

File: A082/19

Applicant: Dominic Fenelon &
Venkatalakshmi Baskaran

Address: 131 Bentwood Cr Thornhill

Agent: Stefan Gruescu

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"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
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"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
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: A048/02 (see next page for details)

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, July 11, 2019



Minor Variance
Application

Agenda Item: 9

A082/19

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, July 11, 2019

Applicant: Dominic Fenelon and Venkatlakshmi Baskaran

Agent: Stefan Gruescu

Property: 131 Bentwood Cr Thornhill

Zoning: The subject lands are zoned RVM1(WS-B) and subject to the provisions of Exception 9(1063) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 (‘VOP 2010’): “Low-Rise Residential”

Related Files: None

Purpose: Relief from the By-law is being requested to permit the construction of a proposed basement walk-out located at the rear of the existing dwelling.

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

By-law Requirement	Proposal
A minimum rear yard setback of 6.0 metres is required to a covered basement walkout.	To permit a minimum rear yard setback of 4.0 metres to a covered basement walkout.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A048/02	Ext. side yard setback 2.6m.	Approved January 24, 2002

For information on the previous approvals listed above please visit 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 June 26, 2019

Applicant confirmed posting of signage on June 29, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	2001 (purchased 2018)

Applicant has advised that they cannot comply with By-law for the following reason(s): Proposed basement walkout is to be built beside existing deck in an empty part of the backyard. In order to accommodate the required number of steps, the walk out staircase will protrude 1m into the rear yard setback. Other orientations would require the partial removal of the deck.

Adjournment Request: N/A

Building Standards (Zoning Review):

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

A Building Permit has not been issued for the proposed basement walkout. The Ontario Building Code requires a building permit for structures that exceed 10m2.

A building permit may also be required for the existing deck, as shown on the Site Plan submitted.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

VOP 2010: "Low-Rise Residential"

The Development Planning Department has reviewed the proposal and is of the opinion that it 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.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A082/19 subject to the following condition:

The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the proposed walk-out basement entrance 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 approval.

Parks Development:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments or concerns

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)

Minor Variance A048/02

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 Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the proposed walk-out basement entrance 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 approval.

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

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

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.

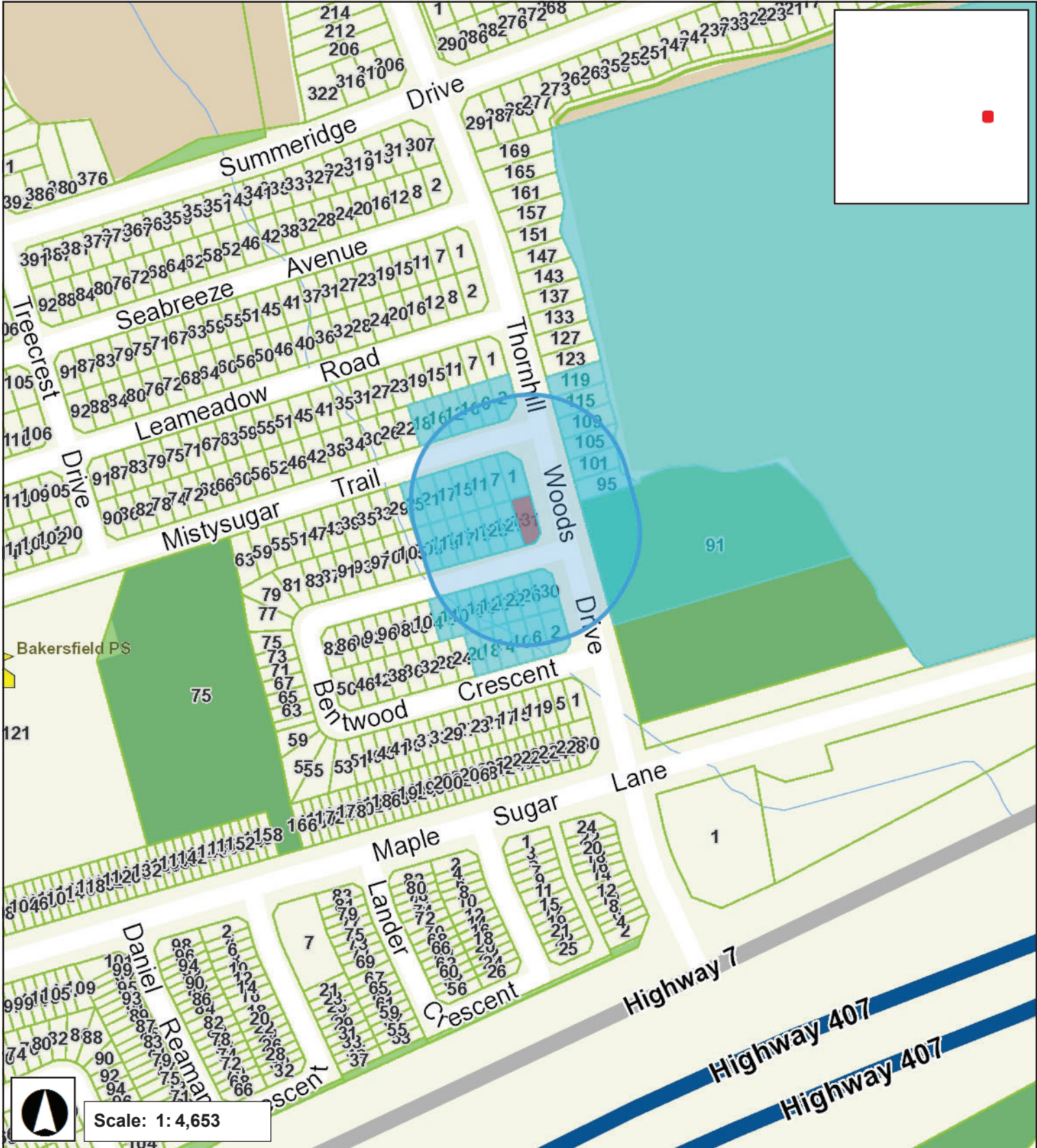
Location Map
Sketches

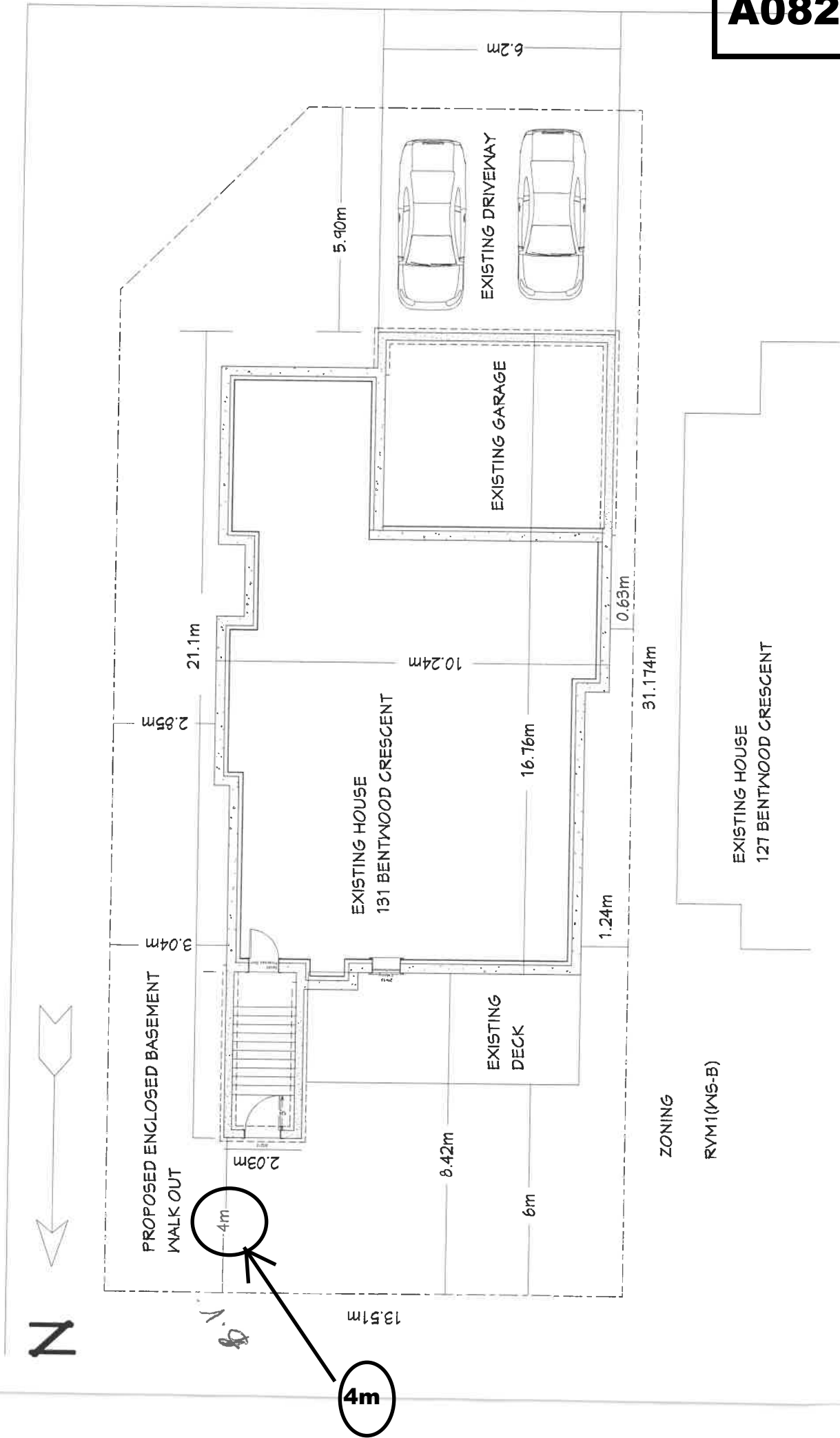


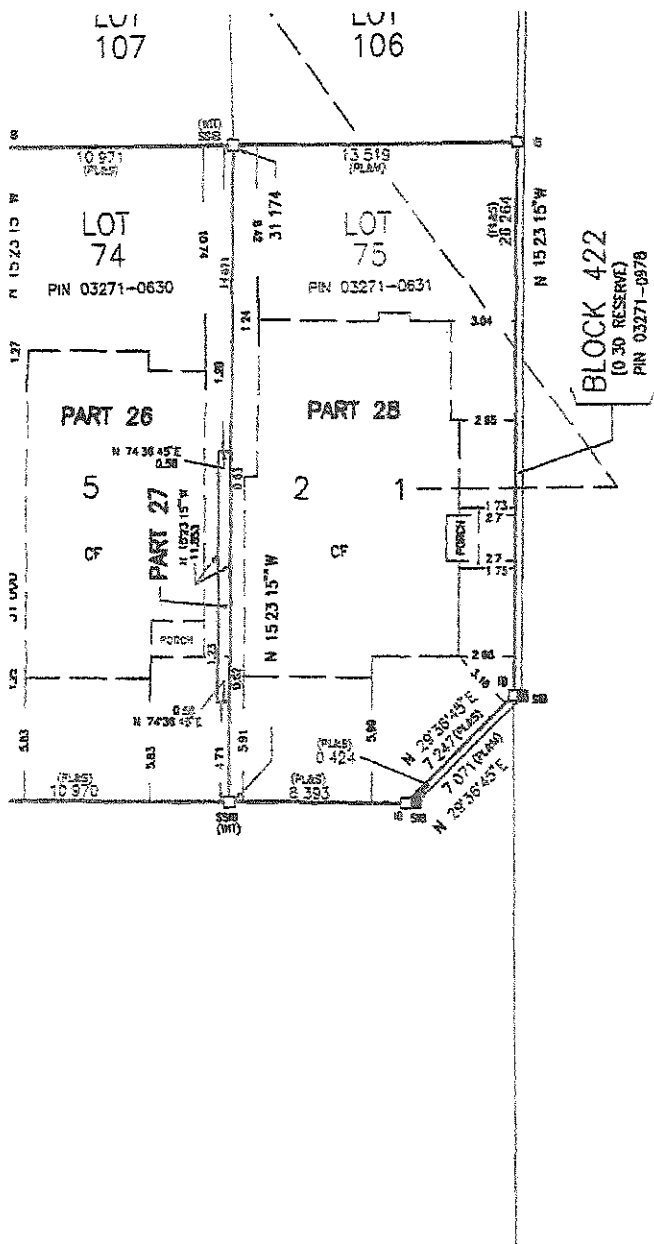
LOCATION MAP A082/19

131 BENTWOOD CRESCENT, THORNHILL

Rutherford Road







P. SALNA COMPANY LTD.

ONTARIO LAND SURVEYORS

10225 YONGE STREET

RICHMOND HILL, ONTARIO L4C 3B2

PHONE (905) 884-3988 FAX (905) 737-7516

FILE: 01-024

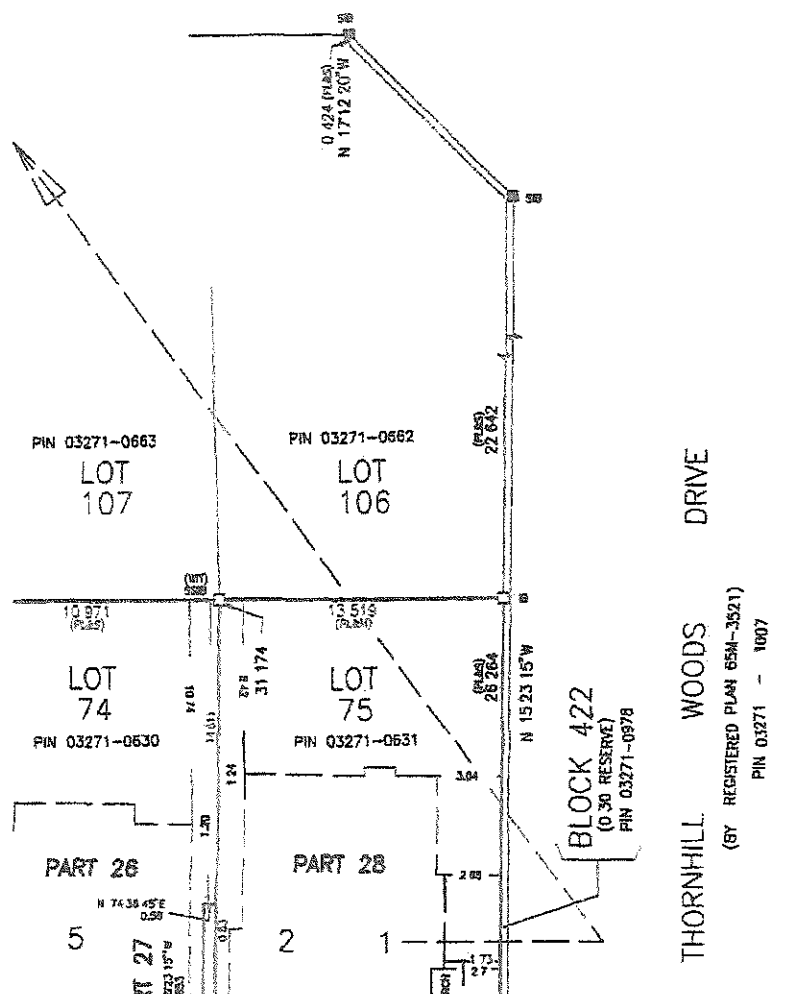
PARTY CHIEF KUMAR
CAD FILE 3521 RA-TR

DRAWN BY TRAJA
CHECKED BY SUPER

70364

D. Stauer
Asst. Dep. Land Registrar
for the Land Titles Division of
YORK REGION (No 65)

P SALNA Co LTD, OLS



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

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

Attwala, Pravina

Subject: FW: MVAR.19.V.0221 (A082/19) - Dominic Fenelon and Venkatlakshmi Baskaran - 131 Bentwood Crescent

From: McMackin, Joseph <Joseph.McMackin@york.ca>
Sent: June-12-19 3:41 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: MVAR.19.V.0221 (A082/19) - Dominic Fenelon and Venkatlakshmi Baskaran - 131 Bentwood Crescent

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.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71516 | joseph.mcmackin@york.ca | www.york.ca

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

Please consider the environment before printing this email.

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A048/12

COMMITTEE OF ADJUSTMENT
(VARIANCES)

NOTICE OF DECISION

FILE NO: A48/02

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application submitted by **LEOR BUILDING CORP**, with respect to Part of Lot 11, Concession 2 (Lot 75, Registered Plan 65M-3521, Municipally known as 131 Bentwood Cres.)

The subject lands are zoned RVMI (WS-B) Residential Urban Village Multiple Dwelling Zone One (Single Detached Dwelling and Semi-Detached Dwelling On a Wide and Shallow Lot, subject to the provisions of Exception Number 9 (1063) under By-Law 1-88 as amended.

The applicant is requesting a variance to permit the continued construction of a proposed single family detached dwelling, notwithstanding, the minimum exterior side yard setback is 2.6m, rather than the By-law requires the minimum exterior side yard setback to be 3.0m. A sketch is attached illustrating the request.

The Committee is of the opinion that the variance sought can be considered minor and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

THAT Application No. **A48/02 LEOR BUILDING CORP**, be **APPROVED**, subject to the following conditions:

1. That the variance be conditional upon the proposal being constructed in accordance with the requested variance as shown on the attached sketch, if required, to the satisfaction of the Building Standards Department;
2. That if the condition listed above is not fulfilled within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.

Members concurring in this decision:

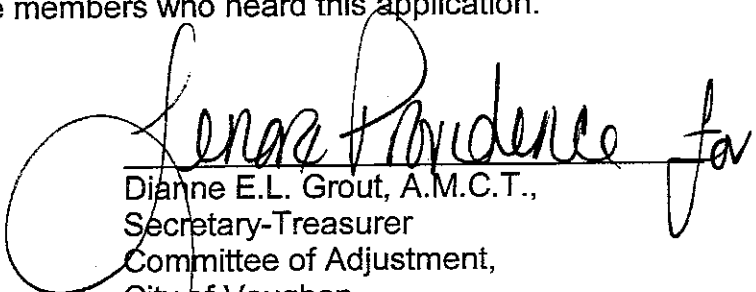
T. DeCicco
Vice-Chair,

L. Fluxgold
Member

S. Perrella
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Dianne E.L. Grout, A.M.C.T.,
Secretary-Treasurer
Committee of Adjustment,
City of Vaughan

DATE OF HEARING: **JANUARY 24, 2002**
LAST DATE OF APPEAL: **FEBRUARY 13, 2002**

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30P.M . ON FEBRUARY 13, 2002.
NOTE:The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

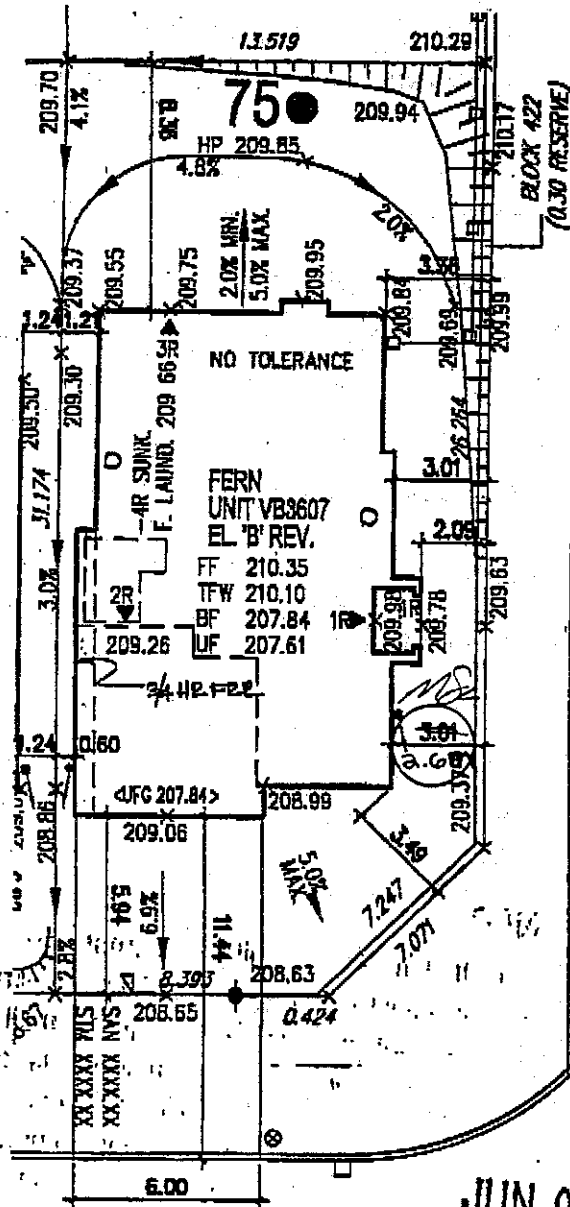
**NOTE: IF ANY CONDITIONS ARE IMPOSED ON THIS
APPLICATION, THE FINAL DATE FOR
FULFILLING THEM IS:
* * * FEBRUARY 13, 2003 * * ***

A48/02

THE BUILDING PERMIT IS ISSUED ON THE EXPRESSED CONDITION THAT THE WORKS SHALL BE COMPLETED IN ACCORDANCE WITH THE PLANS AS REVIEWED INCLUDING NOTES AS MARKED, WHICH ARE FILED WITH THE CITY OF VAUGHAN BUILDING STANDARDS DEPARTMENT.

RECEIVED BY

M. Andrews



THORNHILL WOODS DRIVE

GRADING AND DRAINAGE NOTES:

1. MINIMUM GRADIENT OF GRASS SWALES ALONG SIDE AND REAR LOT LINE SHALL BE 2.00% (MIN. 1/4" PER FOOT). THE PROPOSED ELEVATION OF THE SIDE LOT SWALE AT THE BUILDING LINE SHALL BE A MINIMUM OF 0.15' ABOVE THE PROPOSED ELEVATION OF A BUILDING LINE AT CENTER OF THE LOT. THE MAXIMUM SWALE GRADIENT SHALL BE 5.00%.
2. TIME OF REAR YARD GRADE DIFFERENCE USING SLOPES BETWEEN 2.00% AND 5.00% FOR MAXIMUM OF 75% OF THE REAR YARD LENGTH AND SLOPES OF 3:1 TO THE REAR LOT LINE. USE RETAINING WALLS IF GRADE DIFFERENCE IS MORE THAN 0.50' IN CONSTRUCTION. RETAINING WALLS WITHIN THE REAR LOT LINE.
3. ROOF LEADERS SHALL NOT BE CONNECTED TO THE STORM SEWER BUT SHALL DISCHARGE TO THE GROUND ONTO A SPLASH PAD AND SHALL DRAIN TO FRONT OF THE HOUSE. ROOF DOWNSPOUTS ARE NOT PERMITTED AT THE REAR OF THE HOUSE.
4. FOOTINGS CONSTRUCTED NEXT TO CATCH BASIN LEAD PIPE OR OTHER MUNICIPAL SERVICES SHALL BE INSTALLED BELOW LEAD PIPE EXCAVATION. FOOTINGS MUST BE CONSTRUCTED ON UNDISTURBED SOIL. CONSULTANTS VERIFICATION REQUIRED.
5. EDGE OF DRIVEWAYS ARE TO BE A MINIMUM OF 1.0m FROM THE EDGE OF STREET CATCH BASIN AND STREET FURNITURE. THE BUILDER IS TO VERIFY THE LOCATIONS AND INFORM THE ENGINEER IF THIS DIMENSION CANNOT BE MAINTAINED PRIOR TO EXCAVATION FOR THE FOOTINGS.
6. IF THE DISTANCE BETWEEN THE MAIN WALLS OF ADJACENT UNITS IS LESS THAN 1.0m, A SIDE YARD DRAINAGE SWALE SHALL BE CONSTRUCTED AND BE SURFACED WITH MIN. 150mm OF LIMESTONE SCREENINGS OVERLAIN BY A PATIO SLAB WALKWAY.
7. BRICK LINE SHALL BE 0.10m ABOVE SOD ELEVATION.
8. ALL FENCES REQUIRED ADJUTING PUBLIC LANDS AND ON EXISTING PROPERTIES SHALL BE CONSTRUCTED WITH MATERIAL (WOODING FOUNDATIONS) COMPLETELY ON PRIVATE LANDS AND TOTALLY CLEAR OF ANY 0.3m RESERVES.
9. SOIL CONSULTANTS VERIFICATION IS REQUIRED FOR FOOTINGS CONSTRUCTED ON ENGINEERED FILL LOTS.
10. THE PROPOSED WATER SERVICE CURB STOP IS TO BE LOCATED IN THE GRASSES PORTION OF THE FRONT YARD.
11. TOP SOIL TO BE 450mm DEPTH IN BOULEVARDS.

CONSULTANTS DECLARATION:

- I HAVE REVIEWED THE SITE AND GRADING PLAN FOR THE PROPOSED BUILDING TO BE CONSTRUCTED AND HEREBY CERTIFY THAT:
- 1) THE PROPOSED GRADING AND AFFURMENT DRAINAGE WORKS COMPLY WITH SOUND ENGINEERING PRINCIPLES.
 - 2) THE PROPOSED GRADING IS IN CONFORMITY WITH THE GRADING PLAN APPROVED FOR THIS SUBMISSION AND WILL NOT ADVERSELY AFFECT ADJACENT LANDS.
 - 3) THE PROPOSED BUILDING IS COMPATIBLE WITH THE PROPOSED GRADING.
 - 4) THE PROPOSED WATER SERVICE CURB STOP IS LOCATED IN THE GRASSES PORTION OF THE FRONT YARD.
 - 5) THE BUILDER IS RESPONSIBLE FOR THE COST OF RELOCATION OF ANY STREET FURNITURE WHICH IS NOT 1.0m CLEAR FROM EDGE OF DRIVEWAY.
 - 6) ROOF LEADERS AND DOWN SPOUTS MUST DRAIN TO FRONT OF HOUSE.

SCHAEFFER & ASSOCIATES LIMITED

SIGNATURE OF ENGINEER

A. S. KASSABIAN

DATE

JUN 04 2001

BENTWOOD CRESCENT

* ALL DOWNSPOUTS TO BE @ FRONT *

* LATERAL SEWER ELEVATIONS WERE OF OFFICE USE ONLY NOT AVAILABLE AT TIME OF CERTIFICATION THE BUILDER IS TO VERIFY THE AS CONSTRUCTED LATERAL ELEVATIONS WITH THE ENGINEER PRIOR TO PLACEMENT OF FORMS AND/OR CONCRETE FOOTINGS. CITY OF VAUGHAN

BUILDING STANDARDS DEPARTMENT

PLANS EXAMINED AND APPROVED 05-24-2001 08:44:30 JAT/JZ

- LIGHT POLE
- HYDRANT
- TRANSFORMER
- WATER SERVICE
- DOUBLE STM & SAN CONNECTION
- SINGLE STM & SAN CONNECTION
- CATCH BASIN
- DROPPED GARAGE SLAB
- EXTERIOR DOOR LOCATION

- SIDE WINDOW LOCATION
- SWALE DIRECTION
- FF FINISHED FLOOR ELEVATION
- UF UNDERSIDE FOOTING ELEVATION
- BF FIN. BASEMENT FLOOR SLAB
- TFW TOP OF FOUNDATION WALL
- UFR UNDERSIDE FOOTING AT REAR
- UFF UNDERSIDE FOOTING AT FRONT
- WOD WALK OUT DECK

- WOB WALK OUT BASEMENT
- REV. REVERSE PLAN
- H HYDRO SERVICE LATERAL
- X FENCE
- EMBANKMENT 3:1 SLOPE
- PROPOSED VALVE
- SUPER MAIL BOX
- BELL PEDESTAL
- CABLE TELEVISION PEDESTAL

Notes:

- BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, LIGHTS, TRANSFORMERS AND OTHER SERVICES. DIMENSIONS ARE TO BE MAINTAINED, BUILDER IS TO RELOCATE AT THEIR OWN EXPENSE.
- SIDE WINDOW LOCATION
- REMOVE SIDE WINDOW IN SIDEYARD DISTANCE LESS THAN 1.2m TO LOT LINE
- ENGINEERED FILL LOTS

DATE REVIEWED WITH MANUAL

JUN 07 2001

AUG 27 2001

SEP 27 2001

SEP 27 2001

SEP 27 2001

SEP 27 2001

SEP 27 2001

Hunt Design Associates Inc.



Client:

BEAVERHALL HOMES

Project Name and Location:

THORNHILL WOODS VAUGHAN, ONTARIO

PLUMBING

Sheet Title

SITING AND GRADING

Lot No.:

75

Registered Plan No.:

00013

File Name:

WSP01

Street Name:

BENTWOOD CRESCENT

Date:

MAY 15, 2001

Scale:

1:250

Project No.:

00013

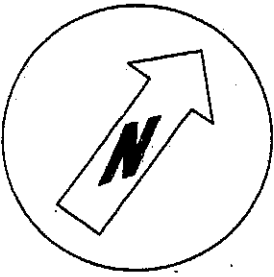
Drawn By:

M. SKUBE


Checked By:

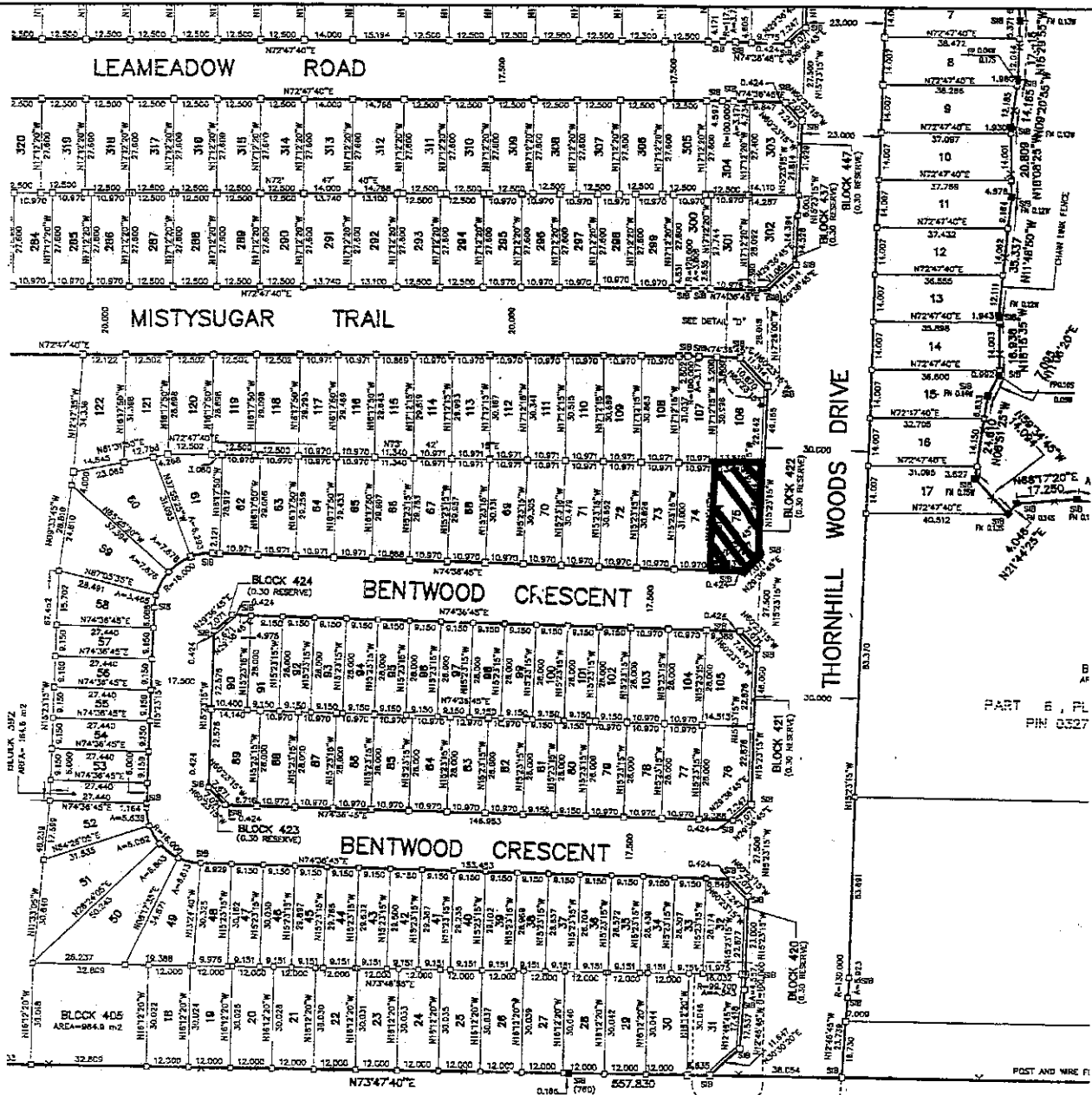
M. SKUBE

DWG. No.:



COMMITTEE OF ADJUSTMENT

File No.:	A48/02
Applicant:	LEOR BUILDING CORP
	Subject Area Municipally known as 131 BENTWOOD CRES.



TS 10 AND 11, CONCESSION 2) TRANSFERRED BY ORDER IN COUNCIL 2097/92, REGISTERED AS INST. NO. R-599731 PART 1, PLAN 55R - 22, PIN 03271 -0037(LT)

PART 4 EXPROPRIATION PLAN 7450(INST.NO. VA 54862) PART 2, PLAN 55R -

Maple Sugar Lane

PLANNING ACT GUIDELINES FOR APPEALING PERMISSION/VARIANCES

Subsection 45 - 20 inclusive

- (12) The applicant, the Minister or any other person who has an interest in the matter may within twenty days of the making of the decision appeal to the Municipal Board against the decision of the Committee by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board* under the Ontario Municipal Board Act as payable on an appeal from a Committee of Adjustment to the Board.
- (13) The Secretary-Treasurer of a Committee, upon receipt of a notice of appeal served or sent to him/her under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in Subsection (12) to the Municipal Board by registered mail, together with all papers and documents filed with the Committee of Adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.
- (14) If within such twenty days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant and shall file a certified copy of the decision with the Clerk of the Municipality.
- (15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the Committee is final and Binding and the Secretary of the Board shall notify the Secretary-Treasurer of the Committee who in turn shall notify the applicant and file a certified copy of the decision with the Clerk of the Municipality.
- (16) On an appeal to the Municipal Board, the Board shall except as provided in Subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, and Secretary-Treasurer of the Committee and to such other persons and in such manner as the Board may determine.
- (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party if,
- (a) it is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
 - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
 - (iii) the appeal is made only for the purpose of delay;
 - (b) the appellant has not provided written reasons for the appeal;
 - (c) the appellant has not paid the fee prescribed under the *Ontario Municipal Board Act*; or
 - (d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.
- (17.1) Before dismissing an appeal, the Municipal Board shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Board may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.
- (18) The Municipal Board may dismiss the appeal and may make any decision that the Committee could have made on the original application.
- (18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. (18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if in its opinion, the amendment to the original application is minor.
- (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
- (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.
- (18.4) If a notice of intent under subsection (18.2) is received, the Board may hold a hearing or resume the hearing on the amended application, or it may issue its order without holding a hearing or resuming the hearing.
- (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the Secretary-Treasurer of the Committee.
- (20) The Secretary-Treasurer shall file a copy of the order of the Municipal Board with the Clerk of the Municipality.

*\$125.00 (payable to the **MINISTER OF FINANCE**) for the primary variance appeal and \$25.00 for each related variance appeal.