

# Municipality of Lakeshore

## Committee of Adjustment Meeting Agenda

Wednesday, November 13, 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
  - a. A-18-2024 -1 to 21 - 21 Properties on Xavier Circle 7

**Recommendation:**  
Approve Minor Variance Applications A/18/2024-1 through A/18/2024-21 for 21 semi-detached lots on Xavier Circle, to permit the encroachment of air conditioning units in the required interior side year setback. The requested maximum allowed encroachment for each lot is listed below in Table 1.
  - b. A-28-2024 - 1819 County Road 27 18

**Recommendation:**  
Approve minor variance application A/28/2024 to permit an accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> and a maximum height of 5.27 m.

Note to minor variance approval: 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.

**Recommendation:**

Approve minor variance application A/30/2024 to permit the following reliefs from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 6.52 a) to permit: the steps of the porch to be setback a minimum of 7.7 metres from the centreline of a private road, for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 8.6 metres from the centreline of the private road, for the wall/foundation of the porch to be setback a minimum of 9 metres from the centreline of the private road. Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.

- Relief from section 8.3 and 6.42 to permit: the wall/foundation of the porch to be setback a minimum of 11.6 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback), for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), for the steps of the porch to be setback a minimum of 10.3 metres from the front lot line (encroaching a maximum of 4.7 metres into the required front yard setback). Whereas, section 8.3 requires a 15 metre front yard setback and subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

**Recommendation:**

Approve consent application B/09/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 1.71 acres (approx. 6,920.2 m<sup>2</sup>) and a lot frontage of approximately 70.1 metres (approx. 230 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 and will provide information about the area of both the severed lot and

retained farmland;

2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the private sanitary system for the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of this Division;

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

4) 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;

5) 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;

6) 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;

7) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, and make any necessary corrections to drainage tiles/drainage tile boundaries so that the retained farmland does not drain through the severed lot, to the satisfaction of the Municipality and prior to the stamping of the Deed;

8) That the Deeds and a copy for our records be forwarded to the Secretary for stamping for both the severed lot and retained land, and that the applicant/their solicitor provide an undertaking that the retained land will be transferred to an individual(s)/company that owns other farm parcel(s) and is acquiring the retained land to expand their farming operation, to the satisfaction of the Community Planning Division at the Municipality of Lakeshore;

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

**Recommendation:**

Approve consent application B/11/2024 for the creation of two semi-detached dwelling residential lots, with one of the residential lots having a frontage of approximately 12.708 metres (approx. 41.7 feet) and a lot area of approximately 673.7 m<sup>2</sup> (approx. 7,251.7 ft<sup>2</sup>), and the other residential lot having a frontage of approximately 10.119 metres (approx. 33.2 feet), and a lot area of approximately 1048.7 m<sup>2</sup> (approx. 11,288.1 ft<sup>2</sup>), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lots to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Including the following notice in the approval: Development of the two lots is subject to the provisions of the Subdivision Agreement dated September 11, 2018 and registered on October 3, 2018 (registered as CE852528).



**Recommendation:**

Approve consent application B/12/2024 to separate 475 Charron Beach Road and 477 Charron Beach Road back to the same two separate properties that they were prior to merging on title, with the severed lot (475 Charron Beach Road) having a frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres), and the retained lot (477 Charron Beach Road) having a frontage of approximately 96 feet (approximately 29.3 metres) and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a draft Plan of Survey that confirms that buildings/structures and private sanitary system(s) are wholly located on their respective lot;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 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. October 16 Meeting Minutes

**7. New Business**

- a. Election of Vice-Chair for the 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:** Jacob Dickie, Planner II  
**Date:** November 5, 2024  
**Subject:** Minor Variance Application A/18/2024 – Xavier Circle

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### Recommendation

Approve Minor Variance Applications A/18/2024-1 through A/18/2024-21 for 21 semi-detached lots on Xavier Circle, to permit the encroachment of air conditioning units in the required interior side yard setback. The requested maximum allowed encroachment for each lot is listed below in Table 1.

### Proposal

The applicant is seeking to legalize non-conforming air conditioning units within a recently developed plan of subdivision by requesting relief from the following provision of Lakeshore Zoning By-law 2-2012 for 21 semi-detached lots:

- Section 6.42 m) of the Lakeshore Zoning By-law 2-2012 does not provide any encroachment allowance for air conditioning units in a required interior side yard setback. It only provides encroachment allowance with respect to required exterior side yards and required rear yards.
- The requested relief will allow for air conditioning units to encroach into the required interior side yard. The proposed maximum allowed encroachment for each lot is listed below in Table 1:

Municipal Address	Required Interior Side Yard Setback	Encroachment into Required Interior Side Yard	Minor Variance File #
310 Xavier Circle	1.5 m	0.49 m	A/18/2024-1
298 Xavier Circle	1.5 m	0.37 m	A/18/2024-2
300 Xavier Circle	1.5 m	0.41 m	A/18/2024-3
296 Xavier Circle	1.5 m	0.3 m	A/18/2024-4
290 Xavier Circle	1.5 m	0.37 m	A/18/2024-5
292 Xavier Circle	1.5 m	0.24 m	A/18/2024-6
288 Xavier Circle	1.5 m	0.53 m	A/18/2024-7
270 Xavier Circle	1.5 m	0.35 m	A/18/2024-8
272 Xavier Circle	1.5 m	0.42 m	A/18/2024-9
257 Xavier Circle	1.5 m	0.42 m	A/18/2024-10
255 Xavier Circle	1.5 m	0.42 m	A/18/2024-11
253 Xavier Circle	1.5 m	0.44 m	A/18/2024-12
261 Xavier Circle	1.5 m	0.44 m	A/18/2024-13
259 Xavier Circle	1.5 m	0.43 m	A/18/2024-14
263 Xavier Circle	1.5 m	0.32 m	A/18/2024-15
303 Xavier Circle	1.5 m	0.4 m	A/18/2024-16
301 Xavier Circle	1.5 m	0.43 m	A/18/2024-17
299 Xavier Circle	1.5 m	0.43 m	A/18/2024-18
297 Xavier Circle	1.5 m	0.43 m	A/18/2024-19
295 Xavier Circle	1.5 m	0.43 m	A/18/2024-20
293 Xavier Circle	1.5 m	0.4 m	A/18/2024-21

Table 1: Proposed Interior Side Yard Encroachments for Air Conditioning Units

The applicant is seeking to legalize non-conforming air conditioning units within a recently developed plan of subdivision, following an inspection conducted by the Building Department where the non-compliance issue was raised.

**Summary**

Location

Minor Variance Applications A/18/2024-1 through A/18/2024-21 affects 21 semi-detached lots in the recently developed Serenity Bay subdivision on Xavier Circle which is located to the south of Highway 2 (Old Tecumseh Rd), east of Flanders Road and west of Laurendale Drive. The affected lots range in size from 477 m<sup>2</sup> to 863 m<sup>2</sup> and range in frontage from 14 m to 21 m.

Existing Uses

The affected lots have already been developed with large semi-detached buildings and wide driveways which take up significant lot coverage. The rear yards are intended to be uses as private amenity space, and many of the lots have outdoor seating arrangements. The reason for locating the air conditioning units in the interior side yard

is for aesthetic reasons and to reduce noise levels impacts on the rear yard amenity space.

### Air Conditioning Unit Details

The air conditioning units are attached to each building with brackets and are either elevated off the ground or sitting on a concrete pad. The maximum projection of each air conditioning unit from the side wall of all impacted dwellings is 0.92 m.

### Surrounding Land Uses

The subject lands are located in a residential neighbourhood that is predominately comprised of singles, semis and a few townhouses. There are warehouses and railway tracks further to the south, woodlands further to the east, Lake St Clair further to the north and Pike Creek further to the west.

### County of Essex Official Plan

The subject property is designated as “Primary Settlement Area” in the current and in-effect version of the County of Essex Official Plan.

### Municipality of Lakeshore Official Plan

The subject property is designated as “Residential” in the current and in-effect version of the Municipality of Lakeshore Official Plan.

### Lakeshore Zoning By-law 2-2012

The subject property is zoned “Residential Type 2 Zone Exception 25” (R2-25) in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

### Essex Region Conservation Authority (ERCA)

310 Xavier Circle (File #A-18-2024-1), is the only lot that falls within ERCA’s regulated area. No new buildings, regrading or site alteration is proposed. ERCA has confirmed that a Conservation Development Permit is not required for the proposed Minor Variance.

### **Planning Act 45(1)**

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

### Minor in Nature

The air conditioning units are already existing and have a minimal impact on the streetscape character. Furthermore, they do not create any significant stormwater runoff concerns. The requested encroachments from the 1.5 m interior side yard requirement ranges from 0.24 m to 0.53 m. This leaves at least 0.97 m of open space which is comparable to the maximum permitted encroachment requirement for air conditioning units into an exterior side yard which is 1.0 m to an exterior side lot line. Lastly, the proposal variances will have a minimal impact on the overall maneuverability and open landscape coverage within the interior side yard.

As such, the proposed variances are minor in nature.

#### Desirability and Appropriateness

The proposed variances are considered desirable and appropriate for the subject lands. Locating the air conditioning units in the interior side yard as opposed to the rear yard is a more suitable approach for Xavier Circle given its design which features rear yard amenity spaces. The developer responded to the market, as there was a demand to keep the air conditioning units out of view from the rear yard amenity space while reducing noise impacts to create a more enjoyable place for residents to congregate and enjoy the outdoors. By location the air conditioning units in the interior side yards, the noise impacts on the abutting properties to the rear are also reduced. The size and location of the air conditioning units are appropriate as there is still an adequate amount of room for pedestrian maneuverability in the interior side yards.

As such, the proposed variances are desirable and appropriate for the subject lands.

#### County of Essex Official Plan

In accordance with Section 3.2.6 b) of the County Official Plan, residential intensification is supported within Primary Settlement Areas. The proposed variances seek to rectify a non-conformity issue within a recently developed plan of subdivision. The air conditioning units are vital to the functioning of the existing homes and are located in an appropriate location that seeks maximize the enjoyment of the rear yard amenity areas for each affected lot. In accordance with section 3.2.4.1 j), the County supports universal physical access and encourages the building industry to incorporate such features into new structures. Even with the air conditioning units being located in the interior side yard, there is still an ample amount of room in the side yards to permit for accessible pedestrian maneuverability.

As such, the proposed variances meet the general intent and purpose of the County of Essex Official Plan.

#### Lakeshore Official Plan

In accordance with Section 2.3.3 h) of the Local Official Plan, the proposed variances promotes good community design and is appropriate to the local character. The

developer intentionally put the air conditioning units in the interior side yards because they were consciously thinking about how it would affect the enjoyment of the rear yard amenity space. This represents good community design that is locally appropriate for a residential subdivision.

As such, the proposed variances meet the general intent and purpose of the Lakeshore Official Plan.

### Zoning By-law

The intent of limiting the encroachment of air conditioning units in the interior side yards is to ensure that there is adequate amount of space for pedestrian maneuverability. The requested encroachments into the 1.5 m interior side yard setback range from 0.24 m to 0.53 m. Administration is of the opinion that there will still be enough room for pedestrian maneuverability on each lot. Furthermore, the Operations Division has no stormwater concerns when it comes to the location and size of the air-conditioning units.

As such, the proposed variances meet the general intent and purpose of the Lakeshore Zoning By-law 2-2012

### **Conclusion**

It is the opinion of the Planner that the requested variances for file number(s) A/18/2024-1 to A/18/2024-21 pass the four tests prescribed under Section 45 (1) of the *Planning Act*.

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

### **Correspondence**

#### External and Internal Agencies

Minor Variance Application A/18/2024 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire and the Essex Region Conservation Authority (ERCA). No significant concerns were raised.

#### Public Notice Circulation

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

### **Appendices:**

Appendix A – Aerial Map  
Appendix B – Photos  
Appendix C – ERCA Comments

**Prepared by:**

JJ

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Jacob Dickie , RPP  
Planner II



### Report Approval Details

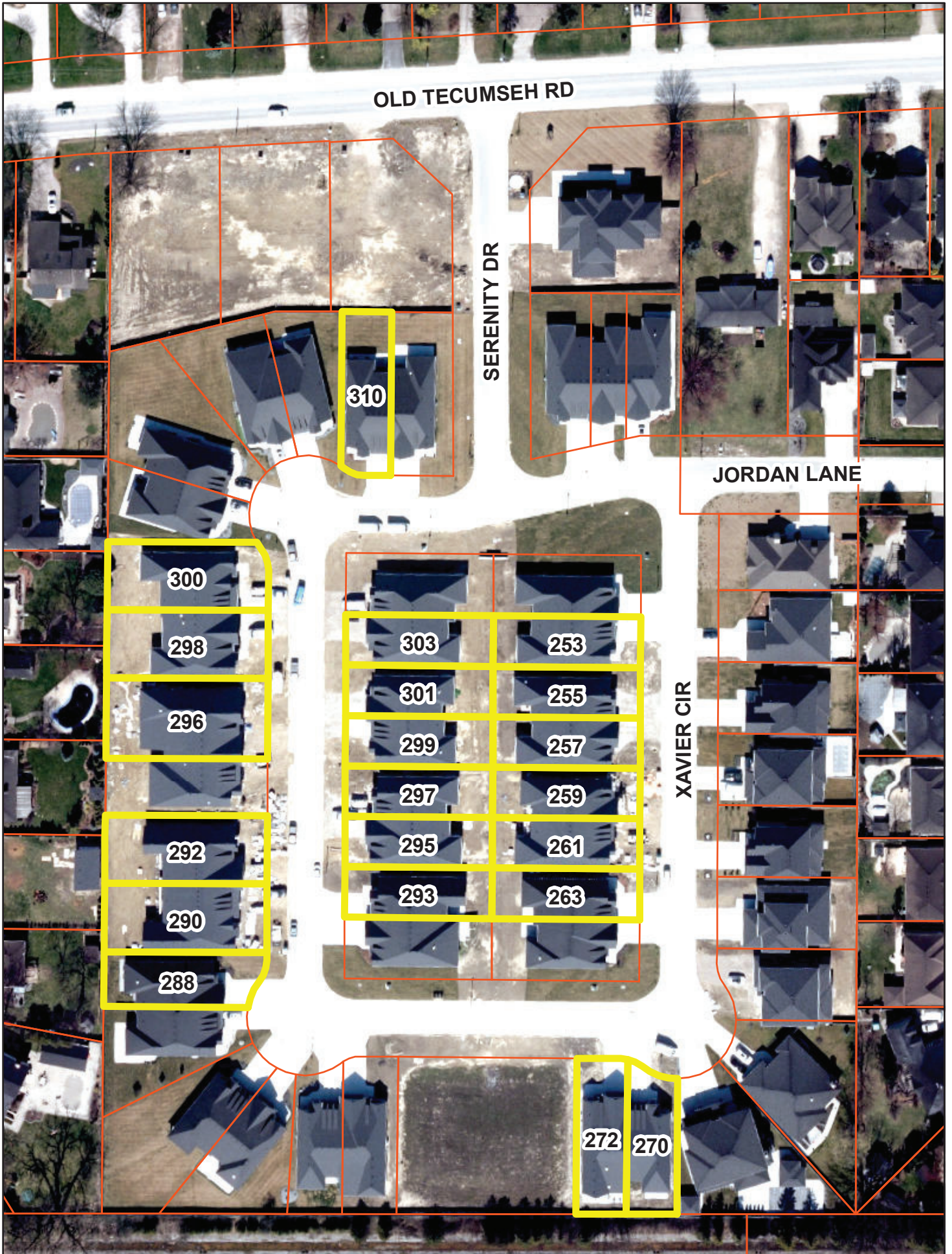
Document Title:	Minor Variance Application A.18.2024 – Xavier Circle.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Street Photo of Air Conditioning Unit.pdf - Appendix C - ERCA Comments.pdf
Final Approval Date:	Nov 7, 2024

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

**Urvi Prajapati - Nov 6, 2024 - 4:09 PM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 7, 2024 - 11:02 AM**



OLD TECUMSEH RD

SERENITY DR

JORDAN LANE

XAVIER CIR

310

300

298

296

292

290

288

303

301

299

297

295

293

253

255

257

259

261

263

272

270





Air Conditioning Encroachment Example – 290 Xavier Circle  
Photo taken on November 4, 2024



planning@erca.org

P.519.776.5209

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

October 22, 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-18-2024

Addresses: 310, 298, 300, 296, 290, 292, 288, 270, 272, 257, 255, 253, 261, 259, 263, 303, 301, 299, 297, 295 XAVIER CIR

ARN 375121000020969; PIN: 375121000020969

Applicant: John Evola

The Municipality of Lakeshore has received Application for Minor Variance A-18-2024 for the above noted subject properties. The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 for the encroachment of air conditioning units in the required interior side yard setback for 21 properties on Xavier Circle with semi-detached dwellings.

The following is provided as a result of our review of Application for Minor Variance A-18-2024 for the above noted subject properties.

### **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*.

We have reviewed this proposal and determined that the property municipally known as 310 Xavier Circle is subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair. The other subject properties are not within our Limits of Regulated Area.

**This proposed development does not require a permit from our office. This letter provides our clearance for this proposal.**

Mr. Ian Search  
October 22, 2024

**FINAL RECOMMENDATION**

Our office has **no objection** to A-18-2024. As noted above, this proposed development does not require a permit from our office. **This letter provides our clearance for this proposal.**

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag



# Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability



## Community Planning

**To:** Chair and Members of Committee of Adjustment  
**From:** Jacob Dickie, Planner II  
**Date:** November 5, 2024  
**Subject:** Minor Variance Application A/28/2024 – 1819 County Rd 27

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### Recommendation

Approve minor variance application A/28/2024 to permit an accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> and a maximum height of 5.27 m.

Note to minor variance approval: 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.

### Proposal

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

- Relief to permit the accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> (1,540 ft<sup>2</sup>), whereas subsection 6.5 a) ix) states that accessory buildings shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;
- Relief to permit the accessory building to have a maximum height of 5.27 metres (17.29 feet), whereas subsection 6.5 a) xi) states that accessory buildings shall not exceed 5 metres (16.4 feet) in height unless within an Agriculture Zone.

### Summary

#### Location

The subject property has an approximate lot area of 6742 m<sup>2</sup> (1.66 acres/0.67 hectares), and approximately 46 metres of frontage on to Belle River Rd (County Road 27). The site is located on the west side of Belle River Rd (County Road 27), just north of the Highway 401 interchange.

### Existing Uses

The subject property is a residential lot that is occupied by a 1.5 storey single-detached dwelling with an approximate building size of 147 m<sup>2</sup> (1585 ft<sup>2</sup>), driveway and scattered trees. The rear of the subject property contains woodlands and valleylands associated with the Belle River watercourse. The existing dwelling is serviced by municipal water and a private septic tank. There is also a drainage ditch situated along the roadway.

### Proposed Accessory Building Details

The applicant is seeking to construct a 143.07 m<sup>2</sup> “Pole Barn” which shall be referred to in this report as “Accessory Building”. The accessory building will have a height of 5.27 m. The proposed building design will consist of steel siding, windows and a pitched roof. The drawing provided shows that the accessory building will be setback 14.3 m from the primary dwelling on the property, 53 m from the front lot line, 88.7 m from the rear lot line, 3 m from the south interior lot line and 33.7 m from the north interior lot line.

All building setbacks including the pitched roof overhang comply with the provisions of Lakeshore Zoning By-law 2-2012. Access to the proposed accessory building will be provided from the existing driveway. The applicant has confirmed that the accessory building will only be used for personal storage which includes the storage of recreational vehicles. It will not be used for commercial purposes.

If a change of use is contemplated for the proposed accessory Building, then the owner is advised to contact the Planning Services Division to confirm if such use(s) other than personal storage would be permitted, as per the notice in the Recommendation Section.

It is noted that the proposed accessory building meets the minimum required distance from the existing septic tank and bed on the property as required by the Building Code.

### Surrounding Land Uses

Across the street and abutting the subject property to the north and south are single-detached lots. Directly behind the subject property is the Belle River and woodlands. Lakeshore, in consultation with the County of Essex, has confirmed that an Environmental Impact Assessment is not warranted to assess the impact of the proposed development on the natural heritage features due to the proposed accessory building's proximity to the existing single-detached dwelling.

There are other examples of single-detached lots with large accessory buildings that are visible from the streetscape within the immediate vicinity such as 1830 County Rd 27, with more examples as you drive further north along County Rd 27 such as 1692, 1762 & 1767 County Rd 27.

### County of Essex Official Plan

The subject property is designated as “Secondary Settlement Area” in the current and in-effect version of the County of Essex Official Plan.

#### Municipality of Lakeshore Official Plan

The subject property is designated as “Waterfront Residential” in the current and in-effect version of the Municipality of Lakeshore Official Plan.

#### Lakeshore Zoning By-law 2-2012

The subject property is zoned “Residential Waterfront – Watercourse” (RW1) in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

#### Essex Region Conservation Authority (ERCA)

The proposed location for the accessory building falls within ERCA’s Regulated Area. The applicant has already obtained the necessary permit from ERCA for the proposed works.

#### **Planning Act 45(1)**

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

#### Minor in Nature

The proposed variances are minor in nature. They will not change the status of the existing dwelling which will remain as the primary use on the subject property. The use of the proposed accessory structure will be for personal storage only. It will be subordinate in gross floor area to the primary dwelling and setback further from the streetscape. Furthermore, it will take up very little lot coverage, approximately 2.12% of the total lot area with plenty of vacant open space still available on the property.

The impact on the streetscape will also be minimal as there are many other examples of large accessory structures on rural residential lots that are visible from the streetscape such as 1830 County Rd 27. Overall, it will not deviate from the existing County Rd 27 streetscape character. In addition, the shadow and stormwater impacts will be minimal. No significant concerns have been raised by any of the internal departments while reviewing this application. The requested building height increase from 5 m to 5.27 m is a very small deviation. The requested gross floor area increase from 55 m<sup>2</sup> to 143 m<sup>2</sup> is minor in nature when considering the full context of the large lot, the impacts of the proposed building and the characteristics of the surrounding area.

As such, the proposed variances are minor in nature.



### Desirability and Appropriateness

The proposed variances are considered desirable and appropriate for the subject lands as it will help to facilitate a reasonable type of infill for a large residential lot in a rural settlement area. The use of the proposed accessory structure will only be for personal storage, and will remain as subordinate to the primary residential use on the property. The scale of the proposed accessory structure is appropriate for the community and will fit with the existing streetscape character as there are other examples of residential lots along County Rd 27 that have similar sized accessory structures. Furthermore, it will not significantly impact the abutting neighbours from a privacy, stormwater management and shadowing perspective. Further, it will provide the residents of the subject property with the much needed space to store their vehicles and other equipment, to eliminate the need for outdoor storage and out of sight from public view.

As such the minor variances are desirable and appropriate.

### County of Essex Official Plan

The subject property falls within a “Secondary Settlement Area”. In accordance with Section 3.2.5 g) ii) f, of the County Official Plan, new development in Secondary Settlement Areas will generally be limited to infilling, redevelopment on existing lots of record, and limited residential intensification. The proposed accessory building consists of a limited form of infill on a large existing lot that has plenty of open space without causing any environmental harms, disruptions or negative impacts on abutting properties

The proposed variances will increase the overall scale of the proposed accessory building, but it will not create a situation that disturbs that integrity of the woodlands, valleylands or other natural heritage features located at the rear of the site. In accordance with Section 3.4.2 a) of the County of Essex Official Plan, the proposed location of the accessory building will facilitate and support the preservation, protection and enhancement of existing natural heritage features. In accordance with Section 2.4.2 c) of the County of Essex Official Plan, the proposed location and scale of the proposed accessory structure will not create any new hazards or aggravate existing hazards associated with the Belle River inland watercourse flood prone area.

As such, the proposed variances will facilitate an appropriate form of infill that meets the general intent and purpose of the County of Essex Official Plan.

### Lakeshore Official Plan

In accordance with Section 3.3.4 b) of the Lakeshore Official Plan, limited growth and development may be accommodated in the “Waterfront Area” through appropriate infill provided that the natural heritage and hazard land policies are complied with and an appropriate servicing system is provided.

The proposed variances will increase the scale of the accessory building. Nevertheless, the increased scale still constitutes as an appropriate form of infill for the subject lands because the new building can be maintained in an area that is within close proximity to the existing dwelling away from the natural heritage features and hazard lands at the rear of the site. No servicing system is required for the proposed accessory building because it will only be used for personal storage and not as an additional residential unit.

In accordance with Section 6.4.1 e) of the Lakeshore Official Plan, uses accessory to any of the permitted uses in the Waterfront Residential Designation will be permitted. The proposed accessory building is subordinate to the primary dwelling on the property. It will have less floor area and be setback further away from the streetscape.

As such, the proposed variances meets the general intent and purpose of the Lakeshore Official Plan.

### Zoning By-law

The Zoning By-law limits the gross floor area of an accessory building to 55 m<sup>2</sup> and the height of an accessory building to 5 m. The intent of these provisions is to ensure that the massing is appropriate with the characteristics of the surrounding area and to prevent the overdevelopment of lots which may create negative impacts such as stormwater concerns, excessive shadowing on neighbouring properties, and limited on-site pedestrian and vehicular maneuverability. Limiting accessory buildings to 55 m<sup>2</sup> and a height of 5 m may be appropriate in a newer plan of subdivision where the lots are much smaller, and where there is more extensive lot coverage.

This differs from the subject property which is located in an older rural settlement area that contains large lots with plenty of open space for landscaping and maneuverability. The proposed variances will not create a situation that significantly changes the character of the neighbourhood as there are many large accessory buildings located on similarly sized residential lots along County Rd 27. Furthermore, its shadow and stormwater impacts will not be significantly intrusive on the abutting property or significantly alter the enjoyment of their large private backyard space. With the proposed variances, the proposed accessory building will still be considered “accessory” as it will be subordinate to the primary residential use of the property as it will be smaller in gross floor area than the existing dwelling and setback further from the streetscape.

Furthermore, the proposed variances for increase to gross floor area and height does not trigger any other areas of non-conformity in the Zoning By-law as there is still plenty of room on the site to meet the setbacks, parking and landscaping requirements of the By-law.

As such, the proposed variances meet the general intent and purpose of the Lakeshore Zoning By-law 2-2012

## Conclusion

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

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

## Correspondence

### External and Internal Agencies

Minor Variance Application A-28-2024 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire, the County of Essex and the Essex Region Conservation Authority (ERCA). No significant concerns were raised.

The Building Department has not expressed any concerns with the proposed accessory building's proximity to the existing septic system. In addition, the proposed accessory building meets the minimum required distance from the existing septic tank and bed on the property as required by the Building Code.

### Public Notice Circulation

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

## Appendices:

- Appendix A – Aerial Map
- Appendix B – Drawing Package
- Appendix C – Street Photo
- Appendix D – Operations Comments
- Appendix E – County of Essex Comments
- Appendix F – ERCA Comments

## Prepared by:



---

Jacob Dickie, RPP  
Planner II



### Report Approval Details

Document Title:	Minor Variance Application A.28.2024 - 1819 County Rd 27.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawing Package.pdf - Appendix C - Street Photo.pdf - Appendix D - Operations Comments.pdf - Appendix E - County of Essex Comments.pdf - Appendix F - ERCA comments.pdf
Final Approval Date:	Nov 7, 2024

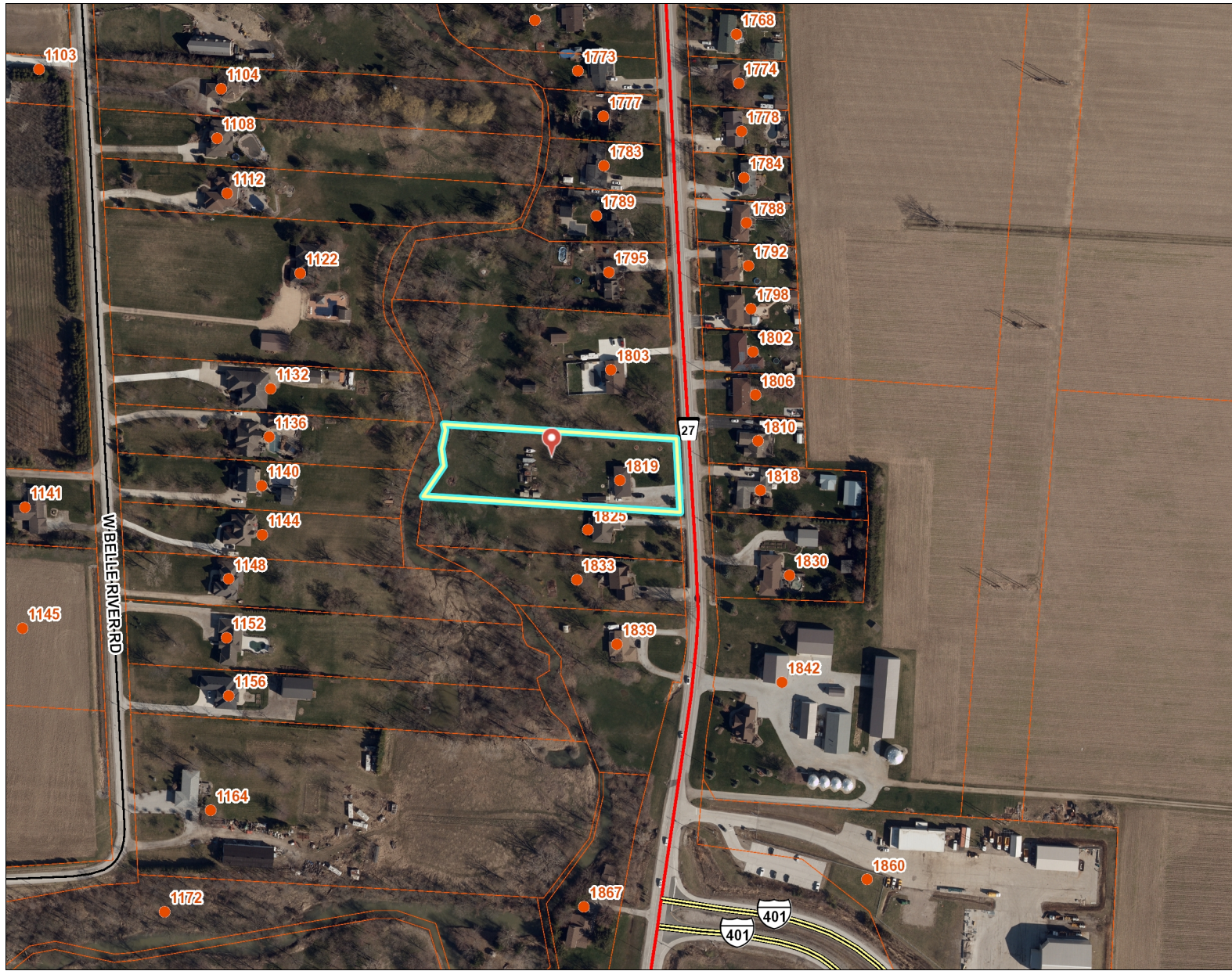
This report and all of its attachments were approved and signed as outlined below:

**Urvi Prajapati - Nov 6, 2024 - 4:10 PM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 7, 2024 - 10:59 AM**





### Legend

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

1: 3,664



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





DESIGN BY: DEVON HODGKINS - BORN # 67463  
2024.09.26 8:56:49 AM AZ | Scale: 1/4" = 1'-0"

PLAN # 24042 SUPREME GENERAL CONT. 1819 COUNTY ROAD 27 FOUND/MAIN/LOFT

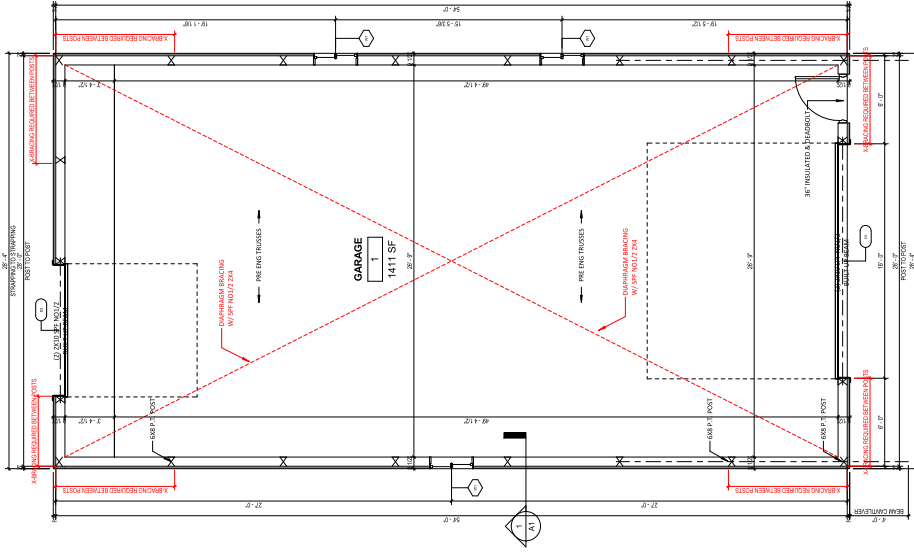
FINAL DRAWING - USE FOR CONSTRUCTION, FINAL DRAWING

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING CONDITIONS AND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

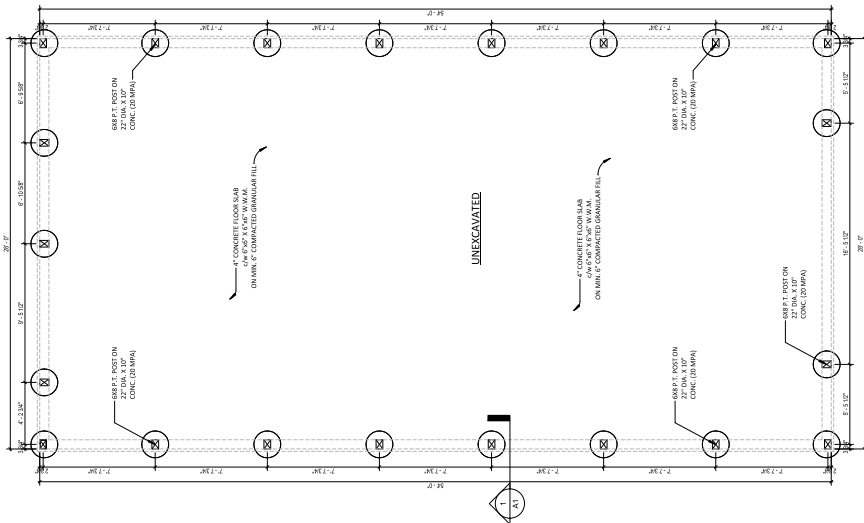
1. WINDOW AND DOOR SIZES ARE SHOWN FOR REFERENCE ONLY. ALL EXACT DIMENSIONS SHALL BE SHOWN ON THE CONTRACTOR'S SHOP DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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3. DETECT ALL UTILITIES PRIOR TO START OF WORK.

FINAL DRAWING - USE FOR CONSTRUCTION, FINAL DRAWING

WINDOW SCHEDULE				DOOR SCHEDULE			
Type	Mark	Count	Notes	Type	Mark	Count	Notes
1	3	1	6'-0" x 4'-0" Double Hung Window	1	1	1	6'-0" x 8'-0" Double Door
2	3	1	6'-0" x 4'-0" Double Hung Window	2	1	1	6'-0" x 8'-0" Double Door
3	3	1	6'-0" x 4'-0" Double Hung Window	3	1	1	6'-0" x 8'-0" Double Door



02 - MAIN FLOOR  
1/4" = 1'-0"

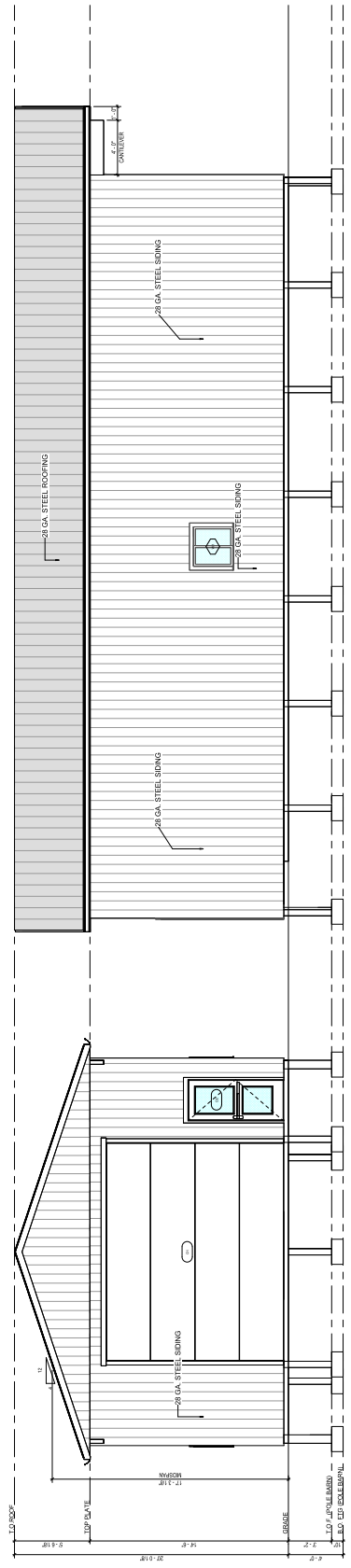


01 - FOUNDATION  
1/4" = 1'-0"



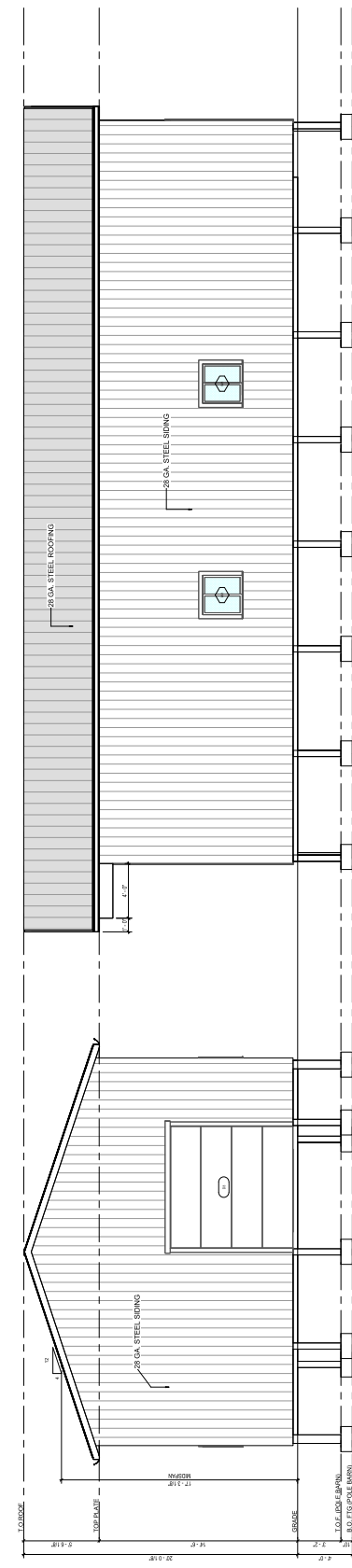
FINAL DRAWING - USE FOR CONSTRUCTION. FINAL DRAWING

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3. DETECT ALL CLIMBING PLANTS TO BE REMOVED.



1. FRONT ELEVATION  
1/4" = 1'-0"

3. LEFT ELEVATION  
1/4" = 1'-0"



4. REAR ELEVATION  
1/4" = 1'-0"

2. RIGHT ELEVATION  
1/4" = 1'-0"

**DH** DRAFTING & DESIGN INC.  
DESIGN BY: DEVON HODGKINS - BORN # 67643  
2024.09.26 8:56:49 AM A3 Scale: 1/4" = 1'-0"

PLAN # 24042	SUPREME GENERAL CONT.	1819 COUNTY ROAD 27	ELEVATIONS
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FINAL DRAWING - USE FOR CONSTRUCTION. FINAL DRAWING



1819 County Rd 27 – Photo taken on November 5, 2023

## Operations Department

**Date:** October 31, 2024  
**From:** Engineering & Infrastructure Division  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – November 13, 2024 – A/28/2024

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Operations has reviewed A-28-2024 – 1819 County Road 27 application and offer the following comments:

- ERCA should be consulted related to proximity to the regulated area.

*Vaibhav Desai*

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Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



October 30, 2024

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

Dear Mr. Search:

**Re: COA Submission, A-28-2024, Brian Lafreniere**

---

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 to this application. The subject lands have frontage on County Road 27. 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 27. 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](mailto:kbalallo@countyofessex.ca) or by phone at extension 1564.

Regards,

Kristoffer Balallo  
Engineering Technologist

☎ 519-776-6441  
TTY 1-877-624-4832

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

💻 [countyofessex.ca](http://countyofessex.ca)



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 30, 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-28-2024 1819 COUNTY RD 27

ARN 375158000017800; PIN: 750270212

Applicant: Brian Lafreniere

The Municipality of Lakeshore has received Application for Minor Variance A-28-2024 for the above noted subject property, which proposes to construct a new accessory building.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012):

- 1) Relief to permit the accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> (1,540 ft<sup>2</sup>), whereas subsection 6.5 a) ix) states that accessory buildings shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>);
- 2) Relief to permit the accessory building to have a maximum height of 5.72 m (17.29 ft), whereas subsection 6.5 a) ix) states that accessory buildings shall not exceed 5 meters (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-28-2024.

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

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

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Belle River.

Our office issued Permit #533 - 24, dated August 17, 2024, for this development. It is the responsibility of the Applicant to notify our office if any changes are required to the approved site plans.



Mr. Ian Search  
October 30, 2024

**FINAL RECOMMENDATION**

Our office has **no objection** to A-28-2024. As noted above, our office issued Permit #533 - 24, dated August 17, 2024, for this development and it is the responsibility of the Applicant to notify our office if any changes are required 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:** Urvi Prajapati – Team Leader, Community Planning  
**Date:** November 5, 2024  
**Subject:** Minor Variance Application A/30/2024 – 15940 Couture Beach Road

---

### Recommendation

Approve minor variance application A/30/2024 to permit the following reliefs from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 6.52 a) to permit: the steps of the porch to be setback a minimum of 7.7 metres from the centreline of a private road, for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 8.6 metres from the centreline of the private road, for the wall/foundation of the porch to be setback a minimum of 9 metres from the centreline of the private road. Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.
- Relief from section 8.3 and 6.42 to permit: the wall/foundation of the porch to be setback a minimum of 11.6 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback), for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), for the steps of the porch to be setback a minimum of 10.3 metres from the front lot line (encroaching a maximum of 4.7 metres into the required front yard setback). Whereas, section 8.3 requires a 15 metre front yard setback and subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

### Background

The Municipality of Lakeshore has received a minor variance application for a property south of Lake St. Clair, north of the Via Rail line, located on the northeast side of the Municipality. It is known municipally as 15940 Couture Beach Road.

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 0.28 acres in area with approximately 24.38 metres of frontage along Couture Beach Road.

The applicant has applied for a minor variance with respect to a front porch addition to the existing building for the following:

- The steps of the porch is setback to be 7.70 metres from the centreline of a private road,
- The roof overhang (eaves, gutters, etc) of the porch to be setback a minimum of 8.60 metres from the centerline of the private road, and
- The wall/foundation of the porch to be setback of 9.0 metres from the centreline of the private road

Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.

- The wall/foundation of the porch to be setback minimum of 11.60 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback)
- The roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), and
- The steps of the porch to be a minimum of 10.3 metres from the lots line (encroaching a maximum of 4.7 metres into the required front yard setback),

Whereas, section 8.3 requires a 15 metre front yard setback and subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

The property is serviced by municipal water and the sanitary is on septic. A septic plan submitted by the applicant stated the following information:

The septic outlet and tank are on the west side of the house and the leaching field is in the front of the house. All septic components are clear of the 6 ft proposed deck on the front of the house. Septic lines are approximate as they were probed but nothing was felt in the first 15 ft in front of the house. The proposed porch will not be affected by the location of the septic tank, as there is enough buffer space for safety.

### Surrounding Land Uses

North: Lake St. Clair  
South: Agriculture



East: Waterfront Residential  
West: Waterfront Residential

### Official Plan

The subject property is designated “Waterfront Residential” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) limit of regulated area.

### Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law 2-2012.

### **Comments**

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

### Official Plan

The minor variance will maintain the general intent and purpose of the Lakeshore Official Plan. A single detached dwelling per lot and accessory uses, such as a porch, are permitted in the Waterfront Residential designation. ERCA has already issued a permit for the development and has no objection to the minor variance.

The porch projection does not negatively impact the traditional character of the neighbourhood, as the property west to the subject property also has a covered porch of a similar size.

### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the regulation limiting a porch to encroach into a front yard is to ensure its separation from activities associated with a public street. The regulation also ensures sufficient front yard landscaping and allows for the construction and maintenance of public services within the road allowance. The Operations department have no comment related to setbacks as Couture Beach Road is a private road and there is no municipal right of way to setback from.

Moreover, the addition of the porch will not affect the landscaped area significantly, and will maintain the character of the neighbourhood.

### Minor

It is the opinion of the Planner that the variance is minor in nature considering that there are no anticipated impacts or land use compatibility issues identified with permitting the requested reliefs.

### Desirability

The requested relief is considered desirable for the appropriate development of the land and structure. There are no impacts to existing standards in the immediate area. The proposal is considered compatible with its surroundings. No issues were identified or raised by internal departments or external agencies.

### **Conclusion**

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

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

### **Others Consulted**

#### External and Internal Agencies

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

The Building Department has reviewed the file, and has no concerns with the extended porch. In the event the existing septic system fails a holding tank and haulage agreement shall be required.

The Operations Department consisting of the Engineering and Infrastructure Division and Drainage Division, did not raise any concerns with the proposed minor variance. Full comments can be found in Appendix D.

The Fire Department has no comments at this time.

ERCA stated that they have already issued a permit for the development and have no objection to the minor variance. Full comments can be found in Appendix E.

Via Rail has indicated that the applicant must submit engineering drawings signed and sealed by a certified professional, full comments can be found in Appendix F.

#### Public Notice Circulation

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

### **Financial Impacts**

There are no financial impacts from this proposal.

### **Attachments**

- Appendix A – Aerial Map
- Appendix B – Drawings
- Appendix C – Photos
- Appendix D – Operations Department Comments
- Appendix E – ERCA Comments
- Appendix F – Via Rail Comments

### Report Approval Details

Document Title:	A-30-2024 - 15940 Couture Beach Road.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - Operation Department Comments.pdf - Appendix E - ERCA Comments.pdf - Appendix F - VIA Rail.pdf
Final Approval Date:	Nov 6, 2024

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

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 5, 2024 - 5:29 PM**

**Urvi Prajapati - Nov 6, 2024 - 9:40 AM**

**Tammie Ryall - Nov 6, 2024 - 10:44 AM**



# 15940 Couture Beach Road - Aerial Map



### Legend

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

1: 867



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:

A-1

SITE PLAN

SHEET TITLE:

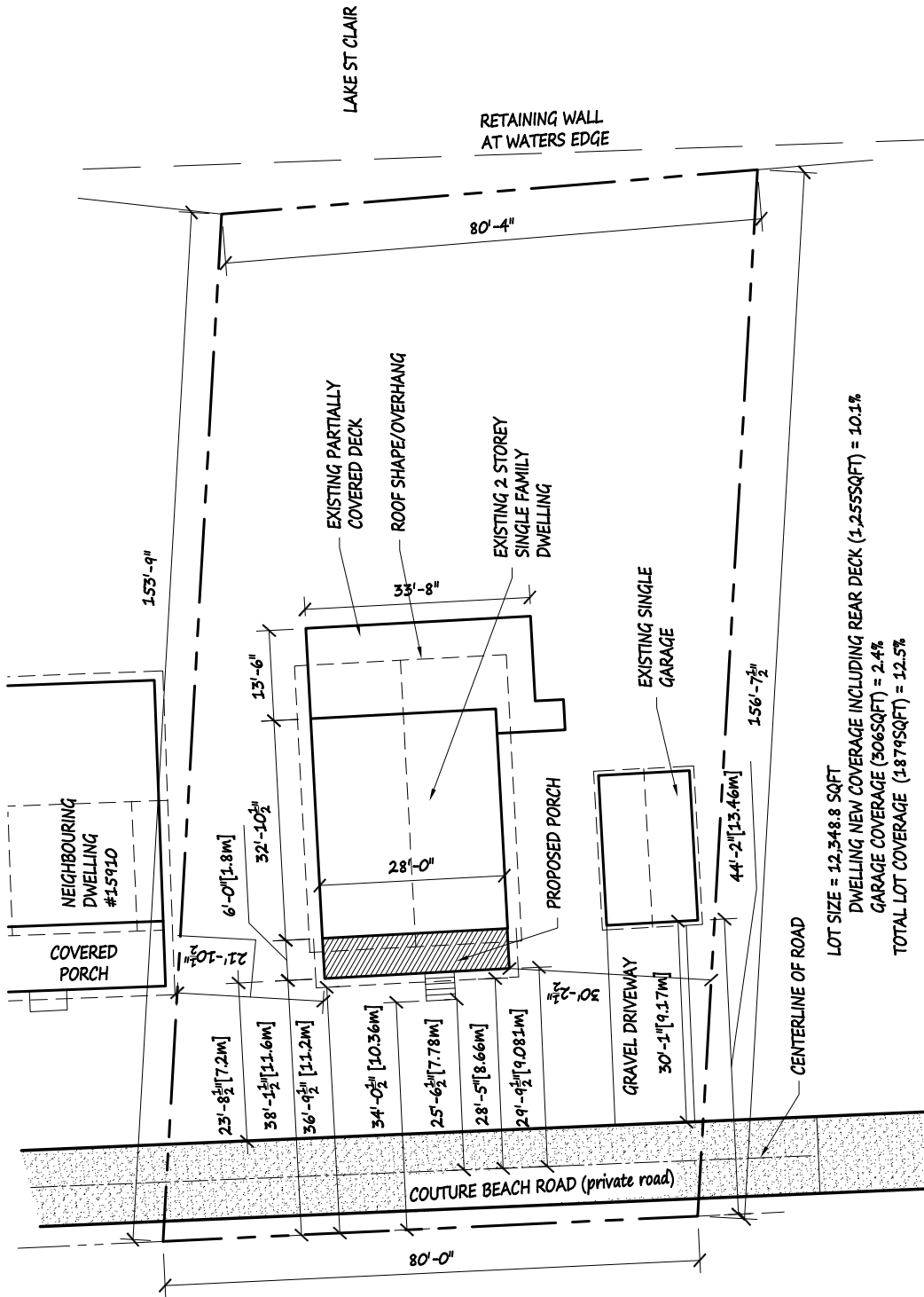
SCALE: 1" = 20'-0" ON LEGAL

DATE: Oct 10, 2024

PROJECT TITLE:

PROPOSED PORCH

15940 COUTURE BEACH RD

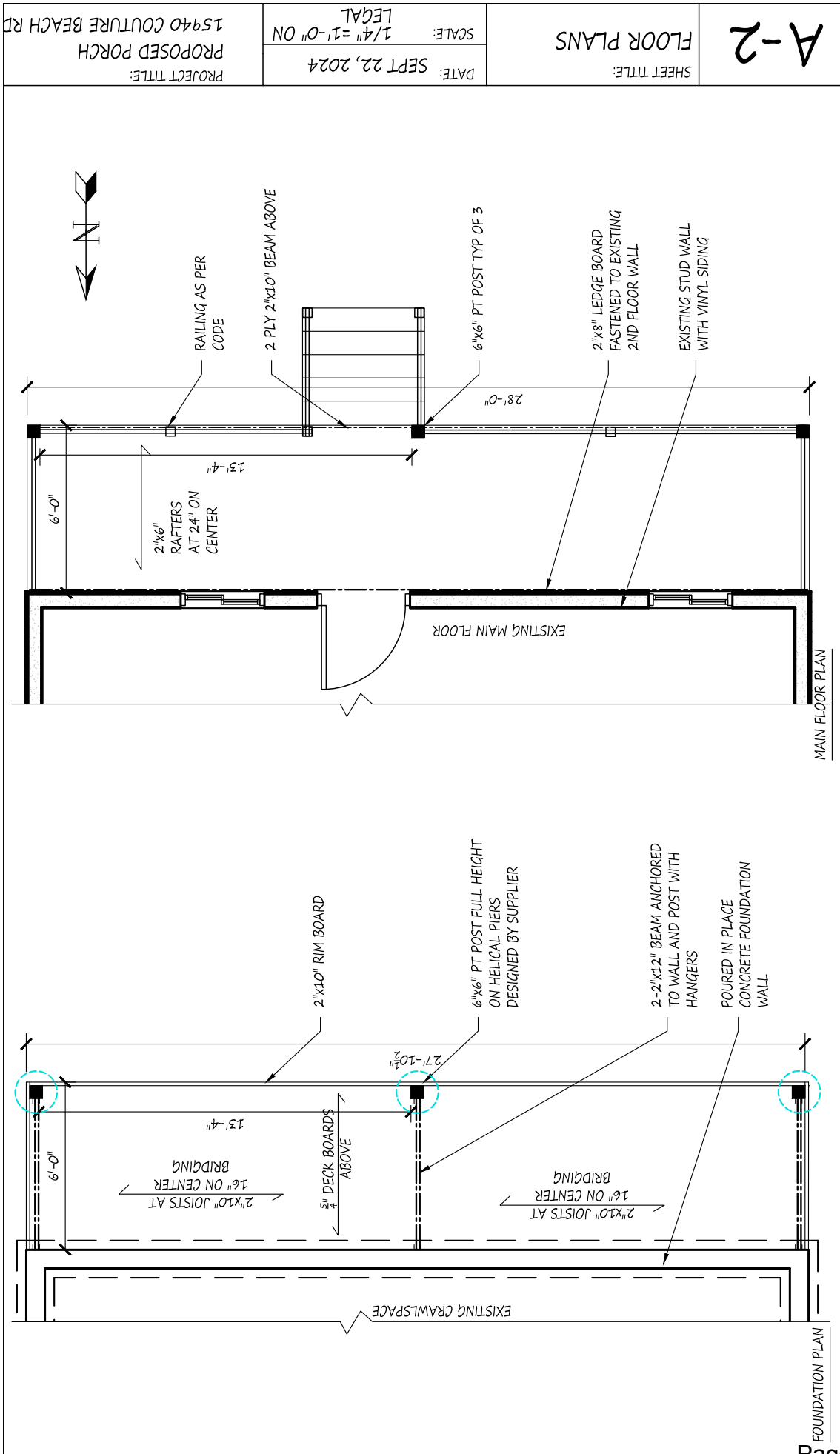


LOT SIZE = 12,348.8 SQFT  
 DWELLING NEW COVERAGE INCLUDING REAR DECK (1,255SQFT) = 10.1%  
 GARAGE COVERAGE (306SQFT) = 2.4%  
 TOTAL LOT COVERAGE (1,879SQFT) = 12.5%



SCOPE OF WORK  
 REMOVE EXISTING 48" DEEP FRONT STOOP AND STEPS, AND REPLACE WITH NEW 6' PORCH AND NEW STEPS

NEW PORCH SETBACK TO BE SIMILAR TO THE EXISTING NEIGHBOURS PORCH AT 15910 COUTURE BEACH ROAD

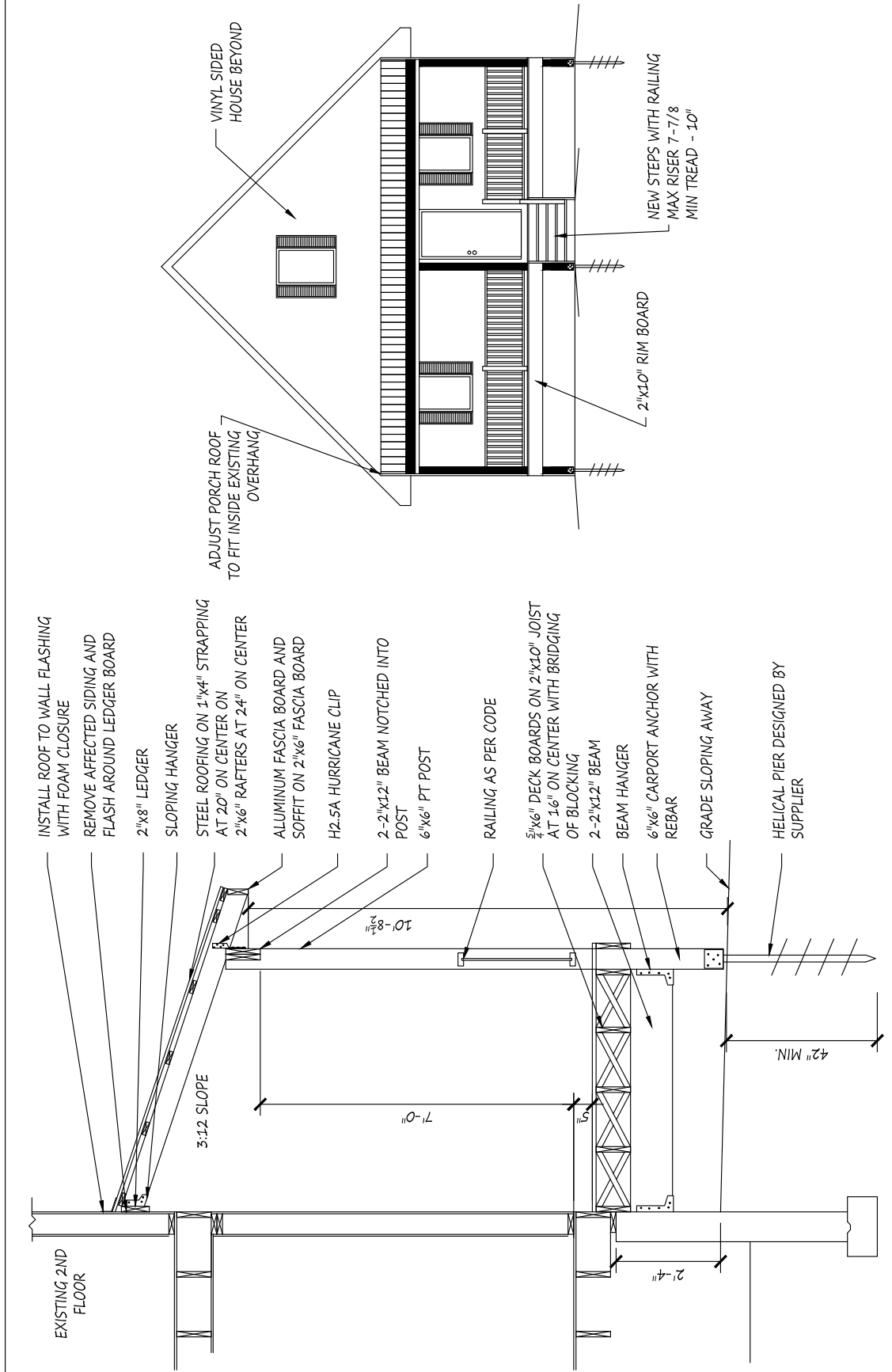


PROJECT TITLE: PROPOSED PORCH  
15940 COUTURE BEACH RD

DATE: SEPT 22, 2024  
SCALE: 1/4" = 1'-0" ON LEGAL

SHEET TITLE: FLOOR PLANS

A-2







Picture looking west of the subject property from the road



Picture looking northeast at the subject property from the road





Picture looking northwest at the subject property from the road



Picture looking north at the subject property from the road





Picture looking east of the subject property from the road

## Operations Department

**Date:** October 31, 2024  
**From:** Engineering & Infrastructure Division  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – November 13, 2024 – A/30/2024

---

Operations has reviewed A-30-2024 – 15940 Couture Beach Road application and offer the following comments:

- We have no comment related to setbacks as this is a private road and there is no municipal right of way to set back from.

*Vaibhav Desai*

---

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 28, 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-30-2024 15940 COUTURE BEACH RD  
ARN 375173000038500; PIN: 750720446

Applicant: ALLEN ANDREW MICHAEL ANTHONY

The Municipality of Lakeshore has received Application for Minor Variance A-30-2024, which proposes to construct a porch. The applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012):

Relief from subsection 6.52 a) to permit: the steps of the porch to be setback a minimum of 7 metres from the centreline of a private road, for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 8.6 metres from the centreline of the private road, for the wall/foundation of the porch to be setback a minimum of 9 metres from the centreline of the private road. Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone (16 metres in this case).

Relief from section 8.3 and 6.42 to permit: the wall/foundation of the porch to be setback a minimum of 11.6 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback), for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), for the steps of the porch to be setback a minimum of 10.3 metres from the front lot line (encroaching a maximum of 4.7 metres into the required front yard setback). Whereas, section 8.3 requires a 15 metre front yard setback and section 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

The following is provided as a result of our review of Application for Minor Variance A-30-2024.

## **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





Mr. Ian Search  
October 28, 2024

development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair.

Our office has already issued ERCA Permit # 509 - 24, dated August 4, 2024, for this development. **It is the responsibility of the applicant to notify our office if any changes are required to the approved site plans.**

**FINAL RECOMMENDATION**

Our office has **no objection** to A-30-2024. As noted above, our office has already issued ERCA Permit #509 - 24, dated August 4, 2024, for this development. It is the responsibility of the applicant to notify our office if any changes are required 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



**From:** [Paul Charbachi](#)  
**To:** [Ian Search](#)  
**Subject:** RE: Minor Variance A-30-2024 - Lakeshore - Notice of Public Meeting  
**Date:** October 21, 2024 4:47:57 PM  
**Attachments:** [image001.png](#)

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

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

- **Transport Canada:**
  - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
  - *Railway Right of Way Access Control Policy*;
  - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
  - *Standards Respecting Railway Clearances* – TC E-05;
  - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
  - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
  - *Grade Crossings Regulations*;
  - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
  - *Grade Crossings Standards*;
  - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
  - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
  - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
  - All crossings shall be constructed / design with at least 20 feet 0 grade from each side of the rail

- **Canadian Standards Association:**
  - CAN/CSA C22.3 No. 1 – Overhead Systems;
  - CAN/CSA C22.3 No. 7 - Underground Systems;
  - CAN/CSA Z662 – Oil and Pipeline Systems;
  - CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
  - *Buried Signal and Communication Guidelines;*
  - *Guidelines for New Development;*
  - *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
  - Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
  - All loads must be in compliance with Cooper E90;
  - Inspection frequency and submittal
  - Agreements signed between Via and the applicant
- **The Federation of Canadian Municipalities and the Railway Association of Canada:**
  - *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**
  - Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
  - All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

• **Utilities:**

- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

• **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

- **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development ).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the station.

- Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation, as well as the access to it, will be kept for our operations and upcoming growth.

- **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
  - Air contaminants / Dust pollution;
  - Noise pollution / Working hours;
  - Existing conditions;
  - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



**Paul Charbachi**

[Redacted contact information]

---

**From:** Ian Search <isearch@lakeshore.ca>  
**Sent:** October 21, 2024 4:30 PM  
**To:** Ian Search <isearch@lakeshore.ca>  
**Subject:** Minor Variance A-30-2024 - Lakeshore - Notice of Public Meeting

**EXPÉDITEUR EXTERNE:** Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.  
**EXTERNAL SENDER:** Use caution with links and attachments from an external sender.

Hi all,

Please see attached Notice of Public Meeting for a minor variance application (file: A-30-2024) in the Municipality of Lakeshore. The property address is 15940 Couture Beach Road. Please provide any comments on this file to me by November 1, 2024.

Kind Regards,

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

Municipality of Lakeshore | Growth and Sustainability - Community Planning  
419 Notre Dame Street, Belle River, ON, N8L 0P8  
T: 519-728-1975 ext.246  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

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

Municipality of Lakeshore | Community Planning  
419 Notre Dame Street, Belle River, ON, N8L 0P8  
T: 519-728-1975 x246  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

**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:** November 5, 2024

**Subject:** Consent Application B/09/2024 – 1370 Lakeshore Road 203

---

**Recommendation**

Approve consent application B/09/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 1.71 acres (approx. 6,920.2 m<sup>2</sup>) and a lot frontage of approximately 70.1 metres (approx. 230 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 and will provide information about the area of both the severed lot and retained farmland;
- 2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the private sanitary system for the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of this Division;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) 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;
- 5) 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;
- 6) 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;

7) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, and make any necessary corrections to drainage tiles/drainage tile boundaries so that the retained farmland does not drain through the severed lot, to the satisfaction of the Municipality and prior to the stamping of the Deed;

8) That the Deeds and a copy for our records be forwarded to the Secretary for stamping for both the severed lot and retained land, and that the applicant/their solicitor provide an undertaking that the retained land will be transferred to an individual(s)/company that owns other farm parcel(s) and is acquiring the retained land to expand their farming operation, to the satisfaction of the Community Planning Division at the Municipality of Lakeshore;

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 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 farm dwelling and its accessory uses from the subject property (1370 Lakeshore Road 203) as a separate rural residential lot. The farm dwelling is considered surplus to a farming operation as the owner of the subject property has entered into a purchase of sale agreement to sell the farm parcel to a farmer who owns multiple farm holdings. The purchase of sale agreement is conditional on completion of the severance. The subject property is located south of Highway 401, north of County Road 46, south of County Road 46, and west of County Road 25 – at the southwest corner of North Rear Road and Lakeshore Road 203 (Appendix A).

The subject property is an approximately 50.42-acre (20.40 hectare) farm lot designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law. It has approximately 260 metres (853 feet) of lot frontage along Lakeshore Road 203, and approximately 539 metres of frontage along North Rear Road.

The consent application is to sever a residence surplus to an agricultural operation as a result of farm consolidation under the Provincial Planning Statement (PPS). Transfer of the retained farmland to the buyer/their farming corporation will need to occur as a condition of consent approval for the application to be consistent with the PPS. As such, a consent certificate for both the lot to be severed and the retained farmland parcel will need to be issued.

The rural residential lot being severed will contain the existing dwelling on the subject property, accessory structures/uses in the rear yard, and surrounding landscaped space (Appendix B). The lot to be severed will have a frontage of approximately 230 feet (approx. 70.1 metres) along Lakeshore Road 203, and a lot area of approximately 1.71 acres (approx. 6,920.2 m<sup>2</sup>). The retained farmland will be left with approximately 48.7



acres (approx. 19.7 hectares) of lot area and approximately 626 feet (approx. 190.8 metres) of lot frontage along Lakeshore Road 203.

The proposed lot has existing access from Lakeshore Road 203. An existing access is also in place for the retained farmland parcel located just north of the proposed severed lot. The plan of survey to be completed will need to detail this access to ensure it is entirely within the frontage of the retained farmland parcel, while also ensuring that the proposed north side lot line of the severed lot is setback the required distance from the private sanitary system. A septic test report was submitted with the consent application and shared with the Building Department that in turn deemed the report acceptable. The tank and septic bed of a private sanitary system must be setback a minimum of 3.048 metres (10 feet) from a lot line.

The applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwellings/additional residential units as a condition of any consent approval granted by the Committee of Adjustment. That future application is to be heard by Lakeshore Council and request for comments with respect to that future application will be circulated at a later date.

## Summary

### Surrounding Land Uses:

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

### Servicing for proposed lot:

Water: Municipal piped water supply  
Sanitary: Private sanitary system

### Provincial Planning Statement (PPS)

The proposed surplus farm severance is consistent with Subsection 4.3.3 c) which states that lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for one new residential lot per farm consolidation for a residence surplus to an agricultural operation, 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: The proposed lot to be severed will meet the minimum lot frontage (30 metres/98.4 feet) and lot area (3,000 m<sup>2</sup>/0.74 acres) required in the Zoning By-law for a residential lot zoned Agriculture. It will be under the maximum 4 hectare/9.88 acre lot area permitted. The proposed severed lot will be limited to the dwelling and accessory

structures/uses, and will not incorporate cultivated farmland based on aerial photography available to administration.

2. *The planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that 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, the Lakeshore Zoning By-law requires a farmland parcel zoned Agriculture (A) to have a minimum lot area of 19 hectares/46.95 acres. The Plan of Survey to be required as a condition of any consent approval of the severance, will also need to verify that the retained farmland parcel meets this minimum lot area regulation. A deficiency could potentially be addressed through the required Zoning By-law Amendment.

### Lakeshore Official Plan

The subject property is designated Agricultural in the Official Plan. Subsection 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 subsection 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 residential dwellings/additional residential units.

### Zoning

The proposed severed lot will comply with the minimum and maximum lot area and minimum lot frontage regulations in the Zoning By-law for a rural residential lot zoned “A”. A plan of survey 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.

The plan of survey will need to confirm that the retained farmland parcel will meet the minimum lot area requirements in the Zoning By-law for a farm parcel zoned “A”. Any non-compliance could potentially be dealt with through the Zoning By-law Amendment.

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

There is a small portion of land identified as “woodlands” in the Lakeshore Zoning By-law that runs along the proposed south side lot line of the lot to be severed. Some of the retained farmland will also include a small portion of land identified as “woodlands” behind the proposed lot to be severed. According to the Zoning By-law schedule, almost all of this natural heritage feature is located on the neighbouring property to the south – 1376 Lakeshore Road 203. These lands are also recognized as “significant woodlands and other woodlands” in the Lakeshore Official Plan (Appendix C).

Subsection 6.35 of the Lakeshore Zoning By-law contains provisions with respect to these lands, including that “no person shall remove or alter a woodland or other Provincially identified significant natural heritage feature or area except in a manner specified by the Municipality in consultation with the applicable Conservation Authority”, and “Development may be subject to the completion of an Environmental Impact Assessment in accordance with the policies of the Official Plan and shall be subject to approval by the Town in consultation with the applicable Conservation Authority”. It is recognized that the proposed severance is to simply separate the existing dwelling and existing accessory structures/use from the subject property. If in the future there is a

plan to remove or alter the woodland, then the applicant is to contact the Municipality of Lakeshore first – an Environmental Impact Assessment may be required.

## **Correspondence from external and internal agencies**

### External and Internal Agencies

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

Essex Region Conservation Authority (ERCA) commented that they have no objection to the consent application. Their full comment can be found in Appendix D.

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

The Chief Building Official commented that they have no concerns at this time.

The Operations Department commented that a drain apportionment agreement will be required. Also, the owner is to confirm that drainage tile boundaries are corrected prior to the severance, and a drainage drawing/map is to be provided to the Operations Division of Lakeshore. Full comment can be found in Appendix F.

No comments were received from the County of Essex at the time of writing this report.

## **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 – Drawings
- Appendix C – Woodlands
- Appendix D – ERCA
- Appendix E – Photos
- Appendix F – Operations Department

**Prepared by:**



---

Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-09-2024 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Woodlands.pdf - Appendix D - ERCA.pdf - Appendix E - Photos.pdf - Appendix F - Operations Department.pdf
Final Approval Date:	Nov 5, 2024

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

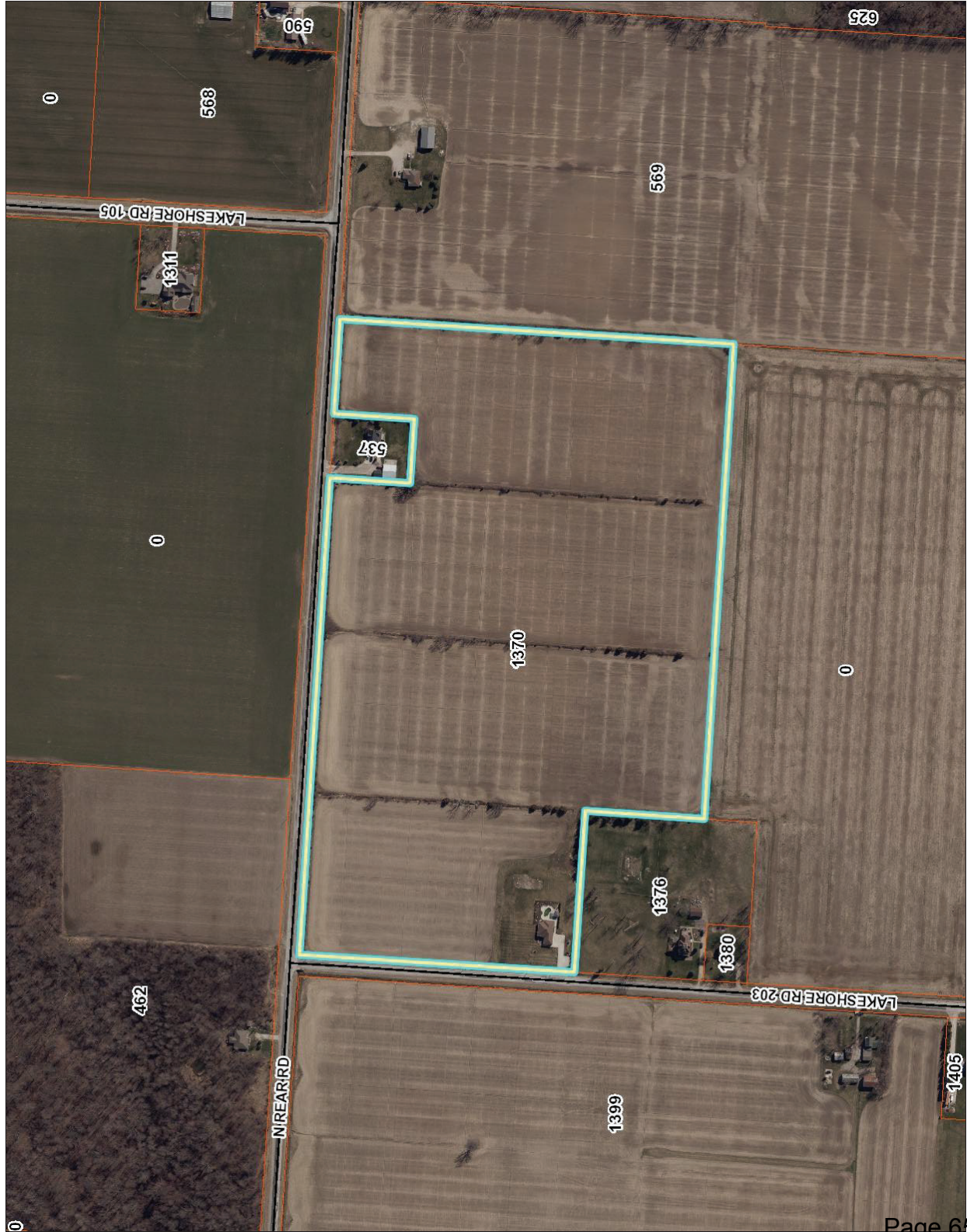
**Urvi Prajapati - Nov 5, 2024 - 11:32 AM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 5, 2024 - 5:16 PM**



# 1370 Lakeshore Road 203



### Legend

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

1:5,561



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:









# Woodlands Designation



### Legend

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

1:2,014



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Notes:



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 29, 2024

## Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-09-2024 1370 Lakeshore Road 203

ARN 375111000002850; PIN: 750130137

Applicant: PHILLIPS LLOYD CHARLES

The Municipality of Lakeshore has received Application for Consent B-09-2024, which proposes to sever a surplus farm dwelling and its accessory uses from the subject property. The lot to be severed will have a frontage of approximately 230 feet (70.1 m) along Lakeshore Road 203, and a lot area of approximately 1.71 acres (6,920.2 m<sup>2</sup>). The retained farmland will be left with approximately 48.7 acres (19.7 ha) of lot area and approximately 626 feet (190.8 m) of lot frontage along Lakeshore Road 203.

The following is provided as a result of our review of Application for Consent B-09-2024.

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

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

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the North Rear Road Drain.

### **FINAL RECOMMENDATION**

Our office has **no objection** to B-09-2024. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good  
Watershed Planner  
/ag





Picture of dwelling on the proposed lot to be severed looking east





Picture of natural features on the subject property looking east from the driveway south of the dwelling



Picture of landscaped space on northside of dwelling





Picture of access to the retained farmland located north of the dwelling

## Operations Department

**Date:** November 5, 2024  
**From:** Engineering & Infrastructure Division  
**To:** Ian Search, Planner 1  
**Re:** Committee of Adjustment – November 13, 2024 – B/09/2024

---

Operations has reviewed B-09-2024 – 1370 Lakeshore Road 203 application and offer the following comments:

- Drain apportionment will be required.
- Owner to confirm drainage tile boundaries are corrected prior to severance and tile map should be provided to the Operations Division of Lakeshore.

*Vaibhav Desai*

---

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

**Municipality of Lakeshore  
Committee of Adjustment Report**



**Growth & Sustainability**

**Community Planning**

**To:** Chair and Members of Committee of Adjustment  
**From:** Ian Search, BES, Planner I  
**Date:** November 4, 2024  
**Subject:** Consent Application B/11/2024 – 0 Orsini Court

---

**Recommendation**

Approve consent application B/11/2024 for the creation of two semi-detached dwelling residential lots, with one of the residential lots having a frontage of approximately 12.708 metres (approx. 41.7 feet) and a lot area of approximately 673.7 m<sup>2</sup> (approx. 7,251.7 ft<sup>2</sup>), and the other residential lot having a frontage of approximately 10.119 metres (approx. 33.2 feet), and a lot area of approximately 1048.7 m<sup>2</sup> (approx. 11,288.1 ft<sup>2</sup>), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lots to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Including the following notice in the approval: Development of the two lots is subject to the provisions of the Subdivision Agreement dated September 11, 2018 and registered on October 3, 2018 (registered as CE852528).

**Purpose**

The subject land is located on the north side of Orsini Court, east of Matese Street, and south of Oakwood Avenue. Appendix A provides a location map of the subject land. The Applicant has applied for a consent application to sever two residential lots from the subject land. Each residential lot will support a semi-detached dwelling that is currently under construction.

The subject land is part of a block (Block 11, Plan 12M-659) on a registered Plan of Subdivision (Appendix B). The subject land will eventually support six townhouse dwellings and four semi-detached dwellings (Appendix C). The two semi-detached dwellings at the very east end of the block are currently under construction, and this application for consent has been made to sever those two semi-detached residential lots from the subject land so that they can be conveyed to future owners (Appendix D, page 2, Parts 9 and 10, draft reference plan).

Normally land division of a block in a registered Plan of Subdivision occurs by way of a part-lot control exemption by-law under subsection 50(7) of the Planning Act, for which the County of Essex is the ultimate approval authority. Land division of the subject land must occur by way of a consent application since the land is only part of a block and not a whole block on a registered Plan of Subdivision.

In 2020 the west end of the block was severed to create a part for the development of two semi-detached dwellings that front on Matese Street (file: B-8-2020). That part was then severed to create the two semi-detached dwelling lots at this location in 2023 (file: B-3-2022). Those severances resulted in the block no longer being a whole block in a registered Plan of Subdivision. In addition to this current consent application, future consent applications are anticipated to complete the development of the remainder of this block.

The two residential lots being created by this consent application are Part 9 and Part 10 on the draft reference plan submitted with the application (highlighted in yellow, Appendix D, page 2). Part 9 is 673.7 m<sup>2</sup> (0.166 acres) and has a frontage of 12.708 metres (41.7 feet) on Orsini Court. Part 10 is 1048.7 m<sup>2</sup> (0.26 acres) and has a frontage of 10.119 metres (33.2 feet) on Orsini Court.

The subject land is subject to an easement indicated as Part 2, 3 and 4 on Plan 12R-28502 (Appendix E). The easement is in favour of the Municipality of Lakeshore for storm sewer. This is a 6-metre-wide easement located inside the subject land at the north lot line. The 6-metre-wide easement runs along the rear lot line inside the two semi-detached dwelling lots that will be created by the consent application.

The subdivision agreement, registered in 2018, requires parkland dedication to be contributed via cash-in-leu at the time of building permit issuance for each unit. Therefore, no conditions related to parkland dedication are necessary for the approval of the consent application. Similarly, the subdivision agreement contains requirements for other matters such as road construction and installation of services. Therefore, the consent approval does not need to contain conditions regarding the installation of services or the collection of indemnity fees.

## **Summary**

### Surrounding Land Uses:

North: Institutional/school (St. Anne Catholic High School)  
West: Residential  
East: Municipal drain  
South: Future residential

Servicing for proposed lots:

Water: Municipal piped water supply  
Sanitary: Municipal sanitary services

Provincial Planning Statement (PPS 2024)

There are no issues of provincial significance with this application. The consent application facilitates the development of a registered Plan of Subdivision that will provide an increased range and mix of housing options in Lakeshore (semi-detached dwellings, townhouse dwellings).

County of Essex Official Plan (2014)

The subject land is included in a Primary Settlement Area of the County of Essex Official Plan. Subsection 3.2.4.1 b) and d) state:

*Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).*

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

Comment: The consent application conforms to the County of Essex Official Plan by facilitating the development of a registered Plan of Subdivision that will help provide an increased mixture of housing types on full municipal services.

Lakeshore Official Plan

The subject land is within the Inland Floodplain Development Control Area overlay in the Lakeshore Official Plan, and is located within the Essex Region Conservation Authority (ERCA) limit of regulated area. ERCA was circulated notice of the application for comment. ERCA stated:

*“Our office has **no objections** to B-11-2024. As noted above, ERCA Permit # 410 - 24, dated June 21, 2024, has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the site plans approved in the Permit.”*

The subject land is designated Residential in the Lakeshore Official Plan. Subsection 6.6.1 a) states:

*The predominant use of land will be for a variety of residential dwelling types, including single detached dwellings, semi-detached dwellings and duplex dwellings.*

Comment: the consent application is for the creation of two residential lots each supporting a semi-detached dwelling, which is a permitted use under the Residential designation.

### Zoning

The subject land is zoned R2-22 in the Lakeshore Zoning By-law which permits semi-detached dwellings. The minimum lot area for a semi-detached dwelling is 266 m<sup>2</sup> and the minimum lot frontage is 9 metres, except on a corner lot where it shall be 12 metres. Part 9 is 673.7 m<sup>2</sup> and has a lot frontage of 12.708 metres. Part 10 is 1048.7 m<sup>2</sup> and has a lot frontage of 10.119 metres on Orsini Court. Neither proposed lot is a corner lot. Therefore, the proposed lots comply with the Zoning By-law minimum area and frontage requirements.

The Lakeshore Zoning By-law requires a minimum rear yard setback of 7.5 metres for the dwellings. This will not conflict with the 6-metre-wide easement for storm sewer that runs along the rear lot line inside the two proposed semi-detached dwelling lots created by the consent application.

### **Correspondence from external and internal agencies**

#### External and Internal Agencies

The Chief Building Official commented that they have no concerns at this time.

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

The Operations Department commented that the approved subdivision agreement is consistent with the proposed application therefore no comments.

Comments from ERCA have been shared in this report under the Lakeshore Official Plan section. The full comment from ERCA can be found in Appendix F.

At the time of writing this report no comments were received from the County of Essex or Canadian Pacific Kansas City Railway Company.

### **Conclusion**



The proposed consent application is consistent with the Provincial Planning Statement (PPS 2024), 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 – Location Map  
Appendix B – Plan of Subdivision  
Appendix C – Build Plan  
Appendix D – Draft Plan of Survey  
Appendix E – Easement Lands  
Appendix F – ERCA  
Appendix G – Photos

### **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	B-11-2024 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Location Map.pdf</li><li>- Appendix B Plan of Subdivision.pdf</li><li>- Appendix C - Build Plan.pdf</li><li>- Appendix D - Draft Plan of Survey.pdf</li><li>- Appendix E - Easement Lands.pdf</li><li>- Appendix F - ERCA.pdf</li><li>- Appendix G - Pictures.pdf</li></ul>
Final Approval Date:	Nov 5, 2024

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

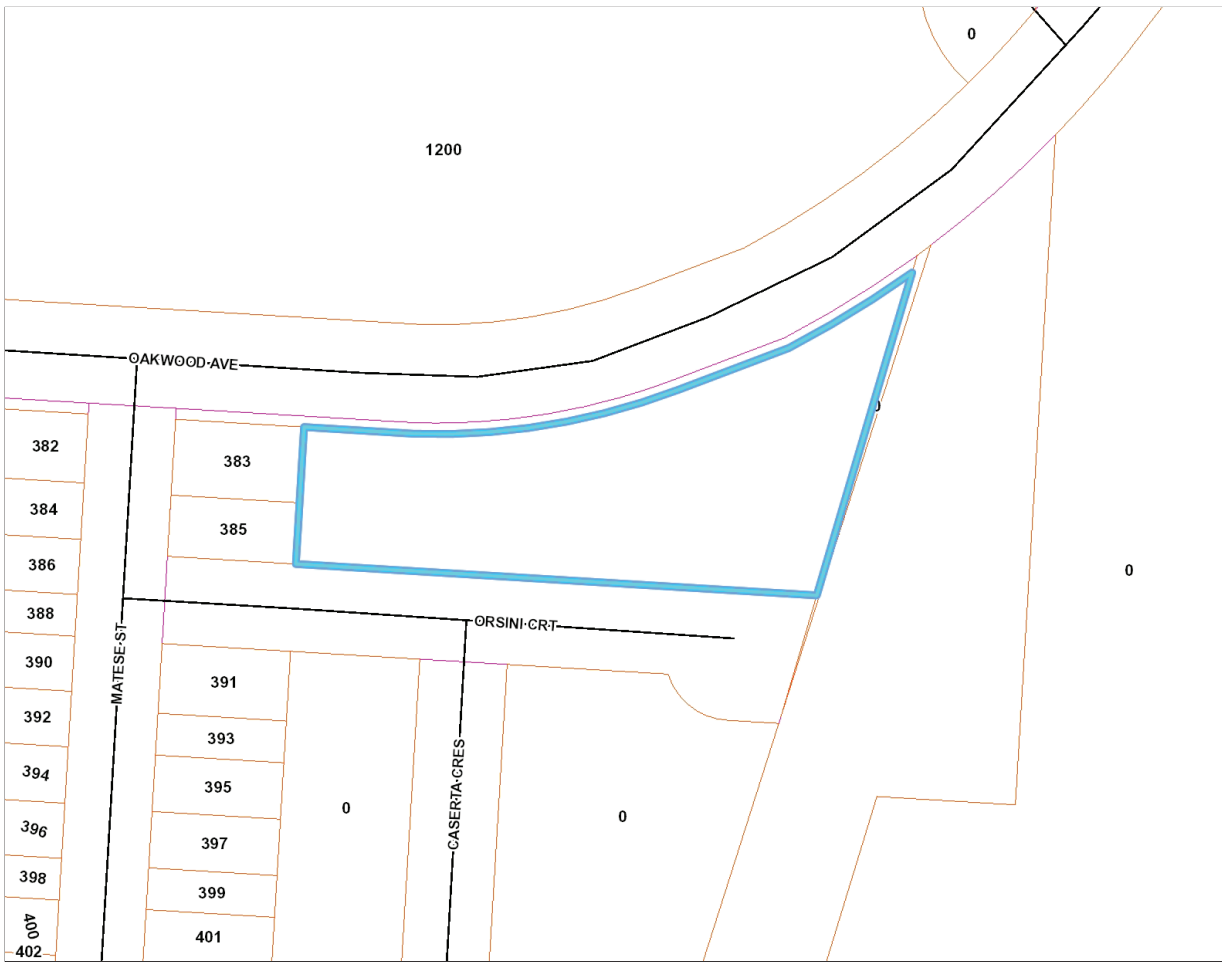
**Urvi Prajapati - Nov 5, 2024 - 9:01 AM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 5, 2024 - 4:55 PM**



# Subject Land Parcel - Location Map



## Legend

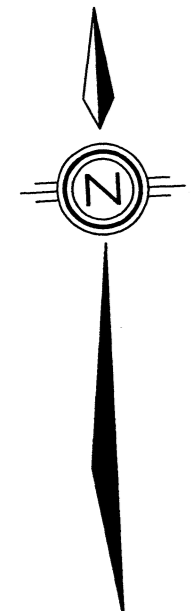
- Tax Parcel
- Address Label
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- OwnershipParcel

1: 1,333



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



PLAN 12M-659

This final Plan of Subdivision is approved under s.s. 51(58) of the Planning Act on the 15<sup>th</sup> day of April, 2019.

REBECCA BELOUSEE  
Manager of Planning Services  
County of Essex

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX AT 10:56 O'CLOCK ON THE 01 DAY OF MAY 2019 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 75005-2103 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. CE 882964

BARBARA CAIRA  
REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES ALL OF THE LAND IDENTIFIED BY P.L.N. 75005 - 2103 PART OF BLOCKS 9, 10, 11, 18, CASERTA CRESCENT AND ORSINI COURT ARE SUBJECT TO EASEMENT AS IN CE306104.

PLAN OF SUBDIVISION OF PART OF LOTS 4 AND 5 CONCESSION EAST OF PUCE RIVER GEOGRAPHIC TOWNSHIP OF MAIDSTONE NOW IN THE TOWN OF LAKESHORE COUNTY OF ESSEX, ONTARIO VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.  
SCALE = 1:750

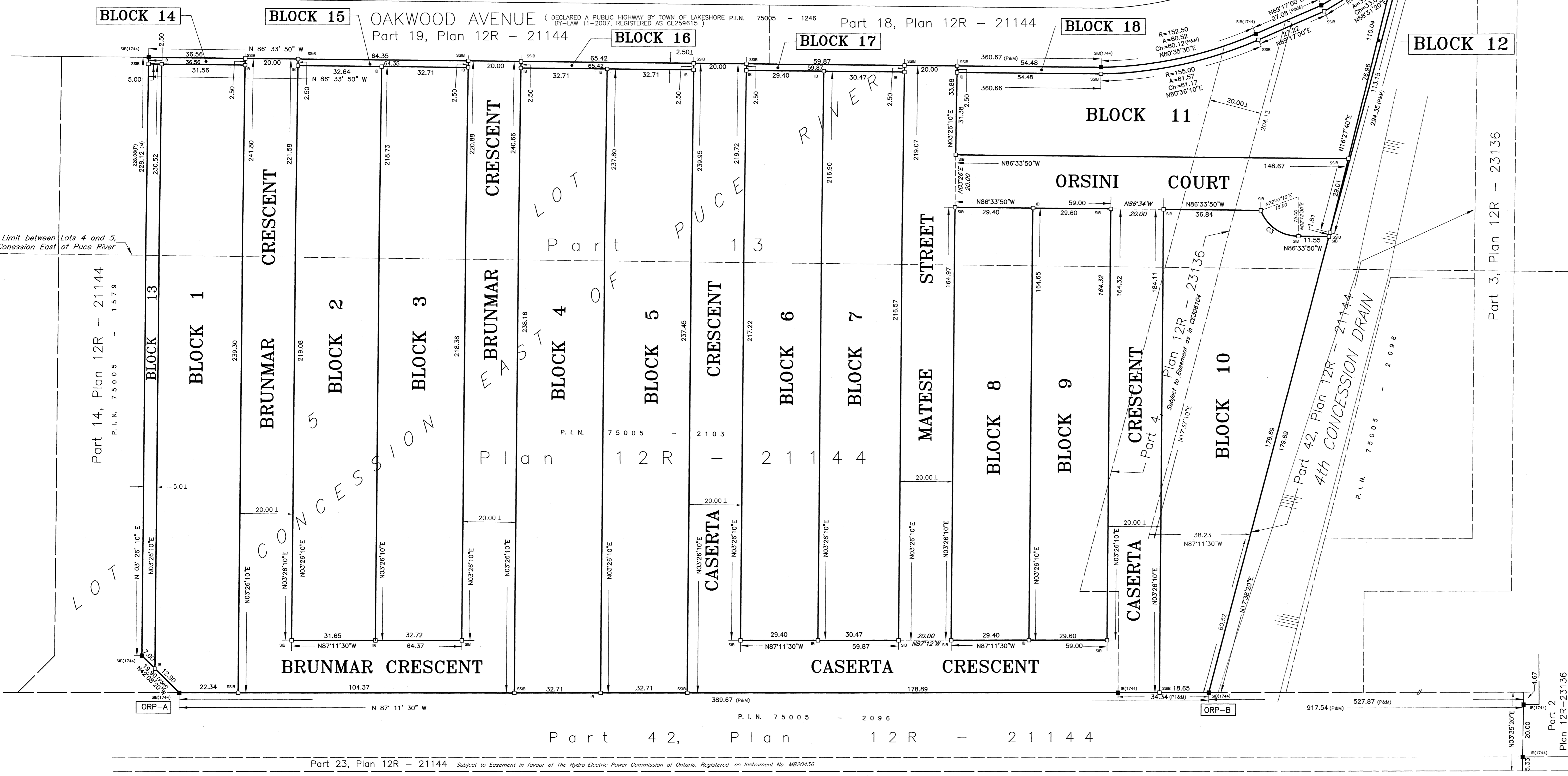
"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES  
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99993761  
ALL MONUMENTS SHOWN THUSLY ARE IRON BARS (B) UNLESS OTHERWISE NOTED.  
SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
SB8 DENOTES 25mm X 25mm X 0.81m SHORT STANDARD IRON BAR  
IB DENOTES 16mm X 16mm X 0.81m IRON BAR  
IB4 DENOTES 19mm diameter X 0.61m ROUND IRON BAR  
CC DENOTES CUT-CROSS  
S DENOTES 5mm X 50mm STEEL PIN  
DENOTES SURVEY MONUMENT FOUND  
DENOTES SURVEY MONUMENT SET AND MARKED 1744  
W DENOTES WITNESS DENOTES PERPENDICULAR  
M DENOTES SET (M) DENOTES MEASURED (M) DENOTES DEED (M)  
SSIB DENOTES OBSERVED REFERENCE POINT  
SSIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.  
(S/P) DENOTES SET PROPORTIONALLY (O/U) DENOTES ORIGIN UNKNOWN  
(P) DENOTES PLAN 12R-21144 (P1) DENOTES PLAN 12R-23136  
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.

OWNER'S CERTIFICATE  
THIS IS TO CERTIFY THAT  
1. BLOCKS 1 to 18 (inclusive), AND THE STREETS NAMED BRUNMAR CRESCENT, CASERTA CRESCENT, MATESE STREET AND ORSINI COURT HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.  
2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF LAKESHORE.  
1156756 ONTARIO LIMITED  
DATE APRIL 8, 2019  
ROBERT MILLSON - SECRETARY  
'I HAVE THE AUTHORITY TO BIND THE CORPORATION'

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THIS SURVEY WAS COMPLETED ON THE 13th DAY OF AUGUST, 2018  
DATE APRIL 3, 2019  
ROY A. SIMONE  
for VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.

WINDSOR 944 Ottawa Street N8X 2E1 Ph: (519)258-1772 Fax: (519)258-1791  
LEAMINGTON 187 Talbot Street East N8H 1L8 Ph: (519)322-2375 Fax: (519)322-2675  
ONTARIO LAND SURVEYORS www.vshbbsurveys.com  
Drawn By: D.J./MNG CAD Date: April 8, 2019 12:03 PM  
Checked By: RAS CAD File: 42767103.dwg  
WORK ORDER: 4-27671-X03 FILE NO.: E-MAID-EP-4 PLAN FILE NO.: J-720'B'



CURVE SCHEDULE

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	244.57	35.77	35.73	N56°07'50"E
C2	244.57	3.87	3.87	N53°29'30"E
C3	15.00	18.48	17.33	N52°28'50"W

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP-A	N4683067.058	E354504.137
ORP-B	N4683086.149	E354114.998

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

CANADIAN PACIFIC RAILWAY P.L.N. 75005 - 0598

Part 23, Plan 12R - 21144 Subject to Easement in favour of The Hydro Electric Power Commission of Ontario, Registered as Instrument No. M820436

Part 42, Plan 12R - 21144

P.L.N. 75005 - 2096

Part 14, Plan 12R - 21144 P.L.N. 75005 - 1579  
Limit between Lots 4 and 5, Concession East of Puce River

Part 3, Plan 12R - 23136

Part 2, Plan 12R - 23136

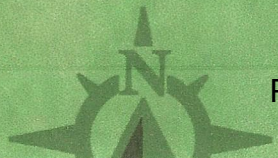


# Lakeshore - Oakwood Trails Townhomes Phase 3



**LEGEND**

- HARDIE BOARD
- BRICK
- SIDEWALK





COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE SMART-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN UTM ACCURACY IN ACCORDANCE WITH SECTION 1(42) OF REG. 210/10

POINT ID	NORTHING	EASTING
GRP-A	4683067.070	354504.189
GRP-B	4683066.164	354114.943

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

1/22/25  
AREAS SHOWN ON THIS PLAN ARE IN SQUARE METRES AND CAN BE CONVERTED TO SQUARE FEET BY MULTIPLYING BY 10.76391.

REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT  
DATE: JULY 11, 2024

RECEIVED AND DEPOSITED  
DATE: \_\_\_\_\_

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)

BLOSS J. SUTHERLAND  
ONTARIO LAND SURVEYOR

PLAN OF SURVEY  
OF  
BLOCK 9 and PART OF BLOCKS 10  
AND 11 ON PLAN 12M-659  
(IN THE GEOGRAPHIC TOWNSHIP OF MADSTONE)  
IN THE  
MUNICIPALITY OF LAKESHORE  
COUNTY OF ESSEX

SCALE = 1:1000  
0.00 10.00 20.00 30.00 40.00 50.00 60.00 100.00  
METRES

PARTS SCHEDULE		PARTS SCHEDULE		PARTS SCHEDULE		PARTS SCHEDULE	
PART	BLOCK	PLAN	AREA	P.L.N.	AREA	P.L.N.	AREA
1			353.5	20	454.2	39	52.6
2			288.7	21	401.1	40	11.6
3			356.0	22	300.5	41	50.0
4			366.8	23	279.3	42	53.3
5			321.6	24	692.8	43	50.4
6			424.0	25	458.9	44	11.5
7			528.2	26	260.6	45	50.3
8			613.0	27	260.7	46	11.6
9			673.7	28	322.9	47	18.1
10			1046.7	29	323.1	48	61.5
11			502.7	30	261.3	49	11.2
12			554.4	31	281.4	50	11.6
13			473.4	32	323.7	51	11.6
14			543.8	33	33.0	52	33.0
15			543.8	34	272.1	53	20.0
16			475.3	35	332.2	54	11.2
17			562.8	36	333.4	55	11.2
18			511.0	37	272.7	56	49.8
19			398.5	38	454.1	57	49.7

BEARING REFERENCE  
BEARINGS ARE UTM GRID, DERIVED FROM THE OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, NAD83 UTM ZONE 17, (CSRS), (2010).

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

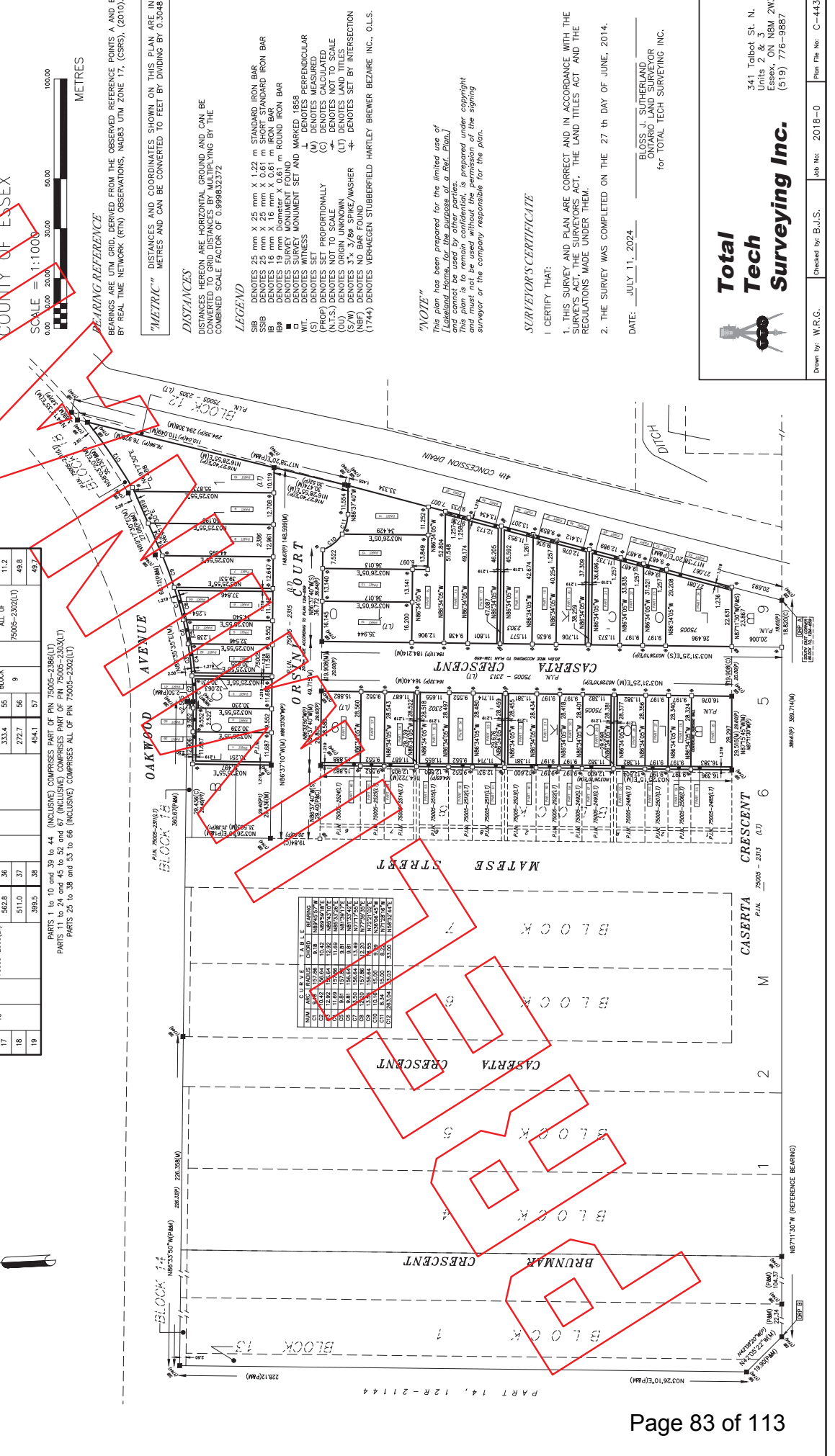
DISTANCES  
DISTANCES HEREON ARE HORIZONTAL GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999962372

LEGEND  
 SIB DENOTES 25 mm x 25 mm x 1.29 m STANDARD IRON BAR  
 SSB DENOTES 25 mm x 25 mm x 0.61 m SHORT STANDARD IRON BAR  
 IB DENOTES 16 mm x 16 mm x 0.61 m IRON BAR  
 EIP DENOTES 19 mm Diameter x 0.61 m ROUND IRON BAR  
 DENOTES SURVEY MONUMENT SET AND MARKED 1958  
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 (S) DENOTES SET PROPORTIONALLY  
 (N.T.S.) DENOTES NOT TO SCALE  
 (O.U.) DENOTES ORIGIN UNKNOWN  
 (S/W) DENOTES 3" x 3/8" SPIKE/WASHER  
 (N/P) DENOTES NO BAR FOUND  
 (1744) DENOTES VERMEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.S.

"NOTE"  
This plan has been prepared for the limited use of [Labelled Name, for the purpose of a Ref. Plan] and cannot be used by other parties. This plan is to remain confidential, is prepared at the request of the client, and the accuracy of the signing surveyor or the company responsible for the plan.

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 27 TH DAY OF JUNE, 2014.

DATE: JULY 11, 2024  
BLOSS J. SUTHERLAND  
ONTARIO LAND SURVEYOR  
for TOTAL TECH SURVEYING INC.



**Total Tech Surveying Inc.**

341 Tabbot St. N.  
Etobicoke, ON N8M 2W3  
(519) 776-9887

Drawn by: W.R.G. Checked by: B.J.S. Job No: 2018-0  
Printed by: B.J.S. Job No: 2018-0  
Plan File No: C-443





PARTS SCHEDULE	
PART	PLAN
1	PART OF REGISTERED PLAN 12M-659
2	PART OF REGISTERED PLAN 12M-659
3	PART OF REGISTERED PLAN 12M-659
4	PART OF REGISTERED PLAN 12M-659
5	PART OF REGISTERED PLAN 12M-659

**PLAN 12R-28502**  
Received and deposited  
January 22nd, 2021  
**John Laporte**  
Representative for the  
Land Registrar for the  
Province of Ontario  
Essex (No.12)

PARTS 3 AND 4 ARE SUBJECT TO AN EASEMENT AS IN CERTIFICATE

**PLAN OF SURVEY**  
OF  
**PART OF BLOCKS 10 and 11,**  
**REGISTERED PLAN 12M-659**  
IN THE  
**TOWN OF LAKESHORE**  
**COUNTY OF ESSEX, ONTARIO**  
VERHAEGEN LAND SURVEYORS  
SCALE = 1:500

THE AVERAGES OF THE SIZE OF THIS PLAN IS GIVEN IN METERS IN HEIGHT  
WHEN VIEWED AT A SCALE OF 1:500

**LEGEND AND NOTES**  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY  
NETWORK SERVICE AND ARE BASED UPON THE SURVEY OF 17 (SEVEN) METERS IN HEIGHT  
BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO THE ZONE  
(17) BY THE SURVEYORS AND TO (ESSEX) COUNTY.  
2. THE SURVEY IS SUBJECT TO THE COMPASS SCALE FACTOR OF 0.999991.  
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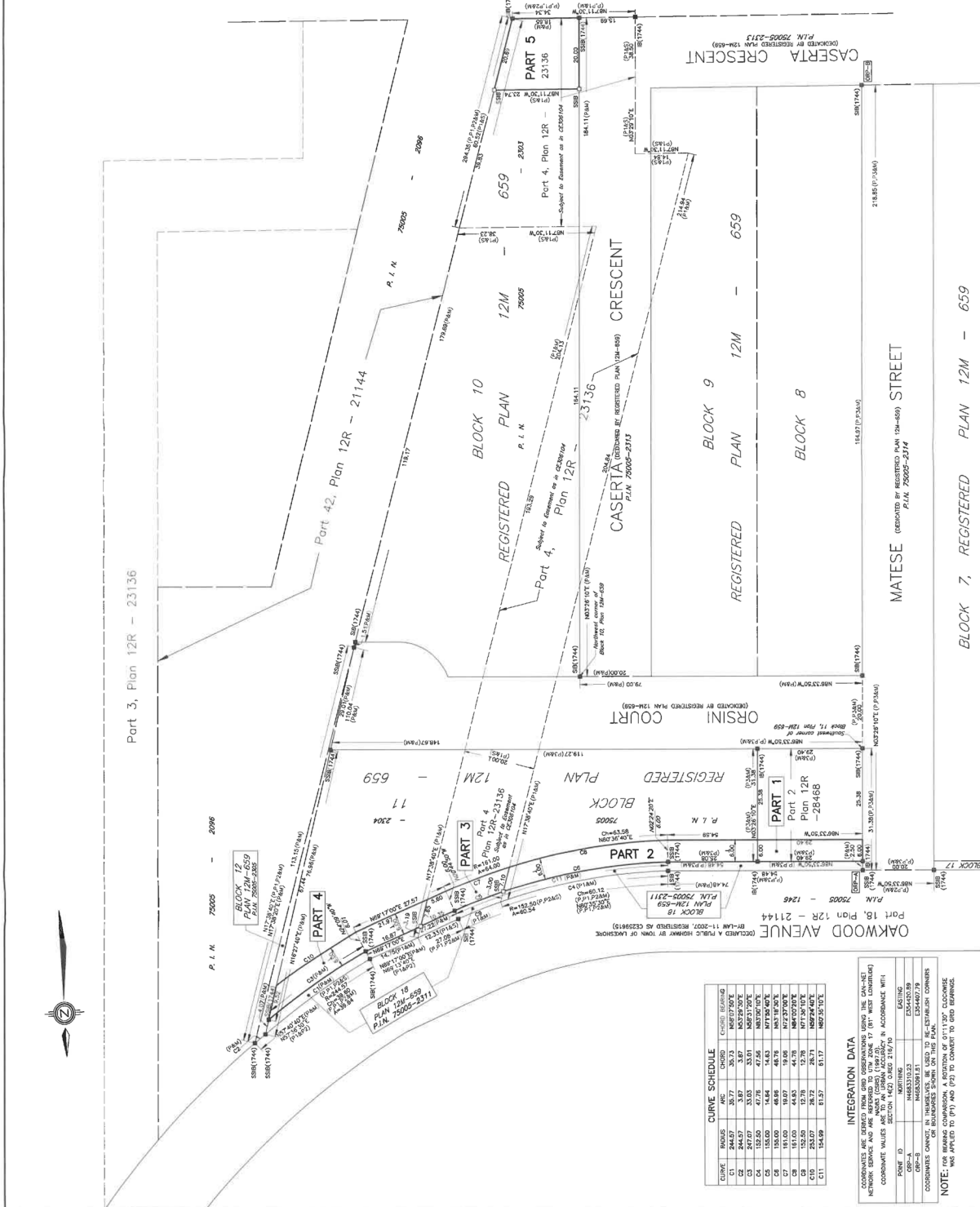
**SURVEYOR'S CERTIFICATE**  
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JANUARY 22, 2021  
DATE  
**John Laporte**  
SURVEYOR

THIS PLAN OF SURVEY RELATES TO A PLAN SUBMITTED FORM NUMBER 120007



**VERHAEGEN** SURVEYORS  
LAND SURVEYORS  
J. D. Barnes Limited  
1100 EASTERN AVENUE, SUITE 100  
WINDSOR, ONTARIO N9A 6K4  
TEL: 519-253-1111  
FAX: 519-253-1112  
REGISTRATION NO.: 120007  
DRAWN BY: J.D.B. CHECKED BY: J.D.B. DATE: 12/15/2020  
JOB NO.: 20-04-0304-004  
PLOTTER: P/N/2021



**CURVE SCHEDULE**

CURVE	POINTS	CHORD BEARING
C1	244.57	35.73
C2	244.57	3.87
C3	112.20	47.76
C4	112.20	47.76
C5	112.20	47.76
C6	112.20	47.76
C7	112.20	47.76
C8	112.20	47.76
C9	112.20	47.76
C10	112.20	47.76
C11	112.20	47.76

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
001	112.20	47.76
002	112.20	47.76
003	112.20	47.76
004	112.20	47.76
005	112.20	47.76
006	112.20	47.76
007	112.20	47.76
008	112.20	47.76
009	112.20	47.76
010	112.20	47.76
011	112.20	47.76

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET  
NETWORK SERVICE AND ARE BASED UPON THE SURVEY OF 17 (SEVEN) METERS IN HEIGHT  
BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO THE ZONE  
(17) BY THE SURVEYORS AND TO (ESSEX) COUNTY.  
COORDINATE VALUES ARE IN METERS AND CAN BE CONVERTED TO FEET BY  
DIVIDING BY 0.3048

**NOTE:** FOR BARRIERS OR OBSTACLES TO BE USED IN RE-ESTABLISH CORNERS  
OR BARRIERS TO BE USED IN RE-ESTABLISH CORNERS  
WAS APPROVED BY (P1) AND (P2) TO CONVERT TO GRID BEARING.



planning@erca.org

P.519.776.5209

F.519.776.8688

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

November 01, 2024

## Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-11-2024

PIN: 750052386

Applicant: Kirwin Partners Law Firm

This planning letter, dated November 1, 2024, supersedes the previous letter for this site, dated October 29, 2024.

The Municipality of Lakeshore has received Application for Consent B-11-2024 for the above noted subject property, which is located on the north side of Orsini Court, east of Matese Street, and south of Oakwood Avenue.

The applicants are proposing to sever two residential lots from the subject property. Each residential lot will support a semi-detached dwelling.

One of the residential lots will have a frontage of approximately 12.708 m (41.7 ft), and a lot area of approximately 673.7 m<sup>2</sup> (7,251.7 ft<sup>2</sup>). The second residential lot will have a frontage of approximately 10.110 m (33.2 ft).

The following is provided as a result of our review of Application for Consent B-11-2024.

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

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

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the 4th Concession Drain.

Our office has issued ERCA Permit #410 - 24 for this development, dated June 21, 2024. It is the responsibility of the applicant to notify



Mr. Ian Search  
November 01, 2024

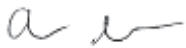
our office if any changes are required to the site plans approved in the Permit.

**FINAL RECOMMENDATION**

Our office has **no objections** to B-11-2024. As noted above, ERCA Permit # 410 - 24, dated June 21, 2024, has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the site plans approved in the Permit.

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

Sincerely,



Alicia Good  
*Watershed Planner*  
/ag





Picture of the semi-detached dwellings under development looking east



Picture of the school located northwest of the semi-detached dwellings under construction



**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:** November 4, 2024  
**Subject:** Consent Application B/12/2024 – 475 Charron Beach Road and 477 Charron Beach Road

---

**Recommendation**

Approve consent application B/12/2024 to separate 475 Charron Beach Road and 477 Charron Beach Road back to the same two separate properties that they were prior to merging on title, with the severed lot (475 Charron Beach Road) having a frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres), and the retained lot (477 Charron Beach Road) having a frontage of approximately 96 feet (approximately 29.3 metres) and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a draft Plan of Survey that confirms that buildings/structures and private sanitary system(s) are wholly located on their respective lot;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

**Purpose**

The subject land is located on the north side of Charron Beach Road, east of Stuart Lane, and west of Strong Road. Appendix A provides an aerial map of the subject land. A technical consent application has been received to separate 475 Charron Beach Road and 477 Charron Beach Road back into two separate residential lots. Currently,

the subject land has merged into one lot. The residential lots will be separated back to the way they were prior to the merge.

The land associated with 477 Charron Beach Road contains two older dwellings and a small shed, while the land associated with 475 Charron Beach Road contains an older dwelling and an accessory building. The exact date of construction of the two dwellings on 477 Charron Beach Road, and the dwelling and accessory building on 475 Charron Beach Road, is unknown, but they are visible in aerial photos available to administration in the same location dating back to 2000 – the earliest year available. Information from tax accounts suggest that the dwellings on 477 Charron Beach Road were constructed around the 1940's/1950's, while the dwelling and accessory building on 475 Charron Beach Road was constructed in the 1930's.

477 Charron Beach Road was transferred from an individual to their corporation in October 2020. Then, in January 2023, the same corporation acquired 475 Charron Beach Road. As a result, the two properties merged on title through common ownership. A memo from their solicitor states that they were not involved in the transfer of 477 Charron Beach road from the individual to their corporation, and that the merger occurred as a result of inadvertence.

The severed lot is identified as 475 Charron Beach Road for the consent application. It will have a lot frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres). The lot to be retained will be 477 Charron Beach Road. It will have a lot frontage of approximately 96 feet (approximately 29.3 metres), and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres). A plan of survey will be required as a condition of any consent approval which will survey the severed and retained lot along their existing Property Identification Number (PIN) boundaries. This is needed to execute the technical severance of returning the lots to their original state prior to the inadvertent merger. Verification that the buildings, structures and private sanitary system are on their respective lots will be required.

Community Planning has not been informed of any intention to demolish existing buildings/structures on the subject land. However, the following information on heritage is provided for information. 475 Charron Beach Road, the lot to be severed, contains a limestone colonial dwelling, which is estimated to have been built in the 1930's. 475 Charron Beach Road is included on the Municipality's register of properties that are of cultural heritage value or interest under the Ontario Heritage Act. As such, the owner shall not demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove a building or structure or to permit the demolition or removal of a building or structure. Such notice shall be accompanied by such plans and shall set out such information as the council may require. This provides the Municipality an opportunity to determine whether or not to proceed with heritage designation under the Ontario Heritage Act. If the Municipality does not pursue heritage designation, a demolition permit can be submitted to the Municipality following expiration of the 60-day period. If

the Municipality does pursue heritage designation, the owner is bound by the requirements of the Ontario Heritage Act.

Subsection 27(16) of the Ontario Heritage Act states the following: *(16) In the case of a property included in the register under a predecessor of subsection (3), as of December 31, 2022, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before January 1, 2027 or such later date as may be prescribed.*

## **Summary**

### Surrounding Land Uses:

North: Lake St. Clair

West: Residential

East: Residential

South: VIA Rail Canada Inc. right-of-way, rural residential/agriculture

### Servicing for proposed lot:

Water: Existing municipal piped water supply

Sanitary: Existing private sanitary system

### Provincial Planning Statement (PPS)

There are no issues of provincial significance with this application. The consent application is for legal or technical reasons as defined in the PPS:

*Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.*

Comment: The consent application is to simply return/separate the two properties (475 Charron Beach Road and 477 Charron Beach Road) back to their original state prior to inadvertently merging on title in January 2023. The consent application could be identified as a “correction of deed” rather than the “creation of a new lot”. The two addresses/properties have separate tax roll numbers and PIN numbers, but nonetheless inadvertently merged on title through common ownership.

### County of Essex Official Plan

The consent application conforms to the County of Essex Official Plan. The subject land is located in a Secondary Settlement Area. Subsection 3.2.5 e) 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.*

Comment: The subject land is designated Waterfront Residential in the Lakeshore Official Plan which permits residential uses. There are existing residential uses on the subject land. Nothing in the Lakeshore Official Plan affects the continuance of uses legally existing on the date the Official Plan was adopted by Council.

### Lakeshore Official Plan

The subject land is located within the Lake St. Clair Floodprone Area of the Lakeshore Official Plan. Essex Region Conservation Authority (ERCA) was circulated the application for comment. Their office commented that they have no objection to the application.

Subsection 8.3.5.2 b) of the Lake Official Plan states:

Notwithstanding any other provisions of this Official Plan, a consent for technical or legal purposes may be permitted where a separate lot is not being created (such as a boundary adjustment, easement or right-of-way). The lots that are the subject of that type of application and any retained lands will comply with the Zoning By-law, or the By-law will be amended or a minor variance granted as a condition of the consent.

Comment: The consent application conforms to the Lakeshore Official Plan as a technical consent to separate two properties back to their original state that they were prior to inadvertently merging on title in January 2023. The consent application is essentially for the correction of a deed – new lot boundaries are not proposed in returning the lots to their original state. The subject land is zoned Residential Waterfront – Lake St. Clair (RW2). The RW2 zone requires a minimum lot frontage of 23 metres (75.46 feet) where municipal sanitary servicing is unavailable and a minimum lot area of 1,400 m<sup>2</sup> (0.346 acres). It is recognized that the severed lot, 475 Charron Beach Road, is deficient in this regard, and that setbacks of buildings/structures on either property (475 Charron Beach Road and 477 Charron Beach Road) may not comply with the Zoning By-law currently in effect. However, the consent is to simply correct the deed and return the lots to the same state that they were prior to the inadvertent merger.

A plan of survey will be required as a condition of any consent approval which will survey the severed and retained lot along their existing Property Identification Number (PIN) boundaries. This is needed to execute the technical severance. Verification that the buildings, structures and private sanitary system are on their respective lots will be required.

### **Correspondence from external and internal agencies**

#### External and Internal Agencies

The Chief Building Official commented that the septic systems are to be wholly contained on each property.

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

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

Comments from ERCA have been addressed in this report under the Lakeshore Official Plan section. The full comment from ERCA can be found in Appendix D.

VIA Rail Canada Inc. provided their standard comment on applications circulated to this agency (Appendix E). It is noted that the building/structures on the severed and retained lot are existing and no new development is proposed.

No comments were received from the County of Essex at the time of writing this report.

## **Conclusion**

The proposed consent application is consistent with the Provincial Planning 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 – Sketch of Severed and Retained Lots  
Appendix C – Photos  
Appendix D – ERCA  
Appendix E – VIA Rail Canada Inc.

## **Prepared by:**



---

Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	B-12-2024 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Sketch of Severed and Retained Lots.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - ERCA.pdf</li><li>- Appendix E - VIA Rail Canada Inc.pdf</li></ul>
Final Approval Date:	Nov 6, 2024

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

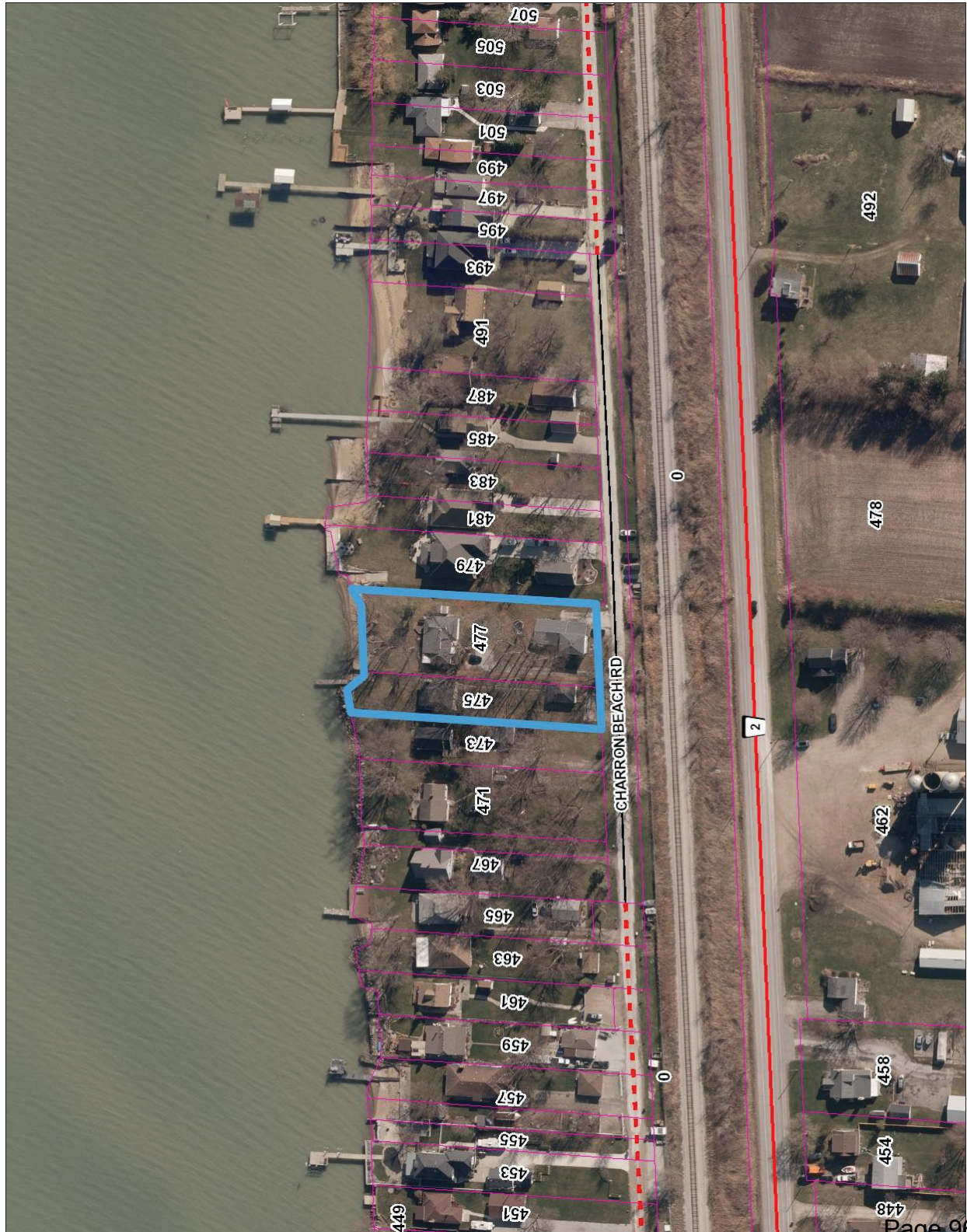
**Urvi Prajapati - Nov 6, 2024 - 8:31 AM**

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 6, 2024 - 1:48 PM**



# 475 & 477 Charron Beach Road - Subject Land Map



### Legend

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

1:2,084



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:



\*Numbers are approximate





\*Numbers are approximate







Picture of existing buildings on 477 Charron Beach Road looking north



Picture of existing buildings on 475 Charron Beach Road looking north





Picture looking north between 475 Charron Beach Road and 477 Charron Beach Road



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 30, 2024

## Ian Search

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

Dear Mr. Ian Search:

RE: Application for Consent B-12-2024 475 CHARRON BEACH RD, 477 CHARRON BEACH RD  
ARN 375162000013500, 375162000013600; PIN: 750470040, 750470041

Applicant: 2461415 ONTARIO LIMITED

The Municipality of Lakeshore has received Application for Consent B-12-2024 for the above noted subject properties. The applicants are proposing a technical consent to separate two properties which have inadvertently merged on title. The severed lot, 475 Charron Beach Road, will have a frontage of approximately 15.24 m (50 ft) and a lot area of approximately 1,300 m<sup>2</sup> (0.32 acres). The retained lot, 477 Charron Beach Road, will have a frontage of approximately 96 feet (29.3 m) and a lot area of approximately 2,400 m<sup>2</sup> (0.6 acres). Our understanding is that no new construction is proposed at this time. The following is provided as a result of our review of B-12-2024.

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

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

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair.

## **FINAL RECOMMENDATION**

Our office has **no objection** to B-12-2024. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good  
Watershed Planner /ag

**From:** [Paul Charbachi](#)  
**To:** [Ian Search](#)  
**Cc:** [REDACTED]  
**Subject:** RE: B-12-2024 - Notice of Public Meeting - Consent - Lakeshore  
**Date:** October 28, 2024 10:01:41 AM  
**Attachments:** [image001.png](#)

---

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

Hello,

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firms designated by VIA at the Applicant's expenses.

The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

- **Transport Canada:**
  - *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance:**
  - *Railway Right of Way Access Control Policy*;
  - *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
  - *Standards Respecting Railway Clearances* – TC E-05;
  - Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.
- **Traffic control near a railways:**
  - *Circular 13 Railway Association of Canada*
- **For Grade Crossings:**
  - *Grade Crossings Regulations*;
  - The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
  - *Grade Crossings Standards*;
  - *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
  - *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
    - The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).
    - All crossings shall be constructed / design with at least 20 feet 0 grade from each side of the rail
- **Canadian Standards Association:**
  -

- CAN/CSA C22.3 No. 1 – Overhead Systems;
- CAN/CSA C22.3 No. 7 - Underground Systems;
- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.
- **VIA:**
  - *Buried Signal and Communication Guidelines;*
  - *Guidelines for New Development;*
  - *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
  - Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
  - All loads must be in compliance with Cooper E90;
  - Inspection frequency and submittal
  - Agreements signed between Via and the applicant
- **The Federation of Canadian Municipalities and the Railway Association of Canada:**
  - *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**
  - Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
  - All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

• **Utilities:**

- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

• **Water & Wastewater:**

- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

• **Construction Disturbances:**

- VIA requests a copy of the Pedestrian study (from New Development ).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the station.

• Station access (vehicle traffic)

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation, as well as the access to it, will be kept for our operations and upcoming growth.

• **Neighbour Relationships:**

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
  - Air contaminants / Dust pollution;
  - Noise pollution / Working hours;
  - Existing conditions;
  - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,



**Paul Charbachi**

Infrastructure Engineer





**From:** Ian Search <isearch@lakeshore.ca>  
**Sent:** October 25, 2024 2:04 PM  
**To:** Ian Search <isearch@lakeshore.ca>  
**Subject:** B-12-2024 - Notice of Public Meeting - Consent - Lakeshore  
**Importance:** High

**EXPÉDITEUR EXTERNE:** Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.  
**EXTERNAL SENDER:** Use caution with links and attachments from an external sender.

Hi all,

Please see attached Notice of Public Meeting for a consent application (file: B-12-2024) in the Municipality of Lakeshore. The subject land is known municipally as 475 Charron Beach Road and 477 Charron Beach Road (currently merged into one property). Please provide any comments on this application to me by November 1, 2024.

Kind Regards,

**Ian Search**  
**Planner I**  
Municipality of Lakeshore | Growth and Sustainability - Community Planning  
419 Notre Dame Street, Belle River, ON, N8L 0P8  
T: 519-728-1975 ext.246  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

**Ian Search**  
**Planner I**  
Municipality of Lakeshore | Community Planning  
419 Notre Dame Street, Belle River, ON, N8L 0P8  
T: 519-728-1975 x246  
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all

emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.



## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

Wednesday, October 16, 2024, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

Staff Present: Planner I Ian Search, Planner II Jacob Dickie, Administrative Assistant Gisele Pillon, Division Leader of Community Planning Daniel Mercer

#### 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. Land Acknowledgement and O Canada

#### 3. Disclosures of Pecuniary Interest

#### 4. Public Meetings under the Planning Act

##### a. A-23-2024 - Minor Variance - 3194 St. Clair Road

In attendance speaking to the application was Mario Georghiades.

It was confirmed that the accessory building will not be serviced by water. Although the accessory building is approximately 28 ft<sup>2</sup> larger than the single detached dwelling, Ian Search provided opinion that the accessory building meets the general intent of the Zoning By-law and is similar to other accessory buildings on St. Clair Road.

There were no questions or concerns from the audience.

**(57/10/2024)**

**Moved By** Jeremy Prince

**Seconded By** Nancy Flagler-Wilburn

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 m<sup>2</sup> (1,910.6 ft<sup>2</sup>), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55.0 m<sup>2</sup> (592.0 ft<sup>2</sup>) 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 for the minor variance application) 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.

**Carried Unanimously**

**b. A-29-2024 - Minor Variance - 1292 County Road 31**

In attendance speaking to the application was Kris Bodchon.

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

**(58/10/2024)**

**Moved By** Nancy Flagler-Wilburn

**Seconded By** Jeremy Prince

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 m<sup>2</sup> (1,408 ft<sup>2</sup>), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>), 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.

**Carried Unanimously**

**c. B-10-2024 - Consent - 15709 Lakeshore Road 309**



In attendance to speak to the application was authorized agent Jay Johnson.

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

**(59/10/2024)**

**Moved By** Linda McKinlay

**Seconded By** Jeremy Prince

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 and a lot frontage of approximately 94.5 metres (310 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 Deeds for the severed lot and retained lot be forwarded to the Secretary-Treasurer, and that the applicant/their solicitor provide an undertaking that the retained lot will be transferred to an individual(s)/company that owns other farm parcel(s) and is acquiring the retained lot to expand their farming operation, to the satisfaction of the Community Planning Division at the Municipality of Lakeshore;

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.

**Carried Unanimously**

- 5. **Completion of Unfinished Business**
- 6. **Approval of Previous Meeting Minutes**

**(60/10/2024)**

**Moved By** Jeremy Prince

**Seconded By** Nancy Flagler-Wilburn

Approve the September 18 2024 meeting minutes as listed on the agenda.

**Carried Unanimously**

- 7. **New Business**

Committee members received a presentation from Jacob Dickie, Planner II which provided information on upcoming changes to the Provincial Policy Statement which affect applications that are brought forward to the committee.

- a. **PPS 2024 - Presentation for Committee of Adjustment**

- 8. **Adjournment**

**(61/10/2024)**

**Moved By** Jeremy Prince

**Seconded By** Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 7:03 PM.

**Carried Unanimously**

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer