

File: B008/20

Applicant: Domenico and Teresa Commisso

Address: 36 Fran Drive, Woodbridge ON

Agent: James Pittman

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"/>	<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	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Real Estate Department		
Fire Department		
Bell Canada	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: None.

Background History: A93/84 (see next page for details)

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, November 12, 2020



Consent Application

Agenda Item: 01

B008/20

Ward: 2

Prepared By: Lenore Providence Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, November 12, 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: Domenico and Teresa Commisso

Agent: James Pittman

Property: 36 Fran Drive, Woodbridge ON

Zoning: The subject lands are zoned R3, Residential Zone, under By-law 1-88 as amended.

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

Related Files: Consent Application – B009/20

Purpose: Consent is being requested to sever a parcel of land for residential purposes, approximately 228.16 square metres, as a lot addition, to be merged on title with the abutting lands to the west, municipally known as 46 Fran Drive. The retained lands are approximately 474.14 m2 square metres.

The retained lands will maintain frontage on Fran Drive and the existing single family dwelling on the retained lands will be demolished.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A93/84	Variance to permit the maintenance of an existing one-storey dwelling with-an attached porch and cold cellar, notwithstanding, the minimum front yard setback from the porch stairway is 5.3m (17 .5') rather than the required 6m (20').	Approved – August 21, 1984

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: 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 28, 2020

Applicant confirmed posting of signage on October 24, 2020

Existing Building or Structures on the subject land: Shed on the severed land and single family dwelling on the retained land, all to be demolished.

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 the severed parcel be merged on title with the abutting land to the west, municipally known as 46 Fran Drive, Woodbridge ON, and that the applicant's solicitor provides an undertaking in writing that this condition will be fulfilled (please obtain standard undertaking form from Committee of Adjustment staff). Please note that Subsection 50 (3) or (5) of the Planning Act, R.S.O, 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.
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):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

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

The proposed consent is for the severance of a parcel of land identified as Lot 21, Plan RP4735 on the attached schedule (submitted by the applicant) and is intended to be merged with the abutting property to the West identified as Lot 22, Plan RP4735.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

1. A surveyor's certificate confirming Lot areas and Frontages as defined under By-law 1-88 is required to confirm zoning compliance.

Development Planning:

B008/20

The Owner of 36 Fran Drive has submitted Consent Application File B008/20 to sever and convey a 234.2m2 portion of the subject lands (Parts 5 and 6 on 65R-Plan) to be merged on title with the abutting property to the west and to retain 468.1 m2 (Parts 7 and 8 on 65R-Plan) for the existing dwelling, which is to be demolished in the future. The proposed lot area of 468.1 m2 and lot frontage of 14.6m complies with Zoning By-law 1-88.

B009/20

The Owner of 46 Fran Drive has submitted Consent Application File B009/20 to sever and convey a 234.2m2 portion (Parts 3 and 4 on 65R-Plan) to combine with the lands merged on title from 36 Fran Drive to create a new lot of 468.4 m2 (Parts 3 to 6 inclusive on 65R-Plan) of the subject lands and to retain a 468.1m2 (Parts 1 and 2 on 65R-Plan) for the existing dwelling, which is to be demolished in future for the purpose of creating a new residential lot fronting onto Fran Drive. The proposed lot areas and lot frontages comply with Zoning By-law 1-88.

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

The Owner is proposing the demolition of two existing dwellings on the subject lands (36 and 46 Fran Drive) to facilitate the development of three new single family detached dwellings on the proposed severed and retained lands as per the Draft 65R-Plan provided. Consent Application File B008/20 will sever a 234.2m2 portion of the existing lot to merge with the abutting property to the west in order to facilitate the creation of the new residential lot.

The subject lands are located in a mature low-rise residential neighbourhood located west of Kipling Avenue and south of Langstaff Road in Woodbridge, consisting of one and two-storey single family detached dwellings with lot frontages ranging between approximately 14.6m and 22m. In 2013, the Committee of Adjustment approved Consent Application Files B032/13, B033/13 and Minor Variance Application File A367/13 at 69 and 75 Hurricane Avenue, directly north of the subject lands. New two-storey single family detached dwellings at 71 and 75 Hurricane Avenue have since been constructed, demonstrating how limited intensification in maturing neighbourhoods can be sensitive to and compatible with the character of the neighbourhood.

The subject lands are designated “Low-Rise Residential” by VOP 2010 and fall within the Established Large Lot Neighbourhoods Policy (Official Plan Amendment ('OPA' 15), approved by Vaughan Council on September 27, 2018, and Regional Municipality of York on May 29, 2019). OPA 15 amends Volume 1 of the VOP 2010 to address concerns regarding the compatibility of infill development in Community Areas with a Low-Rise Residential designation. Previous Consent Application Files B032/13 and B033/13 were not subject to the policies of OPA 15.

Despite the subject lands not being identified on Schedule 1B of VOP 2010, the policy text of 9.1.2.3 (a-h) prevails as the neighbourhood is considered an Established Large Lot Neighbourhood given that it is characterized by detached houses located on generally large lots with frontages exceeding 20 m. Policy 9.1.2.3 (a-h) speaks to requirements for lot frontage, lot area, lot configuration, front, exterior and rear yards, dwelling types, building heights, massing and lot coverage to maintain the existing large lot neighbourhood. While the lot frontages and lot areas of the proposed lots will not be equal to or greater than the neighbouring lots, they are compatible with the adjoining lots to the rear and the overall neighbourhood and the lots satisfy the remaining policies of Policy 9.1.2.3 (c-h) and the broader policies of VOP 2010.

The proposed lot frontages and areas are similar to the lot frontages and areas of the adjoining lots on 69, 71, and 75 Hurricane Avenue, while smaller than the other adjoining and neighbouring lots. Despite this, the lots will facilitate single family detached dwellings oriented to Fran Drive which is the prevailing building type in the neighbourhood, respecting the existing one and two-storey heights of the adjacent and surrounding properties. Concept drawings submitted in support of the severance applications demonstrate that the three new dwellings could be constructed on the proposed lots in a manner that complies to Zoning By-law 1-88 and reinforces the existing setbacks of adjacent properties. While no minor variances are proposed at this time, any future applications would be required to meet the policies of the Official Plan in this regard.

Policy 2.2.3.3 of VOP 2010 states that “limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form, and planned function of the surrounding context.” The proposal is a limited form of intensification as only one additional lot is being created and is identical to the existing adjacent lot fabric to the north along Hurricane Avenue, which as demonstrated its compatibility with the neighbourhood and complies with the current R3 zoning category with respect to lot frontage and lot area. As the proposal does not introduce new building forms or different noncompliant lot shapes that are inconsistent with the neighbourhood, the planned function of the neighbourhood is not adversely impacted by the severances.

Accordingly, the Development Planning Department has no objection to the requested severances and is of the opinion that the proposal maintains the intent of the 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 recommends approval of the applications.

Cultural Heritage (Urban Design):

The subject property is outside of Heritage Conservation District. Cultural Heritage has no objections.

Development Engineering:

The owner/applicant shall apply and obtain the necessary culvert installation through the Transportation Services Division.

The Development Engineering (DE) Department does not object to consent application B008/20 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/applicant shall approach Development Inspection and Lot Grading division of Development Engineering to apply for the required service connections for the severed lands & service connection upgrades (if applicable) within the retained lands as per city standards, complete with a servicing and lot grading plan. The Owner/applicant shall pay the required connection fee(s) following confirmation of service connection estimates.

4. The consent application B008/20 shall be approved in conjunction with consent application B009/20.

Please contact Stanislav Tsysar ext. 8774 for further details pertaining to service connections.

Parks & Forestry Development:

A Private Property Tree Removal & Protection Permit (Construction/Infill) is required for the removal/injury to trees (over 20cm DBH) on the subject property and trees located within 6 meters of the subject property, as per By-Law 052-2018;

Tree protection & preservation methods must be followed according to City of Vaughan By-law (052-2018);

Municipal By-law 052-2018 directs that municipal and private trees shall be protected during all phases of construction. MLA-107B Light Duty Tree Hoarding Protection Detail (Snow Fence) shall be used for trees within the road allowance and MLA-107A Heavy Duty Tree Protection Detail (Plywood) for all other trees.

Recommended conditions of approval:

1. Applicant must obtain a private property tree removal & protection permit prior to construction/demolition activities commence;
2. Applicant must submit an Arborist Report with a full tree inventory of all trees on subject sites and within 6 meters of property boundaries, inventory shall include shared trees and public trees. Arborist Report must include tree protection and preservation plan, also if applicable a replanting plan. Such documents must comply with Vaughan Forestry requirements and specifications.

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns

Financial Planning and Development Finance:

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

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

Recommended conditions of approval:

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). ***Please note that this condition has been satisfied***

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Planning Justification Letter dated October 30, 2020.

Schedule C - Agency Comments

Bell Canada - Confirms existing easement rights be maintained, & no additional easement protection required

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance Application – A93/84

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	<div>Committee of Adjustment Christine Vigneault</div> <div>905-832-8585 x 8332 christine.vigneault@vaughan.ca</div>	<div>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.</div> <div>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.</div> <div>3. That the severed parcel be merged on title with the abutting land to the west, municipally known as 46 Fran Drive, Woodbridge ON, and that the applicant’s solicitor provides an undertaking in writing that this condition will be fulfilled (please obtain standard undertaking form from Committee of Adjustment staff). Please note that Subsection 50 (3) or (5) of the Planning Act, R.S.O, 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent.</div> <div>4. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule.</div>
2	<div>Building Standards Lindsay Haviland</div> <div>905-832-8585 x 8655 Lindsay.haviland@vaughan.ca</div>	<div>A surveyor’s certificate confirming Lot areas and Frontages as defined under By-law 1-88 is required to confirm zoning compliance.</div>
3	<div>Development Engineering Jason Pham</div> <div>905-832-8585 x 8716 jason.pham@vaughan.ca</div>	<div>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.</div> <div>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.</div> <div>3. The Owner/applicant shall approach Development Inspection and Lot Grading division of Development Engineering to apply for the required service connections for the severed lands & service connection upgrades (if applicable) within the retained lands as per city standards, complete with a servicing and lot grading plan. The Owner/applicant shall pay the required connection fee(s) following confirmation of service connection estimates.</div> <div>4. The consent application B008/20 shall be approved in conjunction with consent application B009/20.</div>
4	<div>Parks & Forestry Courchesne, Patrick</div> <div>905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca</div>	<div>1. Applicant must obtain a private property tree removal & protection permit prior to construction/demolition activities commence;</div> <div>2. Applicant must submit an Arborist Report with a full tree inventory of all trees on subject sites and within 6 meters of property boundaries, inventory shall include shared trees and public trees. Arborist Report must include tree protection and preservation plan, also if applicable a replanting plan. Such documents must comply with Vaughan Forestry requirements and specifications.</div>

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 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.

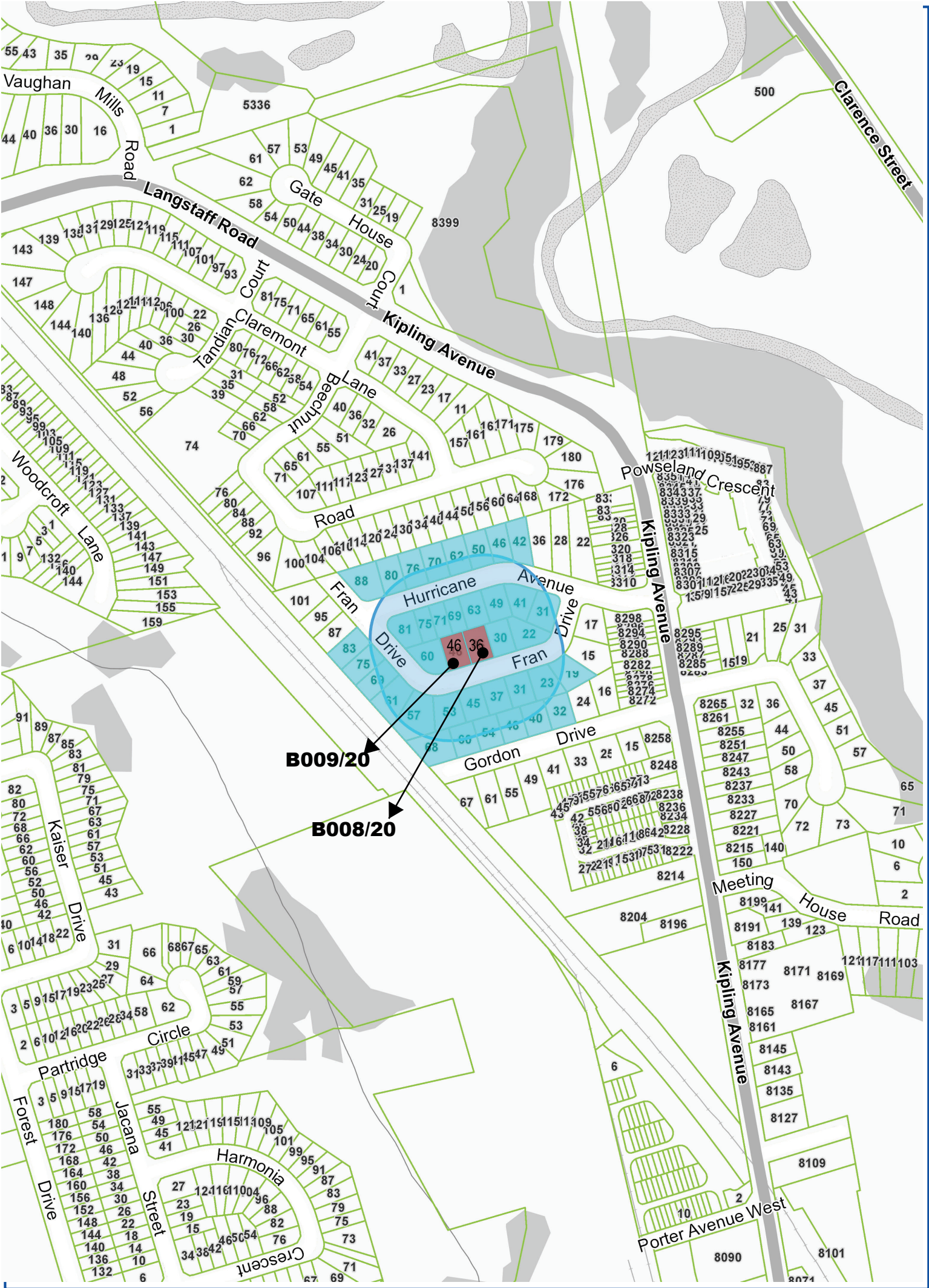
For more information please contact the City of Vaughan, Committee of Adjustment

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

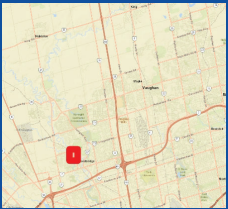
Schedule A: Plans & Sketches

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:

36 & 46 FRAN DRIVE, WOODBRIDGE

LOCATION MAP - B008/20 & B009/20

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: 1:4,561

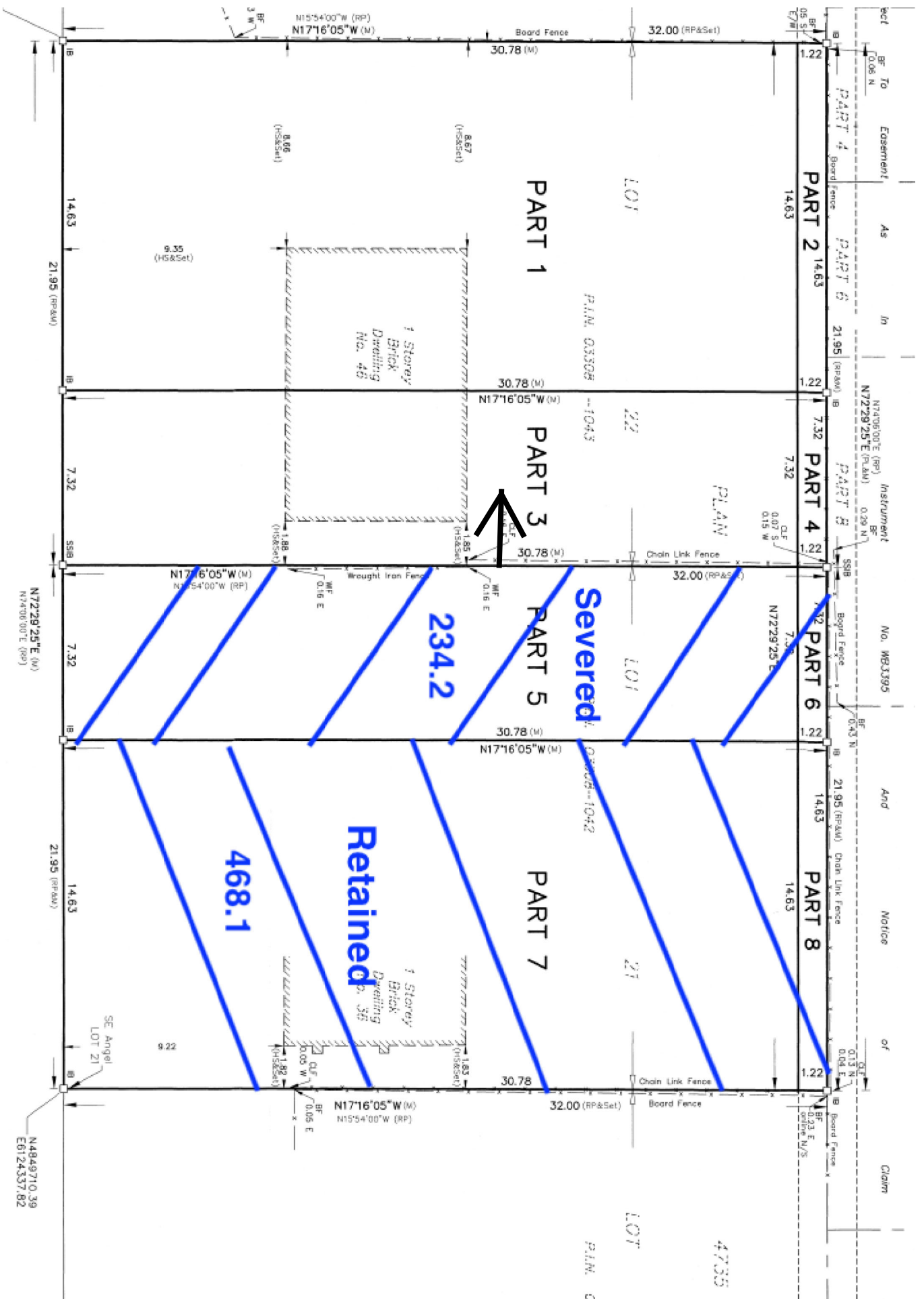
0 0.07 km

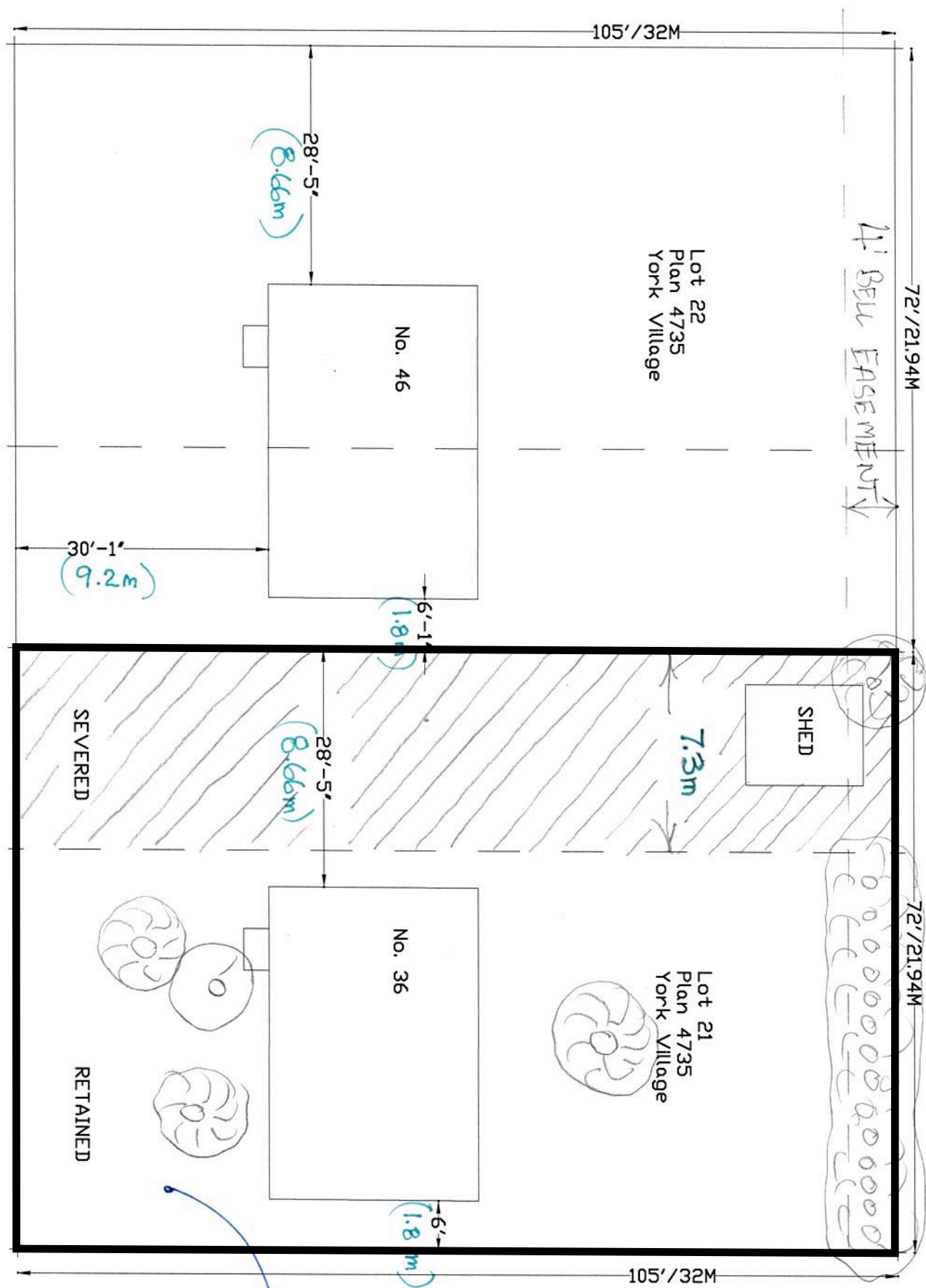


Created By:

Infrastructure Delivery
Department
October 27, 2020 3:58 PM

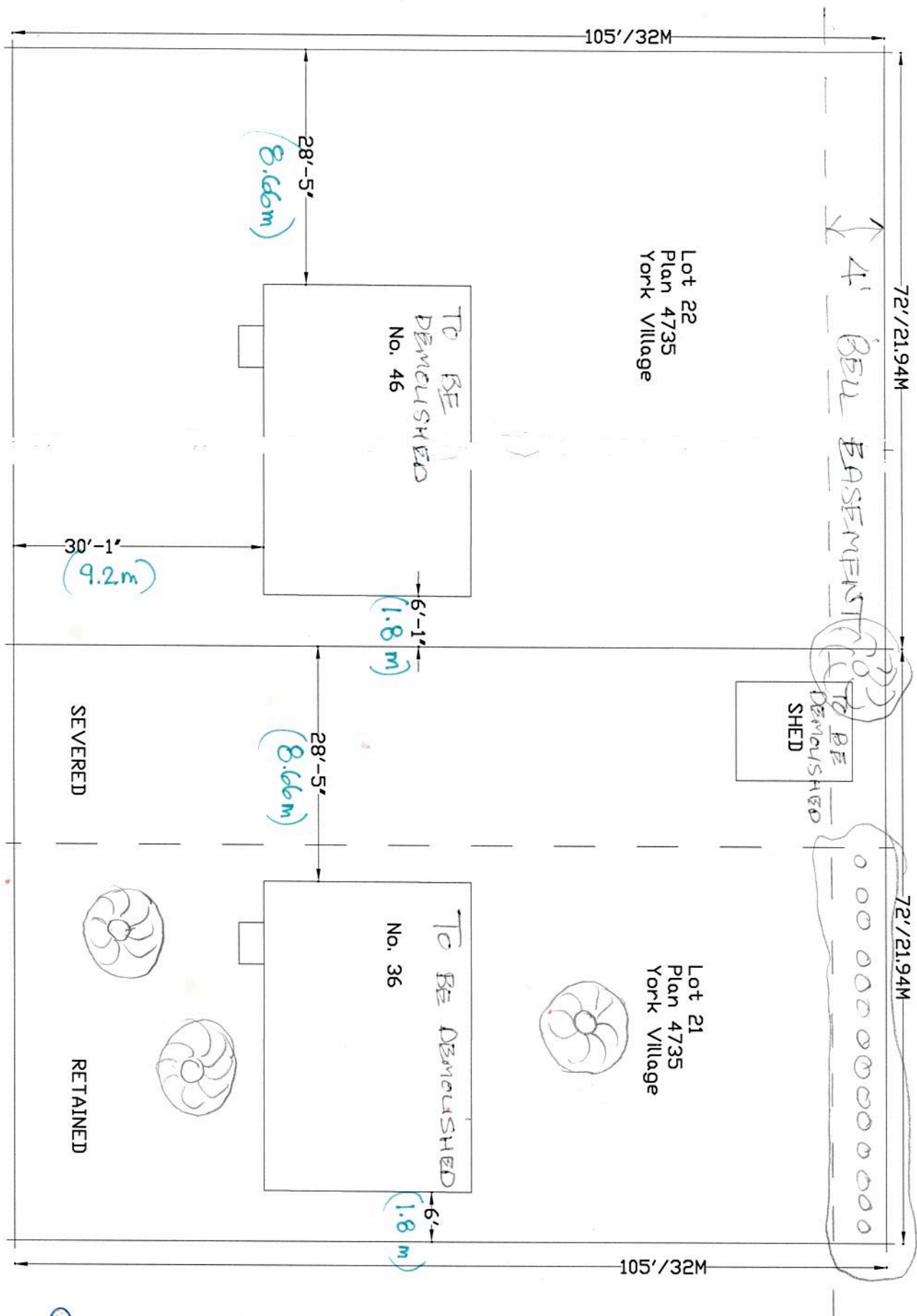
Projection:
NAD 83
UTM Zone
17N





Fran Drive

OWNER
DOMINIC
COMMISSO
TERESA
COMMISSO



PLEASE NOTE:
ALL STRUCTURES TO BE DEMOLISHED

October 31, 2020

CONCEPTUAL SITE PLAN

B008/20

1 Storey
Brick
Dwelling
No. 60

$$\frac{14.63\text{m}}{[48'\text{in}]}$$
$$\frac{14.64\text{m}}{18'-0\ 1/2''[\text{in}]}$$
$$\frac{14.63\text{m}}{[48'\text{in}]}$$

10.34m
[33'-11" in]

10.40m
[34'-1 1/2" in]

10.28m
33'-8 3/4" in

3'-11/4" in

$[4' - 1 \frac{1}{4} \text{ in}]$
 $[4' - 1 \frac{1}{4} \text{ in}]$

Technical drawing of a rectangular plate. The dimensions are 1 1/4 inch by 3 inches. A central hole with a diameter of 20 mm is shown. The drawing includes a top view and a side view, with dimensions labeled in both inches and millimeters.

2.05m
-1 3/4" in]

Lot A.
New
Propose
2 storey
Dwelling

Lot B.
New
Proposed
2 storey
Dwelling

Lot C.
New
Proposed
2 storey
Dwelling

Driveway

Driveway

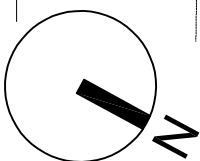
Driveway

$$\frac{6.55\text{m}}{[21'-6\text{in}]}$$

6.68m
[21'-10 3/4"]

6.60m
[21'-8" in]

Fran Drive

[illegible]

BRANDER ARCHITECTS
49 BOUTLON AVENUE, TORONTO, ON. M4M 2J4
416 473 6956 | info@branderarchitects.com

49 BOULTON AVENUE, TORONTO, ON. M4M 2J4
416 473 6956 | ab@branderarchitects.com

ISSUANCE	DATE
PLANNING	2020-10-30

PROJECT
FRAN DRIVEPROJECT #
20033

DRAWING SITE PLAN

SCALE
1:200

SHEET
A01

PE

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

PLAN 65R-

RECEIVED AND DEPOSITED

DATE : _____

CHRIS BERESNIEMCZ
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR THE LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF THE
TOWN OF YORK (No.65)

SCHEDULE			
PART	PART of LOT	PLAN	PART of P.L.N.
1	22	4735	450.3 m ²
2			17.8 m ²
3			225.3 m ²
4			8.9 m ²
5	21	03308-1042	225.3 m ²
6			8.9 m ²
7			450.3 m ²
8			17.8 m ²

PLAN OF SURVEY OF
LOTS 21 and 22
REGISTERED PLAN 4735
CITY OF VAUGHAN
Regional Municipality of York
SCALE 1 : 150



YOUNG & YOUNG SURVEYING
(ETOBICOKE 2006) INC.

METRIC

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

BEARING NOTE

BEARINGS ARE UTM GRID DERIVED FROM SPECIFIED CONTROL POINTS 1059980061 AND 10519980063, UTM ZONE 17, NAD83 (ORIGINAL)

SPECIFIED CONTROL POINTS (SCPs), UTM ZONE 17, NAD 83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SECTION 14(2) OF O.R.E.G. 216/70

SCP 10519980061 4857210.71 615404.44
SCP 10519980063 4858112.75 615257.34

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

DISTANCE NOTE

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99973198.

LEGEND

- DENOTES SURVEY MONUMENT SET
- SURVEY MONUMENT FOUND
- RP REGISTERED PLAN 4735
- PLAN 65R-34874
- N.S.E.W. NORTH, SOUTH, EAST, WEST
- M MEASURED
- BS BY STANDARD IRON BAR
- SCIP PROPERTY IDENTIFIER NUMBER
- HS PLAN BY H.C. SEWELL, O.L.S.
- DATED MARCH 18, 1955
- (997) J.L. KONING, O.L.S.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4TH DAY OF AUGUST, 2020.

AUGUST 14, 2020
DATE
CHRIS BERESNIEMCZ
ONTARIO LAND SURVEYOR

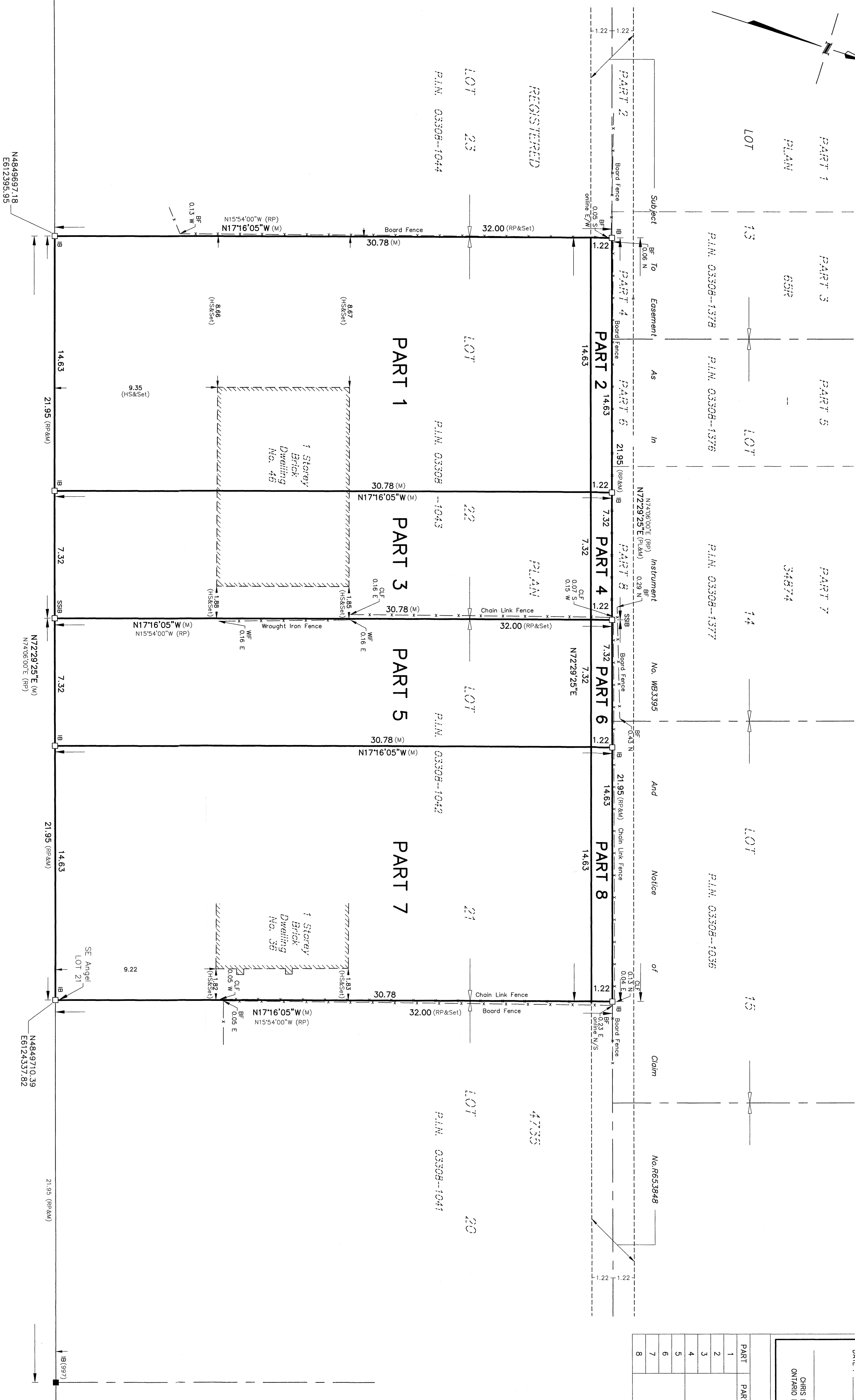


310 North Queen St., Unit 102, Toronto ON M9C5K4
Tel: (416) 821-2878 - Fax: (416) 821-3360
EMAIL : info@youngandyoung.ca

DRAWN:DCZ CHECKED:CB

PROJECT 20-T10454

FRAN DRIVE
(By Registered Plan 4735)
P.L.N. 03308-1073



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 Letter dated October 30, 2020

Revised
October 30, 2020

B008/20 & B009/20



Project No. 20237

October 30, 2020

Christine Vigneault, AMP, ACST
Manager, Development Services & Secretary Treasurer
Committee of Adjustment
Office of the City Clerk
2141 Major Mackenzie Drive, Vaughan ON L6A 1T1

Dear Ms. Vigneault,

Re: *Planning Justification Brief*
36 and 46 Fran Drive, Vaughan
Application File Numbers: B008/20 & B009/20

On behalf of our client, Jim Pittman, we are pleased to provide you with the following planning justification brief in support of two consent applications with respect to the properties municipally known as 36 and 46 Fran Drive in the City of Vaughan (the “subject site”). The proposed consent applications would create three lots that comply with the requirements of the in-effect Zoning By-law, providing for modest intensification in an area designated *Low Rise Residential*, and facilitating the construction of three single detached dwellings that respect and reinforce the evolving character of the immediate area and surroundings.

1.0 SITE AND SURROUNDINGS

1.1 Subject Site

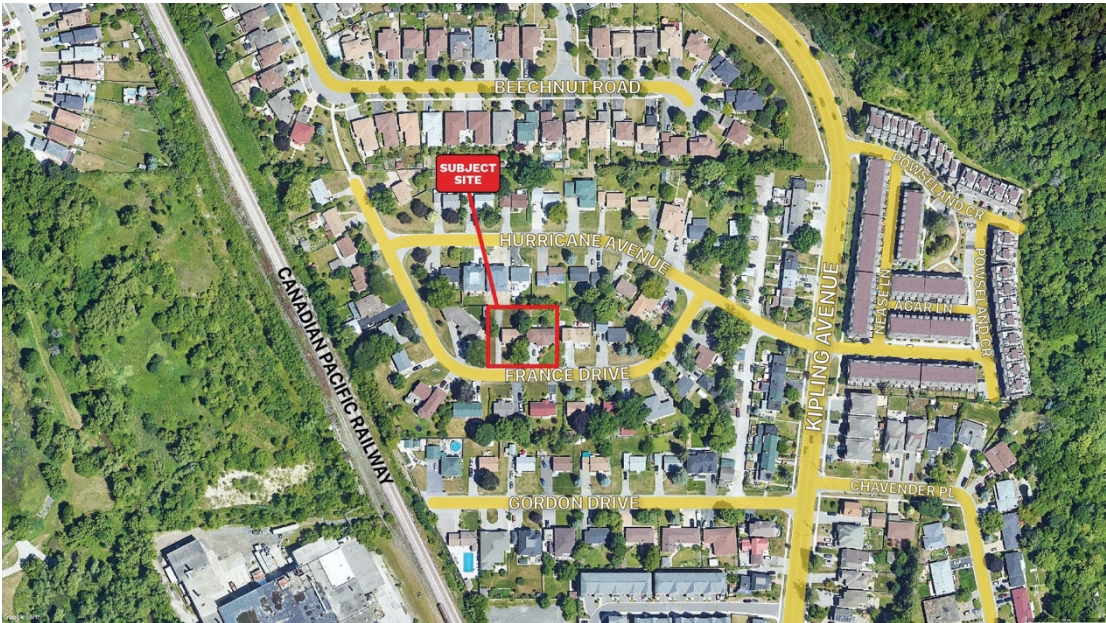


Figure 1: Location Map

The subject site consists of two properties, 36 and 46 Fran Drive.

Both properties are approximately 702 square metres in size with lot depths of 32 metres and lot frontages of 21.95 metres. Both properties are occupied by one-storey bungalow buildings with integral garages. The building at 36 Fran Drive is set back 9.22 metres from the street while the building at 46 Fran Drive is set back 9.35 metres.



Subject Site, 36 Fran Drive

An drainage easement runs along the rear of both properties to accommodate the downspouts which are directed to the rear of the properties.



Subject Site, 46 Fran Drive

1.2 Immediate Surroundings

The surrounding area of Fran Drive and Hurricane Avenue is a small neighbourhood accessed from Kipling Avenue and consisting of entirely single detached dwellings, one or two storeys in height. The streets feature a curb-less profile and include storm ditches on either side of the street with no sidewalks on either side of the street.

East

To the immediate east of the subject site is a split-level dwelling with an integral garage and similar setbacks to the subject site (30 Fran Drive).



30 Fran Drive

South

To the south of the subject site, on the south side of Fran Drive, are one-storey bungalow dwellings with comparable large front yard setbacks and generous backyards (53, 45, 37, and 31 Fran Drive).



37, 45, and 53 Fran Drive

West

To the immediate west of the subject site is a one-storey dwelling with an integral garage that is oriented to the corner of Fran Drive where it curves northward (60 Fran Drive).



60 Fran Drive

North

To the immediate north of the subject site are the backyards of 75, 71, 69, and 63 Hurricane Avenue. The properties at 75, 71, and 69 Hurricane Avenue were the subject of Consent and Minor Variance applications in 2013 to facilitate the creation of three lots from two existing lots and construct two new two-storey dwellings while retaining the existing dwelling at 69 Hurricane Avenue (file numbers B032/13, B033/13, and A367/13). The applications were approved by the Committee of Adjustment on December 12, 2013 and two new two-storey dwellings at 71 and 75 Hurricane Avenue have been constructed.

Further east, to the east of 69 Hurricane Avenue, is a one-storey bungalow dwelling with an integral garage that is well set back from the street (63 Hurricane Avenue).



71 and 75 Hurricane Avenue

Transportation Network

Fran Drive is a local road that forms a crescent and connects to Hurricane Avenue, also a local road, at two points. Both roads have one lane of traffic in both directions with a curb-less street edge and no sidewalks on either side of the street. Hurricane Avenue connects to Kipling Avenue which is classified as both a major collector, with a right-of-way of 26 metres, and a minor arterial, with a right-of-way of 36 metres, in the vicinity of the subject site.

With respect to existing transit, the York Region Transit (YRT) 10 Woodbridge bus route runs in a general east-west direction from the VMC subway station on Line 1 of the TTC subway to Martin Grove and Langstaff Road. As of March 23, 2020, the route includes regular weekday service with buses approximately every hour and weekend service on-request.

In addition, Highway 7 is identified as a Regional Rapid Transit Corridor on Schedule 10 of VOP 2010 and is located approximately 1.5 kilometres from the subject site, which represents an approximate 20-minute walk. The Regional Rapid Transit Corridor in the vicinity of the Kipling Avenue and Highway 7 is serviced by the YRT 77

Highway 7 bus route, the VIVA Orange bus route, and the Brampton Transit Zum 501 bus route.

With respect to planned transit, both the York Region Official Plan (Map 11, Transit Network) and VOP 2010 (Schedule 10, Major Transit Network) identify a Proposed GO station along a potential commuter rail line in proximity to the subject site, approximately 100 metres from the subject site. The commuter rail line is known as the Bolton Commuter Rail Line and would connect Union Station in Toronto to the proposed Bolton Station.

A feasibility study in 2010 found that the commuter rail line was feasible but would include major costs in relation to modest ridership. Metrolinx decided not to proceed with the project in the short term and included the rail line in the longer term 16 – 25 year plan. Metrolinx's 2041 Regional Transportation Plan, however, does not include this rail commuter line in any of the short term or long term transit projects.

2.0 PROPOSAL

The proposal would create three similarly-sized lots from the two existing lots at 36 and 46 Fran Drive. The three lots will have lot dimensions consisting of:

- Lot Frontages: 14.63, 14.64, and 14.63 metres
- Lot Depth: 32 metres (all)
- Lot Areas: 468.2, 468.4, and 468.1 square metres

The three proposed lots exceed the minimum lot dimensions required of the R3 Residential Zone and therefore no associated variances are required to facilitate the proposal.

A conceptual site plan and zoning matrix has been included with the proposal although the detached dwellings are not the subject of the severance applications and do not require variances to facilitate construction. The conceptual two-storey dwellings would each have a gross floor area of approximately 300 square metres each, resulting in a density of approximately 0.64 times the area of the lot.

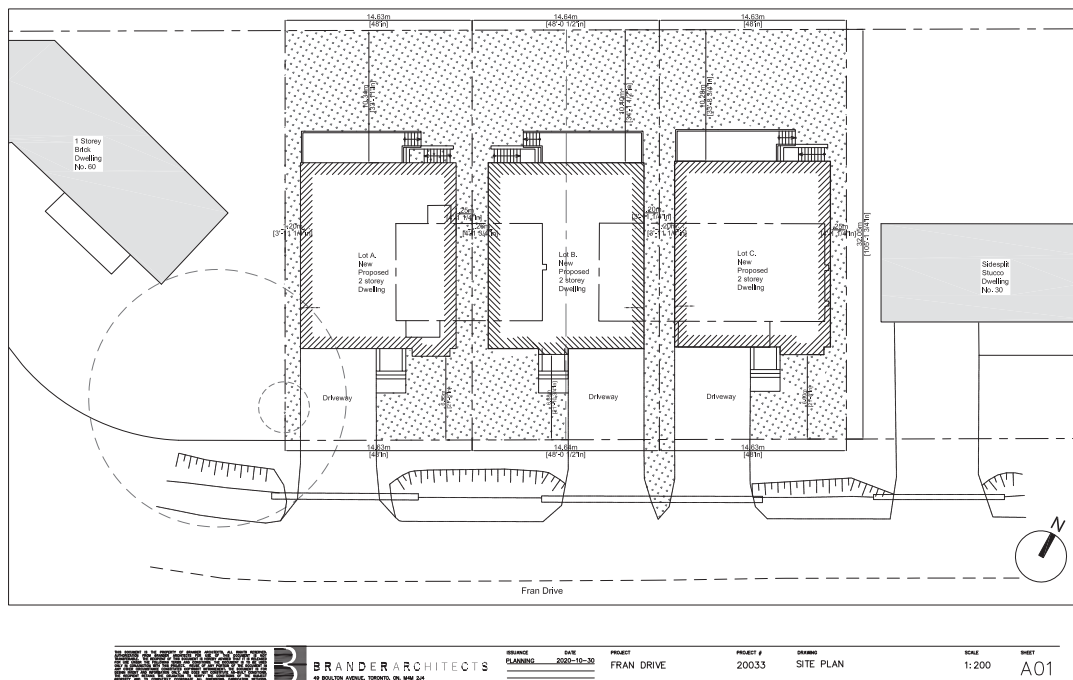


Figure 2: Conceptual Site Plan

3.0 POLICY AND REGULATORY FRAMEWORK

3.1 York Region Official Plan

The York Region Official Plan (YROP 2010) was adopted by the Region in 2009, approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and subsequently appealed to the Local Planning Appeal Tribunal (LPAT). Since that time, the YROP 2010 has been approved by the OMB with modifications which occurred by way of decision orders issued between August 2012 and November 2015.

The subject site is identified as being within the Urban Area on Map 1 – Regional Structure. Lands within the Urban Areas, such as the subject site, are expected to accommodate a significant proportion of the growth in York Region. In our opinion, the proposed consent applications would conform with the York Regional Official Plan.

3.2 Vaughan Official Plan

The Vaughan Official Plan, 2010 (VOP 2010) was adopted by Vaughan Council in September 2010, with subsequent modification, and was forwarded to the Region of York for approval. It was appealed to the Local Planning Appeal Tribunal (LPAT) and has subsequently received partial approval by LPAT.

The latest June 2019 office consolidation of VOP 2010 includes all LPAT and City Council approved Official Plan Amendments as of May 29, 2019. This includes OPA 15 which was approved, with modification, by York Regional Council on May 29, 2019. OPA 15 specifically added additional policy direction for development in Community Areas. In this respect, the subject site is located within the Community Areas within the City's Urban Structure, as per Schedule 1. The subject site is also located within the urban area and within the urban boundary of the City, as per Schedule 1A.

The introductory section of Section 2.2.3, Community Areas, provides that Community Areas will remain mostly stable, however, incremental change is expected as a natural part of maturing neighbourhoods. The introductory text adds that change will be sensitive of and respectful to the existing character of the area.

Specifically, Policy 2.2.3.2, as amended by OPA 15, states that Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change that would alter the general character of established neighbourhoods. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of this Plan.

Furthermore, Policy 2.2.3.3 states that limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form, and planned function of the surrounding context.

Urban Design and Built Form Policies

Urban Design and Built Form policies focus on how buildings should be designed and organized, how they relate to the public realm and its intentions for urban design and architectural quality.

Policy 9.1.2.1 provides that new development will respect and reinforce the existing and planned context. In Community Areas, new development will respect and reinforce the physical character of the established neighbourhood.

Specifically, Policy 9.1.2.2, as amended by OPA 15, states that in Established Community Areas, new development as reflected in any zoning, variance, subdivision, consent or part lot control exemption application, will be designed to respect and reinforce the existing physical character and uses of the surrounding area, specifically respecting and reinforcing the following elements:

- a. the local pattern of lots, streets and blocks;

- a. the size and configuration of lots;
- b. the building type of nearby residential properties;
- c. the orientation of buildings;
- d. the heights and scale of adjacent and immediately surrounding residential properties;
- e. the setback of buildings from the street;
- f. the pattern of rear and side-yard setbacks;
- g. the presence of mature trees and general landscape character of the streetscape;
- h. the existing topography and drainage pattern on the lot and in the adjacent and immediately surrounding properties;
- i. conservation and enhancement of heritage buildings, heritage districts and cultural heritage landscapes; and
- j. the above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g. solar configuration, solar panels) or environmental sustainability (e.g. natural lands, rainbarrels).

Policy 9.1.2.3, as amended by OPA 15, provides additional direction for large lot properties, with frontages exceeding 20 metres, within Established Community Areas. The two properties included in the subject site both have frontages that exceed 20 metres, but are not identified on Schedule 1B of VOP 2010. Nonetheless, Policy 9.1.2.3 states that the policy text prevails over the mapping on Schedule 1B. Accordingly, Policy 9.1.2.3 provides further direction to maintain the character of established large-lot neighbourhoods, as follows:

- a. Lot frontage: In the case of lot creation, new lots should be equal to or exceed the frontages of the adjoining lots or the average of the frontage of the adjoining lots where they differ;
- b. Lot area: The area of new lots should be consistent with the size of adjacent lots;
- c. Lot configuration: New lots should respect the existing lotting fabric in the immediately surrounding area;
- d. Front yards and exterior side yards: Buildings should maintain the established pattern of setbacks for the neighbourhood to retain a consistent streetscape;
- e. Rear yards: Buildings should maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent residential lots;
- f. Dwelling types: A new dwelling replacing an existing one shall be of the same type, as defined in Section 9.2.3 of this Plan, except on a lot fronting an Arterial Street, as identified in Schedule 9 (Future Transportation Network), where a Semidetached House or Townhouse replacing a detached dwelling may be permitted, subject to Policy 9.1.2.4 and the other urban design policies of this plan;
- g. Building heights and massing: Should respect the scale of adjacent residential buildings and any city urban design guidelines prepared for Community Areas;

- h. Lot coverage: In order to maintain the low-density character of these areas and ensure opportunities for generous amenity and landscaping areas, lot coverage consistent with development in the area and as provided for in the zoning by-law is required to regulate the area of the building footprint within the building envelope, as defined by the minimum yard requirements of the zoning by-law.

Land Use Policies

The subject site is designated *Low-Rise Residential* as per Schedule 13 of VOP 2010. *Low-Rise Residential* permits residential uses as well as a limited number small-scale convenience retail uses within low-rise building forms up to a height of 3 storeys. Permitted building types include detached houses and public and private institutional buildings and, subject to the built form policies of VOP 2010 as amended by OPA 15, semi-detached houses and townhouses.

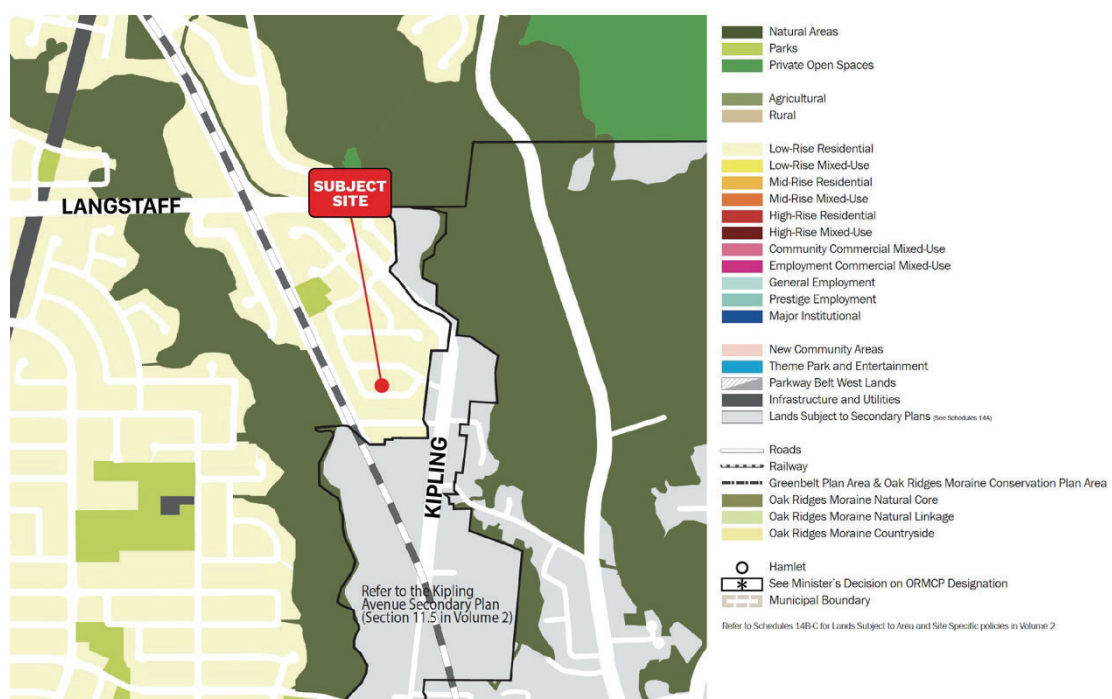


Figure 3: Land Use Map, Schedule 13 VOP 2010

Implementation Policies

Policies 10.1.2.34 through 10.1.2.47 provide evaluation criteria and policies to facilitate a severance application. Policy 10.1.2.34 provides that a consent to sever application may be considered provided that a Plan of Subdivision is deemed unnecessary in accordance with Policy 10.1.2.28. In this regard, Policy 10.1.2.28 provides that a Plan of Subdivision shall be deemed necessary in the following cases:

- a. where the number of new lots created is greater than three; or
- b. where the extension or creation of a public road allowance is required; or
- c. where the extension or creation of municipal services is required; or
- d. where agreements or conditions are required by any municipality or other government with regard to any part of the remaining lands.

None of these preconditions apply to the proposed development. As such, a consent to sever application is appropriate.

Policy 10.1.2.37 provides that a severance may be permitted to create a new lot and that authority is delegated to the Committee of Adjustment.

Policy 10.1.2.38 provides that a lot(s) may be created only if there is enough net developable area on both the severed lot and the remainder lot to accommodate proposed uses, buildings and structures and accessory uses without encroachment on the Natural Heritage Network. No portion of the site encroaches on the Natural Heritage Network.

Policy 10.1.2.41 provides that a consent shall not be granted for uses that are inconsistent with the Official Plan. In this regard, the proposal replaces the existing detached dwellings with new detached dwellings which are permitted.

Policy 10.1.2.42 provides that a consent to sever land in the Urban Area will be considered for the purposes of infilling in an existing Urban Area, but shall not extend the Urban Area, and shall be subject to, among other things, economizing the use of urban land without disturbing the existing pattern of development.

Policy 10.1.2.46 provides that in addition to the matters set out in Section 51(24) of the *Planning Act* (matters to have regard for in considering a draft plan of subdivision), a severance shall only be granted if the proposal conforms with the policies of VOP 2010 and that any associated applications be provided if required, such as zoning by-law amendment, minor variance, and/or site plan. No associated applications are required for the proposal of the subject site.

Policy 10.1.2.47 states that the Committee of Adjustment, when evaluating the severance application, shall have regard for matters of compatibility, access, servicing, environmental conservation, and financial implication of public authorities. With respect to compatibility, the Committee of Adjustment should have regard for:

- the local pattern of lots, streets and blocks;
- the size and configuration of existing lots;
- the building type of nearby properties;
- the heights and scale of nearby properties;

- the setback of buildings from the street;
- the pattern of rear and side-yard setbacks; and
- conservation and enhancement of heritage buildings, heritage districts and cultural heritage landscapes.

3.3 Zoning By-law 1-88

The site is subject to Zoning By-law 1-88 which was enacted by Council on September 19, 1988 and approved by the LPAT (formerly the OMB) on July 17, 1989. The City of Vaughan is currently in the process of undertaking a City-Wide Comprehensive Zoning By-law Review, which is not yet in force and effect. As such, Bylaw 1-88 remains in full force and effect.

The subject site is zoned R3 Residential Zone. The R3 Residential Zone permits residential uses in single family detached dwellings. The following key development standards apply to the subject site:

- Minimum lot frontage: 12 metres
- Minimum lot area: 360 square metres
- Minimum front yard setback: 4.5 metres (see notes 2 and 6)
- Minimum rear yard setback: 7.5 metres
- Minimum interior yard setback: 1.2m interior (see note 6)
- Maximum lot coverage: 40%
- Maximum building height: 9.5 metres

Note 2: Provided that the minimum setback to a garage which faces the lot line shall be 6.4 metres.

Note 6: Except where a single family detached dwelling is erected without an attached garage or carport, the minimum side yard requirements of one interior yard be 4.5 metres, or the front yard shall be a minimum of 11 metres.



Figure 4: Zoning By-law 1-88

3.4 Draft Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods – September 2016

On October 19, 2016, Council adopted the draft Urban Design Guidelines (the “Guidelines”) along with additional direction that staff finalize the Guidelines and include additional conceptual designs of private driveways and laneways as an appendix. The Guidelines are a component of the Community Area Policy Review that resulted in OPA 15.

The purpose of the Guidelines is to guide future development in established low-rise residential neighbourhoods to ensure that new development fits and is compatible with the existing character of the neighbourhood.

Section 4 of the Guidelines includes several standards that apply to all new infill development, excluding townhouses, in established low-rise residential neighbourhoods. The following lot character standards have been considered in relation to the proposal:

The form and character of infill development should be in keeping with the general form and character of existing development and streetscapes in the surrounding neighbourhood:

4.1. Infill development should reflect the existing neighbourhood pattern of development in terms of front, rear and side yard setbacks, building height and the location and treatment of primary entrances, to both the dwelling and the street.

4.2. Development should reflect the desirable aspects of the established streetscape character. Where the streetscape needs improvement, infill development should contribute through high-quality building design, landscape architecture, and tree planting.

4.4. The prevailing pattern of lot widths, lot depths and lot area in a neighbourhood should be maintained. The subdivision of a lot to create two or more lots should only occur if the width of the new lot(s) is equal to or exceed the frontages of the adjacent and nearby lots.

4.5. An existing dwelling should only be replaced by a dwelling, or dwellings, of the same type (Detached or Semi-Detached House or Townhouse).

4.0 ANALYSIS

The proposed severance applications provide a modest form of intensification to facilitate the creation of an additional lot and the eventual construction of three new detached dwellings that maintain the existing neighbourhood built form character. For the purposes of this section, the surrounding neighbourhood is considered to be the properties on Fran Drive and Hurricane Avenue.

In accordance with Section 53(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as reiterated by Policy 10.1.2.46 of the Official Plan, a land owner may apply for a consent, subject to this section, if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. In our opinion, a plan of subdivision is not necessary given that only one new lot is being created.

It is our opinion that the proposed severance conforms to the applicable policies of the Official Plan and has regard for Section 51(24) of the *Planning Act*. Specifically:

- The proposal has regard for the matters of provincial interest conforming to the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
- The proposal is not premature, as it concerns an infill site that is serviced by existing infrastructure, and given that a concept plan has been prepared that demonstrates that three detached dwellings could be accommodated as-of-right on the resulting lots, without variances;
- The proposal conforms to the applicable *Low-Rise Residential* policies of the Official Plan, as discussed further below;

- The proposal is in the public interest given that it would intensify an underutilized site with an additional detached dwelling (from two to three), in accordance with directions in the Regional Official Plan and VOP 2010; and
- the proposed lots are appropriately sized (in terms of area and frontage) to implement the proposed uses, meeting the zoning by-law requirements.

As noted above, a conceptual site plan has been included with the proposal to demonstrate future two-storey detached dwellings to be constructed on the three proposed lots. The detached dwellings are not the subject of the Committee of Adjustment applications as they do not require variances to facilitate construction, but have been included to demonstrate that the severances will facilitate the construction of three detached dwellings that are permitted in lands designated *Low-Rise Residential*, comply with the development standards of the R3 Residential Zone, and maintain the existing character of the neighbourhood.

From an intensification perspective, the proposal is supportive of the intensification objectives of the York Region Official Plan, both which promote intensification within the built-up area that is served by municipal infrastructure.

From a land use perspective, the proposal conforms with the *Low-Rise Residential* policies of VOP 2010 which permit residential uses in low-rise building forms up to a height of 3 storeys. The proposed severance applications are to facilitate the creation of one additional lot and the eventual construction of three detached 2-storey dwellings to replace the two existing dwellings currently on site. The proposed development would meet Policy 9.2.2.1(c), which permits detached houses in the *Low-Rise Residential* areas as-of-right. In addition, single-detached dwellings are permitted in the R3 Residential Zone, and the proposed three lots comply with the lot requirements of the R3 Residential Zone.

From a built form perspective, the proposal conforms with the policies introduced or amended by OPA 15 with respect to development on lands designated *Low-Rise Residential* in Community Areas.

Policy 2.2.3.2, as amended by OPA 15, specifically states that Community Areas are stable and not intended to undergo major intensification, however, new development may occur provided it respects and reinforces the character of the surrounding area. Accordingly, the proposal facilitates the creation of one additional lot to accommodate the construction of single detached homes that will respect and reinforce the character of the immediate area. The character of the immediate area includes a range of lot sizes and building types including older pre-1970 one-storey bungalows on large lots and recently-constructed two-storey detached dwellings on smaller lots.

The intent of OPA 15 was to introduce new policies and amend existing policies to provide greater direction for development in areas designated *Low-Rise Residential* in

Community Areas. Accordingly, we are of the opinion that the urban design and built form discussion below, which reviews policies 9.1.2.2, 9.1.2.3, the criteria included in policy 10.1.2.47, and the Draft Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods, demonstrates that the proposal conforms with OPA 15.

Urban Design and Built Form

The proposal respects and reinforces the existing physical character of the surrounding area and conforms with the built form policies of 9.1.2.2, as amended by OPA 15, as well as the compatibility criteria of Policy 10.1.2.47, in the following ways:

- The proposed lot sizes of 468 square metres are comparable with the lot sizes found on Fran Drive and Hurricane Avenue which range from 461 square metres to 1,513 square metres with an average lot size of 799 square metres;
- The proposed lot configurations and shapes will continue to be rectangular and will continue to front directly onto Fran Drive;
- The proposed lots will facilitate the future construction of single detached dwellings oriented to Fran Drive which is the prevailing building type in the surrounding area;
- The proposal will facilitate the construction of future two-storey detached dwellings which will respect the existing one- and two-storey heights of the adjacent and surrounding properties; and
- Additional details with respect to exact setbacks and the conservation of existing mature trees are not yet finalized, however, the concept drawings submitted in support of the severance applications demonstrate that three detached dwellings could be constructed on the proposed lots in a manner that conforms with the applicable zoning by-law and respects and reinforces the existing setbacks of adjacent properties and surrounding area.

The proposal respects and reinforces the existing physical character of the surrounding large lot neighbourhood and conforms with the built form policies of 9.1.2.3, as amended by OPA 15. Additionally, we note that the language included in 9.1.2.3 is almost exclusively “should be” rather than “shall be” as the intention is not to strictly apply each standard individually, but rather considered together with the goal of providing direction for development that respects and reinforces the neighbourhood character. Accordingly, the proposal conforms with the built form policies of 9.1.2.3, as amended by OPA 15, in the following ways:

- The proposed lot frontages are similar to the lot frontages of the adjoining lots on Hurricane Avenue while smaller than other adjoining and surrounding lots. Specifically, the proposed lots will have frontages that are larger than 71 Hurricane Avenue, almost equal to 69 Hurricane Avenue, and smaller than 30 Fran Drive, 60 Fran Drive, and 63 Hurricane Avenue;

- The lot sizes are generally consistent with the lot sizes of the adjacent lots which range from 463 square metres to 811 square metres;
- The proposed lot configurations and shapes will continue to be rectangular and will continue to front directly onto Fran Drive;
- The proposed lots will facilitate the future construction of single detached dwellings oriented to Fran Drive which will replace the existing single detached dwellings;
- The proposal will facilitate the construction of future two-storey detached dwellings which will respect the existing one- and two-storey heights of the adjacent and surrounding properties; and,
- Additional details with respect to exact setbacks, lot coverage and the conservation of existing mature trees are not yet finalized, however, the concept drawings submitted in support of the severance applications demonstrate that respect and reinforce the existing setbacks of adjacent properties and surrounding area.

The Draft Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods provide additional direction to the policies added and amended through OPA 15. In that respect, the proposal meets the intent of the guidelines in the following ways:

- The proposed development reflects the existing neighbourhood pattern found on Fran Drive and Hurricane Avenue;
- The proposed lot widths, lot depths, and lot areas of the three proposed lots are consistent with those found in the surrounding area;
- Future construction on the three proposed lots will consist of three two-storey detached dwellings which will replace the existing two detached dwellings;
- The three proposed lots will have frontages on Fran Drive with future dwellings to be oriented to Fran Drive;
- Additional details with respect to exact setbacks, lot coverage, main entrance location, building materials, garage location, landscaping, fencing, and the conservation of existing mature trees are not yet finalized, however, the concept drawings submitted in support of the severance applications demonstrate that respect and reinforce the existing setbacks of adjacent properties and surrounding area.

5.0 CONCLUSION

As demonstrated in this planning justification brief, we are of the opinion that the proposal presents a modest form of development that creates an additional lot in a built-up area of the City with existing municipal services.



The proposal conforms with the Regional Official Plan and VOP 2010, and specifically conforms with the policy updates of OPA 15 for development in Community Areas. A plan of subdivision is not required, and the proposal has had regard for Section 51(24) of the *Planning Act*.

Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned, or Mike Dror of this office.

Yours truly,

Bousfields Inc.

A handwritten signature in blue ink, appearing to read 'Daniel Rende', with a long horizontal stroke extending to the right.

Daniel Rende, MCIP, RPP

Appendices

1. Lot Study Map: Area
2. Lot Study Map: Frontage

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.

- Bell Canada - Confirms existing easement rights be maintained, & no additional easement protection required**
- Alectra (Formerly PowerStream) – No concerns or objections**
- Region of York – No concerns or objections**
- MTO – Located outside of MTO permit control area**

MacPherson, Adriana

Subject: FW: B008/20 - Request for Comments - 905-20-282

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: October-20-20 11:45 AM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>
Subject: [External] RE: B008/20 - Request for Comments - 905-20-282

Good morning Adriana

Upon review of the proposed severance application, Bell Canada confirms that we have existing installations over the subject lands noted above, which are protected by existing easement registered as Instrument No. WB3395 more particularly described as the northerly four feet of Lot 21 Plan 4735.

Therefore Bell Canada confirms that our existing easement rights must be maintained, and that we will not require any additional easement protection.

Best regards,

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

: Soyez prudent avec les liens et documents joints



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

Subject: FW: B008/20 - Request for Comments

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

Sent: October-21-20 10:03 AM

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

Subject: [External] RE: B008/20 - Request for Comments

Good morning Adriana,

The Regional Municipality of York has completed its review of the above consent application and **has no comment**.

Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

MacPherson, Adriana

Subject: B008/20 - Request for Comments

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

Sent: October-16-20 2:30 PM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: B008/20 - Request for Comments

Good Afternoon Adriana,

MTO has reviewed the subject land(s) located at:

1. *Part of Lot 1 and 2 of Block 74, Part of lot 25, Concession 7.*
2. *Parts 1-10, Block 77, Part of Lot 25, Concession 7*
3. *Parts 11-14 and Parts 20-23, Block 83, Part of Lot 25, Concession 7*

4.36 Fran Drive, Woodbridge

in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

Alexander Hajjar

Transportation Technician

Highway Corridor Management Section

Ministry of Transportation, MTO

416.235.4504

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application – A93/84

SAVO, Mr. & Mrs. 36 Fran Drive Woodbridge, Ontario		Bl. 51	A 93/84
OWNER (SURNAME FIRST)		SHEET NUMBER	FILE NUMBER
OTHER REFERENCE By-law 980	LOCATION: Lot 21, Plan 4735 (Pt. Lot 9, Concession 8) 36 FRAN DRIVE.		
	REQUEST: Variance to permit the maintenance of an existing one-storey dwelling with an attached porch and cold cellar, notwithstanding, the minimum front yard setback from the porch stairway is 5.3m (17.5') rather than the required 6m (20').		
	DATE OF HEARING August 21st, 1984		DECISION AND DATE <i>Approved</i>
	CONSENT DATE	COMMITTEE OF ADJUSTMENT	