



File: A076/21

Applicant: PROJECT AIM PROGRAMS

Address: 36 Atkinson Avenue, Thornhill

Agent: G Architects

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson  
Hearing Date: Thursday, April 29, 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

Agenda Item: 30

A076/21

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, April 29, 2021 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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto: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:** Project Aim Programs

**Agent:** G Architects

**Property:** 36 Atkinson Avenue, Thornhill

**Zoning:** The subject lands are zoned R4 and subject to the provisions of Exception 9(474) under By-law 1-88 as amended

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

**Related Files:** DA.18.096

**Purpose:** Relief from By-law 1-88 is being requested to permit the construction of a proposed addition and renovations to the existing facility and to facilitate Site Plan Application DA.18.096.

The proposed addition will be used as an indoor pool.

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

By-law Requirement	Proposal
1. A maximum lot coverage of 20% is permitted. (Schedule A)	1. To permit a maximum lot coverage of 27% (3263m2)
2. A strip of landscaping not less than 2.4m in width is required for the lot abutting open space or residential zone. (3.13)	2. To permit a minimum landscape strip of 2.27m abutting residential zone and a minimum landscape strip of 2.22m abutting open space zone.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A181/99	Increased maximum lot coverage	Approved.

For information on the previous approvals listed above please visit [www.vaughan.ca](https://www.vaughan.ca). To search for a file number, enter it using quotes around it. For example, "A001/17".

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

Adjournment History: None

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on April 14, 2021

Applicant confirmed posting of signage on April 11, 2021

Property Information	
Existing Structures	Year Constructed
Children’s School	1993
Proposed Pool Addition	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s):  
The current zoning permits 20% coverage. The proposed addition will increase the coverage to 27% Note a previous application in 1999 permitted additional coverage to 22%. Refer to File No. A181/99

The application is seeking relief to the following existing non-conforming condition:  
The landscape strip adjoining open space or residential is required to be 2.4 m. The landscape strip to the north is 2.27 at its narrowest point. The landscape strip to the west is 2.22 at its narrowest point.

Adjournment Request:

None

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.

Building Inspections (Septic):

No comments or concerns

Development Planning:

City of Vaughan Official Plan 2010 (“VOP 2010”): “Low-Rise Residential”

The Owner has submitted Site Development Application File DA.18.096 to permit a 619.3 m2 building addition which includes an indoor pool and barrier free change room for the existing Kayla’s Children’s Centre. Site Development Application DA.18.096 is under review by the Development Planning Department. The Development Planning Department supports the approval of Site Development Application DA.18.096 along with the requested variances, as the development is consistent with the Provincial Policy, conforms to the York Region Official Plan and Vaughan Official Plan 2010, and is compatible with the existing and planned uses in the surrounding area. Minor Variances 2 and 3 recognize an existing as built condition.

Accordingly, the Development Planning Department is of the opinion that the proposed variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are appropriate for the development of the land.

The Development Planning Department recommends approval of the application, subject to the following conditions:

That Site Development Application File DA.18.096 be approved to the satisfaction of the Development Planning Department

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A076/21. subject to the following condition(s):

The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.096) from the Development Engineering (DE) Department.

Parks Development - Forestry:

No comments received to date.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

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

**Fire Department:**

Please note that the applicant will have to address the following as part of the permit process:  
Does the building have a fire alarm or sprinkler system or both? does it impede any of these devices?  
Is the pool outdoor or will be indoor and is it attached to the building?

**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)**

Minor Variance Application A181/99

**Staff Recommendations:**

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

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

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

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

	Department/Agency	Condition
1	Development Planning Roberto Simbana  905-832-8585 x 8810 <a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>	That Site Development Application File DA.18.096 be approved to the satisfaction of the Development Planning Department
2	Development Engineering Farzana Khan  905-832-8585 x 3608 <a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>	The Owner/applicant shall obtain approval for the related Site Development Application (DA.18.096) from the Development Engineering (DE) Department.

**Conditions**

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

**Please Note:**

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

**Notice to the Applicant – Development Charges**

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

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

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

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

**Notice to Public**

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto: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](https://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 further information please contact the City of Vaughan, Committee of Adjustment**

**Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](mailto: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.

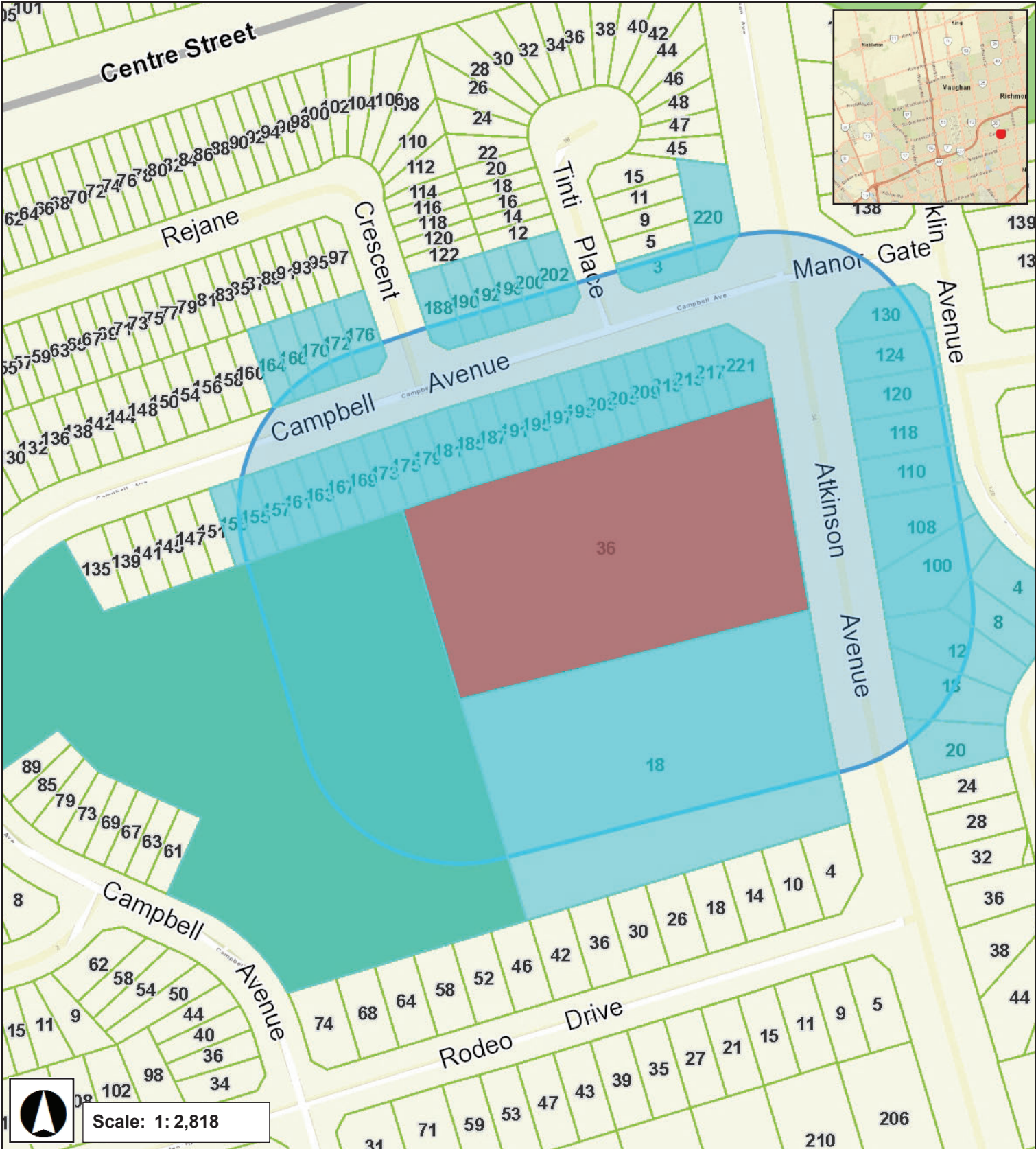
Location Map  
Plans & Sketches





# A076/21 - Notification Map

36 Atkinson Avenue, Thornhill



MAN BUILDING: ENTRANCE

NTM (NEW)

## DISCUSSION



All drawing and specifications are the property of the architect. The contractor shall verify all dimensions and information on site and report any discrepancy at once, before proceeding.

50

2021-03-23 12:32:23 P



1.651

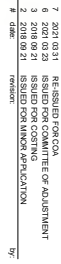


511

14

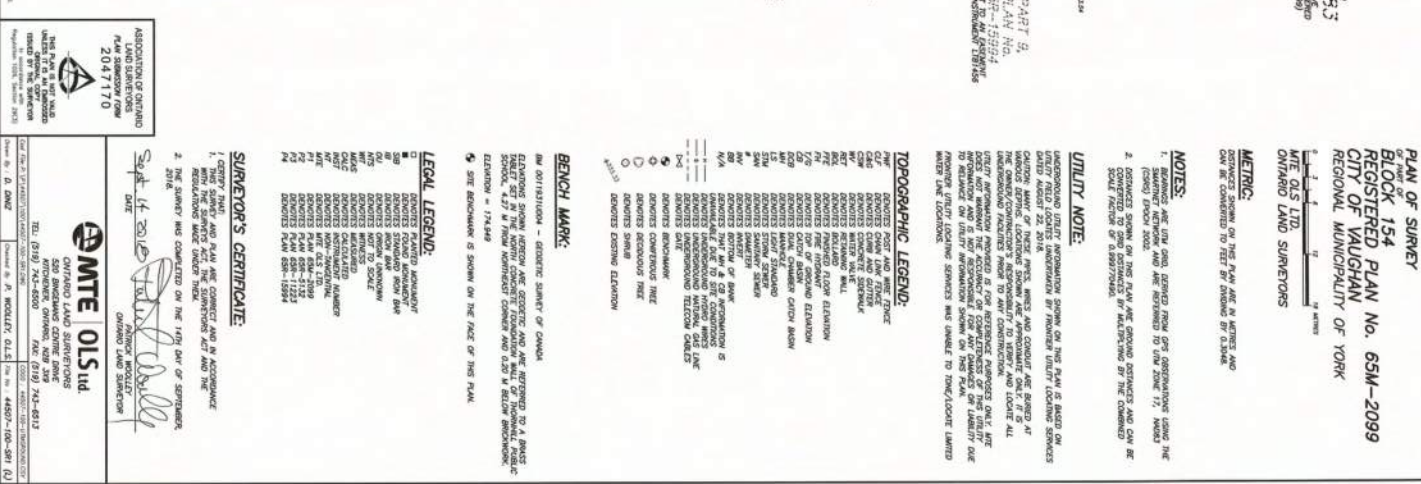
## GENERAL NOTES



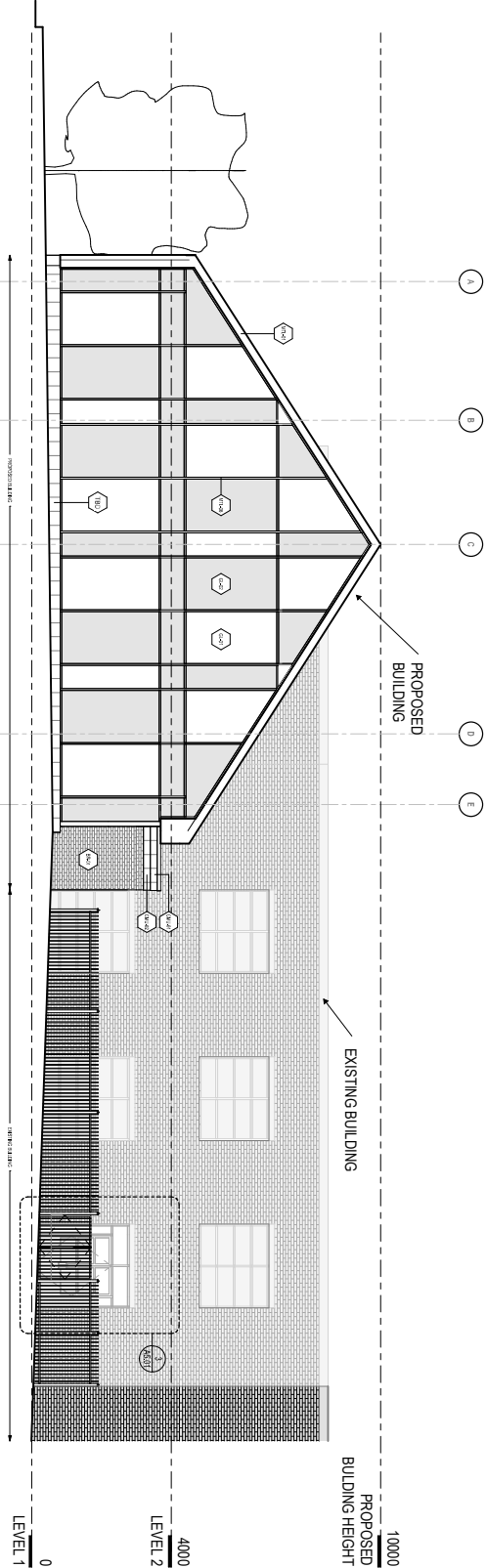
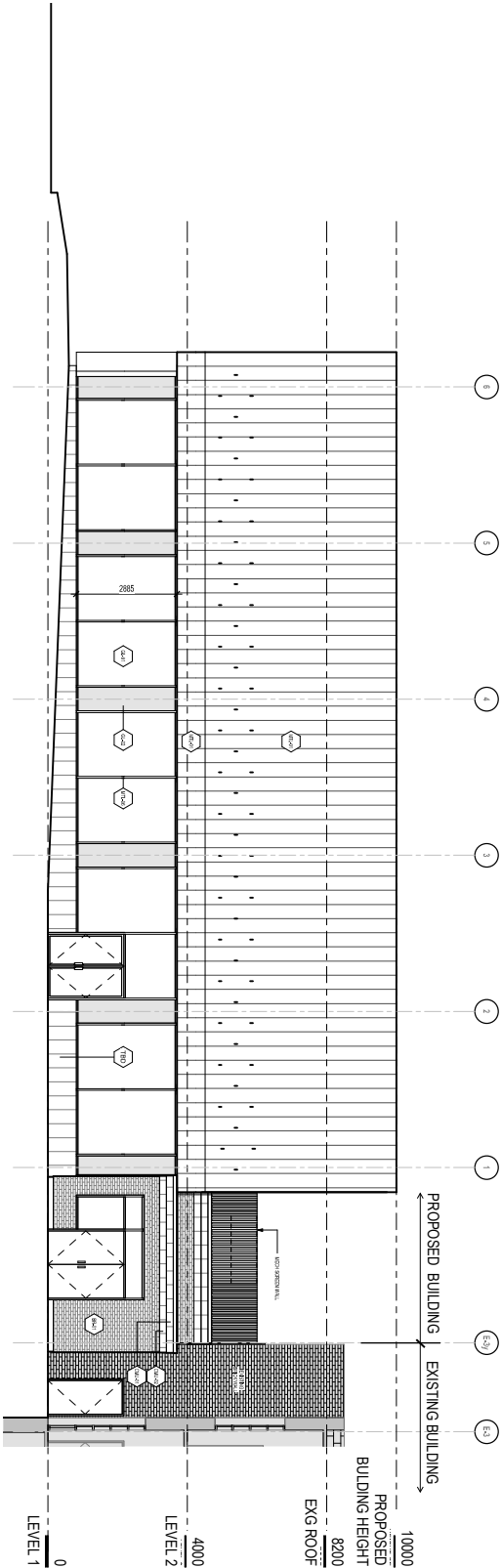


**KAYLA'S NATATORIUM**  
36 Atkinson Ave., Thornhill, ON L4J 8C9

date:	XX
drawn by:	XX
reviewed by:	XX
job number:	1804
start date:	2021-03-23 12:20:20 PM



PROPOSED BUILDING	
DATE:	2021.04.15
PROJECT:	KAYLAS NATATORIUM
CLIENT:	KAYLAS NATATORIUM
ARCHITECT:	GARCHITECTS
DESIGNER:	GARCHITECTS
ENGINEER:	GARCHITECTS
CONTRACTOR:	GARCHITECTS
DATE:	2021.04.15
PROJECT:	KAYLAS NATATORIUM
CLIENT:	KAYLAS NATATORIUM
ARCHITECT:	GARCHITECTS
DESIGNER:	GARCHITECTS
ENGINEER:	GARCHITECTS
CONTRACTOR:	GARCHITECTS



1. 2021.04.15 ISSUED FOR CONSTRUCTION  
2. 2021.04.15 ISSUED FOR CONSTRUCTION  
3. 2021.04.15 ISSUED FOR CONSTRUCTION  
4. 2021.04.15 ISSUED FOR CONSTRUCTION  
5. 2021.04.15 ISSUED FOR CONSTRUCTION  
6. 2021.04.15 ISSUED FOR CONSTRUCTION  
7. 2021.04.15 ISSUED FOR CONSTRUCTION  
8. 2021.04.15 ISSUED FOR CONSTRUCTION  
9. 2021.04.15 ISSUED FOR CONSTRUCTION  
10. 2021.04.15 ISSUED FOR CONSTRUCTION

**NOT FOR CONSTRUCTION**

All drawings and specifications are the property of GARCHITECTS. The contractor shall verify all dimensions and report any discrepancy to architect before proceeding.

**KAYLAS NATATORIUM**  
35 Hurontario Ave., Toronto, ON L4R 1K3

**BUILDING ELEVATIONS**

scale: As indicated  
drawn by: XX  
checked by: XX  
date: 2021-04-17 2:45:16 PM  
drawing number: A5.00

**Schedule B: Public Correspondence Received**

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

**None**

Schedule C: Agency Comments

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

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



## COMMENTS:

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

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

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

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

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

### References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

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

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

## MacPherson, Adriana

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**Subject:** FW: A076/21 - Request for Comments

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**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** April-13-21 10:30 AM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Cc:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] RE: A076/21 - Request for Comments

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

*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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

**MacPherson, Adriana**

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**Subject:** FW: A076/21 - Request for Comments

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**From:** Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>  
**Sent:** April-07-21 2:33 PM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Cc:** Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>  
**Subject:** [External] RE: A076/21 - Request for Comments

Good afternoon,

The property at 36 Atkinson Avenue is not within the MTO permit control area and MTO has no comments.

**Colin Mulrenin | Corridor Management Officer | York**  
Highway Corridor Management Section – Central Operations  
159 Sir William Hearst Avenue | Ministry of Transportation  
7<sup>th</sup> Floor, Building D | Downsview, Ontario | M3M 0B7  
[Colin.Mulrenin@ontario.ca](mailto:Colin.Mulrenin@ontario.ca)

**Schedule D: Previous Approvals (Notice of Decision)**

**Minor Variance Application A181/99**



COMMITTEE OF ADJUSTMENT  
(VARIANCES)

**NOTICE OF DECISION**

**FILE NO: A181/99**

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **THE LEO BAECK DAY SCHOOL**, owner of Part of Block 154, Registered Plan 65M-2099, (Part of Lot 30, Concession 1), municipally known as 36 Atkinson Avenue.

By-law 1-88 zones this parcel "R3" Residential.

The applicant is requesting a variance to permit the construction of a proposed two-storey addition with basement, attached to the rear of an existing two-storey school, notwithstanding the maximum lot coverage for an institutional use will be 22.32% rather than the By-law requires the maximum lot coverage for institutional use to be 20%. A sketch is attached illustrating the request.

The Committee is of the opinion that the variance sought can be considered minor and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

THAT Application No. **A181/99, THE LEO BAECK DAY SCHOOL**, be **APPROVED**, subject to the following conditions:

1. That the variance for the increase in the lot coverage is conditional upon the property being constructed in accordance with the requested variance as shown on the attached sketch forming part of this application, to the satisfaction of the Building Standards Department.
2. That if the condition listed above is not fulfilled within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.

**IMPORTANT:** ALL CONDITIONS MUST BE FULFILLED.  
Please contact each Agency and/or Department listed above whether  
"if required" appears in the condition or not.

Members concurring in this decision:

M. Mauti,  
Chair,

T. DeCicco  
Vice Chair,

L. Fluxgold,  
Member,

K. Hakoda,  
Member,

S. Perrella,  
Member,

**CERTIFICATION**

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

Per:   
Dianne E.L. Grout, A.M.C.T.,  
Secretary-Treasurer  
Committee of Adjustment  
City of Vaughan

**DATE OF HEARING: JUNE 10, 1999**

**LAST DATE OF APPEAL: JUNE 30, 1999**

**APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30P.M. ON JUNE 30, 1999.**

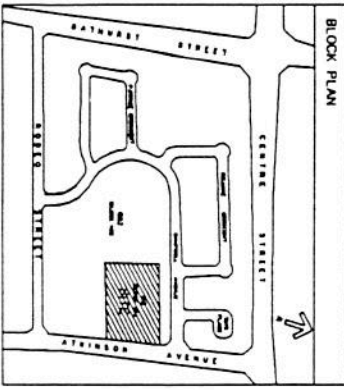
**NOTE:** The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

H181194

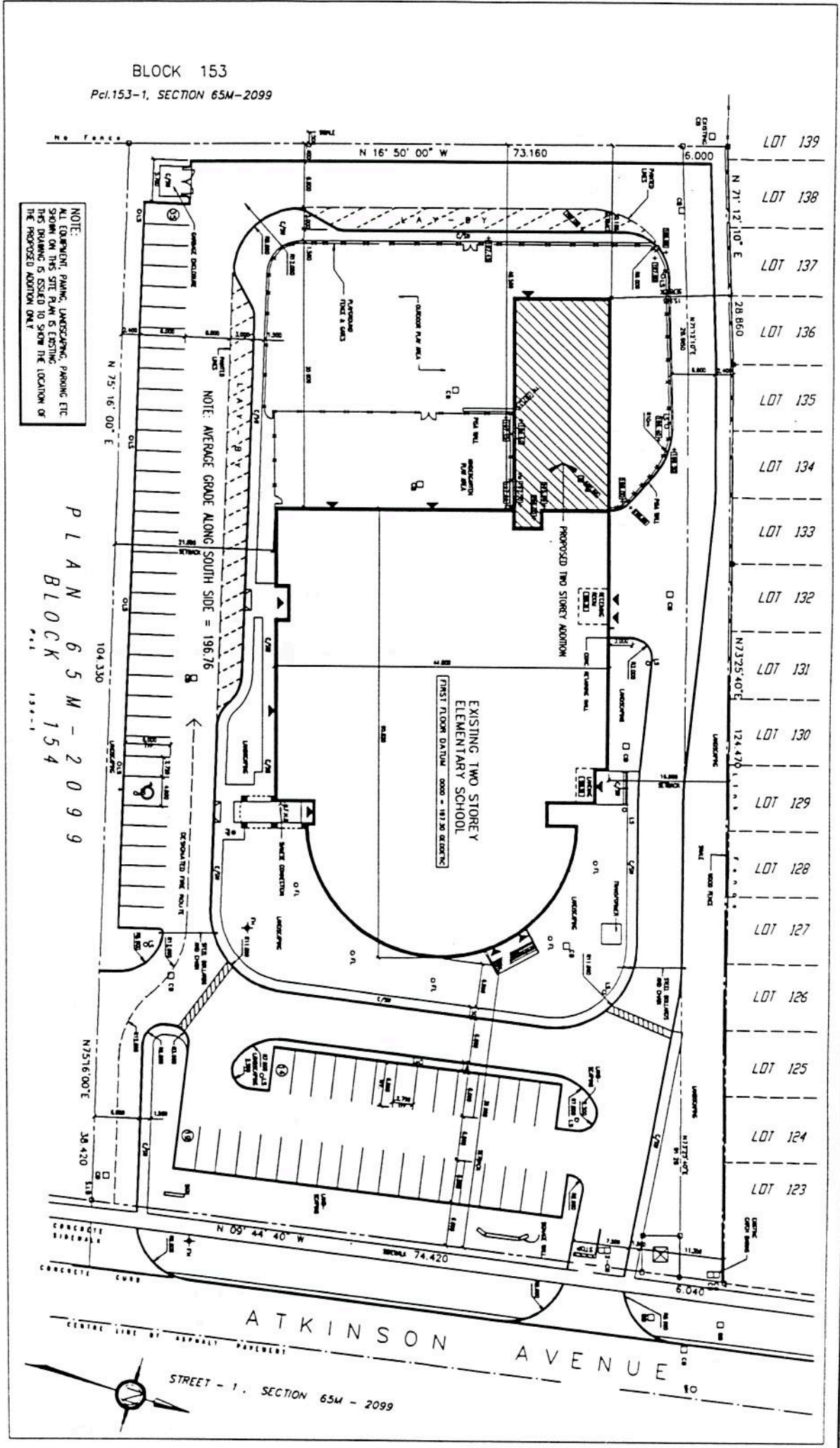
SITE STATISTICS	
1. TOTAL SITE AREA	1.11 ACRES
2. EXISTING LOT AREA	1.11 ACRES
3. PROPOSED LOT AREA (15.20)	15.20 ACRES
4. EXISTING LOT AREA (15.20)	15.20 ACRES
5. EXISTING LOT AREA (15.20)	15.20 ACRES
6. EXISTING LOT AREA (15.20)	15.20 ACRES
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12. EXISTING LOT AREA (15.20)	15.20 ACRES
13. EXISTING LOT AREA (15.20)	15.20 ACRES
14. EXISTING LOT AREA (15.20)	15.20 ACRES
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16. EXISTING LOT AREA (15.20)	15.20 ACRES
17. EXISTING LOT AREA (15.20)	15.20 ACRES
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19. EXISTING LOT AREA (15.20)	15.20 ACRES
20. EXISTING LOT AREA (15.20)	15.20 ACRES

OBC CLASSIFICATION SUMMARY	
1. EXISTING LOT AREA	1.11 ACRES
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20. EXISTING LOT AREA	1.11 ACRES

LEGEND	
1. EXISTING LOT AREA	1.11 ACRES
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16. EXISTING LOT AREA	1.11 ACRES
17. EXISTING LOT AREA	1.11 ACRES
18. EXISTING LOT AREA	1.11 ACRES
19. EXISTING LOT AREA	1.11 ACRES
20. EXISTING LOT AREA	1.11 ACRES



DATE: APR 21 1990  
PROJECT NO. 97010



NOTE:  
ALL EXISTING PLANS, LANS, ETC.  
SHOWN ON THIS SITE PLAN IS EXISTING.  
THE PLANNING IS ISSUED TO SHOW THE LOCATION OF  
THE PROPOSED ADDITION ONLY.

PLAN 65M-2099  
BLOCK 154  
P.L. 154-1

Addition to Leo Baack Day School

MAKINACHAL OB - CUON



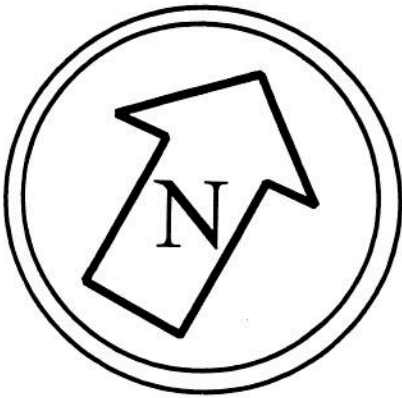
SITE PLAN  
0 2 4 6 8 10 12 14 16 18 20



## COMMITTEE OF ADJUSTMENT

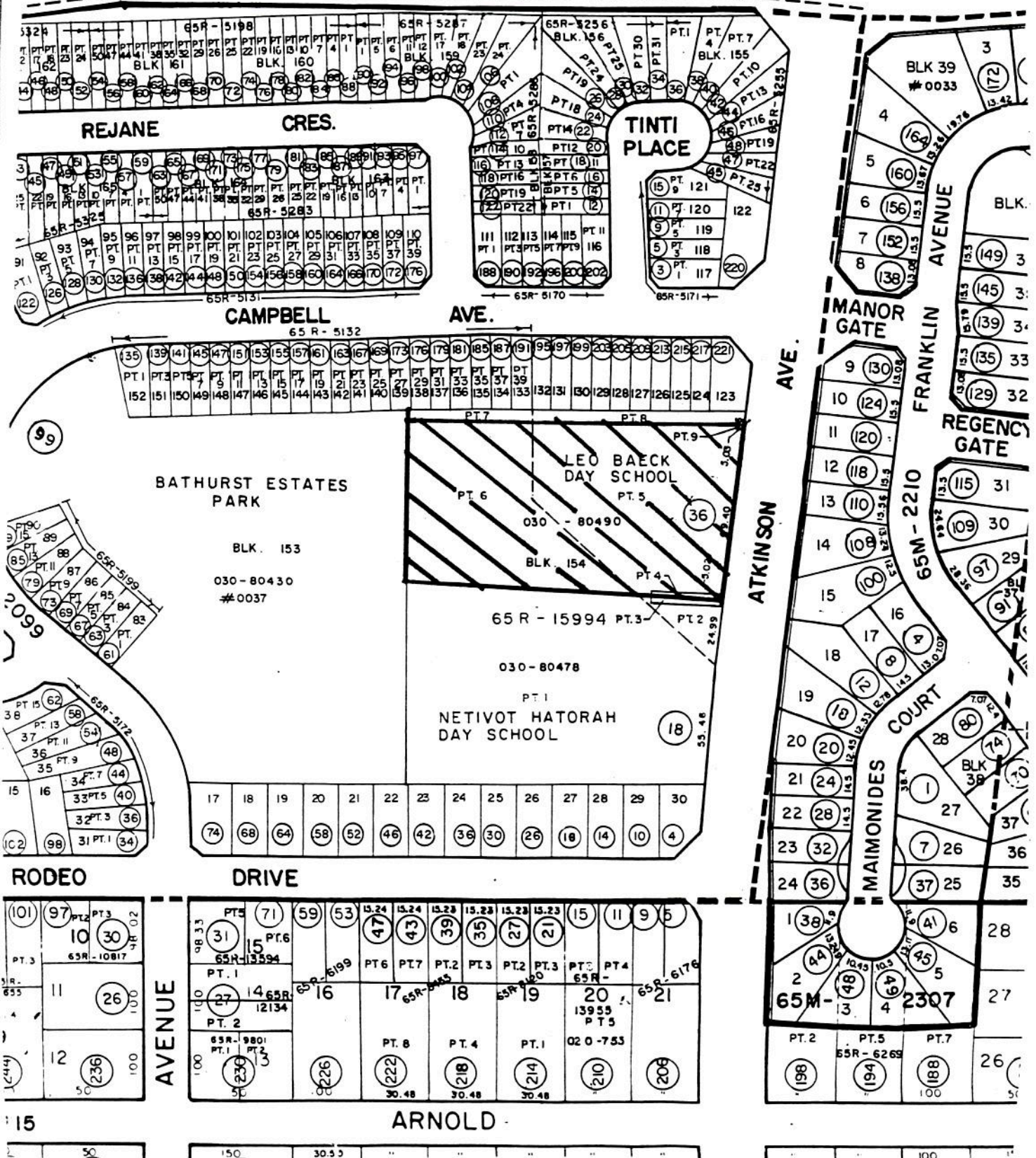
File No: A181/99

Applicant: **THE LEO BAECK DAY SCHOOL**



Municipal Address: 36 ATKINSON AVE.  
Subject Area

CENTRE STREET





## PLANNING ACT

### Subsection 45 - 20 inclusive

- (12) The applicant, the Minister or any other person who has an interest in the matter may within twenty days of the making of the decision appeal to the Municipal Board against the decision of the Committee by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board\* under the Ontario Municipal Board Act as payable on an appeal from a Committee of Adjustment to the Board.
- (13) The Secretary-Treasurer of a Committee, upon receipt of a notice of appeal served or sent to him/her under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in Subsection (12) to the Municipal Board by registered mail, together with all papers and documents filed with the Committee of Adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.
- (14) If within such twenty days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant and shall file a certified copy of the decision with the Clerk of the Municipality.
- (15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the Committee is final and Binding and the Secretary of the Board shall notify the Secretary-Treasurer of the Committee who in turn shall notify the applicant and file a certified copy of the decision with the Clerk of the Municipality.
- (16) On an appeal to the Municipal Board, the Board shall except as provided in Subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, and Secretary-Treasurer of the Committee and to such other persons and in such manner as the Board may determine.
- (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party if,
- (a) it is of the opinion that,
    - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
    - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
    - (iii) the appeal is made only for the purpose of delay;
  - (b) the appellant has not provided written reasons for the appeal;
  - (c) the appellant has not paid the fee prescribed under the *Ontario Municipal Board Act*; or
  - (d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.
- (17.1) Before dismissing an appeal, the Municipal Board shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Board may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.
- (18) The Municipal Board may dismiss the appeal and may make any decision that the Committee could have made on the original application.
- (18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection.
- (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
- (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.
- (18.4) If a notice of intent under subsection (18.2) is received, the Board may hold a hearing or resume the hearing on the amended application.
- (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the Secretary-Treasurer of the Committee.
- (20) The Secretary-Treasurer shall file a copy of the order of the Municipal Board with the Clerk of the Municipality.

\*\$125.00 for the primary variance appeal and \$25.00 for each related variance appeal.