



Staff Report

Planning & Development Services – Planning Division

Report To:	Committee of Adjustment
Meeting Date:	March 20, 2024
Report Number:	PDS.24.049
Title:	Recommendation Report – Minor Variance A12-2024 – 116 Lakeshore Drive (Swartz)
Prepared by:	David Riley, Principal, SGL Planning & Design Inc. Sierra Horton, Planner, SGL Planning & Design Inc.

A. Recommendations

THAT the Committee of Adjustment receive Staff Report PDS.24.049, entitled “Recommendation Report – Minor Variance A12-2024 – 116 Lakeshore Drive (Swartz)”;

AND THAT the Committee of Adjustment GRANT a Minor Variance for A12-2024 subject to the following conditions:

1. That the development be constructed in a manner substantially in accordance with the submitted site plan and elevations; and
2. This variance to the Zoning By-law is for the purpose of obtaining a building permit and is only valid for a period of two (2) years from the date of decision. This variance shall expire on March 20, 2026.

B. Background

The subject lands are located at 116 Lakeshore Drive, at the corner of Lakeshore Drive and Lansdowne Street North, in Thornbury. The property backs onto the Georgian Bay to the north and is surrounded by single detached dwellings to the south, east and west. The neighbourhood is occupied by a mix of seasonal and permanent residents. The lands are approximately 1000 square metres (0.24 acres) in size.

A single detached dwelling currently exists on the property, which the applicant estimates to have been originally constructed in the 1950s, and therefore legally does not conform to current provisions of Zoning By-law 2018-65. The owner wishes to construct a second storey addition towards the front western portion of the existing dwelling. The property was previously issued a minor variance in 2017 (A02-2017) to permit an expansion to the dwelling, which included the construction of a second storey on the eastern portion of the dwelling.

Figure 1 below shows the previous one storey dwelling prior to the 2017 minor variance approval, which allowed for the construction of a second storey addition on the eastern portion

of the dwelling (**Figure 2**). **Figure 2** shows the existing dwelling and illustrates the location of the proposed second storey addition on the front eastern portion of the dwelling. The proposed site plan is included below as **Figure 3**. The proposed second storey addition would cantilever over the existing one-storey portion and would be setback 3.84 metres from the front property line, whereas the existing legal non-conforming front yard setback of the dwelling is 4.11 metres. Front (south) and side (west) elevations are shown in **Figure 4** and **Figure 5**.



Figure 1. 2015 Street View



Figure 2. 2020 Street View

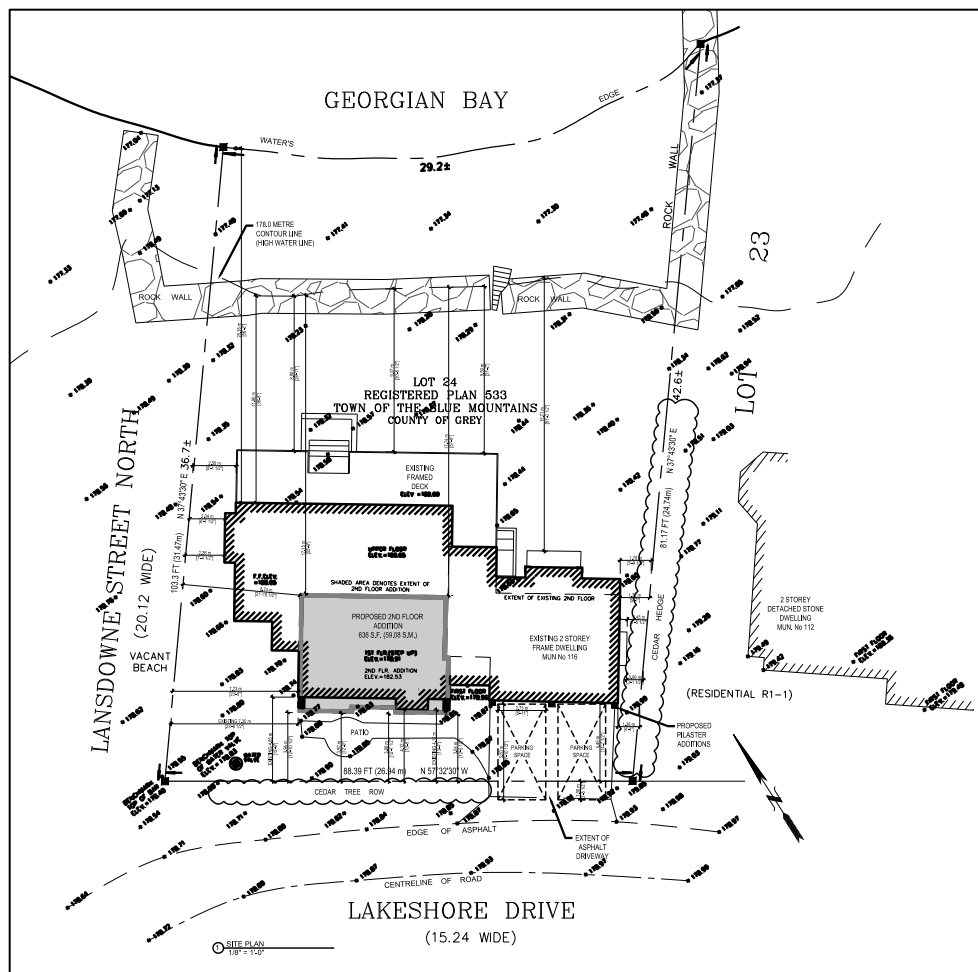


Figure 3. Proposed Site Plan

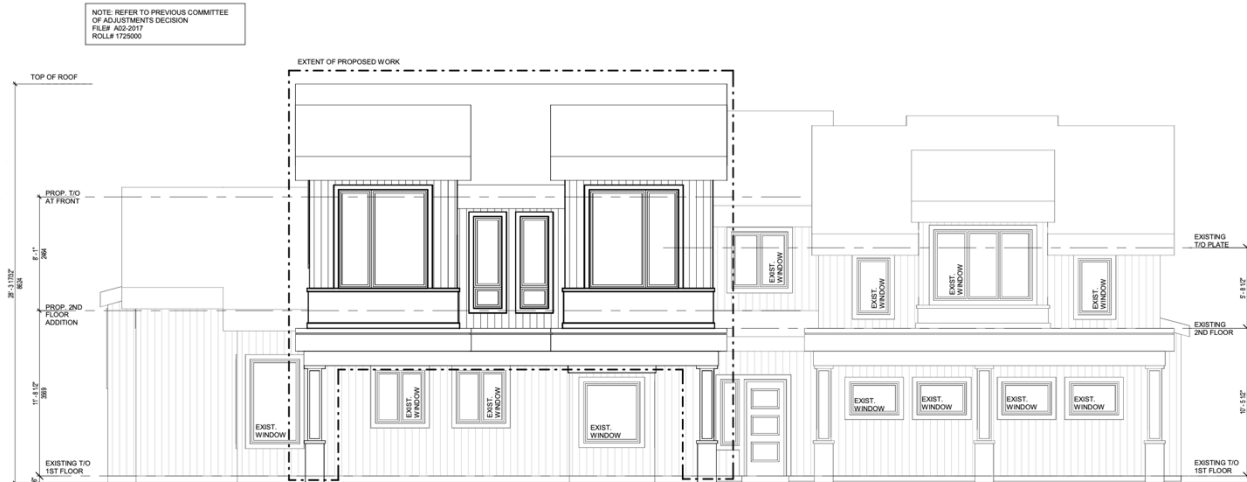


Figure 4. Front (South) Elevation

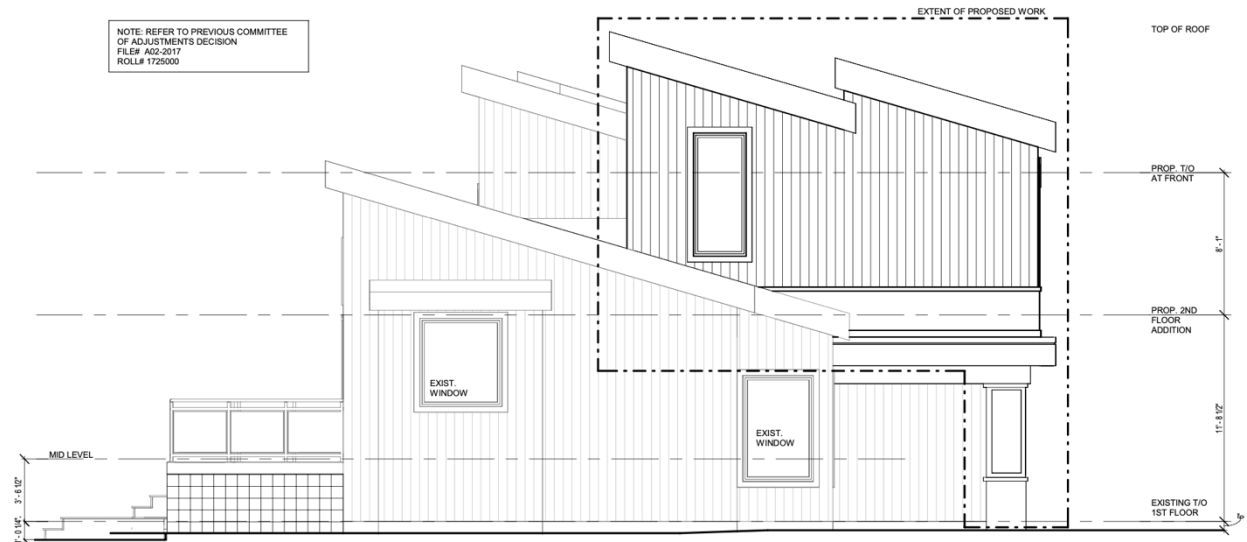


Figure 5. Side (West) Elevation

The subject lands are designated Community Living Area in the 2016 Town of the Blue Mountains Official Plan. This land use designation is established to recognize residential lands in the Thornbury-Clarksburg settlement area, on full municipal sewer and water services. Single detached dwellings are permitted within the Community Living Area designation.

The subject lands are zoned Residential One (R1-1) in the Town of the Blue Mountains Comprehensive Zoning By-law 2018-65. Single detached dwellings are permitted in the R1-1 Zone.

C. Analysis

Section 45(2) of the Planning Act outlines powers of the Committee of Adjustment distinct from those for granting minor variances. Under this section, and clarified through existing case law, the Committee of Adjustment may grant expansions to legal non-conforming buildings,

structures, and uses provided the change does not result in undue adverse impacts to the surrounding neighbourhood and is desirable for the development and use of the lands. This type of request is not beholden to the four tests of minor variance.

Will the proposal result in undue adverse impacts to the surrounding neighbourhood?

The second storey addition is proposed at the front western portion of the dwelling. A minor variance is only required for a 0.27 metre reduction to the established front yard setback, where 4.11 currently exists and 3.84 metres is proposed. The subject property is located at the end of Lakeshore Road and does not abut any other dwellings to the west. The front and side lot lines are also heavily treed, which effectively screen much of the existing dwelling from the street, adjacent open space and surrounding dwellings. It is expected these existing trees will screen much of the proposed second storey addition at the front western portion of the dwelling from view. The request is a minor change to the existing front yard setback and negative visual impacts are not expected based on the range and mix of dwelling types and setbacks already established along the street. Further, the proposed addition will not have any impact on the existing parking configuration on the subject lands, as no portion of the proposed addition and associated cantilever will be located over the driveway and/or garage.

We are therefore satisfied the proposal will not result in undue adverse impacts to the surrounding neighbourhood.

Is the proposal desirable for the development and use of the lands?

The proposal makes use of the existing building footprint and will reflect similar additions made to the western portion of the dwelling since 2017.

We are therefore satisfied that the proposal is desirable for the development and use of the lands.

D. Attached

1. Draft Decision

Respectfully submitted,

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Report Approval Details

Document Title:	PDS.24.049 Recommendation Report - Minor Variance A12-2024 - 116 Lakeshore Drive (Swartz).docx
Attachments:	- 116 Lakeshore Draft Decision.docx
Final Approval Date:	Mar 15, 2024

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

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 15, 2024 - 9:43 AM