

**MUNICIPALITY OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, AUGUST 18, 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
Secretary-Treasurer & Planner I	- Ian Search
Planner II	- Ayusha Hanif

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

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

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

APPLICATION:	B/33/2021
APPLICANT:	T.S. Mullen Farms Ltd.
PROPERTY LOCATION:	8225 Essex Kent Road (County Road 1) (Community of Tilbury West)

PURPOSE OF APPLICATION

The subject farmland is located at the southwest corner of Essex Kent Road (County Road 1) and Lakeshore Road 308, in the Community of Tilbury West. The applicant has applied for a surplus dwelling lot off of County Road 1 with approximately 62.78 metres of frontage and an overall area of approximately 0.946 acres (3,827.6 m²). The retained farmland will then have frontage off County Road 1 of approximately 254.2 metres and an overall area of approximately 24.68 hectares (61 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

T.S. Mullen Farms Ltd., Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment
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 on Lakeshore Road 308 will require an entrance permit from the Municipality of Lakeshore. Any new entrances on Essex Kent Road will require an entrance permit from the County of Essex.
4. Lakeshore Fire – No comment

Lakeshore Planning Dept. – The applicant has applied to sever a surplus farm dwelling lot with approximately 62.78 metres of frontage and an overall area of approximately 0.946 acres (3,827.6 m²). The retained farmland will then have frontage off Essex Kent Road of approximately 254.2 metres and an overall area of approximately 24.68 hectares (61 acres) (see attachment B). The dwelling on the subject property is rendered surplus given that the applicant owns at least one other farm holding with a dwelling – including, for example, 8704 County Road 46 in Lakeshore.

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 with the above mentioned severance.

As aforementioned, the subject property is designated Agricultural in the Municipality of Lakeshore Official Plan and is zoned Agricultural (A) in the Lakeshore Zoning By-law. The subject property is not part of any hazard lands, significant woodlands or wetlands. It is located within the Lower Thames Valley Conservation Authority (LTVCA) Limit of Regulated Area due to a municipal drain that runs north-south on the west half of the farm parcel. LTVCA was circulated the proposal for comment.

None of the existing structures to be included in the proposed surplus lot house livestock. An R-Plan will be required to detail the consent and confirm additional zone provisions on the surplus lot – including building setbacks from lot lines. A zoning by-law amendment application will be required on the retained lands, following the surplus lot

creation to ensure that new residential dwellings are prohibited on any vacant parcel of farmland created by the severance.

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

Essex Kent Road will provide access to the severed lot, while there are existing accesses to the retained parcel of land from Lakeshore Road 308. The severed lot is serviced by a private water line association with water supply provided by Chatham-Kent Public Utilities Commission. An agreement registered on title will ensure that any future water connection to be established for the retained parcel is separate from the water connection servicing the severed lot.

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 any water connection for the

retained lot will be separate from any water connection servicing the severed lot, and to pay any applicable water rates or fees with respect to the subject lands.

- 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 **August 20, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

5. Lower Thames Valley Conservation Authority – No objection

6. County of Essex – The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 1. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. No new accesses will be permitted off County Road No. 1.

APPLICANTS AMENDMENTS

- None

DISCUSSION

T.S. Mullen Farms Ltd. stated they had no objection to the recommendation and recommended conditions

Ron Barrette asked if the dwelling to be severed was habitable. T.S. Mullen Farms Ltd. confirmed that it was habitable

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

That Consent Application B/33/2021 be approved subject to all recommended conditions.

- Carried -

APPLICATION:	A/31/2021
APPLICANT:	F.A. Frabotta & Associates Inc.

PROPERTY LOCATION: 10314 St. Clair Road (Community of Tilbury North)
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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 80.27 m² (864 ft²)

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;

PRESENT AT MEETING

F.A. Frabotta & Associates Inc., 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
3. Lakeshore Fire Dept. – Should this be approved the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply.
4. Lakeshore Building Dept. – No comment
5. Essex Region Conservation Authority – We note that the low lying nature of the roadway may result in excess water over the road during 1:100 year flood event. The Municipality must confirm, through applicable emergency services, that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.
6. Lakeshore Planning Dept. – Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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 restrictions on accessory building lot coverages is to provide the following:

- Landscaping and drainage – it is anticipated that the variance will have little to no impact on landscaping and drainage
- Sufficient outdoor amenity space – it is anticipated that the variance will have little to impact on the outdoor amenity space.

Staff took into consideration the size of the lot, and are of the opinion that the variance meets the intent and purpose of the zoning by-law.

The third test determines whether or not the variance is 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 as the neighbouring properties have similar characteristics, and therefore fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an increased lot coverage for an accessory building does not compromise the desirability of the property with the surrounding neighbourhood because as aforementioned, 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 A31/2021 subject to the following conditions:

- 1) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law
- 2) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law

APPLICANTS AMENDMENTS

- None

DISCUSSION

Frank Frabotta stated that he had no questions or concerns with the recommendation and recommended conditions.

Member Hoffman asked what the structure would be used for. Frank stated that it would be used to store a boat and ATV.

Member Sylvestre asked where the septic system was located. Frank stated that the property is on municipal sanitary services.

**Moved by Member Barrette
2nd by Member Hoffman**

That Minor Variance Application A/31/2021 be approved subject to all recommended conditions

- **Carried-**

APPLICATION:	A/32/2021
APPLICANT:	Phillip Maxwell & Krystal Labonte
PROPERTY LOCATION:	2024 S. Middle Road (Community of Rochester)

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 167.23 m² (1800 ft²)

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;

PRESENT AT MEETING

Phillip Maxwell & Krystal Labonte, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No comment

2. Lakeshore Engineering Dept. – Construction of the accessory building should not adversely impact the rear yard drainage or adjacent neighbouring lands
3. Lakeshore Drainage Dept. – No concerns
4. Lakeshore Fire Dept. – This proposed application is significantly larger than the permitted gross floor area of 55 m². Should this be approved the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Additionally due to the size of the proposed building it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.
5. Essex Region Conservation Authority – No objection
6. Lakeshore Planning Dept. – Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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 restrictions on accessory building lot coverages is to provide the following:

- Landscaping and drainage – it is anticipated that the variance will have little to no impact on landscaping and drainage
- Sufficient outdoor amenity space – it is anticipated that the variance will have little to impact on the outdoor amenity space.

Staff took into consideration the size of the lot, and are of the opinion that the variance meets the intent and purpose of the zoning by-law.

The third test determines whether or not the variance is 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 took into consideration the size of the lot as well as the characteristics of the surrounding community and are of the opinion that the variance fulfills this test as well.

The final test regards the appropriateness and desirability of the use. Staff are of the opinion that an increased lot coverage for an accessory building does 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 A32/2021 subject to the following conditions:

- That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law
- That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law.
- That the accessory building be constructed with a maximum setback of 4.572 metres (15 feet) from the rear lot line as indicated on the site plan drawing submitted with the minor variance application

APPLICANTS AMENDMENTS

- None

DISCUSSION

Phillip Maxwell stated if he would be able to relocate the structure further from the side lot line. Ian Search stated that the Zoning By-law would allow him to move the accessory building further from the side lot line.

Philip Maxwell confirmed that the structure is to be used to store a trailer and other vehicles.

Member Barrette asked about the driveway and potential impacts to drainage. Phillip said that he will maintain a proper drainage system and has cooperated with his neighbour in this regard.

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

That Minor Variance Application A/32/2021 be approved subject to the recommended conditions of the Planning Department.

- Carried-

APPLICATION:	A/30/2021
APPLICANT:	Allan St. Louis & Nicole Coatsworth

PROPERTY LOCATION:	254 Meunier Street (Community of Belle River)
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PURPOSE OF APPLICATION

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

- Relief from Section 8.1 Urban Residential Zone Regulations to permit an exterior side yard setback of 3.35 metres

Section 8.1 Urban Residential Zone Regulations requires a minimum exterior side yard setback of 4.5 metres in the Residential – Low Density (R1) zone

PRESENT AT MEETING

Allan St. Louis & Nicole Coatsworth, Applicant

CORRESPONDENCE RECEIVED

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

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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 setbacks on the exterior yard in the Zoning By-law is to provide the following:

- Maintenance of existing streetscape – it is anticipated that the variance will have little to no impact on the maintenance of the streetscape.
- Manoeuvres and sight lines required for turning – As shown in the site plan, the proposed addition does not impact the sight lines required for tuning.

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 a reduced exterior side yard setback does 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 A30/2021.

- 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

Allan St. Louis had no questions or concerns with the recommendation

Member Barrette asked if there were any utilities in the area of the proposed lot addition. Allan said he had a proper locate done.

Member Hacon asked what the existing structure was adjacent to the interior lot line. Allan said it is an existing lean-to that he uses for the storage of tools.

**Moved by Member Barrette
2nd by Member Hoffman**

That Minor Variance application A/30/2021 be approved

- Carried -

APPLICATION:	A/29/2021
APPLICANT:	Kevin and Tracey Horne
PROPERTY LOCATION:	0 County Road 31 (Rochester Con 5 Pt Lot 12 RP 12R27863 Part 1) (Community of Rochester)

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 222.97 m² (2,400 ft²) and Section 6.5 a) xi) to permit a height of 5.334 metres (17.5 feet)

Section 6.5 a) ix) limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;

Section 6.5 a) xi) restricts accessory buildings to not exceed a height of 5 metres unless within an Agriculture Zone

PRESENT AT MEETING

Kevin and Tracey Horne, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – no comment
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Construction of the accessory buildings should not adversely impact the rear yard drainage or adjacent neighbouring lands
4. Lakeshore Fire – This proposed application is significantly larger than the permitted gross floor area of 55 m². Should this be approved the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Additionally due

to the size of the proposed building it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

5. Lakeshore Planning Dept. – The applicant has indicated that the reason for the minor variance is to permit a new accessory building on the subject property that will be used to store personal belongings such as a Recreational Vehicle (RV) and boat, and provide additional amenity/lounging area.

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

While the subject property is currently vacant, the site plan drawing indicates that the accessory building will have a smaller building footprint than the dwelling that is to be constructed on the property, and therefore meets the intent of accessory in the zoning by-law. Any approval of the minor variance should be conditional on the accessory building having a smaller building footprint than the dwelling on the property to ensure this intent of the by-law is met.

The intent behind the size restriction provision is to prevent overbuilding on a given lot and to encourage a consistent and compatible built form. The subject property is not a residential lot located in a typical subdivision. It is located near the periphery of the St. Joachim Hamlet settlement area on a Rural Regional Road according to the Official Plan. Like neighbouring properties to the north, it has a large depth of approximately 130 metres, and exceeds the minimum lot area requirement for a hamlet residential property by 2.4 times.

East of the subject property is land zoned Parks and Open Space, and the accessory building is proposed to be located at the rear of the lot – 9.144 metres (30 feet) from the rear lot line and 3.048 metres (10 feet) from the north side lot line – where it will have little visual impact on the streetscape and impact on the surrounding neighbourhood. Given the large lot area of the subject property, the proposed accessory building will only result in 4.6% lot coverage. The request for a 0.334 metre increase in height is considered minor and compatible with the neighbourhood given purpose and proposed location. Additionally, there are other large accessory buildings existing in the area on lands zoned HR – including across the road from the subject property.

While there is supportive context, it is noted that the minor variance request is to exceed the gross floor area provision for an accessory building by four times. The Committee should encourage the applicant to revise and reduce the gross floor area requested and explore the possibility of deferral. One of the main concerns with oversized accessory buildings is what they will ultimately be used

for. This accessory building cannot be used as a Home Industry – shop (electrical, woodworking, window frame, welding, plumbing, machine shop etc.) to support a gainful occupation – or a Dwelling Unit under the Zoning By-law.

If the Committee decides to approve the application, they are advised to impose the following conditions on approval:

- That the accessory building be constructed with a maximum setback of 9.144 metres (30 feet) from the rear lot line as indicated on the site plan drawing submitted with the minor variance application
 - That the accessory building will have a smaller building footprint than the main building (dwelling) on the subject property, and to the satisfaction of the Building Department will not be constructed on the subject property prior to construction of the main building (dwelling)
 - That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law
 - That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law
6. County of Essex – The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No.31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Kevin Horne asked what the required setback is from the side lot line. Ian Search stated the required setback is 5 feet.

Kevin stated that he chose to purchase the property because he wanted a larger lot size and would like to utilize the space. He stated the structure will be used to store travel trailer, boat, recreational vehicles, and will also contain a recreational/leisure room.

Member Sylvestre asked if Kevin understood the attached conditions. Kevin said he did.

Member Hoffman asked Kevin to clarify the height of the doors for the proposed accessory structure. Kevin said they will be 10 feet wide by 12 feet in height to accommodate travel trailer.

Member Hacon asked if the height of the accessory building could be reduced to meet the regulation in the zoning by-law (5 metres, 16.4 feet), stating that it would reduce the overall mass of the building. Kevin agreed that would be acceptable to him.

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

That minor variance A/29/2021 be approved subject to all the recommended conditions, plus an additional condition that the accessory building will not exceed the maximum height provision for an accessory building in the zoning by-law.

- Carried -

APPLICATION:	B/32/2021
APPLICANT:	Susan & Angela Papineau
PROPERTY LOCATION:	7654 & 0 St. Clair Road (Pt Lt 7 Con Broken Front Tilbury 12R7516 Parts 1-3) (Community of Tilbury North)

PURPOSE OF APPLICATION

The subject property is located on the north side of St. Clair Road in the Community of Tilbury North, and has approximately 26.74 metres of frontage and an overall area of 2038.06 m². The applicant is applying to sever a lot addition from the subject property – consisting of an overall area of approximately 373.04 m² – to be added to a neighbouring residential property (7702 St. Clair Road). The retained land, will have a resulting frontage of 21.64 metres and an overall area of 1649 m². The subject lands are designated “Residential” and zoned “RW2, Residential Waterfront – Lake St. Clair”.

PRESENT AT MEETING

Susan Papineau, 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. Any new entrances will require an entrance permit from the Municipality of Lakeshore and

will need to comply with the Municipality's Development Manual. Private drain connection sheets are required to be submitted to the Municipality for our records at the time of servicing

4. Lakeshore Fire – No comment
5. Essex Region Conservation Authority – No objection
6. Lakeshore Planning Dept. –

The subject property currently consists of two tax roll numbers under one Property Identification Number. This property, and the abutting property to the east receiving the lot addition, are located in the Lake St. Clair Floodprone Area and the Essex Region Conservation Authority (ERCA) Limit of Regulated Area. ERCA was sent the lot addition proposal for comment.

The subject property and the abutting property to the east receiving the lot addition (7702 St. Clair Road) are owned by a single family, with the lot addition/adjustment providing 7702 St. Clair Road with trees and additional yard space for increased privacy. The Lakeshore Official Plan consent policies permit a consent where a new lot is not being created, such as a lot addition, if the lots subject to the application will comply with the Zoning By-law. Moreover, the policies require the lot area and frontage of both resulting lots to be adequate for existing and proposed uses. This lot addition proposal concerns two residential properties designated Residential and zoned Residential Waterfront – Lake St. Clair (RW2). Each lot will meet the minimum frontage (18 metres) and area (800 m²) requirements of the RW2 zone following the lot addition. It is recommended that a survey of both the lot addition lands and the retained land be provided as a condition of consent approval to confirm zone compliance.

7702 St. Clair Road currently consists of Parts 4, 5, and 6 on Registered Plan 12R-7516. It was discovered upon checking title that Part 5 was transferred through Planning Act consent in 1992 (#R1198318). In order for the lot addition lands and the parts comprising 7702 St. Clair Road to legally merge into one parcel, a one-foot square should be detailed on the land survey and conveyed out of Part 5 to the Municipality of Lakeshore. This will spoil the existing consent and ensure the merger.

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 retained and severed parcel of land, and detail a 1' x 1' square from the original lot at 7702 St. Clair 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, if required, 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 lot addition lands shall be conveyed and merged to 7702 St. Clair Road
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 **August 20, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

Susan Papineau stated she had no questions or concerns with the recommendation and recommended conditions

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

That Consent application B/32/2021 be approved subject to all the recommended conditions

APPLICATION:

B/30/2021 & B/31/2021

APPLICANT:	Grand Central Business Park Inc. (B/30/2021) & 2516748 Ontario Inc. (B/31/2021) c/o William Good
PROPERTY LOCATION:	490 Advance Blvd. (B/30/2021) & 486 Advance Blvd. (B/31/2021) (Community of Maidstone)

PURPOSE OF APPLICATION

The applicant is applying to register a mutual easement agreement between 486 & 490 Advance Blvd. to provide mutual easement on each other's respective lands for the purposes of providing for a shared parking arrangement (parking and access) between the two properties once fully developed. The mutual easement will also provide right-of-way for pedestrian use between the two properties. Additionally, the agreement will include an easement for the purposes of accessing, maintaining, operating, and repairing a pylon sign in favour of 486 Advance Blvd. over 490 Advance Blvd. The sign is located on 490 Advance Blvd. but is utilized by the owner of 486 Advance Blvd. The proposed agreement is summarized below:

Easements in favour of 2516748 Ontario Inc. (B-30-2021)

- Easement for sign access and maintenance (Parts 4, 5, 24, and 25 on Plan 12R23533)
- Easement for parking and access (Parts 4, 5, 6, 7, 8, 9, 24, and 25 on 12R-23533)
- Easement for pedestrian use (Parts 5, 6, 7, 8, 9, 24, and 25 on Plan 12R23533)

Easements in favour of Grand Central Business Park Inc. (B-31-2021)

- Easement for parking and access (Parts 3, 10, 11, 12, 15, and 26 on 12R-23533)
- Easement for pedestrian use (Parts 10, 12, 15, and 26 on Plan 12R23533)

PRESENT AT MEETING

William Good, Authorized Applicant for B-30-2021 and B-31-2021

CORRESPONDENCE RECEIVED (B-30-2021 and B-31-2021)

1. Lakeshore Building Dept. – No comment
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – Owners should enter into a Reciprocal Access Agreement for sign access and walking path access. 490 Advance is required to

have their own access off of Advance Blvd. in case the reciprocal access gets dissolved for any reason

4. Lakeshore Fire – No comment

5. Lakeshore Planning Dept. –

490 Advance Blvd. is currently a vacant 3.89 acre parcel zoned mixed use located west of Patillo Road, south of County Road 22, on the north side of Advance Blvd. (see attachment A).

Development of 490 Advance Blvd. is currently being processed under Site Plan Control – Section 41 of the Planning Act – for a new commercial plaza. The subject property is currently vacant except for an existing pylon sign located at the northeast corner of the property. A proposed easement to be registered on the subject property will provide legal access to this pylon sign in favour of 486 Advance Blvd. to maintain and operate the sign, as it is utilized by the registered owner (2516748 Ontario Inc.) of this abutting property to the west. The easement agreement will enable 2516748 Ontario Inc. to access the subject property to maintain, operate and repair the sign, with the extent of the easement lands being Parts 4, 5, 24, and 25 on Plan 12R-23533 (see attachment B).

In addition to an easement with respect to the pylon sign, the applicant is proposing an easement for parking and access over the entirety of the subject property in favour of 2516748 Ontario Inc. Likewise, the applicant is proposing an easement for parking and access over 486 Advance Blvd. lands in favour of 490 Advance Blvd. (see attachment B). 486 Advance Blvd. is a 6.83 acre property zoned mixed use that currently supports an existing commercial plaza. The mutual easements for parking and access will benefit both properties and improve the functionality of both sites in terms of traffic flow once the planned commercial plaza on 490 Advance Blvd. is developed.

Lastly, there is an existing and continuous pedestrian path/walkway that extends around the perimeter of both properties. The applicant is proposing that each property will provide an easement in favour of the other for pedestrian use of the path/walkway.

The Official Plan consent policies state that a consent may be permitted for legal and technical reasons where a separate lot is not being created – such as an easement. 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 approvals.

If the Committee decides to approve B-30-2021 and B-31-2021, they are advised that each 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, if applicable, 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. by **August 20, 2022**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

William Good stated that he had no questions or concerns

Member Sylvestre asked if the sign was currently located at the northeast corner of 490 Advance Blvd. William confirmed that it is.

William Good explained that the reciprocal access and parking agreement was previously registered on title between the two properties but was removed some time in the past. The application is to restore that reciprocal access and parking agreement.

Moved by Member Barrette
2nd by Member Diemer

That Consent applications B-30-2021 and B-31-2021 be approved subject to all the recommended conditions

- Carried –

Moved by Member Barrette
2nd by Member Sylvestre

That the minutes of July 22, 2021 be adopted as printed and distributed.

- Carried –

**Moved by Member Sylvestre
2nd by Member Hoffman**

THAT the meeting adjourn at 7:27 p.m.

- Carried -

Mark Hacon
Chairman

Ian Search
Secretary-Treasurer

DRAFT