

**File:** A010/20

**Applicant:** Ashley Park Developments Inc.

**Address:** 81 Appian Way Woodbridge

**Agent:** Weston Consulting Group 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	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: B026/08; B027/08; B028/08 (see next page for details)

Staff Report Prepared By: Pravina Attwala  
Hearing Date: Thursday, August 20, 2020



Minor Variance  
Application

Agenda Item: 8

A010/20

Ward: 2

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, August 20, 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](http://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 contact the Committee of Adjustment at [cofa@vaughan.ca](mailto:cofa@vaughan.ca) or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

**Applicant:** Ashley Park Developments Inc.

**Agent:** Weston Consulting Group Inc.

**Property:** 81 Appian Way Woodbridge

**Zoning:** The subject lands are zoned R1, Residential Zone, and subject to the provisions of Exception 9(1273) under By-law 1-88 as amended.

**OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

**Related Files:** None

**Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling, loggia (attached and detached) and pool.

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

By-law Requirement	Proposal
1. A minimum setback of 7.5 metres is required.	1. To permit a minimum Front yard setback of 5.79 metres to a dwelling.
2. A maximum lot coverage of 35% is permitted.	2. To permit a maximum Lot coverage of 42.2%. (35% dwelling & garage; 0.43% front porch; 3.44% rear loggia; 3.3% detached loggia)
3. A maximum building height of 9.5 metres is permitted.	3. To permit a maximum Building height of 10.5 metres.
4. An accessory structure shall only be permitted in the rear yard.	4. To permit an accessory structure (Cabana) not completely in the rear yard.
5. A pool shall only be permitted in the rear yard.	5. To permit a pool not completely in the rear yard.
6. A minimum setback of 7.5 metres is required.	6. To permit a minimum Rear yard setback of 1.24 metres to an accessory structure (Cabana).

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
B026/08	Creation of a new lot	Approved July 31, 2008
B027/08	Creation of a new lot	Approved July 31, 2008
B028/08	Creation of a new lot	Approved July 31, 2008

For information on the previous approvals listed above please visit [www.vaughan.ca](http://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 August 5, 2020

Applicant confirmed posting of signage on August 3, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Please see Schedule B.

Adjournment Request: None

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/site plan approval.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

A minimum of 60% of the area in excess of 135 m2 in the rear yard shall be comprised of soft landscaping.

Building Inspections (Septic):  
No comments or concerns

Development Planning:  
Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

The Owner is requesting permission to construct a new two-storey single family dwelling, cabana and swimming pool with the above-noted variances.

At the request of the Development Planning Department, the Owner revised their proposal to address massing and height concerns. This resulted in the removal of a driveway width variance, reductions in the building height and lot coverage for the main dwelling.

The proposed front yard setback of 5.7 m is the result of a pinch point due to the curved street line of Appian Way. The majority of the dwelling otherwise meets or exceeds the front yard setback by-law requirement of 7.5 m. As such, Variance 1 is considered minor in nature. The proposed lot coverage of 42.2% includes the dwelling (35%), front porch (0.43%), rear loggia (3.44%), and cabana (3.3%). As the main dwelling generally complies with the building setbacks for the side, rear and front yards and the does not exceed the maximum lot coverage of 35%, the Development Planning Department considers Variance 2 to be minor in nature.

The Owner is proposing a sloped roof design which is flat across the top. Zoning By-law 1-88 requires that the building height be measured from the finished grade to the highest point of the roof surface for this roof style, rather than the mid-point between the eaves and the highest point on a sloped roof which would result in a higher roofline. As such, Variance 3 is considered minor as the resulting 10.5 m building height is a small deviation from the by-law requirement and will not have adverse impacts on the streetscape or adjacent neighbours.

Variances 4 and 5 regarding the location of the cabana and swimming pool are considered minor in nature as they are technical variances. Zoning By-law 1-88 requires the cabana and swimming pool to be located in the rear yard only. Rear yard is defined as "the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the nearest building or structure..." The swimming pool is not placed in the technical defined "rear yard"; however, the cabana and swimming pool are placed in an area effectively used as a rear yard and therefore have no adverse impacts on the neighbouring lots. Variance 6 is also

considered minor as the rear yard setback of 1.24 m is to the stairs of the cabana with the wall of the cabana setback at 2.4 m. With a proposed height of 4.12 m, the cabana will not have adverse impacts on the neighbouring lots or along Clarence Street.

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 application.

#### **Development Engineering:**

Previously Development Engineering had concerns for the following minor variance application as we felt it was still premature to review this application as there were many outstanding issues that had to be addressed. Since then applicant has been working closely with Development Engineering Department to confirm certain requirements were met prior to proceeding with the Minor Variance Application. Below are the concerns Development Engineering Department had mentioned along with the solutions provided.

1. The owner/developer is to confirm the services have been installed in accordance with the Appian Way Road Extension Agreement. Development Engineering Inspection team has confirmed underground services have been installed up to property line and commissioned.
2. The owner/developer is to confirm the road construction has been completed for the Appian Way Road Extension Agreement. Development Engineering Inspection team has confirmed the curbs and road grading has been completed and prepared for the first lift of asphalt.
3. The owner/developer is to confirm access has been granted for 81 Appian way along Appian Way, and the access fronting Clarence Street has been closed and removed. Curb construction for access to Appian Way as well as the road construction is in the process of being completed based on the approved engineered plans.
4. The owner/developer shall dedicate a 0.3m reserve along Clarence Street after the access along Clarence street is closed and removed. The applicant has confirmed a 0.3m reserve along Clarence Street has already been registered through Plan 65R-31807.
5. The owner/developer shall confirm if the lands required by the City for the Appian Way Road extension has been conveyed to the City for the road construction. The parcel of land required to be conveyed to the City for the road construction of Appian Way has been registered as Part 6 of 65R-38586.
6. Noted in Schedule "F" within the Appian Way Road Extension Agreement, the owner/applicant shall provide watermains, storm sewers, sanitary sewers, permit roadways including first lift of asphalt, concrete curb base, and overall grading prior to obtaining a building permit. Without these completed Development Engineering will believe this application to be still premature and will not be able to support the current application. Development Engineering has confirmed that all of the above noted are required prior to issuance of a building permit. Development Engineering has placed a condition of approval for the applicant to obtain a grading approval but will not issue grading approval until all requirements are met but is in a position to review the Minor Variance Application.
7. The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department at the time of construction.

Based on the on the information received by the applicant above, the Development Engineering (DE) Department does not object to variance application A010/20 subject to the following condition(s):

1. 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 or contact the Development Engineering Department through email at [DEPermits@vaughan.ca](mailto:DEPermits@vaughan.ca) or visit [https://www.vaughan.ca/services/residential/dev\\_eng/permits/Pages/default.aspx](https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx) to learn how to apply for lot grading and/or servicing approval.

#### **Parks, Forestry and Horticulture Operations:**

A Private Property Tree Removal & Protection Permit is required for all trees greater than 20cm DBH on and within 6 meters of subject property. (All trees have been previously removed, Forestry has sent request to By-Law with this information.)

Any city owned boulevard trees shall be protected for the duration of the construction. (There are no city owned trees on Clarence St. to be protected, Appian Way extension may impact some trees within the road right of way, therefore would require protection or approval from Vaughan Forestry to remove them.)

Forestry would like to recommend retaining as many trees along the future proposed Appian Way extension to enhance the streetscape and privacy screen of the front.

**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.

**Fire Department:**  
No comments or concerns.

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**  
A010/20 – Public Correspondence (Application Cover Letter)  
A010/20 – Public Correspondence (85 Appian Way, Woodbridge)  
A010/20 – Public Correspondence (Abutting Landowner)

**Schedule C - Agency Comments**  
Alectra (Formerly PowerStream) – No concerns or objections  
Region of York – No concerns or objections  
MTO – Located outside of MTO permit control area

**Schedule D - Previous Approvals (Notice of Decision)**  
Consent Applications B026/08; B027/08 & B028/08

**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 or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit <a href="https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx">https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</a> to learn how to apply for lot grading and/or servicing approval.

## 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.

### 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.

### 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

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

**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 [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit [www.vaughan.ca](https://www.vaughan.ca)

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.

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.

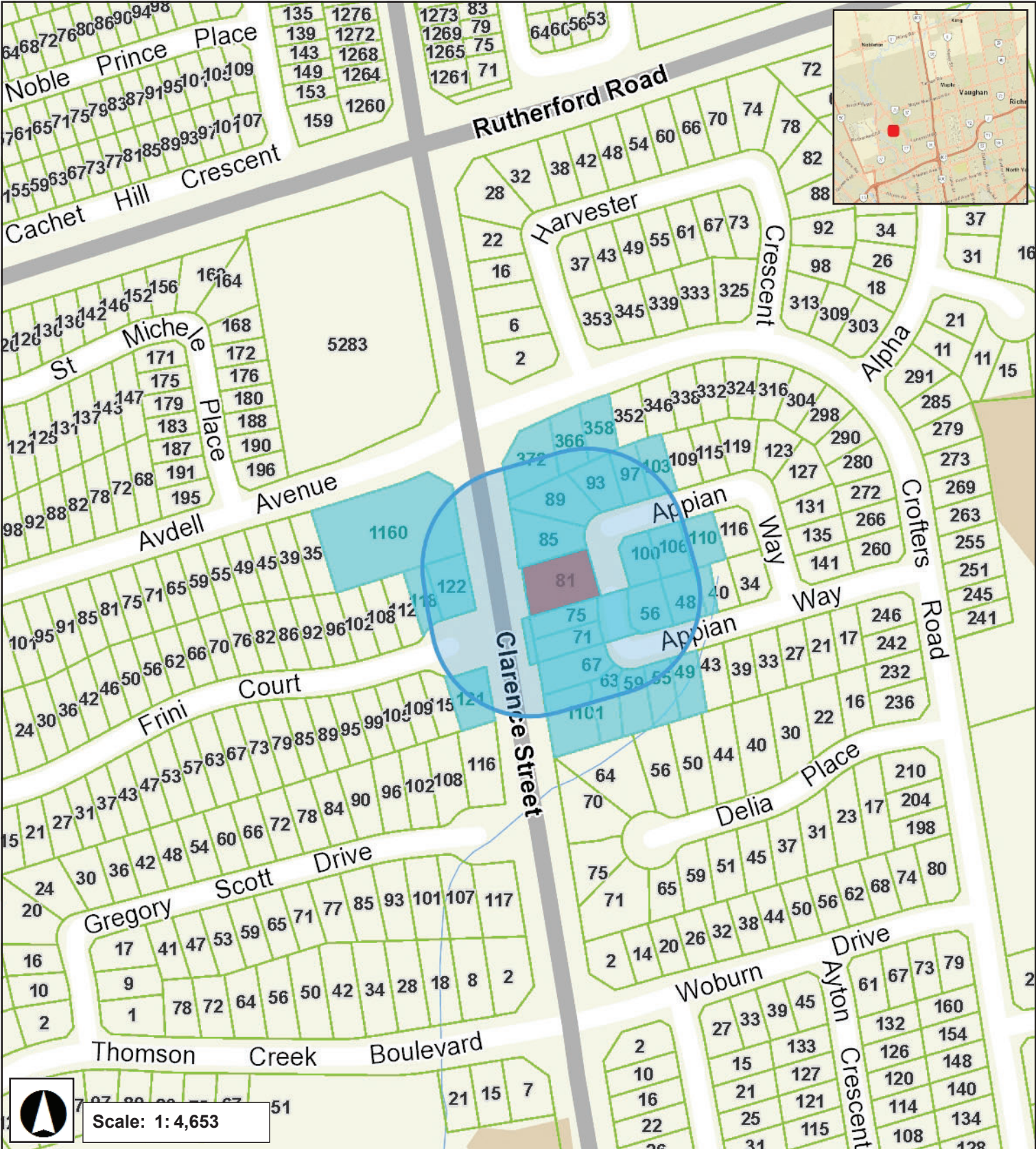
Location Map  
Plans & Sketches





# LOCATION MAP - A010/20

81 APPIAN WAY, WOODBRIDGE



Pine Valley Drive

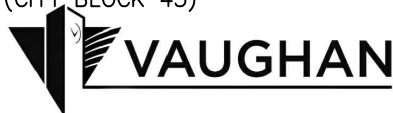
Langstaff Road

March 10, 2020 12:08 PM



MINOR VARIANCE APPLICATION

SKETCH TO ILLUSTRATE SITEPLAN ON  
PART OF LOT 15, CONC 7  
PARTS 10, 11 & 13, PLAN 65R-31807;  
PART 11, PLAN 65R-38586  
(CITY BLOCK 45)

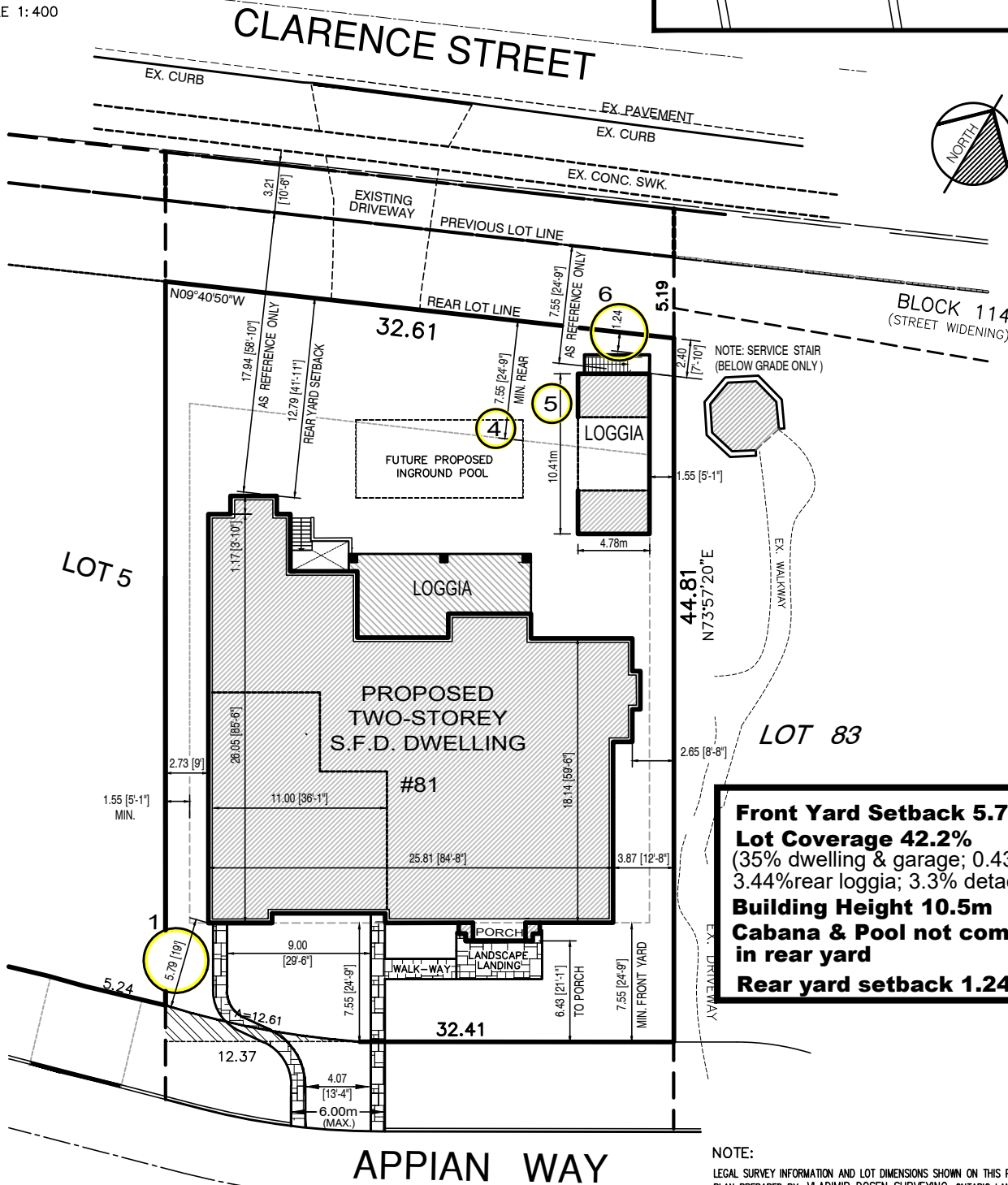
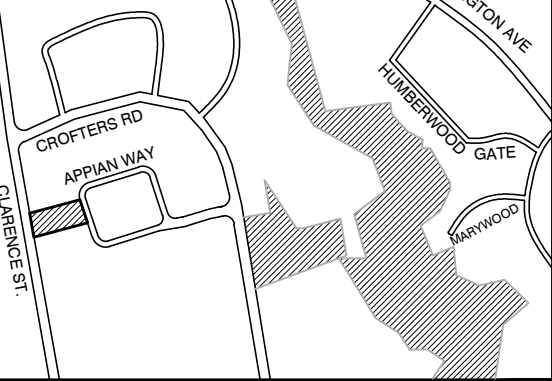


REGIONAL MUNICIPALITY OF YORK  
5.0 0 5.0 20.0metres

SCALE 1: 400

A010/20

KEY MAP  
SCALE: N.T.S.



**Front Yard Setback 5.79m**  
**Lot Coverage 42.2%**  
(35% dwelling & garage; 0.43% front porch;  
3.44%rear loggia; 3.3% detached loggia)  
**Building Height 10.5m**  
**Cabana & Pool not completely**  
**in rear yard**  
**Rear yard setback 1.24m**

NOTE:  
LEGAL SURVEY INFORMATION AND LOT DIMENSIONS SHOWN ON THIS PLAN ARE TAKEN FROM A  
PLAN PREPARED BY: VLADIMIR DOSEN SURVEYING, ONTARIO LAND SURVEYORS. 555  
DAVISVILLE AVENUE, TORONTO, ONTARIO M4S 1J2 (416) 466-0440 (vladdosen@rogers.com)  
DATED: JUNE 18 2018 WHICH MAY NOT BE FINAL AND ARE NOT GUARANTEED. THE FINAL  
REGISTERED PLAN OF SUBDIVISION SHALL BE REFERRED TO FOR CONFIRMATION OF THE DATA.

2

COVERAGE SUMMARY	SQ.FT.	( % )	M.SQ.
GROUND FLOOR	4125.37	25.55%	383.26
GARAGE AREA	1526.77	9.45%	141.84
FRONT PORCH	70.22	0.43%	6.51
REAR LOGGIA	555.71	3.44%	51.62
	6278.07	38.87%	583.23
CABANA	535.61	3.30%	49.76
TOTAL COVERAGE:	6813.68	42.17%	632.99

DWELLING	ZONE R1	REQUIRED	PROPOSED
MIN. LOT FRONTAGE (m)		18	32.44
MIN. LOT AREA (m.sq.)		540	1500.30
MIN. FRONT YARD (m)		7.5	7.55
MIN. GARAGE SETBACK		7.5	5.79 VAR 1
MIN. SETBACK TO PORCH		7.5	6.43
MIN. REAR YARD (m)		7.5	12.79
MIN INTERIOR SIDE (m)		1.5	2.73 [S]
MIN INTERIOR SIDE (m)		1.5	2.65 [N]
MAX. LOT COVERAGE (%)		525.11 [35%]	632.99 [42.2%] VAR 2
MAX. BUILDING HEIGHT (m)		9.5	10.50 VAR 3
INTERIOR DRIVEWAY WIDTH		9.0	9.60
CABANA	ZONE R1	REQUIRED	PROPOSED
MIN INTERIOR SIDE (m)		1.5	1.55 [N]
MIN. REAR YARD (m)		7.5	1.24 VAR 6
MAX. CABANA COVERAGE			49.76 [3.3%]
MAX BUILDING HEIGHT		4.5	4.2
POOL NOT COMPLETELY IN REAR			VAR 4
CABAN NOT COMPLETELY IN REAR			VAR5

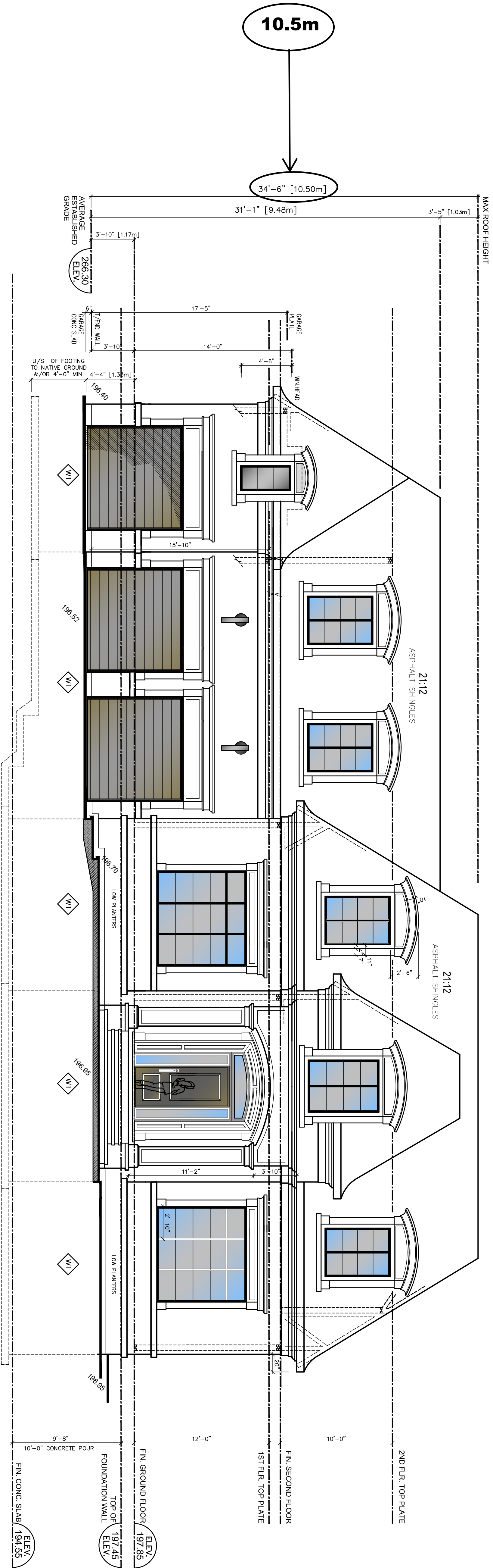
81 APPIAN WAY

LOT No. PART OF LOT 15 DATE: 05 - 05 - 2020 (REV 1)

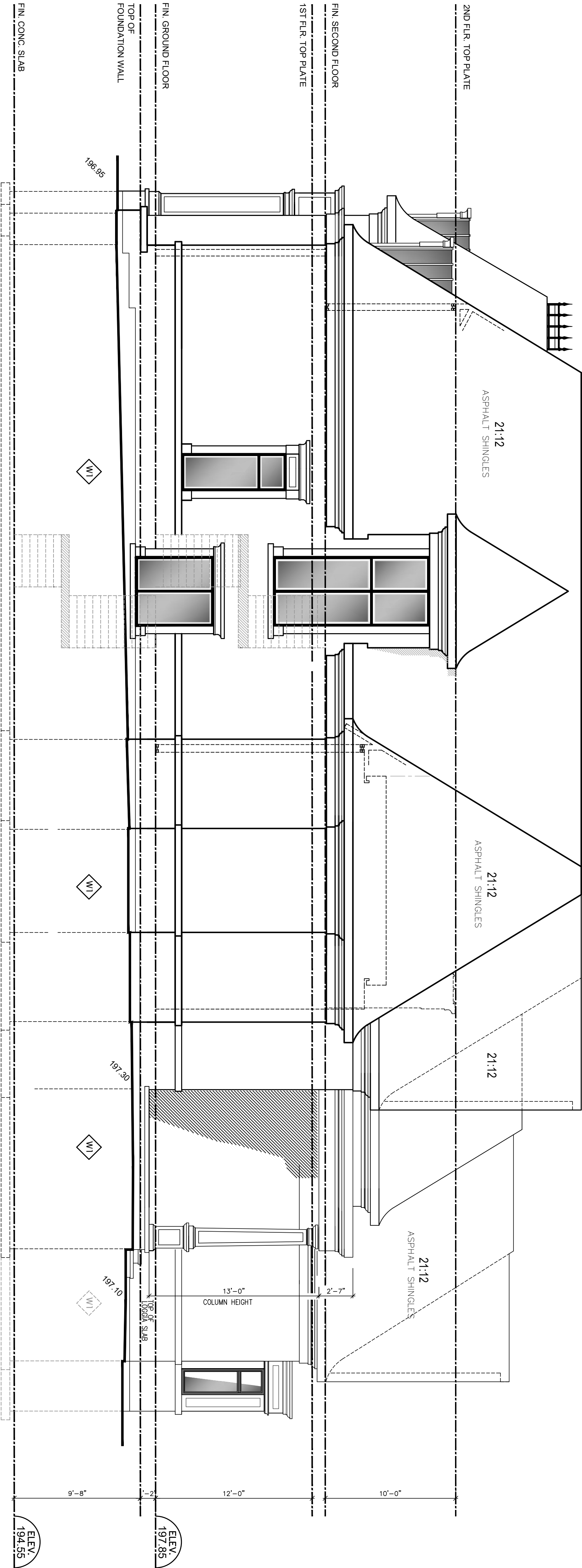
SCALE: 1:400

iNOVA design  
TEL. No 416 580-3336  
INOVADESIGN.CA

PART OF LOT 15, CONC 7  
PARTS 10, 11 & 13, PLAN 65R-31807; PART 11, PLAN 65R-38586  
CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK



FRONT ELEVATION

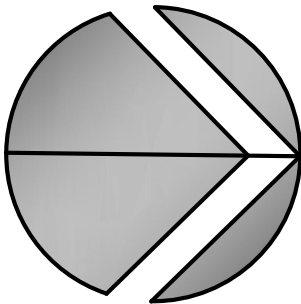


RIGHT SIDE ELEVATION

ZONING  
DRAWING SET

REVISIONS:		
1	09/09/19	COMMENCE HARDLINE DRAWINGS
2		COORDINATE ENGINEERING COMMENTS
3		
4		
5		
6		
7		
8		

Orientation:

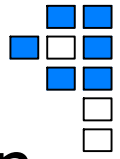


APPIAN WAY – PART OF LOT 15 – CONC 7  
WOODBRIDGE, ONTARIO L4L 8Y4  
REG PLN 65R-31807

Title:

TEL. No :416 580–3336  
WWW.INOVADESIGN.CA

iNOVA design



PROPOSED FRONT & RIGHT SIDE ELEVATIONS

Scale: 3/16"=1'-0"

Area: 6888 SQ.FT.

Date: 09/09/2019

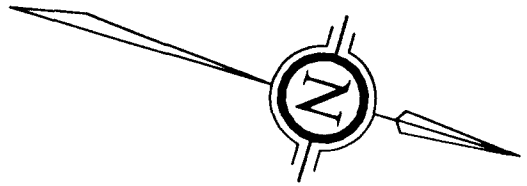
Drawn By: F.F.

ZONING DRW'G SET  
06 22 2020

Drawing No: A-004



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



KNOWN AS **CLARENCE STREET**  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)

PART 8, PLAN 64R-4310

33.53 CALCULATED FROM PLAN 64R-4310

PART 3  
PLAN 65R-13709  
N09°40'50"W

3.05 WIDENING BY INST. No. VA37358  
PART 4, PLAN 65R-13709  
000(LT)

BLOCK 114  
(STREET WIDENING)

BLOCK 115  
PLAN

LOT 83  
PIN 03305-0090 (LT)

SUBJECT TO EASEMENT AS IN INST. LT1001503

10.3 RESERVE

N13°57'20"E REFERENCE BEARING

BLOCK 118  
(0.3 RESERVE)  
PIN 03305-0122 (LT)

**APPIAN WAY**  
(BY PLAN 65M-2975)

65M-2975

BLOCK 133  
(0.3 RESERVE)  
PIN 03305-0122 (LT)

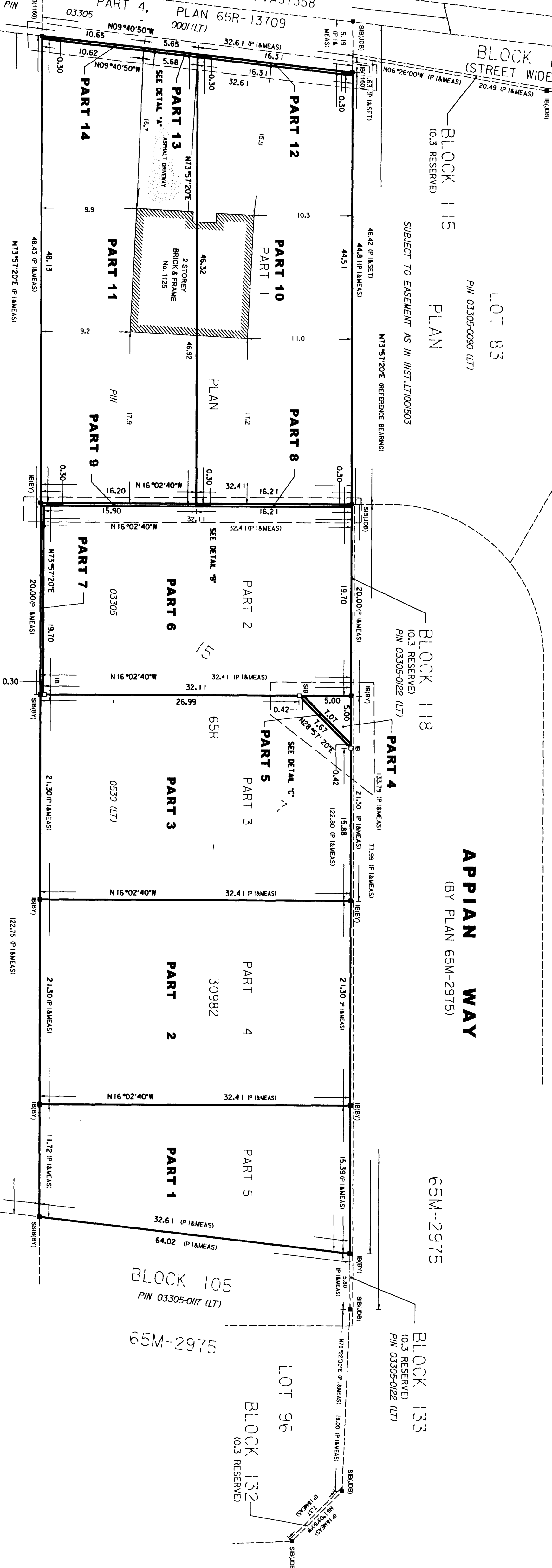
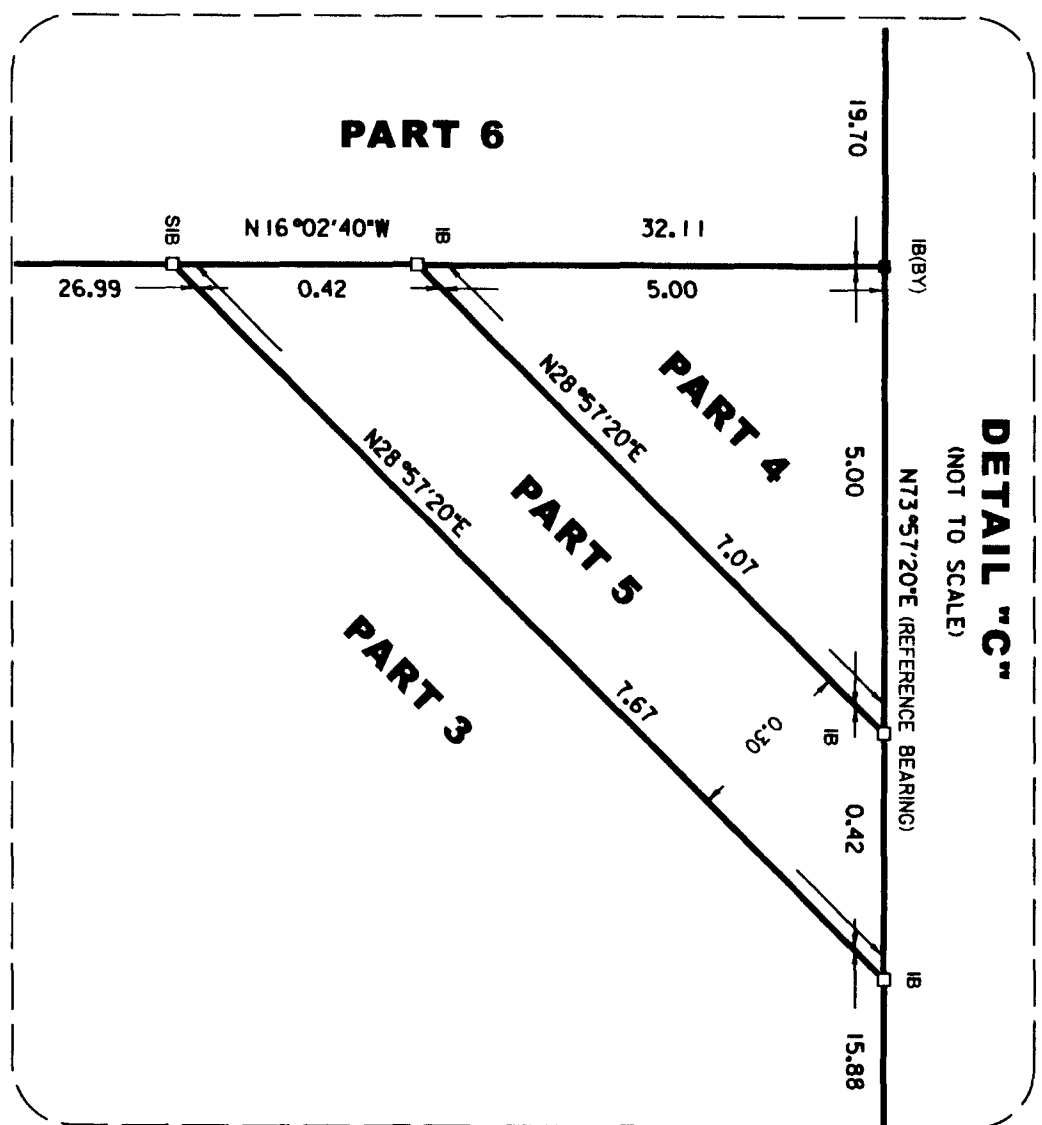
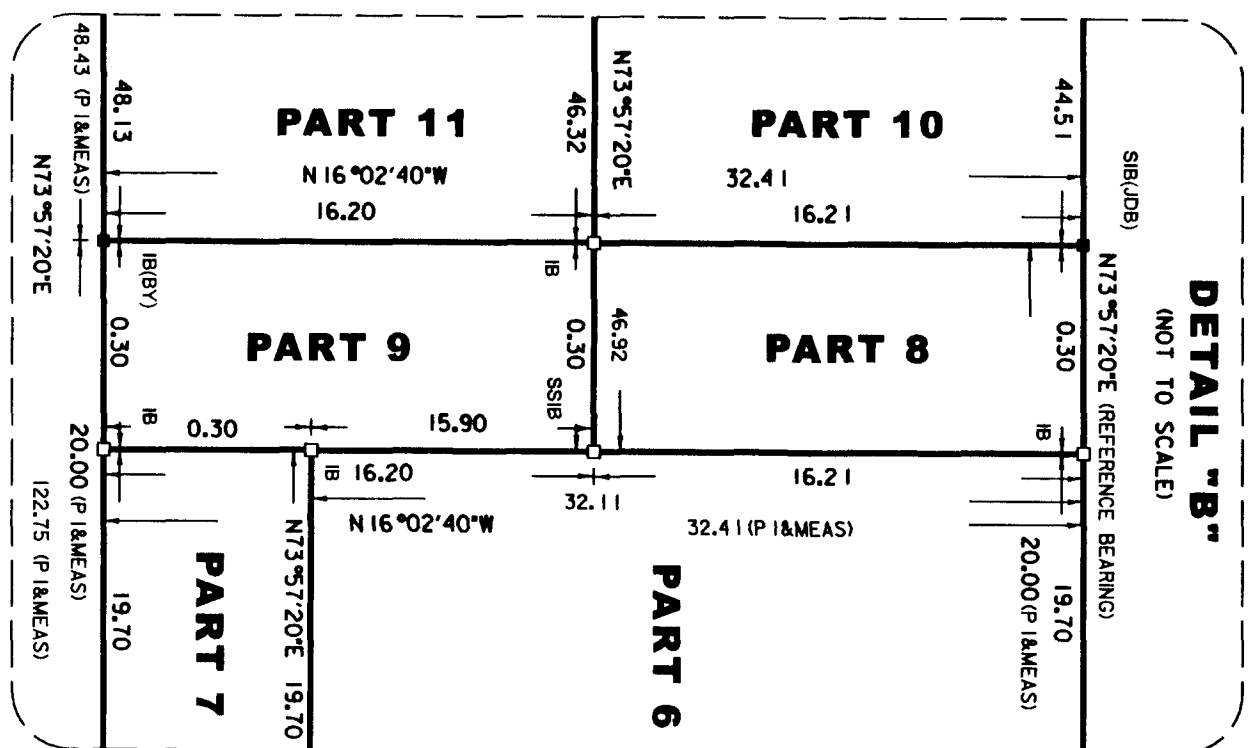
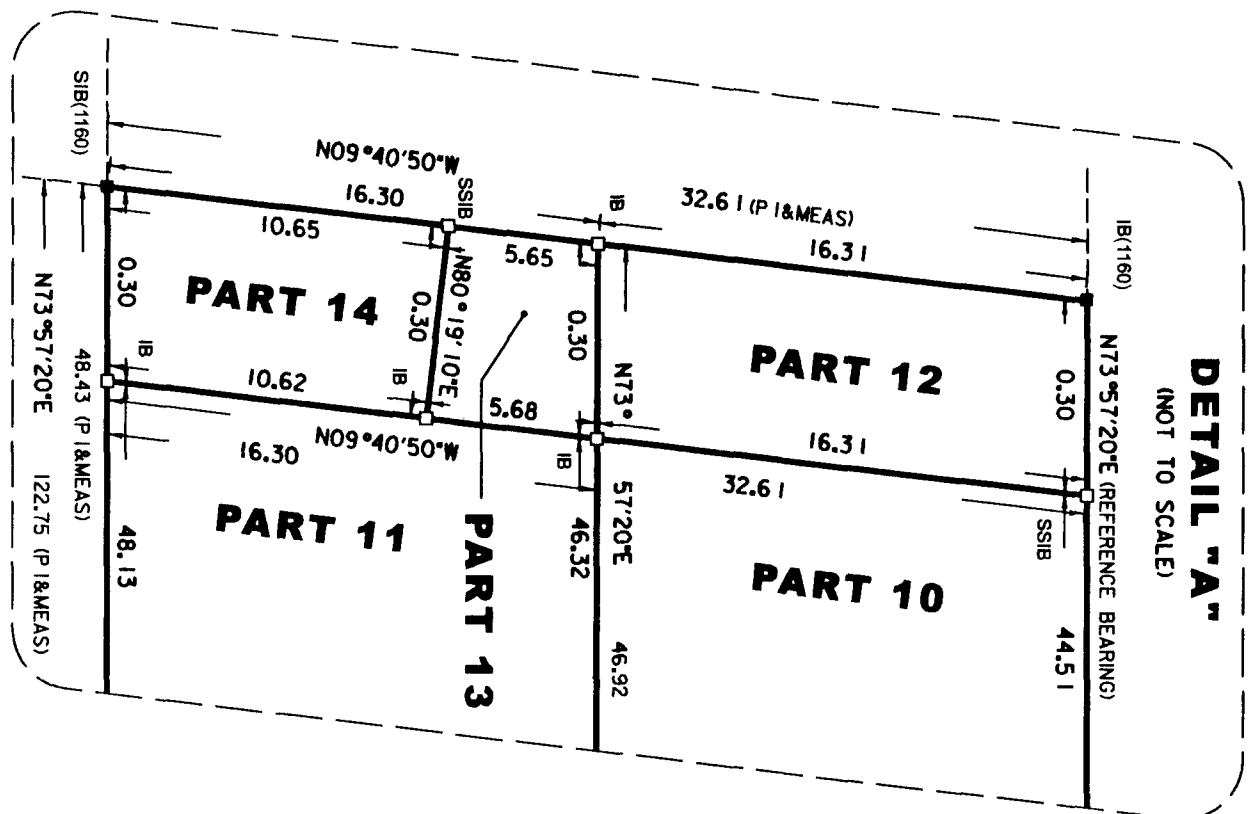
LOT 96  
BLOCK 132  
(0.3 RESERVE)

BLOCK 105  
PIN 03305-0117 (LT)

65M-2975

BLOCK 106  
PIN 03305-0118 (LT)  
SUBJECT TO EASEMENT AS IN INST. LT1001503  
PLAN

BLOCK 134  
(0.3 RESERVE)



PLAN OF SURVEY OF  
**PART OF LOT 15  
CONCESSION 7  
CITY OF VAUGHAN**  
(GEOGRAPHIC TOWNSHIP OF VAUGHAN)  
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 250  
0 5 10 15 20m

SCHAEFFER DZALDOV BENNETT LTD.  
PROFESSIONAL LAND SURVEYORS

**NOTES**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY  
LIMIT OF PARTS 1 TO 5 AS SHOWN ON PLAN 65R-30982, HAVING A  
BEARING OF N73°57'20"E.

**LEGEND**

P1 ----- PLAN 65R-30982  
BY ----- BENNETT YOUNG LIMITED  
JOB ----- J.D. BARNES LIMITED  
1160 ----- R.N. CLARKE O.L.S.

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON THE 28th DAY OF JULY, 2009.

JULY 31, 2009  
DATE:

DAN DZALDOV  
ONTARIO LAND SURVEYOR

**SCHAEFFER DZALDOV BENNETT LTD.**  
PROFESSIONAL LAND SURVEYORS  
64 LARSEN DRIVE, UNIT 1, CONCORD, ONTARIO, L4R 3P3  
TEL: (905) 761-0111 / FAX: (905) 761-0119

CREATED BY: CST  
DRAWN BY: SBARK  
REDATE: 2008/07/31  
NO: 2008011B2  
REV: D

1. REQUIRE THIS PLAN TO BE  
DEPOSITED UNDER THE LAND  
TITLES ACT.

DATE: JULY 31, 2009

**PLAN 65R-31807**  
RECEIVED AND DEPOSITED

DATE: August 4, 2009

DAN DZALDOV  
ONTARIO LAND SURVEYOR

ASSTYLER LAND REGISTRAR FOR  
THE LAND TITLES DIVISION OF  
YORK REGION (No. 65)

PART SCHEDULE

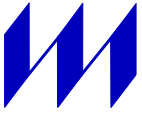
PART	PART OF LOT	CONCESSION	ALT. OF PIN NO.
1	2		
2	3		
3	4		
4	5		
5	6		
6	7		
7	15		
8			
9			
10			
11			
12			
13			
14			



**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.

- A010/20 – Public Correspondence (Application Cover Letter)**
- A010/20 – Public Correspondence (85 Appian Way, Woodbridge)**
- A010/20 – Public Correspondence (Abutting Landowner)**



# WESTON CONSULTING

planning + urban design

City of Vaughan | Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON  
L6A 1T1

June 25, 2020  
File 9901

**Attn: Pravina Attwala**  
**Assistant Secretary Treasurer to the Committee of Adjustment**

**Re: Application for Minor Variance**  
**Committee of Adjustment File No. A010/20**  
**81 Appian Way, City of Vaughan**

Weston Consulting is the authorized planning consultant for Ashley Park Developments, the registered owner of the property legally addressed as 81 Appian Way in the City of Vaughan (herein referred to as the “subject property”). This letter has been prepared in support of the above noted Minor Variance application to seek relief from the R1 Zone in City of Vaughan Zoning By-law 1-88, in order to permit the construction of a two-storey single dwelling, with an accessory building and pool on the subject property.

It is our opinion that the proposed variances meet the four tests set out under the *Planning Act* and should therefore be approved. The rationale contained herein seeks to support this recommendation and our planning opinion.

## **Description of Property**

The subject property is located between the south west corner of Appian Way and the east side of Clarence Street, south west of the Rutherford Road and Islington Avenue Intersection. The subject property is legally described as: PT LT 15 CON 7 VAUGHAN PTS 10, 11 & 13, 65R31807 TOGETHER WITH AN EASEMENT AS IN VA70522 CITY OF VAUGHAN. The property has an approximate frontage of 32.44 metres along the proposed extension of Appian Way, and 32.61 metres along Clarence Street, with a total site area of approximately 1500 square metres. The property is currently occupied by a single detached dwelling and is accessed by a driveway off Clarence Street.

## **Surrounding Context**

Located on a cul-de-sac in the Pine Grove community area, single detached dwellings predominately occupy the adjacent surrounding lands to the south, east, and west. More specifically, the following land uses surround the site:

North: Immediately North of the subject property are single detached dwellings. North West of the subject property is a commercial plaza containing a grocery store and at grade retail commercial uses.



West: A day-care is located West of the subject property, along with single detached dwellings. Further west is Vaughan Mills Park.

South: Immediately south of the subject property are residential, single detached dwellings. Crofters Park, and Our Lady of Fatima Catholic Church are located south east of the property.

East: Open greenspace is located east of the subject property, with Al Palladini Community Centre and Emily Carr Secondary School and Boyd Conservation Park located west of Islington Avenue.

### **Application History**

The minor variance application for the subject property was submitted to the City of Vaughan in February of 2020 under the above noted file number A010/20. City Staff reviewed the application, and recommended adjournment, prior to a formal hearing. Planning Staff requested to work with the owner in order to address the proposed building height, lot coverage and front yard setback, as well as the matters identified by the Development and Engineering Department.

Since the adjournment, Weston has been involved in ongoing discussions with Planning and Engineering Staff in order to resolve outstanding issues. Based on these discussions the proposed variances have been revised through this submission to address outstanding issues.

### **Purpose of the Application**

The purpose of the proposed Minor Variance application is to seek relief from the City of Vaughan Zoning By-law 1-88 to address the following deficiencies:

1. To permit a Minimum Garage Setback of 5.7 metres, whereas a Minimum Setback of 7.5 metres is required.
2. To permit a Maximum Lot Coverage of 42.2%, whereas a Maximum Lot Coverage of 35% is required.
3. To permit a Maximum Building Height of 10.50 metres, whereas a maximum height of 9.5 metres is required.
4. To permit a Minimum Rear Yard Setback of 1.2 metres for an Accessory Building, whereas a minimum rear yard setback of 7.5 metres is required.
5. To permit a Cabana not completely within the Rear Yard.
6. To permit a Pool not completely within the Rear Yard.

The above variances have been revised for the original submission as follows:

1. This variance remains unchanged.
2. The main dwelling has been reduced to comply with the 35% coverage, the additional coverage is required for the proposed accessory structures.
3. The height variance has been reduced from 10.8m to 10.5m for only a portion of the proposed dwelling.
4. This variance is unchanged.

5. This variance is unchanged
6. This variance is unchanged
7. The required variance for the maximum driveway width has been removed.

### **Policy Framework and Analysis**

Section 45(1) of the *Planning Act* directs that a minor variance may be granted if, in the opinion of the Committee of Adjustment, the following tests are met:

1. The variance requested maintains the general intent and purpose of the Official Plan;
2. The variance requested maintains the general intent and purpose of the Zoning By-law;
3. The variance is desirable for the appropriate use of the land; and,
4. The variance is minor in nature.

The following is a summary of how the proposed variances meet the four tests under the *Planning Act*. The following provides an analysis of how the proposed variances are reviewed under these criteria.

#### **1. The General Purpose and Intent of the Official Plan is Maintained.**

##### *City of Vaughan Official Plan 2010*

The City of Vaughan Official Plan ("VOP") identifies the subject property as being designated "Community Areas" in accordance with Schedule 1 – Urban Structure, and "Low-Rise Residential" in accordance with Schedule 13 – Land Use.

Section 2.2.3.2 of the VOP states that new development within "Community Areas" that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area, is permitted, as set out in the policies of Chapter 9.

Section 9.1.2.2 states that new development as reflected in a variance will be designed to respect and reinforce the existing physical character and uses of the surrounding area, specifically respecting and reinforcing a number of elements including, but not limited to, the building type, the orientation of buildings, the height and scale of adjacent and immediately surrounding residential properties, the setback of buildings from the street, and the pattern of rear and side-yard setbacks.

The proposed variances respect and reinforce the existing lot pattern, building type, orientation, character, form and planned function of the immediate local area. The proposed single detached dwelling is compatible with the existing dwellings on Appian Way and matches the built form within the neighbourhood. The existing house is currently the only dwelling on Appian Way to gain access from Clarence Street with a rear yard abutting Appian Way. A new entrance is proposed from Appian Way for access to the proposed dwelling, and the existing driveway providing access to Clarence Street will be eliminated. This will ensure that the orientation of the proposed building is aligned with the other existing dwellings on Appian Way. While the proposed height does exceed

the permitted height within the surrounding area, it is only a portion of the dwelling which exceeds the permitted height, whereas the remainder of the dwelling is within the permitted height requirements. As such, proposed dwelling maintains the objective of the Official Plan in proposing a dwelling which is generally in keeping with the character of the neighbourhood.

For these reasons, it is our opinion that the required variances for the proposed dwelling maintain the general purpose of the Vaughan Official Plan.

## 2. The General Purpose and Intent of the Zoning By-law is Maintained.

### *Vaughan Zoning By-law 1-88*

The City of Vaughan Zoning By-law 1-88, as amended, zones the subject property as “R1-Residential Zone”.

The R1 zone standards are as follows:

**Zone Requirement Table  
Schedule ‘A’ to By-law 1-88**

Zone		R1	Proposed Variance
Min. Yard	Front (m)	7.5	<b>5.7</b>
	Max. Lot Coverage (%)	35	<b>42.2</b>
	Max. Building Height (m)	9.5	<b>10.5</b>

#### **4.1.1 Accessory Buildings and Structures**

c)	Min. Rear Yard (m)	7.5	<b>1.2</b>
----	--------------------	-----	------------

The *R1 – Residential Zone* permits Single Family Detached Dwellings and Accessory Buildings and Structures. It is the intent of the Zoning By-law to permit uses accessory to low-rise residential dwellings, which the proposed variances maintain. The intent of the setback and coverage requirements of the By-law are to maintain consistent neighbourhood built form, and to ensure appropriate separation between dwellings. The variances requested do not propose a built form inconsistent with the neighbourhood standards.

The purpose of the maximum building height provision of 9.5 metres is to ensure a two-storey maximum height, and to discourage dwellings that impose on adjacent lots. Municipal staff have reviewed the proposed concept elevations and have determined that the dwelling has a flat roof. Therefore, the measurement of height must be taken from the peak of the roof, resulting in a height of 10.5 metres, rather than the mid-point of the proposed architectural peaks of the roof. The result is actually a lower roofline, than if it was a peaked roof design. Although technically a flat roof, the building will not be perceived as a traditional flat roof and will still maintain the general intent of the Zoning By-law through the proposed urban design articulation of the roof line. The requested height of 10.5 metres will maintain the two-storey standard for the R1 zone and will not result in a towering structure that will impose shadow or privacy issues for the surrounding lots.

The proposed height variance is only applicable to a portion of the dwelling as identified on the Front Elevation. The remaining portion of the house, include the garage portion, will have a maximum height of 9.48 metres, which complies with the required height limit.

The proposed reduction of the front yard setback is the result of to a pinch point in the lot shape due to the extension of Appian Way and the curvature of the road to align the north and south existing points through the subject property and hold out lands to the south. The proposed variance to permit a setback of 5.7 metres is not a reflection of the overall setback for the proposed dwelling, which otherwise exceeds the required 7.5 metres from the front lot line. The proposed development therefore maintains the general purpose and intent of the Zoning By-law.

The proposed rear yard setback reduction to 1.2 meters and location of the pool and accessory structure not wholly contained within the rear yard are not limiting conditions as the rear lot line will not be immediately adjacent to Clarence Avenue. While the required setbacks are provided to maintain separation for rear to rear yard conditions, the subject property now backs onto the existing right of way, which limits impacts of the proposed reductions therefore maintaining the intent of the Zoning By-law.

Based on the above noted rationale, it is our opinion that the proposed development maintained the general purpose and intent of the zoning by-law by limiting impacts of coverage, height and impact to the adjacent properties.

### 3. Desirable and Appropriate

The proposed development will result in a built form that is consistent with the existing dwellings on Appian Way and represents an appropriate and responsible development of a single detached dwelling. The current dwelling on the subject property has a rear yard that backs on to Appian Way, the only property on the street with such an orientation. Eliminating the Clarence Street driveway, in exchange for a new entrance on to Appian Way is a desirable improvement to the neighbourhood. This will ensure conformity with the surrounding dwellings and improve the character of the neighbourhood. The propose dwelling will generally maintain the required front yard setback proposing a dwelling which will be in like with the surrounding built form.

The accessory structure is desirable in its rear yard location along with the location of the pool. The design incorporates an open wall design which will mitigate visual impacts on neighbouring yards. The accessory structure maintains an interior yard setback that conforms to the Zoning By-law and ensures adequate separation from the neighbouring lot. The proposed variance to the rear yard setback towards Clarence Street and location not fully within the rear yard, will not result in an undesirable or inappropriate impact on the neighboring property. The proposed setback and location of the accessory structure and pool will maintain an appropriate distance to Clarence Street, and will not negatively impact the function of the street.

The owner of the subject property has received two letters of support from the neighbouring properties to the immediate north and south abutting the subject property. Given that these two lots, being immediately adjacent to the subject property, have no objections to the proposed

development, we do not anticipate any adverse impacts from the proposed development on other surrounding land owners.

For the reasons listed above, it is our opinion that the proposed variances are appropriate and desirable for the use of the lands.

#### 4. Minor in Nature

The requested variances are minor in nature as they will not alter the low-rise residential function of the site. Numerically, the proposed Front Yard Setback will be decreased by 1.71 metres, but more appropriately, the reduction is only proposed for the corner of the site, where the remainder of the dwelling exceeds the required front yard setback requirement. This minor encroachment into the setback will still ensure that an appropriate distance is maintained from the front of the dwelling to Appian Way. It will not impact the function of Appian Way, and still provides adequate space for a proper driveway that conforms to the Zoning By-law.

The increase in lot coverage from 35% to 42.2% will result in a floor area of 632.9 square metre, 107.79 square metres above what is permitted. This 107.79 square metres is a minor increase in lot coverage when considering the size of the lot and the disbursement of the additional floor area. The subject property has a lot area of 1500.30 square metres, which exceeds the required area of 540 square metres by 960 square metres. On a lot this size, the additional 107.79 will not impose any negative impact on to the surrounding properties and should be viewed as a minor increase. Given that the proposed dwelling complies with the 35% coverage, the massing of the main dwelling will not adversely impact the visual presence of the dwelling. The additional proposed floor area is also separated between the proposed accessory structure and loggia, both located in the rear yard, with minimal impacts to the adjacent lots.

The proposed maximum height of 10.5 metres is proposed to increase only a portion of the proposed dwelling where the remainder of the dwelling is under the required 9.5 metre height requirement. The 1.0 metre increase to the maximum permitted height on a portion of the dwelling represents a nominal increase in height that provides an articulation in the urban design of the dwelling. Given that it is only a portion of the dwelling mitigates issues of shadow, privacy or other impacts to immediately adjacent neighbours. It is a minor increase in height to accommodate the design of the building. Given that the non-complaint height only represents 50% of the proposed dwelling, as the proposed garage has a proposed building height of 9.48 metres, the proposed increase in height can be deemed minor in nature.

The rear yard setback of 1.2 metres for the accessory building encroaches the required setback of 7.5 metres. The 1.2 metre setback is to the proposed new rear lot line abutting Clarence Street. The impact of this decreased setback is misleading, when considering the distance to Clarence Street, when including the extent of the right-of-way, boulevard and additional road widening. The accessory building will still be set back approximately 6.3 metres from the current lot line and Clarence Street. The impact of the reduced setback is minor, and still provides an appropriate distance from Clarence Street, and will not negatively impact the function or access to the Street.

For these reasons, it is our opinion that the proposed variances are minor in nature.

### **Conclusion**

Based on our analysis and the information provided herein, it is our opinion that the proposed variances meet the general intent and purpose of the Official Plan and Zoning By-law, are desirable and appropriate for the use of the lands, and are minor in nature. It is therefore our opinion, that the minor variances before the Committee satisfy the requirements under Section 45(1) of the *Planning Act* in order to be considered for approval.

We trust that the above is in order and that you have the necessary materials to schedule this matter to the next available Committee of Adjustment meeting. We request that all correspondence pertaining to this application be sent to the undersign. Please do not hesitate to contact the undersigned at extension 243 or Liam O'Toole at extension 316 should you have any questions regarding the content of this submission.

Yours truly,

**Weston Consulting**

**Per:**



Sabrina Sgotto HBA, MCIP, RPP  
Associate

- c. Ashley Park Developments  
Brandon Bell, Planning and Development, City of Vaughan  
Jason Pham, Development Engineering, City of Vaughan

- Encl. Revised Site Plan, May 5, 2020  
Revised Front Elevation, June 22, 2020  
Appian Way Extension, Plan 65R-31807  
Appian Way Extension, Plan 65R-38586  
Letter of Support, 85 Appian Way  
Letter of Support, 75 Appian Way

City of Vaughan  
Clerks Department  
2141 Major Mackenzie Drive  
Maple, Ontario  
L6A 1T1

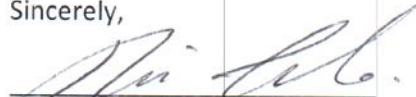
Attention: Pravina Attwala  
Assistant Secretary Treasurer to Committee of Adjustment

Re: Committee of Adjustment File # A010/20  
81 Appian Way, Minor Variance Application

With respect to the above application, my name is RENE CONDO and I  
live at 85 APPIAN WAY

Please be advised that we have no objection to the above noted application, and am in support of  
approving it in its current form, as it applies to Front Yard Setback, Maximum Lot Coverage, Maximum  
Building Height, and the Rear Yard Setback for an Accessory Building.

Sincerely,



Signature



Date



# Clarzan Developments Inc.

3000 Langstaff Road, Suite 18  
Concord, Ontario  
L4K 4R7



June 20, 2020

**City of Vaughan  
Clerks Department  
2141 Major Mackenzie Drive  
Maple, Ontario  
L6A 1T1**

Attention: Pravina Attwala  
Assistant Secretary Treasurer to Committee of Adjustment

Re: **Committee of Adjustment File # A010/20  
81 Appian Way, Minor Variance Application**

This letter is to inform Madame Chair and the Committee Members, that we are landowners abutting lands owned by the Applicant directly to the south of 81 Appian Way. We have entered into development agreement 65R-38114.

Our respective development agreements stipulate that our lands be developed concurrently. The Applicant has been diligent and extremely cooperative with our team, along with City staff to facilitate the completion of the long-awaited Appian Way extension.

The Applicant will undeniably add unprecedented value to our neighborhood. We have reviewed the Applicant's submission in full form and conclude that we have no objection with the front yard dwelling setback, rear lot accessory building setback, maximum lot coverage and maximum building height.

We ask that attenuation fencing and landscaping be continued along Clarence Street for continuity.

Lastly, we ask the Committee to disregard any frivolous and vexatious claims. This has adversely affected our development and would humbly ask that the Applicant not be subject to the same.

Sincerely,

Mark Zanette

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
- MTO – Located outside of MTO permit control area

**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**

---

**Subject:** FW: A010/20 - 81 APPIAN WAY, WOODBRIDGE - REQUEST FOR COMMENTS (CITY OF VAUGHAN)

---

**From:** Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

**Sent:** July-03-20 2:19 PM

**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>

**Cc:** Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

**Subject:** [External] RE: A010/20 - 81 APPIAN WAY, WOODBRIDGE - REQUEST FOR COMMENTS (CITY OF VAUGHAN)

Good Afternoon Pravina,

MTO has reviewed the subject land(s) located at 81 Appian Way in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

**Alexander Hajjar**

*Transportation Technician*

*Highway Corridor Management Section*

*Ministry of Transportation, MTO*

*416.235.4504*

## Attwala, Pravina

---

**Subject:** FW: RESPONSE: A010/20 - 81 APPIAN WAY, WOODBRIDGE - REQUEST FOR COMMENTS (CITY OF VAUGHAN)

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** July-09-20 2:22 PM

**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>

**Subject:** [External] RESPONSE: A010/20 - 81 APPIAN WAY, WOODBRIDGE - REQUEST FOR COMMENTS (CITY OF VAUGHAN)

Good afternoon Pravina,

The Regional Municipality of York has completed its review of the above minor variance and has no comment  
Regards,

*Gabrielle*

Gabrielle Hurst mcip rpp | Associate Planner| Community Planning and Development Services | Corporate Services  
The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877 464 9675 ext 71538 | [Gabrielle.hurst@york.ca](mailto:Gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

**Schedule D: Previous Approvals (Notice of Decision)**

**Consent Applications B026/08; B027/08 & B028/08**

## **NOTICE OF DECISION**

**FILE NUMBER:** B026/08

**APPLICANT:** ETHEL DZAMBA

**PROPERTY:** Part of Lot 15, Concession 7, municipally known as 1125 Clarence Street, Woodbridge.

**ZONING:** The subject lands are zoned R1(H), Residential Holding subject to exception 9(1273) under By-law 1-88 as amended.

**PURPOSE:** To request the consent of the Committee of Adjustment to convey a parcel of land marked "A" on the attached sketch for the creation of a new lot, for residential purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for residential purposes

The subject and retained lands have the required lot frontage and lot area.

The subject lands are currently vacant, residential dwelling is proposed.

**BACKGROUND:** The land which is subject to this application was also the subject of another application under the Planning Act:

Zoning By-law Amendment File #: **Z.95.067, APPROVED.**  
Consent Applications File #'s **B025/94, B060/95 & B061/95 – Lapsed.**  
Consent Applications File #'s **B034/07, B035/07, B036/07 – as per the applicant unable to fulfil conditions prior the lapsing period.**

This application was heard by the Committee of Adjustment on July 31, 2008

**MOVED BY:**

**SECONDED BY:**

THAT Application No. **B026/08 - ETHEL DZAMBA**, 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. Payment to the City of Vaughan of a Tree Fee if required, approved by Council as of the date of granting the consent. Payment is to be made by **certified cheque**, to the satisfaction of the City of Vaughan (Reserves & Investments Department; contact Terry Liuni to have this condition cleared.)
2. 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).
3. The owner shall pay applicable Special Area Development Charges to the satisfaction of the Reserves & Investments Department.;
4. The applicant shall provide the City of Vaughan with an appraisal report and valuation of the subject land, (land only) to be prepared by an accredited appraiser, if required. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made **if a new lot is being created**. Said levy is to be 5% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Manager of Real Estate. **Payment shall be made by certified cheque only.**
5. The Owner shall enter into an agreement pursuant to Subsection 50(6) of the Planning Act with the City of Vaughan, to satisfy all conditions, financial or otherwise, of the City of Vaughan with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads and municipal services landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Engineering Department;



- 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 as 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 \$285.00 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 fulfill 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 fulfill 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;

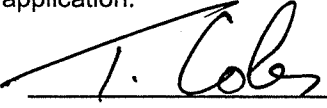
**CARRIED.**

CHAIR: \_\_\_\_\_

Signed by all members present who concur in this decision:

**ABSENT**M. Mauti,  
ChairL. Fluxgold,  
Vice ChairJ. Cesario,  
Member**ABSENT**D.H. Kang,  
MemberM.S. Panicali,  
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:****JULY 31, 2008****Date of Notice:****AUGUST 8, 2008****Last Date of Appeal:****AUGUST 28, 2008****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](http://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 \$150.00 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.

6026/08



ANNUAL AS CLARENCE STREET  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)

BLOCK 114  
(STREET WIDENING)

BLOCK 115  
(0.3 RESERVE)

LOT 83  
PIN 03305-0090 (LT)

SUBJECT TO EASEMENT AS IN INST. LT0001503

BLOCK 118  
(0.3 RESERVE)  
PIN 03305-0122 (LT)

N73°57'20"E

APPIAN WAY  
(BY PLAN 65M-2975)

65M-2975

BLOCK 133  
(0.3 RESERVE)  
PIN 03305-0122 (LT)

LOT 96

BLOCK 132  
(0.3 RESERVE)

BLOCK 105  
PIN 03305-0117 (LT)

65M-2975

3.05 WIDENING BY INST. No. VA37358  
PART 4

0001 (LT)  
N09°40'50"W 32.61

1541 SQ.M  
RETAINED

N16°02'40"W 32.41

PROPOSED  
ROAD  
648 SQ.M

N16°02'40"W 32.41

SEVERED  
690 SQ.M

N16°02'40"W 32.41

690 SQ.M

RETAINED

N16°02'40"W 32.41

439 SQ.M

PART 3

PIN

LOT

CONCESSION

PIN 03305-0531 (LT)

N09°34'50"W

BLOCK 106  
PIN 03305-0118 (LT)  
SUBJECT TO EASEMENT AS IN INST. LT0001503  
PLAN

BLOCK 134  
(0.3 RESERVE)

KEY MAP

Parcel A

Parcel B

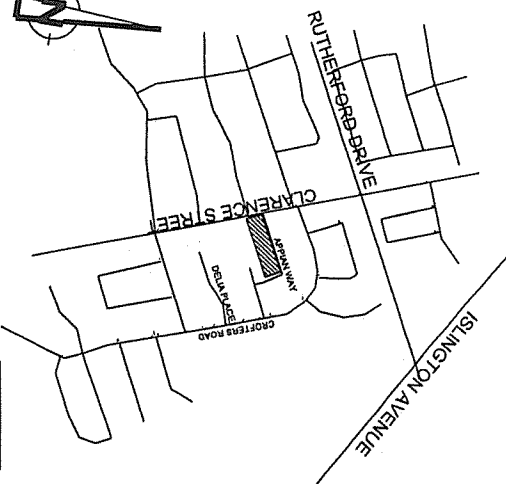
Parcel C

Parcel D

Parcel E



KEY PLAN Subject Lands



PLAN OF SEVERANCE

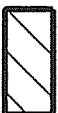
PART OF LOT 15  
CONCESSION 7  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

LEGEND

PARCEL C



TOTAL LANDS (3978 SQ.M)



AREA TO BE RETAINED (3288 SQ.M)



AREA TO BE SEVERED (690 SQ.M)

0 10 25  
METERS  
SCALE

DATE DRAWN: JUN 27/08  
FILE: 4137/Schedules/severance plans.dgn

WESTON CONSULTING GROUP INC.  
201 Midway Avenue, Unit 18  
Vaughan, Ontario, L4K 5K6  
Phone: (905) 738-8080 FAX: (905) 738-6637



Please refer to the file number: **B026/08**

Address all correspondence to the Secretary-Treasurer

**NOTICE TO THE OWNER**

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

**All** conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

**The period for fulfilling conditions cannot be extended.**

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

**NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS  
WILL BE GIVEN.**

Respectfully,



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

**COMMITTEE OF  
ADJUSTMENT  
(CONSENTS)**

Please refer to the file number:

**B026/08**

Address all correspondence to the Secretary-Treasurer

**TO: OWNER/AGENT/SOLICITOR**

**SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL**

**Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street  
P. O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

**PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.**

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

**Committee of Adjustment Requirements  
Electronic Registration  
Planning Act  
Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" 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)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

**For information purposes only:**

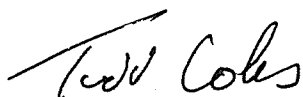
*On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:*

*Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'*

*Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).*

*As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.*

For information on electronic registration, please contact Teranet at 416-360-1190.



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



## **NOTICE OF DECISION**

**FILE NUMBER:** B027/08

**APPLICANT:** ETHEL DZAMBA

**PROPERTY:** Part of Lot 15, Concession 7, municipally known as 1125 Clarence Street, Woodbridge.

**ZONING:** The subject lands are zoned R1(H), Residential Holding subject to exception 9(1273) under By-law 1-88 as amended.

**PURPOSE:** To request the consent of the Committee of Adjustment to convey a parcel of land marked "A" on the attached sketch for the creation of a new lot, for residential purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for residential purposes

The subject and retained lands have the required lot frontage and lot area.

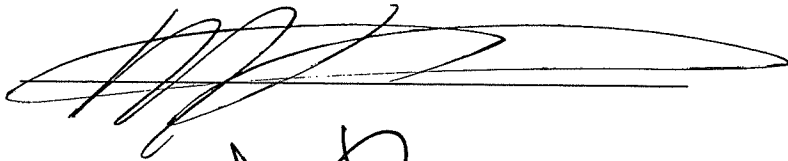
The subject lands are currently vacant, residential dwelling is proposed.

**BACKGROUND:** The land which is subject to this application was also the subject of another application under the Planning Act:

Zoning By-law Amendment File #: Z.95.067, **APPROVED**.  
Consent Applications File #'s B025/94, B060/95 & B061/95 – **Lapsed**.  
Consent Applications File #'s B034/07, B035/07, B036/07 – **as per the applicant unable to fulfil conditions prior the lapsing period.**

This application was heard by the Committee of Adjustment on July 31, 2008

**MOVED BY:**



**SECONDED BY:**



THAT Application No. **B027/08 - ETHEL DZAMBA**, 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. Payment to the City of Vaughan of a Tree Fee if required, approved by Council as of the date of granting the consent. Payment is to be made by **certified cheque**, to the satisfaction of the City of Vaughan (Reserves & Investments Department; contact Terry Liuni to have this condition cleared.)
2. 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).
3. The owner shall pay applicable Special Area Development Charges to the satisfaction of the Reserves & Investments Department.;
4. The applicant shall provide the City of Vaughan with an appraisal report and valuation of the subject land, (land only) to be prepared by an accredited appraiser, if required. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made **if a new lot is being created**. Said levy is to be 5% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Manager of Real Estate. **Payment shall be made by certified cheque only.**
5. The Owner shall enter into an agreement pursuant to Subsection 50(6) of the Planning Act with the City of Vaughan, to satisfy all conditions, financial or otherwise, of the City of Vaughan with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads and municipal services landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Engineering Department;

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 as 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 \$285.00 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 fulfill 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 fulfill 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;

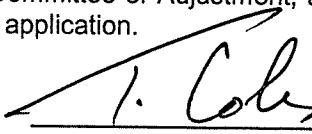
**CARRIED.**

CHAIR: \_\_\_\_\_

Signed by all members present who concur in this decision:

**ABSENT**M. Mauti,  
ChairL. Fluxgold,  
Vice ChairJ. Cesario,  
Member**ABSENT**D.H. Kang,  
MemberM.S. Panicali,  
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:****JULY 31, 2008****Date of Notice:****AUGUST 8, 2008****Last Date of Appeal:****AUGUST 28, 2008****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](http://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 \$150.00 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**

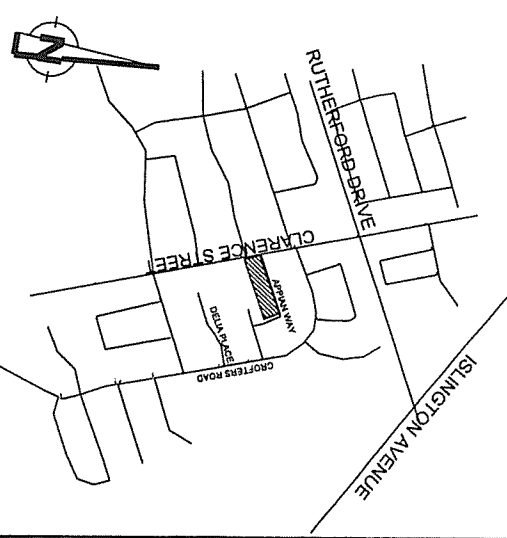
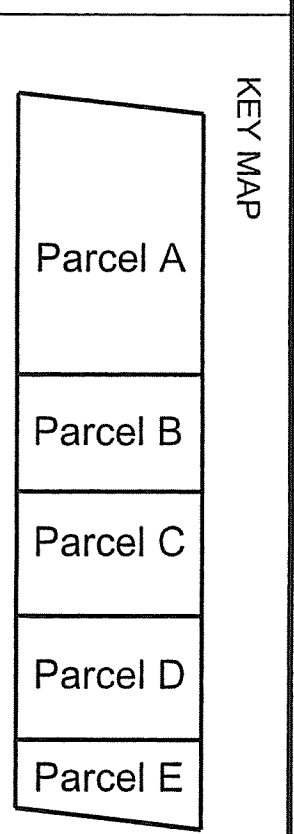
1. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.
2. A Certificate pursuant to Subsection 53(21) of The Planning Act cannot be given until all conditions of consent have been fulfilled.

\_\_\_\_\_  \_\_\_\_\_

\_\_\_\_\_ **B027/08** \_\_\_\_\_

\_\_\_\_\_ BLOCK 114 \_\_\_\_\_

\_\_\_\_\_ STREET WIDENING) \_\_\_\_\_



**PART OF LOT 15  
CONCESSION 7  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK**

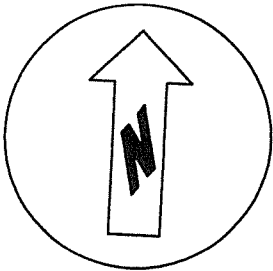
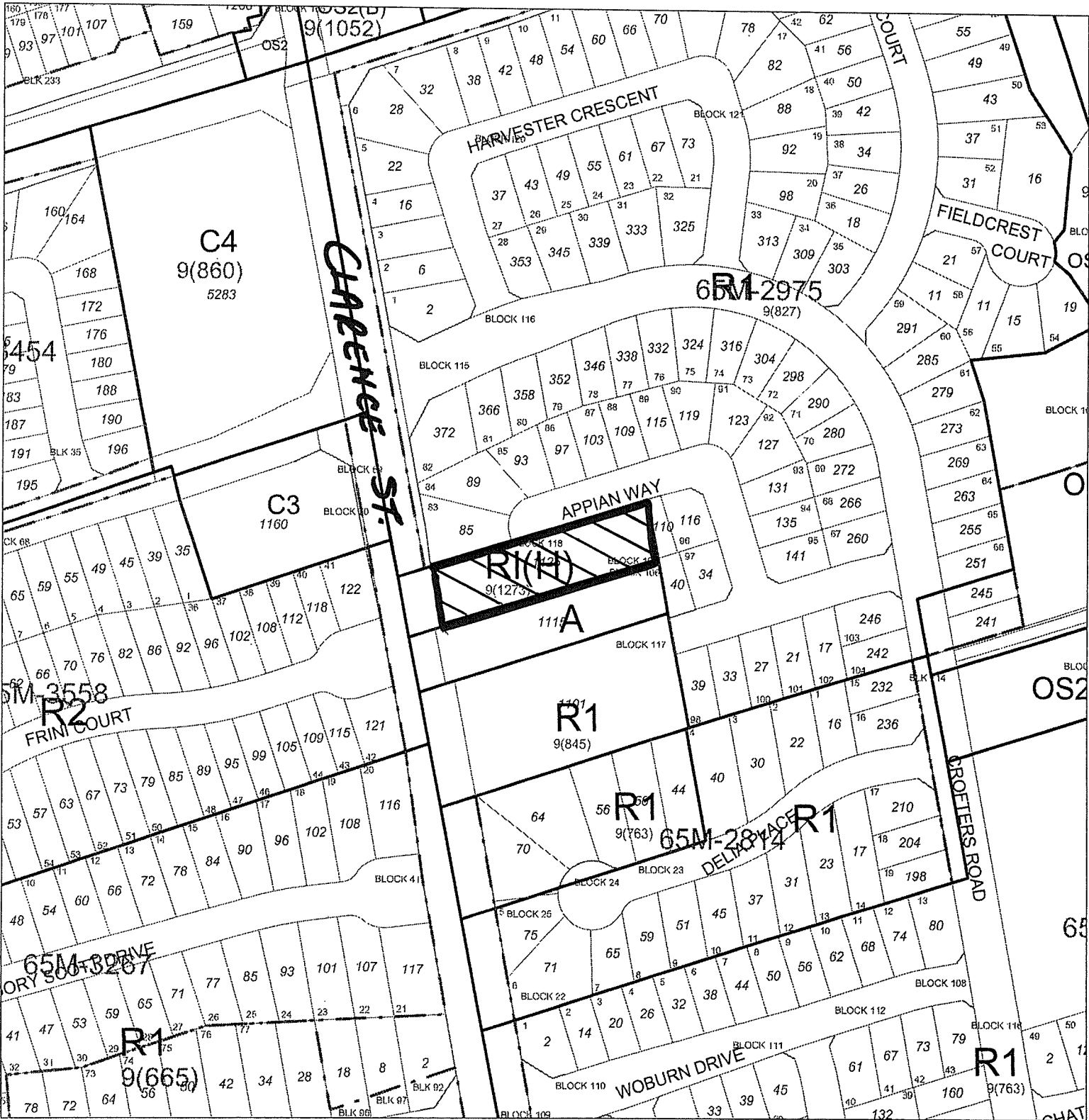
TOTAL LANDS (3978 SQ.M)


AREA TO BE RETAINED (3288 SQ.M)

AREA TO BE SEVERED (690 SQ.M)

DATE DRAWN: JUN 27/08  
FILE: 4137/Schedules/severance plans.dgn

**WESTON CONSULTING GROUP INC.**  
201 Military Avenue, Unit 19  
Vaughan, Ontario, L4K 5K8  
Phone: (905) 738-0808 FAX: (905) 738-6637



COMMITTEE OF ADJUSTMENT	
File No.:	B026/08 TO B028/08
Applicants	ETHEL DZAMBA
	Subject Area Municipally known as  1125 CLARENCE STREET, WOODBIDGE

Please refer to the file number: **B027/08**

Address all correspondence to the Secretary-Treasurer

**NOTICE TO THE OWNER**

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

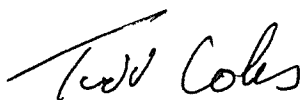
**All** conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

**The period for fulfilling conditions cannot be extended.**

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

**NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS WILL BE GIVEN.**

Respectfully,



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

**COMMITTEE OF  
ADJUSTMENT  
(CONSENTS)**

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

Please refer to the file number: **B027/08**

Address all correspondence to the Secretary-Treasurer

**TO: OWNER/AGENT/SOLICITOR**

**SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL**

**Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street  
P. O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

**PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.**

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

**Committee of Adjustment Requirements  
Electronic Registration  
Planning Act  
Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" 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)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

**For information purposes only:**

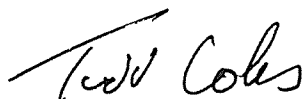
*On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:*

*Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'*

*Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).*

*As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.*

For information on electronic registration, please contact Teranet at 416-360-1190.



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



## **NOTICE OF DECISION**

**FILE NUMBER:** B028/08

**APPLICANT:** ETHEL DZAMBA

**PROPERTY:** Part of Lot 15, Concession 7, municipally known as 1125 Clarence Street, Woodbridge.

**ZONING:** The subject lands are zoned R1(H), Residential Holding subject to exception 9(1273) under By-law 1-88 as amended.

**PURPOSE:** To request the consent of the Committee of Adjustment to convey a parcel of land marked "A" on the attached sketch for the creation of a new lot, for residential purposes, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for residential purposes

The subject land does not have the required lot area and lot frontage.

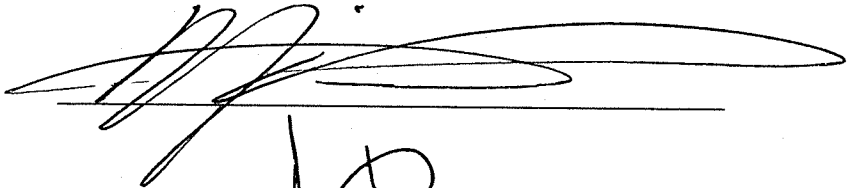
The subject lands are currently vacant, residential dwelling is proposed.

**BACKGROUND:** The land which is subject to this application was also the subject of another application under the Planning Act:

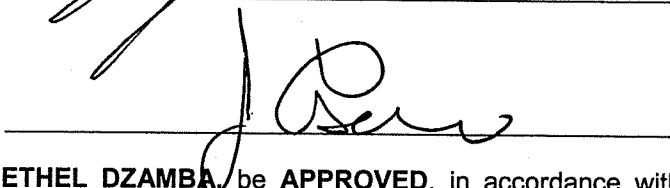
Zoning By-law Amendment File #: Z.95.067, APPROVED.  
Consent Applications File #'s B025/94, B060/95 & B061/95 – Lapsed.  
Consent Applications File #'s B034/07, B035/07, B036/07 – as per the applicant unable to fulfil conditions prior the lapsing period.

This application was heard by the Committee of Adjustment on July 31, 2008

**MOVED BY:**




**SECONDED BY:**



THAT Application No. B028/08 - ETHEL DZAMBA, 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. Payment to the City of Vaughan of a Tree Fee if required, approved by Council as of the date of granting the consent. Payment is to be made by **certified cheque**, to the satisfaction of the City of Vaughan (Reserves & Investments Department; contact Terry Liuni to have this condition cleared.)
2. 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).
3. The owner shall pay applicable Special Area Development Charges to the satisfaction of the Reserves & Investments Department;
4. The severed lot is to be combined with the block to the east, to the satisfaction of the Building Standards Department;
5. The applicant shall provide the City of Vaughan with an appraisal report and valuation of the subject land, (land only) to be prepared by an accredited appraiser, if required. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made if a **new lot is being created**. Said levy is to be 5% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Manager of Real Estate. **Payment shall be made by certified cheque only.**

6. The Owner shall enter into an agreement pursuant to Subsection 50(6) of the Planning Act with the City of Vaughan, to satisfy all conditions, financial or otherwise, of the City of Vaughan with regard to such matters the municipality may consider necessary including payment of the development levies, the provision of roads and municipal services landscaping and fencing. The said agreement shall be registered against the lands to which it applies and to the satisfaction of the Engineering Department.
  7. 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;
  8. 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 as 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;
  9. A fee of \$285.00 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;
  - ✓ 10. The Development Agreement shall include a requirement that restricts the development of **Parcel E**, so that **Parcel E** shall only be developed in conjunction with the lands to the EAST.
- 11 10. Prior to the issuance of a building permit, if required, the applicant shall fulfill 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 fulfill 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;

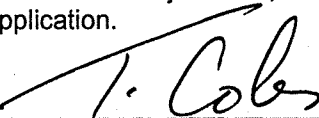
**CARRIED.**

CHAIR: \_\_\_\_\_

Signed by all members present who concur in this decision:

**ABSENT**M. Mauti,  
ChairL. Fluxgold,  
Vice ChairJ. Cesario,  
Member**ABSENT**D.H. Kang,  
MemberM.S. Panicalli,  
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:****JULY 31, 2008****Date of Notice:****AUGUST 8, 2008****Last Date of Appeal:****AUGUST 28, 2008****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](http://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 \$150.00 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.

B028/08

BLOCK 114  
(STREET WIDENING)

BLOCK 115  
0.3 RESERVED

LOT 83  
PIN 03305-0090 (LT)

SUBJECT TO EASEMENT AS IN INST. L11001503

BLOCK 118  
0.3 RESERVED  
PIN 03305-0122 (LT)

APPIAN WAY  
(BY PLAN 65M-2975)

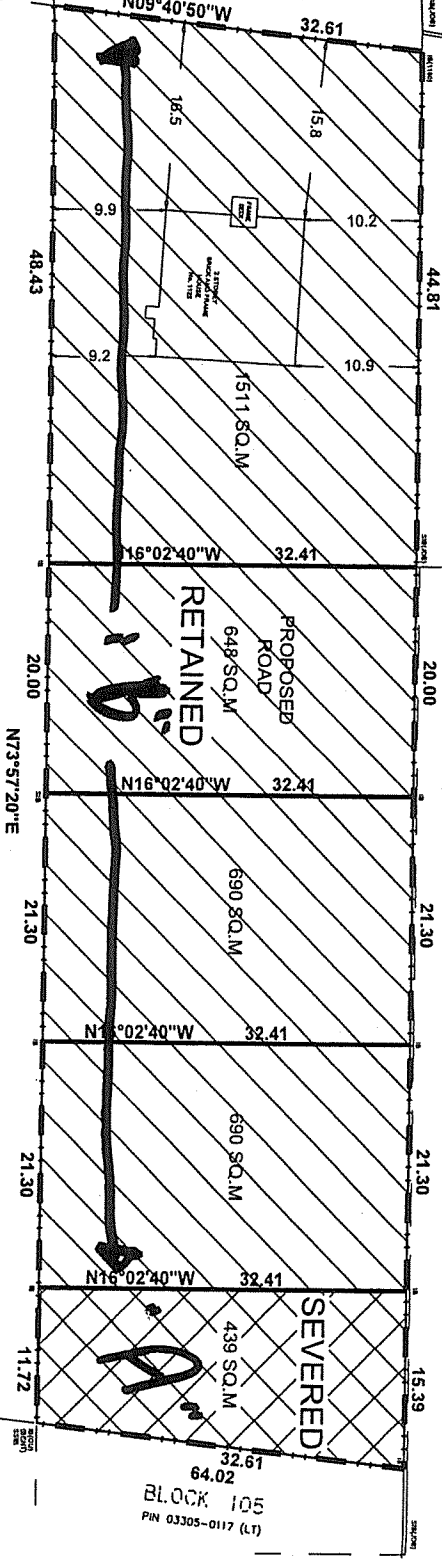
65M-2975

BLOCK 133  
0.3 RESERVED  
PIN 03305-0122 (LT)

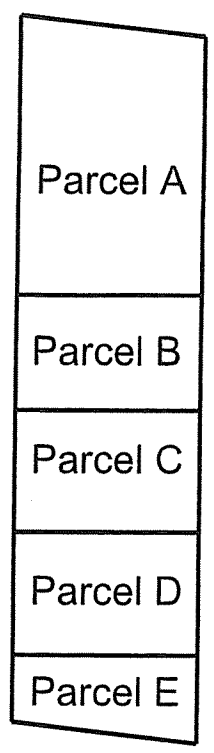
LOT 96  
BLOCK 132  
0.3 RESERVED

KNOW AS CLARENCE STREET  
(ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)

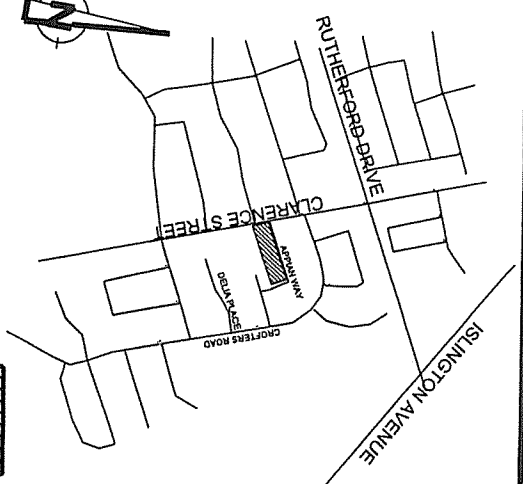
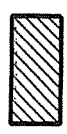
3.05 WIDENING BY INST. No. VA37358  
PART 4  
0001 (LT)  
N09°40'50"W



KEY MAP



KEY PLAN Subject Lands



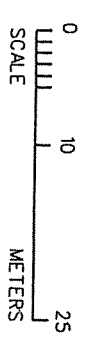
PLAN OF SEVERANCE

PART OF LOT 15  
CONCESSION 7  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

LEGEND

PARCEL E

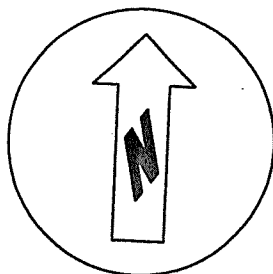
- TOTAL LANDS (3978 SQ.M)
- AREA TO BE RETAINED (3539 SQ.M)
- AREA TO BE SEVERED (439 SQ.M)




DATE DRAWN: JUN 27/08  
FILE: 4137/Schedules/severance plans.dgn  
WESTON CONSULTING GROUP INC.  
200 Midway Avenue, Unit 10  
Vaughan, Ontario L4N 3B8  
Phone: (905) 738-8080 Fax: (905) 738-6637



**City of Vaughan**  
The City *Above* Toronto



## COMMITTEE OF ADJUSTMENT

<b>File No.:</b>	<b>B026/08 TO B028/08</b>
<b>Applicants</b>	<b>ETHEL DZAMBA</b>
	<b>Subject Area</b> Municipally known as  <b>1125 CLARENCE STREET, WOODBRIDGE</b>

Please refer to the file number: **B028/08**

Address all correspondence to the Secretary-Treasurer

**NOTICE TO THE OWNER**

The Committee of Adjustment has approved your application for consent, subject to certain conditions.

A copy of the "Notice of Decision" is attached, together with relevant information concerning appeal procedures for the decision.

If the decision is not appealed, you will receive a notice that it is "Final and Binding", when the appeal period has expired. When the application is Final and Binding it will be appropriate for you to fulfil the conditions of approval.

**All** conditions must be fulfilled before a Certificate of Official can be issued by the Secretary-Treasurer certifying that consent has been given. These conditions must be fulfilled not later than the date set out in the decision.

**The period for fulfilling conditions cannot be extended.**

Although you may have appointed an agent to act on your behalf in the application, it is your responsibility, as the owner, to ensure that all conditions are fulfilled in time. Failure to do so will result in the decision being deemed to have been refused, pursuant to subsection 53(41) of The Planning Act, and your application file will be closed.

**NO FURTHER NOTICE OF THE LAST DAY FOR FULFILLING CONDITIONS  
WILL BE GIVEN.**

Respectfully,



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

**COMMITTEE OF  
ADJUSTMENT**  
(CONSENTS)

Please refer to the file number:

**B028/08**

Address all correspondence to the Secretary-Treasurer

**TO: OWNER/AGENT/SOLICITOR**

**SUBJECT: FULFILMENT OF CONDITIONS OF APPROVAL**

**Please note carefully the following:**

1. All conditions of approval must be fulfilled before a Certificate of Official pursuant to subsection 42 of Section 53 of The Planning Act can be issued. Unnecessary delay in the issue of the Certificate can be avoided by observing the following procedures:

(a) **CONDITIONS CONCERNING THE MUNICIPALITY IN WHICH THE SUBJECT LAND IS LOCATED:**

Payment of lot levy, fees, deed for road widening requests for written advice, agreements, etc., must be forwarded directly to the Municipality, together with a request that a certificate that such conditions have been fulfilled, be forwarded to the Secretary-Treasurer (standard certificate forms have been provided to the Municipality for the purpose).

(b) **CONDITIONS CONCERNING THE REGIONAL MUNICIPALITY OF YORK:**

- (i) Deed for road widening - must be forwarded directly to the Regional Solicitors,

17250 Yonge Street  
P. O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

together with necessary certification that the land described in the deed is free of all encumbrances. The deed must be accompanied by a white print of the deposited Reference Plan referred to in the deed.

- (ii) Payment of a Regional Development Charge is payable to the City of Vaughan and is to be deposited with the City Treasurer in accordance with the Development Charges Act and Regional By-law DC1-91-136.

(c) **CONDITIONS CONCERNING OTHER AGENCIES:**

(i.e. Conservation Authorities, Ministry of Transportation, railways, etc.)

Requests for written advice, permits, etc., must be forwarded directly to the Agency concerned, together with a request that the information required by the Committee be forwarded to the Secretary-Treasurer.

**PLEASE INCLUDE OWNER'S NAME AND APPLICATION NUMBER WITH ANY MATERIAL FORWARDED TO THE ABOVE MUNICIPALITIES AND AGENCIES.**

2. It is the owner's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the Committee's decision not later than the date set out in the decision. Failure to do so will result in a lapse of the consent and the file will be closed. Time limits set out in the decision **CANNOT** be extended. **NO FURTHER NOTICE WITH REGARD TO THE LAST DAY FOR FULFILLING CONDITIONS OF APPROVAL WILL BE GIVEN.**

**Committee of Adjustment Requirements  
Electronic Registration  
Planning Act  
Consents - Section 53(42)**

Prior to electronic registration, a consent under Section 53(42) of the Planning Act could be issued in certificate form or be stamped directly on the document (Transfer/Deed, Transfer of Easement, Charge/Mortgage). Our usual practice was to stamp the consent on the document. Since the document itself had insufficient space to place the stamp, our practice was to stamp the consent on an attached schedule containing the legal description of the property to be severed.

Under electronic registration, since there is no opportunity to place a stamp on a paper document, our practice has been amended to issue the consent in certificate form.

In order to ensure that the legal description in the certificate matches that in the Notice of Decision, **we require a letter and a "Schedule Page" 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)**, and four copies of the deposited Reference Plan.

Once we have satisfied ourselves that the legal description provided by the Applicant's Solicitor is correct, and that all other conditions for the consent have been met, we will issue the certificate, and the solicitor may complete the registration of the Transfer or Charge.

To complete our file, we require that the applicant's solicitor provide us with registration particulars after registration has been completed.

**For information purposes only:**

*On a Transfer or Transfer of Easement, one of the following statements on the electronic Transfer must be selected and completed:*

*Statement 100: a consent from the NAME has been obtained for this severance and contains the following conditions: INSERT CONDITIONS OR 'NONE'*

*Statement 101: The NAME has consented to this severance herein: IMPORT CONSENT (i.e. scan the consent and attach it or type the consent verbatim).*

*As neither Statement 100 nor 101 appears in a Charge document, the consent must be typed verbatim or scanned and attached to the document in the Schedules section.*

For information on electronic registration, please contact Teranet at 416-360-1190.



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