

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, June 18, 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. A-06-2025 - 10654 St. Clair Road

4

Recommendation:

Approve minor variance application A/06/2025, 10654 St. Clair Road, to permit the following reliefs from the 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 155 m² (1,668.41 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 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

Impose the following conditions 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 to the satisfaction of the Building Department, including exterior finishes (face brick, stone accent, etc.);

The main building/dwelling on the subject property (to be developed prior to the accessory building, or developed at the same time as the accessory building) is to be larger than the accessory building in terms of

gross floor area, lot coverage and height, to the satisfaction of the Building Department;

The accessory building indicated as “Existing Vinyl Sided Garage” on the site plan drawing be removed from the subject property/demolished in accordance with the site plan drawing, to the satisfaction of the Building Department;

The section of the subject property protruding into the St. Clair Road municipal right-of-way is transferred to the Municipality of Lakeshore, to the satisfaction of Community Planning;

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.

b. A-11-2025 - 8705 County Road 46

28

Recommendation:

Approve Minor Variance Application A/11/2025, 8705 County Rd 46 (subject property), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the expansion of an existing “Agricultural Service and Supply Establishment” on the subject property.

- Relief from subsection 6.5 c) ii) to permit items for sale to be displayed within an “Outdoor Display and Sales Area” on a permanent basis, whereas subsection 6.5 c) ii) only permits items for sale to be displayed during the operating hours of the business.
- Relief from subsection 6.40 c) to permit a reduced setback of 2.27 m from the side lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 4.5 m.
- Relief from subsection 6.40 c) to permit a reduced setback of 3.27 m from the rear lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 7.5 m.
- Relief from subsection 6.40 d) to permit a reduced setback of 1.44 m from the front lot line an “Outdoor Display and Sales Area”, whereas subsection 6.40 d) requires a setback of 7.5 m.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

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

- a. May 21, 2025 Meeting Minutes 38
- b. April 16, 2025 Meeting Minutes 52

7. New Business

- a. B-02-2025 - 1078 Countryview Lane - Condition Change to Provisional Consent 60

Recommendation:

Change the conditions of provisional consent (file: B/02/2025) by removing condition number 7, which reads as follows:

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;

and, deem the change of the provisional consent conditions as a minor condition change under Subsection 53 (26) of the Planning Act.

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

Municipality of Lakeshore Report to Committee of Adjustment



Growth and Sustainability

Planning Services

To: Chair and Members of the Committee of Adjustment

From: Ian Search, BES, Planner I

Date: June 9, 2025

Subject: Minor Variance Application A/06/2025 – 10654 St. Clair Road

Recommendation

Approve minor variance application A/06/2025, 10654 St. Clair Road, to permit the following reliefs from the 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 155 m² (1,668.41 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 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

Impose the following conditions 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 to the satisfaction of the Building Department, including exterior finishes (face brick, stone accent, etc.);

The main building/dwelling on the subject property (to be developed prior to the accessory building, or developed at the same time as the accessory building) is to be larger than the accessory building in terms of gross floor area, lot coverage and height, to the satisfaction of the Building Department;

The accessory building indicated as “Existing Vinyl Sided Garage” on the site plan drawing be removed from the subject property/demolished in accordance with the site plan drawing, to the satisfaction of the Building Department;

The section of the subject property protruding into the St. Clair Road municipal right-of-way is transferred to the Municipality of Lakeshore, to the satisfaction of Community

Planning;

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 north of the VIA Rail Canada Inc. right-of-way, east of Claireview Drive, on the northside of St. Clair Road, known municipally as 10654 St. Clair Road in the Municipality of Lakeshore (“subject property”) (Appendix A). The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law and designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is approximately 2,509 m² (0.62 acres) in area with approximately 27.43 metres (90 feet) of frontage along St. Clair Road.

There is an existing dwelling, and existing accessory buildings/structures located in the front yard of the subject property. The Applicant is planning to remove all the existing buildings and redevelop the property to include a new dwelling (indicated as “proposed two storey residence” on the site plan Appendix B) and a detached accessory building (indicated as “one storey workshop” on the site plan Appendix B).

The Applicant is seeking the following reliefs from the Lakeshore Zoning Bylaw (2-2012) for the development of the new accessory building:

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 155 m² (1,668.41 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 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

The Applicant states that the new accessory building will be used as a personal hobby workshop and for general storage in connection with the residential use of the property.

The front of the subject property currently protrudes 9.198 metres (30.18 feet) into the St. Clair Road right-of-way. This part of the property is to be transferred to the Municipality so that it becomes part of the St. Clair Road municipal right-of-way. The new accessory building is proposed to be setback 5.99 metres (19.65 feet) from the

new front lot line following the land transfer (Appendix B). This proposed setback complies with the minimum setback that is required in the Zoning By-law for a property fronting a public street. Subsection 6.5 a) v) states that accessory buildings may be permitted with a minimum front yard setback of 3.0 m (9.85 feet) where a garage door does not face the street.

Through the review of the minor variance application, it came to Administration's attention that the bed of St. Clair Road, adjacent to the subject lands, is owned by the applicant. Discussions have occurred with the applicant regarding rectifying this ownership issue by transferring the bed of the road from private ownership to Lakeshore. It is recommended that the Committee of Adjustment impose a condition on minor variance approval requiring the registration of the land transfer/acquisition to the Municipality of Lakeshore.

Surrounding Land Uses	East: Low-density residential properties West: Low-density residential properties North: Lake St. Clair South: Agriculture
Official Plan Land Use Designation	Lakeshore Official Plan: Waterfront Residential County of Essex Official Plan: Secondary Settlement Area
Zoning	"Residential Waterfront – Lake St. Clair" (RW2)
Access	St. Clair Road (Municipal) with private section of roadway as part of current subject property limits
Servicing	Municipal water, municipal sanitary

Comments

Subsection 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.

Others Consulted

Essex Region Conservation Authority (ERCA) was circulated the application for comment. Their 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. ERCA has issued a permit for the development, dated May 28, 2025. There are no stated objections to the application noted in the comments received from ERCA (Appendix E).

VIA Rail Canada Inc. provided a standard comment in response to the application. It is noted by the Planner that the subject property is located approximately 350 metres (1,148.3 feet) north of the railroad and the development is for a non-sensitive land use. No actions should be formally required of the Applicant to mitigate noise and vibration.

The Fire Department stated that they have no concerns with the proposal. If the accessory building were to serve any other purpose other than a personal hobby use or personal storage, it may be subject to fire safety inspections.

The Building Department had no comments on the proposal.

The Operations Department commented that the downspouts for the development are to be splash padded and not impact neighbouring properties. There is a sanitary servicing constraint in the area, but it is noted that the accessory building will not be used to support an additional residential unit. Only one water meter and one sanitary connection is permitted for the property. The full comment can be found in Appendix D.

County of Essex Official Plan

The subject property is located within a “Secondary Settlement Area” of the County of Essex Official Plan. There are no issues of County significance raised by the application. Subsection 3.2.5 e) states: *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.* Accessory uses to a dwelling are permitted in the Waterfront Residential Designation of the Lakeshore Official Plan.

St. Clair Road is 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.

Based on the foregoing, the requested reliefs maintain the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

The subject property is designated Waterfront Residential in the Lakeshore Official Plan. Subsection 6.4.1 e) states that: *uses accessory to any of the permitted uses in the Waterfront Residential Designation will be permitted.*

Comment: The subject property is a low-density residential lot. The proposed building will provide a use that is accessory to the property’s main use as a residential lot. It will be subordinate to the proposed main building (dwelling) and the reliefs are requested to support an accessory function.

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 and height will not have a negative impact on the design characteristics of the area. There are other large accessory buildings in the area located in the front yard of residential properties east of Claireview Drive. Note, Claireview Drive is a cul-de-sac ending approximately 110 metres east of the subject property. 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 accessory building will be in the front yard of the property which provides separation from nearby dwellings and rear yard amenity spaces on the lake. The site plan is consistent with neighbourhood character. The subject property greatly exceeds the minimum lot area (approx. 3.1 times larger) and frontage (approx. 1.5 times larger) requirements in the Zoning Bylaw. With a relatively larger lot size the subject property is conducive to supporting larger accessory buildings. If the main building (dwelling) to be constructed on the subject property exceeds the overall size (gross floor area, height and lot coverage) of the proposed accessory building, then the development will maintain the general intent and purpose of this policy. A condition will need to be imposed on any approval granted by the Committee of Adjustment to achieve this outcome.

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 lot line. Additionally, the proposed accessory building will be located in the front yard of the subject property an adequate distance away from main dwellings on nearby residential properties.

The proposed building height of 5.0071 metres (16.428 feet) is calculated as the average building height on all sides of the proposed building. Note that the height will be 5.855 metres (19.208 feet) on the east side of the building due to a proposed grade transition (Appendix B).

The standard 1.5 metre (4.92 feet) setback from the east side lot line is adequate considering the purpose of the building as an accessory structure and its proposed location relative to other land uses in the area.

Based on the foregoing, the requested reliefs maintain 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 neighbourhood character. The waterfront residential properties in this area on the northside of St. Clair Road consist of large property depth and varying lot frontages, with the subject property being a relatively larger property in the area.

The area is not characteristic of a typical subdivision comprised of identical lot sizes designed to meet minimum area and frontage requirements. Moreover, there are existing accessory buildings in the area that exceed the current Zoning By-law standards.

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 accessory building will be smaller than the proposed dwelling on the property.

The purpose of the regulation limiting an accessory building to a maximum height of 5 metres (16.4 feet) is to ensure that accessory buildings remain unoffensive in the neighbourhood with respect to purpose and location, and that they remain subordinate to the main building (dwelling) on a property.

Comment: The proposed building height of 5.0071 metres (16.428 feet) is calculated as the average building height on all sides of the proposed building. The height will be 5.855 metres (19.208 feet) on the east side of the building due to a proposed grade transition. Specifically, there will be lower grade on the east side of the building to match existing grade elevation on the east side of the property. This requested relief is unoffensive with respect to purpose and location and virtually meets the Zoning By-law regulation.

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

Minor in Nature

The requested reliefs are minor in nature. While the proposed accessory building will have a maximum gross floor area of 155 m² (1,668.41 ft²), there will be no impacts in permitting the reliefs considering the proposed site design, the size of the subject property, and existing standards in the area.

The proposed building height of 5.0071 metres (16.428 feet) virtually meets the Zoning By-law regulation and is a technical relief being requested to implement a transition in grade for the development that respects the existing grade along the eastern property limit.

Based on the foregoing, the requested reliefs are minor in nature.

Desirability and Appropriateness

The development proposal increases the opportunity for enclosed storage of belongings on the property. The building will be located near the front lot line a considerable distance away from main buildings on nearby residential lots. There will be no negative impacts to neighbourhood character with the shorter side of the building oriented towards the street. Face brick is proposed for the majority of the exterior walls with stone accents to be incorporated in the design (Appendix B) – as opposed to a less desirable finish.

The proposed height relief is to support an appropriate transition in grade for the development that respects existing grade along the eastern property limit. Additionally, there is already a tall accessory building existing on the property today. It is indicated as “Existing Vinyl Sided Garage” on the site plan drawing (Appendix B) and the applicant plans on removing it from the subject property as part of their redevelopment plan. It is recommended that a condition be imposed on approval requiring the applicant to follow through on their plan for removal.

Based on the foregoing, the requested reliefs are desirable for the appropriate development and use of the land.

Conclusion

It is the opinion of the Planner that the requested reliefs pass the four tests prescribed under Subsection 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 in approving the application.

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 – Operations Department
Appendix E – ERCA

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-06-2025 - 10654 St. Clair 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- Appendix E - ERCA.pdf
Final Approval Date:	Jun 11, 2025

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

Urvi Prajapati - Jun 10, 2025 - 12:11 PM

Daniel Mercer - Jun 10, 2025 - 5:14 PM

Tammie Ryall - Jun 11, 2025 - 3:31 PM



Subject Property Aerial Map - 10654 St. Clair Road



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

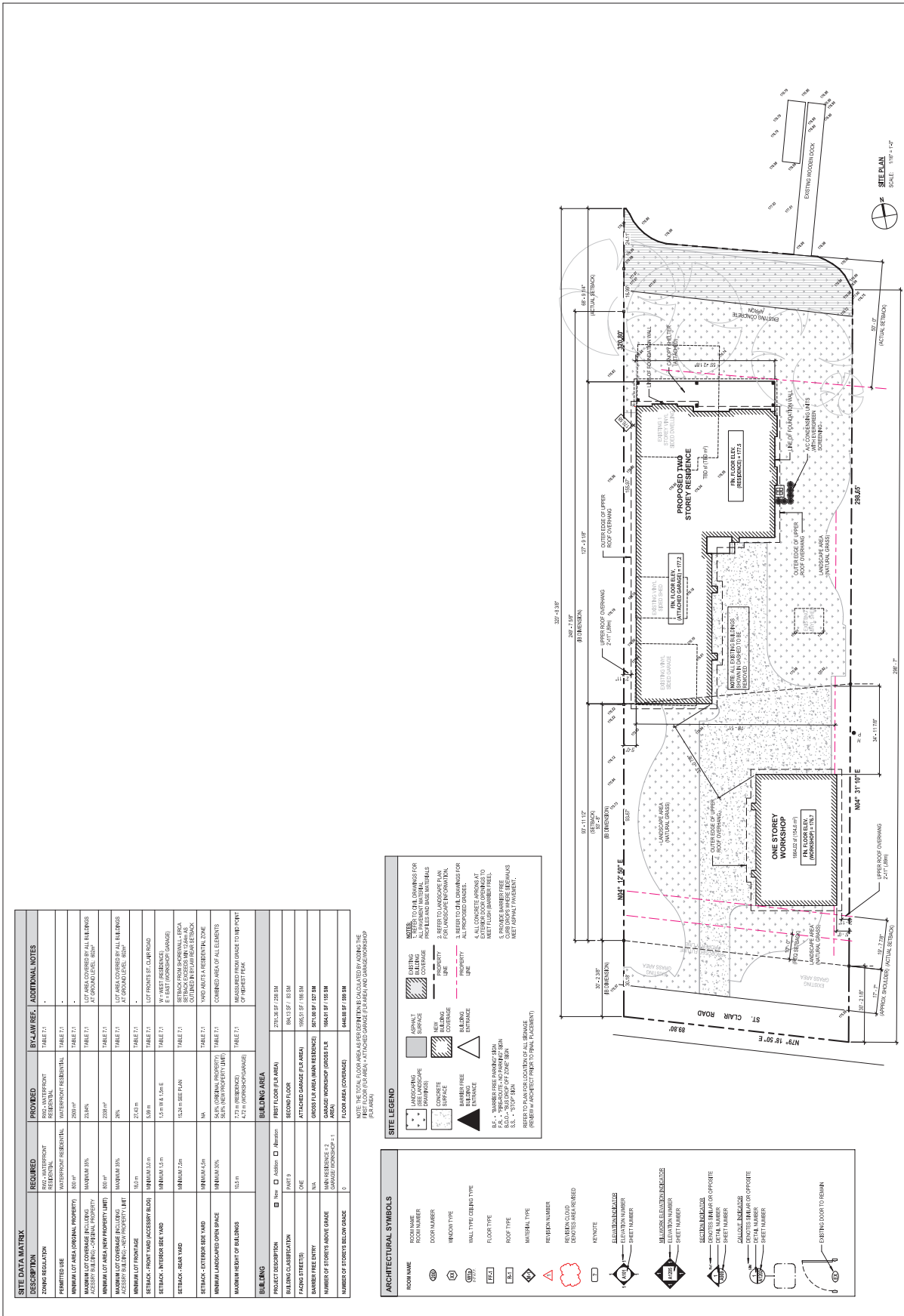
1:1,231



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: This aerial photo provides a map of the subject property as it is today, including the protrusion into the St. Clair Road right-of-way. Note that the property lines depicted on this mapping system are approximate.



4/28/2025 3:38:31 PM C:\Users\jody\OneDrive\Documents\A201.1\A201.1.dwg

A201.1

Sheet No.

2459

Project No.

2459

Owner

Mark & Jody Haller

Architect

Architecture

10004 St Clair Ave, Ste 100, Chicago, IL 60640

Garage/Workshop

Workshop Floor Plan, Roof

Plan

Revision Schedule

Description

Date

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

2

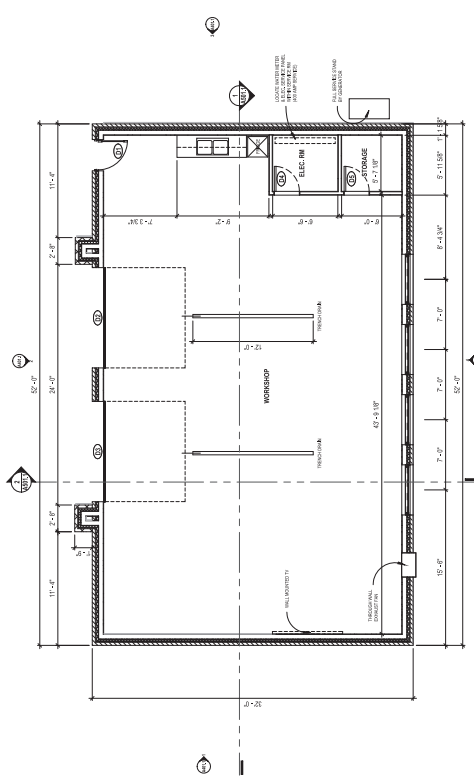
2

2

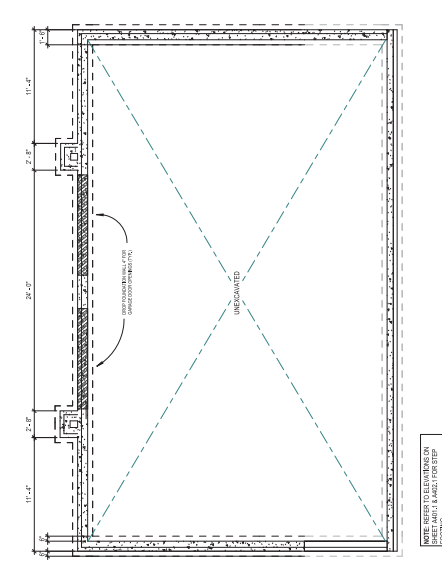
2



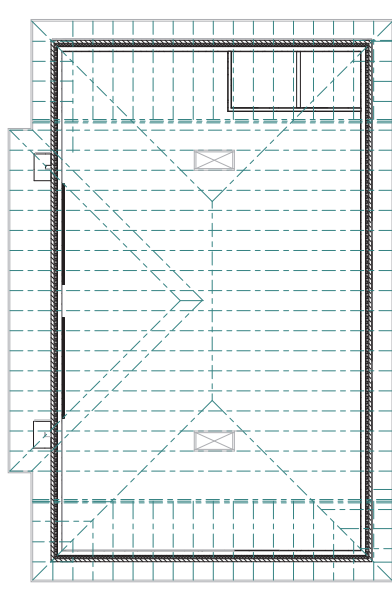
WORKSHOP FLOOR PLAN
SCALE: 3/8" = 1'-0"



WORKSHOP FOUNDATION PLAN
SCALE: 3/8" = 1'-0"



LO PLATE WORKSHOP
SCALE: 3/8" = 1'-0"





Looking south towards the location of the proposed accessory building from a location near the middle of the property



Looking east from a location near the proposed accessory building



Looking northeast from a location near the proposed accessory building



Looking directly east from a location near the proposed accessory building



Looking north from a location north of the proposed accessory building



Looking north from a location west of the proposed accessory building



Existing garage on the property looking west



Existing garage on the property looking northwest



Looking northwest towards the existing dwelling on the property



Looking east from a location on the street in front of the subject property



Looking north towards the existing garage on the property from a location near the front of the property



Looking northeast at existing trees located in the southeast corner of the property

Date: June 9, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – June 18, 2025 – A/06/2025

Operations have reviewed A-06-2025 –10654 St. Clair Road (Proposed Workshop Accessory Building) application and offer the following comments:

- The proposed workshop downspouts must be splash padded and must not impact on the neighboring properties.
- Applicant to be aware that the proposed property is within the Lakeshore's Sanitary servicing constraint area and this proposal is being reviewed with a sole understanding that there is no increased occupancy and the accessory building will not be used as a residential unit that increases occupancy.

As it was noted previously, as the proposal includes a workshop accessory building without provisions for a dwelling unit, a washroom (powder room and washing sink) will be permitted.

- The applicant is to be advised that the Municipality of Lakeshore only allows for one (1) water meter and one (1) sanitary connection per property and it is a landowner's responsibility to manage the water meter and sanitary connection for the entire property. Note that water submetering downstream of the main meter can be permitted on private lands.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Tracy Beadow, P.Eng.



2025-06-05

File Number: 1298-25

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

RE: Construct a Dwelling and Accessory Structure
10654 ST CLAIR RD
Municipal File Number: A-06-2025

The Municipality of Lakeshore has received Application for Minor Variance A-06-2025 for the above noted subject property. The Applicant proposes to demolish the existing buildings and structures on the subject property. They plan on developing a new dwelling and a new detached accessory building on the subject property. The Applicant is seeking the following reliefs from the Lakeshore Zoning Bylaw (2-2012) for the development of the new accessory building:

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 155 m² (1,668.41 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 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

The new accessory building is indicated as “one storey workshop” and is proposed to be used as a personal hobby workshop and for general storage. The front of the subject property currently protrudes 30.18 feet (9.198 metres) into the St. Clair Road right-of-way. It is the intention to have this part of the property transferred to the Municipality and the new accessory building will be setback 5.99 metres (19.65 feet) from the new front lot line. The proposed building height of 5.0071 metres (16.428 feet) is calculated as the average building height on all sides of the proposed building. Note that the height is proposed to be 5.855 metres (19.208 feet) on the east side of the building.

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. Our office has issued ERCA Permit # 1041-25, dated May 28, 2025, for this development. It is the responsibility of the Applicant to notify our office if any changes are required to the approved drawings by contacting the assigned reviewer or regs@erca.org.



FINAL RECOMMENDATION

As noted above, our office has issued ERCA Permit #1041-25, dated May 28, 2025, for this development. It is the responsibility of the Applicant to notify our office if any changes are required to the approved drawings by contacting the assigned reviewer or regs@erca.org.

Sincerely,

Alicia Good

Alicia Good
Watershed Planner

Municipality of Lakeshore Report to Committee of Adjustment

Growth and Sustainability

Planning Services



To: Chair and Members of the Committee of Adjustment
From: Jacob Dickie, Planner II
Date: June 6, 2025
Subject: Minor Variance Application A/11/2025 – 8705 County Rd 46

Recommendation

Approve Minor Variance Application A/11/2025, 8705 County Rd 46 (subject property), to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the expansion of an existing “Agricultural Service and Supply Establishment” on the subject property.

- Relief from subsection 6.5 c) ii) to permit items for sale to be displayed within an “Outdoor Display and Sales Area” on a permanent basis, whereas subsection 6.5 c) ii) only permits items for sale to be displayed during the operating hours of the business.
- Relief from subsection 6.40 c) to permit a reduced setback of 2.27 m from the side lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 4.5 m.
- Relief from subsection 6.40 c) to permit a reduced setback of 3.27 m from the rear lot line for an “Outdoor Storage Area”, whereas subsection 6.40 requires a setback of 7.5 m.
- Relief from subsection 6.40 d) to permit a reduced setback of 1.44 m from the front lot line an “Outdoor Display and Sales Area”, whereas subsection 6.40 d) requires a setback of 7.5 m.

Summary

Subject Property

The subject property is located just east of Comber on the south side of County Rd 46 and contains an approximate total lot area of 35,084 m² (8.7 acres/3.51 hectares), with an approximate frontage of 110.68 m on to County Rd 46. The lands are currently occupied by one existing 1,672.25 m² building which functions as the Huron Tractor farm equipment dealership and servicing centre. For zoning purposes, the use is deemed as an “Agricultural Service and Supply Establishment”. The remainder of the site is comprised of parking spaces, a stormwater pond and farm equipment displayed

for sale within the front yard, outdoor storage within the rear yard and landscaping around the perimeters of the property (Appendix A). The lands are serviced by municipal water, private septic and municipal drains. The legal description for the lands is as follows: Part of Lot 8, Concession South of Middle Road, Tilbury, designated as Parts 1-3 on Plan 12R18479, subject to R1507064; Lakeshore, being all of the Property Identifier Number 75062-0443(LT).

Surrounding Land Uses

The subject property is located approximately 570 m east of Comber's Settlement Area boundaries and is surrounded by farmland and rural residential lots. There are stormwater drains located on both sides of County Rd 46 and on the abutting property to the east which ends right at the subject property's eastern property line.

Proposed Development

The applicant has submitted a Site Plan Control Application to the Municipality to facilitate the development of a 1,306.8 m² rear building addition to the existing 1,672.25 m² Huron Tractor farm equipment dealership and servicing centre. As a part of the Site Plan Control process, the applicant has been actively working with staff to fine tune the design of the overall site such as making revisions to the parking layout, the stormwater management approach and the grading of the lands. The applicant is also seeking to expand the extent of the "Outdoor Display and Sales Area" and "Outdoor Storage Area" beyond what was originally approved in the existing Site Plan Agreement dating back to the year 2000. The proposed "Outdoor Display and Sales Area" and "Outdoor Storage Area" requires relief from the provisions of Lakeshore's current Zoning By-law, hence the need for Minor Variance Application A/11/2025.

A Site Servicing and Grading Plan, Servicing Brief and Lighting Plan were 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 permit the expanded "Outdoor Display and Sales Area" and "Outdoor Storage Area" which already exists but in a non-conforming status.

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.

Municipality of Lakeshore Official Plan

The subject property is designated as “Agricultural” 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 (CR)” in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

Essex Region Conservation Authority (ERCA)

A small segment of the subject property is regulated by ERCA at the eastern extent of the property near the municipal drain located on the abutting lands.

Planning Act 45(1)

Subsection 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 expand the previously approved “Outdoor Display and Sales Area” by bringing it closer to the front lot line. The impacts will be minor in nature as the newly expanded area does not conflict with vehicular/pedestrian maneuverability on the lands or with any infrastructure or structures. No concerns have been raised by ERCA or by the Operations Department with respect to negative impacts on the stormwater drains. Further, the equipment can be moved at any time.

When the original site plan was first approved in 2000 there was no provision under the former Tilbury West Zoning By-law that required the business owner to remove equipment from the “Outdoor Display and Sales Area” after business hours. As such, the owner has been able to continue leaving their sales display items out overnight and into the early morning within the existing “Outdoor Display and Sales Area” as a legal non-conforming use. As such, permitting the owner to display items for sale after business hours within the expanded “Outdoor Display and Sales Area” would be considered minor in nature given the existing circumstances.

The request to reduce the required setbacks for the “Outdoor Storage Area” is minor in nature as the impacts will be negligible on the surrounding lots. The property is surrounded by farmland to the east, west and south and there are no structures within the immediate area. Furthermore, the expanded “Outdoor Storage Area” remains hidden from public view and there are no nearby residences to complain about noise impacts.

As such, the proposed variances are minor in nature.

Desirable for the Appropriate Development or Use of Land

The proposed expansion of the “Outdoor Display and Sales Area” into the front yard will result in a more efficient use of vacant land. Further, it will generate more public visibility and increase economic opportunities for a business that is important to the local agricultural community. The same applies to the request to permit items for sale to be left out within the expanded display area after business hours as it will generate more visibility and reduce the amount of unnecessary labour associated with moving the equipment around every morning and night.

The proposed expansion of the “Outdoor Storage Area” into the rear and side yards will result in a more efficient use of vacant land and yield more economic benefits for the business which plays a major role in supporting the local agricultural economy. No stormwater or public nuisance issues are anticipated as a result of the proposed expansion. Further, there is limited opportunity to farm the perimeter of the site. As such increasing the outdoor storage area would serve as a more optimal use for the subject lands.

As such, the proposed variances are desirable for the appropriate development or use of land.

County of Essex Official Plan

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

“3.3 AGRICULTURAL

3.3.3 Specific Agricultural Policies

3.3.3.1 Permitted Uses

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

a) Agricultural Uses, Secondary Uses and Agriculture-Related Uses”.

The proposed expansion of the “Outdoor Display and Sales Area” and “Outdoor Storage Area” are connected to the Huron Tractor farm equipment dealer and service center which is considered an “Agricultural-Related Use”, which is permitted within the “Agricultural” Land Use Designation. The business activities on the subject lands are related to farm operations within the area and is compatible with the surrounding environment.

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

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:

“4.4 Economic Environment

4.4.1 Locations of Economic Activity

- a) The Town will promote opportunities for economic activity by adopting different strategies for different parts of the Town in an effort to focus specific economic activities in close proximity to the resources, amenities and forms of existing development they require to thrive.”

“6.2 Agricultural Designation

6.2.1 Permitted Uses

- d) Agriculture related commercial and industrial uses directly related to, and supportive of an agricultural operation are permitted, provided the following policies are considered:
- v) the agriculture related commercial and industrial uses will be located and designed to minimize potential adverse impacts including noise, visual, odours, and air emissions, upon nearby residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout; and”

The proposed variances will increase economic opportunities for a farm equipment business that plays a prominent role in supporting the long-term viability of the local agricultural economy within Lakeshore. The requested reliefs are appropriate for the lands and will not create any significant adverse impacts on the surrounding farmland. Furthermore, the expansion of the Huron Tractor Dealership and Service Centre satisfies the criteria set out in the “Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” for an “Agricultural-Related” use. As such, the business activities associated with the proposed expansion of the Huron Tractor Dealership and Service Centre are permitted within the Lakeshore Official Plan’s “Agricultural” Land Use Designation because they are considered to be agricultural-related.

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 setback between an “Outdoor Display and Sales Area” and the front lot line to ensure that there are no conflicts between the items being displayed and any other items or activities within the front yard and public right-of-way. In this case, the proposed expansion of the “Outdoor Display and Sales Area” does not conflict with the site access, vehicular/pedestrian maneuverability or any structures, infrastructures or activities that are required in the front yard or public right-of-way.

The Zoning By-law requires that items displayed for sale only be left out during the operating hours of the business. The intent of this requirement is to ensure that the items being displayed for sale are carefully monitored, and that a sense of safety is maintained during hours with less natural surveillance and daytime lighting. There are no safety concerns associated with leaving the farm equipment out overnight as it is not considered

dangerous to the general public. The heavy equipment cannot be easily moved and there is a gate which blocks access to the site when the business is closed.

The Zoning By-law requires specific setbacks between the “Outdoor Storage Area” and the side and rear lot lines. The separation distance seeks to ensure that nuisance impacts on the abutting properties are mitigated. Given the context of the area surrounding the subject property which consists of vacant farmland, there should be no concerns with the proposed expansion of the “Outdoor Storage Area”. Public visibility and sound impacts will remain limited. Furthermore, there still remains a landscape buffer between the proposed “Outdoor Storage Area” and surrounding lots.

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 Subsection 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

Internal Departments and External Agencies

Minor Variance Application A-11-2025 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire, the County of Essex, and the Essex Region Conservation Authority. No concerns have been raised.

Public Notice Circulation

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

Appendices:

Appendix A – Aerial View

Appendix B – Proposed Site Plan, 2025

Appendix C – Approved Site Plan, 2000

Report Approval Details

Document Title:	A-11-2025 - 8705 County Rd 46.docx
Attachments:	- Appendix A - Aerial View.pdf - Appendix B – Proposed Site Plan, 2025.pdf - Appendix C – Approved Site Plan, 2000.pdf
Final Approval Date:	Jun 11, 2025

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

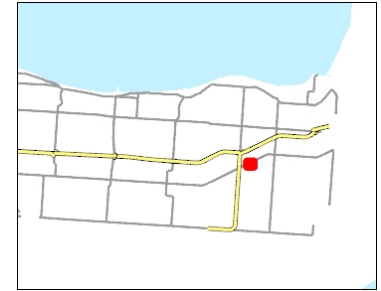
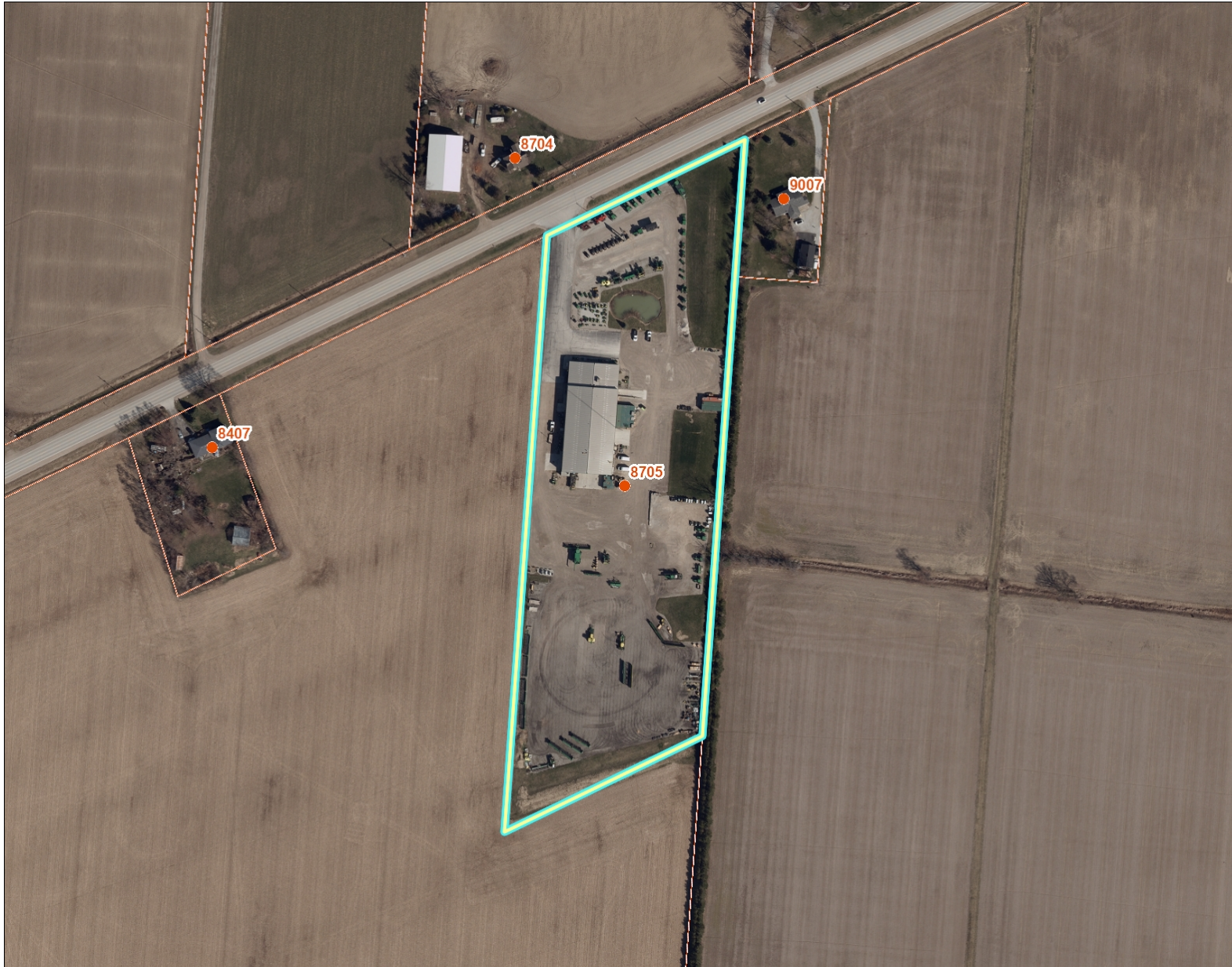
Urvi Prajapati - Jun 10, 2025 - 2:58 PM

No Signature found

Jacob Dickie - Jun 10, 2025 - 3:17 PM

Daniel Mercer - Jun 10, 2025 - 5:05 PM

Tammie Ryall - Jun 11, 2025 - 5:36 PM



Legend

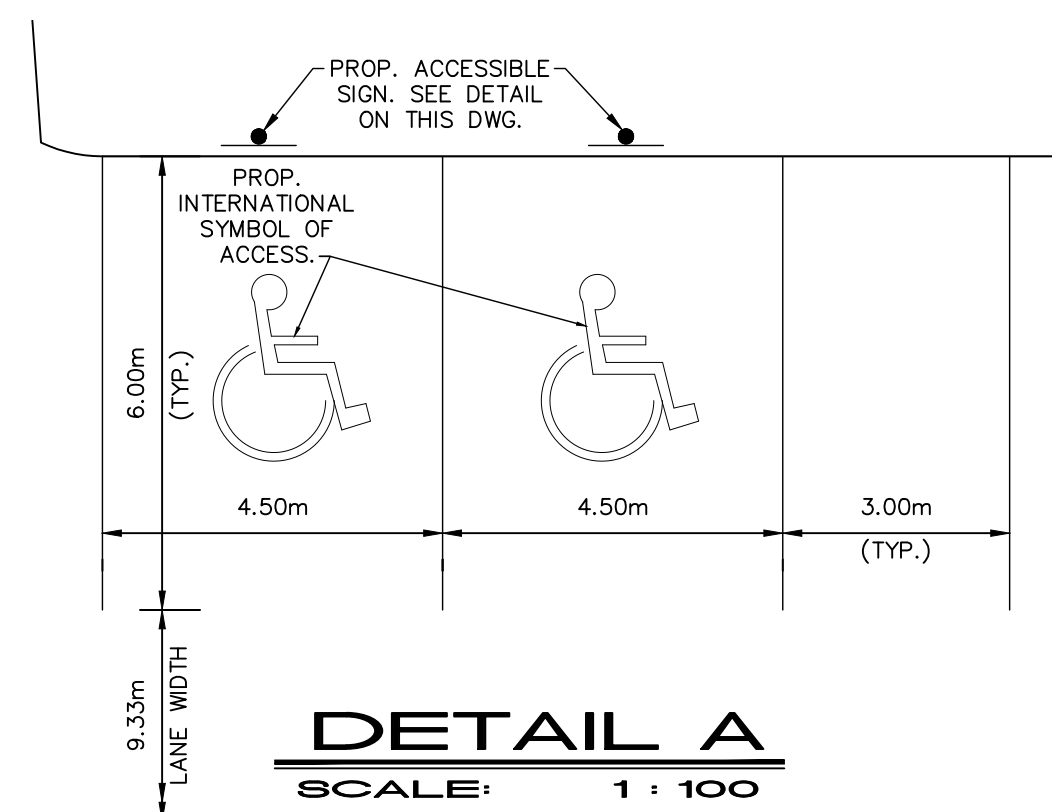
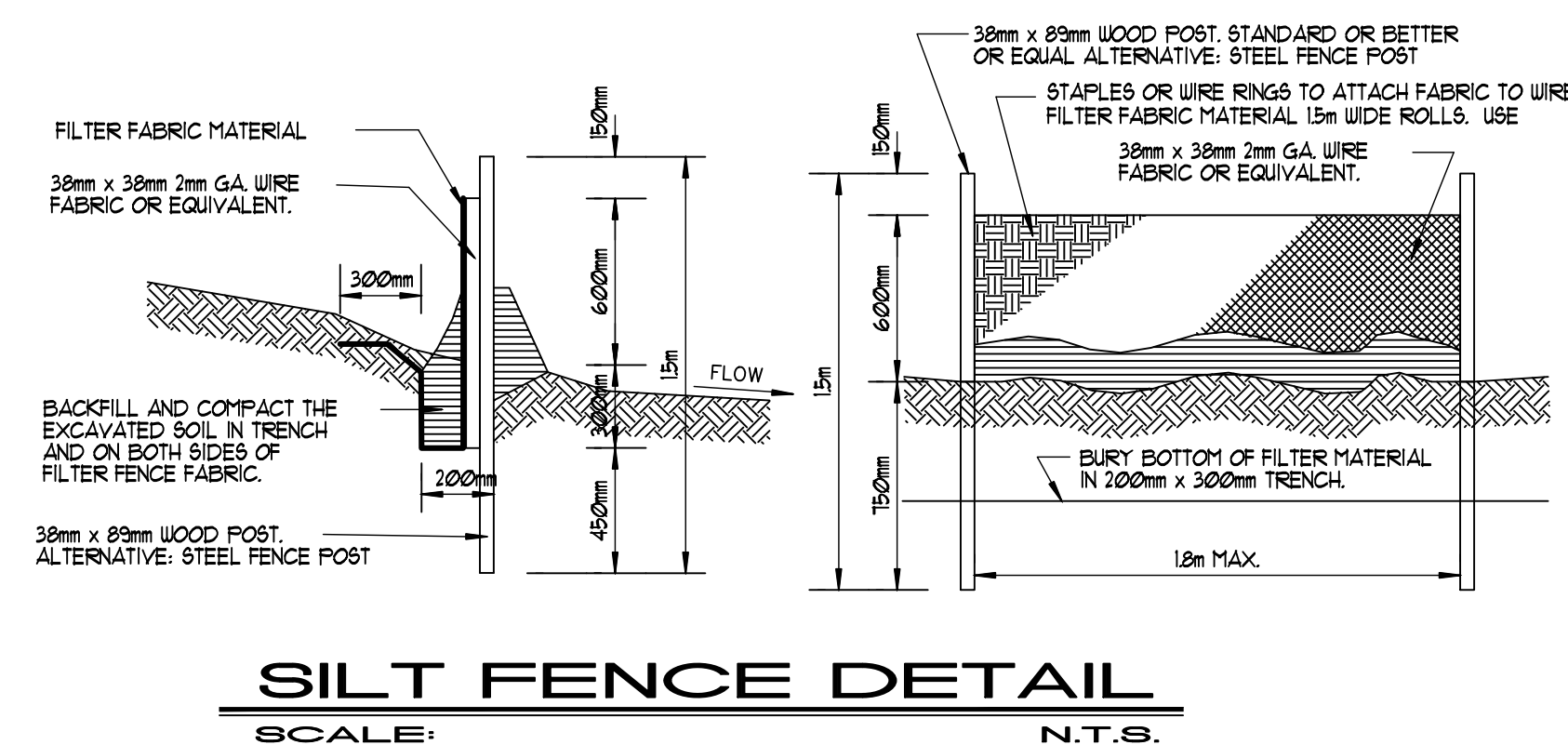
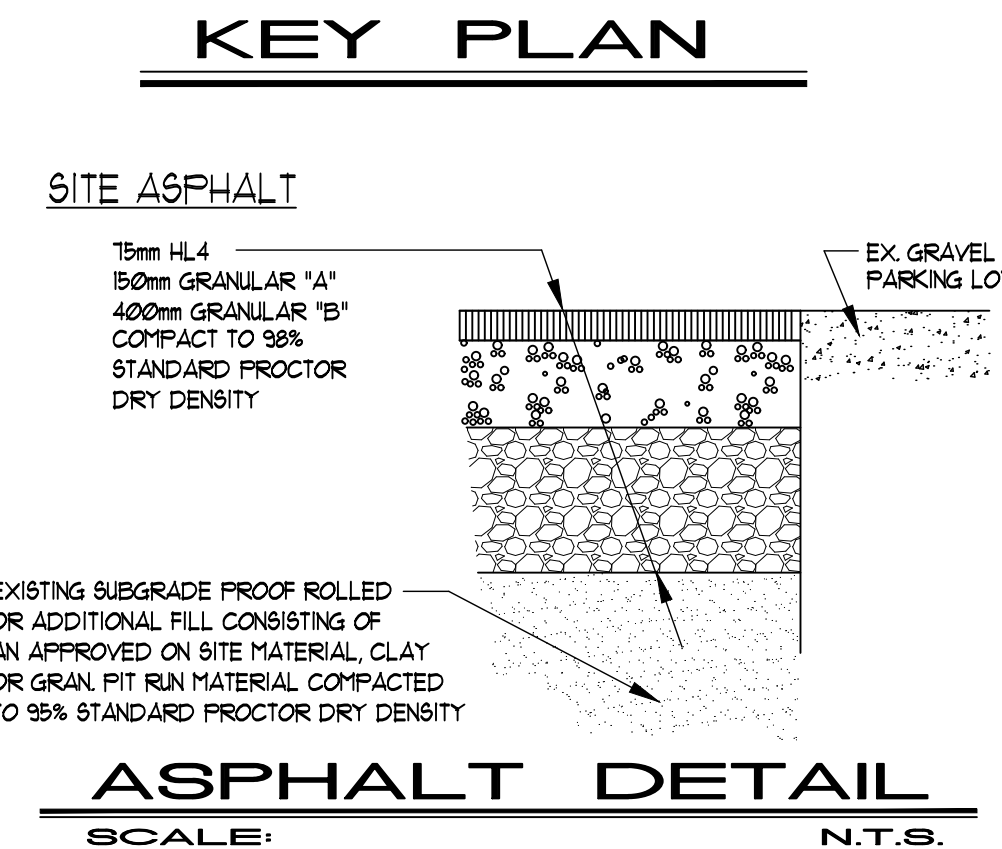
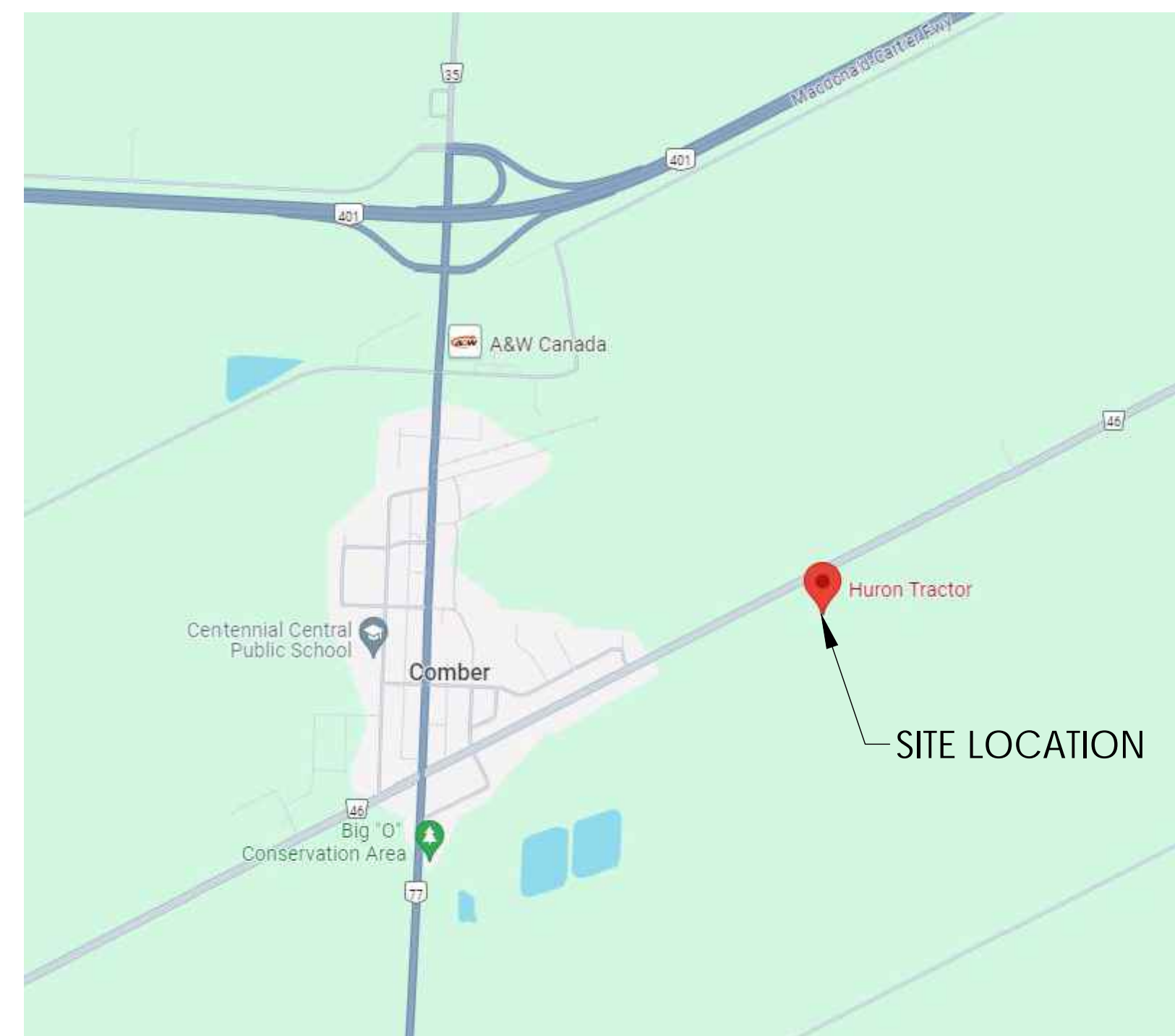
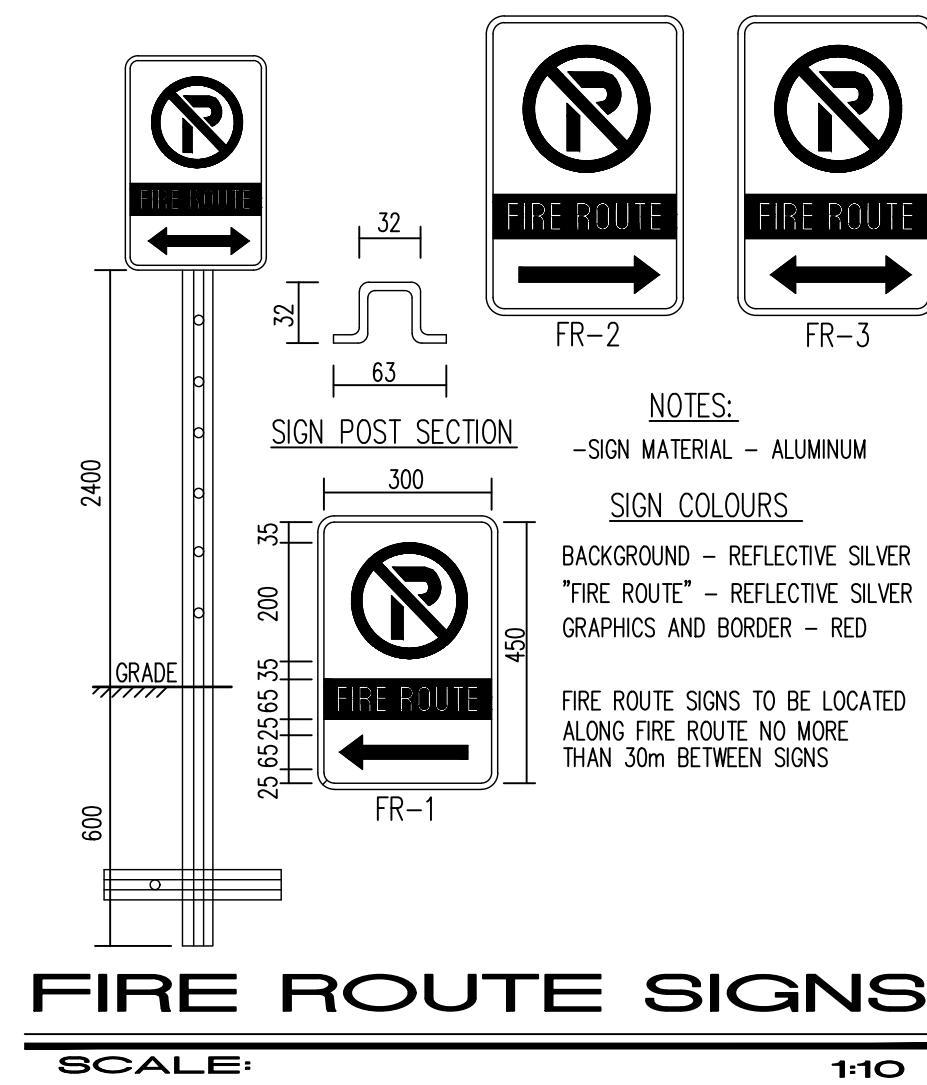
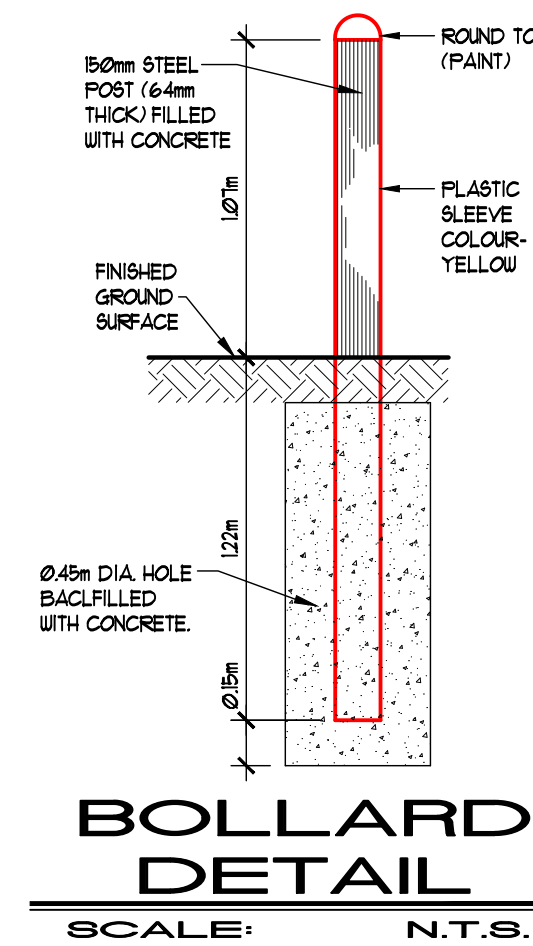
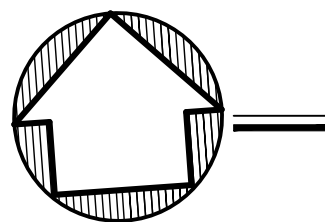
- Tax Parcel
- Address Points

1: 3,279





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



MUNICIPALITY OF LAKESHORE ZONING BY-LAW REGULATIONS			
LINE		REQUIRED	PROPOSED
1	ZONE	CR	CR
2	PERMITTED USES	AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT	AGRICULTURAL SERVICE AND SUPPLY ESTABLISHMENT
3	LOT AREA (m ²)	1858m ²	36722.7m ²
4	GROSS FLOOR AREA (m ²)	-	2979m ²
4	LOT FRONTAGE	30.0m (MIN.)	110.68m
5	LOT COVERAGE	30% (MAX)	5%
6	LANDSCAPED OPEN SPACE	20% (MIN.)	27.0%
7	FRONT YARD SETBACK	7.5m (MIN.)	68.17m
8	REAR YARD SETBACK	7.5m (MIN.)	SOUTH = 104.38m
9	INTERIOR YARD SETBACK	7.5m (MIN.) *BESIDE A RESIDENTIAL*	EAST = 50.54m
10	EXTERIOR YARD SETBACK	6.0m (MIN.)	WEST = 16.94m
11	BUILDING HEIGHT	10.5m (MAX.)	<10.5m

PARKING REQUIREMENTS:		
RECREATIONAL VEHICLE SALES,	REQUIRED = 20 spaces	+2 ACCESSIBLE spaces
SERVICE AND STORAGE ESTABLISHMENT	PROVIDED = 6 spaces CUSTOMER	
	PROVIDED = 18 spaces EMPLOYEE	
1 PARKING SPACE PER 25m² OF	27 PROVIDED	

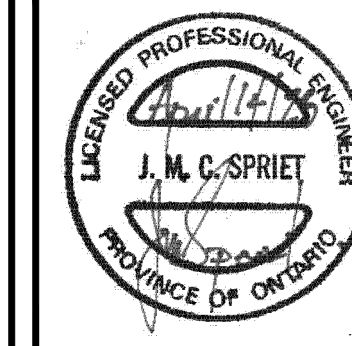

REVISED PER COMMENTS	APR 13, 2025	
ISSUED FOR SITE PLAN APPROVAL	AUG 30, 2024	
revisions	date	no.

CONTRACTORS MUST CHECK AND
VERIFY ALL DIMENSIONS AND REPORT
ANY DISCREPANCY TO THIS FIRM
BEFORE PROCEEDING WITH THE WORK

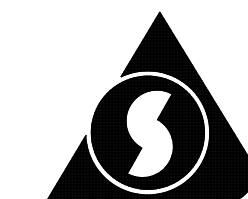
A - detail no.

B - location sheet

C - detail sheet



**SPRIET
ASSOCIATES**



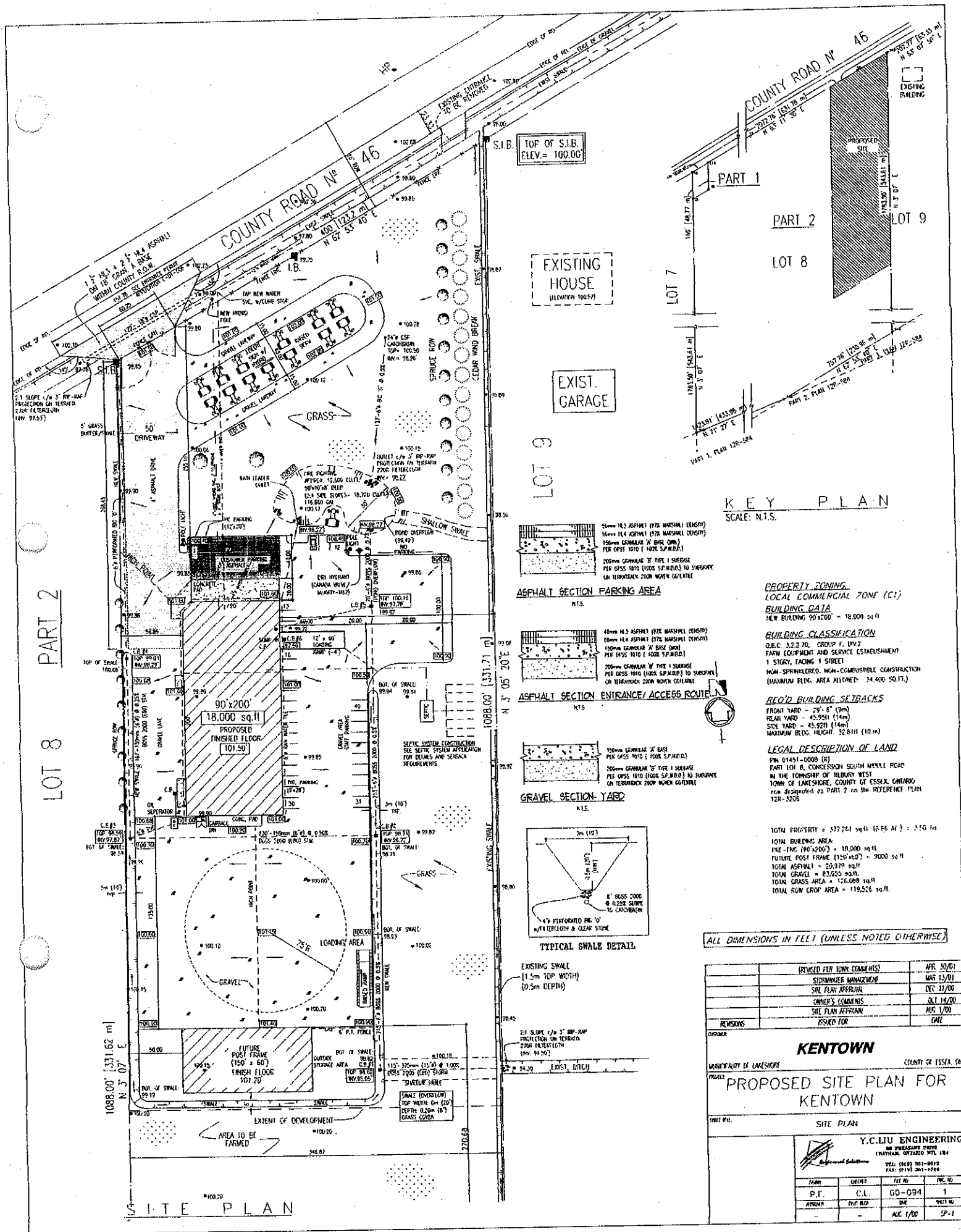
LIMITED
architects
LONDON LTD.
engineers

155 york street - london - N6A 1A8
phone : (519) 672-4100 fax : (519) 433-9351
e-mail : mail@spriet.on.ca

HURON TRACTOR
8705 MIDDLE ROAD
COMBER, ON

drawing title :
ARCHITECTURAL PLAN

date : JUNE 24, 2024	drawing no. : SP1
scale : AS SHOWN	
drawn by : MM	
project no. : 223291	





Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, May 21, 2025, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

Members Absent: Member Linda McKinlay

Staff Present: Planner I Ian Search, Division Leader - Community Planning Daniel Mercer, Planner II Jacob Dickie, Planner II Matt Alexander, Administrative Assistant Maggi Dewolf-Russ

1. **Call to Order**

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

2. **O Canada and Land Acknowledgement**

3. **Disclosures of Pecuniary Interest**

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

a. **B-05-2025 - 2825 Lakeshore Road 303**

The Chair opened the public meeting at 6:00 pm

Ian Search provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Applicants Mike and Jocelyne Mailloux and Jay Johnson were present and spoke in favour of the application.

Mike Mailloux had no questions or concerns, however wanted to go through the eight conditions of the application.

Jay Johnson had no questions or concerns, but asked for clarity with respect to the condition related to retained land access.

Ian Search informed Jay Johnson that the retained land access must be formalized by obtaining a permit.

Chair Hacon asked the audience if they had any questions or concerns. There was no questions or concerns from the audience.

The Chair closed the public meeting at 6:13 pm

27-05-2025

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

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 meters (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.

Carried Unanimously

b. A-10-2025 - 822 Southwood Drive

Chair Hacon opened the public meeting at 6:15 PM.

Ian Search provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Jordan Tellier (822 Southwood Dr) was present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns. Applicant did not have any questions or concerns.

Jordan had no questions or concerns and says he's fine with all the conditions put in place on the application.

Chair Hacon asked the audience if they had any questions or concerns. There was no questions or concerns from the audience.

Chair Hacon asked the staff and committee members if they had any questions or concerns.

Committee member Ron Barrette had a question on the site plan about the location of the AC unit. On the drawing it shows the AC unit will be placed at the back of the building. He asked if the Zoning By-law permits the AC unit to be at the back of the building or does the AC unit have to be located on the side of the building.

Ian Search answered Barrette's question. The Zoning By-law permits the AC unit to be on the back of the building.

Chair Hacon asked the audience if they had any questions or concerns. There was no questions or concerns from the audience.

Chair Hacon asked the staff and committee members if they had any questions or concerns. There was no questions or concerns from the staff and committee members.

The public meeting concluded at 6:22PM.

28-05-2025

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

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.

Carried Unanimously

c. A-09-2025 - 2090 County Road 27

Chair Hacon opened the public meeting at 6:23 PM.

Matt Alexander provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Jack Ramieri, Ron Sharon, Stefan Sharon (2090 County Rd 27) were present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns. No questions or concerns from the applicant.

Chair Hacon asked the audience if they had any questions or concerns.

The resident of 2130 County Rd 27 was present and spoke in opposition to the application. They state that they sent a letter regarding several significant concerns about the current activity on the property at 2090 County Rd 27. The concerns relate to current drainage patterns that affect their property. They also stated that diesel services are running out of the pole barn and debris drains onto their farmland. They raised concerns over current light pollution and privacy concerns related to cameras.

Chair Hacon asked the staff and committee members if they had any questions or concerns.

Matt Alexander noted that By-law related concerns about current activity should be directed by the resident to the By-law and Drainage department.

Chair Hacon said the concerns should be addressed to the By-law and Drainage department. The Committee of Adjustment is only considering the application in front of us. The resident of 2130 County Road 27 said they understood.

Member Flagler-Wilburn asked where the new dwelling would be built. Matt Alexander stated near the accessory building on the property.

The public meeting concluded at 6:41 PM.

29-05-2025

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

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 development of an 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.

Carried Unanimously

d. A-21-2024 - 593 Railway Avenue

Chair Hacon opened the public meeting at 6:42 PM.

Matt Alexander provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Shawn Sauve and Bryan Pearce (applicants) were present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns. None were noted.

Chair Hacon asked the audience if they had any questions or concerns. There was no questions or concerns from the audience.

Chair Hacon asked the staff and committee members if they had any questions or concerns.

Committee member Ron Barrette had a question on the elevation of the parking lot compared to the sidewalk.

Shawn Sauve responded to Ron's question and stated that the parking lot will be a foot lower. Bryan Pearce added that the site plan will ensure the parking lot will be level with the sidewalk with a curbing system included.

The public meeting concluded at 6:55 PM.

30-05-2025

Moved By Member Prince

Seconded By Member Flagler-Wilburn

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.

Carried Unanimously

e. A-38-2024 - 0 Middle Road

Chair Hacon opened the public meeting at 6:55 PM.

Jacob Dickie provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Steven O'Neil (applicant) was present and spoke in favour of the application.

Jennifler Deschaine (applicant) was present virtually and spoke in favour of the application.

Chair Hacon asked the applicants if they had any questions or concerns. There were no questions or concerns from the applicants.

Chair Hacon asked if there were any questions or concerns from the audience. No questions or concerns from the audience.

Chair Hacon asked if there were any questions or concerns from staff and committee members.

Staff member Ian Search added that there is one notice recommended to be put on the decision that the applicants should be aware of.

The public meeting concluded at 7:04 PM.

31-05-2025

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

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*.

Carried Unanimously

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

Chair Hacon opened the public meeting at 7:05 PM.

Ian Search provided a PowerPoint presentation as overview of the application and recommendation of Administration.

James Dorner (applicant) was present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns. There was no questions or concerns from the applicant.

Chair Hacon asked if there were any questions or concerns from the audience. No questions or concerns from the audience.

Chair Hacon asked if there were any questions or concerns from staff and committee members.

Committee member Ron Barrette asked the applicant if they will be tearing down the house and rebuilding a new one on the property. James Dorner confirmed that was the case.

The public meeting concluded at 7:18 PM.

32-05-2025

Moved By Member Prince

Seconded By Member Flagler-Wilburn

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.

Carried Unanimously

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

Chair Hacon opened the public meeting at 7:18 PM.

Ian Search provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Alicja Szewczyk was present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns.

The applicant Alicja asked if there were any solutions for the issue related to parking on the property.

Chair Hacon asked if there were any questions or concerns from the audience.

The resident of 421 West Belle River Road raised concerns about safety. The resident mentioned that a car travelling south on West Belle River Road had to swerve onto his front yard. Concerns were raised regarding the number of dwelling units on the property.

The resident of 429 West Belle River Road raised concerns about safety. They raised concerns over the number of residents that reside at the property.

Committee member Ron Barrette asked administration what the current zoning of the property is. Ian Search stated that the current zoning of the property is "R1", which is a low designatory of residential zone.

Committee Member Ron Barrette asked if it allows an additional residential unit. Ian Search stated that the property has a building permit for one additional residential unit. There is no sanitary servicing capacity currently for multiple additional residential units.

Chair Hacon asked if the driveway was originally planned to be in the side yard of the property. Ian Search confirmed that to be the case.

The public meeting concluded at 7:38 PM.

33-05-2025

Moved By Member Flagler-Wilburn

Seconded By Member Barrette

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

Carried Unanimously

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

Chair Hacon opened the public meeting at 7:39 PM.

Ian Search provided a PowerPoint presentation as overview of the application and recommendation of Administration.

Colleen and Daniel Barrette (applicants) were present and spoke in favour of the application.

Chair Hacon asked the applicant if they had any questions or concerns. There were no questions or concerns.

Chair Hacon asked if there were any questions or concerns from the audience. No questions or concerns from the audience.

Chair Hacon asked if there were any questions or concerns from staff and committee members. No questions or concerns.

The public meeting concluded at 7:55 PM.

34-05-2025

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

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). The lot to be created will have a lot area of approximately 2,008.5 m² (approx. 0.496 acres) following conveyance of land along the front of the subject property to the County of Essex. The approval is 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.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Staff Member Ian Search declared there is a formatting issue with the April 16, 2025, meeting minutes from the previous meeting. The meeting minutes will be brought to the next Committee of Adjustment meeting for approval.

a. April 16 2025 Meeting Minutes

7. New Business

Committee Member Nancy asked a question about being reimbursed for conference expenses. The Committee Members and staff discussed the reimbursement process.

8. Adjournment

35-05-2025

Moved By Member Barrette

Seconded By Member Prince

The Committee of Adjustment adjourn its meeting at 8:03 PM.

Carried Unanimously

Mark Hacon
Chair

Ian Search
Secretary-Treasurer



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.

21042025

Moved By Member McKinlay

Seconded By Member 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.

22042025

Moved By Member Barrette

Seconded By Member McKinlay

Approve consent file B-03-2025-A, 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), 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

23042025

Moved By Member Barrette

Seconded By Member McKinlay

Approve consent file B-03-2025-B, 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), 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

24042025

Moved By Member Barrette

Seconded By Member McKinlay

Approve consent file B-03-2025-C, 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), 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

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

25042025

Moved By Member Barrette

Seconded By Member 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

26042025

Moved By Member Barrette

Seconded By Member McKinlay

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

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer

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: June 6, 2025
Subject: Change of Conditions – B/02/2025 – 1078 Countryview Lane

Recommendation

Change the conditions of provisional consent (file: B/02/2025) by removing condition number 7, which reads as follows:

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;

and, deem the change of the provisional consent conditions as a minor condition change under Subsection 53 (26) of the Planning Act.

Background

On April 16th, 2025, the Municipality of Lakeshore Committee of Adjustment granted a provisional consent (file: B/02/2025) with respect to 1078 Countryview Lane (“subject property”, Appendix A). The provisional consent (Appendix D) is a surplus farm dwelling severance for the creation of one lot containing an existing dwelling (surplus farm dwelling) and accessory buildings/structures. The lot to be created 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. Sketches from the application illustrating the surplus farm dwelling severance are attached to this report (Appendix B).

The Municipality’s Parkland Dedication By-law 110-2024 enables the Municipality to require the payment of cash to the value of land otherwise required to be conveyed for parkland under the By-law (known as “Payment of Cash in Lieu”, PIL).

By-law 110-2024 defines “Development” and “Redevelopment” as follows:

“Development”: the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;

“Redevelopment”: the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;

Part 3 of By-law 110-2024 states that for all Residential Development or Redevelopment, the PIL may be calculated and imposed by unit type based on Schedule 1 (Single-detached rural 2025 - \$3,400).

Where the payment of PIL is not required as a condition of a consent, the PIL shall be paid prior to the issuance of the building permit in respect of the Development or Redevelopment in accordance with Section 42 of the *Planning Act*.

At the request of the owner, Administration reviewed Condition 7, and consulted with others, including internal legal staff. Specifically, Administration reviewed the definitions of “Development” in the Parkland Dedication By-law, and in the Provincial Planning Statement.

Comments

Subsection 53(23) of the *Planning Act* permits the conditions of a provisional consent to be changed at any time before the issuance of a consent certificate.

Provincial Planning Statement (PPS) and County of Essex Official Plan

There are no issues of provincial significance raised by the request. The condition change does not conflict with any of the policies in the County of Essex Official Plan.

The Provincial Planning Statement defines “Development” as the following: *the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act*. Whereas “Development” defined in By-law 110-2024 is focused specifically on the construction, addition and/or alteration to building(s) or structure(s) on land – it does not include the mere creation of a new lot. Decisions with respect to parkland dedication should be focused on meeting the intent of By-law 110-2024, which is to have parkland or PIL dedicated in response to development as it is defined in the by-law.

Lakeshore Official Plan

Subsection 8.3.5.2 d) of the Lakeshore Official Plan states that the Municipality may require parkland dedication or PIL as a condition of approval of a consent application for the severed and/or retained lot, where such a condition is appropriate.

Zoning By-law

The condition change would not impact any zoning considerations.

After reviewing the applicable information, Administration is of the opinion, that there is no Development or Redevelopment planned during this time with respect to the main building (dwelling) on the subject property. As previously mentioned, the provisional consent is for the creation of one lot containing an existing dwelling and accessory buildings/structures. If a future owner decides to engage in Development or Redevelopment with respect to this land - formerly included on the register for having historical and architectural significance - then the applicable PIL will be paid prior to the issuance of the building permit in respect of the Development or Redevelopment. Therefore, it is recommended that the Committee of Adjustment change the conditions of provisional consent (file: B/02/2025) by removing condition number 7.

There is no Development or Redevelopment required in the conditions of the provisional consent approval that would trigger or warrant PIL, nor is Development or Redevelopment anticipated immediately following conveyance of the severed lot (creation of a vacant lot, etc.). In this case it is therefore appropriate to charge PIL during the building permit process if Development or Redevelopment is engaged by a future owner with respect to the severed lot.

Conclusion

It is the opinion of the Planner that removing condition number 7 of provisional consent B/02/2025 is an appropriate change that does not conflict with the PPS, County of Essex Official Plan, Lakeshore Official Plan or Zoning By-law.

It is also the opinion of the Planner that the change to the provisional consent conditions is minor and therefore, as per subsection 53(26) of the Planning Act, notice should not be required to be given under subsection 53(24).

Also, a written request was not received from any person or public body to be notified of changes to the conditions. No person(s) from the public, other than the applicant and their agent, appeared at the April 16th 2025 Committee of Adjustment meeting when the consent application was heard by the committee.

Attachment(s):

Appendix A – Aerial Map

Appendix B – Drawings

Appendix C – Photos

Appendix D – B-02-2025 Decision

Prepared by:



Ian Search, BES, Planner I

Report Approval Details

Document Title:	B-02-2025 - Condition Change Report - 1078 Countryview Lane.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawing.pdf- Appendix C - Photos.pdf- Appendix D - B-02-2025 Decision.pdf
Final Approval Date:	Jun 11, 2025

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

Urvi Prajapati - Jun 9, 2025 - 4:20 PM

Daniel Mercer - Jun 10, 2025 - 12:07 PM

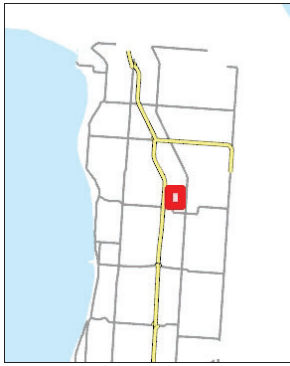
No Signature found

Ian Search - Jun 10, 2025 - 1:50 PM

Tammie Ryall - Jun 11, 2025 - 2:13 PM



Subject Property Map - 1078 Countryview Lane



Legend

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

1:8,413



Notes:

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

County of Essex Mapping



Notes

Enter Map Description

Proposed severance - approximate

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2019. Data herein is provided by the Corporation of the County of Essex or on its behalf. Assessment parcel provided by i-locus Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



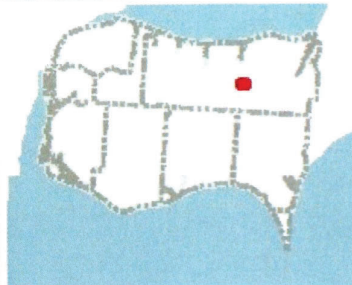
Legend

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

0 20.37 40.7 Meters

1:1,222

5/17/2024



Legend

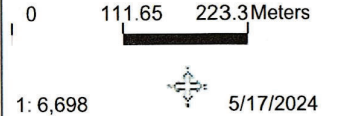
- County Construction
 - Lanes Open
 - Lanes Reduced
 - Road Closed
- Windsor Airport
- Greenway Trail
 - Chrysler Canada Greenway
 - Cypher Systems Greenway
 - Rotary (1918) Centennial Hub
- Streets (20,000 >) White
- Streets (20,000 >) Black
- Street
- Property Parcels
- Municipal Boundary
- <all other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

Notes

Enter Map Description

Retained farm land - Approximate

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





The existing dwelling on the property looking southwest



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



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



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



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



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



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



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

MUNICIPALITY OF LAKESHORE

CONDITIONS - This decision has been made 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.