

**File:** A024/20

**Applicant:** Deco Homes (New Kleinburg) Inc.

**Address:** 46 Galen Cr Kleinburg

**Agent:** TACC Developments Inc.

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of 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"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A



Minor Variance  
Application

Agenda Item: 15

A024/20

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, June 11, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

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

To make an electronic deputation at the meeting please see Important Information on next page for instructions or contact the Committee of Adjustment at [cofa@vaughan.ca](mailto:cofa@vaughan.ca) or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon on the last business day before the meeting.

Applicant: Deco Homes (New Kleinburg) Inc.

Agent: TACC Developments Inc.

Property: 46 Galen Cr Kleinburg

Zoning: The subject lands are zoned RD4 (H), Residential, with a holding provision, and subject to the provisions of Exception 9(1376) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Natural Areas"

Related Files: None

Purpose: Relief from the by-law is being requested to permit the construction of a proposed single family 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 interior side yard setback of 3.5 metres to a non residential use, including a walkway, greenway, buffer block or stormwater management pond, is required.	To permit a minimum interior side yard setback of 2.48 metres to a non-residential use, including a walkway, greenway, buffer block or stormwater management pond.

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

For information on the previous approvals listed above please visit [www.vaughan.ca](https://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 noon on the last business day prior to the day of the scheduled Meeting.

**Committee of Adjustment:**  
Public notice was mailed on May 27, 2020

Applicant confirmed posting of signage on May 26, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2017

Applicant has advised that they cannot comply with By-law for the following reason(s):  
The house was sited based on the draft approved plan NOT the registered plan. As part of the revisions required to register the plan, the westerly lot line changed to increase the buffer to the Open Space. The lot and house was sold in the proposed configuration.

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

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

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

It is the owner's responsibility to determine the limits of his/her property and the existence of any easements or registered restrictions on this property.

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

**Building Inspections (Septic):**  
No comments or concerns

**Development Planning:**  
Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Natural Areas"

The Owner has submitted a Minor Variance application to facilitate the development of a new single-family dwelling on the subject lands.

Vaughan Council on January 28, 2020, authorized the Owner to apply for a Minor Variance Application, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law and endorsed the reduction to an interior side yard setback to an open space buffer block for 46 Galen Crescent due to the house model design and placement on the lot.

Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the minor variance application.

**Development Engineering:**  
The Development Engineering (DE) Department does not object to variance application A024/20 subject to the condition:

The owner applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit Development engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

**Parks, Forestry and Horticulture Operations:**  
Forestry has no comments at this time.

**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

None

Schedule C - Agency Comments

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

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1.	Development Engineering Jason Pham  905-832-8585 x 8716 <a href="mailto:Jason.pham@vaughan.ca">Jason.pham@vaughan.ca</a>	The owner applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit Development engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing 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

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** 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. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

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

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting at [vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

**PUBLIC RECORD:** Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

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

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

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map  
Sketches

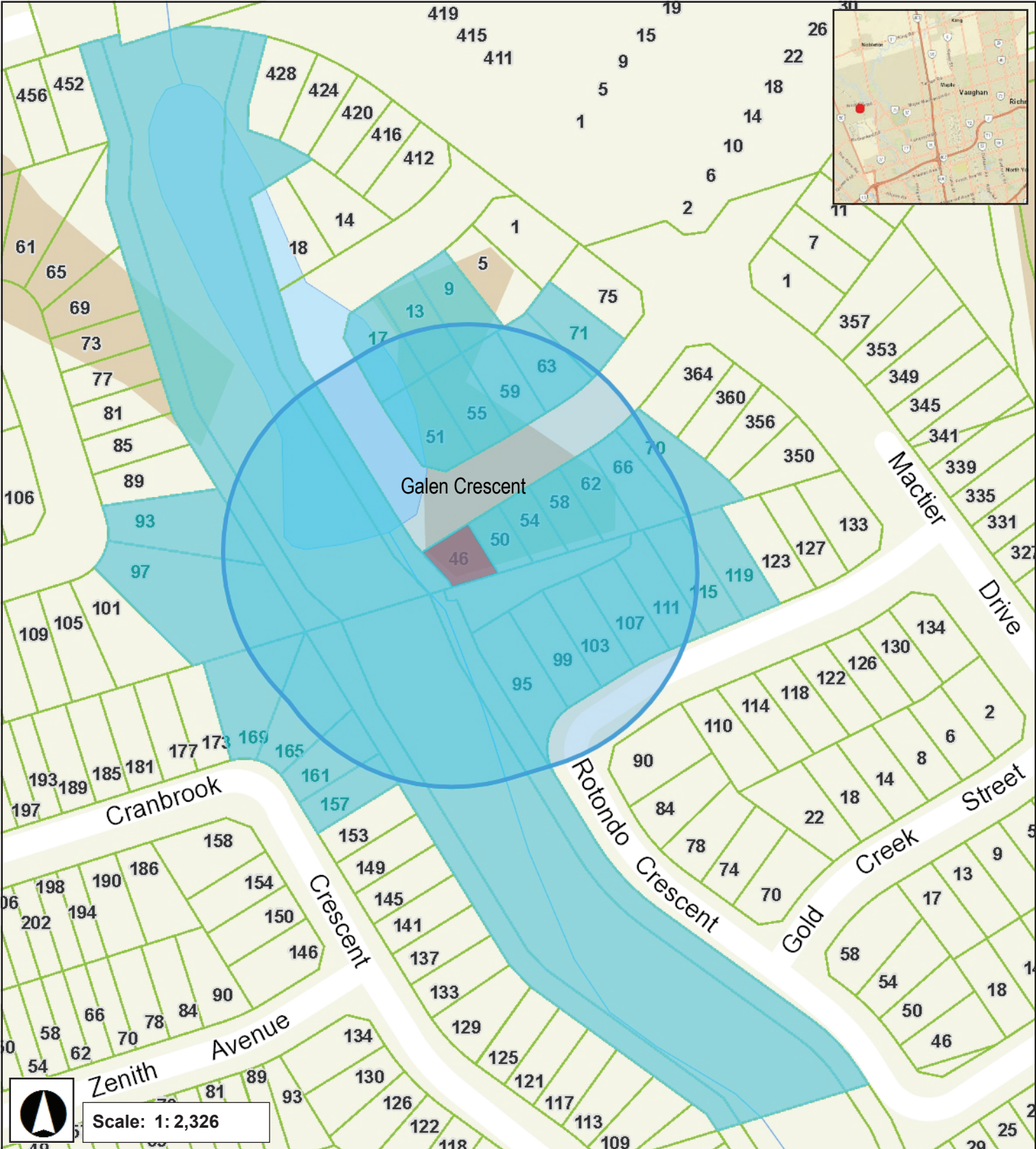




# LOCATION MAP - A024/20

46 GALEN CRESCENT. KLEINBURG

Nashville Road



Highway 27

Major Mackenzie Drive

March 10, 2020 12:49 PM

Revised March 3, 2020

A024/20

GRADING AND DRAINAGE NOTES

1. STANDARD DRAWING AND LOT GRADING CRITERIA OF THE CITY OF VAUGHAN AND THE REGIONAL MUNICIPALITY OF YORK CONSTITUTE PART OF THE PROJECT DRAWINGS FOR THE SUBDIVISION.
2. MINIMUM GRADIENT OF GRASS SWALES ALONG SIDE AND REAR LOT LINE SHALL BE 2.00%. THE PROPOSED ELEVATION OF THE SIDE LOT SWALE AT THE BUILDING LINE SHALL BE A MINIMUM OF 0.15 METERS BELOW THE PROPOSED ELEVATION OF A BUILDING LINE AT CENTER OF THE LOT.
3. TAKE UP REAR YARD GRADE DIFFERENCE USING SLOPES BETWEEN 2.0% AND 5.0% 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 0.60 m CONSTRUCT RETAINING WALLS WITHIN THE REAR LOT LINE.
4. ROOF LEADERS SHALL NOT BE CONNECTED TO THE STORM SEWER BUT SHALL DISCHARGE TO THE GROUND ONTO A SPLASH PAD AND SHALL DRAIN TO THE FRONT OF THE HOUSE TO STREET. ENSURE DOWNSPOUT DRAINAGE TO THE FRONT OF THE HOUSE ONLY.
5. FOOTINGS CONSTRUCTED NEXT TO A CATCH BASIN LEAD PIPE OR OTHER MUNICIPAL SERVICES SHALL BE INSTALLED BELOW LEAD PIPE EXCAVATION. FOOTINGS MUST BE CONSTRUCTED ON UNDISTURBED SOIL. SOIL CONSULTANTS VERIFICATION REQUIRED.
6. 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.
7. IF THE DISTANCE BETWEEN THE MAIN WALLS OF ADJACENT UNITS IS LESS THAN 1.8m, A SIDE YARD DRAINAGE SWALE SHALL BE CONSTRUCTED AND BE SURFACED WITH .13m LIMESTONE SCREENING, OVERLAID BY A PATIO SLAB WALKWAY.
8. BRICK LINE SHALL BE 0.15m ABOVE SOD ELEVATION.
9. ALL FENCES ABUTTING PUBLIC LANDS AND OR EXISTING PROPERTIES SHALL BE CONSTRUCTED COMPLETELY ON PRIVATE LANDS (INCLUDING FOUNDATIONS) AND TOTALLY CLEAR OF ANY 0.30m RESERVES.
10. SOIL CONSULTANTS VERIFICATION IS REQUIRED FOR FOOTINGS CONSTRUCTED ON ENGINEERED FILL LOTS
11. IN LOTS WITH REAR LOT CATCHBASINS, THE MINIMUM SIDE YARD WIDTH SHALL BE 1.2m ALONG THE CATCHBASIN LEAD.
12. BUILDER TO STAKE OUT CURB DEPRESSIONS ON ALL LOTS.
13. THE BUILDER MUST VERIFY THE EXISTING SANITARY AND STORM LATERAL SEWER INVERTS AND INFORM THE ENGINEER IF THE MINIMUM 2% SLOPE CANNOT BE MAINTAINED PRIOR TO PLACING OF CONCRETE FOOTINGS.

CONSULTANTS CERTIFICATION

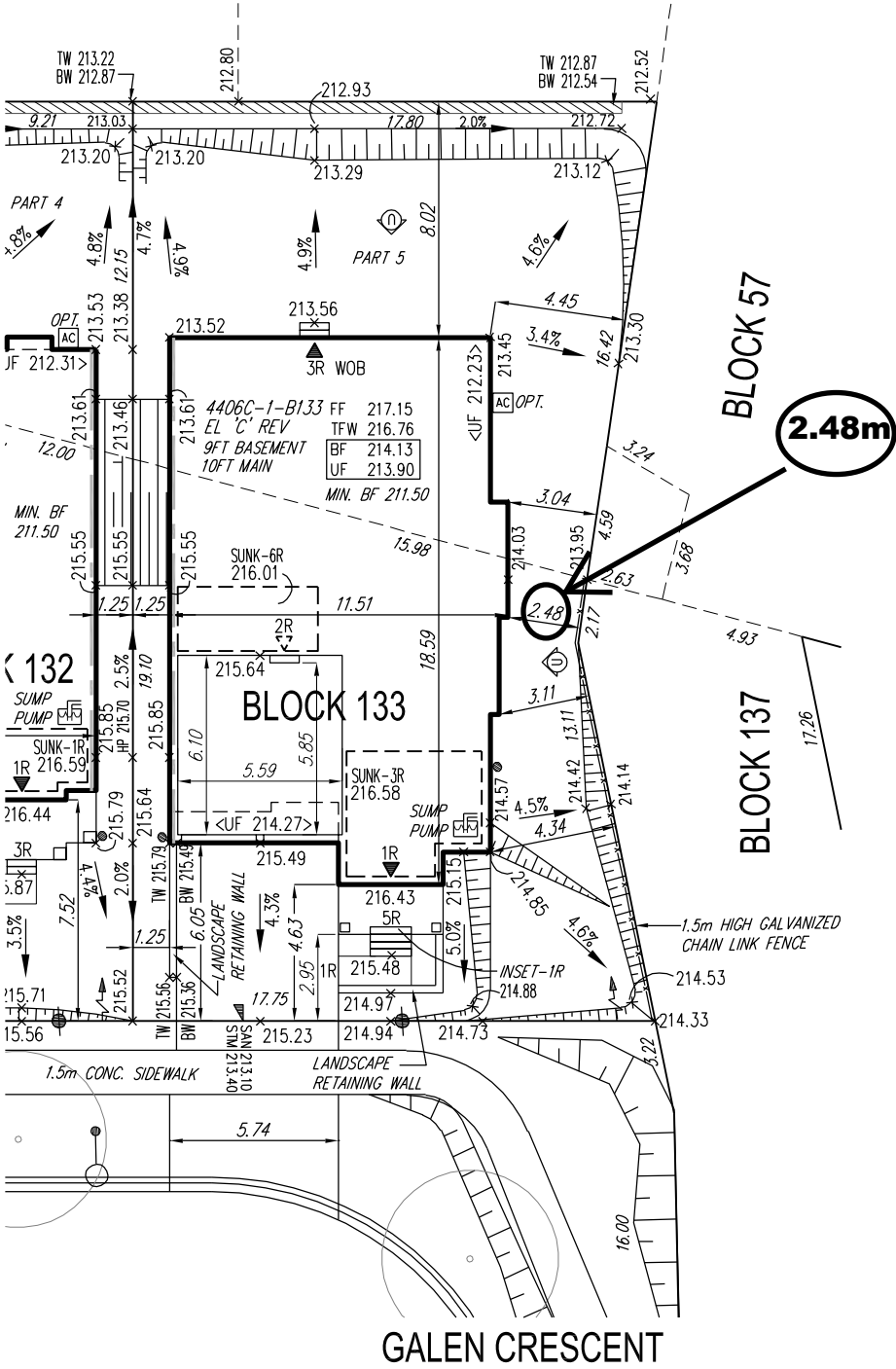
I HAVE REVIEWED THE SITE AND GRADING PLAN FOR THE PROPOSED BUILDING TO BE CONSTRUCTED AND HEREBY CERTIFY THAT:

1. THE PROPOSED GRADING AND APPURTENANT DRAINAGE WORKS COMPLY WITH SOUND ENGINEERING PRINCIPLES.
2. THE PROPOSED GRADING IS IN CONFORMITY WITH THE GRADING PLAN APPROVED FOR THIS SUBDIVISION AND WILL NOT ADVERSELY AFFECT ADJACENT LANDS.
3. THE PROPOSED BUILDING IS COMPATIBLE WITH THE PROPOSED GRADING.
4. THE BUILDER IS RESPONSIBLE FOR RELOCATION OF ALL UTILITIES ON THE SITE.
5. WATER SERVICE TO BE LOCATED IN THE GRASSED PORTION OF THE YARD.

SCHAEFFER'S AND ASSOCIATES

DATE

REAR ONLY



GALEN CRESCENT

It is the builder's complete responsibility to ensure that all plans submitted for approval fully comply with the Architectural Guidelines and all applicable regulations and requirements including zoning provisions and any provisions in the subdivision agreement. The Control Architect is not responsible in any way for examining or approving site (lotting) plans or working drawings with respect to any zoning or building code or permit matter or that any house can be properly built or located on its lot.

This is to certify that these plans comply with the applicable Architectural Design Guidelines approved by the City of VAUGHAN.

GENERAL NOTES:

1. BUILDER TO VERIFY LOCATION OF UTILITIES AND OTHER SERVICES. IF MIN. DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT BUILDER'S EXPENSE.
2. BUILDER TO VERIFY ELEV. OF STM. AND SAN. LATERALS IN RELATION TO BASEMENT U/S OF FOOTING ELEVATIONS FOR COMPLIANCE WITH MUNICIPAL STANDARDS PRIOR TO EXCAVATION.
3. APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES MUST BE REVIEWED AND FOLLOWED IN CONJUNCTION WITH THE SITING AND GRADING PLAN. BUILDER TO VERIFY BUILDING ENVELOPE ON SITE PLAN MATCHES APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES PRIOR TO POURING CONCRETE. IF THERE ARE ANY DISCREPANCIES, THEY ARE TO BE BROUGHT TO THE ATTENTION OF HUNT DESIGN ASSOCIATES INC.
4. UNLESS NOTED ON BUILDING ENVELOPE OR APPROVED PERMIT DRAWINGS & CONSTRUCTION NOTES, ALL TOP OF FOUNDATION WALLS INCLUDING GARAGE WALLS TO BE CONSISTENT WITH THE ELEVATION PROVIDED FOR TFV ON SITING AND GRADING PLAN. THE EXTERIOR OF THE FOUNDATION WALL TO BE PROVIDED WITH A REDUCTION OF THICKNESS FOR MASONRY VENEER AS REQUIRED.

-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
ISSUED FOR FINAL APPROVAL	-	-
ISSUED FOR PRELIMINARY APPROVAL	JL	2020.03.03




SITING AND GRADING PLAN

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION  
JERMAINE LAWRENCE 28047

NAME SIGNATURE BOIN

REGISTRATION INFORMATION

HUNT DESIGN ASSOCIATES INC. 19695

HUNT DESIGN ASSOCIATES INC.

www.huntdesign.ca

65M-4639

Block 133

GALEN CRESCENT

ARISTA HOMES, DECO HOMES, OPUS HOMES - 218047  
NEW KLEINBURG, VAUGHAN ON

Drawn By JL Checked By JL Scale 1:250 File Number 218047.SP01 Lot / Page Number BLOCK 133

8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133 F 905.737.7326



**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.

**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.

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

### COMMENTS:

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

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

### References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI  
**Phone:** 1-877-963-6900 ext. 31297  
**Fax:** 905-532-4401  
**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

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

**Attwala, Pravina**

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**Subject:** FW: Response: A024/20 - REQUEST FOR COMMENTS

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**From:** Hui, Michelle <Michelle.Hui@york.ca>  
**Sent:** March-10-20 1:57 PM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Cc:** Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Subject:** [External] Response: A024/20 - REQUEST FOR COMMENTS

Good afternoon Pravina,

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

Should you have any questions or concerns, please contact Michelle Hui, Assistant Planner at ext. 74886 or by email at [Michelle.Hui@york.ca](mailto:Michelle.Hui@york.ca).

Regards,

**Michelle Hui | Planning Assistant**

Planning and Economic Development Branch, Corporate Services Dept.

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The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
**O:** 1-877-464-9675 ext. 74886 | [michelle.hui@york.ca](mailto:michelle.hui@york.ca) | [www.york.ca](http://www.york.ca)

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*Please consider the environment before printing this email.*