

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

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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.