

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner I

Date: July 23, 2021

Subject: ZBA-17-2021, Ryan Marentette, 970 West Belle River Road

Recommendation

Approve Zoning By-law Amendment Application ZBA-17-2021 (By-law 62 - 2021), to delete and replace the current zone category from RW1-19, Residential Waterfront – Watercourse Zone Exception 19 (RW1-19) to a new RW1-19, Residential Waterfront – Watercourse Zone Exception 19 (RW1-19), to permit a second driveway and an accessory building with a gross floor area of 178.38 m² and a height of 5.334 metres that is setback 9.14 metre from the south side lot line, for a parcel of land indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 970 West Belle River Road, in the Community of Maidstone and adopt the implementing by-law as presented at the August 10, 2021 Council Meeting.

Background

The subject property is a 3,965.92 m² (0.98 acre) residential lot, located on the east side of West Belle River Road, north of Highway 401, in the Community of Maidstone (See Appendix 1).

Last year the applicant obtained a Zoning By-law Amendment (ZBA-11-2020, By-law 58-2020) to permit a 118.92 m² (1,280 ft²) accessory building as an additional permitted use on the subject property. The applicant has since determined that the size of the accessory building will be inadequate for the seasonal storage of his boats and other personal belongings, and has reapplied to permit an accessory building with a gross floor area of 178.38 m² (1,920 ft²) and a height of 5.334 metres (17.5 feet). Additionally, the applicant is applying for a second driveway that he will utilize for the proposed accessory building.

Subject Parcel	Lot Area – 0.98 acres Existing Use – single detached dwelling Proposed Use – accessory building for personal storage proposed as an additional permitted use with a gross floor area of 178.38 m ² (1,920 ft ²) and a height of 5.334 metres (17.5 feet), second driveway
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	Access – existing – West Belle River Road Servicing – municipally owned and operated piped water supply, septic system
Surrounding Uses	North – residential land uses East – residential land uses West – agricultural land uses South – residential land uses
Official Plan	Waterfront Residential
Existing Zoning	RW1, Residential Waterfront - Watercourse

Comments

Provincial Policy Statement (PPS), County Official Plan and Lakeshore Official Plan

There are no issues of Provincial, County or municipal significance raised by this application.

The application does not conflict with the Provincial Policy Statement (PPS) 2020.

The subject property is designated 'Settlement Area' in the County Official Plan and "Waterfront Residential" in the Lakeshore Official Plan. A single residential dwelling and accessory uses/buildings are permitted on lands designated 'Waterfront Residential'.

The subject property is designated "Inland Floodplain Development Control Area" and "Significant Valley Lands" along the rear lot line of the property – east of the proposed accessory building – due to a watercourse at this location. Essex Region Conservation Authority (ERCA) was circulated the application for comment and stated that they had no objection to the application. Given the low likelihood of impact on the natural environment, Administration in consultation with ERCA, determined that an Environmental Impact Assessment would not be required to support the application at the time of submission.

Zoning By-law

The subject lands are currently zoned "RW1-19, Residential Waterfront – Watercourse Zone Exception 19" which permits one accessory building with a gross floor area of 118.92 m² as an additional permitted use. Accessory buildings are permitted in any zone subject to the provisions of the Zoning By-law. Section 6.5 a) xi) of the Zoning By-law states that accessory buildings shall not exceed a height of 5 metres (16.4 feet) unless within an Agriculture Zone. An amendment to Lakeshore's Zoning By-law 2-2012 is required in order to permit the newly proposed accessory building that will have a gross floor area of 178.38 m² (1,920 ft²) and a height of 5.334 metres (17.5 feet).

The applicant is also proposing to utilize a separate driveway/access from West Belle River Road for the accessory building. There is currently an existing driveway on the

subject property, and Section 6.41.4 d) restricts lots zoned R1, R2, **RW1**, RW2 and HR to not more than one driveway. Therefore, the proposed Zoning By-law Amendment will also permit a second driveway as an additional permitted use on the subject property.

Issues

The main issues associated with this development application, concerns suitability of the property for the proposed building, compatibility to surrounding residential uses, site design, and property values.

Suitability of the Property, Compatibility with Surrounding Uses

The lot area of the subject property is nearly 1 acre, and has a frontage of approximately 77.11 metres (253 feet), making it large enough to comfortably accommodate the accessory building, existing house and septic system. As indicated on the site plan drawing, the applicant is proposing to construct the accessory building over 9.14 metres (30 feet) from the south side lot line when a setback of only 1.5 metres (4.92 feet) is required under the By-law, thereby mitigating the impact of the accessory building on their neighbour to the south. Given the increased gross floor area and height requested, it is recommended that the by-law include a required 9.14 metre (30 feet) setback from the south side lot line to ensure impacts are mitigated.

The purpose of the size restriction in the Zoning By-law is to regulate the size of accessory buildings in a typical subdivision so that these buildings do not dominate the landscape and look out of character. Properties located on the east side of West Belle River Road just north of Lions Club Road, have significantly larger lots and frontages than a typical subdivision. Thus, there is greater separation between dwellings, and more area to accommodate an accessory building of this size without it being considered incompatible with the surrounding area. The agricultural land on the west side of the road contributes to this supportive context.

The request for a second driveway is supportable as the applicant is unable to extend their existing driveway in front of their dwelling to the proposed accessory building because of the septic system between the two buildings. Residential and agricultural lots with more than 30 metres of frontage were permitted to have two driveways under the old Maidstone Zoning By-law. The current Lakeshore Zoning By-law permits two driveways on lots with more than 30 metres of frontage, but it is limited to the Agriculture (A) zone. Unlike a typical residential lot, the subject property has 77.11 metres (253 feet) of frontage allowing it to comfortably accommodate a second driveway.

Aerial photography suggests there is currently a second driveway on the subject property that has existed just south of the proposed accessory building for many years. It is the applicant's plan to establish a new driveway system for the accessory building. Accordingly, as part of their permit process for the desired driveway the applicant will be required to remove the second driveway that currently exists on the lot.

Site Design

The proposal appears to be safe, functional and similar accessory buildings are constructed throughout the municipality.

Property Values

Frequently, when large accessory buildings are proposed, residents perceive that their property values may be negatively impacted.

Devaluation of properties is a perceived effect that is difficult to assess. Property values are influenced by many factors and are primarily determined by the condition of the property for sale and other broader, more complex forces, such as, overall area development and neighbourhood prosperity. Given the context of the area, the location and size of the proposed accessory building has no significant impact on these other conditions which determine property values. The assumption is that property values will decline with the location of the development is typically based on an idea that this one development would affect the whole neighbourhood. The building fits in with the character of the area.

Conclusion

Staff recommend approval of the Zoning By-law Amendment application as it is consistent with the 2020 PPS, County of Essex Official Plan and the Municipality of Lakeshore Official Plan.

Others Consulted

Internal departments and external agencies in accordance with *Planning Act* regulations. A Public Meeting Notice was circulated in accordance with the *Planning Act* for the August 10 Council Meeting.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation.

Attachments

Appendix 1 - Site Plan

Appendix 2 - Elevations

Report Approval Details

Document Title:	ZBA-17-2021 Ryan Marentette.docx
Attachments:	- Appendix 1 - Site Plan.pdf - Appendix 2 - Elevations.pdf
Final Approval Date:	Aug 5, 2021

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

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