

Sept 16, 2024

Mr. & Mrs. Bart and Marina Melek
Mr. & Mrs. David and Lynn Silvestri
Mr. & Mrs. Mark and Belinda Pacitto
Mr. & Mrs. Ken and Alana Nadeau

SRPBS.24.077 – Request for Direction – Zoning By-law Amendment Application

Address: 1 Cynthia Cres, Richmond Hill, Ont.

Applicants: Reza Mortazi and Maryam Naji

Mayor, Council, Committee of The Whole members and Staff,

We, Bart and Marina Melek, are the owners of the property at 67 Coons Rd, David and Lynn Silvestri are the owners of the property at 65 Coons Rd, Mark and Belinda Pacitto, are the owners of the property at 69 Coons RD, and Ken and Alana Nadeau, owners of the property at 22 Cynthia Cres, all located within the Beaufort Hills Community. We submit this letter to Council and Committee of The Whole members, opposing the appeal under subsection 34(11) of the Planning Act and the requested zoning by-law amendment (By-Law 146-76) to permit the creation of three (3) single-family lots on the subject lands.

We are not "Not in My Backyard Neighbors" who have agendas or wish to block progress. Our concerns are not subjective, but are objective based on the same sound principles as Richmond Hill planning decisions, such as, relevant law, provincial policies and the principles of good planning. The request by the applicants does not meet any of these criteria.

1. On October 17, 2023, at the Richmond Hill Council Public Meeting (C336-23, Revised Agenda), Section 3: Scheduled Business: Item 3.1 SRPBS 23 026 – Request for Comments – Zoning By-law amendment Application – Reza Mortazi and Maryam Naji – 1 Cynthia Cres, City File ZBLA-23-008 was presented.
2. We support the recommendations in the staff report, including:
 - The proposed lots' non-compliance with minimum lot frontage, building height, and side yard setback requirements of By-law 1275, as amended.
 - Continued collaboration between staff and the applicant on the draft Zoning By-law Amendment to ensure compatibility with the area's existing fabric.
 - The requirement for addressing issues flagged by City departments and external agencies.

Despite Richmond Hill's commitment to engage constructively, the applicants have chosen to take this matter to the Ontario Land Tribunal to appeal staff reconditions over collaborative revision submission.

Request for Zoning By-Law Amendment

3. The Town's Official Plan mandates that neighborhood developments align with existing character. This proposal diverges from the plan, being incompatible in physical form and scale with the surrounding community. Lot sizes and frontages of the proposed parcels notably fall short of the area's standards, making them unsuitable for public interest.
4. This severance significantly deviates from Zoning By-law provisions aimed at conserving existing tree plantations and fostering a unique neighborhood of estate-like, wooded lots

within an urban setting. Such objectives are upheld by current zoning, specifying lot frontages and areas for each subdivision lot.

5. The application disregards the distinctive residential character of large estate lots, featuring ample wooded space, wide property separation. Mixing residential types indiscriminately would erode the area's charm and streetscape quality, violating the Provincial Policy Statement.
6. The community's character, notably its wooded areas, warrants safeguarding. While the woodland's deemed insignificance by PNHP staff, it nonetheless benefits the environment and community, thus prompting revision from three (3) to one (1) new building lot in the Zoning By-Law Amendment.

Minor Variance Requirements

7. Under Planning Act Sub-section 45(1), any variance request must pass four statutory tests, including maintenance of the Official Plan and zoning by-law intent, being desirable for land use, and minor in nature. As per Richmond Hill's October 17, 2024, Council Public Meeting, the proposal fails such conditions, with land use compatibility questioned and inadequate variance justification necessitating comprehensive zoning review.
8. The proposed severances are incongruent with the City's Official Plan and with the neighbouring character and are not minor in variance.

Conclusion

The homes on Cynthia Crescent and within Beaufort Hills Community offer vast estate lots, wooded areas, and detached homes with significant property gaps. This setting provides a unique residential experience, fortified by the "lots of record" safeguard.

Legal precedents support giving more weight to evidence from those who are seeking change. However, it has consistently been found that the application in question ignores solid, objective reasons and does not follow established planning principles or provincial policies.

In conclusion, we disagree with this application, urging council's refusal thereof.

We are a close-knit community of residents who are passionate and committed to protect the unique essence of the neighbourhood. We've engaged this passionate group who disagrees with this application and urge Council to decline this application in its current form.

Sincerely,

Bart and Marina Melek

David and Lynn Silvestri

Mark and Belinda Vacitto

Ken & Alana Nadeau