

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, March 22, 2023, 6:00 PM

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

Pages

1. Call to Order
2. Land Acknowledgement
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act

- a. Minor Variance Application A-02-2023

5

Recommendation:

Approve minor variance application A/02/2023 at 3362 Manning Rd to permit a 178 m² accessory structure 10 m from the front lot line and 15.24 m from the northern interior lot line in accordance with the site plan provided.

- b. Minor Variance Application A-03-2023

25

Recommendation:

Approve minor variance application A/03/2023 to permit an accessory building to be setback 6.1 meters from the centreline of a covered municipal drain subject to the following conditions: The accessory structure will not have any doors for vehicles located on the east of the structure to the satisfaction of the Municipality of Lakeshore; The municipal drain lands, and neighbouring lands under different ownership, will not be used for accessing the rear yard during the construction of the accessory structure; Any trees on the subject property that will obstruct access to the rear yard during the construction process will be removed.

- c. Minor Variance Application A-04-2023 39
- Recommendation:**
Approve minor variance application A/04/2023 to permit an air conditioning (AC) unit in the front yard, subject to the following conditions: That the AC unit be placed within 5 metres of the southwest corner of the dwelling; That landscaping features be placed south of the AC unit to screen the view of the AC unit from the street to the satisfaction of the Municipality of Lakeshore.
- d. Minor Variance Application A-05-2023 48
- Recommendation:**
Deny minor variance application A/05/2022 at 345 East Pike Creek Rd, to permit a 90 m² accessory structure with a height of 4.96 m, to be located 9.14 m from the southern exterior lot line as it does not pass the four tests prescribed under Section 45 (1) of the *Planning Act* being that it is not deemed appropriate and desirable.
- e. Minor Variance Application A-06-2023 63
- Recommendation:**
Approve minor variance application A/06/2022 at 2621 Victoria St, to permit a 75 m² accessory structure with a height of 4.5 m, to be located 4.27 m from the rear lot line in accordance with the site plan in Appendix B. Subject the condition below: 1) That a septic test report be completed and deemed satisfactory by the Municipality, and if required, install a new septic system that meets the satisfaction of the Municipality.
- f. Minor Variance Application A-07-2023 79
- Recommendation:**
Deny minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 222.96 m² as the proposal is not minor in nature.
- g. Minor Variance Application A-08-2023 104
- Recommendation:**
Approve minor variance application A/08/2023 to permit an accessory structure with a gross floor area of 70.81 m² and a height of 5.2 metres.

Recommendation:

Approve minor variance application A/09/2023 to permit a dwelling to have a front yard setback of 6 metres and for a porch to encroach 2.7 metres into the required front yard.

Recommendation:

Approve consent application B/04/2023 to sever approximately 1,335.5 m² (0.33 Ac) from the side yard of 0 Lakeshore Rd 302 to be added to the neighboring property 10200 Lakeshore Rd 302. 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/ 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;

6) That the applicant enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

7) That 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.

8) That the applicant provide the opinion of a solicitor stating that the severed parcel and the parcel receiving the lot addition will merge.

Should the parcel not merge the applicant will be required to obtain a consent cancellation if deemed appropriate by the secretary treasurer.

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by March 22, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. March 10, 2023 Meeting Minutes

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7. New Business

- a. OACA membership and OACA conference

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: March 15, 2023

Applicant: Gil & Cathy Drouillard (Applicant)
Doug Pickersgill (Agent)

Subject: Minor Variance Application A/02/2023 – 3362 Manning Rd

Recommendation

Approve minor variance application A/02/2023 at 3362 Manning Rd to permit a 178 m² accessory structure 10 m from the front lot line and 15.24 m from the northern interior lot line in accordance with the site plan provided.

Proposal

The applicants of 3362 Manning Rd are proposing to construct a new accessory structure within the front yard of their property. The proposed accessory structure will have a gross floor area of 178 m², an approximate height of 6 m, and will be located 10 m from the front lot line, and 15.24 m from the northern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- To permit a front yard setback of 10 m, whereas section 6.5 a) v) states that an accessory structure shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The Front yard setback for a main building within an Agricultural zone is 15 m as detailed within section 8.9 of the Lakeshore Zoning By-law.

Summary

Location

The subject property known as 3362 Manning Rd is approximately 5,706 m² in area with 116.25 m of frontage along Manning Rd and contains a single-family home, and a garage in the side yard. The subject property is located on the eastern side of Manning Rd, south of N Near Rd.

Surrounding Land Uses

North: Temporary film studio
East: Vacant Farmland
South: Residential Dwelling
West: Landscaping Supply Store

Official Plan

The Lakeshore Official Plan designates the property as 'Agriculture' which permits accessory structures.

Zoning

The subject property is zoned "Agriculture (A)" under the Lakeshore Zoning By-law 2-2012 which 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 agriculture 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.

The intent and purpose of the zoning by-law is met as the regulations on front yard setbacks are implemented to maintain separation from abutting roads, provide area for sufficient landscaping, and provide room for construction and maintenance of roadways and additional infrastructure. The location of the proposed accessory structure allows for servicing of the roadway and any additional infrastructure. The proposed setback will allow for adequate spacing between the road way and accessory structures. The subject property contains a significant amount of frontage and front yard space to be utilized for landscaping.

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 surrounding neighboring area has no established character area for the proposed accessory structure to impede. Internal and external agencies have not identified any issues or concerns with the proposed accessory structure. Lastly the subject property is irregular in shape due to the location of the municipal drain and the landscaping associated with the drain. The location of the drain has greatly influenced the placement of the

accessory structure, leaving the most optimal position to be the front yard as detailed. Therefore, the application proves minor appears nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed desirable in its intended use as a personal hobby shop. The location is deemed desirable as it maintains proper setbacks from existing municipal drains and does not impede on neighboring lands and roadways. Access to the accessory structure will be provided from the south facing elevation, away from the roadway maintaining privacy for the applicants. Therefore, the proposed application proves appropriate for its 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.

Engineering has expressed that the applicant shall adhere to the setbacks from municipal drains outlined in the Lakeshore Zoning By-law. Full comments can be found within Appendix C.

The County of Essex has provided engineering comments only. The county has detailed that the applicant must adhere to a setback of 85 m from the center of the right-of-way. Full comments can be found within Appendix D.

ERCA has expressed that the applicant has already obtained an ERCA clearance permit and that there are no objections at this time. Full comments can be found within Appendix E.

Fire services stated that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. 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 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 and Drawings
Appendix C – Engineering Comments
Appendix D – County Comments
Appendix E – ERCA Comments

Prepared by:

A handwritten signature in black ink, appearing to read "Ian Rawlings", is written over a horizontal line.

Ian Rawlings,
Planner I

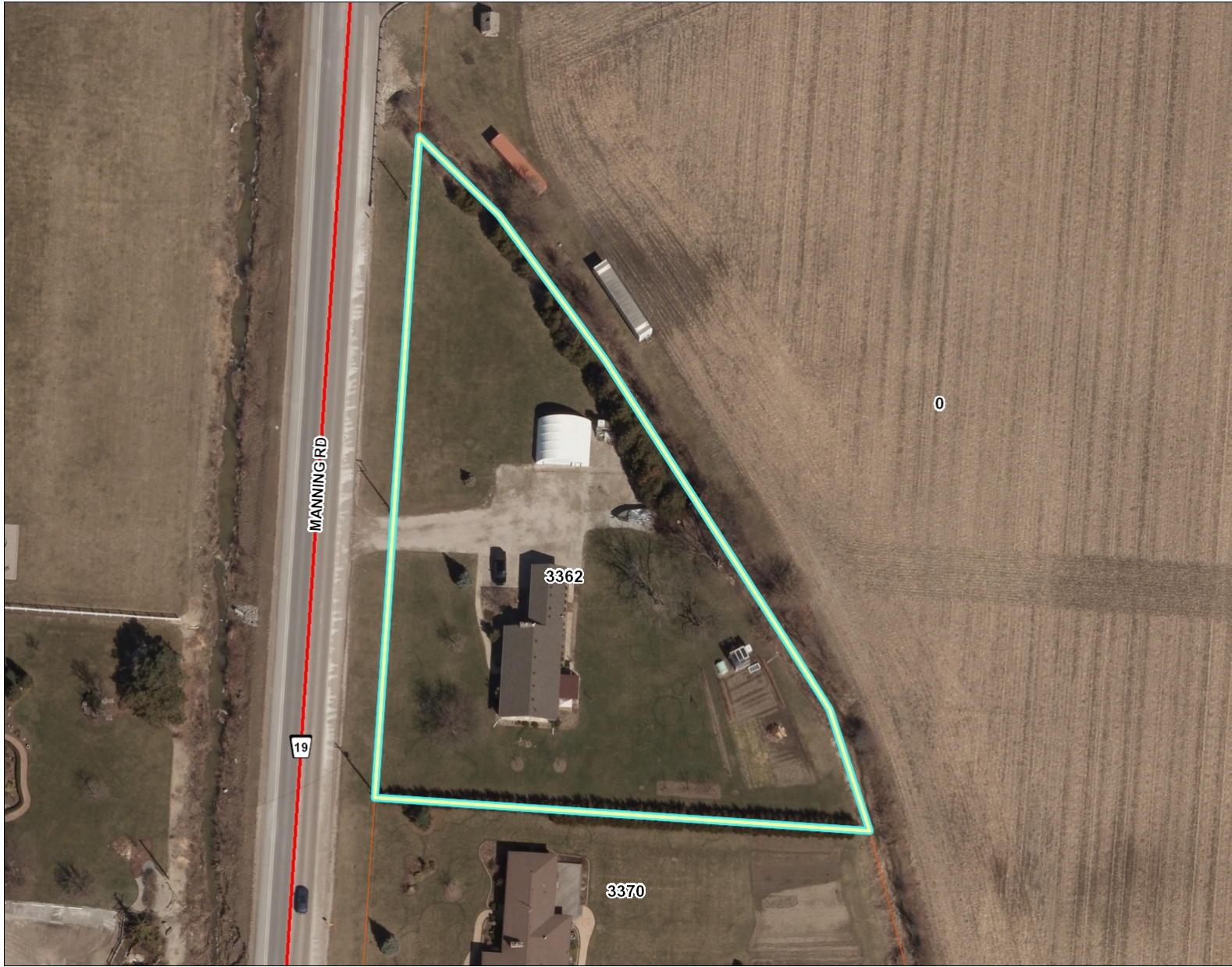
Report Approval Details

Document Title:	A-02-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan and Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - County Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Fire Services Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:13 AM



Legend

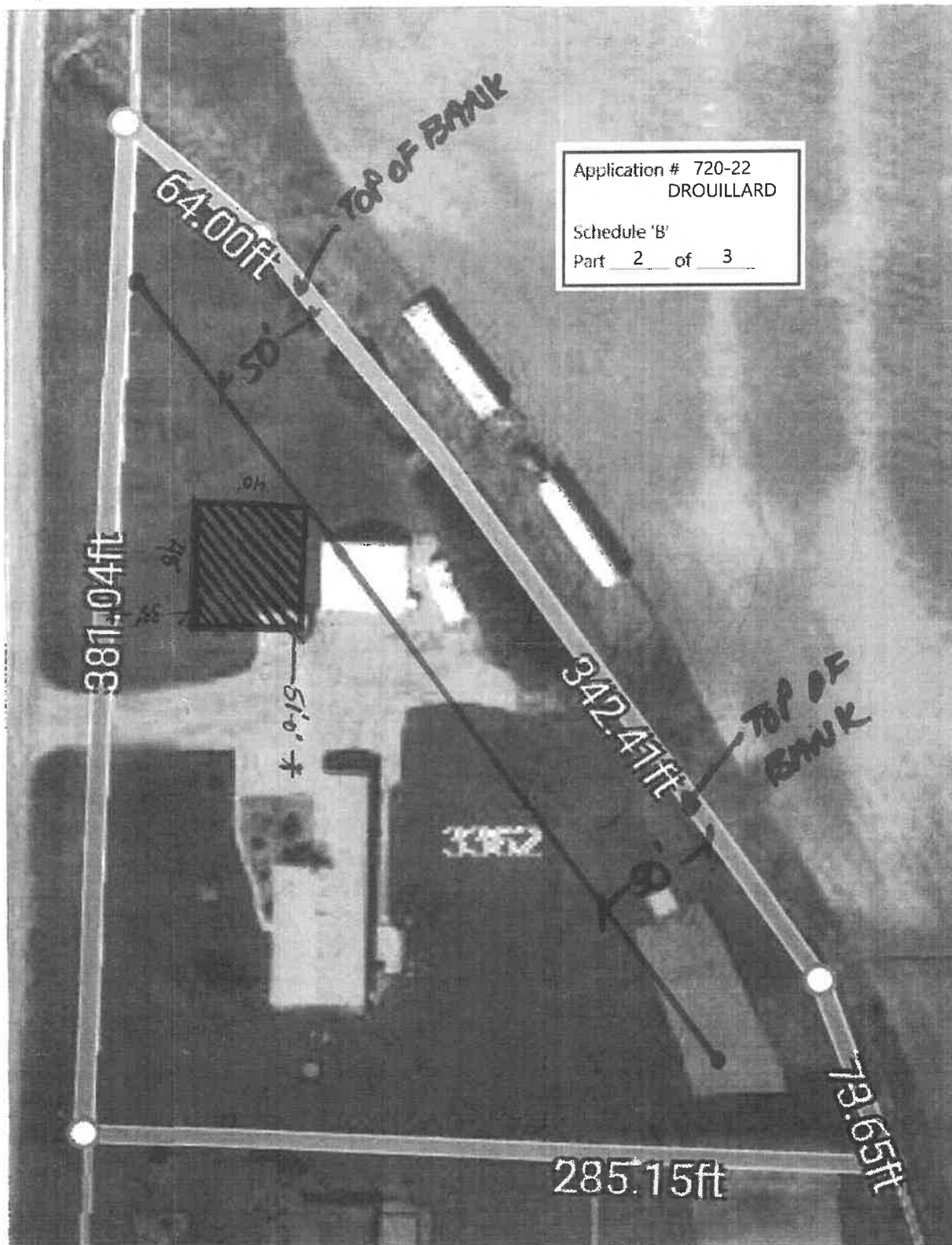
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- CNTY
- LAK
- PRIV
- PROV

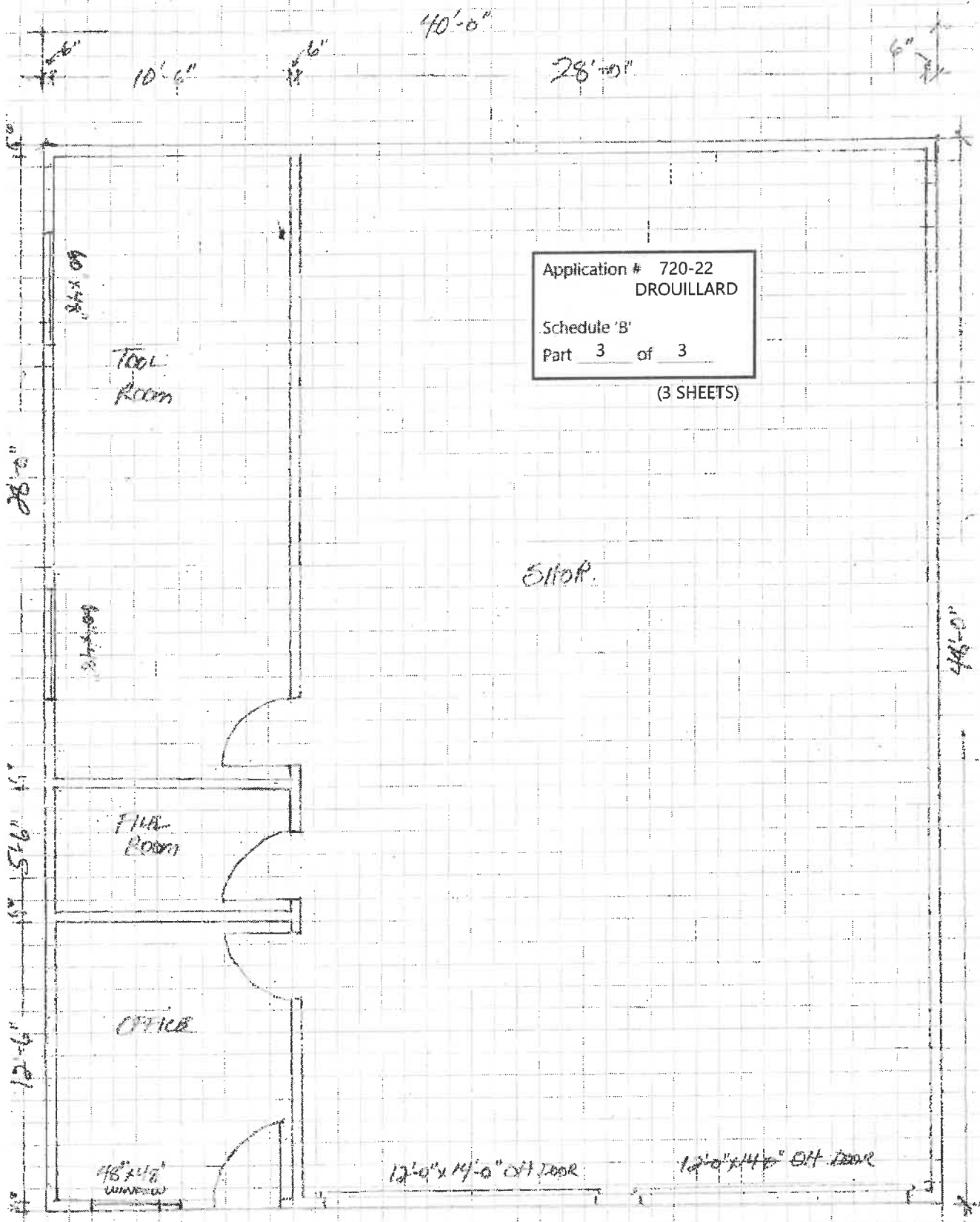
1: 1,028



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

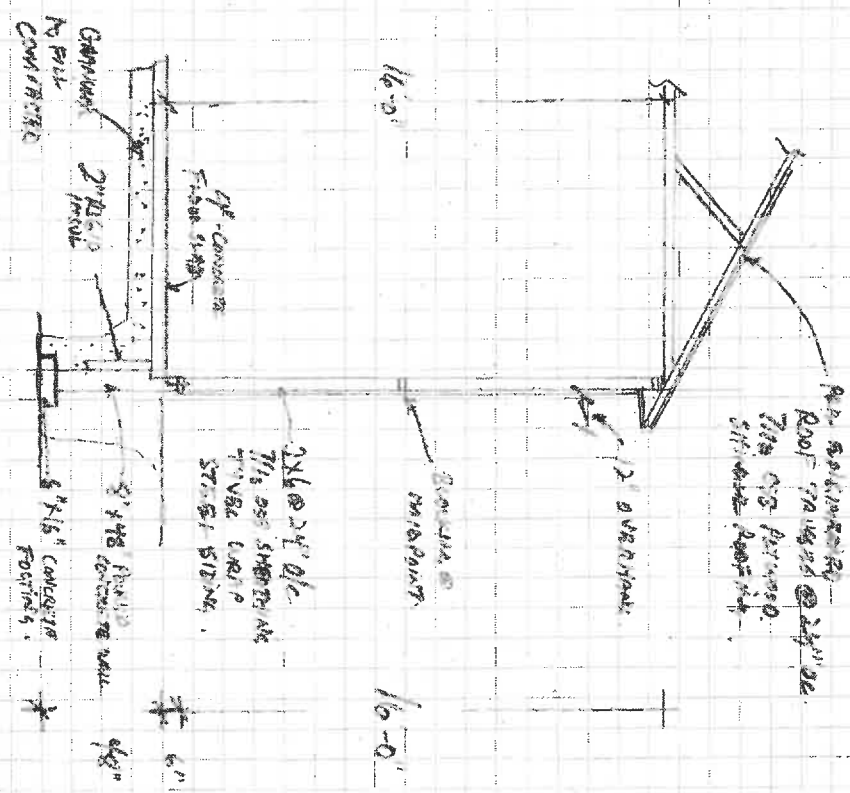




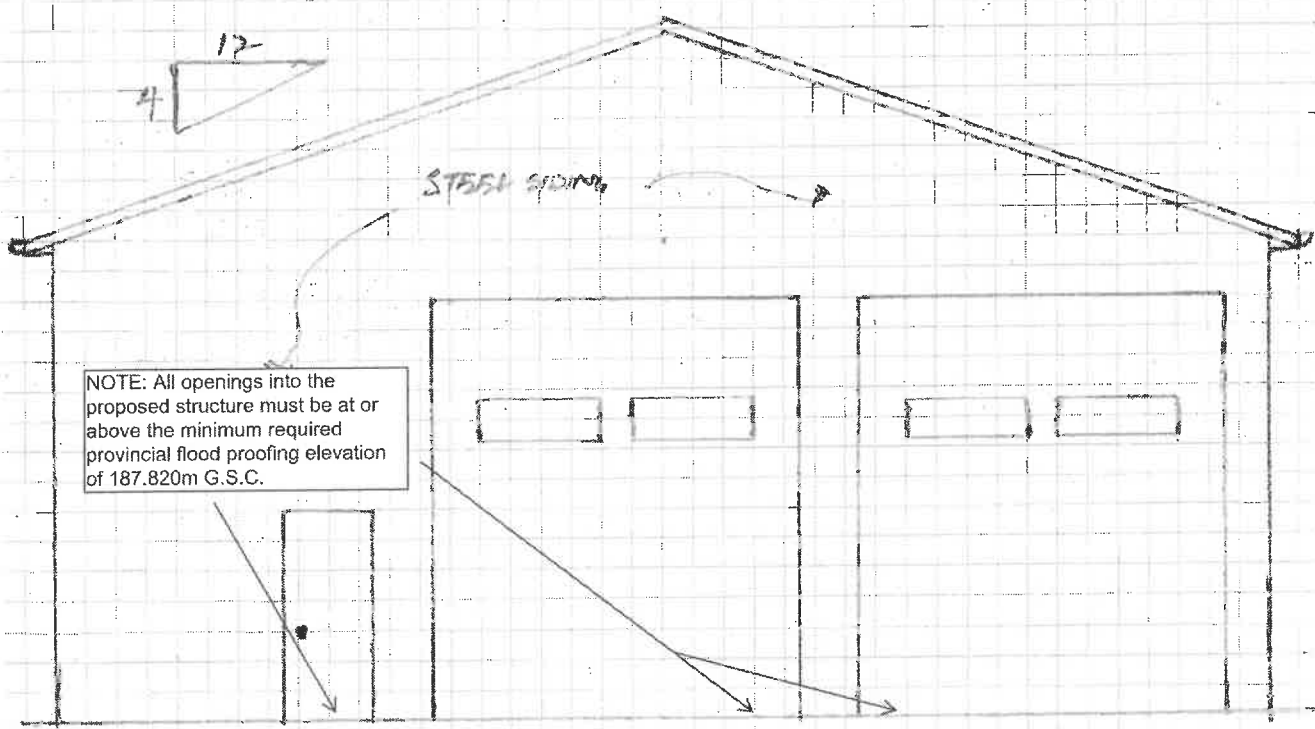
FLOOR PLAN

3362 MINNING RD.

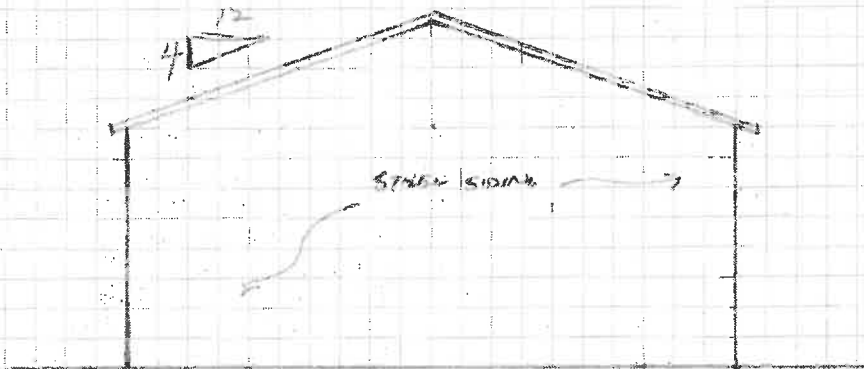
WALL SECTION



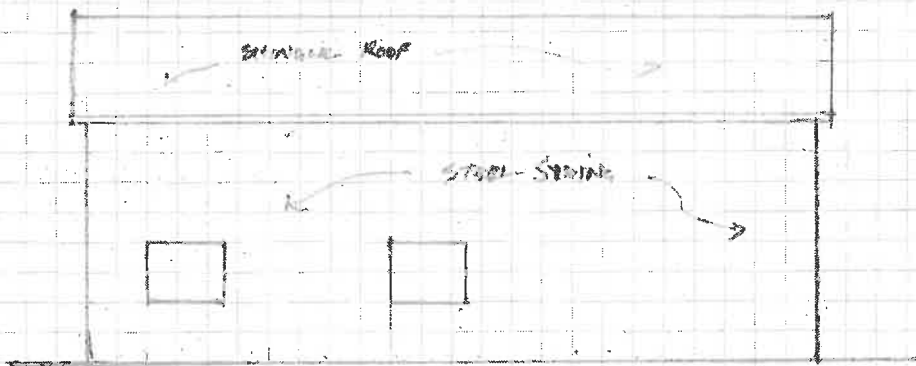
SOUTH ELEVATION



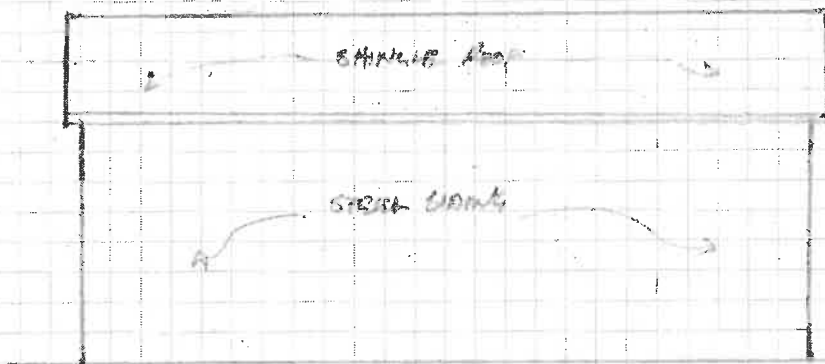
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



Date: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> • Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. • Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. • Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. • Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. • The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. • Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
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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



March 1, 2023

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

Dear Mr. Rawlings:

Re: COA Submission, A-02-2023, Gil & Cathy Drouillard

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 19. 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 19. 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

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

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

countyofessex.ca



Engineering Technologist

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March 10, 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/02/2023 3362 MANNING RD
ARN 375112000005450; PIN: 750140002
Applicant: Gil & Cathy Drouillard

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct an accessory structure within the front yard located 10 m from the front lot line, and 15.24 m from the northern interior lot line. The proposed accessory structure will have a gross floor area of 178 m². Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012 to permit a front yard setback of 10 m, whereas section 6.5 a) v) states that an accessory structure shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The Front yard setback for a main building within an Agricultural zone is 15 m as detailed within section 8.9 of the Lakeshore Zoning By-law. The following is provided as a result of our review of Application for Minor Variance A/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 Croft Drain. 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 #720-22 has been issued for the construction of the accessory structure. All openings into the proposed structure must be at or above the minimum required floodproofing elevation.

Mr. Ian Rawlings
March 10, 2023

FINAL RECOMMENDATION

The property owner is required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. We note that ERCA Permit #720-22 has been issued for the construction of the accessory structure. ERCA has no objection to the Application for Minor Variance A/02/2023.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: March 15, 2023 9:53:06 AM
Attachments: [A-02-2023 - 3362 Manning Rd - Drouillard - Notice for Comments.pdf](#)
[A-03-2023 - 2954 County Rd 42 - Lenders - Notice for Comment.pdf](#)
[A-04-2023 - 358 Old Tecumseh Rd - Multani - Notice for Comments.pdf](#)
[A-05-2023 - 345 E Pike Creek Rd - Petro - Notice for Comments.pdf](#)
[A-06-2023 - 2621 Victoria St - Pereira - Notice for Comments.pdf](#)
[A-07-2023 - 1610 County Rd 22 - Mindorff - Notice for Comments.pdf](#)
[A-08-2023 - 2758 St Clair Rd - Matte - Notice of Comments.pdf](#)
[A-09-2023 - 1456 Caille Ave - Nchme - Notice for Comments.pdf](#)
[B-04-2023 - 0 Lakeshore Rd - Desmarais Family Farms - Notice for Comments.pdf](#)

Sorry for the delay.

Thanks for the opportunity to comment.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings <[REDACTED]>
Sent: February 24, 2023 4:29 PM
To: Amy McMillan [REDACTED]; Jill Fiorito [REDACTED]; Sydnee Botham (Rivest) [REDACTED]; Morris Harding [REDACTED]; Meaghan Poonia [REDACTED]; Don Williamson [REDACTED]
Cc: Ian Search [REDACTED]; Kristina Brcic [REDACTED]; Aaron Hair [REDACTED]; Tammie Ryall [REDACTED]; Gisèle Pillon [REDACTED]
Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- **A/02/2023 – 3362 Manning Rd** - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/03/2023 – 2954 County Rd 42 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/04/2023 – 358 Old Tecumseh Rd – Fire Services has no comment
- A/05/2023 – 345 East Pike Creek Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/06/2023 – 2621 Victoria Street – Fire Services has no comment
- A/07/2023 – 1610 County Rd 22 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/08/2023 – 2758 St Clair Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/09/2023 – 1456 Caille Ave - Fire Services has no comment
- B/04/2023 – 0 Lakeshore Rd 302 - Fire Services has no comment

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning

Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

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)

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, Planner I

Date: March 15, 2023

Subject: Minor Variance Application A/03/2023 – 2954 County Road 42

Recommendation

Approve minor variance application A/03/2023 to permit an accessory building to be setback 6.1 meters from the centreline of a covered municipal drain subject to the following conditions: The accessory structure will not have any doors for vehicles located on the east of the structure to the satisfaction of the Municipality of Lakeshore; The municipal drain lands, and neighbouring lands under different ownership, will not be used for accessing the rear yard during the construction of the accessory structure; Any trees on the subject property that will obstruct access to the rear yard during the construction process will be removed.

Proposal

The subject property currently supports a single-detached dwelling with an attached garage and a garden shed in the rear yard. The applicants are proposing to construct an accessory structure in the rear yard located 7.16 metres from the rear lot line, 4.4 metres from the eastern interior lot line, and 6.1 metres from an enclosed municipal drain. The proposed accessory structure will have a gross floor area of approximately 80 m². Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.34 c) ii) to permit an accessory building to be setback 6.1 meters from the centreline of a covered municipal drain, whereas the by-law requires a minimum setback of 8.0 m between any building or structure from the centreline of a covered municipal drain.

Summary

Location

The subject property is located east of County Road 31, west of Rochester Townline Road, on the northside of County Road 42, known municipally as 2954 County Road 42. The subject property is approximately 0.46 acres in area with 30.48 metres of

frontage.

Surrounding Land Uses

The subject property is surrounded by agricultural land. There are some rural residential lots in the area across the street.

Official Plan

The subject property is designated “Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair Zone Exception 3” (RW2-3) in 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Official Plan

Section 5.4.1.2 Inland Floodplain Development Control Area of the Official Plan states that a setback of 8 metres plus the depth of the watercourse or municipal drain, to a maximum of 15 metres, will constitute the Floodway Zone, for the majority of watercourses. The subject property is not located within the Inland Floodplain Development Control Area. Essex Region Conservation Authority (ERCA) commented that ERCA clearance has been issued for the proposed pole barn and stated that there was no objection to the requested relief.

Zoning By-law

Section 6.34 c) ii) of the Zoning By-law states that the minimum setback between any building or structure from a covered municipal drain shall be 8.0 m from the centreline of the covered municipal drain. The purpose of this regulation is to provide a sufficient maintenance corridor for municipal drainage systems and to locate buildings/structures outside a Floodway Zone. The subject property is not located within any flood hazard lands. The requested relief was sent to the Drainage Department, and it was commented that an adequate maintenance corridor can be maintained. It is anticipated that there will be sufficient space on the agricultural field east of the municipal drain to perform any required maintenance.

Minor

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts with permitting the requested relief. ERCA and the Drainage Department did not raise any issues with the application. Additionally, other municipalities in the County of Essex permit smaller setbacks from covered municipal drains. The Town of Essex permits a building/structure to be setback a minimum of 6 metres from a covered municipal drain. The Town of Kingsville and the Municipality of Leamington permit a minimum setback of 3 metres from the centreline of a covered municipal drain.

Desirability

The accessory building should not have any doors for vehicles on the east side of the building. With the reduced setback from the municipal drain, vehicles should not be driving overtop of the drain or obstructing opportunity to its future maintenance. Construction of the accessory building will require equipment and/or construction vehicles to access the rear yard. The covered municipal drain lands should not be used for moving equipment and/or any vehicles to the rear yard during construction of the building, nor should the owner trespass on any neighbouring lands. Therefore, the owner may need to remove trees on their property to access the rear yard for this purpose. It is noted that there is a septic system in the rear yard and the requested relief will assist in accommodating the required setback from the septic system.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*, subject to the following conditions:

- 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.

Conditions:

- The accessory structure will not have any doors for vehicles located on the east of the structure to the satisfaction of the Municipality of Lakeshore;
- The municipal drain lands, and neighbouring lands under different ownership, will not be used for accessing the rear yard during the construction of the accessory structure;
- Any trees on the subject property that will obstruct access to the rear yard during the construction process will be removed.

Correspondence

External and Internal Agencies

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

Engineering states that the tree located in the rear yard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and materials to access the rear yard. This is to ensure no vehicles will be driving over the municipal drain. This opinion was also shared by the Chief Building Official.

ERCA states that clearance has been issued for the pole barn and they have no objection to the application.

The County of Essex commented that the minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 42. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Fire Services stated that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

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 for the public record were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – County of Essex Comments
Appendix F – Fire Services Comments

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-03-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - County of Essex Comments.pdf- Appendix F - Fire Services Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:13 AM



A/03/2023 2954 County Rd. 42



Legend

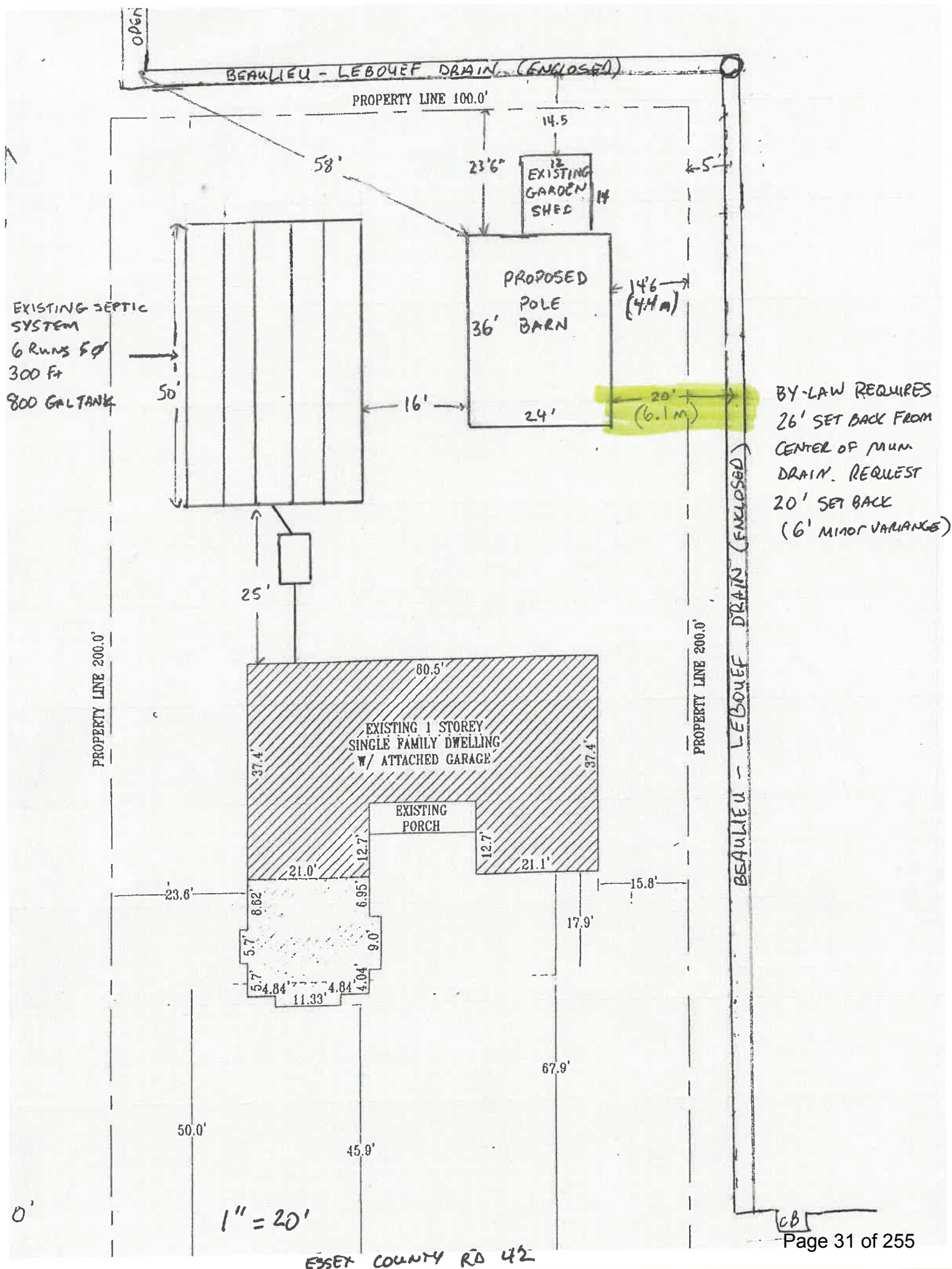
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- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 483



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: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 10, 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/03/2023 2954 COUNTY RD 42

ARN 375159000006501; PIN: 750510086

Applicant: Johannes & Susan Lenders

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct an accessory structure within the rear yard located 7.16 m from the rear lot line, 4.4 m from the eastern interior lot line, and is 6.1 m from an enclosed municipal drain. The proposed accessory structure will have a gross floor area of approximately 80 m². Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012, Section 6.34 c) ii) to permit a setback of 6.1 meters between an accessory structure and the centreline of a covered municipal drain, whereas the by-law requires a minimum setback of 8.0 m between any building or structure from the centreline of a covered municipal drain. The following is provided as a result of our review of Application for Minor Variance A/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 partially falls within the regulated area of the Beaulieu-leboeuf 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 drain 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

Mr. Ian Rawlings
March 10, 2023

responsibility to obtain all necessary permits and/or clearances from the Municipality of Lakeshore for any works to the drains. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Municipality of Lakeshore.

We note that an ERCA Clearance has been issued for the proposed pole barn.

FINAL RECOMMENDATION

An ERCA Clearance has been issued for the proposed pole barn. ERCA has no objection to the Application for Minor Variance A/03/2023.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



March 1, 2023

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

Dear Mr. Rawlings:

Re: COA Submission, A-03-2023, Johannes & Susan Lenders

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 42. The Applicant will be required to comply with the following County Road regulation:

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

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 42. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. 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: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: March 15, 2023 9:53:06 AM
Attachments: [A-02-2023 - 3362 Manning Rd - Drouillard - Notice for Comments.pdf](#)
[A-03-2023 - 2954 County Rd 42 - Lenders - Notice for Comment.pdf](#)
[A-04-2023 - 358 Old Tecumseh Rd - Multani - Notice for Comments.pdf](#)
[A-05-2023 - 345 E Pike Creek Rd - Petro - Notice for Comments.pdf](#)
[A-06-2023 - 2621 Victoria St - Pereira - Notice for Comments.pdf](#)
[A-07-2023 - 1610 County Rd 22 - Mindorff - Notice for Comments.pdf](#)
[A-08-2023 - 2758 St Clair Rd - Matte - Notice of Comments.pdf](#)
[A-09-2023 - 1456 Caille Ave - Nchme - Notice for Comments.pdf](#)
[B-04-2023 - 0 Lakeshore Rd - Desmarais Family Farms - Notice for Comments.pdf](#)

Sorry for the delay.

Thanks for the opportunity to comment.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](#)

From: Ian Rawlings <[REDACTED]>
Sent: February 24, 2023 4:29 PM
To: Amy McMillan [REDACTED]; Jill Fiorito [REDACTED]; Sydnee Botham (Rivest) [REDACTED]; Morris Harding [REDACTED]; Meaghan Poonia [REDACTED]; Don Williamson [REDACTED]
Cc: Ian Search [REDACTED]; Kristina Brcic [REDACTED]; Aaron Hair [REDACTED]; Tammie Ryall [REDACTED]; Gisèle Pillon [REDACTED]
Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/03/2023 – 2954 County Rd 42 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/04/2023 – 358 Old Tecumseh Rd – Fire Services has no comment
- A/05/2023 – 345 East Pike Creek Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/06/2023 – 2621 Victoria Street – Fire Services has no comment
- A/07/2023 – 1610 County Rd 22 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/08/2023 – 2758 St Clair Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
- A/09/2023 – 1456 Caille Ave - Fire Services has no comment
- B/04/2023 – 0 Lakeshore Rd 302 - Fire Services has no comment

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning

Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

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)

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: March 6, 2023
Subject: Minor Variance Application A/04/2023 – 358 Old Tecumseh Road

Recommendation

Approve minor variance application A/04/2023 to permit an air conditioning (AC) unit in the front yard, subject to the following conditions: That the AC unit be placed within 5 metres of the southwest corner of the dwelling; That landscaping features be placed south of the AC unit to screen the view of the AC unit from the street to the satisfaction of the Municipality of Lakeshore.

Proposal

The subject property currently supports a single detached dwelling with an attached garage. The applicants are proposing to install an air conditioning (AC) unit in the front yard at a setback distance of 27.73 m from the front lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 d) i) to permit an air conditioning (AC) unit in the front yard 27.73 m from the front lot line, whereas the by-law states outdoor free-standing heat pumps and air conditioning units shall not be permitted in any front yard.

Summary

Location

The subject property is located west of Patillo Road, east of Cleophas Drive, known municipally as 358 Old Tecumseh Road. The lot is approximately 2,435.32 m² in area with 30.17 m of frontage along the northside of Old Tecumseh Road.

Surrounding Land Uses

The subject property is located within a residential district and is surrounded by single detached dwellings.

Official Plan

The subject property is designated “Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is zoned “Residential – Low Density (R1)” in 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.

Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to accommodate attractive neighbourhoods, and community design policies under Section 4.2.1 state that the municipality will seek to maintain and improve the physical design characteristics of Settlement Areas in the context of new and existing development. The applicant is proposing to place an AC unit 27.73 metres from the front lot line near the southwest corner of the dwelling and west interior side yard. It is the opinion of the Planner that the general intent and purpose of the Official Plan will be maintained if the Committee imposes a condition requiring that landscaping be placed south of the AC unit to screen the view of the unit from the street.

Zoning By-law

Section 6.5 d) i) states that outdoor AC units shall be permitted as accessory uses provided they are not located in any front yard. The general intent and purpose of this regulation is to promote attractive neighbourhoods by prohibiting AC units in the front yard where they are generally most visible to the public. It is acknowledged that the front yard in this case is much larger than the minimum 7.5 metre front yard setback in the R1 zone, and that the AC unit is proposed to be located in close proximity to the west interior side yard. To maintain the general intent and purpose of the Zoning By-law, the Committee should impose a condition requiring that landscaping be placed south of the AC unit to screen the view of the unit from the street.

Minor

It is the opinion of the Planner that the requested variance is minor in nature. This determination is dependent on the applicant placing the AC unit in the proposed location indicated on the site plan drawing – 27 metres from the front lot line and in close

proximity to the west interior side yard – along with a provision that landscaping will be used to screen view of the unit from the street.

Desirability

In terms of whether the minor variance would be desirable for the appropriate use of the land or structure, the Committee should ask the applicant why the AC unit cannot be reasonably accommodated in the interior side yard or rear yard, or why placement of the AC unit in the front yard is sought. The conditions previously mentioned are important for this proposal to meet existing standards in the immediate area as an AC unit placed in a front yard was not identified on any property in the surrounding area during a site visit.

If the applicant is able to provide a reasonable explanation for placing the AC unit in the front yard, then the requested variance passes the following four tests prescribed under Section 45 (1) of the *Planning Act*, subject to the recommended conditions:

- 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.

Conditions

- That the AC unit be placed within 5 metres of the southwest corner of the dwelling
- That landscaping features be placed south of the AC unit to screen the view of the AC unit from the street to the satisfaction of the Municipality of Lakeshore

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies. No comments impacting the evaluation of the proposal were received.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map

Appendix B – Site Plan
Appendix C – ERCA Comments

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-04-2023 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Site Plan.pdf - Appendix C - ERCA Comments.pdf
Final Approval Date:	Mar 17, 2023

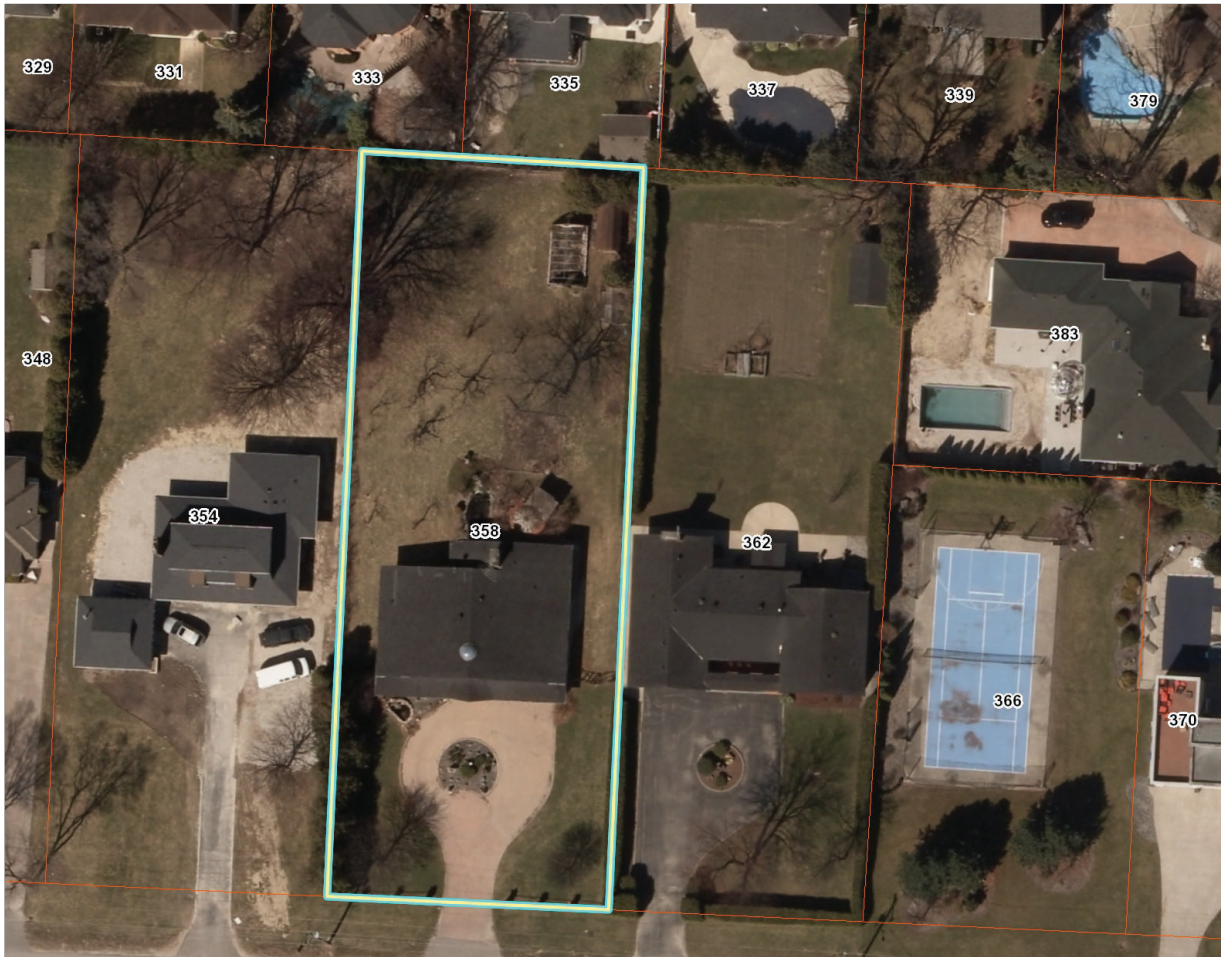
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:14 AM



A/04/2023 358 Old Tecumseh Rd.



Legend

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

1: 631



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



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 10, 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/04/2023 358 OLD TECUMSEH RD
ARN 375121000029700; PIN: 750000406
Applicant: Harpreet & Surinder Kaur Multani

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to install an air conditioning (AC) unit in the front yard of their property at a distance of 27.73 m from the front lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012 Section 6.5 d) i) to permit an air conditioning (AC) unit in the front yard 27.73 m from the front lot line, whereas the by-law states Outdoor free-standing heat pumps and air conditioning units shall not be permitted in any front yard. The following is provided as a result of our review of Application for Minor Variance A/04/2023.

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. Typically, 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*.

Due to the scope and scale of the proposal in Application for Minor Variance A/04/2023, a permit will not be required from this office.

Mr. Ian Rawlings
March 10, 2023

FINAL RECOMMENDATION

ERCA has no objection to Application for Minor Variance A/04/2023. A permit is not required for this proposal.

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: March 15, 2023

Applicant: Brenda & George Petro

Subject: Minor Variance Application A/05/2023 – 345 East Pike Creek Rd

Recommendation

Deny minor variance application A/05/2022 at 345 East Pike Creek Rd, to permit a 90 m² accessory structure with a height of 4.96 m, to be located 9.14 m from the southern exterior lot line as it does not pass the four tests prescribed under Section 45 (1) of the *Planning Act* being that it is not deemed appropriate and desirable.

Proposal

The applicants are proposing to construct an accessory structure within the rear yard located 6.09 m from the rear lot line, and 9.14 m from the southern exterior side lot line. The proposed accessory structure will have a gross floor area of 90 m² and a height of 4.96 m. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 90 m², whereas the by-law permits a maximum gross floor area of 55 m² in an RW1 zone.

Summary

Location

The subject property known as 345 East Pike Creek Rd is a corner lot with approximately 3,399 m² of lot area and 36 m of frontage along East Pike Creek Rd. The subject property contains a single-family home with an attached garage. The subject property is located at the northwestern corner of the intersection between East Pike Creek Rd and Little Baseline Rd.

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 'Residential' which permits accessory uses and structures.

Zoning

The subject property is zoned "Residential Waterfront – watercourse (RW1)" under the Lakeshore Zoning By-law 2-2012 which 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 accessory uses but allows for their regulation through the Lakeshore 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 is 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 6 % of the lot coverage, and the accessory structure only accounts for 2.6 % of lot coverage. Resulting in a total lot coverage of 8.6 % for the subject property.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that there will be no adverse effects on the subject property or any neighboring properties. Therefore, the variance proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is not deemed desirable as the site plan and elevation drawings provided depict a garage door opening facing Little Baseline Road. To utilize the depicted garage door opening the applicants will need to install a driveway providing access from Little

Baseline Rd. Residential uses are restricted to a single driveway as detailed within Section 6.41.4 of the Lakeshore Zoning By-law. Therefore, an additional driveway entrance will require approval through a minor variance from the committee.

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

- i. The variance would be “minor” in nature.
- ii. It would not be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

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 construction of the accessory building should not impact the rear yard drainage or adjacent neighboring lands. Engineering and the Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and East Pike Creek Rd. The intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Full comments can be found within Appendix C.

Fire Services has expressed that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. 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 – Fire Services Comments

Prepared by:

A handwritten signature in black ink, appearing to read 'Ian Rawlings', written in a cursive style.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-05-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Site Plan and Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - Fire Services Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:14 AM



Legend

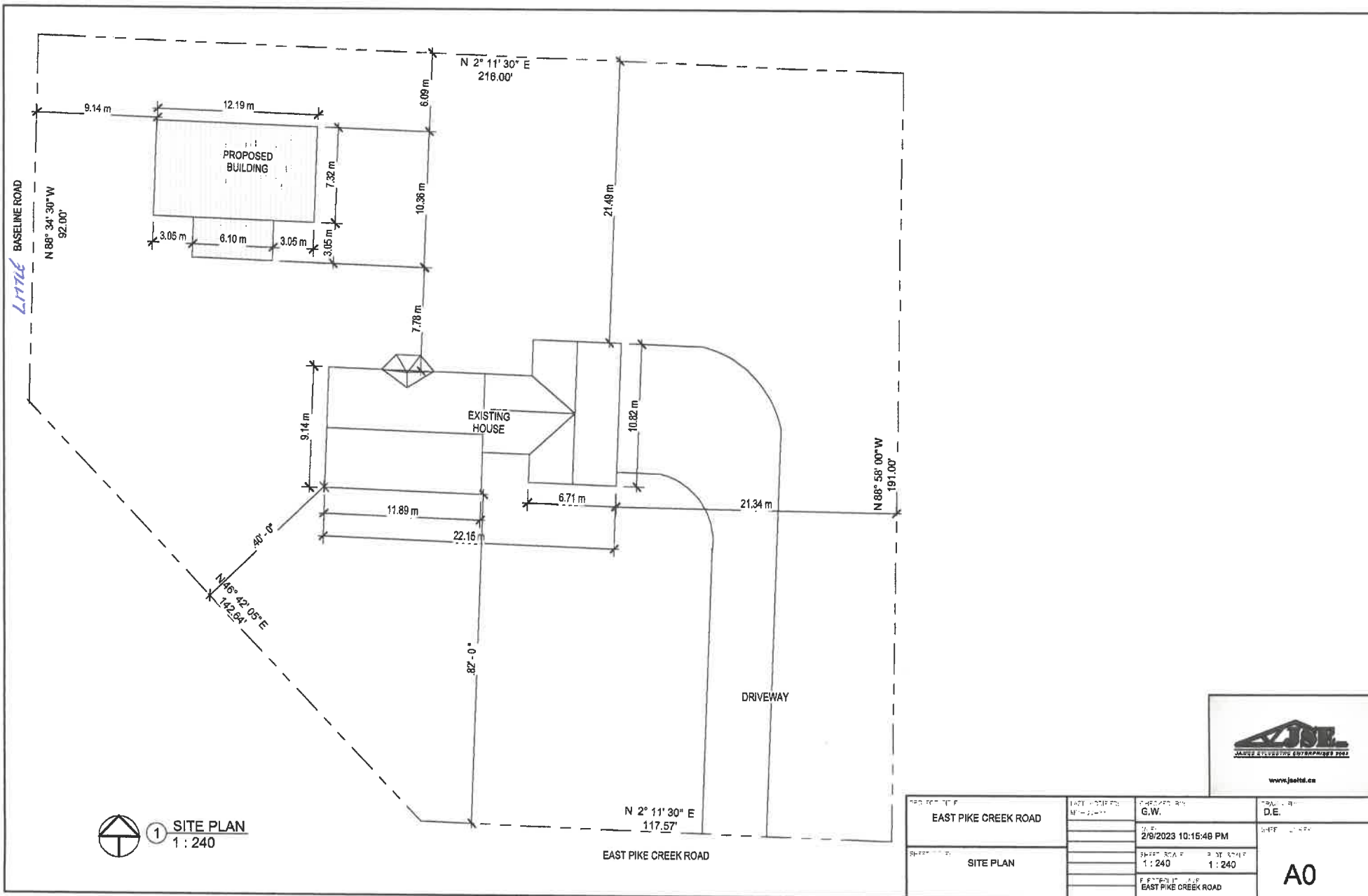
- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 518



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

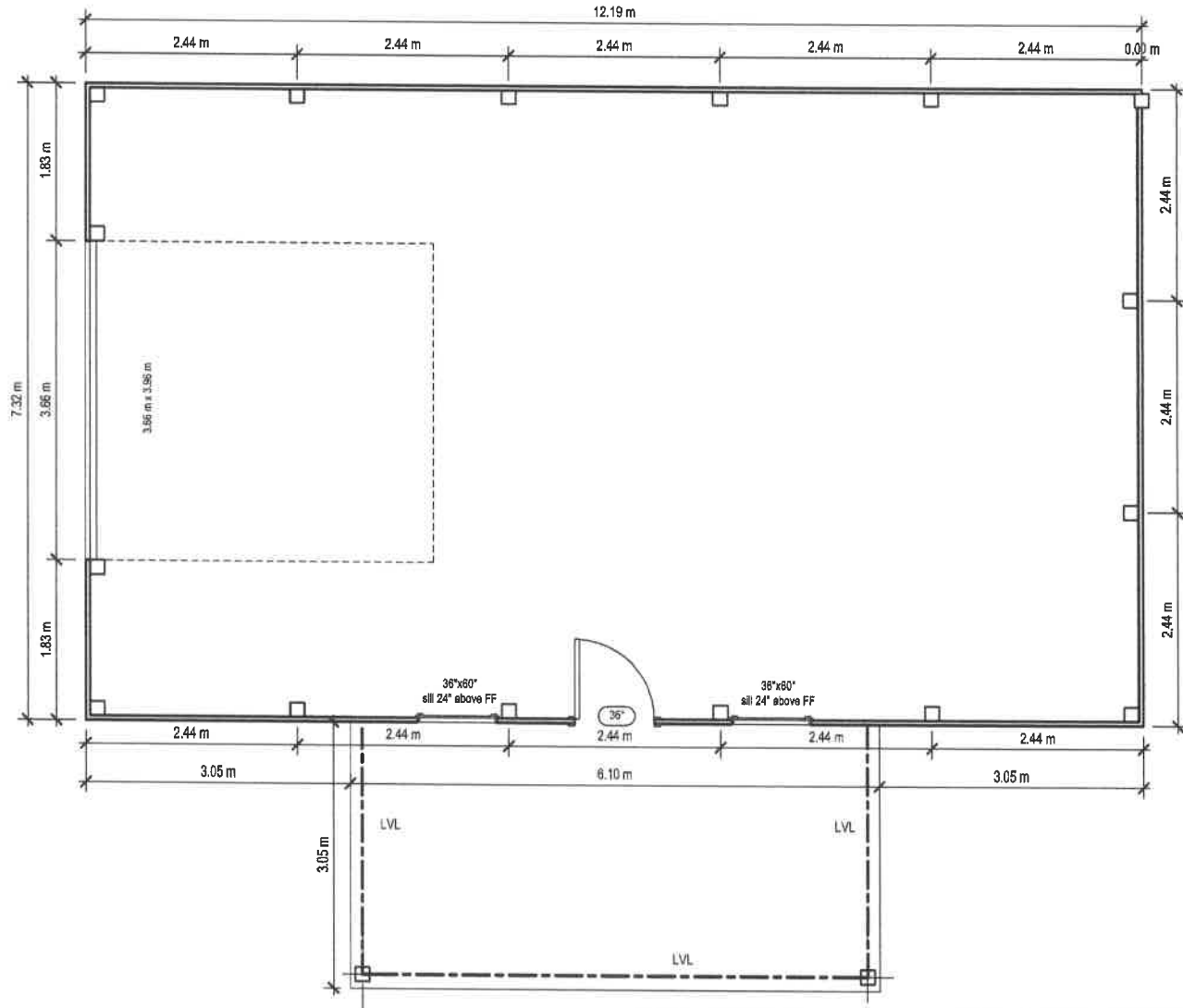


① SITE PLAN
1 : 240



www.jsestd.ca

EAST PIKE CREEK ROAD	DATE: 2/8/2023	G.W.	D.E.
		2/8/2023 10:15:46 PM	
SITE PLAN		DATE: 2/8/2023	A0
		1 : 240	
		1 : 240	
	EAST PIKE CREEK ROAD		



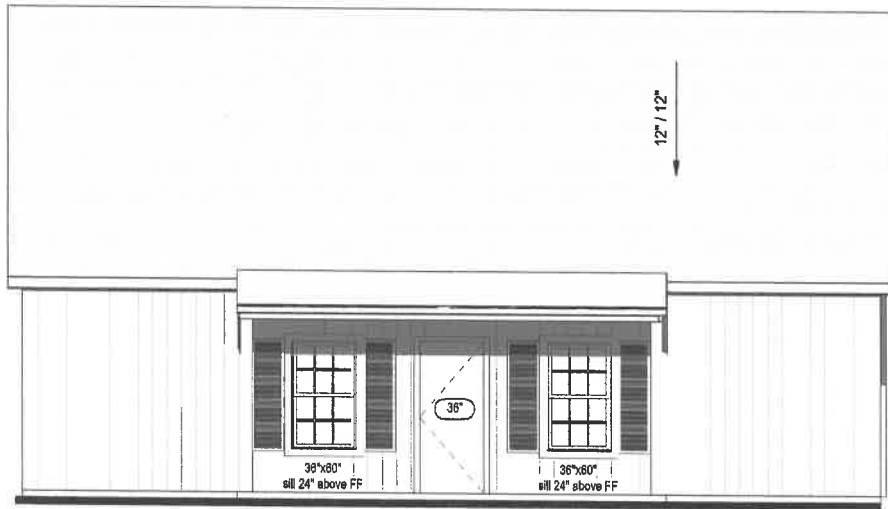
1 FLOOR PLAN
1:48



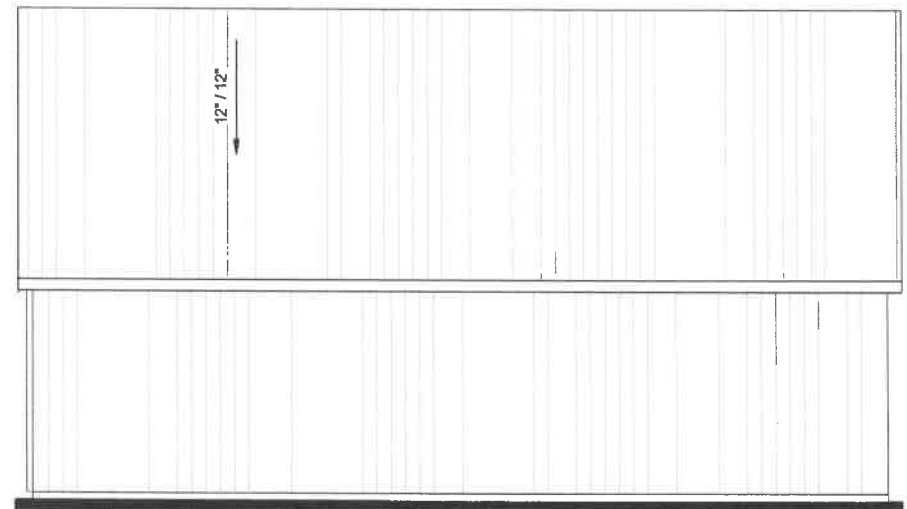
EAST PIKE CREEK ROAD
FLOOR PLAN

DATE: 2/8/2023	TIME: 10:18:26 PM
SCALE: 1:48	SCALE: 1:48
EAST PIKE CREEK ROAD	

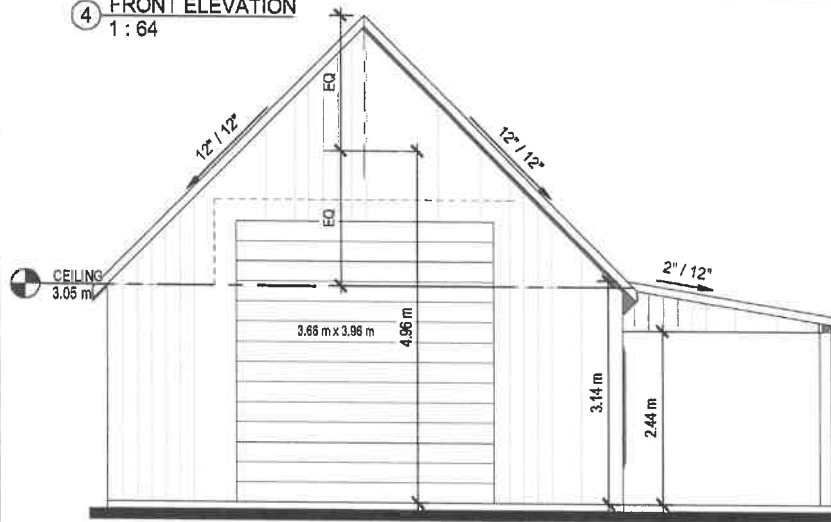
D.E.
A1



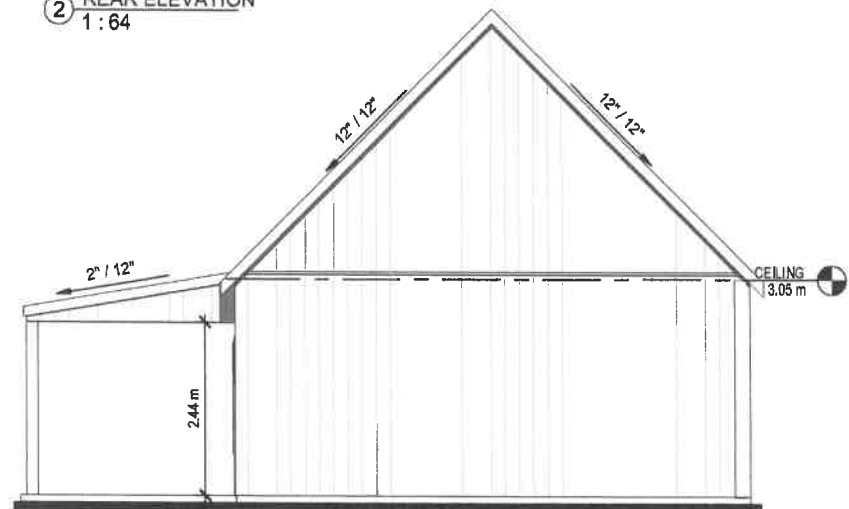
④ FRONT ELEVATION
1 : 64



② REAR ELEVATION
1 : 64



① LEFT ELEVATION
1 : 64



③ RIGHT ELEVATION
1 : 64

	PROJECT TITLE: EAST PIKE CREEK ROAD		DATE PREPARED: 2/8/2023	DESIGNED BY: G.W.	TITLE: D.E.
	SHEET NO. 1 ELEVATIONS		2/8/2023 10:17:18 PM		A2
			SHEET SCALE: 1 : 64		
			PROJECT LOCATION: EAST PIKE CREEK ROAD		

Date: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
--------------------------------	---

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: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: March 15, 2023 9:53:06 AM
Attachments: [A-02-2023 - 3362 Manning Rd - Drouillard - Notice for Comments.pdf](#)
[A-03-2023 - 2954 County Rd 42 - Lenders - Notice for Comment.pdf](#)
[A-04-2023 - 358 Old Tecumseh Rd - Multani - Notice for Comments.pdf](#)
[A-05-2023 - 345 E Pike Creek Rd - Petro - Notice for Comments.pdf](#)
[A-06-2023 - 2621 Victoria St - Pereira - Notice for Comments.pdf](#)
[A-07-2023 - 1610 County Rd 22 - Mindorff - Notice for Comments.pdf](#)
[A-08-2023 - 2758 St Clair Rd - Matte - Notice of Comments.pdf](#)
[A-09-2023 - 1456 Caille Ave - Nchme - Notice for Comments.pdf](#)
[B-04-2023 - 0 Lakeshore Rd - Desmarais Family Farms - Notice for Comments.pdf](#)

Sorry for the delay.

Thanks for the opportunity to comment.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](#)

From: Ian Rawlings <[REDACTED]>
Sent: February 24, 2023 4:29 PM
To: Amy McMillan [REDACTED]; Jill Fiorito [REDACTED]; Sydnee Botham (Rivest) [REDACTED]; Morris Harding [REDACTED]; Meaghan Poonia [REDACTED]; Don Williamson [REDACTED]
Cc: Ian Search [REDACTED]; Kristina Brcic [REDACTED]; Aaron Hair [REDACTED]; Tammie Ryall [REDACTED]; Gisèle Pillon [REDACTED]
Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/03/2023 – 2954 County Rd 42 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/04/2023 – 358 Old Tecumseh Rd – Fire Services has no comment
- A/05/2023 – 345 East Pike Creek Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/06/2023 – 2621 Victoria Street – Fire Services has no comment

- A/07/2023 – 1610 County Rd 22 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/08/2023 – 2758 St Clair Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/09/2023 – 1456 Caille Ave - Fire Services has no comment

- B/04/2023 – 0 Lakeshore Rd 302 - Fire Services has no comment

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning

Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

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)

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings
Date: March 15, 2023
Applicant: Lisa Pereira
Subject: Minor Variance Application A/06/2023 – 2621 Victoria St

Recommendation

Approve minor variance application A/06/2022 at 2621 Victoria St, to permit a 75 m² accessory structure with a height of 4.5 m, to be located 4.27 m from the rear lot line in accordance with the site plan in Appendix B. Subject the condition below:

1) That a septic test report be completed and deemed satisfactory by the Municipality, and if required, install a new septic system that meets the satisfaction of the Municipality.

Proposal

The applicants are proposing to construct an accessory structure to be used as accessory dwelling unit that will be located in the rear yard of the property with a gross floor area of 75 m², and a height of 4.5 m. The proposed accessory structure will be located 4.27 m from the rear lot line and 5.18 m from the northern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 75 m², whereas the by-law permits a maximum gross floor area of 55 m² in an HR zone.

Summary

Location

The subject property known as 2621 Victoria St is approximately 2,147 m² in area with 42.67 m of frontage along Victoria St and contains a single-family home and a garage in the rear yard. The subject property is located on the western side of Victoria St, south of South Towe St.

Surrounding Land Uses

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Single Detached Dwelling
West: Woodslee United Church

Official Plan

The Lakeshore Official Plan designates the property as 'Hamlet' which permits accessory uses and structures.

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).

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 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.

The intent and purpose of the zoning by-law is met as the regulations on gross floor area for accessory structures is 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 approximately 15.5% of the lot coverage, and the accessory structure only accounts for 3.5% of lot coverage. Resulting in a lot coverage of approximately 19% for the subject property.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the accessory structure will not adversely impact neighboring properties and the character area will remain unaffected as the proposed structure will be located in the rear yard.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size, 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 an accessory dwelling within the settlement area.

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 construction of the accessory building will not adversely impact the rear yard drainage or adjacent neighboring lands.

Engineering has stated that existing municipal services on the subject property shall be utilized and that no additional municipal services will be provided. The applicant will be required to have the existing sanitary tank inspected by Ontario Clean Water Agency prior to the issuance of a building permit. Full comments can be found within Appendix C.

ERCA has provided no objection to the proposed development. The comments provided by the ERCA will act as the clearance permit for the proposed development. Any alterations to the proposed accessory structure will need confirmation from the ERCA stating that the clearance permit provided requires no amendments. 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 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 – Engineering Comments
Appendix D – ERCA 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-06-2023 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:14 AM



Legend

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

1: 767



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

Dimensions of EXISTING Structures AND DECK.

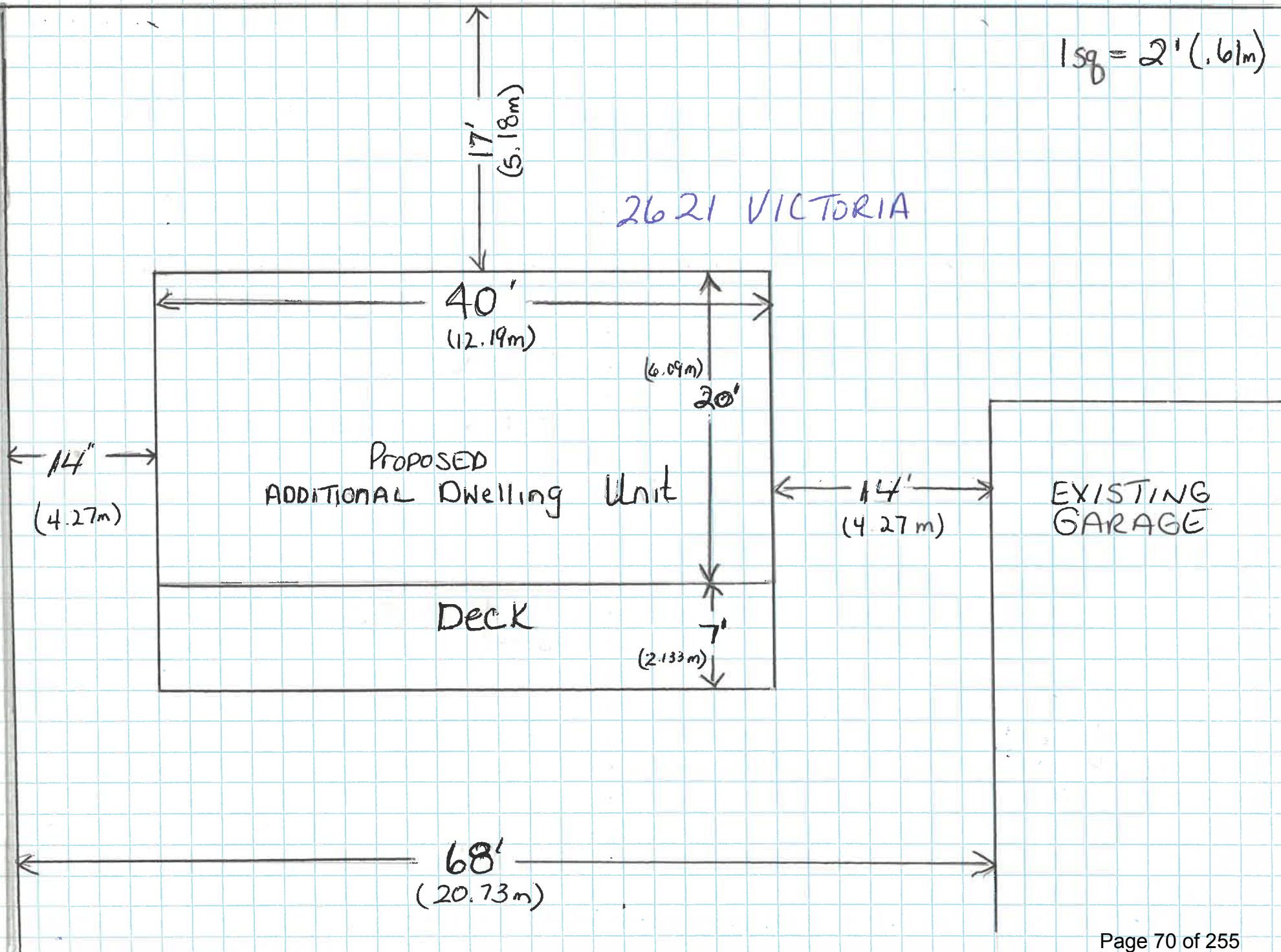


2615 VICTORIA

$$1 \text{ sq} = 2' (.61 \text{ m})$$

2621 VICTORIA

UNITED CHURCH PROPERTY





8:37 AM Sat Jan 20



AA

houseplans.net



58%



Modern Plan: 875 Square Feet, 1 Bedroom, 1 Bathroom • 1462-00033

CLOSE



LEAVE MESSAGE

EAST
Facing

North Facing
ELEVATION
(Rear of Build)



Location + Dimensions of
New Additional Dwelling

20' W x 40' L
Plus Deck 7' W x 40' L

18' off Property Line @ Rear + 15' off Garage

Date: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
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A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
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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

March 10, 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/06/2023 2621 VICTORIA ST
ARN 375148000004210; PIN: 750220243
Applicant: Lisa Pereira

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct an accessory structure within the rear yard located 4.27 m from the rear lot line, and 5.18 m from the northern interior lot line. The proposed accessory structure will have a gross floor area of 75 m² and a height of 4.5 m. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012, Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 75 m², whereas the by-law permits a maximum gross floor area of 55 m² in an HR zone. The following is provided as a result of our review of Application for Minor Variance A/06/2023.

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 the Belle River. The property owner is typically 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*.

In accordance with our information, the location of the proposed additional dwelling unit will be located on a portion of the property that is not subject to any regulations administered by the Essex Region Conservation Authority (ERCA). **This letter provides our clearance on the proposed structure, as presented in the Application for Minor Variance A/06/2023.**

Mr. Ian Rawlings
March 10, 2023

If during the proposed construction the applicant wishes to alter this proposal, please contact this office to confirm that the proposed alterations comply with this clearance. Please be advised that any future construction activities on this property may require an approval from our office.

FINAL RECOMMENDATION

This letter provides our clearance on the proposed structure, as presented in the Application for Minor Variance A/06/2023. An additional Clearance and/or Permit is not required from this office for the proposed works. If during the proposed construction the applicant wishes to alter this proposal, please contact this office to confirm that the proposed alterations comply with this clearance. Please be advised that any future construction activities on this property may require an approval from our office.

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 Search, Planner I

Date: March 15, 2023

Subject: Minor Variance Application A/07/2023 – 1610 County Road 22

Recommendation

Deny minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 222.96 m².

Proposal

The subject property currently supports a single-detached dwelling and an accessory structure in the rear yard. The applicants are proposing to construct an addition to the existing accessory structure which currently has a gross floor area of 111.48 m² and a height of 4.87 m. The proposed addition will add 111.48 m² of gross floor area to the existing accessory structure, resulting in a total gross floor area of 222.96 m². Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 222.96 m², whereas the by-law permits a maximum gross floor area of 55 m² in an R1 zone

Summary

Location

The subject property is located east of Rourke Line Road, west of West Belle River Road, on the northside of County Road 22, known municipally as 1610 County Road 22. The subject property is approximately 1.83 acres in area with 30.48 m of frontage.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots). A tool and mold business is located a few properties to the east on County Road 22.

Official Plan

The subject property is designated “Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is zoned “Residential – Low Density (R1)” in 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.

Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to accommodate attractive neighbourhoods. Community design policies under Section 4.2.1 state that the Municipality will ensure new development is designed in keeping with the traditional character of the Settlement Areas in a manner that preserves their traditional community image and enhances their sense of place within the Municipality. Measures will be taken to ensure that permitted uses address compatibility with adjacent land uses.

The subject property is a deep residential lot located on an Urban Arterial Road where other large accessory buildings have developed over time on nearby residential lots in the general area. It is noted that the building addition is a proposed northern extension of the accessory building that will not result in a reduced setback from the east side lot line. It is anticipated that there will be little if any impact to the appearance of the streetscape.

Zoning By-law

Section 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in the Residential – Low Density (R1) zone. Moreover, the definition of “accessory” in the Zoning By-law describes a structure/building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot.

An interactive mapping system suggests that the dwelling on the property has a building footprint close to 500 m². The proposed gross floor area of the accessory building is subordinate and meets the general and intent and purpose of the Zoning By-law in this respect.

The regulation limiting the gross floor area of an accessory building to 55 m² applies across every residential zone and was designed for a residential lot in a typical subdivision. It is acknowledged that the subject property is located on an Urban Arterial Road – not in a typical subdivision – and that the lot area of the property exceeds the minimum lot area provision in the R1 zone by almost fifteen times. The subject property, like others in the immediate area, is clearly conducive to supporting larger accessory buildings, and it is the opinion of the Planner that the minor variance meets the general intent and purpose of the Zoning By-law.

Minor

It is the opinion of the Planner that it is not possible to deem the proposal as minor given the fact that the accessory building will exceed the maximum gross floor area permitted in the Zoning By-law by four times. It is recognized, however, that the existing zoning provision regulating gross floor area of accessory buildings is a blanket provision that does not currently consider different lot sizes or neighbourhood context.

The proposal is considered minor in terms of impacts and compatibility issues. The existing setback from the east side lot line will be maintained, the addition will occur adjacent to an existing accessory structure on the neighbouring property to the east, and it is anticipated that there will be little to no impacts on the appearance of the streetscape.

Desirability

The Committee should ask the applicant why a minor variance of this nature is requested. The existing dwelling has an attached garage, and the existing accessory building subject to the proposed building addition already has a gross floor area of 111 m². The applicant should be aware that an accessory building cannot be used as a Home Industry (gainful occupation – electrical, woodworking, welding, machine shop, or other similar type use) on this lot under the Zoning By-law.

There are no other issues of appropriateness. In terms of existing standards in the immediate area, a 204 m² accessory building was recently developed at 1556 County Road 22, and a 187.3 m² accessory building was approved at 1566 County Road 22 last year – although the latter structure does not appear to have been constructed at this time. There are other oversized accessory buildings in the immediate area, but those structures do not appear to exceed the provision to the extent of this request.

It is the opinion of the Planner that the requested variance does not pass all four tests prescribed under Section 45 (1) of the *Planning Act*, as the variance cannot be deemed “minor” in nature. The four tests are as follows:

- 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. The comments received are summarized below:

Building states that grading must be addressed. It is recommended that grading be addressed to the satisfaction of the Municipality of Lakeshore as a condition of any approval.

Engineering expressed that the applicant shall adhere to the required setbacks from the municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.

ERCA advises that "the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. The proposed addition to the existing accessory structure does not meet the ERCA requirements for minimum floodproofing standards. The applicant must request in writing that the Application for Permit be considered by the ERCA Board of Directors to seek relief from the floodproofing requirements. Staff may not be in support of this proposal. ERCA recommends **deferral** and advises the owner to undertake a consultation with ERCA staff to discuss the available options".

If the Committee is open to approving the minor variance application in principle, it is recommended they defer the application until ERCA approval is obtained. Furthermore, any approval of the minor variance application should be subject to the following conditions: Approval is subject to a building addition to an existing accessory building at the north end of the accessory building that does not result in a reduced setback from the east side lot line; Grading is addressed to the satisfaction of the Municipality of Lakeshore.

The Fire Department stated that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

VIA Rail provided their standard comments. It is noted that this application is for an accessory building that will be located over 150 metres from the railway right-of-way.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres 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 – Engineering Comments
Appendix D – Building Comments
Appendix E – ERCA Comments
Appendix F – Fire Services Comments
Appendix G – VIA Rail Comments

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-07-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A-Aerial Map.pdf- Appendix B-Drawings.pdf- Appendix C-Engineering Comments.pdf- Appendix D-Building Comments.pdf- Appendix E-ERCA Comments.pdf- Appendix F-Fire Services Comments.pdf- Appendix G-VIA Rail Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:14 AM



A/07/2023 - 1610 County Rd.22



Legend

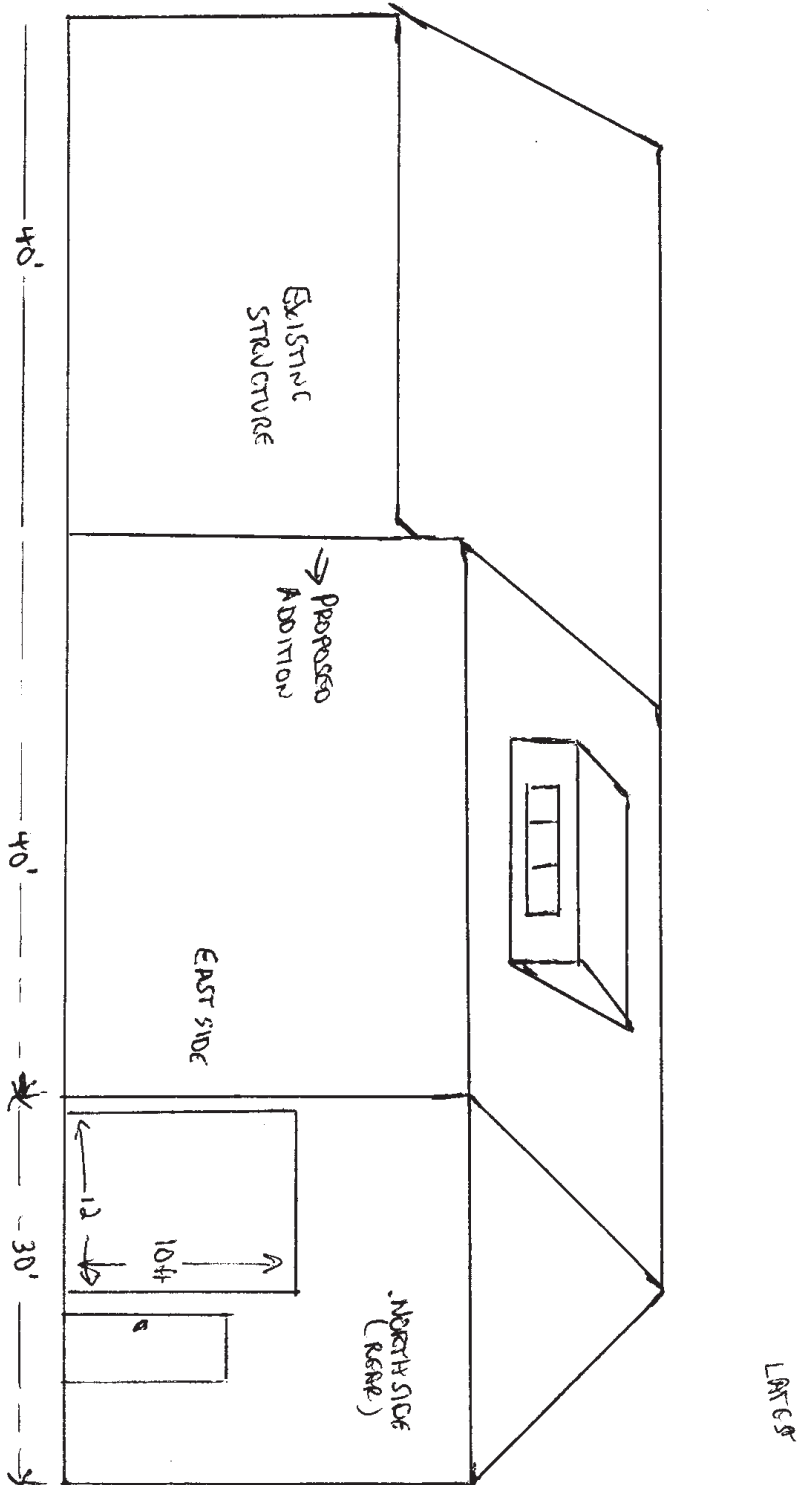
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- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

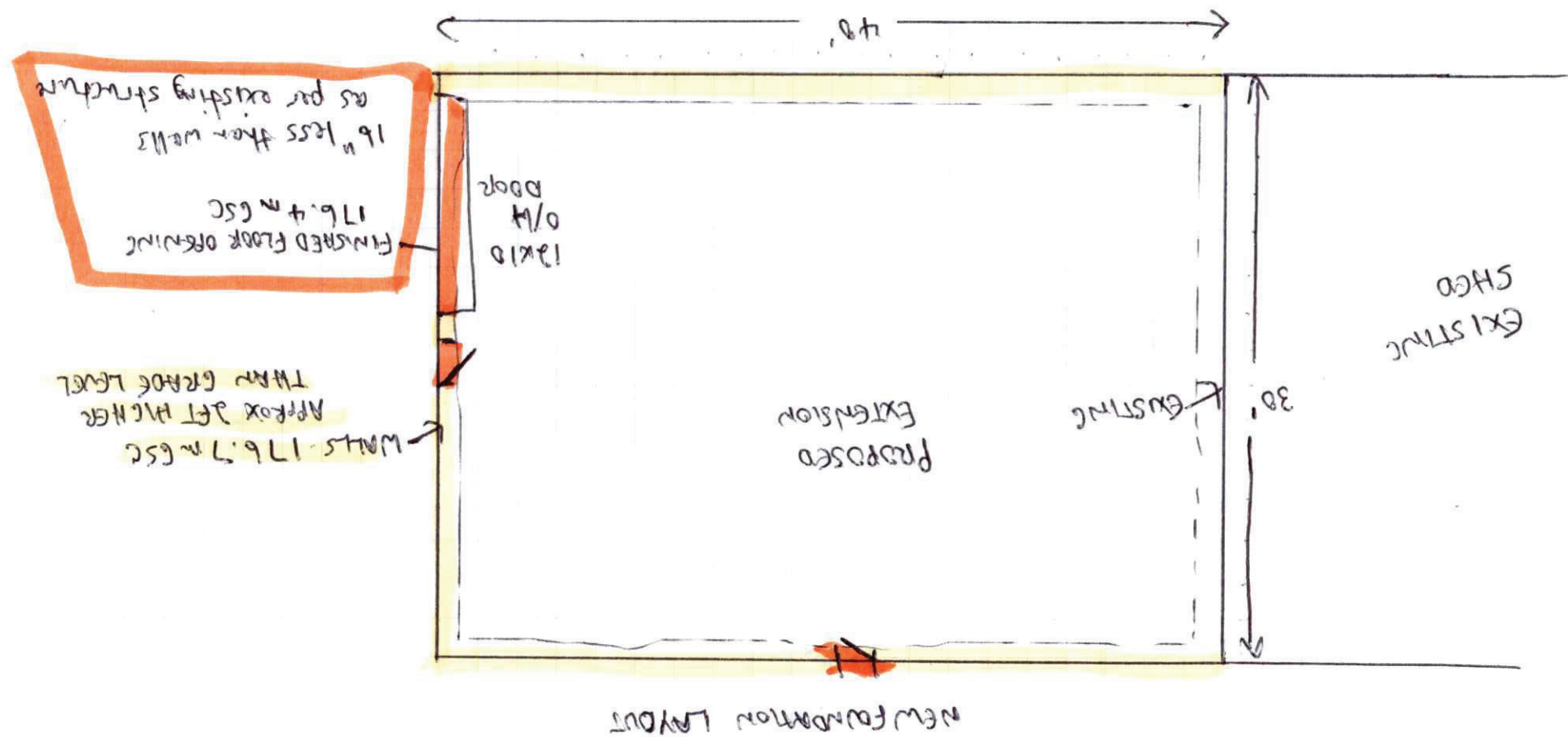
1: 2,132



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: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
--------------------------------	---

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

Ian Search

From: Ian Rawlings
Sent: March 10, 2023 1:14 PM
To: Ian Search
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Morris Harding [REDACTED]
Sent: March 10, 2023 12:50 PM
To: Ian Rawlings [REDACTED]
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon, Ian.

Building has reviewed the applications and have the following comments.

A/07/23 -Please ensure applicant is aware that grading must be addressed.

No other 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, N0R 1A0

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

From: Ian Rawlings [REDACTED]
Sent: March 10, 2023 11:04 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good morning,

This is a reminder email to inform you that all comments for the March 22nd, 2023 Committee of Adjustment items are due by the end of the day today.

Thank you and have great day.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Ian Rawlings

Sent: February 24, 2023 4:33 PM

Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please disregard the due date for comments detail below. Comments are due on March 10th.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Ian Rawlings

Sent: February 24, 2023 4:29 PM

Subject: Committee of Adjustment - March 22, 2023 - Notice for Comment

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd
- A/03/2023 – 2954 County Rd 42
- A/04/2023 – 358 Old Tecumseh Rd

- A/05/2023 – 345 East Pike Creek Rd
- A/06/2023 – 2621 Victoria Street
- A/07/2023 – 1610 County Rd 22
- A/08/2023 – 2758 St Clair Rd
- A/09/2023 – 1456 Caille Ave
- B/04/2023 – 0 Lakeshore Rd 302

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning Report. Please include
Ian Search [REDACTED] any comments provided.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

[REDACTED]
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

March 10, 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/07/2023 1610 COUNTY 22 RD
ARN 375118000008000; PIN: 750340085
Applicant: Chris & Sylvia Mindorff

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct an addition to the existing accessory structure that currently has a gross floor area of 111.48 m² and a height of 4.87 m. The proposed addition will add 111.48 m² of gross floor area to the existing structure totaling 222.96 m² of gross floor area. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012, Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 222.96 m², whereas the by-law permits a maximum gross floor area of 55 m² in an R1 zone. The following is provided as a result of our review of Application for Minor Variance A/07/2023.

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*.

It is our understanding that the existing accessory structure was subject of a hearing with the ERCA Board of Directors to reduce the freeboard component of the floodproofing standard. The decision of the committee was based on the application presented during the hearing.

As the proposed addition to this structure does not meet the ERCA requirements for minimum floodproofing standards, an applicant

Mr. Ian Rawlings
March 10, 2023

must request in writing that the Application for Permit be considered by the ERCA Board of Directors to seek relief from the floodproofing requirements. Please note that staff may not be in support of this proposal as it is a significant deviation from the current size requirement to reduce the freeboard component.

We recommend the application be deferred and that the owner undertake a consultation with ERCA to discuss the available options for this proposal.

FINAL RECOMMENDATION – DEFERRAL

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration.

The proposed addition to the existing accessory structure does not meet the ERCA requirements for minimum floodproofing standards. The applicant must request in writing that the Application for Permit be considered by the ERCA Board of Directors to seek relief from the floodproofing requirements. Staff may not be in support of this proposal.

ERCA recommends **deferral** and advises the owner to undertake a consultation with ERCA staff to discuss the available options.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: March 15, 2023 9:53:06 AM
Attachments: [A-02-2023 - 3362 Manning Rd - Drouillard - Notice for Comments.pdf](#)
[A-03-2023 - 2954 County Rd 42 - Lenders - Notice for Comment.pdf](#)
[A-04-2023 - 358 Old Tecumseh Rd - Multani - Notice for Comments.pdf](#)
[A-05-2023 - 345 E Pike Creek Rd - Petro - Notice for Comments.pdf](#)
[A-06-2023 - 2621 Victoria St - Pereira - Notice for Comments.pdf](#)
[A-07-2023 - 1610 County Rd 22 - Mindorff - Notice for Comments.pdf](#)
[A-08-2023 - 2758 St Clair Rd - Matte - Notice of Comments.pdf](#)
[A-09-2023 - 1456 Caille Ave - Nchme - Notice for Comments.pdf](#)
[B-04-2023 - 0 Lakeshore Rd - Desmarais Family Farms - Notice for Comments.pdf](#)

Sorry for the delay.

Thanks for the opportunity to comment.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings <[REDACTED]>
Sent: February 24, 2023 4:29 PM
To: Amy McMillan [REDACTED]; Jill Fiorito [REDACTED]; Sydnee Botham (Rivest) [REDACTED]; Morris Harding [REDACTED]; Meaghan Poonia [REDACTED]; Don Williamson [REDACTED]
Cc: Ian Search [REDACTED]; Kristina Brcic [REDACTED]; Aaron Hair [REDACTED]; Tammie Ryall [REDACTED]; Gisèle Pillon [REDACTED]
Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/03/2023 – 2954 County Rd 42 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/04/2023 – 358 Old Tecumseh Rd – Fire Services has no comment
- A/05/2023 – 345 East Pike Creek Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/06/2023 – 2621 Victoria Street – Fire Services has no comment

- A/07/2023 – 1610 County Rd 22 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/08/2023 – 2758 St Clair Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/09/2023 – 1456 Caille Ave - Fire Services has no comment
- B/04/2023 – 0 Lakeshore Rd 302 - Fire Services has no comment

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning

Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

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)

Ian Search

From: Ian Rawlings
Sent: March 10, 2023 10:59 AM
To: Ian Search
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments

VIA Rail Comments

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Paul Charbachi [REDACTED]
Sent: February 27, 2023 5:16 PM
To: Ian Rawlings [REDACTED]
[REDACTED]
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

[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.

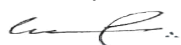
VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department 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



From: Ian Rawlings 
Sent: Friday, February 24, 2023 4:33 PM
To: Paul Charbachi  
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

EXPÉDITEUR EXTERNE: Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.
EXTERNAL SENDER: Use caution with links and attachments from an external sender.

Good afternoon,

Please disregard the due date for comments detail below. Comments are due on March 10th.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Ian Rawlings

Sent: February 24, 2023 4:29 PM

To: Paul Charbachi

Cc:

Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/07/2023 – 1610 County Rd 22
- A/09/2023 – 1456 Caille Ave
- B/04/2023 – 0 Lakeshore Rd 302

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning Report. Please include Ian Search in any comments provided.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: March 15, 2023
Subject: Minor Variance Application A/08/2023 – 2758 St. Clair Road

Recommendation

Approve minor variance application A/08/2023 to permit an accessory structure with a gross floor area of 70.81 m² and a height of 5.2 metres.

Proposal

The subject property currently supports a single-detached dwelling with an attached garage. The applicants are proposing to construct an accessory structure in the front yard located 3.6 metres from the front lot line, and 1.6 metres from the western interior side lot line. The proposed accessory structure will have a gross floor area of 70.81 m² and a height of 5.2 metres. Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 70.81 m², whereas the by-law permits a maximum gross floor area of 55 m² in an RW2 zone;
- Section 6.5 a) xi) to permit an accessory structure with a maximum height of 5.2 metres, whereas the by-law permits a maximum height of 5.0 metres in an RW2 zone.

Summary

Location

The subject property is located north of County Road 2, east of Rochester Townline Road, on the northside of St. Clair Road, known municipally as 2758 St. Clair Road. The subject property is approximately 0.57 acres in area with 30 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots).

Official Plan

The subject property is designated “Waterfront Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Official Plan

Section 6.4 of the Official Plan states that the existing lakeshore/rural character of the Waterfront Residential Designation will be recognized and maintained. Community design policies under Section 4.2.1 state that the Municipality will ensure new development is designed in keeping with the traditional character of the Settlement Areas in a manner that preserves their traditional community image and enhances their sense of place within the Municipality. Measures will be taken to ensure that permitted uses address compatibility with adjacent land uses.

The development proposal does not threaten the existing lakeshore/rural character of the area, and the proposed building – both in terms of gross floor area and height – is considered compatible with the traditional character of the settlement area. There are nearby residential lots on the north and south side of St. Clair Road that support similar or larger accessory buildings.

Zoning By-law

Section 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in the RW2 zone, and Section 6.5 a) xi) states that an accessory building shall not exceed a height of 5 metres. The definition of “accessory” in the Zoning By-law describes a structure/building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot.

The site plan drawing submitted with the application indicates that the proposed building is subordinate to the main building on the lot. The purpose of the regulation limiting

gross floor area is to ensure compatibility with massing characteristics of the area. Other accessory buildings similar or larger in massing exist in the area, including buildings at 2818 St. Clair Road, 2135 St. Clair Road and 2040 St. Clair Road.

The purpose of the regulation limiting height is to ensure accessory buildings are not offensive with respect to location and purpose. In this case, only a 0.2 metre increase in height is requested. There is a neighbouring dwelling located just west of where the proposed accessory building will be constructed. According to the site plan drawing, the applicant is proposing to orient the building so that most of the west side wall will exceed the minimum setback from the west interior side lot line.

Minor

It is the opinion of the Planner that the requested variance is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. The request for a 20 m² increase in gross floor area and a 0.2 metre increase in height is considered minor to accommodate personal storage, and the massing of the proposed accessory building is in keeping with the area.

Desirability

The proposed accessory building meets existing standards in the immediate area and is compatible with the surroundings. The request is considered appropriate given that it is commonplace for residential properties on the lake to have relatively larger accessory buildings for the storage of personal belongings often associated with lakefront properties (boats, etc.).

It is the opinion of the Planner that the requested variance passes the 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 applicant shall adhere to setbacks from municipal drain outlined in Lakeshore’s Zoning By-law. They will not support a second driveway access to the proposed accessory building. They note that construction of the

accessory buildings should not adversely impact the front yard drainage or adjacent neighbouring lands.

ERCA has no objections to the application and state that a permit has been issued for the proposed accessory structure.

Fire Services states that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Photo
Appendix B – Drawings
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – Fire Services Comments

Prepared by:



Ian Search,

Planner I

Report Approval Details

Document Title:	A-08-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Fire Services Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:15 AM



2758 St. Clair Rd



Legend

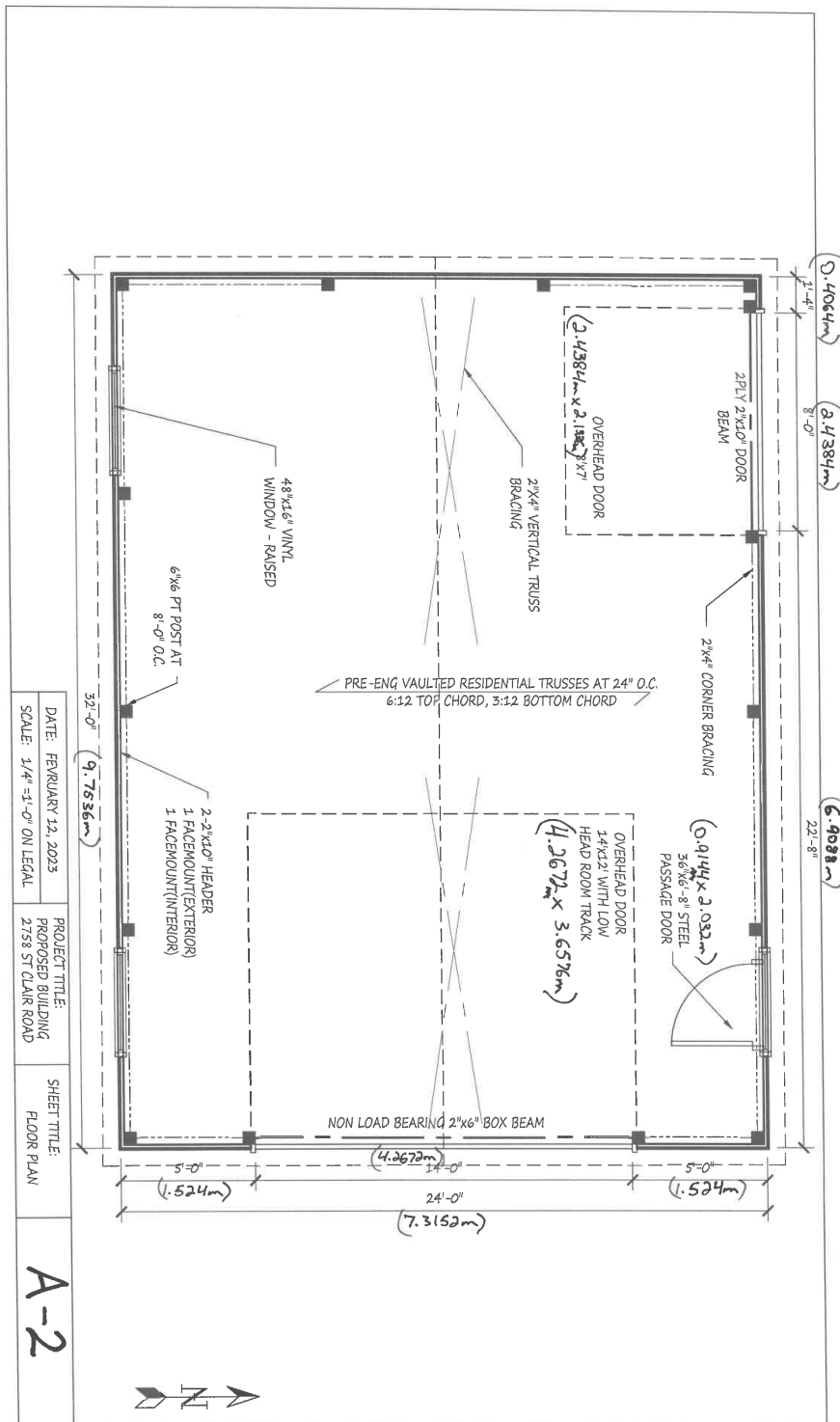
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- CNTY
- LAK
- PRIV
- PROV

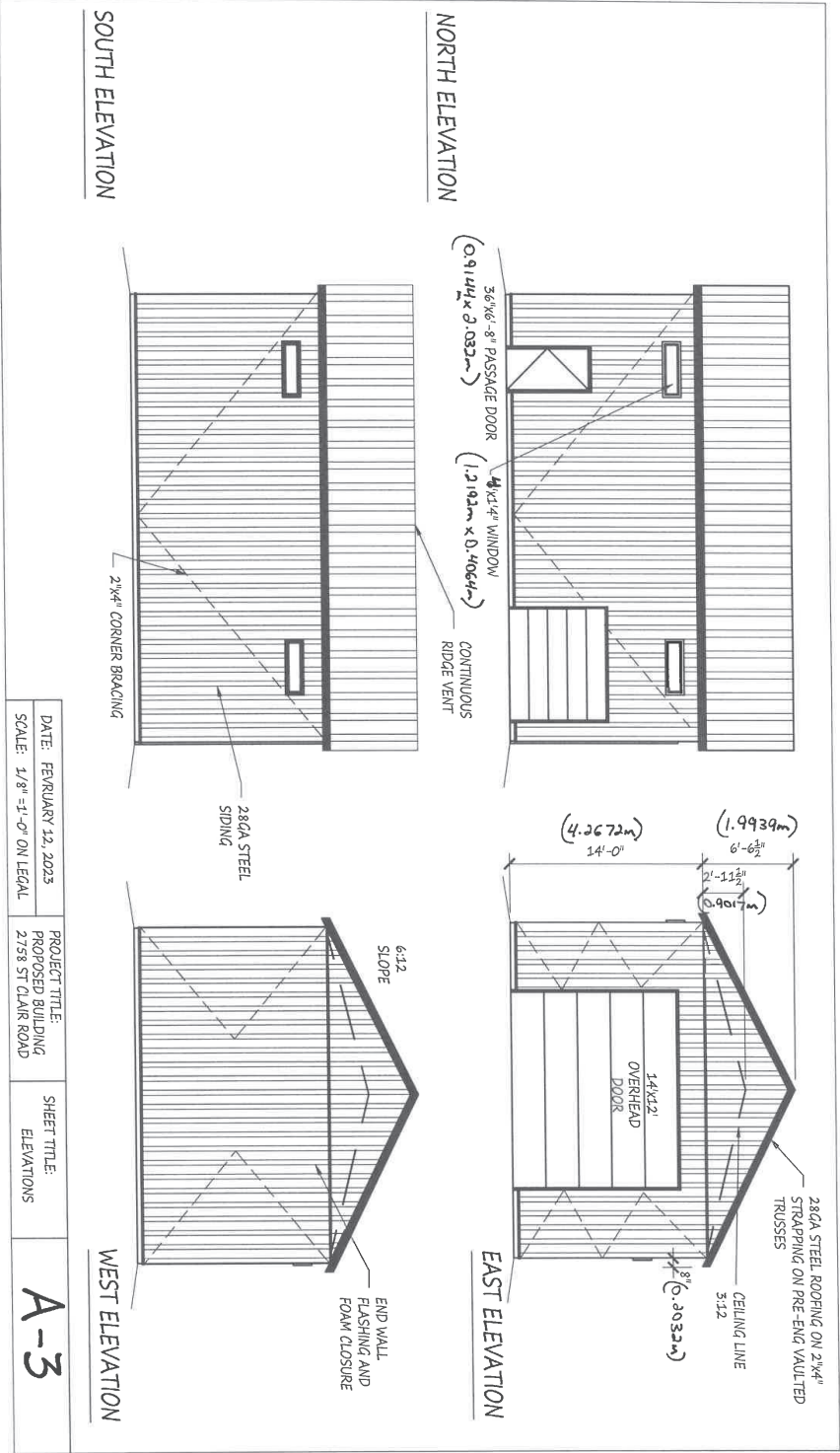
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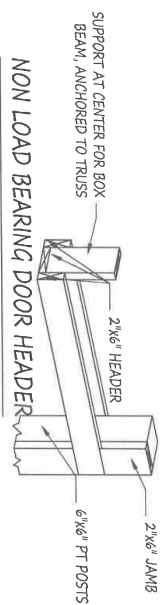
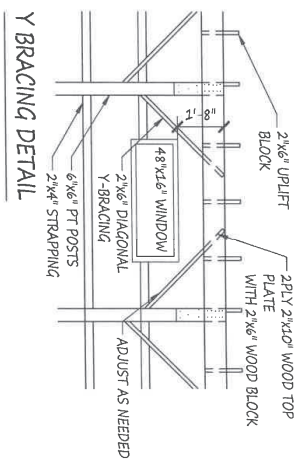
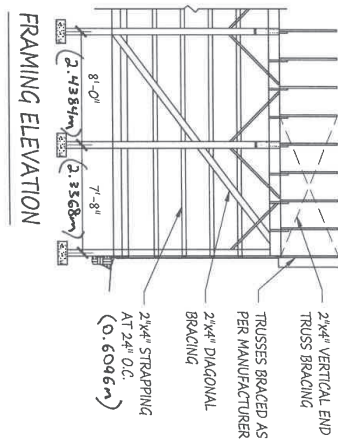
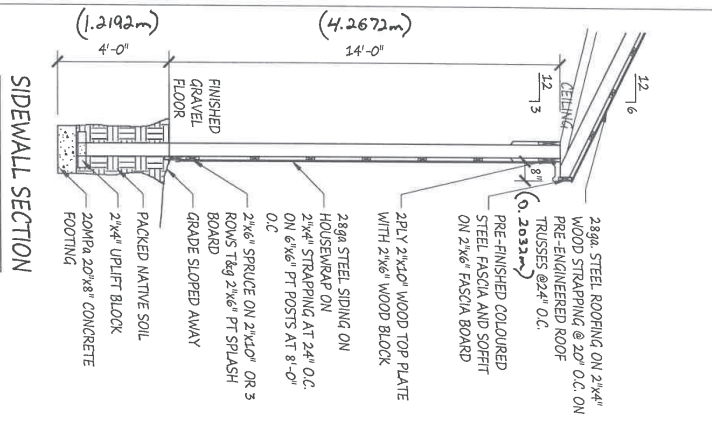


Notes:

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







PROJECT TITLE: PROPOSED BUILDING 2758 ST CLAIR ROAD	DATE: FEBRUARY 12, 2023 SCALE: 1/8" = 1'-0" ON LEGAL
SHEET TITLE: ELEVATIONS	A-4

Date: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
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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

March 10, 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/08/2023 2758 ST CLAIR RD
ARN 375175000013100; PIN: 750700075
Applicant: Timothe Matte

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct an accessory structure within the front yard located 3.6m from the front lot line, and 1.6 m from the western interior lot line. The proposed accessory structure will have a gross floor area of 70.81 m² and a height of 5.2 m. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012 Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 70.81 m², whereas the by-law permits a maximum gross floor area of 55 m² in an RW2 zone and Section 6.5 a) xi) to permit an accessory structure with a maximum height of 5.2 m, whereas the by-law permits a maximum height of 5.0 m in an RW2 zone. The following is provided as a result of our review of Application for Minor Variance A/08/2023.

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 and the Chauvin Drain. 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 #48-23 has been issued for the proposed accessory structure.

Mr. Ian Rawlings
March 10, 2023

FINAL RECOMMENDATION

The property owner is required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. We note that ERCA permit #48-23 has been issued for the proposed accessory structure.

ERCA has no objections to Application for Minor Variance A/08/2023.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: March 15, 2023 9:53:06 AM
Attachments: [A-02-2023 - 3362 Manning Rd - Drouillard - Notice for Comments.pdf](#)
[A-03-2023 - 2954 County Rd 42 - Lenders - Notice for Comment.pdf](#)
[A-04-2023 - 358 Old Tecumseh Rd - Multani - Notice for Comments.pdf](#)
[A-05-2023 - 345 E Pike Creek Rd - Petro - Notice for Comments.pdf](#)
[A-06-2023 - 2621 Victoria St - Pereira - Notice for Comments.pdf](#)
[A-07-2023 - 1610 County Rd 22 - Mindorff - Notice for Comments.pdf](#)
[A-08-2023 - 2758 St Clair Rd - Matte - Notice of Comments.pdf](#)
[A-09-2023 - 1456 Caille Ave - Nchme - Notice for Comments.pdf](#)
[B-04-2023 - 0 Lakeshore Rd - Desmarais Family Farms - Notice for Comments.pdf](#)

Sorry for the delay.

Thanks for the opportunity to comment.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Rawlings <[REDACTED]>
Sent: February 24, 2023 4:29 PM
To: Amy McMillan [REDACTED]; Jill Fiorito [REDACTED]; Sydnee Botham (Rivest) [REDACTED]; Morris Harding [REDACTED]; Meaghan Poonia [REDACTED]; Don Williamson [REDACTED]
Cc: Ian Search [REDACTED]; Kristina Brcic [REDACTED]; Aaron Hair [REDACTED]; Tammie Ryall [REDACTED]; Gisèle Pillon [REDACTED]
Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/03/2023 – 2954 County Rd 42 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.

Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/04/2023 – 358 Old Tecumseh Rd – Fire Services has no comment
- A/05/2023 – 345 East Pike Creek Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/06/2023 – 2621 Victoria Street – Fire Services has no comment

- A/07/2023 – 1610 County Rd 22 - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/08/2023 – 2758 St Clair Rd - The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

- A/09/2023 – 1456 Caille Ave - Fire Services has no comment
- B/04/2023 – 0 Lakeshore Rd 302 - Fire Services has no comment

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning

Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

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)

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: March 15, 2023
Subject: Minor Variance Application A/09/2023 – 1456 Caille Ave

Recommendation

Approve minor variance application A/09/2023 to permit a dwelling to have a front yard setback of 6 metres and for a porch to encroach 2.7 metres into the required front yard.

Proposal

The subject property is currently vacant. The applicant is proposing to construct a single detached dwelling to be located 6.0 metres from the front lot line, 15.24 metres from the rear lot line, and 1.5 metres from both interior lot lines. The proposed dwelling will have a gross floor area of approximately 175 m². Therefore, the applicant is seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a front yard setback of setback of 6 metres in an RW2 zone, whereas the bylaw requires a minimum front yard setback of 7.5 metres.
- Section 6.42 g) to permit a porch to encroach 2.7 metres into the front yard, whereas the by-law permits a maximum encroachment of 2.5 metres into the front yard.

Summary

Location

The subject property is located on the north side of Caille Ave, west of Rourke Line Road, east of Renaud Line Road, known municipally as 1456 Caille Ave. The subject property is approximately 589 m² in area with 17.83 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by waterfront residential properties (single detached dwelling lots) to the east and west, and the VIA Rail Canada Inc. right-of-way to the south.

Official Plan

The subject property is designated “Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair Zone Exception 3” (RW2-3) in 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to continue to accommodate attractive neighbourhoods. Community design policies under Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form. Through the review of development applications, the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.

The minor variance request does not threaten the attractiveness of the neighbourhood and it maintains the physical design characteristics of the surrounding area. Aerial photography suggests that many dwellings in the immediate area have been constructed with shorter front yard setbacks than what is currently required. The reduced front yard setback that is contemplated for the proposed dwelling and porch will resemble the current built form in the area and will not set a precedent or look out of character.

Zoning By-law

Section 8.3 states that the minimum front yard setback is 7.5 metres in the RW2 zone. Section 6.42 g) states that a porch can only encroach 2.5 metres (including eaves and cornices) into the required front yard setback.

The purpose of the front yard setback is to ensure separation from the road allowance for the maintenance of public services and to provide sufficient area for landscaping. A

6 metre front yard setback for the dwelling will provide sufficient opportunity for landscaping and space for off-street parking.

Minor

It is the opinion of the Planner that the requested reliefs are minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. A front yard reduction of 1.5 metres for the dwelling is characteristic of the area and aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood. Permission for the porch to encroach 0.2 metres closer to the front lot line than what is permitted is also considered a minor request.

Desirability

The requested reliefs meet existing standards in the immediate area and are compatible with the surroundings. The request is considered appropriate given that this lot has relatively shorter depth, like many in the immediate area, and decreasing the front yard setback in turn increases the setback distance from the lake. The reliefs will provide more opportunity for rear yard space and may provide more favourable views of the lake for neighbours in comparison to locating the dwelling closer to the lake.

It is the opinion of the Planner that the requested variance passes the 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 applicant shall adhere to setbacks from the municipal drain outlined in Lakeshore’s Zoning By-law.

ERCA has advised that an ERCA permit has been issued for the construction of a dwelling on the subject property. They state that all construction activities are to be undertaken in accordance with the engineering plans/designs prepared by engineering consultants. They were contacted to confirm their position on safe access during times of flooding under the Provincial Policy Statement (PPS). A Resource Planner at ERCA checked elevation modelling and advised that the elevations appear to grant safe access moving east from the subject property, along Caille Ave to Rourke Line Road.

Kimberly Chretien, owner of 1452 Caille Ave., submitted photos of the road inundated during storm events (Appendix F). These photos were circulated to ERCA for further comment on the matter. The Resource Planner at ERCA reviewed the elevations and photos with ERCA's regulations team and confirmed that based on the best information they have available, the road elevations appear to meet the minimum requirements set out in ERCA policy. ERCA policy allows for approximately one foot of water over the roadway in times of flooding (Appendix G).

Fire Services had no comment on the application.

VIA Rail submitted their standard comments in response to the application. The dwelling will be constructed on the subject property outside of the VIA rail right-of-way, only 1.5 metres closer to the front lot line than what is permitted.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject land. At the time of writing, comment/photos were received from Kimberly Chretien, owner of 1452 Caille Ave (Appendix F).

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – VIA Rail Comments
Appendix F – 1452 Caille Ave Comment
Appendix G – ERCA Comment Clarification

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-09-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A-Aerial Map.pdf- Appendix B-Drawing.pdf- Appendix C-Engineering Comments.pdf- Appendix D-ERCA Comments.pdf- Appendix E-VIA Rail Comments.pdf- Appendix F-1452 Caille Ave Comment.pdf- Appendix G-ERCA Comment Clarification.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:15 AM



1456 Caille Ave



Legend

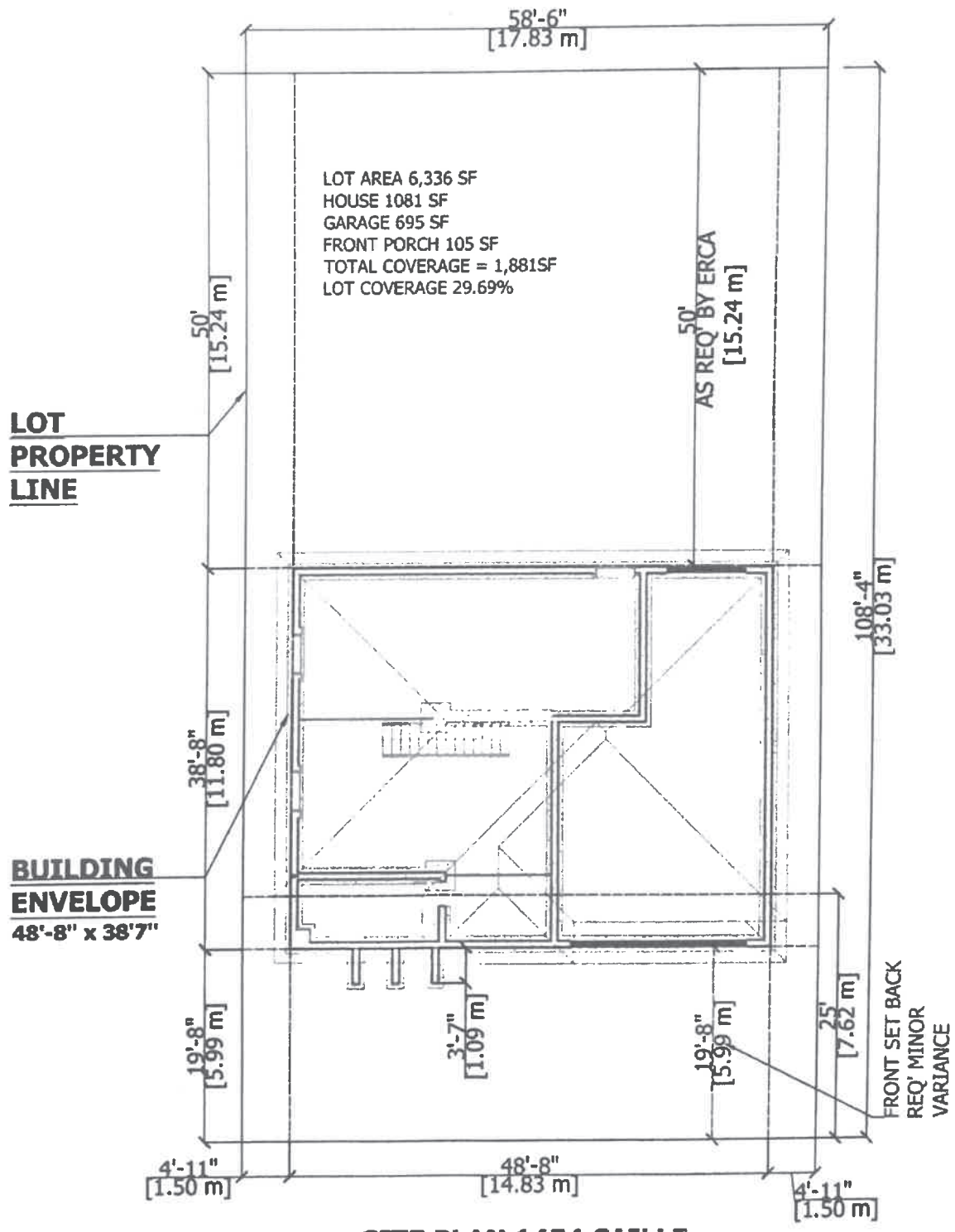
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- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 603



Notes:

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Date: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> • Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. • Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. • Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. • Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. • The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. • Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> • The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
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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



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P.519.776.5209

F.519.776.8688

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

March 10, 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/09/2023 1454 CAILLE AVE (1456 CAILLE Ave)
ARN 375118000022420; PIN: 750310298
Applicant: Anthony Nehme

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to construct a single detached family dwelling to be located 6.0 m from the front lot line, 15.24 m from the rear lot line, and 1.5 m from both interior lot lines. The proposed dwelling will have a gross floor area of approximately 175 m². Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012, Section 8.3 to permit a front yard setback of setback of 6 m in an RW2 zone, whereas the by-law requires a minimum front yard setback of 7.5 m and Section 6.42 g) to permit a porch to encroach 2.7 m into the front yard, whereas the by-law permits a maximum encroachment of 2.5 meters into the front yard. The following is provided as a result of our review of Application for Minor Variance A/09/2023.

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 ERCA Permit #828-22 has been issued for the construction of a dwelling on the subject property. All construction activities are to be undertaken in accordance with engineering plans/designs prepared by Chall.Eng Consulting Engineers, Project No. 222044 and dated July 13, 2022. Specifically, the prescribed minimum required

Mr. Ian Rawlings
March 10, 2023

elevations and setback distances are to be adhered to during the construction of the house.

FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alterations.

We note ERCA Permit #828-22 has been issued for the construction of a dwelling on the subject property. All construction activities are to be undertaken in accordance with engineering plans/designs prepared by Chall.Eng Consulting Engineers, Project No. 222044 and dated July 13, 2022.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

Ian Search

From: Ian Rawlings
Sent: March 10, 2023 10:59 AM
To: Ian Search
Subject: FW: Committee of Adjustment - March 22, 2023 - Notice for Comments

VIA Rail Comments

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Paul Charbach [REDACTED]
Sent: February 27, 2023 5:16 PM
To: Ian Rawlings [REDACTED]
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

[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.

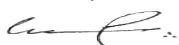
VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department 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 Charbach
Infrastructure Engineer



From: Ian Rawlings 
Sent: Friday, February 24, 2023 4:33 PM
To: Paul Charbach 
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

EXPÉDITEUR EXTERNE: Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.
EXTERNAL SENDER: Use caution with links and attachments from an external sender.

Good afternoon,

Please disregard the due date for comments detail below. Comments are due on March 10th.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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

From: Ian Rawlings

Sent: February 24, 2023 4:29 PM

To: Paul Charbachi

Cc:

Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/07/2023 – 1610 County Rd 22
- A/09/2023 – 1456 Caille Ave
- B/04/2023 – 0 Lakeshore Rd 302

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning Report. Please include Ian Search in any comments provided.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

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Ian Search

From: [REDACTED]
Sent: March 14, 2023 3:39 PM
To: Ian Search

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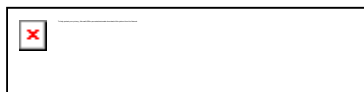
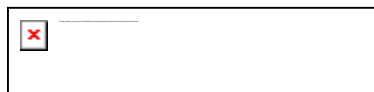
Regarding Applicant: 2461415 Ontario Ltd., c/o Antony Nehme To the Municipality of Lakeshore Committee of Adjustment. I Kimberly Chretien of 1452 Caille Ave. Belle River, Ontario hereby notify the Municipality of Lakeshore Committee of Adjustment in respect to the Application for a Minor Variance, for the Applicant: 2461415 Ontario Ltd., c/o Antony Nehme, Location: 1456 Caille Ave. I request to be notified of any decision made regarding this application and to be advised of any further decision making regarding this application. Dated: Tuesday, March 14, 2023 Kimberly Chretien, 1452 Caille Ave., Belle River Ontario [REDACTED] I Kimberly Chretien would also like to submit the following photos that I have provided and sent to : Ian William Search.
kchretien

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Ian Search

From: [REDACTED]
Sent: March 14, 2023 10:02 AM
To: Ian Search

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Sept.10, 2014

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

☐

☐

Ian Search

From: [REDACTED]
Sent: March 14, 2023 10:03 AM
To: Ian Search

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June 14, 2015

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ian Search

From: [REDACTED]
Sent: March 14, 2023 10:16 AM
To: Ian Search

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June 14 2015

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ian Search

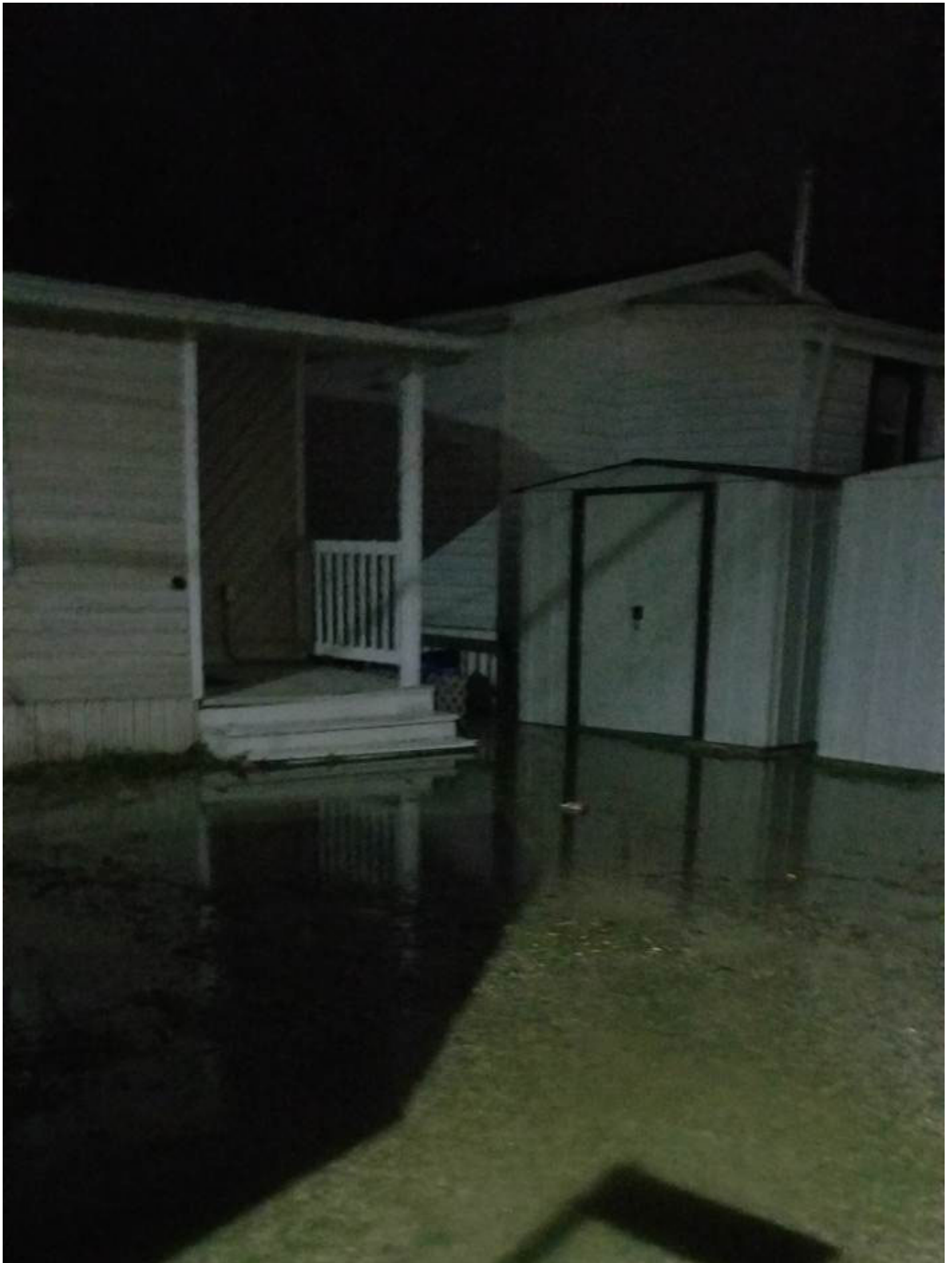
From: [REDACTED]
Sent: March 14, 2023 10:55 AM
To: Ian Search

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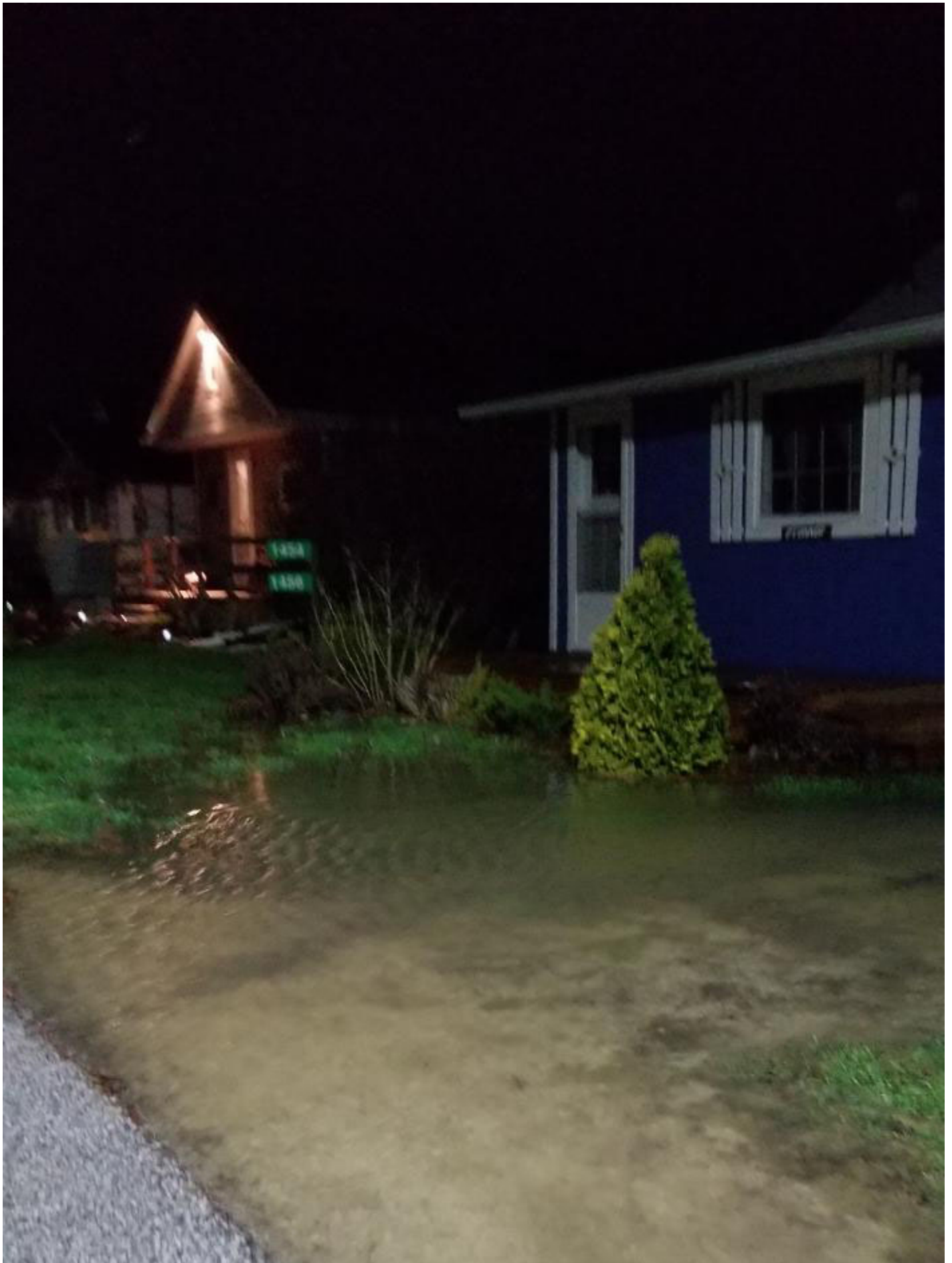
[EXTERNAL EMAIL] CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

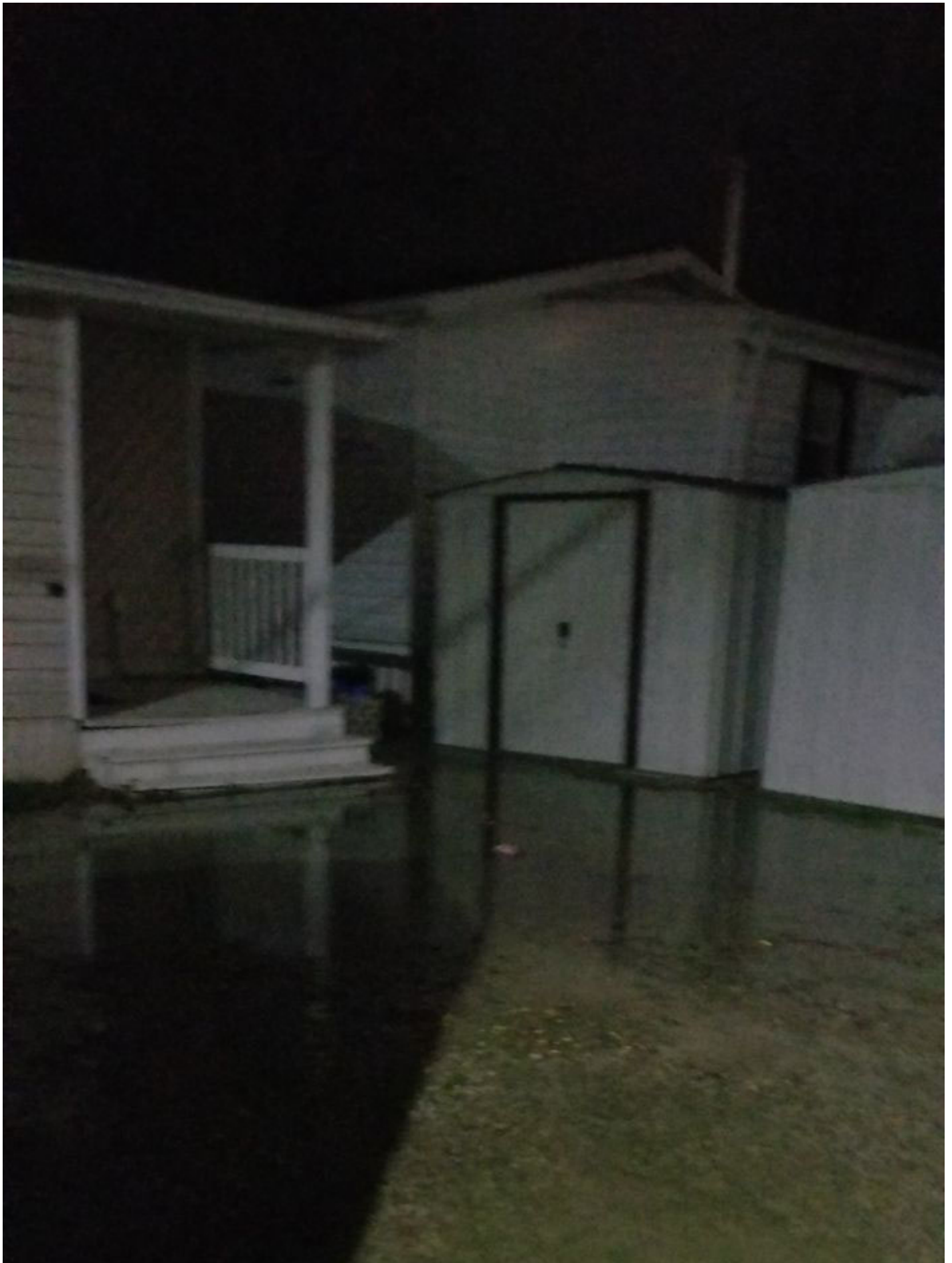












April 19, 2019

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Ian Search

From: [REDACTED]
Sent: March 14, 2023 10:57 AM
To: Ian Search

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April 19 and 20 2019

[REDACTED]

[REDACTED]

[REDACTED]

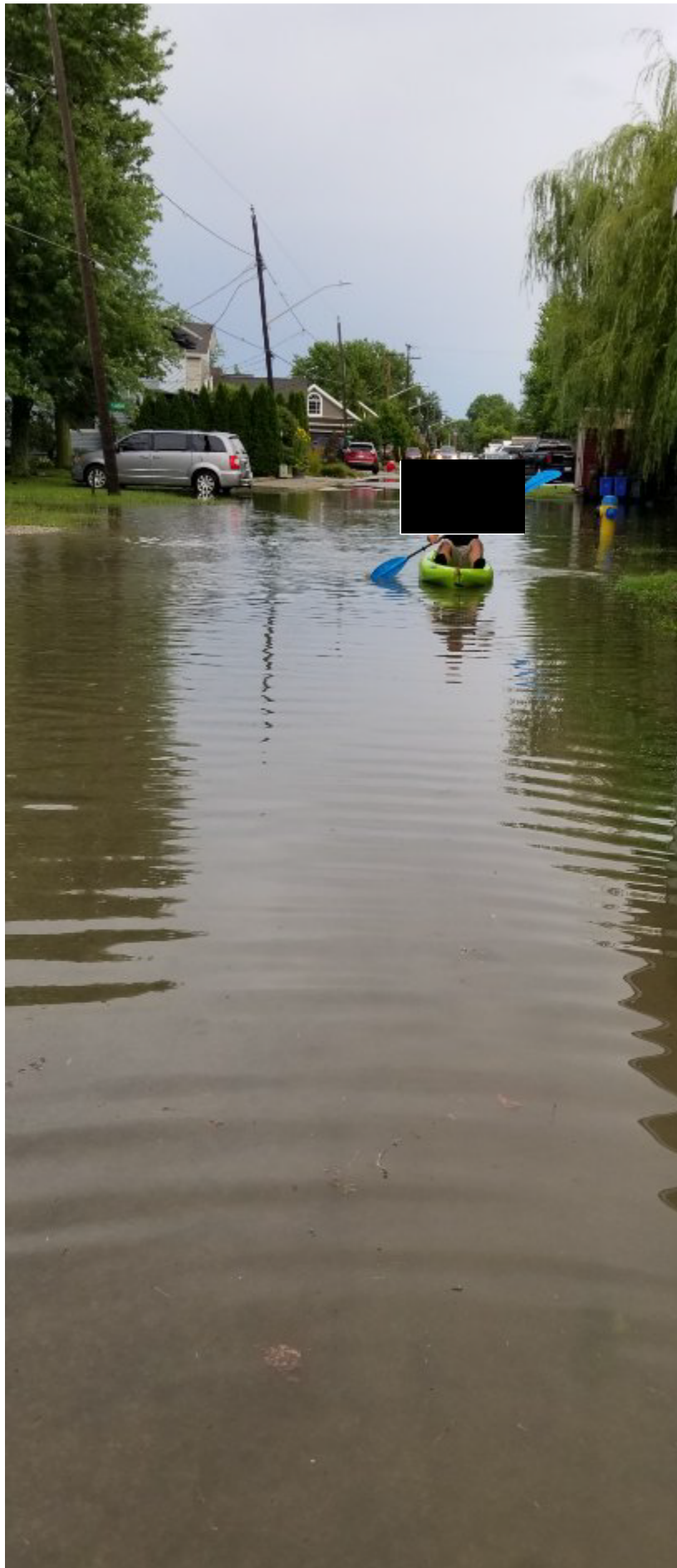
[REDACTED]

Ian Search

From: [REDACTED]
Sent: March 14, 2023 10:59 AM
To: Ian Search

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July 19, 2020

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



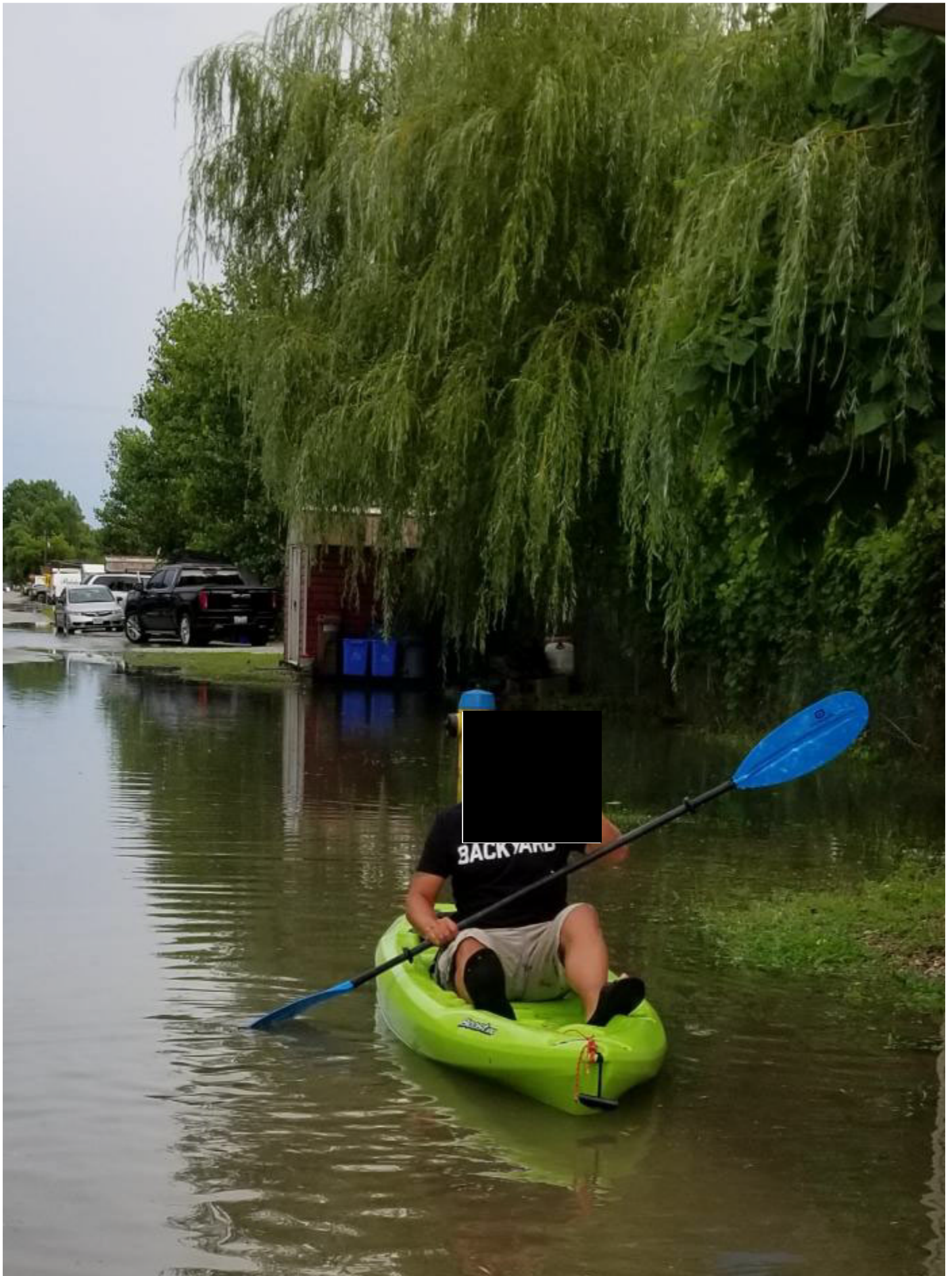


Ian Search

From: [REDACTED]
Sent: March 14, 2023 11:00 AM
To: Ian Search

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July 19, 2020

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Ian Search

From: [REDACTED]
Sent: March 14, 2023 11:05 AM
To: Ian Search

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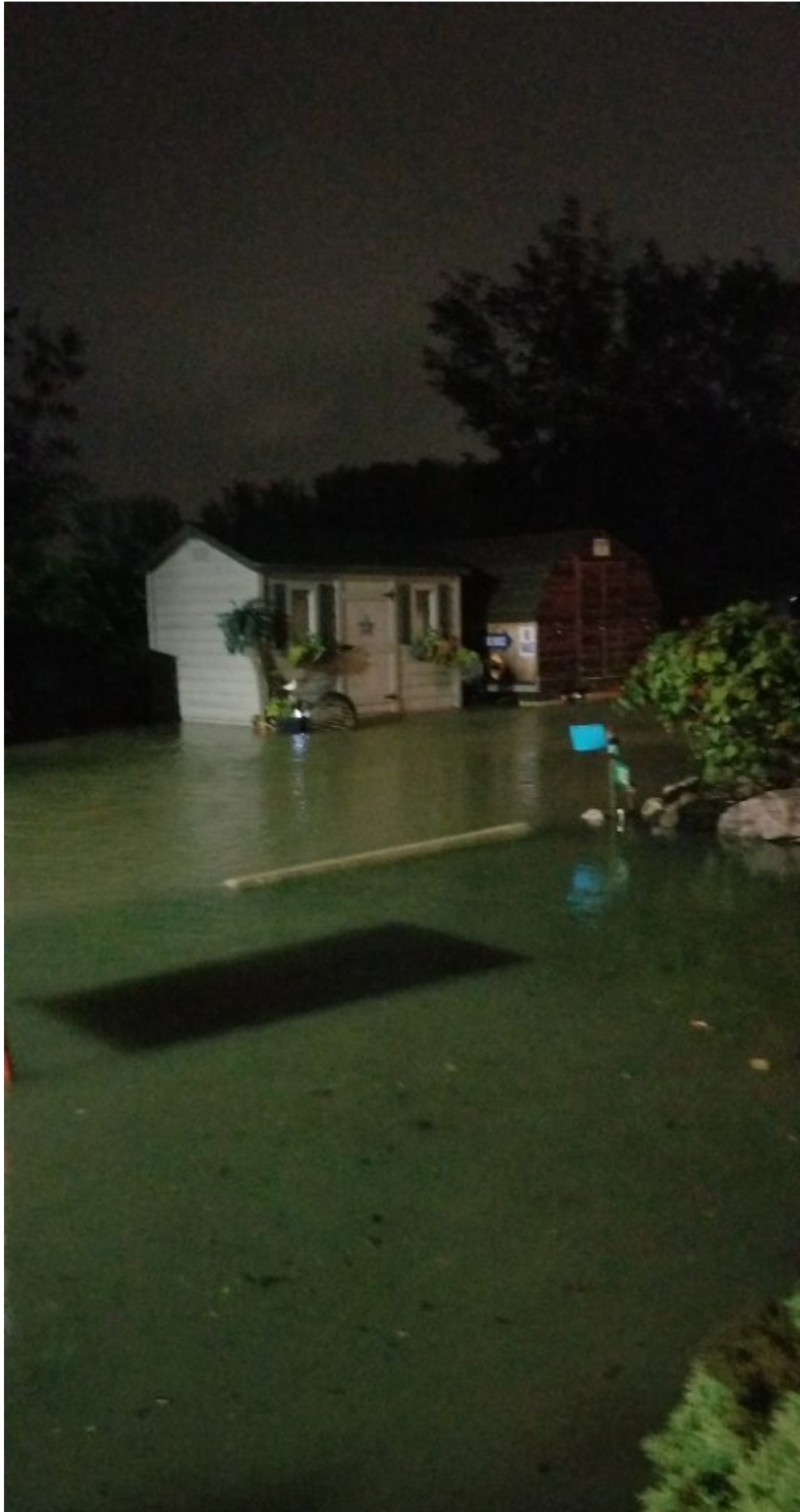




















Sept.22, 2021

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Ian Search

From: [REDACTED]
Sent: March 14, 2023 11:06 AM
To: Ian Search

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Sept. 23, 2021

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

☐

☐

Ian Search

From: [REDACTED]
Sent: March 14, 2023 11:18 AM
To: Ian Search

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Feb. 24, sewers still full since I last call back on Jan. 24, 2023

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





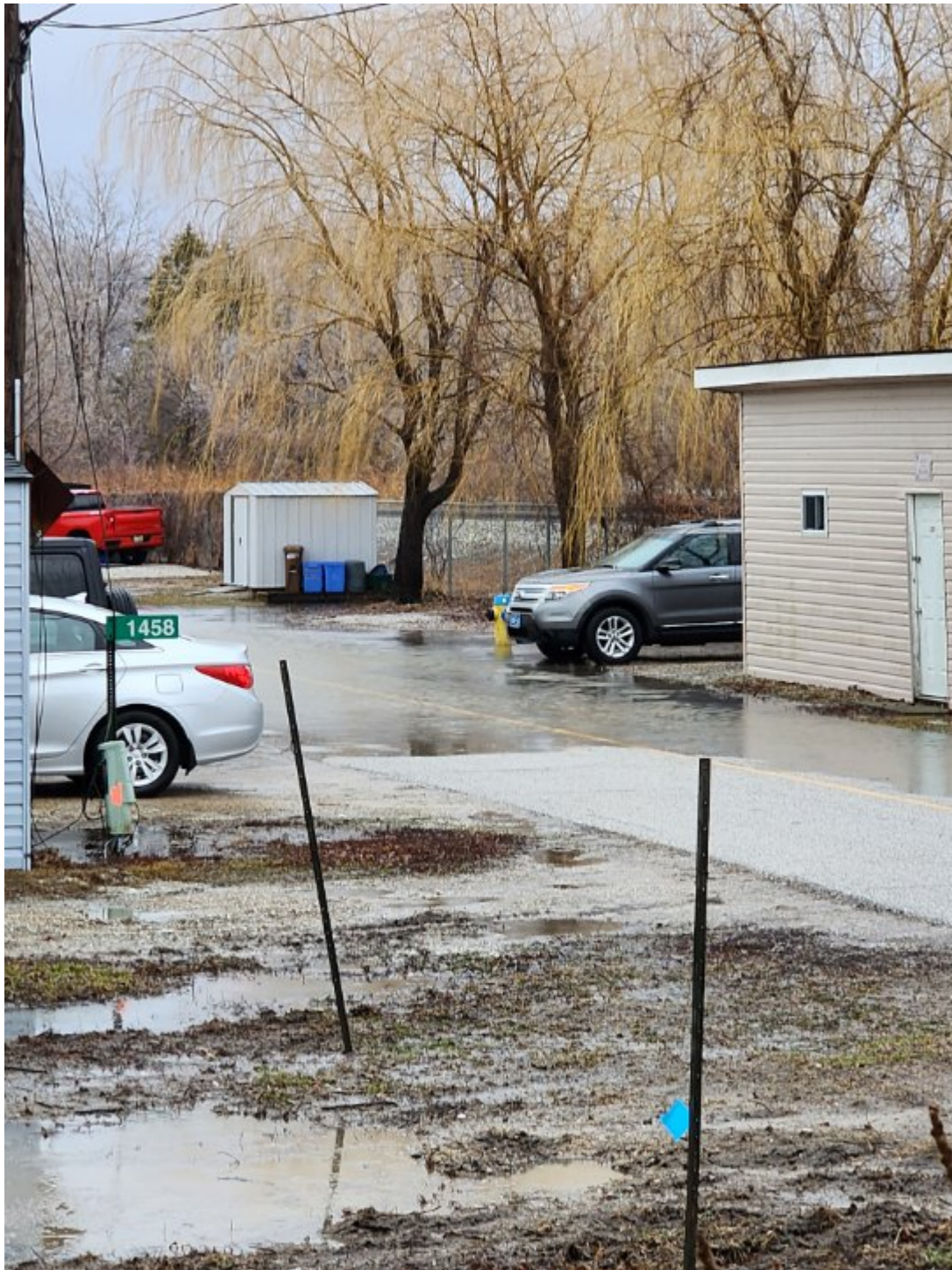
Ian Search

From: [REDACTED]
Sent: March 14, 2023 11:21 AM
To: Ian Search

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This is Feb. 27, 2023

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

☐

☐

Ian Search

From: Kathleen Schnekenburger [REDACTED]
Sent: March 15, 2023 11:25 AM
To: Ian Search
Subject: RE: Committee of Adjustment - A-09-2023

[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.

Good morning Ian,

Thank you again for bringing this to our attention. I reviewed the elevations and photos with our regulations team this morning and can confirm that based on the best information we have available, the road elevations here appear to meet the minimum requirements set out in the ERCA policy. Please note that ERCA policy does allow for approx. 1ft of water over the roadway in times of flooding. Therefore, ERCA's position on safe access at this property remains the same as the comments previously provided.

Please do not hesitate to contact me if you would like to discuss further. I am available for a phone call before 1 p.m or after 3p.m today.

Kind regards,



Kathleen Schnekenburger
Resource Planner
Essex Region Conservation Authority

[REDACTED]
www.essexregionconservation.ca

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From: Ian Search [REDACTED]
Sent: Tuesday, March 14, 2023 3:16 PM
To: Kathleen Schnekenburger [REDACTED]
Subject: RE: Committee of Adjustment - A-09-2023
Importance: High

Hi Kathleen,

Thank you for the follow up. I received the attached photos from the resident at 1452 Caille Ave - neighbour to the west of the subject property (1456 Caille Ave). The pictures show the road inundated during past storm events. I wanted to share these pictures with you in case they should change ERCA's position regarding safe access under Section 3.1 of the Provincial Policy Statement. Please let me know.

Kind Regards,

Ian Search

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: [REDACTED]

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

From: Kathleen Schnekenburger [REDACTED]

Sent: Monday, March 13, 2023 1:38 PM

To: Ian Search [REDACTED]

Subject: RE: Committee of Adjustment - A-09-2023

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Hi Ian,

Thank you for reaching out and for double checking. I just checked the elevation modelling for this area and can confirm that ERCA's recommendation is properly reflected in the comments provided. The elevations appear to grant safe access moving east from the subject property, along Caille Ave to Rourke Line Rd. Road elevations are lower on the east side of Rourke Line (where the below noted severance is proposed).

Please let me know if you'd prefer a phone call to discuss.

Thanks again!



Kathleen Schnekenburger
Resource Planner
Essex Region Conservation Authority

[REDACTED]
www.essexregionconservation.ca

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From: Ian Search [REDACTED]

Sent: Monday, March 13, 2023 1:23 PM

To: Kathleen Schnekenburger [REDACTED]

Subject: RE: Committee of Adjustment - A-09-2023

Hi Kathleen,

I hope you are doing well. I just wanted to ask about the comments provided for A-09-2023. I am aware that a comment/concern regarding the low-lying nature of the roadway and safe access during times of flooding was provided by ERCA for a recent severance proposal at 1750 Caille Ave circulated to ERCA (B-05-2023). I note that similar comments/concerns have not been provided for A-09-2023 and just wanted to confirm ERCA's opinion/recommendation with respect to this issue for A-09-2023 and the requested variance at that property.

Kind Regards,

Ian Search

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: [REDACTED]

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

From: Kathleen Schnekenburger [REDACTED]
Sent: March 10, 2023 10:58 AM
To: Ian Rawlings [REDACTED]
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments

[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.

Good morning,

Please see attached ERCA comments for the upcoming Committee of Adjustment meeting.

Please let me know if you have any questions.

Kind regards,



Kathleen Schnekenburger
Resource Planner
Essex Region Conservation Authority

[REDACTED]
www.essexregionconservation.ca

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From: Ian Rawlings [REDACTED]
Sent: Friday, February 24, 2023 4:29 PM
To: Planning [REDACTED]

Cc: Ian Search [REDACTED] Kristina Brcic [REDACTED]

Subject: Committee of Adjustment - March 22, 2023 - Notice for Comments

Good afternoon,

Please see the attached Notice for Comments for your review for the following March 22nd, 2023, Committee of Adjustment applications:

- A/02/2023 – 3362 Manning Rd
- A/03/2023 – 2954 County Rd 42
- A/04/2023 – 358 Old Tecumseh Rd
- A/06/2023 – 2621 Victoria Street
- A/07/2023 – 1610 County Rd 22
- A/08/2023 – 2758 St Clair Rd
- A/09/2023 – 1456 Caille Ave
- B/04/2023 – 0 Lakeshore Rd 302

Please note that comments are to be provided by February 3rd, 2023, for inclusion in the Planning Report. Please include Ian Search [REDACTED] in any comments provided.

Have a great weekend.

Ian Rawlings

Planner 1

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0

T: [REDACTED]

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Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings

Date: March 15, 2023

Applicant: Desmarais Family Farms LTD (Owner)
Paul Courey (Authorized Applicant)

Subject: Consent Application B/04/2023 – 0 Lakeshore Rd 302 (Roll: 740-03490)

Recommendation

Approve consent application B/04/2023 to sever approximately 1,335.5 m² (0.33 Ac) from the side yard of 0 Lakeshore Rd 302 to be added to the neighboring property 10200 Lakeshore Rd 302. 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/ 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;
- 6) That the applicant enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 7) That 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.

8) That the applicant provide the opinion of a solicitor stating that the severed parcel and the parcel receiving the lot addition will merge. Should the parcel not merge the applicant will be required to obtain a consent cancellation if deemed appropriate by the secretary treasurer.

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by March 22, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning

Purpose

The applicants of 0 Lakeshore Rd 302 are proposing to sever approximately 1,335.5 m² (0.33 Ac) from the side yard of their property for a lot addition to be added to the neighboring property, 10200 Lakeshore Rd 302. The subject property will retain approximately 20.7 ha (51.17 ac) of lot area and the property receiving the lot addition will have total lot area of 6798.4 m² (1.68 ac). The frontage for both properties remains unchanged.

Summary

Location

The subject property 0 Lakeshore Rd 302 is approximately 20.84 ha (51.5 ac) in area with 265.5 m (871 ft) of frontage along Lakeshore Rd 302 and remains vacant. The subject property is located on the northern side of Lakeshore Rd 302, west of Gracey Sdrd.

Surrounding Land Uses

North: Vacant Farmland
East: Single Detached Dwelling / Farmland
West: Vacant Farmland
South: Single Detached Dwelling / Farmland

Official Plan

The subject property is designated "Agriculture" by the Lakeshore Official Plan and is located within the Essex Region Conservation Authorities limit of regulated area.

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.”

Section 6.2.3 d) details the conditions to be addressed when pursuing a lot addition for an existing lot within the agricultural designation:

i) the viability of the retained lot as a farm parcel is not threatened;

The applicants agent has detailed that the land to be conveyed is not actively used as farmland. The land to be conveyed has historical been used by the residential property receiving the lot addition and does not threaten the viability of the farming operation.

ii) need must be demonstrated where the proposed enlargement is for a nonfarm use;

The applicant's agent has detailed that the reasoning for the lot addition is to correct the usage of the subject land and to finalize an existing agreement between the two property owners. The applicant's agent has detailed that numerous residential activities have spilled out into the subject lands for many years. Therefore, the applicant are pursuing to finalize the use and have demonstrated the need for the lot addition.

iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.

The lands to be conveyed must merge under common ownership to prevent the creation of one lot. Therefore, it has been made a condition that the opinion of the solicitor be provided detailing that the lands will merge under common ownership, and if the lands do not merge or appear to be unable to merge then the applicant will be required to take the appropriate actions to effectively allow the lands to merge.

The proposed consent application is consistent with the lakeshore Official plan and abides by its rules and regulations. The proposed lot addition has demonstrated that the viability of the farmland will not be threatened and that the need has been demonstrated. The difficulties in merging the land will be addressed through added conditions found within the recommendation section of this report.

Zoning:

The subject property is zoned “Agriculture (A)” under the Lakeshore Zoning By-law 2-2012. The proposed lot addition will add approximately 1,335.5 m² (0.33 Ac) to the rear yard of 10200 Lakeshore Rd 302. The proposed severance will result in approximately 20.7 ha (51.17 ac) of lot area for 0 Lakeshore Rd and 68.4 m² (1.68 ac) of lot area for 10200 Lakeshore Rd. The frontage for both properties will remain unchanged.

Therefore, both properties abide by the regulations for agricultural zones found within section 8.9 of the lakeshore Zoning By-law 2-2012.

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.

Engineering has expressed that surface water, subsurface drainage tiles, and water should be redirected around the severed parcel. A drain apportionment will be required. Full comments can be found within Appendix – C.

ERCA expresses no objections as detailed within Appendix – D.

VIA Rail has provided standard comments only.

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 Image
Appendix B – Drawings
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – VIA Rail Comments

Prepared by:



Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-04-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - VIA Rail COmments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:15 AM



B/04/2023 - 0 Lakeshore Rd. 302



Legend

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

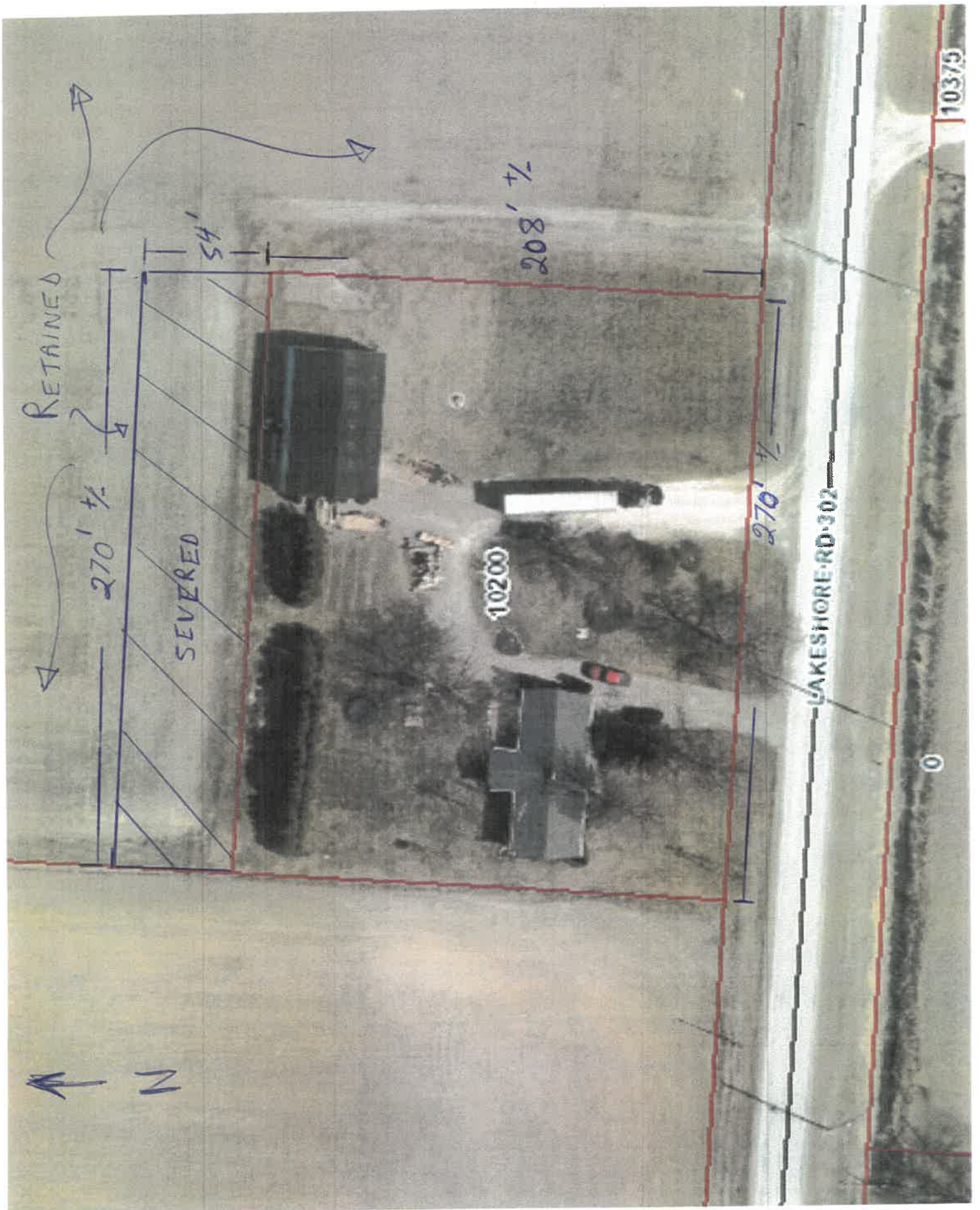
1:5,414



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: March 10, 2023

From: Sydnee Rivest, CET, Engineering Technologist - Development

To: Ian Search, Planner 1

Re: Committee of Adjustment – March 22, 2023

Operations has received and reviewed all Committee of Adjustment applications for March 22, 2023 meeting and provide the following comments:

Application	Comments
A/02/2023 - 3362 Manning Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.
A/03/2023 - 2954 County Rd 42	<ul style="list-style-type: none"> The tree located in applicant's backyard shall be removed prior to constructing the accessory building to ensure there is adequate space for equipment and material can access the back yard. This will ensure that no vehicles will be driving over the municipal drain.
A/04/2023 - 358 Old Tecumseh Rd	<ul style="list-style-type: none"> No comments.
A/05/2023 - 345 East Pike Creek Rd	<ul style="list-style-type: none"> Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and E Pike Creek Rd. This intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Construction of the accessory buildings

	should not adversely impact the rear yard drainage or adjacent neighbouring lands.
A/06/2023 - 2621 Victoria Street	<ul style="list-style-type: none"> Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Additional municipal services will not be permitted for the accessory building. The existing municipal services on the subject property shall be utilized. Applicant shall get existing sanitary tank inspected by OCWA (Ontario Clean Water Agency) to ensure the tank is in good quality and adequately sized for additional flows from the future ARU prior to issuance of building permit.
A/07/2023 - 1610 County Rd 22	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.
A/08/2023 - 2758 St Clair Rd	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law. The Engineering & Infrastructure Division will not support a second driveway access to the proposed accessory building. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighboring lands.
A/09/2023 - 1456 Caille Ave	<ul style="list-style-type: none"> The applicant shall adhere to setbacks from municipal drain outlined in Lakeshore's Zoning By-law.

B/04/2023 - 0 Lakeshore Rd 302	<ul style="list-style-type: none">• A Drainage Apportionment will be required as part of this severance under the Drainage Act.• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
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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

March 10, 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 B/04/2023 11325 LAKESHORE RD 302 (0 Lakeshore Rd 302)
ARN 375174000003490; PIN: 750670219
Applicant: DESMARAIS FAMILY FARMS LTD

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicants are proposing to sever approximately 1,335.5 m² (0.33 Ac) from the side yard to be added to the neighboring property 10200 Lakeshore Rd 302. The subject property will retain approximately 20.7 ha (51.17 ac) of lot area and the property receiving the lot addition will have total lot area of 68.4 m² (1.68 ac). The frontage for both properties remains unchanged. The following is provided as a result of our review of Application for Minor Variance B/04/2023.

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 the Lefaive Drain (northern portion of the property). 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 objection to Application for Minor Variance B/04/2023.

Mr. Ian Rawlings
March 10, 2023

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

From: [Paul Charbachi](#)
To: [Ian Rawlings](#)
Cc: [Allan Fisher](#); [Shant Demirdjian](#); [Myriam Pelletier-Dufresne](#); [Gabriel Nathan](#)
Subject: RE: Committee of Adjustment - March 22, 2023 - Notice for Comments
Date: February 27, 2023 5:16:58 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





Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Friday, March 10, 2023, 5:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

Members Present: Member Michael Hoffman, Member Linda McKinlay, Chair Mark Hacon

Staff Present:

Planner I Ian Search, Division Leader – Community Planning
Aaron Hair, Planner I Ian Rawlings

1. Call to Order

Chair Hacon called the meeting to order at 5:00 PM. Members Michael Hoffman, Linda McKinlay and Mark Hacon 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. Consent Application B-05-2023

Ian Rawlings presented the application, the applicant's agent, Josh King, was in attendance.

The applicant's agent posted in the chat the following message: "John King is having connection issues - I am here on his behalf. I have him on speaker phone with me so he can hear the meeting"

Michael Hoffman asked administration to clarify the comment provided by engineering regarding the servicing for the property. Ian Rawlings clarified that each lot will require separate sanitary and water hookups.

Michael Hoffman asked the applicant their expected timeline. The applicant stated as soon as possible.

Michael Hoffman asked the applicant if there is already a plan to demolish the existing structures. The applicant stated they are demolishing them in 1-2 weeks.

23/03/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Approve consent application B/05/2023 to sever the lands known municipally as 1750 Caille Ave to create a new lot approximately 1,500.00 m² in area with approximately 15.31 m of frontage on Caille Ave, and the retained lands will result in approximately 1,500.00 m² in area with approximately 15.31 m of frontage on Caille Ave, 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 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 enter into an agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the deed, to provide a separate access for the severed lot to be located;
- 5) That the applicant enter into an agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the deed, that the following warning clause be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease stating: "Emergency services may not be able to access the subject lands during extreme flooding events."
- 6) That the severed parcel will be subject to the water buy in fee according to the tariff of fees by-law at the time of servicing;

- 7) That a Park Fee be imposed on the granting of this application in the amount subjected by the Parkland By-law in effect and that such fee shall be paid prior to the stamping of the deed;
- 8) That the applicant successfully rezones the subject property to remove the site specific zoning that permits four housekeeping cottages and to recognize the deficient lot frontages as to conform with the Lakeshore Official Plan and Lakeshore Zoning By-law 2-2012;
- 9) That the applicant demolish the four housekeeping cottages located on the subject property prior to the stamping of the deeds;
- 10) That the existing single detached dwelling located on the northeast corner of the subject property be demolished/removed or brought into compliance with the Lakeshore Zoning By-law;
- 11) That the applicant provide a sketch identifying the location of any service lines to remain on the property, that they do not cross the proposed property lines, to the satisfaction of the Municipality of Lakeshore;
- 12) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by March 10, 2025. Failure to fulfill 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

a. December 7, 2022 Meeting Minutes

Ian Rawlings provided clarification on the ability of a new committee to approve past meeting minutes.

24/03/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

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

Carried Unanimously

b. February 15, 2023 Meeting Minutes

25/03/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

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

Carried Unanimously

7. New Business

8. Adjournment

26/03/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

The Committee of Adjustment adjourn its meeting at 5:14 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer