

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0078

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

August 29, 2022

**SUBJECT: MINOR VARIANCE APPLICATION A19-22
LINDENVALE HOMES
LOT 61 RP 189**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0078 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A19-22, submitted by Lindenvale Homes for the property municipally addressed as 816 Pugsley Ave.
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:
 - a. That the Committee of Adjustment approve Minor Variance Application A19-22 to permit relief from the following:
 - i. Section 6.1 (a): To permit the construction of a single family dwelling with a minimum frontage of 15.24 metres; whereas a minimum 180 metre frontage is required.
 - ii. Section 6.1 (b): To permit the construction of a single family dwelling with a minimum lot area of 740 square metres; whereas a minimum 20 hectares lot area is required.
 - iii. Section 6.1 (c): To permit the construction of a single family dwelling with a front yard of 8 metres; whereas a minimum 10 metre front yard is required.
 - iv. Section 6.1(e): To permit the construction of an accessory structure with a rear yard of 6.1 metres; whereas a minimum 12 metre rear yard is required.
 - v. Section 6.1 (f): To permit the construction of a single family dwelling with a northern interior setback of 1.2 metres and a southern interior setback of 1.95 metres; whereas a minimum 3 metres is required.
 - vi. Section 6.1 (f): To permit the construction of an accessory structure with a southern interior setback of 1 metre; whereas a minimum 3 metres is required.

- vii. **Section 6.1 (f):** To permit the construction of a porch with a southern interior setback of 2.55 metres; whereas a minimum 3 metres is required.
 - viii. **Section 6.1 (l):** To permit the construction of a single family dwelling with a lot coverage of 35%; whereas a maximum lot coverage of 20% is permitted.
- b. That the approval of Minor Variance Application A19-22 be subject to the following term(s):
 - i. That the proposed single family dwelling and accessory structure be constructed in general conformity with Attachment 5 to Report DS-2022-0078, including both the site sketch and elevations, in accordance with the relief recommended to be approved in Recommendation 2(a).
 - ii. That driveways and parking areas located in the front yard shall not exceed 55% of the lot frontage.
- c. That the approval of Minor Variance Application A19-22 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Engineering Division that all matters identified in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.
 - ii. Submission to the Secretary-Treasurer of written confirmation from the Planning Policy Division that all matters identified in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.
 - iii. Submission to the Secretary-Treasurer of written confirmation from York Region that all matters identified in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.
 - iv. That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A19-22, submitted by Lindenvale Homes, the property owner of 816 Pugsley, regarding the construction of a single family dwelling.

3. **BACKGROUND:**

Owner(s): Lindenvale Homes

Agent: N/A

Property Description: (refer to Attachments 1 to 4)
816 Pugsley Ave
LOT 61, RP 189
Roll #: 127-512

3.1 **PROPOSAL**

The owner of the subject property is proposing to construct a single family dwelling and accessory structure.

A minor variance application has been submitted concerning the proposal, requesting the following relief:

- I. Section 6.1 (a): To permit the construction of a single family dwelling with a minimum frontage of 15.24 metres; whereas a minimum 180 metre frontage is required.
- II. Section 6.1 (b): To permit the construction of a single family dwelling with a minimum lot area of 740 square metres; whereas a minimum 20 hectares lot area is required.
- III. Section 6.1 (c): To permit the construction of a single family dwelling with a front yard of 8 metres; whereas a minimum 10 metre front yard is required.
- IV. Section 6.1(e): To permit the construction of an accessory structure with a rear yard of 6.1 metres; whereas a minimum 12 metre rear yard is required.
- V. Section 6.1 (f): To permit the construction of a single family dwelling with a northern interior setback of 1.2 metres and a southern interior setback of 1.95 metres; whereas a minimum 3 metres is required.
- VI. Section 6.1 (f): To permit the construction of an accessory structure with a southern interior setback of 1 metre; whereas a minimum 3 metres is required.
- VII. Section 6.1 (f): To permit the construction of a porch with a southern interior setback of 2.55 metres; whereas a minimum 3 metres is required.
- VIII. Section 6.1 (l): To permit the construction of a single family dwelling with a lot coverage of 35%; whereas a maximum lot coverage of 20% is permitted.

A Site Sketch and Elevations showing the proposed minor variance is included as Attachment 5.

3.2 **SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 816 Pugsley Ave. A summary of the characteristics of the property is as follows:

| General Property Information | | |
|---|--|-----------|
| Municipal Address | 816 Pugsley Ave | |
| Zoning | Rural | |
| Frontage | 15.24 Metres | |
| Area | 743.2 Square Metres | |
| Official Plan / Secondary Plan Land Use Designation | Serviced Lakeshore Residential Area | |
| Regional Official Plan Land Use Designation | Rural Area | |
| Related Applications | None | |
| Land Use and Environmental Considerations | | |
| Existing Structures | None | |
| Proposed Structures | Single family dwelling, accessory shed | |
| Heritage Status | Neither listed nor designated | |
| Regulated by LSRCA | No | |
| Key Natural Heritage Features | None | |
| Natural Hazards | None | |
| Servicing | | |
| | Existing | Proposed |
| Water | None | Municipal |
| Sanitary | None | Municipal |
| Access | None | Driveway |

4. **PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

4.1 **PUBLIC CIRCULATION**

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on August 15, 2022 to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Town Staff have not received any submissions from the general public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application A19-22 have been consolidated into a chart, which is included as Attachment 6.

The Development Engineering Division has indicated no objection to the application and provided the following conditions:

- The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2011-0044 (REG-1), as amended. The plan shall show existing conditions including grade elevations of the entire lot, to the satisfaction of the Town's Development Engineering Division.

The Regional Municipality of York has indicated no objection to the application and provided the following conditions:

- Prior to final approval, the Town of Georgina shall confirm that adequate water supply and sewage capacity has been allocated for the proposed new unit.

The Planning Policy Division has indicated no objection to the application and provided the following conditions:

- That the Applicant/Owner shall provide an Arborist Report and Tree Compensation Plan to the Town in accordance with our Tree Preservation and Compensation Policy.

The Tax and Revenue Division has indicated no objection to the application and provided the following comments:

- That the current taxes owing of \$1626.11 be paid.

The following Town departments / divisions and external agencies have indicated no objections to the Minor Variance.

- Municipal Law Enforcement Division
- Building Division
- Georgina Fire Department
- Economic Development Division
- Ministry of Transportation

A number of external agencies and Town departments / divisions have not provided comments.

5. **ANALYSIS:**

The following evaluation of minor variance application A19-22 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

i. Is the general intent and purpose of the Official Plan maintained? – Yes

The subject property is designated Serviced Lakeshore Residential Area. Single family dwellings and accessory buildings, structures and uses thereto are permitted uses in the Serviced Lakeshore Residential Area Designation. Consequently, Staff are of the opinion that the proposal complies with the general intent and purpose of the Official Plan.

ii. Is the general intent and purpose of the Zoning By-law maintained? – Yes

The subject property is zoned 'Rural' (RU) on Map 5 pg 1 of Schedule 'A' to Zoning By-law No. 500, as amended. A single family dwelling is permitted in the RU Zone.

When an existing lot of record is zoned Rural (RU) and has insufficient lot area and frontage to permit a single family dwelling, it is standard Town procedure to require that a Zoning By-law Amendment be undertaken to recognize the deficiencies.

On May 14, 2018, Minor Variance A28-18 was approved by the Committee of Adjustment. The approved Minor Variance would have permitted a reduced minimum lot area and frontage to permit a single family dwelling on the subject property, but lapsed and was deemed refused when approval conditions were not fulfilled within one (1) year of the decision.

The Applicant has re-applied for a Minor Variance that requests similar relief to what was requested as part of Minor Variance A28-18. Despite standard Town standard procedure, Staff determined it appropriate to reconsider the requested relief through a Minor Variance for the following reasons:

- A previous Minor Variance was approved by the Committee of Adjustment for similar relief; and
- The subject property fronts on a public and assumed portion of Pugsley Avenue.

Staff are of the opinion that it is appropriate to consider the proposed relief through a Minor Variance application.

a. Lot Frontage and Area

The intent of minimum lot areas in the Rural (RU) zone is to ensure that environmental features are protected and that sufficient space exists for the proposed use while maintaining the rural character of the area.

The intent of minimum lot frontages in the Rural (RU) zone is to ensure that there is sufficient frontage on a public, assumed road to enable access without compromising environmental features or the rural character.

Staff note that RU zoned properties are typically large, in a rural setting and contain environmental features. The subject property is small by comparison, created via plan of subdivision, is located in a built-up area of the Serviced Lakeshore Residential Area, and does not contain any significant environmental features. Further, the LSRCA has indicated that the subject property is not regulated, is not considered major development and does not require further natural heritage review.

Staff also note that several properties on Pugsley Avenue have successfully undergone Planning Act approval to allow single family dwellings. The proposal is compatible with these existing dwellings. Staff also note that the Zoning By-law does not regulate the maximum width of driveways and parking areas as a percentage of the front lot line in the Rural (RU) zone. For typical RU-zoned lots, this is of limited concern given large frontages.

Staff note that, given the requested reduction in minimum lot frontage to 15.24 metres, it is appropriate to regulate the maximum width of driveways and parking areas as a percentage of the total frontage. For single family dwellings in the Residential (R) and Low Density Urban Residential (R1 and R2) zones, Staff note that a maximum of 55% of the lot frontage may be occupied by a driveway or parking area. For the purposes of the proposed single family dwelling, Staff recommend that the same 55% regulation be implemented as a term.

Staff are of the opinion that, given the above, the recognition of a reduced lot area and frontage is appropriate and meets the general purpose and intent of the Zoning By-law.

c. Front Yard Setback

Section 6.1(e) of Zoning By-law No.500, as amended, requires a front yard setback of 10 metres. The applicant is requesting relief to allow a minimum front yard setback of 8 metres for the single detached dwelling. The intent of the minimum front yard is to reduce negative impacts on neighbouring properties, and ensure compatibility with surrounding properties.

Staff note that, if the proposed single family dwelling were to be proposed in a standard R, R1 and R2 zone, that the minimum front yard would be 6

metres. Staff note that the requested reduced front yard is appropriate in this context, and will not impact the streetscape in a negative manner.

d. Rear Yard Setback

Section 6.1(e) of Zoning By-law No.500, as amended, requires a rear yard setback of 12 metres. The applicant is requesting relief to allow a minimum rear yard setback of 6.1 metres for the proposed accessory structure. The intent of the minimum rear yard is to ensure adequate amenity area and compatibility with surrounding lots.

Staff note that, if the proposed accessory structure were to be proposed in a standard R, R1 and R2 zone, that the minimum rear yard would be 0.6 meters for the accessory structure. Staff note that the requested reduced rear yard is appropriate in this context, and that several properties on Pugsley Avenue have accessory structures that are closer to the rear and interior side lot line.

e. Interior Sideyard Setback

The minimum interior side yard for single family dwellings in the Rural (RU) zone is 3 metres. The Applicant is proposing a decrease in the minimum interior side yard to 1.2 metres and 1.7 metres for the dwelling, and 1 meter for the accessory structure. The intent of minimum interior side yards is to mitigate potential massing impacts on nearby properties and to enable natural pedestrian access to the rear yard. Staff note that massing impacts are influenced by a combination of building height, lot coverage and setbacks.

Staff note that, if the proposed single family dwelling were to be proposed in a standard R, R1 and R2 zone, that the minimum interior side yard would be 1.2 metres for the dwelling and 0.6 meters for the accessory structure. Staff note that the requested reduced interior side yard is appropriate in this context, and that several properties on Pugsley Avenue have successfully undergone Planning Act approvals to allow for similar minimum interior side yards. Staff do not anticipate that any unacceptable massing impacts will occur as a result of the requested reduction in the minimum interior side yard.

The proposed Minor Variance is being assessed on the basis of the proposed single family dwelling, and Staff recommend that a term be implemented which restricts the scale of development to that set out in the provided site plan and elevations, as included in Attachment 5. Staff are of the opinion that the proposed reduction in minimum interior side yard is appropriate.

f. Lot Coverage

The maximum lot coverage for single family dwellings in the Rural (RU) zone is 20%. The Applicant is proposing an increase in the maximum lot coverage to 35%. The intent of maximum lot coverages is to ensure that unacceptable massing

impacts do not occur. Staff note that the standard, maximum lot coverage for single family dwellings in R, R1 and R2 zones is 35%. Staff note that the proposal is compatible with nearby properties where the zoning permits a single family dwelling with a maximum lot coverage of 35%. Staff also note that several properties on Pugsley Avenue have successfully undergone Planning Act approval to allow for similar single family dwellings with similar maximum lot coverages.

Staff are of the opinion that the proposed development is compatible with the residential development in nearby R, R1 and R2 zones and that the proposed increase in maximum lot coverage is appropriate. Staff also do not anticipate that the proposed increase in maximum lot coverage will result in unacceptable massing impacts on nearby properties. To ensure that future development is consistent with the recommended Minor Variance approval, Staff recommend that a term be implemented that requires that future building permit applications be consistent with the site plan submitted as part of the proposed Minor Variance. Staff are of the opinion that the requested increase in maximum lot coverage meets the general purpose and intent of the Zoning By-law.

Staff note the reduced setbacks, frontage, lot area and coverage do not impact the streetscape in a negative manner.

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes

Staff are of the opinion that the proposed minor variance is desirable and will enable appropriate development on the subject property.

The proposed dwelling and accessory structure is in keeping with the existing physical character of neighbourhood, as several lots near the subject property are similarly sized. Staff also note that no unacceptable massing impacts are anticipated as a result of the proposed increase in maximum lot coverage and the proposed decrease in minimum interior side yard. Nearby R, R1 and R2 zones allow for similar maximum lot coverages, minimum frontages and minimum yards. Staff further note that surrounding properties are either zoned Residential (R) or have undergone Minor Variances and Zoning By-law Amendments to permit similar relief to the proposed Minor Variance.

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and surrounding neighborhood.

iv) Is the relief sought minor in nature? – Yes

In considering whether the relief sought is minor, Staff note that this test is not simply a question of numerical value. The principal consideration is that of potential impact the variance may have, and whether that impact is minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variance is minor in nature.

6. CONCLUSION:

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A19-22, as it pertains to the single family dwelling and accessory structure, meets the four (4) prescribed tests as set out in Section 45(1) of the Planning Act, R.S.O. 1990 and represents good planning.

APPROVALS:

Prepared by:

Brittany Dobrindt
Planner I

Approved By:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Context Map

Attachment 2 – Key Map

Attachment 3 – Aerial Map

Attachment 4 – Site Photos

Attachment 5 – Site Sketch

Attachment 6 – Consolidated Comments