

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0022

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

March 31, 2025

SUBJECT: MINOR VARIANCE APPLICATION MV-2025-0004

97 NORTH STREET

PLAN 69, BLOCK 2, LOT 3

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2025-0022 prepared by the Development Planning Division, Development Services Department, dated March 31, 2025, respecting Minor Variance Application MV-2025-0004 for the property municipally addressed as 97 North Street; 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 MV-2025-0004 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 8 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 6 metres, whereas detached accessory buildings may have a maximum height to the eaves of 4.5 metres;
 - iii) Section 5.1(e): To permit a maximum lot coverage of 18% for all accessory structures, whereas a maximum lot coverage of 10% for all accessory structures is permitted;
 - b) That the approval of Minor Variance Application MV-2025-0004 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 2 to Report DS-2025-0022, in accordance with the relief recommended to be approved in Recommendation 2a);

c) That the approval of Minor Variance Application MV-2025-0004 be subject to the following condition(s):

i) Submission to the Secretary-Treasurer of written confirmation from the Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2025-0022 have been addressed to the Division's satisfaction; 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 MV-2025-0004 for the property located at 97 North Street regarding the construction of a detached garage with a second storey additional dwelling unit.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
97 North Street
Plan 69, Block 2, Lot 3
Roll #: 071-164

PROPOSAL

The owner of the subject property is proposing to construct an accessory structure (a detached garage with an additional dwelling unit) on the subject lands.

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 8 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 6 metres, whereas detached accessory buildings may have a maximum height to the eaves of 4.5 metres.
- iii) Section 5.1(e): To permit a maximum lot coverage of 18% for all accessory structures, whereas a maximum lot coverage of 10% for all accessory structures is permitted.

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 97 North Street. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	97 North Street	
Zoning	Low-Density Urban Residential (R1) Zone	
Frontage	20.12 Metres	
Area	1,012 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	NA	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling and Detached Garage	
Proposed Structures	Detached Garage with Additional Dwelling Unit	
Heritage Status	Listed	
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 March 10, 2025, to all landowners within 60.0 metres of the subject property. Subsequently, there was a correction to variance ii, thus the application was recirculated on March 12, 2025. 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 MV-2025-0004 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).

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

- Plumbing / Building Inspector – Building Division
- Georgina Fire Department
- Ministry of Transportation
- 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 MV-2025-0004 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 Area 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 Low-Density Urban Residential (R1) Zone on Map 7 of Schedule 'A' to Zoning By-law No. 500, as amended. A Single-detached dwelling and accessory structures, buildings and uses are permitted in the R1 zone.

a. Accessory Structure Height

Section 5.1 (f) of Zoning By-law No. 500, as amended, permits a maximum height of 6.0 metres from the average grade to the highest point of the structure and 4.5

metres to the eaves for accessory structures on lots 600 square metres or greater. The Applicant has requested relief to allow a maximum height of 8 metres to the peak and 6 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 2 metres to the peak and 1.5 metres to the eave and is provided to give additional space for the garage and an additional dwelling unit above the garage. The proposed accessory structure is not anticipated to be taller than the existing two storey single detached dwelling, which is approximately 8 metres in height.

It is noted that the proposed accessory structure will back onto an unopened laneway located in Sutton. Given that 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 on the street and neighbouring properties.

Lot Coverage Accessory Structures

Section 5.1(e) of Zoning By-law 500, as amended, requires a maximum lot coverage for all accessory structures of 10%. The applicant is requesting relief to permit a maximum lot coverage for all accessory structures to be 18%.

The intent of this section of Zoning By-law 500 is to limit the size of accessory structures on a property.

The accessory structure lot coverage being proposed is approximately 16%. The applicant has requested relief to permit 18% lot coverage for the accessory structure to provide flexibility. The applicant is proposing to keep the existing detached garage for the single detached dwelling, which needs increased lot coverage to accommodate the existing detached garage and the proposed accessory dwelling unit.

Additionally, the subject property is still required to not exceed the total 35% lot coverage. Currently, the existing house covers 9% of the lot coverage. Thus, the increase to 18% lot coverage for all accessory structures and the lot coverage for the single detached dwelling (9%) do not exceed what is permitted for the subject property for total lot coverage (35%).

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 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 and accessory structures located in similar locations.

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 MV-2025-0004, 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, Elevations and Floor Plan

Attachment 3 – Site Photos

Attachment 4 – Comments