

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0039

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT
July 29, 2024**

**SUBJECT: MINOR VARIANCE APPLICATION A07-24
19 MUM'S AVENUE, SUTTON
PLAN 427 LOT 105**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0039 prepared by the Development Planning Division, Development Services Department, dated July 29, 2024, respecting Minor Variance Application A07-24, for the property municipally addressed as 19 Mum's Avenue, Sutton; 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 A07-24 to permit relief from the following:

Section 5.1 (f): To permit an accessory structure with a height of 5.49 metres, whereas the maximum height of an accessory structure cannot exceed 4.5 metres from the average grade to the highest point of the structure;
 - b) That the approval of Minor Variance Application A07-24 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 3 to Report DS-2024-0039, in accordance with the relief recommended to be approved in Recommendation 2a);

2. PURPOSE:

The purpose of this report is to provide Staff's analysis concerning Minor Variance Application A07-24, for the property located at 19 Mum's Avenue, regarding the construction of a detached garage.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
19 Mum's Avenue
Plan 427 Lot 105
Roll #: 034-266

PROPOSAL

The owner of the subject property is proposing to construct an accessory structure (detached garage) for personal storage. The increased height will help accommodate additional storage, such as a tractor/car hoist and personal recreational vehicles.

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

- i) **Section 5.1 (f):** To permit an accessory structure with a height of 5.49 metres, whereas the maximum height of an accessory structure cannot exceed 4.5 metres from the average grade to the highest point of the structure.

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 19 Mum's Avenue. A summary of the characteristics of the property is as follows:

| General Property Information | |
|---|---|
| Municipal Address | 19 Mum's Avenue |
| Zoning | Residential (R) |
| Frontage | 18367 Metres |
| Area | 1435.16 Square Metres |
| Official Plan / Secondary Plan Land Use Designation | Stable Residential Area |
| Regional Official Plan Land Use Designation | Community Area |
| Related Applications | None |
| Land Use and Environmental Considerations | |
| Existing Structures | None |
| Proposed Structures | Single Detached Dwelling and Detached Garage |
| Heritage Status | Neither listed nor designated |
| Regulated by LSRCA | Not regulated |
| Key Natural Heritage Features | None |

| | | |
|-----------------|-------------------|-------------------|
| Natural Hazards | None | |
| Servicing | | |
| | Existing | Proposed |
| Water | NA | Private |
| Sanitary | NA | Private |
| 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 July 10, 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 A07-24 are outlined below.

The Building Division has indicated no objections and advises the applicant/ owner that the building must be in compliance with the Ontario Building Code.

The Development Engineering Division has indicated (Attachment 5) that they have no objections and advises that at the time of building permit the applicant/ owner shall provide a detailed lot grading and drainage plan.

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

- Economic Development Division
- Policy Planning Division
- Tax and Revenue Division
- York Region
- Operations and Infrastructure Division
- Municipal Law Enforcement Division
- Fire Department

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A07-24 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 Sutton / Jackson's Point Secondary 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 8 (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 Height

Section 5.1 (f) of Zoning By-law No. 500, as amended, permits a maximum height of 4.5 metres from the average grade to the highest point of the structure for accessory structures. The Applicant is requesting relief to allow a maximum height of 5.49 metres for the proposed accessory structure.

The intent of the maximum height provision is to ensure consistency and compatibility with surrounding lots with respect to building height and shadow casting and to ensure that the accessory structure remains secondary to the primary structure. The proposed height of the accessory structure will be less than the proposed height of the single detached dwelling (8.5 metres) that is currently being constructed. It is unlikely that the accessory structure will be visible from the street due to the proposed increased height. The screening from trees located in the neighbours' rear yard and interior side yards will reduce the impact of the accessory structure 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

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, several of which are placed in similar locations on neighbouring lots.

As previously noted, the purpose of the requested variance is to facilitate a detached garage with increased height to accommodate additional storage for a tractor/ car hoist and personal recreational vehicles. The accessory structure is not intended to be used for a home industry which is not a permitted use in the Residential (R) zone.

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 A07-24, 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