

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, December 4, 2024, 6:00 PM

Operations

304 Rourke Line Rd.

Pages

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

- a. B-08-2024 - 16325 Lakeshore Road 301

5

Recommendation:

Approve consent application B/08/2024 for the creation of one surplus dwelling lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 4,479.87 m² (approx. 1.107 acres) and a lot frontage of approximately 52.1 metres (approx. 171 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;

2) That the applicant obtains a draft plan of survey to be approved by Community Planning at the Municipality of Lakeshore prior to its registration that details setbacks of buildings/structures from lot lines;

3) That the applicant obtain a letter from a qualified water well driller/installer demonstrating that the existing well on the severed lot is capable of providing an adequate water supply to the existing dwelling, including the following deemed adequate by them: Litres per minutes, type of well pumping system including its condition and age, and acceptable location including its location relative to the private sanitary system.

4) That, to the satisfaction of the Building Department at the Municipality of Lakeshore, stairs and landing that are Building Code compliant be

installed for operable doors on the dwelling;

5) That, to the satisfaction of the Municipality of Lakeshore, the applicant will install a private sanitary system for the dwelling with required setbacks on the severed lot;

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

7) That a Parkland Dedication 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;

8) That the applicant relocate or remove any existing accessory structures that are in non-compliance with the Zoning By-law (setbacks, etc.), to the satisfaction of Community Planning at the Municipality of Lakeshore;

9) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings and additional residential units on the retained farmland parcel;

10) 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;

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

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

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

b. B-13-2024 - 2380 Lakeshore Road 223

24

Recommendation:

Approve consent application B/13/2024 for a lot addition, to sever an

approximately 900 m² (approx. 9,687.52 ft²) parcel of land from 2380 Lakeshore Road 223 to be added to the rear of 2368 Lakeshore Road 223 that will increase the lot depth of 2368 Lakeshore Road 223 while maintaining its width, subject to the following conditions:

- 1) That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality. The draft plan of survey is to be reviewed and approved by the Community Planning Division at the Municipality of Lakeshore prior to registration;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the lot addition land to be severed from 2380 Lakeshore Road 223 be conveyed to and consolidated with 2368 Lakeshore Road 223, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving that parcel of land;
- 5) That the applicant and/or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 6) That if required by the Drainage Department, the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 7) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R. S. O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

That the following notice be included in the Decision for information: No development (buildings, structures, etc.) is permitted on the lands currently zoned with a "h9" holding symbol, including the lot addition land, until such time as the Zoning By-law is amended to remove the holding symbol.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. November 13 2024 Meeting Minutes

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7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

**Municipality of Lakeshore
Committee of Adjustment Report**



Growth & Sustainability

Community Planning

To: Chair and Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: November 25, 2024

Subject: Consent Application B/08/2024 – 16325 Lakeshore Road 301

Recommendation

Approve consent application B/08/2024 for the creation of one surplus dwelling lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 4,479.87 m² (approx. 1.107 acres) and a lot frontage of approximately 52.1 metres (approx. 171 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;
- 2) That the applicant obtains a draft plan of survey to be approved by Community Planning at the Municipality of Lakeshore prior to its registration that details setbacks of buildings/structures from lot lines;
- 3) That the applicant obtain a letter from a qualified water well driller/installer demonstrating that the existing well on the severed lot is capable of providing an adequate water supply to the existing dwelling, including the following deemed adequate by them: Litres per minutes, type of well pumping system including its condition and age, and acceptable location including its location relative to the private sanitary system.
- 4) That, to the satisfaction of the Building Department at the Municipality of Lakeshore, stairs and landing that are Building Code compliant be installed for operable doors on the dwelling;
- 5) That, to the satisfaction of the Municipality of Lakeshore, the applicant will install a private sanitary system for the dwelling with required setbacks on the severed lot;
- 6) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 7) That a Parkland Dedication 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;

8) That the applicant relocate or remove any existing accessory structures that are in non-compliance with the Zoning By-law (setbacks, etc.), to the satisfaction of Community Planning at the Municipality of Lakeshore;

9) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings and additional residential units on the retained farmland parcel;

10) 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;

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

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

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application to sever a dwelling and accessory buildings/structures from the subject property (16325 Lakeshore Road 301) as a separate rural residential lot. The farm dwelling is surplus to a farming operation. The subject property is located north of County Road 2, west of Richardson Sideroad, east of County Road 37/Gracey Sideroad, on the southside of Lakeshore Road 301 (Appendix A).

The subject property is a 21.18 hectare (52.33-acre) farm lot designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" in the Lakeshore Zoning By-law. It has approximately 307 metres (1008 feet) of lot frontage along Lakeshore Road 301.

The owner of the subject property owns other farm holdings and resides at a different property. They recently purchased the subject property and the dwelling on the farm is surplus to their needs. Therefore, the consent application is to sever a residence surplus to their agricultural operation because of farm consolidation, which is permitted under the Provincial Planning Statement (PPS).

The proposed lot will have a frontage of approximately 52.12 metres (171 feet) along Lakeshore Road 301, and a lot area of approximately 0.44 hectares (1.107 acres). The retained farmland parcel will be left with approximately 20.73 hectares (51.229 acres) of lot area and approximately 255.33 metres (837.7 feet) of lot frontage along Lakeshore

Road 301.

The rural residential lot being severed will contain the existing dwelling on the subject property and accessory building/structures as shown on the draft Plan of Survey, Part 1 (Appendix B). Existing accessory structures located on the proposed south side lot line will need to be removed/relocated to achieve zoning compliance as a condition of any consent approval granted by the Committee of Adjustment.

A permit has been issued from the Building Division to install a new private septic system for the dwelling. Installation of the private septic system to the satisfaction of the Municipality, and confirmation that the proposed lot will incorporate the private septic system with required setbacks from lot lines will be a condition of any consent approval granted by the Committee of Adjustment.

The applicant indicates that the proposed severed lot is serviced with private water supply (well). A bacteriological analysis from Public Health Ontario dated October 8, 2024, was submitted with the application. It notes that “there is no evidence of fecal contamination”. The results relate to a sample tested for the presence of both Total Coliforms and E. coli bacterial indicators of contamination by Membrane Filtration. Please note that the sample was not tested for other contaminants.

As a condition of any consent approval, it is recommended that the Committee of Adjustment impose a condition requiring the applicant to obtain a letter from a qualified water well driller/installer demonstrating that the existing well is capable of providing an adequate water supply to the existing dwelling including the following:

- Litres per minutes;
- Type of well pumping system including condition, type and age;
- Acceptable location, including location relative to the private sanitary system.

There is an open municipal drain that runs along the entire frontage of the subject property. The proposed lot has an existing access bridge, and the applicant has identified an existing access for the retained farmland located at the northwest corner of the subject property.

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

Summary

Surrounding Land Uses:

North: Agriculture

West: Agriculture

East: Agriculture, rural residential lots

South: Agriculture

Servicing for proposed lot:

Water: Private (well)

Sanitary: Private sanitary system

Provincial Planning Statement (PPS)

The proposed surplus farm severance is consistent with Subsection 4.3.3 c) for the lot creation of one new residential lot per farm consolidation for a residence surplus to an agricultural operation. That subsection permits such severance, provided that:

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

Comment: The proposed severed lot will incorporate the dwelling, accessory structures, private servicing, and surrounding landscaped open space used in connection with the residential use. The setbacks of the accessory structures from the proposed lot lines are appropriate. Based on 2024 aerial photography, it appears that some land currently dedicated to existing landscaping that surrounds the dwelling and accessory buildings will be included in the retained farmland parcel.

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 dwellings and additional residential units on that parcel of land in accordance with the PPS.

County of Essex Official Plan

The subject property is designated Agricultural in the 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 and additional residential units. A minimum lot size for the retained farmland parcel is not established in the Lakeshore Official Plan, however it is noted that the parcel will meet the minimum lot size regulations (frontage/area) in the current Lakeshore Zoning By-law.

Lakeshore Official Plan

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

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

Comment: The lot creation proposal conforms to this section of the Lakeshore Official Plan. There are no livestock facilities on the subject property or in the area according to the applicant. 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 new dwellings and additional residential units.

Zoning

The proposed severed lot will comply with the minimum and maximum lot area regulations, and minimum lot frontage regulations, in the Zoning By-law for a rural residential lot zoned “Agriculture”. As previously stated, as a condition of consent approval, the applicant will be required to relocate or remove any existing accessory structures that do not meet required setbacks from proposed lot lines under the Zoning By-law.

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

Correspondence from external and internal agencies

External and Internal Agencies

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

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

The Chief Building Official commented that an operable door of the dwelling should have a set of code compliant stairs and landing.

The Operations Department commented that a drain apportionment agreement will be required for each parcel. Full comment can be found in Appendix D.

Lower Thames Valley Conservation Authority state that they have no objection to the proposed severance. Any proposed structures will be required to be flood proofed to a minimum elevation for the lowest openings into the structure. An application from their office is required prior to any works/construction taking place within the regulated area. Full comment can be found in Appendix E.

At the time of writing this report, no comments were received from the County of Essex.

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

Notice of the Public Meeting and information regarding the requested consent application was given in accordance with the Planning Act. At the time of writing, no comments were received from any residents.

Attachment(s):

- Appendix A – Aerial Map
- Appendix B – Plan of Survey
- Appendix C – Photos
- Appendix D – Operations Department
- Appendix E – LTVCA comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-08-2024 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Plan of Survey.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department.pdf- Appendix E - LTVCA Comment.pdf
Final Approval Date:	Nov 27, 2024

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

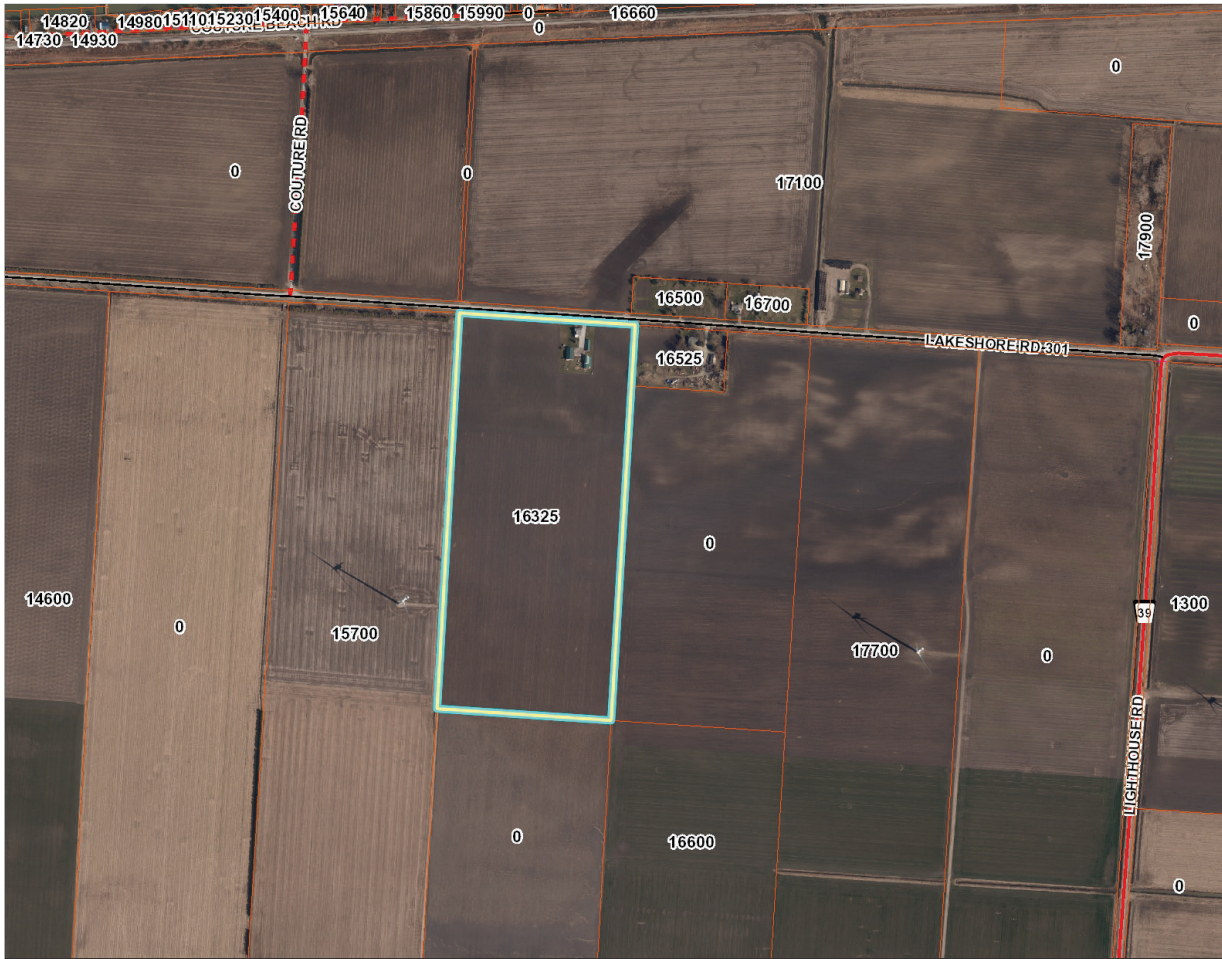
Urvi Prajapati - Nov 27, 2024 - 4:08 PM

Daniel Mercer - Nov 27, 2024 - 4:38 PM

Tammie Ryall - Nov 27, 2024 - 11:29 PM



16325 Lakeshore Road 301 - Aerial Map



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

1: 10,186



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



Looking east from the southwest corner of the proposed severed lot



Looking north from the southeast corner of the proposed severed lot



Looking south from a location near the west limit of the proposed severed lot



Looking north from the southwest corner of the proposed severed lot



Looking south from the driveway on the proposed severed lot



Picture of the dwelling on the proposed severed lot, looking southwest



Looking southwest towards the accessory structure located near the southwest corner of the proposed severed lot

Operations Department

Date: November 22, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – December 4, 2024 – B/08/2024

Operations has reviewed B/08/2024– 16325 Lakeshore Road 301 application and offer the following comments:

- Drain apportionment agreement will be required for each parcel.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

July 17th, 2024

Re: **Consent and Zoning Bylaw Application**
16325 Lakeshore Rd 301
Pt Lot 16, Concession 1
Municipality of Lakeshore

Please note that this letter was issued as a part of the pre-consultation process. The comments issued are only valid so long as the final application reflects the information submitted to the LTVCA office at the time of issuance. If any significant changes occur as a part of the planning process, please notify the LTVCA office and a new letter will be issued based on the scope of the change.

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

After reviewing our files and mapping, the staff have no objections to the proposed severance. However, portions of the subject property is subject to the authority's regulations. The issue of concern in this area is flooding and erosion.

The lands are subject to flooding under regulatory storm / high lake level conditions. Any proposed structure(s) will be required to be flood proofed to a minimum elevation for the lowest openings into the structure. An application from this office is required prior to any works/construction taking place within the regulated area. This includes construction of dwellings, additions, pools, accessory structures, fixed covered decks, sunroom additions, fill placement, fill removal.

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

Yours truly



Robert Guo
Planning Technician

**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 25, 2024

Subject: Consent Application B/13/2024 – 2380 Lakeshore Road 223

Recommendation

Approve consent application B/13/2024 for a lot addition, to sever an approximately 900 m² (approx. 9,687.52 ft²) parcel of land from 2380 Lakeshore Road 223 to be added to the rear of 2368 Lakeshore Road 223 that will increase the lot depth of 2368 Lakeshore Road 223 while maintaining its width, subject to the following conditions:

- 1) That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality. The draft plan of survey is to be reviewed and approved by the Community Planning Division at the Municipality of Lakeshore prior to registration;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the lot addition land to be severed from 2380 Lakeshore Road 223 be conveyed to and consolidated with 2368 Lakeshore Road 223, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving that parcel of land;
- 5) That the applicant and/or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation;
- 6) That if required by the Drainage Department, the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 7) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R. S. O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall

deem the consent refused, as per the Planning Act.

That the following notice be included in the Decision for information: No development (buildings, structures, etc.) is permitted on the lands currently zoned with a “h9” holding symbol, including the lot addition land, until such time as the Zoning By-law is amended to remove the holding symbol.

Purpose

The subject property is an L-shaped residential lot located south of County Road 46, east of County Road 27, known municipally as 2380 Lakeshore Road 223.

A portion of the subject property is designated Hamlet in the Lakeshore Official Plan, while the east portion of the subject property is located outside of a settlement area and designated Agricultural (Appendix C).

The Municipality of Lakeshore has received a lot addition application to sever an approximately 900 m² (approx. 9,687.52 ft²) parcel of land from the subject property to be added to 2368 Lakeshore Road 223. The land subject to the lot addition is directly east (behind) 2368 Lakeshore Road 223. The subject property will retain its existing lot frontage along Lakeshore Road 223 and will retain approximately 3,674 m² of lot area.

The lot addition is proposed to maintain the regular lot shape of 2368 Lakeshore Road 223 while increasing its depth, so that the depth of this property will be the same as the subject property and the residential properties fronting Lakeshore Road 223 to the north (Appendix B). The proposal is an appropriate lot line adjustment to provide land to a property owner who is in a better position to maintain this land located north of a water/drainage feature on the subject property. The applicant has indicated that the water/drainage feature is used for drainage of the retained land and that the lot addition land retains its water.

Summary

Surrounding Land Uses:

North: Residential
West: Residential, Agriculture
East: Agriculture
South: Agriculture, Hydro One Corridor

Servicing for proposed lot:

Water: Municipal water
Sanitary: Private sanitary system

Provincial Planning Statement (PPS)

There are no issues of provincial significance raised by the application. The portion of the subject property that is subject to the lot addition is designated Agricultural in the Lakeshore and County of Essex Official Plan. Therefore, the Agriculture policies of the PPS apply. While lot creation in prime agricultural areas is discouraged, subsection 4.3.3.2 of the PPS permits lot adjustments for “legal or technical reasons”. This includes *“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”*. The lot addition application is an appropriate boundary adjustment that does not result in the creation of a new lot.

County of Essex Official Plan

The subject property is split designated Secondary Settlement Area and Agricultural in the County of Essex Official Plan that is currently in effect at the time of writing this report. Within the portion of the subject property designated Secondary Settlement Area, all types of land uses are permitted subject to the specific land use policies of the local Official Plans. In this case that land designated Secondary Settlement Area is designated Hamlet in the Lakeshore Official Plan, which permits low density residential use and accessory uses (Appendix C).

The remainder of the subject property is designated “Agricultural” in the County of Essex Official Plan – this includes the rear part of the L-shaped property, including the lot addition land. This designation pertains to all land in the County of Essex that is not included in the settlement areas or identified as “Natural Environment” lands. Subsection 3.3.3.4 e) states that lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are permitted in this designation. The consent application conforms to this policy since it is for an appropriate boundary adjustment that does not result in the creation of a new lot.

The County of Essex has recently adopted a new Official Plan that has been sent to the Ministry of Municipal Affairs and Housing for final approval. It currently appears that the new Official Plan, if approved, will remove the split designation and include the land of the subject property designated Agricultural – including the lot addition land – in the Secondary Settlement Area boundary.

Lakeshore Official Plan

The subject property is currently split designated Hamlet and Agricultural in the Lakeshore Official Plan (Appendix C), to match the County of Essex Official Plan designation currently in effect.

The Hamlet Designation policies apply to the portion of the subject property designated Hamlet. Subsection 6.3.1 of the Lakeshore Official Plan permits low density residential dwellings and accessory uses within this designation.

With respect to the portion of the subject property designated as Agricultural, subsection 6.2.3 e) permits a consent to sever for “minor boundary adjustments or corrections and easements, and in accordance with Sections 50(3) and (5) of the Planning Act, which do not result in the creation of a new lot”. This application for consent conforms to this Lakeshore Official Plan policy as a minor boundary adjustment that does not result in the creation of a new lot.

If the new County of Essex Official Plan includes the portion of the subject property designated Agricultural – including the lot addition land – in the Secondary Settlement Area boundary, then Lakeshore will need to update its Official Plan to reflect this change and re-designate those lands into an appropriate designation (e.g. Hamlet).

Zoning

Currently the subject property is split zoned Hamlet Residential (HR) and Agriculture A(h9) (Appendix D). The zoning matches the current “Hamlet” and “Agricultural” designations in the Official Plan, with the lot addition land being zoned A(h9).

The “h9” holding symbol only permits existing uses until the holding symbol is removed. Condition for removal of the holding symbol in the Zoning By-law is the following: *The holding symbol shall not be removed until such time as the subdivision agreement is executed by the owner and the Municipality and the development receives final approval by the County.* It appears that the portion of the subject property with this zoning – which includes the lot addition land – was at some point part of the farm parcel that abuts the subject property to the east. It appears the “h9” holding symbol previously applied to that farm parcel as well. A subdivision was previously contemplated in the area.

If in the future the Official Plan designations are changed in the County of Essex Official Plan and Lakeshore Official Plan as described in this report, then Lakeshore may at some point in the future amend its Zoning By-law to appropriately remove the split zoning and the holding symbol. In the interim, the A(h9) zoning with the “h9” holding symbol does not permit any development to occur on any land that is subject to this zoning – including the lot addition land – even after the lot addition transfer is registered.

The “HR” zone requires a minimum lot area of 2,000 m² where sanitary servicing is unavailable. In the Agriculture zone the minimum lot area required is 3,000 m² for a rural residential lot. The retained parcel of the subject property will maintain approximately 3,674 m² of lot area following the severance. Its existing frontage will not change. A plan of survey will be required as a condition of any consent approval that provides information regarding the area of the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore.

2368 Lakeshore Road 223 is approximately 1,828 m², and will have a lot area of approximately 2,728 m² following the lot addition. The property will maintain its existing frontage, with the lot addition adding increased lot depth. The property is currently

zoned HR. However, it will be split zoned HR and A(h9) following the lot addition given that the lot addition land is zoned A(h9).

Correspondence from external and internal agencies

External and Internal Agencies

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

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

The Chief Building Official stated that they have no concerns.

The Operations Department commented that they have no concerns on this file at this time (Appendix F).

Essex Region Conservation Authority (ERCA) commented that they have no objection to the application. Full comment can be found in Appendix G.

At the time of writing this report, no comments were received from the County of Essex or Hydro One Networks Inc.

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

Notice of the Public Meeting and information regarding the requested consent application was given in accordance with the Planning Act. At the time of writing, no comments were received from any residents.

Attachment(s):

- Appendix A – Aerial Map
- Appendix B – Sketch of Proposal
- Appendix C – Land Use Designation
- Appendix D – Zoning
- Appendix E – Photos
- Appendix F – Operations Department
- Appendix G – ERCA comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-13-2024 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Sketch of Proposal.pdf- Appendix C - Land Use Designation.pdf- Appendix D - Zoning.pdf- Appendix E - Photos.pdf- Appendix F - Operations Department.pdf- Appendix G - ERCA Comment.pdf
Final Approval Date:	Nov 26, 2024

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

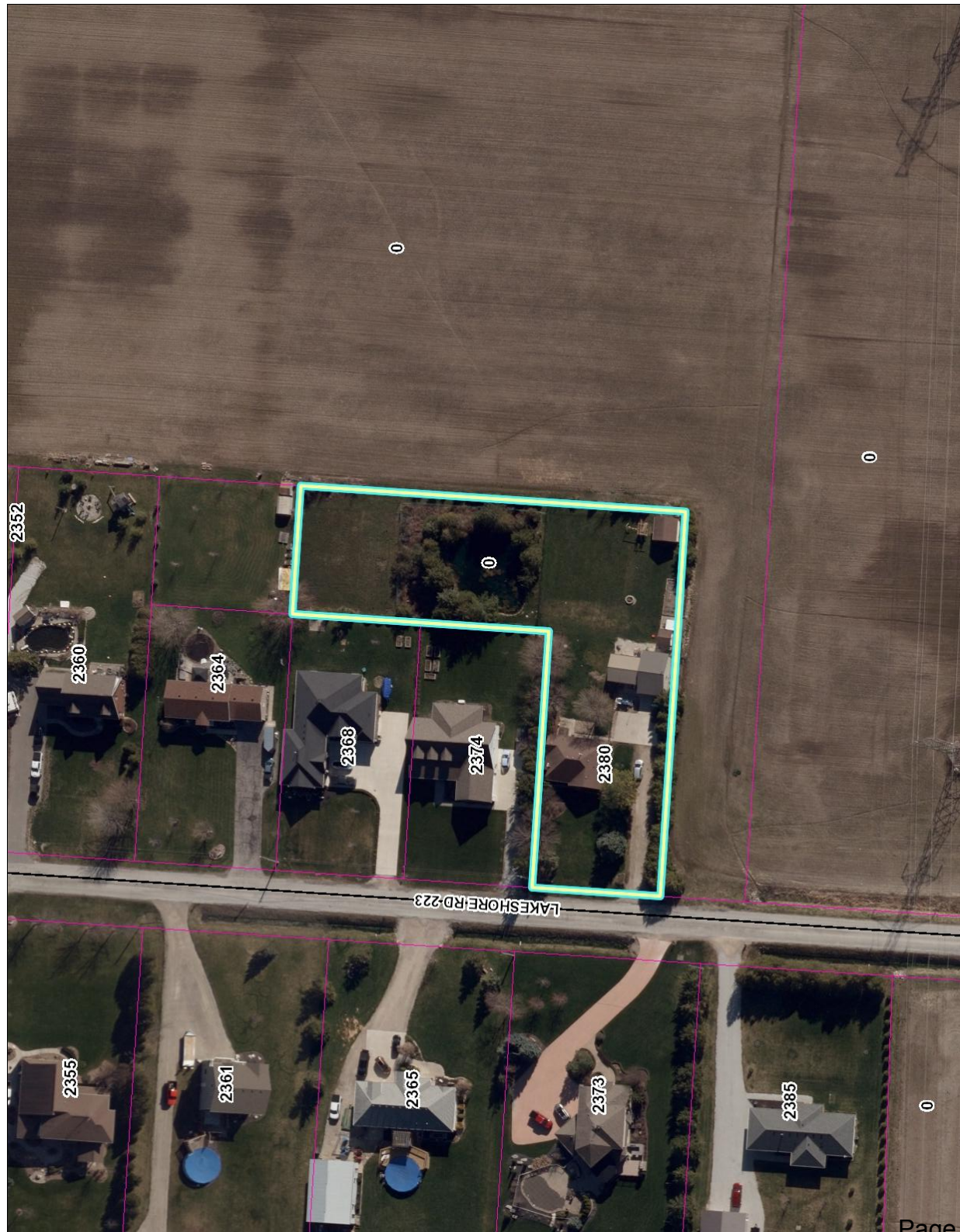
Urvi Prajapati - Nov 26, 2024 - 4:42 PM

Daniel Mercer - Nov 26, 2024 - 7:08 PM

Tammie Ryall - Nov 26, 2024 - 10:23 PM



2380 Lakeshore Road 223 (L-shaped property) - Aerial Photo



Legend

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

1:1,390



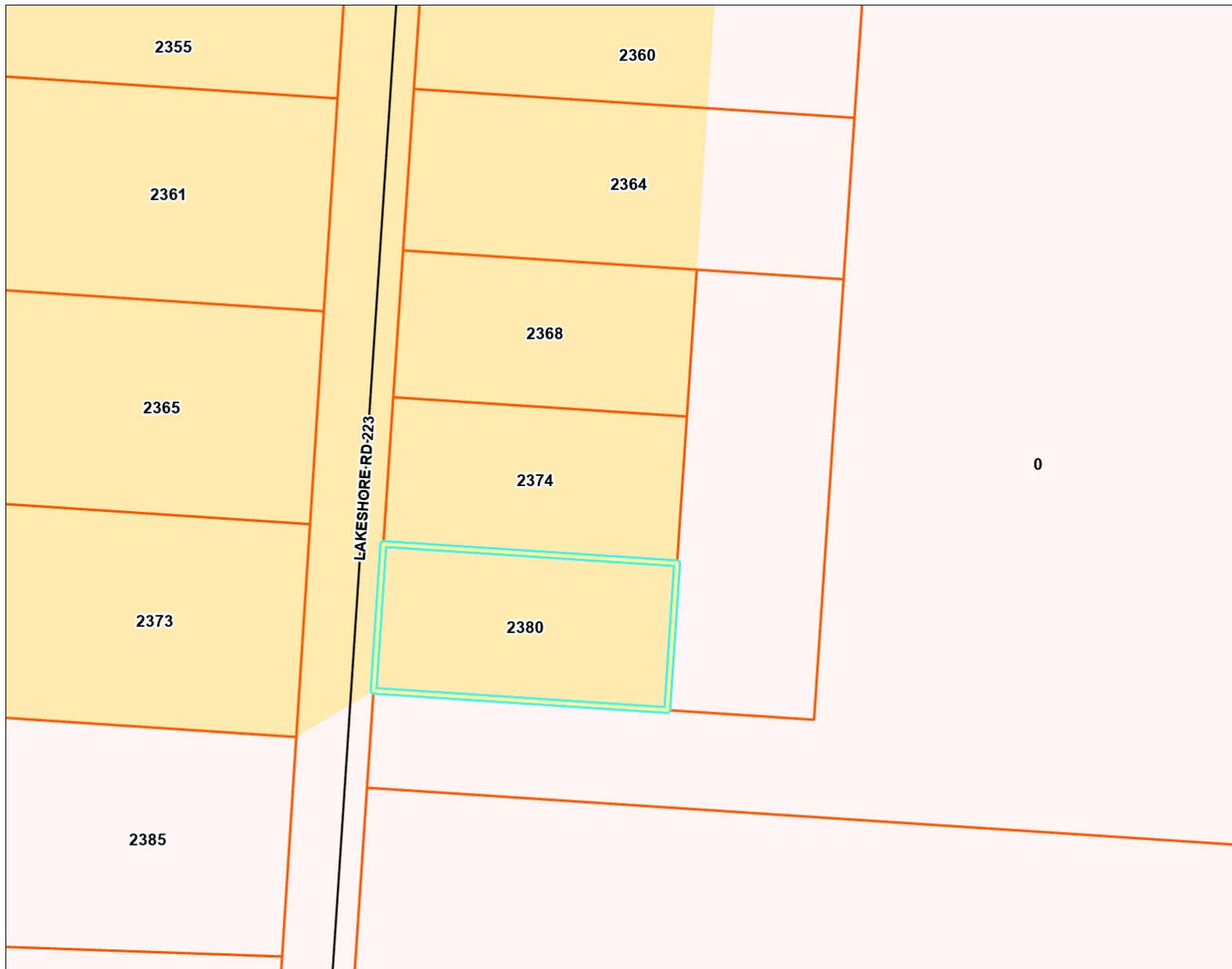
This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes:





Appendix C - Land Use Designation



Legend

- Tax Parcel
- Street Centreline
 - CNTY
 - LAK
 - PRIV
 - PROV
 - <all other values>
- Land_Use_Designations
 - Agricultural
 - Hamlet
 - Waterfront Residential
 - Urban Fringe
 - Residential
 - Service Commercial
 - Recreational Commercial
 - Mixed Use
 - Central Area
 - Employment
 - Major Institutional
 - Natural Conservation
 - Parks and Open Space
 - Urban Reserve

1: 1,224

Notes:

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Appendix D - Zoning



Legend

- Tax Parcel
- Street Centreline
 - CNTY
 - LAK
 - PRIV
 - PROV
 - <all other values>
- Zoning
 - AGRICULTURE
 - CENTRAL AREA
 - COMMERCIAL
 - EMPLOYMENT
 - ENVIRONMENTAL PROTECTI
 - HAMLET
 - INSTITUTIONAL
 - MIXED USE
 - PARKS AND OPEN SPACE
 - RESIDENTIAL
 - RESIDENTIAL MOBILE HOME
 - RESIDENTIAL WATERFRONT
 - URBAN RESERVE
 - WETLAND
 - <all other values>

1: 1,224

Notes:

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Picture of lot addition land looking northwest towards 2368 Lakeshore Road 223 and 2364 Lakeshore Road 223. Building under construction located in the rear yard of 2364 Lakeshore Road 223 is visible in the photo.



Picture of fence in the rear yard of 2380 Lakeshore Road 223, that is located south of the lot addition land and water/drainage feature



Picture of the rear yard of 2380 Lakeshore Road 223 looking north from southernmost point – located south of the lot addition land, drainage/water feature and land directly behind the dwelling on 2380 Lakeshore Road 223



Looking east toward the dwelling, accessory structure(s) and driveway located on 2380 Lakeshore Road 223

Operations Department

Date: November 22, 2024
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – December 4, 2024 – B/13/2024

Operations has reviewed B/13/2024– 2380 Lakeshore Road 223 application and offer the following comments:

- We have no concerns on this file at this time.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



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

November 19, 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-13-2024 2380 LAKESHORE RD 223
ARN 375151000008600, 375151000008500; PIN: 750230158, 750230158
Applicant: DEMERS MIKEAL

The Municipality of Lakeshore has received Application for Consent B-13-2024 for the above noted subject property. The applicant is seeking to sever a parcel of approximately 900 square metres (approximately 9,687.52 square feet) from the L-shaped property know as 2380 Lakeshore Road 223, to be added to the property known as 2368 Lakeshore Road 223. The parcel of land subject to the lot addition is directly east (behind) 2380 Lakeshore Road 223.

The following is provided as a result of our review of Application for Consent B-13-2024.

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 Kelly Drain and Conc. 1A Drain - East.

FINAL RECOMMENDATION

Our office has **no objection** to B-13-2024. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good, *Watershed Planner /ag*

Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, November 13, 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, Member Ron Barrette

Staff Present: Planner Ian Search, Administrative Assistant Gisèle Pillon,
Division Leader - 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

a. A-28-2024 - 1819 County Road 27

Mark Hacon declared a conflict on this item. (The contractor is also providing services to committee member Hacon and therefore conflict declared.)

4. New Business

a. Election of Vice-Chair for the Committee of Adjustment

62-11-2024

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Appoint Ron Barrette as Vice Chair

Carried Unanimously

5. Public Meetings under the Planning Act

a. A-18-2024 -1 to 21 - 21 Properties on Xavier Circle

Speaking to the meeting is applicant John Evola from Evola Builders.

Mr. Evola explained the design of the units being built do not have the physical space for the air conditioning units in the rear of the building and that most residents prefer having them on the side of the unit.

There were no questions or concerns from the audience.

63-11-2024

Moved By Jeremy Prince

Seconded By Member Barrette

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 maximum allowed encroachment for each lot is noted in the public meeting notice for the application.

Carried Unanimously

b. A-28-2024 - 1819 County Road 27

Mark Hacon declared a conflict on this item. (The contractor is also providing services to committee member Hacon and therefore conflict declared).

Speaking to the application is authorized agent Supreme General Contracting Inc. c/o Brian Lafreniere.

There were no questions or concerns from the audience.

64-11-2024

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/28/2024 to permit an accessory building to have a maximum gross floor area of 143.07 m² 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.

Carried Unanimously

c. A-30-2024 - 15940 Couture Beach Road

Speaking to the application is authorized agent Bluewater Pool c/o Spencer Mickie

There were no questions from the authorized agent or audience.

65-11-2024

Moved By Member Barrette

Seconded By Jeremy Prince

Approve minor variance application A/30/2024 to permit the following reliefs from Lakeshore Zoning By-law 2-2012 for the development of a porch attached to a dwelling on the Subject Property:

- 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.

Carried Unanimously

d. B-09-2024 - 1370 Lakeshore Road 203

Speaking to the application is authorized agent Lloyd and David Phillips.

There were no questions from the authorized agent or audience.

66-11-2024

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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 m²) 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.

Carried Unanimously

e. B-11-2024 - 0 Orsini Court

Speaking to the application is authorized agent Kirwin Partners c/o Karl Gerstheimer.

Mr. Search clarified that the notice read with the decision is only a notice and not a condition.

There were no questions from the audience.

67-11-2024

Moved By Jeremy Prince

Seconded By Linda McKinlay

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 m² (approx. 7,251.7 ft²), 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 m² (approx. 11,288.1 ft²), 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).

Carried Unanimously

f. B-12-2024 - 475 & 477 Charron Beach Road

Speaking to the application is applicant Ali Parla.

The reference plan will confirm the new lot lines which will also need to confirm each structure will be contained within each respective lot.

There were no questions from the audience.

68-11-2024

Moved By Member Barrette

Seconded By Nancy Flagler-Wilburn

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 m² (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 m² (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.

Carried Unanimously

6. Completion of Unfinished Business

7. Approval of Previous Meeting Minutes

69-11-2024

Moved By Jeremy Prince

Seconded By Linda McKinlay

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

a. October 16 Meeting Minutes

Approve October 16, 2024 minutes.

Carried Unanimously

8. Adjournment

Adjourned at 7:02 PM

70-11-2024

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 7:02 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer