

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 29, 2013

Item 9, Report No. 1, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 29, 2013.

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SITE DEVELOPMENT FILE DA.12.046 SALTANAT RAHIMI AND MOHAMMAD HASSAN SAFARIAN WARD 5 - VICINITY OF YONGE STREET AND UPLANDS AVENUE

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated January 15, 2013:

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.12.046 (Saltanat Rahimi and Mohammad Hassan Safarian) BE APPROVED, to permit a home occupation for an office of a regulated health professional on the subject lands shown on Attachments #1 and #2, occupying 84 m² (24.5%) of a 342.1 m² single-storey detached dwelling shown on Attachments #3 to #7, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscape plan shall be approved by the Vaughan Development Planning Department; and,
 - b) that the Site Plan Letter of Undertaking shall include the following provision:
 - i) the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands for the home occupation use only, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-in-lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Contribution to Sustainability

The applicant has advised that the following sustainable feature will be included in the building and site design:

- i) rain water cisterns to capture and hold rain water from the roof to irrigate the landscaping.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted Site Development File DA.12.046, to permit a home occupation for an office of a regulated health professional occupying 84 m² of the existing 342.1 m² single-storey detached dwelling. The home occupation will provide medical services including natural therapy, iridology, and pain management, and counseling by appointment only.

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The site plan shown on Attachment #3 proposes a 221.7 m² expansion of the existing 120.4 m² detached dwelling. The single storey addition will create 137.7 m² of gross floor area (GFA) devoted to the residential use and 84 m² devoted to the home occupation use for a total gross floor area of 342.1 m². The proposed lot coverage is 22.9%. The proposed gross floor area devoted to the home occupation use is 24.5%. A total of 5 parking spaces are proposed on the property.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the south side of Uplands Avenue, west of Yonge Street, and municipally known as 7 Uplands Avenue. The existing 1,523m² lot has 30.48 m of frontage on Uplands Avenue and a depth of 50.29 m. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated “Low Density Residential” by in-effect OPA #210 (Thornhill Community Plan); and, “Low Rise Residential” by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012), and is pending approval from the Ontario Municipal Board.

The subject lands are zoned R1V Old Village Residential Zone by Zoning By-law 1-88, which permits detached dwellings. Under Subsection 4.1.5 of Zoning By-law 1-88, home occupation uses are permitted within detached dwellings, provided Vaughan Council approves a site plan in accordance with the following provisions:

- a) such use shall be limited to the office of a regulated health professional (notwithstanding the definition of a regulated health professional, a body-rub parlour is not permitted as an accessory use to a home occupation);
- b) not more than three (3) persons shall be engaged in the use and at least one of them (the professional) shall be a resident in the said dwelling;
- c) the office of a physician, dentist or regulated health professional shall be used for consultation and emergency treatment only and not as a clinic or hospital;
- d) such use shall not occupy more than twenty-five percent (25%) of the gross floor of the building;
- e) only one (1) home occupation use is permitted in a dwelling unit; and,
- f) parking shall be provided in accordance with the provisions of Subsection 3.8 (a) “Required Parking” (ie. 3 resident and 2 home occupation parking spaces) and the provisions of Subsection 4.1.4 (a) (ii) “Parking Requirements on Residential Lots” shall apply.

The proposal conforms to the Official Plans and complies with Zoning By-law 1-88.

Planning Considerations

A “Home Occupation” is defined by Zoning By-law 1-88 as: “an occupation conducted in a dwelling unit which is clearly secondary to the use of the dwelling unit as a private principal residence; does not change the external character of the dwelling unit as a private residence; does not create or become a public nuisance, in particular with respect of noise, traffic, or parking”.

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The Owner proposes medical and counseling services, natural therapy, iridology (examination of the iris (eye) to determine information about the patient's systemic health), and pain management, to patients by appointment only. Two people will work at the home occupation, consisting of the doctor and a receptionist. The doctor, who is the owner of the home, will live at the residence. The hours of operation are as follows:

Monday:	10:00 am – 6:00 pm
Tuesday:	10:00 am – 6:00 pm
Wednesday:	10:00 am – 6:00 pm
Thursday:	10:00 am – 6:00 pm
Saturday:	10:00 am – 6:00 pm (occasional)

The home occupation will occupy 84 m² (24.5%) of the main floor of the renovated dwelling unit and will be secondary to the use of the dwelling as a private principal residence. The external character of the building will be maintained. The garage will be renovated to facilitate the home occupation, and a new door and window will replace the existing garage door on the north elevation as shown on Attachment #5.

The existing 5.85 m wide driveway can accommodate the two required parking spaces for the home occupation. Three additional parking spaces are proposed on the west side of the dwelling to address the residential parking requirement. An asphalt driveway and parking area are proposed to accommodate these spaces. The applicant also proposes a new 4 m wide curb cut towards the west side of the property to allow for a new circular interlock driveway that will connect to the existing driveway on the subject lands. The existing curb cut width will be reduced from 5.85 m to 5 m. Pedestrian access to the home occupation will be provided by a single door on the north elevation. No stairs are required as this entry is at grade and accessible from the parking area.

The subject lands are located two properties west of existing commercial development on Yonge Street. On the north side of Uplands Avenue, directly opposite the subject lands, there is an Adult Learning Centre operated by the York District School Board. Given the proximity of this residence to the commercial uses along Yonge Street and the institutional uses to the north, the proposed home occupation can function at this location with minimal impact to the surrounding residential community.

Site Design

The site plan shown on Attachment #3 proposes a one-storey building addition expanding the existing dwelling to the south. Part of the proposed addition and the existing garage will be renovated to accommodate a reception area, two treatment rooms, an office, and a washroom.

The applicant proposes to construct a new 1.8 m wooden board fence along the east property line. A chain link fence exists along the south property line and a mixed bush hedge exists along the west property line. A new Small Leaf Linden tree will be planted in the front yard to replace an existing Norway Maple, which is in poor condition. One existing Magnolia tree and two Colorado Spruce trees will be removed in the rear yard to accommodate the addition. Landscape stone edging will be provided at the south end of the proposed west driveway.

One 0.9 m x 0.9 m painted wooden sign is proposed along Uplands Avenue in the northeast corner of the subject lands. The sign design is shown on Attachment #7. The applicant is required to submit a sign permit application to the Building Standards Department.

The elevations for the renovated dwelling are shown on Attachments #5 and #6. The north elevation facing Uplands Avenue consists of a single residential entry with a new gabled roof and

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porch posts that cover the existing porch. Also proposed are two new precast steps leading from the driveway/walkway to the porch. The existing ashlar brick feature will remain on the lower portion of the dwelling with a new stucco finish over existing standard brick on the upper half of the dwelling. The garage will be renovated into office space with a single wooden entry door and three glazed windows. New ashlar veneer stone will be placed around the new window with a new stucco finish over the existing standard brick on the upper portion of the building.

The Vaughan Development Planning Department will continue to work with the Owner to finalize the details of the proposal, including the final site plan, elevations and landscape plan, which shall be approved by the Department. A condition to this effect is included in the recommendation of this report.

Vaughan Public Works Department

The Owner advises that the home occupation will generate approximately two (2) cubic feet of paper/cardboard that would be accepted in a standard recycling bin and less than one (1) cubic foot of garbage. A special container provided by Biomedical Waste will be used for acupuncture needles. These containers are purchased and exchanged at any Shoppers Drug Mart location. Garbage and recycling will be stored in a 1.6 m² room located off of the home occupation entrance.

The applicant must submit a curb cut application to the Vaughan Public Works Department for the proposed 4 m and 5 m wide circular driveway.

The Vaughan Public Works Department has no objection to the proposed home occupation provided that the Owner complies with the City of Vaughan curb side collection requirements and that any pathological waste generated by the regulated health professional is disposed of privately, together with obtaining the required curb cut approvals.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has approved the site servicing and grading plan and storm water management brief and has no objections to the proposal.

The Owner has revised the site plan to address issues/concerns with respect to Transportation Planning Division comments by including the following;

- painting one way directional arrows on the proposed circular driveway to control the one-way traffic flow;
- reconfiguring the proposed west side driveway; and,
- reducing the total proposed curb cut to 9 m.

Vaughan Real Estate Division

The Vaughan Real Estate Division has indicated that the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands for the home occupation use only, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's Cash-In-Lieu Policy. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the Planning Act, prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

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Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The Regional Municipality of York has no objection to the proposed home occupation on the subject lands.

Conclusion

Site Development File DA.12.046 has been reviewed in accordance with OPA #210, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department can support the expansion of the existing residential dwelling to permit a regulated health professional as a home occupation use. The proposal is compatible with the residential and institutional uses in the surrounding area and conforms to the Official Plan policies and Home Occupation provisions in Zoning By-law 1-88.

Accordingly, the Development Planning Department can support the approval of Site Development File DA.12.046, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. North and East Elevations
6. South and West Elevations
7. Sign Details

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)