

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, April 12, 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

Recommendation:

Approve consent application B/07/2023 to sever the lands known municipally as 0 Patillo Road (Roll: 210-07250 & 210-07265) to create a new lot approximately 13.94 acres in area with approximately 195.7 metres of frontage on Patillo Road, and the retained lands will result in approximately 39.89 acres in area with approximately 20.12 metres of frontage on Patillo Road, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including measurement of the remaining frontage on Patillo Road for the retained land, and a 3-metre strip of land along Patillo Road frontage;
- 2) That a 3-metre strip of land along the Patillo Road frontage of the subject lands be conveyed to the Municipality of Lakeshore and to the satisfaction of the Municipality of Lakeshore;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That, if deemed necessary and to the satisfaction of the Municipality of Lakeshore, a Park Fee be imposed on the granting of this application in the amount as indicated in the Parkland Dedication By-law in effect and that such fee shall be paid prior to the stamping of the deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 13, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

b.	Minor Variance Application A-12-2023	22
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Recommendation:

Approve minor variance application A/12/2023 to permit loading spaces to be located within the front yard and to permit a minimum total of 124 off-street parking spaces subject to the following condition:

1) The minor variance reliefs apply to the lot to be severed from the subject land under consent file: B/07/2023;

2) That consent file B/07/2023 be approved by the Committee of Adjustment, and the deed/transfer for the lot creation (B/07/2023) be registered.

c.	Minor Variance Application A-10-2023	38
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Recommendation:

Approve minor variance application A/10/2023 to permit a dwelling to have a minimum rear yard setback of 6.4 metres.

d.	Minor Variance Application A-11-2023	48
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Recommendation:

Deny minor variance application A/11/2023 to permit an accessory structure with a gross floor area of 111 m² and a height of 6.8 metres since the ability to access the property during times of flooding cannot be confirmed and the requested relief for height does not pass the four tests of a minor variance under the Planning Act.

Recommendation:

Approve consent application B/06/2023 to sever approximately 1,021.93 m² from 16600 Tecumseh Rd for a lot addition to be added to the neighboring property, 16400 Tecumseh Rd. Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 3) That Section 50(3) and (5) of the Planning Act shall apply to the severance;
- 4) 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;
- 5) 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;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Recommendation:

Approve Consent Application B/08/2023 to sever two (2) surplus dwelling lots from 1368 Rochester Townline Rd. One lot being 203.7 m² of lot area and 35.42 m of frontage (Parts 1 & 2 on the draft 12R plan) and the second lot being 3,156.4 m² of lot area and 52.81 m of frontage (Parts 3 & 4 on the draft 12R plan), subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;

- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That each new lot will be subject to the water buy in fee according to the tariff of fees by-law prior to the stamping of the deed;
- 5) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That the existing accessory structure located on Part 4 of the draft 12R plan identified as "METAL CLAD BUILDING" be demolished/removed or brought into compliance with the Lakeshore Zoning By-law;
- 7) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality for both lots to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deeds;
- 8) That the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 9) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 10) That the applicant install an access bridge to provide access to the retained farmland in accordance with the drainage act, and to the satisfaction of the municipality and the Drainage Superintendent;
- 11) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 3 of the Draft 12R Plan, in favour of Parts 1 & 2 for access and maintenance, prior to the stamping of the deeds
- 12) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 2 of the Draft 12R Plan, in favour of Parts 3 & 4 for access and maintenance, prior to the stamping of the deeds;
- 13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the

conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve Consent Application B/08/2023 to establish an easement over Part 3 shown on the Draft 12R Plan, in favour of Parts 1 & 2 on the Draft 12R for a access and maintenance, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve Consent Application B/08/2023 to establish an easement over Part 2 shown on the Draft 12R Plan, in favour of Parts 3 & 4 on the Draft 12R for access and maintenance, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Completion of Unfinished Business

- a. Minor Variance Application A-07-2023 - Deferred Item Revisited

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Recommendation:

Approve minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 167.48 m² subject to the following conditions:

- 1) The minor variance approval is for a building addition to an existing accessory building in accordance with the site plan drawing provided in Appendix B;
- 2) Grading is addressed to the satisfaction of the Municipality of Lakeshore;
- 3) The applicant receives approval from the Essex Region Conservation Authority.

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. March 22 2023 Meeting Minutes

126

7. New Business

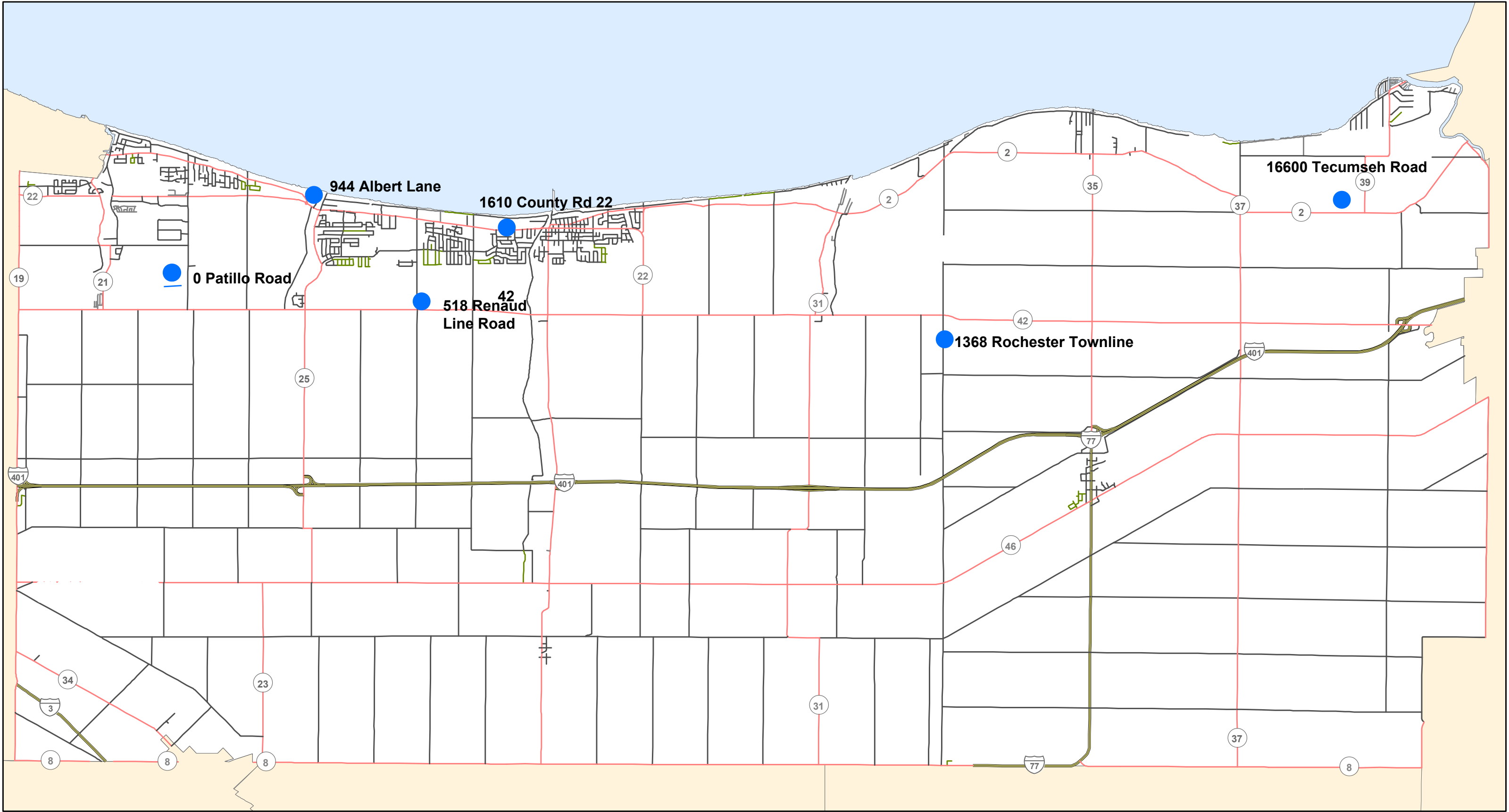
- a. OACA Membership and OACA conference

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Committee of Adjustment Meeting Application Location, April 12, 2023



Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: April 3, 2023
Subject: Consent Application B/07/2023 – 0 Patillo Road

Recommendation

Approve consent application B/07/2023 to sever the lands known municipally as 0 Patillo Road (Roll: 210-07250 & 210-07265) to create a new lot approximately 13.94 acres in area with approximately 195.7 metres of frontage on Patillo Road, and the retained lands will result in approximately 39.89 acres in area with approximately 20.12 metres of frontage on Patillo Road, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including measurement of the remaining frontage on Patillo Road for the retained land, and a 3-metre strip of land along Patillo Road frontage;
- 2) That a 3-metre strip of land along the Patillo Road frontage of the subject lands be conveyed to the Municipality of Lakeshore and to the satisfaction of the Municipality of Lakeshore;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That, if deemed necessary and to the satisfaction of the Municipality of Lakeshore, a Park Fee be imposed on the granting of this application in the amount as indicated in the Parkland Dedication By-law in effect and that such fee shall be paid prior to the stamping of the deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 13, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent (severance) application for the creation of one lot at land on the west side of Patillo Road, north of the Canadian Pacific Limited right-of-way, south of Little Baseline Road (please see aerial map of subject property included). The application states that the lot is being created to support the future development of a manufacturing use.

The subject land is designated “Employment” in the Lakeshore Official Plan and zoned “General Employment (M1)” in the Lakeshore Zoning By-law 2-2012. The proposed severed lot will have an approximate area of 13.94 acres and an approximate frontage of 195.7 metres along Patillo Road. The retained land will have an approximate frontage of 20.12 metres along Patillo Road and an approximate area of 39.89 acres.

There is a severed lot on the subject land currently. This lot will merge with the remainder of the subject land through the transfer of a 3-metre wide strip of land to the municipality. This strip of land is to be dedicated for the Patillo Road right-of-way, and it is recommended that its transfer be made a condition of any consent approval. The lot to be severed under this application will replace that existing lot, which is in the same location on Patillo Road, but will differ slightly in depth to provide more lot area for a future developer of the land.

Summary

Location

The subject land is approximately 53.83 acres in area with approximately 215 metres of frontage along Patillo Road, and has approximately 20 metres of frontage along Little Baseline Road. The property is currently vacant, and is located on the west side of Patillo Road, north of the Canadian Pacific Limited right-of-way, south of Little Baseline Road (please see aerial map included).

Surrounding Land Uses

The subject land is surrounded by employment/industrial uses and land designated in the Lakeshore Official Plan for such uses. Across the subject property on Patillo Road is land designated as a Provincially Significant Wetland in the County of Essex Official Plan.

Provincial Policy Statement (PPS)

The proposed development is consistent with the PPS. In accordance with Section 1.1.3.2, the development will efficiently use existing infrastructure and available land within a settlement area as a proposed infill lot. It will support a manufacturing/employment use, and will occur within an area where there are no sensitive land uses nearby. Thus, the development is consistent with Section 1.2.6 which requires that “Major facilities and sensitive land uses shall be planned and

developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...”

Section 1.3 states that “Planning authorities shall promote economic development and competitiveness by: providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;”. Similarly, Section 1.7 states that “long-term economic prosperity should be supported by: promoting opportunities for economic development and community investment-readiness”.

The severed lot will inherit the General Employment (M1) zone which supports a variety of employment uses, including manufacturing. The specific use currently proposed for the severed lot is a facility for the manufacturing of aluminum parts that supports several different industries, in particular the growing electric vehicle industry. Approximately 100 to 125 jobs are expected to be added from the development. It is anticipated that this development will position the Maidstone Employment Area as an important area for next generation manufacturing in the electrical vehicle industry, which could spur other suppliers and manufacturers to locate in the area.

County of Essex Official Plan

The proposed development will conform to the County of Essex Official Plan. It supports Section 3.2.1. by directing growth and development to a Primary Settlement Area thereby preserving lands designated “Agricultural” and “Natural Environment”. Further to this policy, it increases the opportunity for job creation by attracting and maintaining industries and businesses closer to where County residents live.

Section 3.2.2 states the goals of the County of Essex with respect to Settlement Areas. It is a goal to “require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities...”. The proposed infill lot will take advantage of existing infrastructure by efficiently using the available sanitary and water services at Patillo Road. Lakeshore’s Engineering and Infrastructure Division did not raise any concerns with respect to the reserve sewage treatment capacity for development of the severed lot. Section 3.2.4.1 requires all new development in a Primary Settlement Area to be on full municipal water services and sewage services unless local Official Plans contain interim servicing policies that are in effect at the time the County Official Plan was approved.

Across the street (Patillo Road) from the subject land is land designated as a Provincially Significant Wetland in the County Official Plan. The Official Plan identifies land within 120 metres of a Provincially Significant Wetland to be a natural heritage feature. In usual circumstances, development and site alteration are not permitted on adjacent lands unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impacts to natural features or their ecological functions. In this particular case, the subject property is separated from the

Provincially Significant Wetland by Patillo Road and aerial photography does not appear to show naturally significant features on the land. With this barrier an Environmental Impact Assessment is deemed to be an unnecessary requirement for supporting the development.

Lakeshore Official Plan

The subject property is designated Employment in the Lakeshore Official Plan which permits the proposed manufacturing use on the severed lot. The Ministry of the Environment's guidelines related to land use compatibility between industrial and sensitive land uses is not a concern at this location.

Related to Section 3.3.2, the creation of this lot will provide a suitable site for an employment use that will accommodate both local and regional markets, and will develop on full services to the satisfaction of the Municipality. The development is located on Patillo road in an Employment Area, thereby directing its employment related traffic to an arterial road and away from local residential streets.

The proposed development conforms to Section 8.3.5.2. In this case, a plan of subdivision is deemed to be unnecessary for the creation of this infill lot that has access to services and an existing road. The retained land will be left with minimal frontage along Little Baseline Road and Patillo Road – approximately 20 metres along each right-of-way. It is anticipated that a future plan of subdivision will develop on the retained land behind the severed lot. This future subdivision will include a new road located between the severed lot and 409 Patillo Road to the south that could provide future ingress/egress for the severed lot.

Further to Section 8.3.5.2, the lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and proposed uses. There will be adequate area and frontage remaining for the development of a future plan of subdivision on the retained land.

Zoning

The subject property is zoned General Employment (M1). The M1 zone requires a minimum lot area of 500 m² and a minimum lot frontage of 18 metres. Both the severed and retained land will meet these minimum requirements. No rezoning of the lands is necessary as its proposed development is for a use already permitted under the M1 zone. While the retained land meets the minimum lot frontage requirements, it is anticipated that the narrow parts of the retained land with frontage on Patillo Road and Little Baseline Road will serve as future rights-of-way for a subdivision development.

External and Internal Agencies

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

The Essex Region Conservation Authority (ERCA) commented that should the proposal require the installation of fuel storage on the site, the applicant should contact the Risk Management Official (RMO) to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The property owner will be required to obtain a permit from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA requests to be included in the circulation of future Site Plan Control applications and reserves to comment on stormwater management until that time.

The Engineering and Infrastructure Division has commented that temporary construction access will be available from Patillo Road, but permanent access will not be supported by the department as it is not aligned with Lakeshore's Access Control & Corridor Management Policy. Therefore, the developer may need to establish their only ingress/egress from the future road to the south that will be constructed for the plan of subdivision developing on the retained land. If not, then deviation from Lakeshore's policy & development manual to establish permanent access from Patillo Road may require Council endorsement. These matters are to be dealt with through the Site Plan Control (Section 41 of the Planning Act) process after the lot is registered. It is recognized that this consent application has been made to simply replace an existing lot on the subject land with a new lot that has greater depth at the same location.

Other comments were provided from this department that could be dealt with through recommended conditions of the consent approval or through the future site plan control process for the development of the lot: required works under the Drainage Act for establishment of the temporary access off Patillo Road can be dealt with through site plan control and the future development of the severed lot, and the conveyance of a 3-metre strip of land along the frontage of the property on Patillo Road for utility relocations and the enclosure of the municipal drainage system has been made a condition of consent approval.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Site Visit Photo
Appendix D – ERCA Comments
Appendix E – Engineering Comments

Prepared by:



Ian Search, Planner I

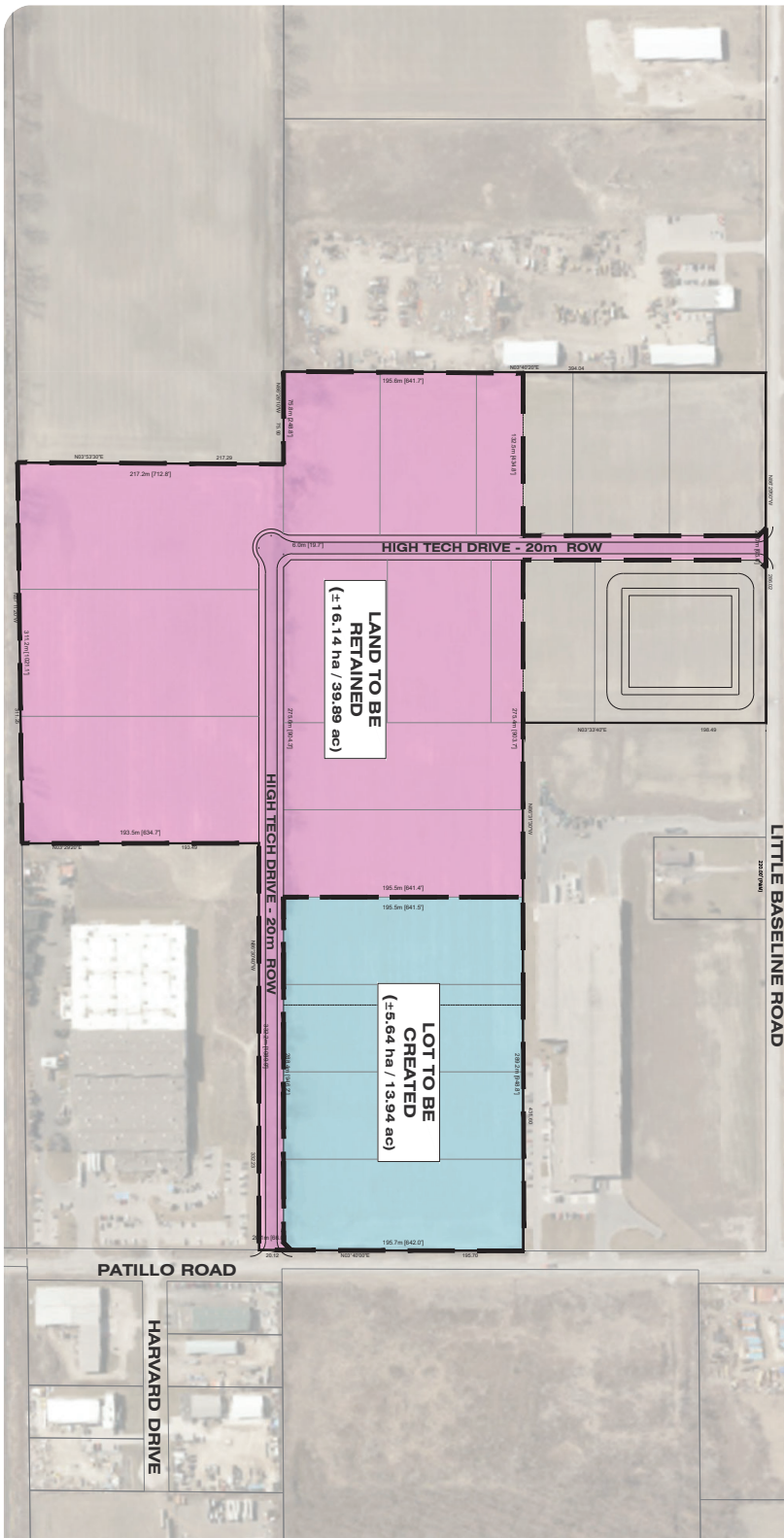
Report Approval Details

Document Title:	B-07-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawing.pdf- Appendix C - Site Visit Photo.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Engineering Comments.pdf
Final Approval Date:	Apr 6, 2023

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

Kristina Brcic - Apr 6, 2023 - 11:31 AM





2869614 ONTARIO LIMITED
INDUSTRIAL SUBDIVISION DEVELOPMENT

PROPOSED LOT ADDITION

FIGURE 1.0
MARCH 2023

SUBJECT AREA
(± 21.79 ha / 53.93 ac)

LANDS TO BE RETAINED
(± 16.14 ha / 39.89 ac)

LOT TO BE CREATED
(± 5.64 ha / 13.94 ac)

FILE LOCATION: C:\Users\jgordon\Documents\2023\2869614\2869614_001.dwg
 DRAWN: jgordon
 CHECKED: jgordon
 DATE: 14, 2023 10:21 AM

FILE LOCATION: C:\Users\jgordon\Documents\2023\2869614\2869614_001.dwg
 DRAWN: jgordon
 CHECKED: jgordon
 DATE: 14, 2023 10:21 AM

SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2020)

MAP DRAWING INFORMATION
 THIS DRAWING IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS DRAWING SHOULD BE AWARE OF THE LIMITATIONS OF THE DATA AND THE INFORMATION PROVIDED. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING.

DESIGNED BY: ESB / JAHU
 DESIGNED BY: ESB / JAHU

SCALE: 1:3000 (1"=17')

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DILLON
ENGINEERS

PROJECT 22-3490
 STATUS: FINAL
 DATE: 03/14/2023

Southeast corner of lot to be severed – from Patillo Road





April 3, 2023

Ian Search

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

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Ian Search:

RE: Application for Consent B-07-2023, and Minor Variance A-12-2023 Patillo Rd and Baseline Rd
ARN 375121000007265; 375121000007250; 375121000007275; 375121000007285; PIN:
Applicant: 2869614 ONTARIO INC

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

The application for lot creation states that the lot is being created to support the future development of a manufacturing use. A building with 16,722.6 m2 of gross floor area for manufacturing and 300 m2 of gross floor area for office use is proposed for the new lot with a possible future expansion to the building.

The applicant has submitted a minor variance application with respect to the future development of the lot. The applicant is seeking relief to permit loading spaces within a front yard, and to permit a minimum total of 124 off-street parking spaces, for the proposed building and future expansion.

The following is provided as a result of our review of Application for Consent B-07-2023, and Minor Variance A-12-2023.

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 Leffler Drain and Little Baseline Road Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or

Mr. Ian Search
April 03, 2023

site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Stormwater Management

As this property is subject to ERCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation under the Conservation Authorities Act, we request to be included in the circulation of future Site Plan Control applications to ensure that any further comments regarding hazards and the protection of the existing watercourses is adequately and efficiently addressed.

RISK MANAGEMENT & SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water.

FINAL RECOMMENDATION

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*.

ERCA requests to be included in the circulation of future Site Plan Control applications and reserve to comment on stormwater management until that time.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



Operations Department

Date: April 3, 2023
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 12, 2023 – B/07/2023

Operations has reviewed B/07/2023 - 0 Patillo Road application and offer the following comments:

Comments
<ul style="list-style-type: none"> • Temporary construction access will be required to be installed across the Leffler Drain. These works will have to be undertaken under the Drainage Act and the applicants will be required to sign Section 78 form. • Permanent access onto Patillo Rd is not supported by the Engineering & Infrastructure Division as it is not aligned with Lakeshore's Access Control & Corridor Management Policy. This will be addressed during Site Plan Control. • The number of accesses proposed to the site is excess of the allowable quantity per Lakeshore's Access Control & Corridor Management Policy and Lakeshore's Development Manual. • Deviation from Lakeshore's policy & development manual may require Council Endorsement. • Patillo Road is currently scheduled for a full reconstruction between County Road 22 and County Road 42 beginning early 2024. A 3-meter strip of land along the frontage of the property will be required to be conveyed to Lakeshore by the Applicant for utility relocations and the enclosure of the municipal drainage system as part of this project.

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

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, Planner I

Date: April 4, 2023

Subject: Minor Variance Application A/12/2023 – 0 Patillo Road (Roll: 210-07250 & 210-07265)

Recommendation

Approve minor variance application A/12/2023 to permit loading spaces to be located within the front yard and to permit a minimum total of 124 off-street parking spaces subject to the following condition:

- 1) The minor variance reliefs apply to the lot to be severed from the subject land under consent file: B/07/2023;
- 2) That consent file B/07/2023 be approved by the Committee of Adjustment, and the deed/transfer for the lot creation (B/07/2023) be registered.

Proposal

The Municipality of Lakeshore has received a consent (severance) application (file: B/07/2023) for the creation of one lot at a property on the west side of Patillo Road, north of the Canadian Pacific Limited right-of-way, south of Little Baseline Road (please see aerial map of subject property included). The lot is being created to support the future development of a manufacturing use.

A building with 16,722.6 m² of gross floor area for manufacturing and 300 m² of gross floor area for office use is proposed for the new lot. Also, a future expansion to the building is contemplated that will add an additional 8,361.5 m² of gross floor area for manufacturing. The applicant has submitted a minor variance seeking multiple reliefs from Lakeshore Zoning By-law 2-2012 for development of the lot:

- Section 6.41.3 g), to permit loading spaces within a front yard, whereas the By-law states that loading spaces shall not be permitted within a front yard;
- Section 6.41.1, to permit a minimum total of 124 off-street parking spaces, whereas the By-law requires a minimum total of 277 off-street parking spaces for the proposed building and future expansion.

The prospective transferee of the severed lot will utilize the site to manufacture aluminum parts for several different industries. In the Municipality of Lakeshore, it primarily produces aluminum parts for the automotive industry with products that are integral to supporting the growing electric vehicle industry. The full development of the lot (proposed building and future expansion) will house three large industrial presses.

The infill development and future facility is expected to add approximately 100 to 125 jobs and develop a portion of vacant industrial area in Lakeshore. It is anticipated that the retained land (interior of the subject land) will be utilized for the development of a future industrial subdivision.

Summary

Location

The subject land is located on the west side of Patillo Road, north of the Canadian Pacific Limited right-of-way, south of Little Baseline Road (please see aerial map of subject property included). It is approximately 21.78 hectares in area with 215 metres of frontage on Patillo Road. The infill lot to be created through consent application B/07/2023 will have an approximate area of 13.94 acres and an approximate lot frontage of 195.7 metres on Patillo Road. This minor variance application is with respect to the future development of this new infill lot to be created.

Surrounding Land Uses (severed lot)

There are employment/industrial land uses to the north and south. Directly behind the lot to be severed is vacant land zoned for employment/industrial uses (M1, General Employment). Across Patillo Road to the east is vacant land designated as woodlands/natural heritage feature in Lakeshore's current Official Plan, and land designated as a Provincially Significant Wetland in the County of Essex Official Plan.

Official Plan (severed lot)

The lot to be severed is designated "Employment" in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) limit of regulated.

Zoning (severed lot)

The lot to be severed is a vacant lot zoned "General Employment" (M1) 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

Employment/industrial uses on neighbouring lots to the north and south have loading spaces located in the front yard, including other properties with frontage on Patillo Road that support employment/industrial uses. In this area of the Maidstone Employment Settlement Area, the requested relief to permit loading spaces in the front yard for the future development of the severed lot is in keeping with the existing physical design characteristics of the area. The proposal meets the general intent and purpose of Section 4.2.1 Community Design policies of the Lakeshore Official Plan.

Section 6.11.2 h) of the Official Plan (Employment Designation) states that "...Loading facilities and service areas will be located to avoid conflict between pedestrian circulation, service vehicles and movement along the public rights-of-way and visibility from roadways." The general intent and purpose of this policy is maintained in this specific case. It is the opinion of the Planner that part of the general intent of Section 6.11.2 h) is to remove visibility of loading spaces from rights-of-way in areas of the Municipality where community design aesthetics are of particular importance – for example where businesses and/or employment uses that require loading spaces exist in proximity to residential and/or mixed-use areas. Further to this point, the lot to be created is located within an Employment Area along Patillo Road that is surrounded by employment/industrial uses and vacant properties designated for employment use. Directly across Patillo Road from the lot to be created is land designated "Employment" and "Woodlands" in the Lakeshore Official Plan and designated "Provincially Significant Wetland" in the County Official Plan. No development or site alteration is permitted within Provincially Significant Wetlands according to the County of Essex Official Plan or Provincial Policy Statement.

The subject land and the lot to be severed is in the heart of an Employment Area on an Urban Arterial Road which is designed to carry high volumes of traffic. No concerns were raised from the Fire Department with respect to interference with their vehicle access movement. The applicant is currently proposing to locate the loading spaces approximately 33 metres from the Patillo Road right-of-way which will ensure loading vehicles/trucks are able to maneuver in and out of the site going forward, thus avoiding road user conflict.

Section 6.11.2 h) of the Official Plan also states that "Adequate off-street parking and loading facilities will be provided for all permitted uses for employees and visitors...", and Section 7.2.2.2 a) requires all new development to provide adequate off-street parking and loading spaces in accordance with standards established in the Zoning By-law. The general intent and purpose of these policies is to ensure that adequate off-street parking will be provided for proposed land uses, and that demand for parking will not result in any overflow onto adjacent rights-of-way or neighbouring properties.

The transferee of the lot to be severed/future developer is only anticipated to have 12 to 15 employees on-site per press for their manufacturing use during any given shift. Therefore, the full build-out of the site (proposed building and future expansion) comprises three presses that will only result in approximately 50 on-site employees at any given time. There is also an expectation that the use will generate very few visitors to the property. Therefore, the requested relief to permit a minimum of 124 off-street parking spaces will more than adequately provide sufficient parking for the employees and visitors associated with the full build-out of the manufacturing use and accessory office. The general intent and purpose of the Official Plan in this case will be maintained.

Zoning By-law

Section 6.41.3 g) states that loading spaces shall not be permitted within a front yard. The general and purpose of this regulation is to screen loading spaces from public view as an aesthetic consideration. As previously mentioned, directly across from the lot to be severed is a Provincially Significant Wetland – land with little to no development potential. The subject lot is located in an Employment Area surrounded by lands designated for employment use in all directions. Employment Areas are the focus of major concentrations of industrial-related employment growth and development in the Municipality – unlike Urban Areas which support uses such as residential, commercial, non-industrial uses, community-related employment/office, etc. and where details related to urban design aesthetics are of greater importance. Further to this point, the lot to be severed is located on an Urban Arterial Road of which the primary purpose is to move high volumes of traffic.

Section 6.41.1 requires a total of 277 off-street parking spaces for the proposed building and future expansion that will include 25,084.1 m² of manufacturing use and 300 m² of accessory office use. The general intent and purpose of this regulation is to ensure adequate off-street parking for proposed uses so there is no overflow parking onto neighbouring lands, areas undesignated for parking on-site, and adjacent rights-of-way. For the reasons previously mentioned, the requested parking relief will be able to more than adequately meet off-street parking demand. It is also noted that this regulation does not cater to individual parking needs of a particular manufacturing uses. The Municipality of Leamington in contrast has a progressive parking requirement for industrial uses, requiring three parking spaces per 93 m² of gross floor area for the first 50 spaces after which the required spaces are to be established in a corresponding site plan for a development.

Minor

It is the opinion of the Planner that the requested variances are minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. The lot to be severed is situated in a context where permitting loading spaces in the front yard will not result in any undesirable impacts as it relates to aesthetics. The proposed 33 metre setback (approximate) from the front lot line will ensure loading operations and trucking movement can properly function without interfering traffic flow

on any adjacent right-of-way. The requested parking relief is considered minor as it is anticipated that more than enough parking will be provided for employees and visitors on the site at any given time. Parking needs can be unique to a business and its operations. It is recognized that the current Zoning By-law regulation is overly restrictive and does not cater to the specific needs of the future developer.

Desirability

The requested reliefs are desirable for the appropriate development or use of the land. The flow of on-site operations is such that materials enter the building on the west side, travel through processes from west to east, and exit on the east side of the building (front yard). Permitting the loading spaces in the front yard will facilitate these operations, meet existing standards in the immediate area, and is considered compatible with surroundings.

The Engineering and Infrastructure Division has commented that temporary construction access will be available from Patillo Road, but permanent access will not be supported by the department as it is not aligned with Lakeshore's Access Control & Corridor Management Policy. Therefore, the developer may need to establish their only ingress/egress from the future road to the south that will be constructed for the plan of subdivision developing on the retained land. If not, then deviation from Lakeshore's policy & development manual to establish permanent access from Patillo Road may require Council endorsement. These matters are to be dealt with through the Site Plan Control (Section 41 of the Planning Act) process. While loading spaces may not be placed in the front yard if permanent access on Patillo Road cannot be established, the minor variance nonetheless meets the four tests if the developer decides to place them there regardless in redesign.

The requested relief with respect to reduced parking spaces opens the opportunity for more on-site landscaping, particularly in the front yard of the property, and may assist with stormwater management efforts through the site plan control process. It may be undue hardship to have the applicant/future developer provide the required number of parking spaces in the Zoning By-law when it clearly exceeds their needs, and the site plan control process will provide the opportunity to adjust the provision of on-site parking if need be.

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.

The Committee of Adjustment should impose the following conditions on the approval:

- 1) The minor variance reliefs apply to the lot to be severed from the subject land under consent file: B/07/2023;
- 2) That consent file B/07/2023 be approved by the Committee of Adjustment, and the deed/transfer for the lot creation (B/07/2023) be registered.

Correspondence

External and Internal Agencies

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

In addition to the comments addressed from the Engineering and Infrastructure Division above, other comments were provided from this department that could be dealt with through conditions of the consent approval (file: B-07-2023) or the site plan control process: required works under the Drainage Act for establishment of the temporary access off Patillo Road, and the conveyance of a 3-metre strip of land along the frontage of the property on Patillo Road for utility relocations and the enclosure of the municipal drainage system.

The Essex Region Conservation Authority (ERCA) commented that should the proposal require the installation of fuel storage on the site, the applicant should contact the Risk Management Official (RMO) to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The property owner will be required to obtain a permit from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA requests to be included in the circulation of future Site Plan Control applications and reserves to comment on stormwater management until that time.

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 – Site Visit Photos

Prepared by:



Ian Search,
Planner I

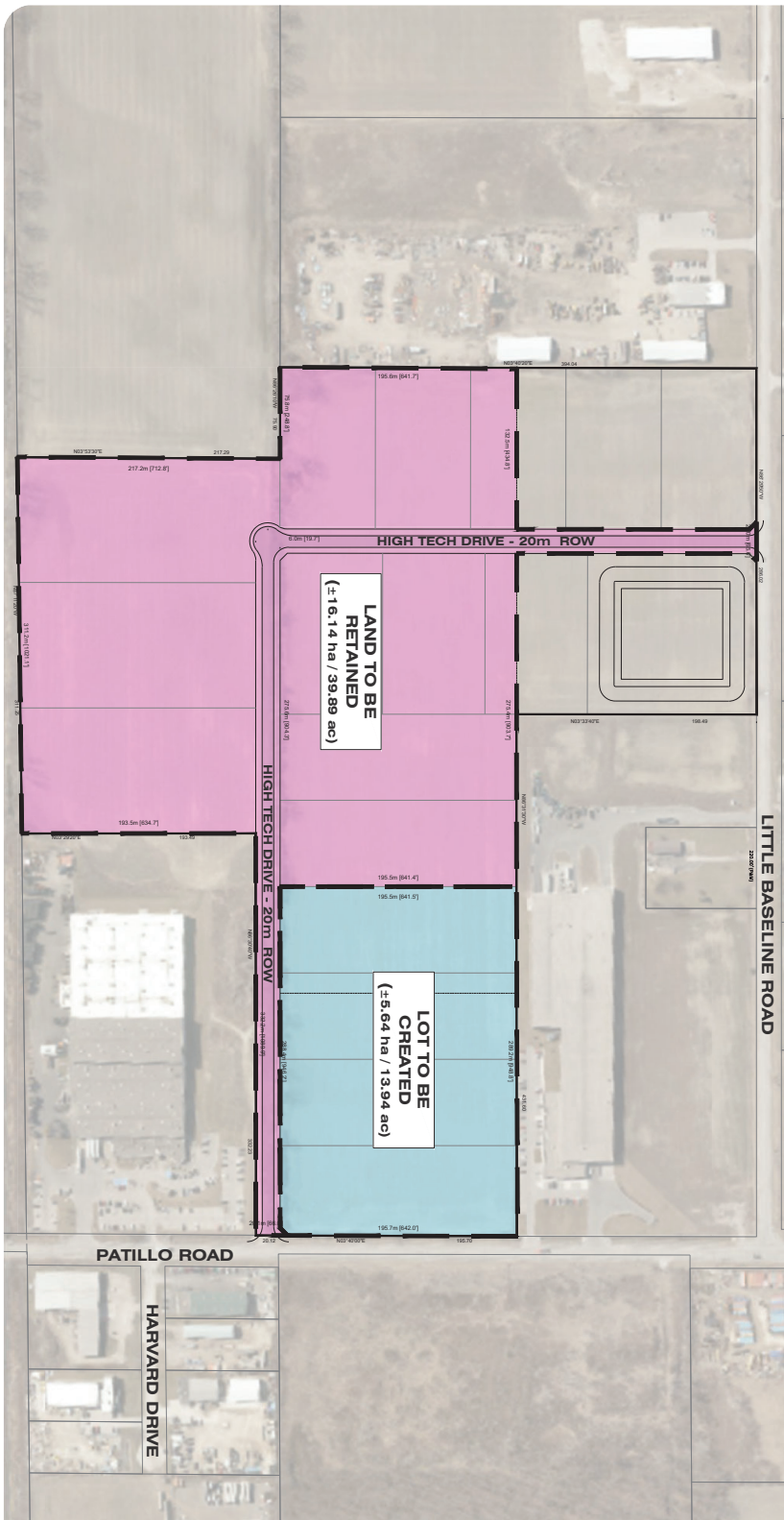
Report Approval Details

Document Title:	A-12-2023 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 - Site Visit Photos.pdf
Final Approval Date:	Apr 5, 2023

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

Kristina Brcic - Apr 5, 2023 - 3:00 PM





For Location of Boundary (Project 2022/0180), See 2869614 Ontario Limited Industrial Subdivision Development, March 2023.

For Location of Boundary (Project 2022/0180), See 2869614 Ontario Limited Industrial Subdivision Development, March 2023.

For Location of Boundary (Project 2022/0180), See 2869614 Ontario Limited Industrial Subdivision Development, March 2023.

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For Location of Boundary (Project 2022/0180), See 2869614 Ontario Limited Industrial Subdivision Development, March 2023.

For Location of Boundary (Project 2022/0180), See 2869614 Ontario Limited Industrial Subdivision Development, March 2023.

SCALE: 1:3000 (1"=17')



PROJECT 22-300
STATUS: FINAL
DATE: 03/14/2023



Date: April 3, 2023
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 12, 2023 – A/12/2023

Operations has reviewed A/12/2023 - 0 Patillo Road application and offer the following comments:

Comments
<ul style="list-style-type: none">• Temporary construction access will be required to be installed across the Leffler Drain. These works will have to be undertaken under the Drainage Act and the applicants will be required to sign Section 78 form.• Permanent access onto Patillo Rd is not supported by the Engineering & Infrastructure Division as it is not aligned with Lakeshore's Access Control & Corridor Management Policy. This will be addressed during Site Plan Control.• The number of accesses proposed to the site is excess of the allowable quantity per Lakeshore's Access Control & Corridor Management Policy and Lakeshore's Development Manual.• Deviation from Lakeshore's policy & development manual may require Council Endorsement.• Patillo Road is currently scheduled for a full reconstruction between County Road 22 and County Road 42 beginning early 2024. A 3-meter strip of land along the frontage of the property will be required to be conveyed to Lakeshore by the Applicant for utility relocations and the enclosure of the municipal drainage system as part of this project.

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



April 3, 2023

Ian Search

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

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Ian Search:

RE: Application for Consent B-07-2023, and Minor Variance A-12-2023 Patillo Rd and Baseline Rd
ARN 375121000007265; 375121000007250; 375121000007275; 375121000007285; PIN:
Applicant: 2869614 ONTARIO INC

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

The application for lot creation states that the lot is being created to support the future development of a manufacturing use. A building with 16,722.6 m2 of gross floor area for manufacturing and 300 m2 of gross floor area for office use is proposed for the new lot with a possible future expansion to the building.

The applicant has submitted a minor variance application with respect to the future development of the lot. The applicant is seeking relief to permit loading spaces within a front yard, and to permit a minimum total of 124 off-street parking spaces, for the proposed building and future expansion.

The following is provided as a result of our review of Application for Consent B-07-2023, and Minor Variance A-12-2023.

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 Leffler Drain and Little Baseline Road Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or

Mr. Ian Search
April 03, 2023

site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Stormwater Management

As this property is subject to ERCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation under the Conservation Authorities Act, we request to be included in the circulation of future Site Plan Control applications to ensure that any further comments regarding hazards and the protection of the existing watercourses is adequately and efficiently addressed.

RISK MANAGEMENT & SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water.

FINAL RECOMMENDATION

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*.

ERCA requests to be included in the circulation of future Site Plan Control applications and reserve to comment on stormwater management until that time.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks



409 Patillo Road – Loading spaces visible from Patillo Road



383 Patillo Road – Loading spaces visible from Patillo Road



Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment

From: Ian Search, Planner I

Date: April 4, 2023

Subject: Minor Variance Application A/10/2023 – 518 Renaud Line Road

Recommendation

Approve minor variance application A/10/2023 to permit a dwelling to have a minimum rear yard setback of 6.4 metres.

Proposal

The applicants are proposing to attach an existing single detached dwelling to an existing detached garage via a roof connection. They are also proposing to construct a lean-to structure on the east side of the existing single detached dwelling. The dwelling and garage will be considered one building/structure under the Zoning By-law following the development. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.9, to permit a minimum rear yard setback of 6.4 metres, whereas the by-law requires a minimum rear yard setback of 15 metres.

Summary

Location

The subject property is located north of County Road 42, south of Canadian Pacific Limited, on the eastside of Renaud Line Road, known municipally as 518 Renaud Line Road. The subject property is approximately 0.5 acres in area with 62.5 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots) to the south, and agricultural land to the west and north. A rural residential lot, 522 Renaud Line Road, wraps around the subject property with frontage on either side of the lot.

Official Plan

The subject property is designated “Agricultural” in the Lakeshore Official Plan.

Zoning

The subject property is a residential lot zoned “Agriculture” (A) 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 6.2 of the Official Plan states that the Agricultural Designation is intended to preserve and strengthen the continued viability of the agricultural community. The policies protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to contemporary agricultural practices.

The development proposal does not threaten the agricultural community, nor is it an intrusion to nearby agriculture uses. No land use compatibility issues are anticipated. Directly behind the residential lot is part of the neighbouring residential property that supports an accessory building and wraps around the subject lot. There are no agricultural practices directly behind the lot, and the only development bringing the main building closer to the rear lot line is a proposed lean-to and roof attachment to an existing detached accessory building.

Zoning By-law

Section 8.9 of the Zoning By-law requires a minimum rear yard setback of 15 metres. The purpose of this setback is to separate a dwelling from nearby agricultural practices and agricultural machinery that may result in land use incompatibility. A rear yard setback also provides sufficient space as private amenity area for outdoor activities.

As previously stated, there are no anticipated impacts with nearby agricultural uses. Other than a proposed lean-to addition at the rear, the dwelling will not be any closer to the rear lot line than where it is currently. The applicant will be attaching the existing dwelling to an existing detached garage via a roof connection and the variance to permit a reduced rear yard setback is needed due to a technicality in the Zoning By-law that will deem the dwelling and garage one building/structure subject to main building setbacks. Therefore, the minor variance does not threaten sufficient space for private

outdoor amenity either. The subject property has a large north interior side yard that can be used for outdoor amenity space.

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 relief. The request is considered minor to accommodate a roof connection between the dwelling and detached accessory building, and to permit the development of a lean-to at the rear of the dwelling that will not be located any closer to the rear lot line than the existing detached garage that is subject to the roof connection.

Desirability

The subject property is a rural residential lot located outside a settlement area. Therefore, existing standards for rear yard setbacks do not exist like they do in a subdivision where there is consistency among many lots in an immediate area. There is undue hardship in the case as the proposed development does not bring the existing dwelling any closer to the rear lot line. Simply attaching the dwelling and accessory building via roof and developing a lean-to at the rear of the dwelling has triggered the need for the variance.

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. No comments 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 Photo

Appendix B – Drawings
Appendix C – Site Visit Photo

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-10-2023 Report.docx
Attachments:	- Appendix A - Aerial Photo.pdf - Appendix B - Drawings.pdf - Appendix C - Site Visit Photo.pdf
Final Approval Date:	Apr 5, 2023

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

Kristina Brcic - Apr 5, 2023 - 2:43 PM

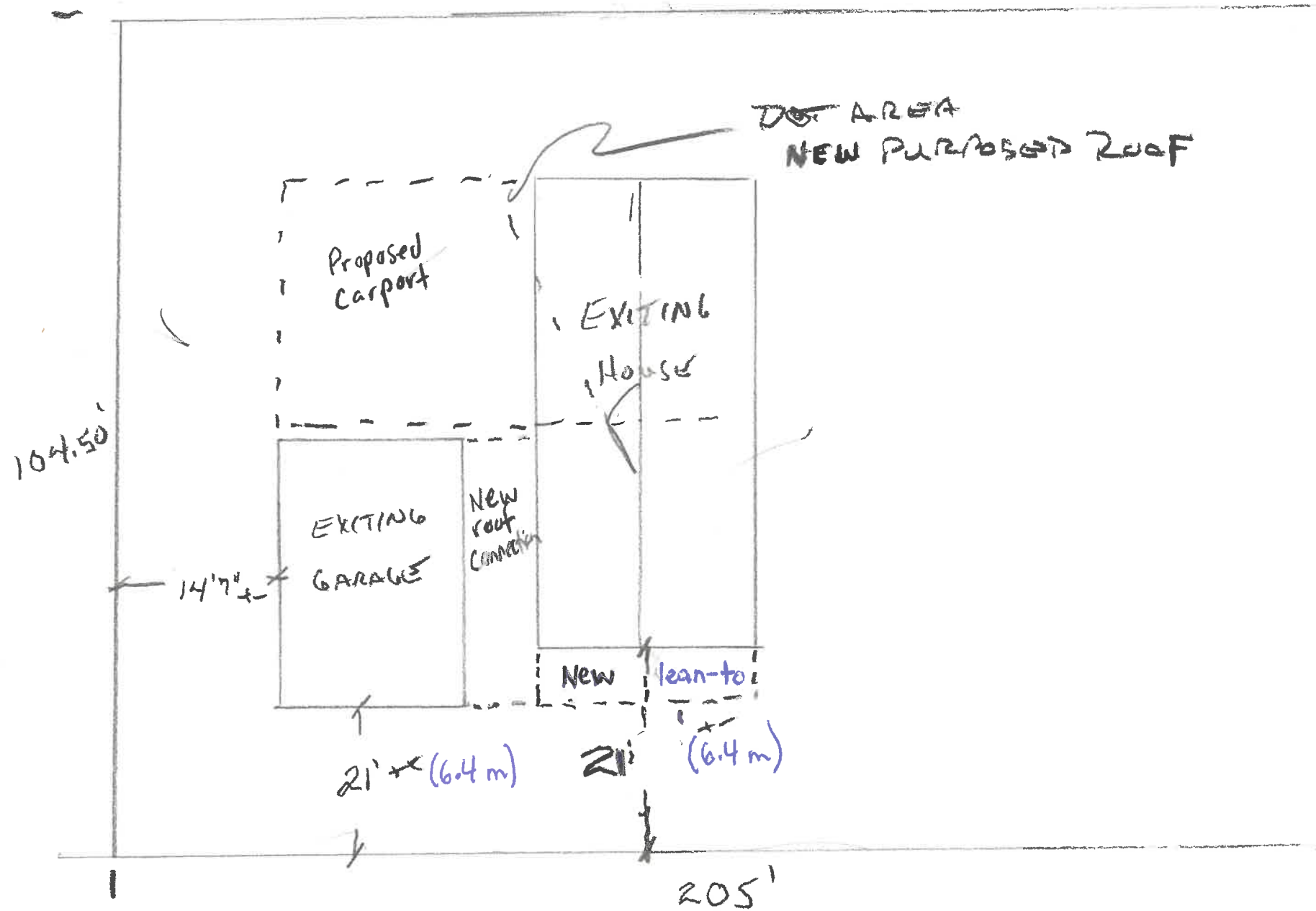
RENAUD LINE RD

518

522

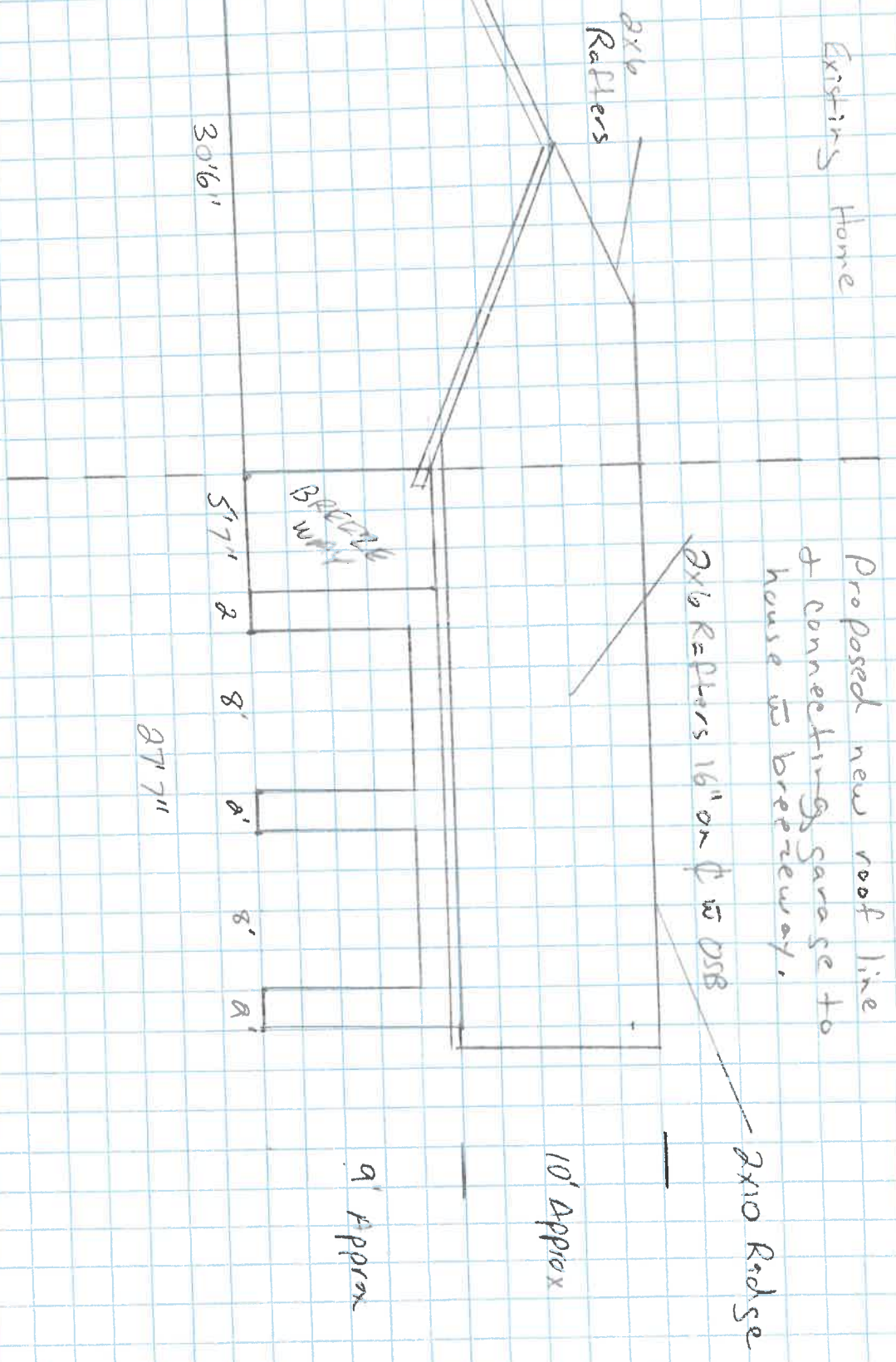
1812

526



West Elevation

518 Renard Line
 JEFF- LASSZUSKI
 519 791 5337



East Elevation

$\frac{1}{4} = 12''$ Scale

New cut roof is 2x6 rafters
properly supported
collar ties

All framing 16" or
#2 or better
lumber

New Gable

Support to carry 2x8 ridge

2x4 pickets in 7/8 OSB

2x6 ceiling
joist back
to house

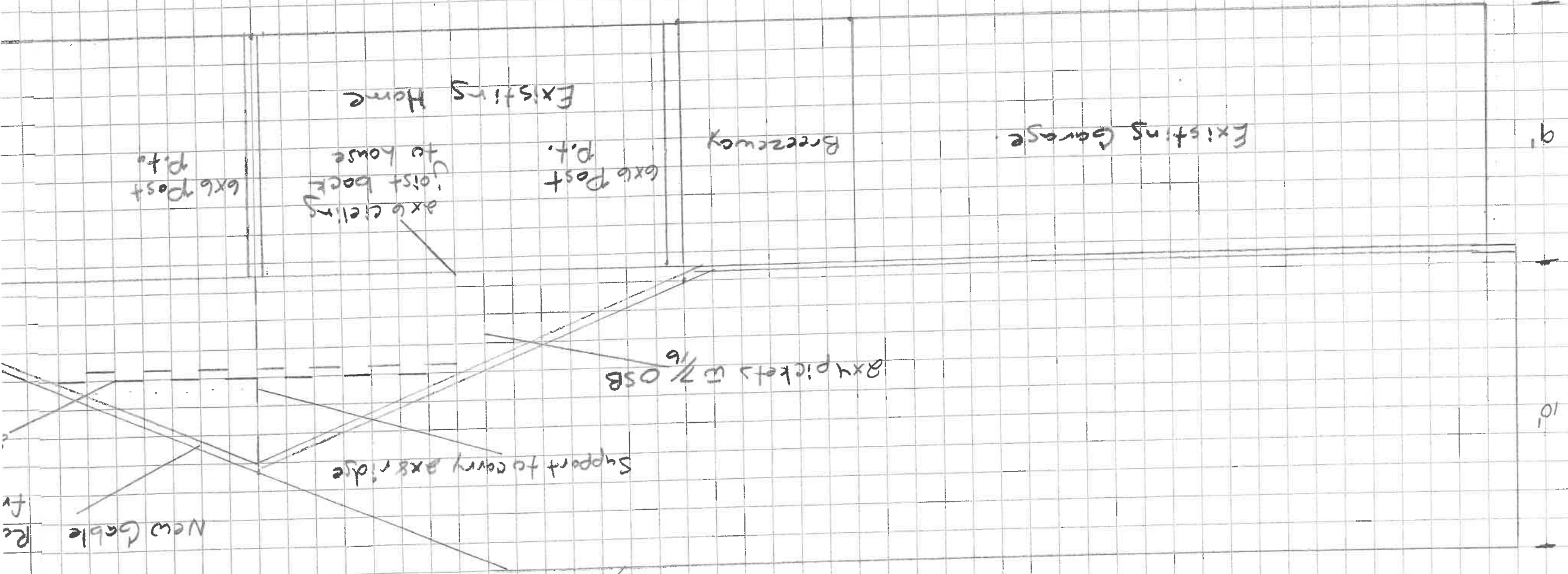
6x6 Post
P.T.

Breezeway

Existing Garage

Existing Home

6x6 Post
P.T.





Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: April 4, 2023
Subject: Minor Variance Application A/11/2023 – 944 Albert Lane

Recommendation

Deny minor variance application A/11/2023 to permit an accessory structure with a gross floor area of 111 m² and a height of 6.8 metres since the ability to access the property during times of flooding cannot be confirmed and the requested relief for height does not pass the four tests of a minor variance under the Planning Act.

Proposal

The applicants are proposing to demolish and replace an existing dwelling and detached accessory structure on the subject property – 944 Albert Lane. The new detached accessory structure will serve as a garage and will include floor area for a den/personal office and storage space. It will have a gross floor area of 111 m² and a height of 6.8 metres. Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) xi), to permit an accessory building to have a maximum height of 6.8 metres, whereas the By-law states that height shall not exceed 5 metres unless within an Agriculture Zone;
- Section 6.5 a) ix), to permit an accessory building to have a gross floor area of 111 m², whereas the By-law permits a maximum gross floor area of 55 m² in the RW2 zone.

Summary

Location

The subject property is located north of VIA Rail Canada Inc., east of Wallace Line Road, west of the Puce River, on the northside of Albert Lane, known municipally as 944 Albert Lane. The subject property is approximately 0.63 acres in area with 15 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by lakefront residential properties to the east and west and a marina 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” (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.

Provincial Policy Statement (PPS)

The decision of the Committee of Adjustment shall be consistent with the PPS under the Planning Act.

Section 3.1.7 of the PPS states: development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

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

Development is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act. No distinction is made between dwellings and accessory structures under this definition.

The subject property is located in the Essex Region Conservation Authority (ERCA) limit of regulated area and the Lake St. Clair floodprone area. ERCA was circulated the proposal for comment as they represent the provincial interest in natural hazards as

outlined in Section 3.1 of the PPS. They commented that “the low lying nature of the roadway in this area may result in significant water over the road in a flooding event. ERCA advises that the Municipality of Lakeshore and the Municipal Emergency Services (fire, police) confirm that they have the ability to access these parcels in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the Municipality’s responsibilities under Section 3.1.7 of the PPS”.

The Engineering and Infrastructure Division commented that emergency services would not be able to access the subject parcel during the 100-year combined flood level (which considers both static lake level and storm surge). The Fire Chief was made aware of ERCA’s comments and stated that the Lakeshore Fire Department does not have equipment that can access this area during the one in 100-year flood level.

Therefore, the development is inconsistent with the PPS and should not be approved. Section 5.4.1.3 of the Lakeshore Official Plan reflects Section 3.1.7 of the PPS, so the proposal does not conform to the Official Plan in this respect either. Below is additional commentary regarding the four tests of a minor variance as it relates to the proposed building itself.

Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to continue to accommodate attractive neighbourhoods. Moreover, 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. The Municipality will seek to maintain and improve the physical design characteristics of Settlement Areas in the context of new and existing development.

The proposed building will be constructed adjacent to an accessory structure located on the neighbouring property to the west, at a location approximately 54 metres south of dwellings on neighbouring properties east and west of the subject lot. Direct land use compatibility issues associated with oversized accessory buildings next to dwellings can be avoided in this case by taking advantage of the large lot depth of residential properties fronting Albert Lane.

The minor variance application states that the new dwelling will have a building footprint of 207.34 m² (2232 ft²) and a height of 7.7 metres, so the proposed accessory structure will be clearly subordinate to the main building. This relationship between buildings is important for preserving neighbourhood attractiveness as smaller accessory structures relative to main buildings is status quo in the immediate area. Renderings provided by the applicant of the proposed accessory building and the new dwelling show that the accessory building and dwelling are proposed as a similar architectural style which supports the attractiveness of the proposal.

To fully meet the general intent and purpose of the Official Plan, the height of the proposed accessory structure would need to be reduced. A site visit was conducted and it appeared that there were no other full two storey accessory buildings on any of the residential properties along Albert Lane. It is noted that there is a two storey building located on the property known municipally as 948 Albert Lane which shares driveway access with 950 Albert Lane. There is uncertainty if this is a dwelling or accessory building to the dwelling located at 950 Albert Lane, and there are no building records to confirm. The property and building were observed as having a separate address, services, and its own air conditioning unit. Aerial photography records going back to 2004 show the presence of this building on the lot, which is a year that precedes the current Official Plan and Zoning By-law in effect.

It is the opinion of the Planner that the proposed design is not in keeping with the traditional character of the area, nor does it maintain or improve physical design characteristics along Albert Lane. Instead, the proposal may set a new precedent in the area under relatively new policy and trigger a change to the physical design characteristics and traditional community image on Albert Lane.

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 building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot.

The minor variance application and site plan drawing submitted with the application indicates that the proposed accessory structure both in terms of gross floor area and height will be subordinate to the main building on the lot. This proposal therefore meets the general intent and purpose of the “accessory” definition.

The purpose of the regulation limiting gross floor area is to ensure compatibility with massing characteristics of the area, and to regulate the gross floor area of an accessory building in a typical subdivision. There appear to be other oversized accessory buildings in the area similar to the proposed in terms of gross floor area (not height), including on the neighbouring residential property to the west. Also, the properties in the area are lakefront properties with considerable depth – not a typical subdivision – that are conducive to supporting larger accessory buildings.

It is the opinion of the Planner that the general and intent and purpose of the Zoning By-law is not maintained by the proposal with respect to the height relief requested. The purpose of the regulation limiting height is to ensure accessory buildings are not offensive with respect to location and purpose, and to ensure neighbourhood compatibility. In this case, the increase in height requested is for a portion of the proposed building that will have a one slope roof. While direct impacts to neighbouring properties are not anticipated given the proposed location of the accessory building, this variance will result in a two-storey accessory building in an area where such buildings

do not appear to exist, and is therefore considered precedent setting and incompatible with existing neighbourhood character.

It is also noted that the variance request with respect to height is to accommodate a den/office on the second floor, which is a use typically featured in the main dwelling on a residential property. This proposal is different, for example, from a request to add a couple feet to the height of an accessory structure to accommodate the storage of a recreational vehicle or boat in a detached garage.

Minor

An interactive mapping tool and a site visit revealed that there are other oversized accessory buildings in the area on Albert Lane, with building footprints that range from approximately 55 m² to 100 m². However, it appears that the requested height of the proposed accessory building (6.8 metres) would represent a departure from established neighbourhood character among residential properties on Albert Lane. It is also important to note that the proposed roof is considered a flat roof in the Zoning By-law, so the requested height is to accommodate two full storeys of building. This is different from a gable roof – for example – that provides a gradual increase in height to a peak that is measured from grade to the average level between eaves and ridge.

Desirability

For the reasons previously mentioned, it is the opinion of the Planner that the proposed accessory building does not meet existing standards in the immediate area and is incompatible with existing neighbourhood character along Albert Lane due to proposed height. The proposal is therefore considered undesirable. In terms of issues of appropriateness, it is difficult to identify hardship behind the request for an accessory building with 6.8 metre height. An office/den use can be accommodated on the first floor or is typically accommodated in a dwelling.

It is the opinion of the Planner that the requested relief for height does not pass the four tests prescribed under Section 45 (1) of the *Planning Act*, which are:

- 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.

In addition to their comments previously addressed in the report, ERCA stated that the property owner will be required to obtain a permit from ERCA prior to any construction or site alterations. Any development and/or redevelopment proposals within 30 metres of the shoreline might only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant.

The Engineering and Infrastructure Division stated that Engineering is supportive of the proposed accessory building having a washroom as it is replacing the existing accessory building that currently has an existing washroom (one toilet, one sink). A second driveway will not be permitted for the accessory building. Their comments on access during the 100-year combined flood level have already been addressed in this report.

VIA Rail provided their standard comments in response to the application. It is noted that the accessory building is not proposed to support a dwelling unit/sensitive land use, and the building is proposed to be located approximately 120 metres north of the VIA Rail 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 Photo
Appendix B – Drawings
Appendix C – Site Visit Photos
Appendix D – ERCA Comments
Appendix E – Engineering Comments
Appendix F – Fire Comments
Appendix G – Fire Comments 2
Appendix H – VIA Rail Canada Inc. Comments



Ian Search, Planner I

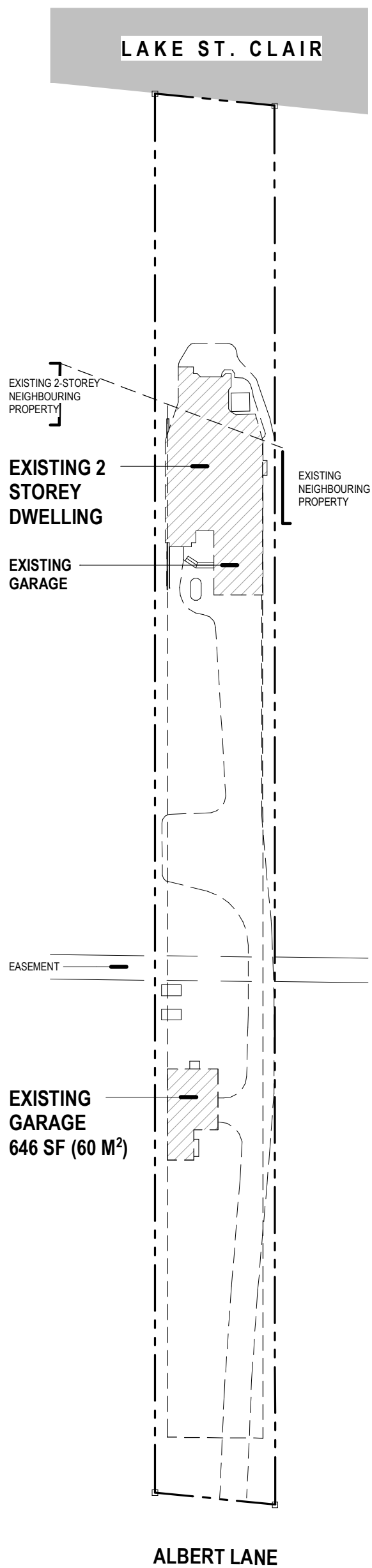
Report Approval Details

Document Title:	A-11-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawings.pdf- Appendix C - Site Visit Photos.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Engineering Comments.pdf- Appendix F - Fire Comments.pdf- Appendix G - Fire Comments 2.pdf- Appendix H - VIA Rail Canada Inc. Comments.pdf
Final Approval Date:	Apr 6, 2023

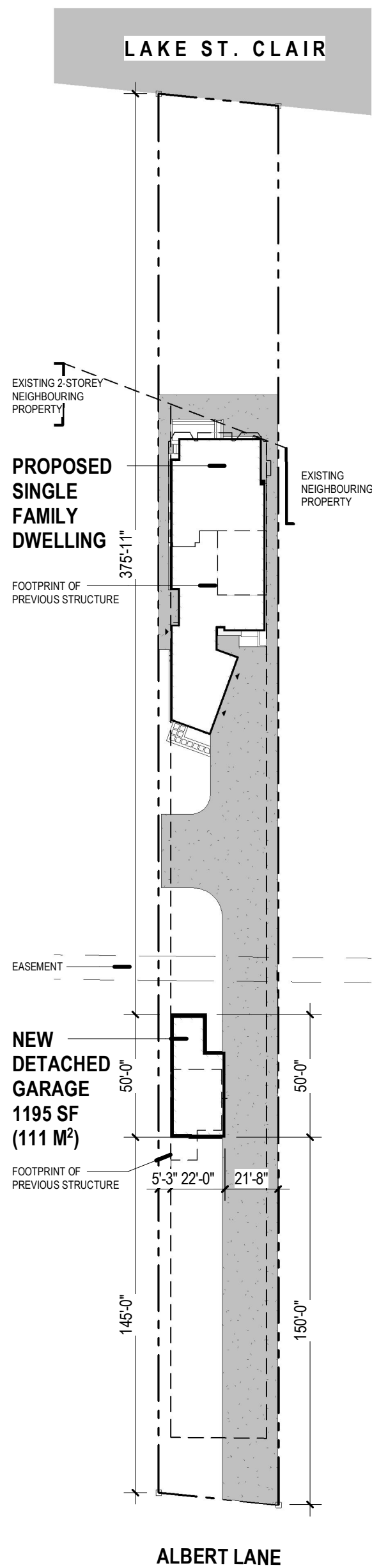
This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - Apr 6, 2023 - 11:23 AM

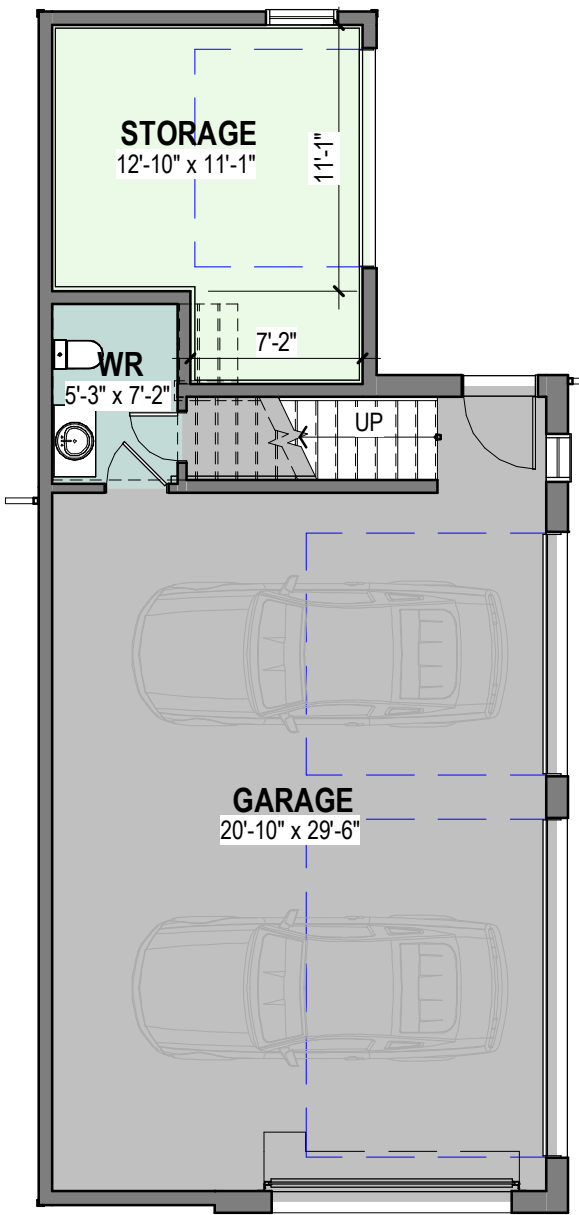




2 SITE PLAN - DEMOLITION
D-100 1" = 50'-0"

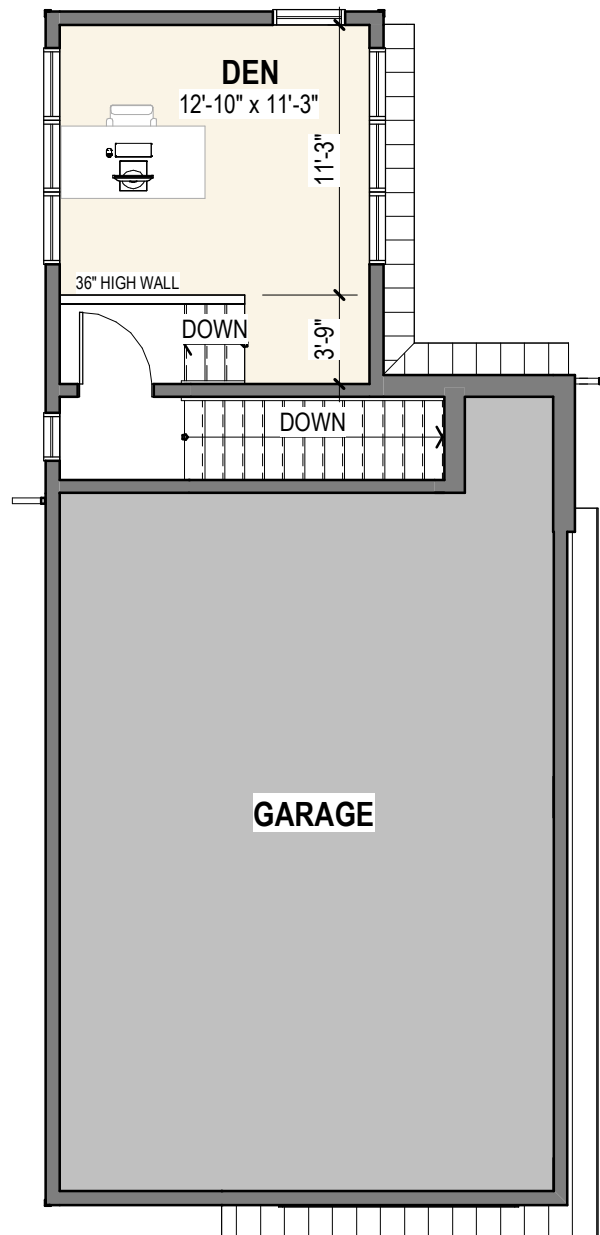


1 SITE PLAN - NEW
D-100 1" = 50'-0"



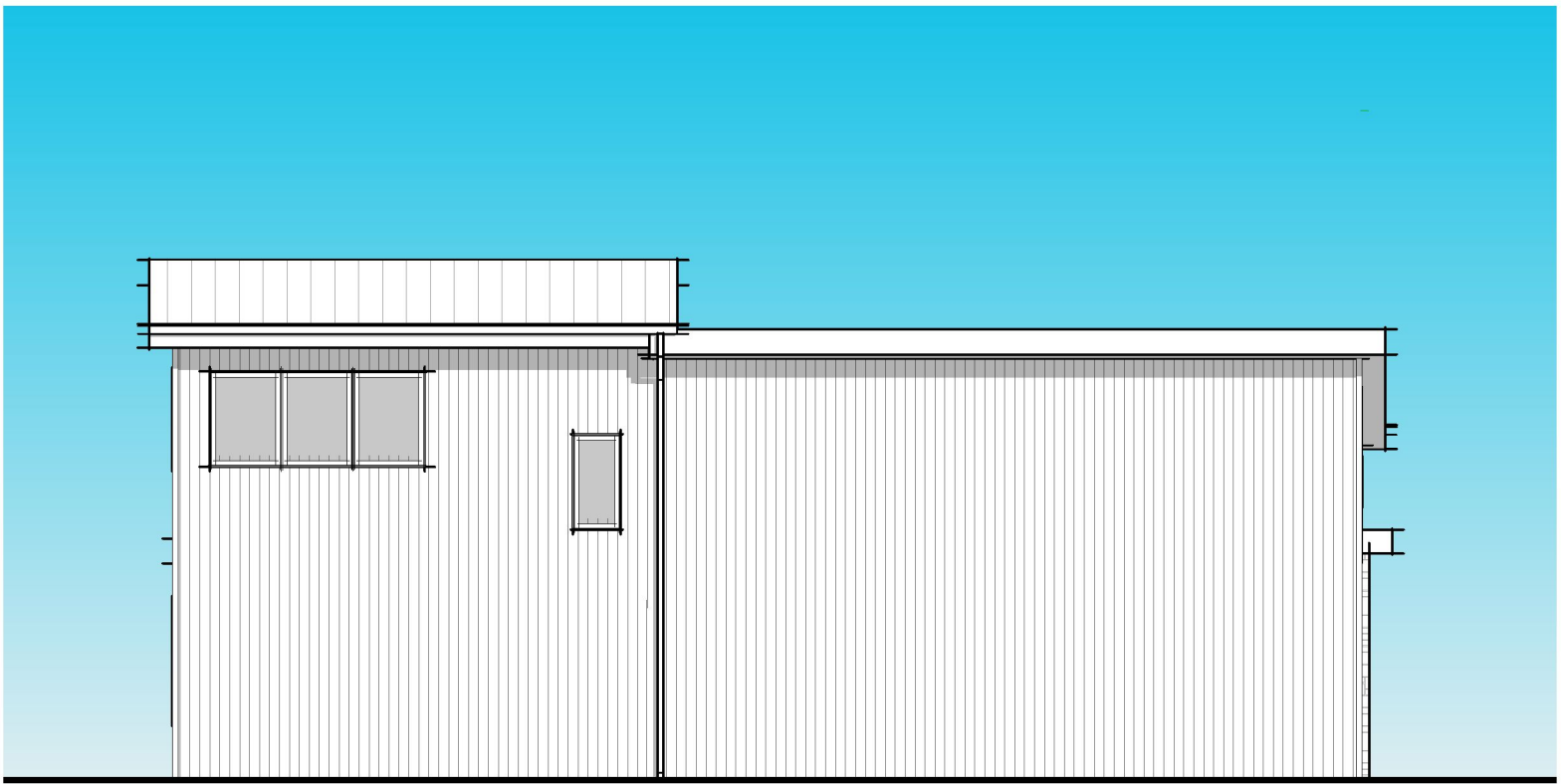
FIRST FLOOR PLAN

1/8" = 1'-0"

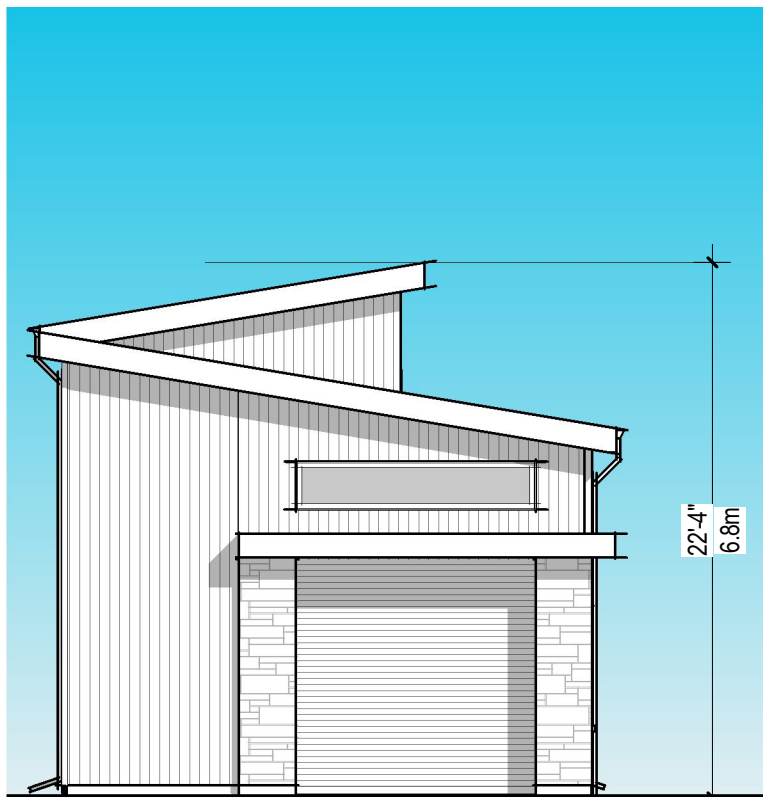


SECOND FLOOR PLAN

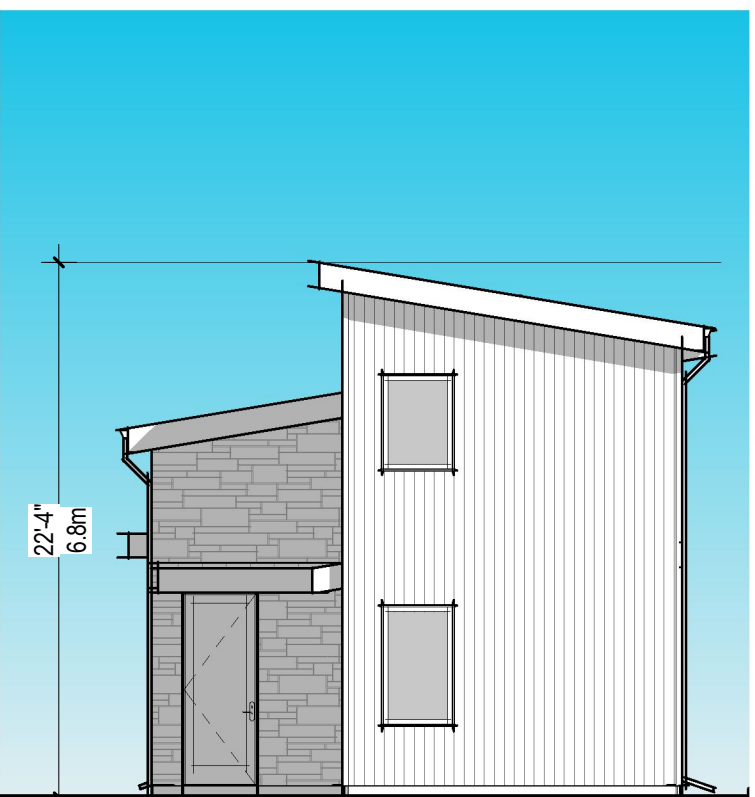
1/8" = 1'-0"



DETACHED GARAGE - LEFT ELEVATION
 1/8" = 1'-0"



DETACHED GARAGE - FRONT ELEVATION
 1/8" = 1'-0"



DETACHED GARAGE - REAR ELEVATION
 1/8" = 1'-0"



DETACHED GARAGE - RIGHT ELEVATION
 1/8" = 1'-0"











planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 3, 2023

Ian Search

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

Dear Mr. Ian Search:

RE: Application for Minor Variance A-11-2023 944 ALBERT LANE
ARN 375120000021300; PIN: 750040137
Applicant: O'KEEFE SHAWN MICHAEL

The Municipality of Lakeshore received an Application for Minor Variance for the subject property. The applicants are seeking relief to permit an accessory building to have a maximum height of 6.8 metres and to have a gross floor area of 111 m². The following is provided as a result of our review of Application for Minor Variance A-11-2023.

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 Albert Street 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*.

All proposed development on this parcel will be subject to setback restrictions from the closest point of shoreline of Lake St. Clair. The minimum required setback is 30 metres (98.4ft). Any development and/or redevelopment proposals within the 30 metres might only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant to overcome flooding and/or erosion associated with Lake St. Clair.

In addition, the low lying nature of roadway in this area may result in significant water over the road in a flooding event. ERCA advises

Mr. Ian Search
April 03, 2023

that the Municipality of Lakeshore and the Municipal Emergency Services (fire, police) confirm that they have the ability to access these parcels in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above.

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. Any development and/or redevelopment proposals within 30 metres of the shoreline might only be considered if supported by a shoreline engineering study that is prepared by a qualified shoreline engineering consultant.

ERCA advises that the Municipality of Lakeshore and the Municipal Emergency Services (fire, police) confirm that they have the ability to access these parcels in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

Date: April 3, 2023
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 12, 2023 – A/11/2023

Operations has reviewed A/11/2023 - 944 Albert Lane application and offer the following comments:

Comments
<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 front yard drainage or adjacent neighboring lands.• Engineering is supportive of the proposed accessory building having a washroom as it is replacing the existing accessory building that currently has an existing washroom (one toilet, one sink).• Based on the findings in Lakeshore's Shoreline Management Plan, emergency services would not be able to access the subject parcel during the 100-year combined flood level (which considers both static lake level and storm surge).• Please note: A second driveway will not be permitted for the accessory building.

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 - April 12, 2023 - Notice for Comments
Date: March 28, 2023 3:18:48 PM
Attachments: [A-10-2023 - Notice for Comments.pdf](#)
[A-11-2023 - Notice for Comments.pdf](#)
[Notice for Comments - A-12-2023.pdf](#)
[B-07-2023 - 0 Patillo Road - Notice for Comments.pdf](#)
[B-08-2023 - 1368 Rochester Townline - Tracey - Notice for Comments.pdf](#)
[B-06-2023 - 16600 Tecumseh Rd - Nussey - Notice for Comments.pdf](#)

A-10-2023: Fire Services has no comment regarding this minor variance.

A-11-2023: Fire Services has no specific commentary on the proposed accessory building construction other than the owner will be required to contact us once occupancy is given to assess what Fire Code requirements may apply.

A-12-2023: Fire Services has no comment regarding the proposed minor variances.

B-07-2023: Fire Services has no comment regarding this consent (severance) application.

B-08-2023: Fire Services has no comment regarding this consent (severance) application.

B-06-2023: Fire Services has no comment regarding this consent (severance) application.

Thanks for the opportunity to review.

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

[REDACTED]

From: Ian Search <isearch@lakeshore.ca>

Sent: March 17, 2023 4:09 PM

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

Subject: Committee of Adjustment - April 12, 2023 - Notice for Comments

Hi all,

Please see attached Notice for Comments for development applications proceeding to the April 12, 2023 Committee of Adjustment meeting.

Please provide any comments on these files to my attention by March 31 to be included in the Planning Recommendation reports.

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning



Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning



From: [Don Williamson](#)
To: [Ian Search](#)
Cc: [Sydnee Botham \(Rivest\)](#)
Subject: FW: Committee of Adjustment Applications - April 12 - Lakeshore
Date: April 3, 2023 4:16:35 PM
Attachments: [image001.png](#)
[A-12-2023 & B-07-2023 - 0 Patillo Road - ERCA Comments.pdf](#)
[B-08-2023 - 1368 Rochester Townline - ERCA Comments.pdf](#)
[A-11-2023 - 944 Albert Lane - ERCA Comments.pdf](#)
Importance: High

Hi Ian

I checked with Marco in EIS on the 1 in 100-year flood height for Albert Lane that shows up to 2 feet.

“Based on the 1 in 100-year flood level identified in the Shoreline Management Plan, the Lakeshore Fire Department does not have equipment that can access this area”.

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department

[REDACTED]

From: Ian Search [REDACTED]
Sent: Monday, April 3, 2023 2:40 PM
To: Don Williamson [REDACTED]
Cc: Sydnee Botham (Rivest) [REDACTED]
Subject: FW: Committee of Adjustment Applications - April 12 - Lakeshore
Importance: High

Hi Don,

I received the following comment from ERCA with respect to A-11-2023 (944 Albert Lane) to be considered by the Committee of Adjustment next week. They state: The low lying nature of the roadway in this area may result in significant water over the road in a flooding event. ERCA advises that the Municipality of Lakeshore and the Municipal Emergency Services (fire, police) confirm that they have the ability to access the parcel in order to fulfill the roles and responsibilities of first responders during times of flooding and in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020) noted above.

Section 3.1.7 of the PPS states development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved: vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

With respect to ERCA's comment, would Fire be in a position to be able to confirm that they have the ability to access the parcel during times of flooding?

I have also cc'd Sydnee from Engineering in case you need to consult with her on this issue.

Kind Regards,

Ian Search
Planner I

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

[REDACTED]

Ian Search
Planner I

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

[REDACTED]

From: Kathleen Schnekenburger [REDACTED]
Sent: Monday, April 3, 2023 1:07 PM
To: Ian Search [REDACTED]
Subject: RE: Committee of Adjustment Applications - April 12 - Lakeshore

[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 afternoon,

Please see attached ERCA comments.

Please let me know if you have any questions.

Kind regards,

Kathleen Schnekenburger
Resource Planner



[REDACTED]

Please consider the environment before printing this email

This e-mail transmission is confidential and may contain proprietary information for the express use of the intended recipient. Any use, distribution or copying of this transmission, other than by the intended recipient, is strictly prohibited. If you are not the intended recipient, please notify us by telephone at the number above and arrange to return this transmission to us or destroy it.

From: Ian Search [REDACTED]
Sent: Friday, March 17, 2023 3:52 PM
To: Planning [REDACTED] Kathleen Schnekenburger [REDACTED]
Subject: Committee of Adjustment Applications - April 12 - Lakeshore

Hi ERCA,

Please see attached request for comments on Committee of Adjustment applications. Please provide any comments that you have to my email by March 31.

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.

From: [Paul Charbachi](#)
To: [Ian Search](#)
Subject: RE: Minor Variance - Lakeshore - A-11-2023
Date: March 29, 2023 4:41:15 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

[Redacted signature block]

From: Ian Search [REDACTED]
Sent: Wednesday, March 29, 2023 4:20 PM
To: Paul Charbach [REDACTED]
Subject: Minor Variance - Lakeshore - A-11-2023

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.

Please see attached public meeting notice for a minor variance application for your review and comment

Kind Regards,

Ian Search
Planner I
Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

Ian Search
Planner I
Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: April 4, 2023
Applicant: Gloria Ann Nussey (Owner)
William Good (Agent)
Subject: Consent Application B/06/2023 – 16600 Tecumseh Rd

Recommendation

Approve consent application B/06/2023 to sever approximately 1,021.93 m² from 16600 Tecumseh Rd for a lot addition to be added to the neighboring property, 16400 Tecumseh Rd. Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 3) That Section 50(3) and (5) of the Planning Act shall apply to the severance;
- 4) 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;
- 5) 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;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Purpose

The applicants of 16600 Tecumseh Rd are proposing to sever 2023.42 m² of lot area and 22.86 m of frontage from the south-west corner (Part 1 on PLAN 12R-25878) of

16600 Tecumseh Rd to be added to the property 16400 Tecumseh Rd. The proposed severance for a lot addition was previously approved by the committee of adjustment on April 2nd, 2014 being file number B/5/2014. However, the land was ineffectively transferred and therefore merged with the parcel from which it was initially severed. The applicants have since utilized the subject area as if the severance was successful until it was recently identified that the parcels were not severed as intended. Therefore, the applicants are looking to reapply for the same severance as to correct the existing use of the property. Please see the attached decision in Appendix – C.

The proposed severance will result in approximately 20.03 ha in area with 256 m of frontage for the retained land and approximately 4,937.16 m² of lot area with 54.55 m of frontage for the land receiving the lot addition.

Summary

Location

The subject property 16600 Tecumseh Rd is approximately 20.23 ha in area with 278.9 m of frontage along Tecumseh Rd and contains a single shed. The subject property is located on the northern side of Tecumseh Rd, west of Lighthouse Rd.

Surrounding Land Uses

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

Official Plan

Both the subject property and the property receiving the lot addition are designated “Agriculture” by the Lakeshore Official Plan. The subject property is located within the Lower Thames Valley Conservation Authorities limit of regulated territory.

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

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

The proposed consent application is considered a boundary adjustment and will require the retained and severed lands to conform with the Lakeshore Zoning By-law.

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 land to be conveyed has historically been used by the owners of 16400 Tecumseh Rd as a shed and yard space. The farming parcel, 16600 Tecumseh Rd, has since operated successfully.

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 historical usage of the subject land and to re-establish the intended consent to sever.

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. A PIN consolidation has already taken place as per the conditions of the original consent.

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 ability of the lands merging under common ownership 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 2023.42 m² of lot area and 22.86 m of frontage to 16400 Tecumseh Rd. The proposed severance will result in approximately 20.03 ha in area with 256 m of frontage for 16600 Tecumseh Rd, and approximately 4,937.16 m² of lot area with 54.55 m of frontage for 16400 Tecumseh Rd.

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.

LTVCA expresses no objections as detailed within Appendix – D.

Engineering has expressed that a drain apportionment agreement will be required. Full comments can be found within Appendix – E.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Original Consent Decision
Appendix D – LTVCA Comments
Appendix E – Engineering Comments

Prepared by:



Ian Rawlings
Planner I

Report Approval Details

Document Title:	B-06-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawings.pdf- Appendix C - B-5-2014 - Original Consent Decision.pdf- Appendix D - LTVCA Comments.pdf- Appendix E - Engineering Comments.pdf
Final Approval Date:	Apr 5, 2023

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

Kristina Brcic - Apr 5, 2023 - 3:11 PM



B-06-2023 - 16600 Tecumseh Rd.



Legend

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

1: 5,971



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





INTEGRATED SURVEY-UTM ZONE 17, NAD83 (CSRS) (1997.0)
BEARINGS ARE UTM GRID AND ARE DERIVED FROM THE MUR-NET GPS
NETWORK, ESSEX BASE North 4669954.295, East 337491.395
AND ARE REFERRED TO THE CENTRAL MERIDIAN 81° WEST (LONGITUDE).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID
BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9998034

FOR BEARING COMPARISONS A ROTATION OF 1°11'20"
CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 12R-2762

COORDINATES ARE TO RURAL ACCURACY PER SEC. 14.2 OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
A	4682984.9 (METRIC)	378071.1 (METRIC)
B	4682963.0 (METRIC)	378070.0 (METRIC)
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT

JUNE 15, 2014
DATE

RICHARD W. MURRAY

RECEIVED AND DEPOSITED
PLAN 12R-25878

2014-07-17
DATE

Man Bell O.L.S.
REPRESENTATIVE FOR LAND REGISTRAR
FOR THE LAND TITLES DIVISION
OF ESSEX (12)

SCHEDULE

PART	LOT	CONCESSION	PIN
1	PART OF LOT 16	1	PART PIN 75074-0064(LT)
2	PART OF LOT 16	1	PART PIN 75074-0048(LT)

PART 1 IS PART OF PIN 75074-0064(LT)
PART 2 IS PART OF PIN 75074-0048(LT)

PLAN OF SURVEY SHOWING
PART OF LOT 16
CONCESSION 1
TOWN OF LAKESHORE
(GEOGRAPHIC TOWNSHIP OF TILBURY NORTH)
COUNTY OF ESSEX, ONTARIO

SCALE 1" = 50'

0 10 25 50 Feet

RICHARD W. MURRAY O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM

(2) THE SURVEY WAS COMPLETED ON THE 26TH DAY OF MAY, 2014

JUNE 15, 2014

DATE

RICHARD W. MURRAY O.L.S.

IMPERIAL: DISTANCES AND COORDINATES SHOWN ARE IN FEET AND
CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

LEGEND

IS DENOTES 5/8" SQUARE BY 2' LONG IRON BAR
SSIB DENOTES 1" SQUARE BY 2' LONG IRON BAR
SIB DENOTES 1" SQUARE BY 4' LONG STANDARD IRON BAR
P FOUND ☐ PLANTED (1341) WIT WITNESS
CC DENOTES CUT CROSS
UN DENOTES UNIDENTIFIED SURVEY MONUMENT
IA DENOTES INACCESSIBLE SURVEY MONUMENT
P DENOTES PLAN 12R-2762
NTS DENOTES NOT TO SCALE
D DENOTES DIST. NO. 1327452
1040 W.J. Satterington OLS

RICHARD W. MURRAY

CAD: LST-1-16R

ONTARIO LAND SURVEYOR
13009 WALKER ROAD
P.O. BOX 360, STATION A
WINDSOR, ONTARIO N9A 6L7
PH 519-973-5464 1-800-265-5369 FAX 1-519-254-6622

DRAWN BY: RWM CHECKED BY: RJ FILE NO: LST-1-16

CONCESSION

LOT

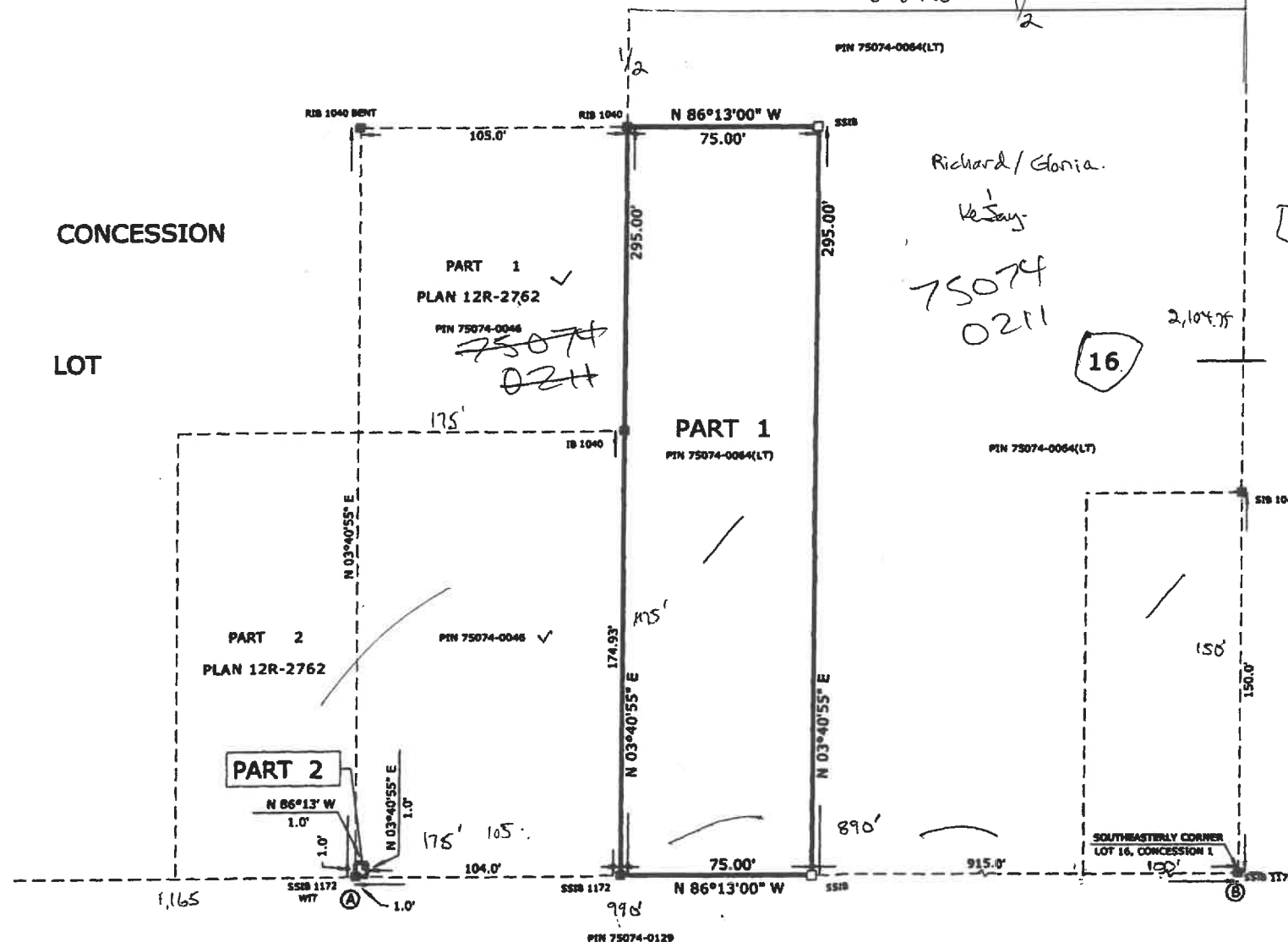
COUNTY

ROAD

NO.

2

(ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2)



2002-07-29

NOTICE - The last day for appealing this decision is **April 23rd, 2014**

PROVISIONAL DECISION OF APPROVAL AUTHORITY WITH REASONS
RE: APPLICATION FOR CONSENT
Planning Act, R.S.O. 1990, ss. 53(17)

TOWN OF LAKESHORE COMMITTEE OF ADJUSTMENT

RE: AN APPLICATION BY: Richard & Gloria Nussey

LOCATION OF PROPERTY: 16600 Tecumseh Road
Concession 1, Pt Lot 16
(Former Township of Tilbury North)

PURPOSE OF APPLICATION: (1) Lot Addition (2,055.4 m² to be added to 16400 Tecumseh Road)

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(24) of the Planning Act, R.S.O. 1990 and having considered whether a plan of subdivision of the land in accordance with section 50 of said Act is necessary for the proper and orderly development of the municipality.

CONCUR in the following decision and reasons for decision made on the 2nd day of April, 2014.

DECISION: GRANTED

AMENDMENTS:

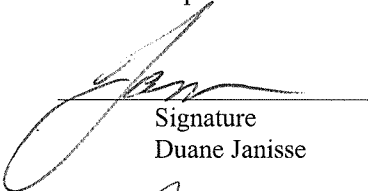
CONDITIONS: This consent decision has been made subject to the following conditions:
SEE ATTACHED SCHEDULE "A"

YOU WILL BE ENTITLED TO RECEIVE NOTICE of any changes to the conditions of provisional consent if you have made written request to be notified of such changes.


REASONS FOR DECISION:

The Application is in keeping with the Official Plan policies and Zoning By-law 2-2012 for the Town of Lakeshore.

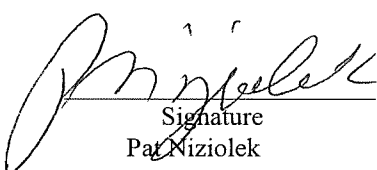
Signature



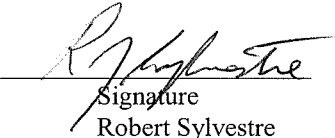
Signature
Duane Janisse



Signature
Steve Diemer



Signature
Pat Niziolek



Signature
Robert Sylvestre

CERTIFICATION
Planning Act, R.S.O. 1990

I, Maureen Lesperance, Secretary-Treasurer of the Town of Lakeshore Committee of Adjustment, certify that the above is a true copy of the Provisional Decision of the Committee with respect to the application recorded therein.



Maureen Lesperance

March 22, 2023

Municipality of Lakeshore
419 Notre Dame Street
Belle River, ON N0R 1A0

Attn: **Ian Search**

Re: **Consent Application (B/06/23)**
16600 Tecumseh Road (Nussey)
Part lot 16; Concession 1
Community of Tilbury-West
Municipality of Lakeshore

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to this proposal. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issue of concern for this area is the West Branch Smugglers Creek Drain, flooding and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are subject to flooding under regulatory storm conditions. Any proposed structure(s) will be required to be flood proofed to a minimum elevation for the lowest openings into the structure. Setbacks from the drain will be required to any proposed structure(s).

Please be advised that the subject property is located in an area with a Highly Vulnerable Aquifer [HVA] and a Significant Groundwater Recharge Area [SGRA] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. However, there are no policies in the local Source Protection Plans that regulate activities in Highly Vulnerable Aquifers or Significant Groundwater Recharge Areas. We encourage any development in these areas to consider the sensitivity of the area, and take steps to protect it, such as: conserving water, properly disposing of hazardous waste, using non-toxic products where possible, and preventing pollutants from entering into runoff. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Connor Wilson
Planner

Operations Department

Date: April 3, 2023
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 12, 2023 – B/06/2023

Operations has reviewed B/06/2023 - 16600 Tecumseh Rd application and offer the following comments:

Comments
<ul style="list-style-type: none">A Drainage apportionment will be required for this property.

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

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: April 4, 2023

Applicant: Raymond & Debbie Tracey

Subject: Consent Application B/08/2023 – 1368 Rochester Townline Rd

Recommendation

Approve Consent Application B/08/2023 to sever two (2) surplus dwelling lots from 1368 Rochester Townline Rd. One lot being 203.7 m² of lot area and 35.42 m of frontage (Parts 1 & 2 on the draft 12R plan) and the second lot being 3,156.4 m² of lot area and 52.81 m of frontage (Parts 3 & 4 on the draft 12R plan), subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That each new lot will be subject to the water buy in fee according to the tariff of fees by-law prior to the stamping of the deed;
- 5) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That the existing accessory structure located on Part 4 of the draft 12R plan identified as "METAL CLAD BUILDING" be demolished/removed or brought into compliance with the Lakeshore Zoning By-law;
- 7) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality for both lots to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the

stamping of the Deeds;

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

9) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;

10) That the applicant install an access bridge to provide access to the retained farmland in accordance with the drainage act, and to the satisfaction of the municipality and the Drainage Superintendent;

11) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 3 of the Draft 12R Plan, in favour of Parts 1 & 2 for access and maintenance, prior to the stamping of the deeds

12) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 2 of the Draft 12R Plan, in favour of Parts 3 & 4 for access and maintenance, prior to the stamping of the deeds;

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve Consent Application B/08/2023 to establish an easement over Part 3 shown on the Draft 12R Plan, in favour of Parts 1 & 2 on the Draft 12R for a access and maintenance, subject to the following conditions:

1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;

2) That all municipal taxes be paid in full prior to the stamping of the Deed;

3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;

4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve Consent Application B/08/2023 to establish an easement over Part 2 shown on the Draft 12R Plan, in favour of Parts 3 & 4 on the Draft 12R for access and maintenance, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Purpose

The applicants of 1368 Rochester Townline Rd are proposing to sever two (2) surplus dwellings from the subject property. The qualifying home base dwelling is located at 2155 Myers Rd.

The first surplus dwelling lot to be severed (Parts 1 & 2 in Appendix B) will have approximately 3,203.7 m² of lot area and 35.42 m of frontage along Rochester Townline Road. The lot will contain one single detached residential dwelling and two accessory structures in the rear yard. The second surplus dwelling lot to be severed (Parts 3 & 4 in Appendix B) will have approximately 3,156.4 m² of lot area and 52.81 m of frontage along Rochester Townline Road. The lot will contain one single detached residential dwelling and one accessory structure in the rear yard. The retained lot will maintain approximately 247.5 m of frontage along Rochester Townline Road, with approximately 39.83 ha in lot area and will contain one accessory structure located behind the proposed severed lots.

In addition to the surplus severance the applicants are applying to register a mutual easement agreement between the severed surplus lots to provide mutual access and maintenance of the existing driveway. The first mutual easement agreement is to establish an easement over Part 3 of the Draft 12R Plan in favour of Parts 1 & 2 shown on the Draft 12R plan. The second mutual easement agreement is to establish an easement over Part 2 of the Draft 12R Plan in favour of Parts 3 & 4 on the same Draft 12R plan. Access to the retained farmlands will not be included in any easement agreements. Instead, the retained farm land is required to establish a new independent access from Rochester Townline Road.

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

Summary

Location:

The subject property 1368 Rochester Townline Rd is approximately 40.46 ha in area with 345.14 m of frontage along Rochester Townline Rd and contains two single detached residential dwellings, and four accessory structures. The subject property is located on the eastern side of Rochester Townline Rd, north of Cazabon Lane.

Surrounding Land Uses:

North: Farmland/ Single detached Residential Dwellings

East: Farmland/ Single detached Residential Dwellings

West: Farmland/ Single detached Residential Dwellings

South: Farmland/ Single detached Residential Dwellings

Provincial Policy Statement

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

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

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

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

Official Plan

The subject properties are designated Agriculture and are located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

Section 6.2.3 b) of the current Lakeshore Official Plan permits a surplus farm severance in Agricultural designated areas subject to the following conditions:

- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*

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

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

i) Road Access

- The lot to be retained and the lot to be severed will have frontage on and access to an open, improved public road which is maintained on a year round basis.*
- Any required road widenings, improvements or extensions to existing rights-of-way may be required as a condition of severance approval.*

The applicants will be required to install a permanent access bridge over the municipal drain that runs along the front lot line of the subject property to provide access to the retained lands in accordance with the Official plan policy requirements.

The applicants are required to provide road access to each of the severed lots. Historically, both single detached dwellings and the farming operation shared the existing access bridge located between the two residential dwellings. Therefore, the applicants are applying to establish a mutual easement agreement over the existing access bridge to allow full, shared access and maintenance for each residential property proposed.

Zoning

The subject property is currently zoned Agriculture (A). The retained lot will have approximately 247.5 m of frontage along Rochester Townline Rd, and approximately 39.83 ha in lot area and will contain one accessory structure located behind the two severed lots. The structures located on the retained lands adhere to the regulations found within the Lakeshore Zoning By-law.

The first lot to be severed (Parts 1 & 2) will have approximately 3,203.7 m² of lot area and 35.42 m of frontage. The lot will contain one single detached residential dwelling and two accessory structures. All existing structures adhere to regulations found within the Lakeshore Zoning By-law.

The second lot to be severed (Parts 3 & 4) will have approximately 3,156.4 m² of lot area and 52.81 m of frontage. The lot will contain one single detached residential dwelling and one accessory structure in the rear yard. The accessory structure within the rear yard does not meet the required setbacks detailed within the Lakeshore Zoning by-law. Section 6.5 a) vii) requires that an accessory structure be located no closer than 1.5 m from any lot line. The accessory structure is located 1.18 m from the rear lot line. Adjusting the lot line to account for the appropriate setback would place the structure located on the retained land out of compliance with the Lakeshore Zoning By-law. Section 8.9 requires a setback of 3.0 from the interior lot line for any structures located on the retained land. It is favorable to maintain this setback as to provide appropriate access for farming equipment and operations.

The applicants will need to successfully rezone the retained land to prohibit the construction of a single detached residential dwelling per the PPS requirements. Therefore, the proposed lot will conform to the Lakeshore Zoning By-law. Additionally, the applicants will need to rezone the residential property (Parts 3 & 4) to account for the accessory structure's deficient setback from the rear lot line, or bring the accessory structure into compliance by means of relocation, or demolition.

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

ERCA has expressed no objections to Consent Application B-08-2023. Full comments can be found within Appendix C.

Engineering has expressed that each surplus lot will require its own water service connection and that the parcels are subject to the water buy-in and connection fees per Lakeshore's current Tariff of Fees by-law. The applicant will be required to confirm that each surplus lot has a separate septic system and to obtain a second septic tank if required. Engineering has detailed that the applicant has signed Section 78 form of the Drainage Act for the new farm access. A drainage apportionment will be required.

Engineering has detailed that reciprocal access agreements are not typical for municipal drainage access bridges, and that it is recommended that each severed parcels

construct its own separate access bridge to Rochester Townline as to mitigate any future by-law or drainage work cost disputes on the single driveway/access bridge. Full comments can be found within Appendix D.

Public Notice Circulation

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

Attachment(s):

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

Prepared by:



Ian Rawlings
Planner I

Report Approval Details




Document Title:	B-08-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - ERCA Comments.pdf- Appendix D - Engineering Comments.pdf
Final Approval Date:	Apr 6, 2023

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

Kristina Brcic - Apr 6, 2023 - 11:17 AM



Legend

-  Tax Parcel
-  WorkingParcel
-  LotsConcessions

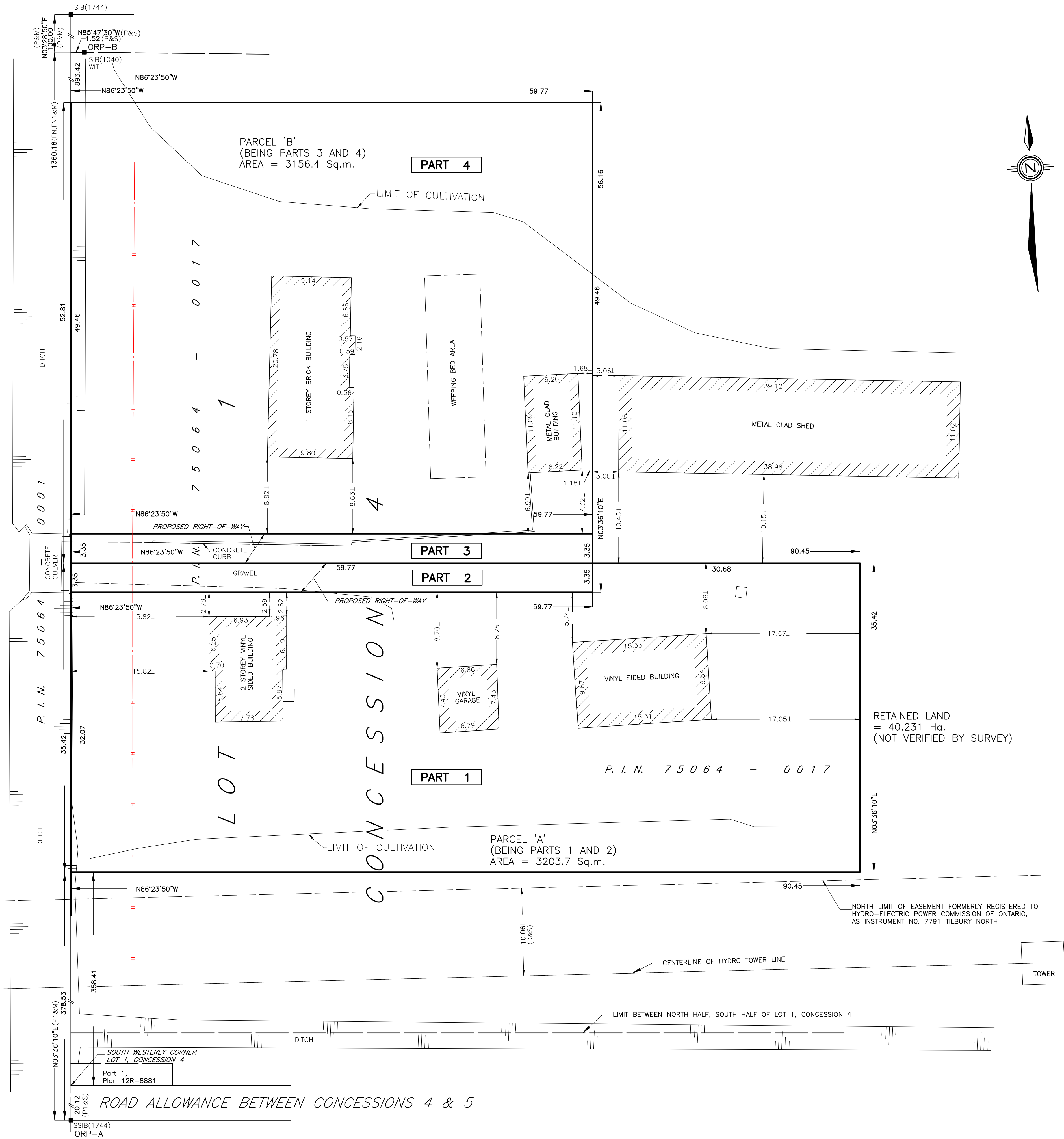
1: 11,487



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

TOWNLINE ROAD BETWEEN THE TOWNSHIPS OF ROCHESTER AND TILBURY NORTH



PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1				3003.5 Sq.m
2	PART OF LOT 1	CONCESSION 4	PART OF 75064-0017	200.2 Sq.m
3				200.2 Sq.m
4				2956.2 Sq.m

SEVERANCE SKETCH

OF
PART OF LOT 1
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF TILBURY NORTH
NOW IN THE
MUNICIPALITY OF LAKESHORE
COUNTY OF ESSEX, ONTARIO
VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE = 1:250
0 2.50 5.00 10.00 15.00 25.00 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

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

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	NORTHING	EASTING
ORP-A	4679548.62	368391.95
ORP-B	4680905.68	368476.93
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

THE RESULTANT TIE BETWEEN ORP-A AND ORP-B IS N03°40'00"E 1360.13

FOR BEARING COMPARISONS THE FOLLOWING ROTATIONS WERE APPLIED TO CONVERT TO GRID BEARINGS

PLAN	CLOCKWISE ROTATION
P1	01°07'30"

LEGEND AND NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999787

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.

SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR

SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR

IB DENOTES 16mm X 16mm X 0.61m IRON BAR

IB Ø DENOTES 19mm diameter X 0.61m ROUND IRON BAR

CO DENOTES CUT-CROSS

CP DENOTES 5mm X 50mm STEEL PIN

PB DENOTES PLASTIC BAR

■ DENOTES SURVEY MONUMENT FOUND

□ DENOTES SURVEY MONUMENT SET AND MARKED JDB

WIT. DENOTES WITNESS L DENOTES PERPENDICULAR

(S) DENOTES SET (W) DENOTES MEASURED (D) DENOTES INST. No. 7791 TIL. N.

ORP DENOTES OBSERVED REFERENCE POINT

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.

(NI) DENOTES NOT IDENTIFIABLE (OU) DENOTES ORIGIN UNKNOWN

(S/P) DENOTES SET PROPORTIONALLY

(1744) DENOTES VERHAEGEN SURVEYORS INC., O.L.S.

(JDB) DENOTES J.D. BARNES LIMITED, O.L.S.

(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.

(1172) DENOTES STUBBERFIELD, HARTLEY, BREWER LIMITED, O.L.S.

(P) DENOTES PLAN OF SURVEY BY (JDB) DATED JANUARY 21, 2022 (21-48-315-00)

(P1) DENOTES PLAN 12R-8881

(FN) DENOTES FIELD NOTES BY (1744) DATED APRIL 25, 2019 (5-13997)

(FN1) DENOTES FIELD NOTES BY (1744) DATED JANUARY 17, 2012 (5-12361)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

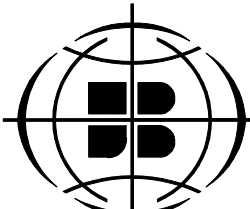
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THIS SURVEY WAS COMPLETED ON THE 30th DAY OF JANUARY, 2023

DATE MARCH 01, 2023 BRIAN COAD

ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXX



VERHAEGEN
LAND SURVEYORS
A Division of
J.D. Barnes Limited

187 TALBOT ST E, LEAMINGTON, ON, N8H 1L8
T: (519) 322-2375 F: (519) 322-2675 www.jdbarnes.com

DRAWN BY: SP	CHECKED BY: (BC)	REFERENCE NO.: 23-48-002-00
CAD Date: March 1, 2023 9:39 AM		FILE NO.: E-TILN-4-1
CAD File: 23-48-002-00.dwg		



planning@erca.org

P.519.776.5209

F.519.776.8688

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

March 31, 2023

Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-08-23 1368 ROCHESTER TLINE
ARN 375168000001600; PIN: 750640017
Applicant: TRACEY RAYMOND JOSEPH

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

The applicants are proposing to sever the surplus dwellings for the creation of two lots. The first proposed lot will have 3,203.7 m² of lot area and 35.42 m of frontage. The lot will contain one single detached residential dwelling and two accessory structures. The second proposed lot will have 3,156.4 m² of lot area and 52.81 m of frontage. The retained lot will have approximately 247.5 m of frontage along Rochester Townline Rd, and approximately 39.83 ha in lot area.

In addition, two easements will be established over the existing driveway to allow shared access between the two severed surplus dwellings. The applicant will be required to install an access bridge to permit access to the retained lands once severed. We understand that comments regarding the rezoning will be requested at a separate time.

The following is provided as a result of our review of Application for Consent B-08-23.

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 West Townline Drain and Cleophas Caza Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex

Mr. Ian Search
March 31, 2023

Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

In addition, the above noted watercourses are municipal drains that fall under the jurisdiction of the Municipality of Lakeshore. It is the owner's responsibility to obtain all necessary permits and/or clearances from the Municipality of Lakeshore for any works to the drains, including access culverts. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Municipality of Lakeshore.

FINAL RECOMMENDATION

ERCA has no objection to Application for Consent B-08-23.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
/ks

Date: April 3, 2023
From: Sydnee Rivest, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 12, 2023 – B/08/2023

Operations has reviewed B/08/2023 - 1368 Rochester Townline application and offer the following comments:

Comments
<ul style="list-style-type: none">• Because reciprocal access agreements are not typical for municipal drainage access bridges, it is recommended that each severed parcels construct its own separate access bridge to Rochester Townline. This recommendation will mitigate any future by-law or drainage work cost disputes on the single driveway/ access bridge. At this time, the applicants have already signed Section 78 form of the Drainage Act and an engineer has been appointed for 1 new farm access.• Drainage apportionment will be required for this property.• Applicant to confirm each dwelling has a separate septic tank. A permit is required to be obtained from Lakeshore's Building Division if a second septic tank is required to service the severed parcel.• Currently, 1 water service exists for 1368 Rochester Townline. The severed parcel will be subject to the water buy-in and connection fees per Lakeshore's current Tariff of Fees by-law.

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

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, Planner I
Date: April 4, 2023
Subject: Minor Variance Application A/07/2023 – 1610 County Road 22 (deferred item)

Recommendation

Approve minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 167.48 m² subject to the following conditions:

- 1) The minor variance approval is for a building addition to an existing accessory building in accordance with the site plan drawing provided in Appendix B;
- 2) Grading is addressed to the satisfaction of the Municipality of Lakeshore;
- 3) The applicant receives approval from the Essex Region Conservation Authority.

Proposal

The subject property contains 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 metres. Originally, the proposed addition was to add 111.48 m² of gross floor, resulting in a total gross floor area of 222.96 m². That requested relief was considered by the Committee of Adjustment at their March 22nd public meeting and was deferred due to uncertainty over Essex Region Conservation Authority (ERCA) approval. Following consultation with ERCA regarding their requirements, the applicant is now proposing a 55.74 m² building addition instead. The applicants are now 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 167.48 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 metres 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 the requested relief can be deemed minor now that the applicant has decreased the proposed addition by 50%. It is recognized 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. There is a fence that runs along the mutual lot line with the neighbouring property to the east which provides an additional buffer for this resident.

Desirability

There are no other issues of appropriateness. In terms of existing standards in the 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. In the more immediate area, there are other oversized accessory buildings on nearby lots and the requested gross floor area as revised is not considered incompatible or offensive in comparison.

It is the opinion of the Planner that the requested variance passes all 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.

It is recommended that the Committee of Adjustment impose the following conditions on any approval of the requested relief:

- 1) The minor variance approval is for a building addition to an existing accessory building in accordance with the site plan drawing provided in Appendix B;
- 2) Grading is addressed to the satisfaction of the Municipality of Lakeshore;
- 3) The applicant receives approval from the Essex Region Conservation Authority.

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies. The comments received for the March 22 public meeting are summarized below:

Lakeshore 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.

Lakeshore 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 originally advised 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”.

The Committee deferred the item at the March 22nd public meeting so that the applicant could consult with ERCA and determine their requirements. ERCA has since commented that as long as the proposed addition is 50% or less of the original gross floor area of the structure, is no lower than the existing lowest opening, and is not to be used as an additional dwelling unit, that they can approve the addition.

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. No written comments were received and no members of the public apart from the applicant made representation at the March 22nd public meeting.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Site Visit Photos
Appendix D – Engineering Comments
Appendix E – Building Comments
Appendix F – ERCA Comments
Appendix G – Fire Services Comments
Appendix H – VIA Rail Comments

Prepared by:



Ian Search,
Planner I

Report Approval Details

Document Title:	A-07-2023 Deferred Item Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Site Visit Photos.pdf- Appendix D - Engineering Comments.pdf- Appendix E - Building Comments.pdf- Appendix F - ERCA Comments.pdf- Appendix G - Fire Services Comments.pdf- Appendix H - VIA Rail Comments.pdf
Final Approval Date:	Apr 6, 2023

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

Kristina Brcic - Apr 6, 2023 - 11:19 AM



A/07/2023 - 1610 County Rd.22



Legend

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

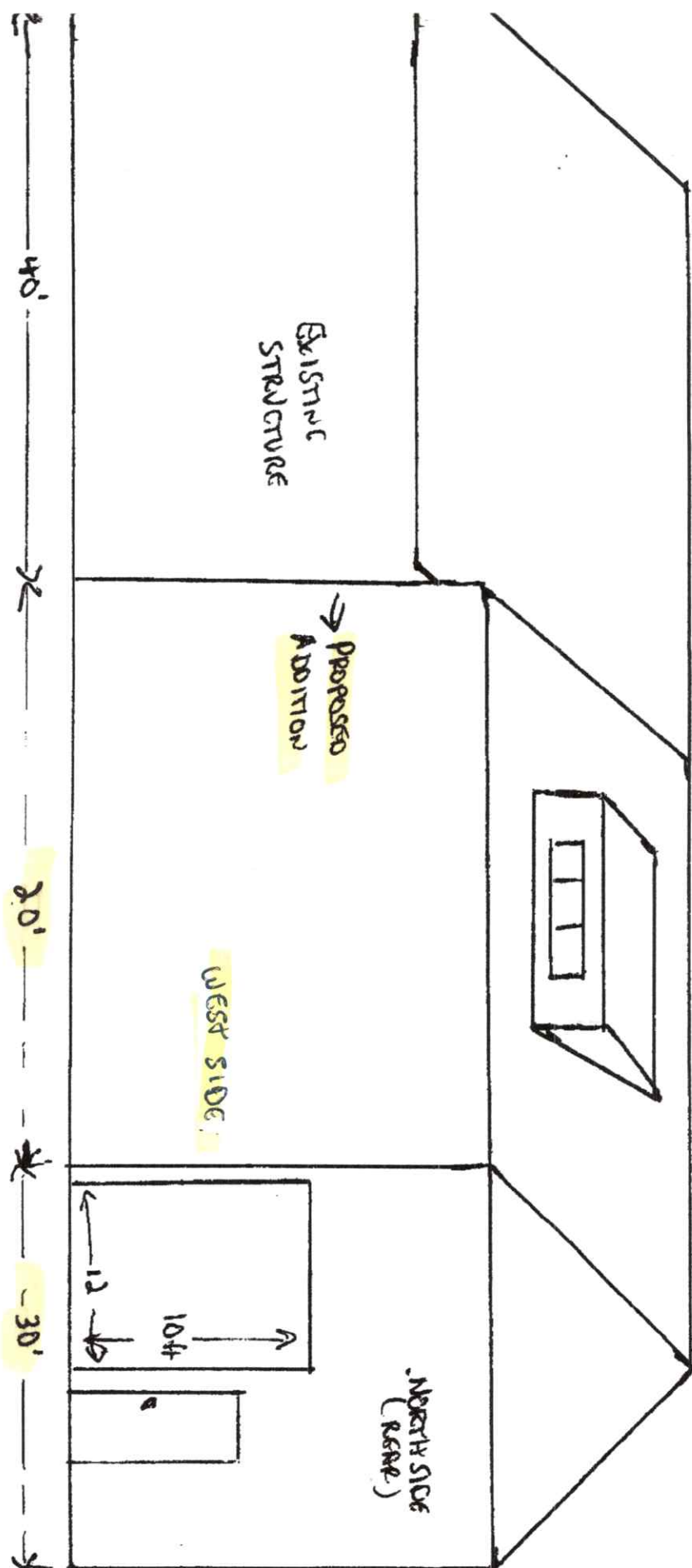
1: 2,132

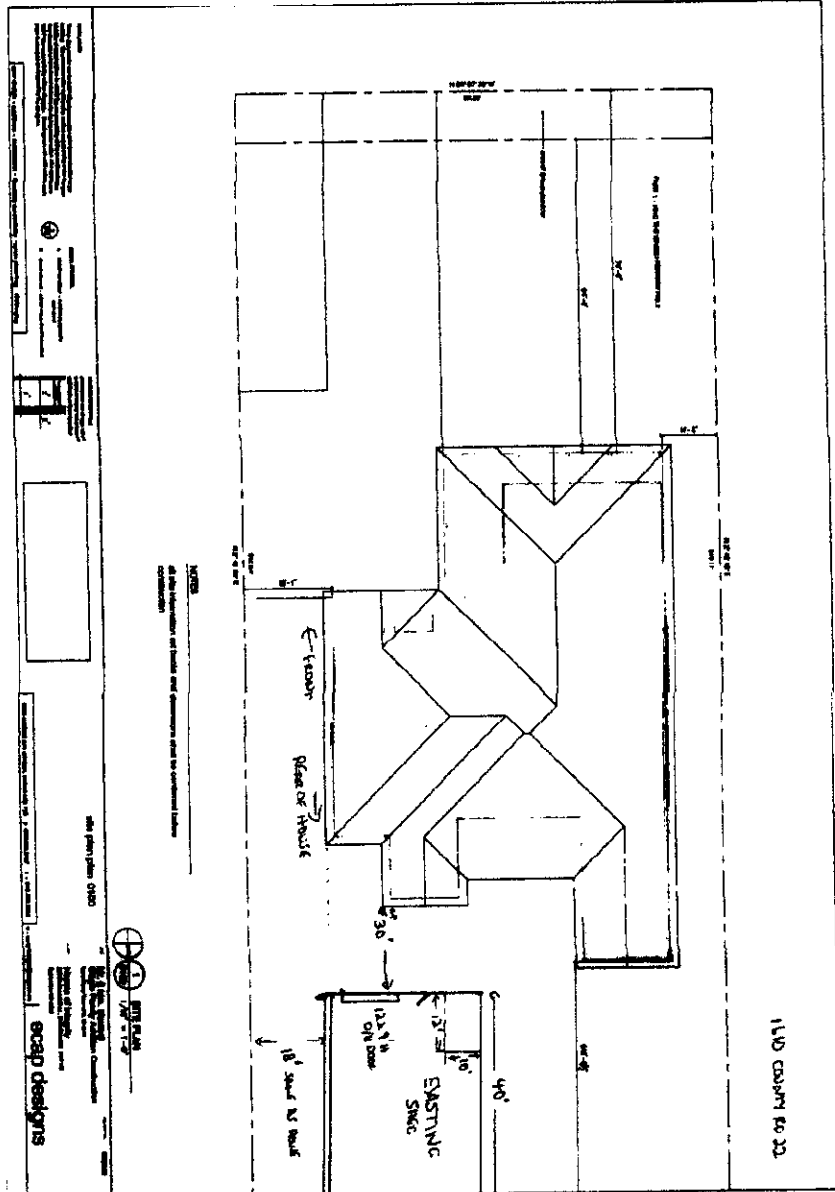


Notes:

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

Lot 65





ADDITION TO EXISTING
PERSONAL SHED
20' x 30' w







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

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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

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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.

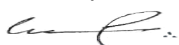
VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department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

Minutes of the Committee of Adjustment Meeting

Wednesday, March 22, 2023, 6:00 PM

Members Present: Chair Mark Hacon, Member Nancy Flagler-Wilburn, Member Linda McKinlay

Members Absent: Vice-Chair Michael Hoffman, Member Jeremy Prince

Staff Present: Planner Ian Search, Team Leader - Development Approval Kristina Brcic, Planning Student Ian Rawlings

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM.

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. Minor Variance Application A-02-2023

Ian Rawlings presented the application, the owner Gil Drouillard was in attendance

The owner did not have any questions or comments following the presentation.

Nancy Flagler-Wilburn noticed a plastic covered shed for storage on the property and asked if it will remain

The owner stated that it would remain and it is for storage

27/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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.

Carried Unanimously

b. Minor Variance Application A-03-2023

Ian Search presented the application, the owner John Lenders was in attendance

The owner did not have any questions or comments following the presentation.

28/03/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

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.

Carried Unanimously

c. Minor Variance Application A-04-2023

Ian Search presented the application, the authorized applicant John Evola (Evola Builders) was in attendance

The applicant explained how he needs to put the AC in the front. There are already 2 units in the rear and he needs to put one unit in the front yard for it to properly function. He explained how the house is setback a considerable distance from the road, and how the side yard is too small to support the AC unit. He agreed that the AC unit could be screened with landscaping features

Nancy Flagler-Wilburn asked what the size of the AC unit is. The applicant provided rough dimensions - sitting on brackets about 26 inches by 26 inches

Mark Hacon asked what the size of the dwelling was. John Evola stated it was about 6000 ft².

Linda McKinlay expressed concerns about the AC unit being placed in the front yard and felt she did not have enough information about the unit. She asked Ian Search for his opinion. Ian Search explained that the dwelling is setback much further from the road than a typical dwelling and the AC unit will be placed in close proximity to the side yard.

The applicant mentioned how there were no objections from the neighbours.

29/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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.

Carried Unanimously

d. Minor Variance Application A-05-2023

Ian Rawlings presented the application, the owners Brenda and George Petro were in attendance

The owners explained how other neighbours in the area have multiple driveways for accessing accessory buildings. They explained how they have already used the access for the proposed accessory building for decades.

Nancy Flagler-Wilburn stated that the proposed building has quite a high roof and asked about its necessity. The owner responded that it was to store their Recreational Vehicle (RV).

Linda McKinlay stated that she is opposed to voting in favour of an application that the Engineering and Infrastructure Division opposes – in

this case the second driveway contemplated for access to the accessory building.

The owner mentioned that homes with new accesses had recently been built at the corner of Elmstead Road and Little Baseline Road

Mark Hacon stated that the minor variance is supportable except for the second driveway access issue. Ian Rawlings confirmed that this was his opinion also.

The owners stated that their intention was to not impede the neighbours and that they spoke to the neighbours before they began the planning process.

Nancy Flagler-Wilburn stated she would only approve the building if it is located in line with the existing driveway. Linda McKinlay concurred that she would be prepared to approve the building without the driveway.

30/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/05/2023 as read at 345 East Pike Creek Rd, to permit a 90 m² accessory structure with a height of 4.96 metres but no second driveway access will be permitted

Carried Unanimously

e. Minor Variance Application A-06-2023

Ian Rawlings presented the application, the owner Lisa Pereira was in attendance

Owner asked for a contact for Ontario Clean Water Agency to address the proposed condition

Ian Rawlings stated he could talk with internal staff to find the owner a contact

31/03/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

Approve minor variance application A/06/2023 to permit a 75 m² accessory structure subject to the following condition below: 1) That a septic tank inspection be completed by OCWA (Ontario Clean Water

Agency) and deemed satisfactory by the Municipality, and if required, install or replace septic tank to the satisfaction of the Municipality prior to the issuance of a building permit for Additional Residential Unit.

Carried Unanimously

f. Minor Variance Application A-07-2023

Ian Search presented the application, the owner Chris Mindorff was in attendance

Owner stated they had been in talks with ERCA. They stated the main purpose was to store an RV and have a personal hobby shop.

Linda McKinlay asked if there is already a big shed back there and asked what exactly ERCA's concerns were

The owner confirmed the presence of a large shed already in the rear yard.

Ian Search stated they will need an ERCA permit, and they are not meeting ERCA requirements for minimal flood proofing standards. The permit needs to be approved from an ERCA board.

32/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Deferred to complete discussions with ERCA

Carried Unanimously

g. Minor Variance Application A/08/2023

Ian Search presented the application, the owner Timothy Matte was in attendance

The owner confirmed he did not have a second access to the building

Linda McKinlay asked where the private septic is. Owner stated they were on municipal sewage services

33/03/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

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.

Carried Unanimously

h. Minor Variance Application A/09/2023

Ian Search presented the application, the authorized applicant Anthony Nehme was in attendance

Anthony Nehme stated he had no comments

Kimberly Chretien (1452 Caille Avenue) expressed that the application should not be considered minor until situation with sewers on Caille Avenue are addressed

Ian Search explained how the scope of the application is for a reduced front yard setback and there is a process underway under the Drainage Act to address the sewer issue

Linda McKinlay agreed there were issues on Caille Avenue and suggested residents contact their Councilor

Mark Hacon stated that the Committee is dealing specifically with the variance request for a front yard setback reduction and porch encroachment, and that a dwelling is already a permitted use on the lot

Kristina Brcic stated that drainage concerns and road work concerns are to be dealt with through the Engineering and Infrastructure Division

34/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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.

Carried Unanimously

i. Consent Application B-04-2023

Ian Rawlings presented the application

Charles Desmarais, the owner, was in attendance and did not have any comments

35/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

36/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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

Carried Unanimously

a. March 10, 2023 Meeting Minutes

7. New Business

a. OACA membership and OACA conference

8. Adjournment

37/03/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 8:01 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer