

# Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

## Community Planning



**To:** Chair and Members of Committee of Adjustment  
**From:** Jacob Dickie, Planner II  
**Date:** November 5, 2024  
**Subject:** Minor Variance Application A/28/2024 – 1819 County Rd 27

---

### Recommendation

Approve minor variance application A/28/2024 to permit an accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> and a maximum height of 5.27 m.

Note to minor variance approval: The relief is granted based on the use of the building being accessory to a residence. Should commercial or residential use be proposed in the accessory building, 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.

### 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 to permit the accessory building to have a maximum gross floor area of 143.07 m<sup>2</sup> (1,540 ft<sup>2</sup>), whereas subsection 6.5 a) ix) states that accessory buildings shall not exceed a gross floor area of 55 m<sup>2</sup> (592 ft<sup>2</sup>), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone;
- Relief to permit the accessory building to have a maximum height of 5.27 metres (17.29 feet), whereas subsection 6.5 a) xi) states that accessory buildings shall not exceed 5 metres (16.4 feet) in height unless within an Agriculture Zone.

### Summary

#### Location

The subject property has an approximate lot area of 6742 m<sup>2</sup> (1.66 acres/0.67 hectares), and approximately 46 metres of frontage on to Belle River Rd (County Road 27). The site is located on the west side of Belle River Rd (County Road 27), just north of the Highway 401 interchange.

## Existing Uses

The subject property is a residential lot that is occupied by a 1.5 storey single-detached dwelling with an approximate building size of 147 m<sup>2</sup> (1585 ft<sup>2</sup>), driveway and scattered trees. The rear of the subject property contains woodlands and valleylands associated with the Belle River watercourse. The existing dwelling is serviced by municipal water and a private septic tank. There is also a drainage ditch situated along the roadway.

## Proposed Accessory Building Details

The applicant is seeking to construct a 143.07 m<sup>2</sup> “Pole Barn” which shall be referred to in this report as “Accessory Building”. The accessory building will have a height of 5.27 m. The proposed building design will consist of steel siding, windows and a pitched roof. The drawing provided shows that the accessory building will be setback 14.3 m from the primary dwelling on the property, 53 m from the front lot line, 88.7 m from the rear lot line, 3 m from the south interior lot line and 33.7 m from the north interior lot line.

All building setbacks including the pitched roof overhang comply with the provisions of Lakeshore Zoning By-law 2-2012. Access to the proposed accessory building will be provided from the existing driveway. The applicant has confirmed that the accessory building will only be used for personal storage which includes the storage of recreational vehicles. It will not be used for commercial purposes.

If a change of use is contemplated for the proposed accessory Building, then the owner is advised to contact the Planning Services Division to confirm if such use(s) other than personal storage would be permitted, as per the notice in the Recommendation Section.

It is noted that the proposed accessory building meets the minimum required distance from the existing septic tank and bed on the property as required by the Building Code.

## Surrounding Land Uses

Across the street and abutting the subject property to the north and south are single-detached lots. Directly behind the subject property is the Belle River and woodlands. Lakeshore, in consultation with the County of Essex, has confirmed that an Environmental Impact Assessment is not warranted to assess the impact of the proposed development on the natural heritage features due to the proposed accessory building's proximity to the existing single-detached dwelling.

There are other examples of single-detached lots with large accessory buildings that are visible from the streetscape within the immediate vicinity such as 1830 County Rd 27, with more examples as you drive further north along County Rd 27 such as 1692, 1762 & 1767 County Rd 27.

## County of Essex Official Plan

The subject property is designated as “Secondary Settlement Area” in the current and in-effect version of the County of Essex Official Plan.

#### Municipality of Lakeshore Official Plan

The subject property is designated as “Waterfront Residential” in the current and in-effect version of the Municipality of Lakeshore Official Plan.

#### Lakeshore Zoning By-law 2-2012

The subject property is zoned “Residential Waterfront – Watercourse” (RW1) in the current and in-effect version of the Lakeshore Zoning By-law 2-2012.

#### Essex Region Conservation Authority (ERCA)

The proposed location for the accessory building falls within ERCA’s Regulated Area. The applicant has already obtained the necessary permit from ERCA for the proposed works.

#### **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.

#### Minor in Nature

The proposed variances are minor in nature. They will not change the status of the existing dwelling which will remain as the primary use on the subject property. The use of the proposed accessory structure will be for personal storage only. It will be subordinate in gross floor area to the primary dwelling and setback further from the streetscape. Furthermore, it will take up very little lot coverage, approximately 2.12% of the total lot area with plenty of vacant open space still available on the property.

The impact on the streetscape will also be minimal as there are many other examples of large accessory structures on rural residential lots that are visible from the streetscape such as 1830 County Rd 27. Overall, it will not deviate from the existing County Rd 27 streetscape character. In addition, the shadow and stormwater impacts will be minimal. No significant concerns have been raised by any of the internal departments while reviewing this application. The requested building height increase from 5 m to 5.27 m is a very small deviation. The requested gross floor area increase from 55 m<sup>2</sup> to 143 m<sup>2</sup> is minor in nature when considering the full context of the large lot, the impacts of the proposed building and the characteristics of the surrounding area.

As such, the proposed variances are minor in nature.

### Desirability and Appropriateness

The proposed variances are considered desirable and appropriate for the subject lands as it will help to facilitate a reasonable type of infill for a large residential lot in a rural settlement area. The use of the proposed accessory structure will only be for personal storage, and will remain as subordinate to the primary residential use on the property. The scale of the proposed accessory structure is appropriate for the community and will fit with the existing streetscape character as there are other examples of residential lots along County Rd 27 that have similar sized accessory structures. Furthermore, it will not significantly impact the abutting neighbours from a privacy, stormwater management and shadowing perspective. Further, it will provide the residents of the subject property with the much needed space to store their vehicles and other equipment, to eliminate the need for outdoor storage and out of sight from public view.

As such the minor variances are desirable and appropriate.

### County of Essex Official Plan

The subject property falls within a “Secondary Settlement Area”. In accordance with Section 3.2.5 g) ii) f, of the County Official Plan, new development in Secondary Settlement Areas will generally be limited to infilling, redevelopment on existing lots of record, and limited residential intensification. The proposed accessory building consists of a limited form of infill on a large existing lot that has plenty of open space without causing any environmental harms, disruptions or negative impacts on abutting properties

The proposed variances will increase the overall scale of the proposed accessory building, but it will not create a situation that disturbs that integrity of the woodlands, valleylands or other natural heritage features located at the rear of the site. In accordance with Section 3.4.2 a) of the County of Essex Official Plan, the proposed location of the accessory building will facilitate and support the preservation, protection and enhancement of existing natural heritage features. In accordance with Section 2.4.2 c) of the County of Essex Official Plan, the proposed location and scale of the proposed accessory structure will not create any new hazards or aggravate existing hazards associated with the Belle River inland watercourse flood prone area.

As such, the proposed variances will facilitate an appropriate form of infill that meets the general intent and purpose of the County of Essex Official Plan.

### Lakeshore Official Plan

In accordance with Section 3.3.4 b) of the Lakeshore Official Plan, limited growth and development may be accommodated in the “Waterfront Area” through appropriate infill provided that the natural heritage and hazard land policies are complied with and an appropriate servicing system is provided.

The proposed variances will increase the scale of the accessory building. Nevertheless, the increased scale still constitutes as an appropriate form of infill for the subject lands because the new building can be maintained in an area that is within close proximity to the existing dwelling away from the natural heritage features and hazard lands at the rear of the site. No servicing system is required for the proposed accessory building because it will only be used for personal storage and not as an additional residential unit.

In accordance with Section 6.4.1 e) of the Lakeshore Official Plan, uses accessory to any of the permitted uses in the Waterfront Residential Designation will be permitted. The proposed accessory building is subordinate to the primary dwelling on the property. It will have less floor area and be setback further away from the streetscape.

As such, the proposed variances meets the general intent and purpose of the Lakeshore Official Plan.

### Zoning By-law

The Zoning By-law limits the gross floor area of an accessory building to 55 m<sup>2</sup> and the height of an accessory building to 5 m. The intent of these provisions is to ensure that the massing is appropriate with the characteristics of the surrounding area and to prevent the overdevelopment of lots which may create negative impacts such as stormwater concerns, excessive shadowing on neighbouring properties, and limited on-site pedestrian and vehicular maneuverability. Limiting accessory buildings to 55 m<sup>2</sup> and a height of 5 m may be appropriate in a newer plan of subdivision where the lots are much smaller, and where there is more extensive lot coverage.

This differs from the subject property which is located in an older rural settlement area that contains large lots with plenty of open space for landscaping and maneuverability. The proposed variances will not create a situation that significantly changes the character of the neighbourhood as there are many large accessory buildings located on similarly sized residential lots along County Rd 27. Furthermore, its shadow and stormwater impacts will not be significantly intrusive on the abutting property or significantly alter the enjoyment of their large private backyard space. With the proposed variances, the proposed accessory building will still be considered “accessory” as it will be subordinate to the primary residential use of the property as it will be smaller in gross floor area than the existing dwelling and setback further from the streetscape.

Furthermore, the proposed variances for increase to gross floor area and height does not trigger any other areas of non-conformity in the Zoning By-law as there is still plenty of room on the site to meet the setbacks, parking and landscaping requirements of the By-law.

As such, the proposed variances meet the general intent and purpose of the Lakeshore Zoning By-law 2-2012

## 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.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

## Correspondence

### External and Internal Agencies

Minor Variance Application A-28-2024 was circulated to all applicable internal departments and external agencies including Operations, Building, Fire, the County of Essex and the Essex Region Conservation Authority (ERCA). No significant concerns were raised.

The Building Department has not expressed any concerns with the proposed accessory building's proximity to the existing septic system. In addition, the proposed accessory building meets the minimum required distance from the existing septic tank and bed on the property as required by the Building Code.

### 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.

## Appendices:

- Appendix A – Aerial Map
- Appendix B – Drawing Package
- Appendix C – Street Photo
- Appendix D – Operations Comments
- Appendix E – County of Essex Comments
- Appendix F – ERCA Comments

## Prepared by:



---

Jacob Dickie, RPP  
Planner II



## Report Approval Details

Document Title:	Minor Variance Application A.28.2024 - 1819 County Rd 27.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing Package.pdf</li><li>- Appendix C - Street Photo.pdf</li><li>- Appendix D - Operations Comments.pdf</li><li>- Appendix E - County of Essex Comments.pdf</li><li>- Appendix F - ERCA comments.pdf</li></ul>
Final Approval Date:	Nov 7, 2024

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

**Urvi Prajapati - Nov 6, 2024 - 4:10 PM**

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

**Tammie Ryall - Nov 7, 2024 - 10:59 AM**