

# 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:** August 9, 2023

**Subject:** Deferred Minor Variance Application A/27/2023 Revisited – 1406 Caille Ave

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### Recommendation

Approve Minor Variance Application A/27/2023 to permit the following reliefs from Lakeshore Zoning By-law 2-2012 for the construction of an accessory building on the subject property:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 90.91 m<sup>2</sup>, whereas the By-law permits a maximum gross floor area of 55 m<sup>2</sup>.
- Section 6.52 a) to permit an accessory building to be setback a minimum of 4 metres from the centreline of a private road, whereas the By-law requires a minimum setback of 13 metres if the garage doors are facing away from the private road.

Impose the following conditions on approval of A/27/2023:

- 1) The building footprint of the accessory building will be restricted to the size depicted on the attached Site Plan drawing (Appendix B) to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 2) The accessory building will not include dormers;
- 3) The accessory building will not include washroom facilities, if deemed required by the Operations Department;
- 4) Garage doors for vehicles will not face the street.

### Background

The subject property currently contains a one-storey single residential dwelling approximately 133.59 sq. m (1,438 sq. ft.) in area. The applicant appeared before the Committee of Adjustment on July 19 requesting three reliefs from Lakeshore Zoning By-

law 2-2012 for a new accessory building:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 117.5 m<sup>2</sup>, whereas the By-law permits a maximum gross floor area of 55 m<sup>2</sup>.
- Section 6.5 a) xi) to permit an accessory building to have a maximum height of 5.7 metres, whereas the By-law permits a maximum height of 5 metres.
- Section 6.52 a) to permit an accessory building to be setback a minimum of 4 metres from the centreline of a private road, whereas the By-law requires a minimum setback of 13 metres if the garage doors are facing away from the private road.

With the addition of the proposed accessory structure, a 26% total lot coverage will result while the maximum permitted lot coverage in the 'Residential Waterfront – Lake St Clair (RW2)' zone is 35%.

The applicant stated in their application that the proposed second storey of the building will be used for storage and hobby space (restoring and painting furniture, woodworking tools). The main floor garage space will be used to park vehicles and store a small boat.

The Committee of Adjustment deferred the application at their July 19<sup>th</sup> Committee of Adjustment meeting to give the applicant an opportunity to reduce the size of their proposed accessory building in consultation with Community Planning. Following deferral, the applicant contacted Community Planning for advice and submitted revised plans to the department (Appendix B). No new reliefs were identified based on the revised plans and further public circulation was not required. The revised proposal requires the following reliefs for a new accessory building on the property:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 90.91 m<sup>2</sup>, whereas the By-law permits a maximum gross floor area of 55 m<sup>2</sup>.
- Section 6.52 a) to permit an accessory building to be setback a minimum of 4 metres from the centreline of a private road, whereas the By-law requires a minimum setback of 13 metres if the garage doors are facing away from the private road.

## **Summary**

### Location

The subject property is located on the north side of Caille Ave, west of Rourke Line Road, known municipally as 1406 Caille Ave. The subject property is approximately 785 m<sup>2</sup> in area with approximately 19.8 metres of frontage along Caille Ave.

### Surrounding Land Uses

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

### Official Plan

The subject property is designated “Residential” 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.

### **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

Regarding the setback from the private road, Section 7.2.2.1 d) of the Lakeshore Official Plan states that development will only be permitted on a private road which is developed and maintained to a standard acceptable to the Municipality. The subject property is located on a portion of Caille Ave that is privately owned and identified as an Urban Residential Local Road in the Official Plan. The Operations department did not raise any issues with the condition of the road or the minor variance request to reduce the setback of the proposed structure from the centreline of the road. This specific relief maintains the physical design characteristics of the Settlement Area under the Community Design policies of Section 4.2.1 – many buildings/structures in the area have been constructed in close proximity to the centreline of Caille Ave.

Regarding the accessory building’s gross floor area and height, Section 6.6 of the Lakeshore Official Plan states that the Residential Designation is expected to continue to accommodate attractive neighbourhoods. The Community Design policies of Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development and stress a generally high quality of community design and built form. Under this section, the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.

The portion of Caille Ave analyzed with respect to these policies is an area spanning from 1400 Caille Ave (where Caille Ave ends west of the subject property) to 1504 Caille – a property supporting an oversized accessory building that is located four properties east of the Rourke Line Road and Caille Ave intersection – approximately 0.7 kilometers east of the subject property. Residential properties south of the VIA Rail right-of-way were not included in the analysis.

It is the opinion of the Planner that most of the accessory buildings along Caille Ave are small sheds and/or single storey structures. Only four accessory buildings supporting a second storey beyond attic space were observed in the area at 1476, 1480, 1500 and 1504 Caille Ave. As mentioned in the original staff report to the Committee of Adjustment, these structures are exceptions that were constructed before the current Official Plan policies and Lakeshore Zoning By-law regulations came into effect. Therefore, they do not represent the character of the area. The general intent of the Planning documents in effect today is to mitigate further development of those types of structures in certain urban areas.

The revised proposal will meet the general intent and purpose of the Official Plan. A gable roof is proposed, and the applicant has eliminated the dormers from their original design. The revision has reduced the height of the building to 4.7 metres – measured from grade to halfway between the eaves and ridge – so a variance is no longer required with respect to this aspect of the proposal.

The new design still includes approximately 37.62 m<sup>2</sup> of attic/second floor space. Therefore, a gross floor area of 90.91 m<sup>2</sup> is requested – 26.59 m<sup>2</sup> less than the original proposal. This request meets the general intent and purpose of the Official Plan. The general intent of the policies is to mitigate the development of oversized accessory buildings that are not in keeping with the physical design characteristics of the area. The revised structure, with a gable roof design that meets the maximum height permitted in the Zoning By-law, is in keeping with the area's physical design characteristics, even if it has been designed in such a way to provide additional attic space.

### Zoning By-law

The intention behind the regulation requiring an increased setback from the centreline of private roads is to ensure that buildings/structures are setback far enough for potential road widening if Lakeshore takes control of the road in the future. 2022 aerial photography suggests that there are already many buildings/structures located close to the centreline of Caille Ave and the Operations Department did not raise any issue with this aspect of the minor variance.

The intention of the regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> is to ensure these structures do not dominate the landscape in a typical subdivision. It is acknowledged that the building footprint of the structure is proposed to be 53.29 m<sup>2</sup>, and that the additional floor area requested is for attic space in the revised design. Ultimately, the structure will appear as a single storey building and its overall design is in keeping with the area. To ensure the desired building form is implemented,

it is recommended that the Committee impose conditions on approval requiring the building to have a maximum building footprint as depicted on the site plan drawing and to prohibit dormers.

### Minor

Regarding the setback from the private road, it is the opinion of the Planner that this aspect of the minor variance is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting this specific relief. The garage doors will face the existing driveway east of the building and the driveway will be extended. It is an orientation that will provide better ingress/egress functionality than direct access onto Caille Ave if the building is located only 4 metres from the centreline of the road. The Committee should impose a condition requiring this orientation if they choose to approve the minor variance.

Regarding the accessory building's gross floor area, the proposal is now considered minor in nature for the reasons already mentioned in the report. It is the opinion of the Planner that the new design is in keeping with the area's general built form, and that conditions can be imposed on minor variance approval to ensure these results.

### Desirability

Regarding the setback from the private road, it is the opinion of the Planner that this request is desirable for the appropriate development of the building and land. The applicant desires to construct a garage on the lot and has identified the only practical space to accommodate this use. Granting the relief will enable a garage to be constructed on the lot. This aspect of the variance will meet existing standards in the area and will be appropriate development if the proposed building orientation is implemented.

Regarding the accessory building's gross floor area, this relief is now considered desirable for the appropriate development of the building and land. The applicant desires to use the main floor garage space to park vehicles and a small boat, while the attic space is intended to provide additional storage. The purpose behind the relief is acknowledged, and the applicant has achieved an appropriate design that balances a building which meet existing standards in the area with a request for additional floor space.

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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment impose the following conditions on approval:

- 1) The building footprint of the accessory building will be restricted to the size depicted on the attached Site Plan drawing to the satisfaction of the Building Division at the Municipality of Lakeshore;
- 2) The accessory building will not include dormers;
- 3) The accessory building will not include washroom facilities, if deemed required by the Operations Department;
- 4) Garage doors for vehicles will not face the street.

## **Correspondence**

### External and Internal Agencies

The application was circulated to various external and internal agencies prior to the July 19<sup>th</sup> Committee of Adjustment meeting. Further circulation was not required as no new variances were requested. The comments received are summarized below.

The Operations Department provided their standard comment for these types of development applications, stating that the construction of the accessory building should not adversely impact the rear yard drainage or adjacent neighbouring lands. They also advise that any proposal for washroom facilities is not supportable. If the Committee decides to approve the minor variance, it is recommended that they impose a condition prohibiting washroom facilities to the satisfaction of the Operations Department. Full comments can be found in Appendix D.

ERCA was circulated notice of the application and they stated that their office has previously issued a permit for a detached, non-habitable accessory structure. They advise the applicant to apply to ERCA for a Permit Renewal for the proposed development. Full comments can be found in Appendix E.

Building Services is requiring a full set of construction drawings. They state that living space is not permitted in the accessory building. 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 for the July 19<sup>th</sup> Committee of Adjustment meeting. At the time of writing, no public comments were received.

**Attachment(s):**

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

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-27-2023 Report - Deferred Item Revisited.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - New Drawings.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Operations Department Comments.pdf</li><li>- Appendix E - ERCA Comments.pdf</li><li>- Appendix F - Building Services.pdf</li></ul>
Final Approval Date:	Aug 10, 2023

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

**Kristina Brcic - Aug 10, 2023 - 3:38 PM**