

COMMITTEE OF THE WHOLE FEBRUARY 17, 2003

ZONING BY-LAW AMENDMENT FILE Z.02.078 KINDWIN MARKHAM LIMITED REPORT P.2003.2

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.02.078 (Kindwin Markham Limited) BE APPROVED, subject to the following;
 - i) that the implementing by-law identify specific rear yard setbacks to the bay windows for each of the subject lots.

Purpose

On November 14, 2002, the Owner submitted a Zoning By-law Amendment application to reduce the rear yard setbacks for the subject lots from 6.0m to 4.5m to accommodate bay windows where doors and stairs have been installed. The application affects a total of 22 detached dwelling units.

Background - Analysis and Options

The lands are located southwest of Major Mackenzie Drive and Highway 400, being Lots 3, 6, 10, 12, 14, 18 - 21, 23, 24, 27, 28, 37, 39, 41, 43, 88, 90, 92, 94 and 96 on Plan 65M-3560 (503, 541, 542, 545, 555, 559, 566, 567, 571, 574, 575, 579 and 582 Vellore Woods Boulevard; and 11, 18, 21, 26, 29, 34, 37 and 42 Grapevine Drive), in Lot 20, Concession 5, City of Vaughan.

The surrounding land uses are:

- North - detached residential (RV4(WS) Residential Urban Village Zone Four (Wide Shallow)
- South - detached residential (RV4(WS) Residential Urban Village Zone Four (Wide Shallow)
- East - detached residential (RV4(WS) Residential Urban Village Zone Four (Wide Shallow)
- West - detached residential (RV4(WS) Residential Urban Village Zone Four (Wide Shallow)

The lands are designated "Low Density Residential" by OPA 600, and zoned RV4(WS) Residential Urban Village Zone Four (Wide Shallow) by By-law 1-88, subject to Exception 9(1019).

On December 13, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Vellore Woods Ratepayers Association. No comments were received. The recommendation of the Committee of the Whole at the Public Hearing on January 6, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on January 13, 2003.

On June 20, 2002, the Committee of Adjustment approved a number of minor variance applications for these lands. The applications were to reduce the required rear yard setbacks from 6.0m to a range of 4.66m to 5.8m. After the houses were constructed, it was found that they did not comply with the approved variances.

Official Plan

The lands are designated “Low Density Residential” by OPA 600, which permits the development of detached dwellings. The proposed exception to the zoning by-law conforms to the Official Plan.

Zoning

The subject lands are zoned RV4(W.S) Residential Urban Village Zone Four (Wide Shallow) by By-law 1-88, subject to Exception 9(1019). The required rear yard setback in this zone is 6.0m.

This zone permits a bay window, without foundation or openings, to encroach from the wall of the house into the required setback. On the subject land, the bay windows were built with doors and stairs, and are thereby considered to be part of the structure and required to meet the minimum rear yard setback.

Planning Considerations

The application proposes that rear yard setbacks for the subject lots be reduced to 4.5m. The actual constructed setbacks for the lots range from 4.5m to 5.8m, as shown below:

<u>Lot</u>	<u>As Constructed Rear Yard Setback (m)</u>
3	5.7
6	4.5
10	4.5
12	4.5
14	4.6
18	5.8
19	5.8
20	5.8
21	5.8
23	5.8
24	4.5
27	4.5
28	4.5
37	5.3
39	5.3
41	5.3
43	5.3
88	5.3
90	5.3
92	5.3
94	4.9
96	4.5

The exceptions required only apply to the bay window area, not the entire dwelling, thereby minimizing the amount of building mass that has been built closer to the rear lot line. The general intent the setback requirement is being maintained by the rear wall of the house.

The implementing by-law can identify the specific rear setbacks to the bay window area for each lot (as listed in the table above), rather than a generalized minimum of 4.5m as proposed. This will ensure that any further reductions of the rear yard would be dealt with through a public process, either by a zoning amendment or a minor variance application.

Conclusion

The proposed reduction in the rear yard setback can be considered to maintain the intent of the original zoning by-law. The exception to the zoning by-law will be prepared in a manner that limits the reduced rear yard to the bay windows (with doors and stairs) only, and not the rear wall of the dwelling. Furthermore, the reduced setback will be specific to each lot, as built.

Planning Staff consider the proposed setbacks to be appropriate for the lots. Should Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan - Lots 3, 6
3. Site Plan - Lots 10, 12, 14
4. Site Plan - Lots 18 - 21, 23
5. Site Plan - Lots 24, 27, 28
6. Site Plan - Lots 37, 39, 41, 43
7. Site Plan - Lots 88, 90, 92
8. Site Plan - Lot 96

Report prepared by:

Todd Coles, Planner, ext. 8634

Arto Tikiryan, Senior Planner, ext. 8212

Marco Ramunno, Manager of Development Planning, ext. 8585

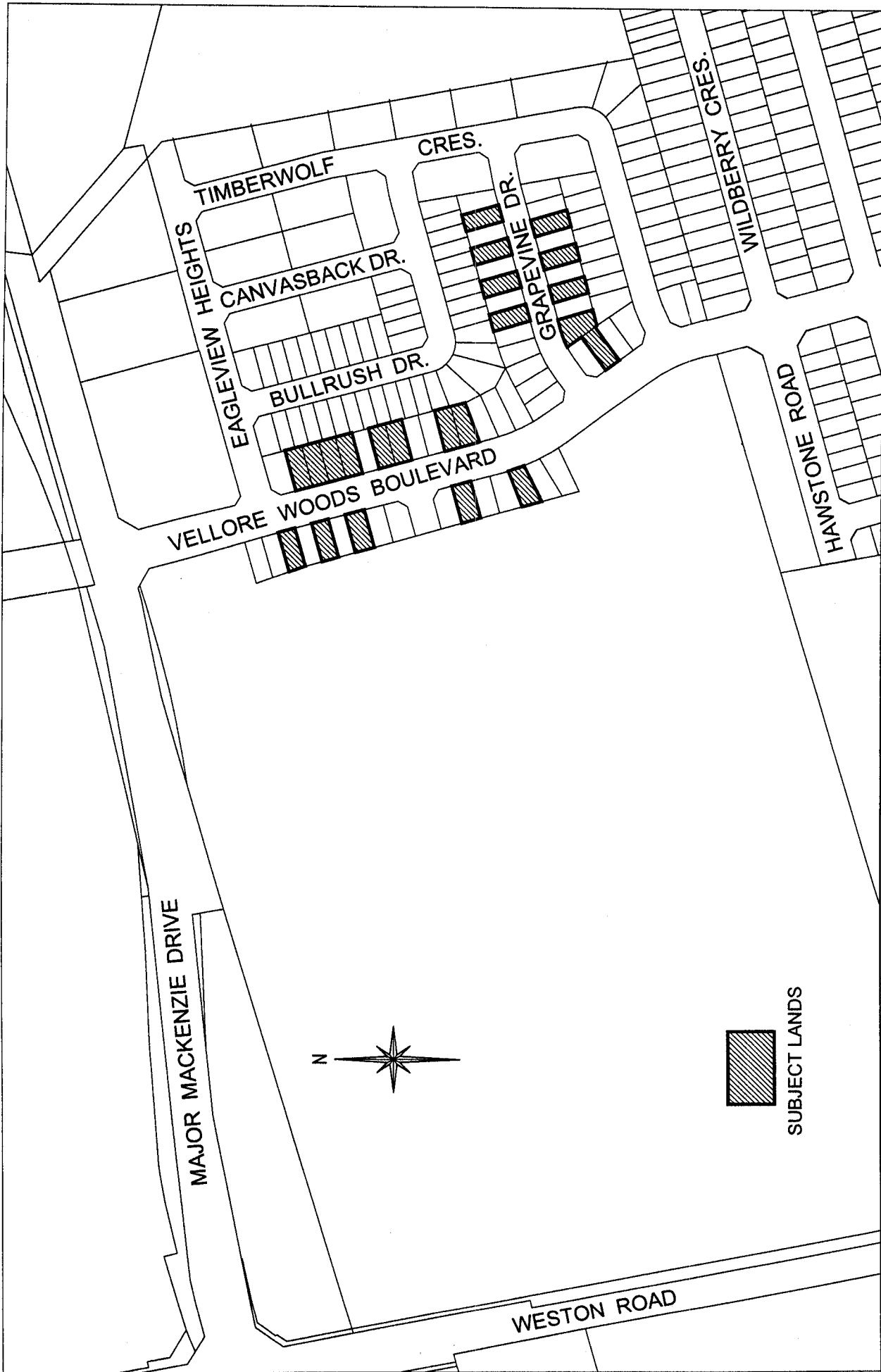
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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Location Map

Part of Lot 20,
Concession 5

APPLICANT:
KINDWIN MARKHAM
LIMITED

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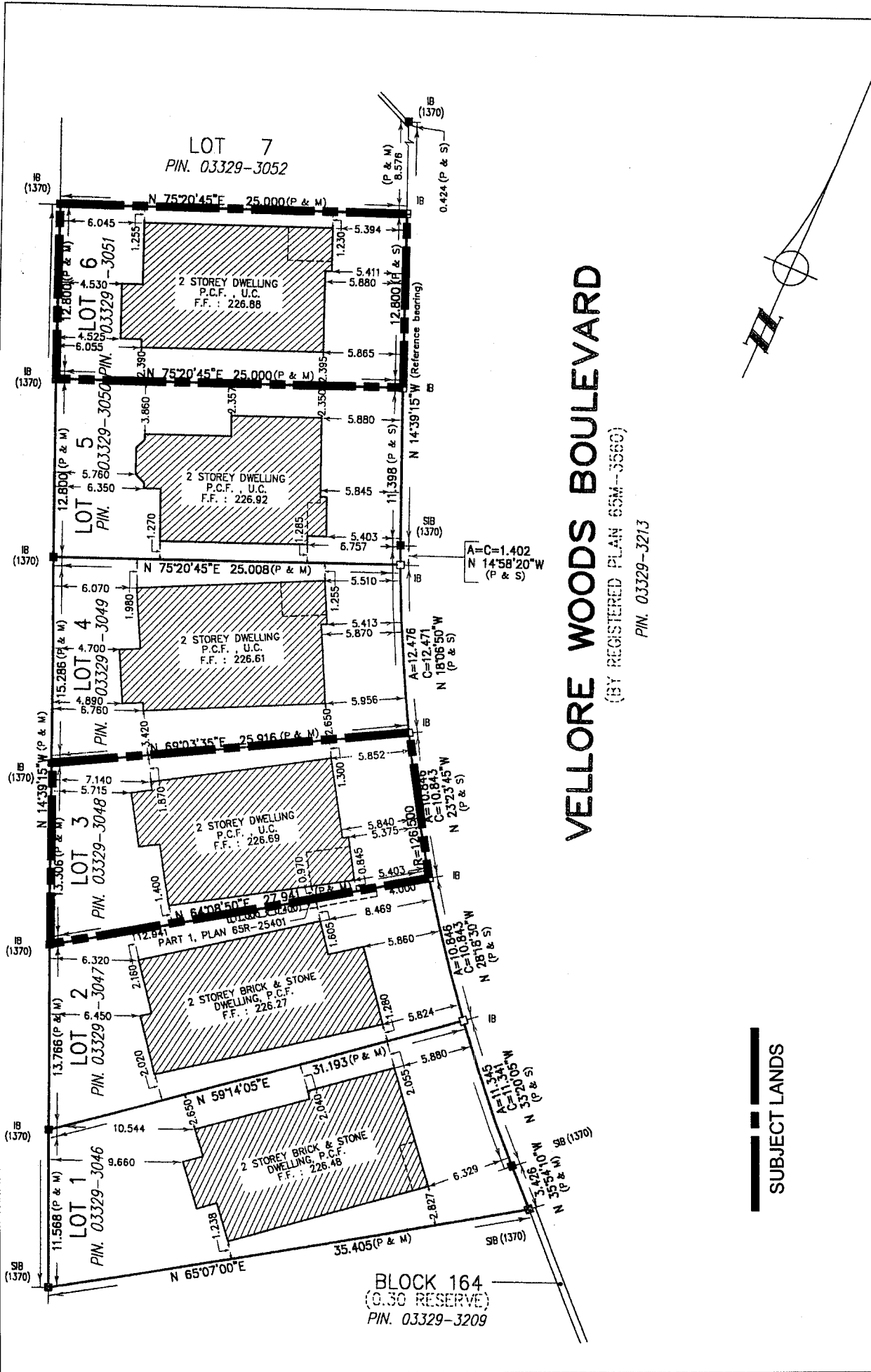
Community Planning Department

Attachment

FILE No.:
Z.02.078

November 25, 2002
Not to Scale





Attachment
2

FILE No.:
 Z.02.078
 November 25, 2002
 Not to Scale

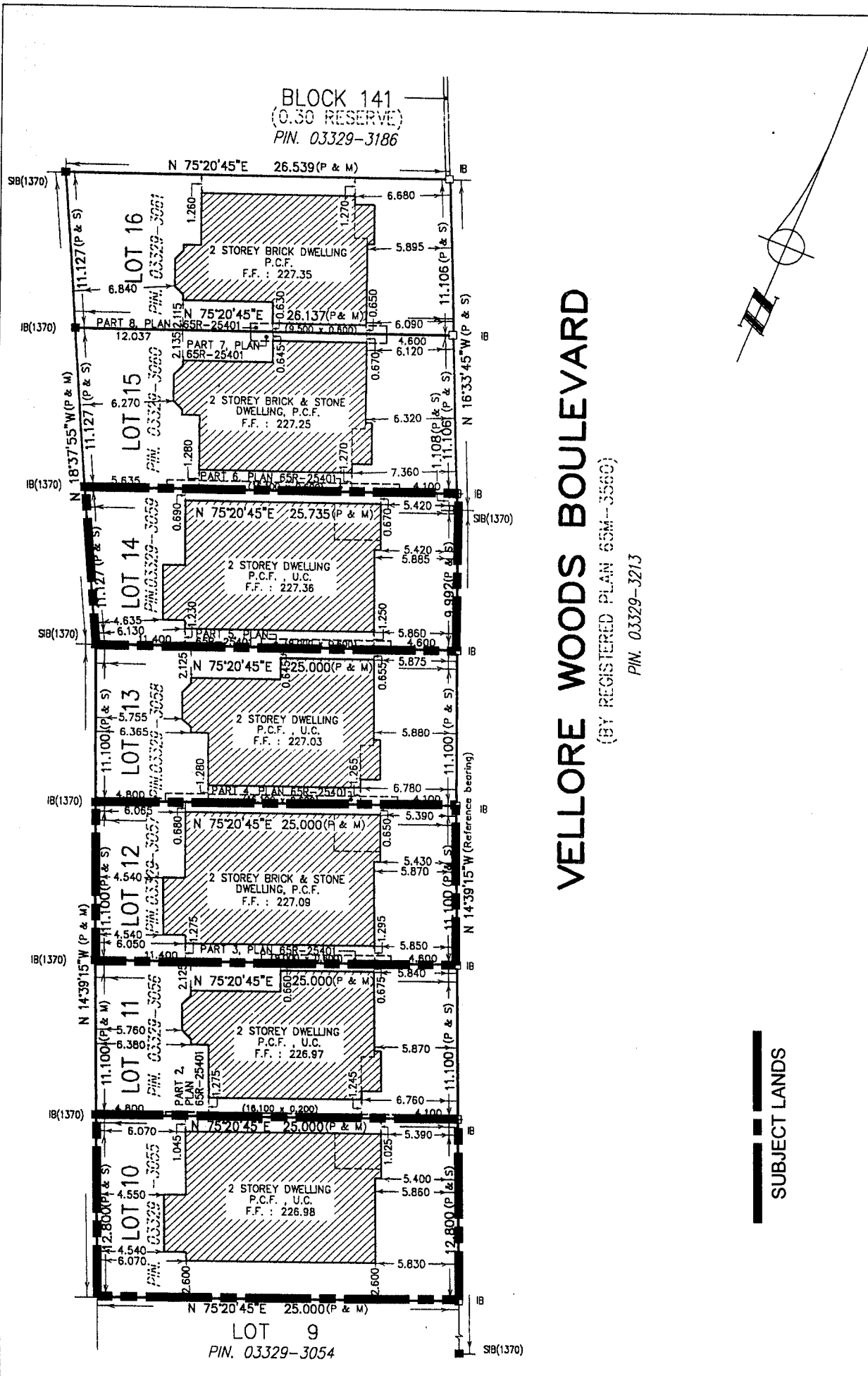
City of
Vaughan
 Community Planning Department

Site Plan
 Part of Lot 20,
 Concession 5
 APPLICANT:
 KINDWIN MARKHAM
 LIMITED

VELLORE WOODS BOULEVARD
 (BY REGISTERED PLAN 65M-3560)
 PIN. 03329-3213

SUBJECT LANDS

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November 25, 2002
Not to Scale

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VELLORE WOODS BOULEVARD

(BY REGISTERED PLAN 65M-3560)

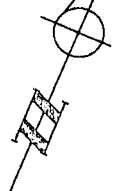
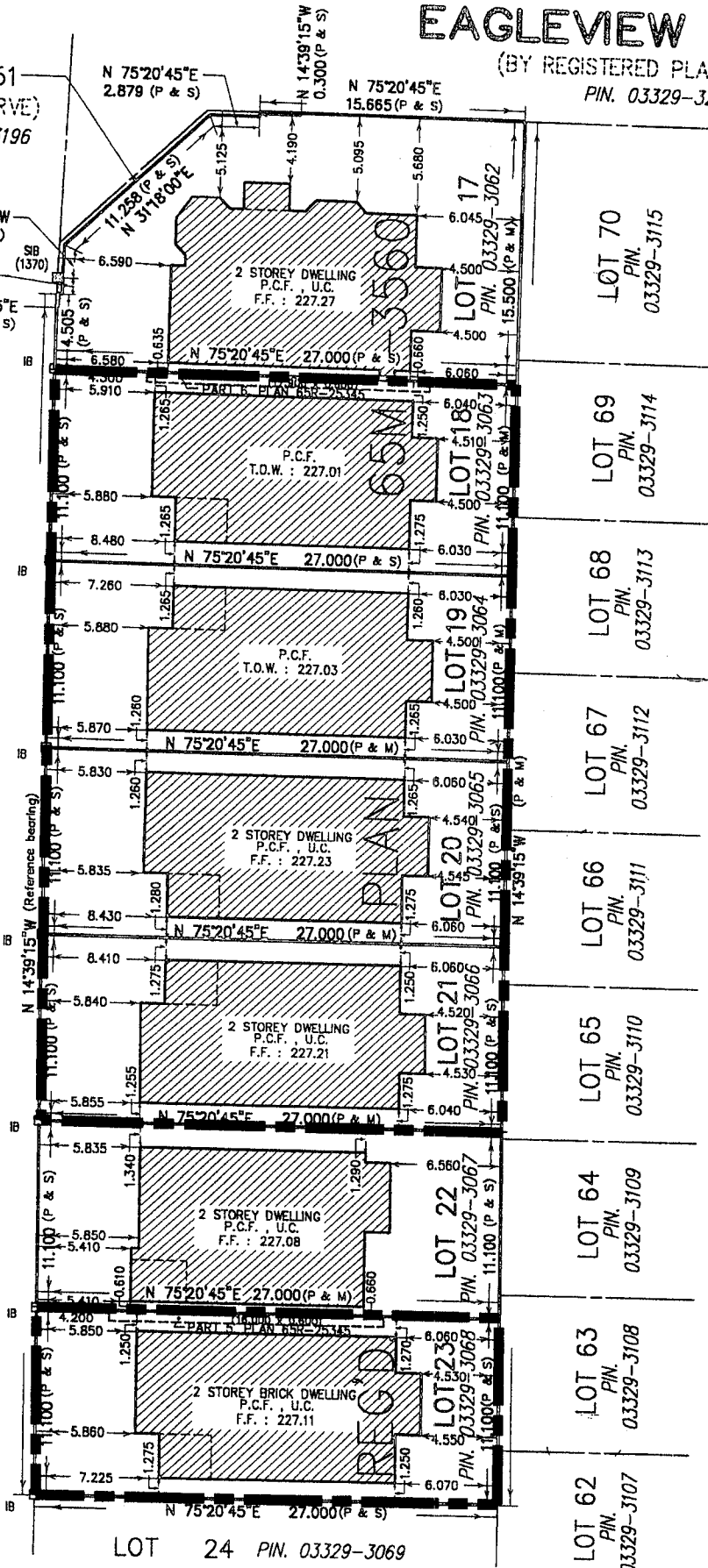
PIN. 03329-3213

EAGLEVIEW HEIGHTS

(BY REGISTERED PLAN 65M-3560)
PIN. 03329-3218

BLOCK 151
(0.30 RESERVE)
PIN. 03329-3196

N 12°44'40"W
1.920(P & S)
N 14°39'15"W
0.949(P & S)
N 75°20'45"E
0.300(P & S)



SUBJECT LANDS

Attachment 4

FILE No.: Z.02.078
November 25, 2002
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City of Vaughan

Community Planning Department

Site Plan

Part of Lot 20,
Concession 5

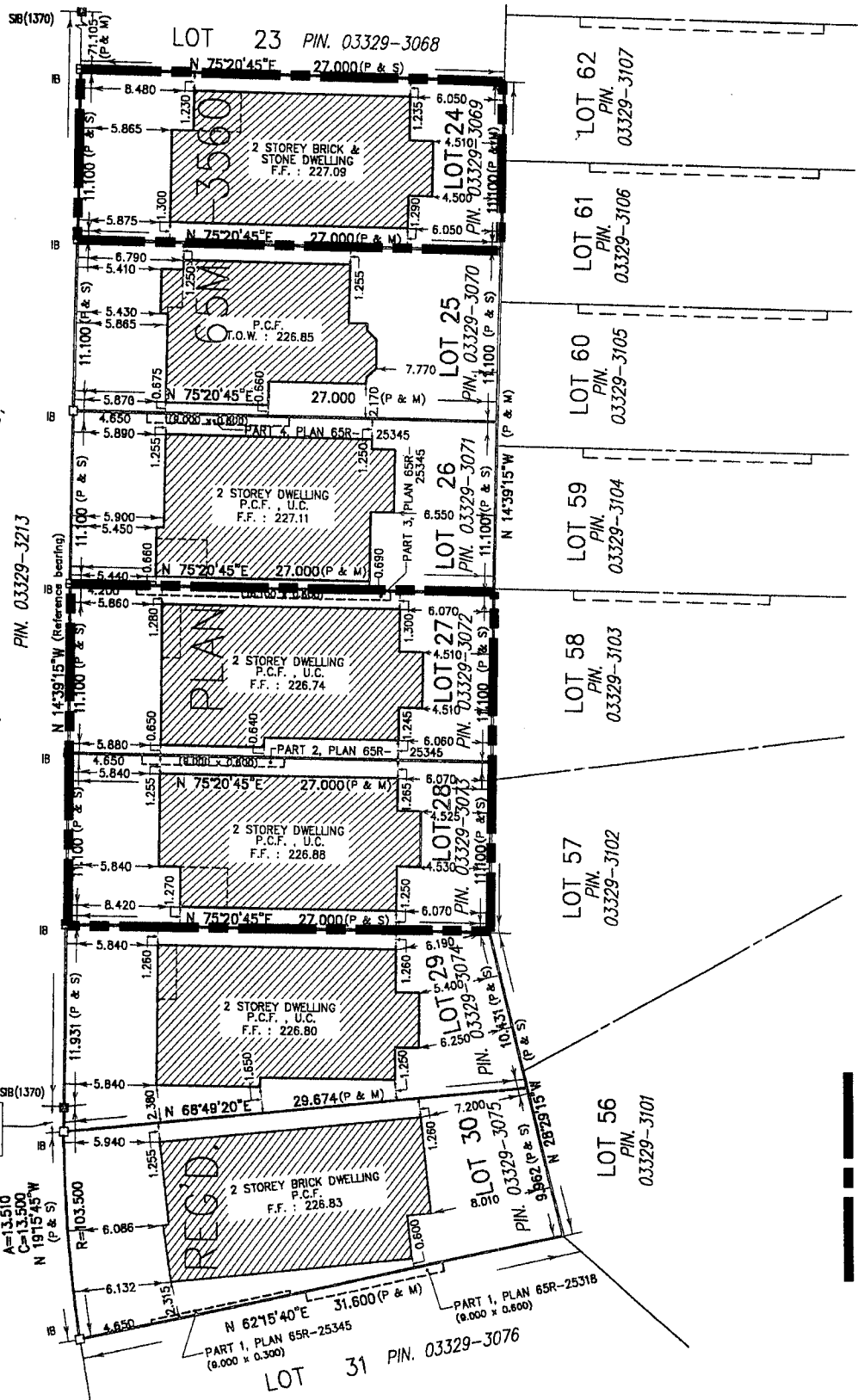
APPLICANT:
KINDWIN MARKHAM
LIMITED

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VELLORE WOODS BOULEVARD

(BY REGISTERED PLAN 55M-3560)

PIN. 03329-3213



SUBJECT LANDS

Site Plan

Part of Lot 20,
Concession 5
APPLICANT:
KINDWIN MARKHAM
LIMITED

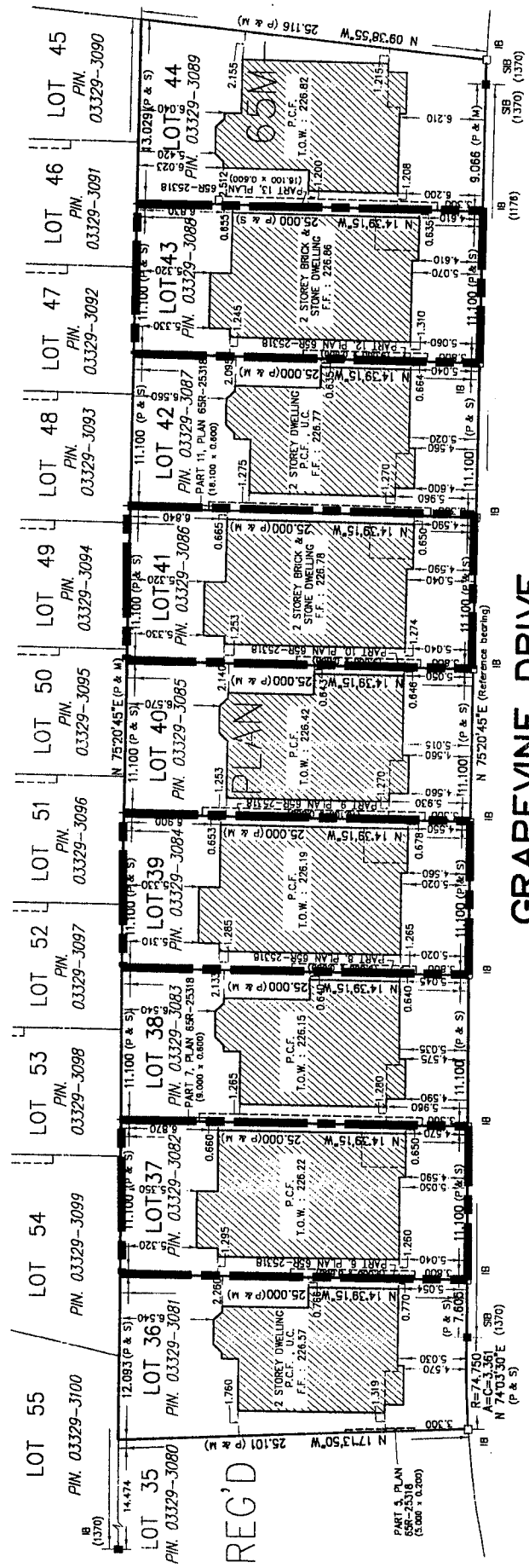
City of Vaughan

Community Planning Department

Attachment 5

FILE No.:
Z.02.078
November 25, 2002
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Site Plan

Part of Lot 20,
 Concession 5
 APPLICANT:
 KINDWIN MARKHAM
 LIMITED

City of Vaughan

Community Planning Department

Attachment

6

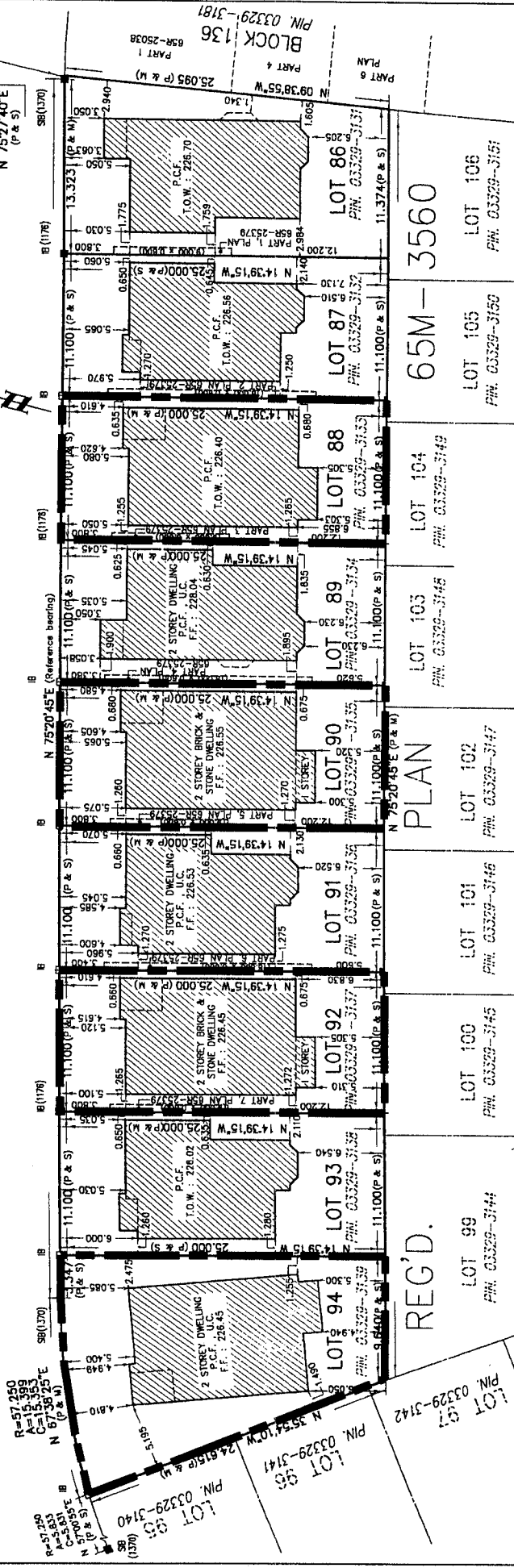
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 Z.02.078
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GRAPEVINE DRIVE
(BY REGISTERED PLAN 65M-3560)

PIN. 03329-3275

R=60.000
A=C=0.241
N 75°27'40"E
(P & S)



REG'D.

PLAN

65M-3560

SUBJECT LANDS

Site Plan

Part of Lot 20,
Concession 5
APPLICANT:
KINDWIN MARKHAM
LIMITED

City of
Vaughan

Community Planning Department

Attachment 7

FILE No.:
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November 25, 2002
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VELLORE WOODS BOULEVARD

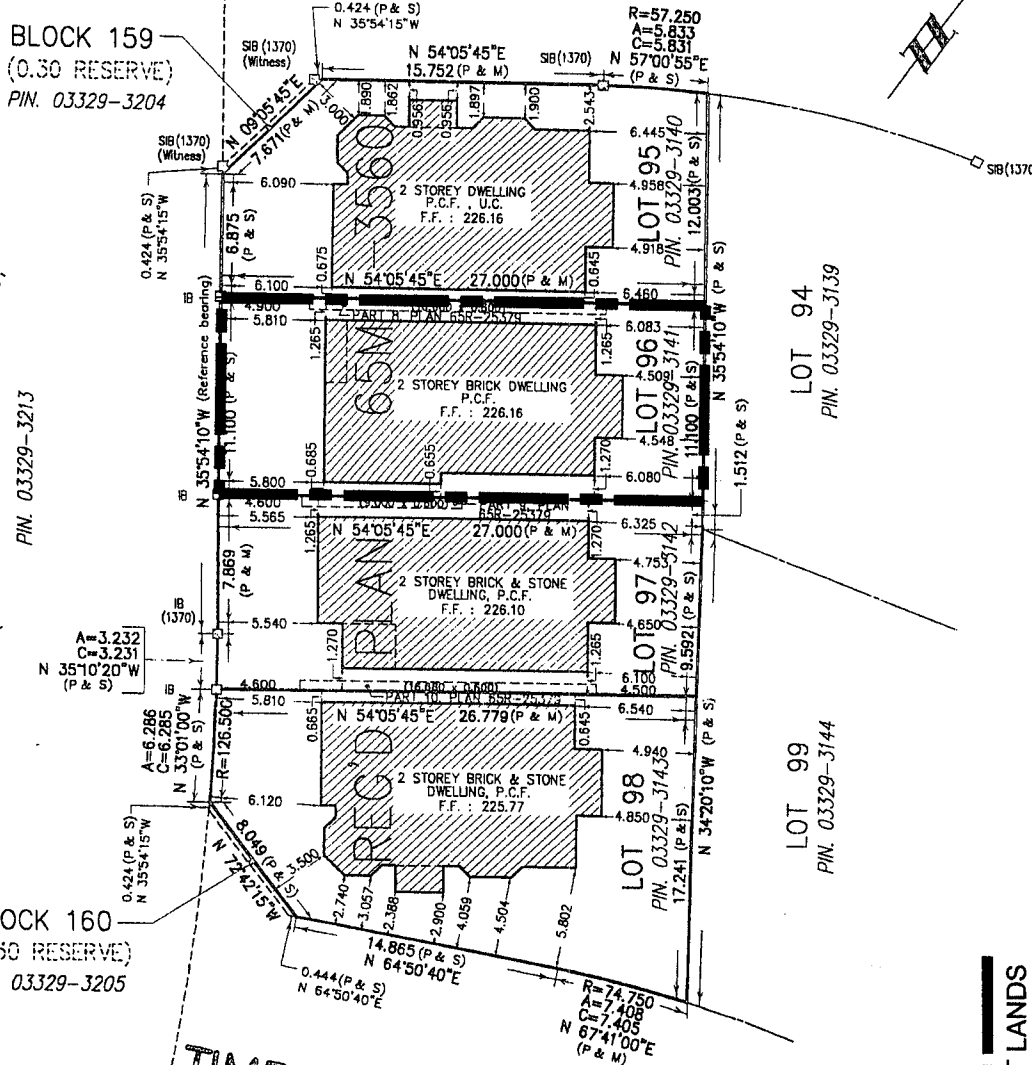
(BY REGISTERED PLAN 65M-3560)

PIN. 03329-3213

BLOCK 159
(0.50 RESERVE)
PIN. 03329-3204

BLOCK 160
(0.50 RESERVE)
PIN. 03329-3205

GRAPEVINE DRIVE
(BY REGISTERED PLAN 65M-3560)
PIN. 03329-3215



SUBJECT LANDS

TIMBERWOLF CRESCENT
(BY REGISTERED PLAN 65M-3560)
PIN. 03329-3214

Attachment 8
FILE No.: Z.02.078
November 25, 2002
Not to Scale

City of Vaughan
Community Planning Department

Site Plan
Part of Lot 20,
Concession 5
APPLICANT:
KINDWIN MARKHAM
LIMITED

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