

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0038**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT**

**July 29, 2024**

**SUBJECT: MINOR VARIANCE APPLICATION A08-24  
281 PARKWAY AVENUE, KESWICK  
PLAN 231 LOT 230**

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**1. RECOMMENDATIONS:**

- 1) That the Committee of Adjustment receive Report No. DS-2024-0038 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024, respecting Minor Variance Application A08-24, for the property municipally addressed as 281 Parkway Avenue; 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 A08-24 to permit relief from the following:

Section 6.1 (f): To permit a dwelling with an interior side yard setback of 0.55 metres, whereas a minimum interior side yard setback of 1.2 metres is required;
  - b) That the approval of Minor Variance Application A08-24 be subject to the following term(s):
    - i) That the proposed addition be in compliance with the Ontario Building Code regarding windows which are less than 0.6 metres from the property line; and
    - ii) That the proposed addition be constructed in general conformity with Attachment 3 to Report DS-2024-0038, in accordance with the relief recommended to be approved in Recommendation 2a);
  - c) That the approval of Minor Variance Application A08-24 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-2024-0029 have been addressed to their satisfaction;**

**ii) Submission to the Secretary-Treasurer of written confirmation from the Building 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 A08-24, for the property located at 281 Parkway Avenue, regarding the construction of an addition.

## **3. BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)  
281 Parkway Avenue  
Plan 231 Lot 230  
Roll #: 143-679

### **PROPOSAL**

The owner of the subject property is proposing to construct a second-storey addition on the single detached dwelling above the existing garage.

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 0.55 metres, whereas a minimum interior side yard setback of 1.2 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 281 Parkway Avenue. A summary of the characteristics of the property is as follows:

| <b>General Property Information</b> |                                    |
|-------------------------------------|------------------------------------|
| <b>Municipal Address</b>            | 281 Parkway Avenue                 |
| <b>Zoning</b>                       | Low Density Urban Residential (R1) |
| <b>Frontage</b>                     | 15.24 Metres                       |

|   |   |                    |
|---|---|--------------------|
| Area  | 589.24 Square Metres                                |                    |
| Official Plan /<br>Secondary Plan Land Use<br>Designation | Neighbourhood Residential Area                      |                    |
| Regional Official Plan Land<br>Use Designation            | Community Area                                      |                    |
| Related Applications                                      | None  |                    |
| Land Use and Environmental Considerations                 |   |                    |
| Existing Structures                                       | Single Detached Dwelling and accessory<br>structure |                    |
| Proposed Structures                                       | Addition to the Single Detached Dwelling            |                    |
| Heritage Status   | Neither listed nor designated                       |                    |
| Regulated by LSRCA  | Not regulated                                       |                    |
| Key Natural Heritage Features                             | None  |                    |
| Natural Hazards   | None  |                    |
| Servicing   |   |                    |
|   | Existing  | Proposed           |
| Water   | Municipal   | Municipal          |
| Sanitary  | Municipal   | Municipal          |
| 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 July 10, 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 A08-24 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.

The Building Division has indicated (Attachment 5) that they have no objections and require, as a condition of the minor variance, that 0.55 metres setback from the property line comply with the Ontario Building Code (OBC) limiting distance requirements and that no unprotected window openings be permitted. Additionally,

Town records indicate the existing garage was a carport, and therefore all walls will need to be reviewed for current OBC compliance.

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

- Economic Development Division
- Policy Planning Division
- Tax and Revenue Division
- York Region
- Operations and Infrastructure Division
- Municipal Law Enforcement Division
- Fire Department

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

## 5. **ANALYSIS:**

The following evaluation of Minor Variance Application A08-24 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 Neighbourhood Residential Area in the Keswick 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 Low Density Urban Residential (R1) on Map 2 (page 2) of Schedule 'A' to Zoning By-law No. 500, as amended. A single detached dwelling and accessory structures are permitted in the R1 zone.

a. **Interior Side Yard Setback**

6.1 (f) of Zoning By-law 500, as amended, requires a minimum interior side yard setback of 1.2 metres for a single detached dwelling. The Applicant has requested relief to allow an addition to an existing dwelling, with a minimum interior side yard setback of 0.55 metres 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 as the addition is above the existing attached garage. The east side of the property has an interior side yard setback of 3.82 metres providing an area for access to the rear yard and maintenance.

The applicant is proposing to demolish the existing garage to reinforce the foundation and build on the same footprint. Building Division has indicated as a condition that all walls will need to be reviewed for current Ontario Building Code compliance.

The existing dwelling predates the Zoning By-law, and the existing side yard setback of 0.55 metres is deemed to comply in accordance with Section 5.46. Staff are of the opinion that the reduced interior side yard setback will not adversely impact the neighbouring properties, as the new addition above the existing garage will have the same minimum setback as the existing dwelling.

Staff have received conditions from the Building Division indicating that the applicant/owner will be required to comply with OBC limiting distance requirements by having non-combustible construction and no unprotected window openings.

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 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 A08-24, 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 – Consolidated Comments Chart*