

Committee of the Whole (2) Report

DATE: Tuesday, February 9, 2021

WARD(S): 1

TITLE: NASHVILLE (BARONS) DEVELOPMENTS INC. & NASHVILLE
(10 ACRES) DEVELOPMENT INC.
ZONING BY-LAW AMENDMENT FILE Z.17.022
DRAFT PLAN OF SUBDIVISION FILE 19T-17V007
VICINITY OF HUNTINGTON ROAD AND NASHVILLE ROAD

FROM:

Jim Harnum, City Manager

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to amend the Council approved recommendations for Zoning By-law Amendment File Z.17.022 (Nashville (Barons) Developments Inc. & Nashville (10 Acres) Development Inc. Item 40, Report No. 21, June 19, 2018) to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect for the Subject Lands shown on Attachment 1.

Report Highlights

- The Development Planning Department supports the inclusion of an additional recommendation to allow the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which the implementing zoning by-law came into effect by Council (October 23, 2019), for Zoning By-law Amendment File Z.17.022 on the Subject Lands.
- The Owner is seeking relief from Zoning By-law 1-88 for the approved development on the Subject Lands to reduce the minimum lot frontage requirement, increase the maximum garage width, reduce the maximum garage width, reduce the interior side yard setback and amend the definition of a 'lot' through the Committee of Adjustment.

Recommendation

1. THAT the Council approved Recommendations contained in Item 40, Report No. 21 (Nashville (Barons) Developments Inc. & Nashville (10 Acres) Development Inc.) dated June 19, 2018, be amended to include the following recommendation:

“THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.”

Background

The subject lands ('Subject Lands') are located on the east side of Huntington Road, south of Nashville Road, as shown on Attachment 1.

Vaughan Council, on June 19, 2018, approved Zoning By-law Amendment and Draft Plan of Subdivision Files Z.17.022 and 19T-17V007. Zoning By-law 142-2019 was adopted by Vaughan Council on October 23, 2019.

Previous Reports/Authority

[Item 40, Report No. 21, Committee of the Whole Council Extract June 19, 2018 Enacted Zoning By-law 142-2019](#)

Analysis and Options

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance Application(s) within two years of a zoning by-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts the submission of a Minor Variance Application(s) to the Committee of Adjustment within two years of the day in which a zoning by-law was amended. Section 45(1.4) of the *Planning Act* permits a Council to pass a resolution to allow an Owner to apply for a Minor Variance Application within two years of the passing of a zoning by-law. Zoning By-law 142-2019 was adopted by Vaughan Council on October 23, 2019 and therefore, two years have not passed since the enactment of the by-law.

The Owner has submitted a Minor Variance Application to the approved Zoning By-law

The Subject Lands are zoned “RD3 Residential Detached Zone Three” by Zoning By-law 1-88, and subject to site-specific exception 9(1376), which permits detached residential dwellings.

The Owner submitted Minor Variance Application Files A145/20, A011/21, A012/21, A013/21 and A014/21 ('Minor Variance Applications') to the Committee of Adjustment for relief from Zoning By-law 1-88 as amended by By-law 142-2019. The following variances to the draft approved subdivision shown on Attachment 2, are being requested by the Owner:

1. Reduce the required lot frontage from 12 m to 11.63 m (Block 119 on Plan 65M-4556 and Block 227 on Plan 65M-4672).
2. Reduce the required interior side yard setback from 1.2 m to 0.65 m for one side yard (Lots 195 -198 inclusive on Plan 65M-4672).
3. Permit a maximum interior garage width of 5.59 m on a lot with a minimum lot frontage of 11.5 m to 11.99 m, whereas 5 m is required (Block 119 on Plan 65M-4556 and Block 227 on Plan 65M-4672).
4. Permit a maximum interior garage width of 5.49 m on a lot with a minimum lot frontage of 12 m, whereas 5.5 m is required (Lots 195-198 inclusive on Plan 65M-4672).
5. Deem Block 119 on Plan 65M-4556 and Block 227 on Plan 65M-4672, as shown on Attachment 2, as one "Lot", as defined by Zoning By-law 1-88.

The Owner has indicated the variances identified above are required in order to address zoning deficiencies identified through their detailed design. In addition, one residential lot is comprised of two blocks on two separate registered plans and does not comply with the definition of a "Lot" in Zoning By-law 1-88.

Should Council approve the recommendation, the minor variance applications will be reviewed and circulated to internal staff to determine if the variances meet the four tests identified in Section 45(1) of the *Planning Act*. The Owner would also be able to apply if necessary, for future zoning relief for the Subject Lands in the event other minor zoning matters arise within the prescribed two-year period in which the zoning by-law was amended. The Development Planning Department can support the request to allow the Owner to submit a Committee of Adjustment application on the basis the Minor Variance Applications will be reviewed on their own merits.

Financial Impact

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

Broader Regional Impacts/Considerations

There are no requirements from the York Region Community Planning Department regarding this request.

Conclusion

The Development Planning Department supports the request from the Owner to apply for a Minor Variance Application(s) before the second anniversary of the day in which implementing Zoning By-law 142-2019 came into effect. Should Council approve the recommendation, the Owner would be permitted to proceed with their Minor Variance Applications (Files A145/20, A011/21, A012/21, A013/21 and A014/21) to the Committee of Adjustment to permit variances to the development on the Subject Lands shown on Attachment 2. The Minor Variance Applications will be reviewed on their own merits ensuring that the requested variances meet the four tests of Section 45(1) of the *Planning Act*.

For more information, please contact: Margaret Holyday, Senior Planner, at ext. 8216.

Attachments

1. Context and Location Map
2. Zoning By-law Schedule

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Approved by



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