

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings,
Co-op Student

Date: July 7, 2022

Applicant: Richard and Susana Wilkinson,
5623 St Clair Rd,
Stoney Point, ON

Subject: Minor Variance Application A/28/2022

Recommendation

Approve the minor variance application A/28/2022 to permit the construction of an accessory structure with a maximum gross floor area of 71.34m².

Proposal

The applicants of 5623 St. Clair Road wish to construct a 71.34m² detached garage in the rear yard of the residential property. As a result, they are seeking a 16.34 m² relief from Section 6.5 of the Lakeshore Zoning By-law 2-2012, which limits accessory buildings to a gross floor area of 55.0 m².

Summary

Location:

The subject land is a 3,836.89 m² (0.94 acre) lot containing the main building on the East side of the lot, and a small shed on the mid-West portion of the lot. The subject land, 5623 St. Clair Road, is located on the south side of St. Clair Road, west of Columbus Drive.

Official Plan:

The Northern portion of the property is designated Residential, while the Southern portion of the property is designated Agricultural. The proposed structure is located with the Northern designated portion of the property.

Surrounding Land Uses:

North: Residential
East: Residential and Agriculture
South: Agriculture
West: Residential

Zoning:

The entire subject property is zoned Waterfront Residential- Lake St. Clair (RW2). The Lakeshore Zoning By-law permits accessory buildings within Waterfront Residential- Lake St. Clair (RW2) zones.

Conclusion:

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.

In review of the application, staff considered the intent and purpose of the Official Plan and are satisfied that the variance meets the intent. The subject property as mentioned before is designated as Waterfront Residential and any uses accessory to the permitted uses is permitted. The use of a garage is already a permitted use.

The intent and purpose of the zoning by-law is also met, as the restriction placed upon gross floor area is to limit the impact of accessory buildings placed upon the property. With the additional gross floor area, the proposed accessory building will only account for 2% of the lot coverage area and will remain accessory to the main building. Totalling a lot coverage of 5.8% when combined with the existing structure.

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. Staff are of the opinion that the variance has little to no impact on the neighborhood as the neighboring properties have similar structures.

The final test regards the appropriateness and desirability of the use. The placement of the proposed residential accessory building abides by the minimum front yard setback required within its zone and uses materials complementary to that of the main building. The location of the proposed detached garage in respect to the driveway seems optimal for future uses, therefore making the proposed accessory building desirable.

Therefore, the requested variance meets the following 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.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, all of which expressed no concerns with the application. Engineering has expressed that an entrance permit will be required and that the accessory building must adhere to the setbacks from the municipal drain running along the Eastern side of the property. The Engineering comments received are included as Appendix C.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan and Elevations
Appendix C – Engineering Comments

Prepared by:



Ian Rawlings,
Planning Coop Student

Report Approval Details

Document Title:	A-28-2022 Report.docx
Attachments:	- Aerial Map.pdf - Site Plan and Elevations.pdf - Engineering Comments.pdf
Final Approval Date:	Jul 8, 2022

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

Prepared by Ian Rawlings

Approved by Kristina Brcic