

Municipality of Lakeshore Committee of Adjustment Report

Growth & Sustainability

Community Planning



To: Chair & Members of Committee of Adjustment

From: Ian Search, BES, Planner I

Date: May 10, 2023

Subject: Minor Variance Application A/14/2023 – 216 Renaud Line Road & 1303 County Road 22

Recommendation

Approve minor variance application A/14/2023 to permit a minimum interior side yard of 5.5 metres, as shown in the site drawing in Appendix B, subject to the following conditions:

- 1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;
- 2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;
- 3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

Proposal

The applicant is proposing to construct a new commercial building on the subject land. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 8.6 to permit a minimum interior side yard of 5.5 metres, whereas the Zoning Bylaw requires a minimum interior side yard of 7.5 metres where the yard abuts a residential, institutional or parks and open space zone.

According to the drawing submitted with the application, the proposed interior side yard reduction is with respect to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road (Appendix B).

Summary

Location

The subject land is located at the southeast corner of Renaud Line Road & County Road 22 (Appendix A). The subject land is approximately 5.21 acres in area with approximately 90 metres of frontage along Renaud Line Road. There is an existing commercial building and a new commercial building is proposed to be located south of the existing commercial building.

Surrounding Land Uses

The subject land is surrounded by residential land uses to the south, east and north. There is a vacant 4.56-acre parcel of land located across from the subject land at the southwest corner of Renaud Line Road and County Road 22 zoned mixed use. Businesses exist across from the subject land on the northside of County Road 22.

Official Plan

The subject land is split designated Mixed Use and Residential. The Residential designation applies to vacant land located east of 216 Renaud Line Road and south of the parking area for the existing commercial building on the site.

Land currently known municipally as 216 Renaud Line Road is where the new commercial building will be developed. The entirety of the land was recently re-designated from Residential to Mixed Use in support of the development.

Zoning

The portion of the subject land designated Residential in the Official Plan, as described above, is zoned Residential – Low Density (R1). The remainder of the land, including the entirety of 216 Renaud Line Road, is zoned Mixed Use Exception 27 (MU-27). This zone exception states that for the purposes of the Zoning By-law, lands zoned MU-27 are considered to be a single lot, and Section 6.17 County Road 22 Street Frontages shall not apply.

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

The minor variance maintains the general intent and purpose of the Official Plan. The subject land is located within the County Road 22 Mixed Use Corridor, where

commercial uses are permitted and redevelopment of underutilized land is encouraged. In accordance with Section 3.4.3 County Road 22 Corridor Special Planning Area, an adequate buffer, such as a fence, should be provided in support of the reduced setback given that the neighbouring property (218 Renaud Line Road) is a low-density residential lot. A buffer will provide an increased sense of privacy for the neighbour and is a desirable feature for maintaining built form compatibility and neighbourhood attractiveness. The site plan drawing submitted with the minor variance does not depict a buffer/fence along the full extent of this mutual side lot line. A site visit was conducted, and a dilapidated fence was observed at this location (Appendix C). A proper fence/buffer should be required as part of the site plan control process under Section 41 of the Planning Act.

Section 4.2.1 of the Official Plan states that excellence in community design will be promoted through the review of new development applications in the Municipality, and the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context of new and existing development. It is acknowledged that the south side of the building will be the rear of the commercial building where there are doors, but no windows depicted on the elevation. This orientation is favourable for protecting the privacy of the adjacent residential lot. Furthermore, the height of the building is depicted to generally be 4.87 metres (16 feet) – and may be as high as 6 metres (20 feet) for certain portions of the roof assembly. Ideally, the proposed setback from the lot line should be equal to or greater than the proposed height of the commercial building to ensure compatible transition between land uses – a minimum 45-degree angular plane. In this case, the proposed 5.5 metre setback is considered acceptable to provide an appropriate transition given building orientation and the provision of landscaped open space between the building and lot line as depicted on the site plan drawing.

218 Renaud Line Road is the neighbouring residential property to the south which shares the mutual lot line that is subject to the minor variance. It is acknowledged that this property is included in the County Road 22 Corridor Special Planning Area and could be developed at some point in the future for a higher intensity residential use given its lot area and land use designation as Residential. It is therefore considered to be a less stable parcel in terms of forming part of the low-density residential neighbourhood immediately south of the subject land on Renaud Line Road.

Zoning By-law

The purpose of the 7.5 metre interior side yard setback is to ensure light and air circulation, privacy, space for maintenance, and fire prevention. No concerns were raised by Building Services or the Fire Department. The proposed setback is essentially equal to the height of the building to provide an approximate 45-degree angular plane measured from the mutual property line. It is therefore anticipated that adequate light and air circulation will be maintained between the properties. The maximum height of buildings in the mixed-use zone is 10.5 metres, so the proposal exceeds the standard in the Zoning By-law with respect to the relationship between building height and required setback.

Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. The relief only reduces the interior side yard by 1.5 metres and there are no anticipated impacts or land use compatibility issues with permitting the request. Compatibility with surroundings can be addressed through the site plan control process and conditions imposed on minor variance approval. The interior side yard setback reduction is required to properly accommodate the proposed commercial building on the subject land. It will provide space for pedestrian approaches north of the building and preserve the existing driveway providing ingress/egress into the site.

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.

The following conditions should be imposed on any minor variance approval:

- 1) The minor variance approval applies specifically to the interior side lot line of the subject land that is mutual with the north interior side lot line of 218 Renaud Line Road;
- 2) The height of a building with an interior side yard setback of 5.5 metres will not exceed a height of 6.1 metres to the highest point of the roof assembly to the satisfaction of Community Planning;
- 3) A fence, berm or the planting and maintaining of a continuous unpierced hedgerow of natural shrubs will be provided south of any building that has an interior side yard setback of 5.5 metres to the satisfaction of Community Planning.

Correspondence

External and Internal Agencies

The application was circulated to various external and internal agencies, comments received are summarized below.

Essex Region Conservation Authority (ERCA) stated that the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration. We recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. Full comments available in Appendix D.

The Operations Department stated that a drainage apportionment will be required for the property. Subsequently, it was explained to the Drainage Superintendent that the

application did not involve a severance, and it was agreed that a drainage apportionment would not be applicable. Full comments available in Appendix E.

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.

Sean Tracey, on behalf of themselves and Heather Tracey, submitted written comments expressing support of the application. They are the owners of 218 Renaud Line Road. Full comments provided in Appendix F.

Attachment(s):

Appendix A – Aerial Map
Appendix B – Drawings
Appendix C – Photo
Appendix D – ERCA Comments
Appendix E – Operations Department
Appendix F – Public Comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-14-2023 Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Drawings.pdf- Appendix C - Photo.pdf- Appendix D - ERCA.pdf- Appendix E - Operations Department.pdf- Appendix F - Public Comment.pdf
Final Approval Date:	May 12, 2023

This report and all of its attachments were approved and signed as outlined below:

Kristina Brcic - May 12, 2023 - 11:35 AM