

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Rawlings, Planner I

Date: March 15, 2023

Applicant: Gil & Cathy Drouillard (Applicant)
Doug Pickersgill (Agent)

Subject: Minor Variance Application A/02/2023 – 3362 Manning Rd

Recommendation

Approve minor variance application A/02/2023 at 3362 Manning Rd to permit a 178 m² accessory structure 10 m from the front lot line and 15.24 m from the northern interior lot line in accordance with the site plan provided.

Proposal

The applicants of 3362 Manning Rd are proposing to construct a new accessory structure within the front yard of their property. The proposed accessory structure will have a gross floor area of 178 m², an approximate height of 6 m, and will be located 10 m from the front lot line, and 15.24 m from the northern interior lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- To permit a front yard setback of 10 m, whereas section 6.5 a) v) states that an accessory structure shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot. The Front yard setback for a main building within an Agricultural zone is 15 m as detailed within section 8.9 of the Lakeshore Zoning By-law.

Summary

Location

The subject property known as 3362 Manning Rd is approximately 5,706 m² in area with 116.25 m of frontage along Manning Rd and contains a single-family home, and a garage in the side yard. The subject property is located on the eastern side of Manning Rd, south of N Near Rd.

Surrounding Land Uses

North: Temporary film studio
East: Vacant Farmland
South: Residential Dwelling
West: Landscaping Supply Store

Official Plan

The Lakeshore Official Plan designates the property as 'Agriculture' which permits accessory structures.

Zoning

The subject property is zoned "Agriculture (A)" under the Lakeshore Zoning By-law 2-2012 which permits accessory structures in accordance with section 6.5 a).

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 agriculture which permits the use of single detached residential dwelling units and accessory uses to be regulated through the Lakeshore 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 front yard setbacks are implemented to maintain separation from abutting roads, provide area for sufficient landscaping, and provide room for construction and maintenance of roadways and additional infrastructure. The location of the proposed accessory structure allows for servicing of the roadway and any additional infrastructure. The proposed setback will allow for adequate spacing between the road way and accessory structures. The subject property contains a significant amount of frontage and front yard space to be utilized for landscaping.

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 surrounding neighboring area has no established character area for the proposed accessory structure to impede. Internal and external agencies have not identified any issues or concerns with the proposed accessory structure. Lastly the subject property is irregular in shape due to the location of the municipal drain and the landscaping associated with the drain. The location of the drain has greatly influenced the placement of the

accessory structure, leaving the most optimal position to be the front yard as detailed. Therefore, the application proves minor appears nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed desirable in its intended use as a personal hobby shop. The location is deemed desirable as it maintains proper setbacks from existing municipal drains and does not impede on neighboring lands and roadways. Access to the accessory structure will be provided from the south facing elevation, away from the roadway maintaining privacy for the applicants. Therefore, the proposed application proves appropriate for its 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.

Engineering has expressed that the applicant shall adhere to the setbacks from municipal drains outlined in the Lakeshore Zoning By-law. Full comments can be found within Appendix C.

The County of Essex has provided engineering comments only. The county has detailed that the applicant must adhere to a setback of 85 m from the center of the right-of-way. Full comments can be found within Appendix D.

ERCA has expressed that the applicant has already obtained an ERCA clearance permit and that there are no objections at this time. Full comments can be found within Appendix E.

Fire services stated that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. 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 60 m 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 Drawings
Appendix C – Engineering Comments
Appendix D – County Comments
Appendix E – ERCA Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Ian Rawlings,
Planner I

Report Approval Details

Document Title:	A-02-2022 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Site Plan and Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - County Comments.pdf- Appendix E - ERCA Comments.pdf- Appendix F - Fire Services Comments.pdf
Final Approval Date:	Mar 17, 2023

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

No Signature - Task assigned to Kristina Brcic was completed by workflow administrator Brianna Coughlin

Kristina Brcic - Mar 17, 2023 - 9:13 AM