

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0023**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT**

**April 29, 2024**

**SUBJECT: MINOR VARIANCE APPLICATION A03-24  
328 PEFFERLAW ROAD  
PART OF LOT 22, CONCESSION 5, PART 4, PLAN 65R40441**

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**1. RECOMMENDATIONS:**

1. That the Committee of Adjustment receive Report No. DS-2024-0023 prepared by the Development Planning Division, Development Services Department, dated April 29, 2024, respecting Minor Variance Application A03-24, for the property municipal addressed as 328 Pefferlaw Road, Pefferlaw; 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 A03-24 to permit relief from the following:
    - i) Section 15.1 To permit a single detached dwelling on an existing commercial lot, whereas one dwelling unit is permitted above the first-storey or within the rear of a non-residential building other than a mechanical garage;
  - b) That the approval of Minor Variance Application A03-24 be subject to the following term(s):
    - i) That the proposed single detached dwelling conforms with the setbacks put forth in Section 6 of the Zoning By-law 500 in accordance with the Residential (R) zone;
    - ii) That the front, rear, interior side, and exterior side lot lines for the proposed single detached dwelling shall be deemed to be as shown in Attachment 5 of Report No. DS-2024-0023;
    - iii) That the front, rear, interior side, and exterior side lot lines for the commercial use shall be deemed to be as shown in Attachment 5 of Report No. DS-2024-0023;
    - iv) That the primary use of the property will remain commercial and that the proposed single detached dwelling shall be accessory to a

- non-residential building containing a permitted non-residential use;
- v) That no other dwelling units shall be permitted on the subject property; and
  - vi) That the proposed single detached dwelling be constructed in general conformity with Attachment 2 to Report No. DS-2024-0023, in accordance with the relief recommended to be approved in Recommendation 2 a);
- c) That the approval of Minor Variance Application A03-24 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 of Report No. DS-2024-0023 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 and recommendations concerning Minor Variance Application A03-24, for the property municipal addressed as 328 Pefferlaw Road, regarding the construction of a single detached dwelling as an accessory use to the non-residential use.

## 3. **BACKGROUND:**

Property Description: (refer to Attachment 1 to 3)  
328 Pefferlaw Road  
Part of Lot 22, Concession 5, Part 4, Plan 65R40441  
Roll #: 054-500

The subject property was subject to Consent (B12-22), and the conditions of the consent were fulfilled and the consent was granted.

## **PROPOSAL**

The owner of the subject property is proposing to construct a single detached dwelling as an accessory use to the non-residential use on the subject property.

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

- i) **Section 15.1:** To permit a single detached dwelling on an existing commercial lot, whereas one dwelling unit is permitted above the first-storey or within the rear of a non-residential building other than a mechanical garage.

A site plan and architectural drawings showing the proposal and the requested relief are included as Attachment 2.

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

The subject property is located at 328 Pefferlaw Road, Pefferlaw. A summary of the characteristics of the property is as follows:

**Table 1 – Property, Land Use, Environmental and Servicing Considerations**

<b>General Property Information</b>		
<b>Municipal Address</b>	328 Pefferlaw Road	
<b>Zoning</b>	Highway Commercial (C2)	
<b>Frontage</b>	Commercial Building: 38.31 Metres on Pefferlaw Rd Proposed Single detached dwelling: 51.24 Metres on Florence Drive	
<b>Area</b>	2786.7 Square Metres	
<b>Official Plan / Secondary Plan Land Use Designation</b>	Commercial	
<b>Regional Official Plan Land Use Designation</b>	Community Area	
<b>Related Applications</b>	None	
<b>Land Use and Environmental Considerations</b>		
<b>Existing Structures</b>	Commercial Building	
<b>Proposed Structures</b>	Single Detached Dwelling	
<b>Heritage Status</b>	Neither listed nor designated	
<b>Regulated by LSRCA</b>	No	
<b>Key Natural Heritage Features</b>	None	
<b>Natural Hazards</b>	No	
<b>Servicing</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Water</b>	None	Private
<b>Sanitary</b>	None	Private
<b>Access</b>	Driveway on Pefferlaw Road	Driveway on Florence Drive

**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 April 16, 2024 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 A03-24 are included as Attachment 4.

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 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 Development Engineering Division has indicated no objection to the application and provided the following advisory comment:

- It is understood by Development Engineering that Florence Drive will be deemed as the frontage for the new proposed single detached dwelling which will have the effect of enabling compliance with By-law 2023-0019 Being a By-law to regulate the maintenance and installation of entrances from highways under the jurisdiction of the Town of Georgina

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

- Building/Plumbing Inspector
- Policy Planning
- Municipal Law Enforcement Division
- Tax and Revenue Division
- Lake Simcoe Region Conservation Authority (LSRCA)
- York Region

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

**5. ANALYSIS:**

The following evaluation of Minor Variance Application A03-24 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 Commercial in the Pefferlaw Secondary Plan. Within commercial areas residential uses are permitted.

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 Highway Commercial (C2) on Map 10 of Schedule 'A' to Zoning By-law No. 500, as amended.

a) Permitted Uses

Section 15.1 of Zoning By-law 500, as amended, restricts the residential permitted uses on this property to one dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a mechanical garage.

The intent of this section of the Zoning By-law is to ensure that non-residential uses are the primary uses in the C2 zone. Therefore, setting a term to have the single detached dwelling tied to the commercial use will ensure that the intent of this section of the Zoning By-law is maintained.

The applicant has noted in their application that the reason for proposing a detached dwelling rather than a dwelling unit above or in the rear of the non-residential building is due to the age of the existing commercial building, and concerns related to the existing foundation not being adequate to support a dwelling unit.

Staff are of the opinion that the proposed single detached dwelling behind the commercial building property is an appropriate accessory use to the commercial use as it enables an accessory residential use on the property without disturbing the existing commercial building. The proposed single detached dwelling will have a separate entrance onto Florence Drive which will not impact the current driveway for the commercial building. The proposed single detached dwelling is not anticipated to negatively impact the existing commercial use on the subject property.

The proposed single detached dwelling complies with the provisions of the Residential (R) zone, in keeping with the zoning for the surrounding residential



**Attachments:**

*Attachment 1 – Location Map*

*Attachment 2 – Site Plan and Architectural Drawings*

*Attachment 3 – Site Photos*

*Attachment 4 – Comments*

*Attachment 5 – Redefined Lot Lines*