



LONG POINT REGION CONSERVATION AUTHORITY
Hearing Board Meeting Minutes of April 2, 2025
Approved May 7, 2025

Members in attendance:

Dave Beres, Chair	Town of Tillsonburg
Doug Brunton, Vice-Chair	Norfolk County
Shelley Ann Bentley	Haldimand County
Robert Chambers	County of Brant
Michael Columbus	Norfolk County
Tom Masschaele	Norfolk County
Jim Palmer	Township of Norwich
Chris Van Paassen	Norfolk County
Peter Ypma	Township of South-West Oxford
Rainey Weisler	Municipality of Bayham/Township of Malahide

Regrets: None

Staff in attendance:

Judy Maxwell, General Manager
Aaron LeDuc, Manager of Corporate Services
Leigh-Anne Mauthe, Manager of Watershed Services
Saifur Rahman, Manager of Engineering and Infrastructure
Jessica King, Social Media and Marketing Associate
Paul Gagnon, Lands and Waters Supervisor
Nicole Sullivan, HR Coordinator/Executive Assistant

1. Roll Call and Call to Order

The Vice-chair called the Hearing to order at 6:30 p.m., Wednesday, April 2, 2025.

The Chair vacated his seat for the Hearing Board. The Vice-Chair, Doug Bruton, chaired the Hearings.

A-37/25

Moved by T. Masschaele
Seconded by J. Palmer

THAT the Vice Chair, Doug Brunton, is appointed Acting Chair for the Hearing Board.

Carried

The roll was called to conduct the following Hearing under Section 28 of the *Conservation Authorities Act*.

A-38/25

Moved by M. Columbus
Seconded by S. Bentley

THAT the LPRCA Board of Directors does now sit as a Hearing Board.

Carried

FULL AUTHORITY COMMITTEE MEMBERS

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,
Tom Masschaele, Jim Palmer, Rainey Weisler, Chris Van Paassen, Peter Ypma

2. Declaration of Conflicts of Interest

None Declared.

3. Hearing: LPRCA-191/24 – Michaud and Da Silva and LPRCA 51/25 Scott McKinney.

4. Chair's Opening Remarks for Hearing LPRCA- 191/24

The Chair's opening remarks for LPRCA-191/24 Michaud and Da Silva were read and the guidelines and process to be followed for the hearing were reviewed.

5. Presentation by Long Point Region Conservation Authority Staff

Leigh-Anne Mauthe introduced the Agent, Kim Dziegiel, and applicants Julie Michaud and Rosa Da Silva, and then proceeded to present the staff report and presentation.

Staff recommended refusal to grant a permit for this application for the following reasons:

1. The construction of the proposed structure within and adjacent to the slope is contrary to Long Point Region Conservation Authority policies for development in the Riverine Erosion hazard. These policies have been implemented to reduce or eliminate preventable risk to life and property damage from erosion and unstable slopes, and
2. The control of erosion is affected by the development in that it increases the potential for damage from slope instability and erosion.

6. Presentation by the Applicant

Kim Dziegiel, Agent, addressed the Board on behalf of the Applicant requesting approval of the application.

Kim Dziegiel, addressed the Board on behalf of the Applicant requesting approval of the application. A presentation was submitted by the applicant in advance of the hearing and included in the agenda package.

Kim Dziegiel reviewed the submitted documents. Ms. Dziegiel highlighted the engineered designs and the engineer stamp of approval on those designs and the letter of support for the designs. Ms. Dziegiel mentioned that a geo-technical engineer will also be brought in. Ms. Dziegiel noted that there is no other spot on the property for the garage to go.

7. Questions

There were no questions from Staff or the applicant.

Staff and the proponent responded to questions from the Board.

Mike Columbus asked Kim Dziegiel who the geo-technical engineer is. Kim Dziegiel responded that they had not hired the geo-technical engineer yet, but will be getting one.

Chris Van Paassen asked if there was anyway to move the garage closer to the road or to move it a few feet at all as the slope there is a problem. Kim Dziegiel informed the board that the reasoning for the placement of the garage has to do with the placement of the existing house. The garage

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placed where the drawings have it allows for it to be attached to the house.

Robert Chambers asked Kim Dziegiel to her knowledge was there any slope failures on that slope over the last 10 to 20 years. Kim Dziegiel responded to her knowledge in the negative.

The members entered the closed session of the Hearing Board at 6:52 p.m.

A-39/25

Moved by M. Columbus
Seconded by S. Bentley

THAT the LPRCA Hearing Board does now enter into a closed session to discuss:

- Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority.

Carried

8. Reconvene in Public Forum

The LPRCA Hearing Board reconvened in open session at 7:11 p.m.

9. Hearing Board Decision for LPRCA-191/24

The Chair advised Julie Michaud and Rosa Da Silva that the permit has been refused. The Notice of Decision will be forwarded by staff.

10. Chair's Opening Remarks for Hearing LPRCA-51/25

The Chair's opening remarks for LPRCA-51/25 Scott McKinney were read and the guidelines and process to be followed for the hearing were reviewed.

11. Presentation by Long Point Region Conservation Authority Staff

Leigh-Anne Mauthe introduced the Agent, David McPherson and applicants Scott and Sue McKinney, and proceeded to present the staff report and presentation.

Staff recommended refusal to grant a permit for this application for the following reasons:

1. The construction of the proposed structure adjacent to the unstable slope is contrary to Long Point Region Conservation Authority policies for development in the Lake Erie Shoreline Erosion hazard. These policies have been implemented to reduce or eliminate preventable risk to life and property damage from erosion and unstable slopes, and
2. The control of erosion is affected by the development in that it increases the potential for damage from slope instability and erosion.

12. Presentation by the Applicant

David McPherson addressed the Board on behalf of the Applicant requesting approval of the application.

David McPherson presented to the board the work the applicants are proposing. The land was purchased by the McKinney's in 2010. In 2021, the McKinney's hired G. Douglas Vallee to construct a carport which was approved by LPRCA and Norfolk County with no objections to

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the concept of the building. The final inspection was approved in 2022. The house on the property was extensively renovated in 2023, finalized in 2024 with the approval of Norfolk County and LPRCA. In January of 2025, the McKinney's put in an application to enclose the carport, and was refused as the application becomes a major development and can become habitable space.

David McPherson notes that the existing footprint of the carport will not change, and the additional breezeway of 12² feet is not equal to habitable space. David McPherson argues that the changing of the carport to a garage and the addition of the breezeway will have no effect on rainwater discharge, will not affect the slope stability, will not cause new erosion or negatively affect the control of erosion, will not add any additional structural load on the bank, and is above the storm surge level and current lake level.

David McPherson informs the Board that all along the shoreline in front of the property is steel and concrete blocks which should allow for a lesser allowance to the setbacks.

David McPherson discussed how this proposed development is in accord with and not contrary to the Provincial Policy Statement, the *Conservation Authorities Act* Section 28 Regulation, and the Norfolk County official plan.

13. Questions

There were no questions from Staff or the applicant.

Staff and the proponent responded to questions from the Board.

Chris Van Paassen asked if the shoreline protection installed at the beach was all the way across to other neighbours and not just in front of the McKinney's. David McPherson responded in the positive, and Scott McKinney informed the board that there is concrete block next to the steel on one side and steel all along the other side.

Doug Brunton asked about the geodetic elevation level and the garage floor elevation. David McPherson informed the board that the geodetic elevation was 175.5 and that the garage floor was 191.09, making it a difference of 16.99.

The members entered the closed session of the Hearing Board at 7:45 p.m. Peter Ypma recused himself from the closed session as he was not present for the entirety of the applicant's presentation.

A-40/25

Moved by J. Palmer

Seconded by T. Masscahele

THAT the LPRCA Hearing Board does now enter into a closed session to discuss:

- Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority.

Carried

14. Reconvene in Public Forum

The LPRCA Hearing Board reconvened in open session at 7:55 p.m.

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15. Hearing Board Decision for LPRCA 187/24

The Chair advised Sue and Scott McKinney that the permit has been approved. The Notice of Decision will be forwarded by staff.

16. Adjournment

A-41/25

Moved by J. Palmer

Seconded by R. Weisler

That the LPRCA Board of Directors does now adjourn from sitting as a Hearing Board.

Carried

The Chair adjourned the Hearing at 7:58 p.m.

Doug Brunton
Acting Chair

Judy Maxwell
General Manager/Secretary-Treasurer

/ns

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Tom Masschaele, Jim Palmer, Rainey Weisler, Chris Van Paassen, Peter Ypma