

## Municipality of Lakeshore

### Minutes of the Committee of Adjustment Meeting

**Wednesday, November 13, 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, Member Ron Barrette

Staff Present: Planner Ian Search, Administrative Assistant Gisèle Pillon, Division Leader - Community Planning Daniel Mercer

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#### 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

##### a. A-28-2024 - 1819 County Road 27

Mark Hacon declared a conflict on this item. (The contractor is also providing services to committee member Hacon and therefore conflict declared.)

#### 4. New Business

##### a. Election of Vice-Chair for the Committee of Adjustment

**62-11-2024**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

Appoint Ron Barrette as Vice Chair

**Carried Unanimously**

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

**a. A-18-2024 -1 to 21 - 21 Properties on Xavier Circle**

Speaking to the meeting is applicant John Evola from Evola Builders.

Mr. Evola explained the design of the units being built do not have the physical space for the air conditioning units in the rear of the building and that most residents prefer having them on the side of the unit.

There were no questions or concerns from the audience.

**63-11-2024**

**Moved By** Jeremy Prince

**Seconded By** Member Barrette

Approve Minor Variance Applications A/18/2024-1 through A/18/2024-21 for 21 semi-detached lots on Xavier Circle, to permit the encroachment of air conditioning units in the required interior side year setback. The maximum allowed encroachment for each lot is noted in the public meeting notice for the application.

**Carried Unanimously**

**b. A-28-2024 - 1819 County Road 27**

Mark Hacon declared a conflict on this item. (The contractor is also providing services to committee member Hacon and therefore conflict declared).

Speaking to the application is authorized agent Supreme General Contracting Inc. c/o Brian Lafreniere.

There were no questions or concerns from the audience.

**64-11-2024**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

Approve minor variance application A/28/2024 to permit an accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> and a maximum height of 5.27 m.

Note to minor variance approval: 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.

**Carried Unanimously**

**c. A-30-2024 - 15940 Couture Beach Road**

Speaking to the application is authorized agent Bluewater Pool c/o Spencer Mickie

There were no questions from the authorized agent or audience.

**65-11-2024**

**Moved By** Member Barrette

**Seconded By** Jeremy Prince

Approve minor variance application A/30/2024 to permit the following reliefs from Lakeshore Zoning By-law 2-2012 for the development of a porch attached to a dwelling on the Subject Property:

- Relief from subsection 6.52 a) to permit: the steps of the porch to be setback a minimum of 7.7 metres from the centreline of a private road, for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 8.6 metres from the centreline of the private road, for the wall/foundation of the porch to be setback a minimum of 9 metres from the centreline of the private road. Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.
- Relief from section 8.3 and 6.42 to permit: the wall/foundation of the porch to be setback a minimum of 11.6 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback), for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), for the steps of the porch to be setback a minimum of 10.3 metres from the front lot line (encroaching a maximum of 4.7 metres into the required front yard setback). Whereas, section 8.3 requires a 15 metre front yard setback and

subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

**Carried Unanimously**

**d. B-09-2024 - 1370 Lakeshore Road 203**

Speaking to the application is authorized agent Lloyd and David Phillips.

There were no questions from the authorized agent or audience.

**66-11-2024**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

Approve consent application B/09/2024 for the creation of one lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 1.71 acres (approx. 6,920.2 m<sup>2</sup>) and a lot frontage of approximately 70.1 metres (approx. 230 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 and will provide information about the area of both the severed lot and retained farmland;
- 2) That the applicant provide confirmation to Community Planning at the Municipality of Lakeshore that the private sanitary system for the severed lot will be located on the severed lot and will meet required setbacks from lot lines, to the satisfaction of this Division;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) 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;
- 5) 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;

6) 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;

7) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the Municipality's satisfaction, and make any necessary corrections to drainage tiles/drainage tile boundaries so that the retained farmland does not drain through the severed lot, to the satisfaction of the Municipality and prior to the stamping of the Deed;

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

9) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

**Carried Unanimously**

**e. B-11-2024 - 0 Orsini Court**

Speaking to the application is authorized agent Kirwin Partners c/o Karl Gerstheimer.

Mr. Search clarified that the notice read with the decision is only a notice and not a condition.

There were no questions from the audience.

**67-11-2024**

**Moved By** Jeremy Prince

**Seconded By** Linda McKinlay

Approve consent application B/11/2024 for the creation of two semi-detached dwelling residential lots, with one of the residential lots having a frontage of approximately 12.708 metres (approx. 41.7 feet) and a lot area of approximately 673.7 m<sup>2</sup> (approx. 7,251.7 ft<sup>2</sup>), and the other residential lot having a frontage of approximately 10.119 metres (approx. 33.2 feet), and a lot area of approximately 1048.7 m<sup>2</sup> (approx. 11,288.1 ft<sup>2</sup>), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lots to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 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 all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Including the following notice in the approval: Development of the two lots is subject to the provisions of the Subdivision Agreement dated September 11, 2018 and registered on October 3, 2018 (registered as CE852528).

**Carried Unanimously**

**f. B-12-2024 - 475 & 477 Charron Beach Road**

Speaking to the application is applicant Ali Parla.

The reference plan will confirm the new lot lines which will also need to confirm each structure will be contained within each respective lot.

There were no questions from the audience.

**68-11-2024**

**Moved By** Member Barrette

**Seconded By** Nancy Flagler-Wilburn

Approve consent application B/12/2024 to separate 475 Charron Beach Road and 477 Charron Beach Road back to the same two separate

properties that they were prior to merging on title, with the severed lot (475 Charron Beach Road) having a frontage of approximately 15.24 metres (approximately 50 feet) and a lot area of approximately 1,300 m<sup>2</sup> (approximately 0.32 acres), and the retained lot (477 Charron Beach Road) having a frontage of approximately 96 feet (approximately 29.3 metres) and a lot area of approximately 2,400 m<sup>2</sup> (approximately 0.6 acres), subject to the following conditions:

- 1) 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;
- 2) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a draft Plan of Survey that confirms that buildings/structures and private sanitary system(s) are wholly located on their respective lot;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by November 14, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

**Carried Unanimously**

**6. Completion of Unfinished Business**

**7. Approval of Previous Meeting Minutes**

**69-11-2024**

**Moved By** Jeremy Prince

**Seconded By** Linda McKinlay

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

**a. October 16 Meeting Minutes**

Approve October 16, 2024 minutes.

**Carried Unanimously**

**8. Adjournment**

Adjourned at 7:02 PM

**70-11-2024**

**Moved By** Linda McKinlay

**Seconded By** Nancy Flagler-Wilburn

The Committee of Adjustment adjourn its meeting at 7:02 PM.

**Carried Unanimously**

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Mark Hacon

Chair

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Ian Search

Secretary-Treasurer