

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0056

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

October 7, 2024

SUBJECT: MINOR VARIANCE APPLICATION A22-24
9 VICTORIA ROAD
PLAN 178 LOT 49

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0056 prepared by the Development Planning Division, Development Services Department, dated October 7, 2024, respecting Minor Variance Application A22-24, for the property municipally addressed as 9 Victoria Road; 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 A22-24 to permit relief from the following:
 - i) Section 5.28 (b): To permit a minimum of two (2) parking spaces for the accessory dwelling unit; whereas eight (8) parking spaces are required for the commercial building and accessory dwelling.
 - ii) Section 5.31(a): To permit a minimum planting strip width of 0 metres along the rear lot line abutting a property zoned Residential; whereas a minimum planting strip width of 3 metres is required.
 - iii) Section 14.4(c): To permit a front yard setback of 1.43 metres for an addition to the commercial building; whereas a minimum of 12 metres is required.
 - b) That the approval of Minor Variance Application A22-24 be subject to the following term(s):
 - i) That the rear yard of the subject property shall only be used for residential purposes
 - ii) That the proposed addition be constructed in general conformity with Attachment 3 to Report DS-2024-0056, in accordance with the relief recommended to be approved in Recommendation 2a);

- c) **That the approval of Minor Variance Application A22-24 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 5 to Report No. DS-2024-0056 have been addressed to the satisfaction of the Development Engineering Division; and**
 - ii) **That the above-noted conditions 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 A22-24, for the property located at 9 Victoria Road, regarding the construction an addition to the commercial building.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
9 Victoria Road
Plan 178 Lot 49
Roll #: 021-507

PROPOSAL

The owner of the subject property is proposing to construct an addition to the commercial building (Udora General Store).

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

- i) **Section 5.28 (b):** To permit a minimum of two (2) parking spaces for the accessory dwelling; whereas eight (8) parking spaces are required for the commercial building and accessory dwelling.
- ii) **Section 5.31(a):** To permit a minimum planting strip width of 0 metres along the rear lot line abutting a property zoned Residential; whereas a minimum planting strip width of 3 metres is required.
- iii) **Section 14.4(c):** To permit a front yard setback of 1.43 metres for an addition to the commercial building; whereas a minimum of 12 metres is required

A Site Sketch and building plans showing the proposal and the requested relief are included as Attachment 2 and 3.

3.1 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 9 Victoria Road. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	9 Victoria Road	
Zoning	General Commercial (C1)	
Frontage	25.15 Metres	
Area	1010 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Hamlet Area	
Regional Official Plan Land Use Designation	Hamlet	
Related Applications	Site Plan Approval – B.1.410	
Land Use and Environmental Considerations		
Existing Structures	Retail Store (Udora General Store) with Accessory Dwelling Unit and Detached Garage	
Proposed Structures	Addition to Retail Store	
Heritage Status	Listed	
Regulated by LSRCA	Not regulated	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Private	Private
Sanitary	Private	Private
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 September 27, 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 A22-24 are outlined below.

The Building Division has indicated no objections to the application but has advised that a building permit will be required for the proposed addition and that any required new septic system will require a building permit.

The Tax and Revenue Division has indicated no objections to the application but has advised that there are tax concerns related to the property.

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.

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

- Chippewas of Georgina
- Georgina Fire Department
- Municipal Law Enforcement Division
- Operations and Infrastructure Division
- York Region

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

5. ANALYSIS:

The following evaluation of Minor Variance Application A22-24 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 Hamlet Area in the Official Plan. Small-scale commercial uses 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 General Commercial (C1) on Map 11 of Schedule 'A' to Zoning By-law No. 500, as amended. A retail store, one dwelling unit in a storey above the first storey or within the rear of a non-residential building, and accessory structures are permitted in the R zone.

a. Parking

Section 5.28 (b) of Zoning By-law No. 500, as amended, requires 8 parking spaces for the retail store and accessory dwelling unit. The Applicant is requesting relief to allow a minimum of 2 parking spaces for the accessory dwelling and no parking spaces for the existing commercial area or the proposed commercial addition.

The general intent of minimum parking regulations is to ensure that sufficient on-site parking is provided to accommodate permitted land uses.

The applicant has provided floor plan drawings indicating the commercial and residential use.

See the below table for minimum parking requirements:

Table 2 – Parking Requirements Summary

Use	Floor Area	Required Parking ratio	Required Parking	Proposed Parking
Commercial (existing)	93.31 m ²	3.5 per 95 m ²	3	0
Commercial (proposed addition)	73.58 m ²	3.5 per 95 m ²	3	0
Residential dwelling unit	NA	2 per unit	2	2

The Applicant is proposing to meet the requirements for the residential dwelling unit of 2 parking spaces to be provided in the driveway located at the rear of the subject property. The commercial use does not propose any commercial parking spaces.

The commercial use, the Udora General store, was established in 1895, before the use of automobiles. Overtime additions have occurred to the store and the private driveway was added and expanded on later which was only used for parking for the owner/operator of the General Store. Customers have always used other parking means located near the store on Victoria Road. There has never been parking for the commercial use located on the subject property.

Section 5.28(e) of Zoning By-law 500, as amended, states that when a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall be interpreted to require that the deficiency be made up prior to the construction of any additions. The applicant is proposing a 73.58 m³ addition, which would result in the requirement to provide 6 parking spaces, 3 for the current retail store and 3 for the proposed addition; therefore, the variance is requested to maintain the current deficient parking.

Staff note that the site plan (Attachment 2) shows parking spaces located on the municipal right-of-way. These spaces cannot be considered in the parking calculation. The Applicant notes that customer parking has always been and continues to be located on Victoria Road. At the time of this report, staff note there have been no municipal law enforcement complaints regarding parking related to the property or on Victoria Road.

Staff are of the opinion that the proposed reduction of minimum parking spaces is appropriate for the development.

b. Planting Strip

Section 5.31(a) of Zoning By-law No. 500, as amended, requires a planting strip width of 3 metres for a commercial building abutting a property zoned residential. The Applicant is requesting a minimum planting strip of 0 metres along the rear lot line abutting a property zoned residential to reflect the existing condition.

The intent of the minimum planting strip width regulation is to ensure that a vegetated visual and spatial buffer exists between commercially zoned properties and residentially zoned properties. Staff note that the rear lot line is the only lot line in the proposed development that is subject to the minimum planting strip requirements of Section 5.31(a).

Staff note that the rear yard is being used as amenity space for the accessory dwelling unit. The applicant has indicated that this area currently has more than a 3-metre wide strip of grass and other plants but intends for the rear yard to be used for the tenants.

Staff have recommended a term which would only permit the use of the rear to be for the residential dwelling. This term would solidify the intended use provided by the applicant.

Staff are of the opinion that the proposed reduction of the planting strip along the rear is appropriate for the development.

c. Front Yard setback.

Section 14.4(c) of Zoning By-law No. 500, as amended, requires a minimum front yard setback of 12 metres. The Applicant is requesting relief to permit a front yard setback of 1.43 metres for the proposed addition.

The intent of the minimum front yard setback is to provide adequate spatial separation between commercial buildings and the street.

The existing building has a front yard setback of 1.07 metres and 1.45 metres. In accordance with Town Records the current commercial building with accessory dwelling unit significantly predates any Zoning By-laws enacted in the Town of

Georgina. As per Section 5.46, where a building or structure was erected upon a lot prior to December 31, 1993, and the building was erected in contravention of the applicable minimum setback requirements of any by-law then in force or effect, the location of such building or structure shall be deemed to comply with the minimum setback requirements.

The proposed addition must comply with the 12-metre front yard setback. The owner is proposing an addition that would match the front façade of the existing building. The proposed addition could not be constructed within the 12-metre front yard setback as it would be located behind the existing building.

Staff are of the opinion that the proposed reduction in the minimum front yard will not negatively affect the streetscape more than the current setback for the existing commercial building.

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 to the retail store is in keeping with the existing physical character of the neighbourhood as the area is generally consistent with a mix of uses including residential buildings, a gas station and a convenience store.

Staff note that the buildings located on some of the surrounding properties are located in similar locations as the proposed addition. The proposed addition would be at a similar setback as the existing retail store.

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 A22-24, as it pertains to the proposed addition, 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*