

ITEM 6.17:	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A198/22 141 Stonebriar Dr Maple
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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			Application Under Review
Development Engineering	X	X		Recommend Approval/No 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				
Region of York *Schedule B	X			General Comments
Alectra *Schedule B	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.				
<p>The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.</p> <p>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.</p> <p>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.</p>				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Agent	Evans Planning	9212 Yonge Street, Unit 1	08/22/2022	Cover Letter
Agent	Evans Planning	9212 Yonge Street, Unit 1	08/22/2022	Verbal confirmation from neighbour – no flooding
Agent	Evans Planning	9212 Yonge Street, Unit 1	09/02/2022	Letter from applicant – verbal confirmation of neighbour - no flooding

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
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A198/22
141 Stonebriar Dr Maple ON L6A 2N1**

FILE MANAGER: Pravina Attwala, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.17	CITY WARD #: 1
APPLICANT:	Sergey Gedzelman
AGENT:	Blake Reason
PROPERTY:	141 Stonebriar Drive, Maple
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
	None
RELATED DEVELOPMENT APPLICATIONS:	
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit a proposed entrance to support a secondary suite, front yard (hard) landscaping and the existing porch located in the rear yard.

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

The subject property is zoned R4 (EN)- Fourth Density Residential Zone, subject to the provisions of Exception 14.598 under By-law 001-2021 as amended.

#	Zoning By-law 01-2021	Variance requested
1	When a Doorway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 14.598.1, Figure T-96]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line.
2	A parking space located only in the front or exterior side yard on a hard landscaped area abutting a parking space shall not be used in calculation of required parking for the use on the lot. [Section 4.1.4.h.ii]	To permit a portion of hard landscaped area abutting the parking space located in the front yard in calculation of required parking.
3	Minimum required rear yard setback is 7.5m.[Table T-96]	To permit a minimum rear yard setback of 4.34m.

The subject lands are zoned R4- Residential Zone, subject to the provisions of Exception 9(913) under By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
4	When a Doorway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 9.913. ai) Schedule T-96]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line.
5	An area comprised of hard landscape in a manner that distinguishes it from a driveway located on the lot and abutting a private driveway shall not be used in the calculation of required parking spaces where a parking space is located in the front yard or exterior side yard. [Section 4.19.2.b]	To permit a portion of distinguishable hard landscape area abutting a private driveway in the front yard in calculation of required parking spaces.
6	PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 6.0 metres exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading thereto. [Section 2, Definitions]	To permit a parking space measuring 2.7 metres by 5.94 metres within the private garage.
7	Minimum required rear yard setback is 7.5m. [Table T-96]	To permit a rear yard setback of 4.34m.

HEARING INFORMATION
<p>DATE OF MEETING: Thursday, September 22, 2022</p> <p>TIME: 6:00 p.m.</p> <p>MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan</p> <p>LIVE STREAM LINK: Vaughan.ca/LiveCouncil</p>
<p align="center">PUBLIC PARTICIPATION</p> <p>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</p> <p>If you would like to submit written comments, please quote file number above and submit by mail or email to:</p> <p>Email: cofa@vaughan.ca</p> <p>Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1</p> <p align="center">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.</p>

INTRODUCTION
<p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p>

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	September 8, 2022	
Date Applicant Confirmed Posting of Sign:	September 6, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	The provisions of the City's Zoning By-law can not be complied with because the existing side yard setback on the south side of the building is not large enough to accommodate the space required for the addition of a doorway according to the Zoning By-law. The doorway is required to be on the south wall of the existing house due to the interior layout in-which the door will provide direct access to the stairs to the basement. Additionally, the existing hard landscaped pathway on the south side of the garage is wide enough to meet the provisions of the Zoning By-law for access to the secondary suite, but encroaches into the side yard further than permitted, requiring an additional request for relief.	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	<p>On September 9, 2022, Development Engineering advised to the applicant that the City’s Development Engineering Standard does not allow anything erected in the 0.6m undisturbed strip from the property line. Staff requested that the applicant move the garbage bin 0.6m from the property line.</p> <p>In response, the applicant advised that the waste bin will be demolished as moving it is not feasible. A revised site plan was submitted, together with a Zoning Review Waiver, noting that the waste bin is to be removed.</p> <p>Building Standards confirmed the requested variances based on the revised proposal on September 12, 2022.</p>	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:	Yes	

COMMITTEE OF ADJUSTMENT COMMENTS	
<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>	
<p>Adjournment Fees:</p> <p>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.</p> <p>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.</p>	
Committee of Adjustment Comments:	General Comments
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS	
<p>**See Schedule B for Building Standards (Zoning) Comments</p>	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
<p>**See Schedule B for Development Planning Comments. Application under review</p>	
Development Planning Recommended Conditions of Approval:	TBD

DEVELOPMENT ENGINEERING COMMENTS	
<p>Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation</p> <p>The Owner has sent a letter in which he claims that the current pathway has existed for more than ten years. There haven't been any signs of unusual ponding or flooding caused by its construction throughout that ten-year period. The letter also attests to the fact that the next-door neighbor confirmed the owners' claim orally.</p> <p>The Development Engineering (DE) Department does not object to the variance application A198/22.</p>	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
<p>Forestry: Forestry has no comments at this time</p>	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
<p>No comment no concerns</p>	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
<p>No comments received to date</p>	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
<p>No comments received to date</p>	

BUILDING INSPECTION (SEPTIC) COMMENTS	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No comments received to date	
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

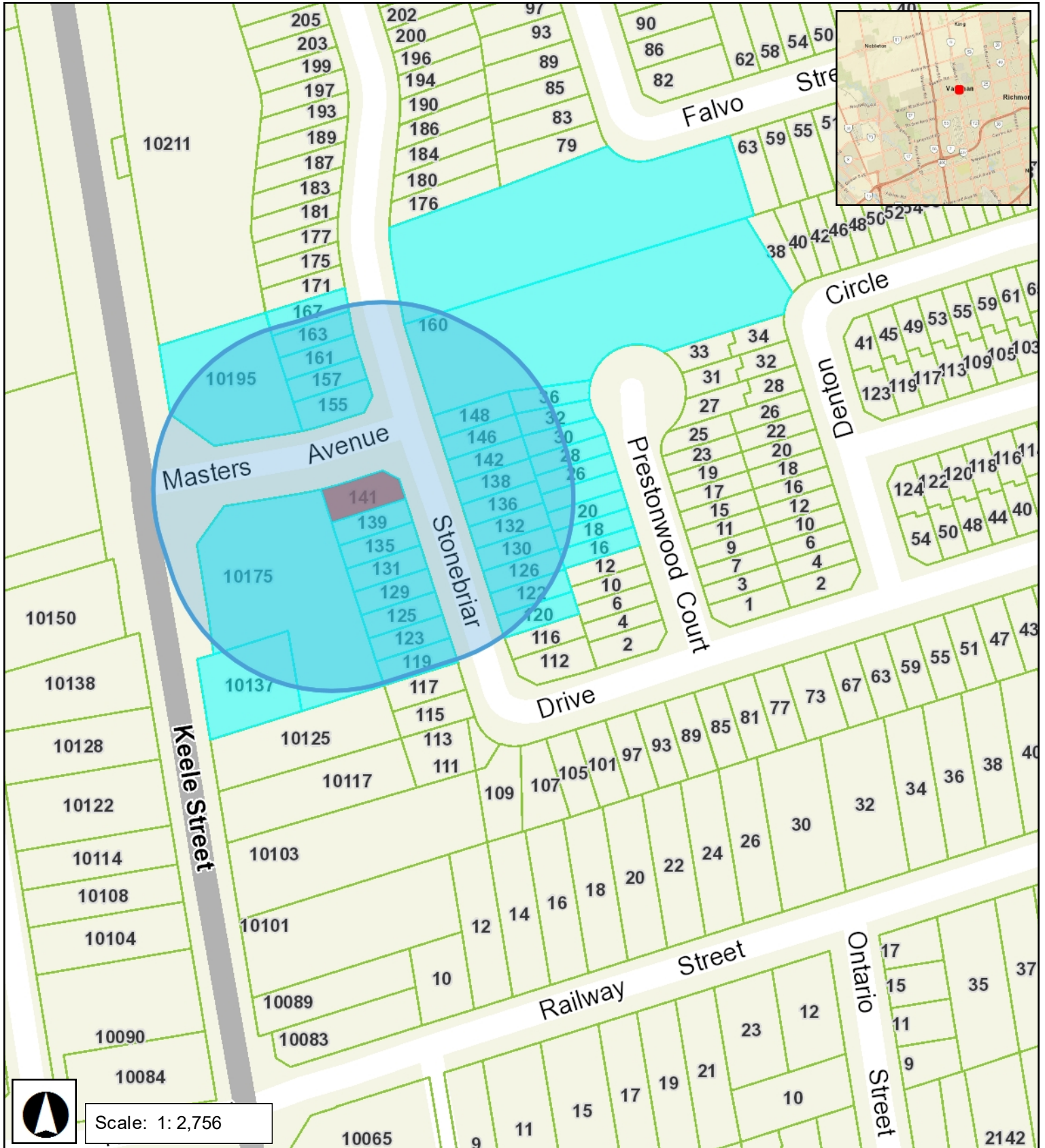
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

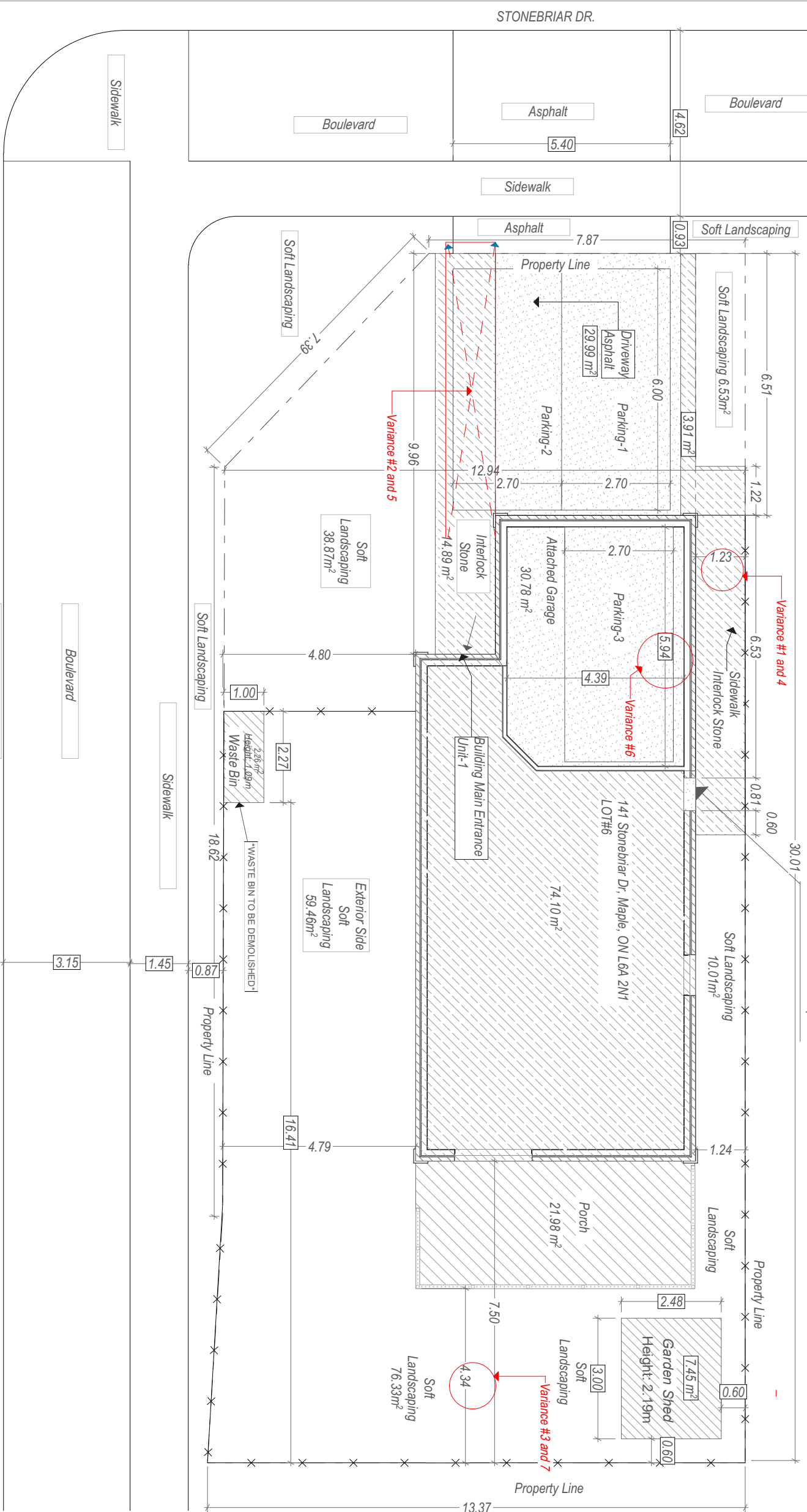
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department 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 michelle.perrone@vaughan.ca	Application under review

IMPORTANT INFORMATION – PLEASE READ
<p>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.</p> <p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>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.</p> <p>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.</p> <p>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</p> <p>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</p>

IMPORTANT INFORMATION – PLEASE READ
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





A=376.80m ²	Property Area
A=74.10m ²	Building Area
A=30.78m ²	Attached Garage
A=21.55m ²	Wood Deck
A=7.45m ²	Shed Area
A=2.26m ²	Waste Storage Bin
36.1%	Coverage

A=93.97m ²	Front Area 100%
A=18.3m ²	Interlock Stone 20%
A=29.99m ²	Driveway (Asphalt) 31.7%
A=45.4m ²	Soft Landscape 48.3%

0. Site 1:115

#	Zoning Bylaw 03-2021	Variance requested
1	When a Driveway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 14.598.1, Figure T-563]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line
2	A parking space located only in the front or exterior side yard on a hard landscaped area abutting a parking space shall not be used for the purpose of required parking for the use on the lot. [Section 4.1.4 h.ii]	To permit a portion of hard landscaped area abutting the front property line to be used in calculation of required parking
3	Minimum required rear yard setback is 7.5m. [Table T-563]	To permit a minimum rear yard setback of 4.34m
Zoning Bylaw 4-83		
4	When a Driveway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 9.913, all Schedule T-563]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line
5	An area comprised of hard landscape in a manner that distinguishes it from the driveway and the required parking spaces shall not be used in the calculation of required parking spaces where a parking space is located in the front yard or exterior side yard. [Section 4.19.2 b]	To permit a portion of landscaped area abutting the driveway in the front yard in calculation of required parking spaces.
6	PARKING SPACE - Means a rectangular area measuring at least 2.1 metres by 6.0 metres exclusive of any masses or structures, and shall not be used in the calculation of required parking spaces, and shall include a private garage or carport and private driveway leading thereto. [Section 2, Definitions]	To permit a parking space measuring 2.1 metres by 3.34 metres within the private garage.
7	Minimum required rear yard setback is 7.5m. [Table T-563]	To permit a rear yard setback of 4.34m

File: 08-02-22		
Rev #	Revision	Date
1	Issued for Review	Feb 24, 2022
4	Revised	July 01, 2022
5	Revised	July 21, 2022
7	Revised	Aug 24, 2022
Task: Proposed Basement Legal Unit		
Project: 141 Stonebriar Dr, Maple, ON L6A 2N1		
Drawing #: Site		
Architectural& Engineering Service		
38 Chicory Crescent, St. Catharines, ON, L2R 0A5 Ph: 647-773-9310 email: safonov02@gmail.com		
Dr. By: S.S 1:115 Scale: Drawing # C-2		



SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
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			Application under review
Building Standards (Zoning)	X			General Comments

To: Committee of Adjustment
From: Punya Marahatta, Building Standards Department
Date: August 10, 2022
Applicant: Sergey Gedzelman
Location: PLAN 65M3113 Lot 6 municipally known as 141 Stonebriar Drive
File No.(s): A198/22

Zoning Classification:

The subject property is zoned R4 (EN)- Fourth Density Residential Zone, subject to the provisions of Exception 14.598 under By-law 001-2021 as amended.

#	Zoning By-law 01-2021	Variance requested
1	When a Doorway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 14.598.1, Figure T-96]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line.
2	A parking space located only in the front or exterior side yard on a hard landscaped area abutting a shall not be used in calculation of required parking for the use on the lot. [Section 4.1.4.h.ii]	To permit a portion of hard landscaped area abutting the parking space located in the front yard in calculation of required parking.
3	Minimum required rear yard setback is 7.5m. [Table T-96]	To permit a rear yard setback of 4.34m.

The subject lands are zoned R4- Residential Zone, subject to the provisions of Exception 9(913) under By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
4	When a Doorway is provided in an interior side yard, the minimum setback measured perpendicular from the door to the interior side lot line should be 1.8m. [Exception 9.913. ai) Schedule T-96]	To permit a minimum setback of 1.23m measured perpendicular from the door to the interior side lot line.
5	An area comprised of hard landscape in a manner that distinguishes it from a driveway located on the lot and abutting a private driveway shall not be used in the calculation of required parking spaces where a parking space is located in the front yard or exterior side yard. [Section 4.19.2.b]	To permit a portion of distinguishable hard landscape area abutting a private driveway in the front yard in calculation of required parking spaces.
6	PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 6.0 metres exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading thereto. [Section 2, Definitions]	To permit a parking space measuring 2.7 metres by 5.94 metres within the private garage.
7	Minimum required rear yard setback is 7.5m. [Table T-96]	To permit a rear yard setback of 4.34m.

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit application no. 2022-106059 has been submitted for the proposed construction of a secondary dwelling unit.

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m²

Other Comments:

General Comments	
8	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Conditions of Approval:

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

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

Date: August 12th , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A198-22**

Related Files:

Applicant Sergey Gedzelman

Location 141 Stonebriar Drive

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

Pravina Attwala

Subject: FW: [External] RE: A198/22 (141 Stonebriar Drive) - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Development Services <developmentservices@york.ca>
Sent: August-31-22 4:14 PM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A198/22 (141 Stonebriar Drive) - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hello Pravina,

The Regional Municipality of York has completed its review of minor variance A198/22 and has no comment.

Many thanks,

Christine Meehan, B.U.R.PL. | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 x73012 | christine.meehan@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: **Working together to serve our thriving communities – today and tomorrow**

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piement is strictly prohibited.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE
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Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Agent	Evans Planning	9212 Yonge Street, Unit 1	08/22/2022	Cover Letter
Agent	Evans Planning	9212 Yonge Street, Unit 1	08/22/2022	Verbal confirmation from neighbour – no flooding
Agent	Evans Planning	9212 Yonge Street, Unit 1	09/02/2022	Letter from applicant – verbal confirmation of neighbour - no flooding



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

Attn: Ms. Christine Vigneault, Manager Development Services & Secretary Treasurer Committee of Adjustment

Dear Ms. Vigneault,

RE: Application for Minor Variance
Sergey Gedzelman
141 Stonebriar Drive
PLAN 65M3113 Lot 6
Related File: Permit No. 22 106059 000 00 SS

Evans Planning acts on behalf of Sergey Gedzelman, the 'Owner' of a property legally described as 'PLAN 65M3113 Lot 6' and municipally known as 141 Stonebriar Drive in the City of Vaughan (the 'subject property'). The subject property is located on the southwest corner of the intersection of Stonebriar Drive and Masters Avenue. The subject property current supports a two-storey single detached dwelling. On behalf of our Client, we herewith submit for the Committee of Adjustment's consideration an application for Minor Variance approval to facilitate the construction of a secondary dwelling unit in the basement of the existing dwelling on this property.

Proposal:

The subject property is zoned R4 – Fourth Density Residential Zone, subject to the provisions of Exception 14.598 under By-law 001-2021, as amended, and zoned R4 – Residential Zone, subject to the provisions of Exception 9(913) under By-law 1-88, as amended. The Owner is seeking relief from the zoning by-law in order to construct a side door entrance to provide access to a secondary suite.

It is proposed that a side door will be constructed on the south side of the dwelling, and the existing hard landscaped path and driveway will be utilized for access to the new unit. Building plans have been prepared to illustrate the existing condition and the proposed addition of the door.

Proposed Variances:

By-law 001-2121:

1. To permit a south side yard setback of 1.23 metres where a doorway is provided in an interior side yard, whereas the By-law requires a minimum of 1.8 metre side yard setback where a doorway is provided.
2. To permit the encroachment of hard landscaping to the extent of the interior side yard width, whereas the By-law permits encroachment into minimum required yard up to 0.6 metres from the interior side lot line.

By-law 1-88:

1. To permit a south side yard setback of 1.23 metres where a doorway is provided in an interior side yard, whereas the By-law requires a minimum of 1.8 metre side yard setback where a doorway is provided.

Four Tests of the Planning Act:

The proposed variances have been assessed based on the tests for a minor variance, as described in Section 45(1) of the Planning Act as follows:

Test #1: Is the general intent and purpose of the Official Plan maintained?

Test #2: Is the general intent and purpose of the Zoning By-law maintained?

Test #3: Is the variance minor?

Test #4: Is the variance desirable for the appropriate development or use of the lands in question?

Test #1: Is the general intent and purpose of the Official Plan maintained?

The City of Vaughan Official Plan identifies that the subject property is located within a *Community Area*. Community Areas are mostly stable, and when incremental change is approved, it shall be sensitive to, and respectful of, the existing character of the area. The property is designated *Low-Rise Residential* in the Official Plan. Single detached dwellings up to 3-storeys are permitted in this designation. The Official Plan dictates that a secondary suite is permitted on a lot developed with a detached, semi-detached house, or townhouse. The development of secondary suites is encouraged within the built-up area to promote a mix of housing options. The proposed development of the secondary suite within the dwelling will not impact the existing character of the surrounding area. Further, the existing interior side yard setback is consistent with that of the surrounding area, and the hard landscaping encroachment is a current existing condition, with the same condition occurring on the adjacent neighbouring property which shares the side yard. Therefore, the character of the existing neighbourhood will be maintained, and the proposal meets the general intent and purpose of the Official Plan.

Test #2: Is the general intent and purpose of the Zoning By-law maintained?

The property is zoned as *R4 – Fourth Density Residential Zone*, subject to the provisions of Exception 14.598 under By-law 001-2021, as amended, and zoned *R4 – Residential Zone*, subject to the provisions of Exception 9(913) under By-law 1-88, as amended. Secondary Suites within Single Detached Dwellings are permitted within the R4 zone under both By-laws.

Under By-law 001-2021, the *R4 – Fourth Density Residential Zone* allows hard landscaping to only encroach into the minimum required yard up to 0.6 metres from the interior lot line. By-law 1-88 does not specify the maximum encroachment of hard landscaping into the side yard area. As previously noted, the hardscaped area is an existing condition and is mirrored by the adjacent property. The hardscaped area existed prior to the passing of By-law 001-2021.

Exception 14.598 under By-law 001-2021 and Exception 9(913) under By-law 1-88 require a minimum interior side yard setback of 1.2 metres, and 1.8 metres where a doorway exists. The existing side yard setback of 1.23 metres cannot be expanded to meet the setback requirement for the proposed new doorway. The proposed addition of the doorway to provide access to a secondary suite will not impact the existing side yard setbacks or hard landscaping condition. The existing side yard setback of 1.2 metres, in addition to the existing hardscaped area will provide adequate access to the secondary suite.

The proposal meets the general intent and purpose of the Zoning By-law.

Test #3: Is the variance minor?

The proposed variances are considered minor in nature. The proposal complies with all standards within the R4 Zone and only requires relief from an additional provision which is applicable when a side doorway exists. Additionally, the hard landscaping area currently exists on the subject property and was permitted by By-law 1-88. The proposed variance for the amount of hardscaping will recognize the new requirement of comprehensive Zoning By-law 001-2021. It is not expected that the reduced setback for the doorway and hard landscaping allowance will adversely impact the abutting property given that the side yard and hardscaping are an existing condition. There is adequate access to the proposed new doorway. The proposal will simply allow access to the secondary suite from the side yard. Therefore, the required variances are minor as they will not change the existing setback or hard landscaping, and access to the secondary suite can easily and safely be accommodated.

Test # 4: Is the variance desirable for the appropriate development or use of the lands in question?

The proposed variances are desirable for the appropriate development and use of the land, and are consistent with the character of the existing neighbourhood. As previously identified, the

setbacks and hard landscaping will remain unchanged, maintaining consistency with the surrounding area. Relief from the specified By-law provisions will allow the construction of an access to a secondary suite while avoiding any substantial changes to the existing exterior site conditions. It is desirable for the doorway to be constructed on the south side of the house due to the interior stairs being accessible from this side, as well as the existing hard landscaped pathway which connects the front and rear yards on this side. The required Minor Variances are desirable, providing additional housing opportunity to the neighbourhood while improving the efficiency of land use on the property.

Conclusion:

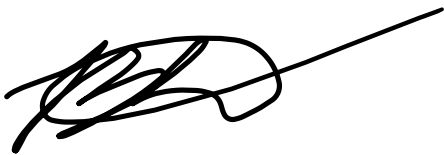
It is respectfully submitted that the proposed variances are minor in nature and will not impose any impacts upon the use of this property or to neighbouring homes. The proposal conforms to the general intent and purpose of the City of Vaughan Official Plan and Zoning By-laws. The proposal is also consistent with all other City policies, guidelines and objectives. It is appropriate development for the area, as the character and streetscape of the neighbourhood are respected and maintained while providing a mix of housing options for future residents.

To assist Committee Staff with their review of this application, we respectfully submit the following materials in digital format:

- A completed application form for Minor Variance;
- Payment to the City of Vaughan in the amount of \$3,155.00, as payment of the City's Minor Variance application fee;
- Owner Authorization Form;
- Legal survey of the property;
- Site Plan;

I trust the enclosed materials are sufficient for your review of this application. Should you require any further information, please contact the undersigned at your earliest convenience.

Blake Reason



cc. Sergey Gedzelman

Pravina Attwala

Subject: FW: [External] RE: Minor Variance Application A198/22 - 141 Stonebriar Drive

From: Blake Reason <breason@evansplanning.com>

Sent: August-22-22 11:24 AM

To: Ian Reynolds <Ian.Reynolds@vaughan.ca>

Cc: Pravina Attwala <Pravina.Attwala@vaughan.ca>; Christine Vigneault <Christine.Vigneault@vaughan.ca>

Subject: RE: [External] RE: Minor Variance Application A198/22 - 141 Stonebriar Drive

Hi Ian,

Hope you had a good weekend.

The neighbour has verbally confirmed with Sergey (the property owner of 141 Stonebriar) that there is no unusual flooding or pooling but are hesitant to provide written documentation of this. Would a phone call between you and them be sufficient?

Best Regards,

Blake Reason
Junior Planner

Evans Planning
9212 Yonge Street, Unit 1
Richmond Hill, Ontario
L4C 7A2
Ph:(905) 669-6992 x 103

RECEIVED

By RECEIVED at 8:44 am, Sep 02, 2022

A198/22

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

Attn: Ms. Christine Vigneault, Manager Development Services & Secretary Treasurer
Committee of Adjustment
Re: Application A198/22

Dear Ms. Vigneault,

My name is Sergey Gedzelman. I have applied for Minor Variance (Application A198/22) to permit the construction of a side door entrance to the basement. As part of this application, it is required that I confirmed that we have not experienced any unusual flooding or pooling onto the pathway between our houses.

I confirmed with a neighbor (Dominik and Andreana) from 139 Stonebriar Drive. That we do not experience any unusual flooding or pooling of water and provide access to the back yards of both 139 and 141 Stonebriar Drive. houses.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sergey Gedzelman', is written over two horizontal lines.