

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, August 16, 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-29-2023 - 7700 Tecumseh Road

7

Recommendation:

Approve minor variance application A/29/2023 to permit an accessory building to have a gross floor area of 89.24 m² subject to the following condition:

- 1) The accessory building to be located a maximum of 3 metres from the rear lot line, as depicted in the Site Plan drawing (Appendix B).

Recommendation:

Approve consent application B/28/2023 to sever a surplus dwelling with a lot area of approximately 4,653.8 m² (1.15 ac) from 1096 Lakeshore Road 107, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances; 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area; 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deed;
- 6) That the applicants complete the septic test report attached to the consent application to the satisfaction of the Municipality for the lot to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deed;
- 7) If required, the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 8) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act

Recommendation:

Approve Consent Application B/29/2023 to sever two lot additions – approximately 2,199.54 m² to be added to 455 Renaud Line Road and approximately 1,149.15 m² to be added to 457 Renaud Line Road – from land known legally as Part of Lot 6, Concession East of River Puce, Maidstone, designated as Part 1 on Plan 12R17696; Lakeshore, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcels of land, including setbacks of any buildings and entrances along the new lot line, to the satisfaction of the Municipality of Lakeshore;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deeds;
- 3) That the Deeds for the lot additions be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severances;
- 5) That the applicant produce Deeds and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcels and the abutting parcels will be registered in the same name(s) in satisfaction that all parcels will merge;
- 6) That the applicant/and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/ Registry Office for each lot addition and provide proof of the consolidation;
- 7) 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;
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

Recommendation:

Approve consent application B/30/2023 to sever a surplus dwelling with a lot area of approximately 0.835 acres from 17840 Lakeshore Road 311, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lot to be severed to the satisfaction of the Municipality;
- 2) That the applicant provide information regarding the setback of the existing septic system from the lot lines of the lot to be severed to the satisfaction of the Municipality of Lakeshore;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of Parkland or the Payment of Cash in Lieu Thereof at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 5) That, if deemed required by Community Planning, the applicant obtain a Zoning By-law amendment to rezone any land of the severed lot currently zoned Agriculture Zone Exception (A-1) to Agriculture (A);
- 6) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality of Lakeshore for the existing septic system on the lot to be created, and if deemed required by the Municipality of Lakeshore, install a new septic system on the severed lot to the satisfaction of the Municipality of Lakeshore, prior to the stamping of the Deeds;
- 7) That the applicant enter into an Agreement with the Municipality of Lakeshore to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or fees with respect to the subject lands;
- 8) That the applicant enters into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 9) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction,

prior to the stamping of the Deeds;

10) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

11) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

5. Completion of Unfinished Business

- a. Deferred Item Revisited - A-27-2023 - 1406 Caille Ave

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Recommendation:

Approve Minor Variance Application A/27/2023 to permit the following reliefs from Lakeshore Zoning By-law 2-2012 for the construction of an accessory building on the subject property:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 90.91 m², whereas the By-law permits a maximum gross floor area of 55 m².
- 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.

Impose the following conditions on approval of A/27/2023:

- 1) The building footprint of the accessory building will be restricted to the size depicted on the attached Site Plan drawing (Appendix B) to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 2) The accessory building will not include dormers;
- 3) The accessory building will not include washroom facilities, if deemed required by the Operations Department;
- 4) Garage doors for vehicles will not face the street.

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. July 19 Meeting Minutes

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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: Paige Docherty, Planning Student
Date: August 9, 2023
Subject: Minor Variance Application A/29/2023 – 7700 Tecumseh Road

Recommendation

Approve minor variance application A/29/2023 to permit an accessory building to have a gross floor area of 89.24 m² subject to the following condition:

1) The accessory building to be located a maximum of 3 metres from the rear lot line, as depicted in the Site Plan drawing (Appendix B).

Proposal

The applicant is proposing to construct a new 89.24 m² accessory building on their lot to replace an existing garage. There is an existing dwelling on the property and a small shed. With the total buildout of the property, inclusive of the proposed new accessory structure, the total lot coverage will be approximately 12%, while the lot coverage in the Residential – Low Density (R1) zone must not exceed 35%. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a gross floor area of 89.24 m² whereas Section 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in the Residential – Low Density (R1) zone.

Summary

Location

The subject land is located on the north side of Tecumseh Rd, east of Comber Side Road. It is approximately 1961.64 metres in area with approximately 31.39 metres of frontage along Tecumseh Rd.

Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots to the north, south, east and west. Directly west of the proposed accessory building is a 23 acre public park.

Official Plan

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

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 as the structure is proposed to be located in the rear yard far from other dwellings. A condition should be imposed requiring the accessory building to be constructed a maximum of 3 metres from the rear lot line to ensure community design is not threatened.

Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the gross floor area provision is to ensure compatibility with height and massing characteristics in the area. Regulation for limiting gross floor area to 55 m² was designed for lots in a typical subdivision. The lot area of the subject property is four-times greater than what is required in the R1 zone. The proposed accessory building will be subordinate to the dwelling which is 1614 sq ft.

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 increased gross floor area of 34.24 metres is suitable for the area it is a minor request relative to the overall size of the property.

Desirability

The requested reliefs can be deemed desirable due to the size of the subject property. Although the proposed gross floor area is large, it is small relative to the property size. Additionally, the proposed structure will have no visual impact as it is not visible from the road.

The site plan drawing provided by the applicant suggests that the proposed accessory building will replace an existing shed. The application indicates that the shipping container on the property will be removed.

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.

The committee should impose the following condition on any approval of the minor variance: The accessory building to be located a maximum of 3 metres from the rear lot line.

Correspondence

External and Internal Agencies

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

Operations has noted that any request for the proposed accessory building to be converted to an additional dwelling unit will not be supported by the Operations Department. Additionally, they have expressed that any request for a secondary driveway to the accessory building will not be supported by the Operations Department. Construction of the accessory building should not adversely impact the rear and side yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix C.

The Building Department has expressed that a minimum of 1.5 metres is required from the proposed building to the existing septic tank and a minimum of 5 metres is required from the proposed building to the existing septic bed. They also note that no living space or commercial uses are permitted. Septic bed and tank locations need to be added to a site plan, and a set of plans denoting structural items must be provided with a building permit application. Any proposed plumbing will require a review of the existing septic system. Full comments can be found in Appendix D.

The Fire Department has expressed that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements apply. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed. Full comments can be found in Appendix E.

The County of Essex states that they have no objection to the application. The applicant is required to comply with County Road regulations and permits. 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 written comments were received.

Attachment(s):

Appendix A – Aerial Photo
Appendix B – Drawings
Appendix C – Operations Comments
Appendix D – Building Comments
Appendix E – Fire Department Comments
Appendix F – County of Essex Comments
Appendix G – Photos

Prepared by:



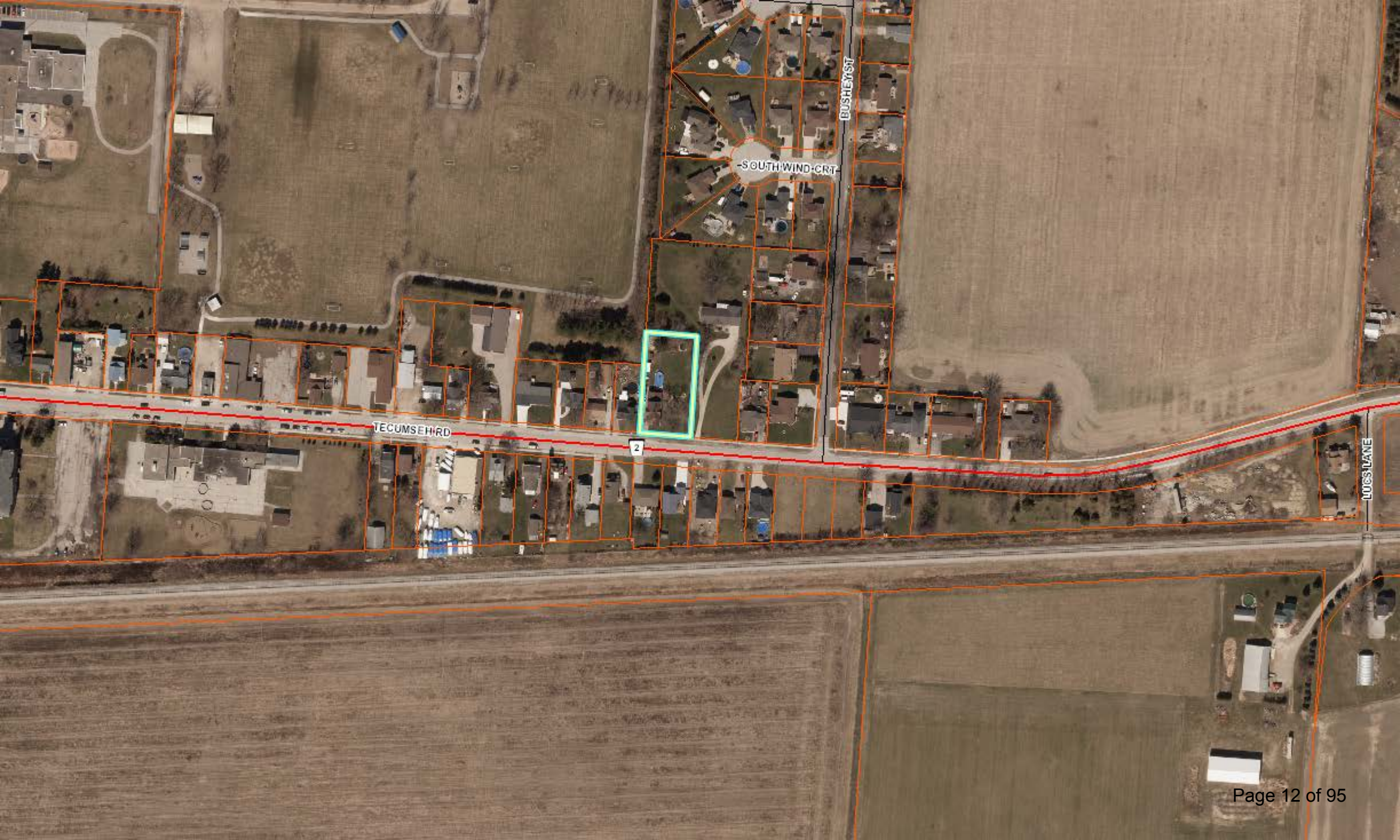
Paige Docherty,
Student Planner

Report Approval Details

Document Title:	A-29-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Operations Comments.pdf- Appendix D - Building Comments.pdf- Appendix E - Fire Department Comments.pdf- Appendix F - County of Essex Comments.pdf- Appendix G - Photos.pdf
Final Approval Date:	Aug 10, 2023

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

Kristina Brcic - Aug 10, 2023 - 3:33 PM



EX SITE 2,125.16 m²

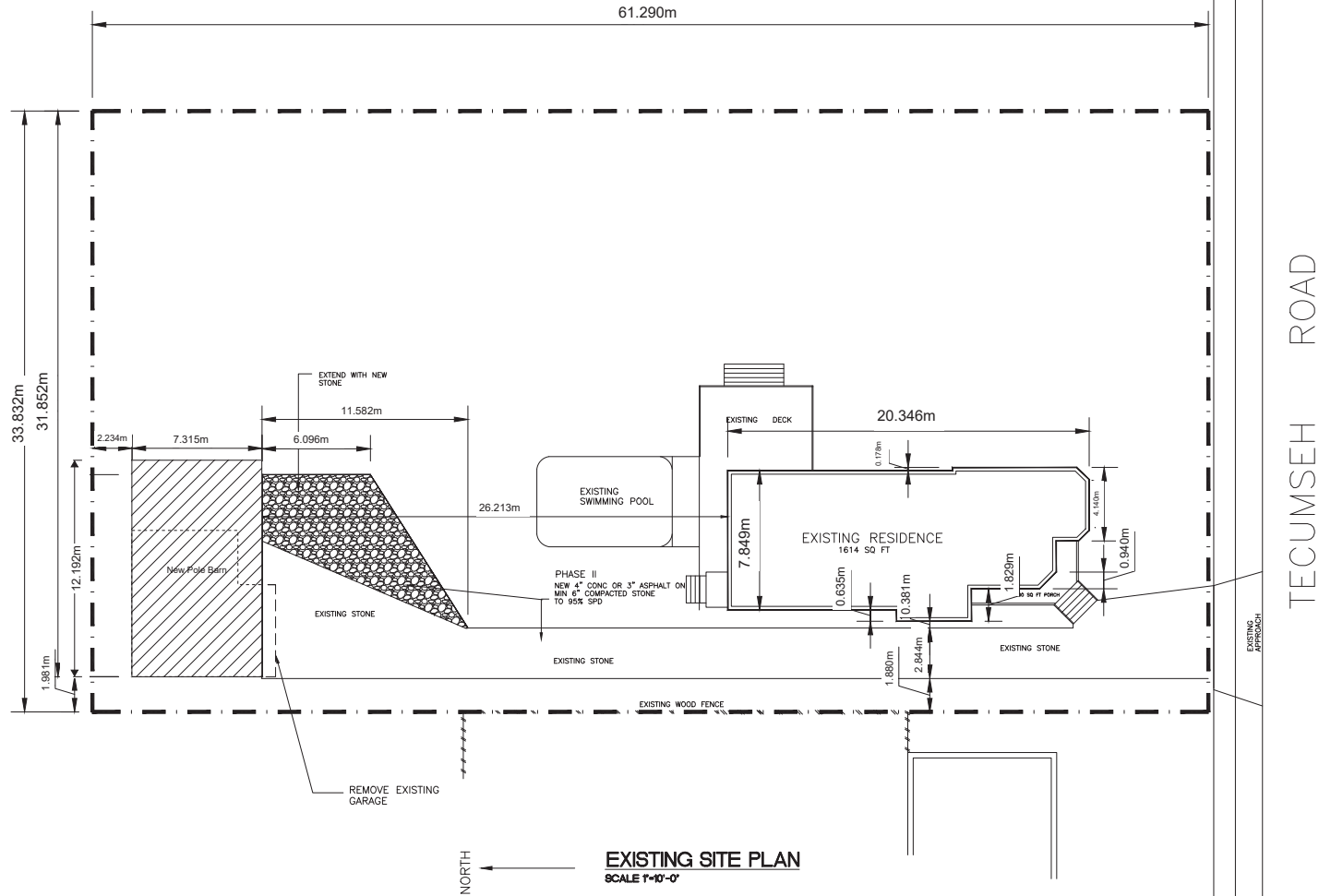
EX. HOUSE AND PORCH 159.24 m²

REMOVED GARAGE 59.92 m²

NEW GARAGE 89.24 m²

TOTAL FOOTPRINT 248.48 m²

Approximate Landscaped Space: 1876.73 m²



Project:
NEW GARAGE
7700 TECUMSEH
LAKESHORE ONTARIO
OWNER
7700 TECUMSEH
LAKESHORE ONTARIO

Drawing Title:
EXISTING
SITE PLAN

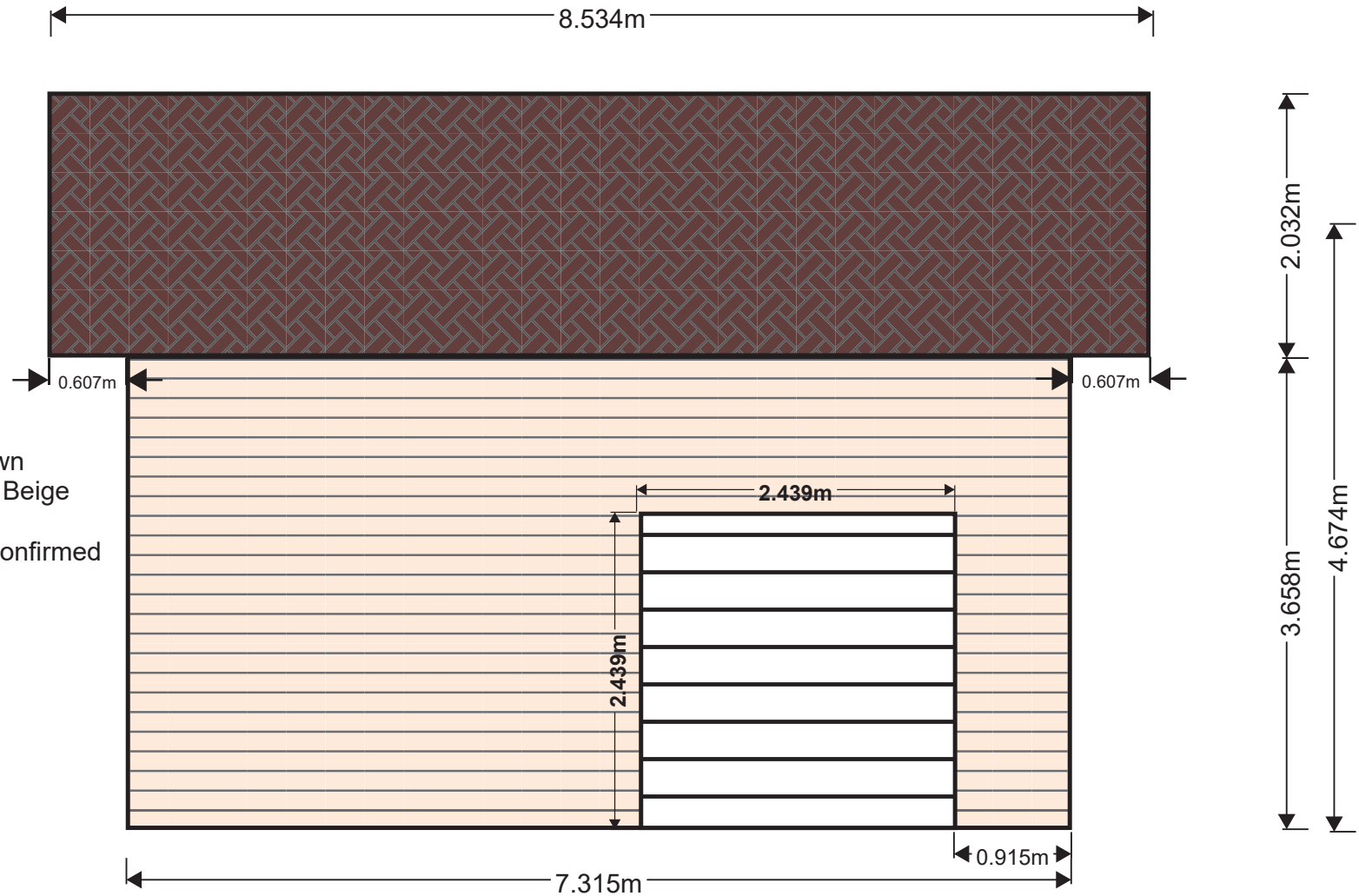
Project Number	
Scale	AS NOTED
Date	
Drawn By	
Checked By	

Drawing No.

SP-1

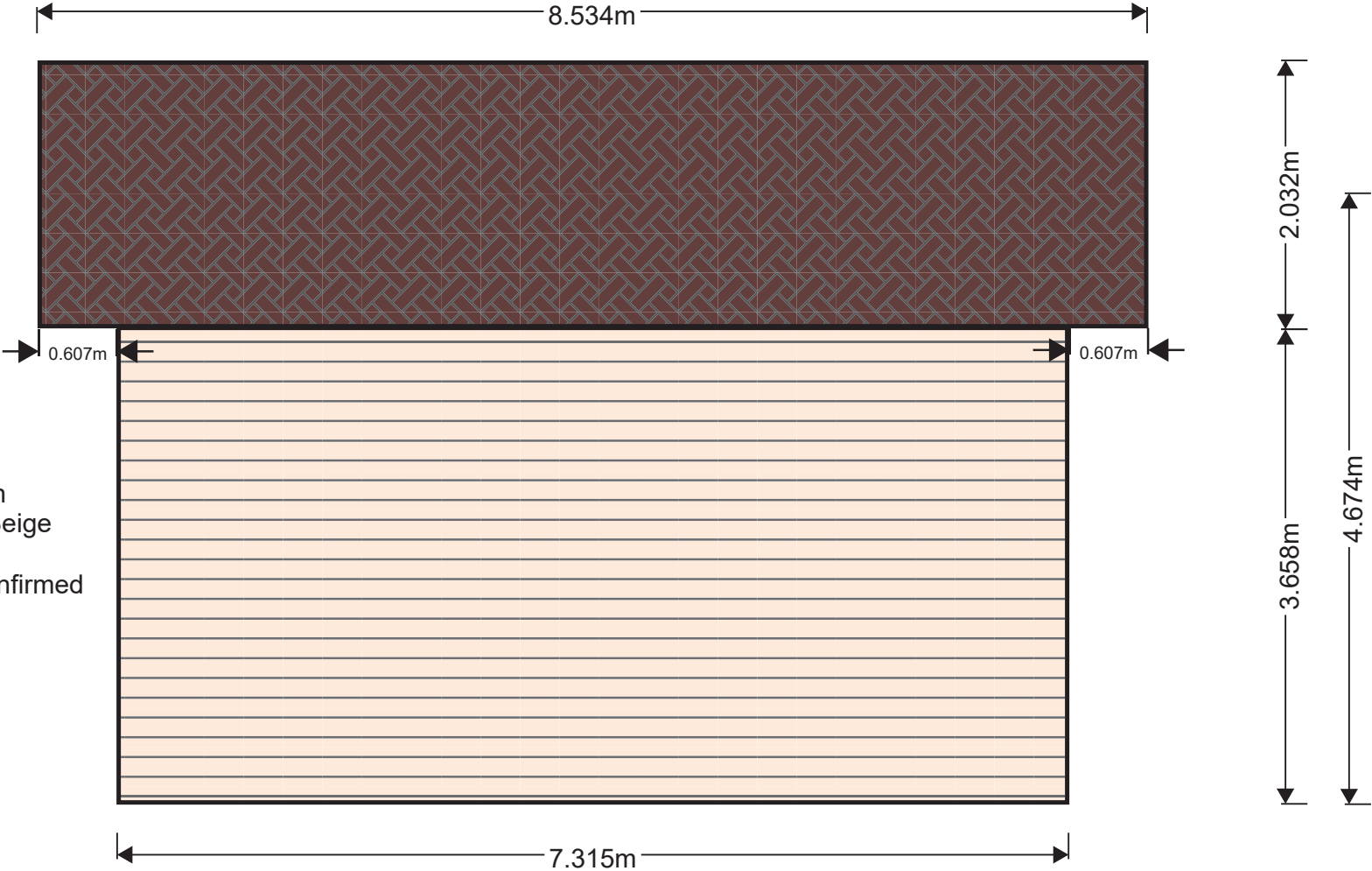
East Elevation

Scale: 1/4" = 1'



West Elevation

Scale: 1/4" = 1'



Roof to be Dark Brown
Exterior Siding to be Beige

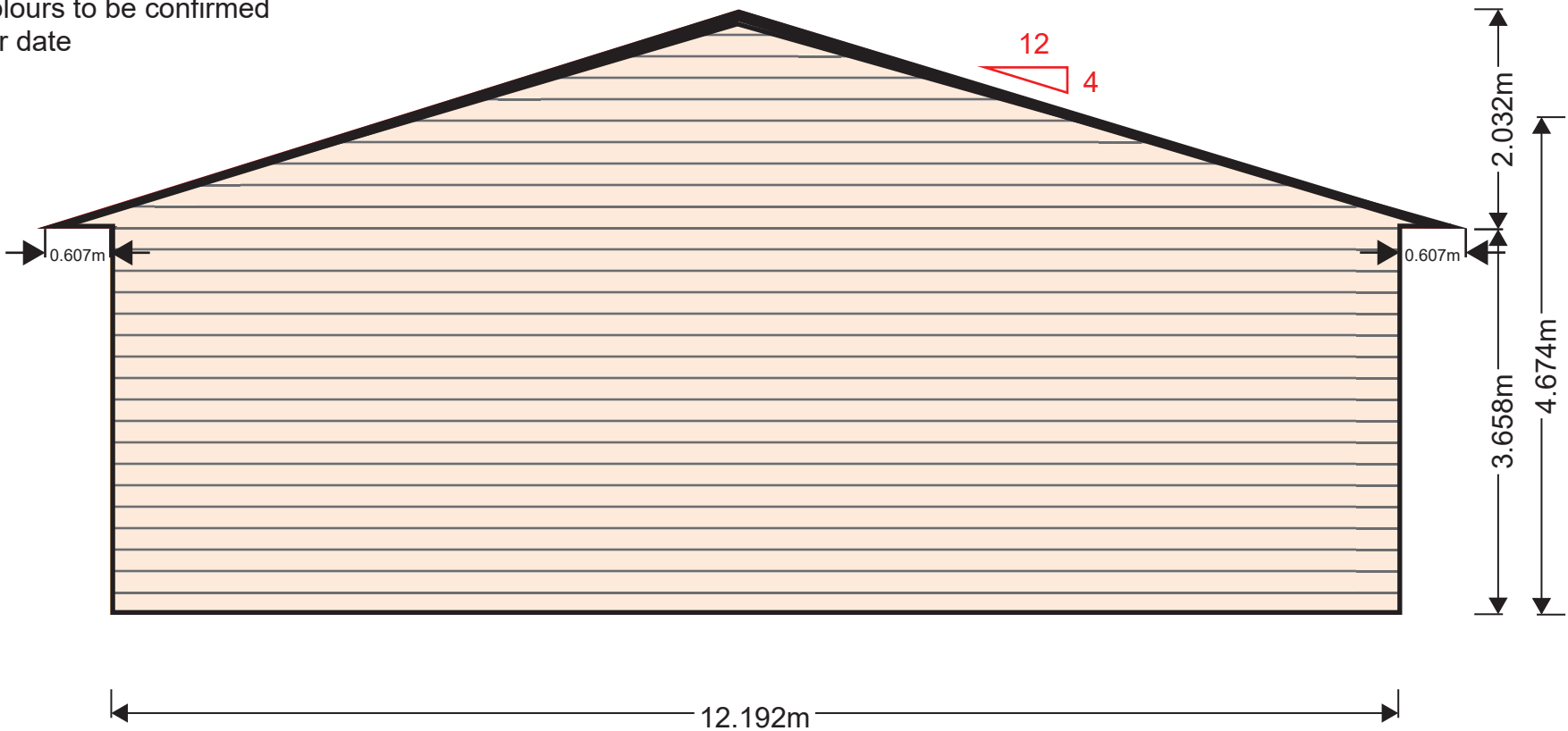
Final Colours to be confirmed
at a later date

North Elevation

Scale: 3/16" = 1'

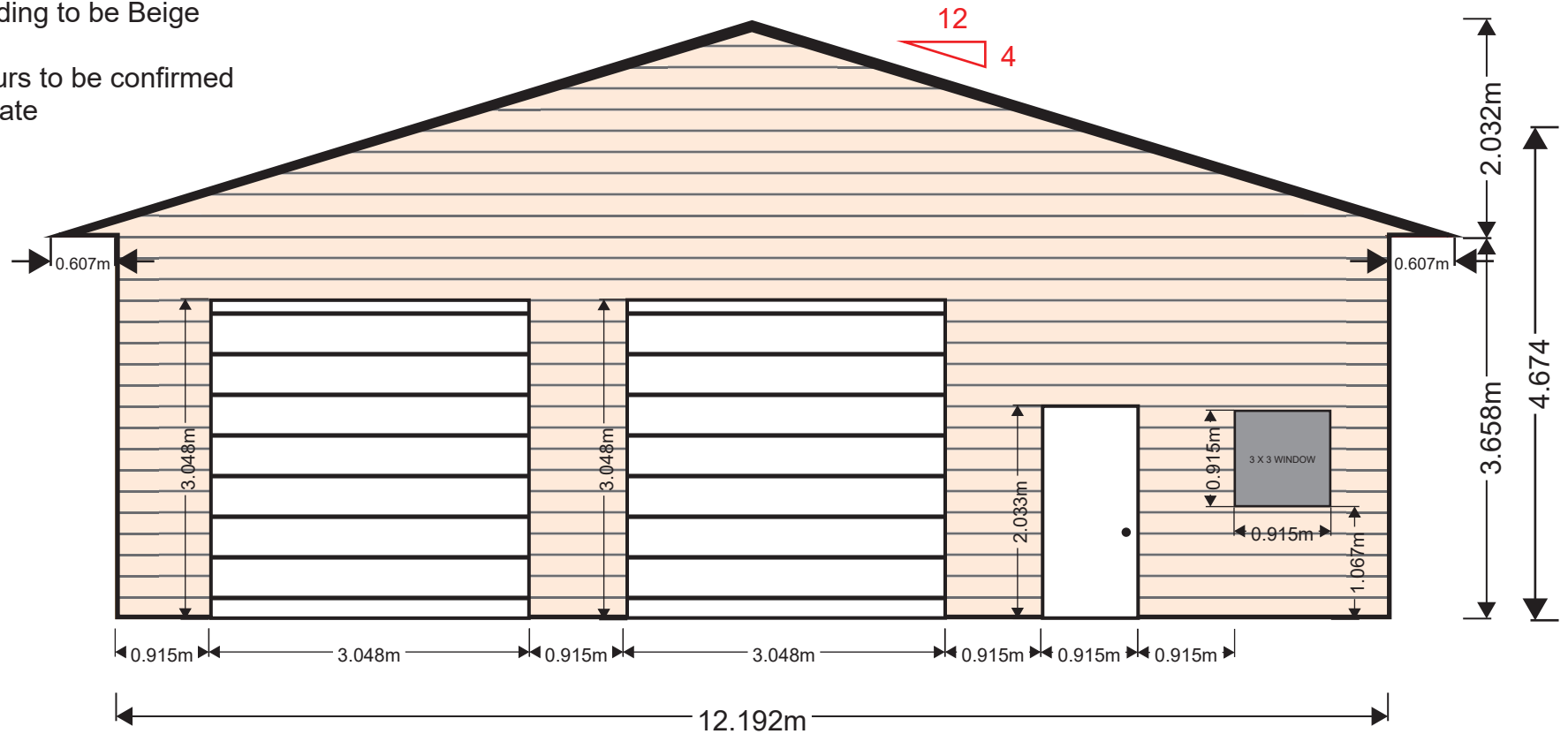
Roof to be Dark Brown
Exterior Siding to be Beige

Final Colours to be confirmed
at a later date



Scale: $3/16" = 1'$

Final Colours to be confirmed
at a later date



Date: August 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –August 16, 2023 – A/29/2023

Operations has reviewed A/29/2023 – 7700 Tecumseh Road application and offer the following comments:

- It should be noted that any request for the proposed accessory building to be converted to an additional dwelling unit will not be supported by the Operations Department
- It should be noted that any request for secondary driveway to the accessory building will not be supported by the Operations Department.
- Construction of the accessory buildings should not adversely impact the rear and side yard drainage or adjacent neighbouring 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

From: [Aaron Ford](#)
To: [Ian Search](#)
Cc: [REDACTED]
Subject: RE: Committee of Adjustment Review - August 16 Meeting
Date: July 24, 2023 1:31:12 PM

Hi Ian,

Please find building comments below

A-29-2023 – Please add septic bed and tank locations to site plan. A minimum of 1.5 meters required from the proposed building to the existing septic tank and a minimum of 5 meters is required from the proposed building to the existing septic bed. Please provide set of plans denoting structural items with building permit application. No living space/commercial uses. Any proposed plumbing will require a review of the existing septic system

[REDACTED]

[REDACTED]

[REDACTED]

Aaron Ford
Building Inspector
Municipality of Lakeshore | Growth and Sustainability - Building
[REDACTED]
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Search [REDACTED]

Sent: Monday, July 24, 2023 1:09 PM

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

Subject: RE: Committee of Adjustment Review - August 16 Meeting

Importance: High

Good Afternoon,

The file numbers for the consent applications have been reassigned. Sorry for the confusion. They are the same applications; the content has not changed. I am re-attaching each application for the August meeting.

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

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

Sent: Friday, July 21, 2023 3:43 PM

To:

Subject: Committee of Adjustment Review - August 16 Meeting

Importance: High

Good Afternoon,

Please see attached Notice for Comments for your review for the August 16th Committee of Adjustment meeting. If there are any additional applications, I will reply to this email and let you know.

Please submit any comments on these files to me no later than **August 4th** via email

Any questions with respect to the information, please let me know.

Thank you,

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

From: [Don Williamson](#)
To: [Ian Search](#)
Subject: FW: Committee of Adjustment Review - August 16 Meeting
Date: August 8, 2023 10:45:53 AM
Attachments: [REDACTED]
[A-29-2023 - Notice for Comments.pdf](#)
Importance: High

[REDACTED]
[REDACTED]
[REDACTED]

A-29-2023: The proponent should be advised that:

- The applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
- Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

[REDACTED]

Don Williamson , CMM III Fire Service Executive, EMP, ECFO, CEMC, CFI
Fire Chief
Municipality of Lakeshore | Legal and Legislative Services - Fire Department
[REDACTED]
Connect with us online at [Lakeshore.ca/Connect](#)

From: Ian Search <isearch@lakeshore.ca>

Sent: Friday, July 21, 2023 3:43 PM

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

Subject: Committee of Adjustment Review - August 16 Meeting

Importance: High

Good Afternoon,

Please see attached Notice for Comments for your review for the August 16th Committee of Adjustment meeting. If there are any additional applications, I will reply to this email and let you know.

Please submit any comments on these files to me no later than **August 4th** via email

Any questions with respect to the information, please let me know.

Thank you,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning



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

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning



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



July 27, 2023

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

Dear Mr. Search:

Re: COA Submission, A-29-2023, Bradley and Stacey Patrick

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 2. The Applicant will be required to comply with the following County Road regulation:

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 minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 2. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

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

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

Regards,

Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca









Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Paige Docherty, Planning Student

Date: August 9, 2023

Subject: Consent Application B/28/2023 – 1096 Lakeshore Road 107

Recommendation

Approve consent application B/28/2023 to sever a surplus dwelling with a lot area of approximately 4,653.8 m² (1.15 ac) from 1096 Lakeshore Road 107, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deed;
- 6) That the applicants complete the septic test report attached to the consent application to the satisfaction of the Municipality for the lot to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deed;
- 7) If required, the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 8) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be

paid prior to the stamping of the Deed;

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 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 east side of Lakeshore Rd 107, north of Walls Rd, known municipally as 1096 Lakeshore Rd 107. 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 19.07 ha (47.14 acres) with approximately 282.96 metres (928 feet) of frontage along Lakeshore Rd 107. The property currently contains a residential dwelling and an accessory building. The residential dwelling is considered surplus to a farming operation, and the applicants are proposing to sever the surplus dwelling from the farm property for the creation of one lot. The proposed lot will have approximately 67.05 metres (220 feet) of frontage along Lakeshore Road 107 and will be approximately 4,653.8 m² (1.15 ac) in lot area. The retained lot will maintain its existing frontage along Walls Road and will have approximately 216 metres (708.66 feet) of frontage along Lakeshore Road 107, and will be approximately 18.61 ha (46 acres) in lot area. If approved, the exact frontage and area of each lot will be determined by a land survey.

Summary

Surrounding Land Uses

North: Agriculture
East: Agriculture
West: Agriculture
South: Walls Rd & Agriculture

Provincial Policy Statement (PPS 2020)

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

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

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

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

Official Plan

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

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

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

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

Zoning:

The property is currently zoned Agriculture (A). The proposed lot will have approximately 67.05 metres of frontage along Lakeshore Rd 107 and will be approximately 4,653.8 m² in lot area, therefore conforming to the minimum lot area of 3,000 m² in the Lakeshore Zoning By-law. The retained lot will maintain its existing frontage along Walls Road and will have approximately 216 metres of frontage along Lakeshore Rd 107 and will be approximately 18.61 ha (46 acres) in lot area. It will be a condition of consent approval to recognize the deficient lot area of the retained land through a rezoning application.

Conclusion

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

Correspondence from external and internal agencies

External and Internal Agencies

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

The Operations Department has expressed that surface water and subsurface drainage tiles and water should be redirected around the severed parcel. They also note that any new established entrances required for the farm parcel will require an entrance permit from the Municipality of Lakeshore.

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 – Operations Comments
Appendix D – Photos

Prepared by:



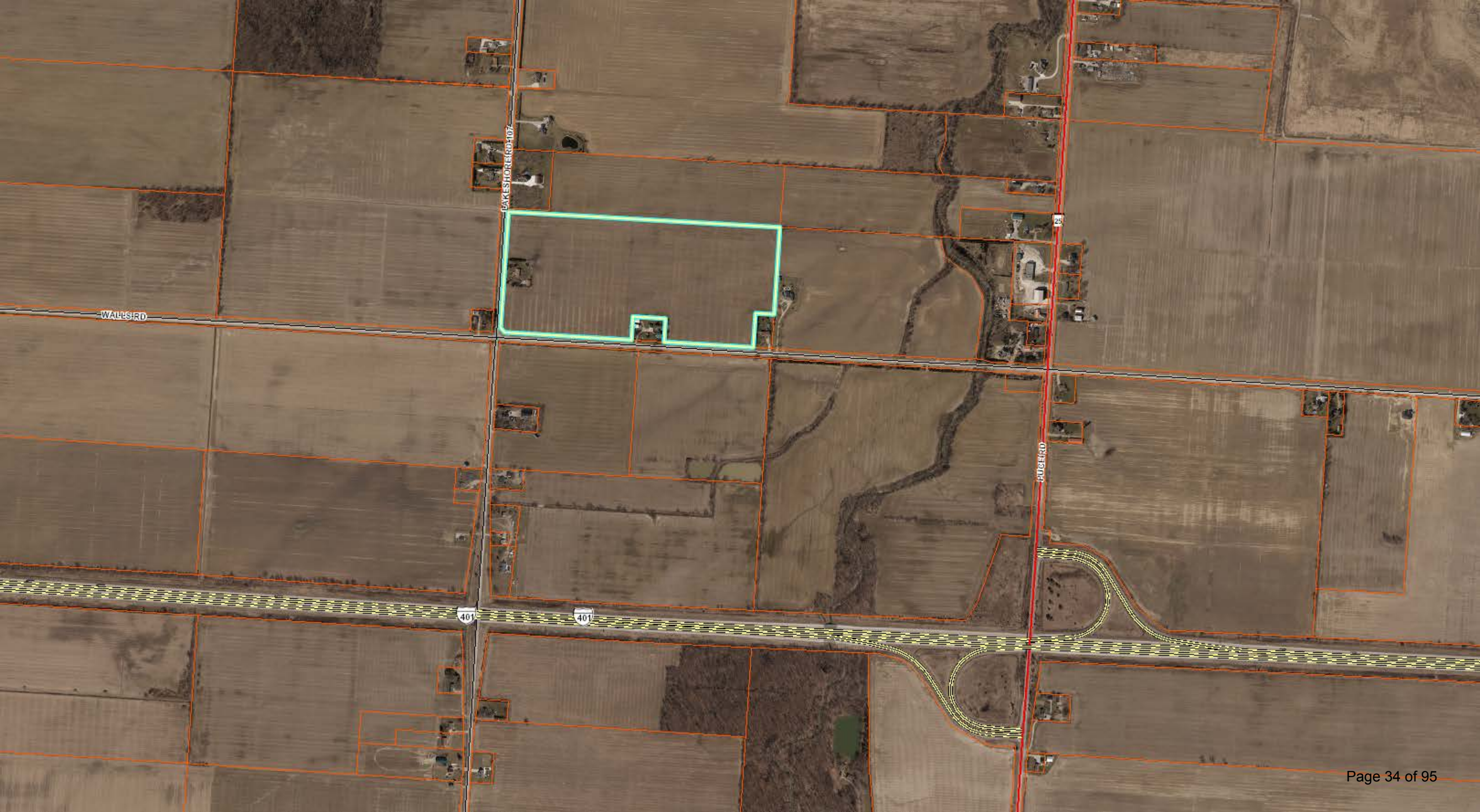
Paige Docherty,
Planning Student

Report Approval Details

Document Title:	B-28-2023 - 1096 Lakeshore Road 107.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Sketches.pdf- Appendix C - Operations Comment.pdf- Appendix D - Photos.pdf
Final Approval Date:	Aug 10, 2023

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

Kristina Brcic - Aug 10, 2023 - 3:40 PM



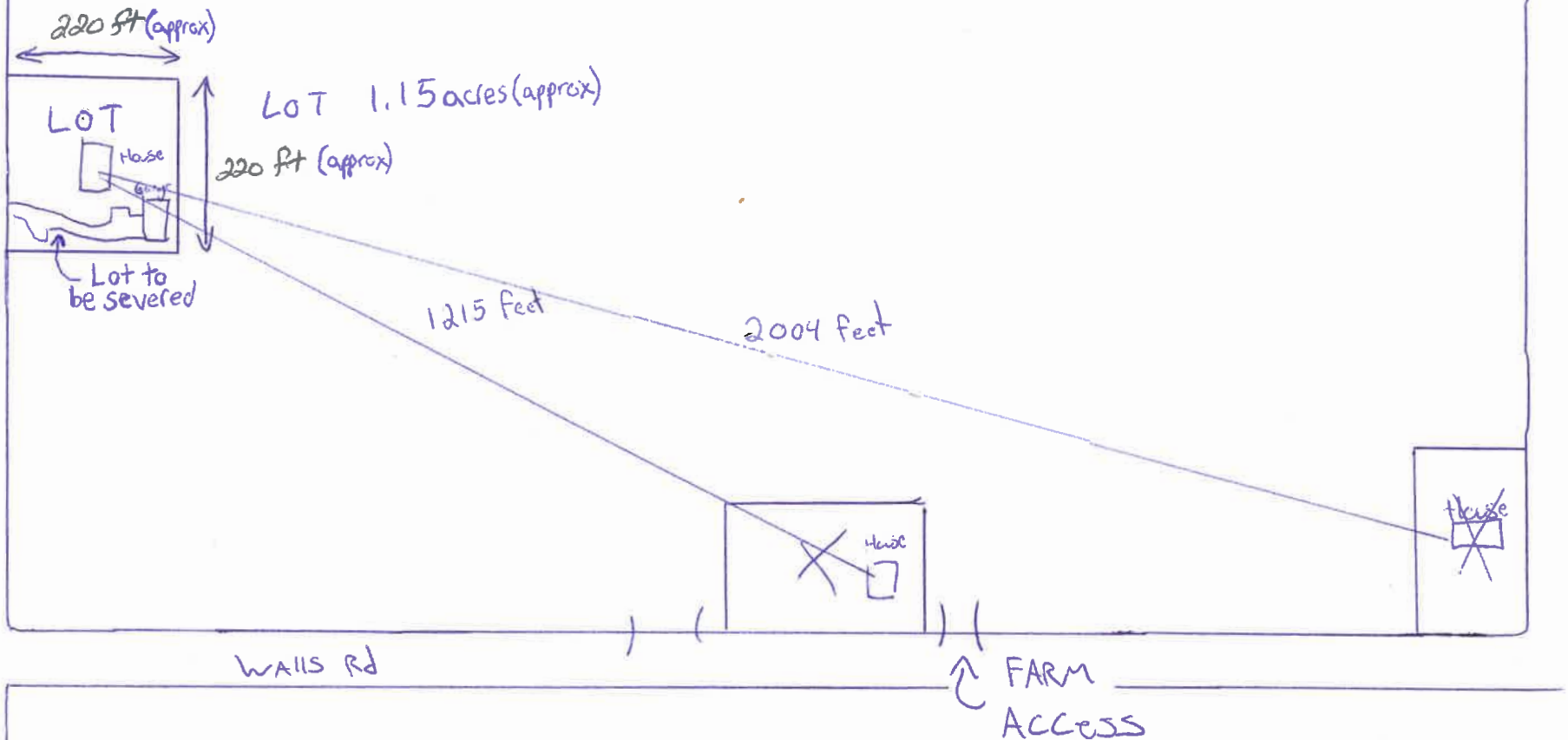
LOT
1.15 acres

FARM
46 acres

Total
47.15 acres

FARM
46

Lakeshore RD 107



Date: August 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –August 16, 2023 – B/28/2023

Operations has reviewed B/28/2023 – 1096 Lakeshore Road 107 application and offer the following comments:

- Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
- Any newly established entrances required for the farm parcel will require an entrance permit from the Municipality of Lakeshore.

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: Ian Search, BES
Planner I

Date: August 9, 2023

Subject: Consent Application B/29/2023

Recommendation

Approve Consent Application B/29/2023 to sever two lot additions – approximately 2,199.54 m² to be added to 455 Renaud Line Road and approximately 1,149.15 m² to be added to 457 Renaud Line Road – from land known legally as Part of Lot 6, Concession East of River Puce, Maidstone, designated as Part 1 on Plan 12R17696; Lakeshore, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcels of land, including setbacks of any buildings and entrances along the new lot line, to the satisfaction of the Municipality of Lakeshore;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deeds;
- 3) That the Deeds for the lot additions be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 4) That Section 50(3) and (5) of the Planning Act shall apply to the severances;
- 5) That the applicant produce Deeds and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcels and the abutting parcels will be registered in the same name(s) in satisfaction that all parcels will merge;
- 6) That the applicant/and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/ Registry Office for each lot addition and provide proof of the consolidation;
- 7) 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;

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 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 application for a property located on the west side of Renaud Line Road – south of the Canadian Pacific Limited right-of-way and north of County Road 42 (Appendix A). The subject property is designated “Agricultural” in the Lakeshore Official Plan and zoned “Agriculture” in the Lakeshore Zoning By-law 2-2012.

The subject property is approximately 3,348.7 m² in area with approximately 34.54 metres of frontage along Renaud Line Rd. There are two accessory buildings on the property but no dwelling. One of the accessory buildings is located on the south side lot line and encroaches onto the residential lot located south of the subject property (457 Renaud Line Road). There is currently an agreement in place to permit this encroachment.

The applicants are proposing to sever the subject property east-west and add the entire northern portion (approximately 2,199.54 m²) to 455 Renaud Line Road which is located north of the subject property. The entire southern portion (approximately 1,149.15 m²) will be added to 457 Renaud Line Road located south of the subject property. Following the severance, 455 Renaud Line Road will have a frontage of approximately 68.4 metres and an area of approximately 4,289.86 m². 457 Renaud Line Road will have a frontage of approximately 46.41 metres and an area of approximately 4,497.94 m².

As part of the lot addition, 455 Renaud Line Road will receive one of the accessory buildings located on the subject property. A dwelling and detached garage already exist on this lot.

457 Renaud Line Road will receive the entirety of the accessory building that currently encroaches onto this lot. A dwelling and a relatively small accessory building already exist at 457 Renaud Line Road.

A land survey will be required as a condition of consent approval to determine the exact area of the lot addition parcels and to verify that the setbacks of the accessory buildings from the lot lines will comply with the Zoning By-law.

Summary

Location:

The subject property does not have a municipal address as there is no dwelling. It is located on the west side of Renaud Line Road – south of the Canadian Pacific Limited right-of-way and north of County Road 42 (Appendix A).

Surrounding Land Uses:

Northwest of the subject property is Lakeshore's Atlas Tube Recreational Centre which sits on a 77.34-acre parcel of land zoned Parks and Open Space (P). The subject property abuts this parcel. Located across the street, on the east side of Renaud Line Road, is prime agricultural land. Directly to the north and south abutting the subject property are the rural residential lots receiving the proposed lot additions.

Provincial Policy Statement (PPS)

Section 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development. The subject property is located outside a settlement area in the Agricultural Area of the municipality. Although the proposal will eliminate a residential lot for the purpose of two lot additions, the land is not located within an area set aside for growth and development. Under the Lakeshore Official Plan, it is anticipated that the existing settlement areas contain sufficient land to accommodate projected residential growth and development and that expansions are not contemplated within the planning horizon.

Section 2.3.4.2 of the PPS permits lot adjustments in prime agricultural areas for legal or technical reasons. An accessory building(s) cannot exist on a lot without a main building under the Zoning By-law. The lot additions are considered appropriate adjustments to correct this non-compliance. One of the accessory buildings partially encroaches onto 457 Renaud Line Road but will be fully on that property following the lot addition – a more desirable outcome than the current encroachment and registered encroachment agreement.

County Official Plan and Lakeshore Official Plan

The subject property and the rural residential lots receiving the lot additions are designated Agricultural in the Lakeshore Official Plan. Section 6.2.3 of the Official Plan states that a consent to sever may be granted for minor boundary adjustments or corrections and easements, and in accordance with Sections 50(3) and (5) of the Planning Act, which do not result in the creation of a new lot. A lot will not be created under this consent, instead an existing lot will be severed for the purpose of lot additions to correct an existing situation that does not currently comply with the By-law, as described above.

In general, the proposal conforms with the consent policies under Section 8.3.5.2 of the Lakeshore Official Plan. The two rural residential lots receiving the additions will need to be adequate for existing and proposed uses. They will comply with minimum lot frontage and area requirements in the Zoning By-law following the lot additions. A land survey will need to verify that the accessory buildings will meet the required 1.5 metre setback from the severance line (new lot line) that will run east-west between them.

It was observed during a site visit that the accessory building on the north side of the subject property that will be transferred to 455 Renaud Line Road has two large sliding

doors and a garage door on the south side of the building (Appendix C). Additionally, a driveway that provides direct access to the accessory building on the south side of the subject property – to be transferred to 457 Renaud Line Road – branches off to provide access to the south side of this accessory building. This could create an unfavorable situation as the owner of 455 Renaud Line Road will not have legal access to this accessory building from the existing driveway, and the setback distance from the new lot line to its south wall could be mere feet.

The applicant was contacted regarding this concern and stated that there is an existing door on the west side of the building which will be used as the access point for 455 Renaud Line Road (Appendix C). Furthermore, the doors on the south side will no longer be used, and it is contemplated that they will be moved to the north side of the building following finalization of the lot additions. If the owner of 455 Renaud Line Road uses the existing driveway for access in the future, then an easement will need to be established to provide legal mutual access between them and the owners of 457 Renaud Line Road.

There appears to be some hard surface, possibly concrete, located in front of the garage door on the south side of this accessory building (Appendix C). The severance line should be located south of this surfacing to facilitate surface water retention and to ensure it is maintained by the owner of 455 Renaud Line Road.

There are no issues of County significance raised by the application. The subject property and rural residential lots receiving the lot additions are designated Agricultural in the County of Essex Official Plan. Section 3.3.3.4 states that lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are permitted within this designation.

Zoning

Both rural residential lots, 455 & 457 Renaud Line Road, will meet the minimum lot frontage and area requirements in the Zoning By-law following the lot additions. 455 Renaud Line Road, as it is today, has a deficient lot area under the By-law, but will meet the minimum lot area requirement once the lot additions are finalized. As previously mentioned, a land survey will be required as a condition of consent approval that details the lot addition parcels and verifies building setback compliance under the Zoning By-law.

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, and complies with the Zoning By-law 2-2012, 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 Operations Department states that the Renaud Line Drain Upper Portion runs along the frontage of the subject lands. Any future requests for an access bridge across the municipal drain will require the applicant to sign section 78 and complete all works under the Drainage Act. Full comments can be found in Appendix D.

The Essex Region Conservation Authority (ERCA) stated that they have no objection to the 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 – Sketches
Appendix C – Photos
Appendix D – Operations Department Comments
Appendix E – ERCA Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-29-2023 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Sketches.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department Comments.pdf- Appendix E - ERCA Comments.pdf
Final Approval Date:	Aug 10, 2023

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

Kristina Brcic - Aug 10, 2023 - 3:58 PM



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- OwnershipParcel
- Sanitary Manhole
- Inflow Dish - No Data
- inflow Dish - YES
- Sanitary Main
- GRAVITY
- FORCE MAIN
- Water Valve
- MAIN LINE
- BLOW OFF
- SECONDARY
- AIR RELEASE
- AUTO FLUSH

1: 1,334

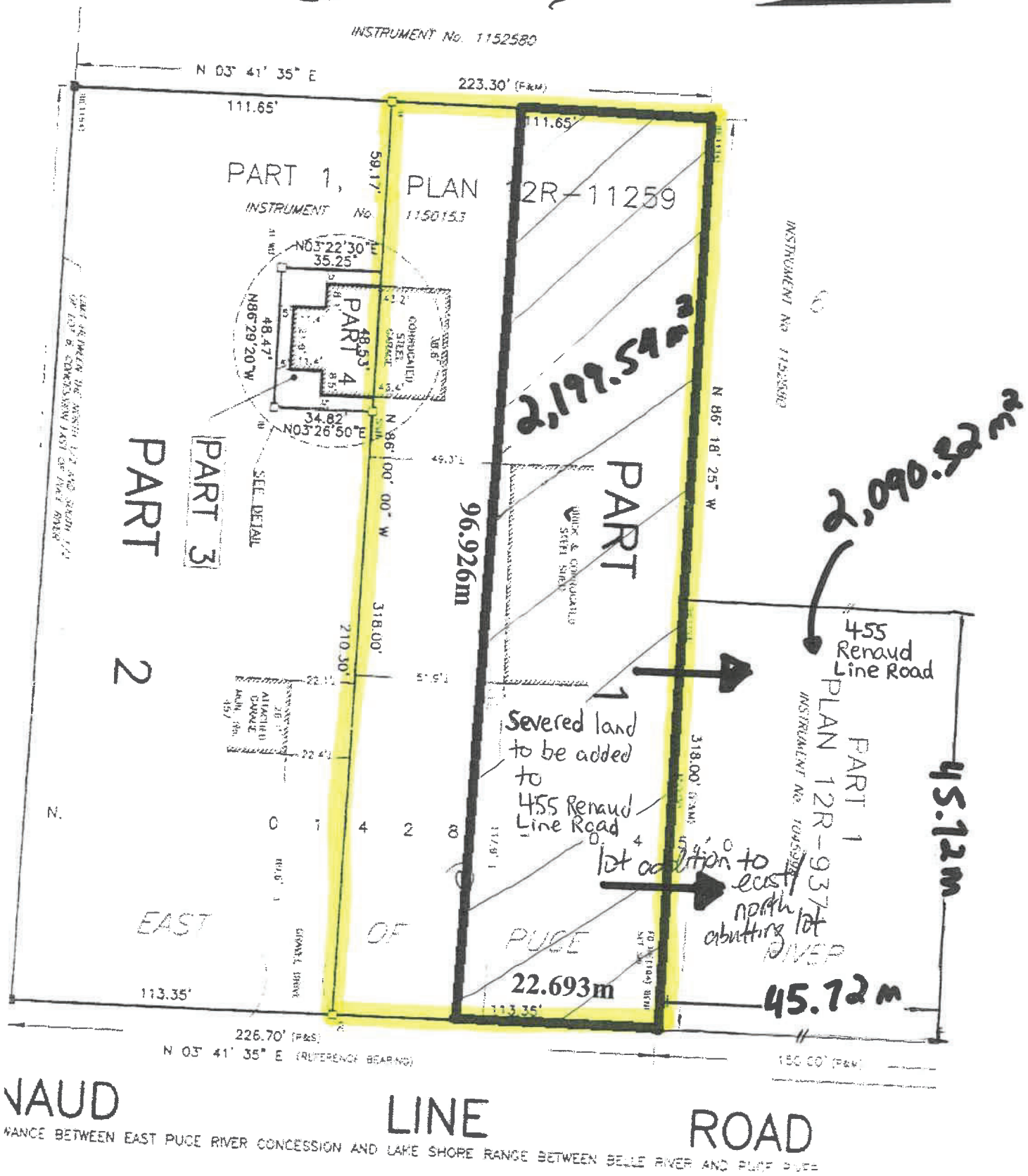


Notes:

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

highlighted = Subject land

SEVERED LOT 1

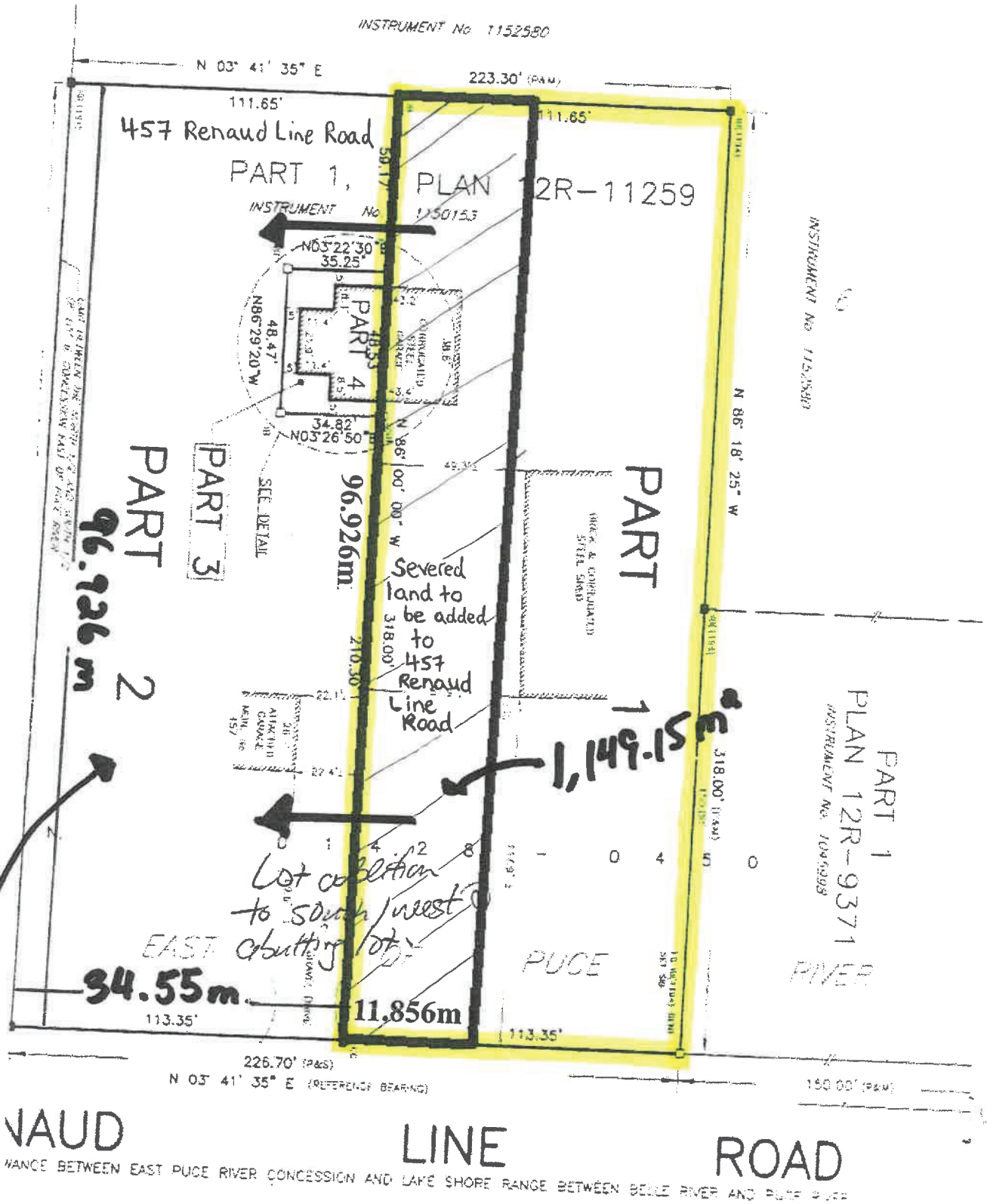


SEVERED LOT 1



highlighted = Subject land

SEVERED LOT 2



3,348.19 m²

5

96.926m

11.856m

Lot collection to south/west abutting lot.

1,149.15 m²



Date: August 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –August 16, 2023 – B/29/2023

Operations has reviewed B/29/2023 – 0 Renaud Line Road application and offer the following comments:

- Renaud Line Drain Upper Portion runs along the frontage of the subject lands. Any future requests for an access bridge across the municipal drain will require the applicant to sign section 78 and complete all works under the Drainage Act.

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 24, 2023

Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-29-2023 RENAUD LINE RD

ARN 375119000008565; PIN: 750050603

Applicant: Emily Rose St. John

The Municipality of Lakeshore has received an Application for Consent to sever the subject property east-west and add the northern part to 455 Renaud Line Road and the southern part to 457 Renaud Line Road. The following is provided as a result of our review of Application for Consent B-29-2023.

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 Renaud Line Drain Upper Part. The property owner will be required to obtain authorization from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

FINAL RECOMMENDATION

Our office has no objection to the proposed Consent Application B-29-2023. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good

Mr. Ian Search
July 24, 2023

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: August 9, 2023

Subject: Consent Application B/30/2023 – 17840 Lakeshore Road 311

Recommendation

Approve consent application B/30/2023 to sever a surplus dwelling with a lot area of approximately 0.835 acres from 17840 Lakeshore Road 311, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lot to be severed to the satisfaction of the Municipality;
- 2) That the applicant provide information regarding the setback of the existing septic system from the lot lines of the lot to be severed to the satisfaction of the Municipality of Lakeshore;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of Parkland or the Payment of Cash in Lieu Thereof at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 5) That, if deemed required by Community Planning, the applicant obtain a Zoning By-law amendment to rezone any land of the severed lot currently zoned Agriculture Zone Exception (A-1) to Agriculture (A);
- 6) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality of Lakeshore for the existing septic system on the lot to be created, and if deemed required by the Municipality of Lakeshore, install a new septic system on the severed lot to the satisfaction of the Municipality of Lakeshore, prior to the stamping of the Deeds;
- 7) That the applicant enter into an Agreement with the Municipality of Lakeshore to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or

fees with respect to the subject lands;

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

9) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;

10) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

11) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by August 17, 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 an application for a surplus farm dwelling severance for a property located on the north side of Lakeshore Road 311 – north of County Road 8 and east of County Road 37. The subject property is designated "Agricultural" in the Lakeshore Official Plan and split zoned "Agriculture" and "Agriculture Zone Exception 1" in the Lakeshore Zoning By-law 2-2012 (See Appendix A).

The subject property is approximately 50 acres in area with approximately 300 metres of frontage along Lakeshore Road 311. There are two accessory buildings on the property and one dwelling. The residential dwelling is considered surplus to a farming operation, and the applicants are proposing to sever the surplus dwelling with accessory buildings from the farm property for the creation of one lot. The proposed lot will have approximately 42.67 metres (140 feet) of frontage along Lakeshore Road 311 and will be approximately 3,379.12 m² (0.835 acres) in lot area. The retained lot will have approximately 251 metres of frontage along Lakeshore Road 311 and will have an approximate area of 49.08 acres.

The proposed surplus farm dwelling severance received provisional consent approval from the Committee of Adjustment on August 21, 2019 (file: B-24-2019). At the time, any imposed conditions on a provisional consent had to be fulfilled within one year after the notice of decision was given under the Planning Act. The applicant failed to fulfill all the conditions within that period and their application for consent was deemed refused. The Planning Act has since been amended to give applicants two years to fulfill the conditions of their provisional consent before their application is deemed refused.

As conditions of provisional consent, the applicants obtained a land survey of the severed lot (see Appendix B) and rezoned the retained land to prohibit dwellings prior to their application lapsing. This explains why the subject property is split zoned today. However, information regarding the location of the existing septic system on the lot to be severed relative to its new lot lines was not provided. Consequently, the land survey

may need to be adjusted to accommodate these required setbacks and any new land to be added to Part 1 (lot to be severed) on the survey may need to be rezoned from Agriculture Zone Exception (A-1) back to Agriculture (A) based on the discretion of Community Planning.

Summary

Location:

The subject property is located on the north side of Lakeshore Road 311 – north of County Road 8, south of Lakeshore Road 310 and east of County Road 37. It is known municipally as 17840 Lakeshore Road 311.

Surrounding Land Uses:

The subject property is surrounded by agricultural uses in all directions. There is a rural residential lot across the road from the subject property, known municipally as 17561 Lakeshore Road 311.

Provincial Policy Statement

The applicant owns at least one other farm holding that supports a dwelling rendering the dwelling on the subject property surplus to their operation. The proposed surplus farm severance is consistent with Section 2.3.4.1 c) Lot Creation in prime agricultural areas as:

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

The applicant will need to provide information regarding the location of the existing septic system on the lot to be severed relative to its new lot lines. The lot to be severed, as depicted on the draft survey, may need to be expanded a bit to meet the setback requirements for a septic system. Incorporating the two accessory buildings on the lot to be severed is reasonable given that they are located on uncultivated land/landscaped open space and can be repurposed to serve a use that is accessory to residential.

The applicant already rezoned the retained land from “Agricultural (A)” to “Agricultural Zone Exception 1 (A-1)” to prohibit new dwellings in accordance with the PPS prior to their original application lapsing under the Planning Act. If the lot to be severed needs to be expanded as mentioned above, the new area included in the severed lot may need to be rezoned from Agriculture Zone Exception (A-1) back to Agriculture (A) based on the discretion of Community Planning.

Official Plan

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

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

The proposal conforms to this section of the Official Plan as the retained land has already been rezoned to prohibit the construction of any additional dwellings. There are no livestock facilities on the subject property and the Zoning By-law will automatically prohibit this use on the lot to be severed.

In general, the application conforms to Section 8.3.5.2 of the Official Plan which contains policies for evaluating consents. The applicant has indicated in their application that there is existing access for the retained farmland which appears to be located at the southeast corner of the subject property based on aerial photography. For the proposal to conform to this entire section of the Official Plan, it needs to be confirmed that the lot to be severed can sufficiently accommodate a private septic system:

- iv) Water and Sanitary Sewage Services*
 - The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available, the soil conditions, and other factors.*

There are no issues of County significance raised by the application, and the proposal conforms to the County of Essex Official Plan. Section 3.3.3.4 of the County Official Plan states that farm parcel consolidation can be interpreted to permit non-contiguous farm parcel consolidations, which is the case with this surplus farm dwelling severance proposal.

Zoning

The subject property is approximately 50 acres (20.23 hectares) and has approximately 300 metres of lot frontage. The retained land will therefore meet the minimum frontage

(75 metres) and area (19 hectares) requirements in the Zoning By-law following the severance.

The lot to be severed as currently proposed will have approximately 42.67 metres (140 feet) of frontage along Lakeshore Road 311 and will be approximately 3,379.12 m² (0.835 acres) in lot area. It will meet the minimum frontage (30 metres) and area (3,000 m²) requirements in the Zoning By-law. A land survey has been submitted demonstrating setback compliance for the buildings and structures to be included on the severed lot. The exact area and frontage are to be determined following provisional consent approval when information regarding the location of the septic system is provided.

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, 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.

Operations has expressed that surface water and subsurface drainage tiles and water should be redirected around the severed parcel. Any newly established entrances required for the farm parcel will require an entrance permit from the Municipality of Lakeshore. A Drainage Apportionment will be required. Full comments can be found in Appendix D.

Lower Thames Valley Conservation Authority (LTVCA) stated that they have no objection to the 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 m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Draft Survey
Appendix C – Photos
Appendix D – Operations Comments
Appendix E – LTVCA Comments

Prepared by:

A handwritten signature in black ink, appearing to read 'Ian Search', with a long horizontal flourish extending to the right.

Ian Search, BES
Planner I

Report Approval Details

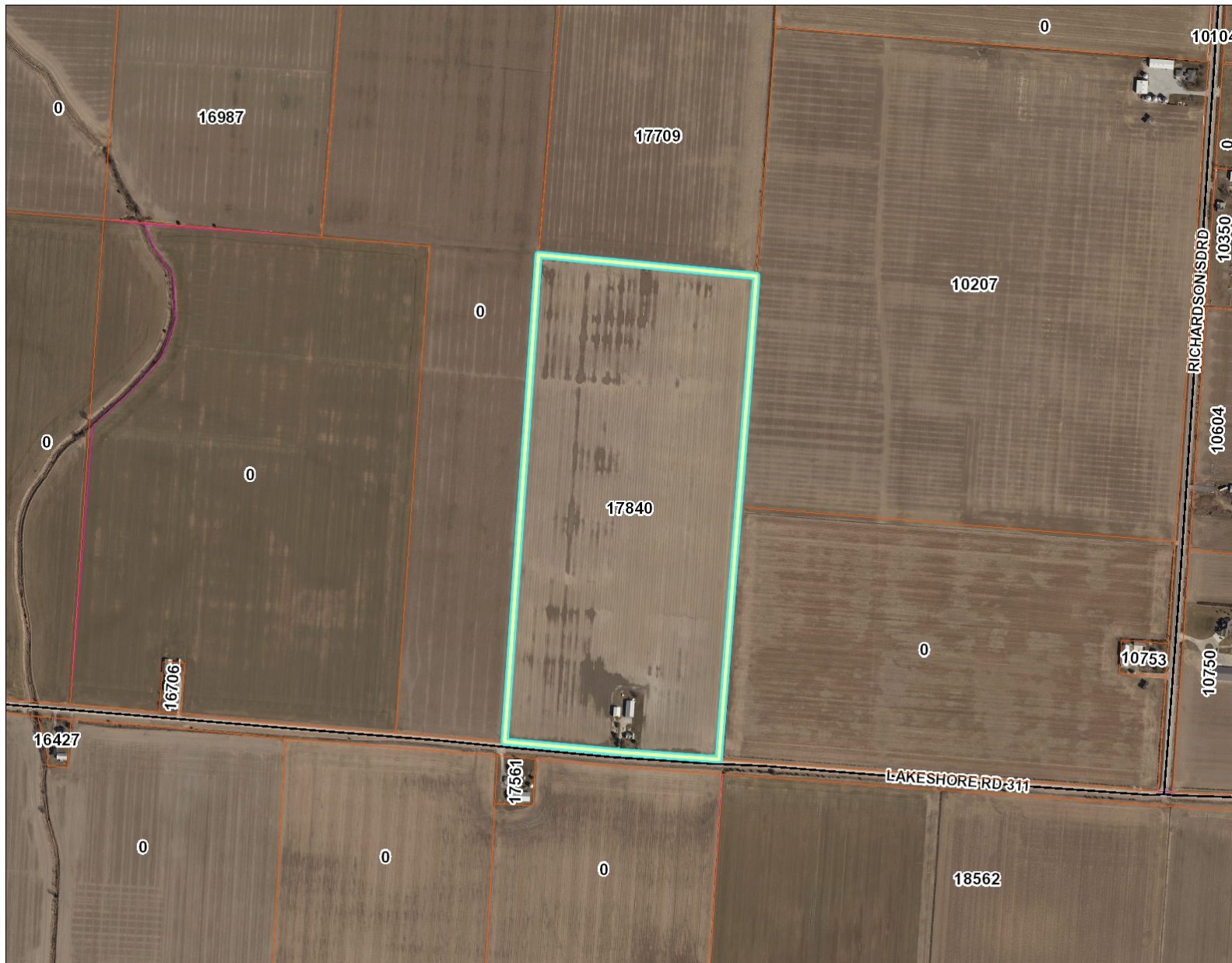
Document Title:	B-30-2023 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Draft Survey.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department Comments.pdf- Appendix E - LTVCA Comments.pdf
Final Approval Date:	Aug 10, 2023

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

Kristina Brcic - Aug 10, 2023 - 4:06 PM



17840 Lakeshore Road 311



Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- OwnershipParcel
- Sanitary Manhole
 - Inflow Dish - No Data
 - inflow Dish - YES
- Sanitary Main
 - GRAVITY
 - FORCE MAIN
- Water Valve
 - MAIN LINE
 - BLOW OFF
 - SECONDARY
 - AIR RELEASE
 - AUTO FLUSH

1: 8,188



Notes:

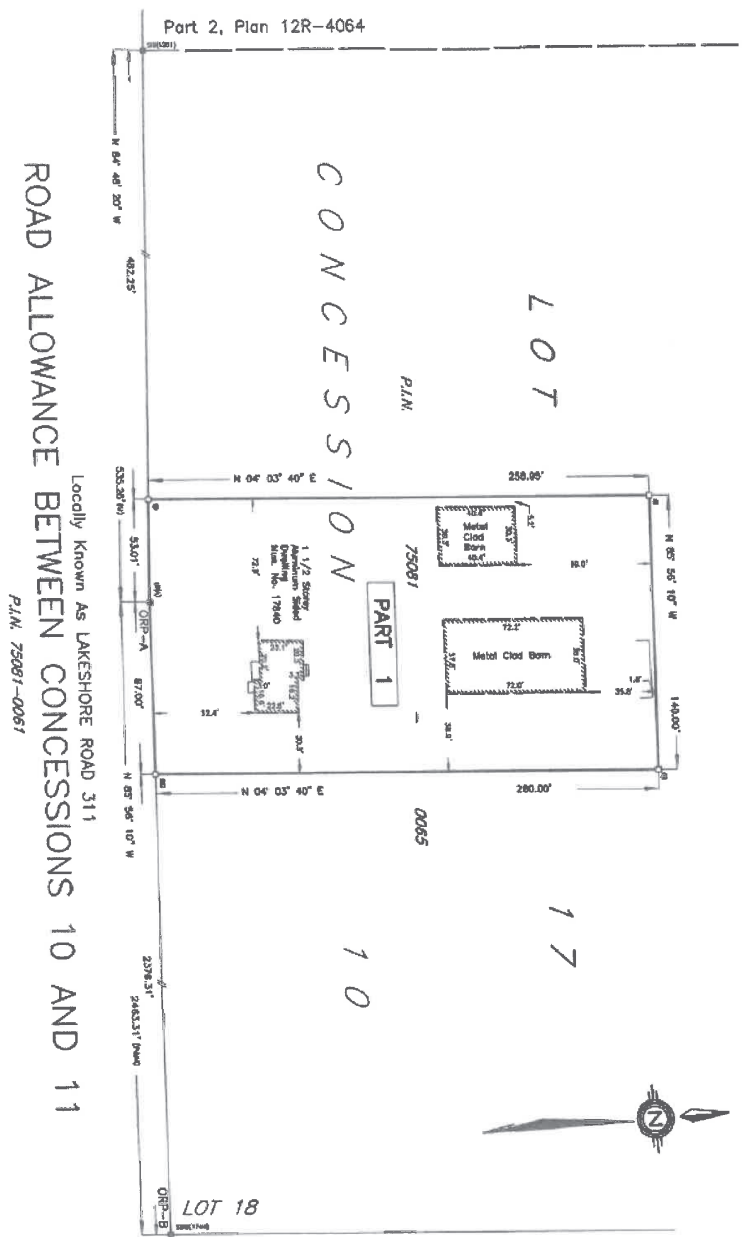
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

INTEGRATION DATA			
COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-MET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) BEARING ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "X" AND "Y" BY REAL TIME NETWORK OBSERVATIONS.			
COORDINATE VALUES	SECTION 14(2) OREG 218/10	EXISTING	
POINT ID	N1523248.677	EXISTING	
POINT A	N1523248.677	EXISTING	
POINT B	N1523248.677	EXISTING	
COORDINATES CORRECTED IN THIS PLAN, BE USED TO RE-ESTABLISH CORNERS OR MONUMENTS SHOWN ON THIS PLAN.			

LEGEND AND NOTES
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "X" AND "Y" BY REAL TIME NETWORK OBSERVATIONS.
 DISTANCES ON THIS PLAN ARE DERIVED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTION SCALE FACTOR OF 0.99972841

PARTS SCHEDULE			
PART	LOT	CIN/PLAN	AREA
1	LOT 17	CONCESSION 10	0.833 ac.

IMPERIAL
 Distance and coordinate values on this plan are derived from GPS observations and are referred to the UTM grid by multiplying by 0.99972841



PLAN OF SURVEY
 OF PART OF LOT 17, CONCESSION 10
 GEOGRAPHIC TOWNSHIP OF TILBURY WEST
 NOW IN THE
 TOWN OF LAKESHORE
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN • STUBBSFIELD • HARTLEY • BREWER • BEZAKINE INC.

SCALE : 1"=40'

LEGEND AND NOTES
 ALL DIMENSIONS SHOWN THEREON ARE IN METERS UNLESS OTHERWISE NOTED.
 1. BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "X" AND "Y" BY REAL TIME NETWORK OBSERVATIONS.
 2. DISTANCES ON THIS PLAN ARE DERIVED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTION SCALE FACTOR OF 0.99972841.
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 10. DISTANCES ON THIS PLAN ARE DERIVED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECTION SCALE FACTOR OF 0.99972841.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT.
 2. THE SURVEYING WAS COMPLETED ON THE 6th DAY OF OCTOBER, 2019.
 3. THIS SURVEY WAS COMPLETED ON THE 6th DAY OF OCTOBER, 2019.

DATE: OCTOBER 11, 2019

BRAND COLO
 (by VERHAEGEN • STUBBSFIELD • HARTLEY
 BREWER • BEZAKINE INC.)

VERHAEGEN
 A DIVISION OF I.B. WAHNE LTD.
 1-800-333-2475
 1-800-333-2475
 1-800-333-2475

DATE: OCTOBER 11, 2019

DATE: OCTOBER 11, 2019

DATE: OCTOBER 11, 2019



Date: August 4, 2023
From: Sydnee Botham, CET, Engineering Technologist - Development
To: Ian Search, Planner 1
Re: Committee of Adjustment –August 16, 2023 – B/30/2023

Operations has reviewed B/30/2023 17840 Lakeshore Road 311 application and offer the following comments:

- A drain apportionment will be required for this application (McKeown Drain).
- Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
- Any newly established entrances required for the farm parcel will require an entrance permit from the Municipality of Lakeshore.

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 26, 2023

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

Attn: **Ian Search**

Re: **Consent Applications B/30/2020**
17840 Lakeshore Road 311 (Labonte)
Part Lot 17, Concession 10
Municipality of Lakeshore

Please be advised that the above mentioned application has been reviewed by this office and we have no objections to this proposal as submitted to this office. 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, R.S.O. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issue of concern in this area is McKeown 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 as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the drain will be required to any proposed structure(s).

Please be advised that the subject property is located in an Intake Protection Zone (IPZ) as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

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

Yours truly



Valerie Towsley
Watershed Resource Planner

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: August 9, 2023

Subject: Deferred Minor Variance Application A/27/2023 Revisited – 1406 Caille Ave

Recommendation

Approve Minor Variance Application A/27/2023 to permit the following reliefs from Lakeshore Zoning By-law 2-2012 for the construction of an accessory building on the subject property:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 90.91 m², whereas the By-law permits a maximum gross floor area of 55 m².
- 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.

Impose the following conditions on approval of A/27/2023:

- 1) The building footprint of the accessory building will be restricted to the size depicted on the attached Site Plan drawing (Appendix B) to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 2) The accessory building will not include dormers;
- 3) The accessory building will not include washroom facilities, if deemed required by the Operations Department;
- 4) Garage doors for vehicles will not face the street.

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 appeared before the Committee of Adjustment on July 19 requesting three reliefs from Lakeshore Zoning By-

law 2-2012 for a new accessory building:

- 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.

With the addition of the proposed accessory structure, a 26% total lot coverage will result while the maximum permitted lot coverage in the 'Residential Waterfront – Lake St Clair (RW2)' zone is 35%.

The applicant 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.

The Committee of Adjustment deferred the application at their July 19th Committee of Adjustment meeting to give the applicant an opportunity to reduce the size of their proposed accessory building in consultation with Community Planning. Following deferral, the applicant contacted Community Planning for advice and submitted revised plans to the department (Appendix B). No new reliefs were identified based on the revised plans and further public circulation was not required. The revised proposal requires the following reliefs for a new accessory building on the property:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 90.91 m², whereas the By-law permits a maximum gross floor area of 55 m².
- 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.

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’s 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.

It is the opinion of the Planner that most of the accessory buildings along Caille Ave are small sheds and/or single storey structures. Only four accessory buildings supporting a second storey beyond attic space were observed in the area at 1476, 1480, 1500 and 1504 Caille Ave. As mentioned in the original staff report to the Committee of Adjustment, these structures are exceptions that were constructed before the current Official Plan policies and Lakeshore Zoning By-law regulations came into effect. Therefore, they do not represent the character of the area. The general intent of the Planning documents in effect today is to mitigate further development of those types of structures in certain urban areas.

The revised proposal will meet the general intent and purpose of the Official Plan. A gable roof is proposed, and the applicant has eliminated the dormers from their original design. The revision has reduced the height of the building to 4.7 metres – measured from grade to halfway between the eaves and ridge – so a variance is no longer required with respect to this aspect of the proposal.

The new design still includes approximately 37.62 m² of attic/second floor space. Therefore, a gross floor area of 90.91 m² is requested – 26.59 m² less than the original proposal. This request meets the general intent and purpose of the Official Plan. The general intent of the policies is to mitigate the development of oversized accessory buildings that are not in keeping with the physical design characteristics of the area. The revised structure, with a gable roof design that meets the maximum height permitted in the Zoning By-law, is in keeping with the area's physical design characteristics, even if it has been designed in such a way to provide additional attic space.

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 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. It is acknowledged that the building footprint of the structure is proposed to be 53.29 m², and that the additional floor area requested is for attic space in the revised design. Ultimately, the structure will appear as a single storey building and its overall design is in keeping with the area. To ensure the desired building form is implemented,

it is recommended that the Committee impose conditions on approval requiring the building to have a maximum building footprint as depicted on the site plan drawing and to prohibit dormers.

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's gross floor area, the proposal is now considered minor in nature for the reasons already mentioned in the report. It is the opinion of the Planner that the new design is in keeping with the area's general built form, and that conditions can be imposed on minor variance approval to ensure these results.

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's gross floor area, this relief is now considered desirable for the appropriate development of the building and land. The applicant desires to use the main floor garage space to park vehicles and a small boat, while the attic space is intended to provide additional storage. The purpose behind the relief is acknowledged, and the applicant has achieved an appropriate design that balances a building which meet existing standards in the area with a request for additional floor space.

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.

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

- 1) The building footprint of the accessory building will be restricted to the size depicted on the attached Site Plan drawing to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 2) The accessory building will not include dormers;
- 3) The accessory building will not include washroom facilities, if deemed required by the Operations Department;
- 4) Garage doors for vehicles will not face the street.

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies prior to the July 19th Committee of Adjustment meeting. Further circulation was not required as no new variances were requested. The 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 for the July 19th Committee of Adjustment meeting. At the time of writing, no public comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – New 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 - Deferred Item Revisited.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - New 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:	Aug 10, 2023

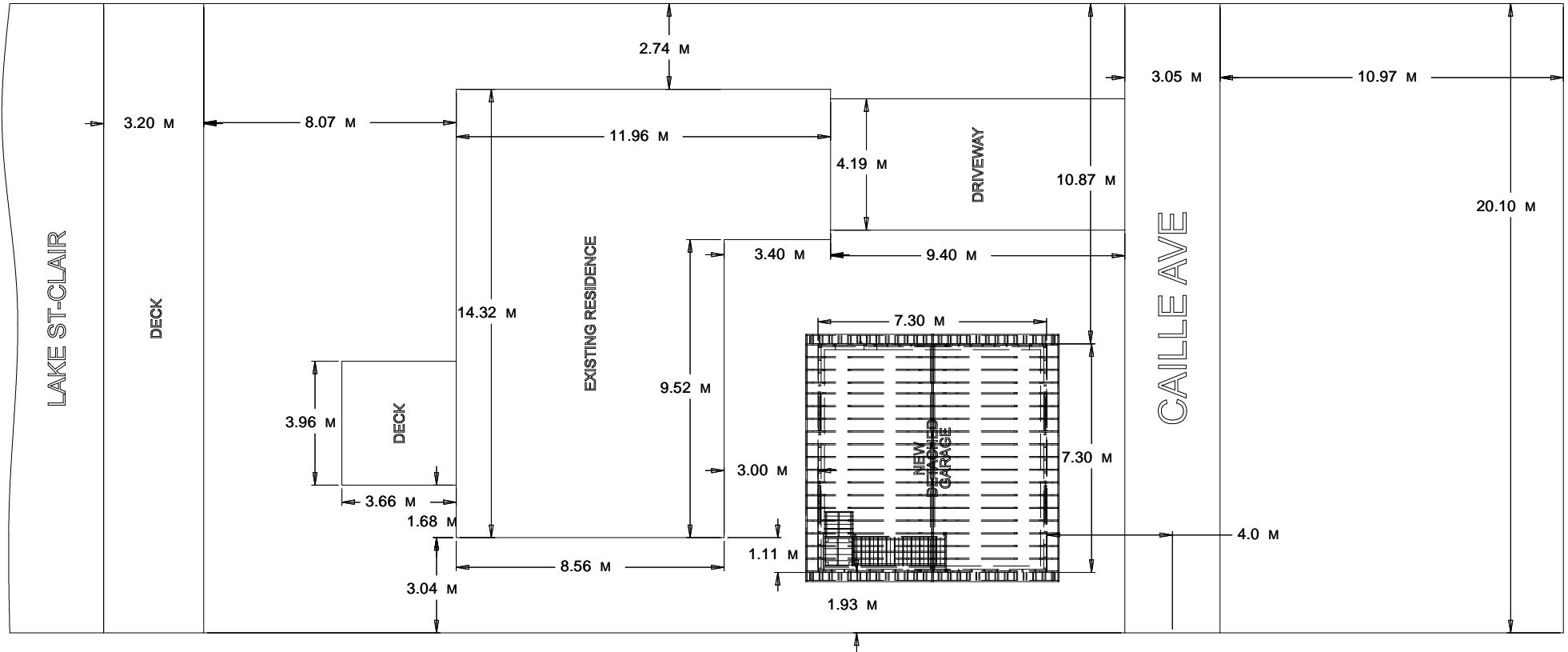
This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - Aug 10, 2023 - 3:38 PM



DETAIL PRINT

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TOTAL LOT AREA = 7768 (721.67)

35% MAXIMUM ALLOWABLE COVERAGE = 2718 (252.51)

CURRENT AREA OF EXISTING BUILDING = 1438 (133.59)

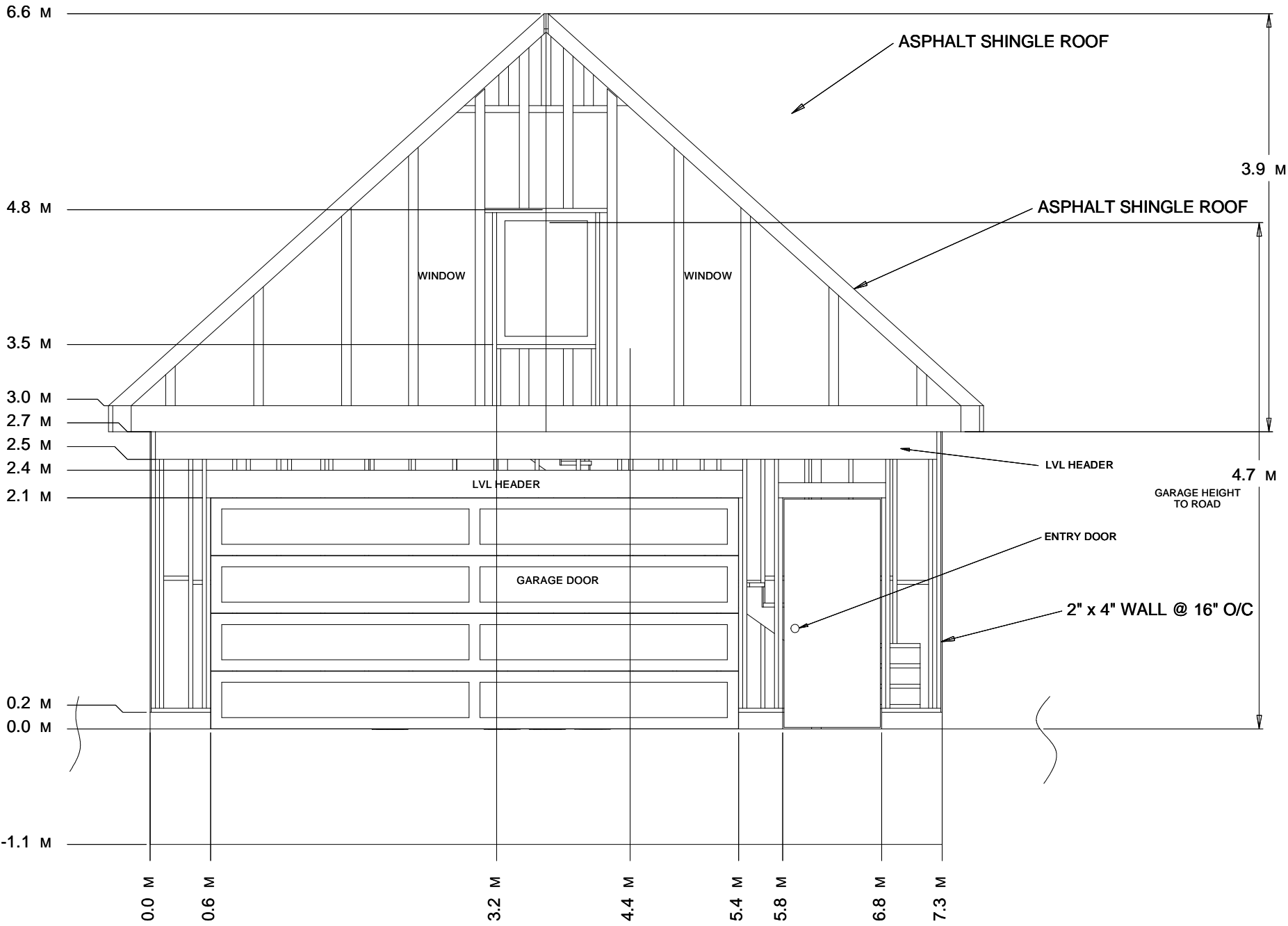
NEW GARAGE = 978.5 (90.91)

CURRENT HOUSE PLUS NEW GARAGE = 2014 (187.10)

MINIMUM LANDSCAPE OPEN SPACE OF 30% = 2330.4 (216.50)

LANDSCAPE OPEN SPACE REMAINING AFTER GARAGE ADDED = 3685 (342.34)

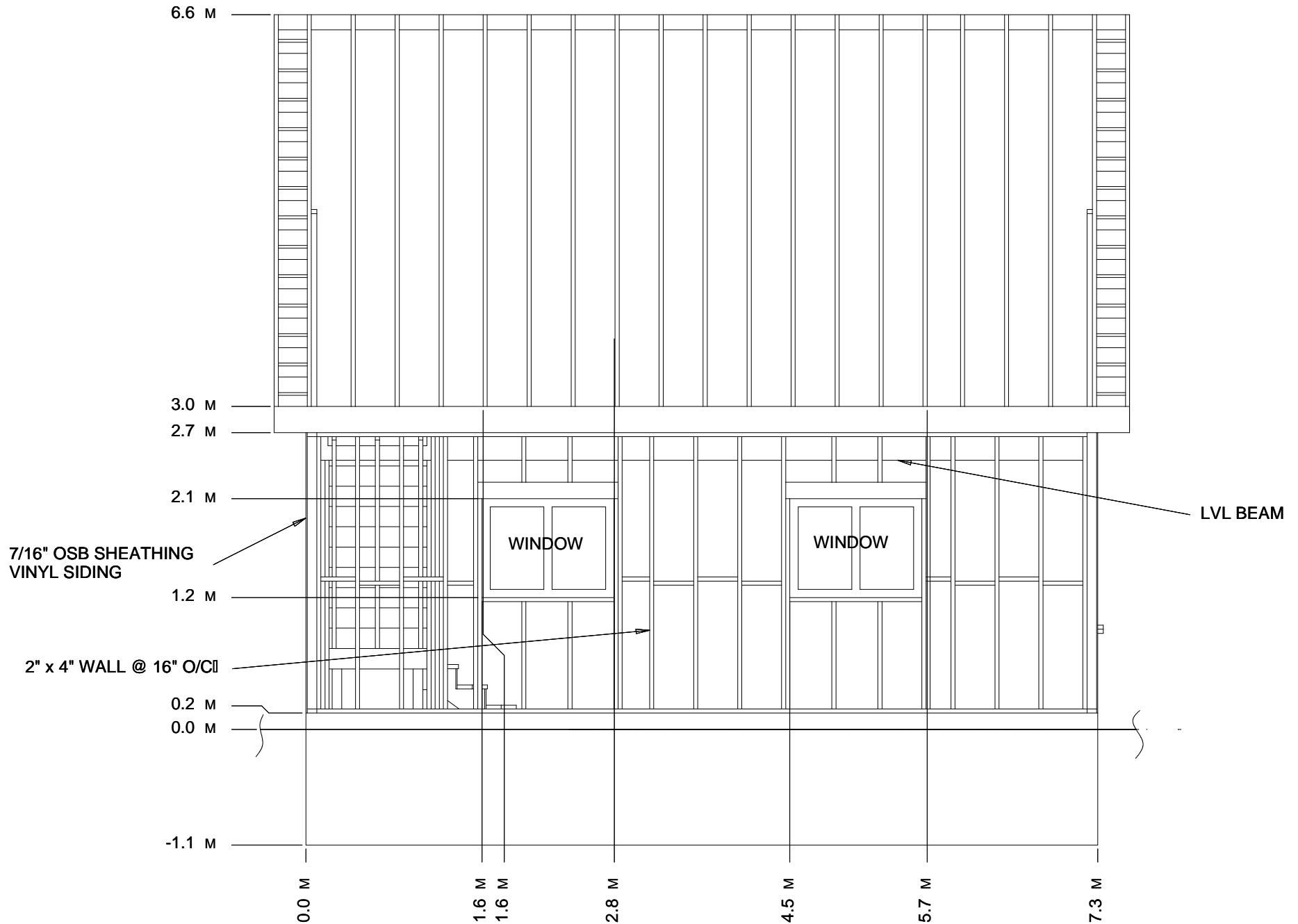
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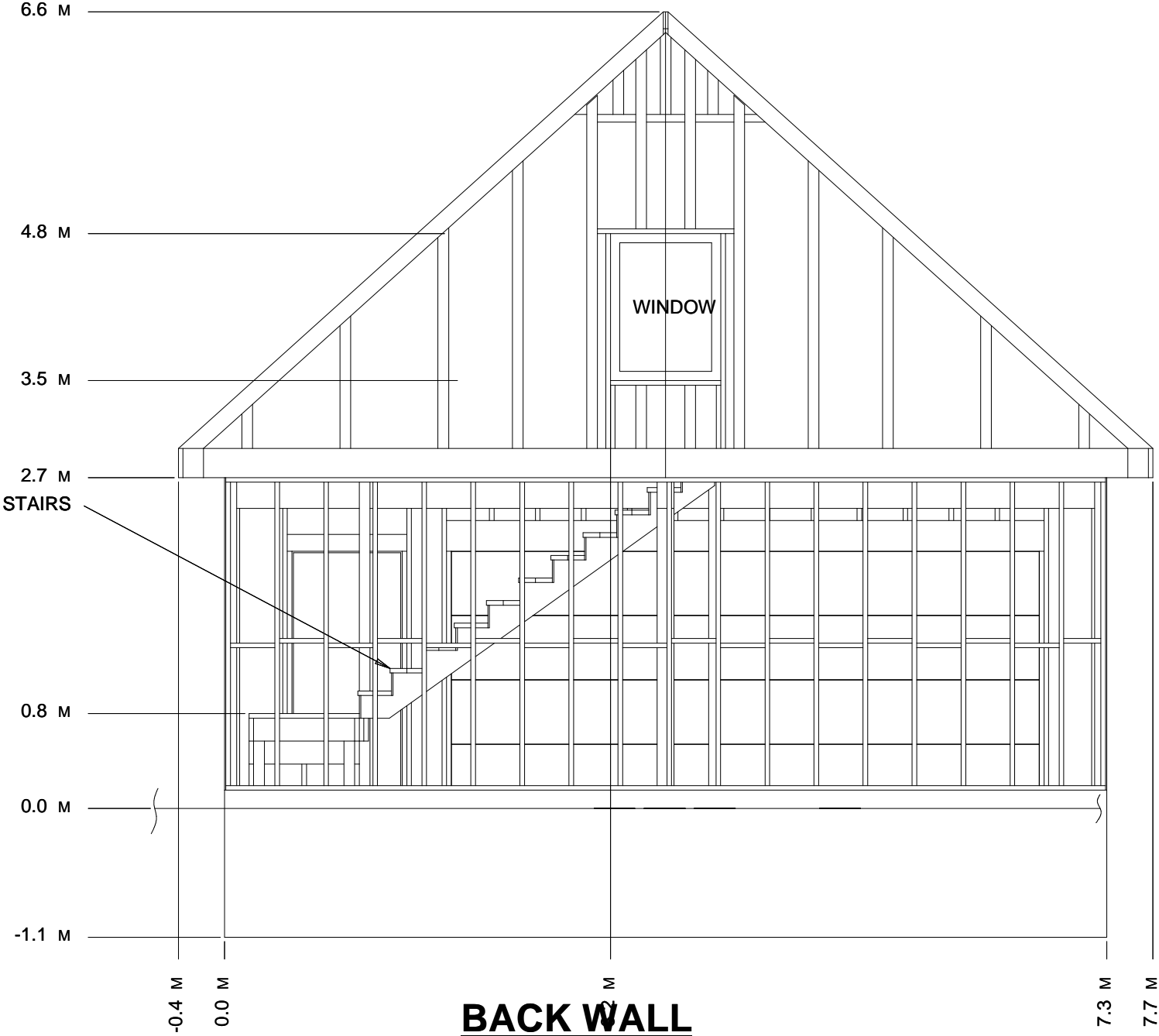
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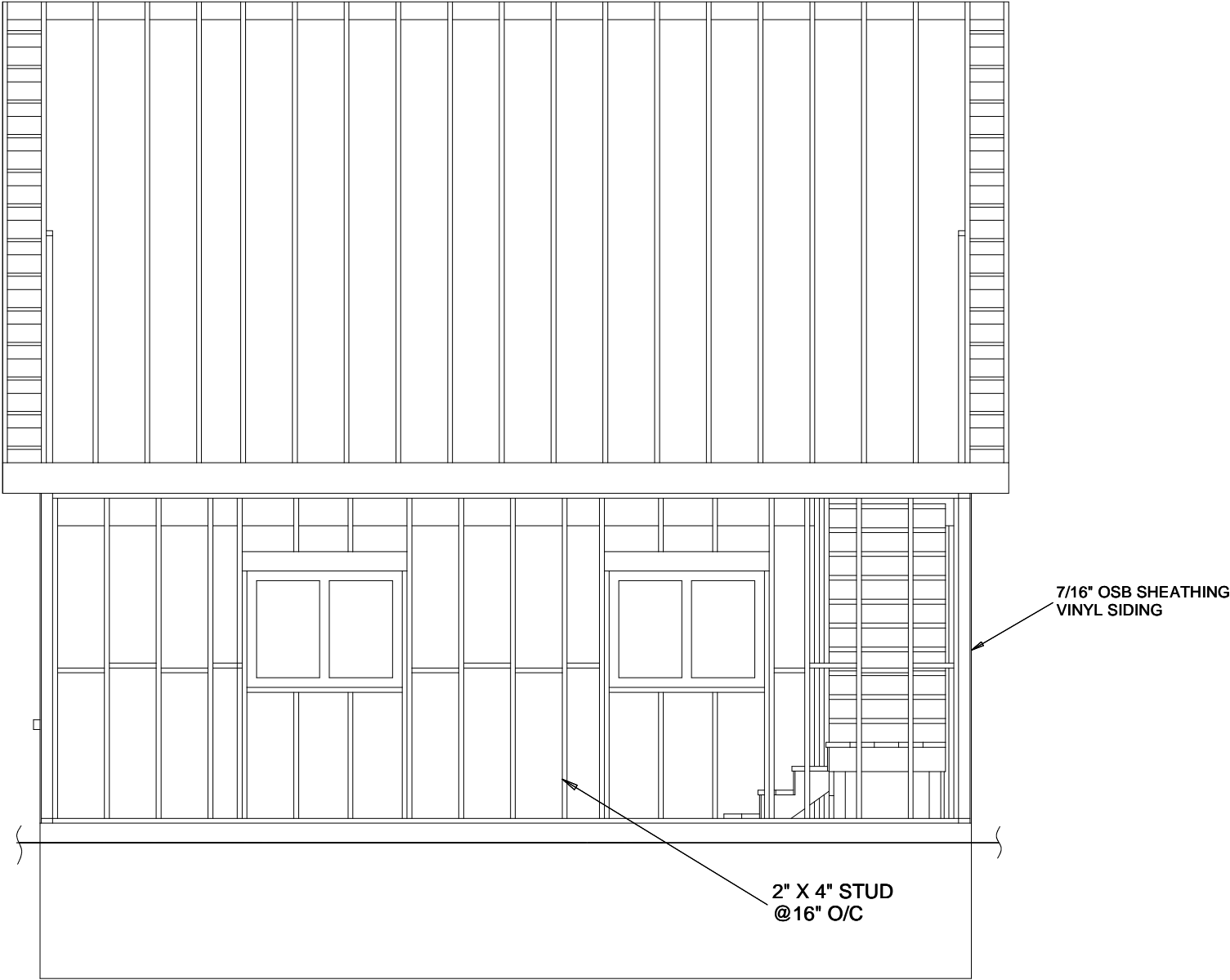


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RIGHT WALL



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/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



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-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

Minutes of the Committee of Adjustment Meeting

Wednesday, July 19, 2023, 6:00 PM

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

Staff Present:
 Planner I Ian Search
 Team Leader - Development Approval Kristina Brcic
 Division Lead – Community Planning Sahar Jamshidi
 Planning Student Paige Docherty

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM. Member Hoffman participated in the meeting from a remote location. All others members participated in person.

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

Michael Hoffman declared that he had a minor variance application on the agenda.

4. Public Meetings under the Planning Act

a. A-23-2023 - 959 Lakeshore Park Road

Anah and Luis Figueiredo (Applicants) were present and had no issues or concerns with the recommendation.

Member McKinlay asked if the dwelling is going to be two storeys. The applicants confirmed that it would be.

69/07/2023

Moved By Member McKinlay

Seconded By Member Prince

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.

Carried Unanimously

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

Hermas and Grace Moison (applicants) were present and had no comments or concerns with the recommendation.

Member Flagler-Wilburn asked if the trees would remain. The applicants confirmed they would.

Member McKinlay asked what was being stored in the buildings and if there would be any odours. The applicants stated that there would be storage of farm equipment and liquid fertilizer that would emit some odour.

Member Prince asked if the storage is open ended. The applicants stated that one of them would be.

70/07/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

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.

Carried Unanimously

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

Sarah Merner and Vincent Desfosses, owners of 135 Rourke Line Road – neighbour south of the subject property – expressed concerns about water retention. During excavation, our fence collapsed, and water is draining into our yard. They are also concerned over the size of the dwelling. They state that on the south side of dwelling, there is a part of the foundation that is much closer than five feet from the lot line.

Ian Search stated that the Planning Recommendation Report includes the requirement for a grading plan if required by the Building Department.

Member Hoffman stated that he thinks the concerns of Sarah and Vincent are legitimate, and he encouraged them to reach out to the Building Department with their concerns.

71/07/2023

Moved By Member Flagler-Wilburn

Seconded By Member Hoffman

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.

Carried Unanimously

d. A-26-2023 - 957 Lakeshore Park Road

Michelle and Jaret Wills (applicants) were present and stated that they no objection or concerns.

72/07/2023

Moved By Member McKinlay

Seconded By Member Prince

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.

Carried Unanimously

e. A-27-2023 - 1406 Caille Ave

Ken and Sheila Camphorst (applicants) stated that the height of the building to the peak will not change whether there are dormers. They stated that between Caille Ave and Shoreline Ave there's about 13 similar garages built, and one currently being built on Caille Ave.

Ian Search stated that the dormers will extend the full length of the proposed building. The height is to be taken from the midpoint of the dormer. Removing the dormers would obtain a more gradual rise to a peak. The appearance of the building in the area as a 2-storey building is the primary concern.

Applicants stated that they plan on making updates and changes to the existing dwelling. They do not agree that the other garages in the neighbourhood are any different. Applicants mentioned how attached garage on neighbouring property is in a similar location and the neighbour may develop a second storey to that garage in the future.

Member McKinlay questioned if the development would meet maximum lot coverage requirements. Ian Search said he talked with the applicants about this, it was determined that a minor variance would not be required for an increase in lot coverage.

Member Hoffman stated that he is of the opinion the minor variance does not pass the four tests under the Planning Act.

73/07/2023

Defer for the applicants to discuss revisions with Community Planning

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Defer Minor Variance Application A/27/2023 to discuss revisions with Community Planning

Carried Unanimously

f. A-28-2023 - 1035 Monarch Meadows Drive

Applicant Michael Hoffman did not have any questions or concerns with the recommendation.

74/07/2023

Approve

Moved By Jeremy Prince

Seconded By Linda McKinlay

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

Carried Unanimously

g. B-12-2023 - 492 County Road 8

Michael Cara (legal council to the applicant) was present to answer any questions and did not express any concerns with the recommendation.

Ian Rawlings (Planner with Town of Essex) was present to answer any questions about the file if needed.

Fabio Reale, a representative of the applicant, was present.

Nancy asked if there is any desire to change the zoning of this property to anything other than institutional. Michael Cara replied that there is a very prescriptive process that the schoolboard must follow when getting rid of surplus land. The land must be offered to public agencies prior to transferring to a private landowner.

Member Prince asked if accesses, emergency accesses, and parking would be affected by the severance. It was explained by Michael Cara and Ian Search that all of the parking and existing accesses associated with the Town of Essex High School would remain on the retained land.

75/07/2023

Approve

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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 that 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

Carried Unanimously

h. B-15-2023 - 16300 County Road 42

Paul Courey (Applicant) was present, and he stated that he had no questions or concerns with the recommendation.

76/07/2023

Approve

Moved By Member McKinlay

Seconded By Member Prince

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.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

77/07/2023

Approve

Moved By Member Flagler-Wilburn

Seconded By Member McKinlay

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

Carried Unanimously

a. June 14 Committee of Adjustment Meeting Minutes

7. New Business

8. Adjournment

78/07/2023

Moved By Michael Hoffman

Seconded By Jeremy Prince

The Committee of Adjustment adjourn its meeting at 7:32 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer