

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment
From: Ian Rawlings
Date: March 15, 2023
Applicant: Lisa Pereira
Subject: Minor Variance Application A/06/2023 – 2621 Victoria St

Recommendation

Approve minor variance application A/06/2022 at 2621 Victoria St, to permit a 75 m² accessory structure with a height of 4.5 m, to be located 4.27 m from the rear lot line in accordance with the site plan in Appendix B. Subject the condition below:

1) That a septic test report be completed and deemed satisfactory by the Municipality, and if required, install a new septic system that meets the satisfaction of the Municipality.

Proposal

The applicants are proposing to construct an accessory structure to be used as accessory dwelling unit that will be located in the rear yard of the property with a gross floor area of 75 m², and a height of 4.5 m. The proposed accessory structure will be located 4.27 m from the rear lot line and 5.18 m from the northern interior lot line. 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 75 m², whereas the by-law permits a maximum gross floor area of 55 m² in an HR zone.

Summary

Location

The subject property known as 2621 Victoria St is approximately 2,147 m² in area with 42.67 m of frontage along Victoria St and contains a single-family home and a garage in the rear yard. The subject property is located on the western side of Victoria St, south of South Towe St.

Surrounding Land Uses

North: Single Detached Dwelling
East: Single Detached Dwelling
South: Single Detached Dwelling
West: Woodslee United Church

Official Plan

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

Zoning

The subject property is zoned "Residential Waterfront – Lake St. Clair (RW2)" 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 Hamlet 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 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 approximately 15.5% of the lot coverage, and the accessory structure only accounts for 3.5% of lot coverage. Resulting in a lot coverage of approximately 19% 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 the accessory structure will not adversely impact neighboring properties and the character area will remain unaffected as the proposed structure will be located in the rear yard.

The final test regards the appropriateness and desirability of the use. The proposed structure is deemed appropriate as it reflects the size, and placement of accessory structures throughout the neighboring area. The proposed accessory structure will not impact the character area and proves desirable in its use as an accessory dwelling within the settlement area.

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 construction of the accessory building will not adversely impact the rear yard drainage or adjacent neighboring lands.

Engineering has stated that existing municipal services on the subject property shall be utilized and that no additional municipal services will be provided. The applicant will be required to have the existing sanitary tank inspected by Ontario Clean Water Agency prior to the issuance of a building permit. Full comments can be found within Appendix C.

ERCA has provided no objection to the proposed development. The comments provided by the ERCA will act as the clearance permit for the proposed development. Any alterations to the proposed accessory structure will need confirmation from the ERCA stating that the clearance permit provided requires no amendments. 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 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
Appendix C – Engineering Comments
Appendix D – ERCA Comments

Prepared by:

A handwritten signature in black ink, reading "Ian Rawlings". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ian Rawlings,
Planner 1

Report Approval Details

Document Title:	A-06-2023 - Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Image.pdf- Appendix B - Drawings.pdf- Appendix C - Engineering Comments.pdf- Appendix D - 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