

## COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A247/21

AGENDA ITEM NUMBER: 13	CITY WARD #: 1
APPLICANT:	Jasbir and Gurjit Deol
AGENT:	None
PROPERTY:	196 Klein Mills Road, Kleinburg
ZONING DESIGNATION:	See below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	None
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit increased maximum driveway width.

# THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

\*Please see Schedule B of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	$\boxtimes$	$\boxtimes$		General Comments
Building Standards (Zoning Review)	$\boxtimes$	$\boxtimes$		General Comments
Building Inspection (Septic)	$\boxtimes$			No Comments Recieved to Date
Development Planning		$\boxtimes$		Recommend Approval/No Conditions
Development Engineering	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	$\boxtimes$	$\boxtimes$		No Comments or Concerns
By-law & Compliance, Licensing & Permits	$\boxtimes$	$\boxtimes$		No Comments Recieved to Date
Development Finance	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Real Estate				Choose an item.
Fire Department	$\boxtimes$	$\boxtimes$		No Comments or Concerns
AGENCIES	Circulated	<b>Comments Received</b>	Conditions	Nature of Comments
TRCA	$\boxtimes$			No Comments Recieved to Date
Ministry of Transportation (MTO)	$\boxtimes$			No Comments Recieved to Date
Region of York	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Alectra	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Bell Canada	$\boxtimes$			Choose an item.
YRDSB				Choose an item.
YCDSB				Choose an item.
CN Rail				Choose an item.
CN Rail CP Rail				Choose an item. Choose an item.
CP Rail				Choose an item.
CP Rail TransCanada Pipeline				Choose an item. Choose an item.

#### **PUBLIC & APPLICANT CORRESPONDENCE**

\*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) 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.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Monarch Castlepoint Kipling South Development Limited	10710 Bathurst Street	09/20/2021	Letter of Support

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below           File Number         Date of Decision         Decision Outcome           MM/DD/YYYY         MM/DD/YYYY         MM/DD/YYYY		
None		

ADJOURNMENT HISTORY
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.
None



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AGENT:	None
PROPERTY:	196 Klein Mills Road, Kleinburg
ZONING DESIGNATION:	See below
	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
(2010) DESIGNATION:	
RELATED DEVELOPMENT	None
APPLICATIONS:	
*May include related applications	
for minor variance, consent, site	
plan, zoning amendments etc.	
	Poliof from the Cityle Zoning By low is being requested to permit
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit increased maximum driveway width.

The subject lands are zoned R1 – First Density Residential Zone and subject to the provisions of Exception 14.1040 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
	The proposal is in compliance with By-law 01-2021.	None

The subject lands are zoned RD1 – Residential Detached Zone One and subject to the provisions of Exception 9(1413) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
1	A maximum driveway width between the street line and street curb shall not exceed 6.0 metres. (Section 4.1.4.f) iii))	
2	A maximum curb cut of 6.0 metres is permitted. (Section 4.1.4.f) i)	To permit a maximum curb cut of 9.0 metres.

#### **HEARING INFORMATION**

DATE & TIME OF HEARING:Thursday, January 20, 2022 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.

#### PUBLIC PARTICIPATION

You can watch a live stream of the hearing at <u>Vaughan.ca/LiveCouncil</u>

If you wish to speak to the Committee of Adjustment on an application please complete and submit a <u>Public Deputation Form</u> to <u>cofa@vaughan.ca</u> by noon on the last business day prior to the hearing.

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 must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to <u>cofa@vaughan.ca</u>

For more information, please visit the City of Vaughan website.

#### **INTRODUCTION**

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

#### INTRODUCTION

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

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF	ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	January 6, 2022		
Date Applicant Confirmed Posting of Sign:	December 27, 2021		
Applicant Justification for Variances: *As provided by Applicant in Application FormWe currently have 3 car garage but the curb entry is only for 2 cars. We are requesting wider curbs to align with the garage doors. Additional curb space needed to accommodate 3 car garage entry.		der curbs to align	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	-	
Was a Zoning Review Waiver (ZRW) Form	submitted by Applicant:	No	
*ZRW Form may be used by applicant in instance and zoning staff do not have an opportunity to rev issuance of public notice.			
*A revised submission may be required to addres part of the application review process.	s staff / agency comments received as		
*Where a zoning review has not been completed provided to the applicant to adjourn the proposal			
In accordance with Procedural By-law 069-2019,	Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.		
An Adjournment Fee can only be waived in instar Committee or staff <b>after</b> the issuance of public no		s requested by the	
Committee of Adjustment Comments: None			
Committee of Adjustment Recommended None Conditions of Approval:			
BUILDING STAND	ARDS (ZONING) COMMENTS		
The applicant shall be advised that additional variances may be required upon review of detailed			
drawing for building permit/site plan approval. The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority.			
The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001. Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.			
Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.			
An A/C unit and/or pool equipment shall be s line; and may encroach a maximum of 1.5 m	etres into the required rear yard or exte		
Building Standards Recommended Conditions of Approval:	None		
DEVELOPMEN	T PLANNING COMMENTS		

\*\*See Schedule C for Development Planning Comments.

Development Planning Recommended	None
Conditions of Approval:	

	rtment does not object to variance application A24	+//21.
The owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation and Fleet Management Services. Please visit		
https://www.vaughan.ca/services/residential/transportation/roads/curb_cuts_and_driveway_widening/P		
ages/default.aspx to learn how to apply for Development Engineering Recommend		None
Development Engineering Recommend		None
PARKS, FORESTRY	& HORTICULTURE (PFH) COMMENTS	
No comment no concerns		
PFH Recommended Conditions of Approval:	None	
	ENT FINANCE COMMENTS	
No comment no concerns		
Development Finance Recommended Conditions of Approval:	None	
BY-LAW AND COMPLIANCE, LIC	CENSING AND PERMIT SERVICES COM	IMENTS
No comments received to date		
BCLPS Recommended Conditions of Approval:	None	
BUILDING INSP	ECTION (SEPTIC) COMMENTS	
No comments received to date		
Building Inspection Recommended Conditions of Approval:	None	
FIRE DEF	PARTMENT COMMENTS	
No comments received to date		
Fire Department Recommended Conditions of Approval:	None	
COLIEDIU		

**DEVELOPMENT ENGINEERING COMMENTS** 

1017/04

SCHEDULES TO STAFF REPORT		
*See Schedule for list of correspondence		
Schedule A	Drawings & Plans Submitted with the Application	
Schedule B Development Planning & Agency Comments		
Schedule C (if required) Correspondence (Received from Public & Applicant)		
Schedule D (if required)	Previous COA Decisions on the Subject Land	

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: None

## **IMPORTANT INFORMATION – PLEASE READ**

**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 (see condition chart above for contact). 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.

#### **IMPORTANT INFORMATION – PLEASE READ**

**APPROVALS:** Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

**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

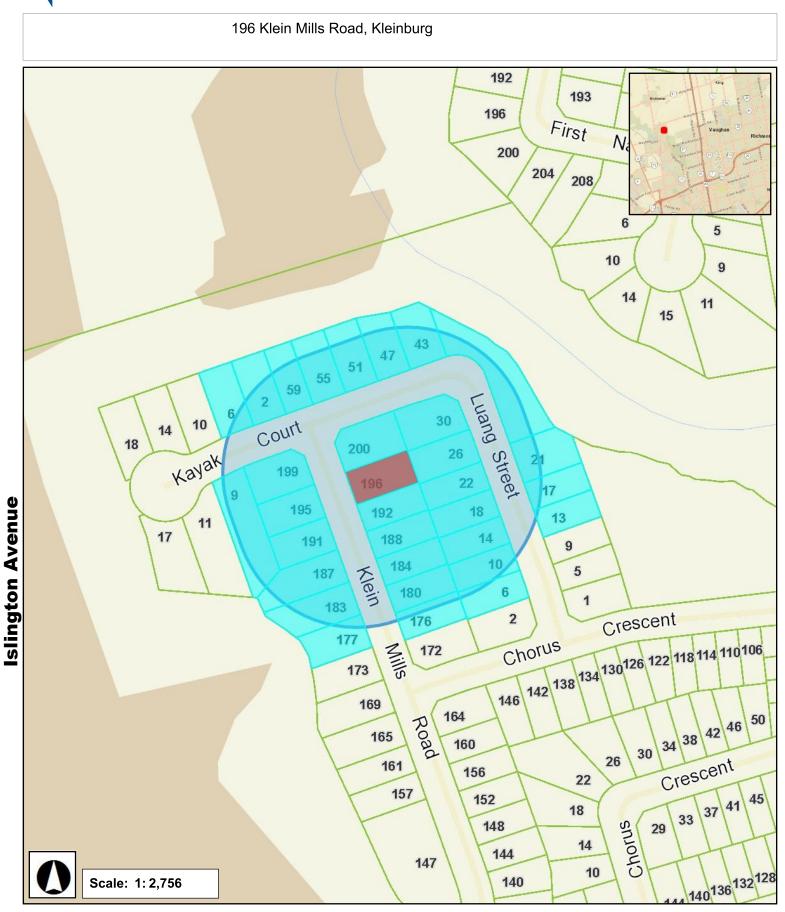
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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

**NOTICE 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.

## SCHEDULE A: DRAWINGS & PLANS

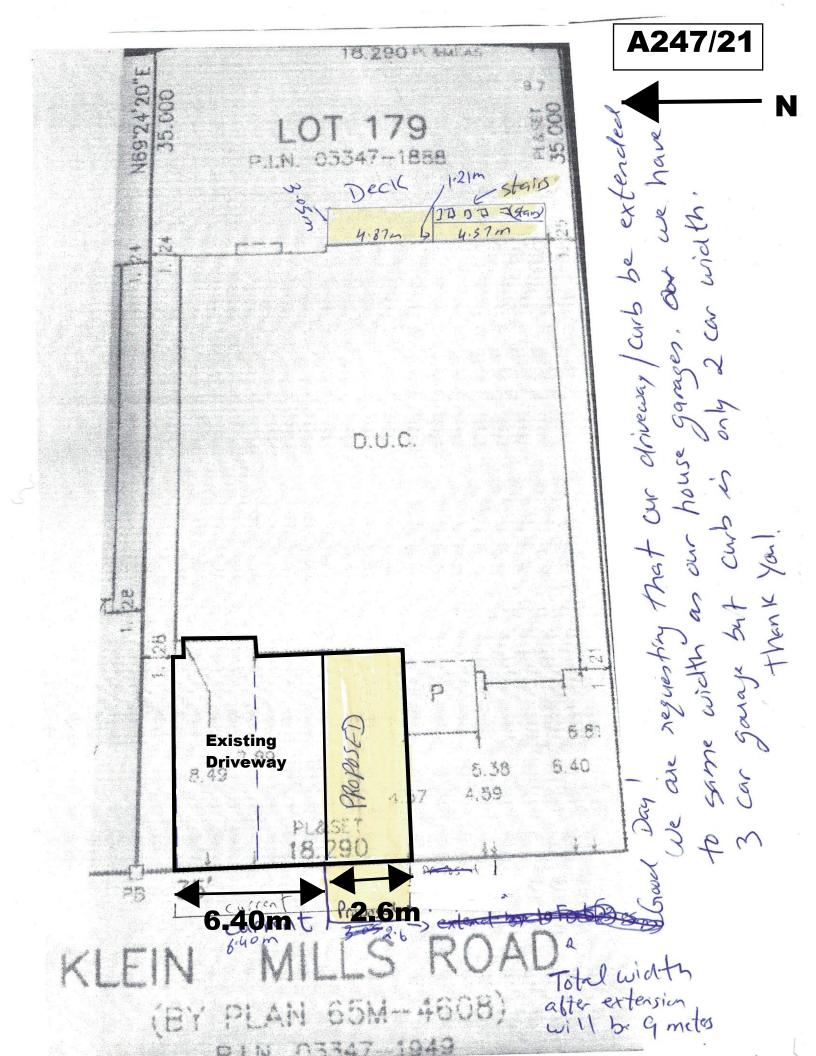


# VAUGHAN A247/21 - Notification Map



Major Mackenzie Drive

January 4, 2022 6:11 PM



## SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	<b>Comments Received</b>	Conditions	Nature of Comments
TRCA	$\boxtimes$			No Comments Recieved to Date
Ministry of Transportation (MTO)	$\boxtimes$			No Comments Recieved to Date
Region of York	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Alectra	$\boxtimes$			No Comments or Concerns
Bell Canada	$\boxtimes$			No Comments Recieved to Date
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx	$\boxtimes$			No Comments Recieved to Date
Propane Operator				
Planning Department	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions



#### COMMENTS:

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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), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

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

*E-mail*: <u>stephen.cranley@alectrautilities.com</u>

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

Email: tony.donofrio@alectrautilities.com

#### **Adriana MacPherson**

Subject: FW: A247/21 - Request for Comments (196 Klein Mills Road, Vaughan)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: November-29-21 9:51 AM
To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A247/21 - Request for Comments (196 Klein Mills Road, Vaughan)

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 | <u>gabrielle.hurst@york.ca</u> |<u>www.york.ca</u>



То:	Christine Vigneault, Committee of Adjustment Secretary Treasurer			
From:	Nancy Tuckett, Director of Development Planning			
Date:	January 20, 2022			
Name of Owner:	Jasbir and Gurjit Deol			
Location:	196 Klein Mills Road			
File No.(s):	A247/21			

#### Proposed Variance(s) (By-law 001-2021): None.

#### By-Law Requirement(s) (By-law 001-2021):

The proposal is in compliance with By-law 001-2021.

#### Proposed Variance(s) (By-law 1-88):

- 1. To permit a maximum driveway width of 9 m for the portion of the driveway between the street line and street curb.
- 2. To permit a maximum curb cut of 9 m.

#### By-Law Requirement(s) (By-law 1-88):

- 1. A maximum driveway width between the street line and street curb shall not exceed 6 m. (Section 4.1.4.f) iii))
- 2. A maximum curb cut of 6 m is permitted. (Section 4.1.4.f) i))

#### **Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "KN Low-Rise Residential I" by VOP 2010, Volume 2, Section 11.8 – North Kleinburg-Nashville Secondary Plan.

#### Comments:

The Owner is proposing to widen an existing driveway with the above-noted variances.

The Development Planning Department does not object to the requested variances, as the proposed driveway width of 9 m will align with the width of the existing three-car garage and not have a negative visual impact on the existing streetscape. The requested driveway width also complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

Accordingly, the Development Planning Department is of the opinion that the proposal is 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 land.

#### **Recommendation:**

The Development Planning Department recommends approval of the application.

#### **Conditions of Approval:**

If the Committee finds merit in the application, the following conditions of approval are recommended:

## None

#### **Comments Prepared by:**

Michael Torres, Planner I Chris Cosentino, Senior Planner

## SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

The deadline to sub Comments and writh be pr All personal informa submissions) is co Information and F legislation, and wi defined by MFIPPA collected will be	le C of this report for a mit public comments is h ten public submissions rocessed as an addend tion collected because ollected under the auth Protection of Privacy A Il be used to assist in o h), including (but not line ecome property of the ng being posted on the	ICANT CORRESPONDE a copy of the public & a below. s noon on the last busine earing date. s received after the public dum and posted on the e of this public meeting hority of the Municipal A ct (MFIPPA), the Planni deciding on this matter mited to) names, addre City of Vaughan, will be e internet) and will be u aff to process this appl	pplicant corre ness day prior olication of this City's Website (including bot Act, the Munic ing Act and all sses, opinions e made availal sed to assist t	to the scheduled s Staff Report will e. th written and oral ipal Freedom of other relevant information (as s and comments ole for public
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Monarch Castlepoint Kipling South Development Limited	10710 Bathurst Street	09/20/2021	Letter of Support

RECEVIED

10/25/2021

## Monarch Castlepoint Kipling South Development Limited

September 20<sup>th</sup> 2021

City of Vaughan 2141 Major Mackenzie Drive Maple, Ontario L6A 1T1

#### Re.: 196 Klein Mills Road Lot 179 on Plan 65M-4608 Monarch Castlepoint Kipling South Development Phase 2 / 19T-13V008

This is to confirm that Monarch Castlepoint Kipling South Development Limited (developer) does not object to the proposed widening of the driveway at #196 Klein Mills Road as shown on the attached plans provided by the homeowner.

It is our understanding that the homeowner is requesting to widen his driveway and will require a curb cut.

In the event that the homeowner is given permission by the City of Vaughan to proceed with the proposed widening Monarch Castlepoint Kipling South Development Limited takes no responsibility for the following:

- 1) Attached is an extract from Bylaw 1-88 where it is stipulated that there should be a minimum distance of 1.0m between a driveway widening curb cut & any street furniture or physical object including boulevard trees & lot lines. It is to the City's discretion if this is acceptable or needs a minor variance application and approval.
- 2) Due to the driveway widening the front yard landscape area required under the zoning by-law will be reduced, in the event that the City of Vaughan requires a zoning by-law amendment or minor variance to permit the driveway widening. The homeowner shall be responsible for obtaining such by-law amendments and/or minor variance if required.
- 3) The homeowner is responsible for all utility locates prior to commencing any of the proposed works.

- 4) The homeowner is to provide Monarch Castlepoint Kipling South Development Limited and Mattamy Homes with a copy of the City of Vaughan approval letter prior to the commencement of any works.
- 5) Any and all other permits or approvals required for the driveway widening are to be obtained by the homeowner.
- 6) The homeowner is responsible to coordinate all works, plans, and approvals with Mattamy Homes such that no alteration is made to the approved site plan and lot grading plan which will adversely affect drainage patterns.

Monarch Castlepoint Kipling South Development Limited shall not be held responsible for any damage or liability which may arise as a result of the driveway widening and associated works.

In the event that the homeowner does not meet the above noted conditions (Items 1 to 6) Monarch Castlepoint Kipling South Development Limited will hold Mattamy Homes responsible and liable under the terms of the Agreement of Purchase and Sale.

Yours Truly,

10 kh

Bo Zombogian

Monarch Castlepoint Kipling South Development Limited 10710 Bathurst Street Maple ON L6A 4B6

Encl.

cc.: Ed Leyer, Mattamy Homes
 Erica Boni, Mattamy Homes
 John Vanos, SCS Consulting Group Ltd.
 Jasbir Singh Deol & Gurjit Deol, Homeowners

None