The Minutes of the 11th Meeting of the Vaughan Committee of Adjustment for the year 1997
Thursday, May 29, 1997
6:00 p.m.

Present at the meeting were:

T. Decicco
K. Fass
A. Ianni
M. Mauti
M. Panicali

Members of Staff present:

Dianne Grout, Secretary-Treasurer
Lenore Providence, Assistant to Secretary-Treasurer
Karen Kirby - Temporary Assistant to Secretary-Treasurer
Anna Galambos, Planning Technician
Frank DeFrancesco, Zoning Examiner

INTRODUCTION OF ADDENDUM REPORTS

MOVED by M. Mauti
Seconded by T. Decicco

That the addendum reports be incorporated into the minutes and be on view at the back of the room in the Report Book.

CARRIED

ADMINISTRATIVE CORRECTIONS

None.

DISCLOSURE OF PECUNIARY INTEREST

None.

ADOPTION OR CORRECTION OF MINUTES

MOVED by M. Mauti
Seconded by T. Decicco

That the minutes of the Committee of Adjustment meeting of May 15, 1997 be adopted as circulated.

CARRIED

ADJOURNMENTS AND/OR DEFERRALS

MOVED by M. Mauti
Seconded by T. Decicco

Upon receiving a letter from the applicant requesting a deferral so that planning and engineering concerns can be resolved, Item #12, GREGORY AND PIETERELLA D’ATRI-GUIRAN, File No. A131/97, has been DEFERRED to the August 21, 1997 Committee of Adjustment meeting.

CARRIED

ADJOURNMENTS AND/OR DEFERRALS Cont’d....
COMMITTEE OF ADJUSTMENT MINUTES MAY 29, 1997

MOVED by M. Mauti
Seconded by T. Decicco

Due to the necessity of recirculating Item #13, NOVA CUSTOM BUILT HOMES LTD., File No. A133/97, the application has been DEFERRED to the JUNE 19, 1997 Committee of Adjustment meeting.

CARRIED

1. FILE NO. B31/97
   PENNARD INVESTORS INC./GARONT INVESTMENTS LIMITED

   LOCATION

   Northwest of Keele Street and Kirby Road, being Part of Lots 31 and 32, Concession 1, municipally known as 11730 Keele Street.

   PROPOSAL

   The purpose of this application is to request the consent of the Committee of Adjustment to convey a parcel of land marked “A” on the attached sketch for agricultural purposes and retain the land marked “B” on the attached sketch for agricultural and industrial/commercial purposes.

   Heidi Kreiner-Ley, the agent, appeared on behalf of the applicants, gave a brief submission regarding the request, and discussed the conditions as outlined in the draft resolution.

   Mrs. J. Hiel, 11666 Keele Street, Maple, Ontario L6A 1S1, appeared in opposition to the request. Mrs. Hiel gave a brief history of the property, and raised several questions regarding who the lands were being transferred to, how many acres are required for a severance in an agricultural area, and what the future development of the subject lands entailed. Mrs. Hiel also stated that she felt this severance would be detrimental to the value of her property.

   Ms. Kreiner-Ley addressed the concerns of Mrs. Hiel by clarifying the ownership of the two parcels (her mother would be the owner of Part “A” and her sister would be the owner of Part “B”). She also explained that the by-law requires 10 hectares in order to sever Part “A”, the severance was for estate planning purposes, and further, advised there would be no change in use of the property. Ms. Kreiner-Ley confirmed that all uses on Part “B” have been rezoned and approved, and the landscaping issues would be dealt with in the immediate future.

   There were no objections from any Departments or Agencies and any conditions requested are listed below.

   MOVED by M. Panicali
   Seconded by T. Decicco

   THAT Application No. B31/97, PENNARD INVESTORS INC./GARONT INVESTMENTS LIMITED, be APPROVED, subject to the following conditions:

   1. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Finance Department;

   2. Payment to the City of Vaughan of a Tree Fee, if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the Finance and Park’s Departments;

   FILE B31/97   Cont’d...

   3. 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, if required. Payment of a parkland levy to the City in lieu of the deeding of land for park purposes shall be made, if required. Said levy is to be 5% (five percent) 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 Manager of Real Estate. Payment shall be made by certified cheque only;

4. That a widening to 18m from the centreline of Keele Street is required at no cost to the Region of York, if required, to the satisfaction of the Region of York Transportation and Works Department;

5. That a vehicular access to Keele Street, if required, has to be approved by the Region of York, to the satisfaction of the Region of York Transportation and Works Department;

6. That the applicant shall ensure access to the westerly portion of "Part A" (west side of the CNR tracks), if required, to the satisfaction of the Planning Department;

7. Submission to the Secretary-Treasurer of three (3) white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;

8. Upon fulfilling and complying with all of the above-noted conditions, and only if required, the Secretary-Treasurer of the Committee of Adjustment must be provided with three (3) copies of the Transfer/Deed of Land for the subject land to be stamped accordingly; or may provide a Certificate to the Applicant stating the Consent has been given in certain cases;

9. Prior to the issuance of a building permit, if required, the applicant shall fulfill and comply with all of the above noted consent conditions;

10. Pursuant to Section 53(20) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions, if required, of Consent, failing which the application for consent shall thereupon deem to be refused;

PLEASE NOTE

1. That the payment of the Regional Development Charge 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;

2. That the payment of the City Development Charge 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;

3. That the payment of the Education Development Charge 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;

CARRIED

2. FILE NO. B41/97
BEATRIZ AND MIRON ARIELY
LOCATION
South side of King High Drive, west of Concord Road, being Part of Lot 49, Registered Plan 3541, (Part of Lot 6, Concession 2), municipally known as 151 King High Drive.

PROPOSAL
The purpose of this application is to request the consent of the Committee of Adjustment to convey a parcel of land marked “A” on the attached sketch as an addition to an existing lot to be taken into the title of the land to the west for the purposes of a future residential plan of subdivision and retain the land marked “B” on the attached sketch for residential purposes.

Mr. Murray Evans, appeared as the agent on behalf of the applicants and gave a brief submission regarding the request.

There was no one in attendance either in support of or in opposition to the request.

There were no other objections from any Departments or Agencies.

MOVED by M. Panicali
Seconded by M. Mauti

That Application No. B41/97, BEATRIZ AND MIRON ARIELY, be APPROVED, subject to the following conditions:

1. Payment to the City of Vaughan of a Tree Fee, if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the Finance Department and Parks Department;

2. That the applicant pay the applicable local improvement charges, if required, to the satisfaction of the Finance Department;

3. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Finance Department;

4. That the applicant provide to the Secretary Treasurer a letter of undertaking, stating that the lands in question are taken into the title of the lands to the west;

5. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;

6. Submission to the Secretary-Treasurer of three (3) white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;

7. Upon fulfilling and complying with all of the above-noted conditions, and only if required, the Secretary-Treasurer of the Committee of Adjustment must be provided with three (3) copies of the Transfer/Deed of Land for the subject land to be stamped accordingly; or may provide a Certificate to the Applicant stating the Consent has been given in certain cases;

8. Prior to the issuance of a building permit, if required, the applicant shall fulfill and comply with all of the above noted consent conditions;

FILE B41/97 Cont’d...

9. Pursuant to Section 53(20) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions of Consent, if required, failing which the application for consent shall thereupon deem to be refused.

PLEASE NOTE:

1. That the payment of the Regional Development Charge 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.

Cont’d...
2. That the payment of the City Development Charge 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.

3. That the payment of the Education Development Charge 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.

CARRIED

3. FILE NO. B42/97
ESTERINA AND FRANK GUIDO

LOCATION

South side of King High Drive, west of Concord Road, being Part of Lot 49, Registered Plan 3541, (Part of Lot 6, Concession 2), municipally known as 155 King High Drive.

PROPOSAL

The purpose of this application is to request the consent of the Committee of Adjustment to convey a parcel of land marked “A” on the attached sketch as an addition to an existing lot to be taken into the title of the land to the west for the purposes of a future residential plan of subdivision, and retain the land marked “B” on the attached sketch for residential purposes.

Mr. Murray Evans, the agent, appeared on behalf of the applicants and gave a brief submission regarding the request.

There was no one in attendance either in support of or in opposition to the request.

There were no objections from any Departments or Agencies and any conditions requested are listed below.

MOVED by M. Panicali
Seconded by M. Mauti

That Application No. B42/97, ESTERINA AND FRANK GUIDO, BE APPROVED, subject to the following conditions:

1. Payment to the City of Vaughan of a Tree Fee, if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the Finance Department and Parks Department;

2. That the owner shall pay all taxes as levied, if required, to the satisfaction of the Finance Department;

FILE B42/97 Cont’d...

3. That the applicant provide to the Secretary Treasurer a letter of undertaking, stating that the lands in question are taken into the title of the lands to the west;

4. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;

5. Submission to the Secretary-Treasurer of three (3) white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;

6. Upon fulfilling and complying with all of the above-noted conditions, and only if required, the Secretary-Treasurer of the Committee of Adjustment must be provided with three (3) copies
of the Transfer/Deed of Land for the subject land to be stamped accordingly; or may provide a Certificate to the Applicant stating the Consent has been given in certain cases;

7. Prior to the issuance of a building permit, if required, the applicant shall fulfill and comply with all of the above noted consent conditions;

8. Pursuant to Section 53(20) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions of Consent, if required, failing which the application for consent shall thereupon deem to be refused.

PLEASE NOTE:

1. That the payment of the Regional Development Charge 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.

2. That the payment of the City Development Charge 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.

3. That the payment of the Education Development Charge 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.

CARRIED

4. FILE NO. B43/97

PETER AND ERICA ADAMO

LOCATION

West of Clarence Street, south of Modesto Gardens, being Lot 13, Registered Plan 65M-2604, (Part of Lots 11 and 12, Concession 8), municipally known as 62 Cromdale Ridge.

PROPOSAL

The purpose of the application is to request the consent of the Committee of Adjustment to convey a parcel of land marked “A” on the attached sketch as an addition to an existing lot, to be taken into the title of lands to the southwest (Lot 24) for residential purposes, and retain the land marked “B” on the attached sketch for residential purposes.

Mr. John Andriano, the agent, appeared on behalf of the applicants and gave a brief submission regarding the request.

FILE B43/97 Cont.d...

There was no one in attendance either in support of or in opposition to the request.

There were no objections from any Departments or Agencies and any conditions requested are listed below.

MOVED by M. Mauti
Seconded by M. Panicali

That Application No. B43/97, PETER AND ERICA ADAMO, BE APPROVED, subject to the following conditions:

1. Payment to the City of Vaughan of a Tree Fee, if required, approved by Council as of the date of granting the consent. Payment is to be made by certified cheque, to the satisfaction of the Finance and Park’s Departments;

2. That the applicant provide to the Secretary Treasurer a letter of undertaking, stating that the lands
in question will be taken into the title of lands to the southwest (being Lot 24 of Plan 65M-2604);

3. This consent is given on the express understanding that Subsection 3 or Subsection 5 of Section 50 of the Planning Act shall apply to any subsequent conveyance in respect to the subject lands;

4. Submission to the Secretary-Treasurer of three (3) white prints of a registered deposited reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan;

5. Upon fulfilling and complying with all of the above-noted conditions, and only if required, the Secretary-Treasurer of the Committee of Adjustment must be provided with three (3) copies of the Transfer/Deed of Land for the subject land to be stamped accordingly; or may provide a Certificate to the Applicant stating the Consent has been given in certain cases;

6. Prior to the issuance of a building permit, if required, the applicant shall fulfill and comply with all of the above noted consent conditions;

7. Pursuant to Section 53(20) of the Planning Act, the applicant shall have a period of one year from the date of the Committee of Adjustment giving Notice of the herein Decision to the Applicant to fulfill and comply with all of the (above-noted) conditions, if required, of Consent, failing which the application for consent shall thereupon deem to be refused;

CARRIED

5. FILE NO. A129/97
LEORADOR DEVELOPMENTS INC.

LOCATION
Northwest corner of Beaton Avenue and Gladstone Avenue, being Lot 206, Registered Plan 65M-3106, (Part of Lots 22 and 23, Concession 4), municipally known as 2 Beaton Avenue.

PROPOSAL
By-law 1-88 zones this parcel Single Family Detached Dwelling Zone “R3”. The applicant is requesting a variance to permit the construction of a proposed two-storey single family dwelling, notwithstanding the rear yard setback will be 8.2m rather than By-law 1-88 requires 9.0m.

Mr. Steve Maini, the agent, appeared on behalf of the applicant and gave a brief submission regarding the request.

There was no one in attendance either in support of or in opposition to the request.

FILE A129/97 Cont.d...

There were no objections from any Departments or Agencies and any conditions requested are listed below.

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

MOVED by M. Mauti
Seconded by M. Panicali

That Application No. A129/97, LEORADOR DEVELOPMENTS INC., be APPROVED, subject to the following conditions:

1. That the variance for the reduction in the rear yard setback be conditional upon the property being constructed in accordance with the attached sketch.

2. That if the condition listed above is not fulfilled within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to
have been annulled and rescinded by the Committee.

CARRIED

6. FILE NO. A130/97
   GILA MARKO
   LOCATION
   South side of McMorran Crescent, east of Mullen Drive, being Part of Block 29, Plan M-1934 (Part of Lot 3, Concession 2), municipally known as 208 McMorran Crescent.
   PROPOSAL
   By-law 1-88 zones this parcel Residential Zone “R4”. The applicant is requesting permission to permit the enlargement of an existing two-storey single family dwelling (3rd floor addition) which is presently legal non-conforming, notwithstanding that the existing sideyard setback for the proposed 3rd floor addition is 1.29m, whereas By-law 1-88 requires 2.4m for the 3rd floor addition.
   Mr. Tomas Dzikiewicz, the agent, appeared on behalf of the applicant and gave a brief submission regarding the request. With the use of drawings, he indicated what the dwelling presently looked like, how it would appear when conforming to the by-law requirements, and how it would appear if the variance were granted.
   Committee questioned the ability to carry on the maintenance of this addition due to the height, and the fact that there is a zero lot line. Both the agent and Planning Department Staff felt that this area could be maintained by accessing another area of the house, from a lower level.
   There was no one in attendance either in support of or in opposition to the request.
   There were no objections from any Departments or Agencies and any conditions requested are listed below.
   Committee Member K. Fass abstained from voting on the subject variance application.
   The Committee is of the opinion that the permission sought can be considered minor and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

FILE A130/97 Cont.d.

MOVED by T. Decicco
Seconded by M. Panicali

THAT Application No. A130/97, GILA MARKO, be APPROVED, subject to the following conditions:

1. That the variance for the reduction in the side yard setback be conditional upon the property being constructed in accordance with the attached sketches.

2. That if the condition listed above is not fulfilled within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.

CARRIED

7. FILE NO. A134/97
   HARVEST MOON DEVELOPMENTS INC.
   LOCATION
   Northwest corner of Jane Street and Langstaff Road, being Block 16, Registered Plan 65M-2745,
being Parts 1 and 2, Reference Plan 65R-17175, (Part of Lot 11, concession 5), municipally known as 8500 Jane Street.

PROPOSAL

By-law 1-88 zones this parcel Service Commercial Zone “C7”. The applicant is requesting a variance to permit the construction of three (3) industrial buildings, notwithstanding parking spaces for shopping centres will be at a rate of 4.5 spaces per 100 sq.m. Gross Floor Area (GFA) rather than the by-law requires 6.0 spaces per 100 sq.m GFA, a rear yard setback of 15.0m rather than the by-law requires 22.0m, and a minimum landscape strip along Courtland Avenue of 3.0m rather than the by-law requires 6.0m.

Ms. Vania Ottoborgo, the agent, appeared on behalf of the applicant, and gave a brief submission regarding the request. She noted Planning Department’s concern regarding the number of parking spaces being provided on site, and their request that the applicant proceed by way of a zoning amendment. Ms. Ottoborgo indicated that the subject lands would have a mix of both industrial and commercial uses, and with the 372+ spaces being provided on site, felt that the parking being provided was sufficient and a zoning amendment not necessary.

Building Department Staff noted to Committee that with the number of parking spaces being provided by the applicant, there will be only a 25% deficiency in parking.

There was no one in attendance either in support of or in opposition to the request.

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

MOVED by T. Decicco
Seconded by K. Fass

THAT Application No. A134/97, HARVEST MOON DEVELOPMENTS INC. be APPROVED, subject to the following conditions:

1. That the variances for the reduction in rear yard setback, minimum landscape strip, and parking space requirements are conditional upon the structures being constructed in accordance with the attached sketch, to the satisfaction of the Building Standards Department.

FILE A134/97 Cont’d...

2. That if the condition listed above is not fulfilled within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.

CARRIED

8. FILE NO. A135/97
ROBIN, JEN-CHIH WU

LOCATION

North side of Clark Avenue, west of Yonge Street, York Region Condominium Plan 878 (Part of Lots 28 and 29, Concession 1), municipally known as 7398 Yonge Street Units D7 and D8.

PROPOSAL

By-law 1-88 zones this parcel Residential Apartment Zone “RA1”. The applicant is requesting a variance to permit the use of a Japanese fast food take-out located in an existing commercial building, notwithstanding 23% of gross floor area will be devoted to an eating establishment, whereas By-law 1-88 states a maximum of 20% of gross floor area is devoted to an eating establishment.

Mr. Tyson Chu, the agent, appeared on behalf of the applicant and gave a brief submission
Regarding the request.

There was no one in attendance either in support of or in opposition to the request.

There were no objections from any Departments or Agencies and any conditions requested are listed below.

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

MOVED by T. Decicco
Seconded by K. Fass

THAT Application No. A135/97, ROBIN, JEN-CHIH WU, be APPROVED, subject to the following condition:

1. That if a Building Permit is not issued, based upon the decision of the Committee of Adjustment within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee.

CARRIED

OTHER BUSINESS

MOVED by T. Decicco
Seconded by K. Fass

THAT the Committee of Adjustment Public Hearing scheduled for August 7, 1997 be CANCELLED.

CARRIED

MOTION TO ADJOURN

MOVED by T. Decicco
Seconded by M. Panicali

THAT the meeting of Committee of Adjustment be adjourned at 7:10 p.m., and the next regular meeting will be held on JUNE 19, 1997.

CARRIED