

File: A182/19

Applicant: Mimi Khuu

Address: 1 Edison Pl Maple

Agent: None

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, May 28, 2020



Minor Variance
Application

A182/19

Agenda Item: 11

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday, May 28, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please see Important Information on next page for instructions or contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon on the last business day before the meeting.

Applicant:

Mimi Khuu

Agent:

None

Property:

1 Edison Pl Maple

Zoning:

The subject lands are zoned RD3 and subject to the provisions of Exception 9(1234) under By-law 1-88 as amended.

OP Designation:

Vaughan Official Plan 2010: "Low-Rise Residential"

Related Files:

None

Purpose:

Relief from the by-law is being requested to permit the existing deck and circular staircase located in the rear yard.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. The by-law requires that the minimum side yard setback is 1.2m. [4.22.3, Schedule A3]	1. The side yard setback of the proposed staircase is 0.87 metres.
2. The by-law requires that the minimum rear yard setback is 7.5m. [4.22.3, Schedule A3]	2. The rear yard setback of the proposed deck is 3.78 metres.

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon**. on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:
Public notice was mailed on May 13, 2020

Applicant confirmed posting of signage May 11, 2020.

Property Information	
Existing Structures	Year Constructed
Dwelling	2012
Deck & Staircase	2019

Applicant has advised that they cannot comply with By-law for the following reason(s): This is already constructed, and my 95 year old father is enjoying it. Please understand as he can't go outside anywhere to enjoy his life except this deck area for fresh air.

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: Order No. 19-000101, Order to Comply for Construction of a wood deck located in rear yard has been undertaken prior to obtaining the required building permit., Issue Date: Jul 10, 2019.

Building Permit No. 19-001826 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

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

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Official Plan: Vaughan Official Plan 2010: "Low-Rise Residential"

The Owner is proposing to maintain a rear deck with the above-noted variances. The Subject Lands have a rear walkout condition and the Owner is proposing to maintain alternations that were made to the builders' deck. A side yard setback of 0.87 metre to a staircase where 1.2 metre is required (Variance #1) is considered minor in nature. The Owner is also proposing a rear yard setback of 3.78 metres where 7.5 metre is required (Variance #2). The proposal to maintain the deck is considered minor as the rear yard continues to provide ample amenity space. Moreover, the deck does not extend the entire length of the house as it has a width of 3.56 metres. The proposal is considered minor in nature and meets the intent of the by-law.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the Minor Variance Application.

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A182/19.

Parks, Forestry and Horticulture Operations:
No comment no concerns

By-Law and Compliance, Licensing and Permit Services:
No comment no concerns.

Financial Planning and Development Finance:
No comment no concerns

Fire Department:
No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Letter of Support – Kim Kieu Huynh & Hum Pham, 11 Edison Place
Letter of Support – Thanh Giang Nguyen & Tin Long Tran

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers 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.

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 are recommended: N/A

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

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. 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.

Notice to the Applicant – 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 to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting at vaughan.ca/LiveCouncil. To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

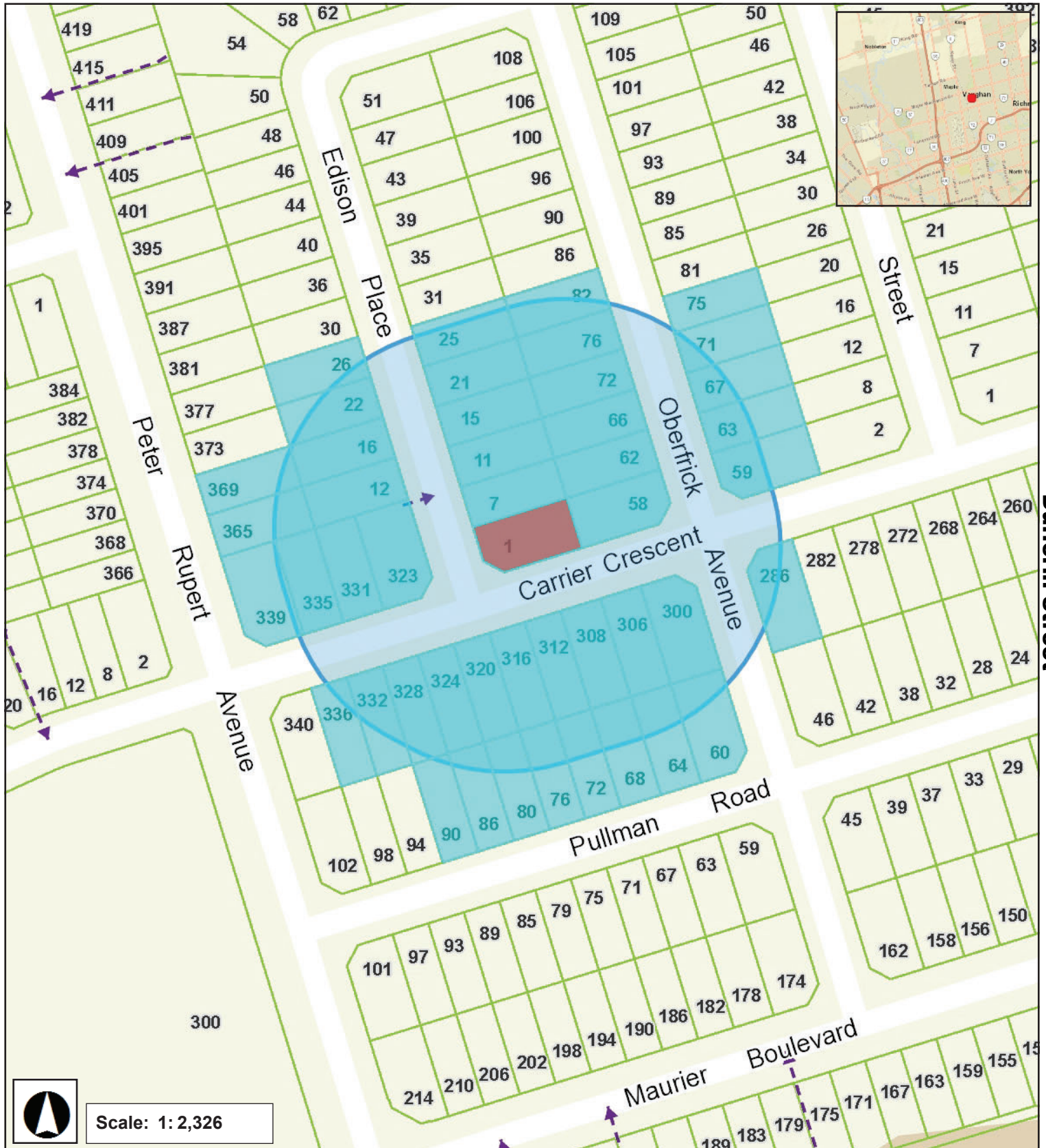
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Sketches

1 EDISON PLACE, MAPLE

Major Mackenzie Drive

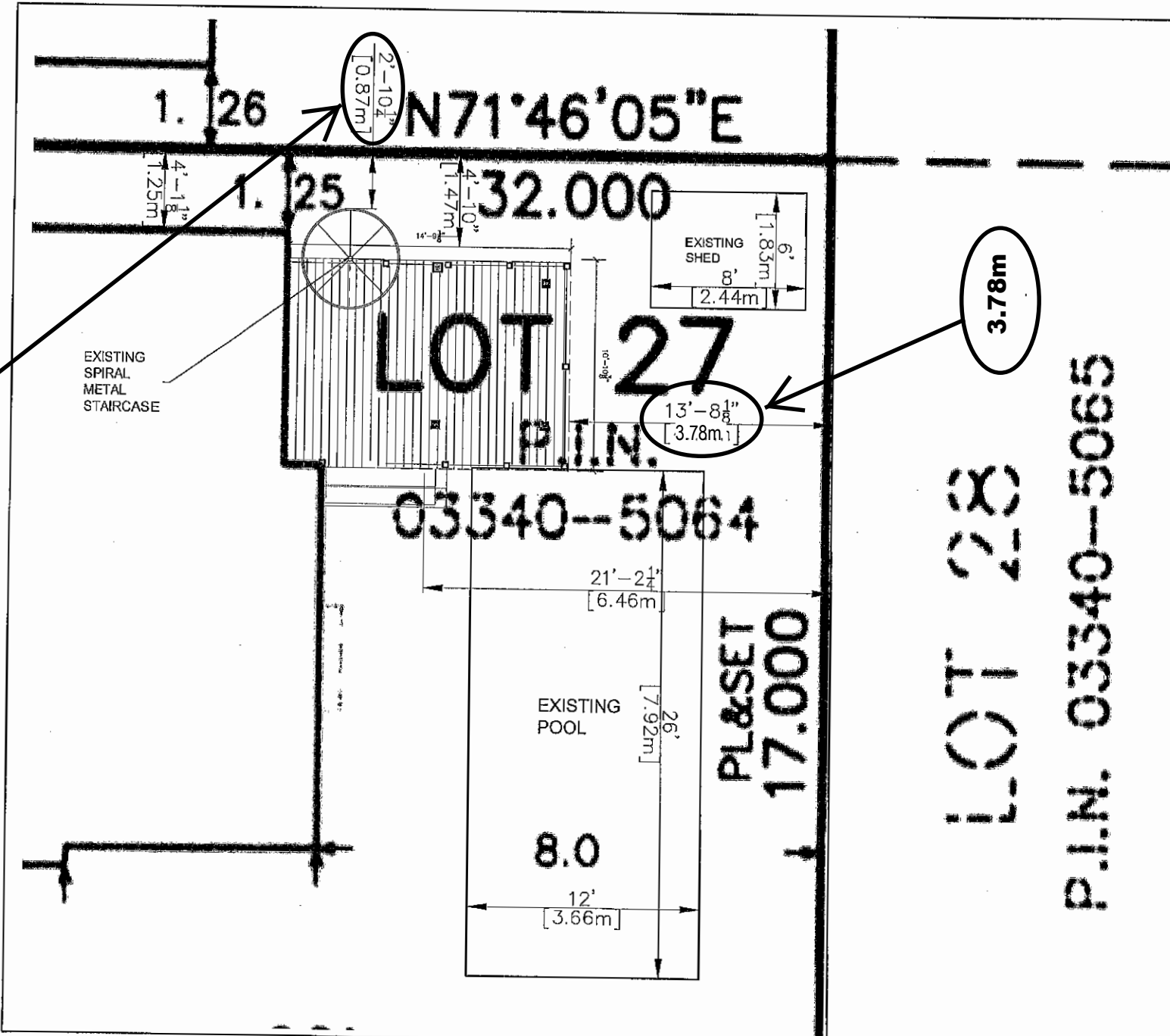


Rutherford Road

January 31, 2020 11:26 AM

RECEIVED
January 17, 2020
Committee of Adjustment

A182/19



GENERAL NOTES
ALL CONSTRUCTION TO BE CARRIED OUT
IN CONFORMANCE WITH THE ONTARIO
BUILDING CODE O. REG. NORMS AND ALL
OTHER APPLICABLE CODES AND
REQUIREMENTS OF AUTHORITIES HAVING
JURISDICTION.

THE CONTRACTOR SHALL COMPLY
WITH ALL LOCAL BUILDING CODES,
AMENDMENTS AND THE MUNICIPAL
BUILDING DEPARTMENT AND WILL
ENSURE THAT ALL APPLICATIONS,
WORK PERMITS, APPROVALS AND
WORK ORDERS ARE COMPLETED
AND OBTAINED.
THE CONTRACTOR SHALL BE
FAMILIAR WITH ALL SITE CONDITIONS
AND SHALL VERIFY ALL RELEVANT
STRUCTURE DIMENSIONS AND
ELEVATIONS AS SHOWN ON THE
DRAWING(S) PRIOR TO ANY WORK
AND ADJUST AS REQUIRED TO
MATCH EXISTING STRUCTURE
DIMENSIONS.
THE DESIGN AND CONTRACT
DOCUMENTS ARE THE COPYRIGHT
PROPERTY OF THE OWNER AND
MAY NOT BE REPRODUCED,
ALTERED OR REUSED WITHOUT THE
PRIOR WRITTEN AUTHORITY OF THE
OWNER.

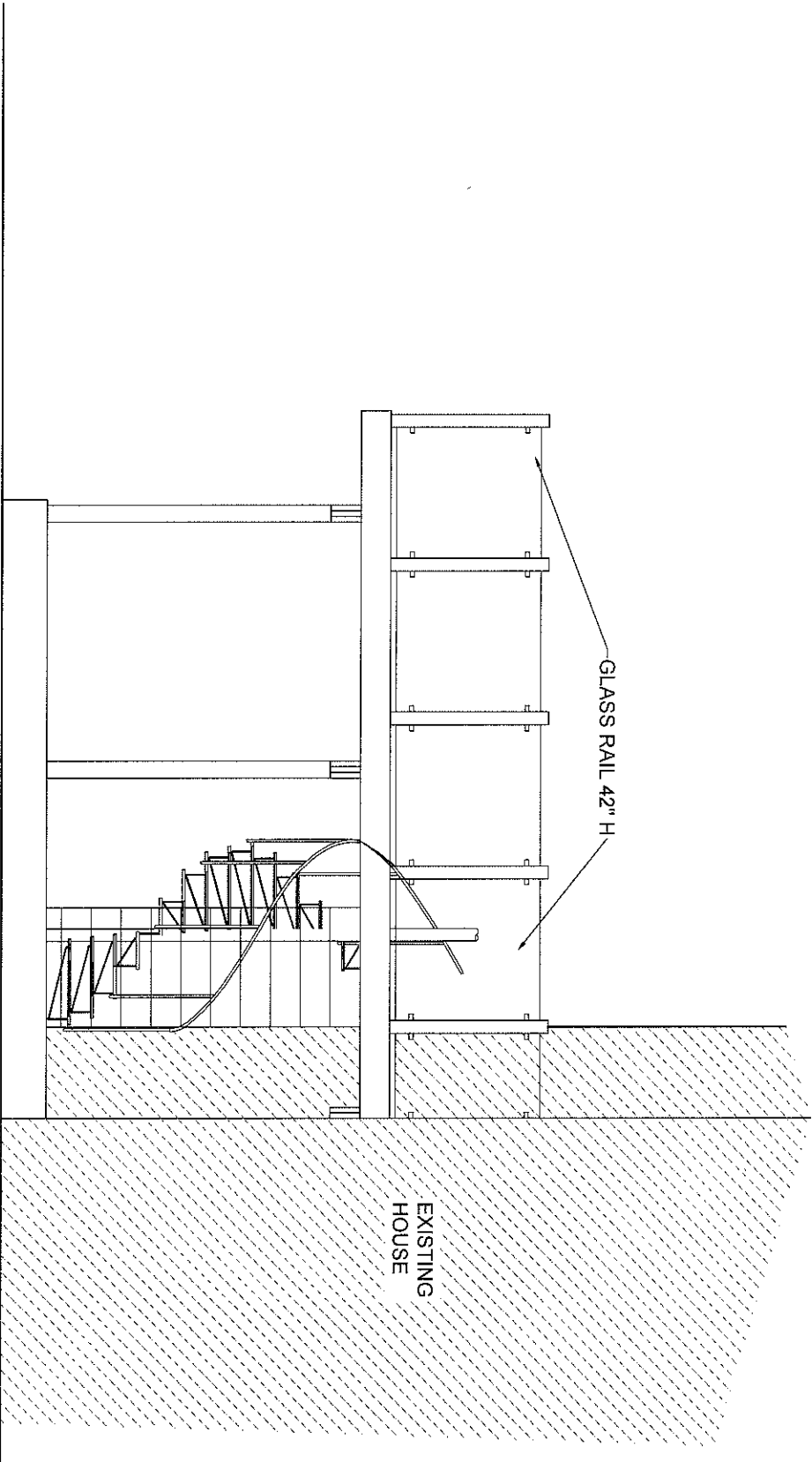
No. Revision Date
Contractor must check all dimensions. Do not under drawings



1 Edison Pl.
Vaughan

Site Plan
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Date: Sep. 2019
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GENERAL NOTES
ALL CONSTRUCTION TO BE CARRIED OUT
IN ACCORDANCE WITH THE ONTARIO
BUILDING CODE O. REG. 33006 AND ALL
OTHER APPLICABLE CODES AND
REQUIREMENTS OF AUTHORITY'S HAVING
JURISDICTION.

THE CONTRACTOR SHALL COMPLY
WITH ALL LOCAL BUILDING CODES,
AMENDMENTS AND THE MUNICIPAL
BUILDING DEPARTMENT AND WILL
ENSURE THAT ALL APPLICATIONS,
WORK PERMITS, APPROVALS AND
WORK ORDERS ARE COMPLETED
AND OBTAINED.
THE CONTRACTOR SHALL BE
RESPONSIBLE FOR OBTAINING ALL
NECESSARY PERMITS AND
STRUCTURE DIMENSIONS AND
ELEVATIONS AS SHOWN ON THE
DRAWING(S) PRIOR TO ANY WORK
AND ADJUST AS REQUIRED TO
MATCH EXISTING STRUCTURE.
THE DESIGN AND CONTRACT
DOCUMENTS SHALL BE THE SOLE
PROPERTY OF THE OWNER AND
MAY NOT BE REPRODUCED,
ALTERED OR REUSED WITHOUT THE
PRIOR WRITTEN AUTHORITY OF THE
OWNER.

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1 Edison Pl.
Vaughan

Side Elevation

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Date: Sep 2019

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By: A-4

A-4

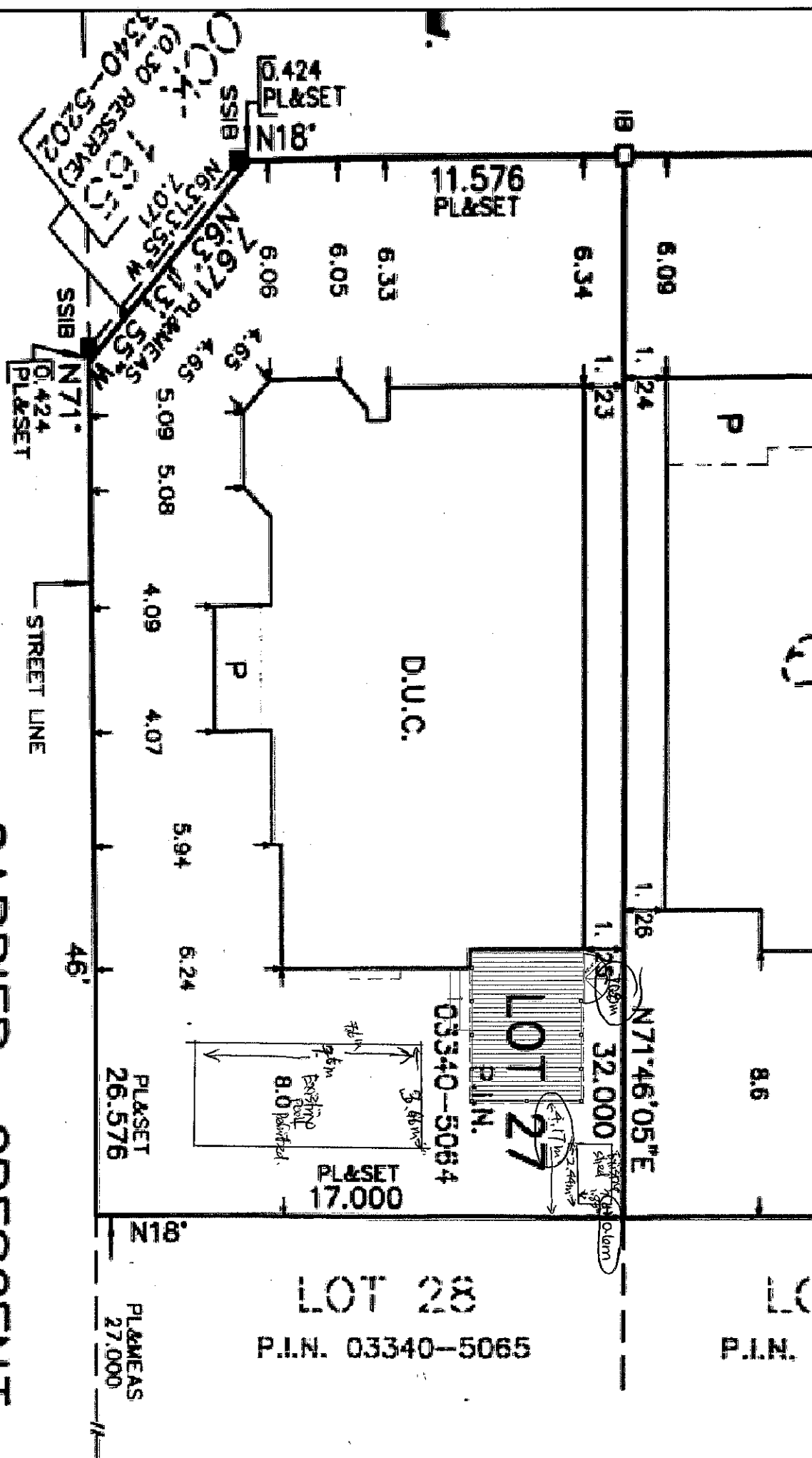
Site Plan

1 Edison Pl.

[illegible]

THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL BUILDING CODES, AMENDMENTS AND THE MUNICIPAL BUILDINGS DEPARTMENT AND WILL ENSURE THAT ALL APPLICATIONS, PERMITS, APPROVALS AND WORK ORDERS ARE COMPLETED AND OBTAINED. THE CONTRACTOR SHALL BE FAMILIAR WITH ALL SITE CONDITIONS AND SHALL VERIFY ALL RELEVANT STRUCTURE DIMENSIONS AND ELEVATIONS AS SHOWN ON THE DRAWINGS) PRIOR TO ANY WORK AND ADJUST AS REQUIRED TO MATCH EXISTING STRUCTURE DIMENSIONS. THE DESIGN AND CONTRACT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE OWNER AND NOT BE LOANED, REPRODUCED, ALTERED OR REUSED WITHOUT THE PRIOR WRITTEN AUTHORITY OF THE OWNER.

GENERAL NOTES
ALL CONSTRUCTION TO BE CARRIED OUT
IN CONFORMANCE WITH THE ONTARIO
BUILDING CODE O. REG. 350/06 AND ALL
OTHER APPLICABLE CODES AND
REQUIREMENTS OF AUTHORITIES HAVING
JURISDICTION.

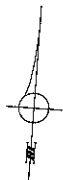


CARRIER CRESCENT
(BY PLAN 65M-4253)

PIN: 06540-15254

THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL BUILDING CODES, ORDINANCES, AND THE MUNICIPAL ENGINEERING DEPARTMENT AND WILL ENSURE THAT ALL APPLICATIONS, WORK PERMITS, APPROVALS, AND WORK ORDERS ARE COMPLETED AND OBTAINED. THE CONTRACTOR SHALL BE FAMILIAR WITH ALL SITE CONDITIONS AND SHALL VERIFY ALL SITE RELEVANT STRUCTURE DIMENSIONS AND ELEVATIONS AS SHOWN ON THE DRAWINGS) PRIOR TO ANY WORK AND ADJUST AS REQUIRED TO MATCH EXISTING STRUCTURE DIMENSIONS.

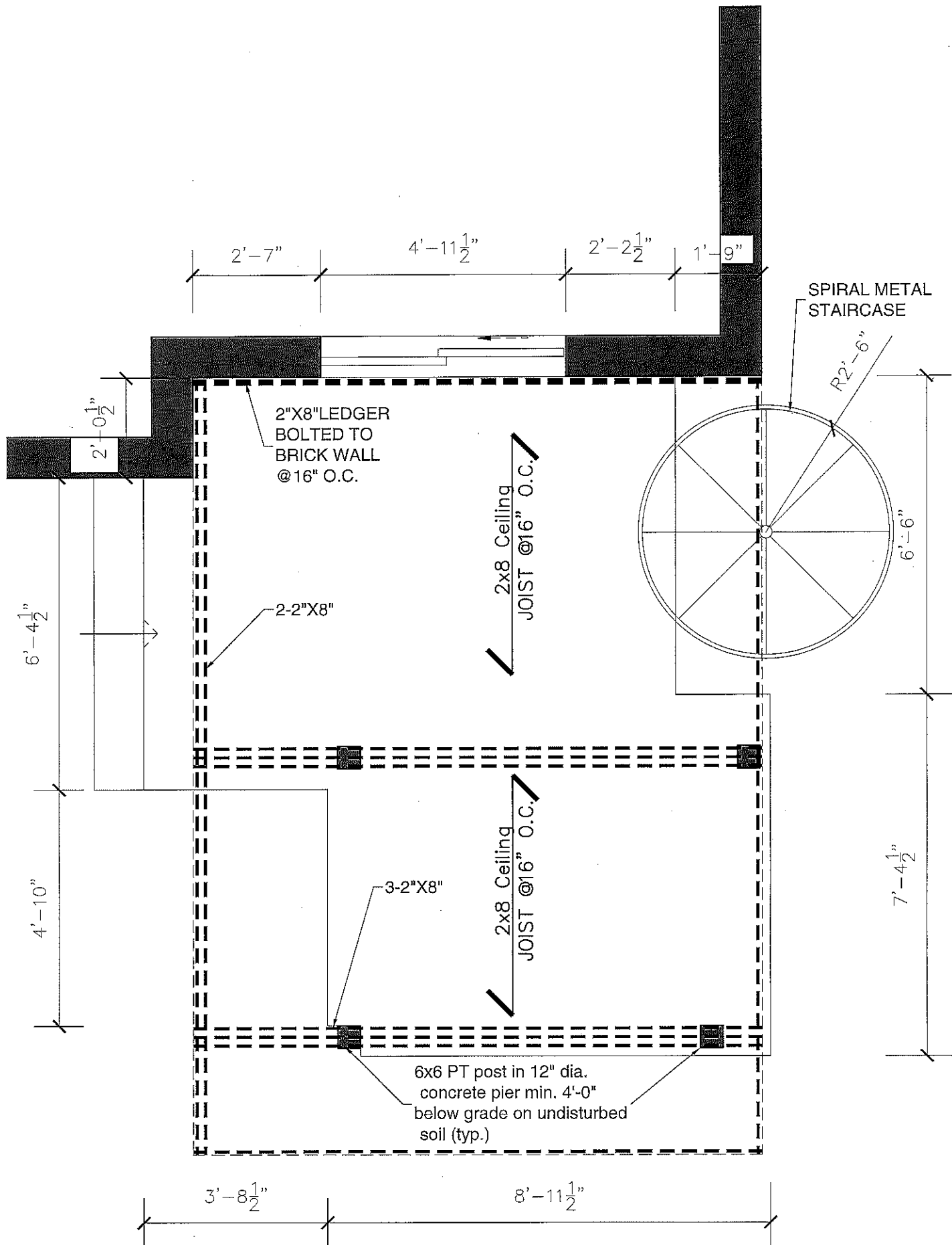
THE DESIGN AND CONTRACT DOCUMENTS AND THE PRELIMINARY PERMITS AND PLANS MAY NOT BE REPRODUCED OR ALTERED OR REUSED WITHOUT THE WRITTEN AUTHORITY OF THE OWNER.

[illegible]

1 Edison Pl.
~~Richmond Hill - Valet~~

Existing Porch
F.F. Plan

Date: Sep. 2019
 Time: 1/2 hr
 Page: 1 of 1



GENERAL NOTES
ALL CONSTRUCTION TO BE CARRIED OUT
IN CONFORMANCE WITH THE ONTARIO
BUILDING CODE O. REG. 350/06 AND ALL
OTHER APPLICABLE CODES AND
REQUIREMENTS OF AUTHORITIES HAVING
JURISDICTION.

THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL BUILDING CODES, ORDINANCES, REGULATIONS, AMENDMENTS AND THE MUNICIPAL BUILDING DEPARTMENT AND WILL ENSURE THAT ALL APPLICATIONS, PERMITS, APPROVALS AND WORK ORDERS ARE COMPLETED AND OBTAINED.

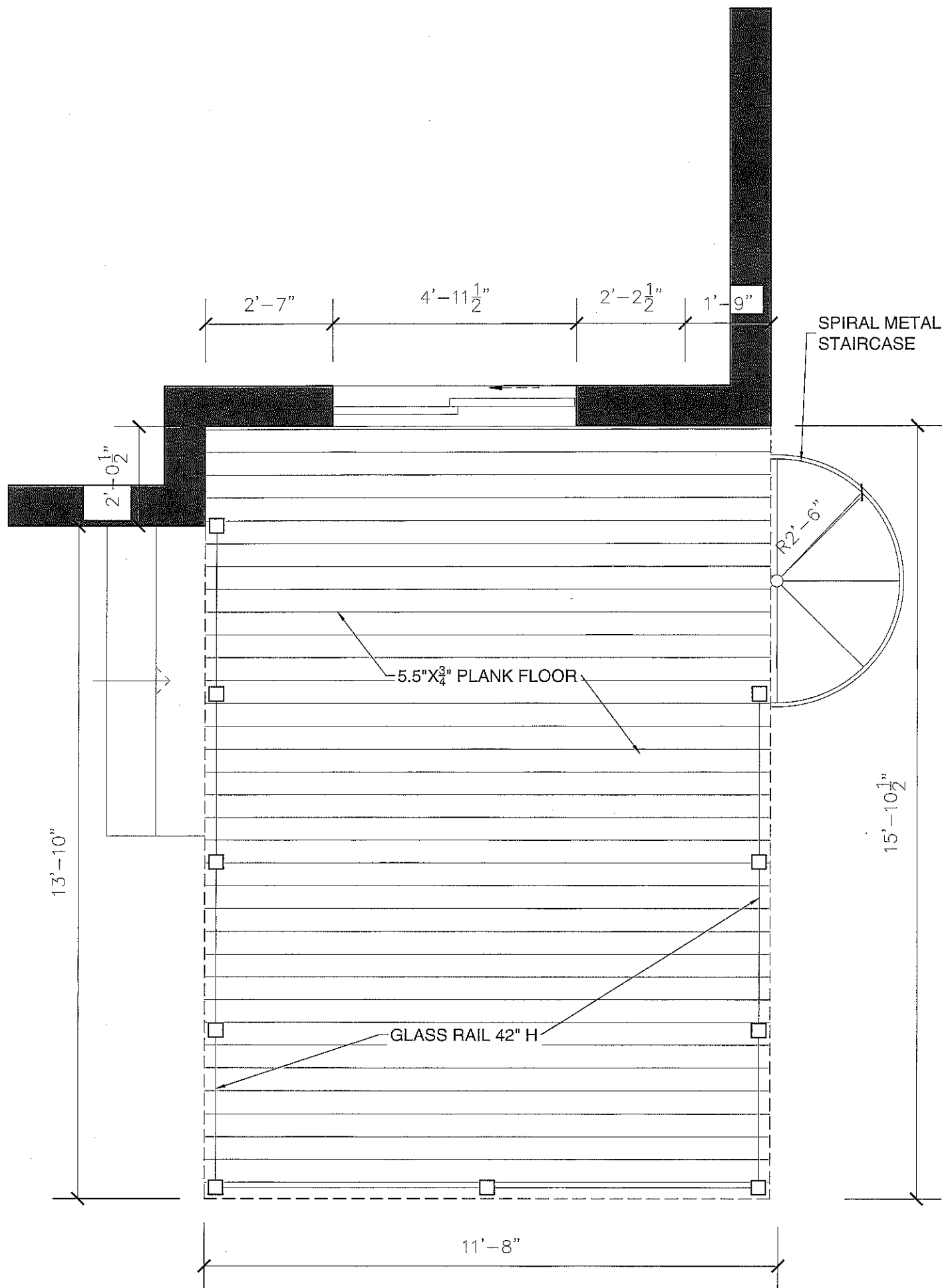
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL VERIFY ALL RELEVANT REGULATIONS, ORDINANCES, ELEVATIONS AS SHOWN ON THE DRAWINGS(S) PRIOR TO ANY WORK AND ADJUST AS REQUIRED TO MATCH EXISTING STRUCTURE DIMENSIONS.

THE DESIGN AND CONTRACT DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE OWNER AND WILL BE RETURNED TO THE OWNER UPON COMPLETION OF THE PROJECT. NO REUSE WITHOUT THE OWNER'S WRITTEN AUTHORITY OF THE PROJECT.

[illegible]1 Edison Pl.
~~Richardson Hill~~

Existing Porch
S.F. Plan

Date: Sep. 2019
 Scale: 1/2"=1'
 Drawn:
 Checked:
 Job:



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

Letter of Support – Kim Kieu Huynh & Hum Pham, 11 Edison Place
Letter of Support – Thanh Giang Nguyen & Tin Long Tran

Dear Sir/Madam;

My family live here for over 6 years and we noticed that our neighbour had built a small size deck and looks very simple and beautiful.

We understand that they need to get minor adjustment as the deck is a bit close to their fence but still good space in between the 2 neighbours, which I saw they are talking very often so no objection of the new deck and their staircase at all.

Both my wife and I support our neighbour at the corner house to keep their exterior construction as is.

Please do not hesitate to contact us if you have any issues.

Cheers,

Nov 13th, 2019

11 Edision Place, Maple, ON L6A 4N8

A handwritten signature in black ink, appearing to read 'Kim Kieu Huynh', with a long horizontal line extending from the end of the signature.

Kim Kieu Huynh & Hung Pham

November 12th, 2019

The purpose of this communication is to help your decision to approve the minor variance and to support my neighbour across our home.

My family strongly feel that their deck and the stairs have added the characteristic of this prestigious neighbourhood. She used the best materials and the size is not as big as other nearby neighbour's deck but we really enjoy the summer time together on her beautiful deck.

Her Father is over 95 and it's a must for them to maintain this deck as is for his mental and physical well being - get some sun from the deck walk out from their kitchen patio door.

Hope the process goes well for her and her family.

Sincerely Yours,



Thanh Giang Nguyen. Tin Long Tran

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D’Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A182/19 - REQUEST FOR COMMENTS

From: Development Services <developmentservices@york.ca>
Sent: January-23-20 3:49 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: RE: A182/19 - REQUEST FOR COMMENTS

Hi Pravina,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Should you have any questions or concerns, please contact Sadaf Shahid, Assistant Planner at ext. 73012 or by email at sadaf.shahid@york.ca.

Best,

Sadaf Shahid | Planning Assistant
Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 77807 | sadaf.shahid@york.ca | www.york.ca

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

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