



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, October 16, 2024, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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

Staff Present: Planner I Ian Search, Planner II Jacob Dickie, Administrative Assistant Gisele Pillon, Division Leader of Community Planning Daniel Mercer

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. Land Acknowledgement and O Canada

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. A-23-2024 - Minor Variance - 3194 St. Clair Road

In attendance speaking to the application was Mario Georghiades.

It was confirmed that the accessory building will not be serviced by water. Although the accessory building is approximately 28 ft² larger than the single detached dwelling, Ian Search provided opinion that the accessory building meets the general intent of the Zoning By-law and is similar to other accessory buildings on St. Clair Road.

There were no questions or concerns from the audience.

(57/10/2024)

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/23/2024, 3194 St. Clair Road, for the development of a new accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 177.5 m² (1,910.6 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55.0 m² (592.0 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 5.07 metres (16.64 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.40 feet) in height unless within an Agriculture zone.

It is recommended that the Committee of Adjustment impose the following conditions on approval of the minor variance application:

The existing garage on the subject property (22.0 ft by 24.0 ft as noted on the site plan drawing for the minor variance application) is to be demolished prior to development of the proposed accessory building that is the subject of this application, to the satisfaction of the Municipality of Lakeshore.

It is recommended that the Committee of Adjustment include the following Notice in the 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 in the accessory building.

Carried Unanimously

b. A-29-2024 - Minor Variance - 1292 County Road 31

In attendance speaking to the application was Kris Bodchon.

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

(58/10/2024)

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minor variance application A/29/2024, 1292 County Road 31, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for a proposed building addition to an existing 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 130.81 m² (1,408 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 7.4 metres (24.28 feet), whereas subsection 6.5 a) xi) states that an accessory building shall not exceed 5.0 metres (16.4 feet) in height unless with an Agriculture zone.

Impose the following conditions on minor variance approval:

The minor variance reliefs are only for a building addition (second storey) to the existing “pool house” (accessory building) on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;

Any covered balcony included in the development will not be constructed on the northside of the accessory building;

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 in the accessory building.

Carried Unanimously

c. B-10-2024 - Consent - 15709 Lakeshore Road 309

In attendance to speak to the application was authorized agent Jay Johnson.

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

(59/10/2024)

Moved By Linda McKinlay

Seconded By Jeremy Prince

Approve consent application B/10/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 2.8 acres and a lot frontage of approximately 94.5 metres (310 feet), subject to the following conditions:

- 1) 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 - the draft plan of survey is to be approved by Community Planning at the Municipality of Lakeshore prior to registration and will detail setbacks of buildings/structures from lot lines;
- 2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the installed septic system will be located on the severed lot and will meet required setbacks from lot lines without further encroachment onto farmland that is unnecessary, to the satisfaction of this Division;
- 3) That the septic system which has been installed for the severed lot pass a final inspection, to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 4) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 5) That a Park Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of payment of cash in lieu of parkland at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 6) That the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings/additional residential units and to address any zoning compliance issues (setbacks, etc.);

7) That the applicant enters 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;

8) 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;

9) That the Deeds for the severed lot and retained lot be forwarded to the Secretary-Treasurer, and that the applicant/their solicitor provide an undertaking that the retained lot will be transferred to an individual(s)/company that owns other farm parcel(s) and is acquiring the retained lot to expand their farming operation, to the satisfaction of the Community Planning Division at the Municipality of Lakeshore;

10) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by October 17, 2026. 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

(60/10/2024)

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve the September 18 2024 meeting minutes as listed on the agenda.

Carried Unanimously

7. New Business

Committee members received a presentation from Jacob Dickie, Planner II which provided information on upcoming changes to the Provincial Policy Statement which affect applications that are brought forward to the committee.

a. PPS 2024 - Presentation for Committee of Adjustment

8. Adjournment

(61/10/2024)

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 7:03 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer