

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0068

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

December 2, 2024

SUBJECT: MINOR VARIANCE APPLICATION A28-24
837 TRIVETTS LANE
PLAN 65M-4740 LOT 13

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0068 prepared by the Development Planning Division, Development Services Department, dated December 2, 2024, respecting Minor Variance Application A28-24, for the property municipally addressed as 837 Trivetts Lane; 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 A28-24 to permit relief from the following:
 - i) Section 10.5.68: To permit a minimum rear yard setback of 5 metres, whereas a minimum rear yard setback of 8 metres is required;
 - ii) Section 6.1 (i): To permit a maximum lot coverage of 38.5%; whereas a maximum lot coverage of 35% is required;
 - iii) Section 6.1(j): To permit a maximum building height of 11.5 metres, whereas a maximum building height of 11 metres is required;
 - iv) Section 5.28(i): To permit a maximum driveway width of 9.45 metres, whereas a maximum driveway width of 9 metres is required;
 - b) That the approval of Minor Variance Application A28-24 be subject to the following term(s):
 - i) That the proposed single detached dwelling be constructed in general conformity with Attachment 3 to Report DS-2024-0068, in accordance with the relief recommended to be approved in Recommendation 2a);
 - c) That the approval of Minor Variance Application A28-24 be subject to the following condition(s):

- i) **Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2024-0068 have been addressed to the satisfaction of the Conservation Authority; 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 A28-24 for the property located at 837 Trivetts Lane regarding the construction of a single detached dwelling.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
837 Trivetts Lane
Plan 65M-4740 Lot 13
Roll #: 127-99916

PROPOSAL

The owner of the subject property is proposing to construct a single detached dwelling.

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

- i) **Section 10.5.68:** To permit a minimum rear yard setback of 5 metres, whereas a minimum rear yard setback of 8 metres is required.
- ii) **Section 6.1 (i):** To permit a maximum lot coverage of 38.5%; whereas a maximum lot coverage of 35% is required.
- iii) **Section 6.1(j):** To permit a maximum building height of 11.5 metres, whereas a maximum building height of 11 metres is required.
- iv) **Section 5.28(i):** To permit a maximum driveway width of 9.45 metres, whereas a maximum driveway width of 9 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 837 Trivetts Lane. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	837 Trivetts Lane	
Zoning	Site Specific Residential (R-75)	
Frontage	30.9 Metres	
Area	849.87 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	Vacant	
Proposed Structures	Single Detached Dwelling	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Partially Regulated	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Vacant	Proposed 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 November 13, 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 A28-24 are outlined below.

The Lake Simcoe Conservation Authority has indicated (Attachment 4) that they have no objections and require, as a condition of the minor variance, to pay the LSRCA review fee in accordance with the approved LSRCA Fee Schedule.

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

- Building Division
- Development Engineering Division
- Municipal Law Enforcement
- Tax and Revenue
- York Region

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A28-24 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 site-specific Residential (R-75) on Map 5 (page 1) of Schedule 'A' to Zoning By-law No. 500, as amended. A single-detached dwelling and accessory structures are permitted in the R-75 zone.

a. Rear Yard Setback

Section 10.5.68 of Zoning By-law 500, as amended, requires a minimum rear yard setback of 8 metres for single detached dwellings. The Applicant is requesting relief to allow a minimum rear yard setback of 5 metres for the construction of a single detached dwelling.

The intent of the minimum rear yard setback provision is to ensure consistency and compatibility with surrounding lots with respect to backyard space, privacy and shadow casting and to ensure the neighbouring properties are not negatively impacted.

The reduced rear yard setback is not anticipated to adversely impact the neighbouring properties as the properties located to the east and South are zoned site-specific Open Spaces (OS-101), and lands to the east contain a wetland. The wetland is contained within the OS-101 zone which all includes a 30-metre minimum vegetation protection zone which abuts the subject property's eastern and southern property lines, further reducing any impact from development on the wetland.

Due to the property's location at the end of a cul-de-sac and the proximity to the open space lands, the property has a reduced lot depth, which has resulted in difficulty placing a single detached dwelling in the required setbacks.

Additionally, Staff note that the east interior side yard setback is proposed to be 5.97 metres, which is intended to provide amenity space for the proposed dwelling unit.

b. Lot Coverage

Section 6.1 (i) of Zoning By-law 500, as amended, permits a maximum lot coverage of 35%. The Applicant is requesting relief to permit a maximum lot coverage of 38.5%.

The intent of the lot area coverage is to ensure consistency and compatibility with surrounding lots with respect to overall massing and to ensure sufficient open space is provided.

The neighbouring properties are rectangular in shape and have a larger depth than the subject property, making it easier to build a house that conforms with the lot coverage and setback requirements. Given the irregular shape of the subject property, the lot's reduced lot depth and the requested relief for a reduction to the rear yard setback, the increase to the maximum lot coverage is considered appropriate.

Staff noted that the subject property is irregular in shape as it has to conform to the cul-de-sac. Given the irregular shape of the property, staff note that the increased lot coverage will not impact the streetscape in a negative manner.

c. Building Height

Section 6.1 (j) of Zoning By-law 500, as amended, permits a maximum height of 11 metres. The Applicant is requesting relief to permit a maximum height of 11.5 metres.

The intent of the maximum height provision is to ensure consistency and compatibility with surrounding lots with respect to building height and shadow casting. The increase in the maximum height is not anticipated to adversely impact the neighbouring properties, which also contain large dwellings and

permit building height of 11.0 metres. Elevation Drawings showing the proposed roof line where the height relief is requested are included in Attachment 3.

The Applicant has shown a proposed height of 11.2 metres but is requesting an increase to 11.5 metres to provide flexibility in case of grading changes at the time of building permit.

Staff note that the subject property is not anticipated to have any neighbouring properties to the east and south as the properties are zoned OS-101 and is located at the end of a court. Staff noted that increasing height would not negatively impact the streetscape.

d. Driveway Width

Section 5.28 (i) of Zoning By-law 500, as amended, permits a maximum width of a parking area of 9 metres. The Applicant is requesting relief to permit a maximum driveway width of 9.45 metres.

The intent of the maximum driveway width provision is to maintain the residential streetscape, to ensure front yards are not dominated by parking and to ensure that appropriate drainage and sales are provided.

Staff note that the subject property is irregular in shape, and in order to accommodate the required parking space located in the garage, the driveway width needs to be enlarged to ensure that three parking spaces can be provided on the subject property.

Staff note that increasing the maximum parking area would not negatively impact the streetscape as there continues to be sufficient front yard landscaping for the proposed 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 single detached dwelling will not detract from the existing physical character of the neighbourhood as the area generally consists of newly constructed single detached dwellings.

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 A28-24, as it pertains to the proposed single detached dwellings, 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:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan and Elevation Drawings

Attachment 3 – Site Photos

Attachment 4 – Comments