

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2025-0037

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

June 16, 2025

**SUBJECT: MINOR VARIANCE APPLICATION MV-2025-0007
411 BOUCHIER STREET
TOWN PLOT LOT 9 PART LOTS 8 AND 10 PART RESERVE PART
BLOCK D PA**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2025-0037 prepared by the Development Planning Division, Development Services Department, dated June 16, 2025, respecting Minor Variance Application MV-2025-0007 for the property municipally addressed as 411 Bouchier Street; 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 MV-2025-0007 to permit relief from the following:
 - i) Section 5.1(d): To permit a front yard setback of 5 metres for an accessory structure, whereas a setback of 6 metres is required;
 - b) That the approval of Minor Variance Application MV-2025-0007 be subject to the following term(s):
 - i) That the proposed accessory structure be constructed in general conformity with Attachment 2 to Report DS-2025-0037, in accordance with the relief recommended to be approved in Recommendation 2a);
 - ii) That interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower or bathtub) shall be permitted on the ground floor of the detached garage. For clarity, this term supersedes Condition No. II. set out in approved minor variance A23-21 regarding the prohibition of interior water fixtures and/or washroom facilities in the detached garage;
 - c) That the approval of Minor Variance Application MV-2025-0007 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 4 to Report No. DS-2025-0037 have been addressed to the Division's satisfaction; 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 MV-2025-0007 for the property located at 411 Bouchier Street regarding the construction of an addition to the detached garage.

3. BACKGROUND:

Property Description: (refer to Attachments 1 to 3)
411 Bouchier Street
TOWN PLOT LOT 9 PT LOTS 8 AND 10 PT RESERVE
PT BLK D PT WATER LOT RP 65R9790 PART 3
Roll #: 120-463

PROPOSAL

The owner of the subject property is proposing to construct an addition to an accessory structure (detached garage) on the subject lands.

A Minor Variance application has been submitted concerning the proposal, requesting the following relief for the proposed accessory structure:

- i) Section 5.1(d): To permit a front yard setback of 5.0 metres for an accessory structure, whereas a setback of 6.0 metres is required.

The Applicant also wishes to remove a term that was imposed during the last Minor Variance (A23-21) Application to permit interior water fixtures and a washroom in the detached garage.

A Site Sketch and building plans 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 411 Bouchier Street. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	411 Bouchier Street	
Zoning	Residential (R) Zone	
Frontage	45.56 Metres	
Area	8,397.35 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Serviced Lakeshore Residential Area	
Regional Official Plan Land Use Designation	Rural Area	
Related Applications	A23-21	
Land Use and Environmental Considerations		
Existing Structures	Single Detached Dwelling, Detached Garage and Coach House	
Proposed Structures	Addition to the Detached Garage	
Heritage Status	No	
Regulated by LSRCA	Yes, Partially (Waterfront)	
Key Natural Heritage Features	None	
Natural Hazards	Yes – along Lakeshore	
Servicing		
	Existing	Proposed
Water	Municipal	Municipal
Sanitary	Municipal	Municipal
Access	Existing driveways	Existing driveways

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 27, 2025, to all landowners within 60.0 metres of the subject property.

As of the date of writing this report, Staff have not received any comments from the general public.

4.2 EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance Application MV-2025-0007 are outlined below.

The Development Engineering Division has indicated no objections and requires, as a condition of the minor variance, that the applicant / owner provide a detailed grading and drainage plan, including existing and proposed entrances, prepared by a Professional Engineer or an Ontario Land Surveyor and a Complete drawing checklist for the lot grading and drainage plan (Attachment 4).

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

- Georgina Fire Department
- Lake Simcoe Region Conservation Authority
- Municipal Law Enforcement Division
- Operations and Infrastructure Department
- Tax and Revenue
- York Region
- York Region District School Board

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

5. ANALYSIS:

5.1 Evaluation of Proposed Minor Variance

The following evaluation of Minor Variance Application MV-2025-0007 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) Zone on Map 4 of Schedule 'A' to Zoning By-law No. 500, as amended. A Single-detached dwelling and accessory structures, buildings and uses are permitted in the R zone.

a. Accessory Structure – Front Yard Setback

Section 5.1 (d) of Zoning By-law No. 500, as amended, permits a front yard setback of 6.0 metres for accessory structures that are located along Lake Simcoe and have access to the road via a driveway. The Applicant has requested relief to allow a front yard setback of 5.0 metres to an accessory structure.

The intent of the minimum front yard is to ensure consistency and compatibility with surrounding lots, particularly with respect to proximity to the street, and to

reduce negative impacts on neighbouring properties. Staff note that the applicant underwent a Minor Variance Application (refer to Town file A23-21), which permitted the existing Coach House to be located 0.43 metres from the lot line, which is much closer than the proposed addition. Staff also note that there is an existing hedge that separates and conceals the detached garage from the street.

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 various lot sizes with single detached dwellings and accessory structures located in similar locations.

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.

5.2 Evaluation of Proposed Removal of Term

The following is an evaluation of the proposed removal of the term imposed through Minor Variance Application A23-21. Terms may be imposed by a Municipality as part of a Minor Variance application as per Section 45(9) of the Planning Act.

The applicant is requesting to remove a term which was previously set for the property in a previous Minor Variance Application A21-23. The term stated, *“That the replacement detached garage shall not have any interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower or bathtub).”*

This term was originally included in the previous variance to prohibit possible human habitation in the detached garage. Section 5.40 of Zoning Bylaw 500, as amended, does not permit human habitation in accessory structures. Human habitation is still not permitted in the detached garage as the property already contains an accessory dwelling unit (ADU) within the existing coach house, which was also subject to the previous minor variance (A23-21). The ADU is now permitted as of right due to changes in the *Planning Act* through Bill 185, which allows up to three (3) residential units on a lot which has municipal services. Bill 185 also stipulates that where a

residential unit is permitted within an accessory structure, no other accessory structure may permit residential units.

As such, staff has considered this request and has agreed that this is a reasonable request, so long as the detached garage is not used for human habitation, thus making it in contravention of Zoning Bylaw 500. A revised term has been provided below:

That interior water fixtures and/or washroom facilities (i.e. sink, toilet, shower or bathtub) shall be permitted on the ground floor of the detached garage. For clarity, this term supersedes Condition No. II. set out in approved minor variance A23-21 regarding the prohibition of interior water fixtures and/or washroom facilities in the detached garage.

6. CONCLUSION:

Subject to the recommendations by Staff in Section 1 of this report, Staff are of the opinion that Minor Variance Application MV-2025-0007, as it pertains to the proposed addition to the 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. Staff are also of the opinion that the removal of Condition no. II from Minor Variance application A23-21, provided that the revised term is included as part of Minor Variance application MV-2025-0007.

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, Elevations and Floor Plan

Attachment 3 – Site Photos

Attachment 4 – Comments