

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: Jeffrey Diemer
Subject: Minor Variance Application A/51/2022 – 2037 County Rd 46

Recommendation

Approve minor variance application A/51/2022, to permit a setback of 1.7 m from the rear lot line at 2037 County Rd 46, in accordance with the site plan provided in Appendix - B.

Proposal

The applicant of 2037 County Rd 46 is proposing to construct an addition to the existing house, which will result in a gross floor area of 556.85 m² and a setback of 1.7 m from the rear lot line. Therefore, the applicant is seeking relief from section 8.4 of the Lakeshore Zoning By-law 2-2012, which requires a minimum rear yard setback of 7.5 m for the main building.

Summary

Location

The subject lands known as 2037 County Rd 46 is approximately 1,627 m² in area with 36 m of frontage along County Rd 46 and contains a single-family home. The subject property is located on the southern side of County Rd 46, east of Lakeshore Rd 223.

Surrounding Land Uses

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Single Detached Dwelling and Farmland
West: Single Detached Dwelling

Official Plan

The subject property is designated “Hamlet” by the Lakeshore Official Plan.

Zoning

The subject property is zoned ‘Hamlet - Residential (HR)’ under the Lakeshore Zoning By-law 2-2012 which provides regulations for development under Section 8.4 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 Hamlet and single detached 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 rear yard setbacks for residential dwellings are implemented to provide privacy and open space between abutting properties. Private open space is still provided elsewhere along the subject property and the property abutting the rear lot line is an active farming property with no structures within close proximity.

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 rear yard setback allows for adequate circulation around the main structure, maintains all additional zoning regulations, and maintains open space in the eastern side of the rear yard of the subject property. Staff are of the opinion that the construction of the home addition shall not adversely impact the side yard drainage or adjacent lands. Therefore, the variance is determined minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it will not impact neighboring residential dwellings or farming operations. Character area will be maintained with minimal impact on the streetscape, and the structure appears similar in mass as other residential dwellings.

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.

The County of Essex has provided engineering comments only. Full comments are located within Appendix – C.

Engineering has expressed that the construction of the home addition shall not adversely impact the side yard drainage or adjacent neighboring lands. Full comments can be found within Appendix – D.

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 – Drawings
Appendix C – Count of Essex Comments
Appendix D – Engineering Comments

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-51-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - County of Essex Comments.pdf- Appendix D - 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 - 10:14 AM