

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2025-0010**

**FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT**

**February 19, 2025**

**SUBJECT: MINOR VARIANCE APPLICATION A34-24  
2353 BASELINE ROAD  
CONCESSION 4, PART OF LOT 23**

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**1. RECOMMENDATION:**

- 1. That the Committee of Adjustment receive Report No. DS-2025-0010 prepared by the Development Planning Division, Development Services Department, dated February 19, 2025, respecting Minor Variance Application A34-24, for the property municipally addressed as 2353 Baseline Road.**
- 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 A34-24 to permit the following:**
    - i. the expansion and replacement of a legal non-conforming single detached dwelling.**
  - b. That the approval of Minor Variance Application A34-24 be subject to the following term(s):**
    - i. That the proposed replacement of a single detached dwelling be constructed in general conformity with Attachment 3 to Report DS-2025-0010, in accordance with the relief recommended to be approved in Recommendation 2(a).**
  - c. That the approval of Minor Variance Application A34-24 be subject to the following condition(s):**
    - i. Submission to the Secretary-Treasurer of written confirmation from The Lake Simcoe Regional Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2025-0010 have been addressed to the Division's satisfaction;**
    - 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-2025-0010 have been addressed to the Division's satisfaction; and**

- iii. That the above notes conditions be fulfilled within two (2) years of the date of Notice of Decision.**

**2. PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A34-24 regarding the expansion and replacement of one of the legal non-conforming single detached dwelling.

**3. BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)  
2353 Baseline Road  
Concession 4, Part of Lot 23  
Roll #: 109-810

**3.1 PROPOSAL**

A single-detached dwelling located on the subject lands has been demolished and has been replaced with an enlarged detached dwelling. The applicant has applied for a building permit to rectify the above-noted works and requires a minor variance due to the expansion and replacement of the detached dwelling.

The current zoning by-law does not permit multiple detached dwellings in this zone. The applicant has provided satisfactory documentation that the dwellings predate the zoning by-law and are consequently considered legal non-conforming.

The applicant requests the Committee of Adjustment to exercise their power granted in Section 45(2)(a)(i) of the Planning Act to permit:

- i. Expansion of a Legal Non-Conforming Use: To permit the expansion and replacement of a single detached dwelling.

A Site Sketch showing the proposed minor variance is included as Attachment 3.

**3.2 SUBJECT PROPERTY AND THE SURROUNDING AREA:**

The subject property is located at 2353 Baseline Road. A summary of the characteristics of the property is as follows:

<b>General Property Information</b>	
<b>Municipal Address</b>	2353 Baseline Road
<b>Zoning By-law 500</b>	Rural (RU) Zone

<b>Zoning By-law 600</b>	Agricultural Protection (AP) Zone and Environmental Protection (EP) Zone	
<b>Frontage</b>	255.50 Metres	
<b>Area</b>	20,318.24 Square Metres	
<b>Official Plan / Secondary Plan Land Use Designation</b>	Agricultural Protection Area and Environmental Protection Area	
<b>Regional Official Plan Land Use Designation</b>	Agricultural Area	
<b>Related Applications</b>	None	
<b>Land Use and Environmental Considerations</b>		
<b>Existing Structures</b>	Two single detached dwellings	
<b>Proposed Structures</b>	One single detached dwelling	
<b>Heritage Status</b>	Neither listed nor designated	
<b>Regulated by LSRCA</b>	Yes, Partially	
<b>Key Natural Heritage Features</b>	None	
<b>Natural Hazards</b>	None	
<b>Servicing</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Water</b>	Private	Private
<b>Sanitary</b>	Private	Private
<b>Access</b>	Driveway	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 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 A34-24 are outlined below.

The Plumbing / Building inspector has indicated no objects and advises the Applicant that the septic system for the building will need to be assessed by an engineer since it has not been in use since 2018. The septic system must be assessed prior to issuance of any building permits.

The Lake Simcoe Region Conservation Authority (LSRCA) has indicated no objections and requires, as a condition of the minor variance, that the applicant / owner

pay the LSRCA Plan Review Fee in accordance with the LSRCA fee schedule (Attachment 4). The LSRCA also advises the applicant / owner that any future development or site alteration located in the regulated portion of the property will require a LSRCA permit.

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).

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

- Economic Development and Tourism Division
- Georgina Fire Department
- Ministry of Transportation
- Tax and Revenue Division
- York Region

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

## 5. **ANALYSIS:**

### Expansion of a Legal Non-Conforming Use – Section 45(2)(a)(i) of the Planning Act:

The Owner seeks to expand the legal non-conforming single detached dwelling with larger replacement dwellings through the powers granted to the Committee of Adjustment under Section 45(2)(a)(i) of the *Planning Act*.

This section allows the Committee to permit the enlargement or extension of a building or structure containing a legal non-conforming use if the use within the building or structure that existed on the day the Zoning By-law was passed continued until the date of the application to the Committee. However, no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the Zoning By-law was passed.

The Owner has provided the Town with sufficient documentation that the dwelling existed prior to the day the Town introduced a comprehensive Zoning By-law (Zoning By-law No. 911 was passed by Council on May 9, 1977) and that the dwelling uses have continued to this day. The dwellings will be rebuilt within the limits of the property.

The former Local Planning Appeal Tribunal (LPAT) provided the following evaluation tests for reviewing applications for expansion under Section 45(2)(a)(i) of the Planning Act:

1. Whether the application is desirable for appropriate development of the subject property.
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

The dwelling was demolished circa 2019. Construction of an enlarged dwelling began shortly afterwards on the same location as the original dwelling. The enlarged dwelling remained partially constructed for a few years and the exterior works were completed circa 2023. The applicant is currently seeking a building permit to legalize the works that have occurred to the dwelling.

The dwelling has expanded approximately 50.26 square metres and is located the same setback distance from the roadway (Baseline Road). The detached dwelling has expanded approximately 2.5 metres to the south and meets all the required setbacks set out in Zoning By-laws 500 and 600, as amended. The enlarged dwelling is of an appropriate size for the rural nature of the property. Furthermore, the dwelling is generally compatible with the dwelling sizes and uses of neighbouring rural properties.

Staff are of the opinion that the application is desirable for appropriate development of the subject property and that the application will not result in undue adverse impacts on the surrounding properties and neighbourhood.

## **6. CONCLUSION:**

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application A34-24, as it pertains to the expansion of the legal non-conforming single detached dwelling, is appropriate 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 Photos*

*Attachment 3 – Site Plan and Elevations*

*Attachment 4 – Comments*