

Municipality of Lakeshore

Committee of Adjustment Meeting Agenda

Wednesday, January 22, 2025, 6:00 PM

Operations

304 Rourke Line Rd.

Pages

1. Call to Order
2. O Canada and Land Acknowledgement
3. Disclosures of Pecuniary Interest
4. Public Meetings under the Planning Act
 - a. Minor Variance - A-33-2024 - 313 Russel Woods Drive

4

Recommendation:

Approve minor variance application A/33/2024, 313 Russel Woods Drive, to permit the following relief for the development of a new dwelling on the Subject Property:

Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 40% whereas a maximum lot coverage of 35% is permitted in the Residential – Low Density (R1) zone.

Include the following Notice in the Notice of Decision:

The low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event, to an extent that the subject property may be inaccessible to people and vehicles (including emergency services) during times of flooding hazards.

Recommendation:

Approve minor variance application A/34/2024, 9234 St. Clair Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for the development of a building addition to an existing accessory building on the Subject Property:

Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m² (1,200.18 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in a R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following condition on the minor variance approval:

The minor variance relief is specifically for a maximum 49.06 m² (528 ft²) building addition to the south end of the existing accessory building, as depicted on the site plan drawing submitted for the minor variance application to the satisfaction of the Building Department at the Municipality of Lakeshore.

Include the following Notice in the Notice of Decision:

The owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use of any kind in the accessory building.

Recommendation:

Approve minor variance application A/36/2024, 0 Rourke Line Road, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an elementary school on the Subject Property:

- Relief from subsection 6.41.3 g) to permit loading spaces within the front yard; whereas subsection 6.41.3 g) states that loading spaces shall not be permitted within a front yard;

- Relief from subsection 6.17 a) to permit a maximum front yard setback of 70.2 metres (230.32 feet); whereas subsection 6.17 a) requires a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage.

5. Completion of Unfinished Business

6. Approval of Previous Meeting Minutes

Recommendation:

Approve minutes of the previous meeting as listed on the agenda.

- a. December 4, 2024 Meeting Minutes

50

7. New Business

8. Adjournment

Recommendation:

The Committee of Adjustment adjourn its meeting at ____ PM.

**Municipality of Lakeshore
Committee of Adjustment Report**



Growth & Sustainability

Community Planning

To: Chair and Members of Committee of Adjustment
From: Ian Search, BES, Planner I
Date: January 13, 2025
Subject: Minor Variance Application A/33/2024 – 313 Russel Woods Drive

Recommendation

Approve minor variance application A/33/2024, 313 Russel Woods Drive, to permit the following relief for the development of a new dwelling on the Subject Property:

Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 40% whereas a maximum lot coverage of 35% is permitted in the Residential – Low Density (R1) zone.

Include the following Notice in the Notice of Decision:

The low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event, to an extent that the subject property may be inaccessible to people and vehicles (including emergency services) during times of flooding hazards.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the south side of Russel Woods Drive, west of Elmgrove Drive, known municipally as 313 Russel Woods Drive in the Municipality of Lakeshore (Appendix A). The subject property is zoned “Residential – Low Density” (R1) in the Lakeshore Zoning By-law and designated “Residential” in the Lakeshore Official Plan.

The subject property is approximately 0.226 acres (914 m²) in area with approximately 21.4 metres (70.2 feet) of frontage along Russel Woods Drive.

The Applicant is seeking the following relief from the Lakeshore Zoning By-law (2-2012) for the development of a new dwelling on the Subject Property (Appendix C):

- Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 35% is permitted in the Residential – Low Density (R1) zone.

The application notes that the reason for the minor variance is for the development of a new dwelling on the subject property with a main floor that is more conducive to the lifestyle needs of the owner. The Lakeshore Building Department issued a demolition permit in April 2024 for an existing dwelling on the property, with the application noting that the dwelling was damaged due to fire. The applicant needs to contact Lakeshore Building Department to complete the required inspections as part of the demolition permit process.

Surrounding Land Uses	North: low-density residential South: low-density residential East: low-density residential West: low-density residential
Official Plan Land Use Designation	Lakeshore Official Plan: Residential County of Essex Official Plan: Primary Settlement Area
Zoning	“Residential – Low Density” (R1)
Relief from Zoning By-law requested	The following relief for the development of a new dwelling on the subject property: • Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 35% is permitted in the Residential – Low Density (R1) zone.

Comments

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.

County of Essex Official Plan

The subject property is designated “Primary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the minor variance application. Subsection 3.2.4.1 h) of the County of Essex Official Plan states “All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans.” A single detached dwelling is permitted on lands designated “Residential” in the Lakeshore Official Plan.

The subject property is located on a municipal road. No comments from the County of Essex have been received as of the writing of this report.

Lakeshore Official Plan

As previously mentioned, a single detached dwelling is permitted on lands designated “Residential” in the Lakeshore Official Plan.

Subsection 4.2.1 provides community design policies in the Lakeshore Official Plan. Specifically, subsection 4.2.1 a) states that: *The Town 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.* A similar policy, subsection 4.2.1 b) i), states that *“through the review of development applications, including plans of subdivision, site plans and other development proposals, 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.”*

Comment: The proposal will not negatively impact the physical design characteristics of the neighbourhood. According to the site plan drawing submitted with the application, the proposed dwelling will comply with the minimum front, rear and side yard setbacks, and minimum landscaped open space requirements for the R1 zone.

The subject property is located in the Lake St. Clair Shoreline Floodprone Area overlay of the Lakeshore Official Plan and is located within the Essex Region Conservation Authority (ERCA) limit of regulated area. ERCA commented on the development proposal stating: *We note that the low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 5.2.8 of the Provincial Planning Statement 2024.* ERCA was contacted for additional comment and stated that they estimate there would be approximately 0.4 (1.31 feet) to 0.5 metres (1.64 feet) of water over the roadway during a one in one-hundred-year flood event. This information was shared with the Lakeshore Fire Chief who commented that a potential inundation of 0.5 metres would not impact fire service from accessing the property.

Subsection 5.4.1.3 j) states that: *There are areas of extensive development located within the Lake St. Clair Shoreline Floodprone Area. In these areas, a reasonable compromise will be made between the extent of the hazard and the continued use and future development of the area. This situation is particularly applicable to the Urban Areas, Hamlet Areas and Waterfront Residential Areas, as set out on Schedule “A”. The Zoning By-Law may establish specific zones to address existing development located within the Lake St. Clair Shoreline Floodprone Area. There is no public obligation to purchase any area within the Lake St. Clair Shoreline Floodprone Area.*

Comment: The subject property previously supported a dwelling that is being replaced on a fully developed street in an Urban Area. The Zoning By-law (2-2012) has this property and others on the street zoned R1 to permit a low-density residential use. It is recognized that there is no immediate remedy to the low-lying nature of this roadway or other existing roadways in fully developed urban areas that are impacted by the one in

one-hundred-year flood event. In this case a reasonable compromise can be made to permit the development of a new dwelling on the property that meets the lifestyle needs of the owner and replaces a previous dwelling that was damaged due to fire. However, a notice on any minor variance approval must be included to make the applicant/owner aware that: *the low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event, to an extent that the subject property may be inaccessible to people and vehicles (including emergency services) during times of flooding hazards.*

Zoning By-law

The general intent and purpose of the regulation limiting the maximum lot coverage of the property to 35% is to ensure enough outdoor amenity space is provided on the lot, as well as sufficient drainage opportunity.

Comment: As previously noted, the development will meet the minimum required setbacks in the R1 zone. As such, the rear yard space will be sufficient for outdoor amenity space on the property. The Team Leader of Development Engineering and Approvals is willing to support the minor variance application as a one-time approval considering the stormwater management system.

Minor in Nature

There are no land use compatibility issues or impacts anticipated from permitting the desired relief for the reasons already mentioned in the report. The requested relief is considered a minor deviation from the Zoning By-law to achieve a development design that is more conducive to the lifestyle needs of the owner.

Desirability and Appropriateness

The requested relief is considered desirable for the appropriate development of the property. No impacts are anticipated to the neighbourhood in terms of uniformity of appearance and the appearance of the streetscape. The proposed development will comply with required setbacks and is therefore considered to be compatible with its surroundings, including adjacent properties.

Conclusion

It is the opinion of the Planner that the requested relief 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment include the following Notice in the Decision:

The low-lying nature of the roadway may result in excess water over the road during a 1:100-year flood event, to an extent that the subject property may be inaccessible to people and vehicles (including emergency services) during times of flooding hazards.

Others Consulted

Comments from ERCA related to flooding have already been addressed in this report. In their comments ERCA also states: *it is recommended that the Municipality consider the current state of the existing development with respect to existing stormwater management infrastructure. Additionally, with respect to the request for relief from maximum lot coverage standards, it is recommended that the determination of any potential impacts/no negative impacts to the stormwater management system be to the satisfaction of the Municipal Engineering/Public Works/Infrastructure Services department.* Comments from the Team Leader of Development Engineering and Approvals are shared below in relation to this issue. ERCA notes that the property owner will be required to obtain a Permit from their office prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. The full comment from ERCA can be found in Appendix E.

The Team Leader of Development Engineering and Approvals comments that the minor variance is supported as one-time approval and that future approvals may not be granted for increased lot coverage. It should be noted that minor variances related to modest increases in lot coverage standards are likely immaterial with respect to the stormwater management design. However, over time (and if improperly monitored), the cumulative affects of increased lot coverage (whether applied over an area or through frequent change requests approved through the Committee of Adjustment) may have a cumulative impact on the stormwater management system and further create adverse impacts on the surrounding drainage system. The full comment from them can be found in Appendix F.

The Fire Department states that they have no comments on the development proposal as presented at this time.

The Building Department states that they have no concerns with the development proposal at this time.

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 property. At the time of writing, no written comments were received.

Attachment(s):

- Appendix A – Aerial Map
- Appendix B – Drawing
- Appendix C – Drawing with Aerial
- Appendix D – Photos
- Appendix E – ERCA Comment
- Appendix F – Engineering Comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-33-2024 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawing.pdf - Appendix C - Drawing with Aerial.pdf - Appendix D - Photos.pdf - Appendix E - ERCA Comment.pdf - Appendix F - Engineering.pdf
Final Approval Date:	Jan 14, 2025

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

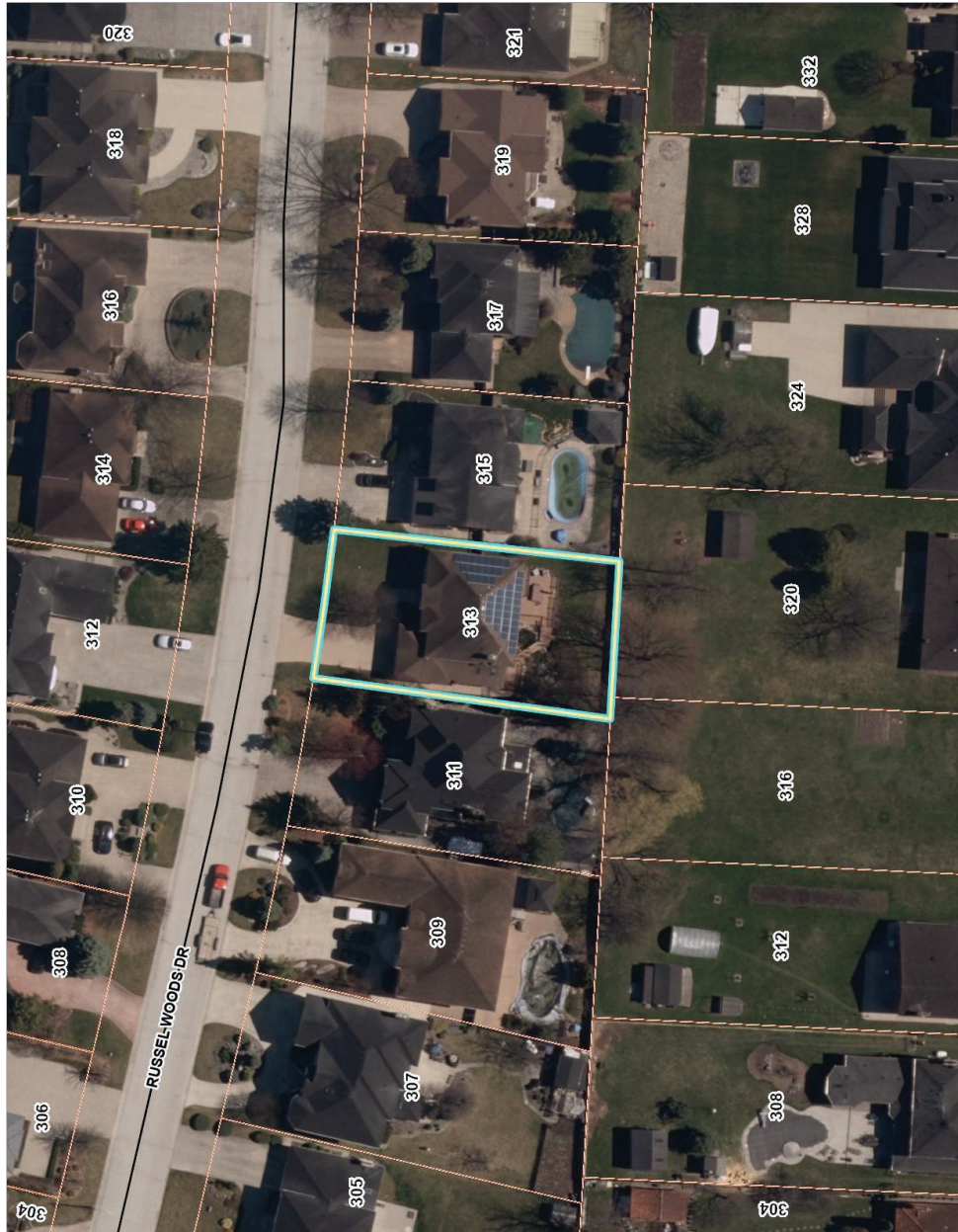
Urvi Prajapati - Jan 14, 2025 - 11:18 AM

Daniel Mercer - Jan 14, 2025 - 12:38 PM

Tammie Ryall - Jan 14, 2025 - 10:40 PM



313 Russel Woods Drive - Subject Property Map



Legend

- Tax Parcel
- WorkingParcel
- Street Centreline
- CNTY
- LAK
- PRIV
- PROV
- <all other values>
- OwnershipParcel

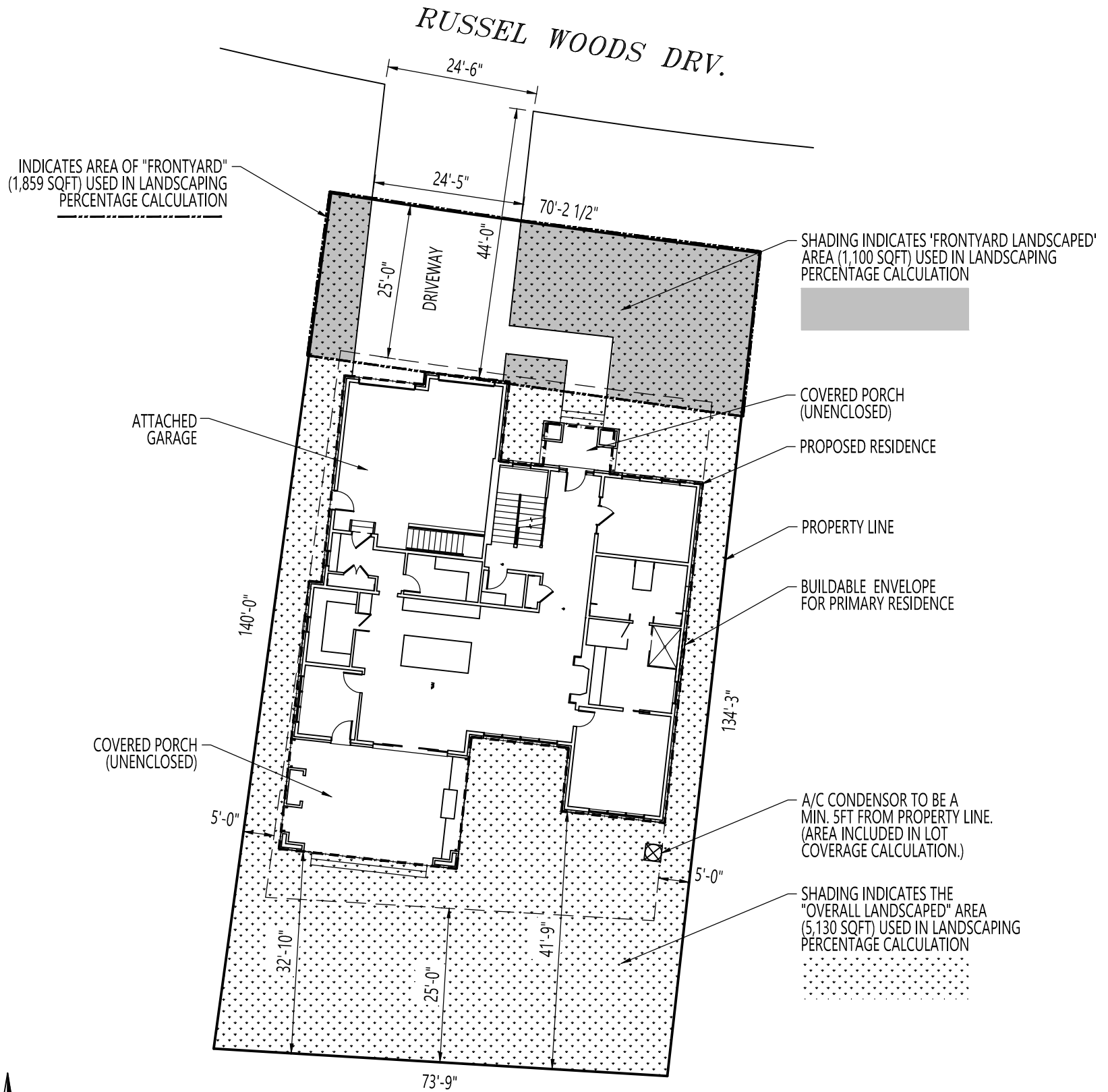
1:837

Notes:

This map is a user generated static output from an application. It is not intended for navigation. The data shown on this map may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

SITE INFORMATION:		UPDATED : DECEMBER 19, 2024
ZONED		R1
TOTAL AREA OF LOT:		9,844 SQFT
TOTAL FOOTPRINT OF MAIN STRUCTURE: (INCLUDING GARAGE, COVER PORCHES, AND A/C UNIT)		3,927 SQFT
LOT COVERAGE MAIN STRUCTURE (MAX. 35% INCL. ACCESSORY STRUCTURES): 3927/9844 = 39.9%		39.9%
FRONTYARD LANDSCAPED AREA (MIN. 40%) 1100/1859 = 59%		59%
OVERALL LANDSCAPED AREA (MIN. 30%) 5130/9844 = 52.1%		

SITE DESCRIPTION:
Mun. No. 313 Russell Woods Drive in Lakeshore Ontario.
SITE NOTES:
<ol style="list-style-type: none"> EXISTING TREES TO REMAIN & TO BE PROTECTED WITH BARRIER. DO NOT STOCKPILE SOIL AGAINST OR AROUND TREES. AVOID COMPACTING SOIL AROUND ROOT AREA OF TREES. THE BUILDING SHALL BE LOCATED OR THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES. PER O.B.C. 9.14.6.1 SURFACE DRAINAGE WATER SERVICE TO BE 1" DIA. AS PER O.B.C. 7.6.3.4



SITE PLAN

SCALE: 1" = 20'

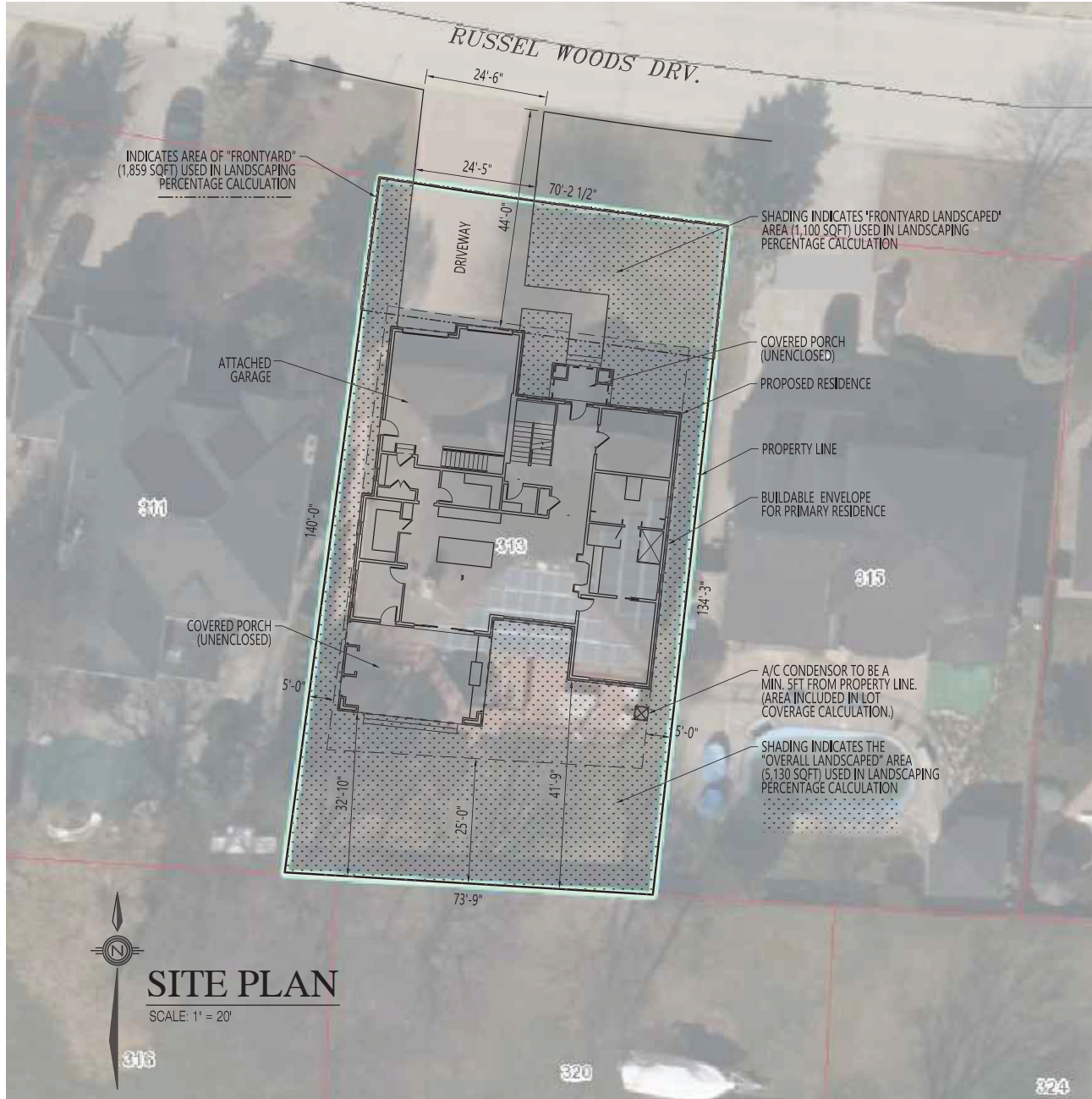
SHABAN RESIDENCE

COPYRIGHT © MONTEMURRI & ASSOCIATES ALL RIGHTS RESERVED
 DECEMBER 19, 2024

SITE INFORMATION:		UPDATED : DECEMBER 9, 2024
ZONED		R1
TOTAL AREA OF LOT:		9,844 SQFT
TOTAL FOOTPRINT OF MAIN STRUCTURE: (INCLUDING GARAGE, COVER PORCHES, AND A/C UNIT)		3,927 SQFT -----
LOT COVERAGE MAIN STRUCTURE (MAX. 35% INCL. ACCESSORY STRUCTURES): 3927/9844 = 39.9%		39.9%
'FRONTYARD' LANDSCAPED AREA (MIN. 40%) 1100/1859 = 59%		59%
'OVERALL' LANDSCAPED AREA (MIN. 30%) 5130/9844 = 52.1%		

SITE DESCRIPTION:
Mun. No. 313 Russell Woods Drive in Lakeshore Ontario.

SITE NOTES:
1. EXISTING TREES TO REMAIN & TO BE PROTECTED WITH BARRIER. DO NOT STOCKPILE SOIL AGAINST OR AROUND TREES. AVOID COMPACTING SOIL AROUND ROOT AREA OF TREES.
2. THE BUILDING SHALL BE LOCATED OR THE BUILDING SITE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES. PER O.B.C. 9.14.6.1 SURFACE DRAINAGE
3. WATER SERVICE TO BE 1" DIA. AS PER O.B.C. 7.6.3.4





A picture of the west half of the property looking south from Russel Woods Drive in front of the property.



A picture of the east half of the property looking south from Russel Woods Drive in front of the property.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

January 02, 2025

Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Minor Variance A-33-2024 313 RUSSEL WOODS DR
ARN 375121000037100;

Applicant: Joseph Shaban c/o Gino Piccioni

The Municipality of Lakeshore has received application for Minor Variance A-33-2024 for the above noted subject lands. The applicant is seeking the following relief from the Lakeshore Zoning By-law (2-2012) for the development of a new dwelling on the subject property:

- Relief from Section 8.1 Urban Residential Zone Regulations to permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 35% is permitted in the Residential - Low Density (R1) zone.

The following is provided as a result of our review of Application for Minor Variance A-33-2024.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We note that the low-lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 5.2.8 of the Provincial Planning Statement 2024.

Mr. Ian Search
January 02, 2025

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 3.6.8 Stormwater Management (PPS, 2024)

It is understood that the Municipality implements maximum lot coverage standards through the appropriate Zoning By-laws, which generally limits the footprint of structures on a parcel in terms of percentages. These coverage limits vary with zoning, such that areas where higher density residential development is allowable, the lot coverage limits are also greater than areas where only single family residential is permissible. Similar to this, stormwater management designs account for varying amounts of “percent imperviousness”; however, stormwater management design parameters make a best attempt to account for the potential additional “hardscaping” that is likely to occur on a given parcel. It is important to continue to make the distinction between “lot coverage” and “percent impervious” as the former does not include the additional hardening elements that are likely to occur, such as paved driveways, concrete and other hardening such as for patios and around various amenities like pools etc.

Based on the above, and as a result of stormwater management practitioners currently designing with parameters that are anticipated to represent the drainage areas as “fully developed”, it is expected that newer stormwater management systems are able to adequately convey and properly attenuate flows based on values greater than the maximum lot coverage standards, such that the downstream receivers are not negatively impacted. As a result, newer stormwater management systems have additional resiliency than older systems.

The current request for relief from maximum lot coverage standards is within an “older” subdivision, which may have been designed with much less conservative design parameters than what would be typical for today’s standards. The ERCA acknowledges that the management and maintenance of the roads, storm sewers and stormwater management facilities, once constructed in accordance with all applicable agency approvals, lies with the Municipality. It is recommended that the Municipality consider the current state of the existing development with respect to existing stormwater management infrastructure. Additionally, with respect to the request for relief from maximum lot coverage standards, it is recommended that the determination of any potential impacts / no negative impacts to the stormwater management system be to the satisfaction of the Municipal Engineering/Public Works/Infrastructure Services department. Should there be any changes to the function of the system, such as impacts related to regulated outflows, reductions in water quality treatment, or floodproofing standards, an ERCA approval may be required and further consultation with our office would be required prior to any approval.

Mr. Ian Search
January 02, 2025

FINAL RECOMMENDATION

As noted above, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. Additionally, the Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the Municipality's responsibilities under Section 5.2.8 of the Provincial Planning Statement 2024.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag



Operations Department

Date: January 8, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – January 22, 2025 – A/33/2024

Operations has reviewed A-33-2024 – 313 Russel Woods Drive application and offer the following comments:

- This file is supported as one-time approval and it should be noted that future approvals may not be granted for the request for increased lot coverage (increase of hard surfacing, ADU's etc.) as the lot coverage exceeds the bylaw, as recommended.
- It should be noted that minor variances related to modest increases in lot coverage standards are likely immaterial with respect to the stormwater management design. However, over time (and if improperly monitored), the cumulative affects of increased lot coverage (whether applied over an area or through frequent change requests approved through the Committee of Adjustment) may have a cumulative impact on the stormwater management system and further create adverse impacts on the surrounding drainage system.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

**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: January 13, 2025
Subject: Minor Variance Application A/34/2024 – 9234 St. Clair Road

Recommendation

Approve minor variance application A/34/2024, 9234 St. Clair Road, to permit the following relief from Lakeshore Zoning By-law (2-2012) for the development of a building addition to an existing accessory building on the Subject Property:

Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m² (1,200.18 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in a R1, R2, R3, RW1, RW2, RM or HR zone.

Impose the following condition on the minor variance approval:

The minor variance relief is specifically for a maximum 49.06 m² (528 ft²) building addition to the south end of the existing accessory building, as depicted on the site plan drawing submitted for the minor variance application to the satisfaction of the Building Department at the Municipality of Lakeshore.

Include the following Notice in the Notice of Decision:

The owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use of any kind in the accessory building.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the north side of St. Clair Road, east of Claireview Drive, known municipally as 9234 St. Clair Road in the Municipality of Lakeshore (Appendix A). The subject property is zoned “Residential Waterfront – Lake St. Clair” (RW2) in the Lakeshore Zoning By-law and designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is approximately 0.49 acres (1,983 m²) in area with approximately 23.1 metres (75.97 feet) of frontage along St. Clair Road.

The Applicant is seeking the following relief from the Lakeshore Zoning By-law (2-2012) for the development of a building addition to an existing accessory building on the Subject Property:

- Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m² (1,200.18 ft²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² (592 ft²) in a R1, R2, R3, RW1, RW2, RM or HR zone.

The accessory building functions as a garage and is in the front yard of the property between the main building (dwelling) and the front lot line. There is an existing 44.6 m² (480 ft²) carport attached to the accessory building on its northside that does not contribute to the gross floor area of the building. The proposed 49.06 m² (528 ft²) addition will be added to the south side of the accessory building (Appendix B). The purpose of the proposed building addition is to provide increased storage for personal vehicles according to the minor variance application. The accessory building is not proposed to be used to operate a business of any kind, and no dwelling unit is proposed for the building.

Surrounding Land Uses	North: Lake St. Clair South: Agriculture East: Residential West: Residential
Official Plan Land Use Designation	Lakeshore Official Plan: Waterfront Residential County of Essex Official Plan: Secondary Settlement Area
Zoning	“Residential Waterfront – Lake St. Clair” (RW2)
Servicing	Municipal water services, municipal sanitary services
Relief from Zoning By-law requested	The proposed building addition requires the following relief for the accessory building that will result: Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m ² (1,200.18 ft ²), whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m ² (592 ft ²) in a R1, R2, R3, RW1, RW2, RM or HR zone.

Comments

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.

County of Essex Official Plan

The subject property is designated “Secondary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the minor variance application. Subsection 3.2.5 e) of the County of Essex Official Plan states “All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans”. Accessory uses to low density residential dwellings are permitted on lands designated “Waterfront Residential” in the Lakeshore Official Plan.

The subject property is located on a municipal road. No comments from the County of Essex have been received as of the writing of this report.

Lakeshore Official Plan

As previously mentioned, accessory uses to low density residential dwellings are permitted on lands designated “Waterfront Residential” in the Lakeshore Official Plan.

Subsection 4.2.1 provides community design policies in the Lakeshore Official Plan. Specifically, subsection 4.2.1 a) states that: *The Town 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.* A similar policy, subsection 4.2.1 b) i), states that *“through the review of development applications, including plans of subdivision, site plans and other development proposals, 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.”*

Comment: The proposal will not negatively impact the physical design characteristics of the neighbourhood. According to the site plan drawing submitted with the application, the existing dwelling on the property has a building footprint size of 1760 ft² (163.5 m²), which will remain larger than the accessory building including its carport (1,680 ft²/156.1 m²) following the addition. Moreover, there are other accessory buildings that exceed the maximum gross floor area in the immediate neighbourhood.

Subsection 4.2.1 c) states that *“Measures will be taken to ensure that the permitted uses address compatibility with adjacent land uses. Adequate separation buffering or screening will be provided between any uses where land use conflicts might be expected, such as the provision of grass strips and appropriate planting of trees and*

shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also represent appropriate buffering measures”.

Comment: Measures such as buffering and screening are not required for the development. The accessory building and its proposed addition will be used as a garage for the storage of personal vehicles, which is a use that does not require such measures. Moreover, the building addition is a southerly extension that does not bring the accessory building closer to neighbouring residential lots located east and west of the subject property.

Zoning By-law

The general intent and purpose of the regulation limiting the gross floor area of accessory buildings to 55 m² is to ensure that accessory buildings supporting a non-residential use do not dominate the landscape in a typical subdivision.

Comment: The subject property is located outside a typical subdivision in a Waterfront Area where the lot area of properties greatly exceed the minimum lot area in the Zoning By-law of 0.198 acres (800 m²). In this area larger accessory buildings can be appropriately accommodated. The proposal maintains the intent of the Zoning By-law in consideration of the size of the accessory building relative to the dwelling and lot area of the subject property.

Minor in Nature

The requested relief is considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired relief for the reasons already mentioned in the report. The subject property and the characteristics of the surrounding area lend support for the proposal as a minor deviation from the Zoning By-law.

Desirability and Appropriateness

The requested reliefs are considered desirable for the appropriate development of the property. Following the building addition the accessory building will still be approximately 16.8 metres (55 feet) from the front lot line. Negative impacts to the appearance of the streetscape are not anticipated. The proposal is considered compatible with its surroundings, and there are other accessory buildings that exceed the maximum gross floor area in the immediate neighbourhood.

Conclusion

It is the opinion of the Planner that the requested relief 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended that the Committee of Adjustment impose the following conditions on approval of the minor variance application:

- The minor variance relief is specifically for a maximum 49.06 m² (528 ft²) building addition to the south end of the existing accessory building, as depicted on the site plan drawing submitted for the minor variance application to the satisfaction of the Building Department at the Municipality of Lakeshore.

It is recommended that the Committee of Adjustment include the following Notice in the Decision:

The owner must contact the Municipality of Lakeshore to apply for the appropriate permissions under the Zoning By-law or the Building Code, as the case may be, if the intention is to permit a commercial or residential use in the accessory building.

Others Consulted

The subject property is located within the overlay of the Lake St. Clair Shoreline Floodprone Area in the Lakeshore Official Plan. The Essex Region Conservation Authority (ERCA) was circulated for comment. ERCA states that they have already issued ERCA Permit #725 - 24, dated December 10, 2024 for this development. It is the responsibility of the applicant to notify their office if any changes are required to the approved site plans during construction. Their office has no objection to the minor variance. The full comment from ERCA can be found in Appendix D.

The Team Leader of Development Engineering and Approvals commented that since the development is within the lot coverage limits, there are no comments related to the application. Their full comment can be found in Appendix E.

The Lakeshore Fire Department stated that they do not have comments on the proposal as it is presented.

The Lakeshore Building Department stated that they have no concerns at this time with the proposal.

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 property. At the time of writing, no written comments were received.

Attachment(s):

Appendix A – Aerial Map

Appendix B – Drawings
Appendix C – Photos
Appendix D – ERCA Comment
Appendix E – Engineering

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-34-2024 Report.docx
Attachments:	- Appendix A - Aerial Map.pdf - Appendix B - Drawings.pdf - Appendix C - Photos.pdf - Appendix D - ERCA Comment.pdf - Appendix E - Engineering comment.pdf
Final Approval Date:	Jan 15, 2025

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

Urvi Prajapati - Jan 14, 2025 - 2:13 PM

Daniel Mercer - Jan 15, 2025 - 1:37 PM

Tammie Ryall - Jan 15, 2025 - 2:35 PM



9234 St Clair Road - Subject Property Map



Legend

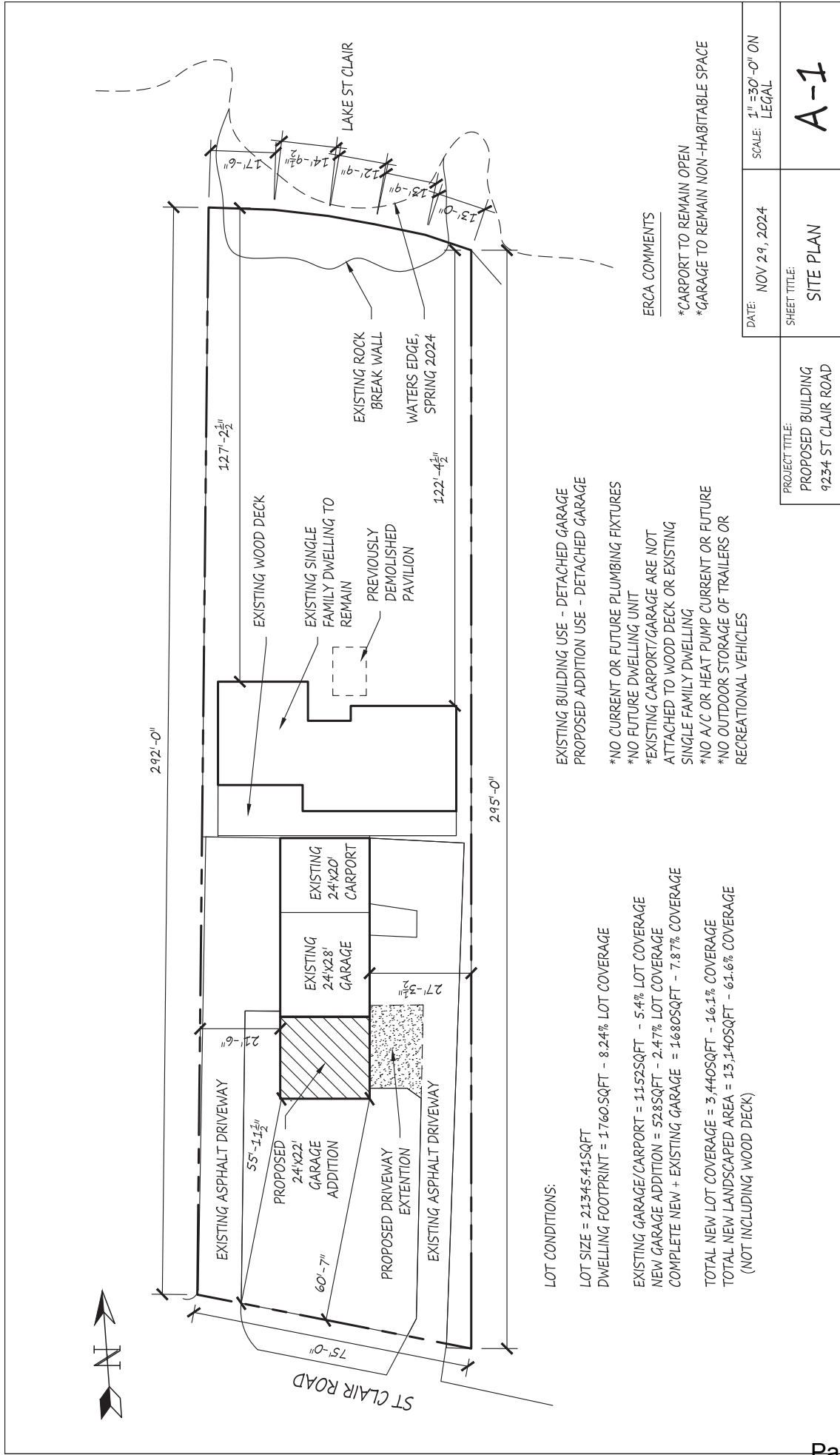
Tax Parcel

1: 1,286



Notes:

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



EXISTING BUILDING USE - DETACHED GARAGE
 PROPOSED ADDITION USE - DETACHED GARAGE

*NO CURRENT OR FUTURE PLUMBING FIXTURES
 *NO FUTURE DWELLING UNIT
 *EXISTING CARPORT/GARAGE ARE NOT ATTACHED TO WOOD DECK OR EXISTING SINGLE FAMILY DWELLING
 *NO A/C OR HEAT PUMP CURRENT OR FUTURE
 *NO OUTDOOR STORAGE OF TRAILERS OR RECREATIONAL VEHICLES

LOT CONDITIONS:

LOT SIZE = 21345.415QFT
 DWELLING FOOTPRINT = 1760.SQFT - 8.24% LOT COVERAGE

EXISTING GARAGE/CARPORT = 1152SQFT - 5.4% LOT COVERAGE
 NEW GARAGE ADDITION = 528SQFT - 2.47% LOT COVERAGE
 COMPLETE NEW + EXISTING GARAGE = 1680SQFT - 7.87% COVERAGE

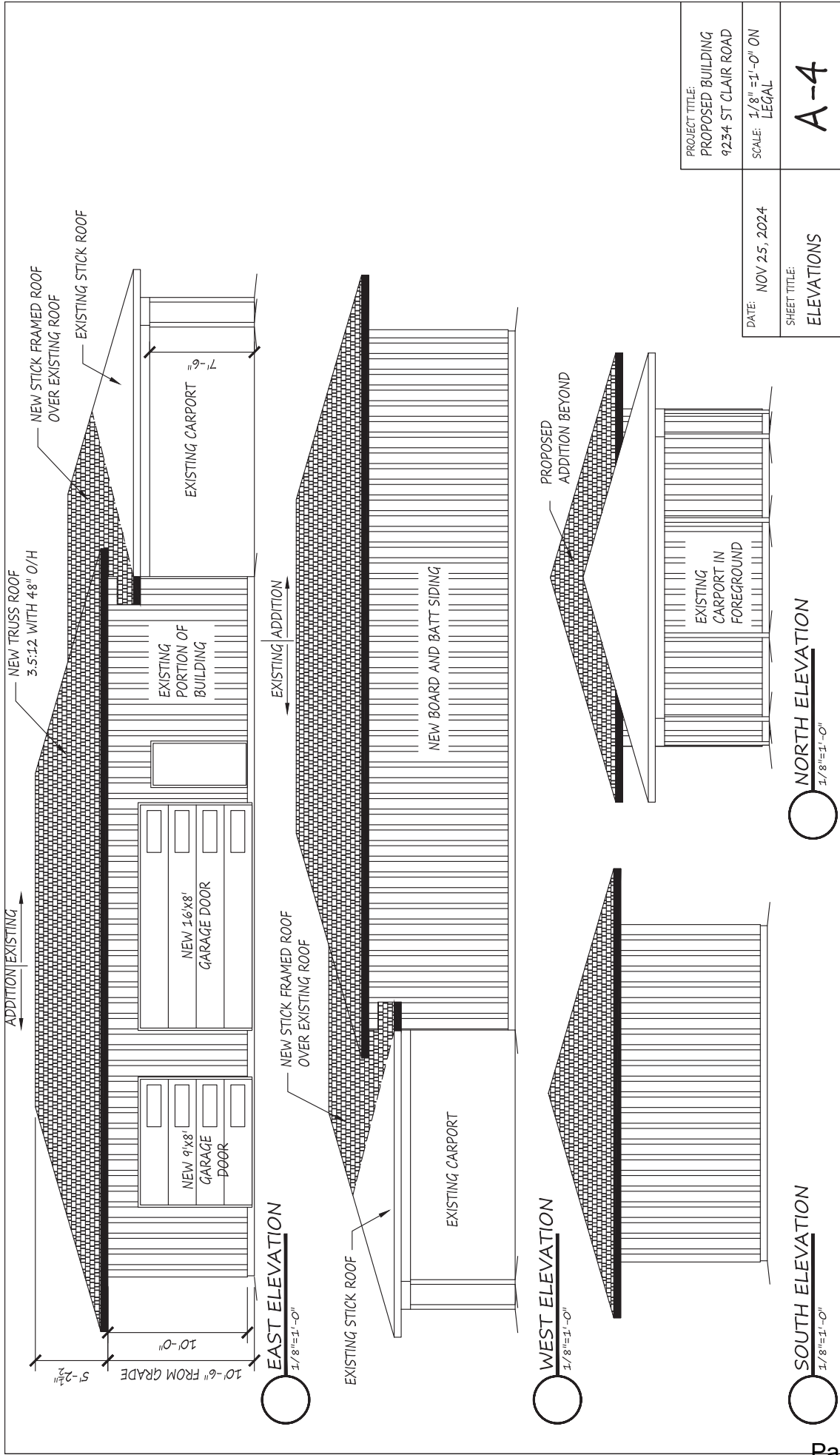
TOTAL NEW LOT COVERAGE = 3.440SQFT - 16.1% COVERAGE
 TOTAL NEW LANDSCAPED AREA = 13,140SQFT - 61.6% COVERAGE
 (NOT INCLUDING WOOD DECK)

ERCA COMMENTS

*CARPORT TO REMAIN OPEN
 *GARAGE TO REMAIN NON-HABITABLE SPACE

DATE:	NOV 29, 2024	SCALE:	1" = 30'-0" ON LEGAL
PROJECT TITLE:	PROPOSED BUILDING 9234 ST CLAIR ROAD	SHEET TITLE:	SITE PLAN

A-1



PROJECT TITLE: PROPOSED BUILDING 9234 ST CLAIR ROAD	SCALE: 1/8"=1'-0" ON LEGAL
---	-------------------------------

DATE: NOV 25, 2024	SHEET TITLE: ELEVATIONS
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A-4



Picture of the existing accessory building on the property that is subject to the proposed development, looking north from St. Clair Road in front of the property.



Picture of the property and existing accessory building looking northwest from St. Clair Road at a location in front of the adjacent property to the east.



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

January 02, 2025

Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Minor Variance A-34-2024 9234 ST CLAIR RD

ARN 375174000020200; PIN: 750710097

Applicant: BENNETT DARLENE

The Municipality of Lakeshore has received Application for Minor Variance A-34-2024 for the above noted subject property. The applicant is seeking the following relief from the Lakeshore Zoning By-law 2-2012 for the development of a building addition to an existing accessory building on the subject property:

- Relief from subsection 6.5 a) ix) to permit the accessory building to have a maximum gross floor area of 111.5 m², whereas subsection 6.5 a) ix) states that an accessory building shall not exceed a gross floor area of 55 m² in a R1, R2, R3, RW1, RW2, RM or HR zone.

Note that the 44.6m² (480 ft²) existing carport does not contribute to the gross floor area of the accessory building.

The following is provided as a result of our review of Application for Minor Variance A-34-2024.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Lake St. Clair.

Our office has already issued ERCA Permit #725 - 24, dated December 10, 2024 for this development. It is the responsibility of the applicant to notify our office if any changes are required to the approved site plans during construction.

Mr. Ian Search
January 02, 2025

FINAL RECOMMENDATION

Our office has **no objection** to A-34-2024. As noted above, ERCA Permit #725 - 24, dated December 10, 2024 has been issued for this development. It is the responsibility of the applicant to notify our office if any changes are required to the approved site plans during construction.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag



Operations Department

Date: January 8, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – January 22, 2025 – A/34/2024

Operations has reviewed A-34-2024 – 9234 St. Clair Road application and offer the following comments:

- Since the applicant is still within the lot coverage limits with the proposed addition, Engineering has no comments related to this adjustment.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

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: January 13, 2025
Subject: Minor Variance Application A/36/2024 – 0 Rourke Line Road

Recommendation

Approve minor variance application A/36/2024, 0 Rourke Line Road, to permit the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an elementary school on the Subject Property:

- Relief from subsection 6.41.3 g) to permit loading spaces within the front yard; whereas subsection 6.41.3 g) states that loading spaces shall not be permitted within a front yard;
- Relief from subsection 6.17 a) to permit a maximum front yard setback of 70.2 metres (230.32 feet); whereas subsection 6.17 a) requires a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage.

Background

The Municipality of Lakeshore has received a minor variance application for a property located on the west side of Rourke Line Road, near the corner of Rourke Line Road and County Road 22. An aerial map showing the location of the subject property can be found in Appendix A. The subject property is zoned “Mixed Use” (MU) with a holding symbol (h30) in the Lakeshore Zoning By-law and is designated “Mixed Use” in the Lakeshore Official Plan.

The subject property is approximately 5.92 acres (2.39 hectares) in area with approximately 20.18 metres (66.21 feet) of frontage along Rourke Line Road. It meets the definition of a corner lot in the Zoning By-law having frontage on both Rourke Line Road and Girard Drive. The lot line on Rourke Line Road is the shorter lot line abutting a street and is the front lot line of the property.

The Applicant is seeking the following reliefs from Lakeshore Zoning By-law (2-2012) for the development of an elementary school on the Subject Property:

- Relief from subsection 6.41.3 g) to permit loading spaces within the front yard, whereas subsection 6.41.3 g) states that loading spaces shall not be permitted within a front yard;
- Relief from subsection 6.17 a) to permit a maximum front yard setback of 70.2 metres (230.32 feet); whereas subsection 6.17 a) requires a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage.

The development of the elementary school is currently proceeding through site plan control under the Planning Act and non-compliance with the Zoning By-law (2-2012) was identified during review of the site plan (Appendix C). As such, the applicant is seeking the requested reliefs from the Zoning By-law (2-2012) to address the non-compliance and continue to work towards site plan approval.

On July 12, 2022 Lakeshore Council amended the Zoning By-law (2-2012) to permit a school and accessory uses on the lands (in the general location of the subject property prior to the school site being created through Planning Act consent). That rezoning also imposed a holding symbol (h30) on the zoning that only permits existing uses, with the condition for removal of the holding symbol being that “public engagement take place to the satisfaction of the Municipality”, and “that site plan approval has been granted by the Municipality and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act” (file: ZBA-8-2020, By-law 70-2022).

Following the July 12, 2022 rezoning, the subject property to support the elementary school was created through a consent application that was approved by the Lakeshore Committee of Adjustment on August 17, 2022 (file: B-14-2022).

On October 1, 2024 Lakeshore Council passed another Zoning By-law Amendment (file: ZBA-12-2024, By-law 92-2024) to rezone the entire property into its current “Mixed Use” (MU) with a holding symbol (h30) zone. The MU zone permits a public school, and the holding symbol (h30) language was unaltered by the amendment. The rezoning was passed by Council to address a discrepancy in zoning between the lands that Council rezoned on July 12, 2022 and the lot that was created via Committee of Adjustment approval on August 17, 2022. The Zoning By-law Amendment fixed the error and amended the zoning to reflect as one zone across the property that was created for the school.

On October 1, 2024, Lakeshore Council also passed a Zoning By-law Amendment (file: ZBA-14-2024, By-law 93-2024) to rezone land surrounding the subject property into a Mixed Use Zone Exception 39 (MU-39) with a holding symbol (h30) zone (Appendix B). Semi-detached dwellings were added as an additional permitted use for these surrounding lands and site-specific zone regulations were added for apartment building(s) use on the lands under this amendment. The By-law states that no sensitive land uses shall be permitted within a 150-metre buffer of the future expansion of the Dennis St. Pierre Water Pollution that is located southeast of the area on the east side of Rourke Line Road. It also imposes the same holding symbol (h30) that applies to the school property, which only permits existing uses until the holding symbol is removed.

Surrounding Land Uses	<p>North: Existing low density residential dwellings on land zoned Mixed Use Zone Exception 39 Holding Provision 30 (MU-39) (H30)</p> <p>South: Existing low density residential dwellings</p> <p>East: Commercial</p> <p>West: Existing vacant lands zoned Mixed Use Zone Exception 39 Holding Provision 30 (MU-39) (H30)</p>
Official Plan Land Use Designation	<p>Lakeshore Official Plan: Mixed Use Designation, County Road 22 Corridor Special Planning Area, Site Specific Policy Area 3.4.3.1</p> <p>County of Essex Official Plan: Primary Settlement Area</p>
Zoning	<p>“Mixed Use” (MU) with a holding symbol (h30) zone</p>
Relief from Zoning By-law requested	<p>The following reliefs are requested for development of an elementary school on the property:</p> <ul style="list-style-type: none"> • Relief from subsection 6.41.3 g) to permit loading spaces within the front yard, whereas subsection 6.41.3 g) states that loading spaces shall not be permitted within a front yard; • Relief from subsection 6.17 a) to permit a maximum front yard setback of 70.2 metres (230.32 feet); whereas subsection 6.17 a) requires a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage.

Comments

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.

County of Essex Official Plan

The subject property is designated “Primary Settlement Area” in the County of Essex Official Plan. There are no issues of County significance raised by the minor variance application.

Subsection 3.2.4.1 h) of the County of Essex Official Plan states “All types of land use are permitted within the “Settlement Areas” designation subject to the specific land use policies of the local Official Plans.”. The Lakeshore Official Plan permits places of worship, neighbourhood community and cultural centres and *institutional uses of a similar scale* on lands designated “Mixed Use” in the Lakeshore Official Plan.

The subject property has frontage on Rourke Line Road and Girard Drive which are both municipal roads. County Road 22 is located to the north of the subject property. A comment from the Engineering Technologist at the County of Essex was received stating that they have no objections to the application.

Lakeshore Official Plan

As previously mentioned, the “Mixed Use” designation in the Lakeshore Official Plan permits places of worship, neighbourhood community and cultural centres and *institutional uses of a similar scale*.

The subject property is included in the County Road 22 Corridor Special Planning Area of the Lakeshore Official Plan. This special planning area is for the County Road 22 Mixed Use Corridor which is envisaged as a higher intensity mixed use and future transit supportive corridor extending through the Municipality between Manning Road and Belle River Urban Areas. The following policies in the Lakeshore Official Plan are relevant to the reliefs requested in the minor variance application:

Subsection 9.4 b) i): *Where a Continuous Street Frontage is identified on Schedule C11, a minimum of 75% of the length of the lot frontage will be occupied by building frontages within a building setback zone, which will be defined specifically in the implementing Zoning By-law, and will be setback a minimum distance as established by the County’s building setback requirements from the County Road 22 right-of-way. The implementing Zoning By-law shall establish the maximum permitted building setback zone to ensure that buildings are located close to the street and parking areas shall not be permitted in the front yard.*

Comment: The front lot line of the property is on Rourke Line Road at a location close enough to the intersection of Rourke Line Road and County Road 22 that the frontage of the property is included in the “Continuous Street Frontage” designation of the County Road 22 Special Planning Area as indicated on Schedule C11 of the Official Plan. This is despite the property not having any frontage on County Road 22 itself. The school site is an irregular shaped property that cannot reasonably accommodate this policy that requires a minimum of 75% of the length of the lot frontage to be occupied by building frontages at a maximum setback dictated by the Zoning By-law (2-2012), in this case 3 metres (9.84 feet).

The frontage on Rourke Line Road and the narrow part of the property at this location will instead be utilized as an access road/driveway for school buses/loading vehicles and fire route for emergency services. Loading spaces are proposed to be located in the front yard between the front lot line and the elementary school building but will be over

150 metres from County Road 22 right-of-way. The inability of the development to achieve this policy does not impact the future ability of the Country Road 22 Mixed Use Corridor to ultimately develop into a pedestrian friendly corridor. The surrounding lands zoned MU-39 (h30) have frontage on County Road 22 and greater frontage on Rourke Line Road where these policy objectives can be achieved for an ultimate buildout of the corridor as planned.

Subsection 9.4 d) v) a): The lands identified as Site-Specific Policy Area 3.4.3.1 on Schedule C11 are subject to the land use compatibility and built form policies of S.3.4.3 of the Official Plan and the guidelines of the Corridor Transformation Strategy – County Road 22 Special Planning Area, in addition to the following: a) the implementing zoning by-law amendment shall establish an appropriate transition area from the rear lot line of the existing residential dwellings fronting Heritage Garden Crescent and the future mixed use area. Land uses within this transition area shall be limited to residential and accessory uses only through the implementing zoning by-law amendment.

Comment: The minor variance relief to permit a maximum front yard setback of 70.2 metres (230.32 feet) positions the elementary school use closer to the existing residential dwellings fronting on Heritage Garden Crescent. However, according to the site plan drawing, the elementary school will still be located 19 metres from the rear lot line (lot line opposite to the front lot line on Rourke Line Road), and therefore over 100 metres away from these residential dwellings. This policy objective will need to be achieved during the review of future development on lands zoned MU-39 (h30) between the elementary school property and the residential dwellings fronting Heritage Garden Crescent located to the west.

Zoning By-law

The general intent and purpose of the regulation that does not permit loading spaces in a front yard is to screen this use from public view or make that accessory use less visually prominent on a site in order to achieve improved aesthetics in a settlement area as it related to this aspect of development.

Comment: Most of the area dedicated to loading space opportunity will be located a considerable distance from Rourke Line Road and Girard Drive in the interior of the site behind a property that has yet to develop at the corner of Rourke Line Road and Girard Drive. The ultimate buildout of the lands surrounding the property will assist in future screening of the loading space area from public view on Rourke Line Road and County Road 22.

The general intent and purpose of the regulation requiring a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage is to assist in achieving the Official Plan policy objective of transforming the Country Road 22 Mixed Use Corridor into a higher intensity mixed use and future transit supportive corridor extending through the Municipality between Manning Road and Belle River Urban Areas. The regulation is an urban design objective to facilitate pedestrian activity and alternative forms of transportation along the corridor.

Comment: As previously mentioned, development of the property for the elementary school cannot reasonably comply with this regulation given the limited frontage on Rourke Line Road and the irregular shape of the parcel. Locating the school further from the front lot line on Rourke Line Road helps facilitate the development of an access road/driveway on the property for school buses/loading vehicles and an emergency fire route. Additionally, this access road/driveway will conveniently separate this traffic from the access road/driveway intended for regular motor vehicles that leads to parking areas on the site from Girard Drive.

Minor in Nature

The requested relief is considered minor in nature. There are no land use compatibility issues or impacts anticipated from permitting the desired reliefs for the reasons already mentioned in the report. The irregular lot shape of the property and the surrounding land use planning context (zoning, etc.) provide support for the proposal as a minor deviation from the Zoning By-law.

Desirability and Appropriateness

The requested reliefs are desirable for the appropriate development of the property. The reliefs are needed to facilitate the development of the elementary school and its accessory uses. The maximum front yard setback regulation cannot be reasonably achieved and there is no anticipated impact to policies objectives for the area in granting the relief.

It is preferable that the loading spaces are located where they are proposed on the site plan as opposed to being located north of the school where they would be more visible from County Road 22, or south of the school where they would be more visible from residential properties located on the south side of Girard Drive. Additionally, it is noted that no sensitive land uses are permitted to develop within 150 metres of the future expansion of the Denis St. Pierre Water Pollution Control Plan as provided in By-law 93-2024. This will generally preclude the development of the property located at the northwest corner of Rourke Line Road and Girard Drive for a residential use that the proposed loading space area cannot be screened from.

Conclusion

It is the opinion of the Planner that the requested reliefs pass 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.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Others Consulted

The Engineering Technologist at the County of Essex commented on the minor variance application. The application was not reviewed by their office from a planning perspective. The Engineering Technologist states that they have no objection to the application. Their full comment can be found in Appendix D.

Essex Region Conservation Authority (ERCA) commented that their office has no objection to the minor variance application. The property owner will be required to obtain an approval from ERCA prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*. Their full comment can be found in Appendix E.

The Team Leader of Development Engineering and Approvals commented that the Site Plan application is under review, and they do not have any concerns related to the minor variance application. Their full comment can be found in Appendix G.

The Lakeshore Fire Department stated that they have no comments as presented at this time.

The Lakeshore Building Department stated that they have no concerns at this time.

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 property. At the time of writing, no written comments were received.

Attachment(s):

- Appendix A – Aerial Map
- Appendix B – Surrounding Land Zoning
- Appendix C – Drawing
- Appendix D – County of Essex
- Appendix E – ERCA
- Appendix F – Photos
- Appendix G – Engineering comment

Prepared by:



Ian Search, BES
Planner I

Report Approval Details

Document Title:	A-36-2024 - 0 Rourke Line Road.docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Aerial Map.pdf- Appendix B - Surrounding Land Zoning.pdf- Appendix C - Drawing.pdf- Appendix D - County of Essex.pdf- Appendix E - ERCA.pdf- Appendix F - Photos.pdf- Appendix G - Engineering comment.pdf
Final Approval Date:	Jan 15, 2025

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

Urvi Prajapati - Jan 14, 2025 - 2:09 PM

Daniel Mercer - Jan 15, 2025 - 1:58 PM

Tammie Ryall - Jan 15, 2025 - 4:24 PM



0 Rourke Line Road - Subject Property Map



Legend

- Tax Parcel
- Working Parcel
- Street Centreline
- CNTY
- LAK
- PRIV
- PROV
- <all other values>
- Ownership Parcel

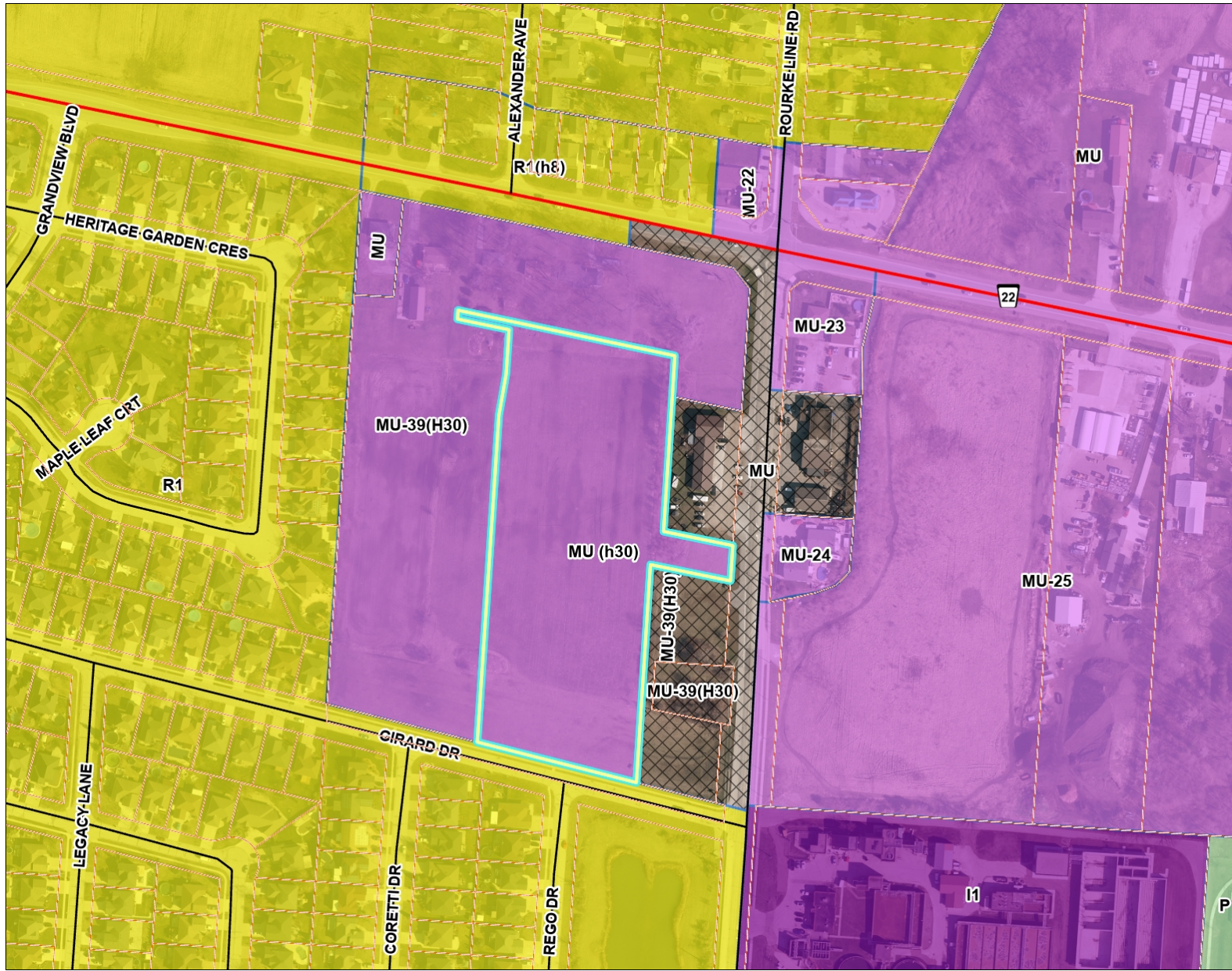
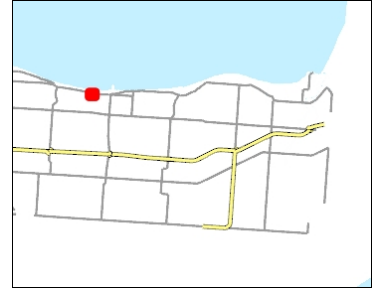
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Notes:

This map is a user generated static output from an application. It is not intended to be used for navigation. The information on this map may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Zoning of Subject Property and Surrounding Lands



Legend

- Tax Parcel
- Working Parcel
- Street Centreline**
 - CNTY
 - LAK
 - PRIV
 - PROV
 - <all other values>
- Zoning**
 - AGRICULTURE
 - CENTRAL AREA
 - COMMERCIAL
 - EMPLOYMENT
 - ENVIRONMENTAL PROTECTI
 - HAMLET
 - INSTITUTIONAL
 - MIXED USE
 - PARKS AND OPEN SPACE
 - RESIDENTIAL
 - RESIDENTIAL MOBILE HOME
 - RESIDENTIAL WATERFRONT
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 - WETLAND
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- Site Specific Policy

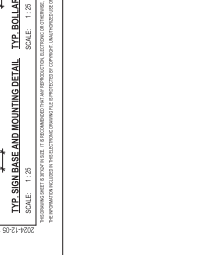
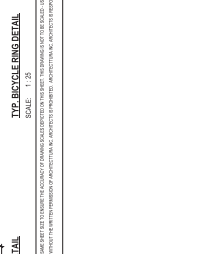
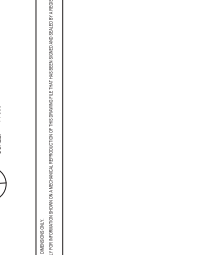
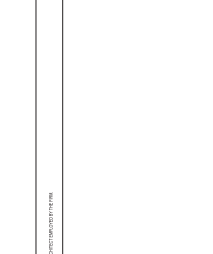
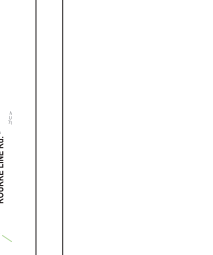
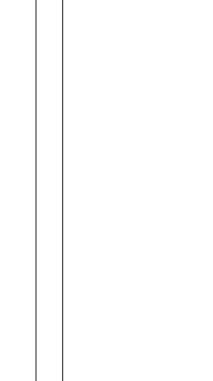
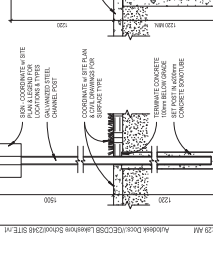
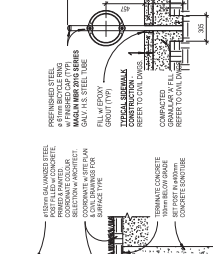
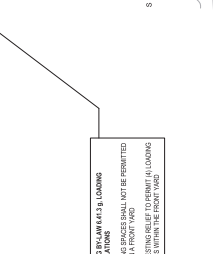
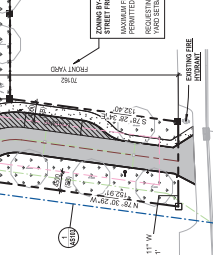
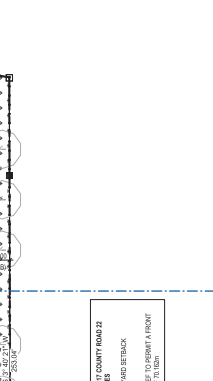
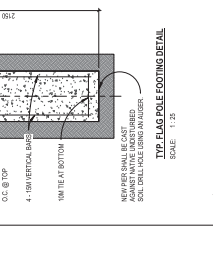
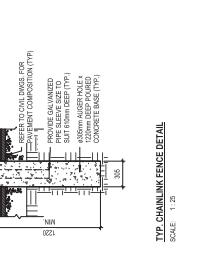
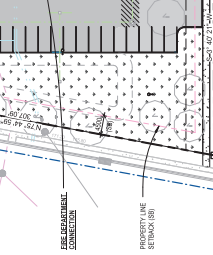
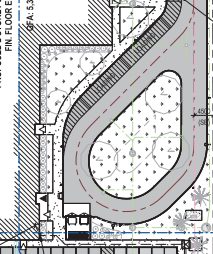
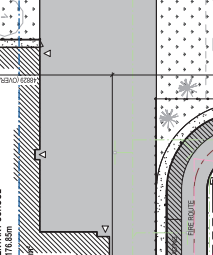
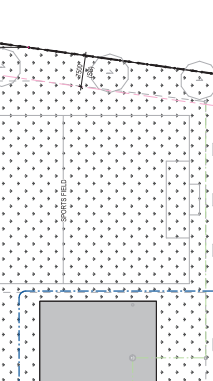
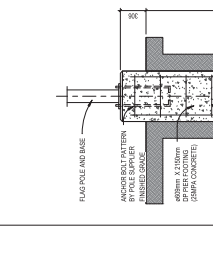
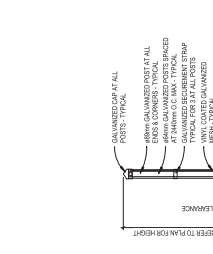
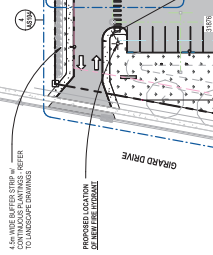
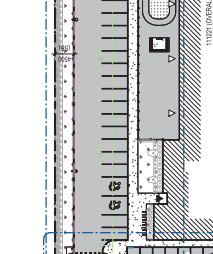
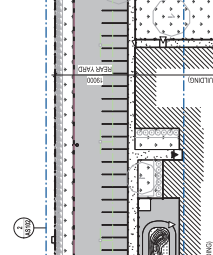
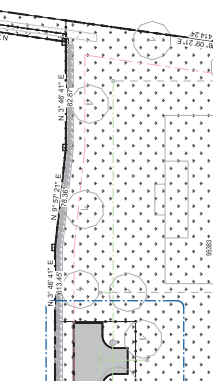
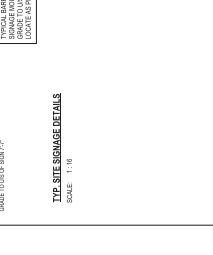
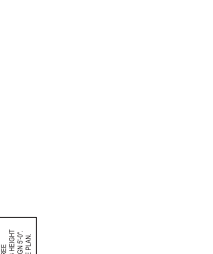
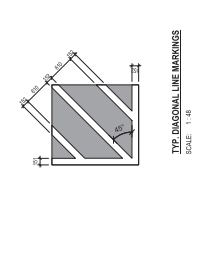
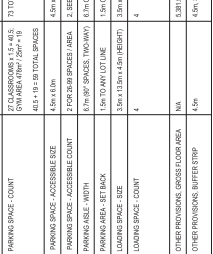
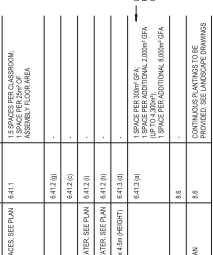
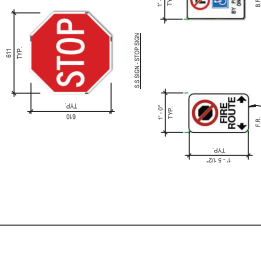
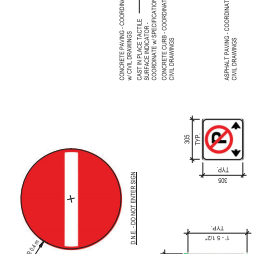
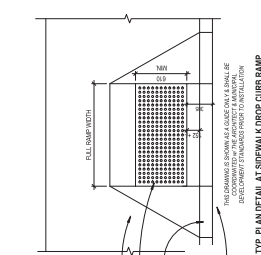
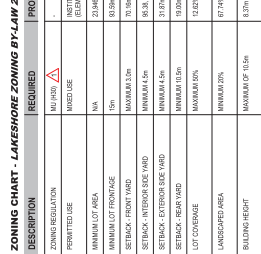
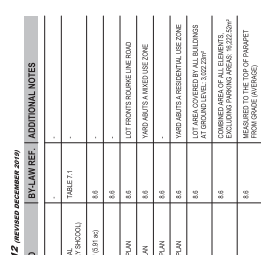
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Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

ZONING CHART - LAKESHORE ZONING BY-LAW 2-2012 (REVISED OCTOBER 2019)

DESCRIPTION	REQUIRED	PROVIDED	BY-LAW REF.	ADDITIONAL NOTES
ZONING REGULATIONS	MS 100	MS 100	MS 100	
MINIMUM LOT AREA	23,000 SQ FT (6.5 AC)	23,000 SQ FT (6.5 AC)	MS 100	
MINIMUM LOT FRONTAGE	150 FT	150 FT	MS 100	
SETBACK - FRONT YARD	MINIMUM 15 FT	15 FT	MS 100	
SETBACK - REAR YARD	MINIMUM 10 FT	10 FT	MS 100	
SETBACK - SIDE YARD	MINIMUM 5 FT	5 FT	MS 100	
LOT COVERAGE	MAXIMUM 10%	10%	MS 100	
LANDSCAPED AREA	MINIMUM 20%	20%	MS 100	
BUILDING HEIGHT	MAXIMUM 15 FT	15 FT	MS 100	
PARKING SPACE - SIZE	350 SQ FT	350 SQ FT	MS 100	
PARKING SPACE - COUNT	27 CLASSROOMS + 12 OFFICE + 12 STORAGE + 12 TOTAL = 63	63	MS 100	
PARKING SPACE - ACCESSIBLE COUNT	2 PER 200 SPACES AREA	2	MS 100	
PARKING SPACE - WIDTH	6 FT (OR GREATER)	6 FT	MS 100	
PARKING AREA - SET BACK	15 FT TO ADJ. LOT LINE	15 FT	MS 100	
LOADING SPACE - SIZE	350 FT x 15 FT (OR GREATER)	350 FT x 15 FT	MS 100	
LOADING SPACE - COUNT	4	4	MS 100	
OTHER PROVISIONS BUFFER ZONE	5 FT	5 FT	MS 100	





January 7, 2025

Ian William Search
Municipality of Lakeshore
447 Renaud Line Road,
Belle River, ON, N8L 0P8

Dear Mr. Search:

Re: Committee of Adjustment, A-36-24, Michelle Caron (Architectura Inc. Architects)

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. No objections to the application.

We are requesting a copy of the Decision on the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact me by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,

A handwritten signature in black ink, appearing to read "Kristoffer Balallo".

Kristoffer Balallo
Engineering Technologist

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

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P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

January 06, 2025

Ian Search

Corporation of the Municipality of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mr. Ian Search:

RE: Application for Minor Variance A-36-2024

Applicant: Michelle Caron

Address: 0 Rourke Line Road

The Municipality of Lakeshore has received Application for Minor Variance A-36-2024 for the above noted subject property. The applicant is seeking reliefs from Lakeshore Zoning By-law (2-2012) for the development of an elementary school on the subject property:

- Relief from subsection 6.41.3 g) to permit loading spaces within the front yard; whereas subsection 6.41.3 g) states that loading spaces shall not be permitted within a front yard;
- Relief from subsection 6.17 a) to permit a maximum front yard setback of 70.2 metres (230.32 feet); whereas subsection 6.17 a) requires a maximum front yard setback of 3 metres (9.84 feet) applied to 75% of the length of the lot frontage.

The following is provided as a result of our review of Application for Minor Variance A-36-2024.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Browns Creek Drain and Lake St. Clair. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Mr. Ian Search
January 06, 2025

FINAL RECOMMENDATION

Our office has **no objection** to A-36-2024. As noted above, the property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner
/ag





Location of access to the elementary school property from Rourke Line Road looking west.



Approximate location of the elementary school future development looking north from Girard Drive.



A picture of the lands located west of the elementary school property and east of residential lots on Heritage Garden Crescent, looking north from a location near the intersection of Girard Drive and Coretti Drive.

Operations Department

Date: January 8, 2025
From: Engineering & Infrastructure Division
To: Ian Search, Planner 1
Re: Committee of Adjustment – January 22, 2025 – A/36/2024

Operations has reviewed A-36-2024 – 0 Rourke Line Road application and offer the following comments:

- It should be noted that the Site Plan Application is under review and we do not have any concerns related to the noted request on this Committee of Adjustment.

Vaibhav Desai

Team Leader – Development Engineering and Approvals

Approved by: Krystal Kalbol, P.Eng.

Municipality of Lakeshore

Minutes of the Committee of Adjustment Meeting

Wednesday, December 4, 2024, 6:00 PM

Operations

304 Rourke Line Rd.

Members Present: Chair Mark Hacon, Member Nancy Flagler-Wilburn, Member Linda McKinlay, Member Jeremy Prince, Member Ron Barrette

Staff Present: Planner I Ian Search, Division Leader - Community Planning Daniel Mercer, Administrative Assistant – Gisele Pillon

1. Call to Order

Chair Hacon called the meeting to order at 6:00 PM.

2. O Canada and Land Acknowledgement

3. Disclosures of Pecuniary Interest

4. Public Meetings under the Planning Act

a. B-08-2024 - 16325 Lakeshore Road 301

Speaking to the application was applicant Gary Sylvestre and Authorized Agent Robert Brown.

The Committee of Adjustment discussed the wording of condition number four in the recommendation and agreed that the wording of this condition was appropriate.

71-12-2024

Moved By Member McKinlay

Seconded By Member Barrette

Approve consent application B/08/2024 for the creation of one surplus dwelling lot containing an existing dwelling and accessory buildings/structures that will have a lot area of approximately 4,479.87 m²

(approx. 1.107 acres) and a lot frontage of approximately 52.1 metres (approx. 171 feet), subject to the following conditions:

- 1) That the applicant obtains a Reference Plan from an Ontario Land Surveyor for the severed lot to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 2) That the applicant obtains a draft plan of survey to be approved by Community Planning at the Municipality of Lakeshore prior to its registration that details setbacks of buildings/structures from lot lines;
- 3) That the applicant obtain a letter from a qualified water well driller/installer demonstrating that the existing well on the severed lot is capable of providing an adequate water supply to the existing dwelling, including the following deemed adequate by them: Litres per minutes, type of well pumping system including its condition and age, and acceptable location including its location relative to the private sanitary system.
- 4) That, to the satisfaction of the Building Department at the Municipality of Lakeshore, stairs and landing that are Building Code compliant be installed for operable doors on the dwelling;
- 5) That, to the satisfaction of the Municipality of Lakeshore, the applicant will install a private sanitary system for the dwelling with required setbacks on the severed lot;
- 6) That all municipal taxes be paid in full prior to the stamping of the Deed;
- 7) That a Parkland Dedication Fee be imposed on the granting of this application in the amount specified by the By-law to provide for the dedication of payment of cash in lieu of parkland at the time of payment, and that such fee shall be paid prior to the stamping of the Deed;
- 8) That the applicant relocate or remove any existing accessory structures that are in non-compliance with the Zoning By-law (setbacks, etc.), to the satisfaction of Community Planning at the Municipality of Lakeshore;
- 9) That, to the satisfaction of Community Planning at the Municipality of Lakeshore, the applicant obtain a Zoning By-law amendment to rezone the retained farmland parcel to prohibit new dwellings and additional

residential units on the retained farmland parcel;

10) That the applicant enters into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

11) That the applicant submit a drawing detailing the surface and subsurface drainage for the entire lands, to the satisfaction of the Municipality of Lakeshore, prior to the stamping of the Deeds;

12) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

13) That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

Carried Unanimously

b. B-13-2024 - 2380 Lakeshore Road 223

Speaking to the application were the applicants Bradley and Mikeal Demers.

The land severance was explained to the Committee of Adjustment. There were no questions from the public or Committee of Adjustment members.

72-12-2024

Moved By Member Barrette

Seconded By Member Flagler-Wilburn

Approve consent application B/13/2024 for a lot addition, to sever an approximately 900 m² (approx. 9,687.52 ft²) parcel of land from 2380 Lakeshore Road 223 to be added to the rear of 2368 Lakeshore Road 223 that will increase the lot depth of 2368 Lakeshore Road 223 while maintaining its width, subject to the following conditions:

1) That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land to the satisfaction of the Municipality. The draft plan of survey is to be reviewed

and approved by the Community Planning Division at the Municipality of Lakeshore prior to registration;

2) That all municipal taxes be paid in full prior to the stamping of the Deed;

3) That the Deed and a copy for our records be forwarded to the Secretary for stamping;

4) That the lot addition land to be severed from 2380 Lakeshore Road 223 be conveyed to and consolidated with 2368 Lakeshore Road 223, and Subsection 50 (3) or (5) of the Planning Act applies to any subsequent conveyance of or transaction involving that parcel of land;

5) That the applicant and/or a Solicitor provide an Undertaking to the Secretary prior to the stamping of the severance Deed, in evidence that "Application to consolidate PINs" will be submitted to the Land Titles/Registry Office for the lot addition and provide proof of the consolidation;

6) That if required by the Drainage Department, the applicants enter into an Agreement with the Municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property;

7) That all conditions be met in accordance with Subsection 53(41) of the Planning Act, R. S. O. 1990 by December 5, 2026. Failure to fulfil the conditions by this date, shall deem the consent refused, as per the Planning Act.

That the following notice be included in the Decision for information: No development (buildings, structures, etc.) is permitted on the lands currently zoned with a "h9" holding symbol, including the lot addition land, until such time as the Zoning By-law is amended to remove the holding symbol.

Carried Unanimously

5. **Completion of Unfinished Business**
6. **Approval of Previous Meeting Minutes**

73-12-2024

Moved By Member Barrette

Seconded By Jeremy Prince

Approve the November 13 2024 Meeting Minutes as listed on the agenda.

a. November 13 2024 Meeting Minutes

Carried Unanimously

7. New Business

a. 2025 Committee of Adjustment Meeting Dates

74-12-2024

Moved By Linda McKinlay

Seconded By Nancy Flagler Wilburn

Approve the following Committee of Adjustment meeting dates for 2025:

January 22, 2025

February 12, 2025

March 12, 2025

April 16, 2025

May 21, 2025

June 18, 2025

July 23, 2025

August 13, 2025

September 17, 2025

October 15, 2025

November 12, 2025

December 10, 2025

Carried Unanimously

8. Adjournment

75-12-2024

Moved By Member Barrette

Seconded By Member McKinlay

The Committee of Adjustment adjourn its meeting at 6:59 PM.

Carried Unanimously

Mark Hacon

Chair

Ian Search

Secretary-Treasurer