

ITEM #: 6.5	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A170/22 48 Rolling Green Court, Kleinburg
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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 <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	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA <i>*Schedule B</i>	X			No Comments Recieved to Date
Ministry of Transportation (MTO) <i>*Schedule B</i>	X			No Comments Recieved to Date
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X			No Comments Recieved to Date
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		
<i>*Please see Schedule D for a copy of the Decisions listed below</i>		
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.	
09/22/2022	To accommodate statutory public notice.



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A170/22
48 Rolling Green Court, Kleinburg**

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

ITEM NUMBER: 6.5	CITY WARD #: 1
APPLICANT:	Hong Anh Pham
AGENT:	None
PROPERTY:	48 Rolling Green Court, Kleinburg
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 an increased driveway/curb width and front yard landscaping.

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

The subject lands are zoned R1 – First Density Residential Zone and subject to the provisions of Exception 14.953 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum 50% of the front yard landscaping is required. [4.19.1]	To permit a minimum front yard landscaping of 45.1%.

The subject lands are zoned RD1 –Residential Detached Zone One and subject to the provisions of Exception 9(1316) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	The maximum width of a driveway at the street curb shall be 6.0 meters. [4.1.4.f]	To permit a maximum driveway width of 9.0 meters at the street curb.
3	The maximum width of a driveway at the curb cut shall be 6.0 meters. [4.1.4.f]	To permit a maximum driveway width of 9.0 meters at the curb cut.
4	A minimum 50% of the front yard landscaping is required. [4.1.4.f]	To permit a minimum front yard landscaping of 45.1%

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

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

INTRODUCTION
<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 11, 2022
Applicant Justification for Variances: *As provided by Applicant in Application Form	3 car garage, but driveway opening is within the 6m allowance would like to cut the curb so the driveway opening is 9m to accommodate the 3 car garage.
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	<p>On October 6, 2022, Planning Staff advised:</p> <p><i>Thank you for working on the provided updated Site Plan. Upon review, we did notice one more thing that needs to be added. Please revise the Site Plan to show the extent of the hardscaped walkway that leads to the porch/front door. Currently you have the area east of the driveway highlighted in green so please just show what is grass/soft landscaping and what is paved walkway.</i></p> <p>The applicant provided a revised submission on October 6, 2022 and submitted a Zoning Review Waiver confirming variance #1 and #4 pertaining to front yard landscaping.</p> <p>On October 19, 2022, Zoning staff advised the comments provided on September 13, 2022 are an accurate reflection of the variances.</p>
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *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
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:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS
**See Schedule B for Building Standards (Zoning) Comments

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 shall apply and obtain the necessary curb cut/ reinstating permit through the Transportation and Fleet Management Services. Please visit the curb cut permits page at City of Vaughan website to learn how to apply for the curb cut/ reinstating permit.	
The Development Engineering (DE) Department does not object to variance application A170/22 subject to the following condition(s):	
Development Engineering Recommended Conditions of Approval:	Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry has no comment	
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 comments received to date.	
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

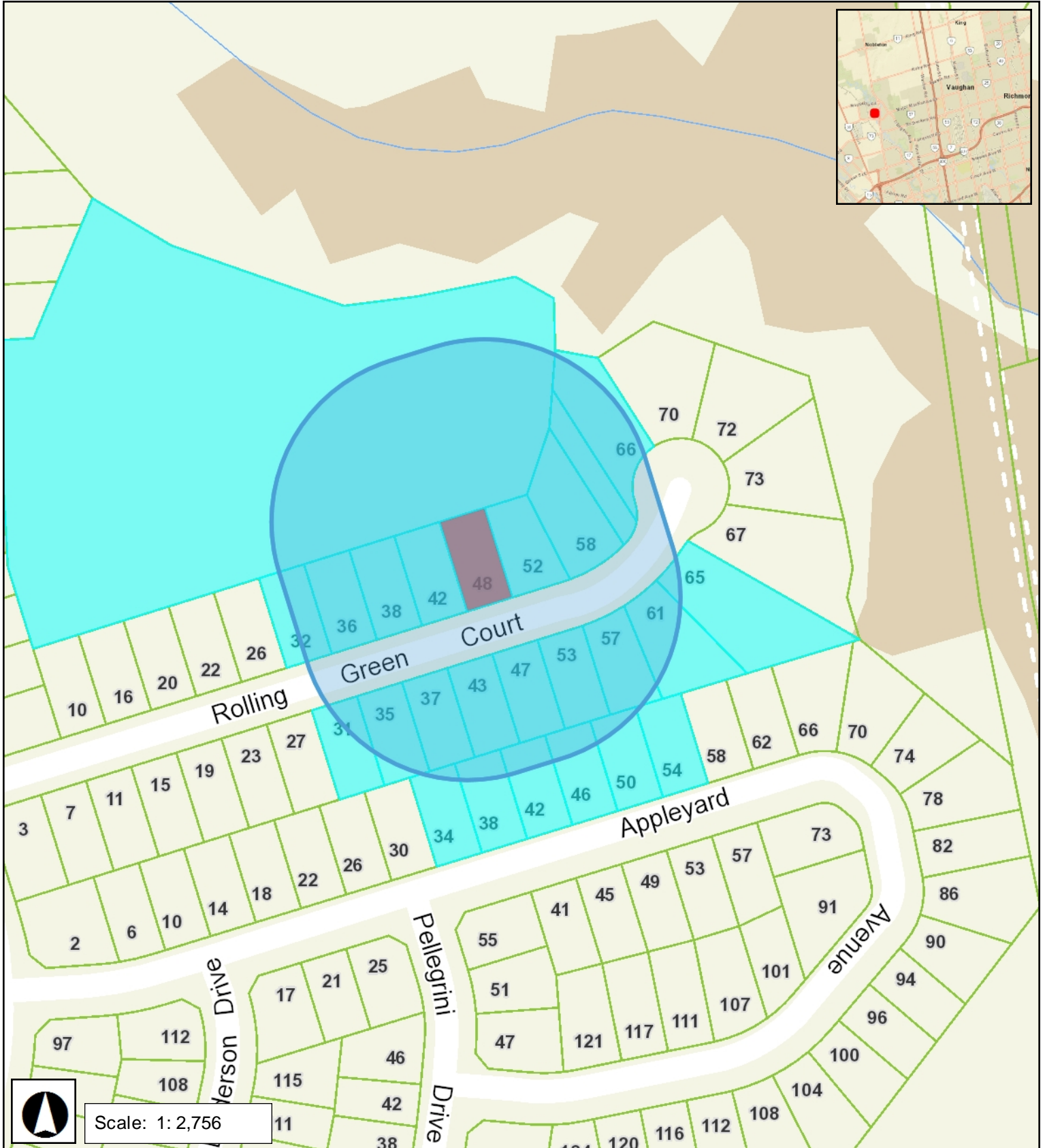
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

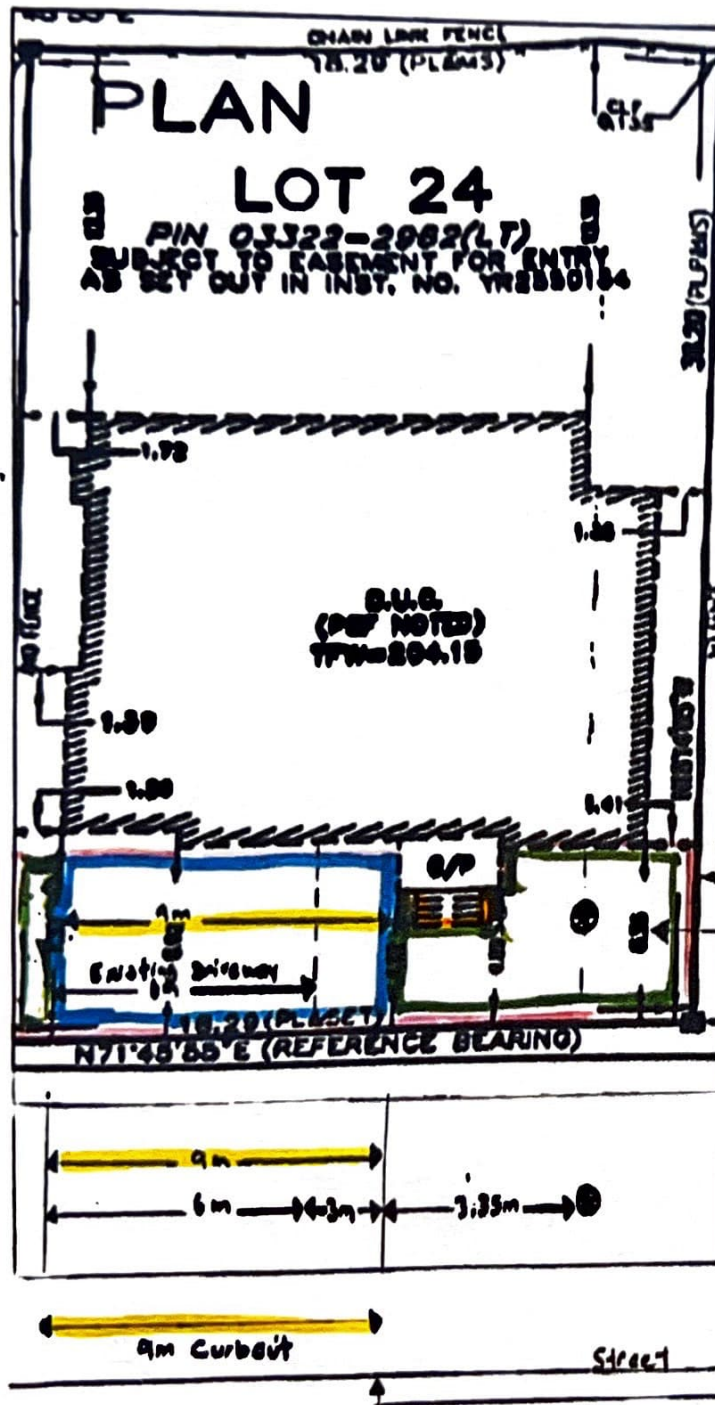
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department 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 ian.reynolds@vaughan.ca	Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

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 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

48 Rolling Green Court, Kleinburg





Total Yard = 135 m²

Hardscaping = 3.3 m²

Driveway = 74 m²

Soft Landscaping = 57.7 m²

Total Proposed Landscaping = 45.1 %

Zoning By-law 01-2021
Variance Requested

#1 To permit a
minimum front yard
landscaping of 45.1 %.

Zoning By-law 1-88
Variance Requested

#2 To permit a
maximum driveway
width of 9.0 meters at
the street curb.

#3 To permit a
maximum driveway
width of 9.0 meters at
the curb cut.

#4 To permit a
minimum front yard
landscaping of 45.1 %.

45.1 %

#1, #4

Tree

Sidewalk

9.0m

#2, #3

SCHEDULE B: STAFF & AGENCY COMMENTS				
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X			No Comments Recieved to Date
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval no conditions
Building Standards	X	X		General Comments.

Adriana Bozzo

Subject: FW: [External] RE: A170/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (48 Rolling Green, Vaughan)

From: Development Services <developmentservices@york.ca>

Sent: August-26-22 4:33 PM

To: Adriana Bozzo <Adriana.Bozzo@vaughan.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A170/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (48 Rolling Green, Vaughan)

Hello Adriana,

The Regional Municipality of York has completed its review of minor variance A170/22 (48 Rolling Green) and has no comment.

Many thanks,
Niranjan

Niranjan 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 | niranjan.rajevan@york.ca | www.york.ca

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Please consider the environment before printing this email.

To: Committee of Adjustment
From: Faegheh Gholami, Building Standards Department
Date: September 13, 2022
Applicant: HONG ANH PHAM
Location: PLAN 65M4508 Lot 24 municipally known as 48 Rolling Green
File No.(s): A170/22

Zoning Classification:

The subject lands are zoned R1 – First Density Residential Zone and subject to the provisions of Exception 14.953 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum 50% of the front yard landscaping is required. [4.19.1]	To permit a minimum front yard landscaping of 45.1%.

The subject lands are zoned RD1 –Residential Detached Zone One and subject to the provisions of Exception 9(1316) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
2	The maximum width of a driveway at the street curb shall be 6.0 meters. [4.1.4.f]	To permit a maximum driveway width of 9.0 meters at the street curb.
3	The maximum width of a driveway at the curb cut shall be 6.0 meters. [4.1.4.f]	To permit a maximum driveway width of 9.0 meters at the curb cut.
4	A minimum 50% of the front yard landscaping is required. [4.1.4.f]	To permit a minimum front yard landscaping of 45.1%.

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

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

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.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: October 18, 2022

Name of Owner: Hong Anh Pham

Location: 48 Rolling Green Court

File No.(s): A170/22

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

1. To permit a minimum front yard landscaping of 45.1%.

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

1. A minimum 50% of the front yard landscaping is required.

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

2. To permit a maximum driveway width of 9.0 m at the street curb.
3. To permit a maximum driveway width of 9.0 m at the curb cut.
4. To permit a minimum front yard landscaping of 45.1%.

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

2. The maximum width of a driveway at the street curb shall be 6.0 m.
3. The maximum width of a driveway at the curb cut shall be 6.0 m.
4. A minimum 50% of the front yard landscaping is required.

Official Plan:

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

Comments:

The Owner is requesting relief to permit a driveway widening to match the existing three-car garage with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 4 for the reduction in front yard landscaping, as the reduction is minor in nature and will not cause adverse impacts to the existing streetscape. The subject property also meets the requirement for 60% of the required front yard landscaping, before the proposed reduction, to be soft landscaping.

The Development Planning Department has no objection to Variances 2 and 3 for the driveway width at the curb as the proposal will align with the width of the existing three-car garage and it complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

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

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE
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None