

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

### Community Planning



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

**From:** Urvi Prajapati – Team Leader, Community Planning

**Date:** November 5, 2024

**Subject:** Minor Variance Application A/30/2024 – 15940 Couture Beach Road

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### Recommendation

Approve minor variance application A/30/2024 to permit the following reliefs from Lakeshore Zoning By-law 2-2012:

- Relief from subsection 6.52 a) to permit: the steps of the porch to be setback a minimum of 7.7 metres from the centreline of a private road, for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 8.6 metres from the centreline of the private road, for the wall/foundation of the porch to be setback a minimum of 9 metres from the centreline of the private road. Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.

- Relief from section 8.3 and 6.42 to permit: the wall/foundation of the porch to be setback a minimum of 11.6 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback), for the roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), for the steps of the porch to be setback a minimum of 10.3 metres from the front lot line (encroaching a maximum of 4.7 metres into the required front yard setback). Whereas, section 8.3 requires a 15 metre front yard setback and subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

### Background

The Municipality of Lakeshore has received a minor variance application for a property south of Lake St. Clair, north of the Via Rail line, located on the northeast side of the Municipality. It is known municipally as 15940 Couture Beach Road.

The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law and designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is approximately 0.28 acres in area with approximately 24.38 metres of frontage along Couture Beach Road.

The applicant has applied for a minor variance with respect to a front porch addition to the existing building for the following:

- The steps of the porch is setback to be 7.70 metres from the centreline of a private road,
- The roof overhang (eaves, gutters, etc) of the porch to be setback a minimum of 8.60 metres from the centerline of the private road, and
- The wall/foundation of the porch to be setback of 9.0 metres from the centreline of the private road

Whereas, subsection 6.52 a) requires buildings/structures to be setback 10.0 metres from the centreline of a private road or driveway providing access to multiple lots, plus the lesser of 6.0 metres or the front yard or exterior side yard setback for that zone.

- The wall/foundation of the porch to be setback minimum of 11.60 metres from the front lot line (encroaching a maximum of 3.4 metres into the required front yard setback)
- The roof overhang (eaves, gutters, etc.) of the porch to be setback a minimum of 11.2 metres from the front lot line (encroaching a maximum of 3.8 metres into the required front yard setback), and
- The steps of the porch to be a minimum of 10.3 metres from the lots line (encroaching a maximum of 4.7 metres into the required front yard setback),

Whereas, section 8.3 requires a 15 metre front yard setback and subsection 6.42 permits porches (including eaves and cornices) and steps to encroach a maximum of 2.5 metres into the required front yard setback.

The property is serviced by municipal water and the sanitary is on septic. A septic plan submitted by the applicant stated the following information:

The septic outlet and tank are on the west side of the house and the leaching field is in the front of the house. All septic components are clear of the 6 ft proposed deck on the front of the house. Septic lines are approximate as they were probed but nothing was felt in the first 15 ft in front of the house. The proposed porch will not be affected by the location of the septic tank, as there is enough buffer space for safety.

### Surrounding Land Uses

North: Lake St. Clair  
South: Agriculture

East: Waterfront Residential  
West: Waterfront Residential

### Official Plan

The subject property is designated “Waterfront Residential” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) limit of regulated area.

### Zoning

The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law 2-2012.

### **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.

### Official Plan

The minor variance will maintain the general intent and purpose of the Lakeshore Official Plan. A single detached dwelling per lot and accessory uses, such as a porch, are permitted in the Waterfront Residential designation. ERCA has already issued a permit for the development and has no objection to the minor variance.

The porch projection does not negatively impact the traditional character of the neighbourhood, as the property west to the subject property also has a covered porch of a similar size.

### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the regulation limiting a porch to encroach into a front yard is to ensure its separation from activities associated with a public street. The regulation also ensures sufficient front yard landscaping and allows for the construction and maintenance of public services within the road allowance. The Operations department has no comment related to setbacks as Couture Beach Road is a private road and there is no municipal right of way to setback from.

Moreover, the addition of the porch will not affect the landscaped area significantly, and will maintain the character of the neighbourhood.

### Minor

It is the opinion of the Planner that the variance is minor in nature considering that there are no anticipated impacts or land use compatibility issues identified with permitting the requested reliefs.

### Desirability

The requested relief is considered desirable for the appropriate development of the land and structure. There are no impacts to existing standards in the immediate area. The proposal is considered compatible with its surroundings. No issues were identified or raised by internal departments or external agencies.

### **Conclusion**

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.

### **Others Consulted**

#### External and Internal Agencies

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

The Building Department has reviewed the file, and has no concerns with the extended porch. In the event the existing septic system fails a holding tank and haulage agreement shall be required.

The Operations Department consisting of the Engineering and Infrastructure Division and Drainage Division, did not raise any concerns with the proposed minor variance. Full comments can be found in Appendix D.

The Fire Department has no comments at this time.

ERCA stated that they have already issued a permit for the development and have no objection to the minor variance. Full comments can be found in Appendix E.

Via Rail has indicated that the applicant must submit engineering drawings signed and sealed by a certified professional, 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 property as required under the Planning Act. At the time of writing, no written comments were received.

### **Financial Impacts**

There are no financial impacts from this proposal.

### **Attachments**

- Appendix A – Aerial Map
- Appendix B – Drawings
- Appendix C – Photos
- Appendix D – Operations Department Comments
- Appendix E – ERCA Comments
- Appendix F – Via Rail Comments

## Report Approval Details

Document Title:	A-30-2024 - 15940 Couture Beach Road.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - Operation Department Comments.pdf - Appendix E - ERCA Comments.pdf - Appendix F - VIA Rail.pdf
Final Approval Date:	Nov 6, 2024

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

**No Signature - Task assigned to Daniel Mercer was completed by workflow administrator Brianna Coughlin**

**Tammie Ryall - Nov 5, 2024 - 5:29 PM**

**Urvi Prajapati - Nov 6, 2024 - 9:40 AM**

**Tammie Ryall - Nov 6, 2024 - 10:44 AM**