

# 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:** May 10, 2023  
**Subject:** 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 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.

### 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. It 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.

The site plan drawing submitted with the minor variance application depicts the proposed building in the northwest area of the rear yard – 30 feet from the rear lot line and five feet from the north side lot line. It will not impact the appearance of the streetscape at this location behind the main building. Land use compatibility issues with neighbouring properties are not anticipated and the applicant will be providing the required setback from lot lines. 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. The request is in keeping with the existing character of the Settlement Area in accordance with 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. The request 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. Furthermore, 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 is minor in nature as there will be no adverse effects on the subject property or any neighboring properties. The request for an increase in gross floor area of 19.33 m<sup>2</sup> is also considered quantitatively minor.

### 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.

There appears to be an existing easement in favour of the Municipality of Lakeshore on the property adjacent to the rear lot line. This easement runs along the entirety of the rear lot line and is approximately 23 feet wide on the subject property. It is indicated on the site plan drawing that the proposed building will be located approximately 30 feet from the rear lot line outside the easement lands.

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 form part of 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.

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 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.

## **Correspondence**

### External and Internal Agencies

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

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 60m of the subject land. At the time of writing, no written comments were received.

## **Attachment(s):**

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

## **Prepared by:**



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Ian Search,  
Planner I



## Report Approval Details

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|----------------------|---|
| Document Title:      | A-17-2023 Report.docx   |
| Attachments:         | <ul style="list-style-type: none"><li>- Appendix A - Aerial Map.pdf</li><li>- Appendix B - Drawing.pdf</li><li>- Appendix C - Photo.pdf</li><li>- Appendix D - Operations Department.pdf</li><li>- Appendix E - Fire Services.pdf</li></ul> |
| Final Approval Date: | May 12, 2023  |

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

**Kristina Brcic - May 12, 2023 - 10:21 AM**