

# 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:** September 7, 2023  
**Subject:** Minor Variance Application A/30/2023 – 1996 South Middle Road

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### Recommendation

Approve minor variance application A/30/2023 to permit an accessory building to have a maximum gross floor area of 237.9 m<sup>2</sup> subject to the following conditions:

The accessory building will be setback a minimum 4.5 metres from side lot lines;

The accessory building will be located in the rear yard;

The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing (Appendix D) submitted with the minor variance application that was deemed complete by Community Planning.

### Proposal

Community Planning has received a minor variance application for the subject property located on the north side of South Middle Road, east of County Road 27, known municipally as 1996 South Middle Road. The subject property is zoned Hamlet Residential (HR). The north half is designated “Agricultural” in the Lakeshore Official Plan and the south half is designated “Hamlet”.

The subject property is approximately 0.99 acres in area with approximately 30 metres of frontage along South Middle Road. The applicant is proposing a new accessory building on the lot and is seeking the following relief from Lakeshore Zoning By-law 2-2012:

- Section 6.5 a) ix) to permit an accessory building to have a maximum gross floor area of 237.9 m<sup>2</sup>, whereas the by-law permits a maximum gross floor area of 55 m<sup>2</sup>.

The accessory building is proposed to have a 22.63 m<sup>2</sup> (3.1 metre x 7.3 metre) covered lean-to/porch (unenclosed structure), resulting in an overall building footprint of 260.53 m<sup>2</sup>. The proposed use of the building is storage and personal hobby space. A gravel approach/driveway will be established to provide access to the building.

There is currently a dwelling on the property which the applicant has identified as having a building footprint of 266.8 m<sup>2</sup>. This was confirmed to be an accurate estimate using an interactive mapping system available to administration. The applicant indicates that there is an existing “garden shed” on the subject property in their application and on their site plan drawing. This shed was observed in the rear yard during a site visit, along with a second similar shed located further north and roughly the same distance from the east side lot line (Appendix B).

## **Summary**

### Location

The subject property is located on the north side of South Middle Road, east of County Road 27, west of Lakeshore Road 223 known municipally as 1996 South Middle Road. It is approximately 0.99 acres in area with approximately 30.5 metres of frontage along South Middle Road.

### Surrounding Land Uses

The subject property is one of a dozen residential lots located on the northside of South Middle Road at this location. There are single detached dwellings located east and west of the subject property. Albeit the adjacent residential property to the west is currently vacant.

Prime agricultural land is located to the north. Across the street to the south is a single detached dwelling (2019 South Middle Road) and lands zoned HE-3 (Hamlet Employment Exception 3) which permits several commercial and employment uses.

### Official Plan

The subject property is split designated “Agricultural” and “Hamlet” in the Lakeshore Official Plan. The north half is designated “Agricultural”, and the south half is designated “Hamlet”.

### 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 all four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

## Official Plan

The minor variance will maintain the general intent and purpose of the Lakeshore Official Plan. The Hamlet Designation policies under Section 6.3 permit low density residential dwellings and accessory uses. The proposal does not conflict with any of the Hamlet Designation policies, nor does it conflict with any of the Agricultural Designation policies under Section 6.2 which also permits a residential dwelling per lot and uses accessory to this permitted use. The accessory building is proposed to be located within the Agricultural Designation on the north half of the subject property.

Community design policies under Section 4.2.1 state that the Municipality 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. Furthermore, 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.

The minor variance request does not threaten the physical design characteristics of the surrounding area. The subject property, and most of the residential lots located either side of it, are approximately one acre lots. The proposed accessory building will have a gross floor area of 237.9 m<sup>2</sup> and an overall building footprint of 260.53 m<sup>2</sup> due to a proposed lean-to. This will only result in the building contributing 6.4% lot coverage, while the Zoning By-law permits detached accessory buildings/structures to have a total lot coverage of 15%. Clearly these relatively larger residential lots are conducive to supporting much larger accessory buildings. Indeed, previous minor variances were granted in the immediate area to permit a 167.23 m<sup>2</sup> gross floor area accessory building at 2024 S. Middle Road in 2021 and an 84.6 m<sup>2</sup> gross floor area building at 2028 S. Middle Road in 2019.

The Planner is of the opinion that the proposal conforms to the community design policies of the Official Plan for the following additional reasons: the building footprint will be subordinate to the existing dwelling, the site plan proposes increased setbacks from the east and west property lines, the elevation drawing proposes an accessory building that will have less height (4.7 metres) than what is permitted (5 metres), and the building is proposed to be located at the rear of the subject property.

## Zoning By-law

The proposal maintains the general intent and purpose of the Zoning By-law. The purpose of the gross floor area provision is to ensure compatibility with height and massing characteristics in the area. The regulation limiting the gross floor area of an accessory building to 55 m<sup>2</sup> was designed for lots in a typical subdivision.

The lot area of the subject property is eight times greater than the minimum lot area requirement in the R1 zone. It is also double the minimum size of a residential lot zoned HR where sanitary servicing is unavailable. Moreover, the subject property is an infill lot

on South Middle Road and is located among a dozen other residential lots of similar size on the northside of this street. Across the street – south of the subject property – are lands zoned for employment/commercial use. Thus, this neighbourhood does not represent a typical subdivision.

The proposed accessory building will be subordinate to the existing dwelling in terms of massing. Therefore, the proposal maintains the intent of the “accessory” definition in the Zoning By-law.

### Minor

While the request for increased gross floor area greatly exceeds the maximum gross floor area permitted in the Zoning By-law, it is the opinion of the Planner that the variance is minor in nature considering neighbourhood context. There are no anticipated impacts or land use compatibility issues with permitting the requested relief. The Committee should impose the following conditions on approval to ensure overall neighbourhood compatibility and compatibility with neighbouring properties:

- The accessory building will be setback a minimum 4.5 metres from side lot lines;
- The accessory building will be located in the rear yard;
- The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing submitted with the minor variance application that was deemed complete by Community Planning

### Desirability

The requested relief is considered desirable for the appropriate development of the building and land. Neighbourhood compatibility and the appearance of the streetscape can be protected through the recommended conditions. Minor variance approvals have been granted for other oversized accessory buildings in the immediate area.

The proposed use of the building is storage and personal hobby space. In terms of storage, the applicant desires to store a personal vehicle, compact tractor, ATV, fishing boat, camping trailer, and riding lawn mower in the building – among other personal belongings.

The building cannot be used as a Home Industry (gainful occupation - electrical, woodworking, window frame, welding, plumbing or machine shop, or other similar type use) as such use is not permitted in the Zoning By-law under the HR zone.

It is the opinion of the Planner that the requested variance passes the four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.

- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

The committee should impose the following conditions on any approval of the minor variance:

- The accessory building will be setback a minimum 4.5 metres from side lot lines;
- The accessory building will be located in the rear yard;
- The accessory building will have a maximum height of 4.7 metres as depicted on the elevation drawing submitted with the minor variance application that was deemed complete by Community Planning.

## **Correspondence**

### External and Internal Agencies

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

The Operations Department provided their standard comment on these types of development requests stating that construction of the accessory building should not adversely impact the rear yard drainage or adjacent neighbouring lands. Full comment can be found in Appendix D.

The Fire Department has expressed that should the space be considered for future use as a suite and/or a business operation, the owner would be required to consult the Lakeshore Fire Services for assessment and direction on potential Fire Code requirements. Full comments can be found in Appendix E. It is noted that business operations (Home Industry, etc.) are not permitted in the accessory building under the Zoning By-law, nor is a dwelling unit. The applicant will have to approach Community Planning for Planning Act approvals if either of those uses are desired on the subject property.

### Public Notice Circulation

Notice of Public Meeting and information regarding the requested minor variance application was sent to all property owners within 60 metres of the subject land. At the time of writing, no written comments were received.

## **Attachment(s):**

- Appendix A – Aerial Photo
- Appendix B – Photos
- Appendix C – Drawings
- Appendix D – Operations Department
- Appendix E – Fire Department

**Prepared by:**



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Ian Search, BES  
Planner I

## Report Approval Details

Document Title:	A-30-2023 Report .docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Aerial Photo.pdf</li><li>- Appendix B - Photos.pdf</li><li>- Appendix C - Drawings.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Fire Department.pdf</li></ul>
Final Approval Date:	Sep 7, 2023

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

**Kristina Brcic - Sep 7, 2023 - 3:56 PM**