

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/09/2023 – 1456 Caille Ave

Recommendation

Approve minor variance application A/09/2023 to permit a dwelling to have a front yard setback of 6 metres and for a porch to encroach 2.7 metres into the required front yard.

Proposal

The subject property is currently vacant. The applicant is proposing to construct a single detached dwelling to be located 6.0 metres from the front lot line, 15.24 metres from the rear lot line, and 1.5 metres from both interior lot lines. The proposed dwelling will have a gross floor area of approximately 175 m². Therefore, the applicant is seeking the following relief from the Lakeshore Zoning By-law 2-2012:

- Section 8.3 to permit a front yard setback of setback of 6 metres in an RW2 zone, whereas the bylaw requires a minimum front yard setback of 7.5 metres.
- Section 6.42 g) to permit a porch to encroach 2.7 metres into the front yard, whereas the by-law permits a maximum encroachment of 2.5 metres into the front yard.

Summary

Location

The subject property is located on the north side of Caille Ave, west of Rourke Line Road, east of Renaud Line Road, known municipally as 1456 Caille Ave. The subject property is approximately 589 m² in area with 17.83 metres of frontage.

Surrounding Land Uses

The subject property is surrounded by waterfront residential properties (single detached dwelling lots) to the east and west, and the VIA Rail Canada Inc. right-of-way to the south.

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 Waterfront – Lake St. Clair Zone Exception 3” (RW2-3) 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 6.6 of the Official Plan states that the Residential Designation is expected to continue to accommodate attractive neighbourhoods. Community design policies under Section 4.2.1 state that the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development, and stress a generally high quality of community design and built form. Through the review of development applications, the Municipality will ensure that new development is designed in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within the Municipality.

The minor variance request does not threaten the attractiveness of the neighbourhood and it maintains the physical design characteristics of the surrounding area. Aerial photography suggests that many dwellings in the immediate area have been constructed with shorter front yard setbacks than what is currently required. The reduced front yard setback that is contemplated for the proposed dwelling and porch will resemble the current built form in the area and will not set a precedent or look out of character.

Zoning By-law

Section 8.3 states that the minimum front yard setback is 7.5 metres in the RW2 zone. Section 6.42 g) states that a porch can only encroach 2.5 metres (including eaves and cornices) into the required front yard setback.

The purpose of the front yard setback is to ensure separation from the road allowance for the maintenance of public services and to provide sufficient area for landscaping. A

6 metre front yard setback for the dwelling will provide sufficient opportunity for landscaping and space for off-street parking.

Minor

It is the opinion of the Planner that the requested reliefs are minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested reliefs. A front yard reduction of 1.5 metres for the dwelling is characteristic of the area and aerial photography suggests it is a minor request relative to other dwellings in the neighbourhood. Permission for the porch to encroach 0.2 metres closer to the front lot line than what is permitted is also considered a minor request.

Desirability

The requested reliefs meet existing standards in the immediate area and are compatible with the surroundings. The request is considered appropriate given that this lot has relatively shorter depth, like many in the immediate area, and decreasing the front yard setback in turn increases the setback distance from the lake. The reliefs will provide more opportunity for rear yard space and may provide more favourable views of the lake for neighbours in comparison to locating the dwelling closer to the lake.

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 the municipal drain outlined in Lakeshore’s Zoning By-law.

ERCA has advised that an ERCA permit has been issued for the construction of a dwelling on the subject property. They state that all construction activities are to be undertaken in accordance with the engineering plans/designs prepared by engineering consultants. They were contacted to confirm their position on safe access during times of flooding under the Provincial Policy Statement (PPS). A Resource Planner at ERCA checked elevation modelling and advised that the elevations appear to grant safe access moving east from the subject property, along Caille Ave to Rourke Line Road.

Kimberly Chretien, owner of 1452 Caille Ave., submitted photos of the road inundated during storm events (Appendix F). These photos were circulated to ERCA for further comment on the matter. The Resource Planner at ERCA reviewed the elevations and photos with ERCA's regulations team and confirmed that based on the best information they have available, the road elevations appear to meet the minimum requirements set out in ERCA policy. ERCA policy allows for approximately one foot of water over the roadway in times of flooding (Appendix G).

Fire Services had no comment on the application.

VIA Rail submitted their standard comments in response to the application. The dwelling will be constructed on the subject property outside of the VIA rail right-of-way, only 1.5 metres closer to the front lot line than what is permitted.

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, comment/photos were received from Kimberly Chretien, owner of 1452 Caille Ave (Appendix F).

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawing
Appendix C – Engineering Comments
Appendix D – ERCA Comments
Appendix E – VIA Rail Comments
Appendix F – 1452 Caille Ave Comment
Appendix G – ERCA Comment Clarification

Prepared by:



Ian Search,
Planner I

Report Approval Details

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| Document Title: | A-09-2023 Report.docx |
| Attachments: | <ul style="list-style-type: none">- Appendix A-Aerial Map.pdf- Appendix B-Drawing.pdf- Appendix C-Engineering Comments.pdf- Appendix D-ERCA Comments.pdf- Appendix E-VIA Rail Comments.pdf- Appendix F-1452 Caille Ave Comment.pdf- Appendix G-ERCA Comment Clarification.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 - 9:15 AM