

Municipality of Lakeshore Report to Committee of Adjustment

Growth and Sustainability

Planning Services



To: Chair and Members of the Committee of Adjustment
From: Urvi Prajapati – Team Leader, Community Planning
Date: March 4, 2025
Subject: Minor Variance Application A/02/2025 – 256 Donald Crescent

Recommendation

Approve minor variance application A/02/2025, 256 Donald Crescent, to permit the following relief from Lakeshore Zoning By-Law (2-2012) for a proposed covered porch addition to the existing single-detached dwelling on the Subject Property:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

Impose the following conditions on minor variance approval:

- 1) The minor variance relief is only for the covered porch addition to the existing dwelling on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
- 2) The owner must submit a lot grading plan to the satisfaction of the Building Department.
- 3) All roof drains/downspouts for the development are to be splash padded and not tie into storm water management system, to the satisfaction of the Municipality of Lakeshore

Include the following Notice in the Notice of Decision:

The Owner must contact the Municipality of Lakeshore and Essex Region Conservation Authority (ERCA) if there are any changes to the proposal.

Background

The applicant is proposing the development of a covered porch, relocation of a pool, and a proposed shed on the Subject Property, known municipally as 256 Donald Crescent. Currently, there is an existing single detached dwelling on the property.

The following relief from Lakeshore Zoning By-law 2-2012 is required for the proposed covered porch:

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

Zoning	R1
Official Plan Land Use Designation	Residential
Street frontage	Municipal (Donald Crescent)
Services	Municipal water, municipal sanitary

Summary

Location

The subject property is approximately 808.44 m² and has approximately 18.59 metres of frontage on Donald Crescent. It is located on the south side of Donald Crescent, north of Christine Avenue in Community of Belle River (Appendix A).

Surrounding Land Uses

The subject property is surrounded by residential lots to the east, west, and north, and agricultural parcel to the south. The land to the south will be developed in the future as part of the “Forest Hills” residential subdivision.

Official Plan

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

Zoning

The subject property is zoned “Residential – Low Density (R1)” 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. The proposed porch meets the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

The proposal conforms to Subsection 6.4.1a) Waterfront Residential Designation of the Official Plan. The proposed development will be compatible with 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. Staff are of the opinion that the minor variance meets the general intent and purpose of the Lakeshore Official Plan.

Zoning By-law

- Relief from Subsection 6.42 g) to permit the porch (including any eaves and cornices) to encroach a maximum of 5.37 metres (17.62 feet) into the required 7.5 metre (24.6 feet) rear yard setback, whereas Subsection 6.42 g) permits a porch (including eaves and cornices) to encroach a maximum of 2.5 metres (8.2 feet) into required rear and front yards.

The property is zoned Residential – Low Density (R1). The purpose of the rear yard setback is to ensure separation from abutting neighbours and to provide sufficient area for landscaping. The proposed porch is replacing an aboveground pool and rear yard deck with minimal changes to landscaping. The proposed porch encroachment as an outdoor amenity use does not impact abutting neighbours. It is noted that land to the south of the property is currently vacant (Appendix A).

Minor in Nature

The proposed relief is minor in nature and there are no anticipated impacts or land use compatibility issues with permitting the requested relief. The rear yard setback and the encroachment regulation is required for privacy and safety. In this case the proposed porch will not adversely affect any neighbours. It is noted that land to the south of the property is currently vacant. Moreover, aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood.

Desirability and Appropriateness

The requested relief meets existing standards in the immediate area and is compatible with surroundings. The reliefs will have no significant impacts for the surrounding neighbours.

Conclusion

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

Others Consulted

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

The Building Department has requested that the applicant provide a lot grading plan for the proposed development.

ERCA states at this time no approvals are required from their office, however, if the proposal changes, the applicant is required to reach out to their office to confirm whether an approval is necessary (Appendix C).

The Fire Department stated that they have no comments as presented.

The Operations Department has stated that all roof drains/downspouts should be splash padded and should not tie into storm water management system (Appendix E).

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.

Financial Impacts

There are no financial impacts from the writing of this report.

Attachments

- Appendix A – Aerial Map
- Appendix B – Drawing
- Appendix C – ERCA Comments
- Appendix D – Photos
- Appendix E – Operations Department

Report Approval Details

Document Title:	A-02-2025 - 256 Donald Crescent.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - ERCA Comments.pdf- Appendix D - Photos.pdf- Appendix E - Operations Department.pdf
Final Approval Date:	Mar 6, 2025