

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, September 18, 2024, 6:00 PM
Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. O Canada and Land Acknowledgement
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act
 - a. A-24-2024 - Minor Variance - 395 Harvest Lane

7

Recommendation:

Approve Minor Variance application A-24-2024 to permit the development of a sunroom addition to the existing dwelling on the subject property subject to the following condition:

- 1) That any building requirements for the reduced rear yard setbacks under the Building Code be implemented to the satisfaction of the Building Department, as presented at the September 18th, 2024 Committee of Adjustment meeting.

Recommendation:

Approve minor variance application A/25/2024, 3362 Manning Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for an existing accessory building (approx. 1920 ft² building footprint) that has been constructed on the Subject Property:

- Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.

Include the following Notice in the Notice of Decision:

The owner is responsible for ensuring that the applicable permits are obtained for buildings and structures on their property and is responsible for ensuring compliance with applicable Zoning By-law regulations. Additionally, 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, if the intention is to permit a commercial or residential use in the accessory building.

Recommendation:

Approve Minor Variance Application A-26-2024 to permit relief under Subsection 9 6.2 of the Zoning By-law 2-2012 to permit the addition of a new accessory building and to permit a reduced setback of 1.2 m from the west interior lot line for the proposed accessory building, whereas a setback of 1.5 m is required, and that the approval is limited to an accessory building approximately 160 ft² (14.9 m²) in size to the satisfaction of the Municipality of Lakeshore.

Recommendation:

Approve minor variance application A/27/2024 to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from subsection 6.5 a) xi) to permit an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.4 feet) in height unless with an Agriculture zone.

Include the following Notices in the Notice of Decision:

The relief is granted subject to the accessory building being located in the same general location as shown on the drawings in Appendix B.

The relief is granted based on the use of the building being accessory to a residence. Should 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.

Aerial photography available to administration suggests a small building addition occurred to an existing accessory structure on the property located near the east side lot line. The applicant should contact Building Services to inquire about obtaining a permit for this structure.

The applicant should seek legal counsel with respect to the neighbouring property to the west using the existing driveway located on the subject property for access to an accessory building on that property. Note that the Lakeshore Zoning By-law 2-2012 contains regulations respecting driveways which apply to any alterations to the situation sought. The Municipality of Lakeshore is to be contacted with respect to any proposed alterations or application for easement.

Recommendation:

Approve consent application B-04-2024 to permit registration of a 25-year lease agreement with two additional renewal terms (10 and 8, respectively) subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Approve consent application B-06-2024 to permit registration of a 25-year lease agreement with an option to renew for 10 years subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Approve consent application B-07-2024 to permit registration of a 25-year lease agreement with an option to renew for 10 years subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;

3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;

4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. August 21 2024 Meeting Minutes 82

7. New Business

- a. B-12-2023 - Consent Condition Change - 492 County Road 8 88

Recommendation:

Delete and replace the conditions of provisional consent Schedule "A" to consent application B/12/2023 so that it reads as follows:

1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality;

2) That, if deemed required by the Drainage Superintendent, the applicant enter into an agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;

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

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

6) That services be abandoned to the satisfaction of the Town of Essex;

7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage) and servicing capacity from the Town of Essex, and development approval;

8) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

(2) Not consider the change to be minor, thereby requiring notice of change to the conditions of the provisional consent to be given in accordance with subsection 53(24) of the Planning Act.

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 and Members of Committee of Adjustment

From: Urvi Prajapati – Team Leader

Date: September 10, 2024

Subject: A-24-2024 – 395 Harvest Drive

Recommendation

Approve Minor Variance application A-24-2024 to permit the development of a sunroom addition to the existing dwelling on the subject property subject to the following condition:

1) That any building requirements for the reduced rear yard setbacks under the Building Code be implemented to the satisfaction of the Building Department, as presented at the September 18th, 2024 Committee of Adjustment meeting.

Background

The applicant is proposing to construct a sunroom in place of an existing deck at the rear of the property. Currently, there is an existing shed, the house, and an existing covered porch, which are all to remain. The proposed sunroom will be approximately 140 ft² in size, with a rear yard setback of 4.87m (16 feet) and the eaves and gutters of the sunroom will encroach 3.03m from the required rear yard setback.

The following reliefs from Lakeshore Zoning By-law 2-2012 are required:

- Relief from subsection 9.2.11 b) ix) Residential Type 2 Zone Exception 11 (R2-11) to permit a minimum rear yard setback of 4.87 metres (16 feet), whereas subsection 9.2.11 b) ix) requires a minimum rear yard of 7.6 metres.
- Relief from subsection 6.42 d) to permit the eaves and gutters of the sunroom to encroach 3.04 metres into the required rear yard setback (to be setback 4.56 metres/14.9 feet from the rear lot line).

Summary

Location

The subject property is approximately 430.04 m² and has approximately 39.91 metres of frontage on Harvest Lane. It is located on the east side of Harvest Lane and north side of Cooper Crescent, west of Millstone Lane, in the Community of Maidstone.

Surrounding Land Uses

The subject property is surrounded by residential lots and Agriculture to the south.

Official Plan

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

Zoning

The subject property is zoned “Residential Medium Density Zone Exception 11” (R2-11) in the Lakeshore Zoning By-law 2-2012.

Planning Act 45(1)

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.

County of Essex Official Plan

The subject property is included within a Primary Settlement Area in the County of Essex Official Plan. Section 3.2.4.1 d) states that:

All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

The addition of the sunroom will meet the intent of the County of Essex Official Plan within a Primary Settlement Area.

Lakeshore Official Plan

The proposal conforms to Section 6.6.1b) i) & iv) of the Official Plan. As the proposed sunroom will be compatible to the adjacent land uses and buffering will be provided to ensure that the visual impact of the development on the adjacent land uses is minimized. The sunroom will be in the rear yard and it will not impact the streetscape on the public street; as it is not visible from the front yard. Staff is of the opinion that the variance meets the intent of the Official Plan.

Zoning By-law

- Relief from subsection 9.2.11 b) ix) Residential Type 2 Zone Exception 11 (R2-11) to permit a minimum rear yard setback of 4.87 metres (16 feet), whereas subsection 9.2.11 b) ix) requires a minimum rear yard of 7.6 metres.
- Relief from subsection 6.42 d) to permit the eaves and gutters of the sunroom to encroach 3.04 metres into the required rear yard setback (to be setback 4.56 metres/14.9 feet from the rear lot line).

The property is zoned Residential – Medium Density Zone Exception 11 (R2-11). Moreover, a minimum rear yard of 7.6 m is required in the R2-11 zone, however, the applicants have proposed to permit for 4.87 m. The purpose of limiting the gross floor area and requiring a minimum rear yard setback is to ensure there is no overdevelopment of the lot and there is room for greenspace and amenity. The applicants have proposed to divert the water from the sunroom into the lawn. The existing water from the deck area is also diverted into the lawn, therefore, there will be minimal to no changes to the existing flows.

Minor in Nature

Both reliefs are considered minor in nature. No major issues were expressed by any internal departments or external agencies with respect to the requests.

This test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. There are other sunrooms in the neighbourhood that are of a similar size. This proposal will replace the existing deck and the reliefs requested will have minimal impact to the adjacent land uses hence it is minor in nature.

Desirability and Appropriateness

The second test regards the appropriateness and desirability of the use. The sunroom does not compromise the appearance of the streetscape as it would be in the rear yard and away from the public view. Also, as mentioned before many properties in the neighbourhood have similar structures and hence passes this test.

Conclusion

It is the opinion of the Planner that the requested minor variances pass 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 following condition on approval:

- 1) That any building requirements for the reduced rear yard setbacks under the Building Code be implemented to the satisfaction of the Building Department.

Correspondence

External and Internal Agencies

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

The Building Department stated that the sunroom must comply with all OBC requirements which will include but not limited to ratings of exterior walls and overhang.

ERCA states that this property is not within their limit of regulated area.

The Fire Department stated that they have no further comments at this time.

The Drainage Division has no concerns with this application.

Engineering: Please see Appendix D.

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.

Attachments

List any attachments.

- Appendix A – Aerial Map
- Appendix B – Concept Plan
- Appendix C – Elevations
- Appendix D – Engineering Comments
- Appendix E – Photo

Report Approval Details

Document Title:	A-24-2024 Report .docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Concept Plan.pdf - Appendix C - Elevations.pdf - Appendix D - Engineering Comments.pdf - Appendix E - Photo.jpg
Final Approval Date:	Sep 11, 2024

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

Tammie Ryall - Sep 11, 2024 - 9:41 AM

Brianna Coughlin - Sep 11, 2024 - 1:57 PM

No Signature found

Ryan Donally - Sep 11, 2024 - 3:57 PM



Legend

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

1: 343



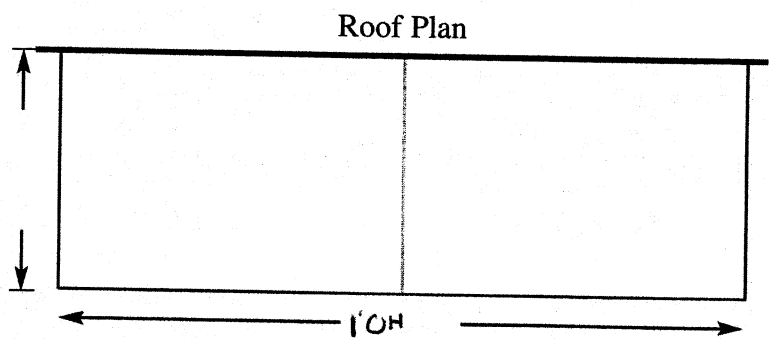
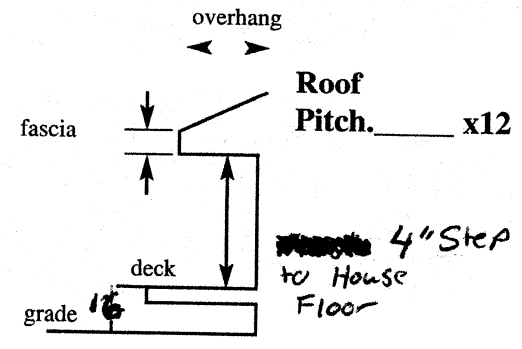
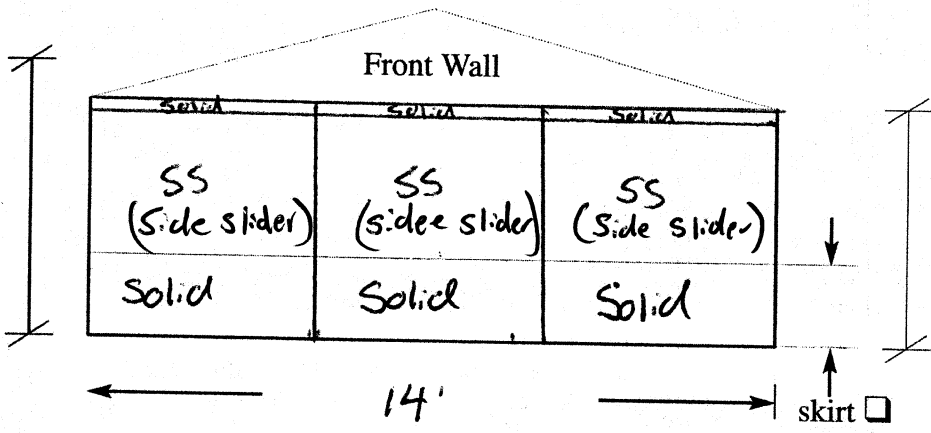
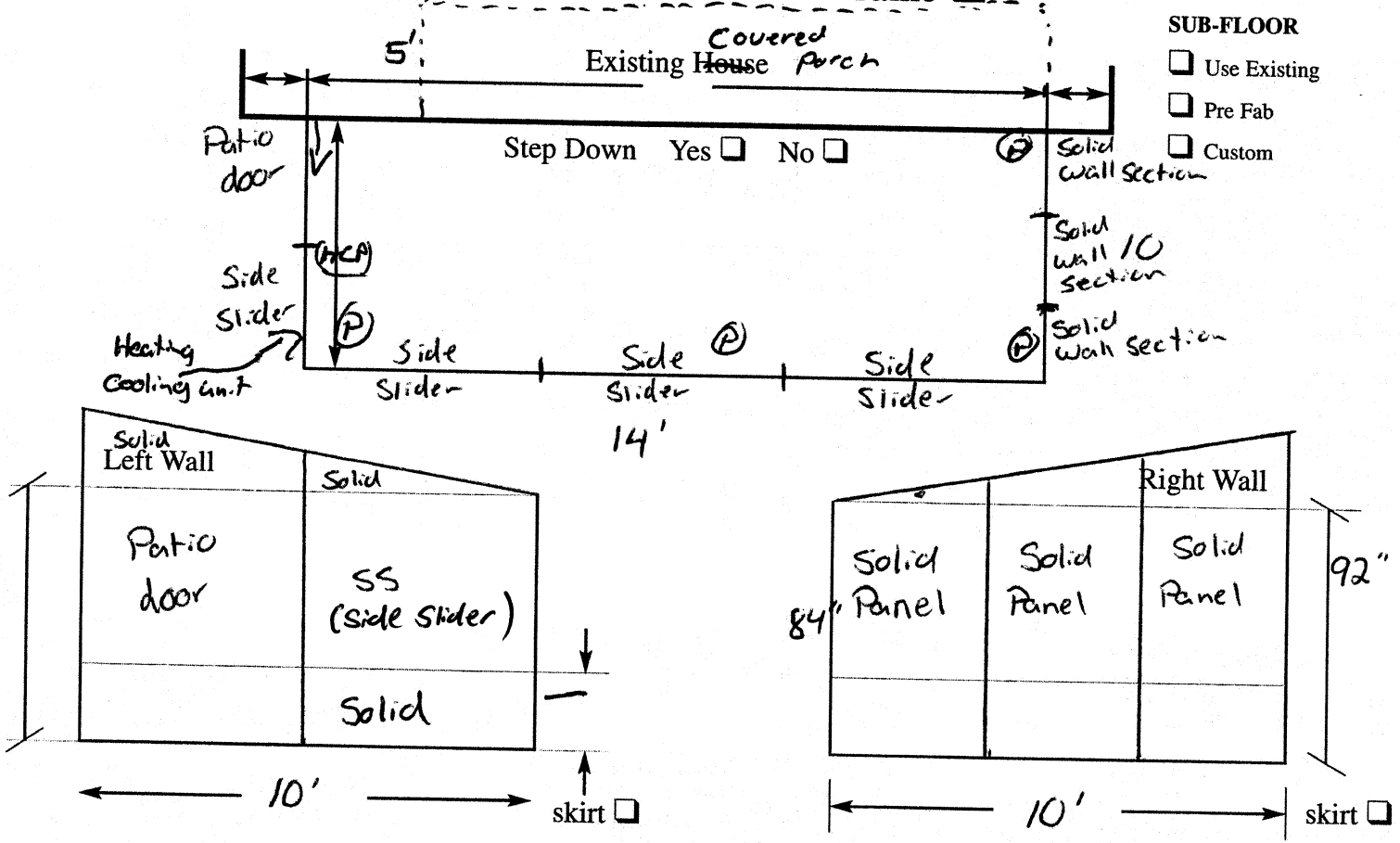
Notes:

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

Measure Page and Location of Doors, Windows & Electrical etc.

Room Type 225 4125 Studio 12' A-Frame

- SUB-FLOOR**
- Use Existing
 - Pre Fab
 - Custom



- Roof Type**
- 3" Alum. Top
 - 4" Alum. Top
 - 4" Wood Top
 - 6" Alum. Top
- Approx. Roof Pitch. x12

Specify Downpipe Location and Show Exact Skylight Location



REAR ELEVATION

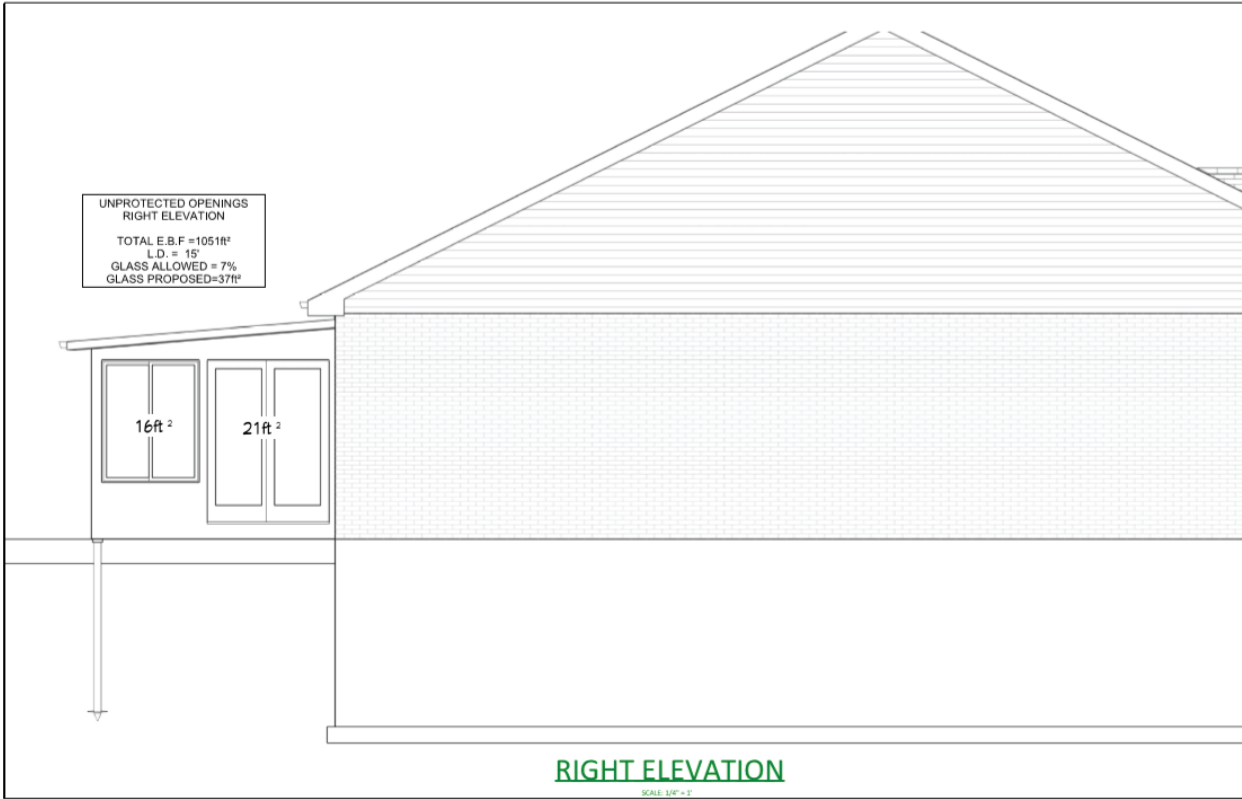
SCALE: 1/4" = 1'



UNPROTECTED OPENINGS
LEFT ELEVATION
TOTAL E.B.F. = 1051ft²
L.D. = 5.5'
GLASS ALLOWED = 8%
GLASS PROPOSED = 63ft²

LEFT ELEVATION

SCALE: 1/4" = 1'



Operations Department

Date: September 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – September 18, 2024 – A/24/2024

Operations has reviewed A-24-2024 – 395 Harvest Lane application and offer the following comments:

- Eavestroughs, gutters, and roof extensions should be managed within the subject property limit with no impact on neighboring property owners. Stormwater runoff should not adversely impact the adjacent and rear property owners.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair and Members of Committee of Adjustment
From: Ian Search, BES, Planner I
Date: September 10, 2024
Subject: Minor Variance Application A/25/2024 – 3362 Manning Road

Recommendation

Approve minor variance application A/25/2024, 3362 Manning Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for an existing accessory building (approx. 1920 ft² building footprint) that has been constructed on the Subject Property:

- Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.

Include the following Notice in the Notice of Decision:

The owner is responsible for ensuring that the applicable permits are obtained for buildings and structures on their property and is responsible for ensuring compliance with applicable Zoning By-law regulations. Additionally, 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, if the intention is to permit a commercial or residential use in the accessory building.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the east side of County Road 19/Manning Road, south of Highway 401, north of County Road 46, known municipally as 3362 Manning Road in the Municipality of Lakeshore. The subject property is zoned “Agriculture” (A) in the Lakeshore Zoning By-law and designated “Agricultural” in the Lakeshore Official Plan.

The subject property is approximately 1.41 acres (5706 m²) in area with approximately 115 metres (377.3 feet) of frontage along County Road 19/Manning Road.

The Applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for an existing accessory building (approx. 1920 ft²/178.4 m² building footprint) that has been constructed on the Subject Property:

- Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.

The Applicant received minor variance approval (file: A-02-2023) on March 22, 2023, to permit development of the accessory building to be setback 10 metres (32.8 feet) from the front lot line, but then the building was constructed closer to the front lot line than what the minor variance permitted. A certificate from a surveying company revealed that the building was constructed within 9.72 metres (31.90 feet) of the front lot line.

The certificate from the surveying company was requested by Building Services during footing inspections. The Division Leader of Building Services was told that a property bar was used to establish the setback, but that the surveying company determined that the property bar had been moved in the past causing construction of the building to be non-compliant.

Please note that the Applicant intends to make an application to change the zoning of their property to permit the accessory building to be used for a gainful occupation. The request for this zoning change will be made through a future separate application to Municipality of Lakeshore Council. Separate notice of that application will be given as required under the Planning Act.

The subject property is currently zoned “A” and is recognized as a rural residential lot in the Zoning By-law due to its size, being less than 4.0 ha in area. The Zoning By-law only permits limited residential uses on this property, such as the existing single detached dwelling, as well as accessory uses/buildings in connection with the residential use of the property.

Unless the zoning of the property is successfully amended to permit a gainful occupation (“Home Industry” as defined in the Lakeshore Zoning By-law 2012), then the accessory building is limited to a non-business accessory use in connection with a rural residential lot (garage for storage of personal vehicles, storage of personal belongings, etc.).

Surrounding Land Uses	North: rural commercial South: rural residential lot East: agriculture West: rural commercial
Official Plan Land Use Designation	Lakeshore Official Plan: Agricultural County of Essex Official Plan: Agricultural
Zoning	“Agriculture” (A)

Relief from Zoning By-law requested	<ul style="list-style-type: none"> • Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.
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Comments

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.

County of Essex Official Plan

The subject property is designated “Agricultural” in the County of Essex Official Plan. There are no issues of County significance in permitting a minor variance that will recognize the deficient setback (9.5 metres) of the accessory building from the front lot line. The Engineering Technologist at the County of Essex commented that they have no objections as the building meets the County setback distance from the County Road.

Lakeshore Official Plan

The subject property is designated “Agricultural” in the Lakeshore Official Plan. The proposed minor variance will maintain the general intent and purpose of the Lakeshore Official Plan. The policies in the Official Plan “protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to contemporary agricultural practices”. A minor variance to recognize the deficient setback (9.5 metres) of the accessory building from the front lot line on this rural residential lot does not conflict with the policies in the Lakeshore Official Plan.

The subject property is also designated Inland Floodplain Development Control Area. These are areas that have been identified as being susceptible to flooding under regulatory flood conditions as implemented by the appropriate Conservation Authority – in this case the Essex Region Conservation Authority (ERCA). A permit allowing for development activities including construction, placement of fill and alterations to shorelines and watercourses is required from the relevant Conservation Authority prior to undertaking such activities. ERCA was circulated notice of the minor variance application and commented that the parcel falls within the regulated area of the Croft Drain. Their office previously issued Permit #720-22, dated October 18, 2022, for this

development. A new permit is not required. The agency has no objection to the minor variance application.

Zoning By-law

The general intent and purpose of the regulation requiring an accessory building to be setback the same distance from the front lot line as the main building on a property is to provide sufficient area for landscaping purposes in the front yard of a property and to separate a building from activities associated with a public street including construction and maintenance of public services.

Comment: The subject property is approximately 1.41 acres (5706 m²) in area with approximately 115 metres (377.3 feet) of frontage along County Road 19/Manning Road. There is sufficient opportunity for landscaping of the property, including in front of the dwelling where the accessory building is not located. Moreover, this is a rural residential lot located outside a typical subdivision and surrounded by a variety of different uses. The subject property is located on a County road and the County of Essex did not express any objection. Likewise, no objections or concerns were received from Lakeshore Operations Department.

Minor in Nature

The requested relief is considered minor in nature to address an error that occurred during development of the accessory building following initial minor variance approval. There are no land use compatibility issues or impacts anticipated from permitting the desired relief.

Desirability and Appropriateness

The minor variance relief is desirable to recognize the deficient setback of the accessory building and will permit the building to exist where it was constructed on the property. With respect to the requested setback relief specifically, there are no issues of appropriateness related to matters such as uniformity of appearance in a neighbourhood, or existing standards in the immediate area. It is recognized that the subject property is located outside the residential designations of Lakeshore and is surrounded by a variety of uses including rural commercial uses, agricultural uses and some rural residential lots.

Conclusion

It is the opinion of the Planner that each of the requested reliefs pass the four tests prescribed under subsection 45 (1) of the *Planning Act*.

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

- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment include the following Notice in the Decision:

The owner is responsible for ensuring that the appropriate permits are obtained for buildings and structures on their property and is responsible for ensuring compliance with applicable Zoning By-law regulations.

Additionally, 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, if the intention is to permit a commercial or residential use in the accessory building.

Others Consulted

The Engineering Technologist at the County of Essex commented that they have no objections as the accessory building meets the County setback distance. The minimum setback for any proposed structures on this property must be 85 feet from the centre of the of County Road 19 right-of-way. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures (Appendix D).

ERCA commented that they have no objection to the minor variance application. Their office previously issued Permit #720 - 22 for this development, and a new Permit is not required (Appendix E).

The Operations Department stated that they have no comments with respect to the minor variance application.

The Fire Department commented that the applicant must contact the Prevention Division of the Fire Department for inspection if the building is to be used for a commercial use. No action is required for personal use.

The Drainage Department commented that development must adhere to the setbacks from an open municipal drain as per the Zoning By-law. A building permit was previously issued for the development of the accessory building. It was constructed closer to the front lot line than what was permitted, while the municipal drain (Croft Drain) runs along the rear lot line of the subject property. Based on the drawings submitted, the required setback from the open municipal drain has been met.

As previously mentioned, the Applicant intends to make an application to change the zoning of their property to permit the accessory building to be used for a gainful occupation. The Drainage Department commented that an oil grit separator is recommended in order that no oils etc. leach into the municipal drain (Croft Drain) at the side of said property.

The Building Division stated that they have no concerns at this time.

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 – County of Essex
Appendix E – ERCA

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-25-2024 - 3362 Manning Road - Minor Variance Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Pictures.pdf - Appendix D - County of Essex.pdf - Appendix E - ERCA.pdf
Final Approval Date:	Sep 11, 2024

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

Urvi Prajapati - Sep 11, 2024 - 1:06 PM

Ryan Donally - Sep 11, 2024 - 1:28 PM











Tammie Ryall - Sep 11, 2024 - 5:20 PM



3362 Manning Road - Subject Property



Legend

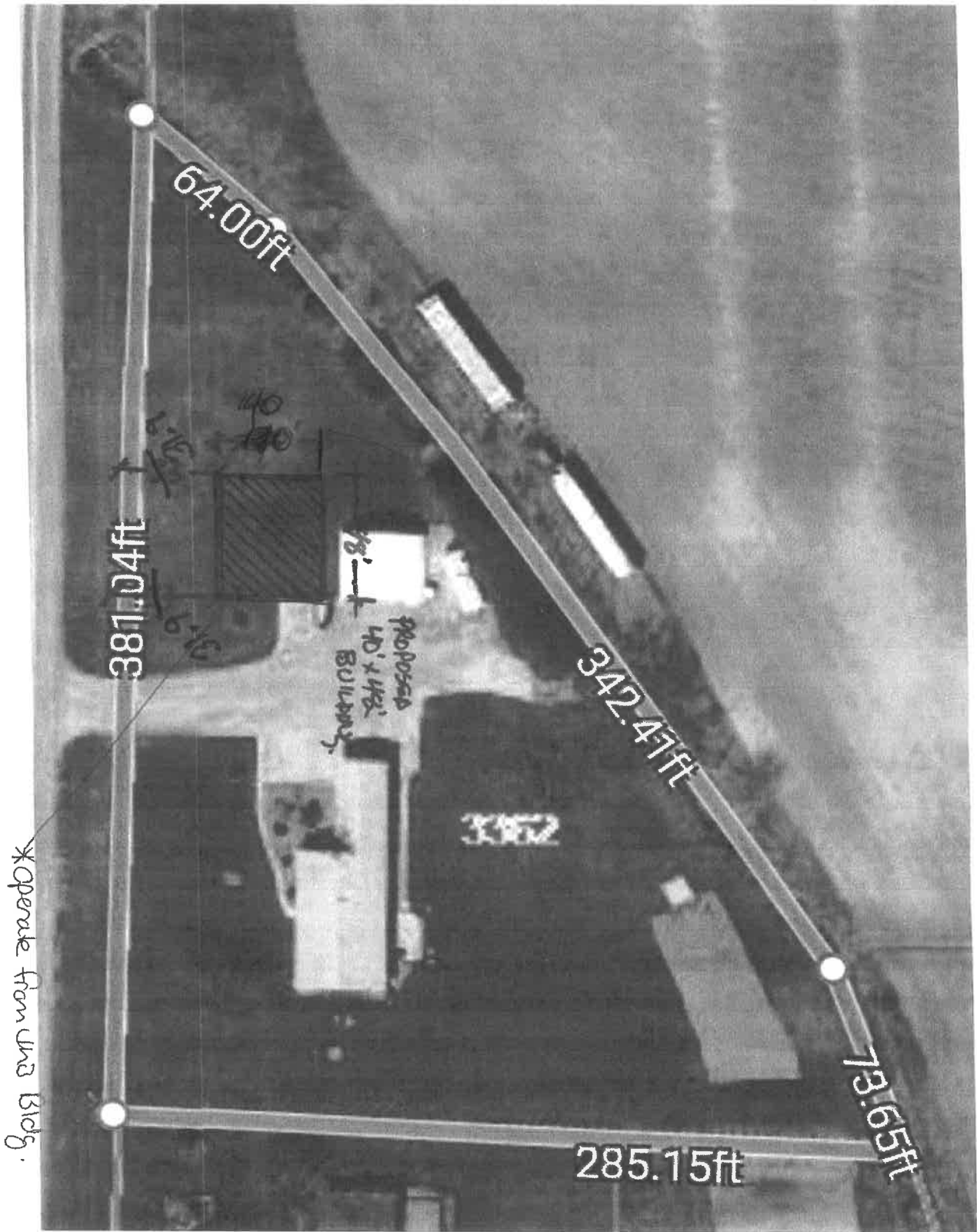
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-  Address Label
-  WorkingParcel
-  Street Centreline
-  <all other values>
-  CNTY
-  LAK
-  PRIV
-  PROV
-  OwnershipParcel

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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



Picture of the accessory building subject to the minor variance application:





Picture of the accessory building looking northeast from the driveway



Picture of the subject property and county road allowance looking north from the driveway



September 4, 2024

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

Dear Mr. Search:

Re: COA Submission, A-25-2024, Gilbert and Catherine Drouillard

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road 19. The County has no objections as subject structure meets the County setback distance. The Applicant will be required to comply with the following County Road regulation:

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

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

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the of County Road 19 right-of-way. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

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

☎ 519-776-6441
TTY 1-877-624-4832

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

💻 countyofessex.ca

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

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planning@erca.org

P.519.776.5209

F.519.776.8688

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

September 04, 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 Minor Variance A-25-2024 3362 MANNING RD

ARN 375112000005450; PIN: 750140002

Applicant: Gilbert and Catherine Drouillard

The Municipality of Lakeshore has received Application for Minor Variance A-25-2024 for the above noted subject property. The Applicants are seeking the following relief from Lakeshore Zoning By-law (2-2012) for an existing accessory building (approx. 1920 ft² building footprint) that has been constructed on the Subject Property:

- Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.

The Applicants received minor variance approval (file: A-02-2023) on March 22, 2023, to permit the accessory building to be setback 10 metres (32.8 feet) from the front lot line, but then the accessory building was constructed closer to the front lot line than what the minor variance permitted.

We understand that that the Applicants intend to make an application to change the zoning of their property to permit the accessory building to be used for a gainful occupation. The request for this zoning change will be made through a future separate application to Municipality of Lakeshore Council.

The following is provided as a result of our review of Application for Minor Variance A-25-2024.

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



Mr. Ian Search
September 04, 2024

parcel falls within the regulated area of the Croft Drain. Our office previously issued Permit #720 - 22, dated October 18, 2022, for this development. A new Permit is not required.

FINAL RECOMMENDATION

Our office has **no objections** to A-25-2024. As noted above, our office previously issued Permit #720 - 22 for this development, and a new Permit is not required.

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

Sincerely,



Alicia Good
Watershed Planner
/ag

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair and Members of Committee of Adjustment
From: Jacob Dickie – Planner 2
Date: September 11, 2024
Subject: Minor Variance Application A/26/2024 – 2358 St. Clair Road

Recommendation

Approve Minor Variance Application A-26-2024 to permit relief under Subsection 9.6.2 of the Zoning By-law 2-2012 to permit the addition of a new accessory building and to permit a reduced setback of 1.2 m from the west interior lot line for the proposed accessory building, whereas a setback of 1.5 m is required, and that the approval is limited to an accessory building approximately 160 ft² (14.9 m²) in size to the satisfaction of the Municipality of Lakeshore.

Proposal

The applicant is proposing an accessory building on the subject property and is seeking the following reliefs from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 9.6.2 Residential Waterfront - Lake St. Clair Zone Exception 2 (RW2-2) to permit the placement of an accessory building on the subject property, whereas subsection 9.6.2 states: "For the existing mobile trailer campground, club house and accessory uses, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law."
- Relief from subsection 6.5 a) vii) to permit the accessory building to be located a minimum of 1.2 metres (4 feet) from the west side lot line, whereas subsection 6.5 a) vii) states that an accessory building shall not be built closer than 1.5 m (4.92 feet) from any lot line.

Summary

Location:

The subject property is approximately 5,625.13 m² and has approximately 110.0 metres of frontage on St. Clair Road. It is located on the north side of St. Clair Rd. and south of

Lake St. Clair, in the Community of Tilbury North.

Accessory Building Details:

The Accessory Building is a pre-made shed that measures approximately 160 sq.ft or 14.8 sq.m. The shed will be used to store mechanical equipment that is associated with the maintenance of the campground such as a lawnmower.

Surrounding Land Uses:

The subject property is surrounded by Lake St. Clair to the north, residential lots to the west and east, and trailers/agriculture to the south.

County Official Plan:

The subject property is designated as "Secondary Settlement Area" in the County of Essex Official Plan

Lakeshore Official Plan:

The subject property is designated as "Waterfront Residential" in the Lakeshore Official Plan.

Zoning:

The subject property is zoned as "Residential Waterfront - Lake St. Clair Zone Exception 2" (RW2-2) in the Lakeshore Zoning By-law 2-2012. The requested variances from the in-effect zoning of the subject lands are as follows:

Relief from subsection 9. 6.2 Residential Waterfront - Lake St. Clair Zone Exception 2 (RW2-2) to permit the placement of an accessory building on the subject property, whereas subsection 9. 6.2 states: "For the existing mobile trailer campground, club house and accessory uses, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law."

Relief from subsection 6.5 a) vii) to permit the accessory building to be located a minimum of 1.2 metres (4 feet) from the west side lot line, whereas subsection 6.5 a) vii) states that an accessory building shall not be built closer than 1.5 m (4.92 feet) from any lot line.

The applicant has submitted a site plan sketch/concept plan for this minor development that has been reviewed by departments and agencies. There is no Site Plan Agreement

for the campground use that is registered on title. This minor development currently under review does not warrant a site plan agreement.

Four Tests of a Minor Variance

Subsection 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. The four tests are as follows:

Test 1 - Is the Variance Minor in Nature?

Test 2 - Is the Variance Desirable for the Appropriate Development or Use of Land, Building or Structure?

Test 3 - Does the Variance Meet the General Intent and Purpose of the Official Plan?

Test 4 - Does the Variance Meet the General Intent and Purpose of the Zoning By-law?
Is the Variance Minor in Nature?

Is the Variance Desirable for the Appropriate Development or Use of Land, Building or Structure?

Due to its small size and its proposed location in the side yard near the rear of the property, the shed will not significantly change the streetscape appearance of the property. Further, the proposed shed and reduced setback will not create any challenges that negatively impact the overall functionality of the mobile campground. Instead, it will provide the owner with an appropriate location to store maintenance equipment that will benefit the campground. Overall, the shed will have negligible impacts on vehicular and pedestrian access, stormwater management landscaping and future development proposals that impact the subject lands. As such, the proposed variances pass this test.

Does the Variance Meet the General Intent and Purpose of the Official Plan?

County of Essex Official Plan:

The subject property falls within the "Secondary Settlement Area" Designation of the County of Essex Official Plan. In accordance with Section 3.2.5 g) j) f, of the County Official Plan, new development in Secondary Settlement Areas will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification. The proposed accessory building consists of a limited form of infill on an existing lot of record without causing any environmental harms, disruptions or negative

impacts on abutting properties. As such, the proposed variances meets the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan:

Section 6. 4. 1 e) of the Lakeshore Official Plan states the following "Uses accessory to the any of the permitted uses in the Waterfront Residential Designation will be permitted".

The subject property falls within the "Waterfront Residential" Designation of the Lakeshore Official Plan. The proposed accessory building is permitted in the Waterfront Residential Designation. The proposed variances meets the general intent and purpose of the Lakeshore Official Plan. Further, in accordance with Section 2. 3.5 of the Official Plan, the reduced setback is a reasonable and compatible form of infill in an existing built-up area. As such, the proposed variances meets the general intent and purpose of the Lakeshore Official Plan.

Does the Variance Meet the General Intent and Purpose of the Zoning By-Law?

The applicant is seeking relief from the site-specific zoning to permit the construction of a new accessory building. The proposed accessory building will have little to no negative impacts on the adjacent land uses and is considered minor in nature. The purpose of requiring a minimum yard setback is to ensure that there is no overdevelopment, and that the overall functionality of the property is maintained. The proposed accessory building is a small 10' by 16' foot structure that will have negligible impacts on landscaping, vehicular access and stormwater management. The tree line that is by the fence will also hide the accessory structure to reduce its visual impact on the abutting property. This proposal is compatible with the surrounding area, as many of the adjacent lots have similar structures on their property. As such, the proposed variances meet the general intent and purpose of the Zoning By-Law.

Conclusion

It is the opinion of the Planner that the requested variances pass the four tests prescribed under Subsection 45 (1) of the *Planning Act*:

- i. The variances are "minor" in nature.
- ii. The variances are desirable for the appropriate development or use of the land, building or structure.
- iii. The variances maintains the general intent and purpose of the Official Plan.
- iv. The variances maintains the general intent and purpose of the Zoning By-law.

Correspondence

External and Internal Agencies:

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

The Building Department has no concerns and confirmed that a Building Permit would not be required as proposed.

The Fire Department has no concerns.

The Drainage Division has no concerns.

Operations has no concerns with this application provided that all stormwater runoff from the roof of the shed should be kept within the subject property limit and should not adversely impact the adjacent property.

The Essex Region Conservation Authority confirmed that a Conservation Development Permit would not be required (Attachment C).

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.

Attachments

Attachment A - Concept Plan

Attachment B - Survey

Attachment C - ERCA Comment

Report Approval Details

Document Title:	Minor Variance Application A-26-2024 - 2358 St Clair Road.docx
Attachments:	- Site Plan Drawing.pdf - Survey.pdf - ERCA Comments A-26-2024.pdf
Final Approval Date:	Sep 12, 2024

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

No Signature - Task assigned to Urvi Prajapati was completed by workflow administrator Brianna Coughlin

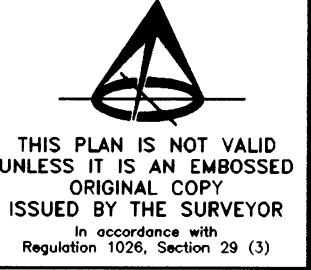
Urvi Prajapati - Sep 12, 2024 - 5:02 PM

No Signature - Task assigned to Ryan Donally was completed by workflow administrator Brianna Coughlin

Ryan Donally - Sep 12, 2024 - 5:02 PM

Tammie Ryall - Sep 12, 2024 - 5:22 PM





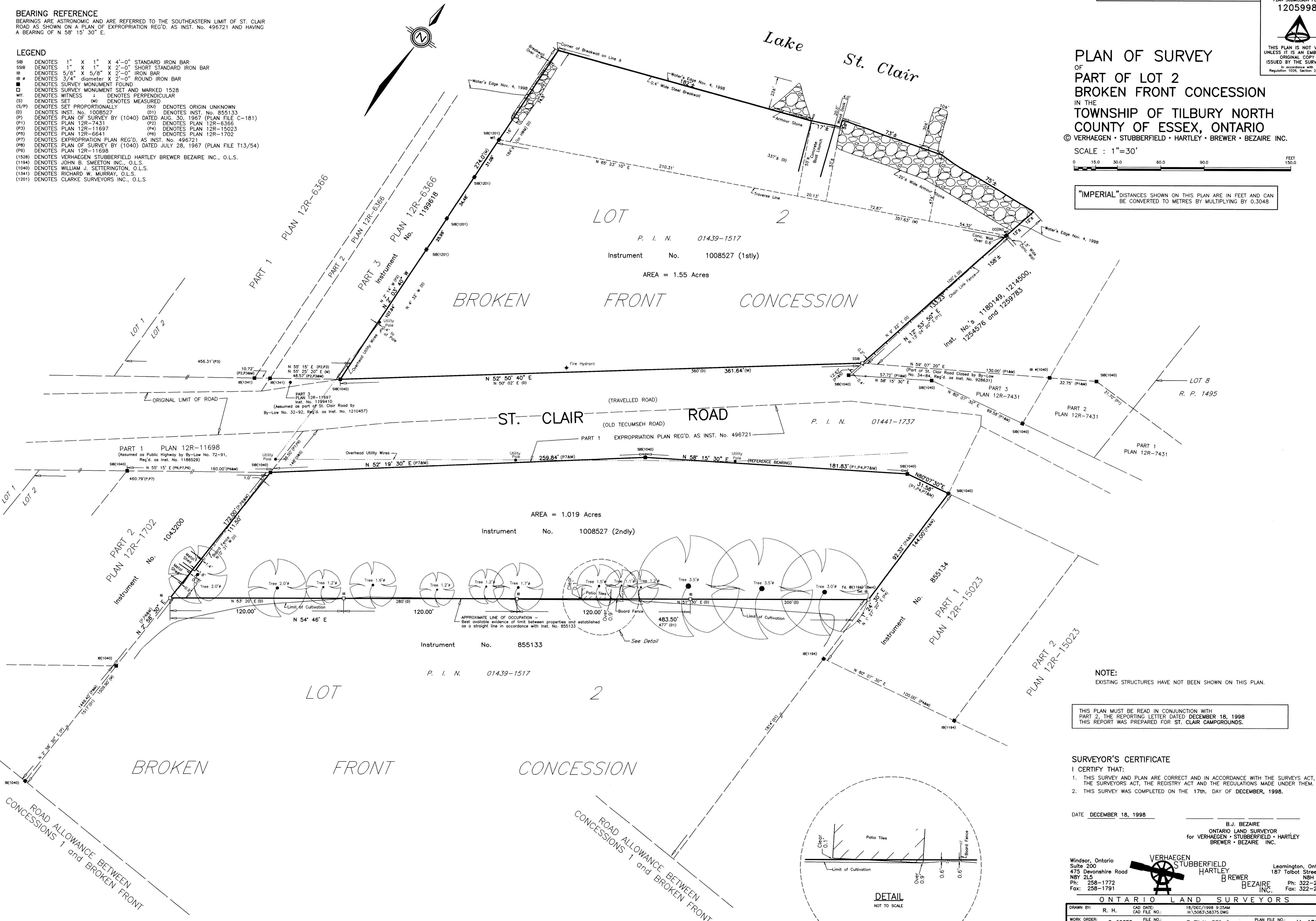
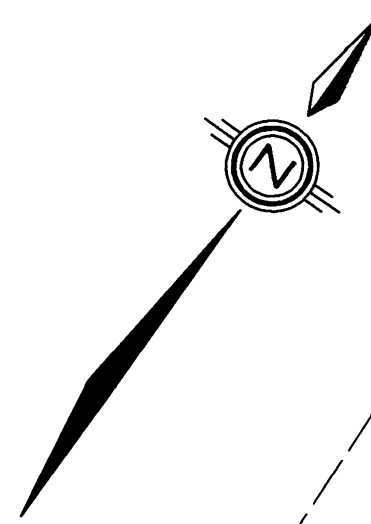
BEARING REFERENCE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHEASTERN LIMIT OF ST. CLAIR ROAD AS SHOWN ON A PLAN OF EXPROPRIATION REG'D. AS INST. No. 496721 AND HAVING A BEARING OF N 58° 15' 30" E.

LEGEND
SIB DENOTES 1" X 1" X 4'-0" STANDARD IRON BAR
SIB8 DENOTES 1" X 1" X 2'-0" SHORT STANDARD IRON BAR
IB DENOTES 5/8" X 5/8" X 2'-0" IRON BAR
IB * DENOTES 3/4" diameter X 2'-0" ROUND IRON BAR
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET AND MARKED 152B
WT. DENOTES WITNESS I DENOTES PERPENDICULAR
(S) DENOTES SET (M) DENOTES MEASURED
(S/P) DENOTES SET PROPORTIONALLY (O) DENOTES ORIGIN UNKNOWN
(I) DENOTES INST. No. 1008527 (O1) DENOTES INST. No. 855133
(P) DENOTES PLAN OF SURVEY BY (1040) DATED AUG. 30, 1967 (PLAN FILE C-181)
(P1) DENOTES PLAN 12R-7431 (P2) DENOTES PLAN 12R-6366
(P3) DENOTES PLAN 12R-11697 (P4) DENOTES PLAN 12R-15023
(P5) DENOTES PLAN 12R-6641 (P6) DENOTES PLAN 12R-1702
(P7) DENOTES EXPROPRIATION PLAN REG'D. AS INST. No. 496721
(P8) DENOTES PLAN OF SURVEY BY (1040) DATED JULY 28, 1967 (PLAN FILE T13/54)
(P9) DENOTES PLAN 12R-11698
(152B) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
(1194) DENOTES JOHN B. SMEETON INC., O.L.S.
(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.
(1341) DENOTES RICHARD W. MURRAY, O.L.S.
(1201) DENOTES CLARKE SURVEYORS INC., O.L.S.

PLAN OF SURVEY
OF
PART OF LOT 2
BROKEN FRONT CONCESSION
IN THE
TOWNSHIP OF TILBURY NORTH
COUNTY OF ESSEX, ONTARIO
© VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE : 1"=30'
0 15.0 30.0 60.0 90.0 150.0 FEET

"IMPERIAL" DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



LOT 2
P. I. N. 01439-1517
Instrument No. 1008527 (1stly)
AREA = 1.55 Acres

ST. CLAIR ROAD
(TRAVELLED ROAD)
(OLD TECUMSEH ROAD)
P. I. N. 01441-1737
AREA = 1.019 Acres
Instrument No. 1008527 (2ndly)

Instrument No. 855133
P. I. N. 01439-1517

NOTE:
EXISTING STRUCTURES HAVE NOT BEEN SHOWN ON THIS PLAN.

THIS PLAN MUST BE READ IN CONJUNCTION WITH
PART 2, THE REPORTING LETTER DATED DECEMBER 18, 1998
THIS REPORT WAS PREPARED FOR ST. CLAIR CAMPGROUNDS.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 17th. DAY OF DECEMBER, 1998.

DATE DECEMBER 18, 1998
B.J. BEZAIRE
ONTARIO LAND SURVEYOR
for VERHAEGEN • STUBBERFIELD • HARTLEY
BREWER • BEZAIRE INC.

Windsor, Ontario
Suite 200
475 Devonshire Road
N8Y 2L5
Ph: 258-1772
Fax: 258-1791
Learnington, Ontario
187 Talbot Street E.
N8H 1L8
Ph: 322-2375
Fax: 322-2675
VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.
ONTARIO LAND SURVEYORS

DRAWN BY: R. H. CAD DATE: 18/DEC/1998 9:25AM
CAD FILE NO.: H:\5083\58375.DWG
WORK ORDER: 5-08375 FILE NO.: E-TILN.-BFC-2 PLAN FILE NO.: H-400



planning@erca.org

P.519.776.5209

F.519.776.8688

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

August 29, 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 Minor Variance A-26-2024 2358 ST CLAIR RD

ARN 375175000013900; PIN: 750700066

Applicant: CHARRON MARC

The Municipality of Lakeshore has received Application for Minor Variance A-26-2024 for the above noted subject property, which proposes to add an accessory building of 10 feet by 16 feet (14.86 square metres) to the subject property. The following is provided as a result of our review of A-26-2024.

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 the Lake St. Clair. However, this proposal for a non-habitable building of less than 15 metres square is exempt from requiring an approval from our office.

FINAL RECOMMENDATION

Our office has **no objection** to A-26-2024.

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

Sincerely,

Alicia Good
Watershed Planner /ag



**Municipality of Lakeshore
Committee of Adjustment Report**



Growth & Sustainability

Community Planning

To: Chair and Members of Committee of Adjustment
From: Ian Search, BES
Planner I
Date: September 10, 2024
Subject: Minor Variance Application A/27/2024 – 1220 Faith Drive

Recommendation

Approve minor variance application A/27/2024 to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from subsection 6.5 a) xi) to permit an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.4 feet) in height unless with an Agriculture zone.

Include the following Notices in the Notice of Decision:

The relief is granted subject to the accessory building being located in the same general location as shown on the drawings in Appendix B.

The relief is granted based on the use of the building being accessory to a residence. Should 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.

Aerial photography available to administration suggests a small building addition occurred to an existing accessory structure on the property located near the east side lot line. The applicant should contact Building Services to inquire about obtaining a permit for this structure.

The applicant should seek legal counsel with respect to the neighbouring property to the

west using the existing driveway located on the subject property for access to an accessory building on that property. Note that the Lakeshore Zoning By-law 2-2012 contains regulations respecting driveways which apply to any alterations to the situation sought. The Municipality of Lakeshore is to be contacted with respect to any proposed alterations or application for easement.

Background

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from subsection 6.5 a) xi) to permit an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.4 feet) in height unless with an Agriculture zone.

The minor variance application states that the building will be used for the personal storage of vehicles and maintenance equipment. The site plan drawing suggests that the building will utilize an existing driveway on the property for access to the proposed accessory building, which is also currently being utilized to provide access to an accessory building on the neighbouring property to the west.

Both the subject property and the neighbouring property to the west are zoned “Residential – Low Density” (R1). The Lakeshore Zoning By-law (2-2012) does not permit a second driveway/access to be established on the subject property for the proposed accessory building. Subsection 6.41.4 d) states that not more than one driveway shall be permitted per lot in the R1 zone. Likewise, there is an existing driveway/access on the neighbouring property to the west for access to the dwelling on that property. The Zoning By-law (2-2012) does not permit the establishment of a second driveway/access on that property either. The applicant should seek legal counsel with respect to the neighbouring property to the west using the existing driveway located on the subject property for access to an accessory building on that property.

Surrounding Land Uses	North: Low density residential South: Institutional East: Low density residential West: Low density residential
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential – Low Density” (R1)

Relief from Zoning By-law requested	<ul style="list-style-type: none">• Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²)• Relief from subsection 6.5 a) xi) to permit an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.4 feet) in height unless with an Agriculture zone.
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Comments

Subsection 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.

County of Essex Official Plan

Subsection 3.2.4.1 h) of the County of Essex Official Plan states that all types of land uses are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans. The Lakeshore Official Plan permits uses accessory to the dwelling on the subject property. The minor variance application maintains the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

Subsection 6.6.1 a) of the Lakeshore Official Plan states that single detached dwellings will be permitted in the Residential designation and subsection 6.6.1 k) permits uses that are accessory to any of the permitted uses.

Comment: The proposed development is for an accessory building on a residential lot containing a single detached dwelling.

Subsection 4.2.1 Community Design includes the following relevant policies:

- a) *The Town 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.*

Comment: The subject property is 1.03 acres (4168.26 m²) and is a relatively larger residential lot in the neighbourhood. It is therefore conducive to supporting the proposed

gross floor area and height of the accessory building. The building will be subordinate to the main building on the property which is in keeping with the physical design characteristic established in the area.

- c) *Measures will be taken to ensure that the permitted uses address compatibility with adjacent land uses. Adequate separation buffering or screening will be provided between any uses where land use conflicts might be expected, such as the provision of grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also represent appropriate buffering measures.*

Comment: The proposed accessory building is for personal storage on a residential property that will not generate land use conflicts. The proposal does not require separation buffering or screening. According to the site plan drawing, the applicant is planning on constructing the accessory building approximately 3.04 metres (10 feet) from the west side lot line which provides desirable separation from existing dwellings that have frontage of Dubois Avenue located east of the subject property.

The minor variance application maintains the general intent and purpose of the Lakeshore Official Plan.

Zoning By-law

The purpose of the regulation limiting an accessory building to a gross floor area of 55 m² (592 ft²) in the R1 zone is to ensure that these buildings do not dominate the area in a typical residential neighbourhood.

Comment: The residential neighbourhood is comprised of a variety of different lot sizes and is not a typical subdivision. As previously mentioned, the subject property is a relatively larger residential lot in the area capable of supporting a larger accessory building. Moreover, the accessory building will be subordinate to the main dwelling on the property, therefore maintaining the general intent of “accessory” definition in the Zoning By-law.

The purpose of the regulation limiting the height of an accessory building to 5 metres (16.4 feet) is to ensure that these buildings remain subordinate to the main building on a property and that they remain unoffensive with respect to location and purpose.

Comment: The minor variance application states that the dwelling on the property has a height of approximately 5.5 metres (18 feet), which is similar in height to the proposed accessory building. It is noted that the overall massing of the main building is larger than the proposed accessory building, and that the accessory building is proposed to be located in the rear yard of the property quite some distance away from the dwelling and Faith Drive roadway. In addition, plans show the proposed accessory building to be approximately 3.04 metres (10 feet) from the west side lot line which provides desirable separation from existing dwellings that have frontage of Dubois Avenue located east of

the subject property.

Minor in Nature

The requested reliefs are considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired reliefs. An increase in height of 0.24 metres (0.79 feet) beyond what the regulation permits is considered minor in nature to accommodate desired storage. Likewise, the requested increase in gross floor area is considered minor to accommodate desired storage given the site and neighbourhood context.

Desirability and Appropriateness

The minor variance reliefs are desirable for the appropriate development of the building and the proposal is compatible with the surrounding area. The proposal meets existing standards in the area and a negative impact on the streetscape is not anticipated. The proposed development is compatible with its surroundings.

Conclusion

It is the opinion of the Planner that each of the requested reliefs pass the four tests prescribed under Subsection 45 (1) of the *Planning Act*:

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

It is recommended that the Committee of Adjustment include the following Notices in the Decision:

The relief is granted subject to the accessory building being located in the same general location as shown on the drawings in Appendix B.

The relief is granted based on the use of the building being accessory to a residence. Should 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.

Aerial photography available to administration suggests a small building addition occurred to an existing accessory structure on the property located near the east side lot line. The applicant should contact Building Services to inquire about obtaining a permit for this structure.

The applicant should seek legal counsel with respect to the neighbouring property to the west using the existing driveway located on the subject property for access to an

accessory building on that property. Note that the Lakeshore Zoning By-law 2-2012 contains regulations respecting driveways which apply to any alterations to the situation sought. The Municipality of Lakeshore is to be contacted with respect to any proposed alterations.

Others Consulted

Essex Region Conservation Authority (ERCA) commented that they have no objection to A-27-2024. Their office has already issued ERCA Permit 413 – 24 for this development, dated July 3, 2024. It is the responsibility of the Applicant to notify their office of any changes to the approved site plans. Their full comment can be found in Appendix D.

The Operations Department commented that it appears there is mutual access provided from 1220 Faith Drive to 1216 Faith Drive. They state that confirmation of a mutual agreement will be required, or alternatively, access will need to be closed to 1216 Faith Drive from the subject property. Their full comment can be found in Appendix E. In response to these comments, the applicant should seek legal counsel with respect to the neighbouring property to the west using the existing driveway located on the subject property for access to an accessory building on that property. Note that the Lakeshore Zoning By-law 2-2012 contains regulations respecting driveways which apply to any alterations to the situation sought. The Municipality of Lakeshore is to be contacted with respect to any proposed alterations or application for easement.

The Fire Department stated that they have no issue with the proposal. If a commercial use is proposed in the future – which requires additional applications and approvals under the Planning Act – then the owner must contact the Fire Department for inspection.

Building Services comments that they have no concerns at this time. Any grading required will be addressed at the time of permit application.

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.

Attachments:

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – ERCA
Appendix E – Operations Department

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-27-2024 - 1220 Faith Drive - Minor Variance Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - ERCA.pdf - Appendix E - Operations Comments.pdf
Final Approval Date:	Sep 11, 2024

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

Urvi Prajapati - Sep 10, 2024 - 11:25 AM

Ryan Donally - Sep 11, 2024 - 11:28 AM











Tammie Ryall - Sep 11, 2024 - 9:49 PM



1220 Faith Drive - Subject Property



Legend

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

1:1,119

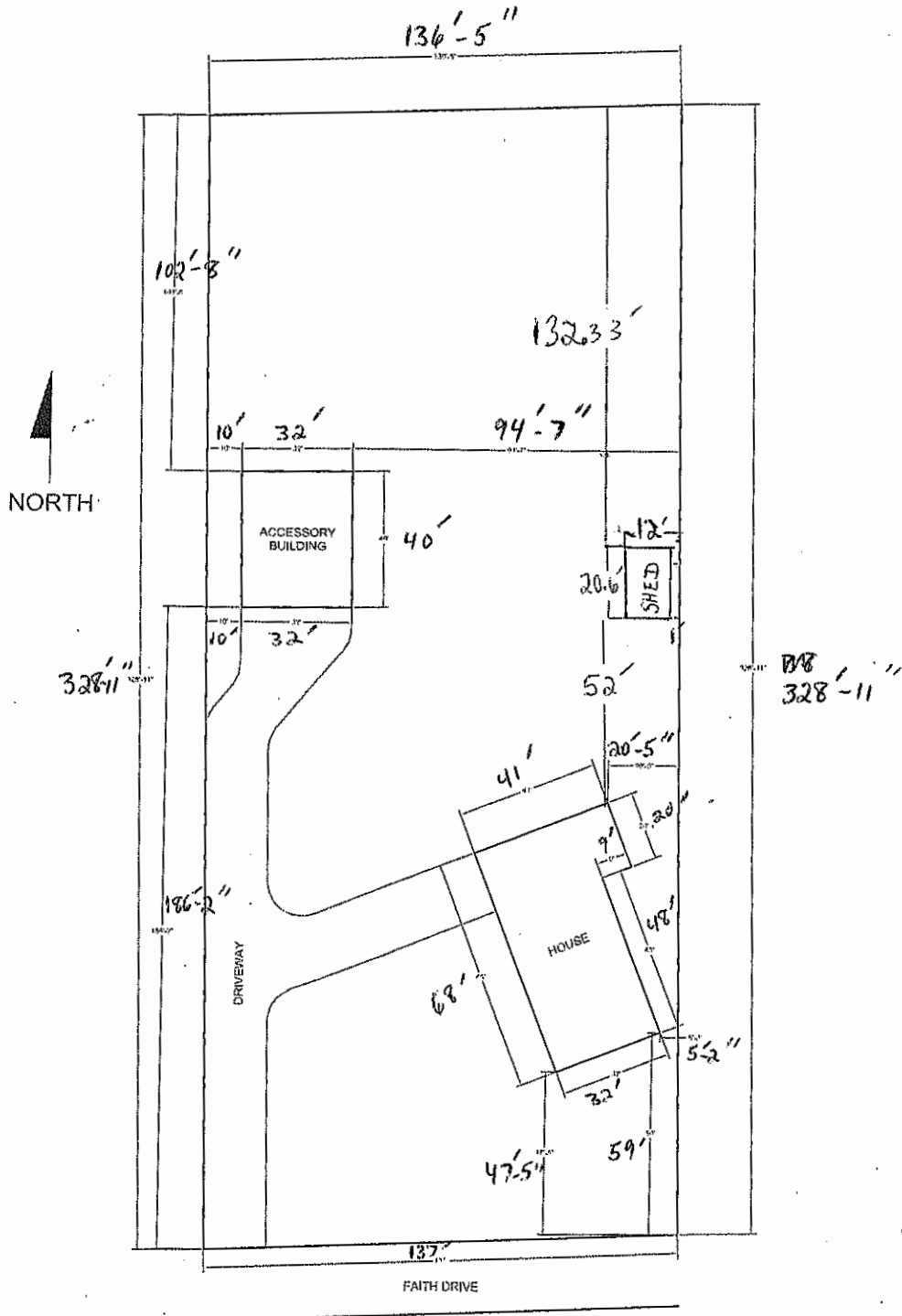


Notes:

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

1220 FAITH DRIVE PLAN VIEW

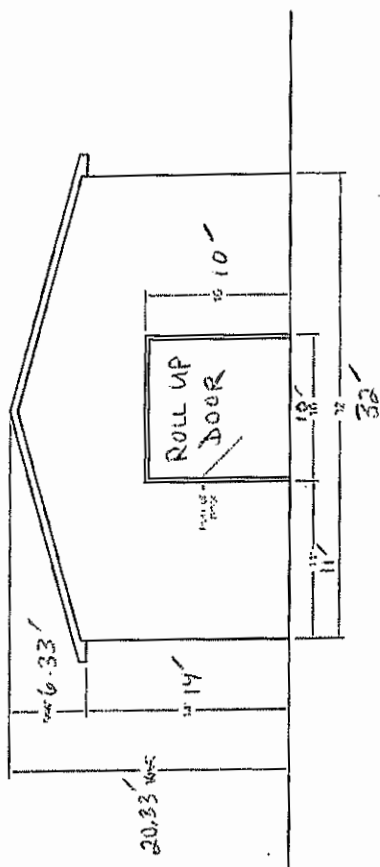
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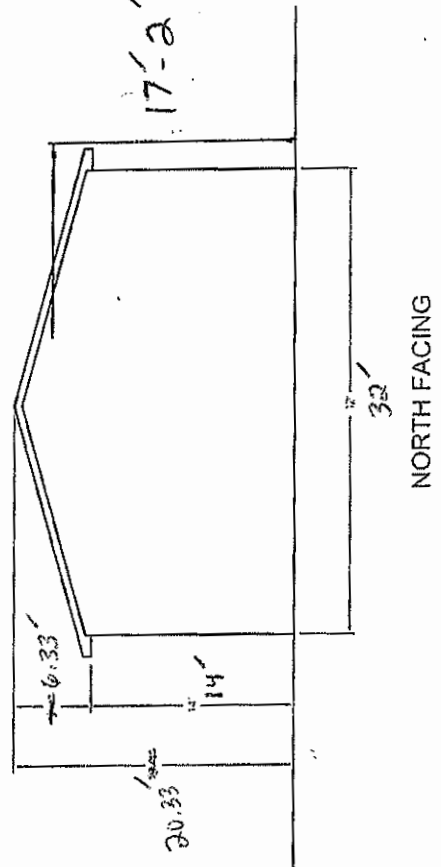
The structure labelled "accessory building" is the proposed building that is the subject of this minor variance application

1220 FAITH DRIVE
ELEVATION VIEWS

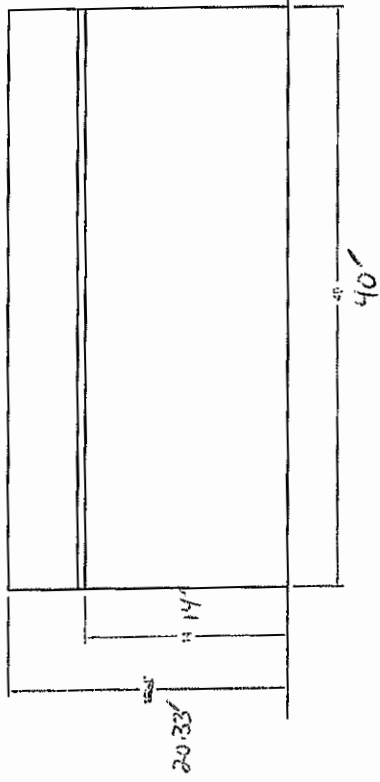
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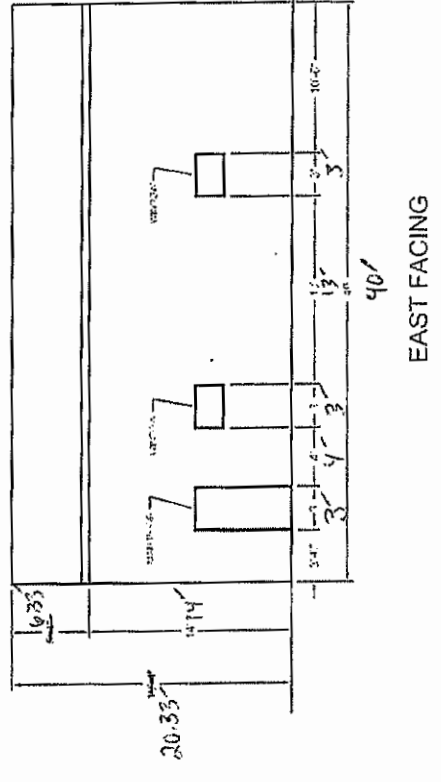
SOUTH FACING



NORTH FACING



WEST FACING



EAST FACING

ELEVATION VIEWS



Looking north from driveway on the subject property



Looking northeast from driveway on the subject property



Looking northeast at dwelling on the subject property from the driveway



planning@erca.org

P.519.776.5209

F.519.776.8688

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

September 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 Minor Variance A-27-2024 1220 FAITH DR

ARN 375119000015400; PIN: 750051562

Applicant: D'ETTORRE GIUSEPPE

The Municipality of Lakeshore has received Application for Minor Variance A-27-2024 for the above noted subject property.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from subsection 6.5 a) xi) to permit an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres in height unless with an Agriculture zone.

The following is provided as a result of our review of Application for Minor Variance A-27-2024.

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 the 4th Concession Drain.

Mr. Ian Search
September 03, 2024

Our office has already issued ERCA Permit 413 - 24 for this development, dated July 3, 2024. We note that it is the responsibility of the Applicant to notify our office of any changes to the approved site plans by contacting the assigned reviewer or regs@erca.org.

FINAL RECOMMENDATION

Our office has no objection to A-27-2024. As noted above, our office has issued ERCA Permit 413 - 24 for this development, dated July 3, 2024. It is the responsibility of the Applicant to notify our office of any changes to the approved site plans.

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

Sincerely,



Alicia Good
Watershed Planner
/ag



Operations Department

Date: September 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – September 18, 2024 – A/27/2024

Operations has reviewed A-27-2024 – 1220 Faith Drive application and offer the following comments:

- It appears that there has been mutual access provided from 1220 Faith Drive to 1216 Faith Drive. Confirmation of a mutual agreement will be required, or alternatively, access will need to be closed to 1216 Faith Drive from the subject property.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair and Members of Committee of Adjustment

From: Jonathan Derworiz, MCIP, RPP, Planning Consultant

Date: September 11, 2024

Subject: Consent Applications B-04-2024, B-06-2024, and B-07-2024, Tilbury Battery Storage, Applicant – Angela Wang, Stantec, on behalf of Boralex Inc.

Recommendation

Approve consent application B-04-2024 to permit registration of a 25-year lease agreement with two additional renewal terms (10 and 8, respectively) subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Approve consent application B-06-2024 to permit registration of a 25-year lease agreement with an option to renew for 10 years subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Approve consent application B-07-2024 to permit registration of a 25-year lease

agreement with an option to renew for 10 years subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be

Background

Three separate consent applications have been submitted to the Municipality of Lakeshore by Angela Wang, Stantec, on behalf of Boralex Inc. The purpose of these applications is to permit leases greater than 21 years for the sites municipally known as 0 Creekside Rd, 2825 Essex Kent Rd, and 0 Essex Kent Rd to facilitate use of, and access to, 0 Creekside Road as a battery energy storage system (BESS).

0 Creekside Rd

The applicant is proposing to use 0 Creekside Rd as a battery energy storage system (BESS) facility, for which a Zoning By-law Amendment was approved for the site on February 27, 2024 (ZBA-02-2024). This Zoning By-law Amendment permits the site to be used as an Agriculture Exception 118 (A-118) Zone. The applicant is proposing to lease the site for a 25-year initial term, with two additional terms of 10 years and 8 years, respectively.

2825 Essex Kent Rd

2825 Essex Kent Rd is zoned Rural Commercial/Employment Zone Exception 27 (CR-27) Zone. The applicant is proposing to use a portion of 2825 Essex Kent Rd as an access road to the proposed BESS facility. This proposed use will provide the BESS facility with access to Essex Kent Rd. The applicant is proposing to lease the area of the lands around the proposed access road for a 25-year initial term, with an option to extend for an additional 10 years.

0 Essex Kent Rd

0 Essex Kent Rd is zoned Agriculture (A) Zone. The applicant is proposing to use a small portion of the lands (southernmost portion) as an access road to the proposed BESS facility. The applicant is proposing to lease this small portion of the lands for a 25-year initial term, with an option to extend for an additional 10 years.

File Number	B-04-2024	B-06-2024	B-07-2024
Subject Land:	0 Creekside Rd – Part Lot 21-22 Concession 2	2825 Essex Kent Rd	0 Essex Kent Rd
Legal Description:	Con 2 Pt Lots 21 & 22 Reg 53.00ac Fr D	Tilbury North Con 2 Pt Lot 22 Rp 12r4334 Parts 1 To 11 Rp 12r5575 Part 1 Reg 13.52ac 500.00fr D	Con 2 E Pt Lot 22 Reg 75.76ac Fr D
Proposed Lease Term:	To be leased for 25-year initial term with two additional terms (10 and 8, respectively).	Area around the proposed access road to be leased for a 25-year initial term with an option to extend for an additional 10 years.	A small portion being leased for a 25-year initial term with an option to extend for an additional 10 years.
Use:	Existing: Vacant agricultural land, solar panels Proposed: Battery energy storage facility	Existing: industrial uses - L&M Machine & Automation Proposed: Access road for BESS facility	Existing: vacant agricultural lands Proposed: access road to the proposed BESS facility on small portion of the lands
Existing Zoning:	Agriculture Exception 118 (A-118) Zone	Rural Commercial/Employment Zone Exception 27 (CR-27) Zone	Agriculture (A) Zone
Official Plan:	Agricultural		
Neighbouring Land Uses:	North: Agricultural East: Agricultural and Commercial. West: Agricultural South: Agricultural		

Comments

Planning Act

Section 50 of the *Planning Act* governs the subdivision of land in Ontario. According to Section 50(3)(f), a conveyance of land for a period of 21-years or more may proceed without requiring the approval of a plan of subdivision if a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land. The purpose of the proposed Consent Applications is to allow access and use of the subject lands for greater than 21 years.

Section 50(15) of the *Planning Act* provides specific circumstances under which consent may be granted for abutting lands. This subsection allows for the renewal of leases,

mortgages, or other agreements affecting abutting parcels of land for a term of 21 years or more, without requiring the approval of a plan of subdivision. In this context, the proposed Consent Applications meet the criteria set out in Section 50(15) because it involves abutting lands, thereby conforming with Ontario's Planning Act.

Section 51(24) of the *Planning Act* sets out the criteria for land division within the Province of Ontario. In evaluating such requests, the Committee must be satisfied that the proposed Consent Applications meet not only the criteria set out under Section 51(24), but also any municipal requirements identified in local legislation.

Provincial Policy Statement

The *Provincial Policy Statement* policies most directly relevant to Consent Applications in agricultural areas are found in Section 2.3.1, 2.3.3, and 2.3.4. These sections specifically address conditions under which consent can occur in agricultural areas, focusing on minimized fragmentation and maintaining the long-term agricultural use of the land. Section 2.3.4.2 permits lot adjustments in prime agricultural areas for legal or technical reasons, including severances (consent) for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The policies would primarily concern ensuring that the Battery Energy Storage Facility and access roads minimize impact on agricultural operations in the area, to protect agricultural lands and promote sustainable development.

The three sites in subject satisfy the requirements for Non-Agricultural Uses in Prime Agricultural Areas, as set out in Section 2.3.6. Section 2.3.6.1 provides the requirements for which non-agricultural uses may be permitted in prime agricultural areas. Based on Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines, the Minimum Distance Separation Formulae does not apply, as the proposed infrastructure use is not expected to impact existing livestock facilities. Furthermore, there are limited opportunities to avoid prime agricultural lands, given that 90% of the land within Essex County is considered prime agricultural land.

Section 1.6.11 recognizes that Planning authorities should provide opportunities to develop an energy supply. The subject site and proposed use would support current and projected energy needs.

Section 1.7.1 notes that long-term economic prosperity should be supported by j) providing opportunities for increased energy supply. The Province recognizes the need for energy storage projects to help support the Ontario electricity grid during periods of peak demand.

County of Essex Official Plan

The County of Essex Official Plan emphasizes the protection of agricultural land, with Policy 3.3.3.3 mandating that consents must be compatible with surrounding land uses and maintain the rural character of the area.

The County of Essex Official Plan recognizes 0 Creekside Rd as “Agricultural” per Schedule “A1”. The Official Plan notes in Section 3.3.1 that, “because this County is rich in natural resources, it is also acknowledged that there is a need to permit other types of land use in the “Agricultural” designation.” It is understood that lands designated Prime Agricultural are to be protected for agricultural purposes to ensure continued long-term viability (3.3.2.a). The proposed use will have little to no impact on surrounding agricultural uses and is limited to approximately 30% of the overall site area. Furthermore, after the 22-year contract with the Independent Electricity System Operator (“IESO”) ends, the development area can be restored and farmed.

Through the approved Zoning By-law Amendment, the lands generally conform to the policies of the County of Essex Official Plan.

Lakeshore Official Plan

The Municipality of Lakeshore Official Plan, Section 6.2.3, contains the criteria for granting a consent to sever on lands designated Agricultural Designation in the Municipality. Section 6.2.3 e) allows for consent to sever for “lot adjustments for legal or technical reasons, such as easements, corrections of deeds, quit claims, and minor boundary adjustments, and in accordance with Sections 50(3) and (5) of the Planning Act, which do not result in the creation of a new residential or non-farm lot.”

On January 10, 2023, a memo regarding IESO Municipal Support Resolutions for Battery Energy Storage Systems Facilities was presented to Council by Staff. This memo outlined Staff’s interpretation of applicable Official Plan policies and the general approach to evaluating battery storage uses. As per this memo, “Lakeshore’s Official Plan does not specifically recognize these types of energy storage facilities, as the proposals are a new type of technology. The Ministry of Environment Conservation and Parks (MECP) has advised staff that they will be taking the projects through the Class Environmental Assessment (Class EA) process for Minor Transmission projects or Generation Facilities.”

Staff note that the applicant is currently undergoing the requisite EA process which fulfills the requirements of the Official Plan, Section 7.5 h) which states: “Electricity generation facilities and transmission and distribution systems shall be permitted in all land use designations, subject to the applicable Environmental Assessment process, and any other applicable legislation and/or regulations.”

Through the approved Zoning By-law Amendment, the lands generally conform with Lakeshore Official Plan.

Zoning By-law

The lands at 2825 Essex Kent Rd are zoned “Rural Commercial/Employment Zone Exception 27 (CR-27)”, while the lands at 0 Essex Kent Rd are zoned “Agriculture (A)”. The applicant is proposing to use a portion of both lands as an access road for the proposed BESS facility. Since the consent applications for these two lots will not result in the construction or erection of any buildings or structures, the two lots will not be affected by the Zoning By-Law.

Through the approval of Zoning By-law Amendment Application ZBA-02-2024, the subject lands at 0 Creekside Rd are zoned “Agriculture (A-118)”. As such, the lands are subject to a site-specific zone exception to allow the proposed battery energy storage facility under the permitted use of “Utility Yard”.

Battery energy storage system facilities are considered as a “Utility Yard” in the Zoning By-law. As per the Zoning By-law, Utility Yard shall mean: “any above-ground structures or facilities, other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities, owned by a governmental entity, a non-profit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas oil, or electronic signals.”

Site Plan Control

The proposed development(s) will be subject to site plan control. The Site Plan for the proposed battery storage facility at the Subject Site is currently underway (File SPC-07-2024).

Through the site plan review process, requirements such as the prescribed sound control measures (site design and layout) will be implemented. As requested by Council at the February 27, 2024, meeting, a report detailing screening, emergency services, and site decommissioning, will be prepared by staff and presented to Council.

Correspondence from External and Internal Agencies

All Applications:

- Hydro One Networks - Please be advised that Hydro One Networks Inc. (“HONI”) has completed a preliminary review of above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the “transmission corridor”), HONI has no objection in principle to proposed severance, provided HONI’s easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within transmission corridor is prohibited without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission

corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

B-04-2024:

- Operations has reviewed B-04-2024 – 0 Creekside Road application and offer the following comments: It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.
- Drainage: The owner/s are aware of what they can release into the municipal drain as they have been working with Engineering on release rates. The drain does not require cleaning as we first originally thought.
- Fire is working closely with the applicant on any fire related requirements.
- County of Essex - 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. Based on the location of the subject property, the County has no objections. 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.
- Lower Thames Valley Conservation Authority - Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations, O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is the 2nd Concession Drain East of Trembley Creek, flooding and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures. Setbacks from the 2nd Concession Drain East of Trembley Creek located along Creekside Road will also be required to any proposed structure.

B-06-2024:

- Operations has reviewed B-06-2024 – 2825 Essex Kent Road application and offer the following comments: It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.
- County of Essex - 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 1. The County has no objections as it pertains to this application. The Applicant will be required to comply with the following County Road regulation:
 - o County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.
 - o County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 1. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. We are requesting a copy of the Decision of the aforementioned application. 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.

- Lower Thames Valley Conservation Authority - Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations, O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is flooding.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures.

B-07-2024:

- Operations has reviewed the B-07-2024 – 0 Essex Kent Road application and offer the following comments: It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.

- County of Essex - 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. Based on the location of the leased land, the County has no objections. 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.
- Lower Thames Valley Conservation Authority - Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations, O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).
After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is flooding.
An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested consent applications were sent to all property owners within 60 m of the subject land. Signage detailing the applications were also posted on site. At the time of writing, no written comments were received.

Conclusion

Administration recommends that Council approve the Consent Applications for B-04-2024, B-06-2024, and B-07-2024, as the request to permit leases greater than 21 years generally conforms to the Planning Act, Provincial Policy Statement, County of Essex Official Plan, Lakeshore Official Plan and Lakeshore Zoning By-law.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation.

Attachments:

Appendix A – Key Plan
Appendix B – Site Plan
Appendix C – Operations Comments
Appendix D – LTVCA Comments

Report Approval Details

Document Title:	B-04-06-07-2024 Consents Report.docx
Attachments:	- Appendix A - Key Plan.pdf - Appendix B - Site Plans.pdf
Final Approval Date:	Sep 11, 2024

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

Urvi Prajapati - Sep 10, 2024 - 5:12 PM

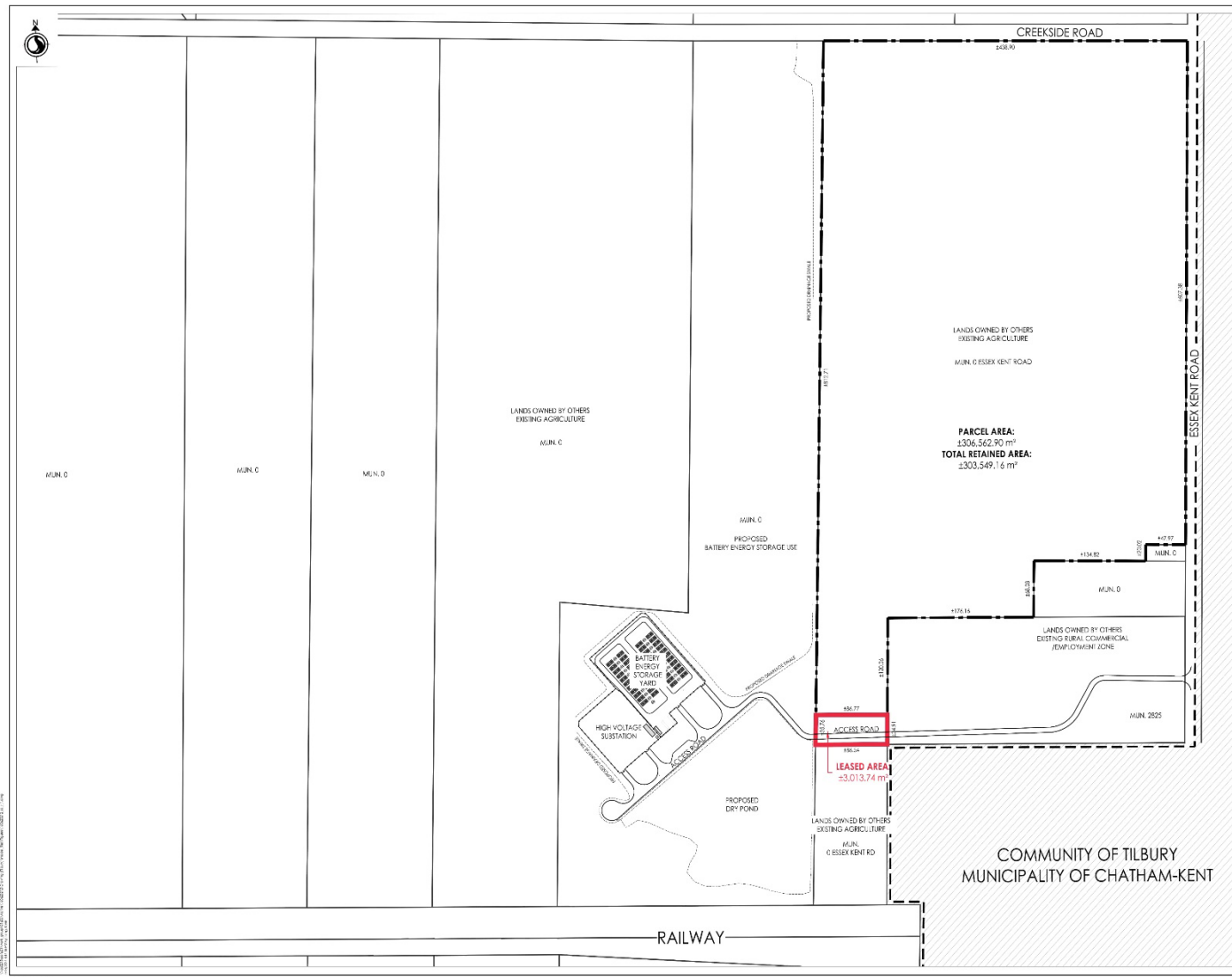
Ryan Donally - Sep 11, 2024 - 11:34 AM

Tammie Ryall - Sep 11, 2024 - 9:55 PM

Appendix A – Key Plan



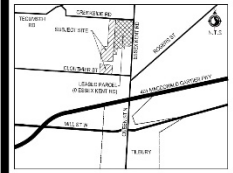
B-07-2024 – 0 Essex Kent Road



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 Toronto, ON M5X 1C4
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 www.stantec.com

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Key Map: NIS



- Legend
- LEASED AREA
 - LEASED PARCEL BOUNDARY
 - PARCEL BOUNDARY
 - MUNICIPAL BOUNDARY

Rev	Description	Date	By	App'd
1	ISSUE FOR PERMITTING	2024-07-15	MM	MM
2	REVISION	2024-07-15	MM	MM

Client/Project:
 TILBURY BATTERY STORAGE Inc.
 0 Creekside Road, Lakeshore, ON
 Title:
 0 ESSEX KENT ROAD –
 LEASED AREA PLAN



B-04-2024 – 0 Creekside Road



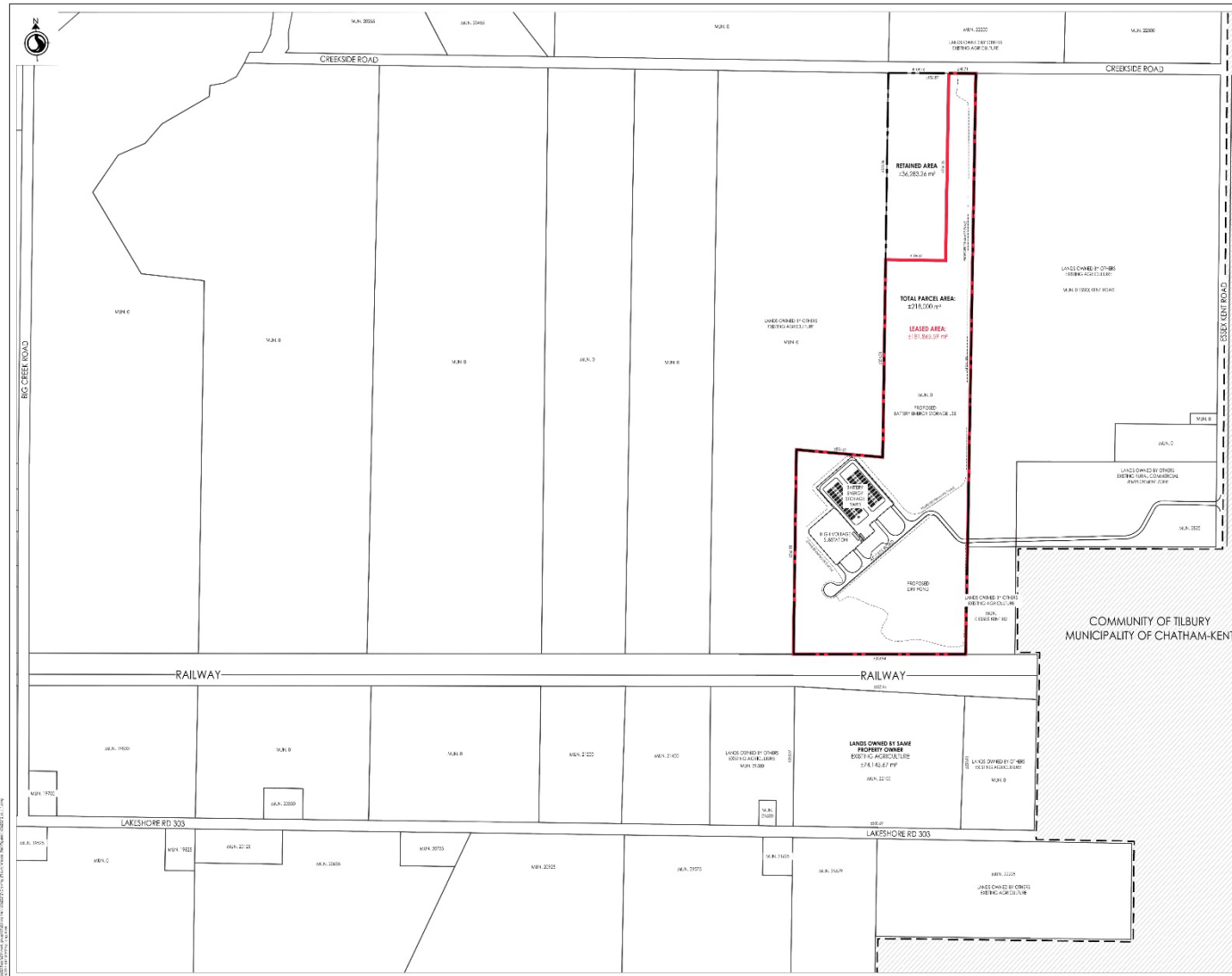
Stantec Consulting Ltd.
120-800, Avenue du Parc
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Key Map NIS



- Legend**
- LEASED AREA
 - SUBJECT LANDS BOUNDARY
 - PARCEL BOUNDARY
 - MUNICIPAL BOUNDARY



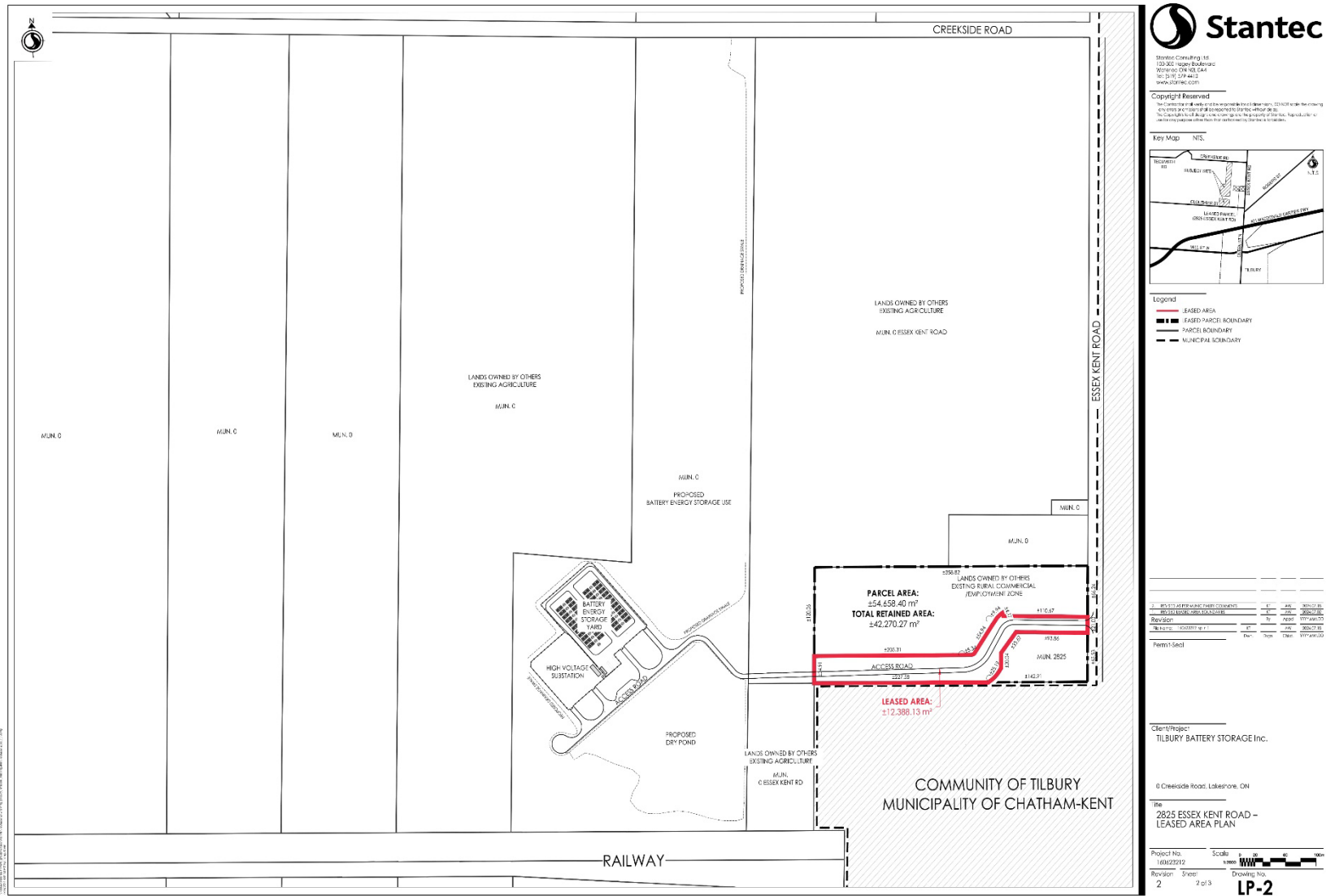
NO.	DESCRIPTION	DATE	BY	APPROVED BY
1	ISSUE TO CLIENT	2024-04-04	JL	JL
2	ISSUE TO CLIENT	2024-04-04	JL	JL
3	ISSUE TO CLIENT	2024-04-04	JL	JL

Client/Project:
TILBURY BATTERY STORAGE Inc.

0 Creekside Road, Lakeshore, ON
Title
SUBJECT LANDS – LEASED AREA PLAN

Project No. 10002219
Scale 1:500
Revision 2 of 3
Sheet LP-1

B-06-2024 – 2825 Essex Kent Road



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Key Map NTS



Legend
 - LEASED AREA
 - LEASED PARCEL BOUNDARY
 - PARCEL BOUNDARY
 - MUNICIPAL BOUNDARY

Revision	Description	Date	By	Check
1	ISSUE FOR PERMITTING	01/11/2024	MM	MM
2	ISSUE FOR PERMITTING	01/11/2024	MM	MM

Client/Project:
TILBURY BATTERY STORAGE Inc.

0 Creekside Road, Lakeshore, ON
 File:
2825 ESSEX KENT ROAD -
LEASED AREA PLAN

Project No. 140422112
 Scale: 1:1000
 Revision: 2 of 3
 Drawing No. LP-2

Operations Department

Date: September 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – September 18, 2024 – B/04/2024

Operations has reviewed B-04-2024 – 0 Creekside Road application and offer the following comments:

- It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

Operations Department

Date: September 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – September 18, 2024 – B/06/2024

Operations has reviewed B-06-2024 – 2825 Essex Kent Road application and offer the following comments:

- It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

Operations Department

Date: September 3, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – September 18, 2024 – B/07/2024

Operations has reviewed B-07-2024 – 0 Essex Kent Road application and offer the following comments:

- It is recommended that the subject property obtain access agreements and are required to be registered on title of both the subject property and the adjacent parcel to which access is obtained.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

August 1, 2024

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

Attn: **Ian Search**

Re: **Consent Application (B-04-2024)**
0 Creekside Road (Boralex property)
Part Lot 21 & 22, Concession 2
Municipality of Lakeshore

Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations, O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is the 2nd Concession Drain East of Trembley Creek, flooding and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures. Setbacks from the 2nd Concession Drain East of Trembley Creek located along Creekside Road will also be required to any proposed structure.

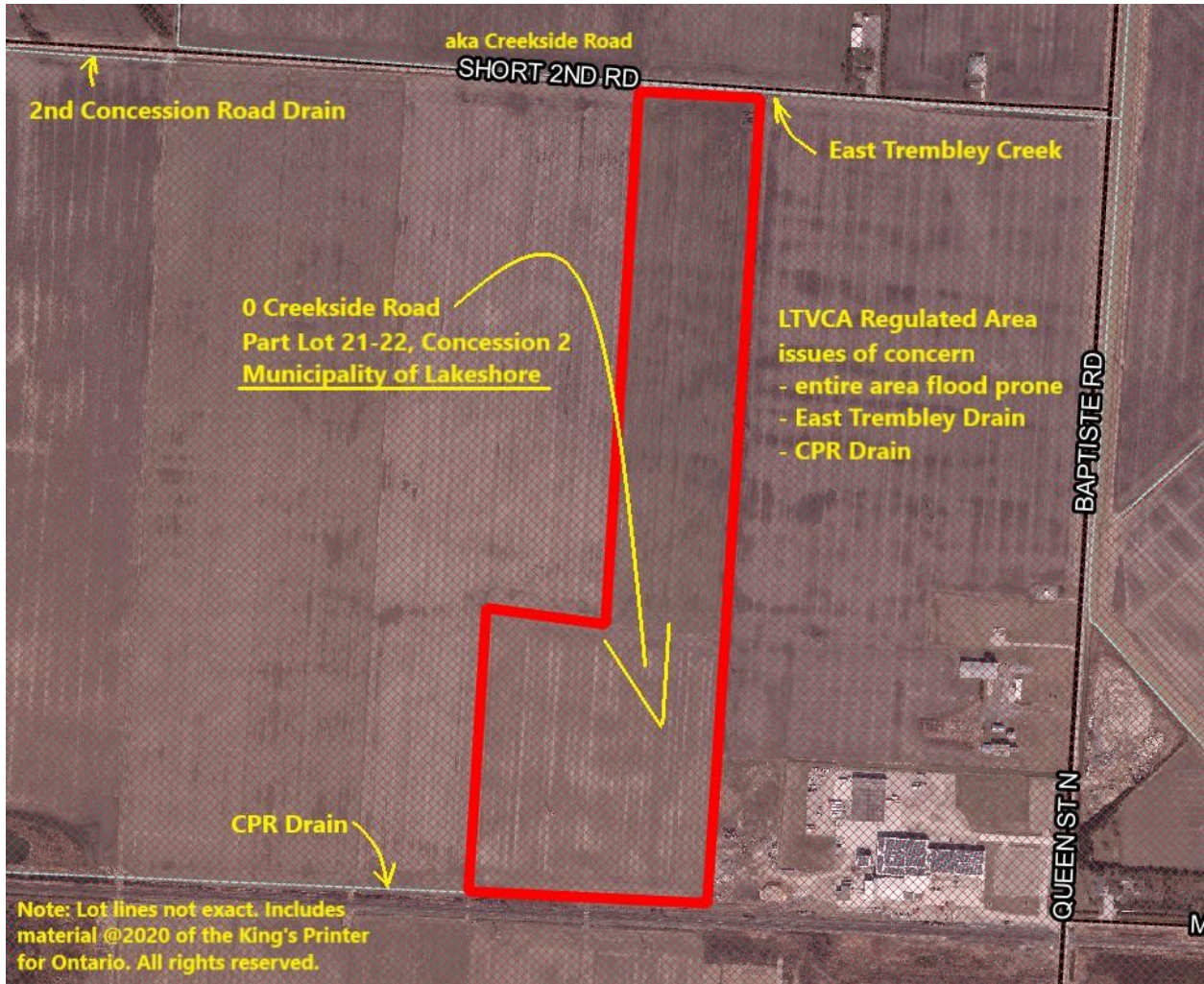
I trust that this is satisfactory, but if you should have any questions or require more information, please call the office.

Yours truly



Valerie Towsley
Watershed Resource Planner

c.c. Chatham-Kent Planning Department



August 1, 2024

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

Attn: **Ian Search**

Re: **Consent Application (B-06-2024)**
2825 Essex Kent Road (Boralex property)
Part Lot 22, Concession 2
Municipality of Lakeshore

Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations , O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is flooding.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures.

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

Yours truly



Valerie Towsley
Watershed Resource Planner

c.c. Chatham-Kent Planning Department



2825 Essex Kent Road
Part Lot 22, Concession 2
Municipality of Lakeshore

LTVCA Regulated Area
issue of concern
- entire area flood prone

Brule Drain

Malott
Diversion
Drain

Malott Drain

BAPTISTE RD

QUEENSTON

Note: Lot lines not exact. Includes material @2020 of the King's Printer for Ontario. All rights reserved.

August 1, 2024

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

Attn: **Ian Search**

Re: **Consent Application (B-07-2024)**
0 Essex Kent Road (Boralex property)
East Part Lot 22, Concession 2
Municipality of Lakeshore

Please be advised that staff have undertaken a file search with respects to the above noted property and its relation to the Conservation Authority's "Prohibited Activities, Exemptions and Permits" regulations , O.Reg. 41/24 under the Conservation Authorities Act. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as administering the Conservation Authorities Act and its associated Prohibited Activities, Exemptions and Permits regulation (O. Reg. 41/24).

After reviewing our files and mapping, staff would have no objections to the proposed severance as submitted to this office on July 31, 2024. However, the property is subject to the Authority's regulations. The issue of concern in this area is flooding.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes site alteration, fill placement / excavation, structures, etc. The lands are subject to flooding under regulatory storm conditions. Any proposed structure will be required to be flood proofed to a minimum elevation of 177.7 m (CGVD28:78) for the lowest openings into any proposed structures.

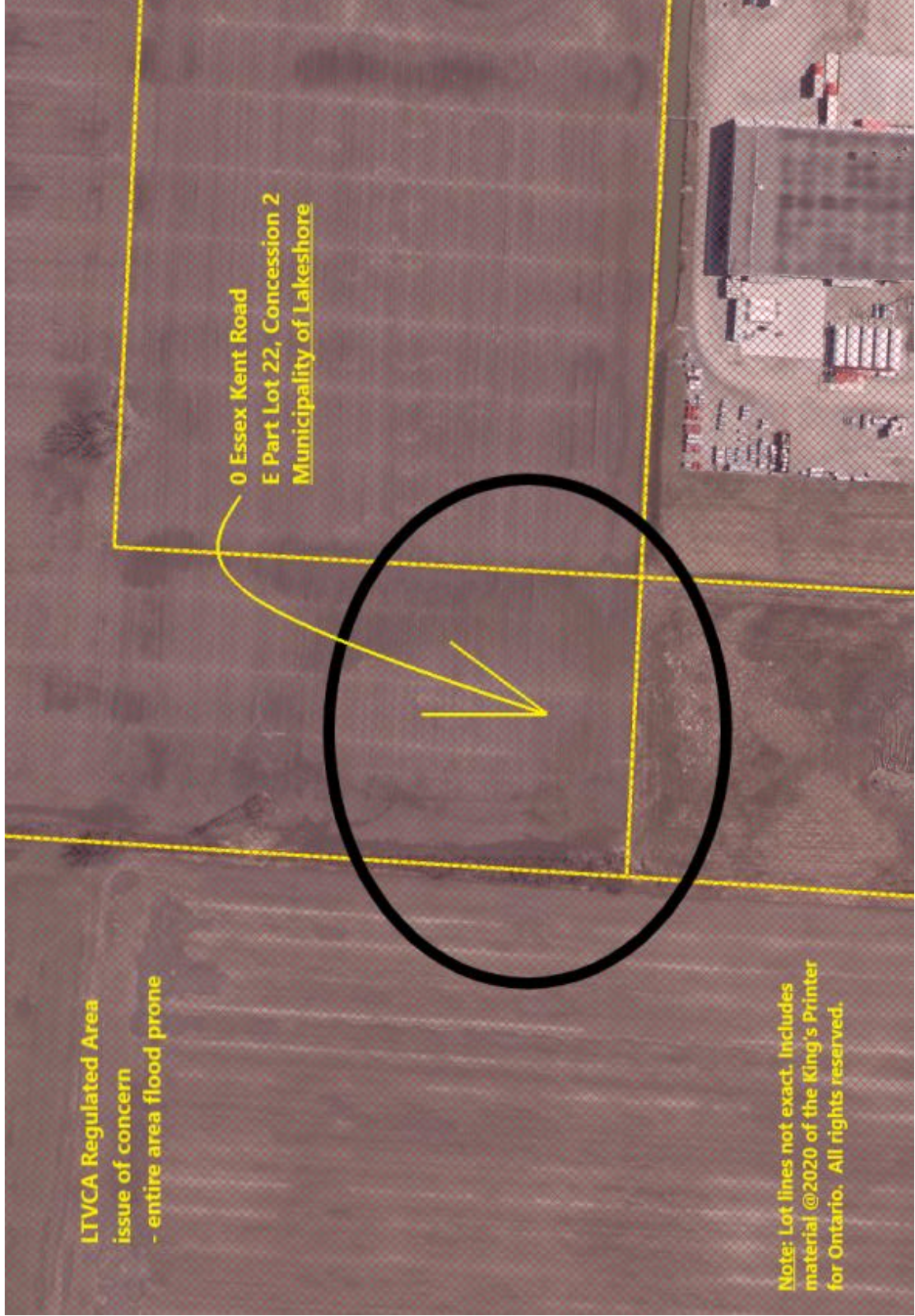
I trust that this is satisfactory, but if you should have any questions or require more information, please call the office.

Yours truly



Valerie Towsley
Watershed Resource Planner

c.c. Chatham-Kent Planning Department



LTVCA Regulated Area
issue of concern
- entire area flood prone

0 Essex Kent Road
E Part Lot 22, Concession 2
Municipality of Lakeshore

Note: Lot lines not exact. Includes material ©2020 of the King's Printer for Ontario. All rights reserved.



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, August 21, 2024, 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 I Ian Search, Planner II Urvi Prajapati, Administrative Assistant Gisele Pillon

1. Call to Order

Chair Hacon called the meeting to order at 6:02 PM.

2. Land Acknowledgement and O Canada

3. Disclosures of Pecuniary Interest

There were no disclosures of Pecuniary Interest.

4. Public Meetings under the Planning Act

a. A-12-2024 - 435 Lakeview Drive

Ian Search presented the application and the Planning recommendation to the Committee of Adjustment.

Speaking to the application was the Authorized Agent for the application, Ray Proulx. Donald Njegovan was in attendance online through Microsoft Teams.

The following members of the audience spoke to the application:

Gary Kriza raised concerns regarding the electrical and natural gas services to the proposed garage, questioned how the garage would be

finished, and raised concerns regarding runoff from the proposed development.

Michael and Cindy Lanoue expressed concerns over the size of the proposed building relative to the size of the property. They stated that the proposed building would impact view of oncoming traffic for their property. They state that this is already an issue with respect to the current garage on the property. They state that local residents have regretted not providing comment on previous minor variance applications on Lakeview Drive, and asked the Committee members to listen to the residents concerns.

Ray Proulx made comments to address expressed concerns. He stated that the current accessory building is serviced by a 100 amp service, and that the proposal will utilize same.

Ray Proulx stated that the proposed accessory building will be an extension north compared to the existing garage, and that this will keep the front yard setback the same as the current accessory building, thereby not affecting current line of sight.

Ray Proulx mentioned how drainage and standing water concerns were previously addressed on the property. He stated that the applicant has agreed to pay for the works required to move the current overhead hydro lines that run from Gary Kriza's property to an underground service to the specification and satisfaction of Hydro One.

Ray Proulx stated that the current accessory building doesn't have the depth to accommodate today's larger vehicles, and that the new design and improved aesthetics will provide the area and space to do so.

Member Linda McKinlay raised concerns about lack of landscaping/lot coverage on the property that would result from the proposed development and stated that she had concerns with drainage as a result.

Member Hoffman asked if there was any consideration in reducing the size of the proposed accessory building. Mr. Proulx did not think that option would be viable as a reduction in size would not afford the space needed for desired storage.

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Deny Minor Variance Application A-12-2024

Carried

(Member Jeremy Prince was the only member who did not concur in the decision)

b. A-20-2024 - 1107 Charlotte Crescent

Ian Search presented the application and the Planning recommendation to the Committee of Adjustment.

Speaking to the application was Nicholas Niforos

There were no questions/comments from the audience or Committee members.

Moved By Michael Hoffman

Seconded By Jeremy Prince

Approve minor variance application A/20/2024, 1107 Charlotte Crescent, for the following reliefs to permit the development of accessory structures and relocation of pool equipment on the subject property:

- Relief from subsection 6.5 a) vii) to permit a pool house/gazebo structure to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.

- Relief from subsection 6.5 a) vii) to permit a shed to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.

- Relief from subsection 6.5 b) iii) to permit pool heater equipment to be a minimum of 0.91 metres (3 feet) from the rear lot line and west side lot line, and to permit pool pump and pool filter equipment to be a minimum of

0.91 metres (3 feet) from the west side lot line, whereas subsection 6.5 b) iii) states that water circulating or treatment equipment such as pumps or filters, or pool heaters, shall not be located closer than 1.5 metres to any side or rear lot line.

It is recommended that the following condition be imposed on approval:

Overland flow and downspout flows be diverted within the property limits/yard drain for the development, and that the grading from the property lines to the structures be maintained in such a way that overland flow stays within the proposed property limit to not impact adjacent properties, to the satisfaction of the Municipality of Lakeshore.

It is recommended that the Committee of Adjustment include the following Notice in the Decision:

The reliefs are granted based on the use of the structures being accessory to a residential property. Should commercial or residential use be proposed for any of the accessory structures, 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

a. A-06-2024 - 12960 Laforet Beach Road

Ian Search presented the application and the Planning recommendation to the Committee of Adjustment.

Speaking to the application was Mark Makowski.

There were no questions/comments from the audience or Committee members.

Moved By Jeremy Prince

Seconded By Linda McKinlay

Approve application, A-06-2024, to permit the enlargement of a legal non-conforming building (building used for personal storage without a dwelling on the subject property), subject to the following conditions:

- 1) That the recommendations in the Structural Report from Patterson Engineering, dated June 18, 2024 be implemented to the satisfaction of the Municipality of Lakeshore;
- 2) The proposed building height does not exceed 6.74 metres (22.12 feet) from proposed grade to “top of gambrel truss”, to the satisfaction of the Municipality of Lakeshore;
- 3) The building will remain in the same footprint on the property, to the satisfaction of the Municipality of Lakeshore; and
- 4) The relief is granted based on the use of the building being used for storage. Should a commercial or residential use be proposed in the 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

6. Approval of Previous Meeting Minutes

Moved By Jeremy Prince
Seconded By Mark Hacon

Approve minutes of the July 17, 2024, meeting.

Carried Unanimously

7. New Business

8. Adjournment

Moved By Linda McKinlay
Seconded By Jeremy Prince

The Committee of Adjustment adjourn its meeting at 7:15 PM.

Carried Unanimously

Mark Hacon
Chair

Ian Search
Secretary-Treasurer

**Municipality of Lakeshore
Committee of Adjustment Report**

Growth & Sustainability

Community Planning



To: Chair and Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: September 5, 2024

Subject: Condition Change to Consent Application B/12/2023 – 492 County Road 8 and 244 Talbot Street North

Recommendation

(1) Delete and replace the conditions of provisional consent Schedule “A” to consent application B/12/2023 so that it reads as follows:

1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality;

2) That, if deemed required by the Drainage Superintendent, the applicant enter into an agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;

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

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

6) That services be abandoned to the satisfaction of the Town of Essex;

7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage) and servicing capacity from the Town of Essex, and development approval;

8) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date,

shall deem the consent refused, as per the Planning Act.

(2) Not consider the change to be minor, thereby requiring notice of change to the conditions of the provisional consent to be given in accordance with subsection 53(24) of the Planning Act.

Purpose

On July 19th, 2023, the Committee of Adjustment granted a provisional consent (file: B-12-2023) for the creation of one lot at the property known as 492 County Road 8 and 244 Talbot Street North, located on the northern side of County Road 8, west of Talbot Road/County Road 34 and east of Highway 3. The subject property, comprised of both 492 County Road 8 and 244 Talbot Street North, is one property located in both the Municipality of Lakeshore and the Town of Essex.

The portion of the subject property located in Lakeshore (492 County Road 8) contains a vacant building formerly known as the Sun Parlor Public School, parking area, and a portion of a running track used in connection with Essex District High School. The portion of the subject property located within the Town of Essex (244 Talbot Street North) contains the Essex District High School building and accessory uses.

The severed lot will be approximately 2.89 ha (7.15 ac) in lot area and will have approximately 200.1 m (656.51 ft) of frontage along County Road 8 (Part 1 on PLAN 12R-29140). This proposed lot currently supports a former elementary school building and surrounding open space. The retained land will be approximately 7 ha (17.3 ac) in lot area with approximately 109.7 m (359.92 ft) of frontage along County Road 8 (Parts 2-5 on PLAN 12R-29140). It will continue to support the high school and accessory recreational uses.

The applicant has indicated that the land to be severed is surplus to the needs of the Greater Essex County District School Board (GECDSB). They do not expect that the previous use of the building as an elementary school will re-open following the severance. Currently, no new uses are proposed for the severed lot.

The entirety of the severed lot and part of the retained land will be in Lakeshore, while most of the retained land will be in the Town of Essex. The applicant received provisional consent approval from both Lakeshore and Town of Essex Committees of Adjustment. Provisional consent approval was granted by the Town of Essex Committee of Adjustment on May 16, 2023. One of the conditions of that provisional consent approval requires that all conditions respecting provisional consent granted by Lakeshore is to be satisfied prior to issuance of the consent certificate.

The conditions imposed by Lakeshore Committee of Adjustment on provisional consent approval are attached to this report as Appendix D. The applicant currently has until July 20, 2025, to satisfy the conditions of their Lakeshore provisional consent approval before the provisional consent expires.

Subsection 53(23) of the Planning Act enables the Committee of Adjustment to change the conditions of a provisional consent at any time before a consent is given.

Summary

Surrounding Land Uses:

North: Commercial, vacant lands

West: Rural residential

East: Agriculture

South: Commercial, residential

Proposed Condition Change

Condition number 4 of the Lakeshore current provisional consent requires: “That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department”.

In response to this condition, the applicant provided information from Haddad Morgan & Associates Ltd that reviewed existing services and concluded that, based on the data collected, all but sanitary sewer services are contained within the limits of the proposed severed lot. The information from the engineering firm states: “Sanitary sewer services for the building are conveyed from the east side of the building, through the adjacent parking lot to a manhole structure located on the adjacent school lands. This manhole then conveys flow from the former roadway fronting the aquatic center to a 450mm sanitary sewer on Maidstone Ave”. The information concludes that: “Should separation of the sanitary sewer become necessary a new sanitary sewer extension has been installed recently on the south side of Maidstone directly across from the current school site. In light of this new sanitary extension discussions with the Town of Essex, and the County of Essex (road authority) could be entered into to redirect flow from the current service across the school parking lot to the new sewer. However, it should be noted that a closer review of the existing schools’ inverts comparative to the new sanitary sewer would be needed”.

Upon receiving the information from Haddad Morgan & Associates Ltd, the Infrastructure Services Department at the Town of Essex was contacted by Lakeshore to determine if development of the severed lot could potentially be serviced by the new sanitary sewer extension. The following information was confirmed:

- Currently the sanitary sewer service in front of the severed lot on County Road 8 is privately owned as part of the development of a subdivision across the street on the southside of County Road 8 in the Town of Essex. However, this privately owned sanitary sewer service in front of the severed lot on County Road 8 will be owned by the Town of Essex and become Town of Essex infrastructure once 80% of the subdivision is developed. The subdivision has received all approvals and is currently being developed. It is anticipated that it will be Town of Essex infrastructure within one year,

but it could be longer depending on the speed of the development/home construction of the subdivision.

-During the time that the sanitary sewer service in front of the severed lot on County Road 8 is privately owned, the private owner of that sanitary sewer service could deny servicing the severed lot.

-Future development of the severed lot (Part 1 on Plan 12R29140) has the potential to connect to the sanitary sewer service in front of the severed lot on County Road 8. The Town of Essex will need to review and approve servicing capacity needs of development.

-The Town of Essex will require servicing capacity studies (sanitary, water, storm) for development of the severed lot.

It is recommended that the Committee of Adjustment change the conditions of the provisional consent by eliminating condition 4 as it reads in its entirety and replacing it with two new conditions to the provisional consent to be numbered as conditions 6) and 7):

- 6) That services be abandoned to the satisfaction of the Town of Essex;
- 7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage), servicing capacity, and development approval.

Further, the existing condition number 7) will be deleted and replaced with a new condition numbered as condition 8), to extend the time to fulfill the conditions from July 20, 2025 to September 19 2026.

Correspondence from internal departments and external agencies

External and Internal Agencies

Planning Services and Infrastructure Services at the Town of Essex were consulted regarding the proposed change to the conditions of provisional consent. It was confirmed that they have no issue with the change to the conditions and recommended that a new condition be imposed on Lakeshore's provisional consent requiring the abandonment of services to their satisfaction, which has been captured in the recommendation section of this report.

The proposed change to conditions was also shared with Operational Services at the Municipality of Lakeshore and no issues or concerns were raised by this department.

The Engineering Technologist at the County of Essex commented that they have no issues with the proposed changed to the conditions.

Conclusion

It is recommended that the Committee of Adjustment change the conditions of the provisional consent in accordance with the Recommendation section of this report. It is also recommended that the Committee of Adjustment not consider the change to be minor. Notice of change to the conditions of the provisional consent will be given in accordance with subsection 53(24) of the Planning Act. If no appeals are received during the appeal period following notice of the change to the conditions, then the applicant will have two years from the date notice was given to fulfill the conditions before the application for consent is deemed refused.

Public Notice Circulation

Notice of Public Meeting and information regarding the consent application (file: B-12-2023) was sent to all property owners within 60 metres of the subject land for the July 19, 2023 Committee of Adjustment meeting. No written comments were received in response to the circulation and no neighbouring landowners were present at the July 19, 2023 meeting. No public notice was required or given for the September 18, 2024 Committee of Adjustment meeting to consider an amendment to the conditions of the provisional consent.

Attachment(s):

Appendix A – Aerial Image
Appendix B – Registered 12R Plan
Appendix C – Draft Plan
Appendix D – Current Conditions

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-12-2023 - Condition Change Report - 492 County Road 8.docx
Attachments:	- Appendix A - Aerial Image.pdf - Appendix B - Registered 12R Plan.pdf - Appendix C - Draft Plan.pdf - Appendix D - Current Conditions.pdf
Final Approval Date:	Sep 11, 2024

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








Urvi Prajapati - Sep 10, 2024 - 2:15 PM

Ryan Donally - Sep 11, 2024 - 11:31 AM

Tammie Ryall - Sep 11, 2024 - 4:13 PM



Legend

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

1:3,175



Notes:

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

LOT 285
SOUTH OF TALBOT ROAD
PART 5, PLAN 12R-8097

PART 1, PLAN 12R-3431
PIN 75017

0043 (LT)
BLOCK 27

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT AND THE REGISTRY ACT.
DATE: AUGUST 29, 2022
C.O.
CHRISTOPHER JOHN O'LEARY
ONTARIO LAND SURVEYOR

PLAN 12^R 29140
RECEIVED AND DEPOSITED
DATE: 2022/09/01
Maya Fullerton
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND REGISTRY DIVISION OF ESSEX (No. 12).

DATE: 2022/09/01
Maya Fullerton
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (No. 12).

LAND TITLES SCHEDULE				
PART	LOT/BLOCK	CONCESSION	PIN	AREA (FT ²)
1	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	PART OF PIN 75017-0053 (LT)	311588.6
2	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX	PART OF PIN 75017-0053 (LT)	6971.8
3	ALL OF LOTS 1 TO 20 (INCLUSIVE) ALL OF ELIZABETH STREET AND ALL OF HARVEY STREET	REGISTERED PLAN 305	PART OF PIN 75017-0053 (LT)	703796.8
	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX		
	PART OF COLLEGE STREET	REGISTERED PLAN 305	PART OF PIN 75017-0053 (LT)	
4	PART OF LOT 284	CONCESSION SOUTH OF TALBOT ROAD	ALL OF PIN 75017-0047 (LT)	39015.3
REGISTRY SCHEDULE				
5	PART OF LOT C AND PART OF LOTS 14 TO 20 (INCLUSIVE)	REGISTERED PLAN 320	ALL OF PIN 75017-0072 (R)	4237.3

PIN SUMMARY - PARTS 1, 2 AND 3 COMPRISE ALL OF OF PIN 75017-0053(LT).
PART 4 COMPRISES ALL OF OF PIN 75017-0047(LT).
PART 5 COMPRISES ALL OF OF PIN 75017-0072(R).

PLAN OF SURVEY OF,
LOTS 1 TO 20 (INCLUSIVE)
ALL OF ELIZABETH STREET (CLOSED BY ES6480)
ALL OF HARVEY STREET (CLOSED BY ES6480)
ALL OF COLLEGE STREET (CLOSED BY R1409549)
REGISTERED PLAN 305
AND
PART OF LOT C AND
PART OF LOTS 14 TO 20 (INCLUSIVE)
REGISTERED PLAN 320
AND
PART OF BLOCKS 25 & 26
PLAN TOWN OF ESSEX
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF ESSEX
AND
PART OF LOT 284
CONCESSION SOUTH OF TALBOT ROAD
GEOGRAPHIC TOWNSHIP OF MAIDSTONE
TOWN OF LAKESHORE
COUNTY OF ESSEX

SCALE 1" = 60'
0 30 60 120 180 240 FEET
SURVEYORS ON SITE INC.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT, REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF AUGUST, 2022.
AUGUST 29, 2022
C.O.
CHRISTOPHER JOHN O'LEARY
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-29144.

SOS
SURVEYORS ON SITE INC.
3560 WALKER ROAD
WINDSOR, ONTARIO
N8W 3S4
519-818-0767
www.surveymonsite.com

DRAWN BY: SJP CHECKED BY: CJO DATE: AUGUST 29, 2022 FILE: 2022-304 RPLAN

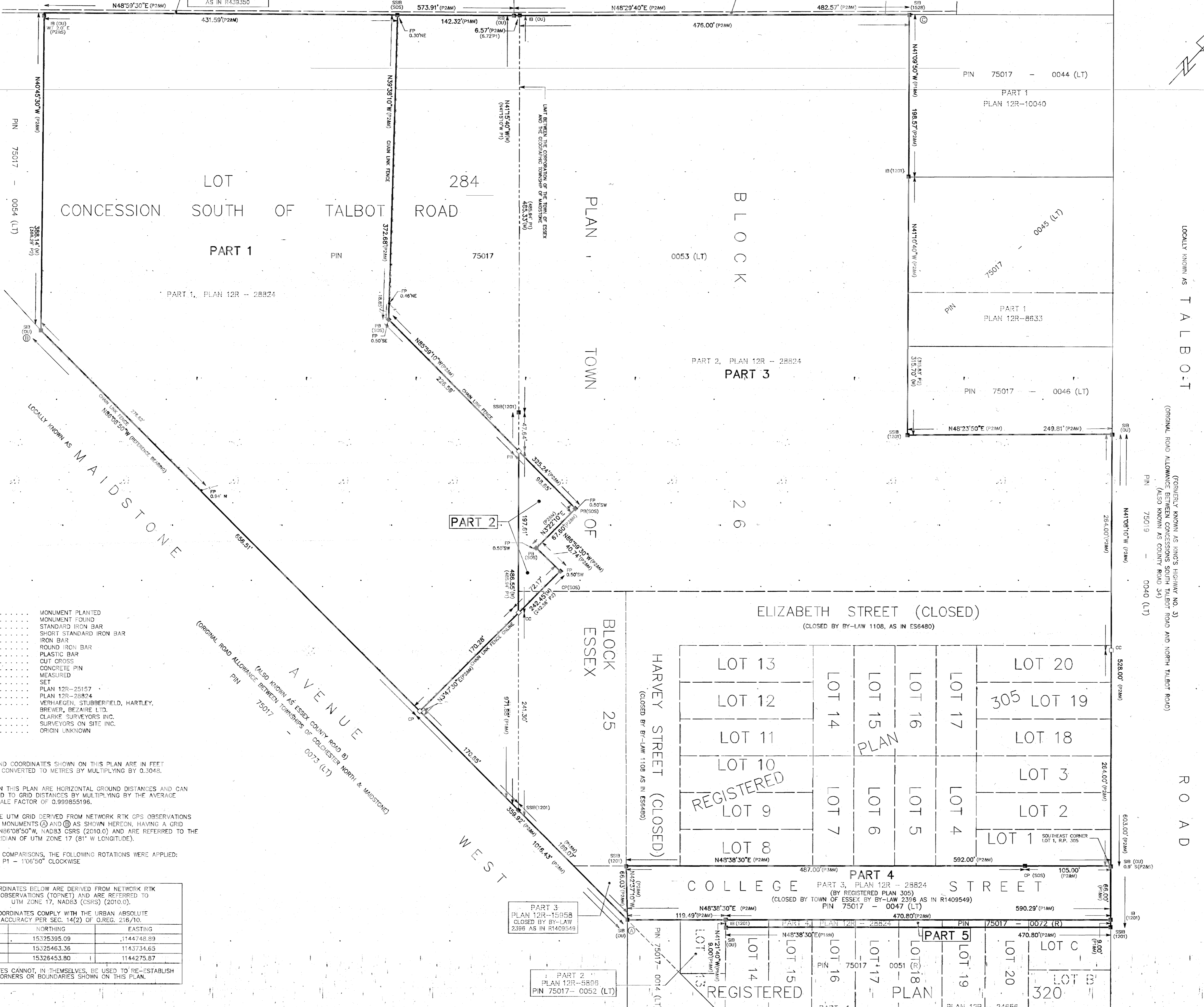
- LEGEND**
- MONUMENT PLANTED
 - MONUMENT FOUND
 - SSIB STANDARD IRON BAR
 - SSIB SHORT STANDARD IRON BAR
 - IB IRON BAR
 - RIB ROUND IRON BAR
 - PB PLASTIC BAR
 - CC CUT CROSS
 - CP CONCRETE PIN
 - M MEASURED
 - S SET
 - P1 PLAN 12R-25157
 - P2 PLAN 12R-28824
 - 152B VERHAEGEN, STUBBERFELD, HARTLEY, BREWER, BEZARE LTD.
 - 1201 CLARKE SURVEYORS INC.
 - SOS SURVEYORS ON SITE INC.
 - OJ ORIGIN UNKNOWN

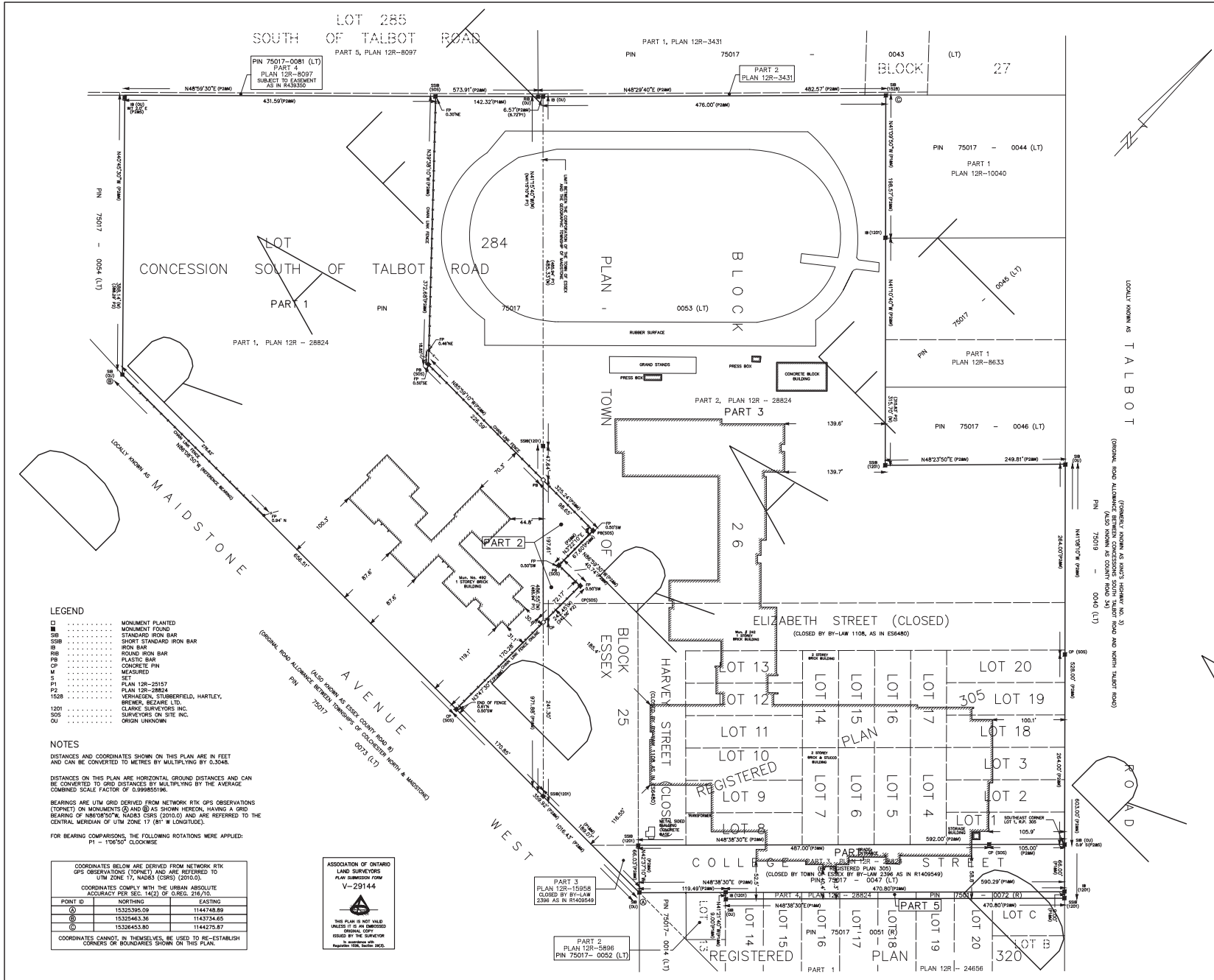
NOTES
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999855196.
BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) ON MONUMENTS (O) AND (A) AS SHOWN HEREON, HAVING A GRID BEARING OF N86°08'50"W, NAD83 CSRS (2010.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE).
FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
P1 = 1°06'50" CLOCKWISE

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (TOPNET) AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(2) OF O. REG. 216/10.

POINT ID	NORTHING	EASTING
(A)	15325395.09	1144748.89
(B)	15325463.36	1143734.65
(C)	15326453.80	1144275.87

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.





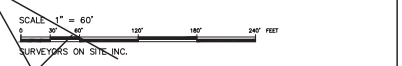
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT AND THE REGISTRY ACT.
 DATE: AUGUST 10, 2022
 CHRISTOPHER JOHN OYLER
 ONTARIO LAND SURVEYOR

PLAN 12—
 RECEIVED AND DEPOSITED
 DATE: _____
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND REGISTRY DIVISION OF ESSEX (No. 12).
 DATE: _____
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (No. 12).

LAND TITLES SCHEDULE				
PART	LOT/BLOCK	CONVEYANCE	PIN	AREA (FT ²)
1	PART OF LOT 284	CONVESSION SOUTH OF TALBOT ROAD	PIN 75017-0053 (LT)	311588.6
2	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX	PIN 75017-0053 (LT)	6971.8
3	ALL OF LOTS 1 TO 20 (INCLUSIVE), ALL OF ELIZABETH STREET AND ALL OF HARVEY STREET	REGISTERED PLAN 305	PIN 75017-0053 (LT)	703796.8
4	PART OF BLOCKS 25 & 26	PLAN TOWN OF ESSEX	PIN 75017-0053 (LT)	703796.8
5	PART OF COLLEGE STREET	REGISTERED PLAN 305	PIN 75017-0053 (LT)	39015.3
6	PART OF LOT 284	CONVESSION SOUTH OF TALBOT ROAD	PIN 75017-0047 (LT)	39015.3
7	PART OF LOT C AND PART OF LOTS 14 TO 20 (INCLUSIVE)	REGISTERED PLAN 320	PIN 75017-0072 (LT)	4237.3

REGISTRY SCHEDULE
 PIN SUMMARY - PARTS 1, 2 AND 3 COMPRISE ALL OF OF PIN 75017-0053(LT).
 PART 4 COMPRISE ALL OF OF PIN 75017-0047(LT).
 PART 5 COMPRISE ALL OF OF PIN 75017-0072(LT).

PLAN OF SURVEY OF
 LOTS 1 TO 20 (INCLUSIVE)
 ALL OF ELIZABETH STREET (CLOSED BY E56480)
 ALL OF HARVEY STREET (CLOSED BY E56480)
 ALL OF COLLEGE STREET (CLOSED BY R1409549)
 REGISTERED PLAN 305
 AND
 PART OF LOT C AND
 PART OF LOTS 14 TO 20 (INCLUSIVE)
 REGISTERED PLAN 320
 AND
 PART OF BLOCKS 25 & 26
 PLAN TOWN OF ESSEX
 GEOGRAPHIC TOWNSHIP OF MAIDSTONE
 TOWN OF ESSEX
 AND
 PART OF LOT 284
 CONCESSION SOUTH OF TALBOT ROAD
 GEOGRAPHIC TOWNSHIP OF MAIDSTONE
 TOWN OF LAKESHORE
 COUNTY OF ESSEX



- LEGEND**
- MONUMENT PLANTED
 - MONUMENT FOUND
 - ▬ STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - ▬ IRON BAR
 - RB ROUND IRON BAR
 - ▬ PLASTIC BAR
 - CP CONCRETE PIN
 - S MEASURED
 - SET
 - P1 PLAN 12R-25157
 - P2 PLAN 12R-28824
 - P3 VERHAEGEN, STURBERFIELD, HARTLEY, BREMER, REICHS LTD.
 - 1201 CLARKE SURVEYORS INC.
 - 529 SURVEYORS ON SITE INC.
 - OU ORIGIN UNKNOWN

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR OF 0.999855196.

BEARINGS ARE UTM GRID DERIVED FROM NETWORK RTK GPS OBSERVATIONS (POINTS ON MONUMENTS (O) AND (X) AS SHOWN HEREON, HAVING A GRID BEARING OF N80°07'00"W, NAD83 CSRS (2010.0)) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (84° W LONGITUDE).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:
 P1 - 1°06'50" CLOCKWISE

COORDINATES BELOW ARE DERIVED FROM NETWORK RTK GPS OBSERVATIONS (POINTS (O) AND (X) AS SHOWN HEREON, HAVING A GRID BEARING OF N80°07'00"W, NAD83 CSRS (2010.0))

COORDINATES COMPLY WITH THE URBAN ABSOLUTE ACCURACY PER SEC. 14(5) OF OREG. 216(2).

POINT ID	NORTHING	EASTING
(O)	15325395.09	1144748.89
(O)	15329463.36	11443754.89
(O)	15328453.50	11442575.87

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT, REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 12th DAY OF MAY, 2022.
 AUGUST 10, 2022

CHRISTOPHER JOHN OYLER
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO A/LS PLAN SUBMISSION FORM NUMBER V-29144.

3560 WALKER ROAD
 WINDSOR, ONTARIO
 N9W 3S4
 519-818-0767
 www.surveyorsonsite.com

DRAWN BY: SJP CHECKED BY: CAD DATE: AUGUST 10, 2022 FILE: 2022-304 PLAN



SCHEDULE "A" TO
CONSENT APPLICATION B/12/2023
MUNICIPALITY OF LAKESHORE

CONDITIONS - This decision has been made subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality;
- 2) That, if deemed required by the Drainage Superintendent, the applicant enter into an agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
- 4) That the applicant provide that services are not crossing the proposed property lines, to the satisfaction of the Building Department;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by July 20, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act