

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0009

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

February 19, 2025

**SUBJECT: MINOR VARIANCE APPLICATION A31-24
909 LAKE DRIVE NORTH
PLAN 124, LOT 77 AND PART OF LOT 78; CONCESSION 3, PART OF
LOT 28**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2025-0009 prepared by the Development Planning Division, Development Services Department, dated February 19, 2025, respecting Minor Variance Application A31-24, for the property municipally addressed as 909 Lake Drive North; 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 A31-24 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 7.15 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 5.35 metres, whereas detached accessory buildings may have a maximum height to the eaves of 4.5 metres;
 - b) That the approval of Minor Variance Application A31-24 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 2 to Report DS-2025-0009, in accordance with the relief recommended to be approved in Recommendation 2a);
 - c) That the approval of Minor Variance Application A31-24 be subject to the following condition(s):

- i) **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that a deeming by-law has been registered on title;**
- ii) **Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2025-0009 have been addressed to the Division's satisfaction; and**
- iii) **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 A31-24 for the property located at 909 Lake Drive North regarding the construction of a detached garage with an additional dwelling unit above.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
909 Lake Drive North
Plan 124, Lot 77 and Part of Lot 78 and Concession 3
Part of Lot 28
Roll #: 123-3580

PROPOSAL

The owner of the subject property is proposing to construct a detached dwelling and an accessory structure (detached garage with additional dwelling unit) on the subject lands. It must be noted that no relief to the by-law has been requested for the proposed detached dwelling.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief for the proposed accessory structure:

- i) Section 5.1(f): To permit a detached accessory building with a height to the roof peak of 7.15 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 5.35 metres, whereas detached accessory buildings may have a maximum height to the eaves 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 909 Lake Drive North. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	909 Lake Drive North	
Zoning	Residential (R) Zone	
Frontage	23.1 Metres	
Area	2,314.8 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Serviced Lakeshore Residential Area	
Regional Official Plan Land Use Designation	Rural Area	
Related Applications	Deeming By-law (DEEM-2025-0001)	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, Detached Garage and sheds (proposed to be demolished)	
Proposed Structures	Single Detached Dwelling and Detached Garage with Additional Dwelling unit	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Yes, Partially (Front Yard)	
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 February 3, 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 A31-24 are outlined below.

The Development Engineering Division has indicated no objection and requires, as a condition of the minor variance, that the applicant / owner provide a detailed grading and drainage plan, including existing and proposed entrances, prepared by a Professional Engineer or an Ontario Land Surveyor (Attachment 4).

As the existing lot is located on more than one lot on a registered plan of subdivision, the Development Planning Division will require a Deeming By-law in order to merge the lots together to construct the single detached dwelling and accessory structure on the subject property. The owner has submitted a related Deeming By-law application for the property.

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

- Plumbing / Building Inspector, Building Department
- Economic Development and Tourism Division
- Georgina Fire Department
- Lake Simcoe Region Conservation Authority
- Ministry of Transportation
- 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 A31-24 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 Serviced Lakeshore Residential in the Town's Official 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) Zone on Map 4 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 7.15 metres to the peak and 5.35 metres to the eaves.

The intent of the maximum height to the peak and 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 1.15 metres to the peak and 0.85 metres to the eave and is to provide to give space for the garage and additional dwelling unit above the garage. It must be noted that the proposed single detached dwelling will comply with the zoning by-law and will be approximately 10.4 metres height.

It is noted that the proposed accessory structure will back onto the Eastbourne Golf Course and have access through an existing private lane on Eastbourne Drive. Given the location of the proposed accessory structure is well separated from existing dwellings on neighbouring lots, staff are satisfied that there will be no adverse visual impacts to the street and neighbouring properties.

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 of various lot sizes with single detached dwellings located along Lake Drive North and accessory structures generally located in the rear yard along Eastbourne Drive

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 A31-24, 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