

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Paige Docherty, Planning Student

Date: June 7, 2023

Subject: Minor Variance Application A-22-2023 – 931 County Road 31

Recommendation

Approve minor variance application A/22/2023 at 931 County Road 31, to permit an accessory structure with a gross floor area of 72.4 m² located 3m from the southern lot line and 4 m from the western lot line.

Proposal

The applicant is proposing to construct a new accessory building located in the rear yard of the property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit a gross floor area of 72.4 m², whereas the Bylaw states that an accessory building shall not exceed a gross floor area of 55 m² in the RW1 zone.

The applicant has indicated in their application that the proposed accessory building will be used for storage of a boat, car, snowmobile, lawn equipment, bicycles, camping gear, etc.

Summary

Location

The subject property is known municipally as 931 County Road 31. It is located on the west side of County Road 31, north of County Road 42 and south of County Road 2. It has a lot area of approximately 1052.18 m² (0.26 acres) and approximately 22.86 metres of frontage. There is an existing single detached dwelling and shed located on the property.

Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots to the north, south and east. West of the property is agricultural land.

Official Plan

The subject property is designated 'Waterfront Residential' in the Lakeshore Official Plan.

Zoning

The subject property is zoned "Residential Waterfront – Watercourse (RW1)" in the Lakeshore Zoning By-law 2-2012.

Conclusion

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Official Plan

The minor variance will maintain the general intent and purpose of the Official Plan. The Waterfront Residential Designation consists of predominately low-density residential dwellings abutting Lake St Clair or watercourses and are generally comprised of residential lots that are relatively larger than those in Lakeshore's Urban Areas. These larger lots are therefore usually more conducive to supporting accessory buildings that exceed the maximum gross floor area regulation.

The site plan drawing submitted with the minor variance application depicts the proposed building in the southwest area of the rear yard – 4 metres from the rear lot line and 3 metres from the south side lot line. Since it is located behind the main building, it will not impact the appearance or streetscape. Land use compatibility issues with neighbouring properties are not anticipated and the applicant will be providing the required minimum setback from lot lines. Aerial photography suggests that other oversized accessory buildings exist in the immediate area on County Road 31, including one located on the east side of County Road 31, across the street from the subject property, known municipally as 896 County Road 31. The request is in keeping with the existing character of the Settlement Area in accordance with Section 4.2.1 Community Design.

Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. Proposing a building that is truly subordinate to the main building on the property maintains the

intent of the “accessory” definition in the Zoning By-law, as the building footprint of the main building/dwelling on the property is approximately 120 m², which greatly exceeds the 72.4 m² gross floor area of the proposed accessory building. Furthermore, the general purpose of the regulation limiting the gross floor area of an accessory building to 55 m² is to ensure that these structures do not dominate the landscape in a typical residential subdivision.

Minor

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. It has been determined that the request is minor in nature as there will be no adverse effects on the subject property or any neighboring properties. The request for an increase in gross floor area of 17.4 m² is also considered quantitatively minor.

Desirability

The minor variance will be desirable for the appropriate development and use of the land, building or structure. The proposed massing of the accessory building is compatible with surroundings and meets existing standards within the area. Additionally, the size of the accessory structure appears both appropriate and desirable for the proposed usage.

The requested variance passes the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would not be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies, comments received are summarized below.

The Operations Department has expressed that the construction of the accessory building should not impact the rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix D.

The County of Essex states that they have no objection to the application. The applicant will be required to comply with County Road regulations and permits. Full comments can be found in Appendix E.

Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Photo
Appendix D – Operations Department

Prepared by:



Paige Docherty,
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Report Approval Details

Document Title:	A-22-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Engineering Department.pdf- Appendix E - County of Essex Comment.pdf
Final Approval Date:	Jun 8, 2023

This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - Jun 8, 2023 - 4:13 PM