



Staff Report for Council Meeting

Date of Meeting: July 12, 2023

Report Number: SRPI.23.076

Department: Planning and Infrastructure

Division: Development Planning

Subject: SRPI.23.076 – Request for Approval – Deeming By-law Application – Eugene and Marie Sturino – City File DEEM-23-0001

Owner:

Eugene and Marie Sturino
83 Elm Grove Avenue
Richmond Hill, Ontario
L4E 2W8

Agent:

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

Location:

Legal Description: Lot 5, Plan M-1563
Municipal Address: 83 Elm Grove Avenue

Purpose:

A request for approval of a 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*.

Recommendations:

- a) That Staff Report SRPI.23.076 be received and that the Deeming By-law Application submitted by Eugene and Marie Sturino for the lands known as Lot 5, Plan M-1563 (Municipal Address: 83 Elm Grove Avenue), City File DEEM-23-0001, be approved; and,
- b) That staff be directed to bring forward a Deeming By-law to the July 12, 2023 Council meeting for consideration and enactment.

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Contact Person:

Giuliano La Moglie, Planner II – Site Plans, phone number 905-747-6465 and/or
Deborah Giannetta, Manager of Development, Subdivisions, phone number 905-771-
5542

Report Approval:

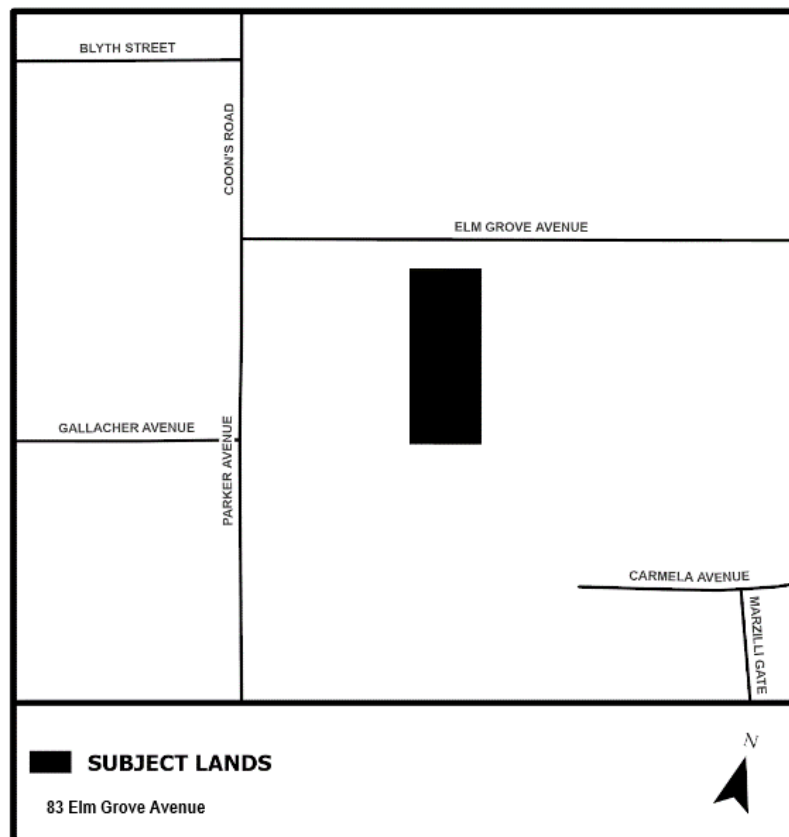
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Darlene Joslin, 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.



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Background:

The subject Deeming By-law application was received by the City and deemed complete on April 6, 2023. The application is associated with Zoning By-law Amendment (City File D02-22018) and Consent (City File B015/23) applications. The Zoning by-law Amendment application was approved by Council on February 8, 2023 (refer to Appendix “A”) to rezone the subject lands and the adjacent property to the west (85 Elm Grove Avenue) to facilitate the creation of one additional building lot for single detached residential purposes (refer to Map 8). In this regard, amending Zoning By-law 30-23 was enacted on March 8, 2023 and is now in effect for both 83 and 85 Elm Grove Avenue (refer to Map 4). The related Committee of Adjustment application was approved on June 22, 2023 to facilitate the severance a portion of 85 Elm Grove Avenue as a lot addition to be merged on title with the subject lands (refer to Map 6). As a condition of approval of the Consent application, the applicant is required to obtain approval of a Deeming By-law application from Council.

Accordingly, 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 Elm Grove Avenue, east of Parker Avenue (refer to Map 1). The lands have a lot area of approximately 0.15 hectares (0.37 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 Elm Grove Avenue to the north and existing single detached dwellings to the east, west, and south.

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 2). The **Neighbourhood** designation permits low-density residential uses including single detached dwellings and provides opportunities for small-scale infill development. The lands are also located within the **Settlement Area** designation of the *Oak Ridges Moraine Conservation Plan* (“ORMCP”), and within the **Elm Grove/Maple Grove/Aubrey Avenue Residential Infill Study area** (refer to Map 3) both of which also support the residential uses and the proposed single detached dwellings.

Accordingly, the applicant’s proposal conforms to the applicable policies of the Plan and is consistent with the recommendations of the approved Infill Study.

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Existing Zoning By-law

The subject lands are zoned **Residential Detached Five (R5) Zone** under By-law 313-96, as amended by By-law 30-23 which permits single detached dwellings (refer to Map 4). 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

As noted previously, Consent Application B015/23 was approved to sever and convey a portion of 85 Elm Grove Avenue which is to then be merged with the subject lands located immediately to the east (refer to Map 6). 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 portion of land from 85 Elm Grove Avenue will merge on title with Lot 5, Plan M-1563, and that the severed land is 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 lands will merge with a portion of 85 Elm Grove Avenue, as approved by the Committee of Adjustment at its meeting on June 22, 2023 (refer to Maps 5 and 6).

Planning staff has reviewed the applicant's Deeming By-law application and has no objections to its approval as it will facilitate the approvals from both Council and the Committee of Adjustment with respect to the related Zoning By-law Amendment and Consent applications, respectively. On the basis of the preceding, it is recommended that the implementing By-law be enacted by Council in order to deem Lot 5, Plan M-1563 not to be a lot within a registered Plan of Subdivision for the purposes of Section 50(3) of the *Planning Act*. The proposed Deeming By-law has been attached as Appendix "B" to this report for Council's approval and passing.

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.

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Climate Change Considerations:

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

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 pursuant to Section 50(3) of the *Planning Act*. Staff supports the applicant's request on the basis that the Deeming By-law will serve to facilitate the related approved Zoning By-law Amendment (City File D02-22018) and Consent (City File B015/23) applications by allowing the subject lands and the adjacent lands to the west to merge on title to create an additional residential lot.

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 Meeting C#07-23, held February 8, 2023
- Appendix "B", Draft By-law
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Elm Grove/Maple Grove/Aubrey Infill Study
- Map 4, Existing Zoning
- Map 5, Plan M-1563
- Map 6, Severance Plan
- Map 7, Reference Plan
- Map 8, Proposed Site Plan

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Report Approval Details

Document Title:	SRPI.23.076 – Request for Approval – Deeming By-law Application – 83 Elm Grove Avenue - City File DEEM-23-0001.docx
Attachments:	<ul style="list-style-type: none">- Appendix A.docx- Appendix B.docx- Map 1.docx- Map 2.docx- Map 3.docx- Map 4.docx- Map 5.docx- Map 6.docx- Map 7.docx- Map 8.docx
Final Approval Date:	Jul 6, 2023

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

Gus Galanis - Jul 6, 2023 - 2:49 PM

Kelvin Kwan - Jul 6, 2023 - 2:50 PM

Darlene Joslin - Jul 6, 2023 - 2:55 PM