



Report to the Committee of Adjustment Minor Variance Application

Addresses: 8640 and 8642 Yonge Street
Owner: Voice of the Vedas Cultural Sabha Inc.
Applicant: MPS Engineering Inc. (Mahadeo Singh)
File Number: MV-24-30
Related Application: D06-22051
Hearing Date: May 16, 2024
Prepared By: Giuliano La Moglie, Planner II

Application Request

The following relief to Zoning By-law 2523, as amended, is requested:

		Zoning By-law Requirement	Proposed	Deficiency
1.	Minimum Driveway Width	5.49 m (18.0 ft)	4.0 m (13.12 ft)	1.49 m (4.88 ft)
2.	Minimum Landscaped Area	48%	46%	2%
3.	Vehicular Access	Not permitted along Garden Avenue	Existing Driveway access along Garden Avenue	N/A

The applicant is requesting relief from the requirements of the City of Richmond Hill Zoning By-law 2523, as amended, to permit an existing driveway to Garden Avenue.

Background

Subject Property and Area Context

The subject lands, municipally known as 8642 and 8640 Yonge Street, are generally located on the west side of Yonge Street and on the south side of Garden Avenue. The property has a lot area of approximately 6,293.5 sq.m (67,743.10 sq.ft.), a lot frontage of approximately 43.3 m (142.06 ft.) along Yonge Street and a lot frontage of approximately 28.18 m (92.45 ft) along Garden Avenue. The subject lands contain a place of worship and an associated retirement residence. Notably, the subject lands

also contain a one-way driveway, which provides vehicular access from the site to Garden Avenue. Planning staff note that the construction of this driveway took place without prior approvals from the City. Adjacent to the subject lands are an existing gas station to the northeast, existing residential uses and hazard lands to the west and Yonge Street to the east.

Official Plan

The southern part of the subject lands west of Yonge Street, municipally known as 8640 Yonge Street, which contains a place of worship is designated as “Richmond Hill Centre” in accordance with the City’s Official Plan (the “Plan”). The “Richmond Hill Centre” designation permits a mix of uses such as high density residential, medium density residential, office commercial, retail, community uses and institutional uses, such as a place of worship.

The northern part of the subject lands generally located south of Garden Avenue, municipally known as 8642 Yonge Street, which contains a retirement residence is designated as “Neighbourhood” in accordance with the City’s Official Plan. The “Neighbourhood” designation permits low rise and medium density residential uses such as walk-up apartments and community uses.

Zoning

The subject lands are zoned “Institutional (I) Zone” under By-law 2523, as amended by site-specific By-laws 261-99, 49-07 and 123-12. The zoning permits a retirement residence and a place of worship, subject to specific lot and development standards.

Related Applications on The Subject Lands

A Site Plan application has been submitted for the proposed development on the subject lands and is currently under review (City File D06-22051). The Site Plan application seeks approval to facilitate a proposed solarium addition to the existing retirement residence, construction of a new patio area, installation of new fencing, construction of a concrete pad for the garbage enclosure area, placement of religious statues and to recognize an existing one-way driveway which provides access to Garden Avenue and is subject to the requested variance.

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) Does 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 the neighbourhoods and promote connectivity and excellence in design. The intent of the “Richmond Hill Centre” designation is to develop a compact, mixed-use urban centre supported by high quality public realm, walkable streets and transit-oriented development. Additionally, the “Richmond

Hill Centre" area is designated to serve as a focal point for cultural facilities, public institutions, and major services.

As previously noted, the subject lands currently contain a retirement residence with a driveway providing vehicular access from the site to Garden Avenue. Planning Staff note that this driveway runs parallel to the retirement residence, providing a direct connection from the site to Garden Avenue. It is also noted that the original configuration of the subject lands had access exclusively from Yonge Street. However, in 2020, road modifications were implemented along Yonge Street, introducing Bus Rapid Transit (BRT) lanes. Consequently, these road modifications restricted access from the subject lands for northbound travel on Yonge Street and restricted exit options to southbound travel only. In response to this limitation and to ensure access to the northbound direction upon exiting the site, a driveway was constructed, facilitating one-way access exclusively to Garden Avenue for residents and visitors.

The policies of the Official Plan do not prohibit driveway access from any specific street, including Garden Avenue. Moreover, the driveway benefits the site by providing an alternative exit route while maintaining the primary access from Yonge Street. This aligns with the goals and objectives of the Official Plan by enhancing greater connectivity and accessibility for the subject lands.

Planning Staff have reviewed the proposal and considers the variances to be in keeping with the general intent and purpose of the Official Plan

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

The applicant is requesting relief to recognize the width of the driveway which provides access to Garden Avenue. The intent of the by-law for minimum driveway width is to regulate the use of a driveway and to ensure there is adequate separation for motor vehicles. According to the City's Transportation Staff, access routes not designated as fire routes may have a reduced width of 4.0 m (13.12 ft) to accommodate one-way traffic. Given that the driveway is exclusively for one-way traffic and is not required to be a fire route, the width does not raise any concerns in this regard.

Relief is also requested to recognize the existing landscape area on the subject lands. The intent of the by-law for minimum landscape area is to provide sufficient soft landscaped areas to assist with reducing the possibility of run-off onto neighbouring properties. This is to ensure that there are sufficient permeable spaces on the subject lands. The applicant submitted a Grading Plan to demonstrate how drainage will occur on the lot. The City's Development Engineering staff has reviewed the Grading Plan and is satisfied with the drainage plan of the lot.

Lastly, relief is required to recognize the existing driveway which provides vehicular access to Garden Avenue from the subject lands. Provision 1 b) of By-law 49-07 specifies that vehicular access is not permitted from Garden Avenue. The intent of this provision is to minimize traffic impacts on a collector street. To

assess the impact, the applicant submitted an Access Analysis Study through the associated Site Plan application process which has been reviewed by the City's Transportation staff. It was determined through the review that the driveway access to Garden Avenue is acceptable and will not adversely impact the surrounding neighbourhood. Moreover, given that the driveway is designed to accommodate one-way traffic, it will not result in a significant increase in traffic volume on Garden Avenue.

Given the above, it is staff's opinion that the proposed variances meet 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 existing driveway is limited to left-out and right-out access only, allowing vehicles to exit the site without negatively impacting traffic movement along Garden Avenue. Furthermore, the driveway enables northbound travel on Yonge Street, providing an alternative exit route and maintaining the primary access to the site. Additionally, the driveway enhances accessibility for residents and visitors of the retirement residence without causing adverse effects on the surrounding area. The subject lands also feature adequate landscaped areas, ensuring the presence of plantings throughout the site.

Staff are of the opinion that the requested variances are desirable for the appropriate development of the land.

4) Are the proposed variances considered minor in nature?

The existing driveway width and the access to Garden Avenue is not expected to pose safety concerns or impede traffic flow along Garden Avenue. The access has been reviewed and accepted by the City's Transportation Staff. It is noted that similar access from other collector streets has been approved for numerous properties in the surrounding area, providing access to alternative streets. Adequate landscaping areas have been provided on the site, ensuring proper drainage is controlled on the site without any drainage concerns on adjacent properties.

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	No objections.

Urban Design and Heritage	Not applicable.
Corporate & Financial Services	No objections.
Alectra Utilities	No objections. Comments provided in Appendix 'C'.
Enbridge	Not applicable.
Bell Canada	Not applicable.
York Region: Transportation & Community Planning Department	No objections.
Toronto & Region Conservation Authority	No objections.
CN Rail	Not applicable.
TransCanada Pipeline	Not applicable.
Abutting Municipality (Vaughan/King/Aurora/Stouffville/Markham)	Not applicable.
Ministry of Transportation	Not applicable.
Ministry of Municipal Affairs and Housing	Not applicable.
Infrastructure Ontario	Not applicable.

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

Appendix 'C' - Alectra Comments dated April 25, 2024

Appendix 'A' – Recommended Conditions of Approval

The following conditions are recommended should application MV-24-30 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.