



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

**DECISION OF THE COMMITTEE OF ADJUSTMENT**

**FILE # A25-2021**

Application made by: **Kevin Radford & Joanne Duddy**  
Authorized Agent: **Robert Coutts of RoCo Design**  
Application Heard: **October 27, 2021**  
Property: **10246 Parkside Cres., Grand Bend**

The Applicant has requested a variance from the Municipality of Lambton Shores' Zoning Bylaw Section 12.3 (b) Front Yard Setback to reduce the required 10.7 m setback to 7.7 m to permit replacement of the existing carport with a garage and second floor living space addition in the same footprint.

**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 construction be in general conformity with the building plans presented in the application;
2. That the property owner maintain the existing tree and vegetation cover within the front yard; and
3. That a septic permit be obtained for a new or upgraded private sewage disposal system, prior to the issuance of any building permits, in compliance with all applicable setbacks and other criteria contained within Part 8 of the 2012 Ontario Building Code.

Members concurring in the above ruling:

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson (Absent)

M. Gilpin 

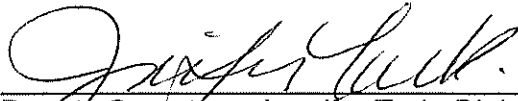
D. Marsh 

S. Robinson 

\*\*\*\*\* 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 29<sup>th</sup> day of October, 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 **November 18<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.



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## DECISION OF THE COMMITTEE OF ADJUSTMENT

### FILE # B19-2021

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

As made by, Robert Newmaster, Bonnie Doone Manor, respecting lands known as 26 Lakeside Circle, requesting permission to sever to sever an existing lot into two (2) lots. The lands to be severed will consist of an area of 219.68 m<sup>2</sup> (720.73 ft<sup>2</sup>) and contain an existing dwelling. The lands to be retained will be a vacant lot for a new single detached swelling and consist an area of 315.32 m<sup>2</sup> (1034.51 ft<sup>2</sup>).

**DECISION:** Consent is **REFUSED** as the severed parcel is undersized and neither parcel has a reasonable building envelope under the R4 Zone provisions.

Members concurring in the above ruling:

S. Ferguson

D. Hales

S. Rinaldi

M. Simpson

(Absent)


M. Gilpin

D. Marsh

S. Robinson

\*\*\*\*\* 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 29<sup>th</sup> day of October, 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 **November 18<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 # B20-2021

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

As made by, John Knifton, JK Development GP2 Ltd, for the lands municipally known as 91, 89, 87, 85, and 77 Ontario Street South, Grand Bend, requesting permission to sever a lot with 116m frontage, 111m depth, and 1.196 ha lot area, leaving a retained parcel with 20m of lot frontage and 2.3 ha lot area, be APPROVED together with easements over the retained lands for access, services, and a stormwater outlet, subject to conditions

**DECISION: Consent is GRANTED.**

### **CONDITIONS:**

1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lot and easements 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 applicants apply for and obtain approval for a revised site plan agreement reflecting the revised development concept and that the revised agreement address mail delivery, removal of holding provisions, preservation of archaeological resources, and agency requirements for natural heritage and hazard features and archaeological resources;
4. That the applicant obtain Ministry concurrence respecting archaeological resources to the extent necessary to accommodate the revised development concept;
5. That the applicant pay cash-in-lieu of parkland to the satisfaction of the Municipality equal to 2% of the value of the severed lands;
6. That drainage assessment be reapportioned, if applicable;
7. That the applicant pay the Ausable Bayfield Conservation Authority's consent review fee; and
8. That all the constituent parcels be registered in the same name and interest prior to the transfer documents being presented for stamping.

Members concurring in the above ruling.

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson (Absent)


M. Gilpin 

D. Marsh 

S. Robinson 

\*\*\*\*\* 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 29<sup>th</sup> day of October, 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 **November 18<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.

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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 # B21 & B22-2021

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

As made by, Kim and Dan MacLachlan, respecting lands known as 8381 Defore Drive, requesting permission to sever a 0.8 ha parcel containing a house, leaving 9.9 ha of retained farmland, and that Consent Application B-22/2021, respecting lands adjacent to 8381 Defore Drive, requesting permission to sever a 0.2 ha parcel containing a detached garage, leaving 12.6 ha of retained farmland, both be **APPROVED**, subject to conditions

**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;
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 Section 50(3) of the Planning Act apply to both applications, meaning the stipulated (merging) consent certificate is to be used to finalize the consents;
4. That the severed parcels from both applications be registered in the same name and interest as and merged with each other and their PIN numbers consolidated;
5. That the retained parcels from both applications be registered in the same name and interest as and merged with each other and their PIN numbers consolidated (but a separate name and interest to the severed parcels);
6. That the applicants convey a road allowance to Municipal standards to the satisfaction of the Municipality for the extension of Defore Drive and the provision of lot frontage to the resultant parcels;
7. That the applicants enter into an agreement with and to the satisfaction of the Municipality respecting matters relevant to the severance, including the dedication of public highways and the construction of a cul-de-sac;
8. That the applicant apply for and obtain a rezoning to change the zoning on the severed parcels to residential with special allowance for accessory building size and also to prohibit a dwelling on the resultant farm parcel;
9. That the applicants pay a cash-in-lieu fee of \$1000.00 for parkland dedication; and
10. That the drainage assessment be reapportioned, if applicable.



Members concurring in the above ruling:

S. Ferguson



M. Gilpin



D. Hales



D. Marsh



S. Rinaldi



S. Robinson

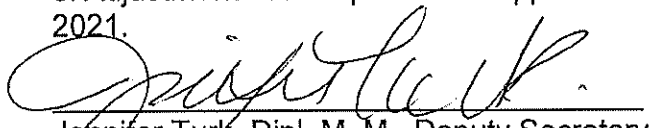


M. Simpson

(Absent)

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

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Committee of Adjustment,  
Municipality of Lambton Shores

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

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**DECISION OF THE COMMITTEE OF ADJUSTMENT**

**FILE # A23-2021 & B15-2021**

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

As made by, Charles Ducharme, for the lands municipally known as Con LRW Pt Lot 6 RP 25R8343 Part 1 and Con LRW Pt Lot 6 RP 25R8343 Part 2, 10089 & 10095 Ducharme Lane, requesting a variance from Section 12.2 (a) Minimum Lot Area of 4000 m<sup>2</sup>. The applicant is also seeking to sever 10 feet from 10089 Ducharme Lane and convey it to 10095 Ducharme Lane. The intent is to allow 10089 Ducharme Lane to be reduced from 1.0 acres to 0.94 acres and allow 10095 Ducharme Lane to increase from 0.8 acres to 0.855 acres to create two (2) building lots.

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

**DECISION:** Consent is **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 10095 Ducharme Lane, with a single PIN;
4. That the applicant obtain a minor variance for the resultant lot areas of 10089 and 10095 Ducharme Lane; and
5. That the hydrogeotechnical report completed by MIG Consulting Engineers, Philip Keightley M. Sc., P. Eng dated October 15, 2021, be registered to the titles of both 10089 and 10095 Ducharme Lane together with a notice stating that both lots 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 lots.

Members concurring in the above ruling:

S. Ferguson 

D. Hales 

S. Rinaldi 

M. Simpson (Absent) \_\_\_\_\_

M. Gilpin 

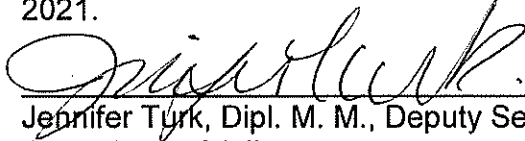
D. Marsh 

S. Robinson 



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

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

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