VAUGHAN

Staff Report Summary

Item #05

Ward #1

File: B034/19

Applicant: Maria Teressa Coscarella

Address: 5623 Kirby Rd Vaughan ON

Agent: Domenic Damiani - Damiani Law

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	☑ Positive Comment ☒ Negative Comment	**Condition(s)** ☑ ☒
Committee of Adjustment	☑	☑
Building Standards	☑	☑
Development Planning	☑	
Cultural Heritage (Urban Design)	☑	
Development Engineering	☑	
Parks Department		
By-law & Compliance	☑	
Financial Planning & Development	☑	☑
Fire Department		
TRCA	☑	☑
Ministry of Transportation		
Region of York	☑	
Alectra (Formerly PowerStream)	☑	
Bell	☑	
Public Correspondence **(see Schedule B)**		

Adjournment History: None

Background History: B017/10, A059/11 (see next page for details)

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, December 12, 2019

Consent Application

B034/19

Agenda Item: 05

Ward: 1

Prepared By: Lenore Providence Assistant Secretary Treasurer

Date of Hearing: Thursday , December 12, 2019

Applicant: Maria Teressa Coscarella

Agent: Domenic Damiani - Damiani Law

Property: **5623 Kirby Road, Kleinburg**

Zoning: The subject lands are zoned RR, Rural Residential, and subject to the provisions of Exception 9(768) under By-law 1-88 as amended.

OP Designation: Natural Areas & Low Rise Residential

Related Files: Minor Variance Application A152/19

Purpose: Consent is being requested to sever a parcel of land for residential purposes, being Part 1 on Plan 65R-33024, approximately 161.00 square metres, as a lot addition, to be merged on title with the abutting lands to the west (municipally known as 5647 Kirby Road), together with a partial discharge of mortgage over the severed lands.

The retained parcel of land is approximately 13,543.00 square metres and has frontage onto Kirby Road. The existing dwelling on the retained lands is to remain.

**Boundary adjustment (lot addition) being requested to facilitate the release of a mutual right of way between the subject lands and 5647 Kirby Road).*

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

Application No.:	**Description:**	**Status of Approval:** Approved/Refused/Withdrawn/ OMB/Concurrent
B017/10	The purpose of this application is to request the consent of the Committee of Adjustment to convey a parcel of land as an ADDITION to an existing lot taken into the title of the lands to the WEST for driveway purposes, together with all required easements and right-of-ways, if required, and retain the lands for driveway purposes. There is an existing dwelling on the retained lands.	Approved February 24/11 File Lapsed
A059/11	The applicant is requesting a variance to facilitate the retained lands (Consent B017/10 - addition to an existing lot to the WEST) as follows: 1) Minimum Lot Frontage = 54.10m	Approved February 24/11 File Lapsed

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: None

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 November 27, 2019

Applicant confirmed posting of signage on December 4, 2019.

Building or Structures on the subject land: Vacant land

Recommended conditions of approval:

1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies **only** to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment.

2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.

3. That Minor Variance Application(s) A152/19 is approved at the same time as the Consent application and becomes final and binding.

4. That the severed parcel be merged on title with the abutting land to the west, municipally known as 5647 Kirby Road and that the applicant's solicitor provides an undertaking in writing that this condition will be fulfilled (please obtain standard undertaking form from Committee of Adjustment staff). Please note that Subsection 50 (3) or (5) of the Planning Act, R.S.O, 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.

5. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

Adjournment Request: N/A

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto Region Conservation Authority). TRCA approval may be required.

The proposed consent is for the severance of a parcel of land identified as Part 1, Plan 65R-33024 on the attached schedule (submitted by the applicant) and is intended to be merged with the abutting property to the west identified as Part 4, 5 and 6, Plan 65R-33024.

Minor variance application A152/19 shall be considered with this application.

Please Note:

The subject consent shall become null and void if the parcel is not merged on title with the adjacent lands to the west identified as Parts 4, 5 and 6, 65R-33024.

Development Planning:
Vaughan Official Plan 2010 ('VOP 2010'): Natural Areas & Low-Rise Residential.

The Owner has submitted Consent Application File B034/19 to convey Part 1 on Plan 65R-33024 to the Owner of the neighbouring lot to the west (5647 Kirby Road) and to register a partial mortgage discharge. To facilitate the consent, the Owner has submitted Minor Variance Application A152/19 to permit a minimum 54.10 m lot frontage for the retained lands (5623 Kirby Road), whereas By-law 1-88 requires a minimum of 56.39 m.

The Owner is proposing to sever a 161m2 portion of the subject lands at 5623 Kirby Road (described as Part 1 on Plan 65R-33024) and merge the lands with the abutting lands to the west (5647 Kirby Road). The Owner is also requesting a partial discharge of the mortgage on the subject lands.

The purpose of the application is to abandon the existing right-of-way (mutual driveway) between the adjacent properties. Currently, both properties have direct access onto Kirby Road and the resulting minor boundary adjustment will not have adverse impacts on the lands.

On February 24, 2011, the Committee of Adjustment previously approved Consent Application File B017/10 and
Minor Variance Application A059/11 for the proposal; however, the conditions were not fulfilled and the Consent Application File B017/10 has since lapsed.

The Development Planning Department has no objection to the requested severance and is of the opinion that the proposal maintains the intent of the severance policies in VOP 2010 and the consent criteria stipulated in Section 51(24) of the *Planning Act, R.S.O. 1990, c P.13*. The Development Planning Department is also of the opinion that the requested variance for the reduced lot frontage for the retained lands 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 lands.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):
No Response

Development Engineering:
The Development Engineering (DE) Department does not object to consent application B034/19.

Parks Development:
No Response.

By-Law and Compliance, Licensing and Permit Services:
No comments or concerns.

Financial Planning and Development Finance:
That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

The following condition is recommended:

The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Application cover letter (agent)

Schedule C - Agency Comments
TRCA – comments with conditions
Bell – No concerns or objections
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)
Consent Application B017/10,
Minor Variance Application A059/11

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 standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of the application considers the following:

- ✓ Conform to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conform to the City of Vaughan Official Plan.
- ✓ Conform to the Provincial Policy Statements as required by Section 3(1) of the Planning Act.

Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description and PIN of the subject lands. Subject land applies **only** to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. That Minor Variance Application(s) A152/19 is approved at the same time as the Consent application and becomes final and binding. 4. That the severed parcel be merged on title with the abutting land to the west, municipally known as 5647 Kirby Road and that the applicant's solicitor provides an undertaking in writing that this condition will be fulfilled (please obtain standard undertaking form from Committee of Adjustment staff). Please note that Subsection 50 (3) or (5) of the Planning Act, R.S.O, 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. 5. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
2	Building Standards Lindsay Haviland 905-832-8585 x 8655 lindsay.haviland@vaughan.ca	That minor variance A152/19 is approved and becomes final and binding.
3	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).
4	TRCA Hamedeh Razavi 416-661-6600 x 5256 Hamedeh.Razavi@trca.ca	The applicant submits the application fee of $580.00 payable to the Toronto and Region Conservation Authority.

Warning:

Conditions must be fulfilled within <u>one year</u> from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.

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.

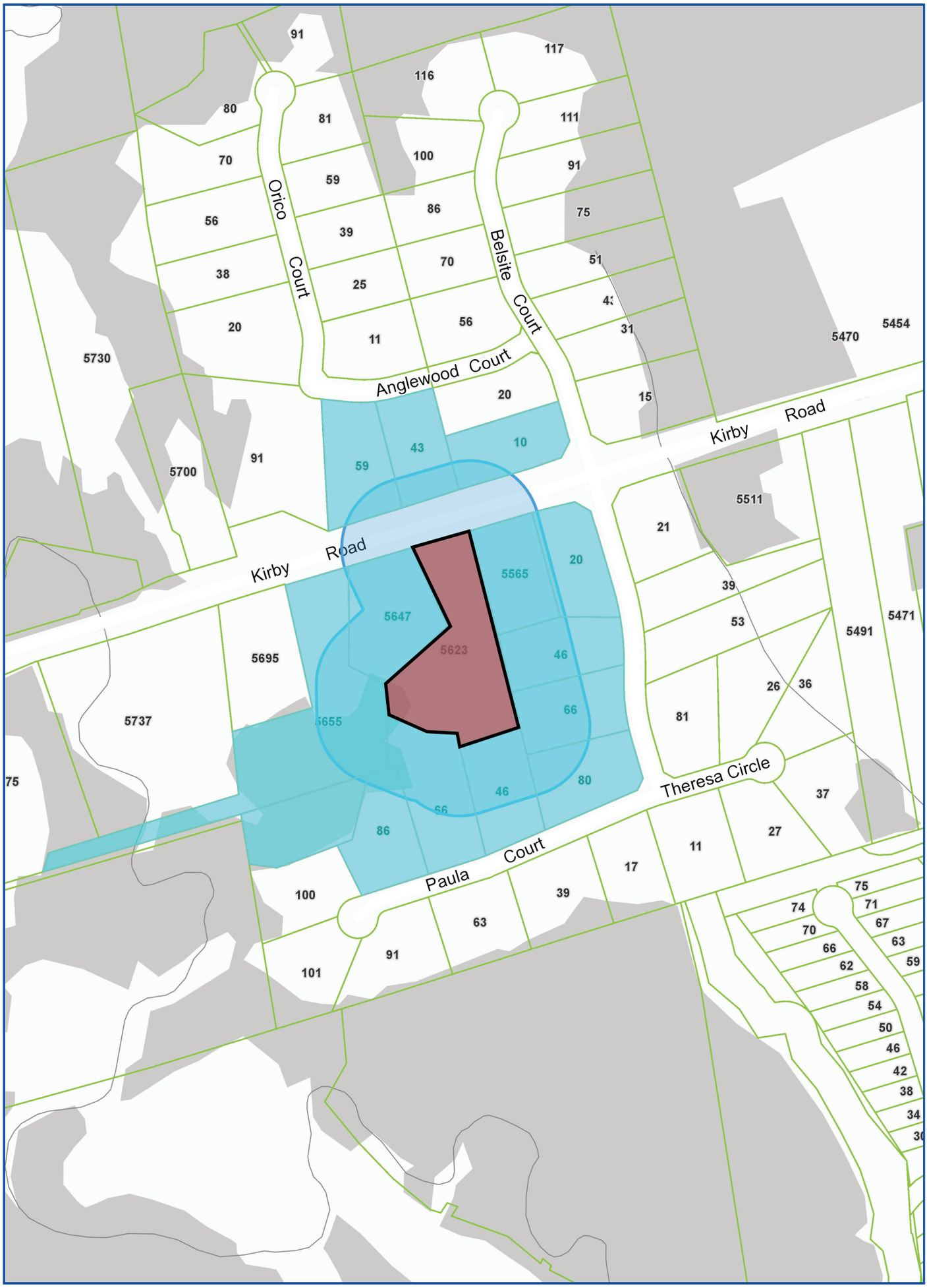
For more information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

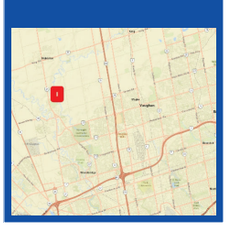
Schedule A: Plans & Sketches

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



Map Information:



Title:

5623 KIRBY ROAD, KLEINBURG

LOCATION MAP - B034/19 & A152/19

Disclaimer:

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

VAUGHAN

Scale: 1: 4,514

0 0.07 km

Created By:

Infrastructure Delivery Department

November 21, 2019 7:03 PM

Projection:

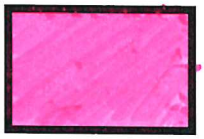
NAD 83

UTM Zone 17N

Memorandum

Please read together with enclosed plan.

Legend

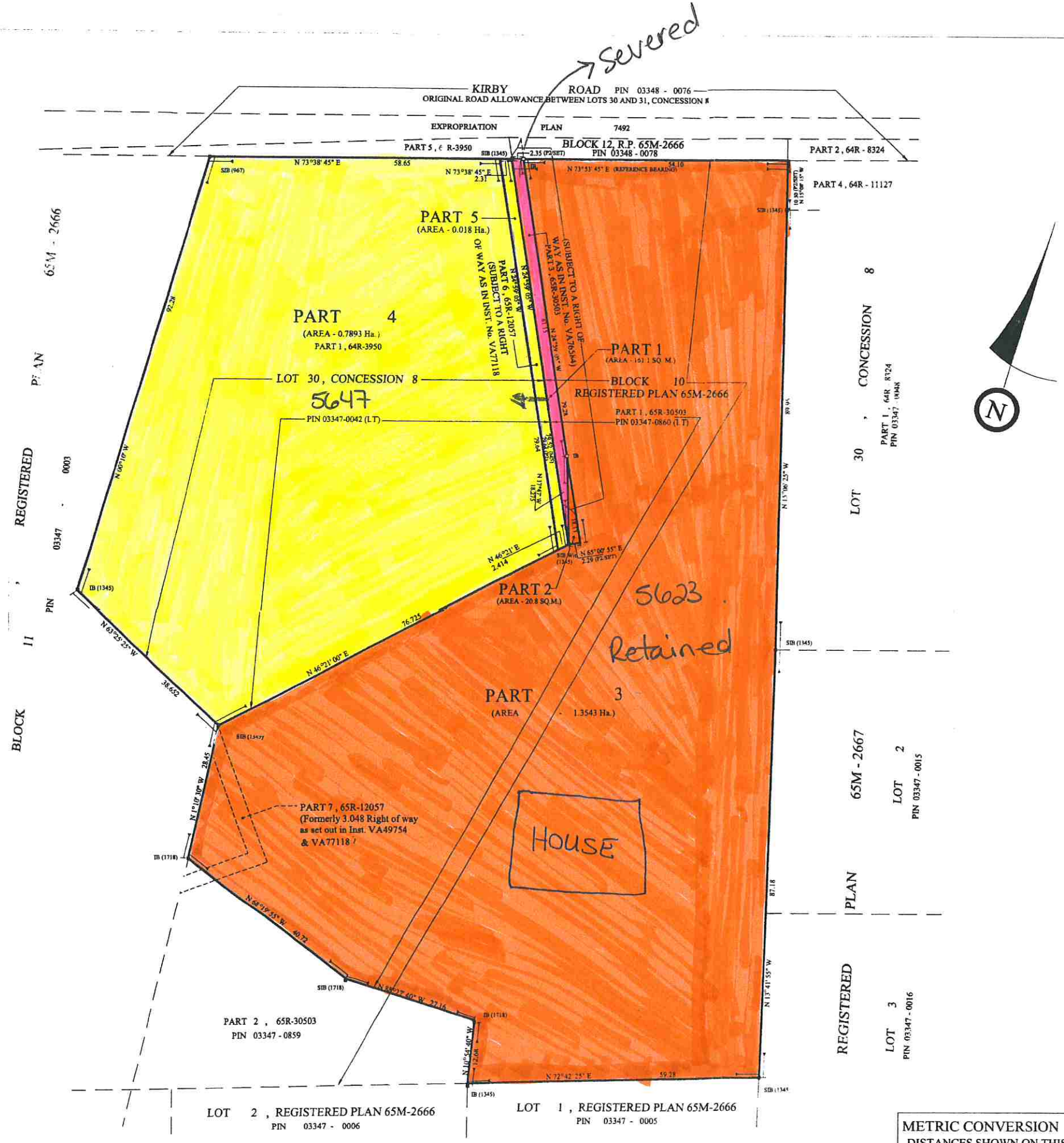


SEVERED LANDS
Lands for which application is submitted.
OWNER: Maria Teresa Coscarella
ADDRESS: 5623 Kirby Road

REMAINDER LANDS
Lands retained following conveyance.
OWNER: Maria Teresa Coscarella
ADDRESS: 5623 Kirby Road

ADJOINING LANDS
Lands to which the severed lands will be added.
OWNERS: Renato & Maria Mastrantoni
ADDRESS: 5647 Kirby Road

B034/19



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 65R-33024 RECEIVED AND DEPOSITED
DATE April 10 2011	DATE May 16, 2011
P.J. MANSFIELD	per: D.P. J.M. Bernstein
	LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION. (No. 65)

SCHEDULE

PART	LOT	PLAN/CON.	PIN
1	PART OF BLOCK 10	R.P. 65M-2666	ALL OF 03347-0860 (LT)
2			
3			
4	PART OF LOT 30	CON. 8	ALL OF 03347 - 0042
5			

PARTS 1 AND 2 - SUBJECT TO RIGHT-OF-WAY AS IN INST. VA76584
PART 5 - SUBJECT TO RIGHT-OF-WAY AS IN INST. VA77118

PLAN OF SURVEY OF
PART OF BLOCK 10
REGISTERED PLAN 65M-2666 &
PART OF LOT 30, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF VAUGHAN
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:600

0 7.5 15 30 45.7 METRES

PETER J. MANSFIELD, OLS - 2011

NOTES

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE N 73°53' 45" E OF THE NORTHERLY LIMIT OF PART 1 AS SHOWN ON PLAN 65R-30503.

■	DENOTES	FOUND SURVEY MONUMENT
□		SET SURVEY MONUMENT
SIB		STANDARD IRON BAR
IB		IRON BAR
OU		ORIGIN UNKNOWN
MS		MEASURED
P1		PLAN 65R-12057
P2		PLAN 65R-30503
P3		R.P. 65M-2666

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON June 13 2008

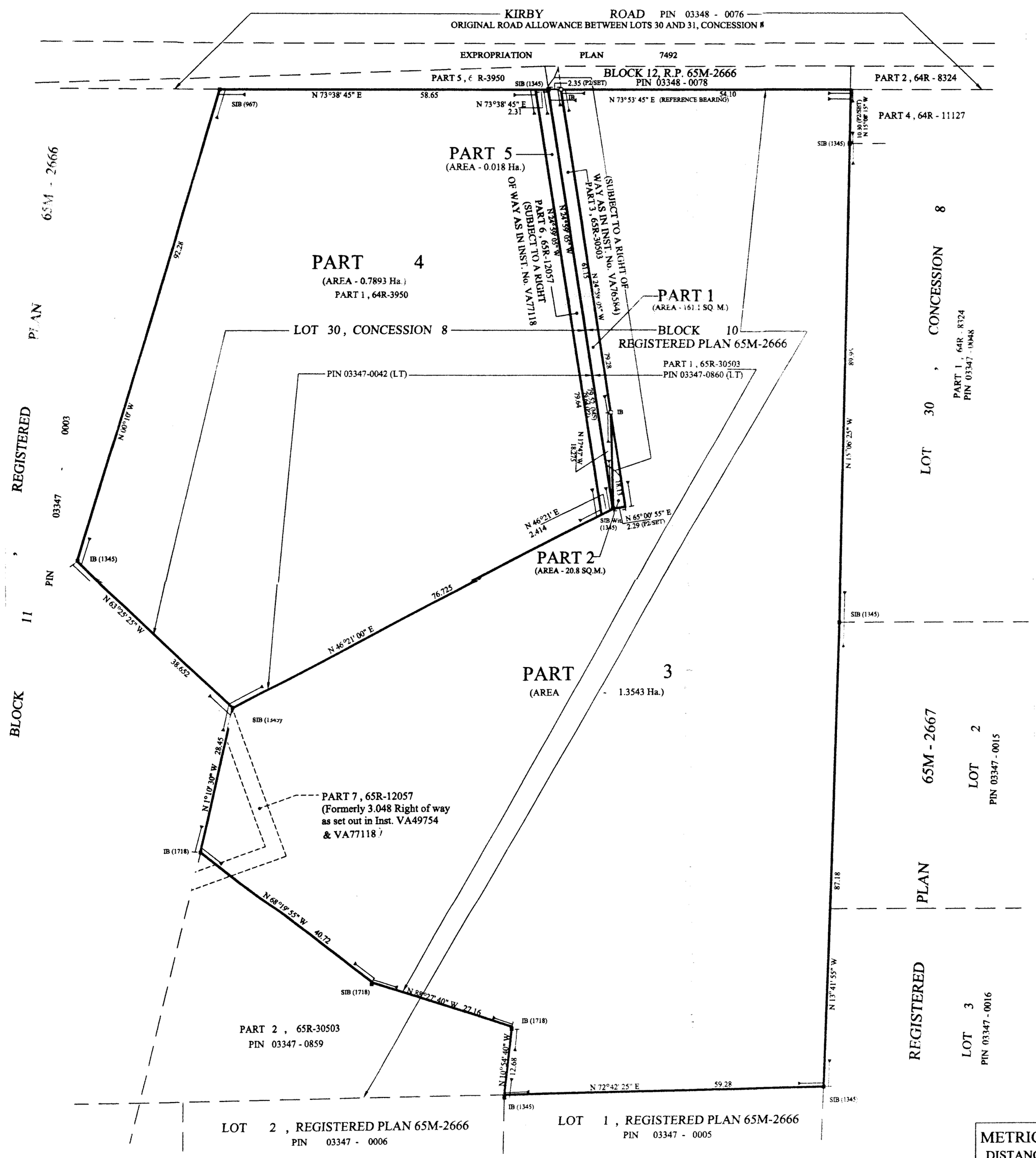
DATE June 17 2008

P.J. MANSFIELD
ONTARIO LAND SURVEYOR

METRIC CONVERSION
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

P. J. MANSFIELD
Ontario Land Surveyor
58 CHIEFTAIN CRESCENT
BARRIE ONTARIO L4N 4L8
705 - 728 - 8832

Job No. 08-3767



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 65R-33024 RECEIVED AND DEPOSITED
DATE APRIL 10 2011	DATE May 16, 2011
P.J. MANSFIELD	per: D.P. J.M. Bernstein
	LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION. (No. 65)

SCHEDULE

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3			
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5			

PARTS 1 AND 2 - SUBJECT TO RIGHT-OF-WAY AS IN INST. VA76584
PART 5 - SUBJECT TO RIGHT-OF-WAY AS IN INST. VA77118

PLAN OF SURVEY OF
PART OF BLOCK 10 REGISTERED PLAN 65M-2666 & PART OF LOT 30, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF VAUGHAN
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
SCALE: 1:600

0 7.5 15 30 45.7 METRES

PETER J. MANSFIELD, OLS - 2011

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■	DENOTES	FOUND SURVEY MONUMENT
□		SET SURVEY MONUMENT
SIB		STANDARD IRON BAR
IB		IRON BAR
OU		ORIGIN UNKNOWN
MS		MEASURED
P1		PLAN 65R-12057
P2		PLAN 65R-30503
P3		R.P. 65M-2666

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
2. THE SURVEY WAS COMPLETED ON JUNE 13 2008

DATE JUNE 17 2008

P.J. MANSFIELD
ONTARIO LAND SURVEYOR

METRIC CONVERSION
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

P. J. MANSFIELD
Ontario Land Surveyor
58 CHIEFTAIN CRESCENT
BARRIE ONTARIO L4N 4L8
705 - 728 - 8832

Job No. 08-3767

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.

Application Cover Letter (Agent)

D²L Damiani Law

Domenic Damiani
(647) 948-6030
domenic@damianilaw.ca

October 17, 2019

HAND DELIVERED

Received
November 4, 2019

B034/19

City of Vaughan Committee of Adjustment
2141 Major Mackenzie Dr.
Vaughan, Ontario
L6A 1T1

Attention: City of Vaughan Committee of Adjustment Staff

Dear Sirs/Mesdames:

Re: 5623 Kirby Rd. Consent Application

I am the authorized agent on behalf of the Applicant in connection with the above-referenced matter.

Enclosed with this letter please find the following:

- Completed Consent Application;
- Plan 65R-33024;
- Colour coded sketch identifying: (i) severed lands; (ii) remainder lands; and (iii) adjoining lands;
- Table identifying various lands on colour coded sketch;
- Data stick including digital copies of the application and other enclosures;
- Cheque in the amount of $3546.00 payable to City of Vaughan; and
- Cheque in the amount of $309.60 payable to City of Vaughan.

Briefly, the subject application is intended to convey Part 1 on Plan 65R-33024 from the current owner, Maria Teresa Coscarella, to the owner of the property immediately west of the said parcel, owned by Renato Mastrantoni and Maria Mastrantoni, municipally known as 5647 Kirby Road.

Because the subject lands are subject to a charge in favour of HSBC Bank Canada, I am also requesting consent to the registration of a partial discharge.

Finally, the subject lands form a part of an easement in the nature of a right-of-way for a mutual driveway. Following registration of the transfer of the severed lands to the owner

of the adjoining lands, I will complete the required registrations to release and abandon the said right-of-way.

I am advised by my client, that the subject application was previously submitted, was approved, but not completed within the time limited imposed by the Committee of Adjustment approval.

If there are any questions, please don't hesitate to contact me.

Yours very truly,
DAMIANI LAW

Domenic Damiani

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.

TRCA – comments with conditions
Bell – No concerns or objections
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

November 27, 2019 CFN: 60819.29

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

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

Dear Christine:

Re: Committee of Adjustment
Consent Application B034/19
Minor Variance Application A152/19
5623 Kirby Road
PLAN 65M2666 Block 10
City of Vaughan
Owner: Maria Teressa Coscarella

This letter will acknowledge receipt of the above noted applications, received by TRCA on November 12, 2019. Toronto and Region Conservation Authority (TRCA) staff has reviewed the application and offers the following comments.

Background

B034/19

It is our understanding that the current application intends to facilitate the severance and conveyance of a 161.1 sq.m parcel of land from the property at 5623 Kirby Road to the adjacent property at 5647 Kirby Road. No new lot will be created as a result of the application.

A152/19

The purpose of the Minor Variance Application is to request the following:

1. To permit a minimum lot frontage of 54.10 metres, whereas a minimum lot frontage of 56.39 is required.

Applicable Policies and Regulations

Ontario Regulation 166/06

A portion of the subject property is located within TRCA's Regulated Area due to the presence of a valley corridor associated with a tributary of the Humber River. Under Ontario Regulation 166/06, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

Living City Policies

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a "Natural System" made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while minimizing impacts to, maintaining, and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject applications, along with those found in other Provincial and municipal plans, documents, and guidelines.

Application-Specific Comments

As noted above, a portion of the subject property is located within TRCA's Regulated Area of the Humber River Watershed due the presence of a valley corridor associated with a tributary of the Humber River that traverses the western property at 5647 Kirby Road. TRCA has an interest in conserving, protecting, and enhancing all natural features and functions and discourages the fragmentation of ownership of valley corridors and/or hazard lands within its jurisdiction. The current eastern property bisects the 10 meter buffer from the valley at the northwestern corner of the site. Based on a review of the circulated materials, it is our understanding that the current proposal will result in a greater portion of the Natural System being retained in one ownership, thus meeting the intent of TRCA policies.

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 review fee of $580.00 (Variance Residential-Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible. This fee is separate from that requested under TRCA's permitting process.

Recommendation

Based on the above noted comments, TRCA staff provide a recommendation of **conditional approval** of consent application B034/19 and variance application A152/19, subject to the following condition:

1. The applicant submits the application fee of $580.00 payable to the Toronto and Region Conservation Authority.

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Hamedeh Razavi
Planner I
Planning and Development
Extension 5256

HR/cb

Providence, Lenore

Subject: FW: B034-19 - REQUEST FOR COMMENTS (VAUGHAN - Committee of Adjustment) - 905-19-428

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

Sent: November-18-19 2:47 PM

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

Subject: RE: B034-19 - REQUEST FOR COMMENTS (VAUGHAN - Committee of Adjustment) - 905-19-428

Dear Lenore,

Re File:

- Severance
- B034-49
- 5623 Kirby Rd

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has **no concerns or objections** with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you,

Carrie Gordon

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

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:

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

Providence, Lenore

Subject: FW: (B034/19) CONS.19.V.0144 - 5623 Kirby Road

From: Skouros, Julia <Julia.Skouros@york.ca>

Sent: November-19-19 10:28 AM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: (B034/19) CONS.19.V.0144 - 5623 Kirby Road

Hi Christine,

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

Should you have any questions or concerns, please contact me using the information provided below.

Best,

Julia Elena Skouros | Assistant Planner, Community Planning, Corporate Services
---
The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 74886 | Julia.Skouros@york.ca | york.ca

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

Schedule D: Previous Approvals (Notice of Decision)

Consent Application B017/10
Minor Variance Application A059/11

VAUGHAN

COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, Ontario, L6A 1T1
Tel [905] 832-2281 Fax [905] 832-8535

NOTICE OF DECISION
MINOR VARIANCES

FILE NUMBER: **A059/11**

APPLICANT: **MARIA TERESA COSCARELLA**

PROPERTY: Part of Lot 30, Concession 8, (Part of Block 10, Registered Plan No. 65M-2666, Parts 1 & 3, Plan 65R-30503, municipally known as 5623 Kirby Road, Kleinburg)

ZONING: The subject lands are zoned RR, Rural Residential under By-law 1-88 subject to Exception 9(768) as amended.

PURPOSE: The applicant is requesting a variance to facilitate the retained lands (Consent B017/10 – addition to an existing lot to the WEST) as follows:

PROPOSAL: 1) Minimum Lot Frontage = 54.10m

BY-LAW REQUIREMENTS: 1) Minimum Lot Frontage = 56.390m

BACKGROUND : The land which is subject to this application was also the subject of another application under the Planning Act:
Consent File No. B017/10 - **(To be heard in conjunction with the above minor variance application).**

A sketch is attached illustrating the request.

MOVED BY: _____

SECONDED BY: _____

THAT 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. **A059/11 - MARIA TERESA COSCARELLA, be APPROVED**, in accordance with the sketch attached, and subject to the following conditions;

1. That the corresponding Consent File No. **B017/10 - MARIA TERESA COSCARELLA, be APPROVED;**

2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for 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.**(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT, AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED.

FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR: Mary Mauti

Signed by all members present who concur in this decision:

ABSENT
L. Fluxgold,
Chair

ABSENT
J. Cesario,
Vice-Chair

Mary Mauti
M. Mauti,
Member

A. Perrella,
Member

H. Zheng,
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.

T. Coles
Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	**FEBRUARY 24, 2011**
Last Date of Appeal:	**MARCH 16, 2011**

APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.
Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

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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.

CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:

MARCH 16, 2012

VAUGHAN

COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, Ontario, L6A 1T1
Tel [905] 832-2281 Fax [905] 832-8535

NOTICE OF DECISION
CONSENTS

FILE NUMBER: **B017/10**

APPLICANT: **MARIA TERESA COSCARELLA**

PROPERTY: Part of Lot 30, Concession 8, (Part of Block 10, Registered Plan No. 65M-2666, Parts 1 & 3, Plan 65R-30503, municipally known as 5623 Kirby Road, Kleinburg)

ZONING: The subject lands are zoned RR, Rural Residential under By-law 1-88 subject to Exception 9(768) as amended.

PURPOSE: The purpose of this application is to request the consent of the Committee of Adjustment to convey a parcel of land marked "A" on the attached sketch **as an ADDITION to an existing lot taken into the title of the lands to the WEST** for driveway purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketches for driveway purposes.

There is an existing dwelling on the retained lands.

BACKGROUND: The land which is subject to these applications is/was also the subject of other applications under the Planning Act:
Minor Variance File No. A059/11 Lot frontage for retained lands **(To be heard in conjunction with the above consent application).**

A sketch is attached illustrating the request.

The above noted application was heard by the Committee of Adjustment on: **FEBRUARY 24, 2011**

Moved by: _____

Seconded by: _____

THAT Application No. **B017/10 - MARIA TERESA COSCARELLA, be APPROVED**, in accordance with the sketch attached and subject to the following conditions:

NOTE: All conditions below must be fulfilled and clearance letters must be received by the Secretary-Treasurer *before* any cheques can be accepted and Certificate of Official can be issued.

1. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Reserves & Investments Department. Payment shall be made **by certified cheque**; (contact Terry Liuni in the Reserves & Investments Department to have this condition cleared).

2. That the Owner confirm that the existing structures comply with By-law 1-88. If the structures do not comply, the Owner shall submit a Minor Variance Application to address any deficiencies, if required, to the satisfaction of the Development Planning Department;

3. That the corresponding Minor Variance File No. **A059/11 – MARIA TERESA COSCARELLA, be APPROVED;**

4. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;

5. That the applicant provide to the Secretary Treasurer a letter of undertaking, stating that the lands in question are in favour of or taken into the title of the lands to the **WEST**;

6. Submission to the Secretary-Treasurer of **FOUR (4)** white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;

7. Upon fulfilling and complying with all of the above-noted conditions, the Secretary-Treasurer of the Committee of Adjustment must be provided with a letter **and three (3) copies of a legal size (8.5" by 14") "Schedule Page", in a format satisfactory to the Secretary-Treasurer,** from the Applicant's solicitor confirming the legal description of the subject lands, sufficient for registration purposes **the "Schedule Page" will be an attachment to the Certificate**. Upon being satisfied with said legal description and upon all other conditions for the consent having been satisfied, the Secretary-Treasurer shall provide a Certificate of Official to the applicant in accordance with Section 53(42) of the Planning Act, R.S.O. 1990, as amended;

8. A fee of **$190.00** made payable to the Treasurer City of Vaughan shall, be submitted to the Secretary Treasurer for the issuance of the Certificate/stamping of the deeds. It will be necessary to allow up to **three (3) working days** after all conditions have been fulfilled and documentation filed. Same day service is also available for an additional cost of **$145.00, provided all conditions of approval have been fulfilled and all required documents are submitted by 11:30 am that day;**

9. Prior to the issuance of a building permit, if required, the applicant shall fulfil and comply with all of the above noted consent conditions;

IMPORTANT:
Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfil and comply with all of the (above-noted) conditions of Consent. Failing to comply with this requirement will result in the application to be deemed to be refused.

ALL CONDITIONS MUST BE FULFILLED.

Please contact each Agency and/or Department listed above whether **"if required"** appears in the condition or not.

PLEASE NOTE:

1. That the payment of the Regional Development Charge 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.

2. That the payment of the City Development Charge 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.

3. That the payment of the Education Development Charge 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

4. That the payment of Special Area Development charge 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, if required, to the satisfaction of the Reserves/Capital Department;

CARRIED.

CHAIR: Mary Mauti

Signed by all members present who concur in this decision:

ABSENT
L. Fluxgold,
Chair

ABSENT
J. Cesario,
Vice-Chair

Mary Mauti
M. Mauti,
Member

A. Perrella,
Member

H. Zheng,
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.

Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	**FEBRUARY 24, 2011**
Date of Notice:	**MARCH 4, 2011**
Last Date of Appeal:	**MARCH 24, 2011**

APPEALS

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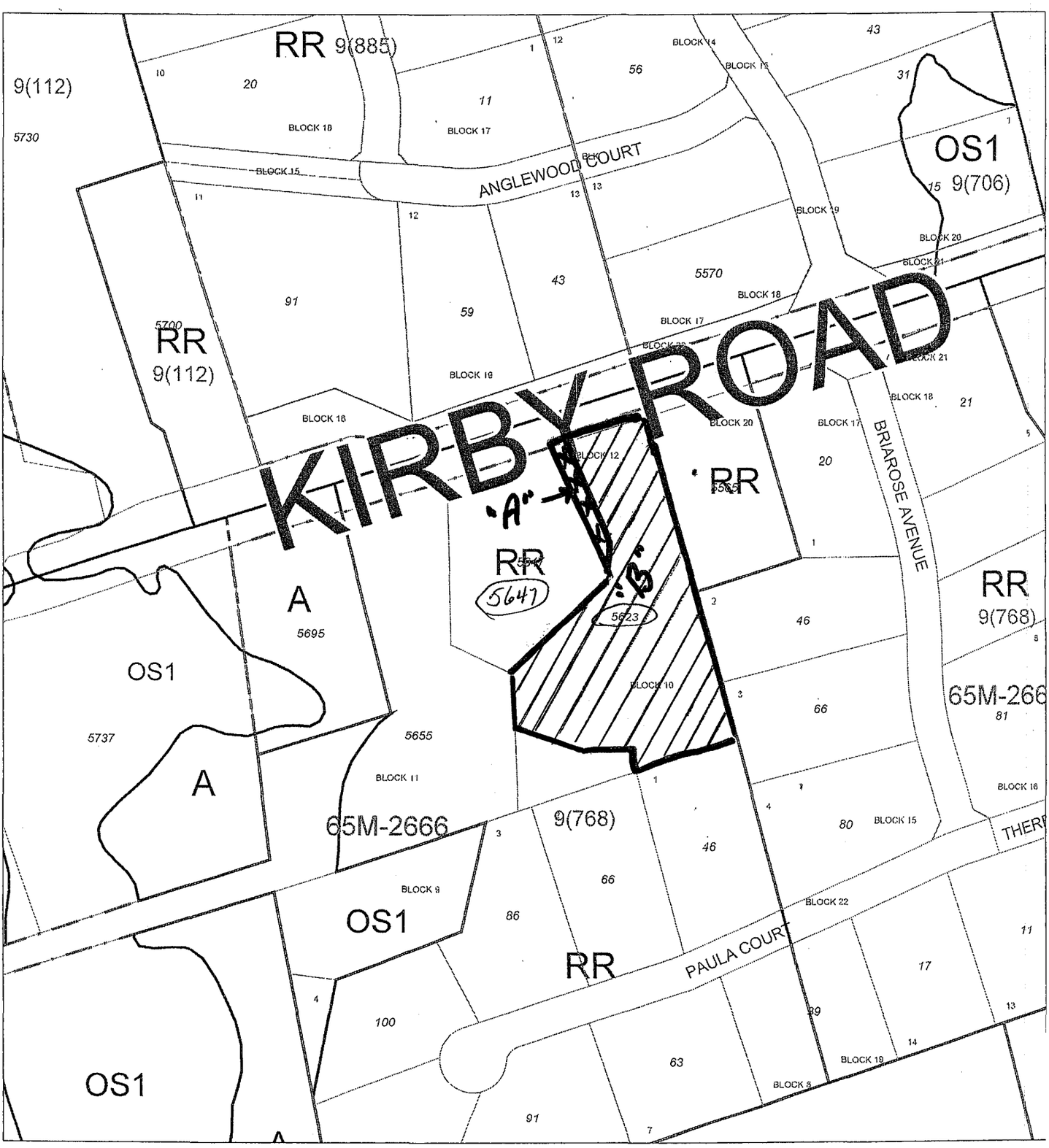
Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

NOTES

1. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

2. A Certificate pursuant to Subsection 53(21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

B017/10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BRIAROSE AVENUE
PAULA COURT
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9(112)
RR 9(112)
OS1 9(706)
RR
RR
RR 9(768)
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OS1
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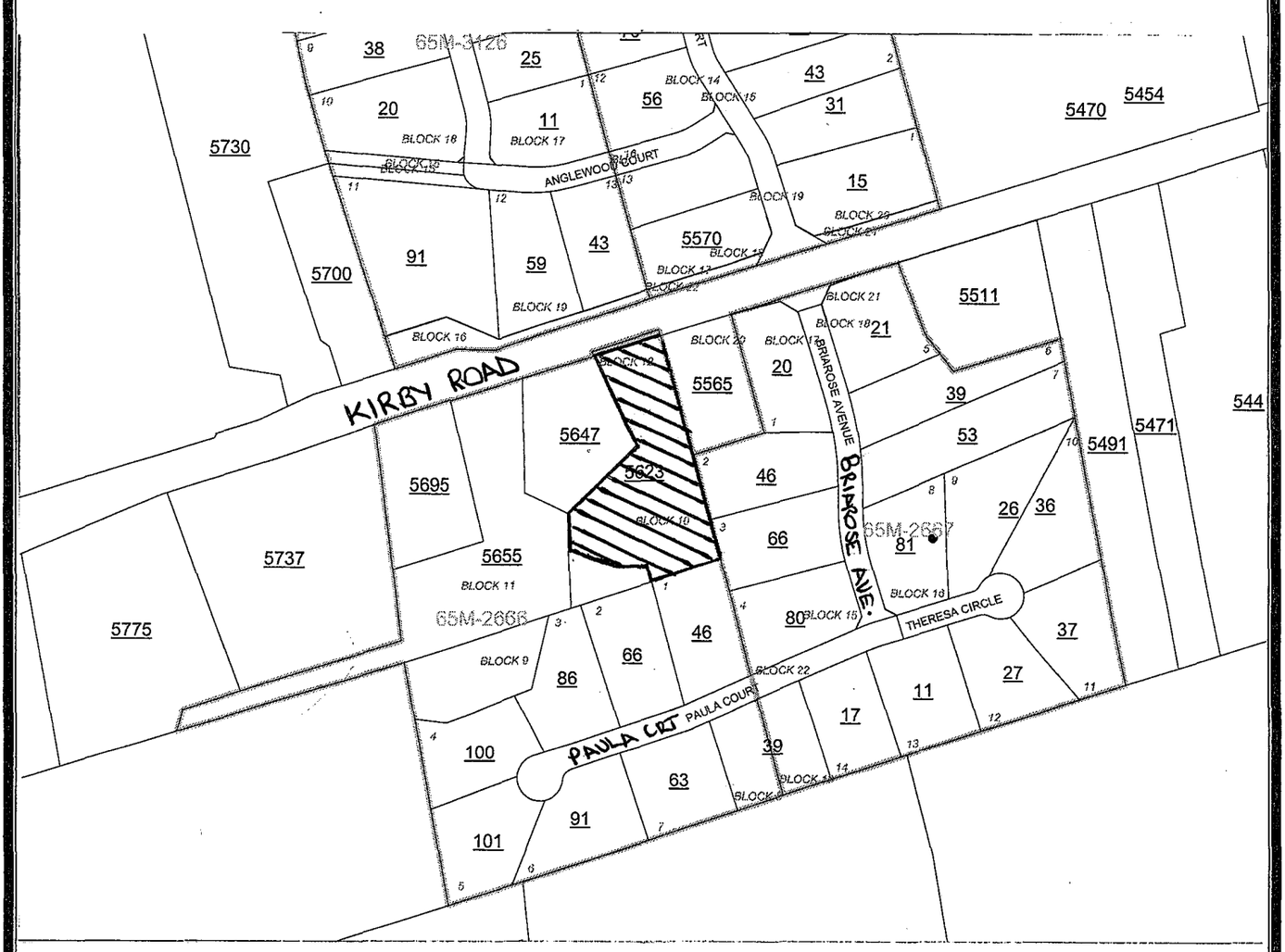
BLOCK 21
BLOCK 22

COMMITTEE OF ADJUSTMENT

File Nos:	**B017/10, A059/11**
Applicant:	**MARIA TERESA COSCARELLA**
	Subject Area: **5623 Kirby Road, Kleinburg**



VAUGHAN

COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, Ontario, L6A 1T1
Tel [905] 832-2281 Fax [905] 832-8535

NOTICE OF DECISION
MINOR VARIANCES

FILE NUMBER: **A059/11**

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SECONDED BY: _____

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CARRIED.

CHAIR: Mary Mauti

Signed by all members present who concur in this decision:

ABSENT
L. Fluxgold,
Chair

ABSENT
J. Cesario,
Vice-Chair

Mary Mauti
M. Mauti,
Member

A. Perrella,
Member

H. Zheng,
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.

T. Coles
Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	**FEBRUARY 24, 2011**
Last Date of Appeal:	**MARCH 16, 2011**

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CONDITIONS

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MARCH 16, 2012

A059/11

D

PART 1

PAR

R

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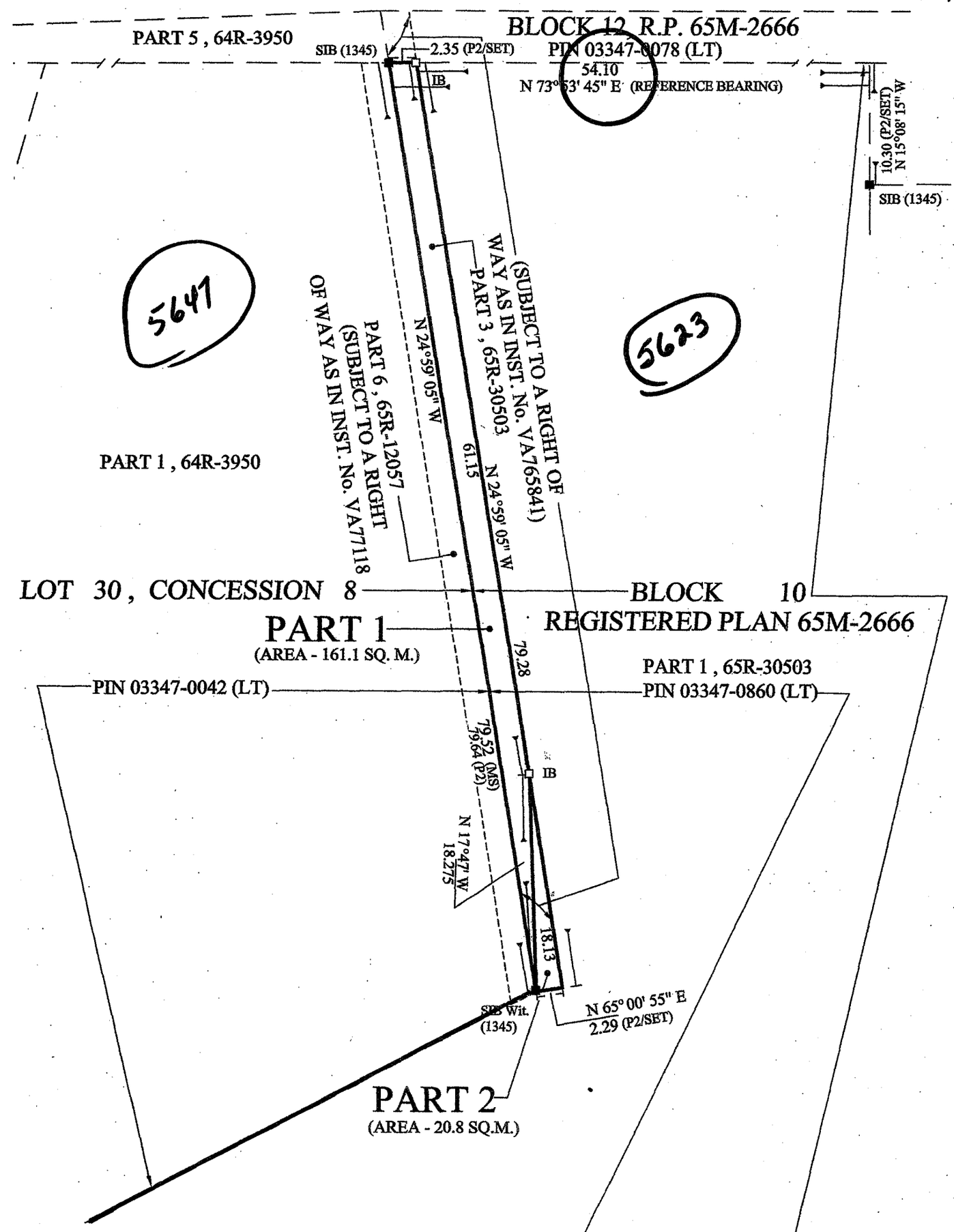
KIRBY ROAD

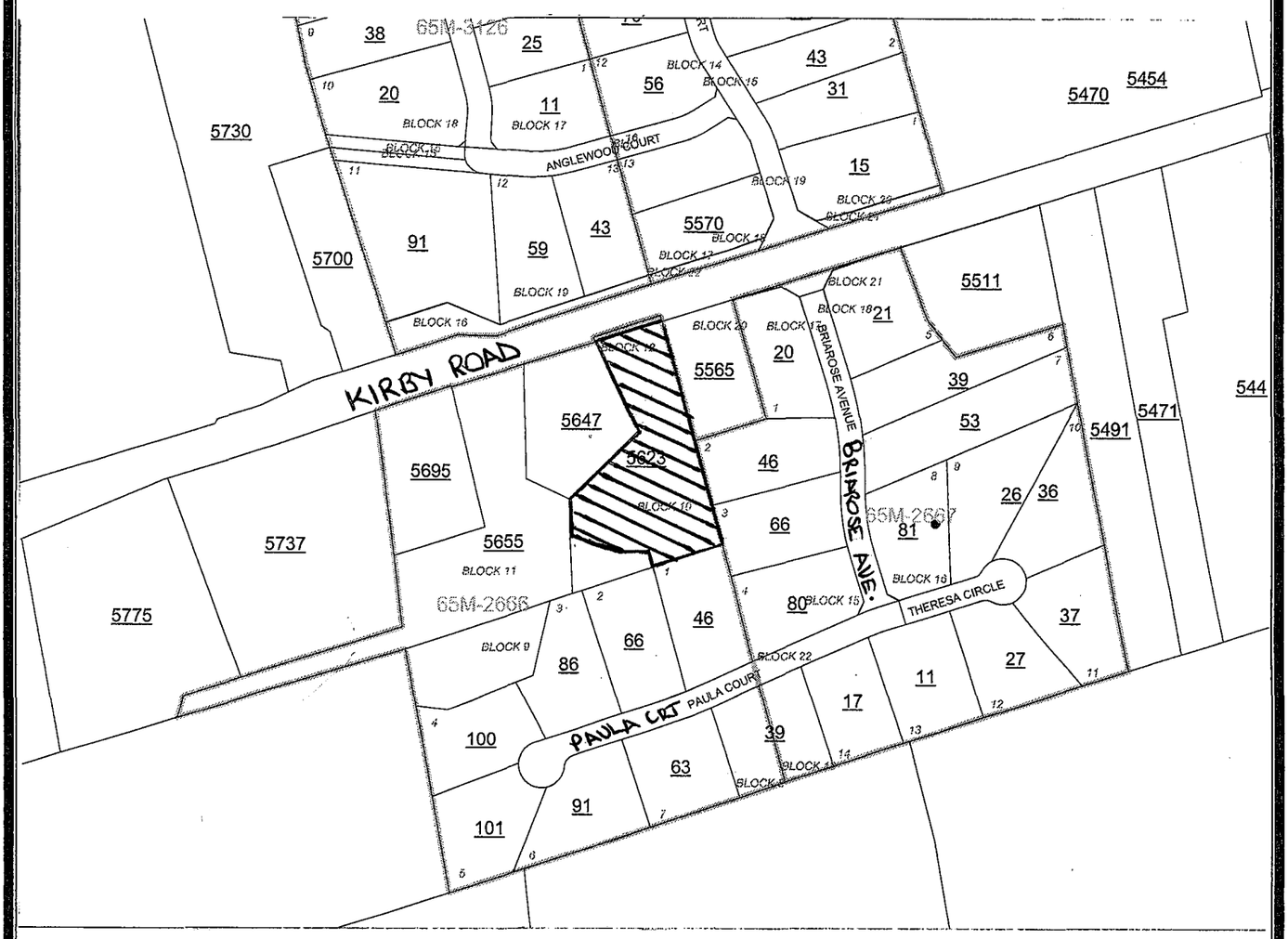
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8

EXPROPRIATION PLAN 7492



COMMITTEE OF ADJUSTMENT

File Nos:	**B017/10, A059/11**
Applicant:	**MARIA TERESA COSCARELLA**
	Subject Area: **5623 Kirby Road, Kleinburg**



A059/11

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PART 1

PAR

R

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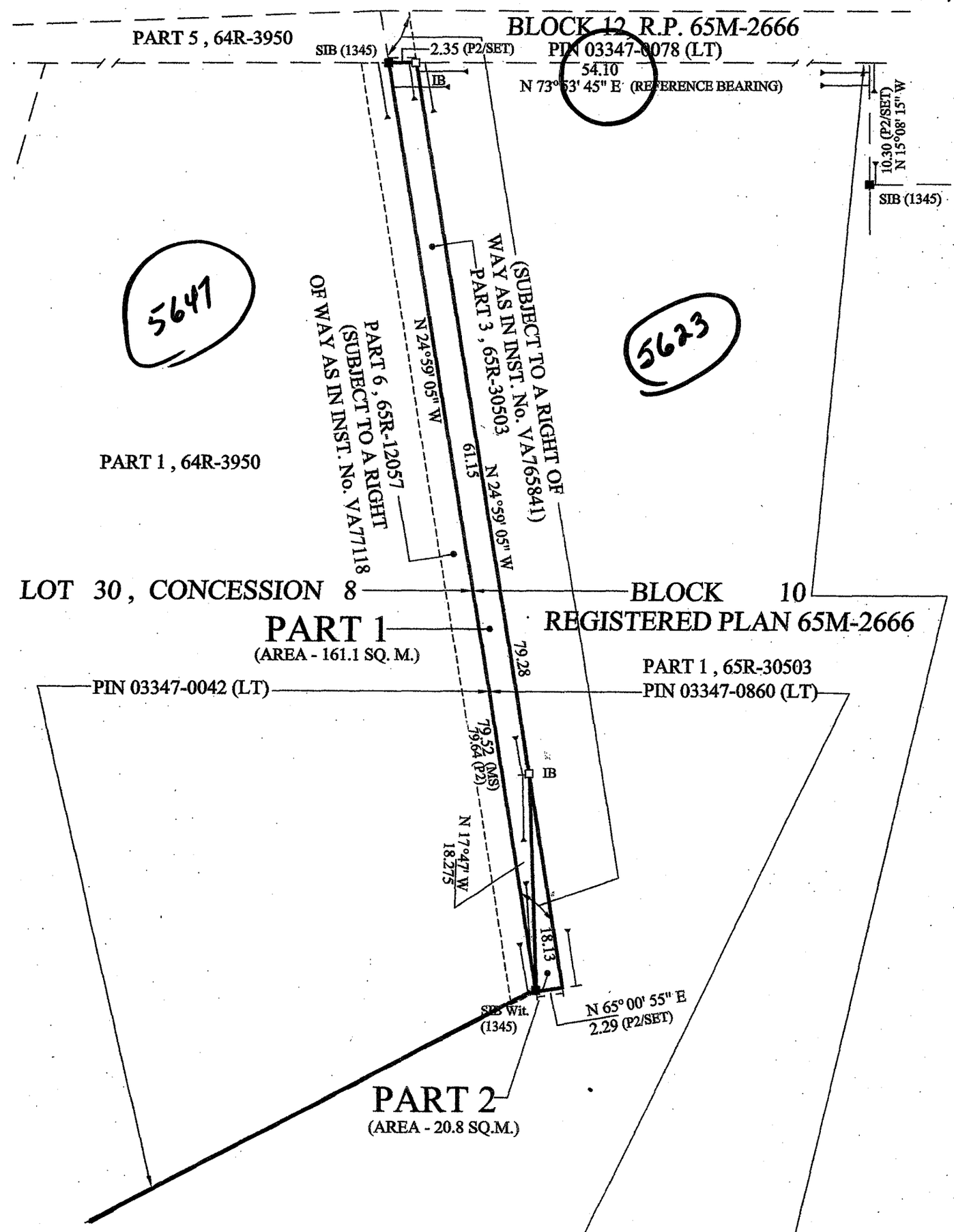
KIRBY ROAD

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8

EXPROPRIATION PLAN 7492



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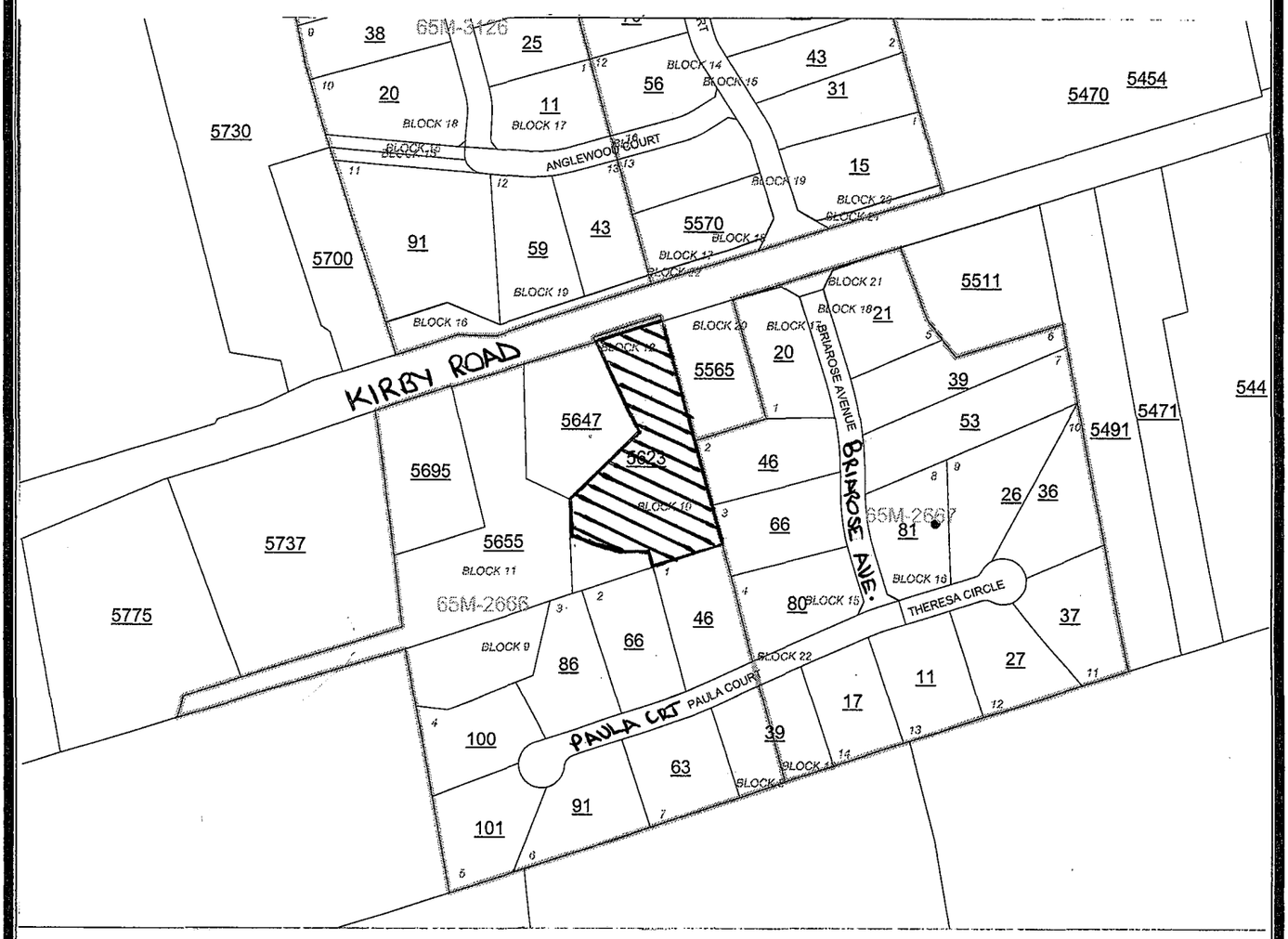
File Nos:	**B017/10, A059/11**
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