

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0060

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

October 21, 2024

SUBJECT: MINOR VARIANCE APPLICATION A24-24
38 KLIMEK BOULEVARD, PEFFERLAW
PLAN 495 LOT 23

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0060 prepared by the Development Planning Division, Development Services Department, dated October 21, 2024, respecting Minor Variance Application A24-24, for the property municipally addressed as 38 Klimek Boulevard; 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 A24-24 to permit relief from the following:
 - i) Section 5.1(b): To permit the construction of an accessory structure in the front yard, whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard.
 - ii) Section 5.1 (b): To permit the construction of an accessory structure to be located a minimum of 1.7 metres from the existing dwelling, whereas a minimum setback of 2.0 metres is required.
 - iii) Section 5.1(d): To legalize the existing rear yard setback of the existing rear framed shed of 0.7 metres; whereas 1m is required.
 - iv) Section 5.1(d): To legalize the existing west interior side yard setback of the existing rear framed shed of 0.6 metres; whereas 1m is required.
 - b) That the approval of Minor Variance Application A24-24 be subject to the following term(s):
 - i) That the proposed addition be constructed in general conformity with Attachment 3 to Report DS-2024-0060, in accordance with the relief recommended to be approved in Recommendation 2a);

c) That the approval of Minor Variance Application A24-24 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 to Report No. DS-2024-0060 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 concerning Minor Variance Application A24-24 for the property located at 38 Klimek Boulevard regarding the garage reconstruction.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
38 Klimek Boulevard
Plan 495 Lot 23
Roll #: 051-676

PROPOSAL

The owner of the subject property is proposing to reconstruct a detached garage and legalize an existing framed shed.

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

- i) **Section 5.1(b):** To permit the construction of an accessory structure in the front yard, whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard.
- ii) **Section 5.1 (b):** To permit the construction of an accessory structure to be located a minimum of 1.7 metres from the existing dwelling, whereas a minimum setback of 2.0 metres is required.
- iii) **Section 5.1(d):** To legalize the existing rear yard setback of the existing rear framed shed of 0.7 metres, whereas 1.0 metres is required.

- iv) **Section 5.1(d):** To legalize the existing west interior side yard setback of the existing rear framed shed of 0.6 metres, whereas 1.0 metres is required.

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 38 Klimek Boulevard. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	38 Klimek Boulevard	
Zoning	Residential (R)	
Frontage	62.28 Metres	
Area	1895.91 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Residential	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling and accessory structure	
Proposed Structures	Detached Garage	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Not regulated	
Key Natural Heritage Features	None	
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 October 9, 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 A24-24 are outlined below.

The Development Engineering Division has indicated (Attachment 5) 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.

Hydro One has indicated no objection and advises the applicant / owner to call in to field business centre to arrange transfer to the garage meterbase location.

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

- Economic Development Division
- Tax and Revenue Division
- York Region
- Municipal Law Enforcement Division
- Georgina Fire

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

5. ANALYSIS:

The following evaluation of Minor Variance Application A24-24 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 Residential in the Pefferlaw Secondary 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 10 of Schedule 'A' to Zoning By-law No. 500, as amended. A single-detached dwelling and accessory structures are permitted in the R zone.

a. Accessory Structure in the front yard

Section 5.1 (b) of Zoning By-law No. 500, as amended, permits accessory structures in the rear or interior side yard. The Applicant is requesting relief to construct an accessory structure in the front yard.

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

The subject property is irregular in shape, with a front lot line that curves with Klimek Boulevard. Due to this, the detached garage is closer to the front lot line than the single detached dwelling, which is why the variance is required.

The applicant is requesting to construct the detached garage in the same spot as the one previously built before a fire. Town staff originally approved the detached garage and noticed at the time of the building permit for the reconstruction of the detached garage that it is located in the front yard.

Town staff note that the reconstruction of the garage remained the same prior to the demolition and will not have an adverse effect on the streetscape.

b. Accessory Structure proximity to Residential dwelling

Section 5.1 (b) of Zoning By-law 500, as amended, requires an accessory structure to be located a minimum of 2 metres from the dwelling. The Applicant is requesting relief to allow an accessory structure to be located 1.7 metres from a dwelling.

The general intent of the accessory structure setbacks is to reduce negative impacts on neighbouring properties and to ensure compatibility with surrounding properties.

The applicant requires this change as they have recently added an addition which closed in the front porch of the house, making the distance between the house and the detached garage to be 1.9 metres. The applicant is requesting extra security of 1.7 metres to ensure that they are compliant with the zoning when it comes time to submit drawings for a building permit.

The reduction in the distance between the single detached dwelling and the detached garage will not create an adverse impact on the neighbourhood as it existed prior to the demolition of the original detached garage.

c. Rear Side and Interior Yard Setback

Section 5.1 (d) of Zoning By-law 500, as amended, requires a minimum rear yard setback of 1.0 metre for an accessory structure. The Applicant is requesting to legalize the rear yard setback for their frame shed to be 0.7 metres.

Section 5.1 (d) of Zoning By-law 500, as amended, requires a minimum interior yard setback of 1.0 metre for an accessory structure. The Applicant is requesting to legalize the interior yard setback for their frame shed to be 0.6 metres.

The intent of the minimum rear and interior side yard is to provide adequate spatial separation between accessory buildings and abutting buildings, structures and uses.

Staff notes that the frame shed is already built on the property and is located in the northwest corner of the property. The shed is surrounded by trees on the rear and interior lot lines, reducing any visual impacts from the neighbouring properties.

Staff are of the opinion that the proposed variances 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 proposed addition is in keeping with the existing physical character of the neighbourhood, as the area generally consists of 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 note 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 A24-24, as it pertains to the proposed detached garage and legalization of the frame shed, 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 – Architectural Drawings

Attachment 4 – Site Photos

Attachment 5 – Comments