



## **Staff Report for Council Meeting**

**Date of Meeting:** May 12, 2021

**Report Number:** SRPI.21.048

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** **SRPI.21.048- Request for Approval – Permission to Apply to the Committee of Adjustment Pursuant to Subsection 45(1.4) of the Planning Act – Duchess of Oxford Modern Homes Inc. – City File D02-21001 (Related Files D02-17034 and D03-17010)**

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### **Owner and Agent:**

Duchess of Oxford Modern Homes Inc.  
305 16<sup>th</sup> Avenue  
Richmond Hill, Ontario  
L4C 7A6

### **Location:**

**Legal Description:** Part of Lots 76 and 77 and all of Lot 78, Plan 1999  
**Municipal Addresses:** 251, 253 and 259 Oxford Street

### **Purpose:**

A request for approval of an exemption from the 2 year moratorium to allow the applicant 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, Duchess of Oxford Modern Homes Inc. is hereby permitted to submit a Minor Variance application to the Committee of Adjustment in order to seek relief from the provisions of Zoning By-law 2523, as amended by By-law 59-19, prior to the second anniversary of the day on which the by-law was amended.

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### 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:

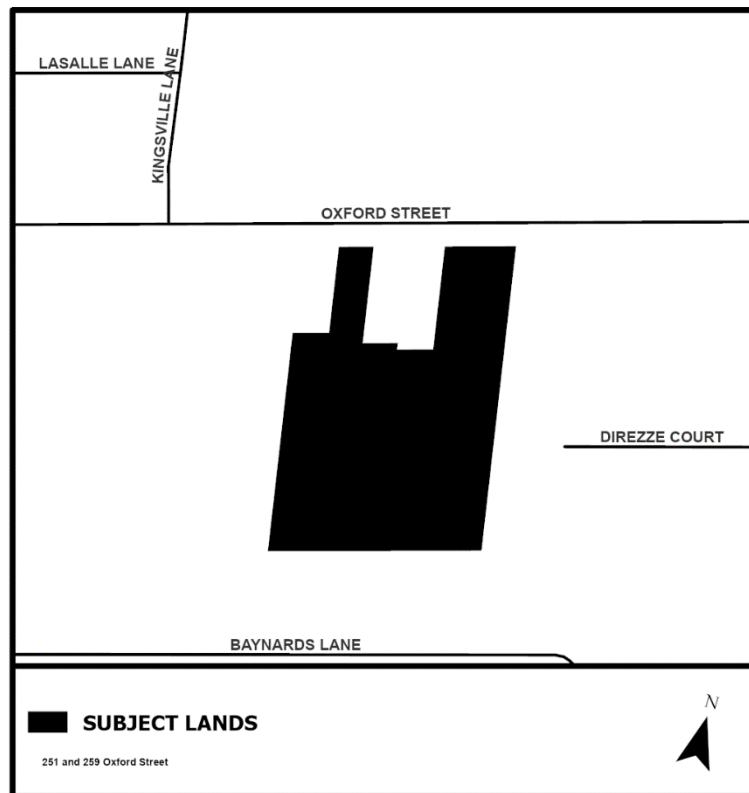
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**Approved by:** Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. 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:

On September 18, 2019, Council approved draft Plan of Subdivision and Zoning By-law Amendment applications (City Files D02-17034 and D03-17010) to permit a residential development comprised of 3 single detached and 20 semi-detached dwelling units on its land holdings. The implementing Zoning By-law Amendment (By-law 59-19) for the development was enacted on October 16, 2019 (refer to Appendix B).

The applicant intends to submit a Minor Variance application to address specific development standards for one of the lots within its draft approved Plan of Subdivision. However, Section 45(1.3) of the *Planning Act* (the “Act”) prohibits the submission of a Minor Variance application to the Committee of Adjustment for a property that was the subject of an owner-initiated site specific Zoning By-law Amendment application within two years of the enactment of the Zoning By-law (2 year moratorium period). 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 a Council resolution.

Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s request for permission to submit a Minor Variance application to the Committee of Adjustment within the 2 year moratorium of the enactment of the site specific Zoning By-law applicable to its land holdings.

### Site Location and Adjacent Uses

The subject lands are located on the south side of Oxford Street, east of Bathurst Street and have a total lot area of 1.06 hectares (2.63 acres) (refer to Map 1). The lands are comprised of 251 and 259 Oxford Street and the rear portion of 253 Oxford Street. The lands currently support one single detached dwelling at 251 Oxford Street which is proposed to be demolished in order to facilitate the applicant’s development proposal. The surrounding area is predominately low-density residential in nature.

### Applicant’s Request

The applicant is seeking Council’s approval for permission to submit a Minor Variance application to the City’s Committee of Adjustment in order to obtain relief from the minimum lot area requirement for one lot within the draft Plan of Subdivision recently approved for the subject lands (refer to Appendix A). Specifically, the applicant is proposing a minimum lot area of 650 square metres (6,996.77 square feet) for Lot 1 which fronts onto Oxford Street, whereas By-law 2523, as amended, requires a minimum lot area of 696.75 square metres (7,500 square feet) (refer to Maps 2 and 3).

By-law 59-19 rezoned the portion of the subject lands fronting onto Oxford Street to “**Second Density Residential (R2) Zone**” with site specific development standards to permit, amongst other matters, a reduced minimum lot area for corner lots. However, the final version of By-law 59-19 did not accommodate a provision to permit a reduced

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minimum lot area for interior lots. Despite the ability to increase the depth of Lot 1, the proposed minimum lot area will still not comply with the Zoning By-law. In order to facilitate the applicant's development proposal, the applicant intends to seek relief from the Committee of Adjustment through the submission of a Minor Variance application.

### Discussion

Subsection 45(1.4) of the Act provides municipalities with flexibility to address relatively minor zoning issues or technical errors that may arise in the later part of the planning process. Staff has carefully reviewed the applicant's request and has no objections given that the request and the applicant's development proposal remain consistent with the intent of Council's original decision respecting the Zoning By-law Amendment application.

On the basis of the preceding, staff is of the opinion that the applicant's request is appropriate and accordingly recommends that Council approve its request to make a submission to the City's Committee of Adjustment.

### Financial/Staffing/Other Implications:

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

### Relationship to Council's Strategic Priorities 2020-2022:

The recommendation of this report is aligned with the strategic priority of **Balancing Growth and Green** in recognizing the need to promote responsible economic intensification and prosperity.

### Climate Change Considerations:

The recommendation of this report does not have any climate change considerations.

### Conclusion:

The applicant is seeking Council's approval of its request for permission to submit a Minor Variance application to the City's Committee of Adjustment within the 2 year time frame since the enactment of the site specific Zoning By-law applicable to the subject lands in accordance with Section 45(1.4) of the *Planning Act*. Staff has no objections to the applicant's request and accordingly recommends that Council approve the request for the reasons outlined in this report.

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### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A - Applicant Letter of Request dated March 31, 2021
- Appendix B - Zoning By-law 59-19
- Map 1 - Aerial Photograph
- Map 2 - Draft Plan of Subdivision
- Map 3 - Proposed Site Plan

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### Report Approval Details

Document Title:	SRPI.21.048 - D02-21001 - Request for Approval - Permission to Apply to the Committee of Adjustment.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPI.21.048 - Appendix A.pdf</li><li>- SRPI.21.048 - Appendix B.pdf</li><li>- SRPI.21.048 - Map 1 - Aerial Photograph.docx</li><li>- SRPI.21.048 - Map 2 - Approved Draft Plan of Subdivision.docx</li><li>- SRPI.21.048 - Map 3 - Site Plan from Architectural Drawings.docx</li></ul>
Final Approval Date:	Apr 19, 2021

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

**Gus Galanis - Apr 19, 2021 - 1:04 PM**

**Kelvin Kwan - Apr 19, 2021 - 2:02 PM**

**MaryAnne Dempster - Apr 19, 2021 - 2:24 PM**