



**File:** A045/19

**Applicant:** Matteo Iacovelli

**Address:** 14 Napier St Kleinburg

**Agent:** JTF Homes

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s)
	<input checked="" type="checkbox"/> Negative Comment	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks Department	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A



Minor Variance  
Application

Agenda Item: 7

A045/19

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing:	Thursday, May 30, 2019
Applicant:	Matteo Iacovelli
Agent:	JTF Homes
Property:	14 Napier St Kleinburg
Zoning:	The subject lands are zoned R1 Residential Zone One, under By-law 1-88 as amended.
OP Designation:	The Subject Lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 1; and "Village Residential" by VOP 2010, Volume 2, Chapter 12.4 - Kleinburg Core.
Related Files:	None
Purpose:	Relief from the by-law is being requested to permit the construction of a proposed single family dwelling and accessory structure (cabana).

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum front yard setback of 7.5 metres is required.	1. To permit a minimum front yard setback of 6.04 metres to the covered porch.
2. A maximum lot coverage of 30% is permitted.	2. To permit a maximum total lot coverage of 34.51% for the dwelling and accessory buildings. (32.49% dwelling, 2.02% cabana)
3. A minimum front yard setback of 5.7 metres is required.	3. To permit a minimum front yard setback of 5.4 metres to the steps.
4. A minimum interior side yard setback of 1.5 metres is required.	4. To permit a minimum interior side yard setback of 1.07 metres for the accessory buildings.
5. A minimum rear yard setback of 7.5 metres is required.	5. To permit a minimum rear yard setback of 1.16 metres for the accessory buildings.

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit [www.vaughan.ca](http://www.vaughan.ca). To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until 4:00 p.m. on the last business day prior to the day of the scheduled Meeting.

Committee of Adjustment:  
Public notice was mailed on May 15, 2019

Applicant has not confirmed posting of signage

Property Information	
Existing Structures	Year Constructed
Dwelling	1950 (purchased in 2018)

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to constraints of lot size and due to owners required program, variances as requested are needed.

**Adjournment Request:** Applicant provided opportunity to adjourn in order to obtain Heritage approval.

**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: None

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m<sup>2</sup>

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

An A/C unit and/or pool equipment shall be setback a minimum of 0.60 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

There are steps and retaining wall outside of the property line. Please contact Clerk's Department to confirm whether an Encroachment Agreement has been obtained or required.

**Building Inspections (Septic):**

No comments or concerns

**Development Planning:**

Official Plan: The Subject Lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 1; and "Village Residential" by VOP 2010, Volume 2, Chapter 12.4 - Kleinburg Core.

The Owner is requesting permission to construct a new single detached dwelling and accessory building located in the rear yard with the above noted variances. The Owner has submitted Site Development File DA.18.100 to facilitate the development of a single detached dwelling on the property, located in the Kleinburg-Nashville Heritage Conservation District, which is currently under review by the Development Planning Department. On May 15, 2019, Heritage Vaughan reviewed and approved the following recommendation of the Manager of Urban Design and Cultural Heritage:

1. That Heritage Vaughan recommend Council approve the proposed demolition of the existing detached dwelling and shed at 14 Napier Street and new construction of a detached dwelling unit and accessory structure (pool house) under Section 42 of Ontario Heritage Act, subject to the following conditions:
  - a) Any significant changes to the proposal by the Owner may require reconsideration by the Heritage Vaughan Committee, which shall be determined at the discretion of the Director of Development Planning and Manager of Urban Design and Cultural Heritage;
  - b) That Heritage Vaughan Committee recommendations to Council do not constitute specific support for any Development Application under the Ontario Planning Act or permits currently under review or to be submitted in the future by the Owner as it relates to the subject application;
  - c) That the applicant submits Building Permit stage architectural drawings and building material specifications to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

The dwelling has a total proposed lot coverage of 34.51% (32.49% dwelling, 2.02% accessory structure), which is consistent with other approvals in the vicinity. Variances #1 and #3 are minor in nature as the front yard setback requirement for the dwelling is maintained. Development Planning has no objections to variances #4 and #5 respecting the proposed accessory structure as it will not adversely impact adjacent properties. Accordingly, the Development Planning Department 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.

The Development Planning Department recommends approval of the application, subject to the following condition:

That related Site Development File DA.18.100 be approved to the satisfaction of the Development Planning Department.

**Cultural Heritage (Urban Design):**

Although the nature of the Village presents buildings of varying heights, all below the bylaw maximum allowable height, the proposed building's height exceeding maximum allowable does not negatively impact or affect the surrounding properties or the overall context and image of the Village.

Also, the proposed front yard setback and revised step setback do not negatively impact or affect the surrounding properties of the overall context and image of the Village.

Thus, Cultural Heritage Division has no objections to the Minor Variance application for 14 Napier Street, Kleinburg.

The subject parcel of land lies in an area identified as a being of high archaeological potential in the City’s database of archaeological resources. As such, the owner is advised that the following standard clauses apply:

Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Culture and the City of Vaughan’s Development Planning and Urban Design shall be notified immediately.

In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries.

**Development Engineering:**

The Development Engineering Department does not object to variance application A045/19 for 14 Napier Street subject to these conditions:

- 1) The owner/applicant shall obtain site plan approval for the related Site Development Application (DA.18.100) from the Development Engineering Department.
- 2) The owner/applicant shall apply for a pool permit with the Development Engineering Department. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply.
- 3) The owner/applicant shall submit the final Lot Grading and/or Servicing plan to the Development Inspection and Lot Grading Division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

**Parks Development:**

Forestry - Tree inspection and recommendations have already been provided through the Development & Tree Protection Processes:

Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm at base) to be preserved prior construction and is to remain until the construction is completed. (applicable to Private and Public trees) as per By-Law (052-2018);

Heavy Duty Tree protection fencing (plywood) is to be installed prior to construction and is to remain until construction is completed, as per By-Law (052-2018);

No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone;

Shared ownership trees or neighbouring trees potentially impacted by construction activities must provide written authorization from an adjacent property owner where the base of a tree straddles a property line or is completely on the neighbouring property as per By-law (052-2018);

Tree protection must be installed as outlined in the arborist report prior to the commencement of any construction activities;

Arborist recommendations to be followed as outlined in the Arborist Report.

**By-Law and Compliance, Licensing and Permit Services:**

No comments or concerns

**Financial Planning and Development Finance:**

No comment no concerns

**Fire Department:**

No Response.

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**

None

**Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

**Schedule D - Previous Approvals (Notice of Decision)**

None

**Staff Recommendations:**

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers 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.

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:

	Department/Agency	Condition
1	Development Engineering Margaret Olivier  905-832-8585 x 8716 <a href="mailto:Margaret.olivier@vaughan.ca">Margaret.olivier@vaughan.ca</a>	1) The owner/applicant shall obtain site plan approval for the related Site Development Application (DA.18.100) from the Development Engineering Department. 2) The owner/applicant shall apply for a pool permit with the Development Engineering Department. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply. 3) The owner/applicant shall submit the final Lot Grading and/or Servicing plan to the Development Inspection and Lot Grading Division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.
2	Development Planning Brandon Bell  905-832-8585 x 8112 <a href="mailto:Brandon.bell@vaughan.ca">Brandon.bell@vaughan.ca</a>	That related Site Development File DA.18.100 be approved to the satisfaction of the Development Planning Department.

**Please Note:**

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

**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. 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.

## Notice to the Applicant – 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 to Public

**WRITTEN SUBMISSIONS:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan  
Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[CofA@vaughan.ca](mailto:CofA@vaughan.ca)

**ORAL SUBMISSIONS:** If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

**PUBLIC RECORD:** Personal information 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.

**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

**For further information please contact the City of Vaughan, Committee of Adjustment**

T 905 832 8585 Extension 8002  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

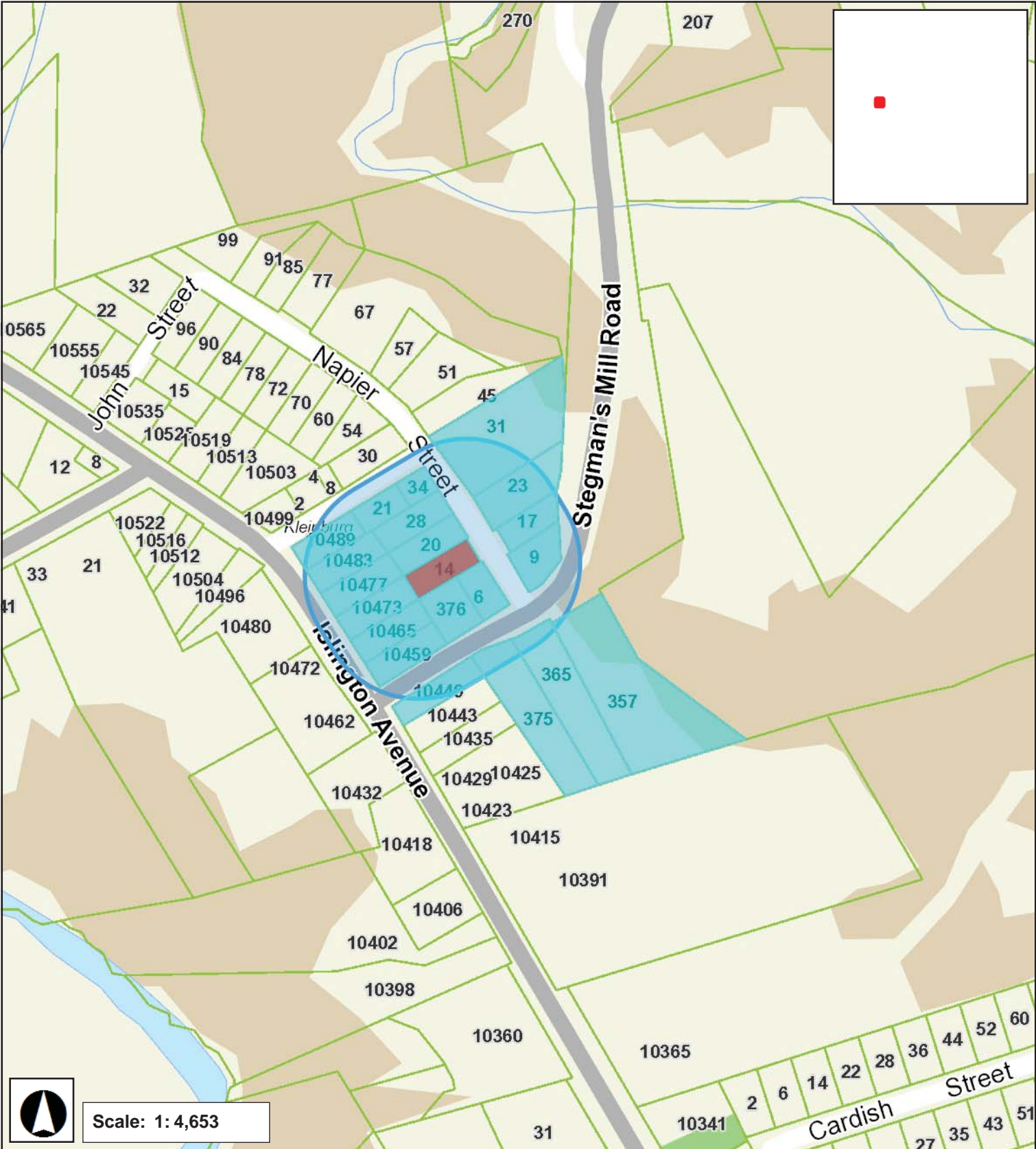
Location Map  
Sketches





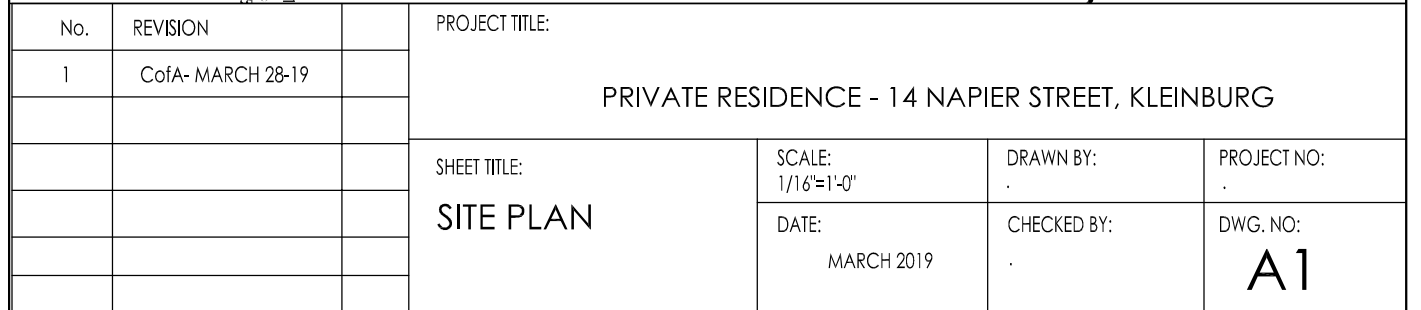
# LOCATION MAP - A045/19

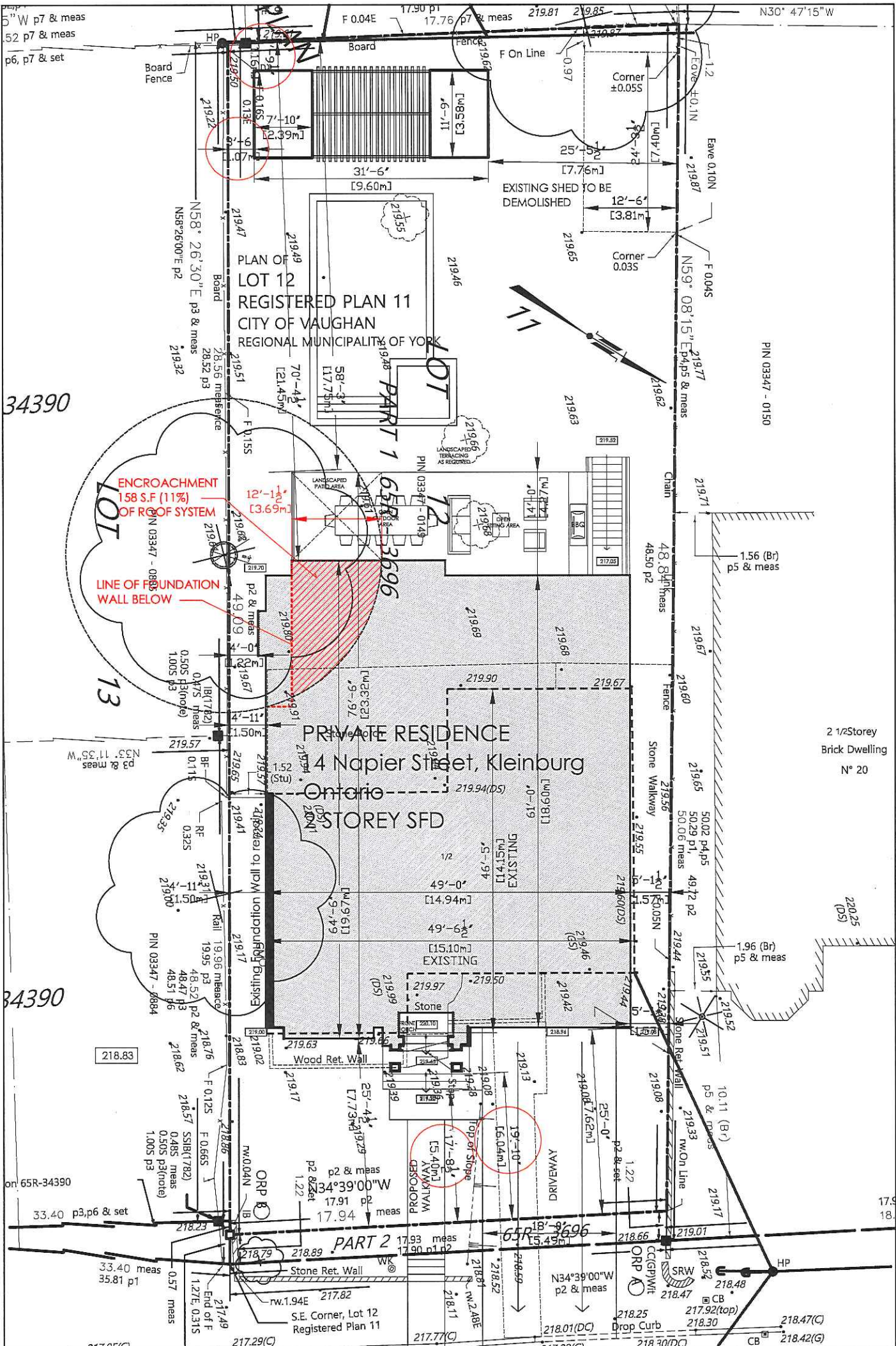
14 NAPIER STREET, KLEINBURG





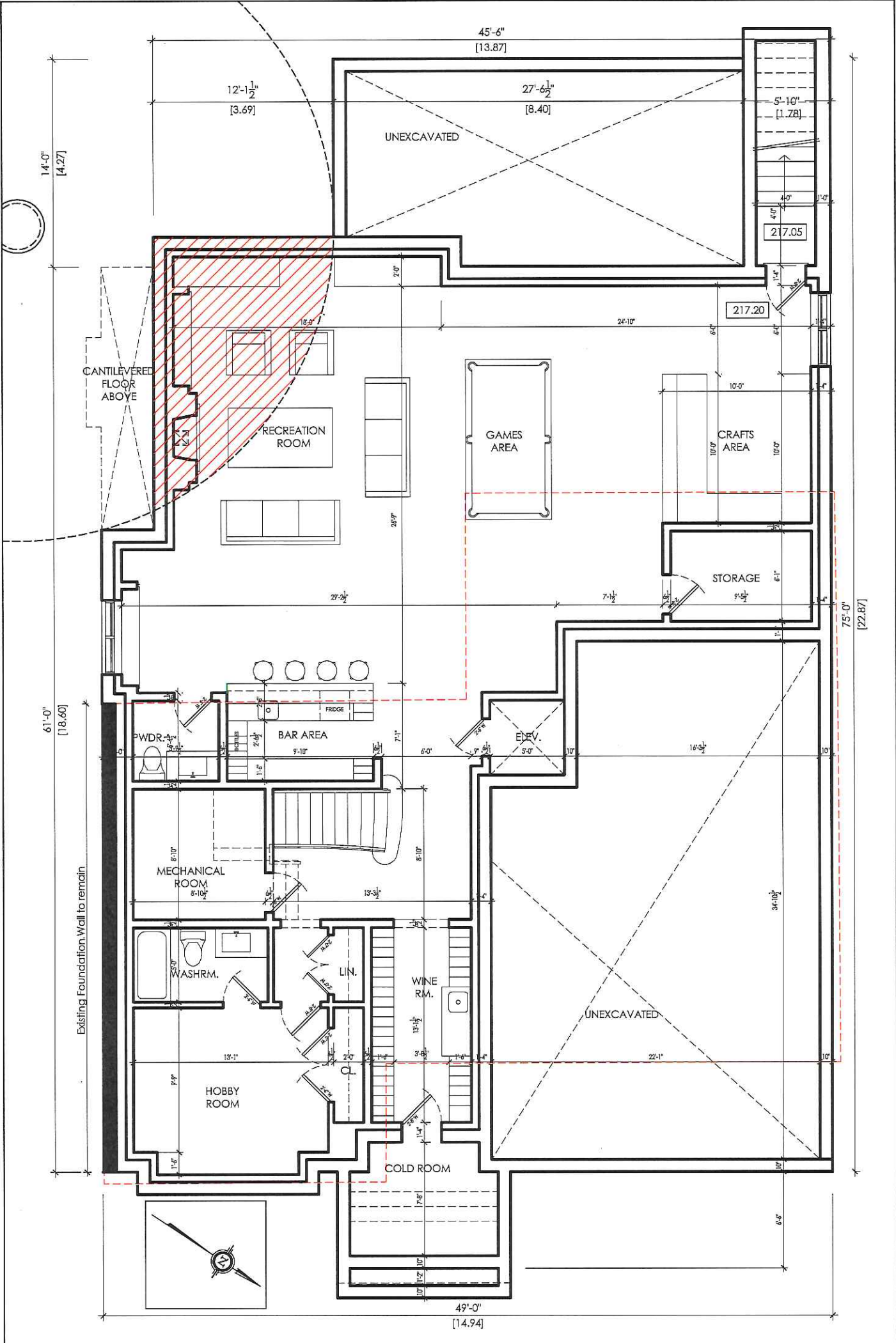
**A045/19**



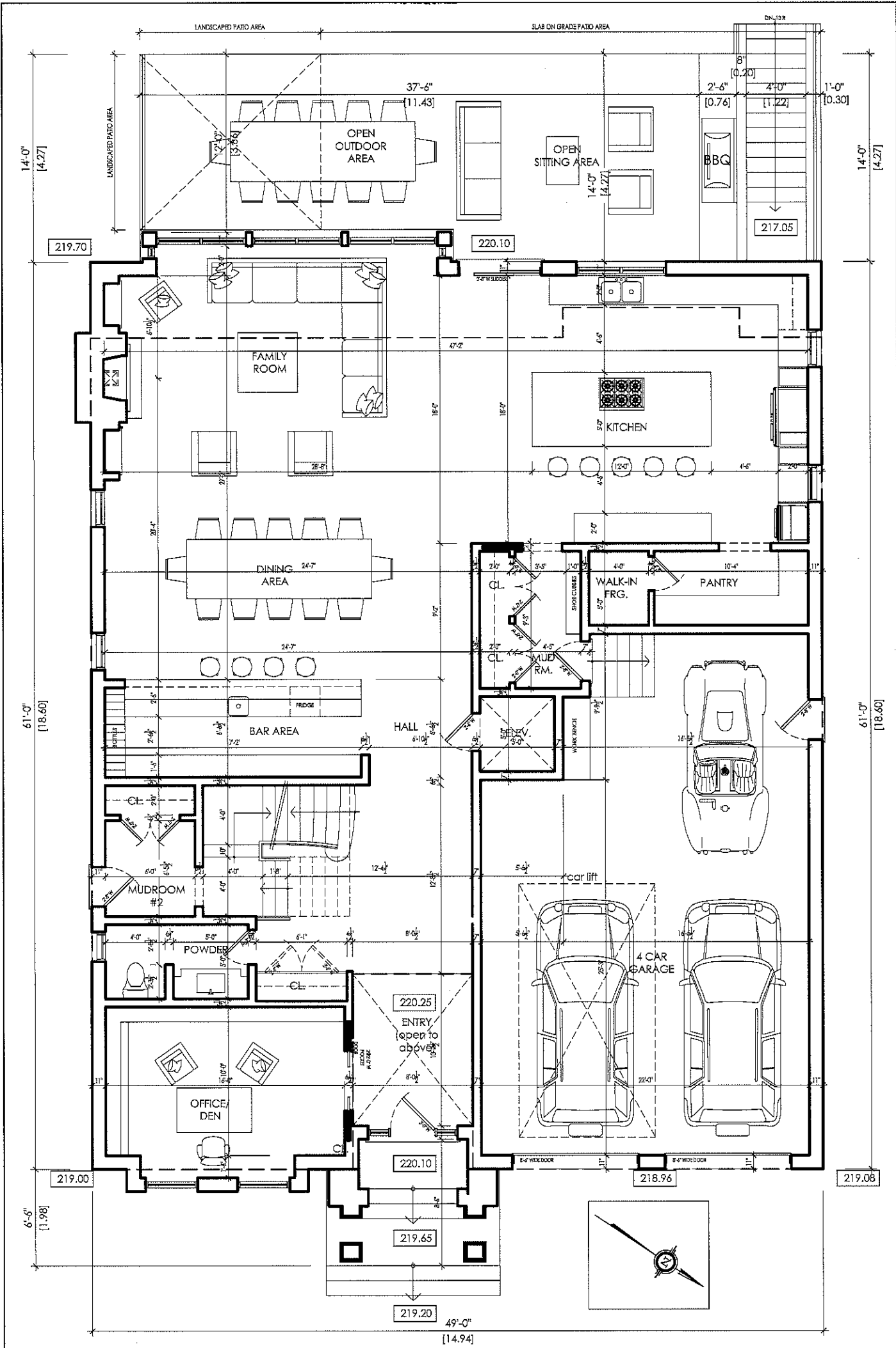


No.		REVISION	PROJECT TITLE:			
1		CofA- MARCH 28-19	PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
SHEET TITLE:			SCALE:	DRAWN BY:	PROJECT NO:	
SITE PLAN			1/16"=1'-0"			
			DATE:	CHECKED BY:	DWG. NO:	
			MARCH 2019		A1	



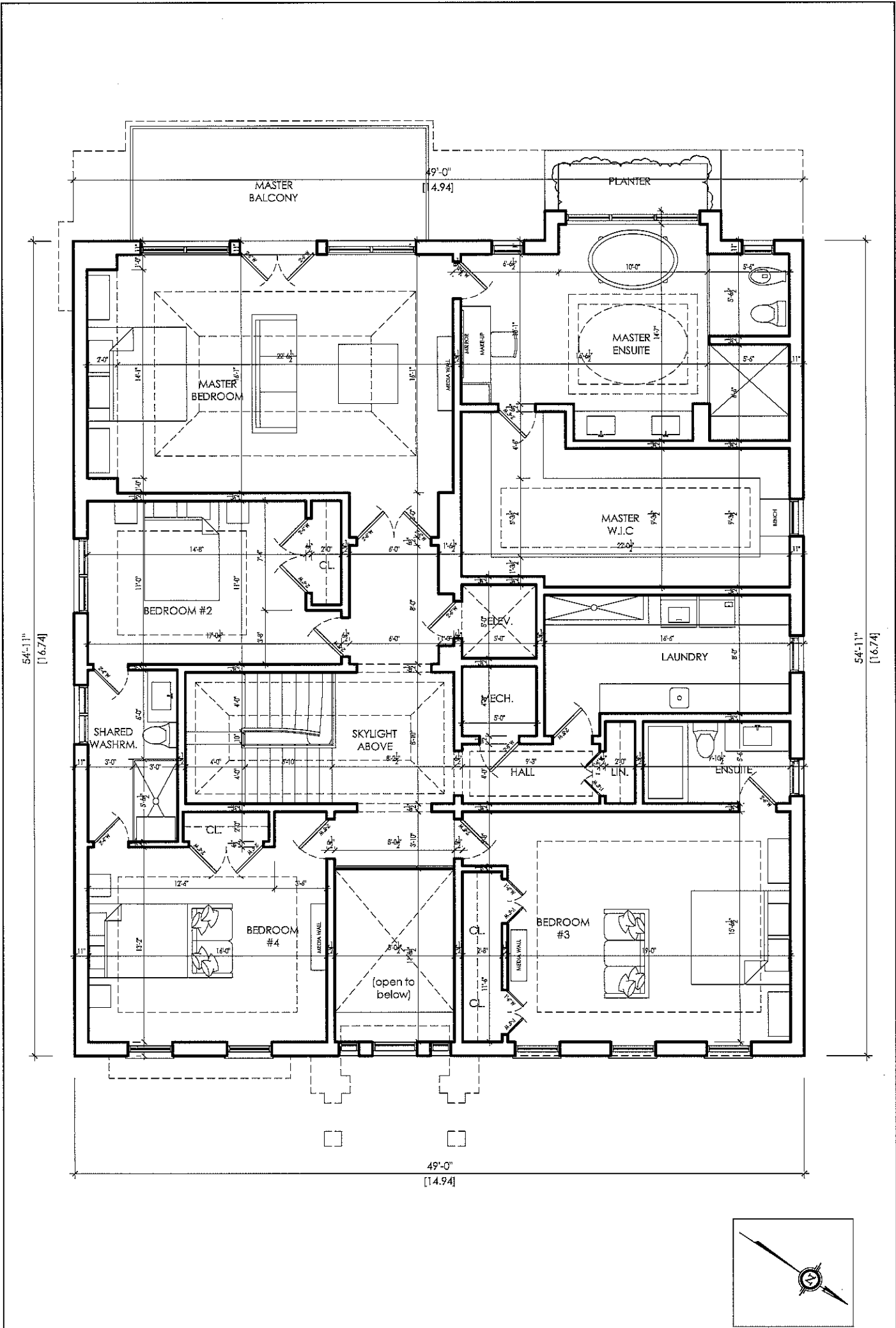


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					DATE:	CHECKED BY:
					MARCH 2019	.
						PROJECT NO:
						DWG. NO:
						A2

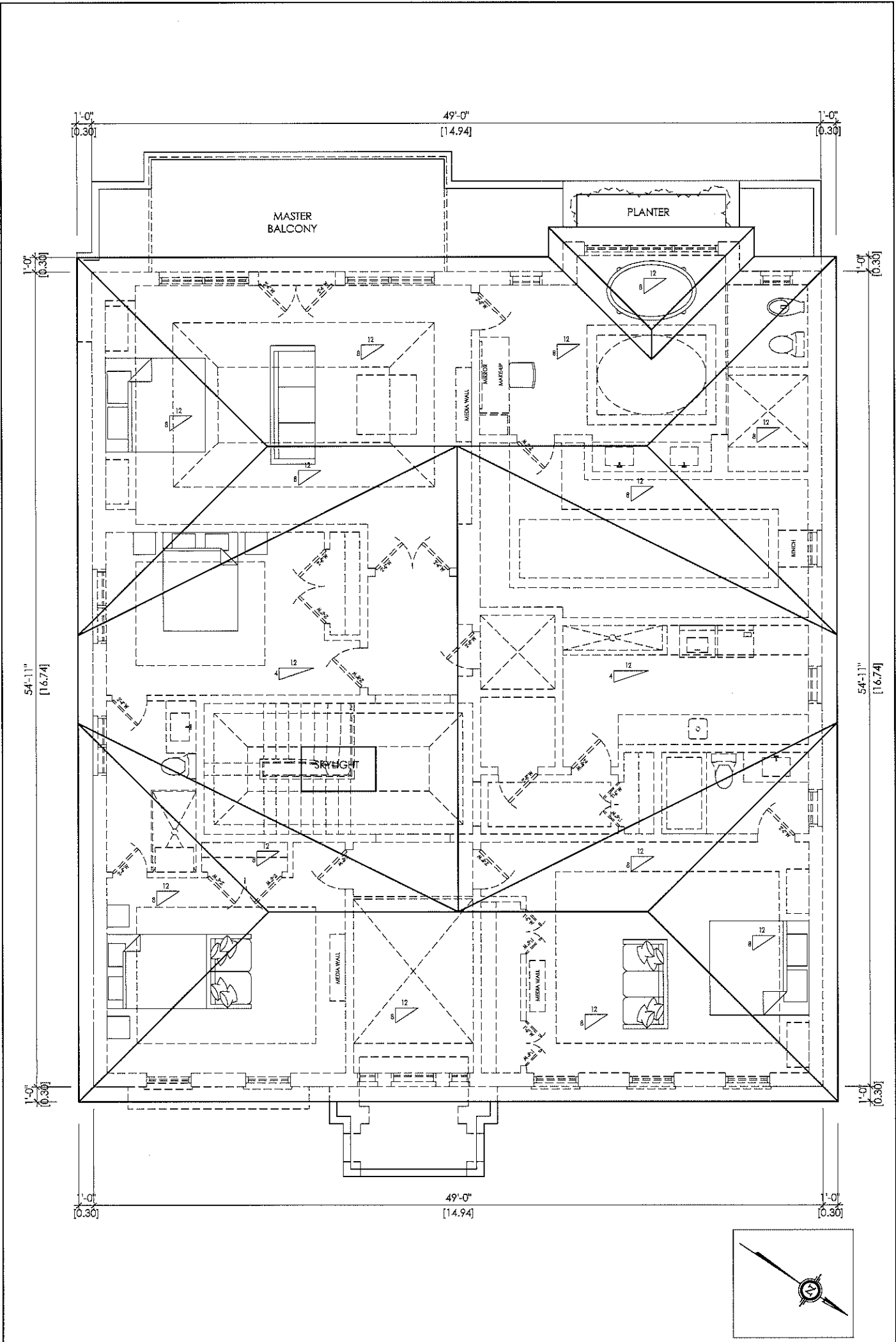


No.	REVISION
1	CofA- MARCH 28-19

PROJECT TITLE:  PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
SHEET TITLE:  GROUND PLAN	SCALE: 1/8"=1'-0"	DRAWN BY:	PROJECT NO:
	DATE:  MARCH 2019	CHECKED BY:	DWG. NO:  A3

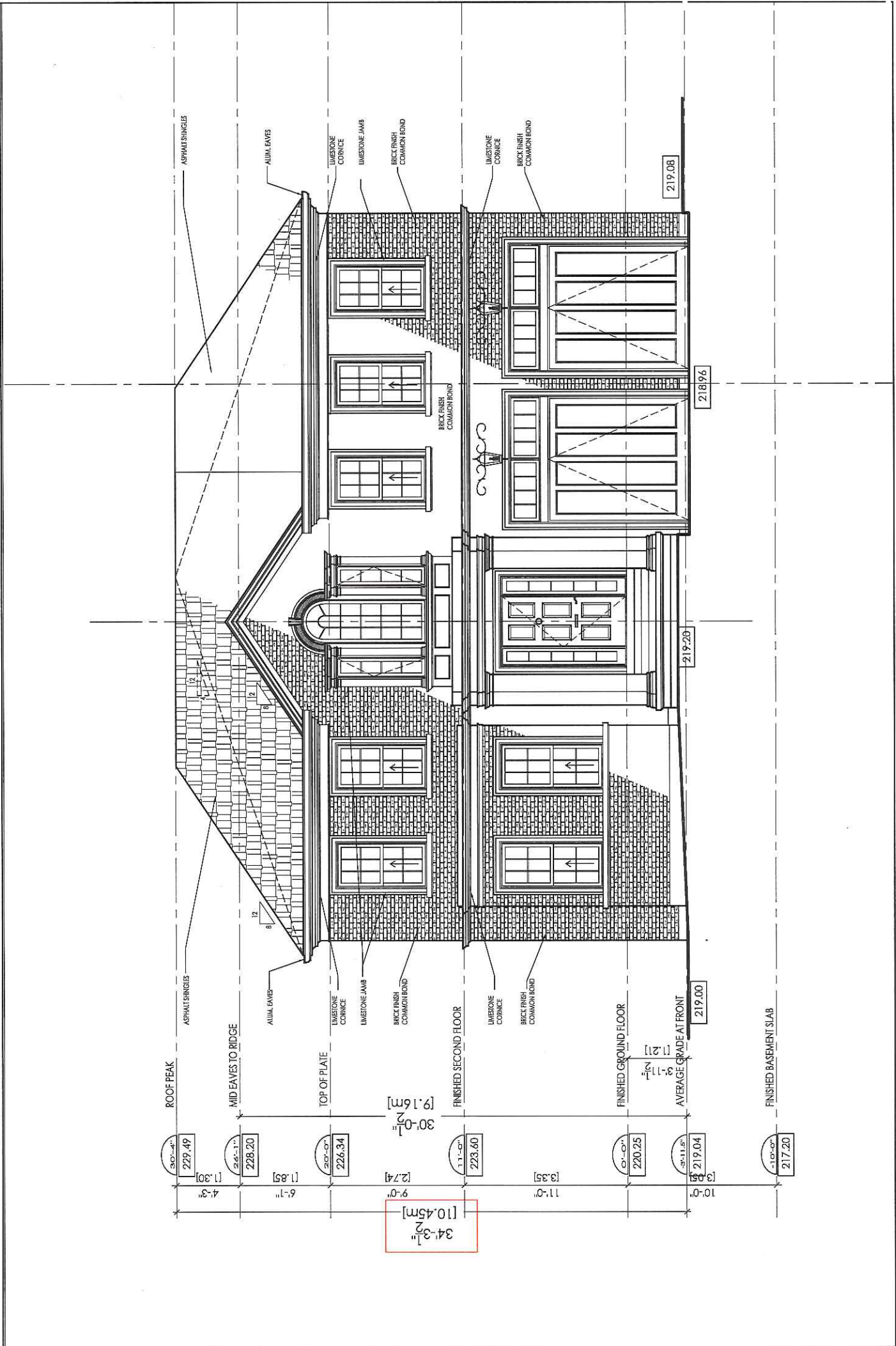


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			SECOND PLAN	DATE:	CHECKED BY:	DWG. NO:
				MARCH 2019	.	A4

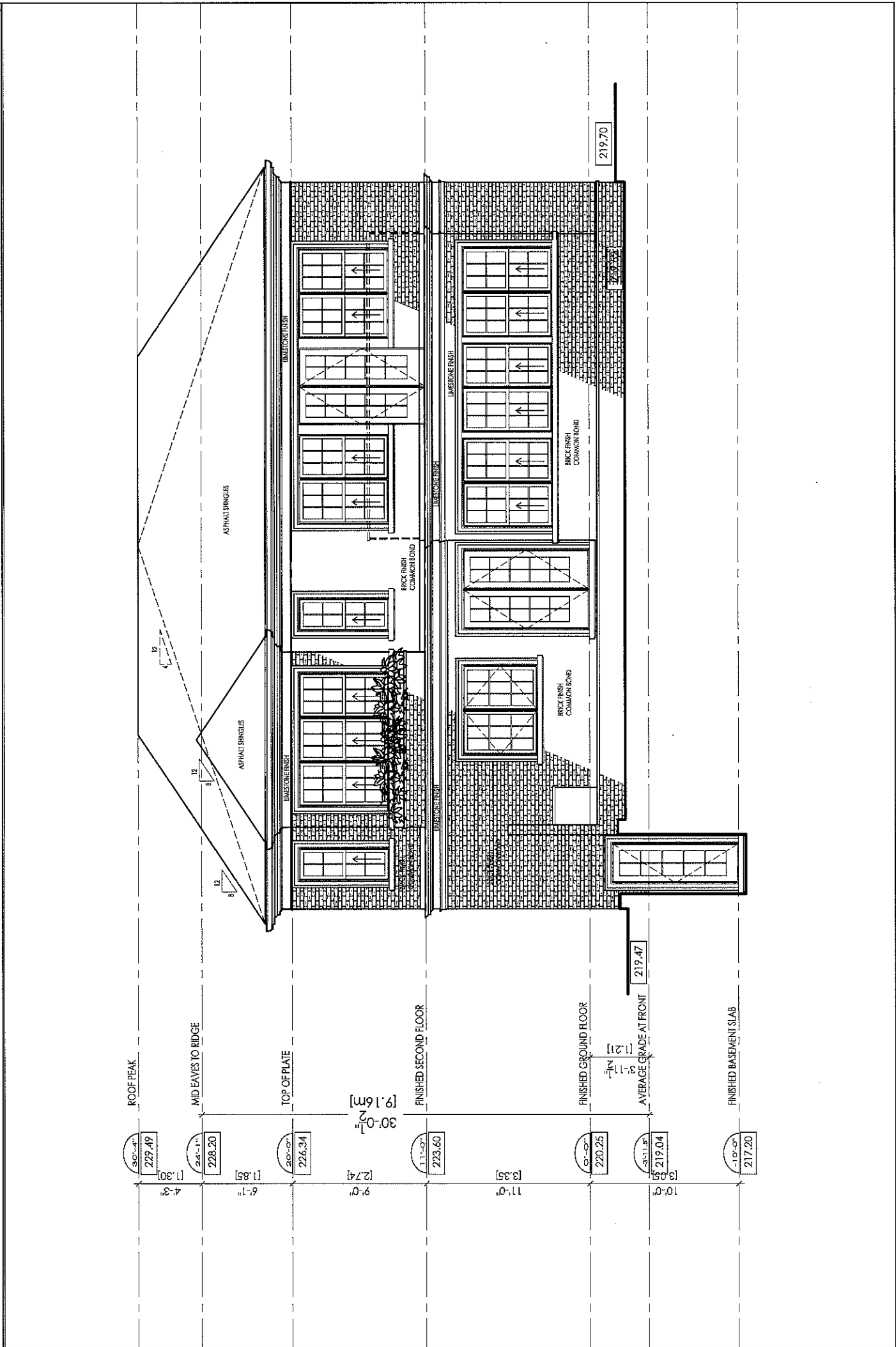


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					DATE:	CHECKED BY:
					MARCH 2019	.
					PROJECT NO:	
					DWG. NO:	
					A5	





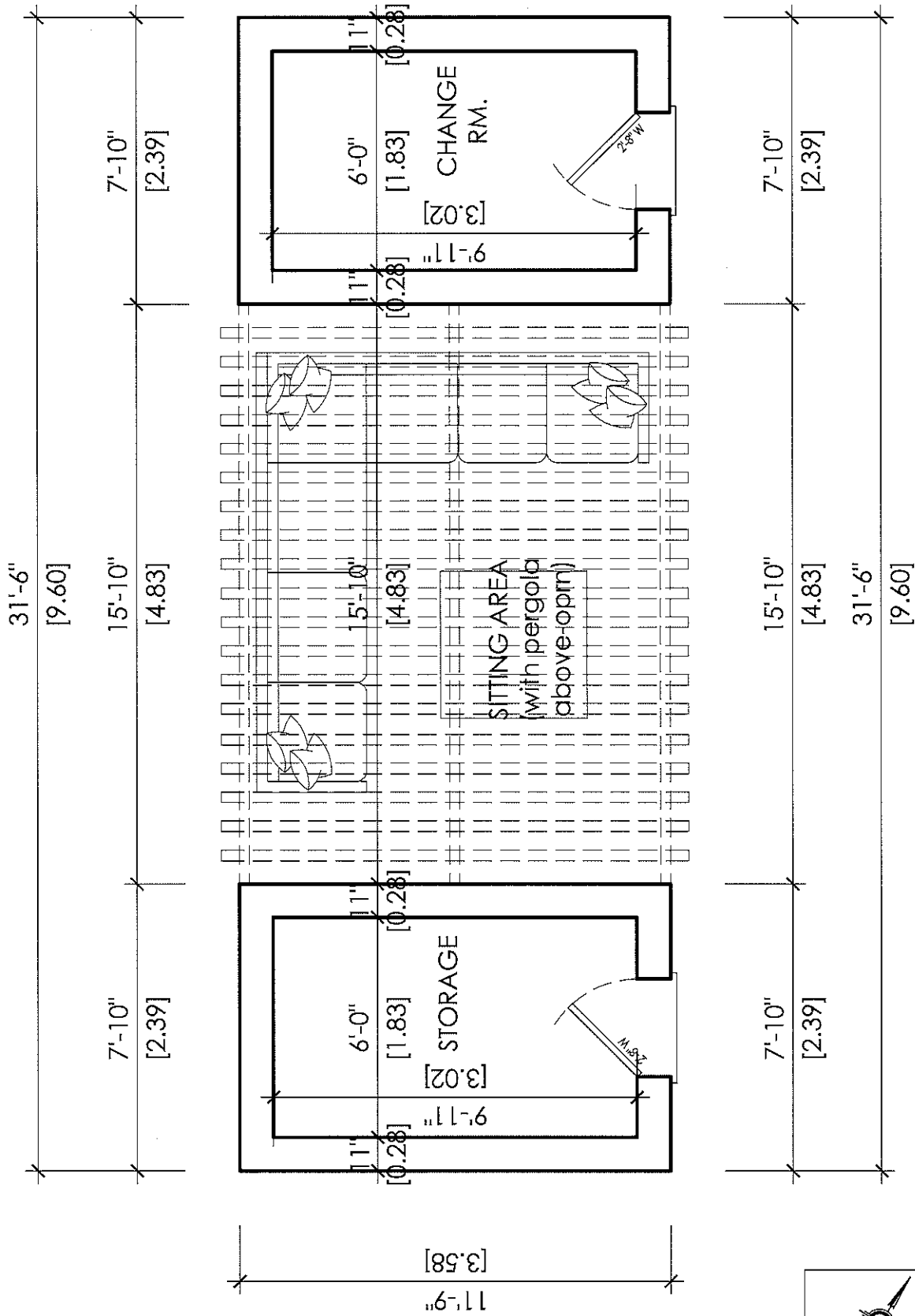
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		1				
			SHEET TITLE:  FRONT (E) ELEV.	SCALE: 1/8"=1'-0"	DRAWN BY:	PROJECT NO:
				DATE: MARCH 2019	CHECKED BY:	DWG. NO: A6



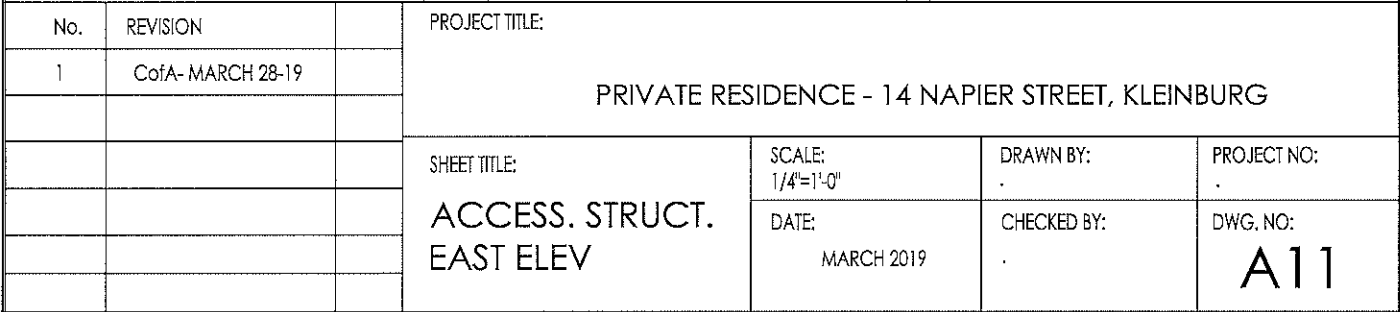
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		1	CofA- MARCH 28-19			
			SHEET TITLE:  REAR (W) ELEV.		SCALE: 1/8"=1'-0"	DRAWN BY:
					DATE: MARCH 2019	CHECKED BY:
						PROJECT NO:
						DWG. NO: A7



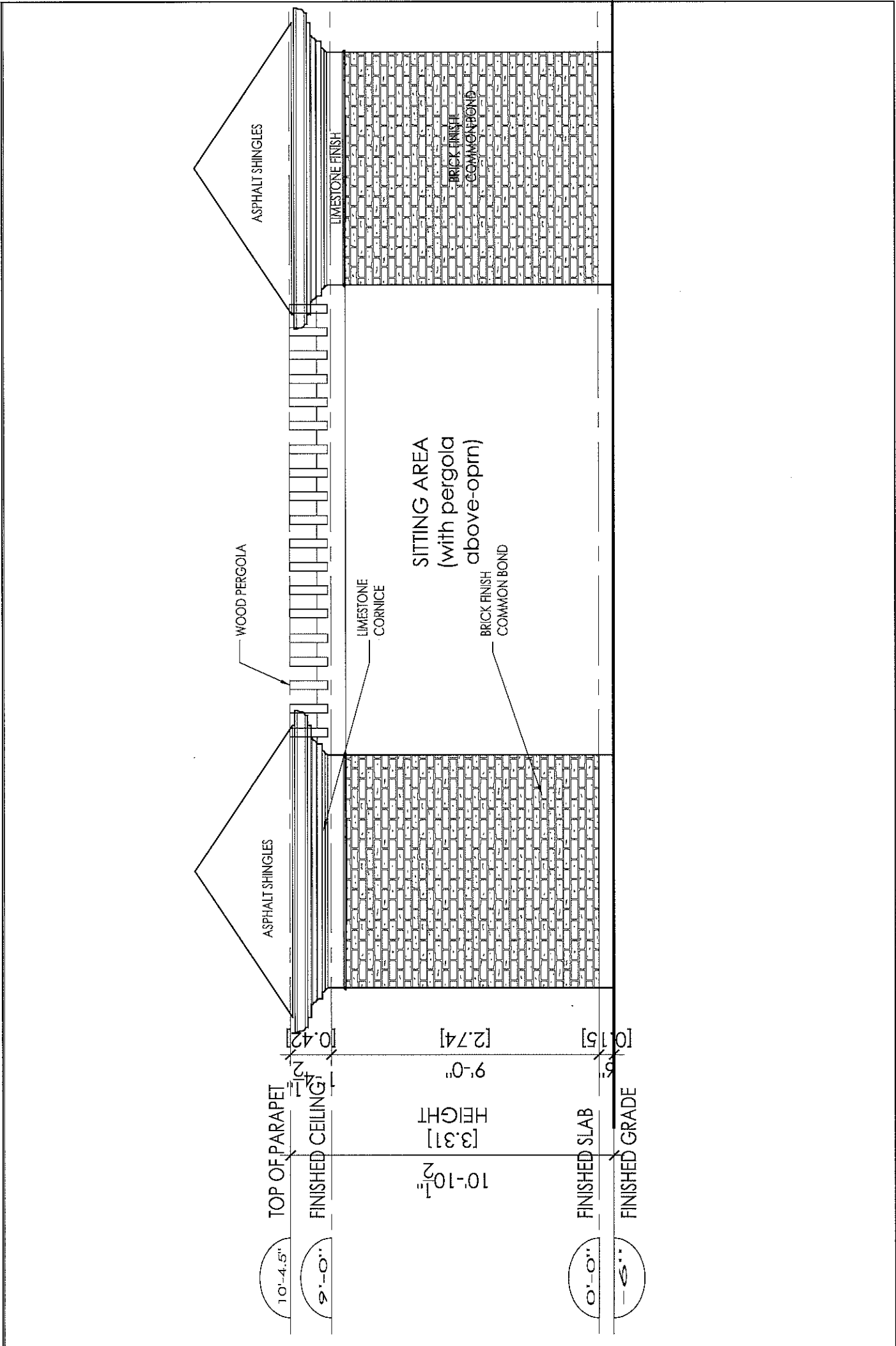




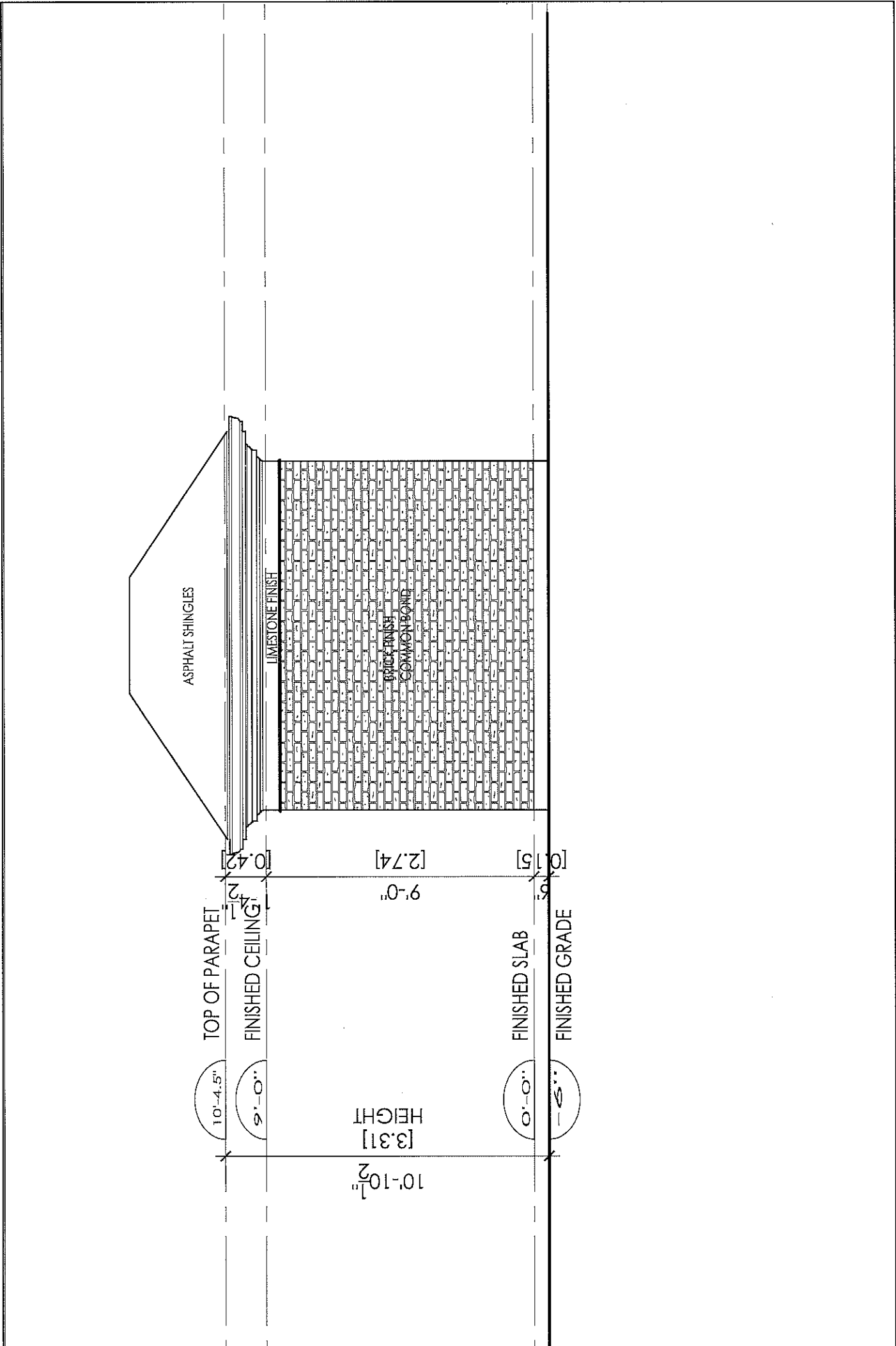
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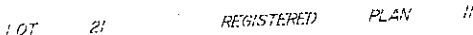


No.	REVISION	PROJECT TITLE:  PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
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		SHEET TITLE:  ACCESS. STRUCT. WEST ELEV	SCALE: 1/4"=1'-0"	DRAWN BY:	PROJECT NO:
			DATE:  MARCH 2019	CHECKED BY:	DWG. NO:  A12



No.	REVISION	PROJECT TITLE:  PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
1	CofA- MARCH 28-19				
		SHEET TITLE:  ACCESS. STRUCT. N & S ELEV	SCALE: 1/4"=1'-0"	DRAWN BY: .	PROJECT NO: .
			DATE: MARCH 2019	CHECKED BY: .	DWG. NO: A13

## REGIONAL ROAD N° 7



PRIVATE RESIDENCE  
14 Napier Street, Kleinburg  
Ontario

MAY 4, 2018

SITE STATISTICS- KLEINBURG  
BY-LAW 1-88

ZONING	R1	LOT NO.	12
PLAN NO.	11	LOT AREA	891.05 SM
LOT FRONTAGE	17.94 M	LOT DEPTH	49.09 M

DESCRIPTION	EXISTING	PROPOSED	REQUIRED	SECTION
MIN. LOT FRONTAGE	17.97 M	SAME	18 M	
MIN LOT AREA	891.05 SM	SAME	540 SM	
MAX. BUILD. HT.		10.45 M TO PEEK	9.16 M (mid eaves to ridge)	
BUILDING WIDTH		14.94 M	N/A	
NO. OF STOREYS		2 STOREYS		
BUILDING AREA NO.1		587.91 SM ( main house)		
POOL HOUSE COVERAGE		18 SM		
LOT COVERAGE		307.52 SM (34.51%)	30% (267.31%)	
1ST FLOOR AREA		205.48 SM		
2ND FLOOR AREA		232.37 SM		
FIN. BASEMENT AREA		183.94 SM		
GROSS FLOOR AREA (not incl. bsmt)		437.85 SM		
DEVELOP ENVELOPE				
1ST FLOOR HEIGHT		1.21 M (from established grade at front)		

SETBACK	EXISTING	PROPOSED	REQUIRED	
FRONT (E)		7.62 M	7.5 M	
SIDE (S)		1.50 M	1.5 M	
SIDE (N)		1.57 M	1.5 M	
REAR (W)		21.45 M	7.5 M	

No.	REVISION		PROJECT TITLE:  PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
1	CofA- MARCH 28-19					
			SHEET TITLE:  STATISTICS	SCALE: NTS	DRAWN BY:	PROJECT NO:
				DATE:  MARCH 2019	CHECKED BY:	DWG. NO:  A0

**Schedule B: Public Correspondence Received**

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

**None**

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections  
Region of York – No concerns or objections





### 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  
**Phone:** 1-877-963-6900 ext. 31297  
**Fax:** 905-532-4401  
**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

Mr. Tony D'Onofrio  
Supervisor, Subdivisions & New Services  
**Phone:** 1-877-963-6900 ext. 24419  
**Fax:** 905-532-4401  
**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

**Attwala, Pravina**

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**Subject:** FW: MVAR.19.V.0149 (A045/19) - 14 Napier Street

**From:** McMackin, Joseph <Joseph.McMackin@york.ca>  
**Sent:** April-17-19 10:49 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** MVAR.19.V.0149 (A045/19) - 14 Napier Street

Hi Pravina,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Please feel free to contact me if you have any further questions or concerns.

Best,

**Joseph McMackin, B.URPI | Associate Planner**  
Planning and Economic Development Branch, Corporate Services Dept.

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