

ZONING BY-LAW AMENDMENT FILE Z.01.052

JOHN BOSTOCK

REPORT #P.2001.57

(Deferred from the Council meeting of June 23, 2003)

Council, at its meeting of June 23, 2003, adopted the following:

That this matter be deferred as requested by the deputant Mr. Claudio Brutto, Brutto Consulting, 61 Creditview Road, Woodbridge, L4L 9N4.

Recommendation of the Commissioner of Planning, dated June 16, 2003

Recommendation

THAT Zoning By-law Amendment application Z.01.052 (John Bostock) BE REFUSED.

Purpose

On July 5, 2001, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands from A Agricultural Zone to RR Rural Residential Zone, to facilitate the severance of a 4.58 ha site into 3 non-farm residential lots, as follows:

	<u>Lot Frontage</u>	<u>Lot Area</u>
Lot 1	42.5m	0.73 ha
Lot 2	42.5m	0.73 ha
Lot 3	112.5m	3.12 ha

Exceptions to the RR Zone requirements are also required to permit lot frontages less than the required 45m, and to permit 2 dwellings on the remaining Lot 3.

Background - Analysis and Options

The site is located at the southwest corner of Kirby Road and Pine Valley Drive, being 11410 Pine Valley Drive, in Lot 30, Concession 7, City of Vaughan. The 4.58 ha site has 112.5m frontage on Kirby Road and 257.5m flankage on Pine Valley Drive, and is developed with 2 detached dwellings. The surrounding land uses are:

- North - Kirby Road; farmland (A Agricultural Zone)
- South - seniors' residence (A Agricultural Zone)
- East - Pine Valley Drive; woodlot, vacant (RR Rural Residential Zone, OS2 Open Space Park Zone)
- West - residential, farmland (A Agricultural Zone)

The subject lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600, and zoned A Agricultural and OS1 Open Space Conservation Zones by By-law 1-88, subject to Exception 9(671).

On November 7, 1989, Council approved Zoning Amendment Application Z.91.89 (Slyfield/711462 Ontario Inc.) for the subject lands to permit exceptions to the minimum residential lot size and farming use lot size in the A Agricultural Zone. By-law 346-89 was enacted on December 4, 1989, and an appeal was received. The Ontario Municipal Board dismissed the appeal on December 11, 1991.

On December 13, 1996, Council approved Zoning Amendment Application Z.96.046 (John Bostock) to permit a second dwelling on the subject lands. By-law 98-97 was enacted on April 14, 1997.

The Committee of Adjustment has approved a number of variance and consent applications that have resulted in the creation of 2 new lots, and one parcel of land that was added to the property to the south.

On July 27, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands and the Kleinburg and Area Ratepayers Association. The recommendation of the Committee of the Whole at the Public Hearing on August 20, 2001, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on August 27, 2001.

Official Plan

The lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600. The "Rural Use Area" designation permits agricultural uses, farm residences and farm-related uses. The proposed residential use does not conform to the policies of the Official Plan.

Consent Policies

Official Plan Amendment #600 contains consent policies that are designed to ensure that consents will not determine the agricultural base or the rural character of the City. Given that the application proposes the severance of 2 new non-farm residential lots, it is appropriate to evaluate the proposal in accordance with the consent policies.

Section 7.4 of the Official Plan deals with non-farm residential development in the "Rural Use Area." The Official Plan states that "Severances for non-farm residential uses outside of, or which extend the boundaries of the hamlets or estate residential areas, shall be discouraged in the Rural Use Area." The proposed lots are outside of any hamlet or estate residential and therefore, should be discouraged.

Where new non-farm residential lots are to be permitted, they are subject to the satisfaction of the following criteria:

- i) all such proposals shall be subject to an amendment to the zoning by-law;
- ii) it is the intent of this policy that non-farm residential severances shall be strictly limited;
- iii) strip development of residential lots along Concession roads shall generally not be permitted;
- iv) severances should not be permitted where they may conflict with the operation of agricultural uses;
- v) regard shall be had for the relevant Minimum Distance Separation Formulae of the Agricultural Code of Practice;
- vi) severances shall only be permitted in locations which are or can be easily screened and buffered to ensure that the character of the rural area will not be incrementally compromised;

- vii) the City shall be satisfied that the approval of the severances shall not establish an undesirable precedent for additional severances in the immediate area;
- viii) the City shall be satisfied that the adequacy of the surrounding road network will not be incrementally compromised;
- ix) lots to be created shall be limited to a size commensurate with their intended use and appropriate in the context of the area in which they are located;
- x) lots created by severance and serviced by private waste disposal systems and wells shall be in accordance with City of Vaughan requirements respecting lot sizes; and
- xi) where development is to be on private services, the City must be satisfied that the lots are of sufficient size, dimension and capability to provide adequate long-term waste disposal and water supply.

The Planning Justification report prepared by the Owner indicates that the proposed lots conform with a number of the consent policies. The proposal does not conflict with the operation of adjacent agricultural uses and satisfies the Minimum Distance Separation Formulae of the Agricultural Code of Practice. The Applicant has also submitted a Sewage System Evaluation and a Water Supply Report that are being reviewed by the Building Standards Department, and the area of the lots should be sufficient to accommodate both private water and sewage systems.

The proposal, however, does not conform to most of the above criteria. The proposal is strip development along a concession road, which should not generally be permitted. Also, approval of this application would set a precedent for further non-farm development in the area.

The Official Plan states that "It is the intent of this policy that rural non-farm residential severance in the Rural Use Area shall be strictly limited." The approval of these 2 lots would add to the fragmentation of the rural lands in this area and set up expectations for similar proposals.

The applicant has not demonstrated how the future dwellings can be screened and buffered to ensure the rural character of the area is not compromised, as required by the criteria. Given that the proposed lots are currently vacant, with little vegetation, any screening or buffering will need to be accomplished through landscaping.

The Official Plan permits limited infilling only when the proposed non-farm residence is located between existing non-farm residences that are on the same side of the road, and no farther than 100m apart. There are no dwellings within 100m of each other, consequently the proposal does not conform to this policy.

The proposed application fails to meet the consent policies for non-farm residential lots in the "Rural Use Area", and therefore does not conform to the Official Plan.

Zoning

The lands are zoned A Agricultural Zone and OS1 Open Space Conservation Zone by By-law 1-88, subject to Exception 9(671), which permitted the addition of a second dwelling on the property.

The applicant is requesting that the area for the 2 new lots be rezoned to RR Rural Residential Zone. The minimum lot area for the RR Zone is 0.4 ha, and the minimum lot frontage is 45 m. The application proposes lots with areas of 0.73 ha and frontages of 42.5 m. An exception for lot frontage is required.

An exception is also required to permit more than 2 dwellings on the remaining lot: this is necessary due to the wording of the exception paragraph that limited the entire property to 2 dwellings.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority has conducted a site visit. They have no objections to this application.

Environmental Site Assessment

The Applicant submitted a Phase I Environmental Site Assessment as requested by the Engineering Department. The report was prepared by AiMS Consulting Environmental and peer reviewed by Terrapex Environmental Ltd. The conclusion of the report was found to be acceptable.

Precedent

A number of applications have been approved in this area of Pine Valley Drive for these types of non-farm residential lots. Approval of this application will continue the trend of strip development in the area and set an undesirable precedent for continuing proposals. The cumulative effect of these approvals erodes the rural character of the area and is not in keeping with the intent of the Official Plan.

Conclusion

The proposed zoning for the creation of non-farm residential lots in the "Rural Area" does not satisfy the consent policies of the Official Plan. Additional non-farm residential lots in the area represents the continuation of undesirable development along concession roads in the "Rural Use Area" that is contrary to the Official Plan. Staff do not consider the proposed zoning to be good planning. Should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Todd Coles, Planner, ext. 8634

Arto Tikiryan, Senior Planner, ext. 8212

Marco Ramunno, Manager of Development Planning, Ext. 8485

/CM



Location Map

Lot 30,
Concession 9

APPLICANT:
JOHN BOSTOCK



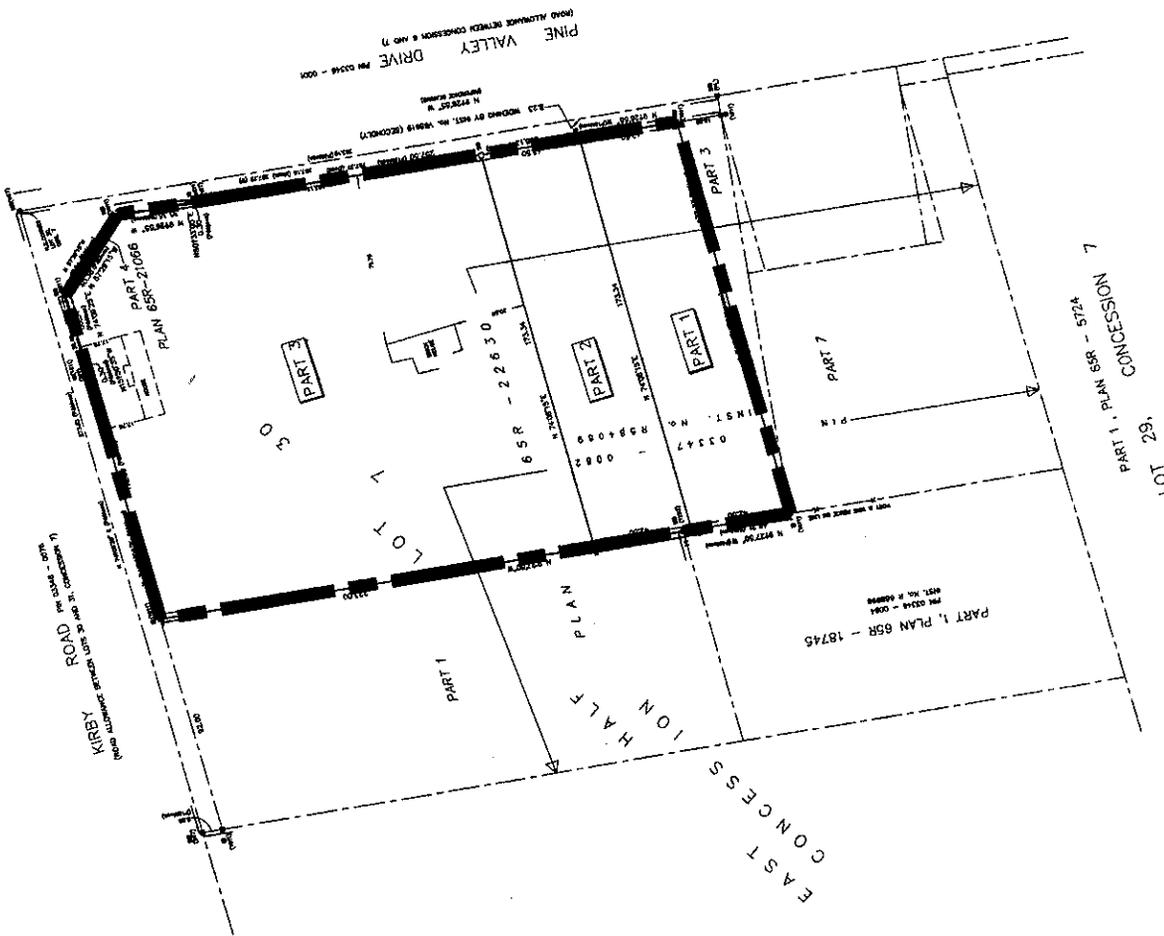
Community Planning Department

Attachment 1

FILE No.:
Z.01.052

Not to Scale

May 27, 2003



SUBJECT LANDS

Site Plan

Lot 30,
Concession 9

APPLICANT:
JOHN BOSTOCK



Community Planning Department

Attachment

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FILE No.:
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Not to Scale
May 27, 2003