



THE MUNICIPALITY OF

**LAMBTON SHORES**

**Administration**

7883 Amtelecom Parkway

Forest, ON N0N 1J0

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

## DECISION OF THE COMMITTEE OF ADJUSTMENT

### FILE # A27-2022

Application Made By: Rizvan Jamal  
Authorized Agent: Reilly Ernst  
Application Heard: December 14, 2022  
Property: 36 Oak Street, Grand Bend

An application has been made requesting a variance from the Municipality of Lambton Shores Comprehensive Zoning By-law 1 of 2003, Section 10.2 c) Minimum Front Yard Setback of 6 m (20 ft) reduced to 1.96 m (6.4 ft), Section 10.2 f) Minimum Exterior Side Yard Setback of 6 m (20 ft) reduced to 1.95 m (6.39 ft) for the main dwelling and 0.96m (3.17 ft) for a porch and stairs, Section 10.2 i) Maximum Lot Coverage of 35% increased to 41.6%, and Section 3.19.3 for the encroachment within the sight triangle at the corner of Oak Street and Warwick Avenue, to permit the construction of a new single detached dwelling.

**DECISION:** THAT Minor Variance Application A27-2022, affecting lands known as 36 Oak St, Grand Bend, which would permit a single detached dwelling with 1.96m front yard, 1.95m (house) and 0.96m (porch and stairs) exterior side yards, 41.6% lot coverage, and encroachment into the required sight triangle, be **DEFERRED**, pending redesign of the proposed dwelling to incorporate, to the satisfaction of the Municipality:

1. Appropriate setbacks from the road allowances and intersection taking into consideration recommendations of a traffic engineer;
2. Acceptable lot grading plan and stormwater management report;
3. Elimination of any encroachment or reliance for grading on structures located on lands known as 38 Oak St;
4. Reduction or elimination of the structure housing the stairwell; and
5. No crawlspace or cellar below the basement level.

Members concurring in the above ruling:

S. Ferguson

M. Gilpin

D. Hales

D. Marsh

S. Rinaldi

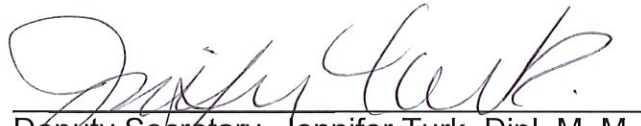
S. Robinson

M. Simpson

\*\*\*\*\* 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 16<sup>th</sup> day of December, 2022.

  
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 **January 3<sup>rd</sup>, 2023**. 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 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).