



Committee of Adjustment Agenda

Hearing Date: December 7, 2023

Time: 7:00 P.M.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Call to Order

Disclosure of Pecuniary Interest

Requests for Adjournment /Withdrawals from December 7, 2023 Agenda

New Applications

[Item A: Minor Variance Application A004/23 \(205 Mill Street\)](#)

To provide relief from the provisions of By-law 66-71, as amended, to permit increased maximum gross floor area from 237.88 square metres (2,560.52 square feet) to 267.47 square metres (2,879.02 square feet), increased maximum height from 8.50 metres (27.89 feet) to 9.00 metres (29.53 feet), reduced minimum front yard setback to the first floor from 6.10 metres (20.01 feet) to 4.95 metres (16.24 feet), reduced minimum front yard setback to the second floor from 9.10 metres (29.85 feet) to 4.95 metres (16.24 feet), reduced minimum side yard setback (north) to the first floor from 1.50 metres (4.92 feet) to 1.20 metres (3.94 feet), reduced minimum side yard setback (north) to the second floor from 3.00 metres (9.84 feet) to 1.20 metres (3.94 feet), reduced minimum rear yard setback from 7.62 metres (25.00 feet) to 6.70 metres (21.98 feet) and increased maximum rear yard encroachment of below-grade entrance and porch from 2.44 metres (8.01 feet) to 3.28 metres (10.76 feet) to accommodate the construction of a proposed single detached dwelling on lands identified as Lot 1.

Item B: Minor Variance Application A005/23 (205 Mill Street)

To provide relief from the provisions of By-law 66-71, as amended, to permit increased maximum gross floor area from 231.65 square metres (2,493.46 square feet) to 284.94 square metres (3,067.07 square feet), increased maximum height from 8.50 metres (27.89 feet) to 9.00 metres (29.53 feet), reduced minimum front yard setback to the first floor from 6.10 metres (20.01 feet) to 5.70 metres (18.70 feet), reduced minimum front yard setback to the second floor from 9.10 metres (29.85 feet) to 5.70 metres (18.70 feet), reduced minimum side yard setbacks (north and south) to the first floor from 1.50 metres (4.92 feet) to 1.20 metres (3.94 feet), reduced minimum side yard setbacks (north and south) to the second floor from 3.00 metres (9.84 feet) to 1.20 metres (3.94 feet) and increased maximum chimney encroachment within an interior side yard from 0.61 metres (2.00 feet) to 0.72 metres (2.36 feet) to accommodate the construction of a proposed single detached dwelling on lands identified as Lot 2.

Item C: Minor Variance Application A046/21 (324 Hwy 7 East)

To provide relief from the provisions of By-law 107-86 as amended, to permit a reduced number of parking spaces from 111 spaces to 103 spaces to accommodate an additional restaurant use in unit 3.

Item D: Minor Variance Application A063/23 (147 West Beaver Creek)

To provide relief from the provisions of By-law 150-80, as amended, to permit reduced minimum number of parking spaces from 43 spaces to 30 spaces to accommodate the construction of a proposed second floor addition and expansion of loading docks and reconfiguration of entrance.

Item E: Minor Variance Application A069/23 (23 Eastdale Crescent)

To provide relief from the provisions of By-law 107-86, as amended, to permit a reduced minimum rear yard setback from 7.50 metres (24.60 feet) to 6.19 metres (20.30 feet) to accommodate the construction of a proposed basement walkout enclosure.

Item F: Consent Application B024/23 (14 Stancroft Drive)

To sever a parcel of land for residential purposes approximately 15.24 metres (50.00 feet) by 47.79 metres (156.79 feet), approximately 728.32 square metres (7,839.57 square feet), and retain a parcel of land approximately 15.24 metres (50.00 feet) by 49.43 metres (162.17 feet), approximately 747.06 square metres (8,041.29 square feet).

Item G: Consent Application B023/23 (76 Bond Crescent)

To sever a parcel of land 18.18 metres (59.65 feet) by 43.98 metres (144.29 feet), approximately 798.12 square metres (8,590.89 square feet) and retain a parcel of land 13.24 metres (43.44 feet) by 128.98 metres (423.16 feet) approximately 3,250.62 square metres (34,989.38 square feet).

Item H: Minor Variance Application A046/23 (76 Bond Crescent)

To provide relief from the provisions of By-law 1275, as amended, to permit reduced minimum front yard setback from 9.14 metres (30.00 feet) to 6.00 metres (19.69 feet), reduced minimum side yard setback (east) from 1.52 metres (5.00 feet) to 1.20 metres (3.94 feet) and reduced minimum rear yard setback from 9.14 metres (30.00) to 7.00 metres (22.97 feet). Relief is also being requested to permit a reduction in the minimum lot area from 929.03 square metres (10,000 square feet) to 798.12 square metres (8,590.89 square feet) and a reduction in lot frontage from 22.86 metres (75.00 feet) to 18.14 metres (59.51 feet) to facilitate consent application B023/23.

Item I: Minor Variance Application A047/23 (46 Bond Crescent)

To provide relief from the provisions of By-law 1275, as amended, to permit reduced minimum front yard setback from 9.14 metres (30.00 feet) to 8.19 metres (26.87 feet) and reduced minimum side yard setback (east) from 1.52 metres (5.00 feet) to 1.19 metres (3.90 feet) to accommodate an existing dwelling. Relief is also being requested to permit a reduction in the required lot frontage from 22.86 metres (75.00 feet) to 13.24 metres (43.43 feet).

Items G, H & I can be heard concurrently

Other Business

Approval of Minutes: November 16, 2023

Motion to Adjourn

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

Hearing Date: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A004/23**

Related Applications: A005/23

Subject Land: 205 Mill Street

Name of Owner: Carmela Colalillo

Name Agent: Evans Planning (Marcelle Gifford)

The Request:

To provide relief from the provisions of By-law 66-71, as amended, to permit increased maximum gross floor area, increased maximum height, reduced minimum front yard setback to the first floor, reduced minimum front yard setback to the second floor, reduced minimum side yard setback (north) to the first floor, reduced minimum side yard setback (north) to the second floor, reduced minimum rear yard setback and increased maximum rear yard encroachment of below-grade entrance and porch to accommodate the construction of a proposed single detached dwelling on lands identified as Lot 1.

	By-Law Requirement	Proposed	Deficiency
Maximum Gross Floor Area	237.88 sq. m. (2,560.52 sq. ft.)	267.47 sq. m. (2,879.02 sq. ft.)	29.59 sq. m. (318.50 sq. ft.)
Maximum Height	8.50 m (27.89 ft.)	9.00 m (29.53 ft.)	0.50 m (1.64 ft.)
Minimum Front Yard Setback to the First Floor	6.10 m (20.01 ft.)	4.95 m (16.24 ft.)	1.15 m (3.77 ft.)
Minimum Front Yard Setback to the Second Floor	9.10 m (29.85 ft.)	4.95 m (16.24 ft.)	4.15 m (13.61 ft.)
Minimum Side Yard Setback (North) to the First Floor	1.50 m (4.92 ft.)	1.20 m (3.94 ft.)	0.30 m (0.98 ft.)
Minimum Side Yard Setback (North) to the Second Floor	3.00 m (9.84 ft.)	1.20 m (3.94 ft.)	1.80 m (5.90 ft.)
Minimum Rear Yard Setback	7.62 m (25.00 ft.)	6.70 m (21.98 ft.)	0.92 m (3.02 ft.)
Maximum Rear Yard Encroachment of Below-Grade Entrance and Porch	2.44 m (8.01 ft.)	3.28 m (10.76 ft.)	0.84 m (2.75 ft.)

Present Designation:

Official Plan: Neighbourhood

Zoning Classification: Residential Second Density "R2" Zone

Zoning By-law: By-law No. 66-71, as amended

Zoning Provisions:

Minimum Lot Area:	400 square metres (4,305.56 square feet), as approved through Minor Variance A060/22
Minimum Lot Frontage:	15.24 meters (50 Feet)
Maximum Gross Floor Area:	237.88 square metres (2,560.52 square feet)
Maximum Building Height:	8.50 metres (27.89 feet)
Minimum Front Yard Setback to the First Floor:	6.10 meters (20.01 Feet)
Minimum Front Yard Setback to the Second Floor:	9.10 meters (29.85 feet)
Minimum Side Yard Setback (North) to the First Floor:	1.50 meters (4.92 Feet)
Minimum Side Yard Setback (North) to the Second Floor:	3.00 meters (9.84 Feet)
Minimum Rear Yard Setback:	7.62 metres (25 feet)
Maximum Rear Yard Encroachment of Below-Grade Entrance and Porch:	2.44 meters (8.01 Feet)
Maximum Lot Coverage:	30%

Please Note:

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

Site Conditions:

The subject lands are located northeast of Yonge Street and Major Mackenzie Drive and just east of the Village Local Centre. The lands currently comprise of a single detached dwelling which is proposed to be demolished to facilitate the proposed development. The lands are also subject to an approved Minor Variance for reduced Lot Area (City File A060/22) and Consent Application (City File B025/22) to permit a severance to create one additional single detached lot for residential purposes (with the southern lot being referred to as Lot 1 and the northern lot being referred to as Lot 2). Both lots are designed to have frontage along Libby Boulevard. The surrounding area consists of low-rise residential uses, primarily in the form of single detached dwellings.

Comments Received from Municipal Departments & Outside Agencies:

Committee of Adjustment:

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 2023.

Previous and/or Concurrent applications on the subject lands:

B025/22 – Consent - Approved

A059/22 & A060/22 – Approved

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 facilitate the construction of a new single detached dwelling on the lands shown as Lot 1. In support of this request the following variances are proposed:

- increased maximum gross floor area from 237.88 square metres (2,560.52 square feet), as permitted, to 267.47 square metres (2,879.02 square feet), as proposed;
- increased maximum height from 8.50 metres (27.89 feet), as permitted, to 9.00 metres (29.53 feet), as proposed;
- reduced minimum front yard setback to the first floor from 6.10 metres (20.01 feet), as required, to 4.95 metres (16.24 feet), as proposed;
- reduced minimum front yard setback to the second floor from 9.10 metres (29.85 feet), as required, to 4.95 metres (16.24 feet), as proposed;
- reduced minimum side yard setback (north) to the first floor from 1.50 metres (4.92 feet), as required, to 1.20 metres (3.94 feet), as proposed;
- reduced minimum side yard setback (north) to the second floor from 3.00 metres (9.84 feet), as required, to 1.20 metres (3.94 feet), as proposed;
- reduced minimum rear yard setback from 7.62 metres (25.00 feet), as required, to 6.70 metres (21.98 feet), as proposed; and,
- increased maximum rear yard encroachment of below-grade entrance and porch from 2.44 metres (8.01 feet), as required, to 3.28 metres (10.76 feet), as proposed.

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

The intent of the Zoning By-law for maximum gross floor (GFA) area and height is to limit the size, lot coverage and density of structures on a lot and the intent of the setbacks are to create privacy for neighbouring land uses. Planning staff has reviewed the applicant's development proposal and concludes that the request for an increase in GFA, height and the setbacks are minor and appropriate to support the proposed single detached dwelling on the retained lot (Lot 1). The proposal is not expected to negatively impact the privacy of surrounding properties.

Planning staff has reviewed the proposed Minor Variance Application on the basis of the preceding and determined that the requested variance for an increase in lot coverage for the attached garage 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.

Planning staff recommends that Minor Variance Application A004/23 be approved 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 response.

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, 4th Floor

Richmond Hill, ON L4B 3P4

Email: 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: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A005/23**

Related Applications: A004/23

Subject Land: 205 Mill Street

Name of Owner: Carmela Colalillo

Name Agent: Evans Planning (Marcelle Gifford)

The Request:

To provide relief from the provisions of By-law 66-71, as amended, to permit increased maximum gross floor area, increased maximum height, reduced minimum front yard setback to the first floor, reduced minimum front yard setback to the second floor, reduced minimum side yard setbacks (north and south) to the first floor, reduced minimum side yard setbacks (north and south) to the second floor and increased maximum chimney encroachment within an interior side yard to accommodate the construction of a proposed single detached dwelling on lands identified as Lot 2.

	By-Law Requirement	Proposed	Deficiency
Maximum Gross Floor Area	231.65 sq. m (2,493.46 sq. ft.)	284.94 sq. m (3,067.07 sq. ft.)	53.29 sq. m. (573.61 sq. ft.)
Maximum Height	8.50 m (27.89 ft.)	9.00 m (29.53 ft.)	0.50 m (1.64 ft.)
Minimum Front Yard Setback to the First Floor	6.10 m (20.01 ft.)	5.70 m (18.70 ft.)	0.40 m (1.31 ft.)
Minimum Front Yard Setback to the Second Floor	9.10 m (29.85 ft.)	5.70 m (18.70 ft.)	3.40 m (11.15 ft.)
Minimum Side Yard Setback (North) to the First Floor	1.50 m (4.92 ft.)	1.20 m (3.94 ft.)	0.30 m (0.98 ft.)
Minimum Side Yard Setback (South) to the First Floor	1.50 m (4.92 ft.)	1.20 m (3.94 ft.)	0.30 m (0.98 ft.)
Minimum Side Yard Setback (North) to the Second Floor	3.00 m (9.84 ft.)	1.20 m (3.94 ft.)	1.80 m (5.90 ft.)
Minimum Side Yard Setback (South) to the Second Floor	3.00 m (9.84 ft.)	1.20 m (3.94 ft.)	1.80 m (5.90 ft.)
Maximum Chimney Encroachment within an interior Side Yard	0.61m (2.00 ft.)	0.72 m (2.36 ft.)	0.11 m (0.36 ft.)

Present Designation:

Official Plan: Neighbourhood

Zoning Classification: Residential Second Density "R2" Zone
 Zoning By-law: By-law No. 66-71, as amended

Zoning Provisions:

Minimum Lot Area:	406 square metres (4,307.14 square feet) as approved through Minor Variance A059/22
Minimum Lot Frontage:	15.24 meters (50 Feet)
Maximum Gross Floor Area:	231.65 square metres (2,493.46 square feet)
Maximum Building Height:	8.50 metres (27.89 feet)
Minimum Front Yard Setback to the First Floor:	6.10 meters (20.01 Feet)
Minimum Front Yard Setback to the Second Floor:	9.10 meters (29.85 feet)
Minimum Side Yard Setback (North) to the First Floor:	1.50 meters (4.92 Feet)
Minimum Side Yard Setback (South) to the First Floor:	1.50 meters (4.92 Feet)
Minimum Side Yard Setback (North) to the Second Floor:	3.00 meters (9.84 Feet)
Minimum Side Yard Setback (South) to the Second Floor:	3.00 meters (9.84 Feet)
Minimum Rear Yard Setback:	7.62 metres (25 feet)
Maximum Chimney Encroachment within an Interior Side Yard:	0.61 meters (2.00 Feet)
Maximum Lot Coverage:	30%

Please Note:

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

Site Conditions:

The subject lands are located northeast of Yonge Street and Major Mackenzie Drive and just east of the Village Local Centre. The lands currently comprise of a single detached dwelling which is proposed to be demolished to facilitate the proposed development. The lands are also subject to an approved Minor Variance for reduced Lot Area (City File A060/22) and Consent Application (City File B025/22) to permit a severance to create one additional single detached lot for residential purposes (with the southern lot being referred to as Lot 1 and the northern lot being referred to as Lot 2). Both lots are designed to have frontage along Libby Boulevard. The surrounding area consists of low-rise residential uses, primarily in the form of single detached dwellings.

Comments Received from Municipal Departments & Outside Agencies:

Committee of Adjustment:

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 2023.

Previous and/or Concurrent applications on the subject lands:

B025/22 – Consent (Approved)

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 facilitate the construction of a new single detached dwelling on the lands shown as Lot 2. In support of this request the following variances are proposed:

- increased maximum gross floor area from 231.65 square metres (2,493.46 square feet), as permitted, to 284.94 square metres (3,067.07 square feet), as proposed;
- increased maximum height from 8.50 metres (27.89 feet), as permitted, to 9.00 metres (29.53 feet), as proposed;
- reduced minimum front yard setback to the first floor from 6.10 metres (20.01 feet), as required, to 5.70 metres (18.70 feet), as proposed;
- reduced minimum front yard setback to the second floor from 9.10 metres (29.85 feet), as required, to 5.70 metres (18.70 feet), as proposed;
- reduced minimum side yard setbacks (north and south) to the first floor from 1.50 metres (4.92 feet), as required, to 1.20 metres (3.94 feet), as proposed;
- reduced minimum side yard setbacks (north and south) to the second floor from 3.00 metres (9.84 feet), as required, to 1.20 metres (3.94 feet), as proposed; and,
- increased maximum chimney encroachment within an interior side yard from 0.61 metres (2.00 feet), as permitted, to 0.72 metres (2.36 feet), as proposed

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

The intent of the Zoning By-law for maximum gross floor area (GFA) and height is to limit the size, lot coverage and density of structures on a lot and the intent of the setbacks are to create privacy for neighbouring land uses. Planning staff has reviewed the applicant's development proposal and concludes that the request for an increase in GFA, height and the setbacks are minor and appropriate to support the proposal of the a single detached dwelling on the severed lot. The proposal is not expected to negatively impact the privacy of surrounding properties.

Planning staff has reviewed the proposed Minor Variance Application on the basis of the preceding and determined that the requested variance for an increase in lot coverage for the attached garage 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.

Planning staff recommends that Minor Variance Application A005/23 be approved 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 response.

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, 4th Floor

Richmond Hill, ON L4B 3P4

Email: 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: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A046/21**

Related Applications: N/A

Subject Land: 324 Hwy 7 East

Name of Owner: Kiji Inc.

The Request:

To provide relief from the provisions of By-law 107-86, as amended, to permit a reduced number of parking spaces from 111 spaces to 103 spaces to accommodate an additional restaurant use in unit 3.

	By-Law Requirement	Proposed	Deficiency
Parking Spaces	111	103	8

Present Designation:

Official Plan: Regional Mixed-Use Corridor

Zoning Classification: Special Residential-Commercial (RC) Zone

Zoning By-law: By-law No. 107-86, as amended

Zoning Provisions:

Minimum Number of Required Parking Spaces: 111 Spaces

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 northeast corner of Highway 7 and Doncrest Road, east of Bayview Avenue. The lands presently support a two storey commercial building with various uses and has a total of 103 parking spaces. The lands abut Highway 7 to the south, existing commercial and residential uses to the west, residential development to the north, and commercial development to the east.

Comments Received from Municipal Departments & Outside Agencies:

Committee of Adjustment:

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 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 107-86, as amended, to permit a reduced number of parking spaces in order to accommodate a proposed restaurant within Unit 3 of the existing building located on the subject lands. In support of this request, the following variance is proposed:

- reduced number of parking spaces from 111 spaces, as required, to 103 spaces, as proposed.

The proposed restaurant use within Unit 3 would generate an increase in the parking supply for this use to a required total of 111 parking spaces for the site, whereas only 103 parking spaces are provided on site. In this regard, the proposed restaurant would result in a deficiency of 8 parking spaces.

The City's Development Engineering Division has reviewed the applicant's request, including the materials submitted in support of the proposed parking reduction. On the basis of the existing on-site parking supply (103 spaces) and the nature and scale of the proposed restaurant use, Development Engineering staff has no concerns with the proposed reduction in required parking.

On the basis of preceding, the proposed reduction in the required number of parking spaces to accommodate a proposed restaurant within Unit 3, meets the four (4) conditions as set out under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals. In this regard, the requested relief from the by-law, as proposed, is considered minor in nature, is appropriate for the development of the land, and meets the general intent of the applicable zoning by-law and of the City's Official Plan.

Planning staff recommends that Minor Variance application A046/21 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:

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Email: committeeofadjustment@richmondhill.ca

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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.

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

Hearing Date: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A063/23**

Related Applications: N/A

Subject Land: 147 West Beaver Creek Road

Name of Owner: 2856136 Ontario Corporation

Name of Applicant: Daniel Ting

The Request:

To provide relief from the provisions of By-law 150-80, as amended, to permit reduced minimum number of parking spaces from 43 spaces to 30 spaces to accommodate the construction of a proposed second floor addition and expansion of loading docks and reconfiguration of entrance.

	By-Law Requirement	Proposed	Deficiency
Parking Spaces	43 spaces	30 spaces	13 spaces

Present Designation:

Official Plan: Employment Area

Zoning Classification: High Performance Industrial – (M-1) Zone

Zoning By-law: By-law 150-80, as amended

Zoning Provisions:

Minimum Number of Parking Spaces: 43 Spaces

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 west of Leslie Street, on the northeast corner of West Beaver Creek Road and Reid Street. The lands currently support an existing one-storey industrial building and a total of 36 on-site parking spaces. The subject lands are surrounded by various industrial uses in the immediate area.

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

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 2023.

Previous and/or Concurrent applications on the subject lands:

SP-23-0021

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

The requested variances are correct.

Planning:

The applicant is requesting relief from By-law 150-80, as amended, to permit a reduced number of parking spaces in order to accommodate the construction of a proposed second-floor addition to the existing building, along with an expansion to the loading dock area and the reconfiguration to the driveway entrance. In support of this request, the following variance is proposed:

- reduced number of parking spaces from 43 spaces, as required, to 30 spaces, as proposed (existing).

The subject lands are designated **Employment Area** as per the City's Official Plan (the "Plan"), which permits industrial-type uses subject to specific policies. The intent of the Zoning By-law for a minimum number of parking spaces is to provide an adequate number of parking spaces with regard to the type of use on a property. In accordance with By-law 150-80, as amended, parking spaces for industrial uses shall be required at a rate of 1 parking space per every 42 square metres (452.08 square feet) of floor area. As such, the proposed second-floor addition would generate an increase in the total required parking supply to 43 spaces, whereas only 30 parking spaces are provided on the lot. In this regard, the proposal would result in a deficiency of 13 parking spaces.

The City's Development Engineering Division has reviewed the applicant's request, including the materials submitted, including a Traffic Brief, in support of the proposed parking reduction. On the basis of the on-site parking supply (30 spaces) and the nature and scale of the proposed development, Development Engineering staff has no concerns with the proposed reduction in the required parking, as sufficient parking area will be provided to accommodate the second-floor addition to the industrial building.

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 **Employment Area** designation. In this regard, the requested relief from the by-law, as proposed, is considered minor in nature, is appropriate for the development of the land, and meets the general intent of the applicable zoning by-law and of the City's Official Plan.

Based on the aforementioned, Planning Staff has no objection to the approval of Minor Variance Application A063/23.

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:

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, 4th Floor

Richmond Hill, ON L4B 3P4

Email: 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: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A069/23**

Related Applications: N/A

Subject Land: 23 Eastdale Crescent

Name of Owner: Sayed Javad Madanipour

Name of Applicant: Kelvin Lo

The Request:

To provide relief from the provisions of By-law 107-86, as amended, to permit a reduced minimum rear yard setback to accommodate the construction of a proposed basement walkout enclosure.

	By-Law Requirement	Proposed	Deficiency
Minimum Rear Yard Setback	7.50 m (24.60 ft.)	6.19 m (20.30 ft.)	1.31 m (4.29 ft.)

Present Designation:

Official Plan Designation: Neighbourhood

Zoning Classification: Residential Single Family (R5) Zone

Zoning By-law: By-law 107-86

Zoning Provisions:

Minimum Lot Frontage:	13.5 metres (44.29 feet)
Minimum Lot Area:	452.0 square metres (4,865.29 square feet)
Minimum Front Yard Setback:	4.5 metres (14.76 feet)
Minimum Side Yard Setback:	1.5 metres (4.92 feet)
Minimum Rear Yard Setback:	7.5 metres (24.60 feet)
Maximum Height:	11.0 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 south side of Eastdale Crescent, in an area southwest of 16th Avenue and Bayview Avenue. Presently, the lands support a 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 November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 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 A069/23 is requesting relief from Zoning By-law 107-86, as amended, to permit the construction of a basement walkout enclosure in the rear of the existing single detached dwelling. In order to facilitate the construction of proposed basement walkout enclosure, relief from By-law is requested for the following:

- reduced minimum rear yard setback from 7.50 metres (24.60 feet), as required, to 6.19 metres (20.30 feet), as proposed.

Planning Staff have reviewed the proposal and do not anticipate the proposed basement walkout enclosure to impede rear yard access, amenity space, or neighbouring lots. Further, Staff note that the City's Engineering Division has reviewed the proposal and has not expressed any concerns from a lot grading/drainage perspective. The requested reduction in the rear yard setback of the subject lands is considered minor and is not expected to have any adverse impacts on adjacent properties.

The proposed basement walkout is intended to provide ease of access to and from the basement and will serve as an additional/separate entrance to the dwelling. In this regard, staff notes that there are different Ontario Building Code requirements associated with the construction of basements which have not been assessed as part of this application and instead will be further refined through a Building Permit Application.

As such, Planning Staff have no concerns or objections to the approval of the requested reduced rear yard setback as it is 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 A069/23.

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, 4th Floor

Richmond Hill, ON L4B 3P4

Email: 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: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

Application Information:**Consent Application: B024/23**

Related Applications: N/A

Subject Land: 14 Stancroft Drive

Name of Owners: Leonard Chiem, Duc Kim Vuu and Tien Quoi Chiem

The Request:

To sever a parcel of land for residential purposes approximately 15.24 metres (50 feet) by 47.79 metres (156.79 feet), approximately 728.32 square metres (7,839.57 square feet), and retain a parcel of land approximately 15.24 metres (50 feet) by 49.43 metres (162.17 feet), approximately 747.06 square metres (8,041.29 square feet).

Present Designation:

Official Plan: Neighbourhood

Zoning Classification: Residential Single Family Six (R6) Zone

Zoning By-law: By-law No. 190-87, as amended

Zoning Provisions:

Minimum Interior Lot Frontage:	15.0 metres (49.21 feet)
Minimum Interior Lot Area:	502.0 square metres (5,403.48 square feet)
Minimum Front Yard Setback:	4.5 metres (14.76 feet)
Minimum Front Yard Garage Setback:	6.0 metres (19.69 feet)
Minimum Interior Side Yard Setback:	1.5 metres (4.92 feet)
Minimum Rear Yard Setback:	7.5 metres (24.61 feet)
Maximum Lot Coverage:	40.00%
Maximum Height:	11.0 metres (36.1 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 Stancroft Drive in the neighbourhood located northwest of Canyon Hill and Yonge Street. The property presently supports a

single detached dwelling and accessory structures which are proposed to be demolished in order to facilitate the proposed severance. The lands are surrounded by single detached residential lots in an area undergoing gradual redevelopment.

Committee of Adjustment:

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on November 22, 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 approval to sever their lands to facilitate the creation of one (1) additional building lot for residential purposes. The following summarizes the applicant's request with respect to the proposed application:

B024/23:

- sever a parcel of land for residential purposes with a lot frontage of 15.24 metres (50 feet), approximately 728.32 square metres (7,839.57 square feet); and,
- retain a parcel of land for residential purposes with a lot frontage of 15.24 metres (50 feet), approximately 747.06 square metres (8,041.29 square feet).

The proposed severance of the lands complies with the minimum lot frontage and lot area requirements of the By-law and the proposed lots are consistent with the lot fabric established along Stancroft Drive. Upon review and consideration of the application, staff is of the opinion that the applicant's proposal is compatible with the established pattern and existing character of the neighbourhood.

On the basis of the preceding, staff are of the opinion that the Consent Application B024/23 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 application B024/23.

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:

Condition #	Condition Description
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 severed and retained lands along with the adjoining lands;
2.	Obtain the City's approval of the grading plan referred to in (1);
3.	Enter into an agreement with the City (unless not required by the City) for either (i) grading and drainage; or (ii) grading and servicing, which addresses the provision of swales, easements and/or catch basins and which will be registered on title to the lands in priority to all other claims, encumbrances or other item or matter that the City Solicitor deems to be an encumbrance or claim; and
4.	Ensure that any easements required to be provided pursuant to the agreement referred to in (3) are registered in priority to all other claims, encumbrances or any other item or matter the City Solicitor deems to be an encumbrance or claim.

Further Grading Related Information

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

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

Fee Description:	Fee:
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

That the Applicant arrange and pay to the City for the installation of service connections to render the severed and retained parcels fully serviced. The current Tariff of Fees schedule will be used to determine the amount of payment for the service connections. At time of printing, the City's fees for standard configuration of services are as follows and may change at any time without notice:

Fee Description:	Fee:
25 mm water service	\$1,197.00 per metre + HST
Combined 25 mm water service with storm or sanitary	\$504.00 per metre + HST
Disconnect Water service	\$1,890.00 + HST
Water disconnect in a combined trench	\$819.00 +HST
125 mm sanitary or storm connection	\$1,197.00 per metre + HST
Combined storm and sanitary service	\$718.00 per metre + HST
Disconnect Storm or Sanitary	\$1,890.00 +HST each
Combined trench Storm or Sanitary disconnect	\$819.00 +HST each
C.C.T.V. scan	\$714.00 + HST

Arrangements and payment for service connections can be made through Ms. Lindsay Finbow, Water Technician, Maintenance & Operations Division, Community Services Department, (905) 747-6319.

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.

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 recreation purposes or, at the option of the City, a payment of Cash-in-Lieu of such land prior to the issuance of a building permit

pursuant to section 42 of the *Planning Act*. The Owner shall enter into an agreement acknowledging the foregoing, which agreement shall be registered on title to the **SEVERED** parcel for the purpose of notice. Further, the owner shall pay the City the cost set out in the City's Tariff of Fees By-law with respect to the preparation, processing and registration of the agreement. If the Owner does not wish to enter into the above agreement, the Owner may voluntarily pay any Cash-in-Lieu owing under section 42 of the *Planning Act* prior to the granting of the consent. 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.
3. The Applicant (Owner) must enter into an agreement providing for payment of Area Specific Development Charges at the time of the execution of the Agreement.

Financial/Regional and Municipal Notice:

1. Please note that the City, Regional and Educational Development Charges are payable prior to building permit issuance, for the **Severed** lands. Water meter and tree charges are also applicable at that time.
2. Should the current or future owner(s) wish to demolish the existing dwelling on the **Retained** parcel, they 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 will require a payment of cash-in-lieu of such land prior to the issuance of a building permit pursuant to Section 42 of the Planning Act for the retained lands unless the Finance Department receives documentation that parkland was given or cash-in-lieu of parkland was paid 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 City's Parkland Dedication By-law 123-22, or its successor or any amendments

Powerstream/Alectra Utilities:

No response.

Enbridge:

No response.

Bell Canada:

No Comment.

York Region – Transportation & Community Planning Department:

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

1. Prior to approval of the consent application, the Region requests that the City of Richmond Hill confirm through email that adequate water supply and sewage capacity has been allocated for the proposed new lot.

Toronto & Region Conservation Authority:

Outside of the TRCA'S Policy Purview.

CN Rail:

Not circulated.

TransCanada Pipeline:

Not circulated.

Abutting Municipality

Not circulated.

Ministry of Transportation:

Outside of MTO Permit Area.

Infrastructure Ontario:

Not circulated.

Staff & Agency Recommendation(s):

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

Condition #	Department / Agency Contact:	Condition:
1.	Building/Zoning: Afshin Bazar 905-747-6499	That the Owner apply to and receive from the Council of the City of Richmond Hill demolition approval pursuant to Demolition Control By-law No. 15-90 as required, and that the Owner demolish all buildings and/or structures and remove all debris to the satisfaction of the Chief Building Official.
2.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	<ol style="list-style-type: none"> 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 severed and retained lands along with the adjoining lands; 2. Obtain the City's approval of the grading plan referred to in (1); 3. Enter into an agreement with the City (unless not required by the City) for either (i) grading and drainage; or (ii) grading and servicing, which addresses the provision of swales, easements and/or catch basins and which will be registered on title to the lands in priority to all other claims, encumbrances or other item or matter that the City Solicitor deems to be an encumbrance or claim; and 4. Ensure that any easements required to be provided pursuant to the agreement referred to in (3) are

Condition #	Department / Agency Contact:	Condition:
		registered in priority to all other claims, encumbrances or any other item or matter the City Solicitor deems to be an encumbrance or claim.
3.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	That the applicant provide to the Development Engineering Division, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Engineering conditions
4.	Development Engineering: Lindsay Finbow 905-747-6319	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.
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 recreation purposes or, at the option of the City, a payment of Cash-in-Lieu of such land prior to the issuance of a building permit pursuant to section 42 of the Planning Act. The Owner shall enter into an agreement acknowledging the foregoing, which agreement shall be registered on title to the SEVERED parcel for the purpose of notice. Further, the owner shall pay the City the cost set out in the City's Tariff of Fees By-law with respect to the preparation, processing and registration of the agreement. If the Owner does not wish to enter into the above agreement, the Owner may voluntarily pay any Cash-in-Lieu owing under section 42 of the Planning Act prior to the granting of the consent. 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.	Finance: Christina Giannakakis 905-771-5550	The Applicant (Owner) must enter into an agreement providing for payment of Area Specific Development Charges at the time of the execution of the Agreement.

Condition #	Department / Agency Contact:	Condition:
8.	Region of York 1-877-464-9675 Justin Wong Ext. 71577	Prior to approval of the consent application, the Region requests that the City of Richmond Hill confirm through email that adequate water supply and sewage capacity has been allocated for the proposed new lot.
9.	Committee of Adjustment: 905-771-2443	That the applicant provides the secretary-treasurer with the legal description of the severed land in the form of a letter or draft transfer prepared by the applicant's solicitor.
10.	Committee of Adjustment: 905-771-2443	That the applicant provides one white print of a deposited plan of reference of the entire land which conforms substantially with the application as submitted.
11.	Committee of Adjustment: 905-771-2443	That the Solicitor for the Owner give an undertaking in writing to provide to the Secretary Treasurer of the City of Richmond Hill within 30 days of the date of registration in the Land Registry/Land Titles Office a copy of the receipted and registered electronic transfer document including the Form 2 for Consent B024/23.

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, 4th Floor
 Richmond Hill, ON L4B 3P4
 Email: 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: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road (Council Chambers)

Application Information:

Consent Application: B023/23

Related Applications: A046/23 & A047/23

Subject Land: 76 Bond Crescent

Name of Owner: Domenico & Raffaelina Pisani

Name of Agent: JKO Planning (Jim Kotsopoulos)

The Request:

To sever a parcel of land 18.18 metres (59.65 feet) by 43.98 metres (144.29 feet), approximately 798.12 square metres (8,590.89 square feet) and retain a parcel of land 13.24 metres (43.44 feet) by 128.98 metres (423.16 feet) approximately 3,250.62 square metres (34,989.38 square feet).

Present Designation:

Official Plan: Neighbourhood and within Priority Infill Study Area

Zoning Classification: Residential Urban (RU) Zone

Zoning By-law: By-law No. 1275, as amended

Zoning Provisions:

Minimum Lot Frontage:	22.86 metres (75 feet)
Minimum Lot Area:	292.03 square metres (10,000 square feet)
Minimum Front Yard Setback:	9.14 metres (30 feet) or the established building line, whichever is the greater of the two
Minimum Side Yard Setback:	1.52 metres (5 feet)
Minimum Rear Yard Setback:	20% of the depth of the lot but shall not exceed 9.14 metres (30 feet)
Maximum Building Height:	10.67 metres (35 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 Bond Crescent and presently contain a single detached dwelling, which is proposed to remain, and an accessory structure that is to be removed from the lands proposed to be severed. The property also presently contains a servicing easement in favour of the City which runs the depth of the property along the west property boundary with a width of approximately 6.10 metres.

The subject lands are located within an area that is undergoing redevelopment. The lands abut an existing single detached dwelling to the west, an approved medium density residential development to the north (City File D02-21013), a registered Plan of Subdivision to the east (City File D03-18004) which includes the westward extension of Wellspring Avenue and four new single detached dwellings upon the extension, as well as a vacant lot, and Bond Crescent to the south, beyond which are single detached dwellings.

The lands are designated **Neighbourhood** in accordance with the City's Official Plan (the "Plan") and are located within a Priority Infill Area subject to a Council approved Infill Study, being the *Bond Crescent Neighbourhood Infill Study*.

Committee of Adjustment:

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign in accordance with the Planning Act on November 22, 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 approvals of minor variance applications A046/23 & A047/23 and subject to the following condition of consent be added:

1. The Owner shall demonstrate to the satisfaction of the Chief Building Official that the proposal complies with the spatial separation requirements of the Ontario Building Code.
2. 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 on the severed parcel and remove all debris to the satisfaction of the Chief Building Official.

Planning:

The applicant is seeking approval of their Consent application to sever their lands to facilitate the creation of one (1) additional lot for residential purposes fronting onto Bond Crescent. Additionally, the applicant has filed applications for minor variance relief respecting the proposed lot sizes, the proposed dwelling to be constructed on the

severed lands, and the dwelling to remain on the retained parcel. The following is an overview of the proposed Consent and Minor Variance requests:

B023/23 (Severed and Retained Lands):

- to sever a parcel of land with a lot frontage of 18.18 metres (59.65 feet) and a lot area of approximately 798.12 square metres (8,590.89 square feet); and,
- to retain a parcel of land with a lot frontage of 13.24 metres (43.44 feet) and a lot area of approximately 3,250.62 square metres (34,989.38 square feet).

In order to facilitate the proposed severance and development on the severed lands and retention of the existing dwelling on the retained lands, the following variances are required:

A046/23 (Severed Lot, West):

- reduced minimum lot frontage from 22.86 metres (75 feet), as required, to 18.14 metres (59.51 feet), as proposed;
- reduced minimum lot area from 929.03 square metres (10,000 square feet), as required, to 798.12 square metres (8,590.89 square feet), as proposed;
- reduced minimum front yard setback from 9.14 metres (30 feet), as required, to 6.0 metres (19.69 feet), as proposed;
- reduced minimum side yard setback from 1.52 metres (5 feet), as required, to 1.2 metres (3.94 feet), as proposed; and,
- reduced minimum rear yard setback from 9.14 metres (30 feet), as required, to 7.0 metres (22.97 feet), as proposed.

A047/23 (Retained Lot, East):

- reduced minimum lot frontage from 22.86 metres (75 feet), as required, to 13.24 metres (43.43 feet), as proposed;
- reduced minimum front yard setback from 9.14 metres (30 feet), as required, to 8.19 metres (26.87 feet), as existing; and,
- reduced minimum side yard setback from 1.52 metres (5 feet), as required, to 1.19 metres (3.9 feet), as existing.

Staff have reviewed the application in the context of the Plan, the applicable Zoning by-law, as well as the surrounding neighbourhood context and are of the opinion that the Committee of Adjustment applications, as proposed, are not supportable as they do not meet the four “test” as prescribed by the *Planning Act*. Section 45(1) of the *Planning Act* prescribes four criteria for the evaluation of minor variance applications, being whether the proposed variance is minor in nature, whether it is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the by-law and of the official plan are maintained.

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the Plan which permits single detached dwellings. The lands are also located within a Priority Infill Area, subject to a Council approved Study, in accordance

with Appendix 9 – Priority Infill Areas of the Plan. In accordance with **Policy 4.9.1.1.3** of the Plan, development shall be subject to the applicable study and shall be assessed in accordance with the guidelines which have been approved by Council for the area.

In 1998, Council endorsed design guidelines and a preferred concept plan as a result of the Bond Crescent Neighbourhood Infill Study. Subsequently, an updated Infill Study was approved by Council on April 25, 2016, which builds upon the newer policy framework of the Plan, the City-Wide Urban Design Guidelines (2013), and the Sustainability Metrics (2013). The updated Infill Study contemplates the east-west connection of Wellspring Avenue to Elles Street and the construction of low density development along the connection.

In accordance with Section 7.2 of the Infill Study, it is recommended that a minimum lot frontage of 13.7 metres be provided for new lots along existing public streets. The proposed retained lands seek approval of a lot frontage of 13.24 metres which does not meet the minimum lot frontage recommended by the Study. Additionally, Section 7.2 notes that side and rear yard setbacks shall generally conform to the City's newer development standards and will be implemented through the enacting zoning by-law required to facilitate proposed development. Furthermore, Section 7.3 also recognizes that the appropriate zone standards will be considered in the context of newer parent by-laws and that appropriate zone standards will be established through the approval of the implementing by-law for approval. In this regard, the Infill Study contemplates new lot creation and development be considered and approved by Council through a Zoning By-law Amendment process.

Given the above, staff are of the opinion that the proposed Minor Variance applications to facilitate the Consent application do not meet the intent of the Official Plan.

Staff have reviewed the requested minor variances relative to the provisions of the current Zoning By-law and are of the opinion that the proposal does not meet the intent and purpose of the Zoning By-law. The Zoning By-law applicable to the subject lands is By-law 1275, as amended, of the former Township of King. The subject lands are zoned **Residential Urban (RU) Zone** which reflects the original large lot development patterns with lot areas generally exceeding 1 acre that characterized this neighbourhood and as such development standards reflective of this. The proposed development contemplates the creation of a new residential lot for single detached purposes that is in keeping with development standards of the **Single Detached Four (R4) Zone** and **Single Detached Six (R6) Zones** under Zoning By-law 313-96 which are reflective of the City's newer development standards for residential development. This is consistent with redevelopment of surrounding lands that were facilitated by Zoning By-law Amendment applications.

While the redevelopment trend of this neighbourhood has been to facilitate similar redevelopment as proposed by the subject applications, the current By-law is not intended to facilitate the form of infill development as proposed. As exemplified through the context of the area, new lots that have been created along Bond Crescent were subject to approvals of Zoning By-law Amendment applications in order to rezone the lands from the **RU Zone**, under By-law 1275, as amended, to various zone categories under the City of Richmond Hill's Zoning By-law 313-96, as amended. An example of such redevelopment is the approval of a Zoning By-law Amendment application (City

File D02-04046) for the abutting lands to the east, municipally known as 74 and 74A Bond Crescent. The lands were rezoned in 2005 from the **RU Zone** under By-law 1275, as amended, to the **R6 Zone** under By-law 313-96, as amended, to facilitate a severance of the lands into two equal parts to create one additional lot for single detached purposes. Both lots were approved to have lot frontages of 15.69 metres and lot areas of 2,025 square metres, which exceed the proposed lot frontage contemplated by the applicant. Furthermore, the proposed reduced lot frontage is not considered minor as it is a significant departure from the minimum 22.86 metres (75 feet) required, and as stated previously, does not conform with the recommendation of the Infill Study.

Staff note that while there have been Committee of Adjustment approvals for Consent and Minor Variance applications under the **RU Zone** for various lots along Bond Crescent, the nature of those applications were to facilitate lot additions for backlot infill purposes to support future redevelopment and not for the purposes of creating new residential lots along Bond Crescent. Furthermore, the variances for lot frontages of various lots were based on the existing condition. It should be noted that the backlot infill developments were subject to Zoning By-law Amendment and Draft Plan of Subdivision approvals.

With respect to the proposed variances for the redevelopment of the severed lands (proposed west lot), the applicant's proposal appears to establish a building envelope and not a proposed dwelling footprint. It should be noted that By-law 1275, as amended, does not have a maximum lot coverage provision; however the proposed development envelope identified on the severed lands is larger than those on neighbouring properties. At this time, the proposed lot coverage of the building envelop has not been identified. As noted previously, the applicant is seeking to establish zone standards more in line with the newer Parent By-law 313-96, as amended, which has been introduced in the area. It is noted that the proposed front yard setback is greater than the permitted setback in accordance with the newer by-law; however, the proposed rear yard setback is less than the requirement under 313-96, as amended, being 7.5 metres (24.61 feet). Furthermore, the proposed side yard setback is generally in keeping with the newer By-law which permits 1.5 metres, which can be reduced to 1.2 metres subject to specific criteria relating to the inclusion of a side entrance.

Given that the proposed standards are in keeping with different zone categories under a different zoning By-law, staff are of the opinion that the requested variances do not meet the general intent and purpose of the **RU Zone** of By-law 1275, as amended, and are not considered minor in nature to facilitate the proposed development.

As part of the applicant's submission, two variances have been requested to recognize the siting of the existing dwelling on the lands proposed to be retained (the subject lands). Notwithstanding the above, staff have no objection to the relief requested for reduced side yard setback and front yard setback as they are to recognize the siting of the existing dwelling to remain.

With respect to the proposed severance plan, it is noted that the planning justification submitted in support of the application does not provide a rationale for the proposed lot frontages in consideration of the existing easement on the subject lands. With this, the extent of the easement has not been comprehensively reviewed and it has not been determined to what extent the impact is on the overall development. However, as

proposed, the lot frontage for the retained lands appears to be adversely impacted. Furthermore, it should be noted that the lot depth of the abutting lands to the east is 44 metres, whereas the proposed lot depth is 43.979 metres.

On the basis of the preceding, staff is of the opinion that the proposed relief for reduced lot frontage, lot area, front yard setback, side yard setback and rear yard setback for the proposed severed lands, do not meet the four conditions described under Section 45(1) of the *Planning Act* and therefore, Planning staff recommend Minor Variance application A046/23 be denied.

Furthermore, staff is of the opinion that the proposed relief for the reduced lot frontage of the retained lands does not meet the four conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals and therefore recommend this variance be denied. Notwithstanding, staff are in support of the proposed variances for reduced front yard setback and side yard setback to recognize the siting of the existing dwelling on the subject lands. In this regard, Planning staff recommends that Minor Variance application A047/23 be approved in part.

Given this, staff cannot support the subject Consent Application B023/23, as it does not meet the criteria listed under Section 51(24) of the *Planning Act*.

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:

Condition #	Condition Description
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 severed and retained lands along with the adjoining lands;
2.	Obtain the City's approval of the grading plan referred to in (1);
3.	Enter into an agreement with the City (unless not required by the City) for either (i) grading and drainage; or (ii) grading and servicing, which addresses the provision of swales, easements and/or catch basins and which will be registered on title to the lands in priority to all other claims, encumbrances or other item or matter that the City Solicitor deems to be an encumbrance or claim; and

Condition #	Condition Description
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

That the Applicant arrange and pay to the City for the installation of service connections to render the severed and retained parcels fully serviced. The current Tariff of Fees schedule will be used to determine the amount of payment for the service connections. At time of printing, the City's fees for standard configuration of services are as follows and may change at any time without notice:

Fee Description:	Fee:
25 mm water service	\$1,197.00 per metre + HST
Combined 25 mm water service with storm or sanitary	\$504.00 per metre + HST
Disconnect Water service	\$1,890.00 + HST
Water disconnect in a combined trench	\$819.00 +HST
125 mm sanitary or storm connection	\$1,197.00 per metre + HST
Combined storm and sanitary service	\$718.00 per metre + HST
Disconnect Storm or Sanitary	\$1,890.00 +HST each
Combined trench Storm or Sanitary disconnect	\$819.00 +HST each
C.C.T.V. scan	\$714.00 + HST

Arrangements and payment for service connections can be made through Ms. Lindsay Finbow, Water Technician, Maintenance & Operations Division, Community Services Department, (905) 747-6319.

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.

Heritage:

No Comments.

Corporate & Financial Services:

Conditions:

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

Financial/Regional and Municipal Notice:

1. Please note that the City, Regional and Educational Development Charges are payable prior to building permit issuance. Water meter and tree charges are also applicable at that time.

Powerstream/Alectra Utilities:

No response.

Enbridge:

No response.

Bell Canada:

No Comment.

York Region – Transportation & Community Planning Department:

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

1. Prior to approval of the consent application, the Region requests that the City of Richmond Hill confirm through email that adequate water supply and sewage capacity has been allocated for the proposed new lot.

Toronto & Region Conservation Authority:

Outside of the TRCA'S Policy Purview.

CN Rail:

Not circulated.

TransCanada Pipeline:

Not circulated.

Abutting Municipality

Not circulated.

Ministry of Transportation:

Outside of MTO Permit Area.

Infrastructure Ontario:

Not circulated.

Staff & Agency Recommendation(s):

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

Condition #	Department / Agency Contact:	Condition:
1.	Building/Zoning: Jessica Wong 905-771-5564	<ol style="list-style-type: none"> 1. The Owner shall demonstrate to the satisfaction of the Chief Building Official that the proposal complies with the spatial separation requirements of the Ontario Building Code. 2. 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 on the severed parcel and remove all debris to the satisfaction of the Chief Building Official.
2.	Development Engineering:	<ol style="list-style-type: none"> 1. Submit to the City's Development Engineering Division a grading plan prepared by a professional

Condition #	Department / Agency Contact:	Condition:
	Michael Ayers 905-771-9996 Ext. 6426	<p>engineer or Ontario land surveyor detailing the drainage pattern while showing the existing and proposed elevations for both the severed and retained lands along with the adjoining lands;</p> <ol style="list-style-type: none"> 2. Obtain the City's approval of the grading plan referred to in (1); 3. Enter into an agreement with the City (unless not required by the City) for either (i) grading and drainage; or (ii) grading and servicing, which addresses the provision of swales, easements and/or catch basins and which will be registered on title to the lands in priority to all other claims, encumbrances or other item or matter that the City Solicitor deems to be an encumbrance or claim; and 4. Ensure that any easements required to be provided pursuant to the agreement referred to in (3) are registered in priority to all other claims, encumbrances or any other item or matter the City Solicitor deems to be an encumbrance or claim.
3.	Development Engineering: Michael Ayers 905-771-9996 Ext. 6426	That the applicant provide to the Development Engineering Division, to the attention of Mr. Michael Ayers, three white prints of the deposited plan of reference which outlines the necessary requirements of all Engineering conditions
4.	Development Engineering: Lindsay Finbow 905-747-6319	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.
5.	Finance: Christina Giannakakis 905-771-5550	No parkland or Cash-in-Lieu is required as a condition of Consent. However, the Registered Owner(s) should be made aware that the City will require land to be conveyed for park or other public recreation purposes or, at the option of the City, a payment of Cash-in-Lieu of such land prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. A condition of Consent should be imposed requiring the Registered Owner(s) to enter into an agreement acknowledging the forgoing, which agreement must be registered on title to the SEVERED parcel for the purpose of notice. Furthermore, the Registered Owner(s) shall pay the City the cost set out in the City's Tariff of Fee by-law with respect to the preparation, processing and

Condition #	Department / Agency Contact:	Condition:
		registration of the Agreement. If the Registered Owner(s) does not wish to enter into the above agreement, the Registered Owner(s) may voluntarily pay any Cash-in-Lieu owing under Section 42 of the Planning Act prior to the granting of the Consent. The Registered Owner(s) may determine the amount of Cash-in-Lieu required by contacting Development Finance staff.
6.	Finance: Christina Giannakakis 905-771-5550	Payment of all current and outstanding taxes to date of consent.
7.	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.	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 B023/23.

Reasons for denial:

1. The proposal does not conform to Section 51(24) as required of the Planning Act.
2. The proposal does not conform to the City of Richmond Hill Official Plan.
3. The proposal does not conform 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, 4th Floor
Richmond Hill, ON L4B 3P4
Email: 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 & I**

Hearing Date: December 7, 2023

Time: 7:00 p.m.

Location: 225 East Beaver Creek Road, 1st Floor (Council Chambers)

Application Information:**Minor Variance Application: A046/23 & A047/23**

Related Applications: B024/23

Subject Land: 76 Bond Crescent

Name of Owner: Domenico & Raffaelina Pisani

Name Agent: JKO Planning (Jim Kotsopoulos)

The Request:

To provide relief from the provisions of By-law 1275, as amended, to permit reduced minimum front yard setback, reduced minimum side yard setback (east) and reduced minimum rear yard setback. Relief is also being requested to permit a reduction in the minimum lot area and a reduction in lot frontage to facilitate Consent Application B023/23.

	By-Law Requirement	Proposed	Deficiency
Minimum Front Yard Setback	9.14 m (30.00 feet)	6.00 m (19.69 ft.)	3.14 m (10.30 ft.)
Minimum Side Yard Setback (East)	1.52 m (5.00 ft.)	1.20 m (3.94 ft.)	0.32 m (1.05 ft.)
Minimum Rear Yard Setback	9.14 m (30.00 ft.)	7.00 m (22.97 feet)	3.14 m (10.30 ft.)
Minimum Lot Area	929.03 sq. m (10,000 sq. ft.)	798.12 sq. m (8,590.89 sq. ft.)	130.91 sq. m (1,409.10 sq. ft.)
Minimum Lot Frontage	22.86 m (75.00 ft.)	18.14 m (59.51 ft.)	4.72 m (15.49 ft.)

And A047/23;

To provide relief from the provisions of By-law 1275, as amended, to permit reduced minimum front yard setback and reduced minimum side yard setback (east) to accommodate an existing dwelling. Relief is also being requested to permit a reduction in the required lot frontage to facilitate Consent Application B023/23.

	By-Law Requirement	Proposed	Deficiency
Minimum Front Yard Setback	9.14 m (30.00 feet)	8.19 m (26.87 ft.)	0.95 m (3.11 ft.)
Minimum Side Yard Setback (East)	1.52 m (5.00 ft.)	1.19 m (3.90 ft.)	0.33 m (1.08 ft.)
Minimum Lot Frontage	22.86 m (75.00 ft.)	13.24 m (43.43 ft.)	9.62 m (31.56 ft.)

Present Designation:

Official Plan: Neighbourhood and within Priority Infill Study Area

Zoning Classification: Residential Urban (RU) Zone

Zoning By-law: By-law No. 1275, as amended

Zoning Provisions:

Minimum Lot Frontage:	22.86 metres (75 feet)
Minimum Lot Area:	292.03 square metres (10,000 square feet)
Minimum Front Yard Setback:	9.14 metres (30 feet) or the established building line, whichever is the greater of the two
Minimum Side Yard Setback:	1.52 metres (5 feet)
Minimum Rear Yard Setback:	20% of the depth of the lot but shall not exceed 9.14 metres (30 feet)
Maximum Building Height:	10.67 metres (35 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 Bond Crescent and presently contain a single detached dwelling, which is proposed to remain, and an accessory structure that is to be removed from the lands proposed to be severed. The property also presently contains a servicing easement in favour of the City which runs the depth of the property along the west property boundary with a width of approximately 6.10 metres.

The subject lands are located within an area that is undergoing redevelopment. The lands abut an existing single detached dwelling to the west, an approved medium density residential development to the north (City File D02-21013), a registered Plan of Subdivision to the east (City File D03-18004) which includes the westward extension of Wellspring Avenue and four new single detached dwellings upon the extension, as well as a vacant lot, and Bond Crescent to the south, beyond which are single detached dwellings.

The lands are designated **Neighbourhood** in accordance with the City's Official Plan (the "Plan") and are located within a Priority Infill Area subject to a Council approved Infill Study, being the *Bond Crescent Neighbourhood Infill Study*.

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

This application was circulated to the commenting departments and agencies on November 6, 2023.

Public notice was mailed on November 23, 2023.

The applicant confirmed posting of public notice sign on November 22, 2023.

Previous and/or Concurrent applications on the subject lands:

B023/23 – Concurrent

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

The requested variances are correct.

Planning:

The applicant is seeking approval of their Consent application to sever their lands to facilitate the creation of one (1) additional lot for residential purposes fronting onto Bond Crescent. Additionally, the applicant has filed applications for minor variance relief respecting the proposed lot sizes, the proposed dwelling to be constructed on the severed lands, and the dwelling to remain on the retained parcel. The following is an overview of the proposed Consent and Minor Variance requests:

B023/23 (Severed and Retained Lands):

- to sever a parcel of land with a lot frontage of 18.18 metres (59.65 feet) and a lot area of approximately 798.12 square metres (8,590.89 square feet); and,
- to retain a parcel of land with a lot frontage of 13.24 metres (43.44 feet) and a lot area of approximately 3,250.62 square metres (34,989.38 square feet).

In order to facilitate the proposed severance and development on the severed lands and retention of the existing dwelling on the retained lands, the following variances are required:

A046/23 (Severed Lot, West):

- reduced minimum lot frontage from 22.86 metres (75 feet), as required, to 18.14 metres (59.51 feet), as proposed;
- reduced minimum lot area from 929.03 square metres (10,000 square feet), as required, to 798.12 square metres (8,590.89 square feet), as proposed;
- reduced minimum front yard setback from 9.14 metres (30 feet), as required, to 6.0 metres (19.69 feet), as proposed;
- reduced minimum side yard setback from 1.52 metres (5 feet), as required, to 1.2 metres (3.94 feet), as proposed; and,

reduced minimum rear yard setback from 9.14 metres (30 feet), as required, to 7.0 metres (22.97 feet), as proposed. **A047/23 (Retained Lot, East):**

- reduced minimum lot frontage from 22.86 metres (75 feet), as required, to 13.24 metres (43.43 feet), as proposed;
- reduced minimum front yard setback from 9.14 metres (30 feet), as required, to 8.19 metres (26.87 feet), as existing; and,
- reduced minimum side yard setback from 1.52 metres (5 feet), as required, to 1.19 metres (3.9 feet), as existing.

Staff have reviewed the application in the context of the Plan, the applicable Zoning by-law, as well as the surrounding neighbourhood context and are of the opinion that the Committee of Adjustment applications, as proposed, are not supportable as they do not meet the four “test” as prescribed by the *Planning Act*. Section 45(1) of the *Planning Act* prescribes four criteria for the evaluation of minor variance applications, being whether the proposed variance is minor in nature, whether it is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the by-law and of the official plan are maintained.

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the Plan which permits single detached dwellings. The lands are also located within a Priority Infill Area, subject to a Council approved Study, in accordance with Appendix 9 – Priority Infill Areas of the Plan. In accordance with **Policy 4.9.1.1.3** of the Plan, development shall be subject to the applicable study and shall be assessed in accordance with the guidelines which have been approved by Council for the area.

In 1998, Council endorsed design guidelines and a preferred concept plan as a result of the Bond Crescent Neighbourhood Infill Study. Subsequently, an updated Infill Study was approved by Council on April 25, 2016, which builds upon the newer policy framework of the Plan, the City-Wide Urban Design Guidelines (2013), and the Sustainability Metrics (2013). The updated Infill Study contemplates the east-west connection of Wellspring Avenue to Elles Street and the construction of low density development along the connection.

In accordance with Section 7.2 of the Infill Study, it is recommended that a minimum lot frontage of 13.7 metres be provided for new lots along existing public streets. The proposed retained lands seek approval of a lot frontage of 13.24 metres which does not meet the minimum lot frontage recommended by the Study. Additionally, Section 7.2 notes that side and rear yard setbacks shall generally conform to the City’s newer development standards and will be implemented through the enacting zoning by-law required to facilitate proposed development. Furthermore, Section 7.3 also recognizes that the appropriate zone standards will be considered in the context of newer parent by-laws and that appropriate zone standards will be established through the approval of the implementing by-law for approval. In this regard, the Infill Study contemplates new lot creation and development be considered and approved by Council through a Zoning By-law Amendment process.

Given the above, staff are of the opinion that the proposed Minor Variance applications to facilitate the Consent application do not meet the intent of the Official Plan.

Staff have reviewed the requested minor variances relative to the provisions of the current Zoning By-law and are of the opinion that the proposal does not meet the intent and purpose of the Zoning By-law. The Zoning By-law applicable to the subject lands is

By-law 1275, as amended, of the former Township of King. The subject lands are zoned **Residential Urban (RU) Zone** which reflects the original large lot development patterns with lot areas generally exceeding 1 acre that characterized this neighbourhood and as such development standards reflective of this. The proposed development contemplates the creation of a new residential lot for single detached purposes that is in keeping with development standards of the **Single Detached Four (R4) Zone** and **Single Detached Six (R6) Zones** under Zoning By-law 313-96 which are reflective of the City's newer development standards for residential development. This is consistent with redevelopment of surrounding lands that were facilitated by Zoning By-law Amendment applications.

While the redevelopment trend of this neighbourhood has been to facilitate similar redevelopment as proposed by the subject applications, the current By-law is not intended to facilitate the form of infill development as proposed. As exemplified through the context of the area, new lots that have been created along Bond Crescent were subject to approvals of Zoning By-law Amendment applications in order to rezone the lands from the **RU Zone**, under By-law 1275, as amended, to various zone categories under the City of Richmond Hill's Zoning By-law 313-96, as amended. An example of such redevelopment is the approval of a Zoning By-law Amendment application (City File D02-04046) for the abutting lands to the east, municipally known as 74 and 74A Bond Crescent. The lands were rezoned in 2005 from the **RU Zone** under By-law 1275, as amended, to the **R6 Zone** under By-law 313-96, as amended, to facilitate a severance of the lands into two equal parts to create one additional lot for single detached purposes. Both lots were approved to have lot frontages of 15.69 metres and lot areas of 2,025 square metres, which exceed the proposed lot frontage contemplated by the applicant. Furthermore, the proposed reduced lot frontage is not considered minor as it is a significant departure from the minimum 22.86 metres (75 feet) required, and as stated previously, does not conform with the recommendation of the Infill Study.

Staff note that while there have been Committee of Adjustment approvals for Consent and Minor Variance applications under the **RU Zone** for various lots along Bond Crescent, the nature of those applications were to facilitate lot additions for backlot infill purposes to support future redevelopment and not for the purposes of creating new residential lots along Bond Crescent. Furthermore, the variances for lot frontages of various lots were based on the existing condition. It should be noted that the backlot infill developments were subject to Zoning By-law Amendment and Draft Plan of Subdivision approvals.

With respect to the proposed variances for the redevelopment of the severed lands (proposed west lot), the applicant's proposal appears to establish a building envelope and not a proposed dwelling footprint. It should be noted that By-law 1275, as amended, does not have a maximum lot coverage provision; however the proposed development envelope identified on the severed lands is larger than those on neighbouring properties. At this time, the proposed lot coverage of the building envelop has not been identified. As noted previously, the applicant is seeking to establish zone standards more in line with the newer Parent By-law 313-96, as amended, which has been introduced in the area. It is noted that the proposed front yard setback is greater than the permitted setback in accordance with the newer by-law; however, the proposed rear yard setback is less than the requirement under 313-96, as amended, being 7.5 metres (24.61 feet). Furthermore, the proposed side yard setback is generally in keeping with

the newer By-law which permits 1.5 metres, which can be reduced to 1.2 metres subject to specific criteria relating to the inclusion of a side entrance.

Given that the proposed standards are in keeping with different zone categories under a different zoning By-law, staff are of the opinion that the requested variances do not meet the general intent and purpose of the **RU Zone** of By-law 1275, as amended, and are not considered minor in nature to facilitate the proposed development.

As part of the applicant's submission, two variances have been requested to recognize the siting of the existing dwelling on the lands proposed to be retained (the subject lands). Notwithstanding the above, staff have no objection to the relief requested for reduced side yard setback and front yard setback as they are to recognize the siting of the existing dwelling to remain.

With respect to the proposed severance plan, it is noted that the planning justification submitted in support of the application does not provide a rationale for the proposed lot frontages in consideration of the existing easement on the subject lands. With this, the extent of the easement has not been comprehensively reviewed and it has not been determined to what extent the impact is on the overall development. However, as proposed, the lot frontage for the retained lands appears to be adversely impacted. Furthermore, it should be noted that the lot depth of the abutting lands to the east is 44 metres, whereas the proposed lot depth is 43.979 metres.

On the basis of the preceding, staff is of the opinion that the proposed relief for reduced lot frontage, lot area, front yard setback, side yard setback and rear yard setback for the proposed severed lands, do not meet the four conditions described under Section 45(1) of the *Planning Act* and therefore, Planning staff recommend Minor Variance application A046/23 be denied.

Furthermore, staff is of the opinion that the proposed relief for the reduced lot frontage of the retained lands does not meet the four conditions described under Section 45(1) of the *Planning Act* for the evaluation of minor variance proposals and therefore recommend this variance be denied. Notwithstanding, staff are in support of the proposed variances for reduced front yard setback and side yard setback to recognize the siting of the existing dwelling on the subject lands. In this regard, Planning staff recommends that Minor Variance application A047/23 be approved in part.

Given this, staff cannot support the subject Consent Application B023/23, as it does not meet the criteria listed under Section 51(24) of the *Planning Act*.

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:

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 Minor Variances 1 and 2 for application A047/23, 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.

It is the recommendation of Planning Staff that the requested minor variances for application A046/23 and minor variance 3 of application A047/23 be denied. The proposed variances do not meet the prescribed tests set out in the Planning Act, being that:

1. The variances are not minor in nature from the provisions of the By-law;
2. The variances are not appropriate for the development of the land;
3. The general intent and purpose of the By-law is not maintained; and
4. The general intent and purpose of the Official Plan is not maintained.

Questions regarding this Staff Report can be directed to:

City of Richmond Hill Committee of Adjustment
225 East Beaver Creek Road, 4th Floor
Richmond Hill, ON L4B 3P4
Email: 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.