

ITEM: 65.	REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A119/24
------------------	--

Report Date: October 25, 2024

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES (SEE SCHEDULE B):**

Additional comments from departments and agencies received after the publication of the report will be made available on the City's [website](#).

Internal Departments <small>*Comments Received</small>	Conditions Required		Nature of Comments
Committee of Adjustment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Recommend Approval w/Conditions
Development Engineering	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Finance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Forestry	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions

PUBLIC & APPLICANT CORRESPONDENCE (SEE SCHEDULE C)				
<p>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.</p>				
Correspondence Type	Name	Address	Date Received <small>(mm/dd/yyyy)</small>	Summary
None				

BACKGROUND (SCHEDULE D, IF REQUIRED)	
<p><small>* Background Information contains historical development approvals considered to be related to this file. This information should not be considered comprehensive.</small></p>	
Application No. (City File)	Application Description <small>(i.e. Minor Variance Application; Approved by COA / OLT)</small>
N/A	N/A

ADJOURNMENT HISTORY	
<small>* Previous hearing dates where this application was adjourned by the Committee and public notice issued.</small>	
Hearing Date	Reason for Adjournment <small>(to be obtained from NOD_ADJ)</small>
N/A	N/A

SCHEDULES	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Comments from Agencies, Building Standards & Development Planning
Schedule C (if required)	Public & Applicant Correspondence
Schedule D (if required)	Background



MINOR VARIANCE APPLICATION FILE NUMBER A119/24

CITY WARD #:	1
APPLICANT:	Rosa Divito & Nick Pirruccio
AGENT:	Joseph Plutino & Nicholas Moore
PROPERTY:	Kirby Road, Vaughan (Parts 9, 10, 11 on Plan 65R16780)
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Natural Areas", "Agricultural", & "Greenbelt Plan Area".
RELATED DEVELOPMENT APPLICATIONS:	B005/24, A119/24 & A120/24
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit reduced lot area and lot frontage on the retained land subject to Consent Application B005/24.

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

The subject lands are zoned EP, Environmental Protection Zone and A, Agriculture Zone subject to the provisions under Zoning By-law 001-2021, as amended

#	Zoning By-law 001-2021	Variance requested
1	A minimum required lot frontage of 100 metres is required. [Table 12-3]	To permit a minimum lot frontage of 93.3 metres for the retained lot.
2	A minimum required lot area of 40 (ha) is required. [Table 12-3]	To permit a minimum lot area of 7468.6 sqm for retained lot.

HEARING INFORMATION

DATE OF MEETING: Wednesday, October 30, 2024

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive

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

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY 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:

INTRODUCTION

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

Date Public Notice Mailed:	October 17, 2024
Date Applicant Confirmed Posting of Sign:	October 9, 2024
Applicant Justification for Variances: <small>*As provided in Application Form</small>	To correct a side yard setback for Zoning By-law compliance.
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*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.</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
COMMENTS:	
None	
Committee of Adjustment Recommended Conditions of Approval:	<ol style="list-style-type: none"> 1. That a Surveyors Certificate confirming lot area, frontage is submitted. 2. That Consent Application B005/24 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. 3. That the applicant obtains a municipal address from the GIS Mapping Section of the Development Planning Department for the retained land subject to B005/24 and that, confirmation of address creation be provided to the Secretary Treasurer.

BUILDING STANDARDS (ZONING)

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

DEVELOPMENT PLANNING

**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	That the Owners shall submit an Arborist Letter in support of the Septic Relocation Plan to the satisfaction of the Development Planning Department.

DEVELOPMENT ENGINEERING

Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Minor Variance applications A119/24 shall be approved in conjunction or following the approval of Consent application B005/24.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH)

Recommended condition of approval:	
PFH Recommended Conditions of Approval:	Applicant to provide an arborist letter for septic/tree concerns. A private property tree removal construction permit may be required.

DEVELOPMENT FINANCE

No comment no concerns.

Development Finance Recommended Conditions of Approval:	None
--	------

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES

No comments received to date.

BCLPS Recommended Conditions of Approval:	None
--	------

BUILDING INSPECTION (SEPTIC)

No comments received to date.

Building Inspection Recommended Conditions of Approval:	None
--	------

FIRE DEPARTMENT

No comments received to date.

Fire Department Recommended Conditions of Approval:	None
--	------

RECOMMENDED CONDITIONS OF APPROVAL SUMMARY

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	Committee of Adjustment cofa@vaughan.ca	<ol style="list-style-type: none"> 1. That a Surveyors Certificate confirming lot area, frontage is submitted. 2. That Consent Application B005/24 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. 3. That the applicant obtains a municipal address from the GIS Mapping Section of the Development Planning Department for the retained land subject to B005/24 and that, confirmation of address creation be provided to the Secretary Treasurer.
2	Development Planning Harry.Zhao@vaughan.ca	That the Owners shall submit an Arborist Letter in support of the Septic Relocation Plan to the satisfaction of the Development Planning Department.
3	Parks, Forestry and Horticulture Operations zachary.quizzetti@vaughan.ca	Applicant to provide an arborist letter for septic/tree concerns. A private property tree removal construction permit may be required.
4	TRCA yorkplan@trca.ca	That the applicant provides the required fee amount of \$1,590 payable to the Toronto and Region Conservation Authority.

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.

IMPORTANT INFORMATION

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

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

**SCHEDULE B:
COMMENTS FROM AGENCIES, BUILDING STANDARDS &
DEVELOPMENT PLANNING**

Internal Departments <small>*Comments Received</small>	Conditions Required		Nature of Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Recommend Approval w/Conditions

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: October 24, 2024

Name of Owners: Rosa Divito and Nick Pirruccio

Location: Vacant Land West of 6211 Kirby Road, identified as Parts 9 and 10 of Reference Plan 65R-16780

File No.(s): B005/24, A119/24, and A120/24

Proposal: The Owners have submitted Consent Application File B005/24 to facilitate a lot line adjustment between 6211 Kirby Road ('benefiting lands'), legally described as Parts 5, 6, and 7, 65R-16780, and the vacant lot to the west ('Subject Lands'), legally described as Parts 9 and 10, 65R-16780. The Owners have also submitted two (2) minor variance applications, Files A119/24 and A120/24, to permit the proposed lot configurations. The purpose of the applications is to address encroachments which have occurred as a result of the development of 6211 Kirby Road.

B005/24

The application proposes to convey an approximately 973.0 m² eastern portion of the Subject Lands to the benefiting lands and retain about 7,468 m² of vacant land. The consolidated benefiting lands propose a lot area of about 7,035.5 m².

A119/24 (Retained Lands)

Proposed Variance(s):

1. To permit a minimum lot frontage of **93.3 m** for the lot.
2. To permit a minimum lot area of **7,468.6 m²** for lot.

By-Law 001-2021 Requirement(s):

1. A minimum required lot frontage of **100 m** is required.
2. A minimum required lot area of **40 ha (400,000 m²)** is required.

A120/24 (Benefiting Lands)

Proposed Variance(s):

3. To permit a minimum lot frontage of **86.4 m** for the lot.
4. To permit a minimum lot area of **7,035.5 m²** for lot.
5. To permit a minimum rear yard setback of **12.63 m**.

By-Law 001-2021 Requirement(s):

3. A minimum required lot frontage of **100 m** is required.
4. A minimum required lot area of **40 ha (400,000 m²)** is required.
5. A minimum required rear yard setback of **15.0 m** is required.

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "Natural Areas" and "Agricultural" by Schedule 13 – Land use and "Greenbelt Natural Heritage System" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas.

B005/24 Comments:

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the *Planning Act* and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement. At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, *inter alia*, the Provincial Policy Statement 2020 ('PPS 2020'), the Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), as amended, and the new PPS 2024.

Provincial Planning Statement 2024

The PPS 2024 provides a policy framework that supports the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building homes, sustaining strong and competitive communities and the wise use and management of resources including natural features, water, and agricultural lands. Policies in section 4.3 require that planning authorities maintain and enhance a geographically continuous agricultural land base and support the long-term economic prosperity and productive capacity of the agri-food network. In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with PPS 2024.

Portions of the severed and retained lands, as well as portions of the benefiting lands are within the Agricultural (prime agricultural) designation within VOP 2010. Policy 4.3.2 restricts development upon lands in prime agricultural areas in order to maintain and enhance the provincial agri-food network. Specifically, policy 4.3.3.2 sets out that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons, which are defined in section 8 of PPS 2024 as “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 proposed lot line adjustment will allow a retaining wall which crosses onto the Subject Lands from 6211 Kirby Road, to be fully owned by 6211 Kirby Road. This adjustment will also increase the western interior side yard setback for the dwelling on the benefiting lands from 1.71 m to 10.8 m, providing better access between the front and rear yards of the west side of the dwelling. It is anticipated this enhanced access will facilitate the construction and future maintenance of 6211 Kirby Road’s relocated septic system. The Development Planning Department is of the opinion that the proposed development is consistent with the policies of the PPS 2024.

Provincial Policy Statement 2020

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with PPS 2020. Key policy objectives in PPS 2020 include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. Policies in section 2.3 set out that prime agricultural areas are to be protected for long-term agricultural uses. Policy 2.3.4 discourages lot creation in prime agricultural areas. However, policy 2.3.4.2 permits lot line adjustments in prime agricultural areas for legal or technical reasons, which are defined in section 6 as “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 proposed lot line adjustment will allow a retaining wall which crosses onto the Subject Lands from 6211 Kirby Road, to be fully owned by 6211 Kirby Road. This adjustment will also increase the western interior side yard setback for the dwelling on the benefiting lands from 1.71 m to 10.8 m, providing better access between the front and rear yards of the west side of the dwelling. It is anticipated this enhanced access will facilitate the construction and future maintenance of 6211 Kirby Road’s relocated septic system. The Development Planning Department is of the opinion that the proposed development is consistent with the policies of the PPS 2020.

Growth Plan for the Greater Golden Horseshoe 2019

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (‘Growth Plan 2019’) contains policies to guide decision making on the long-term protection of prime agricultural areas by ensuring land use compatibility and enhancing geographic continuity of agricultural lands. A minor lot adjustment is proposed between two smaller parcels to correct an encroachment issue. The application conforms to the Growth Plan

Greenbelt Plan 2017

In accordance with Section 7 of the *Greenbelt Act*, decisions made under the *Planning Act* shall conform with the Greenbelt Plan 2017 (the ‘Greenbelt Plan’). Objectives of the Greenbelt Plan are to establish a network of countryside and open space areas in order to preserve agricultural, ecological, and hydrological functions of the Greenbelt Area. The Subject Lands are located within the Greenbelt Area and is designated Protected Countryside by Schedule 1 of the Greenbelt Plan. The Greenbelt Plan sets out a variety of goals for lands within the Protected Countryside under policy 1.2.2, including: the protection of prime agricultural areas by preventing further lot fabric fragmentation; and enhancing the Agricultural System through considering the impacts of development on agriculture. Policy 4.6 of the Greenbelt Plan discourages lot creation within prime agricultural areas, but permits minor lot adjustments that do not fragment key natural

heritage or key hydrologic features, and that do not create a separate lot for residential dwellings. Environmental Planning staff advises that key natural heritage features are currently present on the Subject Lands and benefiting lands, but that the proposed consent application is not anticipated to cause further fragmentation as no new lots are to be created. As such, the proposed consent application conforms to the Greenbelt Plan.

York Regional Official Plan 2022

The York Regional Official Plan 2022 ('YROP') designates the Subject Lands as Agricultural Area and the benefiting lands as Community Area in Map 1A – Land Use Designations. Policy 5.1.12 permits consent applications in Agricultural Areas for the purpose of minor lot adjustments or boundary additions, provided no new lots for residential dwellings are created and there is no increased fragmentation of a key natural heritage feature. Environmental Planning staff advises that key natural heritage features are currently present on the Subject Lands and benefiting lands, but that the proposed consent application is not anticipated to cause further fragmentation as no new lots are to be created. As such, the proposed consent application conforms to the YROP.

Vaughan Official Plan 2010

The VOP 2010 designates the Subject Lands as "Natural Areas" and Agricultural" by Schedule 13 – Land Use and "Greenbelt Plan Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas, of Volume 1.

Policy 3.5.12 sets out permissions for existing land uses located in the Greenbelt Area. A dwelling is permitted on an existing lot of record, provided it was zoned for such as of December 16, 2004. The Subject Lands were zoned "A – Agriculture" in Zoning By-law 1-88, as amended, which permits one dwelling.

Policy 10.1.2.36 sets out that a consent may be permitted for minor boundary adjustments to existing lots. Policy 10.1.2.43 further permits consent applications on lands designated as "Natural Area" and "Agricultural" for the purpose of minor lot adjustments or boundary additions, provided that no new lots are created for the purpose of a new residential dwelling and that key natural heritage features are not further fragmented.

Policy 10.1.2.38 provides that lots may be created only if there is enough net developable area on both the severed and retained lands to accommodate the existing/proposed uses. Both the retained and consolidated benefiting lands contain "A – Agricultural Zone" and "EP – Environmental Protection Zone" categories, and function as estate residential lots. The benefiting lands have already been developed with one single detached dwelling. The dwelling was built with a retaining wall in the front yard that extends west into the Subject Lands. The purpose of the lot line adjustment application is to relocate the mutual lot line so that the existing retaining wall can be entirely contained within 6211 Kirby Road. 6211 Kirby Road has a tile bed which, should the lot line adjustment be approved, remains contained upon the Subject Lands. Development Engineering staff notes that the septic bed must be relocated so that it is fully contained within lands owned by 6211 Kirby Road. The Owner has provided a septic relocation plan to relocate the septic system so that it is entirely within the consolidated benefiting lot. It will be located south of the existing dwelling. Development Engineering staff is satisfied with the septic relocation plan. Urban Design staff and Forestry staff will require a scoped arborist report as a condition of approval to ensure that the proposed relocation will not impact existing trees in close proximity to the relocated septic bed system.

The proposed retained lands continue to contain "A – Agriculture Zone" and "EP – Environmental Protection Zone" categories. A dwelling is only permitted on the portion within the "A – Agriculture Zone" category. The retained lands will have a total lot area of 7,468.6 m², of which approximately 2,263 m² is zoned "A – Agriculture Zone" and can be used to develop one single detached dwelling. The portion zoned "A - Agriculture Zone" is generally rectangular in shape, and is approximately 40 m deep and 56 m wide. These dimensions allow for a building footprint consistent with the scale of estate residential dwellings along this stretch of Kirby Road west of Highway 27. The Development Planning Department is of the opinion that the retained lands and the consolidated benefiting lands will maintain sufficient developable area for residential uses.

Zoning By-law 001-2021 and Staff Analysis

The Subject Lands and benefiting lands contain "A – Agriculture Zone" and "EP – Environmental Protection Zone" categories in Zoning By-law 001-2021. A single detached dwelling is permitted on the portions of each lot zoned A – Agriculture. The Subject Lands and benefiting lands are two (2) of six (6) bounded by Kirby Road to the north and west,

Highway 27 to the east, and an unopened road allowance to the south. To the north are agricultural uses and forested areas. To the west and immediate south are forested areas and estate residential uses. The stretch of Kirby Road west of Highway 27 is characterized by the lack of consistency and standardization in lot sizes and lot frontages. The prevalent lot fabric and dwelling configurations of the six (6) previously noted lots are comparable to the standards provided in the “RE – Estate Residential Zone” category, with wider frontages, larger lot areas, and deeper setbacks. The retained lands will continue to provide a lot pattern and dwelling size consistent with the other four (4) lots. The consolidated benefiting lands will have an increased west interior side yard setback and wider lot frontage to be more in keeping with the other four (4) lots. The proposed consent application will therefore conform with the prevailing neighbourhood characteristics.

A119/24 (Retained Lands) and A120/24 (Consolidated Benefiting Lands) Comments:

The Development Planning Department has no objection to Variances 1, 2, 3, and 4 for the proposed lot frontages and lot areas of the retained lands and consolidated benefiting lands to facilitate the proposed lot line adjustment. The Subject Lands have a current lot area of 8,441.6 m² and a northern lot frontage of approximately 111 m along Kirby Road. The benefiting lands are developed with a single detached dwelling, and maintain a current lot frontage of 61 m and lot area of 6,062.5 m². The retained lands propose a lot frontage of 93.3 m (Variance 1) and lot area of 7468.6 m² (Variance 2). The proposed consolidated benefiting lands will have a lot frontage of 86.4 m (Variance 3) and a lot area of 7,035.5 m² (Variance 4). These lot configurations are deficient when compared to the Agriculture Zone standards, which require a minimum lot frontage of 100 m and a minimum lot area of 40 hectares (400,000 m²).

The intent of the minimum lot frontage and minimum lot area provisions are to prevent the fragmentation of agricultural lands and provide sufficient space for efficient and effective agricultural operations. The lots immediately west of Highway 27 and south of Kirby Road, which also contain A – Agricultural zoning, are not used for agricultural purposes, and function as estate residential lots. The proposed lot configurations exceed the minimum lot frontage and area standards of the Estate Residential Zone, which are 45 m and 4,000 m² respectively, and are also generally consistent with the frontage and area of the immediately its immediate surrounding lots used for estate residential purposes.

The proposed conveyance ensures that all physical features utilized by the existing dwelling on the benefiting lands will no longer encroach onto abutting lands. Sufficient interior side yard setback between the existing dwelling on the benefiting lands and the western mutual lot line will also be beneficial for the dwelling’s relocated septic system.

The Development Planning Department has no objection to Variance 5 for a reduced rear yard setback of 12.63 m to recognize the as-built location of the existing single detached dwelling on the consolidated benefiting lands. The construction of the dwelling was facilitated through a building permit issued on April 27, 2010. The rear yard maintains sufficient depth to accommodate the relocated septic bed and recreational amenity functions. The proposed lot line adjustment will further increase the area and functionality of the rear yard. Due to how the dwelling is positioned, portions of the west interior side yard, which will also be enlarged by the consent, also function as part of the extended rear yard amenity area. Therefore the west interior side yard will also provide additional space for rear yard activities.

General Conclusions:

Development Planning staff have no objections to the requested lot line adjustment application, and are of the opinion that the proposal maintains the intent of the relevant policies in VOP 2010, and the consent criteria stipulated in Section 51(24) of the Planning Act, R.S.O. 1990, c P.13.

Development Planning staff are also of the opinion that the requested variances to permit the proposed lot configurations, as well as the variance to permit a reduced minimum rear yard setback for the consolidated benefiting lands, are minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the applications, subject to the following conditions.

Condition of Approval:

If the Committee finds merit in the applications, the following condition of approval is recommended for applications B005/24, A119/24, and A120/24:

1. That the Owners shall submit an Arborist Letter in support of the Septic Relocation Plan to the satisfaction of the Development Planning Department.

Comments Prepared by:

Harry Zhao, Planner 1
David Harding, Senior Planner

To: Committee of Adjustment
From: Gregory Seganfreddo, Building Standards Department
Date: July 25, 2024
Applicant: MAINLINE PLANNING SERVICES INC
Location: Kirby Road (No Municipal Address Assigned)
 CONC 9 Part of Lot 29-30
File No.(s): A119/24

Zoning Classification:

The subject lands are zoned EP, Environmental Protection Zone and A, Agriculture Zone subject to the provisions under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	A minimum required lot frontage of 100 metres is required. [Table 12-3]	To permit a minimum lot frontage of 93.3 metres for the retained lot.
2	A minimum required lot area of 40 (ha) is required. [Table 12-3]	To permit a minimum lot area of 7468.6 sqm for retained lot.

Staff Comments:

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

There are no outstanding Orders on file.

Building Permit(s) Issued:

Building Permit No. 10-001164 for Single Detached Dwelling - Alteration, Issue Date: Sep 13, 2011
 Building Permit No. 10-001164 for Single Detached Dwelling - Septic Tank - (Alterations), Issue Date: Nov 01, 2011
 Building Permit No. 10-001164 for Single Detached Dwelling - HVAC Only, Issue Date: (Not Yet Issued)
 Building Permit No. 10-001164 for Single Detached Dwelling - New Housing with Septic Approval, Issue Date: Apr 27, 2010

Other Comments:

Zoning By-law 001-2021	
1	None.

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 may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
3	The subject lands are subject to the Green Belt Act.
4	This file shall be read in conjunction with file B005-24.

Conditions of Approval:

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

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

From: [Development Services](#)
To: [Christine Vigneault](#)
Cc: [Committee of Adjustment](#)
Subject: [External] RE: B005/24, A119/24, A120/24 (6211 Kirby Road) - REQUEST FOR COMMENTS, CITY OF VAUGHAN
Date: Tuesday, August 13, 2024 3:22:07 PM
Attachments: [image001.png](#)
[image003.png](#)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Hi Christine,

The Regional Municipality of York has completed its review of the consent and related minor variance applications – B005/24, A119/24, & A192/24 (6211 Kirby Road) and does not have any comments or conditions for this severance and variance.

Please note the following Source Protection related policies may apply to any future proposed activities/development within both the lands to be retained and the lands to be severed for this property.

- a. Recharge Management Area (WHPA-Q) and Partial Significant Groundwater Recharge Area (SGRA): For future development on the severed parcel, please note the approving body for compliance with the policy will be the local municipality.
- b. Partial Area of Concern (AOC): Please note that staff identified a future development delineation on the lands to be retained. Water Resources would like to note that future development on the retained lands is within an identified area of concern due to known high water table conditions and confined artesian aquifer conditions, which could have geotechnical implication with respect to construction activities including, but not limited to, dewatering (short-term or long-term), foundation construction, and building stability.

The Region will provide further comments and conditions with the future Site Plan Application.

Please provide us with a digital copy of the notice of decision for our records.

Many thanks,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Niranjan Rajevan, M.Pl. | Associate Planner, Development Planning | Economic and Development Services Branch | Corporate Services Department

August 2, 2024

PAR-DPP-2024-00163

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Ms. Christine Vigneault, Secretary Treasurer
Committee of Adjustment, City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Consent Application B005/24
Minor Variance Applications A119/24 & A120/24
6211 Kirby Road
Part of Lot 29-30, Concession 9
City of Vaughan, Regional Municipality of York
Owner: Rosa Divito
Agent: Mainline Planning Services Inc.**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by the Toronto and Region Conservation Authority (TRCA) on July 29, 2024. TRCA staff have reviewed the application and offer the following comments for the consideration of the Committee of Adjustment.

Purpose of the Applications

B005/24

It is our understanding that the purpose of the above noted application is to request the consent of the Committee of Adjustment to facilitate a lot line adjustment to sever and convey a 1200.3 square metre parcel of land from vacant western Lot 1 (PIN 03349-0137) to developed eastern Lot 2 (PIN 03349-0139).

A119/24

It is our understanding that the purpose of the above Minor Variance Application is to request the following variance for Lot 1 (PIN 03349-0137) under By-law 001-2024:

- To permit a minimum lot frontage of 93.3 metres for the lot; and,
- To permit a minimum lot area of 7468.6 square metres for the lot.

It is the understanding of TRCA staff that the noted variance is required to facilitate the lot line adjustment.

A120/24

It is our understanding that the purpose of the above Minor Variance Application is to request the following variance for Lot 2 (PIN 03349-0139) under By-law 001-2024:

- To permit a minimum lot frontage of 86.4 metres for the lot;
- To permit a minimum lot area of 7035.5 square metres for the lot; and,

- To permit a minimum rear yard setback of 12.63 metres.

It is the understanding of TRCA staff that the noted variance is required to facilitate the lot line adjustment.

Conservation Authorities Act

Portions of both properties (existing vacant lot & 6211 Kirby Road) are within TRCA's Regulated Area as the lots are adjacent to a Regional Storm flood plain hazard, unevaluated wetland and within a valley corridor associated with a tributary of the Humber River Watershed to the south of the subject properties and west of Parcel PIN 03349-0137. As such, a TRCA permit pursuant to Section 28 of the Conservation Authorities Act is required for any development and site alteration within TRCA's Regulated Area.

Application-Specific Comments

The requested consent and variance will facilitate a lot line adjustment and result in the severance and conveyance of a parcel of land from vacant western Lot 1 (PIN 03349-0137) to developed eastern Lot 2 (PIN 03349-0139). The proposed boundary adjustment will convey lands that contain an existing driveway and retaining wall that solely benefits the existing dwelling on the eastern lot. The Consent and Minor Variance Applications will not result in or facilitate the creation of new lot(s) and will not facilitate site alteration, interference, or additional fragmentation of the regulated natural features and natural hazards noted above.

Given the above, TRCA staff are satisfied that the subject applications will have no impact to the regulated natural features and natural hazards identified within TRCA's Regulated Area. If any additional development is proposed on the subject properties, please consult with the TRCA.

Fees

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$1,590 (Consent/Severance/Land Division - Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendations

Based on the comments noted above, TRCA has **no objection** to the approval of Consent Application B005/24, Minor Variance Application A119/24, and Minor Variance Application A120/24, subject to the following conditions:

1. That the applicant provides the required fee amount of \$1,590 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at 437-880-1925 or at cameron.mcdonald@trca.ca

Sincerely,

Cameron McDonald

Cameron McDonald
Planner I
Development Planning and Permits

Date: July 30th 2024
Attention: **Christine Vigneault**
RE: Request for Comments

File No.: **B005-24**

Related Files:

Applicant: Mainline Planning Services Inc

Location 6211 Kirby Road



Discover the possibilities

COMMENTS:

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

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent 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:

Stephen Cranley, C.E.T

Mitchell Penner

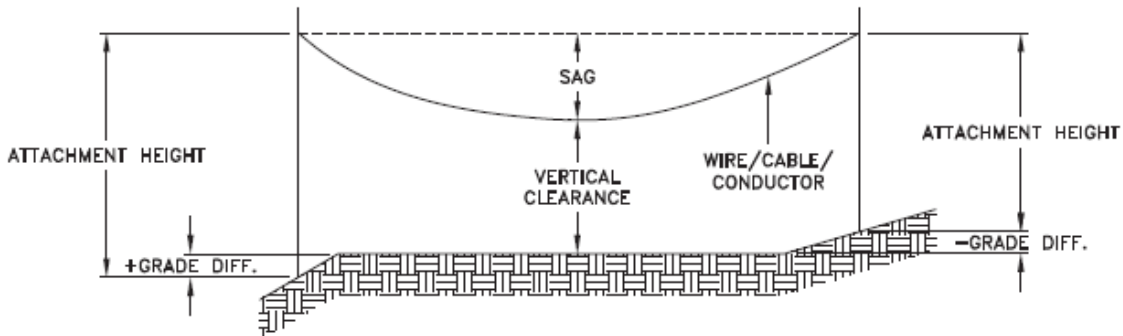
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

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

E-mail: stephen.cranley@alectrautilities.com

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

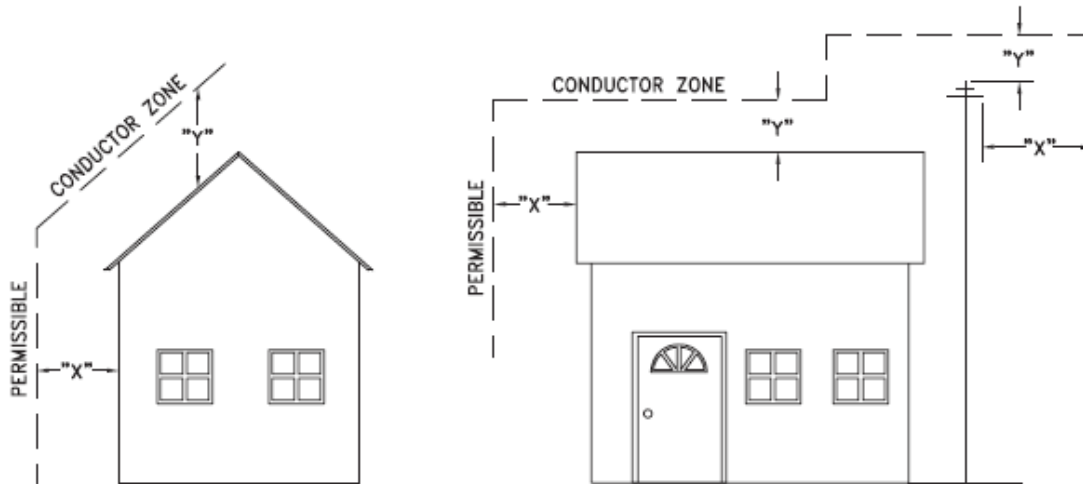
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

SAGS AND TENSIONS	SECTION 02
-------------------	------------

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P.Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
F:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 03-4\DWG 03-4 RD May 5, 2010.dwg, 5/5/2010 9:27:52 AM, Adobe PDF

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

SCHEDULE D: BACKGROUND

Application No. (City File)	Application Description (i.e. Minor Variance Application; Approved by COA / OLT)
N/A	N/A