



Report to the Committee of Adjustment Minor Variance Application

Address: 22 Drumern Crescent
Owner: Liliana Lopes
Applicant: Eduardo Peres
File Number(s): MV-24-11
Related Application(s): N/A
Hearing Date: April 25, 2024
Prepared By: Sarah Mowder, Planner II

Application Request

The following relief to Zoning By-law 3-74, as amended, is requested:

| | | Zoning By-law Requirement | Proposed | Deficiency |
|----|---|----------------------------------|-----------------------|---------------------|
| 1. | Minimum Front Yard Setback (Established Building Line) | 12.41 m (40.72 ft) | 10.82 m (35.50 ft) | 1.59 m (5.22 ft) |
| 2. | Minimum Side Yard Setback (West) | 1.83 m (6.00 ft) | 1.53 m (5.01 ft) | 0.3 m (0.98 ft) |
| 3. | Maximum Front Yard Porch Encroachment | 2.44 m (8.00 ft) | 3.50 m (11.48 ft) | 1.06 m (3.48 ft) |
| 4. | Maximum Rear Yard Deck Encroachment | 2.44 m (8.00 ft) | 4.01 m (13.16 ft) | 1.57 m (5.15 ft) |

The applicant is requesting relief from the requirements of the City of Richmond Hill Zoning By-law 3-74, as amended, to facilitate the construction of a new single detached dwelling on the subject lands.

Background

Subject Property and Area Context

The subject lands, municipally known as 22 Drumern Crescent, are generally located east of Bathurst Street, north of Carrville Road, and south of Weldrick Road. The property has a lot area of approximately 557.5 sq.m (6,000.88 sq.ft) and a lot frontage of approximately 15.24 m (50.00 ft). The subject lands contain an existing single detached dwelling which is proposed to be demolished to facilitate the development of

a new single detached dwelling. The lands also contain multiple mature trees, some of which have been fenced to be protected through the construction process. Adjacent land uses along Drumern Crescent consist of single detached dwellings ranging in style and size. Surrounding land uses include single detached dwellings along Weldrick Road to the north and along Mayvern Crescent to the south, and single detached and townhouse dwellings along Castle Rock Drive to the west.

Official Plan

The subject lands are designated as "Neighbourhood" in accordance with the City's Official Plan (the "Plan"). This designation permits low-density residential development, inclusive of single detached dwellings. The "Neighbourhood" land use policies permit a maximum building height of three storeys (four storeys on an arterial street) and require that development respect the character and distinguishing features of neighbourhoods, be context-sensitive, and be compatible with the character of the adjacent and surrounding areas.

Zoning

The subject lands are zoned "Residential Second Density (R2) Zone" pursuant to Zoning By-law 3-74, as amended. This zone permits the construction of a single detached dwelling on the subject lands, subject to specific development standards.

Related Applications on The Subject Lands

N/A

Planning Comments

Planning Staff have evaluated the requested minor variance(s) 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?

The intent of the "Neighbourhood" designation is to enhance and strengthen the character of neighbourhoods and promote connectivity and excellence in design. Opportunities for small-scale infill development are encouraged to support a greater mix of housing. Compatible new development should represent a "good fit" within the physical context and character of the surrounding areas.

The subject lands are located within an established neighbourhood that contains a mix of dwelling types, styles and sizes. Staff are of the opinion that the proposed development of a single detached dwelling is compatible with the character and physical context of the adjacent and surrounding area, particularly with respect to overall building massing and scale, the patterns of setbacks and landscaped areas, and the preservation of mature trees and landscape features.

Based on the above, Staff are 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 intent of the minimum front yard and side yard setback provisions are to ensure there is appropriate and adequate spacing within the required yards for landscaping, access, lot drainage, maintaining an appropriate streetscape and minimizing potential shadow/overlook impacts. The proposed front and side yard setbacks are not anticipated to adversely impact adjacent properties or the usability of the subject lands or negatively impact the streetscape. The front yard setback requirement is measured from the established building line which is a line connecting the closest points of the neighbouring dwellings. It is noted that while the proposed dwelling is closer to the front property line than the neighbouring dwelling to the east, the proposed dwelling is set back from the neighbouring dwelling to the west. The proposed front yard setback reduction will not pose an adverse impact to the streetscape and will not dominate the frontages of the neighbouring dwellings. The proposed reduced side yard setback is specifically associated with a 0.3 m (0.98 ft) bump out projection into the side yard, whereas the main wall is setback at the required 1.83 m (6.00 ft). The proposed side yard setback will not adversely impact the function or usability of the side yard and does not result in adverse impacts to the streetscape from a massing perspective.

The intent of the maximum encroachment development standard for a porch and steps into the minimum required front yard is to protect for appropriate streetscape design, to provide adequate setback from the front lot line and to allow for appropriate landscaping. Staff have reviewed the proposed encroachment, which is associated with an uncovered porch and steps leading from the front door. Given this, Staff are of the opinion that there will be no adverse impact on the streetscape or function of the front yard. It should be noted that while the encroachment is to permit the proposed front porch and steps, the requested variance reflects the portion of the front steps attached to and considered part of the single detached dwelling for the purposes of the zoning by-law. The proposed remaining steps are considered landscaping under the zoning by-law.

Lastly, the intent of the maximum encroachment development standard for a deck and steps into the minimum required rear yard is to protect for appropriate private amenity space, appropriate setback separation to property lines, and privacy to neighbouring rear yards. The rear yard encroachment of the portion of the deck is minimal and is permitted by the zoning by-law. The bulk of the requested encroachment is associated with the proposed steps projecting further into the required rear yard. The steps are setback 6.66 m (21.85 ft) from the rear property line and the deck is set further back at 8.69 m (28.51 ft), whereas the by-law requires a rear yard setback of 10.69 m (35 ft) and allows an encroachment of 2.44 m, which would result in a rear yard setback to the deck/stairs of 8.25 m (27.1 ft). In this regard, the encroachment is to reflect the stairs projecting into the rear yard. The proposed encroachment would not result in adversely impacting the usability or function of the rear yard. The proposed deck is within the permitted encroachment and complies with the by-law.

Staff are 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?

The proposed construction of a new single detached dwelling is considered desirable for the appropriate development of the land as the proposed development maintains the existing residential use of the subject lands and is compatible with the existing character and physical context of the neighbourhood, particularly with respect to building massing and scale and the patterns of yard setbacks.

4) Are the proposed variances considered minor in nature?

In the opinion of Staff, the requested zoning relief with respect to required setbacks and porch and deck encroachments will not result in negative impacts to the neighbourhood, streetscape or functionality of the subject lands and abutting properties.

As such, Staff are of the opinion that the requested variances are minor in nature.

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 | Staff have reviewed the proposal and have no objections. The property is subject to Tree Preservation By-law No. 41-07. Permits are required to remove or injure trees greater than or equal to 20 cm DBH (diameter measured 1.4 metres from the ground) requires permission (i.e. a permit) from City staff 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. |
| Urban Design & Heritage | No objections |
| Corporate & Financial Services | No objections |
| Alectra Utilities | No objections. Comments provided in Appendix 'C' |
| Enbridge | Not applicable. |
| Bell Canada | No objections. |
| York Region: Transportation & | No objections. |

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|---|-----------------|
| Community Planning Department | |
| Toronto & Region Conservation Authority | No objections. |
| CN Rail | Not applicable. |
| TransCanada Pipeline | Not applicable. |
| Abutting Municipality | Not applicable. |
| Ministry of Transportation | Not applicable. |
| Ministry of Housing | Not applicable. |
| Infrastructure Ontario | Not applicable. |
| York Region District School Board | No objections |

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 variances, subject to the conditions outlined in Appendix 'A'.

Attachments

Appendix 'A' — Recommended Conditions of Approval

Appendix 'B' — Site Plan and Elevations

Appendix 'C' – Alectra Utilities Comments Letter dated March 27, 2024

Appendix 'A' – Recommended Conditions of Approval

The following conditions are recommended should application MV-24-11 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.