



Staff Report for Committee of the Whole Meeting

Date of Meeting: January 21, 2019

Report Number: SRPRS.19.012

Department: Planning and Regulatory Services

Division: Development Planning

Subject: Request for Approval – Permission to Apply to the Committee of Adjustment pursuant to Subsection 45(1.4) of the Planning Act – KING SOUTH DEVELOPMENTS 65A INC. – Town File D02-18027

Owner:

King South Developments 65A Inc.
181 Eglinton Avenue East, Suite 204
Toronto, Ontario
M4P 1J4

Agent:

Evans Planning Inc.
881 Keele Street, Unit 12
Vaughan, Ontario
L4K 1Z7

Location:

Legal Description: Part of Lot 11, Plan M807 and Block 102, Plan 65M-4631
Municipal Address: 67 Puccini Drive and a portion of 65A Puccini Drive

Purpose:

A request for approval concerning a request to submit a Minor Variance application to the Committee of Adjustment pursuant to Subsection 45(1.4) of the *Planning Act*.

Recommendation:

- a) That in accordance with the provisions of Subsection 45(1.4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, King South Developments 65A Inc. is hereby permitted to submit a Minor Variance application to the Committee of Adjustment in order to seek relief from the provisions of

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Zoning By-law 5-17 prior to the second anniversary of the day on which said by-law was adopted.

Contact Person:

Amanda Dunn, Planner II – Site Plans, phone number 905-747-6480 and/or
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

Report Approval:

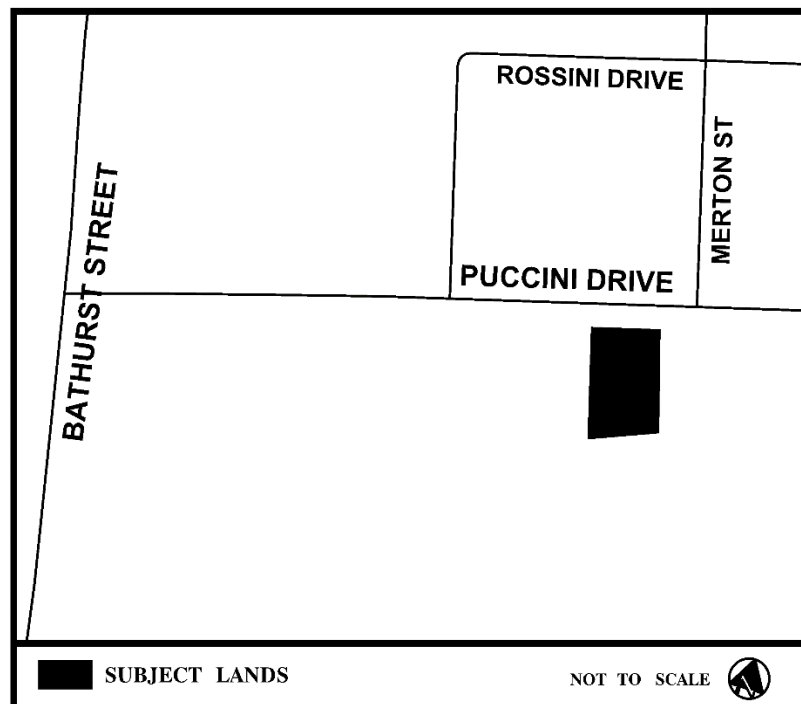
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

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.



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Background:

Section 45 of the *Planning Act* (the “Act”) prohibits the submission of a Minor Variance Application to the Committee of Adjustment for a property that was subject of an owner initiated site specific Zoning By-law Amendment application within two years of the enactment of the Zoning By-law. The purpose of this provision is to eliminate circumvention of the zoning process in situations where an original zoning decision is revisited through a simplified Minor Variance process. Notwithstanding this provision, Subsection 45(1.4) of the Act also provides municipalities with the discretion to accept “**a specific application, a class of applications or in respect of such applications generally**” by way of Council resolution.

The purpose of this report is to seek Council’s approval to allow the applicant to submit a Minor Variance application to the Committee of Adjustment within the two-year time frame since the adoption of the site specific Zoning By-law applicable to the subject lands.

Site Location and Adjacent Uses

The subject lands are located on the south side of Puccini Drive, east of Bathurst Street and have a total lot area of 0.055 hectares (0.138 acres) (refer to Map 1). The lands presently support an existing single detached dwelling, which is to be demolished. The lands abut Puccini Drive to the north, and will front onto Menotti Drive to the south, to the east and west will be future residential uses in registered Plan of Subdivision 65M-4631 (refer to Map 2).

Applicant’s Request

The applicant is seeking Council’s approval for permission to submit a Minor Variance application to the Town’s Committee of Adjustment in order to recognize Part of Lot 11, within Plan M807 and Block 102, within Plan 65M-4631 as a developable lot (refer to Appendix A). By-law 5-17 was enacted on April 12, 2017 and rezoned the southern portion of the lands to “**Residential Wide Shallow One (RWS1) Zone**” with site specific development standards to permit an increase of the maximum lot coverage and reduction of the minimum side yard setback requirements. By-law 5-17 was also intended to deem Part of Lot 11 within Plan M807 and Block 102 within Plan 65M-4631 as a developable “lot” (refer to Appendix B). However, the final version of By-law 5-17 only recognized Part of Lot 11 as a lot, and omitted Block 102 (refer to Appendix B). As a result, these two separate parcels cannot be considered as one developable lot for the purposes of zoning compliance and the issuance of a Building Permit.

The applicants intent is to create, by way of a Consent application, two single family residential lots fronting onto Puccini Drive and three future single family residential lots that will front onto Menotti Drive. The proposed development would continue the pattern of development that has been established in the area and would conform with the Council approved Puccini Drive Infill Study. In order to facilitate the applicant’s proposal,

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it is necessary to deem Block 102 within Plan 65M-4631 and Part of Lot 11 within Plan M807 as a developable lot in order to avoid non-compliances with the Zoning By-law.

Discussion

As outlined in the applicant's letter (refer to Appendix A), the request to submit a Minor Variance application is to deem Block 102 (Parcel "B") and Part of Lot 11 (Parcel "A") as identified on Schedule B of Zoning By-law 5-17, as one lot for the purposes of zoning compliance. Subsection 45 (1.4) of the Act is intended to provide flexibility in the development process when relatively minor zoning issues/technical errors arise in the later part of the planning process. Staff have carefully reviewed the applicant's request and has no objections based on the following:

- Zoning By-law 5-17 was intended to capture the relief being sought;
- the request, if approved, will not result in any modifications to the approved development applicable to the lands;
- the future lots will conform with the guidelines of the Puccini Drive Infill Study;
- the integrity of the planning process will be maintained insofar as the applicant is required to proceed through a review process which requires notification to the public and review by Town departments; and,
- the decision of the Committee of Adjustment will be subject to appeal to the Local Planning Appeal Tribunal.

On the basis of the preceding, staff finds the applicant's request to be appropriate and accordingly recommends Council approve its request to make a submission to the Town's Committee of Adjustment.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The recommendation of this report will facilitate a development that is aligned with the Strategic Plan. In this regard, the approved development proposal is aligned with **Goal Two – Better Choices in Richmond Hill** by providing for a range of housing options and providing better quality options to achieve the community vision for the Town and **Goal Four – Wise Management of Resources in Richmond Hill** through the responsible use of land.

Conclusion:

The applicant is seeking Council's approval of its request for permission to submit a Minor Variance application to the Town's Committee of Adjustment within the two-year time frame since the adoption of the site specific Zoning By-law applicable to the subject

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lands. Staff has no objections to the applicant's request and accordingly recommends Council approve the request for the reasons outlined in this report.

Attachments:

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, Applicant Letter of Request dated November 12, 2018
- Appendix B, Zoning By-law 5-17
- Map 1 – Aerial Photograph
- Map 2 – Registered Plan 65M-4631
- Map 3 – Proposed Severance Plan

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Report Approval Details

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| Document Title: | SRPRS.19.012 - 67 Puccini Drive and a portion of 65A Pucinni Drive - D02-18047 (KING SOUTH DEVELOPMENTS 65A INC.).docx |
| Attachments: | <ul style="list-style-type: none">- Appendix A - Applicant Letter of Request.pdf- Appendix B - Zoning By-law 5-17.pdf- MAP_1_AERIAL_PHOTOGRAPHY.pdf- MAP_2_REGISTERED_PLAN_65M-4631.pdf- MAP_3_PROPOSED_SEVERANCE PLAN.pdf |
| Final Approval Date: | Jan 9, 2019 |

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

Gus Galanis - Jan 4, 2019 - 7:44 PM

Kelvin Kwan - Jan 8, 2019 - 1:17 PM

Neil Garbe - Jan 9, 2019 - 10:29 AM