

File: A161/19

Applicant: Rudolf & Rachilya Nudel

Address: 91 Vaughan Blvd Thornhill

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)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
By-law & Compliance		
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)		

Adjournment History: N/A

Background History: N/A

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



Minor Variance
Application

Agenda Item: 7

A161/19

Ward: 5

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:** Rudolf & Rachilya Nudel
- Agent:** None
- Property:** 91 Vaughan Blvd Thornhill
- Zoning:** The subject lands are zoned R4 9(641) and subject to the provisions of Exception 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 construction of a proposed cabana to be 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 maximum lot coverage of 30% is permitted.	1. To permit a maximum lot coverage of 34.8%. (32.4% dwelling; 2.4% cabana)
2. The maximum floor area permitted for an accessory building is 8.0 square metres.	2. To permit a maximum floor area of an accessory building (Cabana) of 15.3 square metres.
3. The maximum height permitted for any accessory building or structure shall be 4.5 metres measured from the highest point.	3. To permit the maximum height of an accessory building (Cabana) of 4.77 metres.
4. The nearest part of the roof shall not be more than 3.0 metres above finished grade.	4. To permit the nearest part of the roof of an accessory building (Cabana) above finished grade of 3.04 metres.
5. A minimum Rear Yard Setback of 5.7 metres is required.	5. To permit a Rear Yard Setback of 1.6 metres to an accessory building (Cabana).
6. A minimum Interior Side Yard Setback of 0.8 metres is required.	6. To permit a Interior Side Yard Setback of 0.6 metres to an accessory building (Cabana).

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, "A161/17".

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 has confirmed posting of signage May 11, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1999 (Purchased 2016)

Applicant has advised that they cannot comply with By-law for the following reason(s): Proposed size of structure encroaches on rear and side yard setbacks.

Adjournment Request: N/A

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file

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

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

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

The Owner is proposing to construct an accessory building (cabana) in the rear yard with the above noted variances.

The Owner is proposing a maximum lot coverage 34.8% (existing house 32.4%, cabana 2.4%) where 30% is required (Variance 1). The cabana has a proposed covered area of 15.3 m2 (Variance 2) of which the enclosed gross floor area is 7.2 m2 and the remaining is open and unenclosed. Variance 1 and 2 will not have adverse impacts to the streetscape or adjacent properties. The proposed maximum height is considered minor in nature as the cabana is 0.27 m above the requirement (Variance #3 and #4).

The proposed rear yard setback of 1.6 m and interior side yard setback of 0.6 m to the cabana is considered minor and allows for proper drainage (Variances 5 and 6). The Development Engineering Department has reviewed the application and has no objection to the proposed variances.

The Owner submitted an Arborist Report prepared by Green – WHY Landscape Inc Tree Service amended February 12, 2020. The Urban Design and Cultural Heritage Division of the Development Planning Department and Parks, Forestry and Horticulture Operations has reviewed the submitted report and is satisfied.

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 A161/19.

Parks, Forestry and Horticulture Operations:
Recommended condition of approval:

Applicant shall apply for Private Property Tree Removal & Protection Permit.

By-Law and Compliance, Licensing and Permit Services:
No Comment.

Financial Planning and Development Finance:
No comment no concerns

Fire Department:
No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
None

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 have been recommended:

	Department/Agency	Condition
1.	Parks, Forestry & Horticultural Operations Andrew Swedlo 905-832-8585 x 3615 Andrew.swedlo@vaughan.ca	Applicant shall apply for Private Property Tree Removal & Protection Permit.

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.

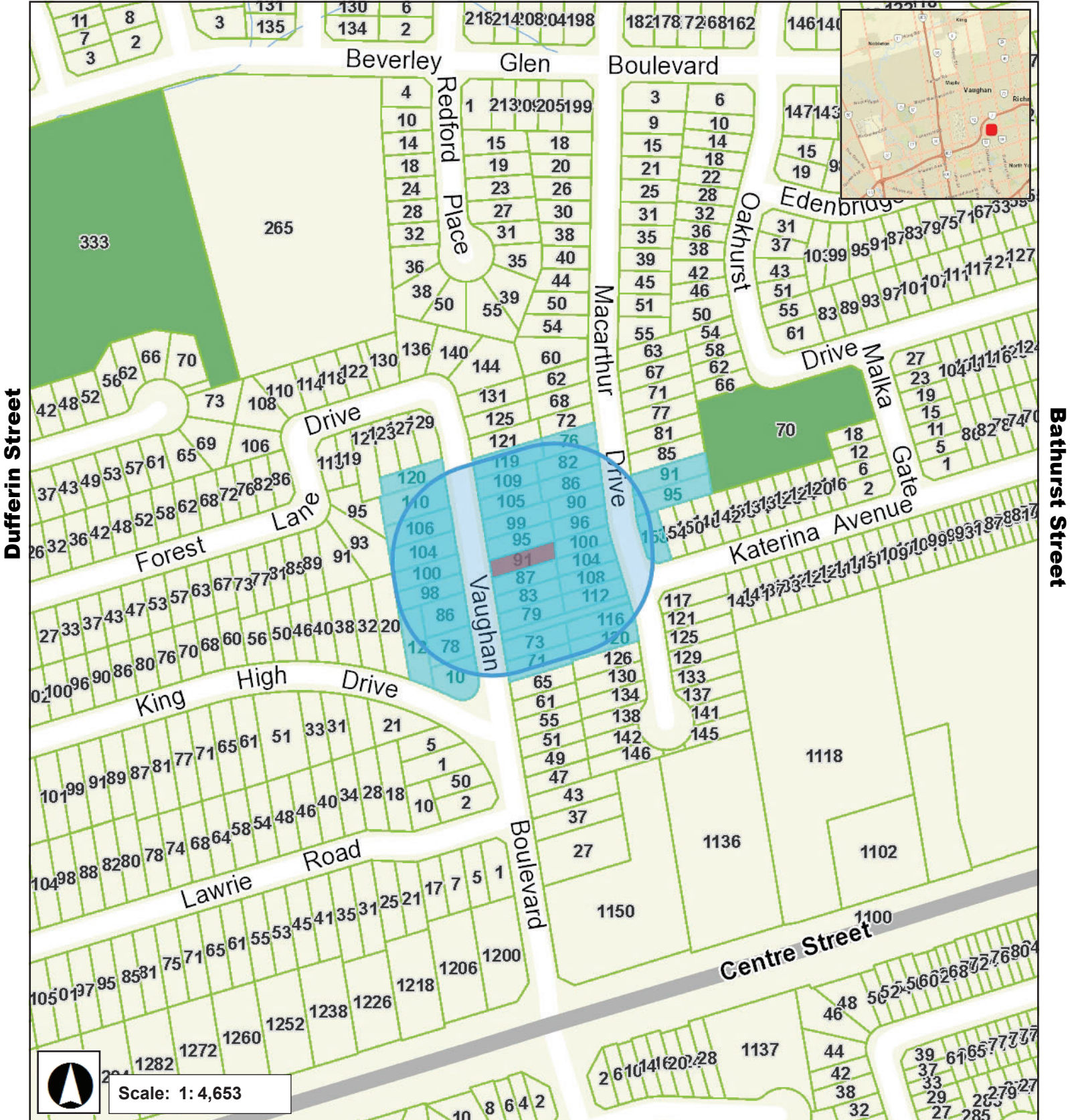
Location Map
Sketches



LOCATION MAP A161/19

91 VAUGHAN BLVD, THORNHILL

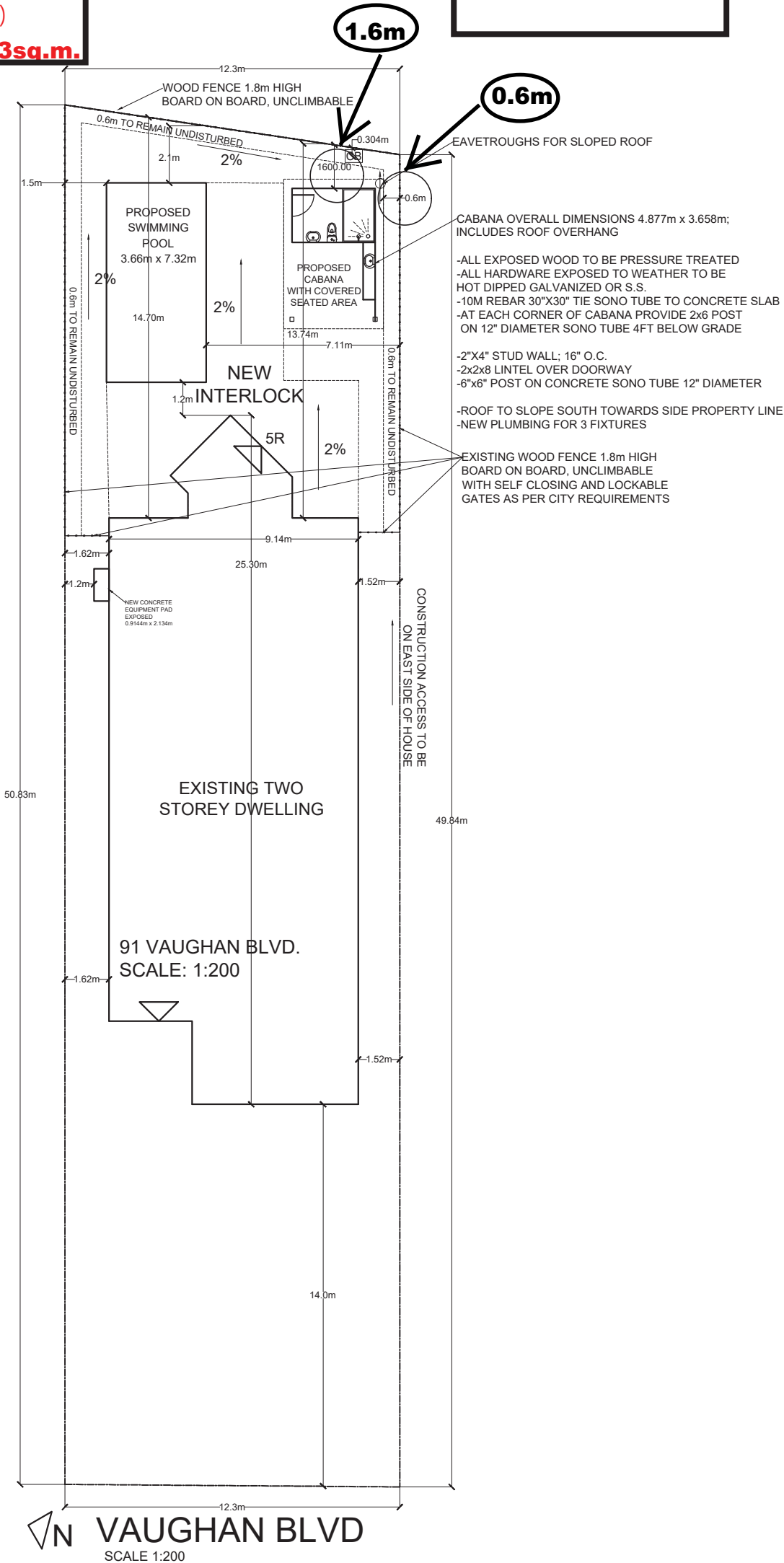
Highway 7

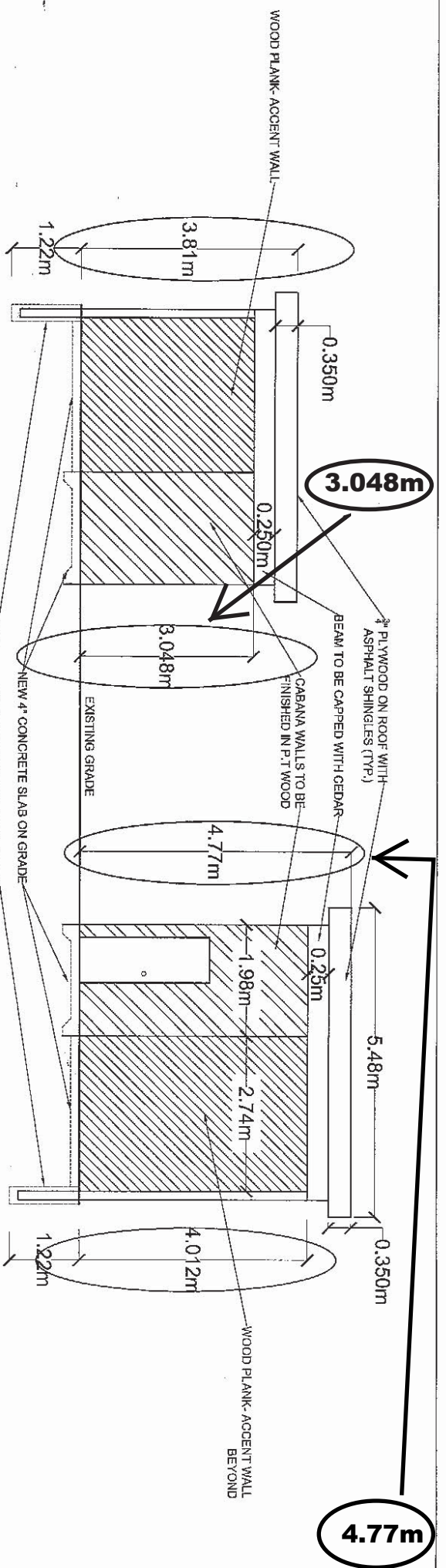


LOT COVERAGE = 34.8%
(32.4% dwelling, 2.4% cabana)

GFA of cabana = 15.3sq.m.

HARDSCAPE VS SOFTSCAPE
TOTAL AREA BACKYARD: 174.9 SQ/M
66.00 SQ/M HARDSCAPE
37.74% HARDSCAPE
62.26% SOFTSCAPE



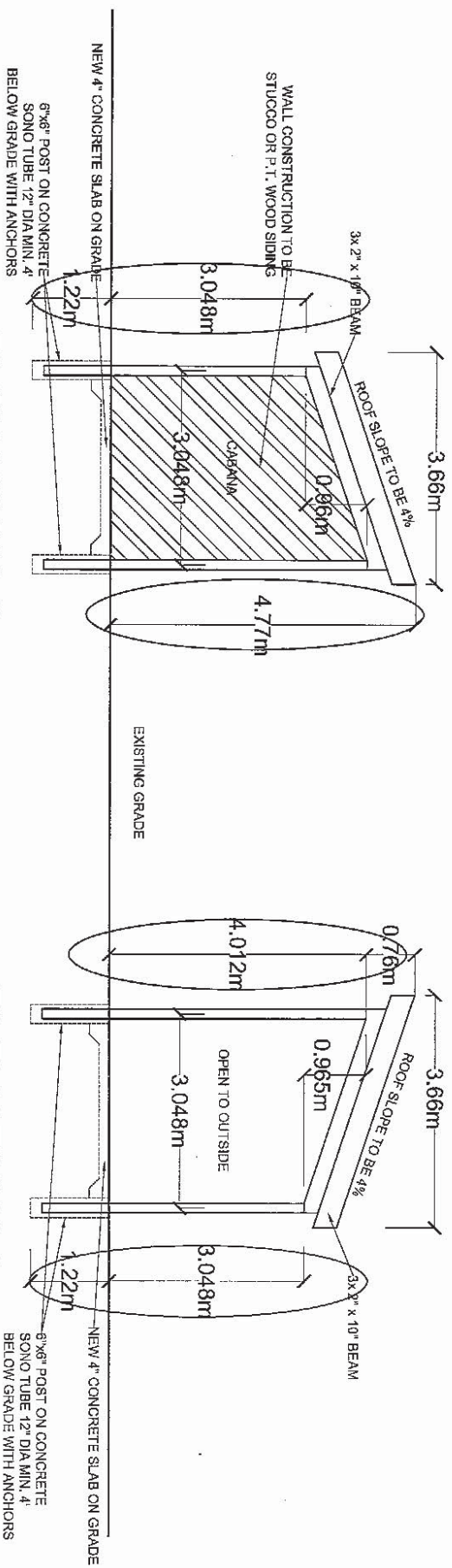


ELEVATION B
SCALE 1:100

SCALE 1:100

ELEVATION D
SCALE 1:100

SCALE 1:100



ELEVATION C
SCALE 1:100

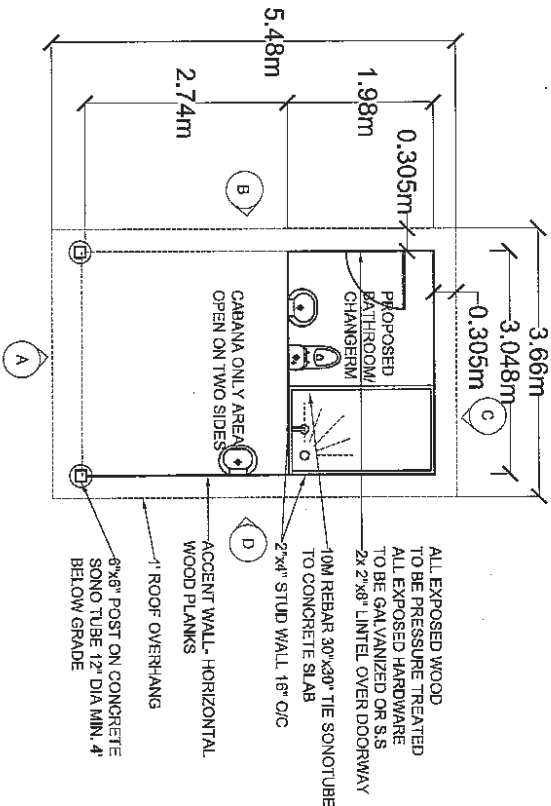
SCALE 1:100

ELEVATION A
SCALE 1:100

SCALE 1:100

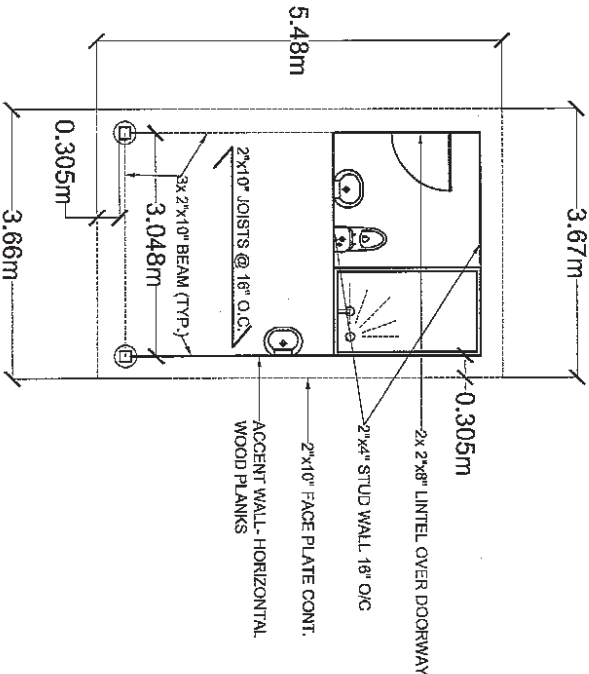
FLOOR PLAN

SCALE 1:100

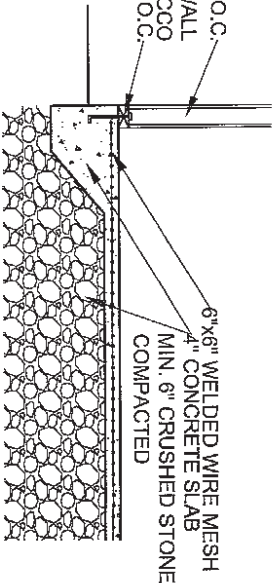


ROOF PLAN

SCALE 1:100



WALL FRAMING: 2x4 STUDS @ 16" O.C.
INTERIOR FINISH: 1/2" WALL SHEATHING- DRYWALL
EXTERIOR CLADDING: P.T WOOD AND STUCCO
2" DIA. ANCHOR @ 6" O.C.



CONCRETE FLOOR SLAB DETAIL

SCALE 1:50

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.

None

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: A161/19 - REQEUST FOR COMMENTS

From: Development Services <developmentservices@york.ca>
Sent: February-12-20 1:31 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: RE: A161/19 - REQEUST FOR COMMENTS

Good afternoon Pravina,
The Regional Municipality of York has completed its review of the above minor variance and has no comment.
Regards,
Gabrielle