

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0028

FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT

June 3, 2024

SUBJECT: MINOR VARIANCE APPLICATION A04-24
44 EDITH STREET, JACKSON'S POINT
PART OF LOT 18, CONCESSION 9 (NG)

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0028 prepared by the Development Planning Division, Development Services Department, dated June 3, 2024, respecting Minor Variance Application A04-24, for the property municipally addressed as 44 Edith Street, Jackson's Point; 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 A04-24 to permit relief from the following:
 - i) Section 5.40: To permit an existing shipping container to be used for storage purposes, whereas the use of a shipping container for storage purposes is not permitted.
 - b) That the approval of Minor Variance Application A04-24 be subject to the following term(s):
 - i) That the existing shipping container be clad in wood siding so that it is not evident that the underlying structure is a shipping container;
 - c) That the approval of Minor Variance Application A04-24 be subject to the following condition(s):
 - i) Submission to the Secretary-Treasurer of written confirmation from the Development Planning Division that the shipping container has been clad in wood siding to the Division's satisfaction; and,
 - ii) That the above noted condition(s) 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 A04-24, for the property located at 44 Edith Street, regarding the legalization of a shipping container as an accessory structure for storage purposes.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
44 Edith Street
Part of Lot 18, Concession 9 (NG)
Lot 42, Judge's Plan 602
Roll #: 136-219

The subject property was the subject of [Consent \(B01-24\)](#). One of the conditions of the consent application is that the owner submits and obtains approval of a minor variance application to permit an existing shipping container used for storage to remain on the remainder lands. The Notice of Decision of the Committee of Adjustment for Application B01-24 is included as Attachment 4.

PROPOSAL

The owner of the subject property is proposing to legalize the location of an existing shipping container as an accessory structure.

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

- i) **Section 5.40:** To permit a shipping container to be used for storage purposes, whereas the use of a shipping container for storage purposes is not permitted.

A Site Sketch 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 44 Edith Street. A summary of the characteristics of the property is as follows:

General Property Information	
Municipal Address	44 Edith Street
Zoning	Low Density Urban Residential (R1-117)
Frontage	47.24 Metres
Area	1408.13 Square Metres
Official Plan /	Stable Residential Area

Secondary Plan Land Use Designation		
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling and shipping container	
Proposed Structures	None	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Not regulated	
Key Natural Heritage Features	None	
Natural Hazards	None	
Servicing		
	Existing	Proposed
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 May 15, 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 A04-24 are outlined below.

The Development Planning Division has indicated no objections and requires that the owner clad the shipping container in wood siding to reduce the visual impacts.

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

- Economic Development Division
- Development Engineering Division
- Georgina Fire Department
- Municipal Law Enforcement Division
- Operations and Infrastructure Division

- Tax and Revenue Division
- Regional Municipality of York

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A04-24 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 Stable Residential Area in the Town of Georgina Official Plan. Single detached dwellings and accessory buildings, structures and uses thereto are permitted in this designation. For the purpose of this report, the existing shipping container is considered to be an accessory structure, as the Official Plan is silent on the matter of shipping containers.

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 (R1-117) on Map 6a of Schedule 'A' to Zoning By-law No. 500, as amended. Shipping containers are not permitted in any zone, but accessory structures are permitted in the R1-117 Zone. For the purpose of this report, the existing shipping container is considered to be an accessory structure.

a. Shipping Container

Section 5.40 of Zoning By-law No. 500, as amended, states that no shipping containers shall be used for storage whether or not it is mounted on wheels. The applicant is requesting relief to legalize and permit an existing shipping container located in the rear of the subject property.

The general intent of prohibiting shipping containers in all zones is to reduce visual impacts on neighbouring properties and the streetscape. The shipping container is located in the rear of the subject property and built into the applicant's fence and is not visible from the street.

The Development Planning Division has proposed a condition and a term that the applicant clad the shipping container in wood siding to reduce the visual impacts on neighbouring properties.

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

Subject to the condition and term recommended in Section 1 of this report. Staff are of the opinion that the existing shipping container is consistent with the single detached dwellings and accessory structures in the neighbourhood.

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 notes 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 and the condition and term recommended in Section 1 of this report, 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 A04-24, as it pertains to the existing shipping container, 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 – Site Photos

Attachment 4 – Notice of Decision B01-24