

COMMITTEE OF THE WHOLE DECEMBER 9, 2002

SITE DEVELOPMENT FILE DA.02.056

DR. SUSAN ISEN

Recommendation

The Commissioner of Planning recommends:

THAT Site Development Application DA.02.056 (Dr. Susan Isen) BE APPROVED, subject to the following conditions:

1. That prior to the execution of the site plan agreement:
 - a) the final site plan shall be approved by the Community Planning and Urban Design Departments, and shall include provision of a pedestrian walkway connection between the driveway and side stairwell, and a hand rail along the outside edge of the stairs; and,
 - b) the variance required to facilitate a reduced interior side yard (stairs) shall be obtained from the Committee of Adjustment, and shall be final and binding.

Purpose

On August 28, 2002, the Owner submitted an application to permit a home occupation use (regulated health professional) occupying 43.29 m² within the basement of a 2-storey 361.85 m², detached residential dwelling. The home occupation use would provide medical services and counselling by pre-arranged appointment only.

Background - Analysis and Options

The site is located north of Downing Boulevard on the east side on Windhaven Terrace, being Lot 4 on Registered Plan 65M-3050 (41 Windhaven Terrace), in Lot 33, Concession 1, City of Vaughan. The 578.63 m² lot has 16.66 m frontage on Windhaven Terrace and a depth of 34.7 m. The surrounding land uses are:

- North - residential (R2 Residential Zone)
- South - residential (R2 Residential Zone)
- East - residential (R2 Residential)
- West - Windhaven Terrace; residential (R3 Residential)

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 R2 Residential Zone by By-law 1-88, 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 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 medical and counseling services to patients by appointment only. A maximum of two (2) patients will be seen per day for consultation. The hours of operation are as follows:

Monday:	9:00 am – 10:00 am
Tuesday:	9:00 am – 11:00 am and 1:30 pm – 3:30 pm
Wednesday	9:00 am – 11:00 am
Thursday	9:00 am – 11:00 am and 1:30 pm – 3:30 pm
Friday	9:00 am – 11:00 am

The home occupation use occupies 43.29 m² within the 182.18 m² basement of a 2-storey 361.85 m² (not including the basement) detached residential dwelling. If the area of the home occupation in the basement is included in the overall GFA of the dwelling, then the home occupation use would occupy 10.68% of the GFA in accordance with the By-law.

The site has 16.66 m frontage, which allows for 2 vehicles to be parked in the driveway and 1 in the garage to address the residential parking requirement, while still providing the required amount of landscaping in the front yard. The additional 2 parking spaces required for the home occupation use can be accommodated on the driveway, as there is no sidewalk and the area to the street curb can be utilized.

The Owner is proposing stairs leading to a new basement entrance to the home occupation use in the southerly interior side yard. The stairs are proposed to be set back 0.3 m from the property line (1.2 m permitted) and will require a variance to be approved by the Committee of Adjustment, prior to the site plan agreement being finalized. In addition, the site plan must be revised showing a walkway connection between the driveway and the stairs, and provision of a handrail along the outside edge of the stairwell for safety purposes.

Conclusion

Staff are of the opinion that the proposed Site Development Application to permit a medical and counseling service as a home occupation on the subject lands, is appropriate and compatible with the residential uses in the surrounding area. The proposal conforms to the Official Plan and meets all of the home occupation provisions in the Zoning By-law.

For these reasons, Staff recommends approval of Site Development Application DA.02.056 for a home occupation use, subject to a variance being obtained from the Committee of Adjustment to facilitate stairs to the new basement entrance in the southerly side yard, and provision of a pedestrian walkway connection across the front of the house to the stairwell. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Floor Plan

Report prepared by:

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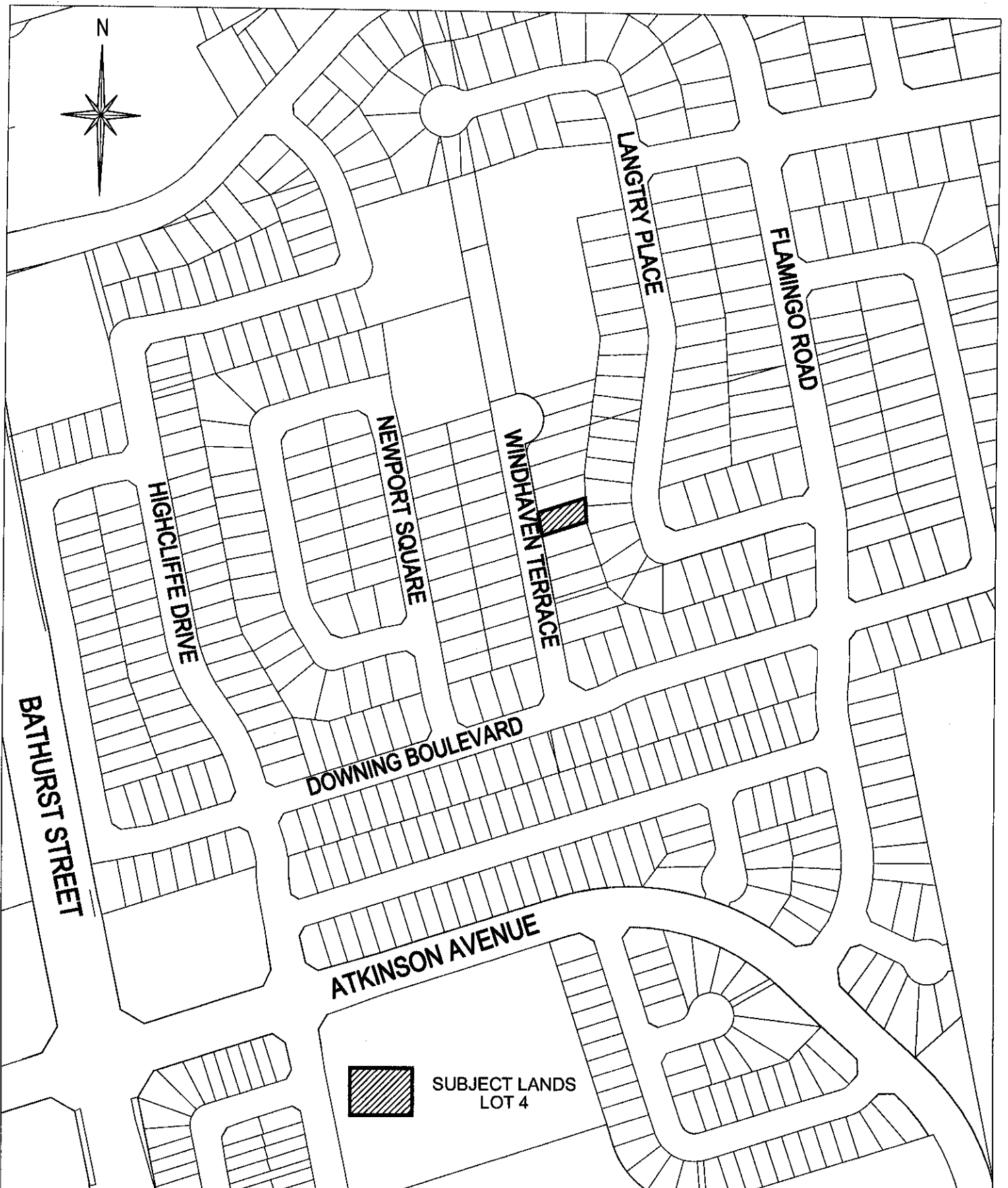
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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Location Map

Part of Lot 33,
Concession 1

APPLICANT:
DR. SUSAN ISEN



Community Planning Department

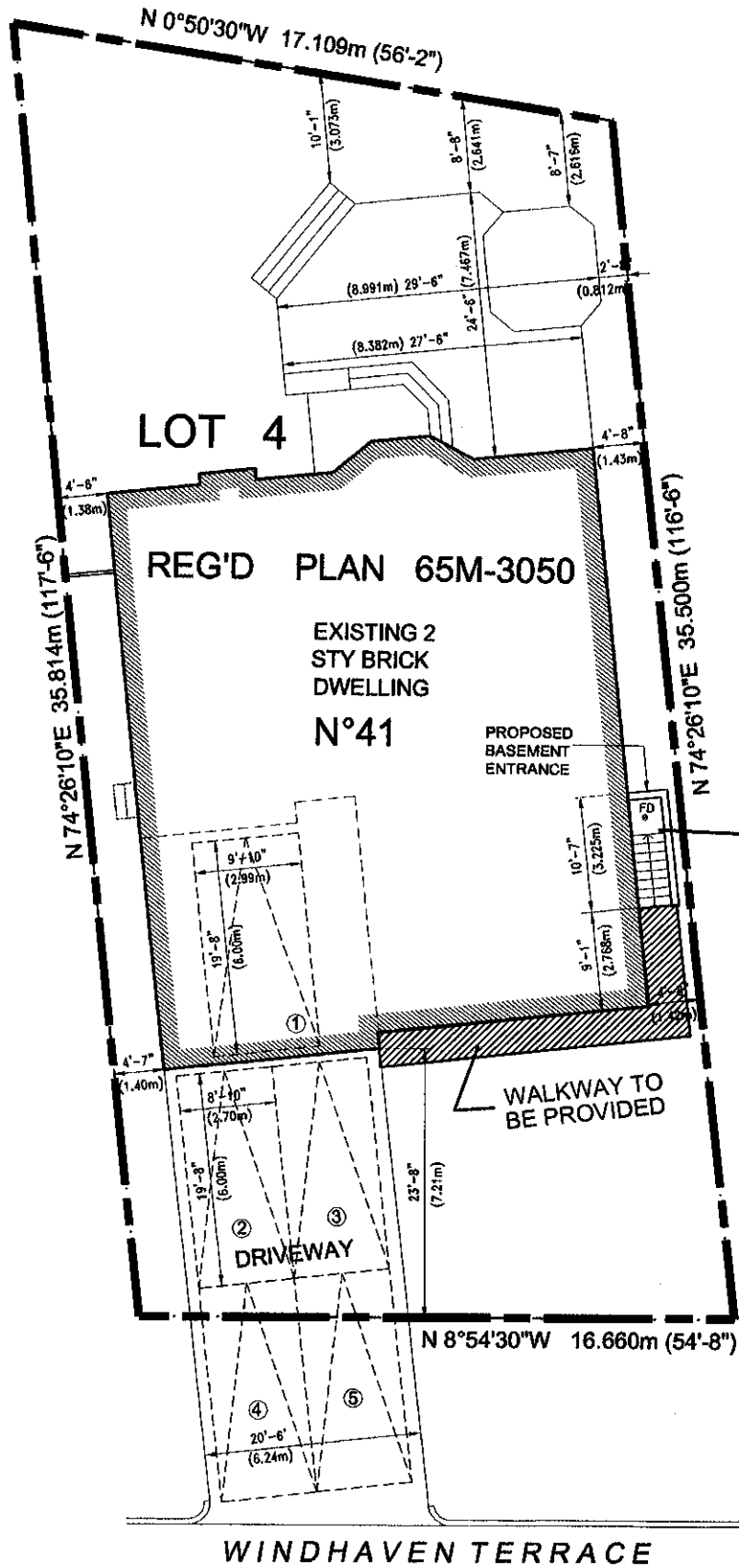
Attachment

FILE No.:
DA.02.056

September 24, 2002

Not to Scale

1



Site Plan

Part of Lot 33,
Concession 1

APPLICANT:
DR. SUSAN ISEN



Community Planning Department

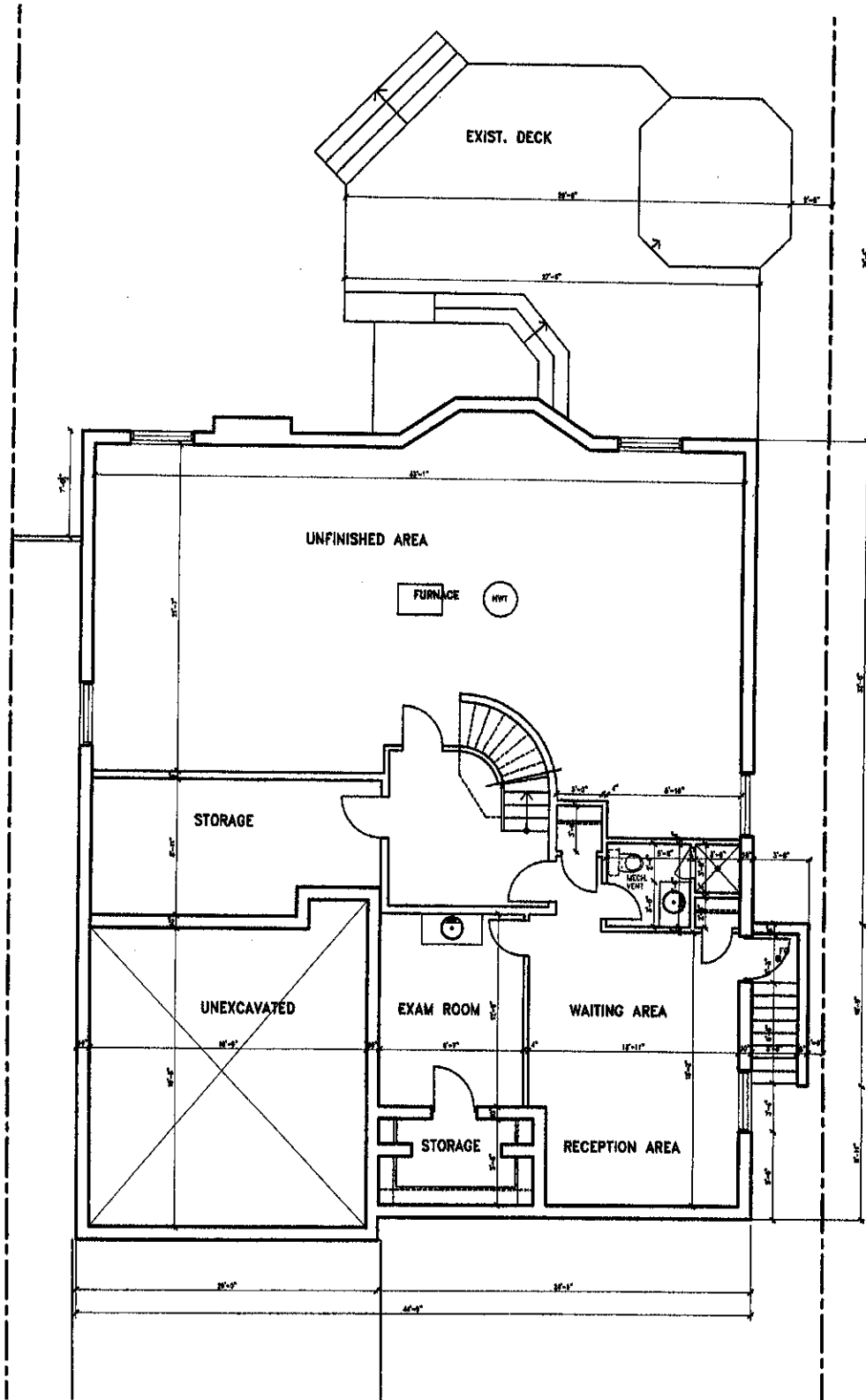
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Not to Scale

2



Floor Plan

Part of Lot 33,
Concession 1

APPLICANT:
DR. SUSAN ISEN



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Not to Scale

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