

# NOTICE OF DECISION

FILE NO: A280/06

IN THE MATTER OF Subsection 45 of the Planning Act.

IN THE MATTER OF an application by **EMANUELE DOMENICO & CARMELA SALA**, with respect to Part of Lot 24, Concession 8, (Part Lot 37, Plan No. M-9, municipally known as 10496 Islington Ave., Kleinburg.)

The subject lands are zoned C1, Restricted Commercial zone under By-Law 1-88 as amended.

The applicants are requesting variances to permit the continued construction of a 1 storey addition to an existing 1 ½ storey commercial building as follows:

**Proposal:**

1. A minimum front yard setback of 1.2m to the porch and stairs.
2. A minimum parking space dimension of 2.6m by 6m.
3. A minimum driveway width at the street line of 4.395m.
4. A minimum 1.8m landscape buffer strip at the street.
5. A minimum aisle width of 3.86m.
6. ~~A minimum of 9 parking spaces to be provided.~~ REMOVED
7. A 0.0m perimeter landscape strip (as per bylaw 167-2006).

*HA Jace*

**By-Law Requirements:**

1. A minimum front yard setback of 9m to the porch and stairs.
2. A minimum parking space dimension of 2.7m by 6m.
3. A minimum driveway width at the street line of 6m.
4. A minimum 6m landscape buffer strip at the street.
5. A minimum aisle width of 6m.
6. ~~A minimum of 22 parking spaces to be provided.~~ REMOVED
7. A 1.8m perimeter landscape strip (as per bylaw 167-2006).

*HA Jace*

A sketch is attached illustrating the requests.

**Other Planning Act Applications:**

**Minor Variances Public Hearing:**

**A121/92 - APPROVED, September 17, 1992,**  
for an extension of a rear yard porch.

**By-Law 167-2006**

**PASSED, May 23, 2006** (appeal period runs out  
June 22, 2006)

Moved by:

*[Signature]*

Seconded by:

*[Signature]*

THAT 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.

AND THAT Application No. **A280/06 – EMANUELE DOMENICO & CARMELA SALA**, be **APPROVED**, in accordance with the sketches attached.

*AS AMENDED*  
*HA Jace*

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR: \_\_\_\_\_

Signed by all members present who concur in this decision:

~~ABSENT~~  
\_\_\_\_\_  
M. Mauti,  
Chair,

\_\_\_\_\_  
T. DeCicco  
Vice Chair,

\_\_\_\_\_  
L. Fluxgold,  
Member,

~~ABSENT~~  
\_\_\_\_\_  
D. H. Kang,  
Member,

~~ABSENT~~  
\_\_\_\_\_  
M. S. Panical,  
Member

**CERTIFICATION**

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

*A. Marker*

*DE*  
Dianne E. L. Grout, A.M.C.T.,  
Manager of Development Services and  
Secretary-Treasurer to Committee of  
Adjustment  
City of Vaughan

DATE OF HEARING:

**JULY 6, 2006**

LAST DATE OF APPEAL:

**JULY 26, 2006**

**APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON JULY 26, 2006.**

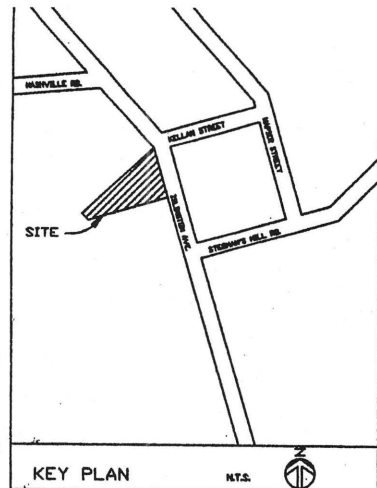
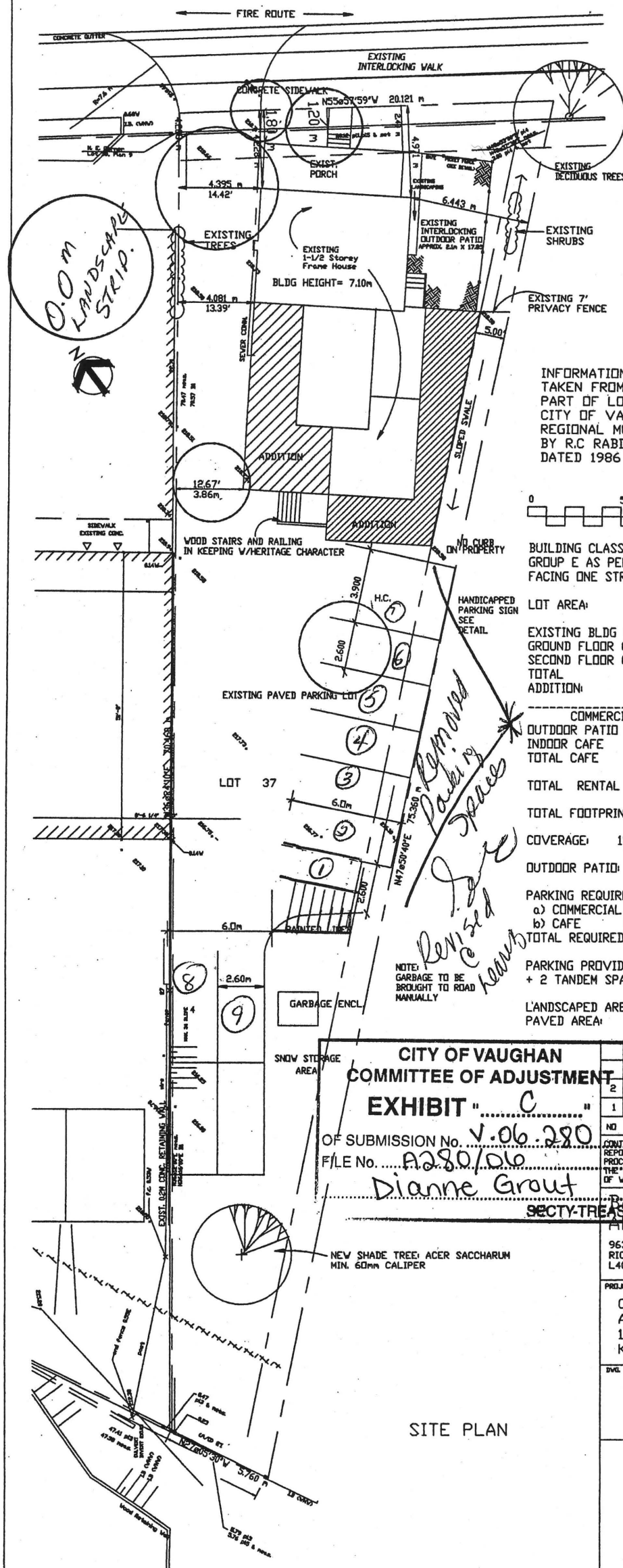
**NOTE:** The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name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

**NOTE: IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION,  
THE FINAL DATE FOR FULFILLING THEM IS:**

**\*\*\* JULY 26, 2007 \*\*\***

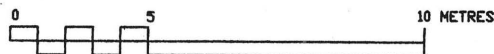
# ISLINGTON AVENUE

(FORMERLY KING ROAD)  
YORK REGION ROAD NO 7



*A280/06*

INFORMATION ON THIS DRAWING  
TAKEN FROM PLAN OF SURVEY OF  
PART OF LOT 37, REGISTERED PLAN 9  
CITY OF VAUGHAN (VILLAGE OF KLEINBURG)  
REGIONAL MUNICIPALITY OF YORK  
BY R.C. RABIDEAU SURVEYING LTD./L.S.  
DATED 1986



BUILDING CLASSIFICATION:  
GROUP E AS PER O.B.C. 3.2.2.61  
FACING ONE STREET

LOT AREA: 917.838 m<sup>2</sup>  
EXISTING BLDG: 1159.73 S.F. (107.78m<sup>2</sup>)  
GROUND FLOOR COMMERCIAL 107.78 m<sup>2</sup>  
SECOND FLOOR COMMERCIAL 53.22 m<sup>2</sup>  
TOTAL 161.00 m<sup>2</sup>  
ADDITION: 752.6 S.F. (70 m<sup>2</sup>)

COMMERCIAL AREA: 181 m<sup>2</sup>  
OUTDOOR PATIO: 16.4m<sup>2</sup>  
INDOOR CAFE: 50 m<sup>2</sup>  
TOTAL CAFE: 66.4 m<sup>2</sup>

TOTAL RENTAL AREA: 231 m<sup>2</sup>  
TOTAL FOOTPRINT AREA: 1912.33 S.F. (177.7 m<sup>2</sup>)

COVERAGE: 19.36%  
OUTDOOR PATIO: 16.4m<sup>2</sup>

PARKING REQUIRED:  
a) COMMERCIAL 181 @ 6 PER 100m<sup>2</sup> =10.86  
b) CAFE 66.4 @ 16 PER 100m<sup>2</sup> =10.64  
TOTAL REQUIRED: 21.50

PARKING PROVIDED: 9 SPACES  
+ 2 TANDEM SPACES FOR TENANT EMPLOYEES

LANDSCAPED AREA: 3292 S.F. (305.9m<sup>2</sup>)  
PAVED AREA: 4262.85 S.F. (396.1m<sup>2</sup>)

## CITY OF VAUGHAN COMMITTEE OF ADJUSTMENT EXHIBIT "C"

OF SUBMISSION No. *V.06.280*

FILE No. *A280/06*

*Dianne Grout*

SECTY-TREAS

NEW SHADE TREE: ACER SACCHARUM  
MIN. 60mm CALIPER

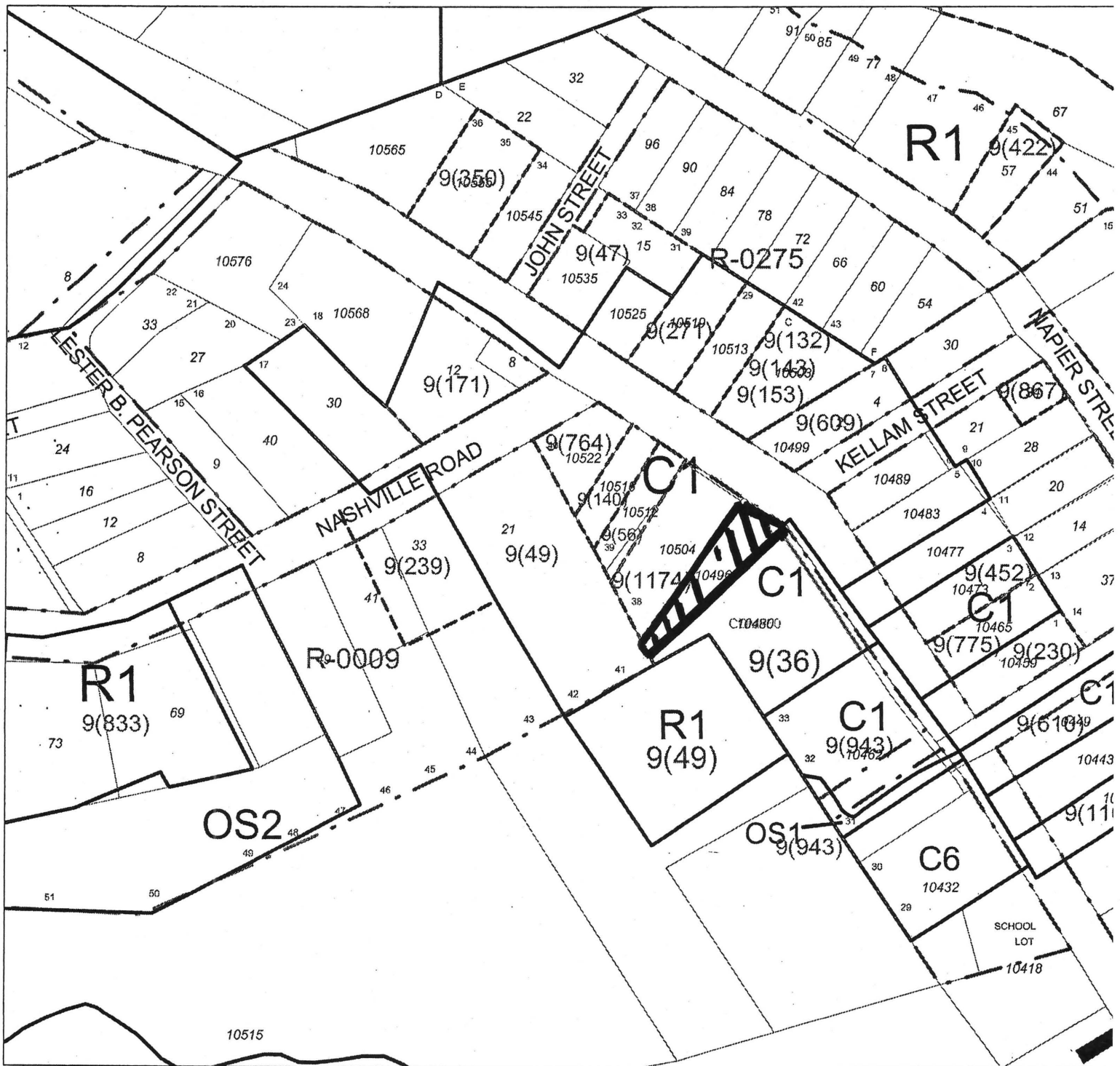
**PATTAGLIA  
ARCHITECT INC.**

9631 YONGE STREET SUITE B1  
RICHMOND HILL, ONT.  
L4C 0M5 TEL: (905) 508 2168

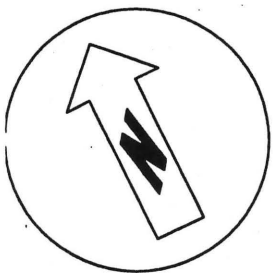
PROJECT:  
COMMERCIAL /  
ADDITION  
10496 ISLINGTON AVE.  
KLEINBURG, ONTARIO

DWG.  
**SITE PLAN**


SCALE 3/16"=1'-0"	PROJECT NO. <b>0543</b>
DRAWN BY J.D.B.	
DATE AUG.24/05	DWG. No. <b>A1</b>
CHECKED BY	



**City of Vaughan**  
The City Above Toronto



## COMMITTEE OF ADJUSTMENT

<b>File No.:</b>	<b>A280/06</b>
<b>Applicant</b>	<b>EMANUELE &amp; CARMELA SALA</b>
	<b>Subject Area</b> Municipally known as <b>10496 ISLINGTON AVE., KLEINBURG</b>



## PLANNING ACT GUIDELINES FOR APPEALING VARIANCES

### Subsection 45 - 20 inclusive

- (12) The applicant, the Minister or any other person who has an interest in the matter may within twenty days of the making of the decision appeal to the Municipal Board against the decision of the Committee by serving personally on or sending by registered mail to the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Municipal Board\* under the Ontario Municipal Board Act as payable on an appeal from a Committee of Adjustment to the Board.
- (13) The Secretary-Treasurer of a Committee, upon receipt of a notice of appeal served or sent to him/her under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in Subsection (12) to the Municipal Board by registered mail, together with all papers and documents filed with the Committee of Adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.
- (14) If within such twenty days no notice of appeal is given, the decision of the Committee is final and binding, and the Secretary-Treasurer shall notify the applicant and shall file a certified copy of the decision with the Clerk of the Municipality.
- (15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the Committee is final and Binding and the Secretary of the Board shall notify the Secretary-Treasurer of the Committee who in turn shall notify the applicant and file a certified copy of the decision with the Clerk of the Municipality.
- (16) On an appeal to the Municipal Board, the Board shall except as provided in Subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, and Secretary-Treasurer of the Committee and to such other persons and in such manner as the Board may determine.
- (17) Despite the *Statutory Powers Procedure Act* and subsection (16), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party if,
- (a) it is of the opinion that,
    - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,
    - (ii) the appeal is not made in good faith or is frivolous or vexatious, or
    - (iii) the appeal is made only for the purpose of delay;
  - (b) the appellant has not provided written reasons for the appeal;
  - (c) the appellant has not paid the fee prescribed under the *Ontario Municipal Board Act*; or
  - (d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.
- (17.1) Before dismissing an appeal, the Municipal Board shall notify the appellant and give the appellant an opportunity to make representation in respect of the appeal and the Board may dismiss an appeal after holding a hearing or without holding a hearing on the motion, as it considers appropriate.
- (18) The Municipal Board may dismiss the appeal and may make any decision that the Committee could have made on the original application.
- (18.1) On an appeal, the Municipal Board may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection. (18.1.1) The Municipal Board is not required to give notice under subsection (18.1) if in its opinion, the amendment to the original application is minor.
- (18.2) Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the Board of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
- (18.3) If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the Board may issue its order.
- (18.4) If a notice of intent under subsection (18.2) is received, the Board may hold a hearing or resume the hearing on the amended application, or it may issue its order without holding a hearing or resuming the hearing.
- (19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the Secretary-Treasurer of the Committee.
- (20) The Secretary-Treasurer shall file a copy of the order of the Municipal Board with the Clerk of the Municipality.

\*\$125.00 (payable to the **MINISTER OF FINANCE**) for the primary variance appeal and \$25.00 for each related variance appeal, - plus \$150.00, by separate cheque (payable to the **TREASURER CITY OF VAUGHAN**).