

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: September 20, 2022
Name of Owner: Saverio Montemarano
Location: 4840 and 4850 King-Vaughan Road
File No.(s): B011/22, A171/22 & A201/22

Proposal: To sever two portions of a lot addressed as 4850 King-Vaughan Road and consolidate them with 4840 King-Vaughan Road, provide an easement for driveway access in favour of 4850 King-Vaughan Road over one of the portions to be severed, and apply for variances to permit the existing structures on each property where the new mutual lot line is proposed. Each lot contains a dwelling and shares driveway access to King-Vaughan Road. Currently 4840 King-Vaughan Road does not have legal access over the driveway leading to the road.

B0011/22

The Owner has submitted Consent Application File B011/22 to facilitate the conveyance of a 3,563 m² portion and a 1,123 m² portion of 4850 King-Vaughan Road ('subject lands') identified respectively as "Part 2" and "Part 4" on the submitted survey plan, add them to 4840 King-Vaughan Road ('benefitting lands'), and retain a 17.57 Ha portion of the subject lands identified as "Part 1" ('retained lands'). The purpose of the lot additions are: (1) to address the position of existing buildings and infrastructure in relation to the current lot line, and (2) to legalize and provide ownership of the driveway access used by the benefitting lands. An easement over the existing shared driveway in favour of the retained lands is proposed to maintain legal access to the existing dwelling on the retained lands.

A171/22 (Parts 2, 3 and 4, municipally known as 4840 King-Vaughan Road)

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum rear yard setback of 1.75 m (one storey vinyl accessory structure) and to permit a minimum rear yard setback of 1.34 m (shed on the north-east corner of lot labeled as Part 2).

By-Law Requirement(s) (By-law 001-2021):

1. The minimum rear yard setback is 15.0 m.

Proposed Variance(s) (By-law 1-88):

2. To permit a minimum rear yard setback of 1.75 m (one storey vinyl accessory structure) and to permit a minimum rear yard setback of 1.34 m (shed on the north-east corner of lot labeled as Part 2).

By-Law Requirement(s) (By-law 1-88):

2. The minimum required rear yard requirement is 15.0 m.

A201/22 (Part 1, municipally known as 4850 King-Vaughan Road)

Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum lot area of 17.57 Ha.
2. To permit a minimum interior side yard setback of 6.89 m.
3. To permit a driveway providing access to parking spaces from a public road through an abutting private property.
4. To permit the driveway to have access to a public road through an abutting private property.

By-Law Requirement(s) (By-law 001-2021):

1. The minimum lot area is 40.00 Ha.
2. The minimum interior side yard shall be 9.0 m.
3. Driveway: Means a vehicular accessway which provides access from a public road or private road to parking spaces, loading spaces or drop-off areas.

4. A parking space, barrier-free parking space or loading space shall have direct access to a driveway, aisle, road or lane. Where access to a parking space, barrier-free parking space, or loading space is provided by a driveway or aisle, the driveway or aisle shall have direct access to a road or lane.

Proposed Variance(s) (By-law 1-88):

5. To permit a minimum required interior yard setback of 6.89 m.
6. To permit a driveway providing access through the abutting private property to access the public highway.

By-Law Requirement(s) (By-law 1-88):

5. The minimum required interior yard setback is 9.0 m.
6. DRIVEWAY - Means a vehicular accessway providing access from a public highway to a building or property, a loading space, a parking area or a garage.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Core Features" by Schedule 2 – Natural Heritage Network, "Greenbelt Natural Heritage System" by Schedule 4 Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas, "Agricultural" and "Natural Areas" by Schedule 13 – Land Use

Comments:B011/22

The Owner is proposing to sever two portions of the subject lands to adjust the lot boundaries between it and the benefitting lands in order to recognize the placement of existing structures and infrastructure, and provide the benefitting lands with legal driveway access to King-Vaughan Road. Currently, the mutual lot line runs through the dwelling and tile bed belonging to 4840 King-Vaughan Road. Two accessory buildings north of the mutual lot line are oriented towards and used by 4840 King-Vaughan Road but are on lands owned by 4850 King-Vaughan Road. The lot line adjustments will ensure the accessory buildings and tile bed used by 4850 King-Vaughan Road are contained within the boundaries of 4840 King-Vaughan Road. Once the lot line adjustments occur, the retained lands wish to retain access to King-Vaughan Road by establishing an easement over the existing driveway access.

The retained lands, municipally known as 4850 King-Vaughan Road, meet the minimum lot frontage requirements of the "A – Agricultural Zone" under Zoning By-laws 001-2021 and 1-88. The consolidated benefitting lands, municipally known as 4840 King-Vaughan Road, meet the minimum lot frontage and lot area requirements of site-specific exceptions 14.472 and 9(767) under Zoning By-laws 001-2021 and 1-88 respectively.

The subject lands are designated "Agricultural" and "Natural Areas" by VOP 2010 and fall within the Greenbelt Plan Area. The subject lands also contain significant woodland features and wetlands. In accordance with the VOP 2010, these features are identified as "Core Features" of the Natural Heritage Network (NHN) and are subject to the relevant policies within Chapter 3. Environmental Planning staff have reviewed the materials provided and determined that no natural heritage features are anticipated to be impacted by the proposed boundary adjustments.

The proposal is consistent with Policy 10.1.2.43 (c) of VOP 2010, which permits minor lot adjustments or boundary additions in lands designated "Agricultural" and "Natural Areas", provided that they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas and there is no increased fragmentation of a key natural heritage feature or key hydrological feature. A minor lot line adjustment is proposed over lands which are already developed for residential purposes.

The proposed lot area of 17.57 Ha for the retained lands complies with the minimum lot area under Zoning By-law 1-88 but does not meet the lot area requirements under Zoning By-law 001-2021. However, the proposed lot boundaries respect the existing lotting fabric and general size of the agricultural lots along King-Vaughan Road which are of a sufficient size to accommodate continued agricultural uses. The proposed easement will facilitate the continued use of the driveway by the retained lands once ownership of the driveway is conveyed to 4840 King-Vaughan Road.

A171/22

The Development Planning Department has no objection to the proposed variances for the rear yard setback to the one-storey vinyl accessory structure and shed. The accessory structure is currently used as a detached garage. The two dwellings on the properties face east towards the shared driveway. As such, the north yard of the subject property functions as an interior side yard rather than a rear yard. The shed is modest in footprint and height, while the accessory building is suitable in size for a detached garage and appropriate for the size of the lot. The shed, detached garage and portion of the circular driveway in-front of it are functionally related to the dwelling at 4840 King-Vaughan Road. As such, the proposed lot line adjustment marks the functional extent of the 4840 King-Vaughan Road property. The reduction to the rear yard setback for the accessory structure and shed the adjustment causes do not have adverse impacts to the neighbouring property and maintains an appropriate area for maintenance access.

A201/22

The Development Planning Department has no objection to Variance 1 for the proposed minimum lot area of the subject lands as the property is conveying 0.47 Ha, a reduction that will not impact the agricultural use of the property given the lands to be severed contain buildings and a driveway.

The Development Planning Department has no objection to Variances 2 and 5 for the proposed 6.89 m interior side yard setback. The setback is between the relocated mutual lot line and the dwelling on 4850 King-Vaughan Road. The 9.0 m setback within the “A – Agricultural Zone” applies to all building uses, including more intensive agricultural uses. As the reduction is for a dwelling, which is less intense than agricultural uses, a lesser setback may be examined. The “RE – Estate Residential Zone”, the residential zone applicable for large residential lots, permits 4.5 m interior side yard setbacks, indicating that this may be a sufficient distance to maintain attractive landscaping between large lot dwellings. 4840 King-Vaughan Road contains a dwelling and no agricultural uses. As such, the lot line is functioning as the boundary between two residential uses on large lots. The proposed interior side yard setback will not adversely impact the dwelling on the benefitting or retained lands. The proposal can be considered minor in nature.

The driveway access currently functions as a shared driveway providing access to two dwellings, though there is no legal requirement for it to do so. The Development Planning Department has no objection to Variances 3, 4 and 6 for the driveway as the proposed easement in favour of the subject lands will permit its continued use as a shared driveway. The Development Engineering Department has also reviewed the proposed easement and has no objection.

Accordingly, the Development Planning Department has no objection to the requested severance and is of the opinion that the proposal maintains the intent of the severance policies in VOP 2010 and the consent criteria stipulated in Section 51(24) of the Planning Act, R.S.O. 1990, c P.13. The Development Planning Department is also of the opinion that the requested variances for the proposal are minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the lands.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Joshua Cipolletta, Planner I

David Harding, Senior Planner