



File: A152/19

Applicant: Maria Teresa Coscarella

Address: 5623 Kirby Road, Vaughan

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

Adjournment History: None

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



Minor Variance
Application

Agenda Item: 06

A152/19

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date of Hearing:	Thursday, December 12, 2019
Applicant:	Maria Teresa 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:	Consent Application B034/19
Purpose:	Relief from the by-law is being requested to permit reduced lot frontage on the retained land to facilitate Consent Application B034/19.

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

By-law Requirement	Proposal
A minimum Lot frontage of 56.39 metres is required.	To permit a minimum Lot Frontage of 54.10 metres.

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Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent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

Property Information	
Existing Structures	Year Constructed
Dwelling	2007

Applicant has advised that they cannot comply with By-law for the following reason(s): The reduced frontage does not conform to the by-law.

Recommended condition of approval:

That Consent Application B034/19 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.

Adjournment Request: N/A

Building Standards (Zoning Review):

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

This application is to facilitate the severance under application B034/19.

Building Inspections (Septic):

No comments or concerns

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 variance application A152/19.

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 Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Application Cover Letter (Agent)

Schedule C - Agency Comments

TRCA – comments with conditions
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 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	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That Consent Application B034/19 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of Official must be provided to the Secretary Treasurer to satisfy this condition.
2	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.

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

Lenore Providence

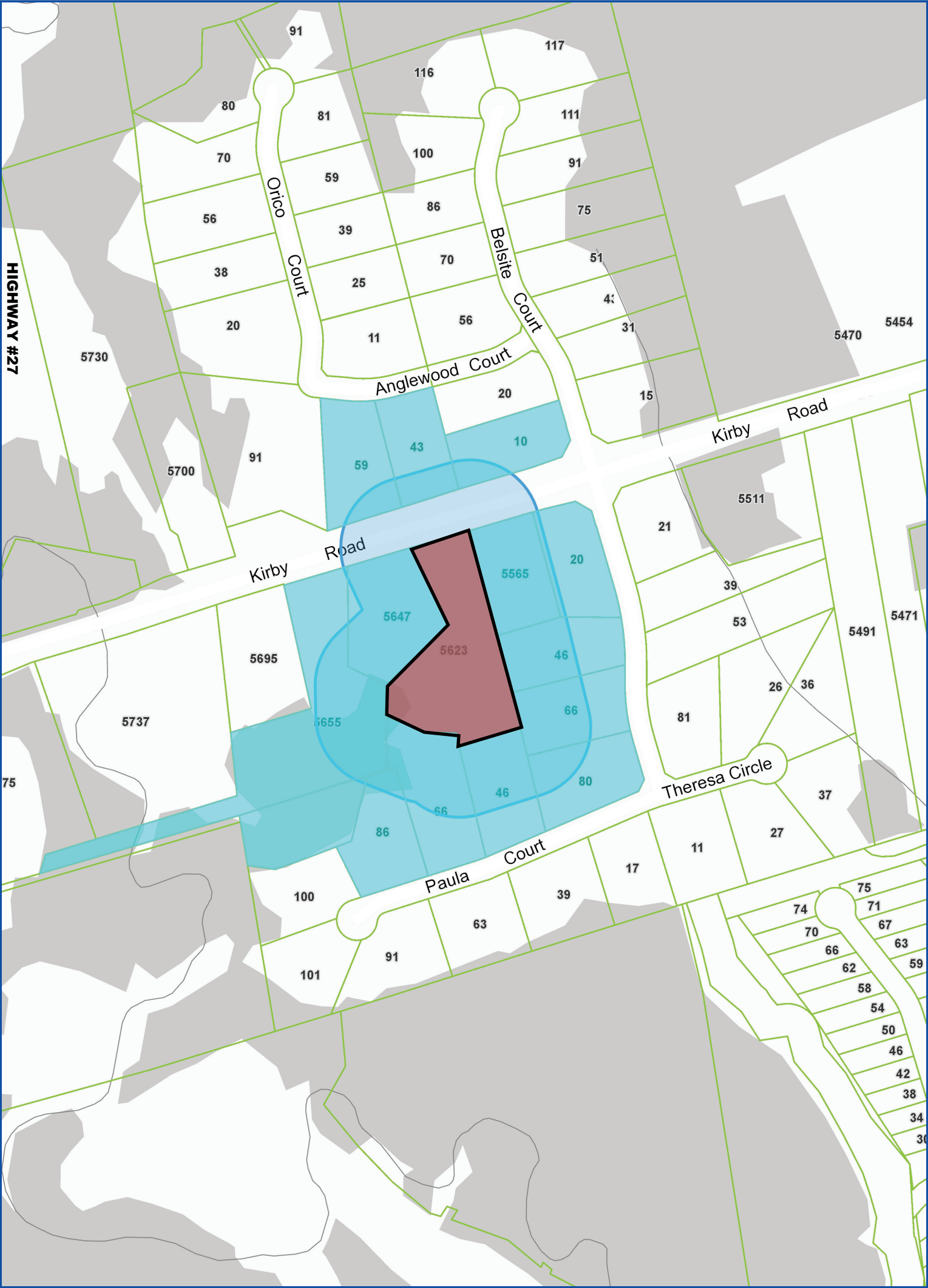
T 905 832 8585 Extension 8394

E CofA@vaughan.ca

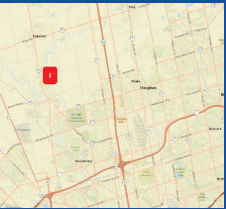
Schedule A: Plans & Sketches

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.



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



PART 5 - SUBJECT TO RIGHT-OF-WAY AS IN INST. VA7718

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

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

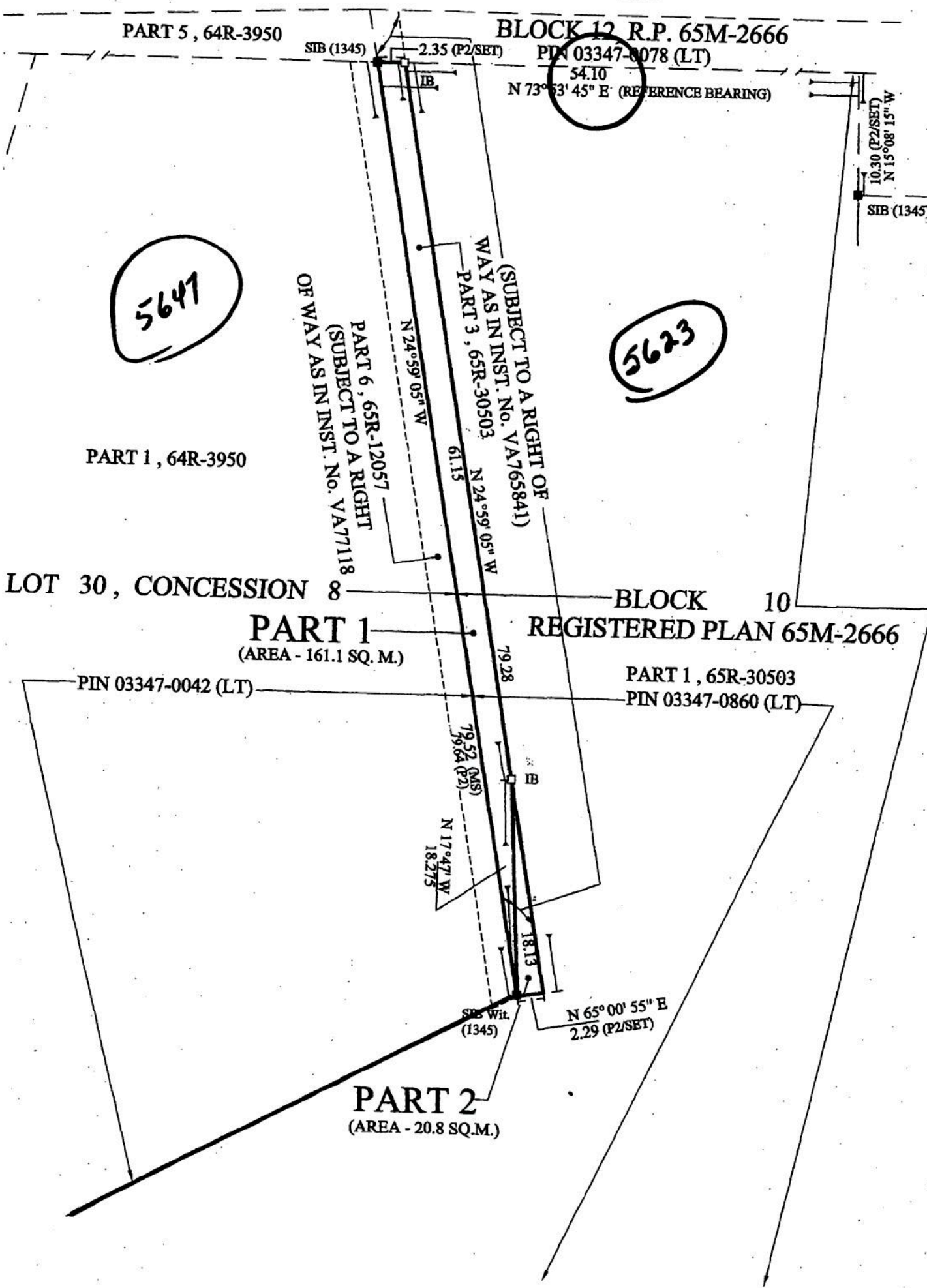
P^y M^d J^o D^o
P. HANSEN LTD.

Job No. 08-3767

KIRBY ROAD
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8

DI
PART 1

EXPROPRIATION PLAN 7492



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)

October 17, 2019

Received

November 4, 2019

A152/19

HAND DELIVERED

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. Minor Variance 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 Minor Variance Application;
- Plan 65R-33024;
- Sketch identifying: (i) severed lands; (ii) remainder lands; and (iii) adjoining lands;
- Data stick including digital copies of the application and other enclosures;
- Cheque in the amount of \$2,287.00 payable to City of Vaughan.
- Arborist report

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

Suite 133, 104-3300 Highway 7, Concord, Ontario L4K-3Y7
Fax: (647) 951-4777

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

A handwritten signature in blue ink, appearing to read "Domenic Damiani". The signature is stylized with a large, looped "D" and a trailing flourish.

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**
- 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 Teresa 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



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

Providence, Lenore

Subject: FW: (A152/19) MVAR.19.V.0462 - 5623 Kirby Road

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

Sent: November-19-19 10:26 AM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: (A152/19) MVAR.19.V.0462 - 5623 Kirby Road

Hi Christine,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance 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

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

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.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the **\$650.00** processing fee, paid by certified cheque or money order, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of **\$125.00** for each application appealed, paid by certified cheque or money order, made payable to the "ONTARIO MINISTER OF FINANCE".

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

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;

- 
- VAUGHAN**

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

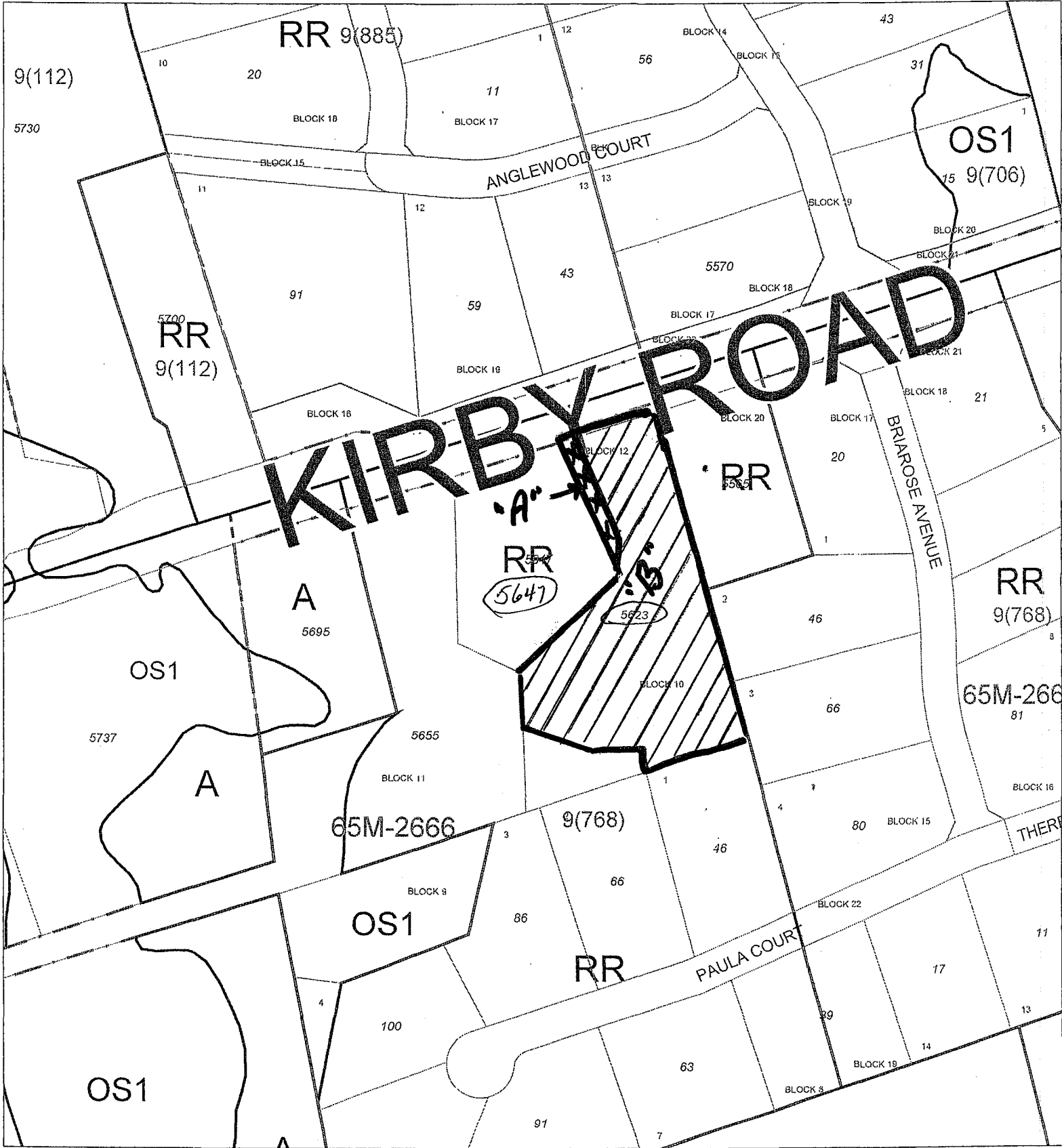
Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$650.00 processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$125.00 for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE". Your appeal must set out the reasons for the appeal.

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.

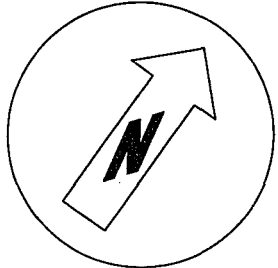
NOTES

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.

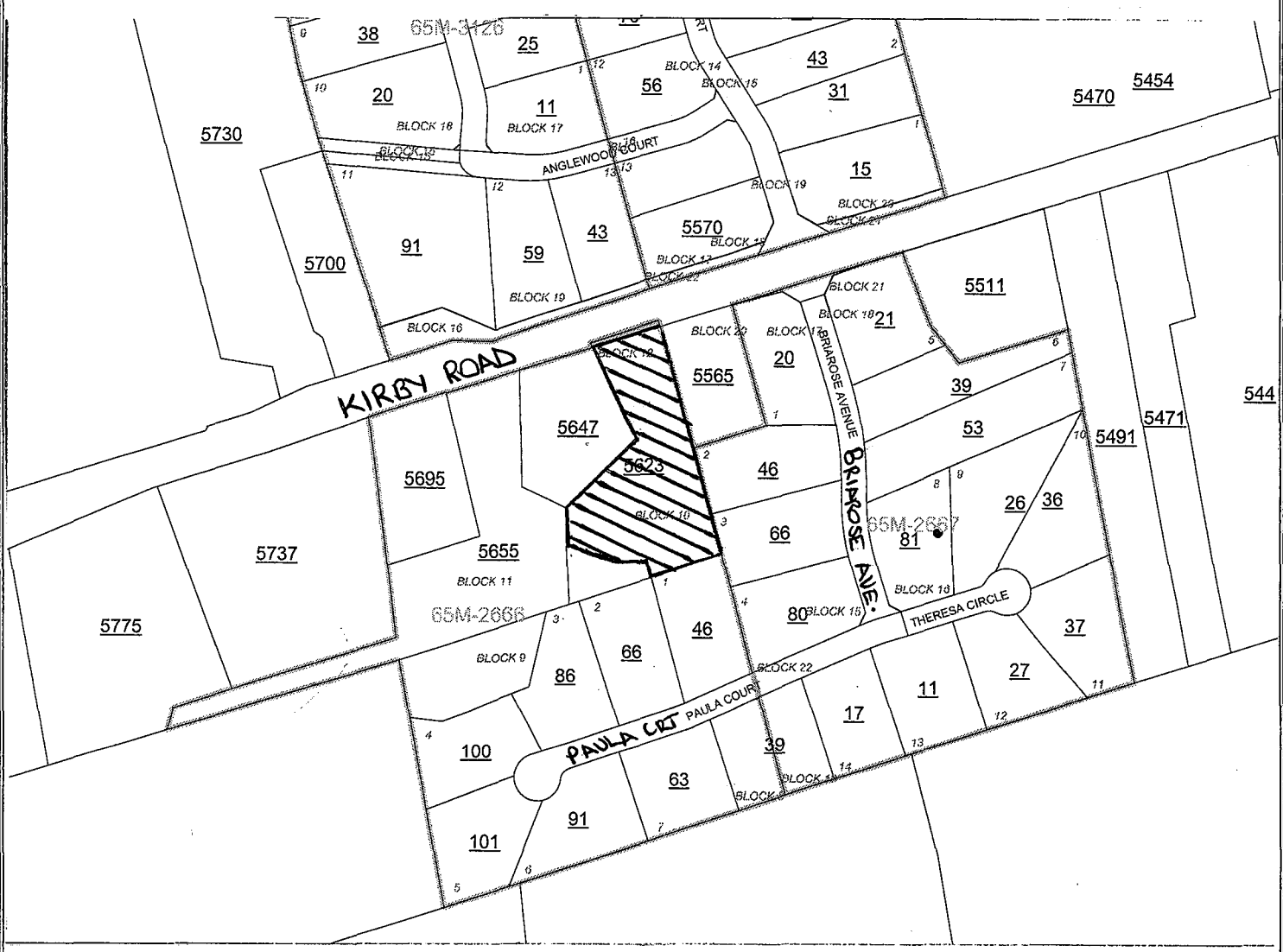
B017/10



COMMITTEE OF ADJUSTMENT



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



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

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

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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

A059/11

D

KIRBY ROAD
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8

PART 1

EXPROPRIATION

PLAN

7492

Part

PART 5, 64R-3950

BLOCK 12 R.P. 65M-2666

SIB (1345)

2.35 (P2/SET)

PIN 03347-0078 (LT)

54.10

N 73° 53' 45" E (REFERENCE BEARING)

N 151° 80' 51" E
10.30 (P2/SET)

SIB (1345)

5647

5623

PART 1, 64R-3950

PART 6, 65R-12057
(SUBJECT TO A RIGHT
OF WAY AS IN INST. NO. VA77118)

N 24° 59' 05" W

(SUBJECT TO A RIGHT OF
WAY AS IN INST. NO. VA765841)
PART 3, 65R-30503
N 24° 59' 05" W

LOT 30, CONCESSION 8

BLOCK 10

PART 1

(AREA - 161.1 SQ. M.)

REGISTERED PLAN 65M-2666

PART 1, 65R-30503

PIN 03347-0860 (LT)

PIN 03347-0042 (LT)

79.52 (MS)
79.64 (P2)

N 17° 47' W
18.275

SIB Wit.
(1345)

N 65° 00' 55" E
2.29 (P2/SET)

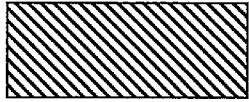
PART 2

(AREA - 20.8 SQ.M.)

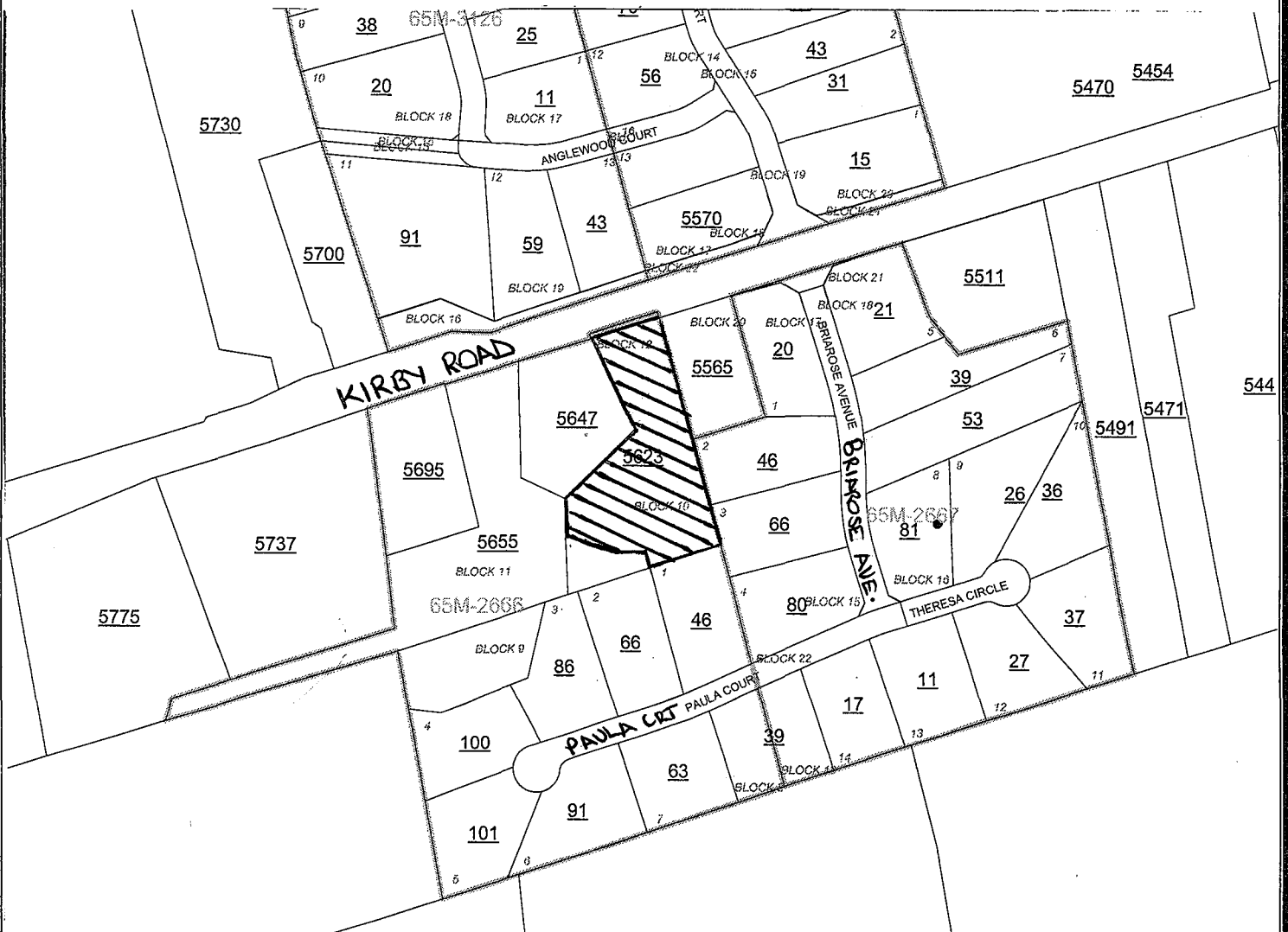
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B017/10, A059/11

**MARIA TERESA
COSCARELLA**



5623 Kirby Road, Kleinburg



A059/11

D

KIRBY ROAD
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8

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LOT 30, CONCESSION 8

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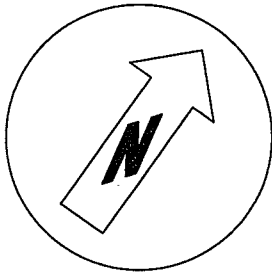
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N

COMMITTEE OF ADJUSTMENT



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

