



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

Meeting#: 06-2017
Date: Wednesday, June 28, 2017
Time: 7:00 p.m.
Location: Thedford Village Complex

Pages

- 1. Declaration of Pecuniary or Conflict of Interest**
- 2. Minutes to be Approved** 1 - 7
- 3. Delegations/Time Allocations**
 - 3.1 7:05 p.m. - Derek and Nicole Boyd - Minor Variance Application A-13/2017**
 - 3.1.1 Application for Minor Variance 8 - 16
 - 3.1.2 Notice of Hearing 17 - 19
 - 3.1.3 Planning Report 20 - 21
 - 3.2 7:05 p.m. - Paul Kidd - Consent Application B-04/2017**
 - 3.2.1 Application for Consent 22 - 28
 - 3.2.2 Notice of Hearing 29 - 31
 - 3.2.3 Planning Report 32 - 43
 - 3.3 7:05 p.m. - Bruce Stanley Leggate - Consent Application B05/2017**
 - 3.3.1 Application for Consent 44 - 50
 - 3.3.2 Notice of Hearing 51 - 54
 - 3.3.3 Planning Report 55 - 56
- 4. Other Business**
- 5. Adjourn**



COMMITTEE OF ADJUSTMENT

MINUTES

Date: May 24, 2017
Time: 7:00 p.m.
Location: Thedford Village Complex

Members Present: Steve Robinson
Jean Dorey
Mac Gilpin
Bill Gordon
Diane Hales
Jeff Wilcox
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 none were declared.

2. Minutes to be Approved

2.1 April 26, 2017 COA Minutes

17-0524-01

Moved by: Jean Dorey

Seconded by: Diane Hales

That the minutes of the April 26, 2017 meeting of the Committee of Adjustment be accepted as presented.

Carried

3. Delegations/Time Allocations

3.1 7:05 p.m. - Michelle Doornbosch - Consent Application B-03/2017

3.1.1 Application for Consent

An application for consent was received from Michelle Doorbosch for the property known as 7849 Rawlings Road, requesting permission to sever the south 0.53 hectares (1.31 acres) of the property, leaving a retained parcel of 0.46 hectares (1.14 acres).

3.1.2 Planning Report

A report received from Patti Richardson, Senior Planner, recommended that Consent Application B-03/2017 be approved subject to the following conditions:

1. That the Owner submit to the Municipality, two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar.
2. That all municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lands being severed and the lands from which they are being severed, be paid to date.
3. That the Owner satisfy the Municipality with respect to the provision of individual water and sewer service laterals to the proposed severed lot.
4. That the Owner revise the existing Site Plan Agreement affecting the lands to exclude the proposed severed lot and satisfy the Municipality with respect to stormwater management on the developed retained lot.
5. That the Owner provide cash-in-lieu of parkland dedication to the satisfaction of the Municipality.

Michelle Doornbosch was present in support of this application, stating that she had concerns with recommended conditions 3 and 4 of the Planner's report.

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

17-0524-02

Moved by: Mac Gilpin

Seconded by: Ian Fleming

That Consent Application B-03/2017 as submitted by Michelle Doornbosch, affecting the lands known municipally as 7849 Rawlings Road, Forest, requesting permission to sever the south 0.53 hectares of the property be Approved, subject to the following conditions:

1. That the Owner submit to the Municipality, two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar.
2. That all municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lands being severed and the lands from which they are being severed, be paid to date.

3. That the Owner satisfy the Municipality with respect to the provision of individual municipal water and sewer service laterals to the proposed severed lot.
4. That the Owner revise the existing Site Plan Agreement affecting the lands to exclude the proposed severed lot and satisfy the Municipality with respect to storm water management on the developed retained lot.
5. That the Owner provide cash-in-lieu of parkland dedication to the satisfaction of the Municipality.

Carried

3.2 7:05 p.m. - Frank D'Ariano - Minor Variance Application A-10/2017

3.2.1 Application for Minor Variance

Mr. D'Ariano submitted an application for the property municipally known as 9905 Prince Phillip Street, requesting a variance to permit the construction of a proposed 82.13 m² (7.9 m wide by 10.36 m deep) detached accessory building with a height of 7.2 metres whereas Zoning By-law 1 of 2003 permits a maximum height of 6.1 metres.

3.2.2 Planning Report

A report received from Patti Richardson recommended that Minor Variance Application A-10/2017 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. Ms. Richardson did state however, that the Committee could discuss the application with the Owner to ascertain whether or not he would consider reducing the height of the proposed garage.

3.2.3 Correspondence Received

A letter was received from Phillip Deseck, which stated his concerns with the application.

3.2.4 County Septic Comments

Comments received from Corrine Nauta, Manager of Building Services for the County of Lambton stated that this application could be supported provided the following conditions were imposed:

1. That the septic system be partially uncovered to confirm that component location, size and condition. That a revised detailed drawing be submitted. This must be completed to the satisfaction of the Private Sewage System Coordinator.

2. That a site inspection be conducted to confirm location and components of the septic system to ensure that sewage/effluent is not being emitted or discharged onto the surface. In the event the septic system is not in general conformance with the Ontario Building Code, a new Part 8 system will be required to be installed.

Mr D'Ariano was present in support of this application, stating that he needs the extra height for storage.

Mr. Phillip Deseck was also present to reiterate the concerns raised in his letter.

The Committee and the Applicant discussed the options available. Mr. D'Ariano decided to request a deferral in order to discuss those options with the Senior Planner and his builder.

17-0524-03

Moved by: Diane Hales

Seconded by: Ian Fleming

That Minor Variance Application A-10/2017 be deferred at the Applicant's request.

Carried

3.3 7:05 p.m. - Wayne and Judy McLellan - Minor Variance Application A-11/2017

3.3.1 Application for Minor Variance

Mr. & Mrs. McLellan submitted a minor variance application for the property municipally known as 6-10 Water Street, Arkona, requesting permission to permit a proposed second dwelling unit in the basement of an existing townhouse unit (Unit 3), whereas the Zoning By-law only permits a second dwelling in an existing single family dwelling, not in a townhouse.

3.3.2 Planning Report

Senior Planner Patti Richardson recommended in her report that this application be Approved, as the variance is minor in nature, is in keeping with the direction of the Planning Act, is consistent with the Provincial Policy Statement and is generally in keeping with the purpose and intent of the Official Plan and Zoning By-law.

Mr. and Mrs. McLellan were both present in support of this application.

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

17-0524-04

Moved by: Bill Gordon

Seconded by: Jeff Wilcox

That Variance Application A-11/2017, as submitted by Wayne and July McLellan Holdings Inc. respecting the lands known as 6-10 Water Street, Arkona, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a proposed second dwelling unit in the basement of an existing townhouse unit (Unit 3), be Approved as the variance requested is minor in nature, is in keeping with the direction of the Planning Act, is consistent with the Provincial Policy Statement, is generally 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 following condition:

1. That the Owner satisfy the Municipality with respect to the installation of a new parking space in the east side yard.

Carried

3.4 7:05 p.m. - Bill & Cindy Maxfield - Minor Variance Application A-12/2017

3.4.1 Application for Minor Variance

An application was received from Mr. & Mrs. Maxfield requesting approval of a minor variance for the property municipally known as 9971 Canal Street, to permit a proposed 61.35 m² (6.71 m wide by 9.144 m deep) detached accessory building to be located in a front yard, 3.048 metres from the front lot line. Section 3.3.3 of Zoning By-law 1 of 2003 states that a detached accessory building may be permitted in a front yard of a lot that abuts a watercourse, provided it is not located any closer to the front lot line than permitted for a dwelling, which in this case is 7.5 metres.

It was also noted by the Senior Planner that a side yard variance would also be required as the Applicant proposes to construct the detached accessory building 1.53 metres from the west side lot line, whereas the Zoning By-law requires a minimum setback of 2 metres.

3.4.2 Planning Report

A report received from Patti Richardson, Senior Planner, recommended that this application be approved as the variances requested are minor in nature, are in keeping with the purpose and intent of the Official Plan and Zoning By-law and are appropriate for

the orderly development of the lands, subject to the following conditions:

1. No vehicular access to the garage being permitted on the north wall of the garage immediately abutting Canal Street.

That the Owner satisfy the County of Lambton and the Municipality with respect to the septic system.

Mr. Maxfield was present in support of this application, stating that he would much rather prefer the vehicle access to the garage face Canal Street.

3.4.3 Correspondence Received

Letters of support were received from Joel Speake of 9967 Canal Street, Shirley Jamieson of 9972 Canal Street and Jeff and Sue Girling of 9975 Canal Street.

3.4.4 County Septic Comments

A report received from Corrine Nauta, Manager of Building Services for the County of Lambton stated that she can support the application provided the following conditions are imposed:

1. That the septic system be partially uncovered to confirm the component location, size and condition. That a revised detailed drawing be submitted. This must be completed to the satisfaction of the Private Sewage System Coordinator.
2. That a site inspection be conducted to confirm location and components of the septic system to ensure that sewage/effluent is not being emitted or discharged onto the surface. In the event the septic system is not in general conformance with the Ontario Building Code, a new Part 8 system will be required to be installed.

3.4.5 ABCA Comments

Mr. Geoff Cade of the Ausable Bayfield Conservation Authority concluded that there are no natural hazard or natural heritage concerns associated with the minor variance.

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

17-0524-05

Moved by: Mac Gilpin

Seconded by: Jean Dorey

That Variance Application A-12/2017, submitted by Bill and Cindy Maxfield, respecting the lands known as 9971 Canal Street, requesting variances from the provisions of Zoning By-law 1 of 2003 to permit a 61.35 m² (6.71 m wide by 9.144 m deep) detached accessory building to be constructed in a front yard that

will provide a 3.048 metre front yard setback and a 1.53 metre east side yard setback, be Approved, as the variances requested are minor in nature, are in keeping with the purpose and intent of the Official Plan and Zoning By-law and are appropriate for the orderly development of the lands, subject to the following conditions:

1. That the Owner satisfy the County of Lambton and the Municipality with respect to the septic system.

Carried

4. Other Business

There was no other business discussed at this time.

5. Adjourn

17-0524-06

Moved by: Jean Dorey

Seconded by: Ian Fleming

That the Committee of Adjustment meeting adjourn at 7.45 p.m.

Carried

Chair - Steve Robinson

Deputy Secretary - Jackie Mason



The Municipality of Lambton Shores

APPLICATION FOR

File No. A-13/2017

☒ MINOR VARIANCE – s.45 (1)

☐ PERMISSION – s.45 (2)

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

of the Planning Act for relief, as described in this application, from By-law No. 1 of 2003 (as amended).

NAME OF OWNER

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

DEREK WILLIAM BOYD + NICOLE ELIZABETH BOYD

ADDRESS

ADDRESS

18 PARK LANE, FOREST, ON NON 1J0

TELEPHONE

TELEPHONE

519 573-2204

boyd-nicole@hotmail.com

OFFICIAL PLAN – current designation of the subject land:

RESIDENTIAL

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

RESIDENTIAL (R1)

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

RELIEF FROM THE MINIMUM FRONT YARD SETBACK.

TO ALLOW PROPOSED CONSTRUCTION NEW FRONT PORCH DISTANT
3' 3" 3/8 FROM EXISTING FRONT PORCH IS TO BE DEMOLISHED.

TO ALLOW FOR CONSTRUCTION

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

SETBACK OF PROPOSED PORCH WILL BE SAME
AS EXISTING FRONT PORCH WHICH IS IN NEED
OF REPAIR.

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):

LOT 6 PLAN 592 MUNICIPALITY OF LAMBTON SHORES
COUNTY OF LAMBTON (PIN 43464.0126)
380-030-00600

Note see page 6 for details of sketch required.

DIMENSIONS OF LAND affected:

Frontage: 100 Ft Depth: 138.8 Ft Area: 13,880 Ft

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: NOT APPLICABLE

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:

60 YEARS +

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

TYPE RESIDENCE Front lot line setback: 3'3" 3/8 Height in metres: 5.1 m
 Rear lot line setback: 39.75' Dimensions: 60' x 96'
 DATE CONSTRUCTED 60+ years Side lot line setback: RS 34.26' Floor area: 3104 sq ft
 Side lot line setback: LS 3.23'

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: _____

NOT APPLICABLE: MUNICIPAL SEWER

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:

NO CHANGE

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

TYPE REPLACE EXISTING Front lot line setback: 3'3" 3/8 Height in metres: 5.1 m
ATTACHED Rear lot line setback: 126.4' Dimensions: 15' x 6'6"
FRONT PORCH Side lot line setback: 34 42 1/2' Floor area: 97 sq ft
 Side lot line setback: 34 42 1/2'

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: APRIL 30, 2014

WATER is provided to the subject land by:

☒ 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 Derek Boyd Nicole Boyd
to be the applicant in the submission of this application.

x [Signature]

x [Signature]

Signature of Owner

y _____
Signature of Witness

MAY 24/17
Date

DECLARATION OF APPLICANT

I, Nicole Boyd of the Municipality of
Lambton Shores in the County of Lambton.

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.

[Signature]
Signature of Applicant

this 29 day of May, 2017
[Signature]
Signature of Commissioner, etc. **JACKIE MASON
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

Search...

I want to...



Stanley St

Park Lane



Aerials

2003 Aerial

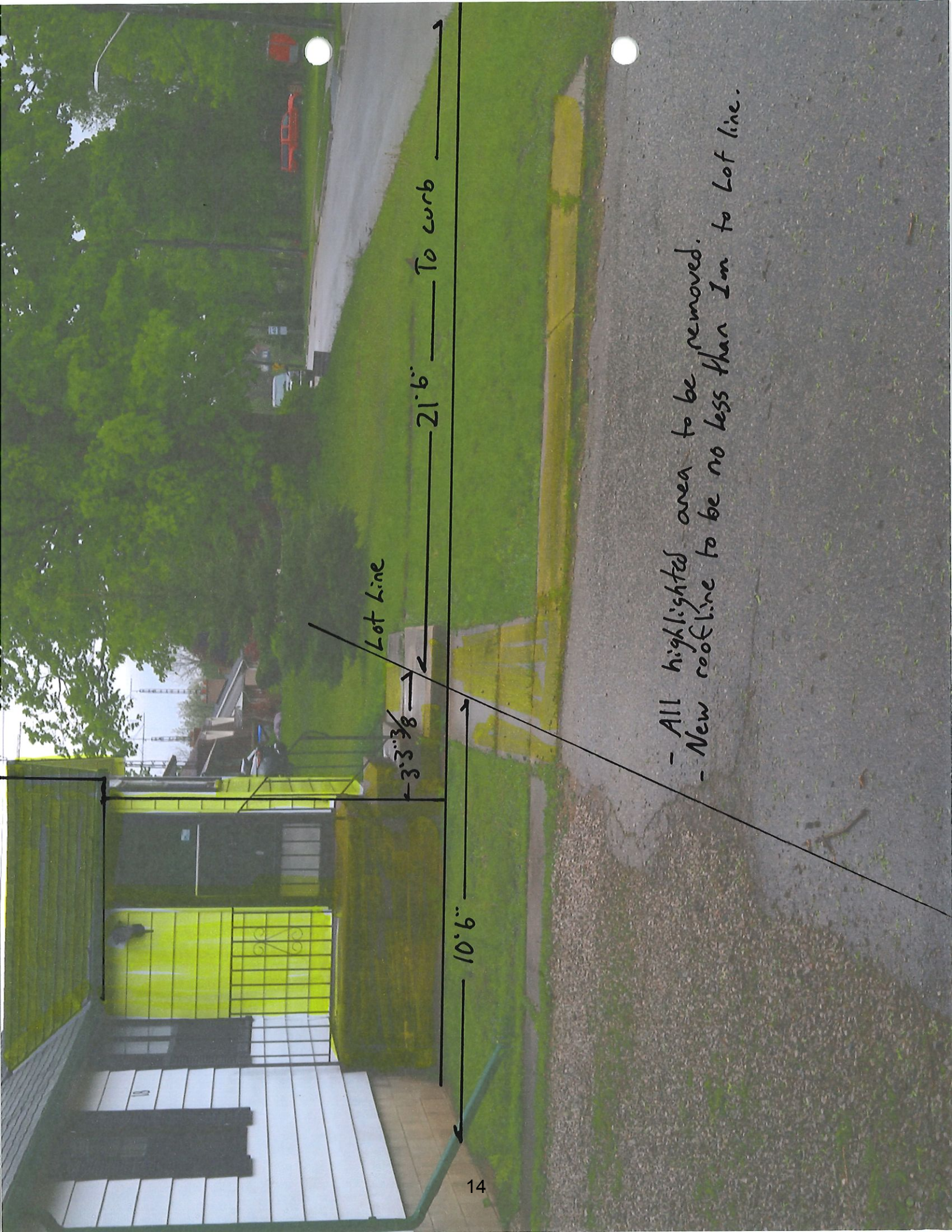
2015 Aerial

2015 Aerial

0

5

10m



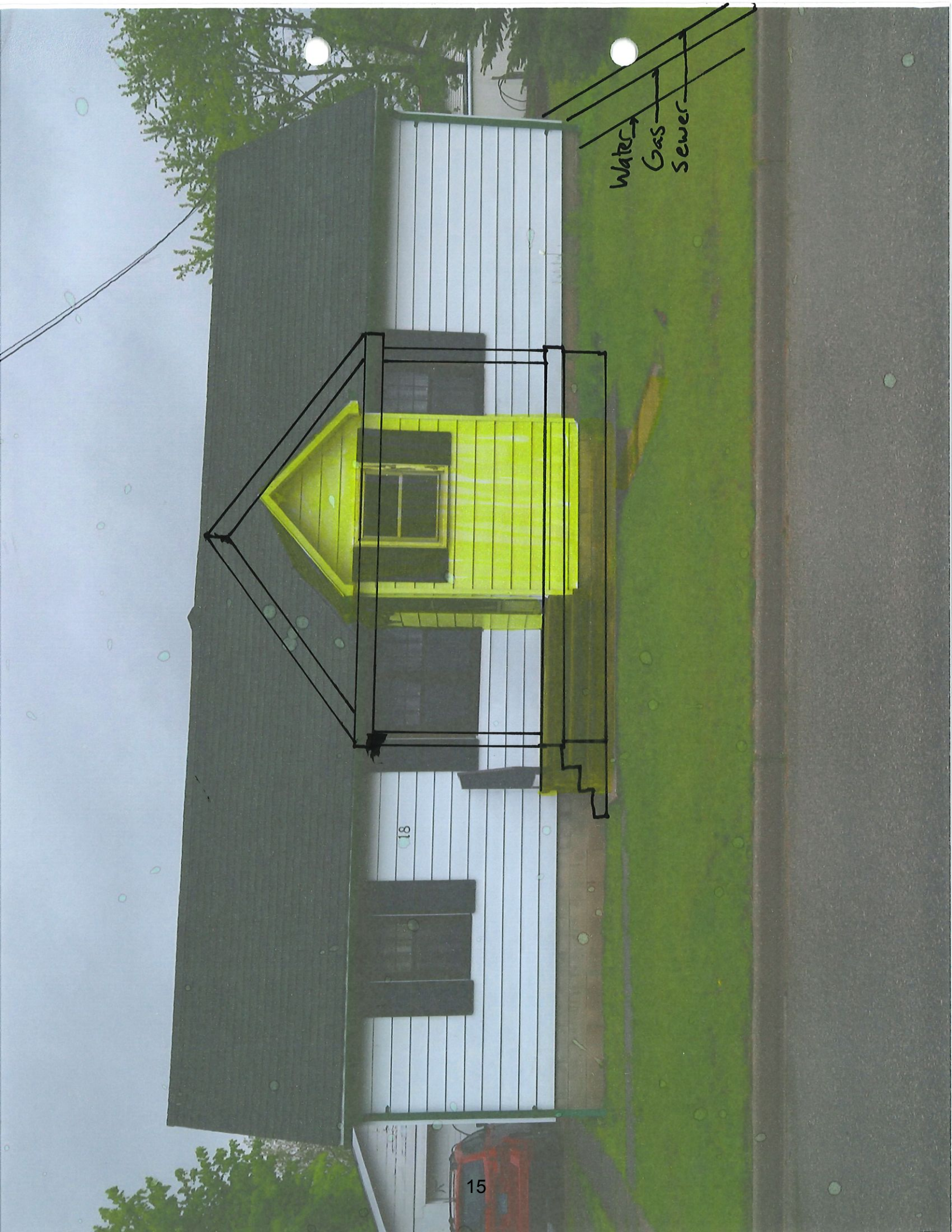
Lot line

3'3 3/8"

21'6" To curb

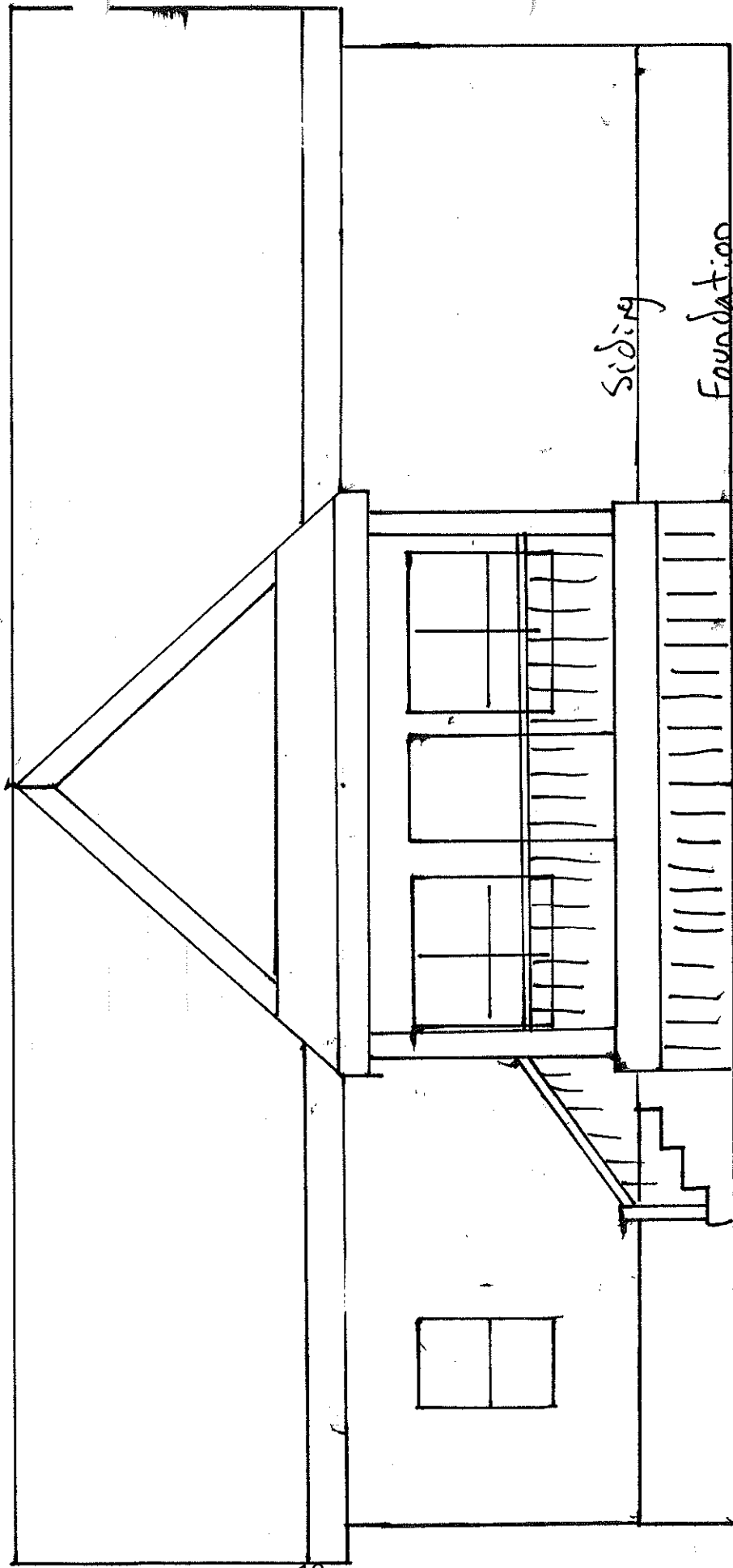
10'6"

- All highlighted area to be removed.
- New roof line to be no less than 1m to lot line.



Water
Gas
Sewer

18



↑ Pressure Treat Deck + Roof.

Proposed



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:

**Derek and Nicole Boyd
File Number A-13/2017**

For property known as 18 Park Lane, Forest.

TAKE NOTICE that the Applicants are requesting approval of a minor variance to Zoning By-law 1 of 2003, to permit the construction of a 9.05 m² (4.57m wide by 1.98m deep) covered porch that will provide a 1.22 metre front yard, whereas the By-law permits a covered porch to project to within 4 metres of the front lot line. The Owners will be removing the existing entrance vestibule, concrete porch and steps. The proposed new covered porch does not project any closer to the front lot line than the existing vestibule and porch.

The Committee of Adjustment for the Municipality of Lambton Shores has appointed **Wednesday, June 28, 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 NON 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 15th day of June, 2017.

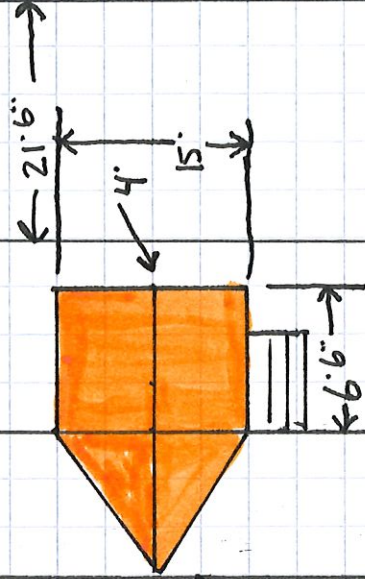
Jackie Mason, Deputy Secretary, Committee of Adjustment

Proposed Roof + Deck

126'4"

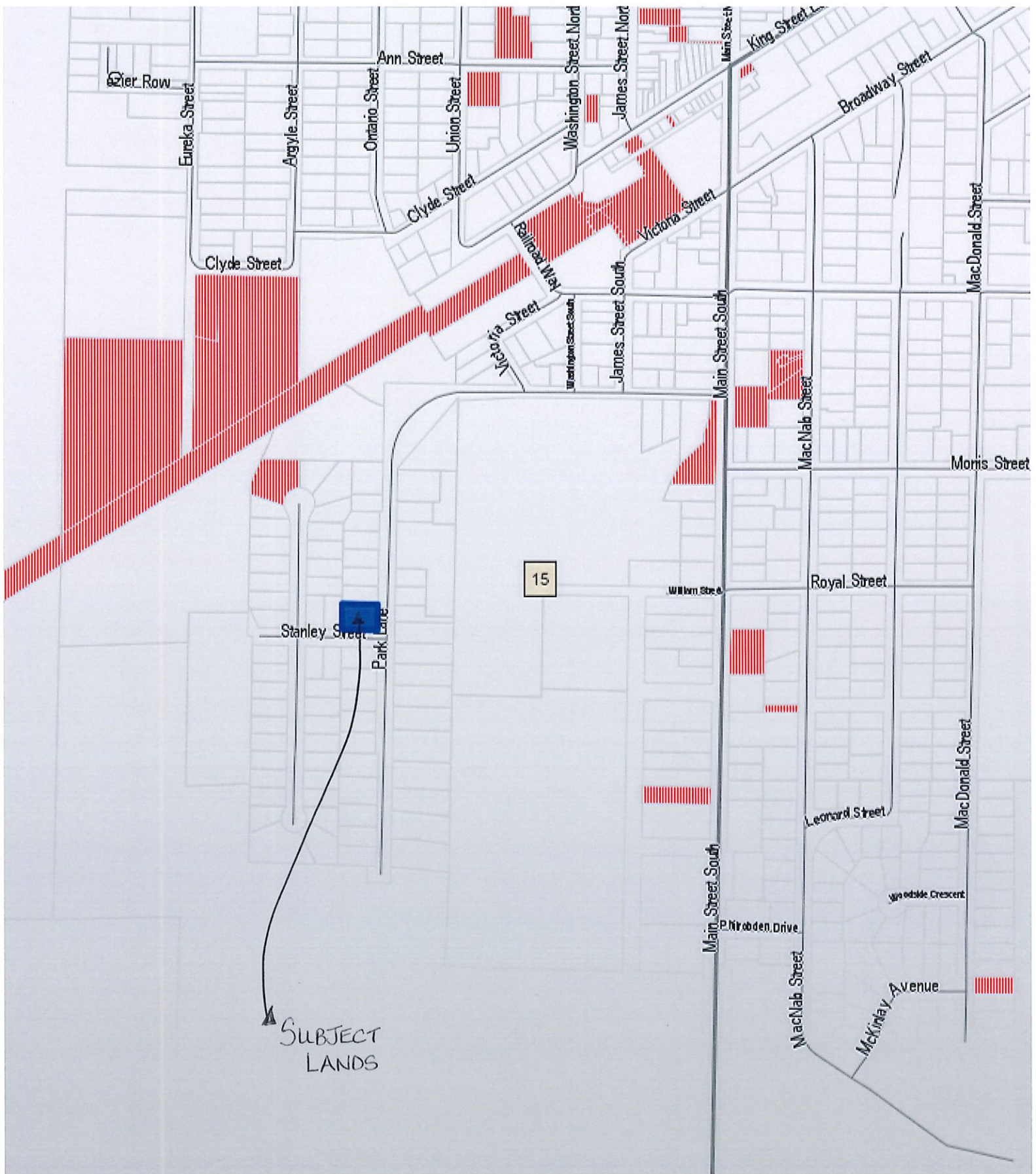
Lot Line

Park Ln



Driveway

Stanley st



THE MUNICIPALITY OF LAMBTON SHORES

Report COA 12-2017

Committee Meeting Date: June 28, 2017

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Patti Richardson, Senior Planner

RE: Variance Application A-13/2017
Derek and Nicole Boyd
18 Park Lane, Forest

RECOMMENDATION:

That **Application A-13/2017**, as submitted by Derek and Nicole Boyd, affecting the lands known as 18 Park Lane, Forest, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a 9.05 m² (4.57 m wide by 1.98 m deep) covered porch that will provide a front yard of 1.22 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.

REPORT

The Application

The Owners, Derek and Nicole Boyd, are requesting a variance from the provisions of Zoning By-law 1 of 2003 as it effects lands known as 18 Park Lane, Forest, requesting a variance from the provisions of Zoning By-law 1 of 2003 to permit a 9.05 m² covered porch to provide a front yard of 1.22 metres, whereas the By-law requires that a 4 metre front yard be provided. The Owners will be removing the existing entrance vestibule, concrete porch and steps. The proposed new covered porch does not project any closer to the front lot line than the existing vestibule and porch.

Discussion

The subject land is designated "Residential" in the Lambton Shores Official Plan and is zoned "Residential 1 (R1)" in Lambton Shores Zoning By-law 1 of 2003. Use of the lands for single residential purposes is permitted.

The Owner is proposing to remove the existing entrance vestibule, concrete porch and steps and construct a new covered porch that will not project any closer to the front lot line than currently exists.

Summary

In light of the above, Staff can support this application as it 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.



The Municipality of Lambton Shores

B-04/2017

APPLICATION FOR CONSENT

NAME OF OWNER

Paul Kidd

NAME OF AGENT (if the applicant is an agent authorized by the Owner)

ADDRESS

Box 173
Arkona, Ontario
N0M 1B0

ADDRESS

TELEPHONE

519-668-4762

TELEPHONE

FAX OR EMAIL

Paul-kidd@hotmail.com

FAX OR EMAIL

TYPE – PURPOSE of the proposed transaction such as a transfer for the creation of:

☐ new lot ☐ lot addition ☐ easement ☐ change ☐ lease ☐ correction of title

☒ other (specify) To Sever Farm Land Portion of Property And Adjoin To
Neighbouring Farm to the north and west

NAME OF PERSON to whom the land or an interest in the land is to be transferred, charged or leased (if known)

Numbered Company Owned By Van Engelen Farms Partnership

Are the severed lots to be merged with any abutting lands?

☒ yes ☐ no

LEGAL DESCRIPTION of the subject land, including concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, name of street and number.

7497 Arkona Road., Part lot 6, South Boundary Concession
RP25B1926 Part 1

EASEMENTS – RESTRICTIVE COVENANTS affecting the subject land and a description of each easement or covenant and its effect:

Easement/Covenant:

Description _____

Effect _____

Easement/Covenant:

Description _____

Effect _____

CURRENT DESIGNATION IN THE LAMBTON SHORES OFFICIAL PLAN

Residential

CURRENT DESIGNATION IN THE LAMBTON SHORES ZONING BY-LAW

R1

PREVIOUS APPLICATIONS – If known, indicate if the subject land has ever been the subject of an application under the Planning Act for:

- ☐ Approval of a plan of subdivision (under section 51) or condominium File # _____ Decision _____
- ☐ Consent (under section 53) File # _____ Decision _____

CONCURRENT APPLICATIONS – If known, indicate if the subject land is the subject of any other application under the Planning Act for:

- ☐ Approval of a plan of subdivision File # _____ Status _____
- ☐ Consent File # _____ Status _____
- ☐ Official Plan amendment File # _____ Status _____
- ☐ Zoning by-law File # _____ Status _____
- ☐ Minor variance File # _____ Status _____
- ☐ Other (specify) _____ File # _____ Status _____

PREVIOUS SEVERANCES – ORIGINAL PARCEL – has any land been severed from the parcel originally acquired by owner?

☒ Yes (specify below)☐ NoDate of transfer: April 19, 2010 Name of transferee: Gervin Taylorand use on the severed land: Title Adjustment / File # B-02/2010 / Consent Granted

LAND TO BE SEVERED

DIMENSIONS OF LAND intended to be severed: (in metric)

Frontage: 134.085 m Depth: 207.775 m Area: 2.3067 Ha.

EXISTING USES of the land:

Farm crops

EXISTING BUILDINGS – STRUCTURES – Where there are any buildings or structures on the land, indicate for each: (in metric)

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: _____	

Attach additional page if necessary

PROPOSED USES of the land:

Farm crops

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

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: _____	

Attach additional page if necessary

ACCESS – Access to the subject land will be by:

- ☐ Provincial highway
 ☐ Municipal road – seasonal
☐ Municipal road – year round
 ☐ Right-of-way
☐ Other public road (specify) Adjoined Farm Land
☐ Water – provide details

WATER will be provided to the subject land by:

- ☐ Publicly-owned/operated piped water system
 ☐ Privately-owned/operated individual well
☐ Other means (specify) N/A

SEWAGE DISPOSAL is provided to the subject land by a:

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

✓ Note: If you have a current survey of the subject lands, please submit with this application.

LAND TO BE RETAINED

DIMENSIONS OF LAND to be retained: (in metric)

Frontage: 42.8 m Road Frontage
45.72 m Behind NeighbourDepth: 88.093 m South Boundary
33.399 m North Boundary
- Behind Neighbour Area: .5261 Ha.

EXISTING USES of the land:

Residential

EXISTING BUILDINGS – STRUCTURES – Where there are any building or structures on the land, indicate for each: (in metric)

TYPE HouseFront lot line setback: 60.972 m Height in metres: 8.53 m
Rear lot line setback: 14.4968 m Dimensions: 8.8 x 12.5 x 6.7 x 5.8 x 2.4 x 6.7 m
Side lot line setback: 4.2672 m Floor area: 139.35 m²
Side lot line setback: 73.6196 mTYPE ShedFront lot line setback: 42.978 m Height in metres: 4.2672 m
Rear lot line setback: 34.3134 m Dimensions: 4.27 x 5.79 m
Side lot line setback: 33.0464 m Floor area: 24.72 m²
Side lot line setback: 3.96 m

Location of existing sewage system if any

Front lot line setback: 78.9552 m Height in metres:
Rear lot line setback: 6.7656 m Dimensions: 1.2192 x 2.4384 m
Side lot line setback: 7.0164 m Floor area:
Side lot line setback: 78.4964 m

Attach additional page if necessary

PROPOSED USES OF THE LAND:

ResidentialPROPOSED BUILDINGS – STRUCTURES – Where any buildings or structures are proposed to be built on the land, indicate for each:
(in metric)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:

Attach additional page if necessary

ACCESS – Access to the subject land will be by:

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

WATER will be provided to the subject land by:

- ☒ Publicly-owned/operated piped water system
 ☐ Privately-owned/operated individual well
☐ Other means (specify) _____

SEWAGE DISPOSAL is provided to the subject land by a:

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

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, Paul Kidd of the Municipality of
Lambton Shores in the County of Lambton

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

this 22 day of February 2017

Paul Kidd

Signature of Applicant

Jackie Mason

Signature of Commissioner, Etc.

**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 CONSENT (Severance) HEARING
APPLICATION NO B-04/2017**

TAKE NOTICE that an application for consent has been made by Paul Kidd, for the lands known municipally as Part Lot 6, South Boundary Concession, 7497 Arkona Road, Arkona. The Applicant is requesting permission to sever a 2.3 hectare (5.68 acre) parcel of land and add it to the abutting agricultural property to the northwest, owned by 2396000 Ontario Inc. The retained parcel will have a total lot area of 0.53 hectares (1.3 acres). The retained lands were the subject of a Zoning By-law Amendment Application which was approved by Council, amending the zoning on the retained lot to a Residential 1-12 (R1-12) Zone.

AND FURTHER TAKE NOTICE that the Committee of Adjustment for the Municipality of Lambton Shores has set **Wednesday, June 28, 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 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 NON 1JO from 8:30 a.m. to 4:30 p.m., Monday to Friday or inquires can be made by calling (519)786-2335.

If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect of this application, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Municipality of Lambton Shores Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

If a person or public body that files an appeal of a decision of the Municipality of Lambton Shores Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee before it gives, or refuses to give, provisional consent, the Ontario Municipal Board may dismiss the appeal.

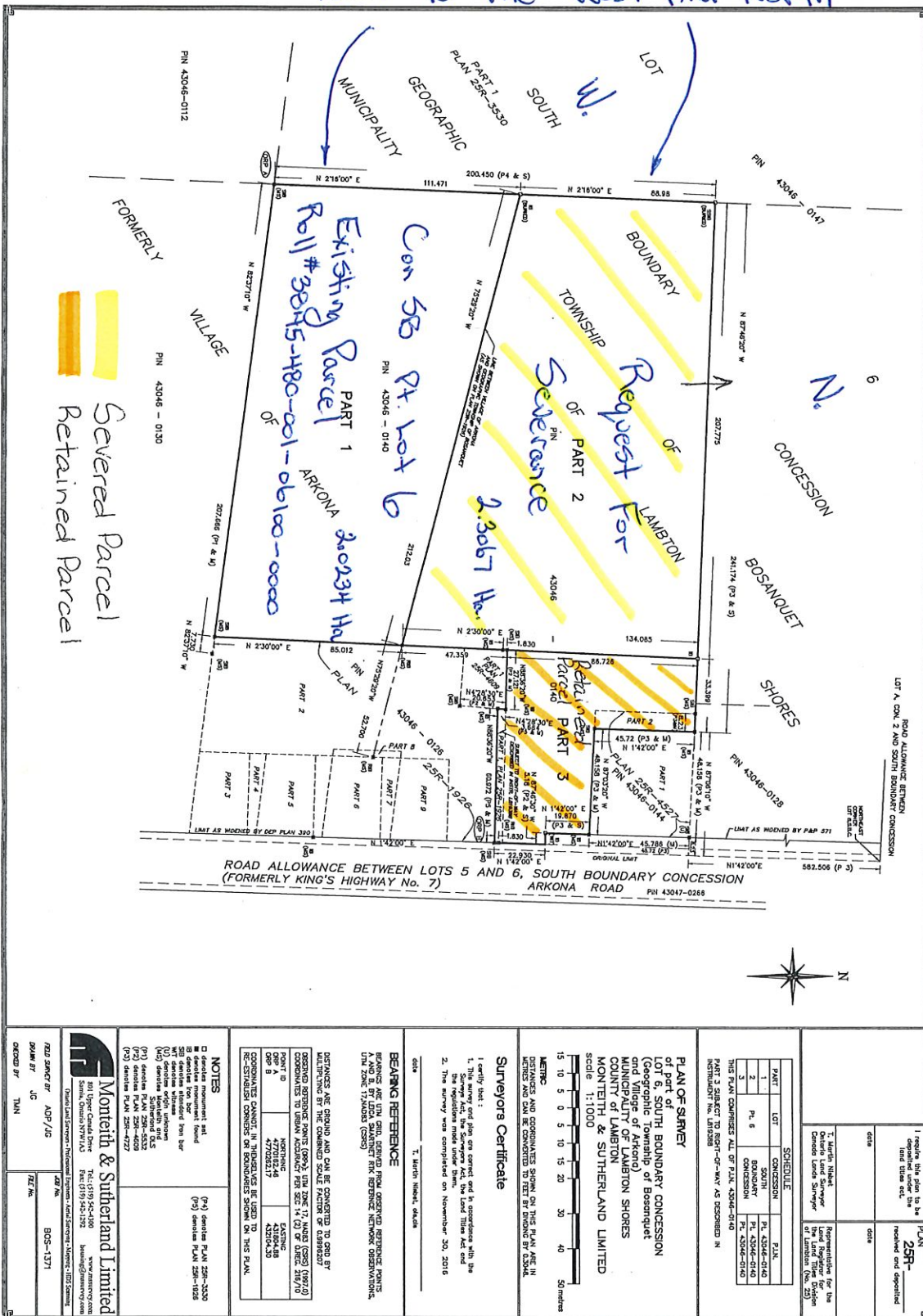
It is a requirement of the Planning Act that every owner of land within 60 metres (200') of the subject land is to be notified of the application. If you are aware of any other person interested or affected by this application who has not received a notice, please advise them of the application.

Dated this 15th day of June, 2017.

Jackie Mason, Deputy Secretary, Committee of Adjustment



Subject Lands
30



THE MUNICIPALITY OF LAMBTON SHORES

COA Report 13-2017

Council Meeting Date: June 28, 2017

TO: Chair Robinson and Member of the Committee of Adjustment

FROM: Patti Richardson
Senior Planner

RE: Consent Application B-04/2017
Paul Kidd
7497 Arkona Road, Arkona

RECOMMENDATION:

That **Consent Application B-04/2017**, requesting permission to sever a 2.3 hectare farm parcel from the balance of the property be APPROVED, subject to the following conditions:

1. That the Owner submits to the Municipality, two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar.
2. That the Owner satisfy the Municipality of Lambton Shores with respect to the payment of cash-in-lieu of parkland dedication, which shall be \$750.00.
3. That the Owner satisfy the Municipality of Lambton Shores that the a water service is installed to the retained lot and the owner satisfy the municipality with respect to respect to the payment of rural watermain charges on the proposed retained parcel, if applicable.
4. That Zone Amendment ZO-02,2017 and By-law 61 of 2017 become final and binding.
5. That all municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lands being severed and the lands from which they are being severed, be paid to date.
6. That the severed lands be consolidated with and conveyed in the same name and interest as the adjacent lands abutting to the northwest, owned by 2396000 Ontario Inc., Arkona, subject to Section 3 or 5 of Section 50 of The Planning Act, R.S.O. 1990,

applying to any subsequent transactions involving the severed parcel.

The Application

An application has been submitted by Paul Kidd for the lands described as Part Lot 6, South Boundary Concession, RP25R1926 Part 1 and known municipally as 7497 Arkona Road. The Owner is requesting permission to sever a 2.3 hectare parcel of land and add it to the abutting agricultural property to the northwest, owned by 2396000 Ontario Inc. The retained lands were the subject of a Zoning By-law Amendment Application which was approved by Council, amending the zoning on the retained lot to a Residential 1-12 (R1-12) Zone (see PL Report 18-2017).

Discussion

The lands subject of this application are located on the west side of Arkona Road, just north of Rock Glen Road. The Applicant's entire land holdings have a lot area of 3.1 hectares and a lot frontage of 42.8 metres on Arkona Road. The lands are currently occupied by a single detached dwelling and a small shed. Approximately 2.5 hectares of the lands are under cultivation. Lands to the north, south and west of the agricultural portion of the lands are used for agriculture. The residential portion of the property abuts single detached residential uses to the north and south and commercial uses to the east.

Official Plan

The land subject of this application is designated "Residential" in the Lambton Shores Official Plan.

The primary use of land in areas designated "Residential" is for low density dwelling types, not exceeding 20 units per hectare (8 units per acre) including single detached and semi-detached, duplexes and triplexes. Higher densities are permitted in the designation subject to locational criteria.

Zoning

The lands were subject of Zoning By-law Amendment Application ZO-02/2017, which proposed to change the Agricultural 1 (A1) zoning on the retained lands to a special Residential 1 (R1) Zone to permit a single detached dwelling lot serviced with municipal water and a private septic system to have a minimum lot area of 5,000 m² and a minimum lot frontage of 40 metres (See PL Report 18-2017 – Attachment 1).

Council considered this application at a public meeting held on April 25, 2017 and passed the following resolution:

17-0425--17 THAT Report PL 18-2017 relating to a Zoning By-law Amendment Application submitted by Paul Kidd be received; and

THAT Zoning By-law Amendment Application ZO-02/2017, submitted by Paul Kidd requesting an amendment to Zoning By-law 1 of 2003 as it affects lands known as 7497 Arkona Road, Arkona to change the zoning on the lands from Agricultural 1 (A1) to a site specific Residential - 1.12 (R1-12) Zone to allow a 5,260 m² residential lot to be severed from the balance of agricultural lands, which is occupied by a dwelling and accessory building be APPROVED IN PRINCIPLE, subject to:

1. The Implementing By-law including provisions allowing a single detached dwelling:
 - serviced with municipal water and a private septic system to be located on a lot with a minimum lot area of 5,000 m² and a minimum lot frontage of 40 metres and
 - serviced with municipal water and sanitary services to be located on a lot with a minimum lot frontage of 15 metre and a minimum lot area of 500 m², and
2. The Owner entering into an agreement with the Municipality addressing the timing of the installation of a new septic system on the property or alternatively the timing of the property connecting to the Municipal sanitary sewer, prior to an implementing zoning by-law being adopted by Council. **Carried**

Following the April 25, 2017 Council meeting, Staff prepared a Servicing Agreement which proposed deferring the installation of a new septic system on the retained lands until November 30 if the existing dwelling is not demolished. The Servicing Agreement and the implementing by-law were presented to Council at their June 6, 2017 meeting. At that meeting Council passed the following resolution:

17-0606-16 **THAT** Report PL 24-2017 relating to Zoning By-law Amendment Application ZO -02/2017 submitted by Paul Kidd be received;

THAT a by-law be approved to execute a Servicing Agreement between the Corporation of Lambton Shores and Paul Kidd for lands known as 7497 Arkona Road; and

THAT the Implementing By-law be approved. **Carried.**

The subject lands are serviced with a private well and a private on-site septic system. The dwelling has not been connected to the municipal water main. Current Official Plan policy requires that all lots created either through the subdivision approval process or the consent (severance) process be connected to municipal water where it is available. Municipal water is available to the lands and any approval should be conditional on the dwelling being connected to municipal water.

Summary

I can recommend that this consent application be approved subject to the conditions contained in the Recommendation Section of the report, as the application is consistent with the Provincial Policy Statement, the Lambton Shores Official Plan and the Lambton Shores Zoning By-law.

ATTACHMENT 1

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 18-2017

Council Meeting Date: April 25, 2017

TO: Mayor Weber and Members of Council

FROM: Patti Richardson, Senior Planner

RE: Consent Application B-04/2017
Paul Kidd
7497 Arkona Road, Arkona

RECOMMENDATION:

THAT Report PL 18-2017 relating to a Zoning By-law Amendment Application submitted by Paul Kidd be received; and

THAT Zoning By-law Amendment Application ZO-02/2017, submitted by Paul Kidd requesting an amendment to Zoning By-law 1 of 2003 as it affects lands known as 7497 Arkona Road, Arkona to change the zoning on the lands from Agricultural 1 (A1) to a site specific Residential - 1.12 (R1-12) Zone to allow a 5,260 m² residential lot to be severed from the balance of agricultural lands, which is occupied by a dwelling and accessory building be **APPROVED IN PRINCIPLE**, subject to:

1. The Implementing By-law including provisions allowing a single detached dwelling:
 - serviced with municipal water and a private septic system to be located on a lot with a minimum lot area of 5,000 m² and a minimum lot frontage of 40 metres and
 - serviced with municipal water and sanitary services to be located on a lot with a minimum lot frontage of 15 metre and a minimum lot area of 500 m², and
2. The County of Lambton and the Municipality being satisfied that a new septic system is installed on the property or alternatively that the property is connected to the municipal sanitary sewer to the satisfaction of the Municipality, prior to an implementing zoning by-law being adopted by Council.

SUMMARY

This report relates to Zoning By-law Amendment Application ZO-02/2017, submitted by Paul Kidd respecting lands known as 7497 Arkona Road, Arkona (see Attachment 1).

BACKGROUND

Mr. Paul Kidd, is requesting an amendment to Zoning By-law 1 of 2003 as it affects lands known as 7497 Arkona Road, Arkona, to change the zoning on the lands from Agricultural 1 (A1) to Residential - 1 (R1). The Owner is proposing to sever a 5,260 m² lot from the balance of agricultural lands he owns, which shall be occupied by his dwelling and accessory building, thus making the lot a residential lot. The balance of the lands which are currently under cultivation are proposed to be conveyed to an adjacent agricultural property owner and merged with their lands.

The subject lands are located on the west side of Arkona Road, just north of Rock Glen Road. The Applicant's entire land holdings have an lot area of 3.1 hectares and a lot frontage of 42.8 metres on Arkona Road. The lands are currently occupied by a single detached dwelling, and a small shed. Approximately 2.5 hectares of the lands are under cultivation. Lands to the north, south and west of the agricultural portion of the lands are used for agricultural. The residential portion of the property abuts single detached residential uses to the north and south and commercial uses to the east.

Planning Comments

The Owner's entire land holdings are designated "Residential" (See Official Plan Map A-9, Attachment 2) in the Lambton Shores Official Plan.

The primary use of land in areas designated "Residential" is for low density dwelling types, not exceeding 20 units per hectare (8 units per acre) including single detached and semi-detached dwellings, duplexes and triplexes. Section 3.2.1 of the Official Plan states:

"Within residential areas the Municipality will encourage:

- a) areas of new development to take the form of extensions to the existing built-up area;*
- b) development that minimizes the costs required to extend existing services and the cost of creating new services;*
- c) residential intensification in areas of existing development that have sufficient servicing capacity. Techniques may include permitting second dwelling units in existing detached dwellings, encouraging the creation of infilling lots, converting existing buildings for residential purposes, permitting rooming boarding and lodging houses and encouraging higher densities in new development;*

e) development to proceed in such a manner so as not to impose a financial burden of the municipality or municipal taxpayers.”

The Official Plan encourages intensification in areas of existing development through the creation of infilling lots provided there is sufficient servicing capacity. The Official Plan also allows limited use of private septic systems. The subject lands are serviced with municipal water and a private on-site septic system. A municipal sanitary sewer exists on Arkona Road approximately 140 metre south of the subject lands. The end of the sewer line is reflective of the historical boundary between The Village of Arkona and the Township of Bosanquet .

The application as submitted complies with the Official Plan.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) 2014 promotes strong, sustainable, liveable, healthy and resilient communities, protecting the environment and public health and safety.

Sections 1.1.1a) and 1.1.1e) the PPS state that healthy, liveable and safe communities are sustained by:

“a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and the Municipality over the long term.

e) Promote cost-effective development patterns and standards to minimize land consumption and servicing costs.”

Section 1.1.3.1 of the PPS states *“that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted”*.

The development as proposed is consistent with the PPS as:

- it is located in Arkona a settlement area;
- The lot is connected to municipal water and has access to a municipal sewer or new private onsite septic system; and
- the density proposed by the development minimizes the consumption of land;

Zoning

The subject lands are zoned “Agricultural 1 (A1)” in the Lambton Shores Zoning By-law 1 of 2003. While a single detached dwelling is a permitted use the By-law requires that a lot have a minimum lot frontage of 45 metres and lot area of 8,000 m². The size of the

lot proposed does not comply with these minimums. The agricultural zoning on the lands is not reflective of the Official Plan designation and now that the dwelling on the lands will no longer be a farm dwelling, it is appropriate to change the zone to residential to reflect the official plan designation. The Residential 1 (R1) Zone proposed for the lot requires that a lot provide a minimum lot frontage of 15 metres and a minimum lot area of 500 m². These provisions are reflective of a lot serviced with both Municipal water and sanitary sewers. The proposed lot exceeds these minimums.

Correspondence was received from Corrine Nauta, Manager of Building Services for the County of Lambton, advising that the property known as 7497 Arkona Road does not have any septic records available for consideration nor was a lot diagram submitted regarding the existing septic system. She advises that the Owner contracted the services of a qualified septic system installer who assisted in locating and confirming the component details of the existing septic system on April 12, 2017. The Private Sewage System Coordinator from the County of Lambton also attended the site and verified that:

- the septic system on the lands is comprised of an undersized septic tank of 600 gallons and one effluent line;
- that it extends outside the proposed lot lines; and
- utilizes farm tiles for treatment.

The County advises that current regulations require that a septic tank and bed be located within the property lines and does not permit septic effluent to be discharged into field tiles or drainage ditches. Further, they advise that the existing septic system is not operating in an approved capability and it will be necessary to install an acceptable Part 8 septic system. Finally they indicate they cannot support the application as presented unless a septic system permit is obtained and a new system installed and inspected.

Staff suggest that any approval of the application be conditional on the County of Lambton and the Municipality being satisfied that a new septic system is installed on the property or alternatively, that the property be connected to the municipal sanitary sewer to the satisfaction of the Municipality, prior to an implementing zoning by-law being adopted by Council

ALTERNATIVES TO CONSIDER

Staff has made a recommendation to Council based on the planning merits of the application. However, Council can if they chose, approve the application, revise the applicants' proposal or alter the recommendations of Staff or refuse the application.

RECOMMENDED ACTIONS

That Council receive Report PL 18-2017 and approve Zoning By-law Amendment Application ZO-02/2017, submitted by Paul Kidd subject to the conditions in the recommendation section of this report.

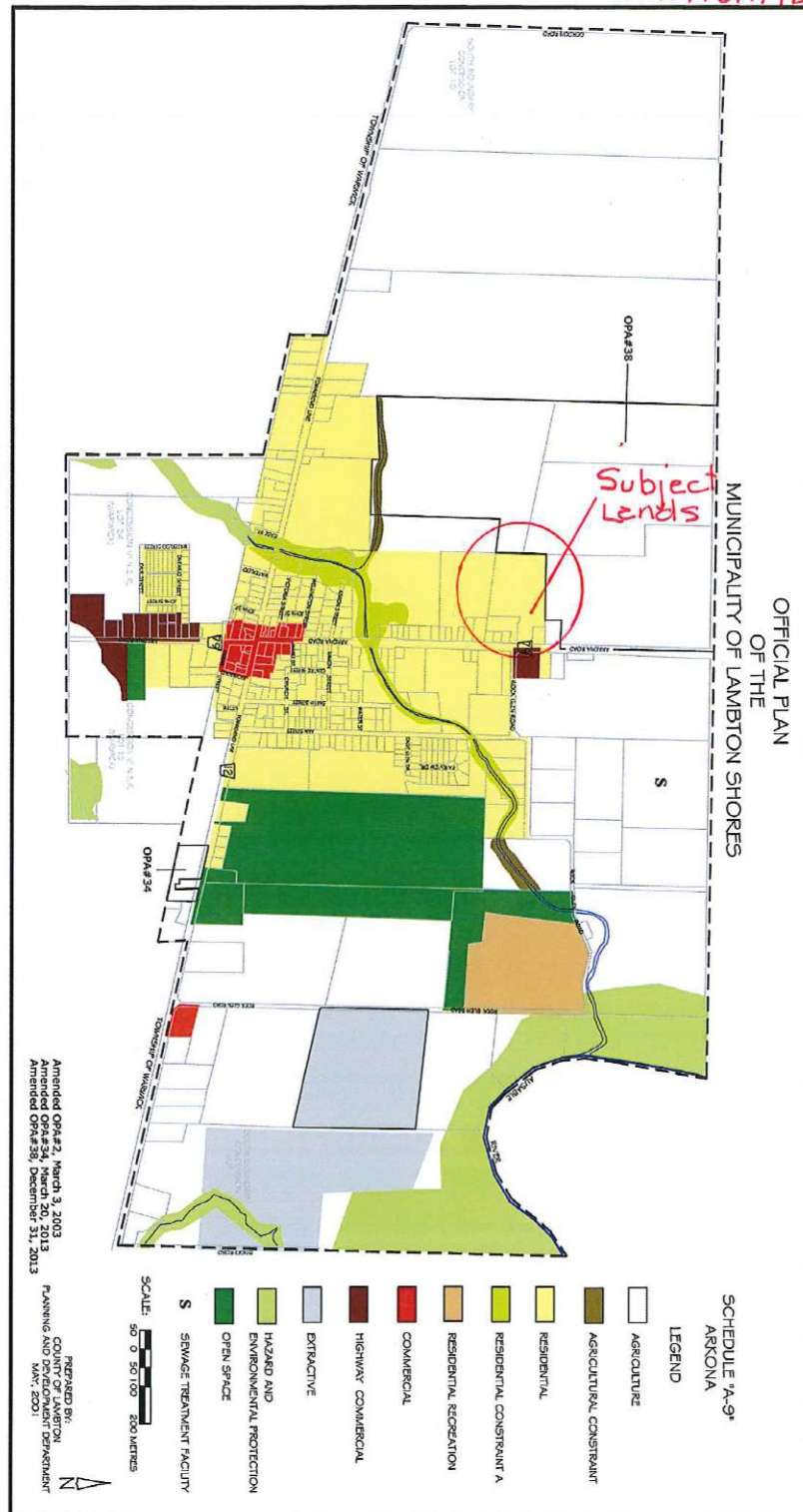
FINANCIAL IMPACT

An application fee of \$1,200.00 was paid.

CONSULTATION

Stephen McAuley, Manager of Lambton Shores Community Services Department







Building Services Department
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Telephone: 519-845-5420
Toll-free: 1-866-324-6912
Fax: 519-845-3817

REPORT

Date: April 12, 2017
To: The Municipality of Lambton Shores
From: Corrine Nauta - Manager, Building Services
cc: Patti Richardson - Senior Planner
Re: **7497 Arkona Road - ZO-02/2017 - Kidd**

The above noted application has been reviewed and the following comments are provided for your consideration.

The property known as 7497 Arkona Road does not have any septic records available for consideration. A lot diagram was not submitted regarding the existing septic system. The owner contracted the services of a qualified septic system installer who was able to assist in the location and component details of the existing septic system on April 12, 2017. The Private Sewage System Coordinator also attended the site to verify the information. The septic system is comprised of an undersized septic tank of 600 gallons and one effluent line and it extends outside the proposed lot lines.

The septic tank and bed must be located within the property lines and effluent treatment must also follow this requirement. Septic effluent also cannot be discharged into field tiles or drainage ditches. This process is no longer permitted or acceptable. The existing septic system is not operating in an approved capability and it will be necessary to install an acceptable Part 8 septic system. This requirement has been set out by the County-Wide Septic Policy on all Planning Applications.

Again, The County of Lambton remains due diligent in ensuring the septic system performance level is adequate and operating wholly contained within the property for which it serves.

This Department cannot support the application as presented unless a septic system permit is obtained and a new system installed and inspected.

If you require any further information, please do not hesitate to contact this office.

www.lambtononline.ca





The Municipality of Lambton Shores

LAMBTON SHORES
Forest Office

MAY 05 2017

RECEIVED

APPLICATION FOR CONSENT

B-05/2017.

NAME OF OWNER

BRUCE STANLEY LEGGATE

NAME OF AGENT (if the applicant is an agent authorized by the Owner)

LLOYD RICHTER

ADDRESS

8 Ann Street

Arkona Ontario

NOM 1B0

ADDRESS

5 Smith Street

Arkona, Ontario

NOM 1B0

TELEPHONE

519-828-3208

TELEPHONE

519-828-3319

FAX OR EMAIL

FAX OR EMAIL

TYPE – PURPOSE of the proposed transaction such as a transfer for the creation of:

☐ new lot ☒ lot addition ☐ easement ☐ change ☐ lease ☒ correction of title as part of
area of occupation.
☐ other (specify) _____

NAME OF PERSON to whom the land or an interest in the land is to be transferred, charged or leased (if known)

LLOYD RICHTER and DARLENE RICHTER

Are the severed lots to be merged with any abutting lands? ☒ yes ☐ no

LEGAL DESCRIPTION of the subject land, including concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, name of street and number.

Part Lot 7, West side of Ann Street, Part of lot 8, West side of Ann Street, Plan 5, Arkona as in L595397; Lambton
Shores 480-001-16200

EASEMENTS – RESTRICTIVE COVENANTS affecting the subject land and a description of each easement or covenant and its effect:

NOT APPLICABLE

Easement/Covenant:

Description _____

Effect _____

Easement/Covenant:

Description _____

Effect _____

CURRENT DESIGNATION IN THE LAMBTON SHORES OFFICIAL PLAN

Residential

CURRENT DESIGNATION IN THE LAMBTON SHORES ZONING BY-LAW

R-1

PREVIOUS APPLICATIONS – If known, indicate if the subject land has ever been the subject of an application under the Planning Act for:

- ☐ Approval of a plan of subdivision (under section 51) or condominium File # _____ Decision _____
- ☐ Consent (under section 53) File # _____ Decision _____

CONCURRENT APPLICATIONS – If known, indicate if the subject land is the subject of any other application under the Planning Act for:

- ☐ Approval of a plan of subdivision File # _____ Status _____
- ☐ Consent File # _____ Status _____
- ☐ Official Plan amendment File # _____ Status _____
- ☐ Zoning by-law File # _____ Status _____
- ☐ Minor variance File # _____ Status _____
- ☐ Other (specify) _____ File # _____ Status _____

PREVIOUS SEVERANCES – ORIGINAL PARCEL – has any land been severed from the parcel originally acquired by owner?☐ Yes (specify below)☒ No

Date of transfer: _____

Name of transferee: _____

Land use on the severed land: _____

LAND TO BE SEVERED

DIMENSIONS OF LAND intended to be severed: (in metric)

Frontage: 11.63

Depth: 7.62

Area: 88.62 m²

EXISTING USES of the land:

Occupied by Mr. and Mrs. Richter, as part of their rear yard upon which a portion of their frame shed is located

EXISTING BUILDINGS – STRUCTURES -- Where there are any buildings or structures on the land, indicate for each: (in metric)

TYPE <u>Frame shed</u>	Front lot line setback: <u>41.15</u>	Height in metres: <u>2.98</u>
	Rear lot line setback: <u>1.46</u>	Dimensions: <u>3.66x7.32</u>
	Side lot line setback: _____	Floor area: <u>26.79m²</u>
	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

PROPOSED USES of the land:

To regularize the existing occupation of Mr. and Mrs. Richter to be conveyed to Mr. and Mrs. Richter to form part of

their property.

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

TYPE <u>N.A.</u>	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: _____	

Attach additional page if necessary

ACCESS – Access to the subject land will be by: N.A.

- | | |
|---|--|
| <input type="checkbox"/> Provincial highway | <input type="checkbox"/> Municipal road – seasonal |
| <input checked="" type="checkbox"/> Municipal road – year round | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Other public road (specify) _____ | <input type="checkbox"/> Water – provide details |

WATER will be provided to the subject land by: N.A.

- | | |
|---|---|
| <input type="checkbox"/> Publicly-owned/operated piped water system | <input type="checkbox"/> Privately-owned/operated individual well |
| <input type="checkbox"/> Other means (specify) _____ | |

SEWAGE DISPOSAL is provided to the subject land by a: N.A.

- | | |
|--|--|
| <input type="checkbox"/> Publicly-owned/operated sanitary sewage system | <input type="checkbox"/> Privately owned/operated individual septic system |
| <input type="checkbox"/> Privately owned/operated communal septic system | <input type="checkbox"/> Other means (specify) _____ |

Note: If you have a current survey of the subject lands, please submit with this application.

LAND TO BE RETAINED

DIMENSIONS OF LAND to be retained: (in metric)

Frontage: 31.89

Depth: 33.25

Area: 1060.34m²

EXISTING USES of the land:

Residential lot with a house and detached frame garage.

EXISTING BUILDINGS – STRUCTURES – Where there are any building or structures on the land, indicate for each: (in metric)

TYPE 1.5 storey home Front lot line setback: 4.52 Height in metres: _____
 Rear lot line setback: 19.029 Dimensions: 10.67x10.67/irregular
 Side lot line setback: 5.86 Floor area: 373.01m²
 Side lot line setback: 15.55

TYPE Garage Front lot line setback: 24.69 Height in metres: _____
 Rear lot line setback: .94 Dimensions: 7.620x7.620
 Side lot line setback: 1.16 Floor area: 58.6m²
 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 LAND:

Remain as existing with residence and detached frame garage.PROPOSED BUILDINGS – STRUCTURES – Where any buildings or structures are proposed to be built on the land, indicate for each:
(in metric)

TYPE N.A. 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: _____

Attach additional page if necessary

ACCESS – Access to the subject land will be by:

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

WATER will be provided to the subject land by:

- ☒ Publicly-owned/operated piped water system
- ☐ Other means (specify) _____
- ☐ Privately-owned/operated individual well

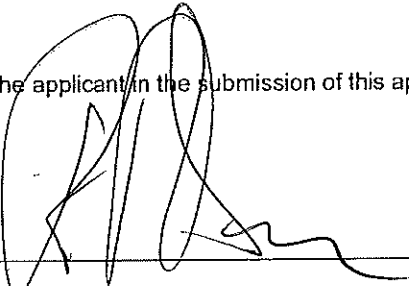
SEWAGE DISPOSAL is provided to the subject land by a:

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

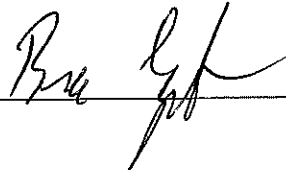
AUTHORIZATION BY OWNER

I, the undersigned, being the owner of the subject land, hereby authorize BRUCE STANLEY LEGGATE

to be the applicant in the submission of this application.



 Signature of Witness



 Signature of Owner

May 1st, 2017 Date

DECLARATION OF APPLICANT

I, LLOYD RICHTER of the Municipality of

Lambton Shores in the County of Lambton


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 City Municipality

of Samia Lambton Shores

in the County of Lambton



Signature of Applicant

this 4th day of May, 2017



 Signature of Commissioner, Etc.



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

**MUNICIPALITY OF LAMBTON SHORES COMMITTEE OF ADJUSTMENT
NOTICE OF CONSENT (Severance) HEARING
APPLICATION N0 B-05/2017**

TAKE NOTICE that an application for consent has been made by Bruce Stanley Leggate, for the lands known as Part Lots 7 & 8, Plan 5, 8 Ann Street, Arkona. The Applicant is requesting permission to sever a 11.63 metre (38.15 feet) by 7.62 metre (25 feet) parcel of land and add it to the abutting property to the west, owned by Lloyd Richter. Currently, there is an existing detached accessory building that straddles the existing property line. This severance will allow the building to sit wholly on Mr. Richter's property. Please see the attached map.

AND FURTHER TAKE NOTICE that the Committee of Adjustment for the Municipality of Lambton Shores has set **Wednesday, June 28, 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 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 or inquiries can be made by calling (519)786-2335.

If you wish to be notified of the decision of the Municipality of Lambton Shores Committee of Adjustment in respect of this application, you must submit a written request to the Municipality of Lambton Shores Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Municipality of Lambton Shores Committee of Adjustment decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

If a person or public body that files an appeal of a decision of the Municipality of Lambton Shores Committee of Adjustment in respect of the proposed consent does not make written submission to the Committee before it gives, or refuses to give, provisional consent, the Ontario Municipal Board may dismiss the appeal.

It is a requirement of the Planning Act that every owner of land within 60 metres (200') of the subject land is to be notified of the application. 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.

Dated this 15th day of June, 2017.

Jackie Mason, Deputy Secretary
Committee of Adjustment



18, 29
0181
E OF SMITH ST

4 10
0180

B E OF SMITH ST
25R2932 0182
B W OF ANN ST
REG PLAN AK5

LEGGATE
PROPERTY

0179

7, 8

WEST OF ANN ST
REG PLAN AK5

ANN STREET

0260

SMITH STREET
0256

RICHTER
PROPERTY

EAST OF SMITH ST
0183
7

WEST OF ANN ST

43047

LANDS TO BE
SEVERED

0178

6 7

0175

0176

0177

NORTH OF KING ST

0265

25R4839 25R5627

ServiceOntario

PRINTED ON 21 APR, 2017 AT 16:12:17
FOR ALGRAY01

SCALE
0 20 Meters

PROPERTY INDEX MAP
LAMBTON(No. 25)

LEGEND

FREEHOLD PROPERTY
LEASEHOLD PROPERTY
LIMITED INTEREST PROPERTY
CONDOMINIUM PROPERTY
RETIRED PIN (MAP UPDATE PENDING)
PROPERTY NUMBER
BLOCK NUMBER
GEOGRAPHIC FABRIC
EASEMENT

0449
05050

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE
PROPERTY INFORMATION AS THIS MAP MAY
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND
REGISTRATION SYSTEM AND HAS BEEN PREPARED
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED

THIS IS NOT A PLAN OF SURVEY





THE MUNICIPALITY OF LAMBTON SHORES

COA Report 14-2017

Council Meeting Date: June 28, 2017

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Patti Richardson, Senior Planner

RE: Consent Application B-05/2017
Bruce Stanley Leggate
8 Ann Street, Arkona

RECOMMENDATION:

That **Consent Application B-05/2017**, requesting permission to sever a 11.63 metre (38.15 feet) by 7.62 metre (25 feet) parcel of land from the balance of the property be APPROVED, subject to the following conditions:

1. That the Owner submits to the Municipality, two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar.
2. That all municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lands being severed and the lands from which they are being severed, be paid to date.
3. That the severed lands be consolidated with and conveyed in the same name and interest as the adjacent lands abutting to the west, owned by Lloyd Richter, Arkona, subject to 3 or 5 of Section 50 of The Planning Act, R.S.O. 1990, applying to any subsequent transactions involving the severed parcel.

The Application

An application has been submitted by Bruce Stanley Leggate, for the lands known as Part Lots 7 & 8, Plan 5, 8 Ann Street, Arkona. The Applicant is requesting permission to sever a 11.63 metre (38.15 feet) by 7.62 metre (25 feet) parcel of land and add it to the abutting property to the west, owned by Lloyd Richter. Currently, there is an existing detached accessory building that straddles the existing property line. This severance will allow the building to sit wholly on Mr. Richter's property.

Discussion

The lands subject of this application is designated “Residential” in the Lambton Shores Official Plan and zoned “Residential 1 (R1)” in the Lambton Shores Zoning By-law 1 of 2003. Use of the lands as the site of a single detached dwelling and detached accessory buildings are permitted by both the Official Plan and Zoning By-law.

The Residential 1 zone requires that a lot have a minimum lot frontage of 15 metres and a minimum lot area of 500 m². The proposed retained lot will have a lot frontage of 31.88 metres and a lot area of 1060.34 m² and as such, complies with the lot area and frontage provisions of the Zoning By-law. The existing dwelling will provide a rear yard of 19.029 metres if the consent is granted and complies with the 7 metre minimum rear yard requirement of the Residential 1 (R1) Zone. The other yards are not affected by the consent, nor is the retained lot’s ability to comply with the maximum lot coverage.

Staff has no objection to the approval of this application subject to the conditions in the recommendation section of this report.