

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: August 8, 2022
Applicant: Brenda and Michael Donahue
Subject: Minor Variance Application A/32/2022 – 1235 Aimee St

Recommendation

Approve the minor variance application A/32/2022 to permit the construction of an accessory structure with a maximum gross floor area of 89.19m², a setback of 4.8m from the interior lot line, and a setback of 14m from the rear lot line. Subject to the following condition:

1) That the applicant adhere to all setbacks from the Municipal Drain as required in the Zoning By-law.

Proposal:

The applicants of 1235 Aimee St wish to construct an 89.19m² storage pole barn (accessory structure) that will be 4.8m from the interior lot line, and 14m from the rear lot line. As a result, they are seeking relief from section 6.5 and section 9.7.3 of the Lakeshore Zoning By-law 2-2012. Section 6.5 limits accessory buildings gross floor area to 55m², and section 9.7.3 requires a 9.1m set back from interior lot lines, and 15.2m setback from rear lot lines.

Summary:

Location:

The subject land is a 4,046.86 m² (1 acre) lot containing the main building in the center of the lot with an outdoor pool behind the main building. The subject lands is located on the northern side of Aimee St, south of County Rd 42, and east of County Rd 31.

Official Plan

The subject property is designated Hamlet in the Lakeshore Official Plan.

Surrounding Land Uses:

North: Municipal Drainage Ditch
East: Single Detached Dwelling zoned (HR-3)
South: Single Detached Dwelling zoned (HR-3)
West: Single Detached Dwelling zoned (HR-3)

Zoning:

The subject property is zoned Hamlet Residential Zone Exception 3 (HR-3). The Lakeshore Zoning By-law permits accessory buildings within the Hamlet Residential zone. The HR-3 sets out specific setback regulations, such as a 9.1m set back from interior lot lines, and 15.2m setback from rear lot lines, in order to maintain character and esthetics within the neighborhood.

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 is designated Hamlet and any uses accessory to the permitted uses is allowed. Therefore, an accessory structure for storage is permitted.

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 2.2% of the total lot coverage and remains accessory to the main building. Totalling a lot coverage of 10%.

The intent of the HR-3 Zone Exception is to maintain neighbourhood character and esthetics. The main building on the subject lands abides by the regulations set out by the Zoning By-law. Neighbourhood esthetic is detailed within the final minor variance test.

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 appears minor in nature as the size and location of the proposed structure will not adversely affect the surrounding neighborhood, and neighboring properties have similar structures.

The final test regards the appropriateness and desirability of the use. The proposed accessory structure appears similar to neighboring residents in both placement and size. Therefore, the proposed accessory structure appears appropriate as it maintains the character and esthetic of the neighborhood and proves desirable for the residents and surrounding neighbors.

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.

Staff are recommending approval of Minor Variance A-32-2022 if no objections are received from other departments.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, comments received from the are summarized below.

Engineering has expressed that the construction of the accessory building will not adversely impact the rear yard drainage or any neighboring lands. Engineering has also noted that the property is limited to one driveway access as per the lakeshore zoning By-law, and that the applicant must adhere to the municipal drain setbacks.

ERCA has confirmed that the applicants have obtained the necessary permits on June 27th, 2022. If any changes are made to the application the applicant must apply for a revised permit from ERCA.

Attachment(s):

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

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-32-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Aerial Map.pdf- Site Plans and Elevations.pdf- Engineering Comments.pdf- ERCA Comments.pdf
Final Approval Date:	Aug 12, 2022

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

Kristina Brcic - Aug 12, 2022 - 3:29 PM