

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

2

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated June 18, 2013, be approved; and
- 2) That the following deputations and Communication be received:
 1. Mr. David Share, Nashville Road, Kleinburg and Communication C1, dated June 6, 2013; and
 2. Ms. Nadia Zuccaro, EMC Group, on behalf of the applicant, be received.

1. THAT the Public Hearing report for File Z.13.018 (Berkley Homes (Kleinburg) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

- a) Date the Notice of a Public Hearing was circulated: May 24, 2013
- b) Circulation Area: 150 m and to the Kleinburg and Area Ratepayers' Association
- c) Comments Received as of June 6, 2013:
 - i. David and Darlene Share, Nashville Road, correspondence dated June 6, 2013, respecting concerns with the grade differential between the subject lands and the Share's residence, the retaining walls, the drainage of the subject lands, and the proposed dwelling height increase.

- i) rezone Blocks 57 and 58 in approved Plan of Subdivision 19T-84076 as shown on Attachment #3, from R1 Residential Zone to RR Rural Residential Zone, subject to Exception 9(455), to facilitate the future conveyance of these blocks to the adjacent existing properties municipally known as 190 Nashville Road and 10 Howland Mill Road to implement a consistent residential zone over the entirety of these properties; and,
- ii) amend the R1 Residential Zone, subject to Exception 9(1368), by adding the following site-specific exceptions for the approved subdivision on Annsleywood Court:

CITY OF VAUGHAN

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	By-law Standard	By-law 1-88 Requirements of R1 Residential Zone, subject to Site-Specific Exception 9(1368)	Proposed Exceptions to R1 Residential Zone, subject to Site-Specific Exception 9(1368)
a.	Maximum Building Height for a Gable, Hip or Gambrel Roof	9.5 m (measured to the mid-point of the roof)	10.4 m (as shown on Attachment #4 - Jasper - Period Revival Elevation)
b.	Maximum Building Height and Definition of Building Height for a Flat/Mansard Roof	9.5 m (measured to the highest point of the roof surface)	10.4 m (measured to the "deck line" and not to include a tower structure in the height calculation) "Deck Line" shall be defined as follows: "means the horizontal line at which the roof pitch transitions". (as shown on Attachment #4 - The Jasper-Second Empire Elevation)
c.	Maximum Lot Coverage	35%	38%

Additional zoning exceptions may be identified through the detailed review of this application.

Background - Analysis and Options

On March 7, 2012, the Ontario Municipal Board (OMB) approved Official Plan Amendment #614, Draft Plan of Subdivision File 19T-84076, and Zoning By-law Amendment File Z.147.85 for the subject lands shown on Attachments #1 and #2. The OMB approval facilitates a 44 lot residential subdivision for single detached dwellings, with site-specific zoning exceptions implemented by in-effect By-law 36-2012 (Exception 9(1368)). As part of the approval process, Heritage Vaughan also approved 10 dwelling models for the subdivision. Depending on the lot purchased and the dwelling model chosen by the prospective owner, the maximum building height and lot coverage will vary on each lot but will exceed what is permitted in Zoning By-law 1-88, on a majority of the Lots within the Plan up to the maximum height and lot coverage as identified in the purpose section above. However, the Owner has requested that the zoning exception for the greatest building height and lot coverage apply to the entire subdivision.

The Owner is also proposing to convey Blocks 57 and 58 in approved Plan of Subdivision File 19T-84076 (shown on Attachment #3) to the adjacent landowners to the west (municipally known as 190 Nashville Road and 10 Howland Mill Road), through a condition included in the draft Subdivision Agreement for Plan of Subdivision File 19T-84076 (Berkley Homes (Kleinburg) Inc.). These Blocks are zoned R1 Residential Zone, subject to Exception 9(1368), while the adjacent lands are zoned RR Rural Residential Zone, subject to Exception 9(455). In order to ensure that a consistent zone category applies to the entirety of the existing rural residential lots when these Blocks are ultimately merged with the lots, the Owner is proposing to rezone Blocks 57 and 58 to RR Rural Residential Zone, subject to Exception 9(455), prior to conveyance.

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Location	<ul style="list-style-type: none">▪ The subject lands are located on the west side of Regional Road 27, north of Nashville Road, shown as “Subject Lands” on Attachments #1 and #2.▪ The subject lands are currently vacant and have been approved for a 44 lot residential subdivision, with an access from Regional Road 27. To date, the Subdivision Agreement for the subject lands has not been finalized.
Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated “Serviced Residential” by in-effect OPA #601 (Kleinburg - Nashville Community Plan), as amended by site-specific OPA #614, which permits detached dwellings on the subject lands. OPA #601 and #614 does not prescribe a maximum building height. The application conforms to the in-effect Official Plan.▪ 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 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.▪ The “Low-Rise Residential” designation in VOP 2010 permits single detached dwellings with a maximums 3-storey height and does not prescribe a maximum density for the designation. The application conforms to the new VOP 2010.
Zoning	<ul style="list-style-type: none">▪ The subject lands are zoned R1 Residential Zone by Zoning By-law 1-88, subject to Exception 9(1368), which permits single detached dwellings. The proposed building heights and lot coverage for the lots do not comply with Zoning By-law 1-88, and therefore, a Zoning By-law Amendment application has been submitted.▪ Blocks 57 and 58 are proposed to be rezoned to RR Rural Residential Zone, subject to Exception 9(455), in order to provide a consistent zone category over the entire lot once these blocks are conveyed to the adjacent landowners (190 Nashville Road and 10 Howland Mill Road). An amendment to the Zoning By-law is required to rezone these Blocks.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the application, the Development Planning Department has identified the following matters to be reviewed in greater detail:

CITY OF VAUGHAN

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	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Kleinburg Nashville Heritage Conservation District	<ul style="list-style-type: none"> ▪ The subject lands are located within the Kleinburg-Nashville Heritage Conservation District Plan and are subject to the policies of the Plan. ▪ The application must be reviewed by the Vaughan Cultural Services Division.
b.	Appropriateness of Proposed Building Heights and Lot Coverage	<ul style="list-style-type: none"> ▪ The appropriateness of amending the definition for “building height” in Zoning By-law 1-88 to permit single detached dwellings with the proposed building heights and the proposed lot coverage will be reviewed in consideration of compatibility with other single detached dwellings and development in the surrounding area.
c.	Definition of “Deck Line”	<ul style="list-style-type: none"> ▪ Attachment #4 displays the front elevations for two model homes with different roof styles (hip roof and mansard roof) that could be located on Lot 20 in the subdivision. Lot 20 in Draft Plan of Subdivision 19T-84076 has the greatest difference in grade elevation on one lot than any other lot in the Plan. <p>The model dwelling on the left, ‘The Jasper - Period Revival’, maintains a sloped roof. Zoning By-law 1-88 requires that the maximum building height for this model home be measured to the mean height between the eaves and the highest point of the roof surface, which is 10.4 m. The model dwelling on the right, ‘The Jasper - Second Empire’ is designed with a mansard roof. Zoning By-law 1-88 requires that the building height for this model be measured to the highest point of the roof surface, in this case being 12.92 m.</p> <p>As shown on Attachment #4, both model dwellings maintain a similar built form, however, based on the definition in Zoning By-law 1-88 for calculating the building height for each dwelling utilizing a different roof type, the resulting building height is</p> <p>10.4 m and 12.92 m, respectively.</p> <ul style="list-style-type: none"> ▪ The appropriateness of measuring the building height from the “deck line” (ie. 10.4 m) instead of the highest point of the roof in the case of a mansard/flat roof will be reviewed.
d.	Urban Design and Architectural Control Guidelines	<ul style="list-style-type: none"> ▪ The proposed development must conform to the applicable Urban Design and Architectural Design Guidelines for the subject lands, and any necessary revisions to this document will be identified in the technical review of the application.

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Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of this application to the Vaughan Vision will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the Region of York for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Plan of Subdivision 19T-84076 and Existing Zoning
4. Typical Front Elevations

Report prepared by:

Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)

Subject:

FW: Berkley Homes (Kleinburg) Inc. File Z.13.018

C 1
COMMUNICATION
CW (Public Hearing)
June 18/13
ITEM - 2

From: David Share [<mailto:dshare2007@sympatico.ca>]

Sent: Thursday, June 06, 2013 2:08 PM

To: DevelopmentPlanning@vaughan.ca

Subject: Berkley Homes (Kleinburg) Inc. File Z.13.018

Daniel Woolfson

Thankyou once again for meeting with us at our home adjacent to the building site. We have had many concerns with the development since it was first introduced almost 10 years ago. Several more concerns were brought to our attention this past year. The main issue was the drastic increase in elevation of the property and the need for a retaining wall. The increased elevation has also brought about drainage issues on our property and other surrounding properties.

The additional increase in the height of the homes on a property already 20 feet higher than our property is unacceptable. If you insist on approving the amendment to by-law 1-88 we would like you to consider the impact the extra height will have on our property. It will feel like we are living behind a 50 foot wall. We are still zoned RR and should not have to endure a development towering over our property.

We will definitely be attending the public meeting on June 18th to voice our many concerns.

David & Darlene Share

190 Nashville Road

Kleinburg (since 1961)

Since 1961

2. ZONING BY-LAW AMENDMENT FILE Z.13.018**P.2011.28****BERKLEY HOMES (KLEINBURG) INC.****WARD 1 - VICINITY OF REGIONAL ROAD 27 AND NASHVILLE ROAD****Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT the Public Hearing report for File Z.13.018 (Berkley Homes (Kleinburg) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Hearing was circulated: May 24, 2013
- b) Circulation Area: 150 m and to the Kleinburg and Area Ratepayers' Association
- c) Comments Received as of June 6, 2013:
 - i) David and Darlene Share, Nashville Road, correspondence dated June 6, 2013, respecting concerns with the grade differential between the subject lands and the Share's residence, the retaining walls, the drainage of the subject lands, and the proposed dwelling height increase.

Purpose

The Owner has submitted Zoning By-law Amendment File Z.13.018 for the subject lands shown on Attachments #1 and #2, specifically to amend Zoning By-law 1-88, as follows:

- i) rezone Blocks 57 and 58 in approved Plan of Subdivision 19T-84076 as shown on Attachment #3, from R1 Residential Zone to RR Rural Residential Zone, subject to Exception 9(455), to facilitate the future conveyance of these blocks to the adjacent existing properties municipally known as 190 Nashville Road and 10 Howland Mill Road to implement a consistent residential zone over the entirety of these properties; and,
- ii) amend the R1 Residential Zone, subject to Exception 9(1368), by adding the following site-specific exceptions for the approved subdivision on Annsleywood Court:

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Attachments

1. Context Location Map
2. Location Map
3. Plan of Subdivision 19T-84076 and Existing Zoning
4. Typical Front Elevations

Report prepared by:

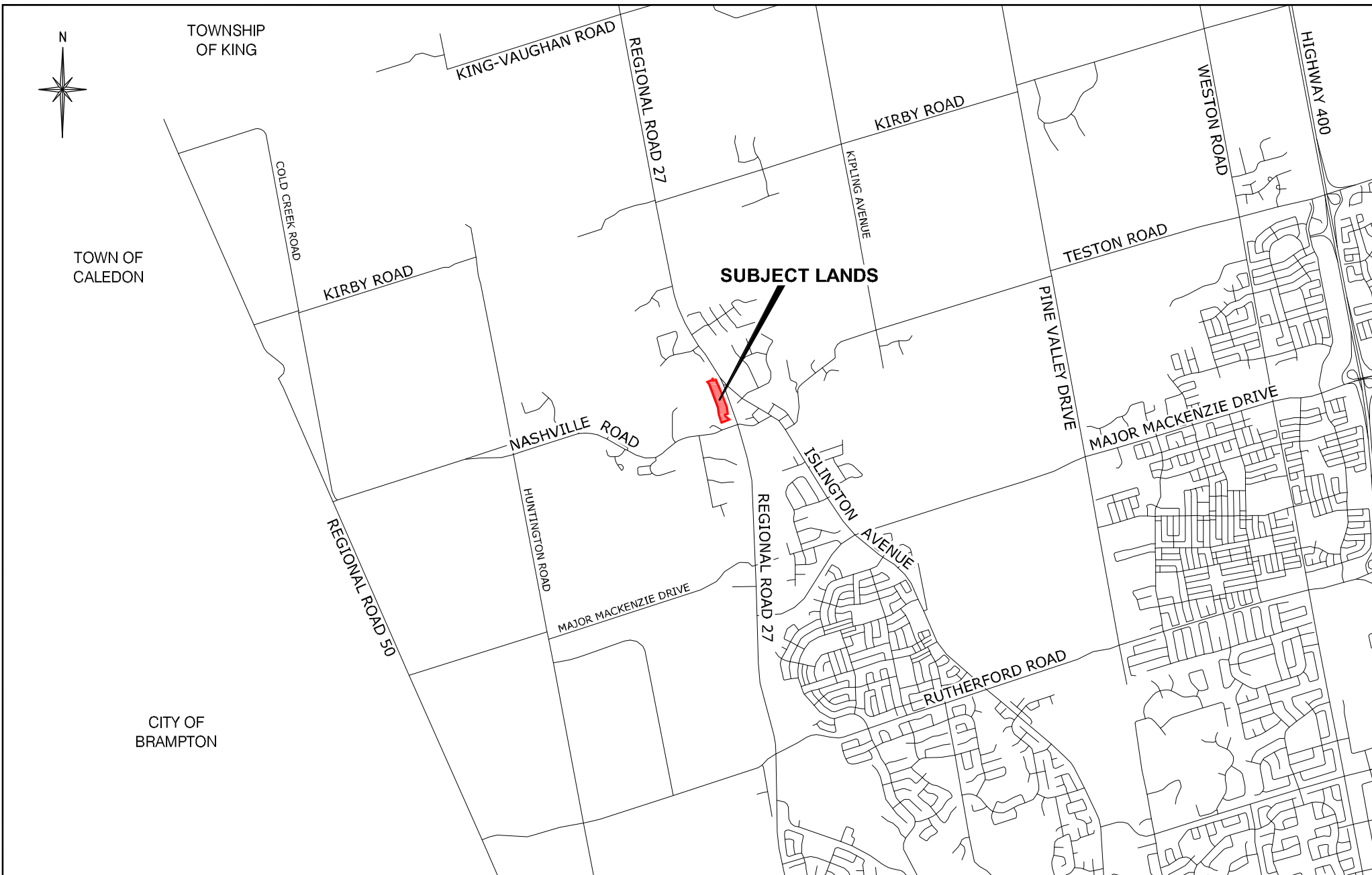
Daniel Woolfson, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



Context Location Map

Location: Part of Lots 24 & 25,
Concession 8

Applicant:
Berkley Homes (Kleinburg) Inc.

N:\DFT\1 ATTACHMENTS\Z\z.13.018.dwg

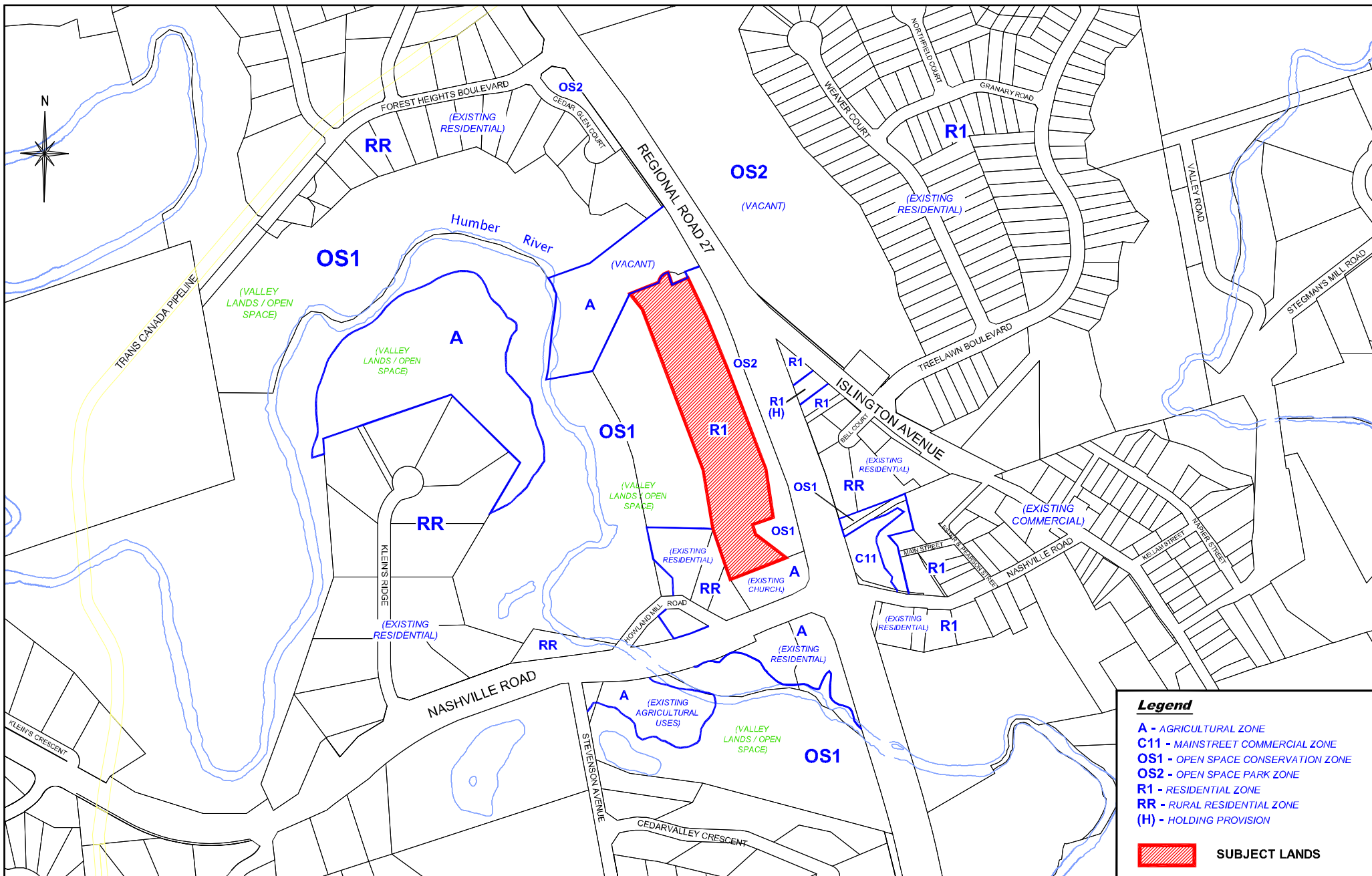


Attachment

File: Z.13.018
Related Files: 19T-84076 & Z.13.001
Not to Scale

Date: May 22, 2013

1



Location Map

Location: Part of Lots 24 & 25,
Concession 8

Applicant:
Berkley Homes (Kleinburg) Inc.

N:\DFT\1 ATTACHMENTS\Z\z.13.018.dwg

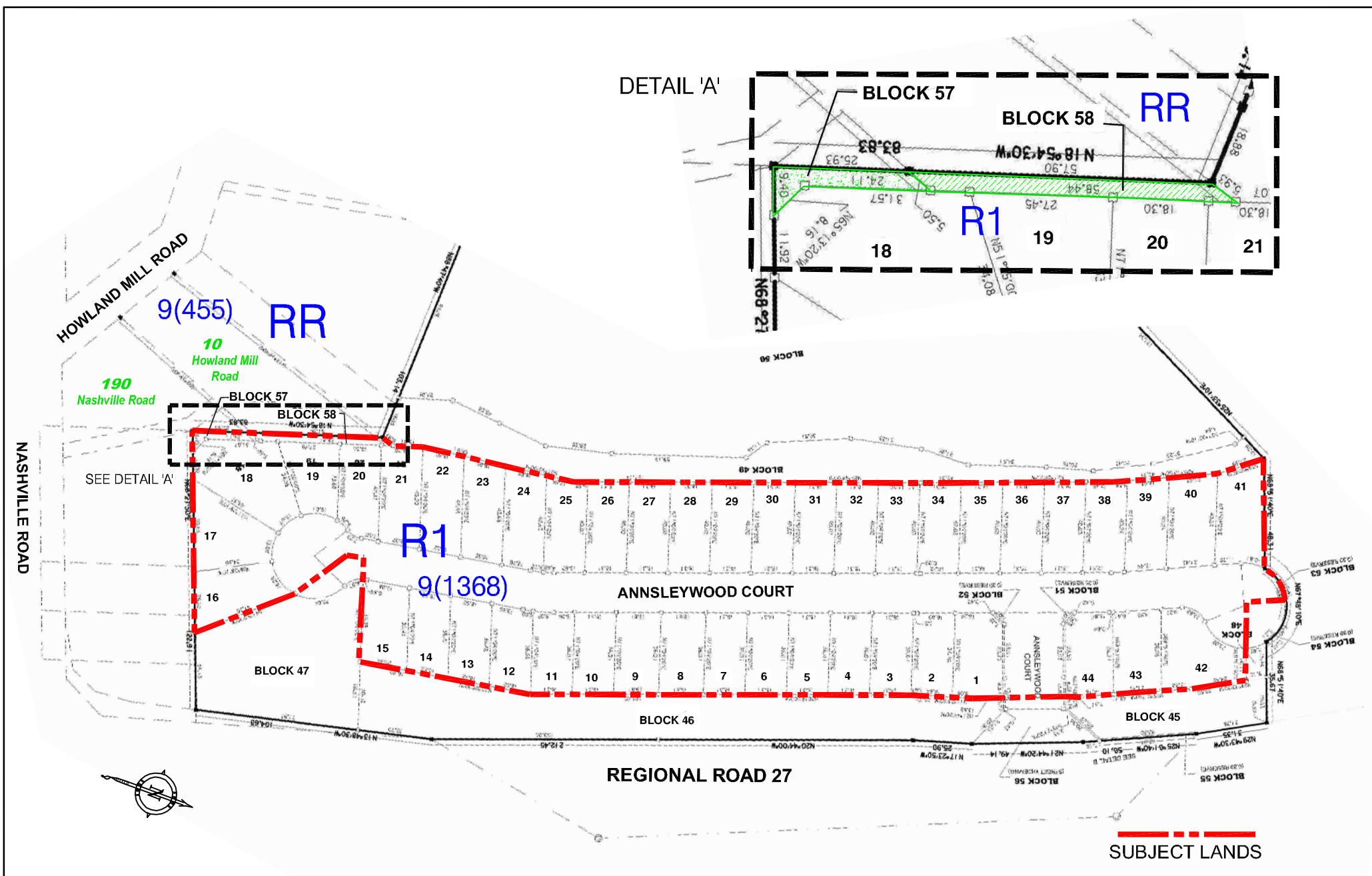


Attachment

File: Z.13.018
Related Files: 19T-84076 & Z.13.001
Not to Scale

Date: May 22, 2013

2



Plan of Subdivision 19T-84076 & Existing Zoning

Applicant: Berkley Homes (Kleinburg) Inc.
Location: Part of Lots 24 & 25, Concession 8



Attachment
File: Z.13.018
Related Files: 19T-84076 & Z.13.001
Not to Scale
Date: June 6, 2013
3

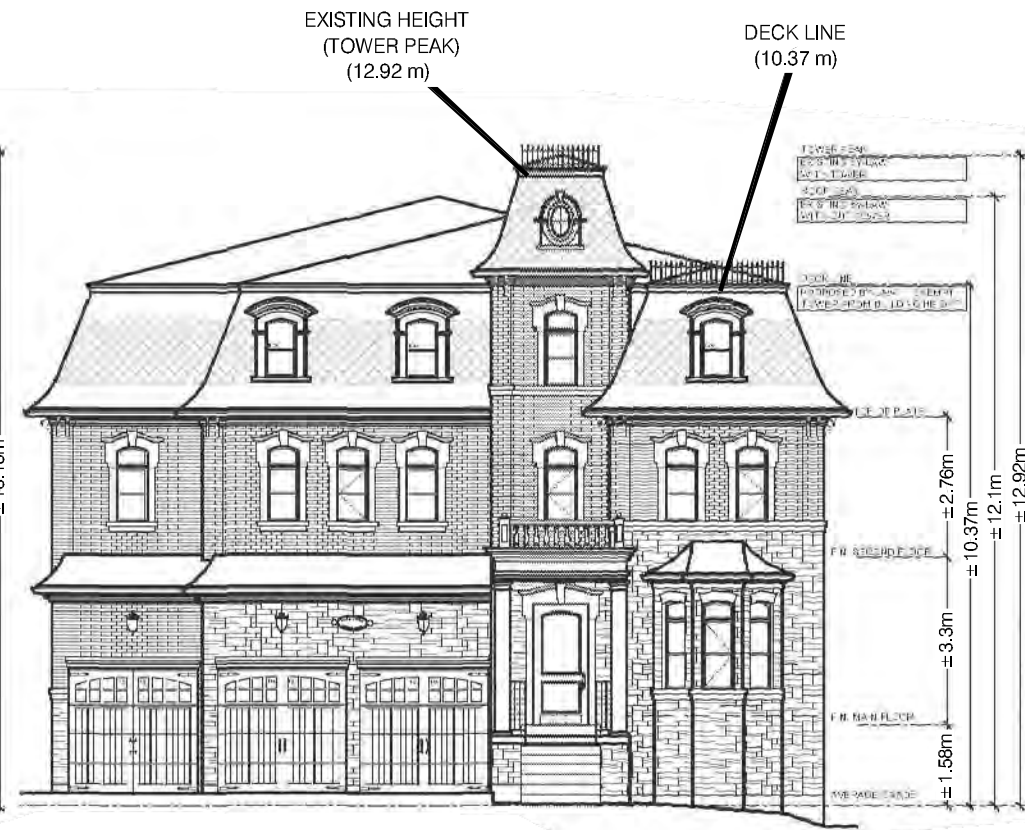
EXAMPLE OF MEASUREMENT OF BUILDING HEIGHT ON LOT 20

HIP ROOF - BUILDING HEIGHT MEASURED
AS REQUIRED BY ZONING BY-LAW 1-88 = 10.4 m

MANSARD ROOF - BUILDING HEIGHT MEASURED
AS REQUIRED BY ZONING BY-LAW 1-88 = 12.92 m



FRONT ELEVATION - THE JASPER (PERIOD REVIVAL)



FRONT ELEVATION - THE JASPER (SECOND EMPIRE)

Typical Front Elevations

Location: Part of Lots 24 & 25,
Concession 8

Applicant:
Berkley Homes (Kleinburg) Inc.



Attachment

File: Z.13.018
Related Files: 19T-84076 & Z.13.001
Not to Scale

Date: June 6, 2013

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