

**COMMITTEE OF THE WHOLE AUGUST 31, 2010**

**ZONING BY-LAW AMENDMENT FILE Z.08.027  
ANNA DIBIASE  
WARD 1**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.08.027 (Anna DiBiase) BE APPROVED, specifically to rezone the subject lands from A Agricultural Zone to RR Rural Residential Zone (tableland) and OS1 Open Space Conservation Zone (valleyland) and to amend the existing site-specific Exception 9(639) to facilitate a future severance of the subject lands into two residential lots, each to contain one of the existing dwelling units as shown on Attachment #3; and, to provide the zoning exceptions as identified in Table 1 of this report, subject to the following conditions:
  - a) prior to the enactment of the implementing zoning by-law, a vegetation inventory and assessment report is required to the satisfaction of the Vaughan Development Planning Department;
  - b) the implementing zoning by-law shall be in full force and effect, prior to final approval of the Vaughan Committee of Adjustment Consent Application.

**Contribution to Sustainability**

In order to ensure the continued protection of the main valley feature located on the property, this area will be rezoned from A Agricultural Zone to an appropriate open space zone category (OS1 Open Space Conservation Zone).

**Economic Impact**

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

**Communications Plan**

On August 22, 2008, a Notice of Public Hearing was circulated to all property owners within 120m of the subject lands. The recommendation to receive the Public Hearing report of September 15, 2008, was ratified by Council on September 22, 2008.

One letter was received from an adjacent landowner, expressing concerns related to the encroachment of existing gateposts and driveways onto their property. The Development Planning received confirmation from the owner that they have since removed the gatepost and driveway off the adjacent landowners property.

On August 25, 2010, written notice was provided to individuals who had requested notification of the subject Committee of the Whole meeting.

**Purpose**

The Owner originally submitted a Zoning By-law Amendment Application to amend Zoning By-law 1-88, specifically the A Agricultural Zone, subject to Exception 9(639) to facilitate the future severance of the subject lands into two lots, each to contain one of the existing dwelling units, as shown on Attachment #3, as well as exceptions as identified in Table 1 of this report.

Through the review of this application, the Development Planning Department determined that it is appropriate for the tableland portion of the subject lands to be rezoned from A Agricultural Zone to RR Rural Residential Zone which is a more appropriate zone for the existing single detached dwellings rather than the Agricultural Zone. In addition, the Development Planning Department concurs with the comments received from the Toronto and Region Conservation Authority (TRCA) which indicate that the main valley feature on the property should be rezoned from A Agricultural Zone to OS1 Open Space Conservation Zone, in order to ensure its long-term protection. As shown on Attachment #3, Part 1 is proposed to have a lot area of 15,615 m<sup>2</sup>, with a minimum lot frontage of 138.56 m on Teston Road and Part 2 is proposed to have a minimum lot area of 6,594 m<sup>2</sup> and a minimum lot frontage of 30.79 m on Teston Road.

## **Background - Analysis and Options**

### **Location**

The subject lands shown on Attachments #1 and #2 are located south of Teston Road, west of Weston Road, municipally known as 4001 Teston Road, City of Vaughan. The 5.17 ha site currently contains two 2-storey single-detached residential dwellings. The site has 138.54 m of frontage on Teston Road and has a depth of 386.73 m. The property consists of 2.22 ha of tableland and 2.95 ha of valleyland.

### **Provincial Policy Statement (PPS)**

The PPS is a provincial document used to enhance the quality of life for the citizens of Ontario as well as act as a guide to development patterns which support strong, livable and healthy communities, protect the environment, public health and safety and facilitate economic growth.

The PPS has been considered with respect to the proposed development. Section 1.1.4.1 indicates that "development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted". The subject lands will not be redeveloped. The existing dwellings will remain intact and unaltered, and continue to use the current rural services, thus sustaining the land use in the area as well as remaining compatible with the surrounding land uses.

The PPS also requires the "efficient use of existing private communal sewage services and private communal water services" (1.6.4.1). The subject lands will remain serviced under the current private water and sewage services, thus making efficient use of the existing services available as well as promoting water conservation and water use efficiency also noted within the PPS.

### **Places to Grow**

Places to Grow provides "a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in this region to 2031". This document builds upon provincial planning initiatives in order to promote future economic prosperity in the Greater Golden Horseshoe.

The subject lands are designated Greenfield Area (Section 2.2.7). Rural policies indicate that "municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses".

The proposed zoning amendment would adhere to the above noted policy in that the existing dwellings on the subject land would be severed to serve the needs of the current residents.

### Region of York Official Plan

The Region of York's Official Plan is a set of policies that will help guide "economic, environmental and community-building decisions affecting the use of land". The main goal of this plan is to provide "a framework for coordinated planning with adjacent municipalities, as well as with other jurisdictions in the Greater Toronto Area".

The subject land is located within the Urban Area under the Regional Structure and is also subject to the "Greenlands System" designation. One of the general objectives of the "Greenlands System" is "to require area municipalities to develop policies which protect and complement the Greenlands System identified in this Plan".

The proposed Zoning By-law Amendment will maintain this Regional objective in that the existing dwellings will not be altered and no additional development will take place. The "Greenlands System" will therefore remain protected.

### City of Vaughan Official Plan #600

The subject lands are designated "Urban Area" and "Valley Lands" by OPA #600. Permitted uses within the Urban Area include: executive housing; forestry; conservation; agricultural production; farming; and, secondary dwellings for farming. Section 5.9.1 of OPA #600 states that no buildings or structures are to be developed on any lands designated "Valley Corridor", except in cases where development will allow for flood and erosion control and meet the standards of the Toronto and Region Conservation Authority.

The proposal consists of the existing single detached dwelling units to be located on separate lots (future severance application), and the existing valley lands to be zoned OS1 Open Space Conservation Zone, as staked by the Toronto and Region Conservation Authority. The proposed application conforms to the Official Plan.

### Consent Policies of OPA #600

Consent Policies of OPA #600 states that "regard shall be given to the compatibility of the proposed size, shape and use of the lot to be created with the present and potential lots and uses in the adjacent areas". This proposal will result in lots with single-family dwellings and will correspond with the future adjacent uses.

"Consent to sever a lot shall be permitted only when both the lot and the remaining parcel front on an existing assumed public highway". "If the proposed lot or remaining parcel has frontage on a Regional or City road, any consent shall be subject to the requirements of appropriate Regional or City authorities. Both lots have existing access onto Teston Road and the Region of York has no objection to the proposal.

"Where existing developed lots have the potential for redevelopment on a more comprehensive scale, proposed severances which could block potential points of access or further fragment ownership of these lands, shall not be approved, pending study of the area and approval for an overall development plan in favour of a comprehensive plan of subdivision." A more comprehensive plan in a form of a Block Plan for this area has been submitted, however, the Owners are non-participating, and further discussed below.

### Proposed Block Plan for Block 40/47

A Block Plan for Planning Blocks 40/47 was initiated by the Block 40/47 Landowner's Group in February of 2003, detailing land uses for the northern area of Blocks 40 and 47, north of Cold Creek Valley, to provide a comprehensive plan to provide guidance in the assessment of future development applications. The proposed Block Plan was revised as of April 2008 and is currently

in circulation with City Staff. However, the Block 40/47 Landowner's Group recently met with City Planning, Engineering, and Parks Development Departments to propose a revised Block Plan (not yet submitted), which would exclude the subject Anna DiBiase lands on the basis she is a non-participating landowner and that the developable portion of the DiBiase lands is small and narrow and cannot be incorporated into the Block Plan layout. At the meeting, representatives of the Block 40/47 Landowners Group had no objections to the subject zoning application proceeding.

### Zoning

The 5.17 ha site is zoned A Agricultural Zone by By-law 1-88 subject to Exception 9(639), as shown on Attachment #2. The site-specific exception 9(639) permits single family detached dwellings with a minimum lot area of 5 ha and a minimum lot frontage of 138m. This exception also permits a second dwelling on the subject lands, as shown on Attachment #3. The tableland portion of the lands will be rezoned to RR Rural Residential Zone. The proposed severance of the subject lands into 2 lots (Part 1 and Part 2 as shown on Attachment #3) will not comply with the minimum requirements of lot frontage and lot area for both proposed lots. In addition, further reductions to the interior side yard (to basement terrace and bench area), rear yard, rear yard setback to a pool and accessory landscaping features are proposed for Part 2. These exceptions are identified in Table 1 below.

Table 1:

<b>By-law Standard</b>	<b>By-law 1-88 Exception 9(639) (Agricultural Zone)</b>	<b>By-law 1-88 RR Zone</b>	<b>Proposed Lot: Part 1 RR Zone</b>	<b>Proposed Lot: Part 2 RR Zone</b>
Minimum Lot Area	50,000 m <sup>2</sup> (5.0 ha)	4000 m <sup>2</sup> (0.4 ha)	15,615 m <sup>2</sup> (1.56 ha)	6,594 m <sup>2</sup> (0.6 ha)
Minimum Lot Frontage	138 m	45 m	107.7 m	30.7 m
Minimum Interior Side Yard	9 m	4.5 m	5.1 m	7.2 m
Minimum Interior Side Yard to Basement Terrace and Bench area	9 m	4.5 m		1.5 m
Minimum Rear Yard	15 m	15 m		8.4 m
Minimum Rear Yard Setback to a Pool	1.5 m	1.5 m		1.0 m
Minimum Rear Yard Setback to Stairs, Fountain and Covered Gazebo	15 m	15 m		4.0 m

### Planning Considerations

The proposed zoning by-law amendment would facilitate the severance of the subject lands into two parcels in the manner shown on Attachment #3. The proposed lots would have minimum lot frontages of 107.7 m and 30.7 m and minimum lot areas (tableland) of 15,615m<sup>2</sup> and 6,594m<sup>2</sup> respectively and would require additional relief to setbacks as described in Table 1. The proposed interior side yard and rear yard setbacks are required from the proposed OS1 Open Space Conservation Zone. No new construction is proposed for Part 1. The applicant advises

that a future swimming pool is proposed for Part 2, therefore relief from the required rear yard of 1.5m to 1.0m is required. The TRCA has no objection to this exception.

As a condition of approval from the Toronto and Region Conservation Authority (TRCA), the portion of the lands located south of the staked feature will be rezoned to OS1 Open Space Conservation Zone. The portion of the lands zoned OS1 Zone will remain in private ownership.

Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application as the two proposed lots would conform and comply with the requirements of the Official Plan and Zoning By-law, respectively, and result in residential lots and dwellings that are consistent and compatible with the existing and future surrounding development.

#### Committee of Adjustment

The Owner will be required to submit a Consent Application to the Vaughan Committee of Adjustment for the severance of the subject lands into 2 properties as shown on Attachment #3, if the subject zoning application is approved by Vaughan Council. As a condition of approval of the Consent Application, the implementing zoning by-law shall be in full force and effect. A condition to this effect is included in the recommendation of this report.

#### Servicing

The existing residential units will remain on the existing septic systems. The Building Standards Department has no concerns with the location of the on-site sewage system identified on Attachment #3.

#### Toronto and Region Conservation Authority (TRCA)

The TRCA has no objection to the proposed application, subject to area of the subject property south of the staked line on the survey prepared by Guido Papa Surveying Ltd., dated August 13, 2010, is zoned to an appropriate Open Space category to help ensure its continued protection. TRCA has indicated they are satisfied that the staked limit, as shown on Attachment #3, provides an appropriate buffer for the Open Space Zone as well as sufficient amenity space and buffering from existing residential uses (septic systems for both dwellings) and future residential uses (including an already approved, but not yet constructed terrace and pool for Part 2).

#### **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**

The Region of York Transportation Services Department has no objections with respect to this proposal.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.08.027 (Anna DiBiase) in accordance with the PPS, Places to Grow, the Regional Official Plan, OPA #600, By-law 1-88, comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development is appropriate and compatible with the existing uses in the area and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the

Zoning By-law Amendment Application, which will facilitate the future severance of the property into 2 parcels.

**Attachments**

1. Context Location Map
2. Location Map
3. Proposed Severance Plan

**Report prepared by:**

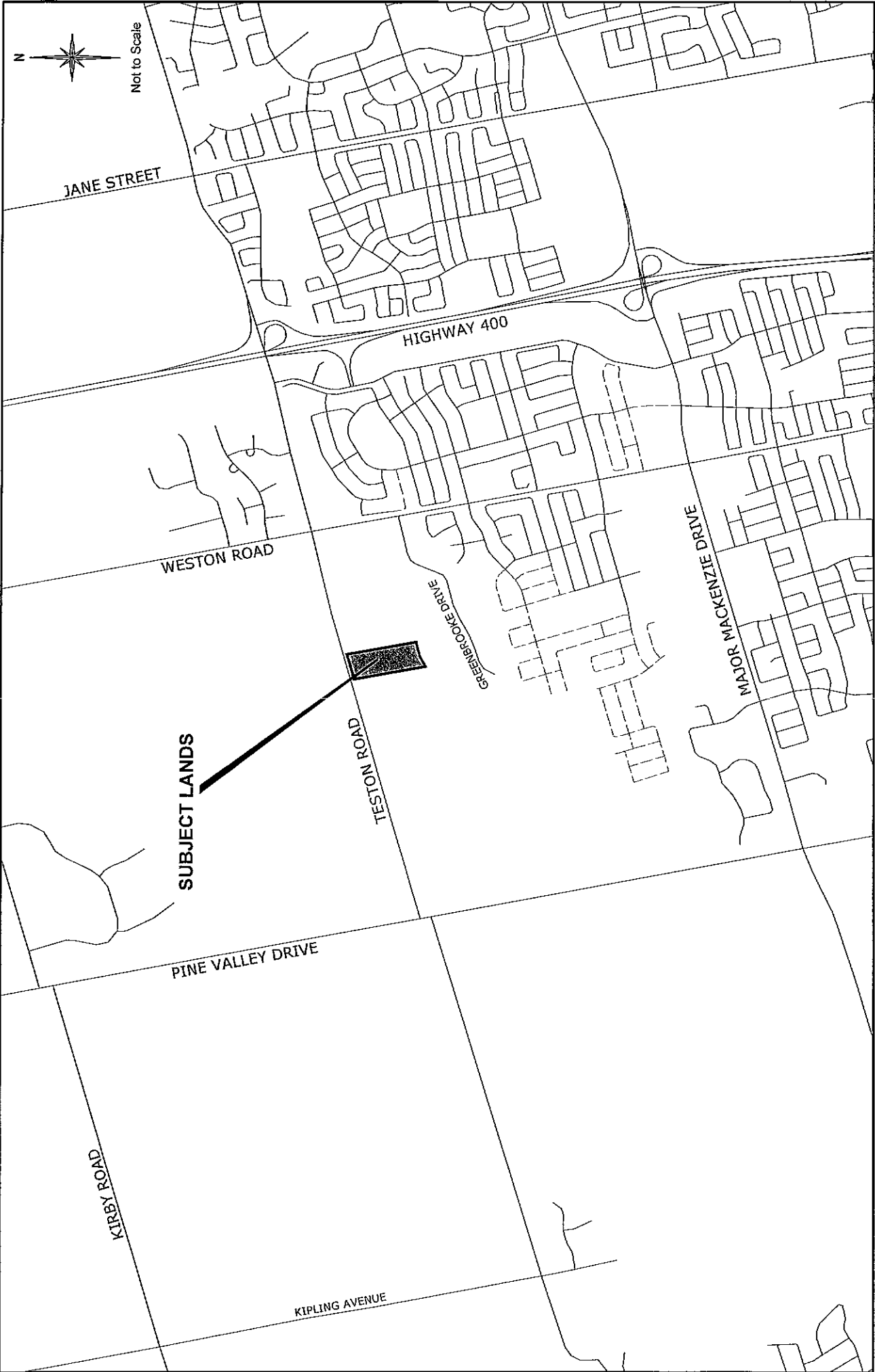
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Respectfully submitted,

JOHN ZIPAY  
Commissioner of Planning

GRANT UYEVAMA  
Director of Development Planning

/CM



**Attachment**

FILE: Z.08.027  
 DATE: August 31, 2010



**Context Location Map**

LOCATION:  
 Part of Lot 25, Concession 6  
 APPLICANT:  
 Anna DiBiase

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Not to Scale

**Legend**

- A - AGRICULTURAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE PARK ZONE
- RR - RURAL RESIDENTIAL ZONE
- SUBJECT LANDS

# Location Map

**LOCATION:**  
Part of Lot 25, Concession 6

**APPLICANT:**  
Antra DiBlase

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# Attachment

**FILE:**  
Z.08.027

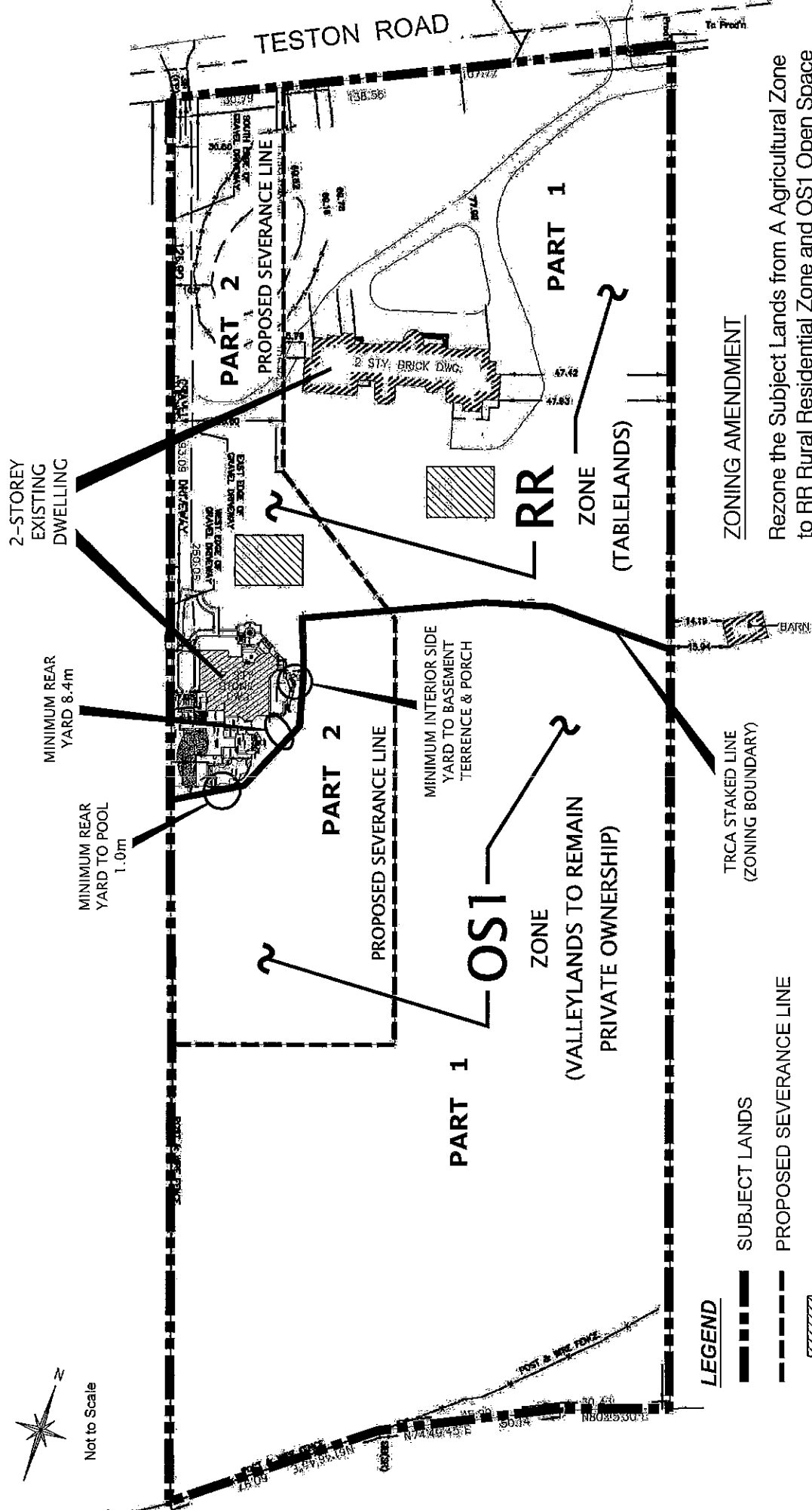
**DATE:**  
August 31, 2010

**2**








Not to Scale



**LEGEND**

-  SUBJECT LANDS
-  PROPOSED SEVERANCE LINE
-  SEPTIC BED
- RR** RURAL RESIDENTIAL ZONE (TABLELAND)
- OS1** OPEN SPACE CONSERVATION ZONE (VALLEYLAND)

TRCA STAKED LINE  
(ZONING BOUNDARY)

**ZONING AMENDMENT**

Rezone the Subject Lands from A Agricultural Zone to RR Rural Residential Zone and OS1 Open Space Conservation Zone and amend Exception 9(639) to facilitate a severance of the property into 2 lots, each containing an existing building.

**Proposed Severance Plan**

LOCATION:  
Part of Lot 25, Concession 6

APPLICANT:  
Anna DiBiase



**Attachment**

FILE:  
Z.08.027

DATE:  
August 31, 2010