

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: Chiu Herman and Yen Mark, c/o Justin Clairmont
Subject: Minor Variance Application A/34/2022 – 172 Summer St

Recommendation

Approve the minor variance application A/34/2022 to permit the relocation of an AC unit 2.82m from the interior lot line.

Proposal:

The applicants of 172 Summer St are seeking relief from section 6.42 m) of the Lakeshore Zoning By-law to permit a free-standing AC unit within the interior side yard of their property. The AC unit will be located 2.82m from the interior lot line, alongside the exterior wall of the main building.

Summary:

Location:

The subject land is an 802.68 m² (0.2 acre) lot containing the main building in the center of the lot. 172 Summer St is located on the west side of Summer St, north of County Rd 22, and west of County Rd 2.

Official Plan

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

Surrounding Land Uses:

North: Vacant Land, zoned R1-16

East: Single detached dwelling units (R1-16)

South: Single detached dwelling units (R1-16)

West: Duck Creek, Single detached dwelling units (R1) on the opposing side

Zoning:

The subject property is zoned Residential – Low Density Zone Exception 16 (R1-16). The Lakeshore Zoning By-law permits accessory buildings within Residential – Low Density zone exception 16, which regulates all lot and building requirements to have:

- i) *The minimum lot area shall be 557.4 m².*
- ii) *The minimum lot frontage shall be 15.2 m, except where the lot abuts County Road 2; the minimum lot frontage shall be 18.2 m.*

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 residential. The Lakeshore Official Plan does not speak to the location of free-standing AC units and instead delegates specific regulations to the Zoning By-law. Therefore, conforming to the intent and purpose of the Official plan.

The intent and purpose of the zoning by-law is also met, as the restriction to keep freestanding AC units is to reduce the impact of noise and vibration to neighbouring properties. The location will not be disruptive as there is adequate spacing between the proposed location and the interior lot line, and a privacy fence to help mitigate noise.

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 will provide no adverse effects to the neighboring properties and is therefore deemed minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed location does not affect the circulation around the main structure. The neighbouring property also has a privacy fence which will aid in noise and vibration reduction. As there is no desirable location upon the rear yard for the AC unit, the proposed location appears both appropriate and 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.

Staff are recommending approval of Minor Variance A-34-2022.

Correspondence from external and internal agencies

The application was circulated to various external and internal agencies, Engineering, Building, and ERCA expressed no concerns.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – ERCA Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings", is positioned above a horizontal line.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-34-2022 Report.docx
Attachments:	- Aerial Map.pdf - Drawings.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 - 3:32 PM