

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2022-0080**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT**

**August 29, 2022**

**SUBJECT: MINOR VARIANCE APPLICATION A21-22  
TERRY AND LOREN PORTER  
LOT 228, PLAN 65M4659**

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**1. RECOMMENDATION:**

1. That the Committee of Adjustment receive Report No. DS-2022-0080 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A21-22, submitted by Terry and Loren Porter for the property municipally addressed as 90 Connell Drive.
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 A21-22 to permit relief from the following:
    - i. Section 5.45(a): To permit the construction of a deck which will encroach 5.8m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 1.2m; and
    - ii. Section 5.45(a): To permit the construction of a deck which will encroach 3.7m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.3m; and
    - iii. Section 5.45(a): To permit the construction of a deck which will encroach 3.65m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.35m.
  - b. That the approval of Minor Variance Application A21-22 be subject to the following term(s):
    - i. That the proposed single family dwelling be constructed in general conformity with Attachment 6 to Report DS-2022-0080, in accordance with the relief recommended to be approved in Recommendation 2(a).

- ii. **Notwithstanding the provisions of Section 5.45(a) of Zoning By-law No. 500, as amended, as it relates to permitted rear yard encroachments, the encroachments as set out in Attachment 6 to Report DS-2022-0080 shall apply and no further encroachments shall be permitted.**

## **2. PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A21-22, submitted by Terry and Loren Porter, the property owners of 90 Connell Drive, regarding the construction of a deck.

## **3. BACKGROUND:**

Owner(s): Terry and Loren Porter

Agent: N/A

Property Description: (refer to Attachments 1 to 4)  
90 CONELL DRIVE  
LOT 228, PLAN 65M4659  
Roll #: 092-71589

### **3.1 PROPOSAL**

The owner of the subject property is proposing to construct a deck.

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

- I. Section 5.45(a): To permit the construction of a deck which will encroach 5.8m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 1.2m.
- II. Section 5.45(a): To permit the construction of a deck which will encroach 3.7m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.3m.
- III. Section 5.45(a): To permit the construction of a deck which will encroach 3.65m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.35m.

A Site Sketch showing the proposed minor variance is included as Attachment 6.

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

The subject property is located at 90 Connell Drive. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	90 Connell Drive	
Zoning	Specialty Low Density Urban Residential (R1-151)	
Frontage	12 Metres	
Area	371 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Neighbourhood Residential	
Regional Official Plan Land Use Designation	Urban Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single family dwelling	
Proposed Structures	Deck	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Driveway	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 A21-22 have been consolidated into a chart, which is included as Attachment 7.

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

- That the current taxes owing of \$45.06 be paid to the Town of Georgina.

The Building Division has indicated no objection to the application and provided the following comment:

- A building permit will be required for the decks.

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

- Municipal Law Enforcement Division
- York Region
- Georgina Fire Department
- Economic Development Division
- Ministry of Transportation
- Development Engineering Division
- Planning Policy Division
- Lake Simcoe Conservation Authority

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

## **5. ANALYSIS:**

The following evaluation of Minor Variance Application A21-22 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 Neighbourhood Residential. Single family dwellings, and their associated uses and structures, such as decks, are permitted within this 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 'R1-151' on Map 3 pg 1 of Schedule 'A' to Zoning By-law No. 500, as amended. A deck, as accessory to a single family dwelling is permitted in this zone.

a. Rear Yard Encroachment

Section 5.45(a) of Zoning By-law No. 500, as amended, permits balconies, unenclosed porches and steps, decks or elevators to project a maximum of 2 metres into any required front, rear or exterior side yard for a single detached dwelling. The Applicant has requested relief to allow the decks to encroach 5.8 metres, 3.7 metres and 3.65 metres into the minimum rear yard. This results in the decks having a rear yard setback of 1.2 metres, 3.3 metres and 3.35 metres respectively.

The general intent of the deck encroachment limit is to reduce negative impacts on neighbouring properties, and ensure compatibility with surrounding properties. The existing dwelling has a small rear yard, of only 7 metres. Consequently, an increased deck encroachment is required to accommodate the deck. Staff note the increased rear yard encroachments do not impact any rear neighbours in a negative manner, as there are no dwellings directly behind the property.

*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 is in keeping with the existing physical character of the neighbourhood, as several lots near the property also have decks, and there are no dwellings directly behind 90 Connell drive which may be impacted by the deck.

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 A21-22, as it pertains to the proposed deck, 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 Survey*

*Attachment 6 – Site Sketch*

*Attachment 7 – Consolidated Comments*