



File: B005/21

Applicant: Mario Asta & Kersten Smargiassi

Address: 41 Hurricane Ave Woodbridge

Agent: MHBC Planning

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"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations		
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Real Estate Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fire Department		
TRCA		
CP Rail	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)		
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, July 22, 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).*



Consent Application

Agenda Item: 2

B005/21

Ward: 2

Prepared By: Pravina Attwala Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, July 22, 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://www.v 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: Mario Asta & Kersten Smargiassi

Agent: MHBC Planning

Property: **41 Hurricane Ave Woodbridge**

Zoning: The subject lands are zoned R3 and subject to the provisions of Exception under By-law 1-88 as amended

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

Related Files: Minor Variance Applications A088/21 & A089/21

Purpose: Consent is being requested to sever parcel of land for residential purposes. The severed parcel of land is approximately 347.00 square metres and the retained parcel is approximately 347.00 square metres. Both the severed and retained land have frontage on Hurricane Avenue and the existing single-family dwelling and shed are to be demolished.

Background (Previous Applications approved by the Committee on the subject land: N/A)

For information on the previous approvals listed above please visit www.v 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 July 7, 2021

Applicant confirmed posting of signage on July 7, 2021

Existing Building or Structures on the subject land: The existing single-family dwelling and shed are 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. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
4. That Minor Variance Application(s) A088/21 & A089/21 be approved at the same time as the Consent application and becomes final and binding.

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

A Surveyors Certificate of Lot Areas, Frontages and Depths as per the definitions in Section 2.0 of By-law 1-88 a.a. is required in order to confirm compliance with the By-law requirements.

Minor variance applications A088/21 and A089/21 shall be considered with this application.

Development Planning:

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

The Owner is proposing to sever the subject lands to develop two new single-family dwellings on the proposed severed (Lot B) and retained lands (Lot A) with the above-noted variances. The severed and retained lands meet the minimum lot frontage requirements of the "R3 Residential Zone".

The subject lands are located in an existing mature low-rise residential neighbourhood characterized by one and two-storey single-family dwellings with lot frontages in the range of approximately 14.6 m to 30 m. Recently approved Consent Applications along Hurricane Avenue and Fran Drive resulted in infill development consisting of smaller lots accommodating new single-family dwellings. In 2013, the Committee of Adjustment ('Committee') approved Consent Application Files B032/13, B033/13 and Minor Variance Application File A367/13 at 69 and 75 Hurricane Avenue which created three lots for new two-storey single-family detached dwellings to the west of the subject lands. In 2020, the Committee approved Consent Application Files B008/20 and B009/20 at 36 and 46 Fran Drive which implemented a similar type of proposal as in 2013. The result of these applications is infill residential development that respect and reinforce the physical character of the established neighbourhood.

The subject lands are designated "Low-Rise Residential" by VOP 2010 and fall within the Established Large Lot Neighbourhoods Policy (Official Plan Amendment #15 ('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 VOP 2010 to clarify and support existing policy in order to address concerns regarding the compatibility of infill development in Community Areas with a Low-Rise Residential designation.

The subject lands are not located within areas subject to Policy 9.1.2.3, as identified on Schedule 1B of VOP 2010, however 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 predominantly 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 and massing, and lot coverage to maintain the existing large lot neighbourhood. Specifically, Policy 9.1.2.3.a and 9.1.2.3.b speak to new lots having lot frontages equal to or exceeding frontages of adjoining lots, and area of new lots being consistent in size with adjacent lots.

Although the proposed severed and retained lands are smaller in lot frontage and lot area than adjacent lots, the proposal is generally consistent with Policy 9.1.2.3 (a-b). The lot frontage of the severed and retained lands, 14.54 m and 14.02 m respectively, comply with the requirements of Zoning By-law 1-88, and are similar to the 14.6 m to 14.63 m lot frontages approved on Hurricane Avenue and Fran Drive through Consent Applications B032/13, B033/13, B008/20, and B009/20. The proposed lot area of 347 m² for both the severed and retained lands represent a minor reduction (3.6%) from the requirements of the "R3" zone and are generally comparable to the smaller lot sizes (460 m² – 470 m²) approved through the aforementioned Consent applications. The proposal satisfies the remaining policies of Policy 9.1.2.3 (c-h).

The two lots proposed respect the local pattern and configuration of lots within the neighbourhood and both can accommodate single-family detached dwellings which are the predominant building type in the neighbourhood. The height and scale of the proposed dwellings are in character with existing one and two-storey dwellings in the immediate area. This is further demonstrated by the fact that the proposed dwellings comply with the height, setbacks, and lot coverage requirements of the "R3" zone.

Overall, the proposal represents limited intensification in a Community Area that is sensitive to and compatible with the character, form, and planned function of the surrounding context (Policy 2.2.3.3).

An Arborist Report and Tree Inventory Plan, prepared by MHBC Planning and dated March 22, 2021, was submitted in support of the application. The report inventoried 6 trees impacted by the proposed works, with 3 trees planned to be removed. The Owner has also provided a Tree Planting Plan showing 8 proposed trees in the front yard of the severed and retained lands. The Urban Design Division has reviewed the Arborist Report and Tree Planting Plan and are satisfied with the proposal.

Accordingly, the Development Planning Department has no objection to the requested severance 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 is also of the opinion that the required variances for the lot areas of each of the severed and retained lands are minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the lands.

The Development Planning Department recommends approval of the applications.

Development Engineering:

The Development Engineering (DE) Department does not object to consent application B005/21 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/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 and specifications, complete with a servicing and lot grading plan. The Owner/applicant shall pay the required connection fee(s) following confirmation of service connection estimates. The Owner/applicant shall submit the confirmation of above to the Development Engineering Department.

Parks Development - Forestry:

No comments received to date.

By-Law and Compliance, Licensing and Permit Services:

No comments no concerns.

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.

Recommended conditions of approval:

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

Real Estate:

Recommended condition of approval:

The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made if a new lot is being created. Said levy is to be 5% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Senior Manager of Real Estate. Payment shall be made by certified cheque only.

Fire Department:

No comments received to date.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Planning Justification Report

Schedule C - Agency Comments

Region of York – No concerns or objections

CP Rail – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

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

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	<ol style="list-style-type: none"> 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. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule. 4. That Minor Variance Application(s) A088/21 & A089/21 be approved at the same time as the Consent application and becomes final and binding.
2	Building Standards Catherine Saluri 905-832-8585 x catherine.saluri@vaughan.ca	That minor variance files A088/21 and A089/21 are approved and become final and binding.
3	Real Estate Franca Mazzanti 905-832-8585 x 8474 franca.mazzanti@vaughan.ca	The applicant shall provide the City with an appraisal report and valuation of the subject land (land only) to be prepared by an accredited appraiser. Payment of a Parkland levy to the City in lieu of the deeding of land for park purposes shall be made if a new lot is being created. Said levy is to be 5% of the appraised market value of the subject land as of the date of the Committee of Adjustment giving notice to the Applicant of the herein decision. Said levy shall be approved by the Senior Manager of Real Estate. Payment shall be made by certified cheque only.
4	Development Engineering Farzana Khan 905-832-8585 x 3608	<ol style="list-style-type: none"> 1. The Owner/applicant shall arrange to prepare and register a reference plan at their expense for the conveyance of the subject lands and showing all existing and proposed easements to the satisfaction of DE. The Owner/applicant

	Department/Agency	Condition
	Farzana.Khan@Vaughan.ca	shall submit a draft reference plan to the Development Engineering Department for review prior to deposit. 2. 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 and specifications, complete with a servicing and lot grading plan. The Owner/applicant shall pay the required connection fee(s) following confirmation of service connection estimates. The Owner/applicant shall submit the confirmation of above to the Development Engineering Department.
5	Development Finance Nelson Pereira 905-832-8585 x 8393 nelson.pereira@vaughan.ca	1. The owner shall pay of a Tree Fee, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared). 2. The owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department (contact Nelson Pereira to have this condition cleared).

Warning:

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

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

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

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

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

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting Vaughan.ca/LiveCouncil. To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business day prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

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

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

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) 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 8002
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

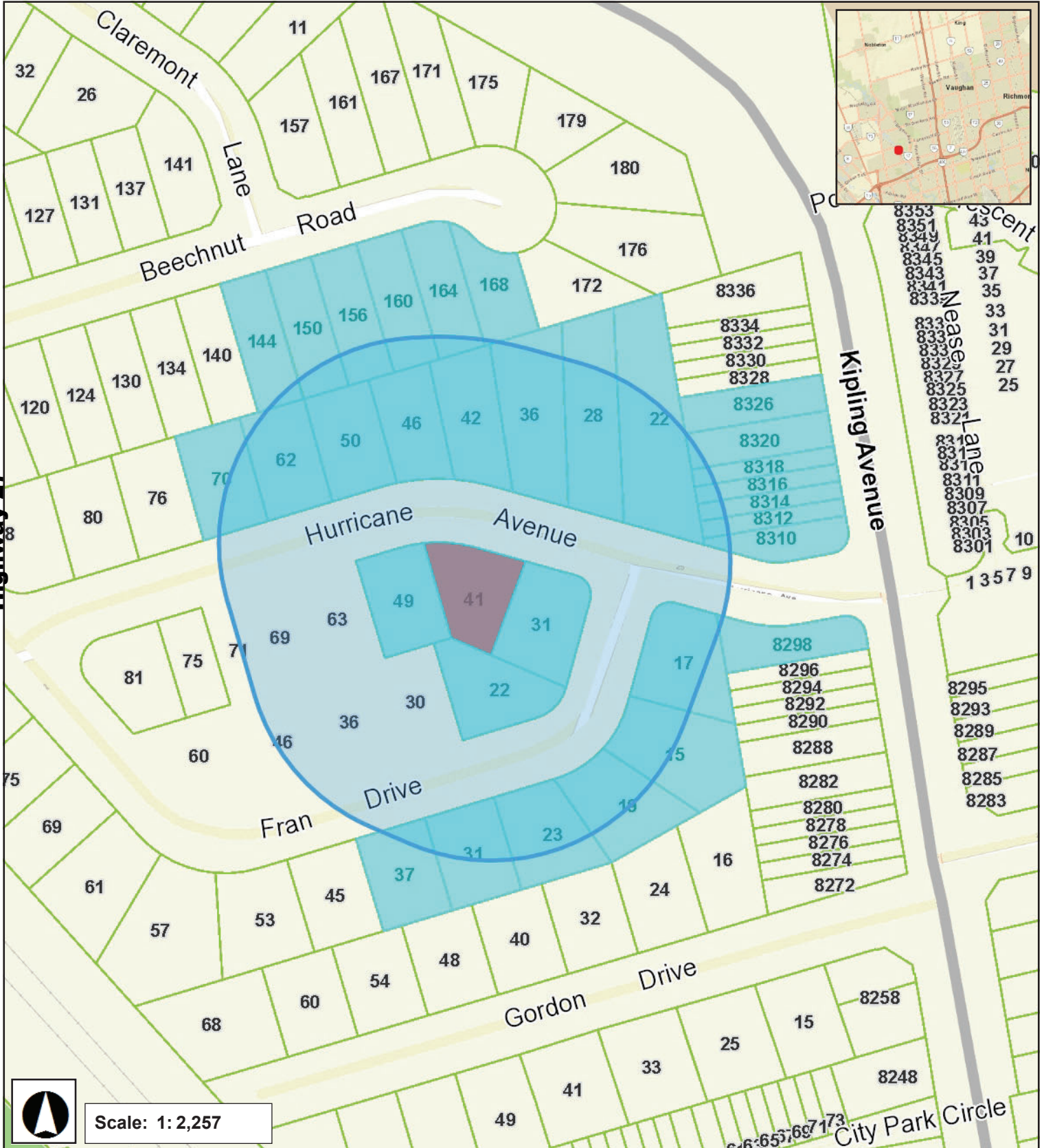
Plans & Sketches



LOCATION MAP - B005/21, A088/21, A089/21

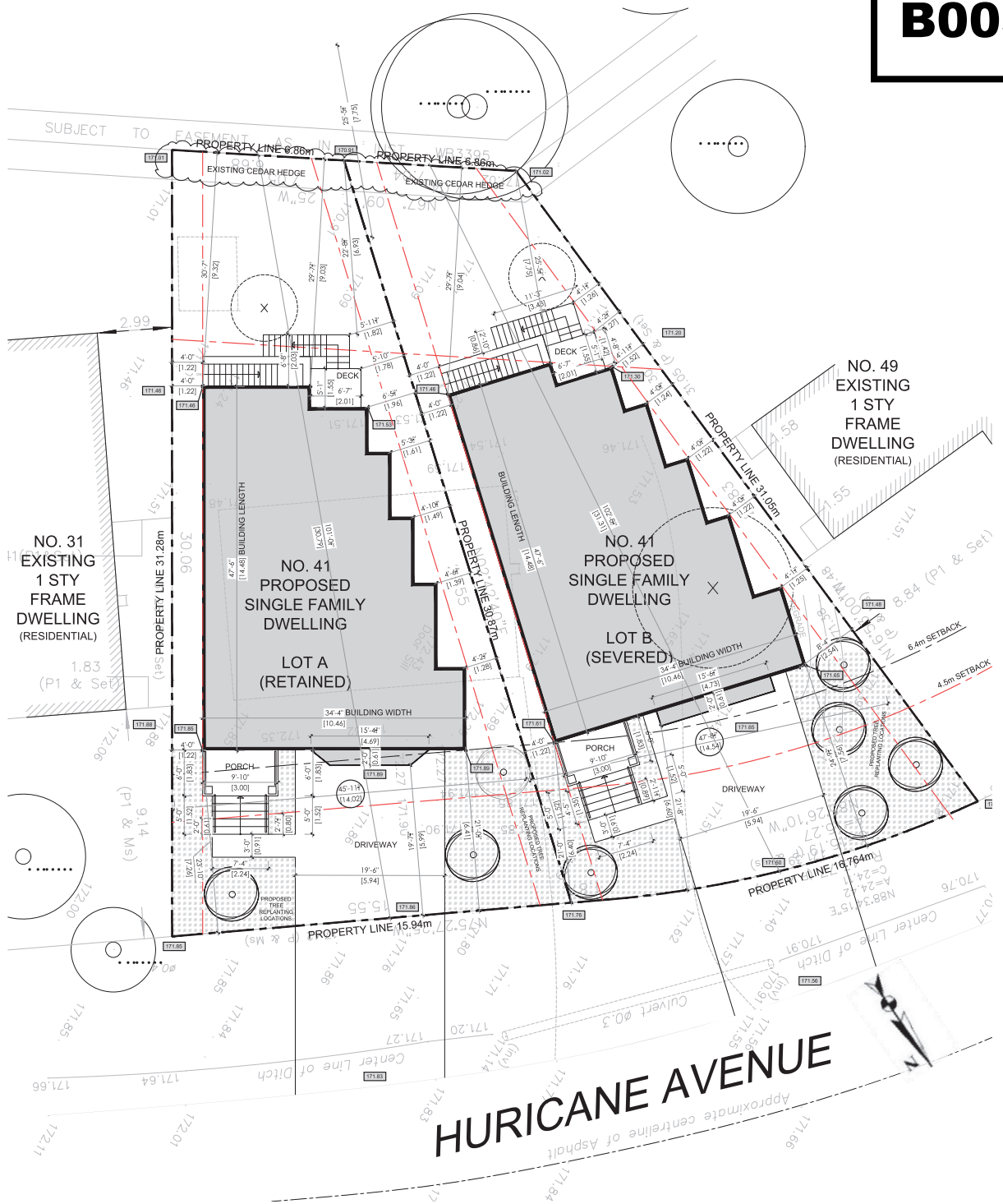
41 HURRICANE AVENUE, WOODBRIDGE

Langstaff Road



Highway 7

B005/21



SITE STATISTICS CHART - LOT A (RETAINED)					
LOT A (RETAINED)					
LOT AREA STATS	REQUIRED	PROPOSED	FRONAGE (sq-m)	REQUIRED	PROPOSED
GROSS FLOOR AREA	360 M ²	347.00 M ²		12.00 m	14.00 m
			COVERAGE		
GROUND		81.87 M ²	HOUSE		124.77 M ²
MAIN		124.77 M ²	PORCH (min)		5.48 M ²
UPPER		123.44 M ²	TOTAL	135.58 M ²	130.25 M ²
TOTAL GFA	N/A	330.09 M ²	PERCENTAGE	40.00%	37.48%
GARAGE		40.50 M ²	SETBACKS		
BASEMENT		77.82 M ²	FRONT YARD (sq-m)	8.4 m	8.4 m
HEIGHT			FRONT YARD (ft-in)	4.5 m	5.99 m
TOP OF ROOF	9.5 m	9.5 m	E SIDE YARD	1.2 m	1.22 m
BUILDING SIZE			W SIDE YARD	1.2 m	1.22 m
BUILDING LENGTH	N/A	14.48 m	REAR YARD	7.5 m	9.03 m
PARKING	3 SPACES	4 SPACES			

SITE STATISTICS CHART - LOT B					
LOT B					
LOT AREA STATS	REQUIRED	PROPOSED	FRONAGE (sq-m)	REQUIRED	PROPOSED
GROSS FLOOR AREA	360 M ²	347.00 M ²		12.00 m	14.54 m
			COVERAGE		
GROUND		81.87 M ²	HOUSE		125.22 M ²
MAIN		125.22 M ²	PORCH (min)		5.48 M ²
UPPER		123.45 M ²	TOTAL	135.58 M ²	130.70 M ²
TOTAL GFA	N/A	330.54 M ²	PERCENTAGE	40.00%	37.66%
GARAGE		40.50 M ²	SETBACKS		
BASEMENT		77.82 M ²	FRONT YARD (sq-m)	8.4 m	8.4 m
HEIGHT			FRONT YARD (ft-in)	4.5 m	6.60 m
TOP OF ROOF	9.5 m	9.5 m	E SIDE YARD	1.2 m	1.22 m
BUILDING SIZE			W SIDE YARD	1.2 m	1.22 m
BUILDING LENGTH	N/A	14.48 m	REAR YARD	7.5 m	7.75 m
PARKING	3 SPACES	4 SPACES			

PROPOSED - SITE PLAN (LOT A)

□ 41 Hurricane Ave, Vaughan □ 21-001 □ JUNE 22, 2021 □ 1:150

SP1

Schedule B: Public Correspondence Received

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

Planning Justification Report

June 2, 2021

Office of the City Clerk
c/o Committee of Adjustment
2141 Major Mackenzie Drive, 1st Floor
Vaughan ON L6A 1T1

**RE: JUSTIFICATION FOR CONSENT AND MINOR VARIANCE
41 HURRICANE AVENUE, VAUGHAN
OUR FILE: 20454A**

On behalf of our client, Mario Asta (hereinafter referred to as the “owner”), we are pleased to submit this planning justification letter for Consent and Minor Variance on the lands municipally addressed as 41 Hurricane Avenue in the City of Vaughan (hereinafter referred to as the “Subject Lands”). The purpose of the Consent and Minor Variance applications is to sever the Subject Lands into two properties and facilitate the construction of two new single-detached dwellings on the severed and retained lots.

PROPOSAL DESCRIPTION

The Subject Lands occupy a total lot area of 695.11 sq. m., with 28.56 m. of frontage along Hurricane Avenue and a lot depth of 31.28 m. The Subject Lands are located at a bend along Hurricane Avenue. As a result, existing shape of the lot is an irregular trapezoid with a wider frontage along Hurricane Avenue and a narrower width along the rear lot line. The Subject Lands consist of an existing one-storey single-detached dwelling fronting onto Hurricane Avenue with a vehicular driveway from the street towards the western side yard. The existing dwelling is proposed to be demolished as part of the redevelopment.

The proposal is to sever a portion of the west yard to create a new approximately 347 sq. m. lot (based on the draft r-plan) with 14.54 m. of frontage (hereinafter referred to as “Lot B”). The proposed new dwelling on Lot B will have a total gross floor area of 330.54 sq. m., a 6.6 m. front yard setback (to the bay window), a 6.4 m. front yard setback (to the garage) a 7.75 m. rear yard setback, a 1.22 m. westerly side yard setback, and a 1.22 m. easterly side yard setback. The proposed building is 2 storeys (9.5 m) in height and the proposed lot building coverage is 37.6%. A new driveway access from Hurricane Avenue to Lot B is proposed. The dwelling has been oriented on the new lot to respect the existing spatial separation character of the community, and to limit the removal of existing vegetation where feasible so as to fit harmoniously into the existing landscape.

The retained lot (hereinafter referred to as “Lot A”) will have a resulting lot area of approximately 347 sq. m. (based on the draft r-plan), with a lot frontage of 14.02 m. The proposed new dwelling on Lot A will have a gross floor area of 330.09 sq. m., a 5.99 m. front yard setback (to the bay window), a 6.4 m. front yard setback (to the garage), a 9.03 m. rear yard setback, a 1.22 m. westerly side yard setback and a 1.22 m.

easterly side yard setback. The proposed building on Lot A will also have a height of 2.5 storeys (9.5 m) and the proposed lot building coverage is 37.48%. A new driveway access is proposed from Hurricane Avenue to Lot A. Vegetation has also been maintained where feasible, to allow for a harmonious fit into the neighbourhood. The objective of the proposed consent and minor variance is to allow for a more efficient use of the irregularly-shaped lot and provide for gentle intensification that is respectful of the existing neighbourhood characteristic.

REQUESTED RELIEF – VARIANCES REQUIRED

The Subject Lands are subject to the City of Vaughan Zoning By-law 1-88 and is in the R3 Residential Zone. The variances that are required in order to facilitate the proposal are as follows:

SEVERED LOT (LOT B):

Proposal

1. To permit a lot area of 347 square metres.

By-law Requirement

1. A minimum lot area of 360 square metres is permitted.

RETAINED LOT (LOT A):

Proposal

1. To permit a lot area of 347 square metres.

By-law Requirement

1. A minimum lot area of 360 square metres is permitted.

MINOR VARIANCE TESTS

We believe that the request for relief from the City of Vaughan Zoning By-law 1-88 meets the four tests as set out under Section 45(1) of the *Planning Act*, as described below.

a. THE VARIANCE MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN.

York Region Official Plan

The Subject Lands are designated as Urban Area on Map 1 – Regional Structure in the York Region Official Plan (hereafter the “YROP”). Growth and intensification is planned to be accommodated within the Urban Area boundary in the Region. In our opinion, the proposed minor variance meets the general intent and purpose of the York Region Official Plan.

City of Vaughan Official Plan

Per the City of Vaughan Official Plan (hereafter the “Vaughan OP”), the Subject Lands are designated as “Low-Rise Residential” on Schedule 13 (Land Use). The minor variances proposed for the retained and severed lots are to facilitate the construction of a 2.5 storey single-detached dwelling on each lot. Per Policy 9.2.2.1 of the Vaughan OP, a single-detached dwelling with a height up to three storeys is a permitted use under the Low-Rise Residential designation.

Further, the Subject Lands are designated as “Community Areas” on Schedule 1 (Urban Structure) of the Vaughan OP. The Subject Lands further fall within an “Established Community Area,” which is described as *a portion of the Community Area identified on Schedule 1 (Urban Structure) generally bounded by Major or Minor Arterial streets or other significant features such as the Natural Heritage System, which is entirely or almost entirely developed and occupied, such that its physical character is well defined.* The neighbourhood in which the Subject Lands is located is developed and occupied, in addition to being bounded by significant features such as the railway corridor to the west and Humber River to the east.

Community Areas are primarily characterized by Low-Rise Residential development in established areas of Vaughan. Policy 2.2.3.2 states that these areas are considered “Stable Areas” and new development is permitted such that it respects and reinforces the existing built form, nature and planned function of the immediate local area. Policy 2.2.3.3 states that proposed development must be sensitive to and compatible with the surrounding context, as further regulated by Chapter 9 of the Vaughan OP. Accordingly, per Policy 9.1.2.2, the following criteria are set out for development proposed in Community Areas:

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;*
- b. the size and configuration of lots;*
- c. the building type of nearby residential properties;*
- d. the orientation of buildings;*
- e. the heights and scale of adjacent and immediately surrounding residential properties;*
- f. the setback of buildings from the street;*
- g. the pattern of rear and side-yard setbacks;*
- h. the presence of mature trees and general landscape character of the streetscape;*
- i. the existing topography and drainage pattern on the lot and in the adjacent and immediately surrounding properties;*
- j. conservation and enhancement of heritage buildings, heritage districts and cultural heritage landscapes;*

- k. *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).*

For the purpose of this evaluation, the “surrounding area” consists of the lots with frontage along Hurricane Avenue and Fran Drive. The proposal responds to the above noted criteria as follows:

- a. The proposal does not introduce a new pattern of lots, streets and blocks into the surrounding area. The area is characterized by cul-de-sac and crescent streets, which have resulted in some regular rectangular lots as well as some irregularly-shaped polygon lots comparable to that of the proposal.
- b. The proposed size of the lots, although would be the smallest in the surrounding area context, in our opinion, are consistent with the existing pattern of lot sizes. The sizes of the lots have historically varied and an appropriate range of lot sizes has been accepted along Hurricane Avenue and Fran Drive. Recent Committee of Adjustment decisions in the area indicate that there is a recognized pattern of lots with varying sizes. The approved consent applications for 36 and 46 Fran Drive (File Nos. B008/20 & B009/20) resulted in a lot size of approximately 468 sq. m., and the approved consent applications for 69 and 71 Hurricane Avenue (File Nos. A367/13, B032/13 & B033/13) resulted in lot sizes of approximately 450 sq. m. Other existing lots in the surrounding area were observed to range from approximately 650 sq. m. to 1,500 sq. m. Accordingly, the proposed lot sizes reflect the character of the area, which is a range of sizes in the surrounding area. As well, the configuration of the proposed lots is consistent with the existing condition on the Subject Lands and the surrounding area, having direct frontage onto Hurricane Avenue. The proposal maintains a level of spaciousness on both lots to achieve the spatial separation enjoyed by the dwellings in the surrounding area. Overall, the proposal will respect the size and configuration of the existing lots.
- c. The proposed building type is a detached dwelling consistent with the existing dwellings in the surrounding area.
- d. The proposed orientation of each building is consistent with the orientation of the existing building on the Subject Lands (to be demolished) and reinforces the siting patterns observed in the surrounding area.
- e. It is noted that the surrounding area is characterized by bungalow style one-storey and two-storey dwellings in which the two-storey dwellings are similar in height to the proposal. The proposed height and massing of the two new dwellings does not require relief from Zoning By-law 1-88. In our opinion, the proposal does not introduce a new height and scale that exceeds what is permissible and contemplated in the neighbourhood and thus respects the character of the neighbourhood.
- f. The proposal maintains setbacks from Hurricane Avenue that are similar to that of the surrounding area and neighbouring properties to create a consistent streetscape environment. Relief from Zoning By-law 1-88 is not needed to permit the proposed setbacks from the street thereby reinforcing the character of the neighbourhood.
- g. The proposed rear and side yard setbacks do not require relief from Zoning By-law 1-88, thereby maintaining the character of the neighbourhood.

- h. Where possible, the existing trees have been maintained in the proposed development and new trees will be proposed to ensure a landscaped environment that is in keeping with the character on the Subject Lands and surrounding area. Specifically the existing cedar hedge will be maintained in the rear yard. In the front yards, 8 new trees will be planted along the street frontage and the side lot lines to contribute to the streetscape environment and facilitate a landscape buffer for privacy.
- i. The proposed development will not have an impact on the existing topography and drainage patterns on the lot and surrounding properties. The proposed development will incorporate stormwater management best practices to maintain the existing drainage patterns.
- j. The Subject Lands are not within a Heritage Conservation District and are not designated as a heritage property.
- k. Energy efficiency and environmental sustainability elements will be considered at a detailed design stage of the development.

Lots within Established Community Areas that are characterized exclusively or predominantly by detached houses on generally large lots and have frontages greater than 20 metres are further subject to Policy 2.1.2.3 of the VOP. These neighbourhoods are generally identified on Schedule 1B of the VOP.

As previously mentioned, the Subject Lands are within an area characterized by generally larger lots along Hurricane Avenue and Fran Drive compared to the broader neighbourhood context. This area in which the Subject Lands are located does not appear to be identified on Schedule 1B but does consist of lots which meet the aforementioned criteria for a large lot neighbourhood. Notwithstanding that and in an abundance of caution, Policy 9.1.2.3 has been considered for this application.

In order to respect and reinforce the character of the surrounding established, large lot neighbourhood, the following policies apply to the proposed development of the Subject Lands:

- 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.*

The proposal responds to the above noted criteria as follows:

- a. The adjoining lots at 49 and 31 Hurricane Avenue have frontages of approximately 22 metres. The Subject Lands also adjoin the property at 22 Fran Drive, which has a larger frontage of approximately 30 metres. It is noted, however, that 22 Fran Drive is an irregularly shaped lot located at a bend in the road, which has resulted in an uncharacteristically large frontage. Although the proposed lot frontages of 14.02 metres (Lot A) and 14.54 metres (Lot B) are smaller than those of the adjoining lots, they are generally consistent with the frontages of recently approved Minor Variance and Consent applications for 69 and 71 Hurricane Avenue (File Nos. A367/13, B032/13 & B033/13) and 36 and 46 Fran Drive (File Nos. B008/20 & B009/20), which both resulted in new lot frontages of 14.63 metres. Accordingly, the surrounding large lot neighbourhood is characterized by a range of lot frontage lengths as described above and the proposed lot creation reinforces this existing physical character of the neighbourhood.
- b. The proposed lot size of both the retained and severed lots is approximately 347 sq. m. As described above, although this would be the smallest lot size of the surrounding area, lot sizes have historically ranged widely within this neighbourhood. The proposed size of the new lots is only 13sq. m less than the by-law requirement, and therefore continues to respect this characteristic of the neighbourhood. Further, the trapezoidal shape of the Subject Lands provides for a unique opportunity to intensify the existing use while respecting the character of the neighbourhood, as the wide frontage allows for adequate spatial separation to continue to be provided for existing and future residents.
- c. The proposed configuration of the new lots maintains the configuration of the existing lotting fabric of the surrounding area. The proposed lots will continue to have direct frontage on Hurricane Avenue.
- d. The proposed front yard setbacks have been designed to maintain a consistent streetscape environment. No variances to front yard setback are being sought. The Subject Lands do not have any exterior side yard setbacks.
- e. The proposed rear yard setbacks have been designed to be generally consistent with the surrounding lots in the neighbourhood and in particular, with the adjacent lots at 31 and 49 Hurricane Avenue to respect and reinforce the existing pattern. No variances to rear yard setback are being sought.
- f. The proposed new dwellings for Lot A and Lot B are both single-detached dwellings, which will replace the existing single-detached dwelling on the lot.
- g. As previously discussed, the proposed height of the new dwellings is similar in height to the existing two-storey dwellings in the surrounding area. In our opinion the proposal does not introduce a new height and scale, thereby respecting the character of the neighbourhood. Further, the proposed height and massing of the proposed dwellings do not require relief from Zoning By-law 1-88.

- h. The proposed lot coverage is consistent with the character of the surrounding area and will not exceed the lot coverage permitted by Zoning By-law 1-88. The proposed dwellings have been designed to maintain sufficient yard setbacks to ensure existing and future residents may continue to enjoy the spatial separation and outdoor amenity space that is characteristic of the neighbourhood.

It is our opinion that the proposal will not offend the character of the surrounding area.

Based on the above analysis, the requested variances maintain the general intent and purpose of the York Region Official Plan and Vaughan Official Plan.

b. THE VARIANCE MAINTAINS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW.

The Subject Lands are subject to the City of Vaughan Zoning By-law 1-88 and are zoned R3 Residential Zone. The permitted use in the R3 Residential Zone is a single family detached dwelling.

The following is an analysis of the proposed variances on the severed and retained lots.

1. Lot Area

Lot B (Severed):	To permit a lot area of 347square metres
Lot A (Retained):	To permit a lot area of 347square metres.
By-law Requirement:	A minimum lot area of 360 square metres is permitted.

The general intent and purpose of this provision is to provide appropriate lot sizes that allow for compatible built form patterns to be achieved in a neighbourhood. The proposal seeks a reduction in the lot area for both the severed and retained lots by 13 sq. m. (a 3.6% reduction). It is recognized that this surrounding area (Hurricane Avenue and Fran Drive) is characterized by lots that are configured relatively uniquely compared to those in the greater neighbourhood area. For example, the properties along Beechnut Road, which are directly north of and parallel to Hurricane Avenue, consist of slightly narrower, deeper, and generally more evenly-sized lots. In comparison, the surrounding area is characterized by generally wider and shallower lots, which in our opinion, lends certain properties opportunities for infill and gentle intensification while remaining within all other as-of-right permissions of Zoning By-law 1-88. It is noted that the proposal has been revised from an original proposal that contemplated unequal lot sizes. The previous proposed size of Lot A was 339.10 sq. m. and was deficient 20.9 sq. m. The current proposal consists of equal lot sizes so as to reduce the size deficiency of Lot A per feedback from City staff.

We believe that this characteristic and opportunity for infill, where appropriate, has been recognized per previous Committee of Adjustment decisions for 69 and 71 Hurricane Avenue (File Nos. A367/13, B032/13 & B033/13) and 36 and 46 Fran Drive (File Nos. B008/20 & B009/20). Both decisions resulted in lot sizes that were smaller and narrower than existing in the surrounding area, but proposed dwellings that would continue to be appropriate and sensitive to the existing character. Further, these consent and variance examples achieved frontages, setbacks, heights and lot coverage similar to that of the proposal on the Subject Lands. Lastly, as previously discussed, the Subject Lands are narrower at the rear due to its location along Hurricane Avenue. In our opinion, the reduced lot area is, in part, the result of this lost space created by the trapezoidal shape of the lot, and the housing design has been crafted to accommodate this shape. Despite this narrower condition at the rear, the proposed dwellings as a whole are able to be consistent with the neighbourhood characteristics and remain within as-of-right permissions of the Zoning By-law. In our opinion, the general intent and purpose of the lot area provision continues to be maintained.

c. THE VARIANCE IS DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OF THE USE OF THE LAND.

The proposal will allow for gentle intensification within the existing surrounding area, while respecting and reinforcing the existing character. The proposal supports the Provincial policy objectives of achieving development that optimizes the use of existing infrastructure, supports active transportation and provides for a compact form that is context-sensitive to the existing built-up area. The new dwelling will maintain the character of the neighbourhood by having a similar architectural quality to other dwellings observed in the broader context. As the surrounding area is characterized by wider lots in comparison to the broader neighbourhood context, the proposal acknowledges the recognized capability of this area to facilitate gentle intensification through infill development. The proposal also maintains appropriate separation from the neighbouring lots and preserves existing vegetation where feasible to provide for additional privacy and screening. Other than a slight reduction in lot area, no additional variances are needed to support the proposal.

Based on the above analysis, the proposal has worked hard to fit harmoniously into the existing context, and as a result, in our opinion the requested variances are desirable for the appropriate development of the use of the Subject Lands.

d. VARIANCE IS MINOR IN NATURE.

An assessment of whether a variance is minor is an assessment of impacts, and we have found that the proposed variances do not rise to a level of unacceptable impacts of a planning nature. Internally, the proposal does not impact the severed and retained property and its ability to function as a dwelling and maintain a quality of life. It continues to provide spacious amenity space, and works with the landscape to protect existing vegetation. Externally, there is no impact in terms of loss of privacy or situations of overlook as the proposed dwelling and facade have been designed to limit those circumstances. This proposal does not require a height or density/coverage variance, even as the revised proposal has reduced the size of the severed Lot B, reinforcing the minor nature of the variance. For the reasons noted above, it is our opinion that the requested variances are minor in nature.

CONSENT TEST

The proposal meets Section 51(24) of the *Planning Act* as follows:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Approval of this consent will continue to meet the policy objectives of development within settlement areas, meeting the Provincial Policy Statement.

(b) whether the proposed subdivision is premature or in the public interest;

The proposal is not premature, provides for additional housing options within an existing community, and is therefore in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The proposed consent will continue to conform to the policies for Low-Rise Residential and Community Areas in the Vaughan Official Plan as noted in the Minor Variance analysis.

Policies 10.1.2.34 to 10.1.2.47 speak to the implementation of Consent applications and are addressed in this section below.

10.1.2.34 *That a consent(s) to sever land may be considered, pursuant to Section 53 of the Planning Act, provided that a Plan of Subdivision is not deemed necessary in accordance with policy 10.1.2.28.*

Policy 10.1.2.28 prescribes when a Plan of Subdivision is necessary rather than a Consent. The following provides a response to the criteria to confirm that a Plan of Subdivision is not necessary:

- a. *where the number of new lots created is greater than three; or*

The proposal is for two lots.

- b. *where the extension or creation of a public road allowance is required; or*

An extension or creation of a public road is not required.

- c. *where the extension or creation of municipal services is required; or*

Municipal services are available at the public road.

- d. *where agreements or conditions are required by any municipality or other government with regard to any part of the remaining lands.*

We do not anticipate any agreements or conditions being required beyond the typical consent conditions.

10.1.2.35 *That a consent(s) to sever land for the creation of new lots applies whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.*

A Consent to sever the Subject Lands for the creation of a new lot applies and will take the form of a conveyance to create two properties.

10.1.2.36 *That a consent(s) may be permitted for the following purposes:*

- a. *the creation of new lots;*
- b. *boundary adjustments to existing lots;*
- c. *the creation of easements over existing lots; and/or*
- d. *to convey additional lands to an adjacent lot, provided a lot smaller than that otherwise permitted by the Zoning By-law is not created.*

The proposed Consent application is to facilitate the creation of a new lot.

10.1.2.37 *That authority to grant a consent(s) to sever land is delegated to the Committee of Adjustment.*

The Committee of Adjustment has delegated authority by the City of Vaughan to grant a consent to sever land.

10.1.2.38 *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.*

The proposed net developable area is sufficient to accommodate the proposed use as described above in this Justification Letter. The Subject Lands are not within or adjacent to any features in the Natural Heritage Network.

10.1.2.39 As a condition of approval, the City shall enter into an agreement with the applicant establishing conditions requiring that natural self-sustaining vegetation be maintained or restored in order to ensure the long-term protection of any Natural Heritage Network components and hydrologically sensitive features on the lot.

It is anticipated that conditions associated with tree preservation or planting will be applied as a condition of approval, thereby addressing this policy.

10.1.2.40 *That a lot shall not be created if it would extend or promote strip development.*

The proposal will not create, extend or promote strip development.

10.1.2.41 *That a consent(s) shall not be granted for uses that are inconsistent with this Plan.*

The consent will permit uses that are consistent with the VOP.

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

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

The proposal will result in the economical use of urban land and will not extend the existing Urban Area boundary. The proposal will be compatible with the existing pattern of development and respect and reinforce the character of the neighbourhood as previously described in this Justification Letter.

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

The proposal will not result in a forerunner of other similar applications, and will in fact mirror the two consent applications referenced in this Justification Letter for the properties at 36 and 46 Fran Drive and 69 and 71 Hurricane Avenue. The pie shape of the lot allows the frontage to fan across Hurricane Avenue, making it unique from other lots in the neighbourhood where the frontage and public face of application will continue to fit harmoniously into the surrounding context.

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

The development potential of the Subject Lands is limited to a single severance to create two lots given the size and scale of the lot.

Policies **10.1.2.43** to **10.1.2.45** are not applicable to the proposal.

10.1.2.46 *That the Committee of Adjustment in assessing each consent application is required to consider the matters set out in Section 51(24) of the Planning Act. In addition to these matters, Council considers the following to apply:*

- a. *in the case of non-conformity of the approval with the Official Plan, no consent shall be granted;*

The proposal conforms to the VOP as previously discussed in this Justification Letter.

- b. *in cases where either or both of the subject or retained lands are not in conformity with the approved Zoning By-law, the applicant shall file a Zoning By-law amendment application prior to or concurrently with the consent application, or where the required zoning exceptions to facilitate the severance are minor in nature and maintain the intent of this Plan, a minor variance application. When considering such Zoning By-law Amendment or minor variance applications, Council or the Committee of Adjustment shall have regard for the consent policies of this Plan; and*

Per the minor variance test reviewed above, it is our opinion that the proposal is minor in nature and maintains the intent of the VOP. The Minor Variance application is being submitted concurrently with this Consent application.

- c. *in cases where a Site Plan application is deemed necessary to assess a consent application, the City may defer the consent application until the related Site Plan has been approved by Council.*

A Site Plan application is not required.

10.1.2.47 *That in addition to matters under the Planning Act, the Committee of Adjustment, in determining whether a consent is to be granted, shall have regard for the following matters in consultation with the appropriate departments and agencies:*

- a. *Compatibility of the proposed size, shape and use of the lot*
- b. *Access*
- c. *Servicing*
- d. *Conservation*
- e. *Financial Implications*

The proposed severance conforms to the Vaughan Official Plan as described in the Minor Variance analysis above and as follows:

- The proposed severance and new lot is designed such that it is compatible with and reinforces the existing local lot and street pattern, lot size, building types, height, scale, and setbacks;
- Both the retained and severed lots have frontage on an existing public road and will have access from Hurricane Avenue;
- The new dwellings will make use of existing servicing connections provided to the area;
- The Subject Lands are not within a Toronto and Region Conservation Area regulation area; and
- The creation of the new lot and proposed dwellings will not necessitate capital expenditures by a public authority.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed consent represents gentle intensification in an existing built-up residential area where incremental changes are expected. There are no environmental features that would prohibit the severance. Therefore the lands are suitable to be subdivided.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

This sub-section is not applicable.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Both the severed and retained lots will have frontage on an established highway system.

(f) the dimensions and shapes of the proposed lots;

The dimension and shape of the retained lot and severed lot have been assessed through the Minor Variance analysis and are deemed to fit harmoniously within the surrounding context, resulting in no adverse impacts of a planning nature.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions currently existing on the lands proposed to be subdivided.

(h) conservation of natural resources and flood control;

The lands proposed to be subdivided are not subject to any natural resources or flood risks.

(i) the adequacy of utilities and municipal services;

Utilities and municipal services will be extended to the severed lot as part of a future building application, optimizing the use of existing municipal services.

(j) the adequacy of school sites;

School sites are available and the applicable school boards will advise on appropriate notifications at the applicable time.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

This sub-section is not applicable.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The lands to be severed will achieve the optimized use of existing infrastructure.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The subdivided lands will not be subject to Site Plan control, this subsection is not applicable.

SUMMARY

In conclusion, we believe the requested Consent application and Minor Variance applications for relief from the City of Vaughan Zoning By-law 1-88 to permit the proposed severance and two single detached dwellings is in the public interest and represents good planning.

If you have questions please do not hesitate to contact us. Thank you.

Yours truly,

MHBC



Eldon Theodore, BES, MUDS, MLAI, MCIP, RPP
Partner | Planner | Urban Designer



Sophie Lin, BES
Planner | Urban Designer

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.

Region of York – No concerns or objections

CP Rail – No concerns or objections

Pravina Attwala

Subject: FW: B005/21 - REQUEST FOR COMMENTS - 41 Hurricane Avenue, Woodbridge (Full Circulation)

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

Sent: May-27-21 12:18 PM

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

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: B005/21 - REQUEST FOR COMMENTS - 41 Hurricane Avenue, Woodbridge (Full Circulation)

Good afternoon Lenore,

The Regional Municipality of York has completed its review of the above consent application and offers the following condition:

1. Prior to final approval, the City of Vaughan shall confirm that wastewater servicing capacity allocation has been set aside for the new lots from the existing YDSS capacity assigned by the Region

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

Pravina Attwala

Subject: FW: B005/21 - REQUEST FOR COMMENTS - 41 Hurricane Avenue, Woodbridge (Full Circulation)
Attachments: B005-21.pdf

From: CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>
Sent: May-13-21 10:49 AM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: B005/21 - REQUEST FOR COMMENTS - 41 Hurricane Avenue, Woodbridge (Full Circulation)

Good Afternoon,

RE: B005/21 - REQUEST FOR COMMENTS - 41 Hurricane Avenue, Woodbridge within 500m of CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company.

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:

<http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
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Calgary AB T2C 4X9