

**ZONING BY-LAW AMENDMENT FILE Z.02.088**

**HELGA GRAAF**

**REPORT #P.2003.6**

(Referred from the Council meeting of December 15, 2003)

Council, at its meeting of December 15, 2003, adopted the following:

- 1) That the deputation of Mr. Gerry Borean, and the written submission of Mr. Robert P. De Angelis, Condeland Engineering Ltd., 87 Irondale Drive, Suite 200, North York, M9L 2S6, dated October 8, 2003, be received; and
- 2) That this matter be referred to the Committee of the Whole meeting of January 5, 2004.

Council, at its meeting of September 22, 2003 adopted the following:

That this matter be referred to the Council meeting of December 15, 2003, as requested in the written submission of Mr. Robert P. De Angelis, Condeland Engineering Ltd., dated September 19, 2003.

**Report of the Director of Community Planning dated September 15, 2003**

**Recommendation**

The Director of Community Planning recommends:

1. THAT Zoning By-law Amendment Application Z.02.088 (Helga Graaf) BE REFUSED.

**Purpose**

On December 17, 2002, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to facilitate the severance of one residential lot from the subject property. The proposed two lots would have areas of 5160m<sup>2</sup> and 12,190m<sup>2</sup>.

**Background - Analysis and Options**

The subject lands are located south of Nashville Road on the west side of Regional Road 27, being Lot 6 on Registered Plan M-1581 (90 Valleyview Court), in Part of Lot 23, Concession 8, City of Vaughan.

The lot contains a residential dwelling with frontage and access onto Valley View Court, and extends through to Regional Road 27. The entire property is within the Humber River Valley Corridor. The surrounding land uses are:

- North - residential (RR Rural Residential Zone)
- South - residential (RR Rural Residential Zone)
- West - residential (RR Residential Zone)
- East - Regional Road 27; agricultural (A Agricultural Zone)

The site is designated "Suburban Residential" by OPA 601 (Kleinburg/Nashville Community Plan) and zoned RR Rural Residential by By-law 1-88, subject to Exception 9(117).

On January 13, 2003 a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Kleinburg & Area Ratepayers Association.

The recommendation of the Committee of the Whole at the Public Hearing on February 3, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on February 10, 2003.

#### Official Plan

The lands are designated "Suburban Residential" by OPA 601 (Kleinburg/ Nashville Community Plan). The proposed severance application would result in lot areas of 12,190m<sup>2</sup> and 5160m<sup>2</sup>.

OPA 601 requires a minimum lot size for suburban residential lots to be a minimum of 4000m<sup>2</sup> and a maximum residential density shall be 2 units per hectare, subject to servicing considerations.

The policies of the Official Plan also requires access to individual lots be from internal public roads constructed to municipal standards. Direct access is not to be from existing concession roads, regional roads or provincial highways. The proposed severance to create a new residential lot would require that access to the new lot be from Regional Road 27.

In addition, the Official Plan requires that Suburban Residential development shall be serviced by municipal water supply. There is no municipal water supply available to service the new lot from Regional Road 27.

In consideration of the access and servicing policies of the Official Plan, the proposed development does not conform to the Official Plan.

#### Zoning

The subject lands are zoned RR Rural Residential by By-law 1-88, subject to Exception 9(117). The exception permits only a single detached dwelling may be erected and used on each of "Lots 1 to 12, inclusive" as shown on Schedule E-120. This provision recognizes that the lands were originally developed appropriately through a draft plan of subdivision containing 12 units. The application proposes an additional dwelling on Lot 6, which would not comply with the site-specific exception.

#### Toronto and Region Conservation Authority

The subject lands are entirely within the Humber River Valley and as such, are regulated by the Toronto and Region Conservation Authority's Ontario Regulation 158 (Fill, Construction and Alteration to Waterways Regulation) for construction within the flood plain, alteration to a watercourse or placement or removal of fill.

The application originally submitted proposed to sever the lot in half, resulting in two lots with areas of 8506.9m<sup>2</sup> and 8854.11m<sup>2</sup>. Authority staff did not support the application and future development, as it is within the boundaries of the valley corridor, and recommended refusal.

Subsequently, the application was revised so that all hazard lands would remain with the 12,190m<sup>2</sup> parcel containing the dwelling, leaving 5160m<sup>2</sup> for the severed parcel.

Authority staff have advised that there is an outstanding violation of Ontario Regulation 158 on the subject lands. The owners are required to rectify the violation prior to enactment of the proposed by-law. If approval were granted, any future development of the proposed lot would require the necessary permits and/ or approvals from the Toronto Region and Conservation Authority.

## Planning Considerations

### Access

OPA 601 states that access to individual lots shall be from internal public roads and not from existing concession roads, regional roads or provincial highways. The severed lot would not have any other means of access, except from Regional Road 27, and as such would not comply with this provision.

While not confirmed at this time, the one-foot reserve across the Regional Road 27 frontage was likely conveyed to the Ministry of Transportation, as the previous owner of Regional Road 27. Access to the lands proposed to be severed would not be available until such time as the ownership of the one-foot reserve is conveyed to The Regional Municipality of York, and a by-law enacted to lift a portion of the reserve.

### Precedent

This application proposes to rezone the lands to facilitate a new residential lot with direct access onto Regional Road 27, which is not in accordance with the Official Plan. The subject lands comprise one lot within a plan of subdivision, which was designed around a single cul-de-sac. It is part of a rural residential cluster accessed from Stevenson Avenue, focused on the Nashville Community rather than Regional Road 27. This is consistent with the other rural residential developments in this area, designed with the rear or side lot lines abutting Regional Road 27 and access from an internal road. Approval of this application could set an undesirable precedent for similar applications on other sites along Regional Road 27.

### Environment

The subdivision was approved on the basis that the Official Plan requires a range of lot sizes directly related to the site's topography and vegetation, and to meet the density provisions. The lands are entirely within the valley corridor. Lot areas larger than the minimum are required in specific instances where the topographic and environmental characteristics of the site warrant a larger area. Also, the 12 lots within the plan would have met the density provisions of the Official Plan at the time of development.

### Conclusion

Planning Staff have reviewed the application, and cannot support the proposed amendment to the Zoning By-law to permit an additional lot within an existing subdivision through severance. The proposal does not conform with the policy of OPA 601 that requires all lots to have access from an internal public road, rather than adjacent regional roads. It would also not conform to the policy requiring Suburban Residential lots to be serviced by municipal water, which would not be available to the proposed new lot. Planning Staff is of the opinion that an approval of this application would set a precedent for future severances within the subdivision and other properties that abut Regional Road 27.

As the proposed development would not conform to the policies of the Kleinburg/Nashville Community Plan (OPA 601), Staff cannot support this application. Should the Committee concur, the recommendation of this report can be adopted.

### Attachments

1. Location Map
2. Site Plan

**Report prepared by:**

Margaret Holyday, Planner 1, ext. 8216

Arto Tikiryan, Senior Planner, ext. 8212

Marco Ramunno, Manager of Development Planning, ext. 8485

/CM



**Location Map**

Part of Lot 23,  
Concession 6  
APPLICANT:  
MRS. HELGA GRAAF

City of  
**Vaughan**

Community Planning Department

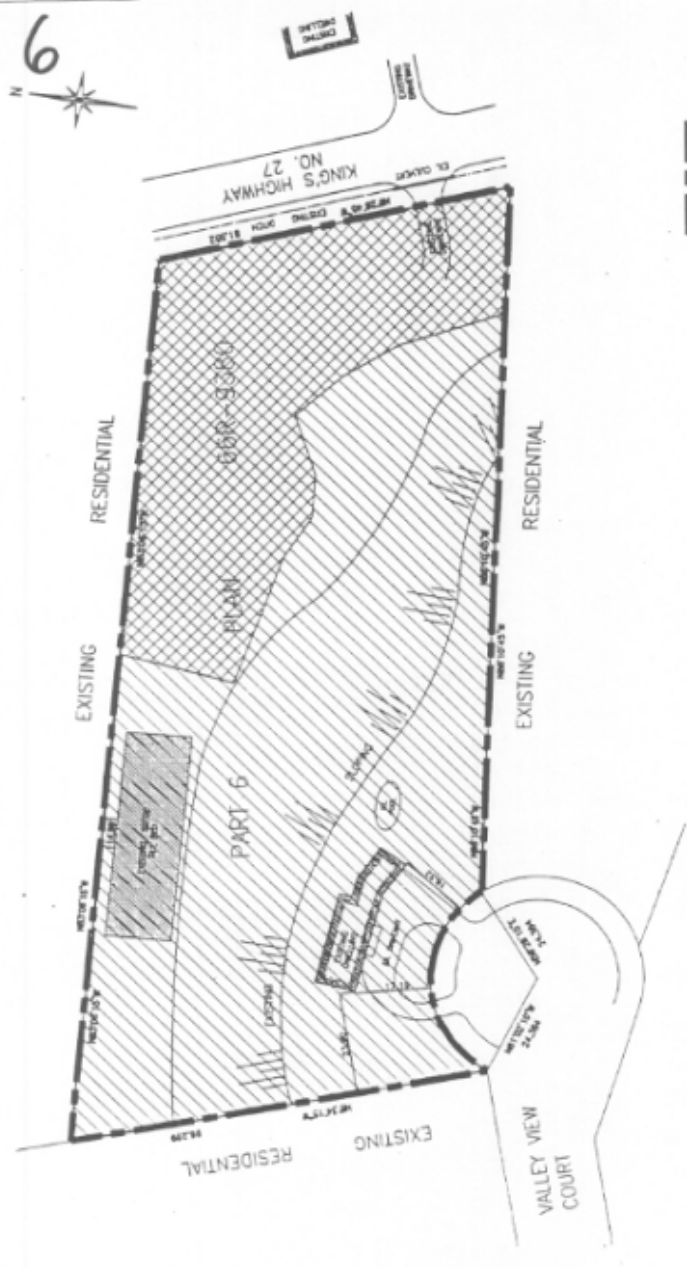
**Attachment**


FILE No:  
Z.02.006  
Not to Scale





16.5

16.6



 LAND TO BE SEVERED  
 AREA= 5160 m<sup>2</sup>

 LAND TO BE RETAINED  
 AREA= 12190 m<sup>2</sup>

 SUBJECT LANDS

### Site Plan

Part of Lot 23,  
 Concession 8  
 APPLICANT:  
 MFC CALORAE

City of  
**Vaughan**

Community Planning Department

### Attachment 2

REF No  
 Z 102 008  
 Not to Scale

September 19, 2003

Via Facsimile Only (905) 832-8535

City of Vaughan  
Clerks Department  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

Attention: Mr. John Leach, City Clerk

Dear Mr. Leach:

Re: Zoning By-Law Amendment  
File: Z.02.088  
Committee of the Whole Meeting  
September 15, 2003, Item #30  
C. E. File No: 00-037

We have received the staff report for the above captioned application on Thursday, September 18, 2003, indicating staff recommendations for refusal. We apologize for not addressing this matter prior to the Committee of the Whole meeting; however, it is our understanding that the Committee did ratify the recommendation. It is our understanding in our review of the report that the recommendations by staff were based on the following:

- The severed portion would require access to Highway 27, and therefore not comply with the official plan
- That the lot could not be serviced by Municipal Water, and
- That this application would set a precedent for future severances within the subdivision.

We disagree with these recommendations and request Council further consideration in reviewing the application, for the following reasons:

- 1) Due to the physical characteristics of the site, access to the internal subdivision road it is not possible. There is a large elevation difference between the front of the lot and the rear of the lot. The owner has been maintaining the rear of his property from an existing driveway off of Highway #27. Attached please find correspondence from Region of York that have approved the access from Highway #27.
- 2) The owner would provide Municipal Water servicing connection via an easement through the retained

CE

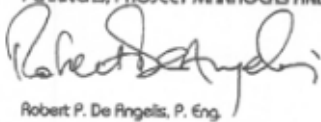
16.8

- 3) With reference to the ability of future severances within the subdivision, please note that one (1) other lot abuts Highway 27 and is limited to its capacity for future severance because of Hazard lands designation noted by the TRCA.

We respectfully request Council to defer decision to the next available Council meeting and permit further discussion with staff to clarify the outstanding issues.

We thank you for this opportunity, please feel free to contact this undersigned, should you have any questions or concerns.

Yours very truly,  
CONDELAND ENGINEERING LIMITED  
PLANNERS, PROJECT MANAGERS AND CONSULTING ENGINEERS



Robert P. De Angelis, P. Eng.

RPD:ca

cc: Martin Groof

(We General/55-0207/Committee of the Urban)



16.9

October 8, 2003

By Facsimile (905-832-8535) & Mail

The City of Vaughan  
CLERK'S DEPARTMENT  
2141 Major MacKenzie Drive  
Vaughan, Ontario  
L6A 1T1

RECEIVED  
OCT 17 2003  
CITY OF VAUGHAN  
CLERK'S DEPARTMENT

Attention: Mr. John D. Leach, City Clerk

Dear Mr. Leach:

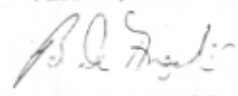
Re: **Zoning Amendment Application No: Z.02.088**  
**90 Valleyview Court, Kleinburg**  
**Elsie and Giulia Anania (Formerly Mrs. Helga Graaf)**  
**Part Lot 23, Concession 8, City of Vaughan**  
**C. E. File No: 00-037**

On behalf of the owner of the above-captioned property, we hereby request an opportunity to address Planning Department concerns pertaining to Zoning Amendment application number Z.02.088 at the next scheduled meeting of the Committee of the Whole on December 8, 2003.

Please confirm with the undersigned that the subject application may be re-addressed at the December 8, 2003 Committee of the Whole meeting. Subsequent to the meeting, we would request proceeding to City Council meeting on December 15, 2003.

Thank you for your attention to this matter. We look forward to your confirmation of the application placement on the Agenda for the Committee of the Whole meeting. If you have any concerns or questions in the interim, please contact our office.

Yours very truly,  
**CONDELAND ENGINEERING LIMITED**  
**PLANNERS, PROJECT MANAGERS AND CONSULTING ENGINEERS**



Robert P. De Angelis, P. Eng.  
/bd

cc: M. Romano ) Planning  
J. Arbour ) Department  
M. Holday )  
M. Graaf

(No. 00037/ConCourt/Com/CP/003)

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