



## Committee of Adjustment

### Staff Report

### Agenda Item: D

Hearing Date: March 21, 2024

Time: 7:00 p.m.

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

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#### Application Information:

##### Minor Variance Application: A050/23

Related Applications: N/A

##### Subject Land: 48 Elmwood Avenue

Name of Owner: Lizhen Huang

Name of Agent: Shaowei Cheng

#### The Request:

To provide relief from the provisions of By-law 66-71, as amended, to permit reduced minimum side yard setback (west), increased maximum gross floor area, increased maximum lot coverage, increased maximum height, and increased maximum garage width to accommodate the construction of a proposed single detached dwelling.

	By-Law Requirement	Proposed	Deficiency
Minimum Side Yard Setback (West)	2.11 (6.92 ft.)	1.50 m (4.92 ft.)	0.61 m (2.00 ft.)
Maximum Gross Floor Area	232.26 sq. m (2,500.02 sq. ft.)	390.42 sq. m (4,202.44 sq. ft.)	158.16 sq. m (1,702.42 sq. ft.)
Maximum Lot Coverage	30.00%	31.70%	1.70%
Maximum Height	8.50 m (27.88 ft.)	10.07 m (33.03 ft.)	1.57 m (5.15 ft.)
Maximum Garage Width	6.50 m (21.32 ft.)	6.88 m (22.57 ft.)	0.38 m (1.24 ft.)

#### Present Designation:

Official Plan Designation: Neighbourhood

Zoning Classification: Residential Second Density (R2) Zone

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

#### Zoning Provisions:

Maximum Gross Floor Area 232.26 square metres (2,500.02 square feet)

Minimum Side Yard Setback 2.11 metres (6.92 feet)

Maximum Lot Coverage	30.00%
Maximum Height	8.50 metres (27.88 feet)
Maximum Garage Width	6.50 metres (21.32 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 Elmwood Avenue, west of Baker Avenue, north of Palmer Avenue and east of Yonge Street. The surrounding area consists of low-density residential uses in the form of single detached dwellings. The lands support an existing two storey single detached dwelling which is proposed to be demolished 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 February 20, 2024.

Public notice was mailed on March 7, 2024.

The applicant confirmed posting of public notice sign on March 7, 2024.

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

**Planning & Regulatory Services Department**

**Building / Zoning:**

The requested variances are correct.

**Planning:**

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

- reduced minimum side yard setback (west) from 2.11 metres (6.92 feet), as required, to 1.50 metres (4.92 feet), as proposed;
- increased maximum gross floor area from 232.26 square metres (2,500.02 square feet), as required, to 390.42 square metres (4,202.44 square feet), as proposed;
- increased maximum lot coverage from 30.00%, as required, to 31.70%, as proposed;
- increased maximum height from 8.50 metres (27.88 feet), as required, to 10.07 metres (33.03 feet), as proposed; and,
- increased maximum garage width from 6.50 metres (21.32 feet), as required, to 6.88 metres (22.57 feet), as proposed.

The subject lands are designated **Neighbourhood** in accordance with the City's Official Plan which permits low-density residential development, including single detached dwellings. The subject lands are located within an established neighbourhood. The character of the neighbourhood is generally comprised of newer and older type dwellings. Planning staff has reviewed the development proposal and considers the new two-storey single detached dwelling compatible with and in keeping with the overall character of the neighbourhood.

The intent of the Zoning By-law for maximum lot coverage and gross floor area is to control the maximum amount of building area that can cover the lot. Additionally, similar proposals have been approved in the surrounding neighbourhood. In this regard, the proposed variance is considered minor and appropriate given the size and depth of the lot.

The intent of the Zoning By-law for a minimum side yard setback is to provide sufficient separation from the lot line for lot drainage and maintenance purposes, in addition to addressing shadow and overlook concerns. Staff notes that sufficient spatial separation will be maintained between the proposed dwelling and the adjacent dwellings, and therefore there are no concerns with the proposed side yard setback. Sufficient space will also be provided with regards to the increase to the garage width and will not impact the neighbouring properties. Additionally, the requested variances for the maximum gross floor area, the maximum building height of the dwelling, and the maximum garage width are all regarded as minor in nature and will not impact the character of the existing neighbourhood.

Planning staff has reviewed the proposed Minor Variance Application on the basis of the preceding and determined that the requested variance for the proposed single detached dwelling 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.

Based on the aforementioned, Planning staff has no objection to the approval of Minor Variance Application A050/23.

**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 response.

**Enbridge:**

Not circulated.

**Bell Canada:**

Not circulated.

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

The Region has completed its review of minor variance A050/23 and has the following comments:

Water Resources would like to note the site is in an identified area of concern due to known high water table conditions and confined artesian aquifer conditions, which could have geotechnical implications with respect to construction activities including, but not limited to, dewatering (short-term or long-term), foundation construction, and building stability.

The site is located within the CTC Source Protection Region corresponding with the Toronto and Region Conservation Authority (TRCA) boundary. The site is within an Area of Concern (AOC).

The site falls within a Recharge Management Area (WHPA-Q), for which the approving body for compliance with the policy will be the local municipality.

**Toronto & Region Conservation Authority:**

No response.

**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

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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.