



Committee of Adjustment
Planning & Building Services Department
225 East Beaver Creek Road, 4th Floor
Richmond Hill, ON L4B 3P4
Phone: 905-771-2443
Email: committeeofadjustment@richmondhill.ca

Notice of Decision – Minor Variance Application
Section 45 of the Planning Act, R.S.O. 1990, c.P.13, as amended

Hearing Date & Time:	Thursday, May 16, 2024, at 7:00 P.M.
Location:	Council Chambers, 225 East Beaver Creek Road, 1 st Floor, Richmond Hill.
City File Number:	A041/23
Property (Subject Land):	41 Garden Avenue
Owner:	Ali Etamadi
Related Applications:	N/A

The Request:
To provide relief from the provisions of By-law 2523, as amended, to permit increased maximum lot coverage for all detached accessory structures from 5.00% to 6.60%, reduced minimum front yard setback from 9.14 metres (30.00 feet) to 3.23 metres (10.59 feet), increased maximum lot coverage for detached accessory structures including swimming pool from 10.00% to 10.90% and increased maximum height of cabana from 2.75 metres (9.02 ft.) to 3.58 metres (11.74 feet), increased maximum height of a covered bench from 2.75 metres (9.02 feet) to 2.80 metres (9.18 feet) and increased maximum wall height of a detached accessory structure (gazebo) from 2.44 metres (8.00 feet) to 2.67 metres (8.76 feet) to accommodate the construction of a proposed pool and cabana.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. Having regard to the requirements of Section 45 of the Panning Act, R.S.O. 1990, c. P. 13, as amended. In so doing, IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application 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.
3. That the Applicant convey to the City, free of all costs, objects, structures, and encumbrances, the necessary road widening, determined by a legal survey, to establish:

A widening through the frontage of 41 Garden Avenue is required (The City is protecting for a 26.0m Road Allowance). 13.0m from the legal centre line of the road is to be City owned. The deficient amount to be determined by an Ontario Land Surveyor and conveyed to the City.

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.

Written & Oral Submissions Were Received From The Following:

Written Submissions * Public Correspondence & Staff/Agency Comments	Oral Submissions
Letter of Objection from 39 Garden Avenue - Received May 15, 2024	Adam Layton
	Jack Greenberg

Signed By All Members Present Who Concur In This Decision:

ABSENT

Chairman M. Master

DocuSigned by:



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Member – N. Kelbas

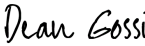
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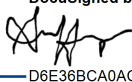
Acting Chairman - C.DiRezze

DocuSigned by:



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Member – D. Gossi

Date of Hearing:	May 16, 2024
Date of Notice:	May 25, 2024
Last Day for Appeal: *please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	June 5, 2024
Certification: I hereby certify that this is a true copy of the decision of the city of Richmond Hill committee of adjustment and this decision was concurred in by a majority of the members who heard the application. <div><div>DocuSigned by:</div><div></div><div>D6E36BCA0AC74A8...</div></div> Anna Henriques Acting Secretary-Treasurer Committee Of Adjustment	

Appealing to the Ontario Land Tribunal

The *Planning Act*, R.S.O. 1990, as amended, Section 45(12)

No one other than the applicant, the municipality, certain public bodies, and the Minister will be allowed to appeal municipal decisions to the Tribunal within 20 days of the making of the decision. An appeal to the Ontario Land Tribunal against the decision must be **filled with the Secretary-Treasurer of the committee**. A notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Ontario Land Tribunal under the *Ontario Municipal Board Act* as payable on an appeal from a Committee of Adjustment to the Board.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

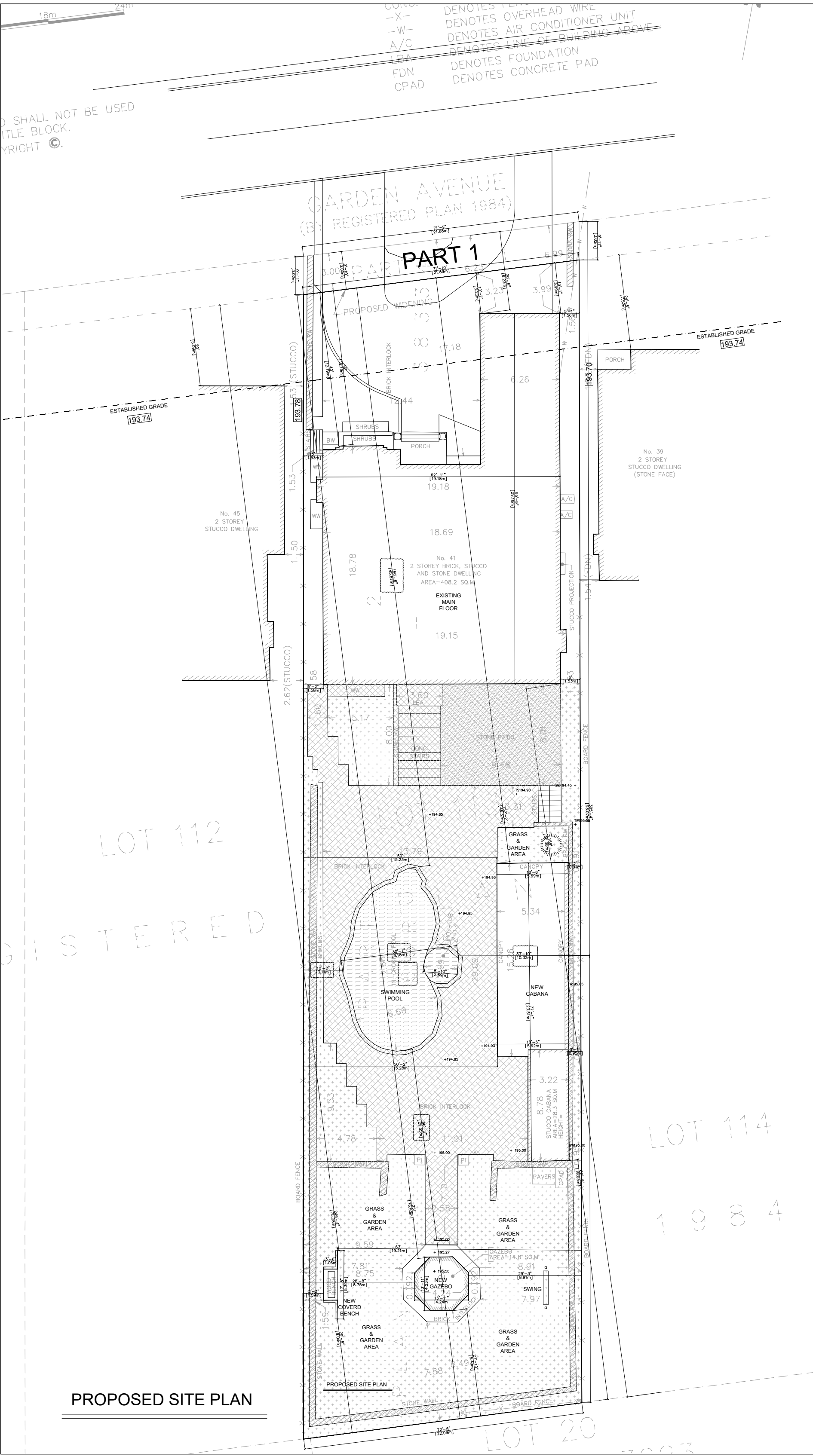
Appeal fees & forms

Ontario Land Tribunal: As of July 1, 2020, the appeal fee is \$400 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. Notice of appeal forms (Appellant Form A1 – Minor Variance) can be obtained at www.olt.gov.on.ca.

City of Richmond Hill Tribunal Processing Fee: *\$174.00 per application

**Please note that all fees are subject to change.*

For further information please contact the
Secretary-Treasurer, Committee of Adjustment weekdays from 8:30 am to 4:30 pm



ZONING DATA MATRIX: 41 GARDEN AVE.				
NEW CABANA, GAZEBO, COVERED BENCH & SWIMMING POOL				
DEVELOPMENT STANDARD	BY-LAW REIREMENT	PROPOSED (BASED ON THE SITE PLAN)		DEFICIENCY
LOT AREA		21,878.31 SQ.FT. (2,032.56 SQ.M.)		
FRONTAGE		21.88 M		
FRONT YARD SETBACK		EXISTING MAIN BUILDING	3.23 M	
		PROPOSED CABANA	46.37 M	
		PROPOSED GAZEBO	76.50 M	
		PROPOSED COVERED BENCH	75.08 M	
REAR YARD SETBACK		EXISTING MAIN BUILDING	56.38 M	
		PROPOSED CABANA	19.03 M	
		PROPOSED GAZEBO	8.49 M	
		PROPOSED COVERED BENCH	9.04 M	
EAST SIDE YARD SETBACK		EXISTING MAIN BUILDING	1.53 M	
		PROPOSED CABANA	0.91 M	
		PROPOSED GAZEBO	8.91 M	
		PROPOSED COVERED BENCH	19.21 M	
WEST SIDE YARD SETBACK		EXISTING MAIN BUILDING	1.53 M	
		PROPOSED CABANA	15.23 M	
		PROPOSED GAZEBO	8.75 M	
		PROPOSED COVERED BENCH	1.59 M	
COVERAGE / GROSS FLOOR AREA (THE AREA OF THE CABANA + GAZEBO + COVERED BENCH)		6.43% (1,406.93 SQ.FT.)		
COVERAGE / GROSS FLOOR AREA (THE AREA OF THE CABANA + GAZEBO + COVERED BENCH + SWIMMING POOL)		10.60 % (2,318.29 SQ.FT.)		
BUILDING HEIGHT	2.75 M	PROPOSED CABANA	3.58 M	0.78 M
	3.60 M	PROPOSED GAZEBO	3.60 M	0.00 M
	2.44 M	PEAK OF THE ROOF TOP OF THE EAVES	2.67 M	0.23 M
	2.75 M	PROPOSED COVERED BENCH	2.80 M	0.05 M
PARKING SPACE				
OTHERS				
OTHERS				
SPECIFICATIONS FOR THE FRONT YARD:				
FRONT YARD AREA		2,344.40 SQ.FT.		
DRIVEWAY AREA		1,351.07 SQ.FT.		
INTERLOCKING AREA		178.62 SQ.FT.		
RETAINING WALL		67.70 SQ.FT.		
PORCH AREA		107.08 SQ.FT.		
SOFT LANDSCAPING (GRASS/GARDEN)		639.93 SQ.FT.		
TOTAL LANDSCAPING AREA = FRONT YARD AREA - DRIVEWAY AREA		993.33 SQ.FT.		
PERCENTAGE RATIO OF THE TOTAL LANDSCAPING TO THE FRONT YARD AREA		(42.37%)		
PERCENTAGE RATIO OF THE SOFT LANDSCAPING TO THE TOTAL LANDSCAPING		(64.42%)		
SPECIFICATIONS FOR THE SIDE YARDS:				
EAST SIDE YARD AREA		470.30 SQ.FT.		
WEST SIDE YARD AREA		295.13 SQ.FT.		
INTERLOCKING AND HARD SURFACES WINDOW WELL AREA		765.43 SQ.FT.		
PERCENTAGE RATIO OF THE TOTAL LANDSCAPING TO THE SIDE YARD AREA		(100.00%)		
SPECIFICATIONS FOR THE BACK YARD:				
BACK YARD AREA		13,664.30 SQ.FT.		
WALK-OUT, WALKWAY & STAIRS AREA + PATIO AREA + WINDOW WELL		1,351.07 SQ.FT.		
INTERLOCKING SURFACES		4,043.83 SQ.FT.		
RETAINING WALL		767.02 SQ.FT.		
CABANA AREA		1,209.53 SQ.FT.		
GAZEBO AREA		159.79 SQ.FT.		
COVERED BENCH AREA		37.61 SQ.FT.		
SOFT LANDSCAPING (SWIMMING POOL)		911.36 SQ.FT.		
SOFT LANDSCAPING (GRASS/GARDEN)		5,620.25 SQ.FT.		
TOTAL LANDSCAPING AREA = BACK YARD AREA - (CABANA+GAZEBO+COVERED BENCH AREA)		12,257.37 SQ.FT.		
PERCENTAGE RATIO OF THE TOTAL LANDSCAPING TO THE BACK YARD AREA		(89.70%)		
PERCENTAGE RATIO OF THE SOFT LANDSCAPING TO THE TOTAL LANDSCAPING		(53.29%)		

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND THE QUALIFICATIONS AND MEETS THE REQUIREMENTS OF THE ONTARIO BUILDING CODE (OR 217.5.1. OF THE 1997 ONTARIO BUILDING CODE) UNLESS DESIGN IS EXEMPT UNDER DIVISION C - 3.2.5.1. OF THE 1997 ONTARIO BUILDING CODE.

NAME AND BCIN:
NAFISEH ZANGIABADI 43395

REGISTRATION INFORMATION REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.5.1. OF THE 2006 O.B.C. (OR 217.5.1. OF THE 1997 O.B.C.)

NAME AND BCIN:
LIVENSA DESIGN INC 44961

STRUCTURAL DESIGN	A.S.
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ISSUED FOR:

PAPER SIZE: 24X18

DATE: 2024, MAY 14th

PROJECT ADDRESS:

**41 GARDEN AVENUE
RICHMOND HILL
ONTARIO, CANADA**

TITLE:

**PROPOSED SITE
PLANS &
ZONING DATA
MATRIX**

SCALE:

3/64"=1'-0" & 3/32"=1'-0"

GENERAL NOTES:

- THESE DRAWINGS ARE THE COPYRIGHT PROPERTY OF NAFISS DESIGN INC AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.
- THESE DRAWINGS ARE FOR PERMIT APPLICATION PURPOSE. CONTRACTOR MUST CHECK ALL APPLICABLE BY-LAWS AND OBC. ANY DISCREPANCY MUST BE REPORTED TO THE DESIGNER.
- DO NOT SCALE DRAWINGS.
- ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.
- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- USE ONLY LATEST REVISED DRAWINGS.
- ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB SITE AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO DESIGN FIRM PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.

DRAWING:

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