VAUGHAN Staff Report Summary

Ward 1

Agent:	JVK Landscape Design & Consultation Inc
Address:	176 Port Royal Ave Kleinburg
Applicant:	Mariam Burhan & Roain Bayat
File:	A032/21

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	Positive Comment	Condition(s)
	Negative Comment	\mathbf{A}
Committee of Adjustment		
Building Standards		
Building Inspection		
Development Planning		
Development Engineering		
Parks, Forestry and Horticulture Operations		
By-law & Compliance		
Financial Planning & Development		
Fire Department		
TRCA		
Ministry of Transportation	\checkmark	
Region of York		
Alectra (Formerly PowerStream)		
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala Hearing Date: Thursday, April 8, 2021

*Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).



Minor Variance Application Page 2 Agenda Item: 14

A032/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live	Thursday , April 08, 2021 at 6:00 p.m.		
Stream Hearing:	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 <u>Vaughan.ca/LiveCouncil</u>		
	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 <u>cofa@vaughan.ca</u>		
	To make an electronic deputation at the meeting please contact the Committee of Adjustment at <u>cofa@vaughan.ca</u> 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:	Mariam Burhan & Roain Bayat		
Agent:	JVK Landscape Design and Consultation inc		
Property:	176 Port Royal Ave Kleinburg		
Zoning:	The subject lands are zoned RD1 9(1316) and subject to the provisions of Exception under By-law 1-88 as amended.		
OP Designation:	Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"		
Related Files:	None		
Purpose:	Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana, pool and hot-tub to be located in the rear yard.		

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

By-law Requirement	Proposal
1. A minimum of sixty percent (60%) of that portion of the rear yard in excess of 135 square metres shall be composed of soft landscaping.	 To permit a minimum of 42% rear yard soft landscaping. *Variance was revised prior to the issuance of public notice.
 A minimum rear yard setback of 7.5 metres is required to a Cabana. 	 To permit a minimum rear yard setback of 1.33 metres to a Cabana.
3. A minimum interior side yard setback 1.2 metres is required to a Cabana.	3. To permit a minimum interior side yard setback of 1.06 metres to a Cabana.
 A maximum building height of 3.0 metres is permitted to the nearest part of the roof of a Cabana. 	4. To permit a maximum height of 3.6 metres to the nearest part of the roof of a Cabana.

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

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. 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 March 24, 2021

Applicant confirmed posting of signage on March 24, 2021

Property Information		
Existing Structures	Year Constructed	
Dwelling	2015	

Applicant has advised that they cannot comply with By-law for the following reason(s): This will allow our client endless hours of fun and entertainment so that they can maximize their usable space to enjoy and connect with their friends and family outdoors. We cannot comply with the Zoning bylaw because the requirements are not realistic to allow for all the items our client's needs in their space. This will be a family space and as such it needs to be versatile for different people at different ages. Each space caters to different times of the day and to different ages using the space.

Adjournment Request: Applicant was advised prior to the issuance of public notice:

The Development Planning Department is not in <u>position to support</u> a reduction of 38.2% in the rear yard landscape. We would like to work with you but note recent approvals in your area that have been supported by DP and approved by Committee of Adjustment range from 42 to 48%. It is opinion of DP staff that reducing it below this standard will set an unwanted precedence and not maintain the general intent and purpose of Zoning By-law 1-88.

No concerns with respect to variances 2, 3 and 4.

*Applicant updated variance #1 to 42% prior to the issuance of public notice and zoning staff have completed review.

Building Standards (Zoning Review):

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

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

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No response

Development Planning:

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

Application under review.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A032/21. subject to the following condition(s):

- The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit <u>https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</u> to learn how to apply for lot grading and/or servicing approval.
- 2) The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage from 60% to 38.2% in order to mitigate potential impacts on the municipal storm water system.

Staff Report A032/21

Parks Development - Forestry:

Forestry requires any boulevard trees of any size fronting subject site to be protected with MLA-107B or ULA-110B (Light Duty/Snow Fence) hoarding details. Hoarding shall be installed prior to start of the proposed works and is to remain for the duration of the project.

Applicant shall contact Forestry for final inspection and approval of the Hoarding.

Parks Development - Parks:

No comments or concerns

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments to date.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections MTO – Located outside of MTO permit control area

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.
- \checkmark That the requested variance(s) is/are minor in nature.

Should the Committee adjourn this application the following condition(s) is required: N/A

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

	Department/Agency	Condition
1	Development Engineering Farzana Khan	 The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for
	905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pa
		 ges/default.aspx to learn how to apply for lot grading and/or servicing approval. 2) The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage from 60% to 38.2% in order to mitigate potential impacts on the municipal storm water system.
2	Development Planning Roberto Simbana	Application under review.
	905-832-8585 x 8810 <u>roberto.simbana@vaughan.ca</u>	

Conditions

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 <u>cofa@vaughan.ca</u>

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting <u>Vaughan.ca/LiveCouncil</u>. To make an electronic deputation, residents must complete and submit a <u>Public Deputation Form</u> 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 <u>www.vaughan.ca</u>

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

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

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

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

T 905 832 8585 Extension 8002 E <u>CofA@vaughan.ca</u>

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





Major Mackenzie Drive

March 16, 2021 12:05 PM

Huntington Road



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	as noted	scale:
21-03-23	JVK_176 Port Royal - Permit 21-03-23	JVK_176

landscape plan file no.

Site Plan

drawing:

Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

general note: 695.53 sqm 283.48 sqm 36.93 sqm 38.62 sqm 91.38 sqm 42.20% 91.38 sqm 42.00%

ex. lot coverage rear soft landscaping rear hard landscaping

pool

owner:

lot ex. house cabana

zone:

A032/21

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 2143-23
 SOFT SCAPE 42%

 21402-23
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JVK_176 Port Royal - Permit 21-03-23

landscape plan file no.

Pool Enclosure Site Plan

drawing:

Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

owner:

ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

general note:

695.53 sqm 293.48 sqm 36.93 sqm 38.62 sqm 42.20% 91.38 sqm 42.00% 126.19 sqm 58.00%

lot ex. house cabana pool ex. lot coverage rear soft landscaping rear hard landscaping

inground

gate

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no.

21-01-21 date

ISSUED FOR APPROVAL revision / comment

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 2143-23
 SOFT SCAPE 42%

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 ISSUED FOR CIRCULATION

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A2.01 Elevation - North landscape plan file no.

drawing:

owner: Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

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landscape plan file no.

drawing: Plumbing Plan

owner: **Custom Residential** 176 Port Royal Kleinburg, ON L4H 3N5

general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

site statistics: refer to D.2 - Site Plan

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A1.01 Roof Plan landscape plan file no.

drawing:

owner: Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

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site statistics: refer to D.2 - Site Plan

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SCALE: 1/4" = 1'-0" EAST ELEVATION

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1306 SODOM ROAD, DUNDAS ONTARIO

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PHONE

289.440.4940 EMAIL

jayvanderkruk@gmail.com

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JVK_176 Port Royal - Permit 21-03-23

A2.02 Elevation - East landscape plan file no.

drawing:

owner: Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

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site statistics: refer to D.2 - Site Plan

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1306 SODOM ROAD, DUNDAS ONTARIO

PHONE 289.440.4940 EMAIL jayvanderkruk@gmail.com

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JVK_176 Port Royal - Permit 21-03-23

A2.03 Elevation - South landscape plan file no.

drawing:

owner: Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5

general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION

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site statistics: refer to D.2 - Site Plan

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1306 SODOM ROAD, DUNDAS ONTARIO

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PHONE

289.440.4940 EMAIL

jayvanderkruk@gmail.com

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@jvklandscapedesign							r r	nd cap	posts shelving marine grade	ax 3.60m	fascia	apped parapet/fascia detail		
	JVK scape design:	engineer seal:	scale: as noted date: 21-03-23 dwn by: JVK proj. no. 21-01-19.99	JVK_176 Port Royal - Permit 21-03-23	drawing: A2.04 Elevation - West landscape plan file no.	Owner: Custom Residential 176 Port Royal Kleinburg, ON L4H 3N5	general note: ALL GRADES ALONG PROPERTY LINES TO REMAIN AS ARE BEFORE CONSTRUCTION			21-01-21 D. date site statistic efer to D.2 - Site	4 21-02-23 REISSUED FOR CIRCULATION 3 21-02-09 ISSUED FOR CIRCULATION 2 71-02-06 ISSUED FOR APPROVA	revision table		

Schedule B: Public Correspondence Received

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

None

Schedule C: Agency Comments

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

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections MTO – Located outside of MTO permit control area



COMMENTS:

X

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: <u>stephen.cranley@alectrautilities.com</u>

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

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A032/21 - REQUEST FOR COMMENTS

From: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Sent: February-26-21 2:36 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: [External] RE: A032/21 - REQUEST FOR COMMENTS

Hello Pravina,

This site (A032/21) is not within MTO permit control and MTO has no concern.

Cameron Blaney I Corridor Management Planner I Simcoe & York Highway Corridor Management Section – Central Operations 159 Sir William Hearst Avenue I Ministry of Transportation 7th Floor, Building D I Downsview, Ontario I M3M 0B7 416-358-7871 Cameron.Blaney@ontario.ca

Attwala, Pravina

Subject:

FW: A032/21 - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: March-03-21 3:12 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>;
Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: [External] RE: A032/21 - REQUEST FOR COMMENTS

Good afternoon Pravina,

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

Gabrielle

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