



**THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES
COMMITTEE OF ADJUSTMENT
AGENDA**

Meeting# 04-2017

Date: Wednesday, April 26, 2017

Time: 7:00 p.m.

Location: Thedford Village Complex

Pages

1. Declaration of Pecuniary or Conflict of Interest

2. Minutes to be Approved

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3. Delegations/Time Allocations

3.1 7:05 p.m. - Key/Robinson Minor Variance A-05/2017

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3.2 7:05 p.m. - McCann Minor Variance A-06/2017

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3.3 7:05 p.m. - Perpich Minor Variance A-07/2017

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3.4 7:05 p.m. - Fred Newton - Ipperwash Beach Club A-08/2017

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5. Adjourn



The Municipality of Lambton Shores

COMMITTEE OF ADJUSTMENT

MINUTES

Date: February 22, 2017
Time: 7:00 p.m.
Location: Thedford Village Complex

Members Present: Steve Robinson
Jean Dorey
Diane Hales
Jeff Wilcox
Ian Fleming

Members Absent: Mac Gilpin
Bill Gordon

Staff Present: Jackie Mason

1. Declaration of Pecuniary or Conflict of Interest

Chairman Robinson asked if any members wished to declare a pecuniary or conflict of interest and none were declared.

2. Minutes to be Approved

2.1 Minutes from January 25, 2017

17-0222-01

Moved by: Diane Hales

Seconded by: Jeff Wilcox

That the minutes from the January 25, 2017 meeting of the Committee of Adjustment be accepted as presented.

Carried

3. Delegations/Time Allocations

3.1 7:05 p.m. - Larry Baxter and Wendy Ryan - Minor Variance A-02/2017

3.1.1 Application for Minor Variance

Mr. Aaron Lucas, Agent for the Applicants, submitted a minor variance application requesting approval to permit a proposed 24.6 m² (3.8m wide by 6.4m deep) attached garage addition that will

provide an east interior side yard setback of 2.08 metres, whereas Zoning By-law 1 of 2003 requires a minimum setback of 4.6 metres.

3.1.3 Planning Report

A report received from Senior Planner, Patti Richardson, recommended that this variance be approved, as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands.

3.1.4 County Septic Report

Correspondence received from Corrine Nauta, Manager of Building Services for the County of Lambton, reported on the existing septic system on 10315 Maplewood Drive. Mrs. Nauta stated that the proposed garage addition will not impact the existing septic system in a negative manner, therefore, she can support this application provided the following conditions are imposed:

1. That no vehicular traffic be allowed in the septic area.
2. That the septic area not be utilized as a construction laydown space.

Mr. Lucas was present in support of this application, stating that there is no other option for the placement of the addition due to the lay of the land.

As there were no other question or concerns raised by the Committee or audience, the following motion was passed:

17-0222-02

Moved by: Ian Fleming

Seconded by: Diane Hales

That Variance Application A-02/2017, as submitted by Larry Baxter and Wendy Ryan, respecting lands known as 10315 Maplewood Avenue, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a 24.6 m² attached garage addition to provide an interior side yard of 2.08 metres be APPROVED, as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands.

Carried

3.2 7:05 p.m. - Cory and Jill Schaefer - Minor Variance A-03/2017

3.2.1 Application for Minor Variance

Mike Kenny, Agent for Corey and Jill Schaefer, submitted a minor variance application for 7408 Dolway Drive, Port Franks, requesting

permission to permit a proposed 44.6 m² (6m wide by 7.3 m deep) detached accessory garage to be constructed in a front yard, 7.72 metres from the front lot line, 12.5 metres from the east lot line and 11.8 metres from the west lot line, whereas Zoning By-law 1 of 2003 permits detached accessory buildings in interior side yards and rear yards only.

3.2.3 Planning Report

Patti Richardson, Senior Planner, recommended that this application be deferred to allow the Applicant to demonstrate to the satisfaction of the Municipality, how the area proposed to accommodate the detached garage, will be filled and provide details on the proposed retaining wall.

3.2.4 County Septic Report

Corrine Nauta, Manager of Building Services for the County of Lambton, reported on the existing septic system located on the proposed building site, stating that she can support this application as long as the accessory building is constructed in the exact location as proposed, provided the following conditions are imposed:

1. That vehicular traffic not be allowed in the septic area.
2. That the septic area not be utilized as a construction laydown space.

There was no one present to speak to this application.

As there were no concerns raised by the Committee or audience, the following motion was passed:

17-0222-03

Moved by: Jean Dorey

Seconded by: Jeff Wilcox

That Variance Application A-03/2017, as submitted by Cory and Jill Schaefer, respecting lands known as 7408 Dolway Drive, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a 46.6 m² (6 metre wide by 7.3 metre deep) detached accessory garage to be constructed in the front yard, 7.72 metres front the front lot line, 12.5 metres from the east lot line and 11.8 metres from the west lot line be DEFERRED to allow the applicant to demonstrate to the satisfaction of the Municipality how the area proposed to accommodate the garage will be filled and provide details on the retaining wall.

Carried

3.3 7:05 p.m. - William Gordon - Minor Variance A-04/2017

3.3.1 Application for Minor Variance

Mr. Gordon submitted a minor variance application for the property located at 7780 Gordon Road, requesting approval to permit a proposed 3121.5 m² (24.3m wide by 128m deep) livestock barn addition to be constructed that will provide a south side yard setback of 16 metres (in accordance with the MDS calculations), whereas Zoning By-law 1 of 2003 requires a side yard setback of 60 metres.

3.3.3 Planning Report

A report received from Senior Planner, Patti Richardson recommended that this application be approved as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning Bylaw, and is appropriate for the orderly development of the lands.

3.3.4 County Septic Report

Correspondence received from Corrine Nauta, Manager of Building Services for the County of Lambton, reported on the existing septic system on the property in question. Mrs. Nauta stated that she can support this application provided that the following condition be imposed:

1. That a septic permit be obtained for a new septic system. The septic permit must be obtained prior to the issuance of any building permits, must meet all applicable setbacks and all criteria contained within Part 8 of the 2012 Ontario Building Code.

At the request of the Applicant, this application was deferred.

As there were no questions or concerns raised by the Committee or audience, the following motion was passed:

17-0222-04

Moved by: Jeff Wilcox

Seconded by: Ian Fleming

That Variance Application A-04/2017, as submitted by William Gordon, respecting lands known as 7780 Gordon Road, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit the construction of a 3,121.5 m² (24.3 metres wide by 128 metres deep) livestock barn addition, which will provide a south side yard setback of 16 metres be DEFERRED at the request of the Applicant, until further notice.

3.4 7:05 p.m. - Graham Key and Kim Robinson - Minor Variance A-05/2017

3.4.1 Application for Minor Variance

A minor variance application was submitted by Graham Key and Kim Robinson for the property located at 6638 Foster Crescent, Ipperwash, requesting approval of 2 minor variances to permit:

1. a proposed 258.66 m² single family dwelling to provide both east and west interior side yard setbacks of 1.2 metres whereas Zoning By-law 1 of 2003 requires a minimum setback of 2 metres.
2. a proposed detached accessory building that will have a total lot coverage of 139.35 m² (9.1m wide by 15.24m deep) whereas Zoning By-law 1 of 2003 permits a maximum lot coverage of 93m².

3.4.3 Planning Report

A report received from Senior Planner, Patti Richardson, recommended the following:

1. That the proposed 258.66m² single family dwelling to be constructed which will provide both east and west interior side yard setbacks of 1.2 metres be approved, as the variance is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development for the lands.
2. That the proposed detached accessory building to be constructed that will have a total lot coverage of 139.35m² (9.1m wide by 15.24m deep) be refused as the variance requested is not minor in nature, is not in keeping with the purpose and intent of the Official Plan and Zoning By-law and is not appropriate for the orderly development of the lands. Alternatively, the Committee could discuss the application with the Applicants to ascertain what the exterior appearance will be and whether the Applicant would consider reducing the size of the proposed garage.

3.4.4 County Septic Report

Correspondence received from Corrine Nauta, Manager of Building Services for the County of Lambton, reported on septic issues for the lot in question, stating that she can support this application providing the following condition is imposed:

1. That a septic permit be obtained for a new septic system. The septic permit must be obtained prior to the issuance of any building

permits, must meet all applicable setbacks and all other criteria contained within Part 8 of the 2012 Ontario Building Code.

3.4.5 St. Clair Region Conservation Authority Comments

An email received from Erica Ogden, Planner for the St. Clair Region Conservation Authority stated that portions of the subject property have been identified as being within a vulnerable area or an area where drinking water threat policies apply. Ms. Ogden advised that the Applicant visit the St. Clair website to view the policies to ensure compliance.

The Applicant was not present, however, Lawrence Barnard was present on his behalf.

The Committee Members stated that they would require additional information from the Applicant before they could make a decision on this application.

As there were no other concerns or comments raised by the Committee or the audience, the following motion was passed:

17-0222-05

Moved by: Diane Hales

Seconded by: Jeff Wilcox

That Variance Application A-05/2017, as submitted by Graham Key and Kim Robinson, respecting lands known as 6638 Foster Crescent, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit:

a) a proposed 258.66 m² single family dwelling to be constructed which will provide both east and west interior side yard setbacks of 1.2 metres be approved as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands is; and

b) a proposed detached accessory building to be constructed that will have a total lot coverage of 139.35 m² (9.1 metres wide by 15.24 metres deep) be DEFERRED until such time as the Applicant can be present to speak to questions regarding the size and design of the proposed detached accessory garage.

Carried

4. Other Business

No other business was discussed at this time.

5. **Adjourn**

17-0222-06

Moved by: Jeff Wilcox

Seconded by: Jean Dorey

That we adjourn at 7:30 p.m.

Carried

Chair - Steve Robinson

Deputy Secretary - Jackie Mason



COMMITTEE OF ADJUSTMENT

MINUTES

Date: March 22, 2017
Time: 7:00 p.m.
Location: Thedford Village Complex

Members Present: Steve Robinson
Mac Gilpin
Bill Gordon
Diane Hales
Jeff Wilcox

Members Absent: Jean Dorey
Ian Fleming

Staff Present: Jackie Mason

1. Declaration of Pecuniary or Conflict of Interest

Chairman Robinson asked if any members wished to declare a pecuniary or conflict of interest and Committee Member Gordon declared a conflict regarding Application A-04/2017 as he is the Applicant, and vacated his chair.

2. Minutes to be Approved

There were no minutes to be approved.

3. Delegations/Time Allocations

3.1 7:05 p.m. - William Gordon - Minor Variance Application A-04/2017

3.1.1 Application for Minor Variance

Mr. Gordon submitted a minor variance application for the property located at 7780 Gordon Road, requesting approval to permit a proposed 3121.5 m² (24.3 m wide by 128 m deep) livestock barn addition to be constructed that will provide a south side yard setback of 16 metres (in accordance with the MDS calculations), whereas Zoning By-law 1 of 2003 requires a side yard setback of 60 metres.

3.1.3 Planning Report

A report received from Senior Planner Patti Richardson, recommended that this application be approved as the variance requested is minor in nature, is in keeping with the purpose and

intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands.

3.1.4 County Septic Report

Correspondence received from Corrine Nauta, manager of Building Services for the County of Lambton, reported on the existing septic system on the property in question. Mrs. Nauta stated that she can support this application provided that the following condition be imposed:

1. That a septic permit be obtained for a new septic system. The septic permit must be obtained prior to the issuance of any building permit, must meet all applicable setbacks and all criteria within Part 8 of the 2012 Ontario Building Code.

Mr. Gordon was present in support of this application, stating that the location of the proposed addition to the barn is the only location that was feasible.

As there were no questions or concerns raised by the Committee or audience, the following motion was passed:

17-0322-01

Moved by: Diane Hales

Seconded by: Mac Gilpin

That Variance Application A-04/2017, as submitted by William Gordon, respecting the lands known as 7780 Gordon Road, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit the construction of a 3121.5 m² (24.3 metres wide by 128 metres deep) livestock barn addition, which will provide a south side yard setback of 16 metres be APPROVED, as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands, subject to the County of Lambton and the Municipality of Lambton Shores being satisfied that a new septic system is installed on the lands.

Carried

4. Other Business

No other business was discussed at this time.

5. **Adjourn**

17-0322-02

Moved by: Jeff Wilcox

Seconded by: Mac Gilpin

That we adjourn at 7:15 p.m.

Carried

Chair - Steve Robinson

Deputy Secretary - Jackie Mason



APPLICATION FOR

File No. A-05/2017

☐ MINOR VARIANCE – s.45 (1)

☐ PERMISSION – s.45 (2)

The undersigned hereby applies to the Committee of Adjustment for the _____,
_____ under section 45
(name of municipality)

of the Planning Act for relief, as described in this application, from By-law No. _____ (as amended)

NAME OF OWNER

Graham Key & Kim Robinson

NAME OF AGENT (If applicant is an agent authorized by the owner)

ADDRESS

10873 Gold Creek Dr., RR #4

ADDRESS

TELEPHONE Kamoka, ON N0L 1R0.

TELEPHONE

519 666-2215

Kimr@skynet.ca

OFFICIAL PLAN – current designation of the subject land.

Residential

ZONING BY-LAW – current zoning of the subject land

Residential 6 (R6)

RELIEF – nature and extent of relief from the zoning by-law:

Section 12.2 d) Interior Side Yard setback - have 1.2 meters
require 2 meters.

Section 3.3.4 - Lot Coverage for Acc. Detached Structure is 93m².
- requesting a total lot coverage of 139m².

REASON why the proposed use cannot comply with the provisions of the zoning by-law

Accessory Structure is required to store vehicles + boat.
Same on both sides.

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number)

Plan 426 Lot 8

6638 Foster Cres.

460.050-11403.

Note see page 6 for details of sketch required

DIMENSIONS OF LAND affected

Frontage 62.00'

Depth 242.00'

Area

ACCESS – Access to the subject land is by:

☐ Provincial highway

☐ Municipal road – seasonal

☒ Municipal road – year round

☐ Right-of-way

☐ Other public road (specify) _____

☐ Water

WATER ACCESS – Where access to the subject land is by water only

Docking facilities (specify) _____

Parking facilities (specify) _____

distance from subject land _____

distance from subject land _____

distance from nearest public road _____

distance from nearest public road _____

EXISTING USES of the subject land. _____ LENGTH OF TIME the existing uses of the subject land have continued

~~Be~~ Vacant

EXISTING BUILDINGS – STRUCTURES – Where there are any buildings or structures on the subject land, indicate for each

TYPE _____ Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback _____ Dimensions _____
 DATE CONSTRUCTED _____ Side lot line setback _____ Floor area _____
 _____ Side lot line setback _____

TYPE _____ Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback _____ Dimensions _____
 DATE CONSTRUCTED _____ Side lot line setback _____ Floor area _____
 _____ Side lot line setback _____

Location of existing sewage system if any Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback _____ Dimensions _____
 _____ Side lot line setback _____ Floor area _____
 _____ Side lot line setback _____

*See attached**Attach additional page if necessary***PROPOSED USES** of the subject land*Residential***PROPOSED BUILDINGS – STRUCTURES** – Where any buildings or structures are proposed to be built on the land, indicate for each:

TYPE _____ Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback _____ Dimensions _____
 _____ Side lot line setback _____ Floor area _____
 _____ Side lot line setback _____

TYPE _____ Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback _____ Dimensions _____
 _____ Side lot line setback _____ Floor area _____
 _____ Side lot line setback _____

Location of existing sewage system if any Front lot line setback _____ Height in metres _____
 _____ Rear lot line setback: _____ Dimensions _____
 _____ Side lot line setback: _____ Floor area _____

Side lot line setback: _____

*See attached**Attach additional page if necessary*DATE – Subject land was acquired by current owner on: *May, 2016***WATER** is provided to the subject land by

☒ Publicly-owned/operated piped water system

☐ Privately-owned/operated individual well

☐ Privately-owned/operated communal well

SEWAGE DISPOSAL is provided to the subject land by.

☐ Publicly-owned/operated sanitary sewage system

☐ Privately owned/operated communal septic system

☐ Other means (specify) _____

☐ Lake or other water body

☐ Other means (specify) _____

☒ Privately owned/operated individual septic system

☐ Privy

STORM DRAINAGE is provided to the subject land by

☐ Sewers

☐ Ditches

☒ Swales

☐ Other means (specify)

OTHER APPLICATIONS – If known, indicate if the subject land is the subject of an application under the Act for:

☐ Approval of a plan of subdivision (under section 51) File # _____ Status _____

☐ Consent (under section 53) File # _____ Status _____

☐ Previous application (under section 45) File # _____ Status _____

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize _____
to be the applicant in the submission of this application

Signature of Owner

Signature of Witness

Date

DECLARATION OF APPLICANT

I, Graham Key & Kim Robinson of the Municipality of
Middlesex Centre in the County of Middlesex

solemnly declare that

All the statements contained in this application and provided by me are true and I make
this solemn declaration conscientiously believing it to be true and knowing that it is of the
same force and effect as if made under oath

DECLARED before me at the Municipality
of Lambton Shores
in the County of Lambton

Graham J Key Kim Robinson
Signature of Applicant

this 7 day of February, 2017
Jackie Mason
Signature of Commissioner, etc

It is required this application be accompanied by a fee of \$ _____ in cash or by cheque made payable to the Treasure of the

**JACKIE MASON
DEPUTY CLERK
MUNICIPALITY OF
LAMBTON SHORES**



THE MUNICIPALITY OF

LAMBTON SHORES

Administration Office - 7883 Amtelecom Parkway, Forest, ON N0N 1J0

T: 519-786-2335 / 1-877-786-2335 F: 519-786-2135

COMMITTEE OF ADJUSTMENT

NOTICE OF SECOND PUBLIC HEARING

TAKE NOTICE THAT AN APPLICATION FOR A MINOR VARIANCE HAS BEEN MADE BY:

Graham Key and Kim Robinson
File Number A-05/2017

For property known as 6638 Foster Crescent, Ipperwash, Lambton Shores.

TAKE NOTICE that the Applicants are requesting approval of 2 minor variances to Zoning By-law 1 of 2003, to permit:

1. A proposed 258.66 m² single family dwelling to provide both east and west interior side yard setbacks of 1.2 metres, whereas Zoning By-law 1 of 2003 requires a minimum setback of 2 metres; and
2. A proposed detached accessory building that will have a total lot coverage of 139.35m² (9.1 metres wide by 15.24 metres deep) whereas Zoning By-law 1 of 2003 permits a maximum lot coverage of 93m².

The Committee of Adjustment for the Municipality of Lambton Shores has appointed **Wednesday, April 26, 2017 at approximately 7:05 p.m.** for the purpose of a hearing into this matter, at The Thedford Village Complex, located at 109 Pearl Street, Thedford, ON, N0M 2N0.

Signed, written submissions regarding the application will be accepted by the Deputy Secretary prior to and during the hearing. Additional information regarding the application will be available to the public for inspection at the Lambton Shores Municipal Office, 7883 Amtelecom Parkway, Forest, Ontario N0N 1J0 from 8:30 a.m. to 4:30 p.m., Monday to Friday (519) or inquires can be made by calling (519) 786-2335.

PUBLIC HEARING You are entitled to attend this public hearing in person to express your views about these applications, or you may be represented by counsel for that purpose. If you are aware of any other person interested or affected by this application who has not received a notice, please advise them of the application. Written comments on this application can be forwarded to the Deputy Secretary of the Committee at the Forest address noted above.

FAILURE TO ATTEND THE HEARING: If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided by the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION: If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect to the application, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This may also entitle you to be advised of a possible Ontario Municipal Board hearing.

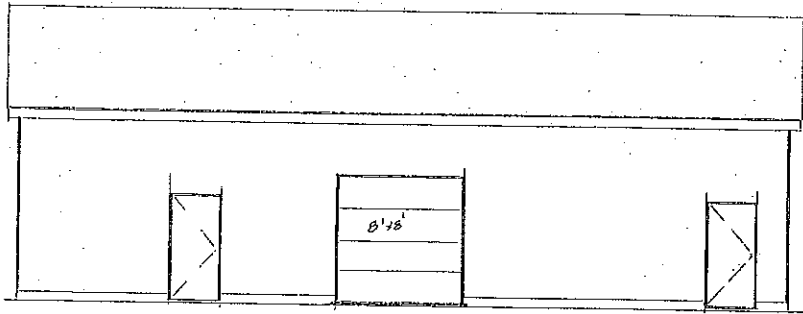
Dated this 10th day of April, 2017.

Jackie Mason

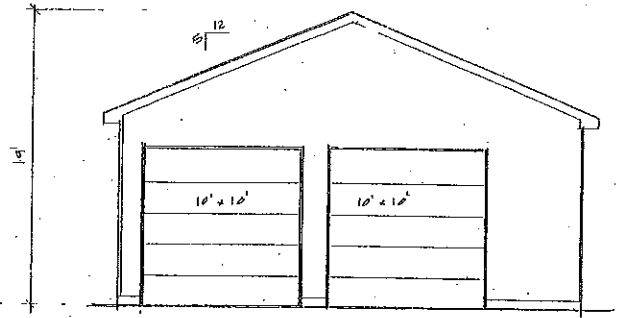
Jackie Mason,
Deputy Secretary, Committee of Adjustment



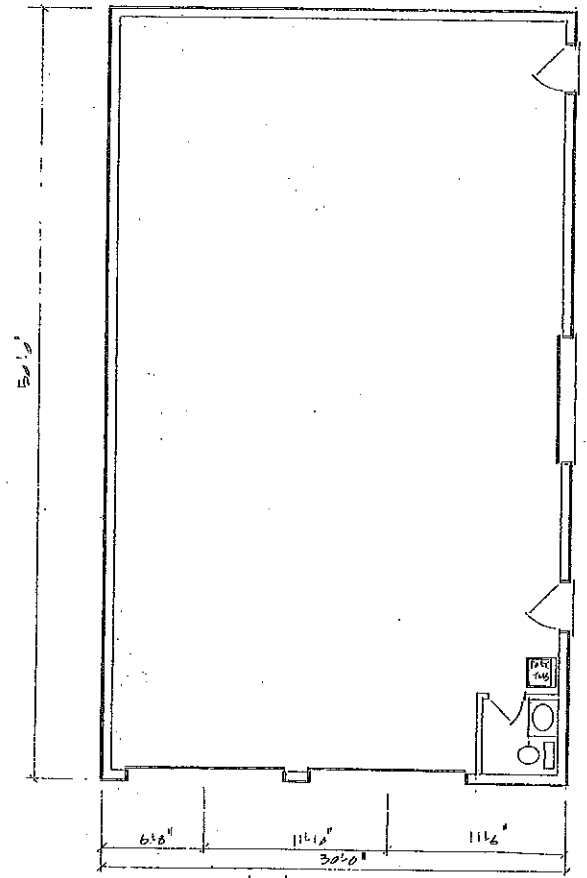
Subject Lands
6638 Foster Crescent, Ipperwash



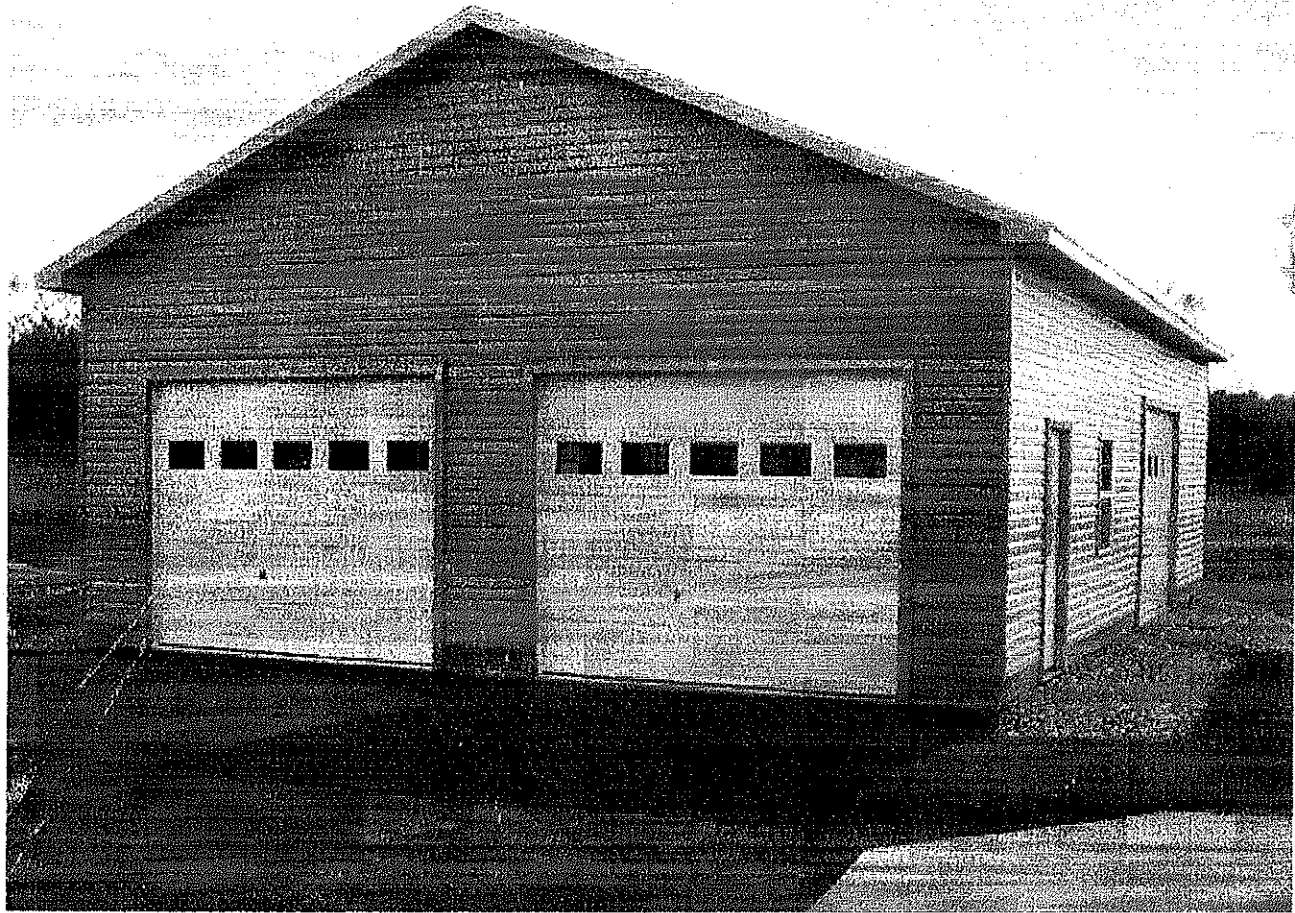
- SIDE ELEVATION -



- FRONT ELEVATION -



- PLAN -



THE MUNICIPALITY OF LAMBTON SHORES

Report COA 4-2017

Committee Meeting Date: February 22, 2017

TO: Chair Robinson and Members of the Committee of Adjustment
FROM: Patti Richardson, Senior Planner
RE: Minor Variance Application A-05/2017
Graham Key and Kim Robinson
6638 Foster Crescent, Ipperwash

RECOMMENDATION:

That **Variance Application A-041/2017**, as submitted by Graham Key and Kim Robinson, respecting lands known as 6638 Foster Crescent, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit:

- a) a proposed 258.66 m² single family dwelling to be constructed which will provide both east and west interior side yard setbacks of 1.2 metres be approved as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands is; and
- b) a proposed detached accessory building to be constructed that will have a total lot coverage of 139.35 m² (9.1 metres wide by 15.24 metres deep) be **REFUSED** as the variance requested is not minor in nature, not in keeping with the purpose and intent of the Zoning By-law, and not appropriate for the orderly development of the lands. **Alternatively**, the Committee could discuss the application with the applicants to ascertain, what the exterior appearance will be and whether the applicant would consider reducing the size of their proposed garage.

REPORT

The Application

The Applicants, Graham Key and Kim Robinson, are requesting a variance from the provisions of Zoning By-law 1 of 2003 as it effects the lands known municipally as 6638 Foster Crescent, to permit:

- a) a proposed 258.66 m² single family dwelling to provide both east and west interior side yard setbacks of 1.2 metres, whereas the By-law requires a minimum setback of 2 metres; and
- b) a proposed detached accessory building that will have a total lot coverage of 139.35 m² (9.1 metres wide by 15.24 metres deep) whereas the By-law permits a maximum lot coverage of 93 m².

Discussion

The subject land is designated “Residential” in the Lambton Shores Official Plan and is zoned Residential 6 (R-6) in the Lambton Shores Zoning By-law 1 of 2003. Use of the lands for a residential single detached dwelling and accessory buildings is permitted.

The Applicants are proposing to construct a new single family dwelling with an attached carport that will provide interior side yard setbacks of 1.2 metres and a detached accessory building that will have a total lot coverage of 139.35 m²

The By-law restricts the size of accessory buildings in residential zones to 93 m² and the height to 6.1 metres. The intent of the by-law is to ensure that accessory buildings remain accessory and incidental to the main residential use both in terms of use and size. The zoning by-law, on recommendation from the Committee of Adjustment, was amended by Council in January of 2013 to increase the maximum size allowed from 67 m² to 93 m² and the height for accessory building exceeding 67m² was increased from 5.5 metres to 6.1 metres. The Applicants propose to construct an accessory building which is 46.3 m² larger than permitted by the amended By-law. The Applicants indicate that they require this large accessory building for vehicle and boat storage. The Applicants have not provided any exterior drawings of the garage, so Staff are unable to comment on whether the design complements the residential character of the area. The Applicants propose to construct an accessory building which is 50% larger than permitted by the By-law. A large accessory building, having a lot coverage of 156 m², exists on the lot to the south. That accessory building was constructed in 1991 under the old Bosanquet Zoning By-law which did not include any size or height restrictions for accessory buildings. There does not appear to be any other large accessory buildings in the general area.

The Applicants are also proposing to construct a new dwelling with attached carport on the on the lands which is proposed to provide side yards of 1.2 metres each side. The new dwelling abuts a driveway on the lands to the south and the lands to the north are vacant. Approval of a variance to allow a dwelling with an attached carport to be constructed with 1.2 metres side yard should not negatively impact the adjacent lands or the character of the area. I can recommend approval of the side yard variance

I cannot recommend approval of a variance to allow the construction of the accessory building as proposed. The subject accessory building exceeds the recently amended

maximum coverage requirement by 46.3 m² and the Applicants have not provided information respecting what the garage what it will look like.

I suggest the Committee discuss with the Applicants the purpose of such a large accessory building, its exterior design and the possibility of reducing the size.

Yours Respectfully,

A handwritten signature in cursive script, reading "P. Richardson".

Patti L. Richardson

From: [Erica Ogden](#)
To: [Jackie Mason](#)
Subject: A-05/17 6638 Foster Crescent
Date: Thursday, February 16, 2017 11:17:10 AM
Attachments: [image003.png](#)

Good Morning,

SCRCA has reviewed the minor variance application A-05/17 for 6638 Foster Crescent and have no comment.

Portions of the subject property have been identified as being within a vulnerable area or an area where drinking water threat policies apply. These policies have been developed with the intent to reduce risks posed by identified water quality and quantity threats. These approved policies are also available on the website. As per Authority Board direction, we also provide this information as part of our "disclosure service". The Thames-Sydenham Source Protection Region Source Protection Plan has been approved and is designed to identify and help address drinking water source protection concerns. The Approved Plan, supporting documents and relevant maps are available at:

<http://www.sourcewaterprotection.on.ca>.

If you have any questions please feel free to contact me.

Thank you,

**Erica C. Ogden, MCIP, RPP
Planner**

St. Clair Region Conservation Authority

205 Mill Pond Crescent, Strathroy, ON N7G 3P9

Phone: 519-245-3710 Ext. 228

Fax: 519-245-3348

E-mail: eogden@scrca.on.ca

Website: www.scrca.on.ca



"Working together for a healthy environment"

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February 22, 2017

Municipality of Lambton Shores
Committee of Adjustment
7883 Amtelecom Parkway
Forest, ON N0N 1J0

Attention: Jackie Mason

Re: Notice of Public Hearing, File Number A-05/2017

Dear Ms. Mason,

Thanks for the opportunity to comment on this application for a minor variance for the property at 6638 Foster Crescent.

I am the legal Owner of the vacant property next to the property in question. I do have some questions about this application.

I am concerned about the east and west interior side yard setbacks due to the fact that the properties are narrow and would infringe on buffer areas between properties. If this is allowed, would I also have the opportunity to also apply for side yard setbacks reductions? How much would I be allowed to encroach on the property line? On what ground would variances be allowed? Please provide specific details and precedents.

Are the side yard setbacks 2m and 2m dependent if there is an attached garage? If there is no attached garage, it should be 2m and 3m? Is the carport considered an attached garage?

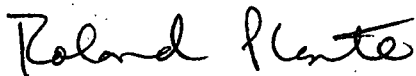
Why is the proposed accessory building also being placed 1.2 m from the property line when there is plenty of space available, encroaching again on the buffer zone between the properties?

I am not so concerned about the lot coverage exceedance, but under what grounds is it acceptable to exceed the limit specified in the Zoning By-law?

I would like to be updated with any decisions and further discussions/meeting on this matter.

If you have any questions regarding this information, please feel free to call me at (226) 235-6164.

Yours truly,



Roland Plante
126 McMaster Drive
London, ON N6K 1J4



The Municipality of Lambton Shores

APPLICATION FOR

File No. A-06/2017

☐ MINOR VARIANCE – s.45 (1)

☐ PERMISSION – s.45 (2)

The undersigned hereby applies to the Committee of Adjustment for the _____,
LAMBTON SHORES under section 45
(name of municipality)

of the Planning Act for relief, as described in this application, from By-law No. _____ (as amended)

NAME OF OWNER

PAUL MCCANN

NAME OF AGENT (If applicant is an agent authorized by the owner)

ADDRESS

10118 JOHN ST. GRAND BEND

ADDRESS

TELEPHONE

(519) 200-6865

TELEPHONE

OFFICIAL PLAN – current designation of the subject land.

206 ONTARIO ST. S

CON LRE PT LOT 3 PT CLOSED

ZONING BY-LAW – current zoning of the subject land

RESIDENTIAL - R6.

RELIEF – nature and extent of relief from the zoning by-law:

PROPOSED GARAGE SIZE 44' x 50' 18" HIGH

13.41m x 15.24m = 204.39m²

By-law permits 93m² maximum.

REASON why the proposed use cannot comply with the provisions of the zoning by-law

GARAGE IS OVER 1000 sq. Ft.

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number)

206 ONTARIO ST. S

CON LRE PT LOT 3 PT CLOSED

520-030-10000-0000

Note see page 6 for details of sketch required

DIMENSIONS OF LAND affected

100' Frontage

900' Depth

90,000 sq. ft. Area

ACCESS – Access to the subject land is by

☒ Provincial highway

☐ Municipal road – seasonal

☐ Municipal road – year round

☐ Right-of-way

☐ Other public road (specify) _____

☐ Water

WATER ACCESS – Where access to the subject land is by water only

Docking facilities (specify) _____

Parking facilities (specify) _____

distance from subject land _____

distance from subject land _____

distance from nearest public road _____

distance from nearest public road _____

EXISTING USES of the subject land. VACANT LENGTH OF TIME the existing uses of the subject land have continued

HAS ALWAYS BEEN VACANT

EXISTING BUILDINGS – STRUCTURES – Where there are any buildings or structures on the subject land, indicate for each

TYPE N/A Front lot line setback _____ Height in metres _____
 Rear lot line setback _____ Dimensions _____
 DATE CONSTRUCTED _____ Side lot line setback _____ Floor area _____
 Side lot line setback _____

TYPE N/A Front lot line setback _____ Height in metres _____
 Rear lot line setback _____ Dimensions _____
 DATE CONSTRUCTED _____ Side lot line setback _____ Floor area _____
 Side lot line setback _____

Location of existing sewage system if any Front lot line setback _____ Height in metres _____
 Rear lot line setback _____ Dimensions _____
 Side lot line setback _____ Floor area _____
 Side lot line setback _____

Attach additional page if necessary

PROPOSED USES of the subject land

RESIDENTIAL HOME + GARAGE

PROPOSED BUILDINGS – STRUCTURES – Where any buildings or structures are proposed to be built on the land, indicate for each:

TYPE HOUSE + ATTACHED GARAGE Front lot line setback 475' 145M Height in metres 9.2 M
 Rear lot line setback 350' Dimensions APPROX. 40' x 60'
 Side lot line setback 7' Floor area 2400 sq. ft.
 Side lot line setback 35'

TYPE GARAGE Front lot line setback 600' Height in metres 5.80 M
 Rear lot line setback 250' Dimensions 44' x 50'
 Side lot line setback 7' Floor area 2200 sq. ft.
 Side lot line setback 50'

Location of existing sewage system if any N/A Front lot line setback _____ Height in metres _____
 Rear lot line setback _____ Dimensions _____
 Side lot line setback _____ Floor area _____

Side lot line setback: _____

Attach additional page if necessary

DATE -- Subject land was acquired by current owner on APPROX 5 10 2009

WATER is provided to the subject land by MUNICIPALITY ?

- ☒ Publicly-owned/operated piped water system
☐ Privately-owned/operated individual well
☐ Privately-owned/operated communal well

☐ Lake or other water body

☐ Other means (specify) _____

SEWAGE DISPOSAL is provided to the subject land by.

- ☐ Publicly-owned/operated sanitary sewage system
☐ Privately owned/operated communal septic system
☐ Other means (specify) _____

☒ Privately owned/operated individual septic system

☐ Privy

STORM DRAINAGE is provided to the subject land by

☐ Sewers

☐ Ditches

☒ Swales

☐ Other means (specify)

OTHER APPLICATIONS – If known, indicate if the subject land is the subject of an application under the Act for:

<input type="checkbox"/> Approval of a plan of subdivision (under section 51)	File # _____	Status _____
<input type="checkbox"/> Consent (under section 53)	File # _____	Status _____
<input type="checkbox"/> Previous application (under section 45)	File # _____	Status _____

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize PAUL MCCANN
to be the applicant in the submission of this application

Paul Mc
Signature of Owner

Signature of Witness

Date

DECLARATION OF APPLICANT

I, PAUL MCCANN of the MUNICIPALITY of
LAMBTON SHORES in the TOWN of GRAND BEND

solemnly declare that

All the statements contained in this application and provided by me are true and I make
this solemn declaration conscientiously believing it to be true and knowing that it is of the
same force and effect as if made under oath

DECLARED before me at the Municipality
of Lambton Shores
in the County of Lambton

Paul Mc
Signature of Applicant

this 21 day of March, 2017
Jackie Mason
Signature of Commissioner, etc

It is required that this declaration be accompanied by a fee of \$. in cash or by cheque made payable to the Treasurer of the
JACKIE MASON
DEPUTY CLERK
MUNICIPALITY OF
LAMBTON SHORES



THE MUNICIPALITY OF

LAMBTON SHORES

Administration Office - 7883 Amtelecom Parkway, Forest, ON N0N 1J0

T: 519-786-2335 / 1-877-786-2335 F: 519-786-2135

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT AN APPLICATION FOR A MINOR VARIANCE HAS BEEN MADE BY:

**Paul McCann
File Number A-06/2017**

For property known as 206 Ontario St., South, Grand Bend, Lambton Shores.

TAKE NOTICE that the Applicant is requesting approval of a minor variance to Zoning By-law 1 of 2003, to permit a proposed detached accessory building that will have a total lot coverage of 204.39m² (13.41 metres wide by 15.24 metres deep) whereas Zoning By-law 1 of 2003 permits a maximum lot coverage of 93m². The detached garage is proposed to be constructed in conjunction with a new single family dwelling.

The Committee of Adjustment for the Municipality of Lambton Shores has appointed **Wednesday, April 26, 2017 at approximately 7:05 p.m.** for the purpose of a hearing into this matter, at The Thedford Village Complex, located at 109 Pearl Street, Thedford, ON, N0M 2N0.

Signed, written submissions regarding the application will be accepted by the Deputy Secretary prior to and during the hearing. Additional information regarding the application will be available to the public for inspection at the Lambton Shores Municipal Office, 7883 Amtelecom Parkway, Forest, Ontario N0N 1J0 from 8:30 a.m. to 4:30 p.m., Monday to Friday (519) or inquiries can be made by calling (519) 786-2335.

PUBLIC HEARING You are entitled to attend this public hearing in person to express your views about these applications, or you may be represented by counsel for that purpose. If you are aware of any other person interested or affected by this application who has not received a notice, please advise them of the application. Written comments on this application can be forwarded to the Deputy Secretary of the Committee at the Forest address noted above.

FAILURE TO ATTEND THE HEARING: If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided by the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION: If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect to the application, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This may also entitle you to be advised of a possible Ontario Municipal Board hearing.

Dated this 10th day of April, 2017.

Jackie Mason,
Deputy Secretary, Committee of Adjustment



31

206

LOT

216

LANEWAY

100'

LOT = 27432
SQ. M

WOODED
AREA

GARAGE

PROPOSED
HOUSE
730 sq. m

NOT TO SCALE

PROPOSED
GARAGE
44' x 50'
670 sq. m

WOODED
AREA

EXISTING LANEWAY

LOT
184

475'

LOT ?

900'

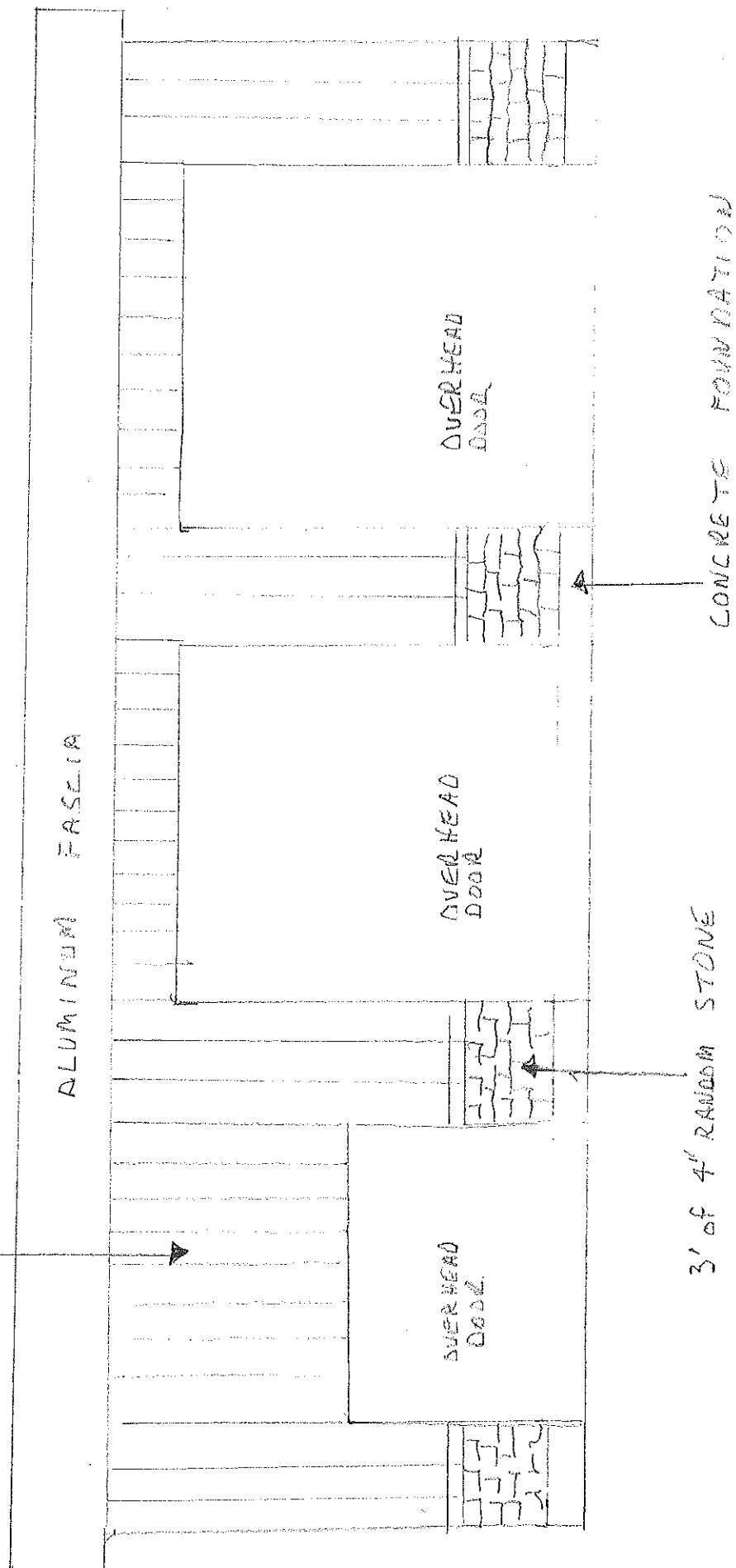
76 M

AUSABLE RIVER

GARAGE IS 44' x 50'

5.80 METERS HIGH

PLASTIC VERTICAL SIDING



THE MUNICIPALITY OF LAMBTON SHORES

Report 5-2017

COA Meeting Date: April 26, 2017

TO: Chair Robinson and Members of the Committee of Adjustment
FROM: Patti Richardson, Senior Planner
RE: Minor Variance Application A-06/2017
Paul McCann
206 Ontario Street South, Grand Bend

RECOMMENDATION:

That **Variance Application A-06/2017**, as submitted by Paul McCann respecting lands known as 206 Ontario St., South, Grand Bend, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a detached accessory building that will have a total lot coverage of 204.39 m² be **REFUSED** as the variance requested is not minor in nature, is not in keeping with the purpose and intent of the Official Plan and Zoning By-law and it not appropriate for the orderly development of the lands.

Alternatively, the Committee could discuss the application with the Applicant to ascertain whether or not he would consider reducing the size of the proposed garage.

THE APPLICATION

The Applicant, Paul McCann, is requesting a variance from the provisions of Zoning By-law 1 of 2003 as it effects the lands known as 206 Ontario Street South, Grand Bend to permit a proposed detached accessory building that will have a total lot coverage of 204.39 m² (13.41 metres wide by 15.24 metres deep) whereas Zoning By-law 1 of 2003 permits a maximum lot coverage of 93 m². The detached garage is proposed to be constructed in conjunction with a new single family dwelling.

DISCUSSION

The subject land is designated “Residential” and “Hazard and Environmental Protection” (along the rear of the property), in the Lambton Shores Official Plan and zoned Residential 6 (R-6) and Environmental Protection – Hazard 1 (EP-H1) (along the rear of the property) in the Lambton Shores Zoning By-law 1 of 2003. Use of the lands designated Residential and zoned R-6 for a residential single detached dwelling and accessory building is permitted.

The rear portion of the lands, abutting the river, is regulated by the Ausable Bayfield Conservation Authority. To date we have not received the Authority's comments.

The By-law restricts the size of accessory buildings in residential zones to 93 m² and the height to 6.1 metres. The intent of the By-law is to ensure that accessory buildings remain accessory and incidental to the main residential use, both in terms of use and size. The Zoning By-law, on recommendation from the Committee of Adjustment, was amended by Council in January of 2013, to increase the maximum size allowed from 67 m² to 93 m² and the height for accessory buildings exceeding 67 m² was increased from 5.5 metres to 6.1 metres. The Applicant is proposing to construct an accessory building that is 111.39 m² larger and 2.2 times greater than permitted by the maximum lot coverage permitted in the amended By-law.

I cannot recommend approval of this variance to allow the construction of the accessory building as proposed. The subject accessory building exceeds the recently amended maximum lot coverage.

I suggest the Committee discuss with the Applicant, the purpose of such a large accessory building and the possibility of reducing the size.



The Municipality of Lambton Shores

APPLICATION FOR

File No. A-07/2017

☐ MINOR VARIANCE – s.45 (1)

☒ PERMISSION – s.45 (2)

The undersigned hereby applies to the Committee of Adjustment for the _____
_____ under section 45
(name of municipality)

of the Planning Act for relief, as described in this application, from By-law No. _____ (as amended).

NAME OF OWNER

NAME OF AGENT (If applicant is an agent authorized by the owner)

RICHARD PERPICH

ADDRESS

ADDRESS

31 ONTARIO ST. S
GRAND BEND

TELEPHONE

TELEPHONE

519 238 2684

OFFICIAL PLAN – current designation of the subject land:

ZONING BY-LAW – current zoning of the subject land:

Commercial-2. (C2)

RELIEF – nature and extent of relief from the zoning by-law:

To construct a detached car port in the front yard -
requesting permission to construct a carport in a
com. zone.

REASON why the proposed use cannot comply with the provisions of the zoning by-law:

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number):

Plan 1 S. Pt. Lot 12.
 31 Ontario St. S. Grand Bend, ON.
 520-010-27000

Note see page 6 for details of sketch required.

DIMENSIONS OF LAND affected:

Frontage: 33.00'

Depth: 132.00'

Area:

ACCESS – Access to the subject land is by:

☒ Provincial highway

☐ Municipal road – seasonal

☐ Municipal road – year round

☐ Right-of-way

☐ Other public road (specify) _____

☐ Water

WATER ACCESS – Where access to the subject land is by water only:

Docking facilities (specify) _____

Parking facilities (specify) _____

distance from subject land _____

distance from subject land _____

distance from nearest public road _____

distance from nearest public road _____

EXISTING USES of the subject land: RESIDENCE. LENGTH OF TIME the existing uses of the subject land have continued:

30 yrs.

EXISTING BUILDINGS – STRUCTURES – Where there are any buildings or structures on the subject land, indicate for each:

TYPE House Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 DATE CONSTRUCTED _____ Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

TYPE SHED Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 DATE CONSTRUCTED 2011 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Location of existing sewage system if any Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

see attached drawing

Attach additional page if necessary

PROPOSED USES of the subject land:

RESIDENCE.

PROPOSED BUILDINGS – STRUCTURES – Where any buildings or structures are proposed to be built on the land, indicate for each:

TYPE CAR PORT Front lot line setback: 56' Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

TYPE _____ Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Location of existing sewage system if any Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Attach additional page if necessary

DATE – Subject land was acquired by current owner on: 1985

WATER is provided to the subject land by: MUNICIPAL.

☒ Publicly-owned/operated piped water system

☐ Lake or other water body

☐ Privately-owned/operated individual well

☐ Other means (specify) _____

☐ Privately-owned/operated communal well

SEWAGE DISPOSAL is provided to the subject land by:

☒ Publicly-owned/operated sanitary sewage system

☐ Privately owned/operated individual septic system

☐ Privately owned/operated communal septic system

☐ Privy

☐ Other means (specify) _____

STORM DRAINAGE is provided to the subject land by:

☒ Sewers

☐ Ditches

☐ Swales

☐ Other means (specify)

OTHER APPLICATIONS – If known, indicate if the subject land is the subject of an application under the Act for:

☐ Approval of a plan of subdivision (under section 51) File # _____ Status _____

☐ Consent (under section 53) File # _____ Status _____

☐ Previous application (under section 45) File # _____ Status _____

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize _____
to be the applicant in the submission of this application.

Signature of Owner

Signature of Witness

Date

DECLARATION OF APPLICANT

I, RICHARD PERPICH of the _____ of _____
in the TOWN of GRAND BEND.

solemnly declare that:

All the statements contained in this application and provided by me are true and I make
this solemn declaration conscientiously believing it to be true and knowing that it is of the
same force and effect as if made under oath.

DECLARED before me at the _____

of _____

in the _____ of _____

Richard Perpich

Signature of Applicant

this 24 day of MARCH

Signature of Commissioner, etc.

It is required this application be accompanied by a fee of \$..... in cash or by cheque made payable to the Treasure of the



THE MUNICIPALITY OF

LAMBTON SHORES

Administration Office - 7883 Amtelecom Parkway, Forest, ON N0N 1J0

T: 519-786-2335 / 1-877-786-2335 F: 519-786-2135

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT AN APPLICATION FOR PERMISSION HAS BEEN MADE BY:

**Richard Perpich
File Number A-07/2017**

For property known as 31 Ontario Street South, Grand Bend, Lambton Shores.

TAKE NOTICE that the Applicant is requesting approval to permit a legal non-conforming use (a residential dwelling in a Commercial Zone) to be expanded by constructing a 18.17 m² (3.96 m wide by 4.57 m deep) detached carport in the front yard, approximately 17 metres from the front lot line and approximately 3.3 metres from the north and south lot lines. Please see attached maps.

The Committee of Adjustment for the Municipality of Lambton Shores has appointed **Wednesday, April 26, 2017 at approximately 7:05 p.m.** for the purpose of a hearing into this matter, at The Thedford Village Complex, located at 109 Pearl Street, Thedford, ON, N0M 2N0.

Signed, written submissions regarding the applications will be accepted by the Deputy Secretary prior to and during the hearing. Additional information regarding the application will be available to the public for inspection at the Lambton Shores Municipal Office, 7883 Amtelecom Parkway, Forest, Ontario N0N 1J0 from 8:30 a.m. to 4:30 p.m., Monday to Friday (519) or inquiries can be made by calling (519) 786-2335.

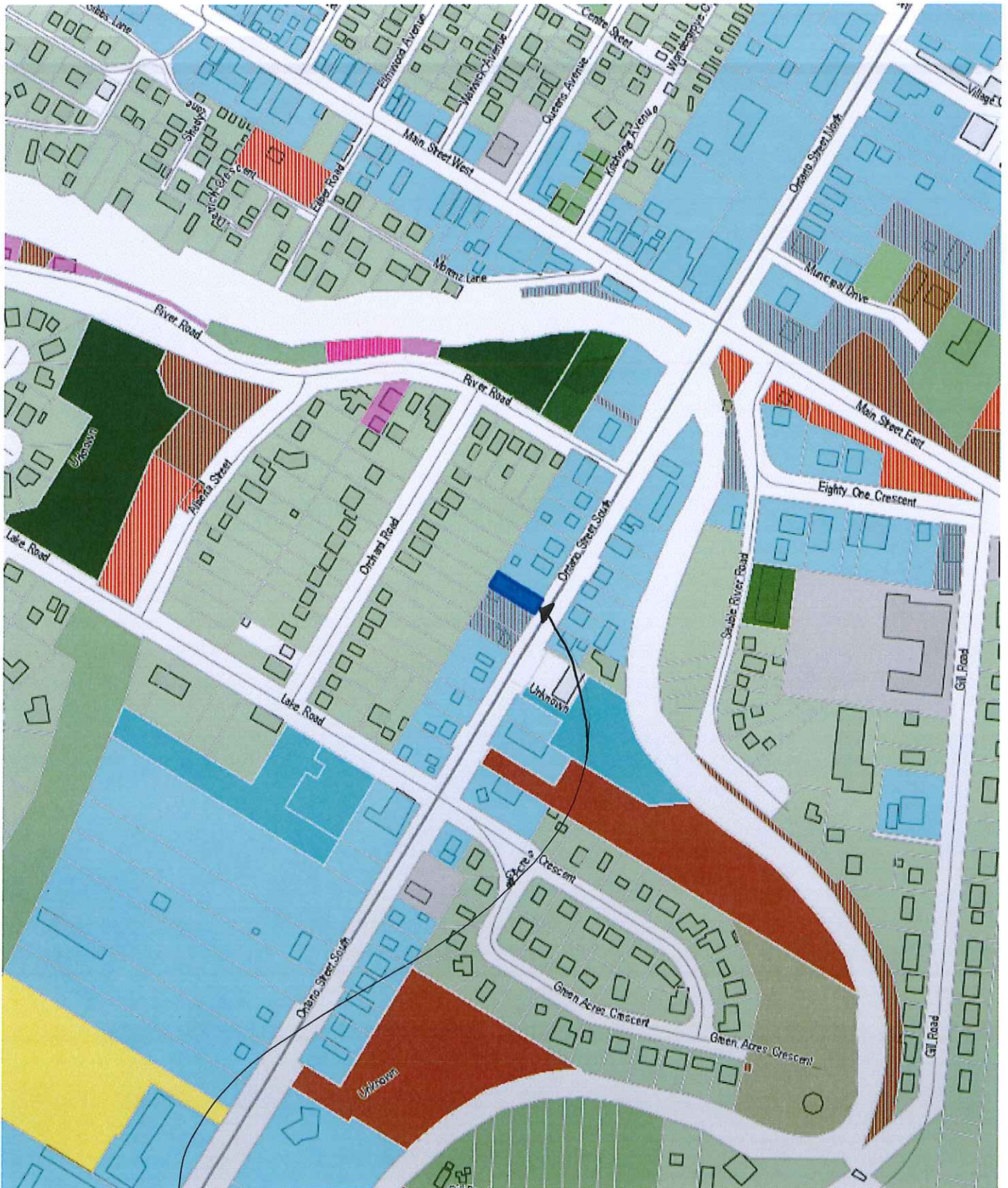
PUBLIC HEARING You are entitled to attend this public hearing in person to express your views about these applications, or you may be represented by counsel for that purpose. If you are aware of any other person interested or affected by this application who has not received a notice, please advise them of the application. Written comments on this application can be forwarded to the Deputy Secretary of the Committee at the Forest address noted above.

FAILURE TO ATTEND THE HEARING: If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided by the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION: If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect to these applications, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This may also entitle you to be advised of a possible Ontario Municipal Board hearing.

Dated this 10th day of April, 2017.

Jackie Mason,
Deputy Secretary,
Committee of Adjustment



Subject Lands
31 Ontario St., South, Grand Bend

Hand-drawn site plan of a property. The plan shows a rectangular area with several dimensions and labels:

- Top Boundary:** Labeled "Kear House" with a dimension of $18.17m^2$.
- Left Boundary:** Labeled "7.43m" and "10.88m".
- Right Boundary:** Labeled "5 (4.57m)".
- Bottom Boundary:** Labeled "SIDEWALK" and "ROAD".
- Internal Features:** A small rectangular area is labeled "X 6.5" and "X 6.5". A larger area is labeled "X 6.5" and "X 6.5".
- Other Labels:** "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z", "AA", "AB", "AC", "AD", "AE", "AF", "AG", "AH", "AI", "AJ", "AK", "AL", "AM", "AN", "AO", "AP", "AQ", "AR", "AS", "AT", "AU", "AV", "AW", "AX", "AY", "AZ", "BA", "BB", "BC", "BD", "BE", "BF", "BG", "BH", "BI", "BJ", "BK", "BL", "BM", "BN", "BO", "BP", "BQ", "BR", "BS", "BT", "BU", "BV", "BW", "BX", "BY", "BZ", "CA", "CB", "CC", "CD", "CE", "CF", "CG", "CH", "CI", "CJ", "CK", "CL", "CM", "CN", "CO", "CP", "CQ", "CR", "CS", "CT", "CU", "CV", "CW", "CX", "CY", "CZ", "DA", "DB", "DC", "DD", "DE", "DF", "DG", "DH", "DI", "DJ", "DK", "DL", "DM", "DN", "DO", "DP", "DQ", "DR", "DS", "DT", "DU", "DV", "DW", "DX", "DY", "DZ", "EA", "EB", "EC", "ED", "EE", "EF", "EG", "EH", "EI", "EJ", "EK", "EL", "EM", "EN", "EO", "EP", "EQ", "ER", "ES", "ET", "EU", "EV", "EW", "EX", "EY", "EZ", "FA", "FB", "FC", "FD", "FE", "FF", "FG", "FH", "FI", "FJ", "FK", "FL", "FM", "FN", "FO", "FP", "FQ", "FR", "FS", "FT", "FU", "FV", "FW", "FX", "FY", "FZ", "GA", "GB", "GC", "GD", "GE", "GF", "GG", "GH", "GI", "GJ", "GK", "GL", "GM", "GN", "GO", "GP", "GQ", "GR", "GS", "GT", "GU", "GV", "GW", "GX", "GY", "GZ", "HA", "HB", "HC", "HD", "HE", "HF", "HG", "HH", "HI", "HJ", "HK", "HL", "HM", "HN", "HO", "HP", "HQ", "HR", "HS", "HT", "HU", "HV", "HW", "HX", "HY", "HZ", "IA", "IB", "IC", "ID", "IE", "IF", "IG", "IH", "II", "IJ", "IK", "IL", "IM", "IN", "IO", "IP", "IQ", "IR", "IS", "IT", "IU", "IV", "IW", "IX", "IY", "IZ", "JA", "JB", "JC", "JD", "JE", "JF", "JG", "JH", "JI", "JJ", "JK", "JL", "JM", "JN", "JO", "JP", "JQ", "JR", "JS", "JT", "JU", "JV", "JW", "JX", "JY", "JZ", "KA", "KB", "KC", "KD", "KE", "KF", "KG", "KH", "KI", "KJ", "KK", "KL", "KM", "KN", "KO", "KP", "KQ", "KR", "KS", "KT", "KU", "KV", "KW", "KX", "KY", "KZ", "LA", "LB", "LC", "LD", "LE", "LF", "LG", "LH", "LI", "LJ", "LK", "LL", "LM", "LN", "LO", "LP", "LQ", "LR", "LS", "LT", "LU", "LV", "LW", "LX", "LY", "LZ", "MA", "MB", "MC", "MD", "ME", "MF", "MG", "MH", "MI", "MJ", "MK", "ML", "MM", "MN", "MO", "MP", "MQ", "MR", "MS", "MT", "MU", "MV", "MW", "MX", "MY", "MZ", "NA", "NB", "NC", "ND", "NE", "NF", "NG", "NH", "NI", "NJ", "NK", "NL", "NM", "NN", "NO", "NP", "NQ", "NR", "NS", "NT", "NU", "NV", "NW", "NX", "NY", "NZ", "OA", "OB", "OC", "OD", "OE", "OF", "OG", "OH", "OI", "OJ", "OK", "OL", "OM", "ON", "OO", "OP", "OQ", "OR", "OS", "OT", "OU", "OV", "OW", "OX", "OY", "OZ", "PA", "PB", "PC", "PD", "PE", "PF", "PG", "PH", "PI", "PJ", "PK", "PL", "PM", "PN", "PO", "PP", "PQ", "PR", "PS", "PT", "PU", "PV", "PW", "PX", "PY", "PZ", "QA", "QB", "QC", "QD", "QE", "QF", "QG", "QH", "QI", "QJ", "QK", "QL", "QM", "QN", "QO", "QP", "QQ", "QR", "QS", "QT", "QU", "QV", "QW", "QX", "QY", "QZ", "RA", "RB", "RC", "RD", "RE", "RF", "RG", "RH", "RI", "RJ", "RK", "RL", "RM", "RN", "RO", "RP", "RQ", "RR", "RS", "RT", "RU", "RV", "RW", "RX", "RY", "RZ", "SA", "SB", "SC", "SD", "SE", "SF", "SG", "SH", "SI", "SJ", "SK", "SL", "SM", "SN", "SO", "SP", "SQ", "SR", "SS", "ST", "SU", "SV", "SW", "SX", "SY", "SZ", "TA", "TB", "TC", "TD", "TE", "TF", "TG", "TH", "TI", "TJ", "TK", "TL", "TM", "TN", "TO", "TP", "TQ", "TR", "TS", "TT", "TU", "TV", "TW", "TX", "TY", "TZ", "UA", "UB", "UC", "UD", "UE", "UF", "UG", "UH", "UI", "UJ", "UK", "UL", "UM", "UN", "UO", "UP", "UQ", "UR", "US", "UT", "UU", "UV", "UW", "UX", "UY", "UZ", "VA", "VB", "VC", "VD", "VE", "VF", "VG", "VH", "VI", "VJ", "VK", "VL", "VM", "VN", "VO", "VP", "VQ", "VR", "VS", "VT", "VU", "VV", "VW", "VX", "VY", "VZ", "WA", "WB", "WC", "WD", "WE", "WF", "WG", "WH", "WI", "WJ", "WK", "WL", "WM", "WN", "WO", "WP", "WQ", "WR", "WS", "WT", "WU", "WV", "WW", "WX", "WY", "WZ", "XA", "XB", "XC", "XD", "XE", "XF", "XG", "XH", "XI", "XJ", "XK", "XL", "XM", "XN", "XO", "XP", "XQ", "XR", "XS", "XT", "XU", "XV", "XW", "XX", "XY", "XZ", "YA", "YB", "YC", "YD", "YE", "YF", "YG", "YH", "YI", "YJ", "YK", "YL", "YM", "YN", "YO", "YP", "YQ", "YR", "YS", "YT", "YU", "YV", "YW", "YX", "YY", "YZ", "ZA", "ZB", "ZC", "ZD", "ZE", "ZF", "ZG", "ZH", "ZI", "ZJ", "ZK", "ZL", "ZM", "ZN", "ZO", "ZP", "ZQ", "ZR", "ZS", "ZT", "ZU", "ZV", "ZW", "ZX", "ZY", "ZZ".

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 6-2017

COA Meeting Date: April 26, 2017

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Patti Richardson, Senior Planner

RE: Variance Application A-07/2017
Richard Perpich
31 Ontario Street South, Grand Bend

RECOMMENDATION:

That **Application A-07/2017**, as submitted by Richard Perpich, affecting the lands known as 31 Ontario Street South, Grand Bend, requesting permission under Section 45(2)(a)(i) of The Planning Act to enlarge or extend a legal non-conforming use which is a single detached dwelling by constructing a 18.17 m² detached carport in the front yard that is accessory to the existing single detached dwelling on the lot be **APPROVED**.

THE APPLICATION

An application has been submitted by Richard Perpich requesting permission under Section 45(2)(a)(i) of The Planning Act to enlarge a legal non-conforming use which is a single detached dwelling by constructing a 18.17 m² detached carport in the front yard, approximately 17 metres from the front lot line and approximately 3.3 metres from the north and south side lot lines.

DISCUSSION

The lands subject of this application are designated "Commercial" in the Lambton Shores Official Plan and zoned Commercial 2 (C2) in the Lambton Shores Zoning By-law 1 of 2003. Use of the site as a single detached dwelling which is not subordinate or accessory to commercial uses is not permitted by the zone. The detached dwelling on the lands has existed since 1940 and is considered to be legal non-conforming. As such, any proposed expansion to a legal non-conforming use requires approval by the Committee of Adjustment under Section 45(2)(a)(i). Section 45(2) of The Planning Act states:

In addition to its powers under Subsection (1), the Committee, upon any such application,

- a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,
- j) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed or a use permitted under subclause (ii) continues until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

Section 32.2.2 of the Lambton Shores Official Plan, regarding Non-Conforming uses, states the following:

When dealing with an application for permission to enlarge or expand a non-conforming use, the Committee will consider the following matters:

- a) has the non-conforming use continued from the date of passing of the Zoning By-law to the date of application to the Committee;
- b) was the non-conforming use legally established under the laws in force at that time;
- c) would any enlarged buildings or structures be used for the same purpose as the original buildings or structures were used on the day the By-law was passed;
- d) would any change of use be similar to the previous use or be more compatible with the uses permitted by the By-law;
- e) would the intent and purpose of this Plan be affected in any way;
- f) what impact would the proposal have on the neighbourhood;
- g) how does the size of the enlarged use compare with the existing use;
- h) to what degree would any objectionable feature of the use be increased by the proposal;
- i) is there a possibility of reducing the objectionable features through landscaping or buffering;
- j) are the required municipal services available and adequate; and
- k) the adequacy and availability of sanitary sewage, storm water and water services.

I have reviewed this application in light of these policies and find the following.

It appears that the residential use has existed since 1940. Several zoning by-laws and official plans have come into effect since then. The use is legal non-conforming and has existed in its current state since 1920 as well. I have no concerns respecting the construction of a detached carport in the front yard of the property which is accessory to the residential use. The size, height and setbacks of the proposed carport comply with the Zoning By-law regulations respecting accessory buildings in residential zones, therefore, I have no objection to the approval of this application.



The Municipality of Lambton Shores

APPLICATION FOR

File No. A-08/2017

☒ MINOR VARIANCE – s.45 (1)

☐ PERMISSION – s.45 (2)

The undersigned hereby applies to the Committee of Adjustment for the Minor Variance,
Lambton Shores. under section 45
(name of municipality)

of the Planning Act for relief, as described in this application, from By-law No. _____ (as amended).

NAME OF OWNER

Fred Newton

NAME OF AGENT (If applicant is an agent authorized by the owner)

Grace Dekker.

ADDRESS

6543 West Parkway Lambton Shores

ADDRESS

9641 Richardson Dr. Lambton Shores

TELEPHONE

301-674-0142

TELEPHONE

519-243-3058

OFFICIAL PLAN – current designation of the subject land:

Commercial

ZONING BY-LAW – current zoning of the subject land:

Commercial 6

RELIEF – nature and extent of relief from the zoning by-law:

To permit an uncovered deck to be constructed 0 metres from the front lot line, whereas the By-law would require a 7 metre front yard. Section 3.12.1 d) permit a deck to

REASON why the proposed use cannot comply with the provisions of the zoning by-law:

Section 3.12.1 d) permits a deck to project ^{2m.} into a required front yard. The front yard required in the Commercial 6 zone is 9 metres. The deck projects to the front lot line, in line with the existing building.

LEGAL DESCRIPTION of subject land (such as the municipality, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers and name of street and number):

LT 34, PL 433, PL 433 AS LN LT 31294
LAMBTON SHORES
460-040-31000

Note see page 6 for details of sketch required.

DIMENSIONS OF LAND affected:

Frontage: 144.46 Depth: 200.04 Area: 30,419 ft²
(0.698 ac)

ACCESS – Access to the subject land is by:

- ☐ Provincial highway ☐ Municipal road – seasonal
☒ Municipal road – year round ☐ Right-of-way
☐ Other public road (specify) _____ ☐ Water

WATER ACCESS – Where access to the subject land is by water only:

Docking facilities (specify) _____ Parking facilities (specify) _____
distance from subject land _____ distance from subject land _____
distance from nearest public road _____ distance from nearest public road _____

EXISTING USES of the subject land: Commercial LENGTH OF TIME the existing uses of the subject land have continued:

Commercial Restaurant / 100 years.

EXISTING BUILDINGS – STRUCTURES – Where there are any buildings or structures on the subject land, indicate for each:

TYPE Commercial Front lot line setback: See Attached Plan Height in metres: _____
 DATE CONSTRUCTED unknown Rear lot line setback: _____ Dimensions: _____
early 1900's Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

TYPE Garage Front lot line setback: _____ Height in metres: _____
 DATE CONSTRUCTED Unknown Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Location of existing sewage system if any Front lot line setback: _____ Height in metres: _____
New System to be Rear lot line setback: _____ Dimensions: _____
Installed Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Attach additional page if necessary

PROPOSED USES of the subject land:

Patio

PROPOSED BUILDINGS – STRUCTURES – See Attached Plan Where any buildings or structures are proposed to be built on the land, indicate for each:

TYPE Outdoor Patio Front lot line setback: 0' Height in metres: _____
 Rear lot line setback: _____ Dimensions: 12' by 30'?
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

TYPE _____ Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Location of existing sewage system if any Front lot line setback: _____ Height in metres: _____
 Rear lot line setback: _____ Dimensions: _____
 Side lot line setback: _____ Floor area: _____
 Side lot line setback: _____

Attach additional page if necessary

DATE – Subject land was acquired by current owner on: Oct 2016

WATER is provided to the subject land by:

Municipality

☒ Publicly-owned/operated piped water system

☐ Lake or other water body

☐ Privately-owned/operated individual well

☐ Other means (specify) _____

☐ Privately-owned/operated communal well

SEWAGE DISPOSAL is provided to the subject land by:

☐ Publicly-owned/operated sanitary sewage system

☒ Privately owned/operated individual septic system

☐ Privately owned/operated communal septic system

☐ Privy

☐ Other means (specify) _____

To be replanted

STORM DRAINAGE is provided to the subject land by:

☐ Sewers

☒ Ditches

☐ Swales

☐ Other means (specify)

OTHER APPLICATIONS – If known, indicate if the subject land is the subject of an application under the Act for:

☐ Approval of a plan of subdivision (under section 51) File # _____ Status _____

☐ Consent (under section 53) File # _____ Status _____

☐ Previous application (under section 45) File # _____ Status _____

AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize Grace Dekker

to be the applicant in the submission of this application.

[Signature]
Signature of Witness

March 27, 2017
Signature of Owner
[Signature]
Date

DECLARATION OF APPLICANT

I, Grace Dekker of the Municipality of
Lambton Shores in the Province of Ontario.

solemnly declare that:

All the statements contained in this application and provided by me are true and I make
this solemn declaration conscientiously believing it to be true and knowing that it is of the
same force and effect as if made under oath.

DECLARED before me at the Mun
of Lambton Shores
in the County of Lambton

[Signature]
Signature of Applicant

this 30th day of March, 2017
[Signature]
Signature of Commissioner, etc.

**ALDA BONGERS
DEPUTY CLERK
MUNICIPALITY OF
LAMBTON SHORES**

It is required this application be accompanied by a fee of \$..... in cash or by cheque made payable to the Treasure of the



THE MUNICIPALITY OF

LAMBTON SHORES

Administration Office - 7883 Amtelecom Parkway, Forest, ON N0N 1J0
T: 519-786-2335 / 1-877-786-2335 F: 519-786-2135

**COMMITTEE OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
TAKE NOTICE THAT A VARIANCE APPLICATION HAS BEEN MADE BY:**

**Fred Newton, Ipperwash Beach Club, Agent: Grace Dekker
File Number A-08/2017**

For property known as 6543 West Parkway Drive, Ipperwash, Lambton Shores.

TAKE NOTICE that the Applicant is requesting approval of a minor variance from the provisions of Zoning By-law 1 of 2003 as they relate to lands described above, to permit a 9.15 meter by 3.7 meter uncovered deck to be constructed onto the existing building which will provide a 0 metre front yard whereas the By-law requires that a 7 metre front yard setback be provided. This will allow the proposed deck to be kept in line with the existing building and the existing covered deck.

The Committee of Adjustment for the Municipality of Lambton Shores has appointed **Wednesday, April 26, 2017 at approximately 7:05 p.m.** for the purpose of a hearing into this matter, at the Thedford Village Complex located at 109 Pearl Street, Thedford, ON, N0M 2N0.

Signed, written submissions regarding the applications will be accepted by the Deputy Secretary prior to and during the hearing. Additional information regarding the application will be available to the public for inspection at the Lambton Shores Municipal Office, 7883 Amtelecom Parkway, Forest, Ontario N0N 1J0 from 8:30 a.m. to 4:30 p.m., Monday to Friday (519) or inquires can be made by calling (519) 786-2335.

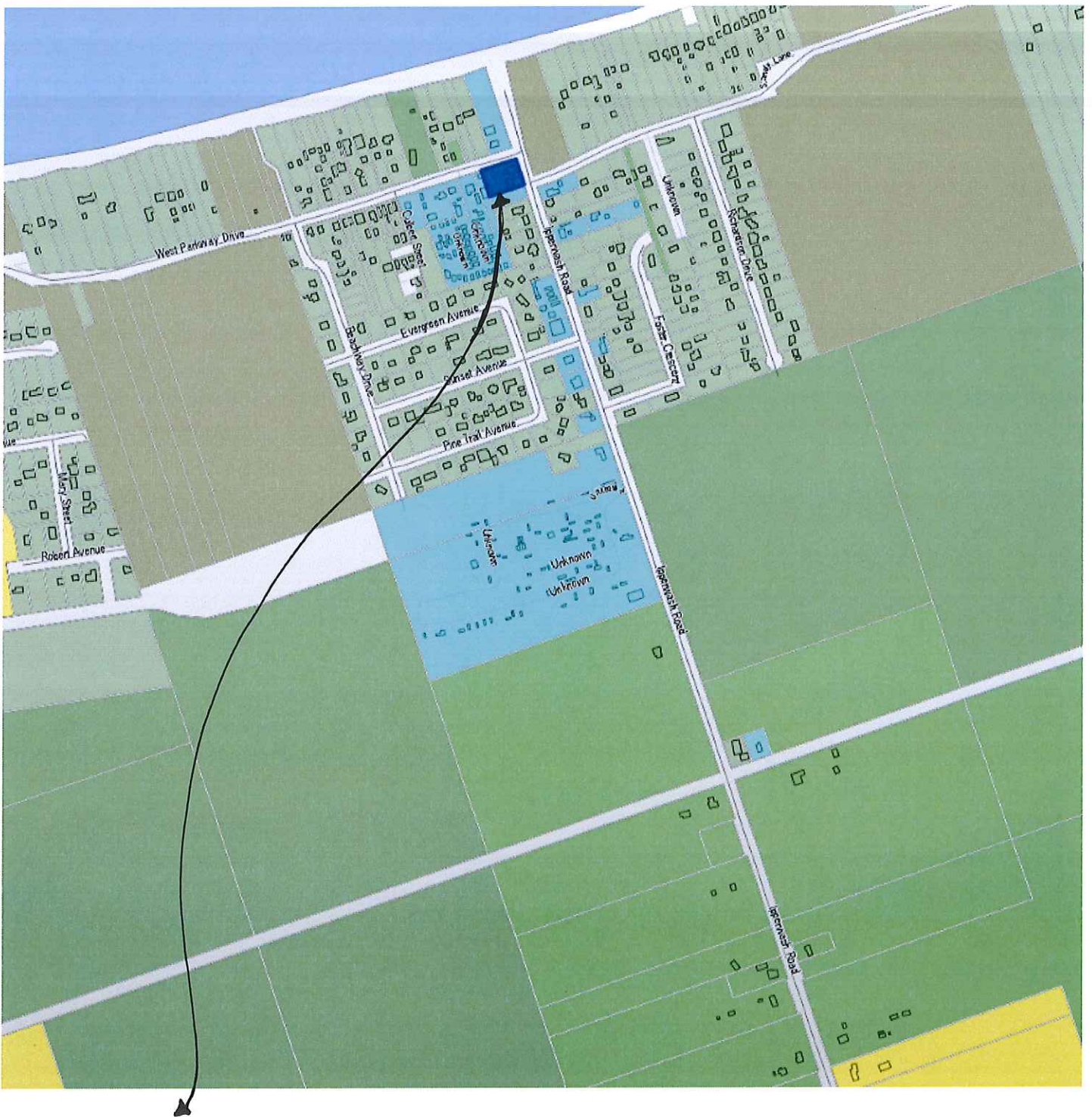
PUBLIC HEARING You are entitled to attend this public hearing in person to express your views about these applications, or you may be represented by counsel for that purpose. If you are aware of any other person interested or affected by this application who has not received a notice, please advise them of the application. Written comments on this application can be forwarded to the Deputy Secretary of the Committee at the Forest address noted above.

FAILURE TO ATTEND THE HEARING: If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided by the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION: If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect to these applications, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This may also entitle you to be advised of a possible Ontario Municipal Board hearing.

Dated this 10th day of April, 2017.

Jackie Mason,
Deputy Secretary, Committee of Adjustment



Subject Lands
6543 West Parkway Drive, Ipperwash

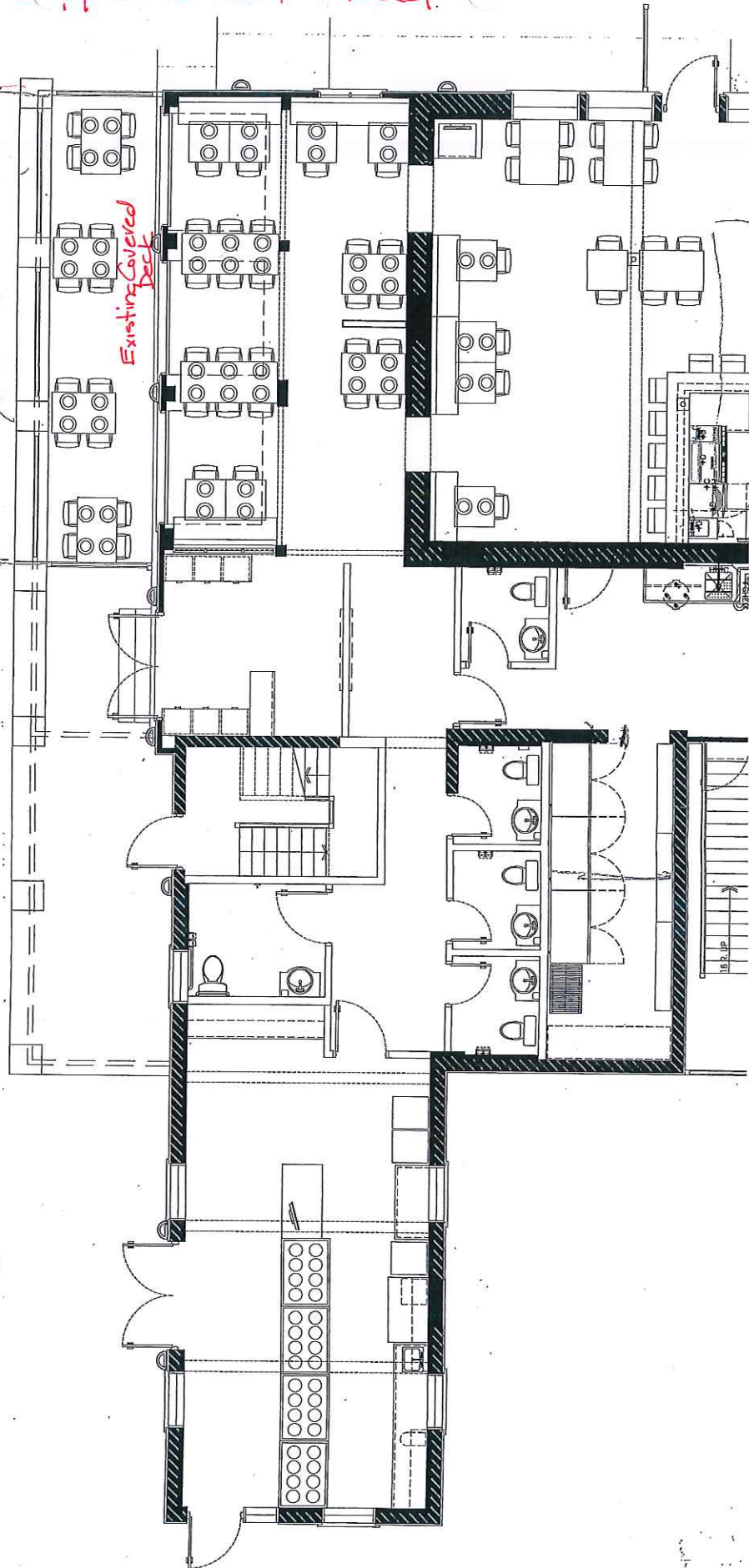
Upperwash Road

Proposed 0 metre
Front Yard

(N.E.)

30' (9.15m)
Proposed New Uncovered
Deck

Existing Covered
Deck



THE MUNICIPALITY OF LAMBTON SHORES

Report COA 7-2017

COA Meeting Date: April 26, 2017

TO: Chair Robinson and Member of the Committee of Adjustment
FROM: Patti Richardson, Senior Planner
RE: Variance Application A-08/2017
Fred Newton, Ipperwash Beach Club
6543 West Parkway Drive, Ipperwash

RECOMMENDATION:

That **Variance Application A-08/2017**, as submitted by Fred Newton, Ipperwash Beach Club, respecting lands known as 6543 West Parkway Drive, Ipperwash, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a 9.15 metre by 3.7 metre uncovered deck to be constructed onto the existing building which will provide:

- a 0 metre front yard setback; and
- 0 parking spaces

be **APPROVED**, as the variances requested are minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning Bylaw and is appropriate for the orderly development of the lands subject to the following conditions:

- the County and the Municipality being satisfied that an private appropriate sewage disposal system is installed on the lands; and
- cash in lieu of nine (9) parking spaces being paid to the satisfaction of the Municipality.

THE APPLICATION

The Owner, Fred Newton, is requesting approval of a minor variance from the provisions of Zoning By-law 1 of 2003, as it effects lands known as 6543 West Parkway Drive, Ipperwash, to permit a 9.15 metre by 3.70 metre uncovered deck to be constructed onto the existing building which will provide a 0 metre front yard whereas the By-law requires that a 7 metre front yard setback be provided. This will allow the proposed deck to be kept in line with the existing building and the existing covered deck.

DISCUSSION

The subject lands are designated “Commercial” in the Lambton Shores Official Plan and zoned Commercial 6 (C-6) in the Lambton Shores Zoning By-law 1 of 2003. A restaurant is permitted by Section 8.1.1.1 of the Official Plan which states, in part:

“Within the commercial area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services.”

The Commercial 6 (C6) Zoning on the lands allows a restaurant as a permitted use; however, the site provisions state that a 9 metre minimum front yard setback shall be provided. The Owner is renovating the existing building and is proposing to add an uncovered deck to the front of the existing building, as an extension to an existing covered deck, which is proposed to provide a 0 metre front yard setback. Section 3.12.1 d) of Zoning By-law 1 of 2003 permits a deck to project 2 metres into a required front yard setback. The setback required in the Commercial 6 Zone is 9 metres, therefore, a variance of 7 metres has been requested. The Zoning By-law requires that parking for restaurant decks be provided at a rate of 1 space per 4 m². The deck has a floor area of 33.86 m² and thus must provide an additional 9 parking spaces. There is currently no area available on the site for parking and as such any approval of this application should be conditional on cash in lieu of parking being provided. In addition, the application should include a variance to allow the deck to be constructed without providing on-site parking.

The subject lands are serviced with municipal water and a private septic system. The septic system is currently under review by the County as a result of substantial renovating being done to the restaurant. Any approval of this variance should be conditional on the County and the Municipality being satisfied that an appropriate sewage disposal system being installed on the lands.

Staff can recommend approval of this application as presented, as the variance requested is minor in nature, is in keeping with the purpose and intent of the Official Plan and Zoning By-law and is appropriate for the orderly development of the lands.

From: [Erica Ogden](#)
To: [Jackie Mason](#)
Subject: A08/2017 & A05/2017
Date: Thursday, April 20, 2017 11:40:47 AM
Attachments: [image002.png](#)

Good Morning,

SCRCA has reviewed the applications for A05/17 6638 Foster Cres & A08/17 6543 West Parkway Drive and have no concerns with both applications.

As per Authority Board direction, we also provide the following information as part of our "disclosure service". The Thames-Sydenham Source Protection Region Source Protection Plan has been approved and is designed to identify and help address drinking water source protection concerns. The Approved Plan, supporting documents and relevant maps are available at: <http://www.sourcewaterprotection.on.ca>. Portions of the subject properties have been identified as being within a vulnerable area or an area where drinking water threat policies apply. These policies have been developed with the intent to reduce risks posed by identified water quality and quantity threats. These approved policies are also available on the website.

Thank you,

Erica C. Ogden, MCIP, RPP
Planner

St. Clair Region Conservation Authority
205 Mill Pond Crescent, Strathroy, ON N7G 3P9
Phone: 519 -245 - 3710 Ext. 228
Fax: 519-245-3348
E-mail: eogden@scrca.on.ca
Website: www.scrca.on.ca



"Working together for a healthy environment"

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April 18/17

WE WISH TO WITHDRAW MINOR VARIANCE
APPLICATION FOR COREY SHAFFER PROPERTY
ON 7408 DOWNEY RD PORT FRANKS

Mike Kenny