



Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, April 12, 2023, 6:00 PM

Members Present: Chair Mark Hacon
 Vice-Chair Michael Hoffman
 Member Nancy Flagler-Wilburn
 Member Jeremy Prince
 Member Linda McKinlay

Staff Present:

 Planner I, Ian Search
 Planner I, Ian Rawlings
 Team Leader of Development Approvals, Kristina Brcic

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM.

2. Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. Consent Application B-07-2023

The Authorized Applicant, Mike Stamp, was present. He stated that the retained land is going through draft plan of subdivision and that the future user of the severed lot has a very aggressive timeline to construct their building. He states this consent allows for the commencement of the construction of the manufacturing building.

Member Hoffman asked how strict the timeline is for the development of the severed lot. Mike Stamp replied that they would like to have the building constructed and occupied by March 2024 and that CanArt has existing facilities in Lakeshore.

38/04/2023

Moved By Michael Hoffman

Seconded By Jeremy Prince

Approve consent application B/07/2023 to sever the lands known municipally as 0 Patillo Road (Roll: 210-07250 & 210-07265) to create a new lot approximately 13.94 acres in area with approximately 195.7 metres of frontage on Patillo Road, and the retained lands will result in approximately 39.89 acres in area with approximately 20.12 metres of frontage on Patillo Road, subject to the following conditions:

- 1) That the applicant obtains a proper survey and Reference Plan from an Ontario Land Surveyor for the severed parcel of land to the satisfaction of the Municipality, including measurement of the remaining frontage on Patillo Road for the retained land, and a 3-metre strip of land along Patillo Road frontage;
- 2) That a 3-metre strip of land along the Patillo Road frontage of the subject lands be conveyed to the Municipality of Lakeshore and to the satisfaction of the Municipality of Lakeshore;
- 3) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 4) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 5) That, if deemed necessary and to the satisfaction of the Municipality of Lakeshore, a Park Fee be imposed on the granting of this application in the amount as indicated in the Parkland Dedication By-law in effect and that such fee shall be paid prior to the stamping of the deed;
- 6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 13, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per the Planning Act.

Carried Unanimously

b. Minor Variance Application A-12-2023

Member Prince and Member Flagler-Wilburn expressed an understanding of the request for the minor variance in parking reduction. Mike Stamp

stated that the front yard loading space is a result of the manufacturing process and flow of operations.

39/04/2023

Moved By Nancy Flagler-Wilburn

Seconded By Jeremy Prince

Approve minor variance application A/12/2023 to permit loading spaces to be located within the front yard and to permit a minimum total of 124 off-street parking spaces subject to the following condition:

1) The minor variance reliefs apply to the lot to be severed from the subject land under consent file: B/07/2023;

2) That consent file B/07/2023 be approved by the Committee of Adjustment, and the deed/transfer for the lot creation (B/07/2023) be registered.

Carried Unanimously

c. Minor Variance Application A-10-2023

The owners, Jeff and Lori Laszewski, were present and stated that their minor variance will help with the appearance of their property - main building and accessory building.

Member McKinlay asked for clarification on the location of the proposed carport. The owners explained that it is to be located at the rear of their dwelling.

40/04/2023

Moved By Michael Hoffman

Seconded By Linda McKinlay

Approve minor variance application A/10/2023 to permit a dwelling to have a minimum rear yard setback of 6.4 metres.

Carried Unanimously

d. Minor Variance Application A-11-2023

Ian Search summarized comments received from Michael Dunn's solicitor, owner of 948 Albert Lane, that expressed a formal objection to the minor

variance request. Ian Search stated that the comment had been sent to the Committee of Adjustment for their consideration ahead of the meeting.

The owner, Shawn O'Keefe, asked the Committee to defer the application given the comments received from Essex Region Conservation Authority.

Member Hoffman stated that the owner should not only address the comments from ERCA, but should also revise the height and gross floor area of the proposed building as part of the deferral.

41/04/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Defer minor variance application A/11/2023 to permit an accessory building with a gross floor area of 111 m² and a height of 6.8 metres due to concerns with comments received from Essex Region Conservation Authority and the proposed massing of the building.

Carried Unanimously

e. Consent Application B-06-2023

The Authorized Applicant, William Good, provided an explanation for the consent application.

42/04/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

Approve consent application B/06/2023 to sever approximately 1,021.93 m² from 16600 Tecumseh Rd for a lot addition to be added to the neighboring property, 16400 Tecumseh Rd. Subject to the following conditions:

- 1) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 2) That the Deed for the lot addition be prepared and a copy for our records be forwarded to the Secretary for stamping;
- 3) That Section 50(3) and (5) of the Planning Act shall apply to the severance;
- 4) 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;

5) 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;

6) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfill the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

f. Consent Application B-08-2023

Raymond Tracey, the owner of the subject farm parcel, stated that they are only interested in the farming aspect of the lands which is why they have applied for these severances.

Member McKinlay and Member Flagler-Wilburn asked for clarification over the easement lands, which Ian Rawlings provided through explanation.

Member Prince requested clarification from the owner about the existing servicing situation. The owner explained the situation regarding existing and future services.

The owner also explained how a new access bridge is being installed to provide access to the farm parcel separate from the residential dwellings.

43/04/2023

Moved By Nancy Flagler-Wilburn

Seconded By Linda McKinlay

Approve Consent Application B/08/2023 to sever two (2) surplus dwelling lots from 1368 Rochester Townline Rd. One lot being 203.7 m² of lot area and 35.42 m of frontage (Parts 1 & 2 on the draft 12R plan) and the second lot being 3,156.4 m² of lot area and 52.81 m of frontage (Parts 3 & 4 on the draft 12R plan), subject to the following conditions:

1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;

- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;
- 4) That each new lot will be subject to the water buy in fee according to the tariff of fees by-law prior to the stamping of the deed;
- 5) That the applicants obtain a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling, and the surplus lot be rezoned to recognize the non-farm use;
- 6) That the existing accessory structure located on Part 4 of the draft 12R plan identified as "METAL CLAD BUILDING" be demolished/removed or brought into compliance with the Lakeshore Zoning By-law;
- 7) That the applicant complete the septic test report attached to the consent application to the satisfaction of the Municipality for both lots to be severed, and if required, install a new septic system on the severed lots to the satisfaction of the Municipality, prior to the stamping of the Deeds;
- 8) That the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;
- 9) That a Park Fee be imposed on the granting of this Application in the amount subjected by the Parkland By-law at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 10) That the applicant install an access bridge to provide access to the retained farmland in accordance with the drainage act, and to the satisfaction of the municipality and the Drainage Superintendent;
- 11) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 3 of the Draft 12R Plan, in favour of Parts 1 & 2 for access and maintenance, prior to the stamping of the deeds
- 12) That the applicants enter into a mutual easement agreement over a portion of the driveway being Part 2 of the Draft 12R Plan, in favour of Parts 3 & 4 for access and maintenance, prior to the stamping of the deeds;

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

44/04/2023

Easement over Part 3 in favour of Parts 1 & 2 on the Draft 12R

Moved By Linda McKinlay

Seconded By Michael Hoffman

Approve Consent Application B/08/2023 to establish an easement over Part 3 shown on the Draft 12R Plan, in favour of Parts 1 & 2 on the Draft 12R for a access and maintenance, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;
- 2) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;
- 4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

45/04/2023

Easement over Part 2 in favour of Parts 3 & 4 on the Draft 12R

Moved By Jeremy Prince

Seconded By Nancy Flagler-Wilburn

Approve Consent Application B/08/2023 to establish an easement over Part 2 shown on the Draft 12R Plan, in favour of Parts 3 & 4 on the Draft 12R for access and maintenance, subject to the following conditions:

- 1) That the applicants obtain a proper survey and Reference Plan from an

Ontario Land Surveyor to the satisfaction of the Municipality, including setbacks of any buildings, septic systems, and existing entrances;

2) That all municipal taxes be paid in full prior to the stamping of the Deed;

3) That the Deed and Easement/Right-of-Way Agreement be prepared to the satisfaction of Municipality and be forwarded to the Secretary for Stamping;

4) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by April 12, 2025. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act.

Carried Unanimously

5. Completion of Unfinished Business

a. Minor Variance Application A-07-2023 - Deferred Item Revisited

The owner, Chris Mindorff, was present and stated he had no concerns with the new recommendation.

Member McKinlay asked if other lots are similar in the area in terms of area and depth. Ian Search stated that this was the case.

Member McKinlay asked if the proposal was for a building addition. Ian Search confirmed that the gross floor area requested is for the entire building which includes the existing gross floor area and the new gross floor area requested.

Chair Hacon asked if the building is to support a business. The owner said no and stated that they are requesting the increased gross floor area for storage of a RV and other personal belongings.

46/04/2023

Moved By Michael Hoffman

Seconded By Nancy Flagler-Wilburn

Approve minor variance application A/07/2023 to permit an accessory structure with a gross floor area of 167.48 m² subject to the following conditions:

1) The minor variance approval is for a building addition to an existing

accessory building in accordance with the site plan drawing provided in Appendix B;

2) Grading is addressed to the satisfaction of the Municipality of Lakeshore;

3) The applicant receives approval from the Essex Region Conservation Authority.

Carried Unanimously

6. Approval of Previous Meeting Minutes

47/04/2023

Moved By Linda McKinlay

Seconded By Nancy Flagler-Wilburn

Approve minutes of the previous meeting as listed on the agenda.

Carried Unanimously

a. March 22 2023 Meeting Minutes

7. New Business

a. OACA Membership and OACA conference

8. Adjournment

48/04/2023

Moved By Linda McKinlay

Seconded By Michael Hoffman

The Committee of Adjustment adjourn its meeting at 7:15 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer