

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2026-0014

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

April 13, 2026

**SUBJECT: MINOR VARIANCE APPLICATION MV-2025-0026
242 PEFFERLAW ROAD, PEFFERLAW
CONCESSION 5, PART OF LOT 23**

1. RECOMMENDATIONS:

1) That the Committee of Adjustment deny Minor Variance Application MV-2025-0026 to permit relief from the following:

a) Section 14.1: To permit a single detached dwelling, whereas the only residential use is one dwelling unit above the first-storey or within the rear of a non-residential building other than a mechanical garage.

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application MV-2025-0026 for the property located at 242 Pefferlaw Road, regarding converting the existing commercial building into a single detached dwelling.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
242 Pefferlaw Road
Concession 5, Part of Lot 23
Roll #: 054-235

3.1 PROPOSAL

The owner of the subject property is proposing to convert the existing commercial building to a single detached dwelling on the subject property.

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

i) Section 14.1: To permit a single detached dwelling, whereas the only residential use is one dwelling unit above the first-storey or within the rear of a non-residential building other than a mechanical garage.

A Survey showing the proposal and the requested relief are included as Attachment 2.

3.2 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 242 Pefferlaw Road. A summary of the characteristics of the property is as follows:

| General Property Information | | |
|--|--|-----------------|
| Municipal Address | 242 Pefferlaw Road | |
| Zoning | Site Specific General Commercial (C1-1) Zone | |
| Frontage | 17 metres | |
| Area | 746.1 square metres | |
| Secondary Plan Land Use Designation | Commercial (Pefferlaw Secondary Plan) | |
| Regional Official Plan Land Use Designation | Community Area | |
| Related Applications | None | |
| Land Use and Environmental Considerations | | |
| Existing Structures | Commercial Building | |
| Proposed Structures | None | |
| Heritage Status | Neither Listed nor Designated | |
| Regulated by LSRCA | Partial, at the rear of the property | |
| Key Natural Heritage Features | None | |
| Natural Hazards | None | |
| Servicing | | |
| | Existing | Proposed |
| Water | Private | Private |
| Sanitary | Private | Private |
| Access | Driveway | None |

3 COMMENTS:

3.2 PUBLIC COMMENTS:

As of the date of writing this report, Town Staff have not received any submissions from the general public.

3.3 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application MV-2025-0026 are outlined below.

| Department or Agency | Comments |
|-----------------------------|----------------------|
| Building Division | No comments received |

| | |
|---|---|
| Plumbing and Building Inspector – Building Division | No septic record. The septic system will need an evaluation. |
| Development Engineering Division | No comments |
| Economic Development and Tourism Division | No concerns |
| Georgina Fire Department | No objections |
| Operations and Infrastructure Department | No comments |
| Tax and Revenue | No Tax concerns |
| Municipal Law Enforcement Division | No comments |
| LSRCA | That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule, the applicable fee for Minor Variance (Minor – planner review only) is \$536. (Attachment 4) |
| Ministry of Transportation | No comments |
| York Catholic District School Board | No comments received |
| York Region District School Board | No comments |
| York Region | No comments |

4 **ANALYSIS:**

The following evaluation of Minor Variance Application MV-2025-0026 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? – No

The subject property is designated Commercial in the Pefferlaw Secondary Plan. Section 13.3.4.2 of the Pefferlaw Secondary Plan states that Commercial classification shall be used for the purpose of buying, selling, leasing and exchanging of commodities and the supplying, selling and leasing of personal, business and recreational services. This section also references that Section 5.2.3 of the 1982 Georgina Official Plan continues to apply, which includes policies related to the Central Business Districts in Georgina, including this section of Pefferlaw (between Main Street and Station Road).

Section 5.2.3.1 of the 1982 Official Plan outlines principles for the development of Central Business Districts. The Plan specifies that in order to maintain a continuous pedestrian shopping frontage in the Central Business Districts, street frontages, where practical, should be restricted to commercial or office uses only. Residential uses in the Central Business District are permitted only in apartment units above permitted businesses on the second storey and in the rear and additional residential uses will only be permitted through a site-specific amendment to the zoning by-law. No stand-alone single detached dwellings are permitted in this area unless they existed prior to the date of passing of the bylaw.

Staff are of the opinion that the intent of the Commercial designation is to only permit accessory apartments above the first storey or in the rear of the building. The applicant is requesting a residential use to be a primary use on the lands, which if permitted would no longer meet the intent of the Commercial designation or comply with the designation's permitted uses. Should the applicant choose to pursue a residential use as a primary use on the property, a zoning bylaw amendment would be required and may also be required to submit an amendment to the Pefferlaw Secondary Plan.

Staff are of the opinion that the proposal does not maintain the general intent and purpose of the Official Plan.

ii. Is the general intent and purpose of the Zoning By-law maintained? – No

The subject property is zoned Site-Specific General Commercial (C1-1) Zone on Map 10 of Schedule 'A' to Zoning By-law No. 500, as amended. Single Detached Dwellings are not permitted in this zone.

a. Permitted Uses

Section 14.1 of Zoning By-law No. 500, as amended, permits one dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a mechanical garage. The Applicant has requested relief to permit a single detached dwelling in the existing building.

The general intent of this section is to preserve the commercial downtown of Pefferlaw in order to maintain continuous pedestrian shopping frontage.

Staff note that Section 45(2) (b) of the *Planning Act* enables the Committee of Adjustment to add a permitted use which is similar to the uses already permitted in the zone:

“Where the uses of land, buildings or structures permitted in the by-law are defined in general terms, [the committee] may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.”

Zoning Bylaw 500, as amended, lists the following permitted residential uses (Section 14.1) in the General Commercial (C1) zone:

- one dwelling unit in a storey above the first storey or within the rear of a non-residential building other than a mechanical garage

Additionally, Zoning Bylaw 500, as amended, outlines an extensive list of non-residential uses for the General Commercial (C1-1) zone outlined in section 14.2. Uses within the C1-1 zone include a variety of commercial uses, including but not limited to retail uses, restaurant uses, service commercial uses, studios,

automotive and service shop uses and accessory structures and uses to any permitted use.

The Applicant has indicated that they do not intend to operate a commercial business from the existing building and wish to use it solely as a residential dwelling. Staff are of the opinion that this use does not conform to the uses permitted in Zoning Bylaw 500, as amended. Staff are of the opinion that adding a standalone residential use does not comply with the intended commercial function for the C1 zone.

Changing the zoning to allow for a single detached dwelling to the residential uses may be facilitated through a Zoning Bylaw Amendment, which is decided by Council.

Staff are of the opinion that the proposed variance does not maintain the general intent and purpose of Zoning Bylaw 500, as amended.

iii) Is the Minor Variance desirable for the appropriate development of the property or use of land, building or structure? – No

The proposed use is not in keeping with the neighbourhood's existing physical character, as the intent of Pepperlaw Road is to have a walkable commercial downtown core.

Staff note that there are seven legal non-conforming single-detached dwellings within the C1-1 located near the subject property. These buildings may continue to be used as a single detached dwelling. However, if these buildings are converted to a commercial use, the buildings cannot revert back to a primary residential use without *Planning Act* Approval, typically obtained through a Zoning Bylaw Amendment.

Staff note that the existing building has previously operated as a commercial business on the ground floor with an accessory dwelling unit above.

Staff are of the opinion that the proposal is not desirable for the appropriate development of the subject land and the surrounding neighbourhood.

iv) Is the relief sought minor in nature? – No

In considering whether the relief sought is minor, 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 not minor in nature.

5 **CONCLUSION:**

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application MV-2025-0026, as it pertains to the proposed single detached dwelling use, does not meet the four (4) prescribed tests set out in Section 45(1) of the Planning Act, R.S.O. 1990.

Staff are of the opinion that a Zoning Bylaw Amendment is the appropriate application sought to request the proposed additional permitted uses.

APPROVALS:

Prepared by:

Monika Sadler
Planner I

Approved By:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Survey

Attachment 3 – Site Photos

Attachment 4 – LSRCA Comments