

# **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:** June 7, 2023  
**Subject:** Deferred Minor Variance Application A-17-2023 – 1723 Oriole Park Drive

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### **Recommendation**

Approve minor variance application A/17/2023 at 1723 Oriole Park Drive, to permit an accessory structure with a gross floor area of 74.33 m<sup>2</sup>, subject to the following conditions:

- 1) The length of all dormers together will not exceed one third the length of the building to the satisfaction of Municipality of Lakeshore's Building Division;
- 2) The maximum height of the building to the centre of the slope of the main roof and to the highest point of the roof assembly will be as indicated in the elevation drawing attached to the planning recommendation report for the June 14<sup>th</sup> Committee of Adjustment meeting, to the satisfaction of the Building Division;
- 3) The building will be constructed in the rear yard of the property outside of the easement lands to the satisfaction of Municipality of Lakeshore's Building Division, and will be subject to a maximum setback of 7.5 metres from the rear lot line;

### **Proposal**

The applicant is proposing to construct a new accessory building located in the rear yard of the lot. The applicant is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit a gross floor area of 74.33 m<sup>2</sup>, whereas the Bylaw states that an accessory building shall not exceed a gross floor area of 55 m<sup>2</sup> in the HR zone.

The applicant has indicated in their application that the proposed accessory building will be used for personal/hobby woodworking and a games room.

## **Summary**

### Location

The subject property is known municipally as 1723 Oriole Park Drive. It is located on the west side of Oriole Park Drive, north of County Road 46 and west of County Road 27. The property has a lot area of approximately 1344.12 m<sup>2</sup> (0.33 acres) and approximately 21.33 metres of frontage. There is an existing single detached dwelling located on the property.

### Surrounding Land Uses

The subject property is surrounded by single detached dwelling lots. South of the property on the west side of Oriole Park Drive is St. John the Evangelist Catholic Elementary School.

### Official Plan

The subject property is designated 'Hamlet' in the Lakeshore Official Plan.

### Zoning

The subject property is zoned "Hamlet Residential (HR)" in the Lakeshore Zoning By-law 2-2012.

## **Conclusion**

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

### Official Plan

The minor variance will maintain the general intent and purpose of the Official Plan. Hamlets originated as service and residential centres for the surrounding agricultural community and are generally comprised of residential lots that are relatively larger than those in Lakeshore's Urban Areas. They are therefore generally more conducive to supporting accessory buildings that exceed the maximum gross floor area regulation.

At the May 17<sup>th</sup> Committee of Adjustment meeting, the site plan drawing for the proposed building indicated that it would be located in the northwest area of the rear yard – 30 feet from the rear lot line and five feet from the north side lot line. The neighbour to the north raised concerns over the location of the proposed accessory building and asked if the building could be located closer to the rear lot line. Since then, the applicant has revised their site plan to locate the building 7.5 metres (24.6 feet) from the rear lot line. There are existing easement lands that run north-south adjacent to the

rear lot line that have a combined width of 6.5 metres (21.33 feet). Under the revised proposal, the applicant will maintain a 1 metre setback from these easement lands.

The accessory building will not impact the appearance of the streetscape at this location since it will be located directly behind the main building on the property. The neighbour to the north raised concerns regarding the proposed massing of the accessory building at the May 17<sup>th</sup> meeting. The applicant has responded by providing new elevation plans for the building that depict a proposed height of 4.32 metres (14 feet 2 inches) to the centre of the roof slope, while previous plans proposed a height of 4.88 metres (16 feet). The applicant has indicated that this will reduce the overall height of the building from roughly 6.7 metres (22 feet) to 5.59 metres (18 feet 4 inches).

Aerial photography suggests that other oversized accessory buildings exist in the immediate area on Oriole Park Drive that the proposed building resembles in terms of massing. Their presence was confirmed during a site visit and include accessory buildings on nearby properties such as 1730, 1715, 1714 and 1698 Oriole Park Drive.

Based on the foregoing comments, the request meets the general intent and purpose of Official Plan policies under Section 4.2.1 Community Design.

#### Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The building footprint of the main building/dwelling on the property is approximately 180 m<sup>2</sup>, which greatly exceeds the 74.33 m<sup>2</sup> gross floor area of the proposed accessory building. It therefore maintains the intent of the “accessory” definition in the Zoning By-law by proposing a building that is truly subordinate to the main building on the property.

The general purpose of the regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> is to ensure that these structures do not dominate the landscape in a typical residential subdivision. As previously mentioned, the lot area of the subject property is conducive to supporting larger accessory buildings. Like other properties to the north and south on Oriole Park Drive, the subject property exceeds the minimum lot area in the HR zone by close to two and a half times.

#### Minor

The third test determines whether the variance is minor in nature; the test is not solely based on quantitative calculations with respect to the request, but also includes qualitative considerations such as impacts and consistency. The Planner is of the opinion that the request satisfies this test as there will be no adverse impacts to the subject property or any neighbouring properties. The request for an increase in gross floor area of 19.33 m<sup>2</sup> is also considered quantitatively minor.

At the May 17<sup>th</sup> meeting, the neighbour to the north raised concerns over the proposed length of the building (40 feet) and its location/orientation adjacent to the mutual side lot

line. The applicant has indicated to Community Planning that they do not plan to reduce the length for the following reasons:

- The applicant is seeking a 20 by 20 ft space that is ideal for a recreational room. A hobby/woodworking space will utilize the remaining 20 by 20 ft space. The building is to be located near the north side lot line because the lean-to/unenclosed portion of the accessory building will provide accessory space to the outdoor pool close by.
- The applicant states that they are planning on developing an outdoor recreational space for volleyball in the rear yard, and the proposed location and orientation of the accessory building will preserve this future opportunity.

The Planner does not take issue with the length of the building in relation to its proposed location. The rear yard depth of both the subject property and the neighbour's property is approximately 115 feet, so it is the opinion of the Planner that the building will not span a significant portion of the rear yard. There are no anticipated impacts to the neighbour, especially now that the applicant has reduced the height of the building and has always proposed to meet the required side yard setback. The applicant has informed Community Planning that they are planning to construct a solid fence around the rear yard of their property – while respecting the easement lands – which could further mitigate any perceived visual impact of the building itself.

### Desirability

The minor variance will be desirable for the appropriate development and use of the land, building or structure. The applicant should be aware that the accessory building cannot be used as a Home Industry (gainful occupation) as defined in our Zoning By-law and can only serve as a use accessory to the residential use (main use) on the property. Existing standards for accessory buildings in the area will be met.

The applicant has been made aware that the width of the proposed dormers should not exceed one third the width of the length of the proposed building to maintain the appearance of an appropriate height. Additionally, the height of the attic is to be less than 2.1 metres headroom for at least fifty percent of the attic's floor area so that it does not contribute to the building's overall gross floor area.

The requested variance passes the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be "minor" in nature.
- ii. It would not 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.

In response to the concerns raised by the neighbour to the north and the Committee's decision to defer the application at the May 17<sup>th</sup> Committee of Adjustment meeting, it is

recommended the following conditions be imposed on the granting of the minor variance:

- 1) The length of all dormers together will not exceed one third the length of the building to the satisfaction of Municipality of Lakeshore's Building Division;
- 2) The maximum height of the building to the centre of the slope of the main roof and to the highest point of the roof assembly will be as indicated in the elevation drawing attached to the planning recommendation report, to the satisfaction of the Building Division;
- 3) The building will be constructed in the rear yard of the property outside of the easement lands to the satisfaction of Municipality of Lakeshore's Building Division, and will be subject to a maximum setback of 7.5 metres from the rear lot line.

## **Correspondence**

### External and Internal Agencies

The application was circulated to various external and internal agencies prior to the May 17<sup>th</sup> public meeting. Comments received are summarized below, and have been included as attachments to this report as well:

The Operations Department has expressed that the construction of the accessory building should not impact the rear yard drainage or adjacent neighbouring lands. Full comments can be found in Appendix D.

Fire Services has expressed that the applicant will need to contact the Lakeshore Fire Department to assist with assessing the use to determine if any Ontario Fire Code requirements may apply. Full comments can be found in Appendix E.

### Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject property before the May 17<sup>th</sup> Committee of Adjustment meeting. The owner of 1424 Mullins Drive stated that they had no issue with the project. The owner of 1721 Oriole Park Drive submitted written comment stating that they had concerns with the proposed size/length of the building and its placement next to the mutual lot line. They attended the May 17<sup>th</sup> public meeting and expressed these concerns to the Committee.

## **Attachment(s):**

- Appendix A – Aerial Map
- Appendix B – Updated Drawings
- Appendix C – Photo
- Appendix D – Operations Department

## Appendix E – Fire Services

**Prepared by:**



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Ian Search,  
Planner I

## Report Approval Details

Document Title:	Deferred Item - A-17-2023 Report.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Updated Drawings.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Fire Services.pdf</li></ul>
Final Approval Date:	Jun 9, 2023

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

**Kristina Brcic - Jun 9, 2023 - 11:29 AM**