

COMMITTEE OF THE WHOLE APRIL 22, 2002

**ZONING BY-LAW AMENDMENT FILE Z.02.011
SITE DEVELOPMENT APPLICATION DA. 02.005
DR. NICK FEDELE
REPORT #P.2002.21**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.02.011 and Site Development Application DA.02.005 (Dr. Nick Fedele) BE APPROVED, to permit a dental office use within the existing residential dwelling, together with the necessary exceptions to the zoning standards to implement the approved site plan.
2. That prior to the registration of the site plan agreement:
 - a) the final site plan and elevations shall be approved by the Community Planning and Urban Design Departments;
 - b) the final grading and servicing shall be to the satisfaction of the City Engineering Department;
 - c) the final landscaping plan and cost estimate, including buffering and fencing shall be approved by the Urban Design Department; and
 - d) the requirements of Vaughan Hydro and Fire Department shall be satisfied.
3. The site development agreement contain the following provisions:
 - a) The owner shall convey a 3.0m wide strip of land along Kipling Avenue municipal road allowance and a 5m x 5m daylight triangle at the northwest corner of Kipling Avenue and Rainbow Drive municipal road allowance to the City of Vaughan at no cost and free of charge all encumbrances to the City. The Owner will at his own expense prepare a reference plan for the conveyance of the required road widening and day-lighting triangle to the satisfaction of the City of Vaughan.
 - b) The City shall pass a road dedication by-law dedicating the road widening and day-lighting triangle as public highways. The registration of the by-law shall be at the expense of the Owner.
 - c) The owner shall undertake a Phase One Environmental Assessment for the 3.0m road allowance and 5m x5m day-lighting triangle (lands to be conveyed to the City) to the satisfaction of the Engineering Department.

Purpose

On February 5, 2002, the Owner submitted an application to amend the Zoning By-law to permit a business/professional office use in a portion (approximately 180 sq.m) of the residential dwelling. The owner also submitted a related site plan application (File DA.02.005), which shows additions to the rear and front of the dwelling, a parking lot in the rear yard, and fencing/landscape treatment.

Background - Analysis and Options

The subject lands are located at the northwest corner of Kipling Avenue and Rainbow Drive, being Lot 35, Registered Plan 2073 (7790 Kipling Avenue) in Lot 6, Concession 8, City of Vaughan. The property is regular in shape, with 13.1m frontage on Kipling Avenue and 44m flankage on Rainbow Drive, and developed with a 2-1/2 storey detached dwelling. The surrounding land uses are:

- North - residential (R3 Residential Zone)
- East - Kipling Avenue; residential (R3 Residential Zone) and offices (C1 Restricted Commercial Zone)
- South - Rainbow Drive; funeral home (C1 Restricted Commercial Zone)
- West - residential (R3 Residential Zone)

Official Plan

The lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by OPA #356 subject to Section 3.4 Residential Specific Policies, which contains provisions permitting business and professional office uses, subject to certain criteria being met, as follows:

- at least 40% of the gross floor area of each residence remains used for residential purposes;
- the proposed use and development do not materially change the existing residential character of the building and lot with respect to signage, parking, landscaping lighting, and the amenity of adjacent residential properties;
- the implementing by-law shall provide for the site specific uses on any lot intended for a business or professional office use;
- only one business or professional office use shall be permitted in any existing dwelling.

The applicant is proposing a dental office use which will occupy approximately 181 sq.m, or 54% of the gross floor area of the expanded residential dwelling. Additions to both the rear and front elevations maintain the residential character of the building. The proposed development appears to conform to the Official Plan.

Zoning

The lands are zoned R3 Residential Zone by By-law 1-88, which permits a detached dwelling. Subsection 4.1.5 Home Occupation of By-law 1-88 permits a dental office use subject to certain criteria, as follows:

- limited to one home occupation profession
- the owner/professional shall reside within the dwelling
- maximum gross floor area devoted to the use shall be 25% of the building
- five (5) parking spaces shall be provided

The dental office use would occupy 181 sq.m (54%) of the gross floor area, with the remaining 152sq.m used for residential purposes and therefore, an amendment to the zoning by-law is required. The implementing by-law would also provide for the necessary exceptions to facilitate the site development application.

A number of exceptions to the zoning standards will be required to implement the approved site plan. The implementing By-law, therefore, will need to contain the following exceptions:

- maximum area devoted to the dental office use shall not exceed 181 sq.m and shall be located on the ground floor
- minimum interior side yard shall be 1.9m
- minimum exterior side yard shall be 1.2m
- minimum front yard setback is 1.5m (***taken from the future road widening line***).
- plus any other exceptions required to facilitate the site development application

Vehicular Access and Parking

A 7.5m driveway access provides vehicular access to the site from Rainbow Drive, which leads to a cobblestone parking area for eight (8) spaces at the rear of the property. Parking is calculated as follows:

Practitioner (One) = 5.0 parking spaces
 Detached Dwelling = 3.0 parking spaces

Total parking required = 8.0 parking spaces

The proposed development is providing sufficient on-site parking. In addition, the owner has arranged to have additional parking available on the funeral home property to the south, subject to availability, and in exchange, the funeral home will be able to use the dental office parking. The owner has supplied a letter confirming the parking arrangement.

The City Engineering Transportation division has commented that the access and new curb cut must be to the satisfaction of the City and at the expense of the owner. They have also indicated that the cobblestone parking area must be a hard surface area.

Elevations

The current structure is rather simple in appearance and constructed of an older brown brick. Both the large wooden porch in the front yard and a small wooden addition in the rear are to be demolished. The rear portion of the property, specifically the wooden fence, asphalt driveway and structure, are in need of repair.

The owner proposes to re-face the entire structure with a combination stucco and architectural stone/brick finish in a colour that matches the existing residential character of the immediate homes. The introduction of both large and small architectural windows and wrought iron railing provide additional architectural interest. A new 1.8m high wooden fence is proposed for the rear portion of the property to provide privacy and buffer to the adjacent residents. The owner proposes to introduce a cobblestone parking area instead of typical asphalt finish, which adds to the heritage appearance.

The applicant has advised that the proposed dental office will occupy approximately 181 sq.m. on the ground floor of the building, and the remainder will be used for residential purposes. The building has been designed in such a way that two separate entrances have been provided, one specifically for the dental office use and the second for the residential unit on the upper levels. The structure has three entrances, two from Rainbow Drive and one from Kipling Avenue.

Landscaping

Landscaping primarily consists of existing trees, however, new tree and shrub plantings are proposed. The final landscape plan and cost estimate must be approved by the Urban Design Department to ensure appropriate buffering and fencing along the residential properties to the

east. The Urban Design Department will also review the final elevation plans to ensure that the residential character is maintained and that issues such as lighting, signage and landscaping are appropriate for the area.

Compatibility

The subject lands are located at the northwest corner of Kipling Avenue and Rainbow Drive. Although, the area comprises of mainly residential dwelling units, there are several business and home occupation uses within the immediate vicinity. Kipling Avenue, between Regional Road 7 and Woodbridge Avenue, appears to be going through transition, with many of the homes being either for sale or used for home occupation or commercial/business uses. To the east of the property is an office building and a residential home converted into a real estate and interior design office, to the south is a funeral home. In consideration of the above, the proposed use would be a compatible addition to the Kipling Avenue streetscape.

Departmental Comments

The Engineering Department has reviewed the proposal and requires that a grading and servicing plan, and a storm water management report be submitted for approval. In addition, the Engineering Department has identified the following requirements:

- conveyance of a 3.0m wide strip of land along the Kipling Avenue municipal road allowance to the City at not cost;
- conveyance of a 5mx5m daylight triangle at the northwest corner of Kipling Avenue and Rainbow Drive to the City at no cost;
- registration of the reference plan for any and all road conveyances shall be arranged and at the expense of the owner;
- the City Engineering Department will arrange for a by-law dedicating all road widenings. The registration of the by-law shall be registered at the expense of the owner; and
- that a Phase 1 Environmental Site Assessment is required for the lands to be conveyed to the City, to the satisfaction of the Engineering Department.

The proposed development consists of minor additions to the existing structure, specifically in the front yard where no foundation is proposed. The timing for the widening of Kipling Avenue is unknown, and it was determined that the road widening and daylight triangle could be dealt with in the future. To ensure that the appropriate conveyances are obtained, the site plan agreement will contain conditions requiring the owner to dedicate the necessary road widenings to the City free of all costs and encumbrances. The requirement of the Phase 1 Environment report was also requested by the Engineering Department, and will be required at the time of road dedication. The owner will also be responsible to undertake an ESA report when required by the City.

City Policy and Procedures for Potentially Contaminated Sites

Section 2.7 of the City of Vaughan policy (Lands Being Acquired by the City) requires that a Phase 1 Environmental Site Assessment report be prepared and reviewed to the satisfaction of the City. The policy also states that exceptions to this requirement may be granted in the case of road widenings, easements and acquisitions of a minor nature. Such exceptions shall be determined on a case by case basis by the Engineering Department.

Since the timing for the widening of Kipling Avenue is unknown, it has been determined that conveyance of the road widening and daylight triangle is not required at this time, but will be arranged for future dedication, if required.

Canada Post

Canada Post has reviewed the proposed development application and has no objection to the development provided the following condition is addressed;

"If the Building in this development consists of more than two adjoining units, sharing a common indoor area, the developer/owner must supply, install and maintain a centralized mailbox facility/mailroom to Canada post's specifications.

Conclusion

Staff has reviewed the proposed application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law, and have no objections. The proposed use is permitted by the Official Plan and is consistent with the type of development existing in the immediate vicinity. Parking is provided in accordance with the City's by-law standards and any greater parking demand generated by this use will be accommodated through an arrangement with the adjacent funeral home. The final elevations and site development will be reviewed to ensure that the development continues to maintain a residential character.

To this end, Staff has no objection to the proposed development application to permit a dental office use within a portion of the residential dwelling subject to conditions outlines in the recommendation section of this report. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan
3. Elevations

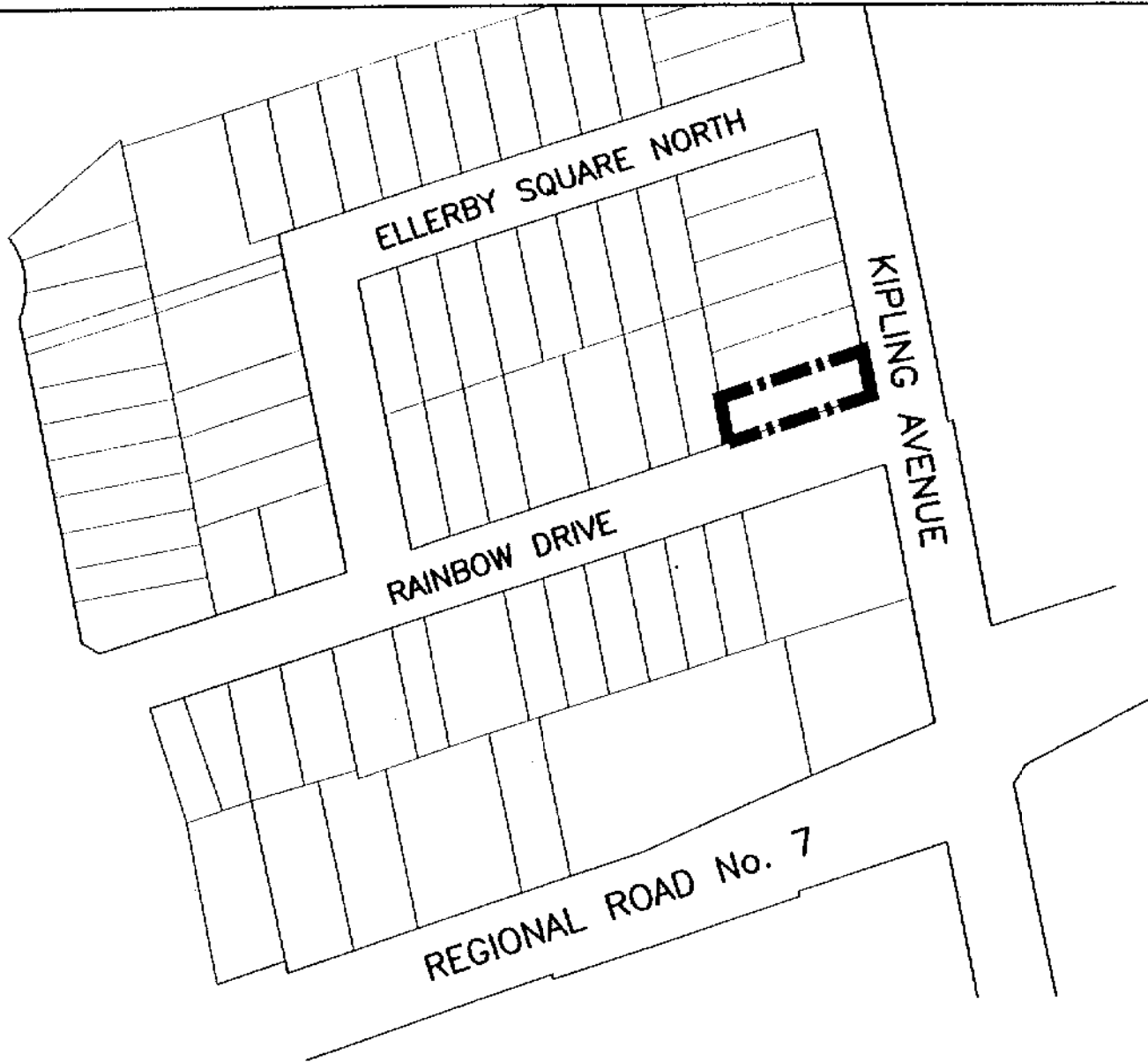
Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning



ATTACHMENT '1'
LOCATION MAP

FILE #:

Z.02.011
DA.02.005

REPORT #:

LOCATION:
PART OF LOT 6,
CONCESSION 8

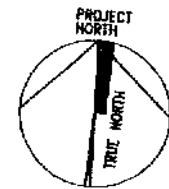
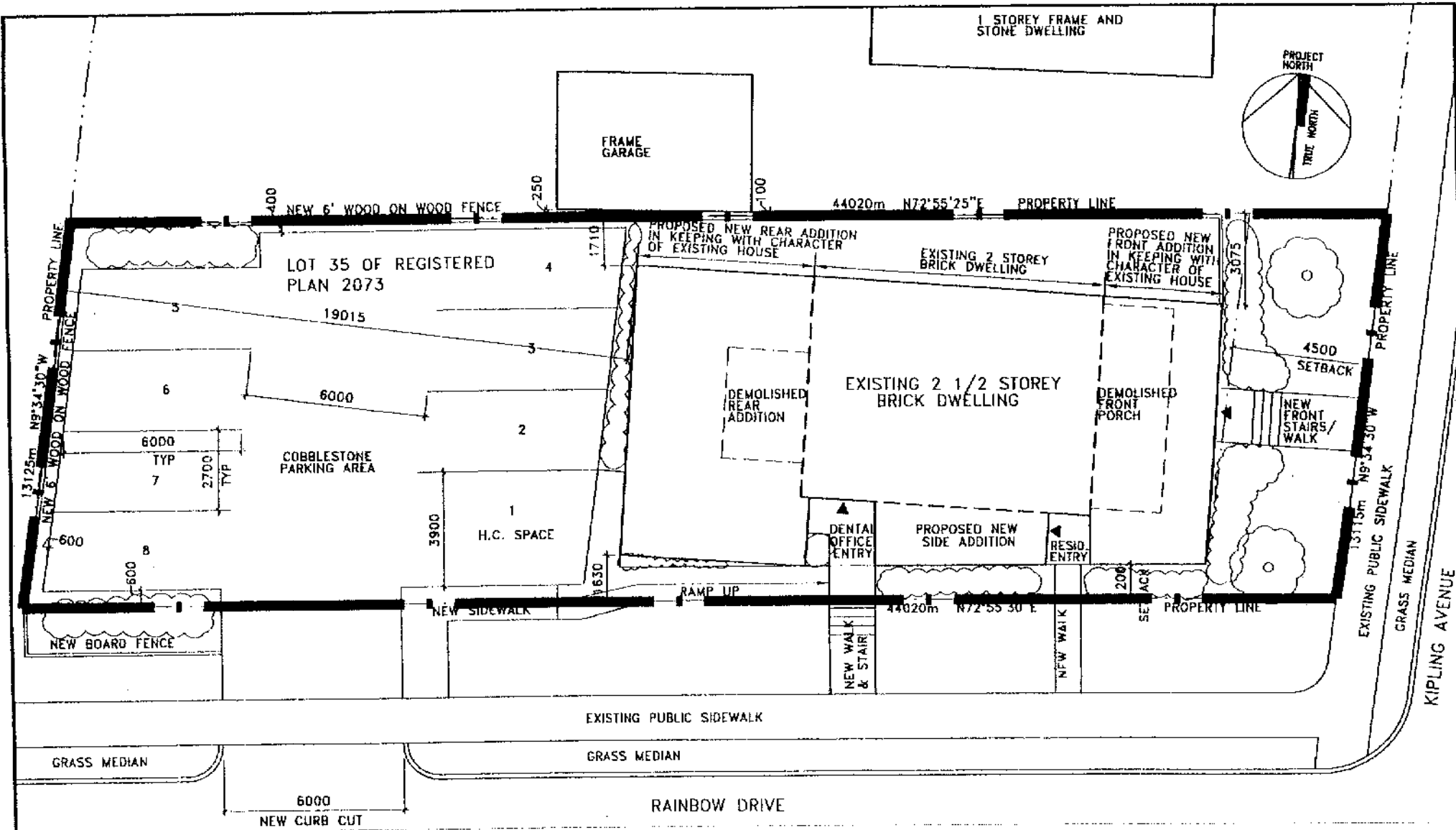
CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:

DOCTOR FEDELE

DATE: 02/05/2002

SCALE: NOT TO SCALE



SUBJECT LANDS

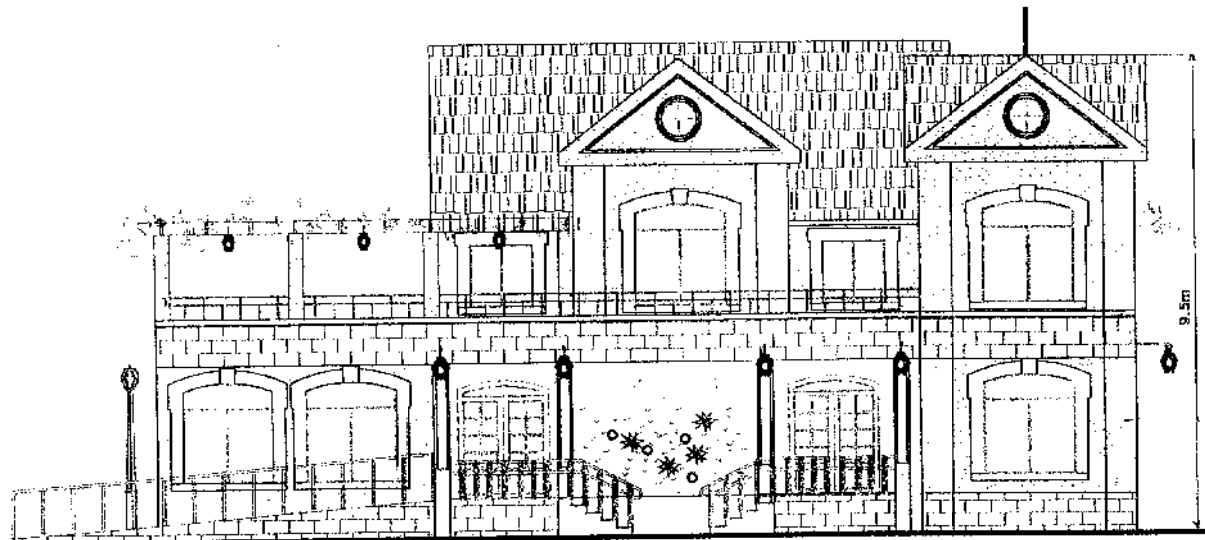
ATTACHMENT '2' SITE PLAN

FILE #:	REPORT #:
Z.02.011 DA.02.005	LOCATION: PART OF LOT 6, CONCESSION 8

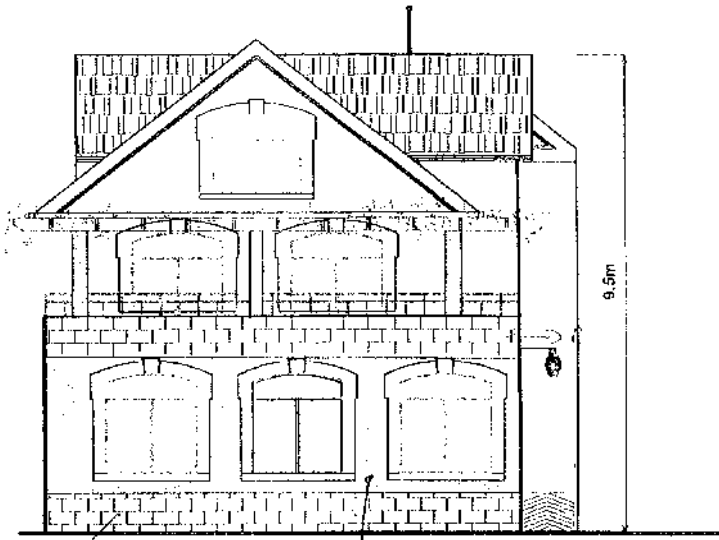
CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:
DOCTOR FEDELE

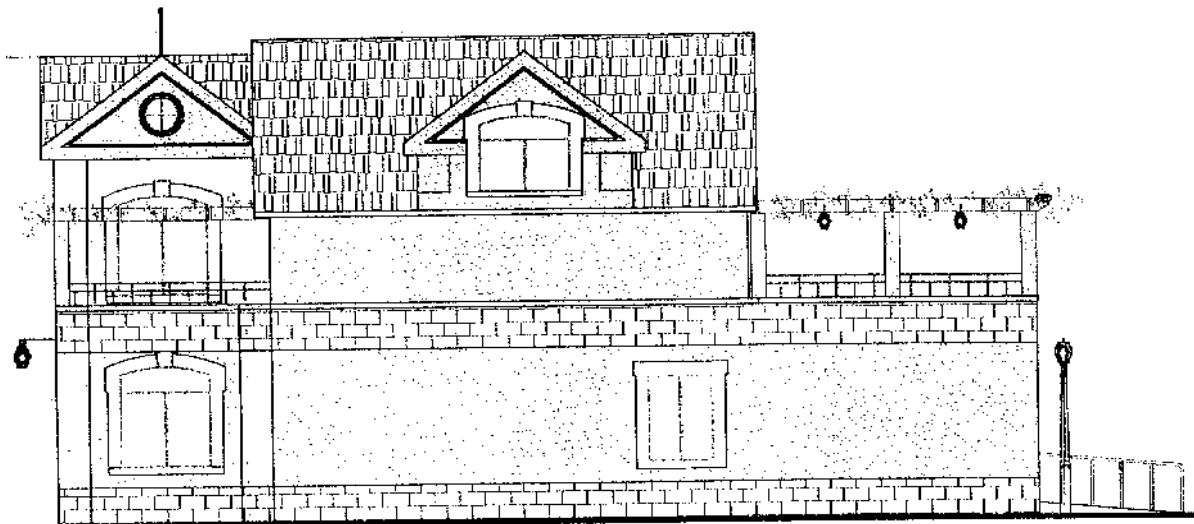
DATE:	02/05/2002
SCALE:	NOT TO SCALE



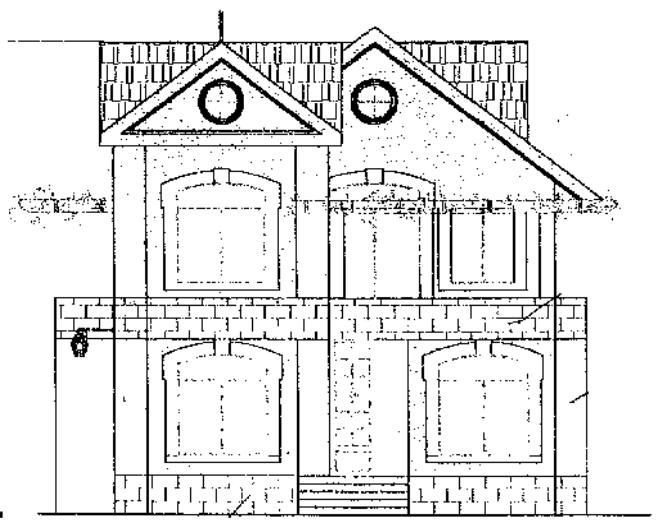
North Elevation



East Elevation



South Elevation



West Elevation

ATTACHMENT '3'
ELEVATIONS

FILE #:	REPORT #:
Z.02.011 DA.02.005	LOCATION: PART OF LOT 6, CONCESSION 8

CITY OF VAUGHAN
PLANNING DEPARTMENT

APPLICANT:
DOCTOR FEDELE

DATE:	02/05/2002
SCALE:	NOT TO SCALE