



Staff Report for Committee of the Whole Meeting

Date of Meeting: July 3, 2018
Report Number: SRPRS.18.125

Department: Planning and Regulatory Services
Division: Development Planning

Subject: **SRPRS.18.125 – Request for Approval – Zoning
By-law Amendment Application – Iraj Nabizadeh
– Town File D02-17019**

Owner:

Iraj Nabizadeh
131 Birch Avenue
Richmond Hill, Ontario
L4C 6C5

Agent:

Nabati Design and Construction Ltd.
88 Promenade Circle, PH #7
Vaughan, Ontario
L4J 9A4

Location:

Legal Description: Part of Lot 9, Registered Plan 1960
Municipal Address: 131 Birch Avenue

Purpose:

A request for approval concerning a proposed Zoning By-law Amendment application to facilitate the creation of one additional building lot on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by Iraj Nabizadeh for the lands known as Part of Lot 9, Registered Plan 1960 (Municipal Address: 131 Birch Avenue), Town File D02-17019, be approved, subject to the following:**
 - (i) **That the current zoning of the subject lands, being Third Density Residential (R3) Zone under By-law 2523, as amended, be further**

Page 2

amended to implement site specific development standards as outlined in Staff Report SRPRS.18.125; and,

- (ii) **That the amending Zoning By-law be brought forward to the July 9, 2018 Council meeting for consideration and enactment.**

Contact Person:

Simone Fiore, Planner II – Subdivisions, phone number 905-771-2479 and/or
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

Report Approval:

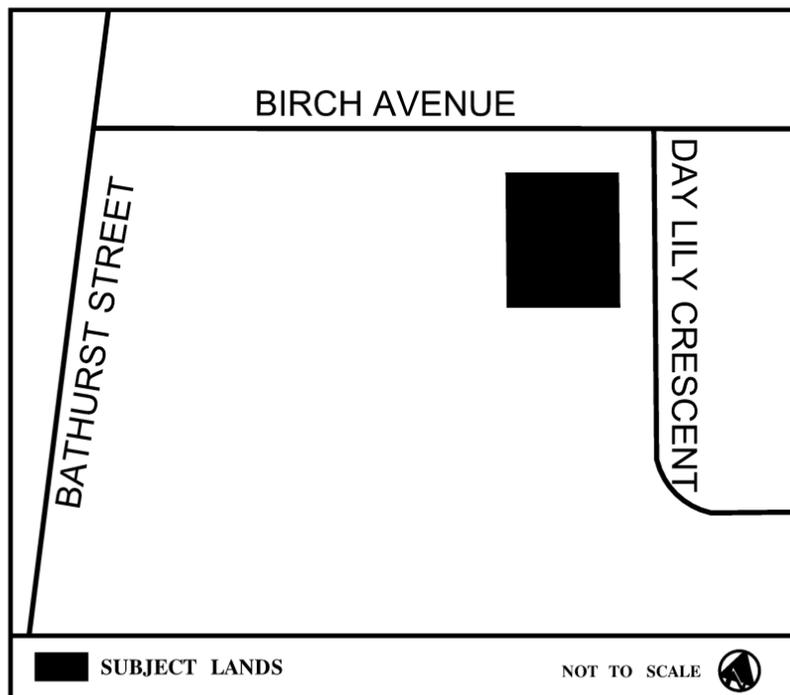
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



Page 3

Background:

The subject Zoning By-law Amendment application was presented at a statutory Council Public Meeting on October 25, 2017 wherein Council received Staff Report SRPRS.17.158 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix A). At the meeting concerns were raised by Council and members of the public with respect to the applicant's development proposal, including the compatibility of the proposed lot sizes and the proposed development standards. These matters are addressed in greater detail in the later sections of this report.

All comments from internal departments and external agencies pertaining to the subject proposal have been satisfactorily addressed by the applicant. In this regard, the purpose of this report is to seek Council's approval of the applicant's Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located at the southwest corner of Birch Avenue and Day Lily Crescent and have a total lot area of 0.089 hectares (0.220 acres). The lands abut Birch Avenue to the north, Day Lily Crescent to the east, and existing low density residential dwellings to the west and south (refer to Maps 1 and 2). The lands currently support a single detached dwelling that is proposed to be demolished as part of this development proposal.

Revised Development Proposal

The applicant is seeking Council's approval to amend the current zoning of the subject lands, being **Third Density Residential (R3) Zone** under By-law 2523, as amended, to implement site specific development standards to facilitate the creation of one additional building lot on its land holdings.

The applicant submitted a revised development proposal to the Town in February 2018 in response to comments received from Town staff and Council arising from its initial submission of July 2017 (refer to Maps 5 and 6). The revised development proposal provides for revised rear yard decks, an increase for a portion of the westerly interior side yard setback for Lot A from 1.2 metres (3.94 feet) to 1.5 metres (4.92 feet), a reduction of the overall gross floor area of the dwellings from 349.57 square metres (3,762.81 square feet) to 333.32 square metres (3,587.44 square feet) for Lot A and 370.44 square metres (3,987.49 square feet) to 357.06 square metres (3,843.11 square feet) for Lot B, reduced lot coverage from 40% to 37.68% for Lot A and 39.02% for Lot B. These revisions were made to address comments received from the public. The following is a summary table outlining the pertinent statistics of the applicant's revised development proposal based on the plans and drawings submitted to the Town:

Page 4

- **Total Lot Area: 0.089 hectares (0.220 acres)**
- **Lot A (Interior Lot)**
 - **Lot Frontage: 13.32 metres (43.70 feet)**
 - **Lot Area: 434.89 square metres (4,681.14 square feet)**
 - **Proposed Gross Floor Area: 333.32 square metres (3,587.44 square feet)**
 - **Building Height: 10.67 metres (35 feet)**
 - **Lot Coverage: 37.68%**
- **Lot B (Corner Lot)**
 - **Lot Frontage: 14.11 metres (46.29 feet)**
 - **Lot Area: 450.43 square metres (4,848.49 square feet)**
 - **Proposed Gross Floor Area: 357.06 square metres (3,843.11 square feet)**
 - **Building Height: 10.67 m (35 feet)**
 - **Lot Coverage: 39.02%**

Planning Analysis:

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the Town’s Official Plan (“Plan”) (refer to Map 3). In addition, the subject site falls within a Priority Infill Area for low density residential development in accordance with Policy 4.9.1.1.1 (c) of the Plan.

Uses permitted within the **Neighbourhood** designation include primarily low-density residential uses, medium-density residential uses, neighbourhood commercial uses, community uses, parks and open spaces, and automotive service commercial uses subject to specific policy criteria as outlined in Chapter 4 of the Town’s Official Plan. Single detached dwellings as proposed by the applicant are permitted within the **Neighbourhood** designation.

The **Neighbourhood** designation allows for small-scale infill development that enhances and strengthens the character of the existing area and promotes connectivity and high-quality design. As required by Policy 4.9.1 (3), new infill development must be compatible with the character of the adjacent and surrounding area in accordance with Policy 4.9.2.4. In particular, infill development must be compatible to the predominant building forms and types, massing, the general patterns of streets, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks within an area.

Staff has evaluated the applicant’s development proposal in relation to the design and compatibility policies of the Plan and is satisfied that the proposal has regard for, and is compatible with the existing development in the area. The existing infill subdivision along Birch Avenue and Day Lily Crescent (Town Files D02-05011, D02-09030, D03-04005 and D03-09005) is comprised of single detached dwelling lots with frontages ranging from approximately 13.7 metres (44.9 feet) to 16.31 metres (53.51 feet) and lot areas ranging from approximately 554.17 square metres (5,965.04 square feet) to 915.66 square metres (9,856.08 square feet). The lot frontages and lot areas of the proposed development are compatible with the newer infill lots in the surrounding area.

Page 5

Further, the proposed interior side yards of 1.2 metres (3.94 feet), flankage yard of 2 metres (6.56 feet) and maximum lot coverage of 40% are similar to what was approved for the Day Lily infill subdivision. Lastly, the proposed development will comply with the maximum building height of 10.67 metres (35 feet), and the minimum rear yard of 7.62 metres (25 feet). Staff is of the opinion that the proposed site specific development standards provide for a form of development that will be compatible with the predominant building form and type of development in the area.

Given all of the above, Planning staff is of the opinion that the subject Zoning By-law Amendment application conforms with the **Neighbourhood** policies of the Plan.

Zoning By-law Amendment Application

The subject lands are zoned **Third Density Residential (R3) Zone** under By-law 2523, as amended (refer to Map 4). This zone category permits single family dwellings among other residential, institutional and recreational uses. The proposed single detached dwelling use is permitted under the **R3 Zone** category; however, the applicant's proposal does not comply with the relevant development standards. The applicant is seeking Council's approval of its request to implement site specific development standards to the existing **R3 Zone**. The following table outlines the **R3 Zone** standards under By-law 202-05, the by-law applicable to the infill subdivision on Birch Avenue / Day Lily Crescent, relative to the standards requested by the applicant with site specific provisions depicted in bold:

Development Standard	R3 Zone Standards, By-law 202-05 (Area 1)	Proposed Standard
Minimum Lot Area (Corner)	570 square metres (6,135 square feet)	450 square metres (4,843.76 square feet)
Minimum Lot Area (Interior Lot)	550 square metres (5,920 square feet)	430 square metres (4,628.48 square feet)
Minimum Lot Frontage (Corner)	15.7 metres (51.5 feet)	14.11 metres (46.29 feet)
Minimum Lot Frontage (Interior)	15 metres (49.2 feet)	13.3 metres (43.64 feet)
Minimum Front Yard Setback	---	9.2 metres (30.18 feet) (Lot A) 8.24 metres (27.03 feet) (Lot B)
Minimum Side Yard	1.2 metres (3.94 feet)	1.2 metres (3.94 feet)
Minimum Flankage Yard	2 metres (6.56 feet)	2.0 metres (6.56 feet)
Minimum Rear Yard Setback	7.62 metres (25 feet)	7.62 metres (25 feet)
Maximum Building Height	10.67 metres (35 feet)	10.67 metres (35 feet)
Maximum Lot Coverage	40%	40%
Maximum Encroachment for exterior stairs, porches or porticos into a required Front or Rear Yard	0.91 metres (3 feet)	3.0 metres (9.84 feet)

Page 6

Staff has undertaken a comprehensive review of the applicants Zoning By-law Amendment application and considers them to be appropriate in light of the existing physical context of the subject lands and the development in the surrounding area.

Public Meeting Comments:

As noted previously, concerns regarding the subject proposal were raised by the public at the Council Public Meeting held on October 25, 2017. Residents raised concern that the proposed lot frontages were too small and thus incompatible with those in the surrounding neighbourhood. As noted in the preceding section, staff has evaluated the applicant's development proposal in relation to the design and compatibility policies of the Plan and is satisfied that the proposal has regard for and is compatible with the predominant building form and type of development in the area. As noted above, the proposed lots provide for a form of development, namely single detached dwellings, that will be compatible with the surrounding area. Additionally, the applicant's proposed development standards are similar and comparable to what was approved in the adjacent infill subdivision along Birch Avenue and Day Lily Crescent. Lastly, the proposed development will comply with the maximum building height of 10.67 metres (35 feet), and the minimum rear yard equivalent of 7.62 metres (25 feet).

Town Department and External Agency Comments:

Development Planning Division

Planning staff has reviewed the applicant's development proposal and is of the opinion that it has appropriate regard for and is consistent with the broader policy direction for this part of the Town as outlined in the Official Plan. On this basis, it is recommended that the subject Zoning By-law Amendment application be approved for the following reasons:

- the proposal conforms with the **Neighbourhood** policies of the Town's Official Plan;
- the proposed development is consistent with other newer single detached homes constructed in the immediate area;
- the proposed site specific zoning provision related to the lot frontage is contextually appropriate and generally in keeping with the existing lot fabric, dwellings, and redevelopment in the area, and therefore constitutes proper and orderly planning; and,
- circulated Town departments and external agencies have no further concerns or comments regarding the subject Zoning By-law Amendment application.

Other Department and External Agency Comments

The applicant's revised development proposal satisfactorily addresses the comments received from Town departments and external agencies which have no further comments or objections with respect to the application.

Page 7

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Strategic Plan:

The applicant's development proposal aligns with **Goal Two - Better Choice in Richmond Hill** by providing housing that offers options for people at all stages of life, in addition to **Goal Four - Wise Management of Resources in Richmond Hill** by designing energy efficient dwellings and using land responsibly.

Conclusion:

The applicant is seeking Council's approval of its proposal to facilitate the creation of one additional building lot on its land holdings. Staff is of the opinion that the submitted Zoning By-law Amendment application conforms with the policies of the Town's Official Plan, is appropriate in the context of the surrounding neighbourhood and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application as outlined and described in this report.

Page 8

Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#37-17 held on October 25, 2017
- Appendix B, Draft Zoning By-law
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Official Plan Designation
- Map 4 Existing Zoning
- Map 5 Original Site Plan
- Map 6 Revised Site Plan

Page 9

Report Approval Details

Document Title:	SRPRS.18.125 - Request for Approval - Zoning By-law Amendment - 131 Birch Avenue.docx
Attachments:	<ul style="list-style-type: none">- Appendix A, CPM Extract.pdf- Appendix B, Draft Zoning By-law.pdf- Appendix B, Schedule A, Zoning By-law.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S217019A_NEW.pdf- MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf- MAP_4_EXISTING_ZONING_S217019A_NEW.pdf- MAP_5_ORIGINAL_SITE_PLAN.pdf- MAP_6_REVISIED_SITE_PLAN.pdf
Final Approval Date:	Jun 21, 2018

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Jun 21, 2018 - 9:39 AM

Kelvin Kwan - Jun 21, 2018 - 9:46 AM

Neil Garbe - Jun 21, 2018 - 2:19 PM