

**20 Courton Drive – Scarborough District: Garages, Carports and Accessory Buildings – Request for Direction Report**

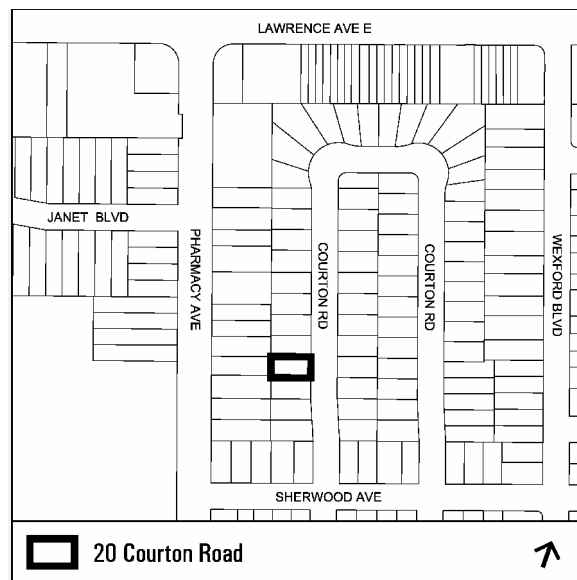
<b>Date:</b>	October 15, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 37 – Scarborough Centre
<b>Reference Number:</b>	File No. 06 129697 EPS 00 TM

**SUMMARY**

On May 25, 2007, City Council passed Zoning By-law Nos. 540-2007 to 573-2007 to limit garages, carports and accessory buildings in the former City of Scarborough in single family (S), two family (T), and/or semi-detached (SD) residential zones, to a reasonable size subordinate to the main dwelling.

The owner of 20 Courton Drive, in the Wexford Community, wrote a letter to the City Clerk’s Office advising that a one storey detached garage which is approximately 6 metres wide and 10 metres deep has existed on the property since before 1984. The zoning by-law amendments passed by City Council limit the size of a detached garage to 7.6 metres by 7.6 metres. The owner was concerned with the existing garage being considered non-conforming to the by-law. Thus, the owner appealed the Wexford Community Zoning By-law Amendment No. 568-2007 to the Ontario Municipal Board (OMB).

The purpose of this report is to obtain direction for the City Solicitor in regard to a settlement for this appeal at the OMB by granting the owner of 20 Courton Drive an



exception to the Wexford Community Zoning By-law. This exception would allow the existing garage to continue to conform to the zoning by-law.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor to request the Ontario Municipal Board to modify By-law Amendment 568-2007 to incorporate an exception which permits a garage with dimensions of 6.1 metres by 10.2 metres on the property known municipally as 20 Courton Drive, as the basis for settlement of the appeal before the Ontario Municipal Board.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

Scarborough Community Council, at its meeting in May of 2006, requested the Director of Community Planning, Scarborough District, to bring forward amendments to the Clairlea Community Zoning By-law to limit garages, carports and accessory buildings to a reasonable size, subordinate to the main dwelling, and to include amendments in any other areas susceptible to similar building patterns. As a result of this Community Council direction, City Planning staff undertook a review of the garages, carports and accessory buildings provisions of all community and employment districts zoning by-laws in Scarborough and brought forward amendments in May of 2007 to limit garages, carports and accessory buildings in single family (S), two family (T), and/or semi-detached (SD) residential zones, to a reasonable size subordinate to the main dwelling.

By-laws implementing regulations for residential garages, carports, and accessory buildings were passed by Council on May 25, 2007. There was one appeal of the by-law applying to the Wexford Community (By-law 568-2007).

## **ISSUE BACKGROUND**

The residential property at 20 Courton Drive currently has a one storey detached garage which is slightly greater than 6 metres wide and slightly greater than 10 metres deep, and has a gross floor area of approximately 62 square metres. It was built in compliance with the Wexford Community zoning by-law and has been in existence since before the owner acquired the property in 1984.

The zoning by-law amendments that were enacted by City Council in May of 2007 limit the size of garages, carports or free-standing accessory buildings to 7.6 metres by 7.6 metres. The amendments also limit the combined gross floor area of all garages, carports and free-standing accessory buildings on a lot or parcel to 75 square metres. There are no other accessory buildings on the subject property so there is no issue with the overall area allowable for accessory structures.

The existing detached garage would have been considered legal non-conforming if Zoning By-law Amendment 568-2007 to the Wexford Community Zoning By-law had come into effect. The owner was concerned that this may have impacted the future flexibility of the property.

## **COMMENTS**

### **Proposed Zoning By-law Amendment**

The owner's garage is an existing structure, which falls within the overall area limits for accessory structures set out in the zoning by-law amendment under appeal. It does not comply with the by-law only with respect to its depth.

While staff do not agree that the new zoning restrictions will impose any substantive hardship on this property owner, it is agreed that a zoning by-law exception recognizing the current garage will not undermine the intent or effectiveness of the zoning by-law amendments enacted by City Council on May 25, 2007.

Accordingly, Planning staff support a settlement at the Ontario Municipal Board which recognizes the existing garage in the Wexford Community By-law No. 9511 by way of exception. Such an exception would provide for a detached garage which has dimension of 6.1 metres by 10.2 metres.

## **Conclusions**

The enactment of the zoning by-law amendments to limit garages, carports and accessory buildings to a reasonable size subordinate to the main dwelling in the former City of Scarborough was intended to control the size and height of new accessory structures. Continuation of the existing detached garage at 20 Courton Drive in its present size and configuration does not create a concern for Planning staff. Therefore, the City Planning Division recommends that City Council direct the City Solicitor to support the introduction of an exception to the Wexford Community Zoning By-law, providing for the existing detached garage at 20 Courton Drive, as the basis for settlement of the appeal before the Ontario Municipal Board.

## **CONTACT**

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## **SIGNATURE**

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