

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0029

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

June 3, 2024

SUBJECT: MINOR VARIANCE APPLICATION A06-24

27 LAKE DRIVE EAST

CON 9 PT LOT 1 PLAN 189 PT LOTS 9 & 10 RS65R3904 PART 2

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2024-0029 prepared by the Development Planning Division, Development Services Department, dated June 3, 2024, respecting Minor Variance Application A06-24, for the property municipally addressed as 27 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 A06-24 to permit relief from the following:
 - i) Section 6.1(f): To permit a dwelling with an interior side yard setback of 1 metre, whereas a minimum interior side yard setback of 1.2 metres plus 0.5 metres for each additional or partial storey above the second, as well as where there is not an attached garage or carport on a lot, a minimum interior side yard on one side of 2.5 metres is required.
 - b) That the approval of Minor Variance Application A06-24 be subject to the following term(s):
 - i) That the proposed addition to a single detached dwelling be constructed in general conformity with Attachment 3 to Report DS-2024-0029, in accordance with the relief recommended to be approved in Recommendation 2 a).
 - c) That the approval of Minor Variance Application A06-24 be subject to the following condition(s):
 - i) 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-2024-0029 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-2024-0029 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 A06-24 for the property located at 27 Lake Drive East, regarding the construction of an addition to an existing single detached dwelling.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
27 Lake Drive East
Con 9 Pt Lot 1 Plan 189 Pt Lots 9 & 10 RS65R3904 Part 2
Roll #: 128-135

PROPOSAL

The owner of the subject property is proposing to construct an addition to an existing single detached dwelling.

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

- I. Section 6.1(f): To permit a dwelling with an interior side yard setback of 1 metre, whereas a minimum interior side yard setback of 1.2 metres plus 0.5 metres for each additional or partial storey above the second, as well as where there is not an attached garage or carport on a lot, a minimum interior side yard on one side of 2.5 metres is required.

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 27 Lake Drive East. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	27 Lake Drive East
Zoning	Residential (R)

Frontage	22.85 Metres	
Area	941.53 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 (Shed)	
Proposed Structures	Addition to the Single Detached Dwelling	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
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 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 May 15, 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 A06-24 have been consolidated below.

The Development Engineering Division has indicated (pg 1 Attachment 4) that they have no objections and require, as a condition of the minor variance, that the applicant/ owner provide a detailed lot grading and drainage plan.

The Lake Simcoe Region Conservation Authority has indicated (pg 2 Attachment 4) that they have no objections and require, as a condition of the minor variance, that the Applicant/Owner provide the LSRCA Minor Variance fee (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule.

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

- Tax and Revenue Division
- York Region
- Municipal Law Enforcement Division
- Operations and Infrastructure Department
- Georgina Fire Department
- 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 A06-24 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 Serviced Lakeshore Residential Area in the 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. Side Yard Setback

Section 6.1(f) of Zoning By-law No. 500, as amended, requires a minimum interior side yard setback of 1.2 metres for a single detached dwelling, plus 0.5 metres for each additional or partial storey above the second, as well as where there is not an attached garage or carport on a lot, a minimum interior side yard on one side of 2.5 metres is required. The Applicant has requested relief to allow an addition to an existing dwelling, with a minimum interior side yard setback of 1 metre for the addition.

The intent of minimum yard requirements is to ensure compatibility with surrounding lots and to provide areas for access and maintenance. The proposed

variance would reduce the minimum interior side yard for the proposed addition to match the existing setback of the single detached dwelling on the property.

The existing dwelling predates the Zoning By-law, and thus the existing side yard setback of 1 metre is deemed to comply in accordance with Section 5.46. Staff are of the opinion that the reduced interior side yard setback of the proposed addition will not adversely impact the neighbouring properties, as the new addition will have the same minimum setback as the existing dwelling.

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 as the area generally consists of single family dwellings and accessory structures, several of which also have reduced yards.

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 A06-24, as it pertains to the proposed addition 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:

Brittany Dobrindt
Planner I

Approved By:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Building Plans

Attachment 3 – Site Photos

Attachment 4 – Consolidated Comments