoff coefficient of 60% as per the Windsor-Essex Region Stormwater Management Standards Manual. It is anticipated that the support of the additional lot coverage will impact the amount of hard surface on the parcel without exceeding this standard and being non-complaint with the design.
A/50/2022 - 389 Lakeview Drive	<ul style="list-style-type: none"> Construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighbouring lands
A/51/2022 - 2037 County Rd 46	<ul style="list-style-type: none"> Construction of the home addition shall not adversely impact the side yard drainage or adjacent neighbouring lands
B/25/2022 - 2889 Lakeshore Rd 225	<ul style="list-style-type: none"> Surface water and subsurface drainage tiles and water should be redirected around the severed parcel
B/01/2023 - 218 Renaud Line Rd	<ul style="list-style-type: none"> Engineering will provide additional comments related to servicing, grading, traffic impact, etc. through the site plan control process for the future development.

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

Sydney Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: February 8, 2023

Applicant: Lorraine Fuerth (Owner)
Brian & Karen Fuerth (Applicant)

Subject: Consent Application B/02/2023 – 1475 O'Brien Sdrd & B/03/2023 – 1162 County Rd 46

Recommendation

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

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.

Purpose

The applicants of 1475 O'Brien Sdrd and 1162 County Rd 46 are proposing to sever a surplus dwelling from each property for the creation of one lot. The qualifying home base dwelling is located at 1705 Lakeshore Rd 215. The two properties abut each other and will merge under the same ownership following the consent application allowing for proper access to the entirety of the retained lands.

The proposed lot to be severed from 1475 O'Brien Sdrd will have approximately 63 m (208 ft) of frontage along O'Brien Sdrd, and approximately 4046 m² (1 ac) in lot area. The retained lot will have approximately 267 m (877 ft) of frontage along O'Brien Sdrd, and approximately 8.9 ha (22 ac) in lot area.

The proposed lot to be severed from 1162 County Rd 46 will have approximately 47 m (155 ft) of frontage along County Rd 46, and approximately 4,046 m² (1 ac) in lot area. The retained lot will have approximately 223 m (734 ft) of frontage along County Rd 46, and approximately 19.4 ha (48 ac) in lot area.

As a condition of consent per Municipal policy and the PPS, the retained farmland will be required to be rezoned to prohibit further dwellings from being constructed on the lands.

Summary

Location:

The subject property 1475 O'Brien Sdrd is approximately 9.3 ha (23 ac) in lot area with 330.7 m (1085 ft) of frontage along O'Brien Sdrd and contains a single detached residential dwelling and shed in the rear yard of the property. The subject property 1162 County Rd 46 is approximately 3,316.64 m² in lot area with 30.48 m of frontage along County Rd 46 and contains a single detached residential dwelling, a detached garage, and shed in the rear yard of the property. The subject properties abut each other and are located on the northern side of County Rd 46, west of O'Brien Sdrd.

Surrounding Land Uses:

North: Farmland/ Single detached Residential Dwellings
East: Farmland/ Single detached Residential Dwellings
West: Vacant Farmland
South: Farmland/ Single detached Residential Dwellings

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 lots 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 (A-1)” will be included as to prevent the construction of future dwellings in accordance with the PPS and Official Plan.

Official Plan

The subject properties are designated Agriculture and are 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 lots 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 i), ii), iii), and iv) of the Lakeshore Official Plan.

Zoning

The subject properties are zoned Agriculture. The proposed lot to be severed from 1475 O'Brien Sdrd will have approximately 63 m (208 ft) of frontage along O'Brien Sdrd, and approximately 4046.85 m² (1.00 ac) in lot area. The retained lot will have approximately 267 m (877 ft) of frontage along O'Brien Sdrd, and approximately 8.9 ha (22 ac) in lot area.

The proposed lot to be severed from 1162 County Rd 46 will have approximately 47 m (155 ft) of frontage along County Rd 46, and approximately 4,046 m² (1 ac) in lot area. The retained lot will have approximately 223 m (734 ft) of frontage along County Rd 46, and approximately 19.4 ha (48 ac) in lot area.

The retained land for both applications 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.

Once the properties merge under the same ownership the retained farmland will have a total lot area of approximately 28.3 ha (70 ac) with proper access off both County Rd 46 and O'Brien Sdrd.

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

Engineering has expressed for both properties that surface water and subsurface drainage tiles and water should be redirected around the severed parcel and that drainage reapportionment agreements will be required. Full comments can be found within Appendix D.

ERCA has expressed no objections to Consent Application B-02-2023 and B-03-2023. Full comments can be found within Appendix E & F respectfully.

The County of Essex has provided engineering comments only and expressed no objections to Consent Application B-03-2023. The application B-02-2023 was not

circulated to the County of Essex, therefore comments were not provided regarding the stated application. Full comments can be found within Appendix G.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map – B-02-2023
Appendix B – Aerial Map – B-03-2023
Appendix C – Drawings
Appendix D – Engineering Comments
Appendix E – ERCA Comments – B-02-2023
Appendix F – ERCA Comments – B-03-2023
Appendix G – Count of Essex Comments – B-03-2023

Prepared by:



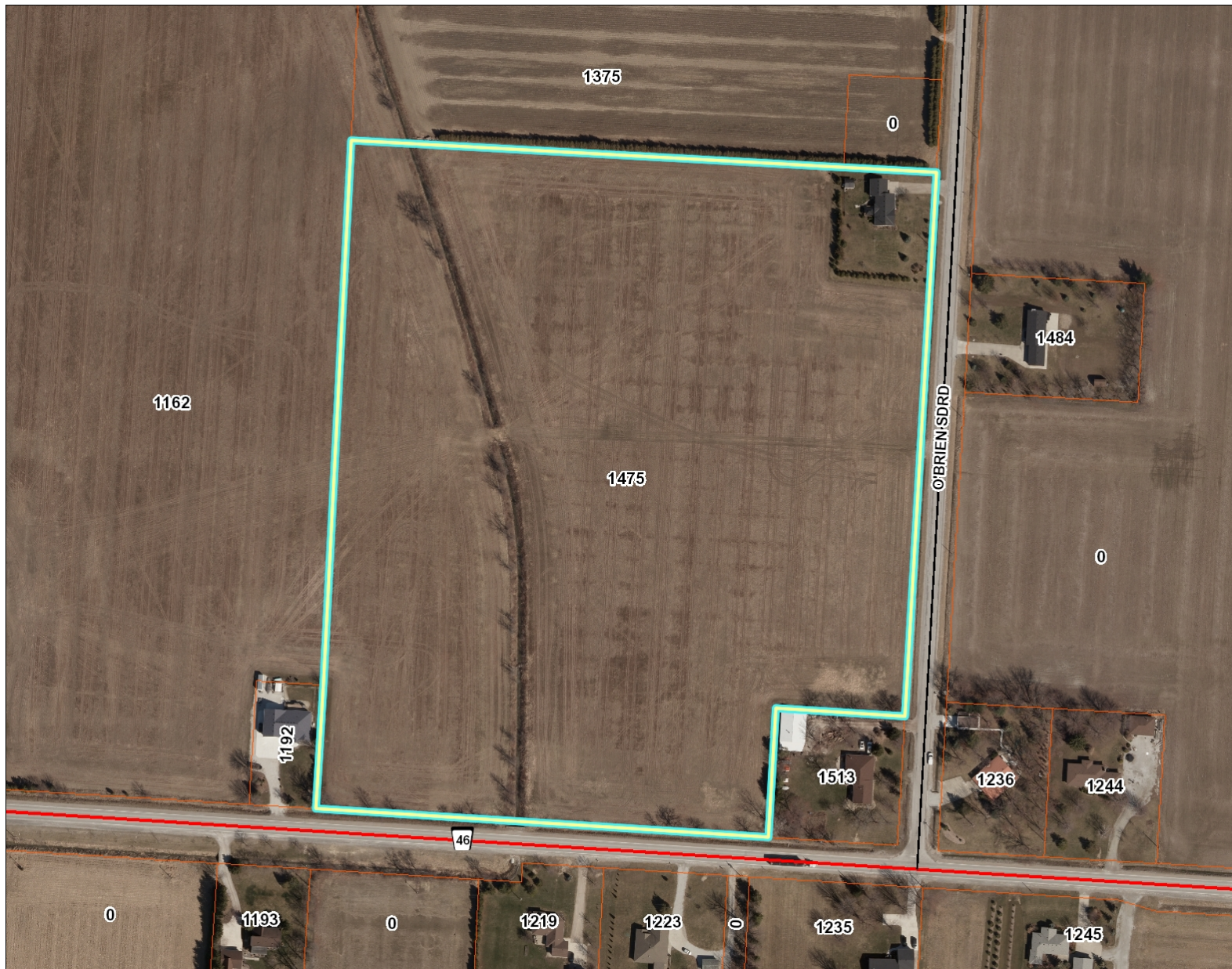
Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-02-2023 and B-03-2023 Combined Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map - B-02-2023.pdf- Appendix B - Aerial Map - B-03-2023.pdf- Appendix C - Drawings.pdf- Appendix D - Engineering Comments.pdf- Appendix E - ERCA Comments - B-02-2023.pdf- Appendix F - ERCA Comments - B-03-2023.pdf- Appendix G - County Comments - B-03-2023.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 10:57 AM



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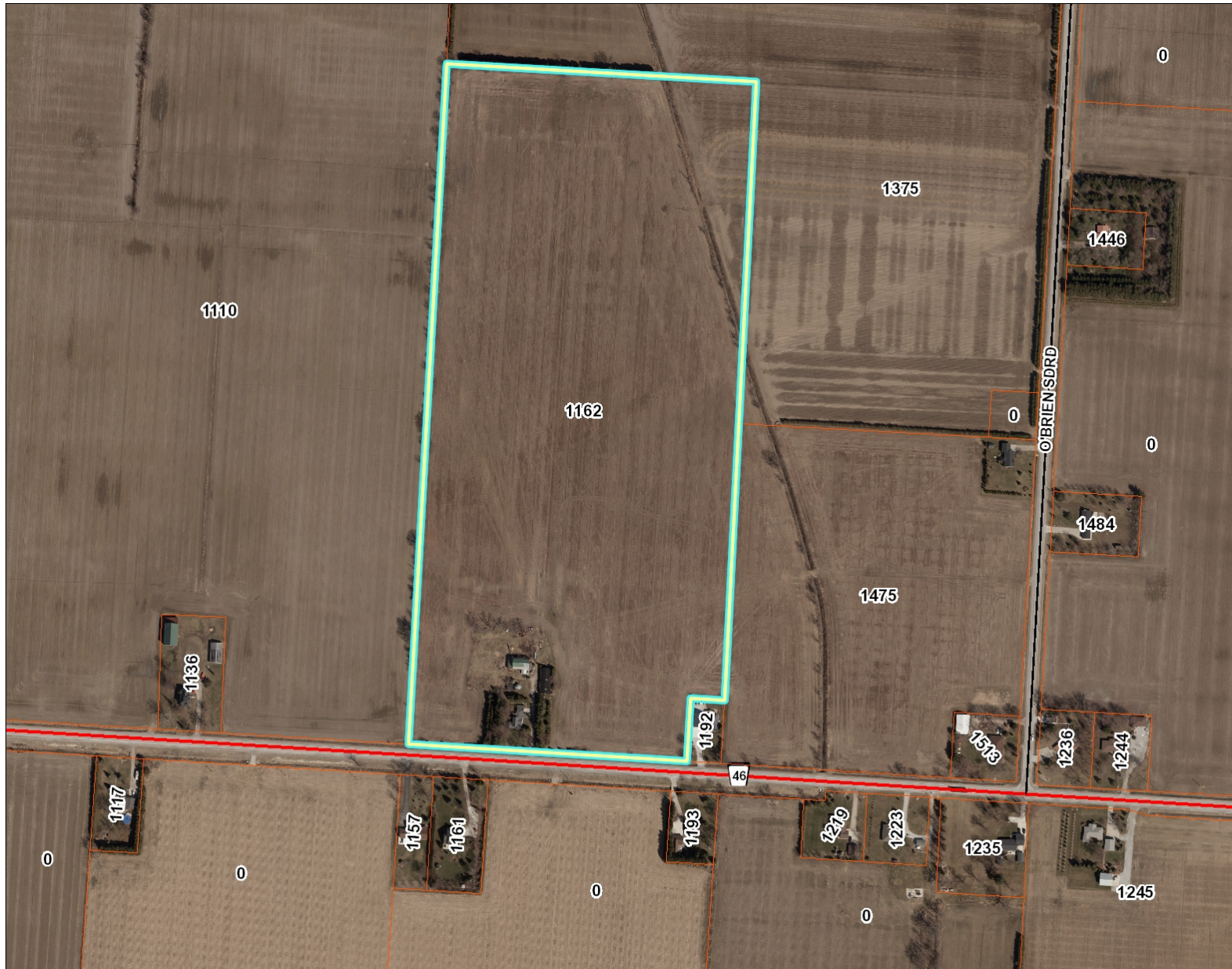
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- LAK
- PRIV
- PROV

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Notes:

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



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- WorkingParcel
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- <all other values>
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- LAK
- PRIV
- PROV

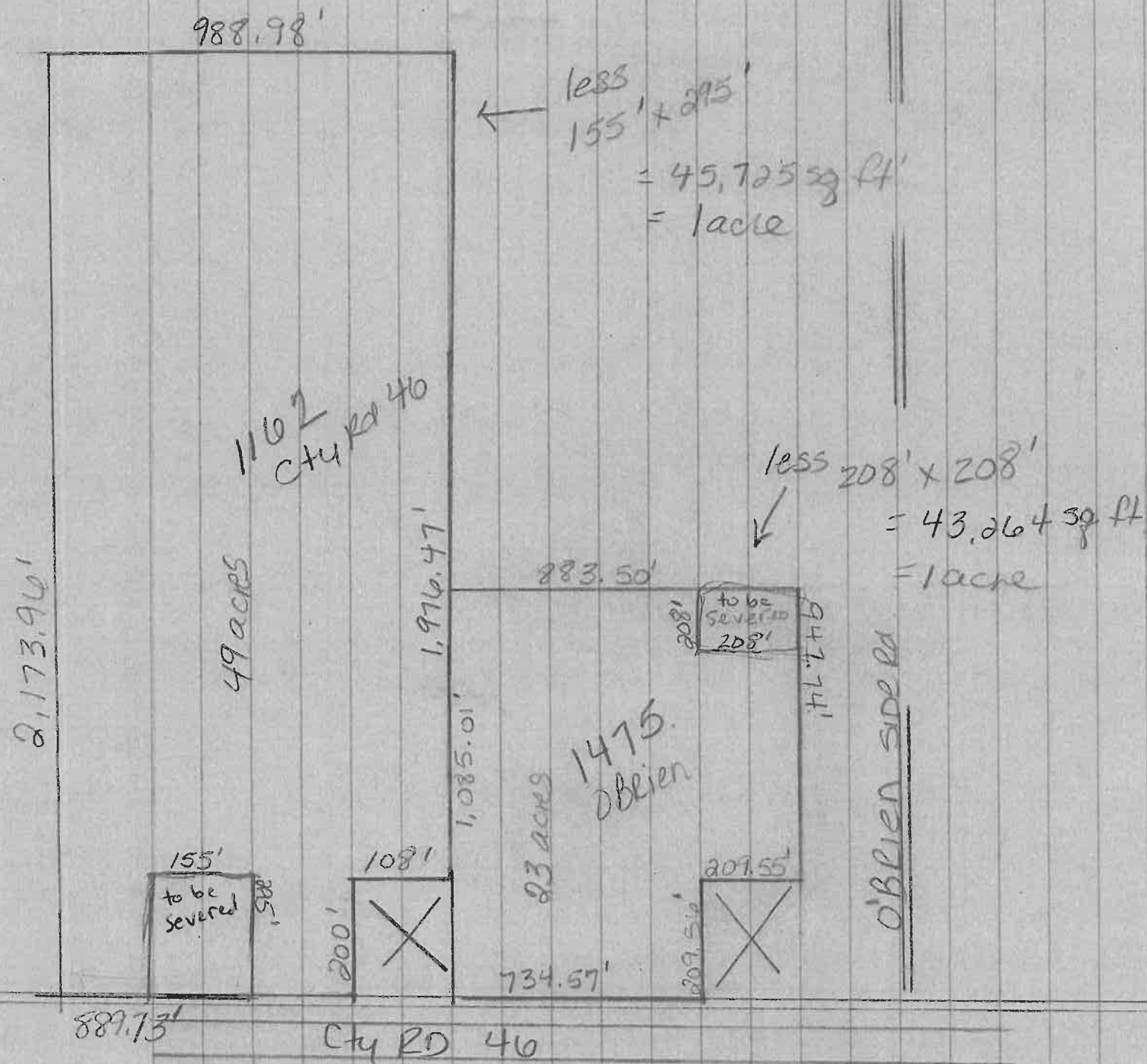
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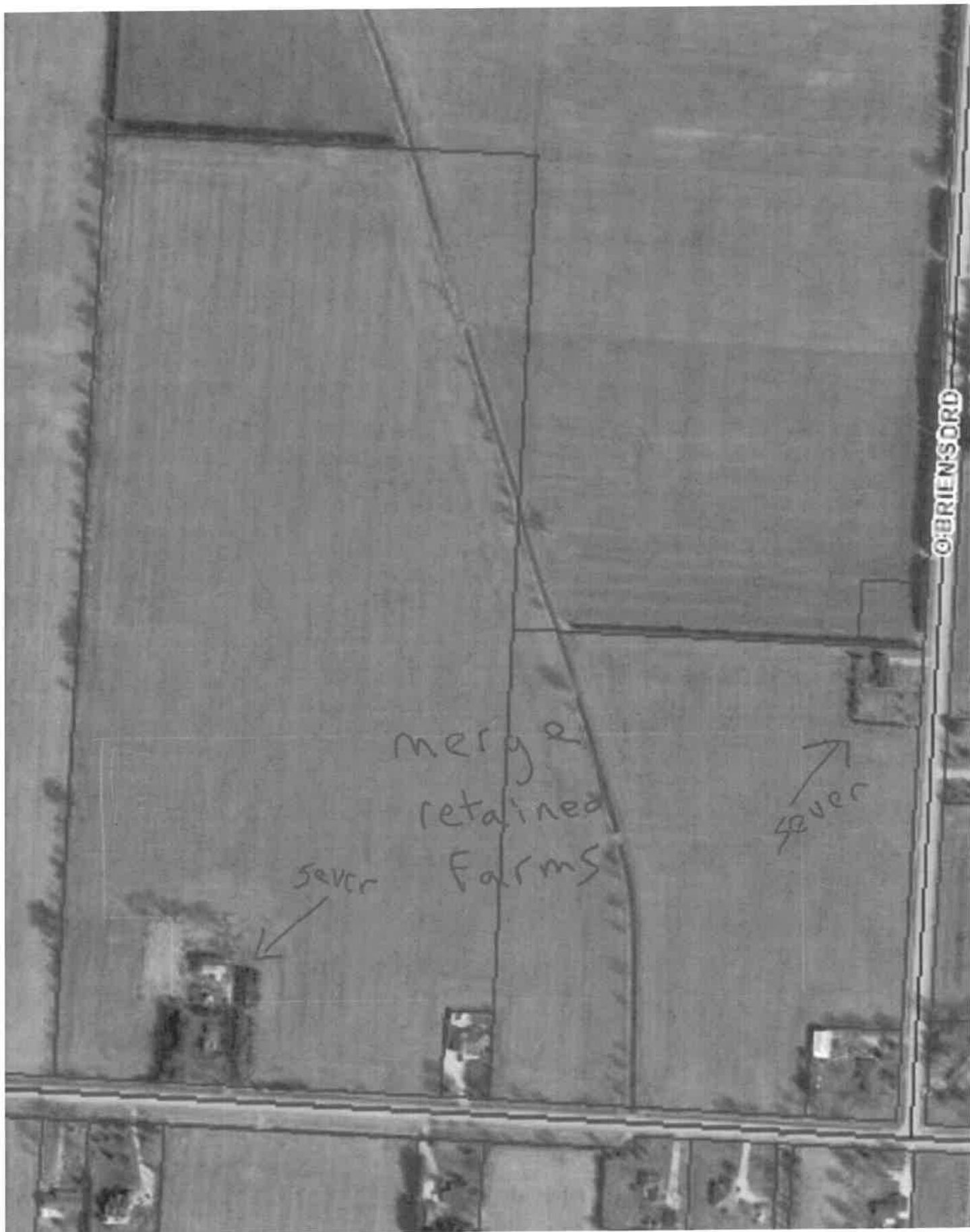


Notes:

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Fourth Avenue.





Re:
1162 County
Rd. 46



RE:
1415
O'Brien
Side Rd.



Date: February 3, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Rawlings, Planner 1

Re: Committee of Adjustment – February 15, 2023

Operations has received and reviewed all Committee of Adjustment applications for February 15, 2023 meeting and provide the following comments:

Application	Comments
A/44/2022 – 742 Faleria St	<ul style="list-style-type: none"> The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional stormwater runoff may create adverse impacts on the surrounding drainage system. Access to the existing easement must be maintained at all times.
A/01/2023 – 4778 St. Clair Rd	<ul style="list-style-type: none"> The reduction of side yard setback beyond 1.5m may result in adverse impact to the drainage on the private lands and create flooding issues. Construction of the home and accessory buildings should not adversely impact the side yard drainage or adjacent neighboring lands.
B/02/2023 – 1475 O'Brien Sdrd	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage

	<p>tiles and water should be redirected around any future dwelling / around the severed parcel.</p> <ul style="list-style-type: none"> Any new entrances require an entrance permit from the Municipality of Lakeshore.
B/03/2023 – 1162 County Rd 46	<ul style="list-style-type: none"> The Drainage Division will require a drain apportionment for this application. Surface water and subsurface drainage tiles and water should be redirected around any future dwelling / around the severed parcel. Any new entrances will require an entrance permit from the County of Essex.

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

Sydnee Rivest, CET, rcji

Engineering Technologist – Development



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 2, 2023

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-02-2023 1475 O'BRIEN SIDEROAD
ARN 375110000002100; PIN: 750250056
Applicant: Brian & Karen Fuerth

The Municipality of Lakeshore has received an Application for Consent for the subject property.

The applicants are proposing to sever the surplus dwelling for the creation of one lot. The proposed lot will have approximately 63 m (208 ft) of frontage along O'Brien Sdrd, and approximately 4046.85 m² (1.00 ac) in lot area. The retained lot will have approximately 267 m (877 ft) of frontage along O'Brien Sdrd, and approximately 8.9 ha (22 ac) in lot area.

The following is provided as a result of our review of Application for Consent B-02-2023.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 4th Concession Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The above mentioned drain is a municipal drains that falls under the jurisdiction of the Municipality of Lakeshore. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Municipality of Lakeshore for any works to the

Mr. Ian Rawlings
February 02, 2023

drain. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Municipality of Lakeshore.

FINAL RECOMMENDATION

ERCA has no objection to Application for Consent B-02-2023.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 2, 2023

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-03-2023 1162 COUNTY 46 RD
ARN 375110000002200; PIN: 750250035
Applicant: Brian & Karen Fuerth

The Municipality of Lakeshore has received an Application for Consent for the subject property.

The applicants are proposing to sever the surplus dwelling for the creation of one lot. The proposed lot will have approximately 47 m (155 ft) of frontage along County Rd 46, and approximately 4,046 m² (1 ac) in lot area. The retained lot will have approximately 223 m (734 ft) of frontage along County Rd 46, and approximately 19.4 (48 ac) ha in lot area.

The following is provided as a result of our review of Application for Consent B-03-2023.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 4th Concession Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The above mentioned drain is a municipal drains that falls under the jurisdiction of the Municipality of Lakeshore. The municipal drain typically has an unregistered working space in which the municipality has the right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Municipality of Lakeshore for any works to the

Mr. Ian Rawlings
February 02, 2023

drain. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Municipality of Lakeshore.

FINAL RECOMMENDATION

ERCA has no objection to Application for Consent B-03-2023.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



January 23, 2023

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

Dear Mr. Rawlings:

Re: COA Submissions, B-03-2023, Brian & Karen Fuerth

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No.46. The Applicant will be required to comply with the following County Road regulations:

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 setback from the County Road is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances.

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

☎ 519-776-6441
TTY 1-877-624-4832

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

💻 countyofessex.ca

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

Regards,



Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, December 7, 2022, 6:00 PM

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

Staff Present: 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

4. Public Meetings under the Planning Act

a. Minor Variance Application A-42-2022

Paige Docherty presented the application, the applicant, Mike Schincariol, was present.

Ron Barrette asked if the empty racks on the property will be stored inside the new building. The applicant stated the billets (long cylindrical tubes) are to be stored inside, out of the weather.

Moved By Steve Diemer

Seconded By Michael Hoffman

Approve minor variance application A/42/2022, to permit a new 815.22 m² (8,775 ft²) building on an existing landscaped area in the front yard for billet storage, in accordance with the site plan provided.

Carried Unanimously

b. Minor Variance Application A-43-2022

Ian Rawlings presented the application, the applicant, Rob Thoms, was in attendance.

The applicant stated that they require a large accessory structure for storage needs including sports cars, jet skis and golf carts.

Michael Hoffman asked if any neighbours have issues with your proposed build. The applicant stated that there are no issues with surrounding neighbours and that the accessory structure will have same exterior as house.

Steve Diemer asked if there will be an upstairs area. The applicant stated there will be a second floor for storage.

Moved By Ron Barrette

Seconded By Michael Hoffman

Approve minor variance application A/43/2022, to permit an accessory structure with a gross floor area of 190.7 m² and a height of 5.7 m in accordance with the site plan provided

Carried Unanimously

c. Minor Variance Application A-44-2022

Minor variance application A-44-2022 was deferred due to insufficient notice as governed by Section 3 Subsection (1) of O. Reg. 200/96: MINOR VARIANCE APPLICATIONS under the Planning Act, R.S.O. 1990, c. P.13

d. Minor Variance Application A-45-2022

Ian Rawlings presented the application, The applicants, Stacy and Will McCracken, were in attendance.

The applicants stated the proposed structure would act as a nice storage shed and garage.

Moved By Robert Sylvestre

Seconded By Steve Diemer

Approve minor variance application A/45/2022, to permit an 89.1 m² accessory structure in the rear yard of their property in accordance with the site plan provided.

Carried Unanimously

e. Consent Application B-24-2022

Ian Rawlings presented the application, the applicant, Joseph Miehl, Was in attendance.

The applicant stated the farmland was severed off the property and that access was overlooked previously. Therefore, they are trying to provide adequate access.

Moved By Steve Diemer

Seconded By Ron Barrette

Approve application B/24/2022 to sever approximately 915 m² from the interior side yard of their property for a boundary adjustment to be added to the neighboring property, 0 County Rd 46, legally known as Part of Lot 13, Concession South Middle Road, Maidstone, as in MB16074 (north of 12R682) except R458609, R219717 and Part 7 on Plan 12R14435, 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 a septic test report indicating the location of the existing septic system on the retained parcel from the proposed severance line; adhering to the building code setbacks be submitted;

6) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge;

7) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;

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

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Moved By Ron Barrette

Seconded By Steve Diemer

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

Carried Unanimously

a. November 9, 2022 Meeting Minutes

7. New Business

a. Minor Addition to Consent Application Conditions

a. Minor Condition Change to Consent Application - B-18-2022

Moved By Steve Diemer

Seconded By Ron Barrette

approve

Carried Unanimously

b. Minor Condition Change to Consent Application - B-19-2022

Moved By Robert Sylvestre

Seconded By Ron Barrette

approve

Carried Unanimously

b. Bill 23

8. Adjournment

Moved By Ron Barrette

Seconded By Steve Diemer

The Committee of Adjustment adjourn its meeting at 6:52 PM.

Carried Unanimously

Chair

Ian Rawlings

Secretary-Treasurer

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: January 17, 2023

Applicant: 2456638 Ontario Inc. (Owner)
Jennifer L. McKim (Agent)

Subject: Cancellation of Consents – 216 Renaud Line, 1303 County Road 22 and
1313 County Road 22

Recommendation

That the Committee of Adjustment endorse a consent cancellation certificate for the following:

- 1) Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-0175 (R);
- 2) Cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-1444 (LT);
- 3) Cancel the consent registered as R647381 dated 1975/10/28 on PIN 75031-1444 (LT);
- 4) Cancel the consent registered as R663529 dated 1981/04/21 on PIN 75031-1444 (LT), and;
- 5) Cancel the consent registered as R851751 dated 1981/10/21 on PIN 75131-1444 (LT).

Purpose

The applicants are applying for the following Consent Cancellations affecting the properties known as 216 Renaud Line Rd, 1303 County Rd 22, and 1313 County Rd 22:

1. To cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-0175 (R) (Highlighted Yellow in Appendix B)

2. To cancel the consent registered as R440291 dated 1969/05/02 on PIN 75031-1444 (LT) (Highlighted Yellow in Appendix B)
3. To cancel the consent registered as R647381 dated 1975/10/28 on PIN 75031-1444 (LT) (Highlighted Pink in Appendix B)
4. To cancel the consent registered as R663529 dated 1981/04/21 on PIN 75031-1444 (LT) (Highlighted Blue in Appendix B)
5. To cancel the consent registered as R851751 dated 1981/10/21 on PIN 75131-1444 (LT) (Highlighted Green in Appendix B)

This will allow all properties to merge under the same ownership and to prevent the parcels from being sold separately.

Summary

Location

The subject properties 216 Renaud Line Rd, 1303 County Rd 22, and 1313 County Rd 22 fall under the same ownership and abut each other respectively. The subject properties are located at the south-east corner of County Rd 22 and Renaud Line Rd. The property 216 Renaud Line Rd is currently vacant, and the properties 1303 and 1313 County Rd 22 contains the Med Arts Plaza.

Surrounding Land Uses

North: Single Detached Residential Dwellings
East: Single Detached Residential Dwellings
West: Vacant Land
South: Single Detached Residential Dwellings

Planning Act

As of January 1st, 2022, under the new section 53(45), a property owner can request a Certificate of Cancellation of consent for a parcel that was previously severed with a consent. Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

Official Plan

The subject land detailed as 1303 County Rd 22 and 1313 County Rd 22 is designated "Mixed Use" under the Lakeshore Official plan. The subject land described as 216 Renaud Line Rd is designated "Residential" under the Lakeshore Official Plan. Following the cancellation of the consents on the subject lands the properties will merge under ownership and will proceed with an Official Plan Amendment Application at a future Council meeting, seeking uniform designation of the lands to "Mixed Use."

Zoning By-law

The subject land detailed as 1303 County Rd 22 and 1313 County Rd 22 is zoned “Mixed Use Zone Exception 27 (MU-27)” under the Lakeshore Zoning By-law 2-2012 and details the following:

a) *Zone Regulations:*

- i) *For the purposes of this By-law, lands zoned MU-27 are considered to be a single lot.*
- ii) *Notwithstanding Section 8.6, Mixed Use and Section 6.14 h), a Buffer Strip shall be a minimum 1.5 metres along the rear yard and as existing, along the interior side yard for existing buildings. No buffer strip is required for the exterior side yard.*
- iii) *Section 6.17, County Road 22 Street Frontages shall not apply to lands zoned MU-27.*
- iv) *Notwithstanding Section 6.41.1, Parking Requirements and Section 6.41.2, Parking Areas and Other Parking Provisions, the minimum number of parking spaces shall be two hundred and fifteen (215), which includes three (5) parking spaces for persons with disabilities.*
- v) *Notwithstanding Section 6.41.2 e) and g), Parking Areas and Other Parking Provisions, parking spaces shall be a minimum of 2.8 m in width and 5.7 m in length, and parking spaces for persons with disabilities shall be a minimum of 4.5 m in width and 5.7 m in length.*
- vi) *A minimum of (1) loading space shall be required.*
- vii) *No waste area enclosure shall be located closer than 5.2 metres from any residential zone.*

The subject land described as 216 Renaud Line Rd is zoned “Residential – Low Density (R1)” under the Lakeshore Zoning By-law 2-2012. Alongside the cancellation of the consents and the Official Plan Amendment, the applicants will be required to rezone the subject lands as “Mixed Use Zone Exception 27 (MU-27)”.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Consent Cancellation Map
Appendix C – Consent R440291 Map
Appendix D – Consent R647381 Map
Appendix E – Consent R663529 Map
Appendix F – Consent R851751 Map

Prepared by:

A handwritten signature in cursive script that reads "Ian Rawlings".

Ian Rawlings
Planner I

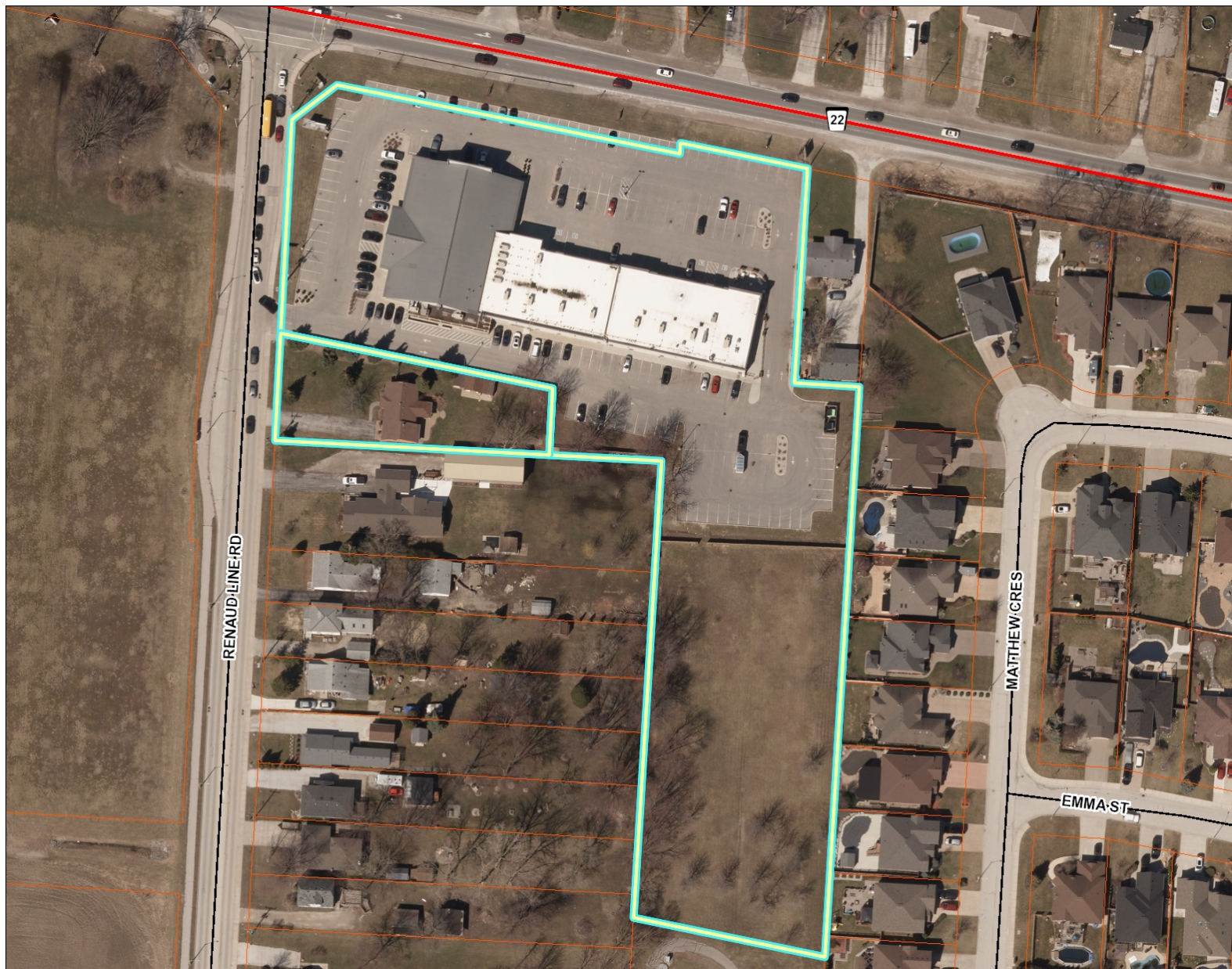
Report Approval Details

Document Title:	Consent Cancellation - 216 Renaud Line Rd, 1303 County Rd 22, and 1313 County Rd 22.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Mapping.pdf- Appendix B - Consent Cancellations Map.pdf- Appendix C - Consent- R440291.pdf- Appendix D - Consent R647381.pdf- Appendix E - Consent R663529.pdf- Appendix F - Consent R851751.pdf
Final Approval Date:	Jan 20, 2023

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

Kristina Brcic - Jan 20, 2023 - 12:38 PM

Subject Lands



Legend

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

1: 1,661



Notes:

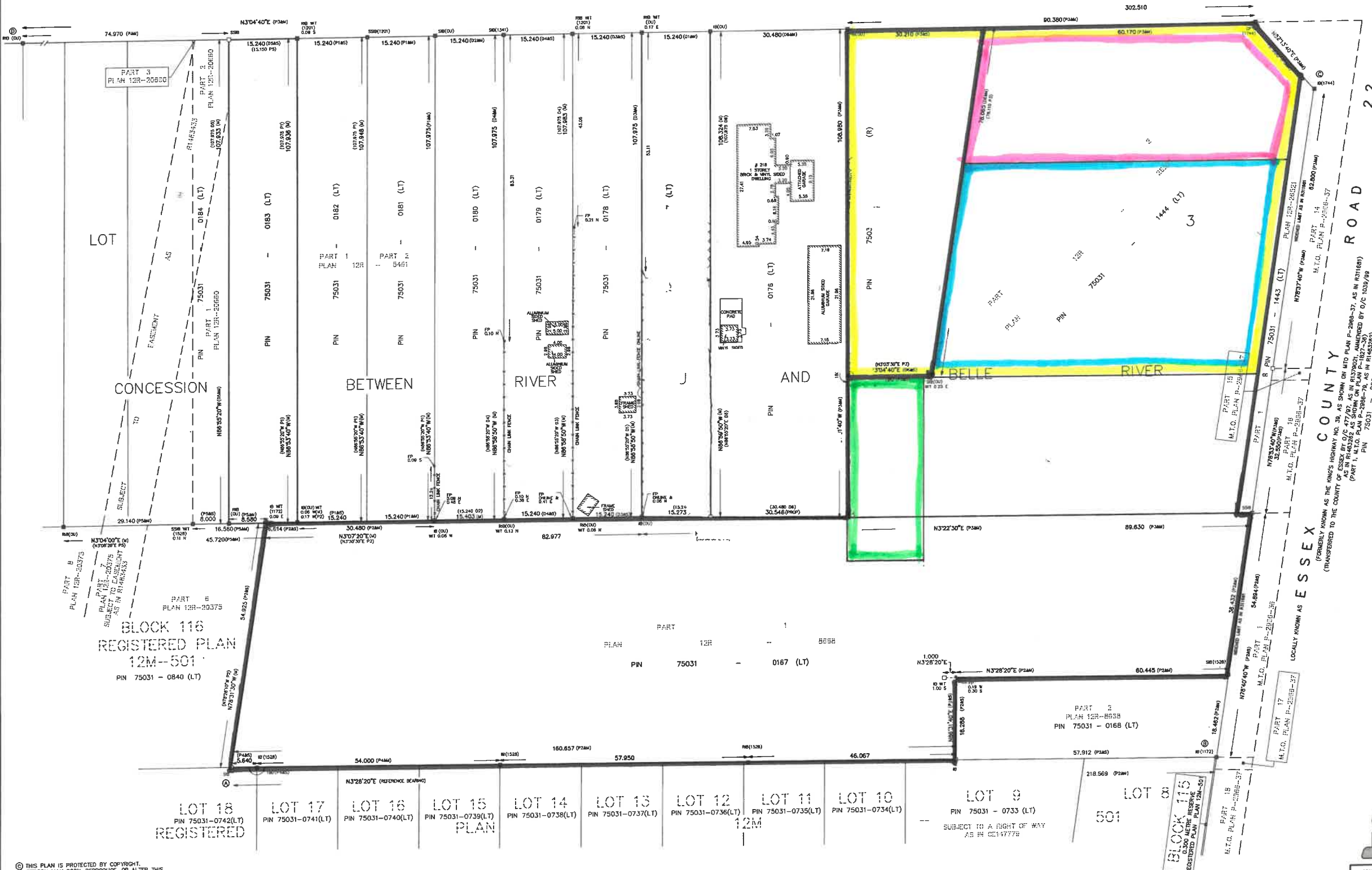
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Table with 3 columns: POINT ID, NORTHING, EASTING. It lists coordinates for points A through D and includes a note about coordinate accuracy and usage.

PLAN OF SURVEY OF
PART OF LOT 3
CONCESSION BETWEEN RIVER
PUCE AND BELLE RIVER
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF LAKESHORE
COUNTY OF ESSEX

SCALE 1 : 400 METRES
0 2 4 6 8 10 20 30 40
SURVEYORS ON SITE INC. ©

LOCALLY KNOWN AS RENAUD LINE ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS LAKESHORE RANGE & EAST PUCE RIVER)
PIN 75031 - 0270 (R)



- LEGEND
- MONUMENT PLANTED
 - MONUMENT FOUND
 - STANDARD IRON BAR
 - SHORT STANDARD IRON BAR
 - IRON BAR
 - CONCRETE PIN
 - ROUND IRON BAR
 - OUT CROSS
 - MEASURED
 - SET
 - PLAN 12R-5280
 - PLAN 12R-5461
 - PLAN 12R-5658
 - PLAN 12R-26521
 - REGISTERED PLAN 12M-501
 - PLAN 12R-20560
 - INSTRUMENT NUMBER R701679
 - INSTRUMENT NUMBER R1282661
 - INSTRUMENT NUMBER R1312114
 - INSTRUMENT NUMBER R1484552
 - INSTRUMENT NUMBER R1485735
 - INSTRUMENT NUMBER R1534287
 - WILLIAM BREWER O.L.S.
 - CLARKE SURVEYORS INC.
 - RICHARD MURRAY O.L.S.
 - VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC.
 - VERHAEGEN, STUBBERFIELD, HARTLEY, BREWER, BEZAIRE INC.
 - ORIGIN UNKNOWN
 - SET BY PROPORTION
 - FENCE POST
 - WITNESS

NOTES

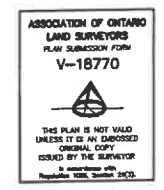
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999833970.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TORNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID BEARING OF N37°28'20"E, NAD83 (CSRS (2010.0)) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:

- P1, D1, D3, D4, D5 & D6 = 1°20'10" CLOCKWISE
- P5 = 1°17'30" CLOCKWISE
- P6 = 1°14'25" CLOCKWISE
- P3 = 0°02'00" COUNTER CLOCKWISE



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 17th DAY OF DECEMBER, 2021.

DECEMBER 20, 2021

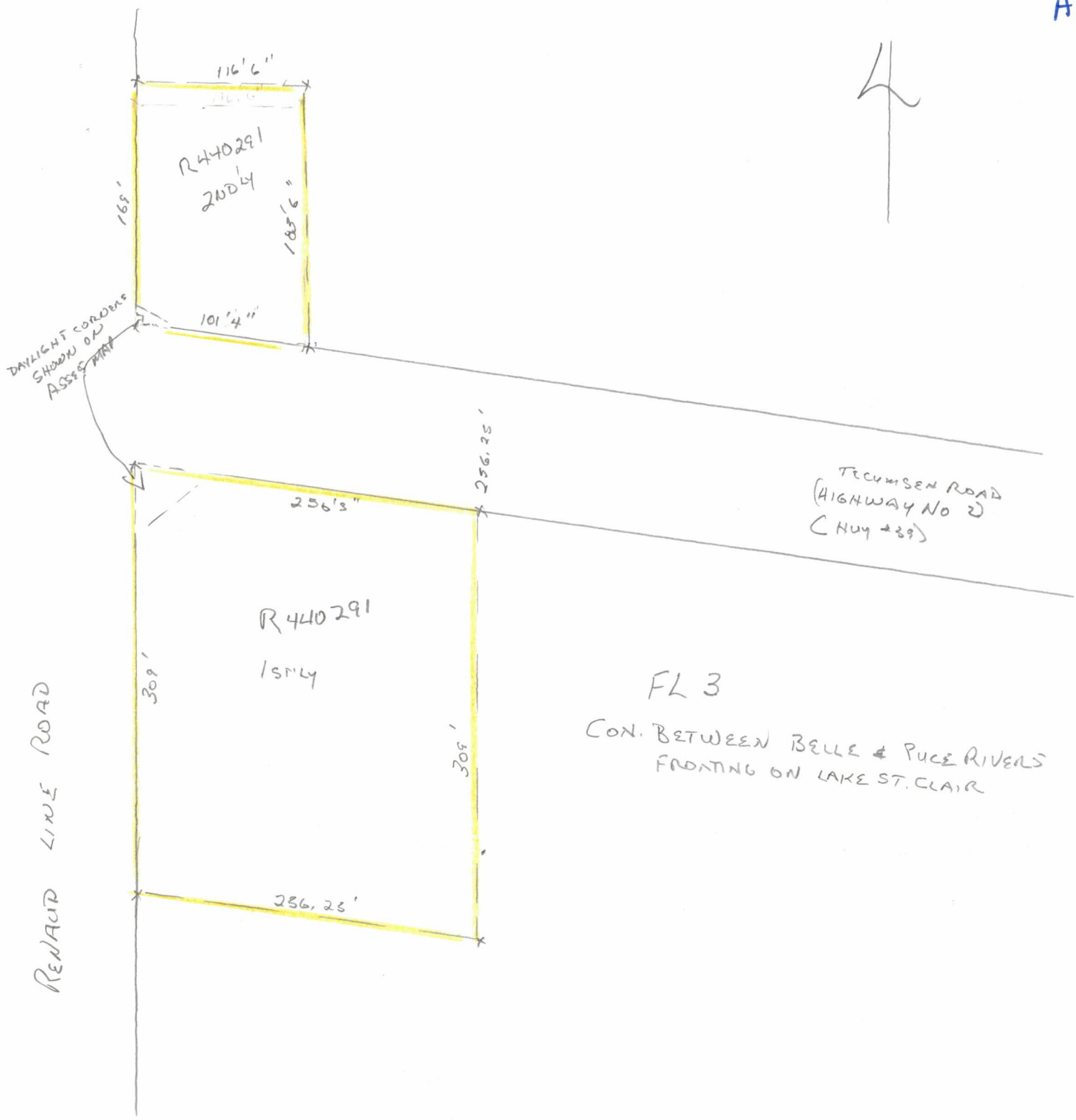
CHRISTOPHER JOHN OYLER
ONTARIO LAND SURVEYOR



3560 WALKER ROAD
WINDSOR, ONTARIO
N9W 3S4
519-818-0767
www.surveyorsonsite.com

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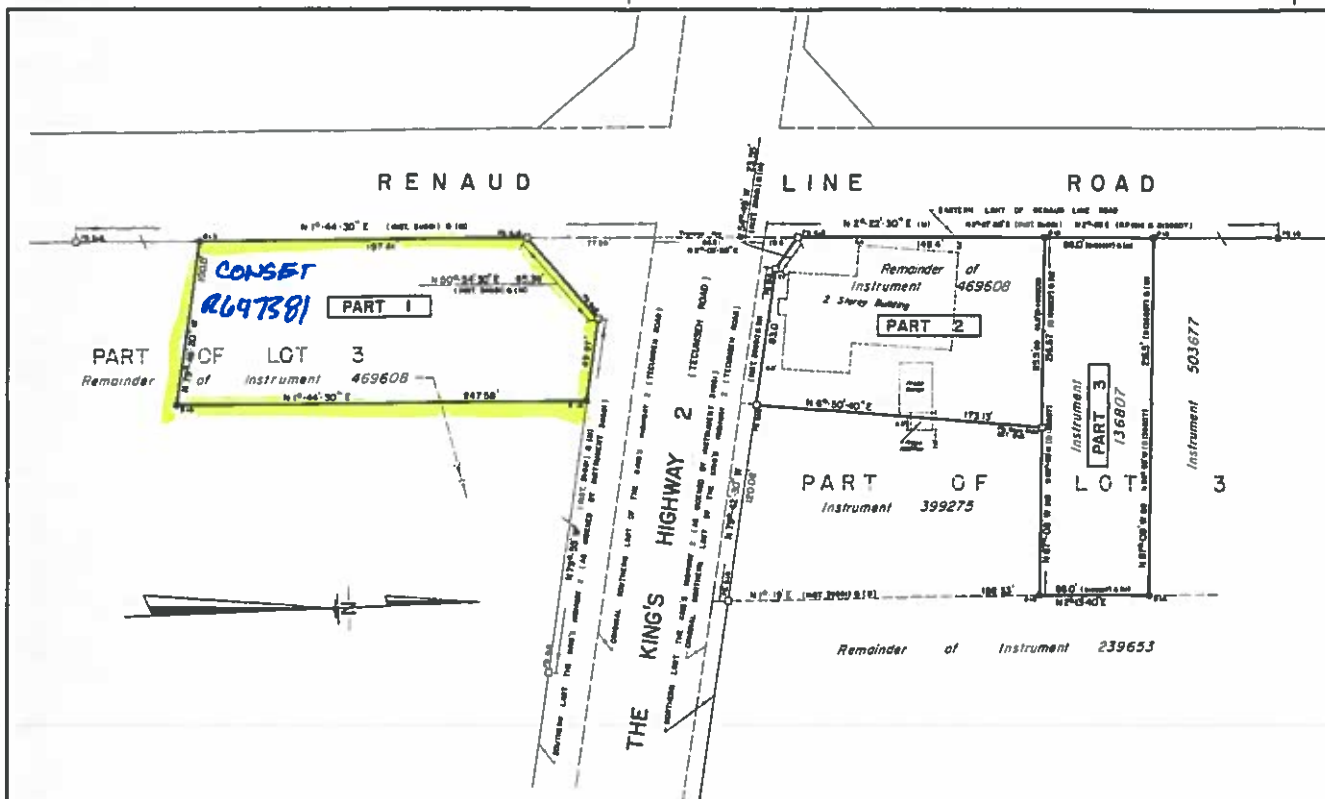
DRAWN BY: HK CHECKED BY: CJO DATE: DECEMBER 20, 2021 FILE: 2021-519-POS-V1



106 2503

SCHEDULE B

B1



SCHEDULE			
PART	DESCRIPTION	AREA	INSTRUMENT
1	PART OF LOT 3	0.334 ACRES	REMAINDER OF 469608
2	LAKE SHORE RANGE	0.415 ACRES	
3	BETWEEN PUCE RIVER AND BELLE RIVER	0.328 ACRES	136807

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER PART II OF THE REGISTRY ACT. DATED OCTOBER 22, 1975 <i>W.C. Clarke</i> ROSS & CLARKE LIMITED P.E. W.C. STUBBSFIELD	RECEIVED AND DEPOSITED AS PLAN I2R-2503 DATED OCTOBER 22, 1975 <i>W.C. Clarke</i> REGISTERED FOR THE REGISTRY DIVISION OF ESSEX (12)
--	---

REFERENCE PLAN
OF PART OF LOT 3
IN THE
LAKE SHORE RANGE BETWEEN PUCE RIVER & BELLE RIVER
TOWNSHIP OF MAIDSTONE
COUNTY OF ESSEX, ONTARIO
SCALE: 1" = 50'
ROSS A. CLARKE, O.L.S. - 1975

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY
1. THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THAT THE SURVEY WAS COMPLETED ON THE 14TH DAY OF OCTOBER, 1975
20 OCTOBER, 1975.
DATE
W.C. Clarke
ROSS & CLARKE
ONTARIO LAND SURVEYOR


BEARING REFERENCE
BEARINGS ARE ASTRONOMIC, RELATED TO THE SOUTHERN LIMIT OF THE KING'S HIGHWAY 2 (TUCUMSEH ROAD), WHICH HAS A BEARING OF N 79° 05' W ACCORDING TO INSTRUMENT 33881.

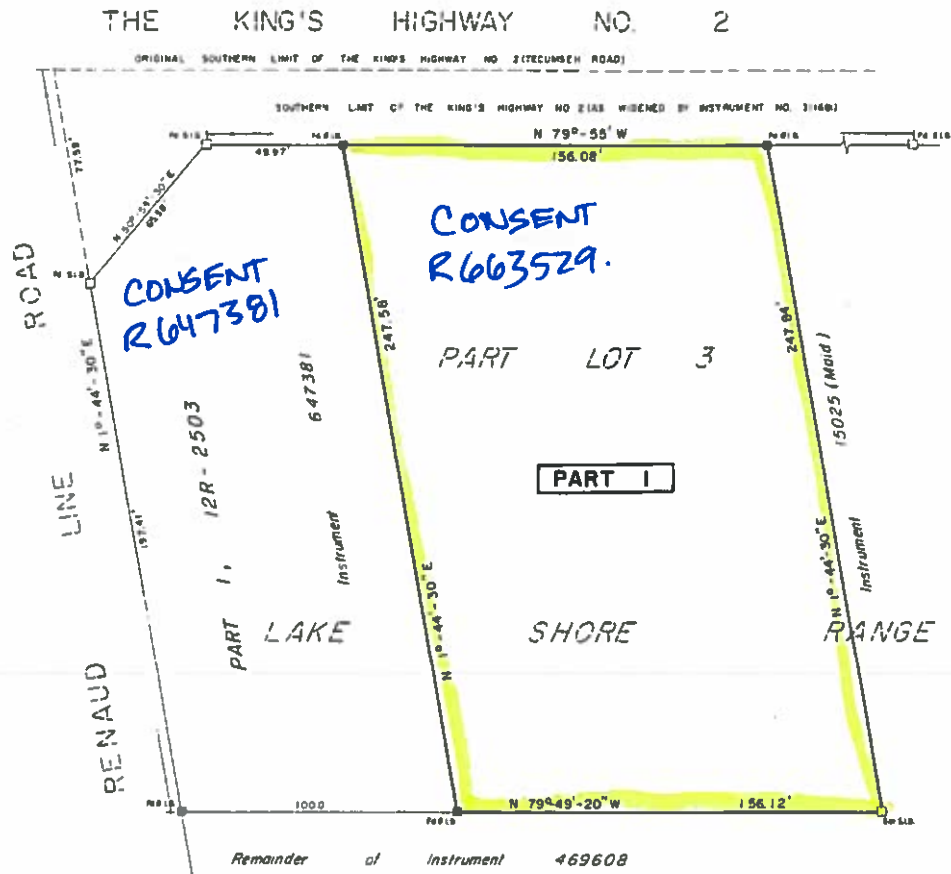
NOTES
ALL HANGING LINES SHOWN ON THIS PLAN HAVE BEEN VERIFIED
—○— DENOTES 1" x 4" x 0" LONG STANDARD IRON BAR (S.I.B.)
—+— DENOTES 5/8" x 5/8" x 2' x 0" LONG IRON BAR (I.B.)
—P— DENOTES 5/8" DIAMETER x 2' x 0" LONG IRON BAR
PM DENOTES FOUND SURVEY EVIDENCE
WM DENOTES WITNESS MONUMENT
ALL BARS ARE SET UNLESS OTHERWISE NOTED
HM DENOTES MEASURED HM DENOTES DEED

"CAUTION" THIS IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF SECTIONS 25, 32 OR 33 OF THE PLANNING ACT.

 Ross A. Clarke Limited ONTARIO LAND SURVEYORS 640 Victoria Avenue Windsor, Ontario NSA 4N2 (519) 258-4166	DRAWN BY: P.E. CHECKED BY: 1/16 JOB NO.: 9291 FILE NO.: L-MAID-LSR,PUCE/BELLE-3 PLAN FILE NO.: 2F-300
--	---

2777

I require this plan to be deposited under PART II of THE REGISTRY ACT	RECEIVED AND DEPOSITED AS
	PLAN 12-R-2777
Dated 19 MARCH 1976	Dated March 19, 1976
 G.C. Demaree Registrar for the registry division of ESSEX (No 12)	



REFERENCE PLAN

OF PART OF LOT 3

IN THE
LAKE SHORE RANGE BETWEEN PUCE RIVER & BELLE RIVER
TOWNSHIP OF MAIDSTONE
COUNTY OF ESSEX, ONTARIO

SCALE 1" = 40'

R. A. CLARKE, O.L.S., 1976

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT:

- 1) This survey and plan are correct and in accordance with THE SURVEYS ACT and THE REGISTRY ACT and the regulations made thereunder.
- 2) The survey was completed on the 4th day of February 1976

10 FEBRUARY 1976
DATED


ROSS A. CLARKE
Ontario Land Surveyor

BEARING REFERENCE

Bearings are astronomic referred to the Southern limit of The King's Highway NO. 2 (Tecumseh Road) which has a bearing of N 79°-55'W according to Instrument 311681.

NOTES

- I.B. - denotes 5/8" x 5/8" x 2'-0" Iron Bar
 - S.I.B. - denotes 1" x 1" x 4'-0" Standard Iron Bar
 - WIT. - denotes a Witness Monument
 - FD. denotes a Survey Monument Found
- All hanging lines shown on this plan have been verified

SCHEDULE			
PART	DESCRIPTION	AREA	INST. NO.
1	PART OF LOT 3, LAKE SHORE RANGE NET PUCE & BELLE	0.878 ACRES	469408 REMAINDER

"CAUTION" This plan is NOT a plan of subdivision within the meaning of sections 29, 32 or 33 of THE PLANNING ACT.

ROSS A. CLARKE LIMITED
LAND SURVEYORS
640 VICTORIA AVE.
WINDSOR, ONTARIO
N9A 4N2

DRAWN BY: D.A.H.
CHECKED BY: Y.W.

JOB NO. 9727
FOLDER NO.
L-MAID-LS.R, PUCE/BELLE-3
PLAN FILE NO.
2F-359

3K - 2937
Page 201 of 205

SCHEDULE D

U

NOTICE - The last day for appealing this decision is **October 6, 2022**

DECISION TO CHANGE THE CONDITIONS OF PROVISIONAL CONSENT

RE: PROVISIONAL CONSENT B/4/2022
Planning Act, R.S.O. 1990, c. P.13 ss. 53(23)

MUNICIPALITY OF LAKESHORE COMMITTEE OF ADJUSTMENT

RE: PROVISIONAL CONSENT GRANTED TO: John and Ruth Fuerth

LOCATION OF PROPERTY: 2462 County Road 27
(Community of Rochester)

FILE NUMBER: B/4/2022

PURPOSE OF PROVISIONAL CONSENT: Creation of Three (3) Residential Lots
(approx. 2523.24 m², 1488.3 m², and 1489.42 m²)

I/WE, the undersigned, CONCUR in the following decision and reasons for decision made on the 14th day of September, 2022.

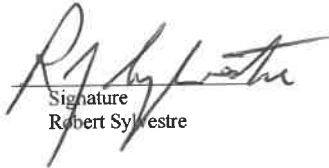
DECISION: Change the conditions of provisional consent B/4/2022 so that it is instead subject to the conditions in Schedule "A" of this decision


Signature
Ron Barrette

Signature
Mark Hacon

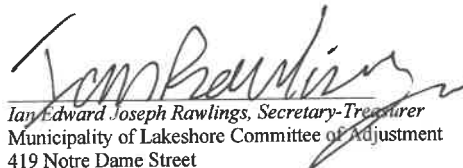
Signature
Steve Diemer


Signature
Michael Hoffman


Signature
Robert Sylvestre

CERTIFICATION
Planning Act, R.S.O. 1990, c. P.13

I, Ian Edward Joseph Rawlings, Secretary-Treasurer of the Municipality of Lakeshore Committee of Adjustment, certify that the above is a true copy of the decision of the Committee with respect to the application recorded therein.


Ian Edward Joseph Rawlings, Secretary-Treasurer
Municipality of Lakeshore Committee of Adjustment
419 Notre Dame Street
Belle River Ontario N0R 1A0

Dated this 16th day
of September, 2022.

SCHEDULE "A" TO
DECISION TO CHANGE THE CONDITIONS OF PROVISIONAL CONSENT B/4/2022
MUNICIPALITY OF LAKESHORE

CONDITIONS – Provisional consent B/4/2022 is subject to the following conditions:

1. That, if deemed required by the Secretary-Treasurer, the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor that details the severed and retained parcel to the satisfaction of the Secretary-Treasurer;
2. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
4. That the holding symbol be removed from the severed parcels of land;
5. That a park fee be imposed for each severed lot in accordance with the prevailing parkland dedication by-law in effect at the time payment is made to the Secretary-Treasurer, and such fees shall be paid prior to the stamping of the Deeds;
6. That the applicant enter into a drain apportionment agreement for the severed lots and retained land to the satisfaction of the Municipality of Lakeshore;
7. That, if required by the County of Essex, a daylight corner of 50 feet by 50 feet be deeded/transferred to the County of Essex, and to the satisfaction of the County of Essex;
8. That, to the satisfaction of the Municipality of Lakeshore, the applicant enter into an agreement with the Municipality of Lakeshore to be registered on title that a separate access will be provided for each severed lot to the satisfaction of the Municipality of Lakeshore;
9. That all conditions be met in accordance with Section 53 (41) of the Planning Act, R.S.O. 1990, c. P.13;
10. 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).

**COMMITTEE OF ADJUSTMENT
NOTICE OF RIGHT TO APPEAL**

Name of Committee: Municipality of Lakeshore Committee of Adjustment

File: B/4/2022

Name of Applicants: John and Ruth Fuerth

TAKE NOTICE that the enclosed is a certified copy of the decision of the above-mentioned Committee in the matter of a change to the conditions of provisional consent B/4/2022 pursuant to the Planning Act, R.S.O. 1990, c. P.13

THE LAST DATE FOR FILING AN APPEAL IS OCTOBER 6th, 2022

A DECISION OF THE COMMITTEE MAY BE APPEALED to the Ontario Land Tribunal by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee of Adjustment a notice of appeal. The notice of appeal must be filed with the approval authority, must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal.

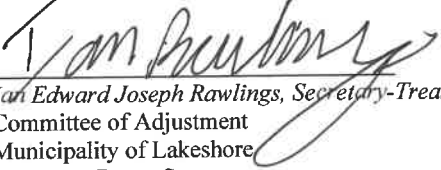
Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Please refer to the Ontario Land Tribunal website for the **AMOUNT OF FEE** payable on appeal

PAYABLE TO: MINISTER OF FINANCE

IF NO NOTICE OF APPEAL IS GIVEN within the appeal date set out above, the decision of the Committee is final and binding.

*Dated this 16th day
of September, 2022.*


Ian Edward Joseph Rawlings, Secretary-Treasurer
Committee of Adjustment
Municipality of Lakeshore
419 Notre Dame Street,
Belle River Ontario N0R 1A0
Telephone (519) 728-2488 ext. 676
irawlings@lakeshore.ca

DECISION TO CHANGE THE CONDITIONS OF PROVISIONAL CONSENT B/4/2022

MUNICIPALITY OF LAKESHORE

CONDITIONS - This decision has been made subject to the following conditions:

1. That, if deemed required by the Secretary-Treasurer, the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor that details the severed and retained parcel to the satisfaction of the Secretary-Treasurer;
2. That the Deed and a copy for our records be forwarded to the Secretary for stamping;
3. That the holding symbol be removed from the severed parcels of land;
4. That a park fee be imposed for each severed lot in accordance with the prevailing parkland dedication by-law in effect at the time payment is made to the Secretary-Treasurer, and such fees shall be paid prior to the stamping of the Deeds;
5. That the applicant enter into a drain apportionment agreement for the severed lots and retained land to the satisfaction of the Municipality of Lakeshore;
6. That, if required by the County of Essex, a daylight corner of 50 feet by 50 feet be deeded/transferred to the County of Essex, and to the satisfaction of the County of Essex;
7. That, to the satisfaction of the Municipality of Lakeshore, the applicant enter into an agreement with the Municipality of Lakeshore to be registered on title that a separate access will be provided for each severed lot to the satisfaction of the Municipality of Lakeshore;
8. That all conditions be met in accordance with Section 53 (41) of the Planning Act, R.S.O. 1990, c. P.13;
9. **Drainage works to be completed to the satisfaction of the Drainage Superintendent prior to the stamping of the deed.**