

COMMITTEE OF THE WHOLE NOVEMBER 18, 2002

**ZONING BY-LAW AMENDMENT FILE Z.02.054
SITE DEVELOPMENT FILE DA. 02.042
JOE MARCHESE
REPORT #P.2002.56**

Recommendation

The Commissioner of Planning recommends:

1. That Zoning By-law Amendment File Z.02.054 and Site Development File DA.02.042 (Joe Marchese) BE APPROVED, for 3-year period, subject to the implementing temporary by-law providing for the following:
 - a) permit one business/professional office use for either a Real Estate Broker/Agent, Accountant or Insurance Broker/Agent, to a maximum of 50 sq.m GFA within the existing dwelling; and
 - b) provide the necessary exceptions to the zoning standards to implement the approved site plan as follows:
 - minimum parking requirement shall be 3 spaces, one of which is on the road allowance
 - minimum north interior side yard shall be .76 m
 - minimum soft landscape shall be 23%
 - minimum hard landscape shall be 26%
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 3.0 m wide strip of land along the Kipling Avenue road allowance to the City of Vaughan free of all charge and encumbrances; the owner will prepare the reference plan for the road widening to the satisfaction of the City of Vaughan;
 - b) the owner shall pay all expenses related to a by-law dedicating the road widening as a public highway; and
 - c) the owner shall undertake a Phase One Environmental Assessment for the road widening, to the satisfaction of the Engineering Department.

Purpose

On July 10, 2002, the Owner submitted an application to amend the Zoning By-law to permit a business/professional office use in a portion (approximately 47.25 sq.m) of the residential dwelling. The owner also submitted a related site plan application (File DA.02.042), which addresses parking layout and minor revisions to the front façade and landscape treatment.

Background - Analysis and Options

The subject lands are located on the east side of Kipling Avenue, north of Regional Road 7, being Lot 8 on Plan 554 (7787 Kipling Avenue), in Lot 6, Concession 7, City of Vaughan. The property is rectangular in shape, with 15.24 m frontage on Kipling Avenue, and developed with a detached dwelling presently occupied by a residence and real estate office. The surrounding land uses are:

- North - residential (R3 Residential Zone)
- South - medical office building (C1 Restricted Commercial Zone)
- East - residential (R3 Residential Zone)
- West - Kipling Avenue; residential, funeral home, proposed dental office (C1 Restricted Commercial Zone and R3 Residential Zone)

Public Hearing

On August 9, 2002, a notice of Public Hearing was mailed to all property owners within 120 m of the subject site and to the local ratepayer group. To date, there has been one response from a neighbouring resident expressing concern with parking.

The recommendation of the Committee of the Whole of September 3, 2002, to receive the Public Hearing and forward a technical report to a future Committee meeting, was ratified by Council on September 9, 2002.

Official Plan

The lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), as amended by OPA #356. The applicable Section 3.4 Residential Specific Policies permits 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 business professional office use which will occupy approximately 47.25 sq.m, or 24% of the gross floor area of the residence. Minor revisions to the façade and to the landscape area are also proposed, however, the residential character of the building has been maintained. The proposed development conforms 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 the office of a physician, dentist and drugless practitioner subject to certain criteria, but not a business/professional office use. The criteria used in support of a home occupation use is 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 applicant advises that the use would not be a home occupation use, but rather an office use within a residential dwelling, with the owner residing off-site. In addition, the proposal is not providing sufficient parking and landscaped area. As such, a zoning amendment by-law is required to permit the proposed office use and to provide the required exceptions to the zoning standards.

A number of exceptions to the zoning standards have been identified through review of the site plan application, as follows:

- maximum gross floor area devoted to the permitted office of 48 sq.m
- minimum of 3 parking spaces
- minimum north interior side yard of .76 m
- minimum soft landscape of 23%
- minimum hard landscaping of 26%

Vehicular Access and Parking

A 7.5 m driveway access from Kipling Avenue provides vehicular access to the site and leads to an interlocked paving area, which will provide 3 parking spaces. The attached single car garage of the house has been converted to office space. Required parking is calculated as follows:

Business/professional office use (47.25 GFA x 3.5/100)	= 2.0 spaces
Residential	= <u>3.0 spaces</u>
Total parking required	5.0 spaces

The proposed development is providing 3 parking spaces, one of which is situated within the required Kipling Avenue right-of-way. This parking space encroachment will have to be recognized in the site development agreement and would be allowed to function as a parking space until the widening of Kipling Avenue occurs.

The City Engineering Transportation division has commented that the future road widening will result in the loss of one parking space, leaving a total of two spaces. It has also been confirmed that some on-street parking is permitted on the east side of Kipling Avenue, between Regional Road 7 and Burwick Drive, with a 3-hour limit.

In support of the parking reduction, the applicant has provided a letter describing the nature of the existing business. The applicant has indicated that he is the only one employed and that the type of business (real estate) takes place primarily away from the office. The office is attended on a temporary basis, early mornings or evenings. In addition, the owner has also provided a letter from Carsama Holdings Inc., the management team of the adjacent office building (7777 Kipling Avenue), authorizing use of their parking facility, if required.

The application proposes to amend the zoning by-law to permit a Business and Professional Office use, which permits a range of office types. Given the restricted parking available, Planning Staff cannot support the full range of business and professional office uses, as some generate a significant parking need. Alternatively, it is considered appropriate to limit the office uses to those that require minimal parking, such as:

- Real Estate Broker/Agent
- Accountant
- Insurance Broker/Agent

In addition to limiting the office uses, Staff, as a cautionary approach, suggest that the by-law be implemented on a temporary basis for a period of three years. This would allow Staff sufficient time to monitor the uses and parking situation to ensure that the use could properly function under the existing parking conditions.

The applicant has advised that the proposed business office use will occupy approximately 47.25 sq.m, or 24% of the gross floor area, and limited to a portion of the ground floor. The remainder of the dwelling will be used for residential purposes. The above office uses would be limited to a maximum gross floor area within the residence in the implementing by-law.

Elevations

The current structure is rather simple in appearance and is faced with a sand-coloured stone finish, while the other elevations are constructed with a red/brown brick. Two large windows are located along the Kipling Avenue frontage, one serving the residential portion and the other for the office use. A sign banner containing the business logo for Prospect Realty, which currently occupies the previous garage portion of the building, is located on the Kipling Avenue frontage. There is no major structural change to the dwelling proposed.

Landscaping

Landscaping primarily consists of existing trees and flower material. The front lawn will be removed to provide additional parking area, using interlock-paving block and asphalt. The parking area will be screened with landscape material within the future Kipling Avenue right-of-way. The final landscape plan and cost estimate must be approved by the Urban Design Department. 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 and signage, are appropriate for the area.

Compatibility

The subject lands are located on the east side of Kipling Avenue, north of Regional Road 7. 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 west of the property is Scott's Funeral Home, and a residential home recently approved by Council for a dental office. To the immediate south is a multiple storey office building. 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 grade altering work. In addition, the Engineering Department has identified the following requirements:

- conveyance of a 3.0 m wide strip of land along the Kipling Avenue municipal road allowance 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 at the expense of the owner; and
- that a Phase 1 Environmental Site Assessment for the lands to be conveyed to the City be submitted, to the satisfaction of the Engineering Department.

The proposed development consists of minor alterations to the site, specifically the front yard where grassed area will be removed and replaced with inter-lock paver/asphalt. The timing for the widening of Kipling Avenue is unknown, and it was determined that the road widening could be dedicated 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.

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 has no objection to allow for business and professional office uses, provided the uses are restricted to the low parking generating types listed in the recommendation section of this report and that the implementing by-law run for a period of three years to allow sufficient monitoring of the site. The proposed use is permitted by the Official Plan and is consistent with the type of development existing in the immediate vicinity. 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 business and professional office use within a portion of the residential dwelling, subject to conditions. Should the Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan and Elevations
3. Landscape Plan

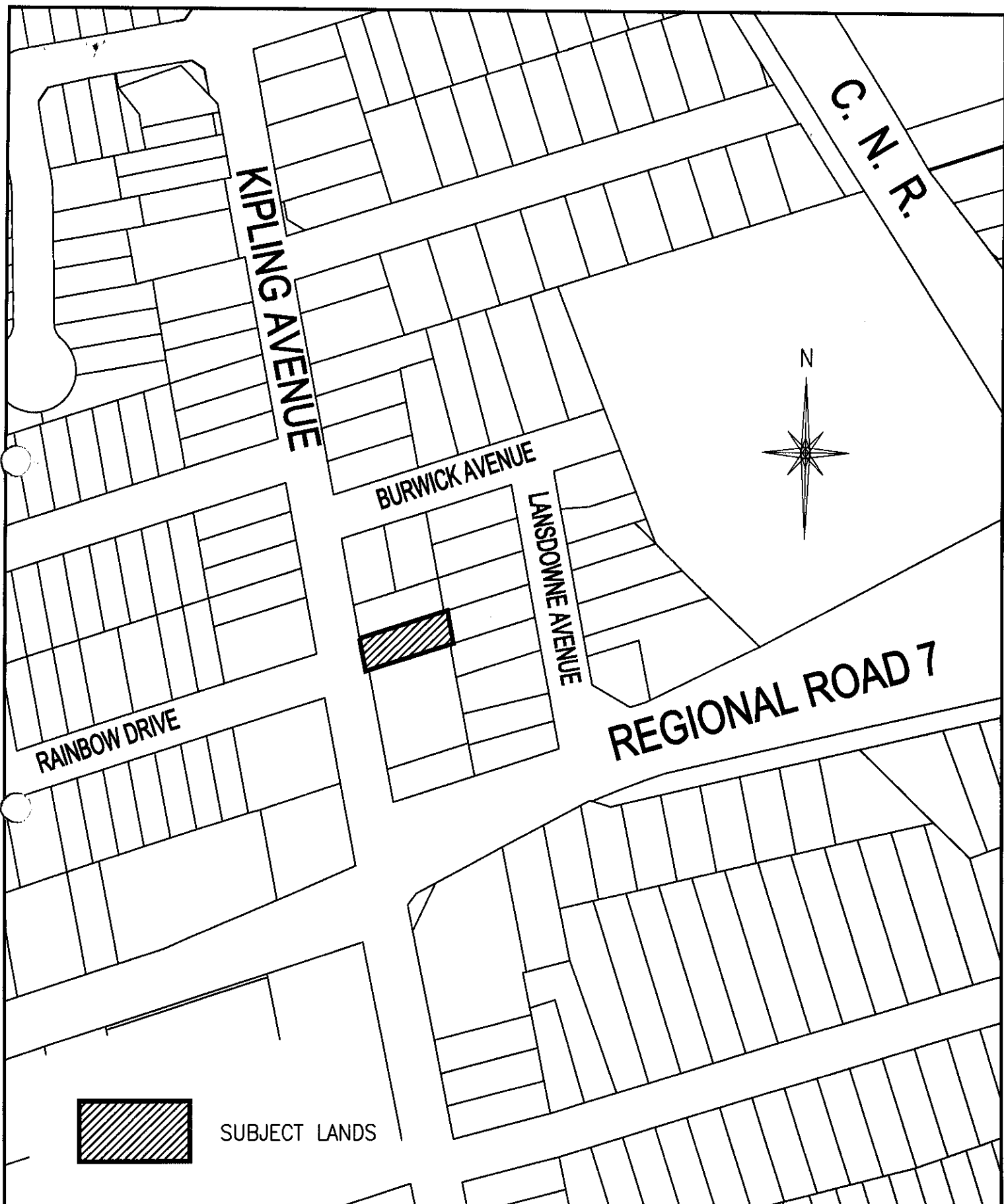
Report prepared by:

Eugene Fera, Planner, ext. 8064
Art Tikiryman, Senior Planner, ext. 8212
Marco Ramunno, Manager of Development, ext. 8485

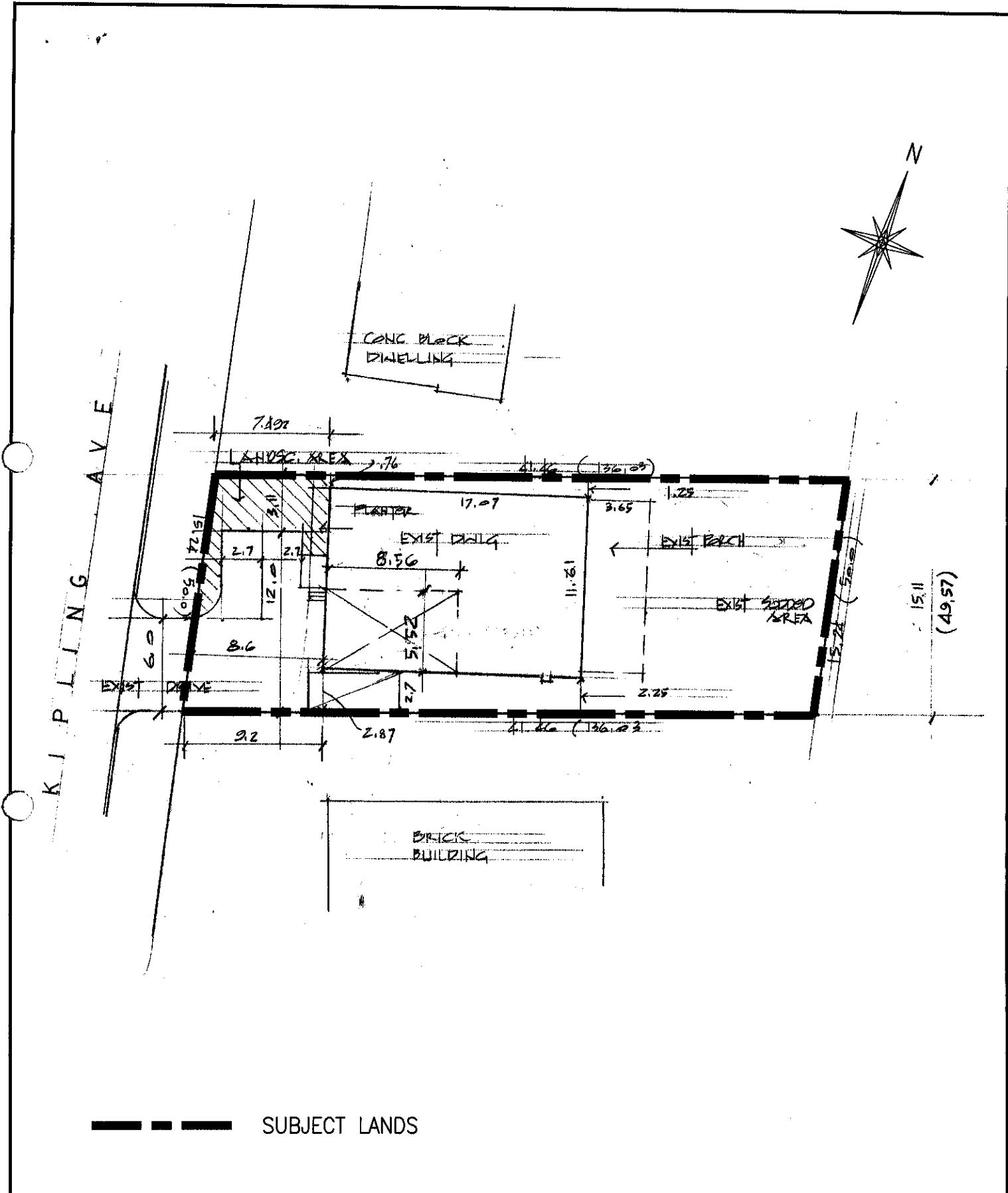
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

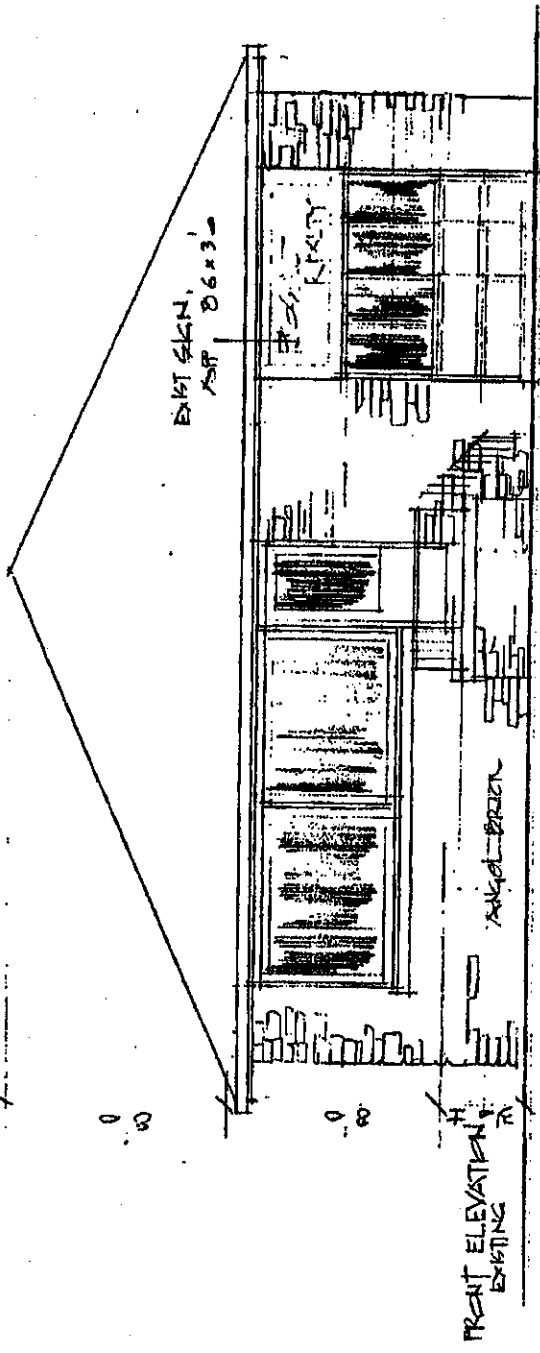


ATTACHMENT '1' LOCATION MAP	FILE #:	REPORT #:	DATE: 07/08/2002
	Z.02.054 DA.02.042	LOCATION: LOT 6, CON. 7	APPLICANT: SCALE: NOT TO SCALE
		CITY OF VAUGHAN PLANNING DEPARTMENT	JOE MARCHESE

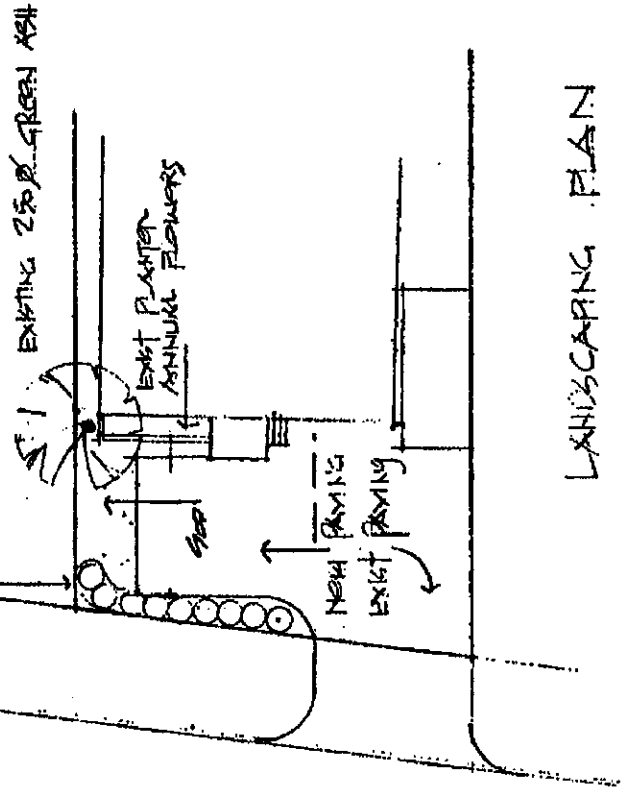


--- SUBJECT LANDS

ATTACHMENT '2' SITE PLAN	FILE #:	REPORT #:	DATE: 07/08/2002
	Z.02.054 DA.02.042	LOCATION: LOT 6, CON. 7	CITY OF VAUGHAN PLANNING DEPARTMENT
		APPLICANT: JOE MARCHESE	SCALE: NOT TO SCALE



PROPOSED 9 GOLD PLUME SPIRES (600 x 600)



LANDSCAPING PLAN

ATTACHMENT '3' ELEVATIONS & LANDSCAPE	FILE #:	Z.02.054 DA.02.042	REPORT #:		DATE:	10/25/2002
	LOCATION:	LOT 6, CON. 7	APPLICANT:	CITY OF VAUGHAN PLANNING DEPARTMENT	SCALE:	NOT TO SCALE
					APPLICANT:	
					JOE MARCHESE	