

ITEM #: 6.3	COMMITTEE OF ADJUSTMENT REPORT
	MINOR VARIANCE APPLICATION
	A201/22
	4850 King-Vaughan Road, Woodbridge

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	X	General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X			Application Under Review
Development Engineering	X	X	X	Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		General Comments
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			
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				

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
Applicant / Authorized Agent	Bousfields Inc. (Michael Bissett)		05/02/2022	Planning Justification Report

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
A201/22**

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

AGENDA ITEM NUMBER: 6.3	CITY WARD #: 1
APPLICANT:	The Estate of Teresa Montemarano, Saverio Montemarano and Giuseppina Cipollone
AGENT:	Bousfields Inc. (Michael Bissett)
PROPERTY:	4850 King-Vaughan Road, Vaughan
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Agricultural" and "Natural Areas"
RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	B011/22 & A171/22
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit reduced lot area and the existing dwelling on the retained land to facilitate Consent Application B011/22. Relief is also being requested to permit access to a driveway and public road through an abutting private property.

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

The subject lands, as identified as Part 1 in the proposed survey plan, are zoned A – Agriculture Zone and subject to the provisions of Exception 14.472 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	The minimum lot area is 40.00 Ha. [Section 4.1.2.2]	To permit a minimum lot area of 17.57 Ha.
2	The minimum interior side yard shall be 9.0 m. [Table 12-3]	To permit a minimum interior side yard setback of 6.89m.
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. [Section 3: Definitions]	To permit a driveway providing access to parking spaces from a public road through an abutting private property.
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.[Section 6.1.2]	To permit the driveway to have access to a public road through an abutting private property.

The subject lands are zoned A – Agricultural and subject to the provisions of Exception 9(767) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	The minimum required interior yard setback is 9.0m. [Schedule A]	To permit a minimum required interior yard setback of 6.89m.
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. [Section 2: Definitions]	To permit a driveway providing access through the abutting private property to access the public highway.

HEARING INFORMATION
DATE OF MEETING: September 22, 2022 TIME: 6:00 p.m. MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan LIVE STREAM LINK: Vaughan.ca/LiveCouncil
PUBLIC PARTICIPATION 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 If you would like to submit written comments, please quote file number above and submit by mail or email to: Email: cofa@vaughan.ca Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1 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.

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. 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: 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. 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.

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	September 8, 2022	
Date Applicant Confirmed Posting of Sign:	September 6, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	Minor Variance Application is being requested because the existing lot size does not comply with the minimum lot area identified in the new Comprehensive Zoning By-law 01-2021 (minimum lot area is 40 ha and the existing area is 17.57)	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	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:	1. That Consent Application B011/22 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate	

COMMITTEE OF ADJUSTMENT COMMENTS	
	of Official must be provided to the Secretary Treasurer to satisfy this condition. 2. That a Surveyors Certificate confirming lot area is submitted.

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

DEVELOPMENT PLANNING COMMENTS	
Application Under Review	
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 A201/22 subject to the following condition(s):	
Development Engineering Recommended Conditions of Approval:	The variance application A171/22 and A201/22 shall be approved in conjunction or following the approval of consent application B011/22.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Parks: Forestry: Forestry has no comment. Horticulture:	
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

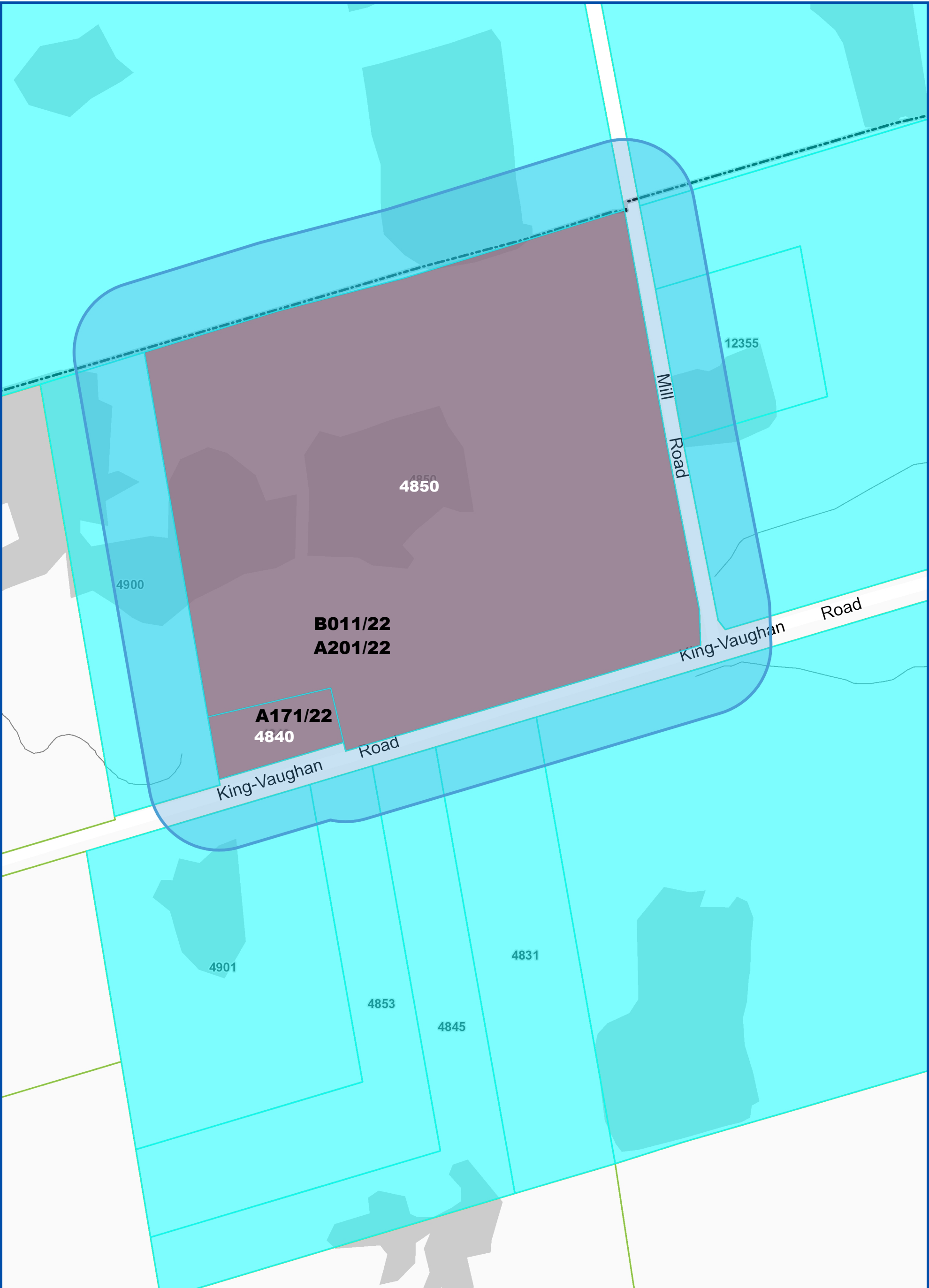
SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions 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	Committee of Adjustment christine.vigneault@vaughan.ca	1. That Consent Application B011/22 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of Official must be provided to the Secretary Treasurer to satisfy this condition. 2. That a Surveyors Certificate confirming lot area is submitted.
2	Development Engineering farzana.khan@vaughan.ca	The variance application A171/22 and A201/22 shall be approved in conjunction or following the approval of consent application B011/22.

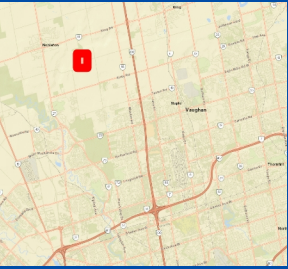
IMPORTANT INFORMATION – PLEASE READ
CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.
APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision. 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. 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. 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. 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.
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. 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. 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 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.
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.

SCHEDULE A: DRAWINGS & PLANS



PINE VALLEY DRIVE

Map Information:



Title: 4840 & 4850 KING-VAUGHAN ROAD,
WOODBIDGE

NOTIFICATION MAP
B011/22, A171/22 & A201/22

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: 4,514

00.07 km

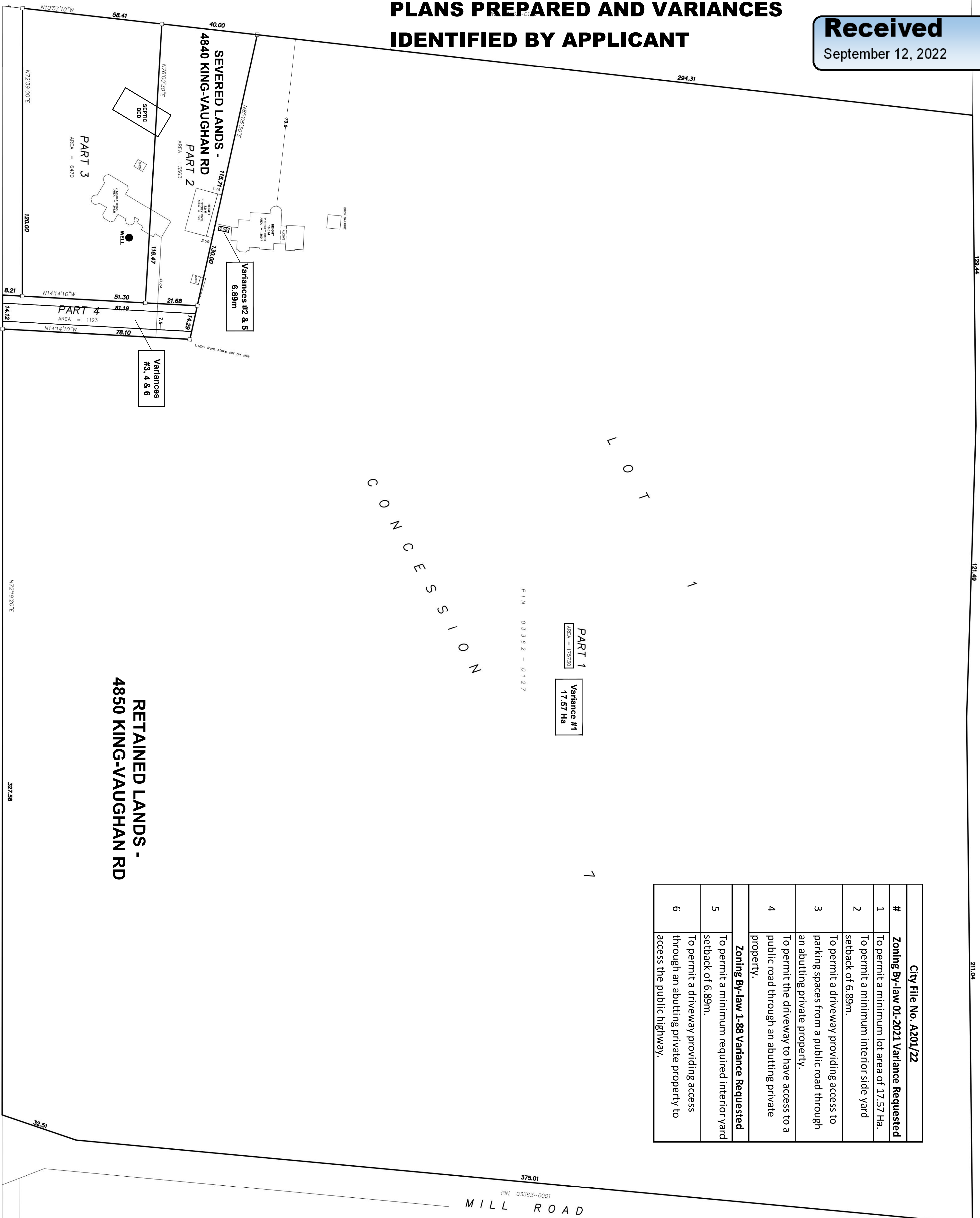
Created By:
Infrastructure Delivery
Department
September 7, 2022 12:29 PM

Projection:
NAD 83
UTM Zone
17N

Received

September 12, 2022

PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT



City File No. A201/22	
#	Zoning By-law 01-2021 Variance Requested
1	To permit a minimum lot area of 17.57 Ha.
2	To permit a minimum interior side yard setback of 6.89m.
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.
Zoning By-law 1-88 Variance Requested	
5	To permit a minimum required interior yard setback of 6.89m.
6	To permit a driveway providing access through an abutting private property to access the public highway.

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1				175730
2	PART OF 1	7	ALL OF 03862-0127	356.3
3				6470
4				1123

PLAN OF SURVEY OF
PART OF LOT 1,
CONCESSION 7,
GEOGRAPHIC TOWNSHIP OF VAUGHAN
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 750 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 914MM IN WIDTH BY 609MM IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:750

A SCALE OF 1:75

LEGEND

■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SIB	DENOTES SHORT STANDARD IRON BAR
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
PB	DENOTES PLASTIC BAR
CP	DENOTES CONCRETE PIN
ø	DENOTES ROUND
WIT	DENOTES WITNESS
M	DENOTES MEASURED

BEARING NOTES

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:

P1,P2,P3 - 0°00'00" COUNTER-CLOCKWISE

DISTANCE NOTES – METRIC

DISTANCES ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

URVEYOR'S CERTIFICATE

CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEY'S ACT, THE SURVEYORS ACT, THE LAND
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON (FIELD NOTE DATE).

(SIGNATURE DATE) 11/11/11

DATE ***, O.L.S

THIS PLAN OF SURVEY RELATES TO AOLS PLAN

INTEGRATION DATA

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING A REAL TIME NETWORK AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE). (AD83(CSRS)(2010).

URBAN ACCURACY PER SEC. 14(2), O.REG. 216/10

POINT ID	NORTHING
A	4444444.44

COORDINATES CANNOT, IN THESE USES, BE USED TO RE-ESTABLISH COASTLINES OR BOUNDARIES SHOWN ON THIS PLAT.

 $\oplus$

①



OPINION

IBWSURVEYORS.COM | 1.800.667.0696

RTY CHIEF: PR	DRAWN BY: DC	CHECKED BY: *	PLOT DATE: JULY 9 2021
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E NAME: A-028755	copies available at LandSurveyRecords.com
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SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			
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			Application Under Review
Building Standards (Zoning)	X	X		General Comments

To: Committee of Adjustment

From: Punya Marahatta, Building Standards Department

Date: July 14, 2022 REVISED AUGUST 31, 2022

Applicant: Saverio and Teresa Montemarano

Location: CONC 7 Part of Lot 1 municipally known as 4850 King Vaughan Road

File No.(s): A201/22

Zoning Classification:

The subject lands, as identified as Part 1 in the proposed survey plan, are zoned A – Agriculture Zone and subject to the provisions of Exception 14.472 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	The minimum lot area is 40.00 Ha. [Section 4.1.2.2]	To permit a minimum lot area of 17.57 Ha.
2	The minimum interior side yard shall be 9.0 m. [Table 12-3]	To permit a minimum interior side yard setback of 6.89m.
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. [Section 3: Definitions]	To permit a driveway providing access to parking spaces from a public road through an abutting private property.
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. [Section 6.1.2]	To permit the driveway to have access to a public road through an abutting private property.

The subject lands are zoned A – Agricultural and subject to the provisions of Exception 9(767) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	The minimum required interior yard setback is 9.0m. [Schedule A]	To permit a minimum required interior yard setback of 6.89m.
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. [Section 2: Definitions]	To permit a driveway providing access through the abutting private property to access the public highway.

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. The Ontario Building Code requires a building permit for structures that exceed 10m²

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
2	The subject lands are subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
3	The subject lands are subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.-NA

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

Date: September 1st , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A171-22, A201-22**

Related Files:

Applicant Saverio Montemarano Giuseppina Cipollone The Estate of
Teresa Montemarano

Location 4840 & 4850 King Vaughan Road

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: B011/22, A171/22, A201/22 (4840 & 4850 King Vaughan Road) - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Development Services <developmentservices@york.ca>

Sent: September-07-22 5:00 PM

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

Cc: Wong, Justin <Justin.Wong@york.ca>

Subject: [External] RE: B011/22, A171/22, A201/22 (4840 & 4850 King Vaughan Road) - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hi Christine,

The Regional Municipality of York has completed its review of the above application. TRCA will be providing technical comments on behalf of York Region.

We would like to be notified of the decision.

Thank you,
Niranjan

Niranjan Rajevan, M.Pl. | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | niranjan.rajevan@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Please consider the environment before printing this email.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE
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Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Bousfields Inc. (Michael Bissett)		05/02/2022	Planning Justification Report

March 7, 2022
Revised May 2, 2022

Project No. 21295

Via Digital Delivery

Committee of Adjustment
Vaughan City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

To Whom it May Concern:

***Re: 4840 to 4850 King-Vaughan Road
Consent and Minor Variance Applications
Planning Justification Letter***

We are the land use planners to Saverio Montemarano, the owner of the lands municipally known as 4840 to 4850 King-Vaughan Road, in the City of Vaughan.

The subject site is located on the north side of King-Vaughan Road, approximately 1-kilometre west of Pine Valley Drive. The surrounding area is mainly undeveloped and primarily consists of open agricultural areas. The larger parcel is 18 hectares and is municipally known as 4850 King-Vaughan Road with a single detached dwelling and accessory garage structure. The smaller of the two parcels, municipally known as 4840 King-Vaughan Road, is 0.65 hectares and is occupied by a single detached dwelling and an accessory garage. Both homes are accessed via a shared driveway from King Vaughan Road.



This letter provides a planning justification for a consent application for a boundary adjustment. Our client is seeking the boundary adjustment to rationalize the lot

lines with what is currently constructed on site, and to provide an easement over the existing shared driveway that provides access to the two existing homes on the existing parcels. The parcels are both zoned (A) Agricultural, with 4840 King Vaughan Road also subject to site specific section 9(767) allowing for a minimum lot size of 0.5 hectares (E-847A). .

Natural Features

The subject lands are located within the Greenbelt Plan Area and a Toronto Region and Conservation Authority (TRCA) Regulated Area. The TRCA was contacted to confirm if any natural heritage features would be impacted by the lot adjustment. The TRCA confirmed that no natural heritage features will be impacted by the proposed boundary adjustment.

Proposed Lot Adjustment

Consent is being requested to sever a parcel of land for residential purposes, as a lot addition, to be merged on title with the abutting lands to the south, municipally known as 4840 King-Vaughan Road (shown as Part 3 on the draft plan), reserving an easement for access (vehicular and pedestrian) over the severed (servient) land (Part 4) in favour of the retained (dominant) land (Part 1).

The lands to be severed are approximately 4,686 square metres (Part 2 and 4 on the draft plan). The retained parcel of land (Part 1) is approximately 175,730 square meters has frontage onto King Vaughan Road.

The adjustment to the boundary will result in a setback from the accessory building at 4840 King Vaughan Road being 1.75 metres from the north property line at the closest point.

Below are the statistics for the proposed lots, following the lot adjustments and easements:

	Lot Area	Lot Width / Frontage	Lot Depth
Part 1 – 4850 King-Vaughan Rd	175,730 sq.m 17.57 ha	461 m	294 m
Part 2, 3 and 4 – 4840 King-Vaughan Rd	11,156 sq.m (1.12 ha)	134 m	98 m
Part 2	3,563 sq.m	116 m	40 m
Part 3	6,470 sq.m	120 m	58 m
Part 4	1,123 sq.m	14 m	81 m

**See R-Plan for precise measurements*

Policy Framework

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with PPS, the subject site is located in an *Agricultural* area. Policy 1.3.4.2 supports lot adjustments in *prime agricultural areas* permitting it is for *legal or technical reasons*¹.

Greenbelt Plan Area

The Greenbelt Plan, 2017 contains policies that permanently protect the agricultural land base in Ontario and the associated ecological and hydrological features, areas, and functions occurring on such lands. The plan identifies the protected areas and provides policy to direct future development.

The subject lands are located entirely within the Greenbelt Plan and is designated *Protected Countryside*. Policy 4.6.1(e) – Lot Creation provides that for lands located within the *Protected Countryside* designation, minor lot adjustments or boundary additions are permitted “provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *speciality crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*.”

Given the minor nature of the lot boundary adjustment, the proposal conforms with the policies outlined in the Greenbelt Plan.

York Region Official Plan

The York Region Official Plan (YROP 2010) was adopted by the Region in 2009, approved by the minister of Municipal Affairs and Housing on September 7, 2010 and subsequently appealed to the Ontario Land Tribunal (OLT), formerly known as the Local Planning Appeal Tribunal (LPAT). Since that time the YROP 2010 has been approved by the OLT with modifications which occurred by way of decision orders issued between August 2010 and November 2015.

¹ **Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

The site is identified as being within the *Protected Countryside Areas* on Map 1 – Regional Structure. In accordance with the YROP 2010 policy 6.3.7, minor lot adjustments or boundary additions are permitted.

Vaughan Official Plan

The Vaughan Official Plan (VOP 2010) was adopted by Vaughan Council in September 2010, and was subsequently endorsed by the Region of York Council on June 28, 2012. It was appealed to the LPAT and has since received partial approval by the LPAT between 2013 and 2015. The outstanding appeals are largely related to employment area policies, parkland dedication policies, or site-specific, and therefore have little to no bearing on the subject site.

The subject site is outside the Urban Boundary and within a *Natural Areas and Countryside* designation on Schedule 1 – Urban Structure of the VOP 2010. On Schedule 13 – Land Use of the VOP 2010, the lands are designated as *Agricultural*.

Section 10.1.2 provides Implementation Policies for the City of Vaughan and includes specific policies for 'Consents (Severances)'. Policy 10.1.24.3 provides guidance for consents and severances for lands designated *Natural Area or Agricultural*. Policy 10.1.2.43(c) suggests that minor lot adjustments or boundary additions should be permitted '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'. This is consistent with the policy framework identified in both the YROP 2010 and the Greenbelt Plan.

City of Vaughan Zoning By-law

In accordance with the City of Vaughan Zoning By-law 1-88, the subject lands are zoned *Agricultural*. The *Agricultural* zone permits a range of uses, including residential. The existing uses on the site are permitted in the *Agricultural* zone and a variance appears to be required to permit the northerly 1.75m setback of the existing accessory garage structure. There are no changes to the existing built form and no new development. The lot adjustment is to rationalize the lot lines with what is existing on the ground. In my opinion the proposed variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and minor pursuant to Section 45 of the Planning Act.

Should you have any questions or require clarification or further information with respect to the above, please do not hesitate to contact the undersigned at 416-903-6950.

Yours very truly,
Bousfields Inc.



Michael Bissett, MCIP, RPP