

NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A18-2023

Application Made By: Rosemary Reid
Authorized Agent: Tyler Guetter
Application Heard: December 13, 2023
Property: 43 Oak Street, Grand Bend
(Plan 24 E Pt Lot 223 & E Pt Lot 224)
Zoning: R4 (Residential)

PURPOSE AND EFFECT: An application has been made for three (3) variances from the Municipality of Lambton Shores Comprehensive Zoning By-law 1 of 2003, Section 10.2 f) Minimum Exterior Side Yard of 6 m reduced to 2.07 m, Section 10.2 g) Minimum Rear Yard Setback for a corner lot of 3 m reduced to 1.2 m and Section 10.2 (i) Maximum Lot Coverage of 35% increased to 38.5%, to permit the construction of a 2 storey addition to the house.

PUBLIC: This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, December 13, 2023 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:

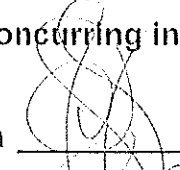
DECISION: THAT Minor Variance Application A18-2023, affecting lands known as 43 Oak Street, Grand Bend, which would permit an addition to the existing dwelling with a 2.07m exterior side yard, 1.2m rear yard, and 38.5% lot coverage, be approved, subject to the following conditions:

1. That the building be constructed in general conformity with the plans submitted in support of the application;
2. That no windows be located facing the north lot line;
3. That the applicant have lot grading and stormwater management plans prepared to the satisfaction of the Municipal Director of Public Works, including the installation of a stormwater management control facility such as an in-ground infiltration chamber; and
4. That the applicant complete the lot grading and stormwater controls prior to obtaining final occupancy of the addition.

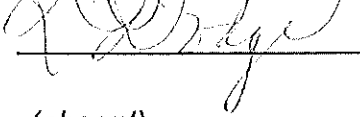
REASONS: The Committee of Adjustment considered the written and oral comments and does agree with the minor variance recommendation report that this application meets the Planning Act tests for a minor variance being:


1. The requested variance is considered minor in nature;
2. The variance is 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:

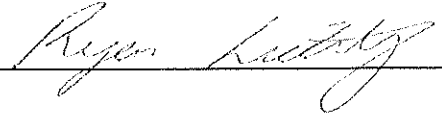
D. Sageman 

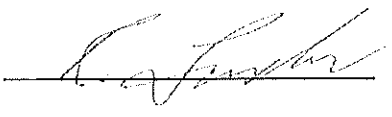
D. Marsh *(absent)*

R. Dodge 

S. Robinson 

D. Hales *(absent)*

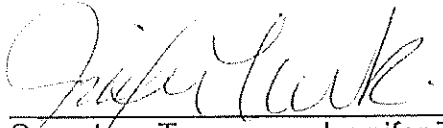
R. Litchy 

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 14th day of December, 2023.


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 **January 2nd, 2024**. To appeal Committee's decision to the Tribunal, a notice of appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment of the Municipality of Lambton Shores, 9577 Port Franks Road, Thedford, ON N0M 2N0. 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 Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative 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 Tribunal could allow all or part of the appeal,
 - (ii) the appeal is not made in good faith or is frivolous or vexatious,
 - (iii) the appeal is made only for the purpose of delay, or
 - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged by the Tribunal; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5); 2019, c. 9, Sched. 12, s. 13 (2); 2021, c. 4, Sched. 6, s. 80 (1).



NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A19-2023

Application Made By: Paul & Robin Hurdle
Application Heard: December 13, 2023
Property: 9643 Ipperwash Road, Bosanquet
(Plan 37 Lot 51)
Zoning: C6 (Commercial)

PURPOSE AND EFFECT: An application has been made for two (2) variances from the Municipality of Lambton Shores Comprehensive Zoning By-law 1 of 2003, Section 25.2 d) Minimum Interior Side Yard of 4.5m reduced to 2.89m and Section 25.2 f) Minimum Rear Yard of 9m reduced to 7.62m, pursuant to Section 45(1) of the Planning Act, and secondly, is requesting permission to extend a legal non-conforming use pursuant to Section 45(2)(a)(i) of the Planning Act. In this respect, the applicant proposes an addition to an existing house located within a Commercial-6 (C6) Zone.

PUBLIC: This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, December 13, 2023 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 A19-2023, affecting lands known as 9643 Ipperwash Road, which would permit the enlargement of a legal non-conforming use, which is a single detached dwelling in a commercial zone, with a side yard setback of 2.89 m and a rear yard setback of 7.62 m for the construction of a 11.7 m² addition on the existing dwelling, be approved, subject to the following condition(s):

1. That the variance only apply to permit construction as proposed in the applicant's sketch;
2. That the applicant pay any outstanding fees and obtain any permits required by the St. Clair Region Conservation Authority; and
3. That the extent of the existing septic system areas be demarcated and protected against vehicles and use as a laydown area during construction.

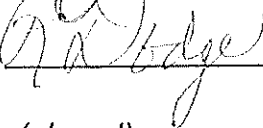
REASONS: The Committee of Adjustment considered the written and oral comments and does agree with the minor variance recommendation report that this application meets the Planning Act tests for a minor variance being:

1. The requested variance is considered minor in nature;
2. The variance is 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:

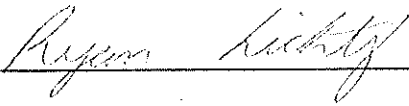
D. Sageman  _____

D. Marsh *(absent)* _____

R. Dodge  _____

S. Robinson  _____

D. Hales *(absent)* _____

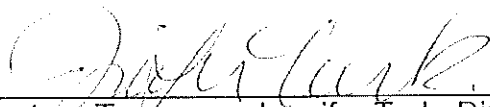
R. Litchy  _____

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 14th day of December, 2023.

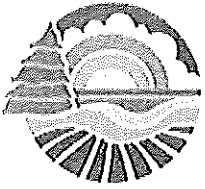

Secretary-Treasurer, Jennifer Turk, Dipl. M. M.
Committee of Adjustment, Municipality of Lambton Shores

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Please note that Section 45 Subsection 17 of the Planning Act states that the Ontario Land Tribunal may dismiss all or part of an appeal without holding a hearing, on its own initiative 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 Tribunal could allow all or part of the appeal,
 - (ii) the appeal is not made in good faith or is frivolous or vexatious,
 - (iii) the appeal is made only for the purpose of delay, or
 - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant has not provided written reasons for the appeal;
- (c) the appellant has not paid the fee charged by the Tribunal; or
- (d) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 98 (5); 2019, c. 9, Sched. 12, s. 13 (2); 2021, c. 4, Sched. 6, s. 80 (1).



CONSENT – NOTICE OF DECISION

The Municipality of Lambton Shores Committee of Adjustment has made a decision regarding an application for consent. The consent has been considered under the requirements of the *Planning Act RSO 1990 c.P.13* and applicable regulations. The purpose of this notice is to provide you with a copy of the decision.

The Decision:

Date of Decision: Wednesday, December 13, 2023

Late Date of Appeal: Wednesday, January 3, 2024

The Proposal:

File No. B11-2023

Address: 70 Union Street, Forest (*Plan 6 Pt Pk Lot 11 RP 25R6367 Part 2*)

An application for consent has been received requesting to sever an existing lot with 25.146 m (82.5 ft) of frontage into two (2) equally sized lots with 12.573 m (41.25 ft) frontage, 45.720 m (150 ft) depth, and an area of 583 m² (6276 ft²). In this respect, a semi-detached (link) home is under construction on the lands and the severance would allow the two halves of the link home to be owned separately. The applicant is re-applying for a previously granted consent (B14-2021), for which approval lapsed.

Decision: THAT Consent Applications B11-2023, requesting permission to convey a parcel of land with 12.573 m frontage and 574.6 m² of lot area from the lands known as 70 Union Street, Forest leaving a retained parcel of equal dimensions, be approved, subject to the following conditions:

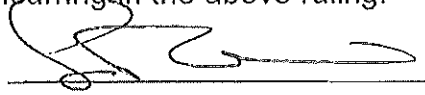
1. That the Owner submit to the Municipality an electronic copy of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the applicant pay the Municipality's fee to stamp the deed of the severed lot; and
4. That all conditions be fulfilled and the certificate of consent required by Section 53(42) of the Planning Act be obtained within two years of the notice of decision of this consent.

Reason for Decision:

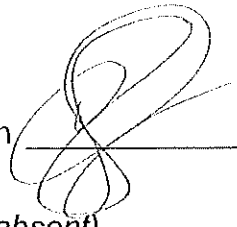
The Committee believes the request to be desirable for the appropriate development and use of the lands and believes that the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Members concurring in the above ruling:

S. Robinson



D. Sageman



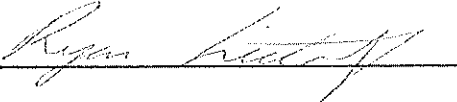
D. Hales

(absent)

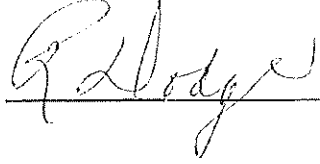
D. Marsh

(absent)

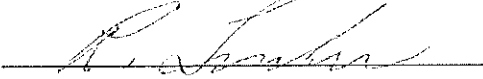
R. Lichty



R. Dodge

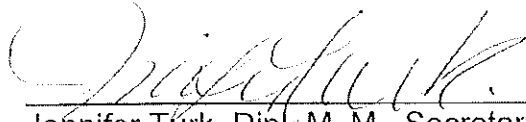


R. Loader



***** CERTIFICATION *****

I, Jennifer Turk, Secretary-Treasurer 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 14th day of December, 2023.



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

NOTE:

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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 the Applicant, Minister, specified person (as defined in Section 1 of the *Planning Act*) or public body that has an interest in the matter has the right to appeal of decisions of the Committee of Adjustment. These parties must make written submissions to the Committee prior to the Committee granting or refusing Provisional Consent otherwise, the Ontario Land Tribunal (OLT) may dismiss the appeal.



NOTICE OF DECISION OF THE COMMITTEE OF ADJUSTMENT

FILE # A20-2023

Application Made By: Spheero Developments Inc.
Authorized Agent: Jay Stegehuis
Application Heard: December 13, 2023
Property: 9936 Ontario St., Port Franks
(Plan 6 Lots 237-240, Pt Pk Lot 11 & RP 25R11309 Pt 4)
Zoning: R5 (Residential)

PURPOSE AND EFFECT: An application has been made for two (2) variances from the Municipality of Lambton Shores Comprehensive Zoning By-law 1 of 2003, Section 11.2 a) Minimum Lot Area of 4000 m² and Section 11.2 b) Minimum Lot Frontage of 30 m for the R5 Zone. In this respect, the applicant is concurrently seeking consent that would consolidate and reconfigure a number of existing lots into three lots: two of the lots would have lot areas and frontage of only 1348m² and 26.822 m, respectively, and the third lot would have a lot area of only 3916 m².

PUBLIC: This application was heard at a Public Hearing of the Committee of Adjustment on Wednesday, December 13, 2023 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 A20-2023, affecting lands known as 9936 Ontario Street, Port Franks, which would permit two lots each with approximately 26.8 m in lot frontage and 1348 m² in lot area and a third lot with approximately 3916 m² in lot area, be **denied**.

REASONS: The Committee of Adjustment considered the written and oral comments and does not agree with the minor variance recommendation report that this application meets the Planning Act tests for a minor variance. The Committee believes the proposed minor variance is outside the character of the neighbourhood, does not meet policies, and affects endangered species found, under the Endangered Species Act.

Members concurring in the above ruling:

D. Sageman	<u>Original Signed By</u>	D. Marsh	<u>(absent)</u>
R. Dodge	<u>Original Signed By</u>	S. Robinson	<u></u>
D. Hales	<u>(absent)</u>	R. Lichty	<u>Original Signed By</u>
R. Loader	<u></u>		

***** 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 14th day of December, 2023.

Original Signed By

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Committee of Adjustment, Municipality of Lambton Shores

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 - (ii) the appeal is not made in good faith or is frivolous or vexatious,
 - (iii) the appeal is made only for the purpose of delay, or
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CONSENT – NOTICE OF DECISION

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The Decision:

Date of Decision: Wednesday, December 13, 2023
Late Date of Appeal: Wednesday, January 3, 2024

The Proposal:

File No. B08-2023, & B12-2023
Applicant: Spheero Developments Inc. c/o Jay Stegehuis
Address: 9936 Ontario St., Port Franks (*Plan 6 Lots 237-240, Part Park Lot 11, & RP 25R11309 Part 4*)

Two (2) applications for consent has been received for the purpose of reconfiguring existing lot lines. The subject lands consist of several separately conveyable parcels. The effect of the consents would be to reduce the number of conveyable parcels to three (3) residential lots: the most northerly and the middle lots would be vacant with 26.822 m frontage, 50.273 m depth, and 1348 m² lot area; the most southerly lot would be irregular, contain the existing dwelling, and have 47.745 m frontage, 75.319 m depth, and 3916.42 m² in lot area. In this respect, the applicant proposes to realign and consolidate existing parcels to create two conveyable residential building lots.

Decision: THAT Consent Applications B08-2023 and B12-2023, requesting permission to sever two existing lots for the purpose of reconfiguring the boundaries of several parcels resulting in two vacant lots each with approximately 26.8 m frontage and 1348 m² lot area and a third lot with the existing house and approximately 47.7 m in frontage and 3916 m² lot area, be **denied**.

Reason for Decision:

The Committee believes the proposed severances are outside the character of the neighbourhood, do not meet policies, and affects endangered species found, under the Endangered Species Act.

Members concurring in the above ruling:

S. Robinson _____	D. Sageman <i>Original Signed By</i> _____
D. Hales <i>(absent)</i> _____	D. Marsh <i>(absent)</i> _____
R. Lichty <i>Original Signed By</i> _____	R. Dodge <i>Original Signed By</i> _____
R. Loader _____	

***** CERTIFICATION *****

I, Jennifer Turk, Secretary-Treasurer 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 14th day of December, 2023.

Original Signed By

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

NOTE:

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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 the Applicant, Minister, specified person (as defined in Section 1 of the *Planning Act*) or public body that has an interest in the matter has the right to appeal of decisions of the Committee of Adjustment. These parties must make written submissions to the Committee prior to the Committee granting or refusing Provisional Consent otherwise, the Ontario Land Tribunal (OLT) may dismiss the appeal.