

COMMITTEE OF THE WHOLE APRIL 4, 2005

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION FILE A358/04
PAUL KING**

Recommendation

The Commissioner of Planning recommends that this report BE RECEIVED for information.

Purpose

To provide information concerning an appeal of the Committee of Adjustment's refusal of Variance Application A358/04, scheduled for an Ontario Municipal Board (OMB) Hearing on April 15, 2005.

Background - Analysis and Options

The subject lands shown on Attachment #1 are located east of Albion-Vaughan Road, on the south side of Kirby Road (7601 Kirby Road) in Part of Lot 30, Concession 11, City of Vaughan. The 1ha site has 119.9m frontage on Kirby Road and a depth of 91.1m. The lands are designated "Rural Use Area" by OPA #600, and zoned A Agricultural Zone by By-law 1-88.

On December 2, 2004, the Committee of Adjustment refused Variance Application A358/04, to permit the construction of an accessory building (storage shed), prior to the construction of the main residential building to which it is to be accessory; a rear yard of 6.09m, whereas 15m is required; and an easterly interior side yard of 3.04m, whereas 4.5m is required.

The accessory building (storage shed) is proposed to be 375.3 sq.m (4,040.6 sq.ft) in area, and measures 13.7m by 27.4m (45ft x 90ft). The applicant has not provided the size and location of the future residential (main) dwelling.

The applicant was not present at the Committee of Adjustment Hearing, and did not have agent representation. The abutting owner to the south and west, at 11421 Albion-Vaughan Road, appeared in opposition and presented the Committee with a petition of objection from three Caledon residents (12190, 12246 and 12446 Albion-Vaughan Road), indicating that the accessory shed should not be constructed prior to the principle residence. There was no one else in attendance either in support of or in opposition to the proposal.

In the letter of appeal, the applicant did not indicate specific land use reasons as to why the application should be referred to the OMB. The applicant thought the By-law requirements were "a bit extreme, especially the rear yard setback of 15m." He stated that he needed the storage shed to store equipment, a classic car and antique farm tractor, and other construction equipment and materials while building the future dwelling. The applicant's Variance Application form also indicated the proposed storage of a camper, 2 motorcycles, 1 snowmobile, a Bob-cat (to clean snow), and gardening equipment (lawnmower and tiller).

The Development Planning Department does not consider the proposed structure (storage shed) to be accessory when it is proposed to be constructed prior to the construction of the main residential dwelling. The request for setback variances is considered to be premature since the location and size of the main residential dwelling is not known at this time. Without knowing the size of the main dwelling, it cannot be determined if the proposed storage shed is accessory, or if the proposed shed size is appropriate. Without knowing the location of the main dwelling, staff cannot determine if the proposed setbacks for the shed are appropriate in relation to the main dwelling.

Relationship to Vaughan Vision 2007

This staff report is consistent with the policies set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department did not support Variance Application A358/04, as the proposed variances were not considered to be appropriate for the development of the lands. Staff does not support the accessory building (shed) being constructed prior to the construction of the main residential dwelling, and the reduced rear and interior side yard setbacks are premature in light of this consideration. The matter is scheduled to proceed to the OMB on April 15, 2005, and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Glenn White, Planner, ext. 8213

Grant Uyeyama, Manager of Development Planning, ext. 8635

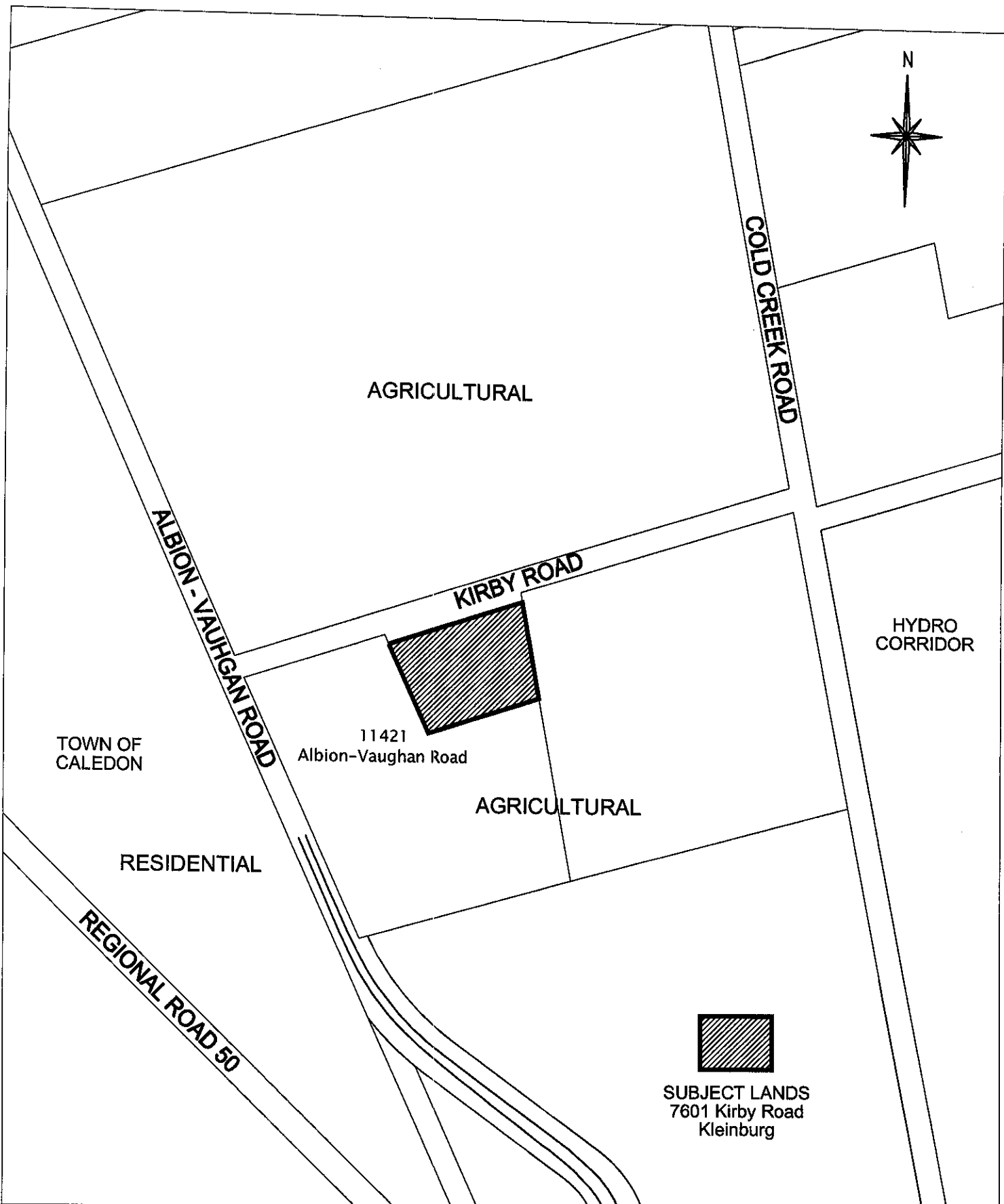
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Location Map

Lot 30,
Concession 11

APPLICANT:
PAUL KING



Development Planning Department

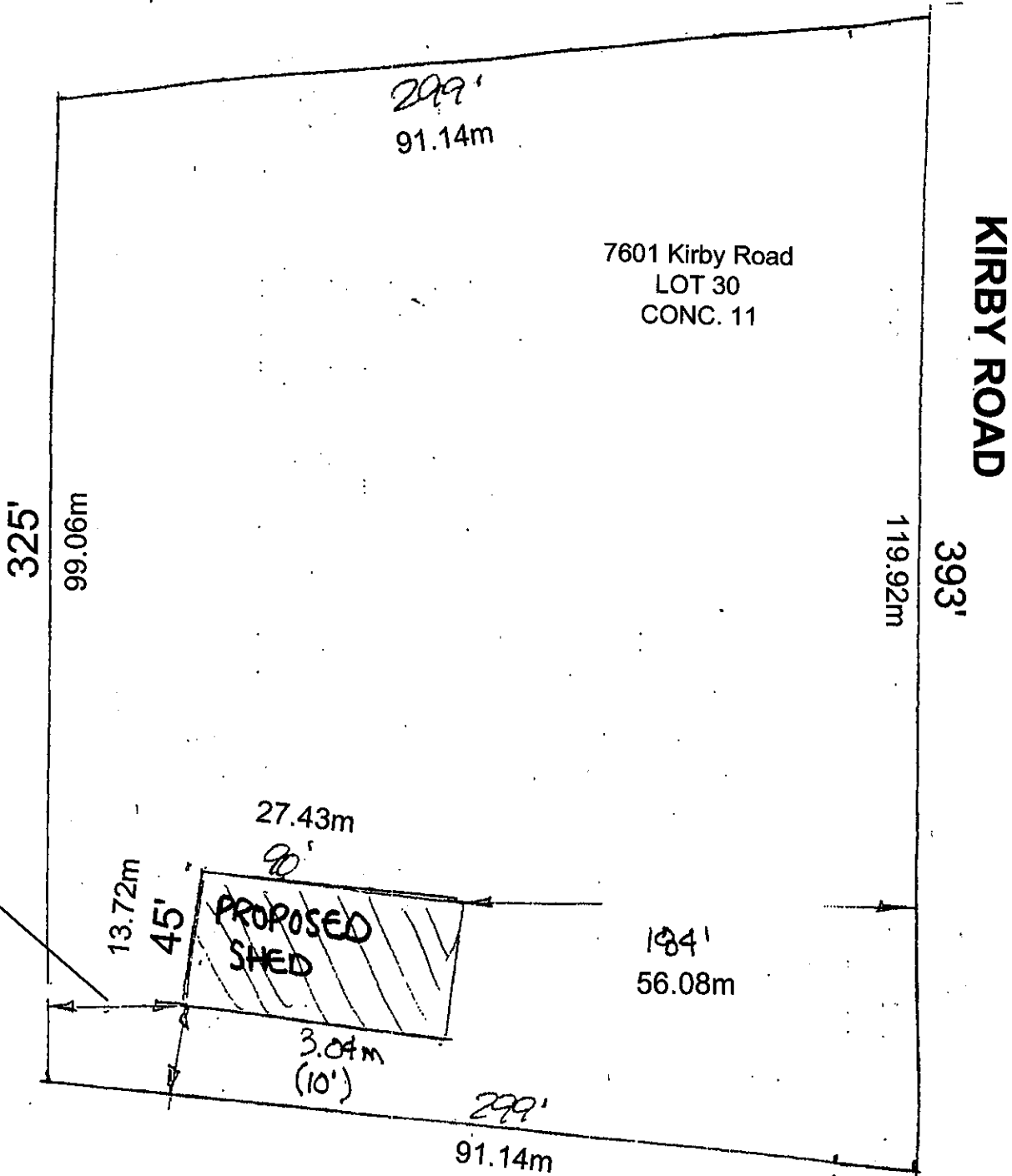
Attachment

FILE No.:
A358/04

March 9, 2005

Not to Scale

1



7601 Kirby Road
 LOT 30
 CONC. 11

KIRBY ROAD

Site Plan

Lot 30,
 Concession 11

APPLICANT:
 PAUL KING



Development Planning Department

Attachment

FILE No.:
 A358/04

March 9, 2005

Not to Scale

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