

# Municipality of Lakeshore Committee of Adjustment Report



## Growth & Sustainability

## Community Planning

**To:** Chair & Members of Committee of Adjustment  
**From:** Ian Search, BES, Planner I  
**Date:** July 12, 2023  
**Subject:** Minor Variance Application A/26/2023 – 957 Lakeshore Park Road

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### Recommendation

Approve minor variance application A/26/2023 to permit a dwelling to have a front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable, subject to the following condition:

1) A compliant private septic design is provided to the Municipality of Lakeshore's Building Division prior to building permit issuance.

### Proposal

The subject property is currently vacant. The applicant will be constructing a dwelling on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a minimum front yard setback of 13.05 metres, whereas the by-law requires a minimum front yard setback of 15 metres where municipal sanitary servicing is unavailable

### Summary

#### Location

The subject property is located on the north side of Lakeshore Park, east of Golfview Drive, known municipally as 957 Lakeshore Park. The subject property is approximately 684 m<sup>2</sup> in area with approximately 15.24 metres of frontage along Lakeshore Park.

#### Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots) to the east and west. Approximately 82 metres south of the subject property is the VIA Rail right-of-way.

### Official Plan

The subject property is designated “Hamlet” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

### Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### Official Plan

The minor variance maintains the general intent and purpose of the Official Plan. The Hamlet Designation permits low density residential dwellings. In general, lakefront properties east and west of the subject property contain low density dwellings with deficient front yard setbacks under the Zoning By-law. Indeed, many of these properties have greater front yard deficiencies than the proposed development. There is also considerable front yard setback variation among lakefront properties on Lakeshore Park. The request for a deficient 13.05 metre front yard setback is in keeping with the physical design characteristics of the Settlement Area and maintains the general intent and purpose of Section 4.2.1 Community Design.

The subject property is designated “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area. ERCA has issued a permit for the development and does not have any objection to the proposed minor variance.

### Zoning By-law

The general intent and purpose of the front yard setback regulation is the following:

- 1) *To provide enough space for the accommodation of a private septic system*  
- It is recommended the Committee impose a condition on minor variance approval requiring the applicant to submit a compliant design for a private septic system in support of their development
- 2) *Separation from activities associated with a public street, and to maintain space for maintenance of a public street*

- The Operations Department did not raise any issues with the minor variance. Not a lot of activity is generated on this street which provides access to low density dwellings in a Hamlet settlement.

3) *Sufficient area for landscaping*

- Sufficient area for landscaping will remain in the front yard as the minor variance only reduces the front yard 1.95 metres. There will be more front yard space available for landscaping on this lot relative to other lakefront properties east and west of the subject property which support dwellings located closer to the road.

Minor

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. Deficient front yard setbacks for dwellings are characteristic of the area, and aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood. Permitting a front yard setback reduction of 1.95 metres is also considered quantitatively minor.

Desirability

Many of the lakefront dwellings on Lakeshore Park are located closer to the road than the proposed distance of this dwelling. Thus, the minor variance to reduce the front yard setback will actually improve consistency compared to developing within the required building envelope. It may also be more favourable for preserving views of the lake on neighbouring properties compared to the development of a dwelling on the lot subject to the required front yard setback. The minor variance is considered desirable if a private septic system design can be accommodated on the property for the proposed development.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would 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.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment impose the following condition on any approval: A compliant private septic design is provided to the Municipality of Lakeshore’s Building Division prior to building permit issuance.

## **Correspondence**

### External and Internal Agencies

Building Services has asked for a compliant septic system design. This comment has been addressed as a recommended condition of approval. Full comments can be found in Appendix D.

ERCA has advised that an ERCA permit has been issued for the construction of a dwelling on the subject property. They state that they have no objections to the proposal. Full comments can be found in Appendix E.

The Operations Department was circulated for comment and stated that an entrance permit will be required to be obtained as part of any building permit application. Full comments can be found in Appendix F.

### Public Notice Circulation

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

### **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawing  
Appendix C – Photo  
Appendix D – Building Services Comments  
Appendix E – ERCA Comments  
Appendix F – Operations Department Comments

### **Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-26-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Building Services Comments.pdf</li><li>- Appendix E - ERCA Comments.pdf</li><li>- Appendix F - Operations Department.pdf</li></ul>
Final Approval Date:	Jul 14, 2023

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

**Kristina Brcic - Jul 14, 2023 - 11:33 AM**