

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: Amy Green (Applicant)
Ray Proulx (Agent)

Subject: Minor Variance Application A/50/2022 – 389 Lakeview Drive

Recommendation

Approve minor variance application A/50/2022, to permit a 158.31 m² accessory structure in the front yard of 389 Lakeview Dr, 1.22 m from the eastern interior lot line in accordance with the site plan provided in Appendix - B.

Proposal

The applicants of 389 Lakeview Drive are proposing to construct a 158.31 m² accessory structure in the front yard of their property, 1.22 m from the eastern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) which limits accessory buildings to not exceed a gross floor area of 55.0 m², for each accessory building on a lot in an RW2 zone.
- Section 6.5 a) vii) which prohibits accessory structures from being built closer than 1.5 m from any lot line.

Summary

Location

The subject property known as 389 Lakeview Drive is approximately 1,537 m² in area with 15 m of frontage along Lakeview Drive and contains a single-family home, and a garage in the front yard that is planned to be demolished. The subject property is located on the northern side of Lakeview Drive, east of Lake Street.

Surrounding Land Uses

North: Lake St. Clair
East: Single detached dwelling
South: Community Park, Railway
West: Vacant Land

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 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 as the main structure accounts for 13% of the lot coverage, and the accessory structure only accounts for 10% of lot coverage. Resulting in a lot coverage of 23% for the subject property.

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. A side yard setback of 1.22 meters will maintain the necessary circulation to access the proposed accessory structure and the proposed structure will need to meet building code standards to be identified when presented for a building permit.

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. No issues or concerns were raised through correspondence with external and internal agencies and the proposed accessory structure will be located in a similar position to the neighboring properties as the current accessory structure. As no concerns with the location of the existing accessory structure were identified the proposed accessory structure then proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size, use, and placement of accessory structures throughout the neighboring 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 front yard of the subject property.

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 rear and side yard drainage or adjacent neighboring lands. 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 with a long horizontal stroke at the end.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-50-2022 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 - 10:04 AM