

COMMITTEE OF THE WHOLE – MAY 20, 2003

ZONING BY-LAW AMENDMENT FILE Z.02.058 J. WALLACE BEATON REPORT #P.2002.57

Council, at its meeting of January 27, 2003, adopted the following:

That this matter be referred to a future Committee of the Whole meeting in accordance with the written submission of Mr. J. Wallace Beaton, 737 Clarence Street, Woodbridge, L4L 1A7, dated January 15, 2003.

Report of the Commissioner of Planning dated January 20, 2003

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-law Amendment File Z.02.058 (J. Wallace Beaton) BE REFUSED.

Purpose

On August 6, 2002, the Owner submitted an application to amend the site-specific R1 Zone provisions of the Zoning By-law to permit an additional residential lot on the wooded portion of the subject property. The lands are zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(1090), which requires a minimum lot area of 6600m² and frontage of 160m, permitting one dwelling unit on the entire property.

Background - Analysis and Options

The subject lands are located on the east side of Clarence Street, south of Rutherford Road (737 Clarence Street), being Block 121 on Plan 65M-2023, in Lot 12, Concession 7, City of Vaughan. The 8046m² property is developed at the north end with a detached dwelling, and the remaining portion is primarily tree-covered. The easterly and southerly portions of the lot appear to be within the valley corridor. The surrounding land uses are:

- North - residential (R1 Residential Zone)
- South - Board of Trade Golf Club (OS2 Open Space Park Zone)
- East - Board of Trade Golf Club (OS2 Open Space Park Zone)
- West - Clarence Street; residential (R1 Residential Zone)

On August 9, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Wycliffe Ratepayers Association. No comments were received. The recommendation of the Committee of the Whole on September 3, 2002 to receive the Public Hearing and forward a comprehensive report to a future Committee meeting was ratified by Council on September 9, 2002.

Official Plan

The lands are designated "Low Density Residential" and "Drainage Tributary" by OPA #240 (Woodbridge Community Plan), which permits the residential dwelling.

Official Plan Amendment #240 states that any area considered environmentally sensitive by virtue of special characteristics shall be designated "Drainage Tributary". The designation permits only parks, valley lands, woodlots and other environmental protection areas. The woodlot

has been identified as having a “High” rating in the Woodlot assessment report submitted with the application. This reinforces the environmentally sensitive nature of the site and the basis for the lands being designated “Drainage Tributary”.

Zoning

On June 26, 2000, Council approved Zoning By-law Amendment File Z.00.013 (J. Wallace Beaton) to rezone the subject lands from A Agricultural Zone to R1 Residential Zone. This rezoning facilitated the severance of a 1400m² residential lot with 22m of frontage on Clarence Street from the remaining parcel, which is the subject of the current application.

The implementing by-law rezoned the entire parcel from A Agricultural Zone to R1 Residential Zone, with specific provisions to allow severance of a lot from the north end, and to restrict the use of the remainder of the property to one residential unit (the existing house on the subject lands). The by-law achieves this restriction through an exception to the typical R1 Zone lot standards of minimum 540m² area and 18m frontage, by requiring a minimum lot area of 6600m² and frontage of 160m.

In Council’s consideration of the previous zoning amendment, the required larger lot area and frontage was the means of recognizing the sensitive nature of the wooded portion of the property and ensuring that any future proposed development could be thoroughly reviewed on its own planning merits. The proposed amendment to the current R1 Residential Zone standards to permit development of the lands would not conform to the “Drainage Tributary” designation of OPA #240 (Woodbridge Community Plan). The Official Plan would be more properly implemented by an Open Space zoning category.

Environmental Site Assessment

The Owner has indicated an intention to donate the woodlot portion of the lands to the City. City policy requires that the applicant provide a Phase I Environmental Site Assessment to ensure the land being dedicated is not contaminated. The applicant submitted a Phase I Environmental Site Assessment, which was peer reviewed by Decommissioning Consulting Services Limited and found to be acceptable.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) have indicated that the proposed lot falls within the Fill Regulation Line of the Humber River. The TRCA has no objection to the proposed lot on the basis that the Owner intends to donate the created lot to the City, in which case the development to be permitted by the by-law would not occur.

Woodlot Assessment

The Owner has submitted a Woodlot Assessment and Vegetation Inventory prepared by Paul Cosburn Associates Limited. The conclusion of this report is that “Judged as a semi-natural unmanaged stand of white pine, the condition of the woodlot can be considered high.” The report recommends a site rating of “High” for the woodlot. The City has recently enacted by-laws to rezone all woodlots of this nature to a newly-created zoning category of OS4 Open Space Woodlot Zone.

Conclusion

Given the high quality nature of the woodlot, lifting the minimum lot area and frontage restrictions of the R1 Zoning on the property to permit a second dwelling unit within the woodlot, does not represent good planning. As the woodlot is designated “Drainage Tributary”, the proposed zoning would not conform to the policies of the Official Plan, which seek to preserve environmentally

sensitive features. Should the lands be rezoned, the appropriate zoning category would be OS4 Open Space Woodlot Zone.

The Owner has indicated the intent to donate the proposed lot to the City for preservation of the woodlot, which has raised Staff concerns regarding ongoing costs of maintenance, trespassing or potential public use of the woodlot. Notwithstanding, the zoning amendment application is considered on its planning merits, with the current zoning protecting the woodlot whether in private or public ownership.

In light of the designation and policies of the Official Plan, Planning Staff cannot support the zoning by-law amendment application to permit an additional residential lot on the environmentally sensitive portion of the lot. Should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Concept Plan
4. Letter from J. Wallace Beaton dated January 15, 2003

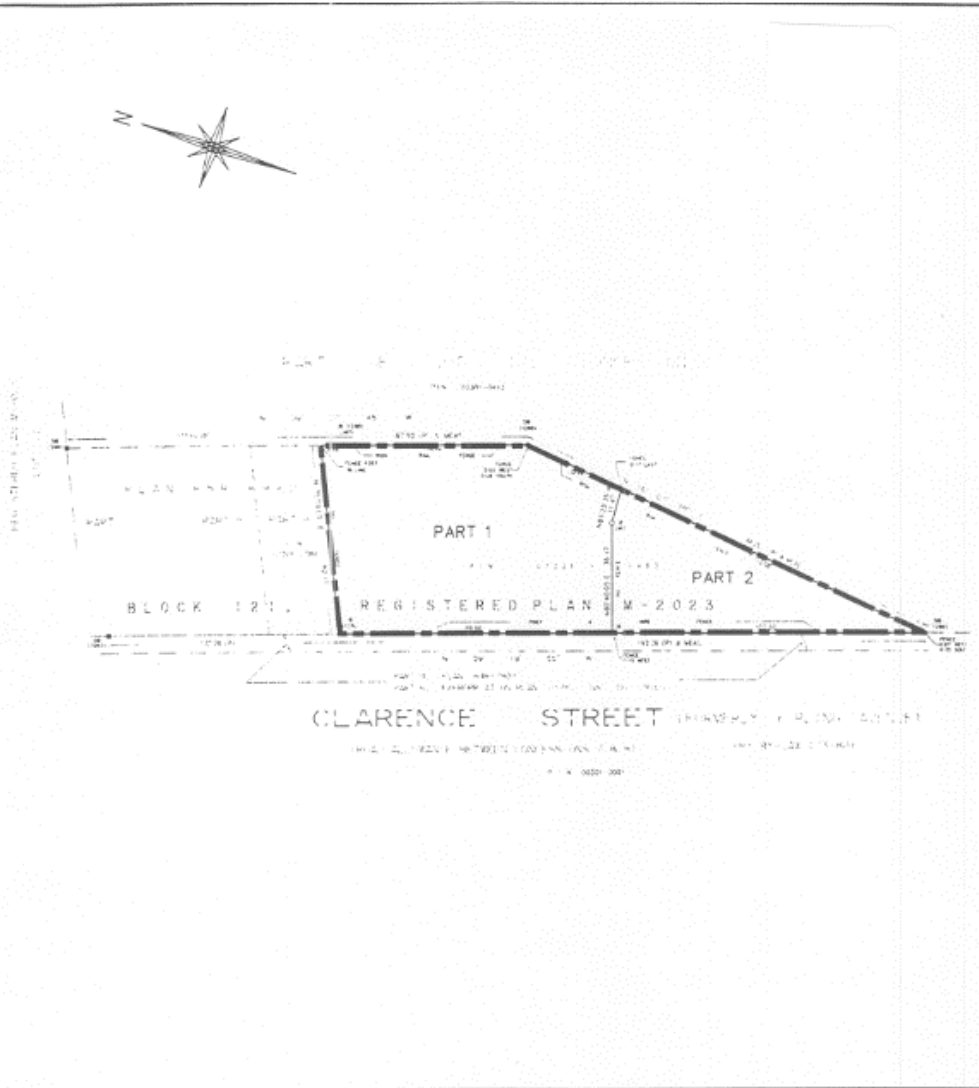
Report prepared by:

Todd Coles, Planner, ext. 8634
Art Tikiryman, Senior Planner, ext. 8212
Marco Ramunno, Manager, Development Planning, ext. 8485



 SUBJECT LANDS

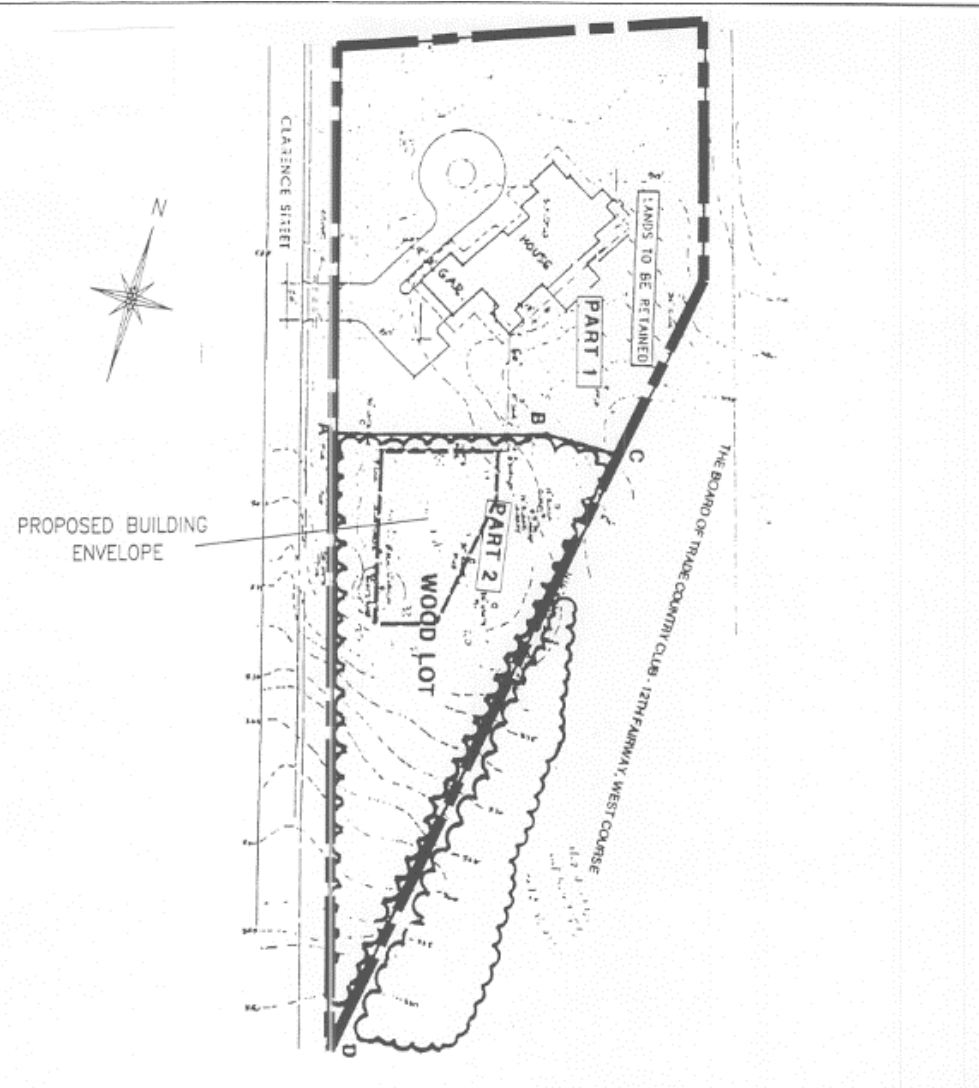
ATTACHMENT '1' LOCATION MAP	FILE #:	REPORT #:	DATE:	08/06/2002
	Z.02.058	LOCATION: PART OF LOT 12, CON. 7	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: JOHN WALLACE BEATON
			SCALE:	NOT TO SCALE



 SUBJECT LANDS

ATTACHMENT '2'
SITE PLAN

FILE #:	REPORT #:	DATE:	08/06/2002
2.02.058	LOCATION: PART OF LOT 12, CON. 7	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: JOHN WALLACE BEATON
		SCALE: NOT TO SCALE	



 SUBJECT LANDS

ATTACHMENT '3'
CONCEPT PLAN

FILE #:	REPORT #:		DATE: 08/06/2002
Z.02.058	LOCATION: PART OF LOT 12, CON. 7	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: JOHN WALLACE BEATON
			SCALE: NOT TO SCALE

J. WALLACE BEATON

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May 15th to October 15th:
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January 15th 20023

John Leach, Esq.,
City Clerk,
City of Vaughan.

By Fax (905) 832-8535

Re Zoning By-Law amendment File Z02.058

Dear John,

I have only received the Commissioner of Planning recommendation this week and there is not enough time to study the same, and go about obtaining the related or supporting details, and weigh the implications of the same.

I am informed by Ms Rosa Magnifico that the hearing of this application by the Committee of the Whole has been set down for Monday January 20th 2003 at 1:00 p.m.

I would ask that the matter be deferred.

Thank you very much.

Yours very truly,
Wallace Beaton
Wallace Beaton.

RECEIVED

JAN 15 2003

1:00 PM