

**Municipality of Lakeshore
Committee of Adjustment Meeting Agenda**

Wednesday, March 12, 2025, 6:00 PM
Council Chambers, 419 Notre Dame Street, Belle River

Pages

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

Recommendation:

Approve minor variance application A/02/2025, 256 Donald Crescent, to permit the following relief from Lakeshore Zoning By-Law (2-2012) for a proposed covered porch addition to the existing single-detached dwelling on the Subject Property:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

Impose the following conditions on minor variance approval:

- 1) The minor variance relief is only for the covered porch addition to the existing dwelling on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
- 2) The owner must submit a lot grading plan to the satisfaction of the Building Department.
- 3) All roof drains/downspouts for the development are to be splash padded and not tie into storm water management system, to the satisfaction of the Municipality of Lakeshore

Include the following Notice in the Notice of Decision:

The Owner must contact the Municipality of Lakeshore and Essex Region Conservation Authority (ERCA) if there are any changes to the proposal.

Recommendation:

Approve minor variance application A/05/2025, 1255 County Road 2, to permit the following relief from from Lakeshore Zoning By-law (2-2012) for the development of a proposed 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 89.19 m² (960 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following conditions on minor variance approval:

1. The minor variance relief is only for the proposed accessory building on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
2. If deemed necessary for the development by the Building Department, the septic system capacity is to be verified and submitted to the Building Department for approval;
3. The applicant must contact Essex Region Conservation Authority (ERCA) for a permit review (ERCA Permit # 396) as the site plan appears to have changed based on their permit.

Include the following Notice in the Notice of Decision:

The minor variance application is granted based on the use of the accessory building being for personal storage only. If that use changes in the future the building and property may be subject to fire safety inspections and/or Ontario Fire Code requirements. 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 in the future.

Recommendation:

1) Approve minor variance application A/35/2024, 1 & 3 East Pike Creek Road (Subject Land), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a non-commercial parking area on the Subject Land that will be used for staff, guests and

contractors of 234 Elmgrove Drive:

Relief from Subsection 6.41.2 m) to permit the parking area to be within 124.3 metres (407.8 feet) from the location which it is intended to serve (234 Elmgrove Drive), whereas Subsection 6.41.2 m) states that parking areas shall either be located on the same lot as the use for which such parking is required or within 90 metres (295.2 feet) of the location which it is intended to.

Relief from Subsection 6.41.4 a) to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length, whereas Subsection 6.41.4 a) states that the driveway for a residential use shall have a minimum length of 6 metres (19.7 feet).

2) Approve the issuance of a certificate of consent cancellation under Subsection 53(45) of the Planning Act to merge the Subject Land (1 & 3 East Pike Creek Road) into one lot.

Impose the following conditions on the minor variance approval:

1) The Subject Land (1 & 3 East Pike Creek Road) be merged into one property to the satisfaction of the Municipality of Lakeshore;

2) A legal mechanism be implemented that prohibits the future conveyance/transfer of 234 Elmgrove Drive or the Subject Land (1 & 3 East Pike Creek Road) without the consent of the Municipality. The legal mechanism used to achieve this, any supporting agreements, and the registration of instruments on title to achieve same, will be to the satisfaction of the Municipality of Lakeshore;

3) The parking area is to be used exclusively for the residential property known municipally as 234 Elmgrove Drive, to the satisfaction of the Municipality of Lakeshore;

4) The applicant provide, implement and maintain for the development, to the satisfaction of the Municipality of Lakeshore: lot grading and servicing requirements, stormwater quality and quantity measures, oil and grit separator, lighting plan, all to be reviewed through Engineering Reviews and obtain a Clearance Letter from the Operations Department;

5) The applicant provide, implement and maintain for the development, to the satisfaction of the Municipality of Lakeshore: a site plan and a landscaping plan;

Recommendation:

Approve minor variance application A/31/2024, 473 Charron Beach Road, to permit the following reliefs for the development of a new accessory building that will contain an additional residential unit on the Subject Property:

Relief from Subsection 6.7 e) iii) to permit the accessory building to have a maximum gross floor area of 148 m² (1,593 ft²), whereas Subsection 6.7 e) iii) states that an accessory building containing an additional residential unit shall not exceed a total gross floor area of 120 m² (1,291.67 ft²) for all uses, unless within an Agriculture zone, where a maximum combined gross floor area of 140 m² (1,506.95 ft²) shall be permitted.

Relief from Section 6.50 to permit the accessory building containing the additional residential unit to be setback a minimum of 20.52 metres (67.32 feet) from the right-of-way of the railway; whereas Section 6.50 states that no dwelling shall be erected closer than 30 metres (98.43 feet) to the right-of-way of any railway;

The approval of the relief from Subsection 6.7 e) iii) is subject to the following conditions that the Applicant will need to satisfy:

- 1) The gross floor area of the main dwelling must exceed the gross floor area of the accessory building containing an additional residential unit;
- 2) Downspouts are to be splash padded and are not to be tied into the Storm Water Management System, to the satisfaction of the Municipality of Lakeshore;
- 3) Establishment of a formal driveway permit through Public Works is required, if not already obtained or on file.

The approval of the relief from Section 6.50 is subject to the following conditions that the Applicant will need to satisfy:

- 1) The completion of a study to assess and mitigate the impact of the noise, vibration and safety (such as setback, berm, security fencing, etc.) on the proposed accessory building containing an additional residential unit to the satisfaction of the Municipality of Lakeshore in consultation with the appropriate railway agency;

2) Implementation and maintenance (where necessary) of any required rail noise, vibration and safety impact mitigation measures to the satisfaction of the Municipality of Lakeshore;

3) Any required notices such as warning clauses and/or environmental easements will be secured through appropriate legal mechanisms to the satisfaction of the Municipality of Lakeshore and the appropriate railway agency.

4) Downspouts are to be splash padded and are not to be tied into the Storm Water Management System, to the satisfaction of the Municipality of Lakeshore;

5) Establishment of a formal driveway permit through Public Works is required, if not already obtained or on file.

Include the following Notices in the Notice of Decision:

The gross floor area of the accessory building is based on the floor plan drawings submitted with the minor variance application, as they appear in Appendix B of the report, to the satisfaction of the Municipality of Lakeshore.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. February 12 2025 Meeting Minutes

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7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Municipality of Lakeshore Report to Committee of Adjustment

Growth and Sustainability

Planning Services



To: Chair and Members of the Committee of Adjustment
From: Urvi Prajapati – Team Leader, Community Planning
Date: March 4, 2025
Subject: Minor Variance Application A/02/2025 – 256 Donald Crescent

Recommendation

Approve minor variance application A/02/2025, 256 Donald Crescent, to permit the following relief from Lakeshore Zoning By-Law (2-2012) for a proposed covered porch addition to the existing single-detached dwelling on the Subject Property:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

Impose the following conditions on minor variance approval:

- 1) The minor variance relief is only for the covered porch addition to the existing dwelling on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
- 2) The owner must submit a lot grading plan to the satisfaction of the Building Department.
- 3) All roof drains/downspouts for the development are to be splash padded and not tie into storm water management system, to the satisfaction of the Municipality of Lakeshore

Include the following Notice in the Notice of Decision:

The Owner must contact the Municipality of Lakeshore and Essex Region Conservation Authority (ERCA) if there are any changes to the proposal.

Background

The applicant is proposing the development of a covered porch, relocation of a pool, and a proposed shed on the Subject Property, known municipally as 256 Donald Crescent. Currently, there is an existing single detached dwelling on the property.

The following relief from Lakeshore Zoning By-law 2-2012 is required for the proposed covered porch:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

Zoning	R1
Official Plan Land Use Designation	Residential
Street frontage	Municipal (Donald Crescent)
Services	Municipal water, municipal sanitary

Summary

Location

The subject property is approximately 808.44 m² and has approximately 18.59 metres of frontage on Donald Crescent. It is located on the south side of Donald Crescent, north of Christine Avenue in Community of Belle River (Appendix A).

Surrounding Land Uses

The subject property is surrounded by residential lots to the east, west, and north, and agricultural parcel to the south. The land to the south will be developed in the future as part of the “Forest Hills” residential subdivision.

Official Plan

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

Zoning

The subject property is zoned “Residential – Low Density (R1)” in the Lakeshore Zoning By-law 2-2012.

Planning Act 45(1)

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be

granted if the Minor Variance passes all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

County of Essex Official Plan

The subject property is included within a Primary Settlement Area in the County of Essex Official Plan. The proposed porch meets the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

The proposal conforms to Subsection 6.4.1a) Waterfront Residential Designation of the Official Plan. The proposed development will be compatible with the adjacent land uses and buffering will be provided to ensure that the visual impact of the development on the adjacent land uses is minimized. Staff are of the opinion that the minor variance meets the general intent and purpose of the Lakeshore Official Plan.

Zoning By-law

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

The property is zoned Residential – Low Density (R1). The purpose of the rear yard setback is to ensure separation from abutting neighbours and to provide sufficient area for landscaping. The proposed porch is replacing an aboveground pool and rear yard deck with minimal changes to landscaping. The proposed porch encroachment as an outdoor amenity use does not impact abutting neighbours. It is noted that land to the south of the property is currently vacant (Appendix A).

Minor in Nature

The proposed relief is minor in nature and there are no anticipated impacts or land use compatibility issues with permitting the requested relief. The rear yard setback and the encroachment regulation is required for privacy and safety. In this case the proposed porch will not adversely affect any neighbours. It is noted that land to the south of the property is currently vacant. Moreover, aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood.

Desirability and Appropriateness

The requested relief meets existing standards in the immediate area and is compatible with surroundings. The reliefs will have no significant impacts for the surrounding neighbours.

Conclusion

It is the opinion of the Planner that the requested minor 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.

Others Consulted

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

The Building Department has requested that the applicant provide a lot grading plan for the proposed development.

ERCA states at this time no approvals are required from their office, however, if the proposal changes, the applicant is required to reach out to their office to confirm whether an approval is necessary (Appendix C).

The Fire Department stated that they have no comments as presented.

The Operations Department has stated that all roof drains/downspouts should be splash padded and should not tie into storm water management system (Appendix E).

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.

Financial Impacts

There are no financial impacts from the writing of this report.

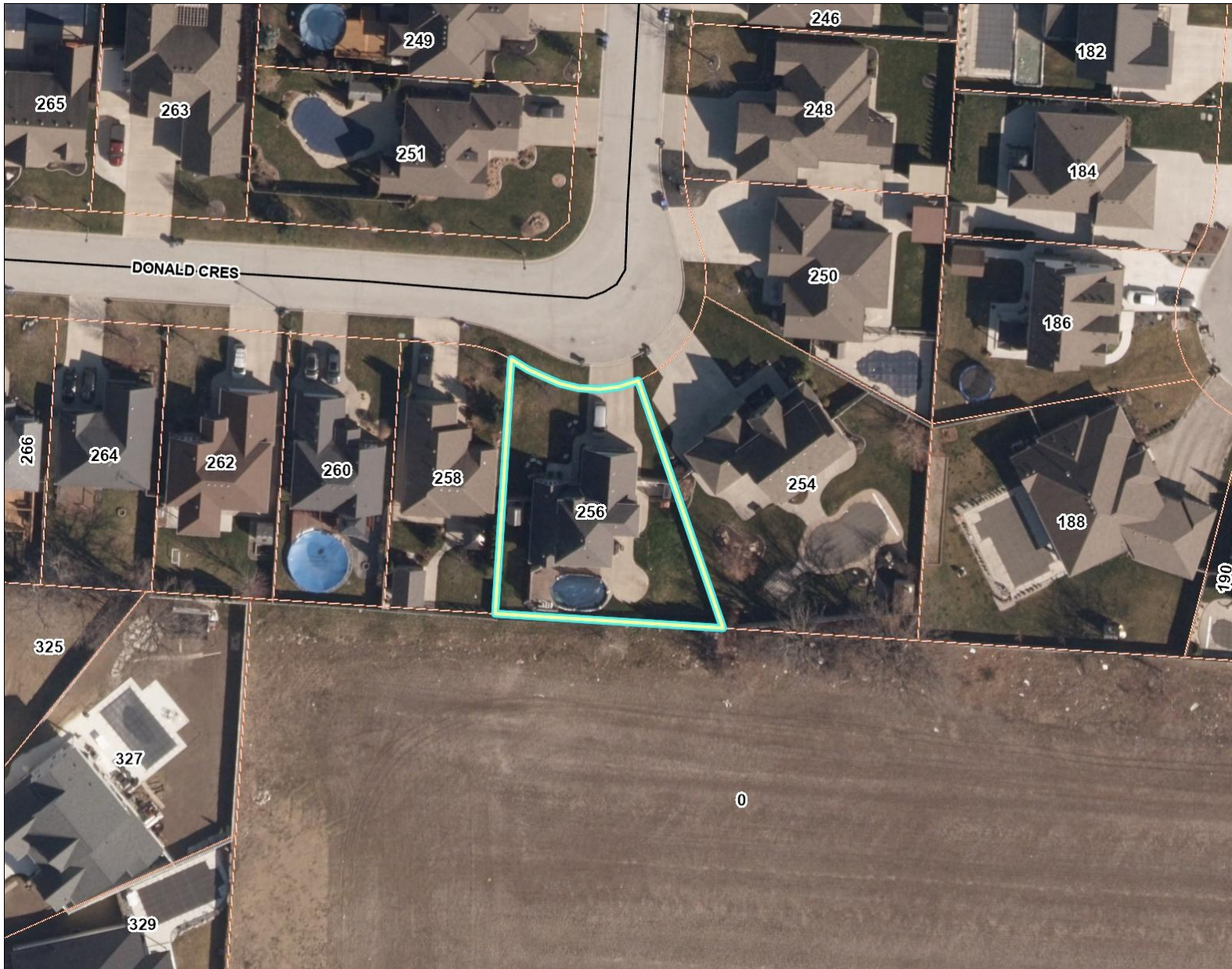
Attachments

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








Report Approval Details

Document Title:	A-02-2025 - 256 Donald Crescent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - ERCA Comments.pdf- Appendix D - Photos.pdf- Appendix E - Operations Department.pdf
Final Approval Date:	Mar 6, 2025

Subject Property - 256 Donald Crescent



Legend

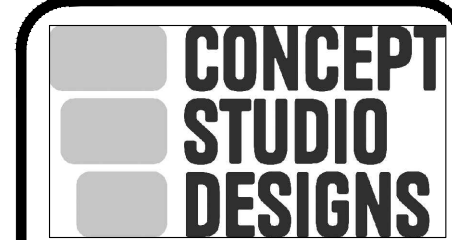
-  Tax Parcel
-  WorkingParcel
- Street Centreline**
-  CNTY
-  LAK
-  PRIV
-  PROV
-  <all other values>

1: 812



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



FIRM BCIN: 47249
 196 POINTE WEST DR
 AMHERSTBURG, ONTARIO
 OFFICE: 519.819.0423
 E-MAIL:
 COREY@CONCEPTSTUDIODESIGNS.COM

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Date	ISSUED FOR

Project Name and Address
**256 Donald CRES
 LAKESHORE, ON**

Project Number	24-018
CAD DWG FILE	-
DRAWN BY	C.S.
CHK'D BY	C.S.
Scale	AS NOTED

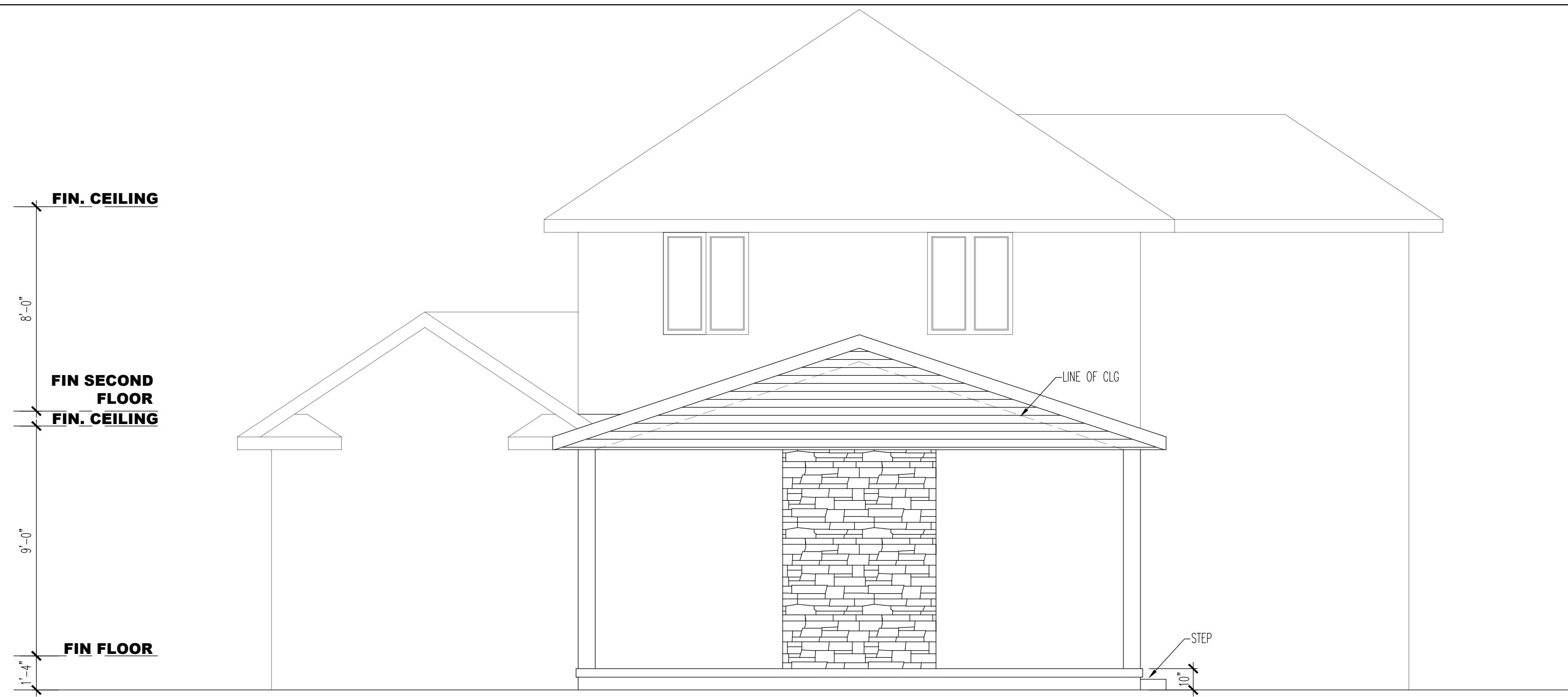
Sheet
A2

LOT AREA	= 8,702 SQFT.
EX. HOUSE FOOTPRINT	= 1,762 SQFT
EX. HOUSE LOT COVERAGE	= 20.25%
PROPOSED HOUSE ADDITION	= 440 SQFT
PROPOSED ADDITION LOT COVERAGE	= 5.05%
TOTAL HOUSE FOOTPRINT	= 2,202 SQFT
TOTAL HOUSE LOT COVERAGE	= 25.30 %
PROPOSED SHED	= 60 SQFT
PROPOSED SHED COVERAGE	= 1%
PROPOSED LANDSCAPE AREA	= 4,245
PROPOSED LANDSCAPE COVERAGE	= 48.7 %



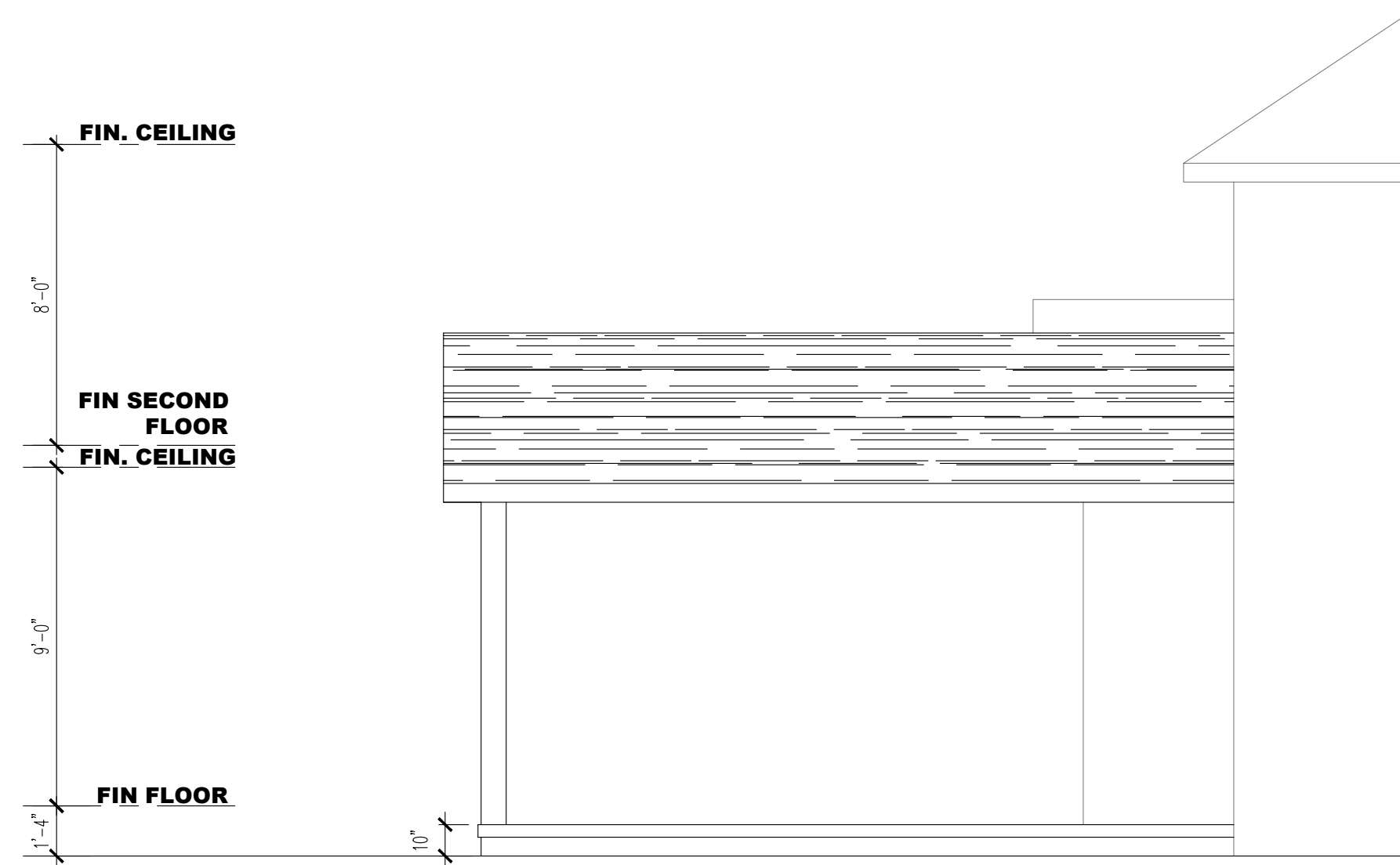
PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



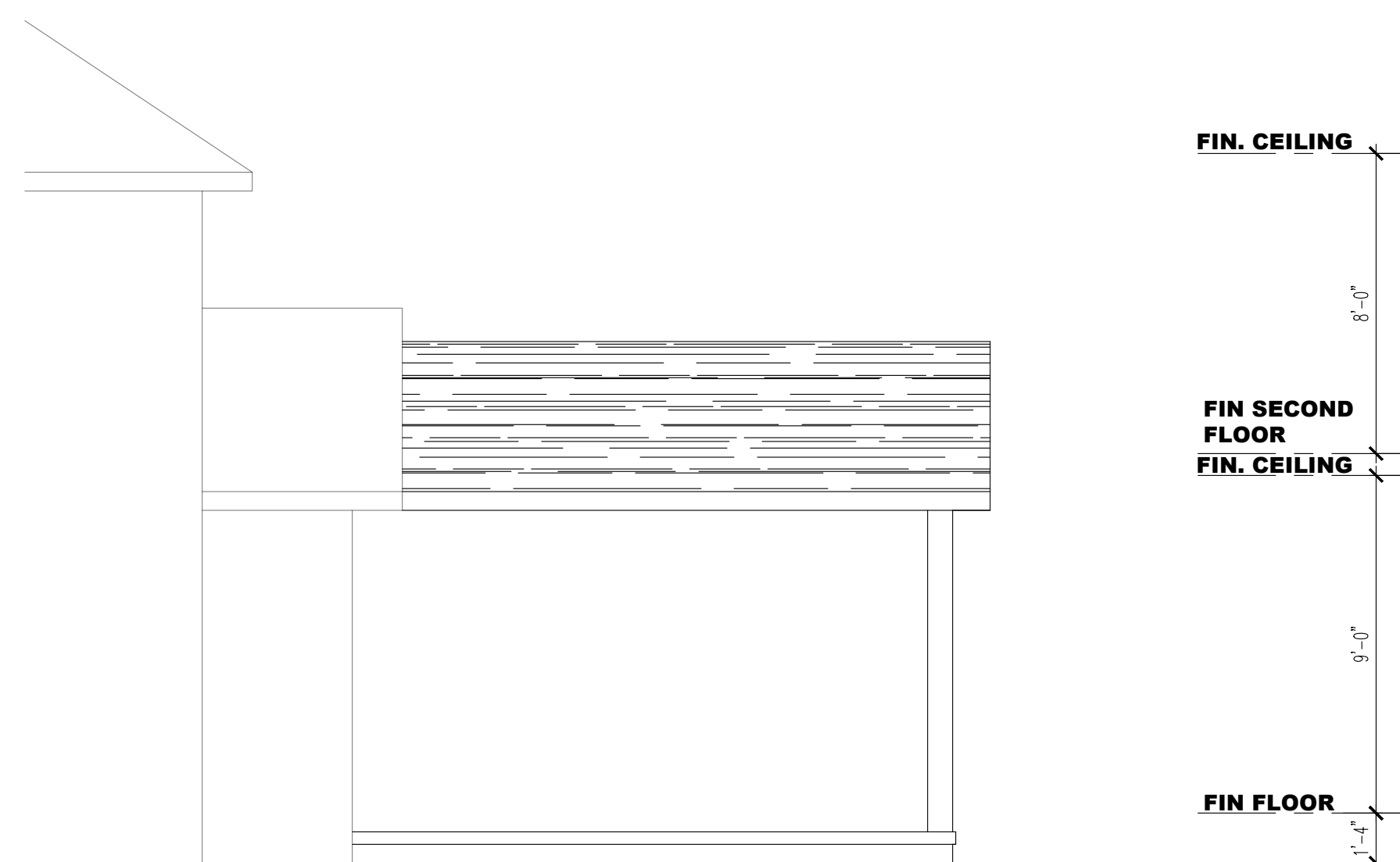
REAR ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$



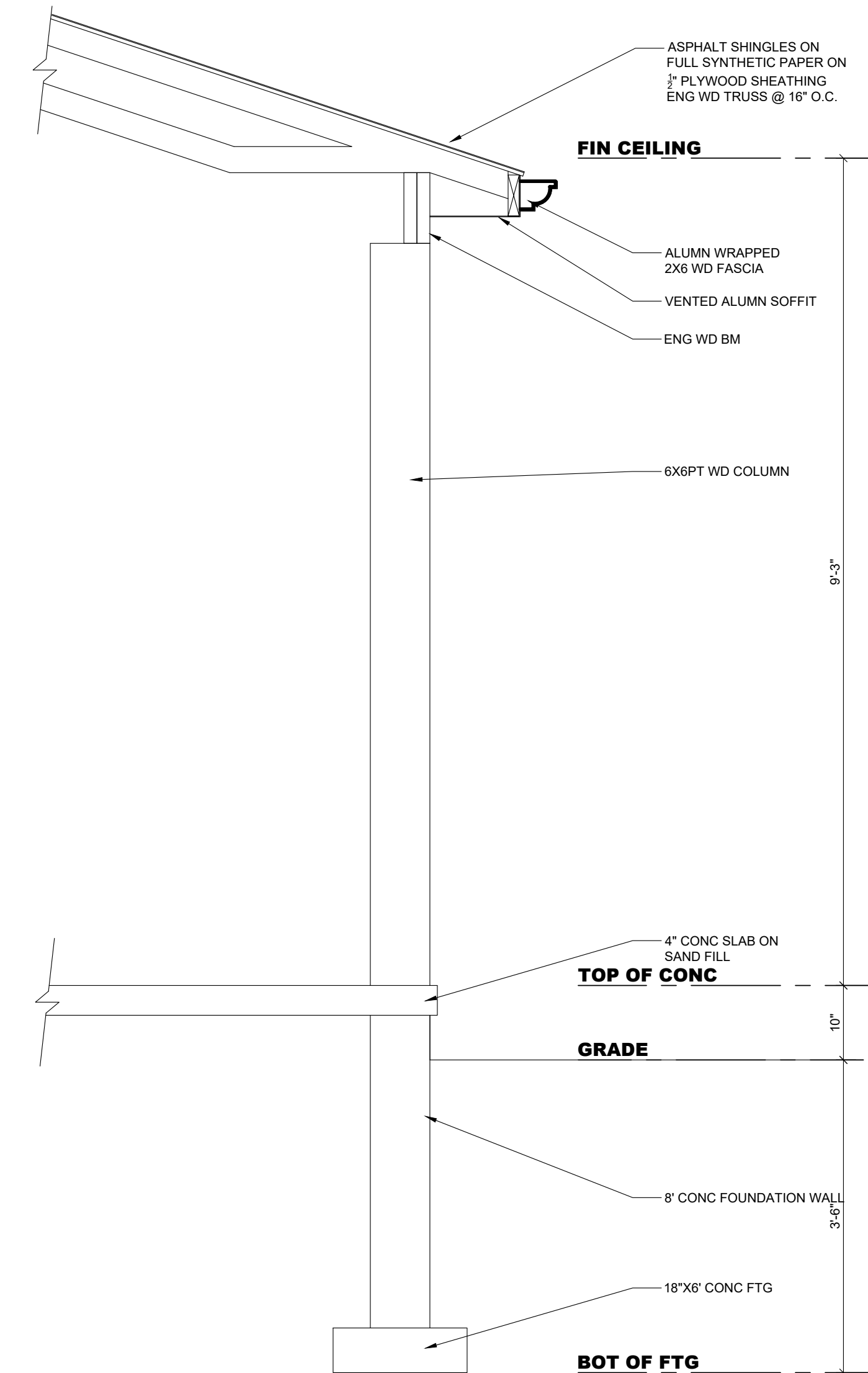
LEFT SIDE ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$



RIGHT SIDE ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$



WALL SECTION THROUGH OFFICE

SCALE: $\frac{3}{4}'' = 1'-0''$



FIRM BCIN: 47249
196 POINTE WEST DR
AMHERSTBURG, ONTARIO
OFFICE: 519.819.0423
E-MAIL:
COREY@CONCEPTSTUDIODESIGNS.COM

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Date	ISSUED FOR

Project Name and Address
**256 Donald CRES
LAKESHORE, ON**

Project Number	24-018
CAD DWG FILE	-
DRAWN BY	C.S.
CHK'D BY	C.S.
Scale	AS NOTED

Sheet
A4



2025-02-28

File Number: 0407-25

Ian Search

Planner 1

Municipality of Lakeshore, Community Planning

Municipality of Lakeshore, ON

N8L 0P8

RE: Construct a Covered Porch and Pool

256 DONALD CRES

The Municipality of Lakeshore has received Application for Minor Variance A-02-2025 for the above noted subject property. The applicant is proposing to construct a covered porch and pool.

The Applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for the development of a new porch in the rear yard of the Subject Property:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

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.

NATURAL HAZARDS AND REGULATOR RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. O. REG 686/21

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 Duck Creek.

This development proposal does not require an approval from this office. If there are any changes to this proposal, you are required to contact this office to confirm whether an approval is necessary.



FINAL RECOMMENDATION

Our office has no objection to A-02-2025. As noted above and based on the current proposal, this development does not require an approval from this office. If there are any changes to this proposal, you are required to contact this office to confirm whether an approval is necessary.

Sincerely,

Alicia Good

Alicia Good
Watershed Planner



Operations Department

Date: February 25, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – March 12, 2025 – A/02/2025

Operations has reviewed A-02-2025 – 256 Donald Crescent. application and offer the following comments:

- All roof drains/ downspouts should be splash padded and should not tie into storm water management system.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

**Municipality of Lakeshore
Report to Committee of Adjustment**



Growth and Sustainability

Planning Services

To: Chair and Members of the Committee of Adjustment
From: Urvi Prajapati – Team Leader, Community Planning
Date: March 4, 2025
Subject: Minor Variance Application A/05/2025 – 1255 County Road 2

Recommendation

Approve minor variance application A/05/2025, 1255 County Road 2, to permit the following relief from from Lakeshore Zoning By-law (2-2012) for the development of a proposed 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 89.19 m² (960 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following conditions on minor variance approval:

- 1) The minor variance relief is only for the proposed accessory building on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
- 2) If deemed necessary for the development by the Building Department, the septic system capacity is to be verified and submitted to the Building Department for approval;
- 3) The applicant must contact Essex Region Conservation Authority (ERCA) for a permit review (ERCA Permit # 396) as the site plan appears to have changed based on their permit.

Include the following Notice in the Notice of Decision:

The minor variance application is granted based on the use of the accessory building being for personal storage only. If that use changes in the future the building and property may be subject to fire safety inspections and/or Ontario Fire Code requirements. 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 in the future.

Background

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

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 89.19 m² (960 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

The subject property is located south of the VIA Rail right-of-way, north of County Road 2, and east of Rochester Townline Road. Currently, there is an existing house and shed on the property. The septic tank is located at the front of the house. The shed will be approximately 65.35 metres (214.40 feet) away from the railway to the north. Both the subject property and the neighbouring property to the east are zoned “Hamlet Residential (HR)”.

The surrounding land uses include the Hamlet and Agricultural designation to the east, west, and south. To the north of the subject property is the VIA Rail right-of-way. The subject property is designated Hamlet and is located within the ERCA regulated area (Appendix A).

The minor variance application states that the building will be used for the personal storage of vehicles, boats, and tools. It will not be used for any business activities and is simply going to be a hobby workshop. The proposed shed will be located at the rear of the property and the existing driveway is proposed to be extended to provide access to the proposed accessory building (Appendix B).

Zoning	Hamlet Residential (HR)
Official Plan Land Use Designation	Hamlet
Servicing	Municipal water, private sanitary services
Street Frontage	County of Essex (County Road 2)

Comments

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

County of Essex Official Plan

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

Lakeshore Official Plan

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

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

Subsection 4.2.1 Community Design includes the following relevant policies:

- a) The Town will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a generally high quality of community design and built form.

The subject property is 0.9 acres (4046.856 m²) and is a relatively larger residential lot in the neighbourhood. It is therefore conducive to supporting the proposed gross floor area and height of the accessory building. The building will be subordinate to the main building on the property which is in keeping with the physical design characteristic established in the area.

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

The proposed accessory building is for personal storage on a residential property that will not generate land use conflicts. The proposal does not require separation buffering or screening. The parcel is surrounded by Agricultural land to the north and west and hence the proposed shed will have no immediate impact or need buffering.

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

Zoning By-law

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

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

Minor in Nature

The requested reliefs are considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired relief. Likewise, the requested increase in gross floor area is considered minor to accommodate desired storage given the site and neighbourhood context.

Desirability and Appropriateness

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

Conclusion

It is the opinion of the Planner that the requested relief 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Others Consulted

The County of Essex has stated that the minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road 2. Permits are necessary for any changes to existing entrances and structures. Full comments can be found in Appendix C.

ERCA commented that they have no objection to A-05-2025. Their office has asked that the applicant contact their office for a permit review (ERCA Permit # 396-24) as the site plan appears to have changed. Their full comment can be found in Appendix D.

The Operations Department commented that the septic system capacity should be verified and should be submitted to the building department for approval. This comment is relevant if any kind of sanitary fixture is proposed for the accessory building.

The Fire Department stated that it is noted that the proposed use for the accessory building is for personal storage only. If that use changes in the future the building and property may be subject to fire safety inspections and/or Ontario Fire Code requirements.

The Building Department has no concerns at this time, any Ontario Building Code requirements will be addressed at the permit review stage.

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.

Financial Impacts

There are no financial impacts from the writing of this report.

Attachments

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

Report Approval Details

Document Title:	A-05-2025 - 1255 County Road 2 .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - County of Essex Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Photos.pdf- Appendix F - Operations Department Comments.pdf
Final Approval Date:	Mar 6, 2025

1255 County Road 2 - Subject Property Map



Legend

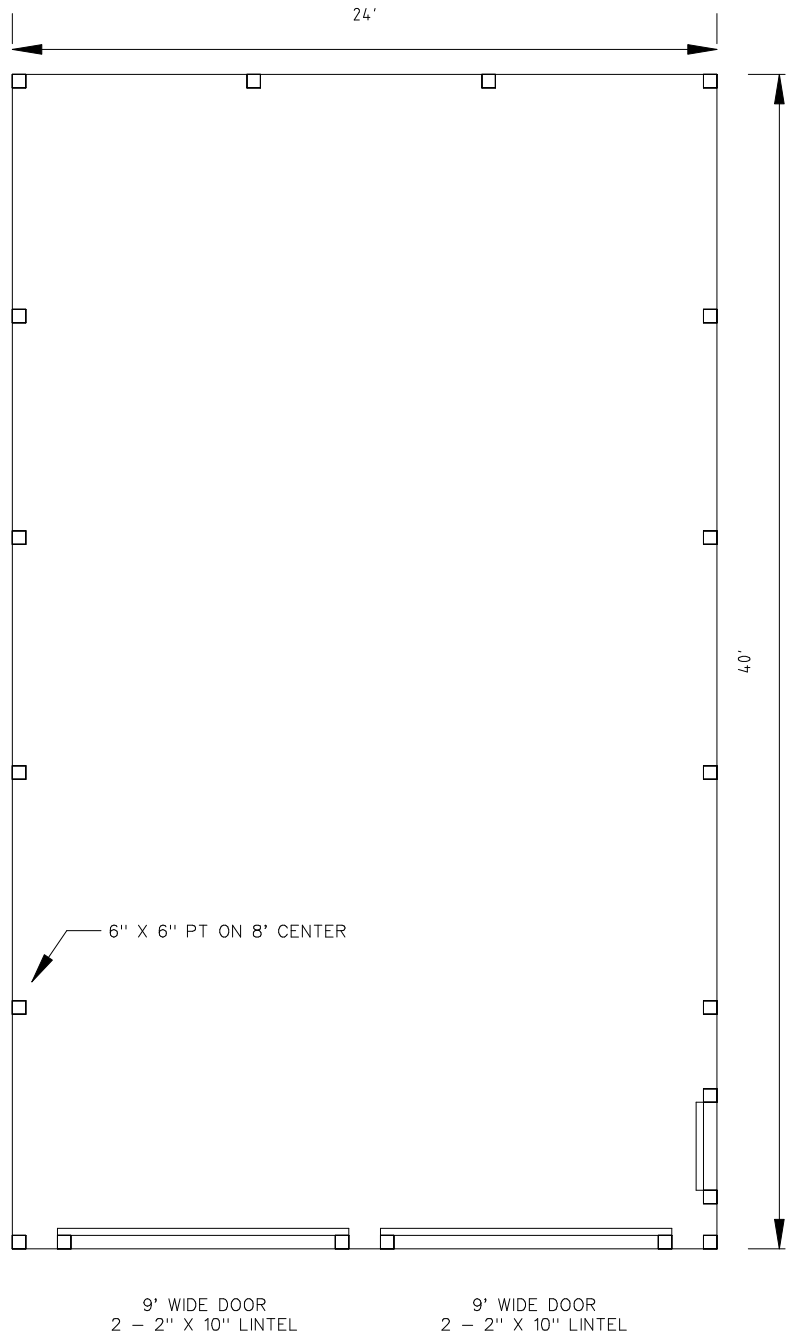
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- WorkingParcel
- Street Centreline
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 - LAK
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 - PROV
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- OwnershipParcel

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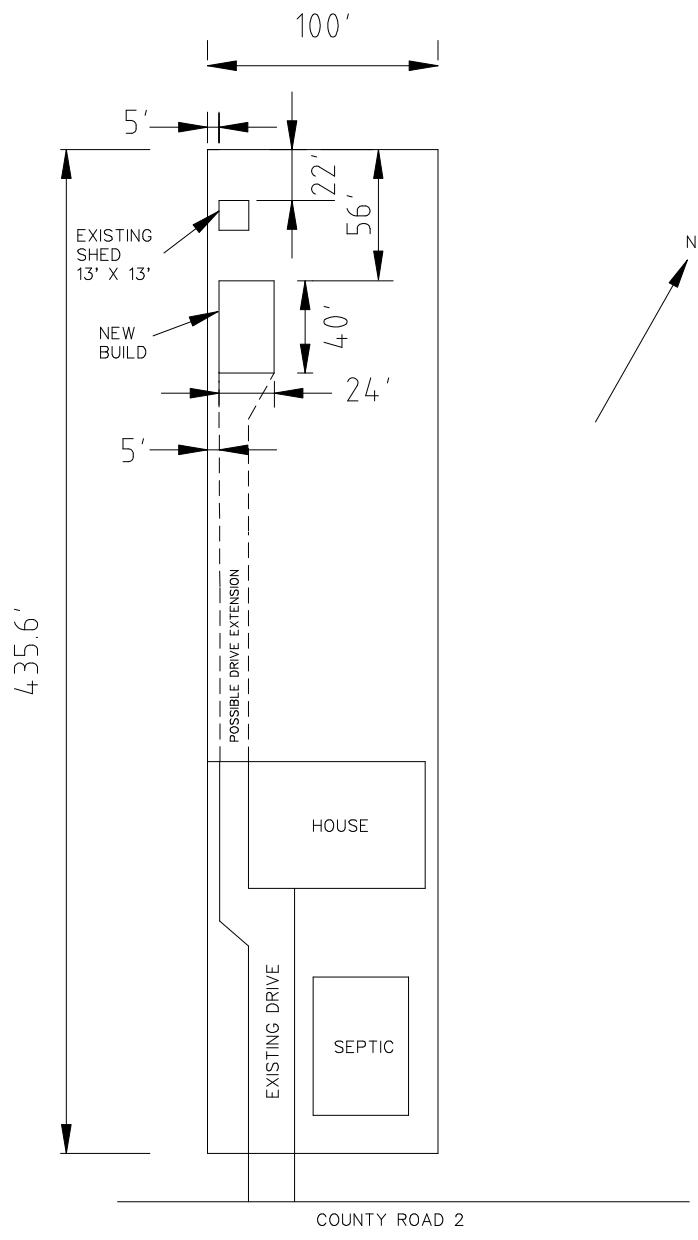


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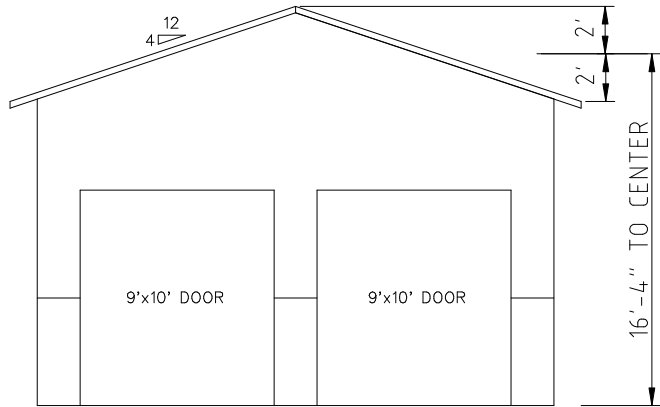
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



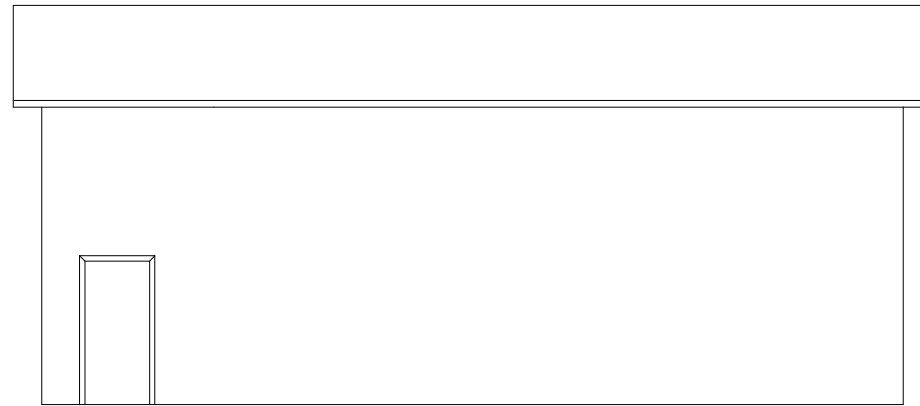
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TITLE: 1255 COUNTY ROAD 2 POLE BARN PERMIT		PART MATERIAL: PART NO.:	
		DRAWING NUMBER: PAX1	
DOCUMENT TYPE: ARCHITECTURAL		DATE: 2024-06-02	REVISION: REVA
(R) DO NOT DUPLICATE THIS DRAWING TO THIRD PARTIES WITHOUT OWNER'S PERMISSION!			



AUTHOR: SCOTT PAXTON APPR: SCOTT PAXTON	LEGAL OWNER: SCOTT PAXTON	SCALE: TOL:	SHEET: 1 OF 3 SIZE: A4
TITLE: 1255 COUNTY ROAD 2 POLE BARN PERMIT		PART MATERIAL: PART NO.:	
		DRAWING NUMBER: PAX1	
DOCUMENT TYPE: ARCHITECTURAL		DATE: 2024-09-26	REVISION: REVC
(R) DO NOT DUPLICATE THIS DRAWING TO THIRD PARTIES WITHOUT OWNER'S PERMISSION.			

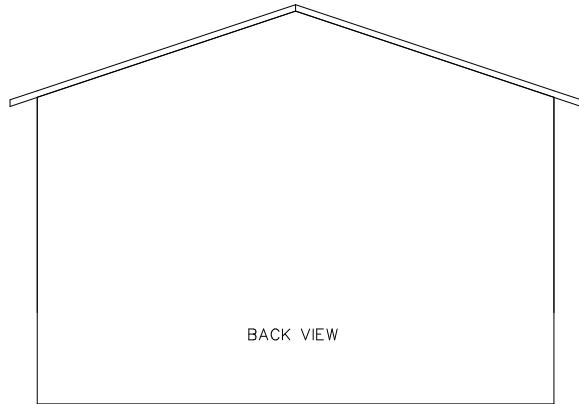


FRONT VIEW
STEEL SIDING AND ROOF

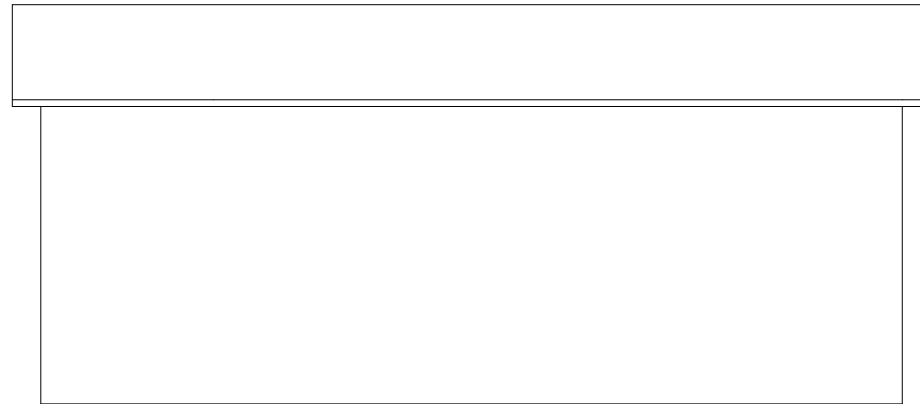


MAN DOOR

SIDE VIEW



BACK VIEW



WEST SIDE VIEW

AUTHOR: SCOTT PAXTON APPR: SCOTT PAXTON	LEGAL OWNER: SCOTT PAXTON	SCALE: 1:100 TOL:	SHEET: 2 OF 3 SIZE: A4
TITLE: 1255 COUNTY ROAD 2 POLE BARN PERMIT		PART MATERIAL: PART NO.:	
		DRAWING NUMBER: PAX1	
DOCUMENT TYPE: ARCHITECTURAL		DATE: 2025-01-09	REVISION: REVC
(R) DO NOT DUPLICATE THIS DRAWING TO THIRD PARTIES WITHOUT OWNER'S PERMISSION!			



February 27, 2025

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

Dear Mr. Search:

Re: COA Submission, A-05-2025, Scott Paxton

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. No objections to this application. The subject lands have frontage on County Road 2. 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 2. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

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

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

Regards,

Kristoffer Balallo
Engineering Technologist

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

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

countyofessex.ca



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 25, 2025

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-05-2025 1255 COUNTY RD 2

ARN 375160000005240; PIN: 750500200

Applicant: PAXTON SCOTT WAYNE

The Municipality of Lakeshore has received Application for Minor Variance A-05-2025 for the above noted subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for the

development of a new accessory building on the Subject Property:

- Relief from Subsection 6.5 a) ix) to permit the accessory building to have a gross floor area of 89.19 m² (960 ft²), whereas Subsection 6.5 a) ix) states that accessory buildings shall not exceed a gross floor area of 55 m² (592 ft²) in the R1, R2, R3, RW1, RW2, RM or HR zone.

The following is provided as a result of our review of Application for Minor Variance A-05-2025.

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

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

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

Our office has issued ERCA Permit #396 - 24 for this development. However, the applicant is advised to contact our office for a permit review as the site plans appear to have changed.

Mr. Ian Search
February 25, 2025

FINAL RECOMMENDATION

Our office has **no objection** to A-05-2025. As noted above, the applicant is advised to contact our office for a permit review for ERCA Permit #396 - 24 as the site plans appear to have changed.

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

Sincerely,



Alicia Good
Watershed Planner





Location of where the proposed shed will be located, along with the existing shed.



Looking east to the proposed accessory building.



Looking towards the existing house from the proposed accessory building location.



Existing driveway to be expanded for access to the proposed accessory building.

Operations Department

Date: February 24, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – March 12, 2025 – A/05/2025

Operations has reviewed A-05-2025 – 1255 County Road 2. application and offer the following comments:

- The septic system capacity should be verified and should be submitted to building department for approval.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

**Municipality of Lakeshore
Report to Committee of Adjustment**



Growth and Sustainability

Planning Services

To: Chair and Members of the Committee of Adjustment
From: Daniel Mercer, Division Leader – Community Planning, RPP, MCIP
Date: March 4, 2025
Subject: Minor Variance Application A/35/2024 – 1 & 3 E Pike Creek Road

Recommendation

1) Approve minor variance application A/35/2024, 1 & 3 East Pike Creek Road (Subject Land), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a non-commercial parking area on the Subject Land that will be used for staff, guests and contractors of 234 Elmgrove Drive:

Relief from Subsection 6.41.2 m) to permit the parking area to be within 124.3 metres (407.8 feet) from the location which it is intended to serve (234 Elmgrove Drive), whereas Subsection 6.41.2 m) states that parking areas shall either be located on the same lot as the use for which such parking is required or within 90 metres (295.2 feet) of the location which it is intended to.

Relief from Subsection 6.41.4 a) to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length, whereas Subsection 6.41.4 a) states that the driveway for a residential use shall have a minimum length of 6 metres (19.7 feet).

2) Approve the issuance of a certificate of consent cancellation under Subsection 53(45) of the Planning Act to merge the Subject Land (1 & 3 East Pike Creek Road) into one lot.

Impose the following conditions on the minor variance approval:

1) The Subject Land (1 & 3 East Pike Creek Road) be merged into one property to the satisfaction of the Municipality of Lakeshore;

2) A legal mechanism be implemented that prohibits the future conveyance/transfer of 234 Elmgrove Drive or the Subject Land (1 & 3 East Pike Creek Road) without the consent of the Municipality. The legal mechanism used to achieve this, any supporting agreements, and the registration of instruments on title to achieve same, will be to the satisfaction of the Municipality of Lakeshore;

3) The parking area is to be used exclusively for the residential property known

municipally as 234 Elmgrove Drive, to the satisfaction of the Municipality of Lakeshore;

4) The applicant provide, implement and maintain for the development, to the satisfaction of the Municipality of Lakeshore: lot grading and servicing requirements, stormwater quality and quantity measures, oil and grit separator, lighting plan, all to be reviewed through Engineering Reviews and obtain a Clearance Letter from the Operations Department;

5) The applicant provide, implement and maintain for the development, to the satisfaction of the Municipality of Lakeshore: a site plan and a landscaping plan;

Background

The Municipality of Lakeshore has received a minor variance application for a parcel of land (“subject land”) located at the southwest corner of East Pike Creek Road and Elmgrove Drive, known municipally as 1 and 3 East Pike Creek Road (Appendix A). The subject land is zoned “Residential Waterfront – Watercourse” (RW1) in the Lakeshore Zoning By-law and is included in the “Residential” land use designation of the Lakeshore Official Plan.

The subject land is approximately 0.63 acres (2,576 m²) in area with approximately 45.7 metres (149.93 feet) of frontage on East Pike Creek Road and approximately 72.9 metres (240 feet) of frontage on Elmgrove Drive.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a parking area on the subject land that will be used for staff, guests and contractors of the owner’s nearby residential property, 234 Elmgrove Drive:

- Relief from Subsection 6.41.2 m) to permit the parking area to be within 124.3 metres (407.8 feet) from the location which it is intended to serve (234 Elmgrove Drive), whereas Subsection 6.41.2 m) states that parking areas shall either be located on the same lot as the use for which such parking is required or within 90 metres (295.2 feet) of the location which it is intended to;
- Relief from Subsection 6.41.4 a) to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length, whereas Subsection 6.41.4 a) states that the driveway for a residential use shall have a minimum length of 6 metres (19.7 feet).

The Applicant has shared information regarding the intended use of the proposed parking area: the parking area will be used primarily by cleaning services staff, kitchen staff, gardeners, contractors and invited guests. Staff parking will take place daily from 8 am to 5 pm. Staff will have the opportunity to use the main driveway at 234 Elmgrove Drive to unload their equipment before parking in the parking area. In the absence of the parking area employees and guests park on the street when parking is unavailable at 234 Elmgrove Drive. The parking area will be designed to maximize the number of

parking stalls to meet parking demand. Landscaping elements and concrete walls with ivy will be incorporated into the design to improve views in the neighbourhood.

The Applicant will need to ensure that 1 East Pike Creek Road and 3 East Pike Creek Road are merged into one property for the proposed development that utilizes both parcels. Therefore, the Applicant has applied for a certificate of consent cancellation under Subsection 53(45) Planning Act which they will attempt to register in an effort to merge the lands. An alternative method of merging the lands may be required.

Surrounding Land Uses	North: Residential South: Residential East: Residential West: Pike Creek
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential Waterfront – Watercourse” (RW1)
Status of abutting streets	Municipally maintained (East Pike Creek Road & Elmgrove Drive)
Servicing	Municipal water, municipal sanitary
Relief from Zoning By-law requested	As stated and explained in the “Background” section of the report.

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. The tests are the following:

- 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.

Additionally, all approvals under the Planning Act are to be consistent with the Provincial Planning Statement (PPS, 2024). There are no issues of provincial significance raised by this application under the PPS.

County of Essex Official Plan

The subject land is designated “Primary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the application. Subsection

3.2.4.1 h) of the County of Essex Official Plan states: *“All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans”*. Uses accessory to any of the permitted uses in the Residential Designation are permitted in the Lakeshore Official Plan.

The subject land is located in an area susceptible to flooding in the County of Essex Official Plan and is located within the regulated area of Essex Region Conservation Authority (ERCA). ERCA was circulated the minor variance application for comment on the proposed development and the flooding hazard. ERCA commented that their office has issued an approval for the development and that they have no objection to the application (Appendix E).

The minor variance application meets the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

The subject land is designated “Residential” in the Lakeshore Official Plan. Subsection 6.6.1 k) states that uses accessory to any of the permitted uses (single detached dwellings, semi-detached dwellings, etc.) in the Residential Designation are permitted.

Subsection 4.2.1 Community Design states that excellence in community design will be promoted through the review of new development applications in the Municipality, including infill development proposals. Specifically, Subsection 4.2.1 a) states that: *The Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form*. Additionally, Subsection 4.2.1 b) i) states that: *Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality*.

Comment: It is anticipated that the parking area will alleviate the use of on-street parking along Elmgrove Drive generated by the residential property. The subject land is surrounded by low-density residential properties and the design of the parking area can address concerns with compatibility. The Applicant is committed to including elements in their design to mitigate the visual impact of the parking area in the neighbourhood (Appendix B), including: paved asphalt surfacing, the use of concrete walls with ivy to assist in screening the development, and landscaping elements on the east and west end of the parking area.

The proposed concrete walls assist with screening vehicle headlights. The Chief Building Official commented that vegetation of desirable height is to be placed against the north and south concrete walls as opposed to waiting for ivy to grow. The current conceptual plan only shows vegetation on the east and west ends of the parking area. It is recommended that the subject land be developed based on a final site plan drawing

and landscaping plan approved by Community Planning, including a review of final design elements.

The subject land is located within the Lake St. Clair Floodprone Area overlay of the Lakeshore Official Plan, which is an area identified as being susceptible to flooding. As previously mentioned, ERCA was circulated the application for comment and stated that they have no objection.

Based on the foregoing the minor variance application maintains the general intent and purpose of the Lakeshore Official Plan.

Zoning By-law

The Subject Land is zoned “Residential Waterfront – Watercourse” (RW1). Subsection 6.41.2 m) states that parking areas shall either be located on the same lot as the use for which such parking is required or within 90 metres (295.2 feet) of the location which it is intended to. The general intent and purpose of this regulation is to keep parking areas within a reasonable walking distance of the use they are intended to serve.

The parking area is to be within 124.3 metres (407.8 feet) of the location which it is intended to serve (234 Elmgrove Drive). It serves a low-density residential property. It is not a commercial parking lot, nor does it provide parking for customers of a commercial business. Rather, it is to be used by cleaning services, kitchen staff, gardeners, contractors and invited guests.

Elmgrove Drive ends in a cul-de-sac just west of 234 Elmgrove Drive resulting in a residential area of limited traffic. Therefore, the increased walking distance from the parking area to 234 Elmgrove Drive is of no concern for the users of the parking area. The minor variance application maintains the general intent and purpose of this regulation given the proposed use of the parking area and the surrounding neighbourhood context.

Subsection 6.41.4 a) states that the driveway for a residential use shall have a minimum length of 6 metres (19.7 feet). The general intent and purpose of this regulation is to ensure that a driveway has a length capable of accommodating a parked vehicle that will not encroach into the municipal right-of-way. The Lakeshore Zoning By-law (2-2012) defines a driveway as: *that portion of a lot used to provide vehicular access from a street or private road to an off-street parking or loading area located on the same lot.*

The Applicant is applying to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length (Appendix B). Parking spaces will be available to accommodate the parking demand. The driveway connecting the parking area to the street (East Pike Creek Road) will simply be used for ingress and egress into the site. This request is a mere technical relief under the Zoning By-law. The minor variance application maintains the general intent and purpose of this regulation.

Minor in Nature

The requested relief from Subsection 6.41.2 m) to permit the parking area to be within 124.3 metres (407.8 feet) from the location which it is intended to serve (234 Elmgrove Drive) is minor in nature. As previously mentioned, staff will have the opportunity to use the main driveway at 234 Elmgrove Drive to unload their equipment before parking in the parking area so that they do not have to transport equipment by foot over the increased distance. According to the concept plan submitted for the application, the development will include a paved concrete pathway connecting the parking area to Elmgrove Drive as a way of facilitating pedestrian access.

The requested relief from Subsection 6.41.4 a) to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length, is minor in nature. The driveway will not be used to accommodate any parking itself and is simply used to provide ingress/egress into the site from East Pike Creek Road. There are no negative impacts from permitting the relief.

Based on the foregoing, the minor variance application is desirable for the appropriate development or use of the land.

Desirable for the Appropriate Development or use of the Land

With respect to the relief from Subsection 6.41.2 m), the subject land is a favourable location for the proposed parking area since it is a large corner lot that does not border residential lots on both sides. It is surrounded by low-density residential properties (to the south, across the street on the north side of Elmgrove Drive, etc.) with the Applicant proposing to address views and desirability by incorporating design elements in the overall development. It is also anticipated that the parking area will alleviate on-street parking that is currently generated by the residential property (234 Elmgrove Drive).

The requested relief for the driveway to have a minimum length of 4.4 metres (14.4 feet) does not impact the desirability of the development or its functionality. It is sufficient to accommodate vehicle ingress/egress and the proposed security gate. The entire driveway approach is 9.4 metres (30.84 feet) in length when the section of the approach in the municipal right-of-way is considered. An additional 6 metres (19.7 feet) inside the property limits itself is unwarranted since the driveway is not proposed to accommodate on-site parking itself.

Based on the foregoing, the minor variance application is desirable for the appropriate development or use of the land.

Conclusion

It is the opinion of the Planner that the requested reliefs pass the four tests prescribed under Section 45 (1) of the *Planning Act*. It is recommended that the Committee of Adjustment approve the minor variance application subject to the conditions provided in the Recommendation section of the report.

It is recommended that the Committee of Adjustment approve the issuance of the certificate of consent cancellation to merge the two lots (1 and 3 East Pike Creek Road). Additionally, to ensure that the subject land is not conveyed to a separate owner in the future who may make different use of the parking area, it is recommended that the committee impose a condition on any minor variance approval requiring a legal mechanism that prohibits the future conveyance/transfer of 234 Elmgrove Drive or the Subject Land (1 & 3 East Pike Creek Road) without the consent of the Municipality. This restriction would be supported by an agreement stipulating that the Municipality will provide consent to any conveyance/transfer of 234 Elmgrove Drive and the Subject Land (1 & 3 East Pike Creek Road) on the condition that both properties are included together in the conveyance/transfer. The legal mechanism used to achieve this, any supporting agreements, and the registration of instruments on title to achieve same, will be to the satisfaction of the Municipality.

Others Consulted

The Fire Department commented that they have no comments on the application as presented.

The Chief Building Official states to ensure that full height vegetation is placed against the north and south concrete walls to screen the walls as opposed to waiting for ivy to grow. It is recommended that the subject land be developed based on a final site plan drawing and landscaping plan approved by Community Planning, including a review of final design elements.

The Operations Department commented that the applicant is required to appropriately address and meet Lakeshore's lot grading and servicing requirements, including stormwater quality and quantity measures through required Engineering Reviews and obtaining a Clearance Letter from Engineering. Additionally, the department states that property consolidation of 1 and 3 East Pike Creek Road should be completed to allow for one serviced lot. The full comment from the Operations Department can be found in Appendix D.

ERCA commented that they have no objection to the application and that their office has issued an ERCA approval for the development. They note that it is the responsibility of the Applicant to contact their office if any changes are required to the approved site plans. The full comment from ERCA can be found in Appendix E.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject property. At the time of writing, one public comment addressed to the Committee of Adjustment was received.

The comment provides the opinion that the proposed parking area is nowhere near the residential property it is intended to serve and that its location in a residential

subdivision is an eyesore. It further questions why staff, guests and contractors cannot continue to use on-street parking and notes staff are usually only there during the day which does not result in a hinderance to on-street parking at night.

Comment: As explained in the report, the large corner lot is an ideal parcel of land for the proposed parking area and is within reasonable walking distance of 234 Elmgrove Drive. Design elements can be incorporated into the development to mitigate visual impact of the parking area, and the development alleviates on-street parking that can be utilized by others.

Attachment(s):

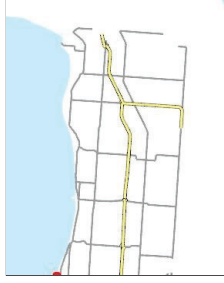
- Appendix A – Aerial Map
- Appendix B – Drawings
- Appendix C – Photos
- Appendix D – Operations Department
- Appendix E – ERCA

Report Approval Details

Document Title:	A-35-2024 Report - 1 and 3 East Pike Creek Road.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - Operations Department.pdf - Appendix E - ERCA.pdf
Final Approval Date:	Mar 5, 2025



Subject Land - 1 & 3 E Pike Creek Road



Legend

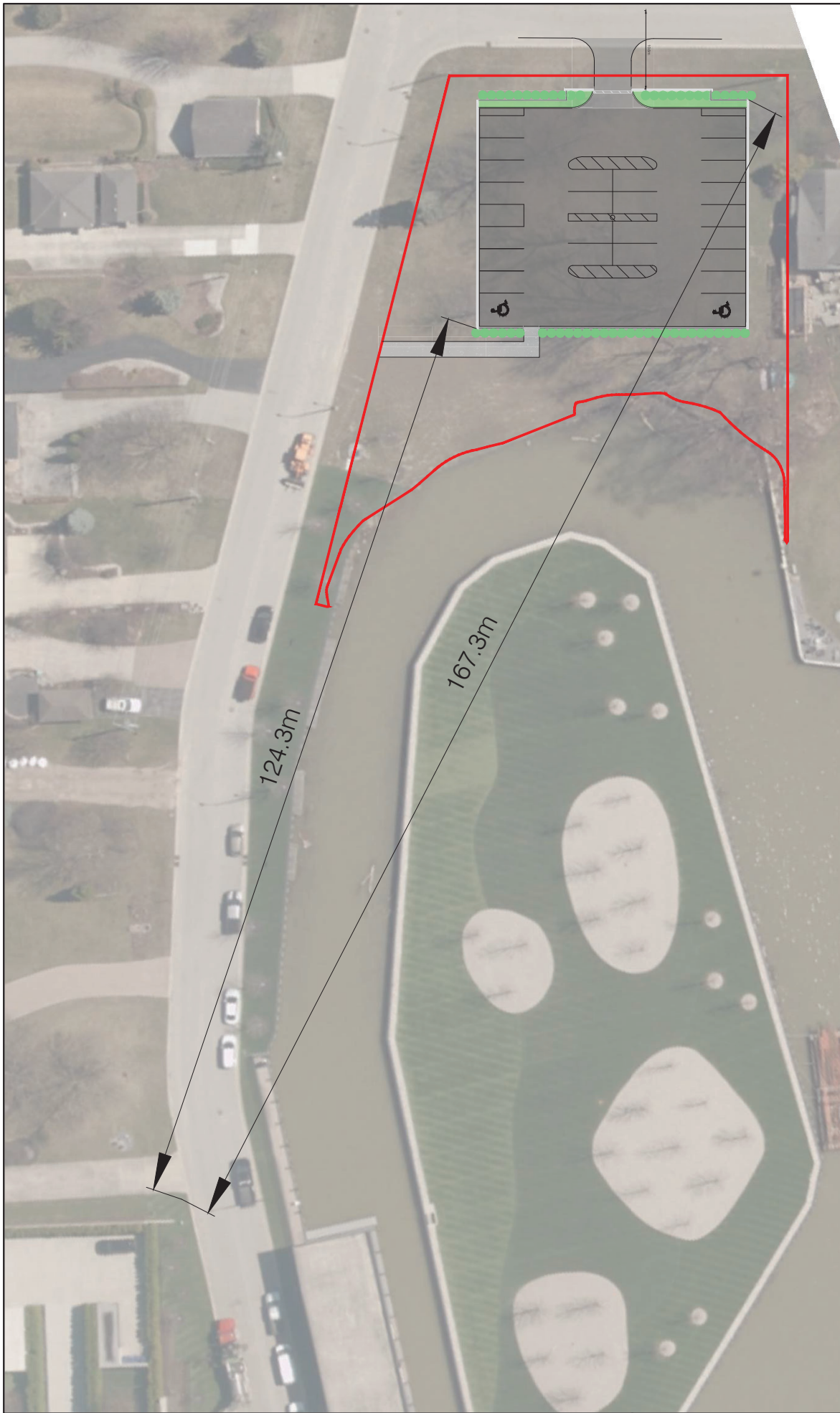
- Tax Parcel
- Working Parcel
- Street Centreline
- OWNY
- LAK
- PRIV
- PROV
- <all other values>
- Ownership Parcel

1: 1,592



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. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



ZEKELMAN 1 & 3 EAST PIKE CREEK ROAD TOWN OF LAKESHORE	
2	CONCEPTUAL PLAN
Sheet No.	
SCALE: N.T.S.	DRAWN BY: ND
DATE: Jan. 22, 2025	CHECKED BY: KM



*ALL SITE BOUNDARIES ARE TO BE CONFIRMED BY OLS AND LOCATES TO BE OBTAINED PRIOR TO CONSTRUCTION.

RESIDENTIAL WATERFRONT
- WATERCOURSE (RW1)
- RESIDENTIAL WATERCOURSE
- PARKLAND

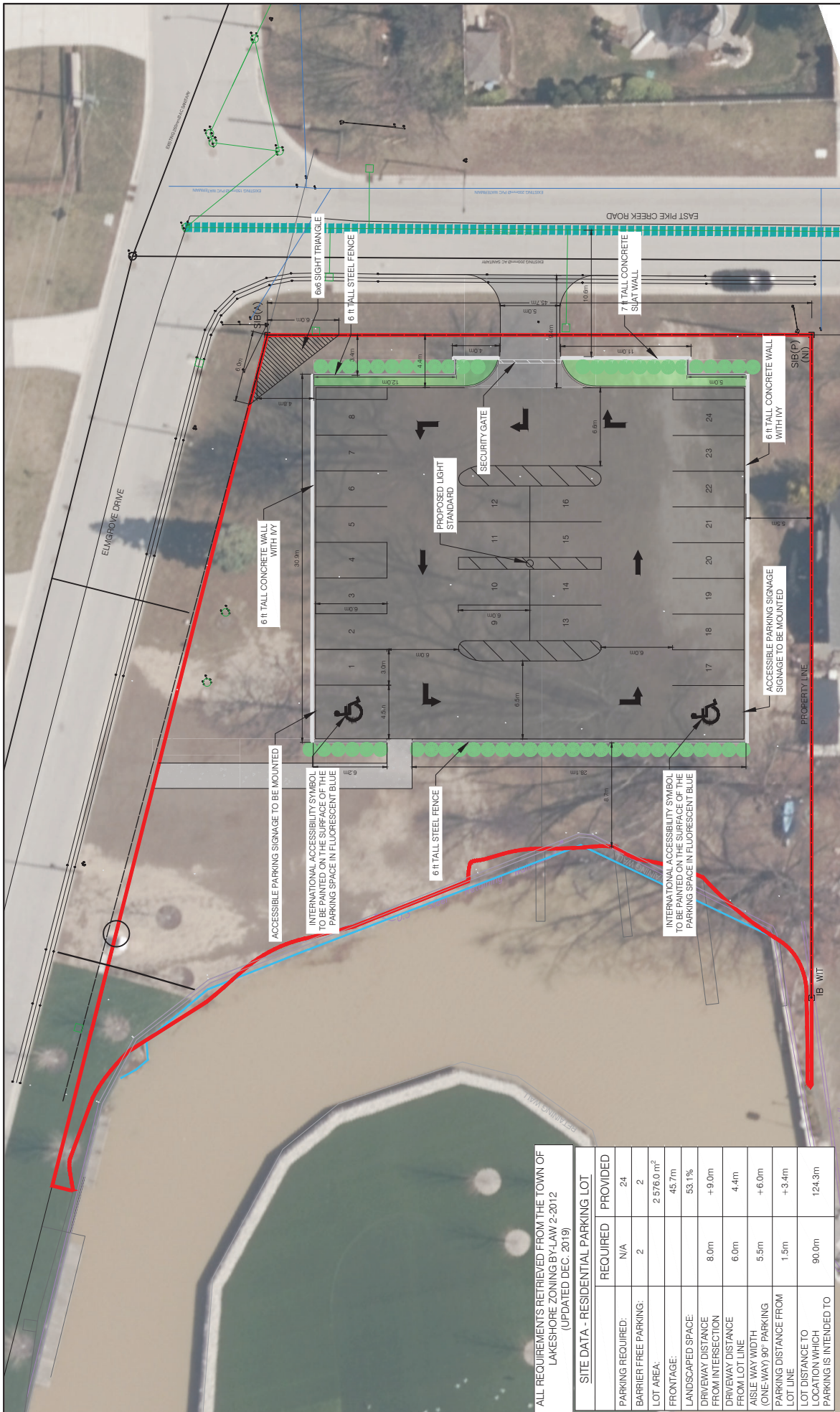
ADDITIONAL DATA:
ZONING:
SURROUNDING LAND USE:

PAVED CONCRETE AREA
WATERS EDGE
EXISTING
ENCLOSED DRAIN

LEGEND
SITE AREA
PAVED ASPHALT AREA
LANDSCAPED AREA

2199 Blackacre Drive,
Olaudah, ON,
N0K 1L0,
Canada
Tel: 519.737.1577
Fax: 519.737.1929





ZEKELMAN
1 & 3 EAST PIKE CREEK ROAD
 TOWN OF LAKESHORE

Sheet No: **1**
 Scale: N.T.S.
 Date: Feb. 13, 2025
 Drawn By: KK
 Checked By: KM

CONCEPTUAL PLAN

*ALL SITE BOUNDARIES ARE TO BE CONFIRMED BY OLS AND LOCATES TO BE OBTAINED PRIOR TO CONSTRUCTION.

ADDITIONAL DATA:
 ZONING: RESIDENTIAL WATERFRONT - WATERCOURSE (RW1)
 SURROUNDING LAND USE: -RESIDENTIAL - WATERCOURSE
 -PARKLAND

LEGEND:
 SITE AREA
 PAVED ASPHALT AREA
 LANDSCAPED AREA
 PAVED CONCRETE AREA
 WATERS EDGE
 EXISTING
 ENCLOSED DRAIN

2199 Blackacre Drive,
 Oldcastle, ON,
 N0K 1L0,
 Canada
 Tel: 519.737.1577
 Fax: 519.737.1929

AMICO

ALL REQUIREMENTS RETRIEVED FROM THE TOWN OF LAKESHORE ZONING BY-LAW 2-2012 (UPDATED DEC. 2019)

SITE DATA - RESIDENTIAL PARKING LOT	
REQUIRED	PROVIDED
PARKING REQUIRED:	24
BARRIER FREE PARKING:	2
LOT AREA:	2 576.0 m ²
FRONTAGE:	45.7m
LANDSCAPED SPACE:	53.1%
DRIVEWAY DISTANCE FROM INTERSECTION:	+9.0m
DRIVEWAY DISTANCE FROM LOT LINE:	4.4m
ALISE WAY WIDTH (ONE-WAY/90° PARKING):	5.5m
PARKING DISTANCE FROM LOT LINE:	1.5m
LOT DISTANCE TO LOCATION WHICH PARKING IS INTENDED TO	124.3m



Picture of the subject land/location of the proposed parking area looking southwest from the intersection of East Pike Creek Road and Elmgrove Drive



Picture of the subject land/location of the proposed parking area looking southwest from the intersection of East Pike Creek Road and Elmgrove Drive



Picture of the subject land/location of the proposed parking area looking west from a location on East Pike Creek Road



Picture of the subject land/location of the proposed parking area looking west from a location on East Pike Creek Road



Picture of the subject land/location of proposed parking area looking northwest from a location on East Pike Creek Road



Picture looking west on Elmgrove Drive from a position north of the proposed parking area on Elmgrove Drive



Picture looking east on Elm Grove Drive from a position just north of the proposed parking area on Elm Grove Drive



Picture looking southeast at the subject land/location of the proposed parking area from a position just north of the proposed parking area on Elm Grove Drive



Picture looking south at the subject land/location of the proposed parking area from a position north of the proposed parking area on Elmgrove Drive.



Picture looking east on Elmgrove Drive from a location near the front of 234 Elmgrove Drive



Picture looking east on Elmgrove Drive from a location just east of 234 Elmgrove Drive

Operations Department

Date: February 27, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – March 12, 2025 – A/35/2024

Operations has reviewed A-35-2024 – 1 & 3 E Pike Creek Road. application and offer the following comments:

- Based on the intended use of the site (a residential lot(s) used solely as a parking area) the applicant is required to appropriately address and meet Lakeshore's lot grading and servicing requirements, including stormwater quality and quantity measures through required Engineering Reviews and obtaining a Clearance Letter from Engineering.
- Property consolidation for 1 and 3 E. Pike Creek Road should be completed to allow for one serviced lot.
- These should be conditions of the minor variances.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



2025-03-03

File Number: 0406-25

Ian Search Planner 1
Municipality of Lakeshore, Community Planning
Municipality of Lakeshore, ON
N8L 0P8

RE: Construct a Parking Lot
1 E PIKE CREEK RD, 3 E PIKE CREEK RD
A-35-2024

The Municipality of Lakeshore has received Application for Minor Variance A-35-2024 for the above noted subject property. The Applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for the development of a parking area on the Subject Land that will be used for staff, guests and contractors of 234 Elmgrove Drive:

- Relief from Subsection 6.41.2 m) to permit the parking area to be within 124.3 metres (407.8 feet) from the location which it is intended to serve (234 Elmgrove Drive), whereas Subsection 6.41.2 m) states that parking areas shall either be located on the same lot as the use for which such parking is required or within 90 metres (295.2 feet) of the location which it is intended to;
- Relief from Subsection 6.41.4 a) to permit the driveway for the parking area to be a minimum 4.4 metres (14.4 feet) in length, whereas Subsection 6.41.4 a) states that the driveway for a residential use shall have a minimum length of 6 metres (19.7 feet).

NATURAL HAZARDS AND REGULATOR RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. O. REG 686/21

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 Pike Creek. Our office has issued ERCA approval 645 - 24 for this development. It is the responsibility of the Applicant to contact our office if any changes are required to the approved site plans by contacting the assigned reviewer or regs@erca.org.

FINAL RECOMMENDATION

Our office has no objection to A-35-2024. As noted above, our office has issued ERCA approval 645 - 24 for this development, dated October 24, 2024.

Sincerely,

Alicia Good



Alicia Good
Watershed Planner

Municipality of Lakeshore Report to Committee of Adjustment

Growth and Sustainability

Planning Services



To: Chair and Members of the Committee of Adjustment
From: Ian Search, BES, Planner I
Date: March 3, 2025
Subject: Minor Variance Application A/31/2024 – 473 Charron Beach Road

Recommendation

Approve minor variance application A/31/2024, 473 Charron Beach Road, to permit the following reliefs for the development of a new accessory building that will contain an additional residential unit on the Subject Property:

Relief from Subsection 6.7 e) iii) to permit the accessory building to have a maximum gross floor area of 148 m² (1,593 ft²), whereas Subsection 6.7 e) iii) states that an accessory building containing an additional residential unit shall not exceed a total gross floor area of 120 m² (1,291.67 ft²) for all uses, unless within an Agriculture zone, where a maximum combined gross floor area of 140 m² (1,506.95 ft²) shall be permitted.

Relief from Section 6.50 to permit the accessory building containing the additional residential unit to be setback a minimum of 20.52 metres (67.32 feet) from the right-of-way of the railway; whereas Section 6.50 states that no dwelling shall be erected closer than 30 metres (98.43 feet) to the right-of-way of any railway;

The approval of the relief from Subsection 6.7 e) iii) is subject to the following conditions that the Applicant will need to satisfy:

- 1) The gross floor area of the main dwelling must exceed the gross floor area of the accessory building containing an additional residential unit;
- 2) Downspouts are to be splash padded and are not to be tied into the Storm Water Management System, to the satisfaction of the Municipality of Lakeshore;
- 3) Establishment of a formal driveway permit through Public Works is required, if not already obtained or on file.

The approval of the relief from Section 6.50 is subject to the following conditions that the Applicant will need to satisfy:

- 1) The completion of a study to assess and mitigate the impact of the noise, vibration

and safety (such as setback, berm, security fencing, etc.) on the proposed accessory building containing an additional residential unit to the satisfaction of the Municipality of Lakeshore in consultation with the appropriate railway agency;

2) Implementation and maintenance (where necessary) of any required rail noise, vibration and safety impact mitigation measures to the satisfaction of the Municipality of Lakeshore;

3) Any required notices such as warning clauses and/or environmental easements will be secured through appropriate legal mechanisms to the satisfaction of the Municipality of Lakeshore and the appropriate railway agency.

4) Downspouts are to be splash padded and are not to be tied into the Storm Water Management System, to the satisfaction of the Municipality of Lakeshore;

5) Establishment of a formal driveway permit through Public Works is required, if not already obtained or on file.

Include the following Notices in the Notice of Decision:

The gross floor area of the accessory building is based on the floor plan drawings submitted with the minor variance application, as they appear in Appendix B of the report, to the satisfaction of the Municipality of Lakeshore.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the north side of Charron Beach Road, known municipally as 473 Charron Beach Road in the Municipality of Lakeshore (Appendix A). 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 0.37 acres (1,497.38 m²) in area with approximately 15.24 metres (50 feet) of frontage along Charron Beach Road. The section of Charron Beach Road from 467 to 493 Charron Beach Road is public.

The Applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for the development of a new two storey accessory building that will contain an additional residential unit on the second floor on the Subject Property (Appendix B):

- Relief from Section 6.50 to permit the accessory building containing the additional residential unit to be setback a minimum of 20.52 metres (67.32 feet) from the right-of-way of the railway; whereas Section 6.50 states that no dwelling shall be erected closer than 30 metres (98.43 feet) to the right-of-way of any railway;

- Relief from Subsection 6.7 e) iii) to permit the accessory building to have a maximum gross floor area of 148 m² (1,593 ft²), whereas Subsection 6.7 e) iii) states that an

accessory building containing an additional residential unit shall not exceed a total gross floor area of 120 m² (1,291.67 ft²) for all uses, unless within an Agriculture zone, where a maximum combined gross floor area of 140 m² (1,506.95 ft²) shall be permitted.

The subject property is currently vacant. It is the intention of the Applicant to develop a main dwelling and the proposed accessory building on the subject property together – with the former to be developed first.

Surrounding Land Uses	North: Lake St. Clair South: VIA Rail Canada Inc. right-of-way East: low-density residential West: low-density residential
Street frontage	Municipal (from 467 to 493 Charron Beach Road)
Servicing	Municipal water, private sanitary services
Official Plan Land Use Designation	Lakeshore Official Plan: Waterfront Residential County of Essex Official Plan: Secondary Settlement Area
Zoning	“Residential Waterfront – Lake St. Clair” (RW2)
Relief from Zoning By-law requested	As stated in the “Background” section of this report

Comments

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

- 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.

Additionally, all Planning Act approvals are to be consistent with the Provincial Planning Statement (PPS, 2024).

County of Essex Official Plan

Relief requested from Subsection 6.7 e) iii):

Subsection 3.2.5 e) of the County of Essex Official Plan states that all types of land uses are permitted within the Secondary Settlement Areas subject to the specific land

use policies of the local Official Plan. The Lakeshore Official plan permits accessory uses to any of the permitted uses (single unit residential dwelling, etc.) in the Waterfront Residential Designation. Indeed, an accessory building containing an additional residential unit is recognized as a permitted use on the subject property in the implementing Zoning By-law (2-2012).

Subsection 3.2.5 g) ii) states that new development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification in Secondary Settlement Areas that generally contain or are planned for non-employment uses. The subject property is in a Secondary Settlement Area containing non-employment uses and the proposal conforms to this policy.

Subsection 3.2.8 f) provides an affordable housing policy specific to second dwelling units, which states “*If the principle residential dwelling on the property contains only a single residential unit, then an accessory structure may contain the second dwelling unit on the property*”.

The requested relief from Subsection 6.7 e) iii) maintains the general intent and purpose of the County of Essex Official Plan.

Relief requested from Section 6.50:

The following policies from the County of Essex Official Plan are applicable to the development proposal seeking relief from Section 6.50:

2.8.3 c) Sensitive land uses will not be encouraged adjacent or in proximity to rail facilities.

2.8.3 d) All proposed residential or other sensitive use development within 300 metres of a railway right-of-way will be required to undertake noise studies, to the satisfaction of the local municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. All available options, including alternative site layouts and/or attenuation measures, will be thoroughly investigated and implemented if practicable to ensure appropriate sound levels are achieved, particularly with respect to the 55 dBA outdoor living area criterion.

2.8.3 e) All proposed residential or other sensitive use development within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the local municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

2.8.3 f) All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the local municipality in consultation with the appropriate railway. Where applicable, the local municipality will ensure that sightline requirements of Transport Canada and the railways are addressed.

2.8.3 g) Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the local municipality and the appropriate railway.

2.12 b) Prior to the approval of any applications for Official Plan amendments, Zoning By-law amendments, plans of subdivision or condominium, land division, committee of adjustment approval or any development that is subject to site plan control on lands that are within 500 metres of a Principal Main Railway Line right-of-way, Provincial Highway, or stationary sources or where the projected noise exceeds the Ministry of the Environment recommended noise criteria by more than 5 dBA, a noise and vibration and impact mitigating study shall be completed and submitted to the appropriate agencies and appropriate railway companies for review and comment. Appropriate measures to mitigate any adverse impacts from noise and or vibration that were identified shall be undertaken.

2.12 c) Setbacks, berming, fencing or other safety measures may be required to the satisfaction of the Approval Authority, Ministry of Transportation, and/or local municipality in consultation with the appropriate rail company. The conclusions and recommendations of the above policies shall be incorporated as conditions of approval in all development agreements.

Any minor variance approval granting relief from this regulation will require the Applicant to produce a study to assess and mitigate the impact of the noise, vibration and safety on the proposed additional residential unit to the satisfaction of the Municipality of Lakeshore in consultation from the appropriate railway (VIA Rail Canada Inc.). The Applicant shall undertake the appropriate measures identified in the study to mitigate any adverse effects that were identified. Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Municipality of Lakeshore.

VIA Rail Canada Inc. was circulated for comment on the minor variance application but has only provided a standard comment that the Municipality receives on all development applications circulated to the agency (see Appendix E).

The requested relief from Subsection 6.50 maintains the general intent and purpose of the County of Essex Official Plan if the aforementioned requirements are met.

Lakeshore Official Plan

Relief requested from Subsection 6.7 e) iii):

The following Lakeshore Official Plan Community Design policies are applicable with respect to the requested relief from Subsection 6.7 e) iii) of the Lakeshore Zoning By-law (2-2012):

4.2.1 a) The Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form.

4.2.1 b) Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality: i) will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality;

4.2.1 e) The Municipality will require that infill developments be compatibly scaled and designed to enhance the character of the area.

The requested relief from Subsection 6.7 e) iii) maintains the general intent and purpose of the Official Plan. Accessory buildings of similar size exist in the surrounding neighbourhood and the proposal will comply with the regulation in the Zoning By-law requiring the development of accessory buildings in the front yard (street side) of the main dwelling. This is characteristic of the area.

Relief requested from Section 6.50:

The following policies from the Lakeshore Official Plan are applicable to the development proposal seeking relief from Section 6.50:

7.2.5 a) Any proposed new residential or other sensitive use within 300 metres of an active railway right-of-way will be supported by noise and compatibility studies, completed to the satisfaction of the Municipality, in consultation with the appropriate railway company.

7.2.5 b) Any proposed new development within 75 metres of an active railway right-of-way will be supported by a vibration impact study, completed to the satisfaction of the Municipality, in consultation with the appropriate railway company.

7.2.5 c) For development adjacent to a railway right-of-way, appropriate safety measures such as setbacks, berms and security fences will be provided to the satisfaction of the Municipality in consultation with the appropriate railway company.

The policies with respect to developing in proximity of rail corridors is similar to the policies contained in the County of Essex Official Plan. The requested relief from Subsection 6.50 maintains the general intent and purpose of the Lakeshore Official Plan if the requirements mentioned in the County of Essex Official Plan section of the report are satisfied.

Zoning By-law

Relief requested from Subsection 6.7 e) iii):

The general intent and purpose of limiting an accessory building (containing an additional residential unit) to a total gross floor area of 120 m² (1,291.67 ft²) for all uses is to ensure these buildings do not dominate the landscape in residential neighbourhoods and that they remain subordinate to the main dwelling on the property where they exist.

The requested relief from Subsection 6.7 e) iii) maintains the general intent and purpose of this regulation if the main dwelling (to be developed first) exceeds the size of the proposed accessory building in terms of gross floor area.

Relief requested from Section 6.50:

The general intent and purpose of the regulation that requires no dwelling to be erected closer than 30 metres (98.43 feet) to the right-of-way of any railway is to accommodate safety and to provide buffer from railway operations generating noise and vibration.

In this case the subject property is in a waterfront settlement area that is bound by Lake St. Clair to the north and the VIA Rail Canada Inc. right-of-way to the south. There is a dwelling on a nearby neighbouring property to the east that has existed for decades, which appears to be located closer to the rail right-of-way than the proposal. It is likely that there are other example(s) of existing residential development on lakefront properties located closer to the rail right-of-way than what is permitted in the Lakeshore Zoning By-law (2-2012). However, to meet the general intent and purpose of this regulation in the Zoning By-law (2-2012) currently in effect, appropriate conditions will need to be included in any minor variance approval which impose the requirements mentioned in the County of Essex Official Plan section of the report.

Minor in Nature

Relief requested from Subsection 6.7 e) iii):

The 28 m² (301.4 ft²) increase in gross floor area beyond what is permitted is considered a minor deviation from the Zoning By-law to achieve the desired design that the applicant would like to implement. There are no land use compatibility issues or impacts anticipated from permitting this requested relief for the reasons already mentioned in the report.

Relief requested from Section 6.50:

As previously mentioned, there are other example(s) of existing residential development on lakefront properties located closer to the rail right-of-way than what is permitted in the Lakeshore Zoning By-law (2-2012). There are no land use compatibility issues or impacts in terms of community design or existing standards. In that sense the requested relief to implement a minimum 20.52 metres (67.32 feet) setback as opposed to the required 30 metre (98.42 feet) from the rail right-of-way is considered minor. However, the required study and implementation of mitigation measures described in the County

of Essex Official Plan section of this report will need to be imposed as a condition of any minor variance approval.

Desirable for the Appropriate Development or use of the Land

Relief requested from Subsection 6.7 e) iii):

The requested relief from Subsection 6.7 e) iii) meets existing standards in the area when the development proposal is compared to other nearby accessory buildings. The increased gross floor area improves the desirability of the additional residential unit for a tenant and the proposed design of a second storey residential unit with parking on the first floor is consistent with the character of the area. Additionally, the accessory building and its proposed gross floor area will include parking for the use that would otherwise have to be accommodated on a driveway visible from the street.

Based on the foregoing, this requested relief is desirable for the appropriate development or use of the land.

Relief requested from Section 6.50:

The requested relief from Subsection 6.50 meets existing standards in the area. From a community design perspective, locating the accessory building further from the existing dwellings on east and west neighbouring properties is desirable to preserve a perception of privacy.

The Applicant must implement a required setback from the lake (imposed by ERCA) for the proposed main dwelling, which is to be developed prior to the accessory building containing the additional residential unit. In addition, the Applicant states that the most efficient and effective septic system design would be one septic system that accommodates both buildings, and that such system requires a sizable space between the buildings (Appendix B). They state that this required space in turn requires the accessory building to be located further south, thereby reducing the setback of the proposed accessory building from the railway right-of-way.

For this requested relief to be considered desirable for the appropriate development and use of the land, appropriate conditions will need to be included in any minor variance approval which impose the requirements mentioned in the County of Essex Official Plan section of the report.

Provincial Planning Statement (PPS 2024)

There are relevant Land Use Compatibility policies in the PPS (Section 3.5) for the relief requested from Section 6.50, which are the following:

1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to

ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Railway operations are included in the definition of “Major Facilities” in the PPS. For the requested relief from Section 6.50 to be consistent with the PPS, the required study and implementation of mitigation measures described in the County of Essex Official Plan section of this report will need to be imposed as a condition of any minor variance approval.

Conclusion

It is the opinion of the Planner that the requested reliefs pass the four tests prescribed under Section 45 (1) of the Planning Act. It is recommended that the Committee of Adjustment approve the minor variance reliefs subject to the conditions and notices detailed in the Recommendation section of this report.

Others Consulted

The Lakeshore Fire Department stated that they have no comments on the application as presented.

The Lakeshore Building Department confirmed that they have no concerns with the application.

The Operations Department commented that all the downspouts are to be splash padded and should not be tied into the Storm Water Management System (applicable to all buildings). Establishment of a formal driveway permit through Public Works is required. Full comments can be found in Appendix D.

As previously mentioned, a standard comment received from VIA Rail Canada Inc. was provided in response to the application. The full comment can be found in Appendix E.

ERCA commented that their office has no objection to the minor variance application. The property owner will be required to obtain an approval from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. 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. At the time of writing, no written comments addressed to the Committee of Adjustment were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – Operations Department
Appendix E – VIA Rail Canada Inc.
Appendix F – ERCA

Prepared by:



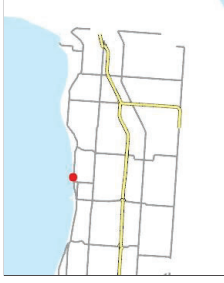
Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-31-2024 - 473 Charron Beach Road - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department.pdf- Appendix E - VIA Rail Comment.pdf- Appendix F - ERCA.pdf
Final Approval Date:	Mar 5, 2025



Subject Property - 473 Charron Beach Road



Legend

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

1: 1,201



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. THIS MAP IS NOT TO BE USED FOR NAVIGATION

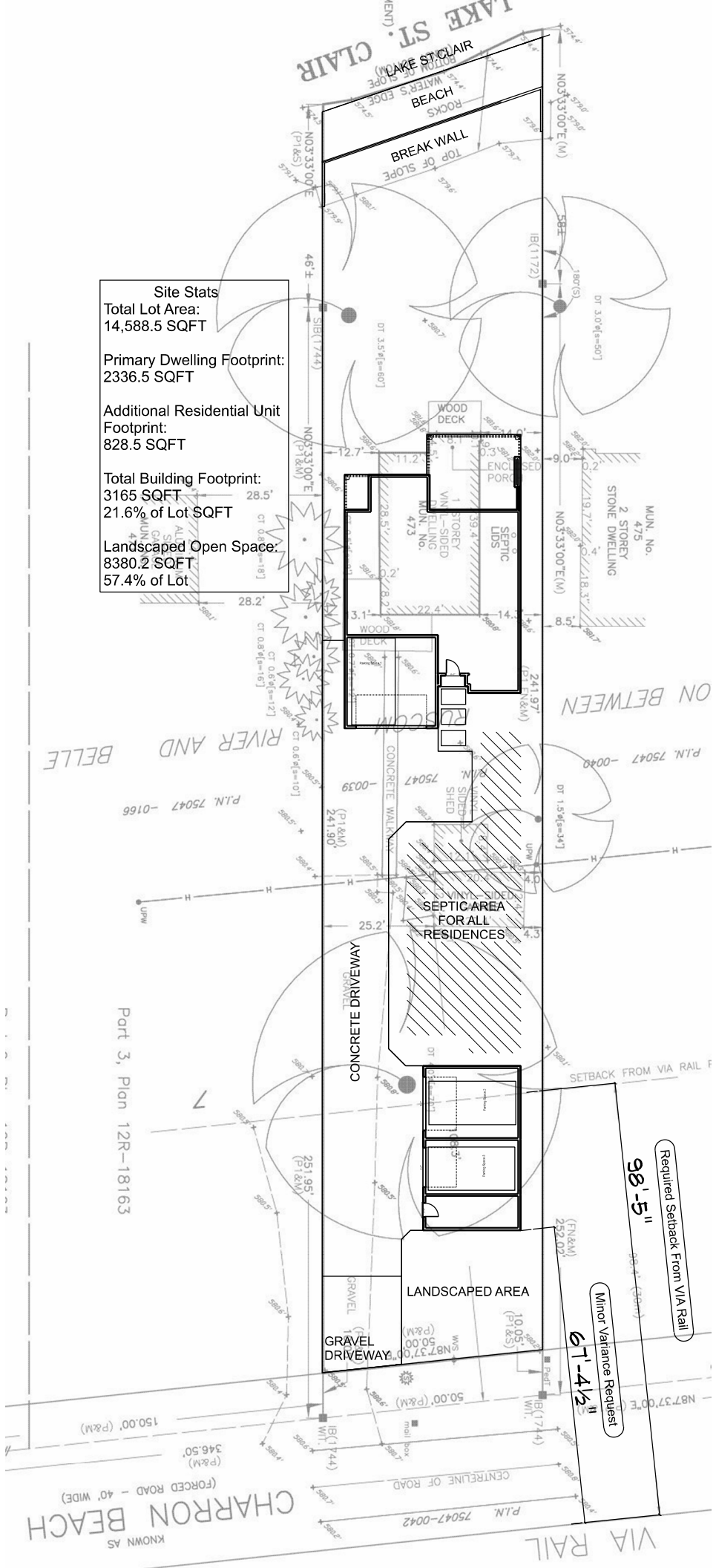
Site Stats
 Total Lot Area:
 14,588.5 SQFT

 Primary Dwelling Footprint:
 2336.5 SQFT

 Additional Residential Unit
 Footprint:
 828.5 SQFT

 Total Building Footprint:
 3165 SQFT
 21.6% of Lot SQFT

 Landscaped Open Space:
 8380.2 SQFT
 57.4% of Lot



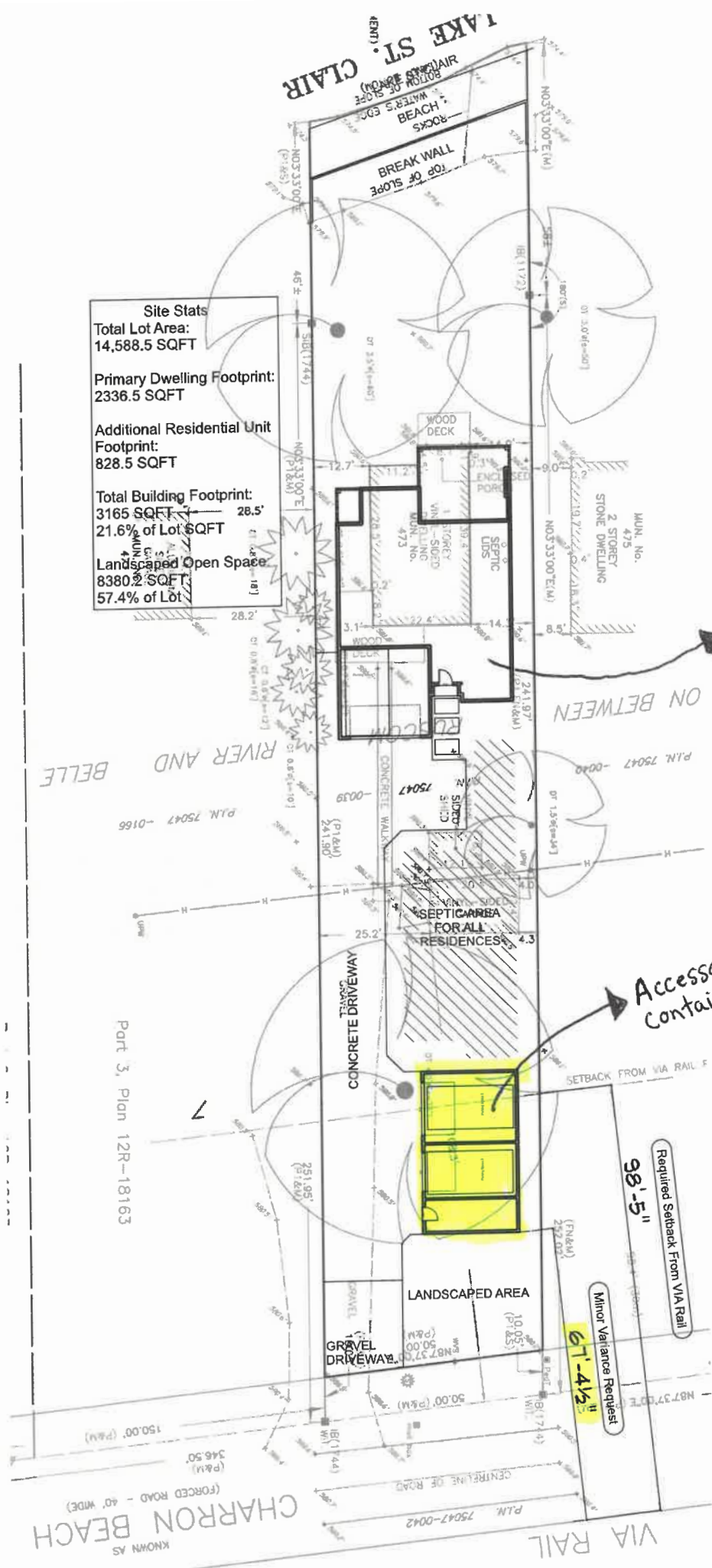
Site Stats
 Total Lot Area:
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 Footprint:
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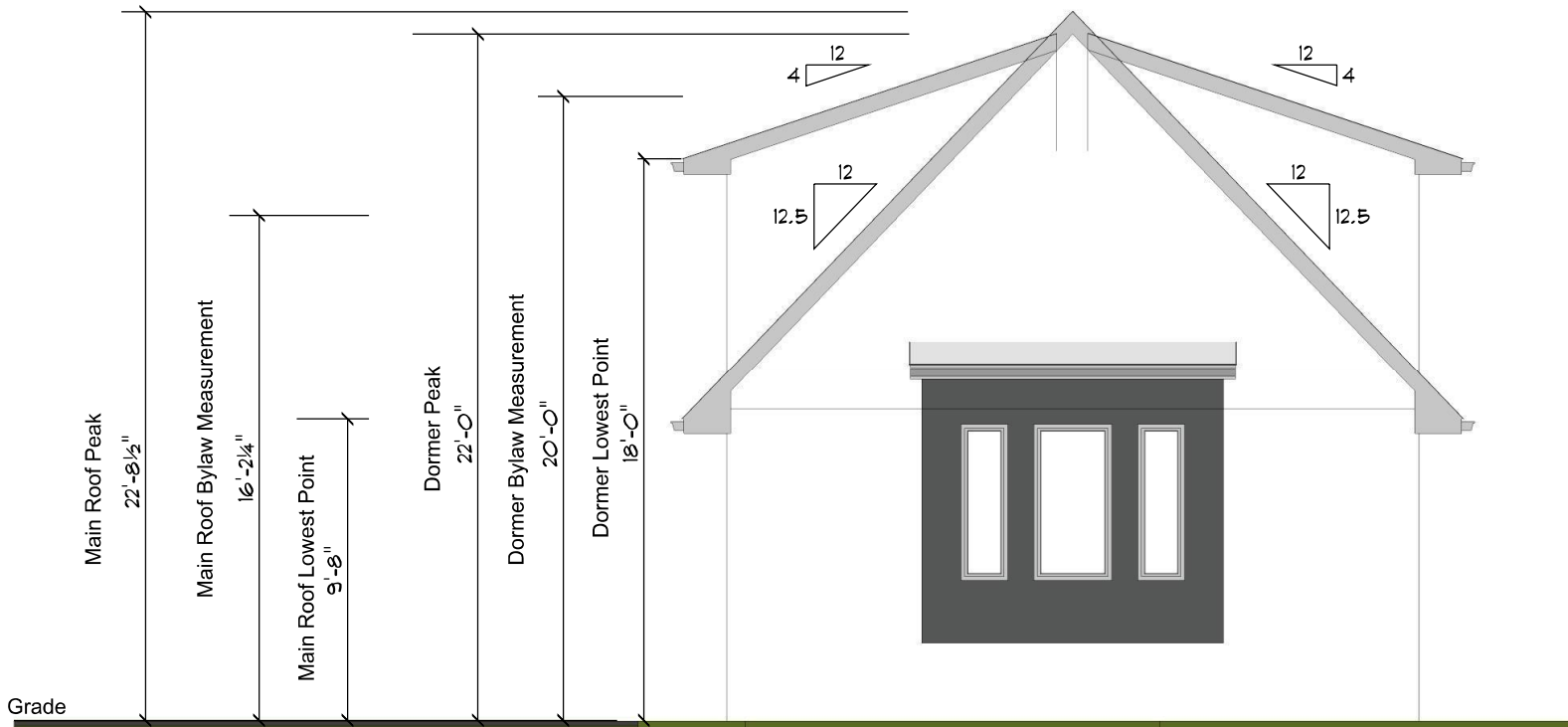
 Total Building Footprint:
 3165 SQFT
 21.6% of Lot SQFT

 Landscaped Open Space:
 8380.2 SQFT
 57.4% of Lot



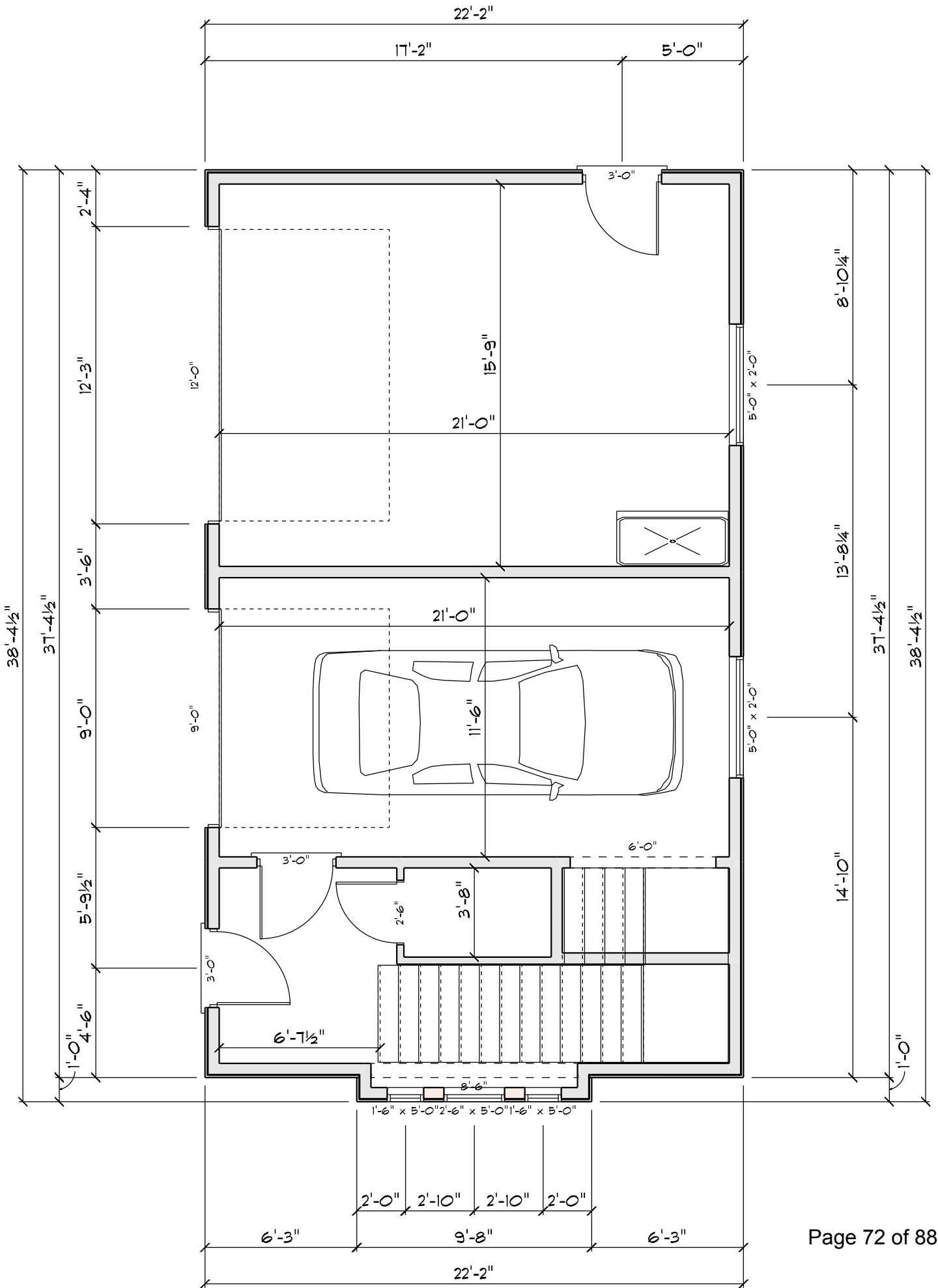
Future new
 main dwelling
 on property
 (concept)

Accessory building
 containing additional
 residential unit
 gross floor area = 148 m²

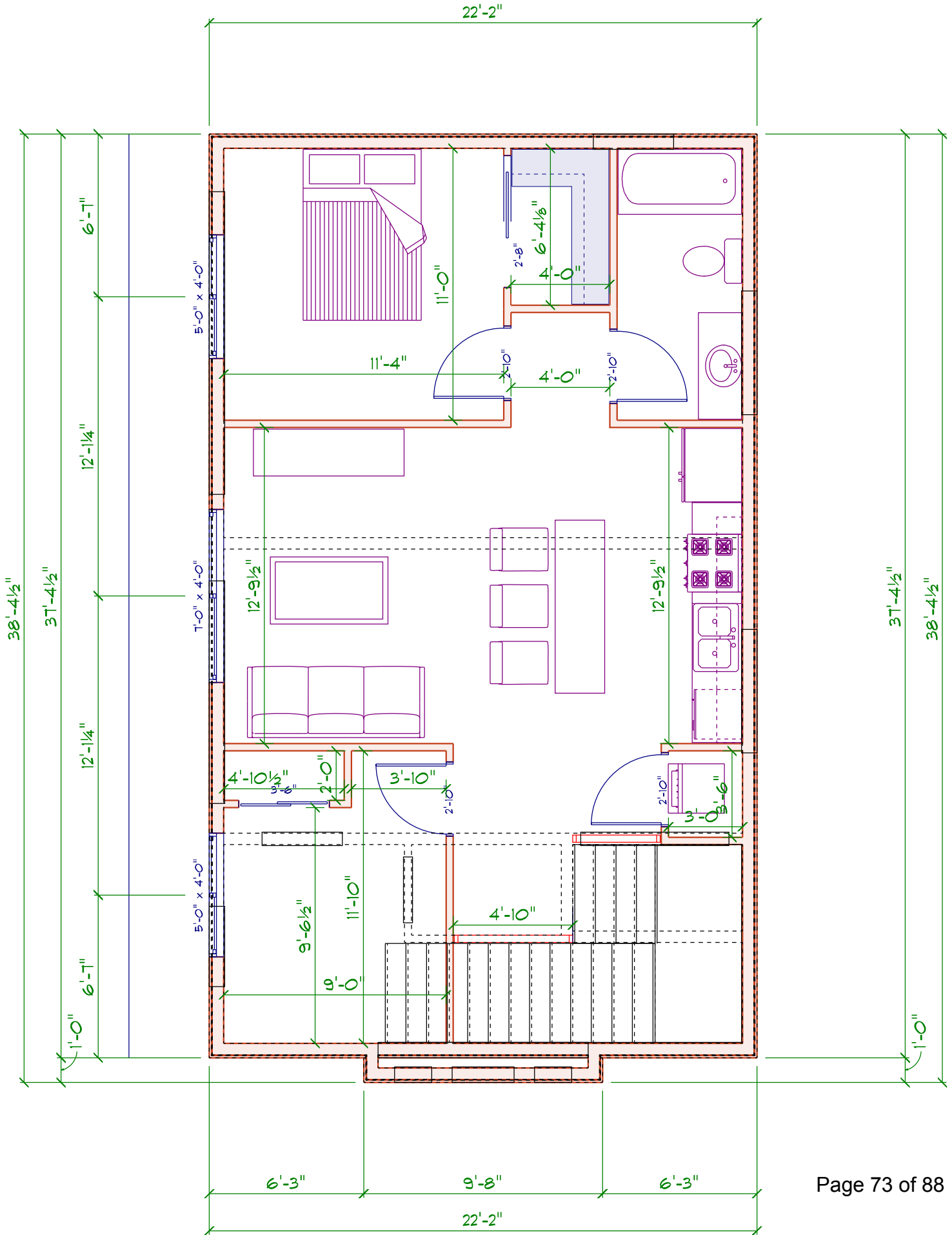


ADU ROOF HEIGHT

Additional Residential Unit 1st Floor Plan



Additional Residentail Unit 2nd Floor Plan





Looking north towards Lake St. Clair from a point near the south end of the subject property



Looking west from a point near the south end of the subject property



Looking east from a point near the south end of the subject property



Looking south towards the VIA Rail right-of-way from a point near the approximate location of the proposed accessory building containing an additional residential unit

Operations Department

Date: February 27, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – March 12, 2025 – A/31/2024

Operations has reviewed A-31-2024 – 473 Charron Beach Road. application and offer the following comments:

- All the downspouts to be splash padded and should not be tied into Storm Water Management System
- Establishment of a formal driveway permit through Public Works is required, if not already obtained or on file.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

From: [REDACTED]
To: [Ian Search](#)
Subject: RE: Notice of Public Meeting - Minor Variance A-31-2024 - Lakeshore
Date: February 21, 2025 2:29:47 PM
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.



2025-03-03

File Number: 0405-25

Ian Search Planner 1
Municipality of Lakeshore, Community Planning
Municipality of Lakeshore, ON
N8L 0P8

RE: Construct an ADU
473 CHARRON BEACH RD
A-31-2024

The Municipality of Lakeshore has received Application for Minor Variance A-31-2024 for the above noted subject lands. The Applicant is seeking the following relief from Lakeshore Zoning By-law (2-2012) for the development of a new accessory building that will contain an additional residential unit on the Subject Property:

- Relief from Section 6.50 to permit the accessory building containing the additional residential unit to be setback a minimum of 20.52 metres (67.32 feet) from the right-ofway of the railway; whereas Section 6.50 states that no dwelling shall be erected closer than 30 metres (98.43 feet) to the right-of-way of any railway;
- Relief from Subsection 6.7 e) iii) to permit the accessory building to have a maximum gross floor area of 148 m² (1,593 ft²), whereas Subsection 6.7 e) iii) states that an accessory building containing an additional residential unit shall not exceed a total gross floor area of 120 m² (1,291.67 ft²) for all uses, unless within an Agriculture zone, where a maximum combined gross floor area of 140 m² (1,506.95 ft²) shall be permitted.

NATURAL HAZARDS AND REGULATOR RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT. O. REG 686/21

The above noted lands are subject to our Regulation under the Conservation Authorities Act (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

FINAL RECOMMENDATION

Our office has no objection to A-31-2024. As noted above, the property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

Sincerely,

Alicia Good



Alicia Good
Watershed Planner

Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, February 12, 2025, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

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

1. Call to Order

Chair Hacon called the meeting to order at 6:09 PM.

2. O Canada and Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. A-37-2024 - Minor Variance - 516 Blanchard Road

Speaking to the application was authorized agent, Greg Weaver.

It was confirmed that there are currently less than 40 parking spaces and that this is adequate for the current business operation.

There were no other questions or concerns from the authorized agent or the public.

06022025

Moved By Member McKinlay

Seconded By Member Prince

Approve Minor Variance Application A/37/2024 for the development of a new building addition to an automobile repair establishment on the Subject Property (516 Blanchard Road):

Relief from subsection 6. 11 j) to permit land which is not used for buildings, ingress or egress ramps or paving to be graveled; whereas subsection 6. 11 j) requires lands not used for buildings, ingress or egress ramps or paving to be landscaped.

Relief from subsection 6.41.2 h) to permit a 0 m setback between parking areas and a lot line, whereas subsection 6.41.2 h) requires that parking areas shall be located no closer to any lot line than the greater of 1.5 m or the applicable buffer strip requirement as specified in the Zone provisions.

Relief from subsection 6.41.2 k) to permit a "gravel" parking area, whereas subsection 6.41.2 k) requires parking areas and approaches within the "M1" Zone to have a cement or asphaltic binder or any other permanent type of surfacing.

Relief from subsection 6.41.3 a) to eliminate the requirement of providing any loading spaces for the subject property, whereas subsection 6.41.3 a) requires two loading spaces to be provided.

Relief from subsection 6.41.1 to reduce the required number of parking spaces to 81, whereas subsection 6.41.1 requires 194 parking spaces for an automobile repair establishment.

Carried Unanimously

b. A-01-2025 - Minor Variance - 169 Lakeview Drive (formerly 177 Lakeview Drive)

Speaking to the application was authorized agent Dan Caster and applicant's legal counsel, Edwin Hooker.

There were no questions or concerns from the authorized agent, legal counsel or the public.

07022025

Moved By Member Prince

Seconded By Member Barrette

Approve Minor Variance Application A/01/2025 to allow a second driveway on the Subject Lands (169 Lakeview Drive/177 Lakeview Drive):

Relief from Subsection 6.41.4 d) to permit a second driveway on the subject lands; whereas Subsection 6.41.4 d) only allows for not more than one driveway per lot within the RW2 Zone.

Carried Unanimously

c. A-03-2025 - Minor Variance - 81 Puce Road

Speaking to the application was authorized agent, Dan Soleski.

The neighbour from 85 Puce Road to the south requested confirmation on the proposed setback for the three-car garage. It was confirmed the proposed setback for the three-car garage meets the required setbacks. It was also confirmed the construction will not infringe or disrupt the use of the abutting parkette.

08022025

Moved By Member Barrette

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A-03-2025 for the development of a new dwelling on the Subject Property:

Relief from Section 8.3 to permit a minimum front yard setback of 3.048 metres (10 feet), whereas Section 8.3 requires a minimum front yard setback of 7.5 metres (24.6 feet) in the RW2 zone where municipal sanitary servicing is available;

Relief from Subsection 6.42 d) to permit the roof overhang (eaves, gutters, etc.) of the new dwelling to encroach a maximum of 5.07 metres (16.64 feet) into the required front yard setback, whereas subsection 6.42 d) permits a roof overhang (eaves, gutters, etc.) to encroach a maximum of 1 metre (3.28 feet) into any required yard.

Carried Unanimously

d. A-04-2025 - Minor Variance - 389 Cooper Crescent

Speaking to the application was authorized agent, Dan Pare.

There were no questions or concerns from the authorized agent or the public.

09022025**Moved By** Member Prince**Seconded By** Member Flagler-Wilburn

Approve minor variance application A-04-2025, for the development of a sunroom building addition on the Subject Property:

Relief from subsection 9.2.11 b) ix) to permit a minimum rear yard of 4.87 metres (16 feet), whereas subsection 9.2.11 b) ix) states that the minimum rear yard shall be 7.6 metres (24.94 feet);

Relief from subsection 6.42 d) to permit the eaves and gutters of the sunroom to encroach a maximum of 3.03 metres (9.94 feet) into the required rear yard, whereas subsection 6.42 d) permits eaves and gutters to encroach a maximum of 1 metre (3.28 feet) into any required yard.

Carried Unanimously**e. B-01-2025 - Consent - 9525 Essex Kent Road/County Road 1**

Speaking to the application was the applicant's legal counsel, Mark Skipper.

Mr. Skipper question condition number 4 in the recommendation which speaks to the existing septic system servicing the existing dwelling. He notes the buyers of the severed parcel intend on demolishing the existing dwelling and installing a new septic system.

Planner I, Ian Search outline the municipality's concern with portions of the existing septic possibly encroaching on the retained parcel which is why the condition is included in the recommendation.

Condition number 4 was amended to read as follows: "That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the existing private sanitary system on the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of Community Planning at the Municipality of Lakeshore, or be decommissioned to the satisfaction of the Building Department at the Municipality of Lakeshore".

10022025**Moved By** Member Barrette**Seconded By** Member Flagler-Wilburn

Approve consent application B/01/2025 for the creation of one surplus farm dwelling lot containing an existing dwelling and accessory structures that will have a lot area of approximately 4,064.5 m² (approx. 1 acre) and a lot frontage of approximately 53.34 metres (approx. 175 feet) along Essex Kent Road (County Road 1), subject to the following conditions:

- 1) That the applicant obtain a draft Plan of Survey to be approved by Community Planning at the Municipality of Lakeshore prior to registration that details setbacks of buildings/structures from lot lines and provides information regarding the frontage and area of the lot to be severed;
- 2) 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;
- 3) That the applicant provide proof that the lot to be severed can be provided with potable water supply to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 4) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the existing private sanitary system on the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of Community Planning at the Municipality of Lakeshore, or be decommissioned to the satisfaction of the Building Department at the Municipality of Lakeshore;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That a Parkland Dedication fee be imposed on the granting of this application in the amount specified by Lakeshore Parkland Dedication By-law 110-2024, and that such fee shall be paid prior to the stamping of the Deed;
- 7) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwelling(s) and additional residential unit(s) on the retained farmland parcel;
- 8) 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;
- 9) 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 Deed;

10) That the applicant establish a separate access for the retained farmland parcel from Essex Kent Road (County Road 1) and obtain the necessary permits;

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

12) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 13, 2027. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Carried Unanimously

f. B-14-2024 - Consent - 1361 County Road 27

Speaking to the application were applicants Daniel and Colleen Barrette.

Applicants request the application be deferred for a period of 3 months to review the property with the conservation authority and explore the creation of an “L” shaped lot that would exist entirely outside the floodway.

11022025

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

Defer consent application B-14-2024 for three months to give the Applicant the opportunity to explore an alternative severance proposal for the creation of a new viable lot located outside the floodway.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

12022025

Moved By Jeremy Prince

Seconded By Member Barrette

Approve January 22, 2025 Committee of Adjustment minutes.

Carried Unanimously

7. New Business

8. Adjournment

13022025

Moved By Member Barrette

Seconded By Member Prince

The Committee of Adjustment adjourn its meeting at 7:50 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer