

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, October 18, 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-31-2023 - 0 Oriole Park Drive

6

Recommendation:

Approve the following reliefs from Lakeshore Zoning By-law for a single detached dwelling with covered porches and a detached accessory building on the subject property:

- Relief from Section 6.5 a) vi) to permit an accessory building to be located in an exterior side yard, whereas the by-law states accessory structures shall not be permitted in the exterior side yard in the case of a corner lot
- Relief from Section 8.9 to permit a dwelling to have a front yard of 0 metres, whereas the Bylaw requires a front yard of 15 metres
- Relief from Section 8.9 to permit a dwelling to have a minimum rear yard of 13.11 metres, whereas the By-law requires a rear yard of 15 metres
- Relief from Section 6.42 to permit one porch to encroach a maximum of 3.2 metres into the rear yard (located a minimum 11.8 metres from the rear lot line), and for a second porch to encroach a maximum 2.93 metres into the rear yard (located a minimum 12.07 metres from the rear lot line), whereas the By-law only permits a 2.5 metre encroachment.

Impose the following conditions on approval:

- 1) The dwelling and any detached accessory building is to be located at

least 7.5 metres from the longest side exterior lot line abutting Oriole Park Drive, and this setback is to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;

2) The rear yard setback and porch encroachment reliefs are to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;

3) A grading plan is submitted to the satisfaction of the Municipality of Lakeshore at the time of building permit application;

4) If outlet for drainage is into a municipal drain, an updated schedule of assessment will be required;

5) No buildings and structures will be developed on the subject property that obstruct the “covered drain” on the site plan drawing submitted with the minor variance application to the satisfaction of the Municipality of Lakeshore.

b. A-32-2023 - 1610 County Road 22

27

Recommendation:

Deny minor variance application A/32/2023 to permit an accessory structure to have a maximum gross floor area of 223 m² and a maximum height of 6.55 metres.

Recommendation:

Approve the following relief from Lakeshore Zoning By-law for a pergola that is already constructed and a planned pergola on the subject property:

- Relief from Section 6.5 a) x) to permit the pergola that is already constructed and the planned pergola to be located 0 metres from the main building, whereas accessory structures shall not be erected within 3 metres of the main building.

Impose the following conditions on approval:

- 1) The combined occupant load between the proposed structures and the existing main building shall remain unchanged at 300 persons;
- 2) Panic hardware on the exit gates to be included to the satisfaction of the Municipality of Lakeshore;
- 3) That site plan approval is obtained from the Municipality of Lakeshore for development of the subject property.

Recommendation:

Approve consent application B/34/2023 to sever the farm property 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 (legal: Con 9 S Pt Lot 11) into two farm parcels approximately 50 acres in lot area, subject to the following conditions:

- 1) That, if required by Community Planning, the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of the Municipality;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) 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;
- 4) That, if required by the Operations Division, 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;
- 5) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 19, 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. September 13 2023 Meeting Minutes

7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: October 4, 2023

Subject: Minor Variance Application A/31/2023 – 0 Oriole Park Drive

Recommendation

Approve the following reliefs from Lakeshore Zoning By-law for a single detached dwelling with covered porches and a detached accessory building on the subject property:

- Relief from Section 6.5 a) vi) to permit an accessory building to be located in an exterior side yard, whereas the by-law states accessory structures shall not be permitted in the exterior side yard in the case of a corner lot
- Relief from Section 8.9 to permit a dwelling to have a front yard of 0 metres, whereas the Bylaw requires a front yard of 15 metres
- Relief from Section 8.9 to permit a dwelling to have a minimum rear yard of 13.11 metres, whereas the By-law requires a rear yard of 15 metres
- Relief from Section 6.42 to permit one porch to encroach a maximum of 3.2 metres into the rear yard (located a minimum 11.8 metres from the rear lot line), and for a second porch to encroach a maximum 2.93 metres into the rear yard (located a minimum 12.07 metres from the rear lot line), whereas the By-law only permits a 2.5 metre encroachment.

Impose the following conditions on approval:

- 1) The dwelling and any detached accessory building is to be located at least 7.5 metres from the longest side exterior lot line abutting Oriole Park Drive, and this setback is to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;
- 2) The rear yard setback and porch encroachment reliefs are to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;

- 3) A grading plan is submitted to the satisfaction of the Municipality of Lakeshore at the time of building permit application;
- 4) If outlet for drainage is into a municipal drain, an updated schedule of assessment will be required;
- 5) No buildings and structures will be developed on the subject property that obstruct the “covered drain” on the site plan drawing submitted with the minor variance application to the satisfaction of the Municipality of Lakeshore.

Proposal

The Municipality of Lakeshore has received a minor variance application for a vacant property located on the east side of Oriole Park Drive, south of Highway 401, west of County Road 27 (aerial photo attached). 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 approximately 1.47 acres in area and has lot lines that abut Highway 401 and Oriole Park Drive. The applicant is planning on constructing a single detached dwelling with covered porches and a detached accessory building on the subject property, which will require the following reliefs from the Lakeshore Zoning By-law:

- Relief from Section 6.5 a) vi) to permit an accessory building to be located in an exterior side yard, whereas the by-law states accessory structures shall not be permitted in the exterior side yard in the case of a corner lot
- Relief from Section 8.9 to permit a dwelling to have a front yard of 0 metres, whereas the Bylaw requires a front yard of 15 metres
- Relief from Section 8.9 to permit a dwelling to have a rear yard of 13.11 metres, whereas the By-law requires a rear yard of 15 metres
- Relief from Section 6.42 to permit one porch to encroach 3.2 metres into the rear yard (located 11.8 metres from the rear lot line), and for a second porch to encroach 2.93 metres into the rear yard (located 12.07 metres from the rear lot line), whereas the By-law only permits a 2.5 metre encroachment.

A map showing the location of the subject parcel is provided (Appendix A). A site plan of the proposed development is also provided (Appendix B), as well as a version of the site plan with lot lines and yards labelled based on definitions in the Zoning By-law (Appendix B). Lastly, a drawing of the proposed septic system is provided (Appendix B).

The property was the subject of a previous minor variance application in March 2021 (File: A-12-2021). A minimum rear yard setback of 7.62 metres was requested under that minor variance application along with permission for a porch to encroach 9.51

metres into the required rear yard setback. During the processing of that application, it came to the attention of Community Planning that there was a drain located on the subject property, and that the dwelling was proposed to be constructed over this drain. This drain is labelled “covered drain” on the site plan drawing submitted for the current minor variance application (File: A-31-2023) and the dwelling is now proposed to be located approximately 16.87 metres north of the drain.

It was brought to the attention of Community Planning at the time of the March 2021 application that the neighbouring farm parcel to the east currently utilizes the drain located on the subject property, and that it connects to a municipal drain located on the west side of Oriole Park Drive. The Planning Recommendation Report recommended deferral to allow the applicant to:

1. revise their proposal to maximize/comply with the rear yard setback;
2. indicate a feasible location for the septic system;
3. Confirm the legal status of the drain, and explore possibilities of landowners entering into an agreement with respect to the drain.

Ultimately the Committee of Adjustment decided to defer the March 2021 application. Since that time the applicant has revised their site plan drawing/ proposal which warranted a new minor variance application seeking the above noted reliefs.

By locating the dwelling 16.87 metres north of the covered drain, the proposed setback from the rear lot line has increased significantly from the original request, but variances are still required with respect to this setback. The applicant has also submitted a draft “mutual agreement drains” under the Drainage Act to ensure the continuation of the drain and future maintenance of same. If executed and registered, it becomes a private agreement between two landowners that is binding upon successors.

Summary

Location

The subject property is located south of Highway 401 and abuts this highway corridor. It is located at the north end of Oriole Park Drive on the east side of the street. Oriole Park Drive is a municipally owned street located north of County Road 46, west of County Road 27, and east of County Road 25. The subject property is approximately 1.47 acres and has a lot line approximately 120 metres in length that abuts Oriole Park Drive.

Surrounding Land Uses

Across the street from the subject property on the west side of Oriole Park Drive are rural residential lots and agricultural lands. Directly south of the subject property is a rural residential lot surrounded by woodlands. To the north is the Highway 401 corridor abutting the subject property. East of the subject property is a 61 acre (approx.) farm parcel.

Official Plan

The subject property is designated “Agricultural” in the Lakeshore Official Plan and County of Essex Official Plan.

In the very southeast corner of the subject property there is land designated “Woodlands” and “Natural Environment Overlay” in the Lakeshore Official Plan and County of Essex Official Plan respectively. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed.

Zoning

The subject property is zoned “Agriculture” (A) in the Lakeshore Zoning By-law 2-2012.

Conclusion

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

Official Plan

Section 6.2.1 of the Lakeshore Official Plan states that a single residential dwelling will be permitted per lot in the Agricultural designation, as well as accessory uses to any permitted uses. Likewise, Section 3.3.3.1 d) of the County of Essex Official Plan permits a single detached dwelling on an existing lot of record.

Section 3.3.4 of the County of Essex Official Plan states that in prime agricultural areas, agricultural uses and normal farm practices will be promoted and protected. The Lakeshore Official Plan has a similar policy under Section 3.3.11 e) which states that impacts from new or expanding non-agricultural uses on surrounding agricultural uses/operations and lands should be mitigated to the extent feasible.

Each of the requested reliefs maintains the general intent and purpose of the Lakeshore and County of Essex Official Plan. The applicant is developing a dwelling and an accessory building on an existing lot of record which are permitted uses. It is not anticipated that the requested 13.11 metre rear yard setback for the dwelling, along with the requested porch encroachments, will result in land use conflicts between the owners of the subject property and the neighbouring farm parcel to the east. It is anticipated that any such conflicts that do arise could be dealt with through a landscape buffer or fencing.

The applicant has moved the proposed location of the dwelling further north from their original minor variance application to protect a drain utilized by a neighbouring farmer to

the east. This has in turn increased the rear yard setback of the dwelling and porches significantly from the original request. Relocating the dwelling further north is balanced with maintaining desirable separation from the Highway 401 corridor. The other two reliefs are technical in nature based on definitions in the Zoning By-law and do not present any issues with conformity to the Lakeshore or County of Essex Official Plan.

Zoning By-law

The proposed reliefs maintain the general intent and purpose of the Zoning By-law.

The purpose of a rear yard setback and restrictions for porch encroachments on a residential lot is to ensure sufficient space as a private amenity area for outdoor activities. The requested rear yard setback does not threaten that purpose and there are other spaces – namely north of the future dwelling – that could provide additional opportunity for outdoor amenity.

A front yard setback and rear yard setback of 15 metres on a residential lot zoned “A” maintains a rural design and ensures adequate space for a private septic system on the lot. The applicant has submitted a septic plan as part of their application which will be accommodated in the side yard. Furthermore, while these setbacks are deficient, the subject property meets the minimum area for a residential lot zoned “A”.

As previously mentioned, land use conflicts between the owners of the subject property and the neighbouring farm parcel to the east are not anticipated as a result of the reduced rear yard setback and porch encroachments. It is anticipated that any such conflicts could be dealt with through a landscape buffer or fencing.

The purpose of the front yard setback is to leave adequate separation for landscaping purposes, and at least a 3-metre setback for the construction and maintenance of public services within the road allowance. None of those purposes are threatened by the minor variance application as the longest side exterior lot line abutting Oriole Park Drive will serve as the front lot line for all intended purposes. The dwelling and accessory building will be setback 7.62 metres from this lot line.

The shortest lot line abutting a street is deemed the front lot line in the case of a corner lot. As a result, the definition of front yard in the Zoning By-law technically results in the proposed dwelling have a front yard setback of 0 metres.

FRONT YARD - shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot.

The purpose of the exterior side yard is to ensure adequate space for maintenance of the existing streetscape and sight lines for vehicle turning. Technically the accessory building is proposed to be in the exterior side yard of a corner lot. The purpose of the exterior side yard is not threatened by the proposed location of the accessory building. Traffic does not intersect at this location and the Ministry of Transportation (MTO) has no objection to the application (Appendix F).

Minor

There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. Reducing the rear yard setback from 15 metres to 13.11 metres is considered a minor deviation from the regulation. So is the request to permit porches to encroach 3.2 metres and 2.93 metres into the rear yard rather than 2.5 metres. The other reliefs are minor in nature as they are a result of applying technical definitions in the Zoning By-law to an irregular shaped property that abuts two streets with no intersecting traffic.

Desirability

The requested reliefs are considered desirable for the appropriate development of the building and land. There is undue hardship for the applicant in trying to meet the required setback regulations in the Zoning By-law on this irregular shaped property. Permitting the reliefs will allow the applicant to maintain some desirable separation from the Highway 401 corridor by allowing the dwelling to be located further south. It will also allow the applicant to build an accessory building in the exterior side yard away from the drain south of the dwelling.

The applicant has located the future dwelling further north than what was proposed under their original minor variance application from March 2021. This has increased the rear yard setback to a distance where land use compatibility issues are not anticipated, and a drainage system can be preserved.

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

- 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:

- 1) The dwelling and any detached accessory building is to be located at least 7.5 metres from the longest side exterior lot line abutting Oriole Park Drive, and this setback is to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;
- 2) The rear yard setback and porch encroachment reliefs are to be verified through the submission of a setback certificate to Building Services and to the satisfaction of Building Services;

- 3) A grading plan is submitted to the satisfaction of the Municipality of Lakeshore at the time of building permit application;
- 4) If outlet for drainage is into a municipal drain, an updated schedule of assessment will be required;
- 5) No buildings and structures will be developed on the subject property that obstruct the “covered drain” on the site plan drawing submitted with the minor variance application to the satisfaction of the Municipality of Lakeshore.

Correspondence

External and Internal Agencies

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

The Operations Department stated that a grading plan will be required to be submitted at the time of building permit application. They note that the property is not assessed into the Hostine Drain across the street. An updated schedule of assessment will be required in order that they can outlet their storm drainage into a municipal drain. All costs for this will be borne 100% by the applicant. Full comments can be found in Appendix D.

The Fire Department has no comments regarding the setbacks, but they want the applicant to be aware that the closest municipal fire hydrant is just under two miles away and that the Fire Department is staffed by a volunteer fire service. Full comments can be found in Appendix E.

The Ministry of Transportation (MTO) does not object to the proposed minor variance. They note the site plan addresses their setback requirement. A Building & Land Use permit is required prior to construction. 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 – Photos
Appendix D – Operations Department
Appendix E – Fire Department
Appendix F – MTO Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-31-2023 - 0 Oriole Park Drive Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department.pdf- Appendix E - Fire Department.pdf- Appendix F - MTO Comments.pdf
Final Approval Date:	Oct 13, 2023

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



Sahar Jamshidi - Oct 13, 2023 - 10:47 AM

0 Oriole Park Drive - Vacant Lot



Legend






Heritage

-  Part IV Designated
-  Listed Property of Cultural Herit

Tax Parcel

Address Label

Street Centreline

-  <all other values>
-  CNTY
-  LAK
-  PRIV
-  PROV

Municipal Drain

Name

Storm Catch Basin



Storm Manhole

Storm Main

Sanitary Manhole

-  Inflow Dish - No Data
-  inflow Dish - YES

Sanitary Main

-  GRAVITY
-  FORCE MAIN

Easement

Wind Turbine

ERCA Floodline

Subwatershed

2015 Distribution of Fish Sp

1: 1,978



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

ORIOLE PARK DRIVE

FOR: FONTES RESIDENC

DATE: MAY 05, 2023



[illegible]

SITE PLAN - 1
FOR: FONTES RESIDENCE
SCALE: 1"= 40'
DATE: MAY 05, 2023

CITE PLAN - 1





Subject property looking north towards Highway 401



Subject property looking northeast at the location of covered drain



Subject property looking north towards Highway 401 at location of covered drain



Looking east from subject property towards abutting farm parcel



Looking northeast from subject property towards abutting farm parcel and Highway 401



Looking at covered drain works on subject property near the rear lot line



Looking at covered drain works on subject property near the front lot line

Date: October 4, 2023
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment –October 18, 2023 – A/31/2023

Operations has reviewed A/31/2023 – 0 Oriole Park Drive 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.
- The property will be subject to water buy in fee according to the tariff of fees by law at the time of servicing.
- A grading plan will be required to be submitted at the time of building permit application.
- This property is not assessed into the Hostine Drain. An updated schedule of assessment will be required in order that they can outlet their storm drainage into a municipal drain. All costs for this will be borne 100% by the applicant.
- Ministry of Transportation Ontario (MTO) consultation will be required for setback and approvals to be provided to Lakeshore.

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

Marco Villella, P.Eng.

Division Leader – Engineering & Infrastructure

From: [Don Williamson](#)
To: [Ian Search](#)
Cc: [Morris Harding](#)
Subject: FW: Committee of Adjustment Review - October 18
Date: October 2, 2023 12:22:52 PM
Attachments: [image001.png](#)
Importance: High

Hi Ian

A-31-2023: Fire Services has no comment regarding the setbacks. However, it is important for the proponent to know that the closest municipal fire hydrant is just under 2 miles away and that the fire department is staffed by a volunteer fire service.

[REDACTED]

[REDACTED]

[REDACTED]

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

Municipality of Lakeshore | Legal and Legislative Services - Fire Department
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=421
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

[REDACTED]

Good Afternoon,

Please see link below to access the Notice for Comments for your review for the October 18th Committee of Adjustment meeting.

 [Committee of Adjustment - October 18](#)

Please submit any comments on these files to me no later than **October 6th** via email

If you have any issues accessing the files through the link provided, please let me know. Any questions seeking clarity, please contact me.

Thank you,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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



From: [Mentley, Ryan \(MTO\)](#)
To: [Ian Search](#)
Cc: [Robertson, Andrew T. \(MTO\)](#)
Subject: FW: Lakeshore Committee of Adjustment Review - October 18
Date: September 29, 2023 11:13:42 AM
Attachments: [image001.png](#)
[A-31-2023 - Notice for Comments.pdf](#)

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

Hi Ian,

Thank you for circulating MTO with the Notice of Comments for October 18, 2023. MTO has reviewed the provided documents and provides the following comments.

Oriole Park Drive

MTO does not object to the proposed Minor Variances to accommodate a single detached dwelling and detached accessory building. The provided site plan addresses MTO's 14 metre setback requirement.

A Building & Land Use permit will be required prior to construction.

The other properties are located outside of the MTO permit control area, as such, MTO review/permits are not required.

Please let me know if you have any questions.

Regards,

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

[REDACTED]

[REDACTED]

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

Good Afternoon,

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, Planner I

Date: October 11, 2023

Subject: Minor Variance Application A/32/2023 – 1610 County Road 22

Recommendation

Deny minor variance application A/32/2023 to permit an accessory structure to have a maximum gross floor area of 223 m² and a maximum height of 6.55 metres.

Proposal

The Municipality of Lakeshore has received a minor variance application for the subject property 1610 County Rd 22 located on the north side of County Rd 22, east of Rourke Line Road. The subject property is designated “Residential” in the Lakeshore Official Plan and zoned “Residential – Low Density (R1)” in the Lakeshore Zoning By-law 2-2012.

The subject property is approximately 1.83 acres in area with approximately 30 metres of frontage along County Road 22. The property currently contains a single detached dwelling and an accessory structure in the rear yard.

On April 12, 2023, the Committee of Adjustment granted relief from the Zoning By-law to permit the construction of a building addition to the existing accessory structure (File: A-07-2023). The existing accessory structure had a gross floor area of 111.48 m², and the building addition added an additional 55.74 m² of floor area. Therefore, the granted relief was to permit an accessory building with a gross floor area of 167.48 m².

The original design of the building addition included a roof with dormers. The maximum permitted height of an accessory building in the R1 zone is 5 metres. The applicant did not seek relief from the Zoning By-law to permit an increase in height as part of their original minor variance application (File: A-07-2023).

During construction the applicant made changes to their submitted design of the building addition by eliminating the dormers and changing the pitch of the roof/height of the building walls. As a result, the applicant now requires relief for the height of the building addition. They also require another relief for increased gross floor area of the overall building.

The building addition has the same building footprint (55.75 m²) as originally designed, but the increased height results in a two-storey structure. Gross floor area includes the total floor area in a building at the level of each storey.

Based on the foregoing, the applicants are now seeking the following reliefs from the Lakeshore Zoning By-law for an accessory structure:

- Section 6.5 a) ix) to permit an accessory structure to have a maximum gross floor area of 223 m², whereas the by-law permits a maximum gross floor area of 55 m² in an R1 zone;
- Section 6.5 a) xi) to permit an accessory structure to have a maximum height of 6.55 metres, whereas the by-law states that an accessory structure shall not exceed 5 metres in height unless within an Agriculture Zone

The application indicates that the accessory structure is proposed for the storage of personal belongings. While the applicant has not indicated an intention to use the accessory building as a dwelling unit, it is noted that the accessory building cannot support a dwelling unit at this time because of sanitary capacity constraints affecting the area where this property is located. If, in the future, the applicant decides to use part of the accessory building as a dwelling unit, then a change of use permit through the Municipality of Lakeshore's Building Division is required.

A map showing the location of the subject parcel (Appendix A), sketches of the new proposal (Appendix B), and pictures showing the construction of the building addition in progress (Appendix C) are attached. Also attached is a copy of the elevation sketch from the original proposal (Appendix D).

Summary

Location

The subject property is located east of Rourke Line Road, west of West Belle River Road, on the northside of County Road 22, known municipally as 1610 County Road 22. The subject property is approximately 1.83 acres in area with 30.48 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots). A tool and mold business is located a few properties to the east on County Road 22.

Official Plan

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

Zoning

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

Conclusion

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

Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to accommodate attractive neighbourhoods. Community design policies under Section 4.2.1 state that the Municipality will ensure new development is designed in keeping with the traditional character of the Settlement Areas in a manner that preserves their traditional community image and enhances their sense of place within the Municipality. Measures will be taken to ensure that permitted uses address compatibility with adjacent land uses.

The minor variance meets the general intent and purpose of the Official Plan. The subject property is a deep residential lot located on an Urban Arterial Road where other large accessory buildings have developed over time on nearby residential lots in the general area. There are no residential properties to the north that the subject lot backs onto. It is noted that the building addition is a northern extension of the accessory building that does not result in a reduced setback from the east side lot line. It was observed through site visit that the building addition has little if any impact to the traditional character of the Settlement Area from the street.

It is acknowledged that the original design as submitted included dormers, but that the applicant opted to eliminate them from the design and construct an addition with different wall height and roof pitch – a change that requires relief under the Zoning By-law for height. Although what has been constructed in the end is a more abrupt change in the appearance of height between the existing accessory building and the addition, it is noted that the peak height of the addition and the peak height of the existing building are the same.

It is the opinion of the planner that the building addition under construction is a less desirable design compared to the original in terms of preservation of traditional community image. However, the overall impact is quite similar – especially given its

location behind the dwelling, and on the northside of the existing accessory building approximately 65 metres from the front lot line.

Zoning By-law

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. Moreover, the definition of “accessory” in the Zoning By-law describes a structure/building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot.

An interactive mapping system suggests that the dwelling on the property has a building footprint close to 500 m². The proposed gross floor area of the accessory building is subordinate and meets the general and intent and purpose of the Zoning By-law in this respect.

The regulation limiting the gross floor area of an accessory building to 55 m² applies across every residential zone and was designed for a residential lot in a typical subdivision. It is acknowledged that the subject property is located on an Urban Arterial Road – not in a typical subdivision – and that the lot area of the property exceeds the minimum lot area provision in the R1 zone by almost fifteen times. The subject property, like others in the immediate area, is clearly conducive to supporting larger accessory buildings, and it is the opinion of the Planner that this aspect of the minor variance meets the general intent and purpose of the Zoning By-law.

The general intent and purpose of the regulation limiting the height of an accessory building is to ensure accessory buildings are not offensive with respect to location and purpose. Furthermore, a maximum height of 5 metres suggests that the intent of the By-law is to limit accessory buildings to one-storey.

The planner is of the opinion that the minor variance does not technically meet the general intent and purpose of the Zoning By-law since the addition is two full storeys. However, it is recognized that the relief for height will only apply to the building addition portion of the accessory building which is only half the building footprint of the existing structure. Also, the addition is located north of the existing accessory building in arguably the least offensive location for the accommodation of increased height.

Minor

It is the opinion of the Planner that the minor variance application cannot technically be considered minor in nature. A 6.55 metre height results in a building addition that supports two full storeys. This is quite different from a request to increase height a couple feet to comfortably store a boat or recreational vehicle, for example. The building addition results in an accessory building that exceeds the maximum gross floor area permitted in the Zoning By-law by four times. It has doubled in gross floor area from the original request due to an increase in height.

In terms of impacts and compatibility issues alone, the requests are considered minor. The existing setback of the accessory structure from the east side lot line will be maintained and it is anticipated that there will be little to no impacts to the appearance of the streetscape. No comments from the public raising any issue with the application have been received at the time of writing this report.

Desirability

The reliefs are not considered incompatible or offensive to neighbouring properties. There are no other issues of appropriateness.

In terms of existing standards in the area, a 204 m² accessory building was recently developed at 1556 County Road 22, and a 187.3 m² accessory building was approved at 1566 County Road 22 last year. There are other oversized accessory buildings on nearby lots. While another two-storey accessory building was not observed in the immediate area, neighbourhood incompatibility is not a concern given the location of the development and its appearance from the street.

The Committee may want to consider hardship in their consideration of the minor variance application. The application suggests that the applicant changed the design of the building addition during the construction phase without knowing that it would result in the need for additional reliefs under the Zoning By-law. Construction of the building addition has commenced and has progressed to a point where rebuild would come at a significant cost to the applicant.

It is the opinion of the Planner that the minor variance does not meet the general intent and purpose of the Zoning By-law and is not minor in nature.

If the Committee is open to approving the minor variance, they should defer the application to give the applicant time to resolve ERCA's concerns. They should also consider imposing the following conditions on approval in the future:

- 1) Approval is for a building addition to an existing accessory building at the north end of the accessory building that does not result in a reduced setback from the east side lot line;
- 2) Grading is addressed to the satisfaction of the Municipality of Lakeshore;
- 3) That any use of the accessory structure as a dwelling unit is not permitted without obtaining a change of use permit through the Municipality of Lakeshore.

Correspondence

External and Internal Agencies

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

The Operations Department expressed that the applicant shall adhere to the required setbacks from the municipal drain outlined in Lakeshore's Zoning By-law. Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighboring lands. Full comments can be found in Appendix E.

ERCA notes that this development is not consistent with the permit that was issued previously. ERCA has not been provided with the opportunity to review the new scope and scale of works and has concerns that they may not be permissible. Full comments can be found in Appendix F.

VIA Rail Canada Inc. submitted their standard comment received in response to all development applications submitted to ERCA. It is noted that the accessory building is located approximately 180 metres from the rail corridor. Full comment can be found in Appendix G.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – Original Elevation Design
Appendix E – Operations Department
Appendix F – ERCA Comments
Appendix G – VIA Rail Canada Inc.

Prepared by:



Ian Search,
Planner I

Report Approval Details









Document Title:	A-32-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Original Elevation Design.pdf- Appendix E - Operations Department.pdf- Appendix F - ERCA Comments.pdf- Appendix G - VIA Rail Canada Inc.pdf
Final Approval Date:	Oct 13, 2023

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

Sahar Jamshidi - Oct 13, 2023 - 1:24 PM



Legend

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

1: 1,692



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

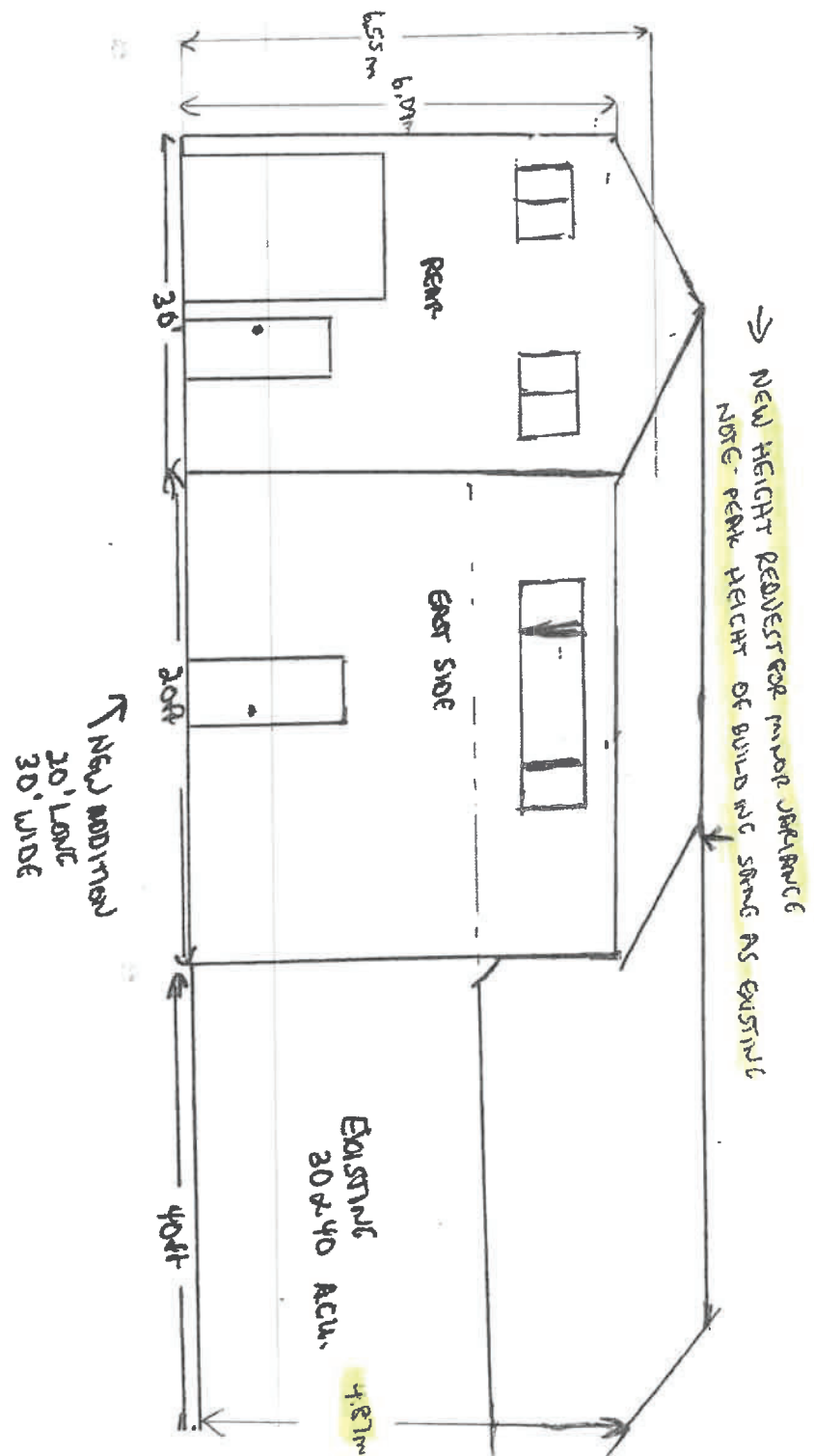
AS PER THE TOWN OF LAKESHORE BY-LAW 68-99 SECTION 5.2.1, ALL PROPERTIES MUST MAINTAIN THEIR OWN WATER

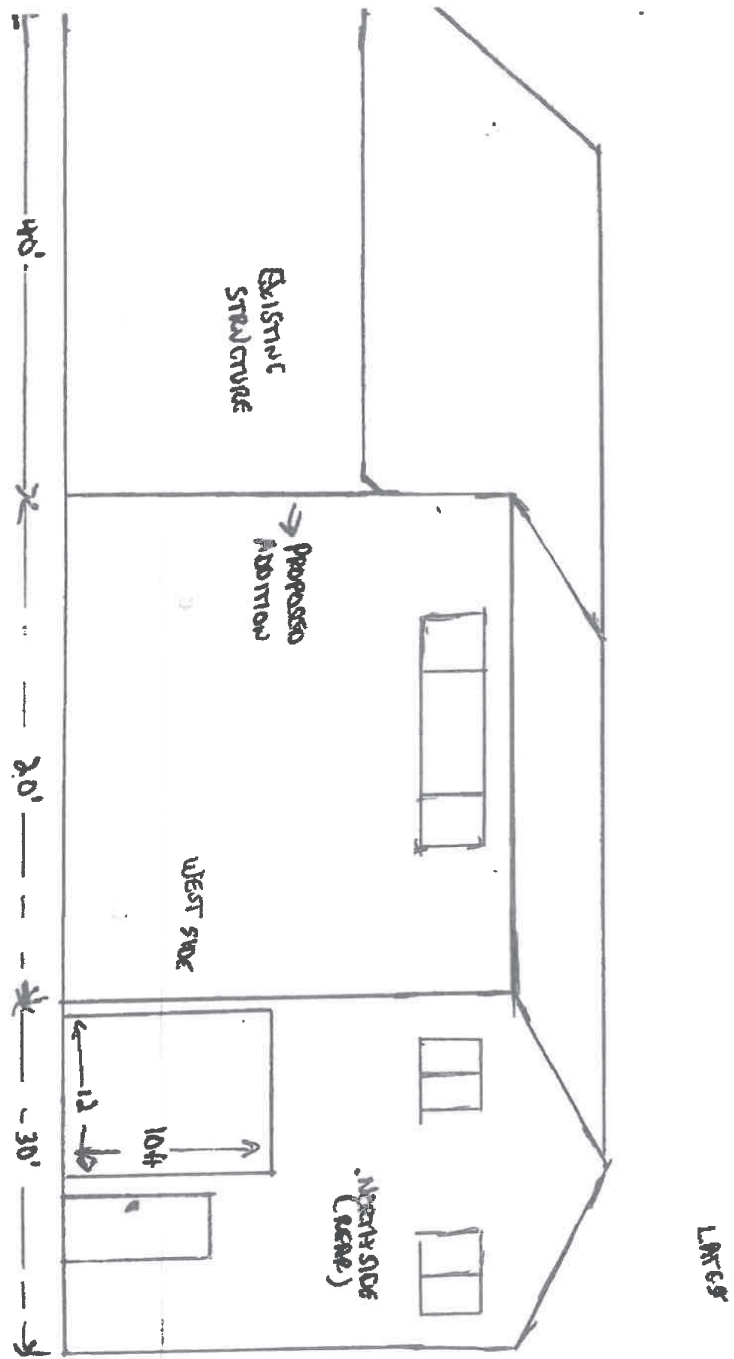
ADDITION TO EXISTING
PERSONAL SHEET
20' x 30' w

W10x22 steel beam. Carried to foundation. Built up stud post to be installed in existing wall assembly under beam. If existing foundation wall is block it must be grouted solid under point load.

MAIN FLOOR AREA - 55.75 sqd
SECOND FLOOR AREA - 55.75 sqd

Conform to ERCA and minor variance conditions







Looking north towards building addition from a location south of the accessory building



Looking north towards building addition from a location east of the accessory building



Looking south towards building addition from a location north of the accessory building



Looking south towards building addition from a location north of the accessory building



Looking at the area west of the accessory building from a location north of the accessory building



Looking at the area north of the accessory building from a location north of the accessory building

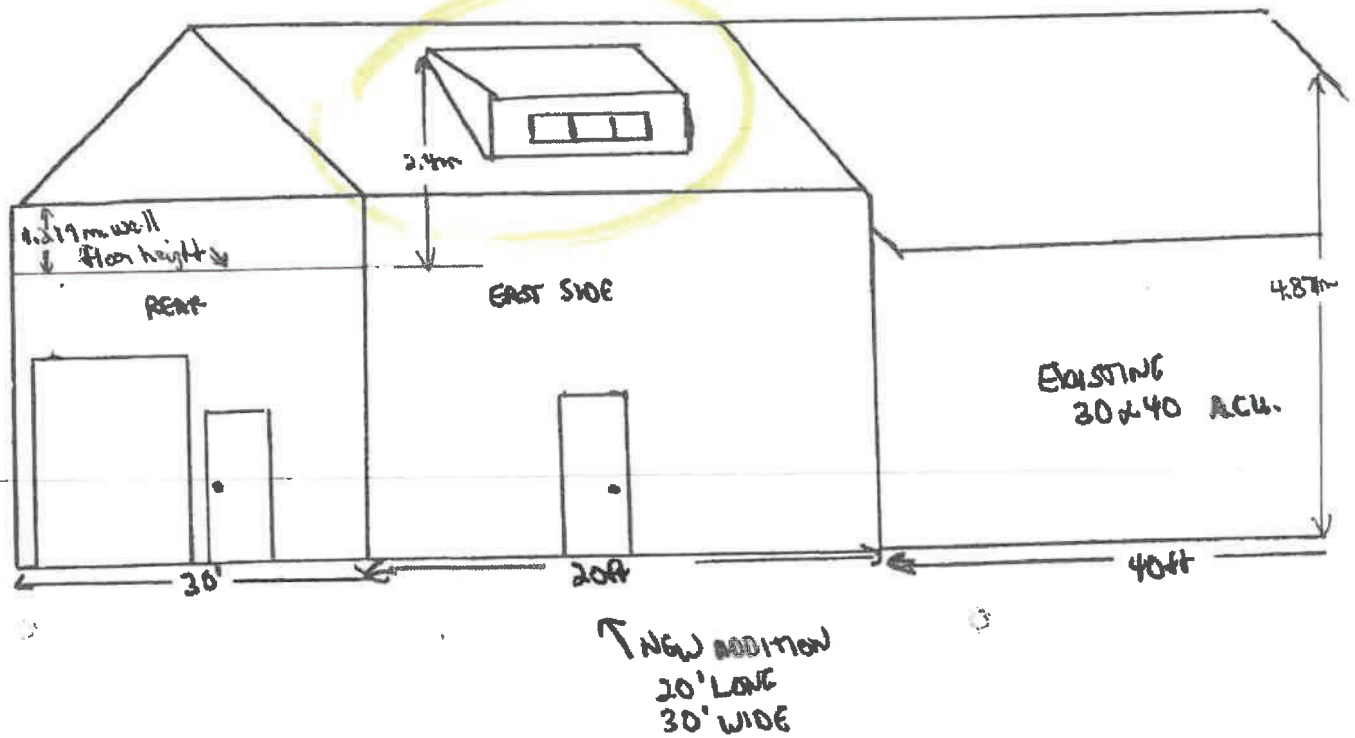


Looking at the area east of the accessory building from a location north of the accessory building



Looking at the accessory building from the street at a location south of the accessory building

ORIGINAL APPROVED DESIGN WITH MINOR VARIANCE APRIL 2023



Date: October 4, 2023
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment –October 18, 2023 – A/32/2023

Operations has reviewed A/32/2023 – 1610 County Road 22 application and offer the following comments:

- Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands.
- Drainage Division has no concerns with this application as long as they adhere to the setbacks from a municipal drain at the rear of the property.
- It should be noted that applications for a secondary driveway to the accessory building submitted by the Applicant will require County of Essex approval and will not likely be supported.

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

Marco Villella, P.Eng.

Division Leader – Engineering & Infrastructure



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 03, 2023

Ian Search

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

Dear Mr. Ian Search:

RE: Application for Minor Variance A-32-2023 1610 COUNTY 22 RD

ARN 375118000008000; PIN: 750340085

Applicant: MINDORFF CHRISTOPHER THOMAS

The Municipality of Lakeshore has received Minor Variance A-32-2023 for the subject property.

Our office understands that on April 12, 2023, the Committee of Adjustment granted relief from the Zoning By-law to permit the construction of a building addition to the existing accessory structure. The existing accessory structure had a gross floor area of 111.48m², and the building addition added an additional 55.74m² of floor area. Therefore, the granted relief was to permit an accessory building with a gross floor area of 167.48m².

Our office understands that the original design of the building addition included a roof with dormers. The maximum permitted height of an accessory building in the R1 zone is 5 metres. The applicant did not seek relief from the Zoning By-law to permit an increase in height as part of their original minor variance application, file A-07-2023.

During construction the applicant made changes to their design of the building addition by eliminating the dormers and changing the pitch of the roof. As a result, the applicant now requires relief for the height of the building addition. They also require another relief for the increased gross floor area of the overall building. The building addition has the same building footprint of 55.75m² as originally designed, but the increased height results in a two-story structure. Gross floor area includes the total floor area in a building at the level of each story.

We understand that based on the foregoing, the applicants are now seeking reliefs from the Lakeshore Zoning By-law for an accessory structure:

-Section 6.5 a) ix) to permit an accessory structure to have a maximum gross floor area of 223m², whereas the by-law permits a maximum gross floor area of 55m² in an R1 Zone;

Mr. Ian Search
October 03, 2023

-Section 6.5 a) xi) to permit an accessory structure to have a maximum height of 6.55m, whereas the by-law states that an accessory structure shall not exceed 5m in height unless within an Agricultural Zone.

The accessory structure is proposed for the storage of personal belongings.

The following is provided as a result of our review of Application for Minor Variance A-32-2023.

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 Lake St. Clair.

ERCA has issued permit #198-23 for this development.

We note that this development is not consistent with the permit that was issued as indicated in the minor variance circulation. ERCA has not been provided with the opportunity to review the new scope and scale of works and has concerns that they may not be permissible.

FINAL RECOMMENDATION

Our office recommends deferral of Minor Variance A-32-2023.

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

Sincerely,



Alicia Good

Watershed Planner

/ag

From: [Paul Charbach](#)
To: [Ian Search](#)
Cc: [Allan Fisher](#); [Gabriel Nathan](#); [Shant Demirdjian](#); [Jefferson Lefranc](#); [Michael Mazzilli](#)
Subject: RE: Lakeshore Committee of Adjustment Review - October 18
Date: September 22, 2023 3:33:02 PM
Attachments: [image002.png](#)
[image003.png](#)

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

Hello,

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

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

- **Transport Canada:**
 - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
 - *Railway Right of Way Access Control Policy*;
 - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
 - *Standards Respecting Railway Clearances* – TC E-05;
 - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
 - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
 - *Grade Crossings Regulations*;
 - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
 - *Grade Crossings Standards*;
 - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
 - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
 - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
 - All crossings shall be constructed / design with at least 20 feet 0 grade from each side of the rail
- **Canadian Standards Association:**

- CAN/CSA C22.3 No. 1 – Overhead Systems;
- CAN/CSA C22.3 No. 7 - Underground Systems;
- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
 - *Buried Signal and Communication Guidelines;*
 - *Guidelines for New Development;*
 - *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
 - Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
 - All loads must be in compliance with Cooper E90;
- **The Federation of Canadian Municipalities and the Railway Association of Canada:**
 - *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**
 - Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
 - All fence maintenance will be done on the Applicant expense.

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

• **Utilities:**

- Electrical and Gas Supply

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

- Communications

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

• **Water & Wastewater:**

- Drainage Sanitary/Storm

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

- Water supply

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

• **Construction Disturbances:**

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

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

- **Neighbour Relationships:**

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

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

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

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

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

Sincerely,



Paul Charbach



[REDACTED]

[REDACTED]

EXPÉDITEUR EXTERNE: Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.
EXTERNAL SENDER: Use caution with links and attachments from an external sender.

Good Afternoon,

Please see link below to access the Notice for Comments for your review for the October 18th Committee of Adjustment meeting.

Only file A-32-2023 is in proximity to VIA rail lands

 [Committee of Adjustment - October 18](#)

Please submit any comments on this file to me no later than **October 6th** via email

If you have any issues accessing the file through the link provided, please let me know. Any questions seeking clarity, please contact me.

Thank you,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-1975 ext.246
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

[REDACTED]

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

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Search, BES, Planner I
Date: October 11, 2023
Subject: Minor Variance Application A-33-2023 – 1203 Faith Drive

Recommendation

Approve the following relief from Lakeshore Zoning By-law for a pergola that is already constructed and a planned pergola on the subject property:

- Relief from Section 6.5 a) x) to permit the pergola that is already constructed and the planned pergola to be located 0 metres from the main building, whereas accessory structures shall not be erected within 3 metres of the main building.

Impose the following conditions on approval:

- 1) The combined occupant load between the proposed structures and the existing main building shall remain unchanged at 300 persons;
- 2) Panic hardware on the exit gates to be included to the satisfaction of the Municipality of Lakeshore;
- 3) That site plan approval is obtained from the Municipality of Lakeshore for development of the subject property.

Proposal

The Municipality of Lakeshore has received an application for a subject property known municipally as 1203 Faith Drive. The subject property is zoned Minor Institutional Zone Exception 3 (I2-3) in the Lakeshore Zoning By-law and designated “Major Institutional” in the Lakeshore Official Plan.

The subject property is approximately 4.57 acres in area with approximately 60 metres of frontage along Faith Drive. The current use of the property is an assembly hall used as a wedding venue.

The applicant has constructed a pergola covering an area of approximately 332.6 m² on the property located south of the main building. In addition, the applicant is planning to

construct a new pergola covering an area of approximately 112.9 m² that will cover a cooler and freezer as well as a potential future pantry. This new pergola will be located south of the main building and to the east of the existing pergola as shown on the drawings (Appendix B.)

The pergola that is already constructed and the planned pergola will be abutting the south wall of the main building, and therefore both structures require the following relief from Lakeshore Zoning Bylaw 2-2012:

- Section 6.5 a) x) to permit the pergola that is already constructed and the planned pergola to be located 0 metres from the main building, whereas accessory structures shall not be erected within 3 metres of the main building.

A map showing the location of the subject parcel (Appendix A), sketches of the proposed minor variance (Appendix B), and photos of the pergola already constructed (Appendix C) are attached.

Summary

Location

The subject property is located on the south side of Faith Drive, south of County Road 22, west of Renaud Line Road, known municipally as 1203 Faith Drive. The subject property is approximately 4.57 acres in area with approximately 60 metres of frontage along Faith Drive.

Surrounding Land Uses

The abutting property to the east contains a school – St. William Catholic Elementary School. Directly south is a portion of the school lands and undeveloped land zoned Residential – Low Density (R1) which aerial photography suggests is currently used for agricultural purposes.

Directly west of the subject property is the St. Williams Cemetery. This cemetery, known municipally as 1193 Faith Drive, is a separate lot from the subject property that does not have frontage on a street. It has an un-encumbered right-of-way access through a registered easement on the subject property – visitors and/or maintenance crew are allowed to utilize the driveway on the subject property for the purposes of accessing the cemetery. The location of this easement is provided on the site plan drawing (Appendix B) – it is located west of the main building and the already constructed and proposed pergola. Beyond the cemetery, further west, is a residential subdivision.

North of the subject property, and directly across the street on the northside of Faith Drive, are residential properties supporting single detached dwellings.

Official Plan

The subject property is designated “Major Institutional” in the Lakeshore Official Plan and County of Essex Official Plan and is partially located within the Lake St. Clair floodprone area due to the 4th Concession Drain (municipal drain) that runs along the westerly limit of the subject property. In the County of Essex Official Plan, the subject property is located within a “Primary Settlement Area” designation.

Zoning

The subject property is zoned “Minor Institutional Exception 3 (I2-3)” in the Lakeshore Zoning By-law 2-2012.

Conclusion

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

Official Plan

The minor variance maintains the general intent and purpose of the Lakeshore and County of Essex Official Plan. The proposal does not conflict with any of the Primary Settlement Area policies of Section 3.2.4.1 of the County of Essex Official Plan.

Section 6.12.1 of the Major Institutional Designation permits accessory uses to any of the permitted uses under this designation, which are established in the Zoning By-law. The minor variance application identifies the current use of the property as an “assembly hall” used as a wedding venue. The pergolas are an accessory use/structure to support and enhance this permitted use. Their position adjacent to the south wall of main building will allow direct access from the main building to this outdoor space where customers/visitors can gather under a structure that provides some shelter.

The subject property is designated Site-Specific Policy Area 6.12.3.2. This policy section simply recognizes the existing easement on the property in favour of St. Williams Cemetery and lists the permitted uses on the subject property. The pergolas are located east of the easement lands – abutting the south wall of the main building. They will respect the easement lands and will serve as an accessory use/structure on the property.

As previously noted, the subject property is located within the Lake St. Clair floodprone area. Essex Region Conservation Authority (ERCA) was circulated for comments on the proposal. ERCA confirmed that their office has already issued a permit for the development, and that they have no objection to the application.

The pergolas will meet the required setback from the east side lot line that is mutual with the St. William Catholic Elementary School property. The site plan drawing indicates a 5 metre setback from the new pergola (not yet constructed) and the property

line. According to the site plan drawing, a 1.5 metre high black iron and masonry fence is proposed along the side lot line, along with a 4.5 metre wide buffer strip as required in the Zoning By-law. The exact site design is to be finalized through the site plan control process under the Planning Act with the development meeting the general intent and purpose of the Community Design policies of Section 4.2.1.

Zoning By-law

The proposed relief maintains the general intent and purpose of the Zoning By-law.

The purpose of the regulation not allowing accessory structures to be erected within three metres of a main building is to ensure a physical separation between structures that will prevent the spread of fire between buildings. It is also an aesthetic consideration to mitigate the appearance of overbuilding on a lot.

The Building Division and Fire Services did not raise any issues with the minor variance. The Fire Services advises that the current occupancy numbers must be maintained, panic hardware is required for the exit gates, and that the structure must be unenclosed. Permitting the pergolas to abut the south wall of the main building also makes sense from a functional and aesthetic consideration.

Minor

There are no anticipated impacts or land use compatibility issues with permitting the pergolas to abut the main building. Specifically positioning the pergolas on the south side of the building screens the structures from Faith Drive. The exact design of the site will be determined through the Site Plan Control process which will confirm compliance with required setbacks and buffering.

Desirability

The requested relief is considered desirable for the appropriate development of the building and land. This is not a case of a development deviating from any established standards that exist in the immediate area. Permitting the pergolas to be located adjacent to the south wall of the main building is convenient to allow direct access from the main building to this outdoor space where customers/visitors can gather under a structure that provides some shelter.

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:

- 1) The combined occupant load between the proposed structures and the existing main building shall remain unchanged at 300 persons;
- 2) Panic hardware on the exit gates to be included to the satisfaction of the Municipality of Lakeshore;
- 3) That site plan approval is obtained from the Municipality of Lakeshore for development of the subject property.

Correspondence

External and Internal Agencies

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

Essex Region Conservation Authority (ERCA) states that their office has issued a permit for this development. They have no objection to the minor variance. Full comments can be found in Appendix D.

The Operations Division stated that they have no comments on the minor variance at this time and will provide comments through the site plan control process to the Applicant. Full comment can be found in Appendix E.

The Fire Services states that the current occupancy numbers must be maintained, panic hardware is required on the exit gates, and that the accessory structure must remain unenclosed. Full comments can be found in Appendix F.

The Building Division stated that the combined occupant load between the proposed structures and the existing main building shall remain unchanged at 300 people. Full comments can be found in Appendix G.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Photo
Appendix B – Drawings
Appendix C – Photos
Appendix D – ERCA Comments

Appendix E – Operations Division Comments
Appendix F – Fire Services Comments
Appendix G – Building Division Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-33-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Photo.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Operations Comments.pdf- Appendix F - Fire Department Comments.pdf- Appendix G - Building Department Comments.pdf
Final Approval Date:	Oct 13, 2023

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

Sahar Jamshidi - Oct 13, 2023 - 4:10 PM



Legend

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

1: 2,357



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

SITE DATA

BUILDING INFORMATION		
BUILDING CLASSIFICATION:	ASSEMBLY HALL - MINOR INSTITUTIONAL	
FACING STREET(S):	1	
PRINCIPAL ENTRY:	1 SEE PLAN	
PRINCIPAL FIRE ENTRY:	1 SEE PLAN	
ZONING DATA		
ZONING CLASSIFICATION:	Q-3 - MINOR INSTITUTIONAL EXCEPTION 3 ZONE	
PERMITTED USES:	AS PER TABLE 7.1	
MINIMUM LOT AREA:	500m ²	5,382.0 SQ.FT.
MINIMUM LOT AREA:	2.0ha (20,000m ²)	4.9acre (215,278.2 SQ.FT.)
MINIMUM FRONTAGE:	15.0m	49'2 1/2"
MAXIMUM LOT COVERAGE:	30% (INCLUDING ACCESSORY BUILDINGS)	
MINIMUM LANDSCAPE OPEN SPACE:	30%	
SETBACKS		
	MIN. REQ'D	MIN. PROVIDED
FRONT YARD	7.5m 24' 7 1/4"	7.5m 24' 7 1/4"
REAR YARD	7.5m 24' 7 1/4"	7.5m 24' 7 1/4"
INTERIOR SIDE YARD	6.0m 19' 8 1/4"	6.0m 19' 8 1/4"
EXTERIOR SIDE YARD	6.0m 19' 8 1/4"	6.0m 19' 8 1/4"
BUILDING AND STRUCTURE HEIGHT		
	MAX 10.5m	PROVIDED 10.7m
OTHER PROVISIONS	4.5m 14' 6 1/4"	4.5m 14' 6 1/4"
	BUFFER STRIP SHALL BE PROVIDED	PROVIDED
	ABUTTING A RESIDENTIAL INSTITUTIONAL OR PARKING AND OPEN SPACE ZONE	

SITE AREA					
SITE AREA	AREA	SQ. FT.	m ²	COVERAGE (%)	
BUILDING AREA	216,986.9	SQ. FT.	20,121.6		
EXISTING:					
HALL	14,729.3	SQ. FT.	1,368.4	6.8 %	
ACCESSORY HOUSE	11,582.7	SQ. FT.	1,073.3		
ACCESSORY BUILDING	3,020.9	SQ. FT.	280.7		
PROPOSED:	562.7	SQ. FT.	52.4	0.1 %	
TOTAL AREA	14,822.1	SQ. FT.	1,386.3	6.9 %	
PAVING	44,019.6	SQ. FT.	4,088.7	20.3 %	
LANDSCAPE	PROPOSED SOFT	157,664.2	SQ. FT.	14,646.6	72.8 %
PROPOSED HARD	44,019.6	SQ. FT.	4,088.7	20.3 %	
TOTAL AREA	201,684.8	SQ. FT.	18,735.3	93.1 %	
PARKING DATA					
SIZE:	TYPICAL	8' x 18'	3.0m x 6.0m		
	WANDCAP	12' x 18'	4.5m x 6.0m		
	LOADING	11' 6" x 44' 4"	3.5m x 13.5m		
	MIN. REQ'D	PROVIDED:			
PARKING - TOTAL	80 SPACES	79 SPACES			
H.C. SPACES REQ'D	2 SPACES	2 SPACES			
LOADING SPACES	1 SPACES	1 SPACES			

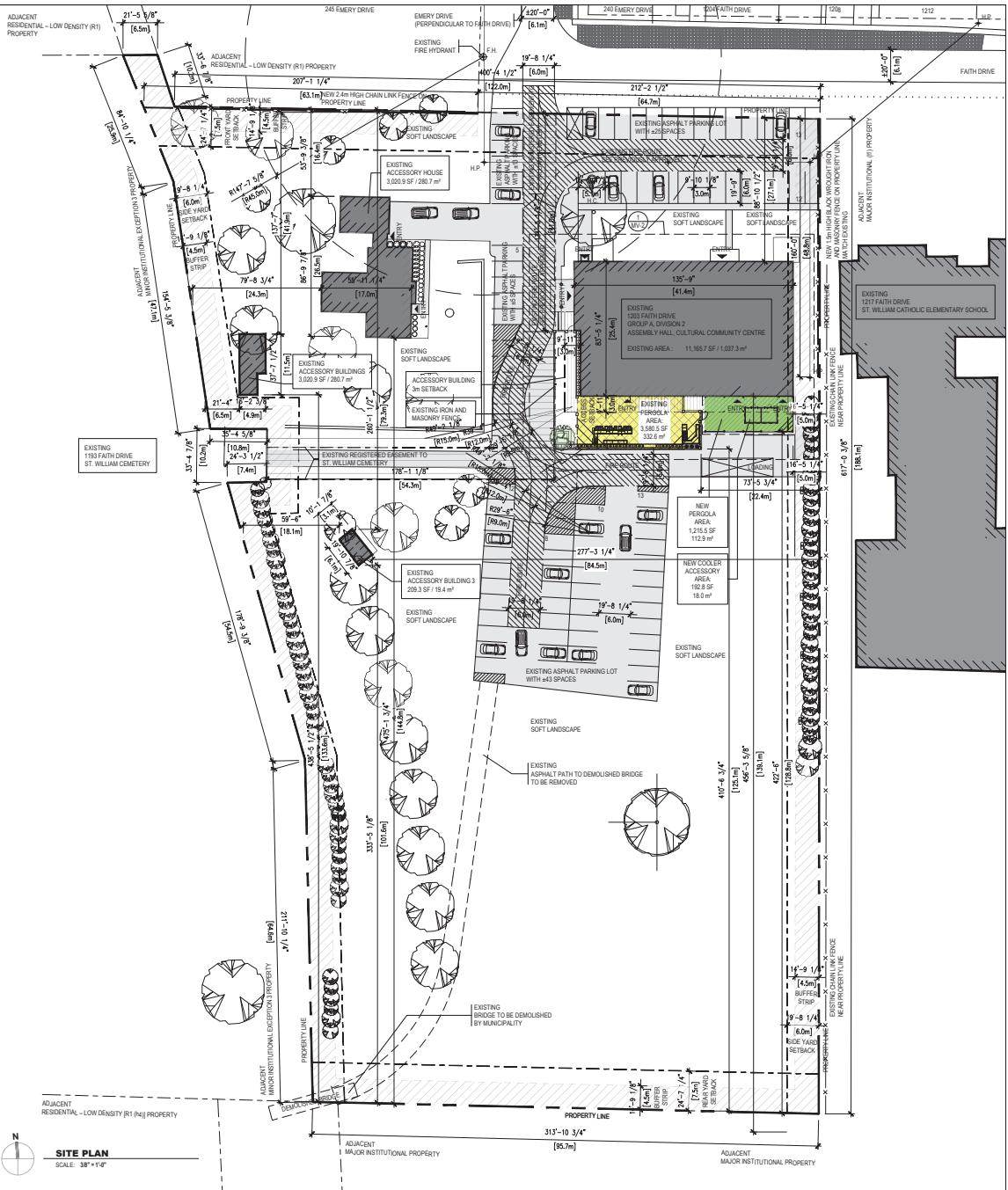
LEGEND

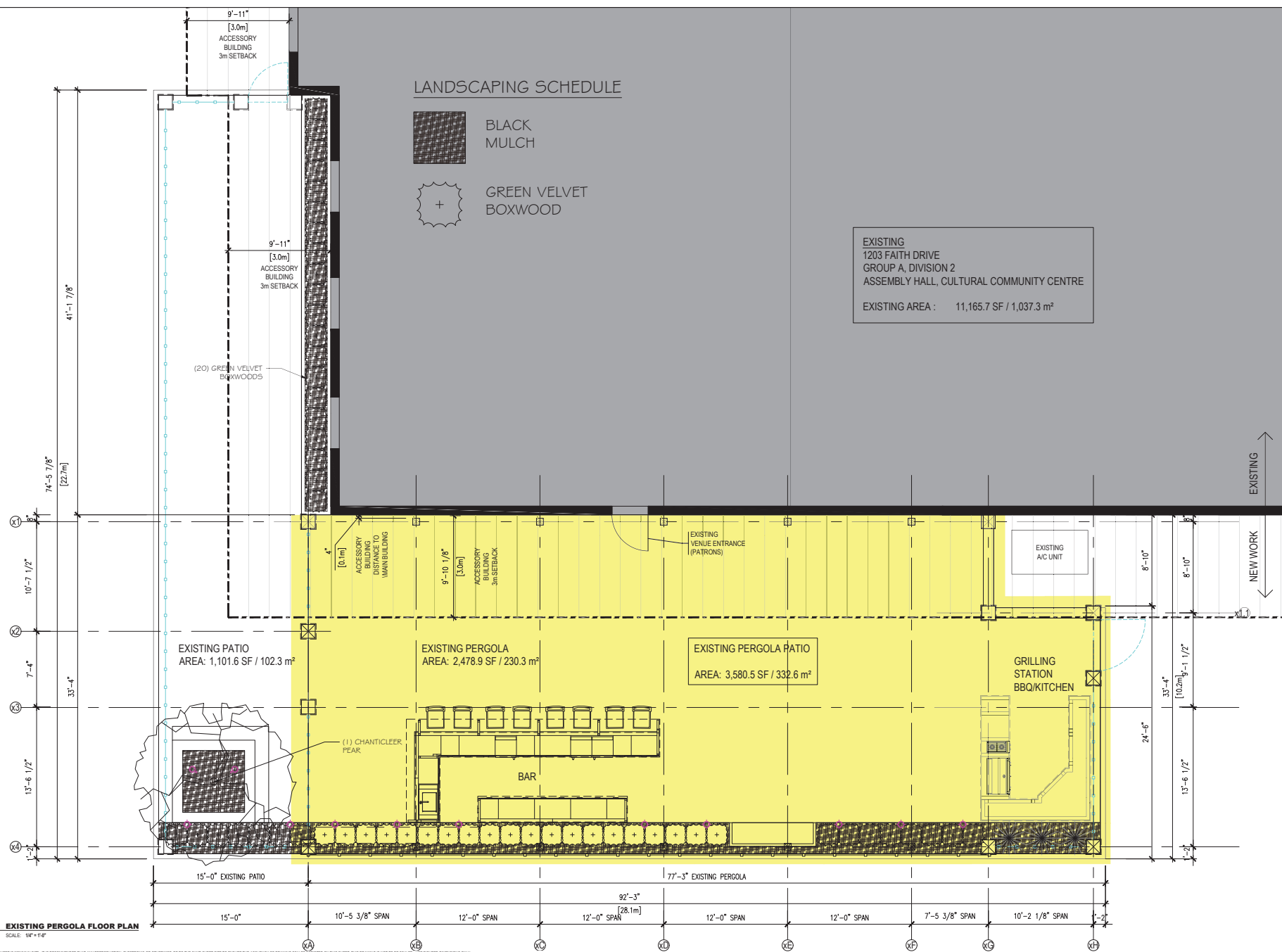
	EXISTING PAVING AND WALKWAYS
	EXISTING GRASS
	EXISTING SOFT LANDSCAPE
	EXISTING 4m SIDE YARD BUFFER STRIP
	EXISTING REGISTERED EASEMENT TO ST. WILLIAM CEMETERY
	EXISTING FIRE ROUTE
	EXISTING PERCOLA AREA
	NEW PERCOLA AREA WITH COOLER ACCESSORY
	EXISTING BUILDING
	PAVEMENT MARKINGS
	ACCESSORY BUILDING SETBACK FROM MAIN BUILDING

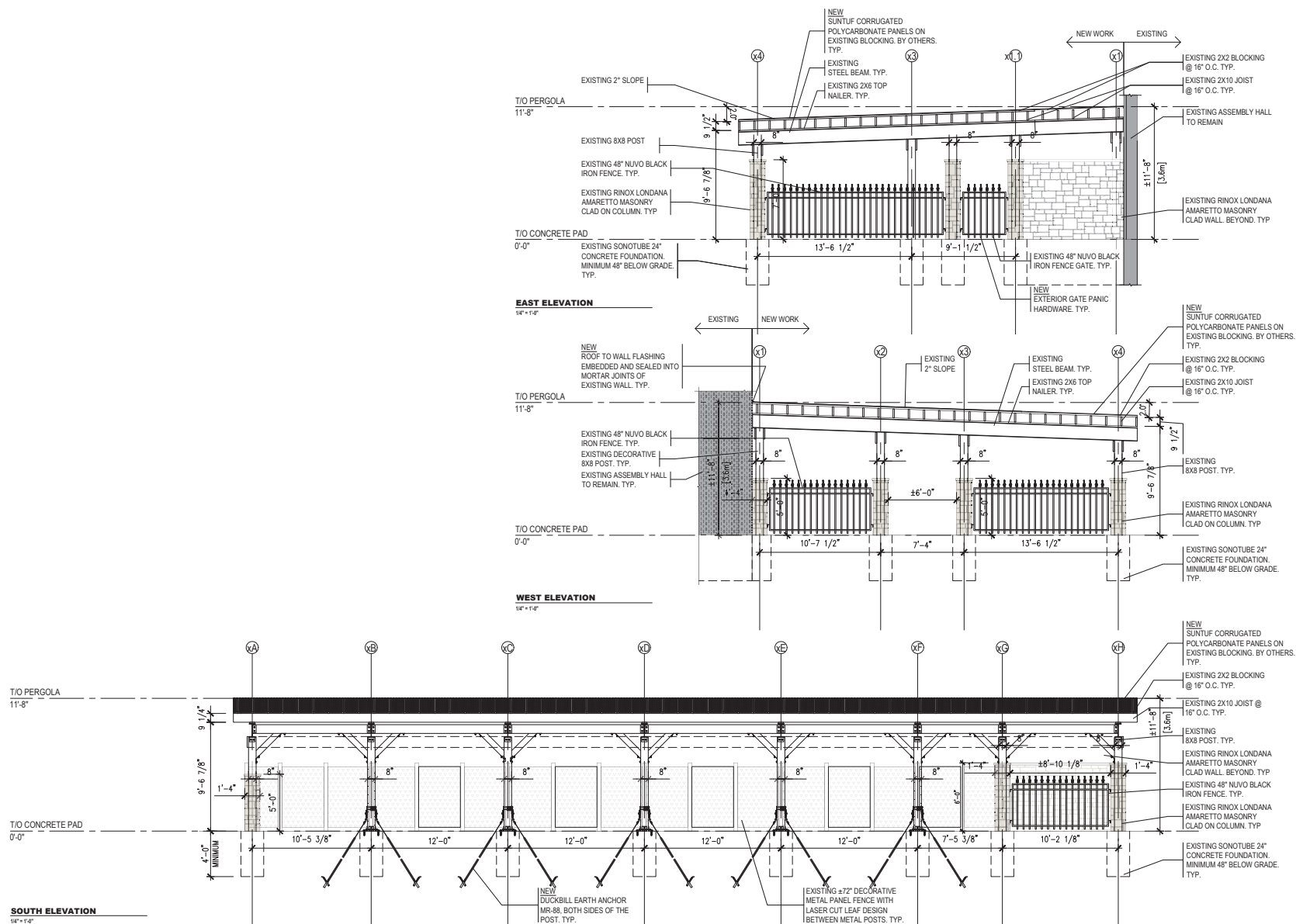


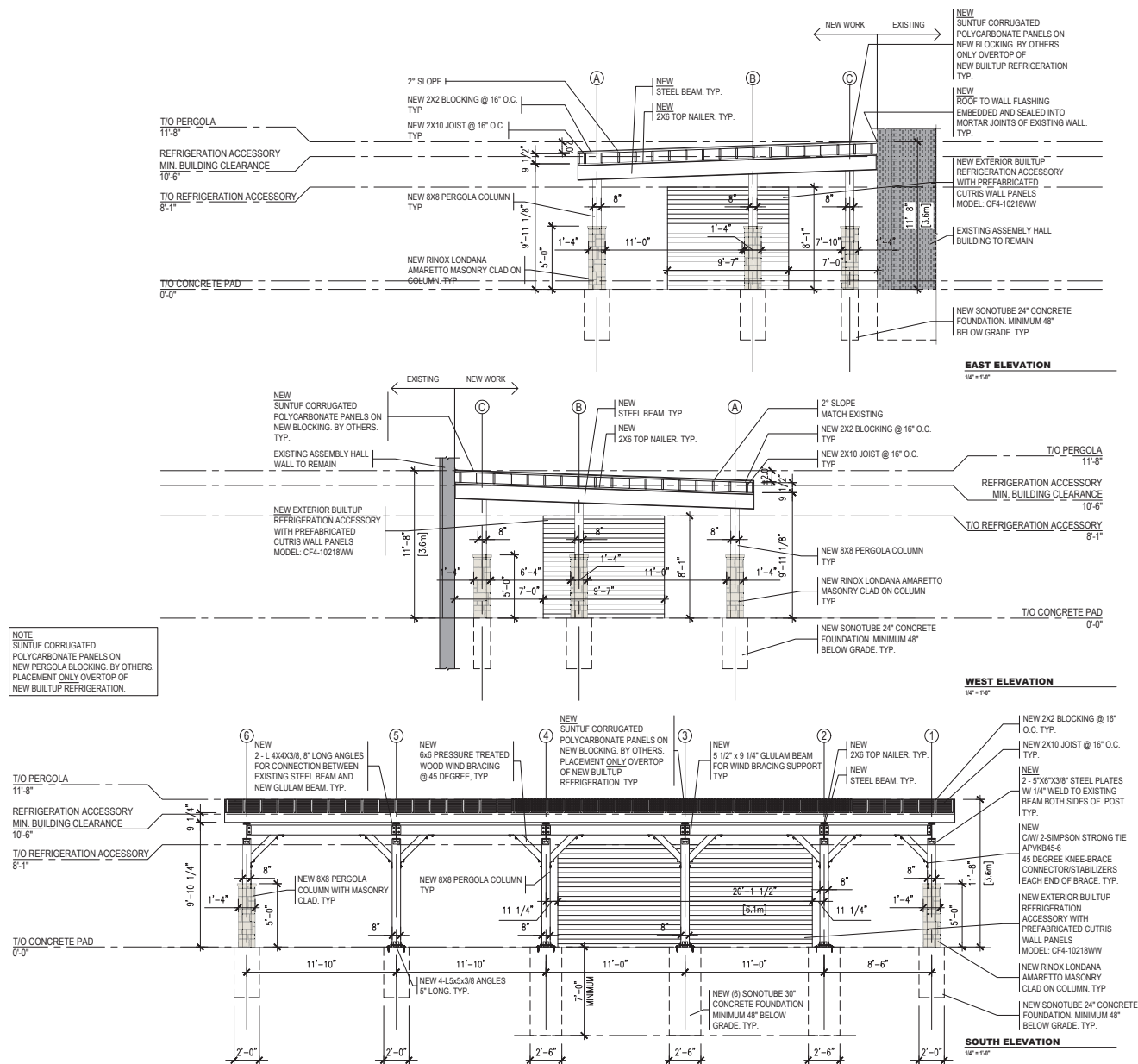
SITE PLAN

SCALE: 3/8" = 1'-0"











Looking at existing pergola from a location southwest of the pergola



Looking at existing pergola from a location west of the pergola



Looking at an area south of the existing and proposed pergola from a location southwest of the pergola



Looking towards the school located east of the subject property from an area just south of the new proposed pergola location



Looking towards the new proposed pergola area from a location south of that area



Looking towards the east side yard on the subject property from an area just south of the new proposed pergola area



Looking towards the main building on the subject property from a location north of the main building



Looking towards the main building on the subject property from a location north of the main building



planning@erca.org

P.519.776.5209

F.519.776.8688

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

September 27, 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-33-2023 1203 FAITH DR

ARN 375119000019200; PIN: 750050504

Applicant: ROMAN CATHOLIC EPISCOPAL COR

The Municipality of Lakeshore has received Application for Minor Variance A-33-2023 to permit two pergolas on the subject property. The following is provided as a result of our review of Application for Minor Variance A-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 4th Concession Drain.

Our office has issued ERCA Permit 491 - 23 for this development.

FINAL RECOMMENDATION

Our office has no objection to the proposed Minor Variance. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good,

Watershed Planner /ag

Page 1 of 1

Date: October 4, 2023
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – October 18, 2023 – A/33/2023

Operations has reviewed A/33/2023 – 1203 Faith Drive application and offer the following comments:

- Engineering has no comments on the variance at this time and will provide comments through the site plan control process to the Applicant.

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

Marco Villella, P.Eng.

Division Leader – Engineering & Infrastructure

Ian Search

From: Jeff Pulleyblank
Sent: October 6, 2023 11:55 AM
To: Ian Search
Subject: RE: Committee of Adjustment Review - October 18

Hi Ian, In collaboration with Building , the only comments we have are as follows:

- Due to detached building – this will limit the requirement to have fire route.
- Must maintain current occupancy #s
- Must ensure there is panic hardware on the exit gates.
- Must not be enclosed.

Really not much we can do based on the construction.

Thanks Jeff

Jeff Pulleyblank ,CMM III, CFEI

Deputy Fire Chief

Municipality of Lakeshore | Legal and Legislative Services - Fire Department

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

T: tel:+15197281975;ext=425

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



Hi Jeff,

I hope you are doing well these days.

I see Don below stating that you will provide comment for the minor variance file A-33-2023. Just want to make sure you are aware as I didn't see you cc'd. I have attached the notice for comment in case it was not forwarded to you. Looking to receive comments by Friday Oct 6. Thank you very much Jeff!

Regards,

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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

From: [David Garneau](#)
To: [Morris Harding](#); [Ian Search](#)
Subject: RE: Committee of Adjustment Review - October 18
Date: October 6, 2023 12:18:26 PM
Attachments: [image001.png](#)

Hi Ian,

I have discussed the proposal with Fire and have no issues regarding A-33-2023. Any details related to building construction can be addressed at the time of building permit application. The combined occupant load between the proposed structures and the existing main building shall remain unchanged at 300 persons as per the occupant load table on Sheet MV-2.

Thanks

David Garneau
Building Inspector

Municipality of Lakeshore | Growth and Sustainability - Building
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: tel:+15197281975;ext=233
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Morris Harding <mharding@lakeshore.ca>
Sent: Thursday, October 5, 2023 9:19 AM
To: Ian Search <isearch@lakeshore.ca>
Cc: David Garneau <dgarneau@lakeshore.ca>
Subject: RE: Committee of Adjustment Review - October 18

Good morning Ian

Building has no concerns with the Oct. 18 applications except for the file the Don referred, I would like Dave and Jeff Pulleybank to discuss and be on the same page.

Thank You

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

[REDACTED]

Hi all,

Reminder to please provide comments on these applications by end of day today. So far, I only have comments from Fire Dept.

Kind Regards,

Ian Search
Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, NOR 1A0
T: 519-728-1975 ext.246
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

[REDACTED]

[REDACTED]

Please see link below to access the official public meeting notices for the October 18th meeting for

your records:

 [Public Meeting Notices - October 18 Committee of Adjustment](#)

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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

[REDACTED]

Good Afternoon,

Please see link below to access the Notice for Comments for your review for the October 18th Committee of Adjustment meeting.

 [Committee of Adjustment - October 18](#)

Please submit any comments on these files to me no later than **October 6th** via email

If you have any issues accessing the files through the link provided, please let me know. Any questions seeking clarity, please contact me.

Thank you,

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: October 11, 2023

Subject: Consent Application B/34/2023 – 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 (see attached aerial map)

Recommendation

Approve consent application B/34/2023 to sever the farm property 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 (legal: Con 9 S Pt Lot 11) into two farm parcels approximately 50 acres in lot area, subject to the following conditions:

- 1) That, if required by Community Planning, the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of the Municipality;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) 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;
- 4) That, if required by the Operations Division, 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;
- 5) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 19, 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 farm split severance to divide the subject property known as 11841 Lakeshore Road 309 & 0 Lakeshore Road

310 (Appendix A), located west of County Road 37 and east of Highway 77. Currently the two addresses have separate tax roll numbers, but the land is merged on title through common ownership. The subject property is designated “Agricultural” in the Lakeshore Official Plan and zoned “Agriculture” in the Lakeshore Zoning By-law.

The subject property is approximately 40.46 ha (100 acres) and is a through lot with approximately 300 metres of frontage along Lakeshore Road 309 and 300 metres of frontage along Lakeshore Road 310. The property currently contains a residential dwelling and accessory buildings that have access from Lakeshore Road 309.

The proposed farm split will result in the severed lot having an area of approximately 50 acres and a lot frontage of approximately 300 metres on Lakeshore Road 310. The retained lot will have an area of approximately 50 acres and approximately 300 metres of frontage on Lakeshore Road 309.

Summary

Location:

The subject property is located west of County Road 37/Gracey Sideroad, east of Highway 77, and south of County Road 46. It is known municipally as 11841 Lakeshore Road 309 & 0 Lakeshore Road 310.

Surrounding Land Uses:

The subject property is surrounded by agricultural uses and rural residential lots. There are woodlands located just east of the subject property.

Provincial Policy Statement (PPS) and County of Essex Official Plan

The subject property is designated “Agricultural” in the County of Essex Official Plan and is part of the County’s prime agricultural area in accordance with Provincial Policy. Section 2.3.4.1 of the PPS states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

The County of Essex Official Plan states that until such time as an Agricultural Lot Size Study is approved by County Council and implemented by amendment to the plan, existing agricultural lot creation policies at the local level remain in effect. In addition, lot creation policies of Section 3.3.3.4 a) state:

Lot creation to accommodate an agricultural use shall only be considered where the lots proposed are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of

agricultural operations. These agricultural lots shall also comply with the Minimum Distance Separation Formulae.

Both the severed and retained lots will be approximately 20 hectares in size and will comply with the Minimum Distance Separation Formulae as the subject property is not within 1,000 metres of an existing livestock facility. Therefore, the proposal conforms to the existing agricultural lot creation policies under the Lakeshore Official Plan. It conforms with the County of Essex Official Plan and is consistent with the PPS.

Lakeshore Official Plan

Section 6.2.3 of the Official Plan permits a farm split severance in the Agricultural designation if the minimum area of both the retained and severed lot is approximately 20 hectares. Also, when either the proposed severed or retained lot does not contain an existing dwelling, and the subject lot is within 1,000 metres of an existing livestock facility, the consent must be implemented by a Zoning By-law amendment requiring any new dwelling construction to meet the Minimum Distance Separation I Formula, including the Minimum Distance Separation Guidelines.

The proposal conforms to these policies under the Lakeshore Official Plan. Both the severed and retained lots will be approximately 20 hectares in size and will comply with the Minimum Distance Separation Formulae as the subject property is not within 1,000 metres of an existing livestock facility.

Zoning

The Zoning By-law requires a minimum lot area of 19 hectares for a farm parcel zoned Agriculture (A) and a minimum lot frontage of 75 metres. The proposed farm split will result in the severed lot having an area of approximately 50 acres (20.2 hectares) and a lot frontage of approximately 300 metres on Lakeshore Road 310. The retained lot will have an area of approximately 50 acres (20.2 hectares) and a lot frontage of approximately 300 metres on Lakeshore Road 309. Therefore, the proposal complies with the Lakeshore Zoning By-law minimum lot frontage and area.

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the County of Essex and 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 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, the Municipality's Development Manual and/or may require an access bridge to be obtained through the Drainage Act. A Drainage Apportionment will be required. Full comments can be found in Appendix D.

Lower Thames Valley Conservation Authority (LTVCA) did not provide any comments as of the date of this report.

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 – Drawings
Appendix C – Photos
Appendix D – Operations Comments

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-34-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Operations Comments.pdf
Final Approval Date:	Oct 13, 2023

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

Sahar Jamshidi - Oct 13, 2023 - 4:16 PM



11841 Lakeshore Road 309 & 0 Lakeshore Road 310: Subject Property



Legend

Heritage

- Part IV Designated
- Listed Property of Cultural Herit

Address Label

Street Centreline

- <all other values>
- CNTY
- LAK
- PRIV
- PROV

Municipal Drain

Name

- Storm Catch Basin
- Storm Manhole
- Storm Main
- Sanitary Manhole
- Inflow Dish - No Data
- inflow Dish - YES
- Sanitary Main
- GRAVITY
- FORCE MAIN
- Easement
- ERCA Floodline
- Subwatershed
- 2015 Distribution of Fish Sp
- Protected under SARA (Extirpat
- Special Concern Species (includ

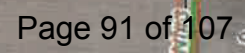
1: 14,880



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







Looking at existing pergola from a location southwest of the pergola



Looking at existing pergola from a location west of the pergola



Looking at an area south of the existing and proposed pergola from a location southwest of the pergola



Looking towards the school located east of the subject property from an area just south of the new proposed pergola location



Looking towards the new proposed pergola area from a location south of that area



Looking towards the east side yard on the subject property from an area just south of the new proposed pergola area



Looking towards the main building on the subject property from a location north of the main building



Looking towards the main building on the subject property from a location north of the main building

Date: October 4, 2023
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment –October 18, 2023 – B/34/2023

Operations has reviewed B/34/2023 – 11841 Lakeshore Road 309 & 0 Lakeshore Road 310 application and offer the following comments:

- A Drain apportionment will be required for this application.
- 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, the Municipality's Development Manual and/or may require an access bridge to be obtained through the Drainage Act.

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

Marco Villella, P.Eng.

Division Leader – Engineering & Infrastructure



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, September 13, 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: Division Leader – Community Planning, Sahar Jamshidi
Planner I Ian Search
Team Leader - Development Approval Kristina Brcic
Administrative Assistant, Gisele Pillon

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM.

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. A-30-2023 - 1996 South Middle Road

Robert Zelko (applicant) was present and had no comments.

Member Flagler-Wilburn asked how wide the driveway would be. The applicant stated approximately 12 feet from the lot line, and 12 feet wide.

Member McKinlay asked if there was a definition of pole barn versus shed. Ian Search stated they are both defined as accessory building in the By-law.

88/09/2023

Moved By Member Hoffman

Seconded By Member Flagler-Wilburn

Approve minor variance application A/30/2023 to permit an accessory building to have a maximum gross floor area of 237.9 m² 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.

Carried Unanimously

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

Jackie Lassaline (Authorized Agent) was present and stated she was in support of the recommendation.

89/09/2023

Moved By Member Flagler-Wilburn

Seconded By Member McKinlay

Approve consent application B/31/2023 to sever a lot with an area of approximately 3,051.33 m² (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.

Carried Unanimously

90/09/2023

Moved By Member McKinlay

Seconded By Member Hoffman

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);

Carried Unanimously

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

Member Flagler-Wilburn asked for clarification about accesses. Ian Search clarified that each parcel will have its own access and that the access for the retained farmland will be shared by both parcels for access.

B/32/2023

91/09/2023

Moved By Member McKinlay

Seconded By Member Flagler-Wilburn

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.

Carried Unanimously

B/33/2023

92/09/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

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.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

93/09/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

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

Carried Unanimously

a. August 16 Meeting Minutes

7. New Business

a. Scheduling of future Special Committee of Adjustment Meeting

It was determined that a requested Special Committee of Adjustment meeting be held on October 19 2023.

8. Adjournment

94/09/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 6:41 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer