

# Municipality of Lakeshore Committee of Adjustment Report



## Growth & Sustainability

### Community Planning

**To:** Chair & Members of Committee of Adjustment

**From:** Ian Search, BES, Planner II

**Date:** May 10, 2023

**Subject:** Minor Variance Application A/16/2023 – 0 O'Brien Sideroad (Roll: 100-02050)

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### Recommendation

Approve minor variance application A/16/2023 to permit a dwelling to have a minimum front yard setback of 13.4 metres.

### Proposal

The subject property is a vacant residential lot. It is approximately 0.5 acres in area with approximately 45 metres of frontage along O'Brien Sideroad (Appendix A). The applicant is planning on constructing a new dwelling on the subject property. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

Section 8.9 to permit a minimum front yard setback of 13.4 metres, whereas the By-law requires a minimum front yard setback of 15 metres.

### Summary

#### Location

The subject property is located on the west side of O'Brien Sideroad, north of County Road 46 (Appendix A). The subject property is approximately 0.5 acres in area with 45.72 metres of frontage.

#### Surrounding Land Uses

The subject property is surrounded by agricultural land use to the north, west, and east. Directly south of the subject property is a single detached dwelling located on a farm parcel.

#### Official Plan

The subject property is designated "Agricultural" in the Lakeshore Official Plan.

## Zoning

The subject property is zoned “Agriculture” (A) 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

The minor variance maintains the general intent and purpose of the Official Plan. The subject property is located outside a settlement area in a rural location of the municipality where there are no established physical design consistencies. This is not the case of reducing the front yard setback of a proposed dwelling in a subdivision where front yard setbacks are consistent among dwellings in a neighbourhood.

A single residential dwelling is permitted per lot on land designated Agricultural. Reducing the front yard setback, albeit only 1.6 metres, allows the desired dwelling to meet the minimum rear yard setback which is desirable for separating the dwelling from agricultural practices west of the subject lot.

## Zoning By-law

The purpose of the front yard setback is to separate a dwelling from activities associated with a public street and to provide sufficient area for landscaping purposes. Also, a front yard can provide space for the accommodation of a private septic system. A minimum 3 metre setback should be provided in all cases for the construction and maintenance of public services within the road allowance.

O'Brien Sideroad is a Rural Collector Road, which is designed to primarily provide access to individual properties throughout areas of low density and low development activity and land access. It is not anticipated that reducing the front yard setback 1.6 metres closer to this rural road will result in any negative impacts for those residing in the dwelling. The 13.4 metre front yard setback will still provide sufficient space for landscaping. The Engineering and Infrastructure Division and Building Department did not express any concerns with the setback reduction from their perspective.

## Minor and Desirability

It is the opinion of the Planner that the requested relief is minor in nature. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. A front yard reduction of 1.6 metres for the dwelling will not result in any negative

impacts. The subject property is an existing vacant lot with deficient lot area and the minor variance will assist in the development of the desired dwelling on this lot.

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.

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 severance, and it was agreed that a drainage apportionment would not be applicable. Full comments are available in Appendix C.

### 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 comments were received.

## **Attachment(s):**

Appendix A – Aerial Map  
Appendix B – Drawing  
Appendix C – Operations Department  
Appendix D – Photo

## **Prepared by:**



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Ian Search, BES  
Planner I



## Report Approval Details

Document Title:	A-16-2023 - Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Operations Department.pdf</li><li>- Appendix D - Photo.pdf</li></ul>
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 - 11:23 AM**