

**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/05/2025 – 1255 County Road 2

Recommendation

Approve minor variance application A/05/2025, 1255 County Road 2, to permit the following relief from from Lakeshore Zoning By-law (2-2012) for the development of a proposed accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 89.19 m² (960 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following conditions on minor variance approval:

- 1) The minor variance relief is only for the proposed accessory building on the Subject Property and development is to be in accordance with the minor variance application submission to the satisfaction of Lakeshore;
- 2) If deemed necessary for the development by the Building Department, the septic system capacity is to be verified and submitted to the Building Department for approval;
- 3) The applicant must contact Essex Region Conservation Authority (ERCA) for a permit review (ERCA Permit # 396) as the site plan appears to have changed based on their permit.

Include the following Notice in the Notice of Decision:

The minor variance application is granted based on the use of the accessory building being for personal storage only. If that use changes in the future the building and property may be subject to fire safety inspections and/or Ontario Fire Code requirements. 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 in the future.

Background

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

- Relief from subsection 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 89.19 m² (960 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²), for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone.

The subject property is located south of the VIA Rail right-of-way, north of County Road 2, and east of Rochester Townline Road. Currently, there is an existing house and shed on the property. The septic tank is located at the front of the house. The shed will be approximately 65.35 metres (214.40 feet) away from the railway to the north. Both the subject property and the neighbouring property to the east are zoned “Hamlet Residential (HR)”.

The surrounding land uses include the Hamlet and Agricultural designation to the east, west, and south. To the north of the subject property is the VIA Rail right-of-way. The subject property is designated Hamlet and is located within the ERCA regulated area (Appendix A).

The minor variance application states that the building will be used for the personal storage of vehicles, boats, and tools. It will not be used for any business activities and is simply going to be a hobby workshop. The proposed shed will be located at the rear of the property and the existing driveway is proposed to be extended to provide access to the proposed accessory building (Appendix B).

Zoning	Hamlet Residential (HR)
Official Plan Land Use Designation	Hamlet
Servicing	Municipal water, private sanitary services
Street Frontage	County of Essex (County Road 2)

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

Subsection 3.2.4.1 h) of the County of Essex Official Plan states that all types of land uses are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans. The Lakeshore Official Plan permits uses accessory to the dwelling on the subject property. The minor variance application maintains the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

Subsection 6.6.1 a) of the Lakeshore Official Plan states that single detached dwellings will be permitted in the Residential designation and subsection 6.6.1 k) permits uses that are accessory to any of the permitted uses.

The proposed development is for an accessory building on a residential lot containing a single detached dwelling.

Subsection 4.2.1 Community Design includes the following relevant policies:

- a) 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.

The subject property is 0.9 acres (4046.856 m²) and is a relatively larger residential lot in the neighbourhood. It is therefore conducive to supporting the proposed gross floor area and height of the accessory building. The building will be subordinate to the main building on the property which is in keeping with the physical design characteristic established in the area.

- c) 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.

The proposed accessory building is for personal storage on a residential property that will not generate land use conflicts. The proposal does not require separation buffering or screening. The parcel is surrounded by Agricultural land to the north and west and hence the proposed shed will have no immediate impact or need buffering.

The minor variance application maintains the general intent and purpose of the Lakeshore Official Plan.

Zoning By-law

The purpose of the regulation limiting an accessory building to a gross floor area of 55 m² (592 ft²) in the HR zone is to ensure that these buildings do not dominate the area in a typical residential neighbourhood.

The residential neighbourhood is comprised of a variety of different lot sizes and is not a typical subdivision. As previously mentioned, the subject property is a relatively larger residential lot in the area capable of supporting a larger accessory building. Moreover, the accessory building will be subordinate to the main dwelling on the property, therefore maintaining the general intent of “accessory” definition in the Zoning By-law.

Minor in Nature

The requested reliefs are considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired relief. Likewise, the requested increase in gross floor area is considered minor to accommodate desired storage given the site and neighbourhood context.

Desirability and Appropriateness

The minor variance reliefs are desirable for the appropriate development of the building and the proposal is compatible with the surrounding area. The proposal meets existing standards in the area and a negative impact on the streetscape is not anticipated. The proposed development is compatible with its surroundings.

Conclusion

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

The County of Essex has stated that the minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road 2. Permits are necessary for any changes to existing entrances and structures. Full comments can be found in Appendix C.

ERCA commented that they have no objection to A-05-2025. Their office has asked that the applicant contact their office for a permit review (ERCA Permit # 396-24) as the site plan appears to have changed. Their full comment can be found in Appendix D.

The Operations Department commented that the septic system capacity should be verified and should be submitted to the building department for approval. This comment is relevant if any kind of sanitary fixture is proposed for the accessory building.

The Fire Department stated that it is noted that the proposed use for the accessory building is for personal storage only. If that use changes in the future the building and property may be subject to fire safety inspections and/or Ontario Fire Code requirements.

The Building Department has no concerns at this time, any Ontario Building Code requirements will be addressed at the permit review stage.

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 – Drawings
- Appendix C – County of Essex Comments
- Appendix D – ERCA Comments
- Appendix E – Photos
- Appendix F – Operations Department

Report Approval Details

Document Title:	A-05-2025 - 1255 County Road 2 .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - County of Essex Comments.pdf- Appendix D - ERCA Comments.pdf- Appendix E - Photos.pdf- Appendix F - Operations Department Comments.pdf
Final Approval Date:	Mar 6, 2025