

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0093

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

October 11, 2022

**SUBJECT: MINOR VARIANCE APPLICATION A23-22
YING AND DE QING WANG
LOT 56, RPLAN 408**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0093 prepared by the Development Planning Division, Development Services Department, dated October 11, 2022, respecting Minor Variance Application A23-22, submitted by Ying and De Qing Wang for the property municipally addressed as 684 The Queensway South.
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 A23-22 to permit relief from the following:
 - i. Section 5.1(b): To permit the construction of an accessory structure in a front yard; whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard; and
 - ii. Section 5.45(a): To permit a northern interior side yard setback of 1.89 m and a southern interior side yard setback of 0.45 m whereas an interior side yard setback of 1.2m on one side and a setback of 2.5 m on the other side is required; and
 - iii. Section 5.45(a): To permit a dwelling with a ground floor area of 80 square metres whereas a minimum ground floor area of 100 square metres is required.
 - b. That the approval of Minor Variance Application A23-22 be subject to the following term(s):
 - i. That the proposed accessory structure be constructed in general conformity with Attachment 5 to Report DS-2022-0093, 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 interior yard encroachments, the encroachments as set out in Attachment 5 to Report DS-2022-0093 shall apply and no further encroachments shall be permitted.**
 - iii. **That the proposed accessory structure shall not have any water fixtures.**
 - iv. **That the proposed accessory structure shall not be used for sleeping accommodation / living quarters at any time.**
- c. **That the approval of Minor Variance Application A23-22 be subject to the following condition(s):**
 - i. **The applicant/owner shall provide an Arborist Report and Tree Compensation Plan to the satisfaction of the Town's Planning Policy Division in accordance with the Town of Georgina Tree Preservation and Compensation Policy.**
 - ii. **The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer 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.**

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A23-22, submitted by Ying and De Qing Wang, the property owners of 684 The Queensway South, regarding the construction of an accessory structure in the front yard, as well as the existing dwelling setbacks and ground floor area.

3. BACKGROUND:

Owner(s):	Ying and De Qing Wang
Agent:	N/A
Property Description:	(refer to Attachments 1 to 4) 684 THE QUEENSWAY SOUTH LOT 56, RPLAN 408 Roll #: 142-49800

3.1 PROPOSAL

The owner of the subject property is proposing to construct an accessory structure (a detached garage), as well as legalizing the existing dwelling.

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

- i. Section 5.1(b): To permit the construction of an accessory structure in a front yard; whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard; and
- ii. Section 5.45(a): To permit a northern interior side yard setback of 1.89 m and southern interior side yard setback of 0.45 m whereas an interior side yard setback of 1.2m on one side and a setback of 2.5 m on the other side is required; and
- iii. Section 5.45(a): To permit a dwelling with a ground floor area of 80 square metres whereas a minimum ground floor area of 100 square metres is required.

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

3.2 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 684 The Queensway South. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	684 The Queensway South	
Zoning	Low Density Urban Residential (R1)	
Frontage	15.35 Metres	
Area	701.80 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Urban Corridor 2	
Regional Official Plan Land Use Designation	Urban Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single family dwelling	
Proposed Structures	Accessory Structure	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
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 September 21, 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 A23-22 have been consolidated into a chart, which is included as Attachment 6.

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

- Please provide an Arborist Report and Tree Compensation Plan to the Town in accordance with our Tree Preservation and Compensation Policy.

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

- The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer 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 following Town departments / divisions and external agencies have indicated no objections to the Minor Variance.

- Municipal Law Enforcement Division
- York Region
- Building Division
- Economic Development Division
- Ministry of Transportation
- Operations and Infrastructure
- Tax and Revenue Division
- York Catholic District School Board

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

5. ANALYSIS:

The following evaluation of Minor Variance Application A23-22 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 Urban Corridor 2. Single family dwellings and their associated uses and structures, such as garages, 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 'Low Density Residential' (R1) on Map 2 (pg.1) of Schedule 'A' to Zoning By-law No. 500, as amended. A single detached dwelling and an accessory structure to a single family dwelling, such as a garage, are both permitted in this zone.

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

a. Interior Yard Setbacks

The intent of the minimum interior side yard setback is to maintain privacy amongst adjacent properties on a variable scale to building height, as well as to ensure adequate separation distance between structures on neighboring lots to provide natural lighting and access for maintenance. Staff note that the dwelling is existing, as shown on aerial imagery from 1970, and the variance would legalize the interior side yard setbacks.

Staff note that the south-facing wall of the existing dwelling contains no windows (see Attachment 4) and directly faces two sheds on the adjacent property, and the northern interior side yard meets the setbacks requirements needed for one of the interior side yards (1.89 m whereas 1.2 m on one side and 2.5 m for the other side is required). As such, Staff do not believe that the privacy of either of the adjacent properties would be compromised and the existing access will be maintained.

b. Minimum Ground Floor Area

The intent of the Minimum Ground Floor Area is to ensure uniformity with the surrounding neighbourhood character. The existing dwelling is in keeping with the existing physical character of the neighbourhood, as several dwellings near the property are of a similar size to the subject dwelling.

c. Accessory Structure in the Front Yard

The intent of Section 5.1 (b) is to limit the appearance of detached, accessory buildings from the street. However, staff note that the proposed accessory structure, a detached garage, is in keeping with the existing physical character of the neighbourhood, as several lots near the property have buildings that are closer to the front lot line. Staff also note that the proposed garage would meet the front yard setback requirement.

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

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 A23-22, as it pertains to the proposed accessory structure and existing dwelling, 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