

COMMITTEE OF THE WHOLE – FEBRUARY 21, 2005

ZONING BY-LAW AMENDMENT FILE Z.03.034

SITE DEVELOPMENT FILE DA.03.019

PETER EDREY

REPORT #P.2003.46

(Referred from the Council Meeting of January 24, 2005)

Council, at its meeting of January 24, 2005, adopted the following:

That this matter be referred to the Committee of the Whole meeting of February 21, 2005.

Council, at its meeting of November 22, 2004, adopted the following:

That this matter be referred to the Council meeting of January 24, 2005, allowing for the election of the Ward 5 Local Councillor and subsequently a Ward 5 Sub-Committee meeting;

That the memorandum from the Commissioner of Planning, dated November 19, 2004, be received; and

That the following written submissions be received:

- a) Mr. & Ms. Jack and Ann Westerhoek, 12 Elizabeth Street, Thornhill, L4J 1X8, dated November 21, 2004; and
- b) Mr. Atul Gupta and Ms. Shirley Porjes, 26 Elizabeth Street, Thornhill, L4J 1Y1, dated November 21, 2004.

Recommendation of the Committee of the Whole meeting of November 15, 2004:

- 1) That this matter be referred to the Council meeting of November 22, 2004; and
- 2) That the coloured renderings submitted, by the applicant, be received.

Report of the Commissioner of Planning dated November 15, 2004

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.034 (Peter Edrey) BE APPROVED, to permit a business or professional office use (an accountant's office) to operate as a home occupation use, notwithstanding home occupation uses are restricted to regulated health professionals.
2. THAT the following exceptions to the RIV Old Village Residential Zone BE APPROVED:
 - i) require a minimum interior side yard (east) of 2.29 m for the house and 1.2 m for the garage;
 - ii) require a minimum rear yard (south) of 1.2 m for the garage; and
 - iii) permit a maximum lot coverage of 26.45%
3. THAT Site Development Application DA.03.019 (Peter Edrey) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:

- i) the final site plan, landscape plan and building elevations shall be approved by the Development Planning Department in consultation with Cultural Services Division;
- ii) all engineering requirements shall be approved by the Engineering Department; and
- iii) the implementing zoning by-law shall be in full force and effect.

Purpose

The Owner has submitted an application to amend the Zoning By-law to permit a business or professional office use (an accountant's office) to operate as a home occupation within a residential dwelling. The by-law currently permits only regulated health professionals as home occupation uses. The application also proposes the following exceptions to the RIV Old Village Residential Zone standards:

- a minimum interior side yard (east) of 2.29 m for the house and 1.2 m for the garage, whereas 2.5 m is required;
- a minimum rear yard (south) of 1.2 m for the garage, whereas 7.5 m is required; and
- a maximum lot coverage of 26.45%, whereas 23% is permitted.

The proposed exceptions would facilitate a Site Development Application to permit a 50m², 2-storey addition to the existing 294m² single-detached residential heritage dwelling, and to enclose the existing stairwell on the east side of the building, and a new garage, as shown on Attachments #3, #4 and #5.

Background - Analysis and Options

On September 17, 1998, the Applicant was granted permission (application for Permission A256/98) from the Committee of Adjustment to operate an accountant's office from his residential dwelling, subject to applying for a Site Plan Application and obtaining Council's approval of the site plan to facilitate the use on the subject lands. The Applicant did not address this condition of approval within the required 12 months, and the permission lapsed.

In September of 2001, the Applicant went before the Committee of Adjustment seeking relief in respect to the minimum rear yard setback proposed at 1.7m, rather than the By-law requirement of 7.5m, and a maximum lot coverage of 29.6% whereas the By-law permits a maximum of 23%. The Committee of Adjustment did not grant relief (application for Minor Variance A202/01) and were of the opinion that the variances sought were not minor and were not appropriate for the development and use of the land.

Subsequently, the Applicant revised his plans and in October of 2002 proceeded to the Committee of Adjustment for a third time (application for Minor Variance A411/02) requesting the following relief:

- a maximum lot coverage of 27.11%, whereas a maximum of 23% is permitted; and
- a minimum interior side yard of 2.11 m, whereas a minimum of 2.5m is required.

Through this process the Applicant was made aware that his permission for a change in use had lapsed as a result of not addressing the condition of Site Plan Approval. As a number of issues remained outstanding, the Applicant withdrew Minor Variance Application A411/02, and instead would address the deficiencies and use issue through a Zoning By-law Amendment Application

which would run concurrently with the required Site Plan Application to facilitate the home occupation use for an accountant's office.

The site is located at the southeast corner of Centre Street and Elizabeth Street (39 Centre Street), being Lot 52 on Registrar's Compiled Plan 9834, in Part of Lot 30, Concession 1, City of Vaughan. The 640.20m² site has 21.9 m frontage on Centre Street and 27.9m flankage on Elizabeth Street.

The site is designated "Low Density Residential" by OPA No.210 (Thornhill-Vaughan Community Plan) and zoned R1V Old Village Residential Zone by By-law 1-88, subject to Exception 9(662). The surrounding land uses are:

- North – Centre Street; residential (R1 Residential Zone)
- South – residential (R1V Old Village Residential Zone)
- East – residential (R1V Old Village Residential Zone)
- West – Elizabeth Street; residential (R1V Old Village Residential Zone)

On May 23, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands, the Society for the Preservation of Historical Thornhill, and to the Town of Markham. Staff has received written comments from the public outlining the following concerns:

- the proposed lot coverage and interior side yard setback are excessive;
- the latest application significantly changes the overall look of the house and it would not fit the historic character of the neighbourhood;
- the proposed building would become a 'monster building' on a corner lot in an area where there are 'small-size' historic houses; and
- the approval of this application would set a dangerous precedent for development in the designated historic conservation area.

The recommendation of the Committee of the Whole on June 16, 2003, to receive the public hearing and forward a technical report to a future Committee meeting was ratified by Council on June 23, 2003.

Official Plan

The subject lands are designated "Low Density Residential" by OPA No. 210 (Thornhill-Vaughan Community Plan). This designation provides opportunities for single-detached residential lots fronting on Centre Street, east of Brooke Street, within the Village of Thornhill Heritage District, to be used for residential, and business and professional offices and/or retail commercial uses not exceeding 167.2 m² in total gross floor area. The proposed use for an accountant's office would conform to the Official Plan.

Zoning

The subject lands are zoned R1V Old Village Residential Zone by By-law 1-88, subject to site-specific Exception 9(662), which permits only a single-detached residential dwelling. The applicant has proposed to amend the existing zoning in order to permit a business or professional office use, specifically an accountant's office as a home occupation. In respect to home occupation uses, By-law 1-88 states:

- "a) Such use shall be limited to the office of a regulated health professional (notwithstanding the definition of a regulated health professional, a body-rub parlour is not permitted as an accessory use to a home occupation);"

The following exceptions are also required to facilitate an addition to the east side of the existing residential dwelling, and the east and south sides of the proposed garage, as shown on Attachment #3:

	<u>Required</u>	<u>Proposed</u>
Min. Interior Side Yard (east)	2.5m	2.29m (to house)
Min. Interior Side Yard (east)	2.5m	1.2m (to garage)
Min. Rear Yard (south)	7.5m	1.2m (to garage)
Max. Lot Coverage	23%	26.45%

The existing site-specific Exception 9(662) previously addressed deficiencies for lot frontage, lot area, and front and exterior side yards.

Site Design

The existing heritage building shown on Attachment #2 is 2-storeys along Centre Street, and 1-storey in the southerly half of the building, and is located centrally on the subject lands. The applicant is proposing (see Attachment #3) a second-storey addition to the south half of the building, which would also include the enclosure of the exterior stairs on the east side of the building, and a detached garage to be located at the southeast corner of the lot. The site is to be accessed from Elizabeth Street by a 6.0m wide driveway leading to the detached garage. There is no driveway along Centre Street, thereby creating a continuous landscape strip along the lot frontage. A precast concrete walkway extends from the sidewalk on Centre Street along the exterior side (west) of the dwelling and wraps around the corner of the home. The proposed accountant's office use will be located in the front of the building, with the residential component at the rear.

Building Elevations

The north and west elevations (see Attachment #5) both contain entrances to the dwelling. The existing north elevation (no changes are proposed) facing Centre Street has a single door entrance centrally located and framed by glass. A small porch supported by columns adds detail to the north elevation, which aside from the entrance contains 2 windows with shutters on the ground floor. Directly above the entranceway and beneath the peak in the roofline, is a third window.

The west elevation also contains a single door entry framed by glass and covered by a porch extending almost the entire length of this elevation. Windows have been proposed throughout this elevation and includes a recessed balcony on the second-storey. The main building material used on the north and west elevations is stucco in a light yellow/beige colour, restoring the original building material. All the wood trim, including balcony railings, porch columns and railings, and window trims and shutters will be painted in a light neutral colour complimenting the stucco. The building height to the mid-point of the roof measures 6.85m and the roof is to be constructed with asphalt shingles in a grey colour.

The remainder of the building being the east and south elevations (see Attachment #4) will be constructed with the same material, but also introduces a light grey vertical board and batten, which is also being used for the detached garage.

Landscaping

The landscaping on site (see Attachment #3) is to be maintained, except in the rear yard, which will be paved with a hard surface for the driveway. A new cedar hedge is proposed along the south property line, with the existing cedar hedge located between the south lot line and the driveway on Elizabeth Street to remain, and provide screening of the parking area.

Access and Parking

The site plan (see Attachment #3) proposes 5 parking spaces, consisting of 2 within the detached garage, 2 tandem parking spaces in the driveway and a single spot in front of the residence, in compliance with the residential (3 parking spaces) and home occupation (2 parking spaces) parking standards in By-law 1-88.

Servicing

The site has access to municipal services, including sanitary and storm sewers and water. The final site plan is to be approved by the Engineering Department, and satisfy all engineering requirements.

Cultural Services/Heritage Vaughan

The subject lands are located in the Thornhill Heritage Conservation District, designated under the Ontario Heritage Act (Part V), and is therefore subject to the Heritage District Plan.

Heritage Vaughan at its meeting on September 15, 2004, approved the proposed site plan application and provided the following comments:

- "1. That the applicant submit specifications regarding the restoration of the heritage building;
2. That the applicant submit details regarding materials, colours and signage to Cultural Services staff for review in accordance with the Heritage Conservation District Plan; and
3. The Building Permit plans be in substantial conformance with the approved site plan application drawings."

The proposed addition to the heritage structure adheres to the guidelines requiring the retention and restoration of existing heritage buildings, and that additions are consistent/complimentary to the architectural style of the existing heritage structure. Development Planning Staff are satisfied that the proposed zoning exceptions noted in the "Zoning" section of this report are appropriate for the Thornhill Heritage District with respect to the site layout and building elevations, and supported by Heritage Vaughan.

Final details regarding materials, colours and signage are to be approved to the satisfaction of the Cultural Services Division.

Land Use/Compatibility

The application proposes permitting business or professional office uses, in particularly an accountant's office at 39 Centre Street to operate as a home occupation use. Many of the neighbouring properties have been converted to some form of commercial use or a combination of commercial and residential uses. The proposed application would be in keeping with the evolution of uses along this segment of Centre Street. OPA No.210 encourages this form of redevelopment within the Village of Thornhill Heritage District provided the character of the residence is not altered in any manner that would not be in keeping with the historical preservation of the district. Incorporating the original building material into the design, and producing an addition to the existing building reflecting the architectural style of the era will result in a proposed development which is compatible with those in the surrounding area and which is of an appropriate mass and scale.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #210.

Conclusion

Staff is of the opinion that the proposed zoning amendment for 39 Centre Street to permit an accountant's office as a home occupation use and the associated exceptions requested to facilitate the development of the second-storey and easterly additions to the heritage house and a new garage are appropriate and compatible with the existing structure and uses in the surrounding area. The proposal implements the policies of the Official Plan, which encourages low-intensity office/commercial uses within existing dwellings in the Village of Thornhill Heritage District.

In light of the above, Staff can support approval of the zoning amendment and site plan applications. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

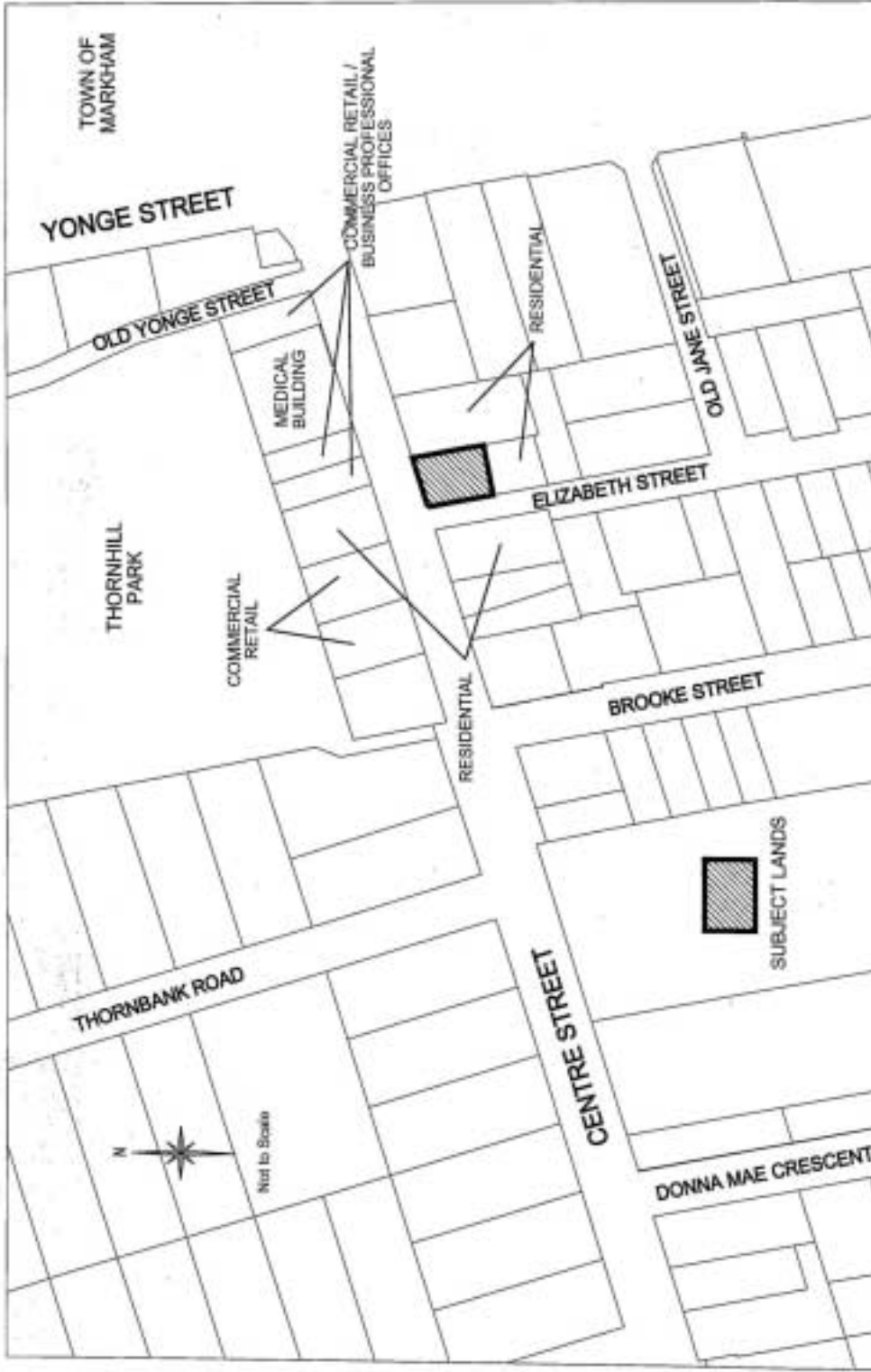
1. Location Map
2. Existing Site Plan
3. Proposed Site and Landscape Plan
4. South & East Elevations
5. North & West Elevations

Report prepared by:

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Grant A. Uyeyama, Manager of Development Planning, ext. 8635

/CM



TOWN OF
MARKHAM

YONGE STREET

OLD YONGE STREET

THORNHILL
PARK

THORNBANK ROAD



Not to Scale

COMMERCIAL RETAIL /
BUSINESS PROFESSIONAL
OFFICES

COMMERCIAL
RETAIL

RESIDENTIAL

CENTRE STREET

ELIZABETH STREET

BROOKE STREET

DONNA MAE CRESCENT

SUBJECT LANDS

OLD JANE STREET

RESIDENTIAL

Location Map

Part of Lot 30,
Concession 1
APPLICANT:
PETER EDREY
10/06/11 11:00:00 AM P:\11111111

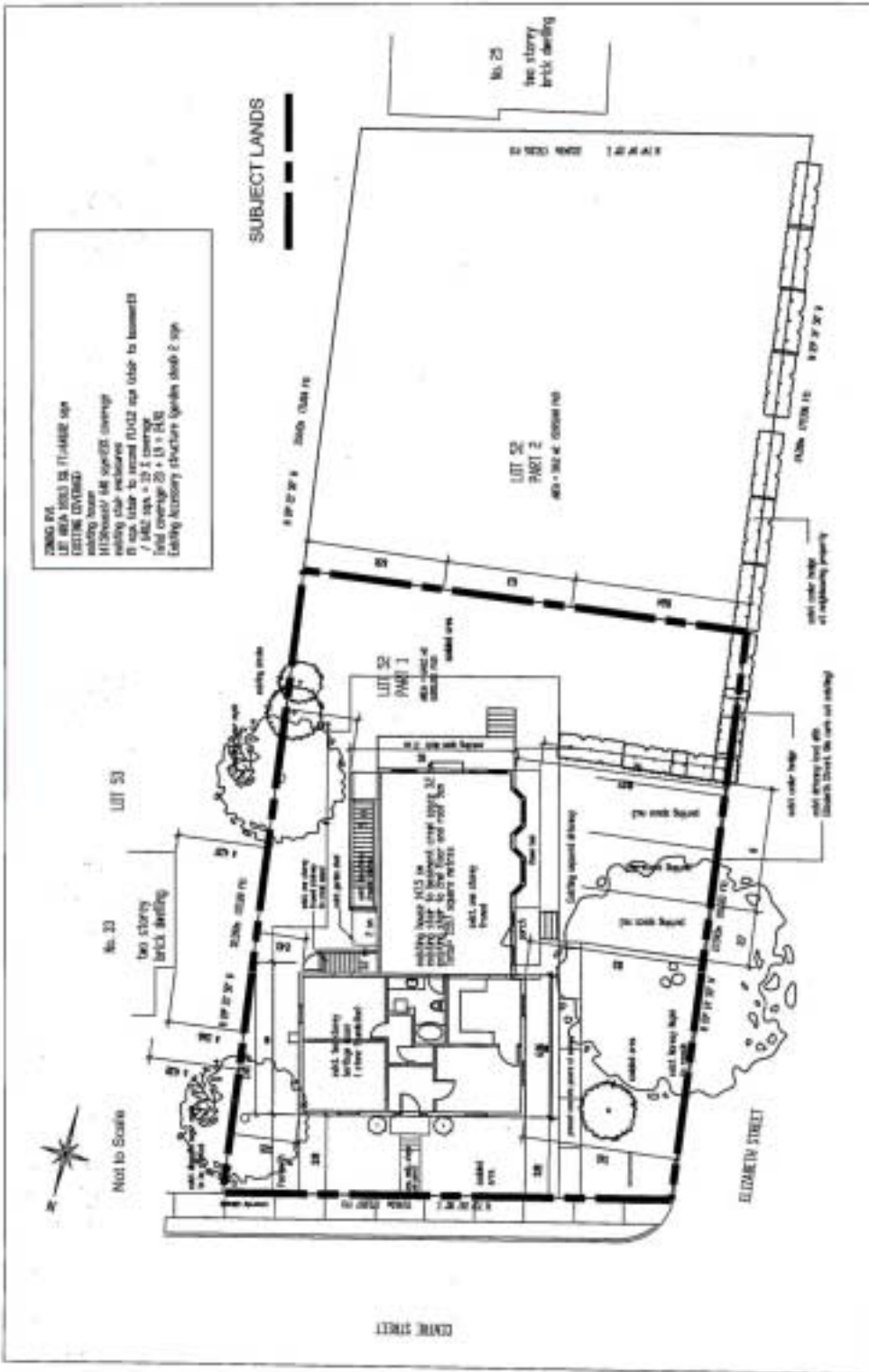
Attachment 1

FILE NO.:
Z.03.034 &
DA.03.019

November 2, 2004

City of Vaughan

Development Planning Department



Existing Site Plan

Part of Lot 30,
 Concession 1
 APPLICANT:
 PETER EDREY
 4431/15, #15151515/151515



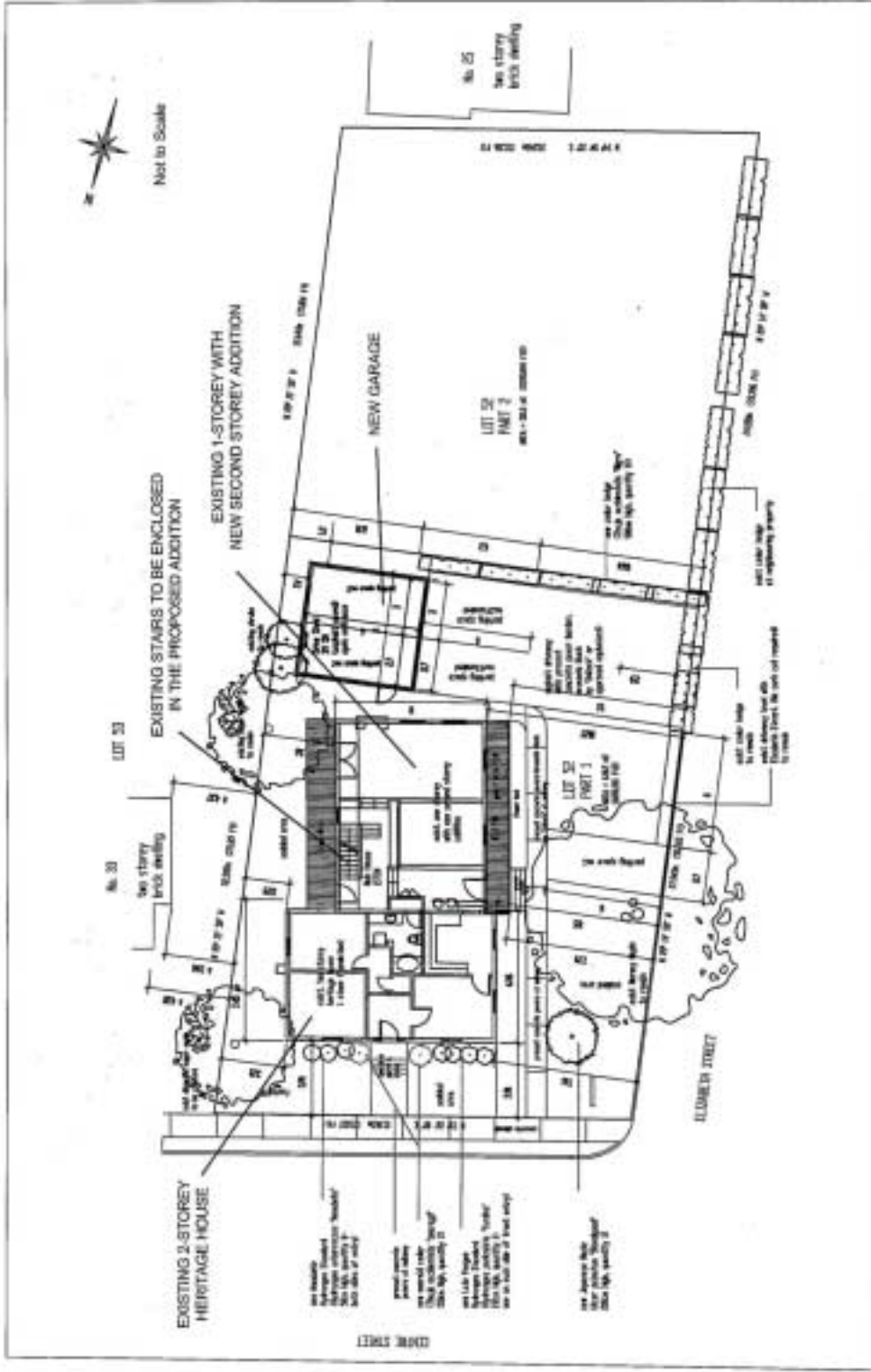
Development Planning Department

Attachment

FILE NO.:
 Z.03.034 &
 DA.03.019

November 2, 2004

2



Attachment 3

FILE No.:
Z.03.004 &
DA.03.019

November 2, 2004

City of Vaughan

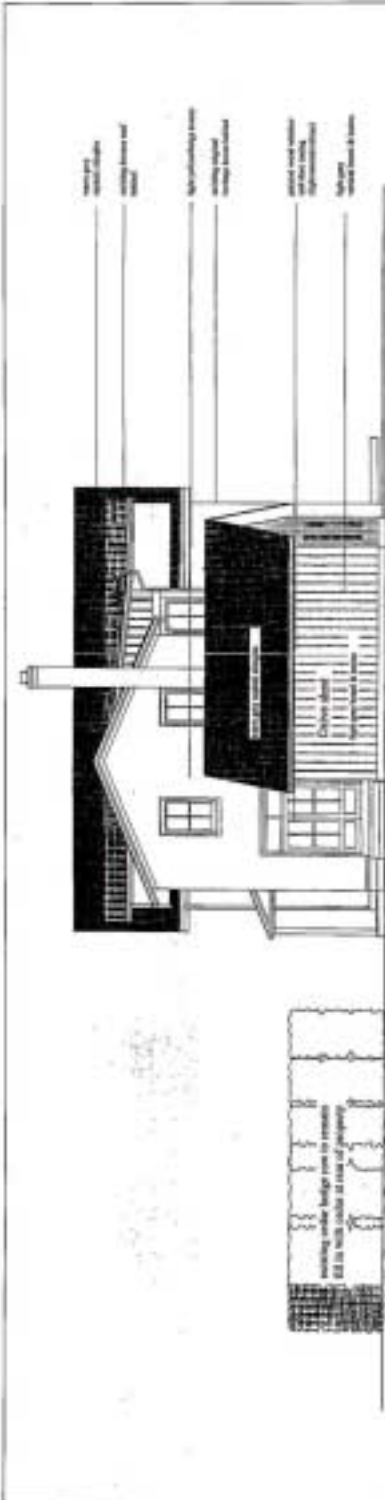
Development Planning Department

Proposed Site & Landscape Plan

Part of Lot 30,
Concession 1

APPLICANT:
PETER EDREY

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SOUTH ELEVATION
with proposed addition and
drive shed in front



EAST ELEVATION
with proposed additions
at second floor rear

Not to Scale

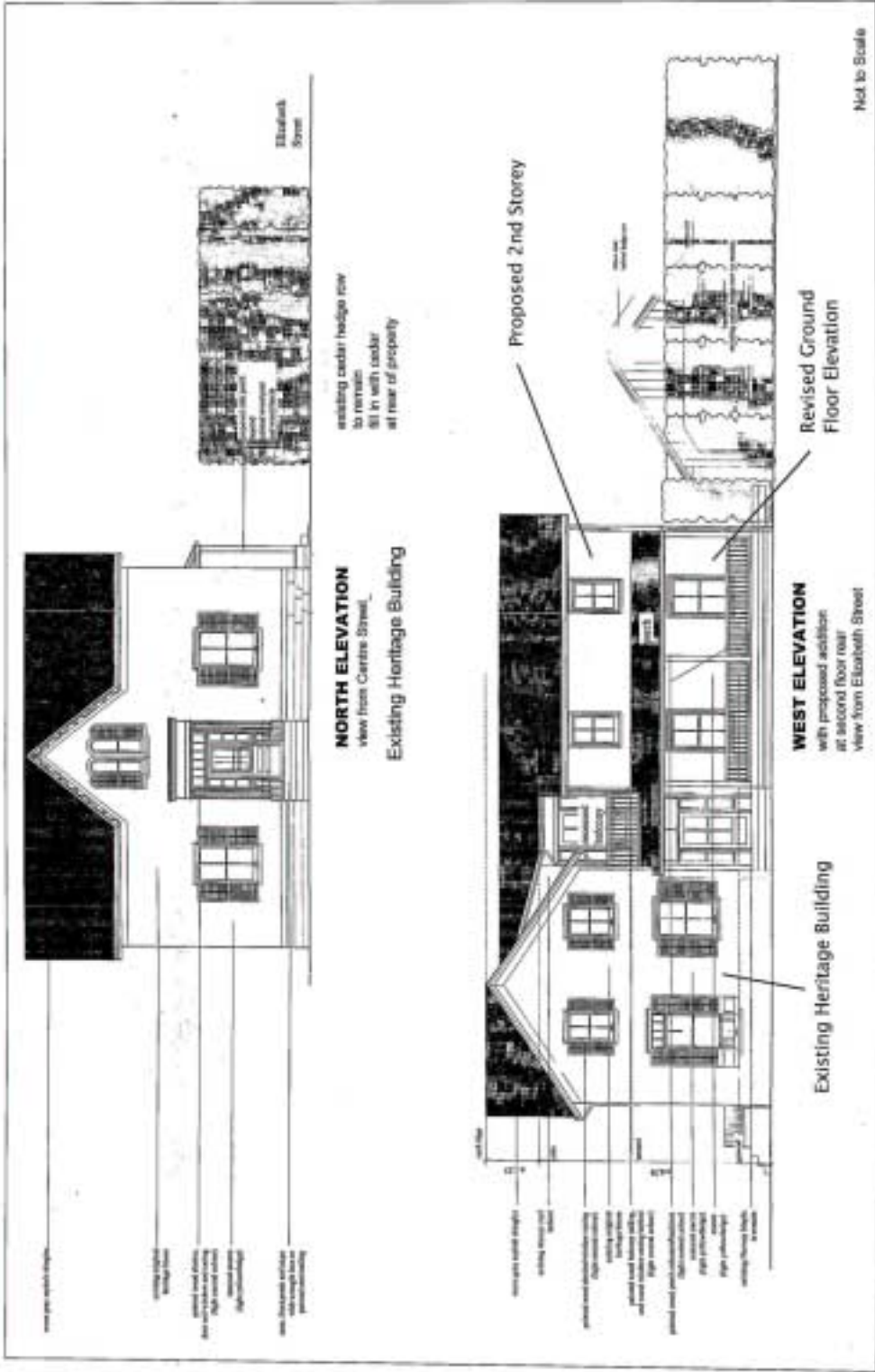
Attachment 4
FILE No.:
Z.03.034 &
DA.03.019
November 2, 2004

City of
Vaughan

Development Planning Department

South & East Elevations

Part of Lot 30,
Concession 1
APPLICANT:
PETER EDREY
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Attachment 5
FILE No.: Z.03.034 & DA.03.019
November 2, 2004

City of Vaughan
Development Planning Department

North & West Elevations
Part of Lot 30, Concession 1
APPLICANT: PETER EDREY
#12971, #12972, #12973, #12974

