

COMMITTEE OF THE WHOLE MAY 3, 2004

ONTARIO MUNICIPAL BOARD HEARING VARIANCE APPLICATION FILE A282/03 JUDITH & GEORGE ZAFIR

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal of the Committee of Adjustment's refusal of Variance Application A282/03 (Judith & George Zafir).

Purpose

To seek direction from Council with respect to Staff's attendance at the Ontario Municipal Board (OMB) hearing scheduled for June 4, 2004.

Background - Analysis and Options

The site is located southeast of Hilda Avenue and York Hill Boulevard, on the south side of Green Bush Crescent (51 Green Bush Crescent), being Part of Block 49, Plan M-2038, in Lot 27, Concession 1, City of Vaughan. The lands are designated "Low Density Residential" by OPA 210 (Thornhill/Vaughan Community Plan) and zoned RM2 Multiple Residential by By-law 1-88, subject to Exception 9(468).

On November 13, 2003, the Committee of Adjustment refused variances to permit the construction of a shed in the rear yard, and the maintenance of a driveway widening. The variances proposed interior side and rear yards of 0.6m, rather than the required 1.2m and 7.5m respectively, and a maximum shed area of 13.37sq.m rather than 6.0sq.m. The application also requests a maximum driveway width of 6.4m rather than the required 3.75m.

On November 4, 2003, the Committee staff received photos and a letter of opposition from the abutting landowner (49 Green Bush Crescent), indicating a number of concerns which were reiterated at the Committee meeting. Some of the concerns were the lack of space for snow storage, improper site drainage, reduced drivers' sight line, chronic trespassing on their property, and the encroachment of the driveway widening onto their property.

At the meeting, a neighbour at 25 Green Bush Crescent stated concerns regarding safety, vision and environmental problems, and the Committee received six letters of opposition. The agent for the applicant submitted a petition of support from 12 surrounding neighbours. Two names and addresses were indicated on both the support petition and opposition letters.

The owner appealed Variance Application A282/03 to the Ontario Municipal Board, on the basis that the driveway width is appropriate, as it is consistent with other driveway widths in the immediate vicinity. In their opinion, refusal of the application was not based on proper planning principles and also, Engineering issues raised may be resolved by the applicant in the future. The appeal letter did not address the garden shed variances.

The Engineering Department submitted the following comments:

- The driveway widening had been completed.
- General design practice requires a 1.0m clearance between the property line and the edge of the driveway for snow storage. The existing driveway does not maintain this clearance and progressively eliminates the space as it approaches the boulevard.

- The widened driveway has resulted in a significant reduction of landscaping within the boulevard.
- Minor drainage issues may arise with the reduction in landscaping.
- The reduction in the landscape area within the boulevard has resulted in a reduced area to place garbage containers for waste removal.
- The proposed driveway width is not in conformity with By-law 35-2003.
- The existing curb was recently repaired by the City and reinstalled without the raised barrier component whereby allowing a possible widening without the need of a curb cut.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

At the Committee of Adjustment meeting, Planning Staff was of the opinion the requested variances were not appropriate for the development of the subject lands, and are not considered minor in nature. The matter is scheduled to proceed to the OMB on June 4, 2004, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Glenn White, Planner, ext. 8213

Marco Ramunno, Manager of Development Planning, ext. 8485

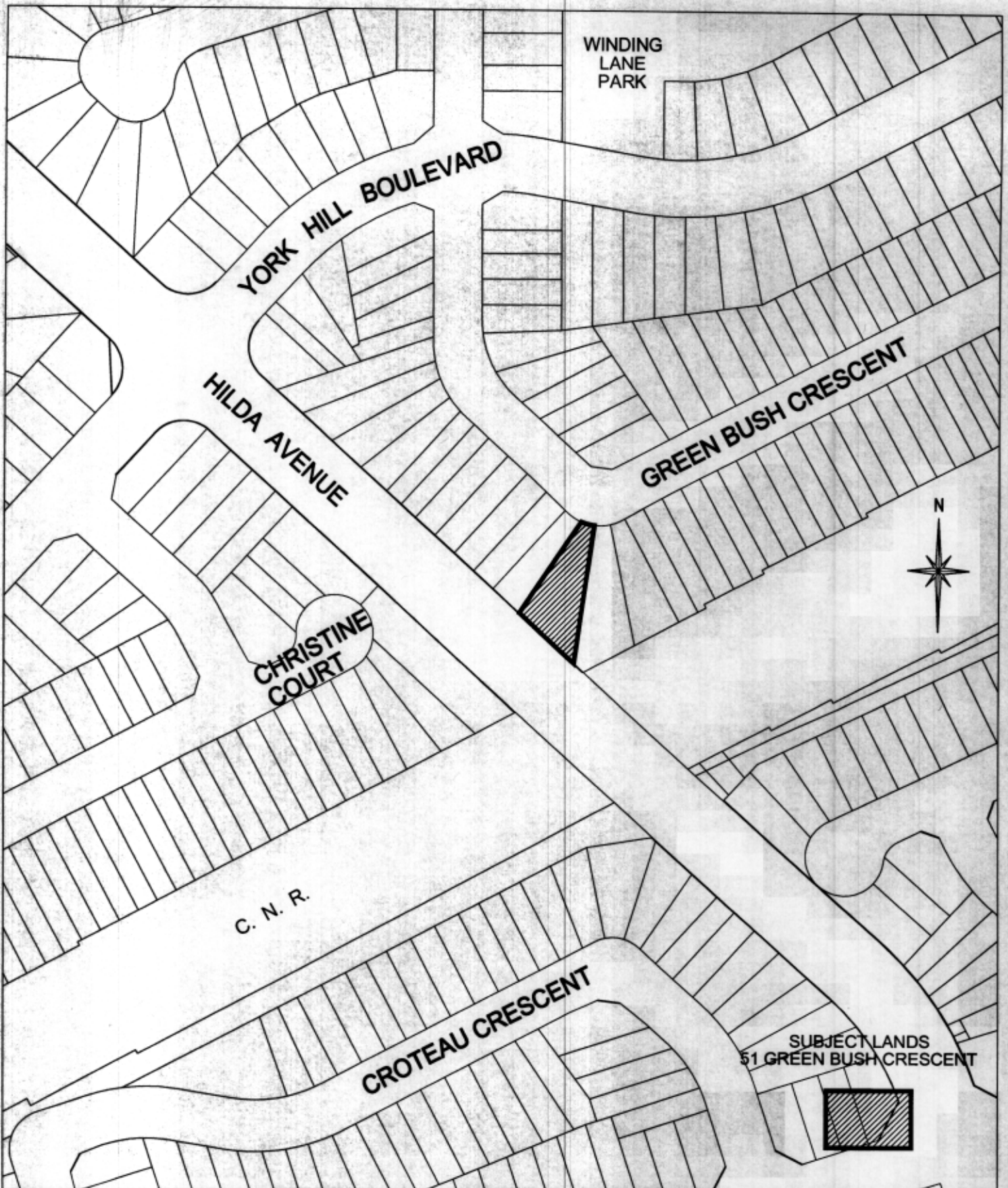
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Manager of Development Planning

/CM

R:\SER\WORKING\WHITEG\OMBA28203.CW.dot



Location Map

Lot 27,
Concession 1

APPLICANT:
JUDITH & GEORGE ZAFIR

City of
Vaughan

Community Planning Department

Attachment

FILE No.:
A282/03

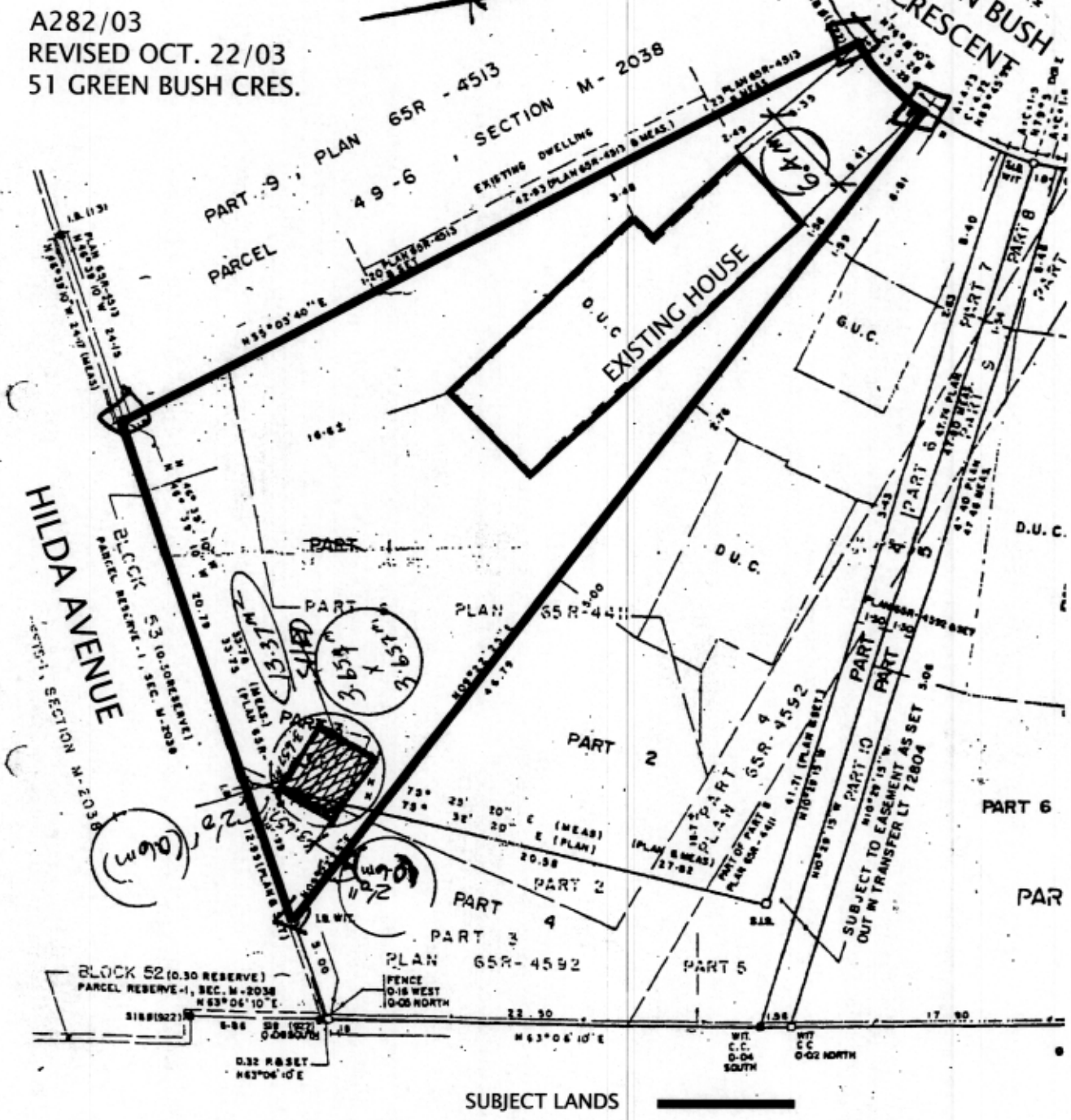
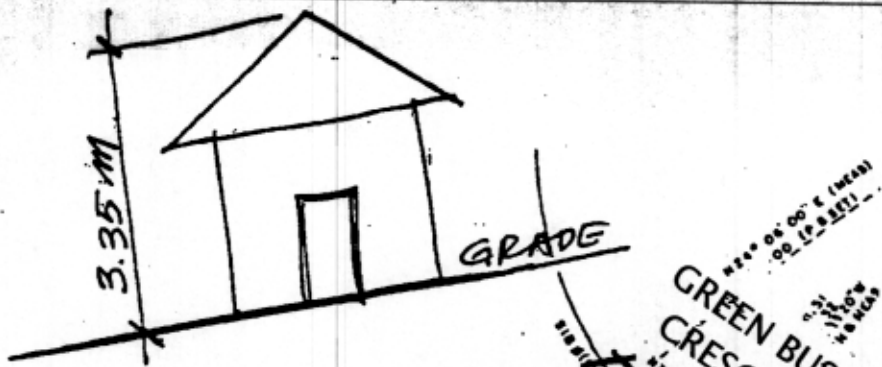
April 20, 2004

Not to Scale

1



A282/03
 REVISED OCT. 22/03
 51 GREEN BUSH CRES.



Site Plan

Lot 27,
 Concession 1

APPLICANT:
 JUDITH & GEORGE ZAFIR



Community Planning Department

Attachment

FILE No.:
 A282/03

April 20, 2004

Not to Scale

2