

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0086

**FOR THE CONSIDERATION OF
COUNCIL**

August 29, 2022

**SUBJECT: MINOR VARIANCE A28-21
9 THE QUEENSWAY SOUTH, KESWICK
PART LOT 14**

1. RECOMMENDATION:

1. That the Committee of Adjustment receive Report No. DS-2022-0086 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A28-21, submitted by Seyed-Medhdi Taherian Ghahfarokhi, for the property municipally addressed as 9 The Queensway North, Keswick
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 A28-21, to permit relief from the following:
 - i. Section 5:45 (a): To permit the existing north-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.7 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.3 metres; whereas a maximum encroachment of 2 metres is permitted;
 - ii. Section 5:45 (a): To permit the existing south-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.5 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.5 metres; whereas a maximum encroachment of 2 metres is permitted;
 - b. That the approval of Minor Variance Application A28-21 be subject to the following term(s):
 - i. That the existing unenclosed porches be legalized in general conformity with Attachment 5 to Report DS-2022-0085, in accordance with the recommendations outlined in Recommendation 2(a).

c. That the approval of Minor Variance Application A28-21 be subject to the following condition(s):

- i. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 6 to Report No. DS-2022-0086 have been addressed to the Division's satisfaction.**
- 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 and to outline comments received with respect to Minor Variance Application A28-21, submitted by Seyed-Medhdi Taherian Ghahfarokhi, for the property municipally addressed as 9 The Queensway North, Keswick regarding the legalization of two (2) existing unenclosed porches.

3. BACKGROUND:

Owner(s): Seyed-Medhdi Taherian Ghahfarokhi,

Agent: N/A

Property Description: (refer to Attachments 1 to 4)
9 The Queensway North, Keswick
Part Lot 14, Concession 3 (NG)
Roll #: 094-910

a. PROPOSAL

The Owners of the property are proposing to legalize two (2) existing, unenclosed porches, as shown on Attachment 5 to Report DS-2022-0086.

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

- i. Section 5:45 (a): To permit the existing north-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.7 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.3 metres; whereas a maximum encroachment of 2 metres is permitted;**
- ii. Section 5:45 (a): To permit the existing south-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.5 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.5 metres; whereas a maximum encroachment of 2 metres is permitted;**

A site sketch showing the proposed minor variances is included as Attachment 5.

b. SUBJECT PROPERTY, SURROUNDING AREA AND PURPOSE:

The subject property is located at 9 The Queensway North in the community of Keswick.

A single family dwelling exists in the front portion of the subject property. A commercial building, as enabled by the R1-15 zone, is located in the rear of the subject property. Various accessory buildings, structures and uses are present throughout the property.

Two (2) entrances exist to The Queensway South.

Surrounding land uses are as follows:

- North: Keswick Public School
- South: Varied residential and commercial uses
- East: Single family dwellings
- West: Lakeside Public School, post office and single family dwellings

A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	9 The Queensway North, Keswick	
Zoning	Site-specific Low Density Urban Residential (R1-15)	
Frontage	45.36 metres	
Area	2913.74 square metres	
Sutton/Jackson's Point Secondary Plan Land Use Designation	Uptown Keswick Urban Centre	
Regional Official Plan Land Use Designation	Urban Area	
Existing Structures	Single family dwelling, commercial building and various accessory buildings, structures and uses	
Proposed Structures	Legalize existing two (2) unenclosed porches	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	No	
Related Applications	None	
	<u>Existing</u>	<u>Proposed</u>
Water	Municipal	Municipal

Sanitary Access	Municipal Two (2) driveways	Municipal Two (2) driveways
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The Applicant has applied for a Minor Variance to legalize the location of two (2) unenclosed porches that were constructed without the benefit of Town building permits. Acquiring Minor Variance approval is necessary to comply with Zoning By-law requirements prior to Town building permit issuance.

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

a. PUBLIC CIRCULATION

In accordance with the provisions of the *Planning Act*, the Notice of Hearing for the subject application was sent by mail on August 15, 2022 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.

b. EXTERNAL AGENCY AND TOWN DEPARTMENT COMMENTS

All Town department and external agency comments for Minor Variance application A28-21 have been consolidated into a chart, which is included as Attachment 6.

The Development Engineering Division has indicated no objection to the application and provided the following conditions:

- The applicant/owner shall provide a detailed lot grading and drainage plan including existing and proposed entrance prepared by a Professional Engineer or Ontario Land Surveyor skilled and competent in such works and all in accordance with the requirements of Part 4 of By-law 2011-0044 (REG-1), as amended. The plan shall show existing conditions including grade elevations of the entire lot, to the satisfaction of the Town's Development Engineering Division.

The Building division has indicated the following as an advisory comment:

- The accessory building containing the illegal dwelling unit requires a building permit or alternative remove the unauthorized construction.

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

- Tax and Revenue Division
- Municipal Law Enforcement Division

- Georgina Fire Department
- Economic Development
- Ministry of Transportation
- Planning Policy Division
- York Region

A number of external agencies and Town departments / divisions have not provided comments. Staff are of the opinion that these outstanding comments are not necessary for Staff to make a recommendation.

5. ANALYSIS:

The following evaluation of Minor Variance application A28-21 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 Town Official Plan Maintained? – Yes

The subject property is designated 'Uptown Keswick Urban Centre' in the Keswick Secondary Plan (KSP). Low density residential uses are permitted, including accessory buildings, structures and uses thereto.

Staff are of the opinion the proposal conforms with the general intent and purpose of the Official Plan and the policies of the KSP.

ii. Is the general intent and purpose of the Zoning By-Law maintained? - Yes

The subject property is zoned site-specific Low Density Urban Residential (R1-15). Section 5.45 permits unenclosed porches to encroach a maximum of 2 metres in the minimum required front yard. Section 6.1 requires a minimum front yard of 6 metres for single family dwellings.

The existing single family dwelling is considered to have a legal non-complying front yard of approximately 0.6 metres. This is due to the fact that the single family dwelling legally existed prior to the first Town Zoning By-law.

Section 5.45(a) of Zoning By-law No. 500, as amended, permits balconies, unenclosed porches and steps, decks or elevators to project a maximum of 2 metres into any required front, rear or exterior side yard for a single detached dwelling.

The general intent of the porch encroachment limit is to reduce negative impacts on neighbouring properties, and ensure compatibility with surrounding properties.

An increased maximum porch encroachment is required to accommodate the unenclosed porches. Since the existing, unenclosed porches have front lot line

setbacks of 0.3 and 0.5 metres respectively, it is necessary to obtain relief from Section 5.45 of the Zoning By-law to enable the increased encroachments into the minimum 6 metre front yard.

The Development Engineering Division has indicated no concerns with the proposed increase in the maximum encroachment by the existing unenclosed porches.

Development Planning Division Staff note that the existing unenclosed porches encroach a minor distance into the front yard of the existing legal non-complying single family dwelling. Unacceptable visual impacts are not anticipated.

Staff are of the opinion that the requested relief maintains the general intent and purpose of the Zoning By-law 500, as amended.

- iii. *Are the Minor Variances desirable for the appropriate development of the property or use of land, building or structure? - Yes*

The proposed minor variances are required to facilitate the legalization of the existing unenclosed porches.

Staff are of the opinion that the requested variances will not adversely impact the surrounding area and are desirable for the appropriate development of the lands.

- iv. *Is the relief sought minor in nature - Yes*

When considering if the variance is minor, it is not simply the numerical value that must be considered, but rather the overall impact of the variance should be considered. The overall impact of the proposed variances appears to be minimal, and the existing front unenclosed porch and steps, rear detached garage, and rear shed are compatible with the adjacent and surrounding neighbourhood. For these reasons, Staff are of the opinion that the requested variances are 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 A28-21, as it pertains to the legalization of the existing front unenclosed porches 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:

Connor McBride, MCIP, RPP
Senior Development Planner

Approved By:

Janet Porter, MCIP, RPP
Manager of Development Planning

Attachments:

Attachment 1 – Context Map

Attachment 2 – Key Map

Attachment 3 – Aerial Map

Attachment 4 – Site Photos

Attachment 5 – Site Sketch

Attachment 6 – Consolidated Comments