

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



**To:** Chair & Members of Committee of Adjustment

**From:** Urvi Prajapati, BEDP, MES  
Planner 1

**Date:** July 29, 2022

**Applicant:** Greg and Lisa Cavers,  
1729 Lakeshore Rd. 219,  
Lakeshore, ON

**Subject:** Minor Variance Application A/31/2022

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### Recommendation

Approve Minor Variance A/31/2022, subject to the following conditions:

- 1) The owner of the subject property enter into an agreement with the Municipality of Lakeshore by July 13, 2023 that will require the existing dwelling to be demolished, dismantled, relocated and/or removed (including any and all debris) in accordance with the agreement, and this agreement is to be to the satisfaction of the Municipality of Lakeshore, and registered on title if required by the Municipality of Lakeshore, and all the details of this agreement and requirements of the owner of the subject property under this agreement are to be determined by the Municipality of Lakeshore;
- 2) That a demolition permit be obtained for MPEC to conduct their assessment;
- 3) All setbacks from the Municipal Drain that runs along the front of the property (2<sup>nd</sup> Concession Road Drain South of Malden) must be adhered to;
- 4) Any new entrances or hard surfacing (concrete, asphalt, etc.) will require the applicant to submit an entrance permit to the Municipality of Lakeshore;
- 5) That prior to occupancy being issued for the new house, the water service from the new house will be connected to the existing curb stop on the property, and a representative from Lakeshore's water division must be on-site at the time of connection to the existing curb stop.

## **Relief Requested**

The applicants wish to temporarily permit two dwelling units on a lot while a new home is being constructed. Therefore, they are seeking relief from Section 6.20 of the Lakeshore Zoning By-law 2-2012 which permits only one dwelling unit on a lot.

The applicants are requesting to temporarily permit an existing dwelling to remain on the subject property during the construction of their new dwelling. Upon the construction of the new dwelling, the existing house will be moved to another property, while the garage will stay on the subject lands. The existing dwelling will provide housing for the applicant during construction of the new dwelling. Upon the construction of the new dwelling the existing house will be moved to another property; while the existing garage will remain on the subject lands as mentioned before.

## **Summary**

### Location:

The subject property 1729 Lakeshore Rd. 219 is located in the south-west corner of South Middle Road and Lakeshore Road 219; in the community of Maidstone.

### Surrounding Land Uses:

North: Agriculture  
South: Agriculture

East: Agriculture  
West: Agriculture

### Official Plan:

The entire subject property is designated Agriculture and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

### Zoning:

The subject property is zoned Agriculture (A).

## **Conclusion**

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.

Through minor variance approval, residents can enter into a legal agreement with the Municipality of Lakeshore to temporarily permit two dwellings on a single lot. Under this agreement, a resident can apply for a building permit to build a new dwelling while their existing dwelling remains on the lot during construction of the new dwelling. They are then required to demolish, dismantle, relocate and/or remove any and all debris of the original

dwelling in accordance with the specifications of the agreement. The agreement requires an indemnity deposit of \$20,000.00 as prescribed under the current user fee by-law (by-law 113-2021), and requires the original dwelling – including any and all debris – to be demolished, dismantled, relocated and/or removed within ninety (90) days of occupancy of the new dwelling.

The minor variance will provide the applicant with housing during construction of the new dwelling. The Planner is of the opinion that this aspect of the requested variance meets the four tests under the Planning Act.

### **Correspondence from external and internal agencies**

The application was circulated to various external and internal agencies and the comments received from Engineering and ERCA are summarized below.

Engineering is in support of the application as long as all the setbacks are adhered to from the Municipal Drain; as well as the applicants are required to apply for an entrance permit for any new entrances on the subject lands. Lastly, prior to occupancy issuance the water service from the new home will be connected to the existing curb stop on the property.

ERCA is also in support of the application and have mentioned that the owners must obtain a permit and or clearance prior to any construction or alteration on the site.

### **Attachment(s):**

Appendix A – Key Plan  
Appendix B – Site Plan and Elevations  
Appendix C – Engineering Comments  
Appendix D – ERCA Comments

### **Prepared by:**



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Urvi Prajapati, BEDP, MES  
Planner I

## Report Approval Details

Document Title:	A-31-2022 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Aerial Map.pdf</li><li>- Site Plan and Elevations.pdf</li><li>- Engineering Comments.pdf</li><li>- ERCA Comments.pdf</li></ul>
Final Approval Date:	Jul 8, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Approved by Kristina Brcic