

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0069

**FOR THE CONSIDERATION OF
COMMITTEE OF ADJUSTMENT**

December 2, 2024

**SUBJECT: MINOR VARIANCE APPLICATION A29-24
43 THE QUEENSWAY NORTH
CON 3 PT LOT 14 RS65R13228; PART 1**

1. RECOMMENDATIONS:

- 1) That the Committee of Adjustment receive Report No. DS-2024-0069 prepared by the Development Planning Division, Development Services Department, dated December 2, 2024, respecting Minor Variance Application A29-24, for the property municipally addressed as 43 The Queensway North; 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 A29-24 to permit relief from the following:
 - i) Section 5.1 (b): To permit the construction of an accessory building (pergola) in a front yard, whereas an accessory building or structure shall not be erected in any yard other than an interior side yard or rear yard;
 - ii) Section 5.1(b): To permit the construction of an accessory building (shed) in a front yard; whereas an accessory building or structure shall not be erected in any yard other than an interior side yard or rear yard;
 - iii) Section 5.12: To permit a 2.4-metre high fence with nil front yard setbacks, whereas adherence to the minimum yard requirements is required for a fence with a maximum height exceeding 2 metres;
 - b) That the approval of Minor Variance Application A29-24 be subject to the following term(s):
 - i) That the proposed accessory structures be constructed in general conformity with Attachment 2 to Report DS-2024-0069, in accordance with the relief recommended to be approved in Recommendation 2a);

c) That the approval of Minor Variance Application A29-24 be subject to the following condition(s):

- i) Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2024-0069 have been addressed to the satisfaction of the Conservation Authority; 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 A29-24 for the property located at 43 The Queensway North regarding the construction of two accessory structures in the front yard and a fence.

3. **BACKGROUND:**

Property Description: (refer to Attachments 1 to 3)
43 The Queensway North
Concession 3, Part of Lot 25, Plan 65R-13228 Part 1
Roll #: 138-223

PROPOSAL

The owner of the subject property is proposing to construct a two accessory structures (shed and pergola) in the front yard and rebuilding the existing fence.

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

- iii) **Section 5.1 (b):** To permit the construction of an accessory building (pergola) in a front yard, whereas an accessory building or structure shall not be erected in any yard other than an interior side yard or rear yard.
- iv) **Section 5.1(b):** To permit the construction of an accessory building (shed) in a front yard; whereas an accessory building or structure shall not be erected in any yard other than an interior side yard or rear yard.
- v) **Section 5.12:** To permit a 2.4-metre high fence with nil front yard setbacks, whereas adherence to the minimum yard requirements is required for a fence with a maximum height exceeding 2 metres.

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 43 The Queensway North. A summary of the characteristics of the property is as follows:

General Property Information		
Municipal Address	43 The Queensway North	
Zoning	Medium Density Urban Residential (R3)	
Frontage	127.87 Metres	
Area	12,869.5 Square Metres	
Official Plan / Secondary Plan Land Use Designation	Uptown Keswick Urban Centre (Keswick Secondary Plan)	
Regional Official Plan Land Use Designation	Community Area	
Related Applications	None	
Land Use and Environmental Considerations		
Existing Structures	Apartment Dwelling, Gazebo	
Proposed Structures	Pergola and Shed	
Heritage Status	Neither listed nor designated	
Regulated by LSRCA	Partially	
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 November 13, 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 A29-24 are outlined below.

The Lake Simcoe Region Conservation Authority has indicated (Attachment 4) that they have no objections and require, as a condition of the minor variance, the Applicant/Owner to pay the LSRCA review fee in accordance with the approved LSRCA Fee Schedule.

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

- Building Division
- Development Engineering Division
- Municipal Law Enforcement
- Tax and Revenue
- York Region

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

5. **ANALYSIS:**

The following evaluation of Minor Variance Application A29-24 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 Uptown Keswick Urban Centre in the Keswick Secondary Plan. Mid-rise residential uses 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 Medium Density Urban Residential (R3) on Map 3 (page 1) of Schedule 'A' to Zoning By-law No. 500, as amended. Apartment Dwellings and accessory structures are permitted in the R3 zone.

a. Accessory Structures in the Front Yard

Section 5.1 (b) of Zoning By-law No. 500, as amended, permits accessory structures in the rear or interior side yard. The Applicant is requesting relief to allow two accessory structures to be constructed in the front yard.

The general intent of this requirement is to ensure that the streetscape develops in an orderly manner and that adequate space is provided in the front yard and exterior side yard for amenities and landscaping.

Staff notes that the existing gazebo was approved with a minor variance application to permit an accessory structure in the front yard on June 19, 2000. The pergola is approximately 3 metres in height and is a replacement and expansion of the existing gazebo, which is also approximately 3 metres in height.

Staff also note that the proposed shed is 2.44 metres in height, which is approximately the same height as the existing fence (2.4 metres); therefore, the shed will be appropriately screened from the street. The proposed fence will also be shrouded and have a planting bed at the base of the fence, which will reduce any visual impact as the pergola and shed will be predominately screened by the fence.

b. Fence Requirements

Section 5.12 of Zoning By-law No. 500, as amended, requires adherence to the minimum yard requirements for a fence with a maximum height exceeding 2 metres. The Applicant is requesting to permit a fence with a height of 2.4 metres.

The general intent of the fencing height requirement is to reduce negative impacts on neighbouring properties and to ensure compatibility with surrounding properties.

Staff note that a fence already exists at this location, and the Applicant plans to replace it at the same height and abuts a roadway. Given this staff do not have any concerns that the fence would be incompatible with 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 structures and fence are in keeping with the existing physical character of the neighbourhood, as the area generally consists of a variety of land uses and accessory structures.

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 A29-24, as it pertains to the proposed accessory structures and fence, 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:

Jeff Healey, MCIP, RPP
Supervisor of Development Planning

Attachments:

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Site Photos

Attachment 4 – Comments