

Date:	Tuesday, April 30, 2024		
Application Types:	Zoning By-law Amendment (the “Application”)		
Owner:	MYterms (Arash Fazelipur and Somayeh Badali) (the "Owner")		
Agent:	JKO Planning Services Inc. (Jim Kotsopoulos)		
Proposal:	The development of four single detached dwellings (the “Proposed Development”)		
Location:	East of Yonge Street and south of Langstaff Road East, municipally known as 28 and 32 Kirk Drive (the “Subject Properties”)		
File Numbers:	PLAN 24 161084	Ward:	1
Prepared By:	Hailey Miller, ext. 2945 Planner II, West Planning District		
Reviewed By:	Daniel Brutto, MCIP, RPP Acting Development Manager, West District	Stephen Lue, MCIP, RPP Senior Manager, Development	

PURPOSE

This preliminary information pertains to the Application submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

PROCESS TO DATE

Staff deemed the Applications complete on February 22, 2024. The 90-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ends on May 22, 2024.

NEXT STEPS

- Statutory Public Meeting is scheduled for April 30, 2024
- Recommendation Report for consideration by the Development Services Committee (“DSC”), if required
- In the event of an approval enactment of the site-specific Zoning By-law Amendment
- Future Consent to Sever application required

BACKGROUND

Subject Lands and Area Context

The 0.28 ha (0.69 ac) Subject Properties each contain a single detached dwelling and have a lot frontage of 30.48 m (100 ft) and lot depth of 45.72 m (150 ft) (see Figure 2). The Owner proposes to sever the Subject Properties into equal parts, demolish the existing single detached dwellings, and construct a new single detached dwelling on each lot.

The immediate surrounding area consists of single detached dwellings. On March 1, 2023, Council approved a Zoning By-law Amendment application to facilitate the creation of five single detached dwellings at 16 Kirk Drive, which is approximately 50 m west of the Subject Properties. The approved lot frontages range from 10.7 m (35.1 ft) to 10.9 m (35.76 ft). Figure 3 shows the surrounding land uses.

The following table summarizes the Proposed Development

Table 1: the Proposed Development (see Figure 4)	
Total Lots/Units	4 lots, each with a new single detached dwelling
Lot Frontage	15.24 m (50 ft) minimum
Lot Area	697.07 m ² (7,503.2 ft ²) minimum
Gross Floor Areas	391 m ² (4,208.7 ft ²)
Building Height	11.0 m (36.1 feet) maximum
Setbacks	Front: 9.05 m (29.68 ft); Rear: 17.92 m (58.8 ft); Sides: 1.52 m (5 ft) minimum

The following table summarizes the Official Plan Information

Table 2: 2014 Official Plan Amendment Information	
Current Designation	'Residential Low Rise'
Permissions	Permits single detached, semi-detached, townhouses excluding back-to-back townhouses, small multiplex buildings containing three to six units, all with direct frontage along a public street, with a maximum building height of three storeys.

A Zoning By-law Amendment application is required to permit the Proposed Development

Table 3: Zoning By-law 2150 Information (see Figure 3)	
Current Zone	'Second Density Single Family Residential (R2A)'
Permissions	Permits single detached dwellings and home occupations.
Lot Frontage	19.81 m (65 ft) minimum
Lot Area	724.64 m ² (7,800 ft ²) minimum
Building Height	7.62 m (25 ft) maximum
Setbacks	Front: 8.23 m (27 ft); Rear: 10.67 m (35 ft); Sides: 1.8 m (6 ft) minimum
Proposal	The Proposed Development does not comply with all of the standards set out in Table 3. The Owner proposes to rezone the Subject Properties to the 'Residential Two (R2)' Zone, under By-law 177-96, as amended, and shown in Table 1.

The Subject Properties are zoned 'Residential Established Neighbourhood Low Rise (RES-ENLR)' under the City's Comprehensive Zoning By-law 2024-19, which is currently under appeal and not in-force. Notwithstanding, amendments would be required to both the in-force By-law 2150 and By-law 2024-19.

Staff identified the following preliminary list of matters that will be assessed through the review of the Application, including other matters and issues, and addressed in a future Recommendation Report to the DSC, if required

- a) Conformity and Consistency with Provincial, York Region, and City Official Plan**
 - i) The appropriateness of the proposed Zoning By-law Amendment to allow the Proposed Development.
 - ii) Review of the Proposed Development in the context of the existing policy framework.
- b) Parkland Dedication**
 - i) The Application will be reviewed in consideration of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, and other financial contributions.
- c) Allocation and Servicing**
 - i) The availability of water and sanitary servicing capacity for the Proposed Development must be identified and allocated by Council, if the Applications are approved. If

servicing allocation is unavailable, the lands will be zoned with a Holding Symbol, which will be removed once servicing capacity is identified and allocated to the Subject Lands by Council.

- d) Review of the Proposed Development will include, but not limited to, the following:**
 - i) Examination of whether the built form proposed is appropriate.
 - ii) Evaluation of the compatibility with existing and planned development within the surrounding area.

- e) Required Future Applications**
 - i) If approved, the Owner must submit a Consent to Sever application(s) to create the proposed lots.

ACCOMPANYING FIGURES:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Proposed Conceptual Site Plan – 28 Kirk Drive

Figure 5: Proposed Conceptual Site Plan – 32 Kirk Drive

Figure 1

Location Map

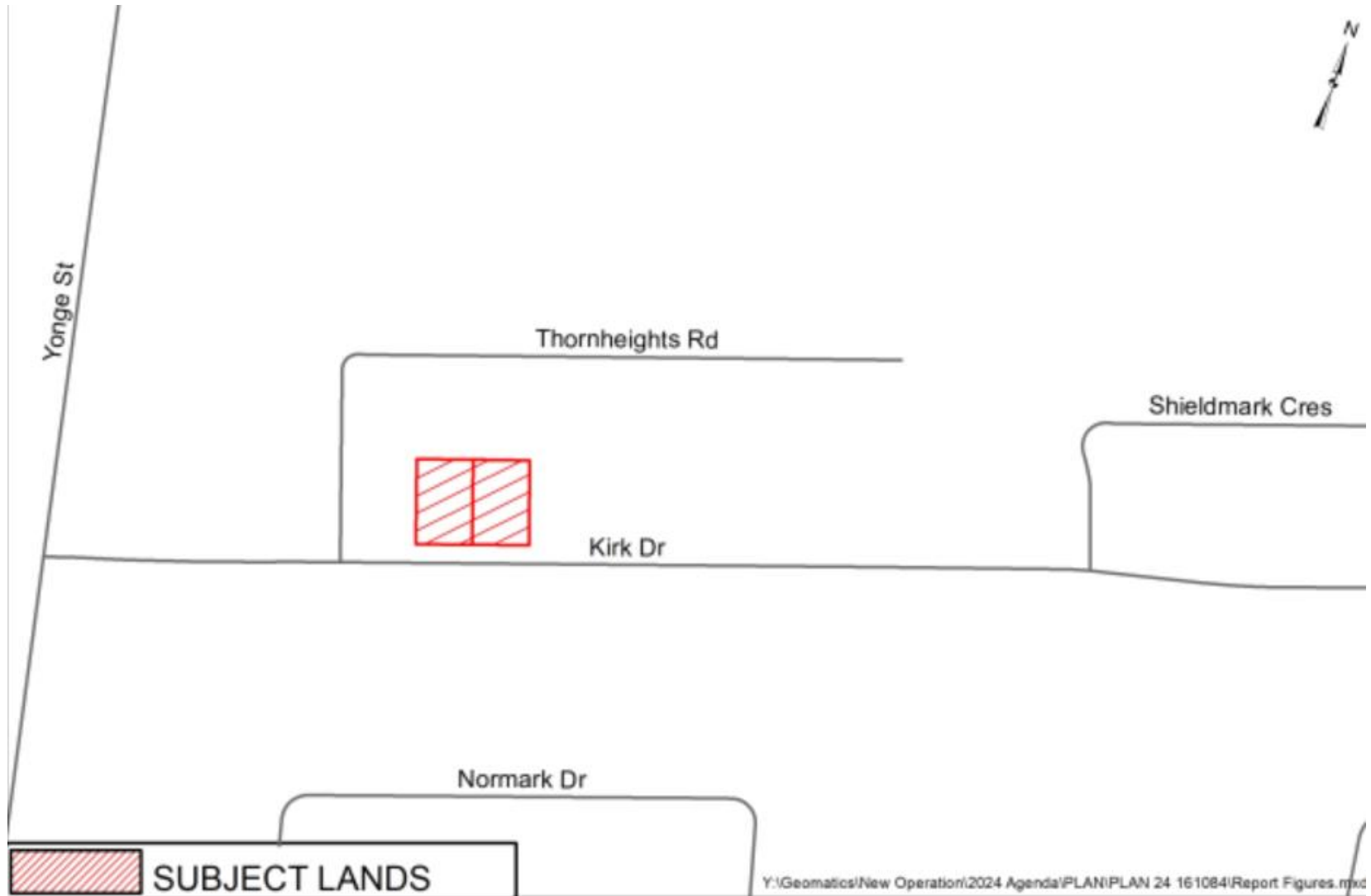


Figure 2

Aerial Photo



Figure 3

Area Context and Zoning



Figure 4

Proposed Conceptual Site Plan – 28 Kirk Drive

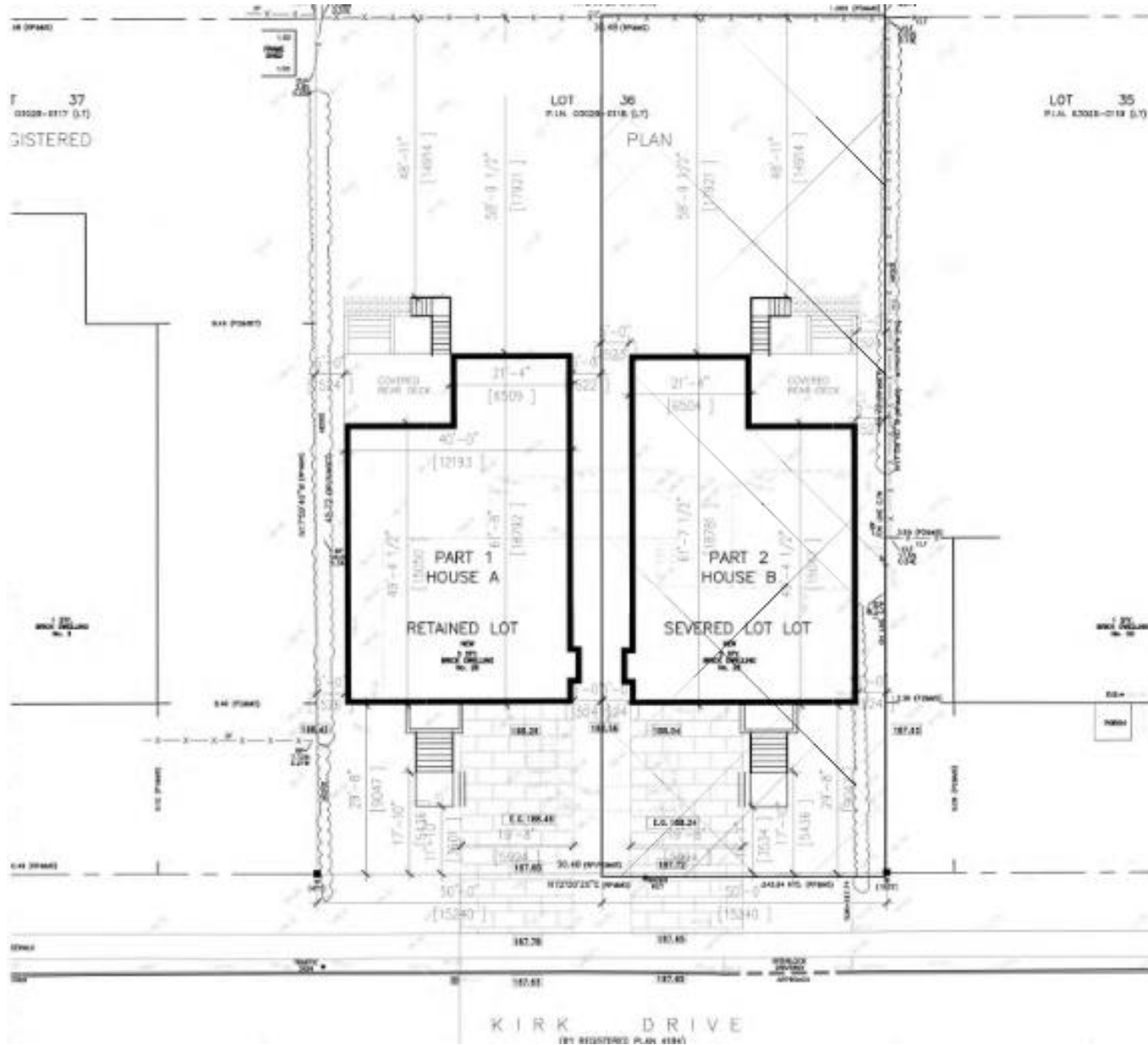


Figure 5

Proposed Conceptual Site Plan – 32 Kirk Drive

