

COMMITTEE OF THE WHOLE JUNE 17, 2002

SITE DEVELOPMENT FILE DA.02.004 **JAY LERNER & KATHY VERTISI**

Recommendation

The Commissioner of Planning recommends:

THAT Site Development Application DA.02.004 (Jay Lerner and Kathy Vertisi) BE REFUSED.

Purpose

On January 28, 2002, the Owners submitted an application to permit a home occupation use (regulated health professional) occupying 47.48 m within the basement of a 2-storey, 241.06 m², detached dwelling. The home occupation use provides chiropractic services by appointment and referral only.

Background - Analysis and Options

The site is located southeast of Bathurst Street and Atkinson Avenue, being Lot 108 on Registered Plan 65M-2394 (255 Rosedale Heights Drive), in Lot 32, Concession 1, City of Vaughan. The 274 m² lot has 9.07 m frontage on Rosedale Heights Drive, and a depth of 30 m. The surrounding land uses are:

- North - residential (R4 Residential Zone)
- South - residential (R4 Residential Zone)
- East - Rosedale Heights Drive; residential (R4 Residential Zone); school (R3 Residential Zone); stormwater pond (OS1 Open Space Conservation Zone)
- West - residential (R4 Residential Zone)

Official Plan

The site is designated "Low Density Residential" by OPA 210 (Thornhill-Vaughan Community Plan), which permits a home occupation use subject to the specific uses and development standards established in the Zoning By-law. The proposal conforms to the Official Plan.

Zoning

The site is zoned R4 Residential Zone by By-law 1-88, subject to Exception 9(949), which permits detached dwellings. Under Subsection 4.1.5, home occupation uses are also permitted within detached, semi-detached or street townhouse dwellings, provided Council approves a site plan in accordance with the following provisions:

- a) restricted to the office of a regulated health professional (includes a chiropractic office), and used for consultation and emergency treatment and not as a clinic or hospital;
- b) restricted to a maximum of 3 persons, and at least one person must be a resident in the dwelling;
- c) restricted to a maximum of 25% of the gross floor area of the dwelling;
- d) only one (1) home occupation use is permitted in a dwelling unit; and,
- e) a minimum of 5 parking spaces with access to a paved driveway and/or garage.

Planning Comments

Home Occupation

Home occupation is defined in By-law 1-88 as “an occupation conducted in a dwelling unit, and 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; and does not create or become a public nuisance, in particular with respect to noise, traffic or parking.”

The application proposes chiropractic services to patients by appointment and referral only. Two patients are seen per hour, and on an average week day, 8 to 10 patients are scheduled for consultation. The hours of operation are as follows:

Monday and Wednesday:	8:30 am - 11:30 am and 1:00 pm - 5:30 pm
Tuesday and Thursday:	1:00 pm - 5:30 pm and 7:00 pm to 8:30 pm
Friday:	8:30 am - 11:30 am and 1:00 pm to 4:30 pm
Sunday:	9:00 am - 11:30 am

The home occupation use occupies 47.48 m² within the basement of a 2-storey, 241.06 m² (including the basement) detached dwelling, being 19.7% of the total GFA in accordance with the By-law. The two residential floors comprise 182.02 m², with the basement being 59.04 m².

The subject lands have 9.07 m frontage, which allows for 2 vehicles to be parked in the driveway and 1 in the garage (3.4 m x 6 m), while still providing the required amount of landscaping in the front yard. Although the site complies with the parking requirements for a detached dwelling, it cannot accommodate the additional 2 parking spaces to meet the 5 spaces required for the home occupation use. There is no opportunity to widen the driveway or otherwise provide additional parking, thereby encouraging on-street parking.

Rosedale Heights Drive is a primary road providing the only access to Atkinson Avenue connecting to Centre Street and Bathurst Street for the southwest portion of this neighbourhood.

Based on the above-noted information, Staff is concerned that the proposed home occupation use is not suitable for the subject lands, and may contribute to parking problems along Rosedale Heights Drive. The lot size and available parking is not considered sufficient to adequately support the proposed home occupation business at this location.

Conclusion

Staff has reviewed the proposed Site Development Application to permit a chiropractic use as a home occupation on the subject lands. Staff are of the opinion that the introduction of this use will contribute to parking problems on site and along Rosedale Heights Drive, which is a predominately residential street. The lot size and limited parking is not considered sufficient to adequately support the proposed home occupation business at this location.

For these reasons, Staff cannot support the application and recommend refusal. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Floor Plan for Home Occupation

Report prepared by:

Arminé Hassakourians, Planner, ext. 8368
Grant A. Uyeyama, Senior Planner, ext. 8635
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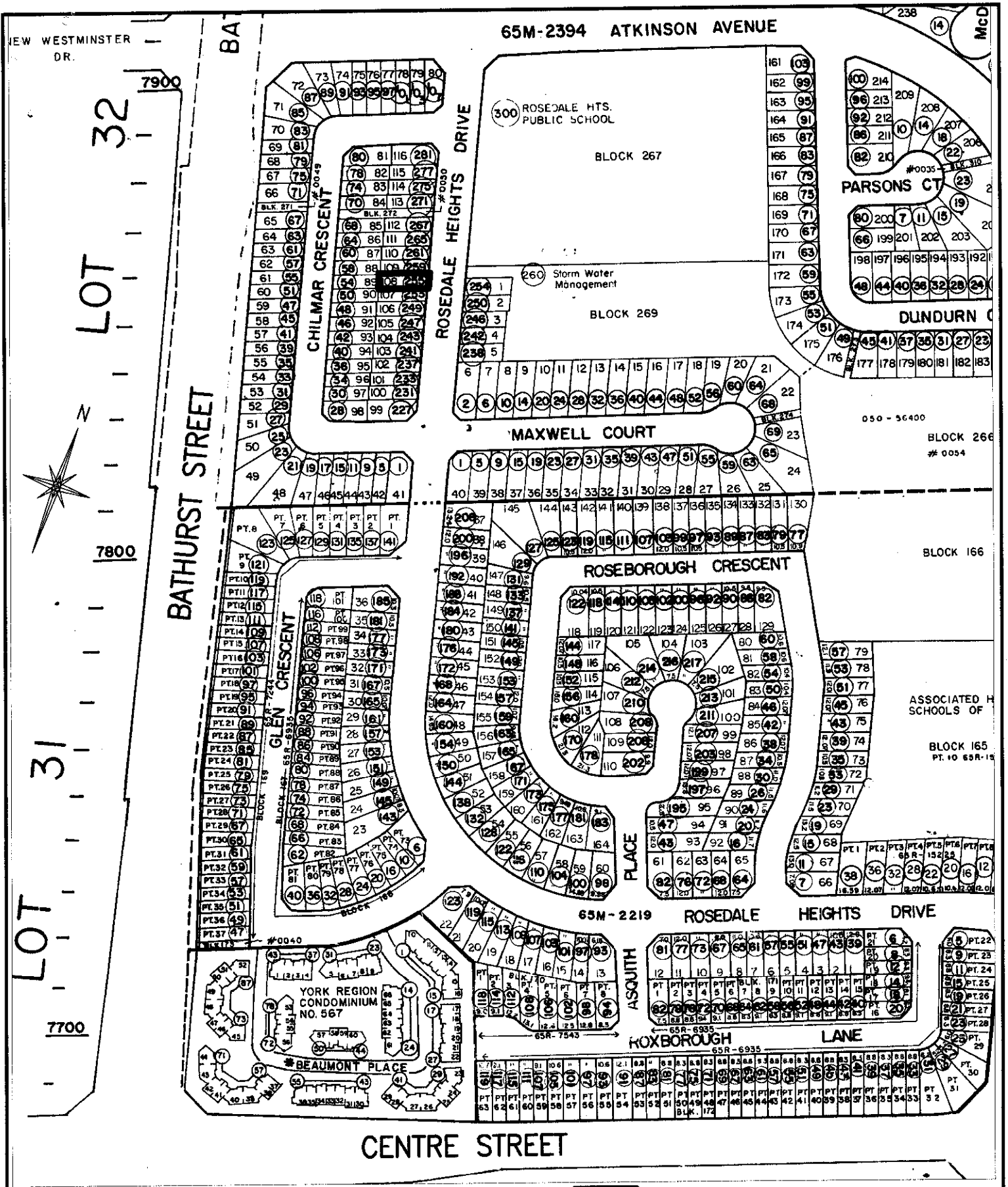
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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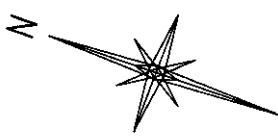


ATTACHMENT '1'
LOCATION MAP

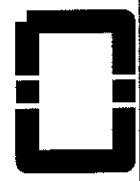
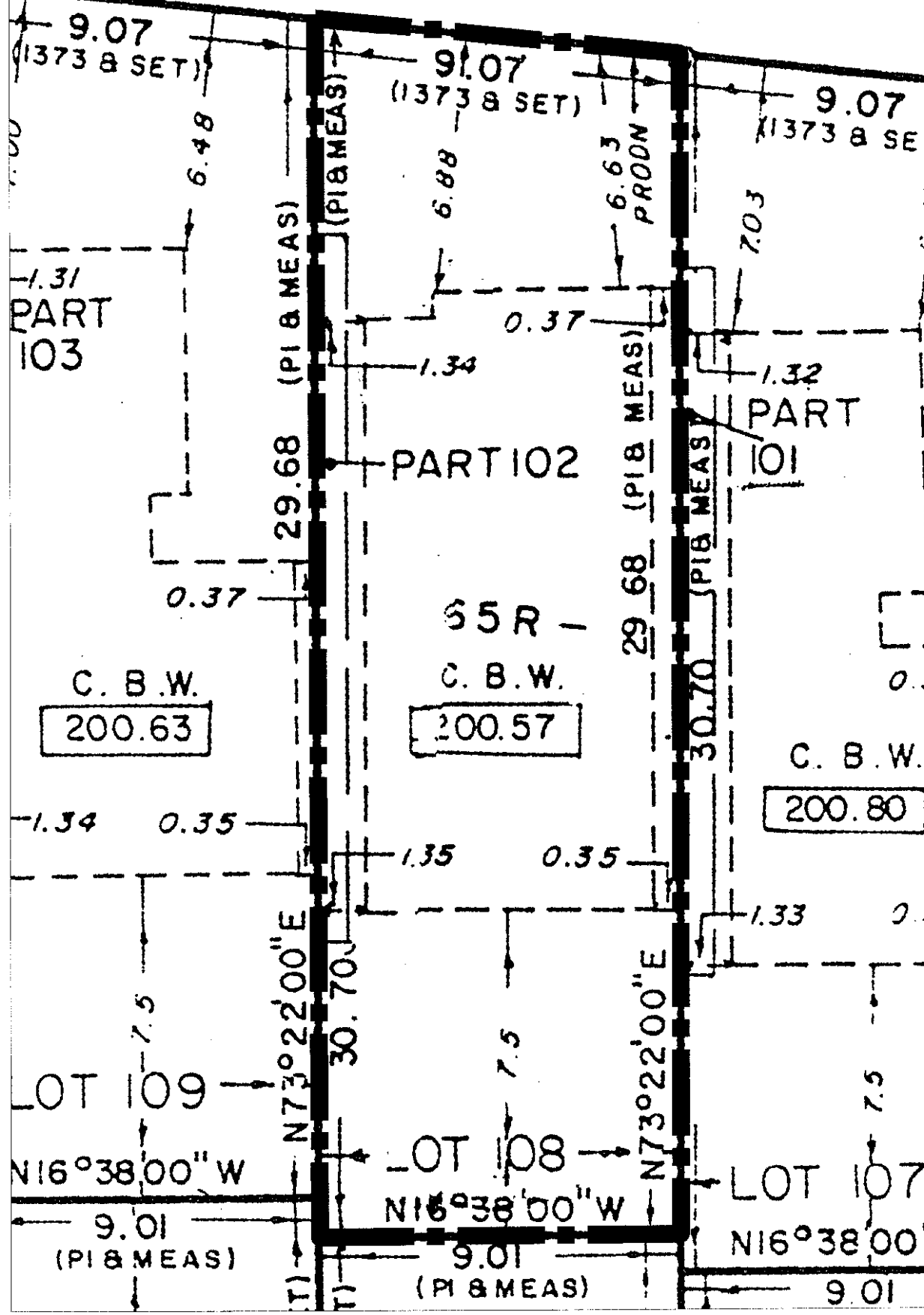
FILE #: DA.02.004
REPORT #: PART OF LOT 32, CON. 1

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT: JAY LERNER/KATHY VERTESI
DATE: 02/25/2002
SCALE: NOT TO SCALE

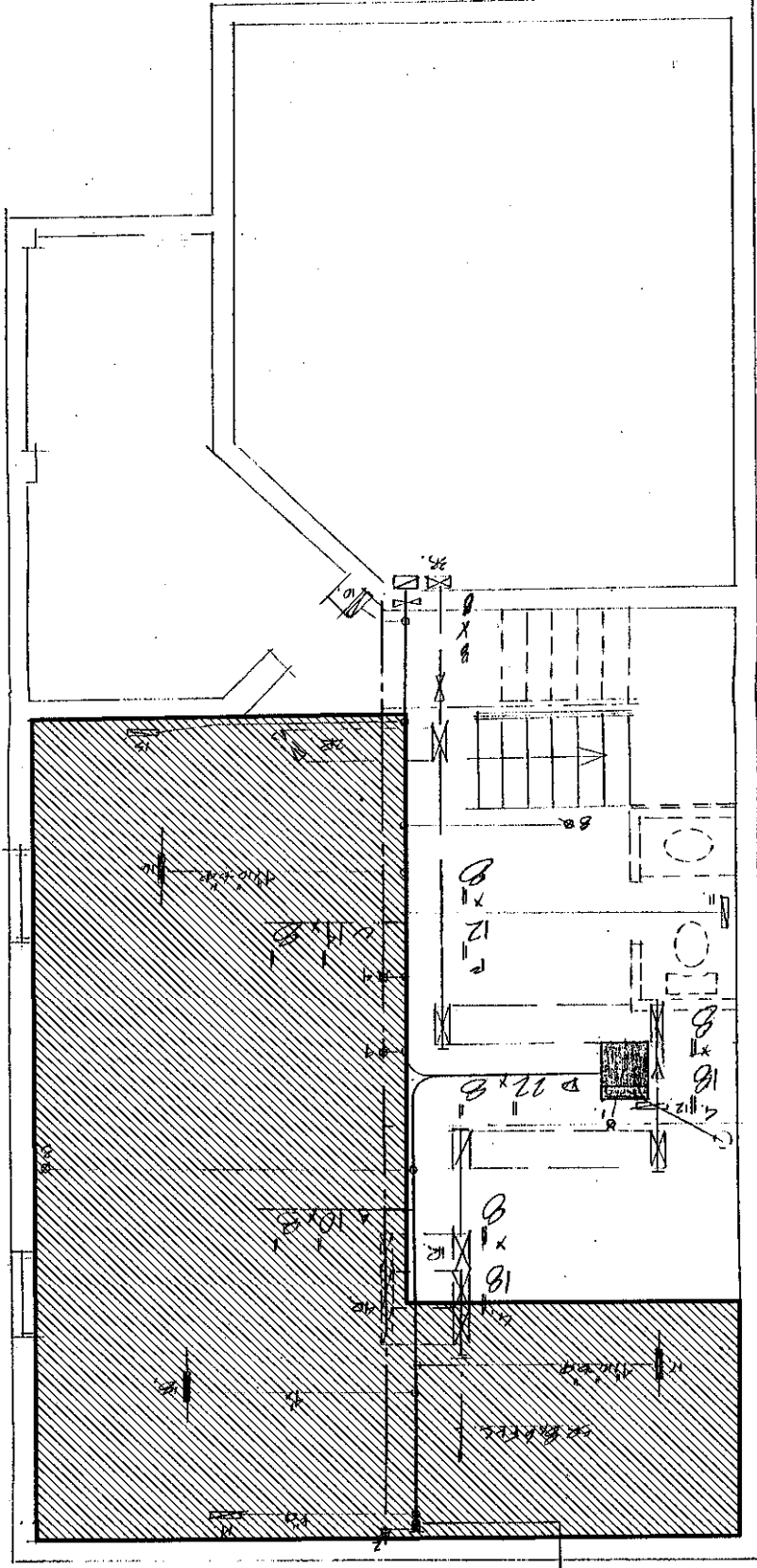


ROSEDALE HEIGHTS DRIVE



SUBJECT LANDS

<p>DATE: 02/25/2002</p> <p>SCALE: NOT TO SCALE</p>		<p>APPLICANT:</p> <p>JAY LERNER/KATHY VERTESI</p>	
		<p>CITY OF VAUGHAN</p> <p>PLANNING DEPARTMENT</p>	
<p>FILE #:</p> <p>DA.02.004</p>	<p>REPORT #:</p> <p>LOCATION:</p> <p>PART OF LOT 32, CONCESSION 1</p>	<p>ATTACHMENT '2'</p> <p>SITE PLAN</p>	
<p>SUBJECT LANDS</p>			



AREA DEVOTED TO HOME OCCUPATION (17m²)

<p>ATTACHMENT '3' FLOOR PLAN FOR HOME OCCUPATION</p>		<p>FILE #: DA.02.004</p>	<p>REPORT #: LOCATION: PART OF LOT 32, CONCESSION 1</p>	<p>APPLICANT: JAY LERNER/KATHY VERTESI</p>	<p>DATE: 02/25/2002</p>
		<p>CITY OF VAUGHAN PLANNING DEPARTMENT</p>		<p>SCALE: NOT TO SCALE</p>	