

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0107

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 11, 2023

**SUBJECT: MINOR VARIANCE APPLICATION A45-21
21058 DALTON ROAD
PART OF LOT 23 AN**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2023-0107 prepared by the Development Planning Division, Development Services Department, dated December 11, 2023, respecting Minor Variance Application A45-21, submitted by Coral Rae James and Trever Louis Damphouse Nolan on behalf of Laura Atkins and James Baxter, for the property municipally addressed as 21058 Dalton Road; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommends the following:
 - a) That the Committee of Adjustment approve Minor Variance Application A45-21, to permit relief from the following:
 - i) Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard; and,
 - ii) Section 5.1(d): to permit an accessory structure with a side yard setback of 0.00 metres from the side lot line, whereas a minimum setback of 1.0 metre is required;
 - b) That the approval of Minor Variance Application A45-21 be subject to the following terms:
 - i) That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2023-0107, and in accordance with the relief recommended to be approved in Recommendation 2 a); and,
 - ii) That notwithstanding the provisions of Section 5.45 (a) of Zoning By-law No. 500, as amended, as it relates to permitted yard

encroachments, no further encroachments to the rear or side yards shall be permitted;

c) That the approval of Minor Variance Application A45-21 be subject to the following conditions:

- i) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2023-0107 have been addressed to the Division's 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 and to outline comments received with respect to Minor Variance Application A45-21, submitted by Coral Rae James and Trever Louis Damphouse Nolan on behalf of Laura Atkins and James Baxter, for the property municipally addressed as 21058 Dalton Road, regarding the legalization and maintenance of an existing accessory structure in an exterior side yard.

3. **BACKGROUND:**

Owners: Laura Atkins and James Baxter

Agents: Coral Rae James and Trever Louis Damphouse Nolan

Property Description: (refer to Attachments 1 to 4)
21058 Dalton Road
Part of Lot 23 and Block 60, Registered Plan 69
Roll #: 810-390

3.1 **PROPOSAL:**

The Owners of the property are proposing to legalize and maintain an existing accessory structure in an exterior side yard area, as shown on Attachments 2 and 3 to Report DS-2023-0107.

The Minor Variance Application that has been submitted to facilitate the current proposal and is requesting the following relief:

- i. Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard.

- ii. Section 5.1 (d): to permit an accessory structure with a side yard setback of 0.00 metres to the exterior side lot line, whereas a setback of 1.0 metre is required.

A site sketch showing the proposed minor variances is included as Attachment 2 to this report.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is located at 21058 Dalton Road, within the community of Jackson's Point. A summary of the property characteristics is outlined below:

Municipal Address	21058 Dalton Road	
Zoning	Low Density Urban Residential (R1) on Map 6	
Official Plan / Secondary Plan Land Use Designation	Dalton Road – North Corridor	
Regional Official Plan Land Use Designation	Community Area	
Existing Structures	2 storey single detached residential dwelling, framed studio, existing storage shed in exterior side yard	
Proposed Structures	n/a	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Related Applications	None	
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing Driveway

Surrounding Land Uses:

- North – Low Density Residential/General Commercial
- East – Dalton Road Low Density Residential
- South – Roanoak Road and Medium Density Residential
- West – Rural and Low Density Residential

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS

4.1 PUBLIC CIRCULATION

In accordance with the provisions of the *Planning Act*, Public Notice of the Hearing for Minor Variance Application A45-21 was sent by mail on November 24, 2023 to all

landowners within 60.0 metres of the subject property, and a placard was placed on the property.

As of the date of writing this report, Staff have not received any comments from members of the public, concerning Minor Variance Application A45-21.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application A45-21 have been consolidated into a chart, which is included as Attachment 4 to this Report.

The Development Planning Division has requested the following term:

- That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2023-0107, and in accordance with the relief recommended to be approved in Recommendation 2 a).

The Development Engineering Division has requested the following conditions:

- 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 (soakway 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 comment or no objection to the Minor Variance.

- Building Division
- Tax and Revenue Division
- Municipal Law Enforcement Division
- Economic Development and Tourism Division
- Lake Simcoe Region Conservation Authority (LSRCA)
- Rogers Communications
- 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 A45-21 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 Town Official Plan Maintained? – Yes

The subject property is designated as “Dalton Road - North Corridor” on Schedule ‘B’ Land Use Plan of the Sutton/Jackson’s Point Secondary Plan (SJPSP). Section 13.2.6.4 (i) permits low density residential uses, such as single detached dwellings in accordance with Sections 13.2.4.3 and 13.2.4.2, and Section 13.2.6.4 (x) permits buildings, structures and uses that are accessory to any permitted use.

In staff’s opinion the proposed development of the property conforms to the general intent and purpose of the Official Plan, and the policies of the Sutton/Jackson’s Point Secondary Plan.

(ii) 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 6 of Schedule ‘A’ to Zoning By-law No. 500, as amended. Section 7.2 of Zoning By-law No. 500, as amended, permits accessory buildings, structures and uses to any permitted use. A single detached dwelling and accessory structures are permitted in the R1 Zone.

A. Accessory Structure Location

Section 5.1 (b) of Zoning By-law No. 500, as amended, requires an accessory building, being the existing storage shed, to be located in either a rear yard or side yard.

As per Section 2.232 of Zoning By-law No. 500, as amended, the southern side yard of the subject property is considered to be an exterior side yard because it is not a front yard and it abuts a street (Roanoak Road). The accessory structure is not considered to be located in a front yard; it is set back further from Dalton Road than the main house.

In this instance, the applicant is requesting relief to allow an accessory structure in the exterior side yard of the subject lot.

The general intent of this requirement is to both ensure the streetscape develops in an orderly manner and to ensure adequate space in the front yard and exterior side yard for amenities and landscaping.

The exterior side yard is defined as the area extending from the front yard to the rear yard between a side lot line and the nearest wall of the main building or structure on the lot. The submitted Site Plan indicates that the principal dwelling on the subject property is set back significantly farther than what is required by the Zoning By-law from the south lot line. Hence, the exterior side yard area of the

main dwelling on this property is significantly larger than what is required by the Zoning By-law. The main house is set back 10.05 metres from Roanoak Road whereas a minimum exterior side yard setback of 3.0 metres is required in the R1 zone.

Due to this large setback, there is significant space in the side and rear yard to accommodate the required amenity space and landscaped area contemplated by the Zoning By-law.

Locating an accessory structure as proposed on the subject lot will not cause any adverse impacts further than what is contemplated by the Zoning By-law, with respect to amenity space and landscaped area. In addition, approval of this minor variance will not cause an adverse impact on the existing streetscape along Roanoak Road because there are several examples of similar structures near and adjacent to the subject property that are also located in a front yard or exterior side yard. Moreover, an accessory building in an exterior side yard is in keeping with the existing physical character of neighbourhood. The lots near the subject property feature examples of similar detached garages in front yards or exterior side yards.

Due to the location of the existing structures on the subject lot, as well as the existing landscaping providing adequate screening, staff are of the opinion that the proposed relief maintains the general intent and purpose of the Zoning By-law 500, as amended.

B. Accessory Structure Side Yard Setback

Section 5.1 (d) of Zoning By-law No. 500, as amended, requires a setback of 1.0 metre from the side lot line for accessory structures with a height up to 4.5 metres from average grade to the highest point. The Applicant has requested relief to allow a minimum setback of "nil" to the southern lot line to accommodate the existing condition of an awning on an existing accessory structure.

The general intent of setback requirements is to ensure consistency and compatibility with surrounding lots. In this case, the proposed variances would reduce the setbacks to the accessory building. However, as demonstrated by the elevation drawings in Attachment 3, the south main wall of the existing structure is located farther than the required 1.00 m from the property line (approximately 1.87 metres). The portion of the structure that requires relief from Section 5.1 (d) of Zoning By-law No. 500, as amended, is an awning which projects from the south main wall of the existing accessory structure to southern property line.

As such, the general consistency as it pertains to overall massing of the structure is maintained. The reduced setback to the side lot line will not adversely impact any the neighbouring property, since the side yard abuts a road with similarly located structures.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Zoning By-law provisions.

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

The proposed minor variances are required to maintain and legalize an existing accessory structure in an exterior rear yard.

Staff of the opinion the requested variances will not adversely impact the surrounding area and are desirable for the appropriate development of the lands.

(iv) Is the relief sought minor in nature? – Yes

When considering if the variance is minor, it is not simply the numerical value that must be considered, but rather the overall impact of the variance should be considered. The overall impact of the proposed variances appears to be minimal, and the ancillary structure is a permitted use and will be compatible with other buildings and structures along Dalton Road and Roanoak Road. For the reasons previously outlined herein, Staff are of the opinion that the requested variances are minor in nature.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

6. CONCLUSION:

Subject to the recommendations in Section 1 of this Report, Staff are of the opinion that Minor Variance Application 45-21, as it pertains to the existing 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: Addison Milne-Price
Planning Consultant

Approved By: Denis Beaulieu, MCIP, RPP
Director of Development Services