



## Committee of Adjustment Agenda

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

### **Call to Order**

### **Disclosure of Pecuniary Interest**

### **Requests for Adjournment /Withdrawals from June 22, 2023 Agenda**

### **New Applications**

#### **Item A: Consent Application B006/22 (97 Newkirk Road, 36 & 41 Shelley Road)**

To sever a parcel of land for commercial purposes approximately 50.50 meters (165.68 feet) by 131.10 metres (430.11 feet), approximately 6,340.00 square metres (68,243.19 square feet) and retain a parcel of land approximately 67.20 metres (220.47 feet) by 73.10 metres (239.82 feet), approximately 20,490.00 square metres (220,552.52 square feet). Consent is being requested for mortgage purposes.

#### **Item B: Consent Application B011/22 (65 & 97 Newkirk Road, 36 & 41 Shelley Road)**

To sever a parcel of land for commercial purposes approximately 42.90 meters (140.74 feet) by 100.60 metres (330.05 feet), approximately 4,140.00 square metres (44,562.58 square feet) and retain a parcel of land approximately 88.70 metres (291.01 feet) by 167.60 metres (549.86 feet), approximately 30,900.00 square metres (332,604.83 square feet). Consent is being requested for mortgage purposes.

#### **Item C: B012/22 Consent Application (36 & 41 Shelley Road)**

To sever a parcel of land for commercial purposes approximately 36.60 meters (120.07 feet) by 166.30 metres (545.60 feet), approximately 1,449.00 square metres (15,596.90 square feet) and retain a parcel of land approximately 30.60 metres (100.39 feet) by 81.70 metres (268.04 feet), approximately 6,000.00 square metres (64,583.46 square feet). Consent is being requested for mortgage purposes.

#### **Item D: B012/23 Consent Application B012/23 (36 & 41 Shelley Road)**

To obtain consent for an easement over Part 2 (servient land) as shown as the draft reference plan submitted with the application, prepared by Schaffer Dzaldov Purcell Ltd., Ontario Land surveyors in favor of the lands to the west municipally known as 97 Newkirk Road (dominant land). The purpose of the easement is to allow for general vehicular access to the rear loading area of 97 Newkirk Road.

**Item E: Minor Variance Application A091/22 (65 Newkirk Road)**

To provide relief from the provisions of By-law 66-71, as amended to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet) to 0.00 metres (0.00 feet) to accommodate an existing condition on the subject lands.

Items A, B, C, D & E can be heard concurrently

**Item F: Minor Variance Application A099/22 (17 Silk Court)**

To provide relief from the provisions of By-law 255-96, as amended, to permit reduced minimum front yard setback from 4.50 metres (14.76 feet) to 3.72 metres (12.20 feet) to accommodate the construction of a proposed addition to the existing single-detached dwelling.

**Item G: Consent Application B013/23 (16 Scott Drive)**

To sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 44.06 metres (144.55 feet), approximately 670.00 square metres (7,211.81 square feet), and retain a parcel of land approximately 15.24 metres (50.00 feet) by 87.12 metres (285.83 feet), approximately 1,328.00 square metres (14,294.47 square feet).

**Item H: Consent Application B014/23 (16 Scott Drive)**

To sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 666.00 square metres (7,168.76 square feet), and retain a parcel of land approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 663.00 square metres (7,136.47 square feet).

*Items G & H can be heard concurrently*

**Item I: Consent Application B015/23 (85 Elm Grove Avenue)**

To sever a parcel of land for residential purposes approximately 9.13 metres (29.95 feet) by 60.96 metres (200.00 feet), approximately 557.60 square metres (6,001.95 square feet), as a lot addition to be merged with the property to the east municipally known as 83 Elm Grove Avenue and retain a parcel of land approximately 15.20 metres (50.00 feet) by 60.96 metres (200.00 feet), approximately 928.10 square metres (9,989.98 square feet).

**Item J: Consent Application B016/23 (83 Elm Grove Avenue)**

To sever a parcel of land for residential purposes approximately 16.76 metres (55.00 feet) by 60.96 metres (200.00 feet), approximately 1021.70 square metres (10,997.48 square feet), and retain a parcel of land approximately 16.76 metres (55.00 feet) by 60.96 metres (200.00 feet), approximately 1021.70 square metres (10,997.48 square feet).

*Items I & J can be heard concurrently*

**Item K: Minor Variance Application A022/23 (4 Gray Crescent)**

To provide relief from the provisions of By-law 181-81, as amended, to permit reduced minimum rear yard setback from 7.50 metres (24.60 feet) to 6.01 metres (19.71 feet) and increased maximum lot coverage from 40.00% to 41.80% to accommodate a proposed one-storey rear addition and two-storey addition at the front of the existing dwelling over the existing garage and patio.

**Item L: Minor Variance Application A017/23 (93 Westwood Lane)**

To provide relief from the provisions of By-law 2523, as amended, to permit increased maximum lot coverage from 20.00% to 27.50% to accommodate the construction of a proposed single detached dwelling.

**Other Business**

**A102/22 (45 Drynoch Avenue) – Minor Amendment**

**Approval of Minutes: May 11, 2023**

**Motion to Adjourn**

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

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Consent Application: B006/22**

Related Applications: B011/22, B012/22, B012/23 & A091/22

Subject Land: **97 Newkirk Road, 36 & 41 Shelley Road**

Name of Owner: Crestview Investment Corporation

Name of Applicant: Groundswell Urban Planners Inc. (Nour Bedas)

**The Request:**

To sever a parcel of land for commercial purposes approximately 50.50 meters (165.68 feet) by 131.10 metres (430.11 feet), approximately 6,340.00 square metres (68,243.19 square feet) and retain a parcel of land approximately 67.20 metres (220.47 feet) by 73.10 metres (239.82 feet), approximately 20,490.00 square metres (220,552.52 square feet). Consent is being requested for mortgage purposes.

**Present Designation:**

Official Plan: Employment Area

Zoning Classification: Industrial Class 1 (I-C1) Zone

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

**Zoning Provisions:**

Minimum Lot Frontage:	N/A
Minimum Lot Area:	N/A
Minimum Front Yard Setback:	15.24 metres (50.00 feet)
Minimum Rear Yard Setback:	12.19 metres (40.00 feet)
Minimum Side Yard Setback:	4.57 metres (15.00 feet)
Maximum Building Height:	13.72 metres (45.00 feet)
Minimum Drive Aisle Width:	7.01 metres (23.00 feet)
Maximum Driveway Width:	9.14 metres (two-way driveway)
Minimum Landscape Buffer Abutting a Street:	3.05 metres (10.00 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 Newkirk Road, south of Crosby Avenue in the Newkirk Business Park area. The lands are irregular in shape, with frontage on both Newkirk Road and Shelley Road, and have a total lot area of approximately 35,080.00 square metres (377,597.98 square feet). The present size and shape of the lands are resultant of the merger of multiple separate lots. Together, the lands support five (5) buildings, primarily industrial in use, including a self-storage facility. The uses are intended to remain with no changes proposed.

By a way of background, the Committee of Adjustment has previously approved a related Consent application (File No. B007/22) on September 29, 2022, to sever the subject lands to create two (2) industrial lots. The following summarizes the applicant's request with respect to the previously approved Consent application:

- to sever a parcel of land with a lot frontage of approximately 36.6 metres (120.08 feet) on Newkirk Road and a lot area of 4,110 square metres (44,239.67 square feet) (known as 75 Newkirk Road); and,
- to retain a parcel of land with frontages on both Newkirk Road and Shelley Road with a lot area of approximately 30,970 square metres (333,358.30 square feet) (known as 65 and 97 Newkirk Road and 36 and 41 Shelley Road).

The lands subject to these applications encompass the portion of the lands previously retained by the owners.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 7, 2023.

**Planning & Regulatory Services Department**

**Building / Zoning:**

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law subject to the following condition.

1. That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.

*Table 3.2.3.1.B,  
Table 3.2.3.1.C,  
Table 3.2.3.1.D, or  
Table 3.2.3.1.E*

### **Planning:**

The applicant is seeking consent approvals to sever the subject lands to create four (4) individual landholdings which will front onto Newkirk Road and Shelley Road, respectfully. In addition, the applicant is seeking consent for an access easement to allow for general vehicular access. Furthermore, the applicant has filed a minor variance application for relief to recognize an existing site condition to permit a reduced minimum landscape buffer on the lands municipally known as 65 Newkirk Road.

The following is an overview of the submitted Consent and Minor Variance applications:

#### **B011/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 42.90 metres (140.75 feet) on Newkirk Road and a lot area of approximately 4,140.00 square metres (44,562.58 square feet) (known as 65 Newkirk Road); and,
- to retain a parcel of land with frontage on both Newkirk Road and Shelley Road with a lot area of approximately 30,900.00 square metres (332,604.83 square feet) (known as 97 Newkirk Road, and 36 and 41 Shelley Road).

#### **B006/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 50.50 metres (165.68 feet) on Newkirk Road and a lot area of approximately 6,340 square metres (68,243.19 square feet) (known as 97 Newkirk Road); and,
- to retain a parcel of land with frontage on Shelley Road with a lot area of approximately 20,490.00 square metres (220,552.52 square feet) (known as 36 and 41 Shelley Road).

#### **B012/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 36.60 metres (120.07 feet) on Shelley Road and a lot area of approximately 1,449.00 square metres (15,596.90 square feet) (known as 36 Shelley Road); and,
- to retain a parcel of land with frontage of approximately 30.60 metres (100.39 feet) with a lot area of approximately 6,000.00 square metres (64,583.46 square feet) (known as 41 Shelley Road).

#### **B012/23 (Access Easement):**

- to obtain consent for an easement over the lands municipally known as 36 Shelley Road (servient land) in favor of the lands known as 97 Newkirk Road (dominant land) to allow for general vehicular access to the rear loading area for the lands.

**A091/22 (Minor Variance):**

- to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet), as required, to 0.00 metres (0.00 feet), as proposed, to accommodate an existing condition on the subject lands (known as 65 Newkirk Road).

Planning staff have reviewed the applicant's development proposal within the context of the policies of the Official Plan and the provisions of the applicable Zoning By-law. It should be noted that the lands were previously separate parcels and conveyed separately after the establishment of the underlying Plan of Subdivision (Plan 4644). However, due to a change in ownership, the lands subsequently merged on title. With this, the applicant is seeking to sever the lands for the purposes of mortgaging, leasing, and future sale agreements. The proposed severances will re-establish the lot lines in accordance with the underlying Plan of Subdivision to create four separate industrial lots that comply with the requirements for the **I-C1 Zone** as per By-law 66-71, as amended. Additionally, an access easement is required between the lots municipally known as 36 Shelley Road and 97 Newkirk Road for the purpose of providing vehicular access to the loading area located at the rear of 97 Newkirk Road.

Based on the preceding, the proposed lots will be consistent with the size and configuration of the existing lots in the surrounding area and consistent with the original parcel fabric established through the registered Plan of Subdivision. In addition, the proposed access easement will ensure the maintenance of vehicular access to the rear loading area of 97 Newkirk Road and continued use of the existing driveway that currently provides such access. In addition, the requested minor variance associated with the lands municipally known as 65 Newkirk Road is considered to be appropriate within the context of the neighbourhood, as it will recognize an existing condition of the lands and is considered minor in nature.

Planning Staff concludes that the proposed Consent applications comply with Section 51(24) of the *Planning Act* and conform to the City's Official Plan. Staff is also of the opinion that the proposed Minor Variance application meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals.

Therefore, staff has no objection to the approval of Consent applications B006/22, B011/22, B012/22, and B012/23 and Minor Variance application A091/22.

**Development Engineering:**

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

**Registered Plans:**

That the applicant provide to the Infrastructure Planning and Development Engineering, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Infrastructure Planning and Development Engineering conditions.

**Other Conditions:**

That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.

**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:**

1. Payment of all outstanding taxes to date of consent.

**Powerstream/Alectra Utilities:**

No Concerns.

**Enbridge:**

No response.

**Bell Canada:**

No objection.

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

No objection.

**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: Karen Cree 905-771-2435	That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.  <i>Table 3.2.3.1.B, Table 3.2.3.1.C, Table 3.2.3.1.D, or Table 3.2.3.1.E</i>
2.	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
3.	Development Engineering: Vanessa Lorrain 905-747-6308	That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.
4.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
5.	Committee of Adjustment: 905-771-2443	That Consent Application B011/22 be registered on title prior to B006/22.
6.	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.
7.	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.

**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: B**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Consent Application: B011/22**

Related Applications: A091/22, B006/22, B012/22 & B012/23

Subject Land: **65 & 97 Newkirk Road, 36 & 41 Shelley Road**

Name of Owner: Crestview Investment Corporation

Name of Applicant: Groundswell Urban Planners Inc. (Nour Bedas)

**The Request:**

To sever a parcel of land for commercial purposes approximately 42.90 metres (140.74 feet) by 100.60 metres (330.05 feet), approximately 4,140.00 square metres (44,562.58 square feet) and retain a parcel of land approximately 88.70 metres (291.01 feet) by 167.60 metres (549.86 feet), approximately 30,900.00 square metres (332,604.83 square feet). Consent is being requested for mortgage purposes.

**Present Designation:**

Official Plan: Employment Area

Zoning Classification: Industrial Class 1 (I-C1) Zone

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

**Zoning Provisions:**

Minimum Lot Frontage:	N/A
Minimum Lot Area:	N/A
Minimum Front Yard Setback:	15.24 metres (50.00 feet)
Minimum Rear Yard Setback:	12.19 metres (40.00 feet)
Minimum Side Yard Setback:	4.57 metres (15.00 feet)
Maximum Building Height:	13.72 metres (45.00 feet)
Minimum Drive Aisle Width:	7.01 metres (23.00 feet)
Maximum Driveway Width:	9.14 metres (two-way driveway)
Minimum Landscape Buffer Abutting a Street:	3.05 metres (10.00 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 Newkirk Road, south of Crosby Avenue in the Newkirk Business Park area. The lands are irregular in shape, with frontage on both Newkirk Road and Shelley Road, and have a total lot area of approximately 35,080.00 square metres (377,597.98 square feet). The present size and shape of the lands are resultant of the merger of multiple separate lots. Together, the lands support five (5) buildings, primarily industrial in use, including a self-storage facility. The uses are intended to remain with no changes proposed.

By a way of background, the Committee of Adjustment has previously approved a related Consent application (File No. B007/22) on September 29, 2022, to sever the subject lands to create two (2) industrial lots. The following summarizes the applicant's request with respect to the previously approved Consent application:

- to sever a parcel of land with a lot frontage of approximately 36.6 metres (120.08 feet) on Newkirk Road and a lot area of 4,110 square metres (44,239.67 square feet) (known as 75 Newkirk Road); and,
- to retain a parcel of land with frontages on both Newkirk Road and Shelley Road with a lot area of approximately 30,970 square metres (333,358.30 square feet) (known as 65 and 97 Newkirk Road and 36 and 41 Shelley Road).

The lands subject to these applications encompass the portion of the lands previously retained by the owners.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

**Planning & Regulatory Services Department**

**Building / Zoning:**

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law subject to the following condition.

1. That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.

*Table 3.2.3.1.B,  
Table 3.2.3.1.C,  
Table 3.2.3.1.D, or  
Table 3.2.3.1.E*

### **Planning:**

The applicant is seeking consent approvals to sever the subject lands to create four (4) individual landholdings which will front onto Newkirk Road and Shelley Road, respectfully. In addition, the applicant is seeking consent for an access easement to allow for general vehicular access. Furthermore, the applicant has filed a minor variance application for relief to recognize an existing site condition to permit a reduced minimum landscape buffer on the lands municipally known as 65 Newkirk Road.

The following is an overview of the submitted Consent and Minor Variance applications:

### **B011/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 42.90 metres (140.75 feet) on Newkirk Road and a lot area of approximately 4,140.00 square metres (44,562.58 square feet) (known as 65 Newkirk Road); and,
- to retain a parcel of land with frontage on both Newkirk Road and Shelley Road with a lot area of approximately 30,900.00 square metres (332,604.83 square feet) (known as 97 Newkirk Road, and 36 and 41 Shelley Road).

### **B006/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 50.50 metres (165.68 feet) on Newkirk Road and a lot area of approximately 6,340 square metres (68,243.19 square feet) (known as 97 Newkirk Road); and,
- to retain a parcel of land with frontage on Shelley Road with a lot area of approximately 20,490.00 square metres (220,552.52 square feet) (known as 36 and 41 Shelley Road).

### **B012/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 36.60 metres (120.07 feet) on Shelley Road and a lot area of approximately 1,449.00 square metres (15,596.90 square feet) (known as 36 Shelley Road); and,
- to retain a parcel of land with frontage of approximately 30.60 metres (100.39 feet) with a lot area of approximately 6,000.00 square metres (64,583.46 square feet) (known as 41 Shelley Road).

### **B012/23 (Access Easement):**

- to obtain consent for an easement over the lands municipally known as 36 Shelley Road (servient land) in favor of the lands known as 97 Newkirk Road (dominant land) to allow for general vehicular access to the rear loading area for the lands.

**A091/22 (Minor Variance):**

- to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet), as required, to 0.00 metres (0.00 feet), as proposed, to accommodate an existing condition on the subject lands (known as 65 Newkirk Road).

Planning staff have reviewed the applicant's development proposal within the context of the policies of the Official Plan and the provisions of the applicable Zoning By-law. It should be noted that the lands were previously separate parcels and conveyed separately after the establishment of the underlying Plan of Subdivision (Plan 4644). However, due to a change in ownership, the lands subsequently merged on title. With this, the applicant is seeking to sever the lands for the purposes of mortgaging, leasing, and future sale agreements. The proposed severances will re-establish the lot lines in accordance with the underlying Plan of Subdivision to create four separate industrial lots that comply with the requirements for the **I-C1 Zone** as per By-law 66-71, as amended. Additionally, an access easement is required between the lots municipally known as 36 Shelley Road and 97 Newkirk Road for the purpose of providing vehicular access to the loading area located at the rear of 97 Newkirk Road.

Based on the preceding, the proposed lots will be consistent with the size and configuration of the existing lots in the surrounding area and consistent with the original parcel fabric established through the registered Plan of Subdivision. In addition, the proposed access easement will ensure the maintenance of vehicular access to the rear loading area of 97 Newkirk Road and continued use of the existing driveway that currently provides such access. In addition, the requested minor variance associated with the lands municipally known as 65 Newkirk Road is considered to be appropriate within the context of the neighbourhood, as it will recognize an existing condition of the lands and is considered minor in nature.

Planning Staff concludes that the proposed Consent applications comply with Section 51(24) of the *Planning Act* and conform to the City's Official Plan. Staff is also of the opinion that the proposed Minor Variance application meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals.

Therefore, staff has no objection to the approval of Consent applications B006/22, B011/22, B012/22, and B012/23 and Minor Variance application A091/22.

**Development Engineering:**

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

**Registered Plans:**

That the applicant provide to the Infrastructure Planning and Development Engineering, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Infrastructure Planning and Development Engineering conditions.

**Other Conditions:**

That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.

**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:**

1. Payment of all outstanding taxes to date of consent.

**Powerstream/Alectra Utilities:**

No Concerns.

**Enbridge:**

No response.

**Bell Canada:**

No objection.

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

No objection.

**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: Karen Cree 905-771-2435	That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.  <i>Table 3.2.3.1.B, Table 3.2.3.1.C, Table 3.2.3.1.D, or Table 3.2.3.1.E</i>
2.	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
3.	Development Engineering: Vanessa Lorrain 905-747-6308	That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.
4.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
5.	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.
6.	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.



**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: C**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Consent Application: B012/22**

Related Applications: B006/22, B011/22, A091/22 & B012/23

Subject Land: **36 & 41 Shelley Road**

Name of Owner: Crestview Investment Corporation

Name of Applicant: Groundswell Urban Planners Inc. (Nour Bedas)

**The Request:**

To sever a parcel of land for commercial purposes approximately 36.60 meters (120.07 feet) by 166.30 metres (545.60 feet), approximately 1,449.00 square metres (15,596.90 square feet) and retain a parcel of land approximately 30.60 metres (100.39 feet) by 81.70 metres (268.04 feet), approximately 6,000.00 square metres (64,583.46 square feet). Consent is being requested for mortgage purposes.

**Present Designation:**

Official Plan: Employment Area

Zoning Classification: Industrial Class 1 (I-C1) Zone

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

**Zoning Provisions:**

Minimum Lot Frontage:	N/A
Minimum Lot Area:	N/A
Minimum Front Yard Setback:	15.24 metres (50.00 feet)
Minimum Rear Yard Setback:	12.19 metres (40.00 feet)
Minimum Side Yard Setback:	4.57 metres (15.00 feet)
Maximum Building Height:	13.72 metres (45.00 feet)
Minimum Drive Aisle Width:	7.01 metres (23.00 feet)
Maximum Driveway Width:	9.14 metres (two-way driveway)
Minimum Landscape Buffer Abutting a Street:	3.05 metres (10.00 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 Newkirk Road, south of Crosby Avenue in the Newkirk Business Park area. The lands are irregular in shape, with frontage on both Newkirk Road and Shelley Road, and have a total lot area of approximately 35,080.00 square metres (377,597.98 square feet). The present size and shape of the lands are resultant of the merger of multiple separate lots. Together, the lands support five (5) buildings, primarily industrial in use, including a self-storage facility. The uses are intended to remain with no changes proposed.

By a way of background, the Committee of Adjustment has previously approved a related Consent application (File No. B007/22) on September 29, 2022, to sever the subject lands to create two (2) industrial lots. The following summarizes the applicant's request with respect to the previously approved Consent application:

- to sever a parcel of land with a lot frontage of approximately 36.6 metres (120.08 feet) on Newkirk Road and a lot area of 4,110 square metres (44,239.67 square feet) (known as 75 Newkirk Road); and,
- to retain a parcel of land with frontages on both Newkirk Road and Shelley Road with a lot area of approximately 30,970 square metres (333,358.30 square feet) (known as 65 and 97 Newkirk Road and 36 and 41 Shelley Road).

The lands subject to these applications encompass the portion of the lands previously retained by the owners.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

**Planning & Regulatory Services Department**

**Building / Zoning:**

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law subject to the following condition.

1. That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.

*Table 3.2.3.1.B,  
Table 3.2.3.1.C,  
Table 3.2.3.1.D, or  
Table 3.2.3.1.E*

### **Planning:**

The applicant is seeking consent approvals to sever the subject lands to create four (4) individual landholdings which will front onto Newkirk Road and Shelley Road, respectfully. In addition, the applicant is seeking consent for an access easement to allow for general vehicular access. Furthermore, the applicant has filed a minor variance application for relief to recognize an existing site condition to permit a reduced minimum landscape buffer on lands municipally known as 65 Newkirk Road.

The following is an overview of the submitted Consent and Minor Variance applications:

### **B011/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 42.90 metres (140.75 feet) on Newkirk Road and a lot area of approximately 4,140.00 square metres (44,562.58 square feet) (known as 65 Newkirk Road); and,
- to retain a parcel of land with frontage on both Newkirk Road and Shelley Road with a lot area of approximately 30,900.00 square metres (332,604.83 square feet) (known as 97 Newkirk Road, and 36 and 41 Shelley Road).

### **B006/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 50.50 metres (165.68 feet) on Newkirk Road and a lot area of approximately 6,340 square metres (68,243.19 square feet) (known as 97 Newkirk Road); and,
- to retain a parcel of land with frontage on Shelley Road with a lot area of approximately 20,490.00 square metres (220,552.52 square feet) (known as 36 and 41 Shelley Road).

### **B012/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 36.60 metres (120.07 feet) on Shelley Road and a lot area of approximately 1,449.00 square metres (15,596.90 square feet) (known as 36 Shelley Road); and,
- to retain a parcel of land with frontage of approximately 30.60 metres (100.39 feet) with a lot area of approximately 6,000.00 square metres (64,583.46 square feet) (known as 41 Shelley Road).

### **B012/23 (Access Easement):**

- to obtain consent for an easement over the lands municipally known as 36 Shelley Road (servient land) in favor of the lands known as 97 Newkirk Road (dominant land) to allow for general vehicular access to the rear loading area for the lands.

**A091/22 (Minor Variance):**

- to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet), as required, to 0.00 metres (0.00 feet), as proposed, to accommodate an existing condition on the subject lands (known as 65 Newkirk Road).

Planning staff have reviewed the applicant's development proposal within the context of the policies of the Official Plan and the provisions of the applicable Zoning By-law. It should be noted that the lands were previously separate parcels and conveyed separately after the establishment of the underlying Plan of Subdivision (Plan 4644). However, due to a change in ownership, the lands subsequently merged on title. With this, the applicant is seeking to sever the lands for the purposes of mortgaging, leasing, and future sale agreements. The proposed severances will re-establish the lot lines in accordance with the underlying Plan of Subdivision to create four separate industrial lots that comply with the requirements for the **I-C1 Zone** as per By-law 66-71, as amended. Additionally, an access easement is required between the lots municipally known as 36 Shelley Road and 97 Newkirk Road for the purpose of providing vehicular access to the loading area located at the rear of 97 Newkirk Road.

Based on the preceding, the proposed lots will be consistent with the size and configuration of the existing lots in the surrounding area and consistent with the original parcel fabric established through the registered Plan of Subdivision. In addition, the proposed access easement will ensure the maintenance of vehicular access to the rear loading area of 97 Newkirk Road and continued use of the existing driveway that currently provides such access. In addition, the requested minor variance associated with the lands municipally known as 65 Newkirk Road is considered to be appropriate within the context of the neighbourhood, as it will recognize an existing condition of the lands and is considered minor in nature.

Planning Staff concludes that the proposed Consent applications comply with Section 51(24) of the *Planning Act* and conform to the City's Official Plan. Staff is also of the opinion that the proposed Minor Variance application meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals.

Therefore, staff has no objection to the approval of Consent applications B006/22, B011/22, B012/22, and B012/23 and Minor Variance application A091/22.

**Development Engineering:**

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

**Registered Plans:**

That the applicant provide to the Infrastructure Planning and Development Engineering, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Infrastructure Planning and Development Engineering conditions.

**Other Conditions:**

That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.

**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:**

1. Payment of all outstanding taxes to date of consent.

**Powerstream/Alectra Utilities:**

No Concerns.

**Enbridge:**

No response.

**Bell Canada:**

No objection.

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

No objection.

**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: Karen Cree 905-771-2435	That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.  <i>Table 3.2.3.1.B, Table 3.2.3.1.C, Table 3.2.3.1.D, or Table 3.2.3.1.E</i>
2.	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
3.	Development Engineering: Vanessa Lorrain 905-747-6308	That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.
4.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
5.	Committee of Adjustment: 905-771-2443	That consent application B006/22 be registered on title prior to B012/22.
6.	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.
7.	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.

**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: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Consent Application: B012/23**

Related Applications: B006/22, B011/22, A091/22 & B012/22

Subject Land: **36 & 41 Shelley Road**

Name of Owner: Crestview Investment Corporation

Name of Applicant: Groundswell Urban Planners Inc. (Nour Bedas)

**The Request:**

To obtain consent for an easement over Part 2 (servient land) as shown as the draft reference plan submitted with the application, prepared by Schaffer Dzaldov Purcell Ltd., Ontario Land surveyors in favor of the lands to the west municipally known as 97 Newkirk Road (dominant land). The purpose of the easement is to allow for general vehicular access to the rear loading area of 97 Newkirk Road.

**Present Designation:**

Official Plan: Employment Area

Zoning Classification: Industrial Class 1 (I-C1) Zone

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

**Zoning Provisions:**

Minimum Lot Frontage:	N/A
Minimum Lot Area:	N/A
Minimum Front Yard Setback:	15.24 metres (50.00 feet)
Minimum Rear Yard Setback:	12.19 metres (40.00 feet)
Minimum Side Yard Setback:	4.57 metres (15.00 feet)
Maximum Building Height:	13.72 metres (45.00 feet)
Minimum Drive Aisle Width:	7.01 metres (23.00 feet)
Maximum Driveway Width:	9.14 metres (two-way driveway)
Minimum Landscape Buffer Abutting a Street:	3.05 metres (10.00 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 Newkirk Road, south of Crosby Avenue in the Newkirk Business Park area. The lands are irregular in shape, with frontage on both Newkirk Road and Shelley Road, and have a total lot area of approximately 35,080.00 square metres (377,597.98 square feet). The present size and shape of the lands are resultant of the merger of multiple separate lots. Together, the lands support five (5) buildings, primarily industrial in use, including a self-storage facility. The uses are intended to remain with no changes proposed.

By a way of background, the Committee of Adjustment has previously approved a related Consent application (File No. B007/22) on September 29, 2022, to sever the subject lands to create two (2) industrial lots. The following summarizes the applicant's request with respect to the previously approved Consent application:

- to sever a parcel of land with a lot frontage of approximately 36.6 metres (120.08 feet) on Newkirk Road and a lot area of 4,110 square metres (44,239.67 square feet) (known as 75 Newkirk Road); and,
- to retain a parcel of land with frontages on both Newkirk Road and Shelley Road with a lot area of approximately 30,970 square metres (333,358.30 square feet) (known as 65 and 97 Newkirk Road and 36 and 41 Shelley Road).

The lands subject to these applications encompass the portion of the lands previously retained by the owners.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

**Planning & Regulatory Services Department**

**Building / Zoning:**

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law subject to the following condition.

1. That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.

*Table 3.2.3.1.B,  
Table 3.2.3.1.C,  
Table 3.2.3.1.D, or  
Table 3.2.3.1.E*

### **Planning:**

The applicant is seeking consent approvals to sever the subject lands to create four (4) individual landholdings which will front onto Newkirk Road and Shelley Road, respectfully. In addition, the applicant is seeking consent for an access easement to allow for general vehicular access. Furthermore, the applicant has filed a minor variance application for relief to recognize an existing site condition to permit a reduced minimum landscape buffer on lands municipally known as 65 Newkirk Road. The following is an overview of the submitted Consent and Minor Variance applications:

#### **B011/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 42.90 metres (140.75 feet) on Newkirk Road and a lot area of approximately 4,140.00 square metres (44,562.58 square feet) (known as 65 Newkirk Road); and,
- to retain a parcel of land with frontage on both Newkirk Road and Shelley Road with a lot area of approximately 30,900.00 square metres (332,604.83 square feet) (known as 97 Newkirk Road, and 36 and 41 Shelley Road).

#### **B006/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 50.50 metres (165.68 feet) on Newkirk Road and a lot area of approximately 6,340 square metres (68,243.19 square feet) (known as 97 Newkirk Road); and,
- to retain a parcel of land with frontage on Shelley Road with a lot area of approximately 20,490.00 square metres (220,552.52 square feet) (known as 36 and 41 Shelley Road).

#### **B012/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 36.60 metres (120.07 feet) on Shelley Road and a lot area of approximately 1,449.00 square metres (15,596.90 square feet) (known as 36 Shelley Road); and,
- to retain a parcel of land with frontage of approximately 30.60 metres (100.39 feet) with a lot area of approximately 6,000.00 square metres (64,583.46 square feet) (known as 41 Shelley Road).

#### **B012/23 (Access Easement):**

- to obtain consent for an easement over the lands municipally known as 36 Shelley Road (servient land) in favor of the lands known as 97 Newkirk Road (dominant land) to allow for general vehicular access to the rear loading area for the lands.

**A091/22 (Minor Variance):**

- to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet), as required, to 0.00 metres (0.00 feet), as proposed, to accommodate an existing condition on the subject lands (known as 65 Newkirk Road).

Planning staff have reviewed the applicant's development proposal within the context of the policies of the Official Plan and the provisions of the applicable Zoning By-law. It should be noted that the lands were previously separate parcels and conveyed separately after the establishment of the underlying Plan of Subdivision (Plan 4644). However, due to a change in ownership, the lands subsequently merged on title. With this, the applicant is seeking to sever the lands for the purposes of mortgaging, leasing, and future sale agreements. The proposed severances will re-establish the lot lines in accordance with the underlying Plan of Subdivision to create four separate industrial lots that comply with the requirements for the **I-C1 Zone** as per By-law 66-71, as amended. Additionally, an access easement is required between the lots municipally known as 36 Shelley Road and 97 Newkirk Road for the purpose of providing vehicular access to the loading area located at the rear of 97 Newkirk Road.

Based on the preceding, the proposed lots will be consistent with the size and configuration of the existing lots in the surrounding area and consistent with the original parcel fabric established through the registered Plan of Subdivision. In addition, the proposed access easement will ensure the maintenance of vehicular access to the rear loading area of 97 Newkirk Road and continued use of the existing driveway that currently provides such access. In addition, the requested minor variance associated with the lands municipally known as 65 Newkirk Road is considered to be appropriate within the context of the neighbourhood, as it will recognize an existing condition of the lands and is considered minor in nature.

Planning Staff concludes that the proposed Consent applications comply with Section 51(24) of the *Planning Act* and conform to the City's Official Plan. Staff is also of the opinion that the proposed Minor Variance application meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals.

Therefore, staff has no objection to the approval of Consent applications B006/22, B011/22, B012/22, and B012/23 and Minor Variance application A091/22.

**Development Engineering:**

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

**Registered Plans:**

That the applicant provide to the Infrastructure Planning and Development Engineering, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Infrastructure Planning and Development Engineering conditions.

**Other Conditions:**

That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.

**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:**

1. Payment of all outstanding taxes to date of consent.

**Powerstream/Alectra Utilities:**

No Concerns.

**Enbridge:**

No response.

**Bell Canada:**

No objection.

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

No objection.

**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>
<b>1.</b>	Building/Zoning: Karen Cree 905-771-2435	That the Owner confirm to the satisfaction of the Chief Building Official that the area of openings permitted on the wall facing the adjacent property comply with the following OBC tables in accordance to the building classification and the presence of a sprinkler system.  <i>Table 3.2.3.1.B, Table 3.2.3.1.C, Table 3.2.3.1.D, or Table 3.2.3.1.E</i>
<b>2.</b>	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
<b>3.</b>	Development Engineering: Vanessa Lorrain 905-747-6308	That the servicing plan(s) be provided in order to appropriately determine if the lot is individually serviced with a sanitary lateral connection.
<b>4.</b>	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
<b>5.</b>	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.
<b>6.</b>	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.

Condition #	Department / Agency Contact:	Condition:
7.	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 B012/23.

### 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: E**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Minor Variance Applications A091/22**

Related Applications: B011/22

**Subject Land: 65 Newkirk Road**

Name of Owner: Crestview Investment Corporation

Name of Agent: Groundswell Urban Planners (Nour Bedas)

**The Request:**

To provide relief from the provisions of By-law 66-71, as amended to permit a reduced minimum landscape buffer to accommodate an existing condition on the subject lands.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Landscape Buffer</b>	3.04 m (10.00 ft.)	0.00 m (0.00 ft.)	3.04 m (10.00 ft.)

**Present Designation:**

Official Plan: Employment Area

Zoning Classification: Industrial Class 1 (I-C1) Zone

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

**Zoning Provisions:**

Minimum Lot Frontage:	N/A
Minimum Lot Area:	N/A
Minimum Front Yard Setback:	15.24 metres (50.00 feet)
Minimum Rear Yard Setback:	12.19 metres (40.00 feet)
Minimum Side Yard Setback:	4.57 metres (15.00 feet)
Maximum Building Height:	13.72 metres (45.00 feet)
Minimum Drive Aisle Width:	7.01 metres (23.00 feet)
Maximum Driveway Width:	9.14 metres (two-way driveway)
Minimum Landscape Buffer Abutting a Street:	3.05 metres (10.00 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**

Committee of Adjustment Agenda: June 22, 2023



**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 Newkirk Road, south of Crosby Avenue in the Newkirk Business Park area. The lands are irregular in shape, with frontage on both Newkirk Road and Shelley Road, and have a total lot area of approximately 35,080.00 square metres (377,597.98 square feet). The present size and shape of the lands are resultant of the merger of multiple separate lots. Together, the lands support five (5) buildings, primarily industrial in use, including a self-storage facility. The uses are intended to remain with no changes proposed.

By a way of background, the Committee of Adjustment has previously approved a related Consent application (File No. B007/22) on September 29, 2022, to sever the subject lands to create two (2) industrial lots. The following summarizes the applicant's request with respect to the previously approved Consent application:

- to sever a parcel of land with a lot frontage of approximately 36.6 metres (120.08 feet) on Newkirk Road and a lot area of 4,110 square metres (44,239.67 square feet) (known as 75 Newkirk Road); and,
- to retain a parcel of land with frontages on both Newkirk Road and Shelley Road with a lot area of approximately 30,970 square metres (333,358.30 square feet) (known as 65 and 97 Newkirk Road and 36 and 41 Shelley Road).

The lands subject to these applications encompass the portion of the lands previously retained by the owners.

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

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign on June 8, 2023.

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

B011/22 – Concurrent Application

B006/22 – Concurrent Application

B012/22 – Concurrent Application

B012/23 – Concurrent Application

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

The requested variances are correct.

## **Planning:**

The applicant is seeking consent approvals to sever the subject lands to create four (4) individual landholdings which will front onto Newkirk Road and Shelley Road, respectfully. In addition, the applicant is seeking consent for an access easement to allow for general vehicular access. Furthermore, the applicant has filed a minor variance application for relief to recognize an existing site condition to permit a reduced minimum landscape buffer.

The following is an overview of the submitted Consent and Minor Variance applications:

### **B011/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 42.90 metres (140.75 feet) on Newkirk Road and a lot area of approximately 4,140.00 square metres (44,562.58 square feet) (known as 65 Newkirk Road); and,
- to retain a parcel of land with frontage on both Newkirk Road and Shelley Road with a lot area of approximately 30,900.00 square metres (332,604.83 square feet) (known as 97 Newkirk Road, and 36 and 41 Shelley Road).

### **B006/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 50.50 metres (165.68 feet) on Newkirk Road and a lot area of approximately 6,340 square metres (68,243.19 square feet) (known as 97 Newkirk Road); and,
- to retain a parcel of land with frontage on Shelley Road with a lot area of approximately 20,490.00 square metres (220,552.52 square feet) (known as 36 and 41 Shelley Road).

### **B012/22 (Severed and Retained Lands):**

- to sever a parcel of land with a lot frontage of approximately 36.60 metres (120.07 feet) on Shelley Road and a lot area of approximately 1,449.00 square metres (15,596.90 square feet) (known as 36 Shelley Road); and,
- to retain a parcel of land with frontage of approximately 30.60 metres (100.39 feet) with a lot area of approximately 6,000.00 square metres (64,583.46 square feet) (known as 41 Shelley Road).

### **B012/23 (Access Easement):**

- to obtain consent for an easement over the lands municipally known as 36 Shelley Road (servient land) in favor of the lands known as 97 Newkirk Road (dominant land) to allow for general vehicular access to the rear loading area for the lands.

### **A091/22 (Minor Variance):**

- to permit a reduced minimum landscape buffer from 3.04 metres (10.00 feet), as required, to 0.00 metres (0.00 feet), as proposed, to accommodate an existing condition on the subject lands (known as 65 Newkirk Road).

Planning staff have reviewed the applicant's development proposal within the context of the policies of the Official Plan and the provisions of the applicable Zoning By-law. It should be noted that the lands were previously separate parcels and conveyed separately after the establishment of the underlying Plan of Subdivision (Plan 4644). However, due to a change in ownership, the lands subsequently merged on title. With this, the applicant is seeking to sever the lands for the purposes of mortgaging, leasing, and future sale agreements. The proposed severances will re-establish the lot lines in accordance with the underlying Plan of Subdivision to create four separate industrial lots that comply with the requirements for the **I-C1 Zone** as per By-law 66-71, as amended. Additionally, an access easement is required between the lots municipally known as 36 Shelley Road and 97 Newkirk Road for the purpose of providing vehicular access to the loading area located at the rear of 97 Newkirk Road.

Based on the preceding, the proposed lots will be consistent with the size and configuration of the existing lots in the surrounding area and consistent with the original parcel fabric established through the registered Plan of Subdivision. In addition, the proposed access easement will ensure the maintenance of vehicular access to the rear loading area of 97 Newkirk Road and continued use of the existing driveway that currently provides such access. In addition, the requested minor variance associated with the lands municipally known as 65 Newkirk Road is considered to be appropriate within the context of the neighbourhood, as it will recognize an existing condition of the lands and is considered minor in nature.

Planning Staff concludes that the proposed Consent applications comply with Section 51(24) of the *Planning Act* and conform to the City's Official Plan. Staff is also of the opinion that the proposed Minor Variance application meets the four (4) conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals.

Therefore, staff has no objection to the approval of Consent applications B006/22, B011/22, B012/22, and B012/23 and Minor Variance application A091/22.

#### **Development Engineering:**

No concerns.

#### **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: F**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Minor Variance Application: A099/22**

Related Applications: N/A

**Subject Land: 17 Silk Court**

Name of Owner: Huihui Liu, Junguo Liao

Name of Agent: Cheng Zhang

**The Request:**

To provide relief from the provisions of By-law 255-96, as amended, to permit reduced minimum front yard setback to accommodate the construction of a proposed addition to the existing single-detached dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Front Yard Setback</b>	4.50 m (14.76 ft.)	3.72 m (12.20 ft.)	0.78 m (2.55 ft.)

**Present Designation:**

Official Plan Designation: Neighbourhood

Zoning Classification: Residential Sixth Density (R6(13)) Zone

Zoning By-law: By-law No. 255-96, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	17.00 metres (55.77 feet)
Minimum Lot Area:	569.00 square metres (6124.67 square feet)
Minimum Required Front Yard:	4.50 metres (14.76 feet)
Minimum Required Rear Yard:	7.50 metres (24.61 feet)
Minimum Required Side Yard:	1.50 metres (4.92 feet)
Minimum Required Flankage Yard:	3.00 metres (9.84 feet)
Maximum Height:	11.00 metres (36.09 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 Silk Court, north of Bantry Avenue, east of Yonge Street, west of Bayview Avenue and south of 16<sup>th</sup> Avenue. The lands presently support a two storey single detached dwelling which will remain. The subject property is located within an established low density residential neighbourhood that is comprised of one and two storey single detached dwellings of varying sizes, ages and architectural styles. Transitions to newer, larger single detached dwellings have started to occur within the area.

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

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign on June 8, 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 255-96, as amended, to facilitate the construction of an addition to the front of the existing two storey single detached dwelling. In support of this request, the following variance is proposed:

- Minimum Front Yard Setback from 4.50 metres (14.76 feet) to 3.72 metres (12.20 feet)

The proposed variance will facilitate the construction of a new front porch and foyer on the ground/main floor of the dwelling and a laundry room on the second floor above the new foyer. Planning Staff believes that the proposed addition is not excessive or out of character with the neighbourhood, does not pose any negative impacts on the surrounding properties and is compatible with the character of the neighbourhood.

On the basis of the preceding, the proposal meets the four (4) prescribed tests set out in Section 45.1 of the *Planning Act*. The development, as proposed, meets the general intent of the Official Plan as the application facilitates a land use contemplated in the Neighbourhood designation. The scale of the requested variances are relatively minor and are not anticipated to create a negative impact to

the neighbourhood. Overall, the requested variances are in keeping with the general intent of the Residential Sixth Density [R6(13)] Zone zoning category and is desirable for the appropriate development of the lands.

Based on the preceding, Planning staff recommends that Minor Variance Application A099/22 be approved.

**Development Engineering:**

No concerns or objections.

**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:**

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: G**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

---

**Application Information:****Consent Application: B013/23**

Related Applications: B014/23

**Subject Land: 16 Scott Drive**

Name of Owner: Marc-Anthony Zanetti

Name of Agent: Evans Planning Inc.

**The Request:**

To sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 44.06 metres (144.55 feet), approximately 670.00 square metres (7,211.81 square feet), and retain a parcel of land approximately 15.24 metres (50.00 feet) by 87.12 metres (285.83 feet), approximately 1,328.00 square metres (14,294.47 square feet).

**Present Designation:**

Official Plan: Neighbourhood

Zoning Classification: Third Density Residential (R3) Zone

Zoning By-law: By-law 2523, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	15.24 metres (50.00 feet)
Minimum Lot Area	557.42 square metres (6,000.00 square feet)
Maximum Lot Coverage:	20%
Minimum Front Yard Setback:	7.62 metres (25.00 feet)
Minimum Rear Yard Setback:	7.62 metres (25.00 feet)
Minimum Side Yard Setback:	1.52 metres (5.00 feet)
Maximum Building Height:	10.67 metres (35.00 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 north side of Scott Drive, in an area generally southwest of Carville Road and Yonge Street. The lands have a total lot area of 2,305.65 square metres (24,817.81 square feet) and are presently vacant. The subject lands abut Scott Drive to the south and are surrounded by low density residential uses in the area.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

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

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law.

**Planning:**

The applicant is seeking approval of its Consent applications to sever the subject lands to create three lots for single detached residential purposes. The following summarizes the applicant's request with respect to the proposed applications:

**B013/23 (Severed and Retained Lands):**

- to sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 44.06 metres (144.55 feet), approximately 670.00 square metres (7,211.81 square feet); and,
- to retain a parcel of land approximately 15.24 metres (50.00 feet) by 87.12 metres (285.83 feet), approximately 1,328.00 square metres (14,294.47 square feet).

**B014/23 (Severed and Retained Lands):**

- to sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 666.00 square metres (7,168.76 square feet); and,
- to retain a parcel of land approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet) (7,136.47 square feet).

The subject lands are designated **Neighbourhood** in the City's Official Plan which allows for 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 lands are zoned **Third Density Residential (R3) Zone** under By-law 2523, as amended, which permits single detached dwellings.

As indicated, the subject lands are located within an area of the City which has undergone infill development. Both the proposed severed and retained parcels are consistent with the general lot fabric existing within the immediate neighbourhood. Additionally, 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 Consent applications. Staff note that the east-west extension of Clinton Drive is currently under construction and will serve as the frontage for the two proposed lots in the rear of the site. The proposed Consents also account for the 10 metre conveyance of land in the rear required for the Clinton Drive extension. The proposed lot on the south side will continue to maintain frontage on Scott Drive.

Planning Staff has reviewed the applicant's development proposal within the context of the neighbourhood, as well as the policies of the Official Plan and the provisions of the applicable Zoning By-law. Upon review and consideration of the applications, Staff is of the opinion that the applicant's proposal is compatible with the established pattern and existing character of the neighbourhood. 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 Applications B013/23 and B014/23 complies with the criteria listed under Section 51(24) of the *Planning Act* and conforms to the City's Official Plan.

Therefore, staff has no objection to the approval of Consent applications B013/23 and B014/23.

### **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;
<b>2.</b>	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:

The applicant arrange for the installation of service connections to render the **severed** parcel fully serviced. As the severed parcel fronts a municipal road forming part of an unassumed subdivision (19T-17012), it is the responsibility of the applicant to arrange with the subdivision developer **Clinton Drive Extension Subdivision** for the installation of Storm, Sanitary and Water services. Upon the completion of service installation, a letter of certification from the developer's engineering will be required indicating compliance with the overall subdivision design.

### 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 Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).
2. Payment of all current and outstanding taxes to date of consent.

**Financial/Regional and Municipal Notice:**

3. Please note that the City, Regional and Educational Development Charges are payable prior to building permit issuance on the Severed Lot. Water meter and tree charges are also applicable at that time.
4. 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).
5. Cash-in-lieu of parkland is payable prior to building permit issuance pursuant to the By-law 123-22.

**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:

- 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.	Development Engineering:  Michael Ayers 905-771-9996 Ext. 6426	<ol style="list-style-type: none"> <li>1. Submit to the City's Development Engineering Division a grading plan prepared by a professional engineer or Ontario land surveyor detailing the drainage pattern while showing the existing and proposed elevations for both the <b>severed and retained</b> lands along with the adjoining lands;</li> <li>2. Obtain the City's approval of the grading plan referred to in (1);</li> <li>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</li> </ol>

Condition #	Department / Agency Contact:	Condition:
		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.
2.	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
3.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	The applicant arrange for the installation of service connections to render the <b>severed</b> parcel fully serviced. As the severed parcel fronts a municipal road forming part of an unassumed subdivision (19T-17012), it is the responsibility of the applicant to arrange with the subdivision developer <b>Clinton Drive Extension Subdivision</b> for the installation of Storm, Sanitary and Water services. Upon the completion of service installation, a letter of certification from the developer's engineering will be required indicating compliance with the overall subdivision design.
4.	Finance: Christina Giannakakis 905-771-5550	No parkland or Cash-in-lieu is required as a condition of consent. However, the Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).
5.	Finance:	Payment of all current and outstanding taxes to date of consent.



Condition #	Department / Agency Contact:	Condition:
	Christina Giannakakis 905-771-5550	
6.	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.
7.	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.
8.	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.

#### 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: H



Hearing Date: June 22, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

---

#### Application Information:

##### Consent Application: B014/23

Related Applications: B013/23

##### Subject Land: 16 Scott Drive

Name of Owner: Marc-Anthony Zanetti

Name of Agent: Evans Planning Inc.

#### The Request:

To sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 666.00 square metres (7,168.76 square feet), and retain a parcel of land approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 663.00 square metres (7,136.47 square feet).

#### Present Designation:

Official Plan: Neighbourhood

Zoning Classification: Third Density Residential (R3) Zone

Zoning By-law: By-law 2523, as amended

#### Zoning Provisions:

Minimum Lot Frontage:	15.24 metres (50.00 feet)
Minimum Lot Area	557.42 square metres (6,000.00 square feet)
Maximum Lot Coverage:	20%
Minimum Front Yard Setback:	7.62 metres (25.00 feet)
Minimum Rear Yard Setback:	7.62 metres (25.00 feet)
Minimum Side Yard Setback:	1.52 metres (5.00 feet)
Maximum Building Height:	10.67 metres (35.00 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 north side of Scott Drive, in an area generally southwest of Carville Road and Yonge Street. The lands have a total lot area of 2,305.65 square metres (24,817.81 square feet) and are presently vacant. The subject lands abut Scott Drive to the south and are surrounded by low density residential uses in the area.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

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

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law.

**Planning:**

The applicant is seeking approval of its Consent applications to sever the subject lands to create three lots for single detached residential purposes. The following summarizes the applicant's request with respect to the proposed applications:

**B013/23 (Severed and Retained Lands):**

- to sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 44.06 metres (144.55 feet), approximately 670.00 square metres (7,211.81 square feet); and,
- to retain a parcel of land approximately 15.24 metres (50.00 feet) by 87.12 metres (285.83 feet), approximately 1,328.00 square metres (14,294.47 square feet).

**B014/23 (Severed and Retained Lands):**

- to sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 666.00 square metres (7,168.76 square feet); and,
- to retain a parcel of land approximately 15.24 metres (50.00 feet) by 43.83 metres (143.79 feet), approximately 663.00 square metres (7,136.47 square feet).

The subject lands are designated **Neighbourhood** in the City's Official Plan which allows for 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 lands are zoned **Third Density Residential (R3) Zone** under By-law 2523, as amended, which permits single detached dwellings.

As indicated, the subject lands are located within an area of the City which has undergone infill development. Both the proposed severed and retained parcels are consistent with the general lot fabric existing within the immediate neighbourhood. Additionally, 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 Consent applications. Staff note that the east-west extension of Clinton Drive is currently under construction and will serve as the frontage for the two proposed lots in the rear of the site. The proposed Consents also account for the 10 metre conveyance of land in the rear required for the Clinton Drive extension. The proposed lot on the south side will continue to maintain frontage on Scott Drive.

Planning Staff has reviewed the applicant's development proposal within the context of the neighbourhood, as well as the policies of the Official Plan and the provisions of the applicable Zoning By-law. Upon review and consideration of the applications, Staff is of the opinion that the applicant's proposal is compatible with the established pattern and existing character of the neighbourhood. 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 Applications B013/23 and B014/23 complies with the criteria listed under Section 51(24) of the *Planning Act* and conforms to the City's Official Plan.

Therefore, staff has no objection to the approval of Consent applications B013/23 and B014/23.

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

### Service Connection Condition:

The applicant arrange for the installation of service connections to render the **severed** parcel fully serviced. As the severed parcel fronts a municipal road forming part of an unassumed subdivision (19T-17012), it is the responsibility of the applicant to make arrangement with the subdivision developer **Clinton Drive Extension Subdivision** for the installation of Storm, Sanitary and Water services. Upon the completion of service installation, a letter of certification from the developer's engineering will be required indicating compliance with the overall subdivision design.

### 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 Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).
2. Payment of all current and outstanding taxes to date of consent.

**Financial/Regional and Municipal Notice:**

3. Please note that the City, Regional and Educational Development Charges are payable prior to building permit issuance on the Severed Lot. Water meter and tree charges are also applicable at that time.
4. 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).
5. Cash-in-lieu of parkland is payable prior to building permit issuance pursuant to the By-law 123-22.

**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:

- 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.	Development Engineering:  Michael Ayers 905-771-9996 Ext. 6426	<ol style="list-style-type: none"> <li>1. Submit to the City's Development Engineering Division a grading plan prepared by a professional engineer or Ontario land surveyor detailing the drainage pattern while showing the existing and proposed elevations for both the <b>severed and retained</b> lands along with the adjoining lands;</li> <li>2. Obtain the City's approval of the grading plan referred to in (1);</li> <li>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</li> </ol>

Condition #	Department / Agency Contact:	Condition:
		<p>Solicitor deems to be an encumbrance or claim; and</p> <p>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.</p>
2.	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
3.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	The applicant arrange for the installation of service connections to render the <b>severed</b> parcel fully serviced. As the severed parcel fronts a municipal road forming part of an unassumed subdivision (19T-17012), it is the responsibility of the applicant to make arrangement with the subdivision developer <b>Clinton Drive Extension Subdivision</b> for the installation of Storm, Sanitary and Water services. Upon the completion of service installation, a letter of certification from the developer's engineering will be required indicating compliance with the overall subdivision design.
4.	Finance: Christina Giannakakis 905-771-5550	No parkland or Cash-in-lieu is required as a condition of consent. However, the Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).



Condition #	Department / Agency Contact:	Condition:
5.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
6.	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.
7.	Committee of Adjustment: 905-771-2443	That Consent Application B013/23 be registered on title prior to B014/23.
8.	Committee of Adjustment: 905-771-2443	That the applicant provides the secretary-treasurer with the legal description of the severed land in the form of a letter or draft transfer prepared by the applicant's solicitor.
9.	Committee of Adjustment: 905-771-2443	That the applicant provides one white print of a deposited plan of reference of the entire land which conforms substantially with the application as submitted.
10.	Committee of Adjustment: 905-771-2443	That the Solicitor for the Owner give an undertaking in writing to provide to the Secretary Treasurer of the City of Richmond Hill within 30 days of the date of registration in the Land Registry/Land Titles Office a copy of the receipted and registered electronic transfer document including the Form 2 for Consent B014/23.

### 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: I

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

---

#### Application Information:

##### Consent Application: B015/23

Related Applications: B016/23

Subject Land: **85 Elm Grove Avenue**

Name of Owner: Daniela Marie & Domenic Sorbara

Name of Applicant: Evans Planning Inc.

#### The Request:

To sever a parcel of land for residential purposes approximately 9.13 metres (30.05 feet) by 60.96 metres (200.00 feet), approximately 557.60 square metres (6,001.95 square feet), as a lot addition to be merged with the property to the east municipally known as 83 Elm Grove Avenue and retain a parcel of land approximately 15.26 metres (50.00 50.06 feet) by 60.96 metres (200.00 feet), approximately 928.10 square metres (9,989.98 square feet).

#### Present Designation:

Official Plan: Neighbourhood

Zoning Classification: Residential Urban (RU) Zone

Zoning By-law: By-law 1275, as amended

#### Zoning Provisions:

Minimum Lot Frontage (interior lot):	13.50 metres (44.29 feet)
Minimum Lot Area (interior lot):	450.00 square metres (4,843.76 square feet)
Maximum Lot Coverage:	40%
Minimum Front Yard Setback:	4.5 metres (14.76 feet)
Minimum Rear Yard Setback:	7.5 metres (24.61 feet)
Minimum Side Yard Setback:	1.5 metres (4.92 feet)
Maximum Building Height:	11.0 metres (36.09 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 south side of Elm Grove Avenue, east of Parker Avenue, within the community of Oak Ridges. The lands have a total lot area of 0.297 hectares (0.73 acres) and currently support two single detached dwellings which are proposed to be demolished in order to facilitate the subject development proposal. The subject lands abut Elm Grove Avenue to the north, and existing single detached dwellings to the east, west, and south.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

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

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law.

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 consent approvals for a lot addition and a severance to facilitate the creation of an additional residential lot on the subject lands.

The following is an overview of the submitted Consent applications:

**B015/23 (Severed and Retained Lands):**

- To sever a parcel of land with a lot frontage of approximately 9.13 metres (29.95 feet) and a lot area of approximately 557.60 square metres (6,001.96 square feet) to be merged on title with the property to the east municipally known as 83 Elm Grove Avenue; and,
- To retain a parcel of land for residential purposes with a lot frontage of approximately 15.26 metres (50.07 feet) and a lot area of approximately 928.10 square metres (9,990.00 square feet).

**B016/23 (Severed and Retained Lands):**

- Provided the lands merge on title from Consent application B015/23, to sever a parcel of land for residential purposes with a lot frontage of 16.76 metres (55.00 feet) and a lot area of approximately 1,021.70 square metres (10,997.49 square feet); and,

- To retain a parcel of land for residential purposes with a lot frontage of 16.76 metres (55.00 feet) and a lot area of approximately 1,021.70 square metres (10,997.49 square feet).

By a way of background, the subject lands were subject to a Zoning By-law Amendment application (File No. D02-22018) in order to permit the severance of the lands to create an additional residential lot. The amending By-law 30-23 was approved March 8<sup>th</sup>, 2023 and is in effect. The subject Consent applications are consistent with what was approved through the related Zoning By-law Amendment application. Upon review and consideration, Planning staff is of the opinion that the applicant's proposal is consistent with the approved Zoning By-law and the existing pattern of development and redevelopment within the neighbourhood area.

Furthermore, Planning staff note that should the subject consent applications be approved, the applicant must deem Lot 5, Plan M-1563 not to be a lot within a registered plan of subdivision in order for the subject lands to merge on title.

Therefore, staff recommends the following condition of approval be placed on Consent application B016/23:

### **Condition of Approval**

"The applicant shall submit a Deeming By-law application and a Deeming By-law shall be passed by the City pursuant to Section 50(4) of the *Planning Act* to deem Lot 5, Plan M-1563 not to be a lot in a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*, in order to merge the subject land and the beneficiary lands on title".

On the basis of the preceding, staff conclude that the proposed consent applications comply with the criteria listed under subsection 51(24) of the *Planning Act*, and therefore, it is recommended that Consent applications B015/23 and B016/23 be approved.

### **Development Engineering:**

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

### **Merge Clause**

The Infrastructure Planning and Development Engineering Division has reviewed the above noted application and has no objections provided that the severed parcel merges on title with the property to the East municipally known as 83 Elm Grove Avenue.

### **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.

At detailed design, the applicant is advised to protect trees #P1 and P2 as these Eastern White Cedar provide screening between the properties to the east and south.

**Heritage:**

No Comments.

**Corporate & Financial Services:**

1. Payment of all current and outstanding taxes to date of consent.
2. Other Comments: Lot Addition.

**Powerstream/Alectra Utilities:**

No Concerns.

**Enbridge:**

No response.

**Bell Canada:**

No objection.

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

No objection.

**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:

Condition #	Department / Agency Contact:	Condition:
1.	Building/Zoning: Jessica Wong 905-771-5564	That the Owner apply to and receive from the Council of the City of Richmond Hill demolition approval pursuant to Demolition Control By-law No. 15-90 as required, and that the Owner demolish all buildings and/or structures and remove all debris to the satisfaction of the Chief Building Official.
2.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	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
3.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
4.	Committee of Adjustment: 905-771-2443	That the severed parcel be merged on title with the abutting land to the East municipally known as 83 Elm Grove Avenue, and the applicant's solicitor provide an undertaking in writing that this condition will be fulfilled. (Subsection 50 (3 or 5) of the Planning Act, R.S.O. 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5.	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.
6.	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.

### 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: J



Hearing Date: June 22, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

---

#### Application Information:

##### **Consent Application: B016/23**

Related Applications: B015/23

##### **Subject Land: 83 Elm Grove Avenue**

Name of Owner: Marie & Eugene Sturino

Name of Agent: Evans Planning Inc.

#### **The Request:**

To sever a parcel of land for residential purposes approximately 16.76 metres (55.00 feet) by 60.96 metres (200.00 feet), approximately 1021.70 square metres (10,997.48 square feet), and retain a parcel of land approximately 16.76 metres (55.00 feet) by 60.96 metres (200.00 feet), approximately 1021.70 square metres (10,997.48 square feet).

#### **Present Designation:**

Official Plan: Neighbourhood

Zoning Classification: Residential Urban (RU) Zone

Zoning By-law: By-law 1275, as amended

#### **Zoning Provisions:**

Minimum Lot Frontage (interior lot):	13.50 metres (44.29 feet)
Minimum Lot Area (interior lot):	450.00 square metres (4,843.76 square feet)
Maximum Lot Coverage:	40%
Minimum Front Yard Setback:	4.5 metres (14.76 feet)
Minimum Rear Yard Setback:	7.5 metres (24.61 feet)
Minimum Side Yard Setback:	1.5 metres (4.92 feet)
Maximum Building Height:	11.0 metres (36.09 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 south side of Elm Grove Avenue, east of Parker Avenue, within the community of Oak Ridges. The lands have a total lot area of 0.297 hectares (0.73 acres) and currently support two single detached dwellings which are proposed to be demolished in order to facilitate the subject development proposal. The subject lands abut Elm Grove Avenue to the north, and existing single detached dwellings to the east, west, and south.

**Committee of Adjustment:**

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on June 8, 2023.

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

The proposed consent application will not create areas of noncompliance with respect to the Zoning By-law.

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 consent approvals for a lot addition and a severance to facilitate the creation of an additional residential lot on the subject lands.

The following is an overview of the submitted Consent applications:

**B015/23 (Severed and Retained Lands):**

- To sever a parcel of land with a lot frontage of approximately 9.13 metres (29.95 feet) and a lot area of approximately 557.60 square metres (6,001.96 square feet) to be merged on title with the property to the east municipally known as 83 Elm Grove Avenue; and,
- To retain a parcel of land for residential purposes with a lot frontage of approximately 15.26 metres (50.07 feet) and a lot area of approximately 928.10 square metres (9,990.00 square feet).

**B016/23 (Severed and Retained Lands):**

- Provided the lands merge on title from Consent application B015/23, to sever a parcel of land for residential purposes with a lot frontage of 16.76 metres (55.00 feet) and a lot area of approximately 1,021.70 square metres (10,997.49 square feet); and,

- To retain a parcel of land for residential purposes with a lot frontage of 16.76 metres (55.00 feet) and a lot area of approximately 1,021.70 square metres (10,997.49 square feet).

By a way of background, the subject lands were subject to a Zoning By-law Amendment application (File No. D02-22018) in order to permit the severance of the lands to create an additional residential lot. The amending By-law 30-23 was approved March 8<sup>th</sup>, 2023 and is in effect. The subject Consent applications are consistent with what was approved through the related Zoning By-law Amendment application. Upon review and consideration, Planning staff is of the opinion that the applicant's proposal is consistent with the approved Zoning By-law and the existing pattern of development and redevelopment within the neighbourhood area.

Furthermore, Planning staff note that should the subject consent applications be approved, the applicant must deem Lot 5, Plan M-1563 not to be a lot within a registered plan of subdivision in order for the subject lands to merge on title.

Therefore, staff recommends the following condition of approval be placed on Consent application B016/23:

### **Condition of Approval**

"The applicant shall submit a Deeming By-law application and a Deeming By-law shall be passed by the City pursuant to Section 50(4) of the *Planning Act* to deem Lot 5, Plan M-1563 not to be a lot in a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*, in order to merge the subject land and the beneficiary lands on title".

On the basis of the preceding, staff conclude that the proposed consent applications comply with the criteria listed under subsection 51(24) of the *Planning Act*, and therefore, it is recommended that Consent applications B015/23 and B016/23 be approved.

### **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;
<b>2.</b>	Obtain the City's approval of the grading plan referred to in (1);
<b>3.</b>	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
<b>4.</b>	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.

<b>Fee Description:</b>	<b>Fee:</b>
<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:

<b>Fee Description:</b>	<b>Fee:</b>
<b>25 mm water service</b>	\$1,197.00 per metre + HST

<b>Fee Description:</b>	<b>Fee:</b>
<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>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.

At detailed design, the applicant is advised to protect trees #P1 and P2 as these Eastern White Cedar provide screening between the properties to the east and south.

### **Heritage:**

No Comments.

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

#### **Conditions:**

1. No parkland or Cash-in-lieu is required as a condition of consent. However, the Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per

our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).

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 on the Severed Lot. Water meter and tree charges are also applicable at that time.
2. 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).
3. Cash-in-lieu of parkland is payable prior to building permit issuance pursuant to the By-law 123-22.

**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:

- 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: Jessica Wong 905-771-5564	That the Owner apply to and receive from the Council of the City of Richmond Hill demolition approval pursuant to Demolition Control By-law No. 15-90 as required, and that the Owner demolish all buildings and/or structures and remove all debris to the satisfaction of the Chief Building Official.
2.	Development Engineering:  Michael Ayers 905-771-9996 Ext. 6426	<ol style="list-style-type: none"> <li>1. Submit to the City's Development Engineering Division a grading plan prepared by a professional engineer or Ontario land surveyor detailing the drainage pattern while showing the existing and proposed elevations for both the <b>severed and retained</b> lands along with the adjoining lands;</li> <li>2. Obtain the City's approval of the grading plan referred to in (1);</li> <li>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</li> <li>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.</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

Condition #	Department / Agency Contact:	Condition:
		reference which outlines the necessary requirements of all Engineering conditions
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 Applicant (owner) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option 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 Applicant to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the severed parcel for the purpose of notice. Further the applicant shall be required to pay the sum as per our Tariff of Fee By-Law to reimburse the City for the cost of registration of the agreement. (Please contact the Legal Department.) (If the applicant does not wish to enter into the above agreement, he or she may voluntarily pay any Cash-in-Lieu owing under Section 42, at an earlier date. The Applicant (Owner) may determine the amount of cash-in-lieu required by contacting the, Finance Department).
6.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
7.	Region of York 1-877-464-9675 Justin Wong Ext. 71577	Prior to approval of the consent application, the Region requests that the City of Richmond Hill confirm through email that adequate water supply and sewage capacity has been allocated for the proposed new lot.
8.	Development Planning  Giuliano La Moglie 905-771-6465	The applicant shall submit a Deeming By-law application and a Deeming By-law shall be passed by the City pursuant to Section 50(4) of the <i>Planning Act</i> to deem Lot 5, Plan M-1563 not to be a lot in a registered plan of subdivision for the purposes of

Condition #	Department / Agency Contact:	Condition:
		Section 50(3) of the Planning Act, in order to merge the subject land and the beneficiary lands on title.
9.	Committee of Adjustment: 905-771-2443	That consent application B015/23 be registered on title prior to B016/23.
10.	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.
11.	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.
12.	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 B016/23.

### 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: K**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Minor Variance Application: A022/23**

Related Applications: N/A

**Subject Land: 4 Gray Crescent**

Name of Owner: Serana Singh & Chris Mottoo

Name of Agent: Kyutae Kim

**The Request:**

To provide relief from the provisions of By-law 181-81, as amended, to permit a reduced minimum rear yard setback and increased maximum lot coverage to accommodate a proposed one storey rear addition and a two storey addition at the front of the existing dwelling over the existing garage and patio.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Minimum Rear Yard Setback</b>	7.50 m (24.60 ft.)	6.01 m (19.71 ft.)	1.49 m (4.88 ft.)
<b>Maximum Lot Coverage</b>	40.00%	41.80%	1.80%

**Present Designation:**

Official Plan: Neighbourhood

Zoning Classification: Second Density Residential (RS2) Zone

Zoning By-law: By-law No. 181-81, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	9 metres (29.52 feet)
Minimum Lot Area:	270 square metres (2,906 square feet)
Minimum Front Yard Setback:	4.5 metres (14.7 feet)
Minimum Rear Yard Setback:	7.5 metres (24.6 feet)
Maximum Building Height:	11 metres (36 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 Gray Crescent in the residential neighbourhood of Yongehurst, south of Major Mackenzie Drive and west of Yonge Street. The lands presently supports a two storey single detached dwelling which will remain. The surrounding area consists of low-rise residential uses.

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

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign on June 8, 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 181-81, as amended, to permit the construction of a 2<sup>nd</sup> storey front addition and one storey rear addition to the existing dwelling on the subject lands. In support of this request, the following variances are proposed:

- reduced minimum rear yard setback (east) from 7.5 metres (24.60 feet), as required, to 6.01 metres (19.71 feet), as proposed; and,
- increased maximum lot coverage from 40.00%, as required, to 41.80%, as proposed.

The subject property is located within an established neighbourhood that contains a mix of older two-storey single detached dwellings, and newer predominantly two-storey single detached dwellings.

The intent of the Zoning By-law for a minimum rear yard setback is to provide sufficient separation from the lot line for lot drainage and maintenance purposes; the provision of an amenity area for the dwelling and to address privacy and overlook concerns. Planning staff has reviewed the applicant's development proposal and concludes that the request for a reduced rear yard setback is minor and appropriate to support the proposed rear addition to the existing dwelling. The proposed first floor addition at the rear is not expected to negatively impact the character of the existing neighbourhood and the privacy of surrounding properties. The proposed 6.0 metre rear yard setback is in keeping with newer by-law requirements for rear yard setbacks.

The intent of the by-law with respect to a maximum lot coverage is to control the maximum amount of building area that can cover the lot. Planning staff have concerns

with the proposed increase in the maximum lot coverage and are not supportive of the requested variance. The proposed increase in the maximum lot coverage is to accommodate the rear one storey addition and 2<sup>nd</sup> storey addition at the front of the existing dwelling. Based on the existing condition of both dwellings and the proposed addition, the front addition will “box in” and create significant shadows on the front entrance of the dwelling to the south located at 2 Gray Crescent. The existing dwellings on Gray Crescent have a consistent built form where the front entrances are set back significantly farther than the front of the garages. With this said, the proposed expansion on the front portion of the dwelling is not consistent with the character, built form along Gray Crescent and the surrounding area, and will have negative and adverse impacts to the existing front entrance of the adjacent property to the south.

Planning staff has reviewed the proposed Minor Variance Application on the basis of the preceding and determined that the requested variance for a reduction to the minimum rear yard setback meets the four (4) tests outlined in Section 45(1) of the *Planning Act*. In this regard, 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 the City’s Official Plan.

However, the proposed variance for an increase in maximum lot coverage 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. Therefore, the requested variance fails to meet the four (4) tests outlined in Section 45(1) of the *Planning Act*. Accordingly, Planning staff does not support the requested variance.

Planning staff recommends that Minor Variance Application A022/23 be approved in part as per the above comments.

**Development Engineering:**

No concerns or objections.

**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:**

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: L**

Hearing Date: June 22, 2023

Time: 7:00 p.m.

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

**Application Information:****Minor Variance Application: A017/23**

Related Applications: N/A

**Subject Land: 93 Westwood Lane**

Name of Owner: Xinze Yu

Name of Agent: Andy Xu Yao Huang

**The Request:**

To provide relief from the provisions of By-law 2523, as amended, to permit increased maximum lot coverage to accommodate the construction of a proposed single detached dwelling.

	<b>By-Law Requirement</b>	<b>Proposed</b>	<b>Deficiency</b>
<b>Maximum Lot Coverage</b>	20.00%	27.50%	7.50%

**Present Designation:**

Official Plan Designation: Neighbourhood

Zoning Classification: First Density Residential R1(S) Zone

Zoning By-law: By-law 2523, as amended

**Zoning Provisions:**

Minimum Lot Frontage:	30.48 metres (100.00 feet)
Minimum Lot Area:	1,393.55 square metres (15,000.00 square feet)
Minimum Front Yard Setback:	9.14 metres (30.00 feet)
Minimum Side Yard Setback:	1.52 metres (5.00 feet)
Minimum Rear Yard Setback:	7.62 metres (25.00 feet)
Maximum Height:	10.67 metres (35 feet)
Maximum Lot Coverage:	20%

**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.**

Committee of Adjustment Agenda: June 22, 2023

**Site Conditions:**

The subject lands are located on the south side of Westwood Lane in an area southwest Carville Road and Yonge Street. The lands currently support an existing single detached dwelling which is proposed to be demolished in order to facilitate the construction of a new, two storey single detached dwelling.

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

This application was circulated to the commenting departments and agencies on May 23, 2023.

Public notice was mailed on June 8, 2023.

The applicant confirmed posting of public notice sign on June 8, 2023.

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

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

The requested variances are correct.

**Planning:**

Minor Variance application A017/23 is requesting relief from Zoning By-law 2523 as amended, to permit the construction of a new two storey single detached dwelling. In order to facilitate the construction of the proposed dwelling, relief from By-law 2523 is requested for the following:

- increased maximum lot coverage from 20% to 27.50%, as proposed.

Planning Staff has reviewed the proposed minor variance application in the context of the surrounding area and finds that the proposed development is in keeping with the overall character of the neighbourhood. The subject lands are located in an area of transition, with a number of new single detached dwellings being constructed in recent years. The proposed lot coverage of 27.50% is not expected to have any adverse effects on the character of the area and is generally consistent with lot coverages in the neighbourhood. The proposal will also maintain adequate amenity space on the subject lands and will exceed the minimum landscaping requirements (45.7%). Additionally, the subject lands are designated as **Neighbourhood** within the City's Official Plan, which permits single detached dwellings.

Planning Staff has no concerns or objections to the approval of the requested variances setbacks as they are considered to meet 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 Official Plan Designation, and is considered to be minor in nature and desirable for the development of the land.

On the basis of the preceding, Planning Staff has no objections to the approval of Minor Variance Application A017/23.

**Development Engineering:**

No concerns or objections.

**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:**

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.