

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 9, 2014

Item 18, Report No. 41, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 9, 2014.

18

ZONING BY-LAW AMENDMENT FILE Z.14.014

LIBERATA DEGASPERIS

WARD 2 - VICINITY OF REGIONAL ROAD 27 AND RUTHERFORD ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated December 2, 2014:

Recommendation

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

1. THAT Zoning By-law Amendment File Z.14.014 (Liberata DeGasperis) BE APPROVED, to amend Zoning By-law 1-88 to facilitate the creation of one additional residential lot as shown on Attachment #3, together with the site-specific zoning exceptions identified in Table 1 of this report.

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
- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

The creation of one new residential lot for a single detached dwelling in an existing residential area will facilitate development that is compatible with the surrounding land uses, supports expected population growth and conforms to the Official Plan.

Economic Impact

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

Communications Plan

On May 23, 2014, 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 and a Notice sign installed on the property in accordance with the City's Sign Notification Protocol. To date, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 17, 2014, and forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on June 24, 2014.

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.14.014

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for the subject lands shown on Attachments #1 and #2, to amend Zoning By-law 1-88 for lands zoned RR Rural Residential Zone and subject to site-specific zoning Exception 9(266), in the manner shown on Attachment #3, to facilitate the creation of one additional residential lot to be developed with a single detached dwelling, and to maintain the existing single detached dwelling and shed on the retained lands to the north, together with the following site-specific zone exceptions:

Table 1

	By-law Standard	By-law 1-88 RR Rural Residential Zone Requirements, Subject to Exception 9(266)	Proposed Exceptions to RR Rural Residential Zone Requirements, Subject to Exception 9(266)
a.	Minimum Lot Frontage	45 m	Parcel "B" Severed - 36.7 m
b.	Minimum Lot Area	4000 m ²	i. Parcel "A"- Retained: 2396 m ² ii. Parcel "B"- Severed: 1646 m ²
c.	Maximum Lot Coverage	10%	i. Parcel "A" - Retained: 14.82 % ii. Parcel "B" - Severed: 21.39 %
d.	Minimum Front Yard (Simmons Street)	15 m	i. Parcel "A" – Retained : 7.5 m (existing situation) ii. Parcel "B" - Severed - 7.5 m
e.	i. Maximum Number of Driveways Permitted ii. Maximum Combined Width of a Circular Driveway Measured 4.25 m from the street line	i. Not more than one driveway per lot ii. 15 m	Parcel "A" - Retained: i. 2 driveways: 1 circular driveway and 1 regular driveway (both existing) ii. 29.3 m (21.3 m circular driveway + 8m regular driveway)
f.	Minimum % of Front Yard Landscaping	50%	Parcel "A" - Retained: 42%
g.	Minimum Rear Yard (East) Setback to an Accessory Structure	15 m	Parcel "A" - Retained: 0.7 m (for an existing shed)
h.	Minimum Interior Side Yard (South) Setback to an Accessory Structure	4.5 m	Parcel "A"- Retained: 1 m (for an existing shed)

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Background - Analysis and Options

Location

The subject lands, shown on Attachments #1 and #2, are located west of Regional Road 27 and south of Rutherford Road, municipally known as 95 Simmons Street. The subject lands have an area of 4042 m² and frontage of 83.1 m. The surrounding uses are shown on Attachment #2.

Official Plan - Land Use Designation

The subject lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010), which was approved, in part, by the Ontario Municipal Board (OMB) on September 30, 2014. The application proposes the severance of an existing residential lot (containing one existing dwelling and a shed) into two lots. The proposed creation of an additional residential lot would facilitate the development of a new single detached dwelling, which conforms to the “Low-Rise Residential” policies of the Official Plan.

VOP 2010 requires that the Committee of Adjustment has regard for the following when considering a Consent (severance) application:

- i) When the retained or created lot does not comply with the Zoning by-law that the Owner shall file a Zoning By-law Amendment Application to facilitate the proposed severance. The Owner has filed the subject Zoning By-law Amendment Application.
- ii) Compatibility of the proposed size and shape of the lot(s) with the local pattern of lots and blocks in the area, size and configuration of existing lots, surrounding building types including heights and scale of nearby properties, building setbacks and the pattern of rear and side yard setbacks. The proposed severance will facilitate two lots that are compatible in size and configuration with other lots in the area as shown on Attachment #2, and a future dwelling that will respect the existing building types, scale, massing and setbacks.
- iii) Both the retained and severed lots must have access onto an existing public right-of-way or dedicated public road allowance. Both lots will have frontage on Simmons Street which is a public road.
- iv) All lots will be serviced by public water supply or other adequate supply of potable water and either a connection to a public sanitary system or provision for other waste treatment on site. Each lot will be serviced by an individual water service connection on Simmons Street. The retained lot will utilize the existing septic tile bed for sanitary service and a new septic tile bed will be constructed for the future lot.
- v) The creation of new lots will not be permitted where capital expenditures by a public authority are required for the extension of services, which is not applicable in this case.

Accordingly, the Zoning By-law Amendment application to facilitate the severance of the subject lands conforms to the Consent policies in VOP 2010.

Zoning

The subject lands are zoned RR Rural Residential Zone by Zoning By-law 1-88, subject to site-specific Exception 9(266). The Owner is proposing to facilitate the future creation of one residential lot for a single detached dwelling and to maintain the existing dwelling on the northern portion of the subject lands, with the site-specific exceptions identified in Table 1 of this report.

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The Vaughan Planning Department has reviewed the proposed exceptions to Zoning By-law 1-88 and provides the following comments:

i. Minimum Lot Area, Lot Frontage, and Lot Coverage

The proposed lot areas and lot frontages are consistent and compatible with existing smaller lots to the west and southwest on Simmons Street, as shown on Attachment #2 (ie. DiBenedetto Lane and Arcangelo Gate). The proposed lot coverages will result in dwellings that are similar in size and scale to recent developments on Simmons Street. As such, the Vaughan Planning Department can support these zoning exceptions.

ii. Minimum Front Yard

The proposed minimum front yard setback to the dwelling on the severed lot is consistent with the front yard setback of the existing dwelling on the retained lot, and can also be supported.

iii. Maximum Number of Driveways and Maximum Width of Driveways

The existing driveways on Parcel "A", on the proposed retained lands, match the driveways on the approved Building Permit (#03-1544) drawings for the original dwelling. Zoning By-law 1-88 at the time of issuance of the Building Permit (2003) for the existing dwelling did not include a provision to prohibit two driveways on one lot. The proposed retained and severed residential lots would maintain driveways from Simmons Street. Detailed design review of the proposed driveway access for the severed lot will be reviewed by the Development/Transportation Engineering Department at the Building Permit stage. As the driveways (circular and single) are an existing condition on the retained lot, the Vaughan Planning Department can support these zoning exceptions.

iv. Minimum Percentage of Front Yard Landscaping

The Vaughan Planning Department can support the reduction in front yard landscaping, as it is required to accommodate the existing driveways on the proposed retained lot (Parcel "A"). The reduced percentage will have minimal impact on the streetscape, as the 42% landscaping is composed of all soft landscaping.

v. Minimum Rear and Interior Side Yard Setbacks to an Accessory Structure

The subject lands abut Regional Road 27 to the rear with a significant grade change. The reduced rear yard setback to the existing accessory structure has limited impact on adjacent lands and can be supported. The reduced interior side yard setback to the proposed new residential lot to the south is considered minor and can also be supported.

Future Consent Applications

Should Vaughan Council approve the subject zoning application, the Owner must apply to create the new residential lot through a Consent Application (severance) for successful approval by the Vaughan Committee of Adjustment. As discussed further in the report, conditions of the Consent application will be to submit a planting plan to the satisfaction of the Vaughan Planning Department, and to include a clause in any future sale agreement acknowledging Canadian Pacific Railway (CPR) will not be responsible for complaints or claims arising from the use of its facilities in the CPR right-of-way located within 300 m of the subject lands.

Prior to the issuance of a Building Permit(s), and approval of any Consent Application(s), the implementing Zoning By-law must be final and binding and all conditions required to be satisfied by the Owner being addressed to the satisfaction of the City.

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Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the proposal and provides the following comments:

a) Road Network:

The proposed retained and severed residential lots will have or maintain driveways from Simmons Street. Detailed design review of the proposed driveway access will be reviewed at the Building Permit stage.

b) Storm Servicing:

The existing overland flow route should remain unchanged in pre-to-post development design in relation to the existing drainage area plan to ensure positive drainage for the subject lands. The Owner will be responsible for the replacement and/or installation of culverts within the municipal right-of-way used for road drainage with respect to the construction of the proposed driveway for future Lot "B", on the severed lands.

c) Sanitary Servicing:

There are no existing sanitary services accessible to the subject lands. The proposed sanitary septic bed may require further review and approval at the grading permit stage to the satisfaction of the Development/Transportation Engineering Department.

d) Water Servicing:

The proposed development will be serviced by individual water service connection to the watermain located on the west side of Simmons Street. The proposed water service connection will require further review and approval at the grading permit stage, and may be subject to review and approval from 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 Building Permit stage to the satisfaction of the Development/Transportation Engineering Department.

f) Noise:

The Owner provided a Detailed Noise Control Study prepared by SS Wilson Associates dated April 23, 2014. The outdoor noise control measures as outlined in the report are acceptable and should be reflected accordingly on the site grading/servicing plan submitted at the Building Permit stage. A minimum barrier height (or noise fence) of 2.2 m above the existing grades is required prior to the issuance of the final Building Permit to ensure satisfactory noise attenuation.

The noise fence/noise barrier should be in accordance with the figure illustrated in the report. As such it is the Owner's responsibility to ensure the design and construction of the sound barrier along with the approved materials are correct and the design should be secured and certified by the Acoustical Consultant.

Urban Design

The Urban Design Division of the Vaughan Development Planning Department has indicated that

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as a condition of future severance approval that detailed finishing materials and a Planting Plan showing planting to compensate for the loss of the existing tree should be provided to the satisfaction of the Urban Design Division. A condition to this effect will be included in the future Consent Application.

Cultural Heritage

The Cultural Heritage Division of the Vaughan Development Planning Department has advised that the subject parcel of land lies in an area identified as being of high archaeological potential in the City's database of archaeological resources. No archaeological assessment is required at this time, although future development may warrant an archaeological assessment. The Owner is advised that the following standard clauses apply to the entire subject property:

- i. 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 Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.*
- ii. 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.*

Canada Pacific Railway (CPR)

A CPR Principal Main Line is located west of the subject lands as shown on Attachment #2. Although CPR is not in favour of any new residential developments adjacent to the CPR right-of-way, CPR does not object to the proposed creation of a new lot in the vicinity of the Principal Main Line.

CPR requests that it be made a condition of future severance that the Owner undertakes to include the following clause in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each of the following:

"Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way and yard located within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way."

CPR also suggests that it be made a requirement that each dwelling unit meet the applicable Ministry of Environment indoor and outdoor noise standards. Conditions to this effect will be included in the future Consent Application.

Relationship to Vaughan Vision 2020/Strategic Plan

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

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i. **Plan and Manage Growth & Economic Well-Being**

The proposed development implements the City's current Official Plan, as the proposal to amend the Zoning By-law to facilitate the future severance of the property implements the in-effect land use designation.

Regional Implications

The York Region Transportation and Community Planning Department has advised that they have no concerns with or objections to the application.

Conclusion

The Vaughan Planning Department has reviewed Zoning By-law Amendment File Z.14.014 in consideration of the policies of Vaughan Official Plan 2010 (VOP 2010), the requirements of Zoning By-law 1-88, comments from City Departments, external public agencies, and the overall neighbourhood context. The Vaughan Planning Department is satisfied that the proposed site-specific zoning exceptions to facilitate the creation of one new residential lot for a single detached dwelling and to maintain the existing dwelling on the proposed retained lot are appropriate and compatible with the existing residential neighbourhood, and conforms to the Official Plan. Accordingly, the Vaughan Planning Department recommends approval of the Zoning By-law Amendment Application, subject to the recommendation in this report.

Attachments

1. Context Location Map
2. Location Map
3. Concept Plan

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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.)