

Municipality of Lakeshore Committee of Adjustment Report



Growth & Sustainability

Community Planning

To: Chair & Members of Committee of Adjustment
From: Ian Rawlings, Planner I
Date: February 10, 2023
Applicant: Daniel Caster
Subject: Minor Variance Application A/49/2022 - 262 Xavier Circle

Recommendation

Approve minor variance application A/49/2022, to permit a maximum lot coverage of 40% for the construction of a 262.49m² single detached dwelling at 262 Xavier Circle, in accordance with the site plan provided in Appendix B.

Proposal:

The applicant of 262 Xavier Circle is proposing to construct a 262.49m² single detached dwelling with accessibility features resulting in 40% lot coverage. Therefore, the applicant is seeking relief from section 8.1 of the Lakeshore Zoning By-law 2-2012 which permits a maximum lot coverage of 35% for “Residential – Low Density (R1)” zones.

Summary:

Location:

The subject lands known as 262 Xavier Circle is approximately 663 m² in area with 18 m of frontage along Xavier Circle and is currently vacant. The subject property is located on the eastern side of Xavier Circle, south of Jordan Lane within the Serenity Bay Subdivision.

Surrounding Land Uses:

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

Official Plan

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

Zoning:

The subject property is zoned “Residential – Low Density (R1)” under the Lakeshore Zoning By-law 2-2012 which provides regulations for development under Section 8.1 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 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 lot coverage for residential dwellings are implemented to maintain proper drainage and landscaping, and to provide sufficient outdoor amenity space. The site plan provided details the proposed residential dwelling having adequate outdoor amenity space. Engineering has expressed that the existing stormwater management services installed consider a water runoff of 60% as per the Windsor-Essex Region Stormwater Management Manual. Support of the additional lot coverage will be considered non-compliant with this design and will impact the amount of hard surface on the parcel without exceeding stormwater runoff standards of 60%.

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 single detached residential dwelling complies with all other zoning regulations for “Residential – Low Density” zones and poses no impact on surrounding properties. The need for excess lot coverage is requested to provide an increased area of usage for accessibility purposes. Therefore, the variance appears minor in nature.

The final test regards the appropriateness and desirability of the use. As dwelling units of various types are being constructed throughout the Serenity Bay Subdivision the proposed structure is deemed appropriate as it reflects the mass, and placement of other built structures along Xavier Circle.

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.

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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.

Daniel Caster, the applicant, has provided written comments found within Appendix D.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Site Plan
Appendix C – Engineering Comments
Appendix D – Applicant Letter

Prepared by:



Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-49-2022 Report - Feb 15.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - Applicant Letter.pdf
Final Approval Date:	Feb 10, 2023

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

Kristina Brcic - Feb 10, 2023 - 11:23 AM