

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0102

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

November 27, 2023

**SUBJECT: MINOR VARIANCE APPLICATION A22-23
12 SECOND STREET
LOT 21, PLAN 140**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0102 prepared by the Development Planning Division, Development Services Department, dated November 27, 2023, respecting Minor Variance Application A22-23, for the property municipally addressed as 12 Second Street; 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 A22-23 to permit relief from the following:
 - i) Section 6.1 (e): To permit a minimum rear yard setback of 6.74 metres, whereas a minimum rear yard setback of 12 metres is required.
 - b) That the approval of Minor Variance Application A22-23 be subject to the following term(s):
 - i) That the proposed addition and deck to a single detached dwelling be constructed in general conformity with Attachment 2 to Report DS-2023-0102, in accordance with the relief recommended to be approved in Recommendation 2 a).
 - c) That the approval of Minor Variance Application A22-23 be subject to the following condition(s):
 - i) Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2023-0102 have been addressed to their satisfaction; and,

ii) 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 A22-23, for the property located at 12 Second Street, regarding the construction of an addition and deck to an existing single detached dwelling.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
12 Second Street
Lot 21, Plan 140
Roll #: 064-358

PROPOSAL

The owner of the subject property is proposing to recognise the construction of an addition and deck to an existing single detached dwelling.

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

- I. Section 6.1 (e): To permit a minimum rear yard setback of 6.74 metres, whereas a minimum setback of 12 metres is required.

The applicant originally also applied for relief from Section 5.45 (a) to permit a deck and stair encroachment into the minimum rear yard; however, it was determined that relief is not required and can be captured as part of the requested relief from Section 6.1 (e).

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 12 Second Street. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	12 Second Street
Zoning	Residential (R)
Frontage	30.48 Metres
Area	929 Square Metres
Official Plan /	Residential (Pefferlaw Secondary Plan)

Secondary Plan Land Use Designation		
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, One Accessory Structure	
Proposed Structures	Addition 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	Private	Private
Sanitary	Private	Private
Access	Existing driveway	Existing 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 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 A22-23 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 following Town departments / divisions and external agencies have indicated no objections to the submitted Minor Variance application:

- Tax and Revenue Division
- York Region
- Rogers Communication
- Municipal Law Enforcement Division
- Operations and Infrastructure Department
- Georgina Fire Department
- Lake Simcoe Region Conservation Authority

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A22-23 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 Residential in the Pefferlaw Secondary Plan. Single detached dwellings and accessory buildings, structures and uses thereto 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 9 of Schedule 'A' to Zoning By-law No. 500, as amended. A single family dwelling and accessory structures are permitted in the R Zone.

a. Rear Yard Setback

Section 6.1 (e) of Zoning By-law No. 500, as amended, requires a minimum rear yard setback of 12 metres for a single detached dwelling. The Applicant has requested relief to allow an addition and a deck to an existing dwelling, constructed with a minimum rear yard setback of 6.74 metres.

The intent of the minimum rear yard setback is to ensure consistency and compatibility with surrounding lots in respect to backyard space, privacy and shadow casting, and to ensure that neighbouring properties are not negatively impacted.

The reduced rear yard setback is not anticipated to adversely impact the neighbouring properties, as there are tall fences which provide sufficient privacy for the adjacent property. Furthermore, the 6.74 metre rear yard provides adequate outdoor amenity areas and sufficient setbacks between dwellings.

Staff are of the opinion that the proposed variance maintains the general intent and purpose of 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 addition is in keeping with the existing physical character of the neighbourhood which consists of similarly sized single detached dwellings. Furthermore, the location of the proposed addition and deck is appropriate given the location and orientation of the existing dwelling on the property.

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 A22-23, as it pertains to an addition and a deck to the existing single detached 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:

Matthew Ka
Secretary Treasurer to the Committee of
Adjustment/ Planning Technician

Approved By:

Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Sketch

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments