

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2026-0033

FOR THE CONSIDERATION OF  
COMMITTEE OF ADJUSTMENT

May 4, 2026

SUBJECT: MINOR VARIANCE APPLICATION MV-2025-0033

6311 SMITH BOULEVARD

CONCESSION 3, PART OF LOT 4

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1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment approve Minor Variance Application MV-2025-0033 to permit relief from the following:
  - a) Section 10.1: To permit an additional dwelling unit in a detached building, whereas an additional dwelling unit is not permitted;
  - b) Section 6.2 (a) (iii): To permit an additional dwelling unit in a detached building, whereas an additional dwelling unit is not permitted;
  - c) Section 6.2 (b) (iii): to permit a detached additional dwelling unit at a height of 9.0 m, whereas a maximum height of 7.5 m is required for an additional dwelling unit;
  - d) Section 10.4 (f): to permit a detached additional dwelling unit with a minimum interior side yard setback of 8.7 metres, whereas a minimum interior side yard setback of 9 m is required for the Environmental Protection zone;
- 2) That the approval of Minor Variance Application MV-2025-0033 be subject to the following term(s):
  - a) That the proposed additional dwelling unit be constructed in general conformity with Attachment 2 to Report DS-2026-0033, in accordance with the relief recommended to be approved in Recommendation 1; and,
  - b) That the proposed additional dwelling unit must comply with Section 6.2 (b) of Zoning Bylaw 600, as amended, unless otherwise noted in this minor variance.

## 2. **PURPOSE:**

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application MV-2025-0033 for the property located at 6311 Smith Boulevard regarding the construction of an additional dwelling unit above the detached garage.

## 3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 4)  
6311 Smith Boulevard  
Concession 3, Part of Lot 4  
Roll #: 014-540

### 3.1 **PROPOSAL**

The owner of the subject property is proposing to construct an additional dwelling unit above the approved proposed detached garage on the subject lands.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief for the proposed additional dwelling unit:

- i) Section 10.1: To permit an additional dwelling unit in a detached building, whereas an additional dwelling unit is not permitted.
- ii) Section 6.2 (a) (iii): To permit an additional dwelling unit in a detached building, whereas an additional dwelling unit is not permitted.
- iii) Section 6.2 (b) (iii): to permit a detached additional dwelling unit at a height of 9.0 m, whereas a maximum height of 7.5 m is required for an additional dwelling unit.
- iv) Section 10.4 (f): to permit a detached additional dwelling unit with a minimum interior side yard setback of 8.7 metres, whereas a minimum interior side yard setback of 9 m is required for the Environmental Protection zone.

A Site Plan 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 6311 Smith Boulevard. A summary of the characteristics of the property is as follows:

<b>General Property Information</b>		
<b>Municipal Address</b>	6311 Smith Boulevard	
<b>Zoning</b>	Environmental Protection (EP) Zone	
<b>Frontage</b>	67.07 metres	
<b>Area</b>	12.5 hectares	
<b>Official Plan Land Use Designation</b>	Environmental Protection Area	
<b>Regional Official Plan Land Use Designation</b>	Agricultural Area	
<b>Related Applications</b>	CA 43/79	
<b>Land Use and Environmental Considerations</b>		
<b>Existing Structures</b>	None	
<b>Proposed Structures</b>	Accessory structure with an additional residential unit and a single detached dwelling.	
<b>Heritage Status</b>	Neither Listed nor Designated	
<b>Regulated by LSRCA</b>	Yes	
<b>Key Natural Heritage Features</b>	Woodland and Wetland at the rear	
<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>	Existing 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-2025-0033 are outlined below.

<b>Department or Agency</b>	<b>Comments</b>
Building Division	No comments received
Georgina Fire Department	No comments
Development Engineering Division	No objections. A Site Alteration Permit shall be required from the Development Engineering Division before an application for a Building Permit (Attachment 5).
Operations and Infrastructure Department	No comments
Tax and Revenue	No tax concerns

Municipal Law Enforcement Division	No comments received
LSRCA	An LSRCA permit has already been obtained for the proposal. As such, all concerns related to natural hazards have been addressed through the permit process. We will not be providing a formal comment letter or requesting a fee for this application. I would, however, like to note that the drawings submitted through the variance appear to differ from the approved permit drawings. Please have the Applicant reach out to Jennifer Dawson of our office to confirm if a revised permit will be required.
Ministry of Transportation	No comments received
York Catholic District School Board	No comments
York Region District School Board	No comments received
York Region	No comments

#### 4 **ANALYSIS:**

The following evaluation of Minor Variance Application MV-2025-0033 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 Environmental Protection Area in the Town's Official Plan. A single detached dwelling and accessory uses, on an existing vacant lot of record, are permitted in the Environmental Protection Area subject to policy 5.3.1.12. Staff note that the request is to permit an Additional Residential Unit within an accessory structure, which was issued a building permit from the Town. Due to previous approvals for the accessory structure, an EIS is not required for the proposed minor variance.

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 Bylaw maintained? – Yes*

The subject property is zoned Environmental Protection (EP) Zone on Map 22 of Schedule 'B' to Zoning Bylaw No. 600, as amended. Additional Dwelling Units are not permitted in the EP zone.

In 1979, a minor variance application (CA 43/79) was approved to permit the construction of a single detached dwelling on the subject property, which was classified as Rural undersize prior to Zoning Bylaw 600 coming into force and effect. Section 1.4 of Zoning By-law 600 grants any minor variance permitted under Zoning By-law 911 and Zoning By-law 500 to continue to apply.

Staff note that the proposed accessory structure and single detached dwelling are currently under construction and that the applicant has obtained a building permit. This minor variance application is to convert the storage area about the garage to an additional dwelling unit.

a. Additional Dwelling Unit

Section 10.1 and 6.2 (a) (iii) of Zoning Bylaw No. 600, as amended, does not permit additional dwelling units in the Environmental Protection Zone. The Applicant has requested relief to permit an additional dwelling unit in a detached building on the subject property.

The general intent of this section is to preserve environmental features on the subject property and ensure that additional residential uses do not negatively affect the natural heritage features.

Staff note that since the single detached dwelling and accessory structure are able to be constructed without the need for *Planning Act* Approval, staff are of the opinion that converting the proposed storage area to an additional dwelling unit is reasonable and will not negatively affect the subject property.

Staff note that this section of the property is already disturbed by the proposed driveway and accessory structure, and staff are of the opinion that the proposed additional dwelling unit will not negatively affect the natural heritage features on the subject property.

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.”

Staff are of the opinion that since there is a building permit for a single detached dwelling and an accessory structure and are currently under construction on the subject property, the proposed additional dwelling unit does conform to the permitted uses in this bylaw, as all other zones that have single detached dwellings are permitted accessory dwelling units.

b. Height of an Additional Dwelling Unit

Section 6.2 (b) (iii) of Zoning Bylaw No. 600, as amended, permits a maximum height of a detached building containing an additional dwelling unit to be 7.5 metres. The Applicant has requested relief to allow a maximum height of a detached building containing an additional dwelling unit to be 9 metres.

The general intent of the maximum height of a detached building containing an additional dwelling unit is to ensure consistency and compatibility with surrounding lots with respect to building height and shadow casting, and to ensure that the additional dwelling unit remains accessory to the primary structure.

The proposed height of the detached building is greater than that of the proposed single detached dwelling, but only takes up a portion of the existing accessory structure.

The subject property is on a large lot in a rural setting with neighbouring houses located further away than a residential subdivision. Staff are of the opinion that the proposed height will not negatively affect neighbouring properties and will remain secondary to the single detached dwelling.

c. Side Yard setback of an Additional Dwelling Unit

Section 10.4 (f) of Zoning Bylaw No. 600, as amended, requires an interior side yard setback of 9 metres. The applicant is requesting relief to allow a minimum interior side yard setback of 8.7 metres for the proposed accessory structure.

The general intent of the minimum yard requirements is to ensure compatibility with surrounding lots and to provide access for maintenance.

Staff are of the opinion that the relief will not adversely impact neighbouring properties, as the neighbour located on the west house is over 120 metres away from the lot.

Staff notes that the proposed accessory structure has already started construction, and the 0.3 metres reduction will still create a larger enough setback for access to the rear yard.

Staff are of the opinion that the proposed variances 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? – Yes*

The proposed accessory structure with additional dwelling is in keeping with the existing physical character of the neighbourhood, as the area generally consists of rural lots, agricultural lots, and properties containing various buildings and uses

Staff are satisfied that the proposal is desirable for the appropriate development of the subject land and the 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.

## 5 **CONCLUSION:**

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application MV-2025-0033, as it pertains to the proposed additional dwelling unit, 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 – Elevations*

*Attachment 4 - Site Photos*

*Attachment 5 – Comments*