

# 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:** November 6, 2023

**Subject:** Minor Variance Application A/35/2023 – 155 Alexander Ave

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### Recommendation

Approve minor variance application A/35/2023 to permit an accessory building to have a maximum gross floor area of 118.92 m<sup>2</sup> subject to the following conditions:

- 1) The accessory building shall be setback a minimum 45 metres from the front lot line, to the satisfaction of the Building division at the Municipality of Lakeshore;
- 2) The accessory building shall be constructed with the same orientation (shorter length facing Alexander Ave) as depicted on the site plan drawing to the satisfaction of the Building division at the Municipality of Lakeshore;
- 3) A grading plan is provided to the Building division at the Municipality of Lakeshore for the development, if required by this division, and to the satisfaction of the Building division.

### Proposal

The Municipality of Lakeshore has received a minor variance application for a property located on the west side of Alexander Ave, north of County Road 22, known municipally as 155 Alexander Ave. The subject property is zoned Residential – Low Density (R1) and designated “Residential” in the Lakeshore Official Plan. It is approximately 1,741.9 m<sup>2</sup> in area with approximately 22.86 metres of frontage along Alexander Ave.

There is currently a dwelling and an accessory building on the property. The applicant is proposing to remove the existing accessory building and construct a new accessory building in approximately the same location that will have a gross floor area of 118.92 m<sup>2</sup> (1280 ft<sup>2</sup>). The new accessory building requires the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 118.92 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup>.

The applicant has indicated that the purpose of the minor variance is to provide increased gross floor area of an accessory building that will support the storage of personal vehicles and off-road vehicles in a building rather than in the open yard.

## **Summary**

### Location

The subject property is located west of Rourke Line Road, east of Renaud Line Road, north of County Road 22, on the west side of Alexander Ave.

### Surrounding Land Uses

North: residential properties, VIA Rail Canada Inc. railroad

South: residential properties, County Road 22

East: residential properties

West: Vacant land zoned residential

### Official Plan

The subject property is designated “Lake St. Clair flood-prone area” and “Residential” in the Lakeshore Official Plan.

### Zoning

The subject property is zoned “Residential – Low Density” (R1) 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 will maintain the general intent and purpose of the Lakeshore Official Plan. The Residential Designation policies under Section 6.6 permit single detached dwellings and accessory uses. The proposal does not conflict with any of the Residential Designation policies.

Community design policies under 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. Furthermore, 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 minor variance request does not threaten the physical design characteristics of the surrounding area. The site plan drawing indicates that the building will be located 48.37 metres from the front lot line – in the rear yard and generally behind the dwelling on the property. It will have less impact on neighbourhood character from the street at this location. Moreover, the lot area of the subject property exceeds the minimum lot area provision by close to three and a half times, with the proposed accessory building only contributing 6.8% lot coverage. This is not a case of overbuilding on a lot and the proposal is unoffensive to neighbourhood character in this respect.

It is recommended that the Committee of Adjustment impose a condition requiring the accessory building to be located at least 45 metres from the front lot line. The site plan drawings indicates a 48.37 metre setback. It is desirable to locate the accessory building towards the rear of the lot. The recommended condition will ensure this but will also afford some flexibility for the applicant in finding a precise location that is suitable as it appears there is a tree located directly behind the existing accessory building to be replaced.

The site plan drawing depicts the shorter length of the accessory building as the length that will face the street. It is recommended that the Committee of Adjustment require the building to be developed with this orientation so that less of the building is visible from the street.

The subject property is located within the Lake St. Clair flood-prone designation of the Official Plan. Essex Region Conservation Authority (ERCA) was circulated for comments. Their office notes that an ERCA permit was already issued for the development in August of this year and that they have no objection to the minor variance.

### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the gross floor area provision is to ensure that an accessory building is compatible with the height and massing characteristics of the area. The regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> was designed for lots in a typical subdivision.

As previously mentioned, the lot area of the subject property is close to three and half times greater than the minimum lot area requirement in the R1 zone. Its size is comparable to other residential lots located north and south of the subject property on the west side of Alexander Ave. Both on the east and west side of Alexander Ave, the residential lots have greater depth than lots typically comprising a subdivision. Therefore, the subject property and the lots in the surrounding area are generally more conducive to supporting larger accessory buildings.

An interactive map suggests that there are other oversized accessory buildings existing in the neighbourhood. These accessory buildings are generally located behind the dwellings on the properties. Indeed, the larger depth of these lots has been taken advantage of to accommodate oversized accessory buildings towards the back of the properties further away from the street. The proposed accessory building on the subject property is a compatible and similar concept.

Lastly, the proposed accessory building will be subordinate to the existing dwelling on the subject property in terms of massing. The site plan drawing indicates that the building footprint of the dwelling on the property is 1388 ft<sup>2</sup> (128.94 m<sup>2</sup>). Therefore, the accessory building is consistent with the “accessory” definition in the Zoning By-law with a proposed gross floor area of 118.92 m<sup>2</sup>.

### Minor

It is the opinion of the Planner that the variance is minor in nature considering neighbourhood context. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. The Committee should impose the following conditions on approval to ensure overall neighbourhood compatibility and compatibility with neighbouring properties:

- The accessory building will be setback a minimum 45 metres from the front lot line to the satisfaction of the Building division at the Municipality of Lakeshore;
- The accessory building be constructed with the same orientation (shorter length facing Alexander Ave) as depicted on the site plan drawing to the satisfaction of the Building division at the Municipality of Lakeshore;

### Desirability

The requested relief is considered desirable for the appropriate development of the building and land. Neighbourhood compatibility and the appearance of the streetscape can be protected through the recommended conditions. There are other oversized accessory buildings in the immediate area.

The applicant has indicated in the application that the proposed building will support the storage of personal vehicles and off-road vehicles in a building rather than in the open yard. It is important for the applicant to know that the building cannot be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) as such use is not permitted in the Zoning By-law under the R1 zone.

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 grant the minor variance and impose the conditions in the recommendation section of this report.

## **Correspondence**

### External and Internal Agencies

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

Building Services has requested a grading plan to ensure water runoff is addressed. Full comments can be found in Appendix D. It is recommended that the Committee impose this requirement as a condition of minor variance approval.

The Operations Department provided their standard comment on these types of applications stating that the accessory building should not adversely impact any rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix E.

ERCA stated they had no objection to the minor variance and that an ERCA permit has already been issued for the development. Full comments can be found in Appendix F.

Fire Services states that the owner will be required to contact that department once occupancy is given to assess what Fire Code requirements may apply depending on the use. As previously stated, the building is not permitted to be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) under the Zoning By-law. Full comments can be found in Appendix G.

VIA Rail Canada Inc. provided their standard comments. It is noted that this an accessory building for the storage of vehicles and that the accessory building will be located over 100 metres from their right-of-way. Full comments can be found in Appendix H.

### 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 property as required under the Planning Act. At the time of writing, no written comments were received.

## **Attachment(s):**

Appendix A – Aerial Photo  
Appendix B – Drawings  
Appendix C – Photos  
Appendix D – Building Comments  
Appendix E – Operations Comments  
Appendix F – ERCA Comments  
Appendix G – Fire Comments  
Appendix H – VIA Rail Comments

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-35-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Photo.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Photos.pdf</li><li>- Appendix D - Building Comments.pdf</li><li>- Appendix E - Operations Comments.pdf</li><li>- Appendix F - ERCA Comments.pdf</li><li>- Appendix G - Fire Comments.pdf</li><li>- Appendix H - VIA Rail Comments.pdf</li></ul>
Final Approval Date:	Nov 9, 2023

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

**Sahar Jamshidi - Nov 9, 2023 - 6:07 PM**