



NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A14-2024

Application Made By: Paul & Joanne Maguire
Authorized Agent: Matt Runge
Application Heard: September 25, 2024 (Deferred)
Application Re-Heard: November 27, 2024
Property: 10268 Brookbank Crt, Southcott Pines
(Plan 588 Lot 15)
Zoning: R6-2 (Residential)

PURPOSE AND EFFECT: An application has been made requesting a variance from the Zoning By-law 1 of 2003. Section 12.3 b) requires a 10.7 m (35.40 ft) minimum front yard setback for a single detached dwelling, whereas the applicant proposes to construct an addition to the existing dwelling's front yard setback of 5.03 m (16.50 ft) (Option 1).

*Note: The 5.03m request is revised from the 4.88m request brought forth to the Committee of Adjustment at the September hearing, and was revised from a 2.44m request in the original application submission.

PUBLIC: This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, November 27, 2024 by in-person means and the decision on the variances 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 A14-2024, affecting lands known as 10268 Brookbank Court, Southcott Pines, which would permit an attached garage with a reduced front yard setback, be granted subject to the following conditions:

1. That the garage addition be constructed in general conformity with the plans presented at the November 27, 2024 Committee meeting (a 5.03m front yard setback - Option 1).
2. That the septic system be partially uncovered to confirm the component location, size and condition and a detailed drawing of the system be completed to the satisfaction of the County Building Services Department.
3. That a site inspection be conducted to confirm location and components of the septic system to ensure that sewage/effluent is neither being emitted or discharged onto the surface nor in the close proximity to the new proposed garage addition.
4. 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

REASONS: The Committee of Adjustment considered the written and oral comments and does not 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 considered 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 

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 28th day of November, 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 **December 17th, 2024**.

To appeal Committee's decision to the Ontario Land Tribunal, as per Section 45(12) of the Planning Act, only the applicant, the Minister or a "specified person" or "public body", as defined in Section 1(1) of the Planning Act, that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by either filing with the Secretary-Treasurer of the Committee of Adjustment of the Municipality of Lambton Shores, or via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Municipality of Lambton Shores as the Approval Authority. A notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by payment of the fee charged by the Tribunal will be required. Please note there are also appeal fees required by the Municipality as per the Fees and Charges By-Law.