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May 03, 2023

## Ian Search

Corporation of the Municipality of Lakeshore  
Development Services, Planning Division  
419 Notre Dame Street  
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Minor Variance A-15-2023 1646 CAILLE AVE  
ARN 375118000014700; PIN: 750340115  
Applicant: Justin Marchand

The Municipality of Lakeshore has received an Application for Minor Variance for the subject property. The applicant is proposing to demolish and replace an accessory building located in the front yard of the lot. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012: Section 6.5 a) vii) to permit an accessory building to be setback 0.91 metres from the east side lot line, whereas the By-law states that accessory buildings shall not be built closer than 1.5 metres from any lot line and Section 6.5 a) ix) to permit a gross floor area of 130.06 m<sup>2</sup> of gross floor area, whereas the By-law states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the RW2 zone. The following is provided as a result of our review of Application for Minor Variance A-15-2023.

### **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note that ERCA Permit #134-23 has been issued for the proposed structure. The applicant is advised that all openings into the proposed structure, including garage floor, basement window sills, vents etc., must be at or above the minimum

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required flood proofing elevation, as outlined in ERCA Permit #134-23.

The low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality has confirmed, through applicable emergency services (i.e. fire, police, etc.), 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). As such, the matters addressed by ERCA Permit #134-23 were considered by the ERCA Hearing Board as the works being proposed did not comply with board approved policies. The Board's decision ultimately was to approve this matter. This authorization was without prejudice and will not be considered as a precedent.

### **FINAL RECOMMENDATION**

ERCA has no objection to the Application for Minor Variance A-15-2023.

As noted above, the applicant is advised that all openings into the proposed structure, including garage floor, basement window sills, vents etc., must be at or above the minimum required flood proofing elevation, as outlined in ERCA Permit #134-23.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
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