

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, May 21, 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-05-2025 - 2825 Lakeshore Road 303

9

Recommendation:

Approve consent application B/05/2025 for the creation of one lot (residence surplus to an agricultural operation) containing two existing dwellings and accessory structures that will have a lot area of approximately 5,293 m² (approx. 1.3 acres) and a lot frontage of approximately 65.53 metres (approx. 215 feet), 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 confirmation to Community Planning at the Municipality of Lakeshore that the existing private sanitary systems 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 all municipal taxes be paid in full prior to the stamping of the Deed;

5) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwelling(s) and additional residential unit(s) on the retained farmland parcel, and to rezone the severed lot to recognize the two existing single detached dwellings on the severed lot;

6) That the applicant satisfy all the requirements of the Operations Department, including completing the required process under the Drainage Act as provided in the comment from the Operations Department, and formalize the retained land parcel access by obtaining a permit;

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

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 22, 2027. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Recommendation:

Approve minor variance application A/10/2025, 822 Southwood Drive, 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 the new accessory building to have a maximum gross floor area of 85 m² (915 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 condition on the minor variance approval:

The development of the new accessory building will proceed in conformance with the drawings submitted for the minor variance application, including the application of the Exterior Insulation and Finish System (EIFS) finishing or similar finishing, to the satisfaction of the Building Department.

Include the following Notice in the Notice of Decision:

The owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use of any kind in the accessory building now or in the future.

Recommendation:

Approve minor variance application A-09-2025, 2090 County Road 27 to permit the following relief from Lakeshore Zoning By-law (2-2012) for the proposed Additional Residential Unit (ARU).

- Relief from subsection 6.7 f) to permit additional residential unit in an accessory building located no more than 120 metres from the associated main dwelling, whereas the by-law requires a separation distance of no more than 50 metres from the associated main dwelling.

Recommendation:

Approve minor variance application A-21-2024, 593 Railway Avenue, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the proposed parking lot to the building supply outlet.

- Relief from subsection 6.41.2 h) to reduce the minimum distance from the parking area to the lot line from the required 1.5 metres to 0.4 metres,
- Relief from subsection 6.53 a) iii) to reduce the minimum sight triangle of the railway from the existing driveway to the parking area to be 22.8 metres from the required 50 metres,
- Relief from subsection 6.53 a) iii) to reduce the sight triangle of the railway from 50 metres to 19.3 metres to recognize the existing building,
- Relief from subsection 6.53 a) i) to reduce the sight triangle for the intersection of 1st Street and Railway Avenue from the required 6.0 metres to 2.7 metres;

Include the following Notice in the Notice of Decision:

The owner must complete a Site Plan Control Application under the *Planning Act*, to recognize the new parking lot area as built on the site and to further amend the existing Site Plan Agreement.

- e. A-38-2024 - 0 Middle Road 70

Recommendation:

Approve Minor Variance Application A-38-2024, 0 Middle Rd (subject property), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a new “Building Supply Outlet” on the subject property that will be used for a stone and brick veneer cutting business.

- Relief from subsection 6.41.1 to reduce the required number of parking spaces to 11, whereas subsection 6.41.1 requires 40 parking spaces for the proposed “Building Supply Outlet”.
- 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 one loading space to be provided for the proposed “Building Supply Outlet”.

Include the following Notice in the Notice of Decision:

The owner must complete the active Site Plan Control Application (SPC-11-2024) under the *Planning Act*.

- f. A-08-2025 - 1272 County Road 22 86

Recommendation:

Deny Minor Variance Application A/08/2025 as the requested reliefs for the development of a proposed accessory building on the subject property do not pass each of the four tests under the Planning Act.

- g. A-07-2025 - 432 West Belle River Road 113

Recommendation:

Deny Minor Variance Application A/07/2025 as it does not meet the four tests set out in Subsection 45(1) of the Planning Act.

- h. B-14-2024 - 1361 County Road 27 132

Recommendation:

Approve consent application B/14/2024 for the creation of one lot that will have a lot area of approximately 2,100 m² (approx. 0.52 acres) and a lot frontage of approximately 30 metres (approx. 98.43 feet), 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 and the lot to be retained;

2) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;

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

5) That the applicant obtain a Zoning By-law amendment to temporarily permit the accessory building to exist on the retained lot without a dwelling, or demolish/remove the accessory building from the retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;

6) That the applicant obtain approval under the Planning Act to permit any lot deficiencies (frontage, setbacks, etc.) under the Zoning By-law with respect to the severed and/or retained lot;

7) That the applicant submit a memo to Community Planning from a qualified professional that confirms the following to the satisfaction of Community Planning: no negative impacts on the natural features or their ecological functions; the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions; no harmful alteration, disruption, or destruction of fish habitat, and that proposed development/site alteration would be in accordance with provincial and federal requirements as it relates to fish habitat; no development and site alteration in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

8) That the applicant obtain an archaeological assessment of the subject property 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;

9) That the applicant establish a new access and driveway for the severed lot to the satisfaction of the Municipality of Lakeshore and obtain all necessary permits for its establishment;

10) That the applicant enter into an Agreement with the Municipality of Lakeshore to be registered on title prior to the stamping of the Deed, for the establishment of a water connection and to pay any applicable water rates or fees with respect to the subject lands;

11) That the applicant address all drainage concerns raised by the Operations Department to the satisfaction of this department, and ensure that a proper outlet for drainage has been established for the severance to the satisfaction of the Operations Department. Any agreement associated with establishing a proper outlet for drainage is to be binding by registering the agreement on title, if required by the Operations Department and to the satisfaction of the Municipality of Lakeshore;

12) Formal confirmation is required regarding the abandonment of existing water services to the accessory building on the retained lot. If the accessory building is currently serviced by a water line originating from the proposed south lot, the applicant must abandon the service by capping it off at the new lot line separating the two lots to the satisfaction of the Operations Department, or connect it to a new water service to the satisfaction of the Operations Department.

13) That the applicant pay a \$3,800.00 parkland dedication fee in accordance with By-law 110-2024 (Dedication of Parkland By-law)

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

15) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 22, 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. April 16 2025 Meeting Minutes

160

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 & Members of the Committee of Adjustment
From: Ian Search, BES, Planner I
Date: May 9, 2025
Subject: Consent Application B/05/2025 – 2825 Lakeshore Road 303

Recommendation

Approve consent application B/05/2025 for the creation of one lot (residence surplus to an agricultural operation) containing two existing dwellings and accessory structures that will have a lot area of approximately 5,293 m² (approx. 1.3 acres) and a lot frontage of approximately 65.53 metres (approx. 215 feet), 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 confirmation to Community Planning at the Municipality of Lakeshore that the existing private sanitary systems 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 all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwelling(s) and additional residential unit(s) on the retained farmland parcel, and to rezone the severed lot to recognize the two existing single detached dwellings on the severed lot;
- 6) That the applicant satisfy all the requirements of the Operations Department, including completing the required process under the Drainage Act as provided in the comment from the Operations Department, and formalize the retained land parcel access by obtaining a permit;
- 7) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 22, 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 two farm dwellings and accessory buildings/structures from the farm property 2825 Lakeshore Road 303 (subject property) as a separate rural residential lot. The farm dwellings are considered surplus to a farming operation as the owner of the subject property owns multiple farm holdings and resides at a different farm property. The subject property is located east of Rochester Townline Road, north of Highway 401, and west of Comber Sideroad (County Road 35). It is a through lot with frontage on Lakeshore Road 303 to the north and County Road 42 to the south (Appendix A).

The subject property is approximately 98.95 acres (40.04 hectares). It is designated "Agricultural" in the Lakeshore Official Plan and zoned "Agriculture" (A) in the Lakeshore Zoning By-law. It has approximately 300 metres (984.2 feet) of lot frontage along Lakeshore Road 303 and County Road 42.

The consent application will sever dwellings from the subject property that are 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 land parcel.

The rural residential lot to be severed will contain the two existing dwellings on the subject property, five accessory buildings, and surrounding landscaped space (Appendix B). The application states that it will have a lot frontage of approximately 65.53 metres (approx. 215 feet) along Lakeshore Road 303, and a lot area of approximately 5,293 m² (1.3 acres).

The retained farmland will maintain its existing frontage along County Road 42 on the south side of the property. It will be left with approximately 235 metres (770 feet) of frontage along Lakeshore Road 303 and will have an area of approximately 97.2 acres (39.33 hectares).

The proposed lot has existing access from Lakeshore Road 303. The applicant has indicated that there is an existing access from Lakeshore Road 303 for the retained farmland property that is located in the northwest corner of the subject property (Appendix B).

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 fee is paid.

Summary

Surrounding Land Uses	North: Agriculture, Canadian Pacific Limited right-of-way, Hydro One Networks Inc. lands/corridor West: Agriculture East: Agriculture, rural residential lots South: Agriculture
Servicing	Municipal water, private sanitary systems
Access	Lakeshore Road 303 (municipal)
Official Plan Land Use Designation	Lakeshore Official Plan: Agricultural County of Essex Official Plan: Agricultural
Zoning	Agriculture (A)

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).

Comment: The application is to sever a residence surplus to an agricultural operation as defined in the PPS. There is a dwelling located on the east side of the proposed severed lot and a separate smaller dwelling (additional residential unit) located on the west side.

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

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

Comment: The proposed lot to be severed will meet the minimum lot frontage (30 metres/98.4 feet) and lot area (3,000 m²/0.74 acres) that is required in the Zoning By-law for a residential lot zoned Agriculture. It will be under the maximum 4 hectare/9.88-acre lot area permitted in the Zoning By-law. The proposed lot area is reasonable to support the residential uses, accessory uses, and amenity space. A new Official Plan adopted by the County of Essex that has been sent to the Ministry of Municipal Affairs and Housing for final approval 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 5,293 m² (1.3 acres/0.53 hectares) which is in general conformance with the adopted policy.

- 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). The subject property today is approximately 98.95 acres (40.04 hectares) so the retained farmland will meet 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 lot creation proposal conforms to this subsection of the Lakeshore Official Plan. There are no existing livestock operations on the lot to be severed or on the retained farmland parcel. Additionally, the Applicant states that there are no livestock operations within one kilometer of the proposed severed lot. The Zoning By-law will automatically recognize the proposed lot as a rural residential lot that does not permit agricultural use – including livestock operations. As a condition of provisional consent approval, the retained 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.

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 “A”. A draft plan of survey will be required as a condition of consent approval to confirm compliance under the Zoning By-law, including setbacks of buildings/structures.

Confirmation that the existing private sanitary systems will be located on the proposed lot with required setbacks from proposed lot lines will be required as a condition of consent approval. This will need to be confirmed as part of the preparation of a draft plan of survey for the proposed lot as required in Condition 3) in the Recommendation section.

The two existing single detached dwellings on the proposed severed lot are decades old. The proposed severed lot will need to be rezoned via a Zoning By-law Amendment to recognize the two existing single detached dwellings as a permitted use on the severed lot. The Lakeshore Zoning By-law (2-2012) permits a single detached dwelling and “additional residential unit(s)” in the “A” zone. However, Subsection 6.7 of the Zoning By-law provides regulations specific to additional residential units (regulating size, setbacks, etc.) that the proposed severed lot will be in non-compliance with. If one or both dwellings are demolished in the future, any plans to redevelop the severed lot for an “additional residential unit(s)” will need to comply with the regulations in effect at that time, including Subsection 6.7. The Zoning By-law Amendment will allow the existing situation to continue until demolition/redevelopment. This Zoning By-law Amendment is to be made a condition of consent approval. It can occur at the same time the retained farmland parcel is rezoned to prohibit dwelling(s) and additional

residential unit(s) on the retained farmland parcel. Lakeshore Council is the current decision-making authority for all Zoning By-law Amendments.

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

Correspondence from external and internal agencies

External and Internal Agencies

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

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

The Building Department stated that they have no comments.

The County of Essex provided comments that are engineering-related only. No objections were received. Setback requirements with respect to County Road 42 are contained in their comment. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. The full comment from the County of Essex can be found in Appendix D.

The Essex Region Conservation Authority (ERCA) commented that they have no objection. They note that 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. The full comment from ERCA can be found in Appendix E.

The Operations Department will require the Applicant to complete a process under the Drainage Act for the land severance. They state that the access shown for the retained farmland parcel is acceptable. However, the access is to be formalized by obtaining a permit. The full comment from the Operations Department can be found in Appendix F.

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 – Drawings
Appendix C – Photos
Appendix D – County of Essex
Appendix E – ERCA
Appendix F – Operations Department Comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	Consent Application B-05-2025 - 2825 Lakeshore Road 303.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - County of Essex.pdf- Appendix E - ERCA.pdf- Appendix F - Operations Department.pdf
Final Approval Date:	May 14, 2025

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

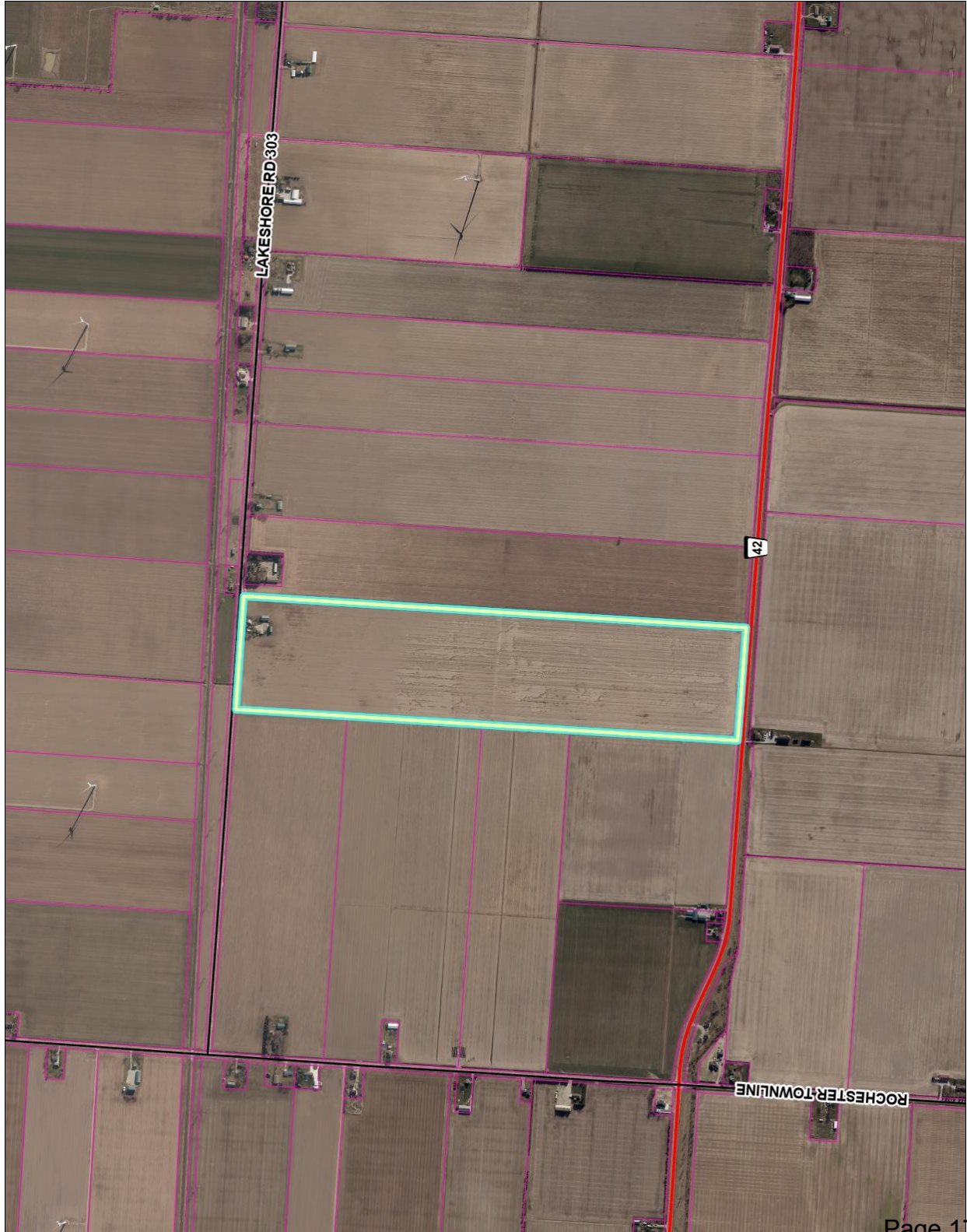
Urvi Prajapati - May 12, 2025 - 2:15 PM

Daniel Mercer - May 13, 2025 - 7:11 PM

Tammie Ryall - May 14, 2025 - 3:29 PM



2825 Lakeshore Road 303 - Aerial Map of Subject Property



Legend

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

1: 15,617

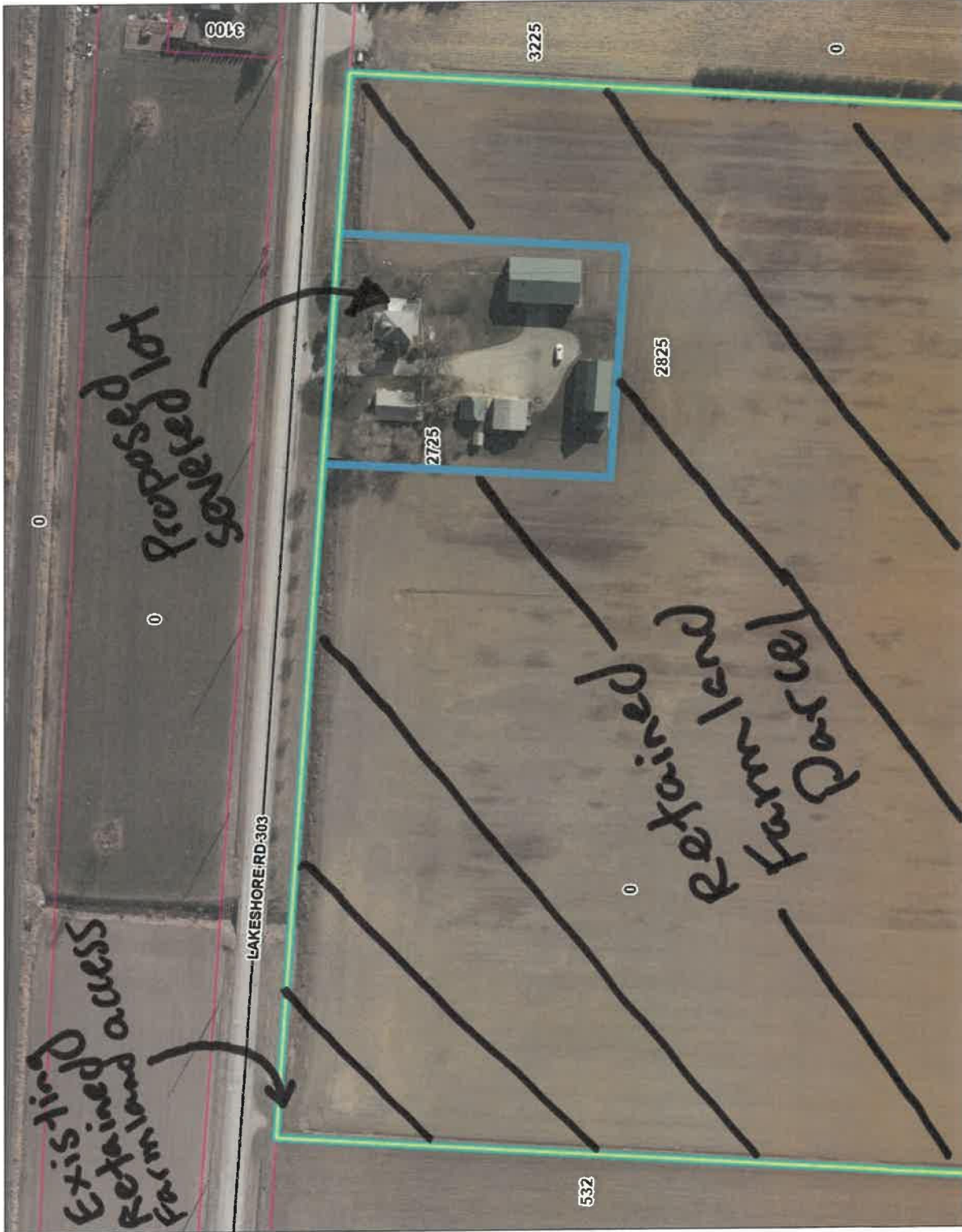


Notes:

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2825 Lakeshore Road 303 - Proposal



Legend

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

1:1,656

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



2825 Lakeshore Road 303 - Proposal



Legend

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

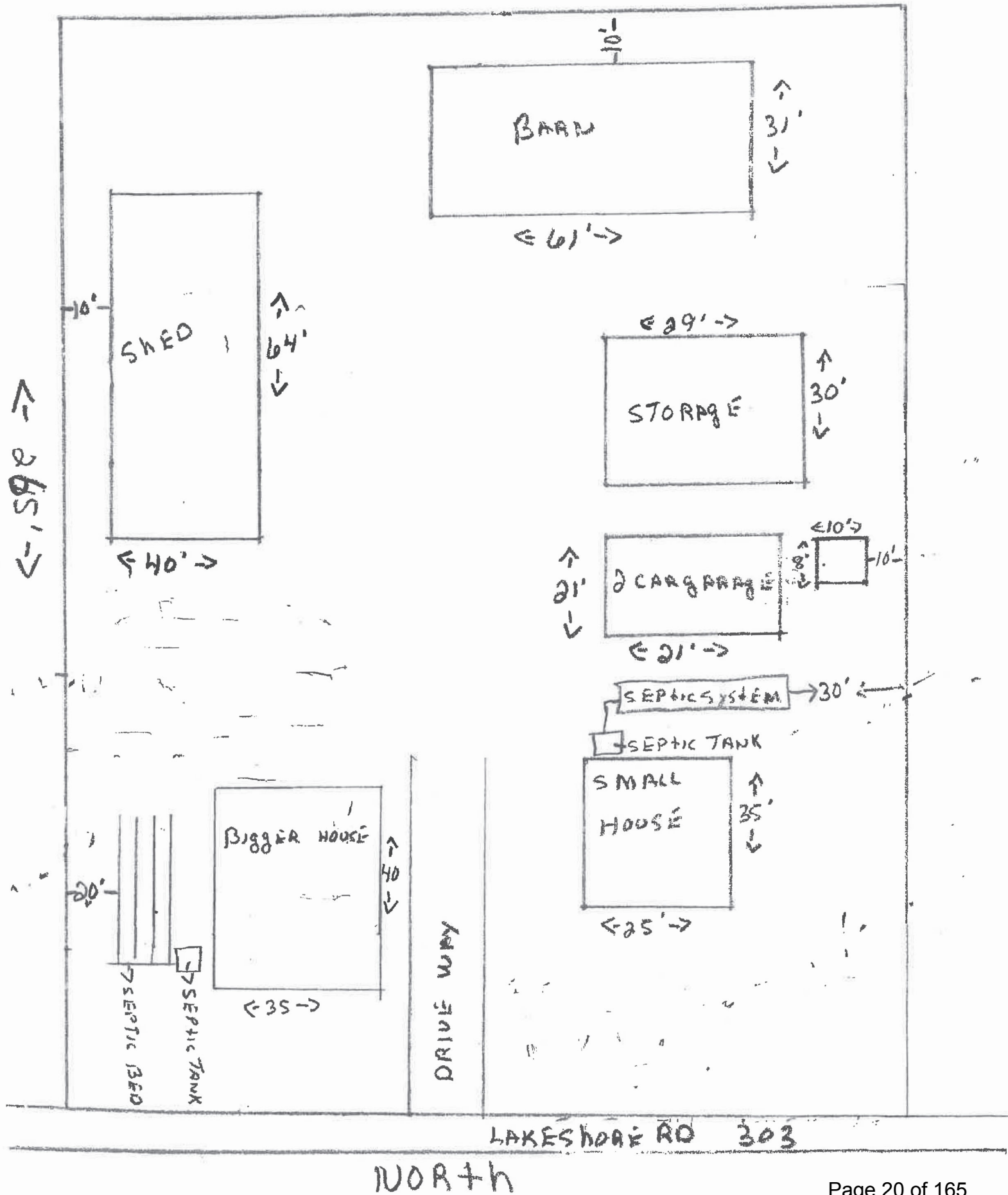
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Notes:

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PROPOSE 20+ SOUTH

← 215 →





A picture of the west dwelling looking south



A picture of the east dwelling looking south



A picture of accessory buildings in the rear yard (west side) of the proposed severed lot looking south



A picture of an accessory building in the rear yard (east side) of the proposed severed lot looking south



A picture of an accessory building at the rear of the proposed severed lot looking south



Shed on the west side of the proposed severed lot looking north



Municipal drain running along the front of the subject property looking east



Municipal drain running along the front of the subject property looking west



retained farmland access looking south from the street near northwest corner of the subject property



May 5, 2025

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

Re: COA Submission, B-05-2025, Mike Mailloux c/o Jay Johnson

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 have frontage on County Road 42. The County has no objections as it pertains to this application. 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 42. 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. 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.

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

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

 countyofessex.ca

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



2025-05-02

File Number: 0976-25

Ian Search, Municipality of Lakeshore
419 Notre Dame Street
Municipality of Lakeshore, ON
N8L 0P8

RE: Surplus Farm Dwellings Severance
2825 LAKESHORE RD 303
Municipal File Number: B-05-2025

The Municipality of Lakeshore has received Application for Consent B-05-2025 for the above noted subject property. The Application is proposing to sever two farm dwellings and accessory buildings/structures from the Subject Property as a separate rural residential lot. The farm dwellings are considered surplus to a farming operation. The lot to be severed will have a frontage of approximately 65.53 metres (approx. 215 feet) along Lakeshore Road 303, and an area of approximately 5,293 m² (1.3 acres). The retained farmland will maintain its existing frontage along County Road 42 on the south side of the property. It will be left with approximately 235 metres (770 feet) of frontage along Lakeshore Road 303 and will have an area of approximately 97.2 acres (39.33 hectares).

NATURAL HAZARDS AND REGULATORY 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 Levasseur 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.

FINAL RECOMMENDATION

Our office has no objection to B-05-2025. As noted above, 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.

Sincerely,

Alicia Good



Alicia Good
Watershed Planner

Date: May 7, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – May 21, 2025 – B/05/2025

Operations have reviewed B-05-2025 – 2825 Lakeshore Road 303 variance request 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.
- The retained farmland access as shown on the sketch is acceptable. However, our records indicate that access is not formalized by obtaining the permit. We note that applicant to obtain an entrance permit through Operations Department – Public Works by calling **(519) 728-1975 ext. 616** to formalize the access for the retained farmland.

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, BES, Planner I
Date: May 8, 2025
Subject: Minor Variance Application A/10/2025 – 822 Southwood Drive

Recommendation

Approve minor variance application A/10/2025, 822 Southwood Drive, 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 the new accessory building to have a maximum gross floor area of 85 m² (915 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 condition on the minor variance approval:

The development of the new accessory building will proceed in conformance with the drawings submitted for the minor variance application, including the application of the Exterior Insulation and Finish System (EIFS) finishing or similar finishing, to the satisfaction of the Building Department.

Include the following Notice in the Notice of Decision:

The owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use of any kind in the accessory building now or in the future.

Background

The Municipality of Lakeshore has received a minor variance application for a property located west of West Belle River Road, north of the Canadian Pacific Limited right-of-way, south of County Road 22, on the west side of Southwood Drive, known municipally as 822 Southwood Drive in the Municipality of Lakeshore ("subject property") (Appendix A). The subject property is zoned "Residential – Low Density" (R1) in the Lakeshore

Zoning By-law and designated “Residential” in the Lakeshore Official Plan.

The subject property is approximately 753.2.9 m² (0.186 acres) in area with approximately 20.7 metres (67.93 feet) of frontage along Southwood Drive.

There is an existing dwelling and accessory buildings/structures on the subject property. The Applicant is proposing to develop a new accessory building in the rear yard and is seeking the following relief from the Lakeshore Zoning By-law (2-2012) for the development:

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 85 m² (915 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 intention of the Applicant is to maintain an existing shed (4.55 m²/49 ft²) in the northwest corner of the rear yard. Additionally, they intend to leave a second shed (11.15 m²/120 ft²) in the rear yard during construction of the new accessory building (Appendix D & Appendix E). This second shed will provide storage during development of the new accessory building and will be removed afterward.

Currently, there is no attached or detached garage on the subject property. The proposed building will provide an area for personal storage and workshop space for the completion of further renovations to the property. The applicant notes that the accessory building will also be used in part for personal hobby/family use. A two-piece bathroom is planned in the accessory building. A wall-mounted air conditioner compressor will be located at the rear of the accessory building approximately 1.2 metres (3.93 feet) from the rear lot line.

Currently there is a wooden deck (accessory structure) in the rear yard close to the south side yard – as seen in the aerial photo and in photos taken during a site visit of the property (Appendix C). Alterations and/or removal with respect to this structure is planned to accommodate a proposed driveway extension to the new accessory building, as shown on the site plan drawing (Appendix B).

Elevation drawings of the proposed accessory building show that it will meet the maximum height permitted in the Zoning By-law (5 metres/16.405 feet) measured from grade (Appendix B).

Surrounding Land Uses	low-density residential properties
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential – Low Density” (R1)
Access	Southwood Drive (Municipal)
Servicing	Municipal water, municipal sanitary

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. A minor variance can only be granted if it passes all four tests under the Planning Act. If the Committee is not satisfied on all four tests, then the relief cannot be approved. The four tests are as follows:

- 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.

County of Essex Official Plan

The subject property 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) 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.* Accessory uses to a dwelling are permitted in the Residential Designation of the Lakeshore Official Plan.

The subject property is located on a municipal street. The County of Essex was provided with notice of the application. No comments were received as of the date of this report.

Lakeshore Official Plan

The subject property is designated Residential in the Lakeshore Official Plan. Subsection 6.6.1 k) states that *uses accessory to any of the permitted uses in the Residential Designation are permitted.*

Comment: The subject property is a low-density residential lot containing a dwelling. The proposed building will provide accessory uses for the main use of the property as a residential lot.

Subsection 4.2.1 of the Official Plan provides Community Design policies:

Subsection 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.*

Comment: The proposed gross floor area will not have a negative impact on the design characteristics of the area. There are other accessory buildings of similar size in the

area located in the rear yards of residential properties. Therefore, the proposal maintains the general intent and purpose of this policy.

Subsection 4.2.1 b) i) *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.*

Comment: The proposed building will be in the rear yard of the property behind the dwelling where it will be less visible from the street. Additionally, it will be subordinate to the size of the dwelling on the property which is in keeping with the character of the area. Exterior Insulation and Finish System (EIFS) is the finishing that is proposed for the walls of the accessory building (Appendix B), as opposed to something less traditional in appearance such as steel.

Subsection 4.2.1 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.*

Comment: The Applicant will be providing the required 1.5 metre (4.92 feet) setback from the side and rear lot line and a fence currently exists around the perimeter of the rear yard. A one slope roof design is proposed for the new accessory building with the shorter end running east/west next to the south side lot line. The building will meet the height requirement of the Zoning By-law, and this aspect of the design will mitigate impact of the proposal on the neighbouring property to the south.

Based on the foregoing, the requested relief maintains the general intent and purpose of the Official Plan.

Zoning By-law

Subsection 6.5 a) ix) states that *detached garages, carports or other accessory uses, buildings or structures shall not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.* The purpose of this regulation is to limit the size of accessory buildings in a typical low-density residential neighbourhood so that they do not dominate the area and negatively impact neighbourhood character. This regulation does not apply to an accessory building containing an *additional residential unit* – such building is subject to a different regulation.

Comment: The proposed gross floor area will not dominate the neighbourhood or negatively impact the neighbourhood character. The R1 zone requires a minimum lot area of 500 m² (0.123 acres), while the subject property has an area of 753.2 m² (0.186

acres). The lot area of the subject property makes it more conducive for accommodating larger accessory buildings within reason. There are examples of properties in the neighbourhood that are similar in size and that support accessory buildings larger than what is permitted in the Zoning By-law.

The following is the definition of “accessory” in the Zoning By-law: *ACCESSORY – when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate, and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a detached garage or carport but does not include a dwelling unit in the Agriculture zone.* The general intent of the Zoning By-law is for accessory buildings to be subordinate to the main building (e.g. single detached dwelling on a property).

Comment: The proposal maintains the general intent and purpose of the “accessory” definition as the building will be smaller than the existing dwelling on the property.

Based on the foregoing, the requested relief maintains the general intent and purpose of the Lakeshore Zoning By-law.

Minor in Nature

The requested relief is minor in nature. A gross floor area of 85 m² (915 ft²) is a minor request with respect to impacts given the neighbourhood context, the size of the property, and the overall site design. An increase from 55 m² (592 ft²) to 85 m² (915 ft²) is also not a difference that fails as “minor in nature”.

Desirability and Appropriateness

The requested relief is desirable for the appropriate development and use of the land. The development proposal increases the opportunity for enclosed storage of personal belongings in the rear yard and will lead to the removal of an older shed on the property. Negative impacts to the appearance of the streetscape and neighbourhood character are not a concern in this case.

Conclusion

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

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

It is recommended that the Committee of Adjustment impose the notices and conditions stated in the “Recommendation” section of the report.

Others Consulted

The Fire Department stated that they have no comments on the application at this time.

The Building Department stated that they have no comments.

The Operations Department support the application provided that the accessory building is not used for an additional residential unit as there are current sanitary capacity constraints in the area. The full comment 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 were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photos
Appendix D – Shed to Remain Temporarily
Appendix E – Photo of Shed to Remain Temporarily
Appendix F – Operations Department

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	Minor Variance Report - A-10-2025 - 822 Southwood Drive.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Shed to Remain Temporarily.pdf- Appendix E - Photo of Shed to Remain Temporarily.pdf- Appendix F - Operations Department.pdf
Final Approval Date:	May 14, 2025

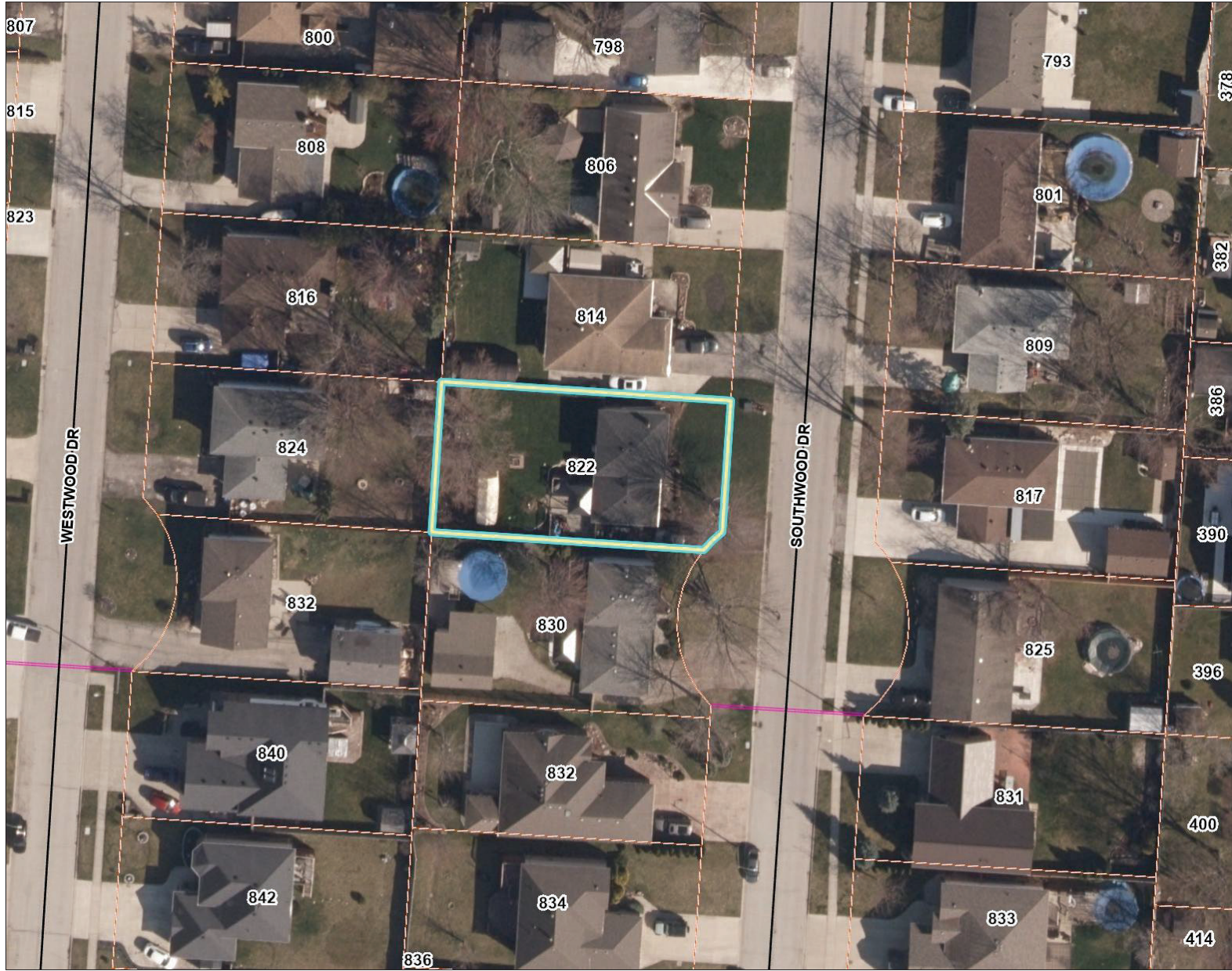
This report and all of its attachments were approved and signed as outlined below:

Urvi Prajapati - May 12, 2025 - 2:08 PM

Daniel Mercer - May 13, 2025 - 7:16 PM

Tammie Ryall - May 14, 2025 - 11:43 PM

822 Southwood Drive - Aerial Map of Subject Property



Legend

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

1: 777



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

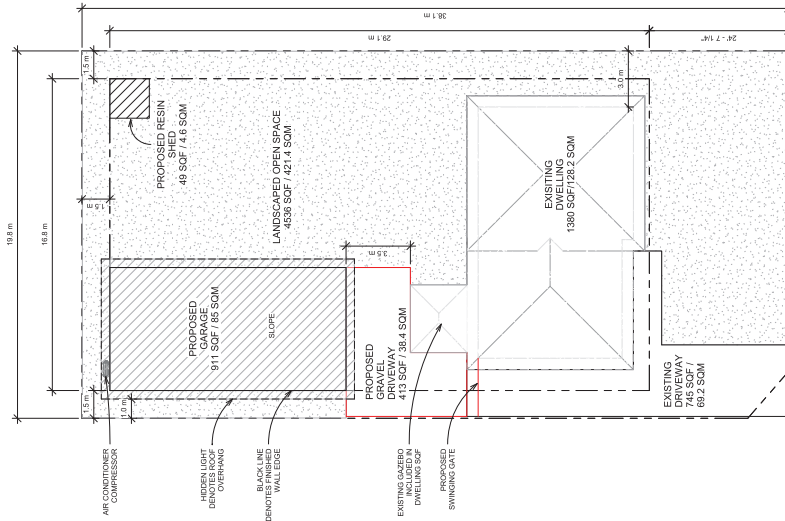
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Jordan Tellier
Proposed Garage
Site Plan

822 Southwood drive, Belle River N8L 1E5
Date 4/10/2022
Drawn by R.Lamarque

A-00

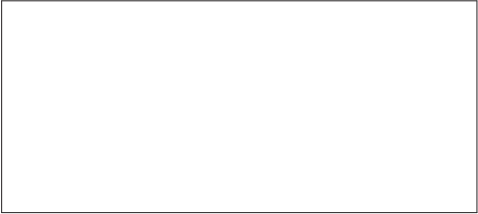
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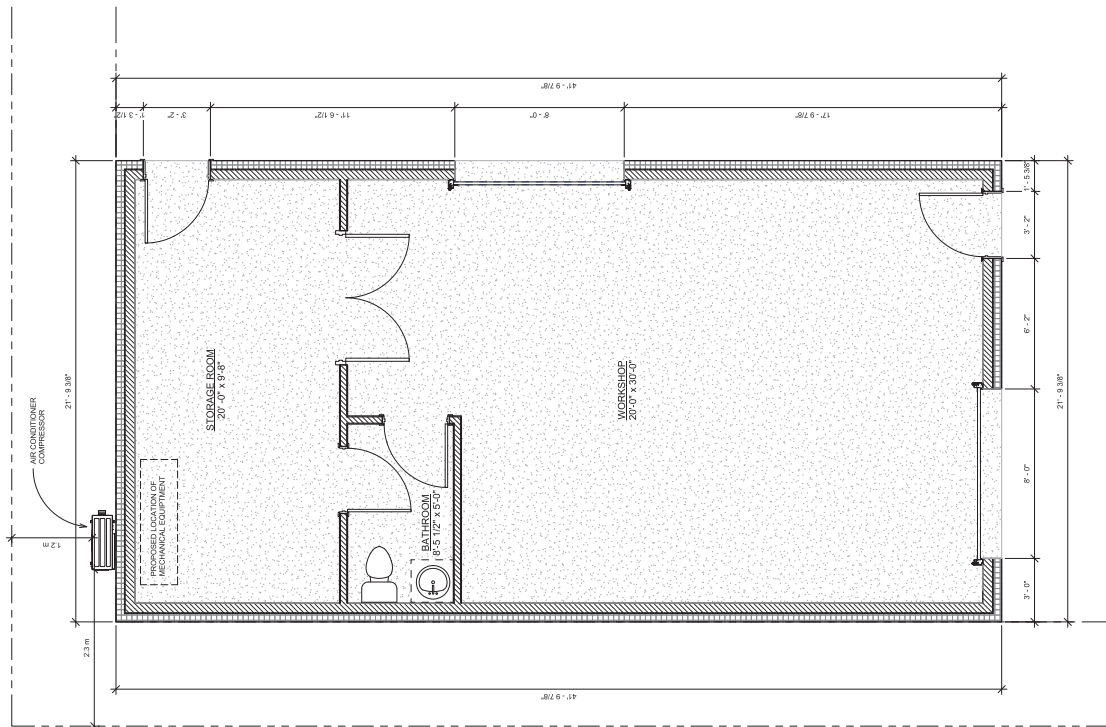
SOUTHWOOD DRIVE

1 Site Plan
1" = 10'-0"

ZONING	USE	PROPERTY AREA	R1	PROVIDED
			8107 SQF / 753.2 SQM	
		TOTAL LOT COVERAGE	35%	29%
		ACCESSORY LOT COVERAGE	15%	12%
		INT. SIDE YARD	1.5m	1.5m
		EXT. SIDE YARD	1.5m	1.5m
		REAR YARD DEPTH	1.5m	1.5m
		LANDSCAPE OPEN	30%	56%
	HEIGHT		5m	5m

[illegible]

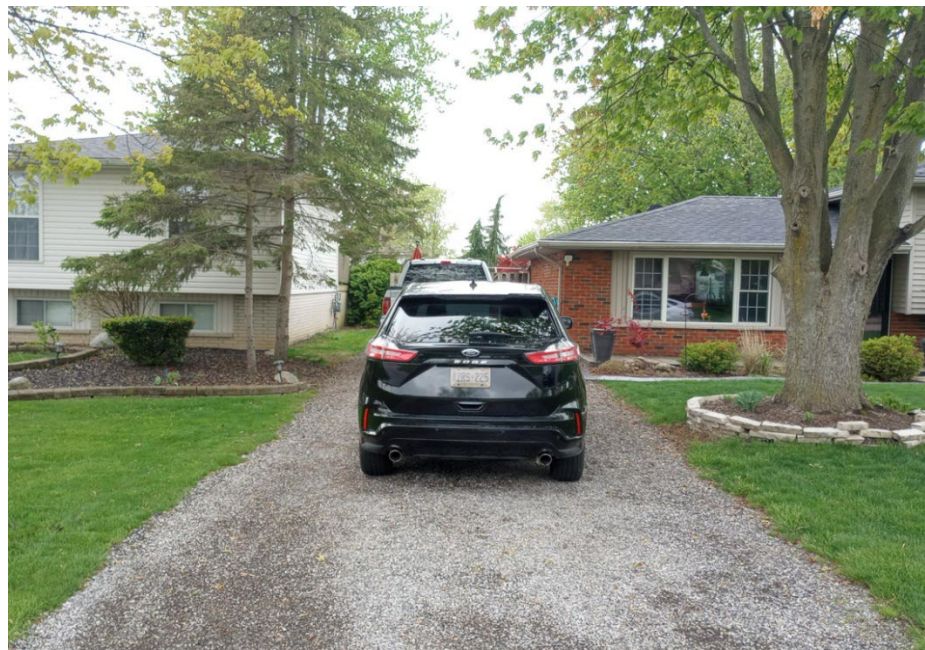
Jordan Tellier Proposed Garage First Floor Plan	822 Southwood drive, Belle River NB, L1E
Date	4/10/2025
Drawn by	R.Lamirque
A-01	
Scale	3/8" = 1'-0"



① Grade $3/8" = 1'-0"$



Existing dwelling on the subject property looking west



Existing driveway looking west



The area where the new accessory building is proposed looking west



Sheds in the rear yard of the property looking north-west



Existing deck (accessory structure) looking east towards driveway from rear yard

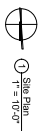
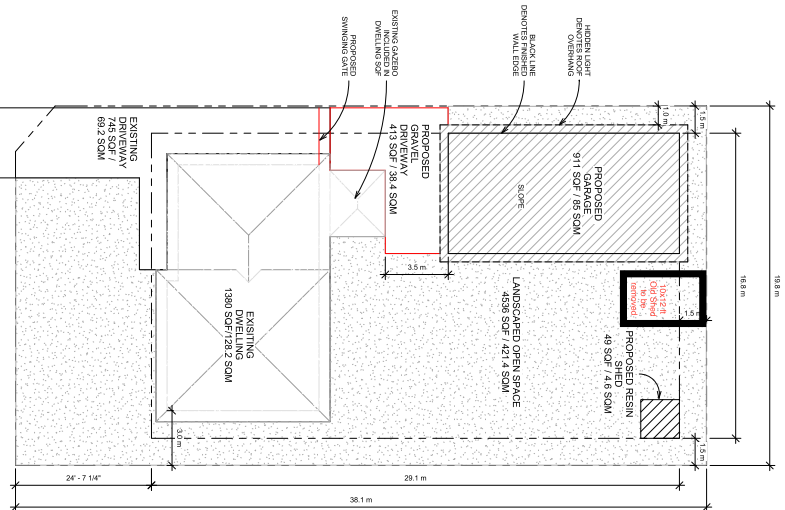


Existing deck (accessory structure) and gazebo (accessory structure) looking south east from rear yard



north half of rear yard looking north-west from the existing deck (accessory structure)

ZONING	R1
USE	GARAGE
PROPERTY AREA	8107 SQF / 753.2 SQM
TOTAL LOT COVERAGE	REQUIRED 35% PROVIDED 29%
ACCESSORY LOT COVERAGE	15%
INT. SIDE YARD	1.5m
EXT. SIDE YARD	1.5m
REAR YARD DEPTH	1.5m
LANDSCAPE OPEN	30%
HEIGHT	5m



Jordan Teller
Proposed Garage
Site Plan

822 Southwood drive, Belle River NB, E1S
Date 4/10/2025
Drawn by RL Lunnquist
A-00
Scale 1" = 10'-0"



Date: May 7, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – May 21, 2025 – A/10/2025

Operations have reviewed A-10-2025 – 822 Southwood Drive variance request application and offer the following comments:

- Support is provided given that the proposed structure is utilized as identified as a workshop and is not utilized as an Additional Dwelling Unit, as sanitary capacity constraints exist within this area at this time. Future consideration can be given if sanitary capacity becomes available in future.

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, urbaniste, RPP, MCIP – Division Leader, Community Planning

Date: May 7, 2025

Subject: Minor Variance Application A-09-2025 – 2090 County Road 27

Recommendation

Approve minor variance application A-09-2025, 2090 County Road 27 to permit the following relief from Lakeshore Zoning By-law (2-2012) for the proposed Additional Residential Unit (ARU).

- Relief from subsection 6.7 f) to permit additional residential unit in an accessory building located no more than 120 metres from the associated main dwelling, whereas the by-law requires a separation distance of no more than 50 metres from the associated main dwelling.

Background

Location

The subject property is located on the east side of County Road 27, approximately halfway between Ontario Highway 401 and County Road 46. The subject property has a frontage on County Road 27 of approximately 202.9 m, a maximum depth of approximately 914 metres, and an area of approximately 18.67 hectares. The property is bisected by a hydro corridor approximately 250 metres from the front lot line (Appendix A).

Surrounding Land Uses

The subject property is surrounded to the north, east, and south by large agricultural properties, and on the west by detached residential properties.

Proposal

The proposed development is to construct a single-storey Additional Residential Unit (ARU). The proposed ARU would have a maximum height of 7.31 m from peak to grade and a gross floor area of 133.7 m² (Appendix B).

The subject property currently includes a two-storey, single-detached primary dwelling with an attached garage, an in-ground pool, an open-sided cabana, three accessory buildings, and three sea containers with engineered trusses. The proposed accessory building would be separated from the associated main dwelling by approximately 113 m on the south side of the property. The proposed accessory building would be accessed by an existing separate driveway accessed from County Road 27. The proposed accessory building would be serviced by the existing municipal water connection and a new separate septic system adjacent to the building.

The Lakeshore Zoning By-law 2-2012, as amended by Lakeshore By-law 80-2024, includes provisions relating to Additional Residential Units. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 6.7 f) to permit additional residential unit in an accessory building located no more than 120 metres from the associated main dwelling, whereas the by-law requires a separation distance of no more than 50 metres from the associated main dwelling.

Analysis

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 proposed variance meets the general intent and purpose of the Official Plan, meets the general intent and purpose of the zoning by-law, is minor in nature and is desirable for the appropriate development of the property.

Official Plan

Section 6.2 of the Official Plan applies to areas designated “Agricultural”. Permitted uses, listed under section 6.2.1 include:

- b) a single residential dwelling per lot, with a secondary farm residence when the size and nature of the operation requires additional employment, provided the secondary farm residence is on the same lot, is accessory to the main farm operation, is used for full time farm help, and servicing is adequate, and
- m) Uses accessory to any of the permitted uses in the Agricultural Designation.

The proposed ARU is not intended as a “secondary farm residence” as contemplated by the Official Plan but will have a similar built form and function.

Section 4.3.1.6 of the Official Plan applies to “Accessory Residential Dwellings”, which are defined as “separate and complete dwelling units that are contained within the structure of a single detached residential dwelling”.

The current Official Plan does not contemplate a detached ARU, however the policies related to a secondary farm residence indicate that a second, detached dwelling unit is appropriate in agricultural areas.

Further, Council endorsed the proposed modifications to the Official Plan through Amendment 16 (OPA-16) to bring the Official Plan into conformity with the *Planning Act* changes made in 2022 through Bill 23 (More Homes Built Faster Act). The *Planning Act* now permits, as-of-right, up to three residential units per property. This may include up to two additional units in a single detached, semi-detached, or townhouse dwelling, or one in the main dwelling and one in an ancillary building. OPA-16, when approved, will align the Official Plan with the *Planning Act*. Council further directed Administration to prepare a Zoning By-law Amendment to regulate ARU's to permit detached ARU's in the Agricultural designation including location, size, and access, ensuring they are subordinate to the main dwelling.

It should be noted that the Provincial Planning Statement, 2024 section 4.3.2.5 states that “Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance.” The Official Plan has not yet been updated to reflect the direction of the PPS, 2024

For the reasons provided above, the proposed variance meets the general intent and purpose of the Provincial Planning Statement and the Official Plan.

Zoning By-law 2-2012, as amended

Section 6.7 a) of the Zoning By-law states that “an additional residential unit shall be a permitted accessory use to a single detached, semi-detached, or townhouse dwelling” subject to certain conditions.

Section 6.7 c) of the Zoning By-law states that “An additional residential unit shall be provided its own exterior entrance separate from the exterior entrance to the primary dwelling unit and shall have no means of internal access to the primary dwelling unit...” and that “The exterior entrance to an additional residential unit shall not be permitted on an elevation or façade of the main dwelling that faces a street, highway or road.” The proposed building is to be accessed by a separate exterior entrance than the primary dwelling. Architectural plans demonstrating the location of the exterior entrance have not been submitted.

Section 6.7 f) of the Zoning By-law states that “an additional residential unit in an accessory building shall be located no more than 50 metres from the associated main dwelling and no less than 3.0 metres from the main dwelling or any other building or structure.” The proposed building is located 113 m from the associated main dwelling.

The location of the proposed ARU appears to have been chosen to make use of the existing driveway on the south side of the property. For this reason, the proposal meets the general intent and purpose of the Zoning By-law.

Minor

There are no anticipated negative impacts or land use compatibility issues with permitting the requested relief. The request for a distance of up to 120 m from the associated main dwelling is reasonable considering the location of the existing driveway, and the impact of the proposed ARU on surrounding land uses or the use of the subject lands is not greater than if the Unit was proposed within the regulated distance.

Desirability

The request is considered desirable and appropriate as it provides an affordable housing option within the municipality at a type and scale that is appropriate for the location.

Conclusion

For the reason provided above, the requested variance meets the requirements prescribed under Section 45 (1) of the *Planning Act*.

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

Correspondence

At the time of writing this report, no comments were received from any agencies, any further comments received will be shared during the meeting.

Public Notice Circulation

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no written submissions have been received from members of the public.

This report was prepared by Matt Alexander, Planning Consultant (WSP)

Attachment(s):

Appendix A – Aerial Map

Appendix B – Site Plan

Report Approval Details

Document Title:	A-09-2025 - 2090 County Road 27.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Site Plan.pdf
Final Approval Date:	May 15, 2025

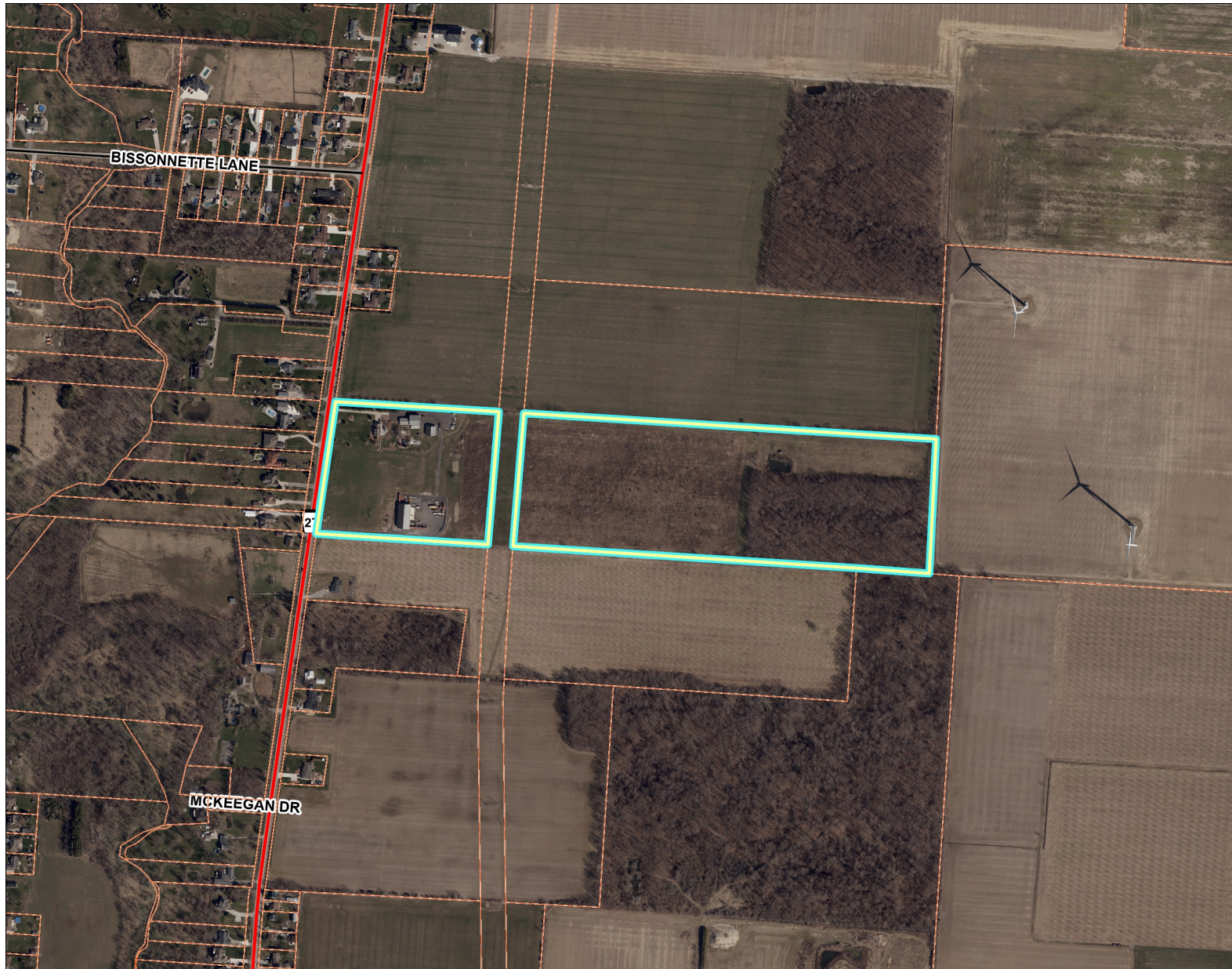
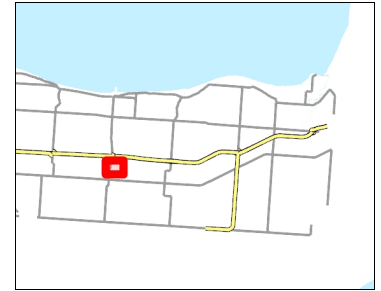
This report and all of its attachments were approved and signed as outlined below:

Daniel Mercer - May 14, 2025 - 5:39 PM

Tammie Ryall - May 15, 2025 - 9:43 AM

Urvi Prajapati - May 15, 2025 - 11:46 AM

Tammie Ryall - May 15, 2025 - 12:37 PM



Legend

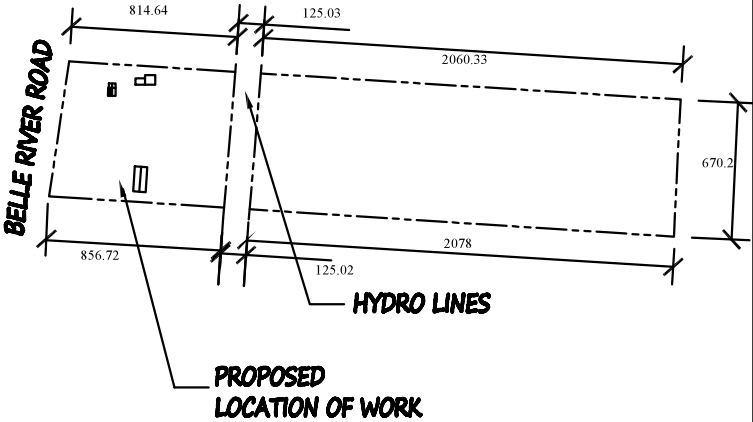
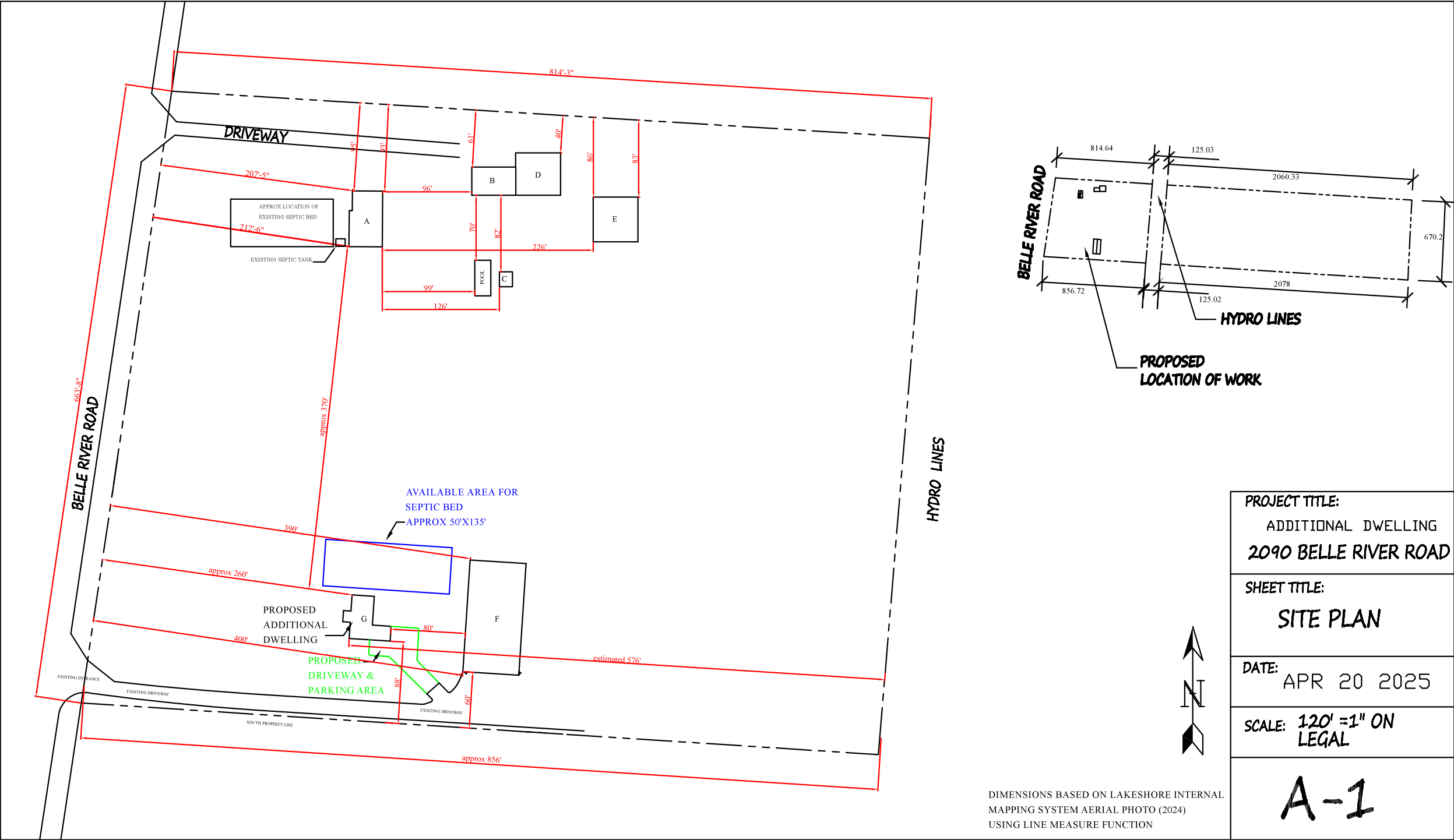
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- WorkingParcel
- Street Centreline
- CNTY
- LAK
- PRIV
- PROV
- <all other values>

1: 8,979



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



PROJECT TITLE: ADDITIONAL DWELLING 2090 BELLE RIVER ROAD
SHEET TITLE: SITE PLAN
DATE: APR 20 2025
SCALE: 120' = 1" ON LEGAL
A-1

DIMENSIONS BASED ON LAKESHORE INTERNAL
MAPPING SYSTEM AERIAL PHOTO (2024)
USING LINE MEASURE FUNCTION

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, urbaniste, RPP, MCIP; Division Leader – Community Planning

Date: May 8, 2025

Subject: Minor Variance Application A-21-2024 – 593 Railway Avenue

Recommendation

Approve minor variance application A-21-2024, 593 Railway Avenue, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the proposed parking lot to the building supply outlet.

- Relief from subsection 6.41.2 h) to reduce the minimum distance from the parking area to the lot line from the required 1.5 metres to 0.4 metres,
- Relief from subsection 6.53 a) iii) to reduce the minimum sight triangle of the railway from the existing driveway to the parking area to be 22.8 metres from the required 50 metres,
- Relief from subsection 6.53 a) iii) to reduce the sight triangle of the railway from 50 metres to 19.3 metres to recognize the existing building,
- Relief from subsection 6.53 a) i) to reduce the sight triangle for the intersection of 1st Street and Railway Avenue from the required 6.0 metres to 2.7 metres;

Include the following Notice in the Notice of Decision:

The owner must complete a Site Plan Control Application under the *Planning Act*, to recognize the new parking lot area as built on the site and to further amend the existing Site Plan Agreement.

Background

Proposal

The applicant proposes to establish a new parking area for the existing building supply outlet to be accessed from 1st Street, on the west side of the subject property. The

proposed parking area would include 24 parking spaces, including 2 accessible parking spaces and 2 loading areas.

The subject property is directly adjacent to an existing building supply outlet, owned by the applicant, with several existing structures and outdoor storage areas. The existing dwelling and buildings will be removed to accommodate the new parking area. The existing customer parking is located partially on the municipal right-of-way on Railway Avenue. The proposed parking area will be accessed from 1st Street and will provide a preferable alternative to the existing parking spaces (Appendix A).

The Lakeshore Zoning By-law 2-2012, as amended, zones the subject lands Commercial Tourist Zone Exception 3 (CT-3). The CT-3 Zone permits a building supply outlet and accessory uses shall be an additional permitted use and states, "All lot and building requirements for the uses permitted in the CT zone shall be in accordance with the requirements for the CT zone. The lot and building requirements for a building supply outlet shall be as it legally existed on the date of the passing of this By-law".

Section 6.53 of the Zoning By-law provides regulations for sight triangles and states, "Notwithstanding any other provisions of this By-law, no building or structure, including a fence, sign or driveway, shall be erected within a sight triangle" and provides detailed provisions. Section 6.53 a) i) requires a sight triangle of 6.0 metres for urban residential local roads such as 1st Street and Railway Avenue. Section 6.53 a) iii) requires a sight triangle of 50 metres where a railway intersects with a street. Appendix C shows the highlighted requested reliefs.

The proposed parking area encroaches on the sight triangle for 1st Street and Railway Avenue and would require a variance to reduce the sight triangle to approximately 2.7 metres from the required 6.0 metres as per Section 6.53 a) i).

An existing building adjacent to the proposed parking area encroaches upon the railway sight triangle, therefore relief is requested to allow a sight triangle of 19.32 metres. The proposed parking area makes use of an existing driveway which encroaches into the railway sight triangle, therefore a relief from Section 6.53 a) iii) is required to allow a sight triangle of 22.85 metres compared to the required 50.0 metres.

Section 6.41.2(h) of the Zoning By-law 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."

To maximize the number of parking spaces that can be accommodated on the subject property, the minimum separation between the parking area and the lot line is requested to be reduced to 0.4 metres. The separation on the south side of the proposed parking area is proposed to be 0.4 metres, and on the north side of the parking area is it proposed to be 0.45 metres. On the west side of the parking area the separation is proposed to be 0.55 metres to accommodate the required drive aisle width and parking space dimensions. The total number of parking spaces for a building supply outlet is 1 space per 25.0 m² of gross floor area. As per this the total number of parking spaces

required is 64 spaces as highlighted in the matrix in Appendix B. The required parking spaces does not meet the square footage of the store. By adding the proposed parking spots, the owner is improving the current situation by adding a dedicated parking area. It is also to be noted that the store has been in operation for more than a 100 years and the owner is improving the current situation by adding the proposed spaces.

Summary

Location

The subject property, being the parcel including the proposed parking area, is located on the north-east corner of Railway Avenue and 1st Street in Belle River. The subject property has a frontage on Railway Avenue of approximately 16.5 metres and frontage on 1st Street of approximately 43.41 metres. The subject property directly abuts the existing building supply outlet.

Surrounding Land Uses

The subject property is surrounded to the south, east and west by residential dwellings. A railway abuts the property to the north.

Analysis

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 proposed variance meets the general intent and purpose of the Official Plan, meets the general intent and purpose of the zoning by-law, is minor in nature and is desirable for the appropriate development of the property.

Official Plan

The Lakeshore Official Plan designates the subject lands as “Recreational Commercial”. The Recreational Commercial designation permits a variety of uses including marinas, parks, golf courses, travel trailer parks, campgrounds, amusement parks, hotels and motels, convention and meeting establishments, museums and galleries and other commercial recreational facilities. The existing building supply outlet is considered a legal, non-conforming use.

Section 8.3.6 of the Official Plan addresses Existing Uses. Section 8.3.6(b) states, “The Town may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan”.

Section 8.3.6(d) provides policies required for the enlargement or extension of an existing use:

- i. the proposed expansion does not significantly increase the size of the existing use;
- ii. the proposed expansion does not require an adjustment to the boundary between two areas of different land use;
- iii. the proposed expansion does not increase its incompatibility with the surrounding area;
- iv. conditions that may minimize any potential nuisances can be imposed, including but not limited to, landscaping, screening, and setbacks; and
- v. factors such as traffic safety, parking, loading, and municipal services are not adversely affected.

The proposed variances are requested to facilitate the construction of a new parking area that will not represent a significant increase to the size of the existing use, will not require an adjustment to the boundary between two different land uses, and will not increase incompatibility with surrounding areas (Appendix B).

The new parking area will reduce potential nuisances and issues of traffic safety, parking, and loading associated with the existing parking area located on Railway Avenue.

For these reasons, the proposed variances meet the general intent and purpose of the Official Plan.

Zoning By-law 2-2012

The Lakeshore Zoning By-law 2-2012, as amended, zones the subject lands Commercial Tourist Exception 3 (CT-3). The CT-3 Zone permits a building supply outlet and accessory uses shall be an additional permitted use and states, “All lot and building requirements for the uses permitted in the CT zone shall be in accordance with the requirements for the CT zone. The lot and building requirements for a building supply outlet shall be as it legally existed on the date of the passing of this By-law”.

The proposed variances are related to the reduction of required sight triangles for the adjacent railway and intersection of 1st Street and Railway Avenue, and reduced separation distance from the parking area to the lot line. These variances are required due to the existing location of buildings on the subject lands and the constrained nature of the location of the parking area. Maintaining the required sight triangles would reduce the number of parking spaces that could be accommodated on the property.

For this reason, the proposal meets the general intent and purpose of the Zoning By-law.

Minor

There are no anticipated negative impacts or land use compatibility issues with permitting the requested relief. The variance related to the sight triangle recognizes the location of the existing building and existing driveway and the positive benefit of

providing additional parking on site. It will not exacerbate the existing non-compliance and it therefore is minor in nature.

Desirability

The requested variances are considered desirable and appropriate as it provides a new parking area that will reduce reliance on the existing parking area located within the municipal right-of-way on Railway Avenue.

Conclusion

For the reasons provided above, the requested variance meets the requirements prescribed under Section 45 (1) of the Planning Act:

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

Correspondence

External and Internal Agencies

Transport Canada has indicated they have no objections to the requested variances provided that there is no further encroachment into the sight triangle.

The Municipality of Lakeshore Engineering & Infrastructure Division has identified a further encroachment of the proposed parking area into the 6.0 metre sight triangle required at the intersection of 1st Street and Railway Avenue. They have also identified that the existing building located next to the proposed parking area encroaches onto the municipal right-of-way on Railway Avenue by approximately 0.50 metres. They have raised concerns about the existing parking area within the municipal right-of-way on Railway Avenue and advised that if road reconstruction (and road widening) were to occur in the future, there is a possibility that these spaces may be eliminated, impacting the minimum required number of parking spaces.

The Building and the Fire Department had no comments.

At the time of writing this report, no other comments have been received.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no written submissions have been received from members of the public.

This report was prepared by Matt Alexander, Planning Consultant (WSP)

Attachment(s):

Appendix A – Aerial Map

Appendix B – Site Plan

Appendix C – Site Plan Showing the Requested Reliefs

Appendix D – Agency and Division comments

Report Approval Details

Document Title:	A-21-2024 - 593 Railway Avenue.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix C - Site Plan showing the requested reliefs.PNG- Appendix B - Site Plan.pdf- Appendix D - Agency Comments.pdf
Final Approval Date:	May 15, 2025

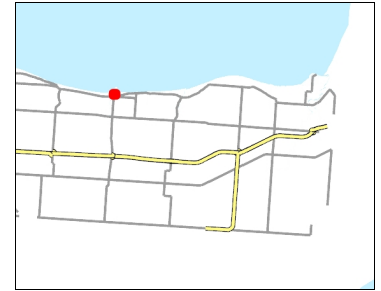
This report and all of its attachments were approved and signed as outlined below:

Daniel Mercer - May 14, 2025 - 4:57 PM

Tammie Ryall - May 15, 2025 - 12:18 PM

Urvi Prajapati - May 15, 2025 - 3:47 PM

Tammie Ryall - May 15, 2025 - 5:12 PM



Legend

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

1: 1,735




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



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Date	Revision
MAY 07, 2024	MIN. PRE-COM. COMMENTS
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DATE:	SEPT. 25, 2023	
SCALE:	1:250	
DRAWN BY:	CFS	<input checked="" type="checkbox"/> PRELIMINARY
CHECKED BY:	BP	<input type="checkbox"/> CONSTRUCTION
APPROVED BY:	----	<input type="checkbox"/> RECORD

PROJECT TITLE
SAUE'S RONA PARKING AREA EXPANSION

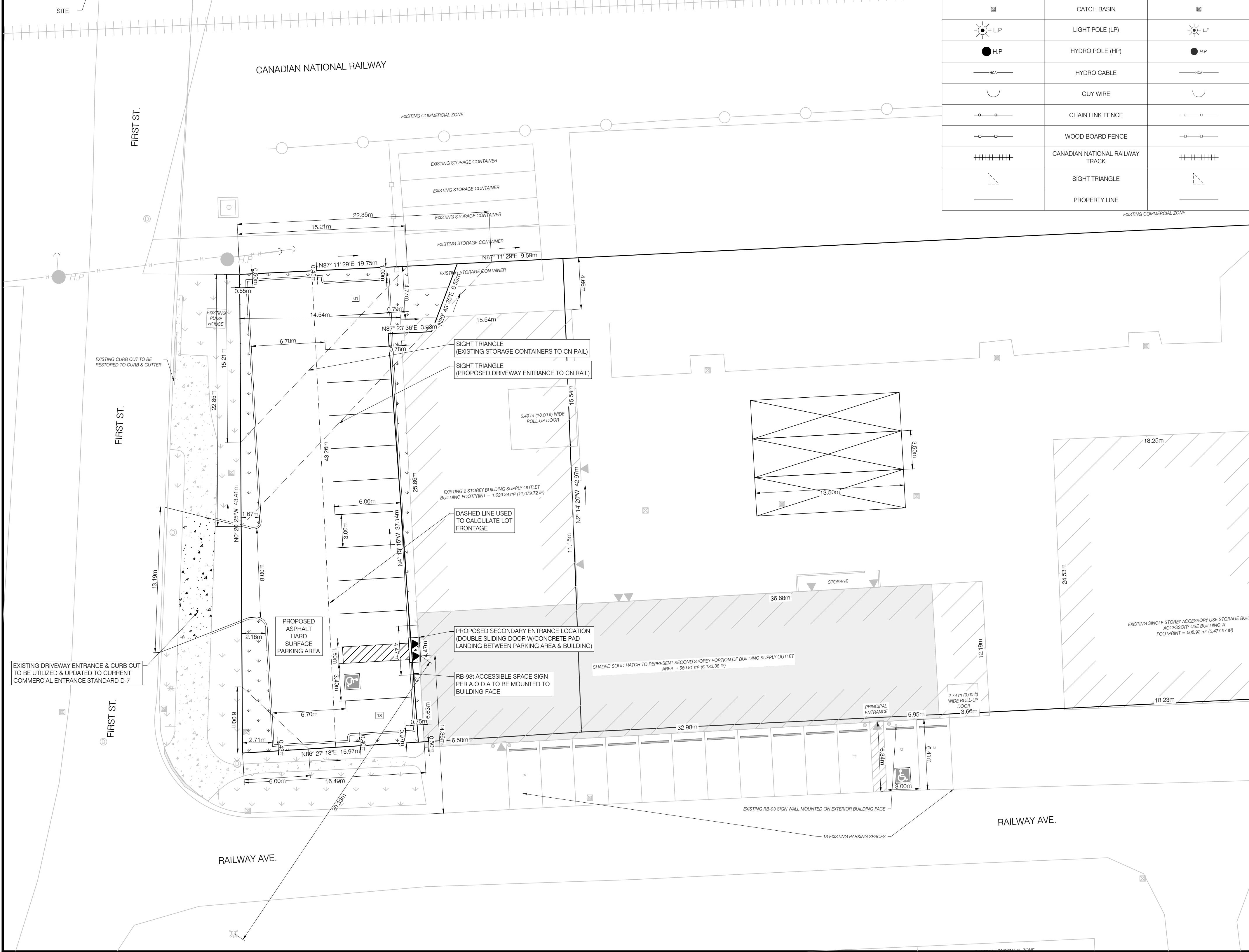
SHEET TITLE
OVERALL SITE PLAN

JOB NUMBER
23-019

SHEET NUMBER
C101

581 RAILWAY AVE, BELLE RIVER, ON NOR 1A0

9/25/2024 Project/23-019 Title: SAUE'S RONA PARKING AREA EXPANSION Drawing: OVERALL SITE PLAN



LEGEND		
PROPOSED	ITEM	EXISTING
	NUMBERED PARKING SPACES	
	PARKING/ROAD SIGN	
	ACCESSIBLE SPACE SYMBOL	
	FIRE HYDRANT	
	BUILDING ENTRANCE	
	BUILDING(S)	
	LANDSCAPE OPEN SPACE	
	SIDEWALK/CONCRETE	
	FIRE ROUTE	
	LOADING SPACE	
N/A	BOLLARD	
	HYDRO TRANSFORMER BOX	
	TELEPHONE BOX	
	CATCH BASIN	
	LIGHT POLE (LP)	
	HYDRO POLE (HP)	
	HYDRO CABLE	
	GUY WIRE	
	CHAIN LINK FENCE	
	WOOD BOARD FENCE	
	CANADIAN NATIONAL RAILWAY TRACK	
	SIGHT TRIANGLE	
	PROPERTY LINE	

SITE DATA:			
SITE ZONING:	RECREATIONAL/TOURIST COMMERCIAL ZONE CT (CT-3)		
PERMITTED USE:	A BUILDING SUPPLY OUTLET & ACCESSORY USES AMONG OTHERS PERMITTED WITHIN THE ZONING		
PROPOSED USE:	EXISTING BUILDING SUPPLY OUTLET WITH PROPOSED ACCOMPANYING PARKING AREA		
DESCRIPTION:	REQUIRED:	PROVIDED:	ZONING COMPLIANCE:
MIN. LOT AREA:	N/A	8,468.07 m ² (91,149.55 ft ²) 0.85 ha (2.09 ac)	COMPLIES
MIN. LOT FRONTAGE:	15.00 m (49.21 ft)	43.26 m (141.93 ft)	COMPLIES
MAX. BUILDING HEIGHT:	10.50 m (34.45 ft)	≤ 10.50 m (34.45 ft) NO NEW BUILDINGS PROPOSED	COMPLIES (ALL EXISTING BUILDINGS; NO NEW BUILDING PROPOSED)
MIN. FRONT YARD SETBACK (WEST):	4.50 m (14.76 ft)	14.54 m (47.70 ft) (SEE OVERALL PLAN FOR ALL DIMS)	COMPLIES (EXISTING NON-COMPLIANCE)
MIN. EXTERIOR YARD SETBACK (SOUTH):	4.50 m (14.76 ft)	0.13 m (0.43 ft) (SEE OVERALL PLAN FOR ALL DIMS)	COMPLIES (EXISTING NON-COMPLIANCE)
MIN. REAR YARD SETBACK (EAST):	4.00 m (13.12 ft) (WITH RESIDENTIAL ZONE ABUTTING)	48.34 m (158.60 ft) (SEE OVERALL PLAN FOR ALL DIMS)	COMPLIES (EXISTING NON-COMPLIANCE)
MIN. INTERIOR YARD SETBACK (NORTH):	N/A	4.82 m (15.16 ft) (SEE OVERALL PLAN FOR ALL DIMS)	COMPLIES (EXISTING NON-COMPLIANCE)
MAX. LOT COVERAGE:	35%	28.11%	COMPLIES
LANDSCAPE OPEN SPACE:	N/A	1.48%	COMPLIES
DRIVE-WAY WIDTH:	TWO WAY ENTRANCE MIN. 6.00 m (19.69 ft) MAX. 12.00 m (39.37 ft)	8.00 m (26.25 ft)	COMPLIES
SIGHT VISIBILITY TRIANGLE:	FIRST ST. & RAILWAY AVE.: MIN. 6.00 m (19.69 ft)	VERTICAL - 6.00 m (19.69 ft) HORIZONTAL - 6.00 m (19.69 ft)	COMPLIES
	CANADIAN NATIONAL RAILWAY: 50.00 m (164.04 ft)	PROPOSED DRIVEWAY ENTRANCE TO CN RAIL VERTICAL - 22.85 m (74.97 ft) HORIZONTAL - 22.85 m (74.97 ft) EXISTING STORAGE CONTAINERS TO CN RAIL VERTICAL - 15.21 m (49.90 ft) HORIZONTAL - 15.21 m (49.90 ft)	RELIEF REQUESTED COMPLIES (EXISTING NON-COMPLIANCE)
OUTDOOR STORAGE:	NOT PERMITTED IN RECREATIONAL/ TOURIST COMMERCIAL ZONES (CURRENT ZONING BY-LAW)	NO OUTDOOR STORAGE PROPOSED EXISTING USE OF OUTDOOR STORAGE	COMPLIES COMPLIES (COMPLIANCE AS PER PREVIOUS ZONING BY-LAW)
PARKING AREA SEPARATION:	PARKING AREAS SHALL BE LOCATED NO CLOSER TO ANY LOT LINE THAN 1.50 m (4.92 ft)	0.40 m (1.31 ft)	RELIEF REQUESTED
PARKING CALCULATED BASED ON GFA FOR MAIN USE BUILDING SUPPLY OUTLET BUILDING:	BUILDING SUPPLY OUTLET: 1 SPACE PER 25.00 m ² (269.10 ft ²) @ 1,599.14 m ² (17,213.00 ft ²) = 64 SPACES	24 SPACES	COMPLIES (EXISTING NON-COMPLIANCE)
ACCESSIBLE PARKING:	TOTAL NUMBER OF SPACES IN THE PARKING AREA OF 26 TO 99 = 2 ACCESSIBLE SPACES	2 SPACES (1 EXISTING ALONG RAILWAY AVE.) (1 PROPOSED IN NEW PARKING AREA)	COMPLIES
LOADING SPACES:	MIN. OF 1 SPACE REQUIRED FOR NON-RESIDENTIAL USE WITH A GFA ≥ 300 m ² & AN ADDITIONAL SPACE FOR EACH ADDITIONAL 2,000 m ² GFA UP TO 4,300 m ² @ 2,949.93 m ² = 3 SPACES	3 SPACES	COMPLIES
LOT/BUILDING INFO:			
TOTAL LOT AREA:	8,468.07 m ² (91,149.55 ft ²) 0.85 ha (2.09 ac)		
BUILDING AREA:	EXISTING BUILDING SUPPLY OUTLET 1,029.34 m ² (11,079.72 ft ²)	EXISTING ACCESSORY USE STORAGE BUILDINGS BUILDING A - 508.92 m ² (5,477.97 ft ²) BUILDING B - 841.86 m ² (9,061.71 ft ²)	TOTAL BUILDING AREA 2,380.11 m ² (25,619.29 ft ²)
BUILDING GFA:	EXISTING BUILDING SUPPLY OUTLET MAIN FLOOR - 1,029.34 m ² (11,079.72 ft ²) 2 ND FLOOR - 569.81 m ² (6,133.38 ft ²)	EXISTING ACCESSORY USE STORAGE BUILDINGS BUILDING A - 508.92 m ² (5,477.97 ft ²) BUILDING B - 841.86 m ² (9,061.71 ft ²)	TOTAL BUILDING GFA 2,949.93 m ² (31,752.78 ft ²)
TOTAL UNITS:	1 BUILDING SUPPLY OUTLET		
HEIGHT OF BUILDING, NUMBER OF STOREYS:	≤ 10.50 m (34.45 ft) 1x 2-STORY MAIN BUILDING 2x SINGLE STOREY ACCESSORY USE STORAGE BUILDINGS		
TOTAL PARKING SPACES:	26 SPACES (24 STANDARD SPACES & 2 ACCESSIBLE SPACES)		
BUILDING USE, OCCUPANCY, & CLASSIFICATION:	N/A (NO BUILDING PROPOSED)		

- NOTES:
1. ALL FIRE DEPARTMENT SIGNAGE TO BE COMPLETED AFTER CONSTRUCTION IN COORDINATION WITH FIRE DEPARTMENT.
 2. ALL ACCESSIBLE PARKING SPACES TO HAVE RB-93 & RB-931 SIGNS INSTALLED.
 3. ALL LIGHTING TO BE DARK SKY COMPLIANT.
 4. FIRE ROUTE TO BE IN COMPLIANCE WITH CBC REQUIREMENTS & TO BE LOCATED ALONG RAILWAY AVE. FOR FIRE-FIGHTING PURPOSES AS BOTH THE EXISTING & PROPOSED ENTRANCES ARE WITHIN 3 & 15 m OF RAILWAY AVE.

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CONSTRUCTION MUST BE IN ACCORDANCE WITH THE APPLICABLE CODES AND REGULATIONS OF THE PROVINCE OF ONTARIO.
THE CONTRACTOR MUST BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM THEIR WORK.

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DATE: SEPT. 25, 2023
SCALE: 1:200
DRAWN BY: CFS
CHECKED BY: BP
APPROVED BY: ----

☒ PRELIMINARY
☐ CONSTRUCTION
☐ RECORD

PROJECT TITLE
SAUVE'S RONA PARKING AREA EXPANSION

SHEET TITLE
SITE PLAN

JOB NUMBER
23-019

SHEET NUMBER
C102

581 RAILWAY AVE, BELLE RIVER, ON NOR 1A0

Date: April 30, 2025
From: Engineering & Infrastructure Division
To: Matt Alexander, Planner 1
Re: Committee of Adjustment – March 12, 2025 – A/21/2024

Applicant has applied for the Minor Variance to receive the relief from the following sections of the zoning by-law.

- Relief requested from Section 6.41.2(h) of the zoning by-law, for the minimum parking area separation from the lot line from the required 1.5 metres to 0.4 metres.
- Relief requested from Section 6.53(a)(iii) of the zoning by-law, for the minimum sight triangle of the railway (Canadian National Railway) from the required 50 metres to 22.8, for the enlarged driveway (no closer to the railway than the existing residential driveway); and recognizing the existing building with a sight triangle of 19.3 metres.

Operations have reviewed A-21-2024 – 593 Railway Ave variance request application and offer the following comments:

- The parking lot expansion cannot encroach on the sight triangle, and it should remain as 6m x 6m sight triangle. This may require the elimination of one parking space.
- It should be noted that the existing building supply outlet is encroaching within the Municipal right of way by 0.50 m and there is no setback for the building from the property line. Additionally, the existing parking spaces along Railway Avenue are encroaching within the right of way. If the applicant is considering those parking spaces to meet the minimum parking requirements, those parking spaces should be relocated within the property limits and should not be encroaching within the right of way. If road reconstruction (and road widening) were to occur in the future, there is a possibility that these spaces may be eliminated, impacting the minimum required number of parking spaces.

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: Jacob Dickie, Planner II

Date: May 12, 2025

Subject: Minor Variance Application A-38-2024 – 0 Middle Rd

Recommendation

Approve Minor Variance Application A-38-2024, 0 Middle Rd (subject property), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of a new “Building Supply Outlet” on the subject property that will be used for a stone and brick veneer cutting business.

- Relief from subsection 6.41.1 to reduce the required number of parking spaces to 11, whereas subsection 6.41.1 requires 40 parking spaces for the proposed “Building Supply Outlet”.
- 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 one loading space to be provided for the proposed “Building Supply Outlet”.

Include the following Notice in the Notice of Decision:

The owner must complete the active Site Plan Control Application (SPC-11-2024) under the *Planning Act*.

Summary

Subject Property

The subject property is a vacant lot that is situated north of Middle Rd, east of Manning Rd (County Rd 19) and south of County Rd 46 (Appendix A). The subject property has an approximate total lot area of 1,858 m² (0.46 acres/0.19 hectares), and is considered a “through lot” with an approximate frontage of 42.4 m onto County Rd 46 and an approximate frontage of 46.56 m onto Middle Rd. The legal description for the lands is as follows: Part of the South half of Lot 1 Concession North of Middle Road, Maidstone, designated as Part 1 on Plan 12R-29146, being all of the PIN 75014-0188(LT).

Surrounding Land Uses

The subject property is located within an area that contains a mix of commercial and industrial uses, rural residential lots and farmland. Examples of businesses within the immediate vicinity include an automotive wheel store, gas station, fireplace store, a kitchen remodeling business and a fencing business. The subject property is located at the edge of Lakeshore's municipal boundaries and is within 150 m from the Town of Tecumseh.

Proposed Development

The applicant is proposing a "Building Supply Outlet". The commercial business operation includes the cutting of stone and brick into thin pieces for use in residential building construction and for sale to the general public.

According to the Transportation Impact Assessment submitted by McCloskey Engineering Ltd. dated January 3, 2025 (Appendix B), the following is anticipated:

- The business will employ six employees
- One commercial truck delivery per week
- Average of five to ten customer deliveries or pick-up per day

As a part of the Site Plan Control approval process, the applicant has been actively working with Administration on fine tuning the design of the site which includes the following as depicted on the Site Plan (Appendix C):

- New 557.4 m² building (Phase 1) and a future 418 m² expansion of the proposed building (Phase 2).
- New vehicular access from Middle Road (Primary Access). Another vehicular access will be provided from County Rd 46 that will be gated and used for emergency vehicles only (Secondary Access).
- 200 m² outdoor storage area.
- The entire site will consist of asphalt and grass except for the outdoor storage area which will be gravelled.
- 11 parking spaces including 1 barrier-free parking space will be provided.
- 1 loading space will be provided that is capable of achieving adequate maneuvering in and out of the site for trucks up to 13.870 m x 2.440 m in size, whereas the required turning radius shall be based on the dimensions of 13.5 m x 3.5 m (Appendix D).

The proposed development will be serviced by a private septic system, municipal water from County Rd 46 and a storm water drainage ditch situated along Middle Rd.

A Site Servicing and Grading Plan, Stormwater Management Report, Lighting Plan, Truck Maneuvering Plan and Transportation Impact Assessment were also submitted as a part of the Site Plan Control Application and are being thoroughly vetted by Administration to ensure that the proposed development is safe, functional and of good quality.

No significant concerns remain with the overall design of the proposed development at this point in the process from Administration's perspective. However, the applicant is still required to obtain approval for the proposed minor variances which is necessary to facilitate the proposed development.

Applicable Planning Policies and Zoning Regulations

County of Essex Official Plan

The subject property is designated as "Agricultural" in the current and in-effect version of the County of Essex Official Plan which permits a variety of Agricultural related uses and would not permit a Service Commercial type use.

Section 4.4 of the County Official Plan recognizes that the County Official Plan designations and the local Official Plan designations may not be in line. It states (emphasis added):

In the event of a conflict between the policies of a local Official Plan and the policies of this Plan in the interim period, the policies of the County Official Plan shall prevail to the extent of that conflict, **unless the proposal involves lands already designated in the local Plan to permit the proposed development.**

As such, the proposal meets the general intent and purpose of the County of Essex Official Plan.

Municipality of Lakeshore Official Plan

The subject property is designated as "Service Commercial" in the current and in-effect version of the Municipality of Lakeshore Official Plan.

Lakeshore Zoning By-law 2-2012

The subject property is zoned as "Rural Commercial/Employment Zone Exception 53 (CR-53)" in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

Essex Region Conservation Authority (ERCA)

The subject property is not regulated by ERCA.

Planning Act 45(1)

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

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

Minor in Nature

The applicant is seeking to reduce the required number of parking spaces from 40 to 11. The Transportation Impact Statement (Appendix B) states that the proposed variance will not have a significant impact on the overall functionality of the proposed stone veneer and brick-cutting business as there will be enough parking spaces to meet employee and customer demands. It is anticipated that the business will have 6 employees and five to ten customer deliveries per day. The business will not operate as a typical brick-and-mortar retail outlet for everyday shopping, but instead mostly involve scheduled pick-ups and drop-offs. Overall, the retail function of the proposed business will be secondary to its production function, hence the reason for less parking being needed.

The applicant is proposing 1 on-site loading space. However, it does not meet the required turning radius which shall be based on a vehicle length and width of 13.5 m x 3.5 m. Instead, the applicant is proposing a maximum turning radius that can support 13.870 m x 2.440 m trucks which is only a small deviation from the required standard. Furthermore, the impacts are negligible given that the maximum truck width in Ontario is 2.6 m, with the exception of vehicles that receive special permits for carrying oversized loads.

As such, the proposed variances are minor in nature.

Desirable for the Appropriate Development or Use of Land

The proposed number of parking spaces is appropriate given the scale of the proposed development and overall size of the subject property. Requiring the applicant to provide 40 parking spaces would reduce the development potential of their property, creating inefficient development patterns. As mentioned in the Transportation Impact Study (Appendix B), the proposed 11 parking spaces provides an adequate amount of room on the site to meet employee and customer parking demands while also providing for an optimal building size with adequate vehicular maneuverability and landscaping. In addition, there appears to remain some limited room on the site to expand the parking area should demand increase in the future.

The applicant is proposing 1 loading space that cannot be deemed as an adequate loading space for zoning purposes because it does not have adequate turning radii which is based on the dimensions of 13.5 m x 3.5 m. Nevertheless, the proposed loading space is appropriate for the subject lands because it can support vehicles up to 13.870 m x 2.440 m in size which is more than enough to support the business functions on the site. Furthermore, it is uncommon to have trucks that have a larger width than 2.6 m based on the requirements of "O. Reg. 167/12: VEHICLE WEIGHTS AND DIMENSIONS - FOR SAFE, PRODUCTIVE AND INFRASTRUCTURE-FRIENDLY VEHICLES" which specifies the maximum width for trucks in Ontario. Creating an even larger turning radius path for

trucks to get in and out of the loading space would be considered an inefficient use of land that would result in a reduced building size and outdoor storage area.

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

Lakeshore Official Plan

The proposed variances are consistent with the policies of the current and in-effect version of the Lakeshore Official Plan such as the following:

“4.2.1 Community Design

- b) Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Town:
 - ii) will promote efficient and cost-effective development design patterns that minimize land consumption;”

“7.2.2.2 Parking

- e) Efficient site design practices will be promoted which focus on compact and accessible land development to minimize land consumption.”

An adequate number of parking spaces is being provided to support the proposed brick and stone veneer cutting business. 40 parking spaces is not required to meet the demands of employees and customers given the proponent's traffic study which estimated 6 employees and five to ten customer deliveries per day. Further, it will take away land, limiting building size and the economic potential of the property which will turn into one large underutilized parking lot.

Although the turning radius path for the proposed loading space can only support 2.440 m wide trucks, it is adequate enough to support the functionality of the business and help to provide more room on the site for outside storage, vehicular maneuverability and landscaping.

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

Lakeshore Zoning By-law 2-2012

The Zoning By-law requires a specific amount of parking and loading spaces to be provided based on the type and scale of use. The intent is to ensure that there is an adequate amount of legal parking spaces that are to be delineated with parking line markings to discourage dysfunctional illegal parking in areas where vehicles are not permitted such as off site or in driving aisles. Based on the scale and nature of the proposed development, 11 parking spaces is sufficient enough to support employee and customer demands. Furthermore, there appears to be some opportunity to expand the parking area at the northern extent of the site or by eliminating the outdoor storage area

should parking demands increase in the future. The provided loading space is adequate enough to support large trucks. It is not reasonable for the applicant to redesign the proposed development to accommodate oversized trucks which are not necessary for their business functions.

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

Conclusion

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

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

Correspondence

External and Internal Agencies

Minor Variance Application A-38-2024 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire, the County of Essex, and the Town of Tecumseh.

As per Appendix “E”, the Operations Department is supportive of the proposed requests. No concerns were raised by any of the other internal departments and external agencies.

Public Notice Circulation

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

Appendices:

Appendix A – Aerial View
Appendix B – Transportation Impact Assessment
Appendix C – Site Plan
Appendix D – Truck Maneuvering Plan
Appendix E – Operations Comments

Report Approval Details

Document Title:	A-38-2024 - 0 Middle Rd .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial View.pdf- Appendix B - Transportation Impact Statement.pdf- Appendix C - Site Plan.pdf- Appendix D - Truck Maneuvering Plan.pdf- Appendix E -Operations Comments.pdf
Final Approval Date:	May 15, 2025

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

Urvi Prajapati - May 14, 2025 - 5:04 PM

Daniel Mercer - May 14, 2025 - 5:31 PM

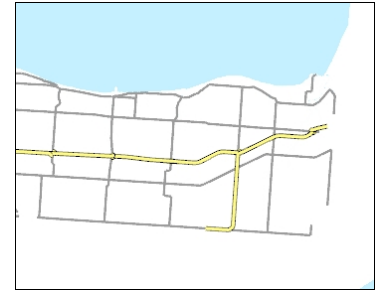
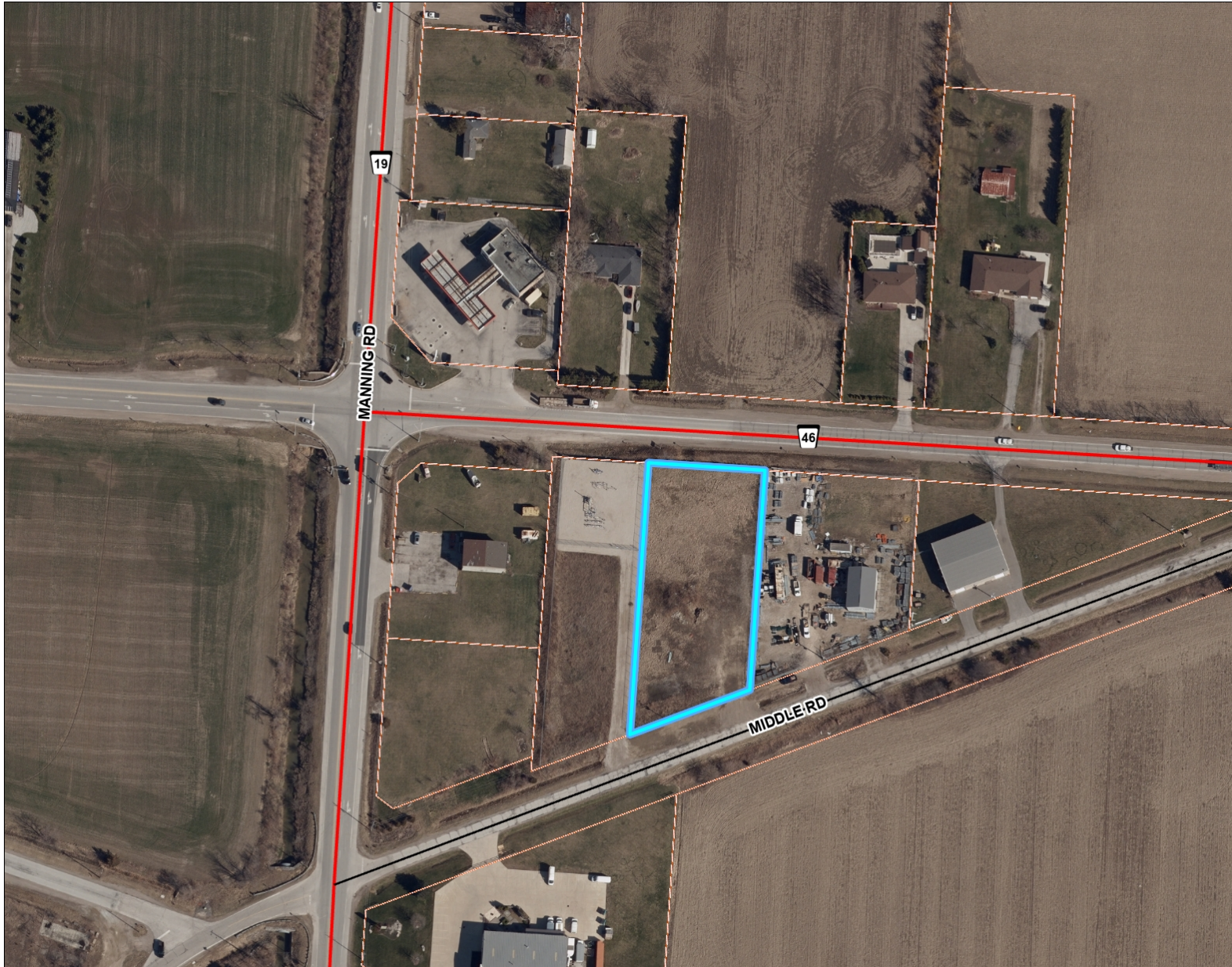
Tammie Ryall - May 15, 2025 - 9:46 AM

No Signature found

Jacob Dickie - May 15, 2025 - 11:02 AM

Urvi Prajapati - May 15, 2025 - 12:16 PM

Tammie Ryall - May 15, 2025 - 2:06 PM



Legend

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

1: 2,153



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 – Traffic Department
201 - 380 Pelissier St.
Windsor, ON N9A 6W2

03 January 2025
Project No. M24-125

Attention: Mr. Jerry Behl, P.Eng.
Manager, Transportation Planning and Development

**Re: Commercial Development Traffic Statement
0 Middle Road, Lakeshore, Ontario**

An assessment of the impact of the traffic generated from the new development on the local and County of Essex highways has been completed. This assessment included a safety review of the egress from the proposed development's driveway to Middle Road.

The commercial business operation includes the cutting of stone and brick into thick and thin stone for use in residential building construction and for sale to the general public. The business will employ six (6) employees.

The estimated traffic generated from the business uses the information from the business owner based on the traffic from their current business operation having a similar size facility. The estimated traffic generation includes:

- One commercial truck delivery per week (semi-truck).
- Six employee trips per day.
- Average of five to ten customers deliveries or pick-up per day (truck with non-articulating axles).

Middle Road is a local road connecting County Road 19 and County Road 46 with three (3) existing businesses, all of which have driveway access to this road. Scott's Fireplace, located at the intersection of County Road 19, Middle Road, and North Talbot Road, has a second driveway access to North Talbot Road. The trips generated by this new development, in comparison to the traffic volume on County Road 19, will have a negligible impact on the current level of service and operation of the controlled stop intersections on Middle Road at County Road 46 and County Road 19 and the County Road 19 and County Road 46 signalized intersection.



The safe departure sight distance from the proposed commercial development's driveway to Middle Road is calculated using the following equation from the TAC manual:

$$ISD = 0.278 (V_{major} \times tg)$$

ISD = intersection site distance

V_{major} = major road design speed (km/hr)

(Middle Road posted speed is 50 km/hr + 10 km/hr = 60 km/hr design speed)

tg = time gap for turning movements from stop (8.5 seconds for left turns, 6.5 seconds for right turns)

The above calculation results in a west bound (right turn) minimum departure site distance of 109m and an east bound (left turn) site distance of 142m. Observations from the proposed driveway entrance from Middle Road were documented on 28 November 2024, at a distance of 3m from the edge of the asphalt pavement on Middle Road. Figure 1 identifies the distances from the driveway to County Road 19 and County Road 46 as 108m and 318m, respectively, and no obstructions were observed from this driveway to the intersections of County Road 19 and County Road 26 (photographs 1 and 2). The west bound (right-turn) unobstructed site distance of 318m exceeds the minimum departure site distance of 109m. The distance of 108m from the Middle Road and County Road 19 intersection does not meet the minimum departure site distance of 142m.

Further assessment of the east bound (left turn) movement considered that traffic turning from County Road 19 onto Middle Road would not start at a design speed of 60 km/h, whereas the TAC formula considers the vehicle is travelling at the design speed at the moment the departing vehicle leaves the driveway. With the above information, and considering the low volume of east bound traffic on Middle Road, the east bound departure movement can be safely maneuvered.



Photograph 1: View from driveway looking east



Photograph 2: View from driveway looking west



d.c. mccloskey engineering ltd.

This report concludes the traffic generated from the proposed development will not have a negative impact on the safe operation of the local municipal and County of Essex road system in the vicinity of the development.

I trust the above is satisfactory. If you have any question regarding the above, please contact our office.



Yours truly,

D.C. McCLOSKEY ENGINEERING LTD.

A handwritten signature in blue ink, appearing to read 'Mark McCloskey', written over the typed name.

Mark McCloskey, P. Eng.

Attachments: Figure 1: Sight Distances
Site Plan

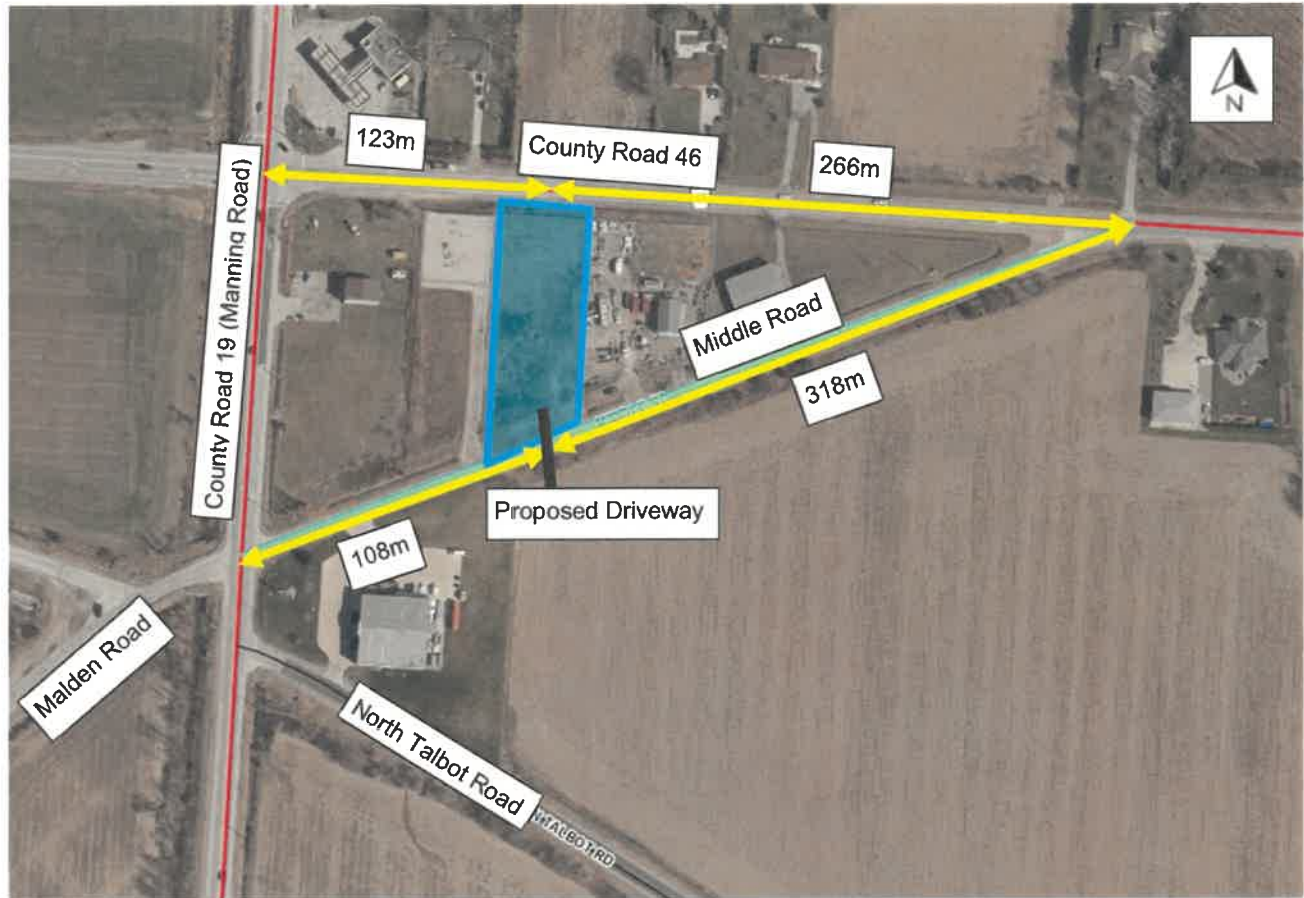
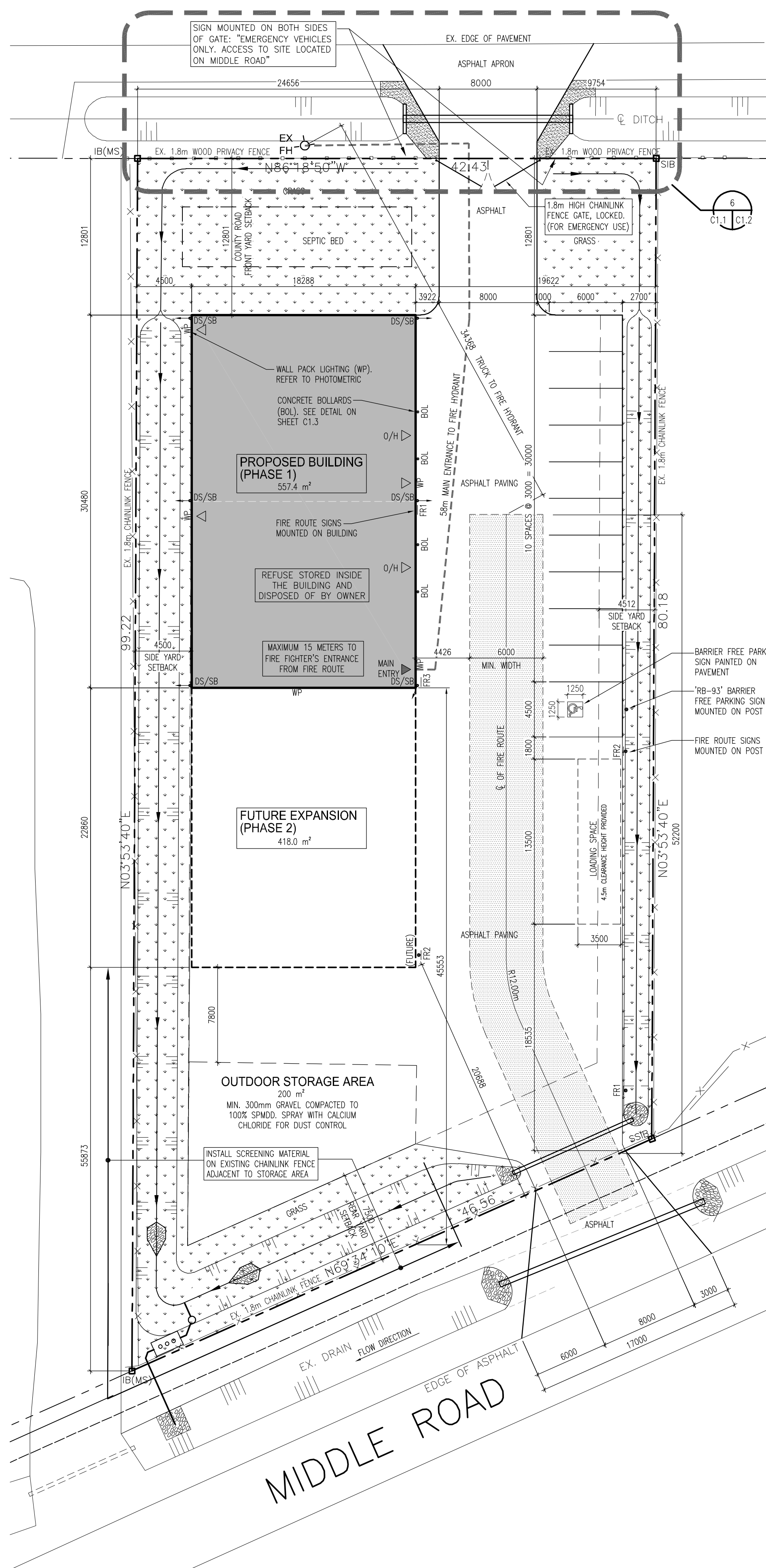


Figure 1. Subject property at 0 Middle Road in Lakeshore, outlined in blue, with sight distances identified with yellow arrows.

ESSEX COUNTY ROAD 46



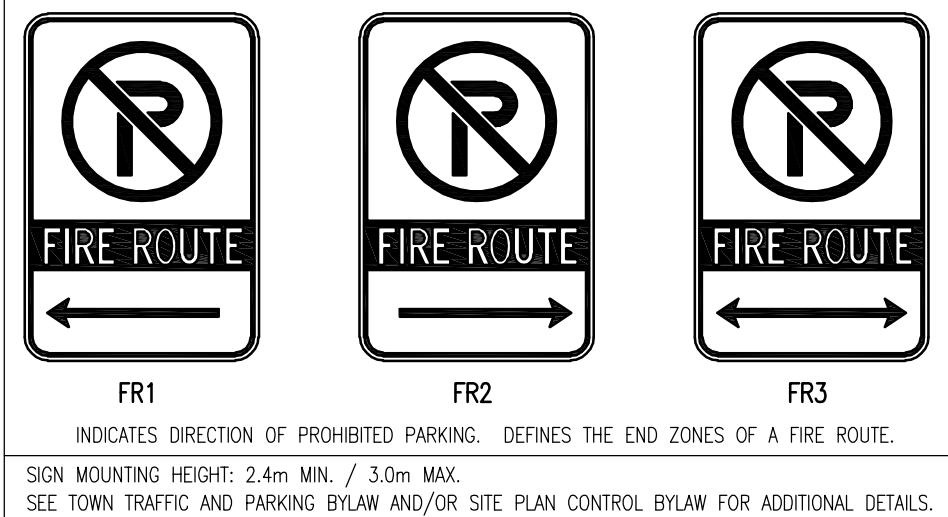
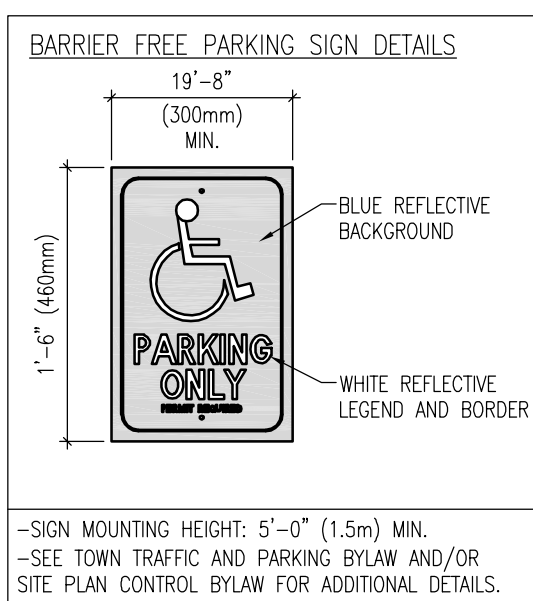
SITE PLAN
SCALE : 1:250

PLAN OF SURVEY
OF
PART OF LOT 1 CONCESSION NORTH
OF MIDDLE ROAD
GEOGRAPHIC TOWNSHIP OF MADSTONE
NOW IN THE
TOWN OF LAKESHORE
COUNTY OF ESSEX, ONTARIO

SITE STATISTICS:

ZONING	RURAL COMMERCIAL / EMPLOYMENT ZONE (CR-53)		
DESIGNATED LAND USE	RURAL COMMERCIAL		
BUILDING CLASSIFICATION	GROUP "F1" LIGHT INDUSTRIAL		
COMMERCIAL ZONE REGULATIONS			
	REQUIRED:	PROVIDED:	
MIN. LOT AREA	1,856m ²	3,802.6m ²	
MIN. LOT FRONTAGE	30m	42.4m	
MAX. LOT COVERAGE	30%	25.7%	
MIN. LANDSCAPE OPEN SPACE	20%	31.9%	
MAX. BUILDING HEIGHT	10.5m	6.0m	
MIN. FRONT YARD DEPTH	7.5m	12.8m	
MIN. REAR YARD DEPTH	7.5m	45.5m	
MIN. INTERIOR SIDE YARD	4.5m	4.5m	
MIN. EXTERIOR SIDE YARD	6m	N/A	
SITE DATA			
TOTAL SITE AREA	= 3,802.6 m ² (0.94 ACRES)		
BUILDING AREAS			
BUILDING	= 557.4 m ²		
PROPOSED BUILDING	= 418.0 m ²		
FUTURE EXPANSION	= 418.0 m ²		
TOTAL BUILDING AREA	= 976.0 m ² (25.7%)		
PARKING - PAVED AREA	= 1,274.8 m ² (33.5%)		
PARKING - GRAVEL AREA	= 340 m ² (8.9%)		
LANDSCAPED/OPEN SPACE	= 1,211.8 m ² (31.9%)		
LINEAR CURBING	= 0m		
6.4.1.1 PARKING REQUIREMENTS	REQUIRED:	PROVIDED:	
PARKING SPACES REQUIRED :	(35m x 6m WITH 6.7m ASLE WIDTH)		
1 PER 25m ² (976 m ² /25)	40		
LIGHT INDUSTRIAL			
1 PER 95m ² (976 m ² /95)			11
TOTAL PARKING REQUIRED	40 SPACES	11 SPACES (incl. BF)	
6.4.1.2 BARRIER FREE PARKING REQUIRED : (4.5m x 6.0m)			
FOR 26 TO 99 SPACES	1 SPACE	1 SPACE	
6.4.1.3 LOADING SPACES : (3.5m x 13.5m x 4.5m HIGH)			
FOR 300m ² TO 2000m ² BUILDING AREA	1 SPACE	1 SPACE	

SITE BENCH MARK
PK NAIL IN WOOD UTILITY POST
ON WESTERLY FACE OF POST.
0.30m ABOVE GROUND LEVEL.



FIRE ROUTE DATA	
FIRE ROUTE	6.0m
WIDTH	LENGTH 52m
INSIDE RADIUS	9.0m
CENTERLINE RADIUS	12.0m
OUTSIDE RADIUS	15.0m
DISTANCE FROM FIRE HYDRANT TO PRIMARY ENTRANCE (±2.54):	47.0m
DISTANCE FROM FIRE ROUTE TO PRIMARY ENTRANCE (±2.21):	6.5m
IDENTIFY THE LOCATION OF THE UNOBSTRUCTED WINDOWS OR ACCESS PANELS FOR EACH 15 METRES OF WALL ON THE FACE OF THE BUILDING REQUIRED TO FACE A STREET	
-1 DOOR	

FIRM NAME: D.C. MCCLOSKEY ENGINEERING LTD. CERTIFICATE OF PRACTICE NUMBER : 3339 200-5745 WYANDOTTE STREET EAST, WINDSOR, ONTARIO, N9S 1M6 TEL (519) 977 6800	
ITEM	ONTARIO 2012 BUILDING CODE DATA MATRIX PARTS 3 or 9
1	PROJECT DESCRIPTION <input checked="" type="checkbox"/> NEW <input type="checkbox"/> PART 11 <input type="checkbox"/> ADDITION <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> ALTERATION 11.1 to 11.4
2	MAJOR OCCUPANCY(S) GROUP F3 (LIGHT INDUSTRIAL)
3	BUILDING AREA (m ²) 976.0 m ²
4	GROSS AREA (m ²) 976.0 m ²
5	NUMBER OF STOREYS ABOVE GRADE ONE BELOW GRADE ZERO
6	NUMBER OF STREETS / FIREFIGHTER ACCESS ONE
7	BUILDING CLASSIFICATION 3.2.2.78
8	SPRINKLER SYSTEM PROPOSED <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> SELECTED COMPARTMENTS <input type="checkbox"/> SELECTED FLOOR AREAS <input type="checkbox"/> BASEMENT <input type="checkbox"/> IN LIEU OF ROOF RATING <input type="checkbox"/> NOT REQUIRED
9	STANDPIPE REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO
10	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO
11	WATER SERVICE - SUPPLY IS ADEQUATE <input type="checkbox"/> YES <input type="checkbox"/> NO
12	HIGH BUILDING <input type="checkbox"/> YES <input type="checkbox"/> NO
13	CONSTRUCTION RESTRICTIONS <input type="checkbox"/> COMBUSTIBLE PERMITTED <input type="checkbox"/> NON-COMBUSTIBLE REQUIRED <input type="checkbox"/> BOTH
14	MEZZANINE(S) AREA (m ²) N/A
15	OCCUPANT LOAD BASED ON <input type="checkbox"/> m ² PER PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING
TOTAL OCCUPANT LOAD 9	
16	BARRIER FREE DESIGN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (EXPLAIN)
17	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input type="checkbox"/> NO
18	REQUIRED FIRE RESISTANCE RATING (FRR) HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS ROOF MEZZANINE FRR OF SUPPORTING MEMBERS FLOORS ROOF MEZZANINE
19	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALL WALL AREA OF EBF(m ²) L/D (m) L/H or H/L PERMITTED MAX. % of OPENINGS PROPOSED FRR (HOURS) LISTED DESIGN OR DESCRIPTION COMBUSTIBLE CONSTR. COMBUSTIBLE CLADDING NOTE:
NORTH 109 - - 100 SOUTH 109 - - 100 WEST 183 4.5 5 15 0 1 HOUR U348 EAST 183 19.6 5 100	
NOTE: -	

d.c. mccloskey engineering ltd.
200-5745 wyandotte street east, windsor, ontario n9s 1m6 tel (519) 977 6800

APR 11 2025
M. E. MCCLOSKEY
PROFESSIONAL ENGINEER
PROVINCE OF ONTARIO

general notes:
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3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARDS TO SUBMISSION OF SHOP DRAWINGS.
5. IN THE EVENT THE DESIGNER IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
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7. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

PROJECT
COMMERCIAL DEVELOPMENT

9 MIDDLE ROAD
LAKESHORE, ONTARIO

CLIENT
JAMES SYLVESTRE

DRAWING TITLE
SITE PLAN

DATE : FEB. 2024

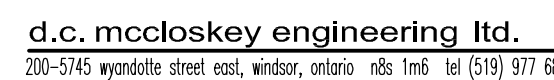
SCALE : AS NOTED

DRAWN BY : BC/JLD

CHECKED BY : MEM

PROJECT FILE NO. M24-125

DRAWING NO. C1.1



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4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING THE CONTRACTOR'S RESPONSIBILITIES IN REGARDS TO SUBMISSION OF SHOP DRAWINGS.
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7. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE EXECUTION OF THE WORK.

PROJECTCOMMERCIAL
DEVELOPMENT

9 MIDDLE ROAD
LAKESHORE, ONTARIO

CLIENT

JAMES SYLVESTRE

DRAWING TITLE

TRUCK MANUEVERING PLANS

DATE : FEB. 2024

SCALE : AS NOTED

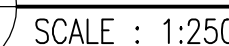
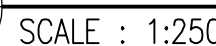
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CHECKED BY : MEM

PROJECT FILE NO. M24-125

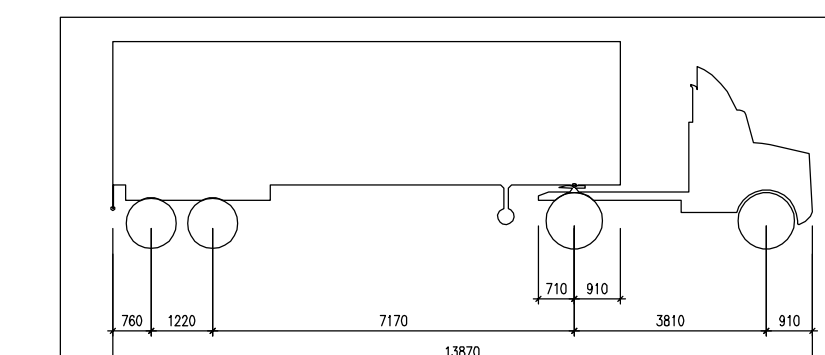
DRAWING NO.

C1.1a



LEGEND

-
- The diagram illustrates a vehicle's path and dimensions. It shows a sequence of points: TRACTOR AXIS, TRAILER AXIS, OUTER EDGE OF PATH, WHEEL TRAIL, and LOADING SPACE. The path is represented by a series of connected line segments. The TRACTOR AXIS is shown as a red dashed line. The TRAILER AXIS is shown as an orange dashed line. The OUTER EDGE OF PATH is shown as a green solid line. The WHEEL TRAIL is shown as a blue dashed line. The LOADING SPACE is shown as a blue dashed line. The diagram also includes a scale bar at the bottom, indicating distances in meters (0, 10, 20, 30, 40, 50, 60, 70, 80, 90, 100).



Name: Trailer 1 (L3D)	Vehicle library: AASHTO2011
Width (mm): 2440.000	NAME: INTERMEDIATE SEMITRAILER (VB-12)
Height (mm): 410.000	Width (mm): 2440.000
Front track (mm): 2440.000	Height (mm): 3617.315
Back track (mm): 2440.000	Front track (mm): 2440.000
	Back track (mm): 2440.000
	Total vehicle length (mm): 13870.000
	Average steering angle: 20.357°
	Turn time (sec.): 6.0
	Turning radius (curb to curb) (mm): 12103.659

Date: May 7, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – May 21, 2025 – A/38/2024

Operations have reviewed A-38-2024 – 0 Middle Road variance request application and offer the following comments:

- We support the request with an understanding that the loading space provided on the Site Plan drawing is adequate from the turning movement perspective and that space will be constructed as shown. However, this application has been submitted due to the width of the loading space shown is not in compliance with the zoning by-law requirements. The loading space should not be eliminated completely.

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: Ian Search, BES, Planner I
Date: May 9, 2025
Subject: Minor Variance Application A/08/2025 – 1272 County Road 22

Recommendation

Deny Minor Variance Application A/08/2025 as the requested reliefs for the development of a proposed accessory building on the subject property do not pass each of the four tests under the Planning Act.

Background

The Municipality of Lakeshore has received a minor variance application for a property located west of Renaud Line Road, east of Emery Drive, on the north side of County Road 22, known municipally as 1272 County Road 22 in the Municipality of Lakeshore ("subject property") (Appendix A). The subject property is zoned "Residential – Low Density" (R1) in the Lakeshore Zoning By-law and designated "Residential" in the Lakeshore Official Plan. It is also located within the "County Road 22 Special Planning Area" of the Lakeshore Official Plan (Appendix B).

The subject property is approximately 4087.3 m² (1.01 acres) in area with approximately 22.88 metres (75.08 feet) of frontage along County Road 22. It has a depth of approximately 178 metres (584 feet) and abuts the VIA Rail Canada Inc. right-of-way to the north.

There is an existing dwelling, detached garage and shed on the subject property today. The Applicant is proposing to develop a new accessory building on the subject property behind the existing buildings that will have a gross floor area of 285.4 m² (3,072 ft²) and a height of 6.58 metres (21.59 feet) (Appendix C). According to the Applicant, the accessory building will be used for the storage of a recreational vehicle (motorhome) and as a hobby space to work on and clean old vehicles. It will contain sanitary facilities. The proposed height of the building is based on the motorhome that they desire to store in the building.

Their intention is to move belongings from the existing garage into this new accessory building once it is constructed. They then plan on demolishing the existing detached garage, dwelling and shed, after which they will build a new dwelling on the property.

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

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 285.4 m² (3,072 ft²), whereas Subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from Subsection 6.5 a) xi) to permit the new accessory building to have a maximum height of 6.58 metres (21.59 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless within an Agriculture Zone.

Schedule C.11 of the current Lakeshore Official Plan shows a “potential road connection” that cuts through the middle of the properties located on the northside of County Road 22 between Renaud Line Road and Emery Drive (which includes the subject property) (Appendix B). However, a new Official Plan was since adopted by the Municipality of Lakeshore which removes that “potential road connection” from Schedule C.11. The new Official Plan has not yet received final approval from the County of Essex.

Surrounding Land Uses	North: VIA Rail Canada Inc. right-of-way, low-density waterfront residential properties South: low-density residential properties East: low-density residential properties, commercial uses West: low-density residential properties, commercial uses
Official Plan Land Use Designation	Lakeshore Official Plan: Residential, part of the “County Road 22 Special Planning Area” County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential – Low Density” (R1)
Access	County Road 22 (County of Essex)
Servicing	Municipal water, municipal sanitary

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. A requested relief can only be granted if it passes all four tests under the Planning Act. If the Committee is not satisfied on all four tests, then the relief cannot be approved. The four tests are as follows:

- 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.

County of Essex Official Plan

The subject property 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) 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.* Accessory uses to a dwelling are permitted in the Residential Designation of the Lakeshore Official Plan.

The County of Essex provided engineering-related comments on the application. No objections were received from the County of Essex as it pertains to the application. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Lakeshore Official Plan

The subject property is part of the “County Road 22 Special Planning Area” as shown on Schedule C.11 of the Lakeshore Official Plan (Appendix B). A Corridor Study has been undertaken to provide more detailed land use and design guidance for the development of the Corridor, titled “Corridor Transformation Strategy – County Road 22 Special Planning Area Design Guidelines” (January 2012).

Subsection 3.4.3 b) vi) of the Official Plan states: *The Municipality will ensure a high quality of urban design along the corridor which may include special boulevard treatments, streetscaping, plantings, signage controls and the provision of street furniture, in consultation with the County as appropriate and necessary, and in accordance with the Corridor Transformation Strategy - County Road 22 Special Planning Area Design Guidelines.* Moreover, Subsection 3.4.3 d) i) states: *Development applications and land use decisions will be consistent with the Corridor Transformation Strategy - County Road 22 Special Planning Area Design Guidelines, as well as the County of Essex policies and guidelines.*

The Corridor Transformation Strategy - County Road 22 Special Planning Area Design Guidelines:

–“Transform County Road 22, over time, into an Urban Avenue – which is envisioned as a higher intensity, mixed use corridor which is supportive of future transit and provides a diverse mix and range of commercial, employment, residential and community uses”.

-Guide development by nineteen principles including creating “*an attractive, consistent and unifying streetscape and public realm*” and ensure “*a high quality of site planning, urban design and building architecture*”.

-Provide for an attractive and well-designed streetscape that defines the character of the Municipality and communities, and contributes to a distinct place and identity.

-Applies an “intermittent street frontage” to most of the properties on the northside of County Road 22 between Renaud Line Road and Emery Drive, including the subject property. The strategy suggests that in this area a minimum of 50% of the length of the lot frontage is to be occupied by building frontages with a setback of 0 to 10 metres from the public right-of-way, subject to any County of Essex setback requirements. The intention is that a development will occur on the subject property that contributes to a more pedestrian-oriented environment/streetscape and the creation of an “urban avenue”.

-States that “*buildings should be architecturally articulated and modulated to provide interest and amenity to the street and create a comfortable pedestrian environment, through the use of quality materials and architectural details such as canopies, cornices, porches, window treatments, etc*”.

Comment: It is recognized that there are existing large properties along the County Road 22 Special Planning Area which currently support low-density residential uses (e.g. single detached dwellings), and that very large accessory buildings/pole barns have developed over time on some of these lots. However, Official Plan policies and design guidelines are in place to transform the County Road 22 Special Planning Area into the “Urban Avenue” vision for the Corridor. Permitting this very large accessory building with a maximum gross floor area of 285.4 m² (3,072 ft²), and a maximum height of 6.58 metres (21.59 feet) on the subject property does not maintain the general intent and purpose of what the policies seek to achieve for the Corridor.

Zoning By-law

Subsection 6.5 a) ix) states that *detached garages, carports or other accessory uses, buildings or structures shall not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone*. The purpose of this regulation is to limit the size of accessory buildings in a typical low-density residential neighbourhood so that they do not dominate the area and negatively impact neighbourhood character.

Subsection 6.5 a) xi) states that *detached garages, carports or other accessory uses, buildings or structures: shall not exceed 5.0 m in height unless within an Agriculture Zone*. The purpose of this regulation is to limit the height of accessory buildings in the urban areas so that they remain unoffensive with respect to their purpose and do not negatively impact neighbourhood character.

Neither Subsection 6.5 a) ix) nor Subsection 6.5 a) xi) apply to an accessory building containing an *additional residential unit* – such building is subject to different regulations.

Comment: The subject property is not located in a typical low-density subdivision. It is located on County Road 22 (urban arterial road). In addition, like many residential properties along the corridor, the subject property greatly exceeds the minimum lot area in the Zoning By-law – approx. 4087 m² versus the minimum lot area of 500 m² in the R1 zone. Generally, larger lot sizes can accommodate large accessory buildings while avoiding impacts on neighbouring properties and neighbourhood character. There are examples of very large accessory buildings that have developed on residential properties along the corridor. Permitting the proposed accessory building (gross floor area of 285.4 m² and a height of 6.58 metres) would not negatively impact the existing neighbourhood character that has evolved over time, but the Official Plan policies seek to transform the current character of the corridor.

The following is the definition of “accessory” in the Zoning By-law: *ACCESSORY – when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate, and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a detached garage or carport but does not include a dwelling unit in the Agriculture zone.* The general intent of the Zoning By-law is for accessory buildings to be subordinate to the main building (e.g. single detached dwelling on a property).

Comment: The gross floor area and lot coverage of the proposed accessory building will greatly exceed the gross floor area and lot coverage of the existing dwelling. The height of the proposed accessory building will also exceed that of the existing dwelling. It is noted that the Applicant plans on demolishing the existing dwelling in favour of the development of a new dwelling on the property. An application has not been submitted for the development of a new dwelling at this time. A comparison cannot be made between the proposed accessory building and the future dwelling as the Applicant plans on developing the proposed accessory building first, rather than the dwelling first or both together. With respect to the existing dwelling, the requested reliefs for the proposed accessory building do not meet the general intent and purpose of the “accessory” definition.

Minor in Nature

The minor variance application to permit an accessory building with a gross floor area of 285.4 m² (3,072 ft²) and a height of 6.58 metres (21.59 feet) is not minor. The maximum gross floor area permitted is 55 m² (592 ft²) and the maximum height permitted is 5 metres (16.4 feet). The overall massing of the proposed building is a significant deviation from what is permitted in the Zoning By-law.

Desirability and Appropriateness

Granting the minor variance application to permit an accessory building with a gross

floor area of 285.4 m² (3,072 ft²) and a height of 6.58 metres (21.59 feet) on this property would not be in the broad public interest. Planning policy recognizes the County Road 22 corridor as an important inter-regional transportation corridor. While very large accessory buildings have developed on older residential lots along the corridor, there is detailed land use and design guidance for a newer vision of the Corridor – as shared in the “Lakeshore Official Plan” section of the report. The development of very large accessory buildings, such as the proposed building, on older residential lots along the corridor continues a historic trend of development which is not in line with the vision for the corridor that has been deemed in the public interest.

Others Consulted

No comments were received from the Building Department.

The Fire Department states that the site plan for the minor variance application does not identify an access lane to the proposed pole barn. An access lane needs to be provided for emergency purposes. The Applicant states that they intend to demolish the existing garage following development of the new accessory building. However, the Fire Department must have an appropriate access lane to the new building at all times, even in the interim. If the Committee of Adjustment grants the minor variance application, it is recommended that a condition be imposed requiring the Applicant to provide an appropriate access lane at all times to the satisfaction of the Fire Department. The access lane is to be included in the building plans and reviewed and approved by the Municipality.

The County of Essex provided comments that are engineering-related only. No objections were raised. The applicant will be required to comply with County Road regulations. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. The full comment can be found in Appendix D.

Essex Region Conservation Authority (ERCA) stated that they have no objection to the minor variance application. 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. The full comment can be found in Appendix E.

VIA Rail Canada Inc. provided a standard comment (Appendix X) in response to the application. The building is proposed to be located approximately 87 metres (285.44 feet) from the VIA Rail Canada Inc. right-of-way and is not a sensitive land use. If the application is approved, the applicant could incorporate noise mitigation measures in their design of the building if they choose.

The Operations Department commented that a “potential road connection” shown in the current Official Plan would be in conflict with the proposed accessory building (Appendix B) and its location should be changed. The full comment can be found in Appendix G.

The draft Official Plan, adopted by Lakeshore Council through Official Plan amendment no. 16 appears to eliminate this potential road connection identified in Schedule C11 of the plan; however it is not yet in force. If the future road connection is to be made, the location of the proposed structure should be revised to accommodate the future right-of-way.

Conclusion

It is the opinion of the Planner that the requested reliefs of the minor variance application do not pass the four tests prescribed under Section 45 (1) of the *Planning Act*:

- i. The variances would not be “minor” in nature.
- ii. They would not be desirable for the appropriate development or use of the land, building or structure.
- iii. They would not maintain the general intent and purpose of the Official Plan.
- iv. They would not maintain the general intent and purpose of the Zoning By-law.

Public Notice Circulation

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

Attachment(s):

Appendix A – Aerial Map
Appendix B – County Road 22 Special Planning Area
Appendix C – Drawings
Appendix D – County of Essex
Appendix E – ERCA
Appendix F – VIA Rail Canada Inc.
Appendix G – Operations Department
Appendix H – Photos

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

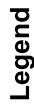
Document Title:	Minor Variance Report - A-08-2025.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - County Road 22 Special Planning Area.pdf- Appendix C - Drawings.pdf- Appendix D - County of Essex.pdf- Appendix E - ERCA.pdf- Appendix F - VIA Rail Canada Inc.pdf- Appendix G - Operations Department.pdf- Appendix H - Photos.pdf
Final Approval Date:	May 14, 2025

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

Urvi Prajapati - May 12, 2025 - 1:53 PM

Daniel Mercer - May 13, 2025 - 8:02 PM

Tammie Ryall - May 14, 2025 - 11:33 PM



-
- | Category | GNTY | LAK | PRIV | PROV | <all other values> |
|-------------------|------|------|------|------|--------------------|
| Tax Parcel | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| WorkingParcel | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Street Centreline | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| OwnershipParcel | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

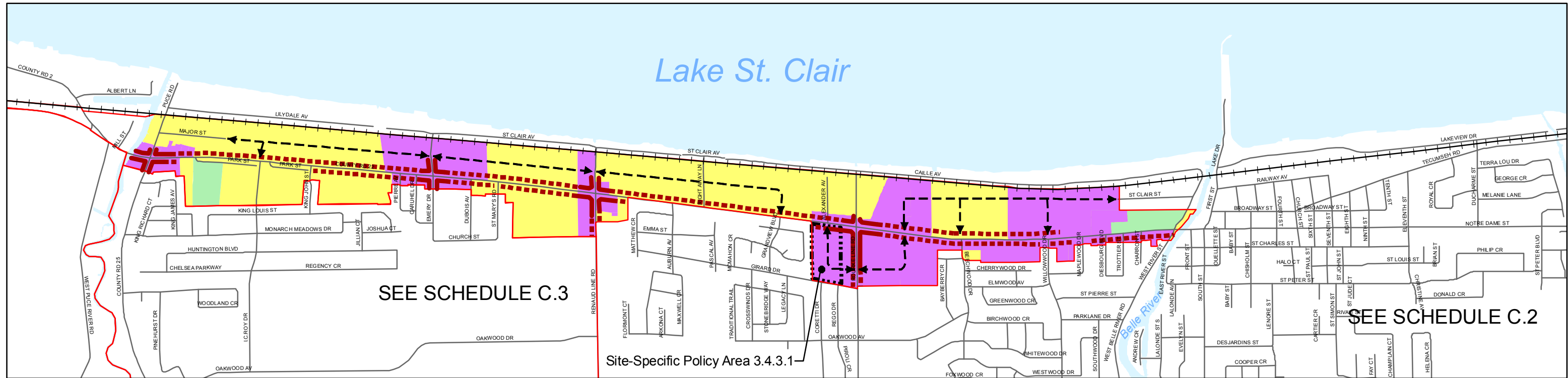
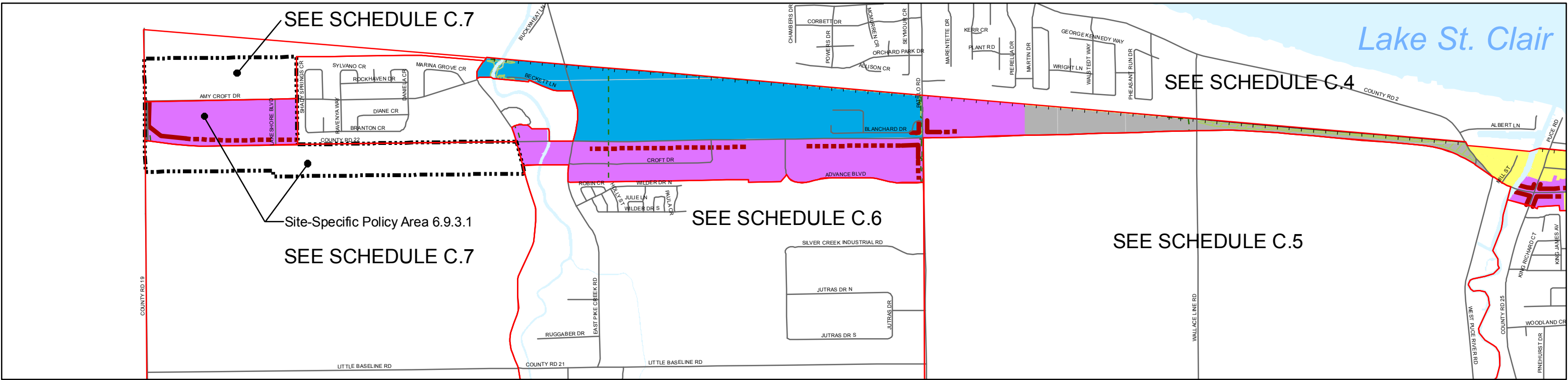
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Notes:



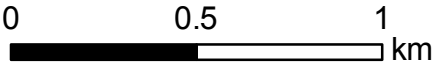
LAND USE DESIGNATION (SECTION 6.0)

- Agricultural Designation
- Hamlet Designation
- Waterfront Residential Designation
- Urban Fringe Designation
- Residential Designation
- Service Commercial Designation
- Recreational Commercial Designation

- Mixed Use Designation
- Central Area Designation
- Employment Designation
- Major Institutional Designation
- Natural Conservation Designation
- Parks and Open Space Designation
- Urban Reserve Designation

LEGEND

- Urban Area Boundary
- Hamlet Area Boundary
- Waterfront Area Boundary
- Urban Fringe Area Boundary
- Town Boundary
- Site-Specific Policy Area
- Special Planning Area
- Lake St. Clair Floodprone Areas/ Inland Floodplain Development Control Area
- Limit of the Regulated Area
- Woodlands
- Candidate Provincially Significant Wetlands
- Continuous Street Frontage
- Intermittent Street Frontage
- Potential Road Connection



Interpretation Note: This Schedule will be read and interpreted in conjunction with the Official Plan in its entirety.
Land Use Designations on this Schedule must be interpreted in conjunction with Schedule B.2 (Natural Heritage Features).

**Town of Lakeshore
OFFICIAL PLAN**




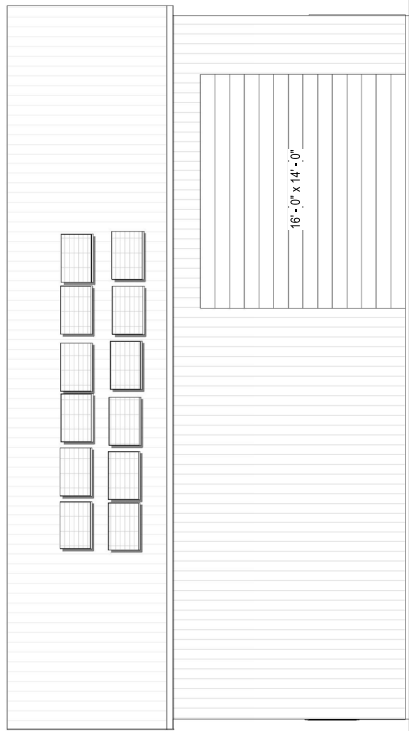
**SCHEDULE "C.11" LAND USE
(COUNTY ROAD 22
SPECIAL PLANNING AREA)**



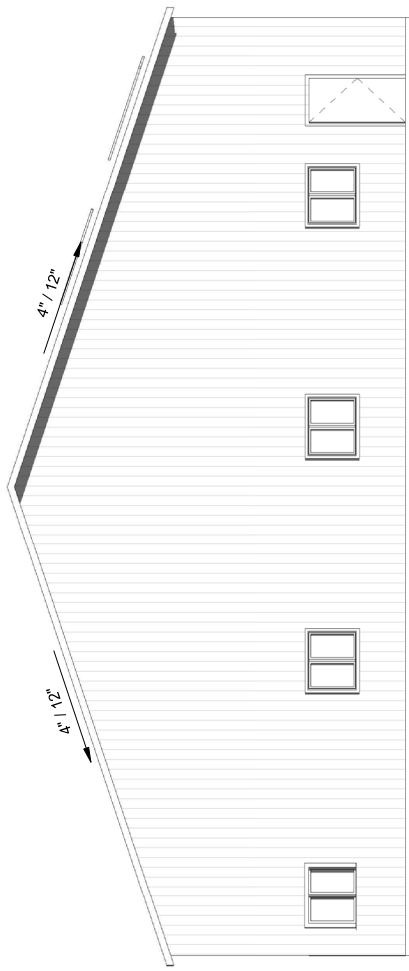


2 SITE PLAN
1" = 20'-0"

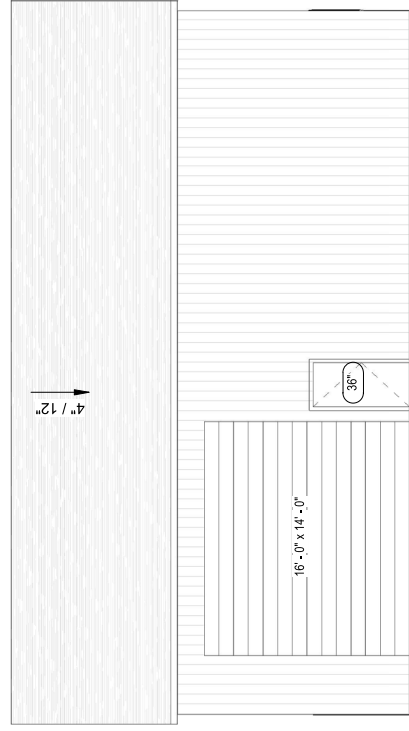
	PROJECT TITLE 1272 COUNTY ROAD 22 BELLE RIVER		LAST MODIFIED MM-DD-YY	DRAWN BY J.S.	BROWSE BY D.E.
	SHEET TITLE SITE PLAN		DATE 4/21/2025 10:35:21 AM	DATE 4/21/2025 10:35:21 AM	SHEET NUMBER
			SCALE 1" = 20'-0"	SCALE 1" = 20'-0"	A0



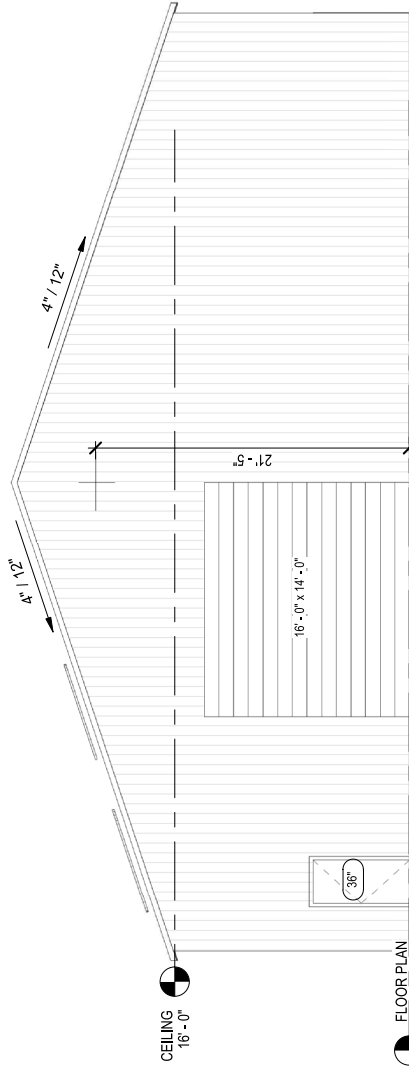
② FRONT ELEVATION
1/8" = 1'-0"



③ LEFT ELEVATION
1/8" = 1'-0"




④ BACK ELEVATION
1/8" = 1'-0"



① RIGHT ELEVATION
1/8" = 1'-0"



FLOOR PLAN
0"

 JAMES VALLEY FINE ENTERPRISES, INC.	PROJECT TITLE 1272 COUNTY ROAD 22 BELLE RIVER	SHEET TITLE ELEVATIONS	DATE DICTED: JUN-11-2025		APPROVED BY: J.S.		DRAWN BY: J.S.		CHECKED BY: D.E.		DATE BY: JUN-11-2025	
					1/8" = 1'-0"		1/8" = 1'-0"		A2			
					1272 COUNTY ROAD 22		BELLE RIVER					



May 5, 2025

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

Re: Committee of Adjustment, A-08-25, James Dorner c/o Jeff Sylvestre

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 22. No objections as it pertains to the application. The Applicant will be required to comply with the following County Road regulations:

This road was formerly King's Highway 2 until it was downloaded to the County of Essex. MTO procedures would be applied.

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 on the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact me 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



2025-05-02

File Number: 0975-25

Ian Search, Municipality of Lakeshore
Municipality of Lakeshore, Community Planning
413 Notre Dame Street
Municipality of Lakeshore, ON
N8L 0P8

RE: Construct an Accessory Building
1272 COUNTY RD 22
Municipal File Number: A-08-2025

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

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 285.4 m² (3,072 ft²), whereas Subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.
- Relief from Subsection 6.5 a) xi) to permit the new accessory building to have a maximum height of 6.58 metres (21.59 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless within an Agriculture Zone.

NATURAL HAZARDS AND REGULATORY 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 Lake St. Clair. 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.

FINAL RECOMMENDATION

Our office has no objection to A-08-2025. 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

From: [Paul Charbach](#)
To: [Ian Search](#)
Cc: [Michael Mazzilli](#); [Shant Demirdjian](#)
Subject: RE: Notice of Public Meeting - Minor Variance - File A-08-2025 - Lakeshore
Date: May 1, 2025 11:53:32 AM
Attachments: [image001.png](#)

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

Hello,

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

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

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

obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).

- All crossings shall be constructed / design with at least 20 feet 0 grade from each side of the rail

- **Canadian Standards Association:**

- CAN/CSA C22.3 No. 1 – Overhead Systems;
- CAN/CSA C22.3 No. 7 - Underground Systems;
- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.

- **VIA:**

- *Buried Signal and Communication Guidelines;*
- *Guidelines for New Development;*
- *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: [Guidelines for New Development in Proximity to Railway Operations](#).*
- Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department;
- All loads must be in compliance with Cooper E90;
- Inspection frequency and submittal
- Agreements signed between Via and the applicant

- **The Federation of Canadian Municipalities and the Railway Association of Canada:**

- *Guidelines for New Development in Proximity to Railway Operations.*
- **Other:**
- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

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

- **Utilities:**

- Electrical and Gas Supply

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

- Communications

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

· **Water & Wastewater:**

- Drainage Sanitary/Storm

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

- Water supply

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

· **Construction Disturbances:**

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

- Station access (vehicle traffic)

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

- **Neighbour Relationships:**

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

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with

and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

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

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

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

Sincerely,



Pc- Paul Charbach, Infrastructure Department

[Redacted signature block]

From: Ian Search <isearch@lakeshore.ca>

Sent: April 30, 2025 1:27 PM

To: Ian Search <isearch@lakeshore.ca>

Subject: Notice of Public Meeting - Minor Variance - File A-08-2025 - Lakeshore

EXPÉDITEUR EXTERNE: Faites preuve de prudence avec les liens et les pièces jointes provenant d'un expéditeur externe.

EXTERNAL SENDER: Use caution with links and attachments from an external sender.

Hi all,

Please see attached notice of public meeting for a minor variance application proceeding to the Lakeshore Committee of Adjustment on May 21. The subject property is 1272 County Road 22 in the Municipality of Lakeshore, Ontario.

Please provide any comments to me through email by Wednesday May 7, 2025.

Kind Regards,

Ian Search

Planner I

Municipality of Lakeshore | Growth and Sustainability - Community Planning

419 Notre Dame Street, Belle River, ON, N8L 0P8

T: 519-728-1975 ext.246

Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

Ian Search

Planner I

Municipality of Lakeshore | Community Planning

419 Notre Dame Street, Belle River, ON, N8L 0P8

T: 519-728-1975 x246

Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our efforts into ensuring that this message is free of viruses or other malicious content. Despite our efforts, you should always scan all emails for any threats with proper software, as the sender does not accept liability for any damage inflicted by viewing the content of this email. This record may contain privileged, confidential or personal information which should not be disclosed to others. If you have received this message in error, please delete and advise the sender.

Date: May 7, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – May 21, 2025 – A/08/2025

Operations have reviewed A-08-2025 – 1272 County Road 22 variance request application and offer the following comments:

- Confirmation should be provided related to the proposed updated Official Plan (OP) and the current OP. The current OP identifies a future road connection that would be in conflict with the proposed building structure. If the future road connection is still applicable, the location of the proposed structure should be revisited potentially to the north to accommodate the future right of way.
- A permit from the Essex Region Conservation Authority (ERCA) is required to be obtained.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



Driveway looking north



Dwelling looking northwest



Existing garage and shed looking north



Existing shed looking north



Looking west in the rear yard from the approximate location of the proposed building. Large accessory building in the area is visible in the photo.



Looking east in the rear yard from the approximate location of the proposed building. Large accessory building in the area is visible in the photo.



Looking south in the rear yard from the approximate location of the proposed accessory building. Existing garage and shed are visible in the photo.



Looking north in the rear yard from the approximate location of the proposed accessory building



Looking south in the rear yard near the east limit of the property

Municipality of Lakeshore Report to Committee of Adjustment



Growth and Sustainability

Planning Services

To: Chair & Members of the Committee of Adjustment
From: Ian Search, BES, Planner I
Date: May 14, 2025
Subject: Minor Variance Application A/07/2025 – 432 West Belle River Road

Recommendation

Deny Minor Variance Application A/07/2025 as it does not meet the four tests set out in Subsection 45(1) of the Planning Act.

Background

The Municipality of Lakeshore has received a minor variance application for a property located north of County Road 42, south of County Road 22, on the west side of West Belle River Road, known municipally as 432 West Belle River Road in the Municipality of Lakeshore ("subject property") (Appendix A). The subject property is zoned "Residential – Low Density" (R1) in the Lakeshore Zoning By-law and designated "Residential" in the Lakeshore Official Plan.

The subject property is approximately 662.6 m² (7,132 ft²) in area with approximately 15.14 metres (49.67 feet) of frontage along West Belle River Road.

The Applicant has developed a single detached dwelling containing an additional residential unit and an accessory building on the subject property within the last couple years. A building permit was issued for a dwelling containing one additional residential unit (a total of two dwelling units) as this is permitted under the Planning Act. The accessory building in the rear yard cannot be used as an additional residential unit on the property. There is no sanitary conveyance capacity for its use as an additional residential unit, and proper permits and approvals have not been obtained.

Administration has determined that there is non-compliance under the Zoning By-law following development. As a result, the Applicant is seeking the following reliefs from the Lakeshore Zoning By-law (2-2012) with respect to the Subject Property:

- Relief from Subsection 6.41.2 h) to permit the parking area to be setback a minimum of 1.29 metres (4.25 feet) from the north side lot line and setback 0 metres from the front lot line. Whereas Subsection 6.41.2 h) states that parking areas should be located

no closer to any lot line than greater of 1.5 m or the applicable buffer strip requirement as specified in the Zone provisions.

- Relief from Subsection 6.41.2 r) to permit a parking area to be located in the front yard of the property. Whereas Subsection 6.41.2 r) states that in any Residential zone but excluding apartment buildings, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a permitted driveway in the front yard.
- Relief from Subsection 6.41.4 f) i) to permit a minimum of 30% of the front yard to be landscaping. Whereas Subsection 6.41.4 f) i) states that for lots zoned R1 and R2 with a frontage of 30.0 metres or less, a minimum of 40% of the front yard shall be maintained as landscaping.

On September 10, 2024, the Municipality of Lakeshore amended the Zoning By-law (2-2012) to include regulations for additional residential units that regulate such matters as their maximum size, height, setbacks, etc. Building permits were issued for the development of the subject property in May and June of 2023. Therefore, the development of the single detached dwelling containing an additional residential unit was not subject to these new regulations at the time of building permit.

The regulations that the Applicant is seeking relief from are general provisions that apply to land development in Lakeshore and were in effect at the time of building permit. Compliance with them was required. The building permit showed that the dwelling would be setback 4.11 metres (13.5 feet) from the north side lot line and that a 3.05 metre (10 feet) driveway would be developed in the north side yard to accommodate off-street parking. Instead, the dwelling was constructed 3.21 metres (10.55 feet) from the north side lot line and on an angle according to the site plan drawing (Appendix B). A concrete sidewalk leading to building accesses was developed in the north side yard rather than a driveway. Air conditioning units and fences have been placed in the south side yard for the development – a space serving as outdoor amenity for the residents.

A total of three off-street parking spaces is required for a single detached dwelling that contains one additional residential unit. However, the proposed parking area seeks to accommodate four off-street parking spaces.

Surrounding Land Uses	North: Low Density Residential South: Low Density Residential East: Low Density Residential, Belle River waterbody West: Low Density Residential
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential – Low Density” (R1)
Access	West Belle River Road (municipal)
Servicing	Municipal water, municipal sanitary

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. A minor variance can only be granted if it passes all four tests under the Planning Act. If the Committee is not satisfied on all four tests, then the relief cannot be approved. The four tests are as follows:

- 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 Fire Department stated that they have no comments on the application at this time.

The Building Department provided no comments on the application.

The Operations Department raised concerns with respect to safety, increased disruption to traffic flow, and setting a precedent if the application is approved. The full comment can be found in Appendix D.

County of Essex Official Plan

The subject property is designated “Primary Settlement Area” in the County of Essex Official Plan.

Subsection 3.2.4.1 b) states: *Primary Settlement Areas shall have full municipal sewage services and municipal water services and stormwater management services, a range of land uses and densities, a healthy mixture of housing types including affordable housing options and alternative housing forms for special needs groups, and be designed to be walkable communities with public transit options (or long-term plans for same).*

Comment: The development utilizes full municipal services and the single detached dwelling containing an additional residential unit contributes to more affordable housing types in the settlement area. There are no issues of County significance raised by the minor variance application with respect to each of the reliefs sought. The subject property is located on a municipal road and no comments from the County of Essex were received as of the writing of this report.

Lakeshore Official Plan

Comments on each requested relief are provided below with respect to this minor variance test:

1. Relief from Subsection 6.41.2 h) to permit the parking area to be setback a minimum of 1.29 metres (4.25 feet) from the north side lot line and setback 0 metres from the front lot line. Whereas Subsection 6.41.2 h) states that parking areas should be located no closer to any lot line than greater of 1.5 m (4.92 feet) or the applicable buffer strip requirement as specified in the Zone provisions.

Comment: Community Design policy Subsection 4.2.1 b) states that *“Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality: will promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks”*. Subsection 7.2.2.1 e) states *“Road access points will be designed to the satisfaction of the Municipality and be in locations that will not create a hazard due to impaired line of sight, or any other safety, transportation or land use planning consideration”*. Lastly, Subsection 7.2.2.1.5 c) states that *“Direct access to collector roads will be permitted, subject to geometric design considerations”*.

The Operations Department has commented that permitting a parking area (containing four side by side parking spaces) that is approximately 12.2 metres (approx. 40 feet) wide adjacent to the front lot line will pose a traffic safety risk. The department raises concerns about less controlled ingress/egress with respect to the site and disruption to traffic on the street (Appendix D).

2. Relief from Subsection 6.41.2 r) to permit a parking area to be located in the front yard of the property. Whereas Subsection 6.41.2 r) states that in any Residential zone but excluding apartment buildings, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a permitted driveway in the front yard.

Comment: Community Design policy 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”*. Subsection 4.2.1 b) i) states that through the review of development applications *“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.”*

There are other properties with frontage on West Belle River Road that use large areas of the front yard for parking accommodation. The side yards of the subject property appear to be compromised by the setback of the dwelling from the side lot lines as well as the presence of existing features (pedestrian sidewalk on the north side, air conditioning units/fences/amenity space on the south side) (Appendix C). Permitting a parking area in the front yard could maintain the general intent and purpose of the Official Plan in principle. However, it is important that a parking concept incorporates a maximum driveway access width that is appropriate in the area, and that the site design is safe and functional with respect to traffic management.

3. Relief from Subsection 6.41.4 f) i) to permit a minimum of 30% of the front yard to be landscaping. Whereas Subsection 6.41.4 f) i) states that for lots zoned R1 and R2 with a frontage of 30.0 metres or less, a minimum of 40% of the front yard shall be maintained as landscaping.

Comment: Community Design policies Subsection 4.2.1 a) and Subsection 4.2.1 b) i) are relevant to this requested relief as well. As previously mentioned, other properties with frontage on West Belle River Road have large areas in the front yard dedicated to parking accommodation. Reducing landscaping in the front yard to accommodate parking could maintain the general intent and purpose of the Official Plan in principle. However, as previously mentioned, a parking concept needs to address safety and traffic concerns raised by the Operations Department.

Zoning By-law

Comments on each requested relief are provided below with respect to this minor variance test:

1. Relief from Subsection 6.41.2 h) to permit the parking area to be setback a minimum of 1.29 metres (4.25 feet) from the north side lot line and setback 0 metres from the front lot line. Whereas Subsection 6.41.2 h) states that parking areas should be located no closer to any lot line than greater of 1.5 m or the applicable buffer strip requirement as specified in the Zone provisions.

Comment: The purpose of this regulation is to provide an appropriate buffer between parked vehicles (parking area) and land uses on a neighbouring property. Additionally, the intent of the Zoning By-law is that there is a driveway on-site that leads to a parking area – otherwise a parking area would be permitted to abut the front lot line as the Applicant is seeking to establish. A *driveway* is defined 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 Operations Department has raised multiple concerns with the parking concept which deviates from this intent related to matters such as safety and traffic disruption.

2. Relief from Subsection 6.41.2 r) to permit a parking area to be located in the front yard of the property. Whereas Subsection 6.41.2 r) states that in any Residential zone but excluding apartment buildings, all parking spaces shall be located in a garage or carport or in a side or rear yard, or only on a permitted driveway in the front yard.

Comment: The purpose of the regulation is to ensure that parking occurs in appropriate places on properties containing small-scale residential development. The regulation only provides an exception for apartment buildings because usually a *driveway* is insufficient to accommodate parking in those cases where the front yard is being utilized. Additionally, there would be a driveway leading to a parking area that provides controlled access to and from the street in those cases. As per the comments from the

Operations Department, permitting the proposed parking concept does not adhere to safety and traffic management standards. Therefore, the application does not meet the general intent of the Zoning By-law.

3. Relief from Subsection 6.41.4 f) i) to permit a minimum of 30% of the front yard to be landscaping. Whereas Subsection 6.41.4 f) i) states that for lots zoned R1 and R2 with a frontage of 30.0 metres or less, a minimum of 40% of the front yard shall be maintained as landscaping.

Comment: The purpose of this regulation is to achieve neighbourhood aesthetics in the urban areas of the municipality. Other properties with frontage on West Belle River Road have large areas in the front yard dedicated to parking accommodation. Reducing landscaping in the front yard to accommodate a parking concept could maintain the general intent and purpose of the Zoning By-law. However, as previously mentioned, a proposed parking concept needs to address safety and traffic concerns.

Minor in Nature

The application is not minor in nature. The Operations Department has commented that one access is permitted per lot that has a maximum width of 7.3 metres (25 feet). The proposed parking area is approximately 12.2 metres (approx. 40 feet) wide and will abut the front lot line to function as one very wide driveway for the site. Impacts related to access, safety and traffic management were raised by the department.

Desirability and Appropriateness

The application would not be desirable for the appropriate use of the land. The Operations Department has commented that West Belle River Road is classified as an Urban Residential/Collector Road in Lakeshore's current Official Plan, and that the roadway sees significantly more traffic than a local roadway. As such, there are greater concerns related to access, safety and traffic management. They state that the proposed design would result in safety concerns and a disruption to traffic flow.

If approved, it could establish a precedent in the area/on this Urban Residential/Collector Road. The Operations Department has commented that the *"Municipality is currently working to ensure access points along West Belle River Road and other significant collector roadways throughout the Municipality conform to approved standards and guidelines in an effort to improve traffic safety and limit congestion issues"*.

There may be limited space in the yards (front, side, etc.) of the subject property to accommodate an alternative parking concept that addresses the concerns raised by the Operations Department. The Applicant will need to explore options with their consultants (designer, architect, surveyor, etc.). Ultimately, concerns related to matters such as public safety take precedence.

Conclusion

It is the opinion of the Planner that the application does not pass the four tests prescribed under Section 45 (1) of the *Planning Act*:

- i. The application is not “minor” in nature.
- ii. The application is not desirable for the appropriate development or use of the land.
- iii. The application would not maintain the general intent and purpose of the Official Plan.
- iv. The application would not maintain the general intent and purpose of the Zoning By-law.

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, a concern was raised by a neighbour with respect to the number of residential units that are accommodated on the property.

Attachment(s):

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

Report Approval Details

Document Title:	Minor Variance A-07-2025 - 432 West Belle River Road.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
Final Approval Date:	May 15, 2025

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

Urvi Prajapati - May 15, 2025 - 12:17 PM

Daniel Mercer - May 15, 2025 - 12:32 PM

Tammie Ryall - May 15, 2025 - 1:43 PM



432 West Belle River Road - Aerial Map of Subject Property



Legend

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

1: 722



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

DRAWING NOTES

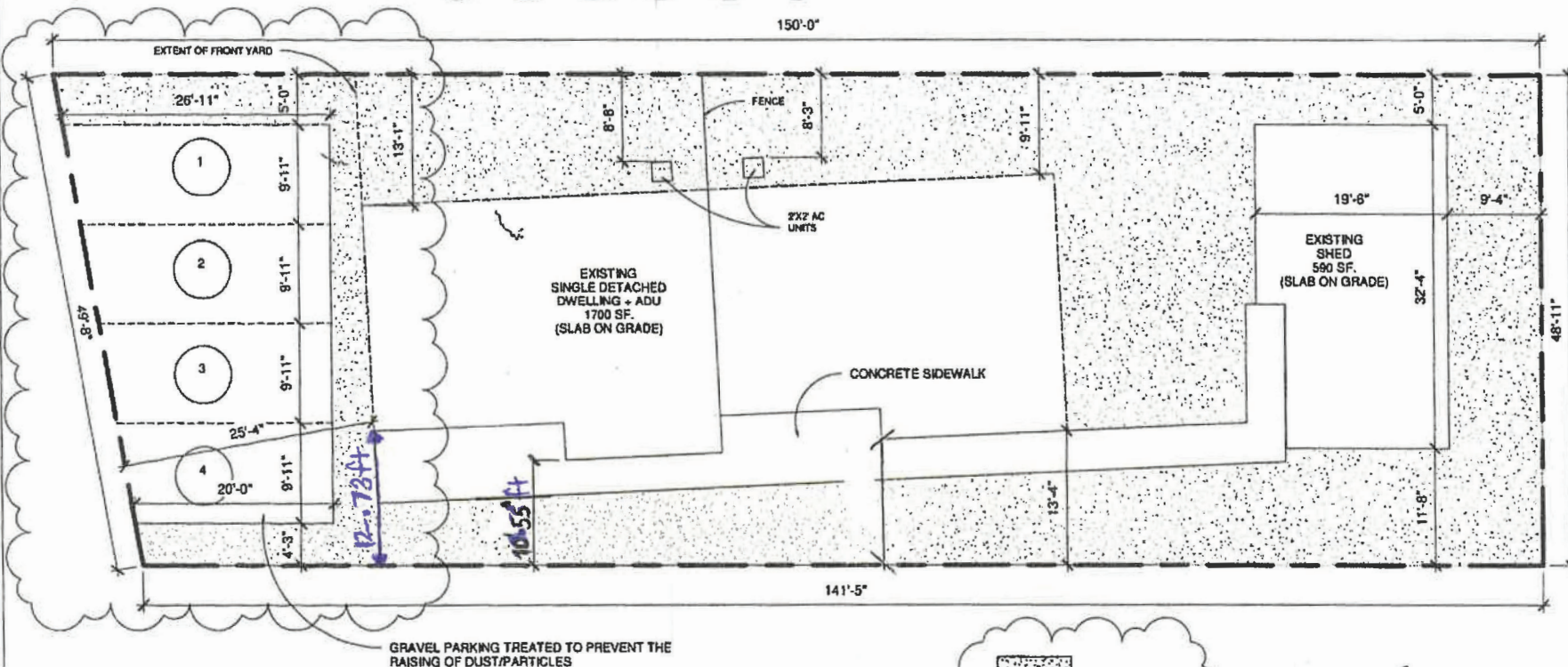
The Ontario Building Code, Latest Edition shall be the basis of design and construction. Any inconsistencies on the drawings must be reported to the designer before proceeding with the work.

The contractor or owner shall notify the designer of any discrepancies prior to construction.

Dimensions always take precedence over scaled measurements.

LANDSCAPE FRONT YARD SPACE:
FRONT YARD TOTAL AREA 1 333 SF.
PROPOSED GRAVEL PARKING AREA 931 SF.
LANDSCAPE SPACE 402 SF. (30.1%)

SITE DATA			
AREA OF SEMI-DETACHED	1 700 SF.		
AREA OF SHED	500 SF.		
TOTAL NEW BUILDING AREA	2 200 SF.	32.1 %	
LOT SIZE	7 132 SF.		
GREEN SPACE	3 380 SF.	47.4 %	



1 Site Plan
3/32" = 1'-0"

Site Plan

No.	Description	Revision	Date
1			



Alicja Szewczyk
432 West Belle River Road
Lakeshore

Project number	25	Scale	As indicated
Date	2025-03-10		

C1



Picture of the north side yard looking west



Picture of the south side yard looking west



Picture of the front yard looking west



Picture of the front yard looking west



Picture of the space between the two buildings looking south



Picture of the north side yard looking east



Picture of the south side yard looking east



Picture of the north side yard looking west



Picture of the front yard looking southwest



Picture of the front yard looking southwest



Picture of the front yard looking south



Looking southwest from a location in the north side yard



Picture looking north from a location just south of the subject property next to the road



Picture looking south from a location just in front of the subject property next to the road

Date: May 14, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – May 21, 2025 – A/07/2025

Operations have reviewed A-07-2025 – 432 West Belle River Road variance request application and offer the following:

- It is understood that the original approved drawings for this site related to building and access location adhered to Lakeshore's policies, including an approved driveway access location and width. The site construction did not conform to the approved permit plans.
- West Belle River Road is classified as an Urban Residential/Collector Road in Lakeshore's current Official Plan. This roadway sees significantly more traffic than a local roadway and has more concern related to access, safety and traffic management. As such, design standards for this classification of roadway should ensure the highest level of protection and adherence to policies.
- We have reviewed the proposed parking spaces setbacks reliefs in accordance with The Municipality of Lakeshore's Development Manual and Lakeshore's Corridor and Access Management Policy (March 2008) along with the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads, Chapter 8 – Access (June 2017) and note following non-conforming conditions:
 - One access is permitted per lot with a maximum width of 7.3 metres (25 feet) for a two-way driveway. The proposed parking area is approximately 40 feet wide which imposes a risk of traffic safety by cars backing out on the road. For a 25-feet two-way driveway, typically one (1) car would be entering/exiting the driveway at any given time, however the proposed design would allow up to four (4) cars to enter/exit at any given time. This would cause increased disruption to traffic flow along West Belle River Road, and therefore increased safety concerns, particularly for an urban collector roadway.
 - Additionally, TAC standards also identify that a residential driveway width for a two way (double driveway) be no wider than 7.3 meters as per TAC Chapter 8 Table 8.9.1. This is required avoid sight line issues and maintain traffic flow.
 - Further, TAC provides guidance on the separation between adjacent driveways. For a residential area on collector roadways, the minimum separation distance is 3.0 metres.

The proposed development does not provide any separation from the adjacent parcel access point. This poses an additional safety concern.

- Based on the concerns noted above, the proposed parking area poses a safety risk and will increase traffic congestion which will pose additional operational challenges for the Municipality. If this non-conforming condition is approved, this would establish a precedence that will result in greater traffic concerns. It should be noted that the Municipality is currently working ensure access points along West Belle River Road and other significant collector roadways through the Municipality conform to approved standards and guidelines in an effort to improve traffic safety and limit congestion issues.
- It is recommended that the applicant explore different design options to limit the driveway width to 25 feet.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng., Tracy Beadow, P. Eng.

Municipality of Lakeshore Report to Committee of Adjustment

Growth and Sustainability

Planning Services



To: Chair & Members of the Committee of Adjustment
From: Ian Search, BES, Planner I
Date: May 9, 2025
Subject: Deferred Consent Application Revisited B/14/2024 – 1361 County Road 27

Recommendation

Approve consent application B/14/2024 for the creation of one lot that will have a lot area of approximately 2,100 m² (approx. 0.52 acres) and a lot frontage of approximately 30 metres (approx. 98.43 feet), 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 and the lot to be retained;
- 2) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed and retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 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 all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That the applicant obtain a Zoning By-law amendment to temporarily permit the accessory building to exist on the retained lot without a dwelling, or demolish/remove the accessory building from the retained lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 6) That the applicant obtain approval under the Planning Act to permit any lot deficiencies (frontage, setbacks, etc.) under the Zoning By-law with respect to the severed and/or retained lot;
- 7) That the applicant submit a memo to Community Planning from a qualified

professional that confirms the following to the satisfaction of Community Planning: no negative impacts on the natural features or their ecological functions; the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions; no harmful alteration, disruption, or destruction of fish habitat, and that proposed development/site alteration would be in accordance with provincial and federal requirements as it relates to fish habitat; no development and site alteration in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

8) That the applicant obtain an archaeological assessment of the subject property 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;

9) That the applicant establish a new access and driveway for the severed lot to the satisfaction of the Municipality of Lakeshore and obtain all necessary permits for its establishment;

10) That the applicant enter into an Agreement with the Municipality of Lakeshore to be registered on title prior to the stamping of the Deed, for the establishment of a water connection and to pay any applicable water rates or fees with respect to the subject lands;

11) That the applicant address all drainage concerns raised by the Operations Department to the satisfaction of this department, and ensure that a proper outlet for drainage has been established for the severance to the satisfaction of the Operations Department. Any agreement associated with establishing a proper outlet for drainage is to be binding by registering the agreement on title, if required by the Operations Department and to the satisfaction of the Municipality of Lakeshore;

12) Formal confirmation is required regarding the abandonment of existing water services to the accessory building on the retained lot. If the accessory building is currently serviced by a water line originating from the proposed south lot, the applicant must abandon the service by capping it off at the new lot line separating the two lots to the satisfaction of the Operations Department, or connect it to a new water service to the satisfaction of the Operations Department.

13) That the applicant pay a \$3,800.00 parkland dedication fee in accordance with By-law 110-2024 (Dedication of Parkland By-law)

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

15) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 22, 2027. Failure to fulfil the conditions by this date shall deem the consent refused, as per the Planning Act.

Purpose

The subject property is located on the west side of County Road 27, south of County Road 42, north of Highway 401, known municipally as 1361 County Road 27 (subject property, Appendix A).

The Municipality of Lakeshore previously received an application (file: B-14-2024) to sever a residential lot from the subject property, which was deferred by the Committee of Adjustment on February 12th, 2025. The application proposed to sever the subject property in half, with the severed lot having a frontage of approximately 28 metres (approx. 91.86 feet) and an area of approximately 4,400 m² (1.09 acres), while the retained parcel was proposed to have an area of approximately 4,600 m² (1.137 acres) and a frontage of approximately 28 metres (approx. 91.86 feet). The application was deferred for three months to give the Applicant an opportunity to explore an alternative severance proposal that would not result in the creation of a new lot in the Belle River floodway.

Following deferral, a meeting was held between the owner, Lakeshore administration and the Essex Region Conservation Authority (ERCA) to discuss the extent of the floodway on the subject property.

The Municipality has now received an amended application to sever a residential lot from the subject property that will contain the existing dwelling. The severed lot will have a frontage of approximately 30 metres (approx. 98.43 feet) and a lot area of approximately 2,100 m² (0.52 acres). However, a 3.048 metre (10 feet) strip of land along the front of the entire Subject Property will need to be conveyed to the County of Essex for future road widening as part of the severance process. This will result in the severed lot having a lot area of approximately 2,008.5 m² (approx. 0.496 acres) following that road conveyance (Appendix B).

The land to be retained by the Applicant ("retained lot") will have a lot area of approximately 7,056.5 m² (approx. 1.74 acres) and a lot frontage of approximately 28 metres (approx. 91.86 feet). It will wrap around the proposed severed lot as an L-shaped parcel (Appendix B). The applicant has requested the issuance of a consent certificate for the retained parcel as well under Subsection 53(42.1) of the Planning Act so that they have the flexibility of transferring either parcel first in the future.

The Lakeshore Zoning By-law (2-2012) only permits an accessory building on a lot where there is a main building (dwelling) located on the lot. It is the intention of the Applicant to maintain the accessory building (indicated as "accessory building" on the attached sketch Appendix B) on the retained lot without a dwelling. This would require a separate future application to be considered by the Municipality of Lakeshore. It is

anticipated that at some point in the future a dwelling will be constructed on the retained lot.

Any lot deficiencies (minimum frontage, setbacks, etc.) under the Lakeshore Zoning By-law (2-2012) with respect to the severed and/or retained lot will need to be determined by a future land survey. A separate future application to be considered by the Municipality of Lakeshore could be applied for by the Applicant to seek variance from lot requirements under the Zoning By-law (2-2012).

Summary

Surrounding Land Uses:

North: Residential
West: The Belle River, Residential
East: Agriculture, Residential
South: Residential

Servicing for proposed lot:

Water: Municipal water services
Sanitary: Private sanitary system

Access:

Severed and retained parcel: County Road 27

Provincial Planning Statement (PPS)

The subject property is located in the Essex Region Conservation Authority (ERCA) regulated area. ERCA was circulated for comment on the revised consent proposal and commented that *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*. Their office has no objection to the consent application as presented.

There is land located on the subject property near the Belle River that is part of the significant valleylands (natural heritage feature) overlay in the Lakeshore Official Plan. Northwest and adjacent to the subject property is land included in the woodland overlay of the Lakeshore Official Plan (Appendix D). Lastly, the Belle River supports fish habitat. The PPS states that development and site alteration shall not be permitted on adjacent lands to these natural heritage features and fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Subsection 4.1.8).

Whether or not there are habitats of endangered species and/or threatened species on the subject property is unknown. Subsection 4.1.7 of the PPS states development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

It is anticipated that future development of a dwelling on the proposed retained lot would occur on landscaped space near the street (County Road 27) some distance away from the natural heritage features on the property/on adjacent lands, as well as fish habitat. A memo from a qualified professional (in the field of ecology, terrestrial and/or aquatic biology, environmental planning and/or relevant earth sciences) would be required for the proposed development/lot creation to confirm:

1. no negative impacts on the natural features or their ecological functions;
2. the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions;
3. no harmful alteration, disruption, or destruction of fish habitat, and that proposed development/site alteration would be in accordance with provincial and federal requirements as it relates to fish habitat;
4. no development and site alteration in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Subsection 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.* The subject property is located on the Belle River and may have archaeological potential/contain archaeological resources.

A development proposal like this would trigger the need for an archaeological assessment to be completed by a licensed consultant archaeologist, to identify, evaluate, and protect archaeological resources on the north lot (retained lot) where future development is anticipated. The consultant would be required to hold a valid professional archaeological license issued by the Ministry of Tourism, Culture and Sport, and the report is to be entered into the register. The assessment would identify any recommendations that need to be implemented by the applicant to the satisfaction of the Community Planning Division. 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.

County of Essex Official Plan

A portion of the subject property is located within an area susceptible to flooding in the County of Essex Official Plan. Subsection 2.4.2 states that development will not be permitted in the floodway of inland watercourses.

Comment: ERCA was circulated the revised consent application for comment and stated that they have no objection to the consent application as presented. The severance proposal was revised to deal with the original concerns raised by ERCA with respect to the floodway.

Adjacent lands located west of the subject property are included in the “Natural Environment Designation” of the County of Essex Official Plan (Appendix E). Subsection 3.4 of the County of Essex Official Plan states that *development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

A portion of the Subject Property at the rear is included in the “Natural Environment Overlay” (Appendix E). Subsection 3.4 of the County of Essex Official Plan states that *development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

Comment: As previously mentioned in the PPS section of the report, the development proposal triggers the need for the earlier described memo from a qualified professional (in the field of ecology, terrestrial and/or aquatic biology, environmental planning and/or relevant earth sciences).

As of the date of this report, the subject property is located within a “Secondary Settlement Area” of the County of Essex Official Plan.

Comment: Subsection 3.2.5 e) states that: *All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans.* 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.* The proposed lot creation is an infill development for a use that is permitted in the Waterfront Residential designation of the Lakeshore Official Plan.

Lakeshore Official Plan

A portion of the subject property is located within the Inland Floodplain Development Control Area. Subsection 5.4.1.2 of the Lakeshore Official Plan states that *development is prohibited in the floodway with the exception of buildings and/or structures required for flood and erosion control.* Subsection 8.3.5.2 e) ii) states that *consents for building purposes will not be permitted under the following circumstances: the land is located in a floodway.*

Comment: ERCA was circulated the revised consent application for comment and stated that they have no objection to the consent application as presented. The

severance proposal was revised to deal with the original concerns raised by ERCA with respect to the floodway.

The rear of the subject property is included in the significant valley lands overlay of the Lakeshore Official Plan. Also, lands northwest and adjacent to the subject property are included in the woodlands overlay of the Lakeshore Official Plan (Appendix D).

Comment: As previously mentioned in the PPS section of the report, the development proposal triggers the need for the earlier described memo from a qualified professional (in the field of ecology, terrestrial and/or aquatic biology, environmental planning and/or relevant earth sciences).

The subject property is currently designated “Waterfront Residential” in the Lakeshore Official Plan at the time of writing this report. Subsection 6.4 a) permits a single unit residential dwelling on a lot suitably sized to accommodate appropriate servicing systems.

Comment: The subject property is currently zoned Residential Waterfront – Watercourse (RW1) which is a low-density residential zone that permits a single detached dwelling. Confirmation that the severed lot will contain the existing private sanitary system on the lot with required setbacks from lot lines will need to be made a condition of consent approval.

Zoning

The subject property is zoned RW1 in the Lakeshore Zoning By-law (2-2012) which requires a minimum lot area of 2,000 m² (0.49 acres) and a minimum lot frontage of 30 metres (98.43 feet) where municipal sanitary servicing is unavailable. Both the severed and retained lot will utilize partial services (municipal water, private sanitary system).

It is anticipated that the proposed lot creation will result in deficient lot frontages for the severed and retained lot. Any lot deficiencies (minimum frontage, setbacks, etc.) under the Lakeshore Zoning By-law (2-2012) with respect to the severed and/or retained lot will need to be determined by a plan of survey as a condition of consent approval. A draft plan of survey is a standard condition imposed on any provisional consent approval granted by the Committee of Adjustment. If deficiencies under the Zoning By-law are revealed, a separate application (minor variance, etc.) will need to be applied for by the Applicant to seek variance from lot requirements under the Zoning By-law (2-2012) as a condition of provisional consent approval.

It is the intention of the Applicant to maintain an existing accessory building (indicated as “accessory building” on the attached sketch Appendix B) on the retained lot without a dwelling. This will require a separate application (Zoning By-law Amendment) to be considered by the Municipality of Lakeshore since Subsection 6.5 a) iii) of the Lakeshore Zoning By-law (2-2012) states that: *Detached garages, carports or other accessory uses, buildings or structures: shall only be permitted where there is a main building located on the lot.* It is anticipated that at some point in the future a dwelling will

be constructed on the retained lot. A Zoning By-law Amendment seeking this temporary permission will be made a condition of provisional consent approval. Alternatively, the Applicant could demolish/remove the accessory building from the retained parcel to bring the retained parcel into zoning compliance with respect to this aspect.

Under Section 39 of the Planning Act, Council may authorize the temporary use of land, buildings or structures for any purpose prohibited by the Zoning By-law – not exceeding three years from the day of the passing of the by-law. Council may grant further periods of not more than three years each during which the temporary use is authorized.

Correspondence from external and internal agencies

External and Internal Agencies

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

The Fire Department seeks confirmation that the severed and retained lot will each have their own driveway with a posted 911 address. The Building Department has confirmed that each property will receive its own address. A driveway will be required to be established for the proposed severed lot as a condition of provisional consent approval.

ERCA stated the following: *Our office has no objection to B-14-2024 as presented. 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.* The full comment from ERCA can be found in Appendix F.

Comments from the Engineering Technologist at the County of Essex state that they have no objection to the application. The minimum setback for any proposed structures on this property must be 25.908 metres (85 feet) from the centre of the original ROW of County Road 27. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. Furthermore, as a condition of any approval, the County will require the proponent to provide at no costs to the County, a 3.048 metre (10 feet) offset of land fronting County Rd 27 for the purpose of widening the right-of-way to include the road drain within the right-of-way. The full comment can be found in Appendix G.

It is noted that the current driveway access from County Road 27 is proposed to remain with the retained land parcel as per the application (Appendix B). The proposed severance line is located south of this existing access/driveway. However, it is currently utilized for the dwelling on the proposed severed lot and leads to a carport/garage located at the rear of the dwelling. The Applicant will be required to establish a new access from County Road 27 along the frontage of the proposed severed lot so that it has its own independent access from the county road. If the Applicant desires to continue to use the carport located at the rear of the dwelling for parking purposes, then

the new access and driveway on the severed lot will need to snake around the dwelling to the carport by utilizing space between the dwelling and the new north side lot line. The owner of the severed lot will not be able to use their neighbour's land (retained lot) for access.

Comments were received from the Operations Department which can be found in Appendix H. Various matters related to access, servicing, and drainage were raised by the department. The applicant must ensure that a proper outlet for drainage is established for the development to the satisfaction of the Operations Department.

Conclusion

The proposed consent application is consistent with the PPS and conforms to the County of Essex and Lakeshore Official Plan policies, subject to the conditions outlined in the Recommendation section of the report.

Public Notice Circulation

Notice of Public Meeting/amended application 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 – Lakeshore Official Plan – Natural Heritage Features
- Appendix E – County of Essex Official Plan – Natural Heritage Features
- Appendix F – ERCA Comment
- Appendix G – County of Essex Comment
- Appendix H – Operations Department Comment

Report Approval Details

Document Title:	Consent Application B-14-2024 - 1361 County Road 27 - Deferred Item Revisited.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Lakeshore Official Plan - Natural Heritage Features.pdf- Appendix E - County of Essex Official Plan - Natural Heritage Features.pdf- Appendix F - ERCA.pdf- Appendix G - County of Essex.pdf- Appendix H - Operations Department.pdf
Final Approval Date:	May 15, 2025

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

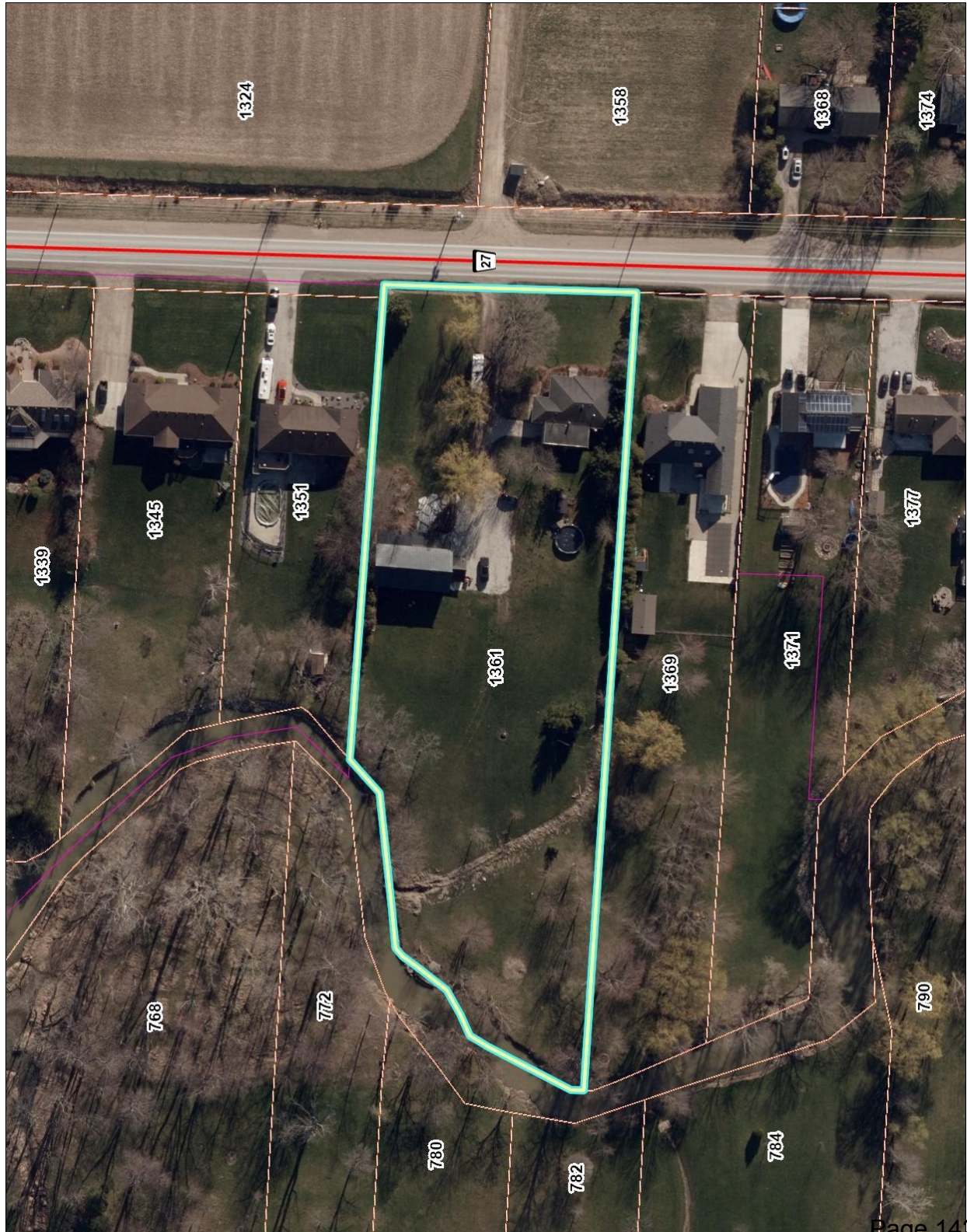
Urvi Prajapati - May 15, 2025 - 4:02 PM

Daniel Mercer - May 15, 2025 - 4:51 PM

Tammie Ryall - May 15, 2025 - 5:39 PM



1361 County Road 27 - Subject Property Map



Legend

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

1: 1,350



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

Notes:



Proposed Lot to be Severed - 1361 County Road 27

shown in blue



Legend

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

1:818



This map is a user generated radio output from an aerial photograph. It is not a reference only. It is a map that appears on the map. It is not accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes:

10 feet in front of property transferred to street



Proposed Lot to be Severed - 1361 County Road 27

Proposed retained lot (diagonal lines)



Legend

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

proposed
severed lot
(blue)

1:1,168

Notes:

This map is a user generated aerial cutout 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



Near the southwest corner of the proposed severed lot looking north



Looking east on the retained lot behind the proposed severed lot



Picture of the river and natural features located at the rear of the subject property looking north



Picture of the river and natural features located at the rear of the subject property looking west



The rear yard of the proposed severed lot looking northeast from a location near the southwest corner of the proposed severed lot



The existing driveway access looking east from a location near the northwest corner of the proposed severed lot



The existing accessory building on the retained lot looking northeast



The carport located at the rear of the existing dwelling on the proposed severed lot



The space between the dwelling and the proposed north side lot line of the proposed severed lot looking east



The space between the dwelling and the proposed north side lot line of the proposed severed lot looking west



Looking north from a location near the county road in front of the proposed severed lot



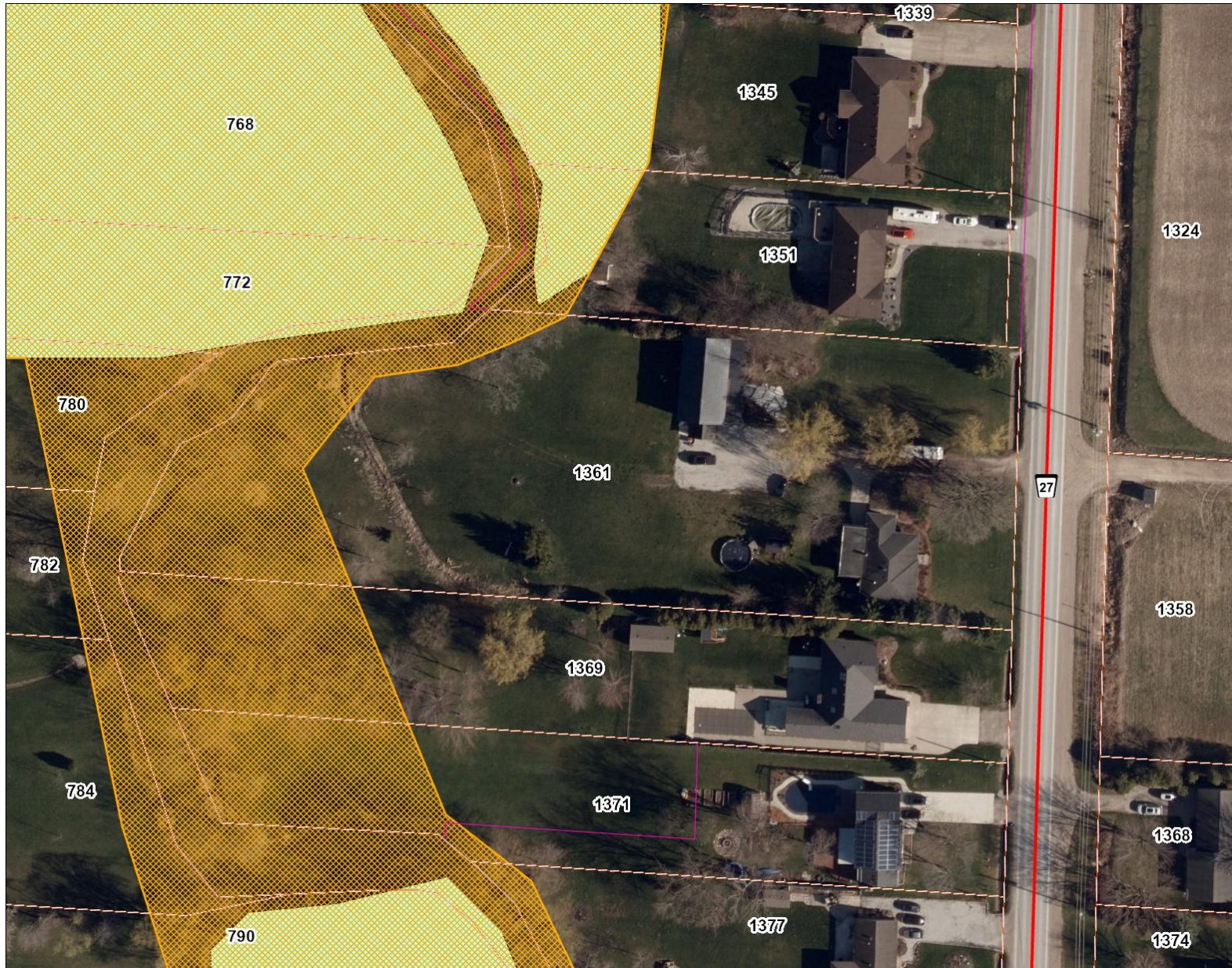
Looking northwest from a location near the front lot line of the proposed severed lot



Looking west from a location near the front lot line of the proposed severed lot



Looking south from a location near the road in front of the proposed severed lot



Legend

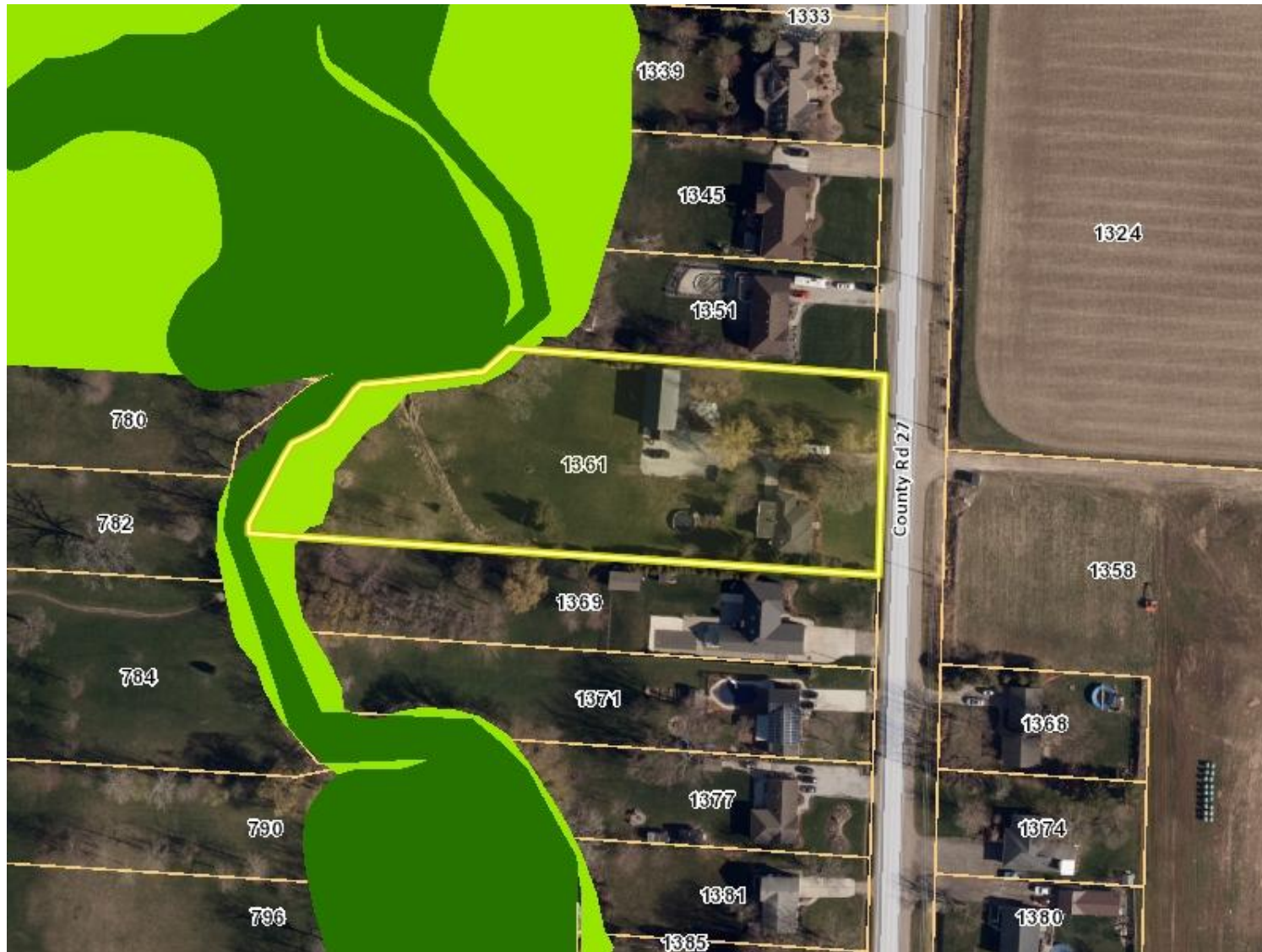
- Tax Parcel
- WorkingParcel
- Street Centreline
 - CNTY
 - LAK
 - PRIV
 - PROV
 - <all other values>
- OwnershipParcel
- Significant Lands
- Woodlands

1: 1,217



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



Legend

Natural Environment Designati

- Provincially Significant Wetland
- Significant Terrestrial Features
- Harrow Esker ANSI

Natural Environment Overlay

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

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 29.05 58.1 Meters

1: 1,743



2/4/2025



2025-05-02

File Number: 0992-25

Ian Search, Municipality of Lakeshore
419 Notre Dame Street
Municipality of Lakeshore, ON
N8L 0P8

RE: Revised Consent

1361 COUNTY RD 27

Municipal File Number: B-14-2024

The Municipality of Lakeshore has received a resubmission of Application for Consent B-14-2024 for the above noted subject property. The Applicant is proposing to sever a residential lot from the subject property. The severed lot will have a frontage of approximately 30 metres (approx. 98.43 feet) and a lot area of approximately 2,100 m² (0.52 acres). However, a 3.048 metre (10 feet) strip of land along the front of the entire Subject Property will need to be conveyed to the county road as part of the severance process. This will result in the severed lot having a lot area of approximately 2,008.5 m² (approx. 0.496 acres) following that road conveyance. The land to be retained by the Applicant ("retained lot") will have a lot area of approximately 7,056.5 m² (approx. 1.74 acres) and a lot frontage of approximately 28 metres (approx. 91.86 feet). The Lakeshore Zoning By-law (2-2012) only permits an accessory building on a lot where there is a main building (dwelling) located on the lot. It is the intention of the Applicant to maintain the accessory building on the retained lot without a dwelling. This would require a separate future application to be considered by the Municipality of Lakeshore. It is anticipated that at some point in the future a dwelling will be constructed on the retained lot. Any lot deficiencies (minimum frontage, setbacks, etc.) under the Lakeshore Zoning By-law (2-2012) with respect to the severed and/or retained lot will need to be determined by a future land survey. A separate future application to be considered by the Municipality of Lakeshore could be applied for by the Applicant to seek variance from lot requirements under the Zoning By-law (22012).

NATURAL HAZARDS AND REGULATORY 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 Belle River. 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.

FINAL RECOMMENDATION

Our office has no objection to B-14-2024 as presented. As noted above, 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.

Sincerely,

Alicia Good

Alicia Good
Watershed Planner



May 5, 2025

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

Re: COA Submission, B-14-2024 (amended), Barrette

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 have frontage on County Road 27. The County has no objections as it pertains to this application. 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.

As a condition for approval for the proposed severance on lands adjacent to a County Road, the County will require the proponent to provide at no costs to the County, a 10-foot offset of land fronting County Rd 27 for the purpose of widening the right-of-way to include the road drain within the right-of-way.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 27. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. 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.

☎ 519-776-6441
TTY 1-877-624-4832

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

💻 countyofessex.ca

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

Date: May 15, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – February 12, 2025 – B/14/2024

Operations have reviewed B-14-2024 – 1361 County Road 27 application and offer the following comments:

- The applicant must obtain County approval to establish formal access to the severed parcel, which appears to be an enclosed drain.
- The locations of both the existing and proposed septic systems must be confirmed to ensure setbacks are appropriate and to confirm separate systems are not encroaching into proposed severed and/or retained lands.
- A separate water service connection is required for the retained land. The applicant must coordinate with the municipality to determine the connection location, ensure proper installation, and pay all associated fees as per municipal requirements.
- The adjacent severed and retained properties are not permitted to drain onto each other. The applicant must ensure proper drainage measures are in place to prevent cross-property drainage conflicts. Due to the current layout of the severed and retained land it appears that there is a possibility of conflict and applicants provide confirmation that land will not be draining watershed on each other.

Furthermore, to satisfy the municipality's property standards by law the owner must ensure a proper outlet for drainage has been established. Obtaining an outlet by crossing County Road 27 or by establishing a municipal drain may be cumbersome and costly. The minimum acceptable solution will be to establish a mutual agreement drain in accordance with Section 2 of the Drainage Act. This is generally completed by defining, in writing, an allowable path of drainage for one parcel to drain across another with acknowledgement to cost sharing, if any. The agreement becomes binding by registering the agreement against the deeds of the property.

- Consultation with the Essex Region Conservation Authority (ERCA) is required to confirm compliance with regulations. An ERCA permit may also be required.
- Formal confirmation is required regarding the abandonment of existing water services to the accessory building on the proposed north lot. If the accessory building is currently serviced by a water line originating from the proposed south lot, the applicant must abandon this service by capping it off at the new lot line separating the two lots or connecting it to the new water service.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, April 16, 2025, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

1. Call to Order

Chair Hacon called the meeting to order at 6:01 PM.

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

Ian Search presented background information about the application and the highlights from the recommendation report in the agenda.

Speaking to the application was Courtney Sinclair, acting as the agent for the applicant (the applicant is experiencing technical issues and was unable to comment directly.) She requested the removal of Condition 7, which pertains to parkland dedication. She stated that, given the current circumstances, this condition feels inappropriate and unreasonable. She believes the applicant should not be required to provide parkland or cash-in-lieu and requested that this condition be reconsidered. Member McKinlay stated that Condition 7, the requirement for parkland dedication applies to all lot creation applications. She expressed that she would not support an exception in this case, as she believes the condition is appropriate.

It was confirmed that all buildings would remain within the 1.5-lot area being created.

No questions or comments were received from the audience.

21032025

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

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) along Countryview Lane, 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.

Carried Unanimously

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

Ian Search presented background information about the application and the highlights from the recommendation report in the agenda”.

Speaking to the application was applicant John “Tom” Fuerth. He stated that the property was obtained through a family estate and confirmed he is willing to accept the attached conditions.

Audience Comments & Discussion:

Ray Tracey (a property owner of land directly east of the subject lands) requested clarification regarding whether the approval of the lots is based on sewage capacity or if septic systems would be considered under the Hamlet zoning. He also mentioned about the property being at the end of the current sanitary line and what that might mean for future lot applications in the area. He asked whether access to the sanitary system is a requirement within the Hamlet area.

Ian Seach responded by displaying a map showing the settlement area boundary for North and South Woodslee, confirming that the subject property lies within this boundary making the application eligible for consideration. He explained there is an existing sanitary main where the proposed lots are located, and this will be fully utilized. North and South Woodslee is equipped with both a collection system and a sanitary treatment facility, and due to this infrastructure, full municipal servicing is required. It was clarified that if an applicant were to request further lots to the east, outside of the serviced area, they would be responsible for extending the sanitary system in order to proceed.

John “Tom” Fuerth reiterated that development on sanitary sewers is a requirement for the removal of the holding symbol. To his knowledge, there may be one additional lot that could meet the same servicing conditions as the current proposal. However, beyond that, he is at the end of the current sewer line. Any future lots to the east would likely require a Plan of Subdivision.

Shaun Fuerth (son of applicant) added that stormwater management was completed when the first three lots were created three years ago.

Ian Seach read an Enbridge Gas email that confirmed the availability of gas service for the proposed residential lots.

B-03-2025-A: 22032025

Moved By Member Barrette

Seconded By Linda McKinlay

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.

Carried Unanimously

B-03-2025-B: 23032025

Moved By Member Barrette

Seconded By Nancy Flagler-Wilburn

Carried Unanimously

B-03-2025-C: 24032025

Moved By Nancy Flagler-Wilburn

Seconded By Member Barrette

Carried Unanimously

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

25032025

Moved By Member Barrette

Seconded By Nancy Flagler-Wilburn

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

Carried Unanimously

a. March 12 2025 Meeting Minutes

7. **New Business**

None

8. **Adjournment**

26032025

Moved By Member Barrette

Seconded By Linda McKinlay

The Committee of Adjustment adjourn its meeting at 6:47 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer