

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0036

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

July 29, 2024

**SUBJECT: MINOR VARIANCE APPLICATION A45-21
21058 DALTON ROAD
PART OF LOT 23 AN**

1. RECOMMENDATIONS:

1. That the Committee of Adjustment receive Report No. DS-2024-0036 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024, respecting Minor Variance Application A45-21, for the property municipally addressed as 21058 Dalton Road; and,
2. That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommends the following:
 - a) That the Committee of Adjustment approve Minor Variance Application A45-21, to permit relief from the following:
 - i) Section 5.1(b): to permit an accessory structure in an exterior side yard, whereas accessory structures are only permitted in the rear or interior side yard; and,
 - ii) Section 5.1(d): to permit an accessory structure with a side yard setback of 0.00 metres from the side lot line, whereas a minimum setback of 1.0 metre is required;
 - iii) Section 5.30: To permit the minimum exterior side yard setback to be applied from the existing exterior side lot line, whereas Section 5.30 requires the minimum exterior side yard setback to be applied from the planned width of street allowance where it lies within the lot;
 - b) That the approval of Minor Variance Application A45-21 be subject to the following terms:
 - i) That the accessory structure in the exterior side yard area be in general conformity with Attachment 2 to Report DS-2024-0036, and in accordance with the relief recommended to be approved in Recommendation 2 a); and,

c) That the approval of Minor Variance Application A45-21 be subject to the following conditions:

- i) Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2024-0036 have been addressed to the Division's satisfaction; and,**
- ii) 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 A45-21 for the property municipally addressed as 21058 Dalton Road, regarding the legalization and maintenance of an existing accessory structure in an exterior side yard.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 4)
21058 Dalton Road
Part of Lot 23 and Block 60, Registered Plan 69
Roll #: 081-039

The Minor Variance Application was previously heard at the December 11, 2023, Committee of Adjustment meeting and was deferred back to staff in order to confirm that the nil side yard set was not encroaching onto the right of way. The agent has provided staff with a letter from an Ontario Land Surveyor (Attachment 4) demonstrating that the side yard setback is not encroaching onto the right of way.

PROPOSAL:

The Owners of the property are proposing to legalize and maintain an existing accessory structure in an exterior side yard area, as shown on Attachments 2 and 3 to Report DS-2024-0036.

The Minor Variance Application has been submitted concerning the proposal, requesting the following relief:

- i. Section 5.1(b): to permit an accessory structure in an exterior side yard; whereas, accessory structures are only permitted in the rear or interior side yard.**
- ii. Section 5.1 (d): to permit an accessory structure with a side yard setback of 0.00 metres to the exterior side lot line; whereas, a setback of 1.0 metres is required.**

- iii. Section 5.30: to permit the minimum exterior side yard setback to be applied from the existing exterior side lot line; whereas, Section 5.30 requires the minimum exterior side yard setback to be applied from the planned width of street allowance where it lies within the lot

A site sketch showing the proposed minor variances is included as Attachment 2 to this report.

3.2 SUBJECT PROPERTY AND SURROUNDING AREA:

The subject property is located at 21058 Dalton Road, within the community of Jackson's Point. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	21058 Dalton Road	
Zoning	Low-Density Urban Residential (R1)	
Frontage	22.64 Metres	
Area	1167.09 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Dalton Road – North Corridor	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Consideration		
Existing Structures	2-storey single detached residential dwelling, framed studio, and shed	
Proposed Structures	n/a	
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 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 submission from the general public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application A45-21 are outlined below.

The Development Engineering Division has indicated (Attachment 6) 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 Operations and Infrastructure Division has indicated (Attachment 6) that they have no objections and advises the applicant that during their review, it appears that a planned street width of 15m applies to Roanoak Road. Operations and Infrastructure believes that the existing street width on Roanoak Road of 7.62m along the flankage of 21058 Dalton Road is sufficient at this time and a road widening is not necessary.

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

- Economic Development Division
- Policy Planning Division
- York Region
- Tax and Revenue 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 A45-21 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 as “Dalton Road - North Corridor” on Schedule ‘B’ Land Use Plan of the Sutton/Jackson’s Point Secondary Plan (SJPSPP). 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 6 of Schedule 'A' to Zoning By-law No. 500, as amended. A single-family dwelling and accessory structure are permitted in the R1 zone.

a. Accessory Structure Location

Section 5.1 (b) of Zoning By-law 500, as amended, prohibits an accessory building or structure to be erected in any yard other than an interior side yard or rear yard. The applicant is requesting relief to legalize an accessory building in the exterior side yard of the subject lot.

As per Section 2.232 of Zoning By-law No. 500, as amended, the southern side yard of the subject property is considered to be an exterior side yard because it is not a front yard and it abuts a street (Roanoak Road). The accessory structure is not considered to be located in a front yard; it is set back further from Dalton Road than the main house.

The general intent of the location of the accessory structure is to ensure the streetscape develops in an orderly manner and to ensure adequate amenity space, access to the rear yard, and landscaping for the exterior side yard and front yard

The exterior side yard is defined as the area extending from the front yard to the rear yard between a side lot line and the nearest wall of the main building or structure on the lot. The submitted Site Plan indicates that the principal dwelling on the subject property is set back significantly farther than what is required by the Zoning By-law from the south lot line. The exterior side yard area of the main dwelling on this property is significantly larger than what is required by the Zoning By-law. The main house is set back 10.05 metres from Roanoak Road which is in excess of the minimum exterior side yard setback of 3.0 metres required in the R1 zone.

Due to this large setback, there is significant space in the side and rear yard to provide access to the rear yard and landscaped area contemplated by the Zoning By-law.

In addition, approval of this minor variance will not cause an adverse impact on the existing streetscape along Roanoak Road because there are similar structures near and adjacent to the subject property that are also located in a front yard or exterior side yard.

b. Accessory Structure Side Yard Setback

Section 5.1 (d) of Zoning By-law No. 500, as amended, requires a setback of 1.0 metres from the side lot line for accessory structures with a height up to 4.5 metres from the average grade to the highest point. The accessory structure is 3.99 metres in height, which complies with the height requirements for accessory structures. The Applicant has requested relief to allow a minimum setback of “nil” to the southern lot line to accommodate the existing condition of the lean-to on an existing accessory structure.

The general intent of the side yard setback requirement is to ensure consistency and compatibility with surrounding lots and provide access to the rear yard.

The accessory structure has a lean-to located on the property line, this lean-to is open and accommodates covered storage and is not visible from the street. Staff have also received confirmation in the form of a letter from an Ontario Land Surveyor (Attachment 4) confirming that the main wall of the accessory structure is 1.73 metres from the property line.

The accessory structure doesn't affect the access to the rear yard as the house is approximately 4.6 metres from the accessory structure providing adequate space to access the rear yard.

c. Exterior side lot line

Section 5.30 of Zoning By-law No. 500, as amended, requires the exterior side lot line to be applied from the planned width of the street allowance where it lies within the lot. The Applicant has requested relief to allow the exterior side yard to be applied from the existing side lot line to accommodate the existing conditions of a lean-to on the existing accessory structure.

The general intent of the exterior side lot line being applied from the planned street width is to accommodate for future road widening that could occur along Roanoak Road. In accordance with Zoning by-law 500, the planned street width is 15 metres.

The Operations and Infrastructure Division have advised that the existing street width on Roanoak Road of 7.62 metres along the flankage of 21058 Dalton Road is sufficient at this time and a road widening is not necessary.

Staff are of the opinion that the proposal maintains the general intent and purpose of the Zoning By-law provisions.

(iii) Are the Minor Variances desirable for the appropriate development of the property or use of land, building or structure? – Yes

The proposed minor variances are required to maintain and legalize an existing accessory structure in an exterior rear yard.

Staff are of the opinion the requested variances will not adversely impact the surrounding area and are desirable for the appropriate development of the lands.

(iv) *Is the relief sought minor in nature?* – Yes

When considering if the variance is minor, it is not simply the numerical value that must be considered, but rather the overall impact of the variance should be considered. The overall impact of the proposed variances appears to be minimal, and the accessory structure is a permitted use and will be compatible with other buildings and structures along Dalton Road and Roanoak Road. For the reasons previously outlined herein, Staff are of the opinion that the requested variances are minor in nature.

In consideration of the above, the proposed variances meet the four tests under the *Planning Act*.

6. CONCLUSION:

Subject to the recommendations in Section 1 of this Report, Staff are of the opinion that Minor Variance Application 45-21, as it pertains to the existing accessory structure, 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

Attachment 1 – Location Map
Attachment 2 – Site Plan
Attachment 3 – Elevation Plans
Attachment 4 – Letter from Ontario Land Surveyor
Attachment 5 – Site Photos
Attachment 6 – Consolidated Comments Chart