

ITEM 6.20:	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A254/22 81 Cherokee Dr Maple
-------------------	---

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 <i>*Schedule B</i>	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X	X		Recommend Approval/No Conditions
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	X		No Comments or Concerns
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 <i>*Schedule B</i>	X			No Comments Recieved to Date
Ministry of Transportation (MTO) <i>*Schedule B</i>	X	X		General Comments
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X			No Comments Recieved to Date
YRDSB <i>*Schedule B</i>				
YCDSB <i>*Schedule B</i>				
CN Rail <i>*Schedule B</i>				
CP Rail <i>*Schedule B</i>				
TransCanada Pipeline <i>*Schedule B</i>	X			No Comments Recieved to Date
Metrolinx <i>*Schedule B</i>				
Propane Operator <i>*Schedule B</i>				

PUBLIC & APPLICANT CORRESPONDENCE				
<i>*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.</i>				
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		
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
A254/22
81 Cherokee Dr Maple**

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

ITEM NUMBER: 6.20	CITY WARD #: 1
APPLICANT:	Vincenzo & Carmella Porcelli
AGENT:	None
PROPERTY:	81 Cherokee Dr Maple
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed cabana (with washroom) and shed to accommodate storage of pool equipment.

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

The subject lands are zoned R2(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.400 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum rear yard setback for the residential accessory structure is 9.0m. Exception 14(400) T-036	To permit a rear yard setback of 2.13m for the residential accessory structure.

The subject lands are zoned R2 –Residential zone and subject to the provisions of Exception 9(659) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	The minimum rear yard setback for the accessory structure is 9.0m. Exception 9(659) T-036	To permit a rear yard setback of 2.13m for the accessory structure.

HEARING INFORMATION

DATE OF MEETING: Thursday, 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](https://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	
<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:	October 13, 2022
Date Applicant Confirmed Posting of Sign:	October 13, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	The old by-law 1-88 which is still enforced refers to a schedule T-36 which requires a set back of a structure over a specific size to be 9 m from the rear of the property. This would put the structure very close to the existing dwelling and in line with my neighbours rear entrance. I believe the noise from the pool equipment would not be pleasant for my neighbour if it is that close to his rear patio door. The property back onto Major Mackenzie Drive and placing it in the rear of the yard would keep the noise levels down and allow for maximum use of the space in the rear yard. The rear yard is approximately 16 m deep and the proposed building is approximately 4.2m long. There is no mention of this particular set back in the new 001-2021 by-law. I had spoken to the manager of the Building Department (Francesco Morea) who confirmed that this has been a challenge for many years and likely why it was removed in the new by-law.
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*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.</small> <small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small> <small>*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.</small>	No
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. 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:	General Comments
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:	None

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Owner/Applicant has received a grading permit for both accessory structure and outdoor pool from The Development Engineering (DE) Department.	
The Development Engineering (DE) Department does not object to the variance application A254/22.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Tree protection & preservation methods must be followed for the city boulevard trees according to City of Vaughan By-law 052-2018.	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comment no concerns	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date	
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: None

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.

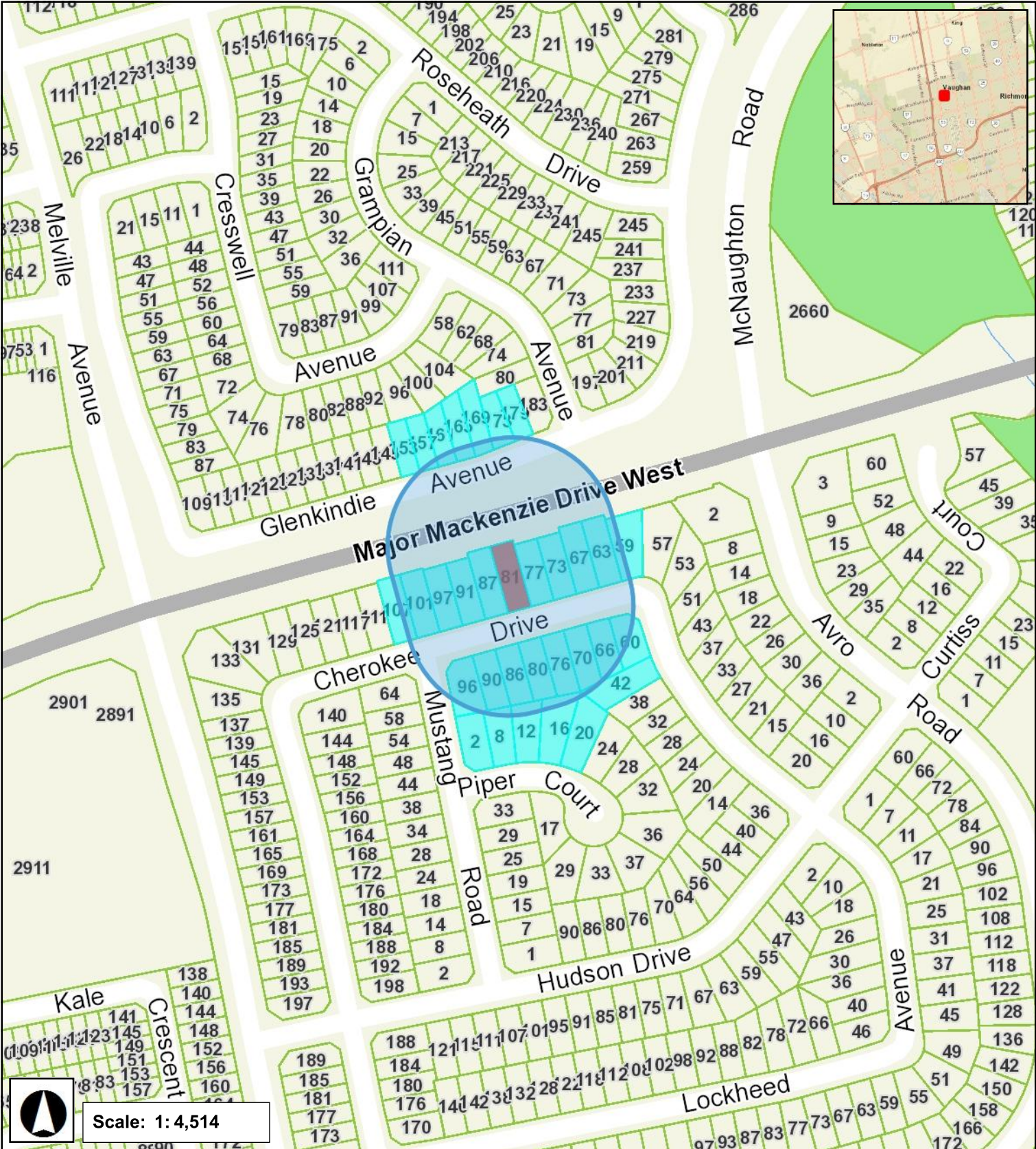
IMPORTANT INFORMATION – PLEASE READ	
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans 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 Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.</p>	
<p>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.</p>	

SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A254/22

81 CHEROKEE DRIVE, MAPLE



Rutherford Road

October 6, 2022 11:13 AM

Zoning By-law 001-2021

Variance Requested

1 The minimum rear yard setback for the residential accessory structure is 9.0m.

Exception 14(400) T-036

Zoning By-law 1-88

Variance Requested

2 The minimum rear yard setback for the accessory structure is 9.0m.

Exception 9 (65M-2923)

A254/22

RECEIVED

September 15, 2022

Committee of Adjustment

PLANS PREPARED BY APPLICANT

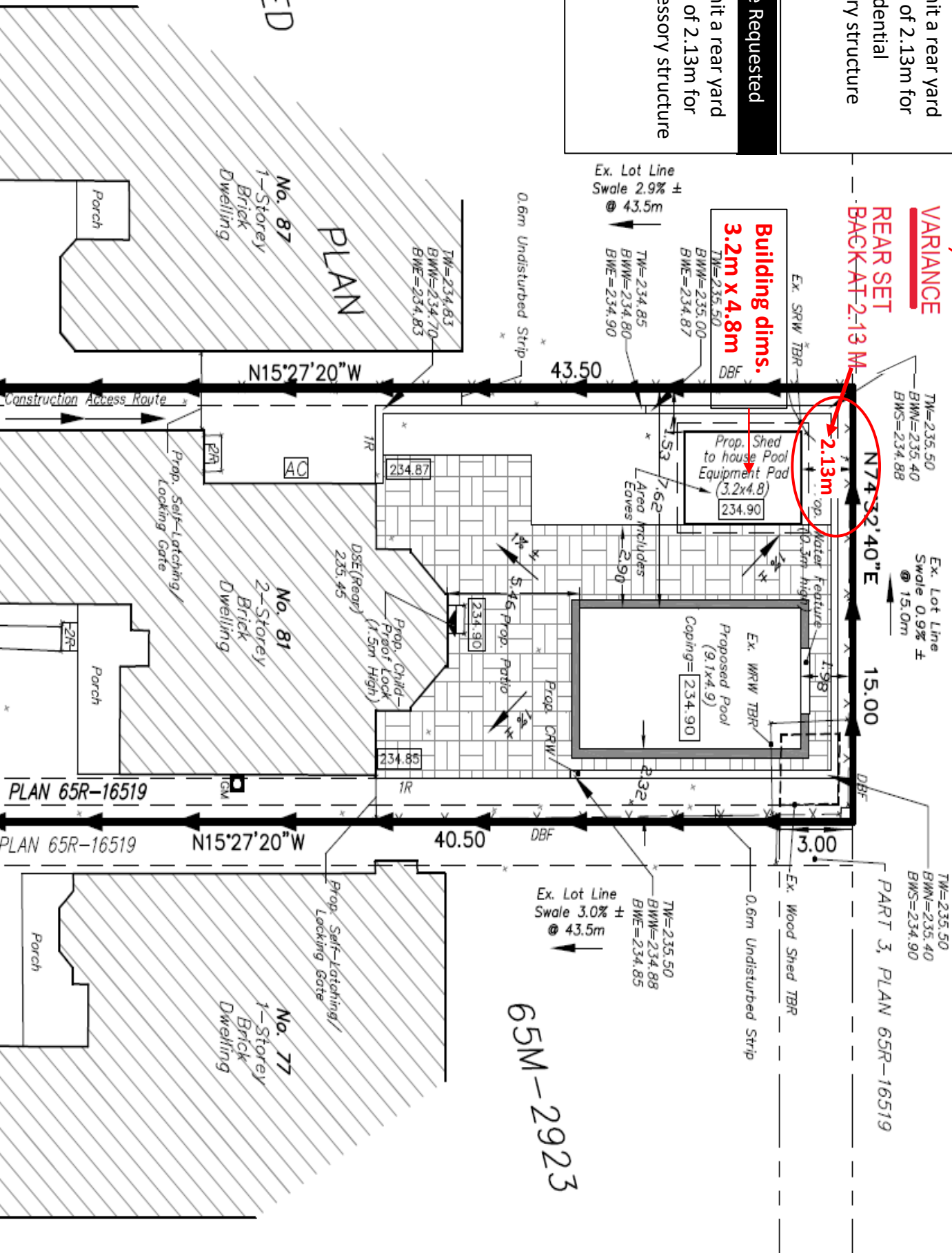
#1, #2

VARIANCE

REAR SET BACK AT 2.13 M

2.13m

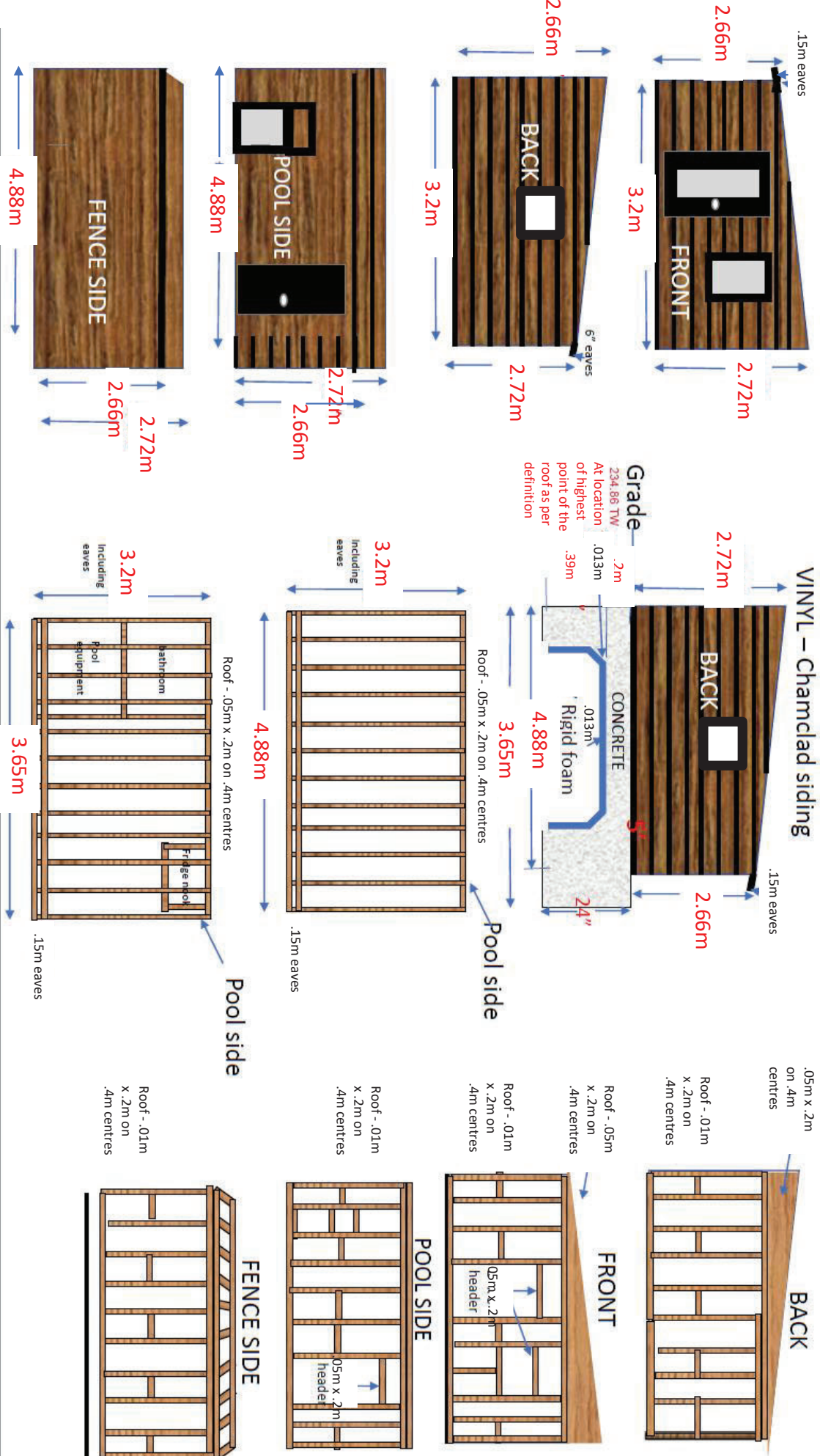
Building dims.
3.2m x 4.8m



RECEIVED

By RECEIVED at 1:21 pm, Sep 19, 2022

A254/22



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	X	X		General Comments
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			Recommend Approval/no conditions
Building Standards (Zoning)	X			General Comments

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: October 13, 2022

Name of Owners: Vincenzo & Carmella Porcelli

Location: 81 Cherokee Drive

File No.(s): A254/22

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

1. To permit a rear yard setback of 2.13m for the residential accessory structure.

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

1. The minimum rear yard setback for the residential accessory structure is 9.0m.

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

2. To permit a rear yard setback of 2.13m for the accessory structure.

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

2. The minimum rear yard setback for the accessory structure is 9.0m.

Official Plan:

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

Comments:

The Owners are requesting permission to construct a shed in the rear yard with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 2, as the reduction to the rear yard setback for the shed will not pose a significant visual impact to nor impact the function of the abutting uses. The rear yard setback of 2.13 m also maintains an appropriate area for access, drainage, and vegetated amenity space, and will not impact the abutting properties.

York Region, which has jurisdiction over abutting Major Mackenzie Drive West, has also provided comments stating they have no objection to the above noted variances.

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:

Michelle Perrone, Planner 1
David Harding, Senior Planner

To: Committee of Adjustment
From: Bernd Paessler, Building Standards Department
Date: September 22, 2022
Applicant: Vincenzo & Carmella Porcelli
Location: PLAN 65M2923 Lot 88 municipally known as 81 Cherokee Drive
File No.(s): A254/22

Zoning Classification:

The subject lands are zoned R2(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.400 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum rear yard setback for the residential accessory structure is 9.0m. Exception 14(400) T-036	To permit a rear yard setback of 2.13m for the residential accessory structure.

The subject lands are zoned R2 –Residential zone and subject to the provisions of Exception 9(659) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	The minimum rear yard setback for the accessory structure is 9.0m. Exception 9(659) T-036	To permit a rear yard setback of 2.13m for the accessory structure.

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. 22-117220 for Shed/Gazebo - New, 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.

Date: September 22nd , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A254-22**

Related Files:

Applicant Vince Porcelli

Location 81 Cherokee 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: A254/22 (81 CHEROKEE DRIVE) - REQUEST FOR COMMENTS

From: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>

Sent: September-15-22 11:09 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Cc: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>

Subject: [External] RE: A254/22 (81 CHEROKEE DRIVE) - REQUEST FOR COMMENTS

Hello Pravina,

81 Cherokee Drive is outside of MTO permit control area and does not require MTO permits or review.

Cameron Blaney | Corridor Management Planner | Simcoe & York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7th Floor, Building D | Downsview, Ontario | M3M 0B7

416-358-7871

Cameron.Blaney@ontario.ca

Pravina Attwala

Subject: FW: [External] FW: A254/22 (81 CHEROKEE DRIVE) - REQUEST FOR COMMENTS

From: Catherwood, Trevor <Trevor.Catherwood@york.ca>
Sent: October-12-22 11:13 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>; Committee of Adjustment <CofA@vaughan.ca>; vince.porcelli@everlastproducts.ca; Mark Antoine <Mark.Antoine@vaughan.ca>; Mary Caputo <Mary.Caputo@vaughan.ca>; Michelle Perrone <Michelle.Perrone@vaughan.ca>
Cc: Rajevan, Niranjana <Niranjana.Rajevan@york.ca>; Whitney, Karen <Karen.Whitney@york.ca>
Subject: [External] FW: A254/22 (81 CHEROKEE DRIVE) - REQUEST FOR COMMENTS

Hello Pravina,

The Region withdraws the email below objecting this variance application. We have no objections or comments to provide.

Please accept this email as the Region’s sign off for this Variance application.

There is no longer a need to meet tomorrow to discuss.

Thank you

Our working hours may be different. Please don’t feel obligated to reply outside of your scheduled working hours. Let’s work together to help foster healthy work life boundaries.

Trevor Catherwood, C.E.T. | Program Manager, Development Engineering, Community Planning & Development Services Division

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 905-830-4444 ext. 75753; **C:** 905-955-2637 | trevor.catherwood@york.ca | www.york.ca

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

From: Development Services
Sent: Wednesday, September 28, 2022 5:18 PM
To: 'Pravina Attwala' <Pravina.Attwala@vaughan.ca>; Committee of Adjustment <cofa@vaughan.ca>
Subject: RE: A254/22 (81 CHEROKEE DRIVE) - REQUEST FOR COMMENTS

Hi Pravina,

The Regional Municipality of York has completed its review of the above minor variance (A254/22 – 81 Cherokee Drive) and provides the following:

The proposed variance is not acceptable to York Region. The Region's Official Plan requires a 45m right of way for this section of Major Mackenzie. Furthermore, the Region is protecting 22.5m from the centreline of construction of Major Mackenzie. Offsets and setback shall be measured from 22.5m from the centreline of Major Mackenzie; not the existing property line.

Thank you,
Niranjana

Niranjana Rajevan, M.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 ext. 71521 | niranjana.rajevana@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



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

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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