

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, October 16, 2024, 6:00 PM
Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Land Acknowledgement and O Canada
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act

Recommendation:

Approve minor variance application A/23/2024, 3194 St. Clair Road, for the development of a new 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 177.5 m² (1,910.6 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55.0 m² (592.0 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 5.07 metres (16.64 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.40 feet) in height unless within an Agriculture zone.

It is recommended that the Committee of Adjustment impose the following conditions on approval of the minor variance application:

The existing garage on the subject property (22.0 ft by 24.0 ft as noted on the site plan drawing) is to be demolished prior to development of the proposed accessory building that is the subject of this application, to the satisfaction of the Municipality of Lakeshore.

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

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/29/2024, 1292 County Road 31, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for a proposed building addition to an existing 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 130.81 m² (1,408 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 7.4 metres (24.28 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless with an Agriculture zone.

Impose the following conditions on minor variance approval:

The minor variance reliefs are only for a building addition (second storey) to the existing “pool house” (accessory building) on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;

Any covered balcony included in the development will not be constructed on the northside of the accessory building;

Include the following Notice in the Notice of Decision:

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 consent application B/10/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 2.8 acres (1.133 hectares) and a lot frontage of approximately 94.49 metres (310.0 feet), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore - the draft plan of survey is to be approved by Community Planning at the Municipality of Lakeshore prior to registration and will detail setbacks of buildings/structures from lot lines;
- 2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the installed septic system will be located on the severed lot and will meet required setbacks from lot lines without further encroachment onto farmland that is unnecessary, to the satisfaction of this Division;
- 3) That the septic system which has been installed for the severed lot pass a final inspection, to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of payment of cash in lieu of parkland at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings/additional residential units and to address any zoning compliance issues (setbacks, etc.);
- 7) That the applicant enters into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 8) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;
- 9) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 17, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. September 18 Meeting Minutes

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7. New Business

- a. PPS 2024 - Presentation for Committee of Adjustment

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: Ian Search, BES, Planner I

Date: October 7, 2024

Subject: Minor Variance Application A/23/2024 – 3194 St. Clair Road

Recommendation

Approve minor variance application A/23/2024, 3194 St. Clair Road, for the development of a new 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 177.5 m² (1,910.6 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55.0 m² (592.0 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 5.07 metres (16.64 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.40 feet) in height unless within an Agriculture zone.

It is recommended that the Committee of Adjustment impose the following conditions on approval of the minor variance application:

The existing garage on the subject property (22.0 ft by 24.0 ft as noted on the site plan drawing) is to be demolished prior to development of the proposed accessory building that is the subject of this application, to the satisfaction of the Municipality of Lakeshore.

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

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 north side of St. Clair Road, north of County Road 2, west of Hale Street,

known municipally as 3194 St. Clair Road in the Municipality of Lakeshore. The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law and designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is approximately 0.35 acres (1414.66 m²) in area with approximately 15.24 metres (50.0 feet) of frontage along St. Clair Road.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a new 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 177.5 m² (1,910.6 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 5.07 metres (16.64 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless with an Agriculture zone.

There is an existing dwelling and existing detached garage currently on the subject property. The site plan drawing indicates that the existing garage (528.0 ft²/49.0 m²) will be demolished prior to development of the proposed accessory building.

The proposed accessory building will have two storeys of floor area and will include dormers in its design. Relief for height is based on the midpoint of the dormer roof.

The applicant has indicated that the intended use of the proposed accessory building is for storage of vehicles, boats, jet skis/other water recreational items, and law equipment (riding lawnmower). If in the future the intention is to permit a commercial or residential use in the building, then 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. It is noted that the proposed development does not comply with Zoning By-law regulations specific to additional residential units, and there is no sanitary capacity available in the Stoney Point servicing area for development of such a use.

Surrounding Land Uses	North: Lake St. Clair South: residential (single detached dwelling lots) and agriculture East: residential (single detached dwelling lots) West: residential (single detached dwelling lots)
Official Plan Land Use Designation	Lakeshore Official Plan: Waterfront Residential County of Essex Official Plan: Secondary Settlement Area

Zoning	“Residential Waterfront – Lake St. Clair” (RW2)
Servicing	Municipal water, Municipal sanitary services
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 177.5 m² (1,910.6 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 5.07 metres (16.64 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.

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

The subject property is designated “Secondary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the application. Subsection 3.2.5 e) of the County of Essex Official Plan states that “All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans”. Accessory uses to low density residential dwellings are permitted on land designated Waterfront Residential in the Lakeshore Official Plan.

Lakeshore Official Plan

Subsection 4.2.1 provides community design policies in the Lakeshore Official Plan. Specifically, subsection 4.2.1 a) states that the Municipality will: *seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form.* A similar policy, subsection 4.2.1 b) i), states that *“through the review of development applications, including plans of subdivision, site plans and other*

development proposals, the Municipality: will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.”

Comment: According to the application, the height of the dwelling on the property is 7.9 metres (25.9 feet) to its peak, whereas the height of the proposed accessory building will be 6.32 metres (20.75 feet) to its peak. A comparison of height based on roof peak makes sense in this case given the unique design of the dwelling on the property (Appendix C). It is also acknowledged that the request with respect to height is only to permit an increase of 0.07 metres (0.23 feet) beyond what the Zoning By-law allows.

In terms of building footprint, the proposed accessory building will only exceed the main dwelling on the property by 2.6 m² (28 ft²). Therefore, the development proposal maintains the general intent and purpose of these Official Plan policies given that the accessory building – although comparable to the size of the dwelling on the property – will not appear significantly larger than the dwelling which would be generally uncharacteristic of built form in the area.

It is recommended that the Committee of Adjustment impose a condition on the minor variance approval requiring the applicant to follow through on their plans of demolishing the existing accessory building on the property prior to development of the proposed accessory building, as detailed on the site plan drawing.

Subsection 4.2.1 c) states that *“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 accessory building is proposed to be used for a non-residential/non-commercial use that does not warrant separation buffering or screening to address land use conflicts. There are no issues with the building orientation of the proposed development. It will be located further from the dwelling on the neighbouring property to the west than the current detached accessory building. Dwellings located on neighbouring properties will not be impacted by this proposal from a land use planning perspective.

Zoning By-law

The general intent and purpose of the regulation limiting the gross floor area of accessory buildings to 55.0 m² is to ensure that accessory buildings do not dominate the landscape in a typical subdivision.

Comment: The subject property is a lakefront property located on a street comprised of variable lot sizes. It is located outside a typical subdivision and there are other

oversized accessory buildings that have developed in the settlement area, particularly on lakefront properties, which are comparable to the proposed building or exceed its size.

The general intent and purpose of the regulation limiting the height of an accessory building to a maximum of 5 metres is to ensure that these buildings remain subordinate to the dwelling on a residential property and are unoffensive with respect to location and purpose.

Comment: The building is proposed to be in an area on the subject property that will not result in any land use impacts with respect to its height. It is also acknowledged that this request is only to permit an increase of 0.07 metres (0.23 feet) beyond what the Zoning By-law allows, and the proposed use of the development is non-residential/non-commercial.

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 for the reasons already mentioned in the report.

The proposed gross floor area results from a building design that includes dormers and second storey floor area. The building footprint is only 101.5 m² (1092 ft²) which is comparable to some accessory buildings in the area. Height is measured to the midpoint of the proposed dormers in this case, and only results in a building height that exceeds what is permitted in the Zoning By-law by 0.07 metres (0.23 feet).

Desirability and Appropriateness

The requested reliefs are considered desirable for the appropriate development of the property. The proposal is considered compatible with its surroundings and there are other oversized accessory buildings in the immediate area.

Larger accessory buildings are common on lakefront properties to provide storage of belongings associated with living in these areas. As the application notes, the intent of the proposed development is to avoid outdoor storage of belongings and equipment, so these items are not exposed to the elements. Indoor storage of these items is desirable for the neighbourhood and the dwelling on the property is incapable of providing same.

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 impose the following conditions on approval of the minor variance application:

The existing garage on the subject property (22 ft by 24 ft as noted on the site plan drawing) is to be demolished prior to development of the proposed accessory building that is the subject of this application, to the satisfaction of the Municipality of Lakeshore.

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

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

Essex Region Conservation Authority stated that their office has issued Permit 443 – 24 for this development, dated July 9, 2024. They note that minor changes to the Site Plans in the approved Permit appear to have occurred, however, a new Permit is not required. Please note that it is the responsibility of the applicant to contact their office if any further changes are required to the site plans approved in the Permit. Full comments can be found in Appendix D.

The Chief Building Official stated the proponent is to be advised that all surface water must be maintained and not adversely affect adjacent properties.

The Drainage Division stated that they have no concerns with this application.

The Engineering and Infrastructure Division stated that they have no comments on the application.

The Fire Department stated that they have no comments on the minor variance application 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 property. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings

Appendix C – Photos
Appendix D – ERCA

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-23-2024 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - ERCA.pdf
Final Approval Date:	Oct 9, 2024

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

Urvi Prajapati - Oct 7, 2024 - 2:42 PM

Daniel Mercer - Oct 8, 2024 - 11:50 AM

No Signature found

Ian Search - Oct 9, 2024 - 10:00 AM










Tammie Ryall - Oct 9, 2024 - 10:13 AM



3194 St. Clair Road - Location Map



Legend

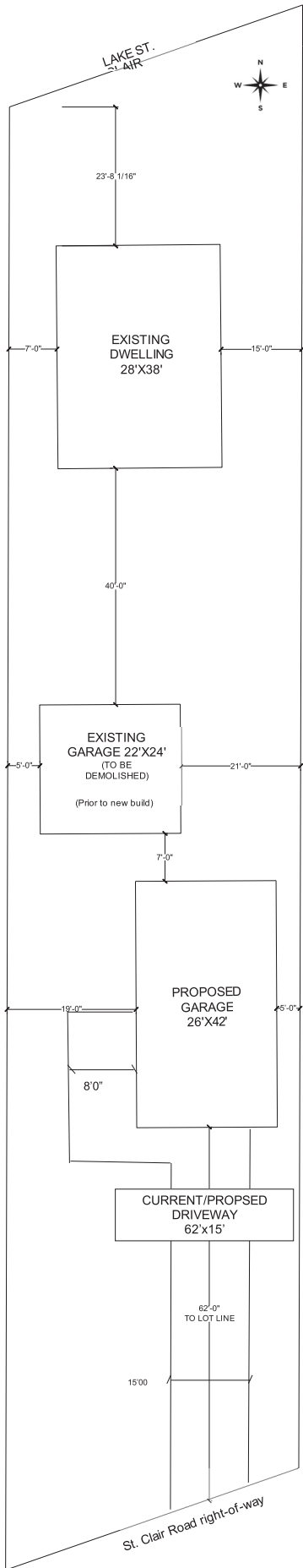
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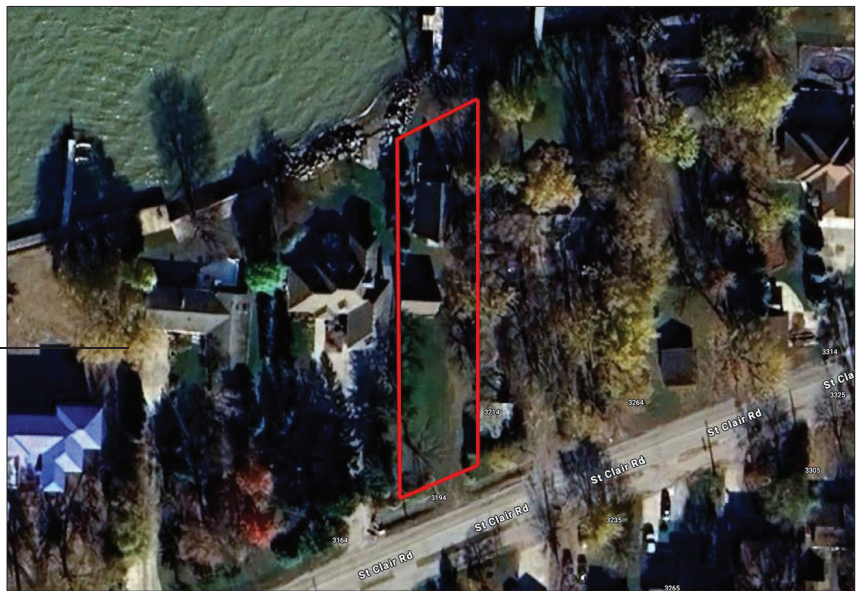
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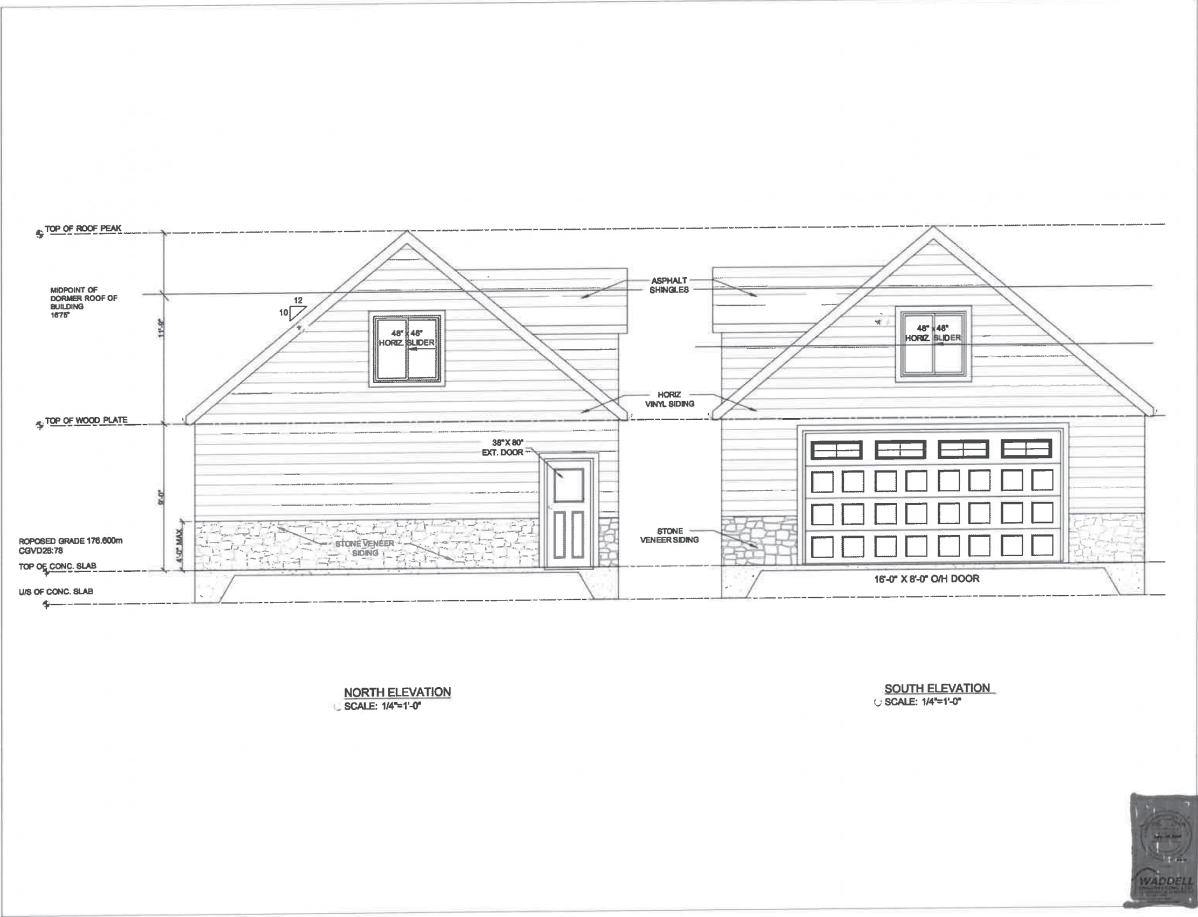
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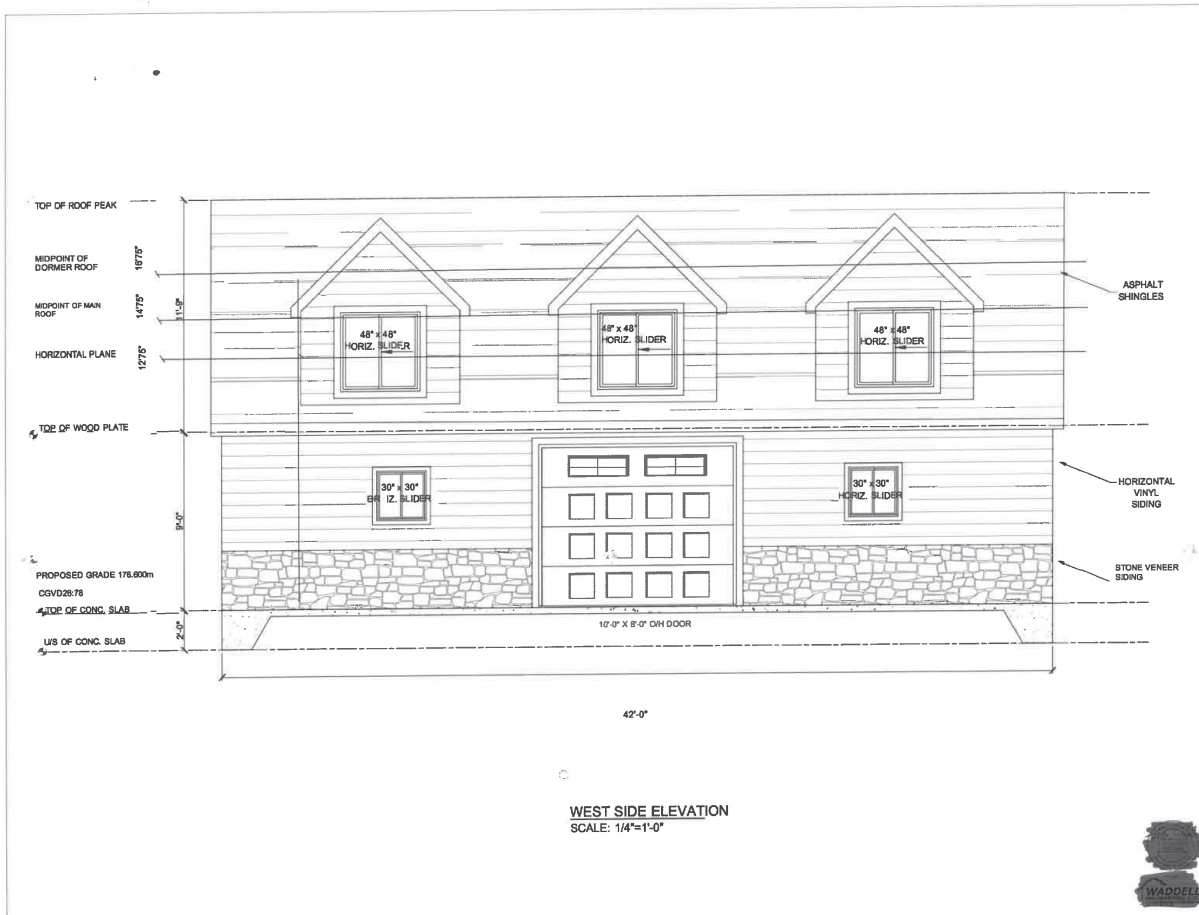


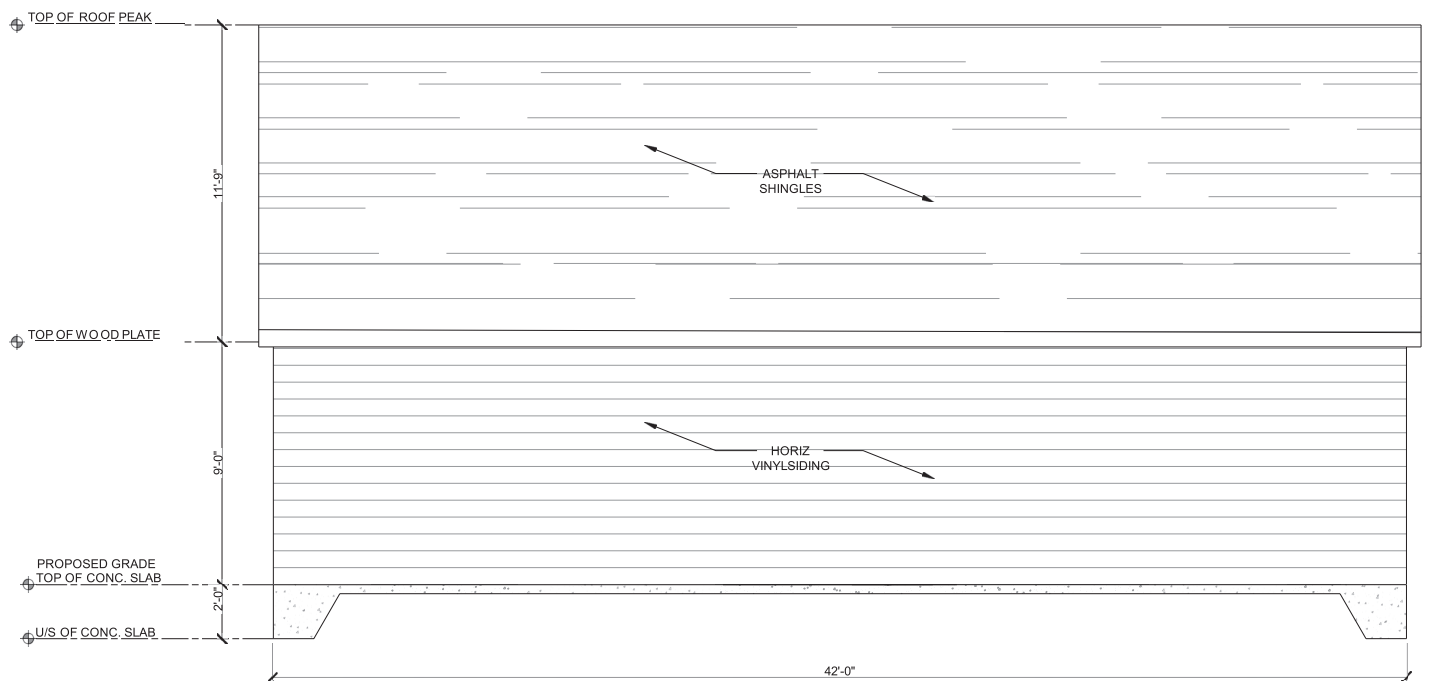
3194 ST CLAIR RD
LAKESHORE, ON N0R 1N0

SITE-PLAN
SCALE: 1/4"=1'-0"

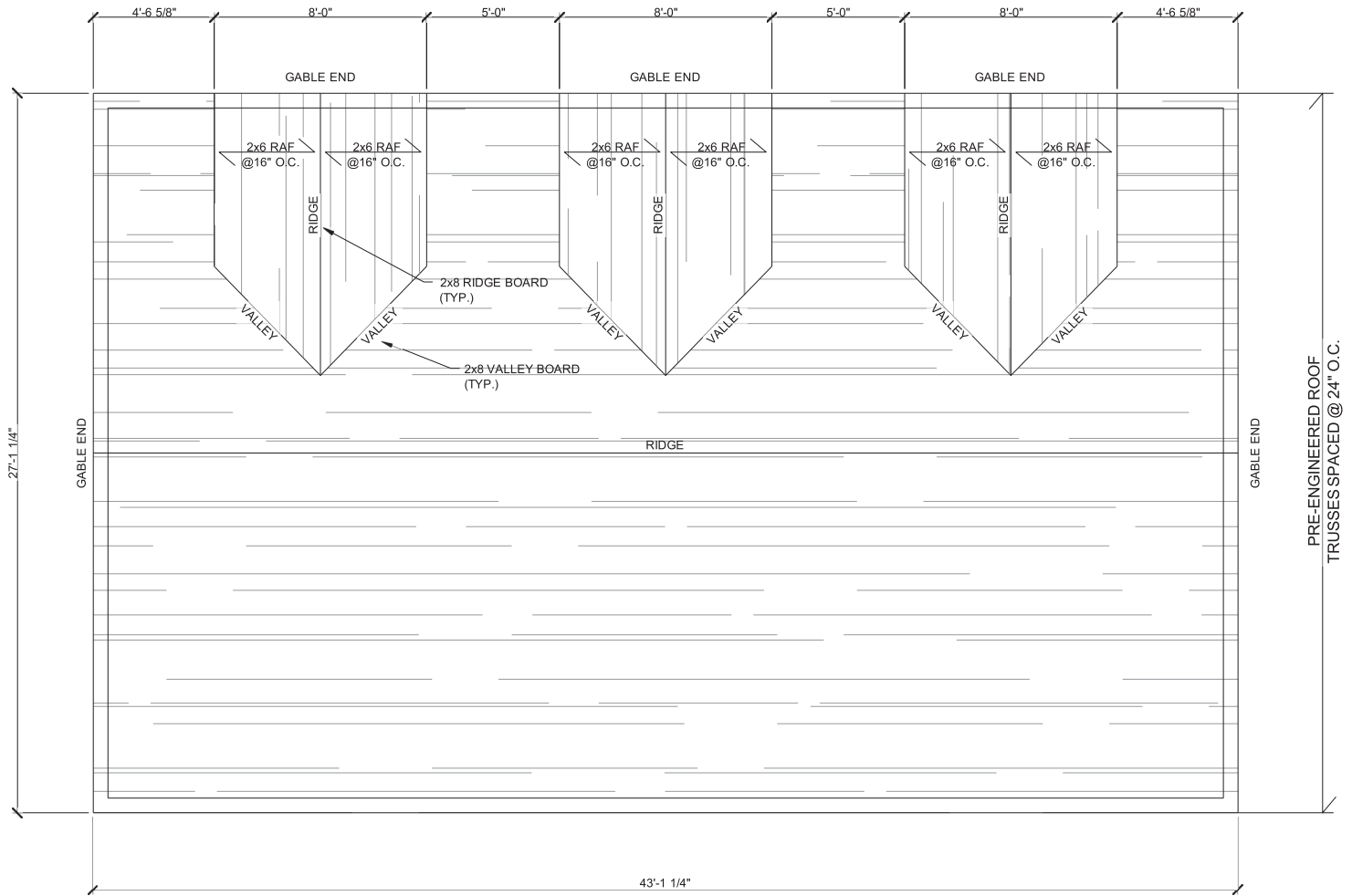








○ EAST SIDE ELEVATION
SCALE: 1/4"=1'-0"



○ ROOF PLAN
SCALE: 1/4"=1'-0"



Picture of current accessory building on the subject property and dwelling on neighbouring property to the west, looking northwest from location near front lot line.



Picture of the dwelling on the subject property looking north from a location near the middle of the subject property



Picture of the subject property and accessory building on neighbouring property to the east, looking northeast from a location near the front lot line of the subject property.



Picture of the existing accessory building and dwelling on the subject property looking north from a location near the front lot line of the subject property.



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

September 26, 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-23-2024 3194 ST CLAIR RD

ARN 375175000011800; PIN: 750700089

Applicant: GEORGHIADES MAGGIE

The Municipality of Lakeshore has received Application for Minor Variance A-23-2024 for the above noted subject property.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a new 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 177.5 m² (1,910.6 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 5.07 metres (16.64 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 following is provided as a result of our review of Application for Minor Variance A-23-2024.

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 Lake St. Clair.

Mr. Ian Search
September 26, 2024

Our office has issued Permit 443 - 24 for this development, dated July 9, 2024. We note that minor changes to the Site Plans in the approved Permit appear to have occurred, however, a new Permit is not required. Please note that it is the responsibility of the applicant to contact our office if any further changes are required to the site plans approved in the Permit.

FINAL RECOMMENDATION

As noted above, our office has issued Permit 443 - 24, dated July 9, 2024, for this development. It is the responsibility of the applicant to notify our office of any further 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



**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: October 4, 2024

Subject: Minor Variance Application A/29/2024 – 1292 County Road 31

Recommendation

Approve minor variance application A/29/2024, 1292 County Road 31, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for a proposed building addition to an existing 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 130.81 m² (1,408 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 7.4 metres (24.28 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless with an Agriculture zone.

Impose the following conditions on minor variance approval:

The minor variance reliefs are only for a building addition (second storey) to the existing “pool house” (accessory building) on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;

Any covered balcony included in the development will not be constructed on the northside of the accessory building;

Include the following Notice in the Notice of Decision:

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 31, south of County Road 42, north of Highway 401, known municipally as 1292 County Road 31 in the Municipality of Lakeshore. The subject property is zoned “Hamlet Residential” (HR) in the Lakeshore Zoning By-law and split designated “Hamlet” and “Agricultural” in the Lakeshore Official Plan.

The subject property is approximately 1.2 acres (4856.23 m²) in area with approximately 36.58 metres (120 feet) of frontage along County Road 31.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for a proposed building addition of a second storey with covered balcony to an existing “pool house” (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 130.81 m² (1,408 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55.0 m² (592.0 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 7.4 metres (24.28 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres in height unless with an Agriculture zone.

There are three buildings/structures on the subject property – a dwelling, an accessory building used for storage located at the rear of the subject property, and a “pool house” accessory building that is the building subject to the minor variance application.

The subject property has received two previous minor variance approvals for prior development of the subject property. The first was in September 2020 (file: A-22-2020) to permit a gross floor area of 65.4 m² (703.96 ft²) for the “pool house” accessory building. The second minor variance approval (file: A-8-2022) occurred in February 2022 to permit the development of the storage building located at the rear of the property to have a gross floor area of 183.95 m² (1980.02 ft²).

The applicant’s development proposal to construct a building addition of a second storey with covered balcony to the existing “pool house” will increase the gross floor area of the building beyond the original minor variance approval and will increase the height of the building so that it exceeds the maximum height permitted for an accessory building. This is the reason for the minor variance application.

The applicant has indicated that the intended use of the building addition is for entertainment purposes only (game room) and additional floor area for storage. Floor plans were submitted with the minor variance application which do not show a proposed dwelling unit or business use for the building. If in the future the intention is to permit a commercial or residential use in this accessory building, then 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. It is noted that the proposed development does not comply with Zoning By-law regulations specific to additional residential units.

Surrounding Land Uses	North: residential (single detached dwelling lots) South: residential (single detached dwelling lots) East: agriculture West: residential (single detached dwelling lots) and agriculture
Official Plan Land Use Designation	Lakeshore Official Plan: Hamlet and Agricultural County of Essex Official Plan: Secondary Settlement Area
Zoning	“Hamlet Residential” (HR)
Servicing	Municipal water, private septic system
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 130.81 m² (1,408 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 7.4 metres (24.28 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres in height unless with an Agriculture zone.

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

The subject property is designated “Secondary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the minor variance application. Subsection 3.2.5 e) of the County of Essex Official Plan states “All types of

land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans”. Accessory uses to low density residential dwellings is permitted on land designated Hamlet and Agricultural in the Lakeshore Official Plan.

The Engineering Technologist at the County of Essex commented that they have no objections to the minor variance application. The subject property is located on a County road. The minimum setback for any proposed structures on this property must be 25.91 metres (85.0 feet) from the centre of the original right-of-way of County Road 31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Lakeshore Official Plan

As previously mentioned, accessory uses to low density residential dwellings is permitted on land designated Hamlet and Agricultural in the Lakeshore Official Plan.

Subsection 4.2.1 provides community design policies in the Lakeshore Official Plan. Specifically, subsection 4.2.1 a) states that the Municipality will: *seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form.* A similar policy, subsection 4.2.1 b) i), states that *“through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality: will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.”*

Comment: The requested reliefs under the minor variance application will maintain the general intent and purpose of these Official Plan policies. The height of the dwelling on the property is 7.87 metres (25.82 feet) according to elevation drawings submitted with the minor variance application. This exceeds the height of the proposed development for the accessory building (7.4 metres/24.28 feet), and therefore maintains the accessory building as a subordinate structure to the main building on the property in terms of massing. This is a built form characteristic common to the surrounding area.

Moreover, the accessory building is located approximately 60.9 metres (200.0 feet) from the front lot line – more or less behind the dwelling on the property. Residential properties in the surrounding area on the east side of County Road 31 are approximately 1.2 acres (4856.23 m²) in lot area and are more conducive to supporting larger accessory buildings. There are a number of large accessory buildings that have developed in the surrounding area on nearby properties:

- 1) A minor variance was granted at 1276 County Road 31 in January 2021 to permit an accessory building to have a gross floor area of 148.64 m² (1,600 ft²) and a height of 5.9 metres (19.36 ft).

- 2) A minor variance was granted at 1288 County Road 31 in December 2022 to permit an accessory building to have a gross floor area of 190.7 m² and a height of 5.7 metres (18.7 ft). This building is currently under construction and is being developed in a location near the proposed development.
- 3) A minor variance was granted at 1298 County Road 31 in August 2021 to permit an accessory building to have a gross floor area of 222.97 m² (2,400 ft²) and a height of 5.33 metres (17.5 feet)

Subsection 4.2.1 c) states that *“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 accessory building is proposed to be used for a non-residential/non-commercial use that does not warrant separation buffering or screening to address land use conflicts. However, the proposed height of the accessory building exceeds the maximum height permitted in the Zoning By-law by 2.4 metres (7.87 feet). The site plan drawing submitted with the minor variance application indicates that the accessory building is setback 7.62 metres (25 feet) from the north side lot line, which is a favourable setback that is slightly greater than the proposed height of the accessory building. There are no issues with the building orientation of the proposed development.

Zoning By-law

The general intent and purpose of the regulation limiting the gross floor area of accessory buildings to 55 m² is to ensure that accessory buildings do not dominate the landscape in a typical subdivision.

Comment: The subject property is located near the southern extent of the St. Joachim Hamlet Area on a County Road that is identified as a Rural Secondary Road in the Lakeshore Official Plan. The subject property, like its neighbouring properties on the east side of County Road 31, is a relatively large residential property in this area comprised of a variety of lot sizes. It is conducive to supporting larger accessory buildings as a property located outside a typical subdivision. The general intent and purpose of the Zoning By-law regulation will be maintained.

The general intent and purpose of the regulation limiting the height of an accessory building to a maximum of 5 metres is to ensure that these buildings remain subordinate to the dwelling on a residential property and are unoffensive with respect to location and purpose.

Comment: The applicant has indicated that a new dwelling was developed on the subject property in 2021 and that it has a height of 7.87 metres (25.82 feet). This exceeds the height of the proposed development for the accessory building. Moreover,

the proposed use is unoffensive as a non-residential/non-commercial development. A 7.62 metres (25 feet) setback from the north side lot line provides favourable separation from the neighbouring property to the north.

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 for the reasons already mentioned in the report. The subject property and the context of the surrounding area provide greater opportunity for considering the requested reliefs as minor deviations from the Zoning By-law.

Desirability and Appropriateness

The requested reliefs are considered desirable for the appropriate development of the property. Any impacts to the appearance of the streetscape will be mitigated by the setback distance of the accessory building from the front lot line and its existing positioning more or less behind the dwelling on the property.

The proposal is considered compatible with its surroundings. There are a number of other oversized accessory buildings in the immediate area. This includes an accessory building currently under construction on the neighbouring property to the north, which received Committee of Adjustment approval to permit a gross floor area of 190.7 m² and a height of 5.7 metres (18.7 ft). It is being developed directly across from the “pool house” on the subject property.

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 impose the following conditions on approval of the minor variance application:

- The minor variance reliefs are only for a building addition (second storey) to the existing “pool house” (accessory building) on the Subject Property and development will be in accordance with the minor variance application submission, to the satisfaction of Lakeshore
- Any covered balcony will not be constructed on the northside of the accessory building

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

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 Operations Department commented that, based on the proposal, it is understood that there is no additional sanitary capacity expected and the use of the building will be for the property owner only (non-residential).

The Drainage Division stated that they have no concerns with the application.

The Engineering Technologist at the County of Essex commented that they have no objections to the minor variance application. The subject property is located on a County road. The minimum setback for any proposed structures on this property must be 25.91 metres (85 feet) from the centre of the original right-of-way of County Road 31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

The Chief Building Official stated that he had no comments on the minor variance application.

The Fire Department stated that they have no comments on the minor variance 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 property. At the time of writing, no written comments were received.

Attachment(s):

- Appendix A – Aerial Map
- Appendix B – Drawings
- Appendix C – Photos
- Appendix D – Operations Department
- Appendix E – County of Essex

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-29-2024 - Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - Operations Dept Comment.pdf - Appendix E - County of Essex.pdf
Final Approval Date:	Oct 9, 2024

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

Urvi Prajapati - Oct 7, 2024 - 2:53 PM

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

Ryan Donally - Oct 8, 2024 - 9:11 AM

Tammie Ryall - Oct 8, 2024 - 6:34 PM

No Signature found

Ian Search - Oct 9, 2024 - 10:00 AM

Daniel Mercer - Oct 9, 2024 - 1:45 PM



1292 County Road 31 - Property Location Map



Legend

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

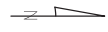
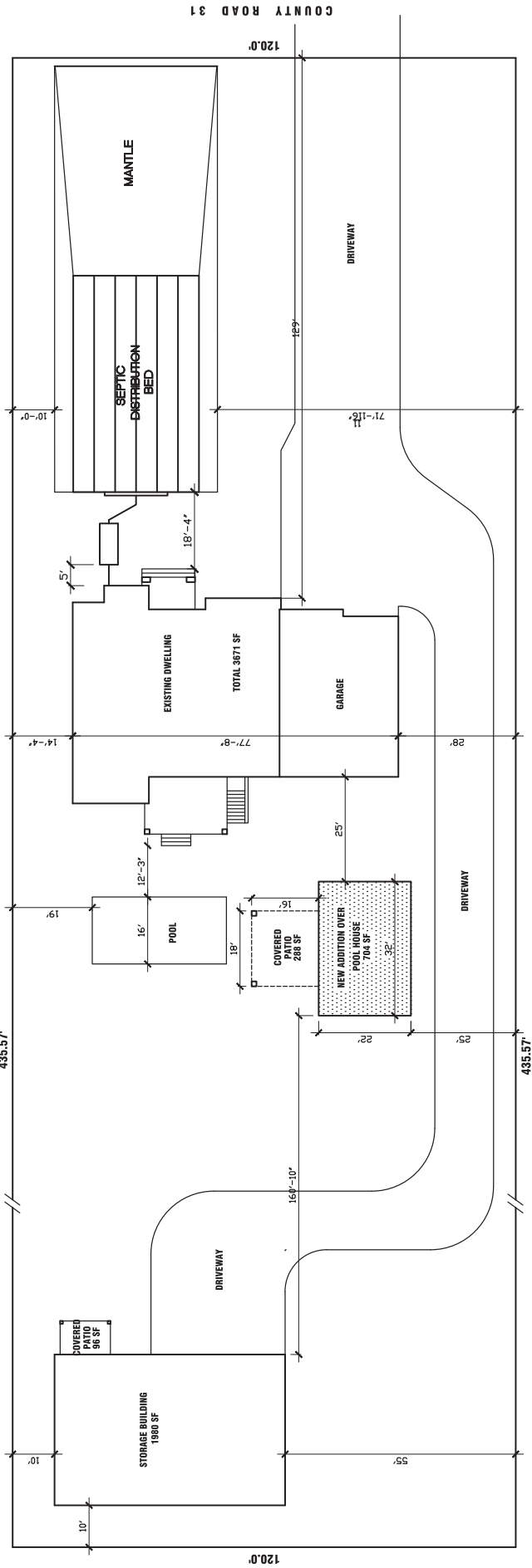
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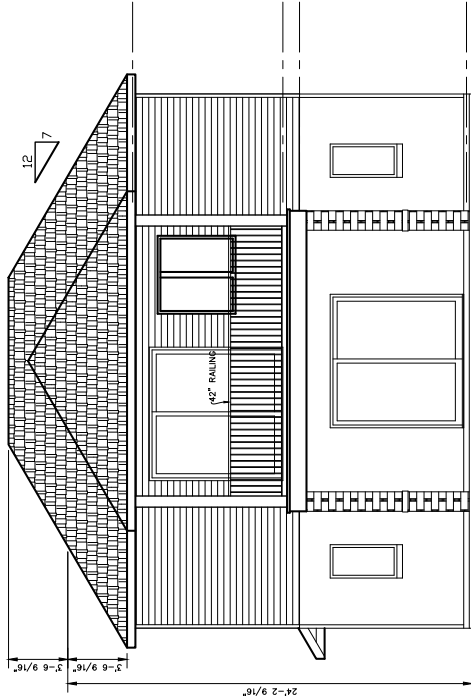
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes:

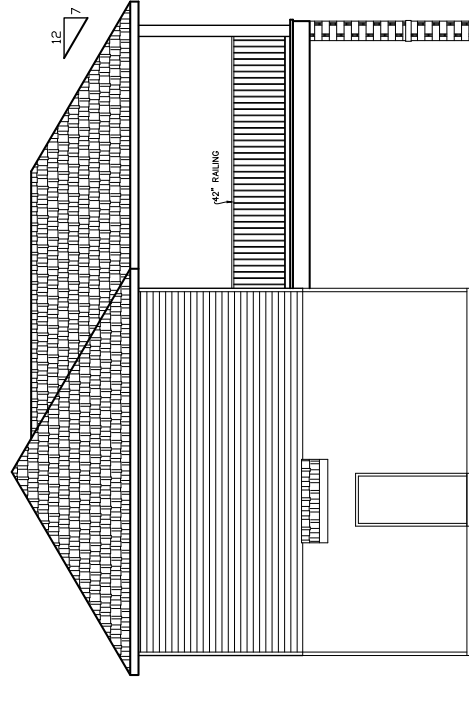
SITE PLAN



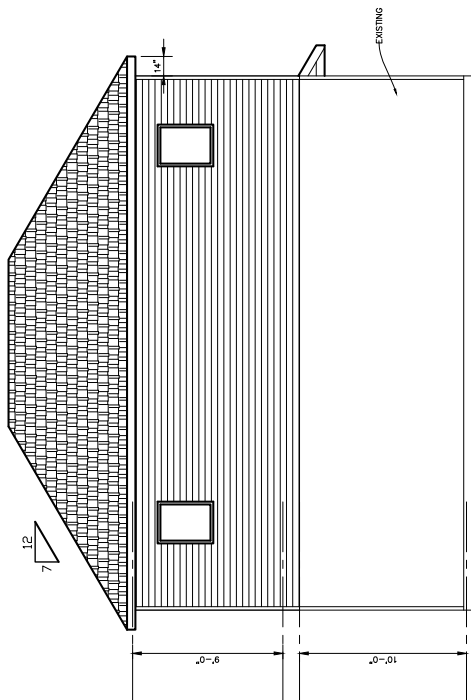
GROSS FLOOR AREA OF POOL HOUSE 1488 SF (130.81 SM)



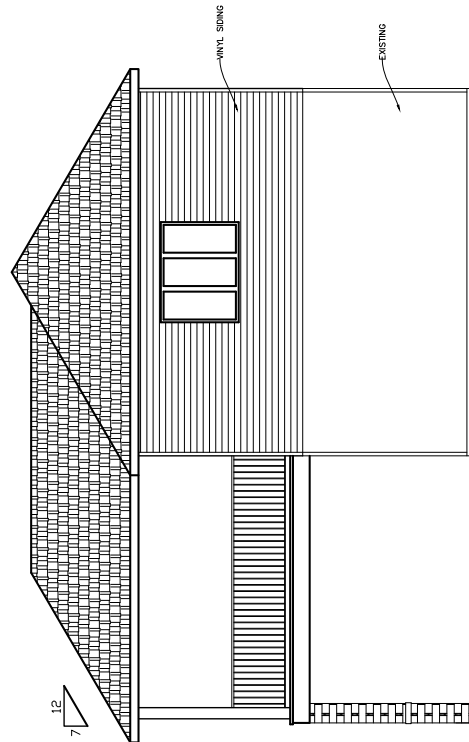
FRONT ELEVATION



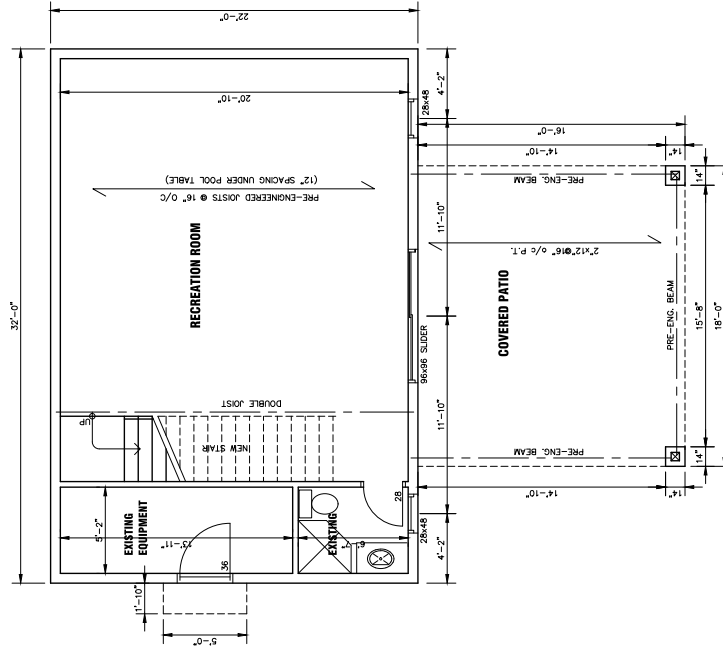
LEFT ELEVATION



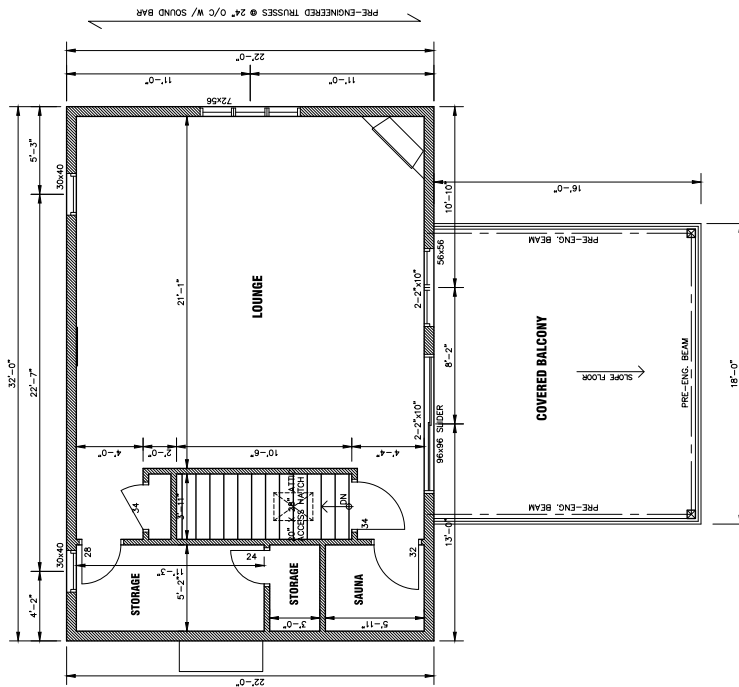
BACK ELEVATION



RIGHT ELEVATION



EXISTING POOL HOUSE PLAN



NEW SECOND FLOOR PLAN



Picture of “pool house” looking southeast from top of the driveway



Picture of “pool house” and mutual lot line with neighbouring property to the north looking east from driveway



Picture of the subject property looking southeast from the sidewalk



Picture of the subject property looking northeast from the sidewalk



Picture of dwelling on the subject property looking east from the sidewalk

Operations Department

Date: September 24, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – October 16, 2024 – A/29/2024

Operations has reviewed A-29-2024 – 1292 County Road 31 application and offer the following comments:

- Based on the proposal it is understood that there is no additional sanitary capacity expected and the use is by the property owner only (Non-rental).

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



October 1, 2024

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

Dear Mr. Search:

Re: COA Submission, A/29/2024, Kris Bodchon

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. There are no objections. The subject lands have frontage on County Road 31. 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 original ROW of County Road 31. 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.

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

Regards,

A handwritten signature in black ink, appearing to read "Kristoffer Balallo".

Kristoffer Balallo
Engineering Technologist

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

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

 countyofessex.ca

**Municipality of Lakeshore
Committee of Adjustment Report**



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: October 4, 2024

Subject: Consent Application B/10/2024 – 15709 Lakeshore Road 309

Recommendation

Approve consent application B/10/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 2.8 acres (1.133 hectares) and a lot frontage of approximately 94.49 metres (310.0 feet), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore - the draft plan of survey is to be approved by Community Planning at the Municipality of Lakeshore prior to registration and will detail setbacks of buildings/structures from lot lines;
- 2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the installed septic system will be located on the severed lot and will meet required setbacks from lot lines without further encroachment onto farmland that is unnecessary, to the satisfaction of this Division;
- 3) That the septic system which has been installed for the severed lot pass a final inspection, to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of payment of cash in lieu of parkland at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings/additional residential units and to address any zoning compliance issues (setbacks, etc.);
- 7) That the applicant enters into an Agreement with the Municipality prior to the

stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

8) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;

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

10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 17, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application to sever a dwelling and accessory buildings/structures from the subject property (15709 Lakeshore Road 309) as a separate rural residential lot. The subject property is located east of County Road 37, west of Richardson Sideroad, south of County Road 46, on the southside of Lakeshore Road 309.

The subject property is a 100-acre (40.46 hectare) farm lot designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law. It has approximately 600 metres (1968.5 feet) of lot frontage along Lakeshore Road 309.

The owner has entered into a purchase of sale agreement with individuals who own multiple farm holdings. Therefore, the consent application is to sever a residence surplus to an agricultural operation as a result of farm consolidation under the Provincial Policy Statement (PPS). Transfer of the retained farmland to these individuals or their farming corporation will need to occur as a condition of consent approval for the application to be consistent with the PPS.

The rural residential lot being severed will contain the existing dwelling on the subject property, accessory building/structures, and a solar panel located at the southeast corner of the proposed lot that contributes to the electricity grid. The rear lot line will be made irregular to accommodate the solar panel and limit unnecessary inclusion of cultivated farmland. A private septic system for the dwelling was installed west of the existing treeline that runs north-south on the subject property west of the dwelling. The proposed lot will include this area to ensure private servicing for the dwelling is located on the same lot.

The proposed lot will have a frontage of approximately 310 feet (94.5 metres) along Lakeshore Road 309, and a lot area of approximately 2.8 acres (1.13 hectares). The retained farmland parcel will be left with approximately 97.2 acres (39.33 hectares) of lot area and approximately 500 metres (1640.42 feet) of lot frontage along Lakeshore Road 309.

There is an open municipal drain that runs along the entire frontage of the subject property. The proposed lot has an existing access bridge and there are two existing

accesses for the retained farmland – one located at the northeast corner of the subject property and one approximately 135 metres (443 feet) from the west side lot line.

The applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwellings as a condition of any consent approval granted by the Committee of Adjustment. Request for comments with respect to that future application will be circulated at a later date.

The subject property contains wind turbines close to the rear lot line and is subject to a lease for wind power generation which will remain in place following registration of the proposed lot.

Summary

Surrounding Land Uses:

North: Agriculture
West: Agriculture
East: Agriculture, rural residential lots
South: Agriculture

Servicing for proposed lot:

Water: Municipal piped water supply
Sanitary: Private sanitary system

Provincial Policy Statement (PPS)

The proposed surplus farm severance is consistent with Section 2.3.4.1 c) for the lot creation of a residence surplus to a farming operation because of farm consolidation in prime agricultural areas. That subsection permits such severance, provided that:

1. *“the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*

Comment: A private septic system for the dwelling was installed west of the existing treeline that runs north-south on the subject property west of the dwelling. The proposed lot will include this area to ensure private servicing for the dwelling is located on the same lot. Its accommodation will result in the inclusion of some land currently used for agriculture to maintain a regular lot shape in general. The remainder of the lot boundaries (front, rear, and east side lot line) for the proposed lot will not incorporate cultivated farmland into the severed lot. The rear lot line will be made irregular to accommodate the solar panel and limit unnecessary inclusion of cultivated farmland.

2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel*

may be recommended by the Province, or based on municipal approaches which achieve the same objective”

Comment: As a condition of consent approval, the applicant will need to rezone the retained farmland parcel to prohibit new residential dwellings/additional residential units on that parcel of land in accordance with the PPS.

County of Essex Official Plan

Subsection 3.3.3.4 c) of the County of Essex Official Plan states the following:

c) Lot creation to accommodate a habitable residence surplus to a farming operation as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance. In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations. Local municipalities may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.

Comment: The consent application conforms to this policy as long as the retained farm parcel is rezoned as a condition of consent approval to prohibit the construction of any new residential dwellings/additional residential units. A minimum lot size for the retained farmland parcel is not established in the Lakeshore Official Plan, however it is noted that the parcel will meet the minimum lot size regulations (frontage/area) in the current Lakeshore Zoning By-law.

Lakeshore Official Plan

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

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

Comment: The lot creation proposal conforms to this section of the Lakeshore Official Plan. There are no livestock facilities on the subject property or in the area according to the application. The Zoning By-law will automatically recognize the proposed lot as a

rural residential lot that does not permit agricultural use – including livestock operations. As a condition of provisional consent approval, the retained farm parcel will need to be rezoned to prohibit the construction of any additional dwellings.

Zoning

The proposed severed lot will comply with the minimum and maximum lot area regulations, and minimum lot frontage regulations, in the Zoning By-law for a rural residential lot zoned “Agriculture”. A proper survey and Reference Plan will be required as a condition of consent approval to confirm compliance under the Zoning By-law, including setbacks of buildings/structures. Any non-compliance will need to be rectified or included in the Zoning By-law Amendment that will be required as a condition of consent approval.

Confirmation that the septic system will be located on the proposed lot with required setbacks from lot lines will be made a condition of consent approval.

The retained farmland parcel will meet the minimum lot area and frontage requirements in the Zoning By-law for a farm parcel zoned “Agriculture”.

Correspondence from external and internal agencies

External and Internal Agencies

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

The Drainage Division requested confirmation that the bridges along the retained farmland are to be used for the farmland parcel. Solicitor for the owner was contacted and confirmed that the existing access located west of the proposed severed lot is currently utilized for access to the farmland for farming practices, and there is also an access available in the northeast corner of the subject property.

The Drainage Division commented that a drainage apportionment agreement will be required for the consent. It is recommended that the Committee of Adjustment include the requirement for this agreement as a condition of consent approval.

The Fire Department commented that they have no concerns with the application.

The Chief Building Official commented that they have no comments on the application.

The Operations Department commented that they have no comments on this file.

Lower Thames Valley Conservation Authority stated that they have no objection to the application. They note in their comment that an application from their office is required prior to any works/construction taking place within the regulated area. The full comment can be found in Appendix E.

Conclusion

The proposed consent application is consistent with the Provincial Policy Statement (PPS), conforms to the County of Essex and Lakeshore Official Plan, subject to the conditions included in the recommendation section of the report.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Zoomed in Map
Appendix C – Sketch of Proposed Lot
Appendix D – Photos
Appendix E – LTVCA comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-10-2024 - Report.docx
Attachments:	- Appendix A - Map.pdf - Appendix B - Zoomed in Map.pdf - Appendix C - Sketch of Proposed Lot.pdf - Appendix D - Photos.pdf - Appendix E - LTVCA Comment.pdf
Final Approval Date:	Oct 9, 2024

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

Urvi Prajapati - Oct 7, 2024 - 3:08 PM

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

Ryan Donally - Oct 8, 2024 - 9:11 AM

Tammie Ryall - Oct 8, 2024 - 4:54 PM

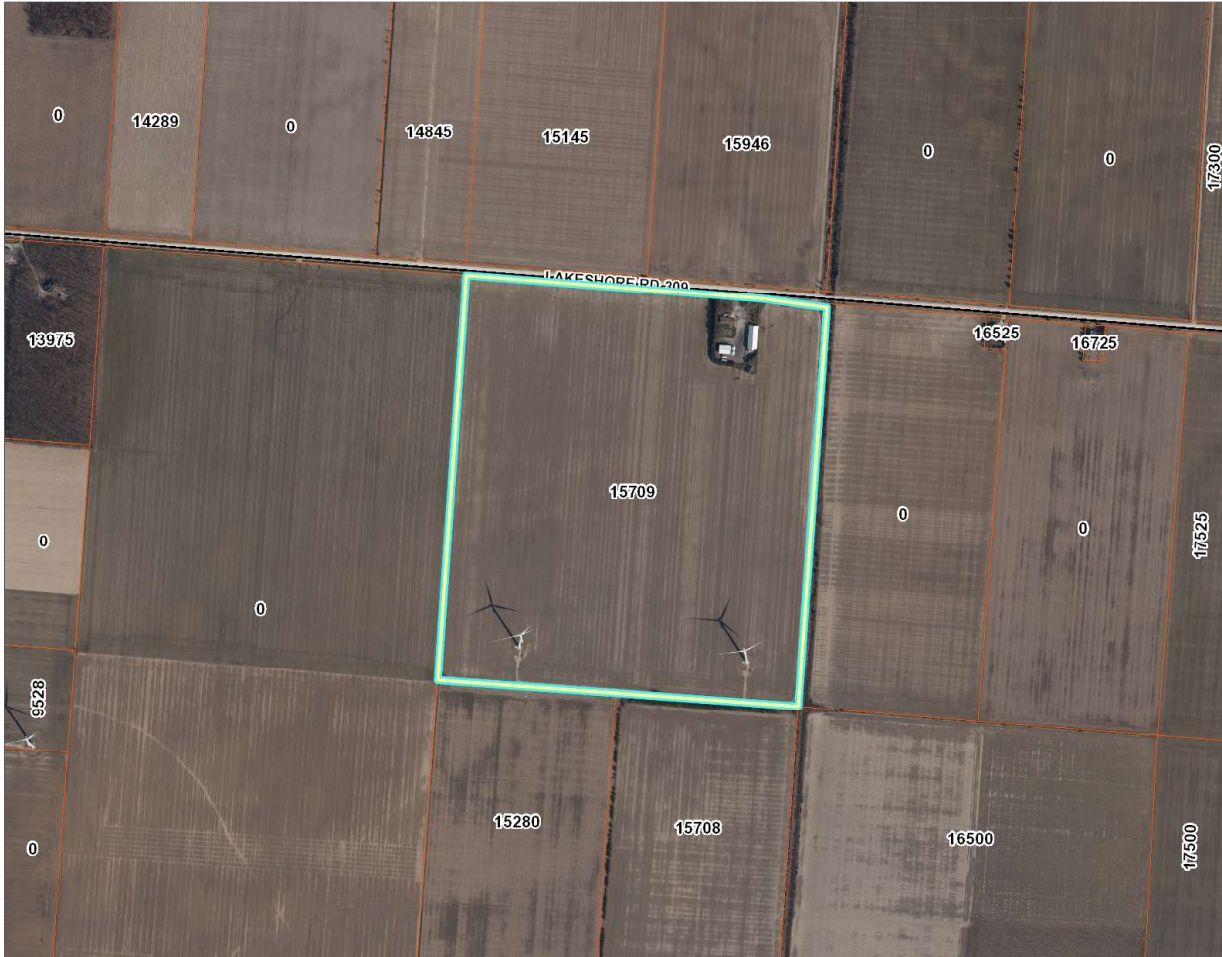
No Signature found

Ian Search - Oct 9, 2024 - 10:01 AM

Daniel Mercer - Oct 9, 2024 - 1:54 PM



15709 Lakeshore Road 309 - Property Location Map



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

1: 9,774



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



Zoomed in Map - Subject Property



Legend

Address Label

1: 1,469



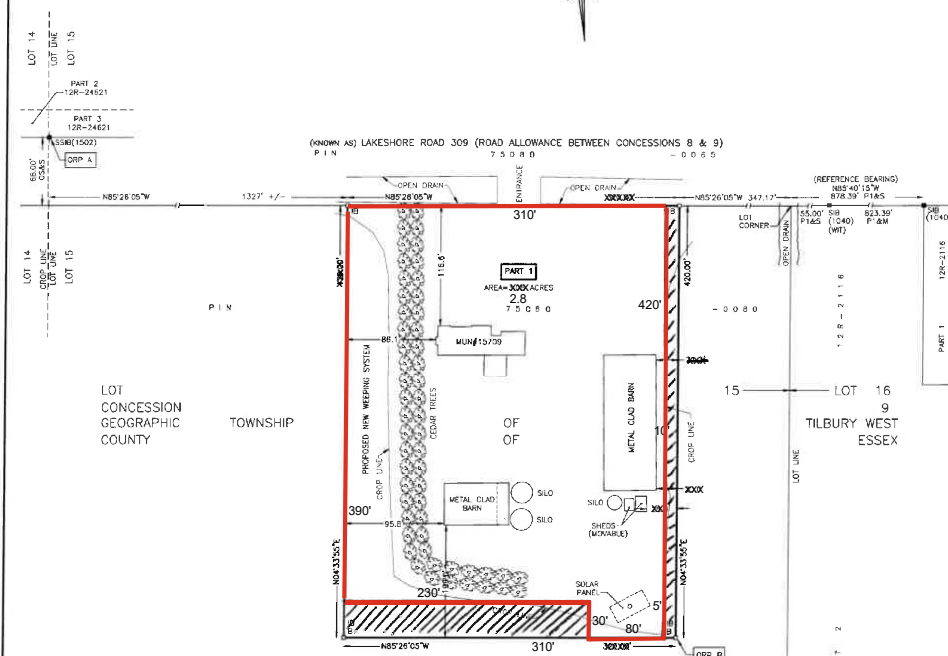
Notes:

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 to be severed is outlined in red



PLAN SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF 15	9	PART OF 75080-0080
PART 1 COMPRISES PART OF PIN 75080-0080			



**PLAN OF SURVEY
OF PART OF LOT 15
CONCESSION 9
GEOGRAPHIC TOWNSHIP OF TILBURY WEST
NOW IN THE
TOWN OF LAKESHORE
COUNTY OF ESSEX**

SCALE: 1"=60'

THE INTENDED PLOT SIZE OF THIS PLAN IS 32' IN WIDTH BY 177' IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=60'

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THERE.
- THE SURVEY WAS COMPLETED ON THE 18th DAY OF OCTOBER, 2023.

(DATE) _____ S.D. HOOK
SURVEYOR

NOTES

REFERENCE ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, LTR 2004-13, NAD83 (EPSG) (2011) CAN-NET.

COORDINATES ARE OBTAINED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CHANGING SCALE FACTOR OF 0.99971715.

REFERENCE REFERENCE POINTS (RPP) A & B, UTM, ZONE 17, NAD83 (EPSG) (2011) COORDINATES TO FULL ACCURACY FOR SEC. 14 (3) OF O. REG. 215/13.

POINT ID	NORTHING	EASTING
RPP A	15333101.90	1235354.99
RPP B	15332486.33	1235958.33

COORDINATE QUANTITY, IF NECESSARY, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPASSION, A ROTATION OF 0.00730° CLOCKWISE WAS APPLIED TO PLAN 10R-2116.

BS DENOTES BOUNDARY
 C DENOTES CORNER
 E DENOTES ELEVATION
 F DENOTES FENCE
 G DENOTES GRANITE
 H DENOTES HOLE
 I DENOTES IRON
 J DENOTES JUNCTION
 K DENOTES KILN
 L DENOTES LIME
 M DENOTES METAL
 N DENOTES NAIL
 O DENOTES OIL
 P DENOTES PLASTER
 Q DENOTES QUARRY
 R DENOTES RAILROAD
 S DENOTES SIGN
 T DENOTES TOWER
 U DENOTES UTILITY
 V DENOTES VALVE
 W DENOTES WALL
 X DENOTES WINDOW
 Y DENOTES YARD
 Z DENOTES ZONE

Drawn by: C.A.	HOOK & TODGHAM SURVEYING INCORPORATED CHATHAM ONTARIO PHONE: 1-519-204-1122 EMAIL: HOOKTOD@TODGHAM.COM
Checked by: S.D.H. / C.A.	
Plan Number: 23156	

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



Picture of farm property looking south from the street near the middle of the property's street frontage



Picture of access bridge to the farm property located on the west half of the farm taken from the street



Picture of property frontage take from the street looking east



Picture of access to the farm property from the street located at the northeast corner of the property looking south



Picture of the dwelling on the subject property looking east from driveway near the street



Picture of one of the buildings on the subject property looking southwest from the northeast corner of the property

October 7th, 2024

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

Attn: **Ian Search**

Re: **Consent Application (B-10-2024)**
15709 Lakeshore Road 309
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).

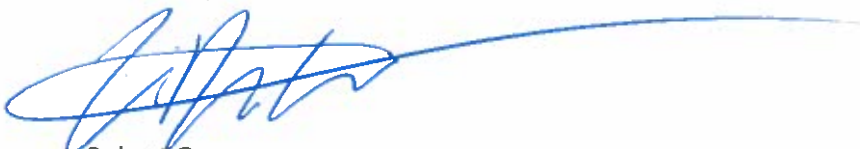
After reviewing our files and mapping, the staff have no objections to the proposed severance. However, portions of the subject properties are subject to the Authority's regulations. The issue of concern in this area is the Robb-Dales Drain, the East 9th Concession Drain, and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area, this includes all structures, including dwellings, additions, accessory structures, pools, enclosed decks, site alteration, fill placement/excavation, etc. Setbacks from the drain are also required to any proposed structures / additions. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended.

Please be advised that the subject property is located in an Event Based Area [EBA] and an Intake Protection Zone [IPZ] as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

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

Yours truly



Robert Guo
Planning Technician



B/10/2024
James Michael Byrne

**NOTICE OF PUBLIC HEARING
MUNICIPALITY OF LAKESHORE**

IN THE MATTER OF THE PLANNING ACT, R.S.O. 1990, CHAPTER 1, AS AMENDED, AND,
IN THE MATTER OF AN APPLICATION FOR CONSENT BY:

Subject Property: 15709 Lakeshore Road 309
Applicant (s): James Michael Byrne
Purpose of Application: The Municipality of Lakeshore has received a consent application to sever a farm dwelling and accessory buildings/structures from the subject property (15709 Lakeshore Road 309) as a separate rural residential lot. The farm dwelling is considered surplus to a farming operation.

The lot to be severed will have a frontage of approximately 310 feet (approx. 94.5 metres) along Lakeshore Road 309, and a lot area of approximately 2.8 acres. The retained farmland will be left with approximately 97.2 acres of lot area and approximately 500 metres of lot frontage along Lakeshore Road 309.

A map showing the location of the Subject Property today and a sketch detailing the proposed rural residential lot to be severed is attached to this notice.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

DATE: October 16, 2024

TIME: 6:00 pm


LOCATION: 419 Notre Dame St, Belle River (Town Hall – Council Chambers)

This will be a hybrid public meeting where both in person attendance and electronic attendance is supported. There will be opportunities to provide oral input electronically and in person. Providing written comments, prior to a decision being made, is strongly encouraged.

During such a time any person who wishes to attend this Public Meeting electronically and /or speak at this meeting, you will need to register as a delegation for the meeting. Please provide your contact information (name, address, email and phone number) to Community Planning, via email to Ian Search, Planner, at isearch@lakeshore.ca or phone 519-728-1975, ext. 246, no later than the deadline of 24 hours prior to the date and time of the scheduled meeting. Attendees/Delegates will be contacted directly with registration details prior to the meeting.

1. This is a Public Meeting called for the purpose of hearing evidence in support of or in opposition to the above-noted application for severance.
2. Further information on this application may be obtained by contacting the undersigned. If you have comments on this application, they may be forwarded in writing to the Secretary-Treasurer at the address shown below. Your comments will then be conveyed to the Committee of Adjustment members for consideration at the meeting.
3. If a person or public body has the ability to appeal the decision of the Committee of Adjustment in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Tribunal may dismiss the appeal.
4. If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment by contacting Ian Search (Secretary-Treasurer). Please see contact details below. It is requested that this notice be posted by the owner of any land that contains seven or more residential units in a location that is visible to all of the residents.

Date of Notice: October 2nd, 2024


Ian William Search-Treasurer
Committee of Adjustment, Municipality of Lakeshore
419 Notre Dame Street, Belle River Ontario N8L 0P8
Telephone (519) 728-1975 ext. 246
isearch@lakeshore.ca



15709 Lakeshore Road 309 - Property Location Map



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

1:9,774



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 to be severed is outlined in red

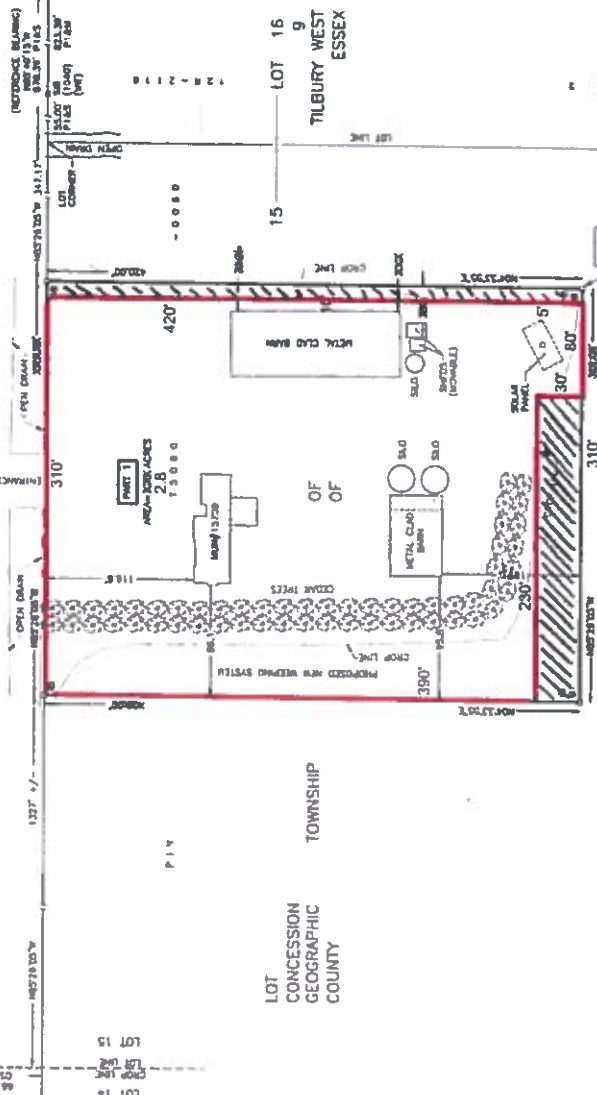
PLAN SCHEDULE

PART	LOT	CONCESSION	PIN
1	15	9	75000-0000

PART 1 COMPRISES PART OF PIN 75000-0000



(ORDER 40) LAKESHORE ROAD 309 (ROAD ALLOWANCE BETWEEN CONCESSIONS 8 & 9)
P.I.# 75000 - 0000



PLAN OF SURVEY
OF PART OF LOT 15
CONCESSION 9
GEOGRAPHIC TOWNSHIP OF TILBURY WEST
TOWNSHIP OF LAKESHORE
COUNTY OF ESSEX
SCALE: 1"=60'

THE INTENDED PLOT SIZE OF THIS PLAN IS 27' IN WIDTH BY 17' IN HEIGHT WHICH PLOTTED AT A SCALE OF 1"=60'

SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY THAT THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE STATUTES AND REGULATIONS RELATIVE TO THE SURVEYING ACT, AND THE REGULATIONS THEREUNDER.
- THE SURVEY HAS BEEN MADE BY ME OR BY A PERSON UNDER MY SUPERVISION.

(PRINT NAME)
SURVEYOR

NOTES

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.

BOOK	DATE	DESCRIPTION
115	11/11/11	115
116	11/11/11	116
117	11/11/11	117

THE ABOVE DESCRIBED LOT IS THE PROPERTY OF THE SURVEYOR.
AND IS SUBJECT TO THE RIGHTS OF THE SURVEYOR.

HOOK & TUDGHAM
SURVEYING
INCORPORATED
CENTRAL ONTARIO
PHONE: 1-800-361-1111
E-MAIL: H&T@HOOKANDTUDGHAM.COM

HOOK & TUDGHAM
SURVEYING
INCORPORATED
CENTRAL ONTARIO
PHONE: 1-800-361-1111
E-MAIL: H&T@HOOKANDTUDGHAM.COM

DESIGNED AND COORDINATED BY HOOK & TUDGHAM SURVEYING INCORPORATED
AND CAN BE CONFIDENTIALLY REVIEWED BY HOOK & TUDGHAM SURVEYING INCORPORATED



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, September 18, 2024, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

Members Present: Chair Mark Hacon, Member Nancy Flagler-Wilburn, Member Jeremy Prince

Members Absent: Vice-Chair Michael Hoffman, Member Linda McKinlay

Staff Present: Planner I Ian Search, Corporate Leader - Growth & Sustainability Tammie Ryall, Planner II Urvi Prajapati, Division Leader Daniel Mercer, Administrative Assistant Gisele Pillon

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM. All members participated in the meeting through video conferencing technology from remote locations.

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

Present at the meeting is Applicant Martin Lanoue and Agent Daniel Pare from Diamond Home Improvements.

There were no questions or concerns from Committee members or the audience.

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

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 setback under the Building Code be implemented to the satisfaction of the Building Department.

Carried Unanimously

b. A-25-2024 - Minor Variance - 3362 Manning Road

Present at the meeting is applicant Gilbert Drouillard.

There were no questions or concerns from the audience or Committee members.

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

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.

Carried Unanimously

c. A-26-2024 - Minor Variance - 2358 St. Clair Road

Present at the meeting is applicant Marc Charron.

There were no questions or concerns from the audience or committee members.

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

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 relief under Subsection 6.5 a) vii) 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 approved variances are limited to an accessory building approximately 160 ft² (14.9 m²) in size to the satisfaction of the Municipality of Lakeshore.

Carried Unanimously

d. A-27-2024 - Minor Variance - 1220 Faith Drive

Present at the meeting is applicant Giuseppe D'Ettorre and Christine Lions.

Currently, the driveway on the subject property (1220 Faith Drive) leads to an accessory building located on 1216 Faith Drive. Applicants stated that they have had previous conversations with the owner of 1216 Faith Drive about a driveway extension being installed on 1216 Faith Drive to access the accessory building on that property.

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

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 condition on approval:

The relief is granted subject to the accessory building being located in the same general location as shown on the site plan drawing submitted for the minor variance application, to the satisfaction of the Municipality of Lakeshore.

Include the following notices in the decision:

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.

Carried Unanimously

e. B-04-2024, B-06-2024, and B-07-2024 - Consents

Present at the meeting is authorized agent Eric Bays

Attending virtually is Spencer Fauteux.

The existing driveway at 2825 Essex Kent Rd. will be extended.

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-04-2024 to allow a lease agreement of greater than 21 years to be registered that would allow lands of the Subject Property to contain a battery storage facility, the lease term is 25 years with two options to renew for an additional 10 years and 8 years, respectively (two additional renewal terms of 10 years and 8 years, 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.

Carried Unanimously

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-06-2024 to allow a lease agreement greater than 21 years to be registered that would have the effect of establishing a road access off of Essex Kent Road to the lands west adjacent of the Subject Property, the lease term is 25 years with an option to renew for an additional 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.

Carried Unanimously

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-07-2024 to allow a lease agreement greater than 21 years to be registered that would have the effect of establishing a road access connecting the west adjacent and east adjacent properties via lands of the Subject Property, the lease term is 25 years with an option to renew for an additional 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 refused.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minutes of the previous meeting August 21, 2024.

Carried Unanimously

7. New Business

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

Present at the meeting virtually was Brad Teichman.

It was confirmed that future development will be required to confirm servicing with Municipality of Lakeshore and Town of Essex prior to removing the holding.

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

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.

Carried Unanimously

8. Adjournment

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

The Committee of Adjustment adjourn its meeting at 7:24 PM.

Carried Unanimously

Mark Hacon
Chair

Ian Search
Secretary-Treasurer