

# 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 262.49m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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

m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> (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 m<sup>2</sup>

(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

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### **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

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### **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

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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.