

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
----	--------------------------------------	----

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
----	--------------------------------------	----

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
----	--------------------------------------	----

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

99

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.