



Staff Report for Council Meeting

Date of Meeting: December 7, 2022

Report Number: SRPI.22.115

Department: Planning and Infrastructure

Division: Development Planning

Subject: SPRI.22.115 – Request for Approval – Deeming By-law Application – Behrooz Sabaghpoor Fard – City File DEEM-22-0001

Owner:

Behrooz Sabaghpoor Fard
14 Rossini Drive
Richmond Hill, Ontario
L4E 0R5

Agent:

Evans Planning Inc.
9212 Yonge Street, Unit 1
Richmond Hill, Ontario
L4C 7A2

Location:

Legal Description: Lot 1, Plan 4635
Municipal Address: 282 Richmond Street

Purpose:

A request for approval of a Deeming By-law application to deem Lot 1, Plan 4635 not to be a lot within a registered Plan of Subdivision.

Recommendations:

- a) That Staff Report SRPI.22.115 be received and that the Deeming By-law Application submitted by Behrooz Sabaghpoor Fard for the lands known as Lot 1, Plan 4635 (Municipal Address: 282 Richmond Street), City File DEEM-22-0001, be approved, subject to the following:
 - (i) That the Deeming By-law be brought forward to the December 7, 2022 Council meeting for consideration and enactment.

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Background:

The subject Deeming By-law application was received by the City on May 26, 2022 and deemed complete on June 20, 2022. The applicant is requesting approval of its proposal to deem Lot 1, Plan 4635 not to be a lot within a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*.

By way of background, Council approved a Zoning By-law Amendment application (City File D02-20019) in October 2021 to rezone the subject lands and the adjacent property to the west (274 Kerrybrook Drive) in order to facilitate the creation of three (3) lots for single detached residential purposes. In this regard, By-law 41-21 is now in effect.

On April 28, 2022, the Committee of Adjustment approved a Consent application (File B003/22) to sever a portion of 274 Kerrybrook Drive as a lot addition to be merged on title with the subject lands. As a condition of Consent approval, the applicant is required to obtain approval of a Deeming By-law application from Council in order to facilitate its development proposal.

The purpose of this report is to request approval of the applicant's Deeming By-law application in order to fulfill the conditions of the related Consent approval and to facilitate the approved lot addition.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the south side of Richmond Street, between Kerrybrook Drive and Trench Street (refer to Map 1). The lands have a lot area of approximately 0.06 hectares (0.15 acres) and currently support a single detached dwelling which is proposed to be demolished in order to facilitate the subject development proposal. The lands abut existing single detached dwellings to the west, south and east, a parking lot for the Mackenzie Richmond Hill Hospital to the southeast, and Richmond Street to the north.

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 (refer to Map 2). The **Neighbourhood** designation permits low-density residential uses including single detached dwellings and provides opportunities for small-scale infill development. In this regard, the applicant's proposal conforms to the Neighbourhood policies of the Official Plan.

Existing Zoning By-law

The subject lands are zoned **Residential Second Density (R2) Zone** under By-law 66-71, as amended by By-law 41-21, and a single detached dwelling is a permitted use

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(refer to Map 3). In this regard, the applicant's proposal complies with the land use permissions and development standards of the Zoning By-law.

City Department and External Agency Comments:

The subject application has been circulated to various City departments and external agencies for information purposes only.

Development Planning Division

Consent application B003/22 proposes to sever and convey a portion of 274 Kerrybrook Drive, which is to then be merged with the subject lands, located immediately to the east. As a condition of its approval, the applicant was required to submit a Deeming By-law application for approval by Council. The purpose of the Deeming By-law is to ensure that the severed lands from 274 Kerrybrook Drive merge on title with Lot 1, Plan 4635, and that the severed lands are not conveyable as a separate parcel of land in the future.

The proposed request, if approved, would deem the subject lands not to be within a registered Plan of Subdivision, and have the effect of releasing the lands from Subdivision control. This will ensure that the subject lands will merge with Lot 1, Plan 4635, as approved by the Committee of Adjustment at its meeting of April 28, 2022 (refer to Maps 4 and 5).

Planning staff has reviewed the applicant's Deeming By-law application and has no objections to its approval as it will facilitate the direction from the Committee of Adjustment. On the basis of the preceding, it is recommended that the implementing by-law be forwarded to Council for enactment in order to deem Lot 1, Plan 4635 not to be a lot within a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*. The proposed by-law has been attached as Appendix "A" to this report for Council's review and consideration.

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 do not have any direct implications with respect to Council's Strategic Priorities.

Climate Change Considerations:

The recommendations of this report do not have any direct climate change considerations.

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Conclusion:

The applicant is seeking Council's approval of its Deeming By-law application to deem the subject lands not to be a lot within a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*. Staff supports the applicant's request on the basis that the Deeming By-law will facilitate an approved Consent application by allowing the subject lands and the adjacent lands to the west to merge on title.

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", Draft By-law 142-22
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Plan 4635
- Map 5, Reference Plan 65R-39940

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Report Approval Details

Document Title:	SRPI.22.115 - Request for Approval - Deeming By-law - DEEM-22-0001.docx
Attachments:	- SRPI.22.115 - Appendix "A" - Draft By-law 142-22.docx - Map 1- Aerial Photograph.docx - Map 2- Official Plan Designation.docx - Map 3- Existing Zoning.docx - Map 4- Plan 4635.docx - Map 5 - Reference Plan 65R-3994.docx
Final Approval Date:	Nov 16, 2022

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

Gus Galanis - Nov 16, 2022 - 10:17 AM

Kelvin Kwan - Nov 16, 2022 - 10:50 AM

Sherry Adams on behalf of Darlene Joslin - Nov 16, 2022 - 12:29 PM