



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, September 18, 2024, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

Members Absent: Vice-Chair Michael Hoffman, Member Linda McKinlay

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

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM. All members participated in the meeting through video conferencing technology from remote locations.

2. O Canada and Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. A-24-2024 - Minor Variance - 395 Harvest Lane

Present at the meeting is Applicant Martin Lanoue and Agent Daniel Pare from Diamond Home Improvements.

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

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve Minor Variance application A-24-2024 to permit the development of a sunroom addition to the existing dwelling on the subject property subject to the following condition:

1) That any building requirements for the reduced rear yard setback under the Building Code be implemented to the satisfaction of the Building Department.

Carried Unanimously

b. A-25-2024 - Minor Variance - 3362 Manning Road

Present at the meeting is applicant Gilbert Drouillard.

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

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minor variance application A/25/2024, 3362 Manning Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for an existing accessory building (approx. 1920 ft² building footprint) that has been constructed on the Subject Property:

- Relief from subsection 6.5 a) v) to permit an accessory building to be setback a minimum of 9.5 metres (31.1 feet) from the front lot line, whereas subsection 6.5 a) v) states that an accessory building shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The front yard setback requirement for a main building on the lot is 15 metres.

Include the following Notice in the Notice of Decision:

The owner is responsible for ensuring that the applicable permits are obtained for buildings and structures on their property and is responsible for ensuring compliance with applicable Zoning By-law regulations. Additionally, the owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use in the accessory building.

Carried Unanimously

c. A-26-2024 - Minor Variance - 2358 St. Clair Road

Present at the meeting is applicant Marc Charron.

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

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve Minor Variance Application A-26-2024 to permit relief under Subsection 9.6.2 of the Zoning By-law 2-2012 to permit the addition of a new accessory building, and to permit relief under Subsection 6.5 a) vii) to permit a reduced setback of 1.2 m from the west interior lot line for the proposed accessory building, whereas a setback of 1.5 m is required, and that the approved variances are limited to an accessory building approximately 160 ft² (14.9 m²) in size to the satisfaction of the Municipality of Lakeshore.

Carried Unanimously

d. A-27-2024 - Minor Variance - 1220 Faith Drive

Present at the meeting is applicant Giuseppe D'Ettorre and Christine Lions.

Currently, the driveway on the subject property (1220 Faith Drive) leads to an accessory building located on 1216 Faith Drive. Applicants stated that they have had previous conversations with the owner of 1216 Faith Drive about a driveway extension being installed on 1216 Faith Drive to access the accessory building on that property.

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minor variance application A/27/2024 to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m² (1,280 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 an accessory building to have a maximum height of 5.24 metres (17.17 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.4 feet) in height unless with an Agriculture zone.

Include the following condition on approval:

The relief is granted subject to the accessory building being located in the same general location as shown on the site plan drawing submitted for the minor variance application, to the satisfaction of the Municipality of Lakeshore.

Include the following notices in the decision:

The relief is granted based on the use of the building being accessory to a residence. Should commercial or residential use be proposed in the accessory building, 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.

Aerial photography available to administration suggests a small building addition occurred to an existing accessory structure on the property located near the east side lot line. The applicant should contact Building Services to inquire about obtaining a permit for this structure.

The applicant should seek legal counsel with respect to the neighbouring property to the west using the existing driveway located on the subject property for access to an accessory building on that property. Note that the Lakeshore Zoning By-law 2-2012 contains regulations respecting driveways which apply to any alterations to the situation sought. The Municipality of Lakeshore is to be contacted with respect to any proposed alterations or application for easement.

Carried Unanimously

e. B-04-2024, B-06-2024, and B-07-2024 - Consents

Present at the meeting is authorized agent Eric Bays

Attending virtually is Spencer Fauteux.

The existing driveway at 2825 Essex Kent Rd. will be extended.

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-04-2024 to allow a lease agreement of greater than 21 years to be registered that would allow lands of the Subject Property to contain a battery storage facility, the lease term is 25 years with two options to renew for an additional 10 years and 8 years, respectively (two additional renewal terms of 10 years and 8 years, respectively), subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;
- 3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;
- 4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Carried Unanimously

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-06-2024 to allow a lease agreement greater than 21 years to be registered that would have the effect of establishing a road access off of Essex Kent Road to the lands west adjacent of the Subject Property, the lease term is 25 years with an option to renew for an additional 10 years, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to the application, to the satisfaction of the Municipality of Lakeshore;
- 2) That municipal taxes be paid in full prior to the release of the certificate

for the registration documents;

3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;

4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Carried Unanimously

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve consent application B-07-2024 to allow a lease agreement greater than 21 years to be registered that would have the effect of establishing a road access connecting the west adjacent and east adjacent properties via lands of the Subject Property, the lease term is 25 years with an option to renew for an additional 10 years, subject to the following conditions:

1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the lands subject to application, to the satisfaction of the Municipality of Lakeshore;

2) That municipal taxes be paid in full prior to the release of the certificate for the registration documents;

3) That the registration documents be sent to the Secretary-Treasurer of the Committee of Adjustment;

4) All conditions shall be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date will result in the applications being deemed to be refused.

Carried Unanimously

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minutes of the previous meeting August 21, 2024.

Carried Unanimously

7. New Business

a. B-12-2023 - Consent Condition Change - 492 County Road 8

Present at the meeting virtually was Brad Teichman.

It was confirmed that future development will be required to confirm servicing with Municipality of Lakeshore and Town of Essex prior to removing the holding.

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Delete and replace the conditions of provisional consent Schedule "A" to consent application B/12/2023 so that it reads as follows:

- 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;
- 2) 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;
- 3) That the applicant remove or relocate any fencing the crosses the boundary of the severed lot onto the retained land to the satisfaction of Community Planning;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 6) That services be abandoned to the satisfaction of the Town of Essex;
- 7) That, to the satisfaction of the Municipality of Lakeshore, the applicant successfully amends the Lakeshore Zoning By-law 2-2012 to rezone the severed lot into a holding symbol that will only permit existing uses on the

severed lot until the holding symbol is removed, with the condition for removal of the holding symbol being the confirmation of servicing (storm drainage, water and sanitary sewage) and servicing capacity from the Town of Essex, and development approval;

8) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R.S.O. 1990 by September 19, 2026. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

(2) Not consider the change to be minor, thereby requiring notice of change to the conditions of the provisional consent to be given in accordance with subsection 53(24) of the Planning Act.

Carried Unanimously

8. Adjournment

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

The Committee of Adjustment adjourn its meeting at 7:24 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer