

Committee of the Whole (1) Report

DATE: Tuesday, November 30, 2021

WARD: 1

TITLE: NASHVILLE DEVELOPMENTS (BARONS) INC.
ZONING BY-LAW AMENDMENT FILE Z.17.024
DRAFT PLAN OF SUBDIVISION FILE 19T-17V007
VICINITY OF HUNTINGTON ROAD AND NASHVILLE ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

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.17.024 and Draft Plan of Subdivision File 19T-17V007 (Nashville Developments (Barons) Inc., Item 39, 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 (April 21, 2020), for Zoning By-law Amendment File Z.17.024 on the Subject Lands.
- The Owner is seeking relief from Zoning By-law 1-88 for Lot 27 of the approved draft plan of subdivision on the Subject Lands to reduce the minimum front yard no encroachment zone and rear yard setback through the Committee of Adjustment.

Recommendation

1. THAT the Council approved Recommendations contained in Item 39, Report No. 21 (Nashville Developments (Barons) 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 south of the intersection of Nashville Road and Ranchview Street, as shown on Attachment 1.

Vaughan Council, on June 19, 2018, approved Zoning By-law Amendment and Draft Plan of Subdivision Files Z.17.024 and 19T-17V007 for the Subject Lands to permit a 48-unit single detached dwelling subdivision. Zoning By-law 022-2020 was adopted by Vaughan Council on April 21, 2020.

Previous Reports/Authority

Previous reports related to the Applications are available at the following web links:

Nashville Developments (Barons) Inc. files Z.17.024 and 19T-17V007, June 5, 2018 CoW, Item 39, Report No. 21

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=6877>

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 022-2020 was adopted by Vaughan Council on April 21, 2020 and therefore, two years have not passed since the enactment of the by-law.

The Owner intends to submit a Minor Variance Application to the approved Zoning By-law

The Subject Lands are zoned “RD3(H) Residential Detached Zone Three” (‘RD3(H)’), “RD4(H) Residential Detached Zone Four” (‘RD4(H)’), and “RR(H) Rural Residential Zone” (‘RR(H)’), all with the Holding Symbol “(H)”, and “OS2 Open Space Park Zone”, and subject to site-specific Exception 9(1485). The RD3(H), RD4(H) and RR(H) Zones permit detached residential dwellings.

The Owner intends to submit a Minor Variance Application for Lot 27 in the approved draft plan of subdivision shown on Attachment 2 to permit the following variances:

1. To permit a 1.03 m no encroachment zone to be maintained within the front yard, whereas a 1.5 m no encroachment zone is required.
2. To permit a minimum rear yard setback of 2.37 m, whereas a minimum rear yard setback of 2.5 m is required.

The Owner has indicated that the above noted variances are required to address deficiencies identified through the detailed design of the dwelling on Lot 27.

Should Council approve the Recommendation of this report, a Minor Variance Application shall be submitted by the Owner to 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 additional Minor Variance Applications for the Subject Lands in the event other minor zoning deficiencies arise within the prescribed two-year period in which Zoning By-law 022-2020 was adopted. The Development Planning Department can support the request from the Owner to submit a Minor Variance Application(s) on the basis that it will be reviewed on its 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 022-2020 came into effect. Should Council approve the recommendation, the Owner would be permitted to submit a Minor Variance Application to permit variances for Lot 27 of the approved draft plan of subdivision shown on Attachment 2, and to submit future Minor Variance Applications on the Subject Lands if required. The Minor Variance Application will be reviewed on its own merits and the four tests identified in Section 45(1) of the *Planning Act*.

For more information, please contact: Chris Cosentino, Senior Planner, at ext. 8215.

Attachments

1. Context and Location Map
2. Zoning By-law Schedule E-1620

Prepared by

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Approved by



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Reviewed by



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