

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014**

Item 20, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 6, 2014.

**20**

**ZONING BY-LAW AMENDMENT FILE Z.13.016**

**FRANK HOZJAN**

**WARD 5 - VICINITY OF CENTRE STREET AND DONNA MAE CRESCENT**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated April 29, 2014:**

**Recommendation**

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.13.016 (Frank Hozjan) BE APPROVED, to amend Zoning By-law 1-88, to permit the site-specific zoning exceptions to the R1V Old Village Residential Zone identified in Table 1 of this report to:
  - a) facilitate the severance of the subject lands in order to create 2 new residential lots for the development of 2 detached dwelling units in the manner shown on Attachments #3 and #4; and,
  - b) maintain the existing dwellings (211, 215 and 217 Centre Street) and accessory structures (frame sheds) on the retained lands in the manner shown on Attachment #3.

**Contribution to Sustainability**

The application implements the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal

**Economic Impact**

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

**Communications Plan**

On August 9, 2013, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands. The Notice of Public Hearing was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was erected on the property. To date the following comments have been received:

- i) Mr. Zimmer, Clarkhaven Street, in a correspondence dated September 10, 2013, respecting the proposed grading of the subject lands and stormwater run-off to his property, and if there will be an extension of the storm sewer infrastructure in the area.

These comments are addressed in the Vaughan Development/Transportation Engineering Department section of this report.

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The recommendation of Committee of the Whole to receive the Public Hearing report of September 3, 2013, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 17, 2013.

On April 22, 2014, the City of Vaughan mailed a courtesy notice of this Committee of the Whole meeting to the individuals who requested notification of this application.

#### **Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.13.016 to amend Zoning By-law 1-88, to permit the site-specific zoning exceptions to the R1V Old Village Residential Zone identified in Table 1 of this report to:

- a) facilitate the severance of the subject lands to create 2 new residential lots for the development of 2 detached dwelling units in the manner shown on Attachments #3 and #4; and,
- b) maintain the existing dwellings (211, 215 and 217 Centre Street) and accessory structures (frame sheds) on the retained lands in the manner shown on Attachment #3.

No changes are proposed to the existing dwellings or accessory structures on the retained lands. However, should the future consent (severance) application be approved by the Vaughan Committee of Adjustment, the existing dwellings and accessory structures will not comply with the R1V Old Village Residential Zone provisions of Zoning By-law 1-88, and therefore, the required zoning exceptions shown on Table 1 are being addressed through the subject zoning by-law amendment application.

#### **Background - Analysis and Options**

##### **Location**

The subject lands shown on Attachments #1 and #2, are located on the south side of Centre Street, west of Donna Mae Crescent. The site is developed with one existing single detached dwelling (217 Centre Street) with an accessory frame shed; and, a semi-detached dwelling (2 - units - 211 and 215 Centre Street) and accessory sheds, as shown on Attachment #3.

##### **Official Plan**

- a) **Thornhill Community Plan (OPA #210)**

The subject lands are designated "Low Density Residential" by in-effect OPA #210 (Thornhill Community Plan), which permits single detached residential units (severed lands). The proposal to amend Zoning By-law 1-88 to permit site-specific zoning exceptions to facilitate the creation of two new residential lots for 2 new detached dwelling units conforms to the policies of OPA #210. The proposed creation of the two residential lots also complies with the severance policies in OPA #94.

The owner has demonstrated through an affidavit and assessment roll research in the City of Vaughan Archives that the existing single detached (217 Centre Street) and semi-detached dwellings (211 and 215 Centre Street) located on the retained portion of the subject lands have been in their current location since July 1952. Zoning By-law 2625 to adopt Official Plan Amendment No. 4 of the Vaughan Planning Area was enacted by Vaughan Council on October 10, 1961. OPA #4 states that the predominant use of the land in the "Residential Area" classification shall be for residential dwelling units, however, it does not specify a unit type. Therefore, the existing dwelling units on the subject lands conformed to OPA #4. OPA #210

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(Thornhill Community Plan), which was approved by the Ministry of Municipal Affairs (in part) in 1987, permits single family detached units in the “Low Density Residential” designation. However, Section 2.7.1 a) of OPA #210 states, “As a general rule, any land use existing at the date of adoption of this Plan which does not conform with the land use designation shown on Schedule “A” - Land Use - is termed a “non-conforming use””. Therefore, the existing semi-detached dwelling on the subject lands is a legal non-conforming use and conforms to OPA #210.

#### b) Vaughan Official Plan 2010 (VOP 2010)

The subject lands are designated “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 endorsed by York Region Council on June 28, 2012, and approved in part by the Ontario Municipal Board on July 23, 2013, December 2, 2013 and February 3, 2014. The “Low-Rise Residential” designation permits the detached and semi-detached dwelling uses on the subject lands, subject to meeting the compatibility criteria established in VOP 2010. As this area of Thornhill does not contain semi-detached dwellings, an Official Plan Amendment would be required. However, as the semi-detached dwelling is existing since 1952, and the subject zoning by-law amendment application was submitted in 2013 under in-effect OPA #210 as a legally non conforming use, OPA #210 is the in-effect Official Plan.

#### Zoning

The subject lands are zoned R1V Old Village Residential Zone by Zoning By-law 1-88, which only permits single detached dwelling units. The proposed 2 new residential lots for detached dwellings (severed lands) and the existing detached and semi-detached dwellings and accessory structures on the retained lands do not comply with the R1V Zone requirements, and therefore, the following site-specific zoning exceptions are required to implement the proposal:

**Table 1:**

	<b>By-law Standard Severed Lands (Proposed New Lots)</b>	<b>By-law 1-88, R1V Old Village Residential Zone Requirements</b>	<b>Proposed Exceptions to the R1V Old Village Residential Zone Requirements</b>
a.	Minimum Lot Frontage	30 m	10 m each (2 new lots with frontage on Donna Mae Crescent)
b.	Definition of Front Yard	Means a yard extending across the full width of the lot between the front lot line of the lot and the nearest building or structure or open storage on the lot.	The front lot line for each of the 2 new proposed residential lots shall be deemed the lot line which runs perpendicular to Donna Mae Crescent; the rear lot line shall be deemed the lot line parallel to the identified front lot line; and each of the remaining two lot lines shall be deemed interior lot lines, as shown on Attachment #5.

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	<b>By-law Standard Retained Lands (211, 215 and 217 Centre Street)</b>	<b>By-law 1-88, R1V Old Village Residential Zone Requirements</b>	<b>Proposed Exceptions to the R1V Old Village Residential Zone Requirements</b>
a.	Minimum Lot Frontage	30 m	10.7 m (211 Centre Street)  20.47 m (215 and 217 Centre Street)
b.	Minimum Lot Area	845 m <sup>2</sup>	817.2 m <sup>2</sup> (211 Centre Street)
c.	Minimum Front Yard Setback (existing)	9.0 m	7.61 m (211 and 215 Centre Street)
d.	Minimum Interior Side Yard Setback (existing)	1.5 m	0 m (between existing semi-detached dwellings 211 and 215 Centre Street)  0 m (existing frame sheds 211 and 215 Centre Street)
e.	Use of Residential Lots	No person shall erect more than one dwelling on any lot in a Residential Zone	Permit two existing dwellings (215 and 217 Centre Street) on one lot (Part 1 as shown on Attachment #3)

The Planning Department can support the site-specific zoning exceptions required to maintain the existing dwellings and accessory structures on the retained lands. New structures or additions must comply to the R1V Old Village Residential Zone provisions of Zoning By-law 1-88.

Although the minimum required lot frontage is reduced for the severed lots, both proposed lots are located at the terminus of the cul-de-sac bulb on Donna Mae Crescent and are consistent in size and shape with the other lots on that street, exceed the minimum required lot area of 845 m<sup>2</sup> and comply with all other development standards of the RV1 Zone. The proposed exception of the definition of front yard allows the placement of the proposed residential dwellings to align with the existing dwelling on Donna Mae Crescent, thereby maintaining a continuous streetscape and building setback. The reduced lot frontage and the deeming of lot lines are considered minor and can be supported by the Vaughan Planning Department.

Conceptual Site Plan / Landscape Plan / Archaeological

The Vaughan Planning Department has reviewed the conceptual site plan and landscape plan shown on Attachments #3 and #4 and is satisfied with the location of the proposed residential dwellings and configuration of the new residential lots fronting onto Donna Mae Crescent. The

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Planning Department has reviewed the Tree Assessment and Preservation report submitted in support of the application that recommends the removal of 13 existing trees and the planting of 10 new deciduous trees and 14 deciduous shrubs, as shown on Attachment #4.

The Cultural Heritage Division of the Vaughan Planning Department has no objection to the proposal and advises that the subject lands are located in an area identified as being of high archaeological potential in the City's database of archaeological resources. As such, the owner is advised of the following:

- a) Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport, and the City of Vaughan's Planning and Recreation and Culture Departments shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the owner must immediately cease all construction activities. The owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

#### Toronto and Region Conservation Authority (TRCA)

The subject property is partially located within the regulated area of the Don River Watershed. The TRCA has advised that the proposed new lot boundaries are setback 10 metres from the Regional Storm Flood Plain, located to the west of the subject property, and approximately 7.7 metres from the Regional Storm Flood Plain located on the subject property.

The TRCA advises that the new lots are generally consistent with the goals and policies of the Valley and Stream Corridor Management Program (VSCMP) and Ontario Regulation 166/06 for the following reasons:

- new development is not proposed within a natural hazard
- there is no fragmentation in the ownership of a valley or stream corridor
- an appropriate buffer has been provided between the proposed lots and the nearest natural hazard
- no significant vegetation removal is required for the development of the two new lots

The TRCA is satisfied with the location of the existing dwellings and accessory structures on the retained lands. The TRCA notes that the retained lands are located within the Regional Storm Flood Plain and like the severed lands any proposed works will require a permit from the TRCA under Ontario Regulation 166/06.

The TRCA has no objection to the proposal and advises that any works within the regulated portion of the subject lands will require a permit from the TRCA under Ontario Regulation 166/06 for the future development of the proposed new lots.

#### Vaughan Development / Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department provides the following comments:

##### a) Road Network/Access

Lot access is being proposed onto Donna Mae Crescent. The review of the detailed design of the proposed driveway access locations will be considered at the consent application stage, if approved.

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b) Storm Water Management

The owner has submitted a functional servicing report in support of the subject application. The report notes the existing topography of the subject lands will remain generally unchanged and the proposed grading of the subject lots will not adversely impact the grading and/or drainage pattern of the existing adjacent properties.

The minor and major storm flow drainage system servicing the lands fronting on Donna Mae Crescent follows the grade of the road in an easterly direction and north where drainage is eventually received by the Centre Street storm drainage system. The conveyance of stormwater along Donna Mae Crescent is established via a rural road cross-section consisting of asphalt pavement, gravel/sodded shoulders, open ditches and corrugated steel pipe culverts at driveways and road crossings. A minimal portion of the bulb at the westerly limit of the site drains west towards the adjacent watercourse, through and west of the subject lands.

In addition to the information provided, the existing emergency overland flow route should remain unchanged in pre-to-post development design in relation to the existing drainage area plan. As such, there is no impact from stormwater drainage onto Mr. Zimmer's property on Clarkhaven Street, which is located opposite the subject lands to the south and west.

The owner will be required to submit a detailed storm water management report at the consent application stage indicating that there is an acceptable outlet for storm water run-off from the subject lands and justifying that the allowable site release rate will not be exceeded, to the satisfaction of the Development/Transportation Engineering Department and the TRCA (if applicable). The report must be signed and sealed by a Licensed Professional Engineer in the Province of Ontario.

c) Sanitary Servicing

A direct connection to the existing 200 mm diameter sanitary sewer located on Donna Mae Crescent is proposed, which conveys sewage flows into the Centre Street sanitary sewer system. The existing sewer along Donna Mae Crescent does not end at a man hole structure and is plugged approximately 77 m west of the existing sanitary man hole, located approximately in front of 25 Donna Mae Crescent. The proposed development, consisting of two detached family dwellings, serviced via the existing sanitary sewer system will require a new sanitary man hole structure to be installed at the existing location of the plug. The total flows anticipated from the proposed development peak at 0.26 litres/second which is acceptable.

The proposed sanitary sewer connection and man hole installation located within the municipal right-of-way will require further review and approval by the City of Vaughan Public Works Department prior to issuance of final approval for the consent application. In addition, a detailed Site Servicing Plan must be submitted at the consent application stage, to the satisfaction of the Development/Transportation Engineering Department. The City must also confirm that adequate water supply and sewage treatment capacity are available to accommodate the proposed development at the consent application stage.

d) Water Servicing

The existing watermain system consists of a 150 mm diameter PVC watermain located on the north side of Donna Mae Crescent. The proposed development will be serviced by individual 20 mm diameter water service connections, connecting to the water service connection beyond the property line via a plug and blow-off at the westerly terminal end of the system, which is acceptable. Additional background information may be required to support the proposed domestic water daily average consumption at the consent application stage. In addition, a

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detailed cross-section of the proposed water service connections to the existing 150 mm diameter watermain in accordance with the City's Design Standards is required.

The proposed water service connections and individual water service installations will require further review and approval by the Vaughan Public Works Department prior to issuance of final approval.

#### **e) Lot Grading**

Grading plans showing existing and proposed grades are to be submitted at the consent application stage to the satisfaction of the Development/Transportation Engineering Department. The City of Vaughan Site Plan Criteria requires existing grades to be shown a minimum 20 metres beyond the site boundary. In addition, emergency overland flow route and drainage plans for the existing and proposed conditions must be identified. The emergency overland spill route must be maintained in post-development conditions. Individual site grading plans for the two proposed detached dwellings will be required at the building permit stage.

#### **f) Other Comments**

The design/extension of Donna Mae Crescent will be upgraded and be revised in accordance with the City of Vaughan's latest Standards to the satisfaction of the Development/Transportation Engineering Department. This will include adding adequate streetlighting to the satisfaction of the Development/Transportation Engineering Department. The review and approval of the construction drawings will be granted at the consent application stage. All public right-of-way and/or utility easements, if any, must be shown on the plans submitted for the consent application.

### **Relationship to Vaughan Vision 2020/Strategic Plan**

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

#### **i. Manage Growth and Economic Well Being**

The proposed development implements the in-effect Official Plan (OPA #210) and the Growth Management Strategy set out in the new Vaughan Official Plan 2010.

### **Regional Implications**

The York Region Transportation and Community Planning Department has no comment or objection to the application.

### **Conclusion**

Zoning By-law Amendment File Z.13.016 has been reviewed in accordance with the policies of OPA #210, VOP 2010, Zoning By-law 1-88, and comments from City departments and external public agencies. The Vaughan Planning Department is satisfied that the proposed amendments to Zoning By-law 1-88 to facilitate the future severance of the subject lands to create two new lots for the development of detached dwellings and to maintain the existing detached and semi-detached dwellings and accessory structures on the retained lands, are appropriate and compatible with the existing uses in the surrounding area, and conform to the Official Plan. Accordingly, the Planning Department can support the approval of the Zoning By-law Amendment application, subject to the recommendations in this report.

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**Attachments**

1. Context Location Map
2. Location Map
3. Proposed Retained and Severed Lands
4. Landscape Plan
5. Proposed By-law Schedule 'E'

**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.)