



File: A027/20

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"/>	
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"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<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: None

Background History: None



Minor Variance
Application

Agenda Item: 2

A027/20

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](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

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 & A028/20

Purpose: Relief from By-law 1-88, as amended, is being requested to permit reduced lot frontage and lot area on the **severed land** to facilitate Consent Application B006/20. Relief is also being sought to permit the existing single family dwelling and the installation of a proposed inground pool on the **severed land**.

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

By-law Requirement	Proposal
1. The minimum Lot Frontage for lots zoned A-Agricultural Zone is 100.0 metres	1. To permit a minimum Lot Frontage of 76.77 metres.
2. The minimum lot area for lots zoned A-Agricultural Zone is 1000,000.0 square metres or 10.0 hectares.	2. To permit a minimum lot area of 6,870.47 square metres or 0.68 hectares.
3. The minimum interior side yard setback of 15.0 metres is required.	3. To permit a minimum interior side yard setback of 14.97 metres (to dwelling).
4. The minimum rear yard setback of 15.0 metres is required.	4. To permit a minimum rear yard setback of 9.45 metres to a pool.

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 re-posting of signage on October 14, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2019
Garage	2019
Other: Proposed Pool	TBC

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 A028/20 and B006/20.

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:

The Development Engineering (DE) Department does not object to variance application A027/20 subject to the following condition(s):

1. The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval prior to any work being undertaken on the property (Garage addition > 10m²). Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Parks, Forestry and Horticulture Operations:

Recommended conditions of approval:

1. Forestry is requesting an Arborist Report and Landscape Plan to state the impacts of trees near proposed pool.
2. Forestry is requesting tree protection for large Maple tree in back yard, to be installed using MLA 107A or ULA 110A as per By-Law 052-2018
3. Owner shall obtain a private property tree removal & protection permit (for protection only) to the satisfaction of Forestry and as per By-Law 052-2018.

By-Law and Compliance, Licensing and Permit Services:

No comments.

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

TRCA – No concerns with condition,

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

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

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

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	1. That 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.
2	Development Engineering Jason Pham 905-832-8585 x 8716 jason.pham@vaughan.ca	The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval prior to any work being undertaken on the property (Garage addition > 10m2). Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.
3	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	The applicant successfully obtains a permit revision pursuant to Ontario Regulation 166/06 from TRCA.
4	Parks, Forestry and Horticulture Operations Patrick Courchesne 905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca	1. Forestry is requesting an Arborist Report and Landscape Plan to state the impacts of trees near proposed pool. 2. Forestry is requesting tree protection for large Maple tree in back yard, to be installed using MLA 107A or ULA 110A as per By-Law 052-2018 3. Owner shall obtain a private property tree removal & protection permit (for protection only) to the satisfaction of Forestry and as per By-Law 052-2018.

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

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.

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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.

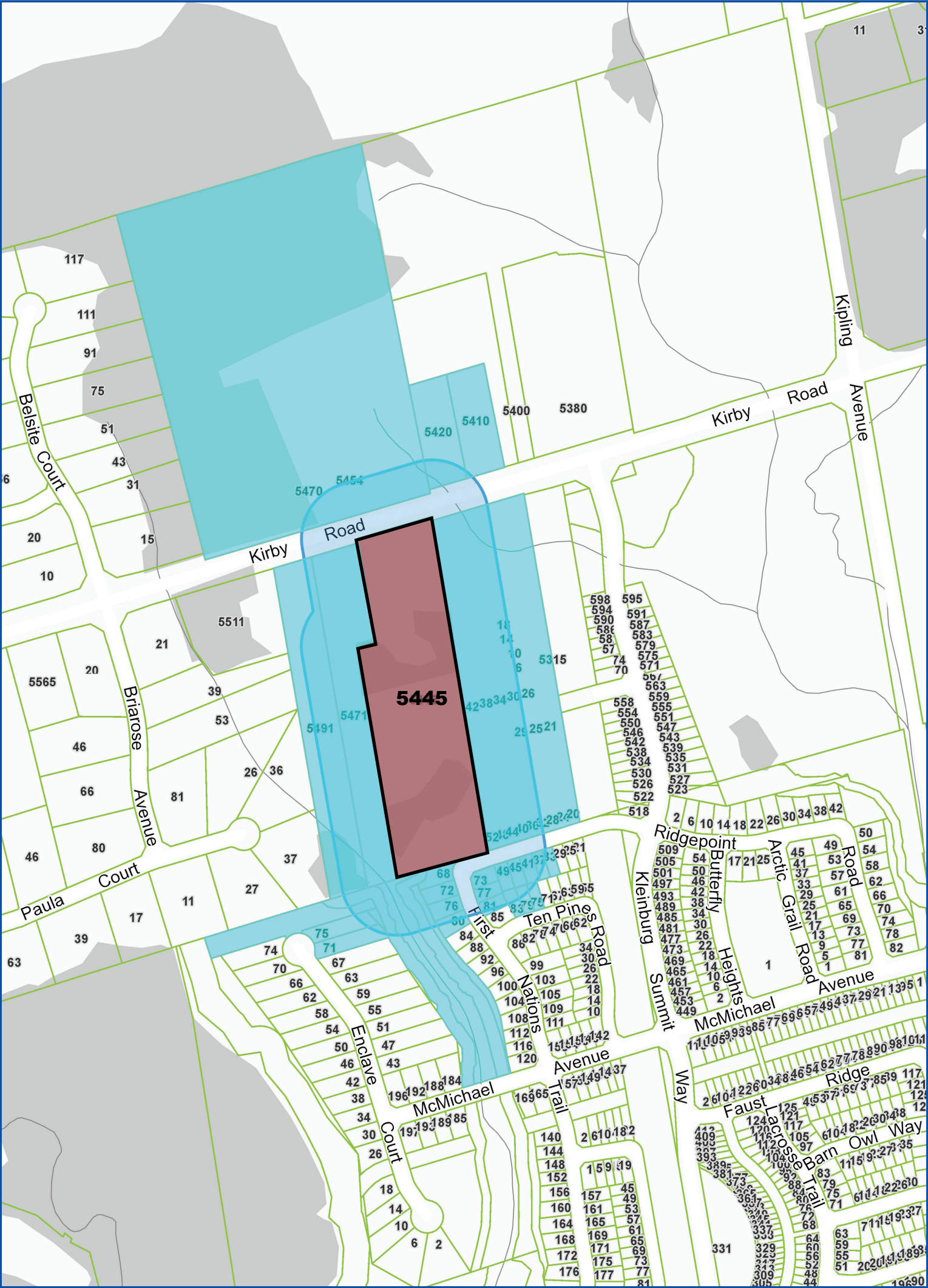
For further information please contact the City of Vaughan, Committee of Adjustment

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

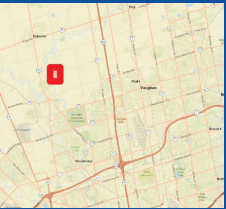
Schedule A: Plans & Sketches

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

PRELIMINARY

RECEIVED

Committee of Adjustment

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 "WIT" ARE WITNESS MONUMENTS AND ARE NOT AT THE PROPERTY CORNER.

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)

SCALE 1 : 500
10 0 10 20 30 metres

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 17, HORIZONTAL CONTROL MONUMENTS:

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
WIT	DENOTES	WITNESS
Ms	DENOTES	MEASURED
JDB	DENOTES	J.D. BARNES LIMITED, O.L.S.'s
C/P	DENOTES	CONCRETE PORCH
P	DENOTES	PLAN 65R-?????
P2	DENOTES	PLAN 65R-36962

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.REG. 525/91.

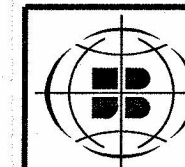
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

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

DATE

LAURENCE J. KUELLING
ONTARIO LAND SURVEYOR

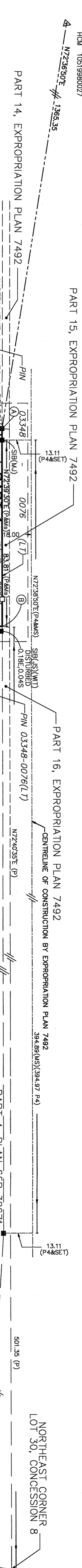


GUIDO PAPA SURVEYING
A Division of J.D. Barnes Limited

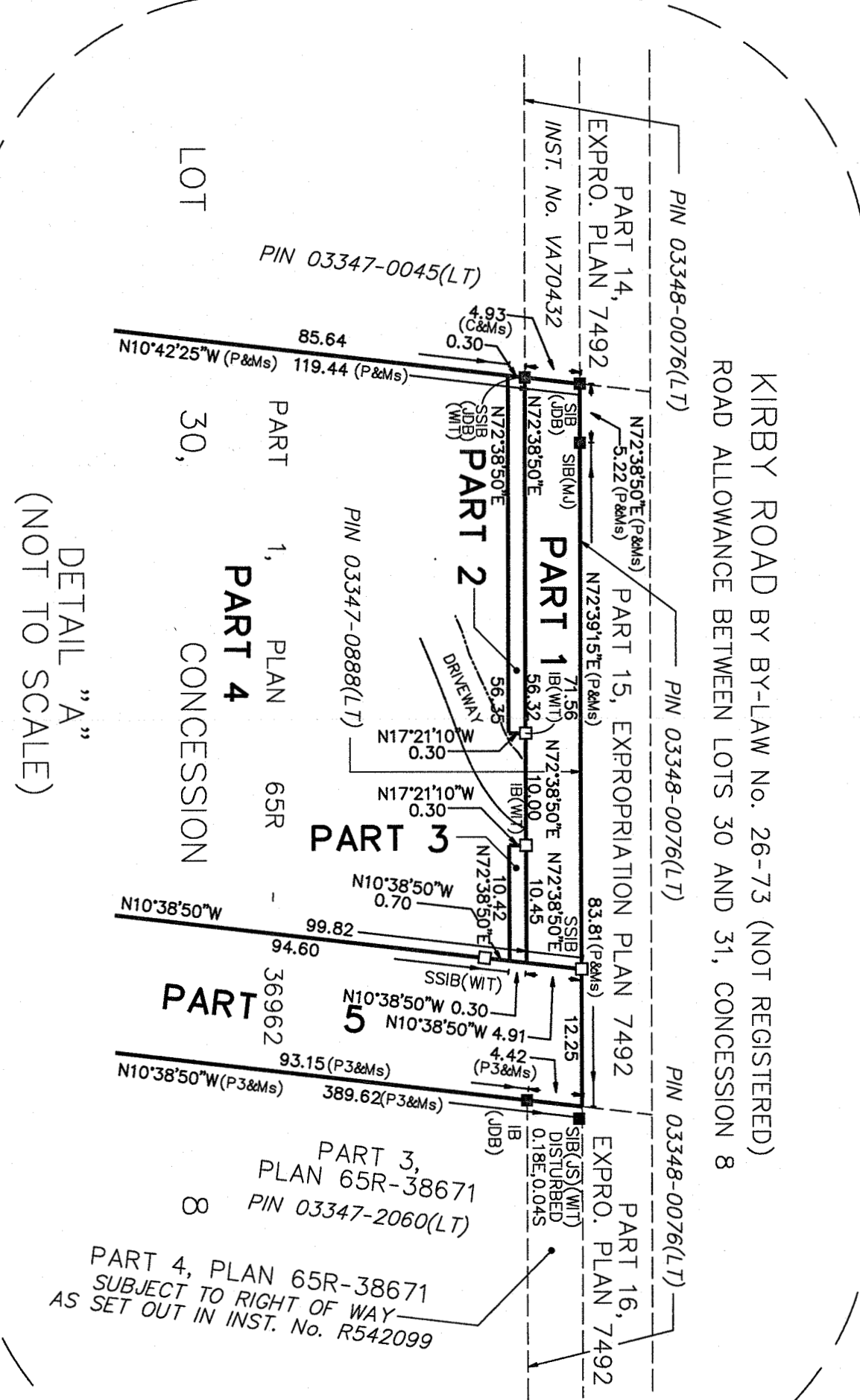
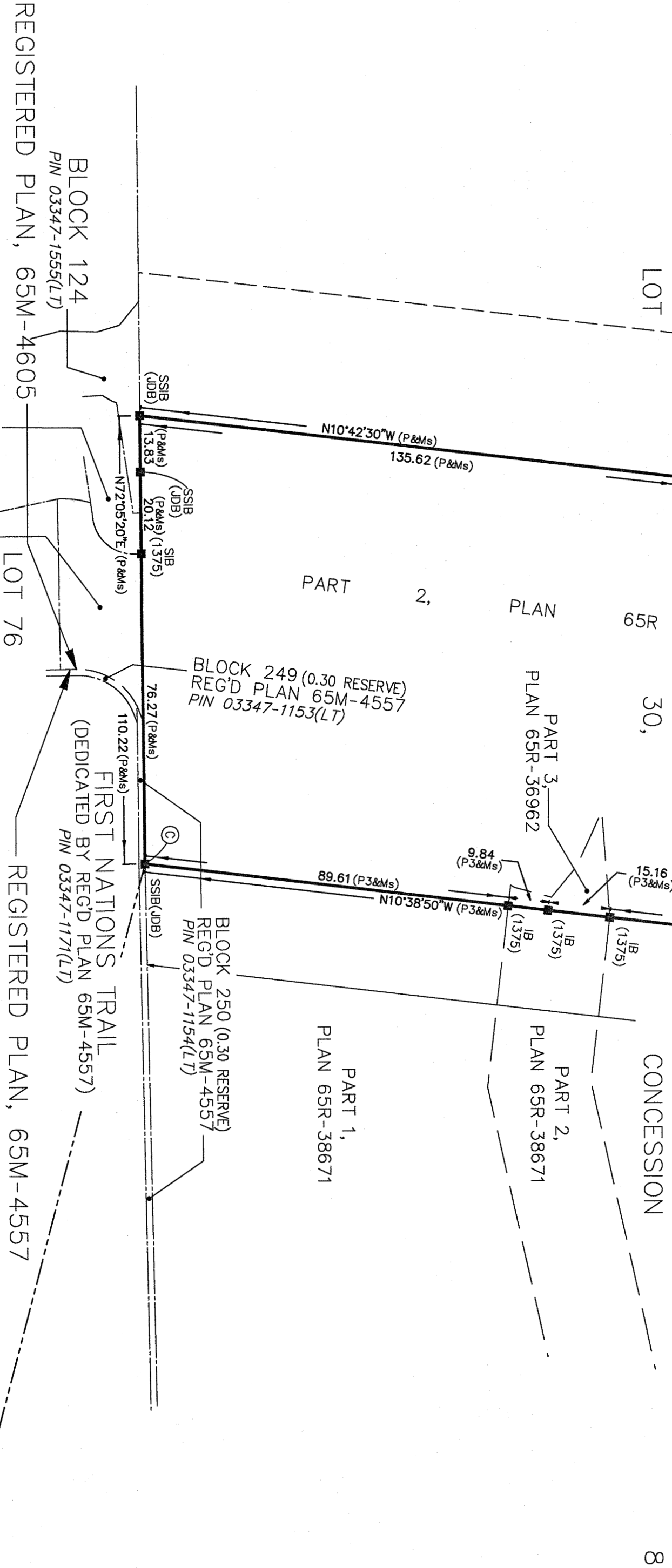
9135 KEELE ST. UNIT B7, VAUGHAN, ON L4K 0J4
T: (289) 553-5961 F: (289) 553-5986 www.jdbarnes.com


DRAWN	L.J.K.
CHECKED	L.J.K.
DATED	2020/01/09
Ref. No.	19-18-498-01

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



KNOWN AS KIPLING AVENUE
BY BY-LAW No. 26-73 (NOT REGISTERED)
ROAD ALLOWANCE BETWEEN CONCESSION 7 & 8



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.			PLAN 65R-	
DATE: JANUARY 23, 2020			RECEIVED AND DEPOSITED	
 LAURENCE J. KIPLING ONARIO LAND SURVEYOR			REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No 65)	
SCHEDULE				
PART	PT OF LOT	CONCESSION	ALL OF PIN	AREA(C ²)
1	30	8	03347-0888(LT)	375.23
2				16.90
3				3.13
4				6870.47
5				32828.13

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 REFERENCE TO THE LTM 2011 DATUM. THE HORIZONTAL CONTROL IS THE NAD83 ORIGINAL UTM ZONE 17. HORIZONTAL CONTROL MONUMENTS

HOW 10519980027 N: 4857858.037 E: 609114.455
HOW 10519980038 N: 4857828.253 E: 6110921.138

DISTANCES ARE SHOWN AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999791747.

FOR COMPARISON PURPOSES ASTROMERIC BEARINGS SHOWN ON EXPROPRIATION PLAN 7492 CONVERTED TO GRID BY APPLYING A COUNTERCLOCKWISE ROTATION OF 0.5752°

INTEGRATION DATA			
SPATIAL REFERENCE POINTS (SRP's) UTM, NAD83 ORIGINAL, ZONE 17, COORDINATES TO UTM ACCURACY PER SECTION 14 (2) OF OREGA 216/10.			
POINT ID	EASTING	NORTHING	
SRP (A)	610 417.060	4 668 265.897	
SRP (B)	610 502.017	4 668 292.422	
SRP (C)	610 573.985	4 657 909.609	
COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

- LEGEND
- DENOTES SURVEY MONUMENT FOUND
 - SSB DENOTES STANDARD IRON BAR SET
 - IB DENOTES IRON BOLT
 - WT DENOTES WOODEN TOWER
 - MEASURES MEASURED
 - DOB DENOTES DISCLOSED & MONITORING O.L.S.'s
 - 1312 DENOTES 1312 DENOTES
 - P2 DENOTES PLAN OF SURVEY BY GUIDO PAPA SURVEYING, A DIVISION OF J.D. BARNES LTD. O.L.S.'s
 - P3 DENOTES PLAN 65R-38761
 - P4 DENOTES PLAN 65R-38761
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ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREGA 329/91.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY 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. KIPLING
ONARIO LAND SURVEYOR

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

9133 KEELE ST., UNIT B7, VAUGHAN, ON L4K 0J4
T: (289) 553-5961 F: (289) 553-5966 www.jdbarnes.com

19-18-498-00

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
- TRCA – No concerns with condition
- MTO – No objections

COMMENTS:

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

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

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

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

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

References:

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

October 6, 2020

CFN: 62537.01
X-Ref 57726, 62068, 56283

SENT 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 - Minor Variance Application A027/20 (Revised)
5445 Kirby Road
Part of Lot 30, Concession 8
City of Vaughan, Regional Municipality of Vaughan
Owner: Kirby Road Development Inc. (Agent: Phil Greco)**

Further to our previous comment letter dated September 16, 2020, this letter acknowledges receipt of a revised submission for the above-noted application on September 25, 2020. TRCA has reviewed the revised plan and offers the following comments for the consideration of the Committee.

Application-Specific Comments

Based on a review of the revised plan prepared by the proponent, the proposed garage addition has been removed from the plans. Furthermore, the swimming pool will be relocated closer to the existing dwelling in an area outside of the established buffer from the wetland and contiguous vegetation. As such, our previous comments have been satisfied.

Ontario Regulation 166/06

As previously noted, a permit revision will be required to recognize the new location of the swimming pool and the updated landscape planting plan for the buffer area. A list of TRCA's permit revision requirements have been provided in Appendix 'A' for the applicant's reference.

Recommendation

Based on the above, TRCA has **no objection** to the approval of Minor Variance Application A027/20, subject to the following condition:

1. The applicant successfully obtains a permit revision pursuant to Ontario Regulation 166/06 from TRCA.

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Further, we 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)
Brendon Bell, City of Vaughan (brandon.bell@vaughan.ca)
Margaret Holyday, City of Vaughan (Margaret.holyday@vaughan.ca)

Appendix 'A' TRCA Permit Revision Requirements

The subject property is regulated by the TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06).

In order to initiate the permit revision process, the following materials must be submitted in to TRCA:

1. Complete application for permit re-issuance/ Minor Revision for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06). The permit for can be accessed through the following link: https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2018/10/17175054/Permit-Re-Issuance-Application-Form-October-2016_new.pdf
2. Digital copy of the revised plans showing the swimming pool outside 10 metre buffer and the updated landscape planting details that were agreed to with TRCA via email on August 28, 2020.
3. Permit revision fee of \$117.50 (25% of the original permit fee of \$470).