



## Committee of Adjustment Agenda

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1<sup>st</sup> Floor (Council Chambers)

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### Call to Order

### Disclosure of Pecuniary Interest

### Requests for Adjournment /Withdrawals from March 2, 2023 Agenda

### New Applications

#### Item A: Minor Variance Application A077/22 (35 Beaverton Road)

To provide relief from the provisions of By-law 66-71, as amended, to permit reduced minimum side yard setback (north) from 1.83 metres (6.00 feet) to 1.52 metres (5.00 feet and reduced minimum side yard setback (south) from 1.83 metres (6.00 feet) to 1.22 metres (4.00 feet) to accommodate the construction of a proposed addition to the existing dwelling.

#### Item B: Minor Variance Application A102/22 (45 Drynoch Avenue)

To provide relief from the provisions of By-law 1703, as amended to permit a reduction in the required minimum lot area 929.02 square metres (10,000 square feet) to 705.00 square metres (7,588.55 square feet) and lot frontage from 22.86 metres (75.00 feet) to 15.24 metres (50.00 feet). Relief is also being requested to permit reduced minimum side yard setback (north) from 3.35 metres (11.00 feet) to 1.55 metres (5.08 feet), reduced minimum side yard setback (south) from 3.35 metres (11.00 feet) to 1.60 metres (5.24 feet), increased maximum lot coverage from 20.00% to 31.60% and increased maximum porch and step encroachment into the minimum front yard from 0.45 metres (1.47 feet) to 2.33 metres (7.64 feet) to accommodate the construction of a proposed single-detached dwelling.

#### Item C: Consent Application B036/22 (31 Naughton Drive)

To sever a parcel of land for residential purposes approximately 13.41 metres (44.00 feet) by 30.50 metres (100.06 feet), approximately 410.80 square metres (4,421.81 square feet), and retain a parcel of land approximately 13.41 metres (44.00 feet) by 30.50 metres (100.06 feet), approximately 410.80 square metres (4,421.81 square feet).

**Item D: Minor Variance Application A066/22 (28 Scott Drive)**

To provide relief from the provisions of By-law 2523, as amended, to permit reduced minimum side yard setback (east) from 1.52 metres (5.00 feet) to 1.20 metres (3.93 feet), reduced minimum side yard setback (west) from 1.52 metres (5.00 feet) to 1.28 metres (4.19 feet), increased maximum height from 10.67 metres (35.00 feet) to 11.19 metres (36.71 feet), increased maximum driveway width from 6.00 metres (19.68 feet) to 8.68 metres (28.47 feet) and increased maximum encroachment of porch into minimum required front yard from 0.91 metres (3.00 feet) to 3.51 metres (11.51 feet) to accommodate the construction of a proposed single-detached dwelling.

**Item E: Minor Variance Application A001/23 (5 Willowbank Avenue)**

To provide relief from the provisions of By-law 256-88, as amended to permit reduced minimum front yard setback from established building line from 7.15 metres (23.45 feet) to 4.17 metres (13.68 feet), increased maximum front porch and stairs projection from 2.50 metres (8.20 feet) to 5.19 metres (17.02 feet), increased maximum permitted rear yard porch and deck projection from 2.50 metres (8.20 feet) to 3.01 metres (9.87 feet), reduced minimum high water level mark setback from 10.00 metres (32.80 feet) to 5.40 metres (17.71 feet) and increased maximum permitted front yard balcony projection from 2.00 metres (6.56 feet) to 4.84 metres (15.87 feet) to accommodate the construction of a proposed single-detached dwelling.

**Other Business****Approval of Minutes: February 9, 2023****Motion to Adjourn**

**Committee of Adjustment****Staff Report****Agenda Item: A**

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1<sup>st</sup> Floor (Council Chambers)

**Application Information:****Minor Variance Applications A077/22**

Related Applications: N/A

**Subject Land: 35 Beaverton Road**

Name of Owner: Mike Cado

Name of Agent: Franco Romano

**The Request:**

To provide relief from the provisions of By-law 66-71, as amended, to permit reduced minimum side yard setback (north and south) to accommodate the construction of a proposed addition to the existing dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Interior Side Yard Setback (North)</b>	1.83 m (6.00 ft.)	1.52 m (5.00 ft.)	0.31 m (1.02 ft.)
<b>Minimum Interior Side Yard Setback (South)</b>	1.83 m (6.00 ft.)	1.22 m (4.00 ft.)	0.61 m (2.00 ft.)

**Present Designation:**

Official Plan Designation: Neighbourhood

Zoning Classification: Residential Second Density (R2) Zone

Zoning By-law: By-law 66-71, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	15.24 metres (50.0 feet)
Minimum Lot Area:	464.52 square metres (5,000.0 square feet)
Minimum Front Yard Setback:	6.1 metres (20.01 feet) to the first storey 9.1 metres (29.9 feet) to the second storey
Minimum Side Yard Setback:	1.5 metres (4.92 feet) to the first storey 3.0 metres (9.84 feet) to the second storey
Minimum Rear Yard Setback:	7.62 metres (25.0 feet)
Maximum Building Height:	8.5 metres (27.88 feet)

**Please Note:**

**The above noted zoning provisions are only the general standards for this zone and are provided for the reference of the Members of the Committee of Adjustment. Full compliance with all applicable zoning standards is the**

**responsibility of the landowner and must be ensured prior to the issuance of any building permits based upon the submission of a detailed full set of building plans.**

**Site Conditions:**

The subject lands are located on the east side of Beaverton Road South, north of Major Mackenzie Drive East and east of Yonge Street. The lands support an existing one-storey single detached dwelling, a detached garage, and a shed. The proposal is to accommodate a first and second storey addition to the existing single detached dwelling. In particular, the addition is proposing an attached garage, family room, and veranda on the first floor storey of the dwelling, whereas new bedrooms are proposed on the second storey of the dwelling. The applicant will demolish the detached garage to facilitate the proposed development. The subject property is not within a Site Plan Control area.

**Comments Received from Municipal Departments & Outside Agencies:**

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on January 30, 2023.

Public notice was mailed on February 16, 2023.

The applicant confirmed posting of public notice sign on February 16, 2023.

**Previous and/or Concurrent applications on the subject lands:** None.

**Planning & Regulatory Services Department**

**Building / Zoning:**

The requested variances are correct.

**Planning:**

The applicant is requesting relief from Zoning By-law 66-71, as amended, to permit the construction of a proposed addition to the existing single-detached dwelling. In support of this request, the following variances are proposed:

- reduced minimum Interior Side Yard Setback (North) from 1.83 meters (6.00 feet), as required, to 1.52 meters (5.00 feet), as proposed; and
- reduced minimum Interior Side Yard Setback (South) from 1.83 meters (6.00 feet) as required, to 1.22 meters (4.00 feet), as proposed.

The intent of the Zoning By-law for a minimum side yard setback is to provide sufficient separation from the lot line for lot drainage and maintenance purposes, in addition to addressing shadow and overlook concerns.

The subject lands are located within an established residential neighbourhood. The character of the neighbourhood is generally comprised of older type dwellings, as well as several newer dwellings. Over the years, the demolition and reconstruction of dwellings has occurred on various lots.

Planning staff has reviewed the development proposal and considers the proposed addition to be compatible with and generally keeping with the character of the neighbourhood. Sufficient separation to the lot line exists to maintain the general intent and purpose of the by-law. In addition, the proposed second storey addition is consistent with existing two storey dwellings in the immediate area. Planning staff

notes that no additional variances are required, as the height of the second storey addition is well within the maximum permitted height of the zoning by-law. As such, the proposed addition is compatible to the existing streetscape along Beaverton Road. Planning staff has reviewed the development proposal and considers the proposed addition compatible with and keeping with the overall character of the residential neighbourhood.

Planning staff is of the opinion that the addition to the existing dwelling will not negatively impact the existing streetscape or character of the area. There will be sufficient spatial separation maintained between the adjacent dwellings. As such, Planning staff finds that the relief being sought is consistent with the current pattern of redevelopment, and the proposed addition is compatible with the character of the surrounding area.

On the basis of the preceding, staff is of the opinion that the proposal meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals. In this regard, the requested relief from the zoning by-law, as proposed, are considered minor in nature, are desirable for the development and use of the land, and meets the general intent of the applicable Zoning By-law and of the City's Official Plan.

Based on the aforementioned, Planning staff has no objection to the approval of Minor Variance Application A077/22.

**Development Engineering:**

No concerns or objections.

**Parks & Natural Heritage**

**Comments to the Committee:**

Parks staff has no further comments on the application.

**Comments to the applicant for future reference:**

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.

**Heritage:**

No Comments.

**Corporate & Financial Services:**

Not circulated.

**Powerstream:**

No concerns.

**Enbridge:**

Not circulated.

**Bell Canada:**

Not circulated.

**York Region: Transportation & Community Planning Department:**

No objections.

**Toronto & Region Conservation Authority:**

Outside of TRCA'S Policy Purview.

**CN Rail:**

Not circulated.

**TransCanada Pipeline:**

Not circulated.

**Abutting Municipality:**

Not circulated.

**Ministry of Transportation:**

Outside of MTO Permit Control Area

**Ministry of Housing (Parkway Belt West Plan):**

Not circulated.

**Infrastructure Ontario:**

Not circulated.

**Staff & Agency Recommendation(s):**

Should the Committee find it appropriate to approve this application, the following condition(s) is (are) recommended:

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.

**Reasons for approval:**

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.

**Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment  
225 East Beaver Creek Road, 4<sup>th</sup> Floor  
Richmond Hill, ON L4B 3P4  
Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)  
Telephone: 905 771 2443 & 905 747 6404

If you wish to obtain a copy of the Committee's Decision with respect to this application, you must make a written request and provide your full name and mailing address to Committee of Adjustment staff.

**Committee of Adjustment****Staff Report****Agenda Item: B**

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1<sup>st</sup> Floor (Council Chambers)

**Application Information:****Minor Variance Applications A102/22**

Related Applications: N/A

**Subject Land: 45 Drynoch Avenue**

Name of Owner: S. Boulos Corporation

Name of Agent: Evans Planning Inc. (Marcelle Gifford)

**The Request:**

To provide relief from the provisions of By-law 1703, as amended, to permit a reduction in the required minimum lot area and lot frontage. Relief is also being requested to permit reduced minimum side yard setback (north and south), increased maximum lot coverage and increased maximum porch and step encroachment into the minimum front yard to accommodate the construction of a proposed single-detached dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Lot Area</b>	929.02 sq. m (10,000 sq. ft.)	705.00 sq. m (7,588.55 sq. ft.)	224.02 sq. m (2,411.33 sq. ft.)
<b>Minimum Lot Frontage</b>	22.86 m (75.00 ft.)	15.24 m (50.00 ft.)	7.62 m (25.00 ft.)
<b>Minimum Side Yard Setback (North)</b>	3.35 m (11.00 ft.)	1.55 m (5.08 ft.)	1.80 m (5.90 ft.)
<b>Minimum Side Yard Setback (South)</b>	3.35 m (11.00 ft.)	1.60 m (5.24 ft.)	1.75 m (5.74 ft.)
<b>Maximum Lot Coverage</b>	20.00%	31.60%	11.60%
<b>Maximum Porch and Step Encroachment into minimum Front Yard</b>	0.45 m (1.47 ft.)	2.33 m (7.64 ft.)	1.88 m (6.16 ft.)

**Present Designation:**

Official Plan Designation: Neighbourhood

Zoning Classification: Agricultural (A) Zone

Zoning By-law: By-law 1703, as amended

**Zoning Provisions:**

Minimum Lot Frontage: 22.86 metres (75.00 feet)

Minimum Lot Area: 929.02 square metres (10,000 square feet)

Minimum Side Yard Setback: 3.35 metres (11.00 feet)



Maximum Lot Coverage: 20.00%  
 Maximum Porch and Step Encroachment  
 into minimum Front Yard from: 0.45 metres (1.47 feet)

**Please Note:**

**The above noted zoning provisions are only the general standards for this zone and are provided for the reference of the Members of the Committee of Adjustment. Full compliance with all applicable zoning standards is the responsibility of the landowner and must be ensured prior to the issuance of any building permits based upon the submission of a detailed full set of building plans.**

**Site Conditions:**

The subject lands are located on the east side of Drynoch Avenue, north of Lake Wilcox and south of Bloomington Road. The lands support an existing one-storey single detached dwelling. The proposal is to accommodate the construction of a new proposed two storey single detached dwelling. The property is surrounded by low density residential development, with predominately one-storey and two-storey dwellings in the immediate area. Over the years, the demolition and reconstruction of dwellings has occurred on various lots. The subject Minor Variance Application (City File No. A001/23) is associated with a Site Plan Application (City File No. D06-22033) which is nearing final approval.

**Comments Received from Municipal Departments & Outside Agencies:  
 Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on January 30, 2023.

Public notice was mailed on February 16, 2023.

The applicant confirmed posting of public notice sign on February 15, 2023.

**Previous and/or Concurrent applications on the subject lands:  
 D06-22033 - (Site Plan)**

**Planning & Regulatory Services Department  
 Building / Zoning:**

The requested variances are correct.

**Planning:**

The applicant is requesting relief from By-law 1703, as amended, to permit the construction of a new proposed two storey single detached dwelling. In support of this request, the following variances are proposed:

- reduced minimum Lot Area from 929.02 square metres (10,000 square feet), as required, to 705.00 square metres (7,588.55 square feet), as proposed;
- reduced minimum Lot Frontage from 22.86 metres (75.00 feet), as required, to 15.24 metres (50.00 feet), as proposed;
- reduced minimum Side Yard Setback (North) from 3.35 metres (11.00 feet), as required, to 1.55 metres (5.08 feet), as proposed;

- reduced minimum Side Yard Setback (South) from 3.35 metres (11.00 feet), as required, to 1.60 metres (5.24 feet), as proposed;
- increased maximum Lot Coverage from 20.00%, as required, to 31.60%, as proposed; and,
- increased maximum Porch and Step Encroachment into the minimum Front Yard from 0.45 metres (1.47 feet), as required, to 2.33 metres (7.64 feet), as proposed.

The intent of the Zoning By-law for a minimum side yard setback is to provide sufficient separation from the lot line for lot drainage and maintenance purposes, in addition to addressing shadow and overlook concerns. The intent of the Zoning By-law for maximum lot coverage is to control the maximum amount of building area that can cover the lot.

The subject lands are located within a residential neighbourhood. The character of the neighbourhood is generally comprised of newer and older type dwellings. Over the years, the demolition and reconstruction of dwellings has occurred on various lots. Planning staff has reviewed the development proposal and considers the proposed dwelling compatible with and keeping with the overall character of the residential neighbourhood.

The applicant is seeking relief from the Zoning By-law for minimum lot area and minimum lot frontage. No changes are proposed to the lot size. In this regard, staff do not have concerns with the relief.

Planning staff reviewed the applicant's proposal and support the reduced side yard setbacks. The relief is supported as the proposed side yard setbacks are in keeping with the character of the neighbourhood and are not anticipated to result in any adverse impacts to the adjacent properties. The proposed side yards are generally consistent with similar variances granted by the Committee of Adjustment for new single detached dwellings in the general area.

Planning staff is of the opinion that the location of the proposed dwelling will not negatively impact the existing streetscape or character of the area. There will be sufficient spatial separation maintained between the proposed dwelling and adjacent dwellings. As such, Planning staff finds that the relief being sought is consistent with the current pattern of redevelopment.

On the basis of the preceding, staff is of the opinion that the proposal meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals. In this regard, the requested relief from the zoning by-law, as proposed, are considered minor in nature, are desirable for the development and use of the land, and meets the general intent of the applicable Zoning By-law and of the City's Official Plan.

Based on the aforementioned, Planning staff has no objection to the approval of Minor Variance Application A102/22.

### **Development Engineering:**

No concerns or objections.

**Parks & Natural Heritage**

**Comments to the Committee:**

Parks staff has no further comments on the application.

**Comments to the applicant for future reference:**

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.

**Heritage:**

No Comments.

**Corporate & Financial Services:**

Not circulated.

**Powerstream:**

No concerns.

**Enbridge:**

Not circulated.

**Bell Canada:**

Not circulated.

**York Region: Transportation & Community Planning Department:**

No objections.

**Toronto & Region Conservation Authority:**

TRCA staff has no objection to the above noted application as currently submitted, subject to the following condition:

1. That the applicant obtains a TRCA permit under Ontario Regulation 166/06 for the proposed works.

**CN Rail:**

Not circulated.

**TransCanada Pipeline:**

Not circulated.

**Abutting Municipality:**

Not circulated.

**Ministry of Transportation:**

Outside of MTO Permit Control Area

**Ministry of Housing (Parkway Belt West Plan):**

Not circulated.

**Infrastructure Ontario:**

Not circulated.

**Staff & Agency Recommendation(s):**

Should the Committee find it appropriate to approve this application, the following condition(s) is (are) recommended:

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 obtains a TRCA permit under Ontario Regulation 166/06 for the proposed works.

**Reasons for approval:**

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.

**Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment

225 East Beaver Creek Road, 4<sup>th</sup> Floor

Richmond Hill, ON L4B 3P4

Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)

Telephone: 905 771 2443 & 905 747 6404

If you wish to obtain a copy of the Committee's Decision with respect to this application, you must make a written request and provide your full name and mailing address to Committee of Adjustment staff.

**Committee of Adjustment****Staff Report****Agenda Item: C**

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

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**Application Information:****Consent Application: B036/22**

Related Applications: N/A

**Subject Land: 31 Naughton Drive**

Name of Owner: Eleonora and Dimitri Krimus

Name of Agent: Evans Planning Inc. (Marcelle Gifford)

**The Request:**

To sever a parcel of land for residential purposes approximately 13.41 metres (44.00 feet) by 30.50 metres (100.06 feet), approximately 410.80 square metres (4,421.81 square feet), and retain a parcel of land approximately 13.41 metres (44.00 feet) by 30.50 metres (100.06 feet), approximately 410.80 square metres (4,421.81 square feet).

**Present Designation:**

Official Plan:

Neighbourhood

Zoning Classification:

Residential Single Family Four (R4) Zone

Zoning By-law:

By-law 190-87, as amended by By-law 77-

19

**Zoning Provisions:**

Minimum Lot Frontage (Interior lot):

12.0 metres (39.37 feet)

Minimum Lot Area (Interior lot):  
feet)

402.0 square metres (4,327.09 square

Minimum Front Yard Setback:

4.5 metres (14.76 feet)

Minimum Interior Side Yard Setback:

1.5 metres (4.92 feet)

Minimum Rear Yard Setback:

7.5 metres (24.60 feet)

Maximum Lot Coverage (Interior lot):

40%

**Please Note:**

**The above noted zoning provisions are only the general standards for this zone and are provided for the reference of the Members of the Committee of Adjustment. Full compliance with all applicable zoning standards is the responsibility of the landowner and must be ensured prior to the issuance of any building permits based upon the submission of a detailed full set of building plans.**

**Site Conditions:**

The subject lands are located on the east side of Leyburn Avenue, west of Yonge Street, and north of Elgin Mills Road West. The lands have a total lot frontage of 26.83 metres (88.02 feet) along Leyburn Avenue, and a lot area of 821.60 square metres (8843.63 square feet). The subject lands currently support a single detached dwelling which has driveway access from Naughton Drive. Surrounding lands include residential uses comprised of single detached dwellings and semi-detached dwellings in the immediate area.

Staff note that the lands were previously subject to a Zoning By-law Amendment Application (refer to file D02-17035). The purpose of the Zoning By-law Amendment Application was to rezone 25, 29, and 31 Naughton Drive to permit the creation of 7 new residential lots, each to support a single detached dwelling. The Zoning By-law Amendment was approved and enacted as per By-law 77-19. Following the Zoning By-law Amendment Application, a series of consent applications (refer to files B044/19, B045/19, B046/19, and B047/19) were submitted and approved to create 5 new residential lots. Most recently, a consent application (refer to file B008/22) was submitted and approved to facilitate a lot addition for the lands municipally known as 25 and 29 Naughton Drive.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on Monday, January 30, 2023.

Public notice was mailed on February 16, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on February 15, 2023.

**Planning & Regulatory Services Department  
Building / Zoning:**

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law. Applicant to be advised that the proposed side yard setbacks of 1.2m complies with the zoning by-law only if there are no doors proposed on the side walls of these two houses and the following clause be added as a condition of consent.

1. 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.

**Planning:**

The applicant is seeking approval of a Consent application to sever the subject lands to create two residential single detached dwelling lots. The following summarizes the applicant's request with respect to the proposed application:

- to sever a parcel of land with a lot frontage of approximately 13.42 metres (49.51 feet), and a lot area of approximately 410.8 square metres (4421.81 square feet); and,

- to retain a parcel of land with a lot frontage of approximately 13.42 metres (49.51 feet), and a lot area of approximately 410.8 square metres (4421.81 square feet).

The subject lands are designated 'Neighbourhood' in the City's Official Plan which permits low density residential development, including single detached dwellings. In accordance with the City's Official Plan, new development shall be compatible with the existing character of the adjacent and surrounding area. The character of the immediate neighbourhood is reflective of infill development, whereby various lots have been severed and redeveloped over the years. The lands are zoned Residential Single Family Four (R4) by By-law 190-87, as amended by By-law 77-19, which permits single detached dwellings.

The lot fabrics of the severed and retained lands are consistent with the plans submitted for the related Zoning By-law Amendment application which has been approved. In addition, both parcels are in conformity with the applicable zoning provisions with respect to the minimum lot frontage and minimum lot area. As such, no variances are required in order to facilitate the proposed severance. At this time, no new development is proposed on the severed and retained lands.

Planning staff has reviewed the application and concludes that the proposed severance is in keeping with the existing pattern of the immediate neighbourhood and with previous Planning approvals. The proposed lot area is compatible with the adjacent and surrounding area, and the proposed lot frontage will achieve appropriately sized lots that can accommodate the future construction of new single detached dwellings.

On the basis of the preceding, staff are of the opinion that the Consent Application B036/22 complies with the criteria listed under Section 51(24) of the *Planning Act* and conforms to the City's Official Plan.

### **Development Engineering:**

The Development Engineering Division has reviewed the above noted application and recommends the inclusion of provisional conditions of consent as indicated herein:

Applicants are encouraged to make submissions to satisfy the following conditions expeditiously following the receipt of a Notice of No Appeal. This is to ensure ample processing time in consideration of other applications in the processing queue and related Staff workloads. Applicants are advised that some of these conditions involve lengthy processing times. Please do not wait until near the end of the one-year period to make submission and face possible lapsing of these conditions.

### **Grading Condition**

That the applicant:

<b>Condition #</b>	<b>Condition Description</b>
<b>1.</b>	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 <b>severed and retained</b> 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.

### Further Grading Related Information

Three prints of the above requested grading plan must be submitted for review and any related inquiries, should be directed to Mike Ayers, Development Engineering Technologist, Development Engineering Division, 905-747-6426.

The City's current fees for such services are as per the **currently amended** Tariff of Fees By-law 83-22.

Fee Description:	Fee:
<b>Plan Review</b>	\$478.00 + HST
<b>Agreement Preparation</b>	\$557.00 or \$2,815.00 + HST
<b>Registration/Admin</b>	\$43.29
<b>Install Catchbasin</b>	\$5,670.00 + HST
<b>Survey Layout</b>	\$793.08 + HST
<b>C.C.T.V. Scan</b>	\$714.00 + HST x 2 = 1,613.64
<b>Install Cleanout</b>	\$1,449.00 + HST
<b>Install Vertical riser beyond 4.5 m in depth</b>	\$1,512.00 per metre + HST
<b>Decommission Catchbasin</b>	\$1,890.00 + HST

### Service Connection Condition

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. At time of printing, the City's fees for standard configuration of services are as follows and may change at any time without notice:

Fee Description:	Fee:
<b>25 mm water service</b>	\$1,197.00 per metre + HST
<b>Combined 25 mm water service with storm or sanitary</b>	\$504.00 per metre + HST
<b>Disconnect Water service</b>	\$1,890.00 + HST
<b>Water disconnect in a combined trench</b>	\$819.00 + HST
<b>125 mm sanitary or storm connection</b>	\$1,197.00 per metre + HST
<b>Combined storm and sanitary service</b>	\$718.00 per metre + HST



<b>Fee Description:</b>	<b>Fee:</b>
<b>Disconnect Storm or Sanitary</b>	\$1,890.00 +HST each
<b>Combined trench Storm or Sanitary disconnect</b>	\$819.00 +HST each
<b>C.C.T.V. scan</b>	\$714.00 + HST

Arrangements and payment for service connections can be made through Mr. Andrew Ciccarelli, Water Technician, Maintenance & Operations Division, Community Services Department, (905) 780-2949.

#### **Registered Plans:**

That the applicant provides 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.

#### **Parks & Natural Heritage:**

##### **Comments to the Committee:**

Parks staff has no comments on the application.

##### **Comments to the applicant, for future reference:**

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.

#### **Heritage:**

No Comments.

#### **Corporate & Financial Services:**

##### **Conditions:**

1. No parkland or Cash-in-Lieu is required as a condition of Consent. However, the Registered Owner(s) should be made aware that the City will require land to be conveyed for park or other public 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 *Planning Act*. A condition of Consent should be imposed requiring the Registered Owner(s) to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the **SEVERED** parcel for the purpose of notice. Furthermore, the Registered Owner(s) shall pay the City the cost set out in the City's Tariff of Fee by-law with respect to the preparation, processing and registration of the Agreement. If the Registered Owner(s) does not wish to enter into the above agreement, the Registered Owner(s) may voluntarily pay any Cash-in-Lieu owing under Section 42 of the *Planning Act* prior to the granting of the Consent. The Registered Owner(s) may determine the amount of Cash-in-Lieu required by contacting Development Finance staff.
2. Payment of all current and outstanding taxes to date of consent.

**Financial/Regional and Municipal Notice:**

1. Please note that the City, Regional and Educational Development Charges are payable prior to building permit issuance. Water meter and tree charges are also applicable at that time.
2. The City will require land to be conveyed for park or other public recreation purposes or at the option, the City will require a payment of cash-in-lieu of such land prior to the issuance of a building permit pursuant to Section 42 of the Planning Act for the retained lands unless the Finance Department receives documentation that parkland was given or cash-in-lieu of parkland was paid in these lands or that an existing structure is to be demolished.  
(must build within **four** years from the date of demolition).
3. Development Charges will also be applicable on the retained lands prior to building permit issuance unless the finance and administration department receives documentation that levies were paid on these lands or that an existing structure is to be demolished.  
(must build within **four** years from the date of demolition).
4. The applicant/owner must enter into an agreement providing for payment of Area Specific Development Charges at the time of the execution of the Agreement. – Elgin West

**Powerstream/Alectra Utilities:**

No comments.

**Enbridge:**

No response.

**Bell Canada:**

No Comment.

**York Region – Transportation & Community Planning Department:**

The Regional Municipality of York has completed its review and offers the following condition:

1. 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.

**Toronto & Region Conservation Authority:**

Outside of the TRCA'S Policy Purview.

**CN Rail:**

Not circulated.

**TransCanada Pipeline:**

Not circulated.

**Abutting Municipality**

Not circulated

**Ministry of Transportation:**

Outside of MTO Permit Area.

**Infrastructure Ontario:**

Not circulated.

**Staff & Agency Recommendation(s):**

Should the Committee find it appropriate to approve this application, the following condition(s) is (are) recommended:

<b>Condition #</b>	<b>Department / Agency Contact:</b>	<b>Condition:</b>
1.	Building/Zoning: Afshin Bazar 905-747-6499	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"> <li>2. 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 <b>severed and retained</b> lands along with the adjoining lands;</li> <li>3. Obtain the City's approval of the grading plan referred to in (1);</li> <li>4. 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</li> <li>5. 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.</li> </ol>
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

Condition #	Department / Agency Contact:	Condition:
4.	Development Engineering: Andrew Ciccarelli 905-780-2949	That the Applicant arrange and pay to the City for the installation of service connections to render the <b>severed and retained</b> 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 Registered Owner(s) should be made aware that the City will require land to be conveyed for park or other public 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 Planning Act. A condition of Consent should be imposed requiring the Registered Owner(s) to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the SEVERED parcel for the purpose of notice. Furthermore, the Registered Owner(s) shall pay the City the cost set out in the City's Tariff of Fee by-law with respect to the preparation, processing and registration of the Agreement. If the Registered Owner(s) does not wish to enter into the above agreement, the Registered Owner(s) may voluntarily pay any Cash-in-Lieu owing under Section 42 of the Planning Act prior to the granting of the Consent. The Registered Owner(s) may determine the amount of Cash-in-Lieu required by contacting Development Finance staff.
6.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
7.	Finance: Christina Giannakakis 905-771-5550	The applicant/owner must enter into an agreement providing for payment of Area Specific Development Charges at the time of the execution of the Agreement.
8.	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.
9.	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.

Condition #	Department / Agency Contact:	Condition:
10.	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.
11.	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 B036/22.

### 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.

### Questions regarding this Staff Report can be directed to:

City of Richmond Hill Committee of Adjustment  
 225 East Beaver Creek Road, 4<sup>th</sup> Floor  
 Richmond Hill, ON L4B 3P4  
 Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)  
 Telephone: 905 771 2443 & 905 747 6404

If you wish to obtain a copy of the Committee's Decision with respect to this application, you **must** make a written request and provide your full name and mailing address to Committee of Adjustment staff.

**Committee of Adjustment****Staff Report****Agenda Item: D**

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1<sup>st</sup> Floor (Council Chambers)

**Application Information:****Minor Variance Applications A066/22**

Related Applications: N/A

**Subject Land: 28 Scott Drive**

Name of Owner: Zahra Dadashi

Name of Agent: Georgio Lolos

**The Request:**

To provide relief from the provisions of By-law 2523, as amended, to permit reduced minimum side yard setback (east), reduced minimum side yard setback (west), increased maximum height, increased maximum driveway width and increased maximum encroachment of porch into minimum required front yard to accommodate the construction of a proposed single detached dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Side Yard Setback (East )</b>	1.52 m (5.00 ft.)	1.20 m (3.93 ft.)	0.32 m (1.04 ft.)
<b>Minimum Side Yard Setback (West)</b>	1.52 m (5.00 ft.)	1.28 m (4.19 ft.)	0.24 m (0.78 ft.)
<b>Maximum Height</b>	10.67 m (35.00 ft.)	11.19 m (36.71 ft.)	0.52 m (1.70 ft.)
<b>Maximum Driveway Width</b>	6.00 m (19.68 ft.)	8.68 m (28.47 ft.)	2.68 m (8.79 ft.)
<b>Maximum Encroachment of Porch into Minimum Required Front Yard</b>	0.91 m (3.00 ft.)	3.51 m (11.51 ft.)	2.60 m (8.53 ft.)

**Present Designation:**

Official Plan: Neighbourhood

Zoning Classification: Third Density Residential (R3) Zone

Zoning By-law: By-law No. 2523, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	15.24 metres (50 feet)
Minimum Lot Area:	557.42 square metres (6,000 square feet)
Minimum Front Yard Setback:	7.62 metres (25 feet)
Minimum Side Yard Setback:	1.52 metres (5.0 feet)
Minimum Rear Yard Setback:	7.62 metres (25 feet)
Maximum Building Height:	10.67 metres (35 feet)
Maximum Lot Coverage:	30%

**Please Note:**

**The above noted zoning provisions are only the general standards for this zone and are provided for the reference of the Members of the Committee of Adjustment. Full compliance with all applicable zoning standards is the responsibility of the landowner and must be ensured prior to the issuance of any building permits based upon the submission of a detailed full set of building plans.**

**Site Conditions:**

The subject lands are located on the north side of Scott Drive in the residential neighbourhood south Carville Road and west of Yonge Street. The property presently supports a two storey single detached dwelling and the surrounding area is residential.

**Comments Received from Municipal Departments & Outside Agencies:  
Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on January 30, 2023.

Public notice was mailed on February 16, 2023.

The applicant confirmed posting of public notice sign on February 17, 2023.

**Previous and/or Concurrent applications on the subject lands:** None.

**Planning & Regulatory Services Department  
Building / Zoning:**

The requested variances are correct.

**Planning:**

The applicant is requesting relief from Zoning By-law 2523, as amended, to permit the construction of a single detached dwelling on the subject lands. In support of this request, the following variances are proposed:

- reduced interior side yard setback (east) from 1.52 metres (5.0 feet) to 1.2 metres (3.93 feet), **a decrease of 0.32 metres (1.04 feet)**;
- reduced interior side yard setback (west) from 1.52 metres (5.0 feet) to 1.28 metres (4.19 feet), **a decrease of 0.24 metres (0.78 feet)**;
- increased maximum building height from 10.67 metres (35.0 feet) to 11.19 metres (36.71 feet), **an increase of 0.52 metres (1.70 feet)**;

- increased maximum driveway width from 6.0 metres (19.68 feet) to 8.68 metres (28.47 feet), **an increase of 2.68 metres (8.79 feet)**; and,
- increased maximum encroachment of a Porch into Minimum Required Front Yard from 0.91 metres (3.0 feet) to 3.51 metres (11.51 feet), **an increase of 2.60 metres (8.53 feet)**.

The subject property is located within an established residential area that contains a mix of older two-storey single detached dwellings, and newer predominantly two-storey single detached dwellings. The north side of Scott Drive is located within a priority infill area, which will facilitate a future municipal road and single detached residential uses. The requested minor variances are to facilitate the construction of a new two storey single detached dwelling on the subject lands.

Planning staff has reviewed the applicant's development proposal and concludes that the requests for reduced interior side yard setbacks and increase in maximum driveway width is minor, and appropriate in consideration of emerging re-development in the surrounding area. Further, the proposed increase of the porch encroachment to accommodate an uncovered porch is not expected to negatively impact the existing streetscape or character of the area.

In regards to the proposed increase in maximum building height, staff are not in support of the proposed variance. An increase in the maximum building height along with the proposed reduction to the side yard setbacks will result in a dwelling with a gross floor area (GFA) of 532.2 square metres (5,728.7 square feet), the presence of which will be amplified with the additional height. The built form of the proposed dwelling does not provide step backs from the front or side elevations and proposes a positive drainage for the driveway (rather than a reverse slope driveway existent with similar sized homes) that would typically assist in minimizing the massing impact of the proposed new dwelling. As such, the proposed development will facilitate the appearance of a three storey built form, which is not consistent with the character and built form on the street and within the surrounding area. The requested relief to increase the building height will result in the building becoming the tallest building within the immediate area.

Planning staff has reviewed the proposed Minor Variance Application on the basis of the preceding and determined that the variances for a reduction to the minimum side yard setbacks, an increase to the maximum driveway width and the increase to the maximum encroachment of the front porch into the minimum required front yard meet the four (4) tests outlined in Section 45(1) of the *Planning Act*. In regard to these variances, the requested relief from the by-law, as proposed, is considered minor in nature, is desirable for the appropriate development of the land, and meets the general intent and purpose of the applicable Zoning By-law and of the City's Official Plan.

However, the proposed variance for building height is not considered minor in nature, is not considered desirable for the appropriate development of the land, nor does it meet the general intent and purpose of the applicable Zoning By-law and City's Official Plan.

Planning staff recommends that Minor Variance Application A066/22 be approved in part as per the above comments.

### **Development Engineering:**

No concerns or objections.

Committee of Adjustment Agenda: March 2, 2023



**Parks & Natural Heritage**

**Comments to the Committee:**

Parks staff has no further comments on the application.

**Comments to the applicant for future reference:**

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.

**Heritage:**

No Comments.

**Corporate & Financial Services:**

Not circulated.

**Powerstream:**

No concerns.

**Enbridge:**

Not circulated.

**Bell Canada:**

Not circulated.

**York Region: Transportation & Community Planning Department:**

No objections.

**Toronto & Region Conservation Authority:**

Outside of the TRCA'S Policy Purview.

**CN Rail:**

Not circulated.

**TransCanada Pipeline:**

Not circulated.

**Abutting Municipality:**

Not circulated.

**Ministry of Transportation:**

Outside of MTO Permit Control Area

**Ministry of Housing (Parkway Belt West Plan):**

Not circulated.

**Infrastructure Ontario:**

Not circulated.

**Staff & Agency Recommendation(s):**

Should the Committee find it appropriate to approve this application, the following condition(s) is (are) recommended:

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.

**Reasons for approval:**

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.

**Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment

225 East Beaver Creek Road, 4<sup>th</sup> Floor

Richmond Hill, ON L4B 3P4

Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)

Telephone: 905 771 2443 & 905 747 6404

If you wish to obtain a copy of the Committee's Decision with respect to this application, you must make a written request and provide your full name and mailing address to Committee of Adjustment staff.

**Committee of Adjustment****Staff Report****Agenda Item: E**

Hearing Date: March 2, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1<sup>st</sup> Floor (Council Chambers)

**Application Information:****Minor Variance Applications A001/23**

Related Applications: N/A

**Subject Land: 5 Willowbank Avenue**

Name of Owner: Feng Gao

Name of Agent: Fan Zhang

**The Request:**

To provide relief from the provisions of By-law 256-88, as amended, to permit reduced minimum front yard setback from established building line, increased maximum front porch and stairs projection, increased maximum permitted rear yard porch and deck projection, reduced minimum high water level mark setback and increased maximum permitted front yard balcony projection to accommodate the construction of a proposed single-detached dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Front Yard Setback (Established Building Line)</b>	7.15 m (23.45 ft.)	4.17 m (13.68 ft.)	2.98 m (9.77 ft.)
<b>Maximum Permitted Front Porch &amp; Stairs Projection</b>	2.50 m (8.20 ft.)	5.19 m (17.02 ft.)	2.69 m (8.82 ft.)
<b>Maximum Permitted Rear Yard Porch &amp; Deck Projection</b>	2.50 m (8.20 ft.)	3.01 m (9.87 ft.)	0.51 m (1.67 ft.)
<b>Minimum High Water Level Mark Setback</b>	10.00 m (32.80 ft.)	5.40 m (17.71 ft.)	4.60 m (15.09 ft.)
<b>Maximum Permitted Front Yard Balcony Projection</b>	2.00 m (6.56 ft.)	4.84 m (15.87 ft.)	2.84 m (9.31 ft.)

**Present Designation:**

Official Plan Designation: Neighbourhood

Zoning Classification: Residential Single Family Six (R6)

Zoning By-law: By-law 256-88, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	15.00 metres (49.21 feet)
Minimum Lot Area:	502.00 square metres (5403.48 square feet)
Minimum Front Yard Setback: (established building line)	4.5 metres (14.76 feet)
Maximum Porch/Stairs Encroachment:	2.5 metres (8.20 feet) – front yard
Maximum Balcony Projection:	2.0 metres (6.56 feet) – front yard
Minimum Side Yard Setback:	1.4 metres (4.59 feet)
Minimum Rear Yard Setback:	7.5 metres (24.60 feet)
Maximum Porch/Deck Projection:	2.5 metres (8.20 feet) - rear yard
Maximum Balcony Projection:	5.5 metres (18.04 feet) - rear yard
Minimum High Level Water Mark Setback:	10.0 metres (32.80 feet)
Maximum Height:	11.0 metres (36.08 feet)
Maximum Lot Coverage:	40%

**Please Note:**

The above noted zoning provisions are only the general standards for this zone and are provided for the reference of the Members of the Committee of Adjustment. Full compliance with all applicable zoning standards is the responsibility of the landowner and must be ensured prior to the issuance of any building permits based upon the submission of a detailed full set of building plans.

**Site Conditions:**

The subject lands are located on the east side of Willowbank Avenue, south of North Lake Road, west of Bayview Avenue, and directly north of Lake Wilcox. The lands presently support a two-storey single detached dwelling which is proposed to be demolished and replaced with a new two-storey single detached building. The subject Minor Variance Application (City File No. A001/23) is associated with a Site Plan Application (City File No. D06-21057) which is nearing final approval.

**Comments Received from Municipal Departments & Outside Agencies:****Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on January 30, 2023.

Public notice was mailed on February 16, 2023.

The applicant confirmed posting of public notice sign on February 15, 2023.

**Previous and/or Concurrent applications on the subject lands:**

D06-21057 - (Site Plan)

**Planning & Regulatory Services Department****Building / Zoning:**

The requested variances are correct.

## Planning:

Minor Variance Application A001/23 is requesting relief from Zoning By-law 256-88, as amended, to permit the construction of a new two storey single detached dwelling. In support of this request, the following variances are proposed:

- reduced minimum front yard setback (established building line) from 7.15 metres (23.45 feet), as required, to 4.17 metres (13.68 feet), as proposed;
- increased maximum permitted front porch and stairs encroachment from 2.50 metres (8.20 feet), as required, to 5.19 metres (17.02 feet), as proposed;
- increased maximum permitted rear yard porch and deck projection from 2.50 metres (8.20 feet), as required, to 3.01 metres (9.87 feet), as proposed;
- reduced minimum high water level mark setback from 10.00 metres (32.80 feet), as required, to 5.40 metres (17.71 feet), as proposed; and,
- increased maximum permitted front yard balcony projection from 2.00 metres (6.56 feet), as required, to 4.84 metres (15.87 feet), as proposed.

The subject lands municipally known as 5 Willowbank Avenue is located within the community of Oak Ridges and is designated 'Neighbourhood' and 'Natural Core', as per the City's Official Plan. The lands are also located within a 'Special Policy Area' (SPA) and are subject to Section 3.2.2.4 of the Official Plan. The SPA policies of Section 3.2.2.4 recognize that the area existed historically within the floodplain, and notes that "*development, redevelopment or rehabilitation of buildings or structures*" shall be subject to site plan control. In this regard, the lands are subject to a Site Plan Application (City File No. D06-21057) to facilitate the proposed development.

The 'Neighbourhood' designation permits low-rise residential development, such as single detached dwellings. The purpose of the 'Natural Core' designation is to maintain, where possible, improve or restore the ecological integrity of the natural features and functions of the key natural heritage features and key hydrological features, such as Lake Wilcox. Staff note that the proposed single detached dwelling will back onto Lake Wilcox and only a portion of the subject lands are within the "Natural Core" designation.

Staff considers the variances for the proposed front yard setback and front porch and stairs encroachment appropriate, as adequate amenity space will be provided in the front yard with no impacts to the existing streetscape or character of the neighbourhood. Additionally, the proposal exceeds the minimum front yard landscaping requirement of 45%. The proposed front yard balcony projection is also appropriate and will be located at the front of the property on the second-storey. The proposed balcony is not anticipated to negatively impact the surrounding area or streetscape, and is not expected to have any privacy impacts onto neighbouring properties.

The proposed increase to the maximum permitted rear yard porch and deck encroachment is considered to be minor in nature, as the lands will maintain sufficient amenity space and landscaping in the rear yard of the property. The existing deck on the subject lands will be replaced, in order to maintain rear yard access from the dwelling. Based on the aforementioned, Staff has no concerns with the proposed deck and do not anticipate any adverse impacts to the surrounding area.

The proposed setback from the high water level mark does not appear to be an area of concern by the Toronto and Region Conservation Authority (TRCA). The high level water

mark slopes down from the property line and the applicant has proposed to incorporate shore restoration works along the waters edge in order to meet the objective of “maintaining, improving and restoring Lake Wilcox”. As per the SPA policies, *“The approval of minor variance and/or site plan applications for buildings or structures in Special Policy Areas shall be conditional upon the landowner incorporating into the project flood measures capable of ensuring that the new buildings or structures, or additions to existing buildings or structures, will not be flooded under Regulatory Flood conditions, to the satisfaction of the Town and the Conservation Authority”*. In this regard, the TRCA has reviewed and signed off on the related Site Plan Application. The applicant is required, under the provisions of the applicable Zoning By-law and the TRCA ‘Regional Storm Floodplain’ policies to ensure that all development within the policy area be flood-proofed. The applicant has demonstrated to the TRCA that the proposed development on the subject lands will be flood-proofed, and all applicable permits, including a TRCA permit will be obtained upon site plan approval. Furthermore, these requirements will also be secured as part of a future Site Plan Agreement.

Planning Staff have no concerns or objections to the approval of the requested variances. Staff is of the opinion that the proposal meets the four (4) prescribed tests set out in Section 45(1) of the *Planning Act*. The requested relief meets the general intent of the applicable Zoning By-law and of the City’s Official Plan. Additionally, the requested variance is considered to be minor in nature and desirable for the development and use of the land.

On the basis of the preceding, Planning Staff has no objections to the approval of Minor Variance Application A001/23.

**Development Engineering:**

No concerns or objections.

**Parks & Natural Heritage**

**Comments to the Committee:**

Parks staff has no further comments on the application.

**Comments to the applicant for future reference:**

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.

**Heritage:**

No Comments.

**Corporate & Financial Services:**

Not circulated.

**Powerstream:**

No concerns.

**Enbridge:**

Not circulated.

**Bell Canada:**

Not circulated.

**York Region: Transportation & Community Planning Department:**

No objections.

**Toronto & Region Conservation Authority:**

TRCA staff has no objection to the above noted application as currently submitted, subject to the following condition:

1. That the applicant obtains a TRCA permit under Ontario Regulation 166/06 for the proposed work;
2. Payment of \$995.00 for the outstanding review fee.

**CN Rail:**

Not circulated.

**TransCanada Pipeline:**

Not circulated.

**Abutting Municipality:**

Not circulated.

**Ministry of Transportation:**

Outside of MTO Permit Control Area

**Ministry of Housing (Parkway Belt West Plan):**

Not circulated.

**Infrastructure Ontario:**

Not circulated.

**Staff & Agency Recommendation(s):**

Should the Committee find it appropriate to approve this application, the following condition(s) is (are) recommended:

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 obtains a TRCA permit under Ontario Regulation 166/06 for the proposed work;
4. Payment of \$995.00 for the outstanding review fee.

**Reasons for approval:**

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.

**Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment

225 East Beaver Creek Road, 4<sup>th</sup> Floor

Richmond Hill, ON L4B 3P4

Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)

Telephone: 905 771 2443 & 905 747 6404

If you wish to obtain a copy of the Committee's Decision with respect to this application, you must make a written request and provide your full name and mailing address to Committee of Adjustment staff.