

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0097

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

November 7, 2022

SUBJECT: MINOR VARIANCE APPLICATION A15-22

Elena Kotenko

PLAN 130 LOT 22

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0097 prepared by the Development Planning Division, Development Services Department, dated November 7, 2022, respecting Minor Variance application A15-22, submitted by the property owner, Elena Kotenko.
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 A15-22 to permit relief from the following:
 - i. Section 6.1(e): To permit a rear yard setback of 3.23 m; whereas a rear yard of 7 m is required; and
 - ii. Section 5.1(a): To permit one accessory structure (shed #2) on the severed lot before the main building to which it is accessory has been erected; whereas no accessory building, structure or use may be erected or established on any lot until the main building to which it is to be accessory has been erected.
 - b. That the approval of Minor Variance Application A15-22 be subject to the following term(s):
 - i. That the existing residential building on the retained lands be maintained in general conformity with Attachment 4 to Report DS-2022-0097, in accordance with the relief recommended to be approved in Recommendation 2(a).
 - ii. That Shed #2 on the severed lands be permitted to remain in general conformity with Attachment 4 to Report DS-2022-0097, in accordance with the relief recommended to be approved in Recommendation 2(a).

- c. That the approval of Minor Variance Application A15-22 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 Development Engineering matters identified in Attachment 6 to Report DS-2022-0097 have been addressed to the Division's satisfaction.
 - ii. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina that adequate water supply and sewage capacity has been allocated for the new unit.
 - iii. Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that Shed #1 and Shed #3 on the severed lands have been removed.
 - iv. That the above-noted conditions be fulfilled within two (2) year 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 A15-22, submitted by Elena Kotenko, property owner of 47 Metropolitan Crescent, Georgina, in fulfillment of the conditions of provisional consent approval B16-21.

The existing residential building, which was located on a 'through-lot' prior to severance application B16-21, would have a rear yard setback of 3.23 m if the consent conditions are satisfied and the consent finalized. In addition, Shed #2 would be permitted to remain on the severed lands prior to a main building to which it is accessory being erected.

3. BACKGROUND:

Owner(s): Elena Kotenko

Agent: Elena Kotenko

Property Description: (refer to Attachments 1 to5)
47 Metropolitan Crescent
PLAN 130 LOT 22
Roll No. 091-600

3.1 PROPOSAL

The owner of the subject property is seeking relief for a rear yard setback of 3.23 m as per a condition of provisional consent approval B16-21 that required both the severed and retained lots be in compliance with the Zoning By-law 500, as amended.

The owner is also proposing to permit an existing accessory structure (shed #2 on attachment 4) on the severed lands before the main building to which it is accessory has been erected.

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

- i. Section 6.1(e): To permit a rear yard setback of 3.23 m; whereas a rear yard of 7 m is required; and
- ii. Section 5.1(a): To permit the establishment of an accessory structure on a lot before the main building to which it is accessory has been erected; whereas no accessory building, structure or use may be erected or established on any lot until the main building to which it is to be accessory has been erected.

The Site Plan showing the proposed minor variance is included as Attachment 4.

3.2 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 47 Metropolitan Crescent. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	47 Metropolitan Crescent, Georgina
Zoning	Low Density Urban Residential (R1) (Map 3 Pg.1)
Frontage	15.22 Metres
Area	1075.56 Square Metres
Official Plan / Secondary Plan Land Use Designation	Neighbourhood Residential – Keswick Secondary Plan
Regional Official Plan Land Use Designation	Urban
Related Applications	B16-21
Land Use and Environmental Considerations	
Existing Structures	Single-detached dwelling & 3 accessory structures
Proposed Structures	Single-detached dwelling & 1 accessory structure
Heritage Status	Neither listed nor designated
Regulated by LSRCA	No
Key Natural Heritage Features	None
Natural Hazards	None
Servicing	
	<u>Existing</u>
	<u>Proposed</u>

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 October 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 A15-22 have been consolidated into a chart, which is included as Attachment 6.

The Development Engineering Division has indicated 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 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 applicant/owner shall apply for an Entrance Permit through the applicable road authority.

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

- Tax and Revenue
- Operations and Infrastructure
- Municipal Law
- Georgina Fire Department
- Economic Development
- Lake Simcoe Region Conservation Authority
- Ministry of Transportation
- Building

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

5 **ANALYSIS:**

The following evaluation of minor variance application A15-22 is based on the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*:

1) *Is the general intent and purpose of the Official Plan maintained?* – Yes

The subject property is designated Neighbourhood Residential on Schedule F1 - Keswick Land Use Plan of the Keswick Secondary Plan. As per policy 13.1.3.1.1(b) of the Keswick Secondary Plan, single detached dwellings are permitted within this designation and as per policy 13.12.12(vii) of the Keswick Secondary Plan, buildings, structures and uses that are accessory to any permitted uses are permitted in all land use designations, except where otherwise indicated.

Staff are of the opinion that the proposal meets with the general intent and purpose of the Official Plan.

2) *Is the general intent and purpose of the Zoning By-law maintained?* – Yes

The subject property is zoned 'Low Density Urban Residential - (R1)' on Map 3 (page 1) of Schedule 'A' to Zoning By-law No. 500. Pursuant to Section 6.1(e), single detached residential buildings are permitted in the R1 Zone subject to:

a. *Minimum Rear Yard Setback*

Section 6.1(e) of Zoning by-law No.500, as amended, permits single detached residential buildings in R1 zones to have a minimum rear yard setback of 7 m.

In this instance, the applicant is requesting relief to allow a minimum rear yard setback of 3.23 m for an existing single detached residential building.

The purpose and intent of this regulation is largely to provide adequate space in the rear yard for outdoor amenity areas and to allow for additional space on the lot for storm water infiltration and runoff. It also ensures adequate spacing between two properties that share a rear lot line to help mitigate any privacy concerns.

Staff are of the opinion the variance requested maintains the general intent and purpose of the Zoning By-law. Staff have considered that the proposal is compliant with Zoning By-law 500, as amended, with respect to the required side and front setbacks. Staff find that the existing residential building has an existing front yard setback of 19.96 m, whereas 6.0m is required. This front yard setback provides a significant amount of yard area for landscaping and

soft landscaping for stormwater management purposes. The existing side yard setbacks are 3.94 m and 3.86 m, whereas 1.2m & 2.5 m are required. Similar to the proposed rear yard setback, the proposed side yard setbacks provide additional area for landscaped open space and soft landscaping.

With respect to any privacy and massing concerns, Staff also note that the building is currently existing and that the relief sought as part of this minor variance application is due to a condition of approval of severance application B16-21. As such, the rear yard setback variance will be internally between an existing single detached dwelling and a newly created lot so that the existing and/or future occupants of the dwelling will be aware of this condition.

Therefore, Staff have determined that the proposed minor variance will not create any adverse impacts, further than any impacts already contemplated by Zoning By-law 500, as amended, on the neighbourhood with respect to massing and that there is adequate space provided on the lot for access, maintenance, and stormwater management within the proposed yard setbacks of the subject property.

Staff are of the opinion that the proposed variance meets the general intent and purpose of the Zoning by-law.

b. Accessory Structure with no main building.

Section 5.1(a) of Zoning by-law No.500, as amended, states that “no accessory building, structure or use shall be erected or established on any lot until the main building to which it is to be accessory has been erected, except as provided herein under “Construction Uses”, or where such accessory building forms part of the main building”.

In this instance, the applicant is requesting relief to allow an accessory structure on a lot before the main building to which it is to be accessory has been erected.

The purpose and intent of this regulation is largely to ensure that development occurs in an orderly manner and to ensure that all accessory structures on a lot remain subordinate to the principal building on a lot.

The existing accessory structure, depicted as Shed #2 on Attachment 4, is compliant with all other regulations pertaining to accessory structures and would be permitted as-of-right on a lot with an existing main building. The owner intends to construct a main building and maintain the existing accessory structure ‘Shed #2’ on the severed lot.

Therefore, Staff have determined that permitting the existing accessory structure on the severed lands through the proposed variance meets the general intent and purpose of the Zoning by-law.

- 3) *Are the Minor Variances desirable for the appropriate development of the property or use of land, building or structure? – Yes*

The dwelling and accessory structure on the proposed lot are existing. Staff are of the opinion there will be no impact on the physical character to the existing neighbourhood by permitting the existing condition to remain. Furthermore, Sheds #1 and #3 are currently noncompliant with Zoning By-law 500, as amended, and are to be removed, therefore improving the condition of this lot. Based on this analysis Planning Staff is of the opinion that the existing dwelling is desirable and appropriate for the development within the subject property.

- 4) *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:**

Staff are of the opinion that minor variance application A15-22, as it pertains to the single detached residential dwelling and accessory structure on the proposed lot, meet the four (4) prescribed tests as set out in Section 45(1) of the *Planning Act*, R.S.O. 1990 and represents good planning. Thus, Staff have no objection to the approval of minor variance application A15-22, subject to the term(s) and conditions and recommendations identified in Section 1 of this report.

APPROVALS:

Prepared by:

Addison Milne-Price
Design Plan Services Inc. on behalf of The
Town of Georgina

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