

# PART 2

## Correspondence

12/12/2021

LAMBTON SHORES

Northville Office

DEC 09 2021

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12/12/2021

Honorable Mayor Weber, Council Members, And Planing Committee

Lambton Shores, Ontario. Ref. Zoning variance application ZO-16/2021

First off let me introduce ourselves. We are Margaret & Gary Van Hulle the owners of 19 Pine Street, the property immediately to the north of the property requesting the variance. We have the following concerns with the rezoning from R4 to R3 and the location of the proposed building:

- 1) **Front alignment:** Currently all of the homes along the waterfront are in the same line which makes for a pleasant view from the "beach side" and doesn't infringe on a neighbor's view to the north or south. In its proposed location, the proposed property will interfere with several homeowners views. The proposed property footprint could be relocated rearward and line up with the rest of the homes along the beach without reducing it's overall size. In fact this would help with the drainage concerns we also have.
- 2) **Drainage concerns:** In addition to the above we are concerned with the amount of water runoff from the proposed complex. As you may or may not be aware of, there is currently a big problem in several areas of Plan 24 with flooding after it rains. One of those areas is at the bottom of the driveway of this proposed development. Every time we get a heavy rain "Pine Lake" develops and all of us homeowners on Pine Street worry how high will it go? Several homes have had water in their lower levels. With additional runoff from a larger driveways at the proposed site this can only get worse. Along these lines I would encourage council to develop a storm sewer master plan to manage the storm water. Currently the collector drains (sand sewers) in several areas are inadequate. In some cases it takes several days for these flooded areas to drain. Additional problem areas within Plan24 are on Center and Queen, Walker and Huron and of course Pine Street.
- 3) **Single family dwelling:** Becoming a 3 family residence concerns us with the additional volume of traffic, parking etc. As more and more of this rezoning is allowed within the community (particularly Plan 24) we worry that the infrastructure of Plan 24 and its

surrounding areas will not be able to support the additional traffic/people. Our roads are already too narrow for the traffic we have currently (Limiting parking within Plan24 to residents only by permit may be a solution). With no sidewalks for pedestrians to walk on they are forced to walk on the streets to get to the downtown area or the beach. With more and more of these rezonings in the future, it is possible to see three times the traffic and the potential for three times the parking issues. Considering the parking issues we currently have, we encourage council to consider limiting the number of rezoning requests in the Plan24 residential area. Limiting building to single family home's within the residential areas while allowing the downtown area to grow would reduce the load on an infrastructure that was never intended to support the additional population density. It would also allow the village to retain some of its original charm.

In conclusion we support rejection of this variance and hope that our thoughts have given you something to think about before approving any future ones. Plan 24 is currently a very dense area and needs to be studied concerning its future population density, road structure, pedestrian safety, and storm water management. Grand Bend is a unique growing community with a bright future, but it will need some help from all of us to keep its charm.

SINCERELY,

   
GARY & MARGARET VAN HULLE  
19 PINE STREET

December 20, 2021

Walter Kratz  
10320 Sherwood Cres.  
P.O. Box 1402  
Grand Bend, Ontario  
N0M 1T0

Municipality of Lambton Shores  
7883 Amtelecom Parkway  
Forest, Ontario N0N 1J0

Att: Stephanie Troyer-Boyd, Clerk

Subject: Zoning By-law 1 Amendment

The issues as I see it are that MFL Properties Ltd. proposes By-law R3 for approval in order that they may demolish an existing structure to replace it with another structure that would otherwise be non-compliant.

Issues with the proposed By-law R3

The issues with the proposed By-law are as follows:

- 1) Most importantly there is no consideration for safety elements such as egress in case of fire from a three (3) storey structure or fire retardant building materials.
- 2) There does not appear to be a requirement for percentage of lot coverage.
- 3) There is no specific clear requirement about set backs from adjacent properties.
- 4) There is no consideration for the possibilities that the proposed structure is planned for a possible flood plain.
- 5) There is no consideration for the parking requirements for the number of residents of the proposed structure in a community with narrow streets and dense housing.
- 6) Lastly, there is no consideration indicated for the drainage / disposal of precipitation be it rain or snow from the roof top of a flat roof structure.

In the downtown area of Grand Bend in and around the subject property, the streets are very narrow with little if any road allowance and the residential structures are tightly packed together. This creates a great hazard for run-away fires in a community with a fire department with limited equipment and manpower.

Let us not forget the destruction of another town at Wasaga Beach when the entire downtown was destroyed by fire in one event not so many years ago.

Please do not approve the proposed By-law R3

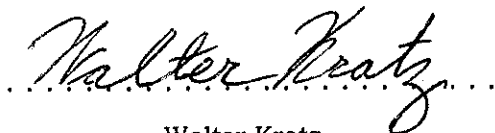
Issues with the proposed 3 Storey Condominium

With the limited information that is provided in the application to build a (3) three storey condominium building my issues are as follows;

- 1) There are no stated remedies proposed to prevent the drainage of precipitation from entering into adjacent (neighboring) properties. In a community that receives considerable snowfall there is no remedy proposed for the disposal of snow from the flat roof or property frontage.
- 2) On a very narrow street and in an area of narrow streets there is no consideration offered for the parking of a potential increased number of vehicles from an increased number of residents.
- 3) The 3 storey condominium structure will dwarf the adjacent residential structure and also reduce the amount of available light to that neighbour. Existing adjacent properties have a right to equal amount of light.
- 4) The notice for new zoning and construction of this condominium is not posted in front of the property at 17 Pine St. in Grand Bend. This information should be available to all resident of this community in particular to the residents within the immediate area of this proposal. This information could also have been distributed with the municipal tax bill for residents of Grand Bend.

Please keep in mind that the Oakwood Pub and several homes in this community have burned to the ground after the fire was discovered and reported to the fire department.

Please do not approve the proposed construction of this condominium.



Walter Kratz

20 December 2021



Lambton Shores Community Association  
P.O. Box 1016  
Grand Bend, ON  
N0M 1T0

Jan. 10 2022

To the Mayor and all members of Council:

**Re: Zoning By-Law Amendment Application ZO- 16/2021 Location: 17 Pine St, Grand Bend by MFL Properties Ltd. (Agent: Jay McGuffin, MBPC)**

The Lambton Shores Community Association (LSCA) would like to respond to the decision made by Council on Dec. 21, 2021.

We had expected the application to be refused based on the overwhelming local community objections and the comprehensive and convincing Senior Planner's Report. We note that Council appears concerned about a possible appeal to the OLA and we request that the threat of such action should not be allowed to impact decision making.

Should such an appeal be made to the OLA the LSCA will fully support the Municipality in defeating the appeal. It is the consensus of the community we represent that the 17 Pine St rezoning application is a Trojan horse that will have serious long-term negative implications for our community, and therefore we will be fighting it at *all costs*.

We have read the minutes and although we feel they are an accurate record of the meeting we have a particular concern moving forward.

We request that Council ignore any objections not originating from a valid local address. This is because five or more Kitchener based Mortgage Alliance agents (including 2 of the 3 owners of 17 Pine Street) are soliciting loans to fund property purchases and developments in Grand Bend. This means there are a large number of community outsiders with financial interest in the

“Middleton -Ford - Legault” property development network who may feel financially motivated to voice support or could be solicited to do so.

The LSCA was also disappointed in the means used to notify the residents of the Dec 21st public meeting. When was this online, in what format, and for how long? The 120m rule surely cannot be appropriate for creation of a new zoning as stated by the Clerk. This was not just rezoning but creation of an R3+.

The LSCA also felt that numerous parts of the Monteith Brown presentation were misleading including remarks on lot coverage.

Please communicate the process regarding resubmission by the applicant and how might this differ from a fresh application.

We ask that all of those attending and on record with valid addresses, be notified well in advance, when Mr. Ford reapplies for this same property.

Sincerely

Sharon Weitzel  
The Lambton shores Community Association



L A M B T O N   S H O R E S   C O M M U N I T Y   A S S O C I A T I O N

Lambton Shores Community Association  
P.O BOX1016, 47 HILL ST.,  
GRAND BEND, ON, N0M 1T0  
EMAIL LSCommunityAssoc@gmail.com

Jan. 18, 2022

To the Mayor and all members of Council:

The Lambton Shores Community Association (LSCA) is writing to council about concerns our members have made and continue to make about the Re Zoning Application for 17 Pine St.

There are several issues of concern that have prompted this letter:

1. The process as applied to the “public Meeting” definition, as presented by Mr. Will Nywening in the attached letter dated Jan 14, 2022; -*Appendix A*
2. The misleading presentation by Monteith –Brown;
3. The presentation of letters of concern numbers and the misleading letters of support
4. The lack of a clear information path to provide Council with a timely presentation of the full list of issues with the re-zoning request for 17 Pine St.

In its presentation of its Planning Justification Report, Monteith Brown made many misleading comments. Of the many we have documented (see attached list) *Appendix B*

Two examples are:

1. Monteith Brown PJ Report: *The subject lands are located at a transition point between the low-rise enclave to the north, and higher-density residential uses to the south*

Planning Reality: We contend “The subject lands are not a transition point in terms of building height. The land immediately to the south of the subject R4 zoned land is a large car park equivalent to several empty lots. The property to the north is a two storey property befitting the Zone R4 designation.”

2. Monteith Brown PJ Report: *MFL Properties is proposing to remove the existing dwelling and detached garage on the subject lands, and construct a three-unit, three-storey year-round family residence within the bounds of the existing ‘Residential 4’ zone. Our clients will occupy the third-storey unit as their permanent residence, with other family members occupying Units #1 and #2. A Conceptual Site Plan, Floor Plans, Building Renderings and 3D models prepared by Skinner Architects are enclosed with this application in Appendix 2, with selected plans also included in this report in Figures 4 to 9. A Draft Plan of Condominium application will be filed at a later date, likely concurrent with the Site Plan Approval application, to establish the building and unit ownership structure.*

Planning Reality: We contend “The development proposal is not relevant to the re-zoning application. The Applicant is free to redesign a new building or modify the current conceptual submission in order to maximize

the development potential of any re-zoning. We note that it is possible to design a 4-storey above grade flat roofed building within a 36 feet height limit."

In presenting the large number of opposed letters(40+) the way staff did and allowing all of the "in Favour" letters to be put on the table (without verification), has allowed persons who are all a part of the Kyle Ford empire, not true community representation, to shill for Mr. Ford and mislead Council.- *see Appendix C,*

With the cancellation of Council meetings; the requirement for our letters and information to be submitted so far ahead of Council meetings and the lack of a clear process for this community to follow, to get its very urgent and real concerns on the table, Council and staff have failed to provide us with real input and clarity. All of these processes should have been provided clearly to LSCA members and the wider community immediately after Council deferred this decision. We should not have needed to ask staff to provide it now.

In addition Mr. Nywening, in his public report to Council was clear in his reasons for NOT approving this zoning request as the *"wrong scale and density in this location."*

The Deputy Mayor, Doug Cook said "if nothing has changed in our opinion the next time it comes back to us we can refuse it at that point".

This is a re-zoning application. What has changed in terms of the zoning provisions now being requested?

The current proposed building is largely irrelevant to the request for zoning change as any building that meets the requirements of the *proposed zoning* could later be submitted for a permit at the site.

Staff have informed us : "It is staff's intent to notify those who have expressed an interest in this application if it is to come back to Council for further consideration and respecting any changes the applicants may propose."

Does that mean Council WILL see this request whether it has changed or not? Does Council get an opportunity to view our letters of concern or objection through the above process?

The public must have a second opportunity to address the concerns of the community about this rezoning request with whatever the developer brings back to the table.

We believe the planner's recommendation to Council is accurate and this property needs to remain R4.

Should the Applicant receive an approval for this Zone change from the Municipality, it will be our intention to appeal this decision to the Ontario Land Tribunal.

Sincerely

Sharon Weitzel per

Lambton Shores Community Association



## APPENDIX A

Email Chain beginning Jan. 13, 2022

To: Will Nywening <wnywening@lambtonshores.ca>

Subject: Zoning By-Law Amendment Application ZO-16/2021

I'm writing on behalf of the Lambton Shores Community Association regarding Zoning By-Law Application ZO-16/2021 at 17 Pine Street, in Grand Bend.

Our members are extremely interested in how this process will work as the applicant is being allowed to submit a fresh application. We would like an update on what is currently happening and again what the process will be when Mr. Ford reapplies for this same property.

An update on the current status of this issue and the how this process will work would be greatly appreciated.

Gerry Roeder  
President  
Lambton Shores Community Association  
63 Oak Street  
Grand Bend, Ontario  
519-503-8093

### ***His response ... Jan. 14<sup>th</sup> 2022***

To: Gerry Roeder <gerryroeder@hotmail.com>

Cc: Stephen McAuley <SMcAuley@lambtonshores.ca>; Stephanie Troyer-Boyd <STroyer-Boyd@lambtonshores.ca>; Ken Bulgin <Ken.Bulgin@county-lambton.on.ca>

Subject: RE: Zoning By-Law Amendment Application ZO-16/2021

Mr. Roeder,

Thanks for your email. At this point, as you are aware, the applicants have presented a proposed zoning amendment and also the structure they proposed to build if granted that amendment. The formal public meeting required under the Planning Act has been held.

Council has the ability to approve the amendment, approve it with such modifications as they deem appropriate, refuse the amendment, or make no decision. Council's decision can be appealed to the Ontario Land Tribunal. If Council makes no decision within 90 days of the application being submitted and deemed complete, the applicant can also appeal to have the OLT render a decision.

At this point, Council has deferred a decision. Staff has had a follow-up discussion with the applicant who has indicated they would like some time to look into whether there are changes they can make to

the proposal to address the concerns that have been expressed. No timeline has been set in this respect. This would not be a "reapplication". As noted, Council has the ability to approve an application with modifications, if it is so inclined.

For now, the process is in the applicant's hands, and depends somewhat on their timing and whether they decide to revise their request. It is staff's intent to notify those who have expressed an interest in this application if it is to come back to Council for further consideration and respecting any changes the applicants may propose.

Up until Council makes a decision, the public may submit written submissions or request to be notified of any decisions.

I hope this helps answer your questions. We will ensure you are on the notification list.

Will Nywening, BA Urban Development  
Senior Planner

*I replied ...*

Subject: Re: Zoning By-Law Amendment Application ZO-16/2021

Mr. Nywening,

Thanks for your response to our inquiry.

We are disappointed however that there will be no formal public meeting relating to what we feel would be a re-application by the developer. This is a Zone change not just a minor variance.

Our Association and its members are very concerned of the precedent this Zone Change will set for future development along our shoreline.

We would hope that when this application comes back to Council for further consideration and respecting any changes that we would have an opportunity to participate in this meeting.

Should the Applicant receive an approval for this Zone change from the Municipality, it will be our intention to appeal this decision to the Ontario Land Tribunal.

We will be encouraging our Members to place written submissions and make requests to be added to your notified list as you have suggested.

Gerry Roeder  
President,  
Lambton Shores Community Association

63 Oak Street  
Grand Bend, Ontario  
519-503-8093

***His reply ...***

Thank-you Gerry,

As soon as we know more details, we will let you know. I think it will depend much on what the applicants come back with. As I noted, in the meantime, anyone is free to communicate their thoughts to council in the normal means, the same as any other matter a person may wish to address to council.

Will Nywening  
Senior Planner

## APPENDIX B

### Comments on Monteith Brown Planning Justification Report DRAFT

| Item | Reference       | Objection or comment  |
|------|-----------------|---|
|      | 1.1.Paragraph 2 | We understand this to be a re-zoning (and presumably later a sub-division) application which is speculative and being undertaken by a Developer with numerous ongoing projects in Grand Bend. Comments on family use are irrelevant to the re-zoning application and should not be given any weight.  |
|      | 1.2 Paragraph 3 | Privately initiated consultation is biased and not valid. Proposal has received overwhelming negative feedback. Letters of support are tainted.   |
|      | 1.2 Paragraph 4 | The purpose of the report is not “to determine the appropriateness of the proposed development” but to further the Applicant’s case for re-zoning.  |
|      | 1.3 Paragraph 2 | The subject lands are not a transition point in terms of building height. The land immediately to the south of the subject R4 zoned land is a large car park equivalent to several empty lots. The property to the north is a two storey property befitting the Zone R4 designation.  |
|      | 1.4 Generally   | The pre-application consultation is not impartial and its findings should be ignored in favour of the results of the official Municipality public consultation which is overwhelmingly opposed to the re-zoning application.  |
|      | 1.4 Paragraph 3 | We note that the current height limit for a building in the R4 one which currently applies to the lot is 7.4m for a building of the form proposed Skinner Architects. The Applicant is requesting ?m which is excessive.  |
|      | 2.0 Paragraph 1 | The development proposal is not relevant to the re-zoning application. The Applicant is free to redesign a new building or modify the current conceptual submission in order to maximize the development potential of any re-zoning. We note that it is possible to design a 4-storey above grade flat roofed building within a 36 feet height limit. |
|      | 2.0 Paragraph 1 | We note that the Municipality current method of restricting height does not relate the building height to ground levels or to the level of neighbouring properties roofs). No weight can therefore be placed on the accuracy of any submitted elevations or views intended to show maximum height.  |
|      | 2.0 Paragraph 3 | The vehicle turnaround area is not big enough to allow typical sized vehicles to turn around when especially when there are vehicles in the parking bays which is likely with 3 residences and 13 or more bedrooms  |

|  |                                    |  |
|--|------------------------------------|--|
|  | 2.0 Paragraph 6                    | Although at the re-zoning application stage the current building design is largely irrelevant it must be noted that an "amenity area" on a roof is not permitted by the By-law.<br>We note that statements related to guardrail height do not meet the Ontario Building Code.  |
|  | 2.0 Paragraph 7                    | We do not agree with the staff interpretation of "scenery lofts" which has no relation to a dictionary definition. Whether roof terraces are described as "scenery Lofts" or not they are not expressly permitted in the By-law and are therefore expressly prohibited according to the By-law. We therefore do not accept that the building as proposed meets the By-law for Zone R4 or Zone R3. This is presumably why the Developer requested the R3 zone be modified to create a new R3 Zone that permits roof terraces. |
|  | Paragraph 5 page 33                | We note that site specific provisions will be required including flexibility in building height and for height of handrails for the "rooftop amenity area". Again, guardrail height not to code.   |
|  | Paragraph 6 page 33                | We note that at the Skinner Architects development at 26 Huron street the "flexibility in the construction process" has created a building up to 5 feet above ground level not the 8" (200mm) stated here.   |
|  | Paragraph 2 Page 34                | Roof terraces/roof patios are not permitted by the By-law.   |
|  | Last para page 34                  | What is the Planning Report referred to (no reference provided for checking).  |
|  | 6.1                                | We note a triplex dwelling differs from a three storey condominium building as a triplex is single ownership title whereas condominiums are multiple ownership title and the development would require a further sub-division application to re-title the site thus.   |
|  | Table 1 page 39                    | Last item last row should include A site plan Agreement  |
|  | Table 1 page 39                    | We object to proposed R3-# Zone attempting to introduce "rooftop amenity area" into the By-law without specific public consultation.   |
|  | 7. Conclusion                      | It is not for the Developer's agent to certify whether the proposed Zoning By-law amendment "is consistent with the Provincial Policy Statement" etc.  |
|  | Appendix 1<br>Private Consultation | This process was not impartial its output and conclusions should be ignored in considering this application.   |
|  | Letters of support                 | Not impartial (mostly applicants own properties and colleagues).   |

| TABLE LINKING LETTERS OF SUPPORT TO MFL (MIDDLETON / FORD / LEGAULT) ASSOCIATES<br>APPENDIX C AND SHORT TERM RENTALS |  |                                      |  |                                      |           |                |          |
|--|--|--------------------------------------|--|--------------------------------------|-----------|----------------|----------|
| Address  | Rental Name / Use                                | Support Letter Name                  | Relationship to MFL                            | Bedrooms/ (beds)                     | Bathrooms | Guests/ Sleeps | Min Stay |
| 17 Pine St   | "Beachfront"                                     | Subject Lot                          | MFL is Developer                               | 3 (5)                                | 1         | 14             | 3 Nights |
| 18 Pine St   | "Hard Knox Life"                                 | Chelsea Middleton* (declared owner)  | Kyle Ford's partner                            | 3 (3+pullout)                        |           | 8              | 3 nights |
| 16 Pine Street   | "Scoots Shack"                                   | Doreen McGillivray (declared owner)  | Unknown (Kitchener based)                      | 3 (4 +2 sofabeds)                    | 2         | 10             | 3 nights |
| 25 & 27 Warwick  | "After Dune Delight"+ 1 of below                 | Steve (& Ruth) Aho                   | Mortgage Alliance Team                         | 5                                    | 3         | 14             | 3 nights |
| ? Warwick  | "Lost Lobster"                                   | N/A                                  |  | 3 (4+sofabed)                        | 1.5       | 10             | 3 nights |
| ? Warwick  | "Lazy Bear"                                      | N/A                                  |  | 3 (4+sofabed)                        | 2         | 10             | 3 nights |
| 5 Shady Lane   | "Lolas Lakehouse"                                | Tarah (&TJ) Sauder (declared owners) | Chelsea Middleton's sister                     | 3 (5)                                | 1.5       | 10             | Air B&B  |
| 24 Huron St (declared avenue)  | "Huron Hideaway"                                 | Terri Legault (declared owner)       | Kyle Ford's sister /Mortgage Alliance Team     | 3 (Current winter residence KF & CM) | 2.5       | 10             | 3 nights |
| 11 Eiber St  | New Build (CM's name on statutory notice)        | Wes MacDonald (declared owner)       | Mortgage Alliance Team                         |                                      |           |                |          |
| 49 Gill Rd   | Legault residence                                | Michael Allison" (declared owner)    | Terri Legault's partner / property maintenance |                                      |           |                |          |
| 13 Huron Avenue  | Short term rental (duplex) last sold 18 Feb 2021 | Shaun Gunness                        | Casey's Lawn Care (& snow service)             |                                      |           |                |          |
| 26 Huron Street  | New Build (CM's name on statutory notice)        | N/A                                  |  |                                      |           |                |          |
| 10/12 Warwick Avenue   | Application to sever lot (CM's name on notice)   | N/A                                  |  |                                      |           |                |          |

" Chelsea Middleton and Michael Allison spoke in support at the Council Meeting on 21<sup>st</sup> Dec

Short term rental business is Simply Paradise /Simplyparadisefr.com (Middleton et al)

Mortgage Alliance (Kyle Ford, Terri Legault, Wes MacDonald, Steve Aho) out of Kitchener.

Shamrock Property Management (Terri Legault, Michael Allison), Grand Bend area