

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, July 19, 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-23-2023 - 959 Lakeshore Park Road

7

Recommendation:

Approve minor variance application A/23/2023 to permit a dwelling to have a front yard setback of 12.85 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance.

- b. A-24-2023 - 377 County Road 31

22

Recommendation:

Approve minor variance application A/24/2023 to permit two new accessory structures used for agricultural purposes (storage of equipment/supplies, etc.) within the portion of the subject property zoned RW1-16 with the following reliefs from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure to have a gross floor area of 602.02 m², whereas the by-law permits a maximum gross floor area of 55 m². Relief from Section 6.5 a) xi) to permit this accessory structure to have a maximum height of 6.1 metres (halfway to its highest point from where the structure begins to curve) – 8.96 metres to its highest point – whereas the By-law permits a maximum height of 5 metres;

- Section 6.5 a) ix) to permit an accessory structure to have a gross floor

area of 120.41 m², whereas the by-law permits a maximum gross floor area of 55 m². Relief from Section 6.5 a) xi) to permit this accessory structure to have a maximum height of 4.5 metres (halfway to the highest point from where the structure begins to curve) – 5.11 metres to its highest point – whereas the By-law permits a maximum height of 5 metres;

subject to the following conditions:

- 1) Both accessory structures are to be restricted for agriculture purposes (storage of equipment/supplies, etc.) and are only permitted on the lot in support of the existing agriculture use that exists on the lot;
- 2) Both accessory structures are not permitted to house livestock of any kind;
- 3) Neither accessory structure is permitted on any future lot severed from the subject property;
- 4) The 120.41 m² gross floor area accessory structure shall be setback a minimum of 60 metres from the front lot line and a maximum of 105 metres from the south side lot line;
- 5) The 602.02 m² gross floor area accessory structure shall be located in the area indicated on the site plan drawing submitted with the minor variance application, to the satisfaction of Building Services;
- 6) That if required by Building Services, the applicant provide engineering designs that include foundations for the structures and provide information regarding the location of the septic system on the property, to the satisfaction of Building Services.

c. A-25-2023 - 131 Rourke Line Road

42

Recommendation:

Approve minor variance application A/25/2023 to permit a dwelling to have a minimum north interior side yard setback of 1.35 metres, and a minimum front yard setback of 6.96 metres subject to the following condition:

- 1) A grading plan is to be submitted prior to building permit issuance, if required by Building Services.

Recommendation:

Approve minor variance application A/26/2023 to permit a dwelling to have a front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance.

Recommendation:

Approve minor variance application A/26/2023 to permit a dwelling to have a front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance

Recommendation:

Defer Minor Variance Application A/27/2023 to provide the Applicant with the opportunity to reduce the height and gross floor area of the proposed accessory building.

Recommendation:

Approve minor variance application A/28/2023 to permit reduced setbacks to accommodate an existing accessory structure and pool equipment.

Recommendation:

Approve consent application B/12/2023 to sever approximately 2.89 ha (7.15 ac) of lot area and approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140) from a subject property known municipally as 492 County Road 8 and 244 Talbot Street North, 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;
- 2) 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;
- 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
- 4) That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department;
- 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 all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by July 20, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act

Recommendation:

Approve consent application B/15/2023 to sever approximately 50 acres from the farm parcel known municipally as 16300 County Road 42 subject to the following conditions:

1) That, to the satisfaction of the Municipality, the applicant obtain a proper Survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land that confirms zoning compliance and details existing accesses to ensure no shared accesses between the severed and retained land.

2) That the applicant establish and/or construct a legal and separate access for the severed lot and/or retained lot to the satisfaction of the County of Essex if access(es) do not exist.

3) That all municipal taxes be paid in full prior to the stamping of the Deed. 4) That a park fee be provided under the current By-law that is in effect to provide for the dedication of parkland or the payment of cash in lieu to the satisfaction of the Municipality of Lakeshore.

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 if required by the Municipality of Lakeshore.

6) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands to the satisfaction of the Municipality prior to the stamping of the Deeds.

7) That the Deed and a copy for our records be forwarded to the Secretary for stamping.

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 20, 2025**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

7. New Business

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: July 12, 2023

Subject: Minor Variance Application A/23/2023 – 959 Lakeshore Park Road

Recommendation

Approve minor variance application A/23/2023 to permit a dwelling to have a front yard setback of 12.85 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance.

Proposal

The subject property is currently vacant. The applicant will be constructing a dwelling on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a minimum front yard setback of 12.85 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable.

Summary

Location

The subject property is located on the north side of Lakeshore Park, east of Golfview Drive, known municipally as 959 Lakeshore Park. The subject property is approximately 696 m² in area with approximately 15.24 metres of frontage along Lakeshore Park.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots) to the east and west. Approximately 83 metres south of the subject property is the VIA Rail right-of-way.

Official Plan

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

Zoning

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

Conclusion

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

Official Plan

The minor variance maintains the general intent and purpose of the Official Plan. The Hamlet Designation permits low density residential dwellings. In general, lakefront properties east and west of the subject property contain low density dwellings with deficient front yard setbacks under the Zoning By-law. Indeed, many of these properties have greater front yard deficiencies than the proposed development. There is also considerable front yard setback variation among lakefront properties on Lakeshore Park. The proposed 12.85 metre setback is in keeping with the physical design characteristics of the Settlement Area and maintains the general intent and purpose of Section 4.2.1 Community Design.

The subject property is designated “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area. ERCA has issued a permit for the development and does not have any objection to the proposed minor variance.

Zoning By-law

The general intent and purpose of the front yard setback regulation is the following:

- 1) *To provide enough space for the accommodation of a private septic system*
- It is recommended the Committee impose a condition on minor variance approval requiring the applicant to submit a compliant design for a private septic system in support of their development.
- 2) *Separation from activities associated with a public street, and to maintain space for maintenance of a public street*

- The Operations Department did not raise any issues with the minor variance. Not a lot of activity is generated on this street which provides access to low density dwellings in a Hamlet settlement.

3) *Sufficient area for landscaping*

- Sufficient area for landscaping will be available in the front yard as the minor variance only reduces the front yard 2.15 metres. There will be more front yard space available for landscaping on this lot relative to other lakefront properties east and west of the subject property which contain dwellings located closer to the road.

Minor

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. Deficient front yard setbacks for dwellings are characteristic of the area, and aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood. Permitting a front yard setback of reduction of 2.15 metres is also considered quantitatively minor.

Desirability

Many of the lakefront dwellings on Lakeshore Park are located closer to the road than the proposed distance of this dwelling. Thus, the minor variance to reduce the front yard setback will actually improve consistency compared to developing within the required building pocket. It may also be more favourable for preserving views of the lake on neighbouring properties compared to the development of a dwelling on the lot subject to the required front yard setback. The minor variance is considered desirable if a private septic system design can be accommodated on the property for the proposed development.

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 any approval: A compliant private septic design is provided to the Municipality of Lakeshore’s Building Division prior to building permit issuance.

Correspondence

External and Internal Agencies

Building Services has asked for a compliant septic system design. This comment has been addressed as a recommended condition of approval. Full comments can be found in Appendix D.

ERCA has advised that an ERCA permit has been issued for the construction of a dwelling on the subject property. They state that they have no objections to the proposal. Full comments can be found in Appendix E.

The Operations Department was circulated but stated that they have no comments on the application.

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 public comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photo
Appendix D – Building Services Comments
Appendix E – ERCA Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-23-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photo.pdf- Appendix D - Building Services Comments.pdf- Appendix E - ERCA comments.pdf
Final Approval Date:	Jul 14, 2023

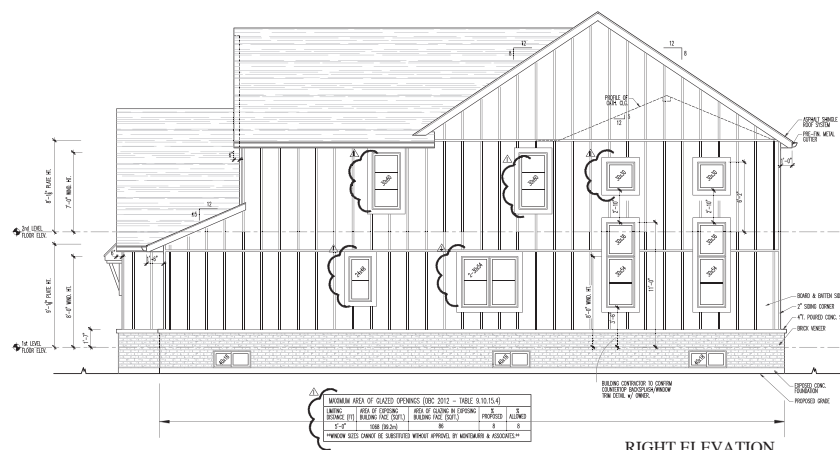
This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - Jul 14, 2023 - 11:09 AM



LAKE ST. CLAIR





MONTÉMURRI
RESIDENTIAL DESIGN
WINDSOR, ONTARIO TEL: 519 564 0948
EMAIL: info@montemurri.com

Project
**Figueiredo
Residence**
Lakeshore, Ontario

COPYRIGHT
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ALL RIGHTS RESERVED

WINDOW NOTES:

1. VINYL EXTRUDED SASH.
2. SEE WINDOW/DOOR SCHEDULE FOR FRAME SIZES.
3. VIEWER SASH COLOUR WITH OWNER.
4. VIEWER HARDWARE FINISH WITH OWNER.
5. PERFORMANCE TO MEET CERTIFIED 10% SUPPLEMENTARY STANDARD SCHEDULE 2.12.A COMPLIANCE PACKAGE **
6. WINDOW SIZES SHOWN HAVE BEEN USED FOR CALCULATION OF SEER* AND MAX. IOW GLASS OPERABLE BY EXTERIOR WALL SIZES ARE NOT BE CHANGED A THOUT

Note:
Engineered shop drawings for any manufactured component fabricated off the job by the engineer must be submitted to the Engineer for review and approval. If the engineer's shop drawings are not submitted and approved, the Engineer's liability is limited to any associated costs or damages.

Drawn By
LM (BCIN: 31501)
Issued
Montemurri & Associates
Company BCIN : #33339
April 26, 2023

***only valid with authorized signature
***from Mantemuri & Associates

PERMIT : APRIL 26, 2023
REVISION 1 : JUNE 5, 2023

Sheet No. A-2.02



From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [Meaghan Poonia](#); [Jillian Shaw](#); [Morris Harding](#); [Kristina Brcic](#)
Subject: RE: Committee of Adjustment Review - July 19
Date: June 22, 2023 10:33:13 AM
Attachments: [image001.png](#)

Hi Ian,

Please find buildings comments below;

A-23-2023 – Only concern here is fitting the septic system, I've been back and forth with the system installer and system manufacturer. I think we can squeeze a tertiary system, but as of today I still haven't been provided a compliant design.

A-24-2023 – Please provide full engineered design including foundation. Please provide septic system location on site plan

A-25-2023 – Building has posted an order to comply on site at this address. Reason was non-compliant property line setbacks which is addressed through this minor variance application

A-26-2023 - Only concern here is fitting the septic system, I've been back and forth with the system installer and am confident we can squeeze a tertiary system on the property, but as of today I still haven't been provided a compliant design.

A-27-2023 – Full set of construction drawings required. No living space permitted.

A-28-2023 – Ensure surface water does not drain to adjacent properties.

B-12-2023 – No concerns

B-15-2023 – No concerns

If you have any questions, please feel free to call or email.

Aaron Ford
Building Inspector

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

T: tel:+15197281975;ext=225

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

From: Ian Search <isearch@lakeshore.ca>

Sent: Thursday, June 22, 2023 10:04 AM

To: Amy McMillan <amcmillan@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Sydnee Botham (Rivest) <srivest@lakeshore.ca>; Morris Harding <mharding@lakeshore.ca>; Meaghan Poonia <mpoonia@lakeshore.ca>; Don Williamson <dwilliamson@lakeshore.ca>; Aaron Ford <aford@lakeshore.ca>

Cc: Gisèle Pillon <gpillon@lakeshore.ca>; Paige Docherty <pdocherty@lakeshore.ca>; Kristina Brcic <kbrcic@lakeshore.ca>; David Garneau <dgarneau@lakeshore.ca>

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-1975 ext.246

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

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: <tel:+15197281975;ext=246>

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



planning@erca.org

P.519.776.5209

F.519.776.8688

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

July 06, 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-23-2023 959 LAKESHORE PK

ARN 375161000018400; PIN: 750500086

Applicant: Anah & Luis Figueiredo

The Municipality of Lakeshore has received an Application for Minor Variance to for reduced front setbacks on the subject site to support the construction of a detached dwelling. The following is provided as a result of our review of Application for Minor Variance A-23-2023.

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 Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

ERCA has issued Permit #285 - 23 for the subject site for the construction of a detached house. Our office has no objections to the proposed Minor Variance.

FINAL RECOMMENDATION

ERCA has issued Permit #285 - 23 for the subject site. We have no objections to the proposed Minor Variance.

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

Mr. Ian Search
July 06, 2023

Sincerely,



Alicia Good

Watershed Planner

/ag

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: July 12, 2023

Subject: Minor Variance Application A/24/2023 – 377 County Road 31

Recommendation

Approve minor variance application A/24/2023 to permit two new accessory structures used for agricultural purposes (storage of equipment/supplies, etc.) within the portion of the subject property zoned RW1-16 with the following reliefs from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure to have a gross floor area of 602.02 m², whereas the by-law permits a maximum gross floor area of 55 m². Relief from Section 6.5 a) xi) to permit this accessory structure to have a maximum height of 6.1 metres (halfway to its highest point from where the structure begins to curve) – 8.96 metres to its highest point – whereas the By-law permits a maximum height of 5 metres;
- Section 6.5 a) ix) to permit an accessory structure to have a gross floor area of 120.41 m², whereas the by-law permits a maximum gross floor area of 55 m². Relief from Section 6.5 a) xi) to permit this accessory structure to have a maximum height of 4.5 metres (halfway to the highest point from where the structure begins to curve) – 5.11 metres to its highest point – whereas the By-law permits a maximum height of 5 metres;

subject to the following conditions:

- 1) Both accessory structures are to be restricted for agriculture purposes (storage of equipment/supplies, etc.) and are only permitted on the lot in support of the existing agriculture use that exists on the lot;
- 2) Both accessory structures are not permitted to house livestock of any kind;
- 3) Neither accessory structure is permitted on any future lot severed from the subject property;
- 4) The 120.41 m² gross floor area accessory structure shall be setback a minimum of 60 metres from the front lot line and a maximum of 105 metres from the south side lot line;

- 5) The 602.02 m² gross floor area accessory structure shall be located in the area indicated on the site plan drawing submitted with the minor variance application, to the satisfaction of Building Services;
- 6) That if required by Building Services, the applicant provide engineering designs that include foundations for the structures and provide information regarding the location of the septic system on the property, to the satisfaction of Building Services.

Proposal

The subject property is currently used as a farming operation. The applicant is proposing to construct two new hoop style accessory structures to provide additional storage space for the operation. A dwelling, garage, and several accessory structures to the existing agriculture use already exist on the property. The proposed structures require relief from maximum gross floor area and height regulations.

The applicant has stated that the 120.41 m² accessory will be constructed as a temporary structure and desires the ability to relocate this structure to other locations on the subject property in the future.

The minor variance application was submitted to Community Planning because the structures are proposed to be located within the portion of the subject property zoned “Residential Waterfront – Watercourse Zone Exception 16” (RW1-16), while the balance of the subject property is zoned Agriculture (“A”). The land zoned RW1-16 was rezoned from Residential Waterfront – Watercourse (RW1) to this zone exception in 2015 (By-law 60-2015) to permit a new accessory structure (approx. 668.9 m²) for agricultural purposes (storage of equipment/supplies) that did not include the housing of livestock and provided exemption from Section 6.5 of the Zoning By-law to permit a maximum height of 7 metres.

The owner has been using the property for years as a farm and the agricultural use within the portion of the lot zoned RW1-16 is considered to be a “legal non-conforming use” under the Zoning By-law. As was the case in 2015 when the zone exception was granted to permit an agricultural pole barn on this portion of the land, it is not the intent of the owner to discontinue the farming operation at this time. To avoid hardship to their business, they have applied for a variance from the Zoning By-law to permit two additional accessory structures on the property of desired height and gross floor area for agricultural purpose (storage of equipment/supplies).

Summary

Location

The subject property is located on the west side of County Road 31, south of County Road 2, north of the Canadian Pacific Limited right-of-way, known municipally as 377 County Road 31. The subject property is approximately 83.18 acres in area with approximately 165 metres of frontage along County Road 31. The property also has

approximately 289 metres of frontage along Golfview Drive.

Surrounding Land Uses

The subject property, particularly the portion of the farm parcel zoned RW1-16, is surrounded by residential properties (single detached dwelling lots) to the east, north and south. West of this area of interest is vacant agricultural land.

Official Plan

The subject property is mostly designated “Agricultural”, but the frontage of the property along County Road 31 is designated “Waterfront Residential”. The depth of this designation is approximately 70 metres. The subject property is also partially designated “Inland Floodplain Development Control Area” and is located within the Essex Region Conservation Authority (ERCA) regulated area.

Zoning

The subject property is split zoned A and RW1-16 in the Lakeshore Zoning By-law 2-2012. The RW1-16 zone, like the “Waterfront Residential” designation in the Official Plan, applies to the frontage of the property along County Road 31 but consists of a larger depth of approximately 150 metres.

Conclusion

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

Official Plan

The minor variance will maintain the general intent and purpose of the Official Plan. Both structures are proposed to be located entirely within the Agricultural land use designation where uses accessory to agriculture are permitted. This includes large structures providing storage in support of a farming operation. The applicant has indicated that the structures will not be used to support livestock, so a Minimum Distance Separation calculation was not required in support of the proposal.

As previously mentioned, the subject property is located within the “Inland Floodplain Development Control Area” and Essex Region Conservation Authority (ERCA) regulated area. ERCA commented that a permit is required to be obtained from their office, and that the proposed development will be required to meet minimum floodproofing requirements. All applicable hazard land requirements for development must be satisfied.

The policies of the Waterfront Residential Designation (Section 6.4) state that the existing lakeshore/rural character of the Waterfront Residential Designation will be recognized and maintained. While the structures – including the temporary structure – are not proposed to be located within this designation, the minor variance does not threaten the existing lakeshore/rural character of the area even if the temporary structure were to be relocated to the area designated Waterfront Residential in the future. The structures are an accessory use to a farming operation and are therefore rural in nature. The Committee should impose a condition stating that neither accessory structure is permitted on any future lot severed from the property since land designation Waterfront Residential can be developed for residential use in the future.

The structures are proposed to be located at least 70 metres from the front lot line on an 83.18-acre farm parcel that has approximately 168 metres of frontage. Several buildings/structures accessory to a farming operation that are similar in size to the proposed structures already exist on the subject property. The applicant seeks the ability to relocate the proposed temporary structure in the future so it is recommended that the Committee does not impose a condition requiring it to be located as indicated on the site plan provided. However, it is recommended they require this structure to maintain a minimum 60 metre front yard setback and a maximum 105 metre south side lot line setback. This will ensure the structure remains among the existing agricultural buildings/structures and in the general vicinity of its proposed location indicated on the site plan.

The 602.02 m² permanent accessory structure shall be required to be located in the location indicated on the site plan. It is located farm from the street at this location and benefits from a treeline/vegetative buffer to the south that should assist in screening the visual impact of the structure for the abutting neighbour. If the recommended conditions are imposed, the Planner is of the opinion that the proposal maintains the general intent and purpose of the Community Design policies under Section 4.2.1 as it does not threaten the existing physical design characteristics of the Settlement Area.

Zoning By-law

The proposal meets the general intent and purpose of the Zoning By-law. The RW1-16 zone exception was implemented to recognize the desire of the owner to continue their farming operation by permitting an agricultural pole barn on the property. However, the language of the zone exception only permits the agricultural pole barn developed in 2015 and provides an exemption under Section 6.5 for this one structure. It does not include permissions or provisions for multiple structures accessory to the existing agriculture use despite the desire of the owner to continue their existing farming operation on this parcel of land.

Under this minor variance proposal, the applicants are simply proposing to construct two new storage structures of desired gross floor area and height that will support the continued farming operation. To ensure the general intent and purpose of the Zoning By-law is met, the Committee shall impose the following conditions on approval:

1) Both accessory structures are to be restricted for agriculture purposes (storage of equipment/supplies, etc.) and are only permitted on the lot in support of the existing agriculture use that exists on the lot.

2) Neither accessory structure will be permitted on any future lot severed from the property.

The reliefs for gross floor area and height meet the general intent and purpose of the Zoning By-law. The current zone exception permits an agriculture pole barn that is a maximum of 7 metres in height, which was added to the Zoning By-law when the applicants came forward in 2015 to develop this structure that has a gross floor area of approximately 668.9 m². The proposed structures are subordinate to this existing pole barn and will resemble the other structures already existing on the property in terms of size.

Minor

It is the opinion of the Planner that the requested reliefs are minor in nature. There are no anticipated impacts or land use compatibility issues. Through the recommended conditions, both structures will be restricted to locations where they will have little to no impact to neighbour properties or the character of the streetscape.

Except for the 2015 pole barn that the zone exception provides permission for, accessory buildings in the RW1-16 zone are subject to Section 6.5 which contains regulations to control the gross floor area and height of accessory buildings on typical residential lots. Permitting the two additional accessory structures of desired gross floor area and height in support of the existing agricultural operation is considered minor. The gross floor area and height of the proposed structures resemble existing structures on the property and, like them, are intended to support the continued agricultural use – not residential use. Therefore, the reliefs are considered minor in nature given the unique context.

Desirability

The requested reliefs are considered desirable for the appropriate development of the land and structures. There is an existing treeline/vegetative buffer that runs along the south side lot line that will assist in screening the appearance of the structures for the neighbour to the south. The structures will resemble those existing on the lot and their proposed size is ordinary/expected given the parcel's current use as a farming operation.

The applicant is experiencing hardship in desiring to construct these accessory structures to their agricultural use because the applicable zone exception only permits the agricultural pole barn developed in 2015, while failing to include permissions or provisions for multiple structures. This is despite the desire of the owner to continue their existing farming operation on this parcel of land.

By locating the structures in the RW1-16 zone, as opposed to within the area of the lot zoned A, current prime agricultural land used for production is preserved.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act* subject to the recommended conditions in the Recommendation section of the report.

Correspondence

External and Internal Agencies

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

Building Services states that the applicant is to provide full engineering designs for the structures, including foundation. They also advise that the location of the septic system on the property should be noted. These comments have been incorporated into recommended conditions of minor variance approval. Full comments can be found in Appendix D.

ERCA has advised that the proposed development will be required to meet minimum floodproofing requirements. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration, and all applicable hazard land requirements for development must be satisfied. Full comments can be found in Appendix E.

The County of Essex comments that 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. Full comments can be found in Appendix F.

The Operations Department provided their standard comment on these types of development proposals, stating that the construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix G.

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 public comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – Building Services Comments
Appendix E – ERCA Comments
Appendix F – County of Essex Comments
Appendix G – Operations Department Comments

Prepared by:



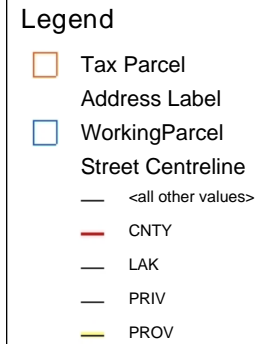
Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-24-2023 - 377 County Road 31 .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Building Services Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - County of Essex Comments.pdf- Appendix G - Operations Department Comments.pdf
Final Approval Date:	Jul 14, 2023

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

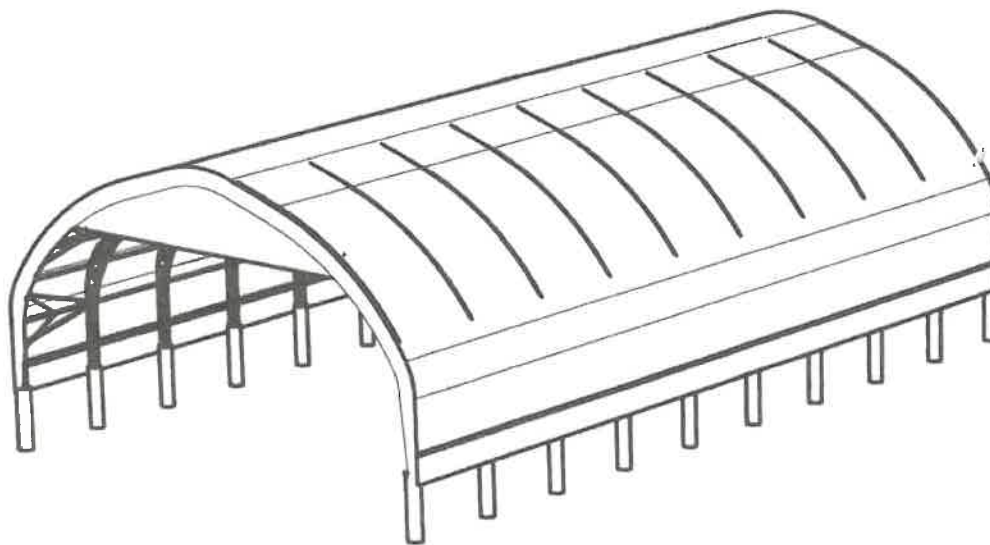
Kristina Brcic - Jul 14, 2023 - 2:34 PM



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



Elevation for 108ft by 60ft structure (602m² gfa)



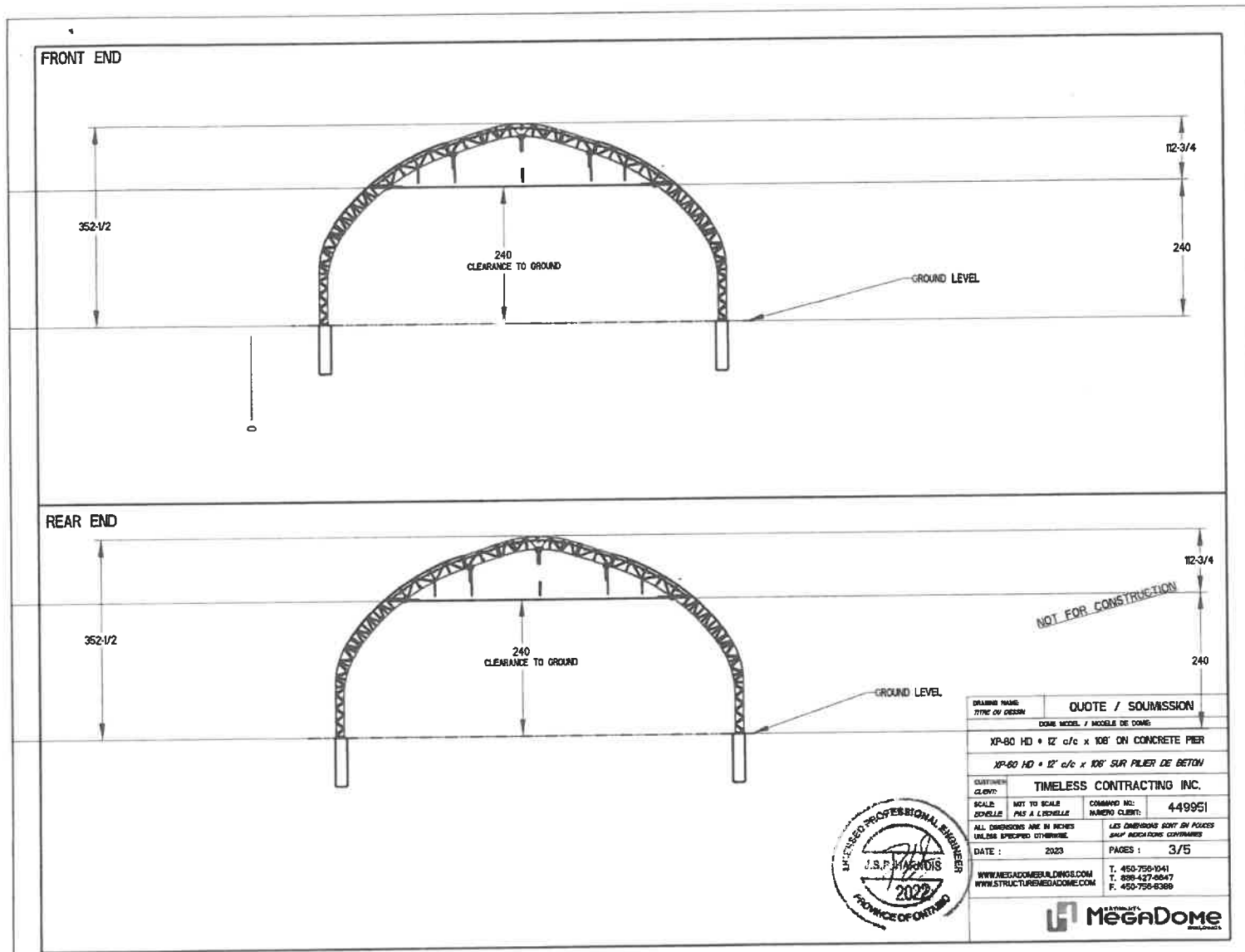
FRONT RIGHT VIEW

NOT FOR CONSTRUCTION



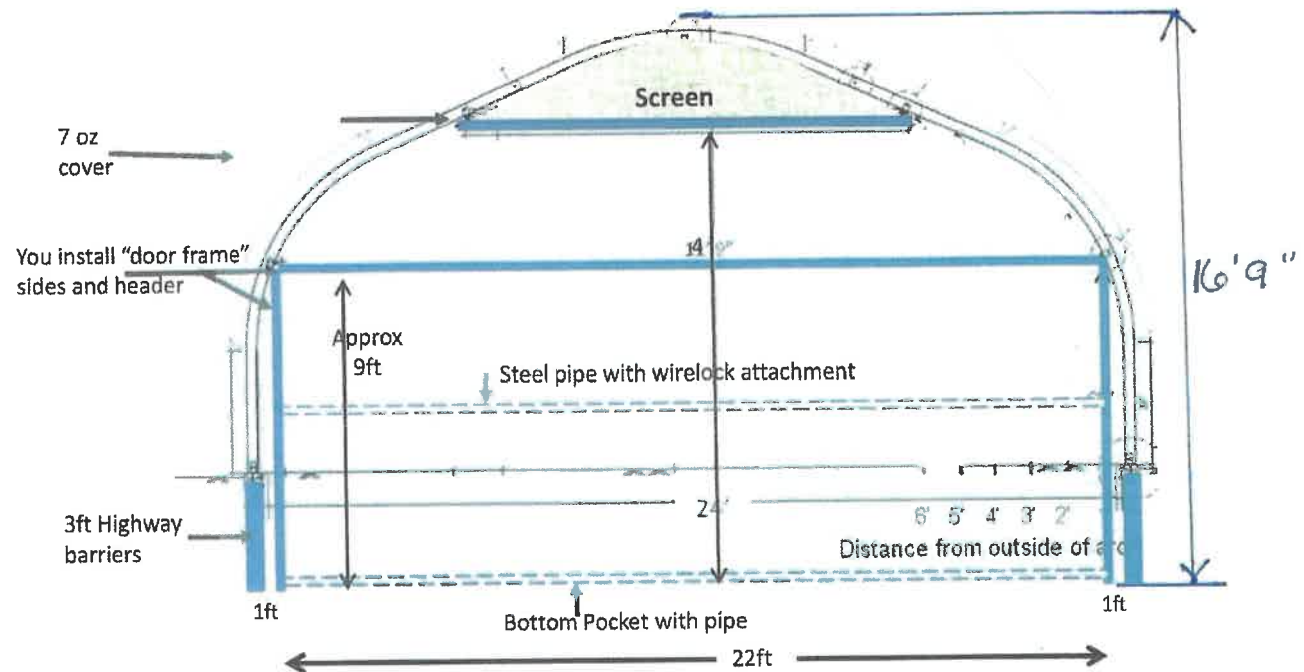
DRAWING NAME TITRE DU DESSIN		QUOTE / SOUMISSION	
DOME MODEL / MODÈLE DE DÔME			
XP-60 HD • 12' c/c x 108' ON CONCRETE PIER			
XP-60 HD • 12' c/c x 108' SUR PILIER DE BÉTON			
CUSTOMER CLIENT:		HERMAS MOISON	
SCALE ÉCHELLE:	NOT TO SCALE PAS À L'ÉCHELLE	COMBINO NO: NUMERO CLIENT:	452328
ALL DIMENSIONS ARE IN INCHES UNLESS SPECIFIED OTHERWISE		LES DIMENSIONS SONT EN POUCES SAUF INDICATIONS CONTRAIRES	
DATE :	2023	PAGES :	1/5
WWW.MEGADOMEBUILDERS.COM WWW.STRUCTUREMEGADOME.COM		T. 450-756-8041 T. 888-427-8647 F. 450-756-8390	
			

Elevation for 108 ft by 60 ft structure (602 m² gfa)



Elevation for 54ft by 24ft structure (120.41 m² gfa.)

4x12 section of screen \$ 28.80
 perimeter wirelock \$ 52.50
 26x14 7 oz sheet \$ 196.56
 24 ft steel pipe in bottom pocket for weight \$ 23.04
 24ft round tube with attached wirelock for mid point of "door" \$ 72.00
\$ 372.90





From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [Meaghan Poonia](#); [Jillian Shaw](#); [Morris Harding](#); [Kristina Brcic](#)
Subject: RE: Committee of Adjustment Review - July 19
Date: June 22, 2023 10:33:13 AM
Attachments: [image001.png](#)

Hi Ian,

Please find buildings comments below;

[REDACTED]

A-24-2023 – Please provide full engineered design including foundation. Please provide septic system location on site plan

[REDACTED]

If you have any questions, please feel free to call or email.

Aaron Ford
Building Inspector
Municipality of Lakeshore | Growth and Sustainability - Building

[REDACTED]

From: Ian Search <isearch@lakeshore.ca>
Sent: Thursday, June 22, 2023 10:04 AM

[REDACTED]

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[Redacted signature block]

[Redacted signature block]



planning@erca.org

P.519.776.5209

F.519.776.8688

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

June 22, 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-24-2023 349 & 377 COUNTY RD 31

ARN 375161000008900; PIN:

Applicant: Hermas Moison BET-HER FARMS LTD

The Municipality of Lakeshore has received an Application for Minor Variance for the subject lands to support 2 new accessory structures.

The following is provided as a result of our review of Application for Minor Variance A-24-2023.

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 Ruscom River. 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 will be required to meet minimum floodproofing requirements. All applicable hazard land requirements for development must be satisfied.

FINAL RECOMMENDATION

As noted above, the proposed development will be required to meet minimum floodproofing requirements. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration, and all applicable hazard land requirements for development must be satisfied.

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

Mr. Ian Search
June 22, 2023

Sincerely,



Alicia Good

Watershed Planner

/ag



June 27, 2023

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

Dear Mr. Search:

Re: COA Submissions, A-24-2023, Bet-Her Farms Ltd.

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

[REDACTED]

Regards,

Kristoffer Balallo
Engineering Technologist

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

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

countyofessex.ca

Date: July 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – A/24/2023

Operations has reviewed A/24/2023 – 377 County Road 31 application and offer the following comments:

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

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, 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 27, 2023
Subject: Minor Variance Application A/25/2023 – 131 Rourke Line Road

Recommendation

Approve minor variance application A/25/2023 to permit a dwelling to have a minimum north interior side yard setback of 1.35 metres, and a minimum front yard setback of 6.96 metres subject to the following condition:

1) A grading plan is to be submitted prior to building permit issuance, if required by Building Services.

Proposal

The applicant has demolished a dwelling on the subject property and is in the process of constructing a new dwelling. They are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.1 to permit a dwelling to have a minimum north interior side yard setback of 1.35 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- Section 8.1 to permit a dwelling to have a minimum front yard setback of 6.96 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres.

The applicant has indicated in their application that they require the minor variance because of a mistake in the footing layout during construction.

Summary

Location

The subject land is located on the west side of Rourke Line Road, north of County Road 22, south of Caille Ave. It is approximately 545 m² in area with 15.24 metres of frontage along Rourke Line Rd.

Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots to the north, south, east and west.

Official Plan

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

Zoning

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

Conclusion

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

Official Plan

The minor variance will maintain the general intent and purpose of the official plan. Section 6.6 of the Official Plan states that the Residential Designation is expected to continue to accommodate attractive neighbourhoods. Community design policies under Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a generally high quality of community design and built form.

The request does not threaten the attractiveness and it maintains the physical design characteristics of the surrounding area. Aerial photography suggests that many dwellings in the immediate area have similar front yard setbacks to the proposed, allowing it to match the character of the existing built environment.

Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the front yard setbacks is to ensure separation from the road allowance for the maintenance of public services and to provide sufficient area for landscaping. The planner is of the opinion that a 6.96 metre setback will provide sufficient opportunity for landscaping and maintenance of public services.

The purpose of side yard setbacks are to ensure privacy and fire prevention. The planner is of the opinion that 1.35 metre setback will provide sufficient opportunity for

privacy as well as fire prevention. The fire department has not raised any issues with fire prevention.

Minor

It is the opinion of the Planner that the requested variances are minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. An interior side yard reduction of 0.15 metres for the dwelling is characteristic of the area and aerial photography suggests it is a minor request relative to other dwellings in the area.

Desirability

The requested reliefs meet existing standards in the immediate area and are compatible with surroundings. Given the property's similarities to the surrounding properties, there will be no adverse visual impacts with these requested reliefs.

The requested reliefs will also not adversely impact the appearance of the streetscape. Aerial photos suggest that the previous house was much closer to the road than the proposed, meaning this new house will have less visual impact than before.

The Committee should also consider the hardship the applicant is facing in this case. The foundation of the building has been placed too close to the lot line and is irreversible at this time.

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

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

Correspondence

External and Internal Agencies

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

The Operations Department has expressed that buildings must adhere to the Zoning By-law setbacks from a municipal drain (Alex Beach Grove Drainage System). They also note that a grading plan must be submitted by the proponent as part of the building permit application to ensure no impact to the neighbouring lands due to reduced side yard setback. Full comments can be found in Appendix D.

The Essex Region Conservation Authority (ERCA) commented that the low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). The Operations Department and Fire Department did not raise issues regarding access during a 1:100 year flood event. 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 land. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Photo
Appendix B – Drawing
Appendix C – Photos
Appendix D – Operations Comments
Appendix E – ERCA Comments
Appendix F – Building Comments
Appendix G – Fire Comments

Prepared by:



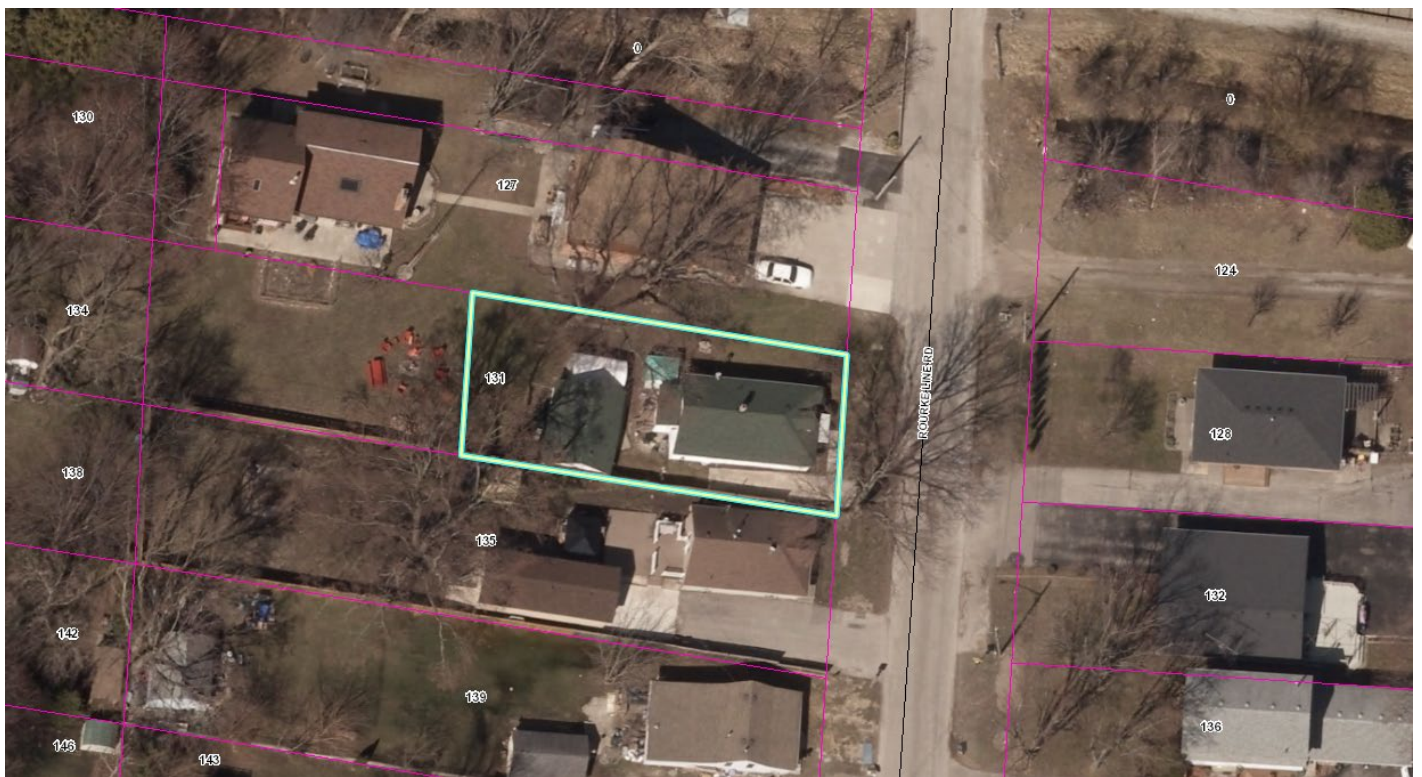
Paige Docherty,
Student Planner

Report Approval Details

Document Title:	A-25-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawing.pdf- Appendix C - Photos.pdf- Appendix D - Operations Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Building Comments.pdf
Final Approval Date:	Jul 14, 2023

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

Kristina Brcic - Jul 14, 2023 - 11:48 AM



THIS SITE PLAN IS PROVIDED AS
A GUIDE TO SHOW THE INTENDED
LOCATION OF FOUNDATION

LOT COVERAGE = 31.8 %

127

2023-06-14 1:20:42 PM





Operations Department

Date: July 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment – July 7, 2023 – A/25/2023

Operations has reviewed A/25/2023 – 131 Rourke Line Road application and offer the following comments:

Comments
<ul style="list-style-type: none">Setbacks must be adhered to as per the Zoning By-law from a municipal drain (Alex Beach Grove Drainage System).A grading plan must be submitted by the proponent as part of the building permit application to ensure no impact to the neighboring lands due to reduced side yard setback.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, CET, rcji
Engineering Technologist – Development



planning@erca.org

P.519.776.5209

F.519.776.8688

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

July 6, 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-25-2023 131 ROURKE LINE

ARN 375118000022600; PIN: 750310146

Applicant: Jeremy Decker

The Municipality of Lakeshore has received an Application for Minor Variance for relief from setbacks to support the construction of a new detached dwelling.

The following is provided as a result of our review of Application for Minor Variance A-25-2023.

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 Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The property owner has applied for ERCA Permit #35 - 23 for the proposed construction of a detached house. This permit is currently under review.

Our office has reviewed the proposal and has no concerns relating to the quantity and quality of runoff in the downstream watercourse due to the proposed development on this site.

Upon review of the application and available background information, we note that the low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the

Mr. Ian Search
June 22, 2023

ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).

FINAL RECOMMENDATION

As noted above, the property owner has applied for ERCA Permit #35 - 23 which is currently under review. The Municipality must confirm, through applicable emergency services (i.e., fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event.

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

Sincerely,



Alicia Good

Watershed Planner

/ag

From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [REDACTED]
Subject: RE: Committee of Adjustment Review - July 19
Date: June 22, 2023 10:33:13 AM
Attachments: [REDACTED]

Hi Ian,

Please find buildings comments below;

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A-25-2023 – Building has posted an order to comply on site at this address. Reason was non-compliant property line setbacks which is addressed through this minor variance application

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

If you have any questions, please feel free to call or email.

Aaron Ford
Building Inspector
Municipality of Lakeshore | Growth and Sustainability - Building
419 Notre Dame Street, Belle River, ON, N0R 1A0
[REDACTED]
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Search [REDACTED]
Sent: Thursday, June 22, 2023 10:04 AM
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

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

T: 

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

Ian Search
Planner I

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

T: 

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: July 12, 2023

Subject: Minor Variance Application A/26/2023 – 957 Lakeshore Park Road

Recommendation

Approve minor variance application A/26/2023 to permit a dwelling to have a front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance.

Proposal

The subject property is currently vacant. The applicant will be constructing a dwelling on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a minimum front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable

Summary

Location

The subject property is located on the north side of Lakeshore Park, east of Golfview Drive, known municipally as 957 Lakeshore Park. The subject property is approximately 684 m² in area with approximately 15.24 metres of frontage along Lakeshore Park.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots) to the east and west. Approximately 82 metres south of the subject property is the VIA Rail right-of-way.

Official Plan

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

Zoning

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

Conclusion

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

Official Plan

The minor variance maintains the general intent and purpose of the Official Plan. The Hamlet Designation permits low density residential dwellings. In general, lakefront properties east and west of the subject property contain low density dwellings with deficient front yard setbacks under the Zoning By-law. Indeed, many of these properties have greater front yard deficiencies than the proposed development. There is also considerable front yard setback variation among lakefront properties on Lakeshore Park. The request for a deficient 13.05 metre front yard setback is in keeping with the physical design characteristics of the Settlement Area and maintains the general intent and purpose of Section 4.2.1 Community Design.

The subject property is designated “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area. ERCA has issued a permit for the development and does not have any objection to the proposed minor variance.

Zoning By-law

The general intent and purpose of the front yard setback regulation is the following:

- 1) *To provide enough space for the accommodation of a private septic system*
- It is recommended the Committee impose a condition on minor variance approval requiring the applicant to submit a compliant design for a private septic system in support of their development
- 2) *Separation from activities associated with a public street, and to maintain space for maintenance of a public street*

- The Operations Department did not raise any issues with the minor variance. Not a lot of activity is generated on this street which provides access to low density dwellings in a Hamlet settlement.

3) *Sufficient area for landscaping*

- Sufficient area for landscaping will remain in the front yard as the minor variance only reduces the front yard 1.95 metres. There will be more front yard space available for landscaping on this lot relative to other lakefront properties east and west of the subject property which support dwellings located closer to the road.

Minor

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. Deficient front yard setbacks for dwellings are characteristic of the area, and aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood. Permitting a front yard setback reduction of 1.95 metres is also considered quantitatively minor.

Desirability

Many of the lakefront dwellings on Lakeshore Park are located closer to the road than the proposed distance of this dwelling. Thus, the minor variance to reduce the front yard setback will actually improve consistency compared to developing within the required building envelope. It may also be more favourable for preserving views of the lake on neighbouring properties compared to the development of a dwelling on the lot subject to the required front yard setback. The minor variance is considered desirable if a private septic system design can be accommodated on the property for the proposed development.

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 any approval: A compliant private septic design is provided to the Municipality of Lakeshore’s Building Division prior to building permit issuance.

Correspondence

External and Internal Agencies

Building Services has asked for a compliant septic system design. This comment has been addressed as a recommended condition of approval. Full comments can be found in Appendix D.

ERCA has advised that an ERCA permit has been issued for the construction of a dwelling on the subject property. They state that they have no objections to the proposal. Full comments can be found in Appendix E.

The Operations Department was circulated for comment and stated that an entrance permit will be required to be obtained as part of any building permit application. Full comments can be found in Appendix F.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Photo
Appendix D – Building Services Comments
Appendix E – ERCA Comments
Appendix F – Operations Department Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-26-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawing.pdf- Appendix C - Photo.pdf- Appendix D - Building Services Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Operations Department.pdf
Final Approval Date:	Jul 14, 2023

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

Kristina Brcic - Jul 14, 2023 - 11:33 AM



Legend

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

1: 366



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

GENERAL NOTES:

- This building has been designed in accordance with the Ontario Building Code (OBC), all construction will comply with the most recent version of the OBC
- Mechanical contractors are responsible for design and installation to comply with local and Ontario Building Codes
- These notes are for general references, if a conflict may occur, the more demanding requirements shall take precedence
- All trades to follow rules of the Occupational Health & Safety Act
- All work is to be completed by skilled tradesmen at the highest level of quality, and to leave their work area "workroom clean" after completion
- All materials & procedures shall conform to all local codes & laws and will not be deemed harmful to the environment nor individual health
- Any contractor (sub or general) to maintain a current worker's liability insurance and be able to show proof of such, for himself and any employees

FOUNDATION, MASONRY & CONCRETE NOTES:

- All footings to be at a minimum depth of 47" below finished grade, and be free of any organic material
- Concrete for footings & walls to be a min. of 20 MPA compressive strength
- Where a foundation rests on gravel, sand or silt in which the water table is less than the width of the footings below the bearing surface, the footing is to be not less than twice the normal width
- In areas where soil movement is known to occur , measures are to be taken to minimize the effect
- Concrete for exterior use (such as garage floors, porches, etc.) to be a min. of 32 MPA compressive strength and 5-8% air entrainment
- Foundation walls to be laterally braced prior to backfill
- Where step footing are used, the vertical rise between horizontal portions shall not exceed 23-5/8" for firm soils, and 15-3/4" for sand or gravel, the horizontal distance between risers shall not be less 23-5/8"
- Garage floor cannot be over any topsoil, any fill is to be either clean and or granular a stone, compacted , concrete to be reinforced with 6x6 wire mesh, relief cut at max. 100 sq ft areas
- Unit masonry/ block foundations are to be type N-1 with type S mortar, horizontal wire reinforcing shall be at 16"o.c.
- Foundation walls to have sill plate anchor bolts @ 72"O.C., min 1/2" diameter & shall extend min 6" into grouted conc block, or poured concrete
- Dampproofing, waterproofing & parging shall comply with OBC 9.13
- Provide vapour barrier under all garage and slab on grade locations
- Masonry veneers to be tied to foundation & framing members with corrosion resistant straps @ 15.75" vertically & 31-1/2" horizontally and conform to OBC 9.20, 20 mil. poly flashing is required behind and extend past all masonry at foundation and all openings, weeping holes to be supplied @ 31"o.c.
- Steel lintels (L angles) for exterior stone or brick shall be min. 3-1/2" x 3-1/2" (1/4" thick) for spans up to 92", 5" x 3-1/2" (5/16") for spans up to 120", 6" x 3-1/2" (3/8") for spans up to 140" (OBC 9.20.12)

FRAMING NOTES:

- Floors to be designed to a minimum of 40psf Live load & 15psf dead load
- All framing lumber to used shall be min. no.2 spruce unless specified otherwise
- End bearing of joists and rafters is to be not less than 1-1/2"
- Framing assembly fasteners shall conform to OBC table 9.23.3.4
- Header joists at all floor openings exceeding 32" are to be doubled
- Framing contractor to place all joists and studs to accomodate mechanical
- Subfloor to be glued to joists
- Non load bearing walls parallel to the floor joists shall be supported by joist directly under or blocking between the joists @42"o.c.
- Any metal anchors are to be approved Simpson or equal
- All studs to be continuous from floor to underside of roof framing for all sloped ceiling areas
- All manufactured beams, floor joist or trusses to be engineered & designed by supplier
- Lintels & headers shall be (2)2x8 up to 71" span, (2)2x10 up to 87" span & (2)2x12 for a max. 103" span, unless noted otherwise
- Wall studs to be doubled, or to match the number of plys & positioned directly under any beams & girder trusses
- Every attic greater than 108 sq.ft. must be accessible by a hatchway of not less than 19-3/4" x 27-3/4"

ROOFING:

- Asphalt shingles to be a minimum of 225 lbs/sq & to conform to CAN3-A123.51
- Flashing to exceed no less than 8"
- ice & water shield or equivalent to be installed under all shingles
- Roof or attic space is to be provided with an unobstructed vent area of not less than 1/300 of the insulated ceiling area, distributed evenly

MECHANICAL:

- Mechanical systems to be designed by contractor & comply with OBC parts 6 & 9
- Plumbing system to be deigned by contractor & comply with OBC parts 6 & 9
- Where a drain water heat recovery unit is installed, it must conform to CSA B55.2 and have a minimum efficiency of 42%, be connected to all showers, installed vertically, & in a conditioned space
- Interior plumbing waste & vent lines to be ABS
- Provide a check valve with the summersible sump pump
- A minimum headroom of 6'5" shall be maintained under all beams and mechanical ducts and pipes
- Mechanical contractors are to ensure the maximum headroom possible is achieved under all pipes and ducting
- HRV is to have min efficiency rating of 75% heating equipment of 96%, hot water tank min EF 0.83 or meet compliancy package
- Exhaust fans from kitchen and bathrooms to be ducted directly to the exterior and to be insulated when passing through an uninsulated area
- A mechanical ventilation system is to be installed, capable of providing at least one half an air change per hour during the heating season
- Electrical system to comply with Ontario Electrical Safety Code & be designed by others
- Arch fault cicuit interrupters to be installed for all bedrooms
- Smoke & CO2 alarms to be installed with battery back up & permanent connections,and wired so that activation of one alarm will cause all alarms to sound to comply with OBC 9.10.19, to be placed on each floor, in common spaces and within 10 feet of each bedroom door and equipped with strobe light

STAIRS & RAILINGS:

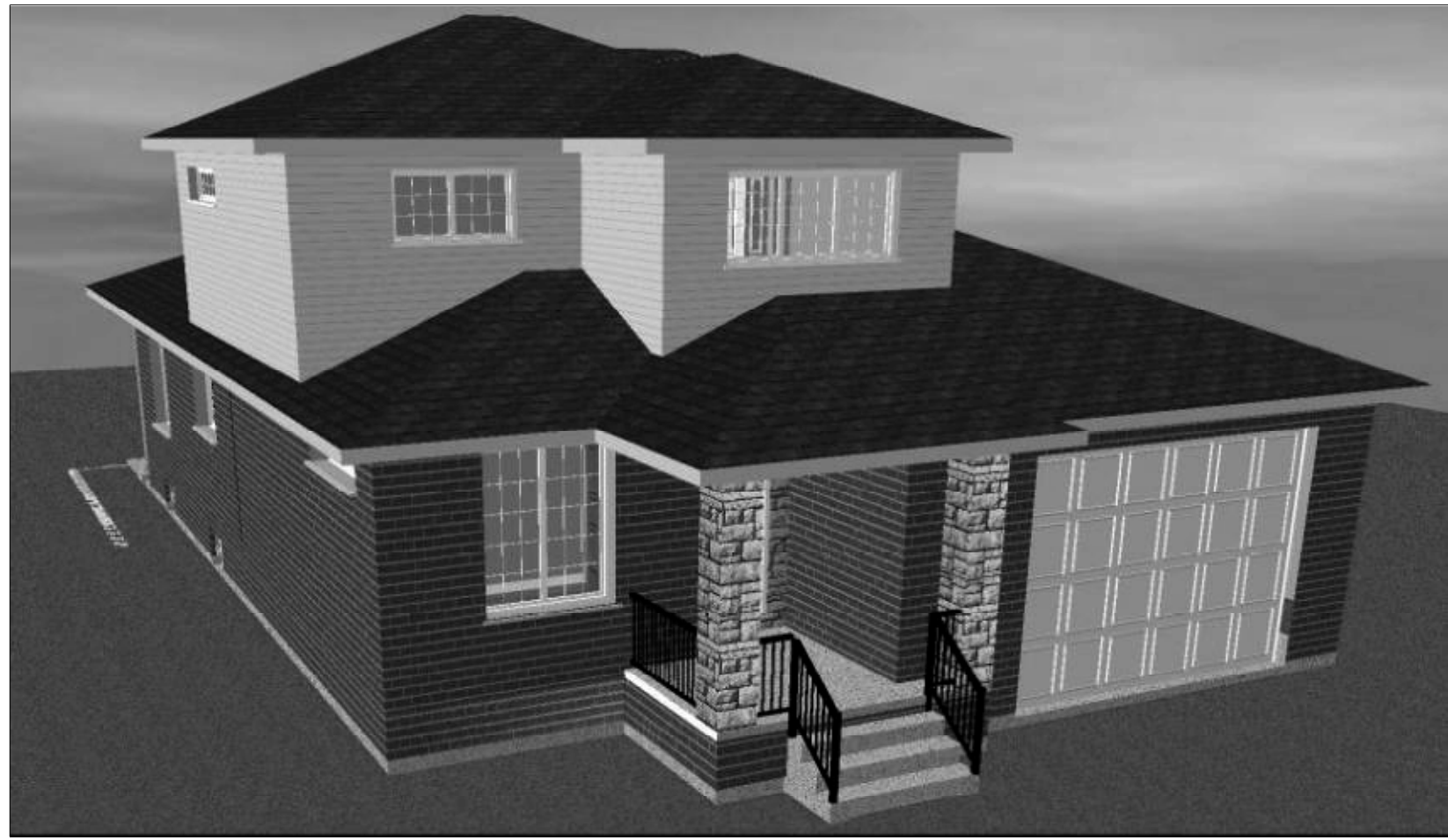
- All guard railings are to be a minimum of 36" high when the landing is no more than 71"above finished ground or floor level, and 42" high for landing more than 71" a.f.t., openings between spindles shall not be larger than 4" to conform with obc 9.8.8
- Handrails are required to meet obc 9.8.7. to be no less than 34" and no more than 38" measured vertically from a line drawn through the outside edges of the stair nosing
- All stairs will have a maxim riser height of 7-7/8" & minimum tread depth of 10" (11-1/4" should be used if at all possible), min.headroom clearance of at least 6'-5"

WINDOWS, INSULATION & ENERGY EFFICIENCY:

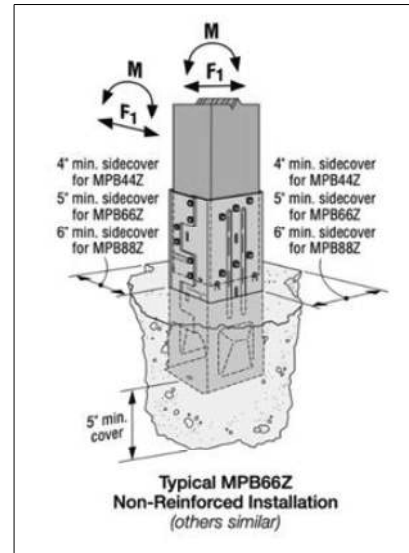
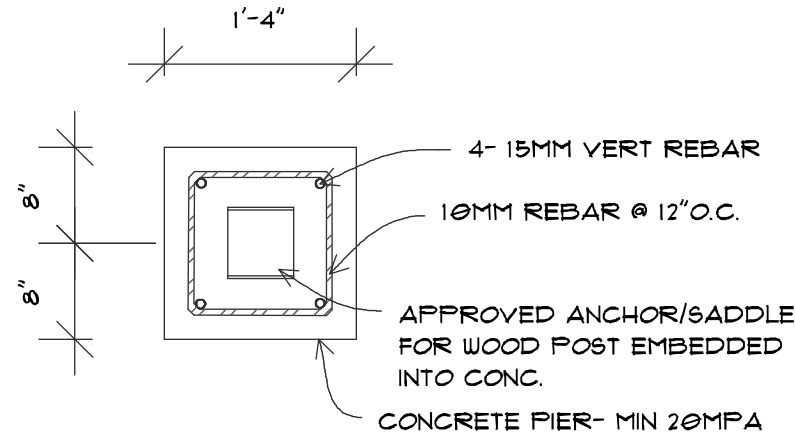
- Install R60 insulation in all flat ceiling areas (including garage),R31 for sloped ceiling areas, R22 for walls above grade, & R20 for those below grade
- This building has been deisgned to conform to Compliance package A1 (Zone 1- gas fuel source), any changes to a different package must be confirmed with owner & contractor
- Window supplier is to provide any ness. jamb extensions to finish to the inside face of the drywall
- Window manufacturer to supply interior casing for any half round or elliptical windows, profile and wood type to be approved by homeowner
- Windows to have max. U-value of 1.8 skylights 2.8
- Entrance doors to the dwelling shall be a min. of 1-3/4" thick, have a deadbolt with at least 1" throw, have hinges fastened with at least 2 screws per hinge penetrating 1-3/16" into solid wood, have solid blocking in the framing to resist spreading
- Doors between dwelling & garage must be closely fitted & weather-stripped to reduce the likelihood of passing fumes & gases , and must be equipped with a self closing device
- Each floor shall be suited with a minimum of one window that meets egress requirements,having a minimum of 3.8 sq ft unonstructed opening
- Sizes provided for all windows & doors are for design purposes only, supplier to provide proper opening sizes for framing
- Where an operable window is more than 72" above grade & less than 24"above the interior floor, the opening shall be restricted to 4"

GENERAL CONTRACTING & QUOTING:

- All drawings and specifications to be returned with quotation
- It is the responsibility of the contractor to comply with the Ontario Building Code, The Ontario Hydro Code and all applicable Municipal bylaws
- It will be the responsibility of the general contractor to review all aspects of the project according to the drawings, and to report in writing, of any omissions or mistakes before continuing
- All allowances to include installation labour and materials
- All materials and finishes to be approved by the homeowner
- Garage overhead doors to be insulated and wired for future door opener
- Drywall finishers to float corners to counter the effects of truss uplift
- Garage to be fully insulated and drywalled with minimum of 2 coats of finish compound
- Include within the quote, an allowance for towel bars, paper holders & mirrors with an installation charge
- All changes to the plans or specifications, whether initiated by the homeowner or contractor, must be done in writing
- All metal posts, beams and angle irons to be shop primed



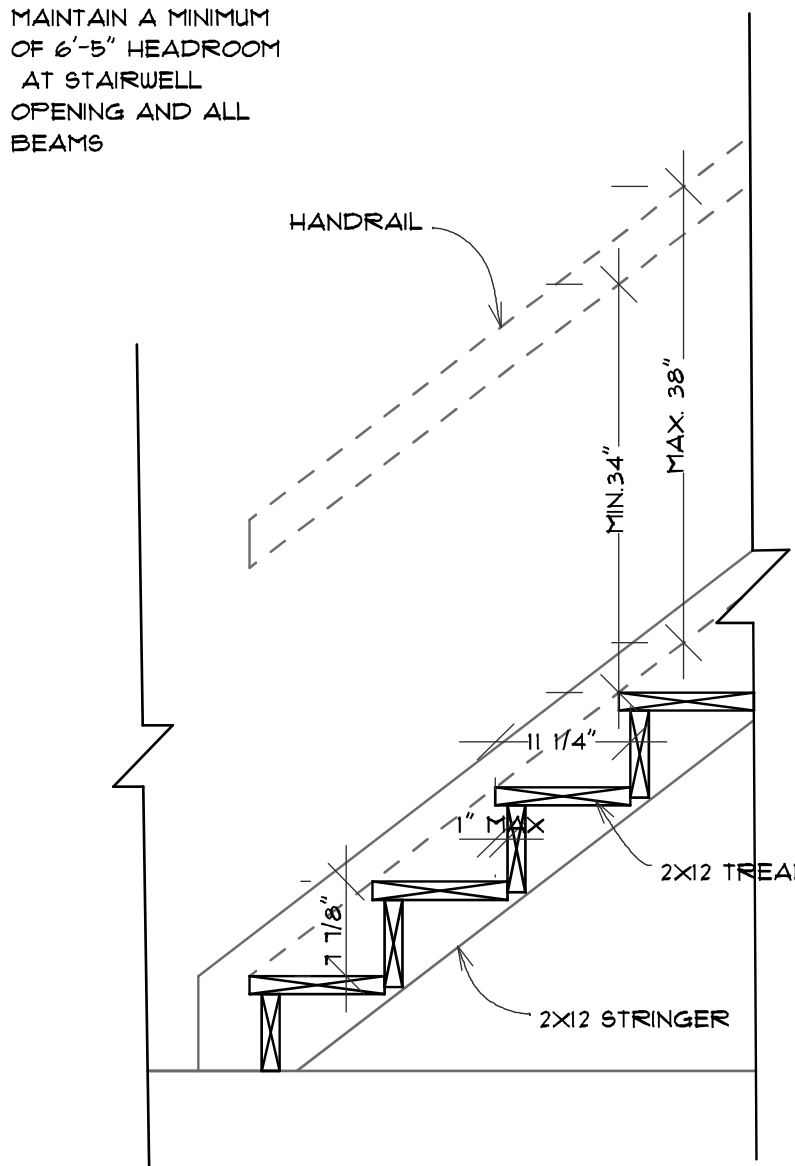
B. Prescriptive Compliance (indicate the building code compliance package being employed in this house design)					
SB-12 Prescriptive (input design package):			Package: A1		
			Table: 3.1.1.2A		
C. Project Design Conditions					
Climatic Zone (SB-1):		Heating Equipment Efficiency		Space Heating Fuel Source	
<input checked="" type="checkbox"/> Zone 1 (< 5000 degree days)		<input checked="" type="checkbox"/> ≥ 92% AFUE		<input checked="" type="checkbox"/> Gas	
<input type="checkbox"/> Zone 2 (≥ 5000 degree days)		<input type="checkbox"/> ≥ 84% < 92% AFUE		<input type="checkbox"/> Oil	
				<input type="checkbox"/> Propane	
				<input type="checkbox"/> Electric	
				<input type="checkbox"/> Solid Fuel	
				<input type="checkbox"/> Earth Energy	
Ratio of Windows, Skylights & Glass (W, S & G) to Wall Area				Other Building Characteristics	
Area of walls= _____ m ² or 3408 ft ²		W, S & G % = ____ 11.13		<input type="checkbox"/> Log/Post & Beam	
				<input type="checkbox"/> ICF Above Grade	
				<input type="checkbox"/> ICF Basement	
				<input type="checkbox"/> Slab-on-ground	
				<input type="checkbox"/> Walkout Basement	
				<input type="checkbox"/> Air Conditioning	
				<input type="checkbox"/> Comb. Unit	
				<input type="checkbox"/> Air Sourced Heat Pump (ASHP)	
				<input type="checkbox"/> Ground Sourced Heat Pump (GSHP)	
Area of W, S & G= _____ m ² or 379.8 ft ²		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Building Component		Minimum RSI / R values or Maximum U-Value		Building Component	
Thermal Insulation		Nominal		Efficiency Ratings	
Ceiling with Attic Space		R60	R59.22	Windows & Doors Provide U-Value ⁽¹⁾ or ER rating	
Ceiling without Attic Space		R31	R27.65	Windows/Sliding Glass Doors	
Exposed Floor		R31	R29.8	Skylights/Glazed Roofs	
Walls Above Grade		R22	R17.03	Mechanicals	
Basement Walls		R20	R21.12	Heating Equip. (AFUE)	
Slab (all >600mm below grade)		-	-	DHW Heater (EF)	
Slab (edge only <600mm below grade)		R10	R10	DWHR (CSA B55.1 (min. 42% efficiency))	
Slab (all <600mm below grade, or heated)		R10	R11.13	Combined Heating System	



SADDLE EXAMPLE

CONC. COLUMN DETAIL

SCALE: 3/4"=1'-0"

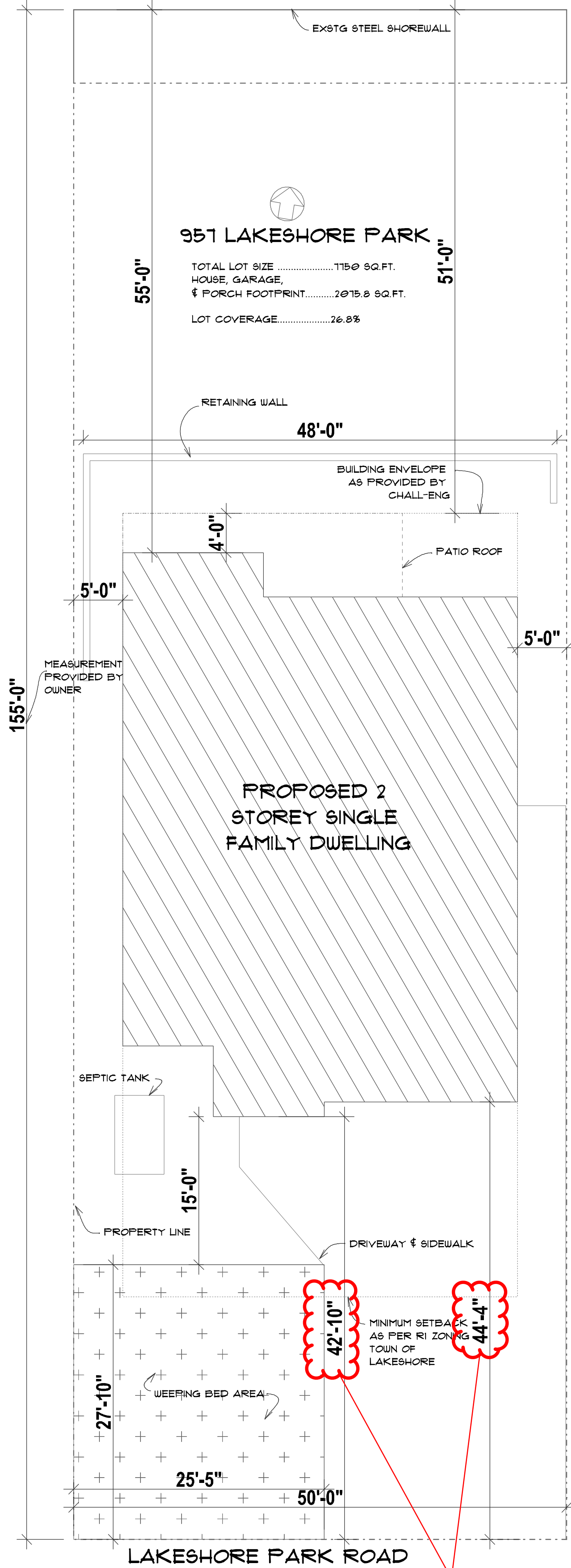


HANDRAILS ARE REQUIRED TO MEET OBC 9.8.7. TO BE NO LESS THAN 34" AND NO MORE THAN 38" MEASURED VERTICALLY FROM A LINE DRAWN THROUGH THE OUTSIDE EDGES OF THE STAIR NOSING

STAIRS ARE TO BE CONSTRUCTED SO THAT ALL TREADS & RISERS HAVE A UNIFORM RISE & RUN. MINIMUM WIDTH OF 35". RISERS TO BE MIN 4-1/8" TO MAX. 7-1/8". TREADS TO BE MIN. 9-1/4" TO MAX. 14" W/ NOSING NO DEEPER THAN 1" AND MUST CONFORM W/ O.B.C. 9.8.2

STAIR DETAIL

SCALE: 3/4"=1'-0"



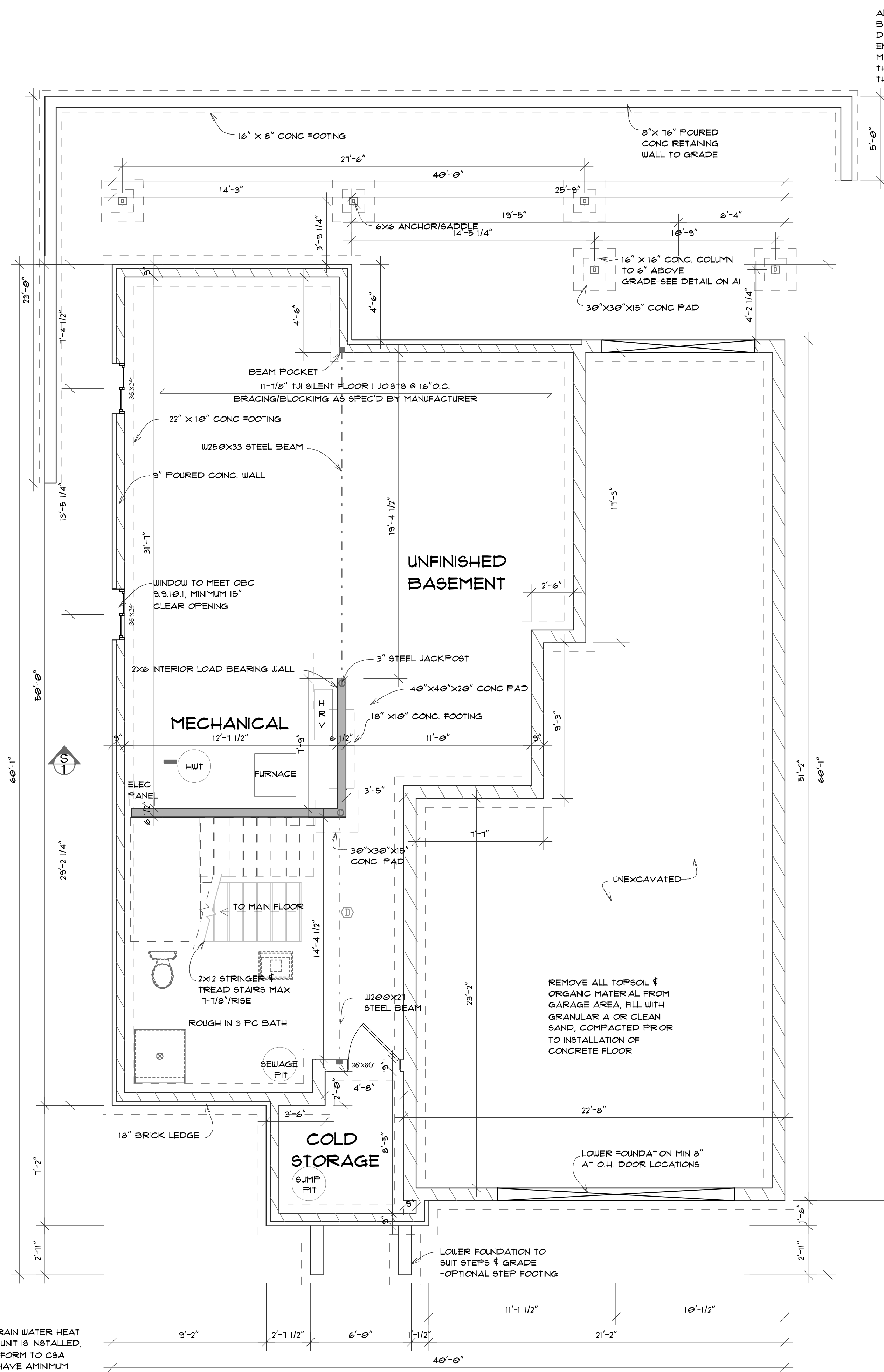
SITE PLAN

SCALE: 1/8"=1'-0"

General Notes		
GENERAL NOTES: 1.DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE 2.DRAWINGS ARE AN INSTRUMENT OF SERVICE ONLY AND SHALL REMAIN THE PROPERTY OF THE DESIGNER 3.THE ONTARIO BUILDING CODE (OBC) SHALL RULE AND BE THE AUTHORITY FOR THIS PROJECT 4.DRAWINGS ARE TO BE USED AS A GUIDELINE, AND SHOULD BE VERIFIED BY A LICENSED ENGINEER 5.THE DESIGNER IS NOT RESPONSIBLE FOR THE METHODS AND/OR TECHNIQUES OF ANY CONTRACTOR DURING CONSTRUCTION OF THIS PROJECT 6.THERE IS NO WARRANTY, NEITHER WRITTEN NOR IMPLIED AS TO THE ACCURACY OF THESE DRAWINGS 7.CONTRACTORS SHALL PROMPTLY NOTIFY THE DESIGNER IN WRITING OF ANY VARIATIONS BETWEEN THESE DOCUMENTS AND ANY APPLICABLE CODES OR NECESSARY CHANGES		
No.	Revision/Issue	Date



Project Name and Address:	
New Home 957 LAKESHORE PARK	
Client:	
J&M WILLS	
Drawing:	
SITE PLAN GENERAL NOTES	
Scale:	as shown
Date:	Jan.26,2023
Drawn By:	S.O.
Checked By:	
Approved By:	J.W.
Sheet:	
A1	



FOUNDATION PLAN

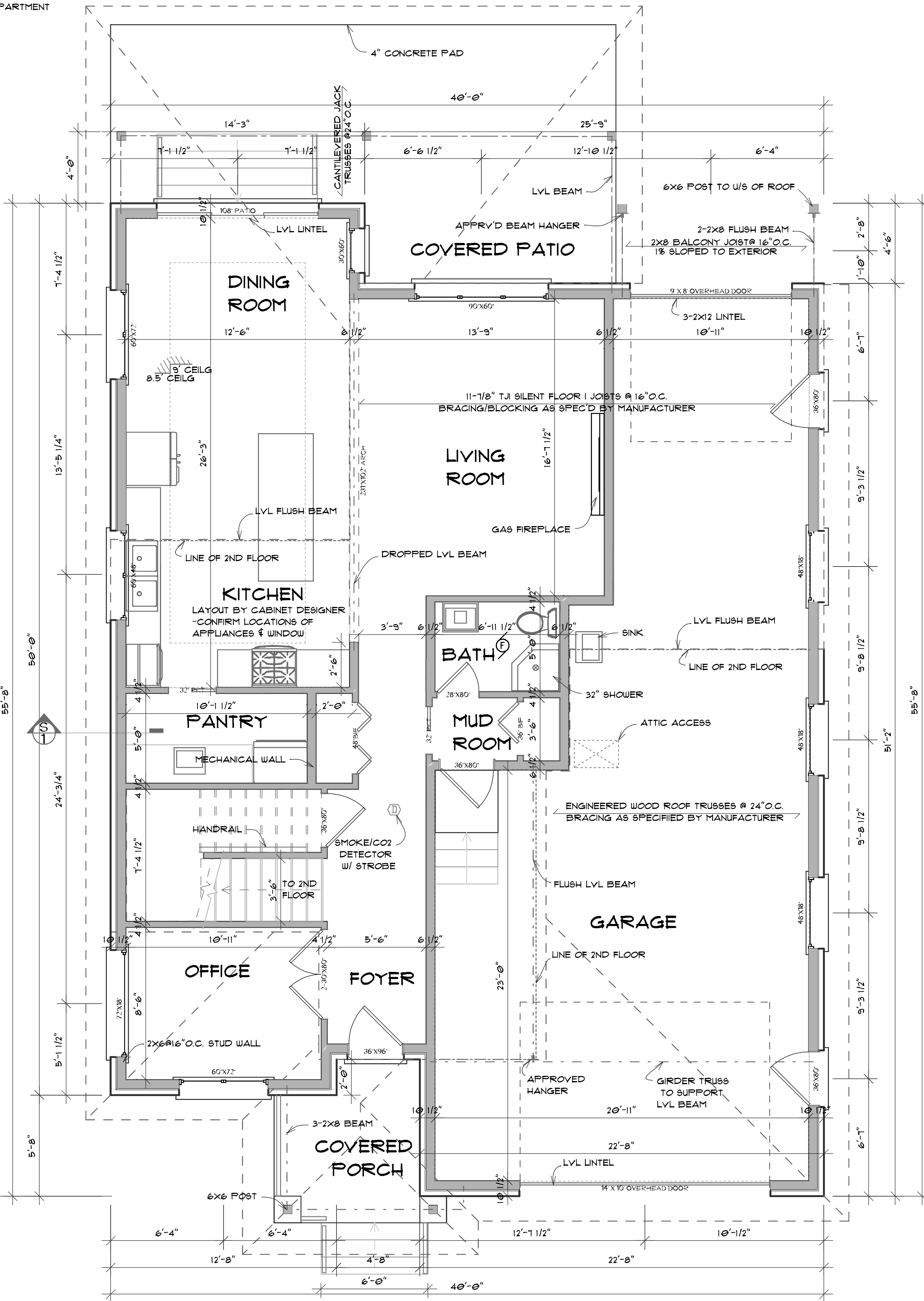
WHERE A DRAIN WATER HEAT RECOVERY UNIT IS INSTALLED, IT MUST CONFORM TO CSA B55.2 AND HAVE A MINIMUM EFFICIENCY OF 36%, BE CONNECTED TO ALL SHOWERS, INSTALLED VERTICALLY, & IN A CONDITIONED SPACE

SUMP/SEWAGE PIT TO BE SUPPLIED W/COVER DESIGNED TO RESIST REMOVAL BY CHILDREN

WHERE STEP FOOTINGS ARE USED, THE VERTICAL RISE BETWEEN HORIZONTAL PORTIONS SHALL NOT EXCEED 23-5/8" FOR FIRM SOILS AND 15-3/4" FOR SAND OR GRAVEL, THE HORIZONTAL DISTANCE BETWEEN RISERS SHALL NOT BE LESS THAN 23-5/8"

FOOTINGS SHALL BEAR ON UNDISTURBED SOIL, FREE OF ANY ORGANIC MATERIAL AND SHALL COMPLY WITH OBC 9.12.1 BOTTOM OF ALL FOOTINGS TO REACH A MINIMUM OF 3'-11" BELOW FINAL GRADE AND COMPLY WITH OBC 9.12.2

ALL MANUFACTURED BEAMS/LINTELS ARE TO BE DESIGNED BY A LICENCED ENGINEER SUPPLIED BY THE MANUFACTURER AND PROOF THEREOF TO BE PRODUCED TO THE BUILDING DEPARTMENT



GROUND FLOOR PLAN
1091 SQ FT

A PRINCIPAL EXHAUST FAN IS TO BE SUPPLIED BY HVAC CONTRACTOR AND MUST CONFORM TO OBC 9.32.3.4 ALL DRYER, STOVE AND BATHROOMS TO BE EXHAUSTED AND VENTED DIRECTLY TO THE EXTERIOR, DUCTS TO BE INSULATED AND CONFORM TO OBC 9.32.3

EVERY ATTIC OR ROOF SPACE GREATER THAN 101 SQ. FT. TO HAVE ACCESS NO LESS LESS THAN 21-3/4" X 35-1/2", FITTING WITH AN INSULATED COVER OR CONFORM TO OBC 9.19.2

General Notes

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4. DRAWINGS ARE TO BE USED AS A GUIDELINE, AND SHOULD BE VERIFIED BY A LICENSED ENGINEER
5. THE DESIGNER IS NOT RESPONSIBLE FOR THE METHODS AND/OR TECHNIQUES OF ANY CONTRACTOR DURING CONSTRUCTION OF THIS PROJECT
6. THERE IS NO WARRANTY, NEITHER WRITTEN NOR IMPLIED AS TO THE ACCURACY OF THESE DRAWINGS
7. CONTRACTORS SHALL PROMPTLY NOTIFY THE DESIGNER IN WRITING OF ANY VARIATIONS BETWEEN THESE DOCUMENTS AND ANY APPLICABLE CODES OR NECESSARY CHANGES

No.	Revision/Issue	Date

Stamp:

ONTARIO REGISTERED
Laubri Inc.
B. Shawn O'Neill
reg #27855
BCIN 32043
HOME DESIGN

LAUBRI creations
imagine · design · create
5320 Walker Road, Oldcastle, Ont, N0R1L0
519-737-1212 laubri.com

Project Name and Address:
New Home
951 LAKESHORE PARK

Client:
J&M WILLS

Drawing: **FOUNDATION PLAN**
FLOOR PLAN
Scale: 1/4" = 1' - 0"
Date: Mar.17,2023revsd

Drawn By: S.O.	Sheet: A2
Checked By:	
Approved By: J.W.	



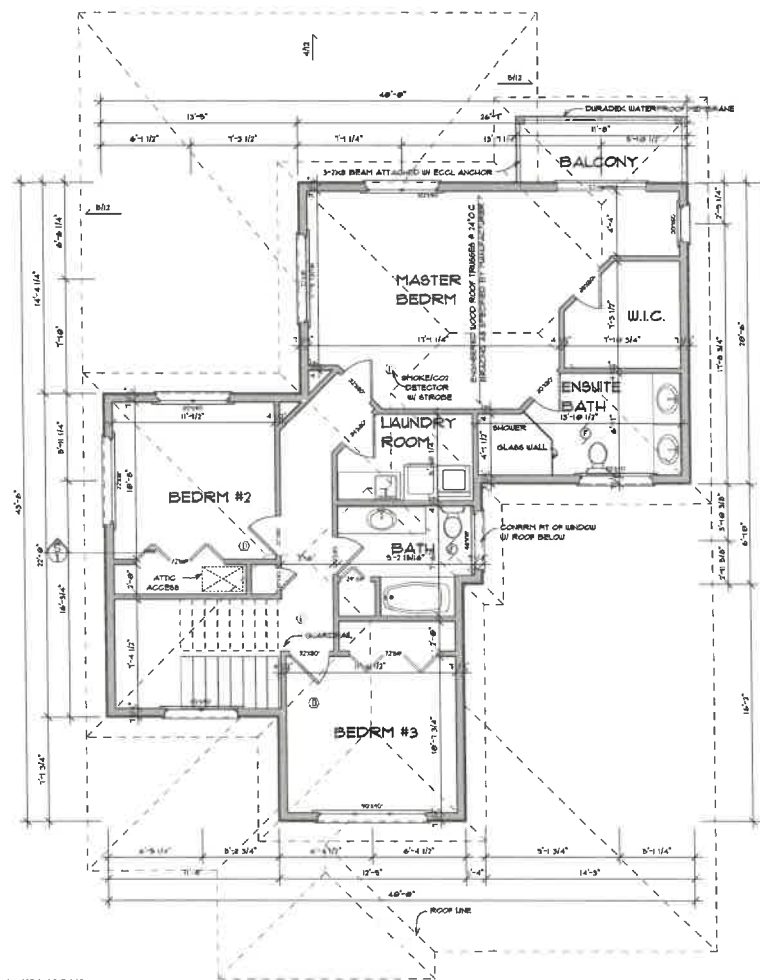
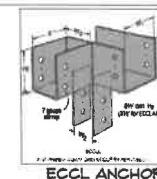
GRADE TO SLOPE AWAY FROM, AND BE NO LESS THAN 5'-1/8" LOWER THAN, THE FOUNDATION TO COMPLY WITH OSC 214(d) & 215.4.3



ALL ROOF TRUSSES ARE TO BE DESIGNED BY A LICENCED ENGINEER SUPPLIED BY THE MANUFACTURER AND PROOF THEREOF TO BE PRODUCED TO THE BUILDING DEPARTMENT. MANUFACTURER WILL SUPPLY ALL NECESSARY DRAWINGS SPECIFYING DRACING LOCATIONS & FASTENING REQUIREMENTS.

ALL ROOF OR ATTIC SPACES ABOVE
INSULATED CEILING MUST BE VENTED
WITH AN UNOBSTRUCTED FREE AREA
OF 1/300 OF THE TOTAL AREA OR
CONFORM TO CBC 313.1

ALL MANUFACTURED BEAMS/UNITS ARE TO BE DESIGNED BY A LICENCED ENGINEER SUPPLIED BY THE MANUFACTURER AND PROOF THEREOF TO BE PRODUCED TO THE BUILDING DEPARTMENT



EVERY ATTIC OR ROOF SPACE GREATER THAN 187 SQ. FT. TO HAVE ACCESS NO LESS THAN 21'-3/4" X 20'-1/2", FITTING WITH AN INSULATED COVER OR CONFORM TO CBC 515.2

SECOND FLOOR PLAN
1006 SQ FT

General Notes

GENERAL NOTES

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2. DRAWINGS ARE AN INSTRUMENT OF SERVICE OF THE ENGINEER AND SHALL REMAIN THE PROPERTY OF THE DESIGNER.
3. THE ONTARIO BUILDING CODE (OBC) SHALL BE USED AND THE AUTHORITY FOR THE PROJECT.
4. DRAWINGS ARE TO BE USED AS A GUIDELINE AND SHOULD BE VERIFIED BY A LICENSED BUILDING OFFICIAL.
5. THE DESIGNER IS NOT RESPONSIBLE FOR THE METHODS AND/OR TECHNIQUES OF ANY CONTRACTOR DURING CONSTRUCTION OF THE PROJECT.
6. THERE IS NO WARRANTY, NEITHER WRITTEN NOR IMPLIED AS TO THE ACCURACY OF THESE DRAWINGS.
7. THE CONTRACTORS SHALL PROMPTLY NOTIFY THE DESIGNER IN WRITING OF ANY VARIATIONS BETWEEN THESE DOCUMENTS AND ANY APPLICABLE CODES OR NECESSARY CHANGES.

No.	Revision/Issue	Date
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Project Name and Address

New Home
951 LAKE SHORE PARK

C. 1000

J&M WILLS

11

2ND FLOOR PLAN ELEVATIONS

Sender

1/4" = 1' - 0"	Date: Jan. 26, 2023
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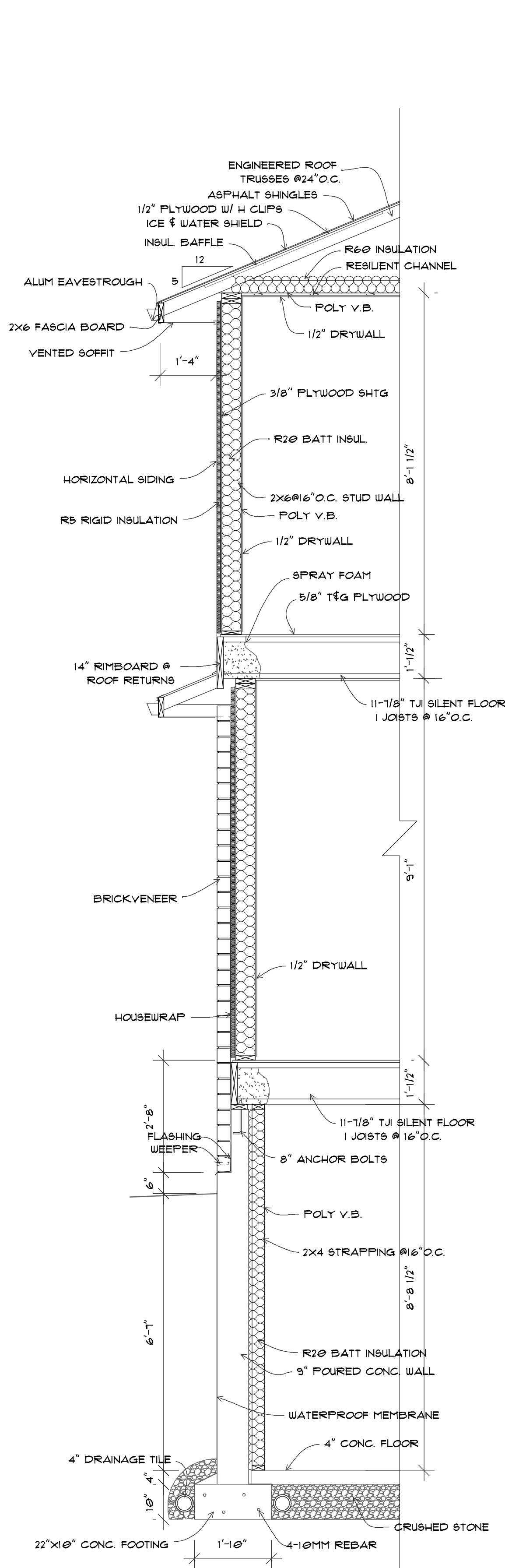
Open

S.O.

2

Reviewed By. JW

A3



SECTION 1
SCALE: 1/2"=1'-0"

ALL ROOF TRUSSES ARE TO BE DESIGNED BY A LICENCED ENGINEER SUPPLIED BY THE MANUFACTURER AND PROOF THEREOF TO BE PRODUCED TO THE BUILDING DEPARTMENT MANUFACTURER WILL SUPPLY ALL NECESSARY DRAWINGS SPECIFYING BRACING LOCATIONS & FASTENING REQUIREMENTS

ALL ROOF OR ATTIC SPACES ABOVE INSULATED CEILING MUST BE VENTED WITH AN UNOBSTRUCTED FREE AREA OF 1/3000 OF THE TOTAL AREA OR CONFORM TO OBC 9.19.1

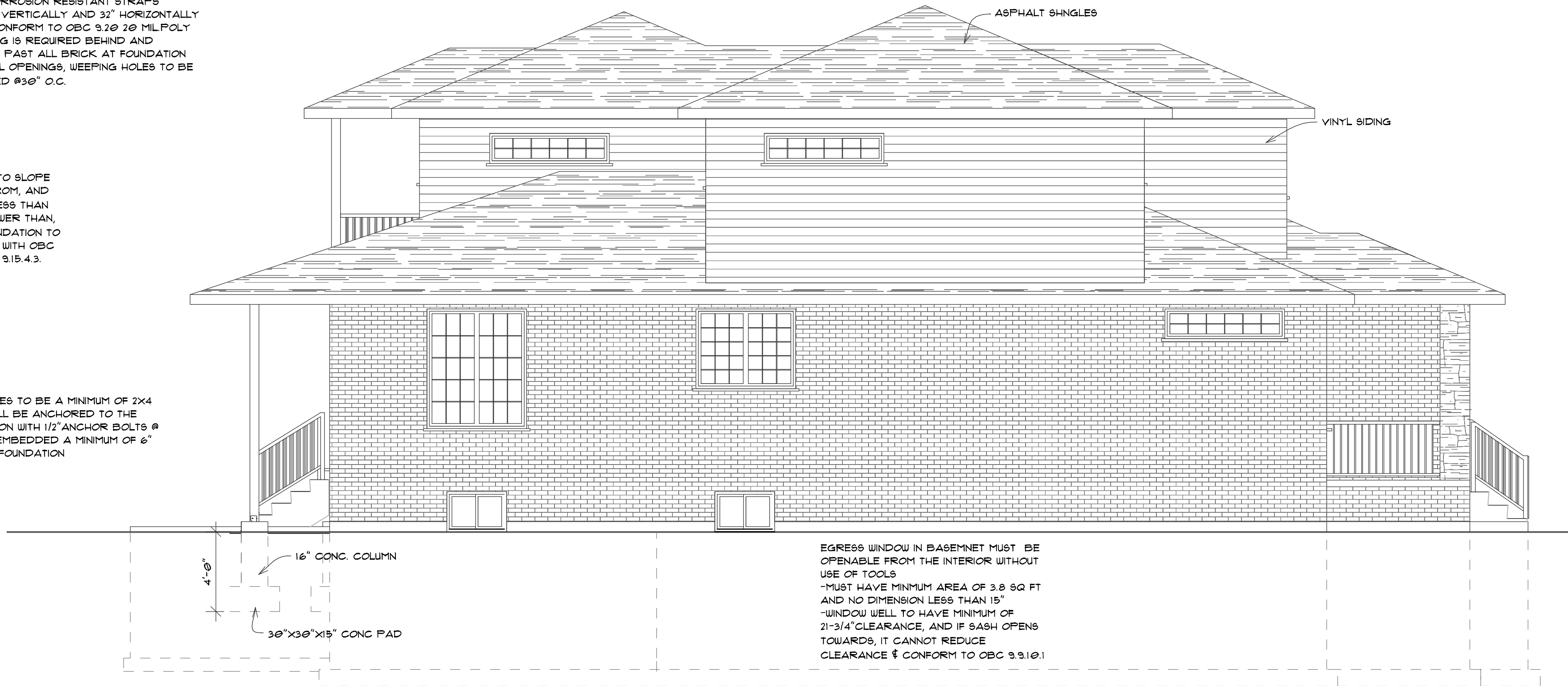
BRICK TO BE TIED TO FRAMING MEMBERS WITH CORROSION RESISTANT STRAPS @16" O.C. VERTICALLY AND 32" HORIZONTALLY AND CONFORM TO OBC 9.20.20 MIL POLY FLASHING IS REQUIRED BEHIND AND EXTEND PAST ALL BRICK AT FOUNDATION AND ALL OPENINGS, WEeping HOLES TO BE SUPPLIED @30" O.C.

GRADE TO SLOPE AWAY FROM, AND BE NO LESS THAN 5'-1/8" LOWER THAN, THE FOUNDATION TO COMPLY WITH OBC 9.14.6.1 & 9.15.4.3.

SILL PLATES TO BE A MINIMUM OF 2X4 AND SHALL BE ANCHORED TO THE FOUNDATION WITH 1/2" ANCHOR BOLTS @ 84" O.C. EMBEDDED A MINIMUM OF 6" INTO THE FOUNDATION



EAST ELEVATION
SCALE: 1/4"=1'-0"



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

EGRESS WINDOW IN BASEMENT MUST BE OPENABLE FROM THE INTERIOR WITHOUT USE OF TOOLS
-MUST HAVE MINIMUM AREA OF 3.8 SQ FT AND NO DIMENSION LESS THAN 15"
-WINDOW WELL TO HAVE MINIMUM OF 21'-3/4" CLEARANCE, AND IF SASH OPENS TOWARDS, IT CANNOT REDUCE CLEARANCE & CONFORM TO OBC 9.9.10.1

General Notes

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No.	Revision/Issue	Date

Stamp:



LAUBRI
creations
imagine · design · create
5320 Walker Road, Oldcastle, Ont, N0R1L0
519-737-1212 laubri.com

Project Name and Address:

New Home
957 LAKESHORE PARK

Client:

J&M WILLS

Drawing:

ELEVATIONS
CROSS SECTION

Scale:

as shown

Date:

Jan. 26, 2023

Drawn By:

S.O.

Sheet:

Checked By:

Approved By:

J.W.

A4



From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [Meaghan Poonia](#); [Jillian Shaw](#); [Morris Harding](#); [Kristina Brcic](#)
Subject: RE: Committee of Adjustment Review - July 19
Date: June 22, 2023 10:33:13 AM
Attachments: [image001.png](#)

Hi Ian,

Please find buildings comments below;

[REDACTED]

A-26-2023 - Only concern here is fitting the septic system, I've been back and forth with the system installer and am confident we can squeeze a tertiary system on the property, but as of today I still haven't been provided a compliant design.

[REDACTED]

If you have any questions, please feel free to call or email.

Aaron Ford
Building Inspector
Municipality of Lakeshore | Growth and Sustainability - Building

[REDACTED]

From: Ian Search [REDACTED]
Sent: Thursday, June 22, 2023 10:04 AM

[REDACTED]

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[Redacted signature block]

[Redacted signature block]



planning@erca.org

P.519.776.5209

F.519.776.8688

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

July 6, 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-26-2023 957 LAKESHORE PK

ARN 375161000018300; PIN:

Applicant: Michelle & Jaret Wills

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property to reduce front yard setbacks to support the construction of a detached dwelling.

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 Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

ERCA Permit 146 - 23 has been issued for this development. ERCA has no objections to the proposed Minor Variance.

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

Sincerely,

Alicia Good

Watershed Planner

Date: July 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – A/26/2023

Operations has reviewed A/26/2023 – 957 Lakeshore Park application and offer the following comments:

Comments
<ul style="list-style-type: none">• The lands will be subject to water buy-in and connection fee as per Lakeshore's current tariff-of-fees by-law at the time of servicing.• An entrance permit will be required to be obtained as part of any building permit application submitted for the lands from the Municipality of Lakeshore.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Rivest, CET, rcji

Engineering Technologist – Development

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, BES, Planner I
Date: July 12, 2023
Subject: Minor Variance Application A/27/2023 – 1406 Caille Ave

Recommendation

Defer Minor Variance Application A/27/2023 to provide the Applicant with the opportunity to reduce the height and gross floor area of the proposed accessory building.

Background

The subject property currently contains a one-storey single residential dwelling approximately 133.59 sq. m (1,438 sq. ft.) in area. The applicant wishes to construct a new detached garage / accessory building and is thus seeking the following reliefs from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 117.5 m², whereas the By-law permits a maximum gross floor area of 55 m².
- Section 6.5 a) xi) to permit an accessory building to have a maximum height of 5.7 metres, whereas the By-law permits a maximum height of 5 metres.
- Section 6.52 a) to permit an accessory building to be setback a minimum of 4 metres from the centreline of a private road, whereas the By-law requires a minimum setback of 13 metres if the garage doors are facing away from the private road.

The applicant has stated in their application that the proposed second storey of the building will be used for storage and hobby space (restoring and painting furniture, woodworking tools). The main floor garage space will be used to park vehicles and store a small boat.

Summary

Location

The subject property is located on the north side of Caille Ave, west of Rourke Line Road, known municipally as 1406 Caille Ave. The subject property is approximately 785 m² in area with approximately 19.8 metres of frontage along Caille Ave.

Surrounding Land Uses

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

Official Plan

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

Zoning

The subject property is zoned Residential Waterfront – Lake St Clair (RW2) in the Lakeshore Zoning By-law.

Conclusion

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

Official Plan

Regarding the setback from the private road, Section 7.2.2.1 d) of the Lakeshore Official Plan states that development will only be permitted on a private road which is developed and maintained to a standard acceptable to the Municipality. The subject property is located on a portion of Caille Ave that is privately owned and identified as an Urban Residential Local Road in the Official Plan. The Operations department did not raise any issues with the condition of the road or the minor variance request to reduce the setback of the proposed structure from the centreline of the road. This specific relief maintains the physical design characteristics of the Settlement Area under the Community Design policies of Section 4.2.1 – many buildings/structures in the area have been constructed in close proximity to the centreline of Caille Ave.

Regarding the accessory building gross floor area and height, Section 6.6 of the Lakeshore Official Plan states that the Residential Designation is expected to continue

to accommodate attractive neighbourhoods. The Community Design policies of Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a generally high quality of community design and built form. Under this section, the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.

The portion of Caille Ave analyzed with respect to these policies is an area spanning from 1400 Caille Ave (where Caille Ave ends west of the subject property) to 1504 Caille – a property supporting an oversized accessory building that is located four properties east of the Rourke Line Road and Caille Ave intersection – approximately 0.7 kilometers east of the subject property. Residential properties south of the VIA Rail right-of-way were not included in the analysis.

Only four accessory buildings supporting a second storey beyond attic space were observed in the area at 1476, 1480, 1500 and 1504 Caille Ave. According to building permit records, the buildings at 1476 and 1500 were constructed prior to the current Official Plan coming into effect in 2010, while the second-storey building at 1504 Caille Ave was constructed in 2012 but prior to the adoption of the current Zoning By-law later that year. No building permit record exists for the accessory building at 1480 Caille Ave.

It is the opinion of the Planner that these four buildings were not subjected to the same Planning documents currently in effect at the time of their development and that they are not representative of the area's overall character given that most of the accessory buildings along Caille Ave are small sheds and/or single storey structures.

The proposal should be deferred to give the applicant a chance to reduce the height of the building/eliminate or convert the second storey to attic space. This will in turn reduce the gross floor area of the proposal. The Planner is of the opinion that this revision is necessary to ensure the development maintains and improves the physical design characteristics of the area, and to ensure the site is developed in a manner that preserves the existing traditional community image.

Zoning By-law

The intention behind the regulation requiring an increased setback from the centreline of private roads is to ensure that buildings/structures are setback far enough for potential road widening if Lakeshore takes control of the road in the future. 2022 aerial photography suggests that there are already many buildings/structures located close to the centreline of Caille Ave and the Operations Department did not raise any issue with this aspect of the minor variance.

The intention of the regulation requiring a maximum height of 5 metres for an accessory building (except within an Agriculture Zone) is to ensure that these structures are unoffensive with respect to location and purpose, and that they remain subordinate to dwellings on residential properties as one-storey structures. It appears the dwelling on

the property is one-storey and the proposed accessory building – particularly on elevated grade – will exceed the height of the dwelling. Therefore, the proposed height and design of the building should be revised to achieve a more appropriate relationship with the main building on the lot. This will also assist in achieving a development that is more in keeping with the physical design characteristics of the area.

The intention of the regulation limiting the gross floor area of an accessory building to 55 m² is to ensure these structures do not dominate the landscape in a typical subdivision. Many of the lots along Caille Ave, including the subject property, have deficient lot area under the Zoning By-law. The minimum required lot area in the RW2 zone is 800 m² (where municipal sanitary servicing is available), while the subject property is approximately 785 m².

The Committee should be careful to approve requests for increased gross floor area of accessory buildings in urban areas where deficient lot sizes dominate as it could lead to overdevelopment of the area and the dense presence of large accessory buildings that is undesirable. In this case, the building footprint of the proposed structure is less than 55 m², but the proposed second storey will result in a gross floor area of 117.5 m². It is the opinion of the Planner that accessory buildings of this size are only able to meet the general intent and purpose of the Zoning By-law on larger lots in areas with a different context.

Previous Zoning By-law

It is important to note that where a building permit record exists, the oversized accessory structures previously mentioned were permitted in the area because the only regulation limiting their size in the old Maidstone Zoning By-law (adopted 1994 and in effect until 2012) was that they do not exceed 15% lot coverage in all zones. To protect the neighbourhood character in these areas, the regulations in the current Zoning By-law were introduced to curb the presence of these accessory buildings with excessive gross floor area and height and to maintain the status and presence of the main dwelling as the primary structure on the property.

Minor

Regarding the setback from the private road, it is the opinion of the Planner that this aspect of the minor variance is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting this specific relief. The garage doors will face the existing driveway east of the building and the driveway will be extended. It is an orientation that will provide better ingress/egress functionality than direct access onto Caille Ave if the building is located only 4 metres from the centreline of the road. The Committee should impose a condition requiring this orientation if they choose to approve the minor variance.

Regarding the accessory building gross floor area and height, neither one of these reliefs for the proposed building is considered minor in nature for reasons already mentioned in the report. The gross floor area will exceed the provision by over two times. While the Committee has previously granted similar requests for increased gross

floor area in other areas, it is the opinion of the Planner that the request before the Committee is not minor considering this area's general built form.

The applicant is proposing a height of 5.7 metres, which is 0.7 metres (2.3 feet) greater than what is permitted. It appears based on the elevation drawings that the dormers to be placed on both sides of the building will extend the building's full length. Thus, the request for increased height is to construct a full second storey that will result in a building form that is incompatible with the physical design characteristics of the area. This is different from a request to increase the pitch of a one-storey building of gable style roof (no dormers) to comfortably store a boat for example.

Desirability

Regarding the setback from the private road, it is the opinion of the Planner that this request is desirable for the appropriate development of the building and land. The applicant desires to construct a garage on the lot and has identified the only practical space to accommodate this use. Granting the relief will enable a garage to be constructed on the lot. This aspect of the variance will meet existing standards in the area and will be appropriate development if the proposed building orientation is implemented.

Regarding the accessory building gross floor area and height, these reliefs are considered undesirable for the appropriate development of the building and land. Permitting the reliefs for the proposed design will result in a building that, in the opinion of the Planner, is incompatible with the general built form that exists in the area, and would permit the development of a building design that the current Official Plan and Zoning By-law have been implemented to mitigate.

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

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

Correspondence

External and Internal Agencies

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

The Operations Department provided their standard comment for these types of development applications, stating that the construction of the accessory building should not adversely impact the rear yard drainage or adjacent neighbouring lands. They also

advise that any proposal for washroom facilities is not supportable. If the Committee decides to approve the minor variance, it is recommended that they impose a condition prohibiting washroom facilities to the satisfaction of the Operations Department. Full comments can be found in Appendix D.

ERCA was circulated notice of the application and they stated that their office has previously issued a permit for a detached, non-habitable accessory structure. They advise the applicant to apply to ERCA for a Permit Renewal for the proposed development. Full comments can be found in Appendix E.

Building Services is requiring a full set of construction drawings. They state that living space is not permitted in the accessory building. Full comments can be found in Appendix F.

Public Notice Circulation

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

Attachment(s):

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

Prepared by:



Ian Search, BES
Planner I

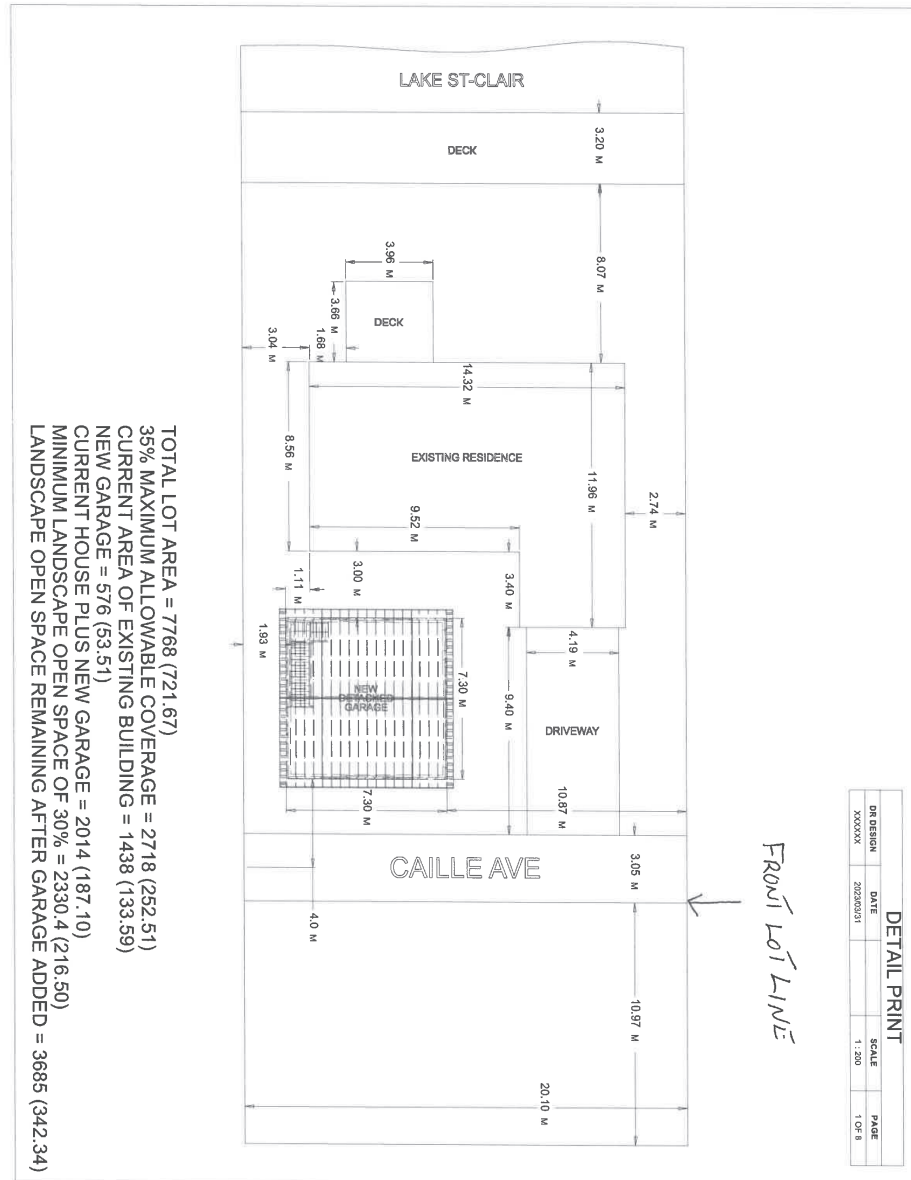
Report Approval Details

Document Title:	A-27-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photo.pdf- Appendix D - Operations Department Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Building Services.pdf
Final Approval Date:	Jul 14, 2023

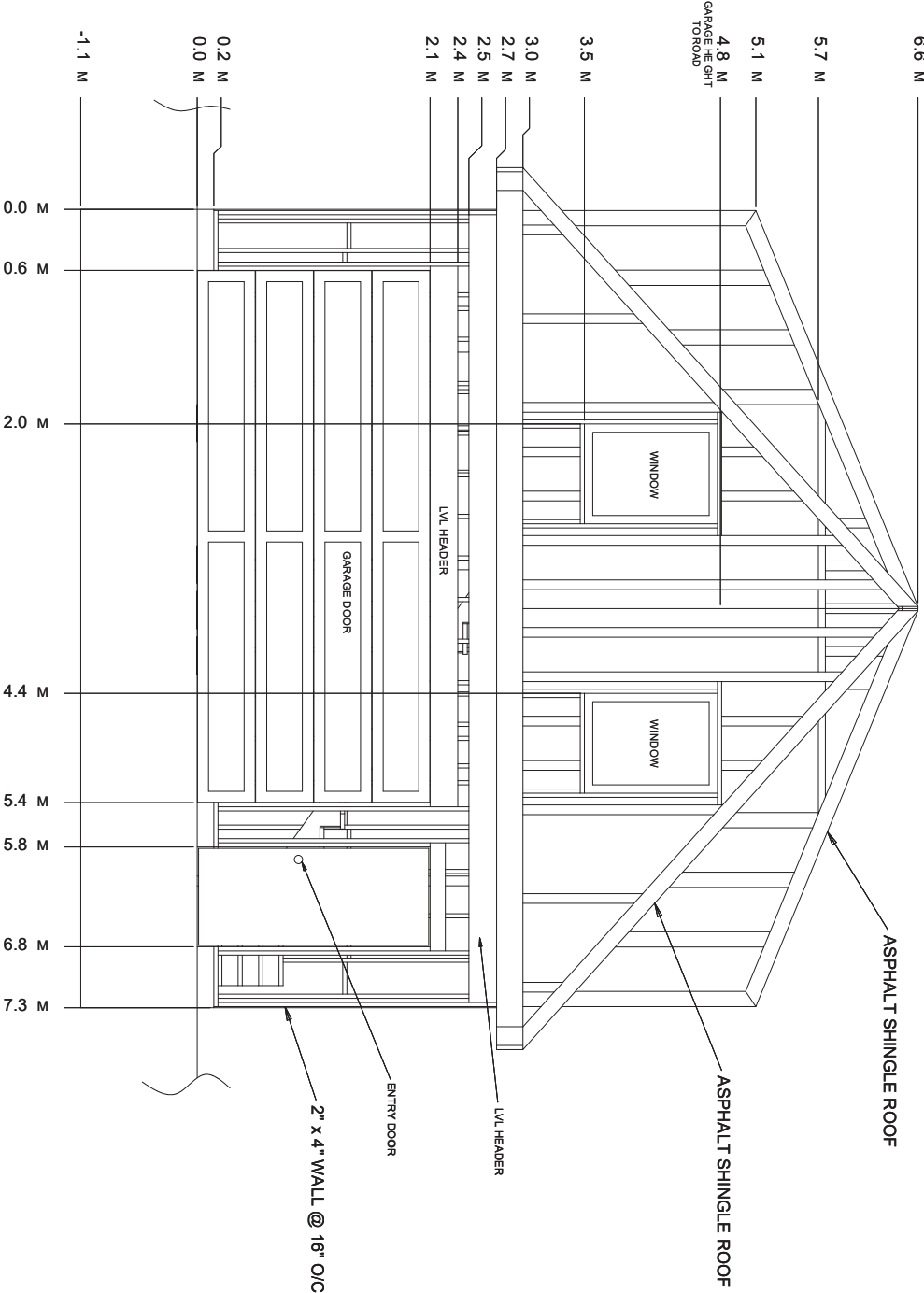
This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - Jul 14, 2023 - 2:00 PM



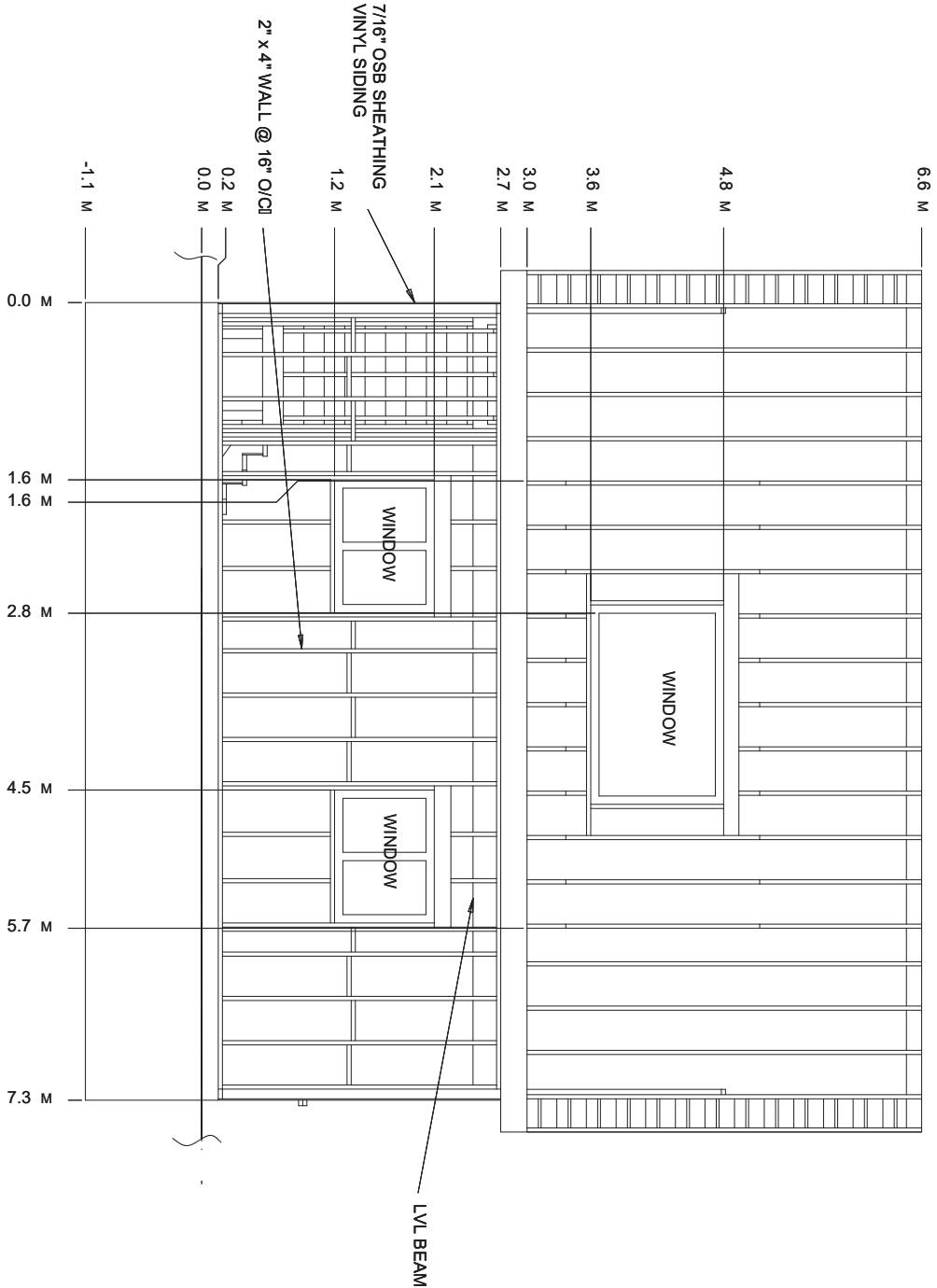


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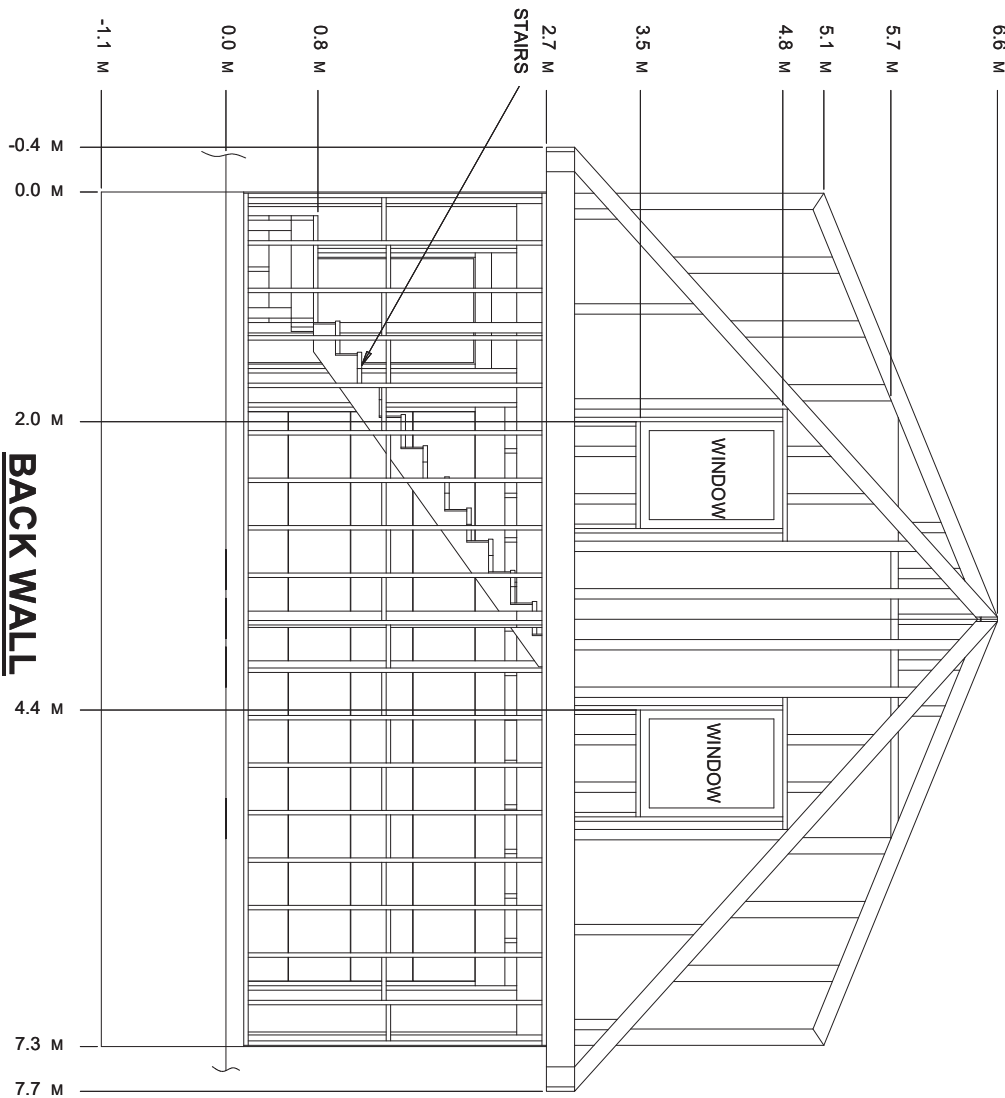
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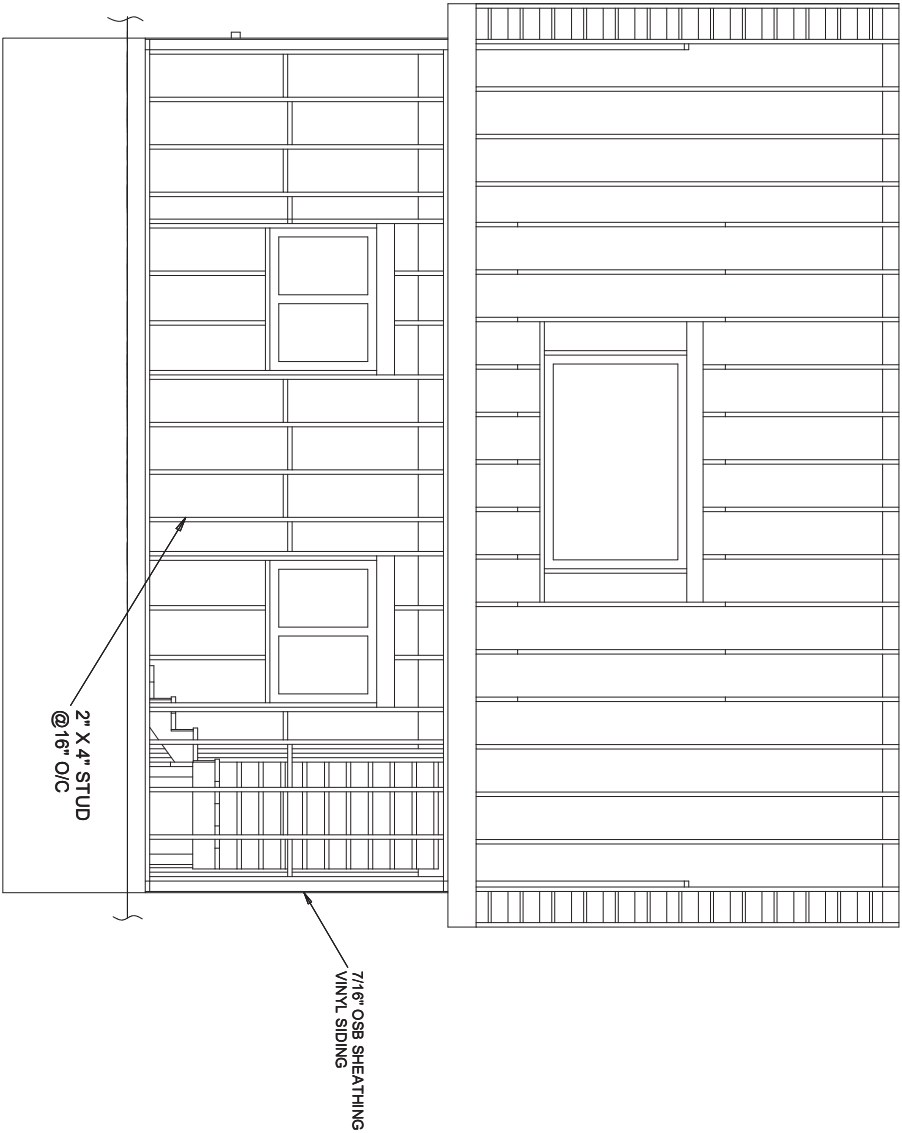
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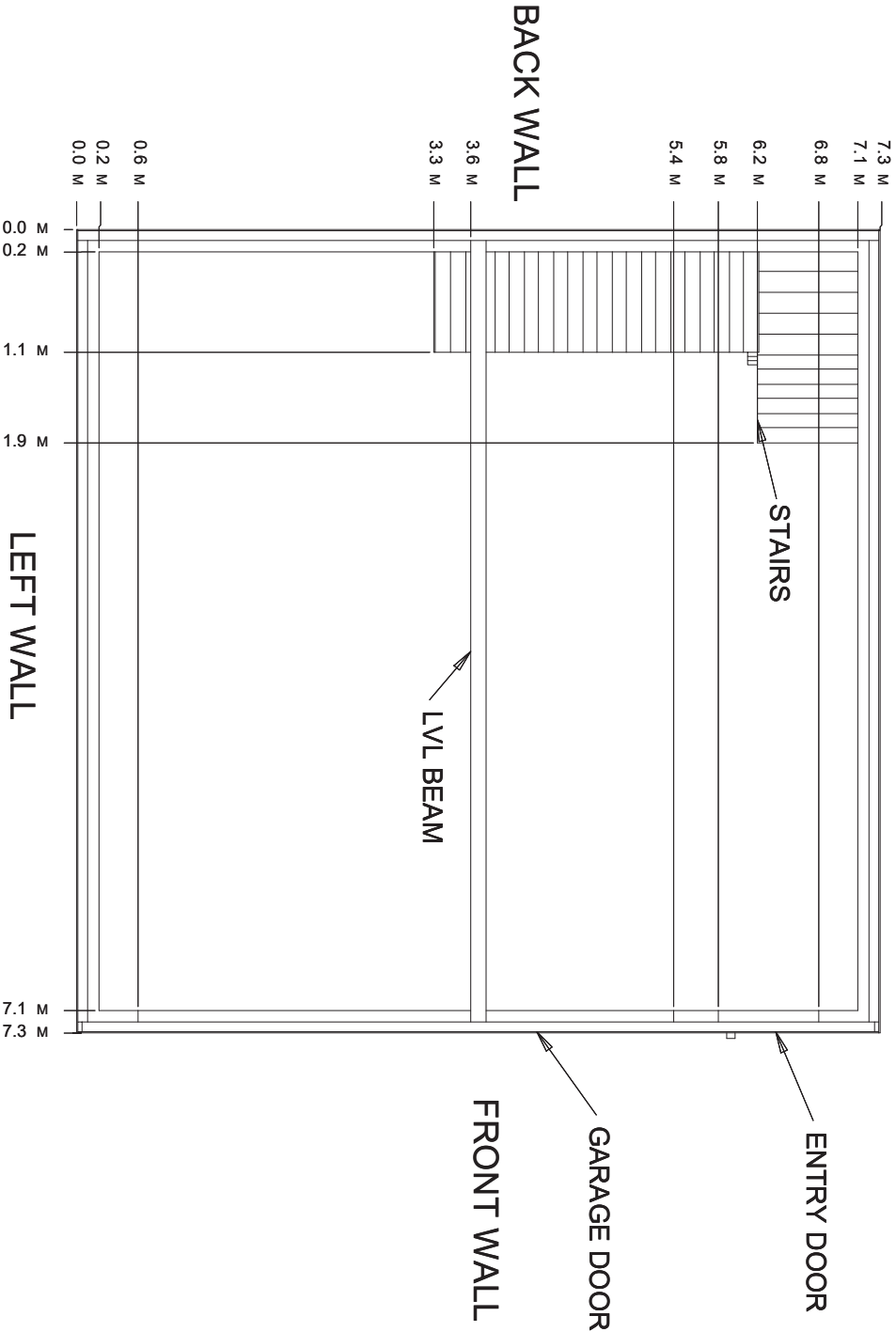
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Date: July 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – A/27/2023

Operations has reviewed A/27/2023 – 1406 Caille Ave application and offer the following comments:

Comments
<ul style="list-style-type: none">• Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands.• Any proposal for washroom facilities in the accessory building will not be supported by Engineering & Infrastructure Division.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, CET, rcji
Engineering Technologist – Development



July 06, 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:

planning@erca.org

P.519.776.5209

F.519.776.8688

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

RE: Application for Minor Variance A-27-2023 1406 CAILLE AVE

ARN 375118000029100; PIN: 750310073

Applicant: Sheila & Kenneth Camphorst

The Municipality of Lakeshore has received an Application for Minor Variance to support the construction of a detached, non-habitable accessory building. The following is provided as a result of our review of Application for Minor Variance A-27-2023.

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

Our office has reviewed the proposal and has no concerns relating to the quantity and quality of runoff in the downstream watercourse due to the proposed development on this site.

Our office has previously issued Permit #963 - 21 for a detached, non-habitable accessory structure. Our office advises the applicant to apply to ERCA for a Permit Renewal for the proposed development.

FINAL RECOMMENDATION

Our office has previously issued Permit #963 - 21 for a detached, non-habitable structure. Our office advises the applicant to apply to ERCA for a Permit Renewal for the proposed development.

Mr. Ian Search
July 06, 2023

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

Sincerely,



Alicia Good

Watershed Planner

/ag

From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [REDACTED]
Subject: RE: Committee of Adjustment Review - July 19
Date: June 22, 2023 10:33:13 AM
Attachments: [image001.png](#)

Hi Ian,

Please find buildings comments below;

[REDACTED]

A-27-2023 – Full set of construction drawings required. No living space permitted.

[REDACTED]

If you have any questions, please feel free to call or email.

Aaron Ford
Building Inspector
Municipality of Lakeshore | Growth and Sustainability - Building

[REDACTED]

From: Ian Search [REDACTED]
Sent: Thursday, June 22, 2023 10:04 AM

[REDACTED]

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[Redacted signature block]

[Redacted signature block]

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Matt Alexander, Practice Lead WSP
Date: July 10, 2023
Subject: Minor Variance Application A/28/2023 – 1035 Monarch Meadows Drive

Recommendation

Approve minor variance application A/28/2023 to permit reduced setbacks to accommodate an existing accessory structure and pool equipment.

Proposal

The subject property currently includes a single-detached dwelling with an attached garage, in-ground pool and shed to house pool equipment (including pool heater, pool filter, salt generator/timer, and electrical panel). The shed was constructed approximately 1.2 metres from the side lot line and 0.8 metres from the rear lot line, whereas the by-law requires a 1.5 metre setback from both lot lines.

Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) vii) to permit an accessory structure/building to be 1.2 metres from the side lot line and 0.8 metres from the rear lot line, whereas the by-law requires a 1.5 metre setback from both lot lines.
- Section 6.5 b) iii) to have water circulating or treatment equipment such as pumps or filters, or pool heaters, located 1.2 metres from the side lot line and 0.8 metres from the rear lot line, whereas the by-law requires water circulating or treatment equipment to be located no closer than 1.5 metres from any side or rear lot line.

Summary

Location

The subject property is located on the south side of Monarch Meadows Drive, east of Puce Road, and known municipally as 1035 Monarch Meadows Drive. The subject property is approximately 495 square metres in area with approximately 15 metres of frontage along Monarch Meadows Drive.

Surrounding Land Uses

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

Official Plan

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

Zoning

The subject property is zoned ‘Residential Type 2 Zone Exception 15 (R2-15)’ in the Lakeshore Zoning By-law. Exception 15 provides specific standards for permitted uses, minimum lot area, minimum lot frontage, minimum lot coverage, minimum landscaped open space, maximum building height, minimum front yard, minimum interior and exterior side yard, a maximum number of dwelling units to be permitted within the subdivision subject to the exception, and a minimum rear yard of 7.5 metres.

Conclusion

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

Official Plan

Section 6.6 of the Official Plan applies to areas designated “Residential”. The Residential Designation applies to the Urban Areas of the Town which consist of predominately residential uses in a variety of housing forms. Permitted uses, listed under section 6.6.1 include: a) single-detached dwellings; and k) Uses accessory to any of the permitted uses in the Residential Designation.

Pools and sheds are considered appropriate accessory uses within the Residential designation. The Official Plan does not include policies related to setbacks for accessory structures.

The proposed variance does not conflict with the direction of the Official Plan and meets the general intent and purpose of the Official Plan.

Zoning By-law

Section 6.5 a) vii) of the Zoning By-law states that accessory buildings, “shall not be built closer than 1.5 metres from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.”

The definition of “accessory” in the Zoning By-law describes a structure/building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot. The site plan drawing submitted with the application indicates that the proposed building is subordinate to the main building on the lot.

Section 6.5 b) iii) states, “Private outdoor swimming pools, and associated decks may be constructed and maintained as accessory uses to a dwelling, provided that such a use: [...] shall not have water circulating or treatment equipment such as pumps or filters, or pool heaters, located closer than 1.5 metres to any side or rear lot line.”

The 1.5 metre setback is intended to allow access on all sides of the accessory structure. While the proposed variance seeks relief from the 1.5 metre setback, a setback would still exist from the adjacent property and allow for access to all sides of the accessory structure. The proposal meets the general intent and purpose of the Zoning By-law.

Minor

It is the opinion of the Planner that the requested variance is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. The request for a minimum setback of 1.2 metres from the side lot line, and 0.8 metres from the rear lot line, maintains sufficient distance to provide access to the accessory structure thus meeting the intent of the Zoning By-law as described above.

Desirability

The accessory structure was constructed without observing the required setbacks. The variance has been requested to resolve this non-compliance without the need for removing or relocating the accessory structure.

The request is considered desirable and appropriate given that the removal or relocation of the accessory structure would be onerous.

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.
- 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 Building Inspector commented that the homeowner must ensure surface water does not drain to adjacent properties.

The Essex Region Conservation Authority (ERCA) indicated the subject property does not fall within ERCA regulated lands. ERCA has no objection to the proposed development.

Engineering & Infrastructure Division does not support reduction of rear yard setback as drainage on the private lands can be adversely impacted and create flooding issues between neighboring properties.

The Fire Department has no comments on the application.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Photos
Appendix C – Drawing
Appendix D – Operations Department Comments
Appendix E – ERCA Comments
Appendix F – Fire Department Comments

Prepared by:



Matt Alexander
Practice Lead, WSP

Report Approval Details

Document Title:	A-28-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Photos.pdf- Appendix C - Drawing.pdf- Appendix D - Operations Department Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Fire Department Comments.pdf
Final Approval Date:	Jul 14, 2023

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

Kristina Brcic - Jul 14, 2023 - 2:23 PM



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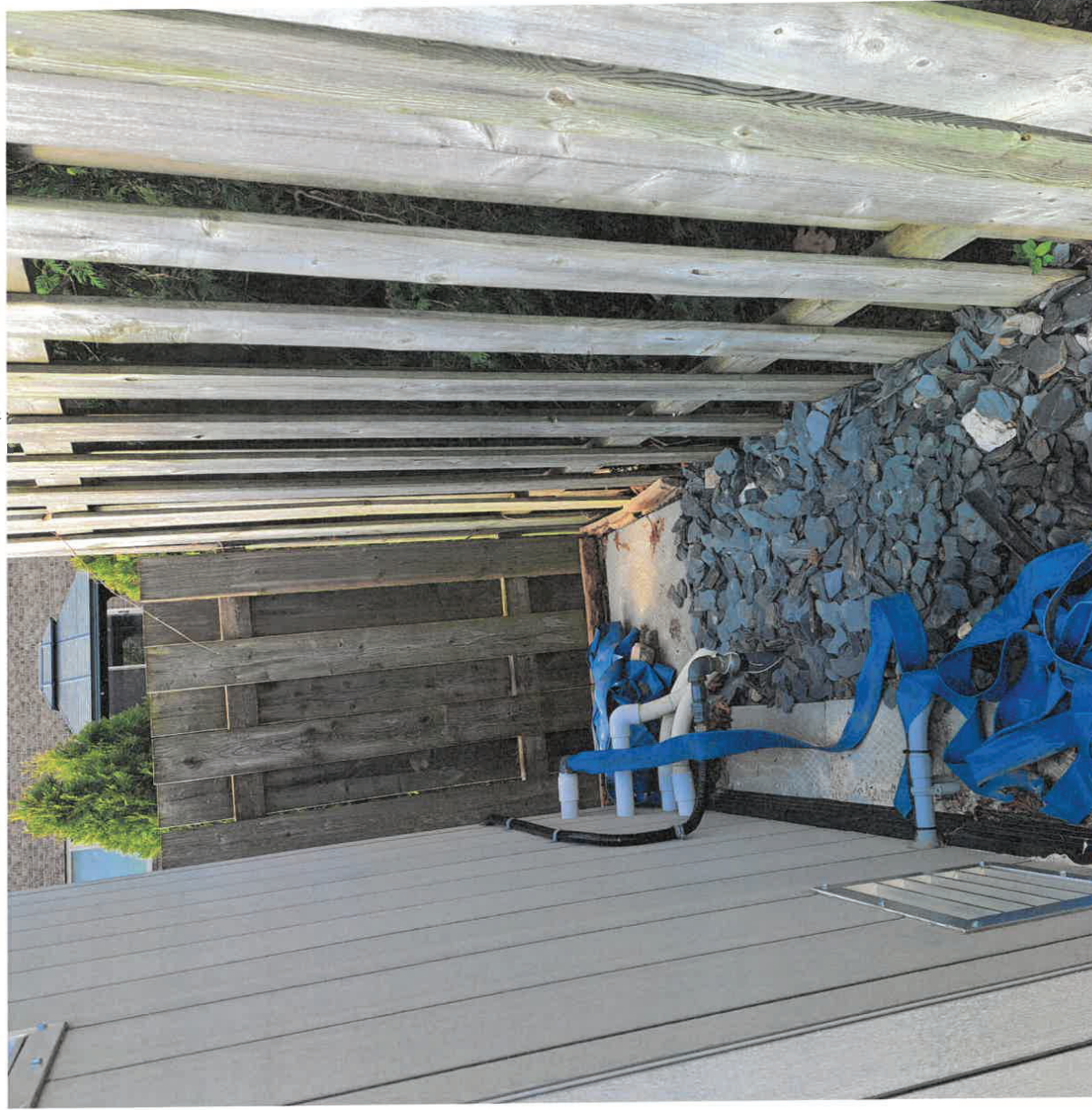
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- LAK
- PRIV
- PROV

1: 522



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

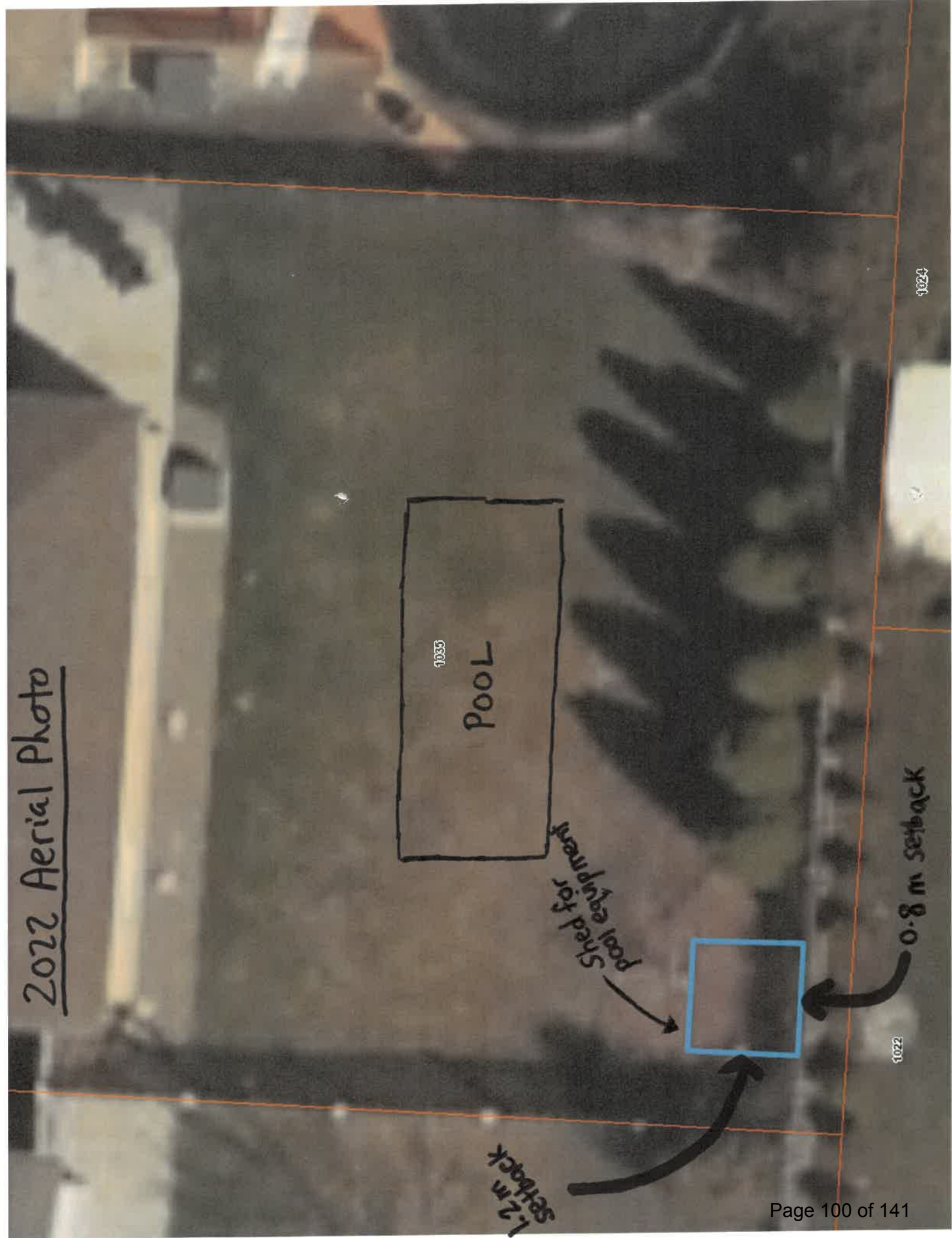


View of
west side
of shed,
adjacent
west side
lot line.



View of South
Side of Shed,
Adjacent South
rear lot line

2022 Aerial Photo



1033
POOL

Shed for
pool equipment

1.2m
setback

1022

0.8m setback

1024

Date: June 22, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – A/28/2023

Operations has reviewed A/28/2023 – 1035 Monarch Meadows Dr application and offer the following comments:

Comments
<ul style="list-style-type: none">Engineering & Infrastructure Division does not support reduction of rear yard setback as drainage on the private lands can be adversely impacted and create flooding issues between neighboring properties.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, CET, rcji

Engineering Technologist – Development



July 6, 2023

Ian Search

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

planning@erca.org

P.519.776.5209

F.519.776.8688

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

Dear Mr. Ian Search:

RE: Application for Minor Variance A-28-2023 1035 Monarch Meadows Dr

ARN 375119000005238; PIN: 750050095

Applicant: Danielle Smith & Michael Hoffman

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The Applicant is proposing to build a shed storing pool equipment located in their rear yard. The following is provided as a result of our review of Application for Minor Variance A-28-2023.

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 subject property does not fall within ERCA regulated lands. ERCA has no objection to the proposed development.

FINAL RECOMMENDATION

ERCA has no objection to the proposed development.

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

Sincerely,

Alicia Good

Watershed Planner

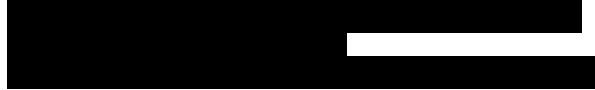
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From: [Don Williamson](#)
To: [Ian Search](#)
Subject: RE: Committee of Adjustment Review - July 19
Date: July 10, 2023 9:55:47 AM
Attachments: [image001.png](#)

Hi Ian

Sorry for the delay and thank you for the opportunity to comment.
Fire services has no comments on the applications as presented.

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



From: Ian Search [REDACTED]
Sent: Monday, July 10, 2023 8:51 AM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Committee of Adjustment Review - July 19
Importance: High

Hi all,

If you have yet to provide comments on the July Committee of Adjustment files, please provide comments as soon as possible. I believe I have only received Building comments to date.

Regards,

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



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


From: Ian Search

Sent: Tuesday, June 27, 2023 8:56 AM

To: Amy McMillan <amcmillan@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Sydnee Botham (Rivest) <srivest@lakeshore.ca>; Morris Harding <mharding@lakeshore.ca>; Meaghan Poonia <mpoonia@lakeshore.ca>; Don Williamson <dwilliamson@lakeshore.ca>; Aaron Ford <aford@lakeshore.ca>

Cc: Gisèle Pillon <gpillon@lakeshore.ca>; Paige Docherty <pdocherty@lakeshore.ca>; Kristina Brcic <kbrbic@lakeshore.ca>; David Garneau <dgarneau@lakeshore.ca>

Subject: RE: Committee of Adjustment Review - July 19

Please see link to official public meeting notices for the applications:  [Committee of Adjustment - Notice of Public Meetings - July 19](#)

Ian Search Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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

From: Ian Search

Sent: Thursday, June 22, 2023 10:04 AM

To: Amy McMillan <amcmillan@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Sydnee Botham (Rivest) <srivest@lakeshore.ca>; Morris Harding <mharding@lakeshore.ca>; Meaghan Poonia <mpoonia@lakeshore.ca>; Don Williamson <dwilliamson@lakeshore.ca>; Aaron Ford <aford@lakeshore.ca>

Cc: Gisèle Pillon <gpillon@lakeshore.ca>; Paige Docherty <pdocherty@lakeshore.ca>; Kristina Brcic <kbrbic@lakeshore.ca>; David Garneau <dgarneau@lakeshore.ca>

Subject: Committee of Adjustment Review - July 19

Importance: High

Good morning,

Please access this link to Notice for Comments for your review for the July 19th Committee of Adjustment Meeting:

 [Committee of Adjustment - July 19](#)

Please submit any comments on these files to me no later than **July 7th** via email.

Any issues accessing the files please let me know

Kind Regards,

Ian Search
Planner I

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

T: 519-728-1975 ext.246

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: July 12, 2023
Subject: Consent Application B/12/2023 – 492 County Road 8 and 244 Talbot Street North

Recommendation

Approve consent application B/12/2023 to sever approximately 2.89 ha (7.15 ac) of lot area and approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140) from a subject property known municipally as 492 County Road 8 and 244 Talbot Street North, 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;
- 2) 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;
- 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
- 4) That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department;
- 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 all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by July 20, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act

Purpose

The Municipality of Lakeshore has received a consent (severance) application for the creation of one lot at a property known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road. The subject property, comprised of both 492 County Road 8 and 244 Talbot Street North, is one property located in both the Municipality of Lakeshore and the Town of Essex.

The portion of the subject property located in Lakeshore (492 County Road 8) contains a vacant building formerly known as the Sun Parlor Public School and a portion of a running track used in connection with Essex District High School. The portion of the subject property located within the Town of Essex (244 Talbot Street North) contains the Essex District High School building and accessory uses.

The severed lot will be approximately 2.89 ha (7.15 ac) in lot area and will have approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140). This proposed lot currently supports a former elementary school building and surrounding open space. The retained land will be approximately 7 ha (17.3 ac) in lot area with approximately 109.7 m (359.92 ft) of frontage along County Road 8 (Parts 2-5 on PLAN 12R-29140). It will continue to support the high school and accessory recreational uses.

The applicant has indicated that the land to be severed is surplus to the needs of the GECD SB. They do not expect that the previous use of the building as an elementary school will re-open following the severance. Currently, no new uses are proposed for the severed lot.

Lakeshore and Town of Essex administration are working together with the applicant to process the severance since the subject property is in both municipalities. The entirety of the severed lot and part of the retained land will be in Lakeshore, while most of the retained land will be in the Town of Essex. The applicant requires approval from both municipal Committee of Adjustments. Approval of the severance has already been granted by the Town of Essex Committee of Adjustment on May 16, 2023. A planning recommendation report from Town of Essex staff demonstrated to their Committee of Adjustment how the proposed consent conforms to the Town of Essex Official Plan.

Summary

Location:

The subject property is known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road, is 9.89 ha (24.43 Ac) in area with 309.81 m (1016.43 ft) of frontage along County Road 8.

Surrounding Land Uses:

The proposed severed lot is located near vacant lands to the northwest. To the west and south are single detached dwellings. North of the severed lot are some rural commercial lots fronting County Road 34 (Talbot Road).

Provincial Policy Statement

There are no issues of provincial significance raised by the application. Section 1.3.1 of the PPS states that Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs. The development is consistent with this section as the applicant proposes to sever off surplus land for future development potential. It is also consistent with Section 1.1.3.2 of the PPS since the proposed infill lot will efficiently use land and infrastructure within a settlement area. The Town of Essex has confirmed the availability of municipal servicing and reserve capacity to support the lot creation under Section 1.6.6.6 of the PPS.

Official Plan

The portion of the subject property in Lakeshore is designated Urban Fringe in the Lakeshore Official Plan. The Urban Fringe designation permits small scale institutional uses and states that the specific uses permitted on this land will be established in the Zoning By-law. Currently, the future use of the severed lot is unknown, but the parcel is zoned I1 (Major Institutional) in the Lakeshore Zoning By-law which permits uses such as a public/private school. If the vacant building on the property is to be repurposed, or if new buildings are proposed for a different use, the applicant may be required to obtain additional Planning Act approvals (Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, etc.).

The land is designated Salt Deposits in the Official Plan. A site visit was conducted, and no wells were discovered on the premises. No salt extraction operations were observed. In this case, the development is for the creation of an infill lot containing a building formerly used as an elementary school on a parcel of land that is already largely developed (high school, etc.). The land is already zoned I1 in the Lakeshore Zoning By-law for institutional use. As such, it is the opinion of the Planner that the proposed development does little to prevent future access, use or extraction opportunity, and that the subject land has already been set aside in the Zoning By-law for greater long-term public interest. Therefore, the development conforms with Section 5.3.1 Mineral & Petroleum Resources.

The application conforms to the consent policies of Section 8.3.5.2. Both the severed and retained lot will have frontage on a public road, and existing access for both parcels will not change as part of the severance. The lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and future uses. A minimum lot area of 2 hectares, and a minimum lot frontage of 15 metres is required under the I1 zone. The severed lot will meet these minimum requirements. Moreover,

given its proposed size and configuration, it will be able to support the development of a future use while still providing sufficient setbacks from neighbouring uses and, where appropriate, the provision of appropriate buffering.

The portion of the subject property in Lakeshore is part of the Essex Fringe Settlement Area where municipal water and municipal sewage servicing is the preferred servicing requirement under Section 7.3.1 of the Official Plan. The applicant has indicated in their application that there is an existing water service connection and sanitary sewer connection. Municipal water and municipal sanitary services are currently available from the Town of Essex for future development of the severed lot.

Zoning

The proposed severed lot is currently zoned Major Institutional (I1) and, as previously mentioned, will meet the minimum frontage and area requirements of this zone category. A draft reference plan provided with the application shows that the former elementary school building will meet minimum setback requirements. Lot coverage and minimum landscaped open space does not appear to be a concern.

The rear lot line of the proposed severed lot follows an existing chain link fence except where Part 2 is indicated on the survey, at which point the lot line cuts through the outdoor playground area of the former elementary school (See Appendix B and Appendix C). A condition should be imposed on any approval of the consent requiring that the applicant remove any fencing that crosses the boundary of the severed lot onto the retained land.

Parkland Dedication

Pursuant to Section 14 b) of By-law #90-2022 being a By-law to provide for the dedication of parkland or the payment of cash in lieu thereof as a condition of development or redevelopment, the parkland dedication by-law shall not apply to *development or redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education.*

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

The County of Essex states that 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. Full comments can be found in Appendix D.

The Operations Department states that a drain apportionment agreement is required for this application. Full comments can be found in Appendix E.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Image
Appendix B – Registered 12R Plan
Appendix C – Fences Photo
Appendix D – County of Essex Comments
Appendix E – Operations Department Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

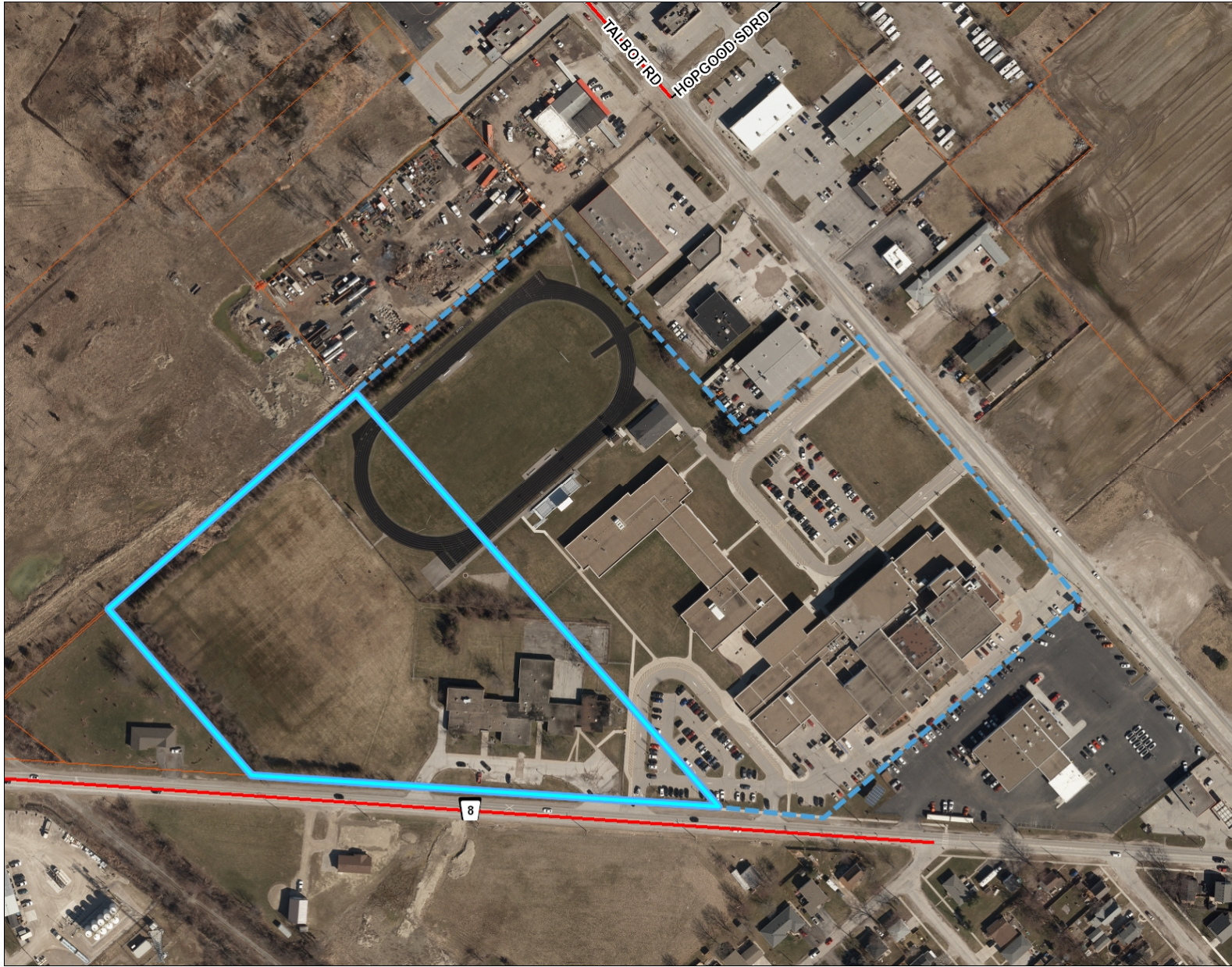
Document Title:	B-12-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Registered 12R Plan.pdf- Appendix C - Fences Photo.pdf- Appendix D - County of Essex Comments.pdf- Appendix E - Operations Department Comments.pdf
Final Approval Date:	Jul 13, 2023

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

Kristina Brcic - Jul 13, 2023 - 3:14 PM



492 County Road 8 and 244 Talbot Street North



Legend

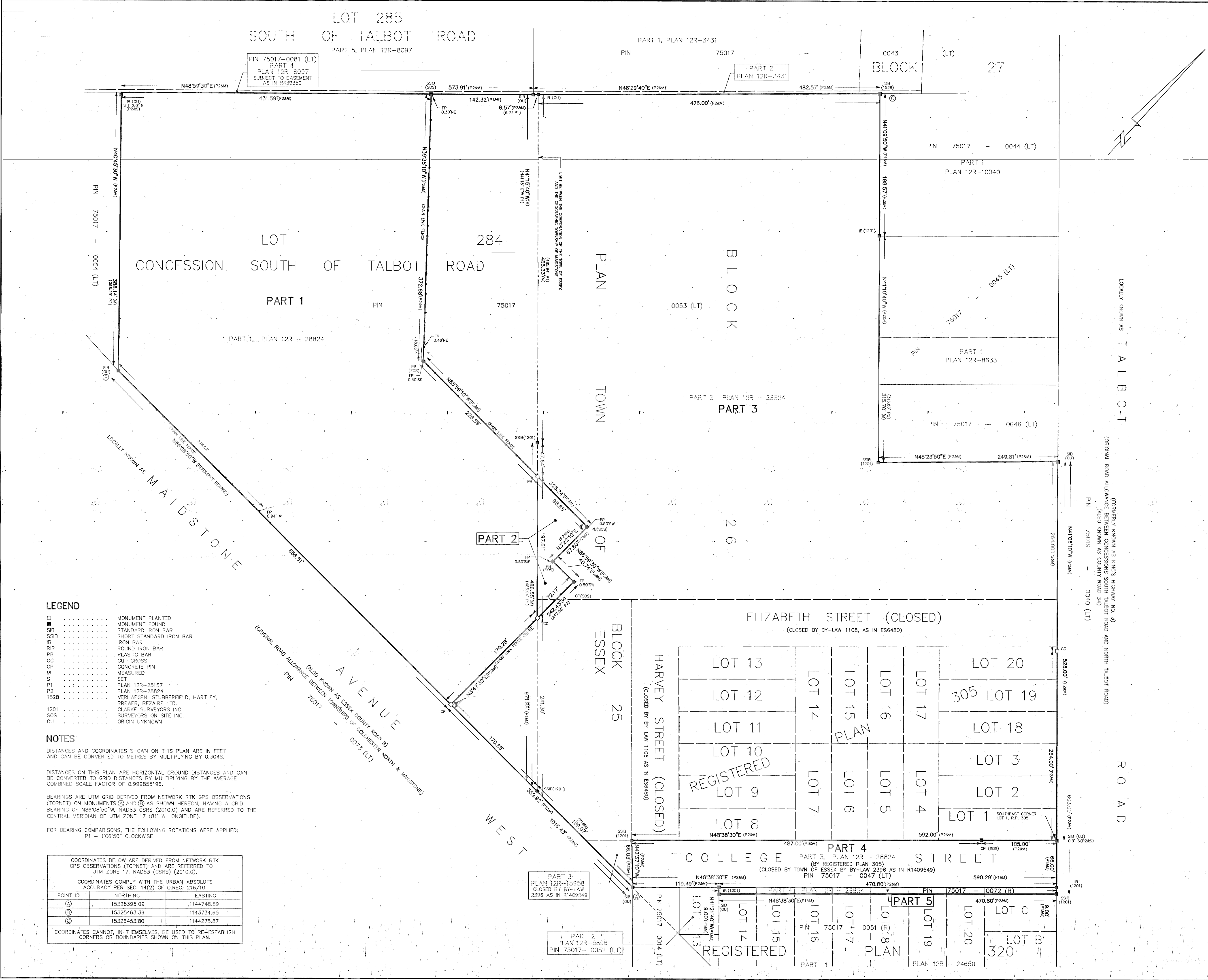
- Tax Parcel
- WorkingParcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1:3,175



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



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

DATE: AUGUST 29, 2022

CHRISTOPHER JOHN O'LEARY
ONTARIO LAND SURVEYOR

PLAN 12^R 29140

RECEIVED AND DEPOSITED

DATE: 2022/09/01

Maya Fullerton

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (No. 12).

DATE: 2022/09/01

Maya Fullerton

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (No. 12).

LAND TITLES SCHEDULE				
PART	LOT/BLOCK	CONCESSION	PIN	AREA (FT ²)
1	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	PART OF PIN 75017-0053 (LT)	311588.6
2	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX	PART OF PIN 75017-0053 (LT)	6971.8
3	ALL OF LOTS 1 TO 20 (INCLUSIVE) ALL OF ELIZABETH STREET AND ALL OF HARVEY STREET	REGISTERED PLAN 305	PART OF PIN 75017-0053 (LT)	703796.8
	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX		
	PART OF COLLEGE STREET	REGISTERED PLAN 305		
4	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	PART OF PIN 75017-0047 (LT)	39015.3
REGISTRY SCHEDULE				
5	PART OF LOT C AND PART OF LOTS 14 TO 20 (INCLUSIVE)	REGISTERED PLAN 320	ALL OF PIN 75017-0072 (R)	4237.3

PIN SUMMARY - PARTS 1, 2 AND 3 COMPRISE ALL OF OF PIN 75017-0053(LT).
PART 4 COMPRISES ALL OF OF PIN 75017-0047(LT).
PART 5 COMPRISES ALL OF OF PIN 75017-0072(R).

PLAN OF SURVEY OF
LOTS 1 TO 20 (INCLUSIVE)
ALL OF ELIZABETH STREET (CLOSED BY ES6480)
ALL OF HARVEY STREET (CLOSED BY ES6480)
ALL OF COLLEGE STREET (CLOSED BY R1409549)
REGISTERED PLAN 305
AND
PART OF LOT C AND
PART OF LOTS 14 TO 20 (INCLUSIVE)
REGISTERED PLAN 320
AND
PART OF BLOCKS 25 & 26
PLAN TOWN OF ESSEX
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF ESSEX
AND
PART OF LOT 284
CONCESSION SOUTH OF TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF LAKESHORE
COUNTY OF ESSEX

SCALE 1" = 60'

0 30 60 120 180 240 FEET

SURVEYORS ON SITE INC.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

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

2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF AUGUST, 2022.

AUGUST 29, 2022

CHRISTOPHER JOHN O'LEARY
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-29144.

SOS
SURVEYORS ON SITE INC.

3560 WALKER ROAD
WINDSOR, ONTARIO
N8W 3S4
519-818-0767
www.surveyorsonsite.com

DRAWN BY: SJP CHECKED BY: CJO DATE: AUGUST 29, 2022 FILE: 2022-304 RPLAN





June 27, 2023

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

Dear Mr. Search:

Re: COA Submissions, B-12-2023, Greater Essex County District School Board

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.8. 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. 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

Should you require further information, please contact the undersigned by email at

[REDACTED]


Regards,



Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca

Date: July 10, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – B/12/2023

Operations has reviewed B/12/2023 – 492 County Rd 8 and 244 Talbot St. North application and offer the following comments:

Comments
<ul style="list-style-type: none">• A drain apportionment is required for this application.• All required municipal servicing for any future development proposals on the site must be coordinated and approved by the Town of Essex. It has been confirmed by the Town of Essex that there is adequate servicing capacity in the area to develop the land.• Any new entrances to the site will require an entrance permit from the County of Essex.• Coordination between the Municipality of Lakeshore and the Town of Essex will be required for review and approval of any future development proposals.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, 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: July 12, 2023
Subject: Consent Application B/15/2023 – 16300 County Road 24

Recommendation

Approve consent application B/15/2023 to sever approximately 50 acres from the farm parcel known municipally as 16300 County Road 42 subject to the following conditions:

- 1) That, to the satisfaction of the Municipality, the applicant obtain a proper Survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land that confirms zoning compliance and details existing accesses to ensure no shared accesses between the severed and retained land.
- 2) That the applicant establish and/or construct a legal and separate access for the severed lot and/or retained lot to the satisfaction of the County of Essex if access(es) do not exist.
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed.
- 4) That a park fee be provided under the current By-law that is in effect to provide for the dedication of parkland or the payment of cash in lieu to the satisfaction of the Municipality of Lakeshore.
- 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 if required by the Municipality of Lakeshore.
- 6) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands to the satisfaction of the Municipality prior to the stamping of the Deeds.
- 7) That the Deed and a copy for our records be forwarded to the Secretary for stamping.
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 20, 2025**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application for a subject property (farm parcel) located on the north side of County Rd 42, west of Edgefield Sideroad, known municipally as 16300 County Rd 42. The subject property is zoned Agriculture (A) in the Lakeshore Zoning By-law and designated “Agricultural” in the Lakeshore Official Plan.

The subject property is a farm parcel that is approximately 99.04 acres (40.08 hectares) with approximately 616.93 metres of frontage. On the retained parcel there are nine buildings in total, including one dwelling. The applicant is applying to sever the farm parcel in half to create two separate farm parcels. The severed lot will have a frontage of approximately 298 metres and an area of approximately 50 acres. The retained lot will have a frontage of approximately 302 metres and an area of approximately 50 acres. If approved, the exact frontage and area of each lot will be determined by a land survey. Both lots will meet the minimum lot area of 19 hectares and the minimum frontage of 75 metres under Section 8.9 Agriculture Zone Regulations of the Zoning By-law.

Summary

Surrounding Land Uses

North: Agriculture

East: Agriculture

West: Agriculture

South: County Rd 42 & Agriculture

Provincial Policy Statement (PPS 2020)

The PPS has sections that directly speak to severances and property line adjustments in Agricultural areas. Section 2.3.4.1 a) permits lot creations in agricultural areas provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The size of the severed and retained lots will meet the minimum frontage and area requirement in the Lakeshore Zoning By-law, being that the severed and retained lots will both be 50 acres, therefore it is anticipated that the parcels will be of sufficient size. Therefore, the application is consistent with the Provincial Policy Statement.

Official Plan

The subject property is designated Agricultural in the Official Plan. Section 6.2.3 a) permits a farm parcel to be divided if the minimum area of both the retained and severed lot will be approximately 20 hectares. The current farm parcel is 40.08 hectares, so a farm split will produce two lots that are approximately 20 hectares in size.

The severed lot will not contain an existing dwelling. The application states that the subject property is not within 1,000 metres of an existing livestock facility, therefore the proposal conforms to Section 6.2.3 a) of the Lakeshore Official Plan.

Zoning:

The minimum lot area of a parcel supporting agriculture use is 19.0 ha, and the minimum frontage is 75 metres in the Lakeshore Zoning By-law 2-2012. It is anticipated that the severed and retained lot will meet these minimum requirements. A condition will be imposed requiring a land survey to demonstrate this compliance.

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, and complies with the Zoning By-law 2-2012.

Correspondence from external and internal agencies

External and Internal Agencies

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

The County of Essex states that they have no objection to the application. The applicant will be required to comply with the County Road regulations and permits. Full comments can be found in Appendix D.

Lakeshore Engineering is requiring a Drainage Apportionment for the changes in ownership. This requirement will be covered by condition number 5 in the recommendation section of the report. They also note that surface water and subsurface drainage tiles and water should be redirected around any future dwelling on the severed parcel. Private water and sanitary servicing is also required for any future dwelling on the severed parcel. Full comments can be found in Appendix E.

The Lower Thames Valley Conservation Authority has no objection. They expressed that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Bornais Drain and erosion. Full comments can be found in Appendix F.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – County of Essex Comments
Appendix E – Operations Comments
Appendix F – Lower Thames Valley Conservation Authority Comments

Prepared by:



Paige Docherty,
Planning Student

Report Approval Details

Document Title:	B-15-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - County of Essex Comment.pdf- Appendix E - Operations Comments.pdf- Appendix F - LTVCA Comments.pdf
Final Approval Date:	Jul 14, 2023

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

Kristina Brcic - Jul 14, 2023 - 2:31 PM



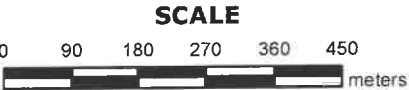
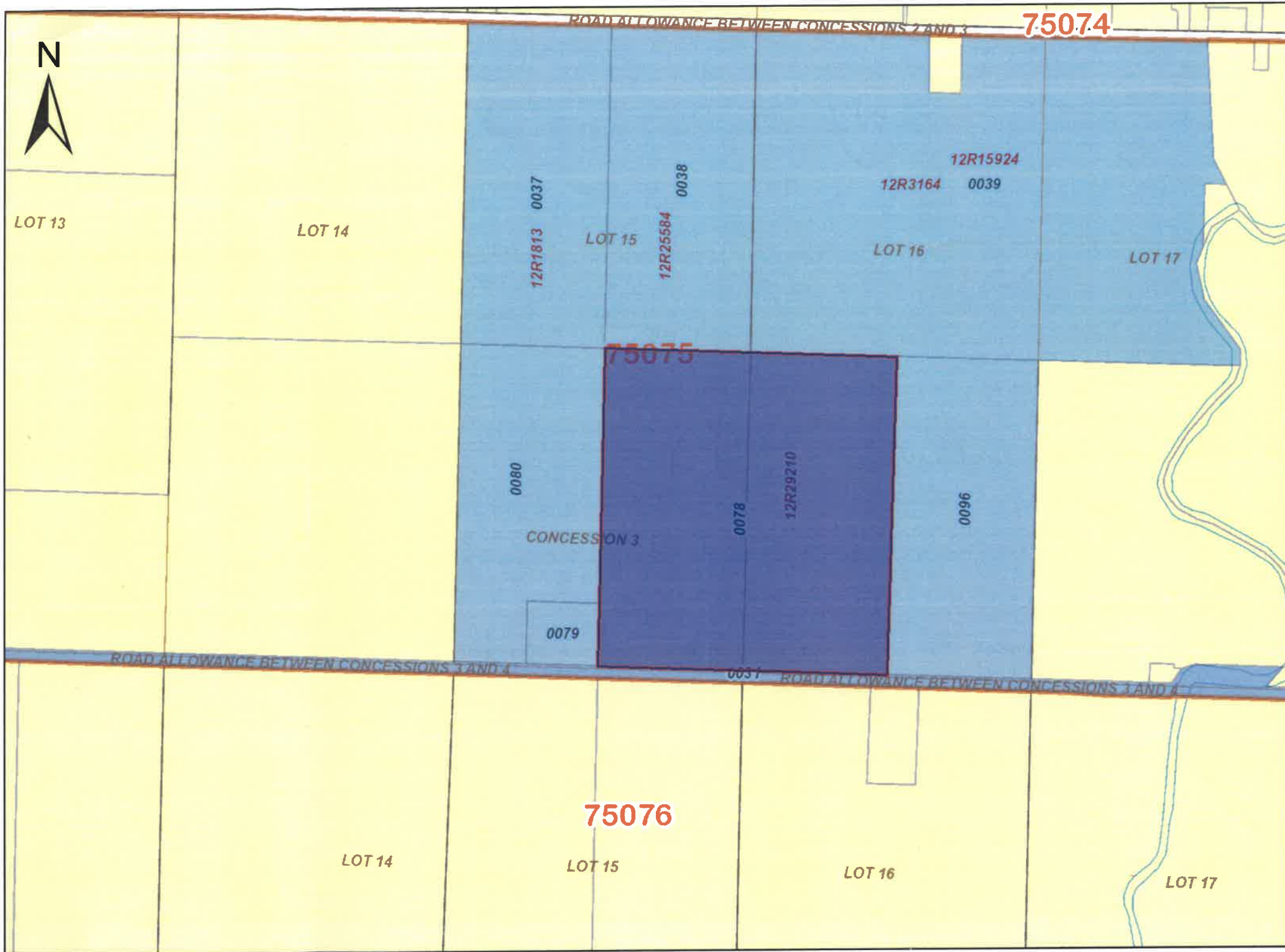
Severed Parcel



Retained Parcel







PROPERTY INDEX MAP
ESSEX(No. 12)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE
PROPERTY INFORMATION AS THIS MAP MAY
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND
REGISTRATION SYSTEM AND HAS BEEN PREPARED
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED











June 27, 2023

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

Dear Mr. Search:

Re: COA Submissions, B-15-2023, Maurice Joseph Damphousse & Jeanette Marie Morais

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.42. 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. 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

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca

Date: July 10, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –July 7, 2023 – B/15/2023

Operations has reviewed B/15/2023 – 16300 County Road 42 application and offer the following comments:

Comments
<ul style="list-style-type: none">• A drain apportionment will be required for this application.• Any new entrances to the severed or retained parcel will require an entrance permit from the County of Essex.• Surface water and subsurface drainage tiles and water should be redirected around any future dwelling on the severed parcel.• Private water and sanitary servicing is required for any future dwelling on the severed parcel.

If you have any questions or require further clarification, please do not hesitate to contact the Engineering & Infrastructure Division.

Sydnee Botham, CET, rcji

Engineering Technologist – Development

June 23, 2023

Municipality of Lakeshore
419 Notre Dame Street
Belle River, ON NOR 1A0

Attn: **Ian Search**

Re: **Consent Application (B/15/2023)**
16300 Country Road 42 (Dampousse & Morais c/o Courey)
Part Lots 15 & 16; Concession 3
Community of Tilbury
Municipality of Chatham-Kent

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

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the drain will be required to any proposed works / structure(s) / site alteration.

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

Yours truly



Connor Wilson
Planner



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, June 14, 2023, 6:00 PM

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

Members Absent: Vice-Chair Michael Hoffman

Staff Present: Planner I Ian Search, Team Leader - Development Approval
Kristina Brcic, Corporate Leader – Growth & Sustainability
Tammie Ryall, Planning Student – Paige Docherty

Call to Order

Chair Hacon called the meeting to order at 6:02 PM.

- 2. Land Acknowledgement**
- 3. Disclosures of Pecuniary Interest**
- 4. Public Meetings under the Planning Act**
 - a. A-20-2023 - 248 Notre Dame Street**

Michael Robert explained that he was requesting the minor variance to construct a garage that would be used to store old vehicles.

Member Flagler-Wilburn asked if the old garage will be demolished. Michael stated that it would not be demolished, and the new garage will be constructed behind it in the rear yard.

Member McKinlay asked if his intention is to extend the driveway to the new garage. Michael Robert stated that is true.

Ian Search confirmed that an ERCA permit is required prior to building permit issuance

62/06/2023

Moved By Member McKinlay

Seconded By Member Nancy Flagler-Wilburn

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 m², 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.

Carried Unanimously

b. A-21-2023 - 903 W Belle River Road

Ryan and Stephanie Fracas were present and stated that they had no questions or concerns

Member McKinlay asked when they are planning on constructing the new dwelling. Ryan Fracas said in one and a half years.

63/06/2023

Moved By Member Prince

Seconded By Member Flagler-Wilburn

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.

Carried Unanimously

c. A-22-2023 - 931 County Road 31

Colin Tulk stated that they had no questions or concerns. He confirmed the location and the height of the building for the Committee.

64/06/2023

Moved By Member Flagler-Wilburn

Seconded By Member McKinlay

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 m².

Carried Unanimously

d. B-13-2023 - 1972 County Road 27

Mark Leboeuf was present and had no comments or concerns.

Member Prince asked if the severed lot was associated with the farm.

Mark Leboeuf stated that the house was severed off and sold to his son in 2019.

Chair Hacon asked if there was any livestock in the barn. Mark Leboeuf said no.

65/06/2023

Moved By Member Flagler-Wilburn

Seconded By Member McKinlay

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.

Carried Unanimously

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

The owners, Joe and Michelle Matz, were present and did not have any questions or concerns with the recommendation.

Jerry Marcotte, owner of 1721 Oriole Park Drive (neighbour to the north) was present. He stated that the properties with larger accessory buildings in the area are much older, and that the properties are much larger (east side of Oriole Park Drive). There was an agricultural aura previously in this area. He feels this proposed building will negatively impact the value of his property. Other sheds on adjoining properties are of modest size (100 and 150 sq ft). He noted that the comparisons mentioned at the last meeting were from the other side of the street. He stated that the large accessory building on the same side of the road is a few properties north and is oriented north/south so it has less of an impact on neighbouring

properties. He said the request for a building that is 50% larger than what is permitted.

Joe Matz stated that the building will be 25% larger than what is permitted, not 50%. He stated that they are requesting 200 ft² more than what is permitted. Other accessory buildings in the area are larger, including the building on four properties to the north which is much larger in comparison. Joe Matz stated that the lots are larger than typical residential lots, even on the west side of Oriole Park Drive, and therefore can appropriately support larger structures.

Michelle Matz stated that the accessory structure is important to the enjoyment of their rear yard in the future. She stated that they revised the location and height of the building based on the comments made at the May 17th Committee of Adjustment meeting.

Member McKinlay stated that the owners have made revisions and that she supports the accessory building.

Member Flagler-Wilburn asked if there is a fence around the pool right now. Michelle Matz stated that there was a temporary fence around the pool and that they will be constructing a new fence around the perimeter of the property.

66/06/2023

Moved By Linda McKinlay

Seconded By Jeremy Prince

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 m², 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 14th 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;

Carried Unanimously

5. Completion of Unfinished Business

Member McKinlay asked for clarification about the holding provision condition that was imposed on B-11-2023. Ian Search provided clarification.

6. Approval of Previous Meeting Minutes

67/06/2023

Moved By Member Flagler-Wilburn

Seconded By Member Prince

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

Carried Unanimously

a. May 17 2023 Meeting Minutes

7. New Business

a. Discuss OACA 2023 Conference

Chair Hacon stated that the OACA 2023 conference was very successful with second highest attendance as board member. He revealed that the 2024 OACA conference will be in Windsor.

8. Adjournment

68/06/2023

Moved By Member McKinlay

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 7:03 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search
Secretary-Treasurer