

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: August 22, 2024

Name of Owner: Victor Kwong-Yan Kam

Location: 81 Hilda Avenue

File No.(s): B003/24, A042/24, A043/24

Proposal: The Owner has submitted Consent Application, File B003/24 to subdivide the vacant Subject Lands (81 Hilda Avenue) into two (2) residential lots and has submitted concurrent Minor Variance Files A042/24 and A043/24 for the severed (south) and retained (north) lots respectively to facilitate the proposed lot configurations and facilitate the construction of a three-storey single detached dwelling on each lot.

Background: On February 1, 2024, the Committee of Adjustment (the 'Committee') adjourned Minor Variance Application, File A155/23, in accordance with Staff's recommendation that the application was premature. This application considered one single detached dwelling on the entirety of the Subject Lands. The Applicant advised that the dwelling was proposed at the northern extent of the Subject Lands to provide a sufficiently sized buffer from the lands most likely to be impacted by the future extension of Royal Palm Drive being contemplated in an Municipal Class Environmental Assessment ('Class EA') as part of the Yonge Steeles Corridor Secondary Plan ('YSCSP'). Staff recommend the adjournment of the application until the draft Municipal Class Environmental Assessment was prepared and a Sightline Analysis to the satisfaction of Development Engineering was provided to demonstrate there was safe driveway access. The results of the draft Class EA as they pertained to the property were released in March 2024.

The application was reheard by the Committee on April 4, 2024. Staff advised that the application remained premature until Development Engineering received the information they requested to satisfy their technical concerns regarding the safe operation of the proposed driveway access. Development Planning Department ('Development Planning') noted in its April 2, 2024 memo that, provided the technical concerns were addressed, the rear yard reduction variance sought was appropriate in part because a more generous rear and exterior side yard area south of the dwelling was provided. Development Engineering proposed a series of conditions in the event Committee approved the application. The Committee approved the application without Development Engineering's requested conditions. The decision was subsequently appealed by the City on the basis that Committee's decision did not meet the four tests provided in s. 45(1) of the *Planning Act*. Prior to the hearing of the appeal, the Owner provided a supportive Sightline Analysis to the Development Engineering Department and the appeal was consequently withdrawn.

Once the results of the draft Class EA were released for the Subject Lands, but prior to Committee's April 4, 2024 decision on A155/23, the Owner submitted a Consent Application and two Minor Variance Applications to facilitate the severance of the lands between the dwelling proposed in A155/23 and the Royal Palm Drive road alignment to the south proposed in the draft Class EA. The variances established a building envelope for a single detached dwelling on each lot. A043/24 would establish a dwelling with the exact same footprint as was contemplated in A155/23, and A042/24 would establish a new single detached dwelling on the severed lands.

B003/24

The proposed severance of the Subject Lands will result in a lot frontage of 17.5 m (Severed Lot) and 16.1 m (Retained Lot). Both lots comply with the minimum frontage requirement of 15 m. A total lot area of 381 m² and 348.67 m² is proposed for the Severed Lot and Retained Lot respectively, neither of which comply with the minimum requirement of 450 m². These values do not contemplate the reduced lot frontage and area that would occur in the event of the dedication/expropriation of a sight triangle for the Royal Palm Drive extension.

The Owner is proposing interim driveway access onto Hilda Avenue until the Royal Palm Drive extension is constructed, and will then seek to reorient driveway access onto the Royal Palm Drive extension.

A042/24 (Severed Lot)

Proposed Variance(s) (By-law 001-2021):

1. To permit a rear yard setback of 6.54 m.
2. To permit a minimum interior side yard of 1.2 m on the north side.
3. To permit a minimum lot area of 381 m².
4. To permit a minimum of 40% landscape in the yard in which the driveway is located.

By-Law Requirement(s) (By-law 001-2021):

1. The minimum required rear yard setback is 7.5 m.
2. For any proposed or new replacement dwelling that exceeds the existing height and is greater than 9.5 m in height, the minimum interior side yard shall be 2.2 m.
3. The minimum required lot area is 450 m².
4. In a residential zone the following requirements shall apply to the yard in which a driveway is located. Where the lot frontage 12.0 m or greater, the minimum landscape requirement shall be 50% of which 60% shall be soft landscaping.

These values do not contemplate the additional variances and amended values that would be required in the event of the dedication/expropriation of a sight triangle for the Royal Palm extension.

A043/24 (Retained Lot)

Proposed Variance(s) (By-law 001-2021):

1. To permit a rear yard setback of 6.75 m.
2. To permit a maximum building height of 11.0 m.
3. To permit a minimum interior side yard of 1.22 m.
4. To permit a minimum lot area of 348.67 m².

By-Law Requirement(s) (By-law 001-2021):

1. The minimum required rear yard setback is 7.5 m.
2. The maximum building height shall be 8.5 m.
3. For any proposed or new replacement dwelling that exceeds the existing height and is greater than 9.5 m in height, the minimum interior side yard shall be 2.2 m.
4. The minimum required lot area is 450 m².

These values do not contemplate the additional variances and amended values that would be required in the event of the dedication/expropriation of a sight triangle for the Royal Palm extension.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): Low-Rise Residential

Comments:

Technical Matters

The City of Vaughan initiated a Class EA study in June 2023 to assess multiple transportation improvements identified as part of the YSCSP. Road extensions to Royal Palm Drive from Hilda Avenue to Yonge Street, and Powell Road from Pinewood Drive to Steeles Avenue West are some of the improvements identified within the YSCSP. The Class EA will complete the planning and preliminary design of the proposed transportation improvements recommended by the YSCSP. The Class EA will determine the ultimate alignment of the Royal Palm Drive extension and the position and layout of the 4-way intersection of Royal Palm Drive and Hilda Avenue, which includes a 10 m x 10 m sight triangle at the northeast corner of this intersection ('new road features'). The draft recommendations of the Class EA as they pertain to the Subject Lands were released in March 2024, with estimated completion of the final version in December 2024.

The southern portion of the Subject Lands are impacted (i.e. required) to accommodate the new road features. Development Engineering and Infrastructure Planning and

Corporate Asset Management ('IPCAM') have raised concerns with proceeding with the proposal as the placement of the new road features may impact the placement of the building footprint and/or driveway and the safe operation of the interim and final driveway entrances for the Severed Lot. Development Engineering is also requesting a Transportation Engineering Analysis for the proposed interim driveway access onto Hilda Avenue and ultimate access onto Royal Palm Drive for the Severed Lot.

Analysis

Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the Provincial Policy Statement 2020 (the 'PPS'). The PPS provides a policy framework that promotes growth within settlement areas through the effective utilization of existing infrastructure and public service facilities to provide a wide range of housing opportunities. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives such as building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS states within its preamble that the Official Plan is the single most important document for achieving the province's land use and development interests.

The Development Planning Department is of the opinion the proposed development is not consistent with the policies of the PPS. Specifically, 1.1.3 states it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns and protect resources. Furthermore, 1.1.3.4 speaks to the importance of ensuring that appropriate development standards are promoted to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The proposed severance does not promote an efficient development pattern as the proposed lot dimensions, which inform the configuration of the dwelling, would be inconsistent with the surrounding neighborhood and could impair the consolidation and orderly development of land on the north side of the Royal Palm Drive extension once constructed. The Development Engineering Department has raised concerns about the safety and maneuverability of the interim driveway access being proposed on the Severed Lot to Hilda Avenue and ultimate access onto Royal Palm Drive. Development Engineering will be requiring a Transportation Engineering Analysis, a condition to this effect has been included.

Growth Plan

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and range of housing types. As the Subject Lands are located within a Settlement Area and delineated built-up area, the Growth Plan policies to manage and direct growth within intensification areas with municipal services and infrastructure apply. Section 2.2.2 of the Growth Plan requires municipalities to achieve the minimum intensification target and intensification throughout delineated built-up areas.

The Development Planning Department is of the opinion that the proposed development does not conform to the policies of the Growth Plan. The Subject Lands are directly adjacent to the Yonge-Steeles Avenue Primary Intensification Corridor. The Royal Palm Drive extension, affecting the southern portion of the Subject Lands will have an integral part in realizing the development targets identified in the YSCSP. Specifically, 2.2.2. b) of the Growth Plan states the appropriate type and scale of development in strategic growth areas and *transition of built form to adjacent areas shall be identified*. The southern portion of the Subject Lands are envisioned to be developed into much higher densities (townhouses) to compliment the intensification targets of the Yonge-Steeles Corridor area. The proposed square-like lot configuration, which is relatively modest in frontage and depth, severely restricts the use of the Subject Lands to a single detached dwelling use at best, and places a driveway access (interim and ultimate) very close to an intersection that will form apart of the critical road network needed to service the development within the YSCSP. Restricting the Subject Lands in this way would not be in keeping with the built-form and density of development anticipated in that area, as required by the Growth Plan and identified in the YSCSP.

York Region Official Plan 2022

The Subject Lands are designated “Community Area” by Map 1A – Land Use of the York Region Official Plan (‘YROP’), 2022. Policy 4.2.2 states that Community Areas shall contain a wide range and mix of housing types, sizes, tenures that include options that are affordable to residents at all stages of life. The proposed residential dwelling conforms to the policies of the YROP 2022 as residential uses are permitted within Community Areas.

Vaughan Official Plan 2010

Subject Lands are designated ‘Low-Rise Residential’ by the VOP 2010 and are subject to the Established Large Lot Neighbourhood (‘LLN’) policies as per Schedule 1B. The Subject Lands and adjacent properties (#85 Crestwood to #21 Crestwood) are all within the 21-29 m lot frontage range. The LLN designation applies to all properties along Crestwood Road and all lands between Crestwood Road and the proposed Royal Palm Drive extension. Official Plan Amendment #15 (OPA 15), approved by Vaughan Council on September 27, 2018, and York Region on May 29, 2019, amends Volume 1 of the VOP 2010. OPA 15 subjects development proposed within “Established Community Areas” and LLNs to a series of compatibility criteria. Specifically, policy 9.1.2.3 lists the criteria as series of elements determined to reinforce the character of LLNs (‘character elements’). OPA 15 was adopted in response to growing concern regarding the compatibility of infill development within LLNs. The underlying study, which informed the basis of OPA 15: “Policy Review: Vaughan Community Areas and Low-Rise Residential Areas Study” (the ‘Urban Strategies Study’) prepared by Urban Strategies Inc., dated October 2016, states that the frontage of the lots, the resultant lot area from that frontage, and the scale and placement of built form upon those lots which contribute to expansive amenity areas, provide opportunities to establish and maintain attractive landscape development and streetscapes. Attractive landscape development and streetscapes are core elements to LLN character. Therefore, it is the lot fabric that informs the building setbacks which collectively determines character on this street. The Subject Lands in their current consolidated form are in keeping with the character established by the LLN. The division of the Subject Lands is not in keeping with the criteria listed in 9.1.2.23 to protect the character of LLNs. It is also Development Planning’s opinion that the LLN policies as they apply to the Subject Lands and the rear portions of the Crestwood Road lots abutting the future extension of Royal Palm Drive remain relevant to protect said lands from further fragmentation until such time as Royal Palm Drive is constructed and a comprehensive land consolidation and development plan may occur to facilitate the orderly development of land in accordance with the YSCSP.

Policy 9.1.2.2 states that new development designed within Established Community Areas is intended to respect and reinforce the existing physical character and uses of the surrounding area. Certain elements that maintain an area’s character are identified, such as: (a) the local pattern of lots, and (b) the size and configuration of lots. These are further expanded upon in 9.1.2.3. Subsection 9.1.2.3 a) states that in a case of lot creation, new lots should be equal to or exceed the frontages of the adjoining lots or the average of the frontage of the adjoining lots where they differ. 9.1.2.3 b) states that the lot area should be consistent with the size of the adjoining lots. 9.1.2.3 d) states front yards and exterior side yards: Buildings should maintain the established pattern of setbacks for the neighbourhood to retain a consistent streetscape. 9.1.2.3 e) states that for rear yards: buildings should maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent residential lots. As noted above, Subject Lands in their current consolidated form are in keeping with the character established by the LLN whereas the proposed consent proposed a lot pattern and dimensions that are not.

The proposal is seeking to subdivide the Subject Lands horizontally with frontage onto Hilda Avenue, creating a narrow-shallow lot configuration. This lot configuration is greatly disruptive to the surrounding lot patterns as it is not only unprecedented in the surrounding area since no other properties front onto Hilda Avenue, but because no other lots maintain a narrow-shallow configuration. All of the other lots within the neighbourhood are much deeper than they are wide. The properties along Crestwood Road are wide, deep lots with lot areas at least double the size of what is being proposed. The properties along Royal Palm Avenue on the west side of Hilda Avenue (‘Royal Palm Drive Lots’) have smaller lot areas and frontages than the lots along Crestwood Road. However, the Royal Palm Drive Lots maintain depths of approximately 32-35 m, sufficient area for suitably sized and spaced building envelopes with adequate front and rear yard amenity spaces. Section 51(24)(d) of the *Planning Act* identifies that

regard shall be had to suitability of the land for the purposes of which it is to be subdivided. The proposed severance will not only result in the creation of a narrow and shallow lot which is not consistent with the existing character of the immediately surrounding areas, but dictates a building design, and driveway/yard layout with inadequate function for the proposed use. Section 51(24)(f) of the *Planning Act* identifies that regard shall also be had to the dimensions and shapes of the proposed lots. These requirements are also reflected in VOP 2010 subsection 10.1.2.47 which sets out the criteria for which the consent shall be granted. The proposal is not compatible with: (1) the local pattern of lots, (2) the size and configuration of existing lots, (3) the setback of buildings from the street and (4) the pattern of rear and side yard setbacks.

Sections 51(24)(b) and (d) of the *Planning Act* identify that regard shall be had to whether the consent is in the public interest and whether said land the consent is proposed on is suitable for the purposed proposed. The Subject Lands are also identified as being located within the Steeles Subway Station PMTSA 20, as per Schedule 1C of the VOP. Protected Major Transit Station Areas surround higher-order transit stations or stops and include a minimum density target of people and jobs per hectare. Section 2.2.5.14 of the VOP states PMTSAs shall be the focus of higher densities and intensification and accommodate a mix of high-density land uses and amenities to ensure that transit-oriented development acts as both an origin and destination for transit riders. The proposed severance and single-detached dwelling interfere with the potential to redevelop the Subject Lands into a more intensive residential use. Further, this is not in the public interest given portions of the Subject Lands are required for the road network needed to facilitate the function of the YSCSP, which will further reduce the functionality and usefulness of the proposed severed lot. As it stands currently, the variances sought appear propose the establishment of a building envelope and design which cannot be accommodated on a lot of the size proposed or adequately accessed given the existing/future street network. In an attempt to establish a functional building envelope, a dwelling is proposed which does not address either Hilda Avenue or the Royal Palm extension which provides little useable private amenity space for the occupants. This is further examined in the Zoning By-law analysis section below.

Yonge-Steeles Corridor Secondary Plan (YSCSP)

The YSCSP states that the extension of Royal Palm Drive from Hilda Avenue to Yonge Street will be a critical component for organizing streets and blocks. The YSCSP also states that that the street extension will provide the opportunity to sever deep lots fronting on to Crestwood Road which will also have frontage on the Royal Palm Drive extension and redevelop these lands for intensified uses along the new Royal Palm Drive frontages. The proposal would interfere with the intensified uses envisioned along the future Royal Palm Drive extension, as stated in the YSCSP. The YSCSP envisions higher density development of land on the north side of the Royal Palm Drive extension (rear portion of the lots along Crestwood Road) through potential townhouse development.

Comprehensive Zoning By-law 001-2021

The Subject Lands are zoned R2A(EN) – Second density Residential Zone (Established Neighbourhood) under Zoning By-law 001-2021, as amended. The (EN) suffix applies to residential areas where the existing built form exceeded the minimum residential zone requirements for height, front yard and exterior and interior side yard setbacks.

Relief is sought from the lot area, rear yard, interior side yard, and building height requirement of the Zoning By-law for the Retained Lot.

In its current configuration, the dwelling on the Retained Lot has reduced functional rear yard amenity space. The lands to the south, if left undeveloped, provide compensation for the reduced rear yard depth granted via File A155/23 by providing additional width. Providing additional yard space between the dwelling and exterior side lot line is common for corner lots containing single detached dwellings.

Relief is sought from the lot area, interior side yard, rear yard and soft landscaping requirements of the Zoning By-law for the Severed Lot. The proposed dwelling for the Severed Lot is not oriented towards either Hilda Avenue or Royal Palm Drive. It proposes a front door and garage door which face east, into the rear yard of an abutting lot, a shallow yard abutting Hilda Avenue which will function as the rear yard, modest soft landscaping due to the length and area of driveway surface required to access the

garage door due to how the building is oriented in relation to the road(s) and the removal of a corner of the dwelling to accommodate the sight triangle.

In its current configuration, the dwelling on the Severed Lot has no private yard amenity space common to single detached dwellings, does not address any road to enhance the streetscape, provides an unusual patterning of lots for the area, and required an alteration to the building envelope (corner cutoff) to accommodate future planned changes to the municipal road network. In the Development Planning Department's opinion, the adequate residential function of the lot for single detached dwelling use, and the dwelling's built form as a positive contributor to the neighbourhood fabric, has not been demonstrated.

The proposed variances, as applied for do not account for the dedication of land to the City for the Royal Palm Drive Extension. Attachment 1 has been prepared by the Building Standards Department to illustrate how the requested relief for the Severed Lot will change if Committee considers to: (1) grant provisional consent and (2) include Development Engineering's recommended conditions to dedicate land to the City. Attachment 1 shows that new relief is needed from the lot frontage, front yard, and exterior side yard requirements. Additional relief would also be needed from the lot area requirement. If Committee does decide to grant provisional consent, it should include Development Engineering's requested condition to dedicate land to the City for the purposes of a road widening and sight triangle.

Conveyance of Land for the Royal Palm Drive Extension

Policy 10.1.2.47 b) ii) states that as part of any provisional consent approval, the Committee may impose a condition for the dedication of required road widenings, free of all costs and encumbrances, approval of driveway access locations or other requirements, to the satisfaction of the appropriate authorities. Furthermore, 10.1.2.47 b) iv) states that a daylighting triangle at intersections may be required to be dedicated in order to improve visibility for traffic movement to the satisfaction of the City and York Region. Should Committee decide to grant provisional consent and utilize its powers to impose a condition requiring the dedication of land to the City, the following ultimate site conditions identified in Attachment 1 should be considered and may require readvertisement of the application(s).

The proposed lot area of the Severed Lot will further be reduced once the appropriate conveyance of land for the daylight triangle is dedicated to the City. In this scenario, the Severed Lot area is further reduced to 331 m². The proposal demonstrates that the dwelling will be pushed up to the daylight triangle, with no proposed setbacks to the triangle. This will result in a 0.0 m front yard and exterior side yard setback.

Conclusion

The Severed Lot is proposing an interim configuration in which access will be facilitated from Hilda Avenue, until such time that the Royal Palm Drive extension is completed. Once the extension is completed, access to the Severed Lot will be moved to Royal Palm Drive. This is important because the ultimate configuration of the lot will cause the front and rear yards to essentially be flipped. What is currently being proposed as the front yard along Hilda Avenue will ultimately function as the dwelling's rear yard. This will create a very small amenity area of approximately 44 m² abutting what will be a main intersection. The dwelling will not face or address either Hilda Avenue or Royal Palm Drive once constructed, and the lot configuration is out of character for the area and impedes the function of the lot. The Development Planning Department, due to the reasons noted in the analysis above, is of the opinion that the proposed Severed Lot is not a viable for the development proposed.

Accordingly, the Development Planning Department is of the opinion that File B003/24 is not consistent with the PPS, does not conform to the Growth Plan, YROP 2022, or VOP 2010, and does not satisfy the consent criteria stipulated in Section 51(24) of the *Planning Act*, R.S.O. 1990, c P.13.

As the variances implement a consent which is not supportable by the Development Planning Department, they do not meet any of the 4 tests for variance identified under 45(1) of the *Planning Act*. Accordingly, the Development Planning Department is on the opinion that Files A042/24 and A043/24 do not meet the 4 tests for minor variance under 45(1) of the *Planning Act*, R.S.O. 1990, c P.13.

Recommendation:

The Development Planning Department recommends refusal of these applications.

Comments Prepared by:

Alyssa Pangilinan, Planner 1
David Harding, Senior Planner

To: Committee of Adjustment
From: Bernd Paessler, Building Standards Department
Date: August 21, 2024
Applicant: Humphries Planning Group Inc.
Location: 0 Hilda Avenue
PLAN RP3205 Part of Lot 66
File No.(s): A042/24 (Severed Lot)

Zoning Classification:

The subject lands are zoned R2A(EN) – Second density Residential Zone (Established Neighbourhood) under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested	Approximate variances Without sight triangle
1	The minimum required lot frontage shall be 15.0 metres. Section 7.2.3 Table 7-4	-	A minimum required lot frontage of approximately 14.07 metres
2	The minimum required rear yard setback is 7.5m. Section 7.2.3 Table 7-4	To permit a rear yard setback of 6.54m.	-
3	The minimum required front yard setback is 4.5m. Section 7.2.3 Table 7-4	-	To permit a minimum front yard of 0.0 metres.
4	The minimum required exterior side yard setback is 4.5m. Section 7.2.3 Table 7-4	-	To permit a minimum exterior side yard of 0.0 metres.
5	For any proposed or new replacement dwelling that exceeds the existing height and is greater than 9.5m in height, the minimum interior side yard shall be 2.2m. Section 4.5.2	To permit a minimum interior side yard of 1.2m on the north side.	-
6	The minimum required lot area is 450 square metres. Section 7.2.3 Table 7-4	To permit a minimum lot area of 381 square metres.	To permit a minimum lot area of approximately 331 square metres.
7	In a residential zone the following requirements shall apply to the yard in which a driveway is located. Where the lot frontage 12.0m or greater, the minimum landscape requirement shall be 50% of which 60% shall be soft landscaping. Section 4.19.1 2b	To permit a minimum of 40% landscape in the yard in which the driveway is located.	-

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
2	The variances as shown in the column labeled "Approximate variances without sight triangle" shall be confirmed by the applicant.
3	Height shall be measured in accordance with the definitions in Section 3.0 DEFINITIONS of By-law 001-2021, as amended.
4	This file shall be read in conjunction with file B003/24.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

* Comments are based on the review of documentation supplied with this application.