



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

November 20, 2024

Planning Division  
Report File #: A-24-49

RE: **Minor Variance Application**  
**Municipal Address: 88 Sunny Acre Crescent**  
**Legal Address: Lot 24, Plan 65M-4797**  
**Agent: Malone Given Parsons Ltd. (c/o Steven McIntyre)**  
**Owner: Scouli Developments (BT) Inc. (c/o Howard Li)**

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*Note: This report was prepared on the basis of comments received prior to November 7, 2024*

1. **RECOMMENDATION:**

a) THAT Minor Variance Application A-24-49 **BE APPROVED** with conditions as noted in Attachment 1.

2. **PROPOSAL:**

**Proposed Development:**

The total landholding comprises a registered plan of residential subdivision with an overall lot area of approximately 21.85 hectares (53.99 acres) and a total of 105 detached residential lots as located in the northeast quadrant of the settlement area of the Village of King City; south of 15<sup>th</sup> Sideroad and west of Dufferin Street. **Attachment No. 2** includes a draft copy of the Registered Plan (65M-4797) with the parcel subject of this application shown as Lot 24.

The subject lands are located within the King City East Development Area which comprises several draft approved and/or registered plans of residential subdivision. A total of 1,029 residential units are proposed for the area and will include a variety of dwelling types (including detached dwellings and townhouse dwellings) and lot sizes upon completion.

A building permit has been issued for the construction of a detached dwelling on the lands subject of this application. Construction is currently underway on-site and the construction of several other dwellings in various stages is occurring in the immediate vicinity.

The application proposes an increase in the maximum permitted rear yard encroachment into the rear yard for an unenclosed covered porch not exceeding one (1) storey in height. The selected house model (60-1) includes an option for a rear yard covered porch, which in the case of the proposed development comprises a covered porch measuring 3.66 metres (depth) X 4.98 metres (width) for an overall proposed ground floor area of 18.23 m<sup>2</sup>. When inclusive of the width of the proposed eaves of the structure (0.30 metres) (included in the calculation of maximum permitted encroachment), the overall depth of the covered porch is 3.96 metres. The proposed encroachment into the rear yard of the covered porch is 3.91 metres. The applicant has proposed an encroachment variance to permit a total encroachment of 4.0 metres into the required rear yard for the covered porch to ensure some additional tolerances to final measurements. The location of the covered porch, including the proposed encroachment, relative to the rear lot line is illustrated on **Attachment No. 3**. Building Elevations and Floor Plans for Model 60-1 (with optional covered porch) are included as **Attachment No. 4**.

The details of the requested variances are included in the following Table:

#	Zoning By-law No. 74-53, as amended by By-law No. 2019-075	Variance requested:
1	Section 6.55 (iv) permits a maximum encroachment of 2.4 metres (including eaves and cornices) into a required rear yard for porches not exceeding one (1) storey in height and uncovered terraces (excluding stairs)	Relief from Section 6.55 (iv) to permit a maximum encroachment of 4.0 metres into a required rear yard setback for an unenclosed covered porch not exceeding one (1) storey in height.
#	Zoning By-law No. 2017-66, as amended by By-law No. 2019-076	Variance requested:
2	Section 3.42 (Table 3.42.1 (iv) – Permitted Yard and Setback Encroachments) permits a maximum encroachment of 2.4 metres (including eaves and cornices) into a required rear yard of porches not exceeding one (1) storey in height and uncovered terraces.	Relief from Section 3.42 (Table 3.42.1 (iv)) to permit a maximum encroachment of 4.0 metres into a required rear yard setback for an unenclosed covered porch not exceeding one (1) storey in height.

**3. 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?

Yes       No

The lands subject of the application are designated ‘Low Density Residential 5 Area’ and ‘Environmental Protection Area’ to Schedule 4 (Land Use and Transportation Strategy) of OPA No. 89 to the Township of King Official Plan (“Our King”), as amended.

OPA No. 89 was approved by Council on July 11, 2016 (By-law 2016-67) and established area-specific development policies for these lands, including those related to residential density and buffering from the minimum vegetation protection zone.

The ‘Low Density Residential 5 Area’ designation permits a wide range of residential uses, including single detached dwellings, townhouses, semi-detached dwellings (or other similar dwelling types) with a maximum height of three storeys, seniors housing development (with a maximum height of three storeys). Neighbourhood parks and home occupations are also permitted by the applicable land use designation.

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

Yes       No

The lands subject of the application are zoned Residential Urban Single Detached “A” – K3 Exception (‘R1A-K3’) Zone to Schedule ‘A’ (Map No. 3 – King City Area) of Zoning By-law 74-53 (as amended by By-law 2019-075) and Residential Single Detached “A” – K3 Exception (‘R1A-K3’) Zone – R1A-6 to Schedule ‘A4’ of Zoning By-law 2017-66 (as amended by By-law 2019-076).

Section 7.68 (iv) (R1A-K3 Exceptions) of the Township of King Zoning By-law 74-53 prescribes that the minimum required rear yard setback within the ‘R1A-K3’ Zone is 7.5 metres.

Section 6.55 (iv) (Yard and Setback Encroachments Permitted) of the Township of King Zoning By-law 74-53 permits encroachments of porches not exceeding one (1) storey in height of a maximum of 2.4 metres (including eaves and cornices) into a required rear yard.

Section 6.5.2.6 (d) (R1A Zone Exceptions) of the Township of King Zoning By-law 2017-66 prescribes that the minimum required rear yard setback within the ‘R1A-K3’ Zone – R1A-6 is 7.5 metres.

Section 3.42 (Table 3.42.1 (iv) - Permitted Yard and Setback Encroachments) of the Township of King King Zoning By-law 2017-66 permits encroachments of porches not exceeding one (1) storey in height and uncovered terraces of a maximum of 2.4 metres (including eaves and cornices) into a required rear yard.

Part 2 (Definitions) of Zoning By-law 2017-66 defines “porch” as ‘an unenclosed, covered platform with direct access to the ground that is attached to a dwelling.’

The applicable zoning contemplates permitted encroachments into the rear yard for structures similar to that which is proposed as part of this application. The site-specific zoning of the lot contemplated dwelling options which might include a rear yard covered porch.

However, site-specific considerations related to lot shape and depth have necessitated the application for minor variance. Due to the limits of a Minimum Vegetation Protection Zone on Block 108 (south) (associated with an abutting Natural Heritage System), the south lot line of the subject lands is irregular in shape which has created ‘pinch-points’ in terms of minimum rear yard setback lines; particularly, in the area of the proposed rear yard covered porch, where these setbacks are at their minimum.

As a result, the subject lands have a shallow rear yard depth relative to adjacent lands to the west and east and along the south side of Sunny Acre Crescent.

The proposed dwelling otherwise complies with all other applicable zone provisions related to the construction of a detached dwelling. The proposed rear yard setback to the proposed covered porch (excluding the eaves) is 3.92 metres. These dimensions will need to be verified at the time of building permit issuance.

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

Yes       No

The proposed design and massing of the detached dwelling (including Model 60-1) were previously reviewed and approved through architectural control as part of the subdivision approval process. The proposed structure is anticipated as an unenclosed covered porch to serve as an outdoor extension of the kitchen and amenity area. There are no anticipated impacts related to adjacent and neighbouring development as a result of interior side yard setbacks or building height, nor are variances being contemplated or are required to related zone provisions. Land uses to the south include those as permitted within the applicable Environmental Protection ('EP') Zone.

The setback resulting from the additional encroachment of the covered porch into the required rear yard is not anticipated to present adverse impacts from a technical engineering (i.e. drainage) or environmental perspective as it relates to the adjacent Minimum Vegetation Protection Zone and Natural Heritage System. Development Engineering staff have expressed 'no objections' to the application. Toronto and Region Conservation Authority (TRCA) has been circulated the application for review and has confirmed that as the subject property is located outside of the TRCA Regulated Area, a TRCA permit will not be required with respect to the proposed development and has no concerns with the Minor Variance Application, as proposed.

- 4) Is the relief sought minor in nature?

Yes       No

In consideration of the above, the proposed variances to increase the maximum permitted encroachment of an unenclosed covered porch not exceeding one (1) storey in height into the required rear yard is not anticipated to present adverse impacts related to the function and land use of the property or adjacent lots.

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

Prepared by:

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Gordon Dickson, MCIP, RPP  
Supervisor, Planning and Development

## **ATTACHMENTS**

Attachment No. 1 - Recommended Conditions of Approval  
Attachment No. 2 - Registered Plan of Subdivision (65M-4797)  
Attachment No. 3 - Lot Siting and Encroachment Plans (Lot 24)  
Attachment No. 4 - Porch Elevations & Floor Plans (Model 60-1)