

THE MUNICIPALITY OF LAMBTON SHORES

Report COA 14-2024

Committee Meeting Date: July 24, 2024

TO: Chair Robinson and Members of the Committee of Adjustment

FROM: Ken Bulgin, Planner

RE: Minor Variance Application A-12/2024 – Con 19 Plan 37 Lot 52 – 9649
Ipperwash Road, Ipperwash – Robert Crawford

RECOMMENDATION:

THAT Minor Variance Application A-12/2024, affecting lands known as 9649 Ipperwash Road, Ipperwash, which would permit a lot coverage of 101.38 m² for the construction of an addition to a detached garage, be approved, subject to the following condition(s).

1. That the variance only apply to permit construction as proposed in the applicant's revised submission.
2. That compliance with Ontario Building Code setbacks from the septic system and confirmation of size and condition of components be demonstrated, to the satisfaction of the Lambton County Building Services Department, prior to issuance of a building permit; and
3. That the septic system be upgraded or replaced to a Part 8 system, if deemed necessary, at the discretion of the County Building Services Department.

SUMMARY

An application has been made for a minor variance seeking relief from Section 3.3.4 of the Zoning By-Law 1 of 2003 which permits a maximum lot coverage of 93 m² for an accessory building in the R6 Zone. The applicant is proposing to construct an addition on an existing detached garage. The proposed addition on the west side of the garage would result in a total lot coverage of 101.38 m² for the accessory building.

BACKGROUND

The property is situated on the west side of Ipperwash Road and south of West Parkway Drive (Attachment 1). The subject lands are rectangular in shape, are approximately 1497.34 m² (0.37 acres) in area, with approximately 35.38 m (116.06 ft) of frontage along Ipperwash Road.

The lands are located along the southern edge of predominantly residential development that include a few interspersed commercial lots in the community of Ipperwash.

The subject lot is occupied by two structures; a one-storey single detached dwelling and detached garage. The remainder of the property contains grassed areas interspersed with trees. Lots located along Ipperwash road are serviced by municipal water, but not sanitary sewers, and rely on private sewage disposal systems.

Surrounding land uses include:

- **To the north:** lands zoned for residential use predominantly single detached dwellings and a few commercially zoned properties some of which are occupied by single detached dwellings, beyond which is Lake Huron;
- **To the east:** lands zoned for residential use with a mix of single detached dwellings and vacant lots;
- **To the south:** the abutting lands are zoned for residential and commercial use and each contain a single detached dwelling beyond which are lands zoned Commercial that include the Carolinian Forest Campground and large areas zoned Environmental Protection due to the presence of wetland features; and
- **To the west:** lands zoned for residential use with predominantly single detached dwellings.

Official Plans

The subject property is designated as “Urban Settlement” in the County of Lambton Official Plan and “Commercial” in the Lambton Shores Official Plan (OP).

Zoning By-Law

The subject property is Zoned as “Residential – 6 (R6)” in the Zoning By-Law 1 of 2003.

The R6 Zone permits residential uses including a single detached dwelling subject to the requirements of Section 12.2 *Site Regulations* of the Zoning By-Law and allows buildings, structures and uses accessory to a permitted use subject to the requirements of Section 3.3 of the Zoning By-Law. The proposed addition to the detached dwelling conforms with the Provisions except for:

- a) the Maximum Lot Coverage 93 m²

Regulated Area

A portion of the subject lot is located within a General Regulation Area regulated by the Ausable Bayfield Conservation Authority. The lot does not contain significant natural heritage features.

Summary of Variances Required

Based upon the Site Plan details (Attachments 2 and 3), an analysis of the proposal with the requirements of Sections 3.3.3, 3.3.4 of the Zoning By-Law for Accessory Buildings and Section 12.2 of the Zoning By-Law for the Residential – 6 (R6) Zone

determined the following variances are required. These requirements are specific to the construction of an addition to an existing accessory building:

<i>Section 3.3.4 Provision</i>	<i>Section 3.3.4 Requirement</i>	<i>Proposed</i>	<i>Compliant/Variance Required:</i>
<i>Maximum Lot Coverage</i>	93 m ²	101.38 m²	Variance Required

Note: All other regulations in the above noted sections have been found to be compliant.

COMMENTS

Proposed Development

The application proposes construction of an addition on the west side (rear) of the existing detached garage. The addition would follow the interior side yard setback of 2.13 m (7 ft) for the existing garage and would maintain a setback of approximately 2.59 m (8.5 ft) from the rear lot line.

The proposed addition would be 3.66 m (12 ft) wide, 7.31 m (24 ft) deep, 26.76 m² (288 ft²) in area with a building height of 5.49 m (18 ft) at the point where the addition meets the roof of the existing detached structure.

The applicant's sketch indicates the existing accessory building is 9.6 m (31.5 ft) wide, 7.77 m (25.5 ft) deep, 74.62 m² (803.25 ft²) in size and when combined with the proposed addition has a total lot coverage of 101.38 m² (1091.25 ft²) whereas a maximum of 93 m² (1001 ft²) is permitted.

The applicant has indicated the increase in lot area has been requested due to the lack of a basement and storage space in the single storey house.

Application Analysis

Consistent with Section 45 of the *Planning Act*, Section 19.8.2.1 of the Municipality's Official Plan states that in order for the Committee of Adjustment to grant a variance to a Zoning By-Law requirement, they must determine the following:

1. is the requested variance minor;
2. is the general intent and purpose of the Official Plan maintained;
3. is the general intent and purpose of the Zoning By-Law maintained; and
4. is the minor variance desirable for the appropriate development or use of the land, building or structure.

Is the general intent and purpose of the Official Plan maintained?

Although the area along Ipperwash Road is designated as Commercial in the Official Plan, it is dominated by residential uses and in most cases, the zoning reflects the residential uses, rather than the commercial designation. Very few of the properties are

actually zoned commercial, especially among those used for residential. The disconnect between the residential zoning and commercial designation that applies to most of the properties seems to infer that property owners who want to establish a commercial use here may do so but recognizes that the area is dominated by residential use and that the municipality is content with this continuing. There is no intent in the near future to convert this strip from residential to commercial use.

It is therefore Staff's opinion that the addition to a detached structure is an appropriate development of the property and is in alignment with the Official Plan for lands designated "Commercial" in this area.

Is the general intent and purpose of the Zoning By-Law maintained?

The general requirements of the Zoning By-Law are maintained except for lot coverage for an accessory building. The Residential-6 (R6) Zone lists "Single Detached Dwellings" as a Permitted Use, along with "Buildings, Structures and Uses Accessory to a Permitted Use".

Section 3.3.4 of the Zoning By-Law contains provisions that include defining the total lot coverage permitted for accessory buildings. The intent of restricting accessory building size is to limit the potential for the creation of accessory buildings that are out of scale or character with a residential area and also to limit potential for the establishment of uses that are inappropriate or overly intensive for a residential area.

At approximately 101.38 m² in size the proposed shed is 9.01% larger than the 93 m² maximum total lot size allowable for accessory buildings in the R6 Zone but remains secondary in size to the existing residence on the property.

While the number of accessory buildings located along Ipperwash Road is limited there is precedence for buildings of larger scale to that proposed by the applicant.

9683 Ipperwash Road 9.14 m x 12.80 m (117.05 m²) or 30 ft x 42 ft (1260 ft²)

This lot is located a short distance from the subject lands and is also on the west side of Ipperwash Road.

It is staff's opinion that the proposed addition and the resulting increase in accessory building size will remain secondary to the existing dwelling, is consistent with accessory structure sizes in the neighbourhood, meets the intent of the Zoning By-Law and will not adversely affect the local streetscape.

Is the minor variance desirable for the appropriate development or use of the land, building or structure?

The applicant has indicated that the current one storey single detached dwelling is approximately 151.9 m² (1635 ft²) and does not have a basement. The proposed addition and subsequent increase in lot coverage of the accessory building will increase storage capacity space available to the applicant. The proposed addition will be located off the back of the existing garage and would maintain all required setbacks in the interior side and rear yards with no impact upon the streetscape or neighbouring

properties. The proposed development maintains and conforms with the character of the local community.

Staff are of the opinion that the requested variance is appropriate for the development of the land.

Is the requested variance minor?

There is no definition for when a variance is considered minor and so this must be determined based on the merits of the situation.

The requested variance is to allow an increase in lot coverage for an accessory building. The proposed accessory building addition would be located to the rear of the existing detached garage, in an already cleared area, and have minimal visibility from the road. With a total lot coverage of 101.38 m², a modest 9.01% increase in the permitted lot coverage of 93 m², it would not be out of character with other accessory buildings in the area.

It is therefore staff's opinion that the variance is minor in nature.

Department and Agency Comments

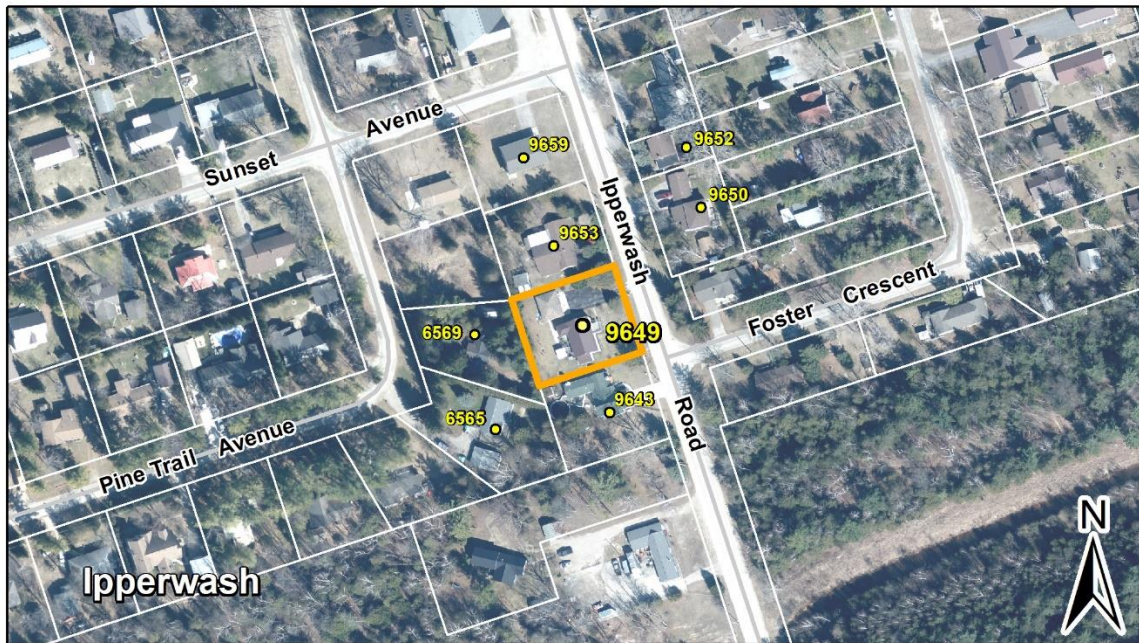
The application has been circulated to the required agencies as per the *Planning Act*. The following comments were received:

<i>Agency</i>	<i>Comments</i>
<i>County of Lambton Building Services Department</i>	The Building Services Department has indicated they can support the planning application conditional upon: <ul style="list-style-type: none">• the septic system being uncovered to confirm component size, location and condition• completion of a site inspection to ensure the septic system is in proper working condition• compliance with the Ontario Building Code and if not, the requirement for the installation of a new Part 8 system
<i>St. Clair Region Conservation Authority</i>	SCRCA has indicated they have reviewed the application and has no concerns with the proposed development.
<i>Adjacent Property Owners</i>	No other comments have been received as of July 16, 2024. All comments received prior to the July 24, 2024, Committee of Adjustment meeting date shall be presented at the meeting.

As previously noted, the proposed development is in alignment with the Municipality of Lambton Shores Official Plan and is in general conformance with the requirements of the Zoning By-Law. The proposed variance is considered minor as it does not adversely impact adjacent properties.

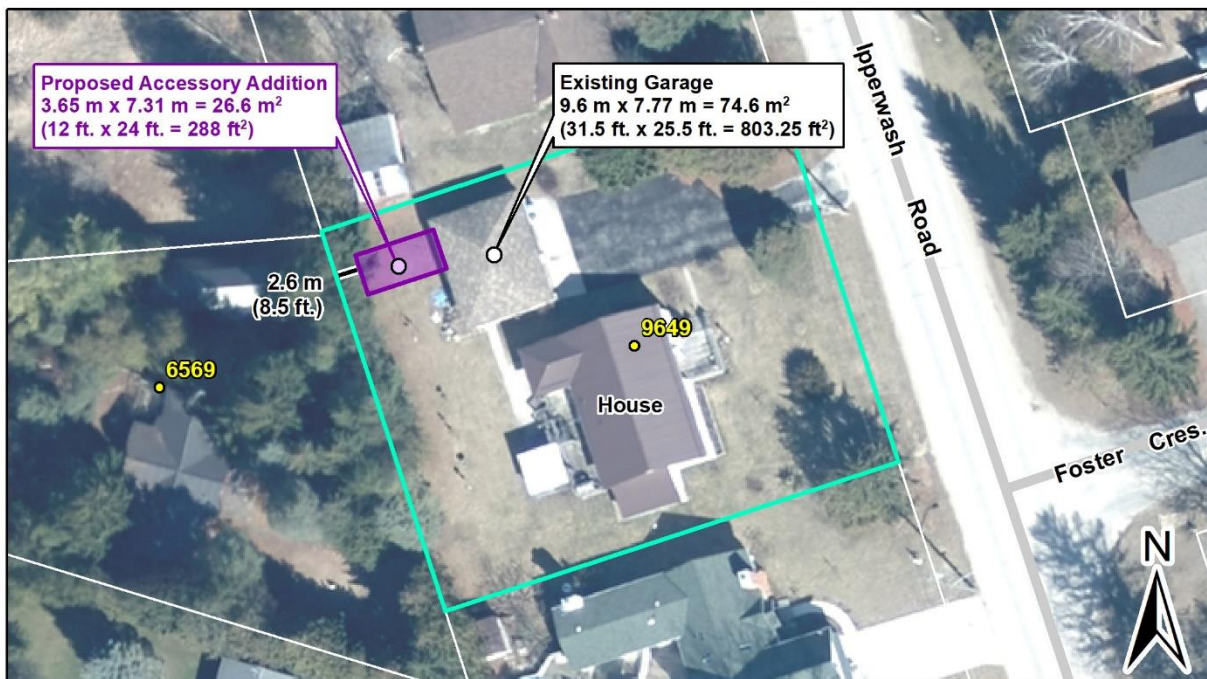
On the basis of the policy context provided above related to the Municipality of Lambton Shores Official Plan, and Zoning By-Law, Planning staff are of the opinion that the variances can meet the tests of Section 19.8.2.1 of the OP in accordance with the *Planning Act*. Therefore, Planning staff have no objection to the proposed minor variance as presented.

ATTACHMENT 1: LOCATION MAP



SUBJECT PROPERTY

ATTACHMENT 2: SITE PLAN (GIS)



ATTACHMENT 3: SITE PLAN (APPLICANT)

