



Staff Report for Council Meeting

Date of Meeting: October 13, 2021

Report Number: SRPI.21.076

Department: Planning and Infrastructure

Division: Development Planning

**Subject: SRPI.21.076 – Request for Approval – Zoning
By-law Amendment Application – Elaheh Vaez
Fakhri and Behrooz Sabaghpoor Fard – City File
D02-20019**

Owners:

Elaheh Vaez Fakhri
274 Kerrybrook Drive
Richmond Hill, Ontario
L4C 3R1

Behrooz Sabaghpoor Fard
282 Richmond Street
Richmond Hill, Ontario
L4C 3Z1

Agent:

Evans Planning Inc.
8481 Keele Street, Unit 12
Vaughan, Ontario
L4K 1Z7

Location:

Legal Description: Lots 1 and 2, Plan 4635
Municipal Addresses: 274 Kerrybrook Drive and 282 Richmond Street

Purpose:

A request for approval concerning a revised Zoning By-law Amendment application to facilitate the creation of three building lots for single detached residential purposes on the subject lands.

Page 2

Recommendations:

- a) That the revised Zoning By-law Amendment application submitted by Elaheh Vaez Fakhri and Behrooz Sabaghpoor Fard for lands known as Lots 1 and 2, Plan 4635 (Municipal Addresses: 274 Kerrybrook Drive and 282 Richmond Street), City File D02-20019, be approved, subject to the following:
- (i) that the current zoning of the subject lands, being Residential Second Density (R2) Zone under By-law 66-71, as amended, be further amended to implement the site specific exceptions as outlined in Staff Report SRPI.21.076; and,
 - (ii) that the amending Zoning By-law be brought forward to a future Council meeting for consideration and enactment.

Contact Person:

Sandra DeMaria, Senior Planner - Subdivisions, phone number 905-747-6312 and/or Denis Beaulieu, Manager of Development, Subdivisions, phone number 905-771-2540

Report Approval:

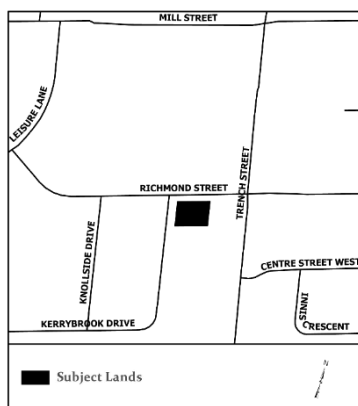
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

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 the “Contact Person” above.



Page 3

Background:

The subject Zoning By-law Amendment application was originally considered at a statutory Council Public Meeting held on February 3, 2021 wherein Council received Staff Report SRPI.21.012 and directed that all comments be referred back to staff for consideration. A number of comments and concerns were raised by members of the public and Council with respect to traffic, on-street parking, loss of trees and the compatibility of the proposed lot sizes with the surrounding neighbourhood. These matters are addressed in subsequent sections of this report.

The applicants have provided a formal response to the concerns raised by members of the public and Council at the Council Public Meeting (refer to Appendix “B”), and have revised their development proposal to remove several of the original requests for site specific exceptions from the applicable Zoning By-law. All comments from circulated City departments and external agencies have now been satisfactorily addressed by the applicant.

Accordingly, the purpose of this report is to seek Council’s approval of the applicant’s revised Zoning By-law Amendment application.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are comprised of two existing residential lots that are located at the southeast corner of Kerrybrook Drive and Richmond Street (refer to Maps 1 and 2). The lands have a total lot area of 0.12 hectares (0.30 acres) and currently support two single detached dwellings which are proposed to be demolished in order to facilitate the subject development proposal.

The lands abut existing single detached dwellings to the south and east, a parking lot for the Mackenzie Health Richmond Hill Hospital to the southeast, Kerrybrook Drive to the west and Richmond Street to the north, beyond which are existing single detached dwellings and a multi-unit apartment residence.

Revised Development Proposal

The applicants are seeking Council’s approval of their revised Zoning By-law Amendment application to permit the creation of one additional residential building lot in order to facilitate the construction of three new single detached dwellings on their land holdings (refer to Map 5).

The revised plan removes the proposed covered porch, stairs and second storey balcony on Lot 1 which encroached into the required rear and exterior side yard setbacks. The following is a summary of the pertinent statistics of the applicant’s revised development proposal based on the plans and drawings submitted to the City:

Page 4

- **Total Lot Area:** 0.12 hectares (0.30 acres)
- **Proposed Lot Frontage (Corner):** 14.20 metres (46.59 feet)
- **Proposed Lot Frontage (Interior):** 13.0 metres (42.65 feet)
- **Proposed Lot Area (Corner):** 420.0 square metres (4,520.84 square feet)
- **Proposed Lot Area (Interior):** 393.0 square metres (4,230.22 square feet)
- **Proposed Number of Units:** 3
- **Proposed Building Height:** 10.67 metres (35 feet) or 2 storeys
- **Proposed Density:** 25 units per hectare (10 units per acre)

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 3). The **Neighbourhood** designation permits low-density residential uses including single detached dwellings and provides opportunities for small-scale infill development. In accordance with **Section 4.9.2** of the Plan, development is to be compatible with the character of the adjacent and surrounding areas with respect to the predominant building forms and types, massing, general patterns of streets, blocks and lots, landscaped areas and treatments, and the general pattern of yard setbacks. The surrounding area is characterized by diverse building forms and types and includes a range of lot sizes. While the proposed development requests relief from the minimum lot area and lot frontage requirements of the Zoning By-law applicable to the lands, it will maintain the required yard setbacks and establish lot sizes that are compatible and in keeping with the existing lot fabric and streetscape of the surrounding area.

In accordance with **Section 3.4.1.2** of the Plan, relevant design guidelines, which have been approved by Council, are to be utilized in the review and evaluation of development applications. In this regard, the subject lands are located within the City’s Village Core Neighbourhood and the Council approved Village Core Neighbourhood Design Guidelines (the “Guidelines”) apply to the subject lands. The Guidelines describe the neighbourhood character as being defined by the architectural style, variety of lot size and frontage, building scale, landscape features and heritage elements of the area. The objective of the Guidelines is to allow for new construction within the study area that recognizes and enhances the unique character of the neighbourhood.

Given all of the above, staff is of the opinion that the proposed development conforms with the applicable policies of the Plan.

Revised Zoning By-law Amendment Application

The subject lands are presently zoned **Residential Second Density (R2) Zone** under By-law 66-71, as amended, which permits, amongst other uses, single detached dwellings. The purpose of the subject Zoning By-law Amendment application is to

Page 5

amend the current zoning applicable to the lands and implement site specific development standards to the **R2 Zone**. This is intended to facilitate the creation of an additional building lot on the applicant’s land holdings and, if approved, would result in the construction of three new single detached dwellings on the lands.

The following is a summary table outlining the relevant statistics of the applicant’s revised development proposal compared to the existing **R2 Zone** standards, with requested and required site specific exemptions indicated in bold:

Development Standard	R2 Standards, By-law 66-71, as amended	Proposed Development
Minimum Lot Frontage (Interior Lot)	15.24 metres (50 feet)	13.0 metres (42.65 feet)
Minimum Lot Frontage (Corner Lot)	15.24 metres (50 feet)	14.20 metres (46.59 feet)
Minimum Lot Area (Interior Lot)	434.51 square metres (5,000 square feet)	393.0 square metres (4,230.22 square feet)
Minimum Lot Area (Corner Lot)	434.51 square metres (5,000 square feet)	420.0 square metres (4,520.84 square feet)
Maximum Building Height	10.67 metres (35 feet)	Complies
Maximum Lot Coverage	30%	Complies
Minimum Front Yard Setback	6.09 metres (20.0 feet)	Complies
Minimum Rear Yard Setback	7.62 metres (25.0 feet)	Complies
Minimum Exterior Side Yard Setback	3.04 metres (10.0 feet)	Complies
Minimum Interior Side Yard Setback	1.83 metres (6.0 feet)	Complies

As noted previously, the applicants had originally sought approval to establish site specific exceptions to reduce the minimum exterior side yard setback requirement from 3.04 metres (10.0 feet) to 2.32 metres (7.6 feet), and to increase the permitted rear yard deck encroachment from 5.09 metres (16.70 feet) to 5.18 metres (17 feet). The applicant has since withdrawn these requests and will comply with the existing zone standards in order to address compatibility concerns expressed by staff and the public.

Planning staff has reviewed the applicants Zoning By-law Amendment request and finds that the proposal to establish site specific provisions to the **R2 Zone** under By-law 66-71, as amended, is consistent with the overall policy direction for the area. In this regard, the proposed site specific amendments will result in lots that maintain sufficient yard setbacks and shall be compatible with the surrounding area and lot fabric. It should be noted that the development standards of Zoning By-law 66-71 reflect the built form

Page 6

standards of the 1970's when this Zoning By-law was originally passed. The proposed site specific development standards identified above and in the attached draft Zoning By-law (refer to Appendix "C") reflect newer and more typical development standards which have been approved and implemented in the surrounding area and elsewhere in the City.

It should also be noted that the development proposal will be facilitated through the submission and approval of future Consent applications.

Given all of the above, staff is of the opinion that the revised Zoning By-law Amendment application conforms with the Official Plan, is appropriate for the subject lands and constitutes good and orderly planning.

Council and Public Comments:

The following is an overview of and response to the main comments and concerns expressed by the public and members of Council at the Council Public Meeting held on February 3, 2021 and through written correspondence received by the City:

Traffic and On-Street Parking

Concerns were raised regarding traffic in the area, excessive on-street parking resulting from visitors of the nearby Mackenzie Health Richmond Hill Hospital on Trench Street to the south of the subject lands and local events held at the nearby Mill Pond Park on Mill Street. In this regard, and notwithstanding that By-law 66-71 only requires 1 parking space per dwelling, the applicant is proposing single detached dwellings with double car garages and driveways to accommodate a total four on-site parking spaces per lot. Furthermore, on-street parking is restricted on the south side of Richmond Street, between Kerrybrook Drive to Trench Street, with visible signage.

A concern was also raised respecting the location of the proposed driveway for Lot 1 (refer to Map 5) and its proximity to the intersection of Kerrybrook Drive and Richmond Street. In this regard, as a condition of a future Consent approval, the applicant will be required to demonstrate compliance with the City's Standards and Specifications Manual for a residential driveway apron on a corner lot. It is noted that the City's Development Engineering Division has not raised any concerns with respect to the conceptual location of the proposed driveway shown on the submitted Site Plan.

Given all of the above, staff is of the opinion that the proposed development accommodates sufficient on-site parking, and the addition of one lot for a single detached dwelling will not significantly contribute to the existing traffic conditions of the local street network.

Tree Preservation

Concerns were raised over the loss of a number of trees located on the subject lands. The applicant submitted a Tree Inventory and Preservation Plan which identified 16

Page 7

trees on and within 6 metres of the subject lands, 10 of which are to be removed to accommodate the development proposal. In accordance with the City's Tree Preservation By-law and Street Tree By-law, a permit will be required prior to their removal and those trees are to be replaced or compensated for as a condition of permit issuance. The Tree Inventory and Preservation Plan has identified that the majority of the trees proposed to be removed are not native species, and the applicant has confirmed that higher quality, native trees will be planted to compensate for their loss.

Lastly, there is an Eastern White Cedar tree less than 20 cm in diameter that is proposed to be removed within the Kerrybrook Drive right-of-way. The applicants have been advised that a permit from the City's Public Works Operations Division will need to be obtained prior to its removal.

In this regard, the loss of trees will be appropriately compensated through the City's Tree Preservation By-law.

Compatibility

Concerns were raised respecting the compatibility of the development proposal with the adjacent and surrounding area. The proposal will result in the creation of three lots for single detached residential purposes with similar lot frontages and lot areas as other properties in the neighbourhood. A detailed analysis of the neighbourhood has demonstrated that the surrounding area is characterized by a range of lot sizes and building forms and types. The development of three single detached dwellings with reduced lot frontages and lot areas maintains the character of the area and provides sufficient landscape area to maintain a uniform streetscape. In this regard, the proposal is considered to be compatible with the existing adjacent and surrounding area.

Urban Design

Urban Design staff have reviewed the proposal in accordance with the City's Council approved City-wide **Urban Design Guidelines and Village Core Neighbourhood Design Guidelines (VCNDGs)**. The proposal is generally in keeping with the **VCNDG's** with the exception of architectural design, material and colour palette. Staff have made recommendations to the applicant in this regard, although the subject lands are not under Site Plan Control. Staff will continue to work closely with the applicant to ensure the designs adhere to the guidelines.

City Department and External Agency Comments:

All circulated City Departments and external agencies have indicated no objections to the revised Zoning By-law Amendment application and/or have provided comments that can be appropriately satisfied through future Consent applications, as outlined below.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has no objection to the proposed Zoning By-law Amendment application and advises that the tree preservation, removal,

Page 8

replacement and compensation requirements will be further refined through the subsequent Consent application processes. Parks staff further advises that future Grading and Servicing Plans must direct development outside of the Tree Protection Zone (TPZ).

Urban Design and Heritage Section

The City's Urban Design and Heritage Section has no objection to the proposal and has provided minor recommendations on architectural design, colours and materials being proposed for consideration by the applicant.

Development Planning Section

Planning staff has undertaken a comprehensive review and analysis of the applicants revised development proposal and provides the following comments:

- the proposed single detached dwellings are permitted and appropriate within the **Neighbourhood** designation of the Plan;
- the proposed interior lot frontages of 13.0 metres (42.65 feet) and corner lot frontage of 14.20 metres (46.59 feet) are a modest reduction to the existing lot frontages along Richmond Street between Trench Street and Knollside Drive and are in keeping with the diversity of lot sizes in the surrounding area which vary between 14.33 metres (47.17 feet) and 25.6 metres (83.96 feet);
- the development proposal is contextually appropriate and therefore represents proper and orderly planning;
- the proposed development has demonstrated general conformity with the Village Core Neighbourhood Design Guidelines (VCNDG's) for Single Lot Infill Developments; and,
- future Consent applications will be required to facilitate the creation of the proposed residential building lots.

In accordance with the comments above, Planning staff have no further comments or objections with respect to the Zoning By-law Amendment application.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staff 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.

Page 9

Climate Change Considerations:

The recommendations of this report are aligned with Council's climate change considerations in that the proposed development will utilize existing residential properties and incorporating a more efficient use of land within an existing urban area.

Conclusion:

The applicants are seeking Council's approval of their revised Zoning By-law Amendment application to facilitate the creation of three residential building lots for single detached residential purposes on their land holdings. Staff is of the opinion that the submitted application conforms to the City's Official Plan and the Village Core Neighbourhood Design Guidelines, and that the proposed development is appropriate and represents good planning. On the basis of the preceding, it is recommended that Council approve the subject Zoning By-law Amendment application in accordance with the direction outlined in this report.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix "A" – Extract from Council Public Meeting C#04-21 held February 3, 2021
- Appendix "B" – Applicant Response to Council Public Meeting February 3, 2021
- Appendix "C" – Draft Zoning By-Law
- Map 1 – Aerial Photograph
- Map 2 – Neighbourhood Context
- Map 3 – Official Plan Designation
- Map 4 – Existing Zoning
- Map 5 – Proposed Site Plan

Page 10

Report Approval Details

Document Title:	SPRI.21.076 - Request for Approval 274 Kerrybrook Dr and 282 Richmond Street .docx
Attachments:	<ul style="list-style-type: none">- Appendix A.pdf- Appendix B.pdf- Appendix C - Draft Zoning By-law.docx- Map 1 - Aerial Photograph.docx- Map 2 - Neighbourhood Context.docx- Map 3 - Official Plan Designation.docx- Map 4 - Existing Zoning.docx- Map 5 - Proposed Site Plan.docx
Final Approval Date:	Sep 24, 2021

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

Gus Galanis - Sep 23, 2021 - 1:38 PM

Kelvin Kwan - Sep 23, 2021 - 1:54 PM

MaryAnne Dempster - Sep 24, 2021 - 10:51 AM