

Committee of Adjustment Meeting
AGENDA

Monday, August 26, 2019, 5:00 pm
Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Pages

1. **Call to Order**
2. **Roll Call**
3. **Disclosure of Pecuniary Interest**
4. **Minutes**
 - a. Minutes of the regular Committee of Adjustment meeting dated Monday, July 22, 2019 2 - 5
5. **Submissions**
 - a. Cover Map 6 - 6
 - b. Agenda 7 - 8
 - c. Minor Variance Application A-25/19 - Pat and Diane Hayes, 12602 Riverside Drive 9 - 10
 - d. Planning Report dated August 26, 2019 11 - 15
6. **Deferrals**
7. **New Business**
8. **Old Business**
9. **Adjournment**

**THE CORPORATION OF THE TOWN OF TECUMSEH
MINUTES OF THE COMMITTEE OF ADJUSTMENT MEETING**

A regular meeting of the Committee of Adjustment was held on Monday, July 22, 2019 at the Municipal Building, 917 Lesperance Road, Tecumseh, Ontario at 5:00 p.m.

I CALL TO ORDER

The Chairperson calls the meeting to order at 5:00 p.m.

II ROLL CALL

PRESENT:	Chairperson:	Tom Fuerth
	Vice-Chairperson:	Paul Morand
	Members:	Chris Carpenter (5:03 p.m.)
		Lori Chadwick
		Jason Jolicoeur
		Tony Muscedere
	Manager Planning	Chad Jeffery
	Secretary-Treasurer	Donna Ferris

ABSENT: Tom Marentette

III DISCLOSURE OF PECUNIARY INTEREST

There is no disclosure of interest made.

IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting held Monday, June 17, 2019.

Motion: (CA-43/19) Moved by Paul Morand
Seconded by Tony Muscedere

That the Minutes of the regular Committee of Adjustment meeting held Monday, June 17, 2019 be adopted, as printed and circulated.

Carried

V SUBMISSIONS

The following submissions were heard:

Application for Minor Variance A-23/19 – Michael and Felecia Priestyeski, 240 St. Mark's Road

Interested parties present: Michael and Felecia Priestyeski, Applicants

The purpose of the Application is to request relief from the following subsections of Zoning By-law 2065:

1. Subsection 7.1.3 b) which establishes a minimum front yard depth of 30 feet; and
2. Subsection 7.1.3 e) iv) which establishes a minimum exterior side yard width of 15 feet.

The Applicant is proposing to construct a 1425.14 square foot addition including a garage, master bedroom/ensuite and a covered deck having a side yard depth of 2 feet on the northerly exterior side lot line and 1 foot on the north-easterly exterior side lot line and a front yard depth of 27.92 feet in accordance with the attached sketch.

The property is designated Residential in the St. Clair Beach Official Plan and zoned Residential Type Two Zone (R2) in the St. Clair Beach Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

CORRESPONDENCE

ERCA: No objection.

County of Essex: No response.

Town Engineer:

- No comments assuming the north edge of the existing driveway remains at its current location. If a new driveway is to be constructed closer to Hayes, it is likely that a minor variance would be required due to setback from the adjacent street line.

DISCUSSION

Michael and Felecia Priestyeski appear before the Committee to discuss the Application. Upon the request from the Chair, Michael Priestyeski informs the Committee that a letter was submitted to the Town on May 30, 2019 outlining the reasoning for the minor variance. Michael Priestyeski also points out to the Committee that the northeast corner of the property has a diagonal edge which adds to the challenges of construction an addition to the subject property. Michael Priestyeski informs the Committee that his family wishes to remain in Tecumseh but require additional living space. Michael Priestyeski advises has spoken with his neighbours and submits for the Committee's consideration, a signed acknowledgement from the neighbours indicating that they are in support of the minor variance being sought.

Paul Morand indicates that he has visited the property and as a result of the additional Town lands that abuts the cul de sac, he feels that the minor variance meets the four tests provided that any drainage concerns are addressed with the Town. Michael Priestyeski advises that he is willing to work with the Town to address any required drainage works. Elevation sketches are shown on the overhead projector. Micheal Priestyeski advises that the addition includes a covered front porch, will have a gable roof and stonework will be incorporated into façade to make it visually appealing.

Lori Chadwick points out to the Applicants that a permit from ERCA will be required as part of the Building Permit application process. It is also pointed out that the Town Engineer's comments indicate that if a new driveway is to be constructed closer to Hayes, it is likely that a minor variance would be required due to the setback from the adjacent street line. Chad Jeffery indicates that he spoke with the Town Engineer regarding Section 5.34 Driveway Regulations, and based upon the driveway not being altered and the driveway not showing any dimensions on the sketches submitted, one would assume that the existing access would be protected through the grandfathering provision.

Lori Chadwick inquires as to whether or not the Applicant considered any other options in order to comply with the zoning by-law regulations and is informed that they considered extending on the interior side yard but that would have an adverse impact to the neighbour to south who has been residing there for over 25 years; they looked at going up but had concerns for the safety of the children being on a different floor; and there was a concrete patio to the rear of the house. The Applicant advises that the deck will be replaced and a portion of the concrete but a portion of the concrete patio will remain. The Committee acknowledges the numerous hardships the Applicants face including the impact to the neighbour to the south if an alternate option was chosen, the impact of the cul-de-sac and the angular corner to the north and east, the hardship encountered to construct closer to Hayes Avenue and not having a second storey for the safety of the children. The Committee is supportive of the Application as the travelled portion of Hayes Avenue has significant boulevard space from the lot line, there is minimal traffic on Hayes Avenue and the proposed addition is one storey in height, which minimizes the impact of the minor variance being sought. The Applicant advises that he thought about scaling down the addition but scaling it down would not create much value to the home nor would it be in keeping with the character of the neighbourhood.

Motion: (CA-44/19) Moved by Paul Morand
Seconded by Lori Chadwick

That Application A-23/19 is granted.

Carried

REASONS

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

Application for Minor Variance A-24/19 – National Vehicle Ltd., 5295 Burke Street

Interested parties present: Buck Sleiman, SCWI Enterprises Inc., Agent for the Applicant

The purpose of the Application is to request relief from subsection 14.1.9 c) of Zoning By-law 85-18 which establishes a minimum side yard width of 6.0 metres (19.68 feet). As a result of the construction of an addition, relief for a side yard width of 3.9 metres (12.8 feet) for an existing building addition is being requested.

The property is designated Business Park in the Sandwich South Official Plan and zoned Industrial Zone (M1) in the Sandwich South Zoning By-law.

Notice of hearing for the above submission was circulated to landowners within a radius of 60 metres (200 feet) of the subject property (a list of said owners is on file). Notice of Hearing with a sketch attached was sent to the Applicant, each Council Member, Clerk, Public Works and Engineering Department, Planning and Building Services, Fire Department and all required agencies and to each member of the Committee of Adjustment.

CORRESPONDENCE

ERCA: No objection.

County of Essex: No response.

DISCUSSION

Buck Sleiman, Agent for the Applicant, appears before the Committee to discuss the Application. The Chair inquires as to whether or not there is any additional information that the Agent for the Applicant wishes to add noting that the minor variance being sought is for an addition that has already been constructed. Tony Muscedere inquires as to whether or not the relief being sought is for the addition to the south or the addition to the north. Clarification is provided by Chad Jeffery who advises that diagram #1 on the Notice only provides a portion of the lands and that the subject lands consists of two parcels of lands which is identified in diagram #2 outlined in red on the Notice. Chad Jeffery explains to the Committee that based on the definition of frontage, the front of the property is on Moro Street therefore, sideyard relief is being sought for the existing addition on the northwest portion of the building. Upon an inquiry, the Committee is informed that the addition was constructed in approximately 2002. Buck Sleiman advises that there is potential for the property to be transferred therefore it is necessary to clean up any building permit issues with the property.

Lori Chadwick inquires as to whether or not the Applicant is required to submit an Application for a Building Permit. Chad Jeffery advises that it is more difficult to review the construction afterwards but a Building Permit will be required and inspections carried out to ensure the Building Code and Fire Code have been adhered to in addition to the appropriate fees be charged. Lori Chadwick also inquires if the pending sale falls through, is the Applicant still required to obtain and Building Permit. Chad Jeffery advises that the Applicant will be required to obtain a Building Permit otherwise an Order would be issued for the Applicant to comply.

Motion: (CA-45/19) Moved by Jason Jolicoeur
Seconded by Paul Morand

That Application A-24/19 is granted subject to the Owner submitting a building permit application for the building addition, in order for the Town to complete an inspection of the addition to confirm its compliance with applicable Ontario Building Code requirements together with the building permit application fee and that the relief only apply to the addition.

Carried

REASONS

The Application meets the four tests of a minor variance in that it is desirable for the appropriate development or use of the land, building or structure, the general intent and purpose of the Official Plan and Zoning by-law is maintained and the variance is minor in nature.

VI DEFERRALS

Application for Severance B-08/19 – Jaspreetinder & Gagandeep Osahan, 222 Lesperance Road

The Chair, Tom Fuerth inquires as to the status of Severance Application B-08/19 at 222 Lesperance Road as it was deferred at the June 17, 2019 meeting. Chad Jeffery advises that the Town met and provided an Emergency Plan to ERCA however, the plan did not contain sufficient information to satisfy ERCA. Discussion ensues regarding the flood plan mapping that has been prepared by ERCA across the County of Essex and that the municipalities need to address flooding concerns consistently across the County.

VII NEW BUSINESS

Tom Fuerth thanks Jason Jolicoeur for his contribution as a member of the Committee of Adjustment and wishes him well in his future endeavor with the City of Woodstock.

VIII UNFINISHED BUSINESS

IX ADJOURNMENT

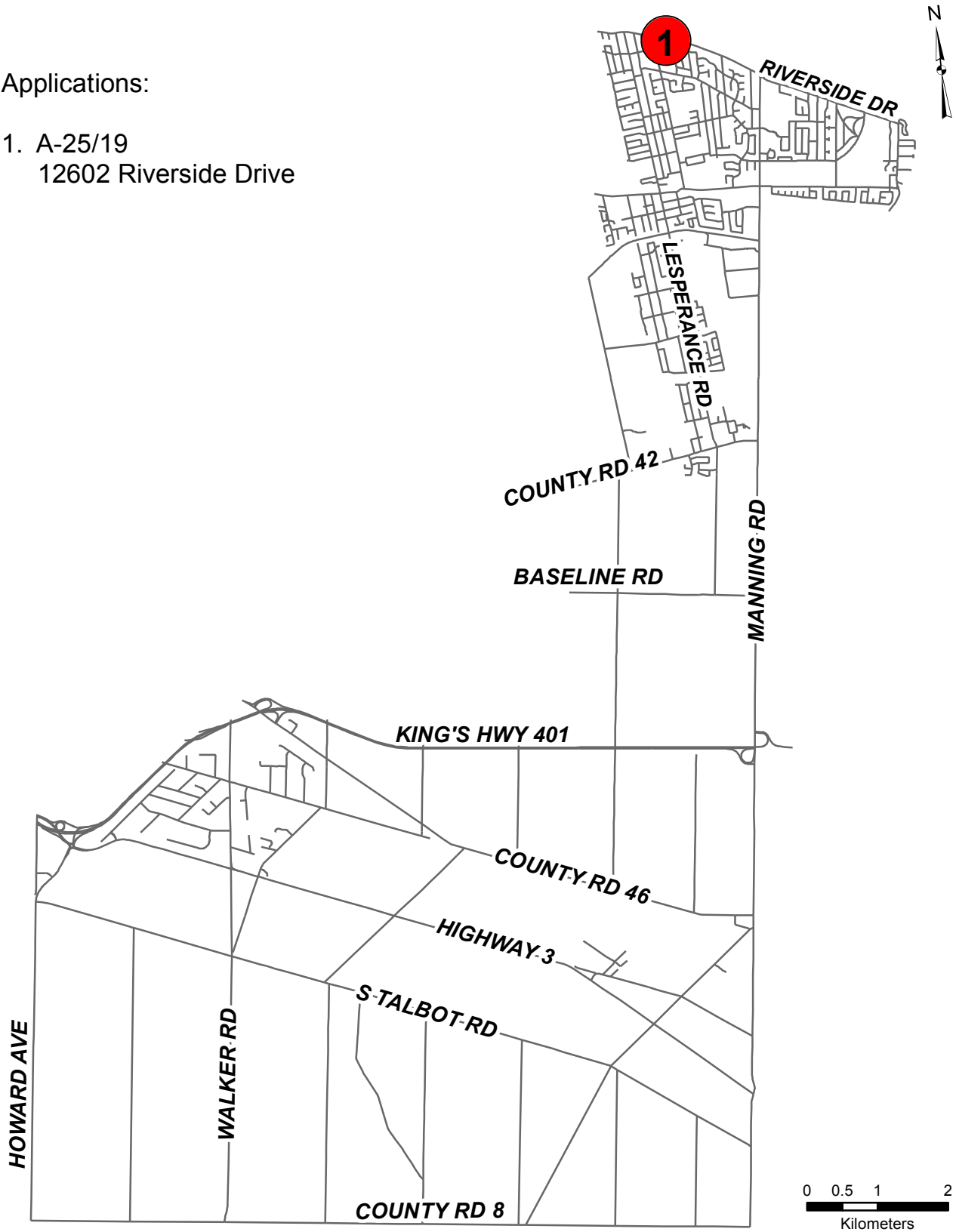
Motion: (CA- 46/19) Moved by Jason Jolicoeur
Seconded by Chris Carpenter
That there being no further business the July 22, 2019 regular meeting of the Committee of Adjustment now adjourn at 5:37 p.m. Carried

Tom Fuerth, Chairperson

Donna Ferris, Secretary-Treasurer

Applications:

1. A-25/19
12602 Riverside Drive



Prepared By:
Tecumseh Planning and
Building Department

1

Subject Property

August 26, 2019
Committee of
Adjustment Meeting
Key Map

**Town of Tecumseh
Committee of Adjustment
Regular Meeting
Monday, August 26, 2019
5:00 pm
Tecumseh Town Hall**

AGENDA

I CALL TO ORDER

II ROLL CALL

III DISCLOSURE OF PECUNIARY INTEREST

IV MINUTES

1. Minutes of the regular Committee of Adjustment meeting dated, Monday, July 22, 2019.

V SUBMISSIONS

Application for Minor Variance A-25/19 – Pat and Diane Hayes, 12602 Riverside Drive

Subsection 6.1.11 establishes that any building or addition on the north side of Riverside Drive shall not extend beyond the established building line. The Applicant is requesting relief for an addition to the existing dwelling, which is currently beyond the established building line. More specifically, the requested relief will allow for:

- i. The construction of a deck extension of 0.76 metres (2.5 feet) that will not exceed 0.4 metres (1.5 feet) above grade along the eastern side of the deck identified in orange on the Site Plan attached;
- ii. The construction of a roof over the remaining portions of the deck identified in yellow and orange on the Site Plan attached; and
- iii. Enclosing the entire covered deck with screening.

A minor variance was granted in 2011 (Application A-27/11) for a second storey addition above the existing first storey, the construction of a 3 metre wide deck that does not exceeding 0.4 metre (1.5 feet) above grade and the construction of a canopy overhang over a portion of the deck along the eastern wall of the dwelling.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law 1746.

VI DEFERRALS

VII NEW BUSINESS

VIII OLD BUSINESS

IX ADJOURNMENT

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE
TOWN OF TECUMSEH COMMITTEE OF ADJUSTMENT**

Applicant: **Pat and Diane Hayes**

Location of Property: **12602 Riverside Drive;
Lt 4 & Pt Lt 5, Plan 1406; Parts 1 & 3, 12R3199**

Purpose of Application: **Minor Variance**

Subsection 6.1.11 establishes that any building or addition on the north side of Riverside Drive shall not extend beyond the established building line. The Applicant is requesting relief for an addition to the existing dwelling, which is currently beyond the established building line. More specifically, the requested relief will allow for:

- i. The construction of a deck extension of 0.76 metres (2.5 feet) that will not exceed 0.4 metres (1.5 feet) above grade along the eastern side of the deck identified in orange on the Site Plan attached;
- ii. The construction of a roof over the remaining portions of the deck identified in yellow and orange on the Site Plan attached; and
- iii. Enclosing the entire covered deck with screening.

A minor variance was granted in 2011 (Application A-27/11) for a second storey addition above the existing first storey, the construction of a 3 metre wide deck that does not exceed 0.4 metre (1.5 feet) above grade and the construction of a canopy overhang over a portion of the deck along the eastern wall of the dwelling.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law 1746.

TAKE NOTICE that an application under the above file number will be heard by the Committee on the date, time and place shown below:

**TOWN OF TECUMSEH MUNICIPAL BLDG.
917 LESPERANCE
TECUMSEH, ONTARIO**

ON

Monday, the 26th day of August, 2019 at 5:00 pm

PUBLIC HEARING

You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are requested to inform that person of this hearing. If you wish to make written comments on this application they may be forwarded to the Secretary-Treasurer of the Committee at the Town of Tecumseh, 917 Lesperance Road, Tecumseh, Ontario N8N 1W9.

FAILURE TO ATTEND HEARING

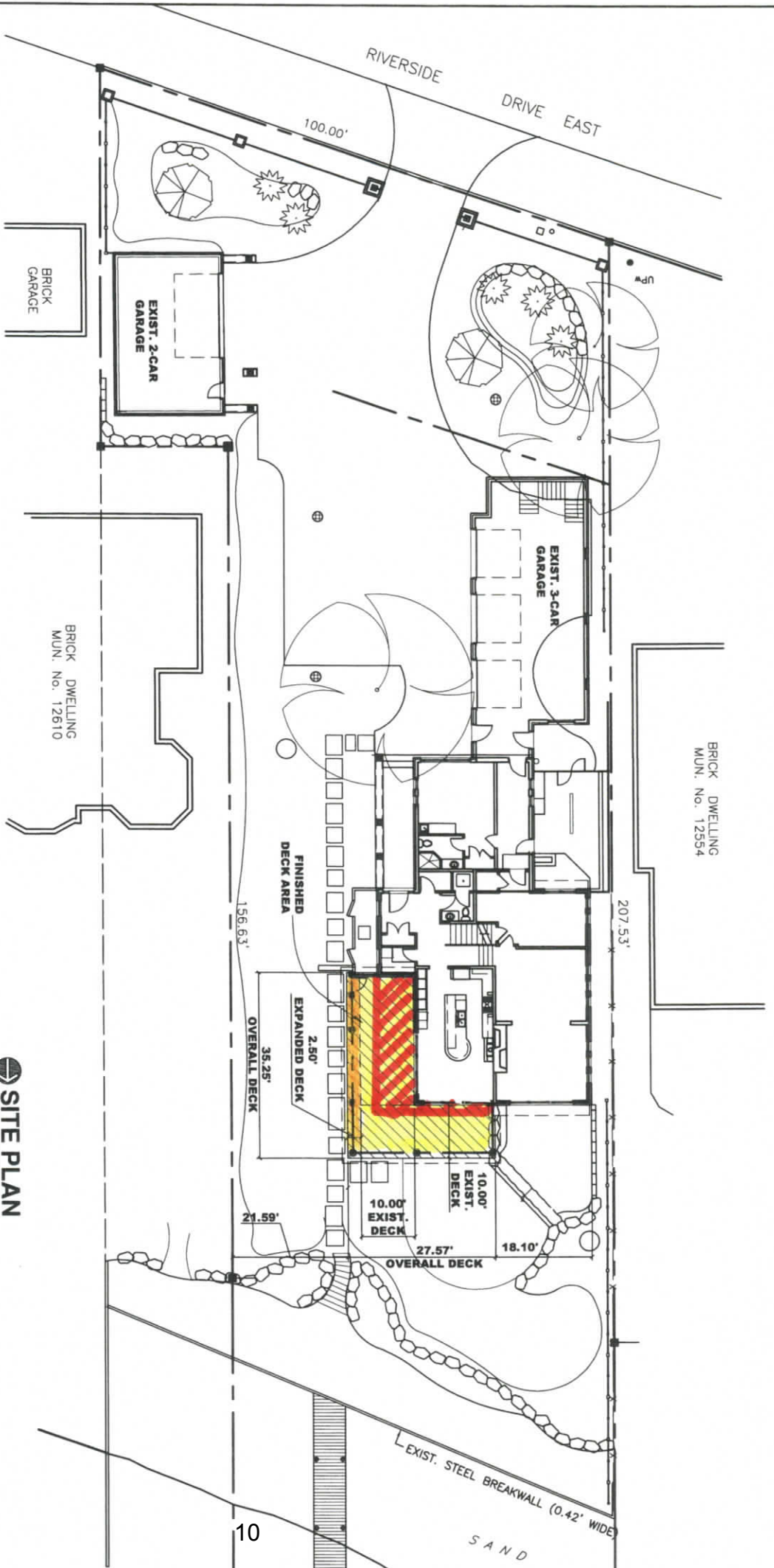
If you do not attend at the hearing it may proceed in your absence (including possible amendments to the original request) and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Town of Tecumseh Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer to the Committee of Adjustment. This will also entitle you to be advised of a possible Local Planning Appeal Tribunal Hearing. Even if you are the successful party, you should request a copy of the decision since the Town of Tecumseh Committee of Adjustment decision may be appealed to the Local Planning Appeal Tribunal by the Applicant or another member of the public. To appeal the decision to the Local Planning Appeal Tribunal, send a letter to the Secretary-Treasurer outlining the reasons for appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

Donna Ferris
Secretary-Treasurer
Town of Tecumseh Committee of Adjustment

Dated this 16th day of August, 2019



SITE PLAN

SCALE: 1" = 20'-0"

- i) Orange - 0.76 metres (2.5 feet) de
- ii) Yellow & Orange - Roof Over
- Red - Existing Canopy

A-25/19
12602 Riverside Drive

GENERAL NOTES

1. THIS IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF DESIGN GROUP INC.
2. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS OF THE SITE AND THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO THE CONTRACTOR'S RESPONSIBILITIES IN REGARD TO THE SUBMISSION OF SHOP DRAWINGS.
5. DESIGN GROUP INC. IS NOT RESPONSIBLE FOR APPROVING SHOP DRAWINGS. SUCH APPROVAL IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN AND CONSTRUCTION REQUIREMENTS.
6. THE EXISTENCE OF ANY VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR ORDINANCES OF REGULATORY AGENCIES.

ISSUE	DATE	BY

design group
INC.

12312 TECUMSEH RD EAST
TECUMSEH, ONT., N8N 1M4

TEL: (519) 735,1005
FAX: (519) 735,2530
www.designgroup547.com
E-mail: designgroup547@bellnet.ca

DESIGNER JEROME BAILLARDON	CLIENT PAT & DIANE HAYES	PROJECT NO. -	DRAWN BY -	DRAWING TITLE SITE PLAN
BCIN/MICB 25312	PROJECT PROPOSED SCREEN PORCH ADDITION 12602 RIVERSIDE DR E TECUMSEH	DATE -	ORDERED BY -	



**THE CORPORATION OF THE
TOWN OF TECUMSEH**

Planning Report

TO: Committee of Adjustment

FROM: Brian Hillman, MA, MCIP, RPP
Director, Planning and Building Services

HEARING DATE: August 26, 2019

SUBJECT: Minor Variance Applications A-25/19

Please note that these Planning Comments were prepared as of August 23, 2019. Any public comments received after this date have not been incorporated into the following comments, however consideration of such public comments will be given at the Committee of Adjustment hearing on August 26, 2019 as the normal practice.

Application:	Minor Variance Application A-25/19
Applicant:	Pat & Diane Hayes
Location of Property:	12602 Riverside Drive

Subsection 6.1.11 establishes that any building or addition on the north side of Riverside Drive shall not extend beyond the established building line. The Applicant is requesting relief for an addition to the existing dwelling, which is currently beyond the established building line. More specifically, the requested relief will allow for:

- i. The construction of a deck extension of 0.76 metres (2.5 feet) that will not exceed 0.4 metres (1.5 feet) above grade along the eastern side of the deck identified in orange on the Site Plan attached;
- ii. The construction of a flat roof over the remaining portions of the deck identified in yellow and orange on the Site Plan attached; and
- iii. Enclosing the entire covered deck with screening.

A minor variance was granted in 2011 (Application A-27/11) for a second storey addition above the existing first storey, the construction of a 3 metre wide deck that was not exceeding 0.4 metre (1.5 feet) above grade and the construction of a canopy overhang over a portion of the deck along the eastern wall of the dwelling.

The subject property is designated Residential in the Tecumseh Official Plan and zoned Residential Zone 1 (R1) in the Tecumseh Zoning By-law 1746.

In accordance with the *Planning Act*, the Committee must be satisfied that the four tests set out in subsection 45(1) are met. The following comments are offered with respect to the subject application:

i) Is the intent of the Official Plan maintained?

The subject property is designated Residential in the Official Plan. The Residential designation permits single unit dwellings. Accordingly, it is my opinion that the intent of the Official Plan is maintained.

ii) Is the intent of the Zoning By-law maintained?

The purpose of the established building line provision is to ensure that new dwellings or additions to existing dwellings along the north side of Riverside Drive are constructed in a manner that generally maintains and protects existing sight lines to Lake St. Clair enjoyed by current abutting residents.

It is important to note that subsection 5.5, 'Permitted Encroachments in Yards', specifically prohibits these types of open, roofed porches from extending into the rear yard for properties on the north side of Riverside Drive by virtue of the established building line provision (subsection 6.1.11) of the Zoning By-law. The proposed flat-roofed deck will be designed similar to a roofed porch, although it is acknowledged that a flat roof will have very limited impact on sight lines. However, it is noted that the proposal includes the introduction of screening surrounding the exterior of the deck and as a result will have the effect of adversely impacting sight lines to Lake St. Clair. Further complicating this is that experience has shown that once these types of visual barriers (i.e. screening) are introduced they are frequently followed by a desire for blinds/curtains for privacy and blocking sun at certain times of the day. This only further exacerbates the impacts and becomes challenging for the Town to enforce over time.

It is clear by virtue of the two subsections referenced above that there are to be no extensions beyond the "established building line", either for main parts of the building or for items that more typically encroach into a rear yard (such as a covered porch or deck). This is a very restrictive regulatory environment. It is our opinion that the intent of the By-law is to protect views and sight lines from adjacent properties. We are not convinced that the intent of the By-law can be maintained with the proposed addition that would include screening along the extents of the covered deck. This is particularly applicable as it relates to negative adverse impacts to the dwelling that abuts to the east.

Given the foregoing rationale and situation, it is my opinion that the intent of the By-law will not be maintained if the proposed addition includes the installation of any screening

along the extents of the covered deck. Hearing any comments from abutting properties will assist in contemplating potential impacts.

iii) Is the variance desirable for the appropriate development or use of the land?

Covered rear decks are common on the north side of Riverside Drive as residents attempt to maximize their enjoyment of the views of Lake St. Clair. The impact of the proposed addition will be more significant given the location of the subject home relative to the property to the east and the fact that the proposed addition will be screened.

Based on the foregoing and on the comments in item ii) above, it is my opinion that the proposed addition will not result in the appropriate use of the land if it includes enclosing the deck with screening.

iv) Is the variance requested minor?

Given the inability of the proposed variance to meet the preceding tests as a result of the inclusion of screening around the proposed flat-roof covered deck, and the apparent adverse impact on the neighbouring dwelling to the east, it is my opinion that the proposed variance is not minor in nature.

Administration/Agency Comments

1. Engineering
 - No concerns
2. Essex Region Conservation Authority (refer to formal correspondence in Agenda package)
 - No concerns relating to stormwater management.
 - No objection to the application with respect to natural heritage policies.
 - The subject property is subject to ERCA's Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

- ERCA has not had the opportunity to conduct pre-consultation with the owners on this specific application. The applicant has not discussed the proposed works with ERCA and therefore ERCA is unable to advise of specific concerns with the potential application. In addition, the application details do not provide ERCA with sufficient information upon which to make a determination whether this layout can be supported through its current policies for permit reviews.
- ERCA recommends that the Committee consider deferring the application until such time as ERCA can have an opportunity to undertake pre-consultation with the owners about the specific application. At this time ERCA is unable to confirm whether the proposed design as presented in the minor variance application can be supported by the ERCA permitting review process. If changes are required to be made by the ERCA permit review process, a further minor variance may be required; ERCA cannot assess this at this time.

Public Comments

The resident to the immediate west of the subject property attended at Town Hall and expressed concerns with respect to impacts of this proposal and advised that a letter would be submitted as attendance at the Committee of Adjustment hearing was not possible due to a conflict. The concern centered around the fact that the prior second story addition to the subject building already impacted views from her second story and that the addition will only cause further adverse impacts.

We have considered this issue and given the location of the proposed flat-roofed deck, it is not apparent that there will be significant adverse impacts as the existing subject house already block the views. We will further consider this opinion upon considering the contents of her anticipated letter and additional details and clarity that it may provide.

Comments from other residents will also assist in fully evaluating this proposal and considering potential adverse impacts.

Summary/Recommendation

In the absence of additional public input or the introduction of other pertinent issues, it is the opinion of the writer that the application does not satisfy the four tests of the *Planning Act* in that the intent of the Zoning By-law has not been met, the variance will not result in appropriate development, the variance will create undue adverse impact on adjacent properties and the variance is not minor in nature. Having said that, if the screening were not included, we believe that the application would satisfy the four based on our current understanding.

The public hearing, in accordance with the requirements of the *Planning Act*, will provide an opportunity to hear additional concerns and comments, if any, of neighbouring owners and other interested stakeholders/agencies. Given the nature of this variance request and the purpose of the provision from which relief is being requested, it is particularly important that the concerns and comments of these stakeholders be taken into consideration as part of the full evaluation of the application.

Recommended Conditions

If the Committee decides to grant the proposed relief, it should be granted subject to the removal of the proposed screens along the extents of the covered deck and that further modifications to the proposed flat-roofed covered deck that would result in the visual screening of the lake views (i.e. blinds, roller-shades, lattice, landscaping) be prohibited, in order to ensure that sight-lines are maintained as proposed by the application.

It is noted that ERCA has requested a deferral of this application and it is our opinion that given the regulatory environment of this property and the ultimate need for an ERCA permit, a deferral is warranted.