

COMMITTEE OF THE WHOLE DECEMBER 11, 2006

**ZONING BY-LAW AMENDMENT FILE Z.06.014
MARIA SCARPONE
REPORT #P.2006.26**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.014 (Maria Scarpone) BE APPROVED, specifically to amend By-law 1-88, to facilitate the severance of the subject lands shown on Attachment #3, with the inclusion of the following exceptions to the existing RR Rural Residential Zone:
 - a) Retained Lot
require a minimum lot area and minimum lot frontage of 9,886m² and 61.68m, whereas the By-law currently requires a minimum of 18,114m² and 106.68m, respectively; and,
 - b) Severed Lot
require a minimum lot area and minimum lot frontage of 8,228m² and 45m, whereas the By-law currently requires a minimum of 18,114m² and 106.68m, respectively.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted an application on the subject lands shown on Attachments #1 and #2 to amend the Zoning By-law, specifically the existing RR Rural Residential Zone in By-law 1-88, subject to Exception 9(237), to facilitate the future severance of the subject lands in the manner shown on Attachment #3, with the inclusion of the following zoning exceptions:

- require a minimum lot area of 9,886m² and a minimum lot frontage of 61.68m for the proposed retained lot; and,
- require a minimum lot area of 8,228m² and a minimum lot frontage of 45m for the proposed severed lot.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2 are located north of King-Vaughan Road and west of 10th Line, being Lot 9 on Plan M-89 (207 Ranch Trail Road), in Part of Lot 1, Concession 10, City of Vaughan and are designated "Estate Residential" by OPA #600 and "Natural Heritage System within the Protected Countryside" and "Natural Heritage System" by the Greenbelt Plan.

The subject lands are zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(237), which permits detached estate dwelling units. The subject lands have an area of 1.8ha and contain an existing detached dwelling unit, a well, a septic field and a man-made pond. The surrounding land uses are:

North - Ranch Trail Road; residential (RR Rural Residential Zone)
South - valley lands (OS1 Open Space Conservation Zone)
East - residential (RR Rural Residential Zone)
West -residential (RR Rural Residential Zone)

On March 24, 2006, a Notice of Public Hearing was mailed to all property owners within 120 metres of the subject lands, and to the Kleinburg and Area Ratepayers' Association. As of November 23, 2006, no written comments have been received on this application.

The recommendation of the Committee of the Whole to receive the Public Hearing report on April 18, 2006, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on April 24, 2006.

Official Plan

i) Land Use Designation

The subject lands as shown on Attachment #2 are designated "Estate Residential" by OPA #600. The Official Plan permits detached estate residential dwellings on large lot sizes that are related to the site's topography, vegetation and servicing constraints, and which retain the rural residential character. The proposed severance of the subject lands into two lots as shown on Attachment #3, will continue to provide for large lots with areas and configurations that are in keeping with the surrounding lots as shown on Attachment #1, and which are in accordance with the provisions of the Official Plan.

ii) Servicing

The Official Plan requires lands designated "Estate Residential" to be of a lot area of sufficient size to accommodate a private well for water supply and a private septic system (tile beds) for sewage disposal. The Official Plan requires estate lots to be a minimum area of 6000m², with the average lot size being a minimum of 8000m². The proposed lot to be retained will have a lot area of 9,886m² and the proposed lot to be severed will have a lot area of 8,228m². The proposed lots meet the servicing and lot area requirements of the Official Plan.

iii) Greenbelt Plan

The subject lands as shown on Attachment #1 are designated "Natural Heritage System within the Protected Countryside" and "Natural Heritage System" by the Greenbelt Plan. In accordance with Section 5.2.1 of the Greenbelt Plan, applications to further amend site-specific Official Plan or Zoning By-law permissions in place prior to December 16, 2004, for uses that are similar to the use(s) permitted or use(s) that are more in conformity with the Greenbelt Plan, are permitted.

The Owner is proposing to amend the Zoning By-law to the facilitate the severance of the subject lands to create a lot for a detached estate residential dwelling in conformity with the Official Plan, and in keeping with the surrounding area. The Toronto and Region Conservation Authority (TRCA) conducted a site visit in the Spring of 2005 and determined that the rear lot line of the subject lands coincides with the top-of-bank of the adjacent Humber River valley lands, and therefore the proposal does not result in increased fragmentation of the valley lands. In addition, natural significant features have not been identified on the subject lands. Accordingly, the application satisfies the requirements of the Greenbelt Plan.

Zoning

The subject lands shown on Attachment #1 are zoned RR Rural Residential Zone by By-law 1-88, subject to Exception 9(237). The site-specific exception indicates that the actual lot frontage and

lot area of the subject Lot 9 shall be the actual frontage and area for the lot. To facilitate the proposed severance, as shown on Attachment #3, a zoning by-law amendment is required to permit exceptions to the RR Rural Residential Zone, specifically respecting lot frontage and lot area, as follows:

a) Retained Lot

		<u>Proposed</u>	<u>Required</u>
i)	Minimum Lot Area	9,886m ² (0.98 ha)	18,049m ² (1.8 ha)
ii)	Minimum Lot Frontage	61.68m	106.68m

b) Severed Lot

		<u>Proposed</u>	<u>Required</u>
i)	Minimum Lot Area	8,228m ² (0.82 ha)	18,049m ² (1.8 ha)
ii)	Minimum Lot Frontage	45.0m	106.68m

The following other zone standards for the RR Rural Residential Zone in Exception 9(237) will remain applicable to the subject lands (Lot 9):

- Minimum Front Yard Setback 15.24m
- Minimum Rear Yard Setback 15.24m
- Minimum Side Yard Setback 4.2m
- Maximum Lot Coverage 10%
- Maximum Building Height 10.668m
- Minimum Floor Area 167.22m²

With respect to compatibility with other lots in the same subdivision, Council has granted exceptions to the Zoning By-law, specifically respecting minimum lot frontage and minimum lot area, which has allowed for the severance of the following lots in Plan M-89, as shown on Attachment #1, between the years 1979 to 2003:

<u>Severed Lot</u>	<u>Lot Area</u>	<u>Lot Frontage</u>
2A	1.05ha	66.14m
2B	1.01ha	62.13m
8A	0.86ha	54.36m
8B	0.81ha	60.70m
10A	1.17 ha	64.50m
10B	0.98ha	54.00m
10C	1.06ha	65.00m
11A	1.50ha	73.67m
11B	1.95ha	97.00m
12A	1.20ha	93.50m
12B	1.37ha	85.68m

The proposal to sever the subject lands into two lots, where the retained lot will have a lot area of 0.98ha (9,886m²) and a frontage of 61.68m, and the severed lot will have a lot area of 0.82ha (8,228m²) and a frontage of 45m, as shown on Attachment #3, is in keeping with previous

approved exceptions for severances in the surrounding area. Furthermore, the minimum lot frontage and lot area requirements in the General Provisions of By-law 1-88 for the RR Rural Residential Zone are a minimum of 45m and a minimum of 4,000m², respectively, and the subject proposal if reviewed under these requirements would be larger than typical RR zoned lots within the municipality.

The lot areas and frontages for the proposed retained and proposed severed lots are in accordance with the Official Plan policies with respect to providing large lots with a minimum lot area of 6,000m² and in keeping with the surrounding area context. The application also conforms with the requirements of the Greenbelt Plan. Accordingly, the Development Planning Department can support the application to provide the proposed exceptions to the RR Rural Residential Zone.

Severance

Should Council approve the subject Zoning By-law Amendment application, the Owner will be required to submit a Consent Application to the Committee of Adjustment to sever of the subject lands in order to create the retained and severed lots proposed on Attachment #3, which will be in accordance with the proposed zoning exceptions as provided in the recommendation of this report.

Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the subject application and has no objections to the proposal. The Engineering Department has reviewed the servicing report, "Proposed Severance - Scarpone", dated August 2, 2006, by Keewatin-Aski Ltd., which the Owner submitted, to demonstrate that the severed lot can be adequately serviced by a private well for the water supply and by septic system for the sewage disposal system. The retained lot is developed with an existing detached dwelling and is serviced by private well for the water supply and by septic system for the sewage disposal system. Stormwater management will be addressed using the existing slope of the land, with the north portion of the subject lands draining into the road ditch on Ranch Trail Road and the remainder of the property draining into the southerly valley.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority has reviewed the proposal and has no objections. The TRCA has further advised that a Permit, in accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation), is required for any development (e.g., construction) on the proposed retained and/or severed lands, as a portion of the subject lands is within the Regulated Area of the Humber River Watershed.

Relationship to Vaughan Vision 2007

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

Conclusion

The Development Planning Department has reviewed the application to amend the Zoning By-law in accordance with the applicable policies of the Official Plan and the area context. The proposal to sever the subject lands in the manner shown on Attachment #3, to create a retained lot with exceptions to the RR Rural Residential zoning to permit a minimum lot area of 9,886m² and a minimum lot frontage of 61.68m, and a severed lot with exceptions to the existing zoning to permit a minimum lot area of 8,228m² and a minimum lot frontage of 45m, is considered to be acceptable by the Development Planning Department.

The severance proposal, as shown on Attachment #3, is an appropriate form of development for the subject lands and conforms to the policies of OPA #600. Furthermore, the proposed severance plan is consistent with the overall pattern of development in the surrounding community, with respect to lot frontage and area. The Applicant will be required to go through the Consent Application process for approval by the Committee of Adjustment in order to sever the subject lands as proposed, which will be serviced by private well for water and by private septic system for sewage disposal. The subject application conforms with the Greenbelt Plan, and the TRCA and Vaughan Engineering Department have no objections to the proposal.

Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Location/Zoning Map
2. OPA #600 Schedule F (Rural Area General)
3. Severance Proposal

Report prepared by:

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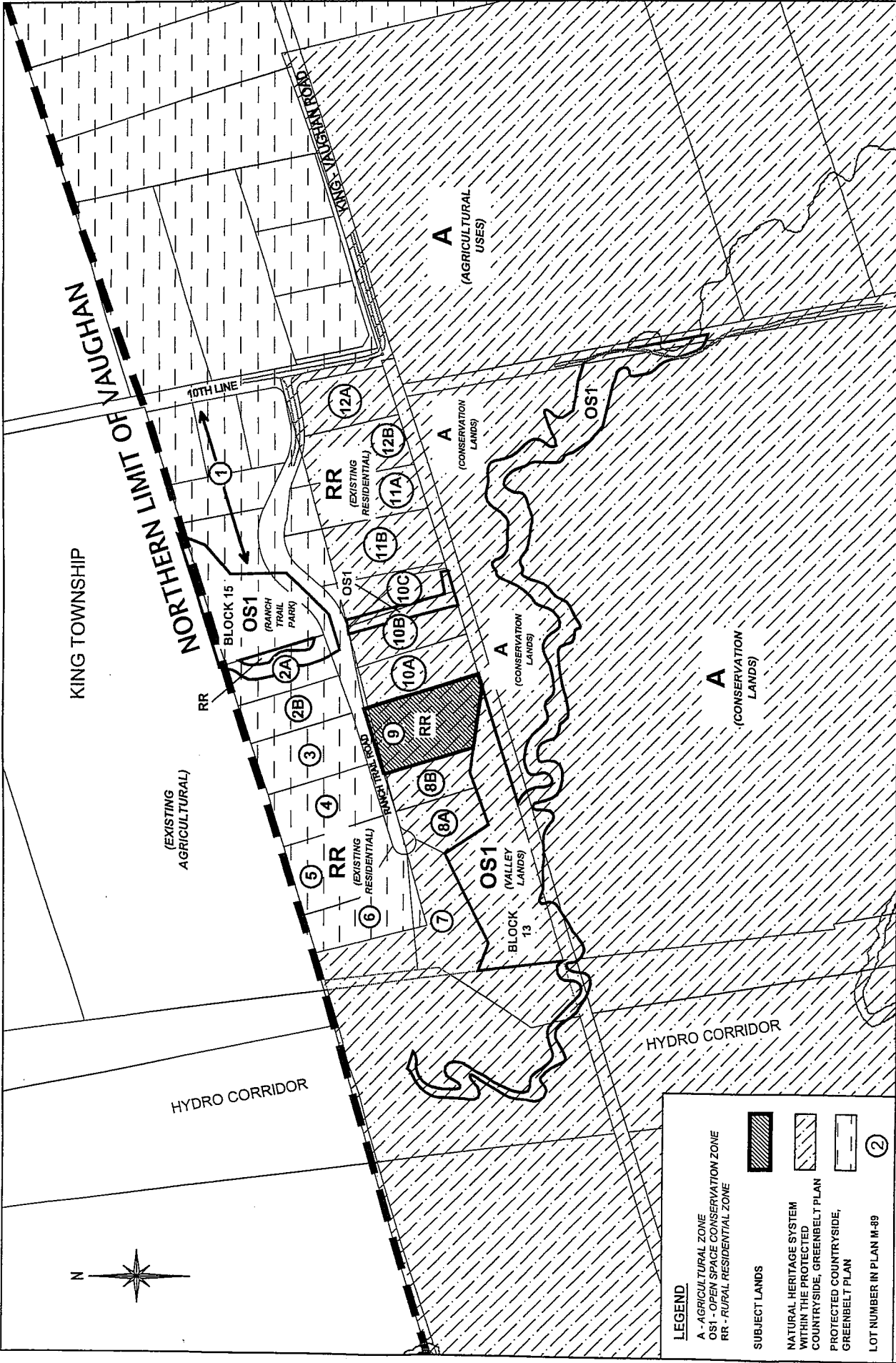
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG

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THIS IS SCHEDULE 'F' TO
AMENDMENT NO. 600

ADOPTED THE 25th DAY OF SEPTEMBER, 2000

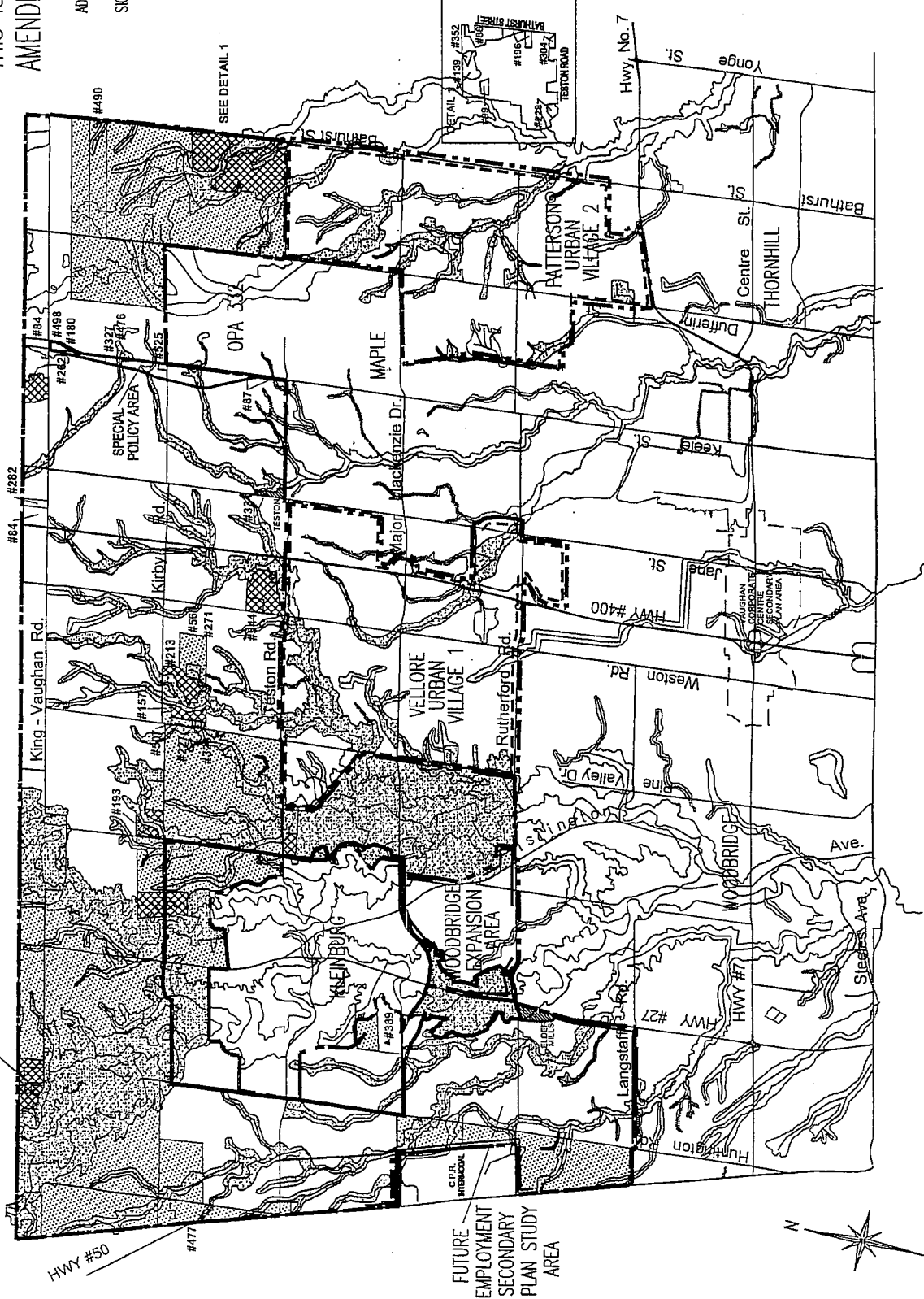
SIGNING OFFICERS

L.D. JACKSON WRC

J.D. LEACH CRK

SEE DETAIL 1

SUBJECT LANDS



RURAL AREA
GENERAL

LEGEND

- LANDS SUBJECT TO RURAL AREA GENERAL
- ESTATE RESIDENTIAL
- AGRICULTURE AREA
- VALLEY & STREAM CORRIDOR
- RURAL USE AREA
- HAMLET
- SITE SPECIFIC POLICIES OF A PARTICULAR PLAN AMENDMENT
- #198
- 125 HA DRAINAGE LIMIT



Attachment **2**

FILE NO.:
Z.06.014

Not to Scale
March 3, 2006

City of
Vaughan

Development Planning Department

OPA 600 Schedule F

Part of Lot 1,
Concession 10




APPLICANT:
MARIA SCARPONE

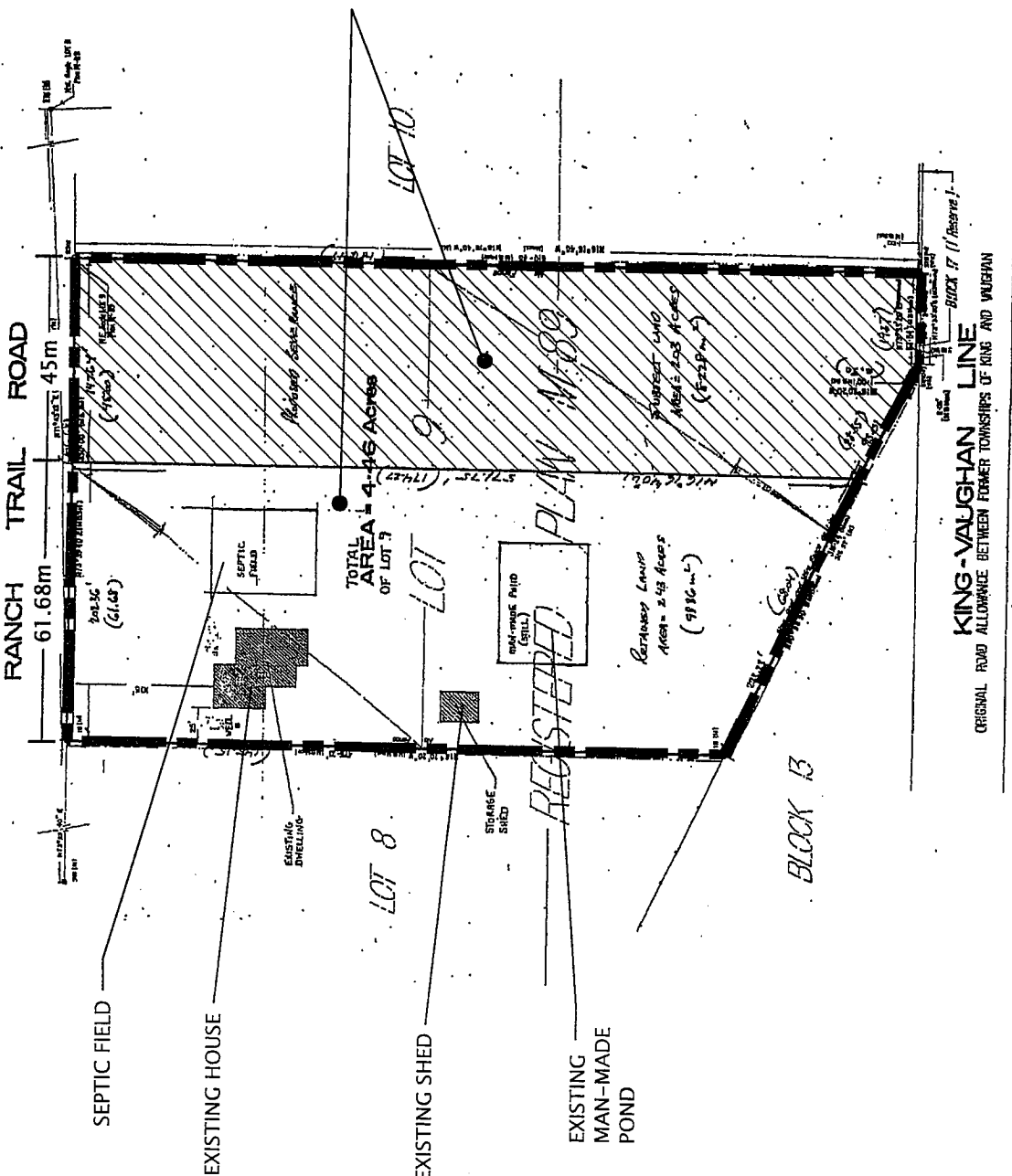
RA\DP\1 ATTACHMENTS\Z.06.014

LOT 4 LOT 3 LOT 2



**PROPOSED RETAINED &
PROPOSED SEVERED LANDS
TO REMAIN 'RR' RURAL
RESIDENTIAL ZONE**

-  PROPOSED RETAINED LAND 0.98 ha.
-  PROPOSED SEVERED LAND 0.82 ha.
-  SUBJECT LANDS
TOTAL AREA 1.80 ha.



Severance Proposal

Part of Lot 1,
Concession 10
APPLICANT:
MARIA SCARPONE
M:\DPT\ ATTACHMENTS\Z\z.06.014



Development Planning Department

Attachment 3

FILE No.:
Z.06.014
Not to Scale
November 21, 2006