

Municipality of Lakeshore Accessibility Advisory Committee Report

Growth & Sustainability

Community Planning



To: Chair & Members of the Accessibility Advisory Committee

From: Ian Rawlings, Planning Coop Student

Date: July 7, 2022

Applicant: Marjan Jovovski c/o Alexander Jovovski
202 Rafih Cres,
Belleriver, On

Subject: Minor Variance Application A/30/2022

Recommendation

Approve minor variance application A/30/2022 conditional upon:

- 1) An approved pool permit of the existing pool;
- 2) Obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Proposal

The applicant of 202 Rafih Crescent has constructed a pool in the rear yard of a residential property. They are seeking a 0.81 metre variance from Section 6.5 of the Lakeshore Zoning By-law 2-2012 which permits pool equipment to be located a minimum of 1.5 metres from a side or rear lot line. The applicant has indicated that the reason for the minor variance request is to place pool equipment which includes the pump, heater, and filter, closer to the rear lot line behind an existing shed. Ultimately keeping the yard clear from the pool equipment.

Summary

Location:

The subject land is a 603.87 m² (0.149 acre) residential lot containing a dwelling with a pool and shed in the rear yard. The subjected land, 202 Rafih Cres. Is located on the East side of Rafih Crescent North of County Road 22, South of Old Tecumseh Rd, and on the West of Wallace Line Rd.

Official Plan

The entire subject property is designated as Residential

Surrounding Land Uses:

North: Residential

East: Wallace Line Rd

South: Residential

West: Residential

Zoning:

The entire subject property is zoned Residential – Low Density (R1).

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 Residential – Low Density and private pools and associated equipment are common features of residential development in Lakeshore. Further, the Official Plan does not regulate nor make mention of private pools and pool equipment and is more appropriately addressed under the Zoning By-law.

The intent and purpose of the zoning by-law is also met, as the restriction of 1.5m from any lot line is to reduce the impact of noise and vibration to neighbouring properties. The location will not be disruptive to any neighbours as the equipment will be kept private through fencing and there are no neighbors adjacent to the rear lot line since to the east of the property is Wallace Line Rd.

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. The variance has little to no impact on the neighborhood as pools are a common accessory to residential dwellings and there are no neighboring properties adjacent to the rear lot line.

The final test regards the appropriateness and desirability of the use. The placement of the pool equipment behind the tool shed is chosen to minimize impact upon the rear yard, maintaining the aesthetics, and have no negative impacts to neighboring properties. Therefore, the proposed variance is considered appropriate and desirable for the lands.

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 support for the application. Engineering expressed concerns regarding the approved pool permit along with the grading that may affect the surrounding neighbors or adjacent right of way. The Engineering comments received are included as Appendix C.

ERCA provided comments and is in support of the application. They have advised that the property owner obtain a permit prior to any construction or alteration. ERCA comments received are included as Appendix D.

Attachment(s):

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

Prepared by:



Ian Rawlings, Planning Coop Student

Report Approval Details

Document Title:	A-30-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Drawings.pdf- Engineering Comments.pdf- ERCA 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