

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, JULY 22, 2021 @ 5:45 P.M.**

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

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| Chairman | - Mark Hacon |
| Members | - Steve Diemer |
| | - Ron Barrette |
| | - Robert Sylvestre |
| Secretary-Treasurer & Planner I | - Ian Search |

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.

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| APPLICATION: | B/24/2021 |
| APPLICANT: | Peter & Agatha Goertzen c/o Ricci, Enns, Rollier & Settrington LLP |
| PROPERTY LOCATION: | 9755 Richardson Sdrd (Community of Tilbury West) |

PURPOSE OF APPLICATION

The subject farmland is located on the west side of Richardson Sdrd., and on the north side of Lakeshore Rd. 310, in the Community of Tilbury West. The applicant has applied for a surplus dwelling lot off of Richardson Sdrd. with approximately 73.58 metres of frontage and an overall area of approximately 1.14 acres (4,613 m²). The retained farmland will then have frontage off Richardson Sdrd. of approximately 263 metres and an overall area of 48.86 acres. 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

Ricci Enns, Rollier & Settrington LLP. (Simon Yared), Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Surface water and subsurface drainage tiles and water should be redirected around the severed parcel. Any new entrances require an entrance permit from the Municipality of Lakeshore
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – The dwelling on the subject property is rendered surplus given that the applicant owns another farm holding with a dwelling – indicated as 9225 Richardson Sdrd. in their application. 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. Further, the Municipality of Lakeshore Official Plan (Section 6.2.3.b.ii) requires that the non-farm parcel 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 (9.88 acres) which is the case

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:

- 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.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- 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.
- 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.

- 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.
- 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.
- 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, if and when water services become available.
- 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.
- That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands prior to the stamping of the Deeds.
- That the Deed and a copy for our records be forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 23, 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 objection

APPLICANTS AMENDMENTS

- None

DISCUSSION

Simon Yared stated he was in agreement with the comments from administration and conditions. He questioned the condition with respect to water service connections stating that the severed and retained parcel use private wells.

Member Sylvestre asked if there was a municipal water main at the road. Ian Search explained that the condition is a requirement registered on title that if and when municipal water services become available, a separate connection and fee will be required for municipal water servicing.

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

That Consent Application B/24/2021 by Peter & Agatha Goertzen c/o Ricci, Enns, Rollier & Settrington LLP be approved subject to all recommended conditions.

- Carried -

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| APPLICATION: | B/25/2021 |
| APPLICANT: | Mark & Lynn Szarek c/o Ricci, Enns, Rollier & Settrington LLP |
| PROPERTY LOCATION: | 616 Talbot Road (Community of Maidstone) |

PURPOSE OF APPLICATION

The applicant has submitted a consent application for the subject land that is located on the south side of Talbot Road (County Road 34), in the Community of Maidstone. The applicant has decided to sever a residential lot, with the severed lot having a frontage of approximately 61 metres and an area of approximately 1.75 acres, and the retained lot having a frontage of approximately 100 metres and an area of approximately 2.87 acres. The subject land is zoned Agriculture "A" and is designated "Urban Fringe" in the Official Plan.

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

PRESENT AT MEETING

Ricci, Enns, Rollier & Settrington LLP (Simon Yared), Authorized Applicant

CORRESPONDENCE RECEIVED

1. 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. Any new entrances require an entrance permit from the Municipality of Lakeshore.
2. Lakeshore Drainage Dept. – As long as they access the newly created lot from Ellis Sideroad – then Drainage has no concerns
3. Lakeshore Fire Dept. – No comments

4. Lakeshore Building Dept. – No concerns

Lakeshore Planning Dept. – The subject property is designated Urban Fringe in the Lakeshore Official Plan. The Urban Fringe designation permits a single unit residential dwelling on a lot that is suitably sized to accommodate appropriate servicing systems. It is anticipated that the severed lot will be able to comfortably accommodate a private septic system (septic tank and weeping tile) given the proposed lot frontage and area which greatly exceed the minimum requirements of the Zoning By-law.

The subject property is located in a Secondary Settlement Area according to the County of Essex Official Plan. Infill development is permitted in Secondary Settlement Areas according to the Official Plan, and the Provincial Policy Statement permits partial services for infill development within settlement areas. At such time as municipal sewage services become available, the landowner, at their expense, will be required to connect to municipal sewage services.

There is an accessory building located on the proposed severed lot and the applicant has applied for a Zoning By-law Amendment to permit this accessory building on the severed lot without a main building for a temporary period of time. Section 6.5 a) iii) of the Zoning By-law states that accessory buildings shall only be permitted where there is a main building located on the lot. Although the intention may be to construct a dwelling (main building) immediately after the lot is registered, the lot needs to be in compliance with the Zoning By-law at the time of registration. If the Committee chooses to grant the consent, it is recommended that a condition be imposed requiring the applicant to bring the severed lot into conformity with the Zoning By-law.

The subject property is located in the Essex Fringe Settlement Area in the Lakeshore Official Plan. The Urban Fringe designation permits small scale commercial and industrial uses. Additionally, there are neighbouring properties to the south of the subject property, and directly across Ellis Sideroad from the subject property, that are zoned Rural Commercial/Employment (CR) in the Zoning By-law. The CR zone permits uses such as a Transport Terminal and an Agricultural Commercial and/or Industrial Establishment. The activities associated with some of the permitted uses may be considered incompatible with nearby residential lots. The Committee may deem it appropriate to impose a condition requiring an agreement that will be entered into and will be registered on title noting that the owner agrees to place a “warning clause” in every agreement of purchase and sale that the Buyer hereby acknowledges that the property may be within an area planned for small scale commercial and industrial uses.

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:

- 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.

- That all municipal taxes be paid in full prior to the stamping of the Deed.
- That a \$1,200.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed
- That the applicant bring the severed lot into compliance with the Zoning By-law prior to the stamping of the deed.
- 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
- 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.
- 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 municipal sanitary services become available.
- That, if required, the applicant install a bridge and/or enclose the municipal drain to the satisfaction of the Municipality and/or County of Essex to provide access to the severed lot from Talbot Road/County Road 34.
- 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 and/or County of Essex.
- That the applicant enter into an agreement, which requires a “warning clause” be placed on title alerting potential purchasers that the property may be within an area planned for small scale commercial and industrial uses
- That the Deed and a copy for our records be forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 23, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Essex Region Conservation Authority – No objection
6. County of Essex – The minimum setback for any proposed structure on this property must be 110 feet from the centre of the original ROW of County Road 34 due to the presence of the South Talbot Drain. With Ellis Road present, no access will be permitted onto County Road No. 34

APPLICANTS AMENDMENTS

- None

DISCUSSION

Simon Yared stated that he agreed with the comments and recommended conditions.

Member Sylvestre asked where the access would be coming from for each lot. Simon Yared explained the severed lot will have access from Ellis Sideroad and the retained lot will have access from County Road 34.

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

That Consent Application B/25/2021 by Mark & Lynn Szarek, c/o Ricci, Enns, Rollier & Settrington LLP be approved subject to all recommended conditions

- **Carried-**

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| APPLICATION: | A/27/2021 |
| APPLICANT: | Robert & Tammy Ouellette |
| PROPERTY LOCATION: | 920 Driftwood Crescent (Community of Belle River) |

PURPOSE OF APPLICATION

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 to construct a roof over an existing deck (porch) located in the rear yard of the property:

- Section 6.42 d) for the porch to encroach 4.071 metres into the rear yard setback.

Section 6.42 d) permits porches to encroach 2.5 metres (including eaves and cornices) into front and rear yards

PRESENT AT MEETING

Robert & Tammy Ouellette, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Engineering Dept. – No comment
3. Lakeshore Drainage Dept. – No comment
4. Lakeshore Fire Dept. – No comment
5. Lakeshore Planning Dept. – The subject property is located in the Community of Belle River. The subject property is an irregular shaped lot with a Frontage of approximately 16.45 metres (54 feet), a depth of approximately 36.4 metres (119.45 feet) for a Lot Area of approximately 598.78 square metres (7868.67 square feet). The property currently has one residential building on the property. 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 are permitted within this designation. Staff took into consideration the intent and purpose of the zoning by-law. The purpose of having limiting encroachments into yards is to provide the following: To provide space for the construction and maintenance of public services located in a road allowance. Because the encroachment is in the rear yard, it is anticipated that the variance will have little to no impact on providing space for maintenance. 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 eaves encroaching into the rear yard do not compromise the desirability of the property with the surrounding neighbourhood. 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 A27/2021.
 - 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

Tammy Ouellette stated they had no concerns with the comments read

Member Barrette asked if the proposed roof was temporary or permanent. Tammy Ouellette confirmed it was permanent

Member Barrette asked if any comments from neighbours were received. Ian Search confirmed that no comments from the public were received with respect to the request.

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

That Minor Variance Application A/27/2021 by Robert & Tammy Ouellette be approved.

- **Carried-**

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| APPLICATION: | B/26 & A/28/2021 |
| APPLICANT: | Craig Chevalier c/o Kyle Chevalier & Aaron Farough |
| PROPERTY LOCATION: | 0 Lakeshore Road 229 (Con 3 Pt W ½ Lot 27) (Community of Rochester) |

PURPOSE OF APPLICATION

The subject farm property is located on the east side of Lakeshore Road 229 in the Community of Rochester, and has approximately 271 metres of frontage and an overall area of 60.43 acres. The applicant is applying to sever a lot addition from the subject farm property – consisting of an overall area of approximately 696.77 m² (0.172 acre) – to be added to a residential property (2728 Lakeshore Road 229). The retained land, will maintain its existing frontage, and an overall area of over 60 acres. The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

The applicants are also seeking relief from Section 6.5 a) vii) of the Lakeshore Zoning By-law 2-2012 to recognize the existing 0.54 metre setback of a vinyl-sided garage from the proposed new lot line. **Section 6.5 a) vii) of Lakeshore Zoning By-law 2-2012 states that accessory structures shall not be built closer than 1.5 m from**

any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line;

PRESENT AT MEETING

Kyle Chevalier & Aaron Farough, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Surface water and subsurface drainage tiles and water should be redirected around any future dwelling/around the severed parcel
4. Lakeshore Fire – If relief for the reduced setback is granted that the wall(s) of this proposed accessory building facing the adjacent property contain a minimum fire resistance rating identified by the Building Department at the time of construction
5. Lakeshore Planning Dept. – The lot addition land consists of an overall area of approximately 696.77 m² (0.172 acre) to be added to a residential property (2728 Lakeshore Road 229). The farm parcel will remain over 60 acres (24.28 hectares) following the lot addition. It appears that the purpose of the lot addition is to bring an existing accessory building entirely onto the residential property that currently encroaches onto the farm parcel, and to add land that appears to have been used as rear yard space in connection with the residence for many years – land which may also be difficult for the owner of the farm to maintain or cultivate. In addition, it is recognized 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.

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.

The applicants are also seeking relief from Section 6.5 a) vii) of the Lakeshore Zoning By-law 2-2012 to recognize the existing 0.54 metre setback of a vinyl-sided garage from the proposed new lot line. Section 6.5 a) vii) of Lakeshore Zoning By-law 2-2012 states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line. Aerial photography going

back to the earliest possible year (2004) available to administration shows the presence of the vinyl-sided garage on the residential property, located 0.54 metres from the south side lot line in the southeast corner of the lot. The variance to permit a 0.54 metre setback is required as a technical matter to simply recognize the setback of this structure from the new south side lot line following the lot addition, and is considered minor.

Aerial photography shows an accessory building/shed located in the southeast corner of the lot addition lands. The applicant has indicated that this structure will be removed, and given that it appears to encroach onto the neighbour's property to the south (2732 Lakeshore Rd 229), it is recommended that it be removed or relocated to a location in compliance with the Zoning By-law as a condition of consent approval.

If the Committee decides to approve this application, they are advised that the proposed consent be approved subject to the following conditions of consent:

- 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 2728 Lakeshore Road 229. The 1' x 1' square will be conveyed to the municipality. The Survey and Reference Plan will be prepared to the satisfaction of the Municipality.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- 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.
- That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping.
- 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 # 3751470000015010000
- 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.
- 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.

- That minor variance A-28-2021 recognizing the existing 0.54 metre setback of a vinyl-sided garage from the proposed new lot line be approved, final and binding
- That, for the purposes of the lot addition, any accessory structures that do not comply with Zoning By-law regulations on the lot addition lands be removed or relocated to a legal location for the new lot.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. by **July 23, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

6. ERCA – No objection

APPLICANTS AMENDMENTS

- None

DISCUSSION

Aaron Farough stated that the accessory building on the lot addition lands has already been removed.

Member Diemer asked if the new lot would be deeper than the residential property to the south. Aaron Farough confirmed that it would be slightly deeper as the intention is to recognize the current use of the lot addition lands as rear yard space for the dwelling.

Member Hacon asked if the accessory building for the minor variance on the property could be relocated. Aaron Farough explained that it would be a huge undertaking to move that accessory building and the variance is needed.

**Moved by Member Barrette
2nd by Member Sylvestre**

That Consent and Minor Variance application B/26 & A/28/2021 by Craig Chevalier c/o Kyle Chevalier & Aaron Farough be approved subject to all the recommended conditions

- Carried -

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| APPLICATION: | B/27/2021 |
| APPLICANT: | 1298464 Ontario Ltd. c/o Edwin Hooker |
| PROPERTY LOCATION: | 6825 Lakeshore Rd. 302 |

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| (Community of Rochester) |
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PURPOSE OF APPLICATION

The applicant has submitted a consent application for the subject land that is located on the south side of Lakeshore Rd. 302 and west side of Comber Sdrd. (County Road 35), in the Community of Rochester. The applicant has decided to split the lands (severed & retained agriculture parcels), with both the severed lot and retained lot each having a frontage of approximately 300 metres and an area of approximately 49.67 acres (20.1 hectares). The subject land is zoned Agriculture "A" and is designated "Agricultural" in the Official Plan.

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

PRESENT AT MEETING

Aaron Farough from Ed Hooker's Office, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – no concerns
2. Lakeshore Drainage Dept. – Applicant will have to apply for a new access bridge under the Drainage Act. This will be under Section 78 of the Act and as of today's date, we have not received any signed request from said owner.
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. Surface water and subsurface drainage tiles and water should be redirected around any future dwelling. Any new entrances require an entrance permit from the Municipality of Lakeshore
4. Lakeshore Fire – No comment
5. Lakeshore Planning Dept. – The subject property is designated Agricultural in the Official Plan, and is split zoned A (Agriculture) and A-52 (Agriculture Zone Exception 52). The A-52 zone applies to 4.65 acres of land located in the northeast corner of the subject property, approximately 75 metres from the proposed severance line. This zone exception permits a machine repair shop as an additional permitted use on the retained land.

The Provincial Policy Statement permits lot creation in prime agricultural areas for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility

for future changes in the type or size of agricultural operations. Likewise, the current Lakeshore Official Plan permits a consent to split a lot in the Agricultural designation where the minimum area of both the retained and severed lot will be approximately 20 hectares. The Zoning By-law requires a minimum lot area of 19 hectares for a parcel zoned A (Agriculture). The sketch provided by the applicant indicates that the severed and retained lot will have an area of approximately 20.10 hectares (49.675 acres), and a lot frontage of approximately 300 metres following the severance.

As a result of a recent review of the Lakeshore Official Plan, an amendment to the plan is currently being processed that will require both the severed and retained lot to have a minimum lot area of 40 hectares for lot division proposals in the Agricultural designation. The County of Essex Official Plan notes “The trend towards fewer farmers owning larger and a greater number of farms is expected to continue as farming technology and less labour intensive methods continue to evolve affording farmers a greater opportunity to manage larger holdings”. It is acknowledged however, that the proposal conforms to the Lakeshore Official Plan and complies with the Lakeshore Zoning By-law that are currently in effect.

There is a natural heritage feature – woodlands – located in the southwest corner of the subject property. The proposal was circulated to Essex Region Conservation Authority for comment. It is also noted that the subject property is bounded by open municipal drains adjacent to the front lot line and exterior side lot line of the subject property. The applicant will need to provide legal and separate access to the severed and retained lots, which may entail the construction of a new bridge over the Gagnier Drain for the severed lot. At the time of writing this report, the Drainage Department stated that an application for a new access bridge would need to proceed under the Drainage Act. The applicant should be made aware that this process can take several months.

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:

- That, to the satisfaction of the Municipality, the applicant obtain a proper Survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land that confirms zoning compliance.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- That a \$600.00 park fee be imposed, and that such fee shall be paid prior to the stamping of the Deed
- That the applicant establish and/or construct a legal and separate access for the severed lot to the satisfaction of the Municipality

- 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
- 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.
- That the applicant enter into a consent agreement, which requires a “warning clause” 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.
- That, if required by the Drainage Department, the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands to the satisfaction of the Municipality prior to the stamping of the Deeds.
- That the Deed and a copy for our records be forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 23, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

6. ERCA – No comment

APPLICANTS AMENDMENTS

- None

DISCUSSION

Aaron Farough stated that the applicant is aware of the need for a new access bridge with respect to the severed lot.

Member Diemer asked if there were any previous severance from the farm parcel. Aaron Farough said that he is of the understanding that a residential lot was severed from the farm in the past.

Moved by Member Barrette
2nd by Member Diemer

That Consent application B/27/2021 by 1298464 Ontario Ltd. c/o Edwin Hooker be approved subject to all the recommended conditions

- Carried -

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| APPLICATION: | B/28/2021 |
| APPLICANT: | Petcon Hospitality Group Inc. c/o Jeffrey A. Baker |
| PROPERTY LOCATION: | 14 Amy Croft Drive (Community of Maidstone) |

PURPOSE OF APPLICATION

The subject property, 14 Amy Croft Drive, is used for a hotel. The applicant is applying to transfer an easement in favour of the owner of 16 & 18 Amy Croft Drive for the purposes of parking for the commercial buildings located at 16 & 18 Amy Croft Drive. The location of the easement consists of that portion of 14 Amy Croft Drive that extends south to Amy Croft Drive, and is 6 metres in width, 46.83 metres in length, and has an overall area of approximately 281 m².

PRESENT AT MEETING

Jeffrey A. Baker, 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 subject property currently has a frontage of approximately 6.0 metres (19.68 feet), a depth of approximately 113.16 metres (371.25 feet) and a lot area of approximately 0.682 hectares (1.685 acres) and is located on the north side of Amy Croft Drive, municipally known as 14 Amy Croft Drive. The applicant is applying to transfer an easement in favour of the owner of 16 & 18 Amy Croft Drive for the purposes of parking for the commercial buildings located at 16 & 18 Amy Croft Drive (see Attachment A).

The application concerns two neighbouring properties – 16 and 18 Amy Croft Drive. 16 and 18 Amy Croft Drive, located south of 14 Amy Croft Drive will be receiving the proposed easement lands from 14 Amy Croft Drive. The proposed easement will have a frontage of approximately 6 metres (19.68 feet) onto Amy

Croft Drive, a depth of approximately 46.83 metres (153.64) for an approximate lot area of 281 square meters.

The Official Plan consent policies state that an easement may be permitted where a separate lot is not being created. The applicant is applying for a right-of-way/easement on 14 Amy Croft Drive that will provide additional parking space for the hotel located at 18 Amy Croft Drive. Access/egress will be maintained for the uses located at 14 Amy Croft Drive. It is recommended that an Easement/Right-of-Way Agreement be developed to the satisfaction of the Municipality and registered on title as a condition of consent approval. It is to be noted, that both properties are in conformity with the Zoning By-law.

If the Committee decides to approve B-28-2021, 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:

- That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the right-of-way/easement and that the draft plan be to the satisfaction of the Municipality.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- That the Deed and an Easement/Right-of-Way Agreement be prepared to the satisfaction of the Municipality and forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 23, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Jeffrey Baker stated that the proposed easement was already contemplated in the site plan agreement for the subject lands.

Member Sylvester asked if any services run through the proposed easement lands. Jeffrey Baker stated the easement was just for parking.

**Moved by Member Sylvestre
2nd by Member Barrette**

That Consent application B/28/2021 by Petcon Hospitality Group Inc. c/o Jeffrey A. Baker be approved subject to all the recommended conditions

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|---------------------------|--|
| APPLICATION: | B/29/2021 |
| APPLICANT: | Beachside Development Ltd. c/o Jeffrey Baker |
| PROPERTY LOCATION: | 0 Amy Croft Drive (Community of Maidstone) |

PURPOSE OF APPLICATION

The subject property is being used for a residential condominium development. The applicant is applying to transfer an easement in favour of the owners of 16 & 18 Amy Croft Drive and 14 Amy Croft Drive for the purpose of utilities servicing those properties brought in through the subject property. The proposed easement lands correspond to what will be known as Beachside Drive within the condominium, running north-south through the subject property, and has 20.42 metres of frontage, and an overall area of approximately 0.741 acres (0.3 hectares).

PRESENT AT MEETING

Jeffrey Baker, 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 subject property currently has a frontage of approximately 174.46 metres (572.37 feet), a depth of approximately 171.63 metres (563.09 feet) and a lot area of approximately 3.858 hectares (9.53 acres) and is located on the north side of Amy Croft Drive, municipally known as 0 Amy Croft Drive. The applicant is applying to transfer an easement in favour of the owners of 14, 16 & 18 Amy Croft Drive for the purpose of utilities servicing those properties brought in through the subject property (see Attachment A).

The application concerns three neighbouring properties – 14, 16 and 18 Amy Croft Drive. 14, 16 and 18 Amy Croft Drive, located west of 0 Amy Croft Drive will be receiving the proposed easement lands from 0 Amy Croft Drive. The proposed easement will have a frontage of approximately 20.42 metres (66.99 feet) of frontage, and an overall area of approximately 0.3 hectares (0. 741 acres).

The Official Plan consent policies state that an easement may be permitted where a separate lot is not being created. The applicant is applying for a right-of-way/easement on 0 Amy Croft Drive for the purpose of utilities servicing those properties. Access/egress will be maintained for the uses located at 0 Amy Croft Drive. It is recommended that an Easement/Right-of-Way Agreement be developed to the satisfaction of the Municipality and registered on title as a condition of consent approval.

If the Committee decides to approve B-29-2021, 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:

- That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the right-of-way/easement and that the draft plan be to the satisfaction of the Municipality.
- That all municipal taxes be paid in full prior to the stamping of the Deed.
- That the Deed and an Easement/Right-of-Way Agreement be prepared to the satisfaction of the Municipality and forwarded to the Secretary for stamping.
- That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **July 23, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Member Barrette asked if the services for the easement will be under the roadway. Jeffrey Baker confirmed they would be under the roadway.

Moved by Member Diemer
2nd by Member Sylvestre

That Consent application B/29/2021 by Beachside Development Ltd. c/o Jeffrey Baker be approved subject to all the recommended conditions

- Carried –

**Moved by Member Sylvestre
2nd by Member Barrette**

That the minutes of June 16, 2021 be adopted as printed and distributed.

- Carried –

**Moved by Member Hacon
2nd by Member Diemer**

THAT the meeting adjourn at 7:05 p.m.

- Carried –

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer