



THE MUNICIPALITY OF

**LAMBTON SHORES**

**Community Services**

9575 Port Franks Road, R.R. #1

Thedford, ON N0M 2N0

T: 519-243-1400 / 1-866-943-1400

[www.lambtonshores.ca](http://www.lambtonshores.ca)

## **DECISION OF THE COMMITTEE OF ADJUSTMENT**

### **FILE # B23-2021**

In the matter of an application under *Section 53 of The Planning Act, R.S. O. 1990, C. 13*, as amended:

As made by, Allan McKenzie and Brittany Boyle, for the lands municipally known as 105 Field Street, Part Lot 21, Plan 25M-56, requesting to sever an existing lot into two (2) building lots to accommodate a single detached dwelling. The lands to be severed will consist of a frontage of 19.80 m (64.96 ft), have a depth of 49.807 m (163.41 ft), and an area of 930 m<sup>2</sup> (10,010 ft<sup>2</sup>). The lands to be retained will consist of a frontage of 28.1 m (92.2 ft), and have a depth of 54.154 m (177.67 ft) and area of approximately 1061 m<sup>2</sup> (11,430 ft<sup>2</sup>).

**DECISION: Consent is GRANTED.**

### **CONDITIONS:**

1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lots or submit a written description which is acceptable to the County of Lambton Registrar; and
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.

Members concurring in the above ruling:

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson 

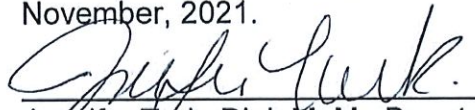
M. Gilpin Absent

D. Marsh Absent

S. Robinson (Absent)

\*\*\*\*\* CERTIFICATION \*\*\*\*\*

I, Jennifer Turk, Deputy Secretary of the Committee of Adjustment for the Municipality of Lambton Shores, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein. Dated this 26<sup>th</sup> day of November, 2021.

  
Jennifer Turk, Dipl. M. M., Deputy Secretary,  
Committee of Adjustment,  
Municipality of Lambton Shores

**NOTE:**

The last day for appeal of the above decision to the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) is **December 16<sup>th</sup>, 2021**. To appeal Committee's decision to the Tribunal a notice of appeal must be filed with the Secretary of the Committee of Adjustment of the Municipality of Lambton Shores, 7883 Amtelecom Parkway, Forest, ON, N0N 1J0. The appeal must set out the reasons for the appeal, 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.

Written and verbal submissions were received by the Committee of Adjustment and assisted the Committee to make an informed decision.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of the changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The subject lands are not the subject of any application to amend the Official Plan, to amend the Zoning By-law, or any Minister's Zoning Order.





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## DECISION OF THE COMMITTEE OF ADJUSTMENT

### FILE # A24-2021 & B16-2021

In the matter of an application under *Section 53 of The Planning Act, R.S. O. 1990, C. 13*, as amended:

As made by, Lisa Metcalfe, for the lands municipally known as Plan 14, Part Lot 1A, RP 25R6794 Part 1, excluding 25R10920 Pt 1, 9960 Northville Crescent, requesting a variance from Section 11.2 (a) Minimum Lot Area of 4000 m<sup>2</sup> and Section 11.2 (b) Minimum Lot Frontage of 30 m to allow reduced lot area of 2,860 m<sup>2</sup> and recognize the existing frontage of 6.4 m. The applicant is also seeking to adjust the lot boundary between existing lots and create a right-of-way for shared driveway to create two (2) building lots.

**DECISION:** Minor Variance is **GRANTED**; and

**DECISION:** Consent, requesting permission to convey an easement and also a 5820m<sup>2</sup> lot addition to 9960 Northville Crescent, **GRANTED** subject to conditions.

### **CONDITIONS:**

1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the retained parcel be registered in the same name and interest as and merged with the lands known as 9960 Northville Crescent, with a single PIN;
4. That the applicant obtain a minor variance for the existing lot frontage and the resultant lot area of the severed parcel; and
5. That the hydrogeotechnical report completed by Ian D. Wilson Associates Ltd., Geoffrey Rether B.Sc., P. Geo., dated November 2, 2021, be registered to the title of the severed parcel together with a notice stating the parcel must be serviced by tertiary treatment units as outlined in the report and in compliance with all parameters in the Ontario Building Code, as part of the approval of any development on the lot.

Members concurring in the above ruling:

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson 


M. Gilpin Absent

D. Marsh Absent

S. Robinson (Absent)

\*\*\*\*\* CERTIFICATION \*\*\*\*\*

I, Jennifer Turk, Deputy Secretary of the Committee of Adjustment for the Municipality of Lambton Shores, hereby certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein. Dated this 26<sup>th</sup> day of November, 2021.

  
Jennifer Turk, Dipl. M. M., Deputy Secretary,  
Committee of Adjustment,  
Municipality of Lambton Shores

**NOTE:**

The last day for appeal of the above decision to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) is **December 16<sup>th</sup>, 2021**. To appeal Committee's decision to the Tribunal a notice of appeal must be filed with the Secretary of the Committee of Adjustment of the Municipality of Lambton Shores, 7883 Amtelecom Parkway, Forest, ON, N0N 1J0. The appeal must set out the reasons for the appeal, 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.

Written and verbal submissions were received by the Committee of Adjustment and assisted the Committee to make an informed decision.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of the changes to the conditions of the provisional consent.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The subject lands are not the subject of any application to amend the Official Plan, to amend the Zoning By-law, or any Minister's Zoning Order.





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## DECISION OF THE COMMITTEE OF ADJUSTMENT

### FILE # A26-2021

Application made by: **Cody Stout & Martina Vandevenne**  
Application Heard: **November 24, 2021**  
Property: **7829 Arkona Road**

The Applicant has requested a variance from the Municipality of Lambton Shores' Zoning Bylaw Sections 5.2 f) and 5.3 d) of Zoning By-law 1 of 2003, which require, respectively, a generic 8m minimum rear yard setback in the A1 Zone and a specific 60m rear yard setback for livestock facilities. In this respect, the applicant has started construction of a building intended, in part, to house 2 horses, and the building has a rear yard setback of 7 feet (2.13m).

**DECISION:** The variance is GRANTED subject to conditions.

**REASON:** In the opinion of the Committee:

1. The variance is minor in nature;
2. The intent of the official plan is maintained;
3. The intent of the zoning by-law is maintained; and
4. The variance is desirable for the appropriate development or use of the land, building, or structure.

**CONDITIONS:** **The variance is granted, subject to the following conditions:**

1. That the variance only apply to the building as presented in the application;
2. That, if the equivalent of more than one nutrient unit is kept on the property at any one time, the owner must have a written agreement for manure disposal with someone capable of land-applying the manure in accord with best management practices;
3. That the number of livestock kept on the property not exceed the equivalent of 3 nutrient units;
4. That any manure stored outside the livestock facility not be stored within 3m of the side or rear lot line nor within 20m of the front lot line;
5. That the applicant not keep livestock on the property unless a minimum of 0.4 hectares of pasture is maintained; and
6. That the applicant satisfy the County Building Services Department that the septic system is legal, in good working order, not impacted by the new structure, or alternatively, that the applicant alter or replace the system to the satisfaction of that department, obtaining all applicable permits to do so.

Members concurring in the above ruling:

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson 

M. Gilpin Absent

D. Marsh Absent

S. Robinson (Absent)

\*\*\*\*\* CERTIFICATION \*\*\*\*\*

I, Jennifer Turk, Deputy Secretary 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 26<sup>th</sup> day of November, 2021.



Deputy Secretary, 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 16<sup>th</sup>, 2021**. To appeal Committee's decision to the Tribunal, a notice of appeal must be filed with the Secretary of the Committee of Adjustment of the Municipality of Lambton Shores, 7883 Amtelecom Parkway, Forest, ON, N0N 1J0. 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 Local Planning Appeals Tribunal may dismiss all or part of an appeal without holding a hearing, on its own motion 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 Board could allow all or part of the appeal,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
  - (iii) the appeal is made only for the purpose of delay.