

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0006

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

January 20, 2025

SUBJECT: MINOR VARIANCE APPLICATION A33-24
87 SIBBALD CRESCENT
PLAN 204 LOT 56

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2025-0006 prepared by the Development Planning Division, Development Services Department, dated January 20, 2025, respecting Minor Variance Application A33-24, for the property municipally addressed as 87 Sibbald Crescent; 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 A33-24 to permit relief from the following:
 - i) Section 5.1(f): To permit a detached accessory building with a height to the roof peak of 6.95 metres, whereas detached accessory buildings may have a maximum height to the roof peak of 6 metres;
 - ii) Section 5.1(f): To permit a detached accessory building with a height to the eaves of 5.49 metres, whereas detached accessory buildings may have a maximum height to the roof peak of 4.5 metres;
 - b) That the approval of Minor Variance Application A33-24 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 2 to Report DS-2025-0006, in accordance with the relief recommended to be approved in Recommendation 2a);
 - ii) That the detached garage shall not have any interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower or bathtub); and,
 - iii) That the detached garage shall not be utilized for sleeping accommodation/living quarters at any time.

c) That the approval of Minor Variance Application A33-24 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-2025-0006 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 A33-24, for the property located at 87 Sibbald Crescent, regarding the construction of a detached garage.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
87 Sibbald Crescent
Plan 204 Lot 56
Roll #: 035-051

PROPOSAL

The owner of the subject property is proposing to construct an accessory structure (detached garage) in the front yard.

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

- i) Section 5.1(f): To permit a detached accessory building with a height to the roof peak of 6.95 metres, whereas detached accessory buildings may have a maximum height to the roof peak of 6 metres.**
- ii) Section 5.1(f): To permit a detached accessory building with a height to the eaves of 5.49 metres, whereas detached accessory buildings may have a maximum height to the roof peak of 4.5 metres.**

A Site Sketch and building plans 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 87 Sibbald Crescent. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	87 Sibbald Crescent	
Zoning	Residential (R)	
Frontage	30.48 Metres	
Area	2,215 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Stable Residential Area (Sutton/Jackson's Point Secondary Plan)	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling	
Proposed Structures	Detached Garage	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
Water	Private	Private
Sanitary	Private	Private
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 January 8, 2025, 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 A33-24 are outlined below.

The Lake Simcoe Region Conservation Authority (LSRCA) has indicated (Attachment 4) that they have no objections but note that the proposed location for the accessory structure is located within the erosion hazard limit of the steep slope, therefore as a

condition to the minor variance the LSRCA requires the applicant/owner submit a Slope Stability Analysis, prepared by a qualified professional, to address the stability of the existing slope, determine appropriate setbacks and provide recommendations for construction. Additionally, the LSRCA also requires, as a condition to the minor variance, that a permit from the LSRCA be required prior to any development or site alteration, and that the LSRCA Plan review fee for a Minor Variance be paid 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, Plumbing/Building Inspector
- Development Engineering Division
- Georgina Fire Department
- Municipal Law Enforcement Division
- 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 A33-24 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 Stable Residential 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 Residential (R) on Map 6 of Schedule 'A' to Zoning By-law No. 500, as amended. A single-detached dwelling and accessory structures are permitted in the R zone. The proposed variances to seek relief to the building height requirements for accessory building structures, no other relief to the By-law is requested.

a. Accessory Structure Height

Section 5.1 (f) of Zoning By-law No. 500, as amended, permits a maximum height of 4.5 metres to the eaves and 6.0 metres from the average grade to the highest point of the structure for accessory structures on lots 600 square metres or greater. The Applicant has requested relief to allow a maximum height of 6.95 metres to the peak and 5.49 metres to the eaves.

The intent of the maximum height to the peak and maximum height to the eaves is to limit adverse shadowing and visual impact, provide for neighbouring properties and ensure accessory buildings are subordinate in size to the main building.

Staff note that the requested height exceeds the permitted height by 0.95 metres to the peak and 0.99 metres to the eave and is to provide additional storage on the second floor and to accommodate boat and truck parking in the garage. The current single detached dwelling is approximately 5.18 metres in height to ensure that the detached garage stays subordinate to the detached dwelling.

As the lands are currently serviced by private systems, Staff recommend the following terms be imposed to ensure that the detached garage be used for storage purposes only:

- That the detached garage shall not have any interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower or bathtub).
- That the detached garage shall not be utilized for sleeping accommodation/living quarters at any time.

It is noted that several trees are located on the southern edge of the property, which would shroud the proposed garage and reduce the shadowing and visual impact on the neighbour to the south.

Subject to the foregoing terms, staff are satisfied with the requested height of the detached garage; 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 accessory structure is in keeping with the existing physical character of the neighbourhood as the area generally consists various lot sizes with 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 A33-24, as it pertains to the proposed 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:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos

Attachment 4 – Comments