

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0096

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

November 7, 2022

**SUBJECT: MINOR VARIANCE APPLICATION A26-22
JERRY CATALFO AND ANNAMARIA CATALFO
LOT 3&4, RPLAN 234**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0096 prepared by the Development Planning Division, Development Services Department, dated November 7, 2022, respecting Minor Variance Application A26-22, submitted by Jerry and Annamaria Catalfo for the property municipally addressed as 7 Cedarhurst Park.
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 A26-22 to permit relief from the following:
 - i. Section 45.2(a)(i): To permit the replacement Legal Non-Conforming dwelling to expand past the extent of the previous dwelling, as per the powers granted to the Committee of Adjustment
 - b. That the approval of Minor Variance Application A26-22 be subject to the following condition(s):
 - i. That an LSRCA Permit will be required ahead of any development or site alteration taking place.
 - ii. That information will be provided on whether any existing or neighbouring trees will be impacted by the proposed new building works and if so, provide an Arborist Report per the Town's Tree Preservation and Conservation Policy.
 - iii. 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.

- c. That the approval of Minor Variance Application A26-22 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-2022-0096, 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 expanding legal non-conforming buildings, the encroachments as set out in Attachment 6 to Report DS-2022-0096 shall apply and no further encroachments shall be permitted.
 - iii. That the detached garage and boathouse shall not have any interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower, or bathtub).
 - iv. That the detached garage and boathouse shall not be utilized for sleeping accommodation / living quarters at any time.

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A26-22, submitted by Jerry and Annamaria Catalfo, the property owners of 7 Cedarhurst Park, regarding the expansion of a legal non-conforming dwelling.

3. BACKGROUND:

Owner(s): Jerry and Annamaria Catalfo

Agent: Nina Fant

Property Description: (refer to Attachments 1 to 4)
7 CEDARHURST PARK
LOT 3&4, RPLAN 234
Roll #: 082-675

3.1 PROPOSAL

The owner of the subject property is proposing to expand a legal non-conforming dwelling.

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

- I. Section 45.2(a)(i): To permit the replacement Legal Non-Conforming dwelling to expand past the extent of the previous dwelling, as per the powers granted to the Committee of Adjustment

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 7 Cedarhurst Park. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	7 Cedarhurst Park	
Zoning	Tourist Commercial (C-5)	
Frontage	35.08 Metres	
Area	1833 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Stable Residential Area	
Regional Official Plan Land Use Designation	Towns and Villages	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single family dwelling, garage, boathouse	
Proposed Structures	Single family dwelling	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	Yes	
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 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 A26-22 have been consolidated into a chart, which is included as Attachment 7.

The Lake Simcoe Regional Conservation Authority has indicated no objection to the application and provided the following condition:

- Ontario Regulation 179/06 of the Conservation Authorities Act is applicable. LSRCA Permit will be required ahead of any development or site alteration taking place.

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

- Provide information on whether any existing or neighbouring trees will be impacted by the proposed new building works and if so, provide an Arborist Report per the Town's Tree Preservation and Conservation 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 Building Department has indicated no objection to the application and provided the following comment:

- The applicant should be aware that a demolition permit and permit to rebuild required prior to any construction or demolition, but not as a condition of the minor variance

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
- Operations and Infrastructure
- Tax and Revenue Division

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

5. ANALYSIS:

Expansion of a Legal Non-Conforming Use – Section 45(2)(a)(i) of the Planning Act:

The Owner seeks to expand the legal non-conforming dwelling with a larger replacement dwelling through the powers granted to the Committee under Section 45(2)(a)(i) of the Planning Act. This section allows the Committee to permit the enlargement or extension of a building or structure containing a legal non-conforming use if the use within the building or structure that existed on the day the Zoning By-law was passed continued until the date of the application to the Committee. However, no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the Zoning By-law was passed.

The Owner has provided the Town with sufficient evidence that the dwelling existed prior to the day the Town introduced a comprehensive Zoning By-law (Zoning By-law No. 911 was passed by Council on May 9, 1977) and that the dwelling use has continued to this day. The dwelling will be rebuilt within the limits of the property.

The Local Planning Appeal Tribunal (LPAT) has provided the following evaluation tests for reviewing applications for expansion under Section 45(2)(a)(i) of the Planning Act:

1. Whether the application is desirable for appropriate development of the subject property.
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The applicant proposes to demolish and expand the existing single family dwelling. The rest of the properties on Cedarhurst Park are also single family dwellings, and the property to the north is a hotel. The expanded dwelling is of an appropriate size for the property, and is generally compatible with the surrounding uses and dwelling sizes. Consequently, the application is desirable for appropriate development of the subject property.

The proposed dwelling will be set back from the other dwellings on the street, with only slightly smaller setbacks to the north and south. The significant dwelling

expanse will encroach into the west yard, which has no dwelling in that portion of the adjacent lot. The building to the north is quite close to the lot line, but only has one small window overlooking the subject property. Consequently their views will not be significantly impacted. To the East of the property is Lake Simcoe, and the dwelling is still set quite far back from the shoreline. Consequently, staff do not anticipate the expansion of the legal nonconforming use to unduly negatively impact the surrounding properties and neighbourhood.

6. CONCLUSION:

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A26-22, as it pertains to the expansion of the legal non-conforming dwelling, is appropriate and represents good planning. In this regard, Staff have no objection to the approval of Minor Variance Application A26-22.

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