

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0037

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

July 29, 2024

**SUBJECT: MINOR VARIANCE APPLICATION A11-24 AND A12-24
15 AND 17 JEANNE PYNN AVENUE, SUTTON
PLAN 65M-4802 LOT 4 AND 3**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0037 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024, respecting Minor Variance Applications A11-24 and A12-24, for the property municipally addressed as 15 and 17 Jeanne Pynn Avenue, Sutton; 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 A11-24 to permit relief from the following:**
 - i) Section 7.5.94 a) iii): To permit an interior side yard of 0.65 metres paired with an interior side yard of 1.26 metres on an abutting lot, whereas all interior side yards of less than 1.2 metres shall be paired together on abutting lots;**
 - b) That the Committee of Adjustment approve Minor Variance Application A12-24 to permit relief from the following:**
 - i) Section 7.5.94 a) iii): To permit an interior side yard of 0.65 metres paired with an interior side yard of 1.25 metres on an abutting lot, whereas all interior side yards of less than 1.2 metres shall be paired together on abutting lots;**
 - c) That the approval of Minor Variance Applications A11-24 and A12-24 be subject to the following term(s):**
 - i) That the proposed single detached dwellings be constructed in general conformity with Attachment 2 to Report DS-2024-0037, in accordance with the relief recommended to be approved in Recommendation 2a) and 2b).**

2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Applications A11-24 and A12-24, for the properties located at 15 and 17 Jeanne Pynn Avenue, regarding the construction of two single detached dwellings.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
15 Jeanne Pynn Avenue
Plan 65M-4802 Lot 4
Roll #: 031-36130

Property Description: (refer to Attachments 1 to 3)
17 Jeanne Pynn Avenue
Plan 65M-4802 Lot 3
Roll #: 031-36129

PROPOSAL

The properties are located in Phase 5 of the Cedar Ridge Subdivision. The owner of the subject properties is proposing to construct two single detached dwellings.

A Minor Variance application has been submitted for each property.

Minor Variance Application A11-24 is requesting the following relief:

- i) **Section 7.5.94 a) iii):** To permit an interior side yard of 0.65 metres paired with an interior side yard of 1.26 metres on an abutting lot, whereas all interior side yards of less than 1.2 metres shall be paired together on abutting lots.

Minor Variance Application A12-24 is requesting the following relief:

- i) **Section 7.5.94 a) iii):** To permit an interior side yard of 0.65 metres paired with an interior side yard of 1.25 metres on an abutting lot, whereas all interior side yards of less than 1.2 metres shall be paired together on abutting lots.

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 properties are located at 15 and 17 Jeanne Pynn Avenue. A summary of the characteristics of the subject properties is as follows:

General Property Information		
Municipal Addresses	15 Jeanne Pynn Avenue 17 Jeanne Pynn Avenue	
Zoning	Low Density Urban Residential (R1-127)	
Frontage	9 Metres 9 Metres	
Area	321.16 Square Metres 321.16 Square Metres	
Official Plan / Secondary Plan Land Use Designation	New Residential Area	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	None	
Proposed Structures	Single Detached Dwelling 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	NA	Proposed 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 A11-24 and A12-24 are outlined below.

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
- Development Engineering 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 A11-24 and A12-24 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 properties are designated New Residential Area in the Sutton / Jackson's Point 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 (R1-127) on Map 7 of Schedule 'A' to Zoning By-law No. 500, as amended. Single detached dwellings and accessory structures are permitted in the R1-127 zone.

a. Interior Side Yard Pairing

Section 7.5.94 (a) iii) of Zoning By-law No. 500, as amended, requires all interior side yards of less than 1.2 metres to be paired together on abutting lots. The Applicant is requesting relief to allow a side yard of 0.65 metres to be paired with 1.26 metres on lot 4 and a side yard of 0.65 metres to be paired with the side yard of 1.25 metres on lot 3.

The intent of the paired interior side yard for side yards less than 1.2 metres with abutting lots is to ensure consistency and compatibility with surrounding lots with respect to building separation. The applicant cannot comply with the zoning because they are accommodating for a catch basin easement between lots 3 and 4 which require a 1.26-metre side yard (Attachment 2). The applicant noted that

the units have already been sold, so the width of the unit cannot be changed. Should the Minor Variance be approved each of the subject properties will have one side yard greater than 1.2 metres and 0.6 metres, providing adequate side yard separation between abutting lots.

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 dwellings are in keeping with the existing physical character of the neighbourhood as the area generally consists of new single detached dwellings. Furthermore, the requested variance facilitates a catch basin easement for the new subdivision.

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 Applications A11-24 and A12-24, 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:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos