

**MUNICIPALITY OF LAKESHORE  
COMMITTEE OF ADJUSTMENT  
WEDNESDAY, May 19, 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
Secretary-Treasurer & Planner I	- Ian Search
Supervisor of Planning	- Aaron Hair

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.

<b>APPLICATION:</b>	<b>A/17/2021</b>
<b>APPLICANT:</b>	<b>Richard &amp; Linda Levasseur</b>
<b>PROPERTY LOCATION:</b>	<b>637 Ross Beach Road (Community of Rochester )</b>

**PURPOSE OF APPLICATION**

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

- Relief from Section 6.5 a) v) to permit a 3.07 metre (10.07 feet) setback from the front lot line
- Relief from Section 6.5 a) vii) to permit a 0.6 metre (2 feet) setback from the west side lot line
- Relief from Section 6.41.4 a) to permit a driveway to have a minimum length of 3.07 metres (10.07 feet)
- Relief from Section 6.52 a) to permit a 13.71 metre (45 feet) setback from the centreline of a private road

- Relief from Section 6.42 d) for the gutters to encroach 1.45 metres into the required setback from the west side lot line, and for the eaves to encroach 1.2968 metres into the required setback from the west side lot line, and for the porch/canopy to encroach 3.46 metres into the required front yard setback

**Section 6.5 a) v) requires an accessory building in a RW2 zone to be setback 6 metres (19.68 feet) from the front lot line where a garage door faces the street**

**Section 6.5 a) vii) requires accessory buildings to not be built closer than 1.5 metres (4.92 feet) from any lot line**

**Section 6.41.4 a) requires the driveway for a residential use to have a minimum length of 6 metres (19.68 feet)**

**Section 6.52 a) requires buildings to be setback 10.0 m (32.8 feet) from the centerline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 m (19.68 feet) or the front yard or exterior side yard setback for that zone.**

**Section 6.42 d) permits eaves and gutters to encroach 1 metre into any required yard setback, and Section 6.42 g) permits porches to encroach 2.5 metres into required front and rear yard setbacks**

## **PRESENT AT MEETING**

Richard Levasseur, Applicant

## **CORRESPONDENCE RECEIVED**

1. Lakeshore Building Dept. – Recommending condition that no openings be permitted on the west side of the building
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Municipality's Development Manual. Construction of the accessory buildings should not adversely impact the front yard drainage or adjacent neighbouring lands
4. Lakeshore Fire – If relief for the reduce setback are granted that the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
5. Lakeshore Planning Dept. –

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

- i) Maintenance: the structure is proposed to be setback 0.609 metre (2 feet) from the west side lot line, and the gutters are proposed to be setback 0.05 metres (0.164 feet). The applicant may find it awkward to perform maintenance with respect to the gutters. If the Committee chooses to approve the variance, they could impose a condition requiring the installation of gutter guards.
- ii) Fire prevention: The Building Department and Fire Department were circulated notice of the application to comment on fire prevention. At the time of writing this report, the Fire department has recommended that the walls of this proposed accessory building facing the adjacent property as well as the walls facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
- iii) Drainage: the applicant is required to retain their own water. It is noted that the subject property is partially located within the Lake St. Clair Floodprone area, and that the grade may need to be changed to accommodate the building. The Building department reviews water retention when processing building permits and was circulated the proposal for comment. The reduced setback may make it difficult for the applicant to retain their own water, and any approval of the variance should be subject to any recommended conditions received from the Building Department.

The proposed building is only 390 ft<sup>2</sup> and appears to be proposed in a location that will not result in a loss of landscaping. Based on an interactive mapping system available to administration, there appears to be an additional 6.6 metres (21.65 feet) of driveway approach available to the applicant from the road to the front property line in the road allowance.

At the time of writing this report, VIA Rail Canada Inc. did not express any concerns with the application and stated that they had no comments on the proposal. It is noted that there are several examples of buildings and structures on properties along Ross Beach Road that have been constructed a similar distance or closer to the centreline of the private road than the proposed building. As long as fire prevention, drainage and building maintenance can be addressed, the variance is considered minor.

If comments received from other departments and agencies suggest no outstanding issues or concerns from their perspective, then it is recommended that the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

**Recommended Conditions:**

- That gutter guards be installed and used for the proposed building
- That the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the

existing dwelling contain a minimum fire resistance rating identified by the Building Department

- That approval be subject to any recommended conditions received from the Building Department
    - 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.
6. ERCA – The parcel falls within the regulated area of the Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from ERCA. The property owner has obtained Permit No. 74-21 from the Essex Region Conservation Authority. Our office has no concerns relating to stormwater management. With review of background information and aerial photography ERCA has no objection to this application. The Municipality of Lakeshore must ensure the development meets the requirements of Section 3 of the 2020 Provincial Policy Statement for hazardous areas and ensure safe ingress/egress is available at the subject site during a flood event.
7. VIA Rail Canada Inc. – Stated that they had no comments on the request
8. Paul and Elizabeth Bridgeman (633 Ross Beach): Dear Committee. My name is Paul Bridgeman and represent my wife Elizabeth in this correspondence. We reside at 633 Ross Beach which is located directly west of the Levasseur property. We have had numerous discussions with Rick and Linda in regards to this garage project. We are in no way opposed to this construction but have all agreed to the following two design implementations.
- 1- a cement curb will run the length of the western side of the driveway from the garage to just short of the road where there is presently a municipal drain . This will naturally remove most of the excess rain water from the property.
  - 2- any down spout originating from this build will either exit onto the driveway and will flow as discussed in the first point OR will be attached to an underground drain which leads to the municipal drain. ( I believe this drain was installed years ago and still functions). Both of these features will control excess water from running from the property that was built up to satisfy ERCA.
- Again I will restate that we are in no way against this garage construction and friendly dialog between us and the home owners have resulted in these recommendations. Thank you for your time and hope for a positive decision for the Levasseurs.

## **APPLICANTS AMENDMENTS**

- None

## DISCUSSION

Richard Levasseur was in attendance and no questions or concerns with the comments read

Member Sylvestre asked if Richard accepted all the recommended conditions. Richard Levasseur agreed

Member Diemer asked why the 2 foot setback was being requested. Richard said the setback was necessary because of the required setback from the weeping bed

**Moved by Member Barrette  
2<sup>nd</sup> by Member Diemer**

That Minor Variance application A/17/2021 by Richard and Linda Levasseur be approved subject to all recommended conditions.

**- Carried -**

<b>APPLICATION:</b>	<b>A/18/2021</b>
<b>APPLICANT:</b>	<b>Leo &amp; Jennifer Tremblay</b>
<b>PROPERTY LOCATION:</b>	<b>133 Surf Club Drive (Community of Rochester )</b>

## PURPOSE OF APPLICATION

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

- Relief from Section 6.5 a) ix) to permit a gross floor area of 96.62 m<sup>2</sup> (1040 ft<sup>2</sup>)

**Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m<sup>2</sup>, for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;**

## PRESENT AT MEETING

Leo Tremblay, Applicant

## CORRESPONDENCE RECEIVED

1. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
2. Lakeshore Drainage Dept. – No concerns with this application
3. Lakeshore Fire Dept. – No comment
4. Lakeshore Building Dept. – No concerns
5. Lakeshore Planning Dept. –

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 size of the lot and are of the opinion that the Accessory Building will allow for room for greenspace and amenity and appropriate drainage of the subject site. 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 has little to no impact on the neighbourhood. 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 A18/2021.

- 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.
6. ERCA – Our office has reviewed the proposal and has no concerns related to stormwater management. With review of background information and aerial photography, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a permit and/or clearance from Essex Region Conservation Authority
7. VIA Rail Canada Inc. – stated that they have no comments on the request

## **APPLICANTS AMENDMENTS**

- None

## DISCUSSION

Member Barrette asked if the lean-to was going to be enclosed. Leo Tremblay said it was not going to be enclosed.

**Moved by Member Sylvestre  
2<sup>nd</sup> by Member Hoffman**

That Minor Variance Application A/18/2021 by Leo and Jennifer Tremblay be approved.

- Carried-

<b>APPLICATION:</b>	<b>A/19/2021</b>
<b>APPLICANT:</b>	<b>Raymond &amp; Denise Sauve</b>
<b>PROPERTY LOCATION:</b>	<b>2083 County Rd. 27 (Community of Maidstone )</b>

## PURPOSE OF APPLICATION

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

- Relief from Section 6.5 a) ix) to permit a gross floor area of 115.94 m<sup>2</sup> (1248 ft<sup>2</sup>)
- Relief from Section 6.5 a) vii) to permit a 1.219 metres (4 feet) setback from the south side lot line

**Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55 m<sup>2</sup>, for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;**

**Section 6.5 a) vii) requires accessory buildings to not be built closer than 1.5 metres (4.92 feet) from any lot line**

## PRESENT AT MEETING

Raymond Sauve, Applicant

## CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – Requesting a condition for a grading plan to be submitted to the satisfaction of the Building Department

2. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
3. Lakeshore Drainage Dept. – Drainage has no concerns with this application
4. 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 27. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures
5. Lakeshore Fire Dept. – If relief for the reduced setback or relief to permit the gross floor area is granted, that the wall(s) of this proposed accessory building facing the adjacent property as well as the wall(s) facing the existing dwelling contain a minimum fire resistance rating identified by the Building Department.
6. Lakeshore Planning Dept. –

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 0.3 metres (1 foot).
- 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 has little to no impact on the neighbourhood. 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.

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 A19/2021.

- 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**

Member Hoffman asked what the proposed building would be used for. Raymond Sauve said it was for the storage of various vehicles.

Member Barrette asked if the accessory building would be in line with the neighbour's accessory building to the south. Raymond Sauve said that was his plan.

**Moved by Member Diemer  
2<sup>nd</sup> by Member Hoffman**

That Minor Variance Application A/19/2021 by Raymond and Denise Sauve be approved subject to all recommended conditions.

- **Carried-**

<b>APPLICATION:</b>	<b>A/20/2021</b>
<b>APPLICANT:</b>	<b>Caster Custom Homes Inc.</b>
<b>PROPERTY LOCATION:</b>	<b>370 Water Avenue (12M672, Lot 63) (Community of Maidstone)</b>

## **PURPOSE OF APPLICATION**

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

- Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 39.51%

**Section 8.1 Urban Residential Zone Regulations permits a maximum lot coverage of 35% in the Residential – Low Density (R1) zone.**

## **PRESENT AT MEETING**

Daniel Caster, Applicant

## CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The purpose of limiting the Lot Coverage of buildings is to ensure that there is no overdevelopment of the lot, and that there is room for landscaping, drainage and amenity. Staff took into consideration the size of the lot and the proposed dwelling and are of the opinion that the above can be satisfied with the proposed building envelope. 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 an approximate increase of 4.51% to the lot coverage will have little to no impact on the neighbourhood, as it is for the covered porch and therefore fulfills this test as well. Staff are of the opinion that single detached dwelling with a covered porch does not compromise the desirability of the property with the surrounding neighbourhood.

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 A20/2021.

- 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.
6. ERCA – With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance. However, the applicant must obtain a Section 28 Permit from ERCA

## APPLICANTS AMENDMENTS

- None

## DISCUSSION

Member Hacon asked if these variances will be common for the new subdivision. Daniel Caster explained that it was the specific style of dwelling with a covered porch that resulted in the need for the variance.

**Moved by Member Diemer  
2<sup>nd</sup> by Member Barrette**

That Minor Variance application A/20/2021 by Caster Custom Homes Inc. be approved.

**- Carried -**

<b>APPLICATION:</b>	<b>B/11/2021</b>
<b>APPLICANT:</b>	<b>Raymax Construction Ltd. c/o Tracey Pillon-Abbs</b>
<b>PROPERTY LOCATION:</b>	<b>239 Charron Street &amp; 242 West Belle River Rd. (Community of Belle River)</b>

#### **PURPOSE OF APPLICATION**

The applicant has submitted a consent application for the subject land that is located on the west side of West Belle River Road, in the Community of Belle River. The applicants have decided to split the lands (severed & retained residential lots), with the severed lot having a frontage of 19.2 metres and an area of 805.32 m<sup>2</sup>, and the retained lot having a frontage of 17.93 metres and an area of 692 m<sup>2</sup>. The subject land is zoned Residential – Low Density (R1) and is designated "Residential" in the Official Plan.

**If approved, the severed and retained lot will comply with the Zoning By-law (lot frontage/ area)**

#### **PRESENT AT MEETING**

Tracey Pillon-Abbs, Authorized Applicant

#### **CORRESPONDENCE RECEIVED**

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Any new entrances will require an entrance permit from the Municipality of Lakeshore and will need to comply with the Municipality's Development Manual. Retained and severed lots subject to water buy in fee according to the tariff of fees by-law at the time of servicing. Revised private drain connection sheets and records drawings required at the time of servicing.

4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – The Official Plan states that the Municipality will identify and promote intensification of underutilized sites in Urban Areas. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex. Currently, the Denis St. Pierre Water Pollution Control Plant which services this area is at full capacity. As a condition of consent, the applicant will need to rezone the severed lot into a Holding Zone that prevents development from occurring until the Municipality is satisfied that there is sufficient capacity at the sanitary treatment plant to adequately service the lot. The applicant has already submitted a Zoning By-law amendment application in combination with their consent application to rezone the severed lot into a Holding Zone, and the applicant is also seeking to permit a future semi-detached dwelling on the severed lot as part of their application. If approved, the proposed severed and retained lot will comply with the minimum lot frontage and area of the R1 zone, with the severed lot having frontage on Charron Street and the retained lot having frontage on West Belle River Road. In their application, the applicant has identified an accessory building located on the lot to be severed, and has indicated they are committed to demolishing this structure to bring the severed lot into full compliance with the Zoning By-law at the time the lot is registered

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 to the satisfaction of the Municipality.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That a \$1,200.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed
4. That the applicant bring the severed lot into compliance with the Zoning By-law prior to the stamping of the deed.
5. 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, and that the severed lot shall receive a separate water connection
6. That, if applicable, 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.

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 that 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.
8. 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 for each severed and retained lot at the expense of the applicant in accordance with specifications and supervision of the Municipality.
9. That the applicant obtain a Zoning By-law amendment to rezone the severed lot into a Holding Zone that will prevent development from occurring on the severed lot until the Municipality is satisfied that there is sufficient capacity at the sanitary treatment plant to adequately service the lot. The exact Holding Symbol to be applied will be determined by the Municipality and will be to the satisfaction of the Municipality.
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 **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
6. ERCA – The property owner will be required to obtain a permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. With the review of background information and aerial photography, ERCA has no objection to this application for Consent.

## **APPLICANTS AMENDMENTS**

- None

## **DISCUSSION**

Tracey Pillon-Abbs stated that she had no concerns with any of the recommended conditions.

Member Diemer asked about the need for the holding provision. Aaron Hair stated it was necessary because the sanitary treatment plant servicing the area is currently at full capacity.

**Moved by Member Barrette**  
**2<sup>nd</sup> by Member Hoffman**

That Consent Application B/11/2021 by Raymax Construction Ltd. c/o Tracey Pillon-Abbs be approved subject to all recommended conditions

**- Carried -**

<b>APPLICATION:</b>	<b>B/12/2021</b>
<b>APPLICANT:</b>	<b>Maurice Trepanier c/o Joseph Lesperance</b>
<b>PROPERTY LOCATION:</b>	<b>2060 County Rd. 31 (Community of Rochester )</b>

### **PURPOSE OF APPLICATION**

The subject property is located on the east side of County Road 31, north of Countryview Lane, in the Community of Rochester and has 133.32 metres (437.43 feet) of frontage and an overall area of 1.5 acres. The applicant is applying to sever a lot addition from the subject property – consisting of 12.19 metres (40 feet) of frontage, and an overall area of 393.9 m<sup>2</sup> – to be added to the neighbouring residential property to the south (2092 County Road 31). The retained land, will maintain frontage of 121.15 metres (397.5 feet) and an overall area of 1.4 acres. The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

### **PRESENT AT MEETING**

Joseph Lesperance, Authorized Applicant

### **CORRESPONDENCE RECEIVED**

7. Lakeshore Building Dept. – No concerns
8. Lakeshore Drainage Dept. – No concerns
9. Lakeshore Engineering Dept. – No comments
10. Lakeshore Fire – No comment
11. Lakeshore Planning Dept. –

The lot addition land consists of 12.19 metres (40 feet) of frontage and an overall area of 393.9 m<sup>2</sup>. This land will be taken from the subject property, which is a residential lot, and will be added to the neighbouring residential property to the south (2092 County Road 31). It appears that the lot addition will bring the existing driveway for the residential use at 2092 County Road 31 entirely onto this property, and in addition to

some increased landscaped open space, will provide a sufficient setback for an existing accessory building located on the property. In fact, this accessory building may be currently encroaching onto the subject property (2060 County Road 31). The lot addition will bring the property receiving the lot addition into greater compliance with the minimum lot area requirement in the Zoning By-law, and the retained land will comply with the Zoning By-law following the lot addition. This proposal conforms to Section 2.3.4.2 of the Provincial Policy Statement, which states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Minor boundary adjustments are included in the definition of *legal or technical reasons* in the PPS. The Lakeshore Official Plan permits minor boundary adjustments under the consent policies of the Agricultural designation. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex.

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 and detail a 1' x 1' square from the original lot at 2092 County Road 31. The 1' x 1' square will be conveyed to the municipality.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That the applicant enter into an Agreement with the municipality prior to the stamping of the Deeds regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
4. That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
5. That Section 50(3) and (5) of The Planning Act shall apply to the severance and that the property shall be conveyed & merged to Roll #3751520000043000000
6. That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
7. That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.

8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
12. County of Essex – The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.
13. ERCA – With review of background information and aerial photograph, ERCA has no objection to this application for Consent.

#### **APPLICANTS AMENDMENTS**

- None

#### **DISCUSSION**

Joseph Lesperance stated that he had no concerns with the recommended conditions

**Moved by Member Barrette**  
**2<sup>nd</sup> by Member Sylvestre**

That Consent Application B/12/2021 by Maurice Trepanier c/o Joseph Lesperance be approved subject to all recommended conditions

<b>APPLICATION:</b>	<b>B/13/2021</b>
<b>APPLICANT:</b>	<b>Luc &amp; Camille St. John, Giselle Villalta</b>
<b>PROPERTY LOCATION:</b>	<b>483 Renaud Line Road (Community of Maidstone )</b>

#### **PURPOSE OF APPLICATION**

The subject farm property is located on the west side of Renaud Line Road, at the northwest corner of Renaud Line Road and County Road 42, in the Community of Maidstone, and has approximately 534 metres of frontage and an overall area of 148.83 acres (60.23 hectares). The applicant is applying to sever a lot addition from the subject farm property – consisting of 21.33 metres (70 feet) of frontage, and an overall area of 1398 m<sup>2</sup> (0.345 acre) – to be added to a neighbouring residential property (473 Renaud Line Road). The retained land, will maintain over 500 metres of frontage, and an overall



area of 148.48 acres. The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

## **PRESENT AT MEETING**

Luc St. John, Authorized Applicant

## **CORRESPONDENCE RECEIVED**

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The lot addition land consists of 21.33 metres (70 feet) of frontage and an overall area of 1398 m<sup>2</sup> (0.345 acres). This land is proposed to be added to a residential property (473 Renaud Line Road) from a farm parcel that is currently 60.23 hectares. It appears that the purpose of the lot addition is to bring an existing garden onto the residential property that is used in connection with the residence. The applicant has indicated that the garden use has been in existence for many years since the construction of the residence, and aerial photography confirms its prior existence going back to the earliest year available to administration of 2004. In addition, it is recognized that the subject farm parcel is a relatively large farm holding in Lakeshore that exceeds the minimum lot area for a farm parcel in the by-law by over three times, and that the land being added to the residence would not take away any land currently being farmed, or any land that has been farmed in many years. Despite that background information, the Committee needs to be satisfied that the request is consistent with the Provincial Policy Statement and conforms to the Lakeshore Official Plan. The Provincial Policy Statement permits lot adjustments in prime agricultural areas for legal or technical reasons such as minor boundary adjustments. The Lakeshore Official Plan permits consents in the Agricultural designation for minor boundary adjustments and proposed lot enlargements where the viability of the retained land as a farm parcel is not threatened and need is demonstrated for the enlargement. These policies are also included in the new Official Plan which has been approved by the Municipality of Lakeshore and is awaiting final approval from the County of Essex.

If the Committee decides to approve this application, they are advised that the proposed consent be approved 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 and detail a 1' x 1' square from the

original lot at 473 Renaud Line Road. The 1' x 1' square will be conveyed to the municipality.

2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. 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.
4. That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
5. That Section 50(3) and (5) of The Planning Act shall apply to the severance and that the property shall be conveyed & merged to Roll # 3751190000085520000
6. That the applicant produce a Deed and/or a Solicitor's Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that the severed parcel and the abutting parcel will be registered in the same name(s) in satisfaction that all parcels will merge.
7. That the applicant/ and or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed(s), in evidence that "Application to consolidate Pins" will be submitted to the Land Titles/ Registry Office for the lot addition and provide proof of the consolidation.
8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

ERCA – With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

#### **APPLICANTS AMENDMENTS**

- None

#### **DISCUSSION**

Luc St. John had no comments to make on the recommended conditions

Member Barrette asked if there are any existing structures on the land to be severed. Luc St. John said there was a structure on the property for chicken coop

Member Diemer asked what the setback was from the existing house to the front lot line. Luc St. John said approximately 25 feet.

**Moved by Member Sylvestre  
2<sup>nd</sup> by Member Diemer**

That Consent Application B/13/2021 by Luc & Camille St. John, Giselle Villalta c/o Luc St. John be approved subject to all recommended conditions

**- Carried -**

<b>APPLICATION:</b>	<b>B/14 &amp; A/21/2021</b>
<b>APPLICANT:</b>	<b>Joel &amp; Jayme-Leigh Gardiner</b>
<b>PROPERTY LOCATION:</b>	<b>356 East Ruscom River Rd. (Community of Rochester )</b>

#### **PURPOSE OF APPLICATION**

The applicants have submitted a combined application for the subject land that is located on the east side of E. Ruscom River Road, in the Community of Rochester. The applicants have decided to split the lands (severed & retained residential lots), with the severed lot having a frontage of approximately 22.5 metres and the retained lot having a frontage of approximately 22 metres. The severed lot will have an area of approximately 1180 m<sup>2</sup>, and the retained lot will have an area of approximately 1200 m<sup>2</sup>. The subject lands are zoned "Residential Waterfront-Watercourse" (RW1) and designated "Waterfront Residential".

The applicants are also seeking relief from Section 8.3 (RW1, Residential Waterfront - Watercourse) of the Lakeshore Zoning By-law 2-2012 to recognize the proposed frontage and area of both the severed and retained lot; **Section 8.3 (RW1, Residential Waterfront - Watercourse) of Lakeshore Zoning By-law 2- 2012 requires a minimum lot frontage of 30 metres and a minimum lot area of 2,000 m<sup>2</sup> where municipal sanitary servicing is unavailable.**

#### **PRESENT AT MEETING**

Joel and Jayme-Leigh Gardiner, Applicants

#### **CORRESPONDENCE RECEIVED**

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns

3. Lakeshore Engineering Dept. – No comments
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. –

The proposed lot creation is within 300 metres of the Ruscom River water source. The Municipality recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the Municipality. The proposal conforms to the Lakeshore Official Plan consent policies. The retained and severed lot will have frontage on and access to an open public road, and the lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and proposed uses. The consent requires a minor variance to recognize reduced frontage and area of both the severed and retained lot. In this case the requested variance is considered appropriate. The severed and retained lot as proposed will maintain and be in keeping with the design characteristics and character of the Settlement Area. Residential lots located within this Settlement Area along the Ruscom River Strip have a variety of different lot sizes and frontages. For example, there are multiple residential lots directly across the road from the subject property that have smaller lot frontages and areas than what is required in the Zoning By-law, some of which have smaller lot frontages and areas than what is being proposed for the severed and retained lot.

Therefore, it is recommended that 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 parcel of land, and that the draft plan be approved by the Municipality prior to being deposited.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That a \$1,200.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed

4. That the applicant, at their own expense, relocate Hydro One servicing lines away from the building envelope on the severed lot to the satisfaction of the Municipality and/or Hydro One, and in doing so maintain adequate opportunity for access to both the severed and retained lot to the satisfaction of the Municipality and/or Hydro One
5. That, prior to the stamping of the Deed, the applicant hire a licensed consultant archaeologist to undertake an archaeological assessment that will identify, evaluate and protect archaeological resources on the project area where the lot creation is proposed. The consultant archaeologist is required to hold a valid professional archaeological licence issued by the Ministry of Tourism, Culture and Sport. The archaeological assessment report is to be accepted by the Ministry of Tourism, Culture and Sport, and the applicant is required to follow the recommendations in the archaeological assessment report.
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 the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
7. That the applicant identify a legal drainage outlet for the severed and retained lot to the satisfaction of the Drainage Department if required by the Drainage Department prior to the stamping of the Deed, and enclose any drain in front of the subject property if required by the Drainage Department and to the satisfaction of the Drainage Department prior to the stamping of the Deed.
8. 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 for the severed lot, which may be on a municipal drain, at the expense of the applicant in accordance with specifications and supervision of the Municipality. If applicable, the access is to be maintained by the assessed owner for a period of one year at which time the access will form part of the municipal drainage system.
9. That, if determined applicable by the Drainage Department, 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.
10. 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 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 if and when services become available.
11. That a "warning clause" be placed on title alerting potential purchasers of the potential for wind turbines or solar projects within the general area prior to the stamping of the Deed.

12. That the Deed and a copy for our records be forwarded to the Secretary for stamping
13. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
6. ERCA – With the review of background information and aerial photography, ERCA has no objection to this application for Consent. However, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority.

#### **APPLICANTS AMENDMENTS**

- None

#### **DISCUSSION**

Jayme-Leigh Gardiner asked if the requirement for an archaeological assessment could be waived. Ian Search explained it is required under the Provincial Policy Statement.

Member Barrette asked if the driveway to the barn located on the farm is partially on the lot to be severed. Jayme-Leigh Gardiner stated that it may partially be located on the proposed severed lot.

**Moved by Member Sylvestre  
2<sup>nd</sup> by Member Barrette**

That Combined Consent and Minor Variance Application B/14 & A/21/2021 by Joel and Jayme-Leigh Gardiner be approved subject to all recommended conditions

**- Carried -**

<b>APPLICATION:</b>	<b>B/15/2021</b>
<b>APPLICANT:</b>	<b>Denis and Gabriel Levasseur</b>
<b>PROPERTY LOCATION:</b>	<b>1962 County Rd. 31 (Community of Rochester )</b>

#### **PURPOSE OF APPLICATION**

The subject farmland is located on the east side of County Road 31 in the Community of Rochester. The applicant has applied for a surplus dwelling lot off of County Road 31 with 85.34 metres (280 feet) of frontage and an overall area of 7,800 m<sup>2</sup> (1.927 acres).

The retained farmland will then have a frontage off County Road 31 of 217.2 metres (712.63 feet) and an overall area of 98.07 acres (39.69 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)**

## **PRESENT AT MEETING**

Denis Levasseur, Applicant

## **CORRESPONDENCE RECEIVED**

7. Lakeshore Building Dept. – No comment
8. Lakeshore Drainage Dept. – No concerns
9. Lakeshore Engineering Dept. – It is a recommended condition that the redundant water service be disconnected at the main to the satisfaction of the Municipality of Lakeshore. Revised private drain connection sheets and records drawings required.
10. Lakeshore Fire – No comment
11. Lakeshore Planning Dept. –

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 ensure that new residential dwellings are prohibited on any vacant parcel of farmland created by the severance. There is one habitable dwelling and three accessory structures on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. Access to the severed parcel of land will be located off of County Road 31 and access to the retained parcel of land will be off of Mitchell Road.

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 the applicant complete the septic test report in the consent application to the satisfaction of the Municipality, and if required, install a new septic system 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 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, if determined applicable by the Municipality, that the applicant enter into an Agreement with the Municipality to be registered on title prior to the stamping of the Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.
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 **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.
12. ERCA – With review of background information and aerial photography, ERCA has no objection to this application for Consent.
13. County of Essex – The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No.31 due to the presence of the 5<sup>th</sup> Concession Road Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

## APPLICANTS AMENDMENTS

- None



## DISCUSSION

Denis Levasseur questioned the warning clause condition for wind turbines. Ian Search explained that it is a condition of consent because the Province is the approval for Wind Turbine projects and it is to warn potential buyers that wind turbines may be erected in the general area.

**Moved by Member Diemer  
2<sup>nd</sup> by Member Barrette**

That Consent Application B/15/2021 by Denis and Gabriel Levasseur be approved subject to all recommended conditions.

**- Carried -**

<b>APPLICATION:</b>	<b>B/16/2021</b>
<b>APPLICANT:</b>	<b>Waites Farms Inc. c/o Ricci, Enns, Rollier &amp; Setterington LLP</b>
<b>PROPERTY LOCATION:</b>	<b>9705 Lakeshore Rd. 311 (Community of Tilbury West )</b>

## PURPOSE OF APPLICATION

The subject farmland is located on the north side of Lakeshore Road 311 in the Community of Tilbury West. The applicant has applied to sever a surplus dwelling lot off of Lakeshore Road 311 with 74.75 metres (245.24 feet) of frontage and an overall area of 6,272.62 m<sup>2</sup> (1.55 acres). The retained farmland will then have a frontage off Lakeshore Road 311 of 381.25 metres (1250.82 feet) and an overall area of 73.45 acres (29.72 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)**

## PRESENT AT MEETING

Simon Yared , Authorized Applicant

## CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment

2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Retained and severed lots subject to water buy in fee according to the tariff of fees by-law at the time of servicing. Revised private drain connection sheets and records drawings required.
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – 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 ensure that new residential dwellings are prohibited on any vacant parcel of farmland created by the severance. There is one habitable dwelling and one accessory structure on the proposed surplus lot. None of the existing structures on the proposed surplus lot house livestock. Access to the retained and severed parcel of land will be located off of Lakeshore Road 311.

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 the applicant complete the septic test report in the consent application to the satisfaction of the Municipality, and if required, install a new septic system 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 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, if determined applicable by the Municipality, that the applicant enter into an Agreement with the Municipality to be registered on title prior to the stamping of the

Deed, that the severed and retained lot shall receive a separate water connection, and to pay any applicable water rates or fees with respect to the subject lands.

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 **May 21, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

6. Lower Thames Valley Conservation Authority – No objections

#### **APPLICANTS AMENDMENTS**

- None

#### **DISCUSSION**

Simon Yared stated that he accepted the recommended conditions.

Member Barrette asked about the grain bin on the property. Simon Yared said it would be removed.

**Moved by Member Sylvestre  
2<sup>nd</sup> by Member Diemer**

That Consent Application B/16/2021 by Waites Farms Inc. c/o Ricci, Enns, Rollier & Settrington LLP be approved subject to all recommended conditions

**- Carried –**

**Moved by Member Barrette  
2<sup>nd</sup> by Member Diemer**

That the minutes of April 21, 2021 be adopted as printed and distributed.

**- Carried –**

**Moved by Member Barrette  
2<sup>nd</sup> by Member Diemer**

THAT the meeting adjourn at 7:50 p.m.

**- Carried -**

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Mark Hacon  
Chairman

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Ian Search  
Secretary-Treasurer

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