

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



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

**From:** Jacob Dickie – Planner 2

**Date:** September 11, 2024

**Subject:** Minor Variance Application A/26/2024 – 2358 St. Clair Road

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### Recommendation

Approve Minor Variance Application A-26-2024 to permit relief under Subsection 9.6.2 of the Zoning By-law 2-2012 to permit the addition of a new accessory building and to permit a reduced setback of 1.2 m from the west interior lot line for the proposed accessory building, whereas a setback of 1.5 m is required, and that the approval is limited to an accessory building approximately 160 ft<sup>2</sup> (14.9 m<sup>2</sup>) in size to the satisfaction of the Municipality of Lakeshore.

### Proposal

The applicant is proposing an accessory building on the subject property and is seeking the following reliefs from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 9.6.2 Residential Waterfront - Lake St. Clair Zone Exception 2 (RW2-2) to permit the placement of an accessory building on the subject property, whereas subsection 9.6.2 states: "For the existing mobile trailer campground, club house and accessory uses, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law."
- Relief from subsection 6.5 a) vii) to permit the accessory building to be located a minimum of 1.2 metres (4 feet) from the west side lot line, whereas subsection 6.5 a) vii) states that an accessory building shall not be built closer than 1.5 m (4.92 feet) from any lot line.

### Summary

Location:

The subject property is approximately 5,625.13 m<sup>2</sup> and has approximately 110.0 metres of frontage on St. Clair Road. It is located on the north side of St. Clair Rd. and south of

Lake St. Clair, in the Community of Tilbury North.

Accessory Building Details:

The Accessory Building is a pre-made shed that measures approximately 160 sq.ft or 14.8 sq.m. The shed will be used to store mechanical equipment that is associated with the maintenance of the campground such as a lawnmower.

Surrounding Land Uses:

The subject property is surrounded by Lake St. Clair to the north, residential lots to the west and east, and trailers/agriculture to the south.

County Official Plan:

The subject property is designated as "Secondary Settlement Area" in the County of Essex Official Plan

Lakeshore Official Plan:

The subject property is designated as "Waterfront Residential" in the Lakeshore Official Plan.

Zoning:

The subject property is zoned as "Residential Waterfront - Lake St. Clair Zone Exception 2" (RW2-2) in the Lakeshore Zoning By-law 2-2012. The requested variances from the in-effect zoning of the subject lands are as follows:

Relief from subsection 9. 6.2 Residential Waterfront - Lake St. Clair Zone Exception 2 (RW2-2) to permit the placement of an accessory building on the subject property, whereas subsection 9. 6.2 states: "For the existing mobile trailer campground, club house and accessory uses, only existing buildings shall be permitted, an expansion of an existing building or construction of a new building will require relief from this by-law."

Relief from subsection 6.5 a) vii) to permit the accessory building to be located a minimum of 1.2 metres (4 feet) from the west side lot line, whereas subsection 6.5 a) vii) states that an accessory building shall not be built closer than 1.5 m (4.92 feet) from any lot line.

The applicant has submitted a site plan sketch/concept plan for this minor development that has been reviewed by departments and agencies. There is no Site Plan Agreement

for the campground use that is registered on title. This minor development currently under review does not warrant a site plan agreement.

#### **Four Tests of a Minor Variance**

Subsection 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. The four tests are as follows:

Test 1 - Is the Variance Minor in Nature?

Test 2 - Is the Variance Desirable for the Appropriate Development or Use of Land, Building or Structure?

Test 3 - Does the Variance Meet the General Intent and Purpose of the Official Plan?

Test 4 - Does the Variance Meet the General Intent and Purpose of the Zoning By-law?  
Is the Variance Minor in Nature?

#### **Is the Variance Desirable for the Appropriate Development or Use of Land, Building or Structure?**

Due to its small size and its proposed location in the side yard near the rear of the property, the shed will not significantly change the streetscape appearance of the property. Further, the proposed shed and reduced setback will not create any challenges that negatively impact the overall functionality of the mobile campground. Instead, it will provide the owner with an appropriate location to store maintenance equipment that will benefit the campground. Overall, the shed will have negligible impacts on vehicular and pedestrian access, stormwater management landscaping and future development proposals that impact the subject lands. As such, the proposed variances pass this test.

#### **Does the Variance Meet the General Intent and Purpose of the Official Plan?**

County of Essex Official Plan:

The subject property falls within the "Secondary Settlement Area" Designation of the County of Essex Official Plan. In accordance with Section 3.2.5 g) ji) f, of the County Official Plan, new development in Secondary Settlement Areas will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification. The proposed accessory building consists of a limited form of infill on an existing lot of record without causing any environmental harms, disruptions or negative

impacts on abutting properties. As such, the proposed variances meets the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan:

Section 6. 4. 1 e) of the Lakeshore Official Plan states the following "Uses accessory to the any of the permitted uses in the Waterfront Residential Designation will be permitted".

The subject property falls within the "Waterfront Residential" Designation of the Lakeshore Official Plan. The proposed accessory building is permitted in the Waterfront Residential Designation. The proposed variances meets the general intent and purpose of the Lakeshore Official Plan. Further, in accordance with Section 2. 3.5 of the Official Plan, the reduced setback is a reasonable and compatible form of infill in an existing built-up area. As such, the proposed variances meets the general intent and purpose of the Lakeshore Official Plan.

### **Does the Variance Meet the General Intent and Purpose of the Zoning By-Law?**

The applicant is seeking relief from the site-specific zoning to permit the construction of a new accessory building. The proposed accessory building will have little to no negative impacts on the adjacent land uses and is considered minor in nature. The purpose of requiring a minimum yard setback is to ensure that there is no overdevelopment, and that the overall functionality of the property is maintained. The proposed accessory building is a small 10' by 16' foot structure that will have negligible impacts on landscaping, vehicular access and stormwater management. The tree line that is by the fence will also hide the accessory structure to reduce its visual impact on the abutting property. This proposal is compatible with the surrounding area, as many of the adjacent lots have similar structures on their property. As such, the proposed variances meet the general intent and purpose of the Zoning By-Law.

### **Conclusion**

It is the opinion of the Planner that the requested variances pass the four tests prescribed under Subsection 45 (1) of the *Planning Act*:

- i. The variances are "minor" in nature.
- ii. The variances are desirable for the appropriate development or use of the land, building or structure.
- iii. The variances maintains the general intent and purpose of the Official Plan.
- iv. The variances maintains the general intent and purpose of the Zoning By-law.

## **Correspondence**

External and Internal Agencies:

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

The Building Department has no concerns and confirmed that a Building Permit would not be required as proposed.

The Fire Department has no concerns.

The Drainage Division has no concerns.

Operations has no concerns with this application provided that all stormwater runoff from the roof of the shed should be kept within the subject property limit and should not adversely impact the adjacent property.

The Essex Region Conservation Authority confirmed that a Conservation Development Permit would not be required (Attachment C).

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**

Attachment A - Concept Plan

Attachment B - Survey

Attachment C - ERCA Comment

## Report Approval Details

Document Title:	Minor Variance Application A-26-2024 - 2358 St Clair Road.docx
Attachments:	- Site Plan Drawing.pdf - Survey.pdf - ERCA Comments A-26-2024.pdf
Final Approval Date:	Sep 12, 2024

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

**No Signature - Task assigned to Urvi Prajapati was completed by workflow administrator Brianna Coughlin**

**Urvi Prajapati - Sep 12, 2024 - 5:02 PM**

**No Signature - Task assigned to Ryan Donally was completed by workflow administrator Brianna Coughlin**

**Ryan Donally - Sep 12, 2024 - 5:02 PM**

**Tammie Ryall - Sep 12, 2024 - 5:22 PM**