

# Municipality of Lakeshore Committee of Adjustment Report



## Growth & Sustainability

### Community Planning

**To:** Chair & Members of Committee of Adjustment  
**From:** Ian Search, Planner I  
**Date:** March 6, 2023  
**Subject:** Minor Variance Application A/04/2023 – 358 Old Tecumseh Road

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### Recommendation

Approve minor variance application A/04/2023 to permit an air conditioning (AC) unit in the front yard, subject to the following conditions: That the AC unit be placed within 5 metres of the southwest corner of the dwelling; That landscaping features be placed south of the AC unit to screen the view of the AC unit from the street to the satisfaction of the Municipality of Lakeshore.

### Proposal

The subject property currently supports a single detached dwelling with an attached garage. The applicants are proposing to install an air conditioning (AC) unit in the front yard at a setback distance of 27.73 m from the front lot line. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 d) i) to permit an air conditioning (AC) unit in the front yard 27.73 m from the front lot line, whereas the by-law states outdoor free-standing heat pumps and air conditioning units shall not be permitted in any front yard.

### Summary

#### Location

The subject property is located west of Patillo Road, east of Cleophas Drive, known municipally as 358 Old Tecumseh Road. The lot is approximately 2,435.32 m<sup>2</sup> in area with 30.17 m of frontage along the northside of Old Tecumseh Road.

#### Surrounding Land Uses

The subject property is located within a residential district and is surrounded by single detached dwellings.

#### Official Plan

The subject property is designated “Residential” and “Lake St. Clair Floodprone Area” in the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) regulated area.

### Zoning

The subject property is zoned “Residential – Low Density (R1)” in 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.

### Official Plan

Section 6.6 of the Official Plan states that the Residential Designation is expected to accommodate attractive neighbourhoods, and community design policies under Section 4.2.1 state that the municipality will seek to maintain and improve the physical design characteristics of Settlement Areas in the context of new and existing development. The applicant is proposing to place an AC unit 27.73 metres from the front lot line near the southwest corner of the dwelling and west interior side yard. It is the opinion of the Planner that the general intent and purpose of the Official Plan will be maintained if the Committee imposes a condition requiring that landscaping be placed south of the AC unit to screen the view of the unit from the street.

### Zoning By-law

Section 6.5 d) i) states that outdoor AC units shall be permitted as accessory uses provided they are not located in any front yard. The general intent and purpose of this regulation is to promote attractive neighbourhoods by prohibiting AC units in the front yard where they are generally most visible to the public. It is acknowledged that the front yard in this case is much larger than the minimum 7.5 metre front yard setback in the R1 zone, and that the AC unit is proposed to be located in close proximity to the west interior side yard. To maintain the general intent and purpose of the Zoning By-law, the Committee should impose a condition requiring that landscaping be placed south of the AC unit to screen the view of the unit from the street.

### Minor

It is the opinion of the Planner that the requested variance is minor in nature. This determination is dependent on the applicant placing the AC unit in the proposed location indicated on the site plan drawing – 27 metres from the front lot line and in close

proximity to the west interior side yard – along with a provision that landscaping will be used to screen view of the unit from the street.

### Desirability

In terms of whether the minor variance would be desirable for the appropriate use of the land or structure, the Committee should ask the applicant why the AC unit cannot be reasonably accommodated in the interior side yard or rear yard, or why placement of the AC unit in the front yard is sought. The conditions previously mentioned are important for this proposal to meet existing standards in the immediate area as an AC unit placed in a front yard was not identified on any property in the surrounding area during a site visit.

If the applicant is able to provide a reasonable explanation for placing the AC unit in the front yard, then the requested variance passes the following four tests prescribed under Section 45 (1) of the *Planning Act*, subject to the recommended conditions:

- 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.

### Conditions

- That the AC unit be placed within 5 metres of the southwest corner of the dwelling
- That landscaping features be placed south of the AC unit to screen the view of the AC unit from the street to the satisfaction of the Municipality of Lakeshore

## **Correspondence**

### External and Internal Agencies

The application was circulated to various external and internal agencies. No comments impacting the evaluation of the proposal were received.

### Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres 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

**Prepared by:**



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Ian Search,  
Planner I

## Report Approval Details

Document Title:	A-04-2023 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Site Plan.pdf - Appendix C - ERCA 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 - 9:14 AM**