



## Report to the Committee of Adjustment Minor Variance Application

Item E

**Date:** July 18, 2024  
**Address:** 404 Paliser Crescent South  
**Owner(s):** Winston Cho and Nikki Woon  
**Applicant:** Stepan Sukiasyan  
**File Number(s):** A036-23  
**Related Application(s):** N/A  
**Hearing Date:** August 13, 2024  
**Prepared By:** Katherine Faria, Senior Planner – Development

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### Application Request

The following relief to Zoning By-law 66-71, as amended, is requested:

		<b>Zoning By-law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
1.	<b>Minimum Side Yard Setback to (West)</b>	2.11 m (6.92 ft.)	1.52 m (5.00 ft.)	0.59 m (1.94 ft.)
2.	<b>Minimum Side Yard Setback (East)</b>	2.11 m (6.92 ft.)	1.53 m (5.02 ft.)	0.58 m (1.90 ft.)
3.	<b>Minimum Rear Yard Setback</b>	7.62 m (25.00 ft.)	6.37 m (20.90 ft.)	1.25 m (4.10 ft.)
4.	<b>Maximum Gross Floor Area</b>	243.84 sq. m (2,624.67 sq. ft.)	360.62 sq. m. (3,881.68 sq. ft.)	116.78 sq. m. (1,257.01 sq. ft.)
5.	<b>Maximum Height</b>	8.50 m (27.88 ft.)	9.70 m (31.82 ft.)	1.20 m (3.94 feet)
6.	<b>Maximum Lot Coverage</b>	30.00%	41.05%	11.05%
7.	<b>Maximum Deck Encroachment into the Minimum Rear Yard</b>	2.44 m (8.00 ft.)	4.32 m (14.17 ft.)	1.88 m (6.17 ft.)
8.	<b>Maximum Porch Encroachment into the Minimum Front Yard</b>	2.44 m (8.00 ft.)	3.16 m (10.37 ft.)	0.72 m (2.36 ft.)

The applicant is requesting relief from the requirements of the City of Richmond Hill Zoning By-law 66-71, as amended, to facilitate the construction of a proposed single

detached dwelling on the subject lands.

## **Background**

### **Subject Property and Area Context**

The subject lands, municipally known as 404 Paliser Crescent South, are located on the south side of Paliser Crescent South and are generally located west of Bayview Avenue and north of Weldrick Road East. The property has a lot area of approximately 500.23 sq.m (5,384.43 sq.ft) and a lot frontage of approximately 16.76 m (55 ft). The subject lands presently support an existing one-storey single detached dwelling that is proposed to be demolished to accommodate a proposed single detached dwelling on the subject lands. Surrounding land uses include existing low-density residential uses and an existing elementary school, which abuts the subject lands to the south.

### **Official Plan**

The subject lands are designated as “Neighbourhood” in accordance with the City’s Official Plan (the “Plan”). This designation permits predominantly low-rise residential uses, as well as various other uses subject to additional policy criteria. In accordance with the policies of Section 4.9.1 of the Plan, development shall be compatible with the character of the adjacent and surrounding area, wherein further policy direction in this regard is provided in Section 4.9.2 of the Plan. Development within the “Neighbourhood” designation that is not located on an arterial street shall have a maximum building height of 3 storeys.

### **Zoning**

The subject lands are zoned “Residential Second Density (R2)” pursuant to Zoning By-law 66-71, as amended. This zone permits single detached dwellings, as well as various recreational, institutional and other uses as outlined in the by-law.

### **Related Applications on The Subject Lands**

N/A

### **Planning Comments**

Planning Staff have evaluated the requested minor variances pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

#### **1) Do the proposed variances meet the general intent and purpose of the Official Plan?**

As noted above, the subject lands are located within the “Neighbourhood” land use designation of the Plan and policies require that development shall respect the character and distinguishing features of neighbourhoods and shall be context-sensitive and compatible with the adjacent and surrounding areas with respect to massing, including the consideration of height and scale, among other matters, the location, design and elevations relative to the grade of driveways and garages, setbacks of buildings from the street, patterns of front, rear and

side yard setbacks and landscaped open space areas, among other matters as outlined in this section. The intent of this section of the Plan is to ensure that development within the “Neighbourhood” designation respects the existing physical context and can exist in harmony with existing development and uses.

The subject lands are located within an established residential neighbourhood, wherein the area is predominantly characterized by one-storey single detached dwellings. Notwithstanding the foregoing, the broader neighbourhood is undergoing a gradual transition towards larger, two-storey dwellings. The proposed dwelling would be larger than many of the existing dwellings within the vicinity of the subject lands; however, staff is satisfied that the proposal is compatible with the physical character of adjacent and surrounding lands as it maintains the intent of the policies set out in accordance with Section 4.9.2 of the Plan relating to massing, setback from the street and patterns of setbacks and landscaped open space areas.

On the basis of the foregoing, staff is of the opinion that the requested variances are in keeping with the general intent and purpose of the Official Plan.

**2) Do the proposed variances meet the general intent and purpose of the Zoning By-law?**

The Zoning By-laws that are applicable to the subject lands set out various development standards that govern the location, size and height of a proposed dwelling. In this regard, the purpose of minimum side and rear yard setback requirements is to provide for a minimum separation between the dwelling and the respective lot line to permit adequate access, drainage, landscaping and amenity space on the subject lands, as well as to maintain an appropriate streetscape and proximity to buildings on adjacent properties. In addition, provisions governing the maximum encroachment for decks and porches are intended to ensure maintenance of adequate amenity space and landscaped areas and in the case of those provisions relating to the front yard, to protect for a contextually sensitive streetscape.

The proposed reduction to the minimum required side yard setbacks is appropriate in consideration of the surrounding context and will not result in adverse impacts to the streetscape, surrounding properties or to the functionality of the subject lands. The location of the proposed porch within the front yard does not preclude the provision of adequate front yard landscaping. In addition, the area of encroachment does not include a canopy or roof and relates only to the proposed steps; therefore, the proposed porch will not adversely impact the streetscape. The proposed reduction to the required minimum rear yard and increase to the maximum permitted deck encroachment allow for the provision of adequate rear yard amenity space on the subject lands and will not result in adverse impacts to adjacent properties. As previously noted, the subject lands abut an existing school to the south.

The purpose of the provisions governing maximum permitted dwelling height, gross floor area and lot coverage is to ensure compatibility of scale, massing and height of dwellings with respect to surrounding built form. The proposed

dwelling maintains the minimum required front yard and will therefore not protrude beyond the existing adjacent dwellings accordingly. It is further noted that the proposed design includes a recessed area above the garage, therefore mitigating the visual impact of increased massing on the streetscape. With respect to maximum permitted building height, the design of the proposed dwelling includes a flat roof, where the highest portion of the dwelling is to accommodate a front entrance feature. On the basis of the foregoing, in consideration of the design and placement of the dwelling on the lot, the applicant's request for increased maximum dwelling height, increased maximum gross floor area and increased maximum lot coverage maintain compatibility with the surrounding neighbourhood and will not result in negative impacts to adjacent properties or the streetscape.

Staff is therefore of the opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law.

**3) Are the proposed variances considered desirable for the appropriate development of the land?**

As identified above, the subject lands are located within an area of the City wherein low-rise residential uses, such as single detached dwellings are permitted. The Plan also provides direction with respect to compatible and context-sensitive development. In this regard the proposed single detached dwelling represents a use that is contemplated within the Plan and which is compatible with adjacent and surrounding lands; therefore, the proposal is considered desirable for the appropriate development of the subject lands.

**4) Are the proposed variances considered minor in nature?**

Staff concludes that the requested variances are considered minor in nature as the proposed dwelling, including the reduced minimum side yard setbacks (east and west), reduced minimum rear yard setback, increased encroachment into the minimum rear and front yards to accommodate a deck and porch, respectively, and increased maximum gross floor area, height and lot coverage is compatible and respects the context of adjacent and surrounding lands. The proposed reduced setbacks, including proposed increased encroachments, are adequate to maintain sufficient space for landscaping as well as for the functionality of the rear, side and front yards.

**Additional Comments**

The subject minor variance application was circulated to Municipal Departments and external agencies for review and comment, as outlined below:

Department or Agency	Comments
Zoning Section	The requested variances are correct. No other areas of non-compliance were identified.
Development Engineering/Transportation	No objections.
Parks & Natural Heritage	Park and Natural Heritage Planning staff has reviewed the

	<p>application and provides the following comments:</p> <p><b>Comments to the Committee:</b></p> <ul style="list-style-type: none"> <li>PNHP has no further comments on the application, subject to the following condition:</li> </ul> <p>“A revised Tree Protection, Removal and Planting Plan and Arborist Report shall be submitted as part of the future Site Alteration Permit application.”</p> <p><b>Comments to the applicant, for future reference:</b></p> <ul style="list-style-type: none"> <li>The property is subject to Tree Preservation By-law No. 41-07. A Tree Permit is required to remove or injure trees greater than or equal to 20 cm DBH (diameter measured 1.4 metres from the ground) prior to the undertaking. Tree replacement will be a condition of any tree removal permit. Ensure the City’s tree protection standards are adhered to prior to any construction commencing on the subject property.</li> </ul>
Heritage	No objections.
Corporate & Financial Services	No comments received.
Alectra Utilities	Comments attached in Appendix “D”.
Enbridge	Not circulated.
Bell Canada	No comments received.
York Region: Transportation & Community Planning Department	No objections.
Toronto & Region Conservation Authority	Subject lands are located outside of TRCA’s Regulated Area.
CN Rail	Not circulated.
TransCanada Pipeline	Not circulated.
Abutting Municipality	Not circulated.
Ministry of Transportation	No comments received.
Ministry of Housing	Not circulated.
Infrastructure Ontario	Not circulated.
York Catholic District School Board	<p>York Catholic District School Board (YCDSB) staff have reviewed the material provided and have no objections to the built form subject to the following conditions:</p> <ol style="list-style-type: none"> <li>The owner of the subject land shall not access the property through the Board owned elementary school, St. Joseph CES; and,</li> <li>The owner shall be advised that the chain link fence is the property of the Board and shall not be altered in any way.</li> </ol>
York Region District School Board	No comments received.

Conseil Scolaire De District Catholique Monavenir	Not circulated.
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## Conclusion

Planning Staff have reviewed the requested variances pursuant to Section 45 (1) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variances meet the four tests of the *Planning Act* for granting of minor variances. Staff recommend approval of the requested variance(s), subject to the conditions outlined in Appendix 'B'.

## Attachments

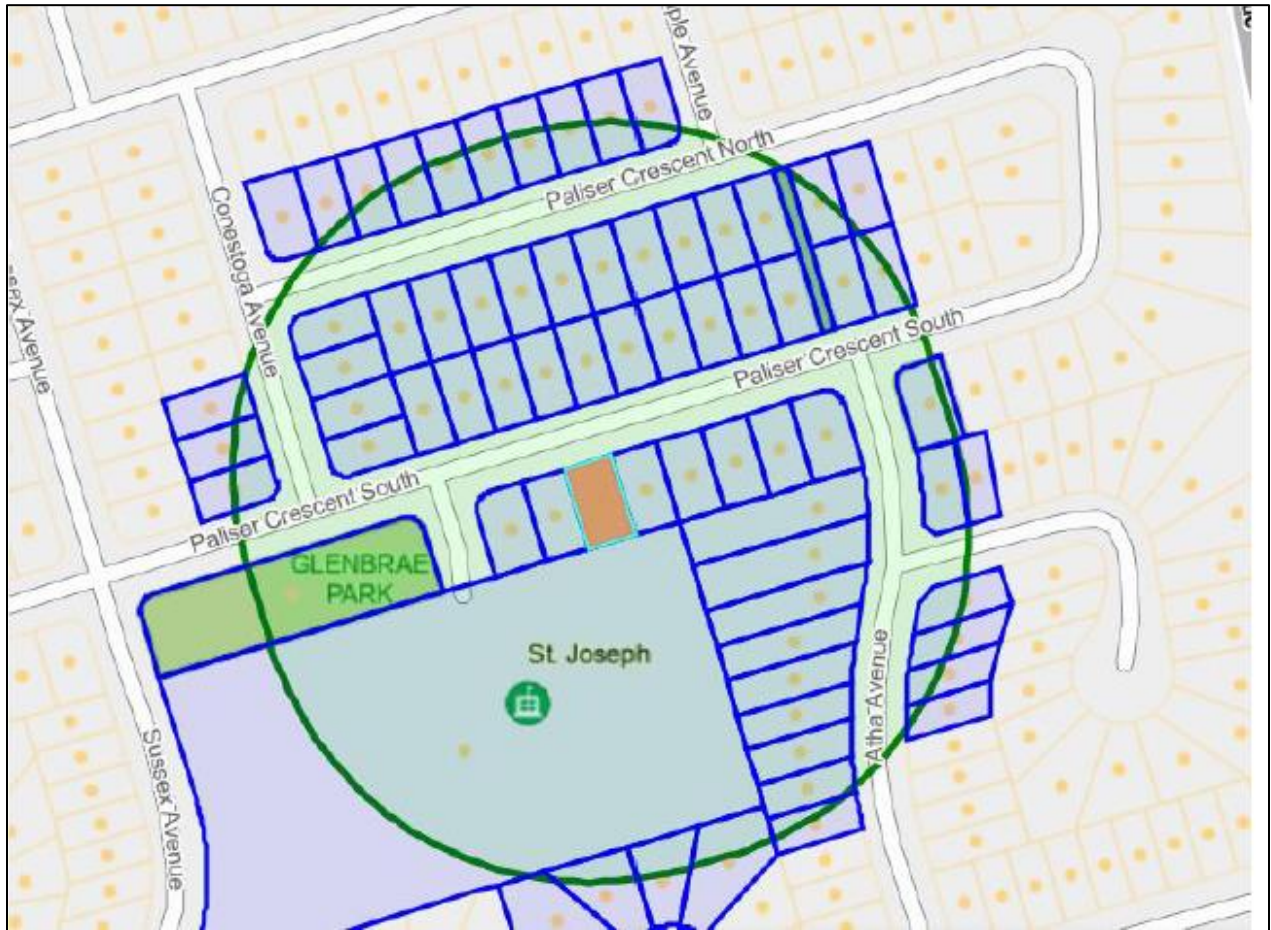
Appendix 'A' — Location Map

Appendix 'B' — Recommended Conditions of Approval

Appendix 'C' — Site Plan and Elevation Plans

Appendix 'D' — Alectra Utilities Comment Memo, dated July 7, 2023

## Appendix 'A' – Location Map



## **Appendix 'B' – Recommended Conditions of Approval**

The following conditions are recommended should application A036/23 be approved by the Committee of Adjustment:

- 1) That the variances pertain only to the request as submitted with the application.
- 2) That development be substantially in accordance with the sketch submitted with the application as required by Ontario Regulation 200/96, as amended, Section 5.25.
- 3) A revised Tree Protection, Removal and Planting Plan and Arborist Report shall be submitted as part of the future Site Alteration Permit application.
- 4) That the owner of the subject land shall not access the property through the Board owned elementary school, St. Joseph CES; and,
- 5) That the owner shall be advised that the chain link fence is the property of the Board and shall not be altered in any way.