

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



**To:** Chair and Members of Committee of Adjustment

**From:** Urvi Prajapati – Team Leader

**Date:** September 10, 2024

**Subject:** A-24-2024 – 395 Harvest Drive

---

### Recommendation

Approve Minor Variance application A-24-2024 to permit the development of a sunroom addition to the existing dwelling on the subject property subject to the following condition:

1) That any building requirements for the reduced rear yard setbacks under the Building Code be implemented to the satisfaction of the Building Department, as presented at the September 18<sup>th</sup>, 2024 Committee of Adjustment meeting.

### Background

The applicant is proposing to construct a sunroom in place of an existing deck at the rear of the property. Currently, there is an existing shed, the house, and an existing covered porch, which are all to remain. The proposed sunroom will be approximately 140 ft<sup>2</sup> in size, with a rear yard setback of 4.87m (16 feet) and the eaves and gutters of the sunroom will encroach 3.03m from the required rear yard setback.

The following reliefs from Lakeshore Zoning By-law 2-2012 are required:

- Relief from subsection 9.2.11 b) ix) Residential Type 2 Zone Exception 11 (R2-11) to permit a minimum rear yard setback of 4.87 metres (16 feet), whereas subsection 9.2.11 b) ix) requires a minimum rear yard of 7.6 metres.
- Relief from subsection 6.42 d) to permit the eaves and gutters of the sunroom to encroach 3.04 metres into the required rear yard setback (to be setback 4.56 metres/14.9 feet from the rear lot line).

### Summary

### Location

The subject property is approximately 430.04 m<sup>2</sup> and has approximately 39.91 metres of frontage on Harvest Lane. It is located on the east side of Harvest Lane and north side of Cooper Crescent, west of Millstone Lane, in the Community of Maidstone.

### Surrounding Land Uses

The subject property is surrounded by residential lots and Agriculture to the south.

### Official Plan

The subject property is designated “Residential” in the Lakeshore Official Plan.

### Zoning

The subject property is zoned “Residential Medium Density Zone Exception 11” (R2-11) in the Lakeshore Zoning By-law 2-2012.

### **Planning Act 45(1)**

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 included within a Primary Settlement Area in the County of Essex Official Plan. Section 3.2.4.1 d) states that:

*All new development within Primary Settlement Areas shall only occur on full municipal water services and municipal sewage services, unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.*

The addition of the sunroom will meet the intent of the County of Essex Official Plan within a Primary Settlement Area.

### Lakeshore Official Plan

The proposal conforms to Section 6.6.1b) i) & iv) of the Official Plan. As the proposed sunroom will be compatible to the adjacent land uses and buffering will be provided to ensure that the visual impact of the development on the adjacent land uses is minimized. The sunroom will be in the rear yard and it will not impact the streetscape on the public street; as it is not visible from the front yard. Staff is of the opinion that the variance meets the intent of the Official Plan.

## Zoning By-law

- Relief from subsection 9.2.11 b) ix) Residential Type 2 Zone Exception 11 (R2-11) to permit a minimum rear yard setback of 4.87 metres (16 feet), whereas subsection 9.2.11 b) ix) requires a minimum rear yard of 7.6 metres.
- Relief from subsection 6.42 d) to permit the eaves and gutters of the sunroom to encroach 3.04 metres into the required rear yard setback (to be setback 4.56 metres/14.9 feet from the rear lot line).

The property is zoned Residential – Medium Density Zone Exception 11 (R2-11). Moreover, a minimum rear yard of 7.6 m is required in the R2-11 zone, however, the applicants have proposed to permit for 4.87 m. The purpose of limiting the gross floor area and requiring a minimum rear yard setback is to ensure there is no overdevelopment of the lot and there is room for greenspace and amenity. The applicants have proposed to divert the water from the sunroom into the lawn. The existing water from the deck area is also diverted into the lawn, therefore, there will be minimal to no changes to the existing flows.

## Minor in Nature

Both reliefs are considered minor in nature. No major issues were expressed by any internal departments or external agencies with respect to the requests.

This test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. There are other sunrooms in the neighbourhood that are of a similar size. This proposal will replace the existing deck and the reliefs requested will have minimal impact to the adjacent land uses hence it is minor in nature.

## Desirability and Appropriateness

The second test regards the appropriateness and desirability of the use. The sunroom does not compromise the appearance of the streetscape as it would be in the rear yard and away from the public view. Also, as mentioned before many properties in the neighbourhood have similar structures and hence passes this test.

## **Conclusion**

It is the opinion of the Planner that the requested minor variances 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.
- 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 approval:

- 1) That any building requirements for the reduced rear yard setbacks under the Building Code be implemented to the satisfaction of the Building Department.

## **Correspondence**

### External and Internal Agencies

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

The Building Department stated that the sunroom must comply with all OBC requirements which will include but not limited to ratings of exterior walls and overhang.

ERCA states that this property is not within their limit of regulated area.

The Fire Department stated that they have no further comments at this time.

The Drainage Division has no concerns with this application.

Engineering: Please see Appendix D.

### 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.

## **Attachments**

List any attachments.

- Appendix A – Aerial Map
- Appendix B – Concept Plan
- Appendix C – Elevations
- Appendix D – Engineering Comments
- Appendix E – Photo

## Report Approval Details

Document Title:	A-24-2024 Report .docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Concept Plan.pdf - Appendix C - Elevations.pdf - Appendix D - Engineering Comments.pdf - Appendix E - Photo.jpg
Final Approval Date:	Sep 11, 2024

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

**Tammie Ryall - Sep 11, 2024 - 9:41 AM**

**Brianna Coughlin - Sep 11, 2024 - 1:57 PM**

**No Signature found**

**Ryan Donally - Sep 11, 2024 - 3:57 PM**