

<b>ITEM #: 6.19</b>	<b>COMMITTEE OF ADJUSTMENT REPORT</b> <b>MINOR VARIANCE APPLICATION</b> <b>A253/22</b> <b>12 Humber Forest Ct. Woodbridge</b>
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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	X		Recommend Approval/No Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		General Comments
By-law & Compliance, Licensing & Permits	X	X		General Comments
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			
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			
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
None				

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

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

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
None		

**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  
A253/22**

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

<b>AGENDA ITEM NUMBER: 6.19</b>	<b>CITY WARD #: 2</b>
<b>APPLICANT:</b>	Romina/Anthony Saieva
<b>AGENT:</b>	Arca Design Inc. (Frank Bellini)
<b>PROPERTY:</b>	12 Humber Forest Court, Woodbridge ON
<b>ZONING DESIGNATION:</b>	See below.
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
<b>RELATED DEVELOPMENT APPLICATIONS:</b> <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit a proposed outdoor kitchen/washroom to be located in the exterior side yard and cabana in the rear yard.

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

**The subject lands are zoned R3A(EN) – Third Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.663 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 001-2021	Variance requested <b>**Variances confirmed by Zoning Review Waiver</b>
1	An accessory building or accessory structure shall not be located closer to an exterior side lot line than the principal building on the lot. (4.1.2, 2.b.)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located closer to an exterior side lot line than the principal building on the lot.
2	The minimum exterior side yard setback required to an accessory building is 4.5 metres. (Table 7-4)	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom)

**The subject lands are zoned RV3 – Residential Zone and subject to the provisions of Exception 9(988) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested <b>**Variances confirmed by Zoning Review Waiver</b>
3	An accessory building or structure shall be located in the rear yard. (Section 4.1, c)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located in the exterior side yard.
4	The minimum exterior side yard setback required to an accessory building is 2.4 metres. (Schedule 'A1')	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom) to be located in the exterior side yard.
5	The minimum rear yard setback required to an accessory building is 7.5 metres. (Section 4.1, c) and Schedule 'A1')	To permit a minimum rear yard setback of 0.91 metres to an accessory building (Cabana)

## HEARING INFORMATION

**DATE OF MEETING:** October 27, 2022

**TIME:** 6:00 p.m.

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

**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](http://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](mailto: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](mailto: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

<b>Date Public Notice Mailed:</b>	October 13, 2022
<b>Date Applicant Confirmed Posting of Sign:</b>	October 11, 2022
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	New and old bylaw requirements for exterior side and rear yard set back
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	<p>Development Planning provided the following to the applicant on October 7, 2022:</p> <p>Development Planning has completed our detailed review of the above noted Minor Variance Application and has some concerns with the proposal.</p> <p>We recommend reducing the length of the proposed cabana to minimize the massing impacts the cabana will have on the neighbouring dwelling. The house, covered canopy, and cabana all create an almost continuous built form when viewed from the west. By reducing the length of the cabana, it would greatly assist in breaking up this effect.</p> <p>We also recommend relocating the door in the kitchen/washroom so that it faces the home as opposed to the exterior side yard.</p> <p>Our Urban Design Division has also reviewed the Application and provided the attached comments. Urban Design has provided confirmation that no Arborist report is required so that portion of the comments can be overlooked.</p> <p>One last point, would you be able to confirm the purpose of the easement that is shown in the backyard?</p>

### COMMITTEE OF ADJUSTMENT COMMENTS

	Applicant provided revised submission, together with Zoning Review Waiver, the amendments appear to have no impact on the requested variances. <b>Building Standards to confirm.</b>
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  *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.  *A revised submission may be required to address staff / agency comments received as part of the application review process.  *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.	Yes
<b>Adjournment Fees:</b> 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 <b>after</b> the issuance of public notice.	
<b>Committee of Adjustment Comments:</b>	An Adjournment Fee will be required to reschedule the application, should the application be adjourned.
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None

### BUILDING STANDARDS (ZONING) COMMENTS

**See Schedule B for Building Standards (Zoning) Comments	
<b>Building Standards Recommended Conditions of Approval:</b>	None

### DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.	
<b>Development Planning Recommended Conditions of Approval:</b>	None

### DEVELOPMENT ENGINEERING COMMENTS

<a href="#">Link to Grading Permit</a> <a href="#">Link to Pool Permit</a> <a href="#">Link to Curb Curt Permit</a> <a href="#">Link Culvert Installation</a>	
As the proposed structures in the subject property are over 10m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached).  The Development Engineering (DE) Department does not object to variance application A253/22 subject to the following condition(s):	
<b>Development Engineering Recommended Conditions of Approval:</b>	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final Lot Grading and/or Servicing Permit prior to any work being undertaken on the property. Please visit the grading permits page at City of Vaughan website to learn how to apply for the grading permit. If you have any question about grading permit, please contact the Development Engineering Department through email at <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .

### PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry has no comment at this time.	
<b>PFH Recommended Conditions of Approval:</b>	None

### DEVELOPMENT FINANCE COMMENTS

No comment no concerns

<b>Development Finance Recommended Conditions of Approval:</b>	None
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### BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

<b>BCLPS Recommended Conditions of Approval:</b>	None
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### BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.

<b>Building Inspection Recommended Conditions of Approval:</b>	None
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### FIRE DEPARTMENT COMMENTS

No comments received to date.

<b>Fire Department Recommended Conditions of Approval:</b>	None
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### SCHEDULES TO STAFF REPORT

\*See Schedule for list of correspondence

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Development Planning & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (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 Engineering <a href="mailto:farzana.khan@vaughan.ca">farzana.khan@vaughan.ca</a> <a href="mailto:ian.reynolds@vaughan.ca">ian.reynolds@vaughan.ca</a>	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final Lot Grading and/or Servicing Permit prior to any work being undertaken on the property. Please visit the grading permits page at City of Vaughan website to learn how to apply for the grading permit. If you have any question about grading permit, please contact the Development Engineering Department through email at <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .

### 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.

## IMPORTANT INFORMATION – PLEASE READ

**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.

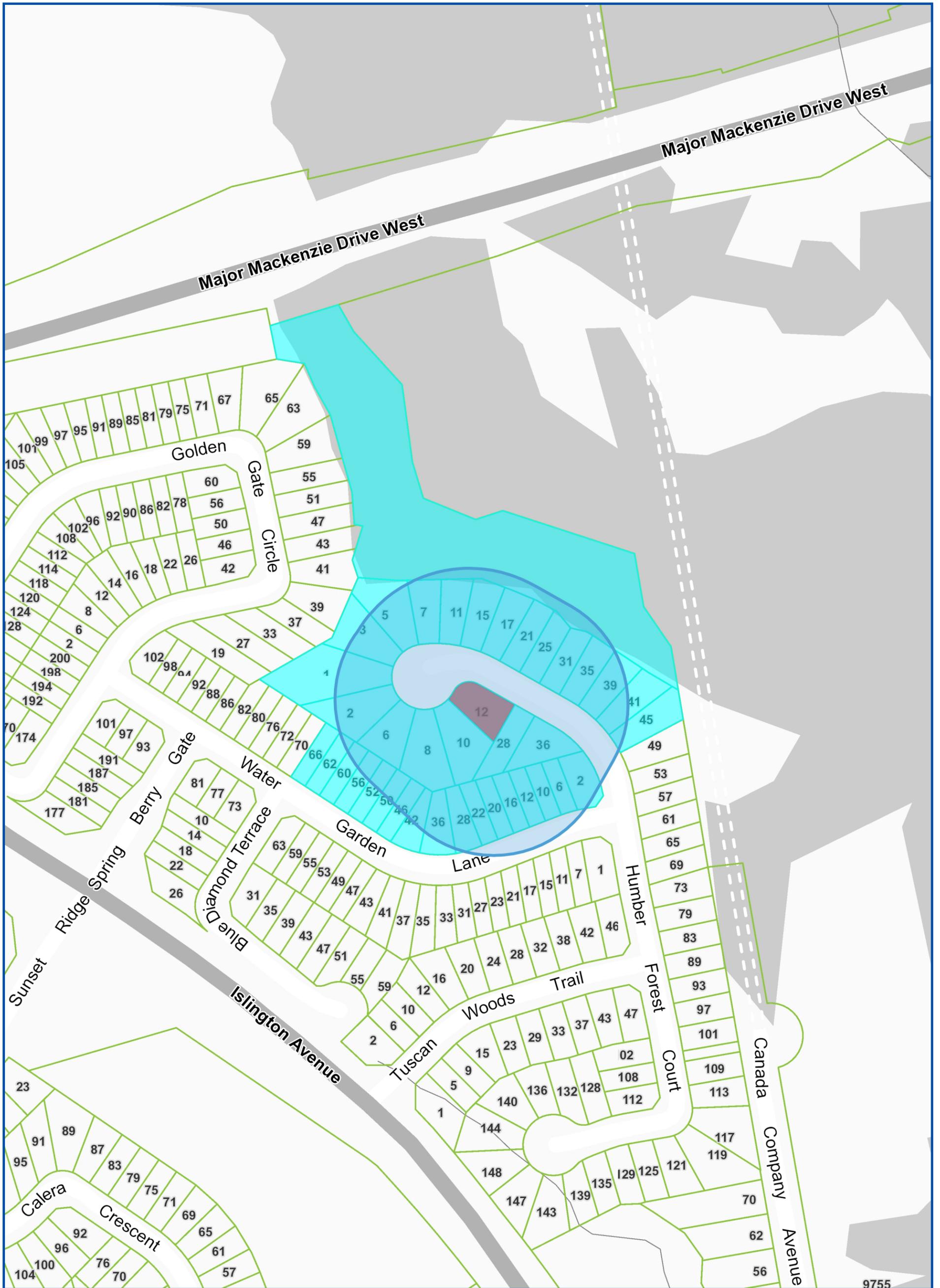
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

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

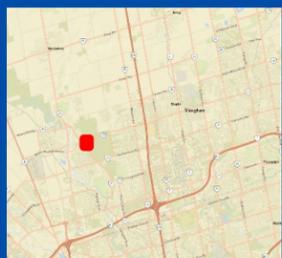
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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



Title: **12 Humber Forest Court, Woodbridge**

**NOTIFICATION MAP - A253/22**

Disclaimer: Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:2,812  
0 0.04 km



Created By:  
Infrastructure Delivery  
Department  
October 4, 2022 4:52 PM

Projection:  
NAD 83  
UTM Zone  
17N

# HUMBER FOREST COURT

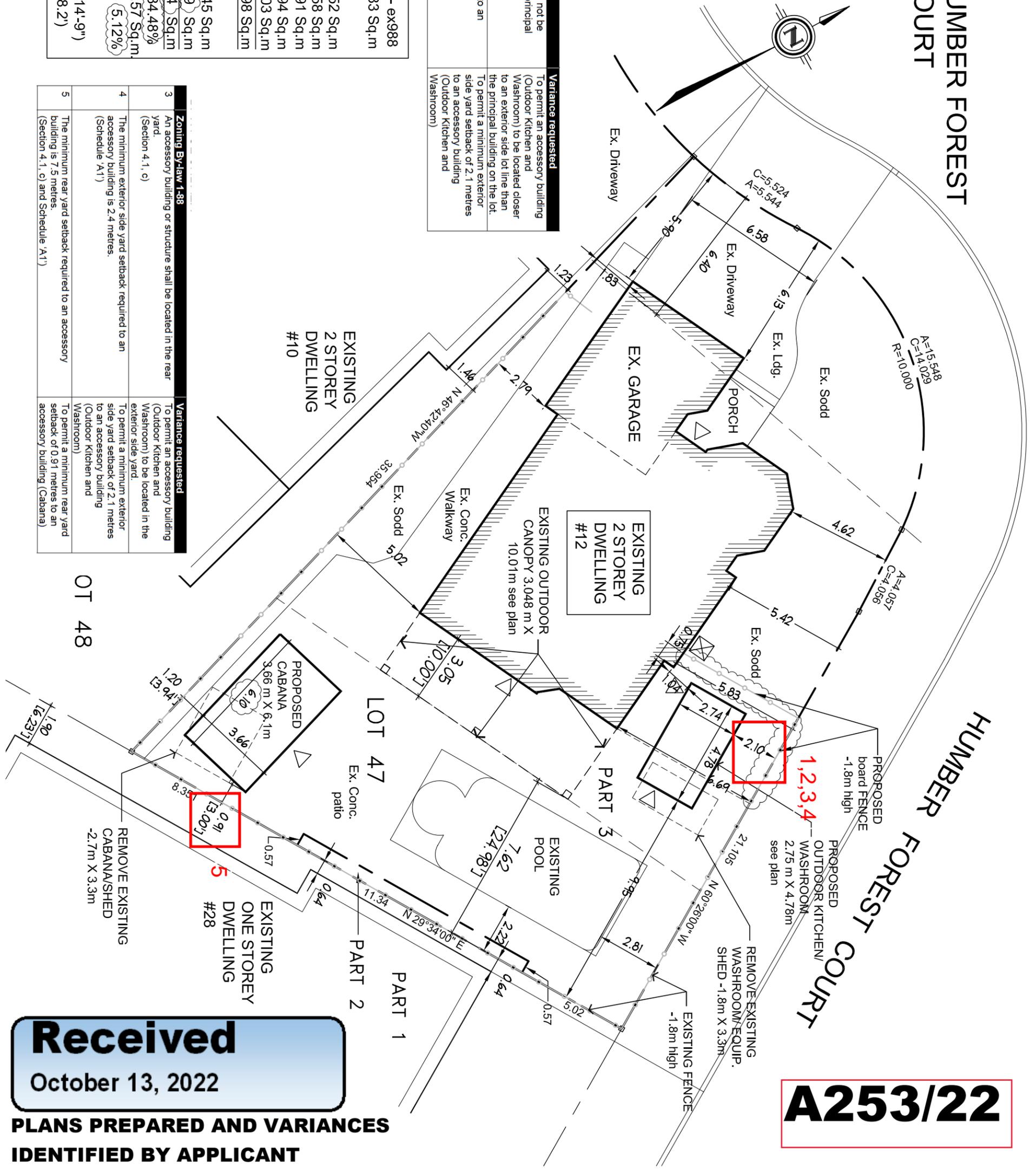
## LEGEND

× 100.56	Denotes existing Grades
× 100.56	Denotes proposed Grade
F.F.	Finished First Floor
T.W.	Top Of Foundation Wall
B.S.	Top Of Basement Slab
U/SF	Underside Of Footing
SW	Swale Elevation
←	Direction Of Drainage
▽	Main Door Location
▲	Drive-In Overhead Door
R	Riser
WDB	Walkout Basement

#	Zoning By-Law 001-2021	Variance requested
1	An accessory building or accessory structure shall not be located closer to an exterior side lot line than the principal building on the lot. (4.1.2, 2.b.)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located closer to an exterior side lot line than the principal building on the lot.
2	The minimum exterior side yard setback required to an accessory building is 4.5 metres. (Table 7-4)	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom)

Zoning By-Law	RV3- ex988
Lot Area	691.783 Sq.m
Existing	
House /Garage area Coverage	162.52 Sq.m
Covered Front porch	7.58 Sq.m
Cabana/shed (to be replaced)	8.91 Sq.m
Washroom/shed (to be replaced)	5.94 Sq.m
Covered Canopy	33.03 Sq.m
Total Existing Coverage	217.98 Sq.m
Proposed	
Washroom/Outdoor Kitchen Area	13,145 Sq.m
Cabana Area	22.29 Sq.m
Total Proposed	35.44 Sq.m
Coverage for all Bldgs. (50% max.)	34.48%
(203.13 sq.m. + Prop. 35.44 sq.m.) 238.57 Sq.m.	5.12%
Coverage for accessory Bldgs. (35.44)	
(10% max.) or 67.0 Max.	
Max. Accessory building height 4.5 m (14'-9")	
Max. Accessory building height 2.5 m (8'2")	

#	Zoning By-Law 1-88	Variance requested
3	An accessory building or structure shall be located in the rear yard. (Section 4.1. e)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located in the exterior side yard.
4	The minimum exterior side yard setback required to an accessory building is 2.4 metres. (Schedule 'A1')	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom)
5	The minimum rear yard setback required to an accessory building is 7.5 metres. (Section 4.1. e) and Schedule 'A1')	To permit a minimum rear yard setback of 0.91 metres to an accessory building (Cabana)



**A253/22**

**Received**  
October 13, 2022

**PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT**



**GENERAL NOTES:**  
This drawing, as an instrument of service, is provided by and is the property of the DESIGNER. The contractor must verify and accept responsibility for all dimensions and conditions on site and must notify the DESIGNER of any variations from the supplied information. The Designer is not responsible for the accuracy of survey, structural, mechanical, electrical, etc., engineering information shown on this drawing. Refer to the appropriate engineering drawings before proceeding with the work. Construction must conform to all applicable codes and requirement of authorities having jurisdiction. This drawing is not to be scaled.

No.	DESCRIPTION	DATE	BY
1	DRIVEWAY WIDTH	5/PT.09/22	F.B.
2	AS PER PLANNING COMMENTS	12/10/22	F.B.

PROJECT	PROPOSED REAR CABANA+WASHROOM SHED FOR S.F.D. RESIDENCE 12 HUMBER FOREST CRT. VAUGHAN, ON
DRAWING TITLE	SITE PLAN

DRAWN BY	F.B.
CHECKED BY	F.B.
SCALE	1:175
DATE	AUG. 16/22
PROJECT NUMBER	

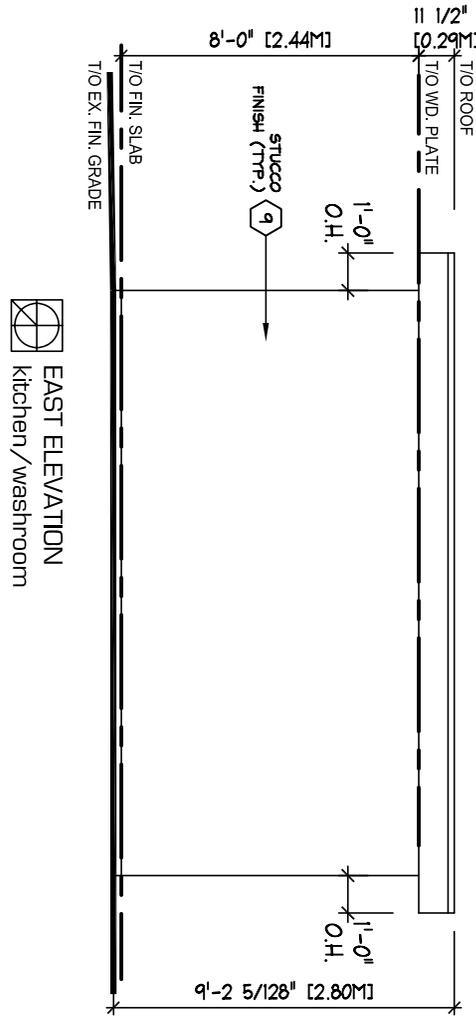
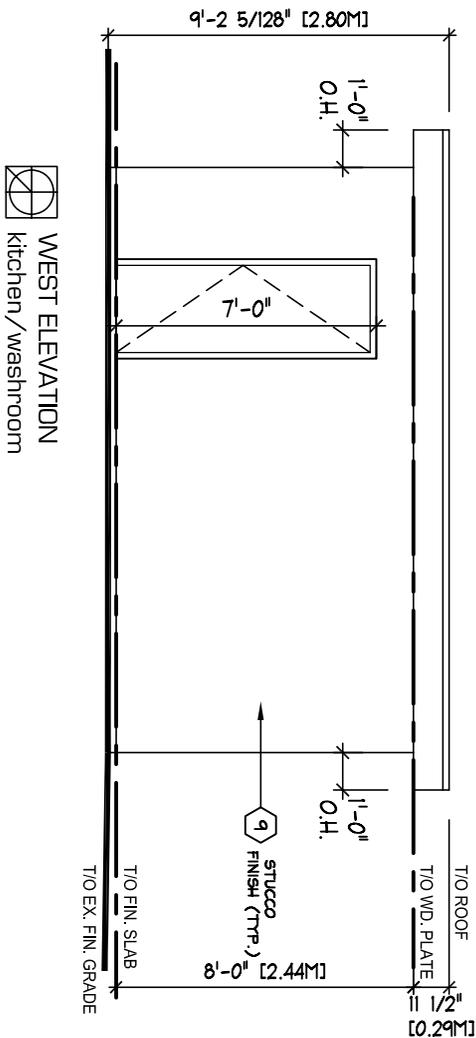
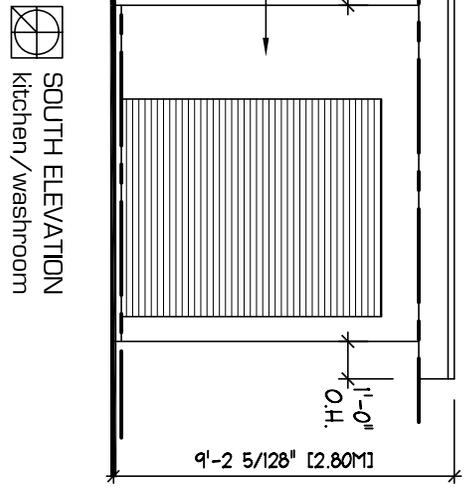
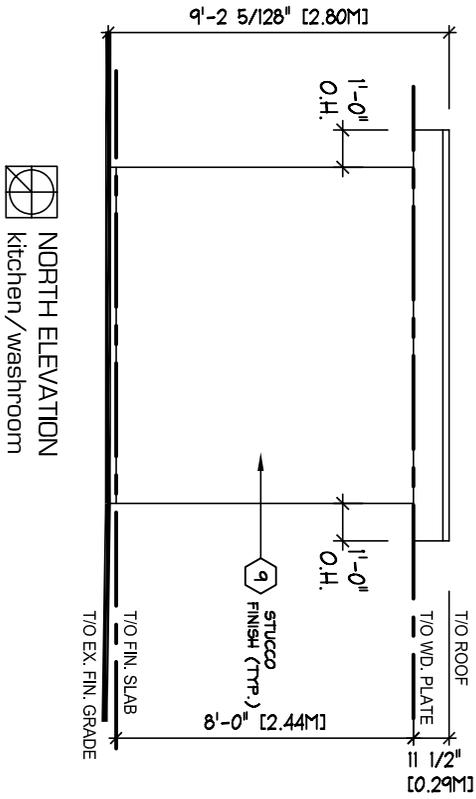
DRAWING NUMBER  
**A-1**

# Received

October 13, 2022

# A253/22

## PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT



## SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			
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/no conditions
Building Standards (Zoning)	X	X		General Comments

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** October 19, 2022  
**Name of Owners:** Romina and Anthony Saieva  
**Location:** 12 Humber Forest Court  
**File No.(s):** A253/22

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

1. To permit an accessory building (Outdoor Kitchen and Washroom) to be located closer to an exterior side lot line than the principal building on the lot.
2. To permit a minimum exterior side yard setback of 2.1 m to an accessory building (Outdoor Kitchen and Washroom).

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

1. An accessory building or accessory structure shall not be located closer to an exterior side lot line than the principal building on the lot.
2. The minimum exterior side yard setback required to an accessory building is 4.5 m.

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

3. To permit an accessory building (Outdoor Kitchen and Washroom) to be located in the exterior side yard.
4. To permit a minimum exterior side yard setback of 2.1 m to an accessory building (Outdoor Kitchen and Washroom).
5. To permit a minimum rear yard setback of 0.91 m to an accessory building (Cabana).

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

3. An accessory building or structure shall be located in the rear yard.
4. The minimum exterior side yard setback required to an accessory building is 2.4 m.
5. The minimum rear yard setback required to an accessory building is 7.5 m.

**Official Plan:**

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

**Comments:**

The Owners are requesting relief to permit the construction of a cabana and an outdoor kitchen and washroom accessory building with the above noted variances.

The Development Planning Department has no objection to Variances 1, 2, 3 and 4 for the outdoor kitchen and washroom. The subject property is a corner lot. The fence separating Humber Forest Court from what effectively functions as the rear yard is proposed to start at the back third of the dwelling's northeast façade. This allows the majority of the dwelling's northeast wall facing Humber Forest Court to address and contribute to the streetscape. The kitchen and washroom accessory building is proposed just behind the starting location of the fence and offset from the portion of the fence that runs parallel to the northeast lot line. The fence will provide screening and create clear definition between the portions of the property facing and addressing the street, and its more private outdoor amenity space. The doors of the proposed kitchen and washroom accessory building will also face the dwelling, providing additional privacy by orienting the building's activity inward rather than out towards the street.

The Development Planning Department has no objection to Variance 5 for the cabana as the reduction to the rear yard setback will not have adverse impacts to the neighbouring properties and an appropriate area for maintenance access is maintained. The cabana complies with all height requirements under both Zoning By-laws and the rear yard setback also complies 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.

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.

**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

**To:** Committee of Adjustment  
**From:** Christian Tinney, Building Standards Department  
**Date:** September 19, 2022 - revised  
**Applicant:** Romina/Anthony Saieva  
**Location:** **Zoning Comments Obsolete**  
 12 Humber Forest Court,  
 PLAN 65M3278 Lot 47  
**File No.(s):** A253/22

**Zoning Classification:**

The subject lands are zoned R3A(EN) – Third Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.663 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	An accessory building or accessory structure shall not be located closer to an exterior side lot line than the principal building on the lot. (4.1.2, 2.b.)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located closer to an exterior side lot line than the principal building on the lot.
2	The minimum exterior side yard setback required to an accessory building is 4.5 metres. (Table 7-4)	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom)

The subject lands are zoned RV3 – Residential Zone and subject to the provisions of Exception 9(988) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
3	An accessory building or structure shall be located in the rear yard. (Section 4.1, c)	To permit an accessory building (Outdoor Kitchen and Washroom) to be located in the exterior side yard.
4	The minimum exterior side yard setback required to an accessory building is 2.4 metres. (Schedule 'A1')	To permit a minimum exterior side yard setback of 2.1 metres to an accessory building (Outdoor Kitchen and Washroom)
5	The minimum rear yard setback required to an accessory building is 7.5 metres. (Section 4.1, c) and Schedule 'A1')	To permit a minimum rear yard setback of 0.91 metres to an accessory building (Cabana)

**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. 09-001384 for In-Ground Pool (Sfd/Semi) - New, Issue Date: May 01, 2009  
 Building Permit No. 22-130085 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

**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.

**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.

## ZONING REVIEW WAIVER

I,

Name of authorized owner or agent

Agree to proceed with an application(s) to the Committee of Adjustment without the benefit of having my revised submission reviewed by a Zoning Examiner within the City of Vaughan Building Standards Department, for the purposes of confirming the variances required to facilitate my proposal.

I assume full responsibility for identifying, correctly and completely, all variances associated with my proposal/application.

I also recognize and acknowledge that any errors may result in:

- a) a potential delay in the processing of my application(s);
- b) an inability to obtain a building permit;
- c) the need for additional application(s) to the Committee of Adjustment; and
- d) additional fees (adjournment/recirculation).

Date:

Signature:

### IMPORTANT

By completing this Zoning Review Waiver, you are conducting a zoning review of your revised submission and assuming responsibility for identifying **all** variances required to facilitate your proposed development. If you would like zoning staff to conduct this review your file will require adjournment to a future hearing date.

#### Helpful Tips:

Review your original zoning report provided by your file manager. This report may be used as a tool to complete your review on the next page.

You may want to consider copying and pasting the variances, confirmed in your zoning report, into the charts on the next page as a starting point and update as required.

If new variances are required, you will need to review the applicable By-law to determine requirements. If you are submitting a Zoning Review Waiver Form, staff cannot assist you with completing your review.

Ensure that **all** variances are included in the charts below, even variances that are not changing from the zoning report must be included. The omission of a variance may result in delays in processing, inability to obtain a building permit after approval, requirement of additional applications and fees.

**See next page to complete your review.**

**REVISED SUBMISSION - ZONING REVIEW (WAIVER SUBMITTED)**

**Completed By:**

**Date:**

**File No.(s):**

**Property:**

**In the chart below, identify all variances required under Zoning By-law 001-2021:**

<b>ZONING BY-LAW 001-2021</b>		
<b>#</b>	<b>By-law Requirement</b> <small>*Quote actual provision of By-law</small>	<b>Variance Requested</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**In the chart below, identify all variances required under Zoning By-law 1-88:**

<b>ZONING BY-LAW 1-88</b>		
<b>#</b>	<b>By-law Requirement</b> <small>*Quote actual provision of By-law</small>	<b>Variance Requested</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Zoning Review Waivers can only be submitted if your application has received an initial zoning review. Staff cannot be consulted to complete your Zoning Review Waiver. The owner/ agent can obtain a zoning review of their revised application, through the Committee of Adjustment submission process in accordance with the Committee of Adjustment internal deadlines. Should an applicant/agent/representative wish to proceed to a hearing without a revised submission being reviewed by a zoning examiner they must complete this waiver to assume full responsibility for identifying required variances.

**Date:** September 27<sup>th</sup> , 2022

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:** **A253-22**

**Related Files:**

**Applicant** Romina/Anthony Saieva

**Location** 12 Humber Forest Court



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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](mailto:stephen.cranley@alectrautilities.com)

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

**Email:** [Mitchell.Penner@alectrautilities.com](mailto:Mitchell.Penner@alectrautilities.com)

**From:** [Development Services](#)  
**To:** [Lenore Providence](#); [Committee of Adjustment](#)  
**Subject:** [External] RE: A253/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN  
**Date:** Monday, September 26, 2022 3:24:08 PM  
**Attachments:** [image002.png](#)  
[image004.png](#)

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Hi Lenore,

The Regional Municipality of York has completed its review of the above minor variance (A253/22) and has no comment.

Thank you,  
Niranjan

**Niranjan Rajevan, M.Pl.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71521 | [niranjan.rajevan@york.ca](mailto:niranjan.rajevan@york.ca) | [www.york.ca](http://www.york.ca)

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**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received</b> <small>(mm/dd/yyyy)</small>	<b>Summary</b>
None.				