

ITEM #: 6.15

**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A200/22
10, 20 & 25 Di Benedetto Lane & 110 Simmons
Street, Woodbridge**

COA REPORT SUMMARY

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

*Please see **Schedule B** of this report for a copy of Staff 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	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X	X	Recommend Approval w/Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X			Application Under Review
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

PUBLIC & APPLICANT CORRESPONDENCE

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

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

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

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Agent	Humphries Planning Group	190 Pippin Road, Suite A Vaughan	06/27/2022	Cover Letter

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
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PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

None		
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ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A200/22
10, 20 & 25 Di Benedetto Lane & 110 Simmons
Street, Woodbridge**

FILE MANAGER: Adriana Bozzo, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.15	CITY WARD #: 2
APPLICANT:	Rutherford Heights Inc.
AGENT:	Humphries Planning Group Inc
PROPERTY:	10, 20 & 25 Di Benedetto Lane & 110 Simmons Street, Woodbridge
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	DA.21.044
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit a proposed residential development consisting of 14 townhouse blocks which will contain 70 three-storey freehold townhouse units on a private road. The application is also required to facilitate related site plan amendment DA.21.044.

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

The subject lands are zoned RT(EN) – Townhouse Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.831 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum front yard setback is required is 4.5 metres. (Table 7-7)	To permit a minimum front yard setback of 4.43 metres.
2	The minimum exterior side yard setback required is 4.5 metres. (Table 7-7)	To permit a minimum exterior yard setback of 2.5 metres.
3	The minimum interior side yard required is 3.0 metres where abutting a common element road. (Table 7-7, 3)	To permit a minimum interior side yard setback abutting a common element road of 1.27 metres.
4	The minimum interior side yard required is 3.5 m where the interior side lot line abuts a walkway, greenway. (Table 7-7)	To permit a minimum interior side yard setback of 1.65 metres.
5	The minimum rear yard setback required is 7.5 metres. (Table 7-7)	To permit a minimum rear yard setback of 6.1 metres.
6	The minimum lot area required is 162.0 square metres. (Table 7-7)	To permit a minimum lot area of 130.0 square metres.
7	The minimum lot frontage required is 6.0 metres. (Table 7-7)	To permit a minimum lot frontage of 5.4 metres.
8	The minimum parking space dimensions required for a parallel parking space is 2.5 metres by 6.7 metres and end space is 2.5 metres by 7.3 metres. (Table 6-1)	To permit a minimum parking space dimensions of 2.0 metres by 6.7 metres for a parallel parking space and end spaces.

The subject lands are zoned RT1 – Residential Townhouse Zone and subject to the provisions of Exception 9(1490) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88		Variance requested
9	The minimum front yard setback is required is 4.5 metres. (Schedule “A3”)	To permit a minimum front yard setback of 4.43 metres.
10	The minimum exterior side yard setback required is 4.5 metres. (Schedule “A3”)	To permit a minimum exterior yard setback of 2.5 metres.
11	No encroachment shall be permitted into the required garage length except one step (2 risers) may encroach into the rear portion of the garage abutting the dwelling unit. (Schedule “A3”, General Notes)	To permit an encroachment of two steps (3 risers) into the rear portion of the garage.

HEARING INFORMATION

DATE OF MEETING: Thursday, August 18, 2022

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

LIVE STREAM LINK: Vaughan.ca/LiveCouncil

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: cofa@vaughan.ca

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

THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON 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:	August 4, 2022
Date Applicant Confirmed Posting of Sign:	August 3, 2022
Applicant Justification for Variances: *As provided by Applicant in Application Form	Through the site plan application process comments received identify variances required for relief to implement the proposed/approved development for both By-law 1-88 and By-law 01-2021. Variances required for By-law 01-2021, enacted after the approved site-specific By-law 041-2020 came into effect, by City of Vaughan Council on October 20, 2021. Zoning By-law 01-2021 is currently subject to appeal by the applicant, as Bylaw 01-2021 did not properly bring forward the site-specific exception for By-law 041-2020. Please see the below list of variances required for relief from both By-laws to facilitate the proposed development: Zoning By-law 1-88: Variance #1: Schedule “A3” of By-law 1-88 permits a minimum front yard setback of 4.5m, whereas the development proposes a minimum front yard setback of 4.43m to accommodate for the sidewalk. Variance #2: Schedule “A3” of By-law 1-88 permits a minimum exterior yard setback of 4.5m,

COMMITTEE OF ADJUSTMENT COMMENTS

whereas the development proposes a minimum exterior side yard setback of 2.5m, to accommodate for the 0.3m reserves identified along Simmons Street to be conveyed to the City of Vaughan. Variance #3: Schedule "A3" General Notes, of By-law 1-88 requires no encroachment shall be permitted into the required garage length except one step (2 risers) may encroach into the rear portion of the garage abutting the dwelling unit. Whereas the development proposes two steps (3 risers) in the garage. Zoning By-law 01-2021: Variance #1: Table 7-7, of By-law 01-2021 requires a minimum lot area of 162.0 sq.m per lot, whereas the development proposes a minimum lot area of 130.0 sq.m per lot, as identified per approved By-law 041-2020. Variance #2: Table 7-7, of By-law 01-2021 requires a minimum lot frontage of 6.0m, whereas the development proposes a minimum lot frontage of 5.4m, as identified per approved By-law 041-2020. Variance #3: Table 7-7, of By-law 01-2021 requires a minimum front yard setback of 4.5m, whereas the development proposes a minimum front yard setback of 4.43m to accommodate for the sidewalk. This variance requested is duplicated from relief required by By-law 1-88. Variance #4: Table 7-7, of By-law 01-2021 requires a minimum exterior side yard setback of 4.5m, whereas the development proposes a minimum exterior side yard setback of 2.5m, to accommodate for the 0.3m reserves identified along Simmons Street to be conveyed to the City of Vaughan. This variance requested is duplicated from relief required by By-law 1-88. Variance #5: Table 7-7 Note 2, of By-law 01-2021 requires a minimum interior side yard setback of 3.5m abutting a non-residential use, including a walkway, greenway, buffer block or storm water management pond. The development proposes a minimum interior side yard setback of 1.65m abutting the proposed amenity area. Variance #6: Table 7-7 Note 3, of By-law 01-2021 requires a minimum interior side yard setback of 3.0m abutting a common element road. The development proposes a minimum interior side yard setback of 1.27m abutting a common element road. Variance #7: Table 7-7, of By-law 01-2021 requires a minimum rear yard setback of 7.5m, whereas the development proposes a minimum rear yard setback of 6.1m, as identified per approved By-law 041-2020. Variance #8: Table 6-1 of By-law 01-2021 requires a parking space to have the minimum dimensions of 2.5m x 6.7m for parallel parking spaces, as well as end spaces requiring a length of 7.3m. The development proposes a minimum parking space dimension for parallel parking spaces (including end spaces) of 2.0m x 6.7m, as identified per approved Bylaw 041-2020.

Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None
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<p>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</p> <p>*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.</p> <p>*A revised submission may be required to address staff / agency comments received as part of the application review process.</p> <p>*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.</p>	No
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Adjournment Fees:
In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.

COMMITTEE OF ADJUSTMENT COMMENTS

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

**See Schedule B for Building Standards (Zoning) Comments

Building Standards Recommended Conditions of Approval: None

DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.

Development Planning Recommended Conditions of Approval: That all comments on Site Development Application DA.21.044 be addressed to the satisfaction of the Development Planning Department.

DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

The Development Engineering (DE) and Transportation Engineering Department does not object to variance application A200/22.

Development Engineering Recommended Conditions of Approval: The Owner/applicant shall satisfy the Development Engineering Department requirements for the related Site Plan Development Application (DA.21.044).

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Parks: No Comment

Forestry: Forestry is commenting on this file through the development planning process.

Horticulture: No Comment

PFH Recommended Conditions of Approval: Parks: None
Forestry: None
Horticulture: None

DEVELOPMENT FINANCE COMMENTS

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Development Finance Recommended Conditions of Approval: None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment

BCLPS Recommended Conditions of Approval: None

BUILDING INSPECTION (SEPTIC) COMMENTS

No Comment

Building Inspection Recommended Conditions of Approval:

None

FIRE DEPARTMENT COMMENTS

No Comments

Fire Department Recommended Conditions of Approval:

None

SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

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 Planning joshua.cipolletta@vaughan.ca	That all comments on Site Development Application DA.21.044 be addressed to the satisfaction of the Development Planning Department.
2	Development Engineering farzana.khan@vaughan.ca	The Owner/applicant shall satisfy the Development Engineering Department requirements for the related Site Plan Development Application (DA.21.044).

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.

IMPORTANT INFORMATION – PLEASE READ

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.

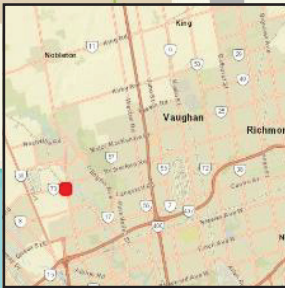
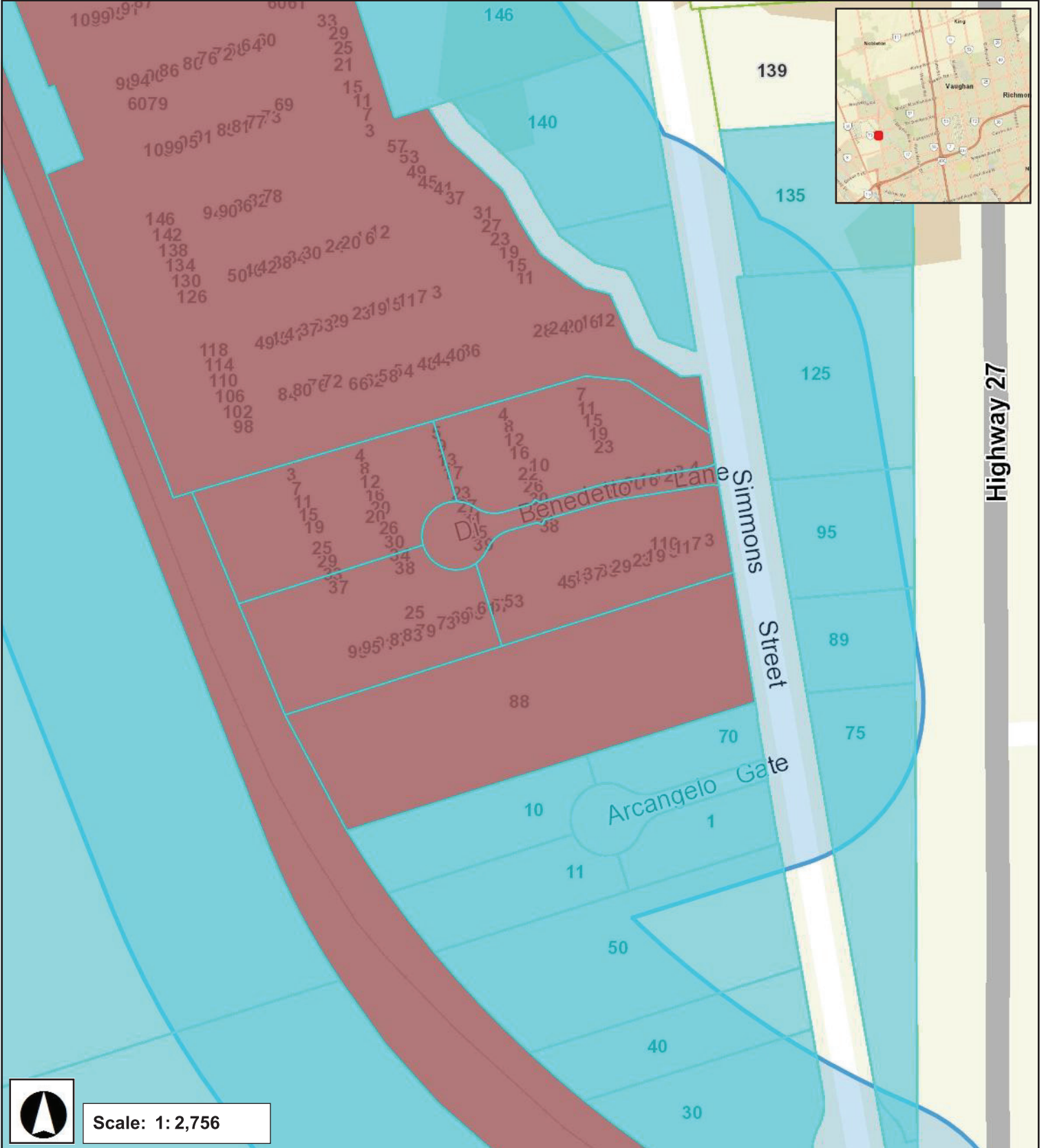
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

SCHEDULE A: DRAWINGS & PLANS

A200/22 - Notification Map

10, 20 & 25 Di Benedetto Lane and 110 Simmons Street, Woodbridge

Rutherford Rd



Scale: 1:2,756



KEY MAP - NOT TO SCALE

LEGEND

- 5.5m STREET TOWNHOUSES**
- 1801-19 (Pink)
- 1802-19 (Green)
- 1803-13 (Blue)
- 1803 UPGRADE-2 (Red)
- 1804-4 (Purple)
- 1805-4 (Orange)
- 6.0m STREET TOWNHOUSES**
- 2001-4 (Yellow)
- 2002-4 (Light Blue)
- 2002 MOD-1 (Light Green)
- TOTAL = 70 UNITS**

SITE DENSITY:
 TOTAL SITE AREA = 16,895.44 sq. m. (1.68 ha)
 UNIT AMOUNT = 70
 DENSITY = 4.2 units per ha

ZONING:
 MIN. LOT AREA PROPOSED = 16,895.44 sq. m.
 MIN. LOT FRONTAGE = 45.72 m.

UNIT STATISTICS:
 CONDO TOWNHOUSES: 64 UNITS
 5.5m - 3 STOREY FRONT LOADED TOWNH - 64 UNITS
 6.0m - 3 STOREY FRONT LOADED TOWNH - 6 UNITS
 SUB TOTAL = 70 UNITS

PARKING:

	REQUIRED (SP/UNIT)	PROVIDED (SP/UNIT)
CONDO TOWNHOUSES:		
RESIDENTIAL PARKING:	70 (2P+16)	70 (2P+16)
VISITOR PARKING:	70 (2P+16)	70 (2P+16)
STANDARD PARKING:	17	17
BARRIER FREE PARKING:	1	1
TOTAL PARKING:	158	158

- NOTE:** SNOW REMOVAL IS PRIVATE
- WASTE STORAGE:** MUNICIPAL PICKUP FOR WASTE COLLECTION
- AC UNIT:** (Symbol)
- RAIN WATER BARREL:** (Symbol)

LEGEND (continued):

Symbol	Description
(Symbol)	Existing Boundary
(Symbol)	Proposed Boundary
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Driveway
(Symbol)	Proposed Sidewalk
(Symbol)	Proposed Street
(Symbol)	Proposed Lot Line
(Symbol)	Proposed Property Line
(Symbol)	Proposed Access Easement
(Symbol)	Proposed Utility Easement
(Symbol)	Proposed Stormwater Easement
(Symbol)	Proposed Sewer Easement
(Symbol)	Proposed Water Easement
(Symbol)	Proposed Gas Easement
(Symbol)	Proposed Electric Easement
(Symbol)	Proposed Telephone Easement
(Symbol)	Proposed Cable Easement
(Symbol)	Proposed Fencing
(Symbol)	Proposed Landscaping
(Symbol)	Proposed Lighting
(Symbol)	Proposed Security
(Symbol)	Proposed Signage
(Symbol)	Proposed Utility
(Symbol)	Proposed Easement
(Symbol)	Proposed Right-of-Way
(Symbol)	Proposed Right-of-Entry
(Symbol)	Proposed Right-of-Exit
(Symbol)	Proposed Right-of-Access
(Symbol)	Proposed Right-of-Use
(Symbol)	Proposed Right-of-Enjoyment
(Symbol)	Proposed Right-of-Suicide
(Symbol)	Proposed Right-of-Revocation
(Symbol)	Proposed Right-of-Rescission
(Symbol)	Proposed Right-of-Redemption
(Symbol)	Proposed Right-of-Release
(Symbol)	Proposed Right-of-Surrender
(Symbol)	Proposed Right-of-Termination

HUNT DESIGN ASSOCIATES INC.
 DESIGN ASSOCIATES INC.
 8968 Woodbine Ave. Markham, ON L3R 0J7
 TEL: 905.707.9120 FAX: 905.707.7526 email: hdesign@huntdesign.ca

SITE PLAN
 CALIBER HOMES - 221025
 VAUGHAN, ONTARIO
 202205SP01.DWG

SP01

SCHEDULE B: STAFF & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			Application Under Review
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X			Application Under Review
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval w/Conditions
Building Standards (Zoning)	X	X		General Comments

To: Committee of Adjustment
From: Christian Tinney, Building Standards Department
Date: July 22, 2022
Applicant: Rutherford Heights Inc.
Location: CONC 9 Part of Lot 15
 PLAN 65R272 Part 2-3 municipally known as 10 DiBenedetto Lane
File No.(s): A200/22

Zoning Classification:

The subject lands are zoned RT(EN) – Townhouse Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.831 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum front yard setback is required is 4.5 metres. (Table 7-7)	To permit a minimum front yard setback of 4.43 metres.
2	The minimum exterior side yard setback required is 4.5 metres. (Table 7-7)	To permit a minimum exterior yard setback of 2.5 metres.
3	The minimum interior side yard required is 3.0 metres where abutting a common element road. (Table 7-7, 3)	To permit a minimum interior side yard setback abutting a common element road of 1.27 metres.
4	The minimum interior side yard required is 3.5 m where the interior side lot line abuts a walkway, greenway. (Table 7-7)	To permit a minimum interior side yard setback of 1.65 metres.
5	The minimum rear yard setback required is 7.5 metres. (Table 7-7)	To permit a minimum rear yard setback of 6.1 metres.
6	The minimum lot area required is 162.0 square metres. (Table 7-7)	To permit a minimum lot area of 130.0 square metres.
7	The minimum lot frontage required is 6.0 metres. (Table 7-7)	To permit a minimum lot frontage of 5.4 metres.
8	The minimum parking space dimensions required for a parallel parking space is 2.5 metres by 6.7 metres and end space is 2.5 metres by 7.3 metres. (Table 6-1)	To permit a minimum parking space dimensions of 2.0 metres by 6.7 metres for a parallel parking space and end spaces.

The subject lands are zoned RT1 – Residential Townhouse Zone and subject to the provisions of Exception 9(1490) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
9	The minimum front yard setback is required is 4.5 metres. (Schedule "A3")	To permit a minimum front yard setback of 4.43 metres.
10	The minimum exterior side yard setback required is 4.5 metres. (Schedule "A3")	To permit a minimum exterior yard setback of 2.5 metres.
11	No encroachment shall be permitted into the required garage length except one step (2 risers) may encroach into the rear portion of the garage abutting the dwelling unit. (Schedule "A3", General Notes)	To permit an encroachment of two steps (3 risers) into the rear portion of the garage.

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 21-128609 for Single Detached Dwelling - Residential Demolition, Issue Date: Nov 12, 2021

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
2	Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Conditions of Approval:

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

* Comments are based on the review of documentation supplied with this application.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: August 10, 2022
Name of Owner: Rutherford Heights Inc. c/o Danny DiMeo
Location: 10, 20 & 25 Di Benedetto Lane & 110 Simmons Street
File No.(s): A200/22

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

1. To permit a minimum front yard setback of 4.43 m.
2. To permit a minimum exterior yard setback of 2.5 m.
3. To permit a minimum interior side yard setback abutting a common element road of 1.27 m.
4. To permit a minimum interior side yard setback of 1.65 m.
5. To permit a minimum rear yard setback of 6.1 m.
6. To permit a minimum lot area of 130.0 m².
7. To permit a minimum lot frontage of 5.4 m.
8. To permit minimum parking space dimensions of 2.0 m by 6.7 m for a parallel parking space and end spaces.

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

1. The minimum front yard setback required is 4.5 m.
2. The minimum exterior side yard setback required is 4.5 m.
3. The minimum interior side yard required is 3.0 m where abutting a common element road.
4. The minimum interior side yard required is 3.5 m where the interior side lot line abuts a walkway, greenway.
5. The minimum rear yard setback required is 7.5 m.
6. The minimum lot area required is 162.0 m².
7. The minimum lot frontage required is 6.0 m.
8. The minimum parking space dimensions required for a parallel parking space is 2.5 m by 6.7 m and end space is 2.5 m by 7.3 m.

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

9. To permit a minimum front yard setback of 4.43 m.
10. To permit a minimum exterior yard setback of 2.5 m.
11. To permit an encroachment of two steps (3 risers) into the rear portion of the garage.

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

9. The minimum front yard setback is required is 4.5 m.
10. The minimum exterior side yard setback required is 4.5 m.
11. No encroachment shall be permitted into the required garage length except one step (2 risers) may encroach into the rear portion of the garage abutting the dwelling unit.

Official Plan:

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

Comments:

The Owner is requesting relief to permit the construction of 14 townhouse blocks consisting of 70 three-storey freehold townhouse units on private common element condominium roads with the above noted variances. The Owner has submitted Site Development Application DA.21.044 to facilitate the development, which has been draft approved by Council on June 28, 2022.

The Development Planning Department has no objection to Variances 1 and 9 for the 4.43 m front yard setback as the reduction is minor in nature and will not have adverse impacts to the streetscape.

The Development Planning Department has no objection to Variances 2 and 10 for the 2.5 m exterior side yard setback. The setback reduction is only required for one townhouse dwelling facing Simmons Street and is measured at a pinch-point. A proposed sidewalk with soft landscaping will also be located between the southern property line and Simmons Street which will provide additional buffering.

The Development Planning Department has no objection to Variances 3 and 4 for the proposed interior side yard setbacks as the reductions are for select end units and still maintain sufficient space for safe access and drainage and will not have adverse impacts to the streetscape.

The Development Planning Department has no objection to Variances 5, 6 and 7 for the proposed rear yard setback, minimum lot area and lot frontage as the proposed lot layouts have been reviewed through the associated Site Development Application DA.21.044 which has been draft approved by Council on June 28, 2022.

The Development Planning Department has no objection to Variance 8 as the proposed parking space dimensions have been reviewed by the Transportation Engineering Division of the Development Engineering Department and have no objection.

The Development Planning Department has no objection to Variance 11 as the increase in the encroachment of the risers into the required garage length is minor in nature and will not impact the functionality of the garage. The Transportation Engineering Division of the Development Engineering Department have also reviewed the garage lengths through the associated Site Development Application and have no objection. The additional step would be used in some units to address differing grades.

In support of the application, the Owner submitted an Arborist Report prepared by Strybos Barron King Ltd., dated February 25, 2022. The report inventoried 66 trees, all of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

Accordingly, the Development Planning Department can support the requested 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-laws, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application, subject to the following conditions:

Condition of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That all comments on Site Development Application DA.21.044 be addressed to the satisfaction of the Development Planning Department.

Comments Prepared by:

Joshua Cipolletta, Planner I
David Harding, Senior Planner



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COMMENTS:

- 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: stephen.cranley@alectrautilities.com

Mitchell Penner
Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Agent	Humphries Planning Group	190 Pippin Road, Suite A Vaughan	06/27/2022	Cover Letter

June 27, 2022
HPGI File: 21740

Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Re: Minor Variance Application
10, 20, 25 Di Benedetto Lane & 110 Simmons Street
Rutherford Heights Inc.
City Files: DA.21.044, Z.18.031, OP.18.019 & 19T-18V012

Humphries Planning Group Inc. ('HPGI') is the planning consultant for Rutherford Heights Inc., the legally registered owners of the lands municipally known as 10, 20, 25 Di Benedetto Lane and 110 Simmons Street, in the City of Vaughan (the "Subject Site").

A Minor Variance application is being submitted to permit the development as proposed per the current Site Plan Amendment application (DA.21.044) which includes a residential subdivision including 14 townhouse blocks consisting of 70 three-storey freehold townhouse units on a private road. The development was draft approved with conditions by City of Vaughan Council through the Committee of the Whole Report on March 3, 2020. Following Council's decision, the associated Official Plan Amendment (OPA 55) and Zoning By-law Amendment (By-law 041-2020) containing site-specific provisions to implement the development were enacted on June 2nd, 2020. The Site Plan Application was approved subject to conditions, through the Committee of the Whole Report on June 7, 2022.

In order to facilitate the development proposed in the current Site Plan Amendment application, relief from the City of Vaughan Zoning By-law 1-88, and the New Comprehensive City of Vaughan Zoning By-law 01-2021 is required, as confirmed from the Building Department memo dated April 5, 2022. The below identifies the variances required for relief for both Zoning By-laws.

Zoning By-law 1-88:

Variance #1: Schedule "A3" of By-law 1-88 permits a minimum front yard setback of 4.5m, whereas the development proposes a minimum front yard setback of 4.43m to accommodate for the sidewalk.

Variance #2: Schedule "A3" of By-law 1-88 permits a minimum exterior yard setback of 4.5m, whereas the development proposes a minimum exterior side yard setback of 2.5m, to accommodate for the 0.3m reserves identified along Simmons Street to be conveyed to the City of Vaughan.

Variance #3: Schedule "A3" General Notes, of By-law 1-88 requires no encroachment shall be permitted into the required garage length except one step (2 risers) may encroach into the rear portion of the garage abutting the dwelling unit. Whereas the development proposes two steps (3 risers) in the garage.

Zoning By-law 01-2021:

The following variances requested below, which pertain to requiring relief from Zoning By-law 01-2021, enacted after the approved site-specific By-law 041-2020 came into effect, by City of Vaughan Council on October 20, 2021. Zoning By-law 01-2021 is currently subject to appeal by the applicant as By-law 01-2021 did not properly bring forward the site-specific exception for By-law 041-2020.

Variance #1: Table 7-7, of By-law 01-2021 requires a minimum lot area of 162.0 sq.m per lot, whereas the development proposes a minimum lot area of 130.0 sq.m per lot, as identified per approved By-law 041-2020.

Variance #2: Table 7-7, of By-law 01-2021 requires a minimum lot frontage of 6.0m, whereas the development proposes a minimum lot frontage of 5.4m, as identified per approved By-law 041-2020.

Variance #3: Table 7-7, of By-law 01-2021 requires a minimum front yard setback of 4.5m, whereas the development proposes a minimum front yard setback of 4.43m to accommodate for the sidewalk. This variance requested is duplicated from relief required by By-law 1-88.

Variance #4: Table 7-7, of By-law 01-2021 requires a minimum exterior side yard setback of 4.5m, whereas the development proposes a minimum exterior side yard setback of

2.5m, to accommodate for the 0.3m reserves identified along Simmons Street to be conveyed to the City of Vaughan. This variance requested is duplicated from relief required by By-law 1-88.

Variance #5: Table 7-7 Note 2, of By-law 01-2021 requires a minimum interior side yard setback of 3.5m abutting a non-residential use, including a walkway, greenway, buffer block or storm water management pond. The development proposes a minimum interior side yard setback of 1.65m abutting the proposed amenity area.

Variance #6: Table 7-7 Note 3, of By-law 01-2021 requires a minimum interior side yard setback of 3.0m abutting a common element road. The development proposes a minimum interior side yard setback of 1.27m abutting a common element road.

Variance #7: Table 7-7, of By-law 01-2021 requires a minimum rear yard setback of 7.5m, whereas the development proposes a minimum rear yard setback of 6.1m, as identified per approved By-law 041-2020.

Variance #8: Table 6-1 of By-law 01-2021 requires a parking space to have the minimum dimensions of 2.5m x 6.7m for parallel parking spaces, as well as end spaces requiring a length of 7.3m. The development proposes a minimum parking space dimension for parallel parking spaces (including end spaces) of 2.0m x 6.7m, as identified per approved By-law 041-2020.

In support of the Minor Variance application, Humphries Planning Group Inc. is submitting the following materials:

#	Deliverable	Consultant	Date
1	Cover Letter	HPGI	June 27, 2022
2	Solicitor Letter confirming 1 Residential Block	Miller Thomson	June 24, 2022
3	Aerial Photo	HPGI	Sept 27, 2021
4	Variances Requested Chart	HPGI	June 23, 2022
5	Property Setbacks Chart	HPGI	June 23, 2022
6	Size of Structures Chart	HPGI	June 23, 2022
7	Site Plan (with highlighted variances)	HUNT Design	June 24, 2022
8	Floor Plans (with highlighted variance)	HUNT Design	June 24, 2022
9	Revised Zoning Comments from 2 nd SPA Submission	City of Vaughan	April 6, 2022
10	Email Correspondence w/ Zoning Staff re; comments to be revised	HPGI	April 4-5, 2022

11	Passed Zoning By-law 041-2020	City of Vaughan	June 2, 2020
12	Authorization of Owner Form	Owner	June 23, 2022
13	Sworn Declaration Form	Owner	June 23, 2022
14	Tree Declaration Form	Owner	June 23, 2022
15	Arborist Report	SBK Landscape	Feb 25, 2022
16	Tree Inventory & Removals Plan	SBK Landscape	Feb 25, 2022
17	COW Agenda & Report – June 7, 2022	-	-
18	Council Agenda & Report – June 28, 2022	-	-
19	Digital Submission	HPGI	-

We trust that the above is in order and constitutes a complete application for Minor Variance. We request that notice of such be issued and that the enclosed materials be circulated for review and a meeting be scheduled with the Committee of Adjustment.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie Humphries BA, MCIP, RPP
President

cc. *Rutherford Heights Inc.*

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		