

# Municipality of Lakeshore Committee of Adjustment Report

## Growth & Sustainability

## Community Planning



**To:** Chair & Members of Committee of Adjustment

**From:** Ian Rawlings, Planner I

**Date:** January 17, 2023

**Applicant:** Jamie & Lisa Larocque (Owners)  
Cindy Prince (Agent)

**Subject:** Minor Variance Application A/46/2022 – 797 Old Tecumseh Rd

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### Recommendation

Approve minor variance application A/46/2022, to permit an 70.0 m<sup>2</sup> accessory structure in the rear yard of 797 Old Tecumseh Rd, in accordance with the site plan provided in Appendix - B.

### Proposal:

The applicants of 797 Old Tecumseh Rd are proposing to construct a 70.0 m<sup>2</sup> accessory structure in the rear yard of their property. Therefore, the applicants are seeking relief from Section 6.5 a) ix) of the Lakeshore Zoning By-law 2-2012 which limits accessory buildings to not exceed a gross floor area of 55.0 m<sup>2</sup> for each accessory building on a lot in an R1 zone.

### Summary:

#### Location:

The subject property known as 767 Old Tecumseh Rd is approximately 7,216 m<sup>2</sup> in area with 30.56 m of frontage along Old Tecumseh Rd and contains a single-family home under construction. The subject property is located on the southern side of Old Tecumseh Rd, east of Wallace Line Rd.

#### Surrounding Land Uses:

North: Single Detached Dwellings  
East: Single Detached Dwellings  
South: VIA Railway Line, County Rd 22, and a Wood lot  
West: Single Detached Dwellings

## Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which permits accessory structures for residential dwellings.

## Zoning:

The subject property is zoned Residential – Low Density (R1) under the Lakeshore Zoning By-law 2-2012 which permits accessory structures in accordance with section 6.5 a) of the Lakeshore Zoning By-law 2-2012.

## **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 residential, and accessory uses and structures for residential dwellings are permitted and regulated through the Zoning By-law. Therefore, conforming to the Lakeshore Official Plan.

The intent and purpose of the zoning by-law is met as the regulations on gross floor area for accessory structures are implemented to maintain the use as secondary to the main structure. The proposed structure will remain secondary to the main structure in height and area. Therefore, complying with the intent and purpose of the zoning by-law.

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 proposed accessory structure will only account for 1% of the total lot coverage, well below the maximum percentage of 15%. Staff are of the opinion that the construction of the proposed accessory structure shall not adversely impact rear and side yard drainage or adjacent neighboring lands.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size and use of accessory structures of neighboring properties in the area. The proposed accessory structure will not impact the character area and proves desirable in its use as a garage and storage area within the rear yard.

Therefore, the requested variance passes 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.
- iii. It would maintain the general intent and purpose of the Zoning By-law.

## **Correspondence**

### External and Internal Agencies

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

ERCA has expressed that the applicant will be required to obtain a permit from ERCA prior to any construction or site alteration and that the proposed structure will need to satisfy the minimum floodproofing requirements. Full comments can be found within Appendix – C.

The County of Essex has provided engineering comments only which can be found within Appendix – D.

VIA Rail has provided standard comments which can be found within Appendix – E.

Engineering has expressed the construction of the accessory buildings shall not adversely impact the rear and side yard drainage or adjacent neighboring lands. Full comments can be found within Appendix – F.

### Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60m of the subject land. At the time of writing, no written comments were received.

**Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Site Plan and Elevations  
Appendix C – ERCA Comments  
Appendix D – County of Essex Comments  
Appendix E – VIA Rail Comments  
Appendix F – Engineering 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.

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Ian Rawlings,  
Planner 1

## Report Approval Details

Document Title:	A-46-2022 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Site Plan and Elevations.pdf</li><li>- Appendix C - ERCA Comments.pdf</li><li>- Appendix D - County of Essex Comments.pdf</li><li>- Appendix E - VIA Rail Comments.pdf</li><li>- Appendix F - Engineering Comments.pdf</li></ul>
Final Approval Date:	Jan 20, 2023

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

**Kristina Brcic - Jan 20, 2023 - 9:42 AM**