

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 20, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

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SITE DEVELOPMENT FILE DA.12.073

DR. EVAN KOGON

WARD 5 - VICINITY OF CENTRE STREET AND CARL TENNEN STREET

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated April 9, 2013:

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.12.073 (Dr. Evan Kogon) BE APPROVED, to permit a Home Occupation for an Office of a Regulated Health Professional (chiropractic medical services) on the subject lands shown on Attachments #1 and #2, occupying 67.4 m² of the basement of the existing 273 m² (excluding the basement and garage) two-storey detached dwelling as shown on Attachments #3 and #4, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final Site Plan and Sign Design Plan shall be approved by the Vaughan Development Planning Department;
 - ii) the final Lot Drainage Control Plan shall be approved by the Vaughan Development/Transportation Engineering Department; and,
 - iii) a Minor Variance Application for a reduction in the minimum required number of parking spaces from 5 to 3 spaces and that the home occupation use be restricted to 67.4 m² in the basement (not calculated as GFA) shall be approved by the Vaughan Committee of Adjustment and the Committee's decision shall be final and binding.

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 site feature will be included in the proposed development:

- i) permeable pavers to be used for the proposed walkway along the east side of the single detached dwelling.

Economic Impact

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

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Purpose

The Owner has submitted Site Development File DA.12.073, to permit a Home Occupation for an Office of a Regulated Health Professional occupying 67.4 m² of the basement of the existing 273m² (excluding the basement and garage) two-storey detached dwelling. The home occupation will provide chiropractic medical services by appointment only.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the south side of Brownridge Drive, west of Carl Tennen Street (185 Brownridge Drive). The existing 366 m² residential lot has 12 m frontage on Brownridge Drive and a depth of 30.4 m. The surrounding similar single detached residential 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), as further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. Both Official Plans permit single detached dwellings and Home Occupation uses, which are further established through the requirements in the Zoning By-law. The proposal to approve a Site Development Application to permit the Office of a Regulated Health Professional in the basement of a single detached dwelling conforms to both Official Plans.

The subject lands are zoned R3 Residential Zone by Zoning By-law 1-88 and subject to Exception 9(461), which permits a detached dwelling on the subject lands. Under Subsection 4.1.5 of Zoning By-law 1-88, home occupation uses are permitted within a detached dwelling, 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” (i.e. 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 complies with the above requirements of Zoning By-law 1-88, save and except for the minimum parking requirement and the percentage of the gross floor area (GFA) of the dwelling devoted to the home occupation use. A Minor Variance application must be submitted by the Owner and approved by the Vaughan Committee of Adjustment for a parking reduction from 5 to 3 spaces in order to obtain a variance from the “Home Occupation” parking standard of Zoning By-law 1-88 as noted above. Also, the basement floor area is not counted as GFA in By-law 1-88, and therefore, Clause 4.1.5 d) cannot be applied. However, a restriction on the size

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and location within the basement can be applied. Conditions to this effect have been included in the recommendation of this report. The on-site parking design and requirements and the basement floor area not being counted as GFA are discussed in the “Planning Considerations” section of this report.

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”.

The Owner proposes chiropractic health care services to patients by appointment only. One person will work at the home occupation, that being the chiropractic doctor. The doctor, who is the owner of the home, will live at the residence. The Owner is proposing to operate the service on Monday, Wednesday and Friday from 9:30 am to 12:30 pm and from 2:00 pm to 5:00 pm each day. The home occupation will occupy 67.4 m² of the basement of the existing dwelling. The definition of “Gross Floor Area” in By-law 1-88 does not include the basement or garage areas of the dwelling, however, it is clear that the area of the home occupation use in the basement is secondary to the use of the two floors of the dwelling as a private principal residence. As Clause 4.1.5 d) of the Home Occupation requirements respecting GFA cannot be applied to the 25% maximum provision, Development Planning Staff will instead restrict the home occupation use to the basement to a maximum area of 67.4 m².

The existing 5.4 m wide driveway can accommodate the two required parking spaces for the home occupation. The dimensions of the existing garage provide for one additional parking space using the minimum Zoning By-law 1-88 parking space size standard of 2.7 m x 6.0 m. However, the homeowner currently parks two personal automobiles in the garage despite the interior garage being 4.87 m in width, and has provided the Development Planning Department with photo documentation confirming that their Honda Civic and Toyota RAV SUV fit within the garage. Section 3.8 a) of Zoning By-law 1-88 requires a minimum of 3 parking spaces to be provided for residential single detached dwellings with lots greater than 11.0 m frontage and 2 parking spaces per dwelling unit for lots less than and equal to 11.0 m frontage. The subject lands have 12 m of frontage on Brownridge Drive. During the home occupation office hours, the applicant proposes to park one personal car in the garage. The Owner's second car is not at 185 Brownridge Drive during the proposed office hours, and if on occasion it were, it would be parked in the garage allowing patients to park in the two spaces in the driveway. Pedestrian access to the home occupation will be provided by a 1 m wide walkway along the east side of the dwelling and consisting of permeable pavers to a single basement entry door on the south elevation. An existing nine step poured concrete staircase provides access to the basement door. The Owner was issued Building Permit No. 13-000342 to legalize a basement entry and to provide upgrades to the guard fence, concrete wall and concrete footings to facilitate access to the residential dwelling which will also function as the main access to the home occupation, if the site plan application is approved.

The subject lands are located on a collector road, Brownridge Drive, within a single detached residential neighbourhood which is just south of Centre Street. Parking is permitted on Brownridge Drive from 6:00 am to 2:00 am for a 3 hour limit. Given that only the doctor will work at this home occupation three days a week and can provide the two required home occupation parking spaces in the residential driveway, and that the Owner is the sole person working on the premises, the proposed home occupation can function at this location with minimal impact to the site and surrounding residential community. Accordingly, the Department can support the reduction in required parking spaces from 5 to 3 spaces.

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Site Design

The applicant proposes to construct a 1.0 m wide permeable paver walkway to be constructed from the driveway along the east side of the existing home to the basement entry stairway as shown on Attachment #3. The Owner will improve the rear staircase guard fence, concrete wall, and concrete footings.

Should Vaughan Council find merit in the “Home Occupation” and approve the Site Development Application, the Owner is required to apply for a Building Permit to construct the proposed internal renovations to facilitate the basement home occupation office that includes a proposed waiting room, two treatment rooms, an exercise area and a washroom as shown on Attachment #4. The Vaughan Building Standards Department advises that additional upgrades may be required to the “Home Occupation” portion of the residence to satisfy the Ontario Building Code (O.B.C.) requirements.

A 1.67 m high x 1.21 m wide aluminum, reverse graphic sign is proposed to be located 1.0 m from the front property line along the west side of the existing driveway as shown on Attachment #3. The sign will include the Office Name, Phone Number, Services Offered and Logo as shown on Attachment #6. The Development Planning Department has reviewed and has no objections with the proposed sign design and location. The Owner is required to submit a Sign Permit Application to the Vaughan Building Standards Department.

Other than the new walkway, staircase improvements and proposed sign, there are no external changes proposed to the existing two-storey single detached home.

The Vaughan Development Planning Department will continue to work with the Owner to finalize the details of the proposal, which must be approved to the satisfaction of the Department. A condition to this effect is included in the recommendation of this report.

Vaughan Public Works Department

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 for garbage and recycling, and that any pathological waste generated by the Office of the Regulated Health Professional is disposed of privately.

The Owner advises that the waste management for the home occupation along with the residential use will comply with the City's curbside collection requirements.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the Lot Drainage Control Plan as shown on Attachment #5, and requires minor revisions to show that the rear yard swale is located a minimum of 5 m from the rear of the dwelling and runs along the east side of the dwelling between the proposed walkway and property line, and out to the street. The walkway along the east side of the dwelling must be shown entirely on the subject lands. A condition to this effect is provided in the recommendation to this report.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in Vaughan Vision 2020/Strategic Plan:

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i) **Lead and Promote Environmental Sustainability**

The Owner will be incorporating the sustainable site features identified in this report.

The proposed development will adhere to the City of Vaughan's residential waste disposal policies, which contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

ii) **Plan and Manage Growth & Economic Vitality**

The proposed development implements the City's Official Plan and Growth Management Strategy as set in Vaughan Official Plan 2010.

The development facilitates intensification located in a Low Rise Residential area and supports alternative modes of transportation (e.g. cycling, walking, etc) by providing chiropractic medical services to the local community.

Regional Implications

The subject lands are located on a local road internal to the subdivision and therefore, the Regional Municipality of York has no objection to the proposed home occupation on the property.

Conclusion

Site Development File DA.12.073 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 approval of the proposed Site Development Application to permit a home occupation for an Office of a Regulated Health Professional within 67.4 m² of the basement of a 2-storey single detached dwelling.

The proposal conforms to the Official Plan policies, however, requires approval from the Vaughan Committee of Adjustment for a Minor Variance for a two space parking reduction to the minimum parking requirements for a "Home Occupation" in Zoning By-law 1-88. The applicant has advised that the required two parking spaces for the "home occupation" will be provided on the existing driveway and that all residential parking will be accommodated in the garage of the home during office hours. A second variance to restrict the home occupation use to the basement to a maximum of 67.4 m² in area will also be required as the By-law requirement to cap the use to a maximum of 25% of the GFA of the residential dwelling cannot be applied to the basement area, which is not included in the calculation of gross floor area in accordance with the definition in By-law 1-88. Both variances have been determined to be appropriate by the Development Planning Department, to facilitate the use of the property with a home occupation in the basement of the single detached dwelling.

Accordingly, the Development Planning Department can support the approval of Site Development File DA.12.073, subject to the conditions contained in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Proposed Basement Floor Plan
5. Lot Drainage Control Plan
6. Sign Design

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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.)