

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



**To:** Chair and Members of Committee of Adjustment  
**From:** Ian Search, Planner I  
**Date:** August 12, 2024  
**Subject:** Minor Variance Application A/20/2024 – 1107 Charlotte Crescent

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### Recommendation

Approve minor variance application A/20/2024, 1107 Charlotte Crescent, for the proposed development of accessory structures and the location of pool equipment in the rear yard of the property requesting the following reliefs:

- Relief from subsection 6.5 a) vii) to permit a pool house/gazebo structure to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.
- Relief from subsection 6.5 a) vii) to permit a shed to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.
- Relief from subsection 6.5 b) iii) to permit pool heater equipment to be a minimum of 0.91 metres (3 feet) from the rear lot line and west side lot line, and to permit pool pump and pool filter equipment to be a minimum of 0.91 metres (3 feet) from the west side lot line, whereas subsection 6.5 b) iii) states that water circulating or treatment equipment such as pumps or filters, or pool heaters, shall not be located closer than 1.5 metres to any side or rear lot line.

It is recommended that the following condition be imposed on approval:

Overland flow and downspout flows be diverted within the property limits/yard drain for the development, and that the grading from the property lines to the structures be maintained in such a way that overland flow stays within the proposed property limit to not impact adjacent properties, to the satisfaction of the Municipality of Lakeshore.

It is recommended that the Committee of Adjustment include the following Notice in the

## Decision:

The reliefs are granted based on the use of the structures being accessory to a residential property. Should commercial or residential use be proposed for any of the accessory structures, the owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be.

## Background

The Municipality of Lakeshore has received a minor variance application for a property located on the south side of Charlotte Crescent, east of IC Roy Drive, north of Oakwood Avenue, known municipally as 1107 Charlotte Crescent in the Municipality of Lakeshore. The subject property is zoned "Residential Type 2 Zone Exception 7" (R2-7) in the Lakeshore Zoning By-law and designated "Residential" in the Lakeshore Official Plan.

The subject property is approximately 0.18 acres (728.4 m<sup>2</sup>) in area with approximately 18 metres (59.06 feet) of frontage along Charlotte Crescent. The Applicant is proposing development of accessory structures and the relocation of pool equipment in the rear yard of the Subject Property.

A pool house/gazebo structure that is planned to be enclosed with a roof and walls but unenclosed on its north side will be developed south of the pool on a concrete pad. The wall of the pool house/gazebo structure is planned to be setback a minimum of 0.91 metres (3 feet) from the rear lot line. The structure is planned to have a roof overhang with eavestrough projection that is currently proposed to be setback 0.66 metres (2 feet 2 inches) from the rear lot line. The concrete pad that will support the pool house/gazebo structure is planned to be setback 0.91 metres (3 feet) from the rear lot line and the east side lot line.

A shed is planned to be developed in the southwest corner of the property on an existing concrete pad. The wall of the shed is planned to be setback a minimum of 0.91 metres (3 feet) from the rear lot line. The structure is planned to have a roof overhang with eavestrough projection that is currently proposed to be setback 0.66 metres (2 feet 2 inches) from the rear lot line. The existing concrete pad is 0.91 metres (3 feet) from the rear lot line and west side lot line.

Pool equipment is planned to be relocated from a position south of the pool to a location in the southwest corner of the property on an existing concrete pad. The pool heater equipment will be a minimum of 0.91 metres (3 feet) from the rear lot line and west side lot line. The pool pump and pool filter equipment will be a minimum of 0.91 metres (3 feet) from the west side lot line. The existing concrete pad that will support the pool equipment is 0.91 metres (3 feet) from the rear lot line and west side lot line.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law 2-2012 for the proposed development:

- Relief from subsection 6.5 a) vii) to permit a pool house/gazebo structure to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.
- Relief from subsection 6.5 a) vii) to permit a shed to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall), whereas subsection 6.5 a) vii) states that accessory structures shall not be built closer than 1.5 m from any lot line except that common semi-detached private garages or carports may be centred on a mutual side lot line.
- Relief from subsection 6.5 b) iii) to permit pool heater equipment to be a minimum of 0.91 metres (3 feet) from the rear lot line and west side lot line, and to permit pool pump and pool filter equipment to be a minimum of 0.91 metres (3 feet) from the west side lot line, whereas subsection 6.5 b) iii) states that water circulating or treatment equipment such as pumps or filters, or pool heaters, shall not be located closer than 1.5 metres to any side or rear lot line.

Surrounding Land Uses	North: Low density residential South: Low density residential East: Low density residential West: Low density residential
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential Type 2 Zone Exception 7” (R2-7)
Relief from Zoning By-law requested	As stated in “Background” section of the report

## Comments

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.

### **County of Essex Official Plan**

The subject property is located within a primary settlement area of the County of Essex Official Plan. Section 3.2.4.1 h) states that all types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans. The Lakeshore Official Plan permits the uses in the minor variance application as accessory uses on a residential lot.

## ***Lakeshore Official Plan***

Section 4.2.1 c) of the Lakeshore Official Plan is a community design policy which states that: “Measures will be taken to ensure that the permitted uses address compatibility with adjacent land uses. Adequate separation buffering or screening will be provided between any uses where land use conflicts might be expected, such as the provision of grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also represent appropriate buffering measures”.

Land use conflicts are not anticipated from permitting the proposed setbacks for the uses stated in the application. The pool equipment is planned to be located in the southwest corner of the subject property. Adjacent properties have accessory structures/uses located in the vicinity and there are fences in place to provide buffering.

Buffering or screening is not required to support the proposed setback of the pool house/gazebo or shed. These structures are only proposed to be approximately 3.04 metres (10 feet) in height and there is an existing fence at the rear of the property. Moreover, the structures themselves do not generate odour, dust, noise, or vibration that could negatively impact neighbouring properties through a reduced setback. Stormwater will need to be properly managed to ensure neighbouring properties are not impacted by runoff.

## ***Zoning By-law***

The purpose of the zone regulation requiring “water circulating or treatment equipment such as pumps or filters, or pool heaters” to be located no closer than 1.5 metres from any side or rear lot line is to ensure adequate space for drainage, maintenance of the equipment, and to buffer these uses from neighbouring properties. The applicant is seeking relief to permit pool heater equipment to be a minimum of 0.91 metres (3 feet) from the rear lot line and west side lot line, and to permit pool pump and pool filter equipment to be a minimum of 0.91 metres (3 feet) from the west side lot line.

Comment: At the time of writing this report, no issues were raised by any departments with respect to these requested reliefs, and no comments were received from any neighbouring property owners. It is anticipated that a 0.91 metre (3 feet) setback will provide enough space for maintenance. As previously mentioned, adjacent properties have accessory structures/uses located in the vicinity with fences in place. The general intent and purpose of the Zoning By-law will be maintained as no land use impacts are anticipated. It is acknowledged that the pool equipment is to be placed on an existing concrete pad. The applicant is still required to ensure that they control drainage runoff from affecting neighbouring properties.

The purpose of the zone regulation requiring that accessory structures not be built closer than 1.5 metres (4.92 feet) from any lot line is to ensure adequate space for drainage and maintenance of the structures. The applicant is seeking relief from subsection 6.5 a) vii) to permit a pool house/gazebo structure to be setback a minimum

of 0.91 metres (3 feet) from the rear lot line (setback to wall), and to permit a shed to be setback a minimum of 0.91 metres (3 feet) from the rear lot line (setback to wall).

Comment: No issues were raised by any departments with respect to the ability to provide maintenance of the structures. It is anticipated that the 0.91 metre (3 feet) setbacks (setback to wall) will provide enough space for future maintenance of the structures.

The Building Division commented that surface water will need to be managed through stormwater management, and that the rear yard drain will be inspected if it is altered.

The Engineering and Infrastructure Division commented that the reduced setback requested from the rear lot line “adversely impacts the drainage between both the properties. Engineering hereby recommends the grading from the rear property line should be maintained in such a way that all the overland flow stays within the proposed property limit and won’t impact rear property owner”.

The Engineering and Infrastructure Division also recommends that “the downspouts for the proposed gazebo roof and shed be brought forward within this property limit as overland flow and downspouts flows should be diverted within the property limits and yard drain so there are no adverse impacts on rear yard property”.

It is recommended that any approval of this minor variance application be conditional on overland flow and downspout flows being diverted within the property limits/yard drain for the development, and that the grading from the property lines to the structures be maintained in such a way that overland flow stays within the proposed property limit to not impact adjacent properties.

### ***Minor in Nature, Desirability and Appropriateness***

The requested reliefs are considered minor in nature. No land use compatibility issues or impacts are anticipated from permitting the desired reliefs as long as grading and drainage flows are properly addressed by the applicant.

The minor variance reliefs are desirable for the appropriate relocation of pool equipment on the subject property, as well as for the appropriate development of structures accessory to residential use. They will facilitate the development of a desired pool house/gazebo structure south of the pool and use of an existing concrete pad in the southwest corner of the property that appears underutilized.

### ***Conclusion***

It is the opinion of the Planner that each of the requested reliefs pass 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 include the following condition in their approval of the minor variance application:

Overland flow and downspout flows be diverted within the property limits/yard drain for the development, and that the grading from the property lines to the structures be maintained in such a way that overland flow stays within the proposed property limit to not impact adjacent properties, to the satisfaction of the Municipality of Lakeshore.

It is recommended that the Committee of Adjustment include the following Notice in the Decision:

The reliefs are granted based on the use of the structures being accessory to a residential property. Should commercial or residential use be proposed for any of the accessory structures, the owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be.

### **Others Consulted**

Comments from the Engineering and Infrastructure Division have been included and addressed under the “Zoning By-law” section of the report (Appendix D).

The Fire Department commented that they have no issues as long as the shed is not used for commercial purposes.

The Building Division commented that surface water will need to be managed through stormwater management, and that the rear yard drain will be inspected if it is altered. These comments were addressed under the “Zoning By-law” section of the report.

### **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 written comments were received.

**Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawings  
Appendix C – Photos  
Appendix D – Engineering and Infrastructure Division

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-20-2024 - 1107 Charlotte Crescent - Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - Engineering and Infrastructure Division.pdf
Final Approval Date:	Aug 15, 2024

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

**Urvi Prajapati - Aug 12, 2024 - 4:10 PM**

**Ryan Donally - Aug 13, 2024 - 10:22 AM**

**Tammie Ryall - Aug 15, 2024 - 12:23 AM**