

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, April 17, 2024, 2:00 PM

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. B-01-2024 - 12100 Lakeshore Road 303

5

Recommendation:

Approve consent application B/01/2024 to sever a surplus dwelling with a lot area of approximately 3.21 acres and a lot frontage of approximately 85.34 metres, subject to the following conditions:

1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore - the draft survey is to be approved by Community Planning at the Municipality of Lakeshore prior to registration and will detail setbacks of structures from lot lines;

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 the applicant obtain a Zoning By-law amendment to rezone the retained farmland to prohibit dwellings and to address zoning compliance issues (lot area, frontage, etc.);

5) 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;

6) 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;

7) 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;

8) 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;

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

10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Recommendation:

Approve consent application B/02/2024 to sever a farm lot, known as 14280 Lakeshore Road 311, with a lot area of approximately 50 acres and a lot frontage of approximately 303 metres, subject to the following conditions:

- 1) That the applicant 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;
- 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 if required by the Drainage Department, 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;
- 5) That a Parkland Dedication Fee be imposed on the granting of this application in the amount specified in the applicable By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve consent application B/03/2024 to sever a lot addition to add approximately 8 metres of frontage and approximately 0.27 acres of land to an existing residential lot from the farm parcel (14568 Lakeshore Rd. 311), subject to the following conditions:

- 1) That the applicant 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;
- 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 lot addition lands to be severed from the farm parcel be conveyed to and consolidated with the abutting residential parcel, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land;
- 5) That the applicant and/or a Solicitor provide an Undertaking to the

Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;

6) That if required by the Drainage Department, 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 separate access be established for the retained farm parcel to the satisfaction of the Operations Department at the Municipality of Lakeshore, and that any required permits for the establishment of said access be obtained from the Municipality of Lakeshore;

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve the issuance of a consent cancellation for the rural residential lot receiving the lot addition under consent application B/03/2024, legally described as Part Lot 14, Concession 10 Tilbury Part 1 12R5480; Lakeshore (PIN 75081-0088).

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. March 27 Meeting Minutes

60

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: April 9, 2024

Subject: Consent Application B/01/2024 – 12100 Lakeshore Road 303

Recommendation

Approve consent application B/01/2024 to sever a surplus dwelling with a lot area of approximately 3.21 acres and a lot frontage of approximately 85.34 metres, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore - the draft survey is to be approved by Community Planning at the Municipality of Lakeshore prior to registration and will detail setbacks of structures from lot lines;
- 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 the applicant obtain a Zoning By-law amendment to rezone the retained farmland to prohibit dwellings and to address zoning compliance issues (lot area, frontage, etc.);
- 5) 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;
- 6) 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;

- 7) 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;
- 8) 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;
- 9) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application to sever a surplus farm dwelling from the subject property (12100 Lakeshore Road 303) as a separate rural residential lot. The subject property is a corner farm lot designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law. It is approximately 23.42 acres in lot area and has approximately 160 metres of lot frontage along Gracey Sideroad (County Road 37) and approximately 600 metres of frontage along Lakeshore Road 303.

The surplus farm dwelling severance will create a rural residential lot containing the existing dwelling on the subject property, an accessory building and a solar panel. The lot to be created will have a frontage of approximately 280 feet (85.34 metres) along Lakeshore Road 303, and a lot area of approximately 3.21 acres (1.3 hectares). The retained farmland will be left with approximately 20.18 acres of lot area and approximately 514 metres of lot frontage along Lakeshore Road 303. It will maintain approximately 160 metres of lot frontage along Gracey Sideroad (County Road 37) as a corner farm lot. The applicant states that there is an existing access to the retained farmland from Lakeshore Road 303, near the corner of Lakeshore Road 303 and Gracey Sideroad.

If the severance is approved by the Committee of Adjustment, then the applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwellings. The Zoning By-law Amendment will be recommended as a condition of any consent approval. That Zoning By-law Amendment will also need to recognize the deficient lot area of the retained farmland, since the minimum lot area for a farm parcel zoned Agriculture (A) is 19 hectares (46.95 acres) in the Zoning By-law. Request for comments with respect to that future application will be circulated at a later date.

The Subject Property today is Parts 1, 2 and 3 together on Plan 12R5779 (Appendix X). There are multiple easements on the subject property:

- 1) A pipeline easement across the southeast corner of the subject property in favour of Plains Midstream Canada ULC

2) A pipeline easement across the northwest corner of the subject property in favour of Enbridge Gas

3) A private waterline agreement with adjoining property owners – the servient lands are a 15' corridor located at the east limit of the property

Summary

Location:

The subject property is located at the northwest corner of County Road 37/Gracey Sideroad and Lakeshore Road 303, south of the Canadian Pacific Limited right-of-way, north of Highway 401.

Surrounding Land Uses:

North: Agriculture, Canadian Pacific Limited right-of-way

West: Agriculture

East: Agriculture

South: Agriculture

Provincial Policy Statement (PPS)

The applicant has entered into a purchase of sale agreement to acquire the subject property. They own multiple farm holdings and the dwelling is rendered surplus to their needs. The proposed surplus farm severance is consistent with Section 2.3.4.1 c) lot creation in prime agricultural areas:

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

The lot to be severed, as depicted on the sketch submitted with the application, will incorporate a dwelling, private septic system, accessory building, and solar panel. Surrounding landscaped space, including a pond and trees, will be included as part of the severed lot. Little to no cultivated farmland will be included. The proposed east side lot line of the severed lot will be irregular to fully incorporate the solar panel onto the severed lot while maintaining cultivated farmland on the retained lot. As a condition of consent approval, the applicant will need to rezone the retained land to prohibit new residential dwellings on that parcel of land in accordance with the PPS.

Official Plan

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

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

The lot creation proposal conforms to this section of the Lakeshore Official Plan. There are no livestock facilities on the subject property or in the area according to the application, and the Zoning By-law will automatically prohibit agricultural use – including livestock facilities – on the lot to be severed due to its lot area. As a condition of provisional consent approval, the retained farm parcel will need to be rezoned to prohibit the construction of any additional dwellings.

There are no issues of County significance raised by the application, and the proposal conforms to the County of Essex Official Plan. Section 3.3.3.4 c) of the County Official Plan permits lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation subject to the local Zoning By-law being amended to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance. Farm consolidation is interpreted to permit both contiguous and non-contiguous farm parcel consolidations in the County of Essex Official Plan.

Zoning

The proposed severed lot will have a frontage of approximately 85.34 metres along Lakeshore Road 303, and a lot area of approximately 3.21 acres (1.3 hectares). The retained farmland will be left with approximately 20.18 acres of lot area and approximately 514 metres of lot frontage along Lakeshore Road 303.

The proposed severed lot will have a lot area that falls within the minimum and maximum lot area requirements of a rural residential lot zoned “A” in the Lakeshore Zoning By-law.

The Zoning By-law requires a farm parcel zoned “A” to have a minimum lot area of 19 hectares and a minimum lot frontage of 75 metres. Therefore, the Zoning By-law Amendment required to rezone the retained lot to prohibit dwellings as a condition of consent approval, will also need to recognize the deficient area of the retained farmland.

Correspondence from external and internal agencies

External and Internal Agencies

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

The Operations Department commented that a drain apportionment will be required for this application. It is recommended that a drain apportionment agreement be required as a condition of consent approval. Full comments can be found in Appendix E.

The County of Essex states that no access will be permitted off County Rd 37. The setback from the County Road 37 is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing structures, or the construction of new structures. Full comments can be found in Appendix F.

Enbridge Gas Inc, commented that they have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office. Full comments can be found in Appendix G.

Essex Region Conservation Authority (ERCA) commented that they have no objection to B-01-2024. Full comments can be found in Appendix H.

The Building Department stated that they have no concerns.

Conclusion

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

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Sketches

Appendix C – Easements
Appendix D – Photos
Appendix E – Operations Department
Appendix F – County of Essex
Appendix G – Enbridge Gas Inc
Appendix H – ERCA
Appendix I – Building Department

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-01-2024 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Sketches.pdf- Appendix C - Easements.pdf- Appendix D - Photos.pdf- Appendix E - Operations Department.pdf- Appendix F - County of Essex.pdf- Appendix G - Enbridge Gas Inc.pdf- Appendix H - ERCA.pdf- Appendix I - Building Department.pdf
Final Approval Date:	Apr 12, 2024

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

Urvi Prajapati - Apr 10, 2024 - 3:10 PM

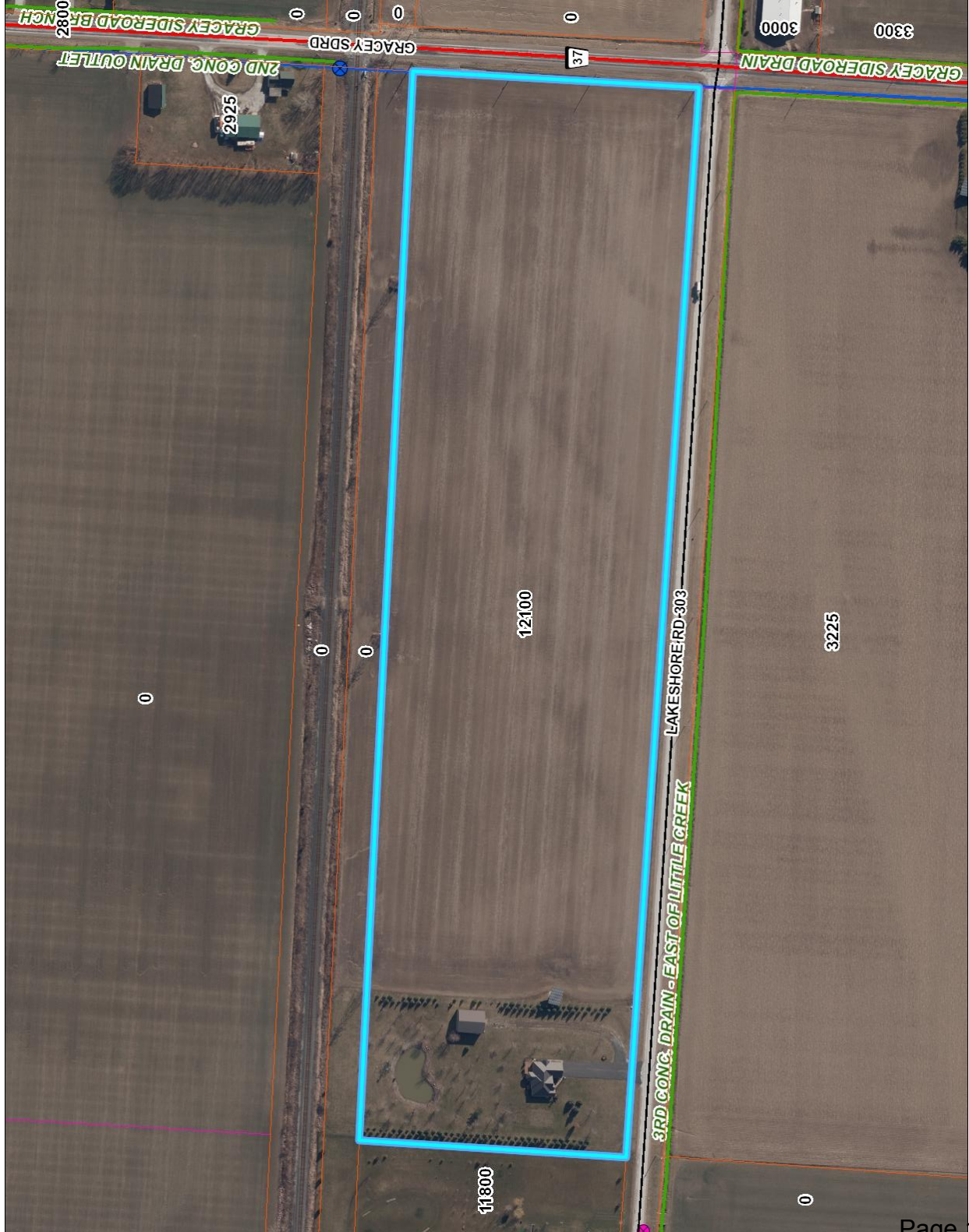
Ryan Donally - Apr 11, 2024 - 7:35 PM

No Signature - Task assigned to Tammie Ryall was completed by workflow administrator Brianna Coughlin

Tammie Ryall - Apr 12, 2024 - 10:03 AM



12100 Lakeshore Road 303



Legend

- Heritage
 - Part IV Designated
 - Listed Property of Cultural Herit
- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- OwnershipParcel
- Municipal Drain
- Name
- Sanitary Manhole
 - Inflow Dish - No Data
 - Inflow Dish - YES
- Sanitary Main
 - GRAVITY
 - FORCE MAIN
- Water Valve
 - MAIN LINE
 - BLOW OFF
 - SECONDARY
 - AIR RELEASE
 - AUTO FLUSH

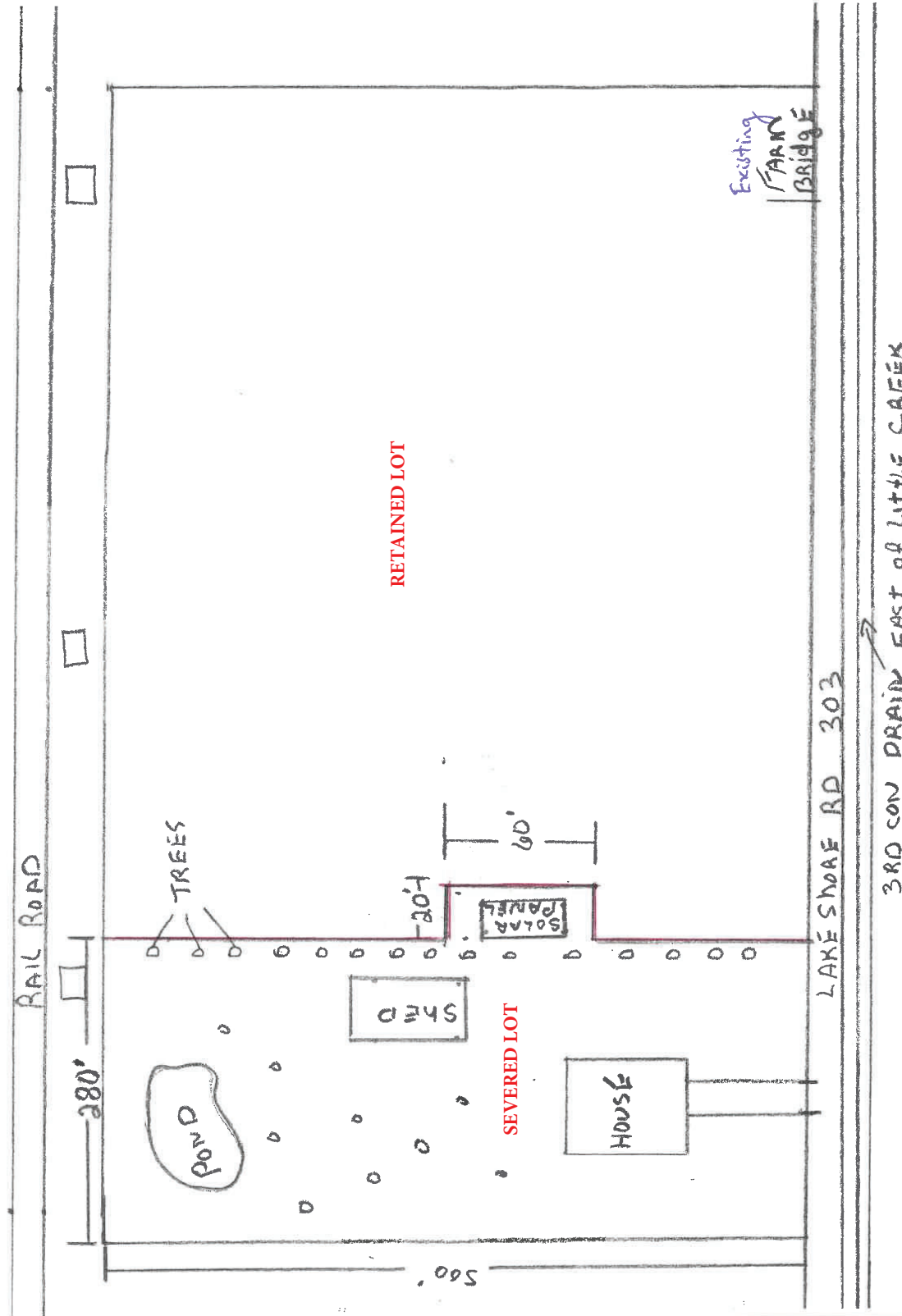
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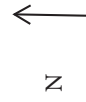
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

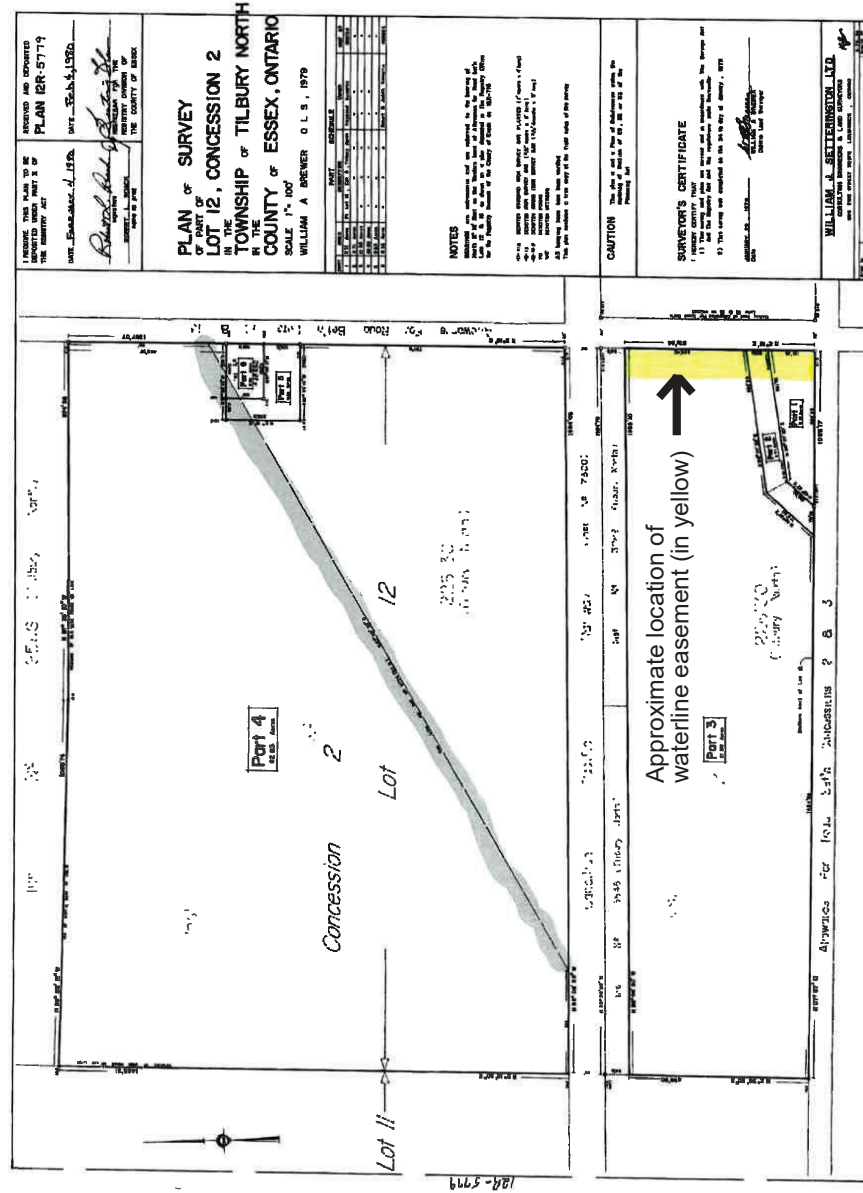
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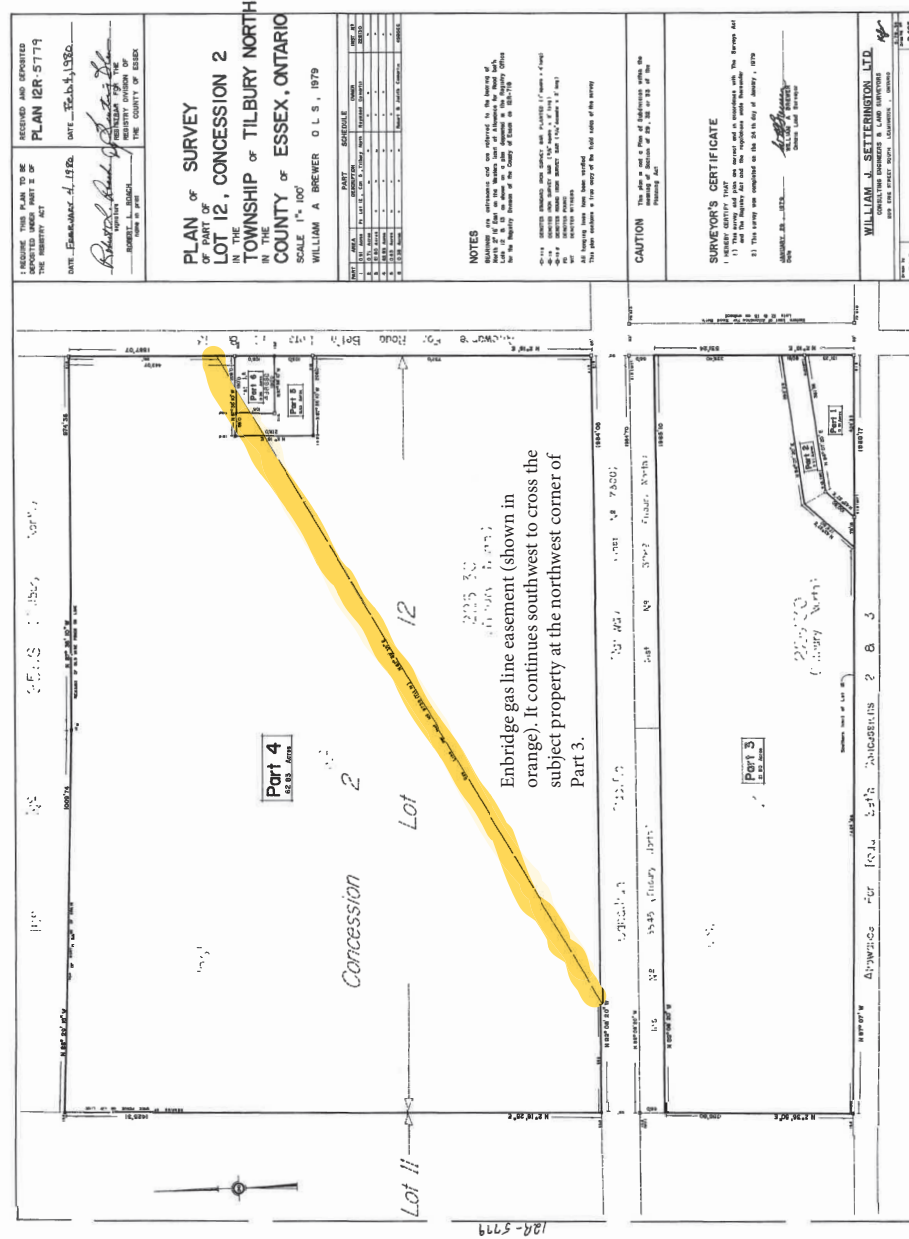
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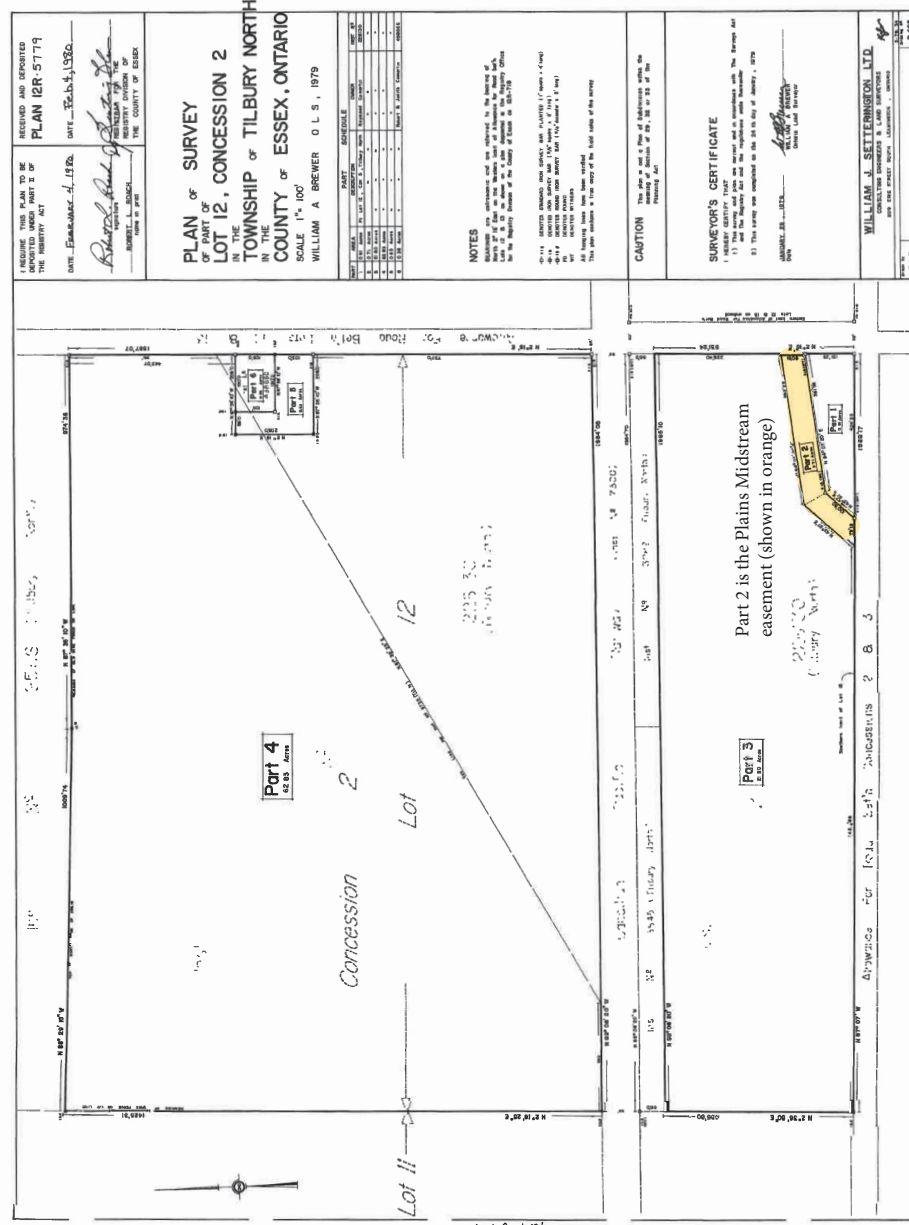


CONCEPT SKETCH









12100 Lakeshore Road 303 Photo Descriptions:



Figure 1: Picture showing the subject property and neighbouring property to the west, including drainage ditch on property line, facing north.



Figure 2: Picture of subject property and neighbouring property to the west, including drainage ditch at property line, facing south.



Figure 3: Picture showing subject property's drainage system split into a covered plastic culvert.



Figure 4: Picture showing subject property dwelling, facing north.



Figure 5: Picture showing subject property's solar panel to be included with residential lot, facing north.



Figure 6: Picture showing subject property's accessory building and laneway, facing north from front lot line.



Figure 7: Picture showing subject property's rear yard, facing west.



Figure 8: Picture showing subject property's rear yard and railway north of rear lot line, facing north.



Figure 9: Picture showing subject property's pond in rear yard, facing north-west.



Figure 10: Picture showing subject property's east drainage ditch and gas line location, facing north-east.



Figure 11: Picture showing end of covered drain at east of subject property and gas line location, facing west.



Figure 12: Picture showing farmland to be severed with drainage ditch, facing east.

Date: March 26, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 17, 2024 – B/01/2024

Operations has reviewed B/01/2024 – 12100 Lakeshore Road 303 application and offer the following comments:

- Drainage apportionments will be required for this application.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P. Eng, Corporate Leader, Operations



April 3, 2024

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

Dear Mr. Ian Search:

Re: COA Submissions, B-01-2024, Rachel Mailloux c/o Mike & Jocelyne Mailloux

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 37. The Applicant will be required to comply with the following County Road regulations:

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.

No access will be permitted off County Rd 37. The setback from the County Road 37 is 85 feet from the centre of the right of way. Permits are necessary for any changes to existing structures, or the construction of new structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

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

Regards,

Kristoffer Balallo
Engineering Technologist

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

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

countyofessex.ca

From: [Ontario Lands](#)
To: [Ian Search](#)
Subject: RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment
Date: April 3, 2024 1:46:49 PM

[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.

Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

Should you require any further information, please contact the undersigned.

Kelly Buchanan

Land Analyst

—
ENBRIDGE GAS INC.

TEL: 519-436-4673| FAX: 519-436-5320

50 Keil Dr N, Chatham ON N7M 5M1

enbridge.com

Safety. Integrity. Respect.

From: Ian Search <isearch@lakeshore.ca>
Sent: Wednesday, April 3, 2024 11:34 AM
To: Ian Search <isearch@lakeshore.ca>
Subject: [External] RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?

DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Hi all,

Please see attached the official public meeting notice for the consent application B-01-2024 for your information/records.

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: Monday, March 25, 2024 4:44 PM

To: Ian Search <isearch@lakeshore.ca>

Subject: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment

Importance: High

Hi all,

Please see attached a request for comment with respect to a consent application in the Municipality of Lakeshore, Ontario.

Please provide any comments on this application to me through email by **April 5, 2024**.

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.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 03, 2024

Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-01-2024 12100 LAKESHORE RD 303

ARN 375170000005405; PIN: 750660088

Applicant: Rachel Mailloux

The Municipality of Lakeshore has received Application for Consent B-01-2024 for the subject property, which seeks to sever a surplus farm dwelling with an area of approximately 1.3 hectares. If this application is approved, the retained parcel of approximately 19 hectares of farmland will be subject to a future rezoning application to prohibit residential dwellings. No new construction is proposed.

The following is provided as a result of our review of Application for Consent B-01-2024.

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 Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Gracy Side Road Drain, Little Creek Drain and 3rd Conc. Rd. Drain East Of Little Creek.

FINAL RECOMMENDATION

Our office has **no objection** to B-01-2024.

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

Sincerely,

Alicia Good, *Watershed Planner /ag*

From: [Morris Harding](#)
To: [Ian Search](#)
Subject: RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment
Date: April 8, 2024 9:08:01 AM

Good morning Ian

Building has no concerns at this time.

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, NOR 1A0
T: tel:+15197281975;ext=258
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Search <isearch@lakeshore.ca>
Sent: Monday, April 8, 2024 8:38 AM
To: Amy McMillan <amcmillan@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Vaibhav Desai <vdesai@lakeshore.ca>; Morris Harding <mharding@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Don Williamson <dwilliamson@lakeshore.ca>
Subject: RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment
Importance: High

Hi all,

I do not have comments from any departments regarding the attached Committee of Adjustment files. Comments were requested by April 5. Please provide to me at your earliest convenience.

Thank you,

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)

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

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: April 10, 2024
Subject: Consent Applications B/02/2024 & B/03/2024 – 14280 & 14568 Lakeshore Road 311

Recommendation

Approve consent application B/02/2024 to sever a farm lot, known as 14280 Lakeshore Road 311, with a lot area of approximately 50 acres and a lot frontage of approximately 303 metres, subject to the following conditions:

- 1) That the applicant 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;
- 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 if required by the Drainage Department, 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;
- 5) That a Parkland Dedication Fee be imposed on the granting of this application in the amount specified in the applicable By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve consent application B/03/2024 to sever a lot addition to add approximately 8 metres of frontage and approximately 0.27 acres of land to an existing residential lot from the farm parcel (14568 Lakeshore Rd. 311), subject to the following conditions:

- 1) That the applicant 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;

- 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 lot addition lands to be severed from the farm parcel be conveyed to and consolidated with the abutting residential parcel, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land;
- 5) That the applicant and/or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 6) That if required by the Drainage Department, 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 separate access be established for the retained farm parcel to the satisfaction of the Operations Department at the Municipality of Lakeshore, and that any required permits for the establishment of said access be obtained from the Municipality of Lakeshore;
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 18, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Approve the issuance of a consent cancellation for the rural residential lot receiving the lot addition under consent application B/03/2024, legally described as Part Lot 14, Concession 10 Tilbury Part 1 12R5480; Lakeshore (PIN 75081-0088).

Purpose

14280 & 14568 Lakeshore Rd. 311 were two separate conveyable farm properties but inadvertently merged on title. The Municipality of Lakeshore received a technical consent application to separate the subject land back into two separate farm parcels (file: B/02/2024).

The subject land has frontage on Lakeshore Road 311. It is located east of County Road 37, south of Lakeshore Road 310, on the north side of Lakeshore Road 311. The subject land is zoned Agriculture (A), and designated Agricultural in the Lakeshore Official Plan.

In 1998 a residential lot was severed from 14568 Lakeshore Road 311. According to the applicant, the owner believed that both the farm parcel and the residential lot were transferred into his and his spouse's name at that time. The applicant states that the owner has operated under the assumption that both he and his spouse own this farm parcel.

On February 11, 2016, the owner took title to the neighbouring farm parcel 14280 Lakeshore Rd. 311, in his name alone, from his mother. The owner took title in this manner, verily believing that he and his spouse were on title to 14568 Lakeshore Rd. 311, and he intended to avoid any merger under the Planning Act through common ownership.

When the agent (authorized applicant) to the owner conducted a title search of 14280 Lakeshore Rd. 311, it was determined that title to 14568 Lakeshore Rd. 311 lies solely with the owner, and when the owner also took title to 14280 Lakeshore Rd. 311 in his name alone, both properties merged.

To complete a transfer of 14280 Lakeshore Rd. 311, consent of the Municipality of Lakeshore is required to affect a severance of 14280 Lakeshore Rd. 311 (severed lot). 14568 Lakeshore Rd. 311 will be the retained lot under the technical severance.

Currently the subject land has a lot frontage of approximately 571 metres and a lot area of approximately 101 acres. Following the technical severance to separate the subject land back into separate farm parcels, the severed lot will have a frontage of approximately 303 metres and an area of approximately 50 acres. The retained lot will have a frontage of approximately 266 metres, and an area of approximately 51 acres.

The applicant has also applied for an L-shaped lot addition (file: B/03/2024) to add approximately 8 metres of frontage and approximately 0.27 acres of land to the existing residential lot that was severed from the retained farm parcel (14568 Lakeshore Rd. 311) in 1998. The existing residential lot is located between the east side lot line and west side lot line of 14568 Lakeshore Rd. 311. The purpose of this lot addition is to add yard space and a misplaced driveway onto the residential lot. The retained lot, 14568 Lakeshore Rd. 311, will be approximately 50 acres following the lot addition, and will have a frontage of approximately 258 metres (granted that consent B/02/2024 is approved). The residential lot receiving the lot addition will be approximately 0.77 acres in lot area and will have a frontage of approximately 38 metres.

Summary

Surrounding Land Uses	Agriculture and low density rural residential dwellings
Official Plan Land Use Designation	Lakeshore Official Plan: Agricultural County of Essex Official Plan: Agricultural
Zoning	"Agriculture" (A)

Buildings/structures	Severed lot (farm split): dwelling, garage, shed, woodshop, barn Retained lot (farm split): None
Servicing	Severed lot (farm split): Municipal water services, private sanitary

Provincial Policy Statement, County of Essex and Lakeshore Official Plan

Section 2.3.4.1 a) of the PPS permits lot creation in prime agricultural areas for 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.

Comment: As a technical consent, there are no issues of Provincial significance under the PPS for the farm split application. The two farm lots have separate tax roll numbers and municipal addresses, but inadvertently merged on title. The severed and retained lot will both be approximately 50 acres (20.23 hectares) following the farm split severance.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons.

Comment: The lot addition application to add an L-shaped parcel of land from 14568 Lakeshore Road 311 to the residential lot will transfer existing landscaped space and a driveway that is used in connection with the residential lot.

There are no issues of conformity with the County of Essex Official Plan. Section 3.3.3.4 e) permits lot adjustments in the Agricultural designation for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Comment: The farm split application separates two farm parcels that inadvertently merged on title. The two farm parcels merged inadvertently when 14280 Lakeshore Rd. 311 was put into the same ownership as 14568 Lakeshore Rd. 311 in 2016. It was mistakenly believed that 14568 Lakeshore Rd. 311 was under different ownership, which would have prevented the merger. Indeed, different ownership is indicated under the tax roll records for this property, which is incorrect. The L-shaped lot addition application to add a parcel of land from 14568 Lakeshore Road 311 to the residential lot is considered a minor boundary adjustment under this section of the County of Essex Official Plan.

Section 8.3.5.2 b) of the Lakeshore Official Plan states:

Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, easement or right-of-way). The lots that are the subject of that

type of application and any retained lands will comply with the Zoning By-law, or the By-law will be amended or a minor variance granted as a condition of the consent.

Additionally, Section 6.2.3 e) of the Lakeshore Official Plan states that a consent to sever may be granted for the following purposes in the Agricultural Designation:

For minor boundary adjustments or corrections and easements, and in accordance with Sections 50(3) and (5) of the Planning Act, which do not result in the creation of a new lot.

Comment: The subject land was two separate farm parcels until 2016 when they inadvertently merged on title. The consent application for the farm split is a technical application that corrects this inadvertent merger by separating the subject land back into two conveyable farm parcels. The L-shaped lot addition is a technical consent application for a boundary adjustment which conforms to the Lakeshore Official Plan policies.

The Municipality of Lakeshore Council adopted the Official Plan review for the Municipality of Lakeshore (Official Plan Amendment No. 16) which will require a minimum area of approximately 40 hectares for both the severed and retained lot under a farm split proposal – an increase from the policy requiring 20 hectares in the Lakeshore Official Plan. As Section 1.3.2 b) of the County of Essex Official Plan states, “the trend towards fewer farmers owning larger and a greater number of farms is expected to continue as farming technology and less labour intensive methods continue to evolve affording farmers a greater opportunity to manage larger holdings”.

The County of Essex is the approval authority for the Official Plan Amendment. Subsequent to Council’s adoption of the Official Plan Amendment, the document was forwarded to the County of Essex (Approval Authority) for review and approval. As part of the review process, the County of Essex Planning Department engaged in further circulation and discussions with the local Conservation Authorities and the County Infrastructure Department regarding the policies contained in the Official Plan document. On February 6, 2024 Lakeshore Council reviewed and endorsed proposed modifications to Lakeshore’s Official Plan Amendment from the County of Essex. No modifications to the new farm split policies requiring 40-hectare farm parcels were recommended by the County of Essex as part of that exercise. At this time the Official Plan Amendment has yet to be approved by the County of Essex.

Despite this new policy direction, the farm split application is a technical consent application to correct an inadvertent merger and is therefore supportable. Records available to the Municipality (tax roll) show 14568 Lakeshore Road 311 is under different ownership from 14280 Lakeshore Road 311. It turns out that a title search has revealed that this record is incorrect, and that both addresses are under the same ownership, which resulted in an unintended merger.

Consent Cancellation

The residential lot receiving the L-shaped lot addition (B-03-2024) has an existing consent that will need to be cancelled for the lot addition lands to merge on title with the residential lot. It is recommended that the Committee of Adjustment approve the issuance of a certificate of consent cancellation for the residential lot in accordance with the Recommendation section of this report.

Zoning By-law

The subject land is zoned Agriculture (A). The Lakeshore Zoning By-law 2-2012 requires a minimum lot frontage of 75 metres and a minimum lot area of 19 hectares for a farm parcel zoned "A". It is anticipated that the severed and retained lot will meet the minimum frontage and area requirements in the Zoning By-law. It is also anticipated that the retained farm lot, 14568 Lakeshore Road 311, will meet the minimum frontage and area requirements following the lot addition to the rural residential lot. The land survey to be completed as a condition of consent approval will need to verify this.

Conclusion

The proposed consent applications are consistent with the Provincial Policy Statement (PPS), conforms to the County of Essex and Lakeshore Official Plan. It is recommended that the Committee of Adjustment approve consent applications B-02-2024 and B-03-2024 subject to the conditions in the Recommendation section of the report. It is also recommended that the issuance of a consent cancellation for the rural residential lot receiving the lot addition be granted.

Correspondence from external and internal agencies

External and Internal Agencies

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

The Building Department did not express any concerns with either consent application. Full comments can be found in Appendix F.

The Operations Department commented that drain apportionment agreements will be required for both consent applications, which has been requested in the recommended conditions. Furthermore, a new separate farm access will be required for the retained farm parcel, 14568 Lakeshore Road 311, due to the lot addition. This has been recommended as a condition of consent approval for B-03-2024. Full comments can be found in Appendix G.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Farm Split Sketches
Appendix C – Lot Addition Sketch
Appendix D – Photos
Appendix E – Photos
Appendix F – Building Department Comments
Appendix G – Operations Department

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-02-2024 and B-03-2024 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Farm Split Sketches.pdf- Appendix C - Lot Addition Sketch.pdf- Appendix D - Photos.pdf- Appendix E - Photos.pdf- Appendix F - Building Department Comments.pdf- Appendix G - Operations Department.pdf
Final Approval Date:	Apr 12, 2024

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

Urvi Prajapati - Apr 10, 2024 - 2:50 PM

Ryan Donally - Apr 11, 2024 - 7:34 PM

No Signature - Task assigned to Tammie Ryall was completed by workflow administrator Brianna Coughlin

Tammie Ryall - Apr 12, 2024 - 10:02 AM



14280 & 14568 Lakeshore Road 311



Legend

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

1: 7,474



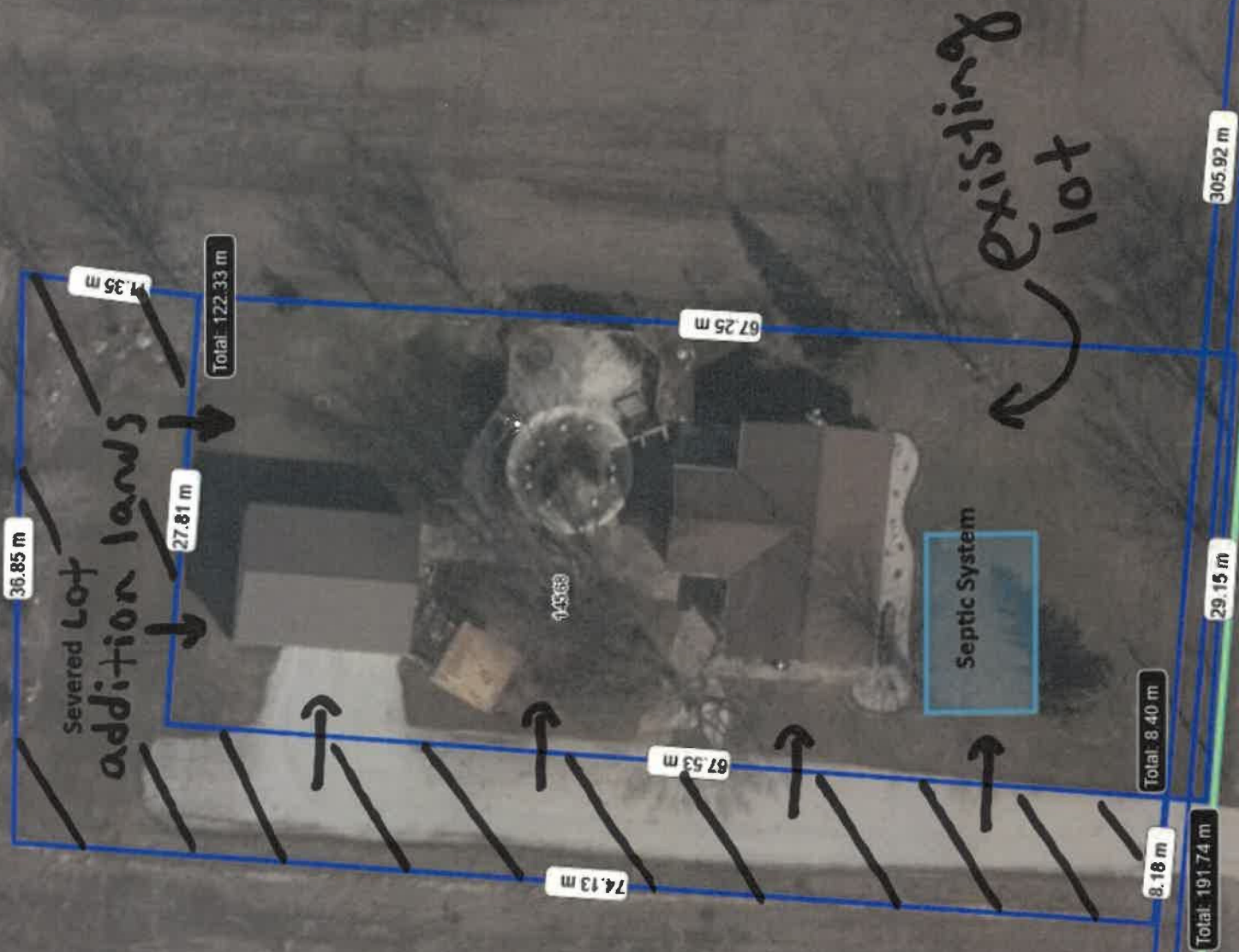
Notes:

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*values are approximate



14280 Lakeshore Road 311 Picture Descriptions:



Figure 1: Picture of subject property's front lot line drainage system, facing west.



Figure 2: Picture of subject property's dwelling with Consent sign posted, facing north.



Figure 3: Picture of subject property's posted sign, with dwelling and accessory building in background, facing north.



Figure 4: Picture of subject property's farmland, facing east.



Figure 5: Picture of subject property's farmland, facing north-west.



Figure 6: Picture of subject property's farmland and barn, facing east.



Figure 7: Picture of subject property's farmland, facing northeast.



Figure 8: Picture of subject property's accessory building, facing north-west.



Figure 9: Picture of subject property's barn, facing north-east.



Figure 10: Picture of subject property's accessory garage, facing east.

14568 Lakeshore Road 311 Picture Description:



Figure 1: Picture of subject property's posted sign with dwelling in background, facing north-east.



Figure 2: Picture of subject property's dwelling and pool area, facing south.



Figure 3: Picture of subject property's rear yard and accessory building, facing east.



Figure 4: Picture of farmland around subject property, facing north-west.



Figure 5: Picture of farmland surrounding subject property, facing north from rear yard.



Figure 6: Picture of farmland surrounding subject property, facing north-east from rear lot line.



Figure 7: Picture of farmland surrounding subject property, facing north-west.



Figure 8: Picture of subject property's pool area and accessory structures, facing east from driveway.



Figure 9: Picture of subject property's accessory structures, facing north-east from driveway.



Figure 10: Picture of subject property's driveway, subject of lot adjustment, facing north from front of property.

From: [Morris Harding](#)
To: [Ian Search](#)
Subject: RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment
Date: April 8, 2024 9:08:01 AM

Good morning Ian

Building has no concerns at this time.

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, NOR 1A0
T: tel:+15197281975;ext=258
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

From: Ian Search <isearch@lakeshore.ca>
Sent: Monday, April 8, 2024 8:38 AM
To: Amy McMillan <amcmillan@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Vaibhav Desai <vdesai@lakeshore.ca>; Morris Harding <mharding@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Don Williamson <dwilliamson@lakeshore.ca>
Subject: RE: April 17 Committee of Adjustment - Municipality of Lakeshore - Request for Comment
Importance: High

Hi all,

I do not have comments from any departments regarding the attached Committee of Adjustment files. Comments were requested by April 5. Please provide to me at your earliest convenience.

Thank you,

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)

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

Date: April 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 17, 2024 – B/02/2024 & B/03/2024

Operations has reviewed B/02/2024 & B/03/2024 – 14280 & 14568 Lakeshore Rd. 311 application and offer the following comments:

- Drainage apportionments will be required for these two applications.
- Farm separate access will be required along with new culverts based on the current roadside swales/ditches to accommodate the severed farm parcel.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng, Corporate Leader, Operations



14280 & 14568 Lakeshore Road 311



Legend

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

1: 7,474



Notes:

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Figure 6: Picture of subject property's farmland and barn, facing east.



Figure 7: Picture of subject property's farmland, facing northeast.



Figure 8: Picture of subject property's accessory building, facing north-west.



Figure 9: Picture of subject property's barn, facing north-east.



Figure 10: Picture of subject property's accessory garage, facing east.



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, March 27, 2024, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

Members Absent: Chair Mark Hacon

1. **Call to Order**

Chair Hoffman 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-37-2023 and A-39-2023 - 503 & 505 Charron Beach Road**

Speaking to the meeting was Authorized Agent Ashley Harman

Authorized agent agrees with the comments and recommendations presented.

There are no current plans to redevelop the lands. It is not certain if both homes are occupied.

There were no questions or concerns from internal departments or external agencies.

No questions from the audience.

12/03/2024

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve consent application B/37/2023 to sever a residential lot, known as 505 Charron Beach Road, with a lot area of approximately 1406.2 m² and a lot frontage of approximately 15.24 metres, subject to the following conditions:

- 1) That the applicant 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;
- 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 if required by the Drainage Department, 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;
- 5) That a Parkland Dedication Fee be imposed on the granting of this application in the amount specified in the applicable By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by March 28, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Carried Unanimously

13/03/2024

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/39/2023 subject to the following condition: reliefs II and III for the Retained Lot, and reliefs II, III, IV, V for the Severed Lot, as specified in the public hearing notice for the application, apply to existing buildings/structures and do not apply to any additional development of buildings/structures on the severed or retained lot.

Carried Unanimously

b. A-04-2024 - 384 Elmstead Road

Speaking to the application was the applicant Jason Danyluk.

No questions from the audience brought forward.

Accessory building will store vehicles, small toys, seasonal items etc.

14/03/2024

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A-04-2024 to permit an accessory building to have a maximum gross floor area of 83.25 m². It is recommended that the following notice be attached to the Notice of Decision:

The relief is granted based on the use of the building being accessory to a residence. Should a commercial or residential use be proposed in the accessory building, the owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

15/03/2024

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

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

Carried Unanimously

a. February 21 2024 Meeting Minutes

7. New Business

8. Adjournment

16/03/2024

Moved By Linda McKinlay

Seconded By Jeremy Prince

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

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer