

Municipality of Lakeshore Report to Committee of Adjustment



Growth and Sustainability

Planning Services

To: Chair and Members of the Committee of Adjustment

From: Ian Search, BES, Planner I

Date: June 9, 2025

Subject: Minor Variance Application A/06/2025 – 10654 St. Clair Road

Recommendation

Approve minor variance application A/06/2025, 10654 St. Clair Road, to permit the following reliefs from the Lakeshore Zoning By-law (2-2012) for the development of a new accessory building on the Subject Property:

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 155 m² (1,668.41 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.
- Relief from Subsection 6.5 a) xi) to permit the new accessory building to have a maximum height of 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

Impose the following conditions on the minor variance approval:

The development of the new accessory building will proceed in conformance with the drawings submitted for the minor variance application to the satisfaction of the Building Department, including exterior finishes (face brick, stone accent, etc.);

The main building/dwelling on the subject property (to be developed prior to the accessory building, or developed at the same time as the accessory building) is to be larger than the accessory building in terms of gross floor area, lot coverage and height, to the satisfaction of the Building Department;

The accessory building indicated as “Existing Vinyl Sided Garage” on the site plan drawing be removed from the subject property/demolished in accordance with the site plan drawing, to the satisfaction of the Building Department;

The section of the subject property protruding into the St. Clair Road municipal right-of-way is transferred to the Municipality of Lakeshore, to the satisfaction of Community

Planning;

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 now or in the future.

Background

The Municipality of Lakeshore has received a minor variance application for a property located north of the VIA Rail Canada Inc. right-of-way, east of Claireview Drive, on the northside of St. Clair Road, known municipally as 10654 St. Clair Road in the Municipality of Lakeshore (“subject property”) (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 2,509 m² (0.62 acres) in area with approximately 27.43 metres (90 feet) of frontage along St. Clair Road.

There is an existing dwelling, and existing accessory buildings/structures located in the front yard of the subject property. The Applicant is planning to remove all the existing buildings and redevelop the property to include a new dwelling (indicated as “proposed two storey residence” on the site plan Appendix B) and a detached accessory building (indicated as “one storey workshop” on the site plan Appendix B).

The Applicant is seeking the following reliefs from the Lakeshore Zoning Bylaw (2-2012) for the development of the new accessory building:

- Relief from Subsection 6.5 a) ix) to permit the new accessory building to have a maximum gross floor area of 155 m² (1,668.41 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.
- Relief from Subsection 6.5 a) xi) to permit the new accessory building to have a maximum height of 5.0071 metres (16.428 feet), whereas Subsection 6.5 a) xi) states that an accessory building shall not exceed 5 metres (16.404 feet) in height unless within an Agriculture Zone.

The Applicant states that the new accessory building will be used as a personal hobby workshop and for general storage in connection with the residential use of the property.

The front of the subject property currently protrudes 9.198 metres (30.18 feet) into the St. Clair Road right-of-way. This part of the property is to be transferred to the Municipality so that it becomes part of the St. Clair Road municipal right-of-way. The new accessory building is proposed to be setback 5.99 metres (19.65 feet) from the

new front lot line following the land transfer (Appendix B). This proposed setback complies with the minimum setback that is required in the Zoning By-law for a property fronting a public street. Subsection 6.5 a) v) states that accessory buildings may be permitted with a minimum front yard setback of 3.0 m (9.85 feet) where a garage door does not face the street.

Through the review of the minor variance application, it came to Administration's attention that the bed of St. Clair Road, adjacent to the subject lands, is owned by the applicant. Discussions have occurred with the applicant regarding rectifying this ownership issue by transferring the bed of the road from private ownership to Lakeshore. It is recommended that the Committee of Adjustment impose a condition on minor variance approval requiring the registration of the land transfer/acquisition to the Municipality of Lakeshore.

Surrounding Land Uses	East: Low-density residential properties West: Low-density residential properties North: Lake St. Clair South: Agriculture
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)
Access	St. Clair Road (Municipal) with private section of roadway as part of current subject property limits
Servicing	Municipal water, municipal sanitary

Comments

Subsection 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. A minor variance can only be granted if it passes all four tests under the Planning Act. If the Committee is not satisfied on all four tests, then the relief cannot be approved. The four tests are as follows:

- 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

Essex Region Conservation Authority (ERCA) was circulated the application for comment. Their comments reflect ERCA's role in protecting people and property from

the threats of natural hazards and regulating development hazards lands under Section 28 of the Conservation Authorities Act. ERCA has issued a permit for the development, dated May 28, 2025. There are no stated objections to the application noted in the comments received from ERCA (Appendix E).

VIA Rail Canada Inc. provided a standard comment in response to the application. It is noted by the Planner that the subject property is located approximately 350 metres (1,148.3 feet) north of the railroad and the development is for a non-sensitive land use. No actions should be formally required of the Applicant to mitigate noise and vibration.

The Fire Department stated that they have no concerns with the proposal. If the accessory building were to serve any other purpose other than a personal hobby use or personal storage, it may be subject to fire safety inspections.

The Building Department had no comments on the proposal.

The Operations Department commented that the downspouts for the development are to be splash padded and not impact neighbouring properties. There is a sanitary servicing constraint in the area, but it is noted that the accessory building will not be used to support an additional residential unit. Only one water meter and one sanitary connection is permitted for the property. The full comment can be found in Appendix D.

County of Essex Official Plan

The subject property is located within a “Secondary Settlement Area” of the County of Essex Official Plan. There are no issues of County significance raised by the application. Subsection 3.2.5 e) 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 a dwelling are permitted in the Waterfront Residential Designation of the Lakeshore Official Plan.

St. Clair Road is a municipal street. The County of Essex was provided with notice of the application. No comments were received as of the date of this report.

Based on the foregoing, the requested reliefs maintain the general intent and purpose of the County of Essex Official Plan.

Lakeshore Official Plan

The subject property is designated Waterfront Residential in the Lakeshore Official Plan. Subsection 6.4.1 e) states that: *uses accessory to any of the permitted uses in the Waterfront Residential Designation will be permitted.*

Comment: The subject property is a low-density residential lot. The proposed building will provide a use that is accessory to the property’s main use as a residential lot. It will be subordinate to the proposed main building (dwelling) and the reliefs are requested to support an accessory function.

Subsection 4.2.1 of the Official Plan provides Community Design policies:

Subsection 4.2.1 a) *The Municipality 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.*

Comment: The proposed gross floor area and height will not have a negative impact on the design characteristics of the area. There are other large accessory buildings in the area located in the front yard of residential properties east of Claireview Drive. Note, Claireview Drive is a cul-de-sac ending approximately 110 metres east of the subject property. The proposal maintains the general intent and purpose of this policy.

Subsection 4.2.1 b) i) *Through the review of development applications, including plans of subdivision, site plans and other development proposals, the Municipality: i) 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 proposed accessory building will be in the front yard of the property which provides separation from nearby dwellings and rear yard amenity spaces on the lake. The site plan is consistent with neighbourhood character. The subject property greatly exceeds the minimum lot area (approx. 3.1 times larger) and frontage (approx. 1.5 times larger) requirements in the Zoning Bylaw. With a relatively larger lot size the subject property is conducive to supporting larger accessory buildings. If the main building (dwelling) to be constructed on the subject property exceeds the overall size (gross floor area, height and lot coverage) of the proposed accessory building, then the development will maintain the general intent and purpose of this policy. A condition will need to be imposed on any approval granted by the Committee of Adjustment to achieve this outcome.

Subsection 4.2.1 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.*

Comment: The Applicant will be providing the required 1.5 metre (4.92 feet) setback from the side lot line. Additionally, the proposed accessory building will be located in the front yard of the subject property an adequate distance away from main dwellings on nearby residential properties.

The proposed building height of 5.0071 metres (16.428 feet) is calculated as the average building height on all sides of the proposed building. Note that the height will be 5.855 metres (19.208 feet) on the east side of the building due to a proposed grade transition (Appendix B).

The standard 1.5 metre (4.92 feet) setback from the east side lot line is adequate considering the purpose of the building as an accessory structure and its proposed location relative to other land uses in the area.

Based on the foregoing, the requested reliefs maintain the general intent and purpose of the Official Plan.

Zoning By-law

Subsection 6.5 a) ix) states that *detached garages, carports or other accessory uses, buildings or structures shall not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an R1, R2, R3, RW1, RW2, RM or HR zone*. The purpose of this regulation is to limit the size of accessory buildings in a typical low-density residential neighbourhood so that they do not dominate the area and negatively impact neighbourhood character. This regulation does not apply to an accessory building containing an *additional residential unit* – such building is subject to a different regulation.

Comment: The proposed gross floor area will not dominate the neighbourhood or negatively impact neighbourhood character. The waterfront residential properties in this area on the northside of St. Clair Road consist of large property depth and varying lot frontages, with the subject property being a relatively larger property in the area.

The area is not characteristic of a typical subdivision comprised of identical lot sizes designed to meet minimum area and frontage requirements. Moreover, there are existing accessory buildings in the area that exceed the current Zoning By-law standards.

The following is the definition of “accessory” in the Zoning By-law:

ACCESSORY – when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate, and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a detached garage or carport but does not include a dwelling unit in the Agriculture zone. The general intent of the Zoning By-law is for accessory buildings to be subordinate to the main building (e.g. single detached dwelling on a property).

Comment: The proposal maintains the general intent and purpose of the “accessory” definition as the accessory building will be smaller than the proposed dwelling on the property.

The purpose of the regulation limiting an accessory building to a maximum height of 5 metres (16.4 feet) is to ensure that accessory buildings remain unoffensive in the neighbourhood with respect to purpose and location, and that they remain subordinate to the main building (dwelling) on a property.

Comment: The proposed building height of 5.0071 metres (16.428 feet) is calculated as the average building height on all sides of the proposed building. The height will be 5.855 metres (19.208 feet) on the east side of the building due to a proposed grade transition. Specifically, there will be lower grade on the east side of the building to match existing grade elevation on the east side of the property. This requested relief is unoffensive with respect to purpose and location and virtually meets the Zoning By-law regulation.

Based on the foregoing, the requested reliefs maintain the general intent and purpose of the Lakeshore Zoning By-law.

Minor in Nature

The requested reliefs are minor in nature. While the proposed accessory building will have a maximum gross floor area of 155 m² (1,668.41 ft²), there will be no impacts in permitting the reliefs considering the proposed site design, the size of the subject property, and existing standards in the area.

The proposed building height of 5.0071 metres (16.428 feet) virtually meets the Zoning By-law regulation and is a technical relief being requested to implement a transition in grade for the development that respects the existing grade along the eastern property limit.

Based on the foregoing, the requested reliefs are minor in nature.

Desirability and Appropriateness

The development proposal increases the opportunity for enclosed storage of belongings on the property. The building will be located near the front lot line a considerable distance away from main buildings on nearby residential lots. There will be no negative impacts to neighbourhood character with the shorter side of the building oriented towards the street. Face brick is proposed for the majority of the exterior walls with stone accents to be incorporated in the design (Appendix B) – as opposed to a less desirable finish.

The proposed height relief is to support an appropriate transition in grade for the development that respects existing grade along the eastern property limit. Additionally, there is already a tall accessory building existing on the property today. It is indicated as “Existing Vinyl Sided Garage” on the site plan drawing (Appendix B) and the applicant plans on removing it from the subject property as part of their redevelopment plan. It is recommended that a condition be imposed on approval requiring the applicant to follow through on their plan for removal.

Based on the foregoing, the requested reliefs are desirable for the appropriate development and use of the land.

Conclusion

It is the opinion of the Planner that the requested reliefs pass the four tests prescribed under Subsection 45 (1) of the *Planning Act*:

- i. The variances would be “minor” in nature.
- ii. They would be desirable for the appropriate development or use of the land, building or structure.
- iii. They would maintain the general intent and purpose of the Official Plan.
- iv. They would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment impose the notices and conditions stated in the “Recommendation” section of the report in approving the application.

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 – Operations Department
Appendix E – ERCA

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-06-2025 - 10654 St. Clair Road.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photos.pdf- Appendix D - Operations Department.pdf- Appendix E - ERCA.pdf
Final Approval Date:	Jun 11, 2025

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

Urvi Prajapati - Jun 10, 2025 - 12:11 PM

Daniel Mercer - Jun 10, 2025 - 5:14 PM

Tammie Ryall - Jun 11, 2025 - 3:31 PM