

# Municipality of Lakeshore

## Committee of Adjustment Meeting Agenda

Wednesday, June 14, 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-20-2023 - 248 Notre Dame Street

5

**Recommendation:**

Approve minor variance application A-20-2023 to permit a new accessory building at 248 Notre Dame Street, to have a gross floor area of 78.04 m<sup>2</sup>, subject to the following conditions:

1) The accessory building will be constructed a minimum 3.048 metres (10 feet) from the interior side lot line and a minimum 3.657 metres (12 feet) from the rear lot line;

2) Prior to building permit issuance, the applicant will submit, to the satisfaction of Community Planning, a new site plan drawing that illustrates the driveway/approach to the new accessory building and provides information regarding the minimum landscaped open space on the lot;

3) Prior to building permit issuance, the applicant will submit a grading plan to the satisfaction of Building Services if deemed required by Building Services.



**Recommendation:**

Approve Minor Variance Application A-21-2023 to permit an existing dwelling to temporarily remain on the lot during the construction of a new dwelling at 903 W Belle River Road, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and this agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore;
- 2) The existing water service be maintained during construction to the satisfaction of the Operations department;
- 3) The water meter from the existing dwelling be moved from the existing dwelling to the new dwelling when required for completion of the new home to the satisfaction of the Municipality of Lakeshore. If the Municipality of Lakeshore determines that the water meter is not in good condition, the water meter shall be replaced by Lakeshore.

**Recommendation:**

Approve minor variance application A/22/2023 at 931 County Road 31, to permit an accessory structure with a gross floor area of 72.4 m<sup>2</sup> located 3m from the southern lot line and 4 m from the western lot line.



**Recommendation:**

Approve Consent Application B/13/2023 to establish an easement on 1972 County Road 27 (over Part 1 on Plan 12R-29378) in favour of the farming parcel abutting the rear of the property known municipally as 0 County Rd 27, and legally as Part of Lot 17, Concession 1, East Belle River Rochester; Part of West Half of Lot 18, Concession 1, East Belle River Rochester, designated as Part 1 on 12R10450, except Parts 1 and 2 on 12R17791; save and except Part 1 on Plan 12R28139; together with R1107956; Lakeshore, subject to the following conditions:

- 1) That the applicant(s) obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed; 3) That the Deed and Easement 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 June 15, 2025. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.



- e. Previously Deferred Application Revisited A-17-2023 - 1723 Oriole Park Drive

70

**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 maximum height of the building to the centre of the slope of the main roof and to the highest point of the roof assembly will be as indicated in the elevation drawing attached to the planning recommendation report for the June 14<sup>th</sup> Committee of Adjustment meeting, to the satisfaction of the Building Division;

3) 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, and will be subject to a maximum setback of 7.5 metres from the rear lot line;

**5. Completion of Unfinished Business**

**6. Approval of Previous Meeting Minutes**

**Recommendation:**

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

- a. May 17 2023 Meeting Minutes

87

**7. New Business**

- a. Discuss OACA 2023 Conference

**8. Adjournment**

**Recommendation:**

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



# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



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

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

**Date:** June 7, 2023

**Subject:** Minor Variance Application A/20/2023 – 248 Notre Dame Street

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### Recommendation

Approve minor variance application A-20-2023 to permit a new accessory building at 248 Notre Dame Street, to have a gross floor area of 78.04 m<sup>2</sup>, subject to the following conditions:

- 1) The accessory building will be constructed a minimum 3.048 metres (10 feet) from the interior side lot line and a minimum 3.657 metres (12 feet) from the rear lot line;
- 2) Prior to building permit issuance, the applicant will submit, to the satisfaction of Community Planning, a new site plan drawing that illustrates the driveway/approach to the new accessory building and provides information regarding the minimum landscaped open space on the lot;
- 3) Prior to building permit issuance, the applicant will submit a grading plan to the satisfaction of Building Services if deemed required by Building Services.

### Proposal

The applicant is proposing a new accessory building on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a gross floor area of 78.04 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup>.

The new accessory building is proposed to replace an existing accessory building located in the southwest corner of the lot. The application indicates that it will be used for the storage of old cars and other personal belongings.



## **Summary**

### Location

The subject property has a lot area of approximately 0.525 acres and 23.47 metres of frontage on Notre Dame Street. The subject property is located on the south side of Notre Dame Street, east of Eleventh Street, in the Community of Belle River.

### Surrounding Land Uses

There are residential dwelling lots surrounding the subject property. Directly south of the property appears to be land zoned Residential – Low Density (R1) but is used to support solar panels as part of a renewable energy project.

### Official Plan

The subject property is designated “Residential” and “Inland Floodplain Development Control Area” in the Lakeshore Official Plan and is also located within the Essex Region Conservation Authority (ERCA) regulated area.

### Zoning

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

## **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

The Residential Designation policies of Section 6.6 permit single detached dwellings and uses accessory to this housing form such as detached accessory buildings. The designation is expected to accommodate attractive neighbourhoods, and Community Design policies of Section 4.2.1 of the Official Plan state that the Municipality will seek to maintain and improve the physical design characteristics of Settlement Areas in the context of new and existing development. Generally, high quality community design and built form will be stressed.

The minor variance maintains the general intent and purpose of these Official Plan policies. According to the site plan drawing, the accessory building will be located 3.048 metres (10 feet) from the interior side lot line and 3.657 metres (12 feet) from the rear lot line. Only a 1.5 metre (5 feet) setback from these lot lines is required. The increased setbacks provide an additional buffer from neighbouring properties. In addition, the



height of the building will be 4.572 metres (15 feet) according to the elevation drawings, which is less than the maximum permitted height of 5 metres (16.4 feet).

This proposal is not a case of overdevelopment of a lot as the resulting total lot coverage will be 19.10%, which is far less than the maximum 35% that is permitted. Lastly, the proposed building replaces an existing accessory building located in the southwest corner of the lot, which is less attractive and appears to have a deficient setback from the south interior lot line.

The subject property is designated “Inland Floodplain Development Control Area”. ERCA has indicated that the applicant 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*. The proposed development will be required to meet minimum floodproofing requirements.

### Zoning By-law

The general intent and purpose of the Zoning By-law regulation limiting the gross floor area of accessory buildings is to ensure that these structures do not dominate the landscape in a typical subdivision. It is also to ensure compatibility with the massing characteristics of the area.

The lot area of the subject property exceeds the minimum requirement in the Zoning By-law by over four times. It also exceeds the minimum frontage by over 8 metres. This is characteristic of the neighbouring properties on Notre Dame Street located east and west of the subject property as well. Notre Dame Street is a County Road and is identified as an Urban Arterial Road in the Lakeshore Official Plan. For these reasons, the subject property is not part of a typical subdivision and is in an area that is conducive to supporting relatively larger accessory buildings. 2022 aerial photography was utilized to identify similar accessory buildings in the rear yard of nearby properties that may not be visible from the street. Buildings that appear to exceed the gross floor area of the proposed building were observed at 272 and 268 Notre Dame Street west of the subject property and 198 Notre Dame Street east of the subject property.

### Minor in Nature

The minor variance is considered minor from a quantitative consideration given the size of the property relative to the proposed building, as well as the presence of larger accessory buildings in the immediate area. In terms of impacts, the proposed setbacks and proposed height of the building will mitigate any of the direct impacts to neighbouring properties that are usually associated with oversized structures (shadows, unsightly massing, etc.). Directly south of the subject property appears to be land used for a renewable energy project (solar panels). It is recognized that these lands are zoned R1 and could be developed for residential use in the future. The proposed rear yard setback will provide a favourable buffer with respect to any future development of this land.



## Desirability and Appropriateness

The minor variance is considered appropriate development for the use of the land and building. The proposal meets existing standards in the immediate area in terms of messiness. As previously mentioned, the proposed building will replace a less desirable building on the property. Impacts to the appearance of the streetscape are not anticipated as the building will be located at the rear of the lot behind a dwelling and an existing detached garage to the north. Similar to the concept developed at 198 Notre Dame Street, the applicant will likely extend their driveway west of their existing detached garage to this new accessory building located at the rear of the lot. In developing this extension, the applicant needs to be mindful that the Zoning By-law requires 30% minimum landscaped open space on a lot which excludes driveways.

The Building Department has advised that the area where the subject property is located has historically been subject to flooding with no outlet for stormwater. As a result, the Building Department is requesting a grading plan during building permit processing.

## **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.

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

- 1) The accessory building will be constructed a minimum 3.048 metres (10 feet) from the interior side lot line and a minimum 3.657 metres (12 feet) from the rear lot line;
- 2) Prior to building permit issuance, the applicant will submit, to the satisfaction of Community Planning, a new site plan drawing that illustrates the driveway/approach to the new accessory building and provides information regarding the minimum landscaped open space on the lot.

## **Correspondence**

### External and Internal Agencies

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

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



development on this parcel will be required to meet the minimum floodproofing requirement. Full comments can be found in Appendix C.

Operations has commented that construction of the accessory building should not adversely impact the side and rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix D.

The Building Division has requested that the applicant provide a grading plan due to flooding in the area and no outlet for stormwater. Full comments can be found 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 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 – Building Division Comments  
Appendix F – Site Images

#### **Prepared by:**



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Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	A-20-2023 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 Department Comments.pdf</li><li>- Appendix E - Building Division Comments.pdf</li><li>- Appendix F - Site Images.pdf</li></ul>
Final Approval Date:	Jun 8, 2023

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

**Kristina Brcic - Jun 8, 2023 - 3:13 PM**





## Legend

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

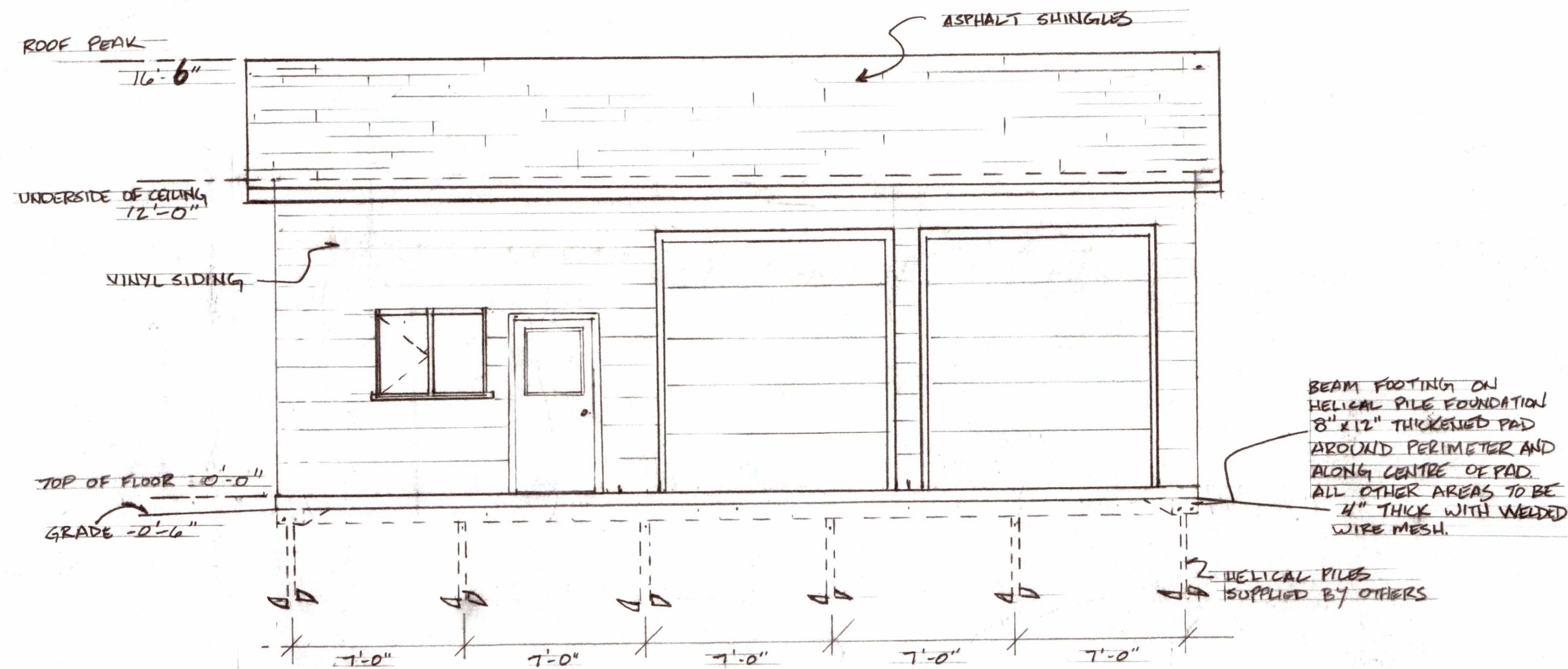
1: 779



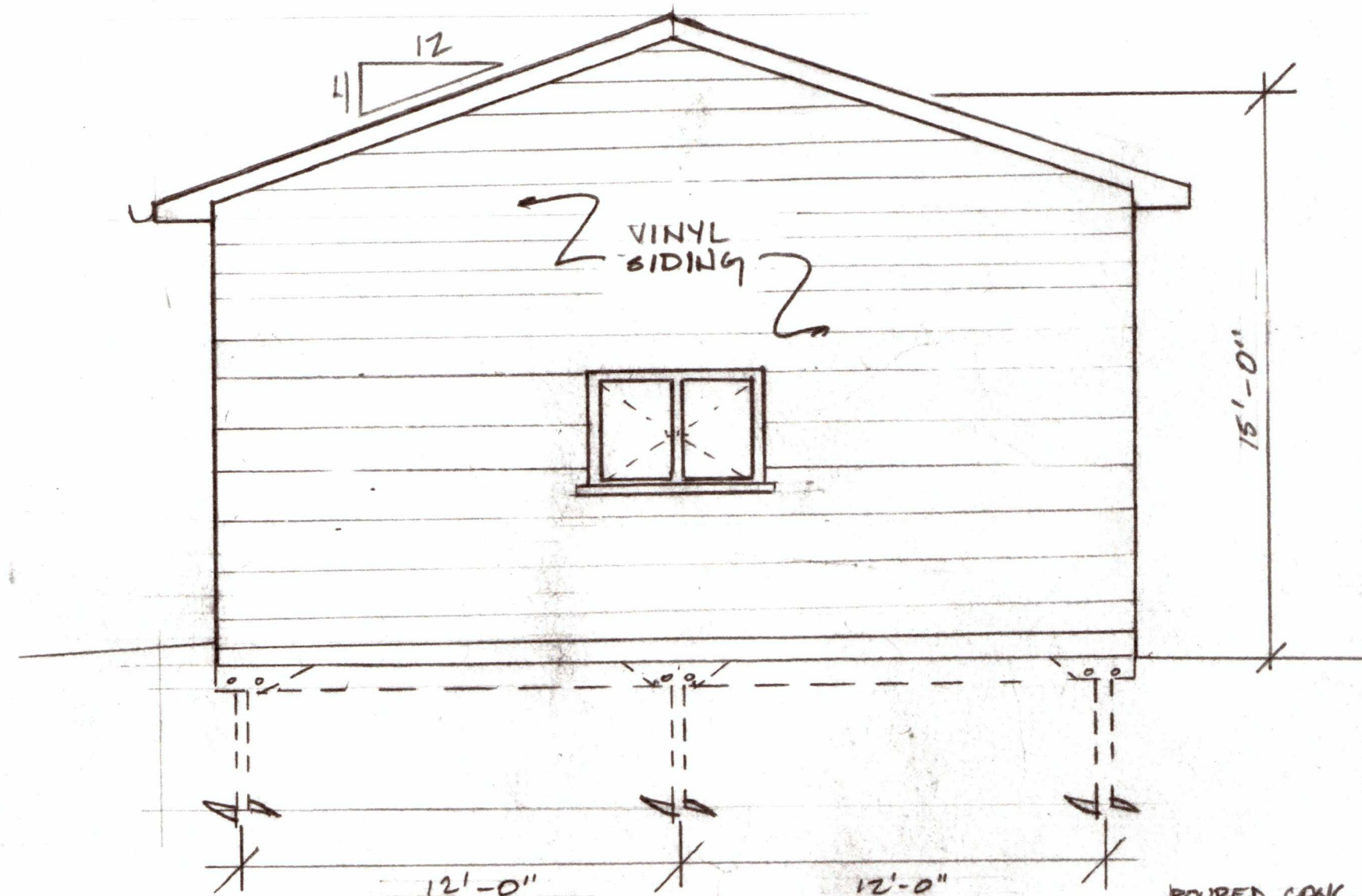
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

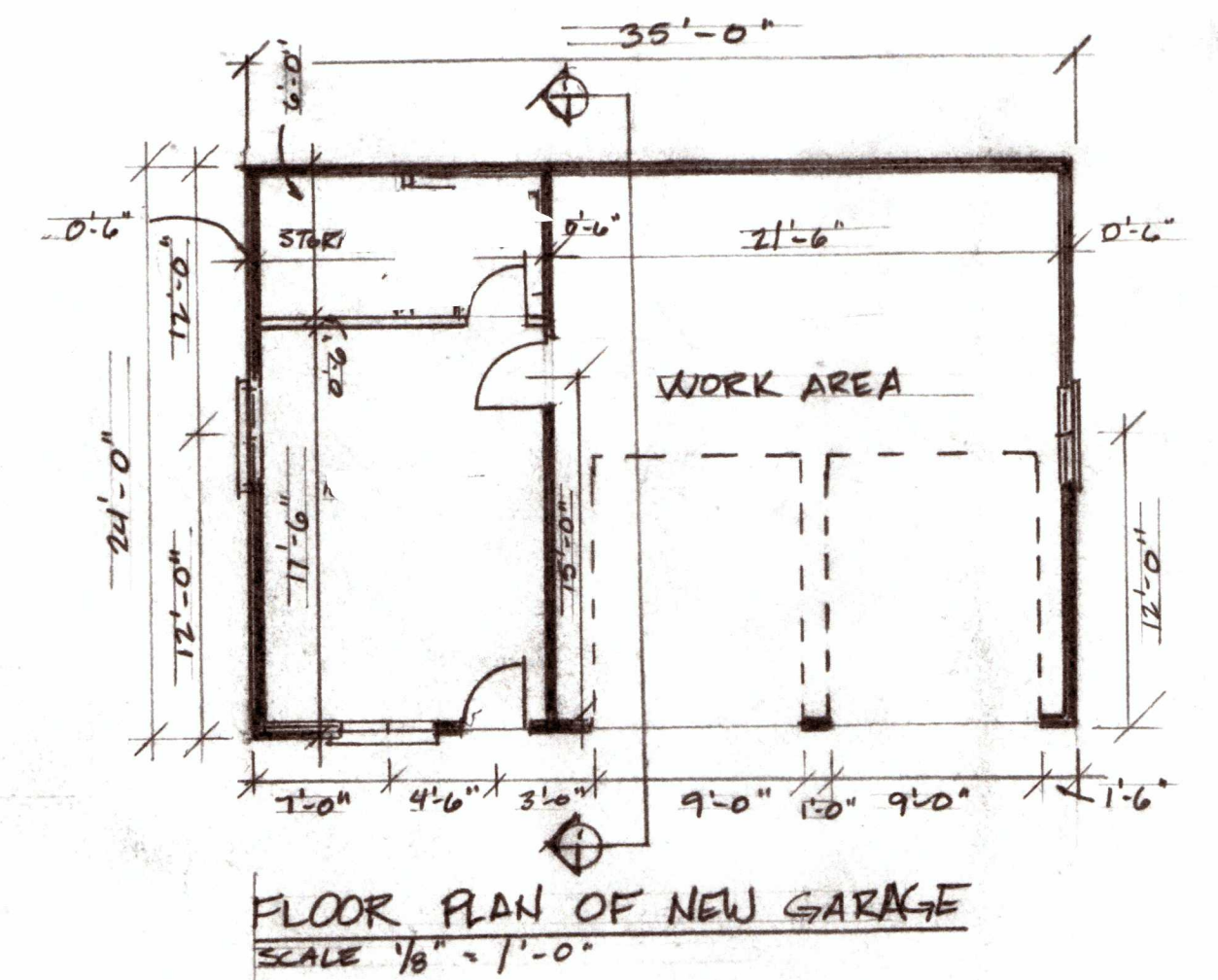




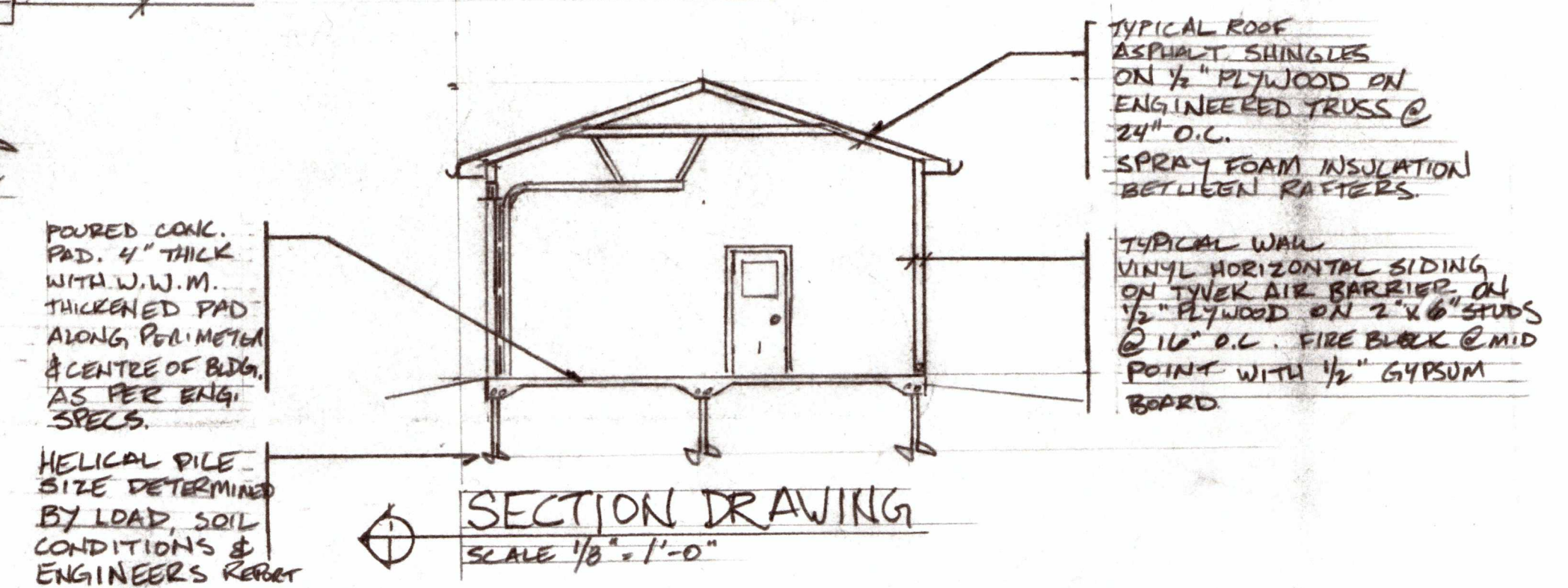
**FRONT ELEVATION**  
SCALE 1/4" = 1'-0"



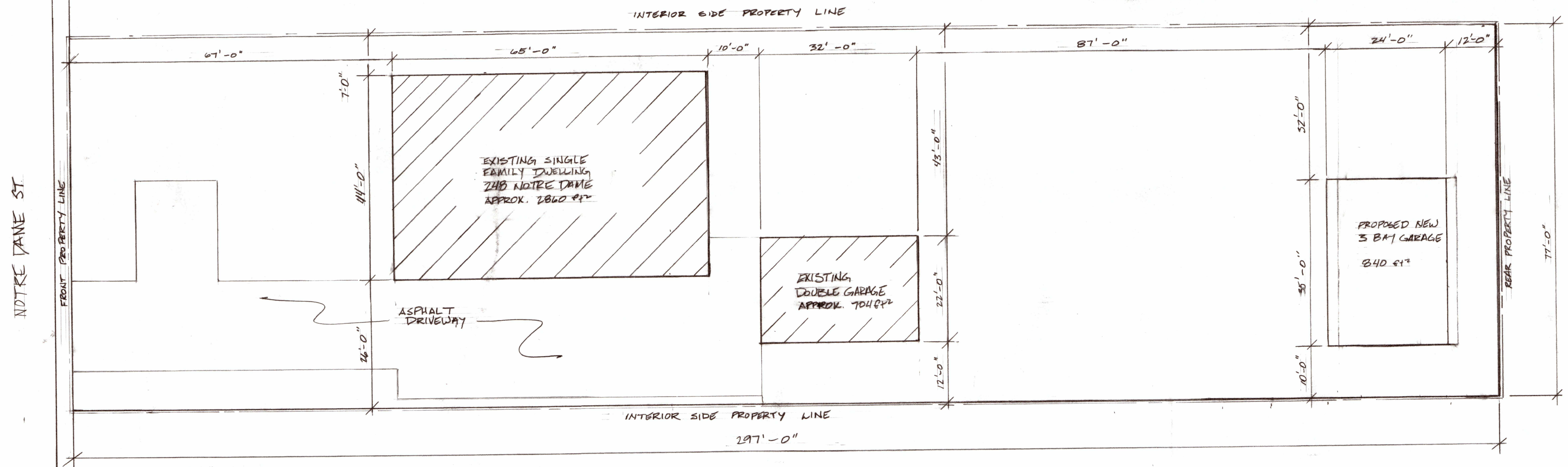
**WEST ELEVATION**  
SCALE 1/4" = 1'-0"



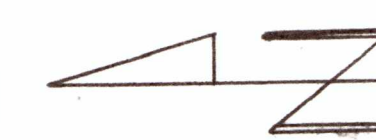
**FLOOR PLAN OF NEW GARAGE**  
SCALE 1/8" = 1'-0"



**SECTION DRAWING**  
SCALE 1/8" = 1'-0"



**SITE PLAN**  
SCALE 3/32" = 1'-0"



SITE PLAN FOR 248 NOTRE DAME ST  
BELLE RIVER, ONT  
PLAN 105 PART OF LOT 1  
LOT: 22,869 sq ft  
HOUSE: 2860 sq ft  
EXISTING GARAGE: 704 sq ft  
NEW 3-BAY GARAGE: 840 sq ft  
TOTAL COVERAGE: 19.10 %  
DATE: MAY 12<sup>th</sup>, 2023  
SCALE: 3/32" = 1'-0"





May 24, 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-20-2023 248 NOTRE DAME ST  
ARN 375139000003100; PIN: 750290416  
Applicant: Michael Robert

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicant is proposing a new accessory building. The following is provided as a result of our review of Application for Minor Variance A-20-2023.

### **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under 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 Duck Creek. 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*.

The proposed development on this parcel will be required to meet the minimum floodproofing requirement.

### **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. The proposed development on this parcel will be required to meet the minimum floodproofing requirement.



Mr. Ian Search  
May 24, 2023

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

Sincerely,



Kathleen Schnekenburger  
*Resource Planner*  
/ks



## Operations Department

**Date:** May 31, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – June 14, 2023 – A/20/2023

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Operations has reviewed A/20/2023 – 248 Notre Dame St. 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 and 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



## Ian Search

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**From:** Morris Harding  
**Sent:** May 23, 2023 8:47 AM  
**To:** Ian Search  
**Subject:** RE: Committee of Adjustment - June 14 2023 - Request for Comment

Hi Ian

Please ensure the proponent ( A-20-2023) provides a grading plan, that area has historically had flooding with no outlet for the storm water. [REDACTED]  
[REDACTED]

Thank You

**Morris Harding** , C.B.C.O.  
**Division Leader - Building and Chief Building Official**  
Municipality of Lakeshore | Growth and Sustainability - Building  
419 Notre Dame Street, Belle River, ON, N0R 1A0  
T: tel:+15197281975;ext=258  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

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**From:** Ian Search [REDACTED]  
**Sent:** Friday, May 19, 2023 3:48 PM  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Committee of Adjustment - June 14 2023 - Request for Comment  
**Importance:** High

Good afternoon,

Please see the attached Notice for Comments for your review for the June 14<sup>th</sup> Committee of Adjustment Meeting.  
Please submit any comments on these files to me no later than **June 2<sup>nd</sup>**.

There could be a couple more requests for comments circulated out early next week.

Kind Regards,

**Ian Search**  
**Planner I**  
Municipality of Lakeshore | Growth and Sustainability - Community Planning  
[REDACTED]



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

Ian Search  
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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











# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



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

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

**Date:** June 7, 2023

**Subject:** Minor Variance Application A-21-2023 – 903 W Belle River Road

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### Recommendation

Approve Minor Variance Application A-21-2023 to permit an existing dwelling to temporarily remain on the lot during the construction of a new dwelling at 903 W Belle River Road, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and this agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore;
- 2) The existing water service be maintained during construction to the satisfaction of the Operations department;
- 3) The water meter from the existing dwelling be moved from the existing dwelling to the new dwelling when required for completion of the new home to the satisfaction of the Municipality of Lakeshore. If the Municipality of Lakeshore determines that the water meter is not in good condition, the water meter shall be replaced by Lakeshore.

### Relief Requested:

The subject property is approximately 5.65 acres in area with approximately 123.8 metres of frontage along W Belle River Road. The applicant is applying to permit an existing dwelling to temporarily remain on the lot during the construction of a new dwelling, and is therefore seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Relief from Section 6.20 Dwelling Units Per Lot to temporarily permit two dwelling units on a lot.



## **Reasons for and Nature of the Application:**

The applicants are requesting to temporarily permit an existing dwelling to remain on the subject property during the construction of their new dwelling. The existing dwelling will provide housing for the applicant during construction of the new dwelling.

## **Summary:**

### Location:

The subject property is located south of County Road 42, north of Rogers Road, on the west side of W. Belle River Road in the Community of Maidstone, known municipally as 903 W. Belle River Road (See Attachment A).

### Official Plan:

The entire subject property is designated Agricultural and is partially located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

### Zoning:

The subject property is zoned Agriculture (A).

## **Conclusion:**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### Official Plan:

While the subject property is not included in a settlement area, it borders the Belle River Strip settlement area to the east and therefore its development has influence on the physical design characteristics of its surrounding area. Section 4.2.1 of the Lakeshore Official Plan states that the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality. One permanent single detached dwelling per lot is considered to be part of the traditional character of the settlement area. Additionally, the subject property is designated Agricultural and Section 6.2.1 b) of the Official Plan permits “a single residential dwelling per lot” – a secondary residence is only permitted on a farm parcel when the size and nature of such operation requires additional employment.

The minor variance proposal meets the general intent and purpose of the Official Plan so long as approval is conditional on the owner entering into a legal agreement with the Municipality to temporarily permit two dwellings on a single lot. Under this agreement, an



owner can apply for a building permit to build a new dwelling on their lot while their existing dwelling remains on the lot during construction. The owner is then required to demolish, dismantle, relocate and/or remove any and all debris of the original dwelling in accordance with the specifications of the agreement. The agreement requires an indemnity deposit of \$20,000.00 as prescribed under the current User Fees By-law, and requires the original dwelling – including any and all debris – to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling.

#### Zoning By-law:

The intent and purpose of the regulation restricting a lot to only one dwelling is to preserve neighbourhood character from uncontrolled intensification and to mitigate urban sprawl that threatens the efficient use of services throughout the Municipality. It is the opinion of the Planner that the proposal will meet this general intent and purpose if the proposed condition is imposed on approval. The condition will ensure a mechanism to only permit two dwellings on a temporary basis. Under the standard agreement as currently drafted, the original dwelling – including any and all debris – is to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling.

This property is a large rural residential lot that is not located in a typical residential subdivision. There are only a few neighbouring residential dwellings in proximity, and there are natural heritage features located on the east side of W Belle River Road directly across the street. Under this context, there will be little impact to the character of the area in allowing two dwellings on the lot for up to 90 days following occupancy of the new dwelling.

#### Minor

The minor variance is considered minor. The recommended condition will only permit a deviation from the Zoning By-law for a temporary period, at which point the development will be in full compliance with the Zoning By-law. No impacts to neighbouring properties are anticipated, as the new dwelling will be constructed in an area located south of the existing house, far from any neighbouring dwellings.

#### Desirability

The minor variance is convenient for the applicant since it will provide them with housing during construction of their new dwelling. The Committee should consider this hardship as an issue of appropriateness. Furthermore, the proposed condition will ensure that existing standards in the immediate area and compatibility with surroundings will be preserved at the end of the process.

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.

It is recommended that the Committee of Adjustment impose the following condition on approval:

1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and this agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore.

## **Correspondence**

### **External and Internal Agencies**

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

ERCA states that they have no objection. 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. Full comments can be found in Appendix C.

Operations has commented that the existing water service must be maintained during construction. The water meter from the existing dwelling shall be moved to the new dwelling when required for completion of the new dwelling. 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.

## **Attachments(s):**

Appendix A – Aerial Image  
Appendix B – Drawings  
Appendix C – ERCA Comments  
Appendix D – Operations Comments  
Appendix E – Site Images

**Prepared by:**





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Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	A-21-2023 - 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 - ERCA Comments.pdf</li><li>- Appendix D - Operations Comments.pdf</li><li>- Appendix E - Site Images.pdf</li></ul>
Final Approval Date:	Jun 8, 2023

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

**Kristina Brcic - Jun 8, 2023 - 3:32 PM**



863

W BELLERIVER RD

895

900

903

920



903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON N0R 1A0  
CANADA

CONSTRUCTION NOTES

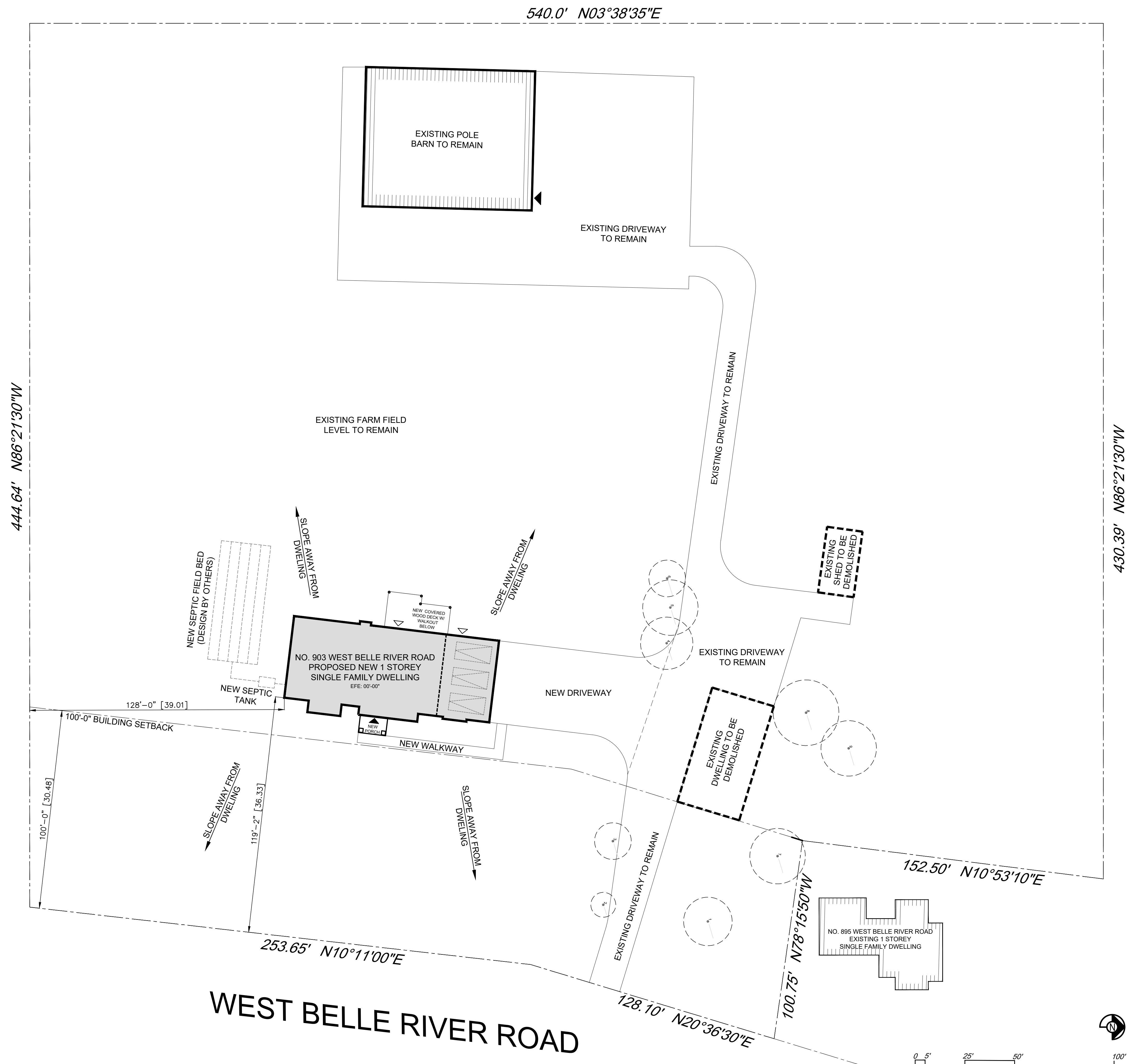
## LINTEL & BEAM SCHEM

LEGEND	
Scale= NTS	A-000

A-000

TITLE SHEET





COVERAGE CALCULATIONS

- LOT FRONTAGE = 380'-1" [115.85]
- LOT AREA = 246,002 sq.ft. [5.65ac]
- AREA OF EXISTING POLE BARN TO REMAIN = 5,955 sq.ft [553.24 sq.m]
- AREA OF DWELLING TO BE DEMOLISHED = 2,543 sq.ft. [236.25 sq.m]
- EXISTING LOT COVERAGE = 8,498 sq.ft. [789.4 sq.m.]
- AREA OF NEW DWELLING = 4,526 sq.ft [420.48 sq.m]
- AREA OF NEW COVERED REAR DECK = 516 sq.ft. [47.94 sq.m]
- AREA OF NEW COVERED PORCH = 123 sq.ft. [11.43 sq.m.]
- NEW LOT COVERAGE = 11,120 sq.ft [1033.08 sq.m]

SITE PLAN	1
-----------	---

Scale= 1"= 300'	A-100
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903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA

# A-100

## SITE PLAN

[illegible]

ISSUE DATE:

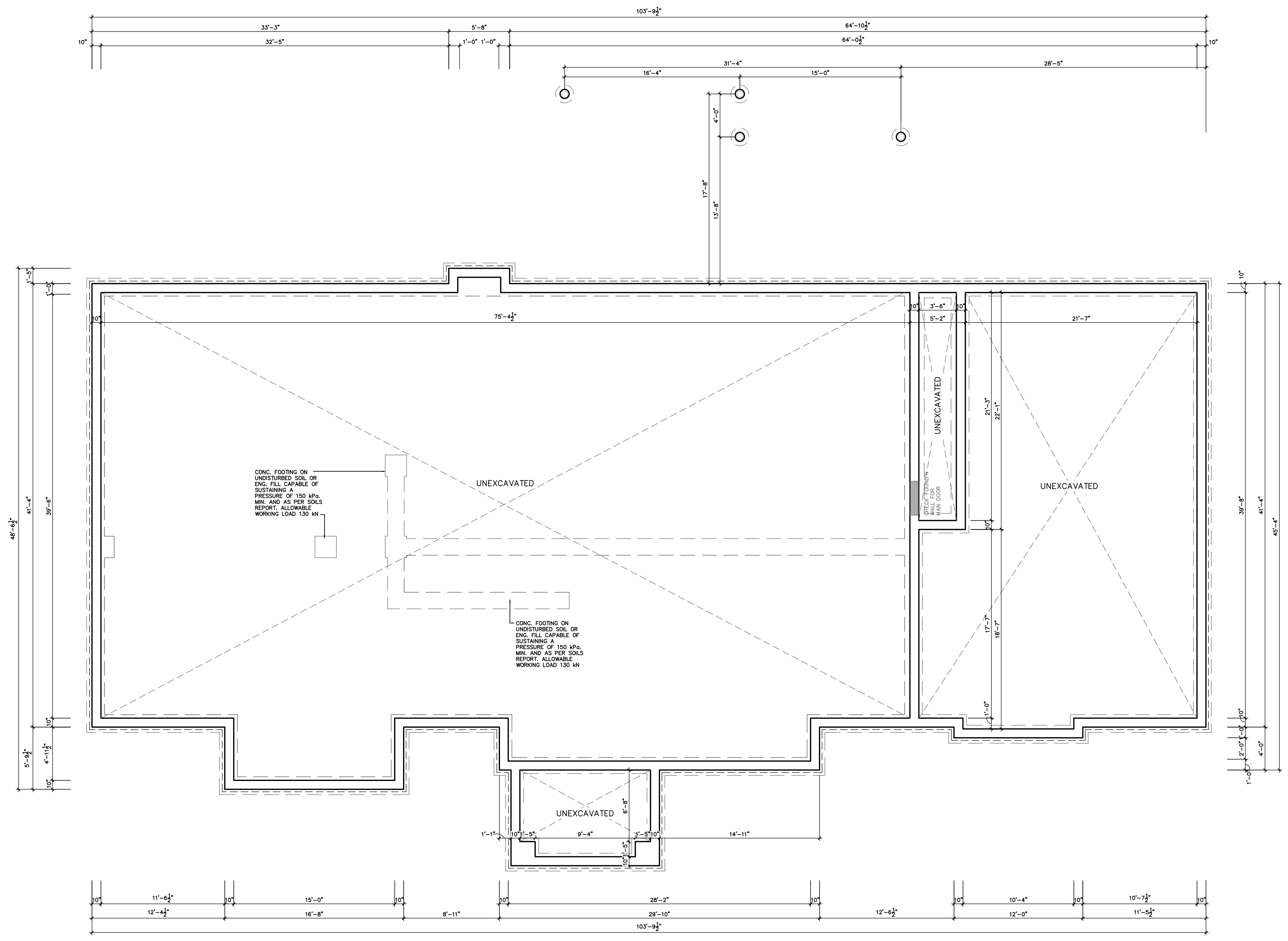
[illegible]

DRAWN BY:

PANDA PROJECT #:

ARCH PROJECT #:





FOUNDATION PLAN 1  
Scale= 3/16" = 1'-0" A-101

REVISIONS:


ISSUE DATE:


DRAWN BY:

--

PANDA PROJECT #:

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ARCH PROJECT #:

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903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA

A-101  
FOUNDATION PLAN

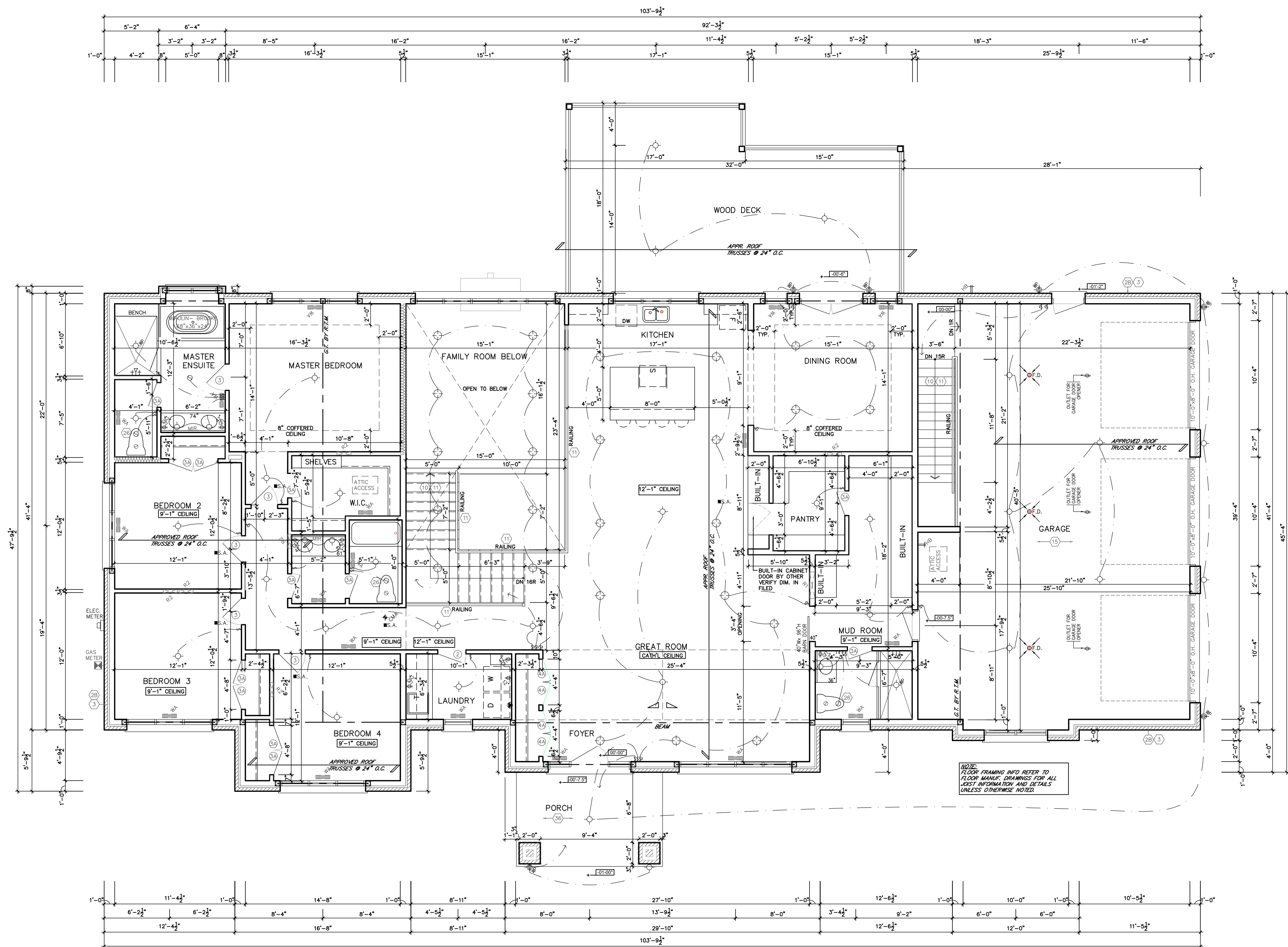




Scale= 3/16" = 1'-0"	A-102
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Page 30 of 97





GROUND FLOOR PLAN

1

Scale= 3/16" = 1'-0"

A-103

REVISIONS:

ISSUE DATE:

DRAWN BY:

PANDA PROJECT #:

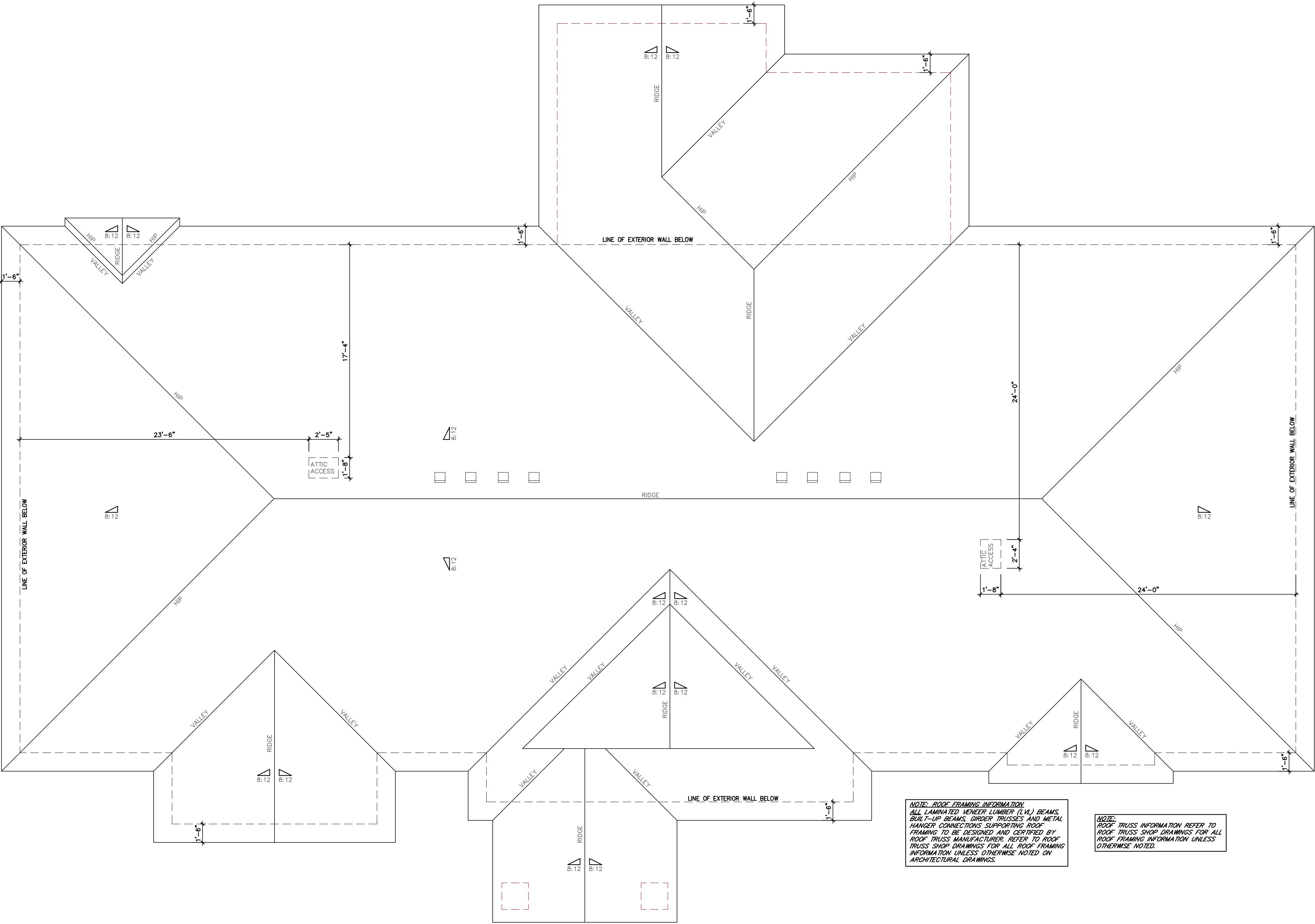
ARCH PROJECT #:

903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA

A-103

GROUND FLOOR PLAN





REVISIONS:


ISSUE DATE:


DRAWN BY:

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PANDA PROJECT #:

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ARCH PROJECT #:

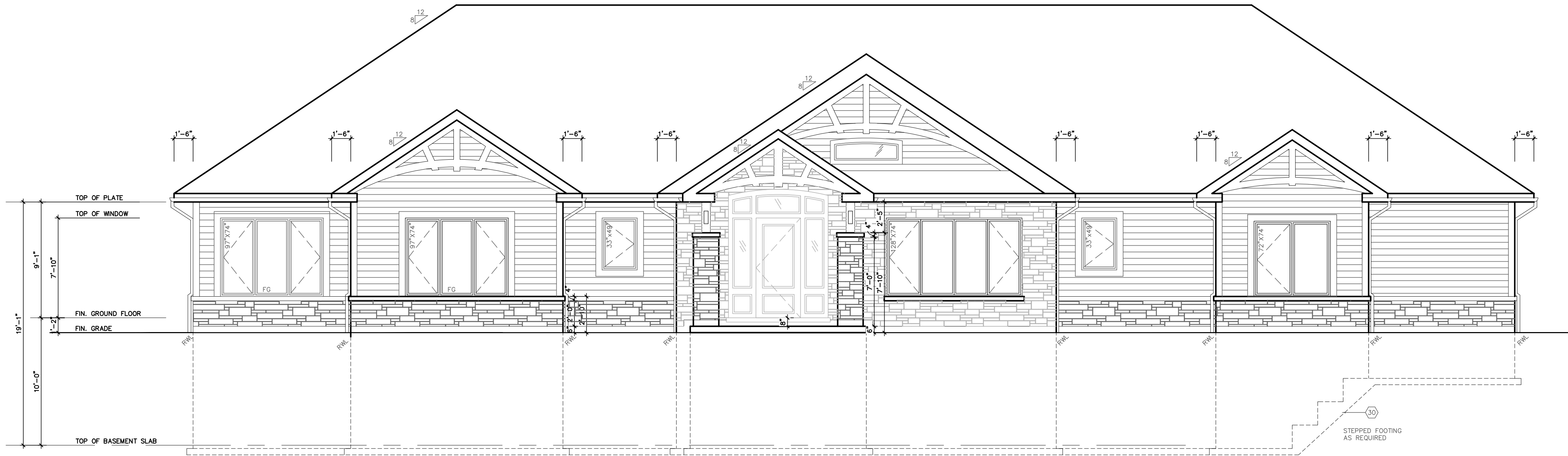
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903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA





WEST [REAR] ELEVATION 2  
Scale= 3/16" = 1'-0" A-200



EAST [FRONT] ELEVATION 1  
Scale= 3/16" = 1'-0" A-200

REVISIONS:	

ISSUE DATE:	

DRAWN BY:	

PANDA PROJECT #:	

ARCH PROJECT #:	

903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA

A-200

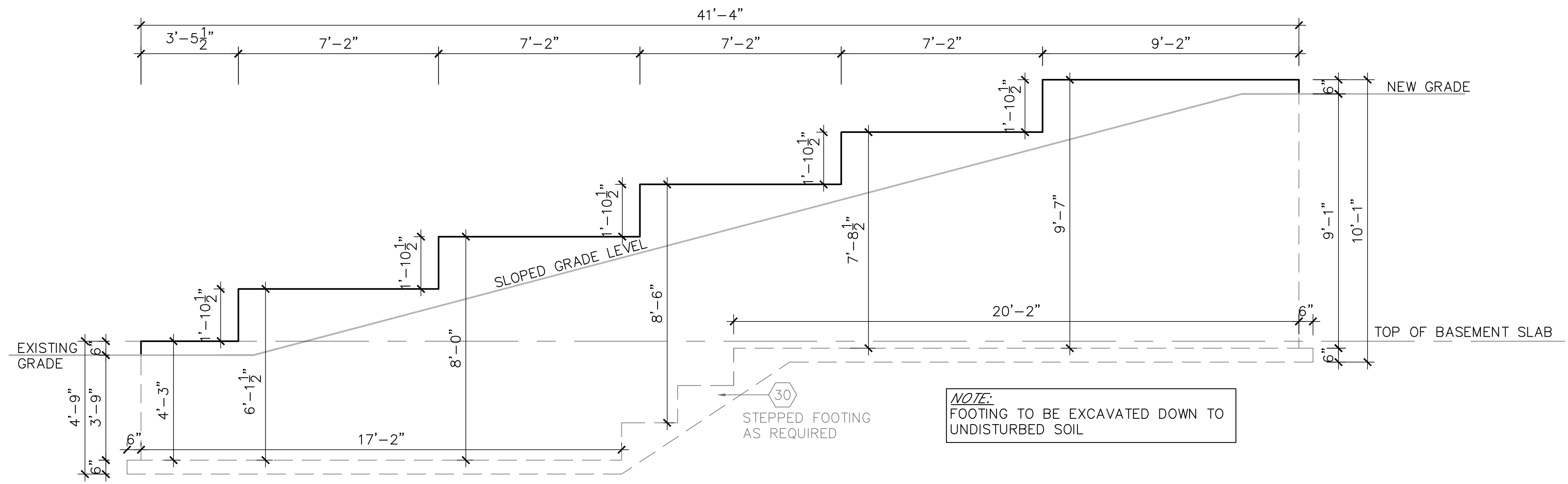
ELEVATIONS





Page 34 of 97



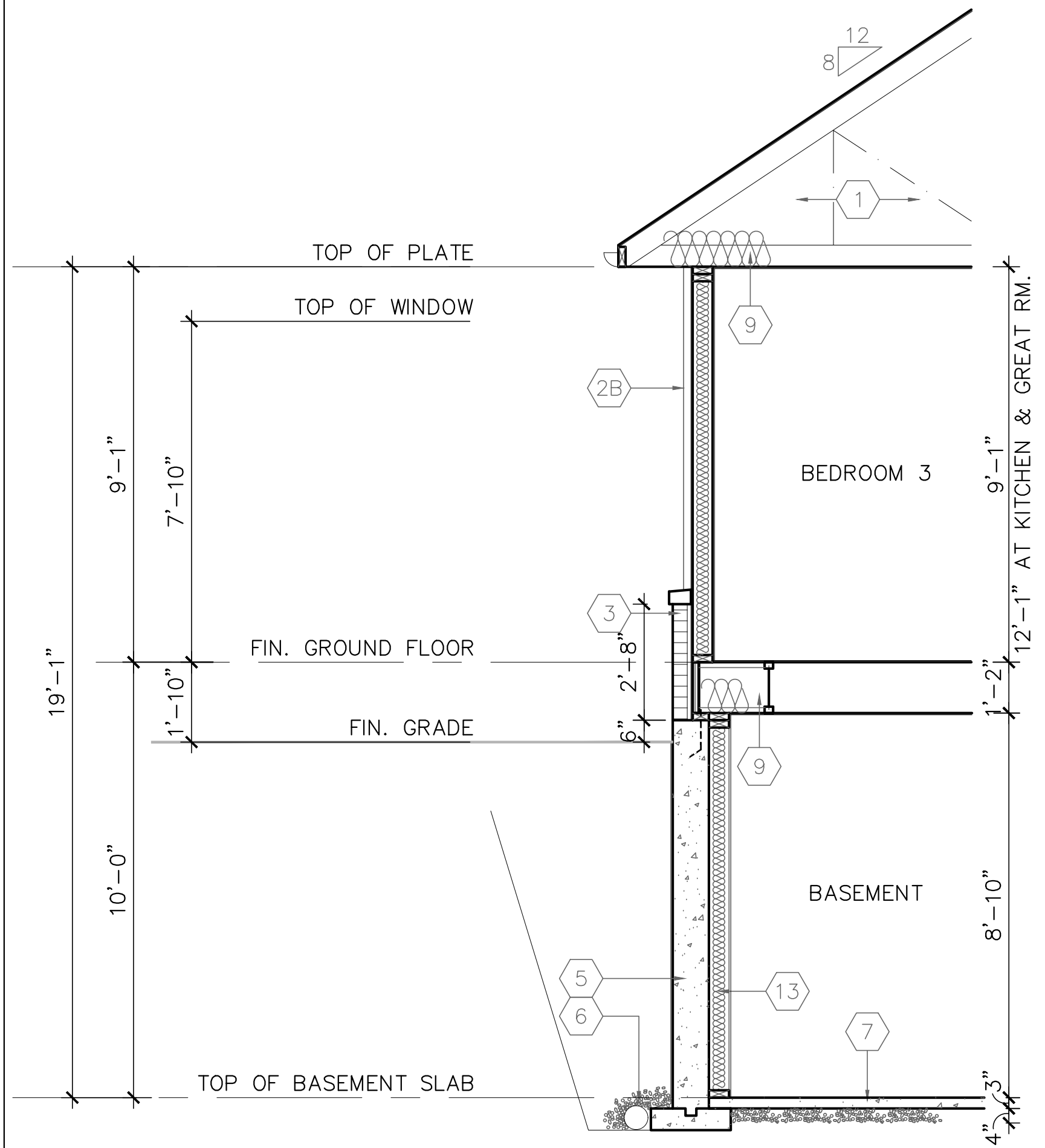


SOUTH WALL STEP FOUNDATION ELEVATION

3

Scale= 3/8" = 1'-0"

A-300

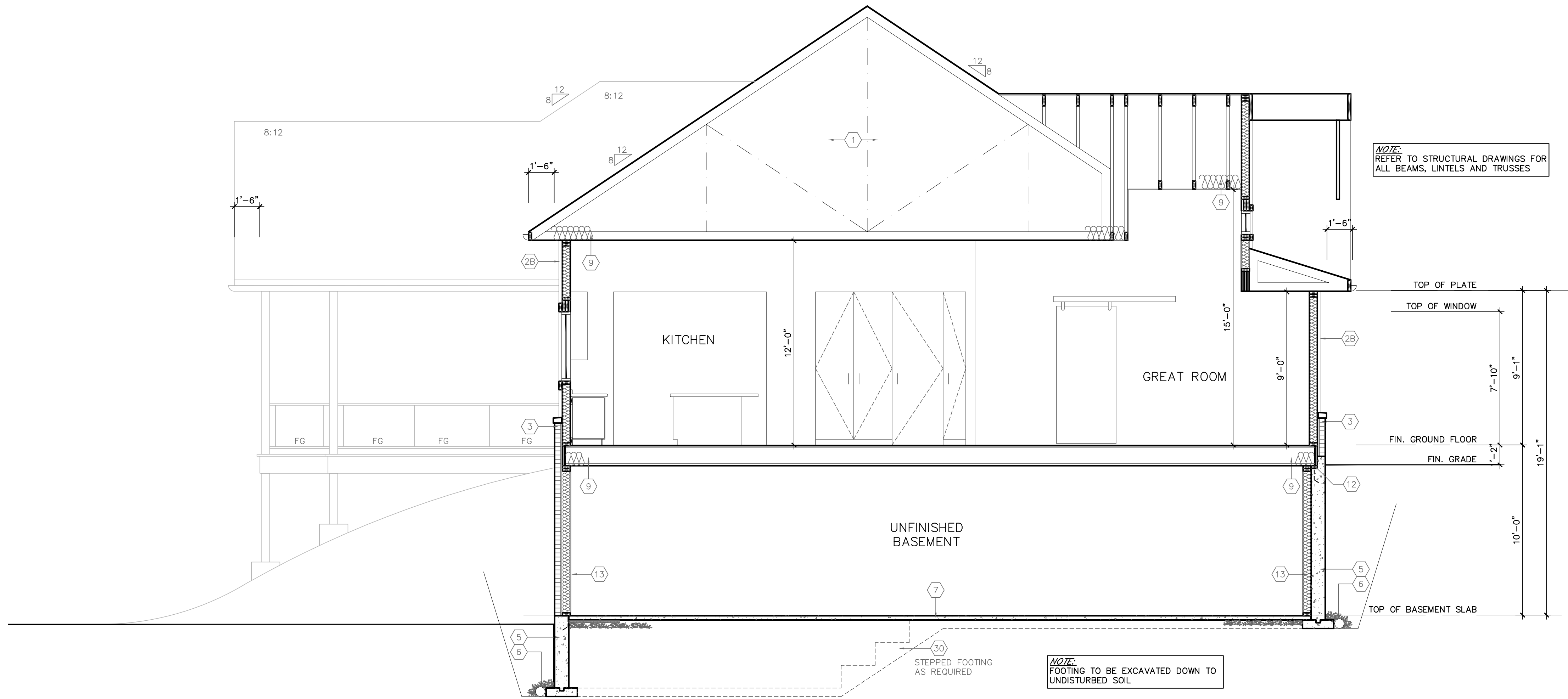


TYPICAL WALL SECTION

2

Scale= 3/8" = 1'-0"

A-300



BUILDING SECTION

1

Scale= 1/4" = 1'-0"

A-300

REVISIONS:

ISSUE DATE:

DRAWN BY:

PANDA PROJECT #:

ARCH PROJECT #:

903 WEST BELLE RIVER ROAD  
BELLE RIVER, ON NOR 1A0  
CANADA

A-300

SECTIONS & DETAILS





May 26, 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-21-2023 903 WEST BELLE RIVER RD  
ARN 375113000004300; PIN: 750270067  
Applicant: FRACAS RYAN SCOTT

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicant is applying to permit an existing dwelling to temporarily remain on the lot during the construction of a new dwelling. The following is provided as a result of our review of Application for Minor Variance A-21-2023.

## **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

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

## **FINAL RECOMMENDATION**

ERCA has no objection to Application for Minor Variance A-21-2023. 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.



Mr. Ian Search  
May 26, 2023

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

Sincerely,



Kathleen Schnekenburger  
*Resource Planner*  
/ks



**Date:** May 31, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – June 14, 2023 – A/21/2023

---

Operations has reviewed A/21/2023 – 903 West Belle River Rd. application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>• The existing water service must be maintained during construction.</li><li>• The water meter from the existing home shall be moved from the existing home to the new homes when required for completion of the new home. If the water meter is not in good condition (as determined by a representative from the water division), the water meter shall be replaced by Lakeshore.</li><li>• Any modifications or relocation of the driveway within the municipal right-of-way will require the applicant to obtain an entrance permit from the Municipality of Lakeshore.</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:** Paige Docherty, Planning Student

**Date:** June 7, 2023

**Subject:** Minor Variance Application A-22-2023 – 931 County Road 31

---

### Recommendation

Approve minor variance application A/22/2023 at 931 County Road 31, to permit an accessory structure with a gross floor area of 72.4 m<sup>2</sup> located 3m from the southern lot line and 4 m from the western lot line.

### Proposal

The applicant is proposing to construct a new accessory building located in the rear yard of the property. 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 72.4 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 RW1 zone.

The applicant has indicated in their application that the proposed accessory building will be used for storage of a boat, car, snowmobile, lawn equipment, bicycles, camping gear, etc.

### Summary

#### Location

The subject property is known municipally as 931 County Road 31. It is located on the west side of County Road 31, north of County Road 42 and south of County Road 2. It has a lot area of approximately 1052.18 m<sup>2</sup> (0.26 acres) and approximately 22.86 metres of frontage. There is an existing single detached dwelling and shed located on the property.



### Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots to the north, south and east. West of the property is agricultural land.

### Official Plan

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

### Zoning

The subject property is zoned "Residential Waterfront – Watercourse (RW1)" 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. The Waterfront Residential Designation consists of predominately low-density residential dwellings abutting Lake St Clair or watercourses and are generally comprised of residential lots that are relatively larger than those in Lakeshore's Urban Areas. These larger lots are therefore usually 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 southwest area of the rear yard – 4 metres from the rear lot line and 3 metres from the south side lot line. Since it is located behind the main building, it will not impact the appearance or streetscape. Land use compatibility issues with neighbouring properties are not anticipated and the applicant will be providing the required minimum setback from lot lines. Aerial photography suggests that other oversized accessory buildings exist in the immediate area on County Road 31, including one located on the east side of County Road 31, across the street from the subject property, known municipally as 896 County Road 31. 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. Proposing a building that is truly subordinate to the main building on the property maintains the



intent of the “accessory” definition in the Zoning By-law, as the building footprint of the main building/dwelling on the property is approximately 120 m<sup>2</sup>, which greatly exceeds the 72.4 m<sup>2</sup> gross floor area of the proposed accessory building. 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.

### 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. It has been determined 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 17.4 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 proposed massing of the accessory building is compatible with surroundings and meets existing standards within the area. Additionally, the size of the accessory structure appears both appropriate and desirable for the proposed usage.

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.

## **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.

The County of Essex states that they have no objection to the application. The applicant will be required to comply with County Road regulations and permits. 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

### **Prepared by:**



---

Paige Docherty,  
Student Planner



## Report Approval Details

Document Title:	A-22-2023 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 - Photos.pdf</li><li>- Appendix D - Engineering Department.pdf</li><li>- Appendix E - County of Essex Comment.pdf</li></ul>
Final Approval Date:	Jun 8, 2023

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

**Kristina Brcic - Jun 8, 2023 - 4:13 PM**





## Legend

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

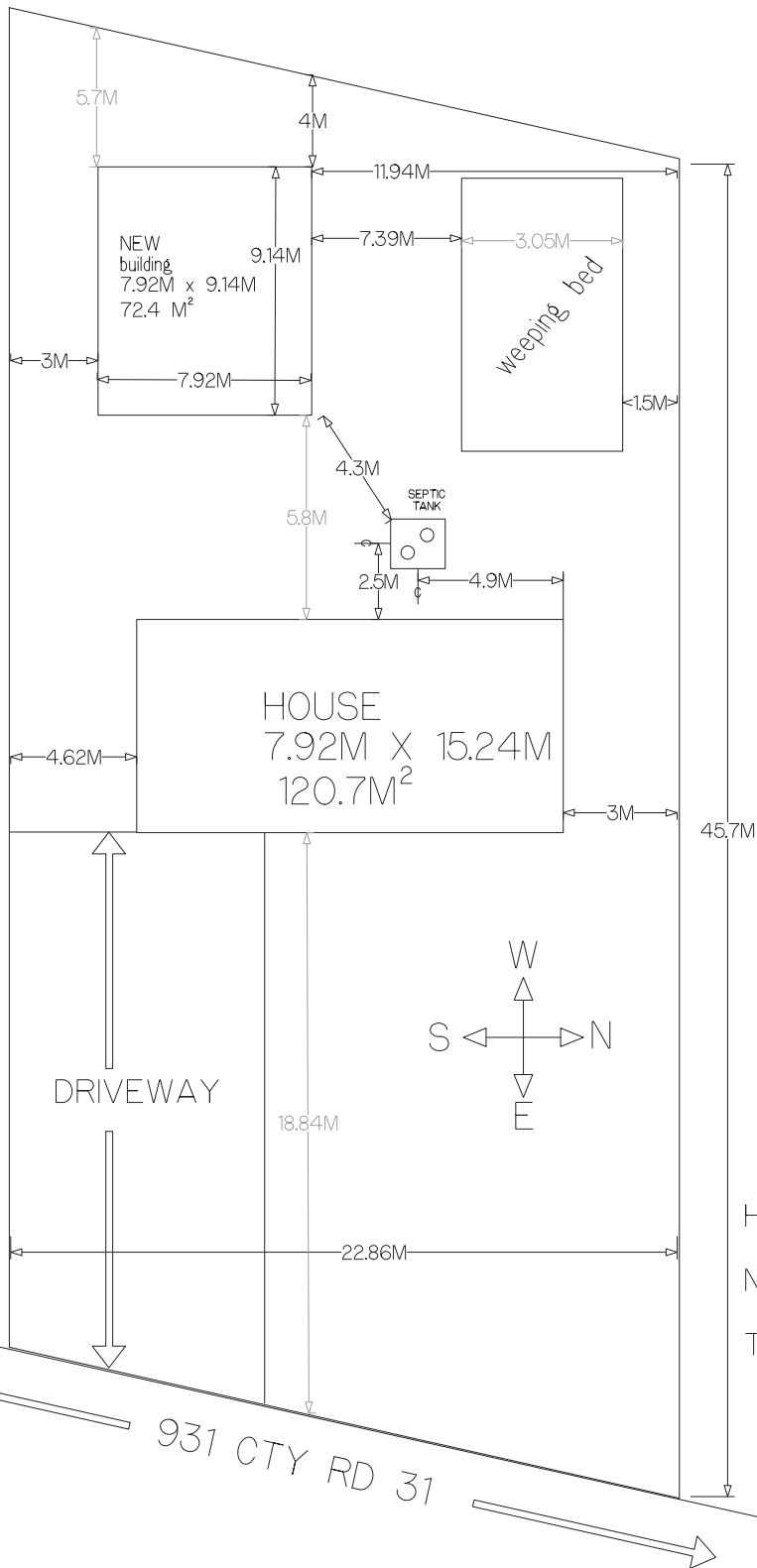
1: 481



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





COLIN TULK  
May 8 2023

Lot size

22.86M x 45.7M (75' x 150')

1044.7M<sup>2</sup>

HOUSE 11.5% LOT COVERAGE

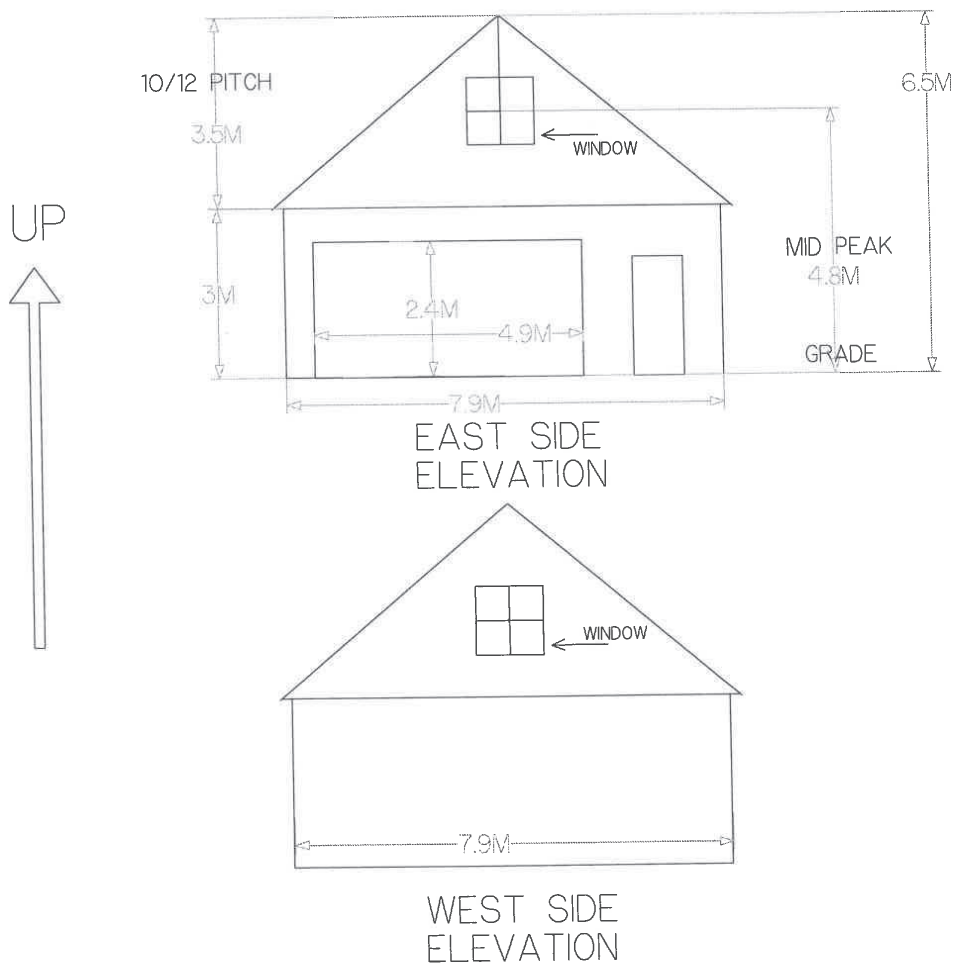
NEW BUILDING 7% LOT COVERAGE

TOTAL COVERAGE 18%



# Elevation

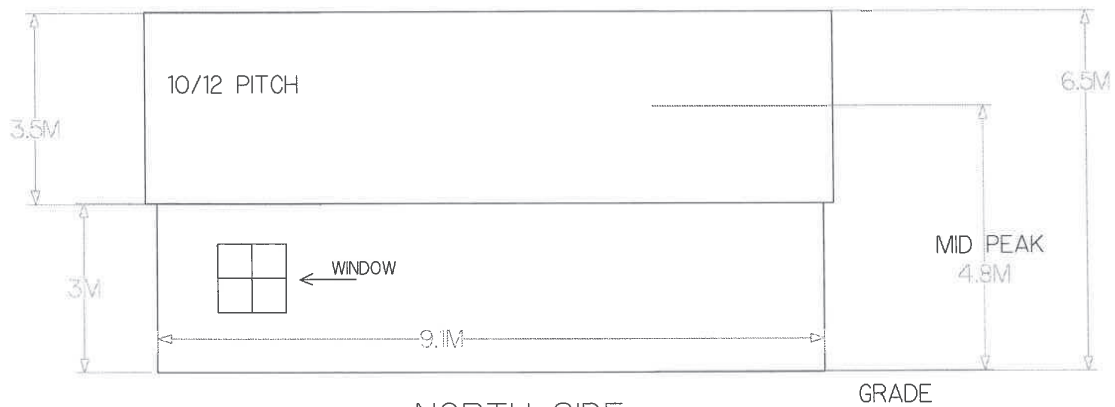
COLIN TULK  
May 8 2023





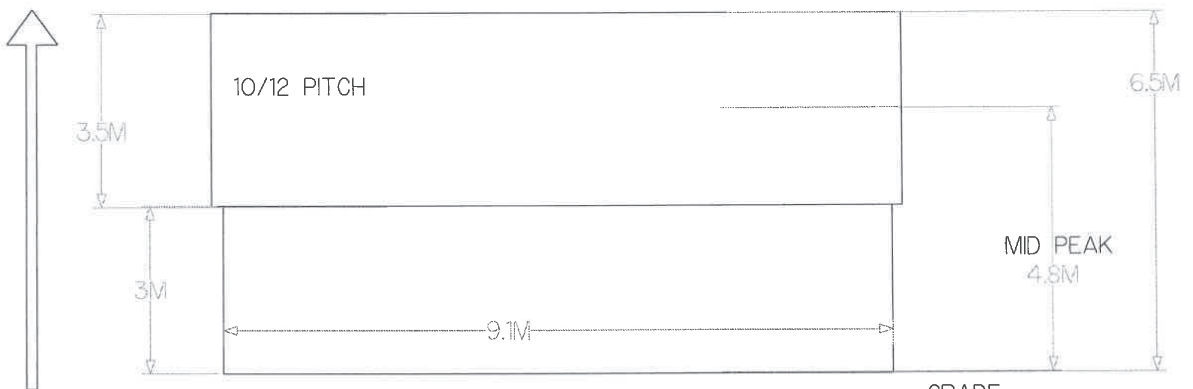
# Elevation

COLIN TULK  
May 8 2023



NORTH SIDE  
ELEVATION

UP



SOUTH SIDE  
ELEVATION











**Date:** May 31, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – June 14, 2023 – A/22/2023

---

Operations has reviewed A/22/2023 – 931 County Rd 31. 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 and 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





May 30, 2023

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

Dear Mr. Rawlings:

**Re: COA Submissions, A-22-2023, Colin Tulk**

---

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No.31. We have no objections to this proposal. The Applicant will be required to comply with the following County Road regulations:

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

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

The setback from the County Road is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,

Kristoffer Balallo  
Engineering Technologist

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

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

 countyofessex.ca



# 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:** June 7, 2023

**Subject:** Consent Application B/13/2023 – 1972 County Road 27

---

### Recommendation

Approve Consent Application B/13/2023 to establish an easement on 1972 County Road 27 (over Part 1 on Plan 12R-29378) in favour of the farming parcel abutting the rear of the property known municipally as 0 County Rd 27, and legally as Part of Lot 17, Concession 1, East Belle River Rochester; Part of West Half of Lot 18, Concession 1, East Belle River Rochester, designated as Part 1 on 12R10450, except Parts 1 and 2 on 12R17791; save and except Part 1 on Plan 12R28139; together with R1107956; Lakeshore, subject to the following conditions:

- 1) That the applicant(s) obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and Easement 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 June 15, 2025. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

### Purpose

The applicants are proposing to establish an easement on the subject property over Part 1 on Plan 12R-29378 (Appendix B) in favour of the farming parcel abutting the rear of the property known municipally as 0 County Rd 27, and legally as Part of Lot 17, Concession 1, East Belle River Rochester; Part of West Half of Lot 18, Concession 1, East Belle River Rochester, designated as Part 1 on 12R10450, except Parts 1 and 2 on 12R17791; save and except Part 1 on Plan 12R28139; together with R1107956; Lakeshore.



The easement is to provide gas and hydro utilities through the subject property to the farming parcel abutting the rear of the property. Specifically, the sketch submitted with the application (Appendix B) indicates that new gas and hydro services will be provided to a “work shed” and a “new grain bin with dryer” on the farm parcel. The easement lands will be approximately 5 meters wide and will be adjacent to the northern interior lot line of the subject property totalling approximately 303.93 m<sup>2</sup>.

## **Summary**

### Location:

The subject property is known municipally as 1972 County Road 27, located on the east side of County Road 27, south of Highway 401, and north of County Road 46.

### Surrounding Land Uses:

Directly east of the subject property is the agricultural parcel that is the beneficiary of the proposed easement. North, south and west of the subject property are residential properties containing single detached dwellings.

### Lakeshore Official Plan and Zoning By-law

1972 County Road 27 was severed from the farm parcel as a surplus farm dwelling lot a few years ago (file: B/23/2019). At the time of the severance, an existing farm building traversed the proposed rear lot line of the surplus farm dwelling lot, and the applicant was required to demolish a section of that building to bring the severed lot (1972 County Road 27) and retained land into compliance with required setbacks under the Zoning By-law. Following that partial demolition, a separate accessory structure/shed was left on the severed lot – located in the northeast corner of the lot – and a larger farm building containing a work shed remained on the retained land.

The applicant at the time simply complied with conditions of the surplus farm dwelling severance, which were recommended by Lakeshore’s Community Planning Division and imposed by the Committee of Adjustment. This created the situation of having farm buildings/structures on the farm parcel located near the rear lot line of the subject lot.

Section 8.3.5.2 b) of the Official Plan states “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”. This policy is included in the Official Plan to address scenario scenarios like the proposed application. Granting the application will permit an easement in favour of the abutting farm parcel so that hydro and gas services can be supplied to a work shed and a new grain bin with dryer on that property. The subject property is a residential lot so the services in the easement lands can be installed without displacing/using any cultivated farmland.



The proposed easement provides direct and pragmatic connection to the structures on the farm parcel given that the structures currently exist or will be constructed directly behind 1972 County Road 27 – in an area far from any road frontage where servicing could otherwise be supplied directly.

The easement lands will be approximately 5 meters wide and will be adjacent to the northern interior lot line of the subject property as shown in Appendix B, totalling approximately 303.93 m<sup>2</sup>. The proposed location is ideal as the easement lands will be in a space between an existing line of trees/vegetation and the north interior lot line of the subject property where there are no buildings and structures. Additionally, it will have very little impact on any future development of the subject lot since a 3-metre interior side yard setback is required for main buildings/structures. The plans do not detail any additional accessory buildings to be constructed on the subject lot, and there is already a relatively large accessory building on the property plus alternative spaces to accommodate any new structures outside the easement lands.

An Easement Agreement will need to be prepared and submitted to the Municipality as a condition of consent prior to registering the easement.

## **Conclusion**

There are no issues of Provincial significance raised by the application. The application conforms to the Lakeshore Official Plan, complies with the Zoning By-law 2-2012 and it is recommended that approval be subject to the conditions included in the recommendation section of this 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.

The County of Essex states that they have no objection to the proposal. They advise that the applicant will be required to comply with County Road regulations and will be required to obtain any necessary permits. Full comments can be found within Appendix C.

The Operations Department has requested that the easement language shall include verbiage on keeping the easement lands free and clear of any structures that may limit access to the easement for future maintenance works. This comment is addressed under condition 3 of the application. The full comment can be found in Appendix D.

The Ministry of Transportation (MTO) states that MTO review/permits are required for any new structure/building. The full comment 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 – Survey and Drawings  
Appendix C – County of Essex Comments  
Appendix D – Operations Department Comments  
Appendix E – MTO Comment  
Appendix F – Site Images

### **Prepared by:**



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Ian Search, BES  
Planner I



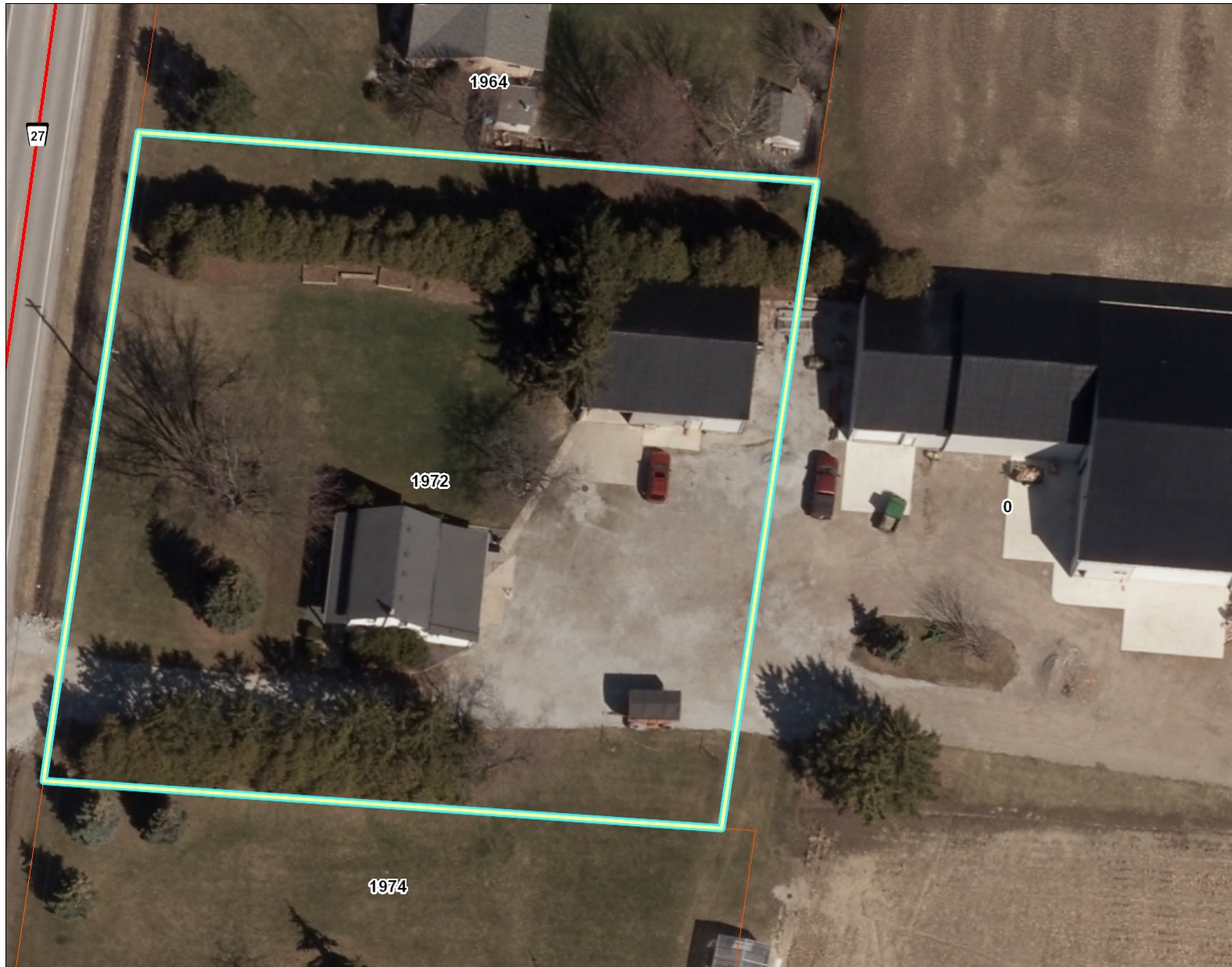
## Report Approval Details

Document Title:	B-13-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Survey and Drawing.pdf</li><li>- Appendix C - County of Essex Comments.pdf</li><li>- Appendix D - Operations Department Comments.pdf</li><li>- Appendix E - MTO Comments.pdf</li><li>- Appendix F - Site Images.pdf</li></ul>
Final Approval Date:	Jun 9, 2023

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

**Kristina Brcic - Jun 9, 2023 - 11:48 AM**





## Legend

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

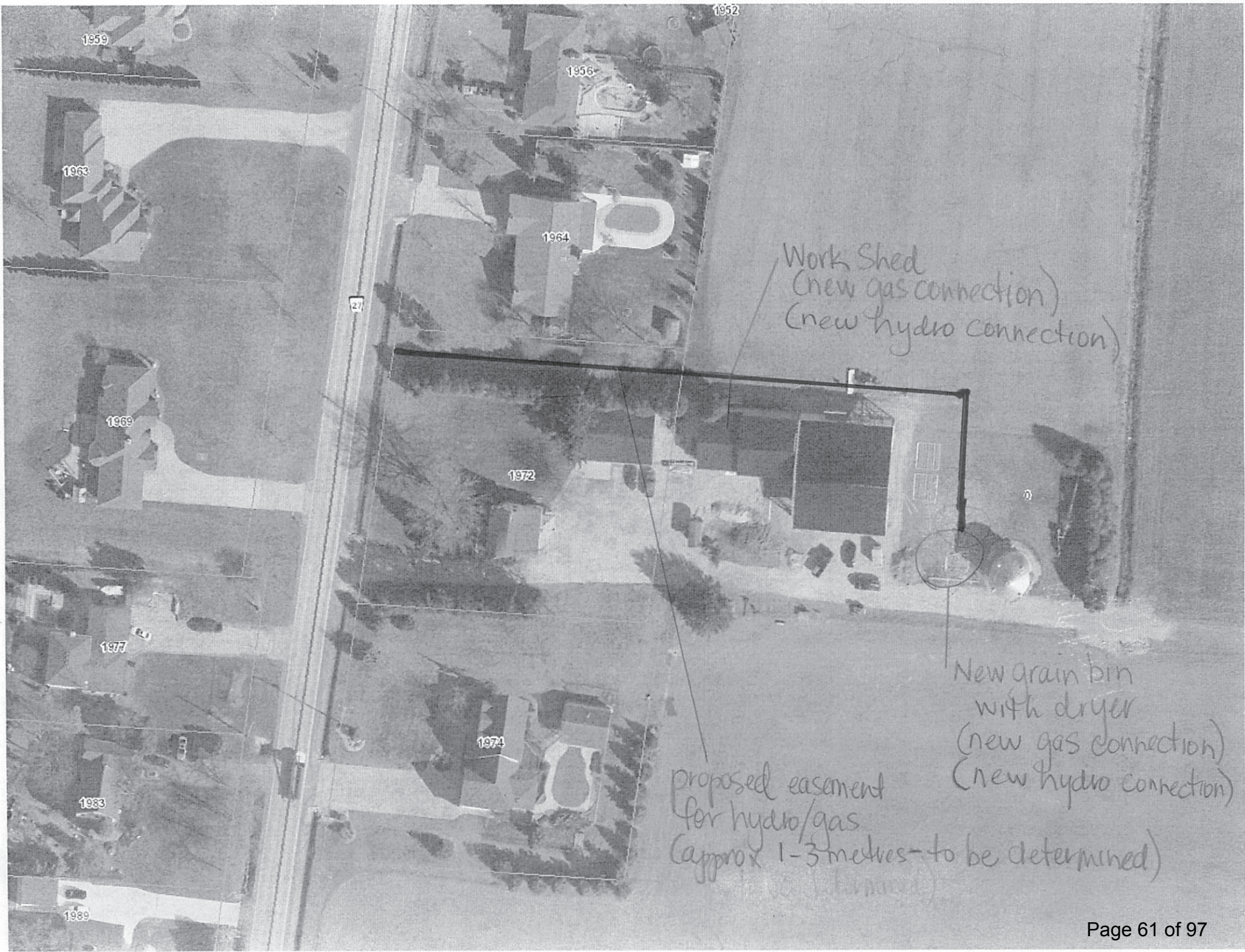
1: 530



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





Work Shed  
(new gas connection)  
(new hydro connection)

New grain bin  
with dryer  
(new gas connection)  
(new hydro connection)

proposed easement  
for hydro/gas  
(approx 1-3 metres - to be determined)



SCALE 1 : 400 METRES

0 2 4 6 8 10 20 30 40

SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 813mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:400.

Q	.....	MONUMENT PLANTED
Q	.....	MONUMENT FOUND
Q	.....	STANDARD IRON BAR
Q	.....	IRON BAR
Q	.....	MEASURED
Q	.....	SET
Q	.....	WITNESS
Q	.....	PLAN 12R-28139
Q	.....	INSTRUMENT R1518488
Q	.....	ONTARIO HYDRO SERVICES COMPANY
Q	.....	WILLIAM G. SETTERINGTON, O.L.S.
Q	.....	CLARK S. SUTTON, O.L.S.
Q	.....	CLARK SURVEYS, INC.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN  
BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE  
COMBINED SCALE FACTOR OF 0.999822307.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS  
(SMARTNET) ON MONUMENTS ① AND ② AS SHOWN HEREIN, HAVING A GRID  
BEARING OF N81°12'02", NAD83 CRS (2011.0) AND ARE REFERRED TO THE  
CENTRAL MERIDIAN OF UTM ZONE 18S (18° W LONGITUDE).

PART 1 IS COMPRISES PART OF PIN 75023-0334 (LT).

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (SMANDIT) 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)	4676954.980	358624.165
(B)	4677172.296	358655.916
(C)	4677005.231	358692.936

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

THE INTENDED PLOT SIZE OF THIS PLAN IS 813mm IN WIDTH BY 457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:400.

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF APRIL, 2023.

APRIL 18, 2023

CHRISTOPHER JOHN DYLER  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-43701.

3560 WALKER ROAD  
WINDSOR, ONTARIO  
N8W 3S4  
519-818-0767  
[www.survevorsonsite.com](http://www.survevorsonsite.com)

DRAWN BY: UP	CHECKED BY: CJO	DATE: APRIL 18, 2023	FILE: 2023-109
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May 30, 2023

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

Dear Mr. Rawlings:

**Re: COA Submissions, B-13-2023, Nicholas Leboeuf**

---

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No.27. We have no objections to this proposal. The Applicant will be required to comply with the following County Road regulations:

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

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

The setback from the County Road is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances.

The proponent will require approvals and permits if any servicing works are proposed within the right-of-way.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

☎ 519-776-6441  
TTY 1-877-624-4832

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

💻 [countyofessex.ca](http://countyofessex.ca)



Should you require further information, please contact the undersigned by email at [kbalallo@countyofessex.ca](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,



Kristoffer Balallo  
Engineering Technologist

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

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

 [countyofessex.ca](http://countyofessex.ca)



**Date:** May 31, 2023  
**From:** Sydnee Rivest, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – June 14, 2023 – B/13/2023

---

Operations has reviewed B/13/2023 – 1972 County Rd 27 application and offer the following comments:

Comments
<ul style="list-style-type: none"><li>The easement language shall include verbiage on keeping the easement lands free and clear of any structures, etc. that may limit access to the easement in the event there is maintenance work required.</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:** [Mentley, Ryan \(MTO\)](#)  
**To:** [Ian Search](#)  
**Cc:** [Robertson, Andrew T. \(MTO\)](#)  
**Subject:** RE: Committee of Adjustment Lakeshore - June Meeting  
**Date:** May 23, 2023 9:44:47 AM  
**Attachments:** [B-13-2023 - Request for Comments.pdf](#)

---

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

Good morning Ian,

Thank you for circulating MTO with the proposed easement in favour of gas and hydro line to provide utilities for a farming parcel. MTO does not object to the proposed easement, however, the property is located within the MTO permit control area, and as such, MTO review/permits are required for any new structure/building.

Please let me know if you have any questions.

Regards,

**Ryan Mentley**  
*Corridor Management Planner  
Highway Corridor Management Section  
Ministry of Transportation*



---

**From:** Ian Search [REDACTED]  
**Sent:** May 19, 2023 4:16 PM  
**To:** Mentley, Ryan (MTO) [REDACTED]  
**Subject:** Committee of Adjustment Lakeshore - June Meeting

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

Good afternoon,

Please see the attached Notice for Comment for your review. This file will be proceeding to Lakeshore's June 14<sup>th</sup> Committee of Adjustment Meeting. Please submit any comments on this file to me no later than **June 2<sup>nd</sup>**.

Kind Regards,

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



[REDACTED]

[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 Search, BES, Planner I  
**Date:** June 7, 2023  
**Subject:** Deferred Minor Variance Application A-17-2023 – 1723 Oriole Park Drive

---

### 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 maximum height of the building to the centre of the slope of the main roof and to the highest point of the roof assembly will be as indicated in the elevation drawing attached to the planning recommendation report for the June 14<sup>th</sup> Committee of Adjustment meeting, to the satisfaction of the Building Division;
- 3) 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, and will be subject to a maximum setback of 7.5 metres from the rear lot line;

### 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. The property 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.

At the May 17<sup>th</sup> Committee of Adjustment meeting, the site plan drawing for the proposed building indicated that it would be located in the northwest area of the rear yard – 30 feet from the rear lot line and five feet from the north side lot line. The neighbour to the north raised concerns over the location of the proposed accessory building and asked if the building could be located closer to the rear lot line. Since then, the applicant has revised their site plan to locate the building 7.5 metres (24.6 feet) from the rear lot line. There are existing easement lands that run north-south adjacent to the



rear lot line that have a combined width of 6.5 metres (21.33 feet). Under the revised proposal, the applicant will maintain a 1 metre setback from these easement lands.

The accessory building will not impact the appearance of the streetscape at this location since it will be located directly behind the main building on the property. The neighbour to the north raised concerns regarding the proposed massing of the accessory building at the May 17<sup>th</sup> meeting. The applicant has responded by providing new elevation plans for the building that depict a proposed height of 4.32 metres (14 feet 2 inches) to the centre of the roof slope, while previous plans proposed a height of 4.88 metres (16 feet). The applicant has indicated that this will reduce the overall height of the building from roughly 6.7 metres (22 feet) to 5.59 metres (18 feet 4 inches).

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.

Based on the foregoing comments, the request meets the general intent and purpose of Official Plan policies under 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. It 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.

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 satisfies this test as there will be no adverse impacts to the subject property or any neighbouring properties. The request for an increase in gross floor area of 19.33 m<sup>2</sup> is also considered quantitatively minor.

At the May 17<sup>th</sup> meeting, the neighbour to the north raised concerns over the proposed length of the building (40 feet) and its location/orientation adjacent to the mutual side lot



line. The applicant has indicated to Community Planning that they do not plan to reduce the length for the following reasons:

- The applicant is seeking a 20 by 20 ft space that is ideal for a recreational room. A hobby/woodworking space will utilize the remaining 20 by 20 ft space. The building is to be located near the north side lot line because the lean-to/unenclosed portion of the accessory building will provide accessory space to the outdoor pool close by.
- The applicant states that they are planning on developing an outdoor recreational space for volleyball in the rear yard, and the proposed location and orientation of the accessory building will preserve this future opportunity.

The Planner does not take issue with the length of the building in relation to its proposed location. The rear yard depth of both the subject property and the neighbour's property is approximately 115 feet, so it is the opinion of the Planner that the building will not span a significant portion of the rear yard. There are no anticipated impacts to the neighbour, especially now that the applicant has reduced the height of the building and has always proposed to meet the required side yard setback. The applicant has informed Community Planning that they are planning to construct a solid fence around the rear yard of their property – while respecting the easement lands – which could further mitigate any perceived visual impact of the building itself.

### 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.

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 contribute to 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.

In response to the concerns raised by the neighbour to the north and the Committee's decision to defer the application at the May 17<sup>th</sup> Committee of Adjustment meeting, 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 maximum height of the building to the centre of the slope of the main roof and to the highest point of the roof assembly will be as indicated in the elevation drawing attached to the planning recommendation report, to the satisfaction of the Building Division;
- 3) 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, and will be subject to a maximum setback of 7.5 metres from the rear lot line.

## **Correspondence**

### External and Internal Agencies

The application was circulated to various external and internal agencies prior to the May 17<sup>th</sup> public meeting. Comments received are summarized below, and have been included as attachments to this report as well:

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 60 metres of the subject property before the May 17<sup>th</sup> Committee of Adjustment meeting. The owner of 1424 Mullins Drive stated that they had no issue with the project. The owner of 1721 Oriole Park Drive submitted written comment stating that they had concerns with the proposed size/length of the building and its placement next to the mutual lot line. They attended the May 17<sup>th</sup> public meeting and expressed these concerns to the Committee.

## **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Updated Drawings  
Appendix C – Photo  
Appendix D – Operations Department



## Appendix E – Fire Services

**Prepared by:**



---

Ian Search,  
Planner I



## Report Approval Details

Document Title:	Deferred Item - A-17-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Updated Drawings.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:	Jun 9, 2023

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

**Kristina Brcic - Jun 9, 2023 - 11:29 AM**





1719

1721

1723

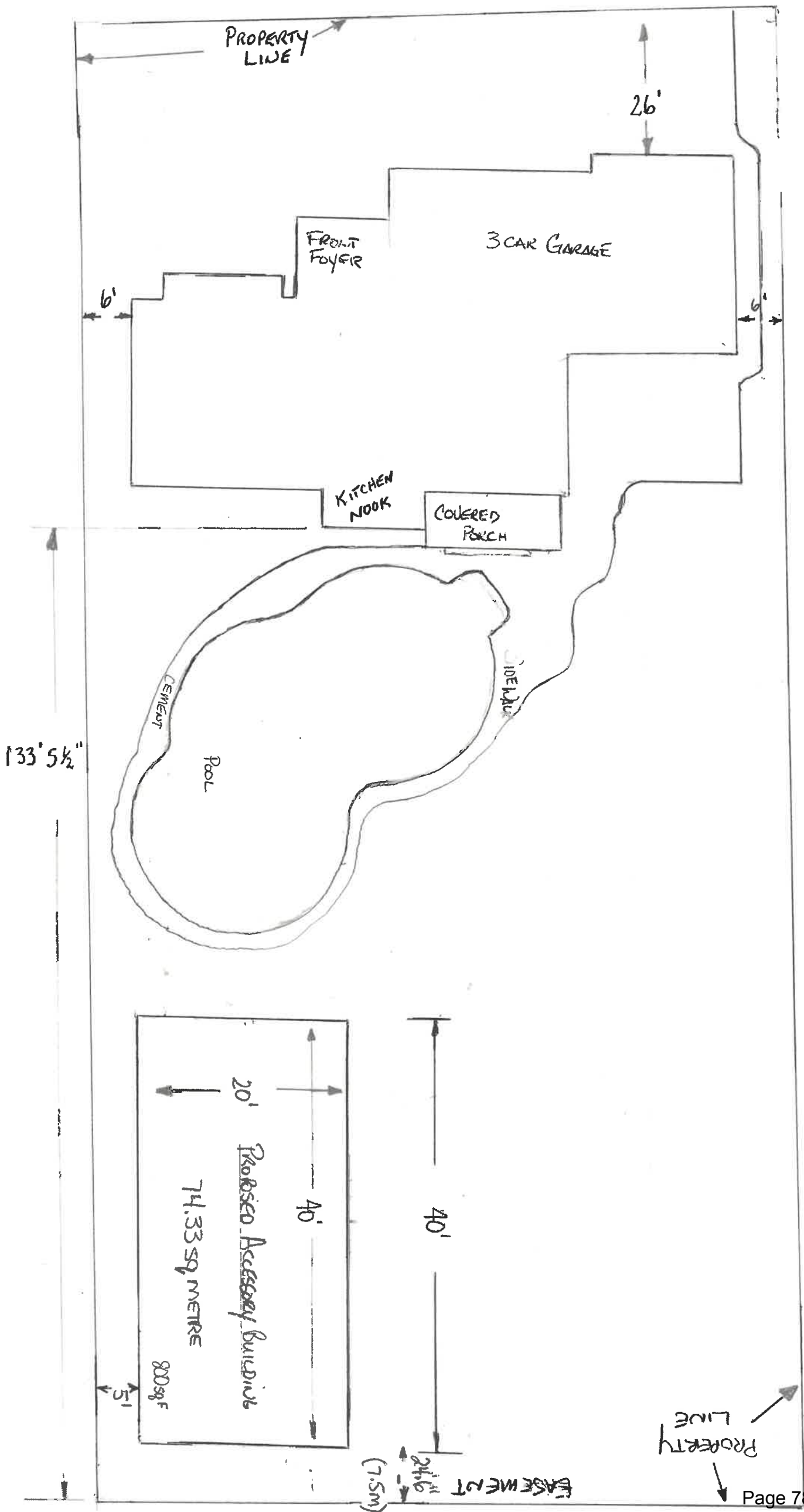
1725

1757

ORIOLE PARKOR

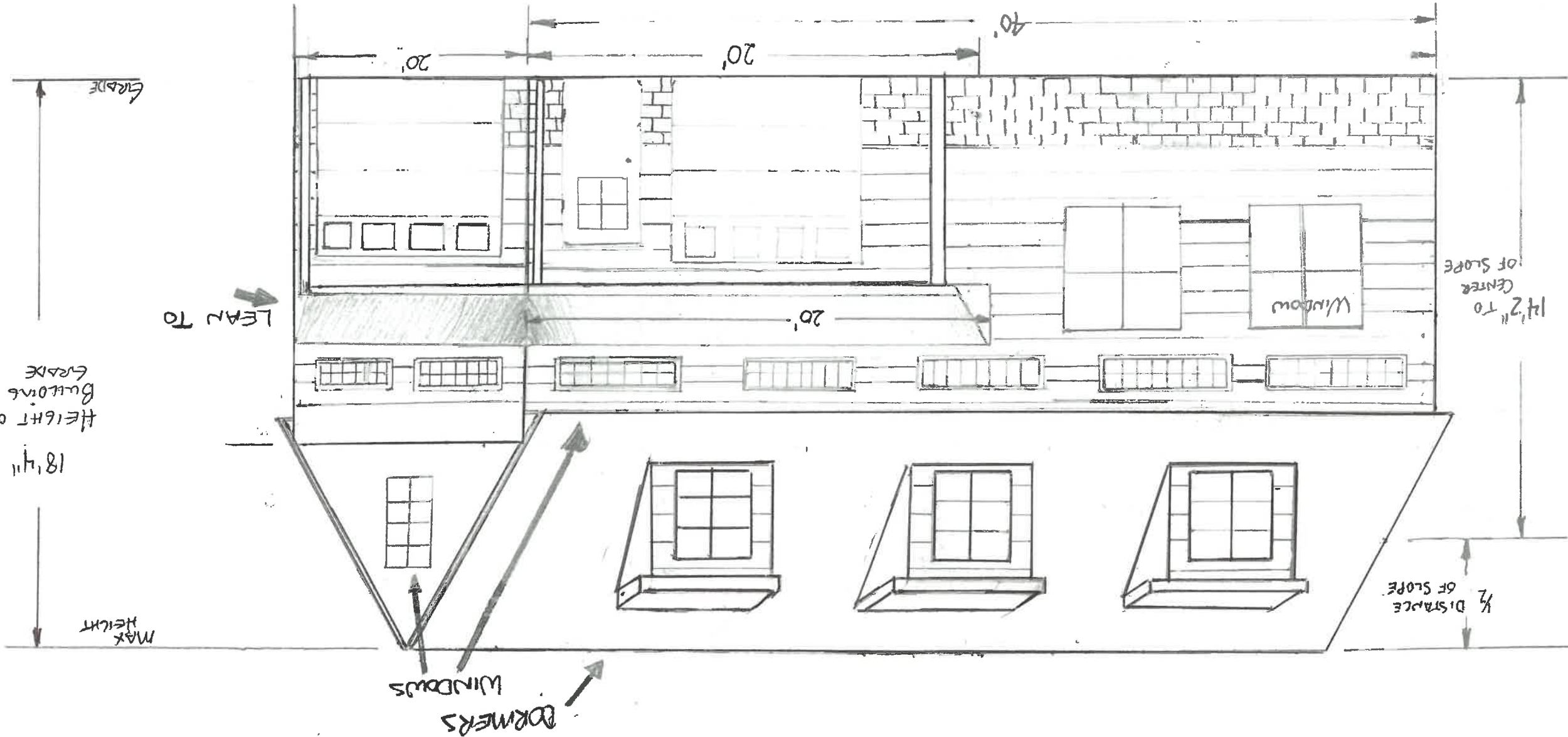


1723 ORIOLE PARK DR



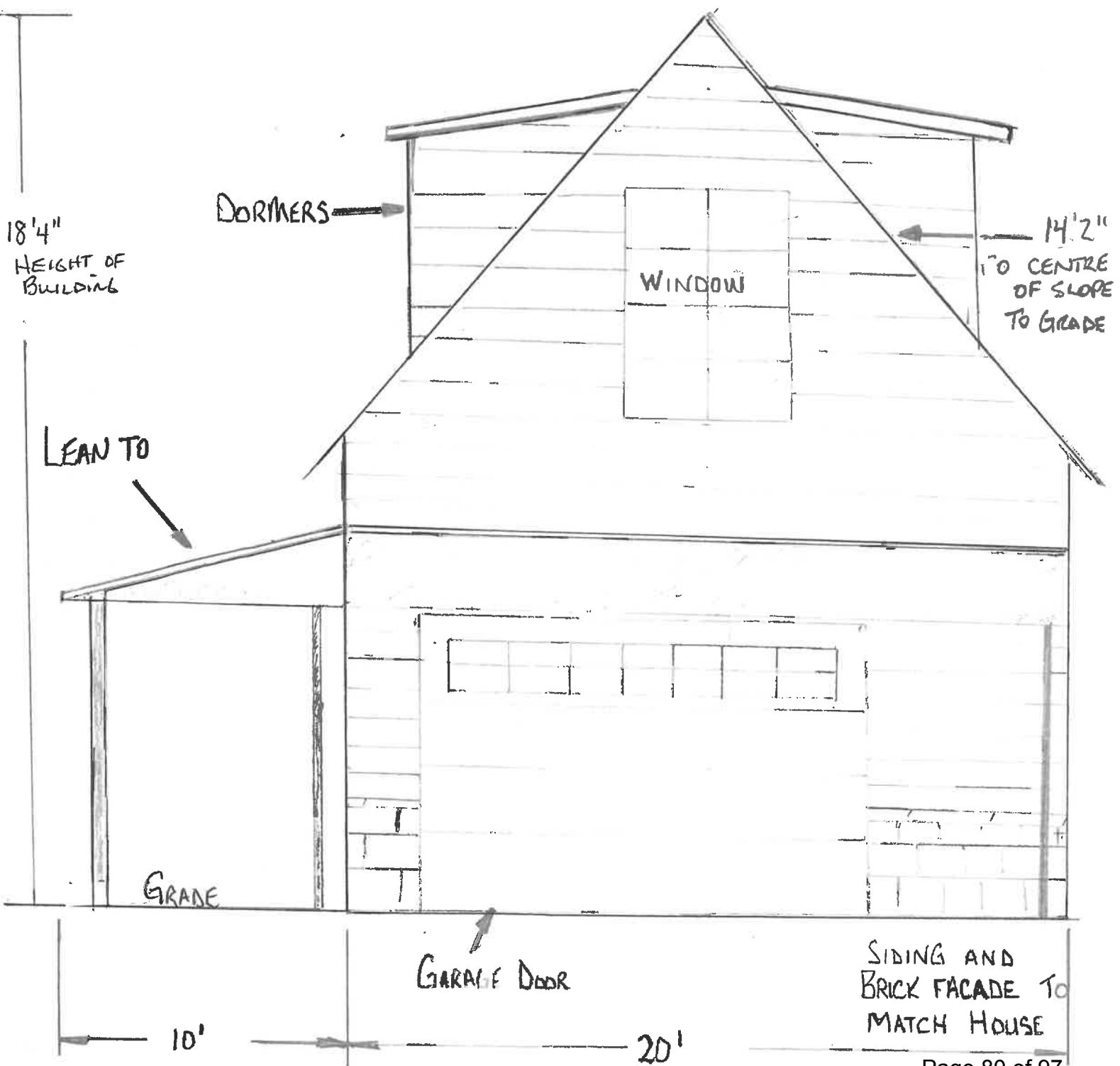


WOOD WORKING SHOP/CABANA





N →

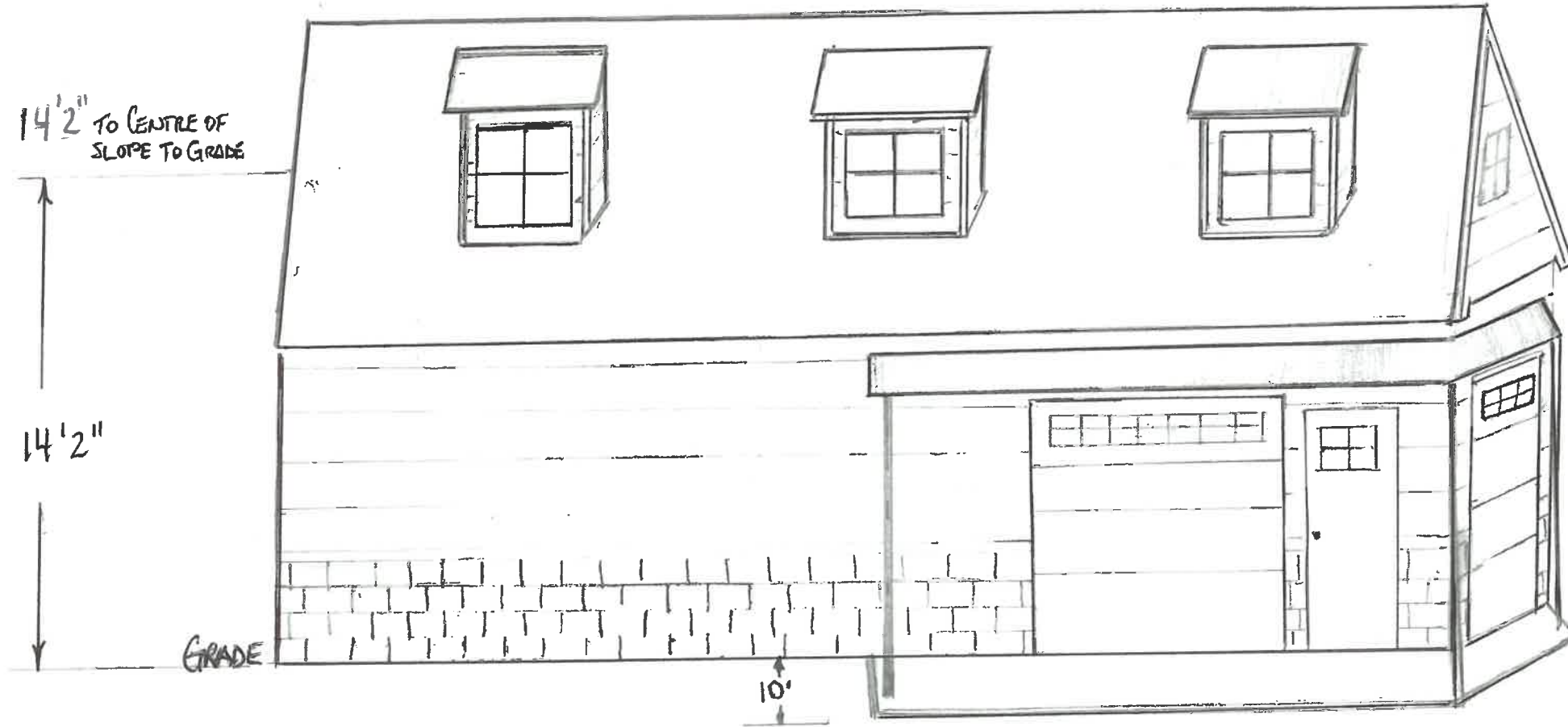




15/12 ORIGINAL SLOPE

10/12 NEW PROPOSED SLOPE

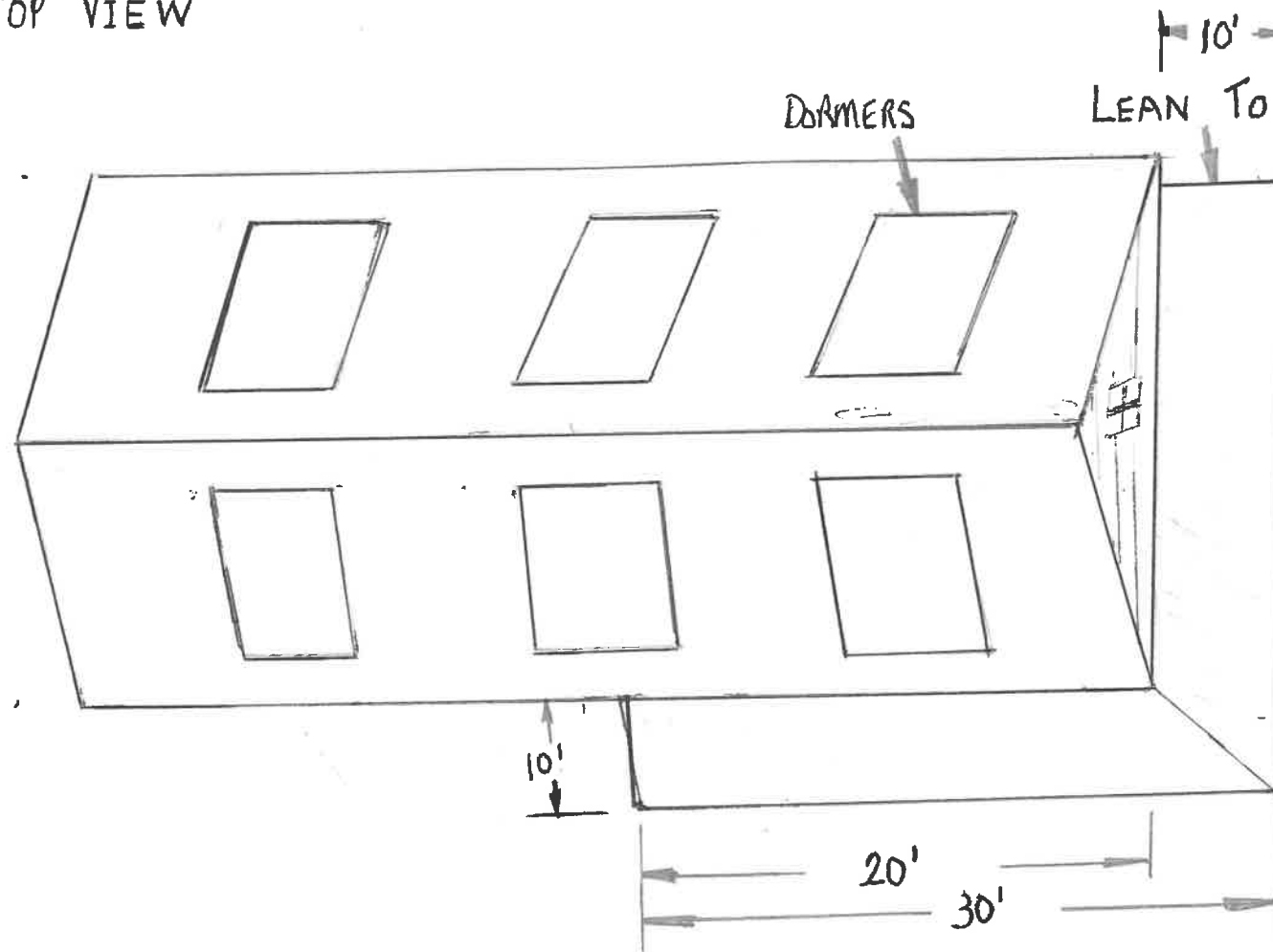
N ↑





TOP VIEW

↑ N









**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]

---

**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

### Minutes of the Committee of Adjustment Meeting

**Wednesday, May 17, 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. Minor Variance Application A-13-2023

Rami Dawoud, the applicant, stated that he had no questions or concerns with the staff report prepared for the Committee of Adjustment

**49/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Linda McKinlay

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 %

**Carried Unanimously**



**b. Minor Variance Application A-14-2023**

Kevin Miller, authorized agent, stated that he had no issues with the staff report prepared for the Committee of Adjustment

Member Hoffman asked how many staff there would be for the new commercial building and the parking required.

Kevin Miller stated five commercial units were proposed and the number of staff is not exactly known at this time. The lot will be consolidated with the MedArts plaza which meets the required total parking.

Member McKinlay asked what the height of the proposed building is. Kevin Miller stated it would be one storey, approx. 20 feet.

**50/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Jeremy Prince

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.

**Carried Unanimously**

**c. Minor Variance Application A-15-2023**

Member Flagler-Wilburn stated she drove by the property, and it appears that one of the occupants has an exercise business. She asked if there is going to be a business operating out of the building.



Justin Marchand, applicant, stated that sign is just advertising and no business will operate out of the building

Member Hoffman asked if any neighbouring properties made comments, will there be a washroom, and what is the purpose of the building

Ian Rawlings stated no comments were received from the public. He explained that a washroom will be included in the building.

Justin Marchand stated the use of the building is for storage and personal use.

Member McKinlay asked what the height of the building is. Ian Rawlings stated it is 4.96 metres.

**51/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Nancy Flagler-Wilburn

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.

**Carried Unanimously**

**d. Minor Variance Application A-16-2023**

Shaun McLean, applicant, had no questions or concerns with the staff report prepared for the Committee of Adjustment.

**52/05/2023**

**Moved By** Jeremy Prince

**Seconded By** Nancy Flagler-Wilburn

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

**Carried Unanimously**

**e. Minor Variance Application A-17-2023**

Joe Matz, applicant, stated that he had no questions or concerns

Jerome Marcotte, owner of abutting property to the north - 1721 Oriole Park Drive – raised concerns about the increase in gross floor area being



sought. He stated that it would affect the experience of open space in the neighbourhood and particularly for the enjoyment of his yard.

Member Hoffman asked the applicant about the use of the building and if they are already performing woodworking.

Joe Matz stated that they are not currently performing woodworking on the property, as he does not have the space for it.

Member Hoffman asked the applicant if he would be open to a deferral to revisit the proposed size of the building.

Joe Matz stated he was originally seeking a 1000 ft<sup>2</sup> and already reduced his original intent to the proposed gross floor area.

Member Prince asked how large the dwelling was on the subject property. Joe Matz stated that is approximately 1,800 ft<sup>2</sup>, and is a two-storey building.

Member McKinlay asked if the building is in keeping with the neighborhood because she did not see many large accessory buildings in the area. Ian Search explained that aerial photography shows there are other similar sized accessory buildings in the area, one that received approval for a minor variance in 2018 and is larger than the proposed. The staff report includes addresses of where other similar buildings are located. This building will not be visible from the street either as it is proposed to be located behind the dwelling.

Jerome Marcotte expressed again that he felt there would be impact to his property given the proposed location of the building. He inquired if it could be located further back if it had to be built in proximity to the mutual lot line.

Ian Search stated that there are easement lands for a drainage swale at the rear of the lot that must be avoided.

**53/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Linda McKinlay

Defer the minor variance application so the applicant can explore reducing the size of the proposed structure and locating it closer to the rear lot line.

**Carried Unanimously**



**f. Minor Variance Application A-18-2023**

The owner, Trevor DiPierdomenico, was present and stated that he had no comments or concerns with the staff report

Tony Chau, Authorized Applicant, was also present

Member McKinlay asked if there were any issues with drainage. Ian Search stated they will need to revisit storm water and obtain a Site Plan Amendment for new storm water management, but not major concerns were expressed by Engineering or ERCA

Member Flagler-Wilburn raised concerns with the condition of Blanchard Drive. Trevor DiPierdomenico explained how it is a privately owned street and it is up to the landowners to maintain.

**54/05/2023**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

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.

**Carried Unanimously**

**g. Consent Application B-09-2023**

JP Brochu was present to speak on behalf of the owners, Martin & Sandra Mailloux.

Kristina Brcic explained that the deed for the new lot needs to be stamped before the farm parcel can be sold separately

**55/05/2023**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

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.

**Carried Unanimously**



**h. Consent Application B-10-2023**

Hermas Moison, the owner, was present and stated the he had no comments or concerns

**56/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Nancy Flagler-Wilburn

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.

**57/05/2023**

**Moved By** Jeremy Prince

**Seconded By** Michael Hoffman

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);

**Carried Unanimously**

**i. Consent Application B-11-2023**

Jackie Lassaline, planner for the authorized applicant and owner, stated that the authorized applicant is only looking to purchase the land at this point and is fully aware of all the future studies and applications that will be required to make the project happen

Brooke Granger, owner of 6201 Emerson Ave was present and asked questions about the draft survey with respect to her lot. She asked if anything was going to change for the residential lots south of the lot to be severed. Kristina Brcic and Jackie Lassaline explained there would be no changes to the residential lots south of the development as part of the proposal.

Timothy Mullen, owner of 6321 Ainslie Ave, 6321 Ainsley Ave, stated that the project would help revitalize Comber.

Member Prince asked if the severance application was only for the transfer of land/ownership and nothing beyond that. Ian Search confirmed that only the land severance was being dealt with at this time.

Chair Hacon asked if the holding symbol would remain on the zoning. Ian Search confirmed and explained that there is a current holding symbol that Community Planning believes may need amending to address other conditions.



The comment in opposition to the proposal from McCloskey Engineering was reviewed with the Committee during the meeting.

The Committee requested Ian Search read recommended conditions in the event that the Committee decides to approve the application. Ian Search presented a power point with proposed conditions.

Member McKinlay stated she was supportive of the proposal and requested Ian Search to clarify the recommended condition requiring a zoning by-law amendment. Ian Search explained the reasoning behind the condition, stating that the Municipality needs to ensure the cul-de-sac at the north end of Emerson Ave will be constructed by the developer.

**58/05/2023**

**Moved By** Linda McKinlay

**Seconded By** Jeremy Prince

Approve Consent Application B/11/2023 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, if required by the Operations Department, part(s) to be conveyed to the Municipality of Lakeshore for a cul-de-sac at the north end of Emerson Avenue to the satisfaction of the Municipality of Lakeshore;
- 2) That, if required by Community Planning and to the satisfaction of Community Planning at the Municipality of Lakeshore, a Zoning By-law Amendment be applied for and approved by the Municipality of Lakeshore that may include and is not limited to the following items: rezoning the severed lot and retained land into a holding symbol that requires site plan approval and the availability of sanitary treatment capacity and/or potable water capacity for the subject lands, rezoning the severed lot into a holding symbol that also requires an agreement be entered into for the development of a cul-de-sac at the north end of Emerson Avenue as well as the conveyance of sufficient lands for the cul-de-sac;
- 3) That, if deemed required by the Drainage Superintendent, 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;



- 4) That the applicant redirect the water main within the subject property to the satisfaction of the Municipality of Lakeshore, if the water main will impact their future development of the lands;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 7) That 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;
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 16, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act

**Carried Unanimously**

**5. Completion of Unfinished Business**

**6. Approval of Previous Meeting Minutes**

**59/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Nancy Flagler-Wilburn

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

**Carried Unanimously**

**a. April 12 Meeting Minutes**

**7. New Business**

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

**60/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Linda McKinlay

Remove Condition #7 requiring the applicant to place a holding symbol on the subject land zoned "Residential - Low Density (R1)".



**Carried**  
**Chair Hacon voted**  
**against the motion**

**8. Adjournment**

**61/05/2023**

**Moved By** Michael Hoffman

**Seconded By** Jeremy Prince

The Committee of Adjustment adjourn its meeting at 8:27 PM.

**Carried Unanimously**

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Mark Hacon  
Chair

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Ian Search  
Secretary-Treasurer