

COMMITTEE OF THE WHOLE NOVEMBER 18, 2002

**ZONING BY-LAW AMENDMENT FILE Z.02.002
RONALD AND DAN SANT
REPORT #P.2002.30**

Recommendation

The Commissioner of Planning recommends:

- 1 THAT Zoning By-law Amendment Application Z.02.002 (Ronald and Dan Sant) BE APPROVED, subject to the following:
 - i) that the implementing by-law permit an additional dwelling on the subject lands with a minimum lot area of 22 ha in the A Agricultural Zone.
 - ii) that prior to the enactment of the zoning by-law:
 - a) a registered plan identifying the 3m strip of land to be conveyed to the City be submitted to and approved by the Engineering Department; and,
 - b) the road widening be conveyed to the City free of all costs and encumbrances.

Purpose

On January 14, 2002, the Owner submitted an application to amend the Zoning By-law to permit a second dwelling on a lot in the A Agricultural Zone. The By-law requires a minimum lot area of 35 ha to permit a second dwelling, whereas the subject lot is 22.07 ha.

Background - Analysis and Options

The subject lands are located on the east side of Cold Creek Road, north of Kirby Road, being Part 2 on Plan 8343 (11811 Cold Creek Road), in Lot 32, Concession 10, City of Vaughan. The 22.07 ha site has approximately 49m of frontage on Cold Creek Road, and is currently developed with a detached residential dwelling, farm fields and ponds. The lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600 and zoned A Agricultural Zone by By-law 1-88. The surrounding land uses are:

- North - commercial greenhouses (A Agricultural Zone)
- South - railway line, farm land (A Agricultural Zone)
- East - valleyland (A Agricultural Zone)
- West - Cold Creek Road; farm land (A Agricultural Zone)

On March 28, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands and the Kleinburg and Area Ratepayers Association. No comments were received. The recommendation of the Committee of the Whole at the Public Hearing on April 22, 2002, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on April 29, 2002.

Official Plan

The lands are designated "Rural Use Area" and "Valley and Stream Corridor" by OPA #600. OPA #600 permits secondary dwellings for farm help when they are necessary for the operation of the farm, subject to a number of criteria.

The minimum lot area to establish an additional farm dwelling, as required by OPA #600, is generally 35 ha. This minimum area can be less than 35 ha when the farming operation is labour intensive, such as greenhouse. The applicant has indicated that he is a co-owner of the greenhouse operation on the adjacent property and required to be on-call 24 hours a day, and therefore must live in close proximity to the operation.

The second criteria of additional dwellings are that they be grouped with the existing dwelling. The site plan (Attachment #2) shows that the 2 houses will be located close together, near Cold Creek Road. The second dwelling is also smaller in size than the primary one, which satisfies the third Official Plan criteria. Access to Cold Creek Road will be shared, which satisfies the fourth criteria.

Planning Staff are satisfied that the proposed additional farm dwelling maintains the intent of the Official Plan.

Zoning

The lands are zoned A Agricultural Zone by By-law 1-88. The by-law permits additional dwellings on an agricultural lot, provided the minimum lot area is 35 ha. The subject lands have an area of 22.07 ha, therefore an exception to this by-law standard is required.

Environmental Site Assessment

As a road widening is required, City policy requires that the applicant provide a Phase I Environmental Site Assessment to ensure the land being dedicated to the City is not contaminated. The applicant submitted a Phase I Environmental Site Assessment, which was peer reviewed by Terrapex Environmental Ltd. and found to be acceptable.

Planning Considerations

Planning Staff consider the proposal for the second dwelling to be within the intent of the Official Plan. The occupant is necessary for the operation of the adjacent greenhouse operation and the new dwelling will be grouped with the existing one, with shared access to Cold Creek Road.

Potential for a future severance is very limited, due to the relatively small frontage on Cold Creek Road. It is also not expected to set an undesirable precedent for the area, since any future applications will be subject to the same criteria set out in the Official Plan.

Conclusion

The proposed second dwelling maintains the intent of Official Plan Amendment #600. The reduction in the minimum lot area to permit a second dwelling is appropriate due to the intensive nature of the farming activity. Planning Staff support to proposed zoning exception as it is appropriate for the development of the land. Should Committee concur, the recommendation of this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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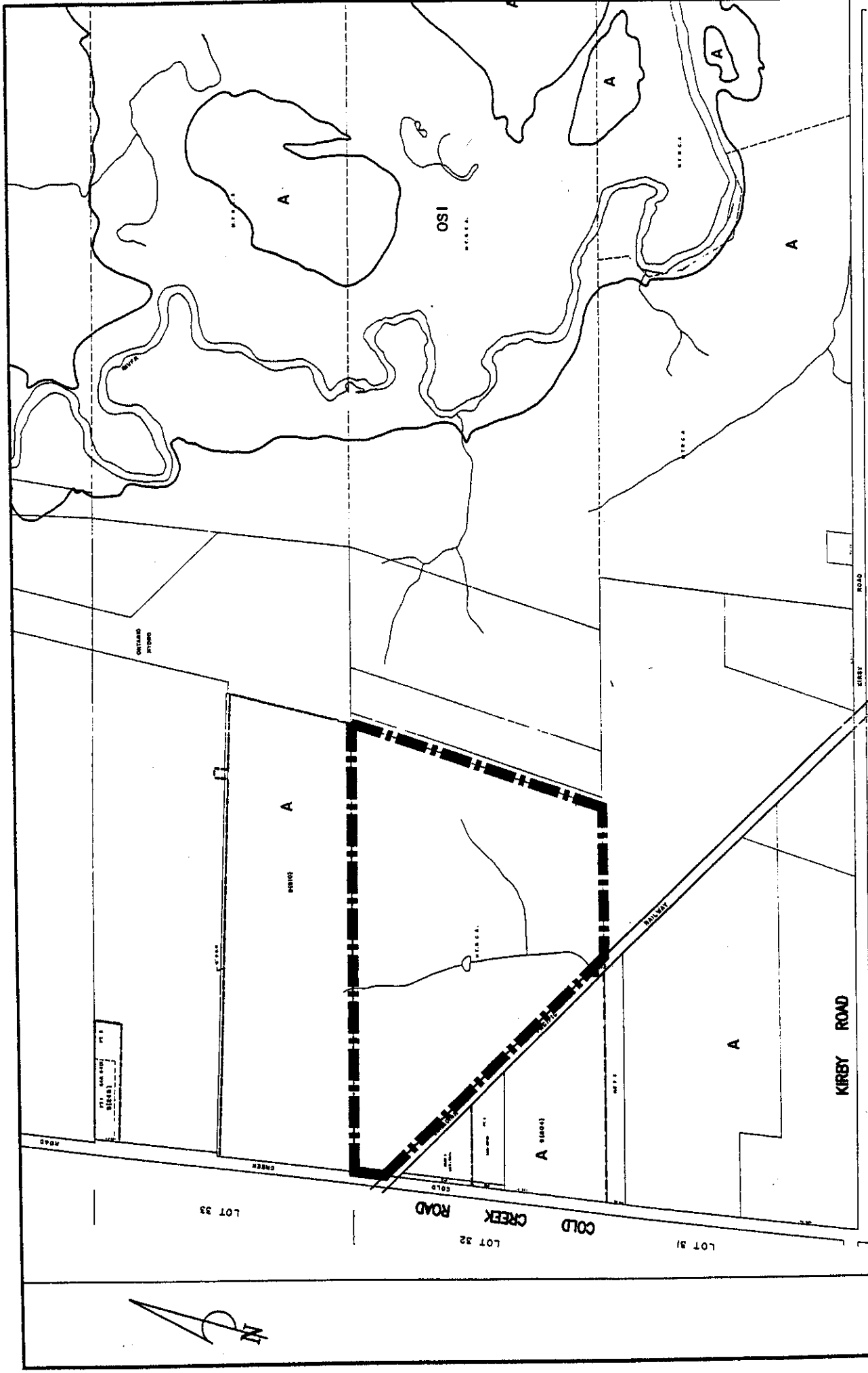
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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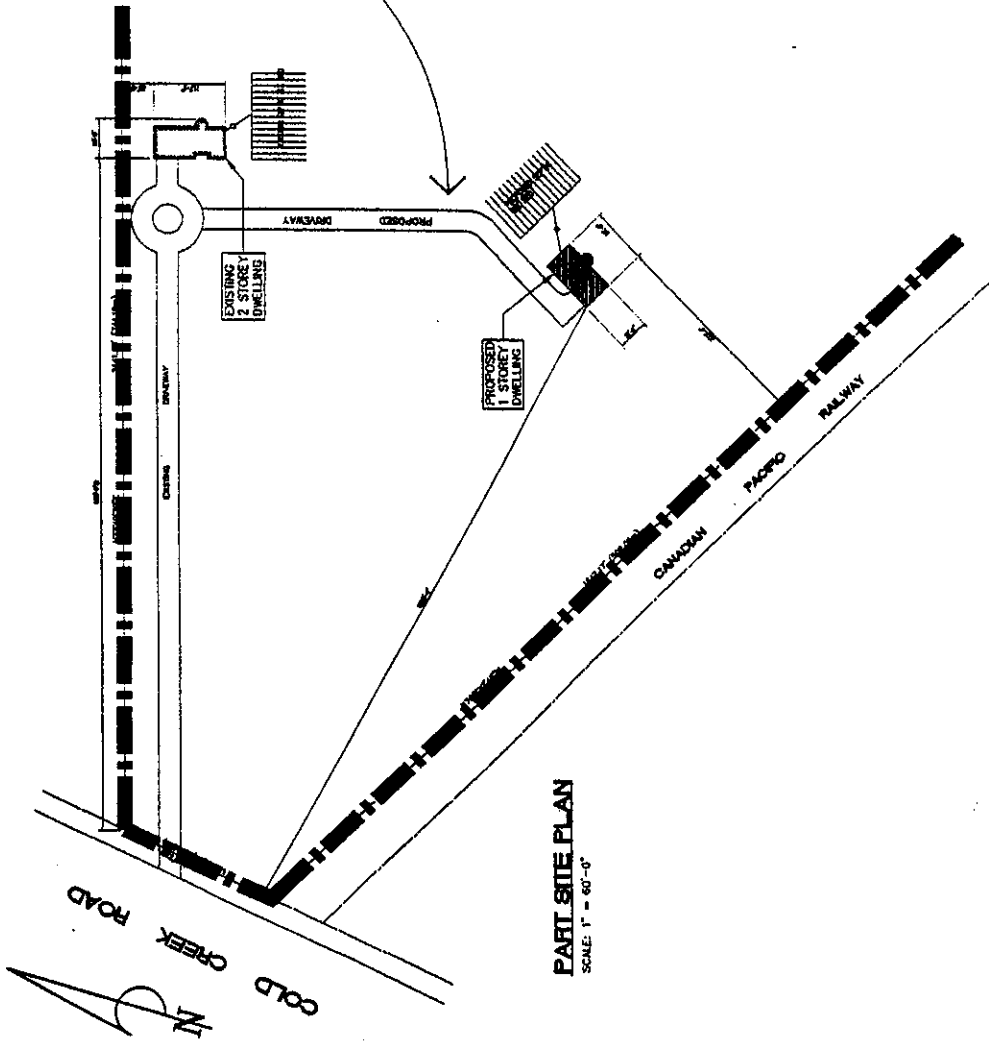


SUBJECT LANDS

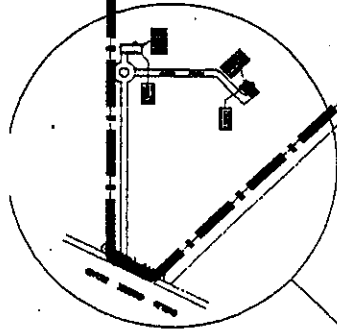
CONCESSION 10

ATTACHMENT '1' LOCATION MAP

FILE #: Z.02.002	REPORT #:	CONCESSION 10	
	LOCATION: PART OF LOT 32 CONCESSION 10	CITY OF VAUGHAN PLANNING DEPARTMENT	
APPLICANT: RONALD AND DAN SANT		DATE: 01/30/2002	SCALE: NOT TO SCALE



PART SITE PLAN
SCALE: 1" = 50'-0"



SITE PLAN
SCALE: 1" = 100'-0"

BOUNDARY INFORMATION SHOWN IS BASED ON PLAN OF SURVEY OF LOT 32, CONCESSION X, PART 2

PERTINENT INFORMATION

SITE AREA: 54.54 ACRES (22.07 Ha.)
 BUILDING COVERAGE: 2140± S.F. (198.81 S.M.)
 EXISTING DWELLING: 1800± S.F. (167.22 S.M.)
 PROPOSED DWELLING: 3940± S.F. (366.03 S.M.) 0.17%
 TOTAL COVERAGE



SUBJECT LANDS

ATTACHMENT '2' SITE PLAN	FILE #:	REPORT #:	DATE:
	7.02.002	LOCATION: PART OF LOT 32 CONCESSION 10	01/30/2002
APPLICANT:		SCALE:	NOT TO SCALE
CITY OF VAUGHAN PLANNING DEPARTMENT		RONALD AND DAN SANT	