

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, FEBRUARY 17, 2021 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Mark Hacon
Members	- Steve Diemer
	- Ron Barrette
	- Robert Sylvestre
	- Michael Hoffman
Planner I, Secretary-Treasurer	- Ian Search
Planner III, Manager of Development Services	- Aaron Hair
Planner II	- Ayusha Hanif

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

APPLICATION:	A/07/2021	MAP NO. 180-09500
APPLICANT:	Timothy and Patricia Marchand c/o James Lanoue	
PROPERTY LOCATION:	2135 St Clair. Road (Community of Tilbury North)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 77.3 m² (832 ft²)

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

PRESENT AT MEETING

James Lanoue, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comments
2. Lakeshore Drainage Dept. – The Klinger Gaspard is an enclosed municipal drain runs east and west along rear of said application. Setbacks must be adhered to as per Lakeshore's Zoning By-law
3. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands.
4. Lakeshore Fire – No comments
5. Lakeshore Planning Dept. –

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent as residential uses and accessory structures are permitted within this designation.

Staff took into consideration the intent and purpose of the zoning by-law. The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Staff took into consideration the current buildings on the property and are of the opinion that the variance meets the intent and purpose of the zoning by-law.

Staff are of the opinion that the variance is also minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighbourhood, and therefore fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics. In the opinion of staff, the proposed variance is appropriate and desirable for the use of land.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A7/2021.

- 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.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

James Lanoue stated that he had no concerns with the comments.

Member Sylvestre asked if any conditions were recommended. Ian Search responded that no conditions were recommended.

Member Hacon questioned whether the site plan drawing accurately depicted the size of the house and proposed structure. Ian Search explained that it was submitted with the application as an accurate depiction.

Member Diemer asked the other members of the Committee if a condition should be imposed limiting the size of the accessory structure to 832 ft². The Committee members agreed.

**Moved by Member Diemer
2nd by Member Barrette**

That Minor Variance application A/07/2021 be approved with a condition that the accessory structure not exceed 832 ft²

- Carried -

APPLICATION:	B/05/2021	MAP NO. 850-00100
APPLICANT:	Larry and Ann Wylie	
PROPERTY LOCATION:	12560 Lakeshore Road 309 (Community of Tilbury West)	

PURPOSE OF APPLICATION

The subject farmland is located on the north side of Lakeshore Rd 309 in the Community of Tilbury West. The applicant has applied for a surplus dwelling lot off of

Lakeshore Rd 309 with 75 metres (246.06 feet) of frontage and an overall area of 8538.87 m² (2.11 acres). The retained farmland will then have a frontage off Lakeshore Rd 309 of 529 metres (1735.6 feet) and an overall area of 93.6 acres (37.88 hectares). The subject lands are zoned A, Agriculture and designated Agricultural.

If approved, both the severed parcel and retained parcels will comply with the Zoning By-law (lot frontage/ area), however the retained farmland requires a condition to amend the zoning to prohibit a single detached dwelling.

PRESENT AT MEETING

Larry Wylie, Owner

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment
2. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore or County of Essex. Severed lot subject to water buy in fee according to the tariff of fees by law at the time of servicing. Surface water and subsurface drainage tiles and water should be redirected around the severed parcel.
3. Lakeshore Drainage Dept. – No concerns
4. Lakeshore Fire Dept. – No comments
5. Lakeshore Planning Dept. –

The subject property is a 96.27 acre (38.96 hectare) parcel of farmland located south of County Road 46 at the northwest corner of Lakeshore Rd. 309 and County Road 37 in the former Township of Tilbury West, known municipally as, 12560 Lakeshore Rd. 309. (See Attachment 'A').

The applicant has applied to sever the surplus dwelling lot with 75 metres (246.06 feet) of frontage and an overall area of 2.11 acres (0.85 hectares). The retained farmland will then have a frontage of 529 metres (1,735.56 feet) and an overall area of 93.6 acres (37.88 hectares) (see Attachment 'B').

The Municipality of Lakeshore Official Plan and the Provincial Policy Statement (PPS) permit consents to sever a residential building which is considered surplus to the needs of the farming operation, provided the municipality ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. In addition, the Municipality of Lakeshore Official Plan (Section 6.2.3 b) ii requires that the non-farm parcel will be zoned to recognize the non-farm residential use and will not accommodate a livestock operation. As a result of the severance, Section

8.9 of the Lakeshore Zoning By-law automatically recognizes the surplus lot and its non-farm residential use, as long as the resulting lot area is under 4 hectares or 9.88 acres.

The subject property is designated 'Agricultural' in the Municipality of Lakeshore Official Plan and is zoned Agriculture (A) in the Lakeshore Zoning By-law. The subject property is not part of any hazard lands, significant valley lands, woodlands or wetlands. It is located within the Lower Thames Valley Conservation Authority Limit of Regulated Area.

There is one habitable dwelling and two accessory structures on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. An R-Plan will be required to detail the consent and confirm additional zone provisions on the surplus/severed lot. A zoning by-law amendment application will be required on the retained lands, following the surplus lot creation to ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The applicants will be advised by the Secretary-Treasurer of the Committee of Adjustment prior to the issuance of a consent certificate that the location of any future livestock facility on the retained lands shall be in accordance with the minimum distance separation (MDS) formula of the Agricultural Code of Practice.

An agreement will be required to be entered into and will be registered on title noting that the owner agrees to place the following "clause" in every agreement of purchase and sale that "the Buyer hereby acknowledges that the property may be within an area approved for the construction of wind turbines of a commercial size and grade". This agreement will be placed on the lands to warn future buyers of a potential wind turbine being located in the immediate area.

The applicant has indicated that Lakeshore Rd. 309 will provide access to the severed lot, while County Road 37 will provide access to the retained lot. According to the sketch provided by the applicant, there is also an existing access for the retained lot on Lakeshore Road 309 that is separate from the severed lot. The lot dimension of the severed lot as proposed incorporates the existing residence, accessory structures, stand of trees, and grassed area.

The applicant will be installing a new septic system on the severed lot. According to the applicant, a contractor visited the property and informed the applicant that it was not possible to install the new system north or south of the existing house due to underground utilities including hydro, gas and water, as well as the location of mature trees. The contractor has recommended using a narrow strip of land to the east of the house to accommodate the new septic system. The Committee may consider this reasonable given that the Provincial Policy Statement states that the severed lot of a surplus farm dwelling severance will be limited to a minimum size needed to accommodate appropriate sewage and water services.

If the Committee decides to approve this application, they are advised that the proposed consent would be consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land, including any buildings along the new lot line. Data shall also be provided in the format of a projection (NAD 83) UTM Zone 17.
 2. That all municipal taxes be paid in full prior to the stamping of the Deed.
 3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed.
 4. That the applicant obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and that the surplus lot be rezoned to recognize the non- farm residential use.
 5. That a new septic system be installed on the severed lot that meets Part 8 OBC regulations, and to the satisfaction of the Chief Building Official, prior to the stamping of the Deed.
 6. That the applicant enter into an Agreement with the municipality to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or fees with respect to the subject lands.
 7. 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.
 8. That the applicant enter into an Agreement, which requires a “warning clause” to be placed on title alerting potential purchasers of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
 9. That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
 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 Section 53(41) of the Planning Act, R.S.O. 1990 by **February 19, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
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6. Hydro One – No concerns or comments
 7. Lower Thames Valley Conservation Authority – No objections

8. County of Essex – The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No.37. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. No new access will be permitted off County Road No. 37.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Larry Wylie stated that he understood the comments

Member Barrette asked where the current septic system is located. Larry Wylie said behind the house.

Member Sylvestre asked where the existing accesses are for the retained land. Larry Wylie said he had accesses on the county road and the municipal road for the retained land.

**Moved by Member Barrette
2nd by Member Diemer**

That Consent Application B/05/2021 be approved subject to the conditions recommended by the Planning Department

- **Carried-**

APPLICATION:	A/08/2021	MAP NO. 630-07100
APPLICANT:	Robert and Tracy Shulz	
PROPERTY LOCATION:	347 Charron Beach Road (Community of Belle River)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) of Lakeshore Zoning By-law 2-2012 to permit a gross floor area of 58.06 m² (625 ft²) and relief from Section 6.5 a) vii) to permit a setback of 0.914 metres (3 feet) from the west side lot line

Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012, restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²)

Section 6.5 a) vii) states accessory buildings shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centered on a mutual side lot line;

PRESENT AT MEETING

Robert and Tracy Shulz, Owner

CORRESPONDENCE RECEIVED

VIA Rail Canada – No comments

Lakeshore Building Dept. – The Building Department requests that a lot grading plan be made a condition of approval and submitted to the satisfaction of the Building Department for the proposed structure. The finished grade height is controlled by ERCA. It will most likely be significantly higher than the adjacent property.

Lakeshore Drainage Dept. – No concerns

Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard and side yard drainage or adjacent neighbouring lands

Lakeshore Fire – No comments

Essex Region Conservation Authority – With the review of background information and aerial photography, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 ERCA Permit.

Lakeshore Planning Dept. –

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent as residential uses and accessory structure are permitted within this designation.

Staff took into consideration the intent and purpose of the zoning by-law. The purpose of limiting the Gross Floor Area of Accessory Buildings is to ensure that there is no overdevelopment of the lot, and that there is room for greenspace and amenity. Further,

the purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy, light and air circulation. The variance only reduces the interior side yard setback by 0.5 metres (2 feet).
- Maintenance associated with building materials – It is not anticipated that permitting this variance will affect the ability to provide maintenance of building materials
- Fire prevention - The Building Department and Fire Department were circulated notice of the minor variance application for comment.

Therefore, staff are of the opinion that the variance meets the intent and purpose of the zoning by-law.

Staff are of the opinion that the variance is also minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighbourhood, and therefore fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an Accessory Building does not compromise the desirability of the property with the surrounding neighbourhood as the neighbouring properties have similar characteristics. In the opinion of staff, the proposed variance is appropriate and desirable for the use of land.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act* and staff are recommending approval of Minor Variance A8/2021.

- 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.

Al and Janice LaMarre (353 Charron Beach Road) – We have no issues with the addition of Rob and Tracy’s garage on the roadside. We are sure the garage will be a further enhancement to their property and our neighbourhood.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Robert and Tracy Shulz said they had no comments or concerns

Member Barrette asked if the proposed structure was similar to the accessory structure located on the neighbouring property to the west. Robert and Tracy Shulz said it was but will be a bit taller.

**Moved by Member Barrette
2nd by Member Hacon**

That Minor Variance application A/08/2021 be approved with the recommended condition from the Building Department.

- Carried -

APPLICATION:	A/9/2021	MAP NO. 210-07430
APPLICANT:	NM APP Canada Corp. c/o Rosati Construction Inc	
PROPERTY LOCATION:	418 Silver Creek Industrial Drive (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the Lakeshore Zoning By-law 2-2012 to permit a building addition for the following relief:

- Relief from Section 8.7 Employment Zone Regulations of Lakeshore Zoning By-law 2-2012 to permit a minimum interior side yard setback of 1.03 metres (3.37 feet) from the west side lot line

Section 8.7 Employment Zone Regulations of the Lakeshore Zoning By-law 2-2012, requires a minimum interior side yard setback of 4.5 metres for main buildings where the yard does not abut a residential, institutional or open space zone.

PRESENT AT MEETING

Rosati Construction Inc., Authorized Applicant

CORRESPONDENCE RECEIVED

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – No concerns

Lakeshore Engineering Dept. – Construction of the building addition should not adversely impact the rear yard drainage or adjacent neighbouring lands

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

The purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation, privacy – It is anticipated the variance will have little to no impact on privacy and light and air circulation. The neighbouring lot to the east appears to be a vacant farm parcel.
- Maintenance associated with building materials – It is not anticipated that permitting the variance will affect the ability to provide maintenance of building materials
- Fire prevention - this matter is reviewed through the building code and fire code at the time of permit issuance and both the Building Department and Fire Department were circulated notice of the minor variance application for comment.

The neighbouring lot to the east is designated Urban Reserve in the Official Plan. It is recognized that further planning study is required to determine the preferred land use, community design, transportation and servicing policies for Urban Reserve areas. Compatibility with the existing building on the subject property and its use will be accounted for when this area is developed in the future.

Therefore, the requested variance meets the following four tests prescribed under Section 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

William Good said he had no comments or concerns.

Member Barrette asked if the lean-to was fully enclosed. William Good confirmed that it was.

Member Sylvestre asked if there were any drainage concerns from the Drainage Department. Ian Search confirmed they had no concerns.

**Moved by Member Diemer
2nd by Member Sylvestre**

That the Minor Variance application A/9/2021 be approved.

- Carried -

APPLICATION:	A/6/2021/B/1,2,3,4/2021	MAP NO: 530-01201
APPLICANT:	Donald and Lisette Lassaline	
PROPERTY LOCATION:	2201 County Road 31 (Community of Rochester)	

PURPOSE OF APPLICATION

The subject land is a farm parcel located on the west side of County Road 31 in the Community of Rochester. The applicant has applied to sever four residential lots from the farm parcel with one retained lot. The area and frontage of each lot to be created is as follows:

Lot 1 (B/1/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 2 (B/2/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 3 (B/3/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Lot 4 (B/4/2021)

Frontage – 39.62 m (130 ft), Area – 3019.34 m² (32,500 ft²)

Retained Lot (Following 4 Lot Creations)

Frontage – 48.76 m (160 ft), Area – 19.5 acres (7.9 hectares)

If approved, the four severed lots will comply with the Zoning By-law (lot frontage/ area).

The retained lot requires a minor variance (A/6/2021) to permit a lot frontage of 48.76 metres (160 feet) and an area of 19.5 acres (7.9 hectares). Section 8.9 Agriculture Zone Regulations of the Lakeshore Zoning By-law 2-2012 requires a farm parcel to have a minimum frontage of 75 metres (246 feet) and a minimum lot area of 46.95 acres (19 hectares).

PRESENT AT MEETING

Donald and Lisette Lassaline, Owner

CORRESPONDENCE RECEIVED

Hydro One – We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

County of Essex – The minimum setback for any proposed structures on this property must be 52 feet from the property limit. Consult with the Municipality of Lakeshore with regard to setback from the drain, if distance is greater than 52 feet, the greater number will be used. The County of Essex requires one bridge per two lots with a maximum width of 45 feet. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Lakeshore Building Dept. – No comments

Lakeshore Drainage Dept. – The application fronts onto the Brown Drain which is an open municipal drain. As in previous applications that have severed lots, we would request that an engineer's report is prepared to enclose this drain and in this report each property will be provided an access over said drain.

Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the County of Essex. Retained and severed lots subject to water buy in fee according to the tariff of fees by law at the time of servicing.

Lakeshore Fire – No comments

Lakeshore Planning Dept. –

The majority of the subject property is designated Agricultural, but is also designated Hamlet along the frontage of the property where the four lot creations are proposed. This part of the subject property designated Hamlet is located within the Ruscom Settlement Area. Low density residential dwellings are permitted under the Hamlet designation.

The proposed lots are zoned Agriculture (A) and will comply with the minimum lot frontage (30 m) and area (3,000 m²) required under this zone. The applicant has proposed the same lot dimensions as the three residential lots that were approved by the Committee of Adjustment in 2017 on the east side of County Road 31 directly across from the subject property. The lot creations as proposed will maintain the physical design characteristics of the Settlement Area and will be in keeping with its traditional character.

The Hamlet designation along the property's frontage permits the consents, which will result in deficient lot frontage and area for the retained parcel or farm which is already quite deficient, but legal non-complying. The property is undersized significantly only having a lot area of 9.24 hectares, whereby 19 hectares was required and part of the property is located in a settlement area, with smaller residential lots located along County Road 31.

Therefore, the requested variance meets the following four tests prescribed under Section 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

If the Committee decides to approve this application, they are advised that the proposed consent would be consistent with the Provincial Policy Statement (PPS), conforms to the Lakeshore Official Plan, subject to the following conditions of consent:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained land and that the draft plan be to the satisfaction of the municipality. Data shall also be provided in the format of a projection (NAD 83) UTM Zone 17.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.

3. That Park Fees be imposed on the granting of the consent applications in the amount of \$1,200.00 per consent application, and that such fees shall be paid prior to the stamping of the Deed.
4. That the applicant initiate/complete a Section 4 of the Drainage Act to install/extend a new closed-in municipal drainage system along the front lot line of the property and provide a separate access to the retained lot, all to the satisfaction of the Municipality prior to the stamping of the Deed.
5. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, that the four severed lots and retained lot will receive separate water connections, and to pay any applicable water rates or fees with respect to the subject lands.
6. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed that, when sanitary sewers become available, a Sanitary Sewer connection be provided for all severed and retained property in the Sanitary Sewer area at the expense of the applicant according to the requirements of the Ministry of the Environment.
7. That the applicant enter into an Agreement with the municipality to be registered on title at the expense of the applicant prior to the stamping of the Deed, to provide an access bridge/driveway for each severed and retained lot, which may be on a municipal drain, at the expense of the applicant in accordance with the specifications and supervision of the Municipality Drainage Department. The access bridge/driveway is to be maintained by the assessed owner for a period of one year at which time the bridge will form part of the municipal drainage system.
8. 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.
9. That, if required, the applicant at their own expense, relocate Hydro One servicing lines away from the area of drainage system improvements and the building envelopes on the lots to the satisfaction of the Municipality and/or Hydro One.
10. That the applicant enter into an Agreement, which requires a “warning clause” to be placed on title alerting potential purchasers of the retained land and/or severed lots of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
11. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
12. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by February 19, 2022. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

ERCA – With review of background information and aerial photography, ERCA has no objection to these applications for Consent and Minor Variance.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Donald Lassaline said he had no questions or concerns with the comments

Brittany Wills (2233 County Road 31) stated that she lived next to Lot 1, south of Lot 1, as depicted on the sketch. Brittany Wills raised concerns over privacy of her rear yard given that a dwelling is to be constructed on Lot 1. Brittany Wills also asked about the Hydro One lines.

Member Diemer stated that it would be proper planning to have Lot 1 abut 2233 County Road 31 instead of leaving an unnecessary gap. Member Barrette asked if Lot 1 could be developed north of Lot 4 instead. Donald Lassaline explained that the land north of Lot 4 is used for the drainage of the farmland. Ian Search explained that a dwelling built on Lot 1 as proposed would have to comply with zone regulations, which includes a 3 metre setback from the interior side lot line.

Donald Lassaline explained that the ditch in front of the severed lots would be enclosed which would improve the aesthetics of the area. Donald Lassaline explained that the Hydro One lines would be moved appropriately if needed, to accommodate the development.

**Moved by Member Diemer
2nd by Member Sylvestre**

That Minor Variance application A/6/2021 be approved. That consent applications B/1,2,3,4/2021 be approved subject to the recommended conditions by the Planning Department.

- Carried -

Change to Conditions Requested - Consent Application B/20, 21, 22, 23/2020

In consultation with administration, the Applicant for Consent Applications B/20, 21, 22, 23/2020 is requesting a change to the conditions that the Committee of Adjustment imposed on the approval of the consents at the November 18, 2020 Committee of Adjustment meeting. Specifically, the Applicant is requesting the removal of Condition 3 for each consent, which requires the applicant to "rezone the severed lands into a site specific zone category that will recognize the existing single detached dwellings as a

permitted use and provide relief from any zone provisions that the draft reference plan demonstrates cannot be satisfied”.

Consequently, it is requested that Condition 4 also be revised to allow for any non-compliance of existing buildings/structures to be legalized through a minor variance process as opposed to a required zoning by-law amendment. It is requested that the wording in Condition 4 that allows the applicant to demolish/partially-demolish any non-complying buildings remain as part of the condition.

The current list of conditions that apply to Consent Application B/20, 21, 22, 23/2020 are included in Attachment “A”, and the proposed list of conditions based on the requests are included in Attachment “B”. The original Planning Recommendation Report for the consents has also been shared with the Committee.

Under Section 53 (23) of the Planning Act, the Committee of Adjustment can change the conditions of a provisional consent at any time before a consent is given.

The request to remove Condition 3 is supported by the Planning Department. Currently, the lots to be severed are zoned Residential Type One (R1) from the Maidstone Zoning By-law adopted by Council prior to amalgamation. This zone already permits single detached dwellings so there is no need for a rezoning to recognize the single detached dwellings as a permitted use. Furthermore, the Official Plan designation of the lots to be severed is Mixed Use. Thus, any zoning by-law amendment application brought forward would have to conform to this designation by introducing a new use for the land that is permitted under the Mixed Use designation (apartment, bake shop, day care centre, etc.). While the applicant can certainly apply to rezone the severed lots for a Mixed Use purpose, it is recommended that any such endeavor be done separately from the lot creation process for the following reasons:

- 1) Applying for a Mixed Use development on the severed lots is unrelated and unnecessary to the consent applications, which were approved to sever the existing single detached dwellings and enable the retained land to fully merge into a single large parcel for future development.
- 2) A Mixed Use development proposal would have to go through a Site Plan Control process that may take longer to complete than when all conditions need to be met (November 20, 2021)
- 3) Administration has recently been made aware of a sanitary capacity issue in the area, and the existing single detached dwellings are accounted for in current sanitary capacity allocation. A rezoning for a higher intensity use would require a hold symbol until sanitary capacity is available, and increase political uncertainty of a rezoning approval at this time.

If the Committee chooses to remove Condition 3, it is requested that Condition 4 also be revised to allow for any non-compliance of existing buildings/structures to be legalized through a minor variance as opposed to the zoning by-law amendment process. It is requested that the wording of Condition 4 that allows the applicant to demolish/partially-

demolish any non-complying buildings remain as part of the condition. The Planning Department is in support of this request.

It is recommended that the Committee of Adjustment approve the requested changes by adopting the list of conditions under Attachment “B” as the official conditions for consent applications B/20,21,22,23/2020, and that the Committee of Adjustment consider the change to the conditions for each application to be minor.

Moved by Member Hacon
2nd by Member Barrette

That the Committee of Adjustment approve the requested changes to the conditions for consent applications B/20,21,22,23/2020 by adopting the list of conditions under Attachment “B” of the Planning Recommendation Report as the official conditions for each consent application, and that the change to the conditions for each application be deemed minor.

- Carried –

Moved by Member Hoffman
2nd by Member Diemer

That the minutes of January 27, 2021 be adopted as printed and distributed.

- Carried –

Moved by Member Diemer
2nd by Member Sylvestre

THAT the meeting adjourn at 7:49 p.m.

- Carried –

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer