



THE MUNICIPALITY OF

LAMBTON SHORES

Planning and Development Services

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NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A10-2024

Application Made By: Stephen & Virginia Loeb
Application Heard: June 26, 2024
Property: 7358 Kimmerly Drive (Plan 34 Lot 20 & Lot 21)
Zoning: R5 (Residential)

PURPOSE AND EFFECT: An application has been made seeking relief from Sections 3.3.3 a) and 3.3.4 ii) of Zoning By-law 1 of 2003, which respectively, permit a detached accessory building only in a rear or interior side yard and limit detached accessory building height to 6.1m. In this respect the applicant proposes to construct a 24 by 32 foot detached accessory building in the exterior side yard (between the house and Raeburn Road) and with a height of 7.19m (23.58 feet).

PUBLIC: This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, June 26, 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 A10-2024, affecting lands known as 7358 Kimmerly Drive, Port Franks, which would permit a detached accessory building in an exterior side yard and with a 7.19 m height, be **APPROVED**, subject to the following conditions:

1. That the building be constructed in general conformity with the size, dimensions, and design shown in the plans submitted in support of the application;
2. That the driveway width within the road allowance boulevard be limited to 6m;
3. That the foundation elevation be kept as close to original grade or lower as reasonably possible;
4. That the structure be placed to meet minimum building code setbacks from the private sewage disposal system;
5. That the applicant satisfy the County of Lambton Building Services Department with respect to the condition of the private sewage disposal system or upgrade or replace same as required by the County;
6. That the septic system area be demarcated and protected against vehicular traffic and against use as a laydown area during construction; and
7. That the municipality be provided confirmation that the applicant has paid the ABCA's \$175 application review fee.

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 Original Signed By D. Marsh Original Signed By

R. Dodge Original Signed By S. Robinson Original Signed By

D. Hales Original Signed By R. Lichty (Absent)

R. Loader Original Signed By

***** **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 26th day of June, 2024.

Original Signed By
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 is **July 16th, 2024**. Notice of appeal must be filed with the Secretary-Treasurer for the Municipality of Lambton Shores Committee of Adjustment, must set out the objection to the decision with the reasons in support of the objection, must be submitted using the Appeal Form required by the Tribunal, and must be accompanied by the fees required by the Tribunal, and by the Municipality.

Per Section 45(12) of the *Planning Act*, only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal to the Tribunal against the decision of the committee. In particular, note that third parties may no longer file an appeal unless they are a "public body" or "specified person" defined in Section 1(1) of the *Planning Act*.