

**COMMITTEE OF THE WHOLE MAY 16, 2005**

**ONTARIO MUNICIPAL BOARD HEARING  
CONSENT APPLICATION FILE B64/03  
VARIANCE APPLICATION FILE A014/05  
CHRISTINE MARIE PARENT-INCH & JAMES IAN INCH**

**Recommendation**

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

**Economic Impact**

There are no requirements for new funding associated with this report.

**Purpose**

To provide information concerning the applicant's appeal of the Committee of Adjustment's refusal of Consent Application B64/03 and Variance Application A014/05, to create a new residential lot, and to facilitate a shared mutual driveway access between the subject and retained parcels, respectively, as shown on Attachment #2. The applications are scheduled to be considered by the Ontario Municipal Board at the Hearing scheduled to commence on June 10, 2005.

**Background - Analysis and Options**

The site is located on the south side of Kirby Road, east of Kipling Avenue, being Part of Lot 13 on Registered Plan 65M-2186 (5131 Teston Road), in Part of Lot 25, Concession 7, City of Vaughan (Attachment #1).

The subject lands are designated "Estate Residential" by OPA No. 600, and zoned RR Rural Residential Zone by By-law 1-88. The Development Planning Department's comments to the Committee of Adjustment at the meeting on February 10, 2005, indicated that the lands were within the Greenbelt Study Area, but the variance and consent applications were not subject to the Greenbelt Act. Staff can confirm that the subject lands have since been excluded from the final Greenbelt Plan.

The applicant's subject and retained lands are each 5,482sq.m. For reference, it is noted that the two smallest lots in the subdivision have the following lot areas Lot 4 – 5,760sq.m and Lot 10 – 5,750sq.m. Staff referred to the original Official Plan Amendment #143 for Registered Plan of Subdivision 65M-2186, which stated that single detached dwelling units are permitted on lots with a minimum size of 2,324sq.m. The proposed lots are over 2 times larger than the OPA No. 143 requirement. The proposed lots also exceed the minimum lot area (4,000 sq.m) and lot frontage (45m) requirements for the RR Rural Residential Zone in Zoning By-law 1-88, as discussed further in this report.

Section 6.2.5.2b (Estate Residential Subdivision Design Criteria) in OPA No.600 states the minimum lot size for estate residential plans of subdivision shall be a minimum of 6,000sq.m. It is noted that the neighbouring Lot 4 (5,760 sq.m) and Lot 10 (5,750 sq.m) are less than 6,000 sq.m, but were created prior to the adoption of OPA #600.

The Development Planning Department also referred to the Official Plan policies regarding access. OPA 143 states that "access to all lots shall be exclusively from internal road systems". OPA No.600 (Section 6.2.5.2.d.) states "access to individual lots shall be from internal public roads constructed to municipal standards and not from existing concession roads, regional roads or provincial highways". However, the existing lands currently have direct driveway access from

Teston Road. Further, the lot configuration of the lands to the south does not physically allow access to the internal road system of the subdivision.

The applicant has applied for Variance Application A014/05 to gain relief from the Zoning By-law (Section 3.8a) to facilitate the mutual driveway. This application will permit access over the retained lands to the subject lands. To ensure sufficient sight distance in both directions along Teston Road, the utilization of the existing access as a mutual driveway to service both the conveyed and retained lands is proposed from Teston Road, to the satisfaction of the Engineering Department.

### **Relationship to Vaughan Vision 2007**

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

### **Conclusion**

Upon review and consideration of the factors above, the Development Planning Department is of the opinion that the proposed lot areas of 5,482 sq.m each for the subject and retained parcels would comply and exceed the minimum lot area requirement of 4,000 sq.m for the RR Rural Residential Zone in By-law 1-88. Also, the lot to be conveyed has a lot frontage of 74.3m and the retained lot has a lot frontage of 83.69m, which would exceed the minimum lot frontage requirement of 45m in By-law 1-88. The proposed lots are consistent and compatible with the other lots in the subdivision. Furthermore, the proposal for a mutual driveway access on Teston Road was reviewed by the Engineering Department, and was found to be appropriate.

The Development Planning Department advised the Committee of Adjustment that it had no objection to the approval of Consent Application B64/03 and Variance Application A014/05. The Committee of Adjustment refused the applications on the basis that the severance would set a precedent for other severances to occur in the area. The applicant subsequently appealed the decision, and the matter is scheduled to proceed to the Ontario Municipal Board on June 10, 2005. It is recommended that this report be received for information purposes.

### **Attachments**

1. Location Map
2. Severance Plan

### **Report prepared by:**

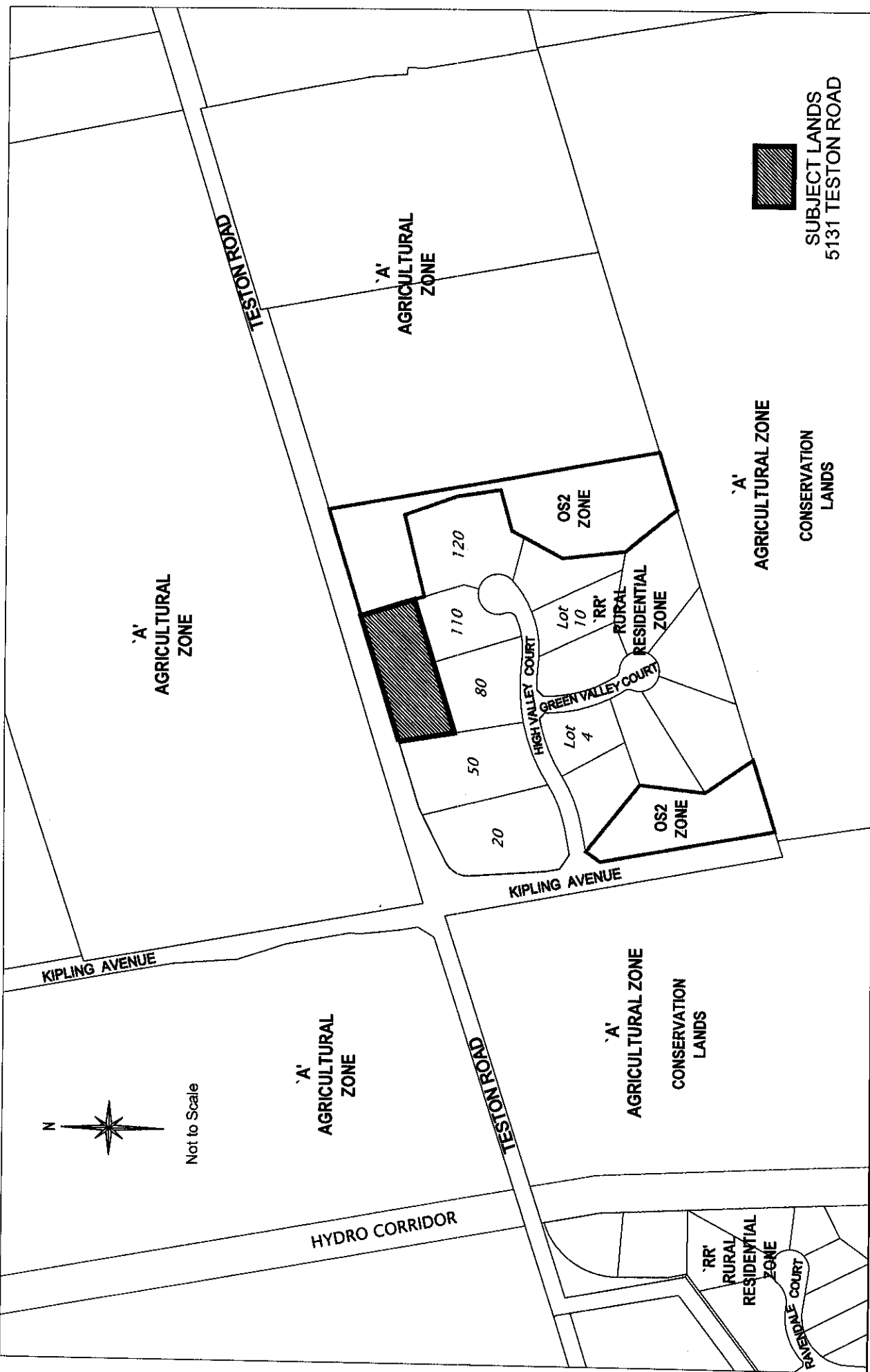
Glenn White, Planner, ext. 8213  
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

MARCO RAMUNNO  
Director of Development Planning

/CM



Not to Scale

# Attachment **1**

FILE No.:  
B64/03 &  
A014/05

May 10, 2005



Development Planning Department

## Location Map

Part of Lot 25,  
Concession 7

APPLICANT:  
CHRISTINE MARIE PARENT-INCH  
& JAMES IAN INCH



Not to scale

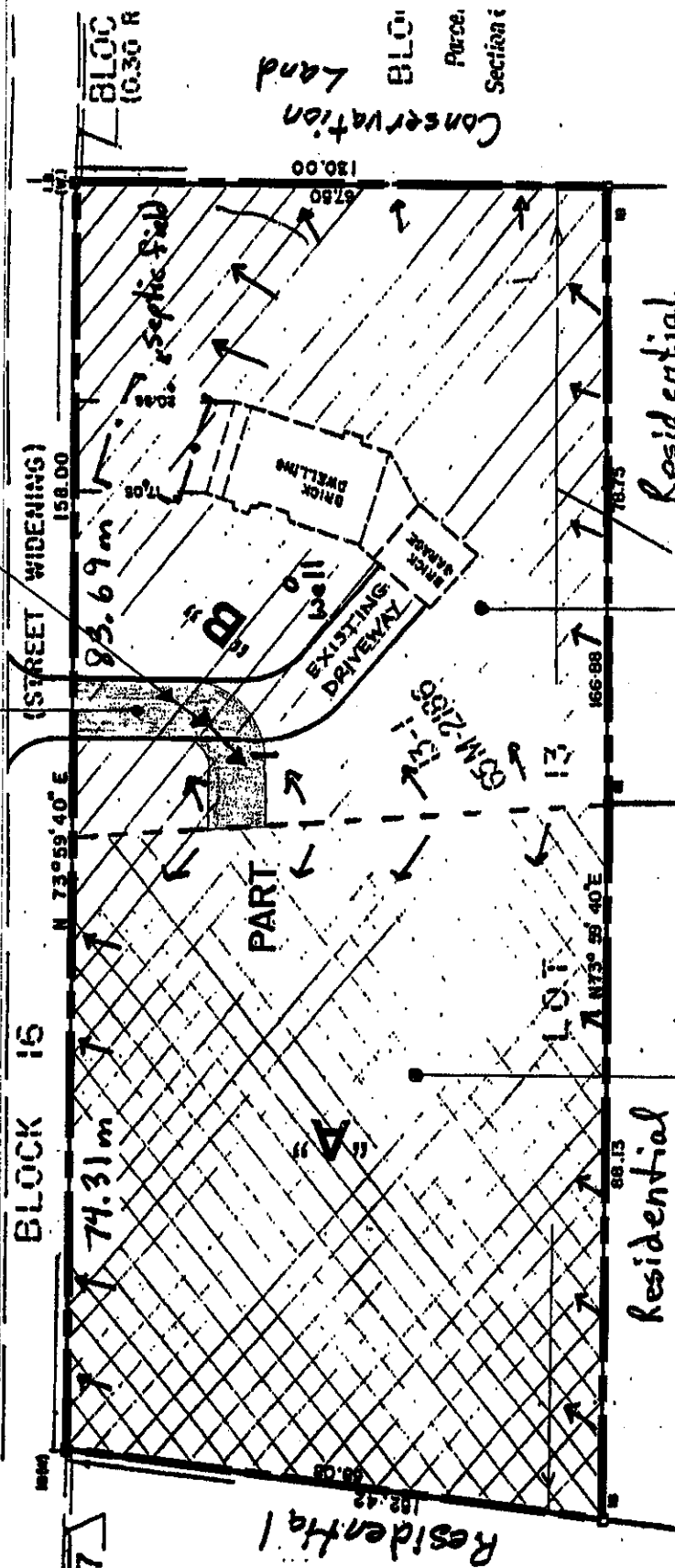
# PROPOSED VARIANCE

## TESTON ROAD

Parcel Street Widening - 1, Section 65 M-2186

DRIVEWAY EASEMENT  
REQUIRED FOR ACCESS  
TO SEVERED LOT

MUTUAL DRIVEWAY ACCESS  
TO SERVE SUBJECT & RETAINED LOTS



LANDS TO BE SEVERED

B 64/03  
(5,482 m<sup>2</sup>)

PROPOSED  
SEVERANCE  
LINE

LANDS TO BE RETAINED

B 64/03  
(5,482 m<sup>2</sup>)

SUBJECT LANDS  
Part Lot 13,  
Plan 65M-2186

## Proposed Site Plan

Part of Lot 25,  
Concession 7

APPLICANT:  
CHRISTINE MARIE PARENT-INCH  
& JAMES IAN INCH



Development Planning Department

# Attachment 2

FILE No.:  
B64/03 &  
A014/05

May 10, 2005