

## STAFF REPORT

**TO:** Committee of Adjustment

**FROM:** Cameron Watt, Planner I

**SUBJECT:** **A00924, Adam Mighton on behalf of Domenic Donato**  
53 48th Street North  
Minor Variance – Lot Coverage

**DATE:** May 8, 2024

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### LANDS SUBJECT TO THE APPLICATION:

The subject lands are municipally addressed as 53 48th Street North, Town of Wasaga Beach, County of Simcoe, and legally described as PLAN 869 LOT 111.

### PURPOSE AND EFFECT:

An Application for Minor Variance has been submitted by Adam Mighton on behalf of Domenic Donato, owner of the subject lands.

The application requests relief from Section 4, “Residential Type 1 (R1) Zone”, of Comprehensive Zoning By-law 2003-60, as amended.

Specifically, the applicant requests relief from:

- Section 4.3.9 – to permit an increased lot coverage of 45.1%, whereas the maximum lot coverage is 35% for all buildings and structures.

The variance requested would recognize the existing 18.6 square metre (200.2 sq. ft.) shed in the rear yard, and permit the construction of a new 193.2 sq. m. (2079.58 sq. ft.) single-detached dwelling with a 39.9 sq. m. (429.48 sq. ft.) covered deck located in the rear yard.

**Figure 1: Site Location**

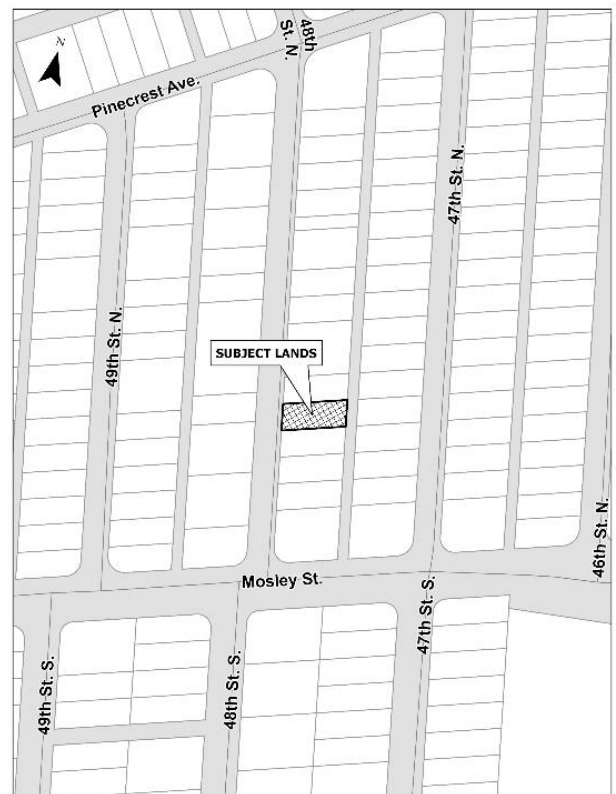
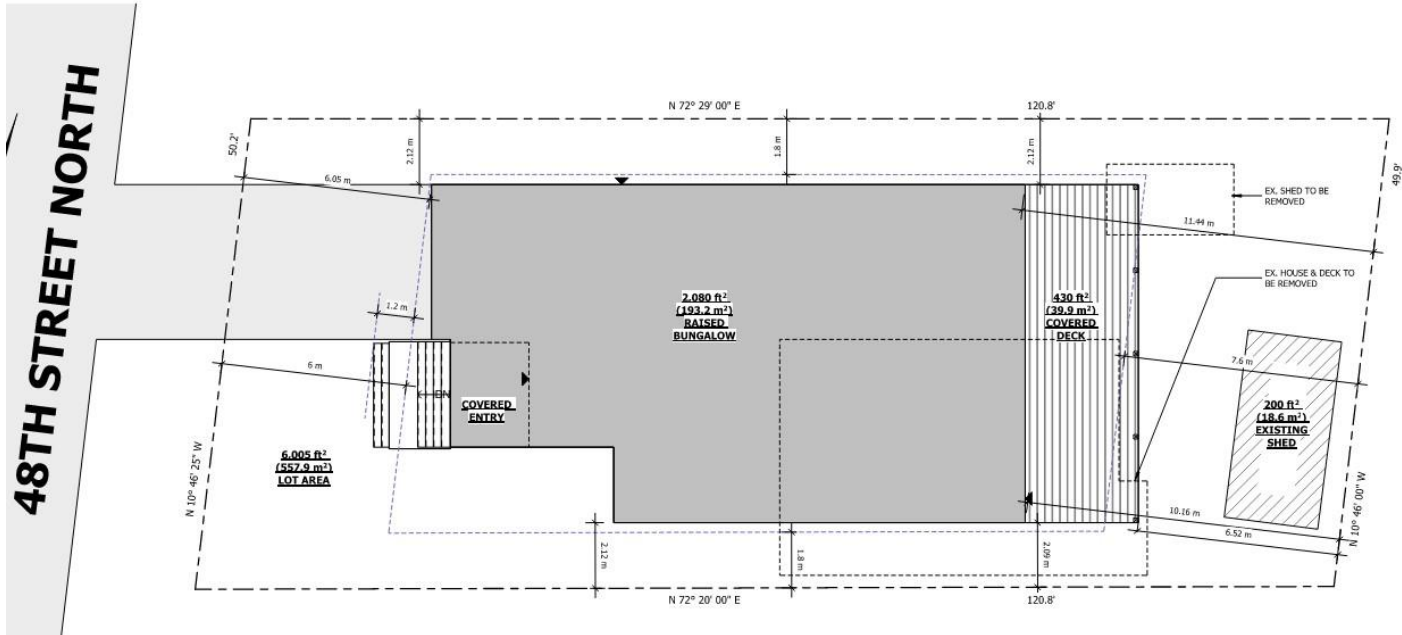


Figure 2: Proposed Site Plan Submission

**RECOMMENDATION:**

In consideration of the foregoing, the Planning Department supports application **A00924** subject to the following conditions being applied:

1. THAT the development will be substantially consistent with the site plan provided with the application, contained within "Appendix 1" of this report at the time of the building permit review.

**COMMENTS:**

Submitted From	Comments
Town of Wasaga Beach Public Works/Engineering Department	The Town's Public Works/Engineering department does not oppose the application. Please see 'Appendix 2' for a copy of the formal comments.
Nottawasaga Valley Conservation Authority (NVCA)	The subject lands are not located within the NVCA regulation area.
Wasaga Distribution Inc. (WDI)	WDI does not oppose the application. See 'Appendix 3'.

**SUBJECT SITE:**

The subject lands are located on east side of 48<sup>th</sup> Street North, between the intersections of Mosley Street and Pinecrest Avenue. The subject lands have a frontage of approximately 15.3 metres (50.1

ft.), a depth of approximately 36.82 metres (120.8 ft.) and an area of approximately 563.35 square metres (6063.84 square feet).

The surrounding neighbourhood area consists of lands that are predominantly zoned “Residential Type 1” (R1), and are occupied by single detached dwellings. There are also some surrounding lands to the south-east that are zoned District Commercial (CD).

The subject lands are zoned “Residential Type 1” (R1) within the Town’s Comprehensive Zoning By-law 2003-60 as amended, and is designated ‘Residential’ within the Town of Wasaga Beach Official Plan.

#### **APPLICATION:**

The applicant is requesting relief from Section 4.3.9 of the Town’s Zoning By-law, as summarized in the table below:

#### **Section 4.3.9 – Lot Coverage (maximum)**

<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
35%	45.1%	10.1%

#### **ANALYSIS:**

##### **Planning Act, R.S.O. 1990, c. P.13**

The Ontario *Planning Act* requires that in making planning decisions, the Committee must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and the Provincial Policy Statement, as outlined by Section 3 of the Act. Based on review of the pertinent policies, Staff have no concerns with respect to the provisions of Section 2 of the Ontario *Planning Act*.

##### **Provincial Policy Statement (2020)**

Section 3(5) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, provides that the Council of a municipality, or a Committee of Adjustment, in exercising any authority that affects a planning matter, shall be consistent with the policy statements issued by the Province. Upon review of the policies outlined in the Provincial Policy Statement (2020), it is the opinion of Planning staff that the Minor Variance, if granted, will be consistent with this subsection of the *Planning Act*.

##### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

Section 14(1) of the *Places to Grow Act, S.O. 2005, c.13*, as amended, provides that a decision under the *Planning Act* that relates to a growth plan area shall conform with a growth plan that applies to that growth area. Planning Services staff are of the opinion that the Minor Variance, if granted, will conform to *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 2020)*.

##### **County of Simcoe Official Plan**

The subject lands are designated “Settlement” in the Official Plan for the County of Simcoe. The County of Simcoe Official Plan contains policies relating to the orderly development of those areas that are designated as Settlement. The County of Simcoe has provided no comments with respect to this application. However, it is the opinion of Planning Services staff that the Minor Variance, if granted, will conform to the County of Simcoe Official Plan.

### **Maintains the General Intent of the Official Plan**

The subject property is designated Residential within the Town of Wasaga Beach Official Plan. The new proposed single detached dwelling (inclusive of the covered deck) and the existing shed are permitted in the Residential designation. The proposal maintains the general intent of the Official Plan.

### **Maintains the General Intent of the Zoning By-law**

The subject lands are zoned “Residential Type 1” (R1), within the Town’s Zoning By-law 2003-60, as amended. The new proposed dwelling (inclusive of the covered deck) as well as the existing shed are permitted within this zone category, subject to compliance with applicable provisions of the Zoning By-law.

The applicant has requested relief from Section 4.3.9 of the Zoning By-law, to permit a total lot coverage of 45.1%, whereas a maximum total lot coverage of 35% is permitted.

The intent of the maximum lot coverage provision is to ensure that drainage is maintained on the subject property and does not drain on to neighbouring properties or municipal roadways, and to ensure that residential parcels are not dominated by structures.

The Town’s Public Works/Engineering Department does not oppose the requested relief, and has advised that the property owner must manage all storm water within the property and not impact adjacent lands.

With the exception of the deficient lot coverage provision, the new proposed development appears to demonstrate compliance with all other applicable provisions in the Town’s Zoning By-law, including the minimum interior side yard setback requirement, minimum rear yard setback and deck projection requirements. The increased lot coverage for the new proposed development does not appear to interfere with the functionality of the property, and it allows for sufficient open space to be retained for landscaping purposes.

Planning staff submit that the request for relief from the 35% lot coverage maximum, to permit the construction of a new 193.2 sq. m. (2079.58 sq. ft.) single-detached dwelling with a 39.9 sq. m. (429.48 sq. ft.) covered deck located in the rear yard, and to recognize the location of an existing 18.6 square metre (200.2 sq. ft.) shed, for an overall lot coverage of 45.1%, generally meets the intent of the Zoning By-law.

### **Desirable for the Appropriate Development of the Land**

Planning staff recommend that the variance to permit an increased total lot coverage of 45.1%, is not anticipated to impact the proper use of the land, the neighbourhood, nor the municipality. Planning staff suggest that the variance is considered desirable and appropriate for the development of the land.

**Considered Minor in Nature**

Planning staff recommend that the variance applied for is considered minor in nature, and would result in minimal impact relative to a form of development that would comply with existing provisions of the Zoning By-law.

**CONCLUSION:**

In consideration of the above, the Planning Department supports application **A00924** for the lands municipally addressed as 53 48th Street North. Should the Committee choose to approve application **A00924**, Planning staff recommend this approval also be subject to the above noted conditions.

Respectfully Submitted,



Cameron Watt  
Planner I

Appendix 1: Applicant's Site Plan Submission

Appendix 2: Town of Wasaga Beach Public Works/Engineering Department Comments

Appendix 3: Wasaga Distribution Inc. Comments