



THE MUNICIPALITY OF

LAMBTON SHORES

Planning and Development Services

9577 Port Franks Road, R.R. #1

Thedford, ON N0M 2N0

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NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A05-2024

Application Made By: Brian & Kimberly Twynstra
Application Heard: April 24, 2024
Property: 6791 East Parkway Dr (Con 19 Plan 402 Lot 68)
Zoning: R6 (Residential) and EP-NC (Environmental Protection – Natural Conservation)

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 3.3.3 a) to permit a detached accessory structure in a front yard, whereas detached accessory structures are otherwise only permitted in a side or rear yard. In this respect, the applicant proposes to construct a 91.79 sq m (988 sq ft) detached accessory building located closer to the front lot line than the house.

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-05/2024, affecting lands known as 6791 East Parkway Drive, which would permit the construction of an accessory structure in a front yard, be approved, subject to the following condition(s):

1. That the variance only apply to permit construction as proposed in the applicant's sketch;
2. That a septic permit be obtained for a new septic system and the septic permit must be obtained prior to the issuance of any building permits, and must meet all applicable setbacks and all other criteria contained within Part 8 of the 2012 Ontario Building Code; and
3. That the applicant complete a Preliminary Assessment to determine the presence/absence of Species at Risk (SAR) for submission to the Ministry of the Environment, Conservation and Parks (MECP) and provide the municipality with the Ministry's decision and/or any permit or agreement that may be required by the MECP.

REASONS: The Committee of Adjustment considered the written and oral comments and does agree with the minor variance recommendation report that this application meets 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 

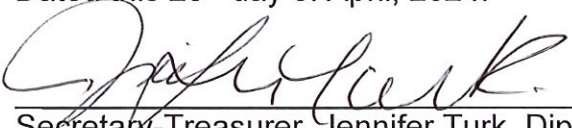
R. Lichty 

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 25th 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 14th, 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.

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).