



NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A14-2023

Application Made By: Shou-Cheng Weng (Albert Weng)
Application Heard: April 24, 2024
Property: 101 Main Street, Thedford (Plan 1 N Pt Lot 11)
Zoning: C1 (Commercial)

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 3.29.1 – Parking Area Regulations – Requirement and Section 3.29.3 – Parking Area Regulations – Change of Use, for the required number of parking spaces for the proposed renovation of five (5) to be reduced to zero (0) parking spaces. The subject property is in the C1 (Commercial) Zone.

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** (Deferred) Minor Variance Application A-14/2023, affecting lands known as 101 Main St, Thedford, which would permit the addition of 5 residential apartments units without the provision of any on-site parking, be approved, subject to the following conditions:

1. That the applicant provide proof of ownership of lands known as 132 Main St, Thedford, with which the applicant has entered into a parking agreement;
2. That the applicant obtain permits as required under the Ontario Building Code for the renovation of the building and creation of residential apartments; and
3. That the owner and any future owners maintain agreements to the satisfaction of the Municipality with off-site property owners for the provision of off-site parking sufficient for the use of occupants of the residential units of the property.

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