

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Ian Search, Planner II

**Date:** July 20, 2022

**Subject:** Zoning By-law Amendment Application ZBA-9-2022, Jackie Lassaline (agent), 317 Lakeview Drive

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### Recommendation

Approve Zoning By-law Amendment Application ZBA-9-2022 (By-law 74-2022) Municipality of Lakeshore (By-law 2-2012), to rezone the subject property from “Residential Waterfront – Lake St. Clair (RW2)” to “Residential Waterfront – Lake St. Clair Zone Exception 14 (RW2-14)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 74-2022 during the “Consideration of By-laws”, all as presented at the August 9, 2022 Council meeting.

### Background

The subject property is a 3,277.95 m<sup>2</sup> (0.81 acre) residential lot, located on the north side of Lakeview Drive, north of Broadway Street, west of Ducharme Street, known municipally as 317 Lakeview Drive (See Attachment 1). The property currently consists of a temporary/original dwelling located on the southern portion of the property, with a gross floor area of 255 m<sup>2</sup> and a height of 6.19 metres, a shed and a newly constructed dwelling.

In 2015, owners of the property applied for a building permit to allow for the construction of the new dwelling built closer to the lake. On May 27<sup>th</sup>, 2015, an agreement was entered into with the municipality that required the original dwelling to be demolished or changed to a non-residential use that complies with the permitted uses in the Zoning By-law prior to obtaining an occupancy permit for the new dwelling. Under the agreement, the owner agreed to take all steps reasonably required to ensure the building could no longer be considered a dwelling.

To date the owner has removed the kitchen facilities in the building, and Building Services is satisfied that the conversion to an accessory building is now complete. A zoning by-law amendment is required prior to Building Services finalizing their permit process for the new dwelling since accessory buildings cannot exceed a gross floor area of 55 m<sup>2</sup> or a height of 5 metres in the Residential Waterfront – Lake St. Clair (RW2) zone. As such,

they are applying for a zoning by-law amendment to recognize its existing gross floor area and height for an accessory structure. In addition, the amendment proposes to prohibit any new accessory structures on the site and the use of the accessory building as a dwelling unit.

Subject Parcel	Lot Area – 0.81 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 255 m <sup>2</sup> (2,744.8 ft <sup>2</sup> ) and a height of 6.19 metres (20.3 feet) Access – Lakeview Drive Servicing – municipally owned and operated piped water supply and sanitary service
Surrounding Uses	North – Lake St. Clair East – residential land uses West – residential land uses South – VIA rail right-of-way, residential land uses
Official Plan	Residential
Existing Zoning	RW2, Residential Waterfront – Lake St. Clair

## Comments

### Provincial Policy Statement (PPS)

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

### County Official Plan

The subject property is designated “Primary Settlement Area” in the County of Essex Official Plan and “Residential” in the Lakeshore Official Plan. A single detached dwelling and accessory uses/buildings are permitted on lands designated “Residential”.

### Lakeshore Official Plan

The subject property is designated “Lake St. Clair Shoreline Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) Limit of the Regulated Area. ERCA was circulated the application for comment and stated that they had no objection or concern. The applicant must obtain a permit from ERCA for the change in use of the structure from a dwelling to an accessory building.

### Zoning By-law

A zoning by-law amendment is required to recognize the gross floor area and height of

the accessory building. Section 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the R1, R2, R3, RW1, RW2, RM or HR zone. Additionally, the by-law restricts the height of an accessory building to 5 metres unless within an Agriculture Zone.

The building has a gross floor area of 255 m<sup>2</sup> and a height of 6.19 metres. It is a two-storey building and the gross floor area includes the total floor area of each storey. The total floor area of the first storey is 127.46 m<sup>2</sup> which represents the building footprint. Since the building was constructed with dormers, Building Services has indicated the height to be the vertical distance from grade to the midpoint of the dormer.

In addition, the amendment proposes to prohibit any new accessory structures on the site and the use of the accessory building as a dwelling unit. The applicant has included these additional provisions to ensure compatibility with the neighbourhood.

The Planning Rationale Report submitted with the application indicates that the building has been converted to an accessory building for storage purposes and a parking garage. It states that the building will support the storage of recreational belongings normally associated with lakefront properties (canoes, kayaks, small motors, etc.).

## **Issues**

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

### **Suitability of the Property, Compatibility with Surrounding Uses**

The subject property has a lot area of 0.81 acres and a lot frontage of 30.48 metres. It is double the size of typical lots along Lakeview Drive and suitably supports the existing buildings on the site. In fact, the subject building only contributes 3.9% lot coverage, and is clearly subordinate to the very large dwelling that was constructed on the property. It is oriented away from the street as a west facing building, which is akin to accessory buildings in the area. It was constructed with high quality architectural elements that are compatible with the new dwelling. The subject building is appropriate for the lot.

There are numerous properties in the immediate area along Lakeview Drive which currently support similar two storey accessory buildings. The massing and height of these buildings resemble the subject building. Additionally, the subject building has existed in the area for approximately 10 years, including 6 years alongside the newly constructed dwelling. It is located in an area on the lot that does not result in any impacts on neighbouring properties. By-law enforcement has not received any complaints from the public with respect to this building.

The zoning by-law amendment proposes to include the prohibition of any new accessory structures on the site and the use of the accessory building as a dwelling unit. These provisions are considered appropriate. The amendment will make it clear that the subject

building can no longer be used as a dwelling. While there remains enough lot area to accommodate additional accessory structures on the site, the massing and height of the subject building is excessive and should be adequate for intended storage and parking. Introducing additional structures could impact neighbourhood character and represent overdevelopment of the site. Section 4.2.1 of the Lakeshore Official Plan states that the municipality will seek to maintain the physical design characteristics of the settlement areas and will ensure new development maintains traditional character.

### **Site Design**

The subject building already exists on the subject property. It appears to be safe, functional and similar accessory buildings exist in the immediate area.

### **Others Consulted**

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations for the August 9, 2022 public meeting.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

### **Conclusion**

Based on the foregoing, Administration recommends that Council approve ZBA-9-2022 as per the Recommendation section of the report.

### **Attachments**

Attachment 1 – Key Map

Attachment 2 - Elevation

Attachment 3 – Floor Plan

## Report Approval Details

Document Title:	ZBA-9-2022 - 317 Lakeview Drive.docx
Attachments:	- Attachment 1 - Key Map.pdf - Attachment 2 - Elevation.pdf - Attachment 3 - Floor Plan.pdf
Final Approval Date:	Aug 4, 2022

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

Prepared by Ian Search

Submitted by Kristina Brcic and Tammie Ryall

Approved by Justin Rousseau and Truper McBride