

**COMMITTEE OF THE WHOLE MAY 31, 2011**

**ZONING BY-LAW AMENDMENT FILE Z.10.030  
SITE DEVELOPMENT FILE DA.10.103  
PIERO AND ROSANNA MINIACE  
WARD 2**

**Recommendation**

The Acting Commissioner of Planning and Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.10.030 (Piero and Rosanna Miniace) BE APPROVED, to amend Zoning By-law 1-88, specifically the R3 Residential Zone, to permit the following additional uses within the existing two-storey dwelling on the subject lands shown on Attachment #3:
  - a) a personal service shop (including hair salon) on the ground floor;
  - b) business or professional offices on the ground floor; and,
  - c) one residential unit on the second floor.
2. THAT the implementing Zoning By-law:
  - a) include the following site-specific definition for a "Personal Service Shop":

"Means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes a barber's shop, hair dressing establishment, a shoe repair shop, a tanning salon, a tailor or seamstress establishment, a beauty salon, a formal wear shop and other similar services, but does not include a body rub parlour."
  - b) include the following site-specific exceptions to the R3 Residential Zone to permit;
    - i) a minimum front yard and exterior side yard (south) of 3.0 m and 3.17 m, respectively, which recognizes existing situations;
    - ii) the required parking shall be 7 parking spaces on the subject lands to serve all of the permitted uses, which recognizes an existing situation and,
    - iii) a maximum porch and step encroachment into the front yard of 3.0 m, which recognizes an existing situation;
  - c) restrict the total combined gross floor area on the ground floor devoted to personal service shop and business or professional office uses to a maximum of 105 m<sup>2</sup>; and,
  - d) restrict the basement for storage purposes only.
3. THAT Site Development File DA.10.103 (Piero and Rosanna Miniace) BE APPROVED, and that the site plan shown on Attachment #3 be finalized to the satisfaction of the Vaughan Development Planning Department.
4. THAT the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands for the residential component and 2% of the value of the subject lands for the commercial

component of the development, prior to the issuance of a Building Permit, or fixed unit rate per unit, whichever is higher, in accordance with the Planning Act and the City's Cash-in Lieu of Parkland Policy.

**Contribution to Sustainability**

The Zoning By-law Amendment File Z.10.030 seeks permission to legalize an existing use (personal service shop, ie. hair salon) and to permit additional uses (business or professional office and an eating establishment) within the existing residential dwelling on the subject lands. There is no site development proposal at this time to redevelop the existing two-storey dwelling, and therefore, there is no contribution to sustainability through this report.

**Economic Impact**

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

**Communications Plan**

On February 25, 2011, a Notice of Public Hearing for the Zoning By-law Amendment Application (File Z.10.030) was circulated to all property owners within 150m of the subject lands, to the West Woodbridge Homeowner's Association, and to those individuals requesting notification. No written comments were received through the notice circulation. The recommendation of the Committee of the Whole on March 22, 2011, to receive the Public Hearing report and to forward a technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 15, 2011.

**Purpose**

1. The Owner has submitted Zoning By-law Amendment File Z.10.030 to amend Zoning By-law 1-88, specifically the R3 Residential Zone to permit the following additional uses within the existing two-storey dwelling on the subject lands shown on Attachments #1 and #2:
  - a personal service shop, business or professional offices, and an eating establishment, on the ground floor; and,
  - one residential unit on the second floor.

The following site-specific exceptions to Zoning By-law 1-88 are requested to implement the site layout shown on Attachment #3:

	<b>By-law Standard</b>	<b>By-law 1-88, R3 Residential Zone Requirements</b>	<b>Proposed Exceptions to R3 Residential Zone</b>
a.	Permitted Uses	Single Family Detached Dwelling	<ul style="list-style-type: none"> <li>- one residential apartment on second floor only</li> <li>- Permit the following additional uses in the R3 Zone (Ground Floor):</li> <li>- Personal Service Shop (hair salon)</li> <li>- Business or Professional Offices</li> <li>- Eating Establishment</li> </ul>

b.	Minimum Yard Requirements	Front Yard – 4.5 m Exterior Side Yard (South) – 4.5.	Front Yard – 3.0 m Exterior Side Yard - 3.17 m (Recognizes existing condition in both situations)
c.	Minimum Parking Requirements	1.75 parking spaces per residential apartment unit  Plus,  i) 3.5 parking spaces per 100m <sup>2</sup> GFA devoted to Business or Professional Office Use (4 parking spaces)  Or,  i) 6.0 parking spaces per 100m <sup>2</sup> GFA devoted to Commercial uses (Personal Service Shop Use (6 parking spaces)  Or,  iii) 16.0 parking spaces per 100m <sup>2</sup> GFA devoted to Eating Establishment use (16 spaces)  Total required parking 6 to 18 spaces depending on the ground floor use	7 parking spaces for any of the proposed uses (Recognizes existing condition)
d.	Maximum Permitted Yard Encroachments and Restrictions	Porch and steps permitted to encroach into the required front yard 1.8 m	Porch and steps permitted to encroach into the required front yard 3.0 m (Recognizes existing condition)

2. The Owner has submitted Site Development File DA.10.103 (Piero and Rosanna Miniace) as shown on Attachment #3, to review the existing site layout and parking spaces and aisles for the appropriateness of facilitating the additional commercial uses on the ground floor and a residential unit on the second floor of the existing 2-storey building located on the property.

## **Background - Analysis and Options**

The subject lands shown on Attachments #1 and #2 are located at the northwest corner of Kipling Avenue and Burton's Lane, municipally known as 7974 Kipling Avenue, in the City of Vaughan (Ward 2). The surrounding land uses are shown on Attachment #2.

The site plan shown on Attachment #3 reflects the existing conditions. The property has a lot area of 544.55 m<sup>2</sup> with 18 m of frontage on Kipling Avenue and 28.7 m flankage on Burton's Lane, and is developed with a 2-storey dwelling currently used as a hair salon (Motion Cut and Innovative Beauty). A total of 7 parking spaces are located on the property to serve the existing and proposed uses as shown on Attachment #3.

### Official Plan

The subject lands are designated "Mid Density Mixed-Use" by OPA #695 (Kipling Avenue Corridor Study). The intent of this land use designation is to allow uses along Kipling Avenue to evolve and adapt as the demand for commercial and retail space change. The Official Plan also identifies that this area is ideal for grade-related live work units. The permitted land uses in this designation include:

- detached, semi-detached, street townhouses, and live-work units;
- small scale, grade related service commercial, business and professional office, daycares, and eating establishments, as part of a mixed use building with a maximum gross floor area of 100 m<sup>2</sup> (a 5% variation (ie. 105 m<sup>2</sup>) to numerical requirements is permitted provided the general intent of the Official Plan is maintained); and,
- parks and public squares.

The Zoning By-law Amendment Application proposes a mixed-use building with a range of permitted uses on the ground floor including a personal service shop, business or professional office and an eating establishment, with a maximum gross floor area of 105 m<sup>2</sup>. One residential apartment unit is also proposed on the second floor level. The proposed mixed-use development conforms to and implements the policies of the Official Plan.

### New City of Vaughan Official Plan (COVOP 2010)

On September 7, 2010, Vaughan Council adopted the new City of Vaughan Official Plan 2010 (COVOP 2010), which incorporates OPA #695 as Section II.5 of Volume 2. The new COVOP 2010 is pending final approval from the Region of York.

The COVOP 2010 maintains the similar development policies as OPA #695, however, redesignates the subject lands from "Mid Density Mixed-Use Residential" (OPA #695) to "Low Rise Mixed-Use". Under this designation, a mixed-use/live-work unit with 100 m<sup>2</sup> of grade related service commercial, business office and eating establishment uses are permitted as part of a mixed-use building. The proposal conforms to the Official Plan.

### Woodbridge Heritage Conservation District Plan

The subject lands are designated under Part V of the Ontario Heritage Act, as part of the Woodbridge Heritage Conservation District Plan. The Vaughan Cultural Services Division has no objection to the Zoning By-law Amendment Application, as no new additional signage or cosmetic revisions to the building are being proposed.

## Zoning

The subject lands are zoned R3 Residential Zone by Zoning By-law 1-88, which permits a single family detached dwelling unit on the property. The Owner is proposing to amend Zoning By-law 1-88 to permit a mixed-use development within the existing 2 storey dwelling as follows:

Ground Floor: a range of uses including personal service shop, business or professional offices, and an eating establishment, having a combined maximum of 105 m<sup>2</sup>;

Second Floor: one residential apartment; and,

Basement: storage only.

Zoning By-law 1-88 does not have a specific Zone category to implement mixed-use development. Consequently, site-specific use permissions and development standard exceptions are required to the R3 Residential Zone category to implement the proposed development, if approved.

The proposed ground floor uses are defined in Zoning By-law 1-88 as follows:

“Business or Professional Office” - Means the use of a building or part of a building in which one or more persons are employed in the administration, direction or management of a business, agency, brokerage or organization, or by professionally qualified persons and their support staff, and shall include but not limited to an office of a regulated health professional, lawyer, dentist, architect, engineer, stock broker, accountant, real estate or insurance agency, veterinarian or a similar professional person’s office but shall not include a veterinary clinic.”

“Personal Service Shop” - Means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes a barber’s shop, hair dressing establishment, a shoe repair shop, a tanning salon, a tailor or seamstress establishment, a beauty salon, laundromat, a dry cleaning depot, a formal wear shop and other similar services, but does not include a body rub parlour.”

It is recommended that given the proposed residential unit in the second floor that a laundromat and dry cleaning depot are inappropriate Personal Service Shop uses for the subject lands. Accordingly, these uses should be removed from the Personal Service Shop definition for this property. A revised definition is included in the recommendation of this report.

A personal service shop and business or professional offices totaling a maximum of 105 m<sup>2</sup> on the ground floor and the proposed residential dwelling unit on the second floor are considered to be an appropriate mix of uses on the site. These uses are permitted by the current and new City of Vaughan Official Plan policies and therefore are consistent with the vision for this area. However, the proposed eating establishment use is not considered appropriate, since the site does not accommodate the 18 parking spaces that would be required if an eating establishment was identified as a permitted use on the ground floor of the existing dwelling. A deficiency of 11 parking spaces would result on this relatively small site that may result in spill-over parking that will impact on the surrounding area and uses. Accordingly, the Development Planning Department recommends that only the personal service shop and business or professional office uses be permitted on the ground floor restricted to a maximum gross floor area of 105 m<sup>2</sup> and one residential apartment use on the second floor. In addition, in order to minimize the parking deficiency on the property, it is recommended that the basement area of the existing dwelling be used for storage purposes only. The conditions of approval are included in the recommendation of this report to this effect.

The Development Planning Department has reviewed the requested exceptions to Zoning By-law 1-88 (minimum front and exterior side yards of 3 m and 3.17 m, respectively; maximum porch and step encroachment into the front yard of 3 m; and, 7 parking spaces) are satisfied that they are appropriate since they reflect existing conditions on the site as shown on Attachment #3.

#### Site Development Application

A related Site Development File DA.10.103 (Piero and Rosanna Miniace) has been submitted (Attachment #3), and has been reviewed in consideration of the proposed addition of the personal service shop and business or professional office uses on the ground floor of the existing 2-storey building, and the residential unit on the second floor. The site plan will facilitate a total of 7 parking spaces on the property. The final site plan must be to the satisfaction of the Vaughan Development Planning Department. No other changes are contemplated on the property or to the existing building.

#### Cash-in-Lieu of Parkland Dedication

The Vaughan Real Estate Division has indicated that the Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands for the residential component and 2% of the value of the subject lands for the commercial component of the development, prior to the issuance of a Building Permit, or fixed unit rate per unit, whichever is higher, in accordance with the Planning Act and the City's Cash-in Lieu of Parkland Policy.

#### 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 Vaughan Development Planning Department has reviewed Zoning By-law Amendment File Z.10.030 and Site Development File DA.10.103 (Piero and Rosanna Minace) in accordance with the policies of the Official Plan, Zoning By-law 1-88, comments from City departments and the area context. The Development Planning Department is satisfied that the proposed mixed-use residential/commercial development conforms to the policies of the Official Plan and is appropriate and compatible with the existing and future planned uses in the surrounding area, subject to the comments and recommendations contained in this report. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the recommendations in this report.

**Attachments**

1. Context Map
2. Location Map
3. Site Plan (Existing)

**Report prepared by:**

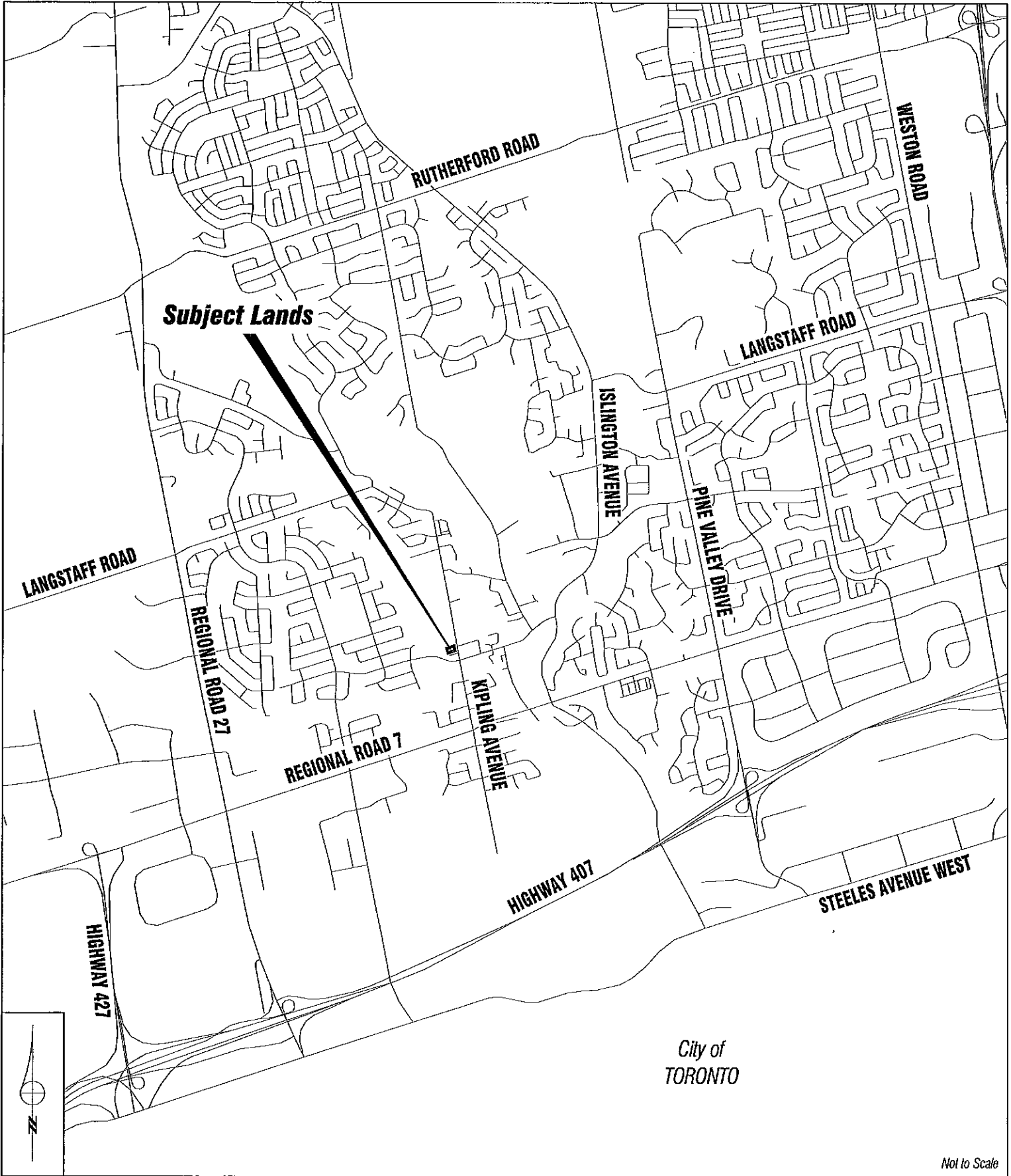
Eugene Fera, Planner, ext. 8064  
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Mauro Peverini, Manager of Development Planning, ext. 8407

Respectfully submitted,

JOHN ZIPAY  
Acting Commissioner of Planning

GRANT UYHEYAMA  
Director of Development Planning

/LG



City of  
TORONTO

Not to Scale

# Context Location Map

LOCATION:  
Part Lot 7, Concession 8

APPLICANT:  
Piero & Rosanna Miniace



# Attachment

FILE:  
Z.10.030 & DA.10.103

DATE:  
May 13, 2011

# 1





**ZONING BY-LAW  
AMENDMENT**

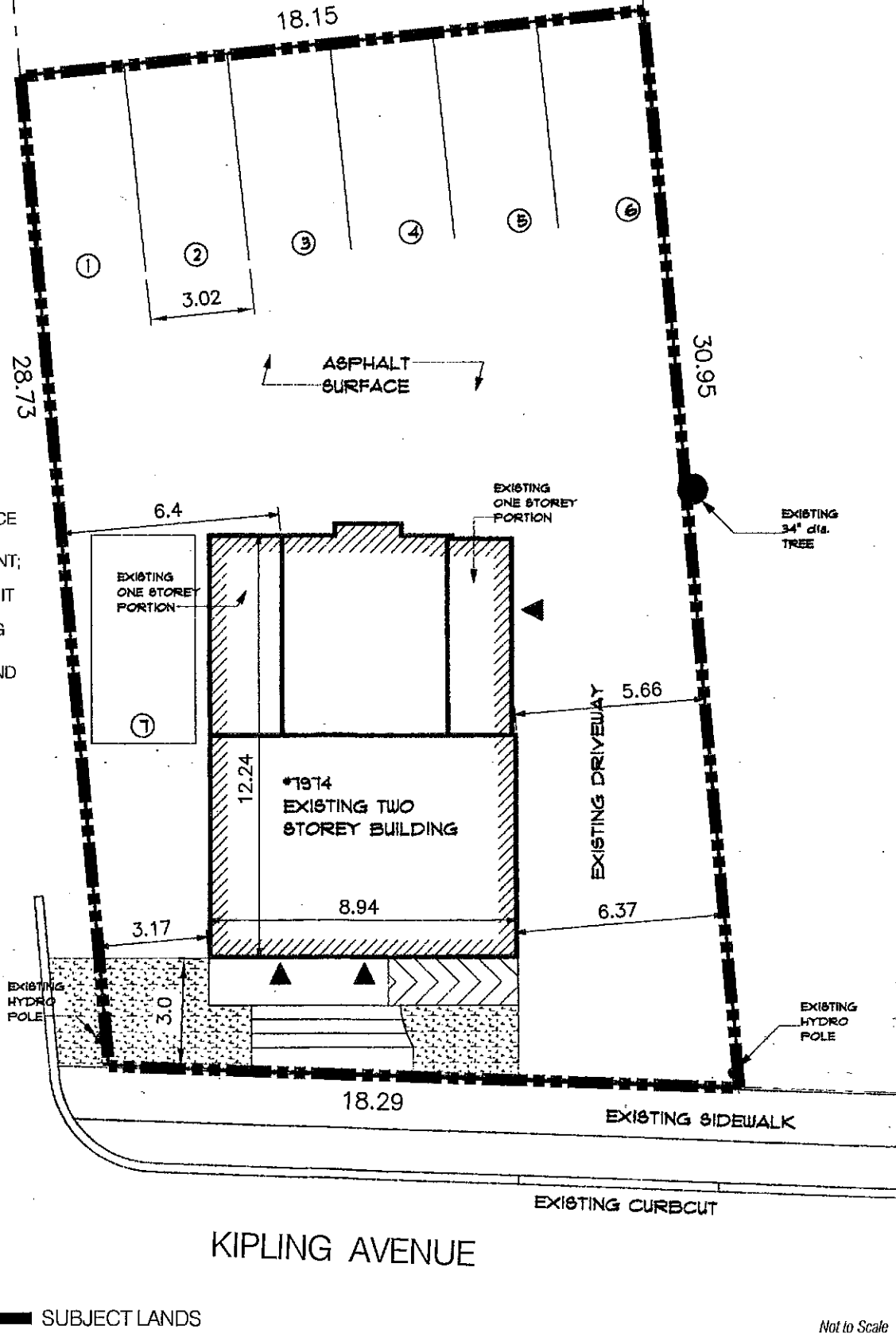
AMEND ZONING BY-LAW 1-88,  
SPECIFICALLY THE R3 RESIDENTIAL  
ZONE TO: PERMIT THE FOLLOWING  
USES IN THE EXISTING BUILDING  
LOCATED ON THE SUBJECT LANDS;

GROUND FLOOR - PERSONAL SERVICE  
SHOP; BUSINESS & PROFESSIONAL  
OFFICE; & AN EATING ESTABLISHMENT;

SECOND FLOOR - A RESIDENTIAL UNIT

IN ADDITION, SITE SPECIFIC - ZONING  
AMENDMENTS ARE REQUIRED TO  
RECOGNIZE THE EXISTING FRONT AND  
SOUTH SIDE YARDS, PARKING, AND  
PORCH ENCROACHMENTS.

BURTONS LANE



**Site Plan (Existing)**

LOCATION:  
Part Lot 7, Concession 8

APPLICANT:  
Piero & Rosanna Miniace

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**Attachment**

FILE:  
Z.10.030 & DA.10.103

DATE:  
May 13, 2011

**3**