

**ONTARIO MUNICIPAL BOARD HEARING
CONSENT APPLICATION FILES B43/04 TO B57/04
JOYCE GREEN**

Recommendation

The Commissioner of Planning recommends that this report BE RECEIVED for information.

Purpose

To provide information concerning an appeal of the Committee of Adjustment's approval of Consent Applications B43/04 to B57/04, scheduled for an Ontario Municipal Board Hearing on January 13 and 14, 2005.

Background - Analysis and Options

The site is located (see Attachment #1) northeast of Centre Street and Bathurst Street, municipally known as 72 Green Acres Road, being Block 99 of Plan 65M- 2236, in Part of Lot 31, Concession 1, City of Vaughan. The total lands are surrounded by three roads: Green Acres Road to the west, Edmund Seager Drive to the north, and Rose Green Drive to the east. The lands are designated "Low Density Residential" by OPA #210 (Thornhill Community Plan). The lands are zoned R3 Residential Zone by By-law 1-88, subject to Exception 9(485).

On August 19, 2004, the Committee of Adjustment approved Consent Applications B43/04 to B57/04 to permit the creation of 16 new residential lots in total on Block 99 of Plan 65M-2236 (see Attachment #2). When Plan 65M-2236 was registered, Block 99 was created as a single large block containing one existing dwelling (to be modified and relocated to Lot 8 as shown on Attachment #2). Block 99 of Plan 65M-2236 has an area of 7,916 sq.m (1.956 acres). The consent applications will result in lots having the following frontages: four 12m lots, nine 13.7m lots, one 20.5m lot and two corner lots having approximately 14.35m and 13.4m frontages. The lot areas range from 424.7sq.m to 600 sq.m. The proposed Lot 8 having a frontage of 20.5m and lot area of 816.6 sq.m, is sized to accommodate the relocation of the existing dwelling.

The following Planning comments were offered for the Committee of Adjustment's consideration:

"The applicant has applied for consent to create new lots for single detached residential dwelling units. The minimum lot frontage required by the By-law is 12m and the minimum lot area is 360sq.m. The proposed lots meet or exceed the minimum lot frontage and lot area requirements of the R3 Zone. The majority of the proposed lot frontages are 13.7m. There are four 12m lot frontages proposed, also one 13.4m, 14.35m and a 20.0m lot. There are other lots with 12m frontages existing in the subdivision. It is staff's understanding that the 20m frontage lot is to facilitate the relocation of the existing dwelling to this lot.

The applicant is proposing to create 16 new residential lots fronting onto an existing road. The lands being part of Block 99 were pre-serviced by the original subdivision agreement for Plan 65M-2236. Given that the proposed lots front onto an existing road, are zoned for the residential use and are pre-serviced, the Planning Department agrees these lots can be created by way of Consent Applications rather than a Plan of Subdivision application. The Development Planning Department had no objections to Consent Applications B43/04 to B57/04."

It is further noted that in accordance with the policies of OPA No. 94 (City's Severance Policy), the Committee of Adjustment shall only grant a consent to convey if they are satisfied that a Plan

of Subdivision of the land described in the application is not necessary for the proper and orderly development of the municipality. A Plan of Subdivision shall be deemed necessary in the following cases:

- (a) the number of new lots created is greater than three;
- (b) the extension of a public road allowance is required;
- (c) the extension of municipal services is required;
- (d) agreements or conditions are required by any municipality or Ministry with regard to any part of the remaining lands.

Provided that insofar as paragraphs b, c, and d, if the Applicant reaches a satisfactory agreement with the authorities in question, a plan of subdivision may not be required.

Given that the proposed lots will front onto a existing road, and that existing services are available, the Engineering Department requested as a condition of approval that the Owner enter into a Development Agreement pursuant to Subsection 50(6) of the Planning Act to satisfy all conditions, financial or otherwise, with regard to such matters the municipality may consider necessary, including payment of development levies, the provisions related to roads and municipal services, landscaping and fencing. It was also noted by the Engineering Department that Council approval is required for water and sanitary sewage allocation. In accordance with the policies of OPA No. 94, the Development Planning Department is of the opinion that a plan of subdivision is not required for the development of these lands. The Region of York Planning Department also commented that the Region had no objection to the development proceeding by way of severances.

At the Committee of Adjustment meeting, seven residents appeared in opposition to the applications, and one resident appeared in support. The Committee of Adjustment received six letters of opposition, and a petition of objection signed by 86 residents, which was submitted at the meeting.

Acting on behalf of himself, together with a further petition of 90 surrounding residents, the resident at 4 Edmund Seager Drive appealed the Committee of Adjustment's approval of Consent Applications B43/04 to B57/04 to the Ontario Municipal Board. The appeal letter contained a number items to support the appeal, including that the Committee:

- a) erred in not addressing many of the matters set out in Section 51(24) of the Planning Act (criteria in considering a draft plan of subdivision);
- b) failed to take adequate notice of the potential to preserve existing structures and natural growth on the subject lands;
- c) did not consider the potential impacts on the surrounding lands as a result of the number of lots proposed and the differentiation in lot size from the surrounding properties. It's the resident's opinion that the lands should be developed by way of a plan of subdivision.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

The Development Planning Department has no objection to Consent Applications B43/04 to B57/04. The proposed lots meet or exceed the minimum lot frontage and lot area requirements of the R3 Zone. There are other 12m frontage lots (four lots to the south of the subject lands on the east side of Green Acres Road) existing in the subdivision. Given that the proposed lots front onto

an existing road, are zoned for the residential use, and are pre-serviced, the Development Planning Department supported the creation of these lots by way of individual Consent Applications rather than a Plan of Subdivision application. The matter is scheduled to proceed to the Ontario Municipal Board on January 13 and 14, 2005, and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Proposed Severance Plan

Report prepared by:

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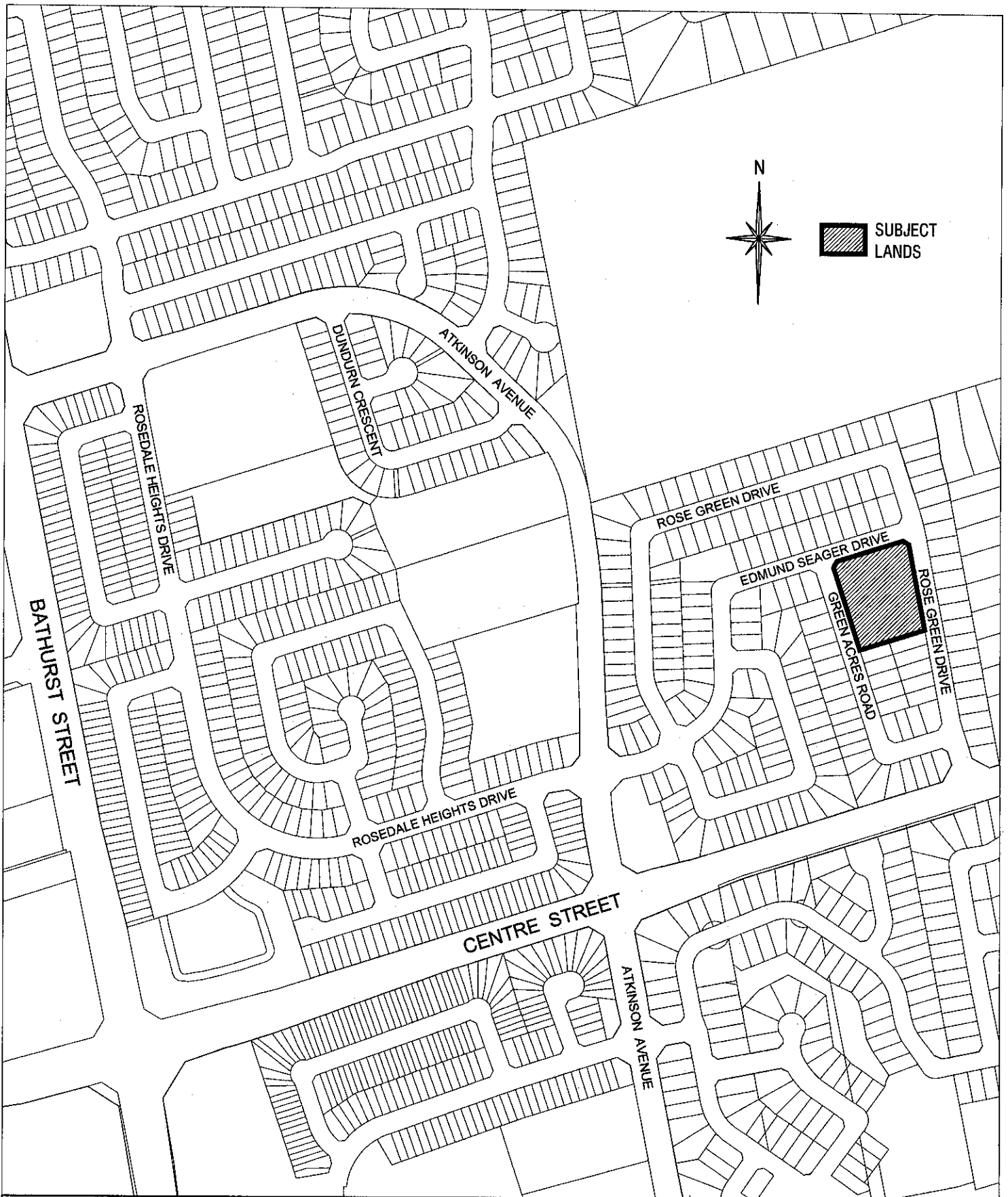
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Location Map

Part Lot 6,
Concession 2

APPLICANT:
JOYCE GREEN

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Development Planning Department

Attachment

FILE No.:
B43/04 to B57/04

November 10, 2004

Not to Scale

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