



Minutes of the
City of Richmond Hill
Committee of Adjustment Meeting
February 29, 2024

Status of Applications Considered

<u>Item</u>	<u>Application</u>	<u>Property</u>	<u>Decision</u>
A	A072/23	46 Red Giant Street	APPROVED
B	B037/22	70 Highland Lane	APPROVED
C	A018/23	70 Highland Lane	APPROVED
D	A023/23	70 Highland Lane	APPROVED
E	A080/23	15 Rocksprings Avenue	APPROVED
F	A073/23	31 Eagle Peak Drive	APPROVED
G	A077/23	25 Oxford Street	APPROVED

Present: Mustafa Master
Carlo DiRezze
Nataliya Kelbas
John Li

Jaime Hope, Secretary-Treasurer
Linda Asikis, Assistant Secretary-Treasurer
Sarah Mowder, Planner

Regrets: D. Gossi

Conflicts of interest:

There were none.

Request for adjournments or withdrawals:

There were none.

The following applications were heard by the Committee:

Item A: Minor Variance Application A072/23 (46 Red Giant Street)

To provide relief from the provisions of By-law 96-17, as amended, to permit a reduced minimum rear yard setback from 7.50 metres (24.60 feet) to 4.45 metres (14.59 feet) and increased maximum lot coverage from 50.00% to 54.20% to accommodate the construction of a proposed sunroom at the rear of the existing single-detached dwelling.

Public requests submitted for notice of decision:

Richard Chang – 49 Planet Street

Alex Choi – 48 Red Giant Street

Additional correspondence received and provided to committee from:

Letter of Objection from 53 Planet Street – Received Feb. 27, 2024

Letter of Objection from 47 Planet Street – Received Feb. 23, 2024

Letter of Objection from 51 Planet Street – Received Feb. 22, 2024

Letter of Objection from 48 Red Giant Street – Received Feb. 22, 2024

Letter of Objection from 49 Planet Street – Received Feb. 24, 2024

Representation:

Mr. Matthew Fung, agent, appeared on behalf of the application.

Mr. Fung explained the nature of the application to the Committee.

Comments:

Chairman Master asked if anyone in the audience wished to comment.

Mr. Richard Chang, owner of 49 Planet Street, displayed a presentation in opposition to the proposal and mentioned the safety constraints expressed in the previous hearing. Privacy continues to be a concern and showed the scale of the sunroom in relation to the lot size. Lastly, he mentioned the hard landscaping in the front yard and the potential source for flooding in the area.

Mr. Fung responded to Mr. Chang's comments and noted that the purpose of the minor variance application is for the two identified variances related to the proposal. He added that the dwellings in the area were built to maximize the building envelope not leaving much space for the addition therefore the need to come before the Committee of Adjustment. Finally, Mr. Fung confirmed that during construction, hoarding with plywood will be installed for safety during the construction phase.

Chairman Master asked if Planning had any comments.

There were none.

Chairman Master asked that a condition be included in the decision for the installment of plywood hoarding.

Chairman Master asked if the Committee had any comments.

Member DiRezze commented that safety fencing is required during construction. He asked the agent to confirm that the sunroom is at the same elevation of the dwelling and if the three elevations

of the sunroom will be glass.

Mr. Fung confirmed the sunroom is at the same elevation and the three walls of the sunroom will be glass.

Moved by: C. DiRezze

Seconded by: N. Kelbas

That Minor Variance Application **A072/23**, on behalf of Kinon Leung be Approved. And an affidavit be provided to the Secretary Treasurer ensuring plywood hoarding will be installed during construction.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Motion Carried

Item B: Consent Application B037/22 (70 Highland Lane)

To sever a parcel of land for residential purposes approximately 24.30 metres (79.72 feet) by 39.90 metres (130.90 feet), approximately 912.00 square metres (9,816.69 square feet), and retain a parcel of land approximately 24.31 metres (79.76 feet) by 35.10 metres (115.15 feet), approximately 837.00 square metres (9,009.39 square feet).

And;

Item C: Minor Variance Application A018/23 (70 Highland Lane)

To provide relief from the provisions of By-law 66-71, as amended, to permit a reduction in the required lot area from 1,114.84 square meters (12,000 square feet) to 912.00 square metres (9,816.68 square feet) and lot frontage from 24.38 metres (80.00 feet) to 24.30 metres (79.72 feet) to facilitate Consent Application B037/22 on the retained land. Relief is also being requested to permit reduced minimum side yard setback (north) to second storey from 6.00 metres (20.00 feet) to 3.19 metres (10.47 feet) and reduced minimum side yard setback (south) to second storey from 6.00 metres (20.00 feet) to 3.45 metres (11.32 feet) to accommodate the construction of a proposed single detached dwelling.

And;

Item D: Minor Variance Application A023/23 (70 Highland Lane)

To provide relief from the provisions of By-law 66-71, as amended, to permit a reduction in the required lot area from 1,114.84 square meters (12,000 square feet) to 837.00 square metres (9,009.39 square feet) and lot frontage from 24.38 metres (80.00 feet) to 24.31 metres (79.72 feet) to facilitate Consent Application B037/22 on the severed land. Relief is also being requested to permit a reduced minimum rear yard setback 7.62 metres (25.00 feet) to 4.07 metres (13.35 feet), reduced minimum front yard setback to the first storey from 9.00 metres (29.53 feet) to 8.30 metres (27.23 feet) and reduced minimum front yard setback to the second storey from 12.00 metres (39.37 feet) to 8.30 metres (27.23 feet) to accommodate the construction of a proposed single detached dwelling.

Public requests submitted for notice of decision: None.

Additional correspondence received and provided to the committee from: None.

Representation:

Ms. Rosanna Punit, agent, appeared on behalf of the application.

Ms. Punit explained the nature of the application to the Committee.

Comments:

Chairman Master asked if anyone in the audience wished to comment.

There were none.

Chairman Master asked if Planning had any further comments.

There were none.

Chairman Master asked if the Committee had any comments.

There were none.

Moved by: N. Kelbas

Seconded by:

That Consent Application **B037/22**, on behalf of Gil Shcolyar be Approved subject to the following conditions:

Condition #	Department / Agency Contact:	Condition:
1.	Building/Zoning: Jessica Wong 905-771-5564	That the Owner apply to and receive from the Council of the City of Richmond Hill demolition approval pursuant to Demolition Control By-law No. 15-90 as required, and that the Owner demolish all buildings and/or structures and remove all debris to the satisfaction of the Chief Building Official.
2.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	<ol style="list-style-type: none"> 1. Submit to the City's Development Engineering Division a grading plan prepared by a professional engineer or Ontario land surveyor detailing the drainage pattern while showing the existing and proposed elevations for both the severed and retained lands along with the adjoining lands; 2. Obtain the City's approval of the grading plan referred to in (1); 3. Enter into an agreement with the City (unless not required by the City) for either (i) grading and drainage; or (ii) grading and servicing, which addresses the provision of swales, easements and/or catch basins and which will be registered on title to the lands in priority to all other claims, encumbrances or other item or matter that the City Solicitor deems to be an encumbrance or claim; and 4. Ensure that any easements required to be provided pursuant to the agreement referred to in (3) are registered in priority to all other claims, encumbrances or any other item or matter the City Solicitor deems to be an encumbrance or claim.

Condition #	Department / Agency Contact:	Condition:
3.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	That the applicant provide to the Development Engineering Division, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Engineering conditions.
4.	Development Engineering: Lindsay Finbow 905-747-6319	That the Applicant arrange and pay to the City for the installation of service connections to render the severed and retained parcels fully serviced. The current Tariff of Fees schedule will be used to determine the amount of payment for the service connections.
5.	Finance: Christina Giannakakis 905-771-5550	No parkland or Cash-in-Lieu is required as a condition of consent. However, the Applicant (Owner) should be made aware that the City will require land to be conveyed for park or other recreation purposes or, at the option of the City, a payment of Cash-in-Lieu of such land prior to the issuance of a building permit pursuant to section 42 of the <i>Planning Act</i> . The Owner shall enter into an agreement acknowledging the foregoing, which agreement shall be registered on title to the RETAINED parcel for the purpose of notice. Further, the owner shall pay the City the cost set out in the City's Tariff of Fees By-law with respect to the preparation, processing and registration of the agreement. If the Owner does not wish to enter into the above agreement, the Owner may voluntarily pay any Cash-in-Lieu owing under section 42 of the <i>Planning Act</i> prior to the granting of the consent. The Applicant (Owner) may determine the amount of Cash-in-Lieu required by contacting the Finance Department.
6.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.

Condition #	Department / Agency Contact:	Condition:
7.	Region of York 1-877-464-9675 Justin Wong Ext. 71577	Prior to approval of the consent application, the Region requests that the City of Richmond Hill confirm through email that adequate water supply and sewage capacity has been allocated for the proposed new lot.
8.	Committee of Adjustment: 905-771-2443	That the applicant provides the Secretary Treasurer with the legal description of the severed land in the form of a letter or draft transfer prepared by the applicant's solicitor.
9.	Committee of Adjustment: 905-771-2443	That the applicant provides one white print of a deposited plan of reference of the entire land which conforms substantially with the application as submitted.
10.	Committee of Adjustment: 905-771-2443	That the Solicitor for the Owner give an undertaking in writing to provide to the Secretary Treasurer of the City of Richmond Hill within 30 days of the date of registration in the Land Registry/Land Titles Office a copy of the receipted and registered electronic transfer document including the Form 2 for Consent B037/22.

Reasons for approval:

1. The proposal conforms to Section 51(24) as required of the Planning Act.
2. The proposal conforms to the City of Richmond Hill Official Plan.
3. The proposal conforms to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

And;

That Minor Variance Application **A018/23**, on behalf of Gil Shcolyar be Approved.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

And;

That Minor Variance Application **A023/23**, on behalf of Gil Shcolyar be Approved.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Motion Carried

Item E: Minor Variance Application A080/23 (15 Rocksprings Avenue)

To provide relief from the provisions of By-law 190-87, as amended, to permit a reduced minimum side yard from 1.50 metres (4.92 feet) to 1.22 metres (4.00 feet) to accommodate the construction of a proposed side door entrance.

Public requests submitted for notice of decision:

Ms. Mariane Downes – 11 Rocksprings Avenue

Additional correspondence received and provided to the committee from:

Letter of Objection from 12 Rocksprings Avenue – Received February 28, 2024

Letter of Objection from 11 Rocksprings Avenue – Received February 28, 2024

Representation:

Mr. Vahid Golbabapour, agent, appeared on behalf of the application.

Mr. Golbabapour explained the nature of the application to the Committee.

Comments:

Chairman Master asked if anyone in the audience wished to comment.

Ms. Mariane Downes, owner of 11 Rocksprings Avenue expressed concerns about privacy and the location of the door being across from their kitchen and dining room window allowing a risk of oversight. She added that because of side door and the slope, there is a potential change of the current drainage.

Mr. Navi Shakibapour, speaking on behalf of the owners, explained that they were not aware of the building permit required for the side door. He responded that the top of the door is below the window and would not cause privacy concern to the neighbour. He replied to Mariane's comment regarding the basement being used as a rental unit and said that it will not be used as a rental unit, more so a separate entrance for the health care workers to access the lower level instead of entering through the front door of the home. He added that they are willing to work with the neighbour to mitigate their privacy concerns.

Chairman Master asked if Planning had any further comments.

There were none.

Chairman Master mentioned concerns from the correspondence regarding drainage.

Member DiRezze commented as the side yard cover being gravel, there are no concerns of erosion or drainage. He suggested a wooden panel in front of the door and downward facing lighting to mitigate light illuminating into the neighbour's window.

Chairman Master asked if the Committee had any comments.

Member Kelbas asked for confirmation regarding the existing side yard and Member DiRezze confirmed that page 2 of the staff report noted that bylaws amended permits the side yard of 1.20 metres where there are no doors.

Chairman Master asked about the ground cover and how the door being accessed. The agent replied that concrete pavers did exist prior to the door being constructed.

Member DiRezze added that the Engineering department will maintain two feet for drainage and a landing to access the door.

Member Li asked if the door is used to access the basement or the main level of the home.

The owner confirmed that the door accesses both the basement and the main floor.

Member Li asked if a condition be added for fencing and Member DiRezze replied that the committee can not enforce fencing.

Chairman Master asked if the Committee had any other comments.

There were none.

Moved by: C. DiRezze

Seconded by: N. Kelbas

That Minor Variance Application **A080/23**, on behalf of Sharareh Asadi and Mahmoud Shakibapour Tabrizi be Approved.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Motion Carried

Item F: Minor Variance Application A073/23 (31 Eagle Peak Drive)

To provide relief from the provisions of By-law 190-87, as amended, to permit a reduced minimum side yard setback (north) from 1.50 metres (4.92 feet) to 1.22 metres (4.00 feet) to accommodate the construction of a proposed side door basement entrance.

Public requests submitted for notice of decision:

Moe Vaziri – 38 Durango Drive

Additional correspondence received and provided to the committee from: None.

Representation:

Mr. Claudio Abdulah appeared on behalf of the owners.

Mr. Abdulah explained the nature of the application to the Committee.

Comments:

Chairman Master asked if anyone in the audience wished to comment.

There were none.

Chairman Master asked if Planning had any further comments.

There were none.

Chairman Master asked if the Committee had any comments.

There were none.

Moved by: N. Kelbas

Seconded by: J. Li

That Minor Variance Application **A073/23**, on behalf of Ra'ad Abdulah and Anwar Saleem be Approved.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Motion Carried

Item G: Minor Variance Application A077/23 (25 Oxford Street)

To provide relief from the provisions of By-law 2523, as amended, to permit a reduced minimum front yard setback from 7.62 metres (25.00 feet) to 6.87 metres (22.53 feet), reduced minimum side yard (flankage) from 7.62 metres (25.00 feet) to 3.01 metres (9.87 feet), increased maximum driveway width from 6.00 metres (19.68 feet) to 9.12 metres (29.92 feet), increased maximum gross floor area (garage) from 40.00 square metres (430.55 square feet) to 60.68 square metres (653.15 square feet) and increased maximum encroachment for a porch and steps into the required minimum front yard from 0.91 metres (3.00 feet) to 1.56 metres (5.11 feet) to accommodate the construction of a proposed single-detached dwelling with two accessory residential units and a detached garage.

Public requests submitted for notice of decision: None.

Additional correspondence received and provided to the committee from: None.

Representation:

Mr. Marco Rotundo, agent, appeared on behalf of the application.

Mr. Rotundo explained the nature of the application to the Committee.

Comments:

Chairman Master asked if anyone in the audience wished to comment.

There were none.

Chairman Master asked if Planning had any further comments.

There were none.

Chairman Master asked if the Committee had any comments.

There were none.

Moved by: J. Li

Seconded by: C. DiRezze

That Minor Variance Application **A077/23**, on behalf of Francesco Cristina & Enzo Panicia be Approved.

Subject to the following conditions:

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.

For the following reasons:

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Motion Carried

Other Business:

There were none.

Approval of Minutes of February 8, 2024

Moved by: C. DiRezze

Seconded by: J. Li

Motion Carried

Motion to Adjourn

Moved by: J. Li

Seconded by: N. Kelbas

That the meeting be adjourned.

Motion Carried

The meeting adjourned at 8:10 PM

Mustafa Master
Chairman

Jaime Hope
Secretary-Treasurer
Committee of Adjustment