

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0040**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT  
July 29, 2024**

**SUBJECT: MINOR VARIANCE APPLICATION A39-21  
40 LAURELBANK CRESCENT  
PLAN 65M3797 LOT 108**

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**1. RECOMMENDATIONS:**

1. That the Committee of Adjustment receive Report No. DS-2024-0040 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024, respecting Minor Variance Application A39-21, for the property municipally addressed as 40 Laurelbank Crescent.
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 A39-21 to permit relief from the following:
    - i) Section 7.5.50 a): To permit a dwelling with an interior side yard setback of 1.2 metres; whereas, where there is not an attached garage on a lot, a minimum interior side yard on one side of 2.5 metres is required.
    - ii) Section 7.5.50 b): To permit a lot without a garage; whereas, every lot is required to provide a garage.
    - iii) Section 5.28: To permit 2 parking spaces for a single detached dwelling with an accessory apartment; whereas, a minimum of 3 parking spaces are permitted

**2. PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A39-21 for the property located at 40 Laurelbank, regarding the legalization of an interior side yard setback, reduced parking requirement, and lack of a garage due to alterations to the interior garage dimensions for an existing accessory apartment in the single detached dwelling.

**3. BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)

40 Laurelbank  
PLAN 65M3797 LOT 108  
Roll #: 146-90714

## PROPOSAL

The owner of the subject property has an existing accessory structure within an existing single detached dwelling. The placement of the accessory apartment stairs constructed within the garage results in the removal of the parking space that previously existed in the garage, the effect of which is that the existing garage no longer meets the definition of a garage.

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

- iv) Section 7.5.50 a): To permit a dwelling with an interior side yard setback of 1.2 metres; whereas, where there is not an attached garage on a lot, a minimum interior side yard on one side of 2.5 metres is required.
- v) Section 7.5.50 b): To permit a lot without a garage; whereas, every lot is required to provide a garage.
- vi) Section 5.28: To permit 2 parking spaces for a single detached dwelling with an accessory apartment; whereas, a minimum of 3 parking spaces are permitted.

A Site Sketch showing the proposal and the requested relief is included as Attachment 3.

### **3.1 SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 40 Laurelbank Crescent. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	40 Laurelbank Crescent
Zoning	Site Specific Low Density Urban Residential (R1-71)
Frontage	12 Metres
Area	607 Square Metres
Official Plan / Secondary Plan Land Use Designation	Neighbourhood Residential
Regional Official Plan Land Use Designation	Urban Area
Related Applications	None
Land Use and Environmental Considerations	

Existing Structures	Single Detached Dwelling, Accessory Structures	
Proposed Structures	n/a	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
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 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 A39-21 have been consolidated below.

The Town's Building Division has no concerns about the proposal and has provided comments noting that OBC Compliance will be required for all new walls in the garage to ensure appropriate protection against vapors.

The Town of Georgina Fire Department has no concerns about the proposal and has provided comments noting that the accessory apartment shall meet the Fire and Building Code requirements and shall be registered with the Town of Georgina.

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

- Tax and Revenue Division
- York Region
- Municipal Law Enforcement Division
- Development Engineering
- Operations and Infrastructure Department
- Economic Development Division

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

## **5. ANALYSIS:**

The following evaluation of Minor Variance Application A39-21 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 in the Keswick Secondary Plan. Single detached dwellings and accessory buildings, structures and uses thereto, including accessory apartments, 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 Low Density Urban Residential (R1-71) on Map 2 pg. 3 of Schedule 'A' to Zoning By-law No. 500, as amended. A single family dwelling and accessory uses structures, including an accessory apartment, are permitted in the R1-71 Zone.

#### **a. Side Yard Setback**

Section 7.5.50 a) of Zoning By-law No. 500, as amended, requires where there is not an attached garage or carport on a lot, a minimum interior side yard on one side of 2.5 metres be provided. The accessory apartment stairs partially block the previously existing parking space within the garage. As the garage no longer contains any legal parking spaces, it no longer meets the definition of a garage, and a larger side yard setback is required. The Applicant has requested relief to legalize the existing side yard setback.

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 single detached dwelling, however the structure itself would remain unchanged.

The existing side yard setback of 1.2 metres is generally compatible with the interior side yard setbacks of neighbouring property. Furthermore, as the single detached dwelling will still maintain the appearance of having a garage (i.e. garage doors will still be part of the façade), Staff are of the opinion the variance will not adversely impact the neighbouring properties.

b. Garage Requirement

Section 7.5.50 b) of Zoning By-law No. 500, as amended, requires all lots to provide a garage. As mentioned previously, the accessory apartment stairs partially block the parking space within the garage. As the garage no longer contains any legal parking spaces, it no longer meets the definition of a garage. Consequently, relief is required for a lot without a garage.

The intent of this provision is to ensure compatibility with surrounding lots and to provide adequate parking. Staff note the single detached dwelling will still maintain the appearance of having a garage and will consequently continue to be compatible with neighbouring lots. Furthermore, while the dimensions of the garage do not meet the by-law's parking space definition, staff note there is still adequate room in the garage for the applicant to park her smaller sized vehicle. Consequently, staff are of the opinion the general intent of the zoning by-law is maintained.

c. Parking Requirements

Section 5.28 of Zoning By-law No. 500, as amended, requires a minimum of 3 parking spaces for a single detached dwelling with an accessory apartment. The applicant is proposing a reduction in parking to 2 parking spaces.

The intent of the parking space provision is to ensure that adequate parking supply is available for both the single detached dwelling and the accessory apartment. Although additional parking will be feasible in the garage, the dimension of the parking spaces does not conform to the zoning by-law and are not permitted for the purposes of calculating the parking space requirements. Staff have no concerns that the reduced parking space requirement will cause issues for the neighbouring residents, as the owner will have the driveway space to handle parking needs without impacting the flow of traffic on the street.

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 accessory apartment is in keeping with the existing physical character of the neighbourhood as the area generally consists of single detached dwellings and accessory structures and uses. The single detached dwelling will continue to appear to have a garage, and the view from the street will remain unchanged.

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 potential impact the variances 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 variances are minor in nature.

## **6. CONCLUSION:**

Subject to the recommendations in Section 1 of this report, Staff are of the opinion that Minor Variance Application A39-21, as it pertains to the legalization of the side yard setback, reduced parking requirement, and lack of garage, 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:

Brittany Dobrindt  
Planner I

Approved By:

Janet Porter, MCIP, RPP  
Manager of Development Planning

## ***Attachments:***

*Attachment 1 – Location Map*

*Attachment 2 – Site Photos*

*Attachment 3 – Site Sketch*