

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, April 16, 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

- a. B-02-2025 - 1078 Countryview Lane - Consent Application

4

Recommendation:

Approve consent application B/02/2025 for the creation one lot containing an existing dwelling (surplus farm dwelling) and accessory buildings/structures that will have a lot area of approximately 6,232 m² (approx. 1.54 acre) and a lot frontage of approximately 61.2 metres (approx. 200 feet), subject to the following conditions:

- 1) That the applicant obtain a draft Plan of Survey to be reviewed 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 submits a Reference Plan prepared by an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 3) 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;
- 4) That the applicant remove all livestock from the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 5) That the applicant obtain the appropriate permit(s) deemed necessary

by the Building Department and convert the existing livestock building(s) on the severed lot to accessory building(s) used for storage to the satisfaction of the Building Department;

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

7) That a Parkland Dedication fee be imposed on the granting of this application in the amount specified by Lakeshore Parkland Dedication By-law 110-2024, and that such fee shall be paid prior to the stamping of the Deed;

8) 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;

9) That the applicant complete the process under the Drainage Act for the severance required by the Operations Department to the satisfaction of the Operations Department;

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

11) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by April 17, 2027. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

- b. B-03-2025-A, B-03-2025-B, B-03-2025-C - 2462 County Road 27 - Consent Application

24

Recommendation:

Approve each of the three consent files B-03-2025-A, B-03-2025-B, and B-03-2025-C, with each file being the creation of one residential lot that will have a lot frontage of approximately 27.8 metres (91.21 feet) and a lot area of approximately 1,696 m² (0.419 acres), and with each file being subject to the following conditions of approval:

1) That the applicant submits a Reference Plan prepared by an Ontario Land Surveyor of the development to the satisfaction of Community Planning at the Municipality of Lakeshore;

2) That the applicant obtain an archaeological assessment conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Gaming, as well as licensing requirements developed under the Ontario Heritage Act. The report is to

be entered into the Ontario Public Register of Archaeological Reports and will identify and recommend any conservation/mitigation strategies that need to be implemented by the applicant to the satisfaction of the Community Planning Division;

3) That the applicant satisfy all requirements of the Operations Department;

4) That the applicant enters into a severance agreement to the satisfaction of Community Planning that is to be registered on the title of the property and binding on future owners;

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 each file (per lot) 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 remove the holding symbol from the zoning on each of the lots, to the satisfaction of the Community Planning division;

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

9) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by April 17, 2027. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. March 12 2025 Meeting Minutes

47

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: Ian Search, BES, Planner I
Date: April 3, 2025
Subject: Consent Application B/02/2025 – 1078 Countryview Lane

Recommendation

Approve consent application B/02/2025 for the creation one lot containing an existing dwelling (surplus farm dwelling) and accessory buildings/structures that will have a lot area of approximately 6,232 m² (approx. 1.54 acre) and a lot frontage of approximately 61.2 metres (approx. 200 feet), subject to the following conditions:

- 1) That the applicant obtain a draft Plan of Survey to be reviewed 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 submits a Reference Plan prepared by an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 3) 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;
- 4) That the applicant remove all livestock from the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 5) That the applicant obtain the appropriate permit(s) deemed necessary by the Building Department and convert the existing livestock building(s) on the severed lot to accessory building(s) used for storage to the satisfaction of the Building Department;
- 6) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 7) That a Parkland Dedication fee be imposed on the granting of this application in the amount specified by Lakeshore Parkland Dedication By-law 110-2024, and that such fee shall be paid prior to the stamping of the Deed;

- 8) 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;
- 9) That the applicant complete the process under the Drainage Act for the severance required by the Operations Department to the satisfaction of the Operations Department;
- 10) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 11) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by April 17, 2027. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received a consent application to sever a farm dwelling and accessory buildings/structures from the subject property (1078 Countryview Lane) as a separate rural residential lot. The farm dwelling is considered surplus to a farming operation as the owner of the subject property owns multiple farm holdings and resides at a different farm property. It is unknown at this time who the proposed severed lot will be conveyed to.

The subject property is located east of County Road 31, north of County Road 46, and south of the Highway 401. It is located on the south side of Countryview Lane and borders Lakeshore Road 241 to the west and Mitchell Road to the east (Appendix A).

The subject property is approximately 53 acres (21.45 hectares). It is a farm property designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" (A) in the Lakeshore Zoning By-law. It has approximately 640 metres (2,099 feet) of lot frontage along Countryview Lane which is the street that the existing dwelling fronts.

The consent application is to sever a residence surplus to an agricultural operation as a result of farm consolidation under the Provincial Planning Statement (PPS). This is a non-contiguous farm as part of the owner's farming operation and a consent certificate has not been requested for the retained farmland parcel.

The proposed severed lot will have a frontage of approximately 61.2 metres (approx. 200 feet) along Countryview Lane and a lot area of approximately 6,232.16 m² (1.54 acres). The retained farmland will be left with approximately 51.4 acres (20.8 hectares) of lot area and approximately 578 metres (1,896 feet) of lot frontage along Countryview Lane. The existing frontage on Mitchell Road and Lakeshore Road 241 will be maintained. There is an existing access from Countryview Lane for the proposed severed lot and the retained farmland has existing accesses along Lakeshore Road 241 (Appendix B).

The proposed severed lot will contain five existing buildings/structures which include the dwelling and four buildings that will be used for personal storage/accessory use (Appendix C). The applicant has noted that one of the four accessory buildings currently contains horse stalls and is used to board horses. The consent application states that the horses will be removed from this accessory building and the severed lot all together. Additionally, the building will be converted to a personal storage use on the proposed severed lot.

The Ontario Heritage Act allows municipalities to list properties of cultural heritage value or interest on a municipal heritage register. Listed properties have not yet been designated for long term protection by the Municipality but are candidates for potential designation in the future. The subject property was formerly included on the register for having historical and architectural significance. It was recognized that further research was needed to evaluate the significance of the property. However, on June 14, 2022, Lakeshore Council removed the property from the heritage register after receiving a request for removal earlier that year.

No horses/livestock are proposed on the retained farmland parcel. However, there are several existing structures (horse shelters) on this land that the Applicant will remove according to the consent application.

There is a current resource extraction operation (active oil well) on the subject property that is maintained by Tanner Engineering Ltd. The operation is supported by a Petroleum Natural Gas Lease and Grant that has been registered on the title of the property since 2005. Tanner Engineering Ltd. was circulated notice of the consent application. At the time of writing this report no comments were received. An interactive mapping system suggests that the resource extraction well is located over 120 metres (393 feet) from the existing dwelling and will be contained on the proposed retained farmland parcel.

The applicant will need to apply for a Zoning By-law Amendment to rezone the retained farmland to prohibit dwelling(s) and additional residential unit(s) on the retained farmland parcel as a condition of any consent approval granted by the Committee of Adjustment. Comments with respect to that future application will be circulated at a later date once that application is deemed complete and the fee is paid.

Summary

Surrounding Land Uses:

North: Agriculture

West: Agriculture

East: Rural residential

South: Agriculture

Servicing for proposed severed lot:

Municipal water, private sanitary system

Provincial Planning Statement (PPS)

The PPS provides the following definition for a “*residence surplus to an agricultural operation*”: means one existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

The proposed surplus farm severance is consistent with Subsection 4.3.3 c) which states that lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for one new residential lot per farm consolidation for a *residence surplus to an agricultural operation*, provided that:

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

Comment: The proposed severed lot will meet the minimum lot frontage (30 metres/98.4 feet) and lot area (3,000 m²/0.74 acres) requirements of the Lakeshore Zoning By-law for a residential lot zoned Agriculture. A new Official Plan adopted by the County of Essex has been sent to the Ministry of Municipal Affairs and Housing for final approval that states the following with respect to surplus farm dwelling severances (5.A.4.1 b): *The size of any new lot shall be an area of approximately 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and County requirements to a maximum of one hectare in lot area;*. As previously mentioned, the proposed lot will be approximately 6,232.16 m² (approx.1.54 acres/0.62 hectares). The proposed area is deemed reasonable in this case to support a private sanitary system, existing accessory buildings/structures, and amenity space.

2. *“The planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective;”*

Comment: As a condition of consent approval, the applicant will need to rezone the retained farmland parcel to prohibit new residential dwelling(s) and additional residential unit(s) on that parcel of land in accordance with the PPS. The applicant will need to apply for a Zoning By-law Amendment that will be considered by the appropriate decision-making authority – currently Lakeshore Council. Comments with respect to that future application will be circulated at a later date once the application is deemed complete and fee is paid.

County of Essex Official Plan

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

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

Comment: The consent application conforms to this policy as long as the retained farmland parcel is rezoned as a condition of consent approval to prohibit the construction of any new residential dwelling(s) and additional residential unit(s) on the retained farmland parcel. A minimum lot size for the retained farmland parcel is not established in the Lakeshore Official Plan. However, the Lakeshore Zoning By-law requires a farmland parcel zoned Agriculture (A) to have a minimum lot area of 46.95 acres (19 hectares). Given that the subject property today is approximately 53 acres (21.45 hectares) the retained farmland will comply with the minimum lot area required following the severance.

Lakeshore Official Plan

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

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

Comment: The application conforms to these Lakeshore Official Plan policies. The applicant states that they will remove existing livestock from the proposed severed lot and will convert their livestock building to accessory storage use. There are no existing or proposed livestock facilities on the retained farmland parcel. Moreover, there do not appear to be any large livestock operations in the vicinity of the proposed severed lot. Due to its lot size, the Zoning By-law will automatically recognize the proposed severed lot as a rural residential lot that does not permit agricultural use – including livestock. As a condition of provisional consent approval, the retained farmland parcel will need to be

rezoned to prohibit the construction of any residential dwelling(s) and additional residential unit(s) on the retained farmland parcel.

Petroleum Resources

The subject property is located within the Petroleum Resources overlay of Lakeshore Official Plan and County of Essex Official Plan. This overlay maps the known petroleum resources areas in the Municipality that have the potential for exploration, discovery and production of petroleum deposits.

Subsection 5.3.1 d) of the Lakeshore Official Plan states: *Within all land use designations, new building construction will not be permitted within 75 metres of existing petroleum resource operations. Lesser setbacks for new building construction may be permitted in consultation with the Ministry of Natural Resources. This setback does not apply to petroleum operations decommissioned according to Provincial abandonment and rehabilitation requirements.* Likewise, Subsection 2.3.1 of the County of Essex Official Plan states: *New development shall be setback a minimum of 75 metres from existing wells. This setback is equivalent to the setback required under the Oil, Gas and Salt Resources Act for new wells from existing development.*

Comment: An interactive mapping system suggests that the existing dwelling and accessory buildings/structures are located greater than 75 metres (246 feet) from the existing resource extraction well on the subject property. The application is to sever existing buildings from the subject property for the creation of a new rural residential lot with no new buildings/structures currently proposed on the lot to be severed.

Subsection 8.3.5.2 e) of the Lakeshore Official Plan states that: *consents for building purposes will not be permitted under the following circumstances: the land is located on or within 300 metres of an area, or 75 metres of mineral or petroleum resource deposits or an active petroleum well, as identified by the Province;*

Comment: The consent application is for a surplus farm dwelling severance – the creation of a rural residential lot containing an existing dwelling and accessory buildings/structures. It is not a consent application to create vacant lot(s) for “building purposes” that will support new buildings/structures in the area.

Zoning

The proposed severed lot will comply with the minimum/maximum lot area and minimum lot frontage regulations of the Zoning By-law for a rural residential lot zoned Agriculture. A draft plan of survey will be required as a condition of consent approval to confirm compliance with the Zoning By-law, including setbacks of buildings/structures from lot lines.

As previously mentioned, the retained farmland parcel will meet the minimum lot area requirement in the Zoning By-law for a farm parcel zoned Agriculture. It will also meet the minimum lot frontage requirement of 75 metres (246.06 ft) in the Zoning By-law.

Confirmation that the existing private sanitary system will be located on the proposed severed lot and will meet required setbacks from lot lines will need to be made a condition of consent approval.

Correspondence from external and internal agencies

External and Internal Agencies

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

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

The Essex Region Conservation Authority (ERCA) stated that their office has no objection to the consent application. If any new construction is proposed, 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. The full comment can be found in Appendix D.

The Lakeshore Fire Department did not have any comments on the application.

The Chief Building Official commented that a change of use permit will be required to convert agricultural building(s) to accessory building(s) used for storage on the future residential lot.

The Operations Department provided comments requiring the applicant to engage and complete a process under the Drainage Act for the severance. The full comment can be found in Appendix E.

Conclusion

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

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing

Appendix C – Photos
Appendix D – ERCA comment
Appendix E – Operations Department

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-02-2025 - 1078 Countryview Lane.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawing.pdf- Appendix C - Photos.pdf- Appendix D - ERCA Comment.pdf- Appendix E - Operations Department.pdf
Final Approval Date:	Apr 7, 2025

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

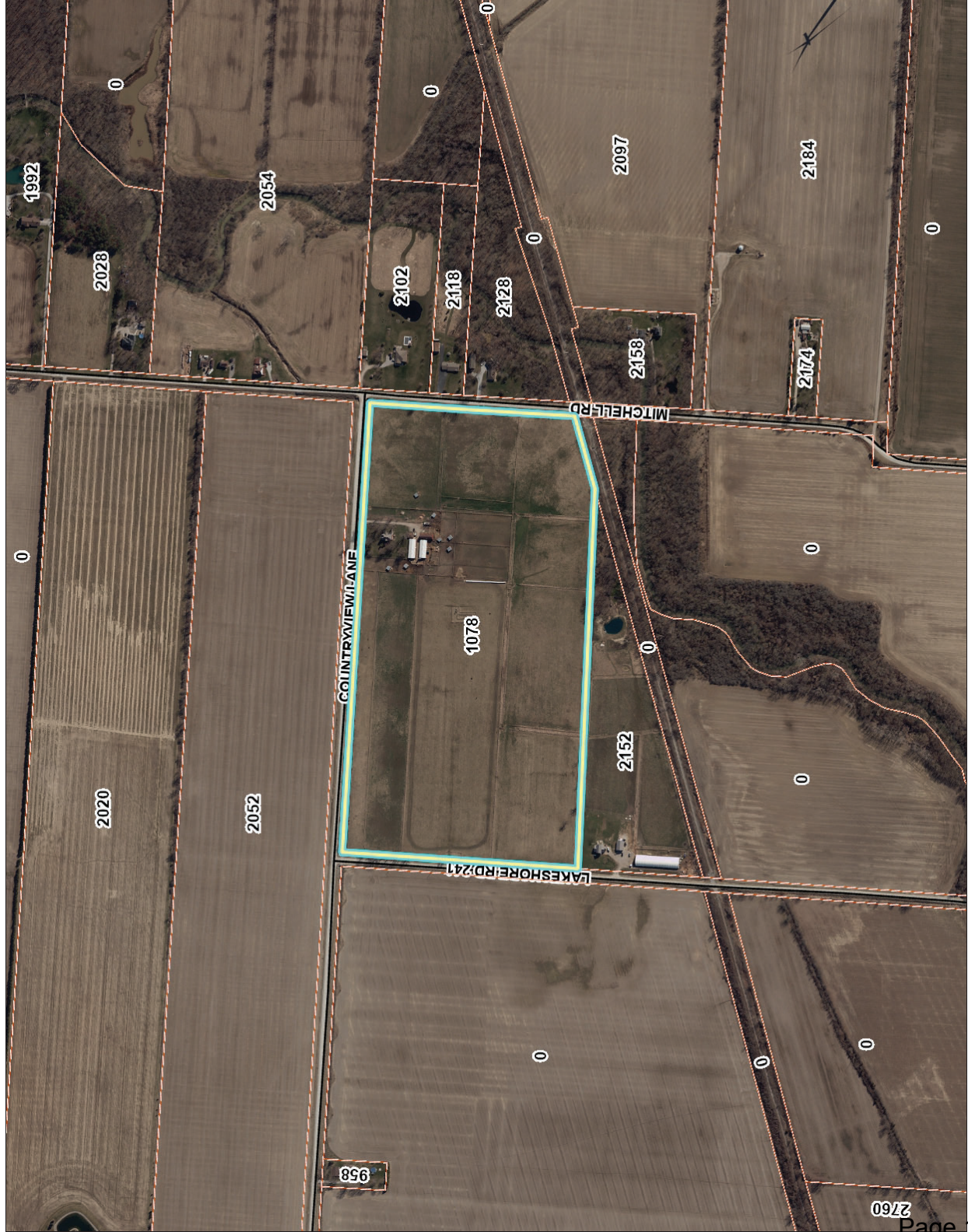
Urvi Prajapati - Apr 4, 2025 - 4:25 PM

Daniel Mercer - Apr 7, 2025 - 8:52 AM

Tammie Ryall - Apr 7, 2025 - 9:32 AM



Subject Property Map - 1078 Countryview Lane



Legend

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

1:8,413



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

County of Essex Mapping



Notes

Enter Map Description

Proposed severance - approximate

THIS MAP IS NOT TO BE USED FOR NAVIGATION
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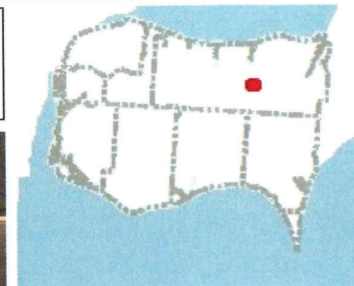
Legend

- County Construction
 - Lanes Open
 - Lanes Reduced
 - Road Closed
- Windsor Airport
- Greenway Trail
- ... Chrysler Canada Greenway
- ... Chrysler Systems Greenway
- ... Rotary (1918) Centennial Hub
- Streets (20,000 >) White
- Streets (20,000 >) Black
- Street
- Property Parcels
- Municipal Boundary
- <all other values>
- Pelée Island
- Lakes

0 20.37 40.7 Meters

1:1,222

5/17/2024



Legend

County Construction

- Lanes Open
- Lanes Reduced
- ✖ Road Closed

Windsor Airport

Greenway Trail

- ... Chrysler Canada Greenway
- ... Cypher Systems Greenway
- ... Rotary (1918) Centennial Hub

Streets (20,000 >) White

Streets (20,000 >) Black

Street

Property Parcels

Municipal Boundary

<all other values>

Peelee Island

Lakes

Notes

Enter Map Description

Retained farm land. - Approximate

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2019. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 111.65 223.3Meters

1: 6,698



5/17/2024



The existing dwelling on the property looking southwest



Looking southwest at accessory buildings located south of the dwelling that will be included on the proposed severed lot



Looking southwest at accessory buildings located south of the dwelling that will be included on the proposed severed lot



Looking east from a location south of the dwelling towards part of the future retained farmland parcel



Looking south towards the accessory buildings that will be included on the proposed severed lot from a location northwest of the dwelling near the future west side lot line of the proposed severed lot



Looking west from a location northwest of the dwelling towards part of the future retained farmland parcel



Looking southeast from a location northwest of the existing dwelling at part of the future severed lot



Looking east towards the dwelling from a location west of the dwelling



2025-03-31

File Number: 0641-25

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

RE: Consent for Surplus Farm Dwelling
1078 COUNTRYVIEW LANE
Municipal File Number: B-02-2025

The Municipality of Lakeshore has received an application to sever a farm dwelling and accessory buildings/structures from the above noted Subject Property as a separate rural residential lot. The farm dwelling is considered surplus to a farming operation. The lot to be severed will have a frontage of approximately 61.2 metres (approx. 200 feet) along Countryview Lane, and an area of approximately 6,232 m² (1.54 acre). The retained farmland will maintain its existing frontage along Lakeshore Road 241 and Mitchell Road. It will be left with approximately 579 metres (1,900 feet) of frontage along Countryview Lane and will have an area of approximately 50 acres (20.2 hectares).

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

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

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

For the owner's information we note that the retained farm parcel is adjacent to the ERCA owned property. For inquiries regarding the ERCA property, or prior to any construction and/or site alteration activities adjacent to the ERCA property, please contact Conservation Services.

FINAL RECOMMENDATION

Our office has no objection to B-02-2025.

Sincerely,



Alicia Good

Alicia Good
Watershed Planner

Date: March 28, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 16, 2025 – B/02/2025

Operations have reviewed B-02-2025- 1078 Countryview Lane. application and offer the following comments:

- Applicant to request Subsequent Subdivision of Land (Section 65(1)) letters prepared by a Drainage Engineer. The attached form below should be used to initiate the request.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



**Engineering and Infrastructure Services
Drainage Division**

REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN

Capital.....(Section 65, 76 and 78 Drainage Act)

NAME: _____

TEL #: _____

DRAIN: All drains assessed to the property below

I/We are the owner of the following land(s): _____
(ADDRESS)

Roll Number(s): _____

And I/We request the following work on the above drain:

☐ New Schedule of Assessment (Section 76)

(DESCRIBE WORK)

☐ Improvements upon Examination and Report of Engineer (Section 78)

(DESCRIBE WORK)

☒ Subsequent Subdivision of Lands (Section 65) (1)

Letter providing drain cost apportionment of all drains assessed to lands affected by the subdivision.

(DESCRIBE WORK)

In signing this form, the owner is advised that they shall be charged for work performed by the appointed Engineer.

Dated this _____ day of _____, 20____.

Print name

Signature of Owner(s)

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, Planner I, BES

Date: April 3, 2025

Subject: Consent Files B-03-2025-A, B-03-2025-B, B-03-2025-C (2462 County Road 27)

Recommendation

Approve each of the three consent files B-03-2025-A, B-03-2025-B, and B-03-2025-C, with each file being the creation of one residential lot that will have a lot frontage of approximately 27.8 metres (91.21 feet) and a lot area of approximately 1,696 m² (0.419 acres), and with each file being subject to the following conditions of approval:

- 1) That the applicant submits a Reference Plan prepared by an Ontario Land Surveyor of the development to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That the applicant obtain an archaeological assessment conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Gaming, as well as licensing requirements developed under the Ontario Heritage Act. The report is to be entered into the Ontario Public Register of Archaeological Reports and will identify and recommend any conservation/mitigation strategies that need to be implemented by the applicant to the satisfaction of the Community Planning Division;
- 3) That the applicant satisfy all requirements of the Operations Department;
- 4) That the applicant enters into a severance agreement to the satisfaction of Community Planning that is to be registered on the title of the property and binding on future owners;
- 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 each file (per lot) 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 remove the holding symbol from the zoning on each of the lots, to the satisfaction of the Community Planning division;
- 8) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 9) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by April 17, 2027. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

Purpose

The Municipality of Lakeshore has received an application to sever three new residential lots from the Subject Property (2462 County Road 27). The lots will be adjacent to one another and have frontage on South Middle Road located east of the South Middle Road and Church Street intersection (Appendix A). Each of the residential lots will have a frontage of approximately 27.8 metres (91.21 feet) and an area of approximately 0.419 acres (1696 m²). The retained farmland parcel will retain over 64 acres (25.9 hectares) of area.

On March 16, 2022, the Lakeshore Committee of Adjustment approved the creation of three residential lots from the Subject Property that have frontage on South Middle Road located at the corner of South Middle Road and County Road 27. Two of those three residential lots each have an area of 0.381 acres (1,541.86 m²) and a frontage of 25.3 metres (83 feet). The other, located at the very corner of the intersection, has an area of 0.559 acres (2,262.2 m²) and a frontage of 23.78 metres (78 feet). The three new residential lots proposed under this application will be additional residential lots located east of those previous lot creations. They will be located 20 metres (65.62 feet) east of the previous lot creations to accommodate a Bell Canada easement and service bridge (Appendix B). There is an existing dwelling on the retained parcel with an existing access from County Road 27.

Each of the proposed residential lots have been assigned their own file number (files: B-03-2025-A, B-03-2025-B, B-03-2025-C). The file numbers are indicated on the sketch detailing the lot creation proposal (Appendix B). The Committee of Adjustment will render a separate decision with respect to each lot.

Summary

Surrounding Land Uses	<p>North: Agricultural land existing on the retained land parcel of the Subject Property</p> <p>West: County Road 27 and South Middle Road intersection, Church Street and County Road 27 intersection, residential lots (including the three previous</p>
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	undeveloped lots created from the Subject Property) East: Agricultural land existing on the retained land parcel of the Subject Property, Libro Community Centre and Library/park, residential lots, transportation business South: residential lots
Proposed Servicing	Municipal water, municipal sanitary
Zoning	The proposed lots will be created on land zoned Hamlet Residential with holding symbol “h6” (HR(h6))
Lakeshore Official Plan	The proposed lots will be created on land designated “Hamlet”
County of Essex Official Plan	Significant Groundwater Recharge Area (low), Secondary Settlement Area where lots are proposed to be created

Provincial Planning Statement (PPS)

Section 2.3.1.1 of the PPS states: *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas*

Comment: The proposed development will occur in the North and South Woodslee Settlement Area (Hamlet Area) of the Lakeshore Official Plan, and is an infill development introducing new residential growth to the settlement area. The proposal is therefore consistent with this policy.

Section 4.6.2 of the PPS states that: *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

Comment: The Applicant submitted a copy of a Stage 1 archaeological assessment completed in 2016 for 18,926 hectares of land impacted by a proposed wind energy project to the attention of Administration. It was completed to meet the requirements for a Renewable Energy Approval under the Environmental Protection Act. The assessment covers an area spanning various lots and concessions in the Municipality of Lakeshore and includes the Subject Property. At the time of the assessment the precise area that would be subject to construction disturbance for the project was unknown. The assessment concludes that the majority of the assessed land retains the potential for the identification of archaeological resources. It states that a further Stage 2 archaeological assessment is required, which would be limited to only the areas subject to construction disturbance once the precise project location is ascertained.

In accordance with Subsection 4.2.3.4 of the Lakeshore Official Plan, the applicant will need to obtain an archaeological assessment as a condition of consent approval to support the development. The archaeological assessment report is to be conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Gaming, as well as licensing requirements developed under the Ontario Heritage Act. It is to be entered into the Ontario Public Register of Archaeological Reports. Ultimately, the licensed archaeologist hired by the applicant will need to review and determine if the Stage 1 work completed in 2016 is sufficient for a Stage 1 assessment of the development proposal and complete all subsequent stages of an assessment that are required.

Subsection 4.2.3.4 of the Lakeshore Official Plan states: *Where archaeological resources are identified, the Municipality recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources as a result of development proposals. The Municipality may consider archaeological preservation on site to ensure that the integrity of the resource is maintained. The Municipality may also maintain the integrity of archaeological resources by enacting a Zoning By-law to prohibit incompatible land uses and/or the erection of buildings or structures on land that is a site of a significant archaeological resource.*

Comment: The archaeological assessment will identify and recommend any conservation/mitigation strategies that need to be implemented by the applicant to the satisfaction of the Community Planning Division.

The development is consistent with the PPS and there are no other issues of provincial significance.

Current County of Essex Official Plan

The lot creation proposal will occur in an area designated as “Secondary Settlement Area” in the County of Essex Official Plan. The following policies are applicable to the development:

Subsection 3.2.5 e): *All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans*

Subsection 3.2.5 g): *Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies: New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.*

Comment: The area proposed for the lot creations is designated “Hamlet” in the Lakeshore Official Plan which permits low density residential dwellings. North and South Woodslee is a settlement area generally containing non-employment uses (residential), and the proposed development is an infill development that will utilize an existing street

and municipal services. Therefore the proposed development conforms to the County Official Plan Secondary Settlement policies.

The lot creation proposal will occur in an area of the “Significant Groundwater Recharge Area (SGRA)” (low vulnerability) overlay in the County of Essex Official Plan which is an overlay that spans a large part of North and South Woodslee. Subsection 2.5.2 b) states that: *Development and site alteration that may be a significant threat will only be permitted within a Highly Vulnerable Aquifer (HVA) or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA.*

Comment: Essex Region Conservation Authority (ERCA) does not typically provide comments on SGRA with respect to consents for residential lots. The agency did not express concerns regarding this matter considering the small residential development proposed. It is noted that the proposed development will be on full municipal services (water and sewage) and the likelihood of groundwater contamination is small.

Based on the aforementioned information, the development proposal conforms to the County of Essex Official Plan.

Lakeshore Official Plan

The lot creations are proposed in an area that is part of the North and South Woodslee Settlement Area. This settlement area is specifically identified as a “Hamlet Area” in the Lakeshore Official Plan.

Subsection 3.3.3 of the Lakeshore Official Plan states that: *The Hamlet Areas may continue to experience limited growth through appropriate infilling and development of vacant lands. For the purposes of this Plan, infilling refers to the development and/or redevelopment of existing vacant and/or underutilized lots.* Moreover, Subsection 3.3.3 a) states that: *Hamlet Areas may continue to experience limited growth through infilling, in accordance with the policies of Section 8.3.5.2, and development of vacant lands.* Section 8.3.5.2 is a reference to the general consent policies of the Lakeshore Official Plan.

Comment: The proposed lot creation is an infill development of vacant land in the Hamlet Area which is contemplated by the policy.

The development conforms to the policies of Section 8.3.5.2 of the Lakeshore Official Plan. Subsection 8.3.5.2 a) states: *A consent should only be considered where a plan of subdivision is deemed to be unnecessary, and the consent will not result in the creation of four or more new lots, and where the application conforms with the policies of this Official Plan.* Section 4.6.1 of the County of Essex Official Plan is a similar policy which states: *The plan of subdivision process is required for lot creation where four or more new lots result from the application or where a service extension is required except where lot frontages for the new lots currently exist on a public road.*

Comment: The proposed lot creation is proceeding by way of a consent application rather than a plan of subdivision process under the Planning Act. It is in an infill development proposal that does not require the extension of services. Lot frontages for the new lots will exist on a public road (South Middle Road). Technical requirements to support the development proposal can be achieved through the consent process.

Subsection 6.3.1 a) of the Lakeshore Official Plan permits low density residential dwellings in the Hamlet Designation.

Based on the aforementioned information, the development proposal conforms to the Lakeshore Official Plan.

Zoning

The area where the lots are proposed is zoned Hamlet Residential (HR) with holding symbol “h6” (HR(h6)). Each of the residential lots will have a lot frontage of approximately 27.8 metres (91.21 feet) and an area of approximately 1,696 m² (0.419 acres), which will comply with the minimum lot frontage (15 metres) and minimum lot area (550 m²) requirements for a fully serviced lot supporting a single detached dwelling in the HR zone.

The proposed lots will have virtually the same depth as two of the three previous lot creations, but their frontage will be approximately 2.5 metres (8.2 feet) wider, resulting in residential lots that overall closely resemble the previous lot creations severed from the Subject Property.

The “h6” holding symbol affixed to the zoning states that “Existing uses shall be the only uses permitted in the interim”. The condition for removal of the holding symbol is: *“That adequate sewage disposal and the provision of other services has been accommodated in accordance with Section 7.0 of the Municipality of Lakeshore Official Plan, development applications are approved, various agreements are in place, plans of subdivision or condominium are approved, where necessary”*.

Comment: As with their previous lot creation, the applicant will need to obtain a Zoning By-law Amendment to remove the “h6” holding symbol from the proposed lots as a condition of consent approval. This will ensure the proposed lots are buildable prior to them being registered and transferred to new owners. A Reference Plan from an Ontario Land Surveyor and confirmation/review of servicing (water, sanitary, storm) by the Operations Department will be required to process the Zoning By-law Amendment. Lakeshore Council is the current decision-making authority for H-removal Zoning By-law Amendments.

Correspondence from external and internal agencies

External and Internal Agencies

The application was circulated to various external and internal agencies.

The Operations Department provided several comments on the application related to matters such as lot grading, site servicing, stormwater management, requirements under the Drainage Act, and the need for a severance agreement dealing with these matters which is to be registered on the Subject Property and binding on future owners. The full comment from the Operations Department can be found in Appendix D.

The Lakeshore Fire Department had no comments on the development proposal.

The Lakeshore Chief Building Official had no comments on the development proposal.

The Engineering Technologist at the County of Essex commented that they have no objections to the development proposal. Comments are engineering-related only, and the application has not been reviewed from a planning perspective. The full comment can be found in Appendix E.

ERCA commented that their office has no objection to the development proposal. Their office encourages the Municipality to consider the cumulative impact of development on stormwater management for the site. The full comment from ERCA can be found in Appendix F.

Conclusion

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

Public Notice Circulation

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

Attachment(s):

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

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	B-03-2025-ABC - 2462 County Road 27.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 - County of Essex.pdf- Appendix F - ERCA.pdf
Final Approval Date:	Apr 7, 2025

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

Urvi Prajapati - Apr 4, 2025 - 4:27 PM

Daniel Mercer - Apr 7, 2025 - 9:23 AM

Tammie Ryall - Apr 7, 2025 - 10:00 AM

Subject Property Map - 2462 County Road 27



Legend

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

1: 5,710



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

Subject Property Map - 2462 County Road 27



Legend

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

1:2,366



Notes:

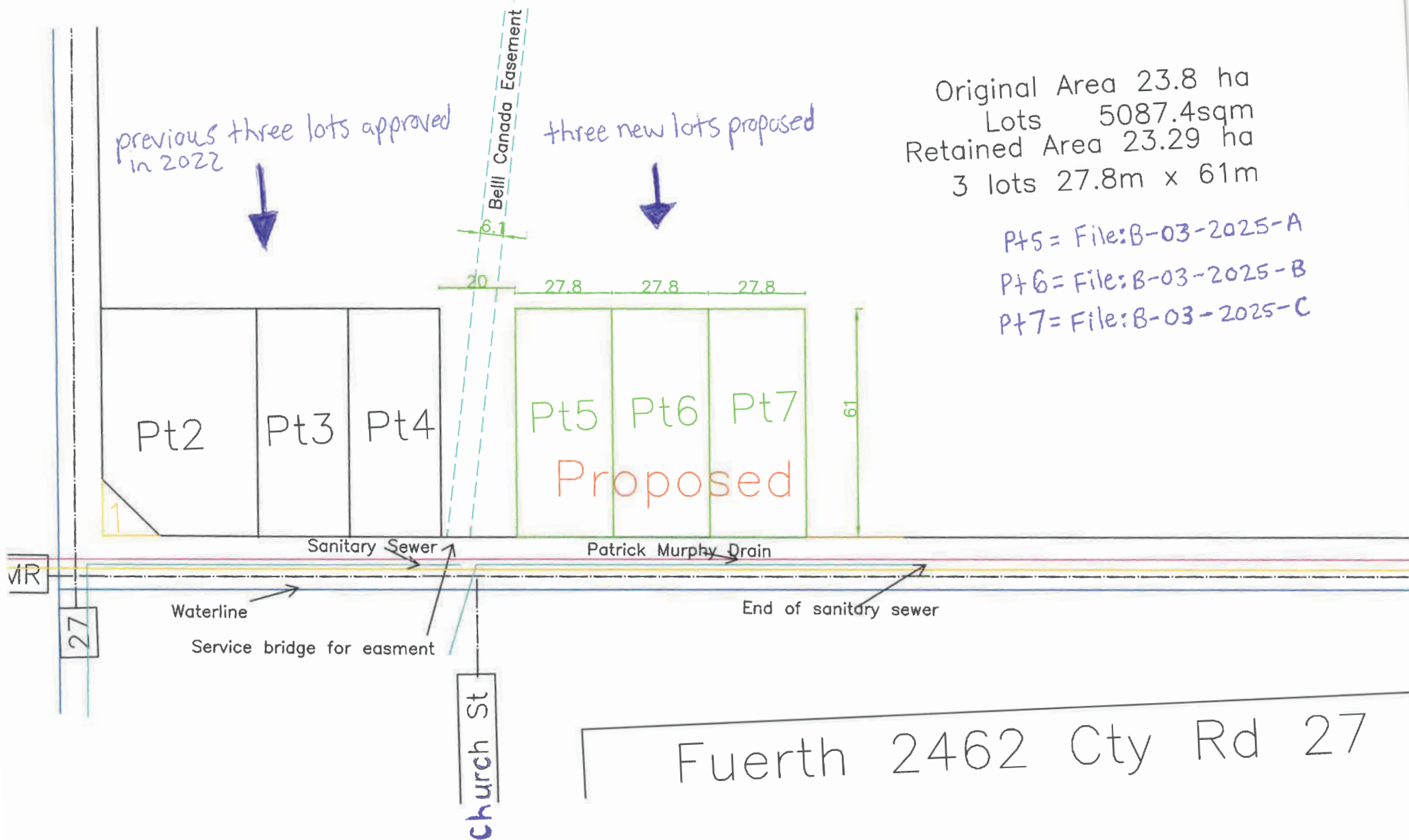
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

previous three lots approved
in 2022

three new lots proposed

Original Area 23.8 ha
Lots 5087.4sqm
Retained Area 23.29 ha
3 lots 27.8m x 61m

Pt5 = File: B-03-2025-A
Pt6 = File: B-03-2025-B
Pt7 = File: B-03-2025-C



Fuerth 2462 Cty Rd 27



Looking west from a location just north of the Libro Community Centre and Library on the south side of South Middle Road



Looking northwest in the general location of the proposed lots from an area just north of 1911 South Middle Road on the south side of South Middle Road



Looking north in the general location of the proposed lots from an area just north of 1911 South Middle Road on the south side of South Middle Road



Looking north in the general location of the proposed lots from an area just north of 1911 South Middle Road on the south side of South Middle Road



Looking east along South Middle Road from a location near the intersection of South Middle Road and Church Street



Looking west towards the intersection of County Road 27 and South Middle Road from a location near the intersection of South Middle Road and Church Street



Looking northwest in the general direction of the previous lot creations – not yet developed – located at the corner of South Middle Road and County Road 27



Looking east along South Middle Road from a location west of the South Middle Road and Church Street intersection



Looking north towards the location of the Bell Canada infrastructure/easement lands from a location on the south side of South Middle Road



Looking northeast at part of the area where the lots are proposed, from an area just north of 1911 South Middle Road on the south side of South Middle Road



Looking north towards the general location of the proposed lots from a location on the south side of South Middle Road

Date: March 28, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – April 16, 2025 – B/03/2025

Operations has reviewed B-03-2025 – 2462 County Road 27. application and offer the following comments:

- Lot grading and site servicing plans should be prepared and submitted to the Engineering and Infrastructure division to obtain the clearance letter to satisfy the lot creation condition. These plans are required to form a part of the agreement for future owner use and should be followed accordingly.
- Stormwater Management report addressing the quality and quantity of the water will be required to be submitted to obtain clearance from the Engineering and Infrastructure division.
- All drawings and reports to be prepared by Licensed Professional Engineer practicing in Ontario.
- Applicant to request Subsequent Subdivision of Land (Section 65(1)) letters prepared by a Drainage Engineer. The attached form below should be used to initiate the request.
- Improvements/ modifications to the drain should be according to the Drainage Act and applicable drainage report to be prepared by Drainage Engineer. All works to be carried out according to the Act.

Note:

1. The above noted conditions shall form a part of the severance agreement and all other conditions from the previous lot creation agreement of the same property should be applied as well.
2. All Engineering reviews and clearances are subject to the User Fees by-law (Schedule F – Operations) as outlined on the Municipality of Lakeshore's website [User Fees - Municipality of Lakeshore](#).

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



**Engineering and Infrastructure Services
Drainage Division**

REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN

Capital.....(Section 65, 76 and 78 Drainage Act)

NAME: _____

TEL #: _____

DRAIN: All drains assessed to the property below

I/We are the owner of the following land(s): _____
(ADDRESS)

Roll Number(s): _____

And I/We request the following work on the above drain:

☐ New Schedule of Assessment (Section 76)

(DESCRIBE WORK)

☐ Improvements upon Examination and Report of Engineer (Section 78)

(DESCRIBE WORK)

☒ Subsequent Subdivision of Lands (Section 65) (1)

Letter providing drain cost apportionment of all drains assessed to lands affected by the subdivision.

(DESCRIBE WORK)

In signing this form, the owner is advised that they shall be charged for work performed by the appointed Engineer.

Dated this _____ day of _____, 20____.

Print name

Signature of Owner(s)



April 1, 2025

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

Re: COA Submission, B-03-2025-A, B & C, John Thomas Fuerth

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. The subject lands do not have frontage on a County Road. The County has no objections as it pertains to this application.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

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

Regards,

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

Kristoffer Balallo
Engineering Technologist



2025-04-01

File Number: 0673-25

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

RE: Consents for Residential Lot Creation
2462 COUNTY RD 27
Municipal File Number: B-03-2025-A, B-03-2025-B, B-03-2025-C

The Municipality of Lakeshore has received Applications for Consent B-03-2025-A, B-03-2025-B and B-03-2025-C for the above noted subject property. Each of the residential lots will have lot frontage of approximately 27.8 metres (91.21 feet) and an area of approximately 1696 m² (0.419 acres). The three new residential lots will have frontage on South Middle Road and will be located east of the South Middle Road and Church Street intersection. On March 16, 2022, the Lakeshore Committee of Adjustment approved the creation of three residential lots from the Subject Property that have frontage on South Middle Road located at the corner of South Middle Road and County Road 27. The three new residential lots proposed under this application will be additional residential lots located east of those previous lot creations.

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

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

We have reviewed our floodline mapping for this area and it has been determined the three properties proposed to be severed at this time are not located within a regulated area that is under the jurisdiction of the ERCA (Ontario Regulation 41/24 under the Conservation Authorities Act). As a result, approvals for development on these three newly severed properties are not required from ERCA for issues related to Section 28 of the Conservation Authorities Act. Our office encourages the Municipality to consider the cumulative impact of development on stormwater management for this site.

FINAL RECOMMENDATION

Our office has no objection to B-03-2025-A, B-03-2025-B and B-03-2025-C. As noted above, our office encourages the Municipality to consider the cumulative impact of development on stormwater management for this site.

Sincerely,



Alicia Good

Alicia Good
Watershed Planner

Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, March 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

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM.

2. O Canada and Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. A-02-2025 - Minor Variance - 256 Donald Crescent

Speaking to the application was the applicant Darren Janke of Renew Home Solutions.

There were no questions or concerns from the applicant or audience.

14032025

Moved By Member Barrette

Seconded By Member Prince

Approve minor variance application A/02/2025, 256 Donald Crescent, to permit the following relief from Lakeshore Zoning By-Law (2-2012) for the development of a new 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.

Carried Unanimously

b. A-05-2025 - Minor Variance - 1255 County Road 2

Speaking to the application was applicant Scott Paxton.

It is noted that condition #2 is to be addressed if a bathroom or bathroom fixtures are proposed.

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

15032025

Moved By Member McKinlay

Seconded By Member Prince

Approve minor variance application A/05/2025, 1255 County Road 2, to permit 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 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.

Carried Unanimously

c. A-35-2024 - Minor Variance - 1 & 3 East Pike Creek Road

Speaking to the application was the applicant Cindy Prince of Amico Properties.

The following residents made oral submissions to express concerns regarding the proposed parking area, height and style of wall/fence, questioning that the application meets the four tests of a minor variance, impact on views, increased traffic, number of parking spaces and landscaping design.

- 1) Mende Teleski of 275 Elmgrove DR.
- 2) Lou Macera of 264 Elmgrove Dr.; read comments for residents at 262 Elmgrove Dr.
- 3) Mia Macera of 264 Elmgrove Dr.
- 4) Lori Lessard of 5 E. Pike Creek Rd.
- 5) Anne Marie Ofner of 8 E. Pike Creek Rd.
- 6) Jackie Dent of 265 Russell Woods Dr.
- 7) Todd Welsh of 257 Russell Woods Dr.

Cindy Prince provided confirmation on the following; the applicant wants to provide secured parking to avoid damage to vehicles; there will not be any generators onsite in the parking area; ERCA has not imposed elevation requirements; the entrance will be off of E. Pike Creek Rd.; current landscape design includes greenery/ivy to cover concrete wall/fence; minor variance on length of the driveway is contained to the portion inside the gates; will provide a copy of final landscape design to the residents and those in attendance at the meeting.

Administration reasserted the application meets the four tests of a minor variance and overall objectives of the Official Plan and is an improvement for the neighbourhood and will address traffic congestion.

16032025

Moved By Member Barrette

Seconded By Member McKinlay

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).

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;

In Favour (4): Member Barrette, Member Flagler-Wilburn, Member McKinlay, and Member Prince

Opposed (1): Member Hacon

Carried

17032025

Moved By Member Barrette

Seconded By Member McKinlay

Approve the issuance of a certificate of consent cancellation under Subsection 53(45) of the Planning Act for 3 East Pike Creek Road (legal description: PT LT 1 PL 1549 MAIDSTONE AS IN R1137290; LAKESHORE) to merge the Subject Land (1 & 3 East Pike Creek Road) into one lot.

Carried Unanimously

d. A-31-2024 - Minor Variance - 473 Charron Beach Road

Speaking to the application was the applicant Sawyer Everitt-Dejonge.

There were no questions from the applicant or audience.

18032025

Moved By Member Flagler-Wilburn

Seconded By Member Prince

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 (473 Charron Beach Road):

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 Planning recommendation report, to the satisfaction of the Municipality of Lakeshore.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

19032025

Moved By Member Barrette

Seconded By Member Prince

Approve the February 12, 2025 Committee of Adjustment minutes as listed on the agenda.

Carried Unanimously

7. New Business

a. Ontario Association of Committee of Adjustment 2025 Conference

Attendance of Committee of Adjustment members at the upcoming 2025 OACA conference was discussed.

8. Adjournment

20032025

Moved By Member McKinlay

Seconded By Member Prince

The Committee of Adjustment adjourn its meeting at 8:01 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer