

## **COMMITTEE OF THE WHOLE MARCH 25, 2008**

### **ZONING BY-LAW AMENDMENT FILE Z.07.062 LINDVEST PROPERTIES (BATHURST MACKENZIE) LIMITED**

#### **Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.07.062 (Lindvest Properties (Bathurst Mackenzie) Limited) BE APPROVED, to amend site-specific Exception 9(1231) to By-law 1-88, to permit the following exceptions to facilitate the construction of single detached dwellings on 33 lots as shown on Attachment #1:
  - a) a reduced interior side yard setback of 0.6m in one yard, where it abuts a side yard of 1.2 m on the adjacent lot, rather than the minimum requirement of 1.2m in both interior side yards in the RD4 Residential Zone; and,
  - b) a reduced interior side yard setback from 1.2 m to 0.6 m, together with the required exterior side yard of 4.5 m, in the RD3 Residential Zone.

#### **Economic Impact**

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

#### **Communications Plan**

On January 11, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands, and to the Maple Village Ratepayers Association. Through the circulation, no written comments were received by the Development Planning Department, and there were no concerns expressed by the public at the Public Hearing on February 4, 2008.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 4, 2008, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 11, 2008.

#### **Purpose**

The Owner has submitted an application to amend the Zoning By-law on 33 low density residential lots within Phase 2 of approved Draft Plan of Subdivision 19T-04V05 described as the subject lands on Attachment #1, specifically to amend the RD3 Residential Detached Zone Three and RD4 Residential Detached Zone Four standards in By-law 1-88, to permit;

- a) a reduced interior side yard setback of 0.6 m in one yard, where it abuts a side yard of 1.2 m on the adjacent lot, rather than the minimum requirement of 1.2m in both interior side yards in the RD4 Zone; and,
- b) a reduced interior side yard setback from 1.2 m to 0.6 m, together with the required exterior side yard of 4.5 m, in the RD3 Zone.

The proposed zoning by-law amendment would facilitate the construction of single-detached dwellings on 33 lots.

## **Background - Analysis and Options**

The subject lands shown on Attachment #1 are located southwest of Major Mackenzie Drive and Bathurst Street, comprising Lots 43-56, 73-80, 85-88, 126-127, 132-135, and 140 within approved Draft Plan of Subdivision 19T-04V05. The surrounding land uses are shown on Attachment #1.

### **Official Plan**

The subject lands are designated "Low Density Residential" by OPA #600 (Carrville Urban Village 2), which permits single detached residential dwellings. The proposed Zoning By-law Amendment conforms to the Official Plan.

### **Zoning**

The subject lands are zoned RD3(H) Residential Detached Zone Three and RD4(H) Residential Detached Zone Four with the Holding Symbol "(H)" by By-law 1-88, subject to Exception 9(1231).

On June 15, 2005, Council enacted site-specific Zoning By-law 178-2005 (ie. Exception 9(1231), which implemented the zoning for approved Draft Plan of Subdivision 19T-04V05, including the RD3 and RD4 zone standards applicable to the 33 subject lots. Construction of Phase 1 of the overall subdivision has commenced with the applicant now proceeding with Phase 2 of which the 33 subject lots are included. The housing type to be used in Phase 2 is the same housing type used in Phase 1. However, the proposed housing type will not fit on the 33 affected lots based on the required interior side yard setback requirements for the RD3 and RD4 Zones and the proposed lot widths.

The current RD4 Zone standards permit a minimum interior side yard setback of 1.2 m with a reduced interior side yard setback of 0.6 m in one yard, where it abuts a side yard of 1.2 m on the adjacent lot, provided the subject lot has a frontage equal to or less than 9.5 m. There are 32 RD4 zoned lots within Phase 2 of the approved Draft Plan of Subdivision 19T-04V05 that have lot frontages of 9.8 m, which is 0.3 m larger, and would not permit a reduced interior side yard setback of 0.6 m in one yard. As a result, a minimum interior side yard setback of 1.2 m is required in both interior side yards of the 32 affected lots.

The current RD3 Zone standards for the one affected corner lot do not permit the same 0.6m reduction in the interior side yard as does the RD4 Zone. The one RD3 zoned corner lot has a lot frontage of 14.1 m, and would not facilitate a larger wrap-around porch which the applicant is proposing based on the existing interior side yard setback requirement of 1.2m and exterior side yard setback requirement of 4.5m.

The applicant is seeking to reduce the minimum interior side yard setback requirement from 1.2 m to 0.6 m in one side yard, where it abuts a side yard of 1.2 m on the adjacent lot, while maintaining the current minimum By-law requirement of 1.2 m in the other yard for the 32 RD4 zoned lots. The applicant is also seeking to reduce the minimum interior side yard setback from 1.2 m to 0.6 m, while maintaining the 4.5 m exterior side yard setback requirement for a corner lot in the RD3 Zone. The 32 RD4 lots are only slightly larger (0.3m) than the By-law permits to be eligible for the reduced interior side yard setback, and, the applicant proposes to construct a wrap around porch on the one RD3 corner lot which they seek relief of 0.6 m in the interior side yard to reinforce the visual streetscape and pedestrian focus within the community. The Development Planning Department considers the requested zoning change for the 33 lots to be appropriate and compatible with the surrounding community as the proposed development will not alter the character of the community and will promote a consistent residential housing type for Phases 1 and 2 of the overall subdivision development.

## **Relationship to Vaughan Vision 2020**

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

## **Regional Implications**

The proposed Zoning By-law Amendment affects 33 lots which are internal to an approved Draft Plan of Subdivision, and will not have implications on either of the adjacent Regional Roads. The Holding Symbol "(H)" will not be removed as part of this application, but will be considered for removal in a subsequent zoning by-law amendment application once the Region of York has confirmed that appropriate sanitary sewage and water servicing capacity is available to service the lots.

## **Conclusion**

The Development Planning Department has reviewed the proposed Zoning By-law Amendment application to permit a reduced interior side yard setback from 1.2 m to 0.6 m in one yard, to facilitate the construction of 33 single-detached residential dwellings within the RD3 and RD4 Residential Zones. The reduced interior side yard setback that would be applicable to the 33 lots within Phase 2 of the subdivision would facilitate a consistent housing type which has been constructed in Phase 1. Accordingly, the Development Planning Department can support the approval of the proposed Zoning By-law Amendment application.

## **Attachments**

1. Location Map

## **Report prepared by:**

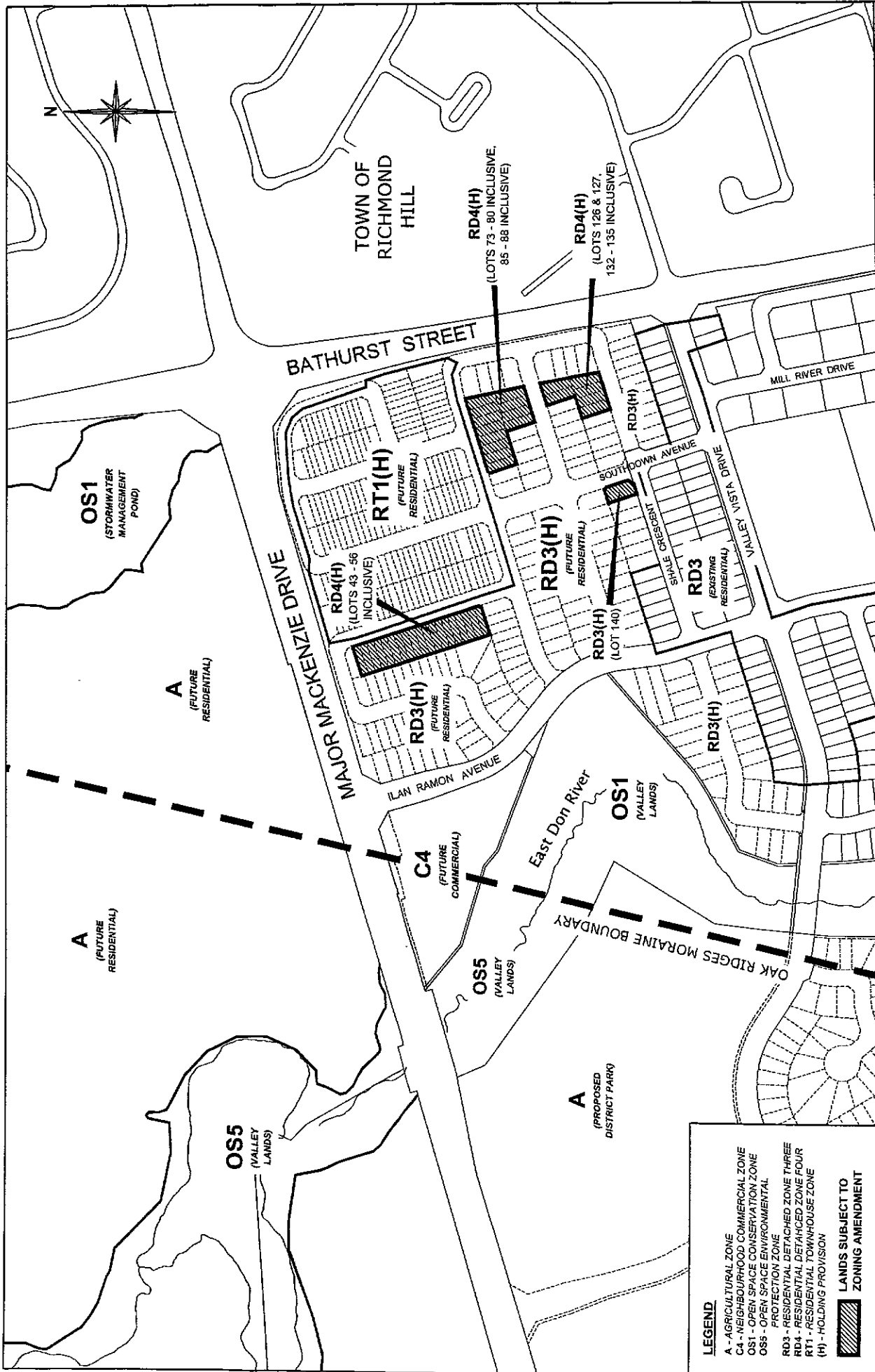
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Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEHAMA  
Manager of Development Planning

/LG



# Location Map

Part of Lot 20,  
Concession 2

APPLICANT: LINDVEST PROPERTIES  
(BATHURST MACKENZIE) LIMITED



*The City Above Toronto*

Development Planning Department

**Attachment 1**

FILE No.:  
Z.07.062

Not to Scale

January 8, 2008