



## **Staff Report for Council Meeting**

**Date of Meeting:** May 25, 2022

**Report Number:** SRPI.22.059

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** SRPI.22.059 – Request for Approval – Zoning  
By-law Amendment Application – Elmway  
Developments Limited – City File D02-21021

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### **Owner:**

Elmway Developments Limited  
7800 Kennedy Road, Suite 405  
Markham, Ontario  
L3R 2C8

### **Agent:**

Rubinoff Design Group  
18 Gloucester Lane, Suite 400  
Toronto, Ontario  
M4Y 1L5

### **Location:**

Legal Description: Lot 1183, Plan 133  
Municipal Address: 0 Lowther Avenue

### **Purpose:**

A request for approval concerning a revised Zoning By-law Amendment application to permit a single detached dwelling on the subject lands.

### **Recommendations:**

- a) That the revised Zoning By-law Amendment application submitted by Elmway Developments Limited for lands known as Lot 1183, Plan 133 (Municipal Address: 0 Lowther Avenue), City File D02-21021, be approved, subject to the following:
  - (i) that the subject lands be rezoned to Single Detached Two (R2) Zone under By-law 313-96, as amended, with site specific provisions as set out in Appendix “B” to Staff Report SRPI.22.059;

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- (ii) that the amending Zoning By-law be brought forward to a future Council meeting for consideration and enactment;
- b) That Council authorize the acceptance of a daylighting triangle to be conveyed to the City, free of all costs, objects, structures and encumbrances, to establish a standard daylighting triangle (4.5 metres by 4.5 metres) adjoining the subject lands at the intersection of the existing rights-of-way of Lowther Avenue and Merton Street; and,
- c) That 3.51 persons equivalent of servicing allocation (1 single detached dwelling) be assigned to the subject lands, to be released by the Commissioner of Planning and Infrastructure in accordance with By-law 109-11, as amended.

### Contact Person:

Andrea Patsalides, Planning Technician, phone number 905-771-2470 and/or  
Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

### Report Approval:

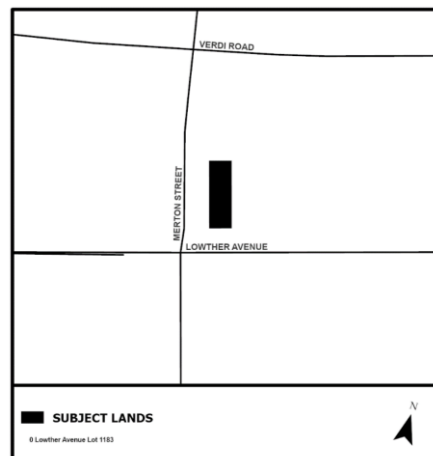
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**Approved by:** Darlene Joslin, Interim 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 the “Contact Person” above.



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### Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting held on March 2, 2022, wherein Council received Staff Report SRPI.22.008 for information purposes and directed that all comments be referred back to staff for consideration (refer to Appendix “A”). No concerns were raised by members of Council or the public at the Council Public Meeting, although written correspondence was received which expressed concerns respecting the architectural design of the proposed single detached dwelling on the subject lands. This matter is addressed in a subsequent section of this report.

The applicant has revised its development proposal to address all comments from received from internal departments and external agencies as part of their review of the subject Zoning By-law Amendment application. Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s revised Zoning Bylaw Amendment application.

### Summary Analysis:

#### Site Location and Adjacent Uses

The subject lands are located at the northeast corner of Merton Street and Lowther Avenue, north of King Road and east of Bathurst Street. The lands have a lot area of 0.024 hectares (0.06 acres) and a lot frontage of 9.14 metres (30.0 feet) along Lowther Avenue. The lands are located within a stable residential area, are presently vacant and abut a semi-detached dwelling to the east, a single detached dwelling to the north, Merton Street to the west and Lowther Avenue to the south (refer to Map 1)

#### Revised Development Proposal

The applicant is seeking Council’s approval of its revised Zoning By-law Amendment application to facilitate the construction of a two-storey single detached dwelling on its land holdings (refer to Maps 5 and 6). The following is a summary outlining the relevant statistics of the applicant’s development proposal based on the revised plans and drawings submitted to the City:

- |                                      |  |
|--------------------------------------|--|
| • <b>Total Lot Area:</b>             | <b>0.024 hectares (0.06 acres)</b>                 |
| • <b>Total Lot Frontage:</b>         | <b>9.14 metres (30.00 feet)</b>                    |
| • <b>Total Number of Units:</b>      | <b>1</b>   |
| • <b>Proposed Gross Floor Area:</b>  | <b>198.80 square metres (2,139.87 square feet)</b> |
| • <b>Proposed Building Height:</b>   | <b>10.79 metres (35.4 feet)</b>                    |
| • <b>Proposed Number of Storeys:</b> | <b>2</b>   |
| • <b>Total Lot Coverage:</b>         | <b>41%</b>   |

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The applicant's revised development proposal contemplates, among other matters, minor modifications to its initial proposal as described below:

- the proposed site layout has been revised to relocate the driveway entirely outside of the required daylighting triangle by tapering the driveway where it meets the southerly property line; and,
- the front yard setback to the attached garage has been increased from 4.52 metres (14.83 feet) to 5.84 metres (19.16 feet) to provide adequate space for vehicle parking in the driveway.

## Planning Analysis:

### City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 – Land Use of the City's Official Plan (the "Plan") (refer to Map 4). The lands are also located within the **Settlement Area** designation of the *Oak Ridges Moraine Conservation Plan* ("ORMCP") and are governed by the provisions of the Hughey West Infill Study, as outlined in **Section 4.9.1.1.1(I)** of the Plan. In accordance with **Section 4.9** of the Plan, lands designated **Neighbourhood** are generally characterized by low density residential uses such as single detached dwellings and small-scale infill development that enhances and strengthens the character of the existing area and promotes connectivity and high-quality design is permitted.

Further, development must be compatible with the character of the adjacent and surrounding area, in accordance with **Section 4.9.2.4** of the Plan. Specifically, the proposal is to have regard for the predominant building forms and types, massing, general pattern of streets, blocks and lots, landscaped areas and treatments, and the general pattern of yard setbacks. Staff has evaluated the applicant's revised development proposal in relation to the land use, design and compatibility policies of the Plan and is satisfied that the proposal has regard for, and is compatible with existing development in the area. In this regard, the proposed development shall provide for building types that are envisioned in the Plan and compatible with the existing neighbourhood.

The subject lands are also located within the **Settlement Area** of the Oak Ridges Moraine as defined in accordance with the *Oak Ridges Moraine Conservation Plan*. In accordance with **Section 3.2.1.1 (18)** of the Plan, all uses which are otherwise permitted through the applicable policies of the Plan shall be permitted within the **Settlement Area**.

Given all of the above, Planning staff is of the opinion that the proposed development is in conformity with the **Neighbourhood** policies of the Plan and the **Settlement Area** policies of the ORMCP.

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### Hughey West Infill Study

The subject lands are located within the Hughey West Infill Study (the “Study”) area as approved by Council in 2007. The policies of the Study support infill development comprising single detached dwellings on interior streets such as Lowther Avenue. The Study contemplates single detached residential lots having minimum lot frontages of 10.5 metres (34.4 feet) along interior streets, and provides recommendations for appropriate variations in setbacks, focusing on front yards that enhance the street edge. It should be noted that the subject lands form an existing lot of record with a lot frontage of 9.14 metres (30.0 feet) that does not meet the recommended minimum lot frontage requirement outlined in the Study. Notwithstanding, the subject lands are compatible in size with the abutting semi-detached residential lots to the east, and are consistent with the intent of the Study to incorporate site design elements that encourage a mix of unit types and varying elevations. With respect to design, the applicant has provided a concept Site Plan for the proposed dwelling which has been designed in conformity with the Guidelines of the Study as it provides emphasis and enhances the street edge.

Given all of the above, Planning staff is of the opinion that the proposed single detached dwelling is consistent with the recommendations of the Study for the development of “interior streets” and is in keeping with the overall development patterns of the surrounding neighbourhood.

### Revised Zoning By-law Amendment Application

The subject lands are currently regulated by the provisions of the former Township of King Zoning By-law 986, as amended, which permits a range of land uses but does not contain conventional zone categories (refer to Map 3). The applicant is seeking Council’s approval to rezone the subject lands to **Single Detached Two (R2) Zone** under By-law 313-96, as amended, with site specific exceptions to facilitate its development proposal. Outlined below are the proposed development standards relative to those of the **Single Detached Two (R2) Zone** category under By-law 313-96, as amended, with requested and required site specific exceptions identified in bold:

Development Standard	R2 Zone Standards, By-law 313-96, as amended	Proposed R2 Zone Standards
Minimum Lot Frontage	11.0 metres (36.09 feet)	<b>9.0 metres (29.53 feet)</b>
Minimum Lot Area	365.0 square metres (3,928.83 square feet)	<b>240.0 square metres (2,583.34 square feet)</b>
Maximum Lot Coverage	40%	<b>42%</b>
Minimum Required Front Yard	4.5 metres (14.76 feet)	Complies
Minimum Required Side Yard	1.2 metres (3.94 feet)	Complies
Minimum Required Flankage Yard	3.0 metres (9.84 feet)	<b>1.2 metres (3.94 feet)</b>
Minimum Required Rear Yard	7.5 metres (24.61 feet)	Complies
Maximum Height	11.0 metres (36.09 feet)	Complies

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Planning staff has reviewed the applicant's revised Zoning By-law Amendment application and finds that the proposal to rezone the subject lands to **R2 Zone** under By-law 313-96, as amended, is considered appropriate and consistent with development in the area. Furthermore, staff is of the opinion that the proposed site specific development standards are contextually appropriate in consideration of the overall design of the development proposal and existing development in the area. More specifically, the proposed reduction in minimum lot frontage and minimum lot area recognizes existing lot size deficiencies but is compatible with existing properties in the immediate area. Finally, the proposed reduction to the required flankage yard setback to allow for a setback of 1.2 metres (3.94 feet) is considered acceptable in relation to and proportionate with the width of the subject lands.

Planning staff has undertaken a comprehensive analysis of the applicant's revised development proposal and is of the opinion that it conforms to the applicable policies of the Plan, is appropriate for the subject lands and represents good planning. As such, it is recommended that the applicant's revised Zoning By-law Amendment application be approved and that the amending Zoning By-law incorporate the site specific development standard outlined in the table above and as outlined in the draft Zoning By-law Amendment attached as Appendix "B" to this report.

### **Public Meeting Comments:**

As noted previously in this report, written correspondence was filed by a member of the public expressing support for the proposed Zoning By-law Amendment application, but raising a concern related to the architectural design of the proposed dwelling. In this regard, the subject lands are not located in a Site Plan Control area, are not subject to Architectural Design Control, and the submitted design plans are conceptual in nature. Notwithstanding, the City's Urban Design Section has reviewed the conceptual design in relation to the applicable Urban Design Guidelines and no issues have been raised respecting architectural style or compatibility.

### **City Department and External Agency Comments:**

All circulated City departments and external agencies have indicated no objections with respect to the revised Zoning By-law Amendment application and/or have provided comments that are to be addressed through the future Site Alteration Permit application process.

### **Development Engineering Division**

The City's Development Engineering Division has advised that a more detailed review of the proposal will be completed at the design stage during the Site Alteration Permit application process, and that a daylighting triangle (4.5 metres by 4.5 metres) will be required as depicted on the revised Site Plan.

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### Development Planning Division

Development Planning staff has undertaken a comprehensive review and analysis of the applicant's revised development proposal and provides the following comments:

- the proposed development conforms with the **Neighbourhood** policies of the City's Official Plan;
- the area in which the subject lands are located is identified as a Priority Infill Area under **Section 4.9.1.1.1(L)** of the Plan and is subject to the Hughey West Infill Study recommendations. In this regard, Planning staff is satisfied that the development proposal meets the general intent and recommendations of the Hughey West Infill Study.
- circulated City departments and external agencies have no further concerns or comments regarding the subject Zoning By-law Amendment application; and,
- the proposed site specific development standards are contextually appropriate and generally in keeping with the existing lot fabric, dwellings and development in the area, and therefore constitute proper and orderly planning.

### Financial/Staffing/Other Implications:

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

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

The recommendations of this report are aligned with **Balancing Growth and Green** in recognizing the balance between economic development and environmental protection by supporting small-scale infill development.

### Climate Change Considerations:

The recommendations of this report are aligned with Council's climate change considerations by facilitating infill development within an existing built-up area, thereby utilizing land more efficiently.

### Conclusion:

The applicant is seeking Council's approval of its revised Zoning By-law Amendment application to facilitate the construction of one single detached dwelling on its land holdings. The applicant's revised development proposal conforms with the applicable Official Plan policies and provisions of the Hughey West Infill Study, and is considered to be appropriate and represent 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.

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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”, Extract from Council Public Meeting C#07-22 held on March 2, 2022
- Appendix “B”, Draft Zoning By-law
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Existing Zoning
- Map 4, Official Plan Designation
- Map 5, Revised Site Plan
- Map 6, Elevations



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### Report Approval Details

Document Title:	SRPI.22.059 - Staff Report - D02-21021.docx
Attachments:	<ul style="list-style-type: none"><li>- Map 1 - Aerial Photograph.docx</li><li>- Map 2 - Neighbourhood Context.docx</li><li>- Map 3 - Existing Zoning.docx</li><li>- Map 4 - Official Plan Designation.docx</li><li>- Map 5 - Revised Site Plan.docx</li><li>- Map 6 - Elevations.docx</li><li>- Appendix A - Extract from Council Public Meeting.pdf</li><li>- Appendix B - Draft Zoning By-law.docx</li></ul>
Final Approval Date:	May 4, 2022

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

**Gus Galanis - May 4, 2022 - 9:49 AM**

**Kelvin Kwan - May 4, 2022 - 10:25 AM**

**Darlene Joslin - May 4, 2022 - 2:35 PM**