

COMMITTEE OF THE WHOLE SEPTEMBER 15, 2003

**ZONING BY-LAW AMENDMENT FILE Z.02.088
HELGA GRAAF
REPORT #P.2003.6**

Recommendation

The Director of Community Planning recommends:

1. THAT Zoning By-law Amendment Application Z.02.088 (Helga Graaf) BE REFUSED.

Purpose

On December 17, 2002, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to facilitate the severance of one residential lot from the subject property. The proposed two lots would have areas of 5160m² and 12,190m².

Background - Analysis and Options

The subject lands are located south of Nashville Road on the west side of Regional Road 27, being Lot 6 on Registered Plan M-1581 (90 Valleyview Court), in Part of Lot 23, Concession 8, City of Vaughan.

The lot contains a residential dwelling with frontage and access onto Valley View Court, and extends through to Regional Road 27. The entire property is within the Humber River Valley Corridor. The surrounding land uses are:

- North - residential (RR Rural Residential Zone)
- South - residential (RR Rural Residential Zone)
- West - residential (RR Residential Zone)
- East - Regional Road 27; agricultural (A Agricultural Zone)

The site is designated "Suburban Residential" by OPA 601 (Kleinburg/Nashville Community Plan) and zoned RR Rural Residential by By-law 1-88, subject to Exception 9(117).

On January 13, 2003 a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Kleinburg & Area Ratepayers Association. The recommendation of the Committee of the Whole at the Public Hearing on February 3, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on February 10, 2003.

Official Plan

The lands are designated "Suburban Residential" by OPA 601 (Kleinburg/ Nashville Community Plan). The proposed severance application would result in lot areas of 12,190m² and 5160m².

OPA 601 requires a minimum lot size for suburban residential lots to be a minimum of 4000m² and a maximum residential density shall be 2 units per hectare, subject to servicing considerations.

The policies of the Official Plan also requires access to individual lots be from internal public roads constructed to municipal standards. Direct access is not to be from existing concession roads, regional roads or provincial highways. The proposed severance to create a new residential lot would require that access to the new lot be from Regional Road 27.

In addition, the Official Plan requires that Suburban Residential development shall be serviced by municipal water supply. There is no municipal water supply available to service the new lot from Regional Road 27.

In consideration of the access and servicing policies of the Official Plan, the proposed development does not conform to the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential by By-law 1-88, subject to Exception 9(117). The exception permits only a single detached dwelling may be erected and used on each of "Lots 1 to 12, inclusive" as shown on Schedule E-120. This provision recognizes that the lands were originally developed appropriately through a draft plan of subdivision containing 12 units. The application proposes an additional dwelling on Lot 6, which would not comply with the site-specific exception.

Toronto and Region Conservation Authority

The subject lands are entirely within the Humber River Valley and as such, are regulated by the Toronto and Region Conservation Authority's Ontario Regulation 158 (Fill, Construction and Alteration to Waterways Regulation) for construction within the flood plain, alteration to a watercourse or placement or removal of fill.

The application originally submitted proposed to sever the lot in half, resulting in two lots with areas of 8506.9m² and 8854.11m². Authority staff did not support the application and future development, as it is within the boundaries of the valley corridor, and recommended refusal.

Subsequently, the application was revised so that all hazard lands would remain with the 12,190m² parcel containing the dwelling, leaving 5160m² for the severed parcel.

Authority staff have advised that there is an outstanding violation of Ontario Regulation 158 on the subject lands. The owners are required to rectify the violation prior to enactment of the proposed by-law. If approval were granted, any future development of the proposed lot would require the necessary permits and/ or approvals from the Toronto Region and Conservation Authority.

Planning Considerations

Access

OPA 601 states that access to individual lots shall be from internal public roads and not from existing concession roads, regional roads or provincial highways. The severed lot would not have any other means of access, except from Regional Road 27, and as such would not comply with this provision.

While not confirmed at this time, the one-foot reserve across the Regional Road 27 frontage was likely conveyed to the Ministry of Transportation, as the previous owner of Regional Road 27. Access to the lands proposed to be severed would not be available until such time as the ownership of the one-foot reserve is conveyed to The Regional Municipality of York, and a by-law enacted to lift a portion of the reserve.

Precedent

This application proposes to rezone the lands to facilitate a new residential lot with direct access onto Regional Road 27, which is not in accordance with the Official Plan. The subject lands comprise one lot within a plan of subdivision, which was designed around a single cul-de-sac. It is part of a rural residential cluster accessed from Stevenson Avenue, focused on the Nashville Community rather than Regional Road 27. This is consistent with the other rural residential developments in this area, designed with the rear or side lot lines abutting Regional Road 27 and access from an internal road. Approval of this application could set an undesirable precedent for similar applications on other sites along Regional Road 27.

Environment

The subdivision was approved on the basis that the Official Plan requires a range of lot sizes directly related to the site's topography and vegetation, and to meet the density provisions. The lands are entirely within the valley corridor. Lot areas larger than the minimum are required in specific instances where the topographic and environmental characteristics of the site warrant a larger area. Also, the 12 lots within the plan would have met the density provisions of the Official Plan at the time of development.

Conclusion

Planning Staff have reviewed the application, and cannot support the proposed amendment to the Zoning By-law to permit an additional lot within an existing subdivision through severance. The proposal does not conform with the policy of OPA 601 that requires all lots to have access from an internal public road, rather than adjacent regional roads. It would also not conform to the policy requiring Suburban Residential lots to be serviced by municipal water, which would not be available to the proposed new lot. Planning Staff is of the opinion that an approval of this application would set a precedent for future severances within the subdivision and other properties that abut Regional Road 27.

As the proposed development would not conform to the policies of the Kleinburg/Nashville Community Plan (OPA 601), Staff cannot support this application. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan

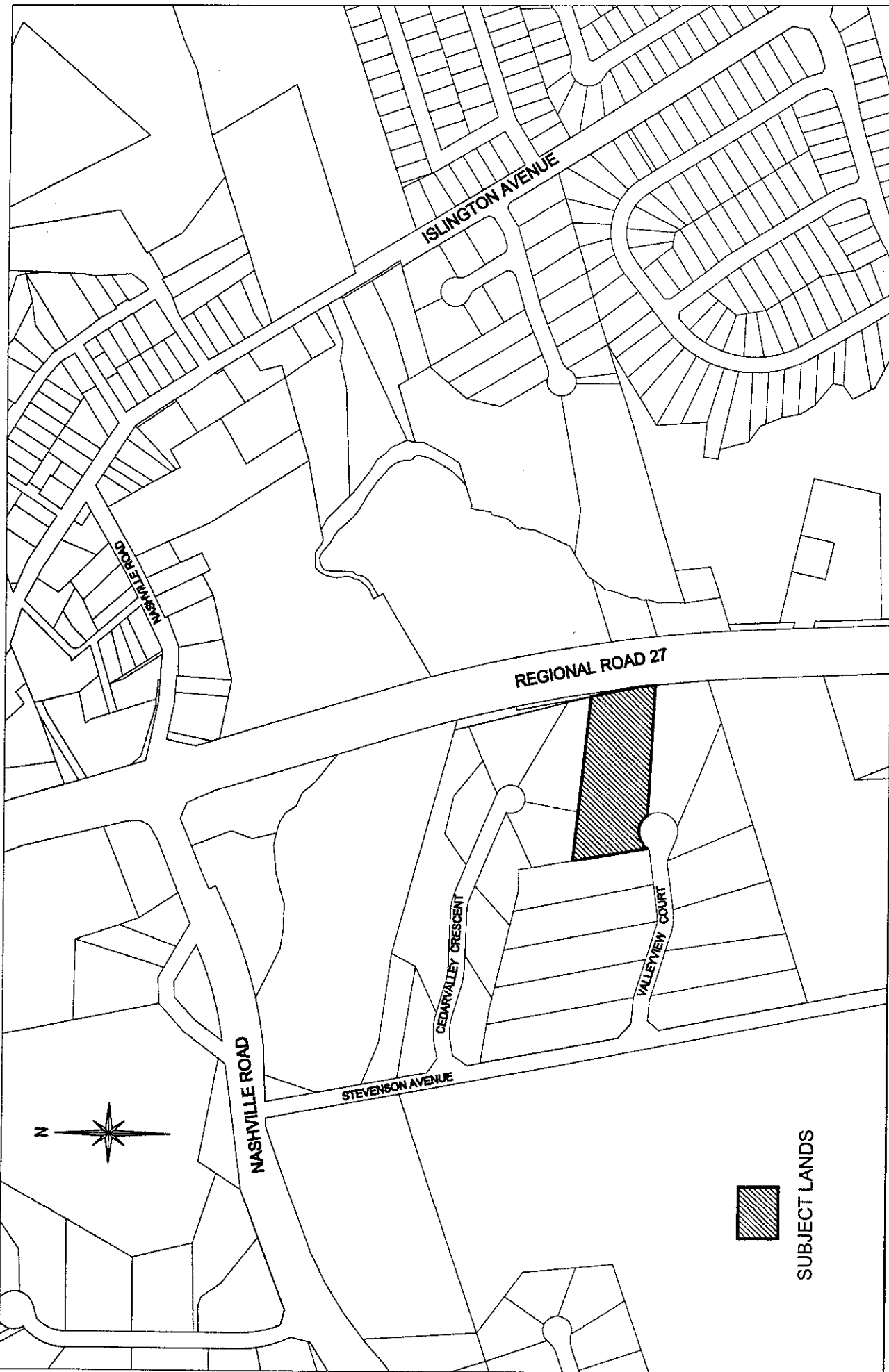
Report prepared by:


Margaret Holyday, Planner 1, ext. 8216
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Respectfully submitted,

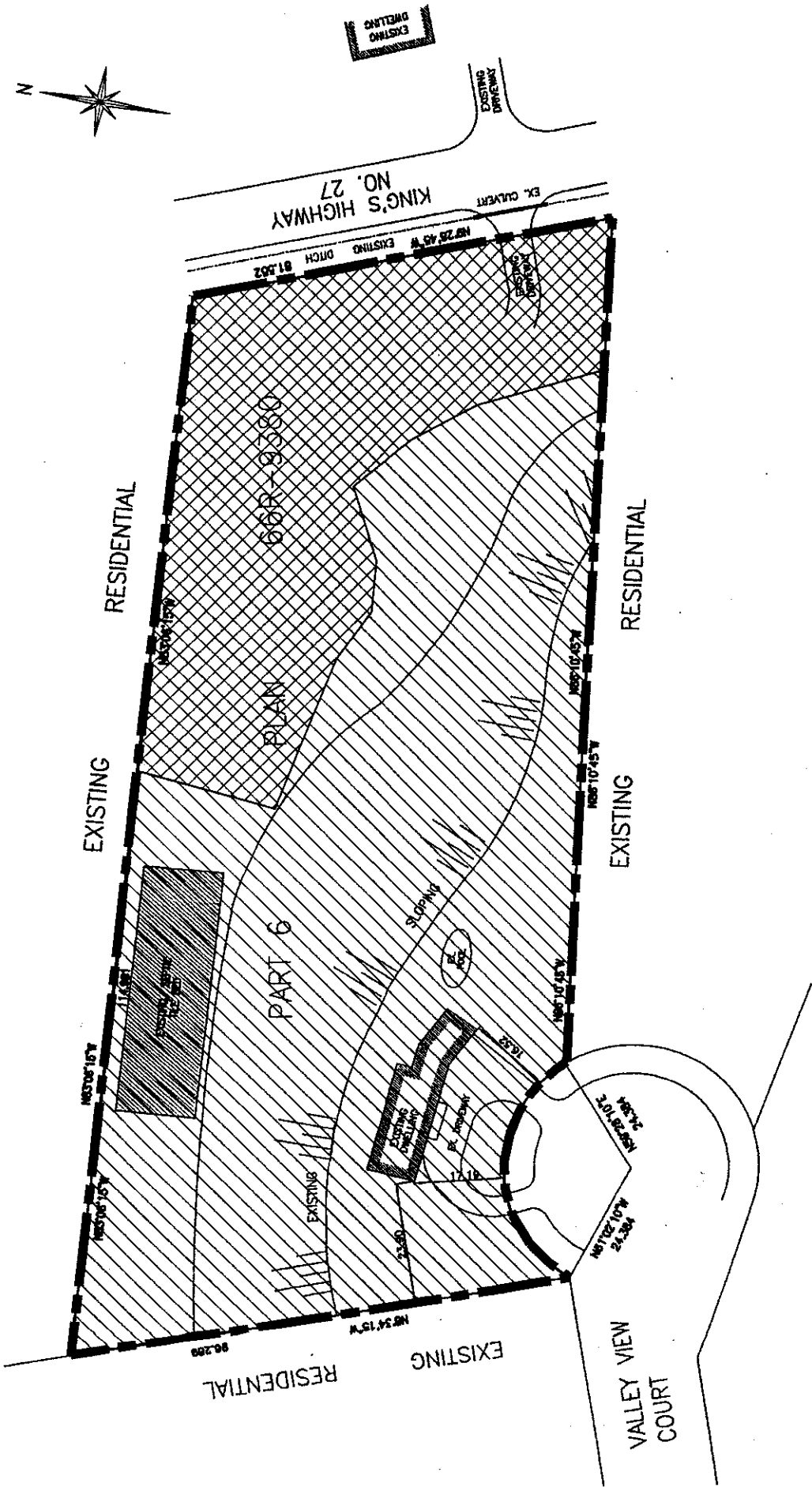
JOANNE R. ARBOUR
Director of Community Planning

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 SUBJECT LANDS

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SUBJECT LANDS

 LAND TO BE SEVERED
 AREA= 5160 m²

 LAND TO BE RETAINED
 AREA= 12190 m²

Site Plan

Part of Lot 23,
Concession 8

APPLICANT:
HELGA GRAAF



Community Planning Department

Attachment

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FILE No.:
Z.02.088

Not to Scale
January 9, 2003