

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0055

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

October 7, 2024

**SUBJECT: MINOR VARIANCE APPLICATION A19-24
800 MONTSELL AVENUE
PLAN 331 LOT 42**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0055 prepared by the Development Planning Division, Development Services Department, dated October 7, 2024, respecting Minor Variance Application A19-24, for the property municipally addressed as 800 Montsell Avenue; 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 A19-24 to permit relief from the following:
 - i) Section 5.1(b): To permit the construction of an accessory structure in the front yard, whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard;
 - b) That the approval of Minor Variance Application A19-24 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 3 to Report DS-2024-0055, in accordance with the relief recommended to be approved in Recommendation 2a);
 - c) That the approval of Minor Variance Application A19-24 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 5 to Report No. DS-2024-0055 have been addressed to the satisfaction of the Development Engineering Division; 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 A19-24, for the property located at 800 Montsell Avenue, regarding the construction of a detached garage.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
 800 Montsell Avenue
 Plan 331 Lot 42
 Roll #: 138-223

PROPOSAL

The owner of the subject property is proposing to construct an accessory structure (detached garage) in the front yard.

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

- i) **Section 5.1(b):** To permit the construction of an accessory structure in the front yard, whereas an accessory structure shall not be erected in any yard other than in an interior side yard or rear yard.

A Site Sketch and building plans showing the proposal and the requested relief are included as Attachment 2 and 3.

3.1 SUBJECT PROPERTY AND THE SURROUNDING AREA:

The subject property is located at 800 Montsell Avenue. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	800 Montsell Avenue
Zoning	Residential (R)
Frontage	15 Metres
Area	873.2 Square Metres
Official Plan / Secondary Plan Land Use Designation	Serviced Lakeshore Residential Area
Regional Official Plan Land Use Designation	Rural Area
Related Applications	None
Land Use and Environmental Considerations	

Existing Structures	Single Detached Dwelling	
Proposed Structures	Detached Garage	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Not regulated	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveway	Existing 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 September 27, 2024, 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 A19-24 are outlined below.

The Building Division has indicated no objections and advises the applicant that the detached garage will require a building permit.

The Development Engineering Division has indicated (Attachment 5) that they have no objections and require, as a condition of the minor variance, that the applicant/owner provide a detailed lot grading and drainage plan.

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

- Chippewas of Georgina
- Georgina Fire Department
- Municipal Law Enforcement
- Operations and Infrastructure Division
- Tax and Revenue

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A19-24 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 Serviced Lakeshore Residential Area in the Official 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 Residential (R) on Map 5 (page 1) of Schedule 'A' to Zoning By-law No. 500, as amended. A single-detached dwelling and accessory structures are permitted in the R zone.

a. Accessory Structure in the Front Yard

Section 5.1 (b) of Zoning By-law No. 500, as amended, permits accessory structures in the rear or interior side yard. The Applicant is requesting relief to allow an accessory structure to be constructed in the front yard.

As per Section 2.123 of Zoning By-law No. 500, as amended, the southern lot line located on Metro Road of the subject property is the Front Lot line as it is the shorter lot line for the corner lot.

The general intent of this requirement is to ensure that the streetscape develops in an orderly manner and that adequate space is provided in the front yard and exterior side yard for amenities and landscaping.

The front yard is defined as the area between the front lot line and the nearest wall of the main building or structure on the lot, per Section 2.229 of Zoning By-law 500, as amended. The proposed detached garage is to be located within the front yard but set back 19 metres from the front lot line, which is significantly more than the front yard setback requirement for a single detached dwelling (6 metres).

Due to this large setback, there is significant space in the front yard to accommodate the required amenity space and landscaped area.

Staff are of the opinion that the proposed variance maintains 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 single detached dwellings and accessory structures.

Staff note that several lots near the property have buildings that are in similar locations as the proposed accessory structure. Staff note the proposed garage would meet the front yard setback requirements for a single detached dwelling. Additionally, along the exterior side and front lot line there are hedges that will reduce any visual impacts to the streetscape making the proposed location appropriate for the development.

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 A19-24, 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:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Architectural Drawings

Attachment 4 – Site Photos

Attachment 5 – Comments