



File: A028/20

Applicant: Kirby Road Developments Inc.

Address: 5445 Kirby Rd Vaughan

Agent:

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"/>	<input checked="" type="checkbox"/>
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	
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)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, October 22, 2020



Minor Variance Application

Agenda Item: 3

A028/20

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, October 22, 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

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

To make an electronic deputation at the meeting please contact the Committee of Adjustment at 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:** Kirby Road Developments Inc.
- Agent:** None
- Property:** **5445 Kirby Rd Vaughan ON L0J 1C0**
- Zoning:** The subject lands are zoned A and subject to the provisions of Exception under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Agricultural"& "Natural Areas", and North Kleinburg-Nashville Secondary Plan (VOP 2010, Volume 2, Section 11.8): "Natural Areas" & "Special Study Area"
- Related Files:** B006/20 & A027/20
- Purpose:** Relief from the by-law is being requested to permit reduced lot frontage and lot area on the **retained land** to facilitate Consent Application B006/20.

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 Lot Frontage for lots zoned A-Agricultural Zone is 100.0 metres.	1. To permit a minimum Lot Frontage of 12.25 metres.
2. The minimum lot area for lots zoned A-Agricultural Zone is 100,000.0 square metres or 10.0 hectares.	2. To permit a minimum lot area of 32,928.00 square metres or 3.29 hectares.

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

For information on the previous approvals listed above please visit www.vaughan.ca. 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 October 8, 2020

Applicant confirmed posting of signage on October 14, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	N/A
Cabana	N/A
Garage	N/A
Other:	N/A

Applicant has advised that they cannot comply with By-law for the following reason(s): Draft Plan of Subdivision 19T-16V007

Recommended conditions of approval:

1. That a Surveyors Certificate confirming lot area, frontage and lot depth is submitted.
2. That Consent Application B006/20 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of Official must be provided to the Secretary Treasurer to satisfy this condition.

Adjournment Request: N/A

Building Standards (Zoning Review):

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

Application should be considered in conjunction with applications A 027/20 and B 006/20.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010 ('VOP 2010'): "Greenbelt", "Agricultural" & "Natural Areas" by the North Kleinburg-Nashville Secondary Plan (VOP 2010, Volume 2, Section 11.8)

The Owner is proposing to sever a 6,870.47 m2 portion of the subject lands for the existing residence located at 5445 Kirby Road (described as Part 4 on the attached draft 65R-plan) and to retain a 32,928.13 m2 portion of the subject lands (Part 5 on the attached draft 65R-plan) to facilitate a draft plan of subdivision (File 19T-16V007) that was approved by Vaughan Council on December 17, 2019.

Through Draft Plan of Subdivision and implementing Zoning By-law Amendment Files 19T-16V007 and Z.16.032 (approved by Vaughan Council on April 21, 2020 as By-law 050-2020), the Owner is proposing to facilitate a residential subdivision comprised of 9 residential lots, residential blocks and open space blocks in conjunction with a previously approved subdivision located to the south and east of the subject lands. As a result of the applications, the TRCA requested a 1.27 ha portion of the lands within the Greenbelt to be conveyed into public ownership (Block 13 on 19T-16V007).

The lands where the existing dwelling is located (Part 4 on the attached Draft 65R-Plan) do not form part of the Council approved draft plan of subdivision. As such, the Owner is seeking to sever his existing residence from the lands subject to the subdivision in advance of registering Phase 1 of the subdivision. This severance will permit the Owner to own his home separately during the subdivision process and will not facilitate an additional residential lot. The resulting retained lands will form all blocks of the draft plan of subdivision as approved by Vaughan Council and Block 13 will be conveyed to the TRCA as included in the draft plan conditions (Attachment 1A of 19T-16V007).

Variances 3 and 4 for Minor Variance File A027/20 are considered minor in nature. The swimming pool will not have any adverse impacts on neighbouring properties as it backs onto future lands owned by the TRCA and maintains a sufficient setback from the rear lot line. In addition, TRCA have reviewed the subject files and do not have any objections. While Variances 1 and 2 for Minor Variance Files A027/20 and A028/20 facilitate substantially smaller lot frontages and lot areas for the agricultural zone, the requested variances permit the implementation of the draft plan of subdivision which provides for better utilization of the lands and represents good planning.

The Development Planning Department has no objection to the requested severance and is of the opinion that the proposal maintains the intent of the Greenbelt Plan policies, severance policies in VOP 2010, and the consent criteria stipulated in Section 51(24) of the *Planning Act*, R.S.O. 1990, c P.13. The Development Planning Department is also of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the lands.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No comments

Development Engineering:

No comments.

Parks, Forestry and Horticulture Operations:

Retained land doesn't have trees that are regulated under By-Law 052-2018.

Forestry has no further comments at this time.

By-Law and Compliance, Licensing and Permit Services:

No comments.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

TRCA – comments with conditions

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

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

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaugan.ca	1. That a Surveyors Certificate confirming lot area, frontage and lot depth is submitted. 2. That Consent Application B006/20 receive final certification from the Secretary Treasurer and be registered on title. A copy of the registered transfer confirming registration of the Certificate of Official must be provided to the Secretary Treasurer to satisfy this condition.

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

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting 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

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.

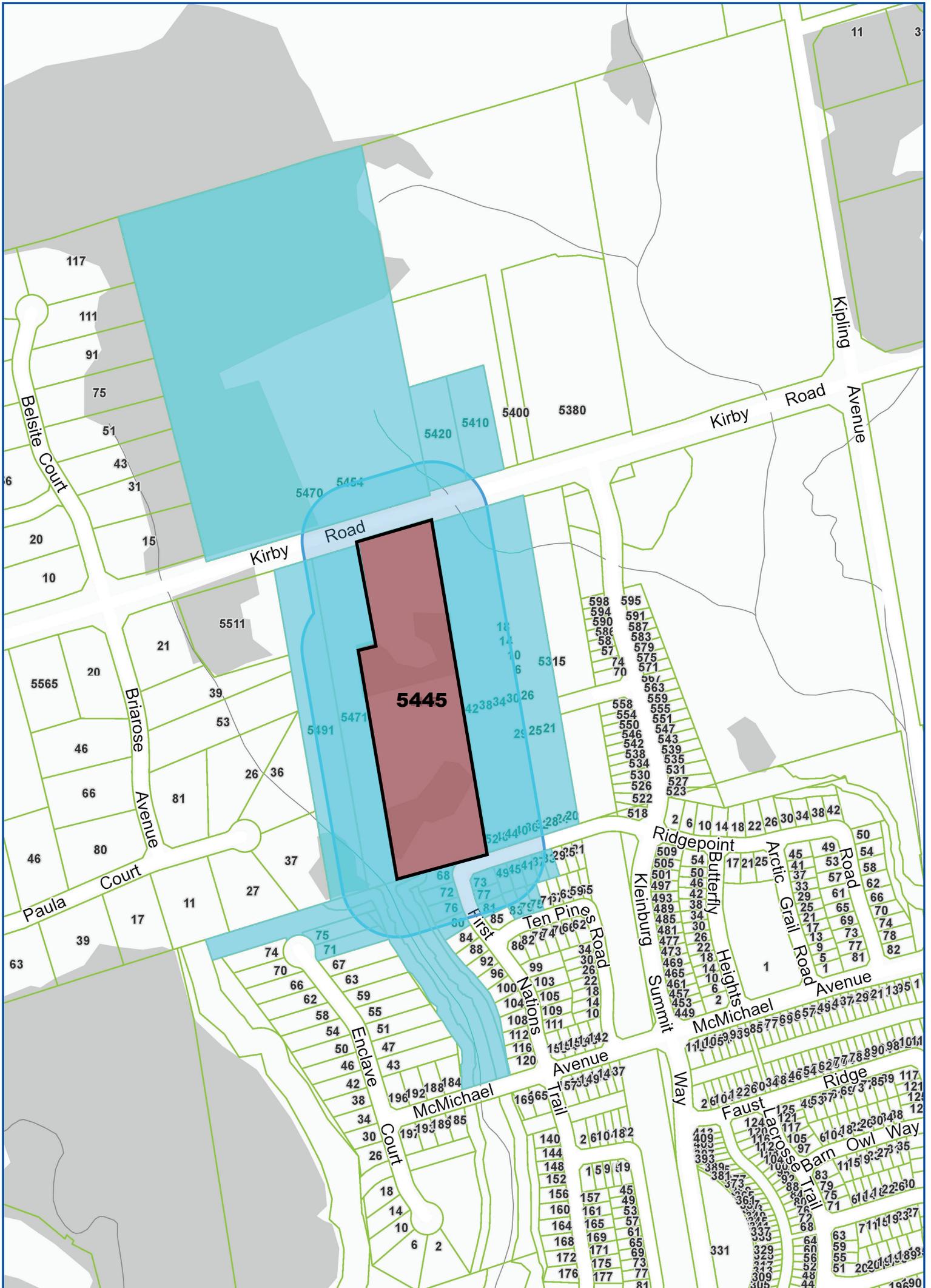
For further information please contact the City of Vaughan, Committee of Adjustment

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

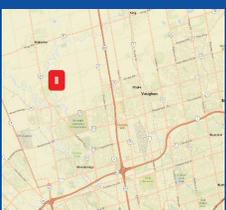
Schedule A: Plans & Sketches

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

Location Map
Plans & Sketches



Map Information:



Title:

5445 KIRBY ROAD, KLEINBURG

LOCATION MAP - B006/20, A027/20 & A028/20

Disclaimer:

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



Scale: 1 : 5,642

0 0.09 km



Created By:

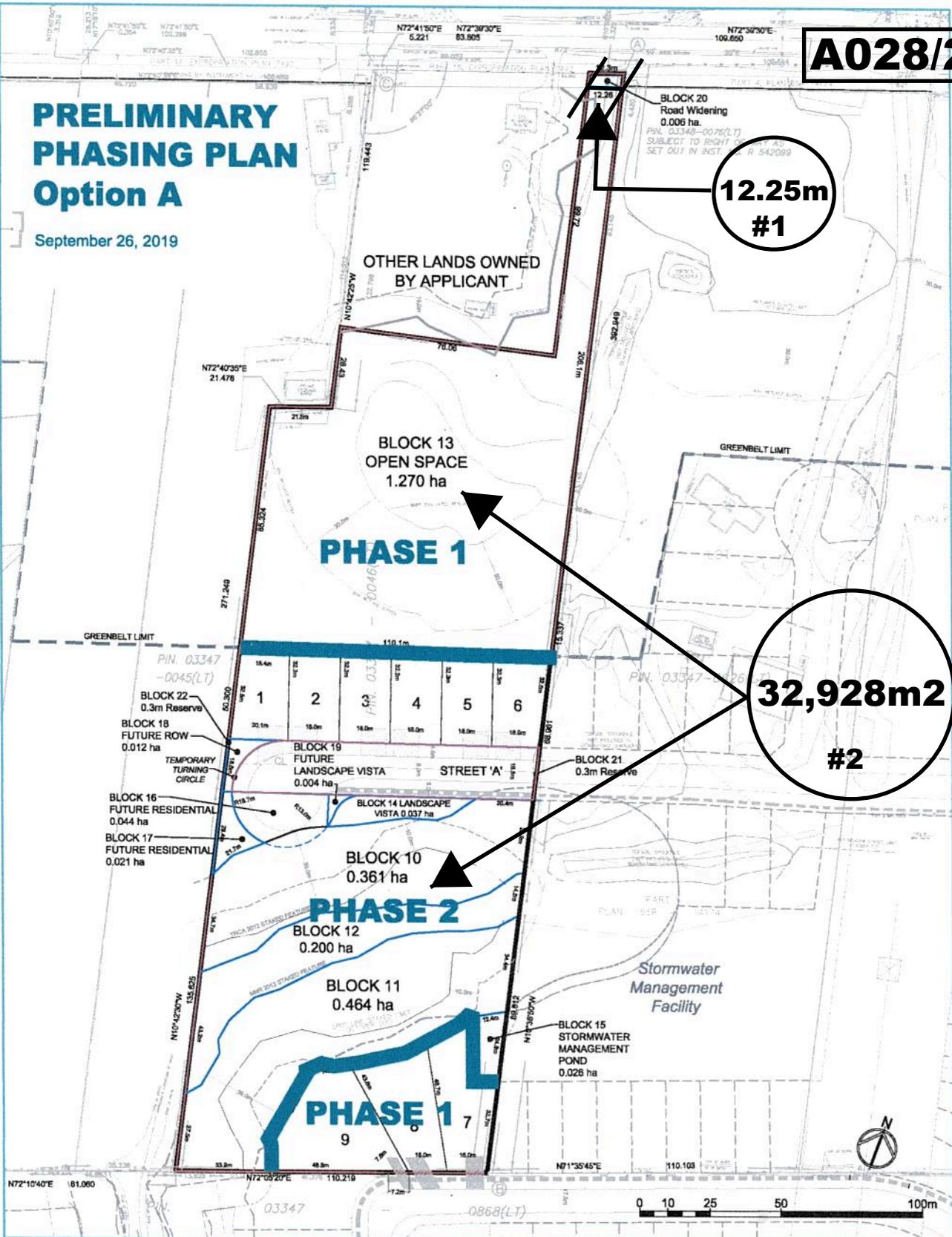
Infrastructure Delivery
Department
March 17, 2020 5:48 PM

Projection:
NAD 83
UTM Zone
17N

A028/20

PRELIMINARY PHASING PLAN Option A

September 26, 2019



**12.25m
#1**

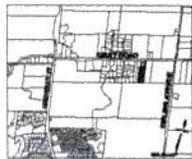
**32,928m²
#2**

DRAFT PLAN OF SUBDIVISION

Part of Lot 30, Concession 9, City of Vaughan,
Regional Municipality of York

19T-16V007

KEY PLAN



■ SUBJECT PROPERTY
■ OTHER LANDS OWNED BY APPLICANT

SCHEDULE OF LAND USE

LOT/BLOCK	LAND USE	AREA (ha)
1-9	Low Density Residential	0.860
10-11	30m Buffer	0.828
12-13	Open Space	1.470
14	Landscape Vista	0.037
15	Stormwater Management Pond	0.028
16-17	Future Residential Lot	0.065
18	Future ROW	0.012
19	Future Landscape Vista	0.004
20	Road Widening	0.006
21-22	0.3m Reserves	0.001
	Street 'A' - 18.8m ROW	0.185
TOTAL		3.291

OWNER'S AUTHORIZATION

I hereby authorize Malone Given Parsons Ltd. to prepare and submit this Draft Plan of Subdivision to the City of Vaughan.

See Original Date
Kirby Road Developments Inc.

SURVEYOR'S CERTIFICATE

The boundaries of the lands to be subdivided and their relationship to the adjacent lands are correctly shown.

See Original Date
J.D. BARNES LTD.
Greg Robinson, O.L.S.

ADDITIONAL INFORMATION

AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, CHAPTER P.13(R.S.O. 1990).

(a),(e),(f),(g),(j),(l) - As shown on the Draft Plan.

(b),(c) - As shown on the Draft and Key Plan.

(d) - Land to be used in accordance with the Schedule of Land Use.

(i) - Soil is Sandy Loam, Clay Loam.

(h),(k) - Full municipal services to be provided.

Oct 2/18 Submitted Draft Plan

MGP File: 16-2492

Date: June 7, 2019

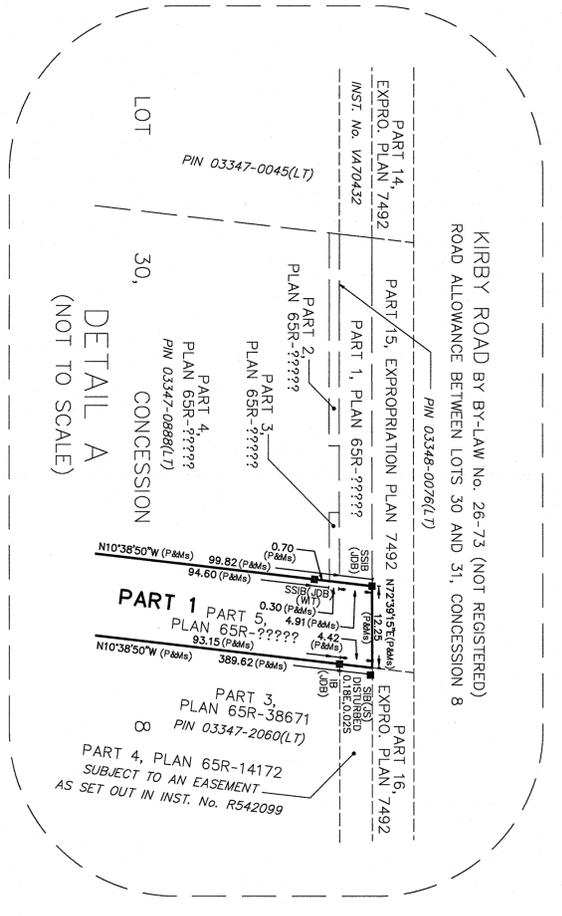
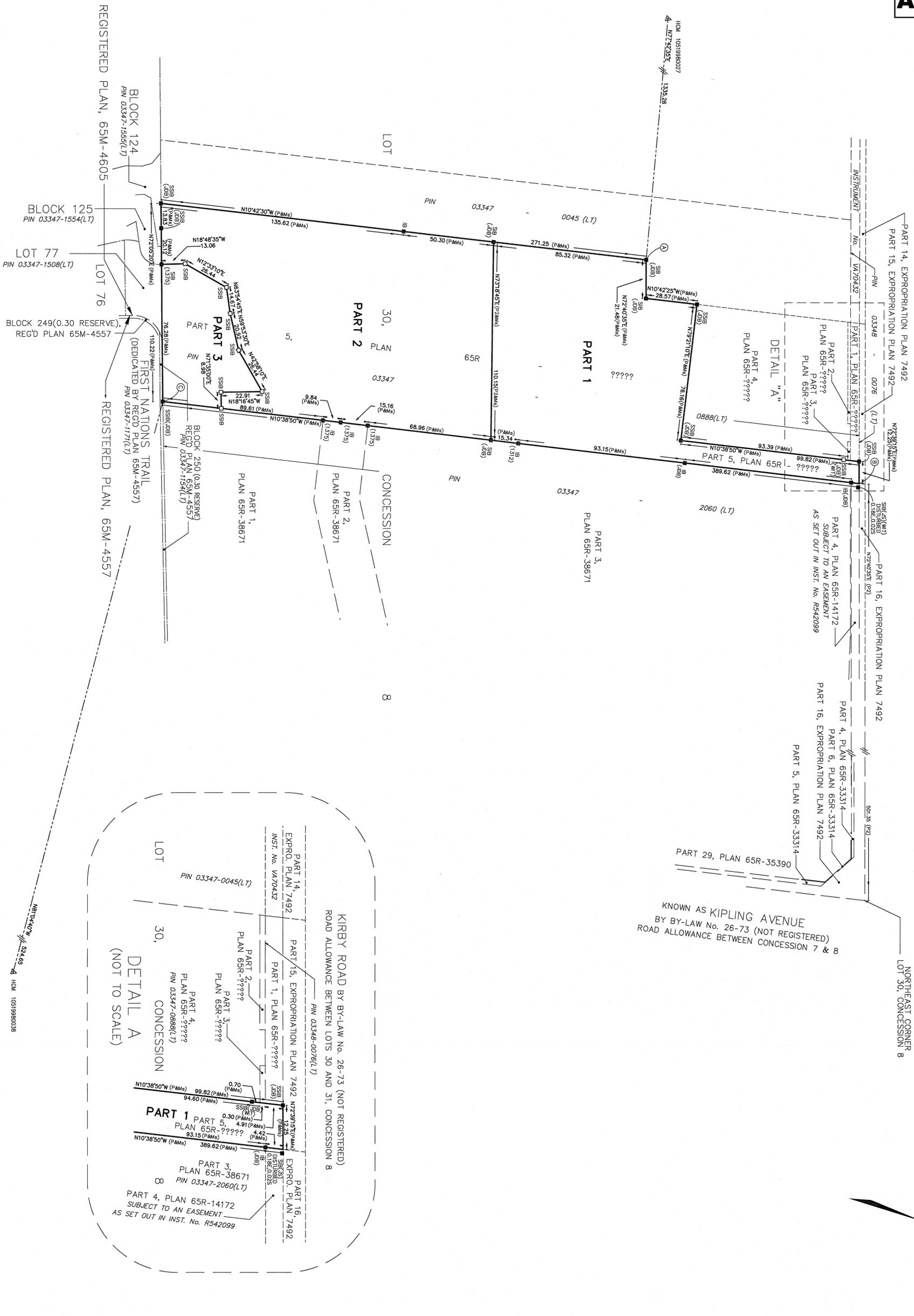
Prepared For:

Kirby Road Developments Inc.

MGP Malone Given Parsons
140 Redfern Drive, Suite 201, Scarborough, ON
M1V 4W8 (416) 291-1198

- 1. To permit a minimum Lot Frontage of 12.25 metres.**
- 2. To permit a minimum lot area of 32,928 square metres or 3.2928 hectares.**

KIRBY ROAD BY BY-LAW No. 26-73 (NOT REGISTERED)
ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8
PIN 03348-0076(LT)



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		RECEIVED AND DEPOSITED	
DATE: _____		DATE: _____	
LAURENCE J. KUELLING REGISTERED LAND SURVEYOR		REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No 65)	
SCHEDULE			
PART	PT OF LOT	CON	AREA(M ²)
1	30	8	12708.65
2	30	8	17179.04
3			3040.45

PLAN OF SURVEY OF
**PART OF LOT 30
CONCESSION 8**
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
(GEOGRAPHIC TOWNSHIP OF VAUGHAN, COUNTY OF YORK)

SCALE 1 : 1000

GUIDO PAPA SURVEYING
A DIVISION OF J.D. BARNES LTD.

NOTES

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE REFERENCED TO THE LTM GRID COORDINATE SYSTEM NAD83 ORIGINAL, UTM ZONE 17, HORIZONTAL CONTROL MONUMENTS.

HCM 10519980027 N: 44577858.037 E: 609114.455
HCM 10519980038 N: 44577828.252 E: 6110921.138

DISTANCES ARE GRID AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997971.

INTEGRATION DATA

POINT ID	EASTING	NORTHING
SPR ①	610 418.741	4 658 142.110
SPR ②	610 502.009	4 658 292.359
SPR ③	610 523.977	4 657 809.546

COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG. 216/10.

LEGEND

■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET
SIB DENOTES STANDARD IRON PIPER
IB DENOTES IRON BAR
WB DENOTES WOODEN BARR
W DENOTES WELDED
L.D. DENOTES L.D. BARNES LIMITED, O.L.S.'s
M.J. DENOTES MCGONNELL & JACKSON, O.L.S.'s
K.D. DENOTES KENNEDY & JACKSON, O.L.S.'s
1375 DENOTES GUIDO PAPA SURVEYING LTD., O.L.S.'s
P2 DENOTES PLAN 65R-38671
P1 DENOTES PLAN 65R-33314

SURVEYORS CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 19, 2019.

GUIDO PAPA SURVEYING
A Division of J.D. Barnes Limited

9133 KEELE ST., UNIT 101, VAUGHAN, ON L4K 0L4
T: (289) 553-5961 F: (289) 553-5965 www.guidopapa.com

DATE: _____

LAURENCE J. KUELLING
REGISTERED LAND SURVEYOR

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.-

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

TRCA – comments with conditions

April 8, 2020

CFN: 62537.01
X-Ref 57726, 62068, 56283

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

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

Dear Christine:

**Re: Committee of Adjustment
Consent Application B006/20
Minor Variance Application A027/20 & A028/20
5445 Kirby Road
Part of Lot 30; Concession 8
City of Vaughan
Owner: Kirby Road Development Inc. (Agent: Phil Greco)**

This letter will acknowledge receipt of the above noted applications received by Toronto and Region Conservation Authority (TRCA) on March 17, 2020 and March 24, 2020. TRCA staff has reviewed the application and offers the following comments for the consideration of the Committee.

Background
B006/20

The purpose of this application is to request the consent of the Committee of Adjustment to sever an approximately 7,265.73 square metres parcel of land, resulting in an approximately 32,928.0 square metres retained parcel of land. The severed parcel of land will maintain a single-family dwelling use while a nine-lot residential subdivision and open space block are purposed for the retained parcel.

A027/20

The purpose of the noted Minor Variance Application for the severed lands is to request the following:

1. To permit a minimum Lot Frontage of 76.77 metres.
2. To permit a minimum lot area of 7,265 square metres or 0.7265 hectares.
3. To permit a minimum interior side yard setback of 14.97 metres.
4. To permit a minimum rear yard setback of 5.0 metres to a pool.

A028/20

The purpose of the noted Minor Variance Application for the retained land is to request the followings:

1. To permit a minimum Lot Frontage of 12.25 metres.
2. To permit a minimum lot area of 32,928 square metres or 3.2928 hectares.

TRCA has been involved in the review of Draft Plan of Subdivision Application 19T-16V007 and Zoning By-law Amendment Z.16.032 for the subject property. As part of the Subdivision Application, the proponent has agreed to convey Block 13 into public ownership for its long-term protection, along with Blocks 10 through 12 which also contain natural features and hazards.

Applicable Policies and Regulations

Greenbelt Plan (2017)

A portion of the subject lands are located within an area designated as Protected Countryside and Greenbelt Natural Heritage System under the *Greenbelt Plan*. TRCA has an interest in conserving, protecting, and enhancing the natural features of the Greenbelt and provides the City with technical advice on applications that are in the *Greenbelt Plan* area. However, given that municipalities are the designated approval authority under the *Greenbelt Act*, the City has the responsibility to ensure this proposal conforms to the provisions of the *Greenbelt Plan*.

Living City Policies

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

Ontario Regulation 166/06

A portion of the subject property is located within TRCA’s Regulated Area of Humber River Watershed due to the presence of two (2) Provincially Significant Wetlands (PSW) to the east and south of the subject lands. Under Ontario Regulation 166/06, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA’s satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

Application-Specific Comments

The TRCA has an interest in conserving, protecting and enhancing natural features and functions and discourages the fragmentation of ownership of the natural system (e.g. valley and stream corridors, wetlands, woodlands) and natural hazards lands within our jurisdiction. It has been TRCA’s practice for properties containing significant natural features and/or natural hazards, that the proposed lot line should coincide with the boundary of the Natural System (including the applicable buffer). This is to eliminate multiple ownership of the Natural System.

The *Greenbelt Plan* includes policies relating to lot creation within the plan area. As per Section 4.6.2 (d) lot creation is permitted for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas.

TRCA has been involved in the review of Draft Plan of Subdivision Application 19T-16V007 and Zoning By-law Amendment Z.16.032 for the subject lands. TRCA has also been involved of the review of a proposal to construct a replacement single family dwelling on the proposed lot to be severed. As a part of these planning processes, the limits of the Natural System on the subject lands was identified and

delineated. Based on negotiations between the City, TRCA and the proponent through these processes, it was agreed that the lands containing the Natural System (Blocks 10 through 12 & 13) would be conveyed into public ownership for long-term protection. Although a portion of the contiguous vegetation at the northern end of the property will be fragmented as a result of the currently requested severance, TRCA staff are satisfied that the overall result of the noted development applications will be improved future management and enhancement opportunities and ultimately the long-term preservation of the Natural System. Furthermore, TRCA has issued a permit (TRCA Permit No. C-190887) for the construction of a replacement single family dwelling on the lands to be severed. Through TRCA's permitting process, an appropriate buffer between the proposed dwelling and the wetland and contiguous vegetation was established.

Based on the above, TRCA staff are satisfied that the intent the *Greenbelt Plan* and TRCA policies have been satisfied through the noted Planning and permitting processes.

Fees

We thank the applicant for submitting the required review fee of \$1,400.00 (*Consent/Severance/Land Division – Minor*).

Recommendation

Based on the comments noted above, TRCA has no objection to the approval of Consent Application B006/20 and Minor Variance Applications A027/20 & A028/20.

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

Sincerely,



Hamedeh Razavi
Planner I
Planning and Development
Extension 5256

HR/jb

Cc: Phil Greco <phil.jgreco@hotmail.com>

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, 03-9), 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 & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Providence, Lenore

From: Providence, Lenore
Sent: March-31-20 12:06 PM
Subject: Fw: RESPONSE: B006-20, A027-20 and A028-20 - Committee of Adjustment - comments due by April 8/20)

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

Sent: March 30, 2020 3:02 PM

To: Providence, Lenore; MacPherson, Adriana; Attwala, Pravina

Subject: [External] RESPONSE: B006-20, A027-20 and A028-20 - Committee of Adjustment - comments due by April 8/20)

Good afternoon Lenore,

The Regional Municipality of York has reviewed the following applications for 5445 Kirby Road;

Consent B006/20, Minor Variances A027/20 and A028/20 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 | www.york.ca

Providence, Lenore

Subject: FW: A027-20 and A028-20 - REQUEST FOR COMMENTS (VAUGHAN- Committee of Adjustment - comments due by April 8/20)

From: Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Sent: March-25-20 3:43 PM

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

Subject: [External] Re: A027-20 and A028-20 - REQUEST FOR COMMENTS (VAUGHAN- Committee of Adjustment - comments due by April 8/20)

Hi Lenore,

MTO Highway Corridor Management Section has reviewed the location of the subject land. It appears that the land is located outside of MTO Permit Control Area. As a result, an MTO Permit from this office is not required.

Regards,

Dan

Dan Della Mora

Senior Project Manager

Ministry of Transportation – Central Region - Highway Corridor Management Section

159 Sir William Hearst Ave. 7th Floor, Downsview, ON M3M 0B7

416-235-4081

Dan.DellaMora@ontario.ca