

ITEM #: 6.27	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A148/22 71 Boone Cr Kleinburg
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COA REPORT SUMMARY

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

Please see **Schedule B of this report for a copy of Staff and Agency correspondence.*

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City’s Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review <i>*Schedule B</i>	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X	X		Recommend Approval/No Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X			No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA <i>*Schedule B</i>	X			No Comments Recieved to Date
Ministry of Transportation (MTO) <i>*Schedule B</i>				
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X	X		General Comments
YRDSB <i>*Schedule B</i>				
YCDSB <i>*Schedule B</i>				
CN Rail <i>*Schedule B</i>				
CP Rail <i>*Schedule B</i>				
TransCanada Pipeline <i>*Schedule B</i>	X			No Comments Recieved to Date
Metrolinx <i>*Schedule B</i>				
Propane Operator <i>*Schedule B</i>				

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.				
Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City’s Website.				
All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	TACC Developments	600 Applewood Crescent	06/06/2022	Confirmation of variances

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A148/22
71 Boone Cr Kleinburg**

FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.27	CITY WARD #: 1
APPLICANT:	Shah Mitesh & Jignaben Mitesh Shah
AGENT:	Krishna Shah
PROPERTY:	71 Boone Cr Kleinburg
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit a proposed secondary suite.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned R3 Residential and subject to the provisions of Exception 14.1006 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 metres from the interior side lot line Table 4-1	To permit hard landscaping to encroach into the minimum required interior side yard up to 0.0 metres.

The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1376) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88	Variance requested
None	

HEARING INFORMATION

DATE OF MEETING: Thursday, June 16, 2022 TIME: 6:00 p.m. MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan LIVE STREAM LINK: Vaughan.ca/LiveCouncil
<p>PUBLIC PARTICIPATION</p> <p>If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the Request to Speak Form and submit to cofa@vaughan.ca</p> <p>If you would like to submit written comments, please quote file number above and submit by mail or email to: Email: cofa@vaughan.ca</p> <p>Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1</p> <p>THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.</p>

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

INTRODUCTION	
<p>Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application may consider the following:</p> <p>That the general intent and purpose of the by-law will be maintained. That the general intent and purpose of the official plan will be maintained. That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. That the requested variance(s) is/are minor in nature.</p> <p>Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.</p>	

COMMITTEE OF ADJUSTMENT COMMENTS	
Date Public Notice Mailed:	June 1, 2022
Date Applicant Confirmed Posting of Sign:	May 31, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	1.2m Hard landscaping is required in order to provide primary entrance for second unit (Basement Apartment). We are not getting 0.6 m setback after the 1.2m of hard landscaping and seeking for relief in this by law (Section 4.13, By-law 01-2021) Hard landscape is required to be setback a minimum of 0.6 meters from all property lines (Section 4.13, By-law 01-2021).
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice. *A revised submission may be required to address staff / agency comments received as part of the application review process. *Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.	No
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS	
**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Development Engineering (DE) Department does not object to variance application A148/22 subject to the following condition(s):	
Development Engineering Recommended Conditions of Approval:	The Owner shall provide a written Letter of Undertaking (template can be requested from DE) to the satisfaction of Development Engineering to install permeable pavers

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
	in the side yard in order to facilitate drainage as per design drawing prepared by Excel Engineering Inc. provided on May 27, 2022.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Forestry has no comment	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments received to date	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No comments received to date	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

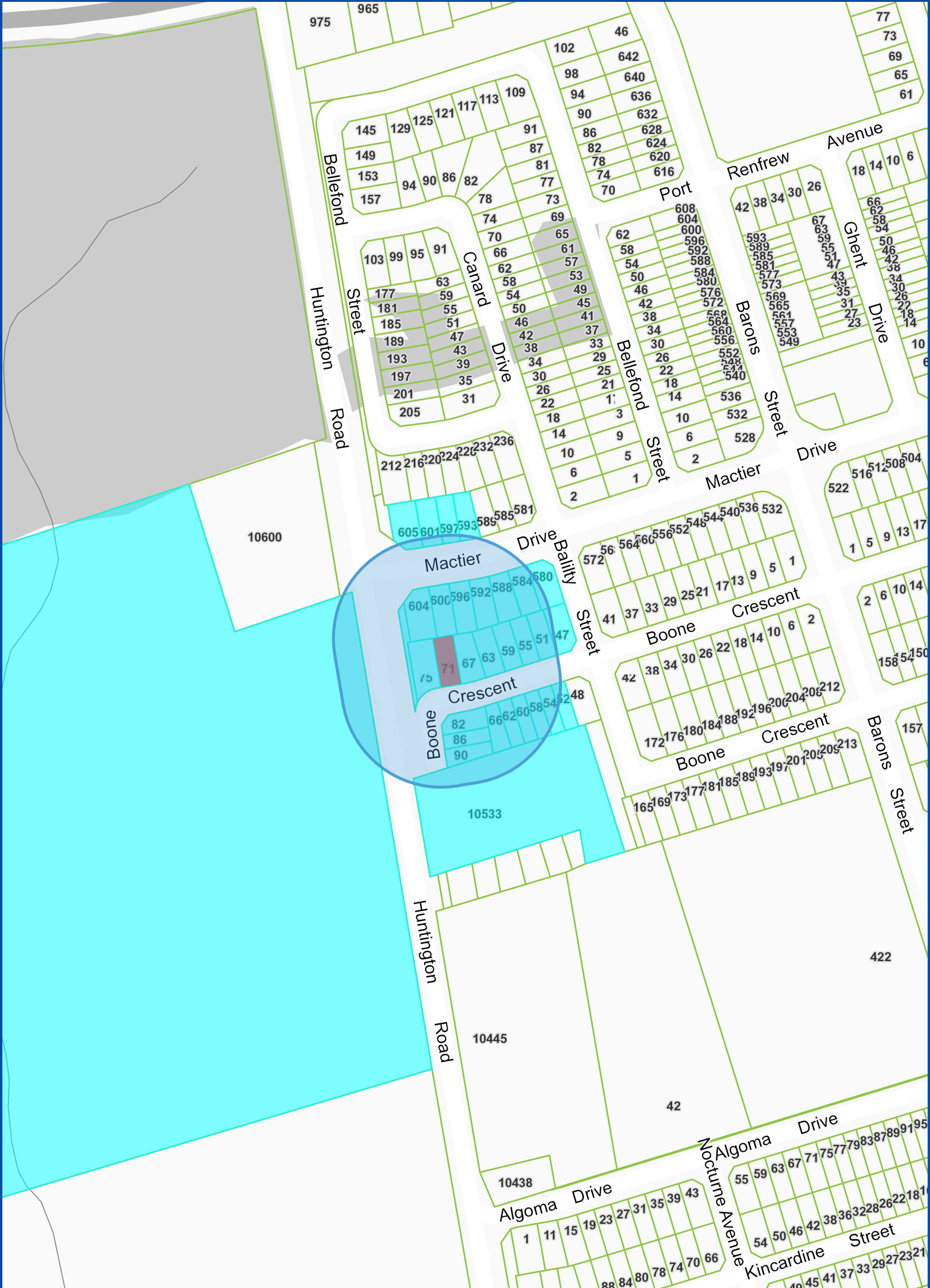
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering farzana.khan@vaughan.ca	The Owner shall provide a written Letter of Undertaking (template can be requested from DE) to the satisfaction of Development Engineering to install permeable pavers in the side yard in order to facilitate drainage as per design drawing prepared by Excel Engineering Inc. provided on May 27, 2022.

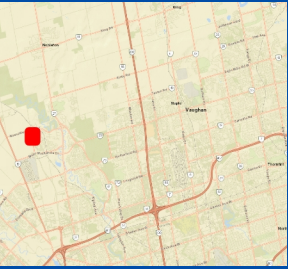
IMPORTANT INFORMATION – PLEASE READ
CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

IMPORTANT INFORMATION – PLEASE READ	
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.</p> <p>A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.</p> <p>Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.</p> <p>Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.</p>	
<p>DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.</p> <p>That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.</p> <p>That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment</p> <p>That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.</p>	
<p>NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee’s decision you will not receive notice.</p>	

SCHEDULE A: DRAWINGS & PLANS



Map Information:



Title:

71 BOONE CRESCENT, KLEINBURG

NOTIFICATION MAP - A148/22

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



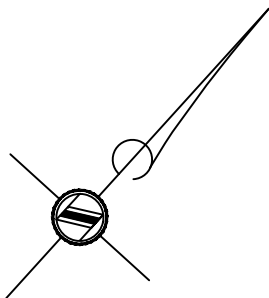
Scale: 1 : 3,199

0 0.05 km



Created By:
Infrastructure Delivery
Department
May 29, 2022 10:43 PM

Projection:
NAD 83
UTM Zone
17N



SITE PLAN

SCALE: 1 = 125

FRONT YARD LANDSCAPING : 374.16 SQ.FT.
SOFT LANDSCAPING:338.16 SQ.FT.
HARD LANDSCAPING: 36 SQ.FT.

ALL DIMENSION ARE IN METER

The consultant is not responsible for the accuracy of the survey. Refer to the appropriate engineering drawings before proceeding to the work. Report any discrepancies between architectural/engineering drawings to the consultant. General contractor shall check and verify all dimensions and report all errors and omissions to the consultant. Construction must conform to all applicable codes and requirements of authorities having jurisdiction.



				XX
DATE:	NO.	DESCRIPTION		BY
REVISIONS:				

PROJECT :

BASEMENT APARTMENT

71 BOONE CRES
WOODBIDGE, ON

CLIENT:
MITESH SH/
71 BOONE CRES
WOODBRI

CONSULTANT :
EXCEL ENGINEERING INC.

UNIT 202, 4000 STEELES AVENUE WEST
WOODBRIDGE, ON
CELL : 647-270-5656
KRISHNA@EXCELENG.CA

DRAWING TITLE:

SITE PLAN

DRAWING NO:	
DESIGN: KS	SCALE: AS SHOWN
DRAWN: DBP	DATE: APR 2022
CHECKED: KS	PROJECT NO 21154

SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X	X		General Comments
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X			Recommend Approval/no conditions
Building Standards (Zoning)	X			General Comments

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: June 8, 2022

Name of Owners: Mitesh Shah & Jignaben Mitesh Shah

Location: 71 Boone Crescent

File No.(s): A148/22

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

1. To permit hard landscaping to encroach into the minimum required interior side yard up to 0.0 m.

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

1. Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 m from the interior side lot line.

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

Comments:

The Owners are requesting relief to permit the construction of a hard landscape walkway to provide access to a proposed secondary suite entrance in the eastern side yard.

The Development Planning Department has no objection to the requested variance as the proposed hard landscape walkway will consist of permeable pavers, which the Development Engineering Department has reviewed and is satisfied that drainage along the side yard will be maintained. The hard landscape walkway facilitates the required 1.2 m clear path to the secondary suite entrance.

Accordingly, the Development Planning Department can support the requested variance and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

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

To: Committee of Adjustment
From: Pia Basilone, Building Standards Department
Date: May 18, 2022
Applicant: Shah Mitesh & Jignaben Mitesh Shah
Location: PLAN 65M4556 Lot 58 municipally known as 71 Boone Crescent
File No.(s): A148/22

Zoning Classification:

The subject lands are zoned R3 Residential and subject to the provisions of Exception 14.1006 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 metres from the interior side lot line. Table 4-1	To permit hard landscaping to encroach into the minimum required interior side yard up to 0.0 metres.

The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1376) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	None	

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file.

Building Permit(s) Issued:

A Building Permit has not been issued.

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit.
2	We confirm that the front yard soft landscaping complies to both By-laws 1-88 as amended and 001-2021 as amended based on the drawings submitted with this application.

Conditions of Approval:

None

* Comments are based on the review of documentation supplied with this application.

Date: May 26th , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A148-22**

Related Files:

Applicant Shah, Mitesh and Shah, Jignaben Mitesh

Location 71 Boone Cres

COMMENTS:

- ☐ We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mitchell Penner
Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

Lenore Providence

Subject: FW: [External] RE: A148/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Gordon, Carrie <carrie.gordon@bell.ca>

Sent: May-25-22 2:43 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A148/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hello Lenore

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

Carrie Gordon



Associate, External Liaison
Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Lenore Providence

Subject: FW: [External] RE: A148/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: May-30-22 3:37 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A148/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Good afternoon Lenore,
The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst MCIP, RPP | Programs and Process Improvement | Planning and Economic Development | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	TACC Developments	600 Applewood Crescent	06/06/2022	Confirmation of variances

Lenore Providence

Subject: FW: Public Correspondence A148/22 - 71 Boone Cres

From: Aaron Hershoff [REDACTED]

Sent: Monday, June 6, 2022 12:10 PM

To: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] A148/22 - 71 Boone Cres

This email is being submitted on behalf of the Developer of the subject lands – Nashville Developments (North) Inc. with respect to the above noted application to reduce the required interior side yard landscaping.

As the lands are not yet assumed by the City, the developer Nashville Developments (North) Inc. has no objection to the relief being sought PROVIDED the City acknowledge and confirm that if the requested variance is approved:

- 1) The approval of the requested reduction in landscaping variance will not create issues with assumption of the subdivision; and
- 2) The approval of the requested reduction in landscaping variance will not cause delay in release of securities by the City to the Developer; and
- 3) The approval of the requested reduction in landscaping variance will not cause the developer and /or builder to have issues associated with final grading and landscaping approvals.

If the City would please confirm these items prior to approval it would be appreciated.

Should the City not confirm the above for the variance related to landscaping be approved and any of the above noted issues arise, the Developer will not be held responsible for remedying the issue as the City has accepted and approved the change.

If you have any questions, please do not hesitate to contact the undersigned.

Aaron Hershoff
MBA, M.C.I.P., R.P.P.
Senior Development Manager

TACC
DEVELOPMENTS

600 Applewood Crescent
Vaughan, ON L4K 4B4



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