

# Municipality of Lakeshore

## Committee of Adjustment Meeting Agenda

Wednesday, November 15, 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. Minor Variance A-35-2023 - 155 Alexander Ave

4

### **Recommendation:**

Approve minor variance application A/35/2023 to permit an accessory building to have a maximum gross floor area of 118.92 m<sup>2</sup> subject to the following conditions:

- 1) The accessory building shall be setback a minimum 45 metres from the front lot line, to the satisfaction of the Building division at the Municipality of Lakeshore;
- 2) The accessory building shall be constructed with the same orientation (shorter length facing Alexander Ave) as depicted on the site plan drawing to the satisfaction of the Building division at the Municipality of Lakeshore;
- 3) A grading plan is provided to the Building division at the Municipality of Lakeshore for the development, if required by this division, and to the satisfaction of the Building division.

**Recommendation:**

Approve Minor Variance Application A-36-2023 to permit an existing dwelling to temporarily remain on the lot during the development of a new dwelling at 500 County Road 31, and to temporarily permit two driveways at 500 County Road 31 during the development of a new dwelling, subject to the following conditions:

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

2) The owner obtain all necessary permits/approvals required by the Essex Region Conservation Authority;

3) The owner obtain all necessary permits/approvals required by the County of Essex for the project.

4) A detailed grading plan for the development is provided to the satisfaction of Building Services at the Municipality of Lakeshore

**5. Completion of Unfinished Business**

**6. Approval of Previous Meeting Minutes**

**Recommendation:**

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

a. October 18 2023 Meeting Minutes

61

b. October 19 2023 Meeting Minutes

66

**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:** November 6, 2023

**Subject:** Minor Variance Application A/35/2023 – 155 Alexander Ave

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### Recommendation

Approve minor variance application A/35/2023 to permit an accessory building to have a maximum gross floor area of 118.92 m<sup>2</sup> subject to the following conditions:

- 1) The accessory building shall be setback a minimum 45 metres from the front lot line, to the satisfaction of the Building division at the Municipality of Lakeshore;
- 2) The accessory building shall be constructed with the same orientation (shorter length facing Alexander Ave) as depicted on the site plan drawing to the satisfaction of the Building division at the Municipality of Lakeshore;
- 3) A grading plan is provided to the Building division at the Municipality of Lakeshore for the development, if required by this division, and to the satisfaction of the Building division.

### Proposal

The Municipality of Lakeshore has received a minor variance application for a property located on the west side of Alexander Ave, north of County Road 22, known municipally as 155 Alexander Ave. The subject property is zoned Residential – Low Density (R1) and designated “Residential” in the Lakeshore Official Plan. It is approximately 1,741.9 m<sup>2</sup> in area with approximately 22.86 metres of frontage along Alexander Ave.

There is currently a dwelling and an accessory building on the property. The applicant is proposing to remove the existing accessory building and construct a new accessory building in approximately the same location that will have a gross floor area of 118.92 m<sup>2</sup> (1280 ft<sup>2</sup>). The new accessory building requires the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup>.



The applicant has indicated that the purpose of the minor variance is to provide increased gross floor area of an accessory building that will support the storage of personal vehicles and off-road vehicles in a building rather than in the open yard.

## **Summary**

### Location

The subject property is located west of Rourke Line Road, east of Renaud Line Road, north of County Road 22, on the west side of Alexander Ave.

### Surrounding Land Uses

North: residential properties, VIA Rail Canada Inc. railroad

South: residential properties, County Road 22

East: residential properties

West: Vacant land zoned residential

### Official Plan

The subject property is designated “Lake St. Clair flood-prone area” and “Residential” in the Lakeshore Official Plan.

### Zoning

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

## **Conclusion**

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

### Official Plan

The minor variance will maintain the general intent and purpose of the Lakeshore Official Plan. The Residential Designation policies under Section 6.6 permit single detached dwellings and accessory uses. The proposal does not conflict with any of the Residential Designation policies.

Community design policies under Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a generally high quality of community design and built form. Furthermore, the Municipality will ensure that new

development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.

The minor variance request does not threaten the physical design characteristics of the surrounding area. The site plan drawing indicates that the building will be located 48.37 metres from the front lot line – in the rear yard and generally behind the dwelling on the property. It will have less impact on neighbourhood character from the street at this location. Moreover, the lot area of the subject property exceeds the minimum lot area provision by close to three and a half times, with the proposed accessory building only contributing 6.8% lot coverage. This is not a case of overbuilding on a lot and the proposal is unoffensive to neighbourhood character in this respect.

It is recommended that the Committee of Adjustment impose a condition requiring the accessory building to be located at least 45 metres from the front lot line. The site plan drawings indicates a 48.37 metre setback. It is desirable to locate the accessory building towards the rear of the lot. The recommended condition will ensure this but will also afford some flexibility for the applicant in finding a precise location that is suitable as it appears there is a tree located directly behind the existing accessory building to be replaced.

The site plan drawing depicts the shorter length of the accessory building as the length that will face the street. It is recommended that the Committee of Adjustment require the building to be developed with this orientation so that less of the building is visible from the street.

The subject property is located within the Lake St. Clair flood-prone designation of the Official Plan. Essex Region Conservation Authority (ERCA) was circulated for comments. Their office notes that an ERCA permit was already issued for the development in August of this year and that they have no objection to the minor variance.

### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the gross floor area provision is to ensure that an accessory building is compatible with the height and massing characteristics of the area. The regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> was designed for lots in a typical subdivision.

As previously mentioned, the lot area of the subject property is close to three and half times greater than the minimum lot area requirement in the R1 zone. Its size is comparable to other residential lots located north and south of the subject property on the west side of Alexander Ave. Both on the east and west side of Alexander Ave, the residential lots have greater depth than lots typically comprising a subdivision. Therefore, the subject property and the lots in the surrounding area are generally more conducive to supporting larger accessory buildings.

An interactive map suggests that there are other oversized accessory buildings existing in the neighbourhood. These accessory buildings are generally located behind the dwellings on the properties. Indeed, the larger depth of these lots has been taken advantage of to accommodate oversized accessory buildings towards the back of the properties further away from the street. The proposed accessory building on the subject property is a compatible and similar concept.

Lastly, the proposed accessory building will be subordinate to the existing dwelling on the subject property in terms of massing. The site plan drawing indicates that the building footprint of the dwelling on the property is 1388 ft<sup>2</sup> (128.94 m<sup>2</sup>). Therefore, the accessory building is consistent with the “accessory” definition in the Zoning By-law with a proposed gross floor area of 118.92 m<sup>2</sup>.

### Minor

It is the opinion of the Planner that the variance is minor in nature considering neighbourhood context. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. The Committee should impose the following conditions on approval to ensure overall neighbourhood compatibility and compatibility with neighbouring properties:

- The accessory building will be setback a minimum 45 metres from the front lot line to the satisfaction of the Building division at the Municipality of Lakeshore;
- The accessory building be constructed with the same orientation (shorter length facing Alexander Ave) as depicted on the site plan drawing to the satisfaction of the Building division at the Municipality of Lakeshore;

### Desirability

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

The applicant has indicated in the application that the proposed building will support the storage of personal vehicles and off-road vehicles in a building rather than in the open yard. It is important for the applicant to know that the building cannot be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) as such use is not permitted in the Zoning By-law under the R1 zone.

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

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land,

- building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee grant the minor variance and impose the conditions in the recommendation section of this report.

## **Correspondence**

### External and Internal Agencies

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

Building Services has requested a grading plan to ensure water runoff is addressed. Full comments can be found in Appendix D. It is recommended that the Committee impose this requirement as a condition of minor variance approval.

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

ERCA stated they had no objection to the minor variance and that an ERCA permit has already been issued for the development. Full comments can be found in Appendix F.

Fire Services states that the owner will be required to contact that department once occupancy is given to assess what Fire Code requirements may apply depending on the use. As previously stated, the building is not permitted to be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) under the Zoning By-law. Full comments can be found in Appendix G.

VIA Rail Canada Inc. provided their standard comments. It is noted that this an accessory building for the storage of vehicles and that the accessory building will be located over 100 metres from their right-of-way. Full comments can be found in Appendix H.

### Public Notice Circulation

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

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

Appendix A – Aerial Photo  
Appendix B – Drawings  
Appendix C – Photos  
Appendix D – Building Comments  
Appendix E – Operations Comments  
Appendix F – ERCA Comments  
Appendix G – Fire Comments  
Appendix H – VIA Rail Comments

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-35-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Photo.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - Building Comments.pdf</li><li>- Appendix E - Operations Comments.pdf</li><li>- Appendix F - ERCA Comments.pdf</li><li>- Appendix G - Fire Comments.pdf</li><li>- Appendix H - VIA Rail Comments.pdf</li></ul>
Final Approval Date:	Nov 9, 2023

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

**Sahar Jamshidi - Nov 9, 2023 - 6:07 PM**





## Legend

- Tax Parcel
- Address Label
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- Significant Lands
- Woodlands
- Provincially Significant Wetl
- Candidate Provincially Signi

1: 2,954



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





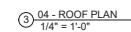
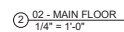
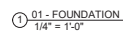


3. OFFSET ALL PLUMBING VENTS TO REAR OF SLOPE.

2. PROVIDE GUTTERS AND DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS SHALL BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS, OR DRIVES.

3. OFFSET ALL PLUMBING VENTS TO REAR OF SLOPE.

ROOF & CEILING 2 STORY			ROOF & CEILING 1 STORY			ROOF & CEILING 10 STORY		
MAX OPENING SIZE	MAX OPENING INTERIOR WALL	LINTEL	MAX OPENING EXTERIOR WALL	MAX OPENING INTERIOR WALL	LINTEL	MAX OPENING EXTERIOR WALL	MAX OPENING INTERIOR WALL	LINTEL
EXTERIOR WALL	2'1"	2-2x6	3'1"	2'4"	2-2x6	3'7"	3'7"	2-2x6
7'10"	2'10"	2-2x6	4'5"	3'3"	2-2x6	5'4"	5'4"	2-2x6
4'1"	3'5"	2-2x8	5'5"	3'10"	2-2x8	6'7"	6'7"	2-2x8
5'0"	4'1"	2-2x10	6'7"	4'9"	2-2x10	8'1"	8'1"	2-2x10
6'2"	4'9"	2-2x12	7'8"	5'5"	2-2x12	9'4"	9'4"	2-2x12



FINAL DRAWING - USE FOR CONSTRUCTION. FINAL DRAWING

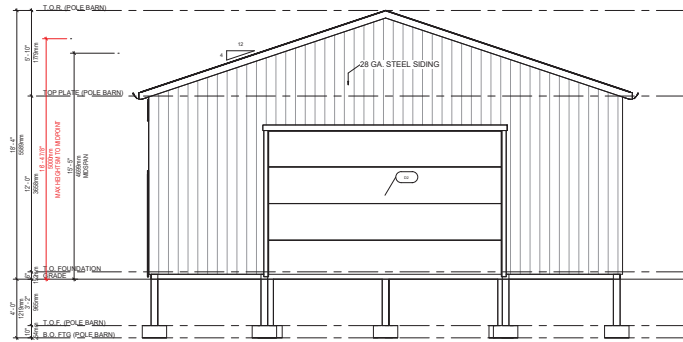
PLAN # 23050	SUPREME GEN. CONT. INC	155 ALEXANDER AVE	FOUNDATION/FLOOR PLAN
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DH  
DRAFTING & DESIGN  
devon@dhdrafting.ca  
www.dhdrafting.ca  
cell: 226-346-8198

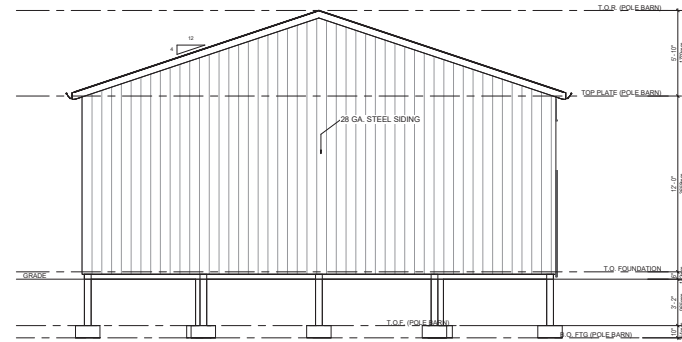
DESIGN BY: DEVON HODGKINS - BCIN # 47043

2023-10-02 12:53:15 PM A2 Scale 1/4" = 1'-0"

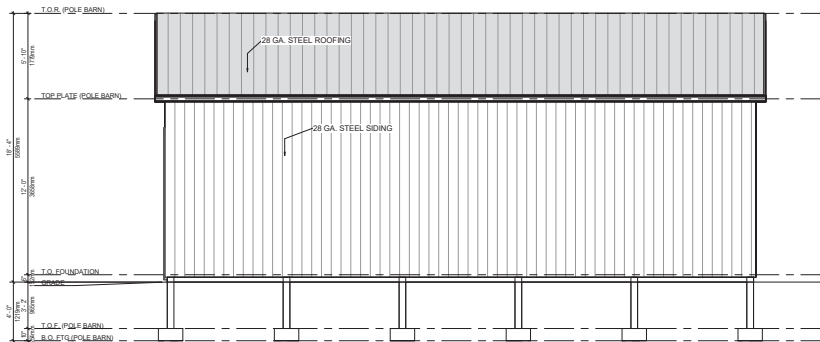
FINAL DRAWING - USE FOR CONSTRUCTION. FINAL DRAWING



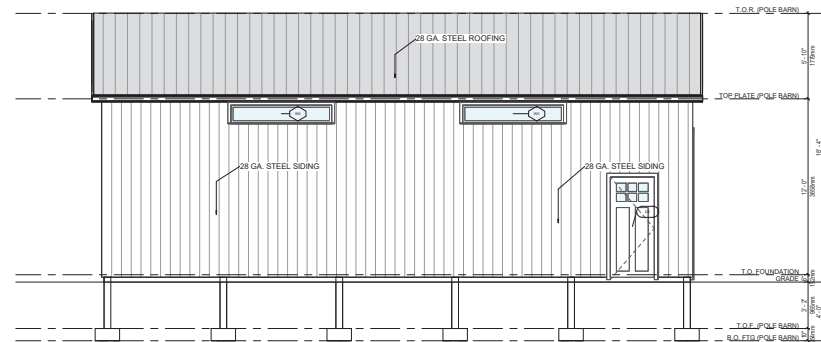
1 - EAST ELEVATION  
1/4" = 1'-0"



3 - WEST ELEVATION  
1/4" = 1'-0"



2 - NORTH ELEVATION  
1/4" = 1'-0"



4 - SOUTH ELEVATION  
1/4" = 1'-0"

FINAL DRAWING - USE FOR CONSTRUCTION. FINAL DRAWING

PLAN # 23050	SUPREME GEN. CONT. INC	155 ALEXANDER AVE	ELEVATIONS
--------------	------------------------	-------------------	------------

**DH**  
DRAFTING & DESIGN  
devon@dhdrafting.ca  
www.dhdrafting.ca  
cell: 226-346-6196

DESIGN BY: DEVON HODGKINS - BCIN # 47043  
2023-10-02 12:53:15 PM A3 Scale 1/4" = 1'-0"



Existing dwelling and existing accessory building to be replaced (looking east)



Looking at the part of the rear yard south of the existing accessory building to be replaced





Existing accessory building to be replaced (looking north in rear yard)



Looking west of the existing accessory building to be replaced



Looking at existing accessory building to be replaced and existing fence north of the building





Looking south of the existing accessory building to be replaced, through the subject property rear yard and towards the southerly neighbours rear yard



Looking at the vacant property west of the subject property from the subject property's rear yard

1	2	3	4	5	6	7
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Please ensure a grading plan is provided address water run off.

**From:** Ian Search <isearch@lakeshore.ca>  
**Sent:** Friday, October 20, 2023 4:02 PM  
**To:** [REDACTED] <[REDACTED]@[REDACTED]> <[REDACTED]@[REDACTED]> <[REDACTED]@[REDACTED]>  
 <[REDACTED]@[REDACTED]> <[REDACTED]@[REDACTED]> <[REDACTED]@[REDACTED]>  
 <[REDACTED]@[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]@[REDACTED]> [REDACTED] <[REDACTED]@[REDACTED]> [REDACTED]  
 <[REDACTED]@[REDACTED]>  
**Subject:** Notice for Comment - November 15 Committee of Adjustment  
**Importance:** High

Please see attached Notice for Comments for two applications proceeding to the November 15 Committee of Adjustment meeting. Please provide any comments to me on these files by November 3 via email.

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



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

## **Ian Search**

### **Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning  
419 Notre Dame Street, Belle River, ON, N0R 1A0  
T: <tel:+15197281975;ext=246>  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

**Date:** October 24, 2023  
**From:** Engineering & Infrastructure Division  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment –November 15, 2023 – A/35/2023

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Operations has reviewed A/35/2023 – 155 Alexander Ave. application and offer the following comments:

- Construction of accessory building should not adversely impact any rear yard drainage or adjacent neighbouring lands.

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 24, 2023

## Ian Search

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

Dear Mr. Ian Search:

RE: Application for Minor Variance A-35-2023 155 ALEXANDER AVE

ARN 375118000026200; PIN: 750310108

Applicant: MARKAKIS IOANNIS & BRIAN LAFRENIERE

The Municipality of Lakeshore has received Application for Minor Variance A-35-2023, which proposes to remove an existing accessory building and construct a new accessory building with a gross floor area of approximately 118.92m<sup>2</sup> on the subject lands, where a maximum gross floor area of 55m<sup>2</sup> is permitted. The following is provided as a result of our review of Application for Minor Variance A-35-2023.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. Our office notes that ERCA Permit #494 - 23 was issued for this development on August 29, 2023.

## **FINAL RECOMMENDATION**

Our office has no objection to Minor Variance A-35-2023. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good

Watershed Planner /ag

**From:** [Don Williamson](#)  
**To:** [Ian Search](#)  
**Subject:** FW: Notice for Comment - November 15 Committee of Adjustment  
**Date:** October 23, 2023 2:43:22 PM  
**Attachments:** [A-35-2023 - Notice for Comments.pdf](#)  
[A-36-2023 - Notice for Comments.pdf](#)  
**Importance:** High

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A-35-2023: Fire Services has no specific commentary on the proposed accessory building construction other than the owner will be required to contact us once occupancy is given to assess what Fire Code requirements may apply depending on its use.

[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)

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**From:** Ian Search <[isearch@lakeshore.ca](mailto:isearch@lakeshore.ca)>  
**Sent:** Friday, October 20, 2023 4:02 PM  
**To:** [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED]  
<[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED]  
<[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>  
**Cc:** [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED] <[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>; [REDACTED]  
<[\[REDACTED\]@\[REDACTED\].ca](mailto:[REDACTED]@[REDACTED].ca)>  
**Subject:** Notice for Comment - November 15 Committee of Adjustment  
**Importance:** High

Good Afternoon,

Please see attached Notice for Comments for two applications proceeding to the November 15 Committee of Adjustment meeting. Please provide any comments to me on these files by November 3 via email.

Kind Regards,

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

Ian Search

## Planner I

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

T: <tel:+15197281975;ext=246>

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

**From:** [Paul Charbachi](#)  
**To:** [Ian Search](#)  
**Subject:** RE: Municipality of Lakeshore - Notice for Comment - Committee of Adjustment November 15  
**Date:** November 1, 2023 2:36:25 PM  
**Attachments:** [image001.png](#)

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

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;
  - Inspection frequency and submittal
  - Agreements signed between Via and the applicant
- **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.

- 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 ).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the 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, 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 Charbachi**

Infrastructure Engineer





██████████@██████████.ca

Paul Charbach, Infrastructure Department  
3 PLACE VILLE MARIE, 5IEME ETAGE  
MONTREAL QC H3B 2C9  
Tel / Portable: (514) 607-5833  
Email / Courriel : [Paul\\_Chabachi@viarail.ca](mailto:Paul_Chabachi@viarail.ca)

---

**From:** Ian Search <[isearch@lakeshore.ca](mailto:isearch@lakeshore.ca)>  
**Sent:** Wednesday, November 1, 2023 8:49 AM  
**To:** Ian Search <[isearch@lakeshore.ca](mailto:isearch@lakeshore.ca)>  
**Subject:** RE: Municipality of Lakeshore - Notice for Comment - Committee of Adjustment November 15

**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.

Hi all,

For your records attached are the official public meeting notices for the two applications.

Kind Regards,

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

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

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning  
419 Notre Dame Street, Belle River, ON, N0R 1A0  
T: <tel:+15197281975;ext=246>  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

---

**From:** Ian Search

**Sent:** Friday, October 20, 2023 3:50 PM

**To:** Ian Search <[isearch@lakeshore.ca](mailto:isearch@lakeshore.ca)>

**Subject:** Municipality of Lakeshore - Notice for Comment - Committee of Adjustment November 15

**Importance:** High

Hi all,

Please see attached Notice for Comments for two development applications to be heard by Lakeshore's Committee of Adjustment on November 15. Please provide any comments to me by November 3<sup>rd</sup>.

Kind Regards,

**Ian Search**

**Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning

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

T: 519-728-1975 ext.246

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

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:** November 9, 2023

**Subject:** Minor Variance Application A-36-2023 – 500 County Road 31

---

### Recommendation

Approve Minor Variance Application A-36-2023 to permit an existing dwelling to temporarily remain on the lot during the development of a new dwelling at 500 County Road 31, and to temporarily permit two driveways at 500 County Road 31 during the development of a new dwelling, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and that will require the owner to remove one of the driveways in accordance with the agreement. This agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore;
- 2) The owner obtain all necessary permits/approvals required by the Essex Region Conservation Authority;
- 3) The owner obtain all necessary permits/approvals required by the County of Essex for the project.
- 4) A detailed grading plan for the development is provided to the satisfaction of Building Services at the Municipality of Lakeshore

### Background:

Community Planning has received a minor variance application for a property located on the east side of County Road 31, south of the Canadian Pacific Limited right-of-way, north of County Road 42, known municipally as 500 County Road 31. The subject property is zoned Residential Waterfront – Watercourse (RW1) in the Lakeshore Zoning By-law and designated "Waterfront Residential" in the Lakeshore Official Plan.

The subject property is approximately 2.15 acres in area with approximately 32.61 metres of frontage along County Road 31. There is an existing dwelling and multiple accessory buildings on the subject property. The applicant is planning on constructing a new dwelling on the subject property and would like to live in their existing dwelling during the development process. Therefore, the applicant is applying to temporarily permit two dwellings on the property during development, with the existing dwelling to be demolished following occupancy of the new dwelling. Additionally, the applicant is applying to temporarily permit two driveways on the subject property during development of the new dwelling, with the south driveway to be removed following occupancy of the new dwelling. The following reliefs from Lakeshore Zoning By-law 2-2012 are required:

- Relief from Section 6.20 Dwelling Units Per Lot to temporarily permit two dwelling units on a lot; whereas Section 6.20 states only one dwelling unit is permitted on a lot;
- Relief from Section 6.41.4 d) to temporarily permit two driveways on the lot; whereas Section 6.41.4 d) limits a property zoned RW1 to have no more than one driveway per lot.

### **Summary:**

#### Surrounding Uses:

North: Residential

South: Residential

East: Ruscom river and residential

West: Agriculture

#### Official Plan:

The subject property is designated “Waterfront Residential” in the Lakeshore Official Plan and is partially located within the “Inland Floodplain Development Control Area” due to the Ruscom River abutting the parcel to the east.

#### Zoning:

The subject property is zoned Residential Waterfront – Watercourse (RW1).

### **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:

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

Sewage services are currently unavailable for the Ruscom River Strip settlement area, so the Planning Act does not afford any outright permissions for additional residential units on this property. Moreover, the Waterfront Residential Designation of the Official Plan permits a single unit residential dwelling on a lot suitably sized to accommodate appropriate servicing systems, but the policies do not explicitly permit additional residential units. The Lakeshore Zoning By-law, which implements the Official Plan, only permits one dwelling unit on a lot outside of exceptions which do not apply to the subject property.

The presence of only one single detached dwelling on a residential property is part of the physical design characteristics of this settlement area and its traditional community image. The minor variance is to temporarily permit the existing dwelling to remain on the subject property during the process of developing a new dwelling on the lot, which will provide the applicant with housing during construction of the new dwelling. It is not a development application to permanently permit an additional residential unit on the property.

The proposal will meet the general intent of the policies if approval is conditional on the owner entering into a legal agreement with the Municipality to temporarily permit two dwellings on the property, subject to the terms of the agreement. Under this agreement, an owner can apply for a building permit to build a new dwelling on their lot while their existing dwelling remains on the property during the development process. Following occupancy of the new dwelling, the owner is then required to demolish, dismantle, relocate and/or remove any and all debris of the original dwelling in accordance with the specifications of the agreement. The agreement requires an indemnity deposit as prescribed under the User Fees By-law in effect (e.g. 2023 Indemnity Deposit: \$20,000.00), and also requires the original dwelling – including any and all debris – to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling. The new dwelling will be setback further from the street and replace an aging dwelling located closer to the road.

The subject property is located within the Inland Floodplain Development Control Area. Essex Region Conservation Authority (ERCA) was circulated the proposal for comment. ERCA states that the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration, or other activities affected by Section 28 of the *Conservation Authorities Act*. They have no objection to the minor variance. It is recommended that the Committee impose a condition on any minor variance approval requiring the owner to obtain all necessary permits from ERCA.

The Lakeshore Official Plan classifies County Road 31 as a “rural secondary road”. As such, the Municipality will address the adequacy of sight distances related to the road alignment and will avoid multiple individual access points when reviewing development applications on this road classification. The County of Essex was circulated for engineering-related comments and no objection to the proposal was received. It was noted that the setback from the County Road is 85 feet from the centre of the right of way, and that permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. Lakeshore’s Operations Department provided the following comments on the proposal:

- *Temporary access is supported pending the full removal of the secondary driveway and restoration upon demolition of the existing structure.*  
It is recommended that the Committee impose a condition on any minor variance approval requiring removal of the second driveway upon occupancy of the new dwelling, and for this requirement to be included in the agreement.
- *Further, County of Essex approval is required to allow for the temporary use of two driveways along County Road 31 for the duration of construction. Approval to be provided to Lakeshore.*
- *County of Essex permit is required for the permanent driveway on County Road 31*

The County of Essex was circulated the proposal, and they have no objections. According to the Engineering Technologist at the County of Essex, the existing north access was completed without a permit. A permit will be required from their office for the construction of the new dwelling, as well as the access to the new dwelling. As part of that process, the County of Essex will require the removal of the second access within their right-of-way once the existing dwelling is demolished. It is recommended that the Committee impose a condition requiring the applicant to obtain all necessary permits/approvals required by the County of Essex for the project.

Departments/agencies do not have any objection to the temporary use of two driveways at this location during the development process of a new dwelling. It is noted that having two driveways will facilitate separate access to development of the new dwelling, and that this accommodation is temporary. It is the opinion of the Planner that the proposal meets the general intent of the Official Plan.

#### Zoning By-law:

The intent and purpose of the regulation restricting a lot to only one dwelling is to preserve neighbourhood character from uncontrolled intensification across the Municipality, and to mitigate urban sprawl that does not efficiently use services where they exist. It is the opinion of the Planner that the proposal will meet this general intent and purpose if the recommended conditions are imposed on approval. The condition will ensure a mechanism to only permit two dwellings on a temporary basis. Under the standard agreement as currently drafted, the original dwelling – including any and all

debris – is to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling.

The intent and purpose of the regulation limiting one driveway on properties zoned residential is to generally limit the number of accesses on streets for the consideration of safety and traffic flow. As previously mentioned, both Lakeshore's Operations department and the County of Essex were circulated the proposal for comment and neither party expressed objection to the proposal. It is also understood that the permission for two driveways will be on a temporary basis, and it is to facilitate the construction of a new dwelling on the property.

### Minor

The minor variance application is considered minor. The proposed deviations from the Zoning By-law will only be permitted for a temporary period, at which point the existing dwelling and one of the driveways will need to be removed to bring these elements into compliance with the Zoning By-law. The Committee should impose all the conditions outlined in the recommendation section of the report to require follow-through with the project and proper development of the land.

### Desirability

The minor variance provides convenience for the applicant by providing them with housing during the development process of a new dwelling which will replace an aging dwelling located closer to the street. In the recent past the Committee of Adjustment has granted similar minor variance approvals on rural residential properties, like the subject property, that are sufficient in lot size to temporarily accommodate two dwellings. At the end of the process the existing standards in the immediate area will be preserved with one dwelling and one driveway remaining on the subject property.

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

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

It is recommended that the Committee of Adjustment impose the conditions included in the recommendation section of the report.

## **Correspondence**

### External and Internal Agencies

The application was circulated to various external agencies and internal departments. Comments received are summarized below.

Building Services requested a detailed grading plan for the development of the land. It is recommended that the Committee require the submission of this plan as a condition of approval. Full comments can be found in Appendix D.

The County of Essex Engineering Technologist stated that there are no objections to the proposal. The setback from the County Road is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing entrances and structures, or the construction of new structures and entrances. Full comments can be found in Appendix E.

Comments from the Operations Department were previously stated in the report and addressed. Full comments can be found in Appendix F.

ERCA states that they have no objection to the minor variance. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration, or other activities affected by Section 28 of the *Conservation Authorities Act*. 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 Map  
Appendix B – Drawings  
Appendix C – Photos  
Appendix D – Building Comments  
Appendix E – County of Essex  
Appendix F – Operations Comments  
Appendix G – ERCA

#### **Prepared by:**



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Ian Search, BES  
Planner I





## Report Approval Details

Document Title:	A-36-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - Building Comments.pdf</li><li>- Appendix E - County of Essex.pdf</li><li>- Appendix F - Operations Comments.pdf</li><li>- Appendix G - ERCA.pdf</li></ul>
Final Approval Date:	Nov 9, 2023

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

**Sahar Jamshidi - Nov 9, 2023 - 6:19 PM**



## Legend

- Tax Parcel
- Address Label
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- Significant Lands
- Woodlands
- Provincially Significant Wetlands
- Candidate Provincially Significant

1: 1,465

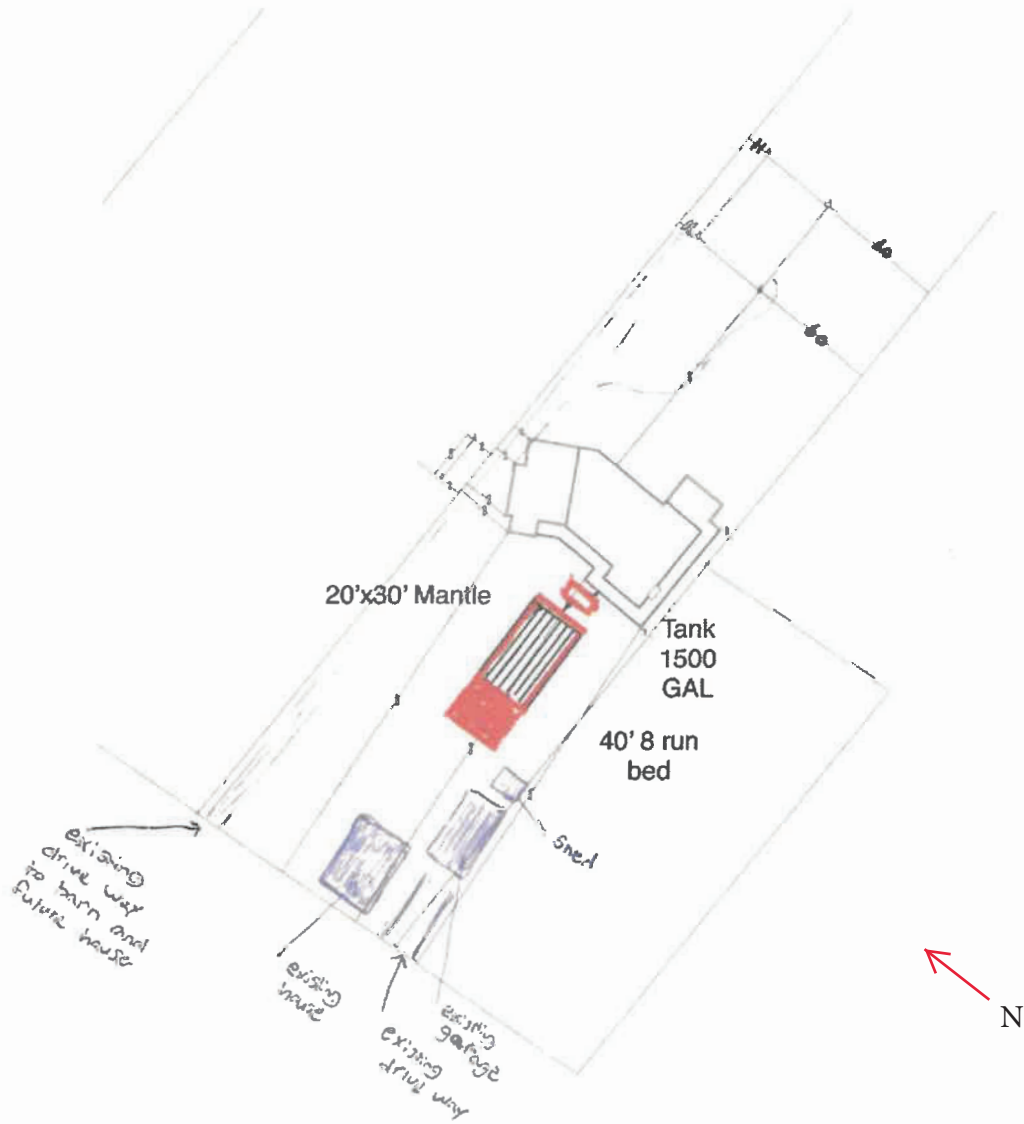


Notes:

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

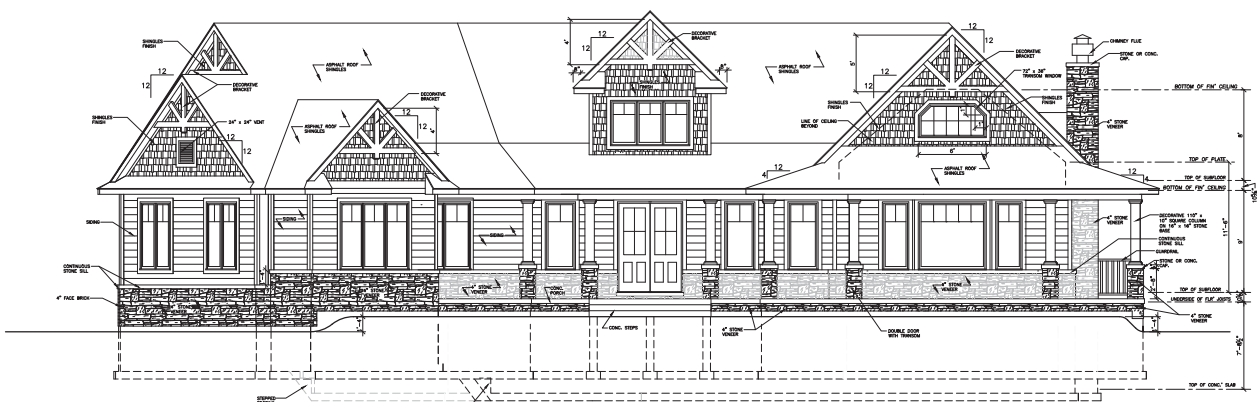




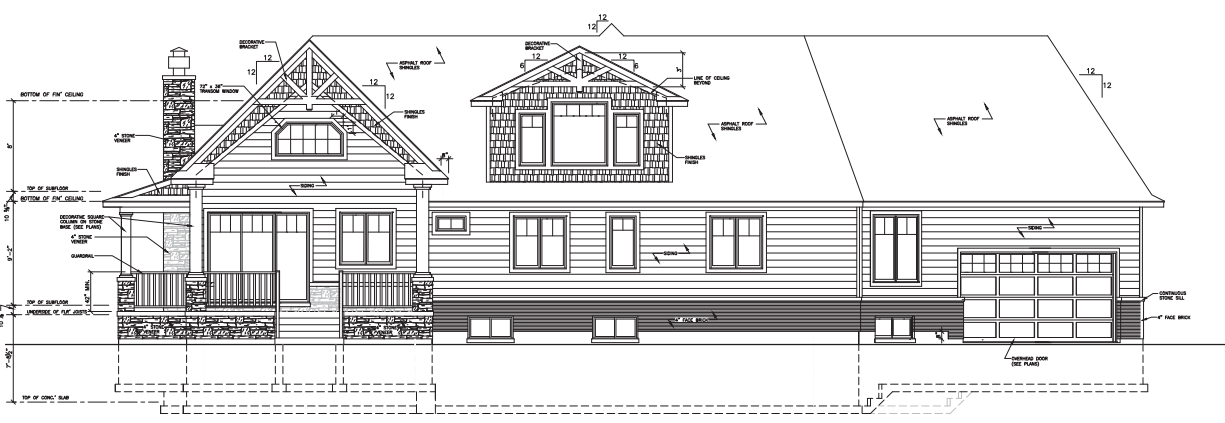


Proposed Septic PLAN

THIS DRAWING IS THE PROPERTY OF MATTHEWS DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MATTHEWS DESIGN.



1 FRONT ELEVATION  
A-5 SCALE: 1/4" = 1'-0"

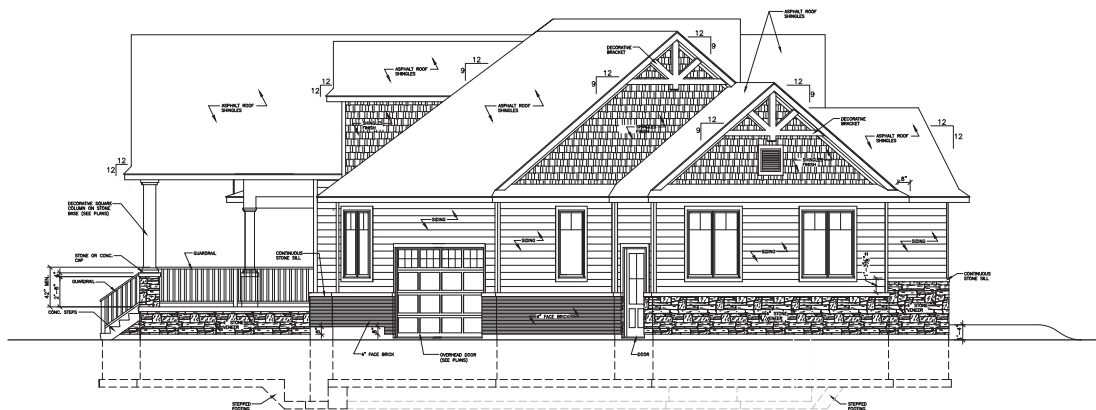


2 REAR ELEVATION  
A-5 SCALE: 1/4" = 1'-0"

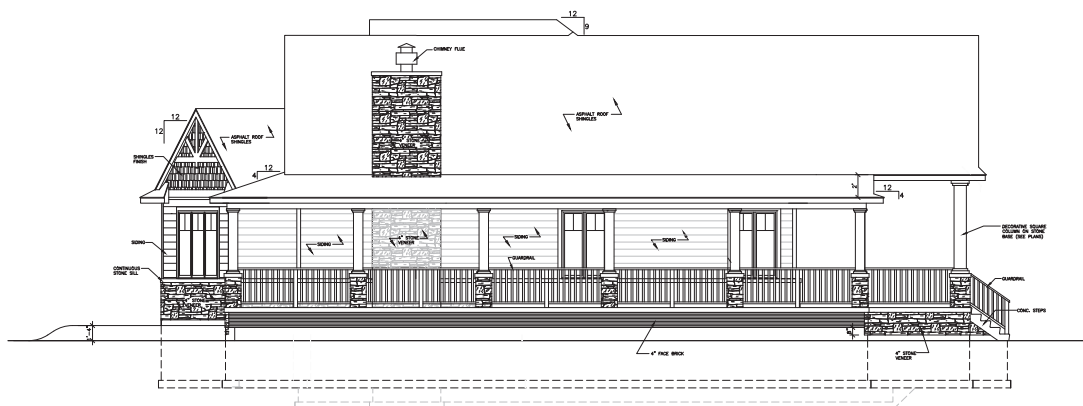
PROJECT:	PROPOSED 1 1/2 STOREY HOUSE (3140) FOR: SABOLICK RESIDENCE	DRAWING: C.D.M.	DATE: 12/2022	DRAWING NO: A-8
	TITLE: FRONT AND REAR ELEVATIONS		DATE: 12/2022	
SCALE: 1/4" = 1'-0"		JOB NO: 2235A		

**BCIN**  
38359

**MATTHEWS design**  
6 - 2007 DUNDAS AVE. S. 2ND FLOOR  
WINDSOR ONTARIO CANADA  
(519) 915-1275  
E-MAIL: [info@matthewsdesign.com](mailto:info@matthewsdesign.com)



1 LEFT ELEVATION  
A-9 SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION  
A-9 SCALE: 1/4" = 1'-0"

PROJECT: PROPOSED 1 1/2 STOREY HOUSE (144) FOR: SABOLCK RESIDENCE	DRAWN BY: C.D.M.	DATE: 12/2022	DWG. NO. A-9
TITLE: LEFT AND RIGHT ELEVATIONS	SCALE: 1/4" = 1'-0"	FORM NO. 223A	
<b>MATTHEWS design</b> 6-2087 Dundas Ave. S. Unit 104 WINDSOR, ONTARIO, CANADA (519) 915-1575 E-MAIL: <a href="mailto:info@matthewsdesign.com">info@matthewsdesign.com</a>			
<b>BCIN</b> 38359 <small>DESIGN © MATTHEWS DESIGN 2022</small>			





Looking east towards accessory building from the north driveway



Looking east towards existing dwelling from the south driveway





Looking east towards existing detached garage at the end of the south driveway



Standing on north driveway looking east at a line of trees located just north of the north driveway



Looking south from the top of the north driveway just west of the accessory building towards the location of the new dwelling. Existing dwelling is visible in background.





Looking east towards accessory building that is located at the end of the north driveway



Looking south towards an existing shed abutting the existing detached garage at the end of the south driveway





Looking south towards the existing dwelling from a location just east of the south driveway



Standing on the north driveway, near the end of the north driveway, looking south in the general area where the new dwelling is proposed.





Standing on the north driveway, near the end of the north driveway, looking south in the general area where the new dwelling is proposed.





Standing on north driveway looking south towards existing dwelling, detached garage, and small sheds



A picture of the south driveway looking east

**From:** [Morris Harding](#)  
**To:** [Ian Search](#); [Amy McMillan](#); [Jill Fiorito](#); [Don Williamson](#); [Aaron Ford](#); [Marco Villella](#)  
**Cc:** [Gisèle Pilon](#); [Sahar Jamshidi](#); [Krystal Kalbol](#)  
**Subject:** RE: Notice for Comment - November 15 Committee of Adjustment  
**Date:** October 20, 2023 4:16:29 PM

---

A-36-2023

Please ensure a detailed grading plan is required.

[REDACTED]

[REDACTED]

**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)

---

**From:** Ian Search <[isearch@lakeshore.ca](mailto:isearch@lakeshore.ca)>

**Sent:** Friday, October 20, 2023 4:02 PM

**To:** [REDACTED] <[REDACTED]@[REDACTED]> [REDACTED] <[REDACTED]@[REDACTED]>  
<[REDACTED]@[REDACTED]> [REDACTED] <[REDACTED]@[REDACTED]>  
<[REDACTED]@[REDACTED]> [REDACTED] <[REDACTED]@[REDACTED]>

**Cc:** [REDACTED] <[REDACTED]@[REDACTED]> [REDACTED] <[REDACTED]@[REDACTED]>  
<[REDACTED]@[REDACTED]>

**Subject:** [REDACTED] for Comment - November 15 Committee of Adjustment

**Importance:** High

Good Afternoon,

Please see attached Notice for Comments for two applications proceeding to the November 15 Committee of Adjustment meeting. Please provide any comments to me on these files by November 3 via email.

Kind Regards,

**Ian Search**

## **Planner I**

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

## **Ian Search**

### **Planner I**

Municipality of Lakeshore | Growth and Sustainability - Community Planning  
419 Notre Dame Street, Belle River, ON, N0R 1A0  
T: <tel:+15197281975;ext=246>  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)



Oct 26, 2023

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

Dear Mr. Search:

**Re: COA Submissions, A-36-2023, Jacob Sabolick**

---

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

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

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

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

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

Should you require further information, please contact the undersigned by email at [REDACTED]@[REDACTED] or by phone at extension [REDACTED]

Regards,

Kristoffer Balallo  
Engineering Technologist

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

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

countyofessex.ca

**Date:** October 24, 2023  
**From:** Engineering & Infrastructure Division  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment –November 15, 2023 – A/36/2023

---

Operations has reviewed A/36/2023 – 500 County Road 31 application and offer the following comments:

- Temporary access is supported pending the full removal of the secondary driveway and restoration upon demolition of the existing structure.
- Further, County of Essex approval is required to allow for the temporary use of two driveways along County Road 31 for the duration of construction. Approval to be provided to Lakeshore.
- County of Essex permit is required for the permanent driveway on County Road 31.

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 25, 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-36-2023 500 COUNTY RD 31

ARN 375161000003700; PIN: 750490273

Applicant: SABOLICK JACOB DONALD

The Municipality of Lakeshore has received Application for Minor Variance A-36-2023 for the subject lands to temporarily permit two dwelling units on a lot where only one dwelling unit is permitted, and to temporarily permit two driveways on the lot where only one is permitted.

Our office understands that the owner is planning on constructing a new dwelling on the subject property and would like to live in their existing dwelling during the development process. The existing dwelling is to be demolished following occupancy of the new dwelling.

The following is provided as a result of our review of Application for Minor Variance A-36-2023.

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

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

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

Mr. Ian Search  
October 25, 2023

**FINAL RECOMMENDATION**

Our office has no objection to A-36-2023. As noted above, the property owner will be required to obtain a Permit from ERCA prior to any construction or site alteration.

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

Sincerely,



Alicia Good

*Watershed Planner*

/ag





## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

**Wednesday, October 18, 2023, 6:00 PM**

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

**Staff Present:** Planner Ian Search, Corporate Leader - Growth & Sustainability Tammie Ryall, Administrative Assistant - Community Planning Gisele Pillon, Division Leader Community Planning – Sahar Jamshidi

#### **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-31-2023 - 0 Oriole Park Drive**

Speaking on behalf of the application is Linda Fontes, Applicant and Ed Hooker, Solicitor for the applicant.

Mr. Hooker confirmed that there aren't any current trespass issues and that it appears that the legal survey stakes have been removed without consent. On behalf of the applicant, Mr. Hooker acknowledges the mutual drainage access be solidified and look to work for a resolution. A land surveyor should be hired to re-establish the property boundaries.

Gerald Papineau, owns the property to the east; he is requesting a new survey be presented.

Julien Papineau spoke: To clarify, the letter he presented to the committee is submitted on behalf of himself, Gerald Papineau and Gisele Hutchings. Mr. Papineau stated that the stakes were not established by a surveyor since Mr. and Mrs. Fontes have taken ownership. A new survey has been requested, and does not appear to have been produced. If there is a new survey, Mr. Papineau is requesting it be submitted to the committee.

**95/10/2023**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

That the application be deferred for a land survey to be obtained verifying property limits, for drainage concerns to be addressed

**Carried Unanimously**

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

The application was presented to the Committee of Adjustment.

Chair Hacon asked Ian Search if there was any clarity from Essex Region Conservation Authority (ERCA) regarding their request for deferral. Ian Search stated that he reached out to ERCA for clarity but they only stated that the proposal is not consistent with the permit that was issued for the original development requiring minor variance. 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.

**96/10/2023**

**Moved By** Michael Hoffman

**Seconded By** Jeremy Prince

Defer so Essex Region Conservation Authority (ERCA) can review the scope and scale of works

**Carried Unanimously**

**c. A-33-2023 - 1203 Faith Drive**

Speaking to the application: Sarah Ilijanich, Applicant and Jackie Lassaline, Agent

Applicant confirms that the occupant load of 300 people will not change as a result of the two pergolas. They also confirmed that the second pergola will not be enclosed.

Fire department comments include the installation of panic hardware and that the second pergola remain unenclosed and that the occupant load of the existing building with addition of the two new pergolas remain unchanged at 300 persons and require site plan approval.

**97/10/2023**

**Moved By** Jeremy Prince

**Seconded By** Michael Hoffman

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.

**Carried Unanimously**

**d. B-34-2023 - 11841 Lakeshore Road 309 & 0 Lakeshore Road 310**

Speaking to the application: James Sova, Applicant and Paul Pearson, Agent

There were no noted questions regarding the application.

**98/10/2023**

**Moved By** Linda McKinlay

**Seconded By** Michael Hoffman

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.

**Carried Unanimously**

**5. Completion of Unfinished Business**

**6. Approval of Previous Meeting Minutes**

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

**a. September 13 2023 Meeting Minutes**

**99/10/2023**

Minutes approved as presented.

**Carried Unanimously**

**7. New Business**

**8. Adjournment**

**100/10/2023**

The Committee of Adjustment adjourn its meeting at 7:27 PM

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer



## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

**Thursday, October 19, 2023, 6:00 PM**

**Council Chambers, 419 Notre Dame Street, Belle River**

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

**Staff Present:** Planner Ian Search, Corporate Leader - Growth & Sustainability Tammie Ryall, Division Leader - Community Planning Sahar Jamshidi, Administrative Assistant - Community Planning 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. B-16 to 27-2023 - 923 & 981 County Road 2**

Speaking to the application is William Good, the applicant's solicitor. Recent comments submitted by the applicant's solicitor with respect to concerns with proposed conditions of consent. Mr. Good agrees with a deferral to address the concerns and asks that the application be brought back as quickly as possible to the Committee. The deferral will allow each condition to be reviewed and addressed for resolution.

**101/10/2023**

**Moved By** Linda McKinlay

**Seconded By** Jeremy Prince



**That the consent applications be deferred**

**Carried Unanimously**

- a. Certificates of Consent Cancellations - Eight Existing Lots

**102/10/2023**

Consent cancellations will also be deferred until applications are brought back to the committee.

**Carried Unanimously**

**5. Completion of Unfinished Business**

**6. New Business**

**7. Adjournment**

**103/10/2023**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 6:25 PM.

**Carried Unanimously**

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer