

# Municipality of Lakeshore

## Committee of Adjustment Meeting Agenda

Wednesday, May 17, 2023, 6:00 PM

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

Pages

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

- a. A-13-2023 - 211 Rafih Crescent

6

**Recommendation:**

Approve minor variance application A-13-2023 to permit the construction of a covered porch in the rear yard of 211 Rafih Crescent resulting in a lot coverage of 38.9 %, in accordance with the site plan provided.

- b. A-14-2023 - 216 Renaud Line Road & 1303 County Road 22

19

**Recommendation:**

Approve minor variance application A/14/2023 to permit a minimum interior side yard of 5.5 metres, as shown in the site drawing in Appendix B, subject to the following conditions:

1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;

2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;

3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

- c. A-15-2023 - 1646 Caille Ave 34
- Recommendation:**  
Approve minor variance application A-15-2023 to permit a 130.06 m<sup>2</sup> accessory structure in the front yard of 1646 Caille Ave to be located 6.92 m from the front lot line, and 0.91 m from the eastern interior lot line, in accordance with the site plan provided.
- d. A-16-2023 - 0 O'Brien Sideroad 54
- Recommendation:**  
Approve minor variance application A/16/2023 to permit a dwelling to have a minimum front yard setback of 13.4 metres.
- e. A-17-2023 - 1723 Oriole Park Drive 63
- Recommendation:**  
Approve minor variance application A/17/2023 at 1723 Oriole Park Drive, to permit an accessory structure with a gross floor area of 74.33 m<sup>2</sup>, subject to the following conditions:
- 1) The length of all dormers together will not exceed one third the length of the building to the satisfaction of Municipality of Lakeshore's Building Division;
  - 2) The building will be constructed in the rear yard of the property outside of the easement lands to the satisfaction of Municipality of Lakeshore's Building Division.
- f. A-18-2023 - 538 Blanchard Drive 79
- Recommendation:**  
Approve minor variance application A/18/2023 to permit 11% minimum landscaped open space on the subject property subject to the following condition:
- 1) That, if required by Community Planning following a required pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore.
- g. B-09-2023 - 3776 Comber Sideroad 95
- Recommendation:**  
Approve Consent Application B/09/2023 to sever a surplus dwelling with



a lot area of 7,600.00 m<sup>2</sup> from 3776 Comber Sdrd as in Parts 1 & 2 on the draft 12R plan provided. 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 the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area, and the surplus lot be rezoned to recognize the non-farm use;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;
- 6) That the applicants obtain any necessary driveway permits from the County of Essex and complete the works to provide a separate access for the retained farmland prior to the stamping of the deed;
- 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 all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

**Recommendation:**

Approve consent application B/10/2023 to sever two lot additions, approximately 371.78 m<sup>2</sup> to be added to 356 E Ruscom River Road, and approximately 813.54 m<sup>2</sup> to be added to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674). Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deeds for the lot additions 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 each lot addition severance;
- 4) That the applicant produce Deeds and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deeds, in evidence that the severed parcels and the abutting parcels will be registered in the same name(s) in satisfaction that all parcels will merge for each lot addition;
- 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, if required by the Secretary-Treasurer to the Committee of Adjustment, a consent cancellation be granted by the Committee of Adjustment and registered with respect to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674) to the satisfaction of the Secretary-Treasurer;
- 7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 18, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve consent cancellation for the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 &

PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674);

- i. B-11-2023 - 0 Main Street 121

**Recommendation:**

Deny Consent Application B/11/2023 as the proposal is inconsistent with the Provincial Policy Statement and does not currently conform to the Lakeshore Official Plan and County of Essex Official plan.

**5. Completion of Unfinished Business**

**6. Approval of Previous Meeting Minutes**

**Recommendation:**

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

- a. April 12 Meeting Minutes 143

**7. New Business**

- a. B-01-2023 - Minor Condition Change 152

**8. Adjournment**

**Recommendation:**

The Committee of Adjustment adjourn its meeting at \_\_\_\_ PM.

# Municipality of Lakeshore Committee of Adjustment Report



## Growth & Sustainability

## Community Planning

**To:** Chair & Members of Committee of Adjustment  
**From:** Ian Rawlings, Planner I  
**Date:** May 10, 2023  
**Applicant:** Rami Dawoud  
**Subject:** Minor Variance Application A/13/2023 – 211 Rafih Crescent

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### Recommendation

Approve minor variance application A-13-2023 to permit the construction of a covered porch in the rear yard of 211 Rafih Crescent resulting in a lot coverage of 38.9 %, in accordance with the site plan provided.

### Proposal

The applicants of 211 Rafih Crescent are proposing to construct a covered porch as an addition to the existing deck within the rear yard of a single detached dwelling. The covered porch will be located 7.5 m from the rear lot line and 1.5 m from the northern interior lot line. The covered porch will have a gross floor area of 27 m<sup>2</sup> and will account for an increase of 3.9 % of lot coverage, providing a total lot coverage of 38.9 %. Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- To permit a lot coverage of 38.9 %, whereas Section 8.1 details a maximum lot coverage of 35 % for single detached dwellings within the R1 zone.

### Summary

#### Location

The subject property is approximately 693 m<sup>2</sup> in lot area with 15 m of frontage along Rafih Crescent. The subject property is located on the western side of Rafih Crescent, south of Water Ave, within the Lakeside Estates Subdivision (Phase 1).

#### Surrounding Land Uses

North: Single Detached Dwellings  
East: Single Detached Dwellings

South: Single Detached Dwellings  
West: Single Detached Dwellings

### Official Plan

The subject property is designated “Residential” and is located within the Essex Region Conservation Authority (ERCA) regulated area. The Lakeshore Official Plan does not identify any hazardous lands, natural resources, or manmade hazards on the subject property. The subject property is not within close proximity to any significant woodlands, wetlands, water bodies or watercourses.

### Zoning

The subject property is zoned “Residential – Low Density” (R1) in the Lakeshore Zoning By-law 2-2012.

### **Planning Act 45(1)**

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

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The Lakeshore Official Plan does not speak to the use of balconies, decks and patios and instead delegates specific regulations to the Zoning By-law. Therefore, conforming to the intent and purpose of the Official Plan.

### Zoning By-law

The intent and purpose of the zoning by-law is met as the regulations for lot coverage are implemented to provide sufficient outdoor amenity space and provide appropriate landscaping and drainage. The use of the covered porch would not impact the amount of outdoor amenity space available as it remains unenclosed, and the intended use of the covered porch is to increase the functionality of the space.

The percentage of lot coverage detailed within the Lakeshore Zoning By-law 2-2012 for a ‘Residential – Low Density (R1)’ zone (being 35%) is chosen based on the drainage capabilities of the lands and supportive capabilities of the implemented storm sewers for which the property outlets. An increase in the amount of lot coverage could potentially impact the drainage capabilities of the land and overload the existing storm sewers.

However, the current definition for lot coverage within the Lakeshore zoning by-law 2-2012 does not include the use of hard landscaping materials and specific structures

such as a decks and patios. Therefore, the existing deck constructed out of concrete within the rear yard, in which the covered porch would be located cannot be considered in the calculations for lot coverage and is permitted as depicted within Appendix E – Site Images.

LOT COVERAGE – shall mean the percentage of lot area covered by all buildings or structures and accessory buildings or structures on the lot measured at ground level, including all enclosed and/or unenclosed roofed porches and verandas; but excluding a private outdoor swimming pool and open, unenclosed terraces, patios, decks, steps, cornices, cantilevers, eaves, bay windows, chimney breasts, corbelling and similar projections. Any lot area located under water shall not be included in the calculation of lot coverage.

The applicant is now looking to construct a covered porch using the existing concrete deck within the rear yard. Due to the change in definition the use of the Porch is now considered in the calculations for lot coverage. The conversion of the concrete deck to a porch would not result in increased drainage impacts then already imposed on the property.

Based on the current definition of lot coverage and the intended use of lot coverage to maintain drainage capabilities, the proposed variance conforms with the Lakeshore Zoning By-law.

#### Minor in Nature

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The proposed covered porch would be located overtop an existing concrete deck and would not substantially increase any impacts to the existing drainage system should any additional impacts arise. The proposed covered porch would not impede on the neighboring properties privacy. Therefore, the proposed increase in lot coverage proves minor in nature.

#### Desirability and Appropriateness

The final test regards the appropriateness and desirability of the use. The use of a covered porch would prove desirable and functional for the outdoor amenity space as it provides shaded areas with minimal impact on drainage systems. As the proposed covered porch is located in the rear yard of the property no impacts to the character area are anticipated deeming the proposal desirable.

#### **Conclusion**

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.

- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

## **Correspondence**

### External and Internal Agencies

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

ERCA has stated that the applicant will be required to obtain a clearance permit prior to any construction or site alteration. Full comments can be found in appendix C.

Operations has expressed that the existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional stormwater runoff may create adverse impacts on the surrounding drainage system. However, since the porch is currently made of concrete and is impermeable, both Planning and Building are in agreement that the addition of a roof on top of the porch will not further impact the amount of runoff. Ultimately, the owners must maintain the stormwater runoff within their property limits. Therefore, Full comments can be found in appendix D.

### Public Notice Circulation

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

### **Attachment(s):**

Appendix A – Aerial Image  
Appendix B – Site Plan and Elevation  
Appendix C – ERCA Comments  
Appendix D – Operations Comments  
Appendix E – Site Images

### **Prepared by:**



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Ian Rawlings,  
Planner 1





## Report Approval Details

Document Title:	A-13-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Image.pdf</li><li>- Appendix B - Site plan and Elevation.pdf</li><li>- Appendix C - ERCA Comments.pdf</li><li>- Appendix D - Operations Comments.pdf</li><li>- Appendix E - Site Images.pdf</li></ul>
Final Approval Date:	May 11, 2023

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

**Kristina Brcic - May 11, 2023 - 4:19 PM**



## Legend

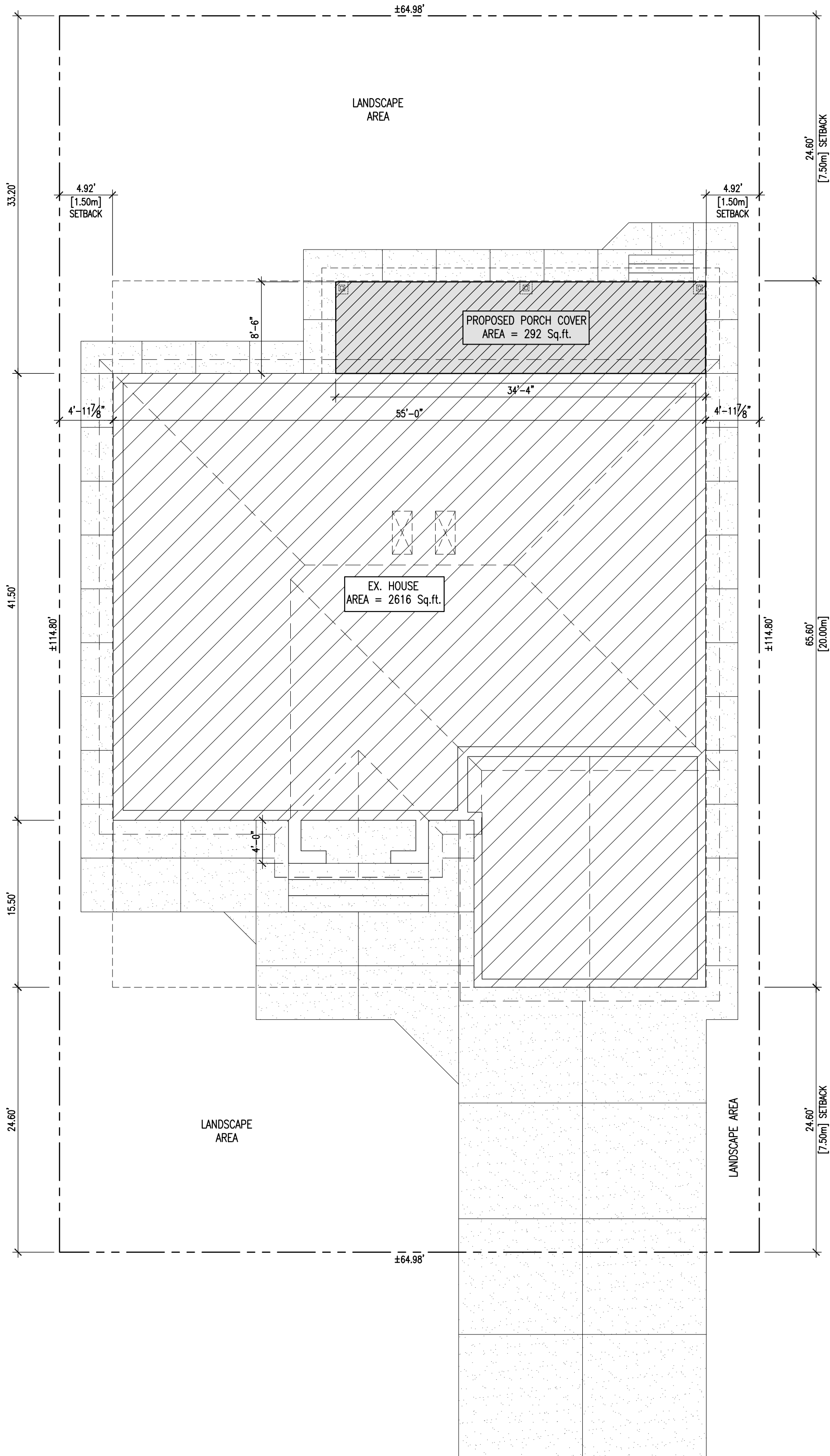
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- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 747



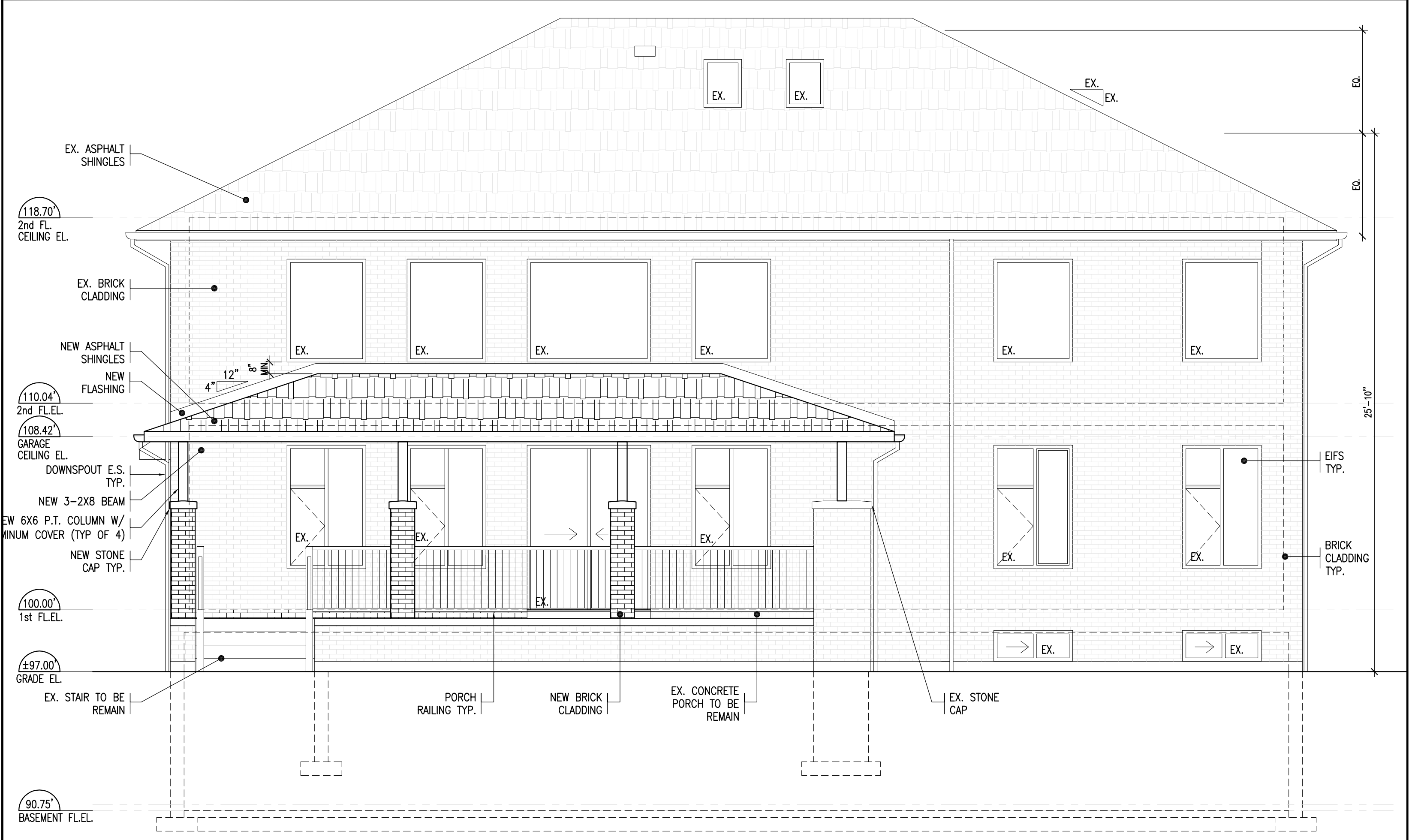
Notes:

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

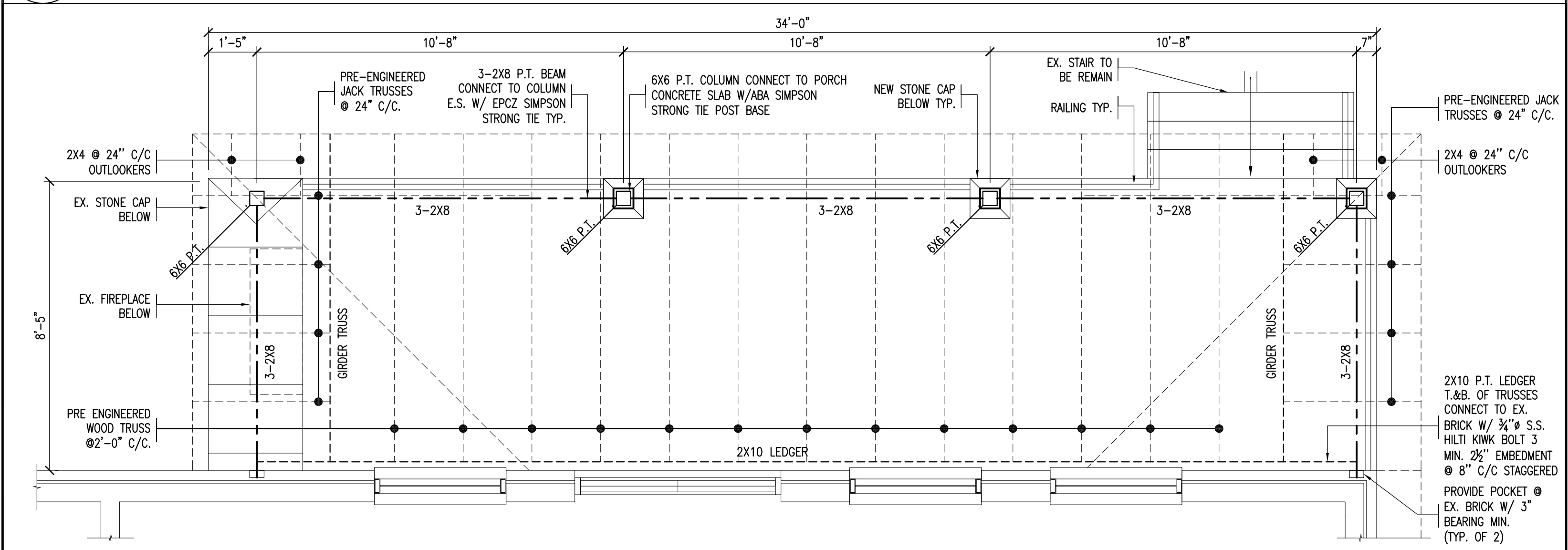


RAFIH CRESENT

SITE DATA TABLE				
NO.	DESCRIPTION	EXISTING	REQUIRED	PROPOSED
1	BUILDING CLASSIFICATION	GROUP C / PAR. 9		
2	ZONING	R1 (BY-LAW 2-2012)		
3	LAND USE	SINGLE FAMILY DETACHED DWELLING		
4	LOT WIDTH - MIN.	±64.98' ft. / 19.80 m	49.21 ft. MIN. / 15 m MIN.	
5	LOT AREA - MIN.	±7,459.70 Sq.ft. /693 Sq.m	5381.96 Sq.ft. / 500 Sq.m MIN.	
6	LOT COVERAGE - MAX.	35.0%	35% MAX.	38.9% (MINOR VARIANCE REQUIRED )
7	BUILDING AREA	2616 Sq.ft. /243 Sq.m	2616 Sq.ft. /243 Sq.m	2908 Sq.ft. /270 Sq.m
7a	PORCH COVER AREA	0 Sq.ft. /0 Sq.m		292 Sq.ft. /27 Sq.m
8	MAIN BUILDING HEIGHT -MAX.	26.16 ft. / 7.97 m	34.45 ft. / 10.50m MAX.	
9	FRONT YARD DEPTH - MIN.	24.60 ft. / 7.50 m	24.60 ft. / 7.50m MIN.	
10	REAR YARD DEPTH - MIN.	33.20 ft. / 10.12 m	24.60 ft. / 7.50m MIN.	
11	EAST SIDE YARD DEPTH - MIN.	4.99 ft. / 1.52 m	4.92 ft. / 1.50m MIN.	
12	WEST SIDE YARD DEPTH - MIN.	4.99 ft. / 1.52 m	4.92 ft. / 1.50m MIN.	



**1 WEST ELEVATION**  
A-2 1/4"=1'-0"



**2 PORCH COVER FRAMING PLAN**  
A-2 3/8"=1'-0"



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May 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-13-2023 RAFIH CRES (211)

ARN 375120000012449; PIN:

Applicant: Rami Dawoud

The Municipality of Lakeshore has received an application for the subject property. The applicants are proposing to construct an addition to the main structure to be used as a porch within the rear yard of the property that will add an additional 3.9% to the total lot coverage. The following is provided as a result of our review of Application for Minor Variance A-13-2023.

### **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*.

### **FINAL RECOMMENDATION**

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

Mr. Ian Search  
May 03, 2023

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

Sincerely,



Kathleen Schnekenburger  
*Resource Planner*  
/ks



**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/13/2023

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Operations has reviewed A/13/2023 - 211 Rafih Crescent application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>The existing storm sewers/drainage system where the subject property outlets does not consider lot coverage beyond the scope of our zoning by-law. Engineering does not support the lot coverage variance as the additional stormwater runoff may create adverse impacts on the surrounding drainage system.</li></ul>

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, BES, Planner I  
**Date:** May 10, 2023  
**Subject:** Minor Variance Application A/14/2023 – 216 Renaud Line Road & 1303 County Road 22

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### Recommendation

Approve minor variance application A/14/2023 to permit a minimum interior side yard of 5.5 metres, as shown in the site drawing in Appendix B, subject to the following conditions:

- 1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;
- 2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;
- 3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

### Proposal

The applicant is proposing to construct a new commercial building on the subject land. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.6 to permit a minimum interior side yard of 5.5 metres, whereas the Zoning Bylaw requires a minimum interior side yard of 7.5 metres where the yard abuts a residential, institutional or parks and open space zone.

According to the drawing submitted with the application, the proposed interior side yard reduction is with respect to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road (Appendix B).

## Summary

### Location

The subject land is located at the southeast corner of Renaud Line Road & County Road 22 (Appendix A). The subject land is approximately 5.21 acres in area with approximately 90 metres of frontage along Renaud Line Road. There is an existing commercial building and a new commercial building is proposed to be located south of the existing commercial building.

### Surrounding Land Uses

The subject land is surrounded by residential land uses to the south, east and north. There is a vacant 4.56-acre parcel of land located across from the subject land at the southwest corner of Renaud Line Road and County Road 22 zoned mixed use. Businesses exist across from the subject land on the northside of County Road 22.

### Official Plan

The subject land is split designated Mixed Use and Residential. The Residential designation applies to vacant land located east of 216 Renaud Line Road and south of the parking area for the existing commercial building on the site.

Land currently known municipally as 216 Renaud Line Road is where the new commercial building will be developed. The entirety of the land was recently re-designated from Residential to Mixed Use in support of the development.

### Zoning

The portion of the subject land designated Residential in the Official Plan, as described above, is zoned Residential – Low Density (R1). The remainder of the land, including the entirety of 216 Renaud Line Road, is zoned Mixed Use Exception 27 (MU-27). This zone exception states that for the purposes of the Zoning By-law, lands zoned MU-27 are considered to be a single lot, and Section 6.17 County Road 22 Street Frontages shall not apply.

## 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

The minor variance maintains the general intent and purpose of the Official Plan. The subject land is located within the County Road 22 Mixed Use Corridor, where

commercial uses are permitted and redevelopment of underutilized land is encouraged. In accordance with Section 3.4.3 County Road 22 Corridor Special Planning Area, an adequate buffer, such as a fence, should be provided in support of the reduced setback given that the neighbouring property (218 Renaud Line Road) is a low-density residential lot. A buffer will provide an increased sense of privacy for the neighbour and is a desirable feature for maintaining built form compatibility and neighbourhood attractiveness. The site plan drawing submitted with the minor variance does not depict a buffer/fence along the full extent of this mutual side lot line. A site visit was conducted, and a dilapidated fence was observed at this location (Appendix C). A proper fence/buffer should be required as part of the site plan control process under Section 41 of the Planning Act.

Section 4.2.1 of the Official Plan states that excellence in community design will be promoted through the review of new development applications in the Municipality, and the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development. It is acknowledged that the south side of the building will be the rear of the commercial building where there are doors, but no windows depicted on the elevation. This orientation is favourable for protecting the privacy of the adjacent residential lot. Furthermore, the height of the building is depicted to generally be 4.87 metres (16 feet) – and may be as high as 6 metres (20 feet) for certain portions of the roof assembly. Ideally, the proposed setback from the lot line should be equal to or greater than the proposed height of the commercial building to ensure compatible transition between land uses – a minimum 45-degree angular plane. In this case, the proposed 5.5 metre setback is considered acceptable to provide an appropriate transition given building orientation and the provision of landscaped open space between the building and lot line as depicted on the site plan drawing.

218 Renaud Line Road is the neighbouring residential property to the south which shares the mutual lot line that is subject to the minor variance. It is acknowledged that this property is included in the County Road 22 Corridor Special Planning Area and could be developed at some point in the future for a higher intensity residential use given its lot area and land use designation as Residential. It is therefore considered to be a less stable parcel in terms of forming part of the low-density residential neighbourhood immediately south of the subject land on Renaud Line Road.

### Zoning By-law

The purpose of the 7.5 metre interior side yard setback is to ensure light and air circulation, privacy, space for maintenance, and fire prevention. No concerns were raised by Building Services or the Fire Department. The proposed setback is essentially equal to the height of the building to provide an approximate 45-degree angular plane measured from the mutual property line. It is therefore anticipated that adequate light and air circulation will be maintained between the properties. The maximum height of buildings in the mixed-use zone is 10.5 metres, so the proposal exceeds the standard in the Zoning By-law with respect to the relationship between building height and required setback.

### Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. The relief only reduces the interior side yard by 1.5 metres and there are no anticipated impacts or land use compatibility issues with permitting the request. Compatibility with surroundings can be addressed through the site plan control process and conditions imposed on minor variance approval. The interior side yard setback reduction is required to properly accommodate the proposed commercial building on the subject land. It will provide space for pedestrian approaches north of the building and preserve the existing driveway providing ingress/egress into the site.

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 following conditions should be imposed on any minor variance approval:

- 1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;
- 2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;
- 3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

### **Correspondence**

#### External and Internal Agencies

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

Essex Region Conservation Authority (ERCA) stated that the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. We recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. Full comments available in Appendix D.

The Operations Department stated that a drainage apportionment will be required for the property. Subsequently, it was explained to the Drainage Superintendent that the

application did not involve a severance, and it was agreed that a drainage apportionment would not be applicable. Full comments available in Appendix E.

### 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.

Sean Tracey, on behalf of themselves and Heather Tracey, submitted written comments expressing support of the application. They are the owners of 218 Renaud Line Road. Full comments provided in Appendix F.

### **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawings  
Appendix C – Photo  
Appendix D – ERCA Comments  
Appendix E – Operations Department  
Appendix F – Public Comment

### **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-14-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - ERCA.pdf</li><li>- Appendix E - Operations Department.pdf</li><li>- Appendix F - Public Comment.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

**Kristina Brcic - May 12, 2023 - 11:35 AM**







Technical drawing of the bicycle rack detail, showing front and side views with dimensions.

**FRONT**

Dimensions: 915, 250, 250, 250, 516

**SIDE**

Dimensions: 516, 150, 100, 13

Labels: REFINISHED STEEL PIPE, STEEL BASE, 1/2" DIA. ANCHORS, 1/2" DIA. ANCHORS

**Page**















May 03, 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-14-2023  
ARN 375118000036500; 375118000044200; 375118000044000; 375118000043500; PIN:  
Applicant: 2456638 ONTARIO INC

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicant is proposing to construct a new commercial building on the subject land south of the existing commercial building. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012: Section 8.6 to permit a minimum interior side yard of 5.5 metres, whereas the Zoning Bylaw requires a minimum interior side yard of 7.5 metres where the yard abuts a residential, institutional or parks and open space zone. The following is provided as a result of our review of Application for Minor Variance A-14-2023.

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

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

We note that portions of the subject 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 subject parcel(s) fall 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*.

## **Stormwater Management**

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the

Mr. Ian Search  
May 03, 2023

proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

### **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. We recommend that the stormwater management analysis be completed to the satisfaction of the Municipality.

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

Sincerely,



Kathleen Schnekenburger  
*Resource Planner*  
/ks

**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/14/2023

---

Operations has reviewed A/14/2023 - 216 Renaud Line Road & 1303 County Road 22 application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• Drainage apportionment will be required for the property.</li></ul>

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:** [Sean Tracey](#)  
**To:** [Ian Search](#)  
**Cc:** [REDACTED]  
**Subject:** 216 Renaud Line Minor variance application  
**Date:** May 1, 2023 9:20:25 PM

---

[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.

Ian;

Just a quick email to indicate that Sean & Heather Tracey property owners at 218 Renaud Line are the only direct neighbour abutting the subject property. We understand the proposed project, and that we fully support approval of the minor variance application. We are both in favour of this application.

Please if you have any concerns or questions for feel free to email or call

Thanks  
Sean Tracey  
[REDACTED]

[REDACTED]

# Municipality of Lakeshore Committee of Adjustment Report



## Growth & Sustainability

## Community Planning

**To:** Chair & Members of Committee of Adjustment  
**From:** Ian Rawlings, Planner I  
**Date:** May 10, 2023  
**Applicant:** Justin Marchand  
**Subject:** Minor Variance Application A/15/2023 – 1646 Caille Ave

---

### Recommendation

Approve minor variance application A-15-2023 to permit a 130.06 m<sup>2</sup> accessory structure in the front yard of 1646 Caille Ave to be located 6.92 m from the front lot line, and 0.91 m from the eastern interior lot line, in accordance with the site plan provided.

### Proposal

The applicants of 1646 Caille Ave are proposing to construct a 130.06 m<sup>2</sup> accessory structure with a height of 4.67 m in the front yard of their property. The first floor of the proposed accessory structure will have a floor area of approximately 92.88 m<sup>2</sup> and will contain a bathroom and a garage door that faces the street. The second floor will have a floor area of approximately 37.18 m<sup>2</sup> and will be accessed by staircase located outside the accessory structure. The accessory structure will be located 6.92 m from the front lot line, and 0.91 m from the eastern interior lot line. Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- To permit a gross floor area of 130.06 m<sup>2</sup>, whereas Section 6.5 a) ix) permits a maximum gross floor area of 55 m<sup>2</sup> for accessory structures within the RW2 zone.
- To permit an interior side yard setback of 0.91 m, whereas Section 6.5 a) vii) requires a minimum setback of 1.5 m for accessory structures in all zones.

### Summary

#### Location

The subject property is approximately 913 m<sup>2</sup> in lot area with 12.2 m of frontage along Caille Ave and currently contains a single detached dwelling and accessory structure in the front yard. The existing accessory structure is to be torn down. The subject property



is located northern side of Caille Ave, east of Rourke Line Rd.

### Surrounding Land Uses

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

### Official Plan

The subject property is designated “Residential” and is located within the Essex Region Conservation Authority (ERCA) regulated area. The Lakeshore Official Plan identifies the entire subject lands as being hazardous lands. The Lakeshore Official Plan does not identify any natural resources, or manmade hazards on the subject property. The subject property is not within close proximity to any significant woodlands or wetlands.

### Zoning

The subject property is zoned “Residential Waterfront – Lake S. Clair” (RW2) in the Lakeshore Zoning By-law 2-2012.

### **Planning Act 45(1)**

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

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The Lakeshore Official Plan permits accessory uses and structures within the Residential designation. However, regulations for accessory structures are not provided within the Lakeshore Official plan and are instead detailed within the Lakeshore Zoning By-law.

Schedule B4 of the Lakeshore Official Plan identifies the entirety of the subject lands as being located within the Lake St. Clair Floodprone area deeming the entire lands and the roadways as hazardous. Therefore, the policies within section 5.4 of the Lakeshore Official plan are applied.

Section 5.4 c) details that development and site alteration is not permitted in areas rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the intended development. ERCA has provided comments deeming the site accessible during 1:100-year flooding events deeming the construction of an accessory structure appropriate for

the site. Therefore, proving that the application conforms to the intent and purpose of the Lakeshore Official plan.

### Zoning By-law

The intent and purpose of the zoning by-law is met as the regulations on setbacks from interior lot lines for accessory structures are implemented to maintain circulation, privacy, and property maintenance. The resulting setback of 0.91 meters from the eastern interior lot line maintains the ability for individuals and vehicles to circulate the site and access the main structure if needed as the structure maintains a setback of 3.88 meters between the western interior lot line and the accessory structure. Privacy for the applicant and the neighbouring property remains unchanged and the applicant and neighbouring property owner maintain the ability to construct and maintain a fencing system should they choose to install one.

The regulations for Gross Floor Area placed on accessory structures is used to maintain the functionality of the accessory structure and to make sure the structure remains secondary to the main use as a residential dwelling. The accessory structure remains secondary to the main structure as it accounts for only 10% lot coverage, whereas the main structure accounts for 16% lot coverage. Providing a total lot coverage of 26%.

### Minor in Nature

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. As detailed within the comments provided no adverse impacts on the lands or any neighboring lands are anticipated. The proposed variances for lot coverage and a reduced interior side yard setback are reflective of the built structures within the neighboring area. Therefore, the variance appears minor in nature.

### Desirability and Appropriateness

The final test regards the appropriateness and desirability of the use. The setback of 0.91 meters from the eastern interior lot line is deemed appropriate as it does not impede neighboring properties, poses minimal impact on drainage and drainage systems, and maintains circulation throughout the subject property. The location of the accessory structure reflects the location of existing accessory structures along Caille Ave and maintains the character of the neighborhood.

The increase in Gross Floor Area for the accessory structure is deemed appropriate as it maintains the functionality as an accessory use to the main structure. The location and size of the accessory structure reflects the use and patterns of existing accessory structures along Caille Ave.

### **Conclusion**

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

## **Correspondence**

### External and Internal Agencies

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

Operations states that the construction of the accessory building should not adversely impact the side yard drainage or adjacent neighboring lands. Operations has detailed that the proposed washroom in the accessory building cannot be supported at this time due to sanitary conveyance constraints within the area. However, both Planning and Building concluded that if the building was to be built without requiring a minor variance, that a washroom would be permitted. Therefore, the requirement to eliminate the washroom will not be a condition of approval. Full comments can be found within Appendix C.

The Lakeshore Fire Department states that the applicant will be required to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Additionally, the Fire Department would like to note that Fire emergency services are provided through a volunteer firefighting service. Therefore, there is no guaranteed level of coverage and anticipated response times, equipment and required staffing may be delayed. Full comments can be found within Appendix D

ERCA has detailed that the low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event. ERCA has confirmed that emergency services have the ability to access the site during a 1:100-year flooding event and that the proposed works were considered by the ERCA Hearing Board as the proposal did not meet specific policy criteria provided by ERCA. The ERCA Hearing Board has approved the proposed works and granted the appropriate clearance permits. ERCA states no further opposition to this application. Full comments can be found within Appendix E.

VIA Rail has provided standard comments only.

### 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 Image  
Appendix B – Drawings  
Appendix C – Operations Comments  
Appendix D – Fire Comments  
Appendix E – ERCA Comments  
Appendix F – VIA Rail Comments  
Appendix G – Request for Alternate Representation  
Appendix H – Site Images

**Prepared by:**



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Ian Rawlings,  
Planner 1

## Report Approval Details

Document Title:	A-15-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Image.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Operations Comments.pdf</li><li>- Appendix D - Fire Comments.pdf</li><li>- Appendix E - ERCA Comments.pdf</li><li>- Appendix F - VIA Rail Comments.pdf</li><li>- Appendix G - Request for Alternate Representation.pdf</li><li>- Appendix H - Site Images.pdf</li></ul>
Final Approval Date:	May 11, 2023

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

**Kristina Brcic - May 11, 2023 - 4:16 PM**



## Legend

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

1: 732



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

LAKE ST CLAIR

Steel Breakwall

34'-9"  
[10.59]

25'-0"  
[7.62]

62'-0"  
[18.90]

Existing House

7'-0"  
[2.13]

8'-0"  
[2.44]

40'-0"  
[12.19]

243'-5<sup>11</sup>/<sub>16</sub>"  
[74.21]

246'-9"  
[75.21]

Maple Tree

Concrete  
driveway/patio

Exterior Stairs  
for attic access

Proposed new garage  
92.90 sqM + 37.16 sqM attic  
= 130.06 sqM

40'-0"  
[12.19]

12'-0"  
[3.66]

3'-0"  
[0.91]

25'-0"  
[7.62]

22'-6<sup>1</sup>/<sub>2</sub>"  
[6.87]

24'-0<sup>1</sup>/<sub>2</sub>"  
[7.32]

Property line as shown on 1985 Survey

Approximate 13'-3<sup>5</sup>/<sub>16</sub>"  
[4.05]

10'-0"  
[3.05] Approximate

Edge of roadway

N

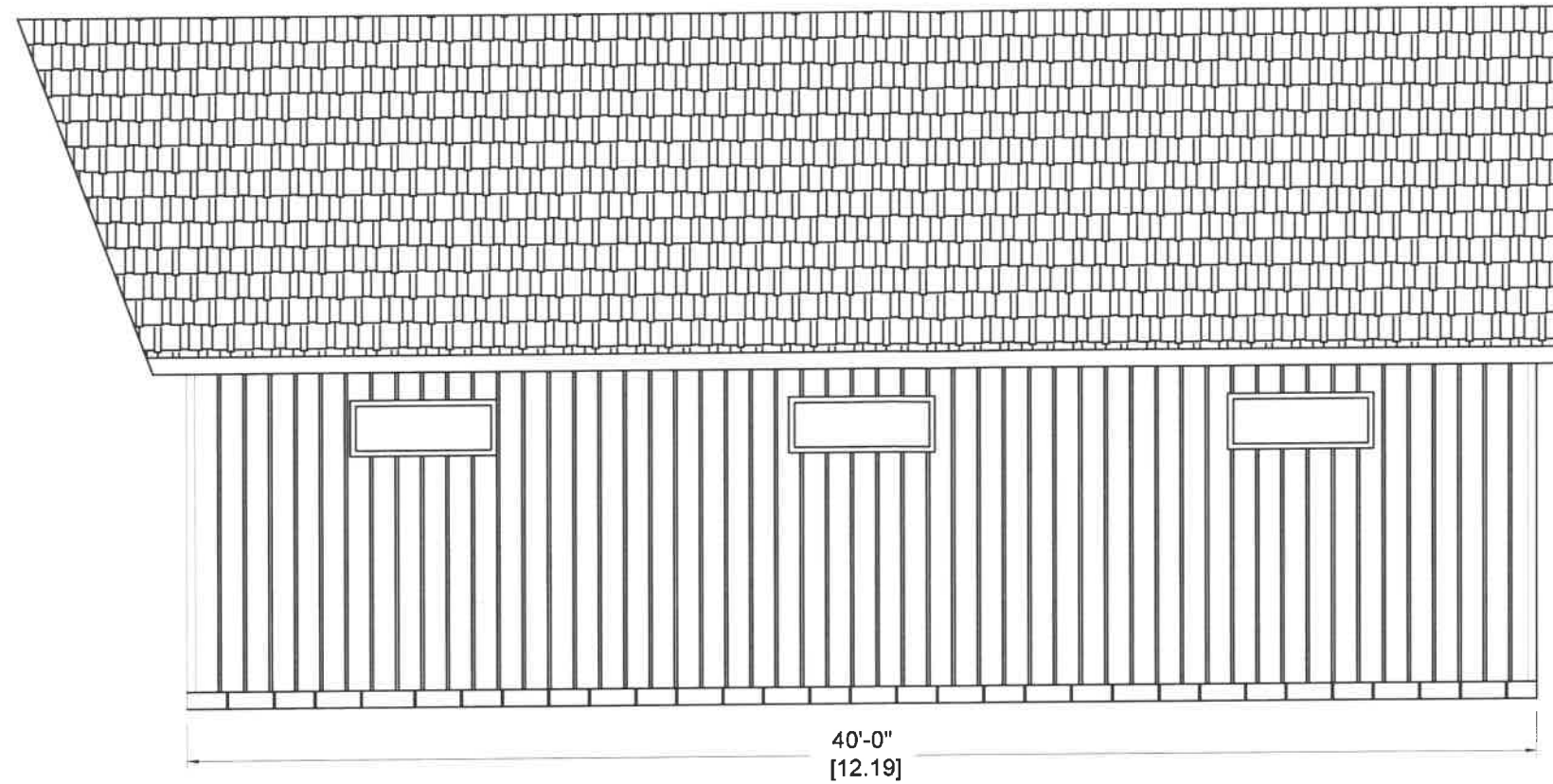
Site Plan

Lot coverage  
Total area of property = 913.24 sqM  
Total foot print of proposed structure = 92.90 sqM  
Percentage of property = 10.17%

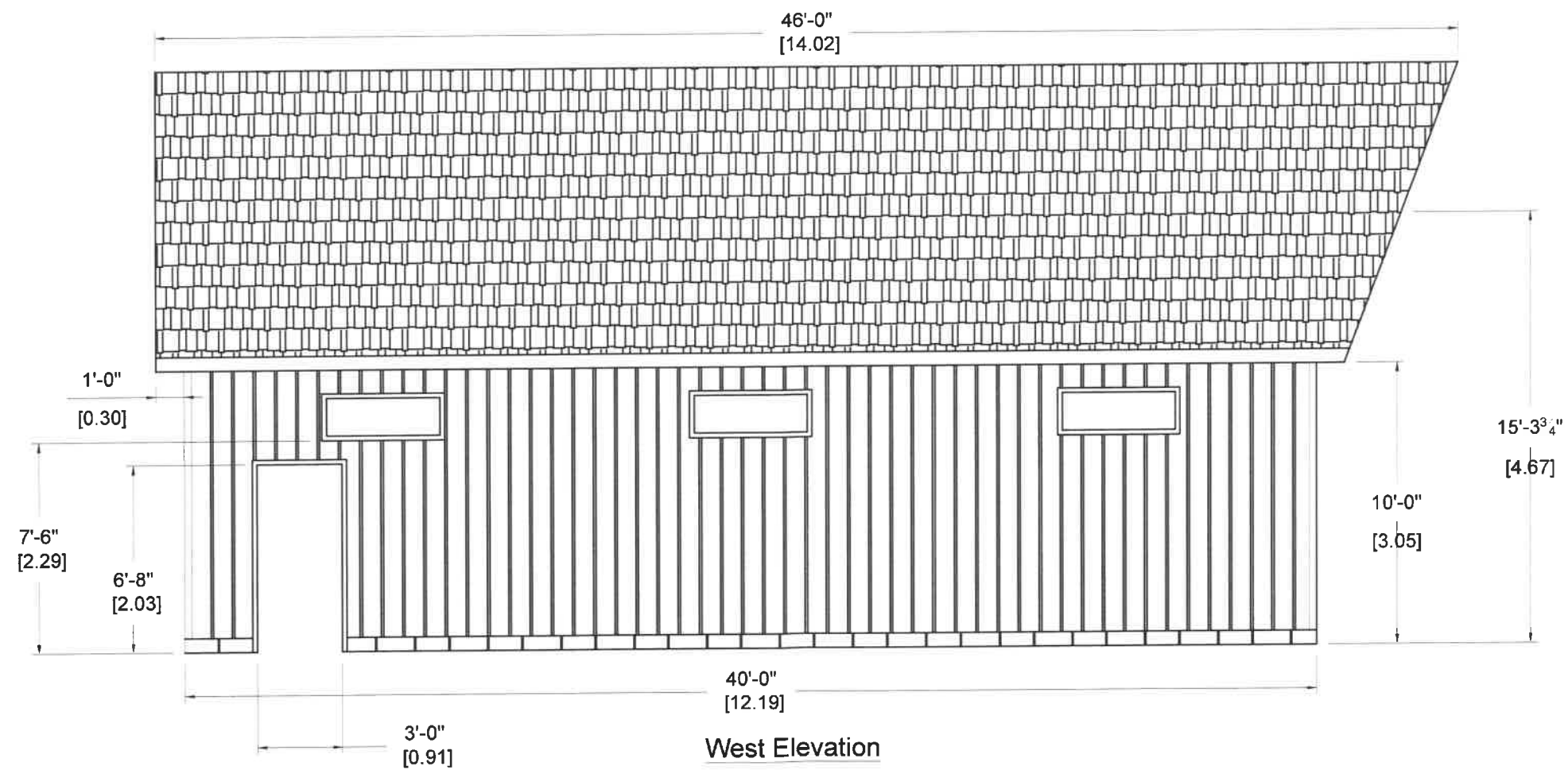
CAILLE AVENUE

1646 Caille Ave  
Lot 38 Plan 1420  
Date: Apr. 12/23  
DWG # SK 1153



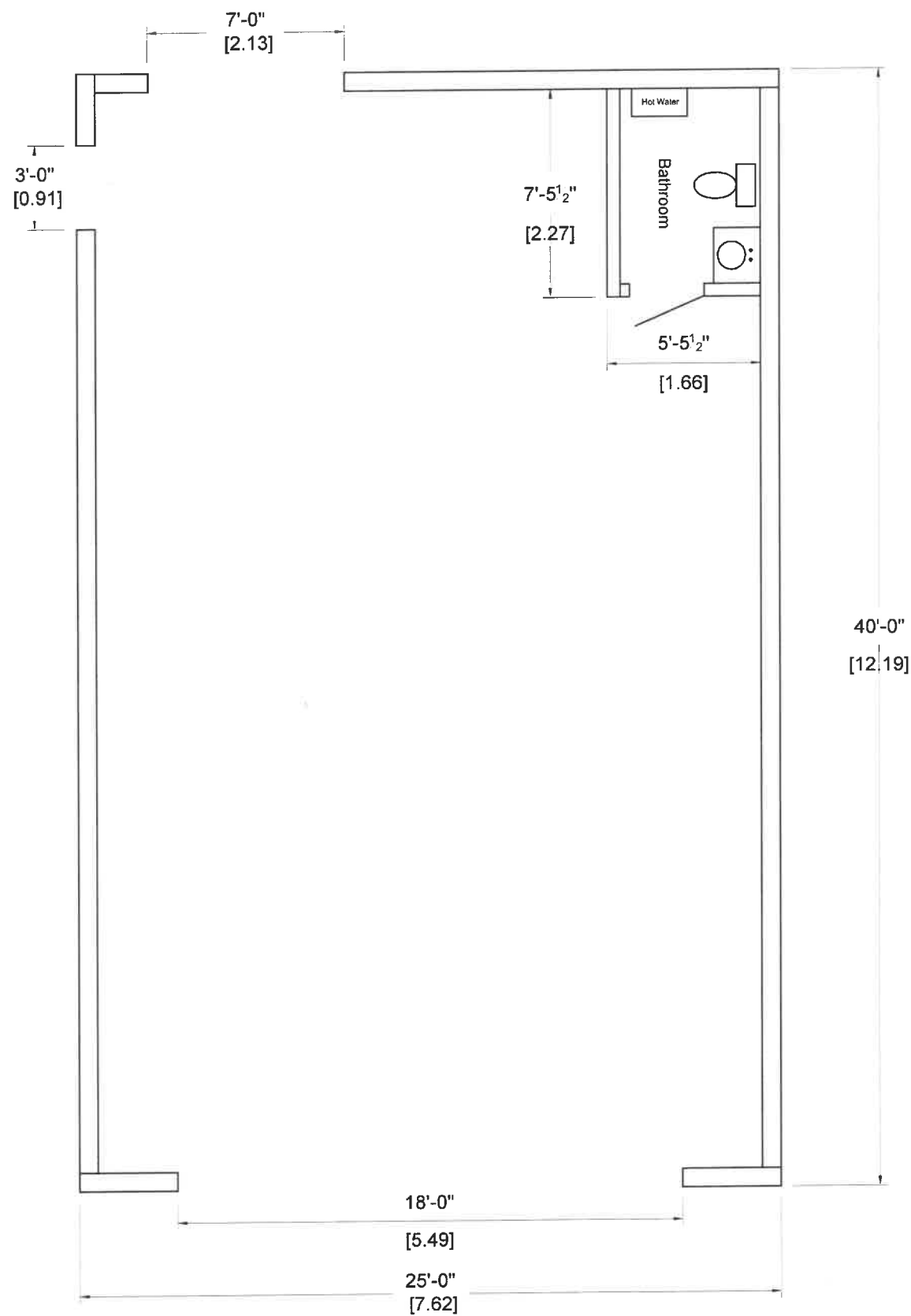


East Elevation

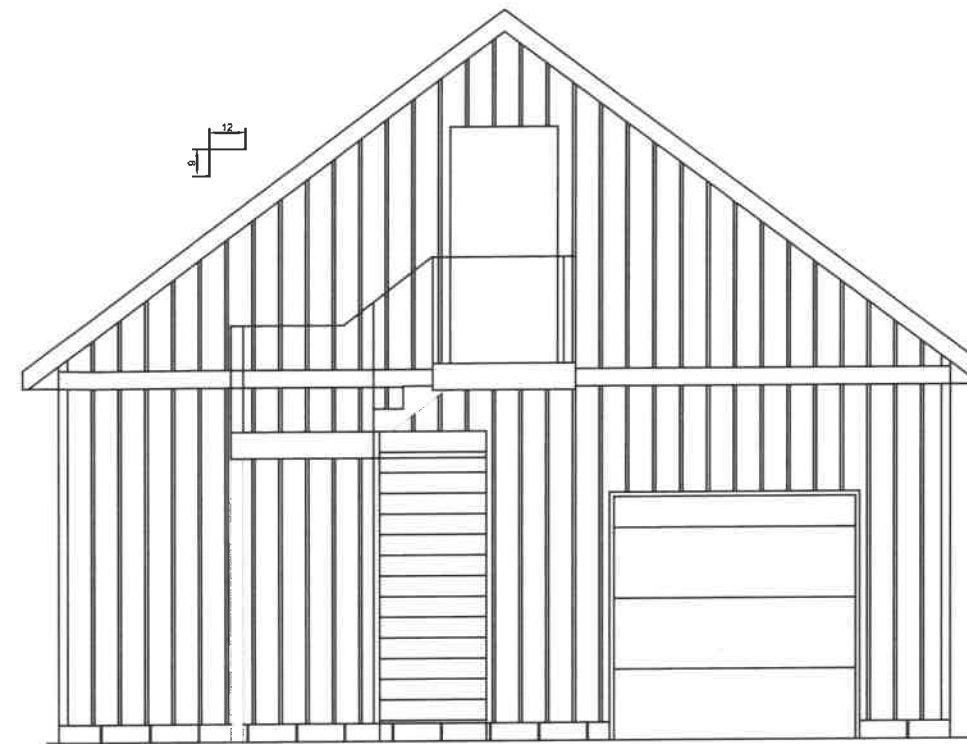


West Elevation

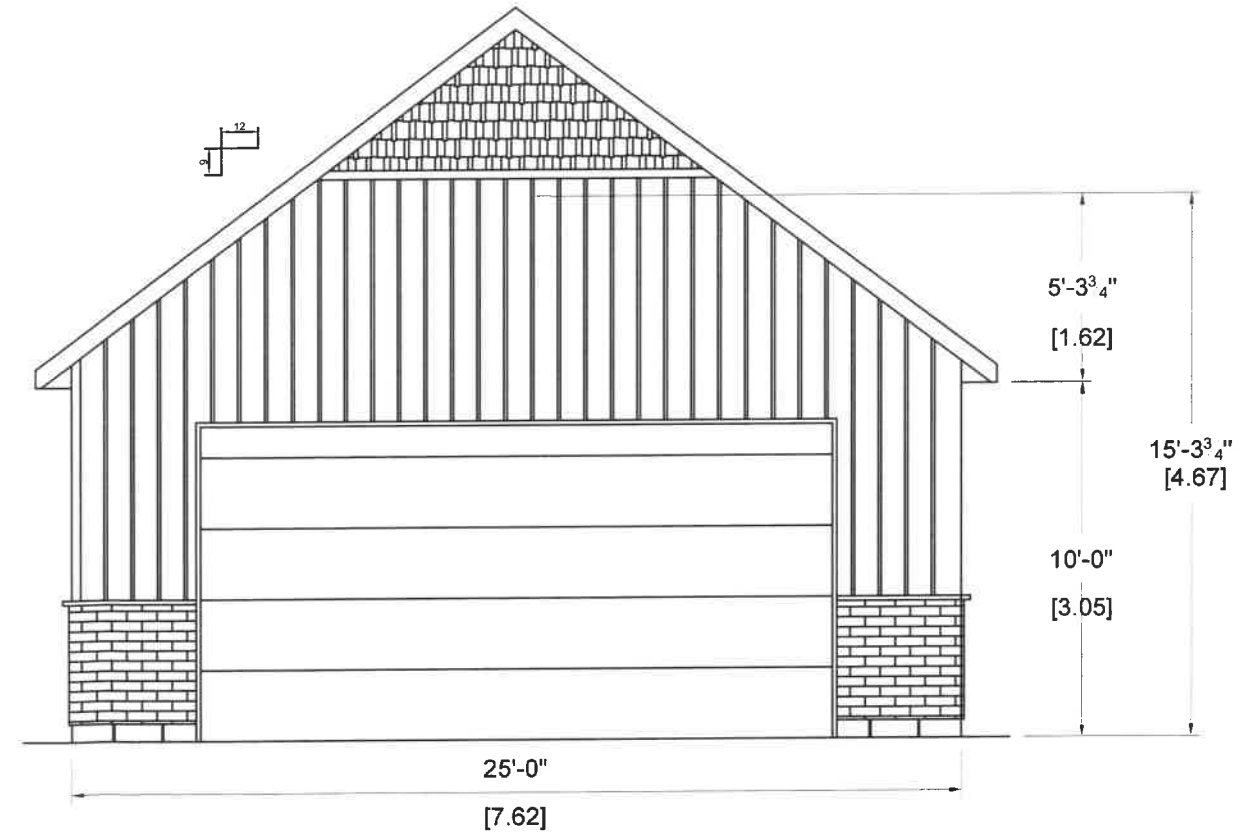




Floor Plan

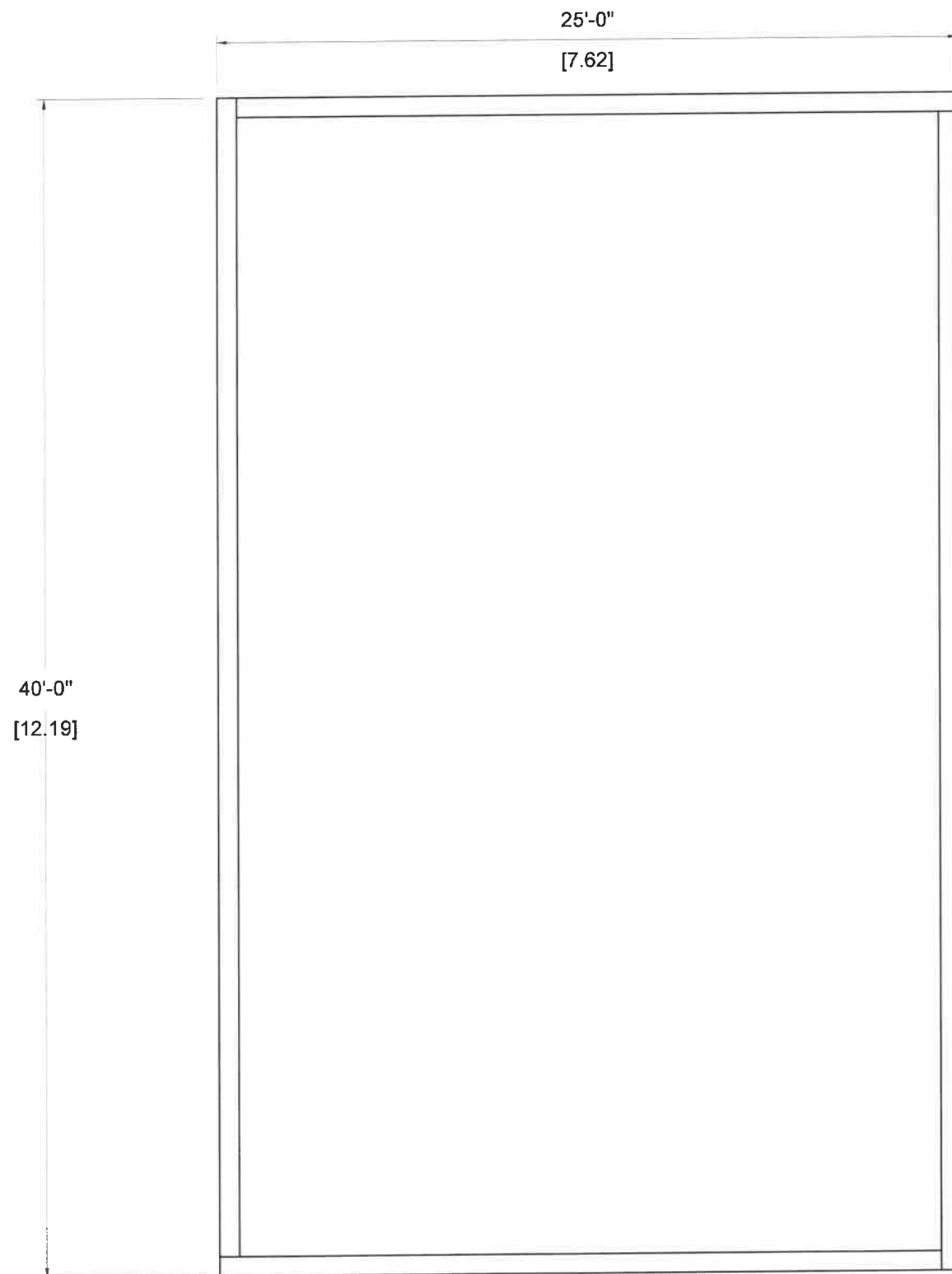


North Elevation

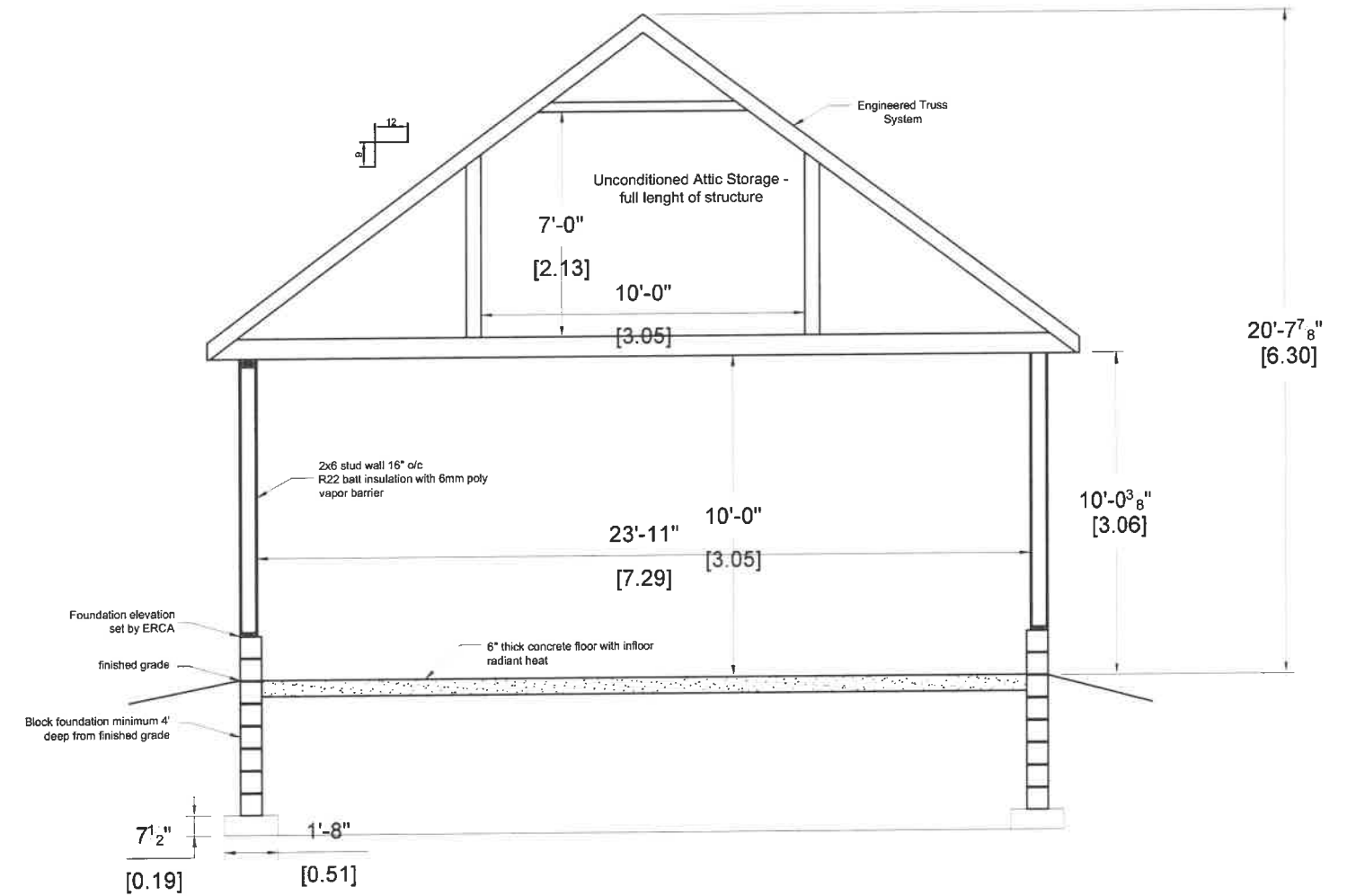


South Elevation

1646 Caille Ave  
 Lot 38 Plan 1420  
 Date: Apr. 12/23  
 DWG # SK-2  
 Page 43 of 153



Foundation Plan



Typical Building Section

**Date:** May 4, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/15/2023

---

Operations has reviewed A/15/2023 - 1646 Caille Ave. application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• Construction of the accessory buildings should not adversely impact the side yard drainage or adjacent neighboring lands.</li><li>• The proposed washroom in the accessory building cannot be supported at this time. Lakeshore is currently experiencing sanitary conveyance constraints in this area and cannot support further contributions into Lakeshore's sanitary system.</li></ul>

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 Rawlings

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**From:** Don Williamson  
**Sent:** April 21, 2023 3:30 PM  
**To:** Ian Search  
**Subject:** FW: Committee of Adjustment - May 17 2023 - Notice for Comments  
**Attachments:** A-13-2023 - 211 Rafih Cres - Dawoud - Notice for Comments.pdf; A-14-2023 - 216 Renaud Line Road - Notice for Comments.pdf; A-15-2023 - 1646 Caille Ave - Notice for Comments.pdf; A-16-2023 - OBrien Sideroad Vacant Lot - Notice for Comments.pdf; A-17-2023 - 1723 Oriole Park Drive - Notice for Comments.pdf; A-18-2023 - Notice for Comments.pdf; B-11-2023 - Notice for Comments.pdf; B-10-2023 - 334 E Ruscom River Road - Notice for Comment.pdf; B-09-2023 - Notice for Comments.pdf

**Importance:** High

- **A-15-2023 – 1646 Caille Ave:** 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-17-2023 0 1723 Oriole Park Drive:** 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.
- **B-11-2023 – Notice for Comments:** Fire Services has only one comment/question for the proposed site use: Is the potable water supply in Comber adequate for firefighting needs of this anticipated building size and height.

Fire Services has no comments for the remaining 6 applications.

**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)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

May 03, 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-15-2023 1646 CAILLE AVE

ARN 375118000014700; PIN: 750340115

Applicant: Justin Marchand

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicant is proposing to demolish and replace an accessory building located in the front yard of the lot. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012: Section 6.5 a) vii) to permit an accessory building to be setback 0.91 metres from the east side lot line, whereas the By-law states that accessory buildings shall not be built closer than 1.5 metres from any lot line and Section 6.5 a) ix) to permit a gross floor area of 130.06 m<sup>2</sup> of gross floor area, whereas the By-law states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the RW2 zone. The following is provided as a result of our review of Application for Minor Variance A-15-2023.

### **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 and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note that ERCA Permit #134-23 has been issued for the proposed structure. The applicant is advised that all openings into the proposed structure, including garage floor, basement window sills, vents etc., must be at or above the minimum

Mr. Ian Search  
May 03, 2023

required flood proofing elevation, as outlined in ERCA Permit #134-23.

The low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality has confirmed, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). As such, the matters addressed by ERCA Permit #134-23 were considered by the ERCA Hearing Board as the works being proposed did not comply with board approved policies. The Board's decision ultimately was to approve this matter. This authorization was without prejudice and will not be considered as a precedent.

### **FINAL RECOMMENDATION**

ERCA has no objection to the Application for Minor Variance A-15-2023.

As noted above, the applicant is advised that all openings into the proposed structure, including garage floor, basement window sills, vents etc., must be at or above the minimum required flood proofing elevation, as outlined in ERCA Permit #134-23.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks

## Ian Rawlings

---

**From:** Paul Charbach [Paul\\_Charbach@viarail.ca](mailto:Paul_Charbach@viarail.ca)  
**Sent:** April 20, 2023 2:45 PM  
**To:** Ian Search  
**Cc:** Allan Fisher; Shant Demirdjian; Jefferson Lefranc; Gabriel Nathan  
**Subject:** RE: May 17th Committee of Adjustment files Lakeshore - Notice for Comment

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

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

- **Transport Canada:**
  - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
  - *Railway Right of Way Access Control Policy*;
  - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
  - *Standards Respecting Railway Clearances* – TC E-05;
  - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
  - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
  - *Grade Crossings Regulations*;
  - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
  - *Grade Crossings Standards*;
  - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
  - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
  - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
- **Canadian Standards Association:**
  - CAN/CSA C22.3 No. 1 – Overhead Systems;
  - CAN/CSA C22.3 No. 7 - Underground Systems;
  - CAN/CSA Z662 – Oil and Pipeline Systems;
  - CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
  - *Buried Signal and Communication Guidelines*;
  - *Guidelines for New Development*;

- guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: *Guidelines for New Development in Proximity to Railway Operations*.
- Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
- All loads must be in compliance with Cooper E90;

- **The Federation of Canadian Municipalities and the Railway Association of Canada:**

- *Guidelines for New Development in Proximity to Railway Operations*.

- **Other:**

- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

- **Utilities:**

- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

- **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development. Refer to the blue dashed line of Exhibit A, attached to this letter.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

- **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development to LRT).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the LRT station.

- Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation that Avenue L (yellow dotted line shown on Exhibit A), as well as the access to it, will be kept for our operations and upcoming growth.

- **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
- Air contaminants / Dust pollution;
- Noise pollution / Working hours;
- Existing conditions;
- and the impacts of vibrations.



- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



**Paul Charbach**  
Infrastructure Engineer  
M: 514-607-5833  
[Paul\\_Charbach@viarail.ca](mailto:Paul_Charbach@viarail.ca)

## **Request for Alternate Representation**

May 5, 2023

Re: Notice of Public Meeting for Minor Variance Application – A/15/2023

Applicant: Justin Marchand (Homeowner)

Address of Applicant: 1646 Caille Ave

Meeting Date: Wednesday, May 17, 2023 - 6:00pm

Unfortunately, I will be out of the country on the date of this public meeting and cannot guarantee I will have access to internet in order to attend the meeting virtually. In my absence I would request that my father, Tim Marchand attend on my behalf and represent me.

I hereby give consent for Tim Marchand to represent me at the above noted meeting and to provide answers to any questions that may be presented during said meeting.

Tim Marchand

Justin Marchand







# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

## Community Planning



**To:** Chair & Members of Committee of Adjustment

**From:** Ian Search, BES, Planner II

**Date:** May 10, 2023

**Subject:** Minor Variance Application A/16/2023 – 0 O'Brien Sideroad (Roll: 100-02050)

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### Recommendation

Approve minor variance application A/16/2023 to permit a dwelling to have a minimum front yard setback of 13.4 metres.

### Proposal

The subject property is a vacant residential lot. It is approximately 0.5 acres in area with approximately 45 metres of frontage along O'Brien Sideroad (Appendix A). The applicant is planning on constructing a new dwelling on the subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

Section 8.9 to permit a minimum front yard setback of 13.4 metres, whereas the By-law requires a minimum front yard setback of 15 metres.

### Summary

#### Location

The subject property is located on the west side of O'Brien Sideroad, north of County Road 46 (Appendix A). The subject property is approximately 0.5 acres in area with 45.72 metres of frontage.

#### Surrounding Land Uses

The subject property is surrounded by agricultural land use to the north, west, and east. Directly south of the subject property is a single detached dwelling located on a farm parcel.

#### Official Plan

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

## Zoning

The subject property is 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

The minor variance maintains the general intent and purpose of the Official Plan. The subject property is located outside a settlement area in a rural location of the municipality where there are no established physical design consistencies. This is not the case of reducing the front yard setback of a proposed dwelling in a subdivision where front yard setbacks are consistent among dwellings in a neighbourhood.

A single residential dwelling is permitted per lot on land designated Agricultural. Reducing the front yard setback, albeit only 1.6 metres, allows the desired dwelling to meet the minimum rear yard setback which is desirable for separating the dwelling from agricultural practices west of the subject lot.

## Zoning By-law

The purpose of the front yard setback is to separate a dwelling from activities associated with a public street and to provide sufficient area for landscaping purposes. Also, a front yard can provide space for the accommodation of a private septic system. A minimum 3 metre setback should be provided in all cases for the construction and maintenance of public services within the road allowance.

O'Brien Sideroad is a Rural Collector Road, which is designed to primarily provide access to individual properties throughout areas of low density and low development activity and land access. It is not anticipated that reducing the front yard setback 1.6 metres closer to this rural road will result in any negative impacts for those residing in the dwelling. The 13.4 metre front yard setback will still provide sufficient space for landscaping. The Engineering and Infrastructure Division and Building Department did not express any concerns with the setback reduction from their perspective.

## Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. A front yard reduction of 1.6 metres for the dwelling will not result in any negative



impacts. The subject property is an existing vacant lot with deficient lot area and the minor variance will assist in the development of the desired dwelling on this lot.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

## **Correspondence**

### External and Internal Agencies

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

The Operations Department stated that a drainage apportionment will be required for the property. Subsequently, it was explained to the Drainage Superintendent that the application did not involve severance, and it was agreed that a drainage apportionment would not be applicable. Full comments are available in Appendix C.

### 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 comments were received.

## **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawing  
Appendix C – Operations Department  
Appendix D – Photo

## **Prepared by:**



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Ian Search, BES  
Planner I

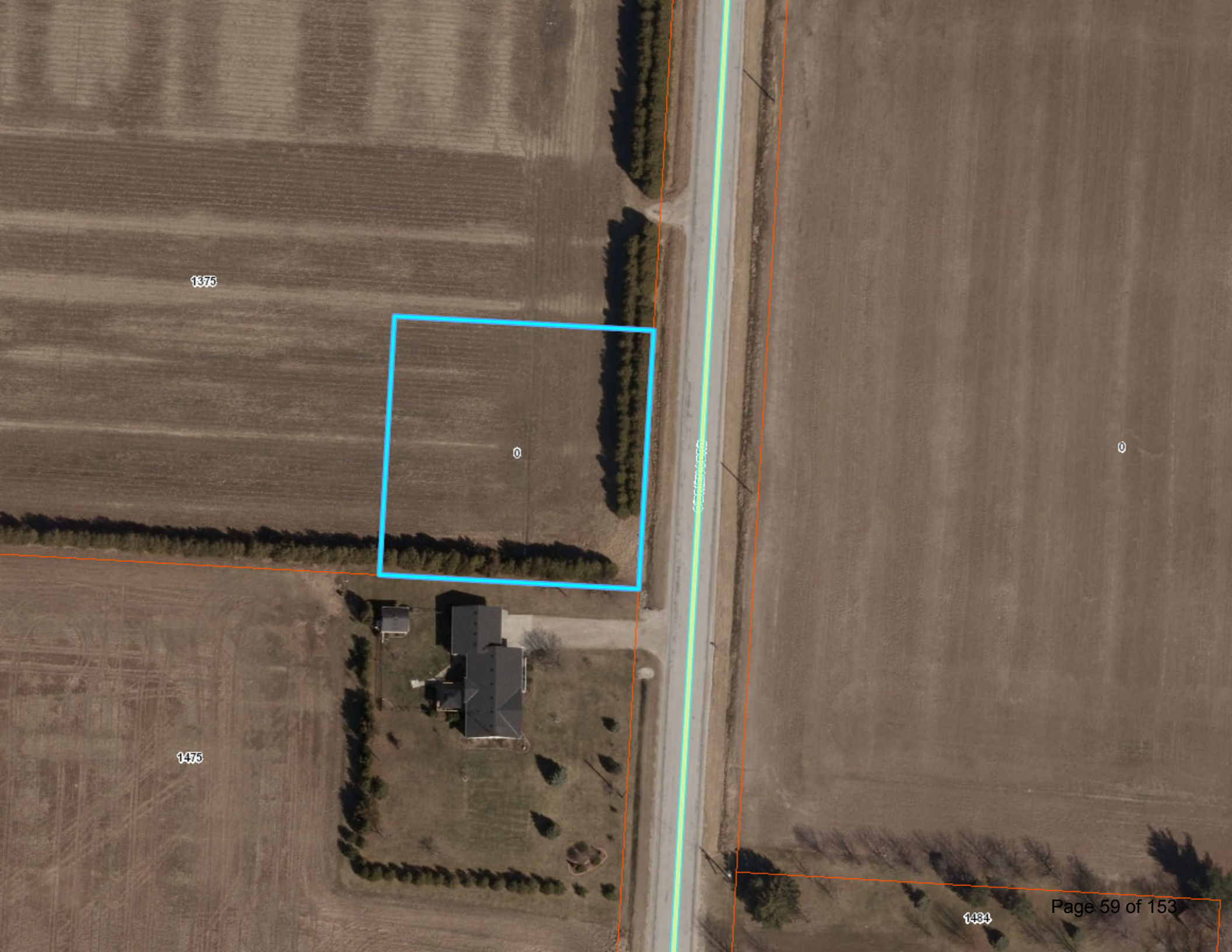


## Report Approval Details

Document Title:	A-16-2023 - Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Operations Department.pdf</li><li>- Appendix D - Photo.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

**Kristina Brcic - May 12, 2023 - 11:23 AM**



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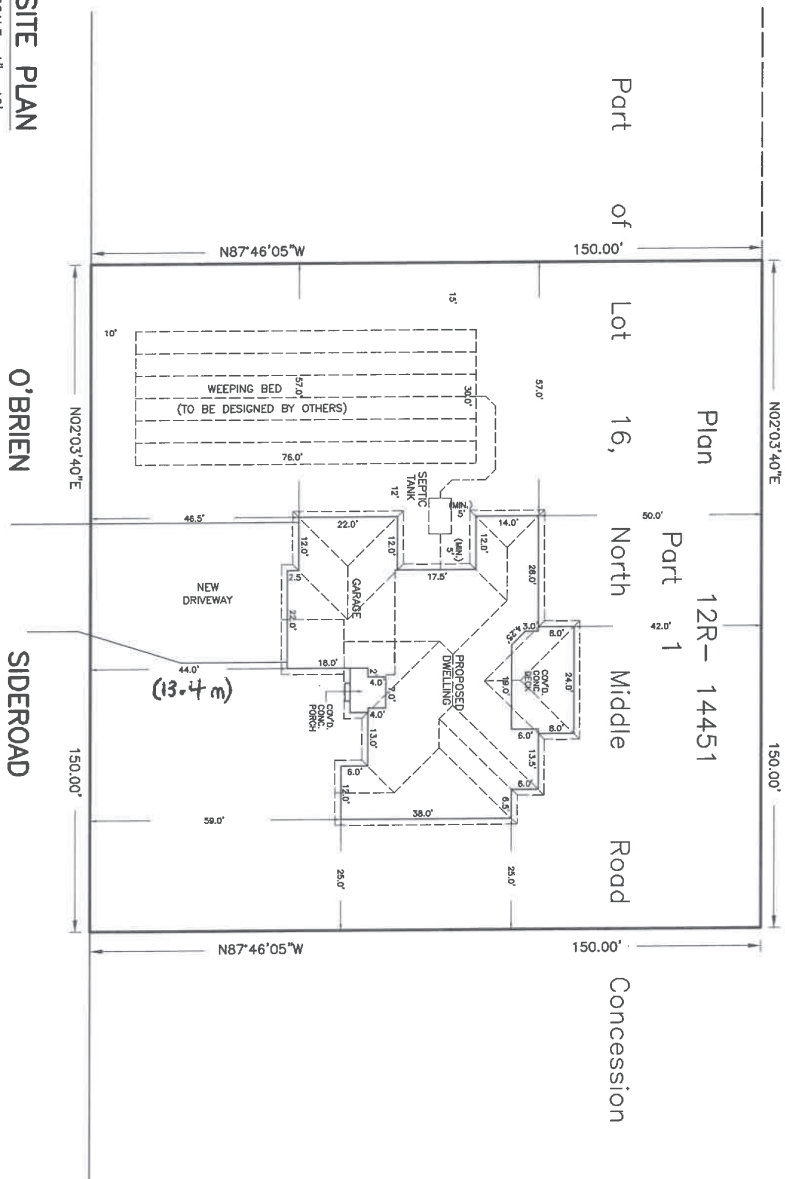
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## NOTES

**SITE PLAN**  
SCALE 1" = 40'



**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/16/2023

---

Operations has reviewed A/16/2023 - 0 O'Brien Sideroad application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• Drainage apportionment will be required for the property.</li></ul>

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, BES, Planner I

**Date:** May 10, 2023

**Subject:** Minor Variance Application A/17/2023 – 1723 Oriole Park Drive

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### Recommendation

Approve minor variance application A/17/2023 at 1723 Oriole Park Drive, to permit an accessory structure with a gross floor area of 74.33 m<sup>2</sup>, subject to the following conditions:

- 1) The length of all dormers together will not exceed one third the length of the building to the satisfaction of Municipality of Lakeshore's Building Division;
- 2) The building will be constructed in the rear yard of the property outside of the easement lands to the satisfaction of Municipality of Lakeshore's Building Division.

### Proposal

The applicant is proposing to construct a new accessory building located in the rear yard of the lot. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit a gross floor area of 74.33 m<sup>2</sup>, whereas the Bylaw states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the HR zone.

The applicant has indicated in their application that the proposed accessory building will be used for personal/hobby woodworking and a games room.

### Summary

#### Location

The subject property is known municipally as 1723 Oriole Park Drive. It is located on the west side of Oriole Park Drive, north of County Road 46 and west of County Road 27. It has a lot area of approximately 1344.12 m<sup>2</sup> (0.33 acres) and approximately 21.33 metres of frontage. There is an existing single detached dwelling located on the property.

### Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots. South of the property on the west side of Oriole Park Drive is St. John the Evangelist Catholic Elementary School.

### Official Plan

The subject property is designated 'Hamlet' in the Lakeshore Official Plan.

### Zoning

The subject property is zoned "Hamlet Residential (HR)" 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

The minor variance will maintain the general intent and purpose of the Official Plan. Hamlets originated as service and residential centres for the surrounding agricultural community and are generally comprised of residential lots that are relatively larger than those in Lakeshore's Urban Areas. They are therefore generally more conducive to supporting accessory buildings that exceed the maximum gross floor area regulation.

The site plan drawing submitted with the minor variance application depicts the proposed building in the northwest area of the rear yard – 30 feet from the rear lot line and five feet from the north side lot line. It will not impact the appearance of the streetscape at this location behind the main building. Land use compatibility issues with neighbouring properties are not anticipated and the applicant will be providing the required setback from lot lines. Aerial photography suggests that other oversized accessory buildings exist in the immediate area on Oriole Park Drive that the proposed building resembles in terms of massing. Their presence was confirmed during a site visit, and include accessory buildings on nearby properties such as 1730, 1715, 1714 and 1698 Oriole Park Drive. The request is in keeping with the existing character of the Settlement Area in accordance with Section 4.2.1 Community Design.

### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The building footprint of the main building/dwelling on the property is approximately 180 m<sup>2</sup>,

which greatly exceeds the 74.33 m<sup>2</sup> gross floor area of the proposed accessory building. The request therefore maintains the intent of the “accessory” definition in the Zoning By-law by proposing a building that is truly subordinate to the main building on the property. Furthermore, the general purpose of the regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> is to ensure that these structures do not dominate the landscape in a typical residential subdivision. As previously mentioned, the lot area of the subject property is conducive to supporting larger accessory buildings. Like other properties to the north and south on Oriole Park Drive, the subject property exceeds the minimum lot area in the HR zone by close to two and a half times.

### Minor

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The Planner is of the opinion that the request is minor in nature as there will be no adverse effects on the subject property or any neighboring properties. The request for an increase in gross floor area of 19.33 m<sup>2</sup> is also considered quantitatively minor.

### Desirability

The minor variance will be desirable for the appropriate development and use of the land, building or structure. The applicant should be aware that the accessory building cannot be used as a Home Industry (gainful occupation) as defined in our Zoning By-law and can only serve as a use accessory to the residential use (main use) on the property. Existing standards for accessory buildings in the area will be met.

There appears to be an existing easement in favour of the Municipality of Lakeshore on the property adjacent to the rear lot line. This easement runs along the entirety of the rear lot line and is approximately 23 feet wide on the subject property. It is indicated on the site plan drawing that the proposed building will be located approximately 30 feet from the rear lot line outside the easement lands.

The applicant has been made aware that the width of the proposed dormers should not exceed one third the width of the length of the proposed building to maintain the appearance of an appropriate height. Additionally, the height of the attic is to be less than 2.1 metres headroom for at least fifty percent of the attic's floor area so that it does not form part of the building's overall gross floor area.

The requested variance passes the following four tests prescribed under Section 45 (1) of the *Planning Act*.

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

It is recommended the following conditions be imposed on the granting of the minor variance:

- 1) The length of all dormers together will not exceed one third the length of the building to the satisfaction of Municipality of Lakeshore's Building Division;
- 2) The building will be constructed in the rear yard of the property outside of the easement lands to the satisfaction of Municipality of Lakeshore's Building Division.

## **Correspondence**

### External and Internal Agencies

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

The Operations Department has expressed that the construction of the accessory building should not impact the rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix D.

Fire Services has expressed that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Full comments can be found in Appendix E.

### Public Notice Circulation

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

## **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawing  
Appendix C – Photo  
Appendix D – Operations Department  
Appendix E – Fire Services

## **Prepared by:**



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Ian Search,  
Planner I





## Report Approval Details

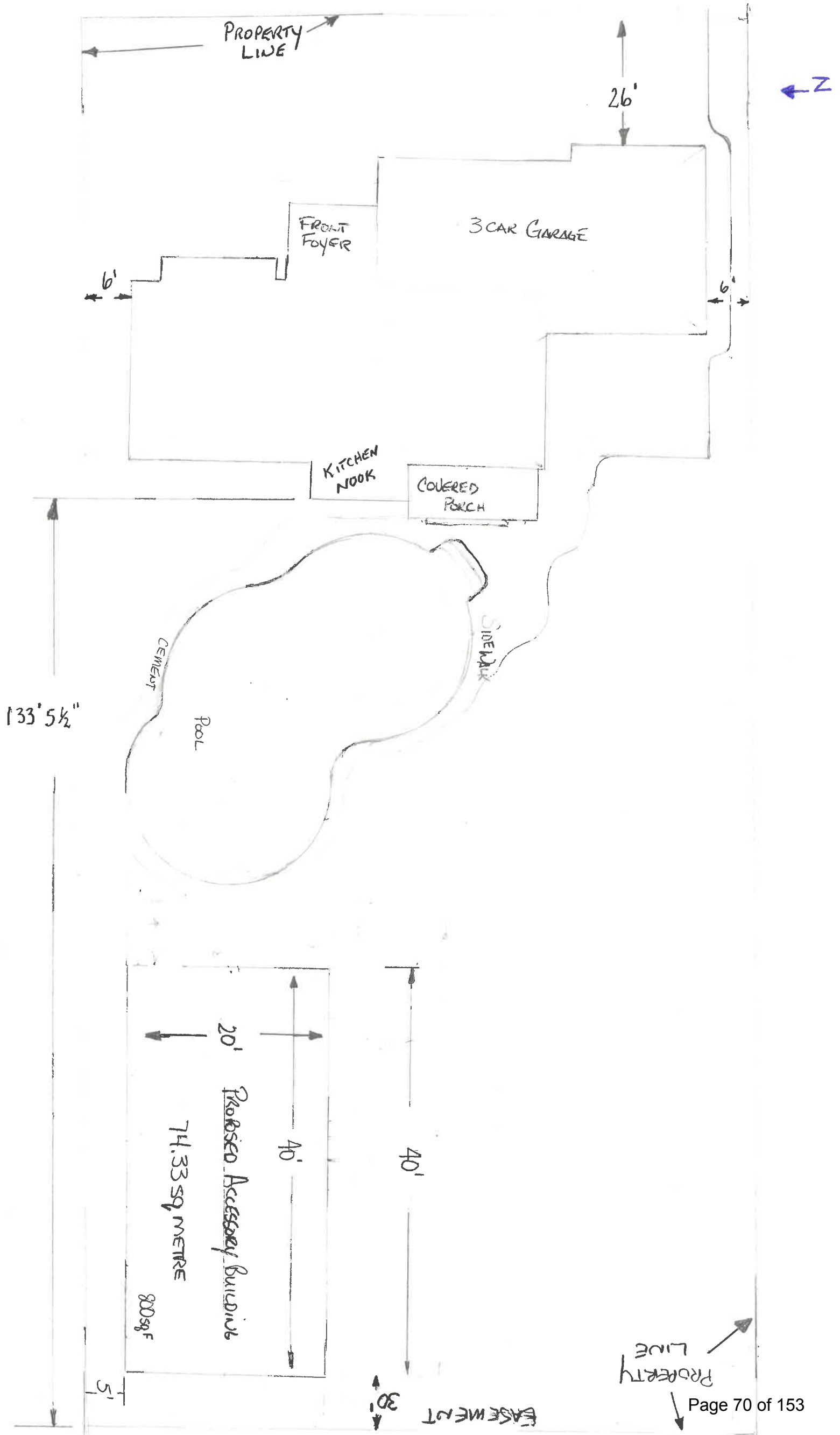
Document Title:	A-17-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Fire Services.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

**Kristina Brcic - May 12, 2023 - 10:21 AM**

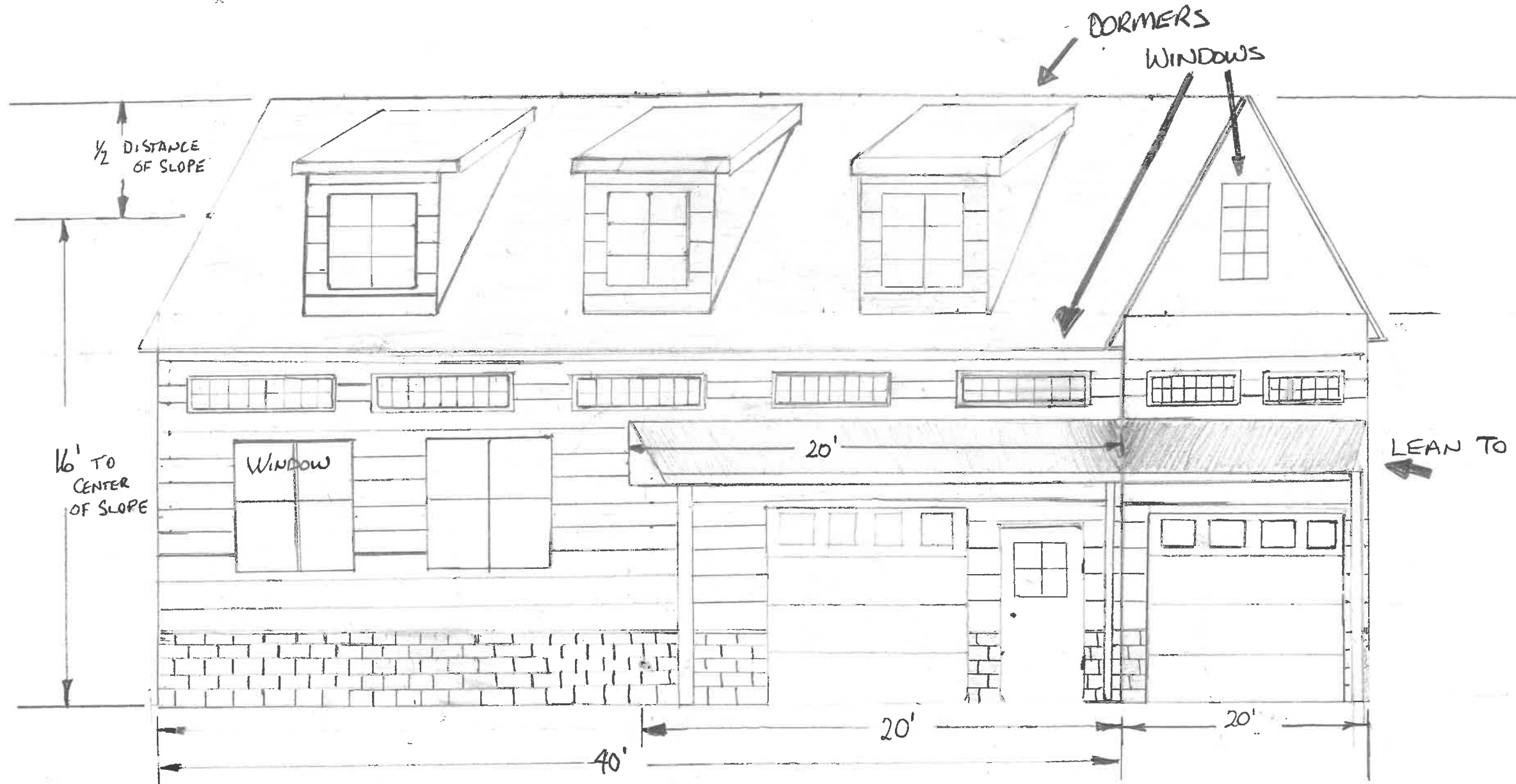


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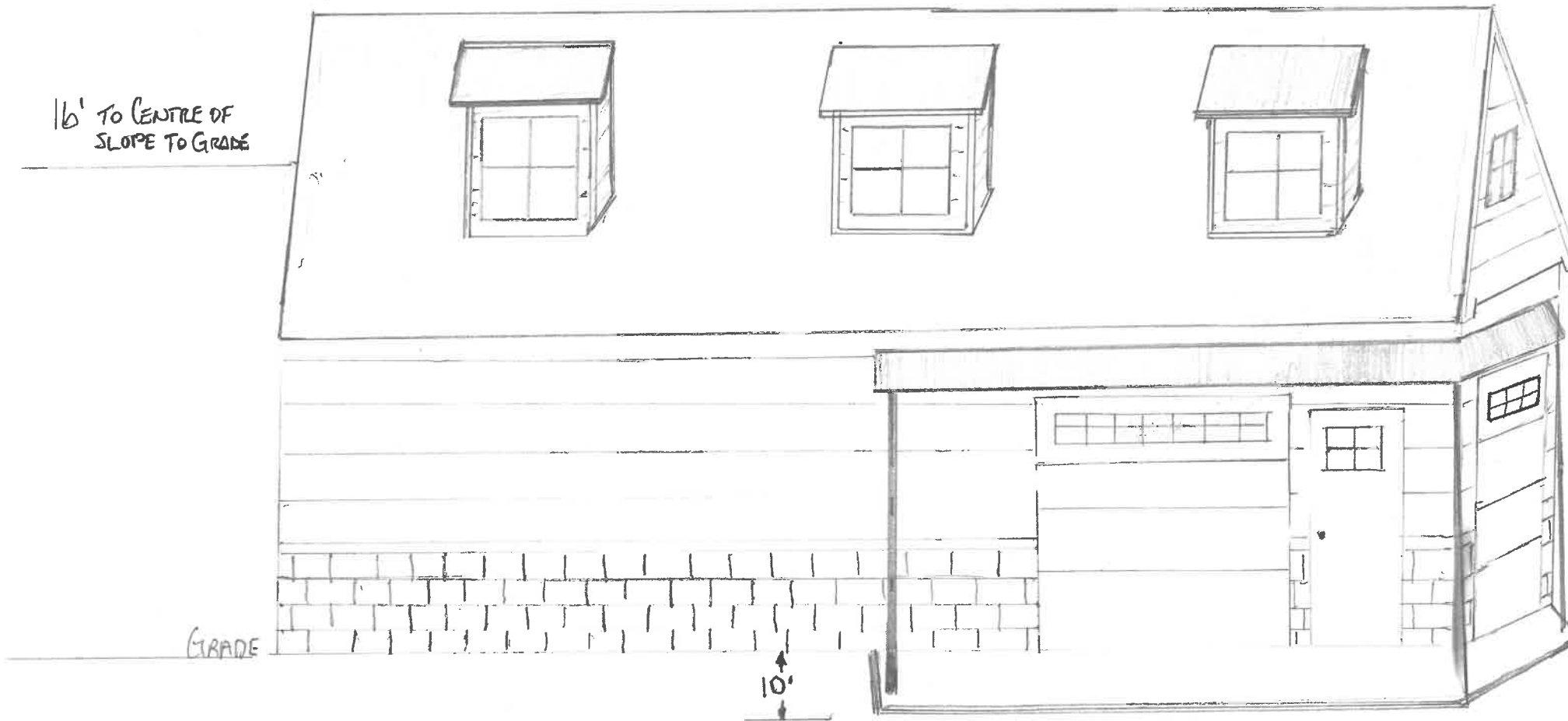


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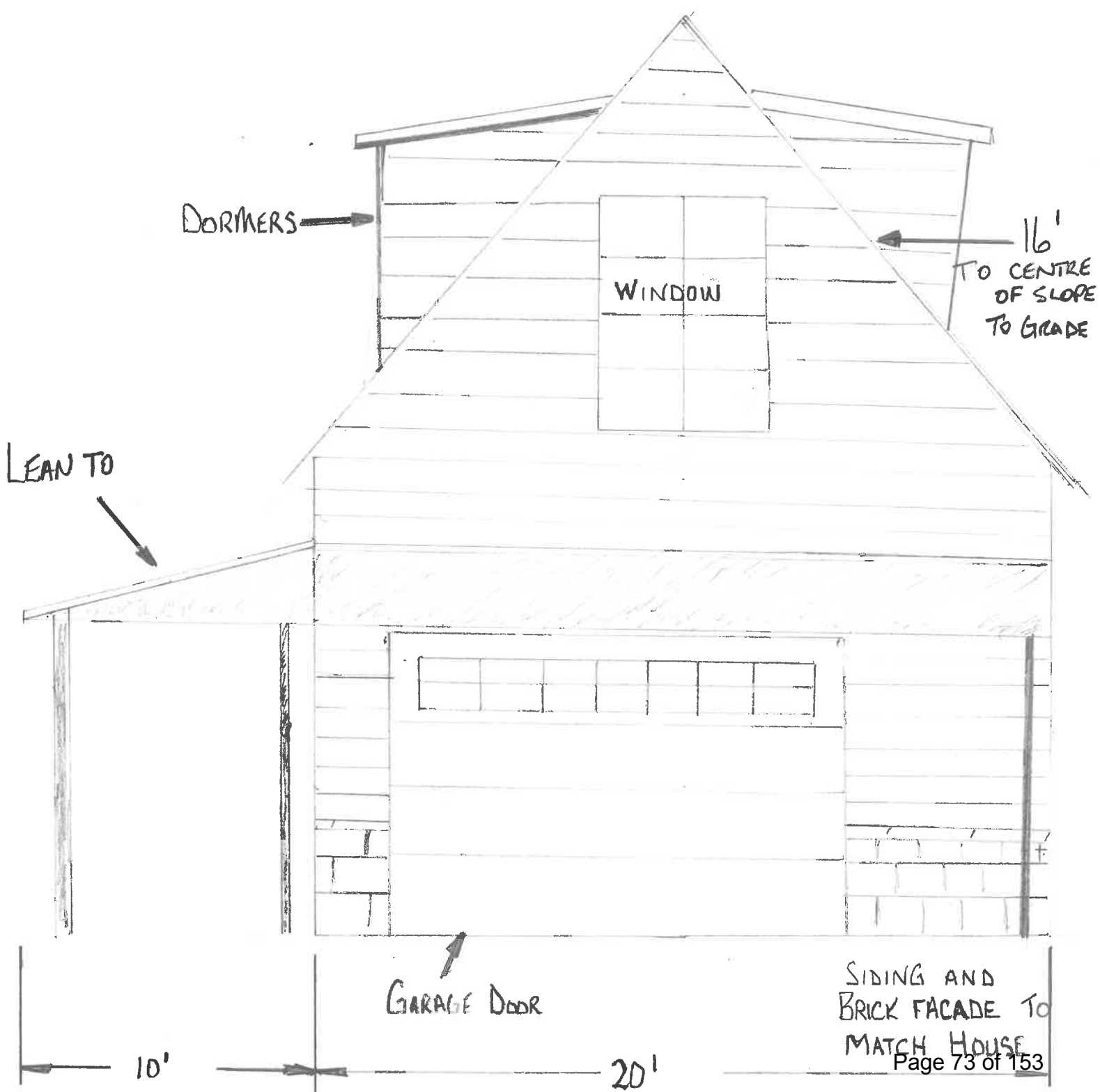
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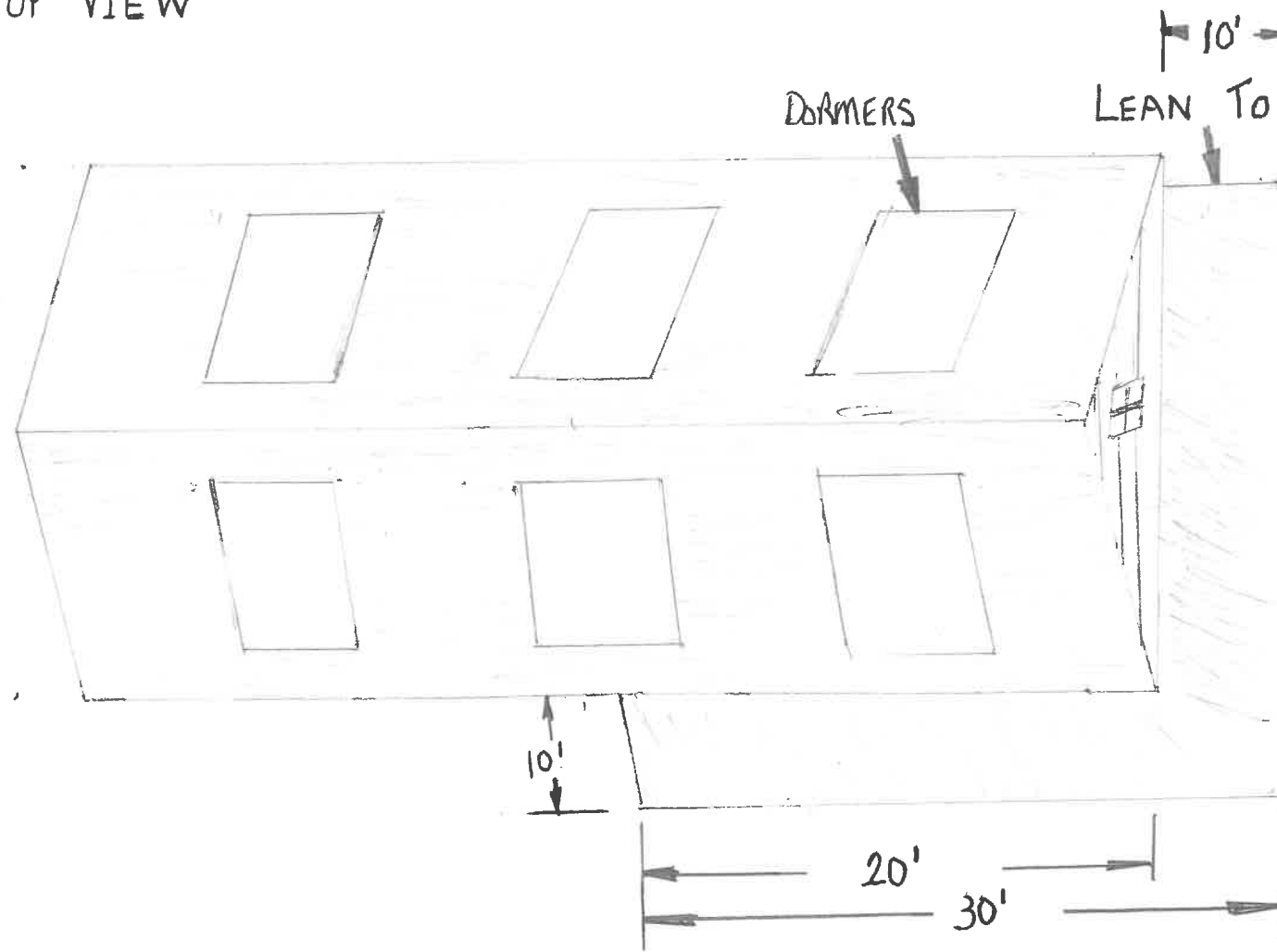
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TOP VIEW









**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/17/2023

---

Operations has reviewed A/17/2023 - 1723 Oriole Park Drive application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.</li></ul>

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 - May 17 2023 - Notice for Comments  
**Date:** April 21, 2023 3:32:03 PM  
**Attachments:** [REDACTED]

**Importance:** High

- [REDACTED]

- A-17-2023 0 1723 Oriole Park Drive: 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.

- [REDACTED]

[REDACTED]

**Don Williamson** , CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI  
**Fire Chief**  
Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department

[REDACTED]

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**From:** Ian Search [REDACTED]  
**Sent:** Wednesday, April 19, 2023 12:09 PM  
**To:** [REDACTED]

[REDACTED]



[REDACTED] Don Williamson [REDACTED] -

**Cc:** [REDACTED]

[REDACTED]

**Subject:** Committee of Adjustment - May 17 2023 - Notice for Comments

**Importance:** High

Good afternoon,

Please see the attached Notice for Comments for your review for the May 17<sup>th</sup> Committee of Adjustment Meeting. Please submit any comments on these files to me no later than **May 3<sup>rd</sup>**.

It is important that I receive the comments by this date to prepare informed recommendation reports to the Committee of Adjustment and to clarify any comments received with departments.

Kind Regards,

**Ian Search**

**Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]  
[REDACTED]

**Ian Search**

**Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]  
[REDACTED]

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



**To:** Chair & Members of Committee of Adjustment

**From:** Ian Search, BES, Planner I

**Date:** May 10, 2023

**Subject:** Minor Variance Application A/18/2023 – 538 Blanchard Drive

---

### Recommendation

Approve minor variance application A/18/2023 to permit 11% minimum landscaped open space on the subject property subject to the following condition:

1) That, if required by Community Planning following a required pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore.

### Proposal

A 31,600 ft<sup>2</sup> building addition to an existing manufacturing building is currently under construction on the subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.7 (Employment Zone Regulations) to permit 11% minimum landscaped open space on the subject property, whereas the By-law requires 20% minimum landscaped open space in the General Employment (M1) zone.

### Summary

#### Location

The subject property is located on the west side of Patillo Road, north of County Road 22, south of the VIA Rail Canada Inc. railway, known municipally as 538 Blanchard Drive (Appendix A). The subject property is approximately 12.06 acres in area with approximately 70 metres of frontage on Patillo Road and 260 metres of irregular frontage on Blanchard Drive.

#### Surrounding Land Uses

There are employment/manufacturing land uses west of the subject property and to the south fronting Blanchard Drive. North of the subject property is the VIA Rail Canada Inc.

railway lands and a 30 metre wide strip of land owned by the Municipality of Lakeshore. Beyond that is a low-density residential subdivision. East of the subject land, on the other side of Patillo Road are two single detached dwellings on a 7.78-acre parcel of land zoned mixed use that is mostly underutilized/vacant.

### Official Plan

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

### Zoning

The entirety of the subject property is zoned “General Employment (M1)”

### **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

The minor variance will maintain the general intent and purpose of the Official Plan. The subject property is located within the County Road 22 Special Planning Area. Development is therefore subject to Section 3.3.9 County Road 22 Mixed Use Corridor and Section 3.4.3 County Road 22 Corridor Special Planning Area.

Section 3.4.3 states the Municipality will ensure appropriate land use and built form compatibility between adjacent uses through transitions in building heights, massing, siting, landscaping and buffering measures. This section also requires development applications and land use decisions to be consistent with the County Road 22 Special Planning Area Design Guidelines. The design principles in the guidelines promote high quality urban design along the corridor, “greening” of the corridor, and ensure appropriate land use and built form compatibility between adjacent uses and established neighbourhoods.

The Employment Designation policies of Section 6.11.2 state that the provision of appropriate and adequate landscaping and/or other forms of buffering will be provided to: i) enhance all parking lots, and outdoor loading, storage, and service areas; and ii) provide separation between the use and any adjacent use, where appropriate.

The subject property does not front on County Road 22. It is located over 100 metres away from this right-of-way and is separated from it by other employment uses. At this location the parcel does little to promote “greening” of the corridor – even if it met or exceeded the minimum landscaped open space requirements. Furthermore, the residential subdivision to the north is approximately 70 metres from the subject property. The intervening space is heavily landscaped and consists of the VIA Rail Canada Inc.

right-of-way and a strip of grassed area owned by the Municipality of Lakeshore. Thus, a landscaped transition to nearby residential land uses already exists.

Blanchard Drive is a privately owned road that provides access to a number of industrial/employment lots located at the northwest corner of County Road 22 and Patillo Road. Landscaping along this street frontage is less vital to the urban design and “greening” of the corridor than the provision of landscaping along the subject property’s Patillo Road frontage. Patillo Road, in contrast, is a public road used by a variety of different travelers, and across this street from the subject property is a parcel zoned mixed use that could develop to support residential use in the future. The site plan drawing indicates an existing landscaped buffer adjacent to this lot line will be preserved which provides a landscaped gateway into the development. This landscaped space was observed during a site visit (Appendix C).

Section 7.3.3 of the Official Plan states that the Municipality will incorporate stormwater management requirements as a component of the development approvals process. The reduction of landscaped open space could have implications on previously approved stormwater management design for the building addition development. The applicant will be required to have a pre-consultation meeting with Municipal staff, which will likely result in them having to apply for a site plan amendment to address any storm water issues.

#### Zoning By-law

The purpose of the regulation requiring minimum landscaped open space is to minimize the impact between non-residential and residential land uses. It is to provide visual and spatial separation between uses associated with non-residential/industrial use and abutting residents. There is very little opportunity to provide landscaped open space north of the existing building given that it was constructed very close to the north lot line. The minor variance does not impact this existing situation, and the 70 metres of intervening space between the subject property and the subdivision to the north has provided the visual and spatial separation for those nearby residential properties since the building was first developed.

It appears the reduction in minimum landscaped open space is mostly due to the building addition currently under construction which displaced some of the grassed area west of the existing building adjacent to the west lot line. It is acknowledged that an industrial use – a non-sensitive land use – exists immediately west of the development.

#### Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. While the minor variance proposes to reduce the landscaped open space to 11%, there are no anticipated impacts or land use compatibility issues with permitting the request. As previously mentioned, reducing the landscaped open space as proposed will have little to no impact on the appearance of the County Road 22 streetscape and the reduction will be compatible with surroundings. In terms of existing standards, it is noted that other

employment/manufacturing uses in the immediate area have very little landscaped open space incorporated on their lots – 472 Blanchard Drive is one example which supports a public storage business. The applicant has expressed the following hardship in a memo provided to administration:

- The inclusion of landscaping space to the east and south of the existing building would involve removing 47 parking spaces in addition to 9 spaces near the main building entrance due to its reconfiguration.
- The large area south of the addition, is required for outdoor storage in relation to the new addition.
- Removing existing paved areas in the parking area as well as around the large bay doors will cause negative disruptions to the manufacturing processes: truck staging when deliveries are occurring on the East docks, truck and equipment staging during assembly line change overs.

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 following conditions should be imposed on any minor variance approval:

1) That, if required by Community Planning following a require pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore

## **Correspondence**

### External and Internal Agencies

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

The Operations Department has expressed that the applicant shall adhere to setbacks from the municipal drain outlined in Lakeshore’s Zoning By-law, and that all engineering comments on the proposal shall be addressed during site plan control. Full comments available in Appendix D.

Essex Region Conservation Authority (ERCA) commented that they previously reviewed the Stormwater Management Report and related plans associated with the development of the site, and their concerns with respect to stormwater management were adequately addressed. However, if any changes to the previously reviewed development are proposed, the property owner’s consultant will be required to review and reassess those



changes with respect to their potential impacts on stormwater management. If it is determined that additional stormwater management measures and/or modifications to the original report are required, it may be necessary for the owner to obtain a revision to their original approval. These comments will be addressed through the recommended condition imposed on the minor variance approval requiring a site plan amendment. Full comments available in Appendix E.

VIA Rail submitted their standard comments in response to the application. It is anticipated that the request for reduced landscaped open space will not have any impact on their operations. Full comments available in Appendix F.

#### Public Notice Circulation

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

#### **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawing  
Appendix C – Photo  
Appendix D – Operations Department  
Appendix E – ERCA  
Appendix F – VIA Rail

#### **Prepared by:**



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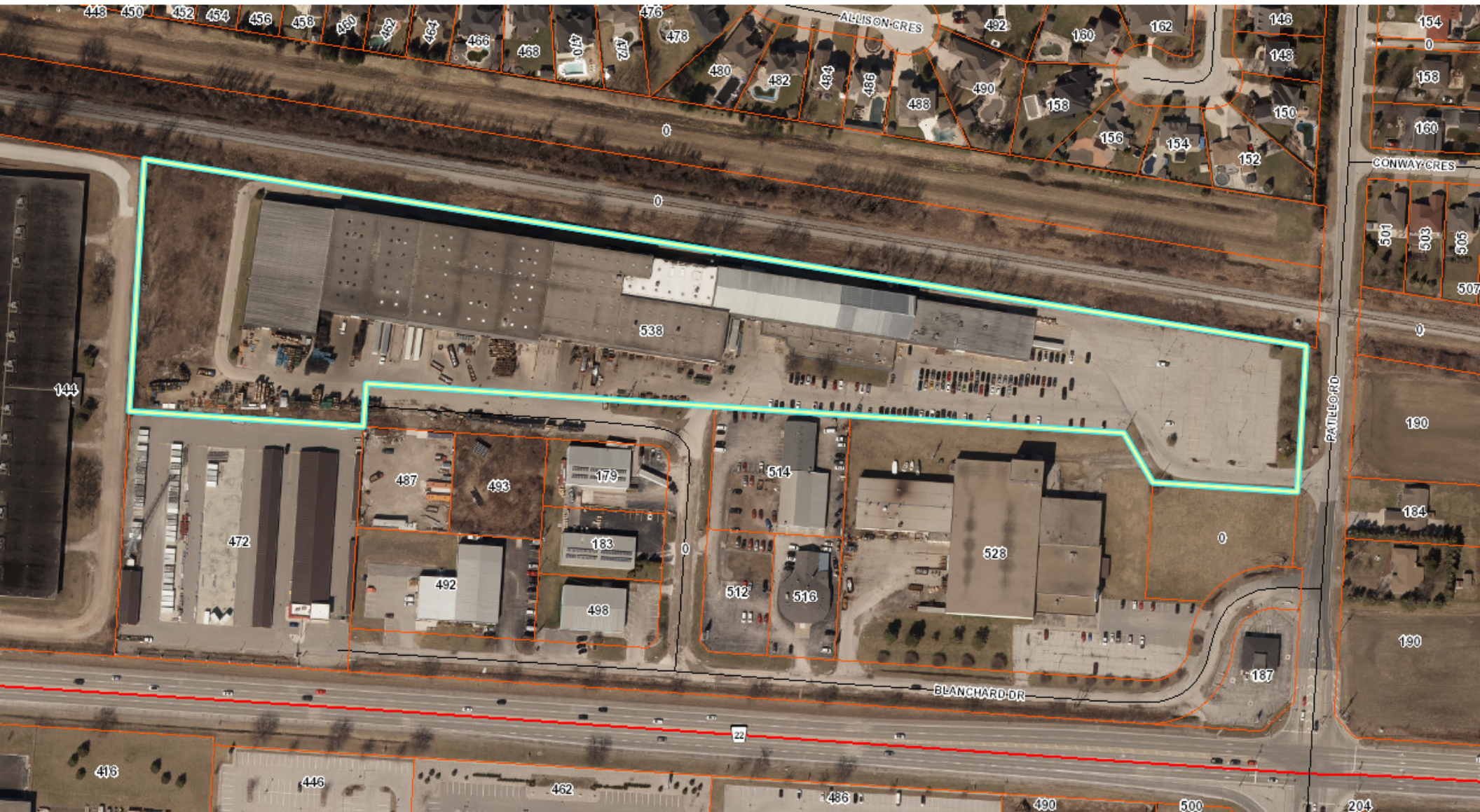
Ian Search, BES  
Planner I

## Report Approval Details

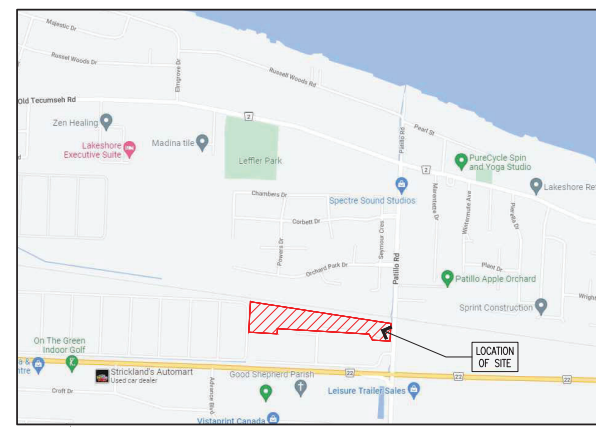
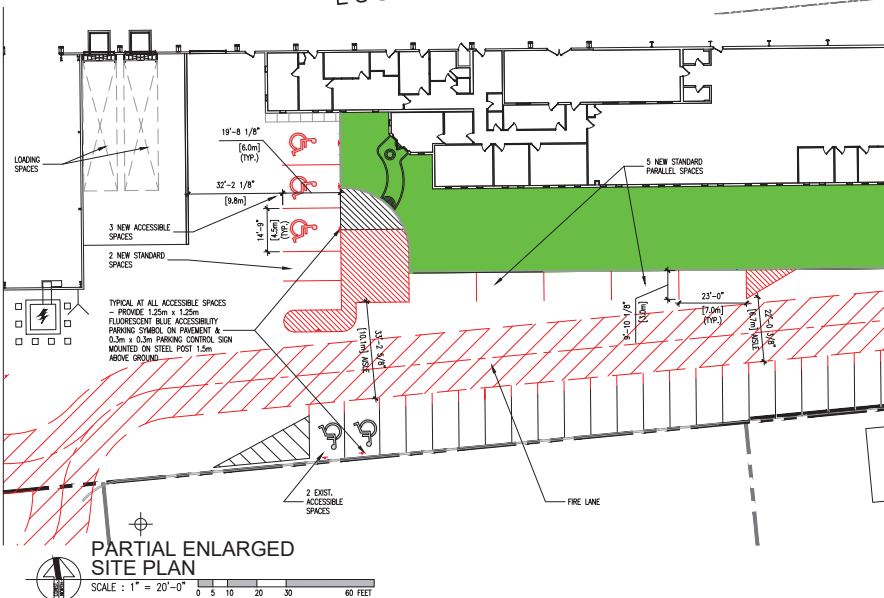
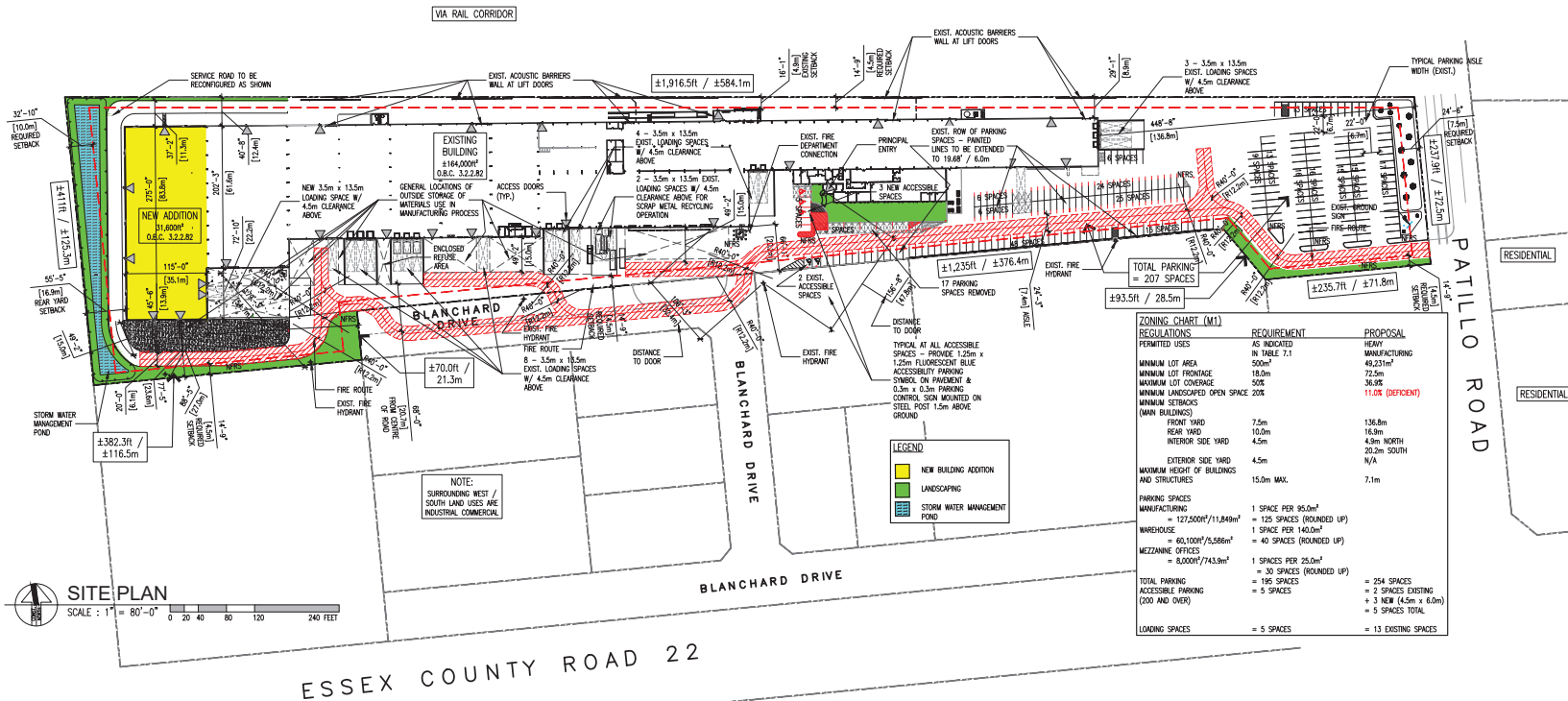
Document Title:	A-18-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - ERCA.pdf</li><li>- Appendix F - VIA Rail.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

**Kristina Brcic - May 12, 2023 - 10:15 AM**







2023/04/11	MINOR VARIANCE APPLICATION
2023/01/25	REVISIONS FOR SITE PLAN APPROVAL
2023/01/16	REVISIONS FOR SITE PLAN APPROVAL
2023/01/02	REVISIONS FOR SITE PLAN APPROVAL
2022/11/04	REVISIONS FOR SITE PLAN APPROVAL
2022/09/28	REVISIONS FOR SITE PLAN APPROVAL
2022/09/08	SITE PLAN APPROVAL
2022/08/09	REVIEW
2022/07/11	REVIEW
2022/06/29	REVIEW
date (mm/mm/yy)	issued for:

general notes:

- THIS PROJECT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
- OWNERS SHALL NOT BE SIGNED.
- CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
- ATTENTION IS DIRECTED TO ANY CHANGES IN THE SPECIFICATIONS OR CONDITIONS OF SHOP DRAWINGS.
- IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW SHALL BE LIMITED TO THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE ARCHITECT'S REVIEW OF THE CONSTRUCTION OF THE BUILDING AND THE CONSTRUCTION OF THE FACILITY.

stamp:

**architectural design associates inc. architect**

1670 mercer street  
windsor ontario canada n8x 3p7  
ph 519.254.3430 fax 519.254.3642  
email: info@ada-architect.ca www.ada-architect.ca

project:  
PROPOSED ADDITION TO EXISTING BUILDING  
PATILLO ROAD  
TOWN OF LAKESHORE, ONT.

client:  
FLEX N GATE

title:  
SITE PLAN

scale:  
AS SHOWN

drawn by:  
TC / AS

checked by:  
SMB / JBK / TC

date:  
MAY 2022

comm. no.:  
2022-067

sheet no.:

A1.0







**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – A/18/2023

---

Operations has reviewed A/18/2023 - 538 Blanchard Drive application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• The applicant shall adhere to setbacks from municipal drain outlined In Lakeshore's Zoning By-law</li><li>• All Engineering comments on the proposal shall be addressed during Site Plan Control.</li></ul>

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



May 02, 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-18-2023 538 BLANCHARD PK  
ARN 375121000008700; PIN: 750010438  
Applicant: FLEX-N-GATE CANADA COMPANY

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

The applicant is in the process of developing a building addition to the existing manufacturing building/use on the subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012: Section 8.7 (Employment Zone Regulations) to permit 11% minimum landscaped open space on the subject property, whereas the By-law requires 20% minimum landscaped open space in the General Employment (M1) zone.

We understand that it will be recommended to the Committee of Adjustment that they impose a condition requiring the owner to amend their existing site plan agreement to reflect their proposed change to landscaped open space on the property.

The following is provided as a result of our review of Application for Minor Variance A-18-2023.

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

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

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



Mr. Ian Search  
May 02, 2023

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

We note that ERCA Permit #47 - 23 has been issued for the proposed addition.

### **Stormwater Management**

This office previously reviewed the Stormwater Management Report and related plans associated with the development of this site, and our concerns with respect to stormwater management were adequately addressed. However, if any changes to the previously reviewed development are proposed, the property owner's consultant will be required to review and reassess those changes with respect to their potential impacts on stormwater management. If it is determined that additional stormwater management measures and/or modifications to the original report are required, it may be necessary for the owner to obtain a revision to our original approval.

### **FINAL RECOMMENDATION**

We advise the property owner's consultant to review and reassess changes with respect to their potential impacts on stormwater management.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks

**From:** [Paul Charbachi](#)  
**To:** [Ian Search](#)  
**Cc:** [REDACTED]  
**Subject:** RE: May 17th Committee of Adjustment files Lakeshore - Notice for Comment  
**Date:** April 20, 2023 2:44:58 PM  
**Attachments:** [image001.png](#)

---

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

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

- **Transport Canada:**
  - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
  - *Railway Right of Way Access Control Policy*;
  - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
  - *Standards Respecting Railway Clearances* – TC E-05;
  - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
  - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
  - *Grade Crossings Regulations*;
  - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
  - *Grade Crossings Standards*;
  - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
  - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
  - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
- **Canadian Standards Association:**
  - CAN/CSA C22.3 No. 1 – Overhead Systems;
  - CAN/CSA C22.3 No. 7 - Underground Systems;



- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
  - *Buried Signal and Communication Guidelines;*
  - *Guidelines for New Development;*
  - *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
  - Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
  - All loads must be in compliance with Cooper E90;
- **The Federation of Canadian Municipalities and the Railway Association of Canada:**
  - *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**
  - Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
  - All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

• **Utilities:**

- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

• **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development. Refer to the blue dashed line of Exhibit A, attached to this letter.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

• **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development to LRT).
- VIA is concerned by the flow of people that will go through our premises (either interior

or exterior) to access the LRT station.

- Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation that Avenue L (yellow dotted line shown on Exhibit A), as well as the access to it, will be kept for our operations and upcoming growth.

- **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
  - Air contaminants / Dust pollution;
  - Noise pollution / Working hours;
  - Existing conditions;
  - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



**Paul Charbachi**

Infrastructure Engineer





---

**From:** Ian Search [REDACTED]  
**Sent:** Wednesday, April 19, 2023 1:47 PM  
**To:** Paul Charbach [REDACTED]  
**Subject:** May 17th Committee of Adjustment files Lakeshore - Notice for Comment  
**Importance:** High

**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.

Hi Paul,

Please see attached notices for comment with respect to Committee of Adjustment applications proceeding to our May 17<sup>th</sup> Committee of Adjustment meeting. Please provide any comments to me through email by May 3<sup>rd</sup>.

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:** May 9, 2023

**Applicant:** Martin & Sandra Mailloux (Owners)  
Milan Stipic (Agent)

**Subject:** Consent Application B/09/2023 – 3776 Comber Sideroad

---

### Recommendation

Approve Consent Application B/09/2023 to sever a surplus dwelling with a lot area of 7,600.00 m<sup>2</sup> from 3776 Comber Sdrd as in Parts 1 & 2 on the draft 12R plan provided. 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 the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area, and the surplus lot be rezoned to recognize the non-farm use;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;
- 6) That the applicants obtain any necessary driveway permits from the County of Essex and complete the works to provide a separate access for the retained farmland prior to the stamping of the deed;
- 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 all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

### **Purpose**

The applicants of 3776 Comber Sdrd are proposing to sever a surplus dwelling from the subject property. The qualifying home base dwelling is located at 2197 County Rd 31.

The surplus dwelling lot to be severed (Parts 1 & 2 in Appendix B) will have approximately 7,600.00 m<sup>2</sup> of lot area and 76.00 m of frontage along Comber Sdrd. The lot will contain one single detached residential dwelling. The retained lot will maintain approximately 76.00 m of frontage along Comber Sdrd, with approximately 7.52 ha in lot area.

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

### **Summary**

#### Location:

The subject property 3776 Comber Sdrd is approximately 8.28 ha in area with 152.00 m of frontage along Comber Sdrd and contains a single detached residential dwelling. The subject property is located on the eastern side of Comber Sdrd, north of County Rd 42.

#### Surrounding Land Uses:

North: Farmland/ Single detached Residential Dwellings/ Windmill  
East: Essex County Feed Lot  
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 property is designated Agriculture and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

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

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

The retained 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 obtain an access permit from the County of Essex and complete any necessary driveway works deemed necessary prior to the completion of the severance.

### Zoning

The subject property is currently zoned Agriculture (A). The retained lot will have approximately 76 m of frontage along Comber Sdrd, and approximately 7.52 ha in lot area and will contain no structures. The retained land does not conform to the minimum lot area required for farming parcels within the Agriculture Zone (A).

The surplus lot to be severed (Parts 1 & 2) will have approximately 7,600.00 m<sup>2</sup> of lot area and 76 m of frontage. The lot will contain the single detached residential dwelling. All existing structures adhere to the regulations found within the Lakeshore Zoning By-law.

The applicants will need to successfully rezone the retained land to prohibit the construction of a single detached residential dwelling per the PPS requirements. Additionally, the applicants will be required to recognize the deficient lot area for the retained farmland during the rezoning of the subject property. Therefore, the proposed lot will conform to the Lakeshore Zoning By-law.

### **Conclusion**

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

### **Correspondence 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 expresses no concerns regarding the surplus severance. Full Comments can be found in Appendix D

Operations has expressed that surface water and subsurface drainage tiles and water should be redirected around the severed parcel. Any newly established entrances



required for the farm parcel will require an entrance permit from the County of Essex. A Drainage Apportionment will be required. Full comments can be found in 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 – Draft 12R Plan  
Appendix C – Supporting Drawings  
Appendix D – ERCA Comments  
Appendix E – Engineering Comments  
Appendix F – Site Images

### **Prepared by:**



---

Ian Rawlings  
Planner I



## Report Approval Details

Document Title:	B-09-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Image.pdf</li><li>- Appendix B - Draft 12R Plan.pdf</li><li>- Appendix C - Supporting Drawings.pdf</li><li>- Appendix D - ERCA Comments.pdf</li><li>- Appendix E - Operations Comments.pdf</li><li>- Appendix F - Site Pictures.pdf</li></ul>
Final Approval Date:	May 11, 2023

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

**Kristina Brcic - May 11, 2023 - 4:11 PM**





## Legend

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

1: 7,002



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



PLAN OF SURVEY OF  
PART OF LOT 7  
CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF TILBURY  
TOWN OF LAKESHORE  
COUNTY OF ESSEX

SCALE 1 : 1000 METRES  
0 5 10 15 20 25 50 75 100  
SURVEYORS ON SITE INC.

LEGEND

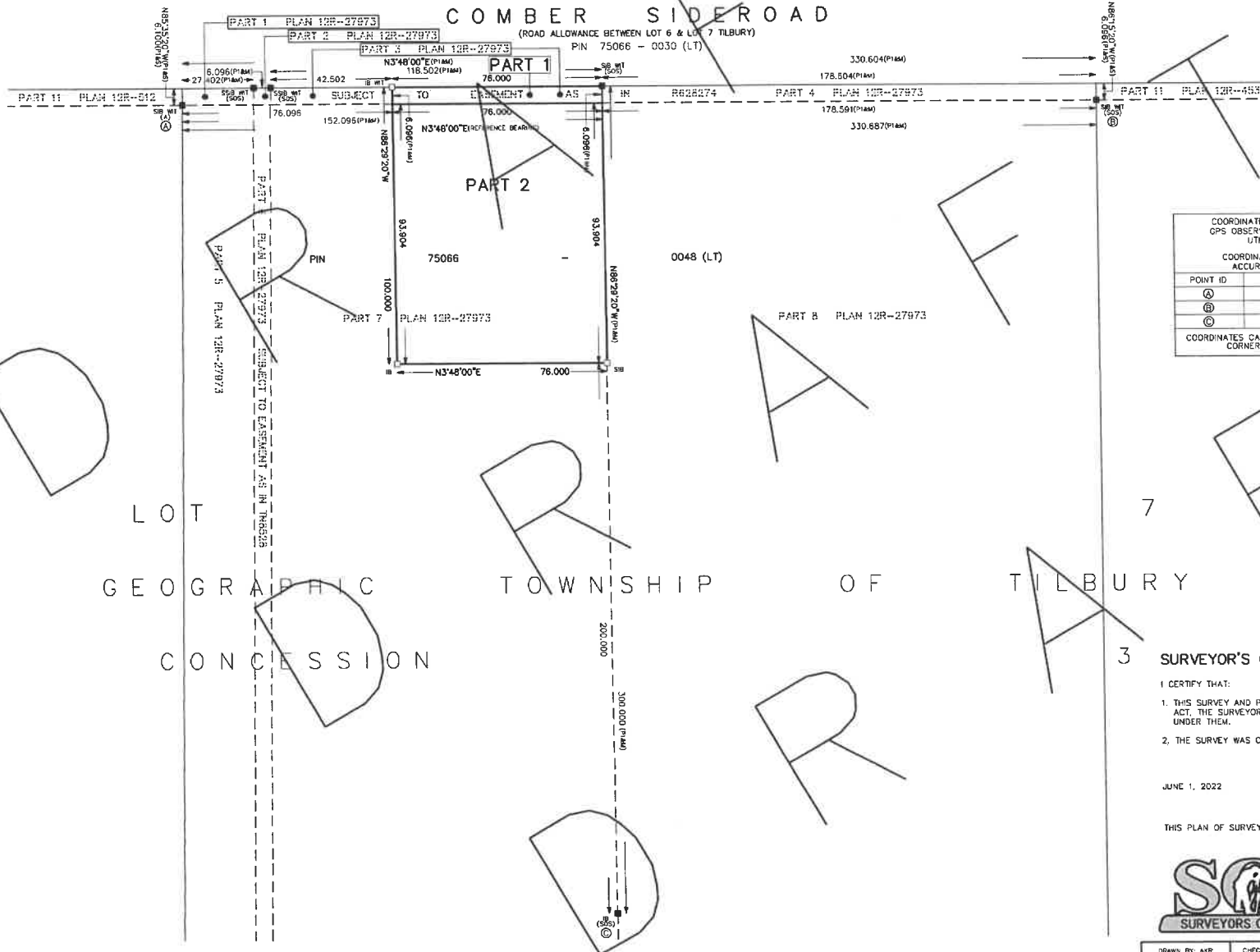
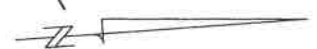
□ MONUMENT PLANTED  
■ MONUMENT FOUND  
SB STANDARD IRON BAR  
SSB SHORT STANDARD IRON BAR  
IB IRON BAR  
P1 PLAN 12R-512  
A C.G. RUSSELL ARMSTRONG, O.L.S.  
SOS SURVEYORS ON SITE INC.

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.99978417.  
BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID BEARING OF N3°48'00"E, NAD83 CSRS (2011.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (30° W LONGITUDE).

SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF LOT 7	3	PART OF PIN 75056-0048 (LT)
2			
GEOGRAPHIC TOWNSHIP OF TILBURY			
			AREA (m <sup>2</sup> )
			X.XXX
			X.XXX

PART 1 IS SUBJECT TO EASEMENT AS IN R628274.  
PARTS 1 & 2 COMPRISE PART OF PIN 75056-0048 (LT).



COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2011.0).

COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O. REG. 216/10.

POINT ID	NORTHING	EASTING
(A)	4680995.679	372163.927
(B)	4681325.525	372105.649
(C)	4681129.385	372457.300

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE XXth DAY OF JUNE, 2022.

JUNE 1, 2022

RYAN W. SEGUIN  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXX.



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

DRAWN BY: AKP CHECKED BY: RWS DATE: JUNE 1, 2022 FILE: 2022-402 R/PLAN







PLAN OF SURVEY OF  
PART OF LOT 7  
CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF TILBURY  
TOWN OF LAKE SHORE  
COUNTY OF ESSEX

LEGEND

■ MONUMENT PLANTED  
■ STANDARD IRON BAR  
■ SHORT STANDARD IRON BAR  
■ IRON BAR  
■ PLAN 12R-512  
■ C.G. RUSSELL ARMSTRONG, D.L.S.  
■ SURVEYORS ON SITE INC.

MONUMENT PLANTED  
MONUMENT FOUND  
STANDARD IRON BAR  
SHORT STANDARD IRON BAR  
IRON BAR  
PLAN 12R-512  
C.G. RUSSELL ARMSTRONG, D.L.S.  
SURVEYORS ON SITE INC.

NOTES

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

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.9997847.

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SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF LOT 7	3	PART OF PIN 75066-0048 (LT)
2	PART OF LOT 7	3	PIN 75066-0048 (LT)

GEOGRAPHIC TOWNSHIP OF TILBURY

PART 1 IS SUBJECT TO EASEMENT AS IN R628274

PARTS 1 & 2 COMPRISE PART OF PIN 75066-0048 (LT)

SCALE 1 : 1000 METRES

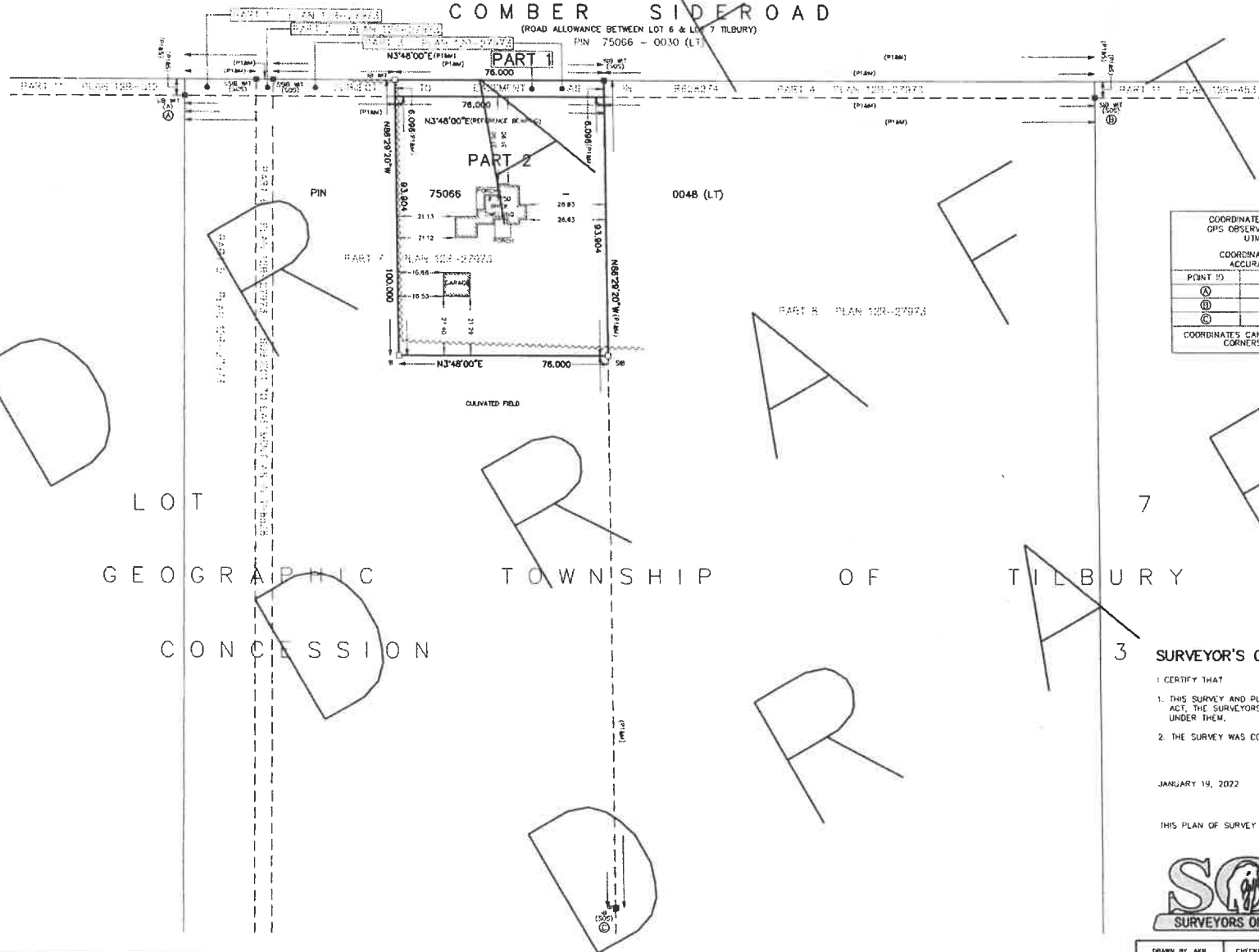
0 5 10 15 20 25 50 75 100

SURVEYORS ON SITE INC.

COMBER SIDEROAD

(ROAD ALLOWANCE BETWEEN LOT 6 & LOT 7 TILBURY)

PIN 75066 - 0030 (LT)



COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMARTNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O. REG. 216/10		
POINT ID	NORTHING	EASTING
(A)	4680995.679	372163.927
(B)	4681325.525	372163.929
(C)	4681129.385	372167.300

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE XXth DAY OF JUNE, 2022.

JANUARY 19, 2022

RYAN W. SEGUIN  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.



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

DRAWN BY: ABR CHECKED BY: RWS DATE: JANUARY 19, 2022 FILE: 2021-402 RPLAN





planning@erca.org

P.519.776.5209

F.519.776.8688

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

May 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 Consent B-09-2023 3750 COMBER SIDEROAD  
ARN 375170000001600; PIN: 750660048  
Applicant: MAILLOUX MARTIN ERNEST

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

The subject property is approximately 19.58 ha (48.39 acres) in area with 152 metres (498 feet) of frontage along Comber Sideroad. The property currently contains a residential dwelling. The residential dwelling is considered surplus to a farming operation, and the applicants are proposing to sever the surplus dwelling from the farm property for the creation of one lot. The proposed lot will have approximately 76 metres (250 ft) of frontage along County Rd 46, and will be approximately 7,136.7 m<sup>2</sup> (1.76 ac) in lot area. The retained lot will have approximately 76 metres (250 ft) of frontage along Comber Sideroad, and will be approximately 18.87 ha (46.63 ac) in lot area.

As a condition of consent approval, the retained farmland will need to be rezoned to prohibit dwellings and to include any site-specific zone regulations needed (lot area, frontage, etc.).

The following is provided as a result of our review of Application for Consent B-09-2023.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel partially falls within the regulated area of the Garant Drain and 6/7 Sideroad Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region



Mr. Ian Search  
May 03, 2023

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

**FINAL RECOMMENDATION**

ERCA has no objection to Application for Consent B-09-2023.

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

Sincerely,



Kathleen Schnekenburger  
*Resource Planner*  
/ks



**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – B/9/2023

---

Operations has reviewed B/9/2023 - 3776 Comber Sideroad application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• A Drainage Apportionment will be required as part of this severance under the Drainage Act.</li><li>• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.</li><li>• Any newly established entrances required for the farm parcel will require an entrance permit from the County of Essex.</li></ul>

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, BES, Planner I

**Date:** May 10, 2023

**Subject:** Consent Application B/10/2023 – 334 E Ruscom River Road

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### Recommendation

Approve consent application B/10/2023 to sever two lot additions, approximately 371.78 m<sup>2</sup> to be added to 356 E Ruscom River Road, and approximately 813.54 m<sup>2</sup> to be added to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674). Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deeds for the lot additions 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 each lot addition severance;
- 4) That the applicant produce Deeds and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deeds, in evidence that the severed parcels and the abutting parcels will be registered in the same name(s) in satisfaction that all parcels will merge for each lot addition;
- 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, if required by the Secretary-Treasurer to the Committee of Adjustment, a consent cancellation be granted by the Committee of Adjustment and registered with respect to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674) to the satisfaction of the Secretary-Treasurer;



7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 18, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve consent cancellation for the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674);

## **Purpose**

The Municipality of Lakeshore has received a consent application for two lot additions. The subject property conveying the lot additions is known municipally as 334 E Ruscom River Road, located on the east side of E Ruscom River Road, south of County Road 2, north of the Canadian Pacific Limited right-of-way. The subject property is designated “Waterfront Residential” and “Agricultural” in the Lakeshore Official Plan and split zoned “Agriculture (A)” and “Residential Waterfront – Watercourse (RW1)” in the Lakeshore Zoning By-law 2-2012.

The subject property is a farm parcel that is approximately 88.8 acres in area with approximately 41.07 metres of frontage along East Ruscom River Road. The applicants are applying to add Part 1 and Part 2 on the attached reference plan (Appendix B) to the vacant residential lot south of 356 E Ruscom River Road – an L-shaped lot addition that is approximately 813.54 m<sup>2</sup> with approximately 7.163 metres of frontage. They are also applying to add Part 3 on the attached reference plan to 356 E. Ruscom River Road. Part 3 is 371.78 m<sup>2</sup> and is a lot addition that will not add any additional frontage.

The retained farmland will be left with approximately 33.91 metres of frontage. The vacant residential lot will have a total area of approximately 1,883.54 m<sup>2</sup> and approximately 27.1 metres of frontage following the lot addition. 356 E Ruscom River Road will have a total lot area of approximately 1,816.18 m<sup>2</sup> and retain its 27.1 metre frontage.

There is an existing consent on the title of the vacant residential lot south of 356 E Ruscom River Road. Milan Stipic of the Law Firm of Stipic Weisman, LLP has applied on behalf of the owner of this lot to cancel the existing consent. The consent cancellation is needed to ensure that the lot addition lands being added to the vacant residential lot will legally merge on title.

## **Summary**

### Surrounding Land Uses

North: Agriculture & Residential  
East: Agriculture  
West: Residential  
South: Agriculture & Residential



## Official Plan

The lot addition land to be transferred to 356 E Ruscom River Road is designated Agricultural in the Official Plan, while the lot addition land to be transferred to the vacant residential lot south of 356 E Ruscom River Road is designated Agricultural and Waterfront Residential. With respect to the latter lot addition, the proposal conforms to the Waterfront Residential Designation policies of the Official Plan by increasing the size of a lot for a future residential dwelling and private septic system.

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.”*

On May 19<sup>th</sup> 2021, the Committee of Adjustment approved a lot creation consent that severed 356 E Ruscom River Road into two residential lots. Subsequently, on February 15<sup>th</sup> 2022, a minor variance was approved to permit deficient lot area and frontage for both the severed and retained lot. These are the two lots receiving the proposed lot additions. The lot additions are considered boundary adjustments to increase the lot area (and frontage in the case of the vacant residential lot) of these two properties so that they will be in greater conformity with existing residential lots to the north and south of them fronting on E Ruscom River Road. Additionally, the lot addition lands appear to be inconvenient for a farmer to cultivate and/or maintain and it is therefore more appropriate for these lands to form part of the residential lots. Increasing the frontage and area of the vacant residential lot will provide more space for the future dwelling and private septic system on that property.

Section 6.2.3 d) details conditions for lot additions that propose to enlarge existing lots in the Agricultural Designation:

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

The viability of the retained lot as a farm parcel is not threatened by the lot additions. Approximately 88 acres of farmland will be retained which is considered an economically viable farm that exceeds the minimum lot area in the Zoning By-law by close to two times. As previously mentioned, the lot addition lands appear awkward to maintain/cultivate for the farmer.

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

The proposed lot additions will bring these two lots into greater conformity with existing residential lots located north and south on E Ruscom River Road in terms of size.



Following the lot additions, the rear lot lines of the residential lots on this street will be in greater alignment to facilitate continued farming practice on the retained parcel. The vacant residential lot currently only has 20 metres of frontage and a lot area of 1070 m<sup>2</sup>, whereas the Zoning By-law requires a minimum frontage of 30 metres and a minimum lot area of 2,000 m<sup>2</sup>. This lot will have a total area of approximately 1,883.54 m<sup>2</sup> and frontage of approximately 27.1 metres following the lot addition. Increasing the frontage and area of this vacant residential lot will provide more space for a future dwelling and private septic system on the property.

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

The lot addition lands will be transferred into the same ownership as the properties receiving the lot additions to ensure the legal merger of land. A consent cancellation with respect to the vacant residential lot south of 356 E Ruscom River Road will need to be approved by the Committee of Adjustment to ensure that the lot as it is today cannot be conveyed separate from the land that is being added to it. It is recommended that the Committee approve this request for consent cancellation.

#### Zoning:

The residential lots receiving the lot additions and the lot addition lands are zoned Residential Waterfront – Watercourse (RW1). The lot additions will add land zoned residential to residential properties from a farm parcel and will increase the area (and frontage in the case of the vacant residential lot) of these lots so that they are in greater conformity with the RW1 zone regulations.

#### **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.

#### **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.

Essex Region Conservation Authority (ERCA) stated that they had no objection to the application. Full comments are available in Appendix C.

The Operations Department is requiring a Drainage Apportionment for the changes in ownership. This requirement will be covered by condition number 5 in the recommendation section of the report. They also note that surface water and



subsurface drainage tiles and water should be redirected around the severed parcel.  
Full comments are available in Appendix D.

### Public Notice Circulation

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

### **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawings  
Appendix C – ERCA Comment  
Appendix D – Operations Department  
Appendix E – Site Photo

### **Prepared by:**



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Ian Search, BES  
Planner I



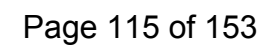
## Report Approval Details

Document Title:	B-10-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - ERCA Comment.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Photo.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

**Kristina Brcic - May 12, 2023 - 10:01 AM**







PLAN OF SURVEY OF  
PART OF LOT 4  
CONCESSION EAST OF RUSCOM RIVER  
GEOGRAPHIC TOWNSHIP OF ROCHESTER  
TOWN OF LAKESHORE  
COUNTY OF ESSEX

SCALE 1 : 250 METRES  
0 1 2 3 4 5 10 20 30

SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 457mm IN HEIGHT BY 609mm IN WIDTH  
WHEN PLOTTED AT A SCALE OF 1:250 METRES.

LEGEND

- MONUMENT PLANTED
- MONUMENT FOUND
- STANDARD IRON BAR
- SHORT STANDARD IRON BAR
- IRON BAR
- ROUND IRON BAR
- MEASURED
- SET
- PLAN 12R-28293
- PLAN 12R-28923
- PLAN 12R-28979
- WILLIAM J. SETTERINGTON LIMITED
- SURVEYORS ON SITE INC.

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA (m <sup>2</sup> )
1				36.10
2	PART OF LOT 4	EAST OF RUSCOM RIVER	PART OF PIN 75051-0142 (LT)	777.44
3				371.78

GEOGRAPHIC TOWNSHIP OF ROCHESTER  
PART 2 IS SUBJECT TO EASEMENT AS IN CEN46537.  
PARTS 1 TO 3 (INCLUSIVE) COMPRISE PART OF PIN 75051-0142 (LT).

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (GSR) (2010.0).		
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O. REG. 216/10.		
POINT ID	NORTHING	EASTING
A	4683026.362	665928.327
B	4683101.618	665939.474
C	4683016.357	665980.802
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

NOTES

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

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999798866.

BEARINGS ARE UTM AND DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) ON MONUMENTS (A) AND (B) AS SHOWN HEREON, HAVING A GRID BEARING OF N 25° 30' E, NAD83 (GSR) (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).

SURVEYOR'S CERTIFICATE

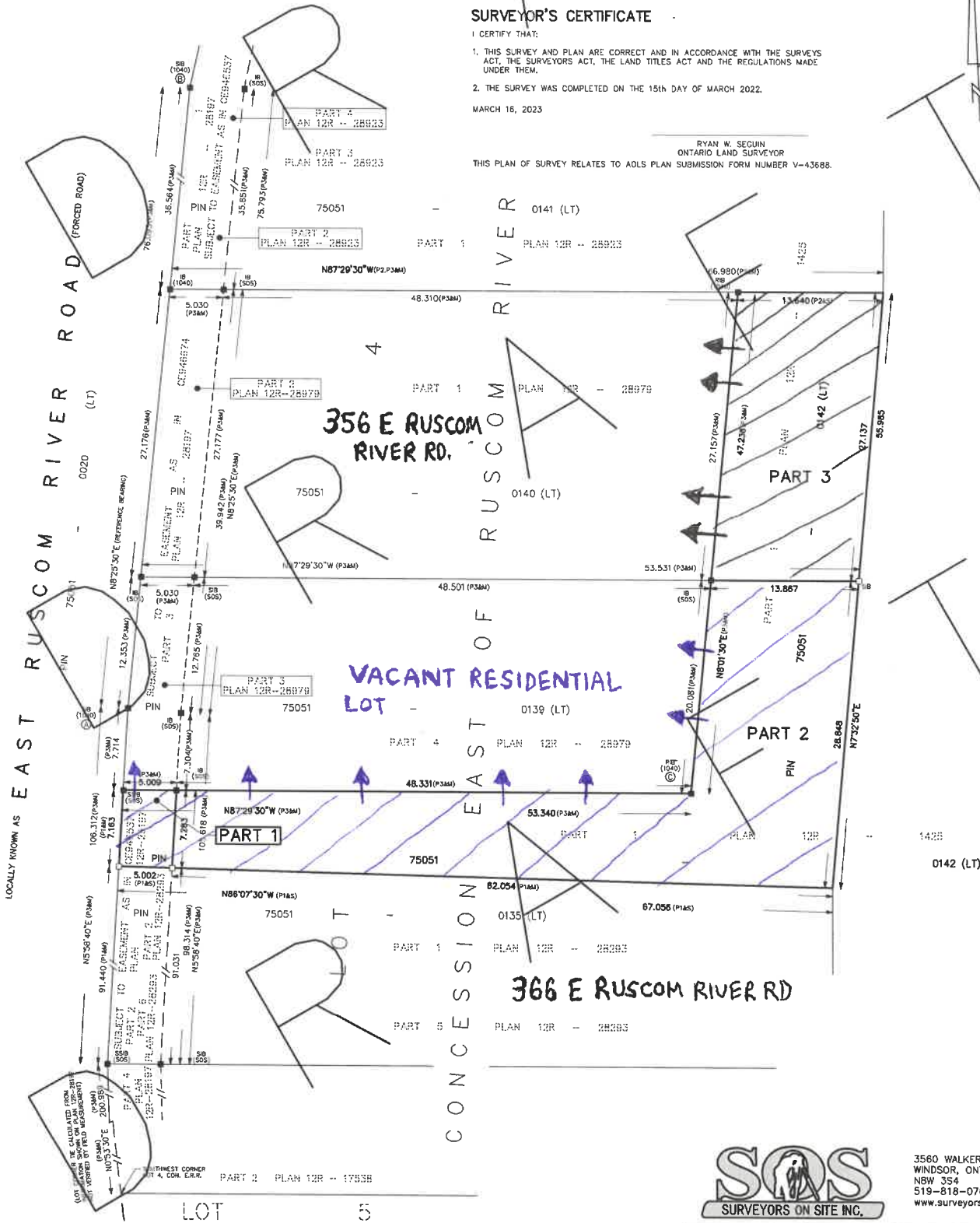
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 15th DAY OF MARCH 2022.

MARCH 16, 2023

RYAN W. SECUN  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-43688.



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

DRAWN BY: UP CHECKED BY: RWS DATE: MARCH 16, 2023 FILE: 2023-045 RPLAN





May 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 Consent B-10-2023 334 RUSCOM RIVER RD E  
ARN 375159000005401; PIN: 750510138  
Applicant: MOISON HERMAS JOSPEH

The Municipality of Lakeshore has received a consent application for two lot additions. The subject property conveying the lot additions is known municipally as 334 E Ruscom River Road, located on the east side of E Ruscom River Road, south of County Road 2, north of the Canadian Pacific Limited right-of-way. The subject property is designated "Waterfront Residential" and "Agricultural" in the Lakeshore Official Plan and split zoned "Agriculture (A)" and "Residential Waterfront – Watercourse (RW1)" in the Lakeshore Zoning By-law 2-2012.

The subject property is a farm parcel that is approximately 88.8 acres in area with approximately 41.07 metres of frontage along East Ruscom River Road. The applicants are applying to add Part 1 and Part 2 on the attached reference plan to the vacant residential lot south of 356 E Ruscom River Road – an L-shaped lot addition that is a total of approximately 813.54 m<sup>2</sup> with approximately 7.163 metre frontage. They are also applying to add Part 3 on the attached reference plan to 356 E. Ruscom River Road. Part 3 is 371.78 m<sup>2</sup> and is a lot addition without frontage.

The retained farmland will be left with approximately 33.91 metres of frontage. The vacant residential lot will have a total area of approximately 1,883.54 m<sup>2</sup> and a total frontage of approximately 27.1 metres following the lot addition. 356 E Ruscom River Road will have a total lot area of approximately 1,816.18 m<sup>2</sup> and retain its 27.1 metre frontage.

The following is provided as a result of our review of Application for Consent B-10-2023.

### **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



Mr. Ian Search  
May 03, 2023

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 Ruscom River and Cotter Creek Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

### **FINAL RECOMMENDATION**

ERCA has no objection to Application for Consent B-10-2023.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks



**Date:** May 3, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – May 17, 2023 – B/10/2023

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Operations has reviewed B/10/2023 - 334 East Ruscom River Road application and offer the following comments:

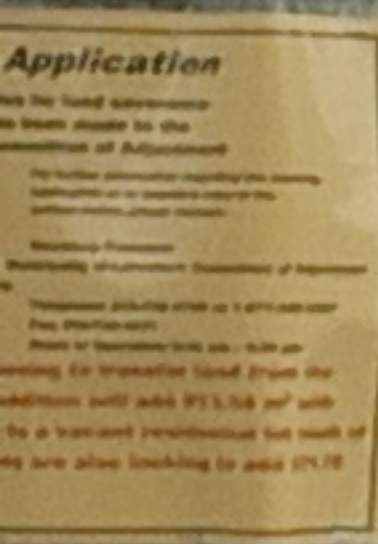
Comments
<ul style="list-style-type: none"><li>• A Drainage Apportionment will be required as part of this severance under the Drainage Act.</li><li>• Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.</li></ul>

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, BES, Planner I

**Date:** May 9, 2023

**Subject:** Consent Application B/11/2023 – 0 Main Street (Comber), Roll: 900-18600

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### Recommendation

Deny Consent Application B/11/2023 as the proposal is inconsistent with the Provincial Policy Statement and does not currently conform to the Lakeshore Official Plan and County of Essex Official plan.

### Purpose

The Municipality of Lakeshore has received a consent (severance) application for the creation of one lot at a property on the west side of Main Street in Comber, located at the southwest corner of Main Street and Knapp Road (Appendix A). The application states that the lot is being created to support a future hotel and possible medical centre.

The subject property is designated "Employment" and "Residential" in the Lakeshore Official Plan and is part of Site-Specific Policy Area 6.11.3.1. The subject property is zoned "Business Park Zone Exception 1 (M2-1)" with a "h2" holding symbol in the Lakeshore Zoning By-law 2-2012. The "h2" holding symbol restricts the existing uses on the property as the only permitted uses until conditions for removal of the holding symbol have been completed and the holding symbol lifted from the zone. Condition for removal of the holding symbol is that site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to provisions of the Planning Act.

The proposed severed lot will have an approximate area of 16,920.61 m<sup>2</sup> (4.18 acres) and an approximate frontage of 106.7 metres of frontage along Knapp Road, and approximately 101 metres of irregular frontage along Main Street. The severed lot is indicated as Part 1, 2 and 3 (together) on the draft survey provided. The retained land will maintain frontage along Knapp Road and will have an approximate area of 38.07 acres following the severance.



## Summary

### Surrounding Land Uses

North: Vacant land zoned for employment use (across Knapp Road)  
East: Residential, minor institutional, vacant service commercial land  
West: Vacant land zoned for employment use  
South: Residential and the Canada Southern Railway lands

### Provincial Policy Statement (PPS)

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Under the Legislative Authority section of the PPS, it states that “comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement”.

The subject property is in the Community of Comber which is a fully serviced community. Policy 1.6.6.6 only allows planning authorities to permit lot creation if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services. Lakeshore’s Engineering and Infrastructure Division provided the following comments on the proposed development with respect to servicing capacity:

- Lakeshore currently does not have any sanitary treatment capacity at the Comber Lagoons to service any development applications in Comber. This information was presented to Lakeshore Council on September 13, 2022. Therefore, Engineering cannot support the severance/proposal at this time.
- Lakeshore is currently working on a Water & Wastewater Masterplan Update (WWWMP) to identify viable projects to provide Comber (and other areas in the Municipality with sanitary treatment & conveyance constraints) with additional capacity to accommodate development and re-development. This update is anticipated to be completed in 2024. All design and construction of any recommended projects in the WWWWMP Update will require Lakeshore Council endorsement to proceed and an approved funding model (timelines unknown).
- A pre-consult meeting was held on with Lakeshore and the applicant for a hotel proposal on the subject lands. Lakeshore Engineering & Infrastructure Division requested the Applicant to provide average water usage for a similar facility for Lakeshore to confirm if potable water capacity exists for the proposal. This has not been provided since the pre-consult meeting and therefore it is undetermined if there is potable water capacity available for the proposed development.

Comments from this department indicate that sanitary treatment is currently unavailable, but there is a Water & Wastewater Masterplan Update currently in progress to identify



feasible projects to provide additional capacity. While the update is anticipated to be completed in 2024, timelines are unknown for endorsement and approved funding models. The lot creation should not proceed at this time without known timelines and confirmation of capacity. Also, the applicant has yet to provide average water usage for a similar proposed use so that Lakeshore can confirm if potable water capacity exists for the proposal.

### County of Essex Official Plan

The County of Essex Official Plan contains policies under Section 2.10 Sewage and Water Systems that reflect the servicing policies under the Provincial Policy Statement. That section further states that “The local municipality must confirm the availability of the required servicing capacity prior to development being approved”. Development includes the creation of a new lot under Appendix 1, Glossary of Terms.

### Official Plan

Most of the subject property is located within the Comber Employment Area, but the southern half of the proposed severed lot is part of the Comber Urban Area. Table 7.1 of the Official Plan identifies municipal water and municipal sewage as the servicing requirement for both Settlement Areas. The entirety of the property is therefore subject to policy 7.3.1.1 Municipal Water & Sewage Services, which states, “The Town will ensure that both municipal water supply and sewage systems perform within permitted operating standards.” and “...limitations on the capacity or operating performance of the municipal potable water and sewage systems will be a constraint to further development”. Development includes the creation of a new lot under the PPS. Moreover, Section 7.3.2 Servicing Allocation & Phasing states “When unallocated servicing capacity does not exist for a proposed development, the Town will defer the processing of the planning application until capacity is available...”.

The subject land is part of the Comber Employment Area Site Specific Policy Area 6.11.3.1 Part A (Appendix B). This section of the Official Plan contemplates recreational and entertainment-based activities such as a motor speedway to be developed on the lands. It also includes policy for the development of complimentary uses, such as hotels. The section requires a holding symbol to be placed on the zoning of the lands that is not to be removed until such time as “a complete servicing strategy and site plan is presented to and approved by the Municipality and site plan and servicing agreements are entered into”. Municipal servicing matters to be addressed to the satisfaction of the Municipality include sanitary sewage treatment, potable water supply, stormwater management, and vehicular traffic access. Agriculture will be the only permitted use until the holding classification is removed. These policies reinforce Section 7.3 by requiring a complete servicing strategy for the specific lands that addresses the provision of municipal servicing matters to the satisfaction of the Municipality including sanitary sewage treatment and potable water supply.

Section 4.2.1 Community Design requires measures to ensure that land use compatibility is addressed with adjacent land uses during the development process.



This includes adequate separation buffering or screening. Moreover, Section 8.3.5.2 Consents states that “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 and will allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering”.

It is indicated in the application that the severed lot will support a “hotel and possible medical centre” – adequate buffering from the low-density residential lots located south of the parcel will be required through the site plan control process. Other constraints to the development of the parcel include parking requirements for the uses, 15 metre front and rear yard setback, 10 metre side yard setback, sight triangle, and any required road/land conveyances identified by departments and/or agencies.

It would be best practice to impose site plan approval as a condition of consent approval so that the Municipality can review plans with respect to the development of the severed lot prior to stamping a deed for a new lot creation. That way the proposed lot configuration can be assessed in consideration of the proposed uses. Indeed, the Official Plan permits the Municipality to require site plan approval as a condition of approval for consent. However, such conditional approval will only make sense after sanitary and potable water capacity has been confirmed and the development is able to proceed under a predicted timeline. This is another reason why the application should be denied at this time.

#### Zoning:

The entirety of the subject land, including the proposed severed lot, is zoned M2-1(h2). It provides minimum frontage and area requirements that the proposed severed and retained lot will satisfy.

The h2 holding symbol only permits existing uses on the subject property until the holding symbol is lifted. The condition to remove the holding symbol is “that site plan approval has been granted by the Town and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act”. It is noted that the holding symbol does not include current servicing capacity constraints in its conditions. Ideally, the holding symbol should be amended to reflect this constraint and the requirement for servicing capacity prior to development.

The applicant has stated in their application that the intention is for the severed lot to support a “hotel and possible medical centre”. The M2-1(h2) zone permits a hotel, but it does not permit a “medical centre”. The Zoning By-law provides a definition of a Medical Office which is an Institutional Use in the By-law. Not only does the Zoning By-law not permit Medical Office within the zone exception, but institutional uses are also explicitly prohibited within land designated Employment under the Official Plan (Section 6.11.1).



## **Conclusion**

The proposed consent application is inconsistent with the Provincial Policy Statement (PPS) and does not currently conform to the Lakeshore Official Plan and County of Essex Official plan.

## **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.

The Ministry of Transportation (MTO) commented that there shall be no direct access to Highway 77 from the severed lot; all access shall be from Knapp Road. MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit. Access on Knapp Road shall be setback a minimum of 85 metres from the end of rounding of the intersection of Highway 77 and Knapp Road. The full set of comments from this agency is provided in appendix. The balance of their comments would be dealt with through a future site plan control process including such items as encroachment requests, storm water management, traffic impact study, and their request for the review of other development plans.

The full set of comments from the Engineering and Infrastructure Division can be found in Appendix E. In addition to the comments previously addressed, some of their additional comments include:

- Currently, there is a water main owned by Lakeshore within the subject property. This water main will need to be redirected prior to any development occurring on the subject property.
- The north portion of Emerson Avenue ends abutting the south property line of the subject property. The applicant must convey a portion of the subject lands to create a cul-de-sac (12m radius, 20m right-of-way) at the north end of Emerson Avenue to complete the road to the satisfaction of Lakeshore Engineering. The cul-de-sac will required to be constructed as part of any future development proposals on the subject property.
- A traffic impact study will be required for any proposed developments on the subject property.

Essex Region Conservation Authority (ERCA) was circulated the development proposal and commented that they request to be included in the circulation of the Site Plan Control application. They reserve to comment further on storm water management concerns until they have had an opportunity to review the specific details of the proposal through the site plan approval stage.



Hydro One stated that they have no comments or concerns at this time. Their preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. This agency will be circulated during a future site plan control process for any further comment.

Lakeshore's Fire Department has also raised questions over the potable water capacity from their perspective. They are seeking confirmation that the potable water supply in Comber is adequate for firefighting needs of this anticipated building size and height.

#### Public Notice Circulation

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

#### **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Specific Policy Area  
Appendix C – Drawings  
Appendix D – MTO  
Appendix E – Engineering Comments  
Appendix F – ERCA  
Appendix G – Fire Department Comments

#### **Prepared by:**



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Ian Search, BES  
Planner I



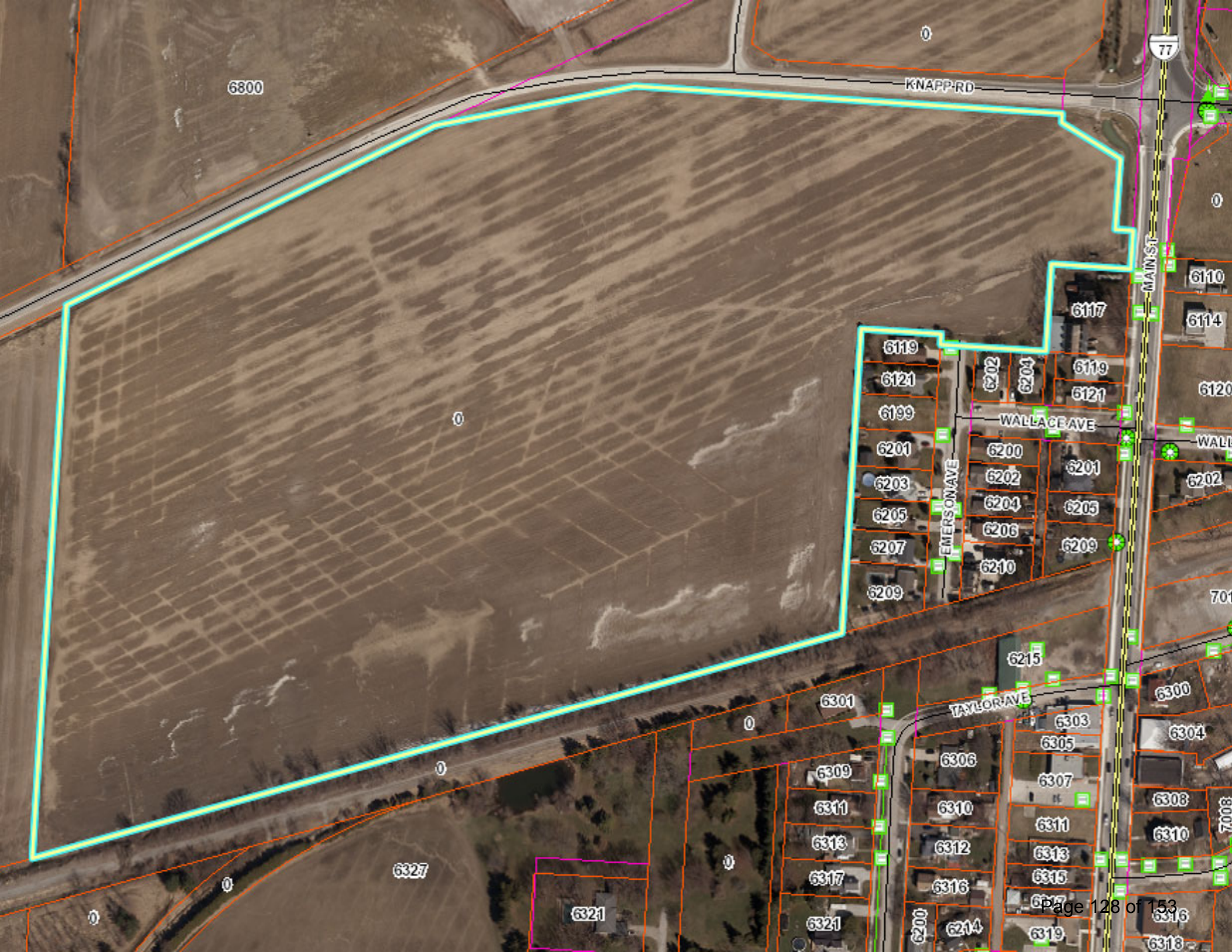
## Report Approval Details

Document Title:	B-11-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Specific Policy Area.pdf</li><li>- Appendix C - Drawings.pdf</li><li>- Appendix D - MTO.pdf</li><li>- Appendix E - Engineering.pdf</li><li>- Appendix F - ERCA.pdf</li><li>- Appendix G - Fire Department.pdf</li></ul>
Final Approval Date:	May 12, 2023

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

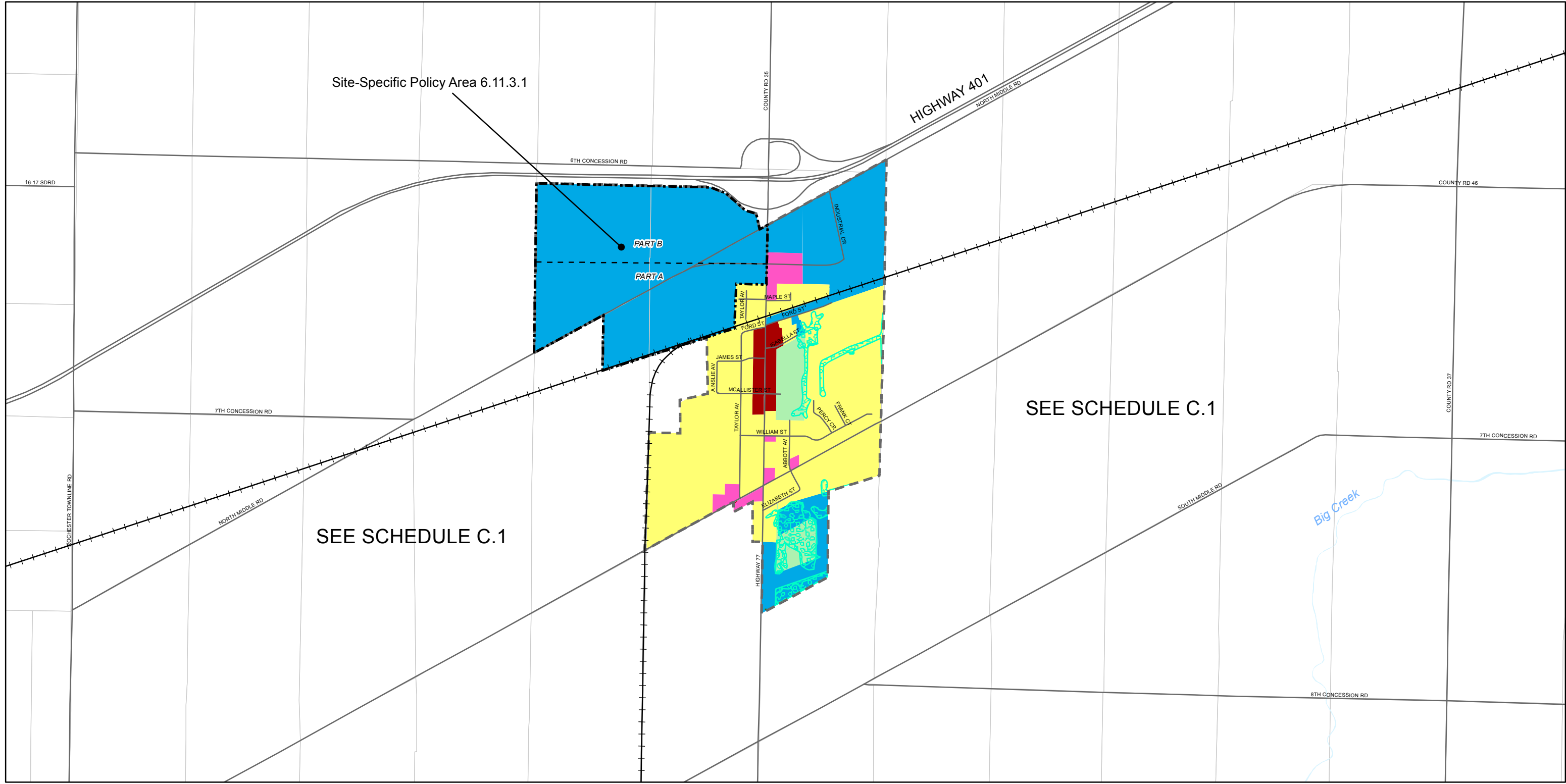
**Kristina Brcic - May 12, 2023 - 9:44 AM**







M:\Jobs\2009\14\_09208.001\_P01 - Town of Lakeshore\Mapping\GIS\mxd\2016\_11\Schedule C10 - Land Use - Comber.mxd



**LAND USE DESIGNATION (SECTION 6.0)**

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| Agricultural Designation            | Mixed Use Designation            |
| Hamlet Designation                  | Central Area Designation         |
| Waterfront Residential Designation  | Employment Designation           |
| Urban Fringe Designation            | Major Institutional Designation  |
| Residential Designation             | Natural Conservation Designation |
| Service Commercial Designation      | Parks and Open Space Designation |
| Recreational Commercial Designation | Urban Reserve Designation        |

**LEGEND**

- |  |  |
|--|--|
| Urban Area Boundary (Primary)          | Lake St. Clair Floodprone Area/ Inland Floodprone Area |
| Urban Area Boundary (Secondary)        | Limit of the Regulated Area                            |
| Hamlet Area Boundary (Secondary)       | Woodlands  |
| Waterfront Area Boundary (Secondary)   |  |
| Urban Fringe Area Boundary (Secondary) |  |
| Town Boundary                          |  |
| Site-Specific Policy Area              |  |
| Special Planning Area                  |  |



0 0.5 1 km

Interpretation Note: This Schedule will be read and interpreted in conjunction with the Official Plan in its entirety.  
Land Use Designations on this Schedule must be interpreted in conjunction with Schedule B.2.1 (Natural Heritage Features).

**Town of Lakeshore  
OFFICIAL PLAN**



**SCHEDULE "C.10" LAND USE  
(COMBER)  
DRAFT**

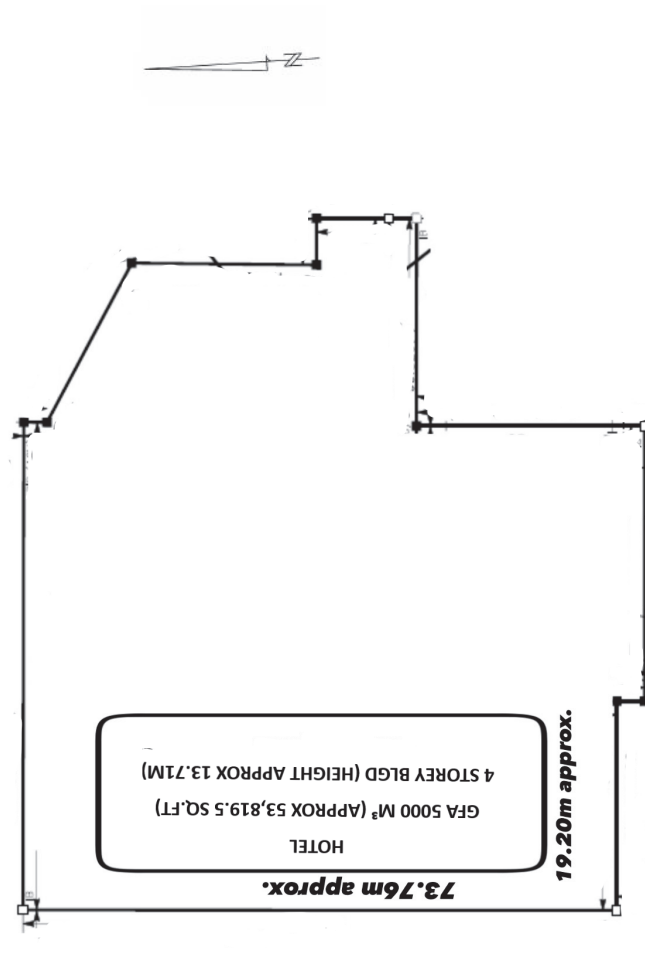


Page 129 of 153  
Revision Date: November 2016











**From:** [Mentley, Ryan \(MTO\)](#)  
**To:** [Ian Search](#)  
**Cc:** [Robertson, Andrew T. \(MTO\)](#)  
**Subject:** RE: May 17th Committee of Adjustment Application - Lakeshore - Notice for Comment  
**Date:** May 3, 2023 4:49:14 PM  
**Attachments:** [image001.png](#)  
[B-11-2023 - Notice of Public Meeting.pdf](#)

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

Good afternoon Ian,

Thank you for circulating MTO with the attached severance proposal located in the southwest quadrant of the intersection of Highway 77 and Knapp Road to accommodate a future hotel (shown on page 4 of the attached). The submission has been considered in accordance with the *Public Transportation and Highway Improvement Act* and MTO's highway access management guidelines. The following outlines our comments.

Typically with a severance, MTO is concerned with applications that can increase provincial highway access and/or reduce property frontage which can result in increased access density. The amount of access along a provincial highway or within the functional area of an intersection can have a direct impact on the intended function of both the road and intersection. As such, there shall be no direct access to Highway 77 from Part 1, 2 or 3; all access shall be from Knapp Road or Taylor Street for the proposed Parts.

Please find below initial comments for the proposed hotel. MTO may adjust comments or have addition comments upon review of a detailed site plan.

### **Building and Land Use**

An MTO Building and Land Use Permit is required. As a condition of MTO permits, the following shall be provided:

- - MTO will require confirmation from the Municipality that the current zoning will accommodate the proposed.
  - The Proponent shall submit an acceptable Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval. These plans shall clearly identify all structures/works. MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit.
  - Traffic Impact Study - MTO will require a Traffic Impact Study (TIS), the TIS shall be completed by a Registry, Appraisal and Qualification System (RAQS)



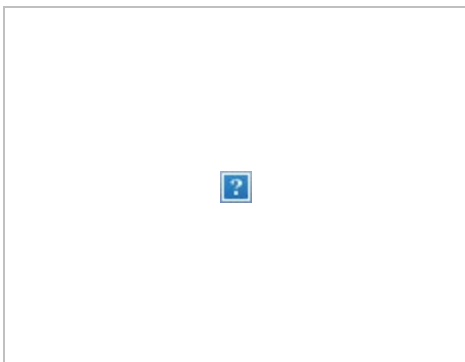
approved Transportation Engineer in accordance with MTO traffic guidelines. Should highway improvements be identified, it shall be the responsibility (financially and otherwise) of the owner to design and construct the works in accordance with MTO standards, specifications, and criteria. This will have a direct impact on the opening date of the development, as the highway improvements must be completed prior to opening. The traffic consultant should be directed to the following link for our traffic guidelines:

<https://www.ontario.ca/page/highway-corridor-management#section-1> – (scroll down under **Resources**)

**Prior to completing the traffic report, please review the pre-submission briefing requirements on Pg. 5 of the TIS guideline. MTO will provide comments/requirements upon review of the pre-submission.** Please feel free to reach out to MTO to set up a pre-consultation meeting with our traffic section to discuss requirements, etc.

Additionally, it must be noted that if a TIS identifies that highway / intersection improvements are required, but our review indicates that the required improvements cannot be geometrically accommodated, then MTO may be unable to approve the expansion, and MTO permits would not be available.

- Access on Knapp Road shall be setback a minimum of 85 metres from the end of rounding of the intersection of Highway 77 and Knapp Road. Per detail below (A & B = 85 m).



- Storm Water Management - As a condition of MTO permits, to ensure that stormwater runoff from this property does not adversely affect our highway drainage system or highway corridor, MTO requires the owner to submit a Storm Water Management Report along with the above-noted grading/drainage plans for the proposed development for our review and approval. For a comprehensive set of MTO drainage related documentation requirements, please refer to the following link: <https://www.ontario.ca/page/highway-corridor-management#section-1> – (scroll down under **Resources**)



## **Signs**

- Any/all signage visible from Highway 77 including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit *before* installation. You may find information regarding Location Signs, permit applications, and application requirements at the following website:  
<http://www.mto.gov.on.ca/english/engineering/management/corridor/sign-policy/page8.shtml>

## **Encroachments**

- Any encroachments and works identified within the highway property limits are subject to MTO conditions, approval and individual permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO, and as such, it is advantageous to the Proponent for all servicing requirements to be identified on a Site Servicing Plan as early as possible. Encroachment requests which do not meet MTO requirements will not be permitted, inclusive of any Septic / Sanitary Works designed by others. Additionally, please note that each individual service crossing/connection within MTO property limits requires a separate MTO Encroachment Permit. *These Encroachment Permits are typically acquired by either the utility company, (i.e.: Hydro One, Enbridge, etc...) or the municipality, at the customers request.*

## **General Comments**

- MTO will respectfully request a draft copy of the municipal Site Plan Agreement when available referencing all final plans and reports for review as a condition of consideration of MTO permits.

MTO looks forward to receiving additional materials for assessment as the project advances. Please feel free to contact me directly should you have any questions or concerns.

Regards,

**Ryan Mentley**

Corridor Management Planner  
Highway Corridor Management Section  
Ministry of Transportation





[REDACTED]

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**From:** Ian Search [REDACTED]  
**Sent:** May 3, 2023 9:49 AM  
**To:** Mentley, Ryan (MTO) [REDACTED]  
**Subject:** RE: May 17th Committee of Adjustment Application - Lakeshore - Notice for Comment

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi all,

Please see attached official public meeting notice for the severance application sent to you for comment. A reminder to provide any comments on this application to me by end of day.

Kind Regards,

Ian Search

**Ian Search**  
**Planner I**

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

---

**From:** Ian Search  
**Sent:** Wednesday, April 19, 2023 2:01 PM  
**To:** Mentley, Ryan (MTO) [REDACTED]  
**Subject:** May 17th Committee of Adjustment Application - Lakeshore - Notice for Comment  
**Importance:** High

Hi all,

Please see attached notice for comment with respect to a severance application in the Municipality of Lakeshore. Please provide any comments to me by May 3<sup>rd</sup>.

Kind Regards,

**Ian Search**  
**Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning



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.



**Date:** May 8, 2023

**From:** Sydnee Rivest, CET, Engineering Technologist - Development

**To:** Ian Search, Planner 1

**Re:** Committee of Adjustment – May 17, 2023 – B/11/2023

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Operations has reviewed B/11/2023 - 0 Main Street application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>Lakeshore currently does not have any sanitary treatment capacity at the Comber Lagoons to service any development applications in Comber. This information was presented to Lakeshore Council on September 13, 2022. Therefore, Engineering cannot support the severance/proposal at this time.</li><li>Lakeshore is currently working on a Water &amp; Wastewater Masterplan Update to identify viable projects to provide Comber (and other areas in the Municipality with sanitary treatment &amp; conveyance constraints) with additional capacity to accommodate development and re-development. This update is anticipated to be completed in 2024. All design and construction of any recommended projects in the WWWMP Update will require Lakeshore Council endorsement to proceed and an approved funding model (timelines unknown).</li><li>A pre-consult meeting was held on with Lakeshore and the Applicant for a hotel proposal on the subject lands. Lakeshore Engineering &amp; Infrastructure Division requested the Applicant to provide average water usage for a similar facility for Lakeshore to confirm if potable water capacity exists for the proposal. This has not been provided since the pre-consult meeting and therefore it is undetermined if there is potable water capacity available for the proposed development.</li><li>Lakeshore's Drainage Superintendent will require the Applicant to complete a revised updated schedule once the development is complete under the Drainage Act.</li></ul>



- Currently, there is a water main owned by Lakeshore within the subject property. This water main will need to be redirected prior to any development occurring on the subject property.
- The subject parcel will be subject to Lakeshore's Water and Wastewater Buy-in Fees.
- An entrance permit will be required to be obtained by either MTO (Hwy 77) or Lakeshore (Knapp Rd).
- The north portion of Emerson Avenue ends abutting the south property line of the subject property. The applicant must convey a portion of the subject lands to create a cul-de-sac (12m radius, 20m right-of-way) at the north end of Emerson Avenue to complete the road to the satisfaction of Lakeshore Engineering. The cul-de-sac will required to be constructed as part of any future development proposals on the subject property.
- A traffic impact study will be required for any proposed developments on the subject 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





May 03, 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-11-2023 MAIN ST  
ARN 375190000018600; PIN: 750600181  
Applicant: A P INVESTMENTS INC

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

The applicant is proposing a lot creation to support a future hotel and possible medical centre. The subject property is designated "Employment" and "Residential" in the Lakeshore Official Plan and is part of Site-Specific Policy Area 6.11.3.1. The subject property is zoned "Business Park Zone Exception 1 (M2-1)" with a "h2" holding symbol in the Lakeshore Zoning By-law 2-2012. The "h2" holding symbol restricts the existing uses on the property as the only permitted uses until conditions for removal of the holding symbol have been completed and the holding symbol lifted from the zone.

We understand that the condition for removal of the holding symbol is that site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to provisions of the Planning Act.

The proposed severed lot will have an approximate area of 16,920.61 m<sup>2</sup> (4.18 acres) and an approximate frontage of 106.7 metres of frontage along Knapp Road, and approximately 101 metres of irregular frontage along Main Street. The retained land will maintain frontage along Knapp Road and will have an approximate area of 38.07 acres following the severance.

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





Mr. Ian Search  
May 03, 2023

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

### **Stormwater Management**

We request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

### **FINAL RECOMMENDATION**

ERCA has no objection to Application for Consent B-11-2023.

As noted above, we reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks



## Ian Search

---

**From:** Don Williamson  
**Sent:** April 21, 2023 3:30 PM  
**To:** Ian Search  
**Subject:** FW: Committee of Adjustment - May 17 2023 - Notice for Comments  
**Attachments:** A-13-2023 - 211 Rafih Cres - Dawoud - Notice for Comments.pdf; A-14-2023 - 216 Renaud Line Road - Notice for Comments.pdf; A-15-2023 - 1646 Caille Ave - Notice for Comments.pdf; A-16-2023 - OBrien Sideroad Vacant Lot - Notice for Comments.pdf; A-17-2023 - 1723 Oriole Park Drive - Notice for Comments.pdf; A-18-2023 - Notice for Comments.pdf; B-11-2023 - Notice for Comments.pdf; B-10-2023 - 334 E Ruscom River Road - Notice for Comment.pdf; B-09-2023 - Notice for Comments.pdf

**Importance:** High

[REDACTED]

- B-11-2023 – Notice for Comments: Fire Services has only one comment/question for the proposed site use: Is the potable water supply in Comber adequate for firefighting needs of this anticipated building size and height.

[REDACTED]

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

Municipality of Lakeshore | Strategic and Legal Affairs - Fire Department

[REDACTED]

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

---

**From:** Ian Search [REDACTED]  
**Sent:** Wednesday, April 19, 2023 12:09 PM  
**To:** [REDACTED] Don Williamson  
**Cc:** [REDACTED]  
**Subject:** Committee of Adjustment - May 17 2023 - Notice for Comments  
**Importance:** High



Good afternoon,

Please see the attached Notice for Comments for your review for the May 17<sup>th</sup> Committee of Adjustment Meeting. Please submit any comments on these files to me no later than **May 3<sup>rd</sup>**.

It is important that I receive the comments by this date to prepare informed recommendation reports to the Committee of Adjustment and to clarify any comments received with departments.

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]





## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

**Wednesday, April 12, 2023, 6:00 PM**

Members Present: Chair Mark Hacon  
 Vice-Chair Michael Hoffman  
 Member Nancy Flagler-Wilburn  
 Member Jeremy Prince  
 Member Linda McKinlay

Staff Present:  
 Planner I, Ian Search  
 Planner I, Ian Rawlings  
 Team Leader of Development Approvals, Kristina Brcic

#### 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. Consent Application B-07-2023

The Authorized Applicant, Mike Stamp, was present. He stated that the retained land is going through draft plan of subdivision and that the future user of the severed lot has a very aggressive timeline to construct their building. He states this consent allows for the commencement of the construction of the manufacturing building.

Member Hoffman asked how strict the timeline is for the development of the severed lot. Mike Stamp replied that they would like to have the building constructed and occupied by March 2024 and that CanArt has existing facilities in Lakeshore.



**38/04/2023**

**Moved By** Michael Hoffman

**Seconded By** Jeremy Prince

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.

**Carried Unanimously**

**b. Minor Variance Application A-12-2023**

Member Prince and Member Flagler-Wilburn expressed an understanding of the request for the minor variance in parking reduction. Mike Stamp



stated that the front yard loading space is a result of the manufacturing process and flow of operations.

**39/04/2023**

**Moved By** Nancy Flagler-Wilburn

**Seconded By** Jeremy Prince

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.

**Carried Unanimously**

**c. Minor Variance Application A-10-2023**

The owners, Jeff and Lori Laszewski, were present and stated that their minor variance will help with the appearance of their property - main building and accessory building.

Member McKinlay asked for clarification on the location of the proposed carport. The owners explained that it is to be located at the rear of their dwelling.

**40/04/2023**

**Moved By** Michael Hoffman

**Seconded By** Linda McKinlay

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

**Carried Unanimously**

**d. Minor Variance Application A-11-2023**

Ian Search summarized comments received from Michael Dunn's solicitor, owner of 948 Albert Lane, that expressed a formal objection to the minor



variance request. Ian Search stated that the comment had been sent to the Committee of Adjustment for their consideration ahead of the meeting.

The owner, Shawn O'Keefe, asked the Committee to defer the application given the comments received from Essex Region Conservation Authority.

Member Hoffman stated that the owner should not only address the comments from ERCA, but should also revise the height and gross floor area of the proposed building as part of the deferral.

**41/04/2023**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

Defer minor variance application A/11/2023 to permit an accessory building with a gross floor area of 111 m<sup>2</sup> and a height of 6.8 metres due to concerns with comments received from Essex Region Conservation Authority and the proposed massing of the building.

**Carried Unanimously**

**e. Consent Application B-06-2023**

The Authorized Applicant, William Good, provided an explanation for the consent application.

**42/04/2023**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

Approve consent application B/06/2023 to sever approximately 1,021.93 m<sup>2</sup> 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.

**Carried Unanimously**

**f. Consent Application B-08-2023**

Raymond Tracey, the owner of the subject farm parcel, stated that they are only interested in the farming aspect of the lands which is why they have applied for these severances.

Member McKinlay and Member Flagler-Wilburn asked for clarification over the easement lands, which Ian Rawlings provided through explanation.

Member Prince requested clarification from the owner about the existing servicing situation. The owner explained the situation regarding existing and future services.

The owner also explained how a new access bridge is being installed to provide access to the farm parcel separate from the residential dwellings.

**43/04/2023**

**Moved By** Nancy Flagler-Wilburn

**Seconded By** Linda McKinlay

Approve Consent Application B/08/2023 to sever two (2) surplus dwelling lots from 1368 Rochester Townline Rd. One lot being 203.7 m<sup>2</sup> 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 m<sup>2</sup> 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.

**Carried Unanimously**

**44/04/2023**

**Easement over Part 3 in favour of Parts 1 & 2 on the Draft 12R**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

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.

**Carried Unanimously**

**45/04/2023**

**Easement over Part 2 in favour of Parts 3 & 4 on the Draft 12R**

**Moved By** Jeremy Prince

**Seconded By** Nancy Flagler-Wilburn

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.

**Carried Unanimously**

## **5. Completion of Unfinished Business**

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

The owner, Chris Mindorff, was present and stated he had no concerns with the new recommendation.

Member McKinlay asked if other lots are similar in the area in terms of area and depth. Ian Search stated that this was the case.

Member McKinlay asked if the proposal was for a building addition. Ian Search confirmed that the gross floor area requested is for the entire building which includes the existing gross floor area and the new gross floor area requested.

Chair Hacon asked if the building is to support a business. The owner said no and stated that they are requesting the increased gross floor area for storage of a RV and other personal belongings.

**46/04/2023**

**Moved By** Michael Hoffman

**Seconded By** Nancy Flagler-Wilburn

Approve minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 167.48 m<sup>2</sup> 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.

**Carried Unanimously**

**6. Approval of Previous Meeting Minutes**

**47/04/2023**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

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

**Carried Unanimously**

**a. March 22 2023 Meeting Minutes**

**7. New Business**

**a. OACA Membership and OACA conference**

**8. Adjournment**

**48/04/2023**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

The Committee of Adjustment adjourn its meeting at 7:15 PM.

**Carried Unanimously**

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer





B/01/2023  
Sean & Heather Tracey (Owner)  
Gregory Tolmie (Applicant)

NOTICE - The last day for appealing this decision is March 9<sup>th</sup>, 2023

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

RE: AN APPLICATION BY: Sean & Heather Tracey (Owner)  
Gregory Tolmie (Applicant)

LOCATION OF PROPERTY: 218 Renaud Line Rd  
Lakeshore Ontario, ON,

PURPOSE OF APPLICATION: To sever approximately 1,021.93 m<sup>2</sup> from the rear yard of 218 Renaud Line Rd to be added to the neighboring property 1303 County Rd 22 for a future development. The subject property will retain approximately 2,294.71 m<sup>2</sup> of lot area and 30.48 m of frontage along Renaud Line Rd

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 15<sup>th</sup> day of February 2023.

DECISION: GRANTED

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 Municipality of Lakeshore.

  
Signature  
Linda McKinlay

  
Signature  
Mark Hacon

  
Signature  
Jeremy Prince


  
Signature  
Michael Hoffman

  
Signature  
Nancy Flagler-Wilburn

CERTIFICATION  
Planning Act, R.S.O. 1990

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

Dated this 17<sup>th</sup> day of February 2023.

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



MUNICIPALITY OF LAKESHORE

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

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings along the new lot line, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severance;
- 5) That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge;
- 6) That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 7) That the applicant places a holding symbol on the subject land currently zoned "Residential – Low Density (R1)";**
- 8) That the applicant enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 15, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act