

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: Brenda & George Petro
Subject: Minor Variance Application A/05/2023 – 345 East Pike Creek Rd

Recommendation

Deny minor variance application A/05/2022 at 345 East Pike Creek Rd, to permit a 90 m² accessory structure with a height of 4.96 m, to be located 9.14 m from the southern exterior lot line as it does not pass the four tests prescribed under Section 45 (1) of the *Planning Act* being that it is not deemed appropriate and desirable.

Proposal

The applicants are proposing to construct an accessory structure within the rear yard located 6.09 m from the rear lot line, and 9.14 m from the southern exterior side lot line. The proposed accessory structure will have a gross floor area of 90 m² and a height of 4.96 m. Therefore, the applicants are seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 90 m², whereas the by-law permits a maximum gross floor area of 55 m² in an RW1 zone.

Summary

Location

The subject property known as 345 East Pike Creek Rd is a corner lot with approximately 3,399 m² of lot area and 36 m of frontage along East Pike Creek Rd. The subject property contains a single-family home with an attached garage. The subject property is located at the northwestern corner of the intersection between East Pike Creek Rd and Little Baseline Rd.

Surrounding Land Uses

North: Lake St. Clair
East: Single detached dwelling
South: Vacant Farmland
West: Single detached dwelling

Official Plan

The Lakeshore Official Plan designates the property as 'Residential' which permits accessory uses and structures.

Zoning

The subject property is zoned "Residential Waterfront – watercourse (RW1)" 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 residential which permits accessory uses but allows for their regulation 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 gross floor area for accessory structures is 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 6 % of the lot coverage, and the accessory structure only accounts for 2.6 % of lot coverage. Resulting in a total lot coverage of 8.6 % for the subject property.

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. Staff are of the opinion that there will be no adverse effects on the subject property or any neighboring properties. Therefore, the variance proves minor in nature.

The final test regards the appropriateness and desirability of the use. The proposed structure is not deemed desirable as the site plan and elevation drawings provided depict a garage door opening facing Little Baseline Road. To utilize the depicted garage door opening the applicants will need to install a driveway providing access from Little

Baseline Rd. Residential uses are restricted to a single driveway as detailed within Section 6.41.4 of the Lakeshore Zoning By-law. Therefore, an additional driveway entrance will require approval through a minor variance from the committee.

Therefore, the requested variance does not pass the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would not 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 construction of the accessory building should not impact the rear yard drainage or adjacent neighboring lands. Engineering and the Infrastructure Division will not support a second driveway access to the proposed accessory building due to the proximity of the intersection of Little Baseline Rd and East Pike Creek Rd. The intersection has been identified as a safety concern due to multiple accidents occurring in the intersection. Full comments can be found within Appendix C.

Fire Services has expressed 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 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 – Site Plan
Appendix C – Engineering Comments
Appendix D – Fire Services Comments

Prepared by:

A handwritten signature in black ink, appearing to read 'Ian Rawlings', written in a cursive style.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-05-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Site Plan and Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - 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 - 9:14 AM