

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: January 13, 2025

Subject: Minor Variance Application A/34/2024 – 9234 St. Clair Road

Recommendation

Approve minor variance application A/34/2024, 9234 St. Clair Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for the development of a building addition to an existing accessory building on the Subject Property:

Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m² (1,200.18 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in a R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following condition on the minor variance approval:

The minor variance relief is specifically for a maximum 49.06 m² (528 ft²) building addition to the south end of the existing accessory building, as depicted on the site plan drawing submitted for the minor variance application to the satisfaction of the Building Department at the Municipality of Lakeshore.

Include the following Notice in the Notice of Decision:

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, if the intention is to permit a commercial or residential use of any kind in the accessory building.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the north side of St. Clair Road, east of Claireview Drive, known municipally as 9234 St. Clair Road in the Municipality of Lakeshore (Appendix A). 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 0.49 acres (1,983 m²) in area with approximately 23.1 metres (75.97 feet) of frontage along St. Clair Road.

The Applicant is seeking the following relief from the Lakeshore Zoning By-law (2-2012) for the development of a building addition to an existing accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m² (1,200.18 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²) in a R1, R2, R3, RW1, RW2, RM or HR zone.

The accessory building functions as a garage and is in the front yard of the property between the main building (dwelling) and the front lot line. There is an existing 44.6 m² (480 ft²) carport attached to the accessory building on its northside that does not contribute to the gross floor area of the building. The proposed 49.06 m² (528 ft²) addition will be added to the south side of the accessory building (Appendix B). The purpose of the proposed building addition is to provide increased storage for personal vehicles according to the minor variance application. The accessory building is not proposed to be used to operate a business of any kind, and no dwelling unit is proposed for the building.

| | |
|-------------------------------------|--|
| Surrounding Land Uses | North: Lake St. Clair South: Agriculture East: Residential West: Residential |
| Official Plan Land Use Designation | Lakeshore Official Plan: Waterfront Residential County of Essex Official Plan: Secondary Settlement Area |
| Zoning | “Residential Waterfront – Lake St. Clair” (RW2) |
| Servicing | Municipal water services, municipal sanitary services |
| Relief from Zoning By-law requested | The proposed building addition requires the following relief for the accessory building that will result: Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m ² (1,200.18 ft ²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m ² (592 ft ²) in a R1, R2, R3, RW1, RW2, RM or HR zone. |

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 designated “Secondary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the minor variance application. Subsection 3.2.5 e) of the County of Essex Official Plan states “All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans”. Accessory uses to low density residential dwellings are permitted on lands designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is located on a municipal road. No comments from the County of Essex have been received as of the writing of this report.

Lakeshore Official Plan

As previously mentioned, accessory uses to low density residential dwellings are permitted on lands designated “Waterfront Residential” in the Lakeshore Official Plan.

Subsection 4.2.1 provides community design policies in the Lakeshore Official Plan. Specifically, subsection 4.2.1 a) states that: *The Town will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form.* A similar policy, subsection 4.2.1 b) i), states that *“through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality: will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.”*

Comment: The proposal will not negatively impact the physical design characteristics of the neighbourhood. According to the site plan drawing submitted with the application, the existing dwelling on the property has a building footprint size of 1760 ft² (163.5 m²), which will remain larger than the accessory building including its carport (1,680 ft²/156.1 m²) following the addition. Moreover, there are other accessory buildings that exceed the maximum gross floor area in the immediate neighbourhood.

Subsection 4.2.1 c) 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”.

Comment: Measures such as buffering and screening are not required for the development. The accessory building and its proposed addition will be used as a garage for the storage of personal vehicles, which is a use that does not require such measures. Moreover, the building addition is a southerly extension that does not bring the accessory building closer to neighbouring residential lots located east and west of the subject property.

Zoning By-law

The general intent and purpose of the regulation limiting the gross floor area of accessory buildings to 55 m² is to ensure that accessory buildings supporting a non-residential use do not dominate the landscape in a typical subdivision.

Comment: The subject property is located outside a typical subdivision in a Waterfront Area where the lot area of properties greatly exceed the minimum lot area in the Zoning By-law of 0.198 acres (800 m²). In this area larger accessory buildings can be appropriately accommodated. The proposal maintains the intent of the Zoning By-law in consideration of the size of the accessory building relative to the dwelling and lot area of the subject property.

Minor in Nature

The requested relief is considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired relief for the reasons already mentioned in the report. The subject property and the characteristics of the surrounding area lend support for the proposal as a minor deviation from the Zoning By-law.

Desirability and Appropriateness

The requested reliefs are considered desirable for the appropriate development of the property. Following the building addition the accessory building will still be approximately 16.8 metres (55 feet) from the front lot line. Negative impacts to the appearance of the streetscape are not anticipated. The proposal is considered compatible with its surroundings, and there are other accessory buildings that exceed the maximum gross floor area in the immediate neighbourhood.

Conclusion

It is the opinion of the Planner that the requested relief 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.

It is recommended that the Committee of Adjustment impose the following conditions on approval of the minor variance application:

- The minor variance relief is specifically for a maximum 49.06 m² (528 ft²) building addition to the south end of the existing accessory building, as depicted on the site plan drawing submitted for the minor variance application to the satisfaction of the Building Department at the Municipality of Lakeshore.

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

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, if the intention is to permit a commercial or residential use in the accessory building.

Others Consulted

The subject property is located within the overlay of the Lake St. Clair Shoreline Floodprone Area in the Lakeshore Official Plan. The Essex Region Conservation Authority (ERCA) was circulated for comment. ERCA states that they have already issued ERCA Permit #725 - 24, dated December 10, 2024 for this development. It is the responsibility of the applicant to notify their office if any changes are required to the approved site plans during construction. Their office has no objection to the minor variance. The full comment from ERCA can be found in Appendix D.

The Team Leader of Development Engineering and Approvals commented that since the development is within the lot coverage limits, there are no comments related to the application. Their full comment can be found in Appendix E.

The Lakeshore Fire Department stated that they do not have comments on the proposal as it is presented.

The Lakeshore Building Department stated that they have no concerns at this time with the proposal.

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. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map

Appendix B – Drawings
Appendix C – Photos
Appendix D – ERCA Comment
Appendix E – Engineering

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

| | |
|----------------------|--|
| Document Title: | A-34-2024 Report.docx |
| Attachments: | - Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - ERCA Comment.pdf - Appendix E - Engineering comment.pdf |
| Final Approval Date: | Jan 15, 2025 |

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

Urvi Prajapati - Jan 14, 2025 - 2:13 PM

Daniel Mercer - Jan 15, 2025 - 1:37 PM

Tammie Ryall - Jan 15, 2025 - 2:35 PM