



File: B006/20

Applicant: Kirby Road Developments Inc.

Address: 5445 Kirby Rd Vaughan

Agent: N/A

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"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations		
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Real Estate Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire Department		
TRCA	<input checked="" type="checkbox"/>	
Bell	<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: None

Background History: None



Consent Application

Agenda Item: 1

B006/20

Ward: 1

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](https://www.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: Minor Variance Applications A027/20 & A028/20

Purpose: Consent is being requested to sever a parcel of land for residential/agricultural purposes, approximately 6,870.47 square metres, while retaining a parcel of land approximately 32,928.0 square metres for agricultural and open space purposes.

Currently there is an existing dwelling and detached garage on the subject land. There is open space and a proposed nine lot subdivision (19T-16V007) on the retained lands.

Background (Previous Applications approved by the Committee on the subject land:

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, "B001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: None

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until 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.

Existing Building or Structures on the subject land: Single family dwelling, detached garage and proposed swimming pool on severed land.

Recommended conditions of approval:

1. That the applicant's solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description of the subject lands. Subject land applies **only** to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment.
2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted.
3. That Minor Variance Application(s) A027/20 & A028/20 is approved at the same time as the Consent application and becomes final and binding.
4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

Adjournment Request: N/A

Building Standards (Zoning Review):

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 Region Conservation Authority). TRCA approval may be required.

Application should be considered in conjunction with applications A027/20 and A028/20.

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:

The Development Engineering (DE) Department does not object to consent application B006/20 subject to the following condition(s):

1. The Owner/applicant shall arrange to prepare and register a reference plan at their expense for the conveyance of the subject lands and showing all existing and proposed easements to the satisfaction of DE. The Owner/applicant shall submit a draft reference plan to the Development Engineering Department for review prior to deposit.
2. The Owner shall provide conceptual site grading and servicing plan(s) for both the severed and retained parcels to the satisfaction of the Development Engineering (DE) Department. The plan(s) should identify all existing and proposed services, existing and proposed elevations, and acceptable access.
3. The Owner shall convey 4.93-metre-wide strip of land along Kirby Road municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance to the City for the future roading widening.
4. The Owner shall convey a 0.3-metre-wide reserve along Kirby Road municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance to the City.
5. A by-law shall be passed dedicating the road widening and/or 0.3 metre reserve as public highway to the satisfaction of the Engineering Department and the Owner shall pay the cost of the registration of the road dedication by-law to the City of Vaughan, Clerks Department.

Parks Development:

Retained lands (new house built 2019), 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:

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.

Recommended conditions of approval:

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

Real Estate:

Recommended condition of approval:

The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. 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 Senior Manager of Real Estate. Payment shall be made by certified cheque only.

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Planning Justification Report

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

TRCA – No concerns or conditions

Bell – No objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

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

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaugan.ca	1. That the applicant’s solicitor provides the secretary-treasurer with a copy of the prepared draft transfer document to confirm the legal description of the subject lands. Subject land applies only to the severed parcel, leased land, easement etc. as conditionally approved by the Committee of Adjustment. 2. That the applicant provides two (2) full size copies of the deposited plan of reference of the entire land which conforms substantially with the application as submitted. 3. That Minor Variance Application(s) A027/20 & A028/20 is approved at the same time as the Consent application and becomes final and binding. 4. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.
2	Real Estate Ashley Ben-Lolo 905-832-8585 ashley.benlolo@vaughan.ca	The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland levy to the City in lieu of the deedin g 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 Senior Manager of Real Estate. Payment shall be made by certified cheque only.

	Department/Agency	Condition
3	Development Engineering Jason Pham / Brad Steeves 905-832-8585 x 8716 jason.pham@vaughan.ca	<ol style="list-style-type: none">1. The Owner/applicant shall arrange to prepare and register a reference plan at their expense for the conveyance of the subject lands and showing all existing and proposed easements to the satisfaction of DE. The Owner/applicant shall submit a draft reference plan to the Development Engineering Department for review prior to deposit.2. The Owner shall provide conceptual site grading and servicing plan(s) for both the severed and retained parcels to the satisfaction of the Development Engineering (DE) Department. The plan(s) should identify all existing and proposed services, existing and proposed elevations, and acceptable access.3. The Owner shall convey 4.93-metre-wide strip of land along Kirby Road municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance to the City for the future roading widening.4. The Owner shall convey a 0.3-metre-wide reserve along Kirby Road municipal road allowance to the City of Vaughan at no cost and free of charge and encumbrance to the City.5. A by-law shall be passed dedicating the road widening and/or 0.3 metre reserve as public highway to the satisfaction of the Engineering Department and the Owner shall pay the cost of the registration of the road dedication by-law to the City of Vaughan, Clerks Department.
4	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	<ol style="list-style-type: none">1. The owner shall pay of a Tree Fee, 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 Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).2. The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Warning:

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

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

Notice to Public

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](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 day 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.

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

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

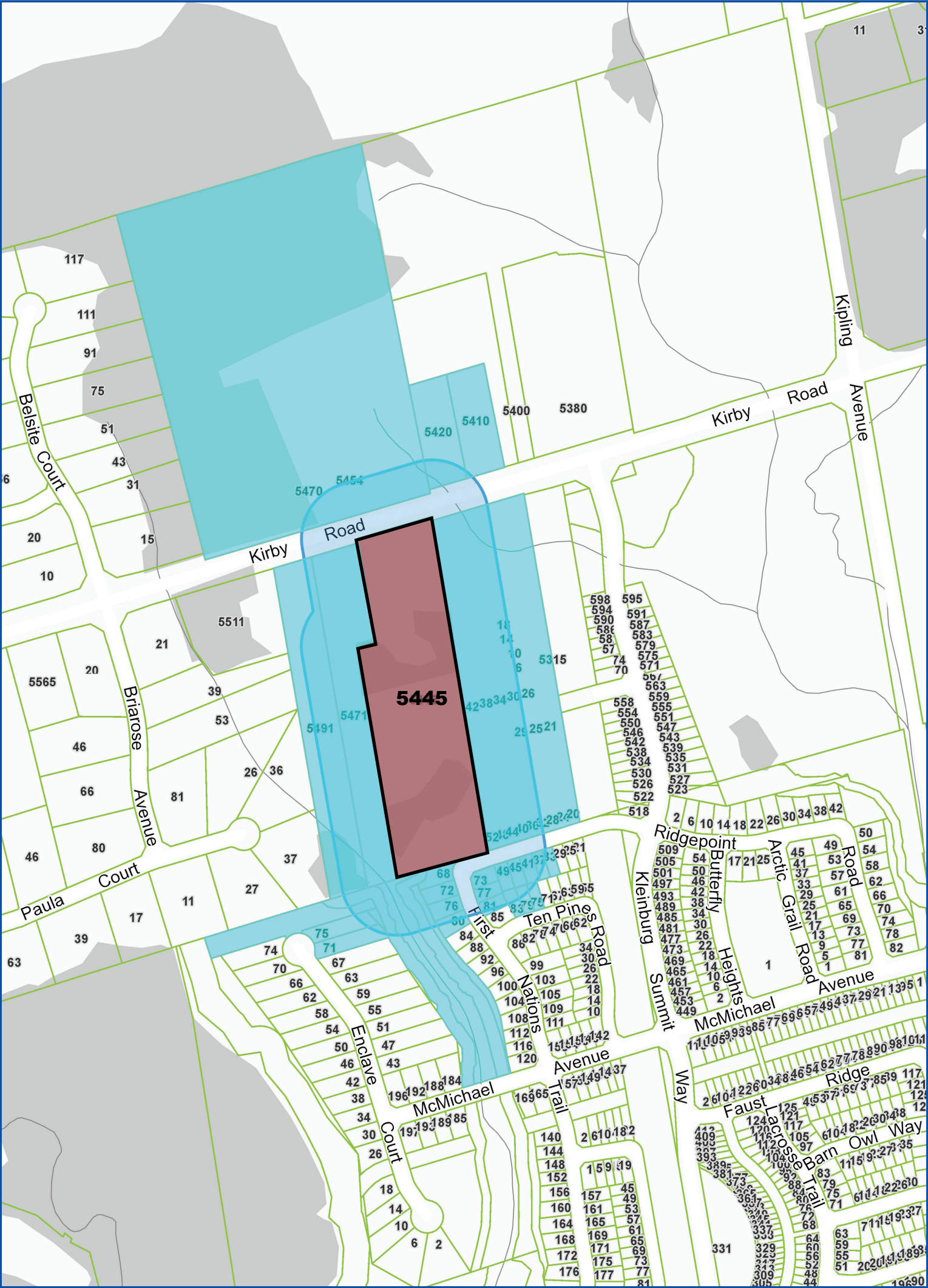
For more information please contact the City of Vaughan, Committee of Adjustment

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

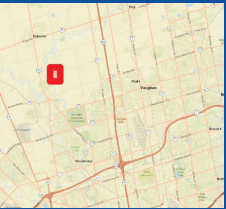
Schedule A: Plans & Sketches

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

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

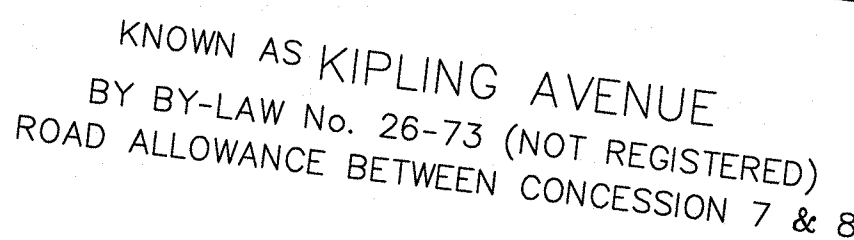
0 0.09 km



Created By:

Infrastructure Delivery
Department
March 17, 2020 5:48 PM

Projection:
NAD 83
UTM Zone
17N



PLAN 65F-

RECEIVED AND DEPOSITED

DATE _____

LAURENCE J. KIEHLING
ONTARIO LAND SURVEYOR

DATE: JANUARY 23, 2020

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

SCALE 1 : 1000

0 20 40 60 metres

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

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE REFERENCE TO THE UTM COORDINATES. THE COORDINATE SYSTEM MAPS ORIGINAL UTM ZONE 17, HORIZONTAL CONTROL, AND VERTICAL CONTROL.

HCM	10519990027	N: 4857/658.037	E: 60911.455
HCM	10519990038	N: 4857/628.253	E: 611927.138

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY 0.99971971. FOR COMPARISON PURPOSES ASTRONOMIC BEARINGS SHOWN ON DEFORMATION OF 1949Z CONVERTED TO GRID BY APPLYING A COUNTERCLOCKWISE ROTATION OF 0.7030.

INTERSECTION DATA			
SPATIAL REFERENCE POINTS (SRP): UTM, MGRS, ORIGIN, ZONE 17.			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG. 1610.0			
POINT ID	EASTING	NORTHING	
SRP (A)	610 417.060	4 858 265.897	
SRP (B)	610 502.017	4 858 292.432	
SRP (C)	610 573.985	4 857 909.609	

COORDINATES CANNOT, IN THIS CASE, BE USED TO RE-ESTABLISH CORNERS
OR BOUNDARIES SHOWN ON THIS PLAN.

[illegible]

ALL SET SB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

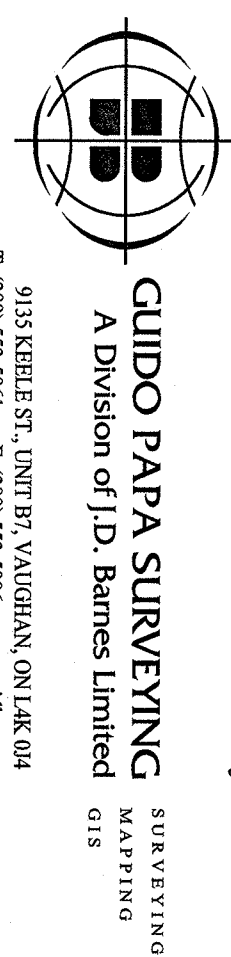
SURVEYORS CERTIFICATE

CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON DECEMBER 19, 2019.

JANUARY 23, 2020
 DATE
 LAURENCE J. KUELLING
 ONTARIO LAND SURVEYOR

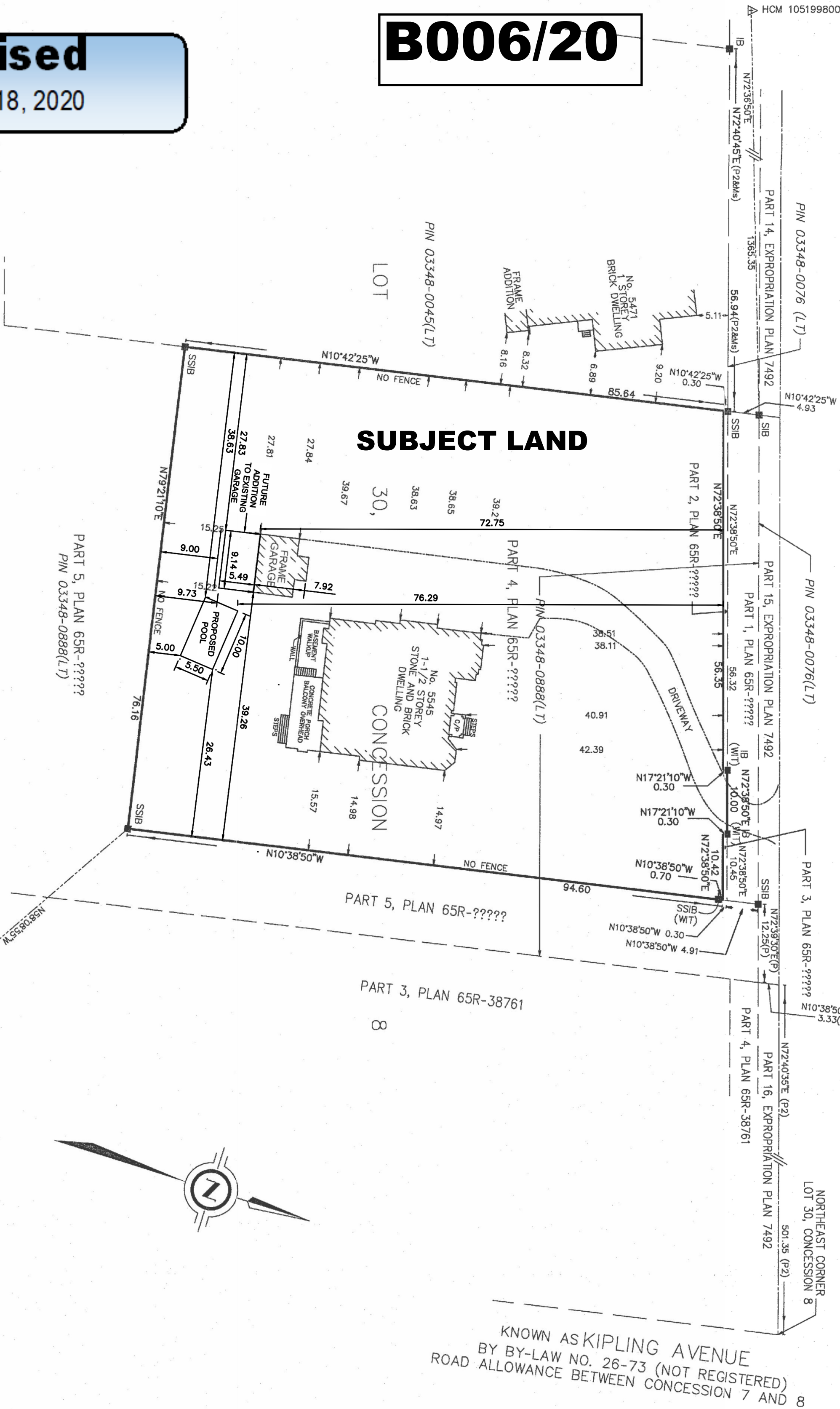


T: (289) 553-5961		F: (289) 553-5966	www.jobtimes.com
DRAWN BY:	V.A.	CHECKED BY:	L.J.K.
		REFERENCE NO.:	19-18-498-00
		DATE:	2020/01/16

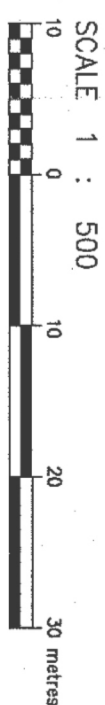
PRELIMINARY

- PART 2 - SURVEY REPORT**
- DESCRIPTION
PART OF LOT 30, CONCESSION 8
MUNICIPALLY KNOWN AS NO. 5545 KIRBY ROAD, VAUGHAN
 - REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
NONE
 - BOUNDARY FEATURES
NONE
 - ZONING COMPLIANCE
NO INVESTIGATION WITH RESPECT TO MUNICIPAL ZONING REQUIREMENTS HAS
BEEN MADE IN CONNECTION WITH THIS REPORT.
 - ADDITIONAL REMARKS
THERE WERE NO FENCES ALONG THE BOUNDARY LIMITS AT THE DATE OF THE
SURVEY.
MONUMENTS SHOWN AS "WT" ARE WITNESS MONUMENTS AND ARE NOT
AT THE PROPERTY CORNER.

KNOWN AS KIRBY ROAD BY BY-LAW NO. 26-73 (NOT REGISTERED)
ROAD ALLOWANCE BETWEEN LOTS 30 AND 31, CONCESSION 8



SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY OF
**PART OF LOT 30
CONCESSION 8**
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
(GEOGRAPHIC TOWNSHIP OF VAUGHAN, COUNTY OF YORK)



GUIDO PAPA SURVEYING
A DIVISION OF J.D. BARNES LIMITED
© COPYRIGHT 2020

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

NOTES

THIS REPORT HAS BEEN PREPARED FOR KIRBY ROAD DEVELOPMENTS
INCORPORATED AND GUIDO PAPA SURVEYING, A DIVISION OF J.D. BARNES
LIMITED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.
GUIDO PAPA SURVEYING, A DIVISION OF J.D. BARNES LIMITED
IS NOT LIABLE FOR USE OF THIS REPORT BY ANY PARTY OR PARTIES
FOR FUTURE TRANSACTIONS OR ANY UNRELATED PURPOSE.
THIS REPORT REFLECTS CONDITIONS AT THE TIME OF THE SURVEY.
UPDATING MAY BE REQUIRED TO ISSUE ADDITIONAL COPIES
SUBSEQUENT TO THE DATE OF THE SURVEYOR'S CERTIFICATE.

NOTES

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE REFERENCE TO THE UTM
GRID COORDINATE SYSTEM NAD83 ORIGINAL, UTM ZONE 17T, HORIZONTAL CONTROL.

HCM 10519980027 N: 4857858.037 E: 609114.455
HCM 10519980038 N: 4857828.252 E: 611092.138

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY
THE COMBINED SCALE FACTOR OF 0.99971971.
ALL BOUNDARY DIMENSIONS SHOWN HEREON HAS BEEN SET OR MEASURED IN
ACCORDANCE WITH PLAN 65R-????? UNLESS NOTED OTHERWISE.
ALL FOUND SURVEY MONUMENTS SET BY J.D. BARNES LIMITED UNLESS NOTED
OTHERWISE.

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- WT DENOTES WITNESS
- MS DENOTES MEASURED
- MS DENOTES J.D. BARNES LIMITED, O.L.S.'s
- C/P DENOTES CONCRETE PORCH
- P2 DENOTES PLAN 65R-38762

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH
SECTION 11 (4) OF O.R.E.G. 525/91.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S
ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON DECEMBER 19, 2019.

DATE _____ LAURENCE J. KUEHLING
ONTARIO LAND SURVEYOR



GUIDO PAPA SURVEYING
A Division of J.D. Barnes Limited
SURVEYING
MAPPING
GIS
11009 535-0041 F: (209) 535-0886 www.guidopapa.com
Ref. No. 19-18-498-01

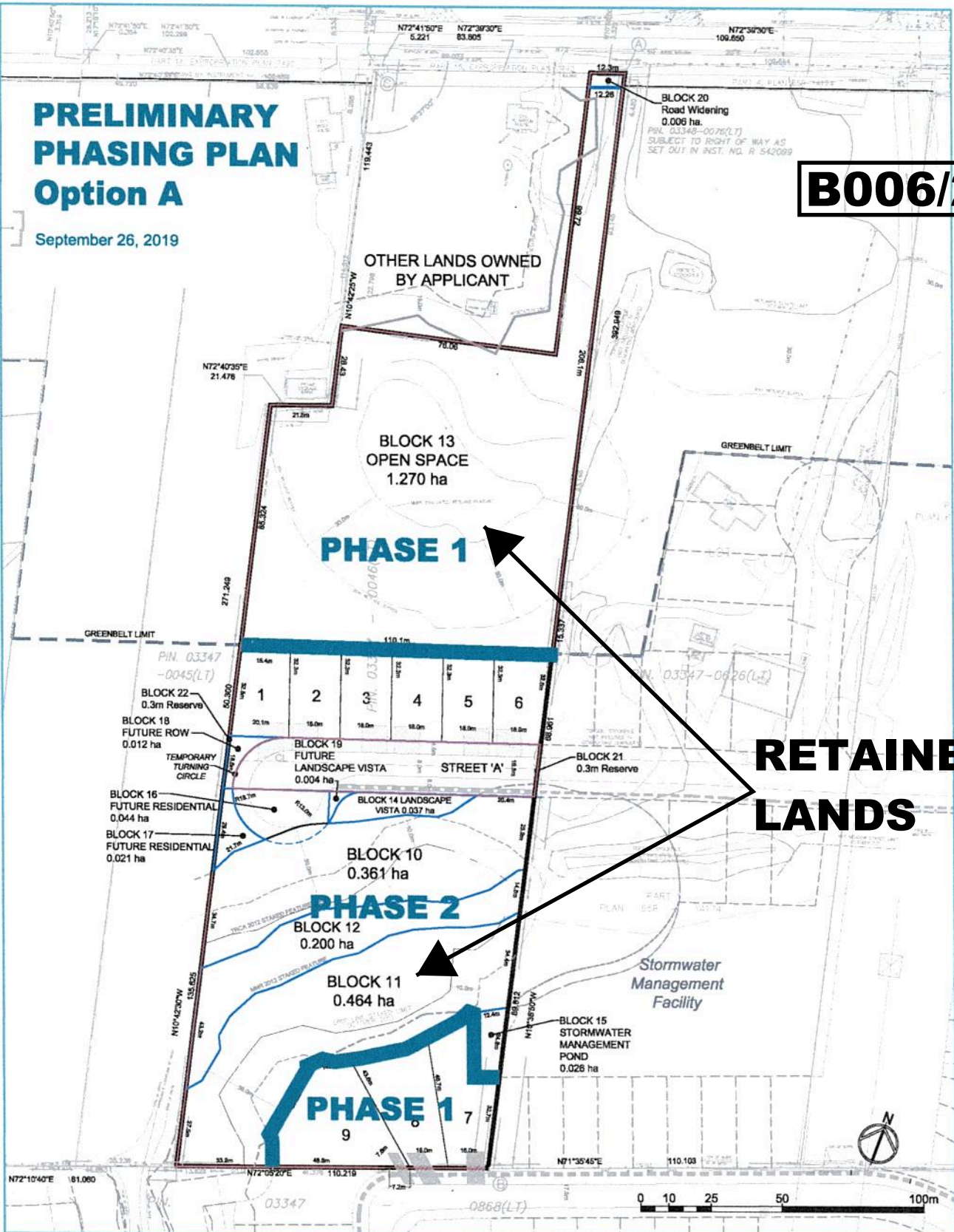
Revised
August 18, 2020

B006/20

PRELIMINARY
PHASING PLAN
Option A

September 26, 2019

B006/20



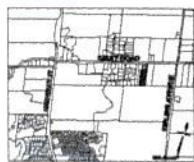
RETAINED
LANDS

DRAFT PLAN OF SUBDIVISION

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

19T-16V007

KEY PLAN



19T-16V007
SUBJECT PROPERTY
19T-16V007
OTHER LANDS OWNED
BY APPLICANT

SCHEDULE OF LAND USE

LOT/BLOCK	LAND USE	AREA (ha)
1-6	Low Density Residential	0.800
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 Reserve	0.001
TOTAL	Street 'A' - 18.0m ROW	0.185
		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 See Original
Kirby Road Developments Inc. Date

SURVEYOR'S CERTIFICATE

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

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

ADDITIONAL INFORMATION

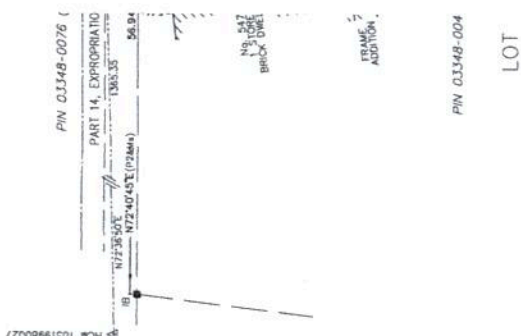
AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT, CHAPTER P.13(R.S.O. 1990).

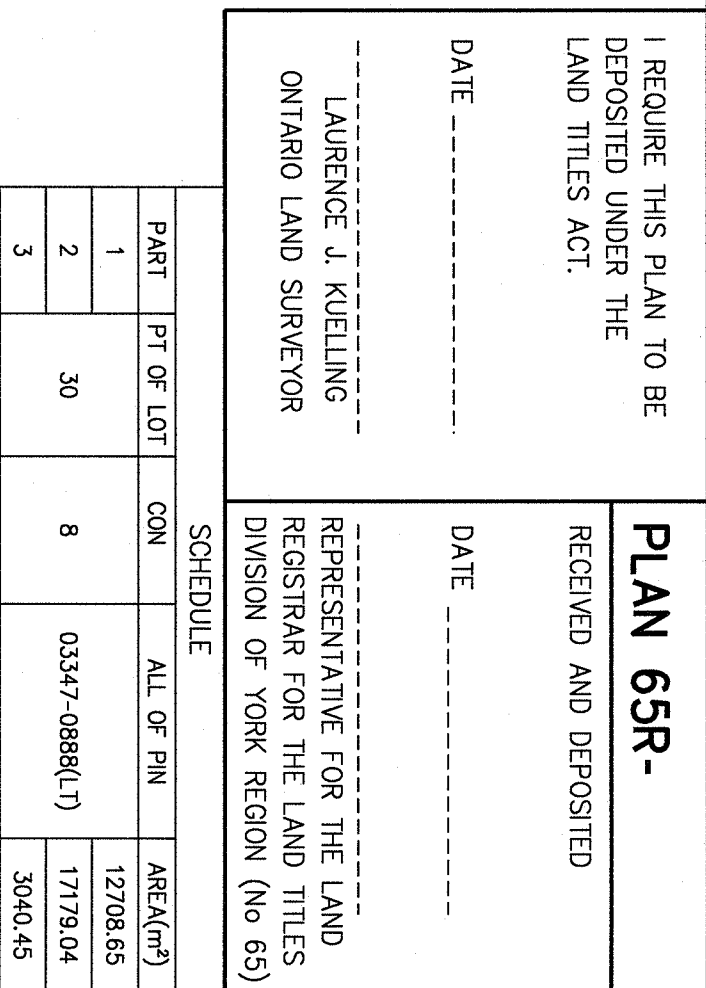
- (a),(e),(f),(g),(h),(i) - As shown on the Draft Plan.
(b),(c) - As shown on the Draft and Key Plan.
(d) - Land to be used in accordance with the Schedule of Land Use.
(f) - Soil is Sandy Loam, Clay Loam.
(h),(k) - Full municipal services to be provided.

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, Markham, ON
L3R 9V9 (416) 462-5671 mgp.ca

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
XXXXXXX
THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ISSUED BY THE SURVEYOR
IN CONFORMANCE WITH
REGULATION 1520, SECTION 26(3)





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

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

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

NOTES

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE REFERENCE TO THE UTM GRID COORDINATE SYSTEM NAD83 ORIGINAL, UTM ZONE 17, HORIZONTAL CONTROL (NOMINALLY):

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971971.

INTEGRATION DATA			
SPATIAL REFERENCE POINTS (SPR#): UTM, MARS ORIGINAL, ZONE 17.			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 246/10.			
POINT ID	EASTING	NORTHING	
SPR (A)	610 418.741	4 858 142.110	
SPR (B)	610 502.009	4 858 282.359	
SPR (C)	610 573.977	4 857 900.546	
COORDINATES SHOWN IN THICKNESS ARE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES CANNOT ON THIS PLAN.			

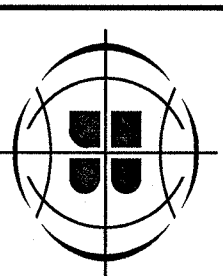
LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SIB	STANDARD IRON BAR
IB	SHORT STANDARD IRON BAR
IBT	IRON BAR
MB	MEASURED
AD	J.D. BARNES LIMITED, O.L.S. ^s
MB	MCNELL & JACKSON, O.L.S. ^s
MB	J. STEL, O.L.S.
1312	GUIDO PAPA SURVEYING LTD., O.L.S. ^s
1375	PLAN 65R-47777
DENOTES	PLAN 65R-35662
2	


ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.C. 525/91.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON DECEMBER 19, 2019.

DATE _____

LAURENCE J. KUELLING
NOTARIO LAND SURVEYOR




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

9135 KEELE ST., UNIT T7, VANCOUVER, ON L4K 0J4
T: (289) 553-5961 F: (289) 553-5986 www.jdbarnes.com

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.

Planning Justification Report

April 14, 2020

MGP File: 16-2492

City of Vaughan
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

via email: Brandon.Bell@vaughan.ca

Attention: Mr. Brandon Bell, Planner

Dear Mr. Bell:

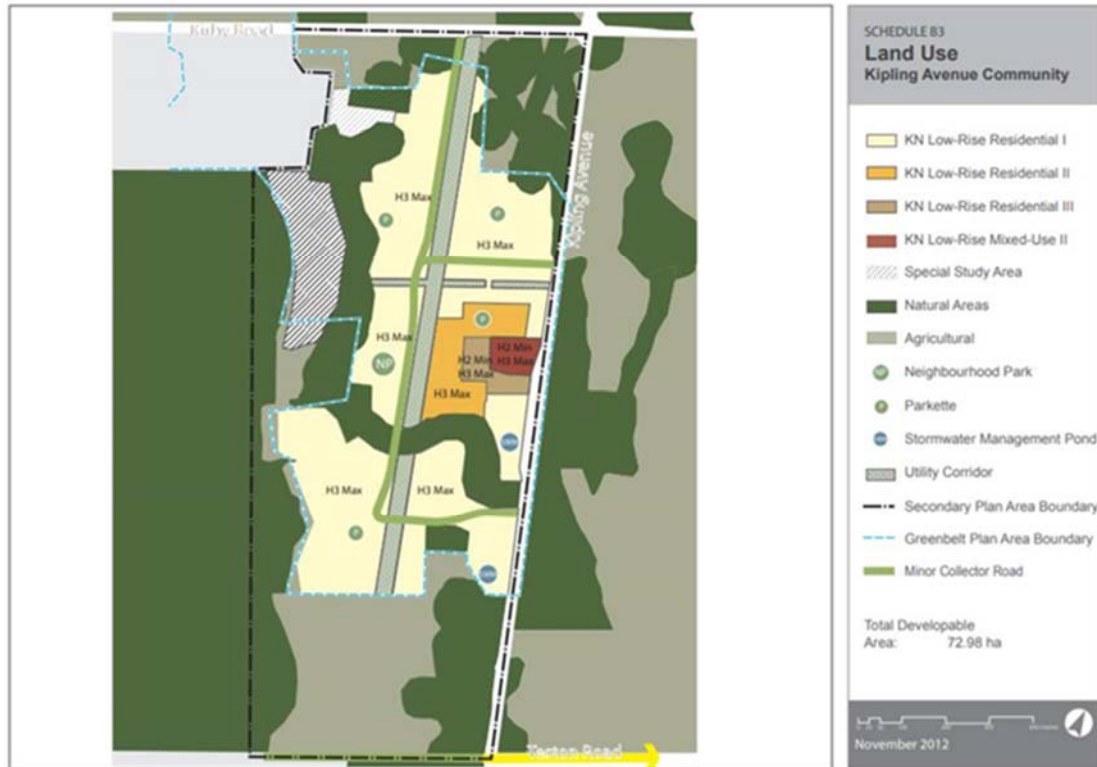
**RE: Consent and Minor Variance Applications for Kirby Road Developments Inc.
5445 Kirby Road – Part of Lot 30, Con. 9, Block 55 East, City of Vaughan
Planning Justification Letter for City file #s A028/20, A027/20 & B006-20**

Consent Applications have been submitted by the owner of 5445 Kirby Road to sever his existing residence which is within the Greenbelt from the remainder of his property, a portion of which will be conveyed to the Toronto Region Conservation Authority. The southern portion of his property was recently draft plan approved by the City with the existing residence to be left as other lands owned by the applicant. The applications will create two blocks: one approximately 0.72 hectares for the residence and the other 3.29 hectares to be dealt with through the subdivision process. In order to complete the Consent Application, two Minor Variance Applications have also been submitted for lot area and lot frontage. This letter provides the background and rationale for the applications.

Background

Malone Given Parsons Ltd. was retained by Kirby Road Developments Inc. (the Owner) to provide planning services for development of 5445 Kirby Road in 2016. The property has a total area of approximately 4 hectares and is within the North Kleinburg Nashville Secondary Plan boundary as shown on Schedule B3 Land Use for the Kipling Avenue Community (Block 55 East). MGP was also the Planner for the Block Plan Approval. Block 55 East was subject to extensive studies and the Block Plan was endorsed by Council in 2014. The 5445 Kirby Road lands were included in the Block Plan studies.

The City of Vaughan approved a Draft Plan of Subdivision (File 19T-16V007) in December 2019 for 3.29 hectares of the property (Attachment A). The Notice of Decision, including the conditions of approval are attached to this letter (Attachment B).



The owner's primary residence is located in the northern portion of the property, with access from Kirby Road. The northern portion of the property is within the Greenbelt Plan and is designated as Agricultural and Natural Area in the Secondary Plan. All of the Greenbelt lands within the property (approximately 2 hectares), including the existing residence, were shown as "other lands owned by applicant" on the original draft plan. During the subdivision review process, the Toronto and Region Conservation Authority (TRCA) requested a portion of the lands within the Greenbelt to be conveyed into public ownership. The owner agreed, and through consultation with City and TRCA staff, Block 13 was added to the subdivision plan.

Concurrent with the subdivision application, an application for zoning by-law amendment was submitted. Block 13 (open space) and the existing residence were not included in that application. To date, the zoning by-law amendment has not been approved. Through discussions with City and TRCA staff, it was determined that another public meeting would be required to include Block 13 and the existing residence within the zoning by-law amendment application. It was agreed that Block 13 and the existing residence would be left in their current A - Agricultural zone. The City would rezone the lands to be conveyed into public ownership later, as a housekeeping exercise in their new zoning by-law.

The existing residence on the property was recently re-built and the location of the house, driveway and setbacks from the future property lines were subject to review by the City and Conservation Authority through the building permit process.

Timing

The development of the approved subdivision will occur in two phases. Three lots located at the south end of the plan are adjacent to a built road in the subdivision to the south. These

lots, the existing residence and Block 13 are expected to be in Phase 1. The lots and road in the central area of the plan rely on the property to the east to be approved and constructed and would be in Phase 2. It will take at least a year to satisfy the draft plan conditions to allow registration of Phase 1.

The owner is seeking to sever his existing residence from the subdivision lands in advance of registering Phase 1 of the subdivision plan. The severance will allow him to own his home separately from the remainder of the property which will take some time to develop.

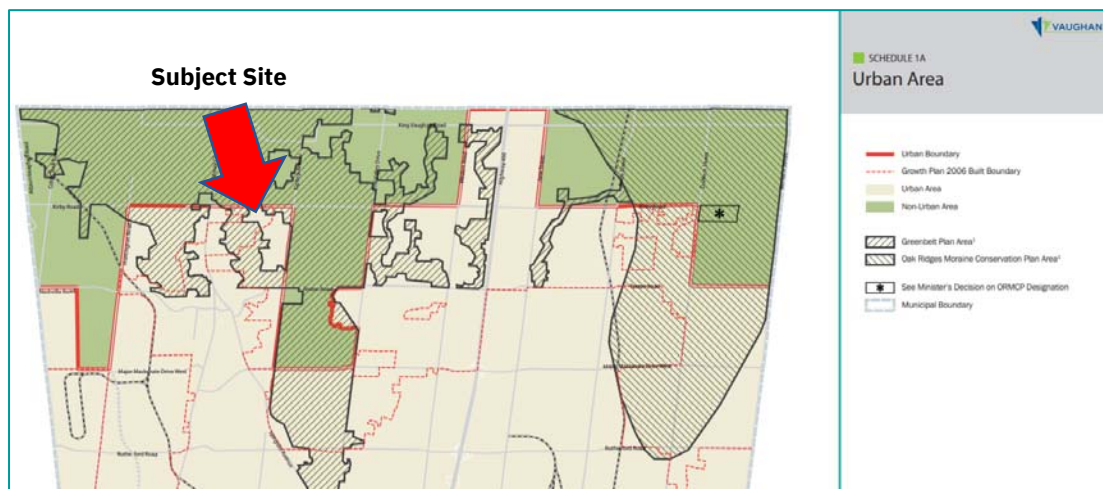
Vaughan Official Plan

It is unusual for a consent to be required after a subdivision plan has been approved for a property; however, we believe that it conforms with the policies and intent of the City of Vaughan's Official Plan.

The Vaughan Official Plan guides the implementation of Consents (Severances) in Chapter 10.1.2. Subsection 10.1.2.42 states:

That a consent(s) to sever land in the Urban Area, including the lands designated as Oak Ridges Moraine Settlement Area on Schedule 4, will be considered for the purposes of infilling in an existing Urban Area, but shall not extend the existing Urban Area. Such consent(s) in the Urban Area will be subject to the following:

The subject lands are entirely within the Urban Area and are within the 2006 Built Boundary as shown in Schedule 1A of the City's Official Plan, copied below. The consent will separate an existing residence from the future development portion of the lands that lies within a secondary plan.



- a. infilling which economizes the use of urban land without disturbing the existing pattern of development or perpetuating an undesirable pattern of development or prejudicing the layout of future development shall be considered acceptable;*

The consent does not disturb the existing pattern of development or prejudice future development.

- b. where a parcel of land is located within an existing settlement or designated by the Official Plan for development, and the size of the parcel is large and it is apparent that an application for a severance could be a forerunner of other similar applications on the original parcel, such individual severances from that parcel shall not be permitted but may be considered through an application for a Plan of Subdivision; and*

An application for subdivision has already been draft approved by Council in 2019. The existing lot is shown as other lands owned by the applicant and the consent will separate the existing home from the future subdivision registration process. No draft approval plan conditions apply to the existing lot.

- c. where existing developed lots have the potential for redevelopment on a more comprehensive scale, a proposed severance(s) which might block potential points of access or further fragment ownership of these lands, shall not be approved unless such severance is determined to be appropriate following a Council approved comprehensive study of the area such as through a Secondary Plan or Block Plan process.*

The Consent Applications conform with an approved Draft Plan of Subdivision that conforms with the Block Plan endorsed by Council in 2014. The Block Plan conforms with the North Kleinburg Nashville Secondary Plan which anticipates development on the southern portion of the lands. Therefore, the lands were subject to a comprehensive Secondary Plan and Block Plan process. As the lands have already been approved for subdividing, through the draft plan approval, the consent does not prejudice the layout of future development and should be approved.

10.1.2.43. That a consent(s) to sever land designated on Schedule 13 as Natural Area and Agricultural, may be permitted in the following instances:

That a consent(s) to sever land designated on Schedule 13 as Natural Area and Agricultural, may be permitted in the following instances:

- a. acquisition of land by a public body for infrastructure projects;*
- b. conveyances to public bodies or non-profit agencies for natural heritage or conservation purposes, provided no separate lot is created;*

A 1.27-hectare natural area adjacent to the existing house and within the Greenbelt will be conveyed to the Conservation Authority through the registration of the approved draft plan of subdivision and will provide public access to the lands from Kirby Road. The consent is required to separate the existing house from the remainder of the property that will be conveyed and developed through the subdivision approval process.

- c. Minor lot adjustments or boundary additions, provided that they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas; and there is no increased fragmentation of a key natural heritage feature or key hydrological feature;*

The severance will separate the existing residence from lands that will ultimately be conveyed to the Conservation Authority and that will be used to maintain contiguous public ownership of natural heritage features outside of future development limits.

The Greenbelt Plan

Part of the subject lands are within the Protected Countryside of the Greenbelt Plan. Section 4.6 of the Greenbelt Plan guides lot creation within the Protected Countryside. The Greenbelt Plan permits lot creation that facilitates conveyances to public ownership for natural heritage conservation, provided it does not create a separate lot for a dwelling in a prime agricultural area (subsection 4.6.1d). The subject lands are not within a prime agricultural area and the area to be severed includes only the owner's existing residence. No new lot will be created, and the remaining Greenbelt lands will be conveyed to public ownership. The Consent conforms to the policies of the Greenbelt Plan.

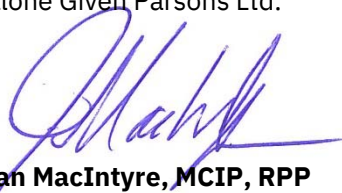
Variances

The variances are minor in nature given that their implementation has already been anticipated by the City through their approval of the subdivision plan. The property is approximately 4 hectares in size and has approximately 89 metres of frontage on Kirby Road. The A- Agricultural zone minimum lot size is 10 ha with 100 metres of frontage. The property does not currently meet the zone's minimum standards. Neither do the adjacent residential lots. The variance will permit a residential lot on 0.72 ha that has already been approved by the City in order to allow for the eventual conveyance of environmental lands into public ownership.

Summary

The Consent applications will allow the homeowner/applicant clear ownership of his existing primary residence in advance of the registration of the subdivision. The conditions attached to the subdivision approval do not apply to the existing residence on the retained lot so there is no reason to tie ownership of the existing residence to the lands to be developed through the subdivision process.

Yours very truly,
Malone Given Parsons Ltd.

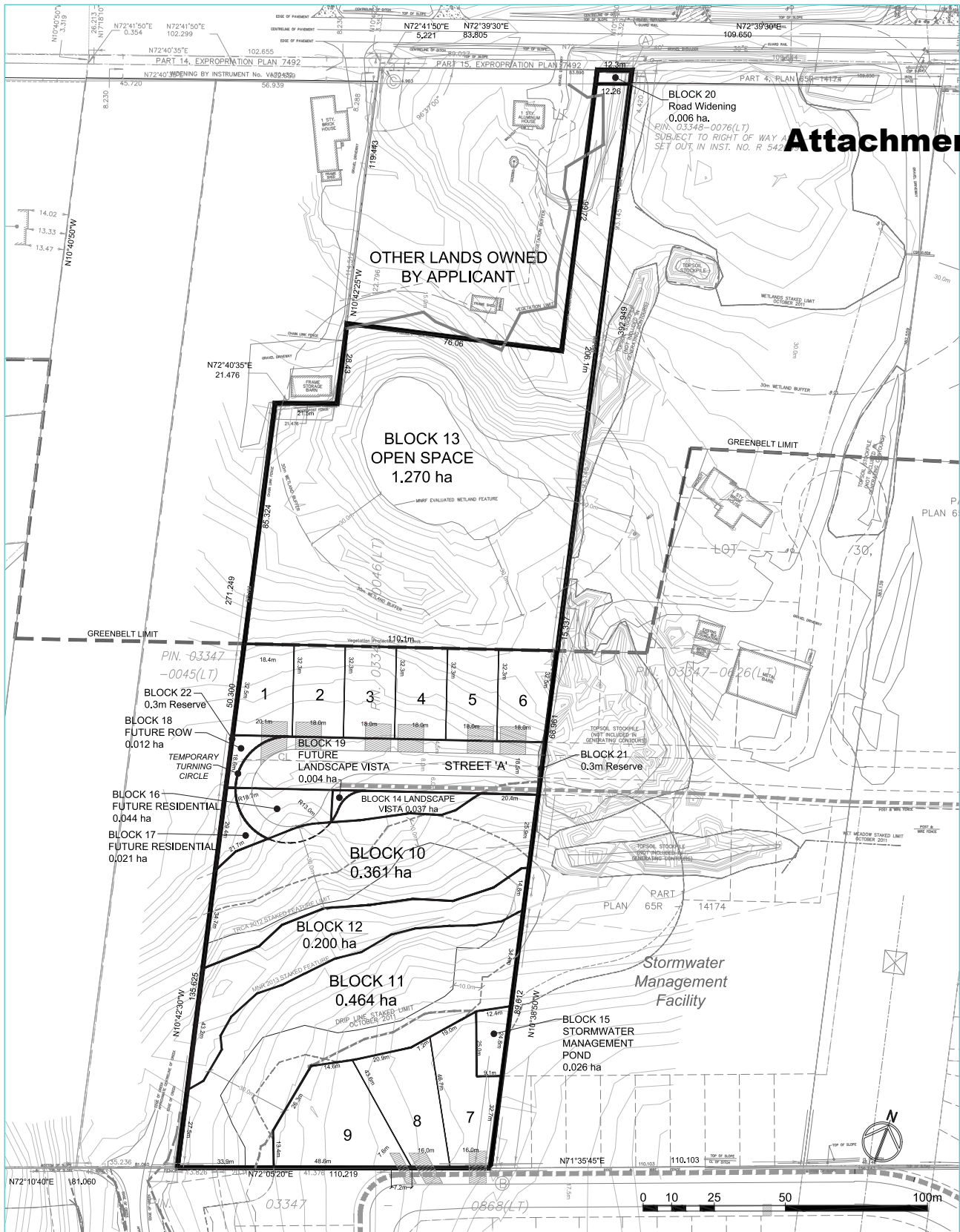


Joan MacIntyre, MCIP, RPP

Att/2

cc. Phil Greco, Kirby Road Developments Inc.
Eugene Fera, Development Planning, City of Vaughan
Margaret Holyday, Development Planning, City of Vaughan

Attachment A



DRAFT PLAN OF SUBDIVISION

Part of Lot 30, Concession 9, City of Vaughan,
Municipal 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	0.660
10-11	30m Buffer	0.825
12-13	Open Space	1.470
14	Landscape Vista	0.037
15	Stormwater Management Pond	0.026
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' - 18.5m 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 See Original
Kirby Road Developments Inc. Date

SURVEYOR'S CERTIFICATE

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

See Original See Original
J.D. BARNES LTD. Date
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),(i),(j) - 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 Renfrew Drive, Suite 205 | Markham, ON
L3R 9B3 | 905.513.0270 | mgo.ca



Attachment B

Development Planning Department
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1
T: 905.832.8585
F: 905.832.6080
www.vaughan.ca

January 21, 2020

Name:	Kirby Road Developments	Malone Given Parsons Ltd.
Attention:	Phil Greco	Joan McIntyre
Address:	10425 Islington Avenue Unit 1 Kleinburg, Ontario L0J 1C0	140 Renfrew Drive, Suite 201 Markham, ON L3R 6B3

Please Quote File #: 19T-16V007
File Inquiries: Eugene Fera, Development Planning Department, Ext. 8003
Clearance of Conditions: Andrea Buchanan, Clerk's Department, extension 8362

Dear Sir/Madam:

**RE: NOTICE OF FINAL APPROVAL
DRAFT PLAN OF SUBDIVISION 19T-16V007
PART OF LOT 30, CONCESSION 8
MUNICIPALLY KNOWN AS 9554 KIRBY ROAD, CITY OF VAUGHAN
KIRBY ROAD DEVELOPMENTS INC.**

The above-proposed plan has been approved, subject to conditions, which must be met before the final approval for registration. Please find enclosed a copy of the conditions and a copy of the approved draft plan, endorsed to this effect.

Also, enclosed for the Owner/Agent is a document outlining the procedures and requirements for obtaining final approval.

Please note Development Charges apply to all new development. Charges will be assessed at the final plan approval stage as well as at the building permit stage.

Yours sincerely,

MAURO PEVERINI

Director of Development Planning, Planning & Growth Management

ef

Enclosures: Staff Report/Minutes, Procedures For Obtaining Final Plan of Subdivision, Conditions of Approval and Approved Draft Plan

Copy To: All Circulated Agencies and Departments, and Written Respondents (See Attached)

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
- TRCA – No concerns or conditions
- Bell – No objections

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>



Discover the possibilities

COMMENTS:

☐

We have reviewed the proposed Consent Application and have no comments or objections to its approval.

☒

We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).

☐

We have reviewed the proposed Consent Application and have the following concerns (attached below).

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

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

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

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

References:

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

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

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

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
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: B006-20 - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment) - 905-20-116

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

Sent: March-20-20 1:33 PM

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

Subject: [External] RE: B006-20 - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment) - 905-20-116

Dear Lenore,

RE : B006-20

- Severance Application
- 5445 Kirby Road

Subsequent to review by our Engineering Department, Bell Canada confirms that **we have no objections** with the proposed Severance.

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

Carrie Gordon



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