

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0046

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

August 26, 2024

SUBJECT: MINOR VARIANCE APPLICATION A09-24
23256 HIGHWAY 48
CONCESSION 8 PART LOT 4

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0046 prepared by the Development Planning Division, Development Services Department, dated August 26, 2024, respecting Minor Variance Application A09-24, for the property municipally addressed as 23256 Highway 48;
- 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 A09-24 to permit relief from the following sections of Zoning By-law 500:
 - i. Section 5.20(d): To permit a home industry in an accessory structure to have a floor area of 204 square metres, whereas a home industry floor area shall not exceed 190 square metres;
 - b) That the Committee of Adjustment approve Minor Variance Application A09-24 to permit relief from the following sections of Zoning By-law 600, which will be implemented at the time Zoning Bylaw 600 is in force and effect:
 - i. Section 10.2: To permit a home industry, whereas a home industry is not permitted in the Environmental Protection Zone; and,
 - c) That the approval of Minor Variance Application A09-24 be subject to the following term(s):
 - i) That the existing accessory structure used for a home industry be in general conformity with Attachment 3 to Report DS-2024-0046, in accordance with the relief recommended to be approved in Recommendation 2a).

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A09-24, for the property located at 23256 Highway 48, to legalize the size of an existing accessory structure used for a home industry. The owner uses the existing accessory structure as a contractor's workshop storing vehicles and equipment related to their business.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
23256 Highway 48
Concession 8 Part Lot 4
Roll #: 115-421

PROPOSAL

The owner of the subject property is proposing to legalize the size of the existing accessory structure for a home industry use.

The existing 204 m² accessory structure was built in the 1980s for storage. The current owner wishes to legalize it for a home industry use, to have a contractor workshop on the property containing vehicles and equipment related to their business.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief from zoning by-law 500:

- i) **Section 5.20(d):** To permit a home industry in an accessory structure to have a floor area of 204 square metres, whereas a home industry floor area shall not exceed 190 square metres.

Additionally, in consideration of Zoning by-law 600, which is currently under appeal before the Ontario Land Tribunal (OLT), a variance to Zoning by-law 600 is requested to be implemented at the time Zoning By-law 600 is in force and effect; the following relief is sought:

- ii) **Section 10.2:** To permit a home industry, whereas a home industry is not permitted in the Environmental Protection Zone.

A Site Sketch 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 23256 Highway 48. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	23256 Highway 48	
Zoning By-law 500	Rural (RU)	
Zoning By-law 600	Environmental Protection (EP) and Agricultural Protection (AP)	
Frontage	61 Metres	
Area	3.9215 Ha	
Official Plan / Secondary Plan Land Use Designation	Agricultural Protection, Environmental Protection and Greenland System	
Regional Official Plan Land Use Designation	Agricultural Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling and accessory structure	
Proposed Structures	NA	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	Woodland	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Private	Private
Sanitary	Private	Private
Access	Existing driveways	Existing driveways

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 August 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 A09-24 are outlined below.

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

- Operations and Infrastructure Division
- Tax and Revenue Division
- Development Engineering Division

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A09-24 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 Agricultural Protection Area, Environmental Protection Area and Greenlands System in the Town of Georgina's Official Plan. The existing accessory structure with a home industry use is located in the Environmental Protection Area. The existing single detached dwelling and accessory buildings, structures and uses thereto are permitted in this designation. While a home industry use is not permitted in the Environmental Protection Area Zoning By-law 500 permits the use.

Home industry is not permitted in the Environmental Protection Area; however, it is permitted in the Rural Zone. The Official Plan enables the Zoning By-law to further refine the list of permitted land uses on the lands in the various designations to ensure that new uses or development is appropriate in the context of the adjacent surrounding community. Given that the existing accessory structure is adjacent to the Agricultural Protection Area designation which does permit home industry, and the home industry use within the existing accessory structure will not negatively affect adjacent natural heritage features, Staff are of the opinion that the home industry use in the existing accessory structure is appropriate in the context of the adjacent and surrounding community.

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 Rural (RU) on Map 1 of Schedule 'A' to Zoning By-law No. 500, as amended. Home industry is permitted in the RU zone.

Zoning By-law 600 is an update to Zoning By-law 500 for the countryside area. This by-law is currently under appeal before the OLT; should the Tribunal issue a decision approving the by-law it would come into force and effect as of the date of passing by Council. In consideration of this, variances to Zoning By-law 600 are

also included below and will be implemented at the time Zoning By-law 600 is in force and effect.

The Subject Property is split-zoned Environmental Protection (EP) and Agricultural Protection (AP) on Schedule 21 of Zoning By-Law 600, as amended. The existing accessory structure is located in the EP zone of the subject property. Permitted uses include legally existing dwellings, existing agricultural uses, conservation uses, daycares within a private home, home occupation, passive recreational uses, trails and walkways, and short-term rental accommodations.

a. Home Industry Ground Floor Area

Section 5.20 (d) of Zoning By-law 500, as amended, requires that the floor area for home industry does not exceed 190 square metres. The applicant has requested relief to allow a maximum floor area for home industry to be 204 square metres.

The intent of the maximum floor area for home industry is to ensure that no buildings used for home industry become the primary use on the subject property. As per section 2.100 home industry is defined as a small-scale industrial use in a non-residential building, which is operated as a secondary use to a single-family dwelling on the same lot. The increased floor area dedicated to the home industry will not adversely impact the scale of the use and the use will still remain secondary to the single-family dwelling located at the front of the property.

b. Permitted Uses

Section 10.2 of Zoning By-law 600, as amended, does not permit a home industry in the Environmental Protection Zone. The applicant has requested relief to allow a home industry.

The intent of not permitting home industry in the Environmental Protection Zone is to ensure that all environmental features are protected.

The existing accessory structure is located within the Environmental Protection Zone. No construction is proposed to expand the existing accessory structure to accommodate the home industry. Therefore, permitting a home industry in the existing accessory structure will not adversely impact the neighbouring environmental features as the structure already exists.

Home industry would be permitted in the existing accessory structure located in the Environmental Protection Zone if the size of the accessory structure was legalized prior to Zoning By-law 600 coming into force and effect.

Staff are satisfied the legalization of the home industry use meets the intent of both by-laws

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – Yes

The proposed legalization of the existing accessory structure for home industry is in keeping with the existing physical character of the neighbourhood as the area generally consists of rural lots with single detached dwellings and accessory structures.

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 notes that this test is not simply a question of numerical value. The principal consideration is that of the potential impact the variance 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 variance is 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 A09-24, as it pertains to the legalization of the home industry in 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:

Monika Sadler
Planner I

Approved By:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos