

**COMMITTEE OF THE WHOLE APRIL 22, 2002**

**SITE DEVELOPMENT FILE DA.01.049**  
**RELATED ZONING BY-LAW AMENDMENT FILE Z.141.89**  
**FRANK ROSSI IN TRUST**

**Recommendation**

The Commissioner of Planning recommends:

THAT Site Development Application DA.01.049 (Frank Rossi In Trust) BE APPROVED, subject to the following:

- a) That prior to the execution of the site plan agreement:
  - i) the final site plan shall be approved by the Community Planning and Urban Design Departments;
  - ii) the final site servicing requirements, including connection to municipal services and abandonment of the private septic system, shall be approved by the Engineering Department;
  - iii) the final landscape requirements, including a detailed landscape cost estimate, shall be approved by the Urban Design Department;
  - iv) the Owner shall execute an encroachment agreement with the City for the existing garage's eaves and gutters encroaching into the John Street right-of-way; and,
  - v) the Ontario Municipal Board be forwarded a copy of the minutes of this staff report, advised that there is an approved site plan and be provided with a revised copy of By-law 197-92 reflecting the modifications to the site plan to allow the Board to release the order approving the revised By-law.
- b) That the Owner shall pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% for the residential component and 2% for the commercial component of the value of the subject lands, prior to the issuance of a building permit, in accordance with the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser to the City. The approved appraisal shall form the basis of the cash-in-lieu payment.

**Purpose**

On June 27, 2001, the Owner submitted Site Plan Application DA.01.049, as required in accordance with the Ontario Municipal Board decision/order issued on May 30, 1995. The OMB approved a zoning application for a change in use of the 154.9m<sup>2</sup> heritage building on the site from 2 residential units to either 1 residential unit or 1 residential unit and retail use up to 50.17m<sup>2</sup> GFA, with a total of 5 parking spaces. The Board withheld its order pending confirmation of the City's approval of the subject site plan application.

**Background - Analysis and Options**

The site is located at the southeast corner of Islington Avenue and John Street, being Part of Lots 32 and 33, Plan 275 (10535 Islington Avenue), in Lot 24, Concession 8, City of Vaughan. The

site consists of 0.094ha, with 27m frontage onto Islington Avenue. The surrounding land uses are as follows:

- North - John Street; residential (R1 Residential Zone)
- South - commercial (C1 Restricted Commercial Zone)
- West - Islington Avenue; commercial (C1 Restricted Commercial Zone)
- East - residential (R1 Residential Zone)

#### Ontario Municipal Board

In November 1989, the previous Owner of the subject lands submitted applications to amend the Official Plan and Zoning By-law to allow commercial retail uses and 1 residential dwelling unit in the existing house. On June 22, 1992, Council approved Official Plan Amendment #401 and By-law 197-92 to allow the proposal. The Official Plan Amendment and Zoning By-law were appealed to the OMB by neighbouring landowners, Michael and Donna Murphy, due to concerns with the availability of adequate parking for the proposed use.

The May 30, 1995, Board decision/order found that the commercial use of 50.17m<sup>2</sup> (540ft<sup>2</sup>) GFA and 1 residential unit was an appropriate use of the subject property. A total of 5 parking spaces were to be provided, 2 spaces for residential and 3 spaces for the limited commercial space. The Board approved the Official Plan and By-law, subject to approval of a site plan which was satisfactory to all parties. The site plan was to specifically address such matters as parking layout, screening of the parking area along the rear lot line, and signage for the commercial use.

#### Notification/Objections

The required site plan application was submitted in June 2001, and on July 24, 2001, a request for comments was sent to Michael and Donna Murphy, and the Kleinburg and Area Ratepayers Association. Letters of objections to both the first circulation and the January revised circulation, from Michael and Donna Murphy, and from Helen Dobbie (15 John Street) were received, expressing concerns regarding the adequacy of the parking, traffic backing onto John Street and insufficient landscaping. The report discusses how these concerns have been addressed.

#### Official Plan

The subject lands are designated "Kleinburg Core Area" by OPA #601 (Kleinburg-Nashville Community Plan), which allows for 'Mainstreet Commercial' uses as retail stores, professional and business offices, restaurants and detached residential dwellings.

The Kleinburg-Nashville Community Plan requires that all development be subject to the urban design policies of the Plan, which requires that buildings maintain the historical character of the Kleinburg area. The Owner advised that there would not be any exterior changes to the existing 2-storey heritage brick building. As the proposed use is allowed and there are no changes to the exterior of the building, the proposal conforms to the Official Plan.

#### Zoning

The subject lands are zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(47), which allows a detached residential dwelling. By-law 197-92 rezones the lands to C1 Restricted Commercial Zone and allows either 1 residential dwelling with 2 parking spaces, or 1 residential unit and a retail store to a maximum of 50.17m<sup>2</sup> with 5 parking spaces, as well as provides exceptions to the yards and coverage. This By-law is not in effect as the Board is holding the order that approves it, pending approval of a site plan.

The review of the proposal through the site plan process and implementation of the requirements of the Board order/decision will require that modifications be made to the exceptions in By-law 197-92, including:

- the building envelope for the existing garage has a width of 4.5m, rather than 4m;
- permission for encroachments of the eaves and gutters into the municipal right-of-way is required;
- lot depth of 34.80m rather than 60m for a Commercial Zone;
- landscaping strips of 0m and 5.6m, rather than 6m abutting John Street; and,
- setback of 5m to a Residential Zone rather than 9m.

a) Coverage/Building Envelope

A deck has been constructed that wraps around the south and east (rear) sides of the house. This deck results in the building exceeding the building envelope established in By-law 197-92. Staff did not support exceeding the building envelope and the deck impedes the preferred parking layout. Therefore, the deck is to be removed as a condition of site plan approval.

b) Landscaping

The original site plan showed a 0.44m landscaping buffer, which consisted of a cedar hedge, to screen only the parking area along the east property line adjacent to the residential area. The revised site plan increases the width of the landscaping buffer to 2.4m along the entire eastern property line, and adding a cedar hedge and trees along the eastern and southern property lines. The increase in landscaping meets the requirements of the zoning and is in accordance with the Board decision/order for screening the parking area from the residential area.

Staff has reviewed the proposal and can support the modifications to By-law 197-92. Most modifications are due to the location of the garage on the property line, which results in no landscaping strip and encroachment of the eaves and gutters into the municipal right-of-way. The exterior yard abutting John Street has a landscaping strip for the west portion of the yard, nearest to Islington Avenue. The landscaping strip between the residence and John Street is 5.6m rather than 6m, which is considered to be a minor modification to the By-law.

As the buildings have been on the site prior to the change of land use from residential to commercial, the proposed modifications to By-law 197-92 would recognize an existing situation, and reflect the approved site plan. A modified by-law will be forwarded to the Board to request that the order be amended to approve the modified by-law.

Site Plan/Elevations

The residence known as the “Thomas White House”, was designated as a heritage building under the Heritage Act in 1985, by By-law No. 30-85. The house is a 2-storey, sloped roof, brick building, which has a bay window and covered verandah facing Islington Avenue. The garage is a 1-storey, wood structure with a pitched roof. No exterior changes are being proposed to the buildings, except for the removal of the wrap-around deck on the residence.

There will be one egress/ingress driveway off John Street into the parking area that is to be paved. In accordance with the Board decision/order, a sign is to be posted at the northwest corner of the subject lands that indicates there is on-site parking for the commercial use. The site statistics are as follows:

Gross Floor Area	
Commercial Area	50.0 m <sup>2</sup>
Residential Area	<u>77.0 m<sup>2</sup></u>
Total	127.0 m <sup>2</sup>

## Parking

- Required and provided; 2 residential spaces, 3 commercial spaces, 0 barrier free spaces

### a) Parking

The parking layout in the site plan has been modified from the concept plan considered at the Board Hearing. The previous concept provided 4 parking spaces that were perpendicular to John Street. There was the concern that vehicles would back out onto John Street and impede traffic. The parking layout was modified by deleting the wrap-around deck from the house to allow 3 parking spaces perpendicular to the house and 1 space to be perpendicular to the street. This would allow sufficient area for a vehicle to reverse on-site without backing onto John Street while leaving rear yard amenity space for the residence. The garage is to provide 1 parking space for the residential use.

### b) Private Services

The subject lands are currently on private septic systems. Full municipal services have been installed along Islington Avenue to service the Kleinburg Core Area, and a connection is available at the property line in front of the house. The subject lands will be required to hook up to the municipal sanitary services and abandon the private septic system, as a condition of site plan approval. When the Local Improvement costs have been finalized, the applicant will be required to pay its proportionate share of the costs in accordance with the Local Improvement Act.

### Encroachment Agreement

The existing garage is located on the north property line where the eaves and gutters are encroaching into the municipal right-of-way. As the buildings and/or structures are not permitted to encroach into the municipal right-of-way, the Owner will be required to enter into an agreement with the City that will allow for the encroachment of the eaves and gutters on the existing garage prior to executing the site plan agreement.

### Circulation Comments

The Cultural Services Department advised that they have no objections to the proposal as no changes are proposed to the exterior elevations of the designated heritage residential dwelling.

The Engineering Department advised that the final site plan shall incorporate the stormwater management, grading and servicing details, and be approved to their satisfaction.

The Urban Design Department has no objections, provided their concerns related to the landscaping are addressed to their satisfaction.

### Conclusion

The Ontario Municipal Board has approved Official Plan and Zoning amendments to permit the use of the 154.9m<sup>2</sup> heritage residence to either 1 residential unit, or 1 residential unit plus retail use up to 50.17m<sup>2</sup> GFA, with a total of 5 parking spaces. The Board held the order approving the By-law pending the approval of a site plan.

Through the review of the site plan, it has been determined that modifications to By-law 197-92, which is before the Board, are required to implement the site plan and to recognize the existing building situation.

Staff can support the modifications to By-law 197-92, given that some are caused by the location of the garage and house adjacent to the John Street right-of-way. Upon site plan approval, a modified by-law that implements the site plan will be forwarded to the Board with a request that the Order be amended to approve the modified by-law.

Staff are of the opinion that the revised site plan application has addressed the concerns expressed by the parties, particularly with respect to parking layout and landscape screening.

Therefore, Staff can support the site plan application for the proposal. Should Committee concur, Site Development Application DA.01.049 (Frank Rossi In Trust) can be approved, with the adoption of the "Recommendation" of this report.

**Attachments**

1. Location Map
2. Site Plan

**Report prepared by:**

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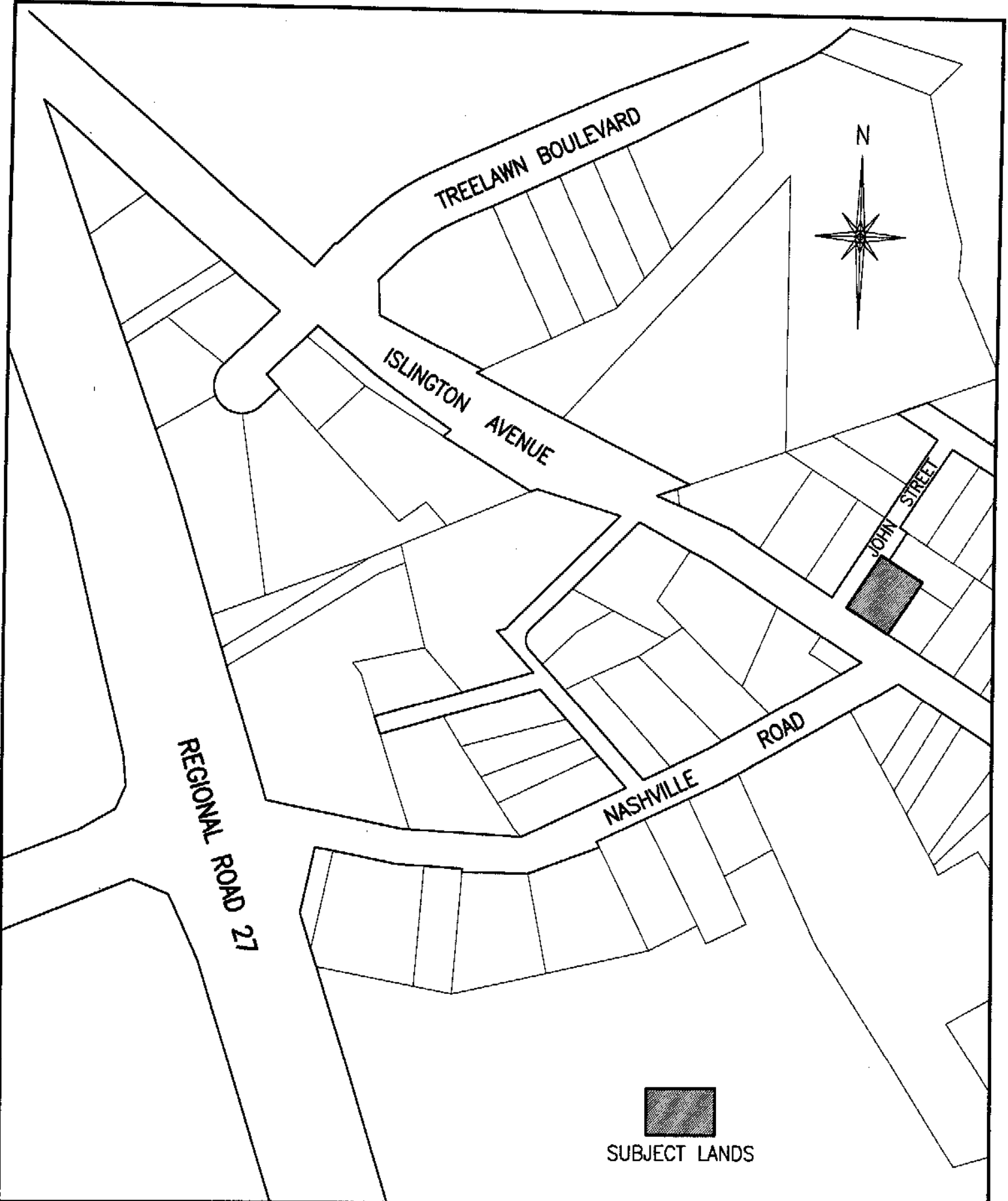
Respectfully submitted,

MICHAEL DeANGELIS  
Commissioner of Planning

JOANNE R. ARBOUR  
Director of Community Planning

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<b>ATTACHMENT '1'</b> <b>LOCATION MAP</b>	<b>FILE #:</b> DA.01.049 Z.141.89	<b>REPORT #:</b> PART OF LOT 24, CON. 8	<b>CITY OF VAUGHAN</b> <b>PLANNING DEPARTMENT</b>	<b>DATE:</b> 03/27/2002 <b>SCALE:</b> NOT TO SCALE
			<b>APPLICANT:</b> FRANK ROSSI IN TRUST	

