

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 18, 2023
Applicant: Danny & Megan Di Caro
Subject: Minor Variance Application A/48/2022 – 1546 Caille Ave

Recommendation

Approve minor variance application A/48/2022, to permit a 46 m² accessory structure in the side yard of 1546 Caille Ave, to be located 1.10 m from the eastern side lot line in accordance with the site plan in Appendix - B.

Proposal:

The applicants of 1546 Caille Ave are proposing to construct a 46 m² accessory structure in the side yard of the property 1.10 m from the eastern side lot line. Therefore, the applicants are seeking relief from Section 6.5 a) vii) of the Lakeshore Zoning By-law 2-2012 which prohibits accessory structures from being built closer than 1.5 m from any lot line.

Summary:

Location:

The subject property known as 1546 Caille Ave is approximately 984 m² in area with 24.4 m of frontage along Caille Ave and contains a single-family home and dock leading into Lake St. Clair. The subject property is located on the northern side of Caille Ave, east of Rourke Line Rd.

Surrounding Land Uses:

North: Lake St. Clair
East: Single Detached Dwellings
South: VIA Railway, Single Detached Dwellings
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 Waterfront – Lake St. Clair (RW2)' 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 side yard setbacks for accessory structures are implemented to maintain fire prevention, circulation, and access for the subject property. Circulation will be maintained through a 6.5 meter separation between the main structure and the proposed accessory structure. The proposed structure will need to meet building code standards which will be identified when presented for a building permit. Therefore, the intent and purpose of the Zoning By-law is met.

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 neighboring property closest to the proposed accessory structure is separated by a privacy fence along the lot line and sits at a higher grade than 1546 Caille Ave. With the height of the proposed accessory structure only being 2.8 meters in approximation, the proposed accessory structure poses minimal impact on the neighboring property. Municipal staff are of the opinion that the construction of the accessory building shall not adversely impact the side yard drainage or adjacent neighboring lands.

The final test regards the appropriateness and desirability of the use. The proposed accessory structure is deemed appropriate as it reflects the character and placement of accessory structures within the neighboring area. The placement of the accessory structure will also prevent the removal of significant landscaping features, including a

mature tree. Therefore, the proposed variance appears desirable and appropriate for the intended use.

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 no objections to the Application for Minor Variance A-48-2022. ERCA has stated that all openings into the proposed structure must meet the minimum required flood proofing elevation. Full comments can be found within Appendix – C.

VIA Rail has provided Standard comments which can be found within Appendix – D.

Engineering has expressed that the construction of the accessory buildings shall not adversely impact the side yard drainage or adjacent neighboring lands. Additionally, engineering has detailed that there is no existing entrance permit on file or approval for the existing driveway approach to extend the length of the front yard. The maximum allowable driveway width is currently 7.6 meters (25 feet) in accordance with Lakeshore's Bylaw 2-2012 (as amended 2019). Future roadworks on Caille Ave will include the introduction of curb and gutter, and limit driveway widths to adhere to the zoning by-law during construction. A second driveway to the proposed accessory building will not be supported by Operations. Full comments can be found within Appendix – E.

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
Appendix C – ERCA Comments
Appendix D – VIA Rail Comments
Appendix E – Engineering Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-48-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan.pdf- Appendix C - ERCA Comments.pdf- Appendix D - VIA Rail Comments.pdf- Appendix E - Engineering Comments.pdf
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 - 9:53 AM