



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, March 27, 2024

Late Date of Appeal: Tuesday, April 16, 2024

The Proposal:

File No. B02-2024

Address: 7422 & 7426 Bond Road, Port Franks (*Plan 36 Pt Lot 2 RP25R7251 Parts 2 & 3*) & (*Plan 36 N Pt Lot 2 TM/ROW*)

An application for consent has been received. The purpose of application B02-2024 is to consider a request to convey a portion of the parcel known as 7422 Bond Road as a lot addition to increase the size of the abutting parcel known as 7426 Bond Road. The area to be conveyed as a lot addition is shown as Part 4 on the attached reference plan. The effect of the application is to reduce 7422 Bond Road from 1713.73 m² to 1484.45 m² in lot area, and increase 7426 Bond Road from 1411.77 m² to 1641.05 m² in lot area. No new lots would result.

Decision: THAT Consent Application B02-2024, requesting permission to convey a 229.28m² parcel of land from 7422 Bond Rd to 7426 Bond Rd as a lot addition, be approved, subject to the following conditions:

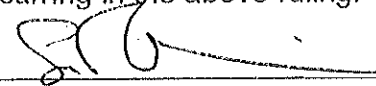
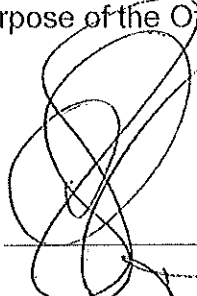

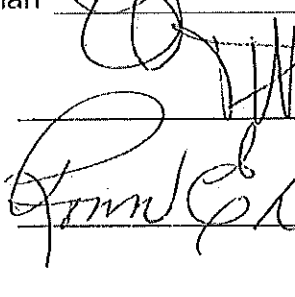
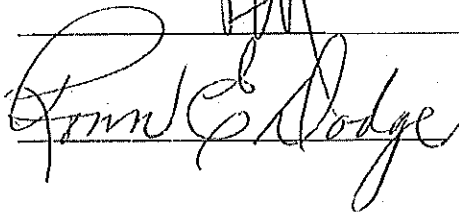
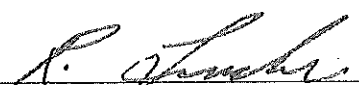
1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lot or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the applicant pay the Municipality's deed stamping fee;
4. That the applicant pay the ABCA's commenting fee for the planning applications;
5. That the applicant obtain a minor variance for the resultant lot areas of both 7422 and 7426 Bond Rd;
6. That the applicant obtain a minor variance for the rear yard setback of the existing deck or bring the deck into compliance with required setbacks;

7. That the applicant complete a hydrogeotechnical or equivalent assessment confirming, in consultation with and to the satisfaction of the County of Lambton Building Services Department, that the revised lot area of 7422 Bond Rd complies with provincial "reasonable use guidelines", and further that the assessment be registered on title and the applicant complete, to the satisfaction of the County Building Services Department and subject to any required approvals, any alterations to private sewage disposal recommended by the assessment (or enter into an agreement with the Municipality for completion of same);
8. That the larger portion of 7422 Bond Rd be deemed the severed parcel and be stamped with the unstipulated (regular) certificate of consent;
9. That the smaller portion of 7422 Bond Rd be deemed the remnant parcel and be registered in the same name and interest as and merged on title with 7426 Bond Rd; and;
10. 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		D. Marsh	
R. Lichty	<u>Absent</u>	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 28th day of March, 2024.



 Jennifer Turk, Dipl. M. M., Secretary-Treasurer,
 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 April 16th, 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 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, as well as the fee required made payable to the Municipality of Lambton Shores as per the Fees and Charges By-law.

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.



MINOR VARIANCE - NOTICE OF DECISION

FILE # A03-2024

Application Made By: Jonathan and Leah Aarts
Authorized Agent: Zelinka Priamo
Application Heard: March 27, 2024
Property: 7422 Bond Rd (*Plan 36 Pt Lot 2 RP25R7251 Parts 2 & 3*) &
7426 Bond Rd (*Plan 36 N Pt Lot 2 T/W/ROW*)
Zoning: R5 (Residential)

PURPOSE AND EFFECT: An application requesting two (2) minor variances from the Municipality of Lambton Shores By-law 1 of 2003: from Section 3.12.1 d) in order to permit the existing deck at 7422 Bond Road to encroach 5.51m into the required 7.5m rear yard for a 1.99m setback from the new rear lot line, whereas only a 2m encroachment is permitted; and from Section 11.2 a) to recognize that the 1484.45 m² and 1641.05 m² lot areas of the lots resulting from the proposed severance (7422 Bond Road and 7426 Bond Road) would be less than the 4000 m² minimum required lot area of the applicable Residential-5 (R5) Zone.

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


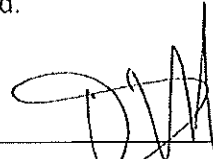
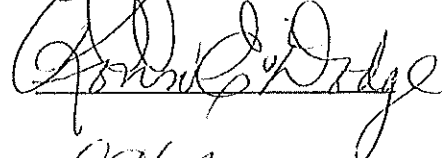



DECISION: THAT Minor Variance Application A03-2024, affecting lands known as 7422 & 7426 Bond Road, Port Franks, which would permit a lot area of 1484.45 m² and a rear yard deck setback of 1.99m for 7422 Bond Rd and a lot area of 1641.05 m² for 7426 Bond Rd, be approved, subject to the following conditions:

1. That the applicant complete a hydrogeotechnical or equivalent assessment confirming, in consultation with and to the satisfaction of the County of Lambton Building Services Department, that the revised lot area of 7422 Bond Rd complies with provincial "reasonable use guidelines", and further that the assessment be registered on title and the applicant complete, to the satisfaction of the County Building Services Department and subject to any required approvals, any alterations to private sewage disposal recommended by the assessment (or enter into an agreement with the Municipality for completion of same);
2. That the minor variance for rear yard apply only to the existing deck; and
3. That the revised lot area does not affect 7426 Bond Road's legal non-conforming status with respect to the lot's lack of frontage.

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	
R. Dodge		S. Robinson	
D. Hales		R. Lichty	<u>Absent</u>
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 March, 2024.

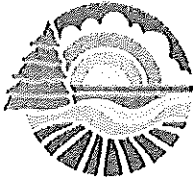

Secretary-Treasurer, Jennifer Turk, Dipl. M. M.
Committee of Adjustment, Municipality of Lambton Shores

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 **April 16th, 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).



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The Decision:

Date of Decision: Wednesday, March 27, 2024

Late Date of Appeal: Tuesday, April 16, 2024

The Proposal:

File No. B03-2024

Address: 8545 Rawlings Rd (*Con 14 Lot 14*)

An application for consent has been received respecting a farm parcel known as 8545 Rawlings Road. The application proposes to sever a parcel containing an existing single detached dwelling and having a frontage of 90 m, depth of 90 m, and an area of 0.81 ha (2 ac). The retained farm parcel will consist of 39.66 ha (98 ac) and contains a wind turbine. In this respect, the applicant owns another farm parcel and seeks to sever the existing dwelling as surplus to the farming operation.

Decision: THAT Consent Application B03-2024, requesting permission to sever a residential lot containing a surplus farm dwelling at 8545 Rawlings Road, be approved, subject to the following condition(s):

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;
4. That the severed lot boundaries be approximately 90 m frontage and 90 m depth and include the existing dwelling;
5. That the applicant apply for and obtain a zoning amendment with respect to the retained farm parcel and provincial policy requirements to prohibit a dwelling;
6. That the owner satisfy the Municipality of Lambton Shores with respect to the payment of cash-in-lieu of parkland dedication, which shall be \$1000.00;
7. That the applicable road authority confirm it is satisfied that all resultant parcels have an adequate, independent road access, or the applicant install or upgrade entrances as required by the road authority;

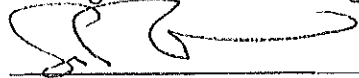
8. That the drainage apportionment be divided between the resultant parcels, if applicable;
9. That any fees outstanding or payable pursuant to by-laws relating to the rural water expansion project for the existing or proposed lots be paid; and
10. That all conditions be fulfilled and the certificate 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:

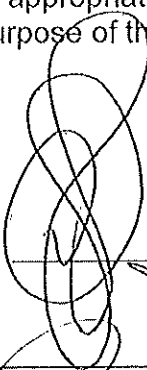
The Committee believes the request to be desirable for the appropriate development and use of the lands and believes that the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Members concurring in the above ruling:

S. Robinson



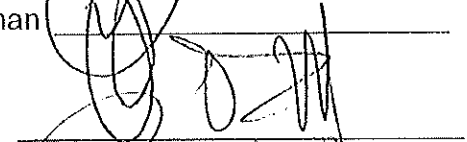
D. Sageman



D. Hales



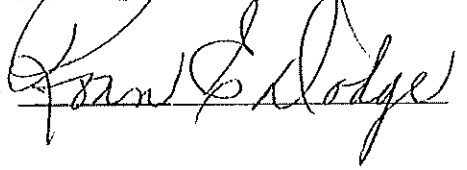
D. Marsh



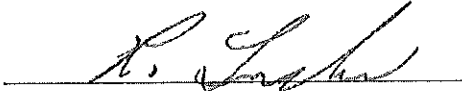
R. Lichty

Absent

R. Dodge

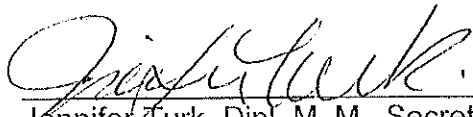


R. Loader



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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.



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The Decision:

Date of Decision: Wednesday, March 27, 2024

Late Date of Appeal: Tuesday, April 16, 2024

The Proposal:

File No. B04, B05, B06, B07, and B08-2024

Address: West Ipperwash Rd (Con 19 Pt Lot 7)

That five (5) applications for consent have been received. The purpose of applications B04-2024, B05-2024, B06-2024, B07-2024 and B08-2024 is to create five (5) residential building lots for single detached dwellings.

Applications under the Planning Act for a Zoning By-Law Amendment and an Official Plan Amendment have also been considered at the March 19, 2024 Council Meeting in relation to the subject lands.

Decision: THAT Consent Applications B04-2024, B05-2025, B06-2024, B07-2024, and B08-2024, requesting permission to sever a total of 5 vacant residential building lots, be approved, subject to the following conditions:

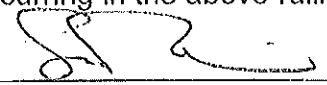
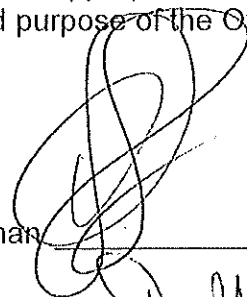

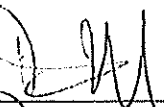
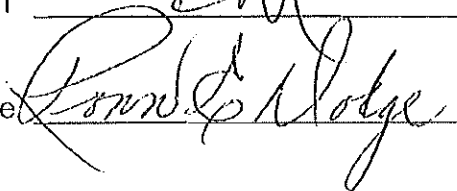
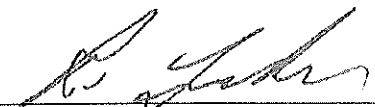
1. That the Owner submit to the Municipality two copies of a reference plan showing the severed lots or submit a written description which is acceptable to the County of Lambton Registrar;
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date;
3. That the applicant pay the Municipality's deed stamping fee for each severed lot;
4. That the applicant enter into an agreement with the Municipality to address to the Municipality's satisfaction matters including, but not necessarily limited to:
 - a. Requiring the hydrogeological report completed by MTE Consultants Inc., – Preliminary Hydrogeological Assessment, MTE File No.: 46547-200 and dated May 5, 2023 be registered on title;
 - b. Making development of the lots conditional upon obtaining required permits for private septic systems and installing septic systems as stipulated in the hydrogeological report;

- c. Implementing recommendations of the Environmental Impact Study completed by MTE Consultants Inc., MTE File No.: 46547-100, dated May 16, 2023;
 - d. Lot grading and stormwater retention;
 - e. Connection of each lot to the municipal water main;
 - f. Road access;
 - g. Reapportionment of drainage assessment, if applicable;
 - h. Payment of parkland dedication fees; and
 - i. Making development of the lots conditional upon obtaining any necessary permits from SCRCA;
5. That the applicant obtain a Zoning By-law amendment to permit the proposed residential use and lot sizes, and the amendment come into full force and effect;
 6. That finalization of consent B-08/2024 (Part 6 on the draft reference plan) is conditional upon the applicants finding a suitable agency or body to whom to convey the remnant parcel for conservation purposes and entering into an agreement with same for that purpose; and
 7. 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:

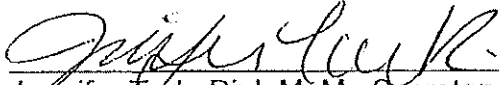
The Committee believes the request to be desirable for the appropriate development and use of the lands and believes that the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Members concurring in the above ruling:

S. Robinson		D. Sageman	
D. Hales		D. Marsh	
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