

COMMITTEE OF THE WHOLE DECEMBER 8, 2003

ZONING BYLAW AMENDMENT FILE Z.03.050 TORONTO AND REGION CONSERVATION AUTHORITY REPORT # P.2003.57

Recommendation

The Commissioner of Planning recommends:

THAT Zoning By-Law Amendment File Z.03.050 (Toronto and Region Conservation Authority) BE APPROVED.

Purpose

On July 17, 2003, the TRCA submitted an application to amend the Zoning By-law to rezone a 1.5m x 14.4m strip of land to R1 Residential Zone to facilitate the severance and conveyance of the subject lands to the adjacent residential lot, 71 Chatsworth Court.

Background - Analysis and Options

The site is located southeast of Rutherford Road and Clarence Avenue, being Part of Block 103 on Registered Plan 65M-2514, in Lot 14, Concession 7, City of Vaughan. The property contains a residential dwelling and a pool in the rear yard. The strip of land that is the subject of the severance is adjacent to the most easterly part of the rear yard of 71 Chatsworth Court, containing part of the pool deck. The deck is enclosed with a 14.4m x 1.5m chain link fence and retaining wall being used to stabilize the slope at the rear of the residential property.

The subject lands are designated "Drainage Tributary" by OPA 240 (Woodbridge Community Plan) and zoned OS1 Open Space Conservation Zone under By-law 1-88, subject to Exception 9(763). The surrounding land uses are:

- North - open space (OS1 Open Space Conservation Zone)
- South - residential (R1 Residential Zone)
- East - open space (OS1 Open Space Conservation Zone)
- West - residential (R1 Residential Zone)

On August 8, 2003, a notice of public hearing was circulated to all property owners within 120m of the subject lands, and to the Islington Woods Community and Belvedere Estates Ratepayers Associations. The recommendation of the Committee of the Whole on September 2, 2003, to receive the public hearing and forward a technical report to a future Committee meeting, was ratified by Council on September 8, 2003.

History

On September 30, 1988, the TRCA approved the sale of the subject lands to the former owner of 71 Chatsworth Court, to construct a suitable retaining wall to provide the required stability to the slope at the rear of this residential property. The wall was built by the developer of the subdivision, as required under the terms of the Subdivision Agreement. One of TRCA's conditions of approval was that the Owner remove the pump house located on the subject lands. This work was not completed until the late 1990's when the residential property was sold and the current owner requested that the transaction be completed.

On July 3, 2003, the Minister of Natural Resources approved the disposal of the subject lands to rectify the encroachment violation of TRCA Ontario Regulation 158. On September 24, 2003, the Authority notified the Owner of the residential lot that any future development proposals for the

subject property should be circulated to the TRCA for their review and approval, pursuant to Ontario Regulation 158 and the Valley and Stream Corridor Management Program.

Official Plan

The subject lands are designated "Drainage Tributary" by OPA 240, (Woodbridge Community Plan). The "Drainage Tributary" designation permits parks, valley lands, woodlots, and other environmental protection areas. The policies of the plan state that the limits of the drainage tributaries shall be determined by the TRCA through the development process, and that such minor adjustments will not require an amendment to the official plan.

The TRCA submitted this application to facilitate the disposal and conveyance of the subject lands to rectify an old violation of Ontario Regulation 158 for structures erected on TRCA-owned lands and built without permit under the above-noted regulation. The Authority has determined that the subject lands are no longer a functioning part of the drainage tributary feature, and that with the retaining wall, now functions as part of the residential lot. The proposed zoning amendment is in conformity with the Official Plan.

Zoning

The subject lands are zoned OS1 Open Space Conservation Zone, subject to Exception 9(763). The uses permitted in this zone include Recreational, Institutional and Conservation uses. The By-law provides that rezoning of any lands in the OS1 Zone shall only occur when such lands are filled to the satisfaction of the Toronto and Region Conservation Authority and the City of Vaughan. The subject lands (existing pool deck, fence and retaining wall) fall within a TRCA Fill Regulated Area and a valley corridor of the Humber River watershed. The lands have been filled to the satisfaction of the TRCA and City and are more appropriately zoned R1 Residential Zone in conjunction with the adjacent residential lot.

Conclusion

Staff have reviewed the proposed zoning amendment application, in accordance with the policies of OPA 240 and the requirements of By-Law 1-88. Staff is satisfied that the proposed rezoning of the subject lands to R1 Residential Zone is appropriate for the site and compatible with the surrounding development, and conforms to the Official Plan.

For these reasons, Staff recommends approval of the zoning amendment application. Should the Committee concur, the recommendation in 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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Location Map

Part Lot 14,
Concession 7

APPLICANT:
Toronto Region Conservation Authority
NA/DPA/1 ATTACHMENTS/Z.03.050



Community Planning Department

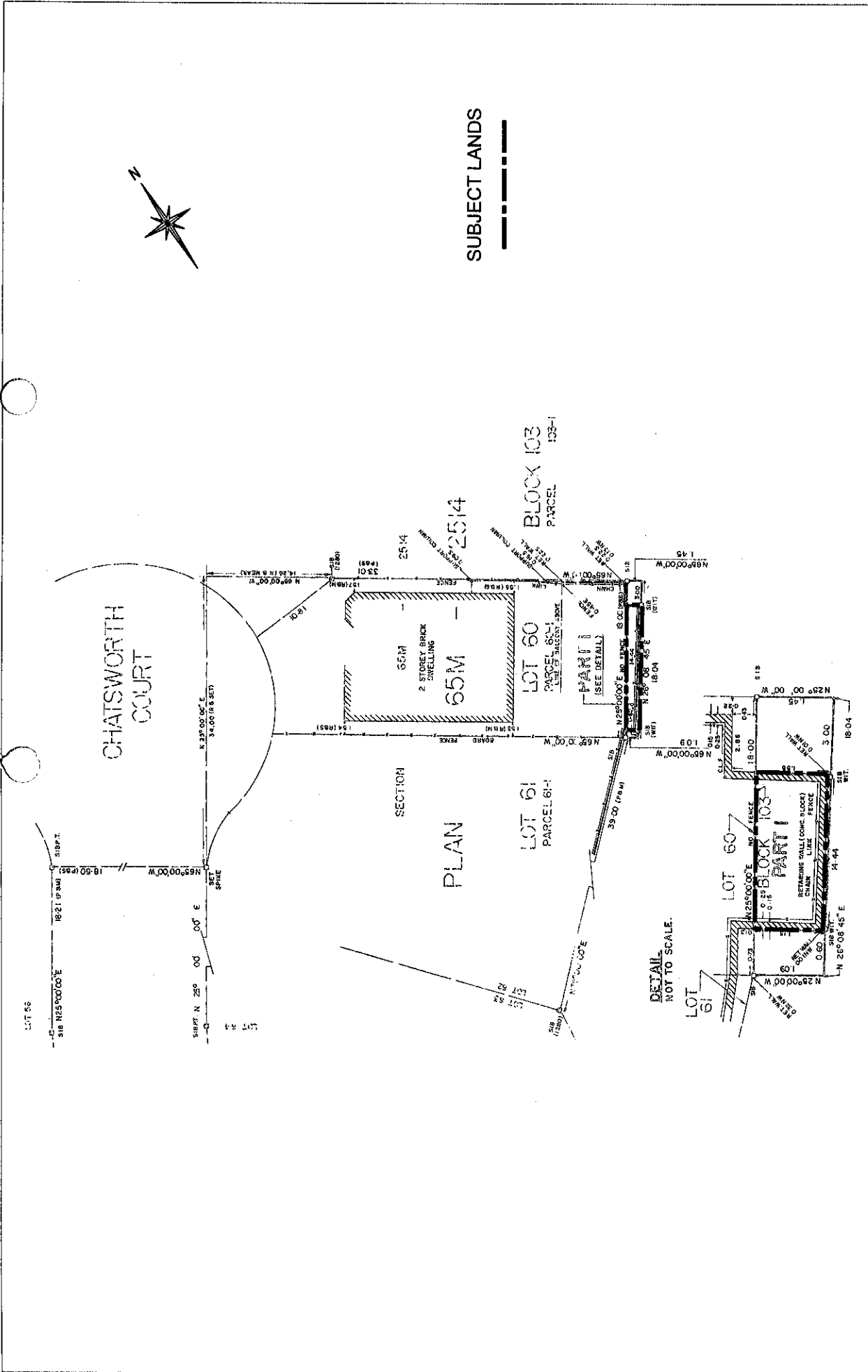
Attachment

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FILE No.:
Z.03.050

Not to Scale

August 1, 2003



Attachment 2

FILE No.: Z.03.050
 Not to Scale
 August 1, 2003

City of **Vaughan**
 Community Planning Department

Site Plan
 Part Lot 14,
 Concession 7
 APPLICANT:
 Toronto Region Conservation Authority
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