

**File: A129/12**

**Applicant: IRENE POPELA**

**Address: 9829 Highway 27, Kleinburg**

**Agent: AARON HERSHOFF  
TACC DEVELOPMENTS**

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Adjournment Status:

Comments/Conditions:

Commenting Department	Comment	Condition of Approval
Building Standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Engineering	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TRCA	<input type="checkbox"/>	<input type="checkbox"/>
PowerStream	<input type="checkbox"/>	<input type="checkbox"/>
Other – Building Inspections	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other – Cultural Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Legend:  - Positive Comment  
 - Negative Comment

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# **NOTICE OF APPLICATION**

## **MINOR VARIANCE**

**FILE NUMBER:** A129/12

**APPLICANT:** IRENE POPELA

**PROPERTY:** Part of Lot 19, Concession 8 (municipally known as 9829 Highway #27, Kleinburg)

**ZONING:** The subject lands are zoned A, Agricultural Zone, subject to the provisions under By-Law 1-88 as amended.

**PURPOSE:** To permit the construction of an off-site sales centre.

**PROPOSAL:** To permit a temporary sales office located approximately 1300 metres from the lands to be developed.

**BY-LAW REQUIREMENT:** A temporary sales office shall not be located further away from the lands to be developed than 100 metres.

Sketches are attached illustrating the request.

This application will be heard by the Committee of Adjustment on the date and time shown below.

<b>DATE:</b>	<b>Thursday, May 17, 2012</b>
<b>TIME:</b>	<b>6:00 PM</b>
<b>LOCATION:</b>	<b>COMMITTEE ROOM 242/243 (2<sup>nd</sup> Floor) VAUGHAN CITY HALL 2141 MAJOR MACKENZIE DRIVE VAUGHAN, ONTARIO L6A 1T1</b>

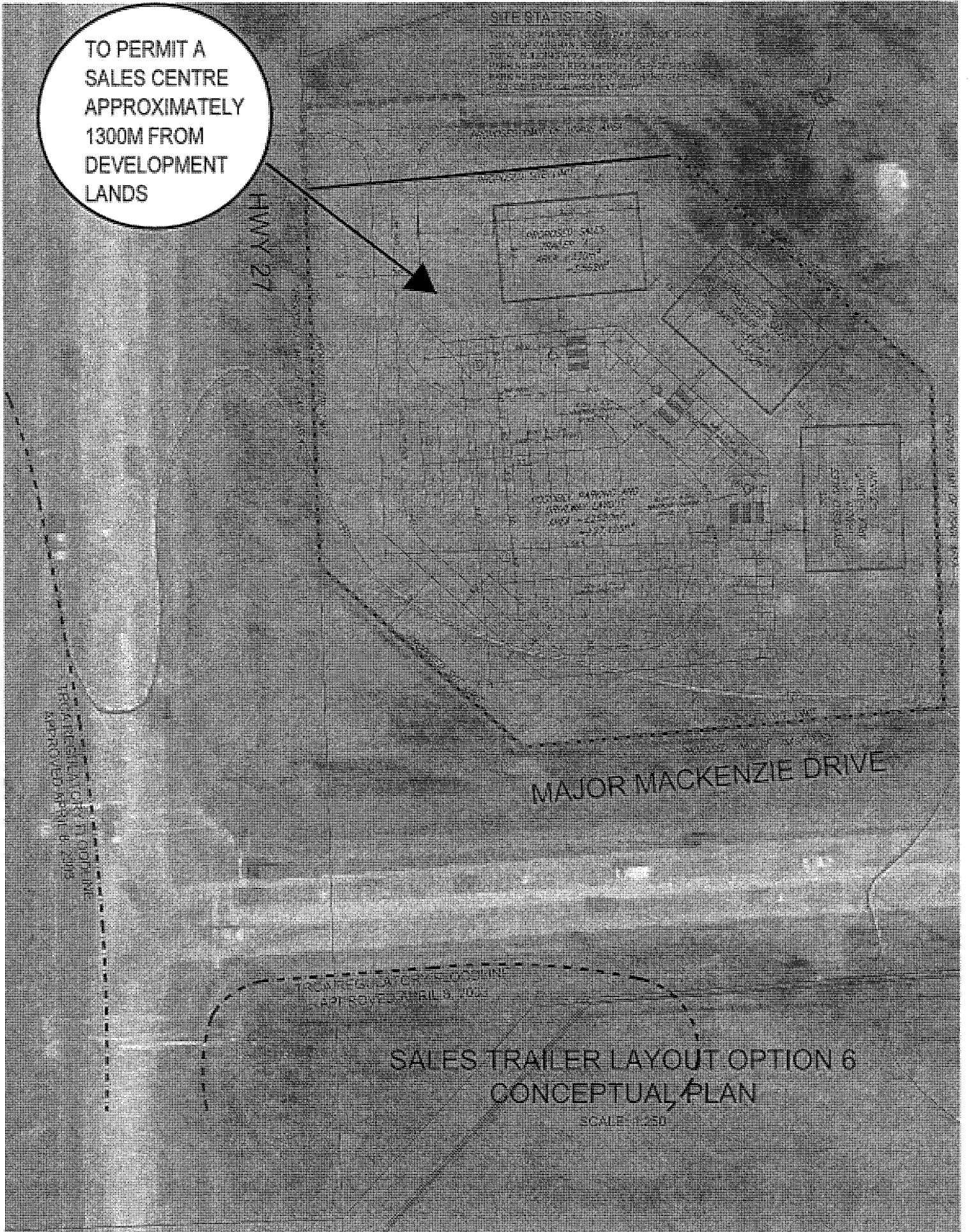
You are invited to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you do not attend at the hearing it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice of the proceedings. If you wish to be notified of the decision of the Committee of Adjustment with respect to this application, you must complete the attached "**Request for Decision**" form and submit it to the Secretary-Treasurer.

Additional information is available from the Committee of Adjustment staff between 8:30 a.m. and 4:30 p.m. Monday to Friday at the Committee of Adjustment, Clerks Department: Tel:(905) 832-8585/Fax: (905) 832-8535. If you wish to make written comments on this application they may be forwarded to the Secretary - Treasurer of the Committee of Adjustment **PRIOR TO THE MEETING**.

Your comments are collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended. Your comments in respect to this application becomes the property of the City of Vaughan and will become part of the decision making process of the application as noted on this form. Pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended, public feedback to planning proposals is considered to be a public record and may be disclosed to any individual upon request in accordance with Section 27 of the Municipal Freedom of Information and Protection Privacy Act, R.S.O. 1990, c. M.56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, Vaughan Committee of Adjustment, Clerk's Department, 2141 Major Mackenzie Drive, Vaughan, Ontario; L6A 1T1 (905) 832-8585 x.8332.

Todd Coles, BES, MCIP, RPP  
Manager of Development Services and  
Secretary-Treasurer to Committee of Adjustment

DATED THIS 2<sup>ND</sup> DAY OF MAY, 2012.



PLAN OF SURVEY OF PART OF LOT 19, CONCESSION 8 (GEORGIAN TOWNSHIP OF VAUGHAN) REGIONAL MUNICIPALITY OF YORK

NOTE: ALL DIMENSIONS AND CONTOURS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

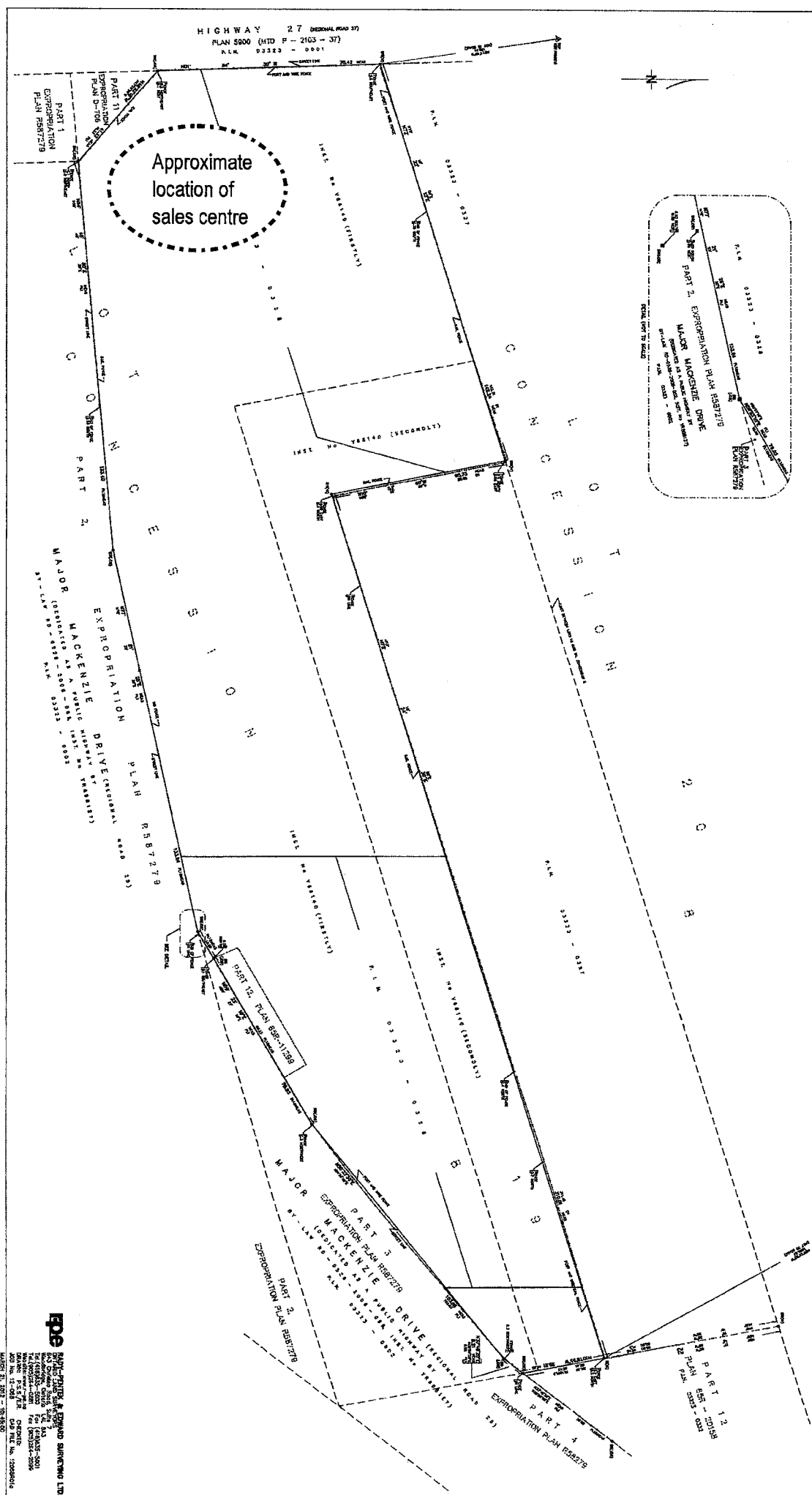
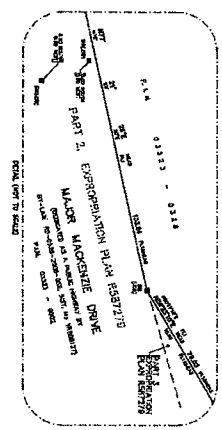
SURVEYOR'S CERTIFICATE

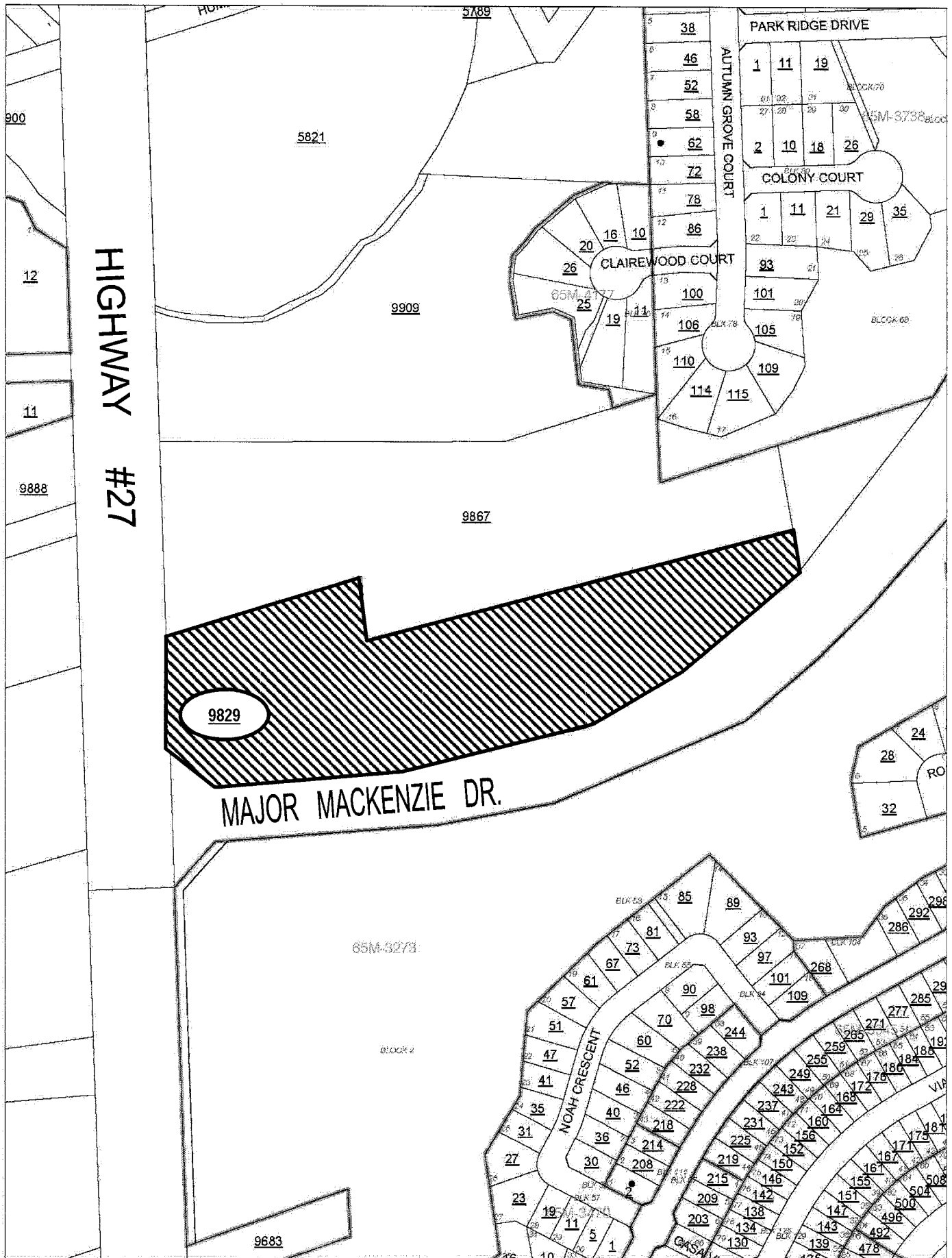
1. I CERTIFY THAT I HAVE BEEN ADVISED BY THE REGISTERED LANDLORD AND BELIEVE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
2. THE SURVEY WAS CONDUCTED BY ME ON THE DATE OF...
DATE: 1983

NOTES

1. THE LAND SHOWN ON THIS PLAN IS THE PROPERTY OF THE REGIONAL MUNICIPALITY OF YORK.
2. ALL DIMENSIONS AND CONTOURS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

3. THE SURVEY WAS CONDUCTED BY ME ON THE DATE OF...
DATE: 1983





## COMMITTEE OF ADJUSTMENT

**File No.:**

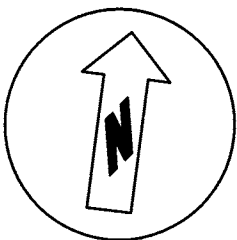
A129/12

**Applicants:**

IRENE POPELA



**SUBJECT LANDS:**  
9829 HIGHWAY #27, KLEINBURG



**APPLICATION FOR MINOR VARIANCE**

A 129/12

File No.

**FORM 1**  
**PLANNING ACT, R.S.O. 1990, C.P. 13**  
**SECTION 45 (1) or (2)**

Pursuant to Subsection 45 of the Planning Act, and Ontario Regulation 200/96, the applicant shall provide the Committee of Adjustment with such information or material as the Committee of Adjustment may require. The Committee of Adjustment may refuse to accept or further consider the application until the prescribed information, material and the required fee are received.

Personal information on this form is collected under the legal authority of the Planning Act, R.S.O. 1990, C.P.13 as amended. This information will be used to process an application for a minor variance or permission for the Committee of Adjustment.

Information on this application and any documentation submitted in support of or in opposition, becomes the property of the City of Vaughan. This information is collected and maintained for the purpose of creating a record that is available to the general public pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M. 56, as amended. Questions about this collection should be directed to the Secretary-Treasurer, City of Vaughan Committee of Adjustment, at the above noted address.

**Note:** Except for required signature(s), answers must be typed or neatly printed in dark ink, suitable for reproduction. All sections must be completed, or marked "n/a" (not applicable), as the case may be.

This application is being made under the following section of the Planning Act, R.S.O. 1990, Chapter P. 13:

Section 45(1) – Relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.)

Section 45(2) – Relates to a change to, or expansion of, an existing legal non-conforming use.

**1.0 OWNER/APPLICANT INFORMATION**

1.1 Name of Owner: Irene Popela  
 (THIS MUST BE THE NAME(S) REGISTERED ON TITLE)

Telephone Number: 416-239-7448 Fax: \_\_\_\_\_

Address: 9829 Hwy 27

Town/City, Province: Vaughan Postal Code: L4L 1A7

E-mail: \_\_\_\_\_

**2.0 AGENT/SOLICITOR/CONSULTANT**

2.1 Name of Agent: AARON HERSHOFF

Telephone Number: 905-760-7300 Fax: 905-669-9600

Address: 600 Applewood Cres.

Town/City, Province: Vaughan Postal Code: L4K 4B4

E-mail: ahershoff@tacc.com

**NOTE:** Unless otherwise requested, all communications will be sent to the agent.

**3.0 MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES**

3.1 Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Town/City, Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**4.0 PURPOSE OF THE APPLICATION**

4.1 What is the purpose of the application? Please select the appropriate type:

To permit the construction of an offsite sales centre.  
see letter for details.

To permit the maintenance of \_\_\_\_\_

To permit the continued construction of \_\_\_\_\_

To facilitate the severance of the total lands. This variance pertains to the:

SUBJECT lands.  
 RETAINED lands.

**5.0 BY-LAW REQUIREMENTS/PROPOSED CHANGES**

5.1 What are the By-law requirements: TO LOCATE SALES CENTRE WITHIN  
100M OF LANDS TO BE DEVELOPED.

5.2 Proposed changes to the By-law requirements: TO ALLOW SALES CENTER  
TO LOCATE  
~~APP~~ APPROXIMATELY 1300m FROM LANDS.

5.3 Why is it not possible to comply with the provisions of the By-law?: SEE ATTACHED  
LETTER.

**6.0 DESCRIPTION OF SUBJECT LANDS**

6.1 Legal description of the subject lands: \_\_\_\_\_ Ward #: 1

Municipal Address: 9829 Hwy 7 Block Map #: 54

Lot(s)/Block(s) #: 19 Registered Plan #: \_\_\_\_\_

Part of Lot(s): \_\_\_\_\_ Concession: 8 W/45.

Other legal description, if applicable: \_\_\_\_\_

**6.0 DESCRIPTION OF SUBJECT LANDS (cont'd)**

6.2 Dimensions of the subject lands:

Frontage: 76.42 m      Depth: ± 475 m      Area: 42,842 m<sup>2</sup>

6.3 Specify particulars of ALL buildings and structures on, or proposed for, the subject lands:

**NOTE:** This information **MUST** be completed in **FULL**.

EXISTING:

Ground Floor Area: 105 m<sup>2</sup>      Width: ± 15m  
 Gross Floor Area: 210 m<sup>2</sup>      Length: ± 7m  
 Number of Storeys: 1 1/2      Height: ± 7m  
 Other: .....

PROPOSED:

Ground Floor Area: 1 330m<sup>2</sup>       No new structures are proposed  
2 330m<sup>2</sup>      Width: 15 m  
3 330m<sup>2</sup>      Gross Floor Area: 2 330m<sup>2</sup>      Length: 22 m  
3 330m<sup>2</sup>      Number of Storeys: 1      Height: 5m  
 Other: .....

SEE ATTACHMENT 3

6.4 Location of ALL buildings or structures on, or proposed for, the subject lands:

(Specify minimum distance from front, rear and side lot lines. This should also appear on the sketch.)

EXISTING:

Front: ± 90m      Rear: ± 380m  
 Side: 80m SOUTH      Side: ± 25m NORTH

PROPOSED: ATTACHMENT 3

Front: ± 28m       No new structures are proposed  
 Rear: ± 450m  
 Side: ± 21.7 SOUTH      Side: ± 60m NORTH

**NOTE:** Please identify sideyard setbacks by geographic direction (i.e. east, west, etc.)

6.5 Access:

- Municipal Road – maintained all year       Municipal Road – maintained seasonally  
 Provincial Highway       Other (i.e. water) .....

6.6 Water Supply:

- Municipal       Well - Private  
 Well – Communal       Other (i.e. lake) .....

6.7 Sewage Disposal:

- Municipal       Septic - Private  
 Septic – Communal       Other (i.e. privy) .....

6.8 Storm Drainage:

- Sewers       Ditches/Swales       Other .....



**6.0 DESCRIPTION OF SUBJECT LANDS (cont'd)**

6.9 Date of acquisition/purchase of subject land: .....

6.10 Date of construction of all buildings and structures on the subject lands: ± 1960

6.11 Existing use of the subject lands: RESIDENTIAL

6.12 Proposed use of the subject lands: RESIDENTIAL + TEMPORARY SALES CENTRE.

6.13 Existing uses of abutting properties: SEE SKETCH.

6.14 Length of time the existing uses of the subject lands have continued: ± 60 YRS.

**7.0 LAND USE INFORMATION**

7.1 Present Official Plan provisions applying to the subject lands:  
(Contact the **Development Planning Department** for this information)

~~AGRICULTURAL ZONE "A" - SEE ATTACHED~~  
VALLEY POLICY AREA #4 -

7.2 Present Zoning By-law provisions applying to the subject lands:  
(Contact the **Building Standards Department** for this information)

AGRICULTURAL ZONE "A" - SEE ATTACHED

**8.0 BACKGROUND INFORMATION**

8.1 Has the owner previously applied for relief (i.e. minor variance) in respect to the subject lands?

YES  NO

If the answer is YES, describe briefly what the application involved:

Committee of Adjustment File #: .....

.....

.....

8.2 Is/Has the subject lands been the subject of an application for consent under Section 53, or plan of subdivision under Section 51, of the Planning Act?

YES  NO

If the answer is YES, describe briefly what the application involved:

File #: .....

.....

.....

**8.0 BACKGROUND INFORMATION (cont'd)**

8.3 Is/Has the subject lands been the subject of an application for Zoning By-law Amendment or Site Plan approval?

YES

NO

If the answer is YES, describe briefly what the application involved, and the status of the application:

File #: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**9.0 PERMISSION TO ENTER**

9.1 Permission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.

Municipal Address of Subject Lands: 9829 Hwy 27, VAUGHAN

I hereby authorize the Committee of Adjustment members and City of Vaughan staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Irene Popela  
Signature of Owner

Irene Popela  
Please Print Name

**10.0 AUTHORIZATION OF AGENT**

10.1 Authorization of Agent – This **MUST** be completed if an agent is to be authorized to submit the application and to represent to Owner. This **MUST** be signed by the **OWNER**.

As of the date of this application, I am the Registered Owner of the lands described in this application, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I authorize the submission of this application on my behalf:

AARON HERSHOF, TALL DEVELOPMENTS.  
Name of Authorized Agent

April 3, 2012  
Date

Irene Popela  
Signature of Owner

Irene Popela  
Please Print Name

11.0 DECLARATION

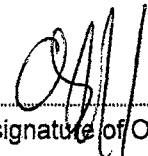
Dated at the CITY of VAUGHAN this 3 day of APRIL, 2012

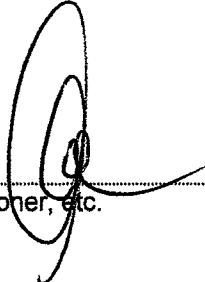
I, AARON HERSHCOFF of the CITY of TORONTO

in the \_\_\_\_\_ of \_\_\_\_\_ solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the

CITY of VAUGHAN )  
 )  
in the REGION )  
 )  
of YORK this 3<sup>RD</sup> day )  
 )  
of APRIL, 2012 )

  
signature of Owner or Agent

  
A Commissioner, etc.

Carlo Vitali, a Commissioner, etc.,  
Regional Municipality of York, for  
Tacc Group of Companies.  
Expires February 11, 2015

FOR OFFICE USE ONLY	
Date Received:	April 13, 2012
Received By:	TC
Tentative Meeting Date:	May 17, 2012
Application Fee:	<input type="checkbox"/> Residential/Agricultural/Institutional - \$875.00 <input checked="" type="checkbox"/> Industrial/Commercial - \$1,750.00

**MINOR VARIANCE INSPECTION FEE****BUILDING STANDARDS DEPARTMENT**  
**CONTACT: Dan Frank ext. 8865**A129/12

APPLICATION NO.

**1.0 DESCRIPTION OF SUBJECT LANDS****1.1 Legal Description of Subject Lands**Municipal Address: 9829 Hwy 27

Assessment Roll Number: \_\_\_\_\_

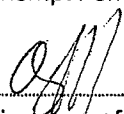
Municipality: CITY OF VAUGHANLot/Block #: ~~19~~ PART LOT 19 Registered Plan: \_\_\_\_\_

Part(s): \_\_\_\_\_ Registered Survey: \_\_\_\_\_

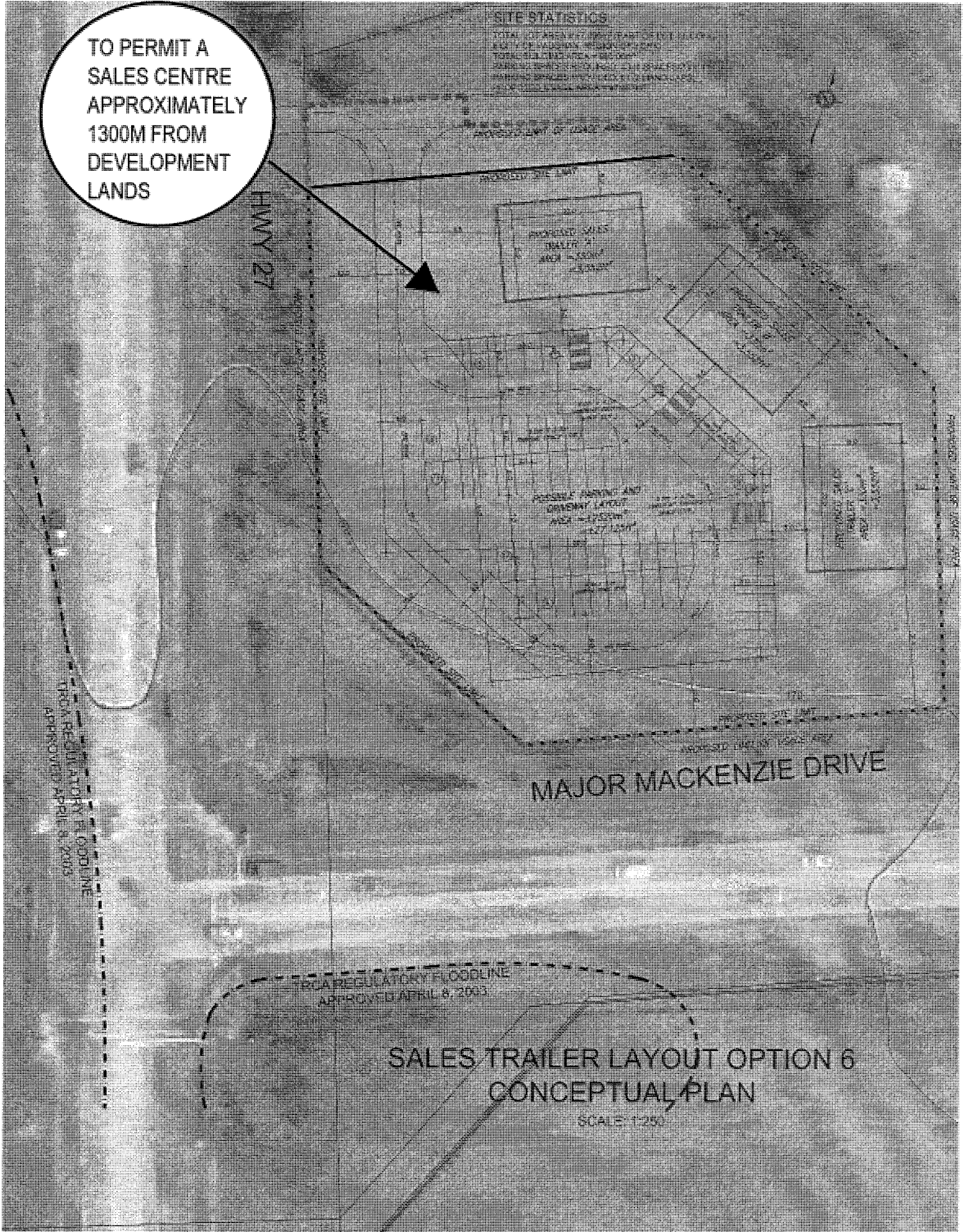
Part of Municipal Lot: \_\_\_\_\_ Concession: 8**2.0 APPLICANT INFORMATION**2.1 Name of Owner (Agent): AARON HERSHOFFTelephone Number: 905-760-7300 Fax: 905-669-9600Address: 600 APPLEWOOD CRES.Town/City, Province: VAUGHAN ON Postal Code: L4K 4B4E-mail: ahershoff@facc.com**3.0 DECLARATION**

As part of the Minor Variance approval process, your application must be circulated to the City of Vaughan Building Standards Department. A user pay portion of the inspection and administration costs of \$282.50, payable by cheque or money order to the "Treasurer, City of Vaughan", will be collected and **MUST** accompany your application.

A fee is **NOT** required if municipal sanitary sewers are in use on the lot or available to the lot. The minor variance application should reflect this. If you are exempt from this fee you **MUST** indicate that you are exempt, and sign below:

 EXEMPTApril 3/2012  
Date  
Signature of Owner/Agent

**NOTE:** This form and your cheque (if required) should accompany the application to be submitted to the Committee of Adjustment. **PLEASE FILL OUT IN DUPLICATE**, only if you are not exempt from the inspection fee.



**PLAN OF SURVEY OF  
PART OF LOT 19, CONCESSION 8  
(GEOGRAPHIC TOWNSHIP OF VAUGHAN)  
TOWN OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK**

**SURVEYOR'S CERTIFICATE**

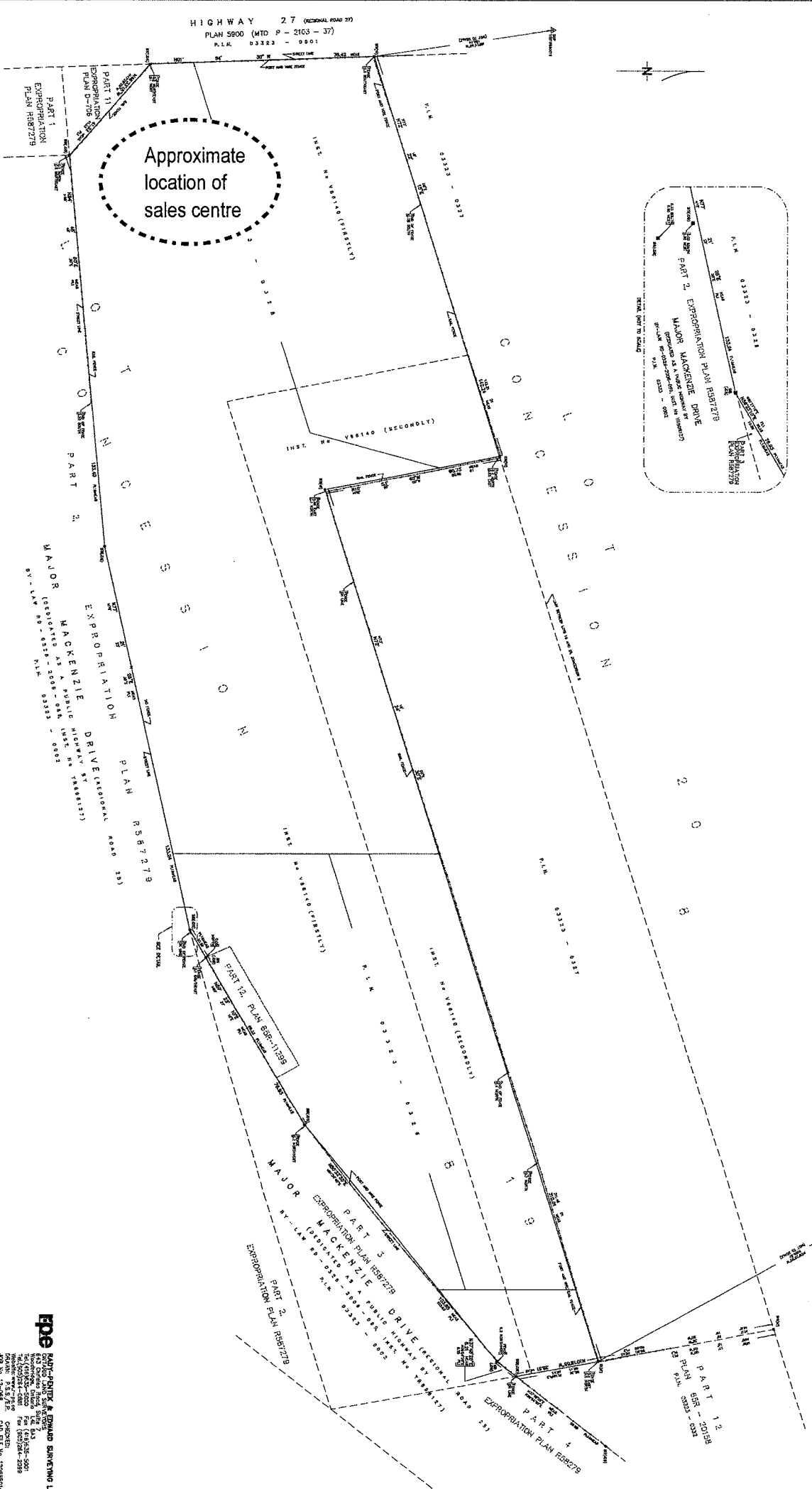
**NOTES**

SCALE: AS SHOWN ON DRAWING SHEET 120, C.L.S.  
METRIC AND DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

1. CERTIFY THAT THE PLAN AND CONVEYANCE IS ACCORDING TO THE  
1. SURVEY AND CONVEYANCE ACT AND THE REGULATION THEREIN  
2. THE SURVEY WAS COMPLETED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012  
DATE: \_\_\_\_\_ 2012

1. THE SURVEYOR HAS REVIEWED THE PLAN AND CONVEYANCE AND  
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**EPE** PART-7/212 & EDWARD SURVEYING LTD.  
425 Dundas Street West  
Toronto, Ontario M5G 1L4  
Tel: (416) 593-2200 Fax: (416) 593-2201  
Tel: (905) 276-4888 Fax: (905) 276-2898  
www.epe.ca  
MAY 21, 2012 - 16:52:02  
PROJECT: CONCEPT PLAN NO. 12088910  
DRAWN: M. S. S. DATE: 10/25/11  
CHECKED: M. S. S. DATE: 10/25/11  
FILE: K:\VAUGHAN\212-088\K-PLAN\2088910.dwg (Auto) Drawn Apr 10, 2012, 11:56am



**TACC DEVELOPMENTS**  
600 Applewood Cres. Tel: 905.760.7300  
Vaughan, Ontario Fax: 905.669.9600  
L4K 4B4 Email: ahershoff@tacc.com

April 9, 2012

**A129/12**

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

**HAND DELIVERED**

Attention: Mr. Todd Cole MCIP, RPP  
Secretary-Treasurer of Committee of Adjustment

Dear Sir;

**RE: Variance Application – Section 3.25 (City of Vaughan Zoning By- Law 1-88)**

The purpose of this application (Attachment 1) is to seek relief from Section 3.25 of the City of Vaughan Zoning B-law (By-law 1-88) to allow for an off site temporary sales office. Specifically, Section 3.25 states:

*Temporary offices for the sale of residential units may be permitted in all zones but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metres, and subject to an agreement with the City as to location, servicing and duration, provided a temporary office shall not be permitted unless the Official Plan permits the development within which the units to be sold are located.*

*Notwithstanding the above, Temporary Sales Offices shall not be permitted within the ORM Oak Ridges Moraine, or the OS5 Open Space Environmental Protection Zones.*

The relief being sought is to allow for a temporary office to be located approximately 1300 metres from the location of the residential development project versus the stated maximum of 100m. This request conforms to the intent of OPA 699 for Block 61 West (to allow for the creation of a complete community) and locates the temporary sales centre as close as possible to the development within the constraints of both the proposed residential development and the proposed site.

**LOCATION**

The proposed location of the temporary sales office is the north east corner of the southern intersection of Major Mackenzie Drive and Hwy 27, with municipal address 9829 Hwy 27, City of Vaughan. The location of the development is at the north east corner of Major Mackenzie

Drive and Huntington Rd in Block 61 West. (See Attachment 2A) Surrounding land uses include residential, vacant commercial buildings (Salty Dog) and vacant land (See Attachment 2B).

### **DESCRIPTION OF PROPOSED USE**

The temporary sales centre will consist of three buildings with a GFA of approximately 1,000m<sup>2</sup> and associated parking lot: (See Attachment 3) The lands are within the TRCA's regulated area as they are adjacent to a flood plain. (See Attachment 4) A site meeting was held with the TRCA on April 3, 2012. They expect that a permit will be required as the lands are within the limits of the Humber Valley, but do not foresee any major issues with the concept plan. (Attachment 3) The formal application to the TRCA is pending, based on formal comments being provided from the site meeting.

### **JUSTIFICATION**

There are multiple reasons that the provisions of Section 3.25 can not be reasonably met on the development site. They include:

- 1) lack of traffic and visibility to site;
- 2) phasing and staging of development within Block 61 West, required by the City of Vaughan, York Region, TRCA and the Province; and,
- 3) construction activity that is planned for area.

The current condition of the road surface and level of traffic on Major Mackenzie Drive is such that locating a sales centre is not feasible as the road is in poor condition and the level of traffic is very low. Similar road quality and traffic issues preclude locating the Sales Centre on Huntington Rd.

Due to site constraints based on TRCA Regulated Areas, the realignment of Major Mackenzie Drive, the extension of Highway 427 and the Special Study Area contained within OPA 699 it is not feasible to locate the sales centre on site as each of these constraints limits the location of the sales centre to areas of the development that will not be accessible due to site servicing and earthworks.

The level of construction traffic that is expected on Major Mackenzie Drive for not only Block 61 West (Nashville Heights), but Block 61 East (Molise / Kleindor) would not be suitable for a sales centre. The movement of heavy equipment combined with potential Regional and Provincial construction occurring makes locating on site less than ideal.

For these reasons it is not possible to locate on site or within 100 metres of the location of the development as required by the Zoning by-law.

### **CONCLUSION**

Locating at the north east corner of the southern intersection of Major Mackenzie Drive and Hwy 27 is an appropriate location for a temporary sales centre as:



- 1) the lands that the temporary sales centre represents are subject to OPA 699 (Block 61 West) are designated for residential uses, as required by Section 3.25 of the Zoning By-law; (Attachment 8)
- 2) the lands are zoned "A" – Agricultural Zone, which permits a temporary sales centre (Attachment 6);
- 3) the lands are not within the Oak Ridges Moraine (Attachment 5);
- 4) the lands are not zoned OS5 Open Space Environmental Protection Zones and the proposed use will be located outside of the flood plain (Attachment 4);
- 5) the lands are not within the Green Belt (Attachment 7);
- 6) the level of traffic on Hwy 27 is suitable for the proposed use;
- 7) the road conditions on Hwy 27 are suitable for the proposed use;
- 8) the proposed location is as close to site of the development (approximately 1300 metres) that can be reasonably found due to the Humber River and associated flood plain.

I trust that this letter, when considered with the attached application, will allow for a positive recommendation to the Committee. If you have any questions, please do not hesitate to contact me for additional information or to discuss the project.

Sincerely,  
TACC Developments Inc.



Per:  
Aaron Hershoff MCIP RPP

Enclosures:

Attachment 1:	Application
Attachment 2A:	Location Map
Attachment 2B:	Surrounding Land Uses
Attachment 3:	Site Plan
Attachment 4:	TRCA Regulated Area Mapping
Attachment 5:	OPA 601 Schedule A
Attachment 6:	Key Map 8D – By-law 1-88
Attachment 7:	Greenbelt Plan, Map 59
Attachment 8:	OPA 699



RECEIVED

May 1, 2012

VAUGHAN COMMITTEE  
OF ADJUSTMENT

The City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
Canada L6A 1T1  
Tel (905) 832-2281

**To:** Committee of Adjustment  
**From:** Gregory Seganfreddo, Building Standards Department  
**Date:** May 1, 2012  
**Name of Owner:** Irene Popela  
**Location:** 9829 Hwy 27  
Concession 8, part of lot 19  
**File No.(s):** **A129-12**

**Zoning Classification:**

The subject lands are zoned A, Agricultural Zone, subject to the provisions under By-Law 1-88 as amended.

**Proposal:**

- 1) To permit a temporary sales office located approximately 1300 metres from the lands to be developed.

**By-Law Requirements:**

- 1) A temporary sales office shall not be located further away from the lands to be developed than 100 metres.

**Staff Comments:**

**Stop Work Orders and Orders to Comply:**

An Order to Comply has not been issued.

**Other Comments:**

A building permit has not been issued.

**Conditions of Approval:**

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

None.

These comments are based on a review of the documentation supplied with this application.

Upon submission of detailed drawings for building permits/site plan approval, additional variances may be identified.

**DATE:** May 7, 2012  
**TO:** Todd Coles, Committee of Adjustment  
**FROM:** Mark Antoine, Development Planning Department  
**MEETING DATE:** May 17, 2012  
**OWNER:** Irene Popela  
**FILE(S):** A129/12

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**Location:** 9829 Highway 27, Kleinburg

**Proposal:** The Owner is requesting permission to construct a temporary sales office located approximately 1300m from the lands to be developed, whereas By-law 1-88 requires a temporary sales office to be within 100m from the lands to be developed.

**Official Plan:** The subject lands are designated "Valley Area" by in-effect OPA #601, as amended by in-effect OPA #610. The subject lands are also designated "Natural Areas" by the new City of Vaughan Official Plan 2010, which is subject to approval from the Ontario Municipal Board.

**Comments:** The Development Planning Department conducted a site visit with photo documentation on May 2, 2012. The subject lands are developed with a single detached dwelling located on the northeast corner of Major Mackenzie Drive and Highway #27.

The Owner is proposing to construct three temporary sales offices with a total gross floor area of 990m<sup>2</sup>. The subject lands are zoned A Agricultural Zone.

Subsection 4.10.10.1 of OPA #601 respecting the "Valley and Stream Corridors" designation policies states (in part):

"3. No buildings or structures shall be permitted on lands designated as Valley and Stream Corridors on Schedule A except where such buildings and structures are intended for flood and erosion control purposes and where such buildings and structures meet the requirements of the TRCA."

The proposal does not meet the intent of the Official Plan, as the temporary sales trailers are not permitted within the "Valley and Stream Corridors" designation.

Section 3.25 of Zoning By-law 1-88 permits temporary offices for the sale of residential units only on the lands subject to the development or within the immediate vicinity provided it shall not be located further away from the lands to be developed than 100m. The proposal to build a temporary sales office 1,300m (1.3km) away from the lands subject to the development is not considered minor in nature and does not maintain the intent of the Zoning By-law.

Accordingly, the Development Planning Department is of the opinion that the proposal is not minor in nature, does not meet the intent of the Official Plan and Zoning By-law, and is not

**memorandum**

desirable for the appropriate development of the land, therefore failing all “four tests” as stipulated by Section 45(1) of the *Planning Act*.

**Recommendation:** The Development Planning Department **does not support** Minor Variance Application A129/12.

**Condition(s):** None.

**memorandum**

**RECEIVED**

**May 9, 2012**

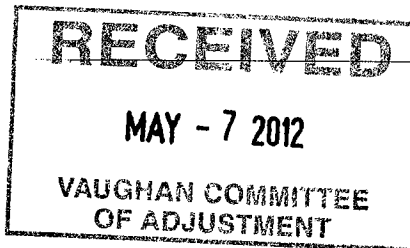
VAUGHAN COMMITTEE  
OF ADJUSTMENT

memorandum

**DATE:** May 7, 2012  
**TO:** Todd Coles, Committee of Adjustment  
**FROM:** Nadia Porukova, Development/Transportation Engineering  
**MEETING DATE:** May 17, 2012  
**OWNER:** Irene Popela  
**FILE(S):** Minor Variance Application A129/12

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**Location:** 9829 Highway 27  
**Proposal:** 1.To permit a temporary sales office located approximately 1300 metres from the lands to be developed.  
**Comments:** The Development/Transportation Engineering Department has no objection to Minor Variance Application A129/12.  
**Condition(s):** None.



**MINOR VARIANCE AND CONSENT APPLICATION  
SEPTIC SYSTEM INSPECTION REPORT  
BUILDING STANDARDS DEPARTMENT**

DATE: May 7, 2012, APPLICATION NO.: A-129/12

LOCATION: 9829 Hwy 27	19		8
Municipal Address	Lot	Plan	Concession

**A - MINOR VARIANCE APPLICATION REPORT**

- The Building Standards Department has inspected the property noted above and has no objection to the proposed Minor Variance Application.
- The Building Standards Department has inspected the property noted above and report the following:
  - The granting of this Minor Variance will adversely affect the existing septic system(s) on the property or adjacent properties.
  - Other: Due to the area which is required for the on site sewage system for the adjacent single family dwelling ---see recommended condition below if the committee finds merit in the application

**B - CONSENT APPLICATION REPORT**

- The Building Standards Department has inspected the property noted above and has no objection to the proposed consent application.
- The Building Standards Department has inspected the property noted above and report the following:
  - The granting of this consent application will adversely affect the existing septic system(s) on the property or adjacent properties.
  - The granting of this consent application will not provide sufficient area for future septic systems on the severed lot(s).
  - Other: See the recommended condition below if the committee finds merit in the application.

**Condition: That a report be submitted by a Professional Engineer or licensed on site sewage system contractor satisfactory to the Building Standards Dept. showing the location of the on site sewage system tank(s) and distribution piping for treating the sanitary sewage from the existing single family dwelling has sufficient clearance distance from the proposed sales centre area to meet the requirements of the Ontario Building Code.**

Dan Frank  
Inspector

Signature

905-832-8511  
Telephone No.

8865  
Ext



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May 8, 2012

VAUGHAN COMMITTEE  
OF ADJUSTMENT

memorandum

**DATE:** July 21, 2011

**TO:** Todd Coles  
Manager of Development Services and  
Secretary-Treasurer

**FROM:** Lauren Archer  
Cultural Heritage Coordinator  
Cultural Services Division  
City of Vaughan

**RE:** File: A129/12  
Property owner: Irene Popela  
Part of Lot 19 Con 8, municipally known as 9829 Highway 27, Kleinburg

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Cultural Services has received the subject application for Minor Variance and offers the following comments:

**Cultural Services has no concerns regarding the subject Minor Variance.**

However, the applicant is to be informed that Cultural Services does not have any record indicating an archaeological assessment has been completed for the proposed property. The property owners and future applicants of permits related to the development of the subject property or properties are to be informed of the requirement to fulfill the following as a condition of any future development on the subject lands:

The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority confirming that all archaeological resource concerns have met resource conservation requirements.

The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism and Culture under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant sites found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances.

The consultant archaeologist will submit 1) 1:10,000 scale mapping that clearly outlines the limits of the property subject to assessment and the locations of any new archaeological site locations; and 2) a copy of the relevant assessment report(s) all to the Cultural Services Department.

Areas deemed to have no remaining archaeological integrity by a licensed archaeologist will be excluded from the zone of archaeological potential. In areas where there is no identified archaeological potential, the following standard clauses apply, as required by the Ministry of Tourism and Culture:

- (a) *Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism and Culture and the City of Vaughan's Policy Planning and Urban Design and Recreation and Culture Departments shall be notified immediately.*
- (b) *In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.*

Prior to final approval of any Development Planning or Building Permit application, the owner shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Tourism and Culture (Archaeology Unit) and the municipality.



memorandum

Regards,

**Lauren Archer**

Cultural Heritage Coordinator  
Cultural Services Division  
Recreation & Culture Department  
(905) 832-8585, ext. 8112

Cc. Angela Palermo, Manager of Cultural Services, City of Vaughan