



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, May 17, 2023, 6:00 PM

Members Present: Chair Mark Hacon
 Vice-Chair Michael Hoffman
 Member Nancy Flagler-Wilburn
 Member Jeremy Prince
 Member Linda McKinlay

Staff Present:
 Planner I, Ian Search
 Planner I, Ian Rawlings
 Team Leader of Development Approvals, Kristina Brcic

1. Call to Order

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

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. Minor Variance Application A-13-2023

Rami Dawoud, the applicant, stated that he had no questions or concerns with the staff report prepared for the Committee of Adjustment

49/05/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Approve minor variance application A-13-2023 to permit the construction of a covered porch in the rear yard of 211 Rafih Crescent resulting in a lot coverage of 38.9 %

Carried Unanimously

b. Minor Variance Application A-14-2023

Kevin Miller, authorized agent, stated that he had no issues with the staff report prepared for the Committee of Adjustment

Member Hoffman asked how many staff there would be for the new commercial building and the parking required.

Kevin Miller stated five commercial units were proposed and the number of staff is not exactly known at this time. The lot will be consolidated with the MedArts plaza which meets the required total parking.

Member McKinlay asked what the height of the proposed building is. Kevin Miller stated it would be one storey, approx. 20 feet.

50/05/2023

Moved By Michael Hoffman

Seconded By Jeremy Prince

Approve minor variance application A/14/2023 to permit a minimum interior side yard of 5.5 metres, as shown in the site drawing in Appendix B, subject to the following conditions:

- 1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;
- 2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;
- 3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

Carried Unanimously

c. Minor Variance Application A-15-2023

Member Flagler-Wilburn stated she drove by the property, and it appears that one of the occupants has an exercise business. She asked if there is going to be a business operating out of the building.

Justin Marchand, applicant, stated that sign is just advertising and no business will operate out of the building

Member Hoffman asked if any neighbouring properties made comments, will there be a washroom, and what is the purpose of the building

Ian Rawlings stated no comments were received from the public. He explained that a washroom will be included in the building.

Justin Marchand stated the use of the building is for storage and personal use.

Member McKinlay asked what the height of the building is. Ian Rawlings stated it is 4.96 metres.

51/05/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A-15-2023 to permit a 130.06 m² accessory structure in the front yard of 1646 Caille Ave to be located 6.92 m from the front lot line, and 0.91 m from the eastern interior lot line.

Carried Unanimously

d. Minor Variance Application A-16-2023

Shaun McLean, applicant, had no questions or concerns with the staff report prepared for the Committee of Adjustment.

52/05/2023

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/16/2023 to permit a dwelling to have a minimum front yard setback of 13.4 metres.

Carried Unanimously

e. Minor Variance Application A-17-2023

Joe Matz, applicant, stated that he had no questions or concerns

Jerome Marcotte, owner of abutting property to the north - 1721 Oriole Park Drive – raised concerns about the increase in gross floor area being

sought. He stated that it would affect the experience of open space in the neighbourhood and particularly for the enjoyment of his yard.

Member Hoffman asked the applicant about the use of the building and if they are already performing woodworking.

Joe Matz stated that they are not currently performing woodworking on the property, as he does not have the space for it.

Member Hoffman asked the applicant if he would be open to a deferral to revisit the proposed size of the building.

Joe Matz stated he was originally seeking a 1000 ft² and already reduced his original intent to the proposed gross floor area.

Member Prince asked how large the dwelling was on the subject property. Joe Matz stated that is approximately 1,800 ft², and is a two-storey building.

Member McKinlay asked if the building is in keeping with the neighborhood because she did not see many large accessory buildings in the area. Ian Search explained that aerial photography shows there are other similar sized accessory buildings in the area, one that received approval for a minor variance in 2018 and is larger than the proposed. The staff report includes addresses of where other similar buildings are located. This building will not be visible from the street either as it is proposed to be located behind the dwelling.

Jerome Marcotte expressed again that he felt there would be impact to his property given the proposed location of the building. He inquired if it could be located further back if it had to be built in proximity to the mutual lot line.

Ian Search stated that there are easement lands for a drainage swale at the rear of the lot that must be avoided.

53/05/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Defer the minor variance application so the applicant can explore reducing the size of the proposed structure and locating it closer to the rear lot line.

Carried Unanimously

f. Minor Variance Application A-18-2023

The owner, Trevor DiPierdomenico, was present and stated that he had no comments or concerns with the staff report

Tony Chau, Authorized Applicant, was also present

Member McKinlay asked if there were any issues with drainage. Ian Search stated they will need to revisit storm water and obtain a Site Plan Amendment for new storm water management, but not major concerns were expressed by Engineering or ERCA

Member Flagler-Wilburn raised concerns with the condition of Blanchard Drive. Trevor DiPierdomenico explained how it is a privately owned street and it is up to the landowners to maintain.

54/05/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

Approve minor variance application A/18/2023 to permit 11% minimum landscaped open space on the subject property subject to the following condition:

1) That, if required by Community Planning following a required pre-consultation meeting, the existing site plan agreement be amended, which will include the provision of stormwater management to the satisfaction of the Municipality of Lakeshore.

Carried Unanimously

g. Consent Application B-09-2023

JP Brochu was present to speak on behalf of the owners, Martin & Sandra Mailloux.

Kristina Brcic explained that the deed for the new lot needs to be stamped before the farm parcel can be sold separately

55/05/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve Consent Application B/09/2023 to sever a surplus dwelling with a lot area of 7,600.00 m² from 3776 Comber Sdrd as in Parts 1 & 2 on the

draft 12R plan provided. Subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling and to recognize the deficient lot area, and the surplus lot be rezoned to recognize the non-farm use;
- 5) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, prior to the stamping of the Deeds;
- 6) That the applicants obtain any necessary driveway permits from the County of Essex and complete the works to provide a separate access for the retained farmland prior to the stamping of the deed;
- 7) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality for both lots to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deeds;
- 8) That the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 9) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 17, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

h. Consent Application B-10-2023

Hermas Moison, the owner, was present and stated the he had no comments or concerns

56/05/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

Approve consent application B/10/2023 to sever two lot additions, approximately 371.78 m² to be added to 356 E Ruscom River Road, and approximately 813.54 m² to be added to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674). Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deeds for the lot additions be prepared and a copy for our records be forwarded to the Secretary for stamping; 3) That Section 50(3) and (5) of the Planning Act shall apply to each lot addition severance;
- 4) That the applicant produce Deeds and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deeds, in evidence that the severed parcels and the abutting parcels will be registered in the same name(s) in satisfaction that all parcels will merge for each lot addition;
- 5) That the applicant enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 6) That, if required by the Secretary-Treasurer to the Committee of Adjustment, a consent cancellation be granted by the Committee of Adjustment and registered with respect to the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674) to the satisfaction of the Secretary-Treasurer;

7) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 18, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

57/05/2023

Moved By Jeremy Prince

Seconded By Michael Hoffman

Approve consent cancellation for the vacant residential lot south of 356 E Ruscom River Road (PT LT 4 CON ERR ROCHESTER, NOW PART 3 & PART 4 IN 12R28979; LAKESHORE; subject to an easement in gross over Pt 3 12R28979 as in CE946674);

Carried Unanimously

i. Consent Application B-11-2023

Jackie Lassaline, planner for the authorized applicant and owner, stated that the authorized applicant is only looking to purchase the land at this point and is fully aware of all the future studies and applications that will be required to make the project happen

Brooke Granger, owner of 6201 Emerson Ave was present and asked questions about the draft survey with respect to her lot. She asked if anything was going to change for the residential lots south of the lot to be severed. Kristina Brcic and Jackie Lassaline explained there would be no changes to the residential lots south of the development as part of the proposal.

Timothy Mullen, owner of 6321 Ainslie Ave, 6321 Ainsley Ave, stated that the project would help revitalize Comber.

Member Prince asked if the severance application was only for the transfer of land/ownership and nothing beyond that. Ian Search confirmed that only the land severance was being dealt with at this time.

Chair Hacon asked if the holding symbol would remain on the zoning. Ian Search confirmed and explained that there is a current holding symbol that Community Planning believes may need amending to address other conditions.

The comment in opposition to the proposal from McCloskey Engineering was reviewed with the Committee during the meeting.

The Committee requested Ian Search read recommended conditions in the event that the Committee decides to approve the application. Ian Search presented a power point with proposed conditions.

Member McKinlay stated she was supportive of the proposal and requested Ian Search to clarify the recommended condition requiring a zoning by-law amendment. Ian Search explained the reasoning behind the condition, stating that the Municipality needs to ensure the cul-de-sac at the north end of Emerson Ave will be constructed by the developer.

58/05/2023

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve Consent Application B/11/2023 subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including, if required by the Operations Department, part(s) to be conveyed to the Municipality of Lakeshore for a cul-de-sac at the north end of Emerson Avenue to the satisfaction of the Municipality of Lakeshore;
- 2) That, if required by Community Planning and to the satisfaction of Community Planning at the Municipality of Lakeshore, a Zoning By-law Amendment be applied for and approved by the Municipality of Lakeshore that may include and is not limited to the following items: rezoning the severed lot and retained land into a holding symbol that requires site plan approval and the availability of sanitary treatment capacity and/or potable water capacity for the subject lands, rezoning the severed lot into a holding symbol that also requires an agreement be entered into for the development of a cul-de-sac at the north end of Emerson Avenue as well as the conveyance of sufficient lands for the cul-de-sac;
- 3) That, if deemed required by the Drainage Superintendent, the applicant enter into an agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

- 4) That the applicant redirect the water main within the subject property to the satisfaction of the Municipality of Lakeshore, if the water main will impact their future development of the lands;
- 5) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 6) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 7) That a Park Fee be imposed on the granting of this application in the amount as indicated in the Parkland Dedication By-law in effect and that such fee shall be paid prior to the stamping of the deed;
- 8) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by May 16, 2025. Failure to fulfill 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

59/05/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

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

Carried Unanimously

a. April 12 Meeting Minutes

7. New Business

a. B-01-2023 - Minor Condition Change

60/05/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Remove Condition #7 requiring the applicant to place a holding symbol on the subject land zoned "Residential - Low Density (R1)".

Carried
Chair Hacon voted
against the motion

8. Adjournment

61/05/2023

Moved By Michael Hoffman

Seconded By Jeremy Prince

The Committee of Adjustment adjourn its meeting at 8:27 PM.

Carried Unanimously

Mark Hacon
Chair

Ian Search
Secretary-Treasurer