

COMMITTEE OF THE WHOLE JUNE 23, 2009

**ZONING BY-LAW AMENDMENT FILE Z.06.027
SALVATORE LUCIA
WARD 2**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.06.027 (Salvatore Lucia) BE APPROVED, specifically to amend Zoning By-law 1-88 to permit a new one-storey residential dwelling comprising a total gross floor area of 129.59 m² on the subject lands shown on Attachment #2, within the OS1 Open Space Conservation Zone, and to provide the following additional site specific exceptions:

By-law Standard	By-law 1-88 Requirements	Proposed Exceptions to OS1 Zone
a) a minimum interior side yard	15 m (no standard for residential)	1.56 m (west) 3.00 m (east)
b) minimum front yard setback	15 m (no standard for residential)	7.3 m (south)

Contribution to Sustainability

N/A

Economic Impact

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

Communications Plan

On March 27, 2009, a Notice of Public Meeting was circulated to all property owners within 150m of the subject lands and to the Kleinburg and Area Ratepayers Association. As of June 10, 2009, no written comments have been received by the Development Planning Department, and there were no concerns expressed by the public at the Public Meeting on April 20, 2009.

Purpose

The Owner has submitted an application (File Z.06.027) to amend Zoning By-law 1-88 on the subject lands shown on Attachment #2, to permit a new residential dwelling in the OS1 Open Space Conservation Zone, as shown on Attachments #3 and #4. The application would facilitate the construction of a new one-storey single family dwelling, with a gross floor area of 129.59 m².

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2 are located south of Major Mackenzie Drive, west of Regional Road 27, municipally known as 42 Broda Drive, being Lot 6, on Registered Plan

4005, in Part of Lot 9, Concession 8, City of Vaughan. The surrounding land uses are shown on Attachment #2.

The Zoning By-law Amendment application originally proposed a 56m² addition to the existing 88.91 m² dwelling on the subject lands. This application was considered at a Public Meeting on September 5, 2006. There were no comments received. Upon review of the application, the Toronto and Region Conservation Authority (TRCA) recommended that a new dwelling that does not increase the total gross floor area of the existing dwelling by more than 50% be constructed on the property. The Owner subsequently revised their Zoning By-law Amendment application to reflect the TRCA's recommendation, which is the subject of this report. The revised application was circulated for comment, and proceeded to a Public Meeting on April 20, 2009. There were no comments received and no concerns expressed by the public at this meeting.

Official Plan

The subject lands are designated "Valley and Stream Corridor" by OPA #601 (Kleinburg Nashville Community Plan). The "Valley and Stream Corridor" designation does not permit the development of buildings or structures, however, the existing residential use is deemed to be a legal non-conforming use. The legal non-conforming use policies of OPA #601 permit the extension or enlargement of any land, building or structure used for a purpose prohibited by the By-law and/or which does not conform to OPA #601 provided that: such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed; and, that the extension or enlargement of the non-conforming use will not adversely affect the welfare of the community in which it is located.

Currently the subject lands are developed with a one storey 88.91 m² single-detached dwelling. The owner proposes to demolish and reconstruct a 129.59 m² one-storey single-detached dwelling with an attached garage. The development would also replace the existing septic system on the property with a new one. The new residence, garage and septic system would be constructed in the approximate location of the existing structures. The new single-family dwelling will remain in the area of lowest flood risk on the property and will be flood-proofed to the level of the Regulatory Flood. Sediment and erosion control measures would be installed and maintained throughout construction to prevent any sediment from entering adjacent developments and natural features. The proposed re-development conforms to the Official Plan.

Zoning

The subject lands are zoned OS1 Open Space Conservation Zone by By-law 1-88. The proposed residential detached dwelling is not permitted within the OS1 Open Space Conservation Zone, therefore a zoning by-law amendment is required. In addition, the following site specific exceptions are required to permit the proposed single-detached dwelling on the subject lands:

By-law Standard	By-law 1-88 Requirements	Proposed Exceptions to OS1 Zone
a) a minimum interior side yard	15 m (no standard for residential)	1.56 m (west yard) 3.00 m (east yard)
b) minimum front yard setback	15 m (no standard for residential)	7.3 m (south)

The reduction in the front yard setback and interior side yard setbacks are required to accommodate the new single-detached dwelling. The OS1 Open Space Conservation Zone lands have a minimum zone requirement of 15 m from all yards for permitted OS1 uses, however, there are no standards for residential uses, which are not permitted. The new dwelling will be generally in the same location as the existing dwelling. The front yard setback is to accommodate the encroachment of the front covered porch. The side yard setbacks are to accommodate the attached garage on the east side of the subject lands and the dwelling on the west side of the subject lands. The Development Planning Department can support these zoning exceptions which do not have significant impact on the surrounding residential development on Broda Drive.

Vaughan Engineering Department

The Engineering Department has reviewed the Zoning By-law Amendment Application and has no objection to the proposal.

Toronto and Region Conservation Authority (TRCA)

The subject property is located within an area regulated by the TRCA due to its location within the Humber River Valley Corridor and the Regional Storm Flood Plain. The TRCA has reviewed the revised application for the new single-detached dwelling and has advised that they have no objection. The owner is required to obtain revised Permits from the TRCA to facilitate the construction of the new 129.59 m² dwelling to the satisfaction of the TRCA.

Planning Considerations

The proposed zoning by-law amendment would facilitate the construction of a new one-storey residential dwelling, front covered porch, rear porch and a tandem garage as shown on Attachments #3 and #4. The area of the proposed residential dwelling is 129.59 m².

The Development Planning Department considers the reduced interior side yard setbacks from 15m to 3.0 m (east) and 1.56 m (west) and front yard setback from 15 m to 7.3 m to be appropriate for the residential context applicable to Broda Drive, and have no concerns with the proposed zoning exceptions.

Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application, as the new residential dwelling will be consistent and compatible with the existing surrounding development.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

There are no Regional issues associated with this application.

Conclusion

The proposed Zoning By-Law Amendment application has been reviewed in accordance with the policies in OPA #601, the requirements of By-law 1-88, the comments received from City Departments and the Toronto and Region Conservation Authority, and the area context. The Development Planning Department is satisfied that the proposal to permit a new one-storey residential dwelling within the OS1 Open Space Conservation Zone, conforms with the policies of the Official Plan and is compatible and appropriate with the surrounding developments.

Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Overall Site Plan
4. Site Plan (Enlarged)

Report prepared by:

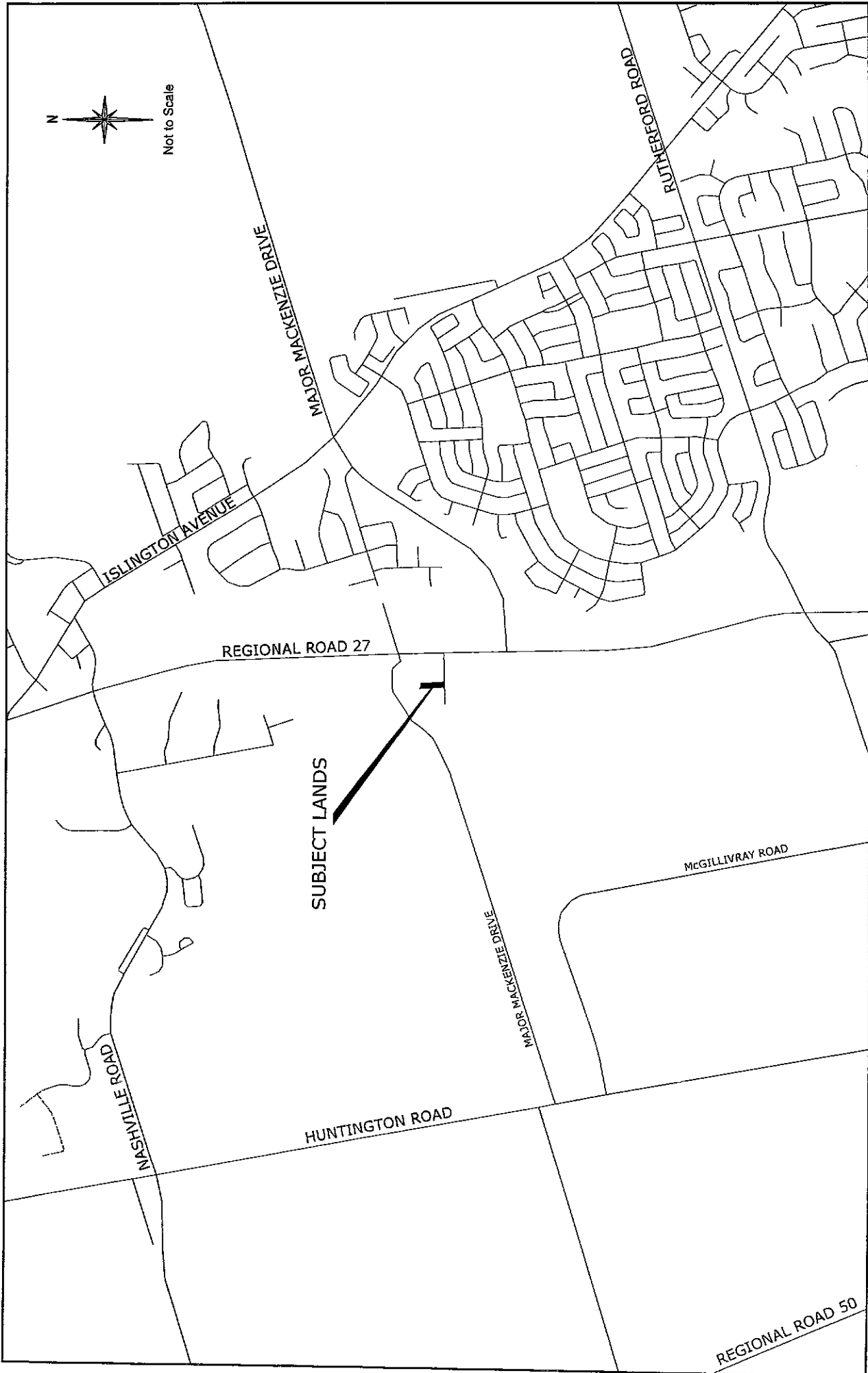
Mary Serino, Planner 1, ext. 8215
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM



Context Location Map

Location: Part of Lot 19,
Concession 8

Applicant:
Salvatore Lucia

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The City Above Toronto

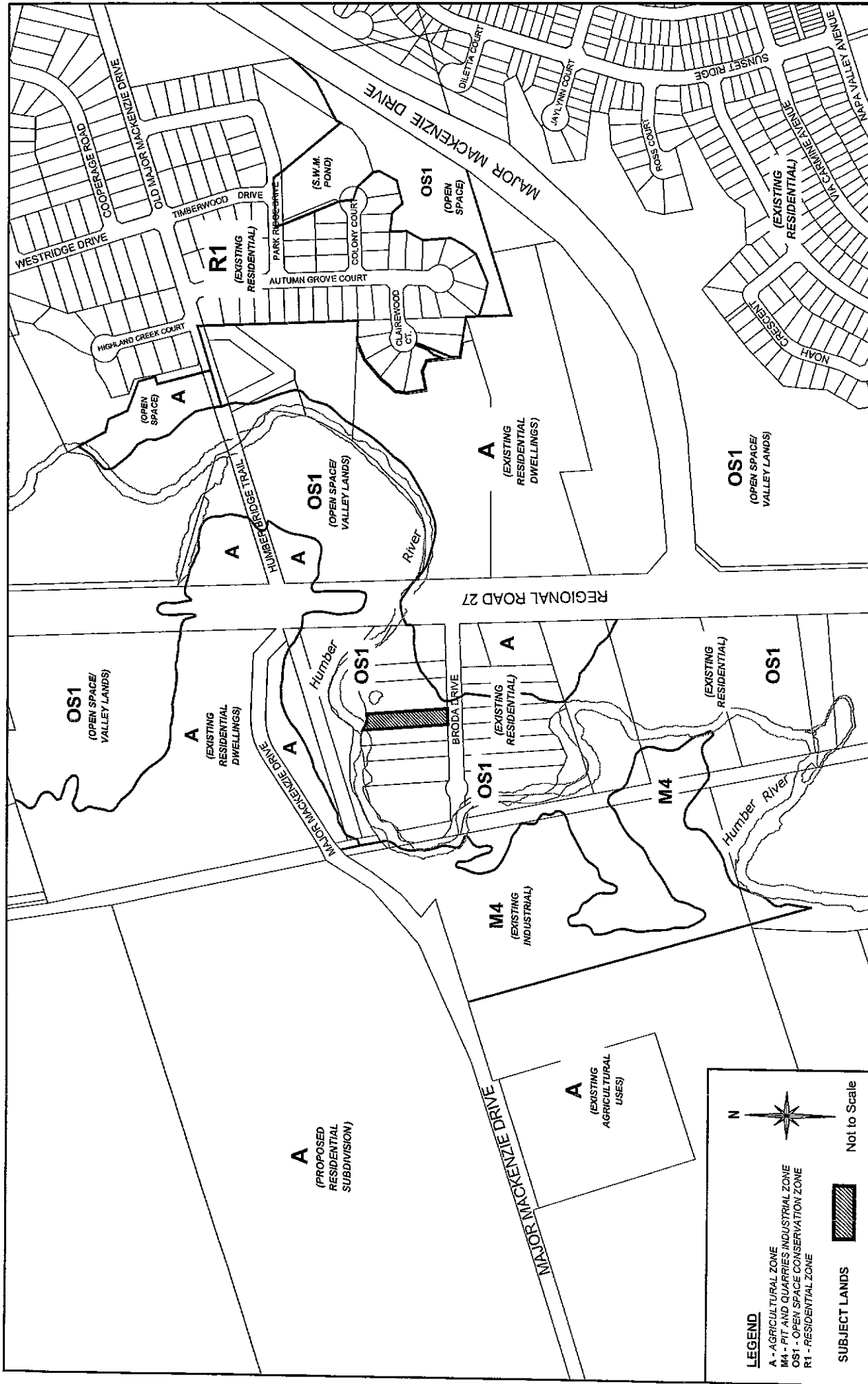
Development Planning Department

Attachment

File: Z.06.027

Date:
June 10, 2009

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Attachment

File: Z.06.027
 Date:
 June 10, 2009



The City Above Toronto
 Development Planning Department

Location Map

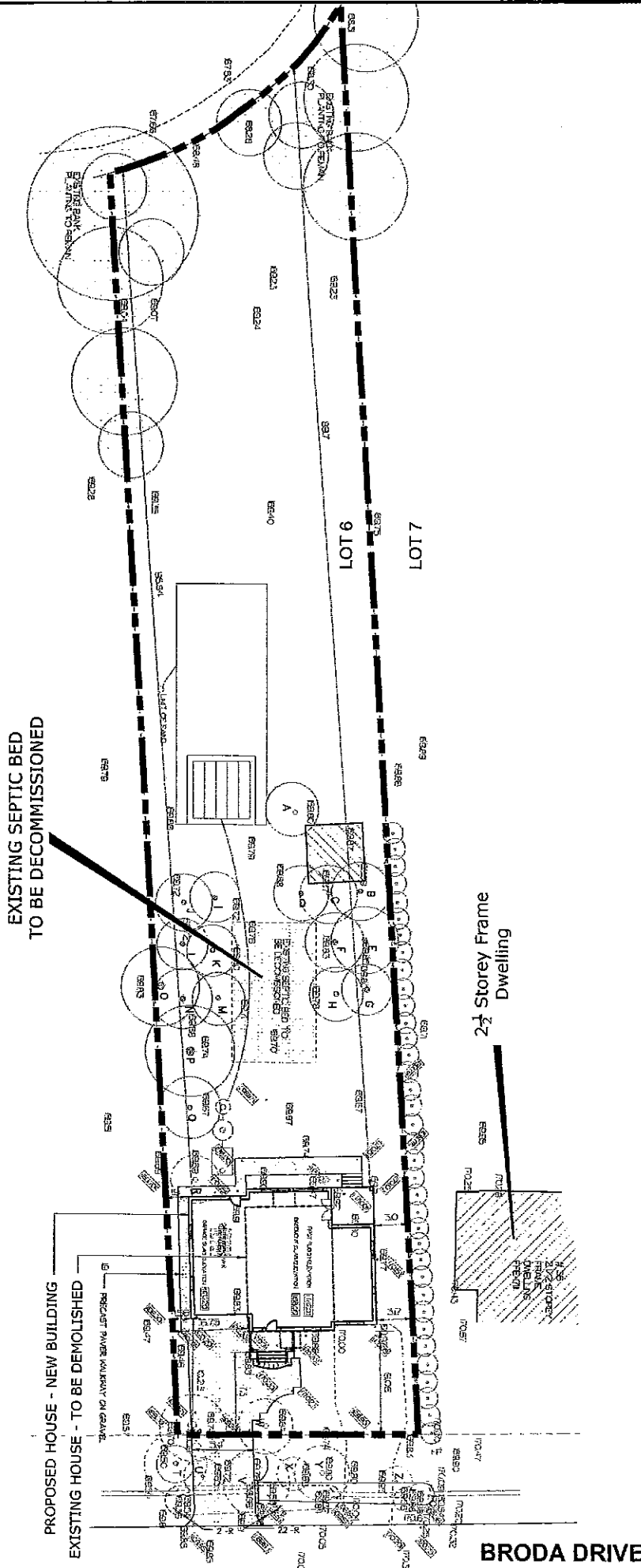
Location: Part of Lot 19,
 Concession 8

Applicant:
 Salvatore Lucia

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Not to Scale



SUBJECT LANDS

Overall Site Plan

Location: Part of Lot 19,
Concession 8

Applicant:
Salvatore Lucia

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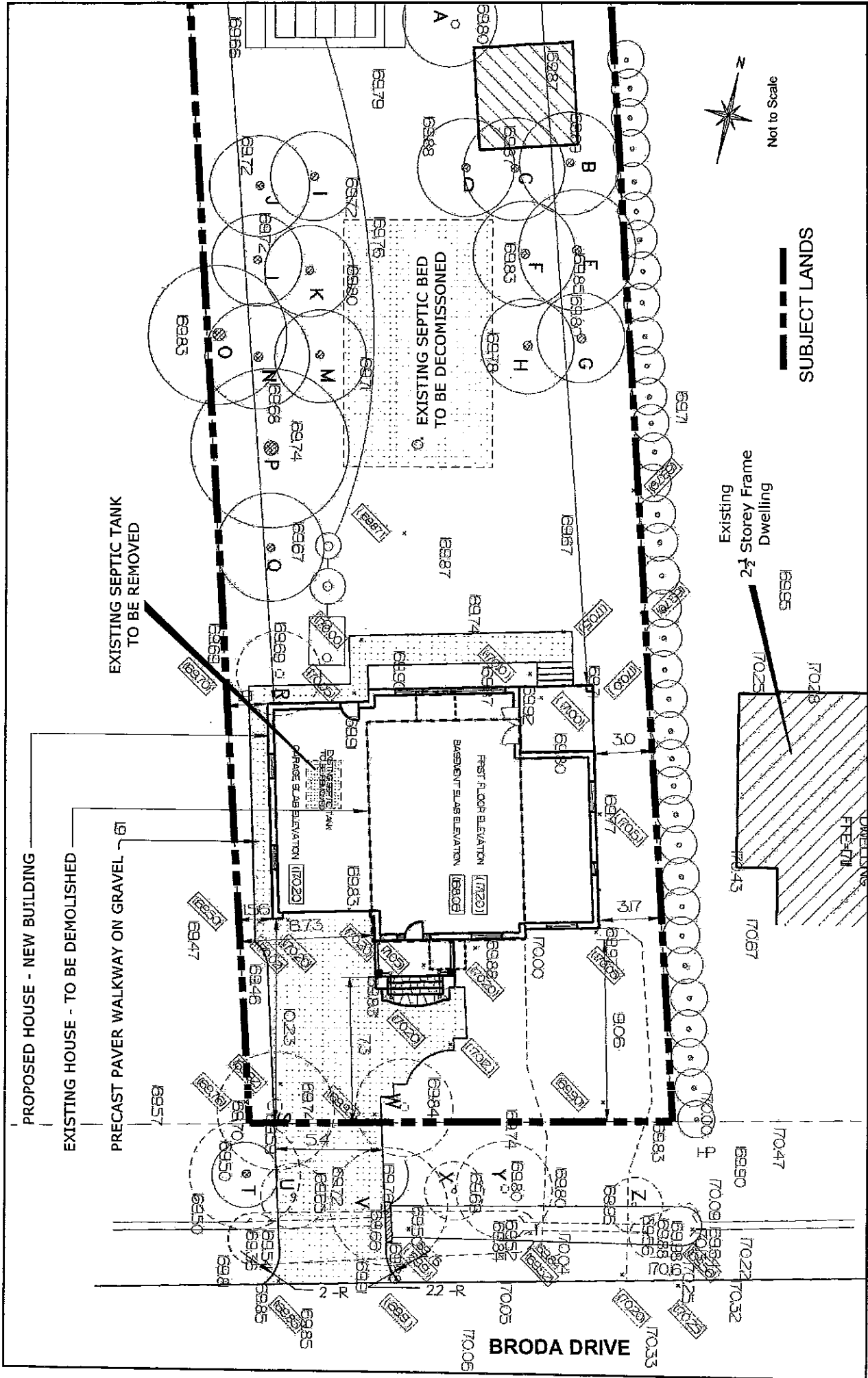
Development Planning Department

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Date:
June 10, 2009

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Site Plan (Enlarged)

Location: Part of Lot 19,
 Concession 8

Applicant:
 Salvatore Lucia

N:\DPT\1 ATTACHMENTS\Z.06.027rev.dwg