

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0100

FOR THE CONSIDERATION OF
COUNCIL

November 27, 2023

SUBJECT: MINOR VARIANCE APPLICATION A15-23
63 FRANKLIN BEACH ROAD
PART OF LOT 27, PLAN 188

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0100 prepared by the Development Planning Division, Development Services Department, dated November 27, 2023, respecting Minor Variance Application A15-23, for the property municipally addressed as 63 Franklin Beach Road; and,
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 A15-23 to permit relief from the following:
 - i) Section 5.28 b): To permit a minimum of 2 parking spaces for a single detached dwelling; whereas a minimum of 3 parking spaces are required for a single detached dwelling.
 - ii) Section 6.1 c): To permit a minimum front yard setback of 3.4 metres; whereas a minimum front yard setback of 6.0 metres is required.
 - iii) Section 6.1 e): To permit a minimum rear yard setback of 3.0 metres; whereas a minimum rear yard of 7.0 metres is required.
 - iv) Section 6.1 f): To permit a minimum interior side yard of 0.88 metres; whereas a minimum interior side yard setback of 1.2 metres is required.
 - v) Section 6.1 i): To permit a maximum lot coverage of 45.5%; whereas a maximum lot coverage of 35% is permitted.
 - b) That the approval of Minor Variance Application A15-23 be subject to the following term(s):
 - i) That the proposed additions including a two-car garage to an existing single detached dwelling be constructed in general conformity with Attachment 2 to Report DS-2023-0100, in accordance with the relief recommended to be approved in Recommendation 2 a).

- c) That the approval of Minor Variance Application A15-23 be subject to the following condition(s):
- i) Submission to the Secretary-Treasurer of written confirmation from the Operations and Infrastructure Department that all matters identified in Attachment 4 to Report No. DS-2023-0100 have been addressed to their satisfaction;
 - ii) Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2023-0100 have been addressed to their satisfaction; and,
 - iii) 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 A15-23, for the property located at 63 Franklin Beach Road, regarding the construction of additions to an existing single detached dwelling, including an attached two-car garage.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
63 Franklin Beach Road
Part of Lot 27, Plan 188
Roll #: 135-304

PROPOSAL

The owner of the subject property is proposing to construct several additions to an existing single detached dwelling on the subject property, including an attached two-car garage in the front yard, a second storey addition above the existing dwelling, a one-storey addition in the rear yard and a covered porch in the northerly side yard.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief:

- i. **Section 5.28 b):** To permit a minimum of 2 parking spaces for a single detached dwelling; whereas a minimum of 3 parking spaces are required for a single detached dwelling.
- ii. **Section 6.1 c):** To permit a minimum front yard setback of 3.4 metres; whereas a minimum front yard setback of 6.0 metres is required.
- iii. **Section 6.1 e):** To permit a minimum rear yard setback of 3.0 metres; whereas a minimum rear yard of 7 metres is required.
- iv. **Section 6.1 f):** To permit a minimum interior side yard of 0.88 metres; whereas a minimum interior side yard setback of 1.2 metres is required.

- v. **Section 6.1 i):** To permit a maximum lot coverage of 45.5%; whereas a maximum lot coverage of 35% is permitted.

A Site Sketch showing the proposal and the requested relief is included as Attachment 3.

3.1. SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 63 Franklin Beach Road. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	63 Franklin Beach Road	
Zoning	Residential (R)	
Frontage	15.99 Metres	
Area	488 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Stable Residential Area	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling. Two Framed Sheds	
Proposed Structures	Additions including two car garage to the Single Detached Dwelling	
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	Existing driveway	Existing driveway

4. PUBLIC CONSULTATION AND NOTICE OF 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 November 14, 2023, 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 A15-23 have been consolidated into a chart, which is included as Attachment 4.

The Development Engineering Division has indicated no objections 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 or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2022-0038 (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.
 - A Professional Engineer is required to prepare drainage plans that contain any LID's (soakaway pit, infiltration gallery, French drain, etc.). Please contact the Development Engineering Division for any questions or concerns.

The Operations and Infrastructure Division has indicated no objections and provided the following condition:

- The existing patio on Town ROW to be removed.

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

- Lake Simcoe Region Conservation Authority
- Tax and Revenue Division
- Rogers Communications
- Municipal Law Enforcement Division
- Economic Development Division

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

5. ANALYSIS:

The following evaluation of Minor Variance Application A15-23 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 Stable Residential Area in the Sutton/Jackson Point Secondary Plan. Single detached dwellings are permitted in this designation.

Staff are of the opinion that the proposal maintains 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 Residential (R) on Map 6 of Schedule 'A' to Zoning By-law No. 500, as amended. A single family dwelling is permitted in the R Zone.

a. Parking Requirements

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires a minimum of 3 parking spaces for a single detached dwelling. The Applicant has requested relief to facilitate additions to the existing dwelling including an attached two-car garage, resulting in a minimum of 2 on-site parking spaces for the expanded dwelling. On-site parking is currently accommodated within a driveway in front of the existing dwelling.

The intent of the parking space provision is to ensure that adequate parking supply is available for single detached dwellings. The proposed addition in the front yard will include a two-car garage with a front yard setback of approximately 3.4 metres. Although additional parking will be feasible in the driveway, vehicles will encroach into boulevard/right of way and those spaces are not permitted for the purposes of calculating the parking space requirements. As Franklin Beach Road is not proposed to be widened in the foreseeable future, staff have no concerns that the reduced parking space requirement will cause issues for the neighbouring residents, as the owner will have the paved portion of right of way, as shown in Attachment 2, to handle potential additional parking needs without impacting the flow of traffic on the street.

b. Front Yard Setback

Section 6.1(c) of Zoning By-law No. 500, as amended, requires a minimum front yard setback of 6.0 metres for a single detached dwelling. The Applicant has requested relief to allow an addition to the existing dwelling including a two-car garage, with a minimum front yard setback of 3.4 metres.

The intent of the minimum front yard setback from the planned street width is to ensure compatibility with the character of the neighbourhood and ensure public services such as roads have space for maintenance.

The reduced front yard setback is not anticipated to adversely impact the neighbouring properties. Staff note that similar properties in the neighbourhood have similar front yard setbacks. Furthermore, the proposal does not impact the

streetscape in a negative manner, and the proposed addition serves to provide two parking spaces within an attached garage.

c. Rear Yard Setback

Section 6.1 (e) of Zoning By-law No. 500, as amended, requires a minimum rear yard setback of 7 metres for a single detached dwelling. The Applicant has requested relief to allow an addition to the existing dwelling with a minimum rear yard setback of 3.0 metres.

The intent of the minimum rear yard requirement is to ensure adequate amenity space, privacy, and separation between dwellings.

Staff note that the rear yard setback is due to the one-storey addition at the rear. The applicant is planning to remove three structures from the rear yard to accommodate for the rear addition. Furthermore, the functional amenity area on the property is largely on the northern side yard rather than the rear yard. Hence, the majority of the amenity space is not affected by the reduced rear yard setback.

The proposed setbacks are considered by Staff to provide sufficient amenity space, privacy and separation between dwellings.

d. Interior Side Yard Setback

Section 6.1 (f) of Zoning By-law No. 500, as amended, requires a minimum interior side yard of 1.2 metres for a single detached dwelling. The Applicant has requested relief to facilitate additions to the existing dwelling with a minimum southerly interior side yard of 0.88 metres. More specifically, the reduced setback will be measured to proposed support posts/beams adjacent to the existing dwelling, while the proposed additions themselves will comply with the required interior side yard setback of 1.2 metres.

The intent of the minimum yard requirement is to ensure compatibility with surrounding lots and to provide sufficient area for access and maintenance.

The proposed setbacks are considered to provide sufficient separation between adjacent dwellings, and sufficient space is maintained from the dwelling to the lot line to access the side and rear yard.

e. Lot Coverage

Section 6.1 (l) of Zoning By-law No. 500, as amended, permits a maximum lot coverage of 35% for a single detached dwelling. The Applicant has requested relief to allow additions to the existing dwelling resulting in a maximum lot coverage of 45.5%.

The general intent of maximum lot coverage is to ensure that the size/massing of the dwelling is appropriate relative to the size of the property and adjacent dwellings, and does not detract from the provision of outdoor amenity space.

Staff are of the opinion that massing impacts are largely influenced by a building's height, coverage, and setbacks.

The proposed additions and resulting two-storey single detached dwelling, including the attached two-car garage, are proposed to be eleven (11) metres in height, which complies with Zoning By-law No. 500. As discussed above, the proposed rear and interior side yard setbacks are sufficient.

The proposed addition, including the two-car garage to the existing single dwelling are appropriate relative to the size of the property, adjacent dwellings and does not detract from the provision of outdoor amenity area. The increase in lot coverage is the result of retaining and expanding on the footprint of the existing dwelling.

Staff are of the opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law 500, as amended.

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

The proposed additions including the two-car garage are in keeping with the existing physical character of the neighbourhood as the area generally consists of single family dwellings. Furthermore, the purpose of the requested variances is to facilitate additions to a single detached dwelling, which is a permitted use.

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

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 variances may have, and whether those impacts are minor or acceptable. In light of the above evaluation of the application, Staff are of the opinion that the requested variances are minor in nature.

6. CONCLUSION:

Subject to the recommendations in Section 1 of this report, Staff are of the opinion that Minor Variance Application A15-23, as it pertains to the proposed additions to the existing single detached dwelling on the subject property, 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.

