



**NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT**

**FILE # A06-2024**

Application Made By: Sheldon Aaron c/o Laura Frances Aaron and Jennifer Aaron  
Authorized Agent: Lerner LLP c/o Jacob Damstra  
Application Heard: April 24, 2024  
Property: 10034 Huron Dr (Con LRW Pt Lot 7 Plan 25 Lot 7 Pt Lot 6 RP 25R2049 Part 2 RP 25R8675 Parts 9 and 10)  
Zoning: R6 (Residential) and EP-H (Environmental Protection – Hazard)

**PURPOSE AND EFFECT:** An application has been made requesting one (1) minor variance from the Municipality of Lambton Shores Comprehensive Zoning By-Law 1 of 2003, Section 3.19.1 Setbacks from Drains and Watercourses to reduce the 15 m Top of Bank setback to 0 m to replace the existing deck located at the rear yard of the property to the shoreline.

**PUBLIC:** This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, April 24, 2024 by in-person means and the decision on the variance requested was made pursuant to the provisions of Section 45 of the Planning Act, R.S.O. 1990, c.P. 13, as amended as follows:

**DECISION:** **THAT** Minor Variance Application A-06/2024, affecting lands known as 10034 Huron Drive, Beach O'Pines, , which would permit a 0m top-of-bank setback for the construction of a deck beyond the top-of-bank of Lake Huron, be **DENIED**.

**REASONS:** The Committee of Adjustment considered the written and oral comments and does agree with the minor variance recommendation report that this application does not meet the Planning Act tests for a minor variance being:

1. The requested variance is considered minor in nature;
2. The variance is appropriate for the development or use of the land, building or structure;
3. The general intent and purpose of the Zoning Bylaw is maintained; and
4. The general intent and purpose of the Official Plan is maintained.

**Members concurring in the above ruling:**

D. Sageman \_\_\_\_\_

D. Marsh \_\_\_\_\_

R. Dodge \_\_\_\_\_ *Absent*

S. Robinson \_\_\_\_\_

D. Hales \_\_\_\_\_

R. Lichty \_\_\_\_\_

R. Loader \_\_\_\_\_

\*\*\*\*\* CERTIFICATION \*\*\*\*\*

I, Jennifer Turk, Secretary-Treasurer of the Committee of Adjustment for the Municipality of Lambton Shores certify that the above is a true copy of the decision of the Committee with respect to the application recorded herein.

Dated this 25<sup>th</sup> day of April, 2024.



Secretary-Treasurer, Jennifer Turk, Dipl. M. M.  
Committee of Adjustment, Municipality of Lambton Shores

**NOTICE FOR APPEALING TO THE ONTARIO LAND TRIBUNAL**

The last day for appeal of the above decision to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) is **May 14<sup>th</sup>, 2024**. To appeal Committee's decision to the Tribunal, a notice of appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment of the Municipality of Lambton Shores, 9577 Port Franks Road, Thedford, ON N0M 2N0. The appeal must set out the objection to the decision and the reasons in support of the objection, must be submitted using the Appeal Form required by the Tribunal, and must be accompanied by the fee required by the Tribunal, paid by certified cheque or money order, made payable to the Ontario Minister of Finance. Be advised there are also fees payable to the Municipality of Lambton Shores as per our Fees and Charges By-Law.

Please note that Section 45 Subsection 17 of the Planning Act states that the Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if,

- (a) it is the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged by the Tribunal; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5); 2019, c. 9, Sched. 12, s. 13 (2); 2021, c. 4, Sched. 6, s. 80 (1).