

# 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 15, 2023  
**Subject:** Minor Variance Application A/08/2023 – 2758 St. Clair Road

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### Recommendation

Approve minor variance application A/08/2023 to permit an accessory structure with a gross floor area of 70.81 m<sup>2</sup> and a height of 5.2 metres.

### Proposal

The subject property currently supports a single-detached dwelling with an attached garage. The applicants are proposing to construct an accessory structure in the front yard located 3.6 metres from the front lot line, and 1.6 metres from the western interior side lot line. The proposed accessory structure will have a gross floor area of 70.81 m<sup>2</sup> and a height of 5.2 metres. Therefore, the applicants are seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory structure with a gross floor area of 70.81 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup> in an RW2 zone;
- Section 6.5 a) xi) to permit an accessory structure with a maximum height of 5.2 metres, whereas the by-law permits a maximum height of 5.0 metres in an RW2 zone.

### Summary

#### Location

The subject property is located north of County Road 2, east of Rochester Townline Road, on the northside of St. Clair Road, known municipally as 2758 St. Clair Road. The subject property is approximately 0.57 acres in area with 30 metres of frontage.

#### Surrounding Land Uses

The subject property is surrounded by residential properties (single detached dwelling lots).

### Official Plan

The subject property is designated “Waterfront 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 Waterfront – Lake St. Clair” (RW2) 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### Official Plan

Section 6.4 of the Official Plan states that the existing lakeshore/rural character of the Waterfront Residential Designation will be recognized and maintained. Community design policies under Section 4.2.1 state that the Municipality will ensure new development is designed in keeping with the traditional character of the Settlement Areas in a manner that preserves their traditional community image and enhances their sense of place within the Municipality. Measures will be taken to ensure that permitted uses address compatibility with adjacent land uses.

The development proposal does not threaten the existing lakeshore/rural character of the area, and the proposed building – both in terms of gross floor area and height – is considered compatible with the traditional character of the settlement area. There are nearby residential lots on the north and south side of St. Clair Road that support similar or larger accessory buildings.

### Zoning By-law

Section 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the RW2 zone, and Section 6.5 a) xi) states that an accessory building shall not exceed a height of 5 metres. The definition of “accessory” in the Zoning By-law describes a structure/building that is normally incidental, subordinate, and exclusively devoted to a main building on the same lot.

The site plan drawing submitted with the application indicates that the proposed building is subordinate to the main building on the lot. The purpose of the regulation limiting

gross floor area is to ensure compatibility with massing characteristics of the area. Other accessory buildings similar or larger in massing exist in the area, including buildings at 2818 St. Clair Road, 2135 St. Clair Road and 2040 St. Clair Road.

The purpose of the regulation limiting height is to ensure accessory buildings are not offensive with respect to location and purpose. In this case, only a 0.2 metre increase in height is requested. There is a neighbouring dwelling located just west of where the proposed accessory building will be constructed. According to the site plan drawing, the applicant is proposing to orient the building so that most of the west side wall will exceed the minimum setback from the west interior side lot line.

### Minor

It is the opinion of the Planner that the requested variance is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. The request for a 20 m<sup>2</sup> increase in gross floor area and a 0.2 metre increase in height is considered minor to accommodate personal storage, and the massing of the proposed accessory building is in keeping with the area.

### Desirability

The proposed accessory building meets existing standards in the immediate area and is compatible with the surroundings. The request is considered appropriate given that it is commonplace for residential properties on the lake to have relatively larger accessory buildings for the storage of personal belongings often associated with lakefront properties (boats, etc.).

It is the opinion of the Planner that the requested variance passes the 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 setbacks from municipal drain outlined in Lakeshore’s Zoning By-law. They will not support a second driveway access to the proposed accessory building. They note that construction of the

accessory buildings should not adversely impact the front yard drainage or adjacent neighbouring lands.

ERCA has no objections to the application and state that a permit has been issued for the proposed accessory structure.

Fire Services states 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. Due to the size of the proposed building, it should be noted that the Lakeshore Fire Department provides emergency response through its volunteer firefighter service. There is no guaranteed level of coverage. Anticipated response times, equipment and required staffing may be delayed.

#### 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 Photo  
Appendix B – Drawings  
Appendix C – Engineering Comments  
Appendix D – ERCA Comments  
Appendix E – Fire Services Comments

#### **Prepared by:**



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Ian Search,

Planner I

## Report Approval Details

Document Title:	A-08-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Photo.pdf</li><li>- Appendix B - Drawings.pdf</li><li>- Appendix C - Engineering Comments.pdf</li><li>- Appendix D - ERCA Comments.pdf</li><li>- Appendix E - Fire Services Comments.pdf</li></ul>
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 - 9:15 AM**