

# COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A085/22

AGENDA ITEM NUMBER: 6.8	CITY WARD #: 3
APPLICANT:	Gurmit Singh and Seema Ahitan
AGENT:	SHRESTHA ENGINERING INC
PROPERTY	
PROPERTY:	95 Ampezzo Ave Woodbridge ON
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 Zoning By-law is being requested to permit reduced landscaping (in the northerly side yard) and parking space length to accommodate a secondary suite.

## 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)	$\boxtimes$			
Development Planning	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Development Engineering	$\boxtimes$	$\boxtimes$		Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	$\boxtimes$			No Comments no concerns
By-law & Compliance, Licensing & Permits	$\boxtimes$	$\boxtimes$		No Comments no concerns
Development Finance	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Real Estate				
Fire Department	X	$\boxtimes$		No Comments no concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	$\boxtimes$	$\boxtimes$		No Comments no concerns
Ministry of Transportation (MTO)	X			
Region of York	$\boxtimes$			Recommend Approval/No Conditions
Alectra	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Bell Canada	$\boxtimes$	$\boxtimes$		No Comments no concerns
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				

# 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	Name	Address	Date	Summary
Туре			Received	
			(mm/dd/yyyy)	
None.				

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	nearing dates where this application was adjourned by the Committee and public notice issued.
None	



# COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A085/22

## FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER:	CITY WARD #: 3
APPLICANT:	Gurmit Singh and Seema Ahitan
AGENT:	SHRESTHA ENGINERING INC
PROPERTY:	95 Ampezzo Ave Woodbridge ON
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT	None
APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit reduced landscaping (in the northerly side yard) and parking space length to accommodate a secondary suite.

The following variances have been requested from the City's Zoning By-law:

# The subject lands are zoned R2(EN) – Second density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.693 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Hard landscaping is permitted to encroach into	To permit hard landscaping to encroach
	a minimum required yard up to 0.6 metres from the interior side lot line.	into the minimum required interior side yard up to 0.03 metres from the interior
	[Table 4-1]	side lot line.

# The subject lands are zoned RV2(WS) –Residential Urban Village Zone two and subject to the provisions of Exception 9(1024) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	The minimum length required for a parking	To permit a parking space in the garage
	space is 6.0 meters.	with the minimum internal garage length of
	[Definitions]	5.69 meters.

HEARING INFORMATION	
Date & Time of Hearing:	Thursday, May 26, 2022 at 6:00 p.m.
Watch the hearing live at: Vaughan.ca/LiveCouncil	
	PUBLIC PARTICIPATION

# PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the **Request to Speak Form** and submit to **cofa@vaughan.ca** 

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: <u>cofa@vaughan.ca</u>

**Mail:** City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

### THE DEADLINE TO <u>REGISTER TO SPEAK</u> OR <u>SUBMIT WRITTEN COMMENTS</u> ON THE ABOVE NOTED FILE(S) IS <u>NOON</u> ON THE LAST BUSINESS DAY BEFORE THE MEETING.

# 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:

That the general intent and purpose of the by-law will be maintained.

That the general intent and purpose of the official plan will be maintained.

That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. 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:	te Public Notice Mailed: May 11, 2022	
Date Applicant Confirmed Posting of Sign:	of May 12, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form Adjournment Requests (from staff):	As per zoning by law 0.6m setback is walkway. In this property there is set building and when we provide walkw have side entrance for proposed two 0.03m of setback is remaining form v not comply with current zoning by law None	back of 1.23m from ay of 1.2m In order to unit dwelling , only valkway, which does
*Adjournment requests provided to applicant <b>prior</b> to issuance of public notice		
Was a Zoning Review Waiver (ZRW) Form	submitted by Applicant:	No
<ul> <li>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</li> <li>*A revised submission may be required to address staff / agency comments received as part of the application review process.</li> <li>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</li> <li>Adjournment Fees:</li> </ul>		
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 instances where adjournment of an application is requested by the		
Committee or staff after the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	
BUILDING STANDARDS (ZONING) COMMENTS		
Stop work orders and orders to comply: There are no outstanding Orders on file A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2		
The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.		

arannig for banang pornitorio plan approval.	
Building Standards Recommended	None
Conditions of Approval:	

DEVELOPMEN	IT PLANNING COMMENTS
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

# **DEVELOPMENT ENGINEERING COMMENTS**

<u>Link to Grading Permit</u> <u>Link to Pool Permit</u> <u>Link to Curb Curt Permit</u> <u>Link Culvert Installation</u> Please note, Development Engineering (DE) does not permit any alteration to existing grades within 0.6m of the property line to maintain the property drainage swales. Given the unique circumstances pertaining to access of the proposed dwelling unit, DE is willing to allow a 1.2m preamble paver walkway to retain storm water drainage within the property.

The Development Engineering (DE) Department does not object to variance application A085/22 subject to the following condition:

Development Engineering	The Owner shall sign a letter of undertaking stating that
Recommended Conditions of	the proposed 1.2m pathway will be constructed using
Approval:	only preamble paver materials, in order to retain storm
	water drainage within the property.

# PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS Parks: Forestry: Applicant has obtained a private tree permit and installed hoarding. Horticulture: PFH Recommended Conditions of Approval:

# DEVELOPMENT FINANCE COMMENTS

No comment no concerns

Development Finance Recommended Conditions of Approval:

# BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

BCLPS Recommended Conditions of Approval:

None

None

None

# **BUILDING INSPECTION (SEPTIC) COMMENTS**

No comments received to date.

Building Inspection Recommended Conditions of Approval:

# FIRE DEPARTMENT COMMENTS

No comment no concerns	

Schedule D (if required)

 Fire Department Recommended
 None

 Conditions of Approval:

# 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)

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:

Previous COA Decisions on the Subject Land

# SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "**if required**". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering	The Owner shall sign a letter of undertaking
	<u>farzana.khan@vaughan.ca</u>	stating that the proposed 1.2m pathway will be constructed using only preamble paver materials, in order to retain storm water drainage within the property.

# **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.

**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.

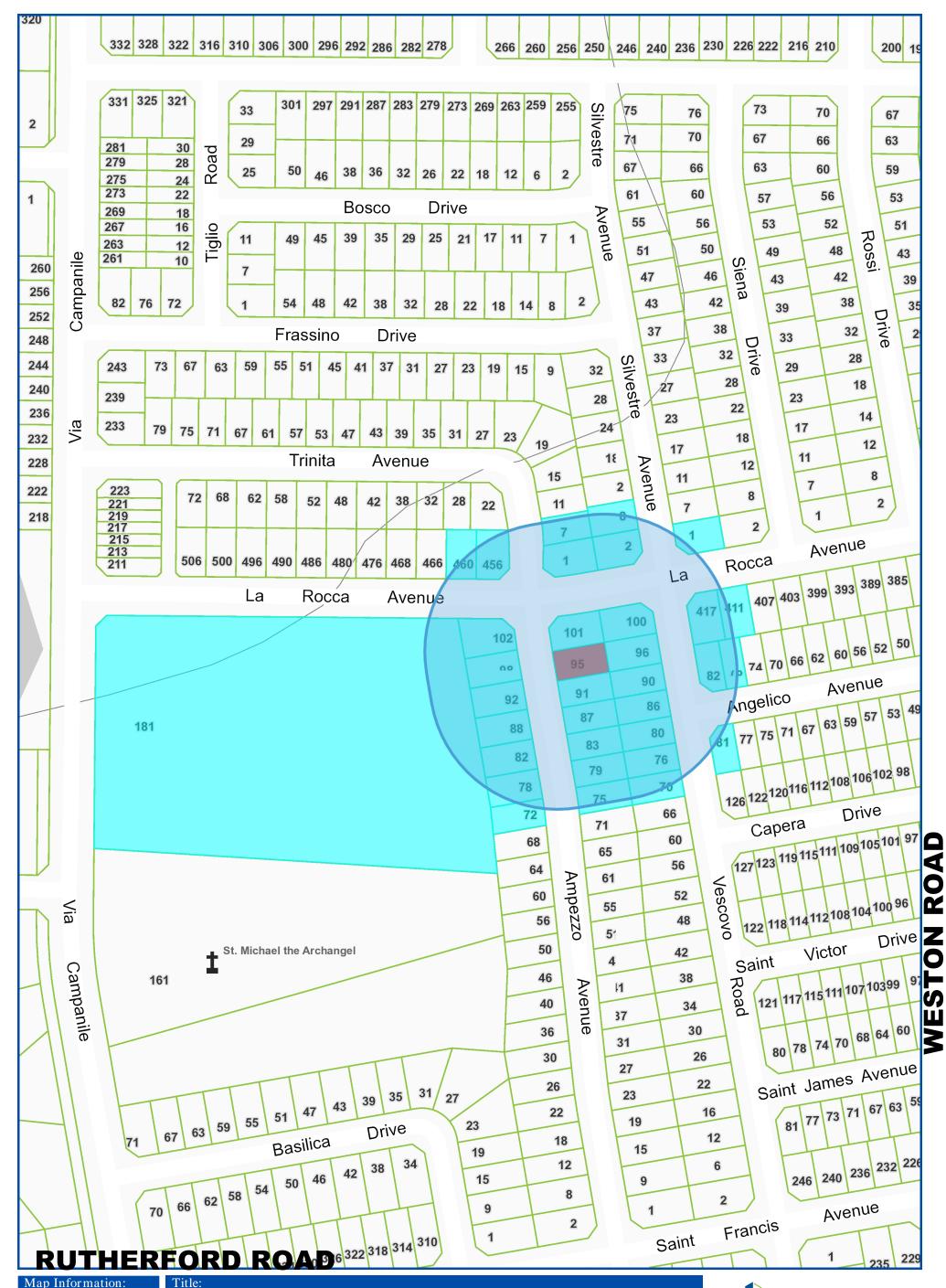
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

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



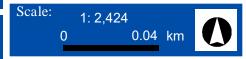
Map Information:



95 AMPEZZO AVENUE, WOODBRIDGE

# **NOTIFICATION MAP - A085/22**





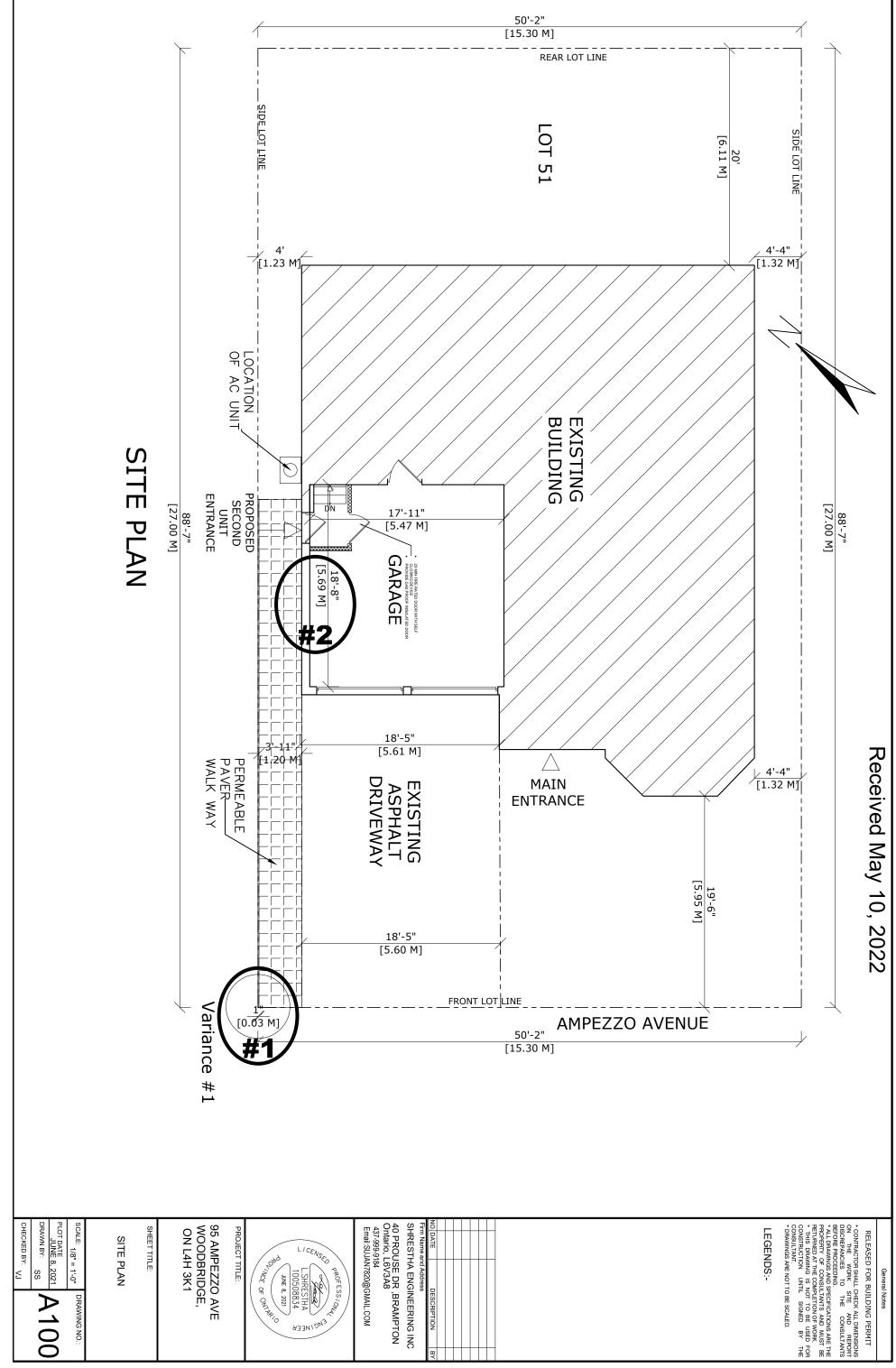
**Projection:** 

NAD 83 UTM Zone

#### Disclaimer:

Created By: Infrastructure Delivery Department May 1, 2022 9:57 PM

# A085/22



# SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	$\boxtimes$	$\boxtimes$		No comment no concern
Ministry of Transportation (MTO)				
Region of York		$\boxtimes$		Recommend Approval/No Conditions
Alectra		X		Recommend Approval/No Conditions
Bell Canada	$\boxtimes$	$\boxtimes$		No comment no concern
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				
Development Planning		$\boxtimes$		Recommend Approval/No Conditions



То:	Christine Vigneault, Committee of Adjustment Secretary Treasurer
From:	Nancy Tuckett, Director of Development Planning
Date:	May 26, 2022
Name of Owner:	Seema Ahitan and Gurmit Singh
Location:	95 Ampezzo Avenue
File No.(s):	A085/22

## Proposed Variance(s) (By-law 001-2021):

1. To permit hard landscaping to encroach into the minimum required interior side yard up to 0.03 m from the interior side lot line.

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

1. Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 m from the interior side lot line.

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

- 2. To permit a parking space in the garage with the minimum internal garage length of 5.69 m.
- 3. To permit a portion of a garage attached to a Single Family Detached dwelling to be converted into a Secondary Suite.

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

- 2. The minimum length required for a parking space is 6.0 m.
- 3. A garage attached to a Single Family Detached dwelling shall not be converted into a Secondary Suite.

#### Official Plan:

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

#### Comments:

The Owner is requesting to permit the existing garage parking space and the construction of a hard landscape walkway to accommodate a proposed basement entrance in the northern side yard which will provide access to a secondary suite.

The Development Planning Department has no objection to Variance 1 as the proposed hard landscape walkway will consist of permeable pavers, which the Development Engineering Department has reviewed and is satisfied that drainage along the side yard will be maintained. The hard landscape walkway facilitates the required 1.2 m clear path to the basement entrance for a secondary suite.

The Development Planning Department has no objection to Variance 2 as the existing parking space has been reviewed by the Development Engineering Department and they have no objection. The parking space 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.

The Development Planning Department has no objection to Variance 3 as the only portion of the garage that will be acting as a secondary suite is the room with the staircase entrance to the basement. The secondary suite also complies with Zoning By-law 001-2021.

Accordingly, the Development Planning Department can support the required variances and 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:** Joshua Cipolletta, Planner I David Harding, Senior Planner



**Date:** May 2<sup>nd</sup> , 2022

Attention: Christine Vigneault

**RE:** Request for Comments

File No.: A085-22

**Related Files:** 

Applicant Seema Ahitan Gurmit Singh

Location 95 Ampezzo Avenue



# COMMENTS:

х

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>

Mitchell Penner

Supervisor, Distribution Design-Subdivisions *Phone*: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

# **Lenore Providence**

Subject:

FW: [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

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

# Sent: May-03-22 10:53 AM

To: Lenore Providence <Lenore.Providence@vaughan.ca>
 Cc: Committee of Adjustment <CofA@vaughan.ca>
 Subject: [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

Good morning Lenore,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

# Gabrielle

**Gabrielle Hurst mcip rpp** | Programs and Process Improvement| 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>

# **Lenore Providence**

Subject:

FW: [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

From: York Plan <yorkplan@trca.ca>

# Sent: May-02-22 9:21 AM

To: Lenore Providence <Lenore.Providence@vaughan.ca>
 Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>
 Subject: [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

TRCA wishes to confirm that it has no interests or concerns with the above noted application.

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property. Furthermore, the site is not within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, so no water balance would be required.

Should further clarification be required, please contact the undersigned at your convenience.

Mark Howard, BES, MLA, MCIP, RPP Senior Manager – Toronto, Durham & York East Review Areas Development Planning and Permits | Development and Engineering Services Toronto and Region Conservation Authority (TRCA)

T: (<u>416) 661-6600</u> ext 5269 E: <u>mark.howard@trca.ca</u> A: <u>101 Exchange Avenue, Vaughan, ON, L4K 5R6 | trca.ca</u>



# **Lenore Providence**

Subject:

FW: [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

From: Gordon, Carrie <carrie.gordon@bell.ca>

# Sent: May-02-22 7:45 AM

**To:** Lenore Providence <Lenore.Providence@vaughan.ca> **Subject:** [External] RE: A085/22, REQUEST FOR COMMENTS - Vaughan - 95 Ampezzo Avenue, Woodbridge

Hello Lenore

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

Carríe Gordon



Associate, External Liaison Right of Way Control Centre 140 Bayfield St, Fl 2 Barrie ON, L4M 3B1 T: 705-722-2244/844-857-7942 F :705-726-4600

# SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None.				