



NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A17-2024

Application Made By: McCann Developments
Application Heard: November 27, 2024
Property: 9 Tattersall Lane, Grand Bend
(Plan 25M42 Pt Blk 26 & Pt Lot 6)
Zoning: R13 (Residential)

PURPOSE AND EFFECT: An application has been made requesting a variance from the Zoning By-law 1 of 2003, Section 19.2 a), which states: Multiple Dwellings - 70 units per hectare, provided the multiple dwelling is located within 40 m of the south boundary of Block 26, Registered Plan 25M-42 and a minimum of 65 m from Tattersall Lane; and from Section 19.2 g), which states: Maximum Height - 10 m except a multiple dwelling which is located within 40 m of the south boundary of Block 26, Registered Plan 25M-42 and a minimum of 65 m from Tattersall Lane shall have a maximum height of 15 m and 4 stories, otherwise 10 m. In this regard, the applicant proposes to construct a 70 unit apartment building using the 70 unit per hectare maximum density and the 4-storey / 15m maximum height at a setback of 52.7m, rather than 65m from Tattersall Lane.

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 A17-2024, affecting lands known as Plan 25M42 Pt Blk 26 & Pt Lot 6, which would permit the construction of a 70-unit apartment building with a 4-storey/15 m maximum height at a setback of 52.7 m from Tattersall Lane, be approved, subject to the following condition(s):

1. That the variance only apply to permit construction as proposed in the applicant's sketch.

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 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.