



THE CORPORATION OF THE TOWNSHIP OF KING
REPORT TO COMMITTEE OF ADJUSTMENT

November 20, 2024

Planning Division
Report File #: A-24-50

RE: File # A-24-50
Municipal Address: 204 Hollingsworth Drive, Village of King City
Legal Address: Lot 44, Plan 502
Applicant: Gurvir Pahal
Agent: Schillerco Ltd. (c/o Lucas Cocomello)

Note: This report was prepared on the basis of comments received prior to November 4, 2024.

1. **RECOMMENDATION:**

THAT application #A-24-50 **BE APPROVED** with conditions as noted in Attachment 1.

2. **PROPOSAL:**

Location:

The subject property is located south of King Road, east of Keele Street, west of Dufferin Street and north of King Vaughan Road and is comprised of an irregularly shaped parcel of approximately 848.12 m² (0.0848 hectares) in lot area.

Existing land uses on the property include a detached dwelling (254.15 m²). Neighbouring properties include detached dwellings to the north, south, east, and west.

Proposed Development:

The applicant is seeking relief from the zoning by-law for a reduction to a minimum required interior side yard setback and an increase in maximum permitted lot coverage to facilitate the construction of a cabana measuring 44.11 m² in area, as summarized below.

#	Zoning By-law #2017-66, as amended	Variance request:
1	<p>Section 3.2.2 a) requires that no accessory building or structure shall be built closer to the front lot line or side lot line than the minimum distance required by the By-law for the main building on the lot.</p> <p>Table 6.3b – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings) requires a minimum interior side yard of 3.6 metres, where the building height is greater than 6.0 metres, for the main building on the lot in the R1D zone.</p>	Relief from Section 3.2.2 a) of Zoning By-Law 2017-66 to permit an interior side yard setback of 1.19 metres for the proposed cabana (accessory structure), whereas the By-law requires a minimum interior side yard setback of 3.6 metres (Table 6.3b).
2	<p>Table 6.3b – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings) requires a Maximum Lot Coverage of 30% within the R1D zone.</p>	Relief from Table 6.3b to permit a maximum lot coverage of 35.17% (298.26 m ²), whereas the By-Law permits a Maximum Lot Coverage of 30%.

PLANNING ACT (SECTION 45(1)) – “FOUR TESTS” SUMMARY:

The following analysis of the subject variances is based on the four (4) tests of a Minor Variance as set out in Section 45(1) of the Planning Act.

- 1) Does the Minor Variance maintain the general intent and purpose of the Official Plan?

Variances 1 and 2:

Yes No

As of July 1st, 2024, the Township of King is responsible for administrating the York Region Official Plan 2022 (“YROP 2022”). As per Schedule 1A – Land Use Designations of the YROP 2022, the subject property is designated as “Community Area”. The designation permits a mix of residential uses in proximity to amenities and services.

The subject property is designated as “Established Neighbourhood” as per Schedule ‘D1’ (Village of King City Land Use Designations) of the Township of King Official Plan (“Our King”) (2019). Lands within the “Established Neighbourhood” designation are intended for low-density residential uses, including single-detached dwellings, and uses, buildings, and structures that are accessory, thereto. The proposed variances are requested to facilitate the construction of a cabana, which is a permitted use within the designation.

- 2) Does the Minor Variance maintain the general intent and purpose of the Zoning By-law?

Variance 1:

Yes No

The subject property is zoned Residential Single Detached 'D' ('R1D') to Schedule 'A6' of the Township King City and Schomberg Urban Area Zoning By-law 2017-66, as amended. Permitted uses within the R1D zone include a single detached dwelling and accessory uses, buildings, and structures in accordance with Section 3.2 of the zoning by-law.

Accessory use is defined as 'a use naturally and normally incidental to, subordinate to, and exclusively devoted to, a principal use and located on the same lot as the principal use.'

Accessory building or structure is defined as 'a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and includes a detached private garage or a carport.'

Section 3.2.2 a) of the zoning by-law prescribes that no accessory buildings or structures shall be built closer to the front lot line or side lot line than the minimum distance required by the By-law for the main building on the lot. The application requests relief from Section 3.2.2 a) of Zoning By-law 2017-66 to permit a minimum interior side yard setback of 1.19 metres for a proposed cabana, whereas the By-law requires a minimum interior side yard setback of 3.6 metres. Details with respect to the location of the proposed cabana on the property are provided on the attached Site Plan and shown in Site Photos.

The intent of minimum interior side yard setback provisions for accessory structures and buildings is to ensure adequate space is available for maintenance of the structure and property (including proper conveyance of stormwater/drainage) and to minimize adverse visual impacts. The proposed interior side yard setback for the cabana is in accord with the intent of interior side yard zone provisions.

The Site Plan illustrates that the requested relief affects a portion of the proposed structure; specifically, as it relates to a single corner on the west side of the cabana. This is, in part, attributed to the property's irregular shape and the need to position the structure functionally and efficiently. Along the remainder of the west side of the proposed cabana, the interior side yard setback gradually increases, extending to 3.37 metres at the opposite west corner. This 3.37 metre interior side yard setback is slightly less than the required 3.60 metres as prescribed in Zoning By-law 2017-66. The requested 1.19 metre interior side yard setback at one corner of the proposed cabana's west side still ensures adequate space is available for maintenance and overall conveyance of stormwater and drainage. A 0.6 metre undisturbed setback is provided. Development Engineering staff has expressed no objections to this variance.

Variance 2:

Yes No

The application seeks relief from Table 6.3b of Zoning By-law 2017-66 to permit an increase in the overall maximum lot coverage to 35.17% (298.26 m²) (rounded up from 35.167%), whereas the By-law permits a maximum lot coverage of 30%. The proposed 35.17% lot coverage is inclusive of the existing detached dwelling (249.54 m²), the existing porch area (4.61 m²), and the proposed cabana accessory structure (44.11 m²).

The intent of the maximum lot coverage provision is to maintain size and scale consistency with the existing residential neighbourhood, and provide adequate space for amenity yard areas, grading, drainage, and maintenance. The proposed total maximum lot coverage of 35.17% meets the intent of the applicable zoning provision in this regard.

Notwithstanding the proposed increase in permitted lot coverage, the existing lot will maintain sufficient amenity area and open space and will facilitate grading, drainage, and maintenance. Development Engineering staff has expressed no objections to this variance.

Planning Division staff note that the proposed increase in permitted lot coverage will not directly impact the existing neighborhood streetscape and character, as the proposed cabana is to be located at the rear of the subject property and complies with all other applicable zone provisions (i.e., buildings height, rear yard and front yard setbacks, maximum accessory lot coverage) pursuant to the zoning by-law.

- 3) Is the Minor Variance desirable for the appropriate development or use of land, building, or structure?

Variances 1 and 2:

Yes No

The requested variances are required to facilitate the construction of a proposed cabana, which is a permitted accessory use to the existing detached dwelling. As an accessory structure, the cabana will provide storage and recreational space for the residents. The cabana is not to be used for human habitation.

The requested reduction in interior side yard setback and increase in maximum permitted lot coverage are not expected to have a negative impact on the functionality or aesthetic appeal of the property. The increased total lot coverage and reduced interior side yard setback will provide sufficient space for maintenance, drainage, and grading needs. The Site Plan submitted demonstrates that adequate amenity space will be provided on the lot, including a pool and a rear patio area. Additionally, the extra building coverage introduced by the proposed cabana is not anticipated to have a significant effect on the established character of the neighbourhood.

Planning staff have referred to aerial photography for the area and note that nearby properties have similarly sized dwellings with accessory structures comparable in

dimensions to the proposed cabana. In this regard, the proposed cabana is compatible with the general neighbourhood character of the immediate area.

The Building Division has no objections to the proposed variances. The applicant is reminded that a building permit is required prior to the commencement of construction.

- 4) Is the relief sought minor in nature?

Variances 1 and 2:

Yes No

The requested variances are deemed to be minor in nature as they are not anticipated to present adverse impacts to the subject land or surrounding properties.

Sufficient open space will be provided for grading, drainage, and maintenance, as well as adequate space for amenity areas. Additionally, the proposed variances are consistent with developments assessed in the surrounding neighbourhood.

Overall, Planning Division staff are also satisfied that the proposed variances meet the intent of the Official Plan, meet the intent of the Zoning By-law, and are desirable for the appropriate development and use of land.

Prepared by the Township of King Planning Division on November 8, 2024.

Prepared by:



Iqra Chaudhry
Planner I

ATTACHMENTS:

Attachment 1: Recommended Conditions of Approval Table

Attachment 2: Site Photos