



Report to the Committee of Adjustment Minor Variance Application

Address: 118 Oak Avenue
Owner: Olivia Zhang
Applicant: Alan Wu
File Number(s): MV-24-08
Related Application(s): N/A
Hearing Date: April 25, 2024
Prepared By: Umar Javed, Planner I

Application Request

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

	Zoning By-law Requirement	Proposed	Deficiency
1. Maximum Lot Coverage	30.00%	32.71%	2.71%

The applicant is requesting relief from the requirements of the City of Richmond Hill Zoning By-law 2523, as amended, to facilitate the construction of a proposed basement walkout enclosure at the rear of an existing single detached dwelling.

Background

Subject Property and Area Context

The subject lands, municipally known as 118 Oak Avenue, are generally located southwest of Carville Road and Yonge Street, on the north side of Oak Avenue. The property has a lot area of approximately 1,342.80 sq.m (14,453.78 sq.ft.) and a lot frontage of approximately 18.25 m (59.88 ft). The subject lands contain an existing single detached dwelling. Surrounding land uses include existing low-rise residential uses to the north, south, and east, and west.

Official Plan

The subject lands are designated as "Neighbourhood" in accordance with the City's Official Plan (the "Plan"). Neighbourhoods are generally characterized by low density residential areas and a range of service uses and facilities. Development in the Neighbourhood designation is required to be compatible with the character of the adjacent and surrounding area.

Zoning

The subject lands are zoned “Third Density Residential (R3A) Zone” pursuant to Zoning By-law 2523, as amended. This zone permits single detached dwellings subject to applicable zoning standards.

Related Applications on The Subject Lands

N/A

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. Development occurring in neighbourhoods are encouraged to support a greater mix of housing. Compatible new development should represent a “good fit” within the physical context and character of the surrounding areas.

The subject lands are located within an established neighbourhood and the existing single detached dwelling is proposed to be retained as part of the proposed development. Staff are of the opinion that a proposed basement walkout enclosure is compatible with the character and physical context of the adjacent and surrounding area.

Based on the above, 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 maximum lot coverage provision is to ensure that the building footprint of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area and open space. Due to the siting of the basement walkout enclosure and overall size of the property, the increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity area and open space. It is Staff's opinion that the increased lot coverage is modest in nature and will not contribute to the over development of the lot.

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 basement walkout enclosure is considered compatible with the existing character and physical context of the neighbourhood and is not anticipated to adversely impact neighbouring properties. Furthermore, the proposed enclosure is associated with an existing dwelling with a walk-out condition and is intended to generally enclose an existing pool in the rear yard.

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?

Staff are of the opinion that the proposed basement walkout enclosure will maintain adequate amenity and landscaped areas in the rear yard. The proposed lot coverage is only minimally deficient from the by-law requirement and is not expected to negatively impact adjacent properties or the surrounding neighbourhood.

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

Additional Comments

The subject minor variance application was circulated to Municipal Departments and external agencies for review and comment, as outlined below:

Department or Agency	Comments
Zoning Section	The requested variance is correct. No other areas of non-compliance were identified.
Development Engineering/Transportation	No objections subject to Condition 3 in 'Appendix A'.
Parks & Natural Heritage	No objections. 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	Not applicable.
Corporate & Financial Services	No objections.
Alectra Utilities	No objections. Comments provided in Appendix 'C'.
Enbridge	No objections.
Bell Canada	No objections.
York Region: Transportation & Community Planning	Not applicable.

Department	
Toronto & Region Conservation Authority	Not applicable.
CN Rail	Not applicable.
TransCanada Pipeline	Not applicable.
Abutting Municipality	Not applicable.
Ministry of Transportation	Not applicable.
Ministry of Housing	Not applicable.
Infrastructure Ontario	Not applicable.

Conclusion

Planning Staff have reviewed the requested variance 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 variance, subject to the conditions outlined in Appendix 'A'.

Attachments

Appendix 'A' — Recommended Conditions of Approval

Appendix 'B' — Site Plan, Basement Floor Plan, Elevations

Appendix 'C' — Alectra Utilities Comments Letter dated March 27, 2024

Appendix 'A' – Recommended Conditions of Approval

The following conditions are recommended should application MV-24-08 be approved by the Committee of Adjustment:

- 1) That the variances pertain only to the request as submitted with the application.
- 2) That development be substantially in accordance with the sketch submitted with the application as required by Ontario Regulation 200/96, as amended, Section 5.25.
- 3) That the proposed development maintains the existing historical drainage on the subject lands.