

# Municipality of Lakeshore

## Committee of Adjustment Meeting Agenda

Wednesday, September 13, 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-30-2023 - 1996 South Middle Road

6

**Recommendation:**

Approve minor variance application A/30/2023 to permit an accessory building to have a maximum gross floor area of 237.9 m<sup>2</sup> subject to the following conditions:

The accessory building will be setback a minimum 4.5 metres from side lot lines;

The accessory building will be located in the rear yard;

The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing (Appendix D) submitted with the minor variance application that was deemed complete by Community Planning.

- b. B-31-2023 - 1189 Lakeshore Road 107

22

**Recommendation:**

Approve consent application B/31/2023 to sever a lot with an area of approximately 3,051.33 m<sup>2</sup> (0.754 acres) from 1189 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 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;
- 5) That the applicant confirm that the lot to be created will comply with the minimum distance separation formulae to the satisfaction of the Secretary-Treasurer;
- 6) 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;
- 7) That a Park Fee be imposed on the granting of this Application in the amount subject to the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 8) That the vacant residential lot subject to the certificate of consent cancellation in condition 9 be transferred into the same ownership as the subject property (1189 Lakeshore Road 107);
- 9) That, if required by the Secretary-Treasurer to the Committee of Adjustment, a certificate of consent cancellation be granted by the Committee of Adjustment and registered with respect to the vacant residential lot located adjacent to the subject property to the north on PIN 750110206 (Legal Description: PART LOT 17, CONCESSION 6, WBR, MAIDSTONE, PARTS 1 AND 2, PLAN 12R-13388; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 12R-13388 AS IN MB19396; TOWN OF LAKESHORE), to the satisfaction of the Secretary-Treasurer;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve the issuance of a certificate of consent cancellation for the vacant residential lot located adjacent to the subject property to the north on PIN 750110206 (Legal Description: PART LOT 17, CONCESSION 6, WBR, MAIDSTONE, PARTS 1 AND 2, PLAN 12R-13388; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 12R-13388 AS IN MB19396; TOWN OF LAKESHORE);

a. Certificate of Consent Cancellation Request

The Committee of Adjustment to consider the issuance of a certificate of consent cancellation for the vacant residential lot located adjacent to the subject property to the north on PIN 750110206 (Legal Description: PART LOT 17, CONCESSION 6, WBR, MAIDSTONE, PARTS 1 AND 2, PLAN 12R-13388; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 12R-13388 AS IN MB19396; TOWN OF LAKESHORE);

c. B-32-2023 & B-33-2023 - 9141 Lakeshore Road 305

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**Recommendation:**

Approve consent application B/32/2023 to sever a surplus dwelling with a lot area of approximately 1.513 acres from 9141 Lakeshore Road 305, 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 Community Planning at the Municipality of Lakeshore;
- 2) That the applicant transfer the subject property to a buyer who owns multiple farm holdings, at least one of which contains a dwelling, prior to the stamping of the Deed;
- 3) That the applicant confirm existing municipal services are fronting the lot to be severed to the satisfaction of the Municipality of Lakeshore;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) 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;
- 6) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland to prohibit dwellings and to address any zone regulations (lot area, frontage, etc.);
- 7) 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 Deed;

8) 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;

9) 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;

10) 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;

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

12) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve consent application B/33/2023 to establish an easement over Part 2 on the draft survey in favour of the owner of Part 1 for access, subject to the following conditions:

1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of Community Planning at the Municipality of Lakeshore, including setbacks of any buildings, septic systems, and existing entrances;

2) That all municipal taxes be paid in full prior to the stamping of the Deed; 3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Community Planning at the Municipality of Lakeshore and be forwarded to the Secretary for Stamping;

4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

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



**6. Approval of Previous Meeting Minutes**

**Recommendation:**

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

- a. August 16 Meeting Minutes

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**7. New Business**

- a. Scheduling of future Special Committee of Adjustment Meeting

**8. Adjournment**

**Recommendation:**

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

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



**To:** Chair & Members of Committee of Adjustment  
**From:** Ian Search, BES, Planner I  
**Date:** September 7, 2023  
**Subject:** Minor Variance Application A/30/2023 – 1996 South Middle Road

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### Recommendation

Approve minor variance application A/30/2023 to permit an accessory building to have a maximum gross floor area of 237.9 m<sup>2</sup> subject to the following conditions:

The accessory building will be setback a minimum 4.5 metres from side lot lines;

The accessory building will be located in the rear yard;

The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing (Appendix D) submitted with the minor variance application that was deemed complete by Community Planning.

### Proposal

Community Planning has received a minor variance application for the subject property located on the north side of South Middle Road, east of County Road 27, known municipally as 1996 South Middle Road. The subject property is zoned Hamlet Residential (HR). The north half is designated “Agricultural” in the Lakeshore Official Plan and the south half is designated “Hamlet”.

The subject property is approximately 0.99 acres in area with approximately 30 metres of frontage along South Middle Road. The applicant is proposing a new accessory building on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 237.9 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup>.

The accessory building is proposed to have a 22.63 m<sup>2</sup> (3.1 metre x 7.3 metre) covered lean-to/porch (unenclosed structure), resulting in an overall building footprint of 260.53 m<sup>2</sup>. The proposed use of the building is storage and personal hobby space. A gravel approach/driveway will be established to provide access to the building.

There is currently a dwelling on the property which the applicant has identified as having a building footprint of 266.8 m<sup>2</sup>. This was confirmed to be an accurate estimate using an interactive mapping system available to administration. The applicant indicates that there is an existing “garden shed” on the subject property in their application and on their site plan drawing. This shed was observed in the rear yard during a site visit, along with a second similar shed located further north and roughly the same distance from the east side lot line (Appendix B).

## **Summary**

### Location

The subject property is located on the north side of South Middle Road, east of County Road 27, west of Lakeshore Road 223 known municipally as 1996 South Middle Road. It is approximately 0.99 acres in area with approximately 30.5 metres of frontage along South Middle Road.

### Surrounding Land Uses

The subject property is one of a dozen residential lots located on the northside of South Middle Road at this location. There are single detached dwellings located east and west of the subject property. Albeit the adjacent residential property to the west is currently vacant.

Prime agricultural land is located to the north. Across the street to the south is a single detached dwelling (2019 South Middle Road) and lands zoned HE-3 (Hamlet Employment Exception 3) which permits several commercial and employment uses.

### Official Plan

The subject property is split designated “Agricultural” and “Hamlet” in the Lakeshore Official Plan. The north half is designated “Agricultural”, and the south half is designated “Hamlet”.

### Zoning

The subject property is zoned “Hamlet Residential” (HR) in the Lakeshore Zoning By-law 2-2012.

## **Conclusion**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes 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 Lakeshore Official Plan. The Hamlet Designation policies under Section 6.3 permit low density residential dwellings and accessory uses. The proposal does not conflict with any of the Hamlet Designation policies, nor does it conflict with any of the Agricultural Designation policies under Section 6.2 which also permits a residential dwelling per lot and uses accessory to this permitted use. The accessory building is proposed to be located within the Agricultural Designation on the north half of the subject property.

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. Furthermore, 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 minor variance request does not threaten the physical design characteristics of the surrounding area. The subject property, and most of the residential lots located either side of it, are approximately one acre lots. The proposed accessory building will have a gross floor area of 237.9 m<sup>2</sup> and an overall building footprint of 260.53 m<sup>2</sup> due to a proposed lean-to. This will only result in the building contributing 6.4% lot coverage, while the Zoning By-law permits detached accessory buildings/structures to have a total lot coverage of 15%. Clearly these relatively larger residential lots are conducive to supporting much larger accessory buildings. Indeed, previous minor variances were granted in the immediate area to permit a 167.23 m<sup>2</sup> gross floor area accessory building at 2024 S. Middle Road in 2021 and an 84.6 m<sup>2</sup> gross floor area building at 2028 S. Middle Road in 2019.

The Planner is of the opinion that the proposal conforms to the community design policies of the Official Plan for the following additional reasons: the building footprint will be subordinate to the existing dwelling, the site plan proposes increased setbacks from the east and west property lines, the elevation drawing proposes an accessory building that will have less height (4.7 metres) than what is permitted (5 metres), and the building is proposed to be located at the rear of the subject property.

## 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. The regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> was designed for lots in a typical subdivision.

The lot area of the subject property is eight times greater than the minimum lot area requirement in the R1 zone. It is also double the minimum size of a residential lot zoned HR where sanitary servicing is unavailable. Moreover, the subject property is an infill lot

on South Middle Road and is located among a dozen other residential lots of similar size on the northside of this street. Across the street – south of the subject property – are lands zoned for employment/commercial use. Thus, this neighbourhood does not represent a typical subdivision.

The proposed accessory building will be subordinate to the existing dwelling in terms of massing. Therefore, the proposal maintains the intent of the “accessory” definition in the Zoning By-law.

### Minor

While the request for increased gross floor area greatly exceeds the maximum gross floor area permitted in the Zoning By-law, it is the opinion of the Planner that the variance is minor in nature considering neighbourhood context. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. The Committee should impose the following conditions on approval to ensure overall neighbourhood compatibility and compatibility with neighbouring properties:

- The accessory building will be setback a minimum 4.5 metres from side lot lines;
- The accessory building will be located in the rear yard;
- The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing submitted with the minor variance application that was deemed complete by Community Planning

### Desirability

The requested relief is considered desirable for the appropriate development of the building and land. Neighbourhood compatibility and the appearance of the streetscape can be protected through the recommended conditions. Minor variance approvals have been granted for other oversized accessory buildings in the immediate area.

The proposed use of the building is storage and personal hobby space. In terms of storage, the applicant desires to store a personal vehicle, compact tractor, ATV, fishing boat, camping trailer, and riding lawn mower in the building – among other personal belongings.

The building cannot be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) as such use is not permitted in the Zoning By-law under the HR zone.

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 conditions on any approval of the minor variance:

- The accessory building will be setback a minimum 4.5 metres from side lot lines;
- The accessory building will be located in the rear yard;
- The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing submitted with the minor variance application that was deemed complete by Community Planning.

## **Correspondence**

### External and Internal Agencies

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

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

The Fire Department has expressed that should the space be considered for future use as a suite and/or a business operation, the owner would be required to consult the Lakeshore Fire Services for assessment and direction on potential Fire Code requirements. Full comments can be found in Appendix E. It is noted that business operations (Home Industry, etc.) are not permitted in the accessory building under the Zoning By-law, nor is a dwelling unit. The applicant will have to approach Community Planning for Planning Act approvals if either of those uses are desired on the subject property.

### 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 – Photos  
Appendix C – Drawings  
Appendix D – Operations Department  
Appendix E – Fire Department

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-30-2023 Report .docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Photo.pdf</li><li>- Appendix B - Photos.pdf</li><li>- Appendix C - Drawings.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Fire Department.pdf</li></ul>
Final Approval Date:	Sep 7, 2023

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

**Kristina Brcic - Sep 7, 2023 - 3:56 PM**





## Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- - - PRIV
- PROV
- Municipal Drain
- Name
- ▲ Closed Waste Disposal Site
- Salt Deposits
- Petroleum Resources
- FloodProne
- Lake St Clair
- Inland Floodplain Development
- Flood Prone Preas
- Significant Lands
- Woodlands
- Provincially Significant Wetl
- Candidate Provincially Signi

1: 1,200



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









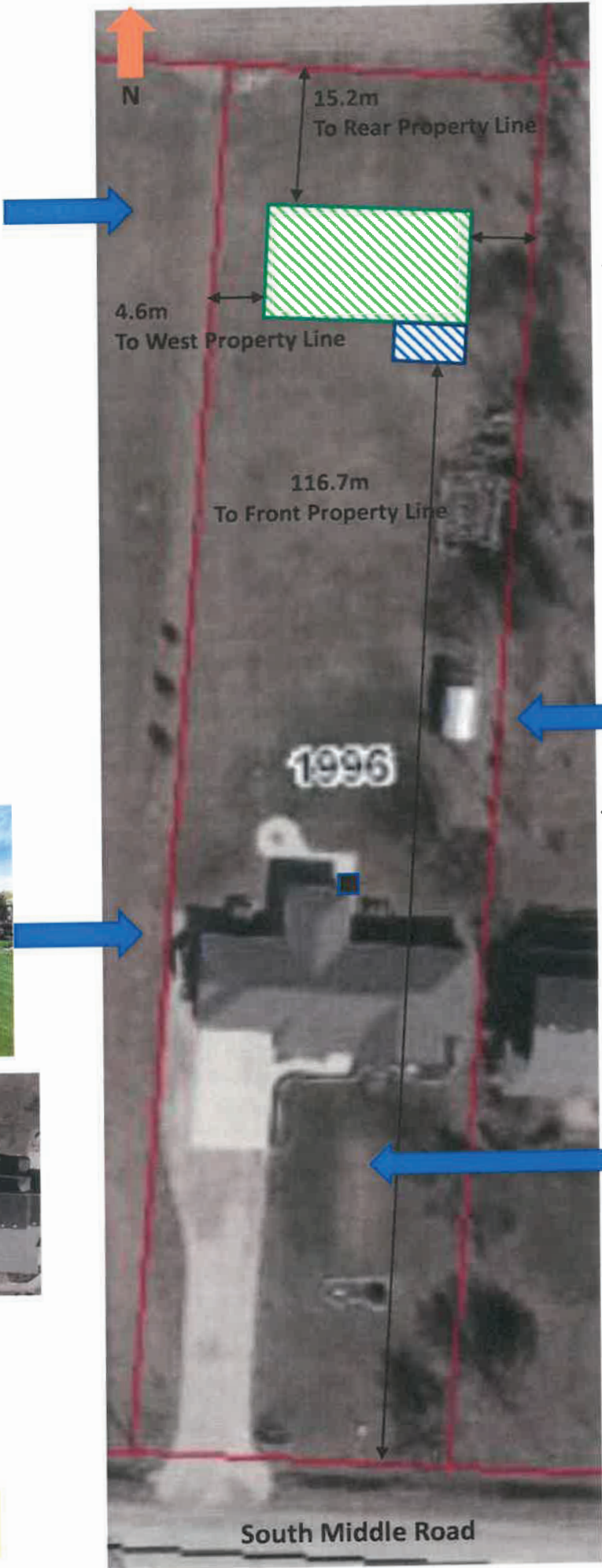
**Proposed**

Pole Barn (Shown in Green)  
12.2m x 19.5m = 237.9sq m  
Covered Porch (Shown in Blue)  
3.1m x 7.3m = 22.63sq m  
Total 260.53sq m



**Existing Dwelling**  
House  
Total 266.8sq m

Dimensions from Municipality of  
Lakeshore Interactive Mapping Service



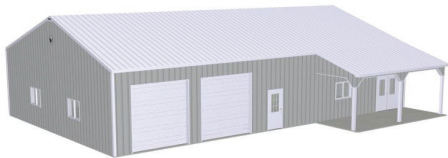
6.1m  
To East Property Line

**Existing Shed**  
3m x 4.9m = 14.7sq r

**Septic System**  
Located in  
Front Yard

South Middle Road

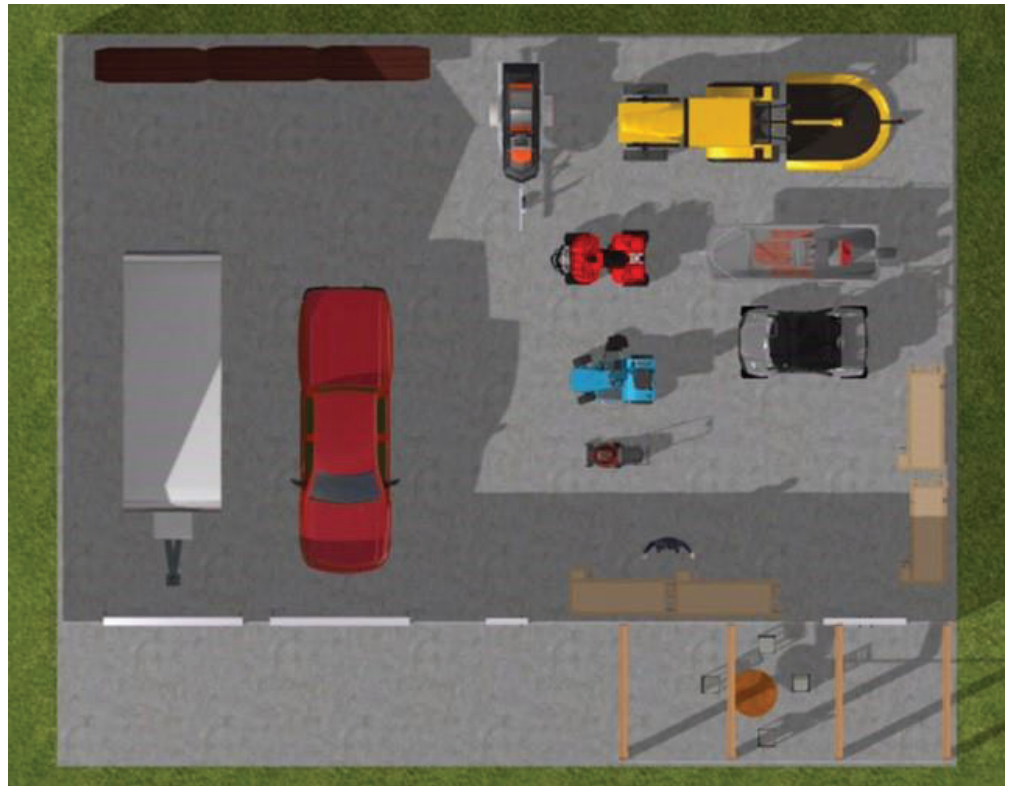
### 1996 South Middle Road



We require enough space for personal hobby and storage use. (No business purpose)

**Storage:** Personal vehicle, compact tractor, ATV/UTV, fishing boat, camping trailer, riding lawn mower, snowblower, etc.

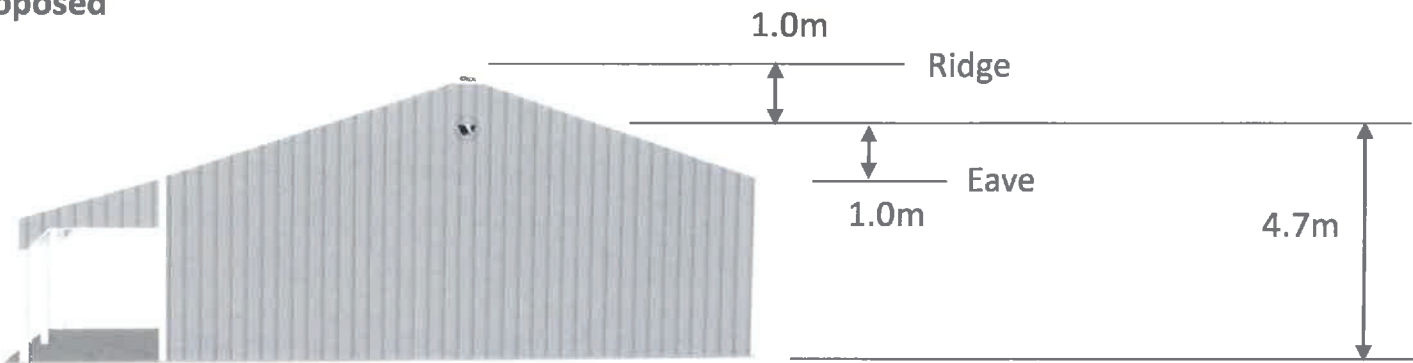
**Hobby:** Workbenches, general woodworking tools, table saw, miter saw, tool-boxes, etc.  
(see layout/floorplan right)



### Interior Rendering

Elevation Drawing

Proposed



Existing Dwelling





## Proposed Gravel Driveway



**Date:** September 1, 2023  
**From:** Sydnee Botham, CET, Engineering Technologist - Development  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment –September 13, 2023 – A/30/2023

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Operations has reviewed A/30/2023 – 1996 South Middle Road application and offer the following comments:

- Construction of the accessory buildings should not adversely impact the rear 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

## Ian Search

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**From:** Don Williamson  
**Sent:** August 21, 2023 2:32 PM  
**To:** Ian Search  
**Subject:** FW: Committee of Adjustment Review - September 13  
**Attachments:** A-30-2023 - Notice for Comments.pdf; B-31-2023 - Notice for Comments.pdf; B-32 & 33-2023 - Notice for Comments.pdf  
  
**Importance:** High

### A-30-2023:

- The submission identifies that the structure is intended for storage and personal hobby space. Should the space be considered for future use as a suite and/or a business operation, the owner would be required to consult the Lakeshore Fire Services for assessment and direction on potential Fire Code requirements.
- Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

[REDACTED]

[REDACTED]

Thanks for the opportunity to comment.

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

[REDACTED]

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**From:** Ian Search [REDACTED]  
**Sent:** Friday, August 18, 2023 3:11 PM  
**To:** [REDACTED]

**Subject:** Committee of Adjustment Review - September 13  
**Importance:** High

Good Afternoon,



Please see attached Notice for Comments for your review for the September 13<sup>th</sup> Committee of Adjustment meeting.

Please submit any comments on these files to me no later than **September 1<sup>st</sup>** via email

**Please cc and send your comments to Gisele Pillon as well (in addition to me). I will be away from the office from Aug 22 to Sept 4 inclusive**

Please note that B-32-2023 and B-33-2023 are separate files with respect to the same property, and have been combined in a single notice for comment.

Thank you,

**Ian Search**

**Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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# 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:** September 7, 2023

**Subject:** Consent Application B/31/2023 – 1189 Lakeshore Road 107

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### Recommendation

Approve consent application B/31/2023 to sever a lot with an area of approximately 3,051.33 m<sup>2</sup> (0.754 acres) from 1189 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 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;
- 5) That the applicant confirm that the lot to be created will comply with the minimum distance separation formulae to the satisfaction of the Secretary-Treasurer;
- 6) 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;
- 7) That a Park Fee be imposed on the granting of this Application in the amount subject to the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 8) That the vacant residential lot subject to the certificate of consent cancellation in condition 9 be transferred into the same ownership as the subject property (1189 Lakeshore Road 107);

9) That, if required by the Secretary-Treasurer to the Committee of Adjustment, a certificate of consent cancellation be granted by the Committee of Adjustment and registered with respect to the vacant residential lot located adjacent to the subject property to the north on PIN 750110206 (Legal Description: PART LOT 17, CONCESSION 6, WBR, MAIDSTONE, PARTS 1 AND 2, PLAN 12R-13388; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 12R-13388 AS IN MB19396; TOWN OF LAKESHORE), to the satisfaction of the Secretary-Treasurer;

10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Approve the issuance of a certificate of consent cancellation for the vacant residential lot located adjacent to the subject property to the north on PIN 750110206 (Legal Description: PART LOT 17, CONCESSION 6, WBR, MAIDSTONE, PARTS 1 AND 2, PLAN 12R-13388; SUBJECT TO AN EASEMENT OVER PART 2, PLAN 12R-13388 AS IN MB19396; TOWN OF LAKESHORE);

### **Purpose**

The Municipality of Lakeshore has received an application for a lot creation for the property known as 1189 Lakeshore Road 107, located at the northwest corner of Lakeshore Road 107 and Highway 401. The subject property is designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture (A)" in the Lakeshore Zoning By-law 2-2012. The lot to be created will include the existing dwelling and accessory building currently located on the subject property.

In addition, the applicant is requesting that the Committee of Adjustment issue a certificate of consent cancellation for a vacant residential lot located adjacent to the subject property and south of 1165 Lakeshore Road 107 – an aerial photo labeling this existing lot is attached (Appendix C). The owner wishes to cancel the consent that was issued on August 4, 1993 for this vacant residential lot, and apply for the lot creation proposal. If the Committee approves the consent cancellation, the vacant lot will merge with the subject property/farm parcel.

The subject property (1189 Lakeshore Road 107) is approximately 49.68 acres (20.1 hectares). The proposed residential lot will be approximately 0.754 acres (3,051.33 m<sup>2</sup>) in area with approximately 46.94 metres (154 feet) of frontage along Lakeshore Road 107. The vacant residential lot subject to the proposed consent cancellation is approximately 1,986.08 m<sup>2</sup>. Therefore, following the proposed lot creation and consent cancellation the area of the subject property will be approximately 19.99 hectares.

## Summary

### Surrounding Land Uses

North: Agriculture and rural residential lots

East: Agriculture and rural residential lots

West: Agriculture

South: Highway 401 and Agriculture

### Provincial Policy Statement (PPS 2020)

Section 2.3.4.2 of the PPS states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. “Legal or technical reasons” is defined in the PPS as severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

It is the opinion of the Planner that the proposal is consistent with this section of the PPS. The proposal is considered a minor boundary adjustment if the Committee approves the issuance of a certificate of consent cancellation for the vacant residential lot adjacent to the subject property and imposes its registration as a condition of approving the proposed lot creation. Registration of the consent cancellation will merge the rural residential lot with the farm parcel if the lands are under the same ownership. Confirmation that the lands are under the same ownership and have merged on title will need to be made a condition of consent approval. If this occurs, the Planner is of the opinion that the proposed lot creation can be interpreted as the relocation of a lot, rather than the creation of a new residential lot which is prohibited in the PPS.

It is noted that the lot to be created will be larger than the vacant residential receiving the consent cancellation - 3,051.33 m<sup>2</sup> compared to 1,986.08 m<sup>2</sup>. The minimum lot area in the Zoning By-law for a residential lot zoned Agriculture is 3,000 m<sup>2</sup> to conveniently accommodate a private septic system and building/structures common to the rural area. The difference in lot area is part of the proposed adjustment, complies with zoning regulations, and is deemed appropriate.

Section 2.3.3.3 of the PPS states that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae – a guideline developed by the province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. The Committee should impose a condition on the approval of the proposed lot creation requiring confirmation that the lot will comply with the minimum distance separation formulae to the satisfaction of the Secretary-Treasurer. It is noted that the applicant has indicated that there are no existing livestock facilities on the severed or retained lot.

## Official Plan

Section 6.2.3 of the Lakeshore Official Plan states that a consent to sever may be granted for the following purposes: 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.

Likewise, the County of Essex Official Plan contains a similar policy with respect to lands designated Agricultural: "lot creation in the "Agricultural" designation is discouraged and will only be permitted in accordance with Provincial Policy, local Official Plan policies and the following: e) 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 also permitted. In order to maintain County-wide consistency in the implementation of this policy, lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels".

For reasons already mentioned, the proposal can be interpreted as a minor boundary adjustment rather than the creation of a "new" lot when it is combined with the approval of the consent cancellation for the vacant residential lot. It is the opinion of the Planner that the proposal conforms to the Lakeshore and County of Essex Official Plan.

## Zoning:

The subject property and the rural residential lot receiving the consent cancellation are zoned "Agriculture (A)". The rural residential lot subject to the proposed consent cancellation is approximately 1,986.08 m<sup>2</sup>. This area is deficient under the current Zoning By-law which requires a minimum lot area of 3,000 m<sup>2</sup>. The lot to be created will have an area of 3,051.33 m<sup>2</sup> and will comply with the Agriculture Zone Regulations. The retained land will meet minimum frontage and area requirements following consent cancellation and lot creation.

## **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 Operations Department states that a new access bridge will have to be installed under the Drainage Act to provide separate access to the farm parcel. This will require an entrance permit and will need to comply with the Corridor Management and Access Control Policy and the Municipality's Development Manual. Full comments can be found in Appendix D.

Essex Region Conservation Authority had no objection to the proposal. Full comments can be found in Appendix E.

The Ministry of Transportation states that they have no concerns with the lot creation proposal. Any new construction will require MTO review/permits. Full comments can be found in Appendix F.

#### Public Notice Circulation

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

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

Appendix A – Aerial Map  
Appendix B – Photos  
Appendix C – Drawing & Survey  
Appendix D – Operations Department  
Appendix E – ERCA  
Appendix F – MTO

#### **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-31-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Photos.pdf</li><li>- Appendix C - Drawing and Survey.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - ERCA.pdf</li><li>- Appendix F - MTO.pdf</li></ul>
Final Approval Date:	Sep 8, 2023

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

**Kristina Brcic - Sep 8, 2023 - 2:38 PM**





## Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- ▲ Closed Waste Disposal Site
- Salt Deposits
- Petroleum Resources
- FloodProne
- Lake St Clair
- Inland Floodplain Development
- Flood Prone Preas
- Significant Lands
- Woodlands
- Provincially Significant Wetlands
- Candidate Provincially Significant

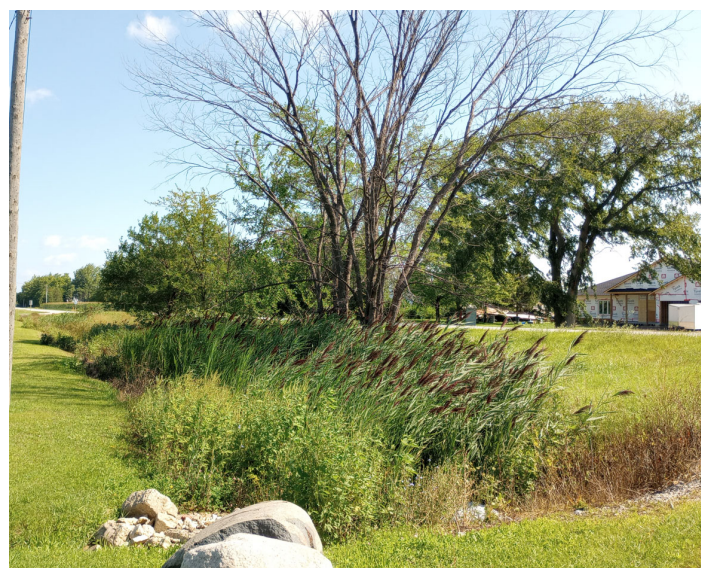
1: 4,175

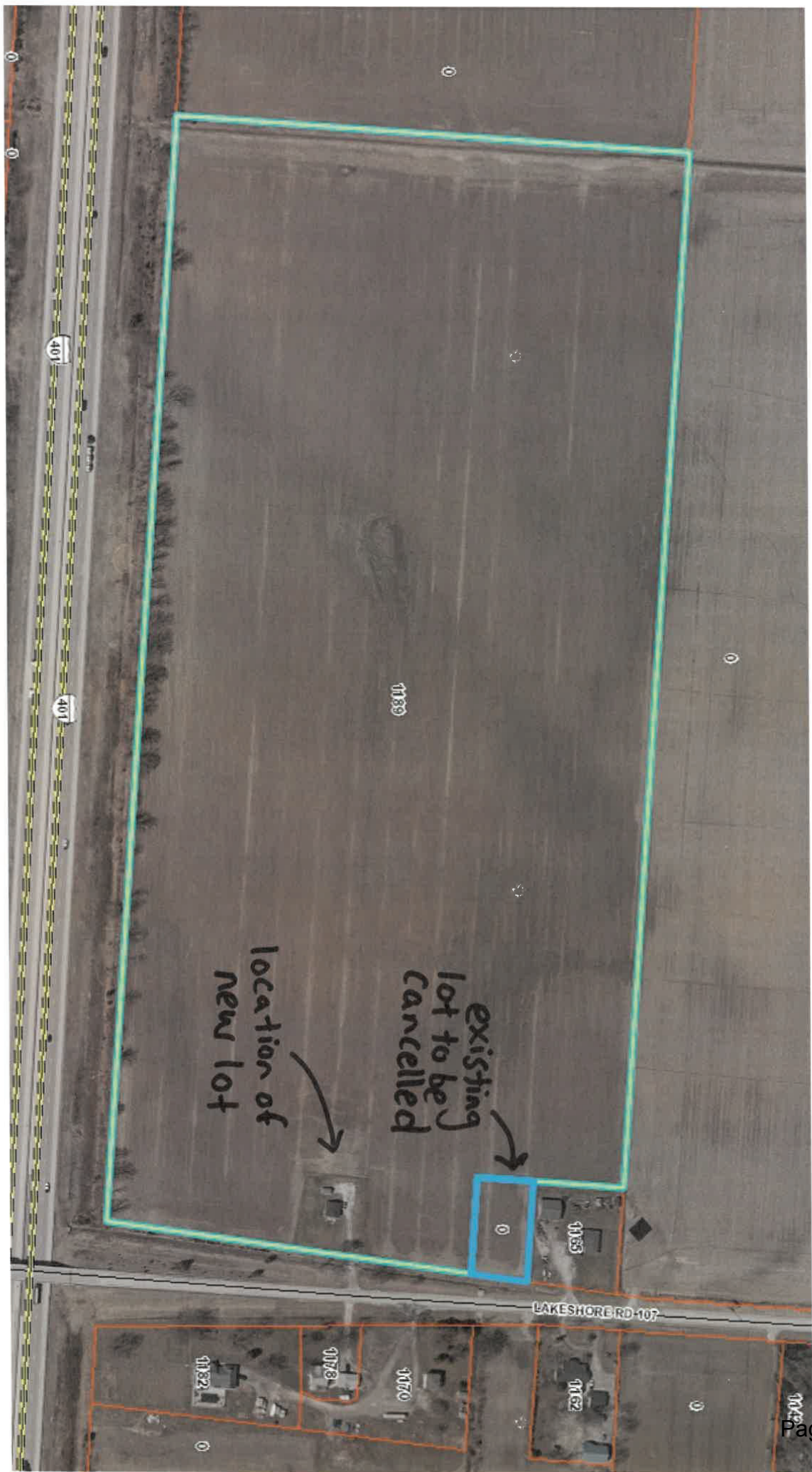


Notes:

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









# INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).		
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) 0.0REG 216/10		
POINT ID	NORTHING	EASTING
GRP-A	N15347451.74	E1151859.67
GRP-B	N15348471.86	E1152002.53
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPARISON, A ROTATION OF 1° 12' 10" CLOCKWISE WAS APPLIED TO (P), (P1) TO CONVERT TO GRID BEARINGS.

DRAFT SURVEY OF NEW LOT TO BE CREATED

**"IMPERIAL"**  
Distances and coordinates shown on this plan are in feet and can be converted to metres by multiplying by 0.3048



PARTS SCHEDULE				
PART	LOT	CON	P.L.N.	AREA
1	PART OF LOT 17	CONCESSION 6 WEST OF BELLE RIVER	75011-0207	0.754 Acres

KNOWN AS **6th CONCESSION ROAD**  
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 5 AND 6, WEST OF BELLE RIVER)

Part 18, Plan 12R-686

SUBJECT TO AN EASEMENT AS MB19396

P.L.N. 75011-0195

1030.22'

366.87'

213.325'

70.4'

842.92' (M)

832.67' (P)

1154.00'

76.4'

74.5'

59.3'

57.5'

46.6'

45.6'

84.6'

86.0'

154.00'

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

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N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

N07°58'20"E

SEVERED AREA = 0.754 Acres  
(NOT VERIFIED BY THIS SURVEY)

RETAINED AREA = ±48.916 Acres  
(NOT VERIFIED BY THIS SURVEY)

## PLAN OF SURVEY

OF  
PART OF LOT 17,  
CONCESSION 6 WEST OF BELLE RIVER  
GEOGRAPHIC TOWNSHIP OF MADDISON  
NOW IN THE  
MUNICIPALITY OF LAKESHORE  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN LAND SURVEYORS - A DIVISION OF J. D. BARNES LIMITED.

SCALE : 1"=20'  
0 10.0 20.0 40.0 60.0 80.0 100.0 FEET

THE INTENDED PLOT SIZE OF THIS PLAN IS 24" IN WIDTH BY 18" IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=20'.

LEGEND AND NOTES  
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999846.

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 525/91.

■ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT SET  
SSIB DENOTES STANDARD IRON BAR  
IB DENOTES IRON BAR  
PB DENOTES PLASTIC BAR  
WT DENOTES WITNESS  
M DENOTES MEASURED  
S DENOTES SET  
J DENOTES PERPENDICULAR  
D DENOTES DEED  
OU DENOTES ORIGIN UNKNOWN  
ORP DENOTES OBSERVED REFERENCE POINT  
(P) DENOTES PLAN 12R-13388  
(P1) DENOTES PLAN 12R-686  
(JDB) DENOTES J.D. BARNES LIMITED  
(1744) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO  
(WTO) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO  
(1201) DENOTES CLARKE SURVEYORS INC., O.L.S.

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 10th DAY OF MAY, 2023.

DATE \_\_\_\_\_ ALEC S. MANTHA  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AQLS PLAN SUBMISSION FORM NUMBER 2206800.

**VERHAEGEN**  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
944 OTTAWA STREET, WINDSOR, ON, N9X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: A.J.M.	CHECKED BY: OLS	REFERENCE NO.: 23-47-178-00
FILE: 23-47-178-00.dwg	E-MAID-6WBR-17	CAD Date: May 24th, 2023 CAD File: 23-47-178-00.dwg

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

---

Operations has reviewed B/31/2023 – 1189 Lakeshore Road 107 application and offer the following comments:

- Any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Corridor Management and Access Control Policy and the Municipality's Development Manual.
- Retained lands shall be subject to Water Buy-In fee according to Lakeshore's current Tariff of Fees by-law at the time of servicing.
- A new access bridge will have to be installed under the Drainage Act as they will not have access to the severed parcel otherwise (farm parcel).

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

Sydnee Botham, CET, rcji

Engineering Technologist – Development



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 23, 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: 1189 LAKESHORE RD 107

ARN 375116000000100; PIN: 750110207

Applicants: COLANTONIO NUNZIO, MARC COLANTONIO, KRISTOPHER ENNIS, NANCY COLANTONIO

The Municipality of Lakeshore has received Application for Consent B-31-2023 to create a new residential lot on the subject lands. The new lot to be created will include the existing dwelling and accessory building currently located on the subject property. The new lot has an area of approximately 0.754 acres. The applicant is also requesting that the Committee of Adjustment issue a certificate of consent cancellation for a vacant residential lot adjacent to the subject property. The owner wishes to cancel the consent that was issued on August 4, 1993 for this vacant residential lot.

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

## **FINAL RECOMMENDATION**

ERCA has no objection to Consent B-31-2023. As noted above, the property owner will be required to obtain a Permit 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*.

Mr. Ian Search  
August 23, 2023

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

Sincerely,



Alicia Good

*Watershed Planner*

/ag

**From:** [Mentley, Ryan \(MTO\)](#)  
**To:** [Ian Search](#)  
**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September  
**Date:** September 5, 2023 12:51:10 PM  
**Attachments:** [B-32-2023 - Notice of Public Meeting.pdf](#)  
[B-33-2023 - Notice of Public Meeting.pdf](#)  
[B-31-2023 - Notice of Public Meeting.pdf](#)

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

Hi Ian,

Thank you for circulating the Ministry of Transportation (MTO). MTO has reviewed the submission and provides the following comments.

[REDACTED]

**1189 Lakeshore Road 107**

No concerns with the creation of a new lot.

Any new construction will require MTO review/permits.

Please let me know if you have any questions.

Regards,

**Ryan Mentley**

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

[REDACTED]

---

**From:** Ian Search [REDACTED]  
**Sent:** September 5, 2023 11:28 AM  
**To:** Mentley, Ryan (MTO) [REDACTED]  
**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September  
**Importance:** High

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

Hi Ryan,

Please see below. Could you please send me any comments you have on these files to me by end of day?

Regards,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

[REDACTED]

---

**From:** Ian Search

**Sent:** Monday, August 21, 2023 2:26 PM

**To:** Mentley, Ryan (MTO) [REDACTED]

**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September

Hi Ryan,

Attached are the official public meeting notices for each Sept Committee of Adjustment application for your records.

Regards,

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

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

[REDACTED]

---

**From:** Ian Search

**Sent:** Friday, August 18, 2023 3:43 PM

**To:** Mentley, Ryan (MTO) [REDACTED]

[REDACTED]

**Subject:** Committee of Adjustment Applications - Lakeshore - September

Good Afternoon,



Please see attached Notice for Comments for your review for the September 13<sup>th</sup> Lakeshore Committee of Adjustment meeting.

Please submit any comments on these files to me no later than **September 1<sup>st</sup>** via email

**Please cc and send your comments to Gisele Pillon as well (in addition to me). I will be away from the office from Aug 22 to Sept 4 inclusive**

Please note that B-32-2023 and B-33-2023 are separate files with respect to the same property and have been combined in a single notice for comment.

Thank you,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning



The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.

# 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:** September 7, 2023  
**Subject:** Consent Application B/32/2023 & B/33/2023 – 9141 Lakeshore Road 305

---

### Recommendation

Approve consent application B/32/2023 to sever a surplus dwelling with a lot area of approximately 1.513 acres from 9141 Lakeshore Road 305, 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 Community Planning at the Municipality of Lakeshore;
- 2) That the applicant transfer the subject property to a buyer who owns multiple farm holdings, at least one of which contains a dwelling, prior to the stamping of the Deed;
- 3) That the applicant confirm existing municipal services are fronting the lot to be severed to the satisfaction of the Municipality of Lakeshore;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) 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;
- 6) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland to prohibit dwellings and to address any zone regulations (lot area, frontage, etc.);
- 7) 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 Deed;

8) 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;

9) 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;

10) 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;

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

12) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve consent application B/33/2023 to establish an easement over Part 2 on the draft survey in favour of the owner of Part 1 for access, subject to the following conditions:

1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of Community Planning at the Municipality of Lakeshore, including setbacks of any buildings, septic systems, and existing entrances;

2) That all municipal taxes be paid in full prior to the stamping of the Deed;

3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Community Planning at the Municipality of Lakeshore and be forwarded to the Secretary for Stamping;

4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 14, 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 at the property known as 9141 Lakeshore Road 305, located north of Highway 401 and east of County Road 35/Comber Sideroad. 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 10.11 ha (25 acres) in area with approximately 124 metres of frontage along Lakeshore Road 305. The property currently contains a residential dwelling, a detached garage and a large accessory building. The residential dwelling is considered surplus to a farming operation, and the applicants are proposing

to sever the surplus dwelling and accessory buildings from the farm property for the creation of one lot (file: B/32/2023).

The proposed lot will have approximately 86.26 metres (283 feet) of frontage along Lakeshore Road 305 and will be approximately 1.513 acres in lot area – Part 1 on the attached Draft Survey (Appendix C). The retained lot will have approximately 38.85 metres (127.49 feet) of frontage along Lakeshore Road 305 and will be approximately 9.51 hectares (23.5 acres) in lot area following the severance.

The Committee of Adjustment will need to impose a condition on any consent approval to rezone the retained land to prohibit dwellings and to recognize the deficient lot area and frontage of the retained land.

The applicant is also applying for an easement (file: B/33/2023) in favour of the owners of the future severed lot over a portion of the retained land – Part 2 on the draft survey (easement land). The easement is in favour of the future owner of the severed lot to use this land to access the large accessory building on the severed lot – west of the dwelling. The existing access from Lakeshore Road 305 over the easement land will be shared between the owner of the severed lot and the owner of the retained land. The easement land is approximately 0.146 acres.

## **Summary**

### Location:

The subject property is located north of Highway 401, east of County Road 35/Comber Sideroad, and south of County Road 42, known municipally as 9141 Lakeshore Road 305.

### Surrounding Land Uses:

North: Agriculture  
West: Agriculture and rural residential lots  
East: Agriculture and rural residential lots  
South: Highway 401 and Agriculture

### Provincial Policy Statement

## **B/32/2023**

The applicant has entered into a purchase of sale agreement with a farmer who owns multiple farm holdings. The farmer will transfer the lot to be severed to the applicant following their purchase of the subject property. The buyer owns at least one other farm holding that supports a dwelling, so the dwelling on the subject property is rendered surplus to an operation. The proposed surplus farm severance is consistent with Section 2.3.4.1 c) lot creation in prime agricultural areas:

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 lot to be severed, as depicted on the draft survey, will incorporate a private septic system, dwelling and two accessory buildings on the subject property. It will also include a portion of driveway leading from an access located west of the proposed severed lot for the purposes of facilitating an easement/mutual access with the retained farmland (File: B/33/2023). Little to no cultivated farmland will be incorporated in the severed lot. As a condition of consent approval, the applicant will need to rezone the retained land to prohibit new dwellings in accordance with the PPS.

### **B/33/2023**

Section 2.3.4.2 of the PPS states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons to mean severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The proposed easement land will provide mutual access from Lakeshore Road 305 between the owner of the proposed severed lot and the owner of the retained farmland. While the proposed severed lot will have its own independent access from Lakeshore Road 305 located on the east side of the lot, the proposed easement will provide direct and convenient access to the large shed located west of the dwelling on the severed lot. According to the applicant, this building is used for the repair and storage of the applicant's own vehicles and equipment.

It appears that it would be challenging/inconvenient to approach the building from the east access given that a private septic system is in the front yard north of the dwelling and there is minimal space east and south of the dwelling due to an existing garage and amenity space. For this reason, it is the opinion of the Planner that the proposed easement has technical justification and is consistent with the PPS.

### Official Plan

### **B/32/2023**

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 areas designated Agricultural 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 lot creation proposal conforms to this section of the Official Plan. 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. As a condition of lot creation approval, the remnant farm parcel will need to be rezoned to prohibit the construction of any additional dwellings.

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.

### **B/33/2023**

In areas designated Agricultural, Section 6.2.3 e) of the Lakeshore Official Plan permits consents 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. This policy is echoed under Section 3.3.3.4 e) of the County of Essex Official Plan.

The subject property is located on a Rural Collector Road. Section 7.2.2.1.10 of the Lakeshore Official Plan states that these roads are designed to primarily provide access to individual properties throughout areas of low density and low development activity. Subsection c) states that the Municipality will “address the adequacy of sight distances related to the road alignment and will avoid multiple individual access points when reviewing development applications on Rural Collector Roads”. The proposed easement will help mitigate the potential construction of multiple individual access points. If the easement is not established, the applicant may be inclined to construct a second access bridge along the frontage of the severed lot for convenient access to the accessory building. Development of this second access would be permitted under the Zoning By-law.

Section 8.3.5.2 c) i) of the Lakeshore Official Plan states that the lot to be retained and the lot to be severed will have frontage on and access to an open, improved public road which is maintained on a year-round basis. The severed lot and retained land will have independent frontage on Lakeshore Road 305, and each parcel will have legal access to this street regardless of whether the proposed easement is approved.

## Zoning

The subject property is approximately 10.11 hectares (25 acres) in area with approximately 124 metres of frontage along Lakeshore Road 305. The retained lot will have approximately 38.85 metres (127.49 feet) of frontage along Lakeshore Road 305 and will be approximately 9.51 hectares (23.5 acres) in lot area following the severance.

The Zoning By-law requires a farm parcel to have a minimum lot area of 19 hectares and a minimum lot frontage of 75 metres. Therefore, the Zoning By-law Amendment that will rezone the retained lot to prohibit dwellings as a condition of consent approval, will also need to recognize the deficient area and frontage of this lot that will result from the severance.

The severed lot will meet the minimum lot frontage and area requirements in the Zoning By-law. A draft survey has been provided with the application confirming its compliance with zone regulations.

## **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 has expressed that reciprocal access agreements are not typical for municipal drainage access bridges. It is recommended by Lakeshore's Drainage Superintendent that each parcel (retained and severed) maintain its own separate access bridge to Lakeshore Road 305. This recommendation will mitigate any future by-law or drainage work cost disputes on the shared driveway/access bridge. Furthermore, sharing the access bridge between residential use and agricultural use may negate/jeopardize the property's eligibility for grant funding from OMAFRA for future repairs, maintenance, and upgrades to the access bridge.

In response to these comments, the Committee of Adjustment should impose a condition on any approval of the easement/mutual access requiring an easement agreement to be prepared and registered on title to the satisfaction of Community Planning. This department will consult with Legal Affairs and the Drainage Superintendent in their review of the agreement. The applicant will need to hire a solicitor to prepare an agreement that is congruent with the Drainage Act and clearly details future drainage work costs between the parties – including, but not limited to, repairs/replacement, maintenance, and upgrades to the access bridge. The easement can only be registered/finalized if the agreement effectively addresses all issues to the satisfaction of the municipality.

The Operations Department has also stated that a drain apportionment agreement will be required for the severance. This requirement is a standard condition imposed on lot

creation consents. Lastly, they state that confirmation is needed that all existing municipal services and septic system for the dwelling are fronting/contained within Part 1. The applicant has confirmed that the septic system is in front of the dwelling on the lot to be severed, and they will be able to contact the municipality for locates with respect to their water service. Full comments from the Operations Department can be found in Appendix D.

The Ministry of Transportation and Essex Region Conservation Authority stated that they had no objection to the proposal. Full comments can be found in Appendix F and Appendix E respectively.

## **Conclusion**

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

## **Public Notice Circulation**

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

## **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Photos  
Appendix C – Survey  
Appendix D – Operations Department  
Appendix E – ERCA  
Appendix F – MTO

## **Prepared by:**



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Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	B-32-2023 and B-33-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Photos.pdf</li><li>- Appendix C - Survey.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - ERCA.pdf</li><li>- Appendix F - MTO.pdf</li></ul>
Final Approval Date:	Sep 7, 2023

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

**Kristina Brcic - Sep 7, 2023 - 4:14 PM**



9141 Lakeshore Road 305



Legend

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

1: 7,959



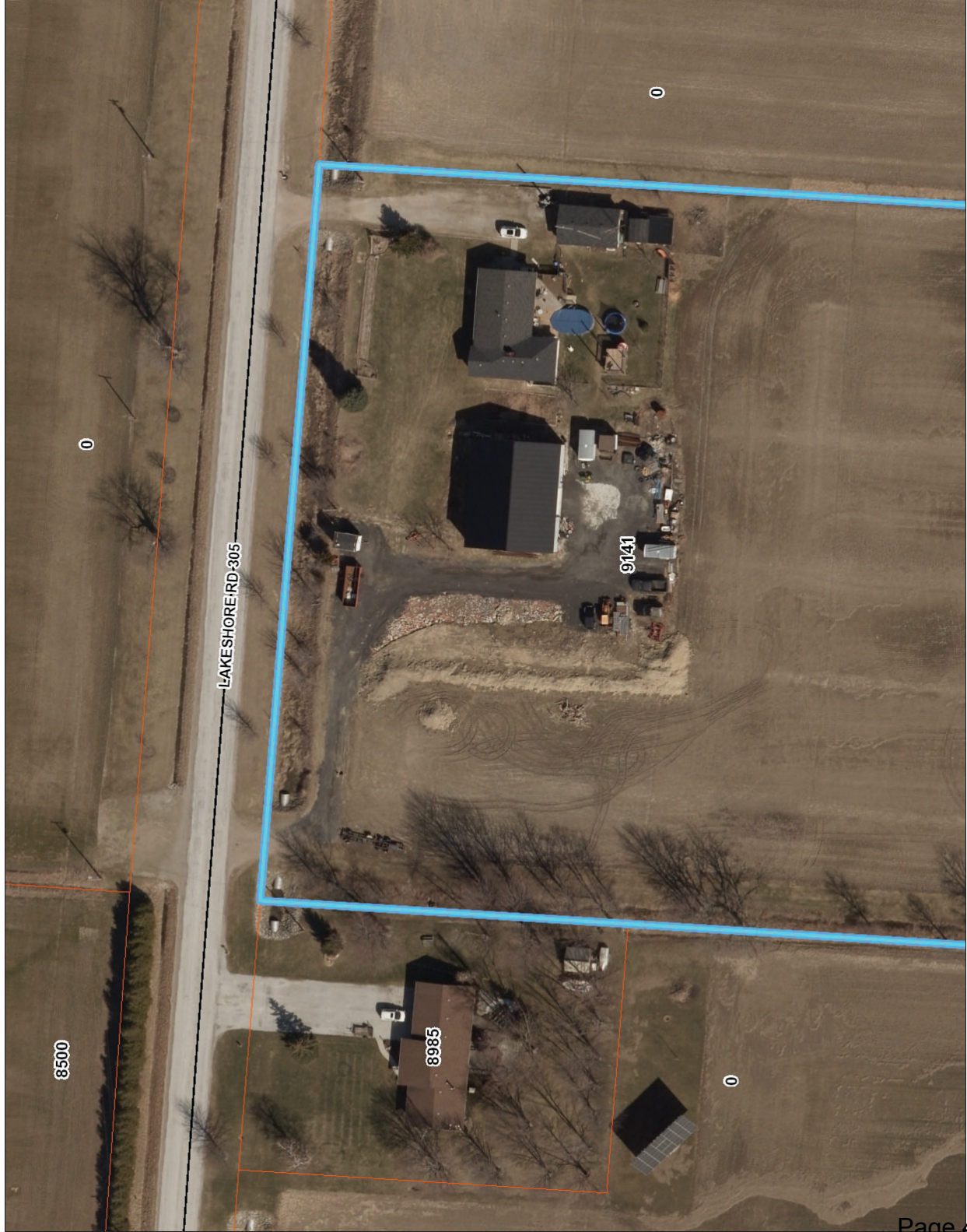
Notes:

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 complete. THIS MAP IS NOT TO BE USED FOR NAVIGATION





9141 Lakeshore Road 305



Legend

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

1: 995



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. THIS MAP IS NOT TO BE USED FOR NAVIGATION









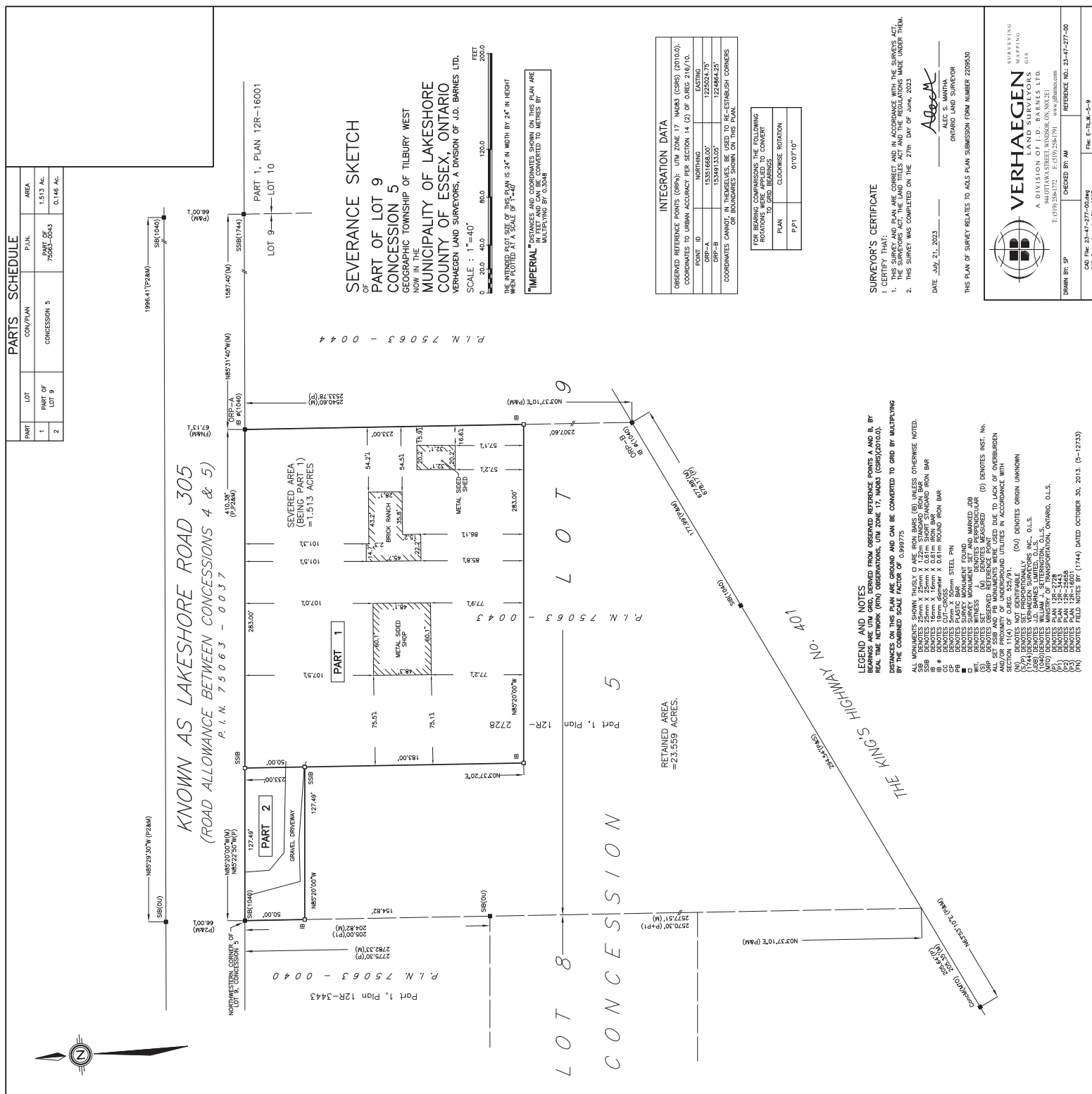












**Date:** September 1, 2023

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

**To:** Ian Search, Planner 1

**Re:** Committee of Adjustment –September 13, 2023 – B/32/2023 & B/33/2023

---

Operations has reviewed B/32/2023 & B/33/2023 – 9141 Lakeshore Road 305 application and offer the following comments:

- Because reciprocal access agreements are not typical for municipal drainage access bridges, it is recommended by Lakeshore's Drainage Superintendent that each parcel (retained and severed) maintain its own separate access bridge to Lakeshore Road 305. This recommendation will mitigate any future by-law or drainage work cost disputes on the shared driveway/access bridge.
- Sharing the access bridge between residential use and agricultural use may negate/jeopardize the property's eligibility for grant funding from OMAFRA for future repairs, maintenance, and upgrades to the access bridge.
- Drainage apportionment will be required for this property.
- Applicant to confirm that all existing municipal services and septic system for the home are fronting/contained within Part 1.

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

August 21, 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-32-2023, and Consent B-33-2023 9141 LAKESHORE RD 305

ARN 375195000000601; PIN: 750630043

Applicant: Jason & Leta Marchand

The Municipality of Lakeshore has received Application for Consent B-32-2023 to sever a surplus farm dwelling on the subject lands, and Application for Consent B-33-2023 for an easement in favour of the owners of the future severed lot over a portion of the retained land to access the accessory building. The existing access from Lakeshore Road 305 over the easement land will be shared between the owner of the severed lot and the owner of the retained land. The following is provided as a result of our review of Applications for Consent B-32-2023, and B-33-2023.

## **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 North Townline Drain. The property owner will be required to obtain an approval 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*.

Mr. Ian Search  
August 21, 2023

**FINAL RECOMMENDATION**

Our office has no objection to the proposed Consent Applications B-32-2023 and B-33-2023. As noted above, an approval from Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

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

Sincerely,



Alicia Good

*Watershed Planner*

/ag

**From:** [Mentley, Ryan \(MTO\)](#)  
**To:** [Ian Search](#)  
**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September  
**Date:** September 5, 2023 12:51:10 PM  
**Attachments:** [B-32-2023 - Notice of Public Meeting.pdf](#)  
[B-33-2023 - Notice of Public Meeting.pdf](#)  
[B-31-2023 - Notice of Public Meeting.pdf](#)

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

Hi Ian,

Thank you for circulating the Ministry of Transportation (MTO). MTO has reviewed the submission and provides the following comments.

**9141 Lakeshore Road 305**

No concerns with the proposed severance to create a new lot.

[REDACTED]

Any new construction will require MTO review/permits.

Please let me know if you have any questions.

Regards,

**Ryan Mentley**

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

[REDACTED]

---

**From:** Ian Search [REDACTED]  
**Sent:** September 5, 2023 11:28 AM  
**To:** Mentley, Ryan (MTO) [REDACTED]  
**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September  
**Importance:** High

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

Hi Ryan,

Please see below. Could you please send me any comments you have on these files to me by end of day?

Regards,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

[REDACTED]

---

**From:** Ian Search

**Sent:** Monday, August 21, 2023 2:26 PM

**To:** Mentley, Ryan (MTO) [REDACTED]

**Subject:** RE: Committee of Adjustment Applications - Lakeshore - September

Hi Ryan,

Attached are the official public meeting notices for each Sept Committee of Adjustment application for your records.

Regards,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning

[REDACTED]

---

**From:** Ian Search

**Sent:** Friday, August 18, 2023 3:43 PM

**To:** Mentley, Ryan (MTO) [REDACTED]

**Cc:** [REDACTED]

**Subject:** Committee of Adjustment Applications - Lakeshore - September

Good Afternoon,

Please see attached Notice for Comments for your review for the September 13<sup>th</sup> Lakeshore Committee of Adjustment meeting.

Please submit any comments on these files to me no later than **September 1<sup>st</sup>** via email

**Please cc and send your comments to Gisele Pilon as well (in addition to me). I will be away from the office from Aug 22 to Sept 4 inclusive**

Please note that B-32-2023 and B-33-2023 are separate files with respect to the same property and have been combined in a single notice for comment.

Thank you,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning



The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.



## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

**Wednesday, August 16, 2023, 6:00 PM**

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

Staff Present: Team Leader of Development Approvals, Kristina Brcic  
Planner I, Ian Search  
Planning Student, Paige Docherty

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#### 1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM. All members participated in the meeting at the Council Chambers.

#### 2. Land Acknowledgement

#### 3. Disclosures of Pecuniary Interest

#### 4. Public Meetings under the Planning Act

##### a. A-29-2023 - 7700 Tecumseh Road

Marg Patrick was present to represent the Applicant and had no comments.

Member Hoffman asked if the new accessory building will be used as a business. Marg said that it was not to be used as a business to her knowledge and that the existing building would be removed right away. She said the things stored in the storage container will be stored in the new building.

**79/08/2023**

**Approve**



**Moved By** Member Hoffman

**Seconded By** Member Flagler-Wilburn

Approve minor variance application A/29/2023 to permit an accessory building to have a gross floor area of 89.24 m<sup>2</sup> 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).

**Carried Unanimously**

**b. B-28-2023 - 1096 Lakeshore Road 107**

Neil and Justin Colenutt (Applicants) were present and had no comments or concerns with the recommendation in the Planning report.

Member Flagler-Wilburn asked if the dwelling will be rented. The Applicants stated that they will be selling the severed lot to a new owner.

**80/08/2023**

**Approve**

**Moved By** Member Flagler-Wilburn

**Seconded By** Member Prince

Approve consent application B/28/2023 to sever a surplus dwelling with a lot area of approximately 4,653.8 m<sup>2</sup> (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

**Carried Unanimously**

**c. B-29-2023 - 0 Renaud Line Road**

Anthony Malandrucolo (Authorized Agent) was present and did not have any comments or concerns with the recommendation in the Planning report.

**81/08/2023**

**Approve**

**Moved By** Member Hoffman

**Seconded By** Member Flagler-Wilburn

Approve Consent Application B/29/2023 to sever two lot additions – approximately 2,199.54 m<sup>2</sup> to be added to 455 Renaud Line Road and approximately 1,149.15 m<sup>2</sup> 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, if required by the Secretary-Treasurer to the Committee of Adjustment, a certificate of consent cancellation be granted by the Committee of Adjustment and registered with respect to 455 Renaud Line Road (Legal Description: Part of Lot 6, Concession East of River Puce, Maidstone, designated as Part 1 on Plan 12R9371; Lakeshore); to the satisfaction of the Secretary-Treasurer;
- 9) That, if required by the Secretary-Treasurer to the Committee of Adjustment, a certificate of consent cancellation be granted by the Committee of Adjustment and registered with respect to the Subject Property (Legal Description: Part of Lot 6, Concession East of River Puce, Maidstone, designated as Part 1 on Plan 12R17696; Lakeshore); to the satisfaction of the Secretary-Treasurer;
- 10) 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.

**Carried Unanimously**

- a. Issuance of a Certificate of Consent Cancellation - 455 Renaud Line Road

**82/08/2023**

**Approve**

**Moved By** Member Prince

**Seconded By** Member Hoffman

**Carried Unanimously**

- b. Issuance of a Certificate of Consent Cancellation for Subject Property

**83/08/2023**

**Approve**

**Moved By** Member Flagler-Wilburn

**Seconded By** Member Hoffman

**Carried Unanimously**

**d. B-30-2023 - 17840 Lakeshore Road 311**

Michael & Tammy Labonte (Applicants) were present and did not have any questions or concerns with the recommendation in the Planning report.

**84/08/2023**

**Approve**

**Moved By** Member Hoffman

**Seconded By** Member Prince

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.

**Carried Unanimously**

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

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

Ken and Sheila Camphorst (Applicants) were present and did not have any comments or concerns with the recommendation in the Planning report.

**85/08/2023**

**Approve**

**Moved By** Member Hoffman

**Seconded By** Member Flagler-Wilburn

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 m<sup>2</sup>, whereas the By-law permits a maximum gross floor area of 55 m<sup>2</sup>.
- 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.



**Carried Unanimously**

**6. Approval of Previous Meeting Minutes**

**86/08/2023**

**Approve**

**Moved By** Member Prince

**Seconded By** Member Hoffman

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

**Carried Unanimously**

**a. July 19 Meeting Minutes**

**7. New Business**

**8. Adjournment**

**87/08/2023**

**Approve**

**Moved By** Member Hoffman

**Seconded By** Member Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 6:36 PM.

**Carried Unanimously**

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer