

## **COMMITTEE OF THE WHOLE FEBRUARY 2, 2010**

### **ZONING BY-LAW AMENDMENT FILE Z.09.024 SITE DEVELOPMENT FILE DA.09.058 MIRELLA VALELA WARD 5**

#### **Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.024 (Mirella Valela) BE APPROVED, to permit a lawyer's office as a home occupation within the existing garage area of the existing residential detached dwelling at 11 Thornridge Drive, subject to the following:
  - i) the maximum gross floor area devoted to the lawyer's office shall be 56m<sup>2</sup>;
  - ii) only one home occupation use, shall be permitted;
  - iii) a minimum of 5 parking space shall be provided; and
  - iv) signage respecting the lawyer's office shall be limited to one plaque generally in accordance with Attachment #6.
  
2. THAT Site Development File DA.09.058 (Mirella Valela) BE APPROVED, subject to the following conditions:
  - i) that the final site plan and signage shall be approved by the Vaughan Development Planning Department; and,
  - ii) the implementing zoning by-law shall be in full force and effect, prior to the execution of the Site Plan Letter of Undertaking.

#### **Contribution to Sustainability**

The single detached dwelling is existing and no construction is proposed as a result of the applications.

#### **Economic Impact**

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

#### **Communications Plan**

On October 19, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands. The Development Planning Department received one e-mail from 2 residents on Old Jane Street stating their general objection to the proposed home occupation use in the existing established neighbourhood. The recommendation of the Committee of the Whole on November 10, 2009, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Council on November 24, 2009.

#### **Purpose**

To amend the City's Zoning By-law 1-88, specifically Section 4.1.5, Home Occupation, to permit a business or professional office for use by a lawyer to operate as a home occupation, which would be located within the garage (total 55.74 m<sup>2</sup>) of the existing residence at 11 Thornridge Drive, as

shown on Attachments #1, #2 and #3. By-law 1-88 restricts a home occupation use to the office of a regulated health professional only.

### **Background - Analysis and Options**

#### Location

The subject lands shown on Attachments #1 and #2 are located west of Yonge Street on the south side of Thornridge Drive, municipally known as 11 Thornridge Drive, in Part of Lot 30, Concession 1, City of Vaughan. The surrounding land uses are shown on Attachment #2.

#### Official Plan

The subject lands are designated "Low Density Residential" by OPA #210 (Thornhill-Vaughan Community Plan), which permits single detached residential dwelling units. The proposal to permit exceptions to the Zoning By-law to allow a home occupation use to operate as a lawyer's office, which does not exceed 25% of the total GFA of the entire single detached dwelling conforms to the Official Plan.

#### Zoning

The subject lands are zoned R1V Old Village Residential Zone by By-law 1-88, subject to site-specific Exception 9(662). Under Section 4.1.5 of By-law 1-88, a Home Occupation use is permitted within detached, semi-detached or street townhouse dwellings, provided Council approves a site plan in accordance with the following provisions:

- a) Such use shall be limited to the office of a regulated health professional (notwithstanding the definition of a regulated health professional, a body-rub parlour is not permitted as an accessory use to a home occupation);
- b) Not more than three (3) persons shall be engaged in the use and at least one of them (the professional) shall be a resident in the said dwelling;
- c) The office of a physician, dentist or regulated health professional shall be used for consultation and emergency treatment only and not as a clinic or hospital;
- d) Such use shall not occupy more than twenty-five percent (25%) of the gross floor area of the building;
- e) Only one (1) home occupation use is permitted in a dwelling unit;
- f) Parking shall be provided in accordance with the provisions of Subsection 3.8 (a) and the Parking and Access Requirements provisions of Subsection 4.1.4(a)(ii) shall apply.

The proposed home occupation for a lawyer's office does not comply with provisions a) and c) listed above, and therefore, a zoning by-law amendment (File Z.09.024) is required. The proposal complies with the home occupation provisions outlined above in all other respects.

#### Planning Considerations

Home occupation is defined in By-law 1-88 as "an occupation conducted in a dwelling unit, and which is clearly secondary to the use of the dwelling unit as a private principal residence; does not change the external character of the dwelling unit as a private residence; and, does not create or become a public nuisance, in particular with respect to noise, traffic or parking".

The application proposes a business or professional office as a home occupation for a lawyer only. Only one client will be seen at a time. The proposed hours of operation are Monday through to Friday from 9:00 am to 5:00 pm.

The home occupation use will occupy 55.74 m<sup>2</sup> within the existing garage of a 3-storey, 399m<sup>2</sup> single detached residential dwelling. The proposed home occupation use would occupy 14% of the GFA in accordance with the By-law.

The site has 30.7m frontage, with a circular driveway, which allows for all 5 required parking spaces (3 spaces for the residential use and an additional 2 spaces for the home occupation) to be located in the driveway, while still providing more than the required amount of landscaping in the front yard.

Except for the proposed 62.23 cm x 64.14 cm metallic silver aluminum signage plaque to be located on the existing masonry pillar at the entrance gate to the property (Attachments #3 and #6), there are no other changes proposed to the site or exterior of the residential dwelling. Any internal renovations to the garage to facilitate the lawyer's office may require a building permit and inspections by the Vaughan Building Standards Department. The applicant should consult with Building Staff, prior to undertaking any internal renovations.

The surrounding land uses to the east, south and northeast are commercial, and the lands to the west and northwest are low density residential. The location of the dwelling is relatively in line with the commercial to the north and south, and the garage for the proposed lawyers office faces the commercial lands to the east. The low intensity nature of the lawyer's office appears to be compatible with the adjacent residential.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

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

#### **Regional Implications**

N/A

#### **Conclusion**

The Development Planning Department has reviewed the proposed application and are of the opinion that the Zoning By-law Amendment and Site Development Applications (Files Z.09.024 and DA.09.058) to permit a business or professional office for use by a lawyer to operate as a home occupation within the garage of an existing residential dwelling on the subject lands, is appropriate and compatible with the residential uses in the surrounding area. The proposed home occupation is limited in scale comprised of a lawyer's office only in the existing garage having a floor area of 55.74m<sup>2</sup>. The property is also located adjacent to existing commercial uses to the north and south, and the garage is located on the east side of the property, opposite the abutting residential property to the west. In addition, the implementing zoning by-law will include the development standards discussed in this report, to limit the scale of the proposed home occupation. For these reasons, the Development Planning Department can recommend approval of the respective applications.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Front & Rear Elevations

5. Left & Right Elevations
6. Proposed Signage Detail

**Report prepared by:**

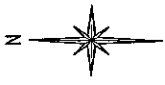
Arminé Hassakourians, Planner, ext. 8368  
Carmela Marrelli, Senior Planner, ext. 8791  
Mauro Peverini, Manager of Development Planning, ext.8407

Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEVAMA  
Director of Development Planning

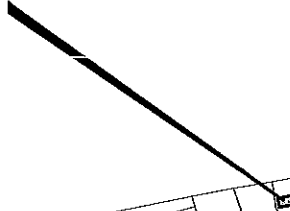
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Not to Scale

TOWN OF  
MARKHAM

SUBJECT LANDS



Attachment

Files: Z.09.024 &  
DA.09.058

Date:  
January 7, 2010



The City Above Toronto

Development Planning Department

Context Location Map

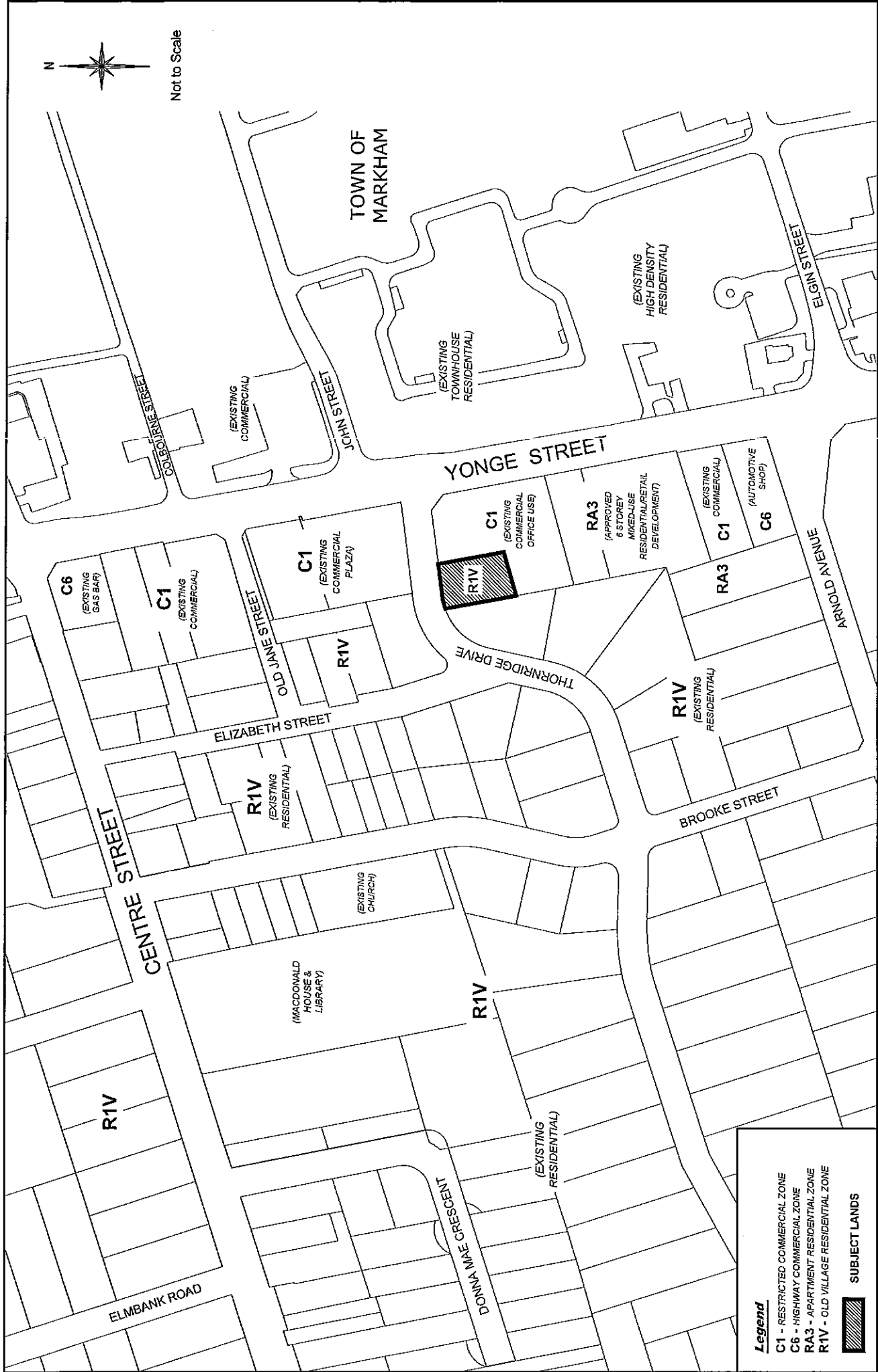
Location: Part of Lot 30,  
Concession 1

Applicant:  
Mirella Valetta

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**Legend**

- C1 - RESTRICTED COMMERCIAL ZONE
- C6 - HIGHWAY COMMERCIAL ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE
- R1V - OLD VILLAGE RESIDENTIAL ZONE

 SUBJECT LANDS

# Location Map

Location: Part of Lot 30,  
Concession 1

Applicant:  
Mirella Valela

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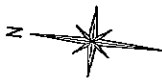
Development Planning Department

# Attachment

Files: Z.09.024 &  
DA.09.058

Date:  
January 7, 2010

# 2



Not to Scale

THORNTRIDGE DRIVE

**EXISTING PILLAR WITH SIGNAGE**  
(see Attachment #6)

**GARAGE (55.74m<sup>2</sup>)**  
(Proposed location of the home occupation use for a business or professional office (i.e. lawyer's office))

**EXISTING 3-STORY HOUSE**

**ZONING AMENDMENT**

AMEND BY-LAW 1-88 TO PERMIT A BUSINESS AND PROFESSIONAL OFFICE FOR USE BY A LAWYER AS A HOME OCCUPATION WITHIN THE GARAGE OF THE EXISTING DWELLING ON THE SUBJECT PROPERTY (11 THORNTRIDGE DR.) BY-LAW 1-88 RESTRICTS A HOME OCCUPATION USE TO THE OFFICE OF A REGULATED HEALTH PROFESSIONAL.

**SUBJECT LANDS**

LOT 65  
REGISTRAR'S COMPILED  
PLAN 98334

**Site Plan**

Location: Part of Lot 30,  
Concession 1

Applicant:  
Mirella Valela

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The City Above Toronto

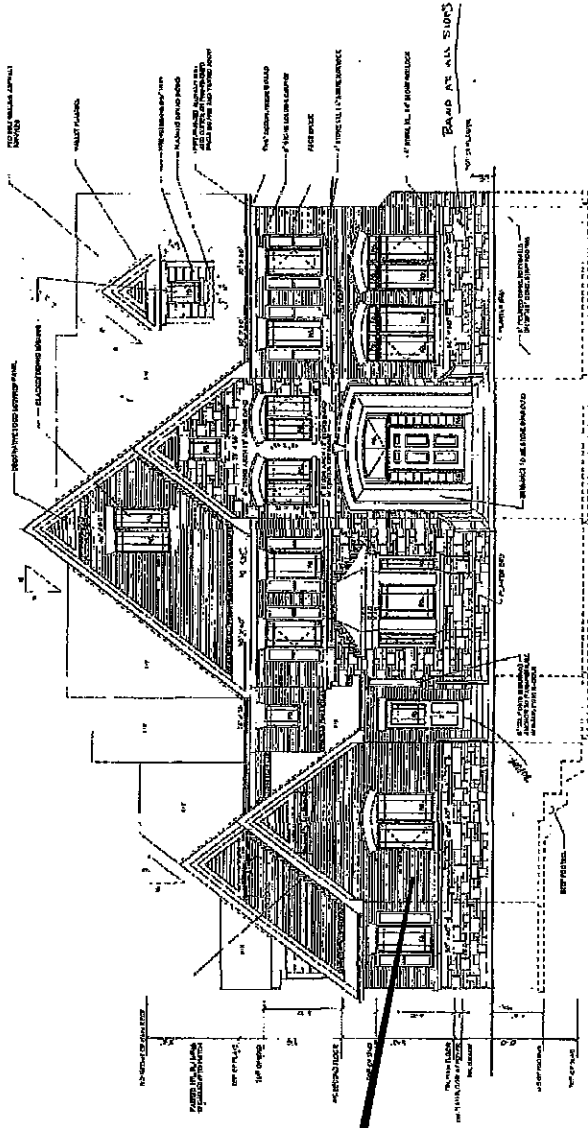
Development Planning Department

**Attachment**

Files: Z.09.024 &  
DA.09.058

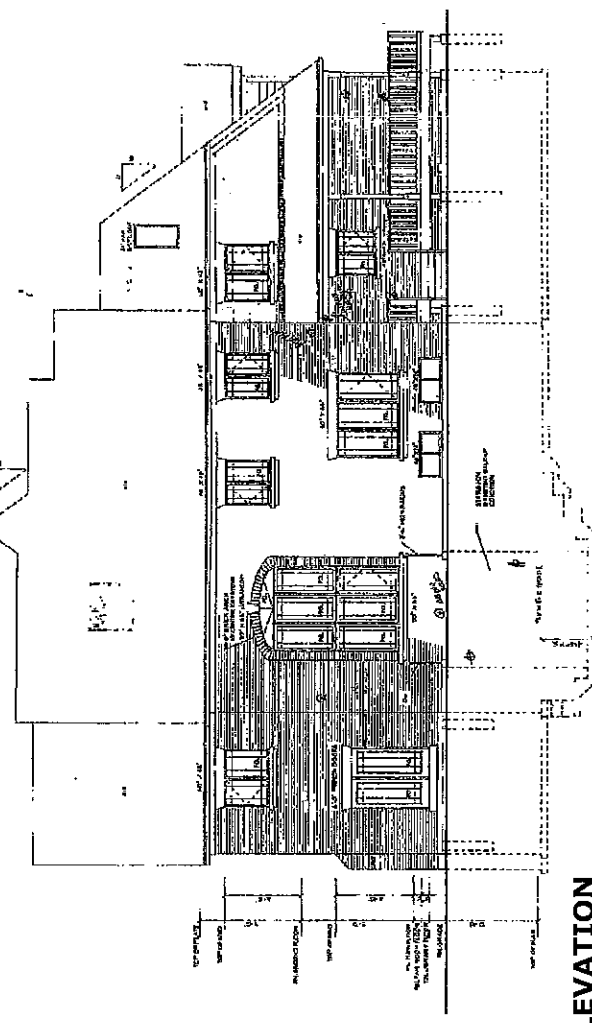
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**3**



**EXISTING GARAGE AREA**

**NORTH (FRONT) ELEVATION - FACING THORNRIDGE DRIVE**



**SOUTH (REAR) ELEVATION**

Not to Scale

# North & South Elevations

Location: Part of Lot 30,  
Concession 1

Applicant:  
**Mirella Valela**

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*The City Above Toronto*

Development Planning Department

# Attachment

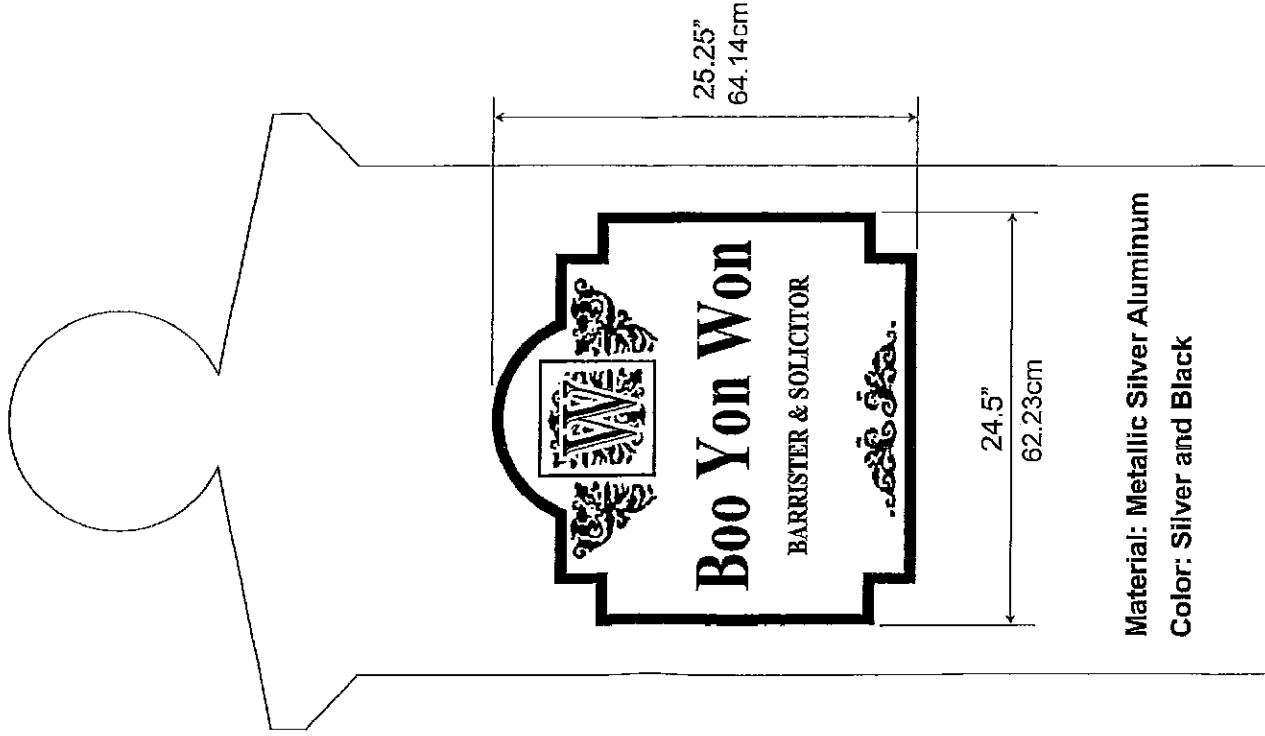
Files: Z.09.024 &  
DA.09.058

Date:  
January 7, 2010

# 4







**Material: Metallic Silver Aluminum**  
**Color: Silver and Black**

## Proposed Signage Detail

Location: Part of Lot 30,  
 Concession 1

Applicant:  
 Mirella Valela

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Development Planning Department

# Attachment

Files: Z.09.024 &  
 DA.09.058

Date:  
 January 7, 2010

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