

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

Item 9, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2017.

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**SITE DEVELOPMENT FILE DA.16.080
JOHN KARKOUTIAN AND GRACE SEVAZLIAN
WARD 4 - VICINITY OF DUFFERIN STREET AND RUTHERFORD ROAD**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated February 7, 2017:

Recommendation

The Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Site Development File DA.16.080 (John Karkoutian and Grace Sevaizlian) BE APPROVED, to permit a home occupation to be established for a Chiropractor's office that would occupy 82.69 m² of the basement area within an existing 457.92 m², two-storey detached dwelling, as shown on Attachments #3 and #4.

Contribution to Sustainability

The application implements the following Goal and Objective of Green Directions Vaughan:

Goal 4: To create a vibrant community where citizens, businesses and visitors thrive.

- Objective 4.3: To encourage the establishment of green businesses and sustainable business practices.

The Owner has advised that the following sustainable feature will be included:

- i) permeable pavers for the walkway, to be located on the east and south sides of the existing detached dwelling, leading to the access for the home occupation.

Economic Impact

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

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.16.080 for the subject lands shown on Attachments #1 and #2, to permit the establishment of a home occupation for a Chiropractor's office that would occupy 82.69 m² of the basement area within an existing 457.92 m², two-storey detached dwelling. The regulated health professional will provide chiropractic services by appointment only.

Background - Analysis and Options

Synopsis:

The Owner proposes to occupy 82.69 m² of the basement area within an existing two-storey detached dwelling for a home occupation. The home occupation will provide chiropractic services by appointment only. The Vaughan Development Planning Department supports the Site Development application as the proposed use is permitted by Zoning By-law 1-88.

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Location

The subject lands, shown on Attachments #1 and #2, are located north of Rutherford Road and west of Dufferin Street and are known municipally as 19 Lady Bianca Court. The existing 717.73m² residential lot has 12 m of frontage on Lady Bianca Court and a depth of 43.69 m. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated “Low-Rise Residential” by the City of Vaughan Official Plan 2010 (VOP 2010), and Settlement Area by the Oak Ridges Moraine Conservation Plan. VOP 2010 permits single detached dwellings and home occupation uses, which are further regulated by the City’s Zoning By-law 1-88. The proposal conforms to the Official Plan.

The subject lands are zoned RD3 Residential Detached Zone Three and OS5 Open Space Environmental Protection Zone by Zoning By-law 1-88 and subject to site-specific Exception 9(1228), which permits detached dwellings having a minimum 12 m frontage. Subsection 4.1.5 of Zoning By-law 1-88 permits home occupation uses 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 area 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” and the provisions of Subsection 4.1.4 (a) (ii) “Parking Requirements on Residential Lots” shall apply.

The proposal complies with the above noted requirements of Zoning By-law 1-88 as follows:

- a) a Chiropractor is considered a regulated health professional, as defined by Zoning By-law 1-88;
- b) there will be 1 employee, the Chiropractor who will also reside in the dwelling;
- c) the Chiropractor will conduct consultation and emergency treatment services and will not operate as a clinic or hospital;
- d) the home occupation will occupy approximately 18% of the total gross floor area of the building, which is less than the permitted maximum of 25%;
- e) only the proposed Chiropractor office will operate in the detached dwelling; and,
- f) the Owner is proposing 7 parking spaces (3 in the garage and 4 on the driveway), which exceeds the 5 parking spaces that are required by Zoning By-law 1-88.

The proposal complies with Zoning By-law 1-88 in all other respects.

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;

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does not create or become a public nuisance, in particular with respect of noise, traffic, or parking”.

The Owner of the property is a Chiropractor, who will reside in the dwelling and will be the sole employee. The Owner is proposing to operate on a by appointment only basis, with one client treated at a time during the following hours of operation; Monday, Wednesday and Friday from 9:00 am to 5:00 pm, Tuesday 9:00 am to 11:00 am and 4:00pm to 6:00pm, and Saturday from 9:00 am to 12:00pm. The office will be closed on Thursday and Sunday. The proposed home occupation will only occupy 82.69 m² of the basement area within the existing 457.92 m² dwelling, which represents 18% of the total gross floor area, and therefore the home occupation use is considered secondary to the residential use.

The existing 5.64 m wide driveway can accommodate a total of four parking spaces including the two parking spaces required for the home occupation as shown on Attachment #3. Section 3.8 a) of Zoning By-law 1-88 requires a minimum of 3 parking spaces to be provided for a detached dwelling on a lot with a frontage greater than 11.0 m; the subject lands have a 12 m frontage. During the hours of operation the Owner will park one personal car in the garage. The Owner has a second car which would not be located on site during business hours. However, if on occasion it was located on site, it would be parked in the garage thereby allowing patients to park in any of the four spaces on the driveway.

Site Design

The Owner proposes to construct a 1 m wide walkway consisting of permeable pavers from the driveway along the east and south sides of the existing dwelling leading to the existing basement walkout entry, as shown on Attachment #3. No signage is proposed or required as the Chiropractor will operate on a by appointment only basis. There are no other changes proposed to the existing two-storey detached dwelling or the remainder of the lot.

The Vaughan Development Planning Department is satisfied with the site alterations to facilitate the home occupation use.

Vaughan Environmental Services Department, Solid Waste Management Division

The Vaughan Public Works Department has no objection to the proposed home occupation.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Vaughan DEIP Department has reviewed the proposal for a home occupation and have no concerns.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to cultivate an environmentally sustainable City

Regional Implications

The application was circulated to the York Region Community Planning and Development Services Department for review and comment, and they have advised there are no concerns with respect to the approval of this application.

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Conclusion

The Vaughan Development Planning Department has reviewed Site Development File DA.16.080 in consideration of the policies of VOP 2010, Zoning By-law 1-88, comments from City Departments and external public agencies, and the area context. The proposed home occupation for the office of a regulated health professional (Chiropractor) conforms to the Official Plan and Zoning By-law 1-88; and is appropriate and compatible with the existing uses in the surrounding area. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.16.080.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Site Plan
4. Basement Floor Plan

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.)