

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, Planner I

Date: October 8, 2021

Subject: Minor Variance Application A/36/2021 – 453 Lakeview Drive (Community of Belle River)

Recommendation

It is the Planner's recommendation that the Committee refuse the minor variance. If the Committee decides to approve the minor variance, they are advised to impose the following conditions on approval:

- 1) That plumbing fixtures will not be permitted in the accessory building until there is sanitary capacity to treat additional sewage flows, to the satisfaction of Building Services;
- 2) That relief from Section 6.5 a) xi) is restricted to the roof type depicted in the drawing entitled "Elevations" submitted with the minor variance application, to the satisfaction of Building Services;
- 3) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law, to the satisfaction of Building Services;
- 4) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law.

Background

The applicant is seeking relief from Lakeshore Zoning By-law 2-2012 to permit an accessory building for the following relief:

- Relief from Section 6.5 a) ix) to permit a maximum gross floor area of 156.08 m²
- Relief from Section 6.5 a) xi) to permit a maximum height of 6.4 metres
- Relief from Section 6.5 a) v) to permit a minimum front yard setback of 4.57 metres
- Relief from Section 6.41.4 a) to permit a driveway for a residential use to have a minimum length of 4.57 metres

Section 6.5 a) ix) limits accessory buildings to 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;

Section 6.5 a) xi) restricts accessory buildings to not exceed a height of 5 metres unless within an Agriculture Zone

Section 6.5 a) v) requires an accessory building in the RW2 zone to have a minimum front yard setback of 6 metres where a garage door faces the street.

Section 6.41.4 a) requires a driveway for a residential use to have a minimum length of 6 metres

The applicant has indicated that the reason for the minor variance is to permit a new accessory building on the subject property that will be used for a workshop, storage, and parking of vehicles. The building will also include a second floor hobby room with a deck.

Location:

The subject property is a 1456.87 m² (0.36 acre) residential waterfront property located north of the VIA Rail Canada Inc. right-of-way, west of Ducharme Street, on the north side of Lakeview Drive, in the Community of Belle River (See Attachment 'A').

Official Plan:

The property is designated Residential in the Official Plan. It is also designated Lake St. Clair Shoreline Floodprone Area towards the rear of the property, and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area.

Zoning:

The property is zoned Residential Waterfront – Lake St. Clair (RW2).

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 four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Section 6.5 a) ix) and xi)

The purpose of the regulations limiting the gross floor area and height of an accessory building is to ensure the massing of these buildings are compatible with the area. The majority of accessory buildings in the immediate area – within 200 metres east and west of the subject property – are single storey accessory buildings.

There is an existing accessory building located two properties west of the subject property at 461 Lakeview Drive that appears to have a building footprint size of approximately 140 m² in addition to a loft. The measurement of building footprint size was estimated using an interactive mapping system. While this is an example of a relatively large accessory building in the immediate area, it is an exception given that the building footprint size of other accessory buildings in the immediate area do not appear to exceed 70 m².

The proposed accessory building will have an overall gross floor area of 156.08 m² – with the main floor contributing 83.61 m², and a proposed second storey contributing an additional 72.46 m². It is the Planner's opinion that the proposed accessory building, mainly due to the second storey, is not compatible with the general massing characteristics of accessory buildings in the area. For this reason, it also struggles to maintain the general intent of Community Design policies in the Official Plan. Section 4.2.1 b) i) states that 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.

It is important to note that the regulation restricting accessory buildings to not exceed a gross floor area of 55.0 m² was introduced in the Zoning By-law adopted by Council in 2012. In addition to virtually every accessory building in the immediate area being considerably smaller than the proposed building, there are no building permit records to suggest that any of these existing accessory buildings were constructed with a permit after 2012. Additionally, the Belle River Zoning By-law adopted by Council in March 1990 did not include a regulation limiting the massing of accessory buildings based on gross floor area. The intention of the provision in the Zoning By-law today is to curb further development of accessory buildings with excessive gross floor area that, if allowed to continue to develop, can fundamentally change neighbourhood character.

There may be issues of appropriateness with the proposal, particularly with respect to the requested height relief. According to the applicant, the second storey will be used as a hobby room. The Committee should question why a hobby room needs to be accommodated as a second storey in an accessory building rather than as a building addition or renovation to the main dwelling.

The definition of "accessory" in the Zoning By-law should also be considered, which describes an accessory building as subordinate to a main building. While the main building is depicted as 1169 ft² on the site plan in addition to having some loft space, it appears the massing of the proposed two storey accessory building will exceed that of the main building.

The subject property is designated Lake St. Clair Shoreline Floodprone Area towards the rear of the property, and is located within the Essex Region Conservation Authority (ERCA) Limit of Regulated Area. Lands within the Lake St. Clair Shoreline Floodprone Area are areas that have been identified as being susceptible to flooding. ERCA was circulated the proposal for comment.

Section 6.5 a) v) & 6.41.4 a)

The applicant is also seeking relief to permit a minimum front yard setback of 4.57 metres for the accessory building. Furthermore, a proposed driveway providing access to the accessory building from the Lakeview Drive right-of-way will have a length of 4.57 metres. The purpose of the regulations requiring a minimum front yard setback of 6 metres where

a garage door faces the street, and a minimum length of 6 metres for a driveway, is to ensure that the driveway providing access to the accessory building can support the length of a vehicle without encroaching into the right-of-way, and to separate the use from the travelled portion of the road allowance.

The Engineering Department was circulated the proposal for comment, and to assess the impact of permitting a reduced setback from this particular road allowance. There are numerous accessory buildings in the immediate area with deficient front yard setbacks and driveways. It is therefore the opinion of the Planner that granting the reduced front yard setback and driveway length for an accessory building in this area would not disrupt uniformity of appearance and would maintain existing standards. However, it appears based on the site plan that the accessory building can comfortably meet the required setback and still provide adequate separation from the main dwelling. Moreover, the appearance of the streetscape would benefit from an accessory building with these proposed massing characteristics to at least meet minimum setback requirements. A driveway should meet the minimum length requirement to support a vehicle where this can be accommodated without hardship.

Based on the foregoing, it is the Planner's recommendation that the Committee refuse the minor variance. If the Committee decides to approve the minor variance, they are advised to impose the following conditions on approval:

- 1) That plumbing fixtures will not be permitted in the accessory building until there is sanitary capacity to treat additional sewage flows, to the satisfaction of Building Services;
- 2) That relief from Section 6.5 a) xi) is restricted to the roof type depicted in the drawing entitled "Elevations" submitted with the minor variance application, to the satisfaction of Building Services;
- 3) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Dwelling Unit as defined in the Zoning By-law, to the satisfaction of Building Services;
- 4) That, in the absence of a zoning by-law amendment permitting otherwise, the accessory building will not contain a Home Industry as defined in the Zoning By-law.

Prepared by:

Ian Search, BES
Planner I

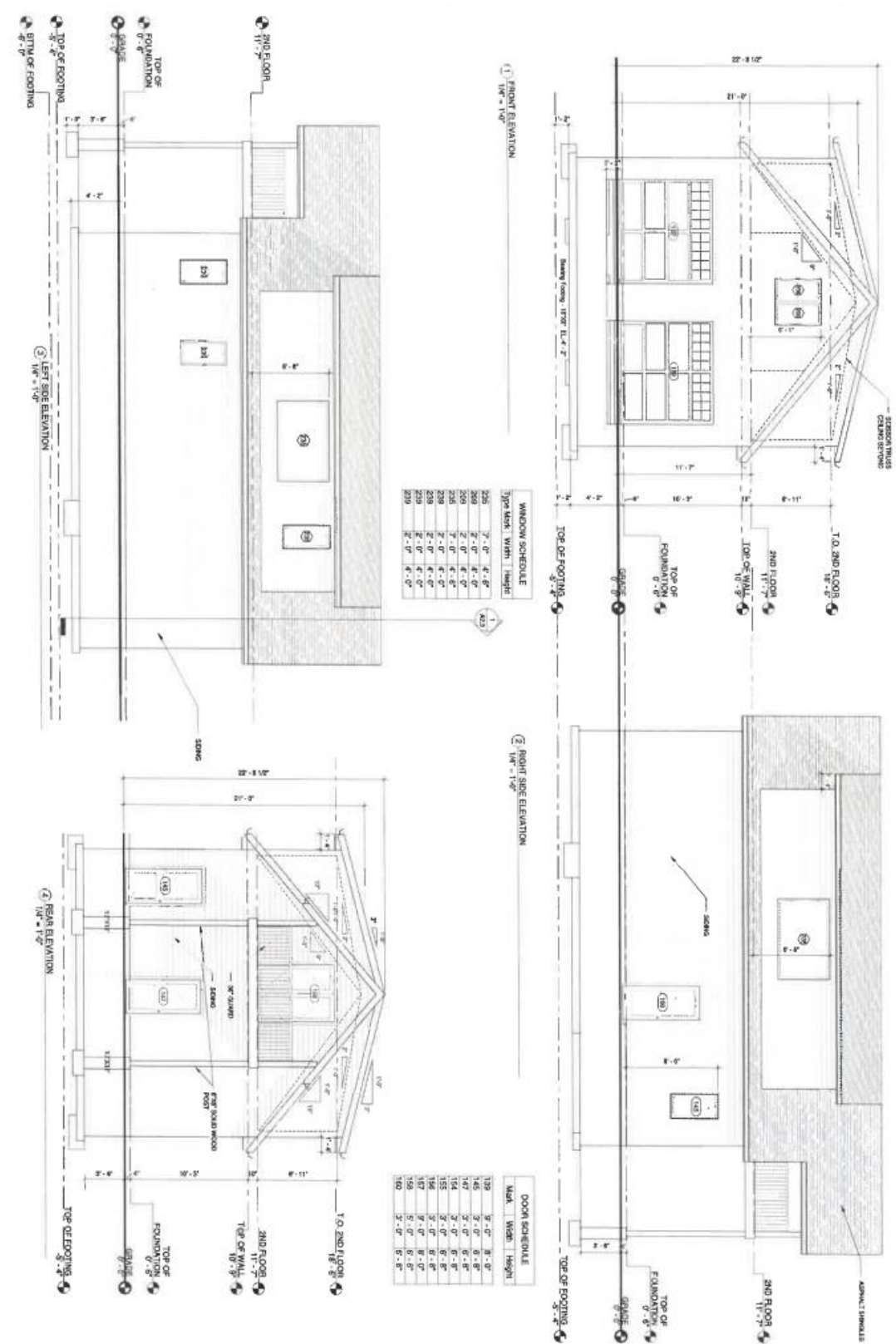
Attachment “A” – Key Plan



Attachment “B” – Site Plan & Elevations



② SITE PLAN
1/16" = 1'-0"



KWP
RESIDENTIAL
DESIGN

Firm BCIN: 46595
881 Thompson Blvd.
Windsor, Ontario
N9A 2K7
519-519-8251
kwpdesign.ca/kwpdesign.ca

Campeau Construction

453 Lakeview

SHEET LIST

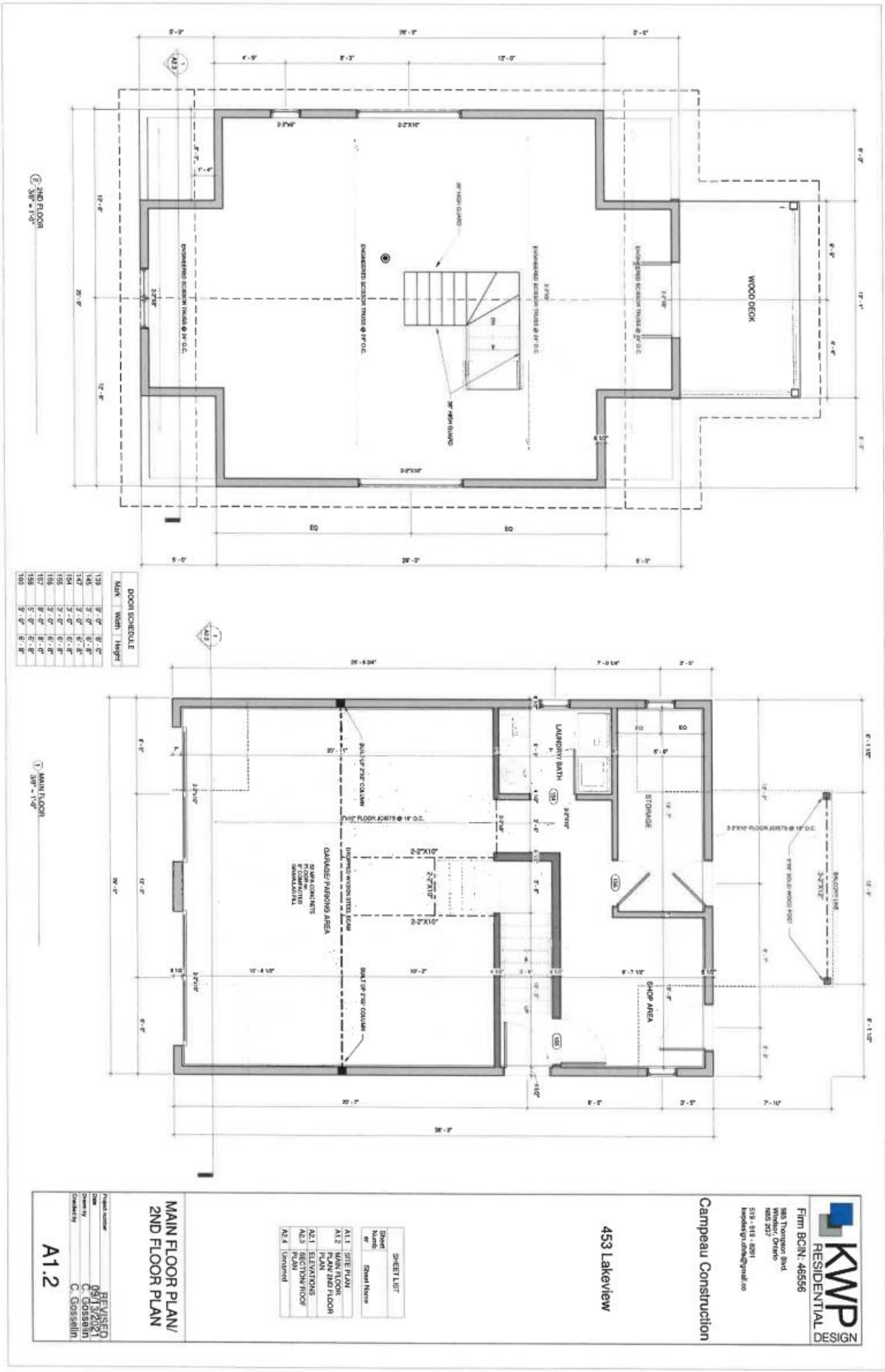
Sheet No.	Sheet Name
A1.1	3D IT PLAN
A1.2	PLAN FLOOR
A1.3	PLAN FLOOR
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A2.3	ELEVATIONS
A2.4	ELEVATIONS

ELEVATIONS

A2.1

REVISIONS

Rev	By	Date	Description
01	C. Grosselin	09/13/2021	Initial Design
02	C. Grosselin	09/13/2021	Revised
03	C. Grosselin	09/13/2021	Revised



Report Approval Details

Document Title:	A-36-2021 Report.docx
Attachments:	
Final Approval Date:	Oct 18, 2021

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

Aaron Hair