



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 7, 2025
Report Number: SRPBS.25.047

Department: Planning and Building Services
Division: Development Planning

Subject: **SRPBS.25.047 - Request for Approval – Zoning By-law Amendment Application – Peter An Dung and Ling Huang Chun – 11198 Bayview Avenue - City File ZBLA-24-0004**

Owners:

Peter An Dung and Ling Huang Chun
11198 Bayview Avenue
Richmond Hill, ON
L4S 1L5

Agent:

KLM Planning Partners Inc.
64 Jardin Drive
Concord, ON
L4K 3P3

Location:

Legal Description: Lot 3, Registered Plan 4007
Municipal Address: 11198 Bayview Avenue

Purpose:

A request to approve a Zoning By-law Amendment application to facilitate the creation of one (1) additional residential lot on the subject lands.

Recommendations:

- a) **That the Zoning By-law Amendment application submitted by Peter An Dung and Ling Huang Chun for lands known as Lot 3, Registered Plan 4007 (Municipal Address: 11198 Bayview Avenue), City File: ZBLA-24-0004, be approved, subject to the following:**

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- i) that the lands be rezoned from Rural Residential One (RR1) Zone under By-law 2325-68, as amended, to Residential Single Family Six (R6) Zone and Flood (F) Zone under By-law 184-87, as amended, and that the amending Zoning By-law establish site specific standards as outlined in Appendix “B” to Staff Report SRPBS.25.047;
- ii) that the draft Zoning By-law Amendment attached hereto as Appendix “B” be finalized to the satisfaction of the Commissioner of Planning and Building Services and be brought forward to the May 14, 2025 Council meeting for consideration and enactment; and,
- iii) that pursuant to Section 34(17) of the *Planning Act*, Council deem that no further notice be required with respect to any necessary modifications to the draft amending Zoning By-law to implement the proposed development on the subject lands.

Contact Persons:

- Diya Matroja, Planner I, 905-747-6470
- Kaitlyn Graham, Acting Manager of Development Planning, 905-771-5563
- Deborah Giannetta, Director of Development Planning, 905-771-5542
- Gus Galanis, Commissioner, Planning and Building Services, 905-771-9966

Report Approval:

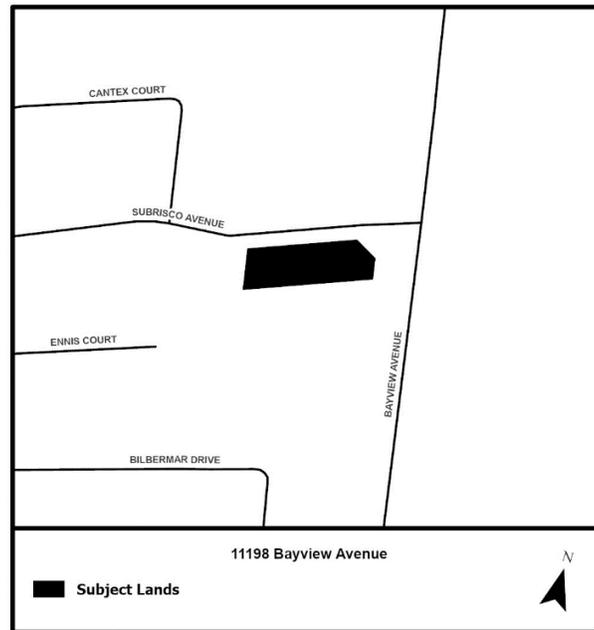
All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Key Messages:

- the subject Zoning By-law Amendment application shall facilitate the creation of one (1) additional residential lot in order to permit the construction of two (2) new single detached dwellings on the subject lands; and,
- the applicants have satisfactorily addressed the comments and technical requirements identified as part of the review of the proposed development and therefore, staff recommends that Council support the development proposal as outlined in SRPBS.25.047.

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Location Map:



Background:

The subject Zoning By-law Amendment application was considered at a statutory Council Public Meeting held on November 26, 2024, wherein Council received Staff Report SRPRS.24.116 for information purposes and directed that all comments be referred back to staff (refer to Appendix “A”). Comments and concerns were raised at the Council Public Meeting regarding the siting of the proposed new single detached dwellings in relation to neighbouring properties and with respect to potential environmental impacts as a result of the proposed development, which are addressed in the later sections of this report. The applicants’ have satisfactorily addressed the comments and technical requirements related to the subject Zoning By-law Amendment application. Accordingly, the purpose of this report is to seek Council’s approval of the applicants’ Zoning By-law Amendment application to facilitate the creation of one (1) additional residential lot to accommodate two new (2) single-detached dwellings on the subject lands.

Discussion:

Site Location and Adjacent Uses

The subject lands are located on the south side of Subrisco Avenue and west of Bayview Avenue. The lands have a frontage of 15.09 metres (49.51 feet) along Bayview

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Avenue, a frontage of 79.73 metres (261.58 feet) along Subrisco Avenue and a lot area of 0.27 hectares (0.67 acres). The lands currently support a single detached dwelling and accessory shed which are to be demolished to facilitate the proposed development. The eastern quadrant of the subject lands includes a portion of the Rouge River tributary which is to remain undeveloped (refer to Maps 1 and 2). Surrounding land uses include single detached dwellings to the north, south and west and Bayview Avenue to the east, beyond which is a naturalized area and a low density residential development that is currently under construction (City File: D03-12013).

Development Proposal

The applicants are seeking Council's approval of their Zoning By-law Amendment application to facilitate the creation of one (1) additional residential lot to accommodate two (2) new single detached dwellings on the subject lands with vehicular access proposed from Subrisco Avenue (refer to Map 5). The following is a summary table outlining the relevant statistics of the applicants' development proposal based on the plans and drawings submitted to the City:

- **Existing Lot Frontage (Bayview): 15.09 metres (49.51 feet)**
- **Existing Lot Frontage (Subrisco): 79.73 metres (261.58 feet)**
- **Existing Lot Area: 0.27 hectares (0.67 acres)**
- **Proposed Lot 1 (West Side)**
 - **Lot Frontage (Subrisco): 13.47 metres (44.19 feet)**
 - **Lot Area: 490.30 square metres (5,277.54 square feet)**
- **Proposed Lot 2 (East Side)**
 - **Lot Frontage (Subrisco): 29.04 metres (95.28 feet)**
 - **Lot Area: 687.69 square metres (7,402.23 square feet)**
- **Proposed Floodplain/Buffer Lands: 0.16 hectares (0.38 acres)**
- **Proposed Number of Dwellings: 2**

Planning Analysis:

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** and **Natural Core** in accordance with Schedule A2 - Land Use of the City's Official Plan (the "Plan") (refer to Map 4). In accordance with **Section 4.9.1** of the Plan, uses permitted within the **Neighbourhood** designation include low and medium density residential uses as proposed by the subject application. Further, in accordance with the **Section 4.9.2** of the Plan, development within the **Neighbourhood** designation shall be compatible with the character of the adjacent and surrounding areas with respect to variety of key elements including, but not limited to, size and configuration of lots; massing, including height, scale, density and dwelling types of nearby properties; the location, design and elevations relative to driveways and garages; setbacks of buildings from the street; patterns of front, rear and side yard setbacks and landscaped open spaces areas; and, preservation of mature trees, landscape and greenspace. The proposed two (2) storey

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single detached dwellings are a permitted land use within the **Neighbourhood** designation and the proposed new residential lot represents development that is consistent and compatible with the adjacent area.

The eastern portion of the subject lands is designated **Natural Core** which forms part of the City's Greenway System and includes Key Natural Heritage features, Key Hydrological Features and their functions and Landform Conservation Areas. In accordance with **Section 4.10.5.1** of the Plan, permitted uses within the **Natural Core** designation are limited to fish, wildlife and forest management, conservation projects and flood and erosion control projects, essential transportation, infrastructure and utilities, low-intensity recreational uses, unserviced parks, and uses accessory to the permitted uses herein. Further, **Section 3.2.1.2** of the Plan requires the establishment of Minimum Vegetation Protection Zones to provide for appropriate buffers to Key Natural Heritage Features and Key Hydrological Features. Additionally, **Section 3.2.2.3** of the Plan sets out that a minimum protection zone (or buffer) of 10 metres (32.81 feet) be provided and enhanced from the outer limits of hazardous lands and hazardous sites.

With respect to the above, the applicants submitted an Environmental Impact Study (EIS) in support of the subject application to assess and confirm the limits of the natural features, floodplain and associated buffers, and to determine how the proposed development aligns with the policies of the Plan. The City's Park and Natural Heritage Planning Division and Toronto and Region Conservation Authority (TRCA) staff reviewed the submitted EIS and are satisfied that the proposed limits of the natural features, floodplain and associated buffers provided are appropriate. Further, City staff are satisfied that the natural heritage lands are to be placed into the **Flood (F) Zone** category and conveyed into public ownership will ensure their long-term protection. Matters relating to restoration of the natural heritage lands, tree preservation and compensation, and land conveyance will be addressed through the future Site Alteration Permit and Consent applications.

Based on the preceding, the proposed development is consistent with the applicable policies of the Plan.

Zoning

The subject lands are presently zoned **Rural Residential One (RR1) Zone** under By-law 2325-68, as amended (refer to Map 3). The **RR1 Zone** permits single detached dwellings as proposed by the applicants (refer to Map 3). However, as noted previously, the applicants are seeking Council's approval to rezone the subject lands to **Residential Single Family Six (R6) Zone** with site specific development standards and **Flood (F) Zone** under By-law 184-87, as amended, to facilitate the proposed development (refer to Appendix "A"). The following table provides a summary of the applicable development standards within the **R6 Zone** under By-law 184-87, as amended, relative to the site-specific provisions requested by the applicants highlighted in bold:

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Development Standard	R6 Zone Development Standards By-law 184-87, as amended	Proposed Development Standards (Lot 1)	Proposed Development Standards (Lot 2)
Maximum Lot Coverage	40%	Complies	Complies
Minimum Lot Area	502 sq. m (5,403.48 sq. feet)	490.3 sq. m (5,277.54 sq. feet)	Complies
Minimum Lot Frontage	15 m (49.21 feet)	13.47 metres (44.19 feet)	Complies
Minimum Front Yard	4.5 m (14.76 feet)	Complies	4 metres (13.12 feet)
Minimum Side Yard	1.5 m (4.92 feet)	Complies	Complies
Minimum Rear Yard	7.5 m (24.61 feet)	6 metres (19.69 feet)	5.58 metres (18.31 feet)
Maximum Height	11 m (36.09 feet)	Complies	Complies

The subject lands abut an established low density residential neighbourhood to the west, which generally includes lands zoned **Residential Single Family Four (R4) Zone, Residential Single Family Five (R5) Zone** and **R6 Zone** categories under By-law 184-87, as amended. The **R4, R5** and **R6** zones support a range of lot sizes with lot frontages of approximately 12 metres (39.37 feet) to 15 metres (49.21 feet) and lot areas of approximately 402 square metres (4,327.09 square feet) to 502 square metres (5,403.48 square feet). Based on the neighbourhood context, the proposed lot frontages and lot areas of both lots are generally consistent with the surrounding properties and therefore are considered appropriate for the development of the land.

The applicants are requesting site specific exceptions to permit a reduced front yard setback for Lot 1 and reduced rear yard setbacks for both lots. Staff are of the opinion that the proposed reductions to the front and rear yard setbacks are considered to be minor in nature, and therefore appropriate. This is particularly the case for Lot 2 as the proposed reduction to the front yard setback is proposed only for the portion of the main building that does not contain a garage, and the reduced rear yard setback is proposed as a result of the adjusted rear property line in order to accommodate the natural heritage lands, providing for additional separation from the property to the south. Accordingly, staff are of the opinion that the proposed front and rear yard setback standards are appropriate.

As previously noted, the applicant is further seeking to establish an **F Zone** for a portion of its land holdings under By-law 184-87, as amended. Staff are of the opinion that this zone category is appropriate to ensure the conservation and protection of the portion of the lands containing the Rouge River tributary, floodplain, and associated buffers, which are to be conveyed to the City as part of the future Consent application.

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Planning staff has undertaken a comprehensive review of the applicant's Zoning By-law Amendment application and on the basis of the foregoing, is of the opinion that the proposal represents good planning and is appropriate for the development of the subject lands.

Department and External Agency Comments:

As noted previously in this report, all comments from City departments and external agencies have been satisfactorily addressed with respect to the applicants' Zoning By-law Amendment application. All circulated City departments and external agencies have either indicated no objections or have provided comments to be addressed through the future required Site Alteration Permit and Consent applications.

Council and Public Comments:

The following is an overview of and response to comments and concerns expressed by members of Council and the public at the Council Public Meeting held on November 26, 2024, and through written correspondence received by the City with respect to the applicant's development proposal:

Impact of Development on Neighbouring Properties

Concerns were raised with respect to the proximity of the proposed new dwellings to the neighbouring property to the west and concerns that the subject proposal precludes the development of other lands in this area. The existing dwelling on the subject lands currently provides a side yard setback of approximately 31.4 metres (103.02 feet) to the property line on the west, which is atypical for this area. The proposed side yard setback of 2 metres (6.56 feet) on the subject lands from the proposed dwelling on Lot 1 to the property line to the west complies with the applicable Zoning By-law provisions of the **R6 Zone** and is consistent with side-yard setbacks of the properties to the west, which require a minimum side yard setback of 1.5 metres (4.92 feet) under the **R6 Zone**. Further, notwithstanding the pinchpoint of 2 metres (6.56 feet) at the northerly end of the proposed dwelling on Lot 1, the proposed new dwelling will be situated at least 9 metres (29.53 feet) from the existing dwelling on the west which provides for separation well beyond typical setback and separation requirements between residential lots.

Additionally, staff are satisfied that the subject development would not preclude future opportunities for development in this area. Opportunities to develop lands to the south of the subject lands will be subject to the submission and review of appropriate development applications which would need to be assessed on their own merits in consideration of the **Neighbourhood** designation of the Plan.

Environmental Impacts

Concerns were raised with respect to the protection of the lands containing the natural feature and the impact of the proposed development on surrounding properties with respect to flooding. As noted previously, the applicants have submitted an EIS which

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has been reviewed and accepted by the City's Park and Natural Heritage Planning Staff as well as the TRCA with respect to the delineation of the natural heritage feature, floodplain and associated buffers as well as whether the ecological integrity of the lands are impacted by the proposed development. Further, the portion of the lands containing the natural features are to be rezoned to an **F Zone** category and conveyed into public ownership to ensure the long-term conservation and protection of these lands. Further, through the review of this application, flooding has not been identified as a concern with the proposed additional residential lot and it is noted that a TRCA permit under Ontario Regulation 166/06 will be required prior to the development of the subject lands which shall further ensure, among other matters, that flooding is not a concern regarding the development of the lands.

Servicing Allocation:

On January 22, 2025, Council enacted a new Municipal Servicing Allocation Policy By-law 9-25 which sets out the circumstances for when allocation is assigned, withdrawn, or reallocated and the delegation of servicing allocation assignment to the Commissioner of Planning and Building Services. The applicant has provided a Servicing Allocation Justification Letter to address the City's allocation criteria in accordance with By-law 9-25. In this regard, the proposed development demonstrates appropriate small-scale infill development that provides for additional housing in the City, with proposed access to existing municipal water and wastewater services. Accordingly, servicing allocation will be assigned to the proposed development through the future Site Alteration Permit applications.

Recommendation:

Planning staff has completed a comprehensive review of the proposed development and are in support of same for the following principal reasons:

- the proposed single detached dwellings are permitted as low density residential uses within the **Neighbourhood** designation;
- the proposed development is consistent with the **Natural Core** policies of the Plan as no development is proposed for this portion of the lands; the natural feature, floodplain and associated buffers have been delineated in accordance with the Plan; and, a portion of the lands are to be placed in a protective zone category and be conveyed to the City for its long term protection and conservation as part of the future Consent application;
- the proposed development is generally in keeping with the requirements of the **R6 Zone** under By-law 184-87, as amended, and the site-specific development standards proposed are appropriate in order to facilitate the proposed new residential lots and dwellings;
- the proposed **F Zone** category will provide protection for the portion of the lands containing the natural feature, floodplain and associated buffers; and,

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- the applicant has satisfactorily addressed all comments raised by City departments and external agencies. Any remaining technical matters shall be addressed as part of the future required Site Alteration Permit and Consent applications.

Financial Implications:

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

Relationship to Strategic Plan 2024-2027:

The recommendations of this report are aligned with Pillar 1: Growing a Livable, Sustainable Community as it demonstrates infill development within an existing neighbourhood which reduces the need to expand development into undeveloped areas of the municipality and adds additional housing stock within an existing community.

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#26-24 held November 26, 2024
- 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 - Proposed Site Plan

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Report Approval Details

Document Title:	SRPBS.25.047 - Request for Approval - 11198 Bayview Avenue - City File ZBLA-24-0004.docx
Attachments:	<ul style="list-style-type: none">- SRPBS.25.047 - Appendix A C26-24 Extract.pdf- SRPBS.25.047 - Appendix B Draft Zoning By-law 50-25.pdf- SRPBS.25.047 - Map 1 Aerial Photograph.docx- SRPBS.25.047 - Map 2 Neighbourhood Context.docx- SRPBS.25.047 - Map 3 Existing Zoning.docx- SRPBS.25.047 - Map 4 Official Plan Designation.docx- SRPBS.25.047 - Map 5 Proposed Site Plan.docx
Final Approval Date:	Apr 17, 2025

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

Deborah Giannetta - Apr 17, 2025 - 10:04 AM

Gus Galanis - Apr 17, 2025 - 11:22 AM

Darlene Joslin - Apr 17, 2025 - 2:40 PM