

COMMITTEE OF THE WHOLE SEPTEMBER 2, 2003

**ZONING BY-LAW AMENDMENT FILE Z.01.031
DONATO DI BENEDETTO
REPORT #P.2001.46**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.01.031 (Donato DiBenedetto) BE APPROVED, subject to the following:
 - a) That the zoning by-law:
 - i) provide exceptions to the RR Rural Residential Zone to allow a maximum of four dwellings,
 - ii) establish a minimum setback of 30 m from the railway line; and,
 - iii) include any appropriate exceptions as determined through the site plan process.
 - b) That prior to the enactment of the zoning by-law, the site plan application be approved by Council.

Purpose

On April 12th, 2001, the Owner submitted an application to amend the Zoning By-law to provide exceptions to the RR Rural Residential Zone to facilitate a condominium development consisting of four detached residential units (including the existing residence), having access via a 6.0 m wide private road.

Background - Analysis and Options

The subject lands are located southwest of Rutherford Road and Highway #27 (110 Simmons Street), in Part of Lot 15, Concession 9, City of Vaughan. The 1.67 ha site has 53 m frontage on Simmons Street and is currently developed with one residence. The site is flat and mainly grassy, with scattered mature trees around the perimeter. The surrounding land uses are:

- North - detached residential (RR Rural Residential Zone)
- South - detached residential (RR Rural Residential Zone)
- East - Simmons Street; detached residential (RR Rural Residential Zone)
- West - railway line, farmland (A Agricultural Zone)

On May 10, 2001, a notice of public hearing was circulated to all property owners within 120m of the subject lands and all property owners on Simmons Street. The recommendation of the Committee of the Whole at the Public Hearing on June 18, 2001, to receive the public hearing and forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on June 25, 2001.

Official Plan

The lands are designated "Hamlet" by OPA #600. The "Hamlet" designation permits limited infilling development, which economizes the use of urban space without extending the boundaries of the hamlet area. The primary use in "Hamlets" must be residential and should be serviced by

private wells and septic systems. The development must protect the rural and historic character of the hamlets.

The proposed development does not form an extension to the existing hamlet. The development is infill development that respects the rural and historic character of the area through the design of the lots and the small cul-de-sac private road. The proposed development conforms to the policies of the Official Plan.

Zoning

The lands are currently zoned RR Rural Residential Zone by By-law 1-88. The RR Rural Residential Zone permits only one dwelling per lot. The applicant is proposing 4 dwellings on the existing lot. Exceptions to the RR Rural Residential Zone requirements will be required to permit this.

The subject lands abut a railway line, therefore a 30 m setback to the railway line will be required. This will be included in the zoning by-law.

The proposed zoning conforms to the Official Plan.

Servicing

The lots are to be serviced by municipal water and private septic systems. The Official Plan requires that development in hamlets be on the basis of private wells and septic systems. Since a municipal water system already exists, it is beneficial to have the new dwellings serviced by municipal water.

The functional servicing report has been reviewed by the Building Standards Department. They have commented that the proposed septic systems are permitted by the Ontario Building Code. The Building Standards Department raised a concern about the lack of space for a reserve leaching bed area. The applicant has indicated that these can be accommodated and will be confirmed through the site plan process.

Site Plan

The applicant is proposing a 4 unit development fronting on a private road. The condominium lots range in size from 0.37ha to 0.41ha. An existing dwelling will remain on a lot and be incorporated into the condominium plan. The existing driveway for this dwelling will be removed from Simmons Street and access will be gained from the internal road.

The applicant is proposing that access to the new dwellings be gained from an internal road off of Simmons Street. The plan currently shows a 6m wide road, however, a minimum 7 m road is required. This will be addressed through the site plan process.

The applicant will be required to submit a site plan application, which will allow a more detailed review of the site specifics. This site plan must be approved by Council prior to the enactment of the zoning by-law.

Conclusion

The proposed development represents an in-fill situation that does not extend the boundaries of the Hamlet. The proposed zoning by-law amendment conforms to the Official Plan and represents appropriate development for the hamlet. Should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Location Map
2. Concept Plan

Report prepared by:

Todd Coles, Planner, ext. 8634
Arto Tikiryan, Senior Planner, ext. 8212
Marco Ramunno, Manager of Development Planning, Ext. 8485

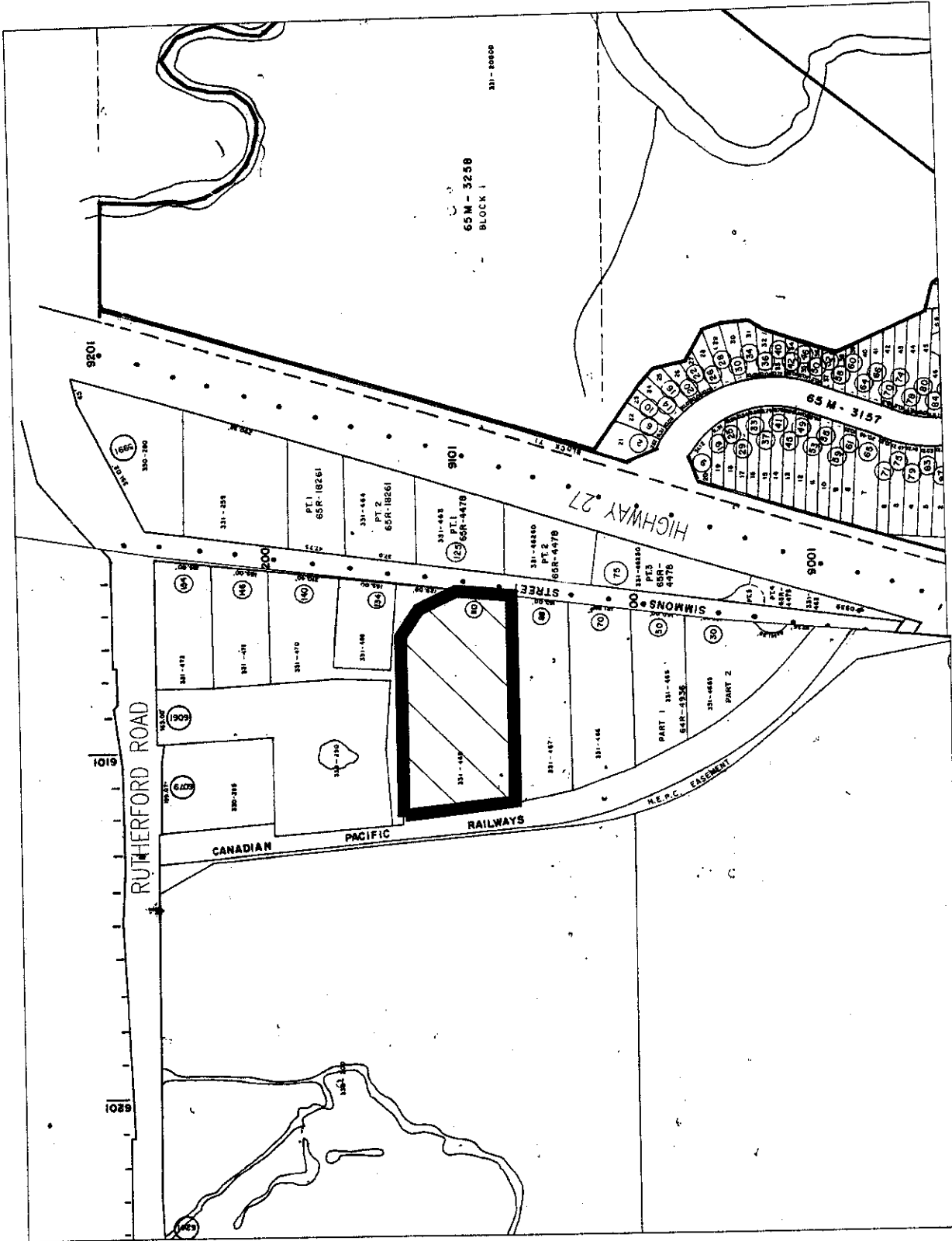
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM

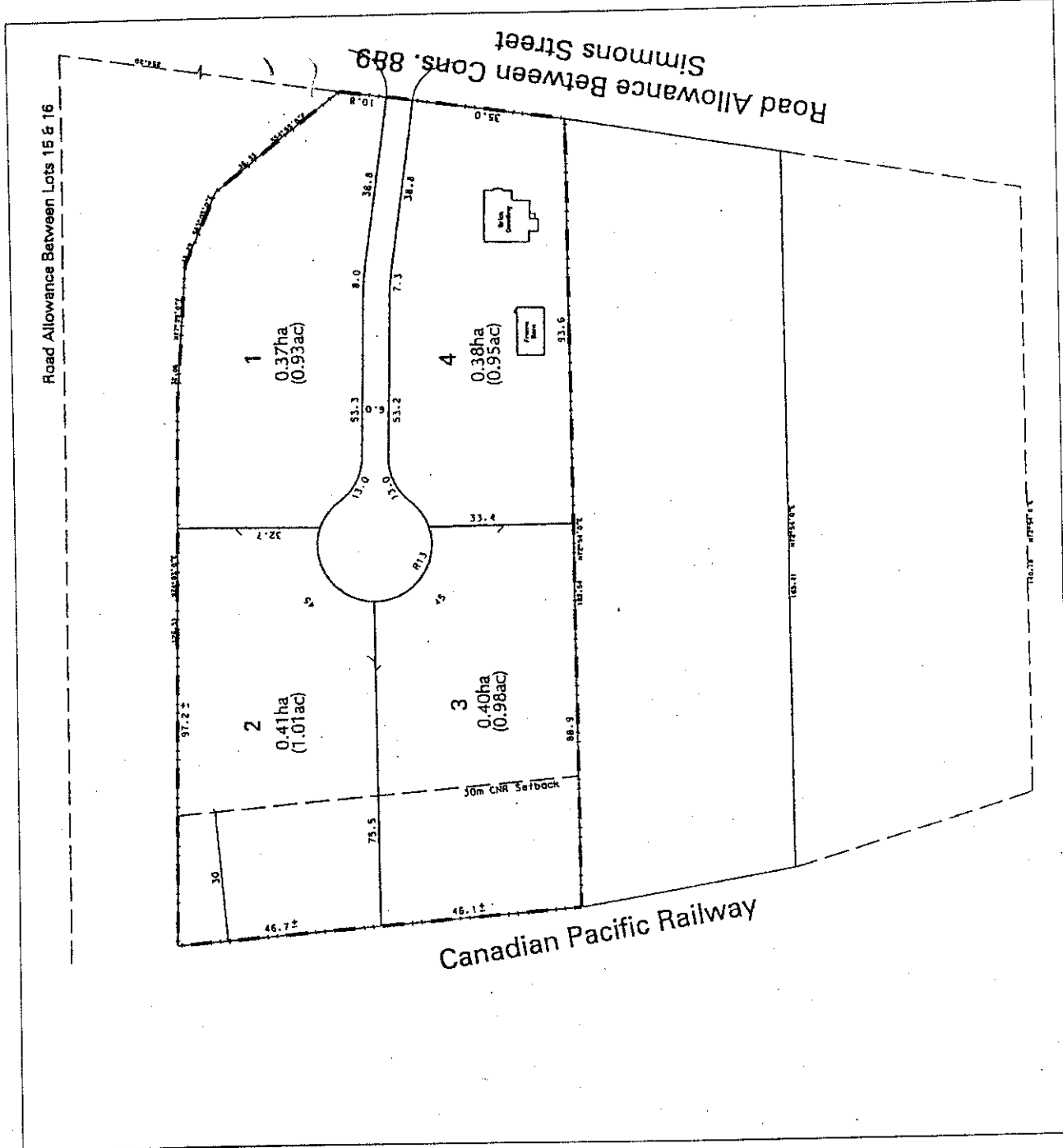
R:\SERWORKING\COLEST\DiBenedetto.CW.doc



DATE: 01/05/01	SUBJECT LANDS
SCALE: NOT TO SCALE	
APPLICANT: Donato DiBenedetto	CITY OF VAUGHAN PLANNING DEPARTMENT

FILE #:	REPORT #:
Z.01.031	LOCATION: LOT 15, CONC. 9

ATTACHMENT "1"
LOCATION MAP



ATTACHMENT "2"
CONCEPT PLAN

FILE #:	Z.01.031
REPORT #:	
LOCATION:	LOT 15, CONC. 9

CITY OF VAUGHAN
 PLANNING DEPARTMENT

APPLICANT:
 Donato DiBenedetto

DATE:	01/05/01
SCALE:	NOT TO SCALE