Report to the Committee of Adjustment
Minor Variance Application
Item F

Date:	Thursday, August 14, 2025
Address:	370-386 Tower Hill Road
Owner(s):	Augusta Hill Plaza Corp.
Applicant:	Steven De Santis
File Number(s):	MV-25-42
Related Application(s):	A064-23 & D06-22064
Hearing Date:	Thursday, August 21, 2025
Prepared By:	Francesco Caparelli, Planner

Application Request

The following relief to Zoning By-law 235-97, as amended, is requested:

	By-law Requirement	Proposed	Deficiency
Required Parking Spaces	141	130	11

The applicant is seeking approval of the requested variances to facilitate a designated seating area in the bakery shop.

Background

Subject Property and Area Context

The subject lands, municipally known as 370, 372, 380, and 386 Tower Hill Road are generally located on the north side of Tower Hill Road and east of Bathurst Street. The property has a lot area of approximately 12,988.43 sq.m (139,806.29 sq.ft) and a lot frontage of approximately 145.62 m (477.75 ft). The lands currently accommodate a commercial plaza which supports a range of various commercial/institutional uses. The current tenant in Building C (372 Tower Hill Rd), Unit 12 operates as a bake shop and is proposing seating to acquire a liquor license. As a result of introducing seating, the use changes from a bake shop to a restaurant use and as such affects the parking ratio. Surrounding land uses include an existing residential neighbourhood, as well as William Neal Community Park.

Official Plan

The subject lands are designated as “Neighbourhood” in accordance with the City’s Official Plan (the “Plan”), which permits Neighbourhood commercial uses. The intent of the ‘Neighbourhood’ designation is to enhance and strengthen the character of neighbourhoods and promote connectivity and excellence in design.

Zoning

The subject lands are zoned “Neighbourhood Commercial (NC) Zone” pursuant to Zoning By-law 235-97, as amended. This zone provides for a range of local neighbourhood commercial uses and convenience services that are intended to serve residents’ day-to-day needs and activities within the surrounding neighbourhood.

Related Applications on The Subject Lands

The subject lands have a related Minor Variance Application (A064-23), which provided relief from the provisions of By-law 235-97, as amended, to permit a reduced minimum number of parking spaces from 176 spaces to 130 spaces and a reduced minimum number of loading spaces from 2 spaces to 1 space to accommodate the establishment of a proposed McDonald's restaurant. This application was approved in March of 2024. There is also a related Site Plan Application (D06-22064), for approval of a Minor Site Plan Amendment application to facilitate the construction of a new drive-thru for the McDonald's building on the subject lands. This application was approved and the agreement was registered in September of 2024.

Planning Comments

Planning Staff have evaluated the requested minor variance pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

1) **Does the proposed variance meet the general intent and purpose of the Official Plan?**

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

   The subject lands are located within an established neighbourhood that is comprised of a variety of uses. These uses include a commercial plaza which consists of restaurants, medical uses, etc. Planning staff have reviewed the subject application and considers the proposed parking variance compatible with and in keeping with the existing commercial plaza. From a planning perspective, the parking variance is similar to the previous Minor Variance Application (A064-23) for the subject lands and will not have a significant impact on the surrounding area.

   Staff are of the opinion that the requested variance is in keeping with the general intent and purpose of the Official Plan.

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

   The intent of the Zoning By-law for a minimum number of parking spaces is to provide an adequate number of parking spaces while considering the type of uses on a property. In accordance with By-law 235-97, as amended, the proposed restaurant use would generate an increase in the required parking supply by 11 parking spaces. The total parking supply amount would increase to 141 spaces required, whereas 130 spaces are to be provided on the lot. In this regard, the proposal would result in a deficiency of 11 parking spaces. The number of parking spaces required is similar to the previous Minor Variance Application (A064-23) which required 176 parking spaces. The variance requests originally stated 187 total parking spaces required as that would be the total parking required for the commercial plaza but as a result of the previous Minor Variance Application being approved for 130 parking spaces, the new parking requirement would start at 130 and the total required parking should now be 141 parking spaces, as 11 additional spaces are required for the restaurant use. The property only has enough space for 130 parking spaces, which was provided and the previous application was approved. A Transportation Study was also provided and reviewed by Transportation Engineering staff to ensure that an adequate amount of parking is provided for the commercial plaza.

   Staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

3) Is the proposed variance considered desirable for the appropriate development of the land?

The proposed seating to acquire a liquor license results in a change in use from a bake shop to a restaurant use creating a parking deficiency. The variance seeks to allow a total of 130 parking spaces, whereas the by-law currently requires 141 spaces, resulting in a deficiency of 11 parking spaces. The existing site parking total is 130 parking spaces, which was previously approved through Minor Variance Application A064-23. Minor Variance Application A064-23 permitted the required parking count to be reduced from 176 to 130 parking spaces. Furthermore, the proposed change in use will not impact the parking lot significantly and the parking lot is considered to have a sufficient amount of parking spaces.

Staff are of the opinion that the proposed variance is desirable for the appropriate development of the land.

4) Is the proposed variance considered minor in nature?

In the opinion of staff, the proposed variance is considered minor in nature as the proposed change in use from a bake shop to a restaurant use will not negatively impact the traffic flow or site functionality of the subject lands. Furthermore, the bakery will now be considered a restaurant use and the increase in the number of people attending the commercial plaza daily will only increase slightly. Planning staff have no concerns with the requested relief with regards to the parking variance.

Staff are of the opinion that the requested variance is minor in nature.

Additional Comments

The subject minor variance application was circulated to Municipal Departments and external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Zoning	No comments. The requested variances are correct, no other areas of non-compliance were identified.
Development Engineering/Transportation	No objections.
Parks & Natural Heritage	No objections. **Comments to the applicant, for future reference:** • The property is subject to Tree Preservation By-law No. 19-25. Permits are required to remove or injure trees greater than or equal to 15 cm DBH (diameter measured 1.4 metres from the ground). 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 received.
Corporate & Financial Services	Not applicable.
Alectra	No objections. See Appendix 'D'
Bell Canada	No Comments Received.
York Region: Transportation & Community Planning	No Comments.

Department	
Toronto & Region Conservation Authority	No Comments Received.
CN Rail	No Comments Received.
TransCanada Pipeline	No Comments Received.
Abutting Municipality	No Comments Received.
Ministry of Transportation	No Comments.
Ministry of Housing	No Comments Received.
Infrastructure Ontario	No Comments Received.

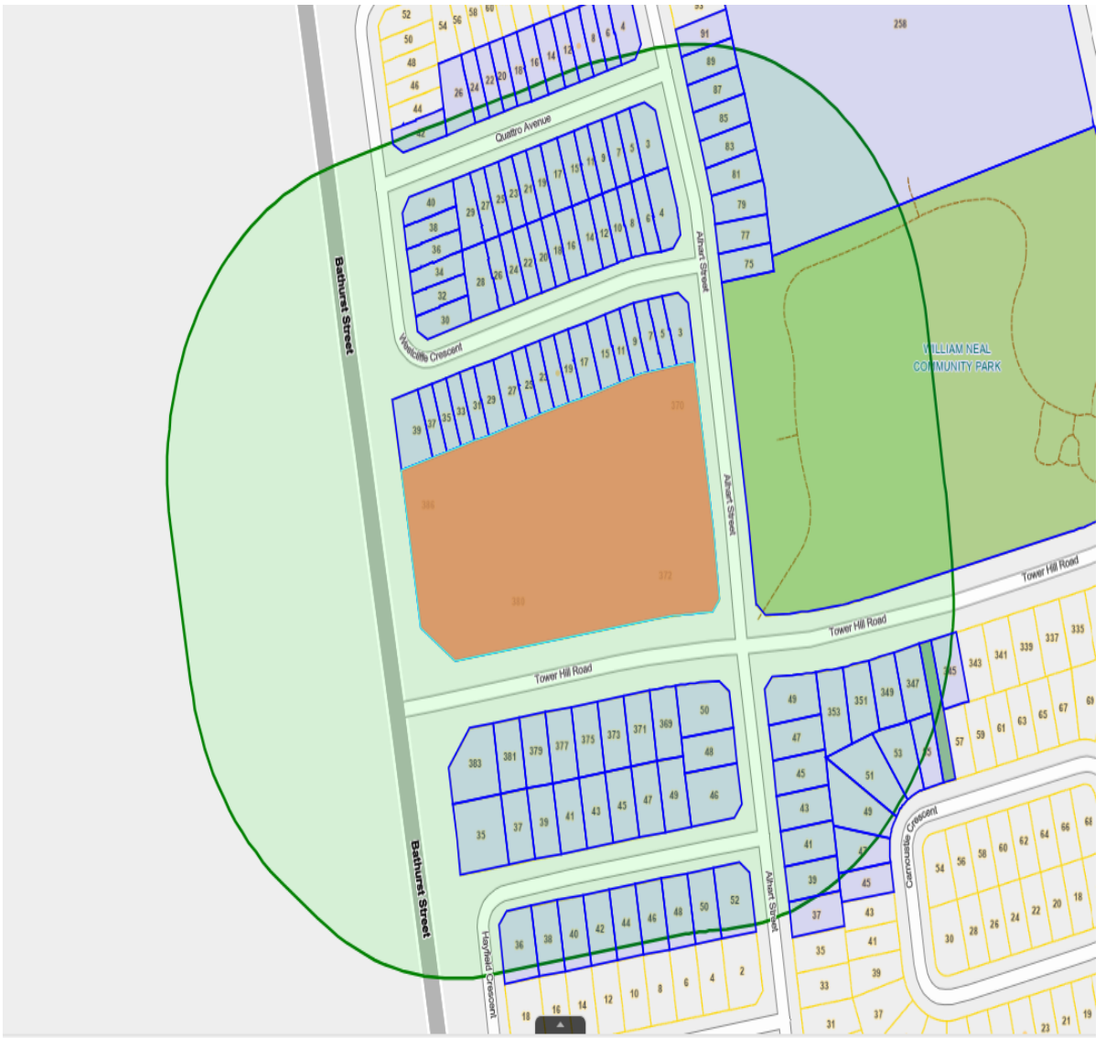
Conclusion

Planning Staff have reviewed the requested variances pursuant to Section 45 (1) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variance meets the four tests of the *Planning Act* for granting of minor variances. Staff recommend approval of the requested variances, subject to the conditions outlined in Appendix 'B'.

Attachments

Appendix 'A' — Location Map
Appendix 'B' — Recommended Conditions of Approval
Appendix 'C' — Site Plan
Appendix 'D' – Alectra Comments

Appendix ‘A’ – Location Map



Appendix ‘B’ – Recommended Conditions of Approval

The following conditions are recommended should application MV-25-42 be approved by the Committee of Adjustment:

1) That the variance pertains 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.

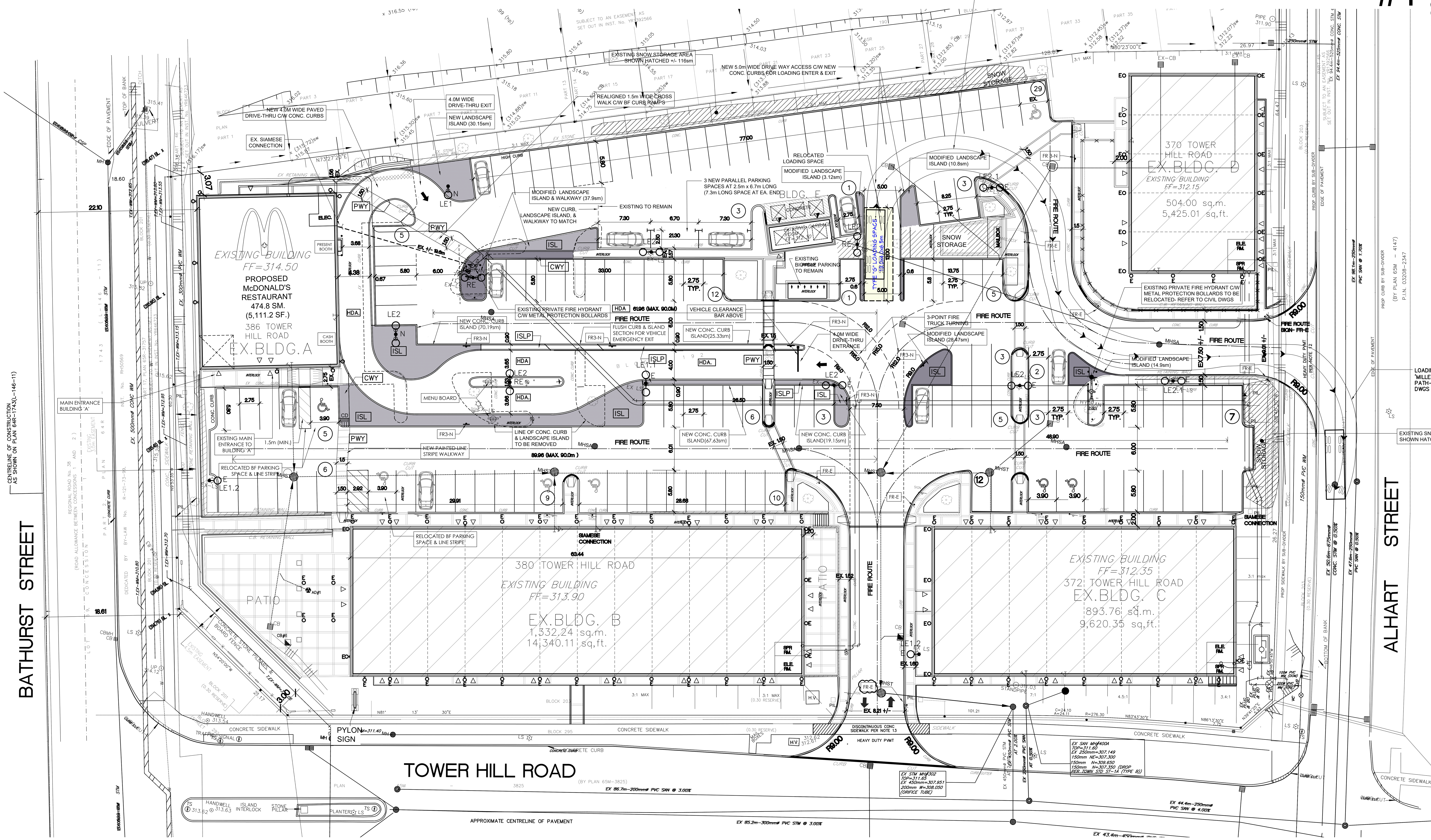
MINOR VARIANCE:

#1- Reduction in the Minimum required parking spaces from 186 to 130 parking spaces.

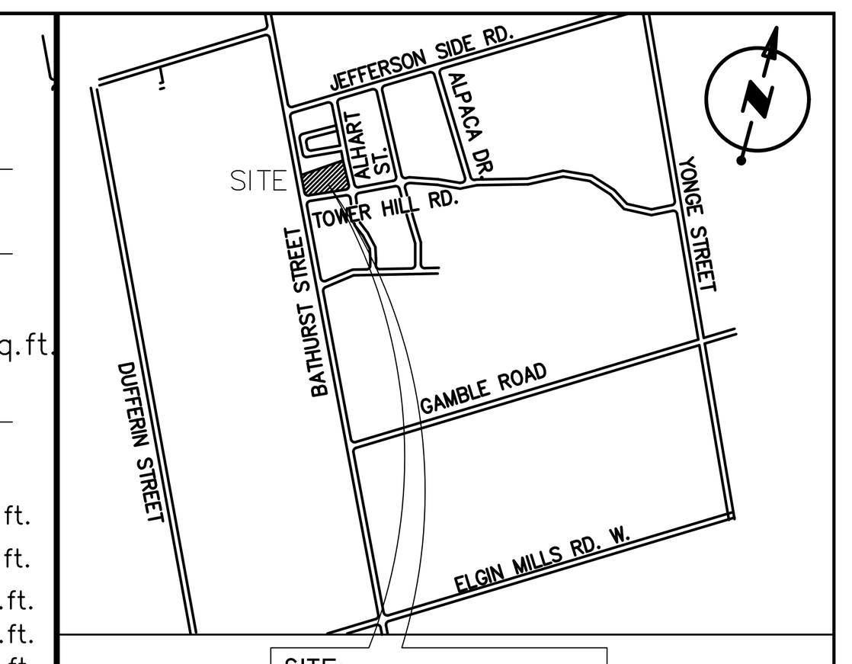
LEGEND TO SITE PLAN:

- LS –DENOTES– SINGLE HEAD POLE MOUNT LED LIGHT STANDARD–REFER TO PHOTOMETRIC DWG
- DLS –DENOTES– DOUBLE HEAD POLE MOUNT LED LIGHT STANDARD–REFER TO PHOTOMETRIC DWG
- LSW –DENOTES– WALL PACK LED LIGHT FIXTURE–REFER TO PHOTOMETRIC DWG
- –DENOTES– (CBM) CATCH BASIN MANHOLE –REFER TO CIVIL DWGS
- –DENOTES–(MH) MANHOLE –REFER TO CIVIL DWGS
- HDA –DENOTES–HEAVY–DUTY ASPHALT PAVING–REFER TO SOILS REPORT
- R/T –DENOTES–RETAINING WALL REFER ALSO TO CIVIL DWGS
- STOP –DENOTES–TRAFFIC CONTROL–PAINTED BAR STOP
- CWY –DENOTES–CONCRETE / PAVERS WALKWAY–MATCH EXISTING
- PWY –DENOTES–PAINTED LINE STRIPE WALKWAY CONNECTION
- FR#/FR –DENOTES–FIRE ROUTE (FR) SIGN–REFER TO DETAIL FR–N DENOTES NEW FR–E DENOTES EXISTING
- RMP –DENOTES–CONCRETE CURB RAMP
- –DENOTES–PAINTED SYMBOL–DESIGNATED BARRIER–FREE PARKING SPACE
- APS –DENOTES–POLE MOUNT –ACCESSIBLE PARKING SIGN–REFER TO DETAIL
- o –DENOTES–CONC. FILLED METAL BOLLARD –REFER TO DETAIL
- ISLP –DENOTES– NEW LANDSCAPE ISLAND PAVED–REFER ALSO TO LANDSCAPE AND CIVIL DWGS
- ISL –DENOTES– NEW LANDSCAPE ISLAND –REFER ALSO TO LANDSCAPE AND CIVIL DWGS
- PLS –DENOTES–NEW PAINTED LINE STRIPE NO– PARKING ZONE

REFER TO SHEET A101 FOR SITE PLAN NOTES & TYPICAL SITE PLAN DETAILS



1 A100 SITE PLAN SCALE: 1:250



KEY PLAN
SITE: 386 TOWER HILL ROAD

PROJECT DATA

• ZONE	NC ZONE		
• LOT AREA			
TOTAL LOT AREA	13,133.35 sq.m. 3.245 A.C.	141,366.19 sq.ft.	
• BUILDING AREAS –EXISTING – NO CHANGE			
BUILDING A	474.85 sq.m.	5,111.24 sq.ft.	
BUILDING B	1,332.24 sq.m.	14,340.11 sq.ft.	
BUILDING C	893.76 sq.m.	9,620.35 sq.ft.	
BUILDING D	504.00 sq.m.	5,425.01 sq.ft.	
BUILDING E (GARBAGE RM)	37.20 sq.m.	400.42 sq.ft.	
TOTAL BUILDING AREA FOOTPRINT GROUND FLOOR AREA (INCLUDES LOADING AREA, GARBAGE ROOMS, SPRINKLER + ELE. ROOMS)	3,242.05 sq.m.	34,897.13 sq.ft.	
TOTAL SERVICE AREA (INCLUDING LOADING AREA, GARBAGE ROOMS, & SPRINKLER	107.63 sq.m.	1,158.52 sq.ft.	
TOTAL BUILDING AREA (BLDG A, B, C & D) FOOTPRINT	3,204.85 sq.m.	34,496.71 sq.ft.	
TOTAL LEASABLE BUILDING AREA (DOES NOT INCLUDE SERVICE AREA)	3,134.42 sq.m.	33,738.61sq.ft.	
• COVERAGE–EXISTING – NO CHANGES			
MAXIMUM LOT COVERAGE	25.00%		
GROUND FLOOR COVERAGE (BLDG A, B, C,D & E)	24.70%		
• PARKING–			
PARKING REQUIRED 4.3 per 100 sq.m.	186 SPACES		
PARKING (EXISTING)	130 SPACES (INCL. 7 B.F. SPACE)		
** PARKING (PROPOSED)	130 SPACES (INCL. 7 B.F. SPACE)		
NEW DRIVE–THRU CAR STACKING = 14 SPACES			
• LANDSCAPED AREA * EXISTING–NO CHANGE	* 3,871.71 sq.m. 29.48%	41,674.75 sq.ft.	
PAVED AREA * EXISTING–NO CHANGE	* 6,017.70 sq.m. 45.82%	64,773.98 sq.ft.	
SNOW STORAGE	REQUIRED		PROVIDED
SNOW STORAGE AREA (2% OF LOT AREA) * EXISTING–NO CHANGE	* 263.00 sq.m.		

** C.OF.A REQUIRED

#1

NO.	REVISIONS	DATE	BY:
12	REVISIONS TO PARKING DATA- RE ISSUED TO CLIENT	JULY. 03/24	GN
11	REVISIONS TO FIRE ROUTE SIGN TYPES AS PER CITY COMMENTS- RE ISSUED TO CLIENT	JULY. 03/24	GN
10	REVISIONS AS PER CITY COMMENTS- RE ISSUED TO CLIENT	APR. 21/24	GN
9	REVISIONS AS PER CITY COMMENTS- RE ISSUED TO CLIENT	FEB. 11/24	GN
8	ADDED EXTERIOR LIGHTING TO SITE PLAN- ISSUED TO CLIENT	NOV. 08/23	GN
7	ISSUED TO CLIENT	AUG. 10/23	GN
6	REVISED SITE PLAN CURB & PARKING AS PER TRANSPORTATION DWGS-	AUG. 3/23	GN
5	ISSUED FOR SITE PLAN APPLICATION AMENDMENT - CITY OF RICHMOND HILL	MAR. 19/23	GN
4	REVISED AS PER CIVIL & ISSUED FOR CLIENT REVIEW	AUG. 29/22	GN
3	REVISED AS PER CIVIL & ISSUED FOR CLIENT REVIEW	AUG. 17/22	GN
2	REVISED PROPOSED DRIVE-THRU AS PER TENANT REQUIREMENTS ISSUED FOR CLIENT REVIEW	DEC. 03/21	GN
1	ISSUED FOR CLIENT REVIEW	SEPT. 08/21	GN

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB.

NATALE ARCHITECT INC
Suite 218
5468 Dundas St. West
Islington, Ontario
M9B 6E3
Tel: (416) 233-1201
Fax: (416) 233-1202

CLIENT: HISTORY HILL GROUP

PROJECT: PROPOSED DRIVE-THRU FOR EXISTING BUILDING 'A' - 386 TOWER HILL ROAD, TOWN OF RICHMOND HILL, ONTARIO

CITY FILE # D06-22064

DRAWING: SITE PLAN , & SITE DATA

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS COUNTERSIGNED BY:

DRAWN BY: nm	CHECKED BY: GN
DATE: SEPT. 2021	SCALE: AS NOTED
PROJECT NO.: 21-21	DRAWING NO.: A100

INFORMATION ON THIS SITE PLAN TAKEN FROM ARCHITECTURAL SITE PLAN A–1.0 (A) REVISION NUMBER 8, DATED OCT. 19, 2011. PREPARED BY INTRA ARCHITECT INC.

4/22/2025 8:42 AM

Date:	August 8th 2025
Attention:	**Courtney Cullum**
RE:	Request for Comments
File No.:	**MV-25-42**
Related Files:	
Applicant:	Augusta Hill Plaza Corp.
Location	370,372,380,386 Tower Hill Road

COMMENTS:

☐	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
☒	We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
☐	We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297
E-mail: stephen.cranley@alectrautilities.com

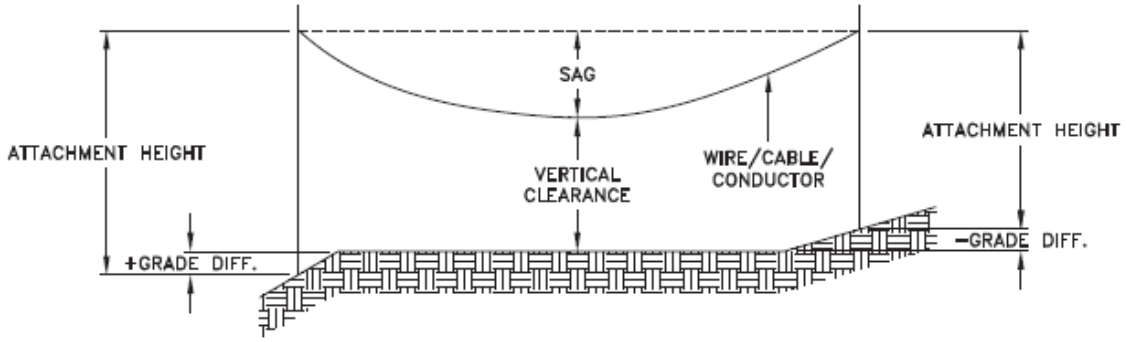
Mitchell Penner

Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215
Email: Mitchell.Penner@alectrautilities.com

Power Stream
YOUR CURRENT CONNECTION

Construction Standard 03–1

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
+ MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
± GRADE DIFFERENCE
+ 0.3m (VEHICLE OR RAILWAY LOCATION)
+ SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
810cm	27'–0"
760cm	25'–4"
730cm	24'–4"
520cm	17'–4"
480cm	16'–0"
442cm	15'–5"
370cm	12'–4"
340cm	11'–4"
310cm	10'–4"
250cm	8'–4"

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

REFERENCES	
SAGS AND TENSIONS	SECTION 02

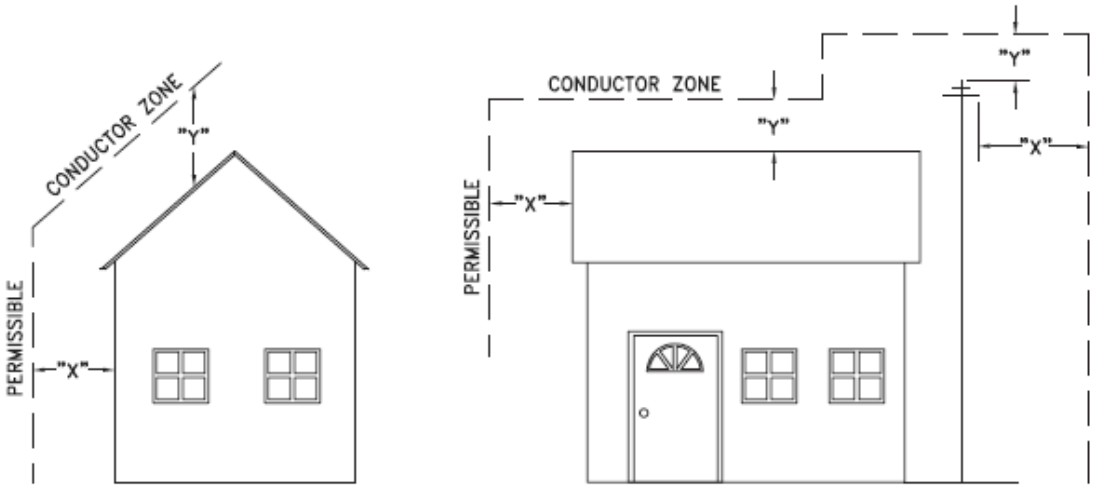
MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010–DEC–24 REVISION NO: R1 REVISION DATE: 2012–JAN–09

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier

Construction Standard 03–4



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0–600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI–LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03–1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1–06 (TABLE–9).

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'–0"
300cm	10'–0"
250cm	8'–4"
100cm	3'–4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Debbie Dadwani, P.Eng. — Name
2010-MAY-05 — Date
P.Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010–MAY–05 REVISION NO: REVISION DATE:

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