

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0106

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

December 11, 2023

SUBJECT: MINOR VARIANCE APPLICATION A20-23
586 LAKE DRIVE EAST
PART OF LOT 13, CONCESSION 9 (NG) AND PART OF LOTS 2 AND 3,
PLAN 8

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2023-0106 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A20-23, for the property municipally addressed as 586 Lake Drive East.
- 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 A20-23 to permit relief from the following:
 - i) Section 6.1(c): To permit a dwelling with a front yard setback of 4.8 metres, whereas a minimum front yard setback of 6.0 metres is required;
 - ii) Section 5.45 a): To permit the eaves of a dwelling to encroach 0.7 metres into the front yard, whereas an encroachment of 0.5 metres is permitted;
 - iii) Section 5.1 b): To permit an accessory structure with a setback from the main building of 1.9 metres, whereas a setback of 2.0 metres is required;
 - iv) Section 5.1 d): To permit an accessory structure with a setback from the front lot line of nil metres, whereas a setback of 6.0 metres is required;
 - v) Section 5.1 d): To permit an accessory structure with a setback from the interior lot line of 0.6 metres, whereas a setback of 1.0 metre is required;
 - vi) Section 5.45 a): To permit an accessory structure eaves to encroach 0.6 metres into the interior lot line, whereas an encroachment of 0.5 metres is permitted;

b) That the approval of Minor Variance Application A20-23 be subject to the following condition(s):

i) Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that the Applicant/Owner has removed the accessory structure eave encroachment into the municipal road allowance, or obtained an encroachment agreement, to their satisfaction;

ii) Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2023-0106 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 A20-23, for the property located at 586 Lake Drive East, regarding the legalization of a single detached dwelling and associated accessory structure.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
586 Lake Drive East
Part of Lot 13, Concession 9 (NG), and Part of Lots 2 and 3,
Plan 88
Roll #: 134-684

PROPOSAL

The owner of the subject property is proposing to legalize the location of an existing single detached dwelling and accessory structure.

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

- i) **Section 6.1(c)**: To permit a dwelling with a front yard setback of 4.8 metres, whereas a minimum front yard setback of 6.0 metres is required.
- ii) **Section 5.45 a)**: To permit the eaves of a dwelling to encroach 0.7 metres into the front yard, whereas an encroachment of 0.5 metres is permitted.
- iii) **Section 5.1 b)**: To permit an accessory structure with a setback from the main building of 1.9 metres, whereas a setback of 2.0 metres is required.
- iv) **Section 5.1 d)**: To permit an accessory structure with a setback from the front lot line of nil metres, whereas a setback of 6.0 metres is required.

- v) **Section 5.1 d):** To permit an accessory structure with a setback from the interior lot line of 0.6 metres, whereas a setback of 1.0 metre is required.
- vi) **Section 5.45 a):** To permit an accessory structure eaves to encroach 0.6 metres into the interior lot line, whereas an encroachment of 0.5 metres is permitted.

A Site Sketch showing the existing single detached dwelling, accessory structure, and the requested relief is included as Attachment 2.

3.1 **SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 586 Lake Drive East. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	586 Lake Drive East	
Zoning	Residential (R)	
Frontage	22.79 Metres	
Area	1,072 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Serviced Lakeshore Residential Area	
Regional Official Plan Land Use Designation	Rural Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, One Accessory Structure	
Proposed Structures	None	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	None	
Natural Hazards	Hazard Land (Floodplain) on property, LSRCA has no concerns	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
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 24, 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 A20-23 have been consolidated into a chart, which is included as Attachment 4.

The Operations and Infrastructure Division has indicated objections and provided the following comments:

- A future road widening will be taken on the south side of Lake Drive to keep in line with the existing widenings.
- The Operations and Infrastructure Department will not be entering into an encroachment agreement for the existing encroachment.

The Development Planning Division has indicated no objections and provided the following condition:

- That the Applicant/Owner remove the encroachment into the municipal road allowance, or obtain an encroachment agreement, to the satisfaction of the Development Planning Division.

The Lake Simcoe Region Conservation Authority has indicated no objections and provided the following conditions:

- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.
- That the Applicant/Owner shall prepare and complete a Planting Plan for the shoreline area, to the satisfaction of the LSRCA. Please contact the LSRCA to assist in scoping this requirement.
- That the Applicant/Owner successfully obtain a permit or written clearance from the LSRCA.

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

- Building Division
- Development Engineering Division
- Economic Development Division
- Tax and Revenue Division

- Rogers Communications
- Municipal Law Enforcement Division
- York Region 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 A20-23 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 Serviced Lakeshore Residential Area in the Town of Georgina Official 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 5 pg. 1 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. Single Detached Dwelling Front Yard Setback

Section 6.1 (c) of Zoning By-law No. 500, as amended, requires a front yard setback of 6.0 metres for a single detached dwelling. The applicant is requesting relief to legalize and permit an existing front yard setback of 4.8 metres.

The general intent of the front yard setback requirement is to reduce negative impacts on neighbouring properties and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and several other nearby properties have similarly reduced front yard setbacks. Furthermore, the majority of the existing dwelling exceeds the minimum front yard setback requirement. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

b. Accessory Structure Setbacks (Front, Interior, To a Single Detached Dwelling)

Sections 5.1 (b) and (d) of Zoning By-law No. 500, as amended, require a front yard setback of 6.0 metres when an accessory structure is permitted in a front yard. Furthermore, this section also requires an interior yard setback of 1.0 metre and a

setback from the single detached dwelling of 2.0 metres. The applicant is requesting relief to permit a front yard setback of nil, an interior yard setback of 0.6 metres, and a setback from the dwelling of 1.9 metres.

The general intent of the accessory structure setbacks is to reduce negative impacts on neighbouring properties, and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and the property located next to the interior side yard has no nearby structures. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

c. Eaves Encroachments

Section 5.45 (a) of Zoning By-law No. 500, as amended, permits eaves to encroach 0.5 metres into required yard setbacks. The applicant is requesting relief to permit an eave encroachment of 0.6 metres into the interior side yard for the accessory structure.

Additionally, staff note that the accessory structure eaves encroach 0.38 metres past the front lot line into the road allowance of Lake Drive East. The existing encroachment into the road allowance is not supported by Town Staff, and the Operations and Infrastructure Department has confirmed that it does not support entering into an encroachment agreement to permit the eaves to remain. Consequently, approval of the Minor Variance will be subject to a condition requiring either removal of the encroaching eaves or legalization of the encroachment.

The general intent of the eave encroachment is to reduce negative impacts on neighbouring properties, and to ensure compatibility with surrounding properties. The front of the property is screened by both fencing and trees, and the property located next to the interior side yard has no nearby structures. Consequently, staff have no concerns that the proposal would negatively impact neighbouring properties.

Staff are of the opinion that the proposed variances for the detached dwelling and accessory structure maintain 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 existing dwelling is in keeping with the existing physical character of the neighbourhood as the area generally consists of single family dwellings and accessory structures, several of which are placed in similar locations on neighbouring lots. Furthermore, the purpose of the requested variances is to facilitate a detached dwelling and associated accessory structure, 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 by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A20-23, as it pertains to the existing dwelling and accessory structure, 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:

Denis Beaulieu, MCIP, RPP
Director of Development Services

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments