

COMMITTEE OF THE WHOLE JUNE 5, 2012

ZONING BY-LAW AMENDMENT FILE Z.11.010

SITE DEVELOPMENT FILE DA.11.028

ELHAM KHAJEPOORDEZFOULI

WARD 5 – VICINITY OF YONGE STREET AND CENTRE STREET

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.11.010 (Elham Khajepoordezfouli) BE APPROVED, to amend Zoning By-law 1-88, specifically Section 4.1.5 Home Occupation to permit a Business and Professional Office use in the basement (102 m²) of the existing dwelling, on the subject lands shown on Attachments #1 and #2, and to permit the site specific zoning exceptions identified in Table 2 of this report, subject to the following condition:
 - a) that prior to the enactment of the implementing zoning by-law, the Owner shall provide written confirmation to the Development Planning Department that the Owner is occupying the existing single detached residential dwelling at 7820 Yonge Street, in accordance with the Home Occupation provisions of Zoning By-law 1-88.
2. THAT Site Development File DA.11.028 (Elham Khajepoordezfouli) BE APPROVED, to facilitate the use of the basement of the existing single-detached dwelling on the subject lands shown on Attachments #1 and #2 for the purpose of a Business and Professional Office as a Home Occupation, as shown on Attachments #3 and #4.

Economic Impact

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

Communications Plan

On May 6, 2011, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the Town of Markham. The recommendation of the Committee of the Whole to receive the Public Hearing report of May 31, 2011 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 7, 2011. Deputations and a written submission were received from the following:

- a) Rob Stitt, 18 Mill Street;
- b) Rob Stitt, representing 15 Mill Street;
- c) Margaret Robinson, 10 Mill Street; and,
- d) Patrick Trant, 7802 Yonge Street.

The following is a summary of the concerns noted at the Public Hearing:

- a) the traffic impact on Old Yonge Street since it is narrow and serves the Heritage Community;
- b) Old Yonge Street is used to access equipment sheds for the Thornhill Golf and Country Club and parking for the Thornhill Tennis Club and Thornhill Park and Pool. At times, the existing parking provided for Thornhill Park cannot accommodate the demand and parking overflows onto Old Yonge Street; and,
- c) the home owner does not live at the residence however operates a "Home Occupation" and rents the living space to another tenant.

The Owner addressed these concerns by confirming that parking will be accommodated on the subject property. Old Yonge Street will not be used for parking. Limited traffic will be generated by this Home Occupation as no clients, visitors or goods will come and go from the site. The residential portion of the house is currently leased to one tenant, however, the Owner will be moving into the home sometime during the summer of 2012, once the tenant's new home is constructed elsewhere.

Purpose

The Owner has submitted the following applications for the subject lands shown on Attachments #1 and #2:

1. Zoning By-law Amendment File Z.11.010 to amend Zoning By-law 1-88, specifically Section 4.1.5, Home Occupation, to permit a Business and Professional Office (engineering consulting services) in the basement (102 m²) of the existing dwelling as a Home Occupation, together with the following site-specific zoning exceptions:

Table 1: Proposed Zoning Exceptions to By-law 1-88

	By-law Standard	By-law 1-88, R1 Zone Requirements and Section 4.1.5 Home Occupation	Proposed Exceptions to the R1 Zone and Section 4.1.5 Home Occupation
a)	Permitted Use	<ul style="list-style-type: none"> ▪ Home Occupation limited to the office of a regulated health professional 	<ul style="list-style-type: none"> ▪ Permit a Business and Professional Office in the basement of the existing dwelling (102 m²)
b)	Parking Surface Requirements	<ul style="list-style-type: none"> ▪ The surface of all parking spaces, related driveways and maneuvering areas shall be paved with hot-mix asphalt 	<ul style="list-style-type: none"> ▪ The surface of the parking area and driveway shall be interlock stone.
c)	Home Occupation Gross Floor Area	<ul style="list-style-type: none"> ▪ Home Occupation shall not occupy more than 25% of the building 	<ul style="list-style-type: none"> ▪ Permit 31.44% (basement area) of the existing dwelling for a Home Occupation
d)	Home Occupation Number of Employees	<ul style="list-style-type: none"> ▪ Not more than three (3) persons shall be engaged in the use and at least one of them (the professional) shall be a resident in the said dwelling 	<ul style="list-style-type: none"> ▪ A maximum of five (5) persons shall be engaged in the use, three (3) of which are residents of the dwelling and two additional employees.

e)	Parking Requirements	<ul style="list-style-type: none"> Required Parking for Home Occupations with 3 persons is 2.0 parking spaces plus 3.0 for the residential use (5 spaces total) Zoning By-law 1-88 does not provide a parking standard for a Home Occupation with more than 3 employees 	<ul style="list-style-type: none"> Permit a Home Occupation with 5 employees and 5 parking spaces
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2. Site Development File DA.11.028 to facilitate the use of the basement of the existing residential dwelling for a Business and Professional Office as a Home Occupation. No changes are proposed to the exterior of the existing dwelling and the site.

The applicant has advised that the basement will be used for a consulting engineering company which provides services including project management, basic and detailed design, engineering, etc., to a variety of industries including oil, gas and petrochemicals. The company employs five (5) staff including three (3) family members and two (2) employees. It is noted that the proposed use is currently operating.

Background - Analysis and Options

Location

The 0.8 ha site is located on the west side of Yonge Street, north of Centre Street (7820 Yonge Street), City of Vaughan. The property is considered a through lot with approximately 20.0 m of frontage on Yonge Street and Old Yonge Street and is developed with a 327 m² (not including basement area) single-detached dwelling.

Land Use Policies/Planning Considerations

The Development Planning Department has reviewed the Zoning By-law Amendment and Site Development Applications to permit a Business and Professional Office use as a Home Occupation in consideration of the following land use policies:

a) Region of York Official Plan

The subject lands are designated "Urban Area" by the Region of York Official Plan (RYOP) and are located on the Yonge Street corridor. Section 5.4 of the RYOP outlines policies for the development of Regional Corridors encouraging compact, mixed-use, well-designed, pedestrian-friendly and transit-oriented built form. The RYOP establishes policies to revitalize and preserve cultural heritage resources within core historic areas. The proposal to permit Home Occupation is consistent with the Regional Official Plan as it provides for employment opportunities within existing built-up portions of the urban area.

b) Thornhill Vaughan Heritage Conservation District Plan, 2007

The subject lands are designated under Part V of the Ontario Heritage Act and are subject to the policies of the Thornhill Vaughan Heritage Conservation District Plan, which denotes the area as a collection of buildings, streets and open spaces that collectively are of special historical and/or architectural significance to the community. The existing residential dwelling was built under

Heritage Permit 2007.003.01. The Vaughan Cultural Services Division advises that proposed changes to properties designated within heritage conservation districts must be in keeping with the heritage character of the buildings, the historical streetscape and must be in conformity with the heritage district plan and design guidelines. Any proposal for new construction, additions, demolitions and changes to the exterior of buildings will require a Heritage Permit. The Owner is not proposing any changes to the existing building or site. The Vaughan Cultural Services Division has no objection to the applications as the current exterior appearance or condition of the building and site will not be affected.

c) City of Vaughan Official Plan

The subject lands are designated "Low Density Residential" by in-effect OPA #210 (Thornhill Community Plan). Single detached dwellings are permitted in the "Low Density Residential" designation. The proposed Home Occupation located in the basement of the existing residential dwelling conforms to the Official Plan, as home occupations are permitted in single detached dwellings in the Zoning By-law, subject to meeting the zoning requirements for home occupation uses.

The proposal also conforms to the policies in OPA #669 (Thornhill Yonge Street Plan), which is discussed in the zoning section below.

d) Vaughan Official Plan (VOP) 2010

The subject lands are designated "Low-Rise Residential" within the Thornhill Heritage Conservation District Plan by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011 and April 17, 2012), and is before the Ontario Municipal Board. The "Low-Rise Residential" designation sets out policies that provide for residential, home occupations, private home day care, and small scale commercial uses. Section 12.2, Heritage Conservation District (VOP 2010, Volume 2) states that land use planning decisions within the areas identified as Heritage Conservation Districts shall conform to the requirements of the applicable Heritage Conservation District Plan, as discussed earlier. The proposed Home Occupation located in the basement of the existing residential dwelling conforms to the Official Plan.

Zoning

The subject lands are zoned R1 Residential Zone by Zoning By-law 1-88, which permits a home occupation in all single, semi and street townhouse units in a Residential Zone, however, restricts a home occupation use to the office of a regulated health professional and a maximum of 3 employees. The Owner has submitted Zoning By-law Amendment File Z.11.010 to permit a Business and Professional Office use as a "Home Occupation" with 5 employees in the R1 Residential Zone in the basement of the existing dwelling shown on Attachments #3 and #4.

Home Occupation is defined by Zoning By-law 1-88 as "an occupation conducted in a dwelling unit, and which is clearly secondary to the use of the dwelling unit as a private principal residence; does not change the external character of the dwelling unit as a private residence; and does not create or become a public nuisance, in particular with respect to noise, traffic or parking".

The application proposes a business and professional office that provides engineering consultation services. The company provides engineering design services, where orders are given by phone, fax, or e-mail. The applicant advises that no clients or visitors will come to the office. No goods will be sold or stored at the office. The office will operate Monday to Friday from 9:00 am to 5:00 pm. There will be 5 employees, three of which will live at the residence. No signage advertising the business is existing or proposed on the property.

The proposed use is supported by the Region of York Official Plan, which encourages mixed use, compact development along Regional Corridors such as Yonge Street. OPA #669, implementing the Thornhill Yonge Street Study, encourages commercial and employment growth through redevelopment. It is the intent of OPA #669 that Yonge Street become a mixed use area. Existing land uses in the area consist of residential, institutional, and both service and retail commercial uses. Given the policies and principles of planning documents governing the area, the existing mix of land uses and that no alterations or changes are proposed to the existing site or building, the proposed zoning amendment can be supported by the Development Planning Department.

The zoning exception to permit the interlock stone for the surface material of all driveways and parking spaces is in keeping with the policies of the Thornhill Vaughan Heritage Conservation District Plan, 2007. The Plan strives to conserve the heritage value and heritage attributes of a heritage resource. Section 4.6.4 of the Plan requires that commercial parking lots "complement the special character of the District". Maintaining the interlock parking area and driveway of 7820 Yonge Street can be supported by the Development Planning Department as it reflects the special historical significance of the community.

The zoning exception to the Home Occupation GFA requirements of Zoning By-law 1-88, to allow 31.5 % of the existing residential dwelling to be occupied by the business and professional office is appropriate as the use will be contained in the basement of the home. The basement has exterior access, therefore, can function separately from the residential portion of the home.

The exception to allow five employees is appropriate as three of the employees are residents of the home. No visitors or clients will come to the office. No goods will be delivered or stored at the business. The Owner states that normally there will be one employee that will be coming to the business that is not a resident of the home. There will be minimal impact to the neighbouring community in terms of noise and traffic caused by this business.

Zoning By-law 1-88 requires that at least one of the employees (the professional) shall be a resident of the dwelling. As noted earlier, the Owner does not currently occupy the dwelling as it is being temporarily leased. A condition of approval has been included requiring the Owner to provide written confirmation to the Development Planning Department that the Owner is occupying the building prior to the implementing Zoning By-law being enacted.

The City's Zoning By-law 1-88 requires that 3 parking spaces be provided for the residence and 2 for the proposed home occupation provided a maximum of three employees are engaged in the home occupation use. Zoning By-law 1-88 does not include a parking standard for a Home Occupation with more than 3 employees. The Owner is proposing a total of 5 parking spaces, including two spaces in the garage, two spaces on the driveway from Old Yonge Street and one space on the driveway from Yonge Street, as shown on Attachment #3, to serve the proposed use. The parking reduction can be supported as the property is well serviced by public transit. The Vaughan Development/Transportation Engineering Department has reviewed the proposed site plan, including the proposed 5 parking spaces and is satisfied with the proposal.

By-law Enforcement

The Vaughan Enforcement Department has received two complaints regarding the use of the subject lands, and construction and landscaping activity taking place at 7820 Yonge Street. On October 19, 2011, the Development Planning Department along with a representative from the Enforcement Department conducted a site visit to investigate these complaints. The top two floors of the existing residential dwelling are currently leased to one residential tenant. A Business and Professional Office (engineering consulting services) is operating in the basement of the existing dwelling. The Owner has advised that they will be moving into the residential portion of the dwelling soon. A date for this move has not been confirmed, but will likely be in the

summer, as the current tenant is waiting to move into their new home, which is under construction elsewhere.

The Owner is not proposing additional changes to the building or landscaping at 7820 Yonge Street.

Site Design and Building Elevations

The site plan and building elevations on Attachments #3 and #4 show the existing two-storey residential dwelling. No exterior changes are proposed by the subject applications. The existing residence at 7820 Yonge Street was built in accordance with the Vaughan Heritage Plan and Heritage Permit 2007.003.01. The Vaughan Development Planning Department and the Vaughan Cultural Services Division have no objection to the proposed applications.

Vehicular access to the site is from a 6.1 m wide driveway on Old Yonge Street to serve 4 parking spaces (2 in garage and 2 on driveway), and a 4.1 m wide existing curb cut on Yonge Street to serve one parking space on the driveway. Pedestrian connections are from Old Yonge Street.

The Vaughan Public Works Department has advised that the primary use of the dwelling is residential, therefore, the City will continue to provide residential curb side waste collection. Waste generated from the home occupation may be placed out with the residential waste, however, the applicant must comply with the requirements of the City's residential waste collection program.

The Vaughan Building Standards Department has advised that the Owner will be required to obtain Permits and ensure that the requirements of the Ontario Building Code are met.

Vaughan Development/Transportation Engineering Department

The Zoning By-law Amendment and Site Development applications were reviewed by the Vaughan Development/Transportation Engineering Department, who are satisfied with the site plan shown on Attachment #2.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The subject lands are located on Yonge Street, which is a Regional Road. The Region of York Transportation and Community Planning Department has no objection to the applications provided that the Owner enters into a Site Plan Agreement with York Region and shall acknowledge and agree to not object to the following:

- a) Upon implementation of the Proposed VIVA – Yonge Street Transitway, the proposed full-moves access to/from the subject property to/from Yonge Street, will be restricted to a right-in/right-out movement only access; and,
- b) The Owner also agrees that it shall not initiate any action, suit, or any other proceeding against the Region before any court or tribunal as a result of these restrictions of access to and from the site; including, but not limited to, any action for injurious affection.

The Region has advised that it will require the Owner to enter into a Regional Site Plan Agreement to secure these conditions.

Conclusion

The Zoning By-law Amendment File Z.11.010 and Site Development File DA.11.028 have been reviewed in accordance with the Region of York Official Plan, the Thornhill Vaughan Heritage Conservation District Plan 2007, OPA #669, OPA #210 (Thornhill Community Plan), Zoning By-law 1-88, and comments from City departments, external public agencies and the public. The Vaughan Development Planning Department is satisfied that the proposed Business and Professional Office as a Home Occupation providing engineering consultation services in the basement of the existing residential dwelling is appropriate and compatible with the existing uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the conditions in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan – Existing Building
4. Elevations – Existing Building

Report prepared by:

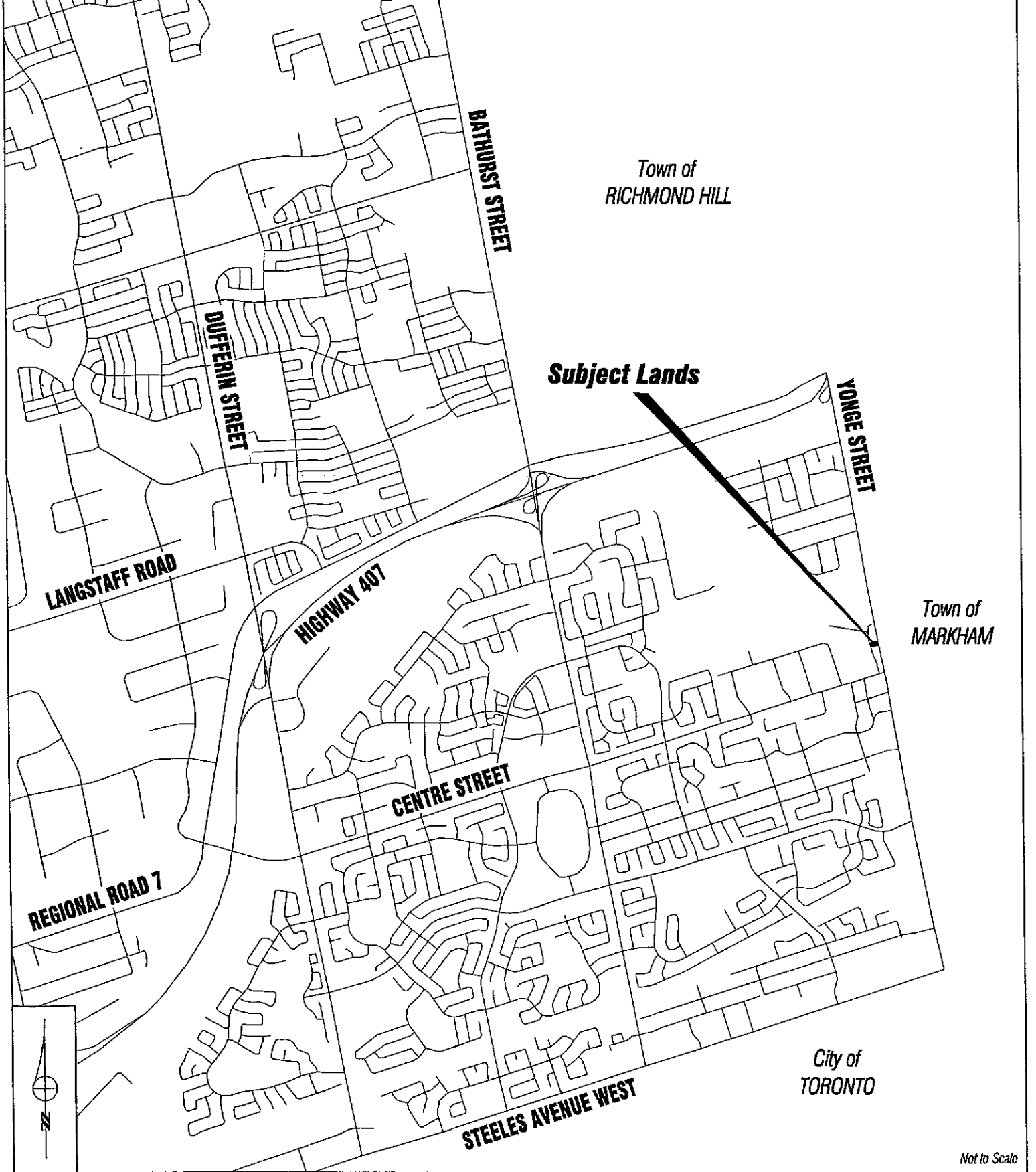
Carol Birch, Planner, ext. 8216
Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEYAMA
Director of Development Planning

/LG



Not to Scale

Context Location Map

LOCATION:
Part of Lot 21, Concession 1

APPLICANT:
Elham Khajepoordezfouli

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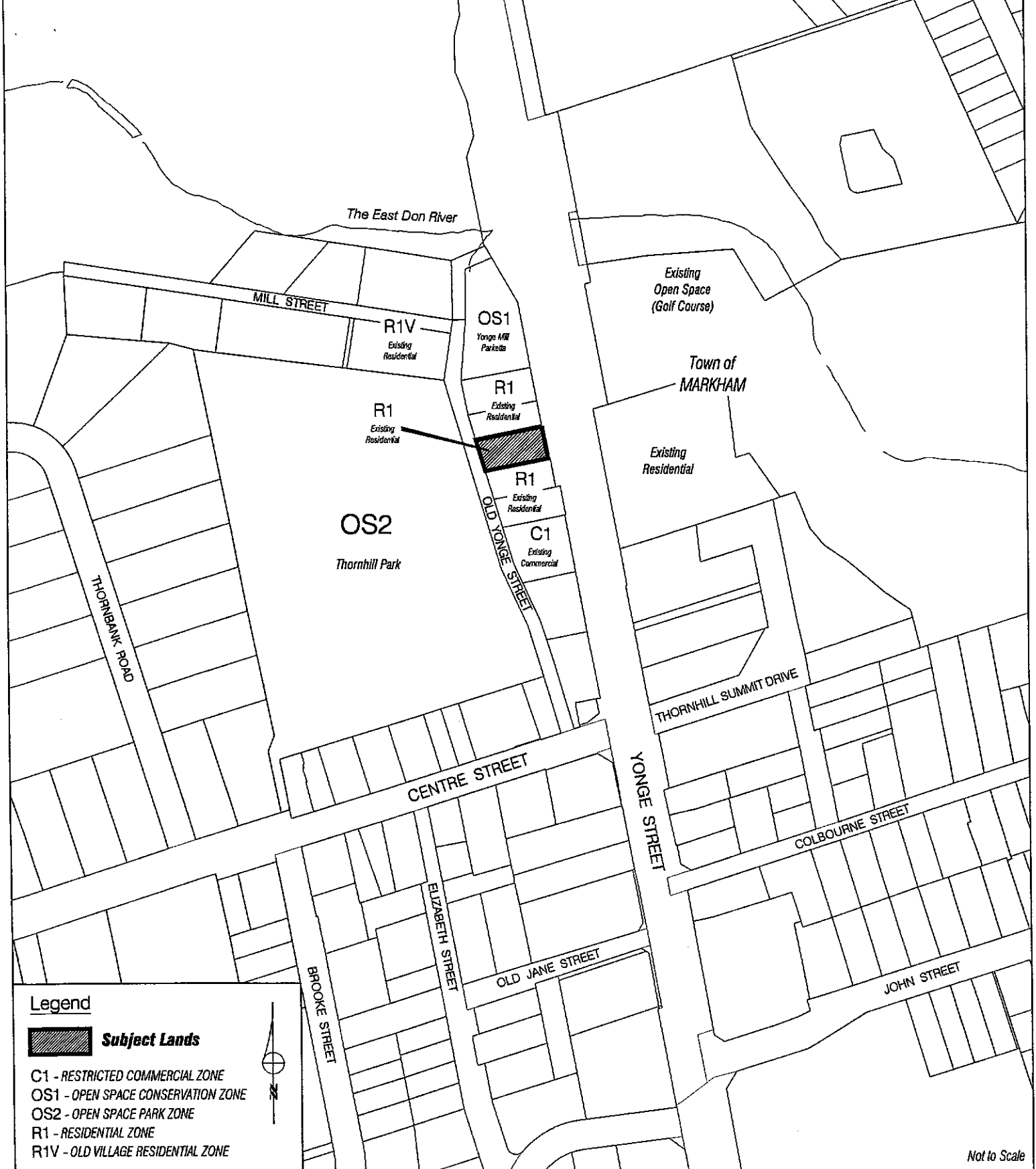


Attachment

FILE:
DA.11.028, Z.11.010

DATE:
April 30, 2012

1



Location Map

LOCATION:
 Part of Lot 21, Concession 1

APPLICANT:
 Elham Khajepoordezfouli

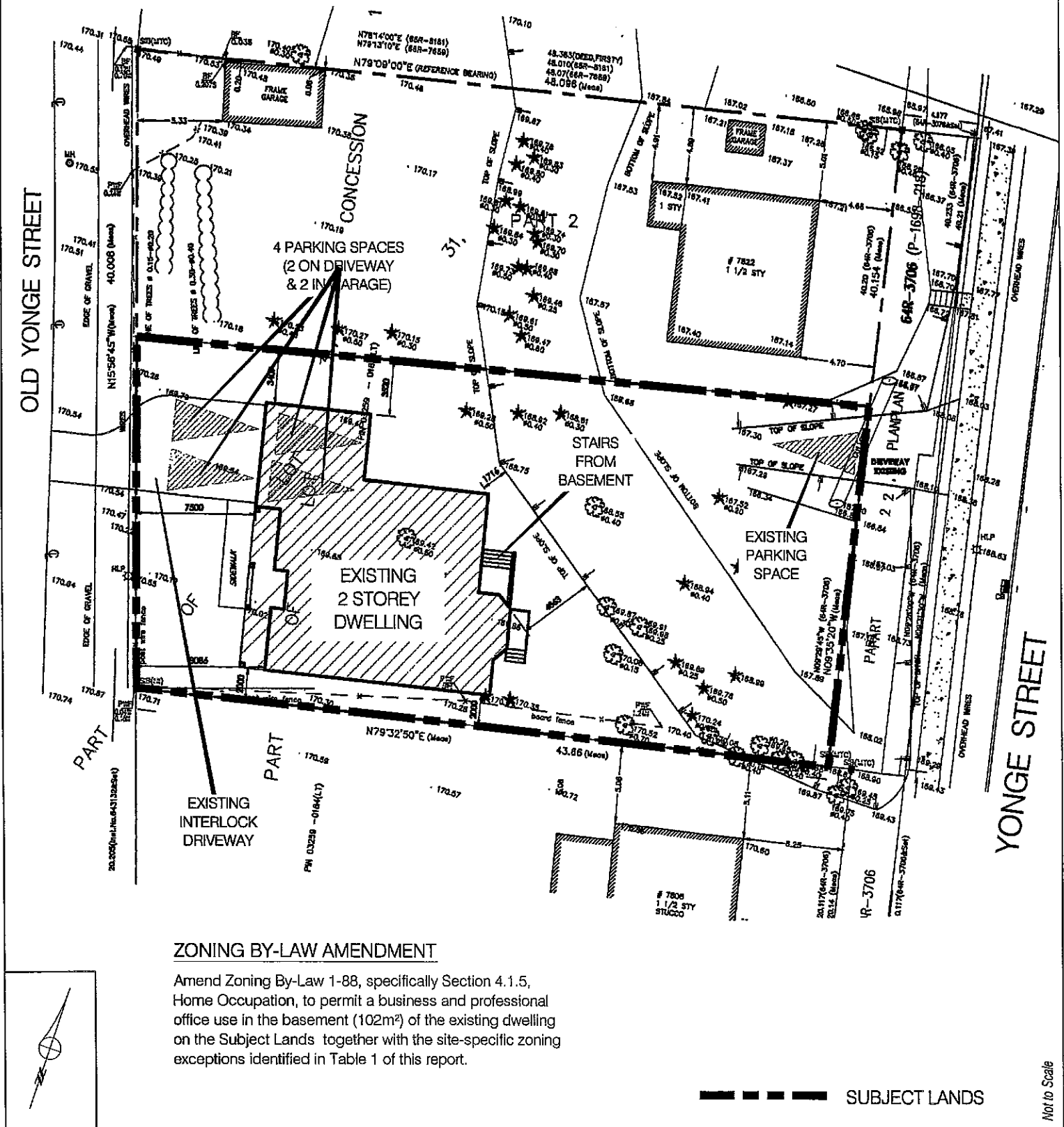


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FILE:
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DATE:
 April 30, 2012

2



Site Plan - Existing Building



Attachment

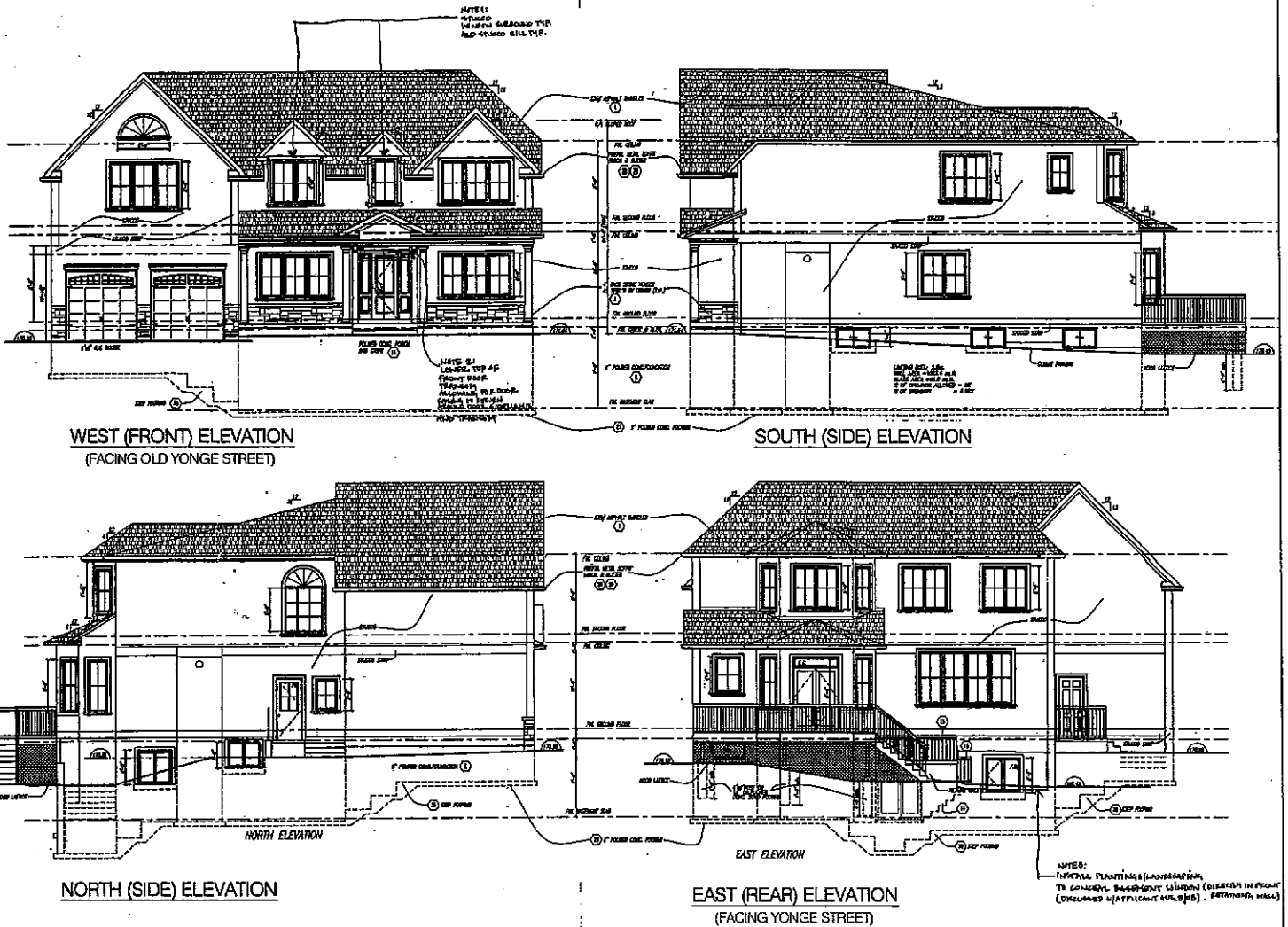
FILE:
DA.11.028, Z.11.010

DATE:
April 30, 2012

3

APPLICANT:
Elham Khajepoordezhoulfi

LOCATION:
Part of Lot 21, Concession 1



Elevations - Existing Building



APPLICANT: Elham Khajepoordezfouli
LOCATION: Part of Lot 21, Concession 1

Attachment

FILE:
DA.11.028, Z.11.010

DATE:
April 30, 2012

4