Staff Report Summary

Item # 08

Ward # 3

File: A165/19

Applicant: Van Pham and Khoa Nguyen

Address: 20 Flourish Street Woodbridge

Agent: Maryam Azimi - Permit Masters

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	☑ Positive Comment ☒ Negative Comment	Condition(s) ☑ ☒
Committee of Adjustment	☑	
Building Standards	☑	
Building Inspection	☑	
Development Planning	☑	
Cultural Heritage (Urban Design)	☑	
Development Engineering	☑	
Parks, Forestry and Horticulture Operations	☑	☑
By-law & Compliance	☑	
Financial Planning & Development	☑	
Fire Department	☑	
TRCA		
Ministry of Transportation		
Region of York	☑	
Alectra (Formerly PowerStream)	☑	
Public Correspondence **(see Schedule B)**		

Adjournment History: None

Background History: None

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, May 28, 2020

Minor Variance Application

Agenda Item: 08

A165/19

Ward: 3

Staff Report Prepared By: Lenore Providence, 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**

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 contact the Committee of Adjustment at cofa**@vaughan.ca** or **905-832- 8504**. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant: Van Pham and Khoa Nguyen

Agent: Maryam Azimi - Permit Masters

Property: **20 Flourish Street, Woodbridge ON**

Zoning: The subject lands are zoned RD3 and subject to the provisions of Exception 9(1334) under By-law 1-88 as amended

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): Low-Rise Residential

Related Files: None.

Purpose: Relief from the By-law is being requested to permit the construction of a proposed deck and pergola 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
A minimum year yard setback of 5.7 metres is required to the Deck.	To permit a minimum rear yard setback of 4.0 metres to the Deck.

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

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 March 4, 2020

Applicant confirmed posting of signage on March 8, 2020 and May 11, 2020.

Property Information	
Existing Structures	**Year Constructed**
Dwelling	2011

Applicant has advised that they cannot comply with By-law for the following reason(s): The deck structure is built, and it is below two feet high.

Adjournment Request: N/A

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

Building Permit No. 19-001844 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.

The applicant shall revise the Building Permit application drawings to match the variance application.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

Building Inspections (Septic):
No comments or concerns

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

The Owner is requesting permission to construct a deck in the rear yard with the above noted-variance.

Development Planning and Development Engineering staff attended the site on December 16th, 2019 and observed a deck and attached pergola under construction with a 0.1 m setback from the rear and interior yard lot lines with a height of 0.45 m above grade. At the request of the Development Planning Department, the Owner revised their proposal to address concerns with the proposed setbacks. As a result, the Owner removed the pergola thereby eliminating the variances for reduced interior side yard setbacks.

The revised deck has a rear yard setback of 4 m, whereas the original proposal was 0.1 m. While the height of the deck remains at 0.46 m, the deck has been scaled back from the rear and interior lot lines and is now attached to the house which limits the impact on adjacent properties. The proposed 4 m rear yard setback provides adequate open space in the rear yard.

As such, 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 application.

Cultural Heritage (Urban Design):
No comments or concerns

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A165/19.

Parks, Forestry and Horticulture Operations:
The Forestry Department does not object to variance application A165/19, subject to the following condition:

The city owned boulevard tree will need to be hoarded and inspected prior to construction according to the city set back guidelines (hoarding detail MLA 107B).

The hoarding shall be maintained throughout the duration of the project.

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

Financial Planning and Development Finance:
No comment no concerns

Fire Department:
No Comment.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Presentation to Committee (Applicant)

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	Forestry Department Zachary Guizzetti 905-832-8585 x 3614 Zachary.Guizzetti@vaughan.ca	The city owned boulevard tree will need to be hoarded and inspected prior to construction according to the city set back guidelines (hoarding detail MLA 107B).

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.

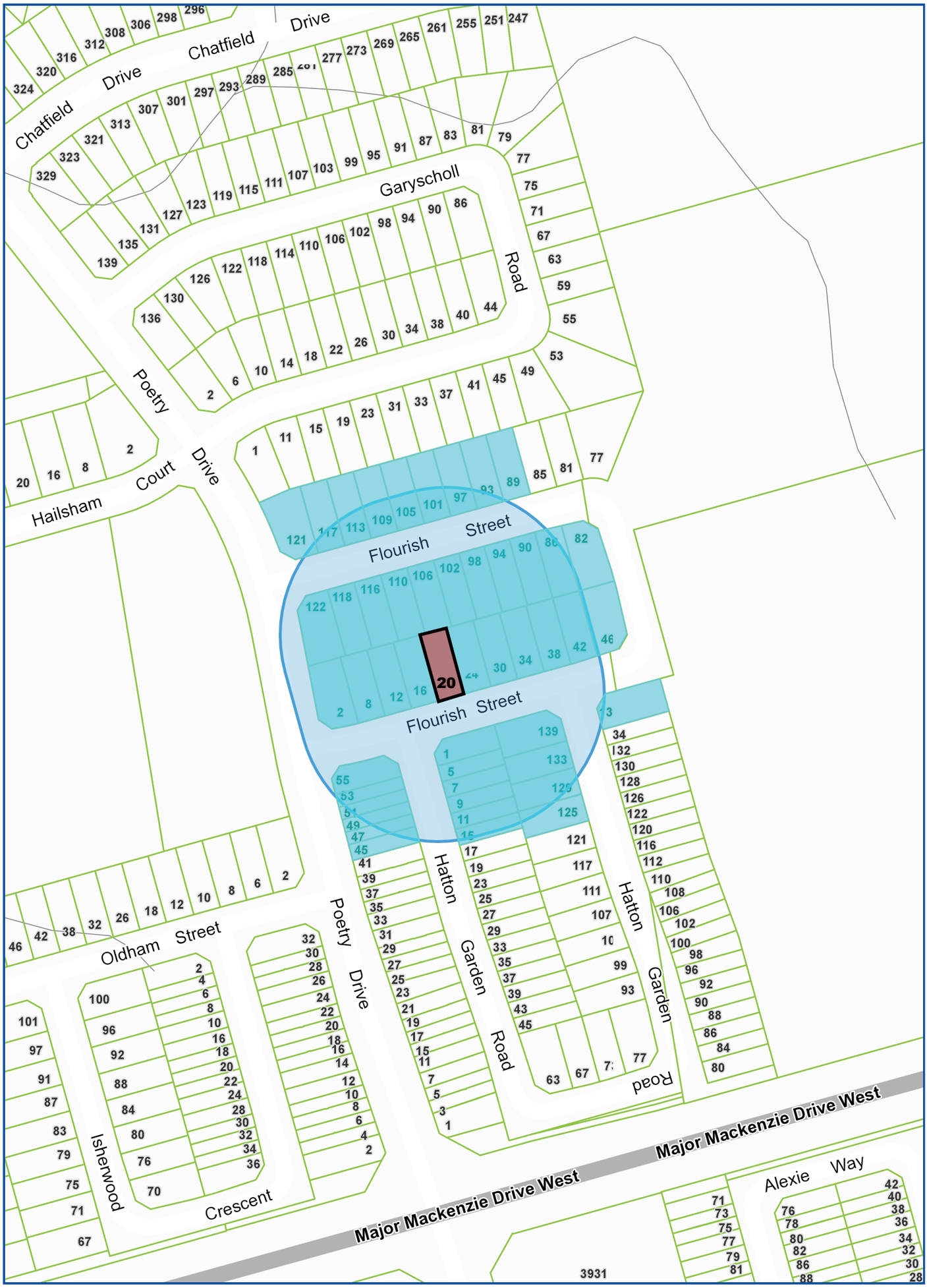
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

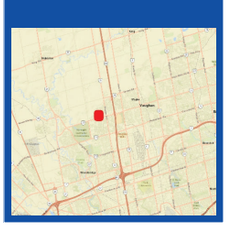
Schedule A: Plans & Sketches

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



Map Information:



Title: 20 FLOURISH STREET, MAPLE

LOCATION MAP - A165/19

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

VAUGHAN

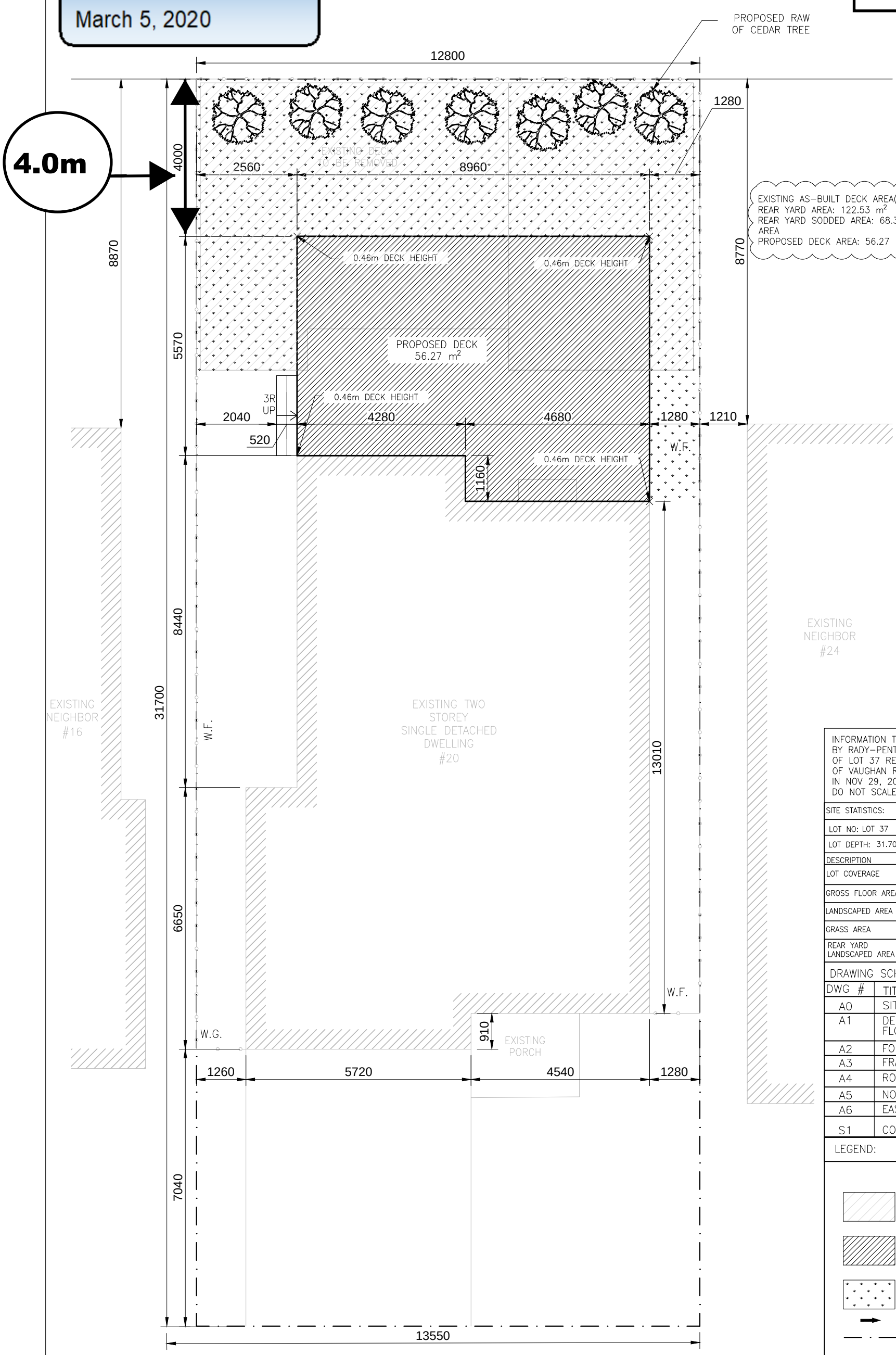
Scale: 1: 2,257
0 0.04 km

Created By:
Infrastructure Delivery Department
December 12, 2019 12:46 PM

Projection:
NAD 83
UTM Zone 17N

Revised
March 5, 2020

A165/19



1 A0 SITE PLAN

EXISTING AS-BUILT DECK AREA(TO BE DEMOLISHED): 86.16m²
REAR YARD AREA: 122.53 m²
REAR YARD SODDED AREA: 68.30 m² 55% OF REAR YARD AREA
PROPOSED DECK AREA: 56.27 m²

INFORMATION TAKEN FROM SURVEY PREPARED BY RADY-PENTEK & EDWARD SURVEYING LTD. OF LOT 37 REGISTERED PLAN 65M-4275 CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK IN NOV 29, 2011.
DO NOT SCALE FOR LOT LINE LOCATIONS.

SITE STATISTICS:

LOT NO: LOT 37	LOT AREA: 405.76 m²
LOT DEPTH: 31.70 m	LOT FRONTAGE: 12.80 m

DESCRIPTION	EXISTING	PROPOSED	%
LOT COVERAGE	140.11m²	34.31m²	42%
GROSS FLOOR AREA	217m²	-----	53%
LANDSCAPED AREA	225m²	-86 m²	34%
GRASS AREA	81m²	-56m²	20%
REAR YARD LANDSCAPED AREA	125m²	-56m²	33%

DRAWING SCHEDULE

DWG #	TITLE
A0	SITE PLAN
A1	DECK AND PERGOLA FLOOR PLAN
A2	FOUNDATION PLAN
A3	FRAMING PLAN
A4	ROOF PLAN
A5	NORTH ELEVATION
A6	EAST ELEVATION
S1	CONSTRUCTION DETAIL

LEGEND:

- EXISTING DECKS
- PROPOSED DECK
- PROPOSED GRASS
- ENTRANCE/EXIT
- LOT LINE
- EDGE OF CURB
- W.G. WOODEN GATE
- W.F. WOODEN FENCE

Notes:

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMISSIONS OR DISCREPANCIES TO PERMIT MASTERS BEFORE PROCEEDING WITH WORK. THIS DRAWING IS FOR REFERENCE ONLY, ALL MEASUREMENTS ON THIS DRAWING WERE TAKEN FROM BUILDING/SITE. ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.

ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.

Project Description
PROPOSED DECK AND PERGOLA

Municipal Address
20 FLOURISH ST
WOODBRIDGE, ON L4H 3R1

Drawing Number A0

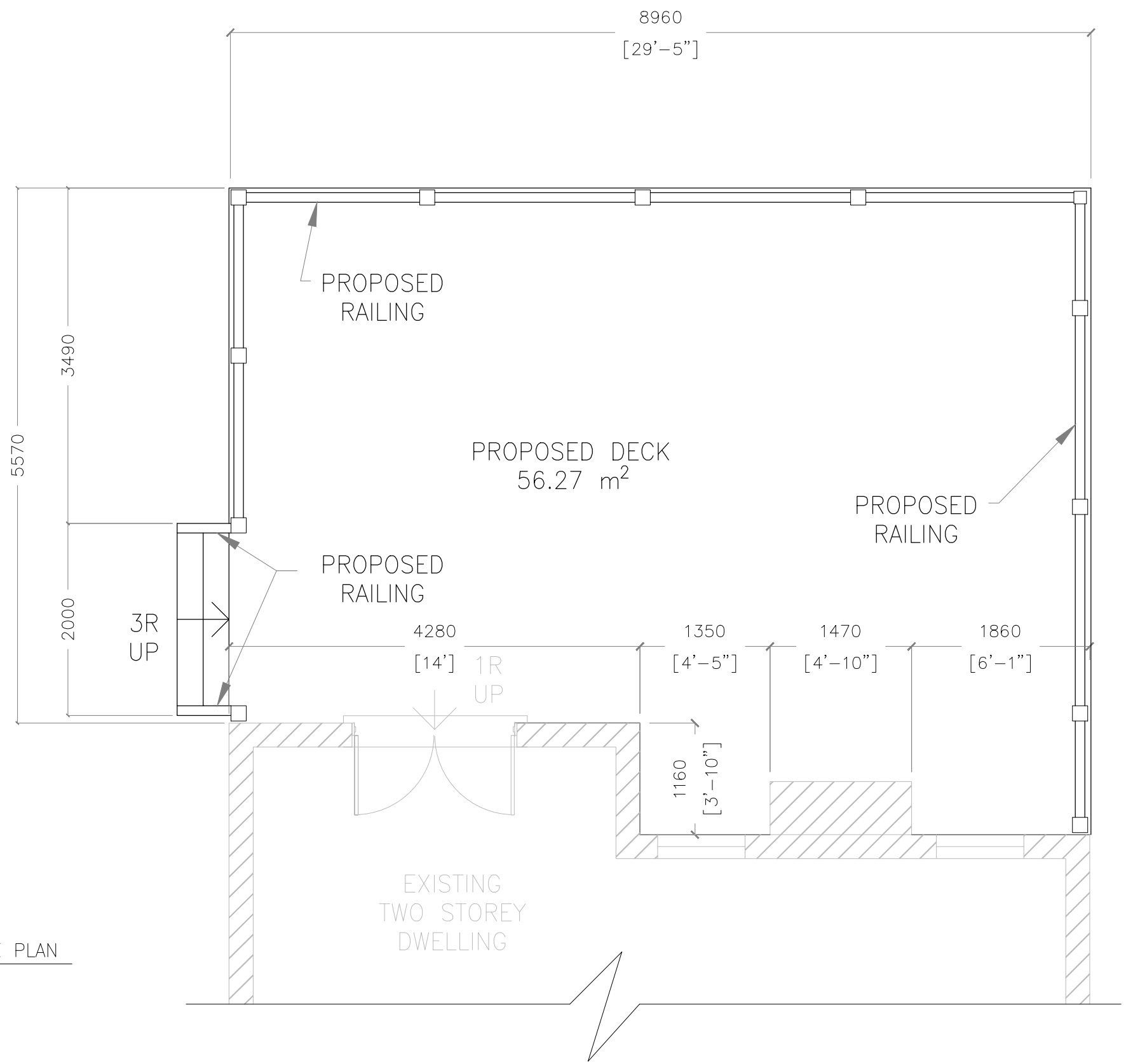
Project PM-T9033-D

Date 27/09/2019

Scale 1:100

A165/19

Revised
March 5, 2020



1 A1 DECK PLAN

P1:
140X140mm(P.T.) WOOD POST SECURED TO CONCRETE PIER W/ METAL SHOE 12.7mm ø BOLT SHOE ANCHORED 100mm INTO CONCRETE PIER

Notes:

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMISSIONS OR DISCREPANCIES TO PERMIT MASTERS BEFORE PROCEEDING WITH WORK.
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ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.

Project Description	PROPOSED DECK AND PERGOLA
Municipal Address	20 FLOURISH ST WOODBRIDGE, ON L4H 3R1
Drawing Number	A1
Project	PM-T9033-D
Date	27/09/2019
Scale	1:50

A165/19

1 A5 NORTH ELEVATION

Revised
March 5, 2020

Notes:

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMISSIONS OR DISCREPANCIES TO PERMIT MASTERS BEFORE PROCEEDING WITH WORK.
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ALL MEASUREMENTS ARE IN mm UNLESS OTHERWISE NOTED.

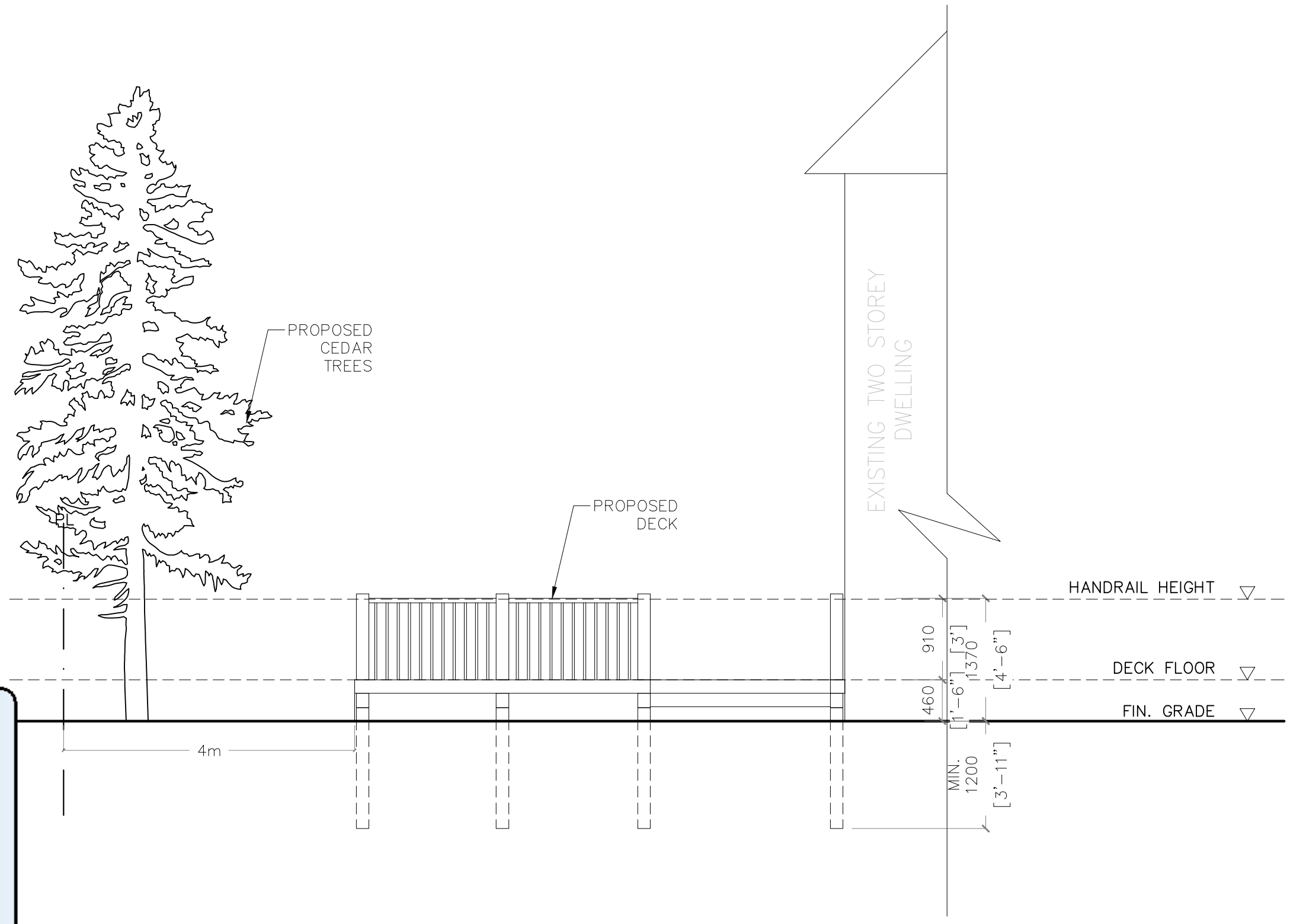
DRAWING NOTES:

ROOF JOISTS TO BE SUPPORTED BY JOIST HANGERS

3.4.7.6. GUARDS 920MM HIGH, NO MEMBER OR ATTACHMENT BETWEEN 140MM & 900MM HIGH SHALL FACILITATE CLIMBING

Project Description	PROPOSED DECK AND PERGOLA
Municipal Address	20 FLOURISH ST WOODBRIDGE, ON L4H 3R1
Drawing Number	A5
Project	PM-T9033-D
Date	27/09/2019
Scale	1:50

A165/19



Revised
March 5, 2020

1
A6
EAST ELEVATION

Notes:

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMISSIONS OR DISCREPANCIES TO PERMIT MASTERS BEFORE PROCEEDING WITH WORK.
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DRAWING NOTES:

ROOF JOISTS TO BE SUPPORTED BY JOIST HANGERS

3.4.7.6. GUARDS 920MM HIGH, NO MEMBER OR ATTACHMENT BETWEEN 140MM & 900MM HIGH SHALL FACILITATE CLIMBING

Project Description	PROPOSED DECK AND PERGOLA
Municipal Address	20 FLOURISH ST WOODBRIDGE, ON L4H 3R1
Drawing Number	A6
Project	PM-T9033-D
Date	27/09/2019
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.

Presentation to Committee (Applicant)

Committee of Adjustment
20 Flourish Street

Committee of Adjustment

Hearing date May 28, 2020

www.permitmasters.ca

PERMITMASTERS

EDMONTON VANCOUVER CALGARY

Aerial photo

PERMITMASTERS
EDMONTON VANCOUVER CALGARY

Site Pictures and Context

PERMITMASTERS
EDMONTON VANCOUVER CALGARY

Site Pictures and Context

PERMITMASTERS
EDMONTON VANCOUVER CALGARY

Site Pictures and Context

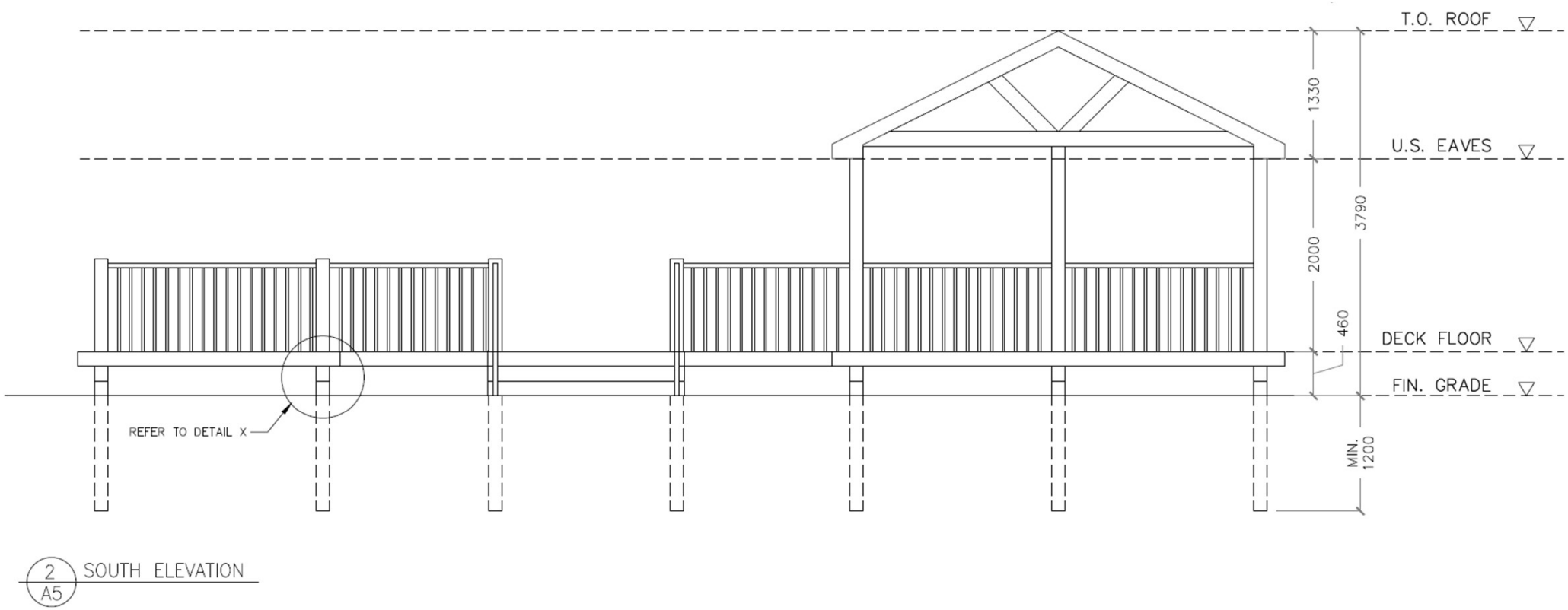
PERMITMASTERS
EDMONTON VANCOUVER CALGARY

Site Pictures and Context

PERMITMASTERS
EDMONTON VANCOUVER CALGARY

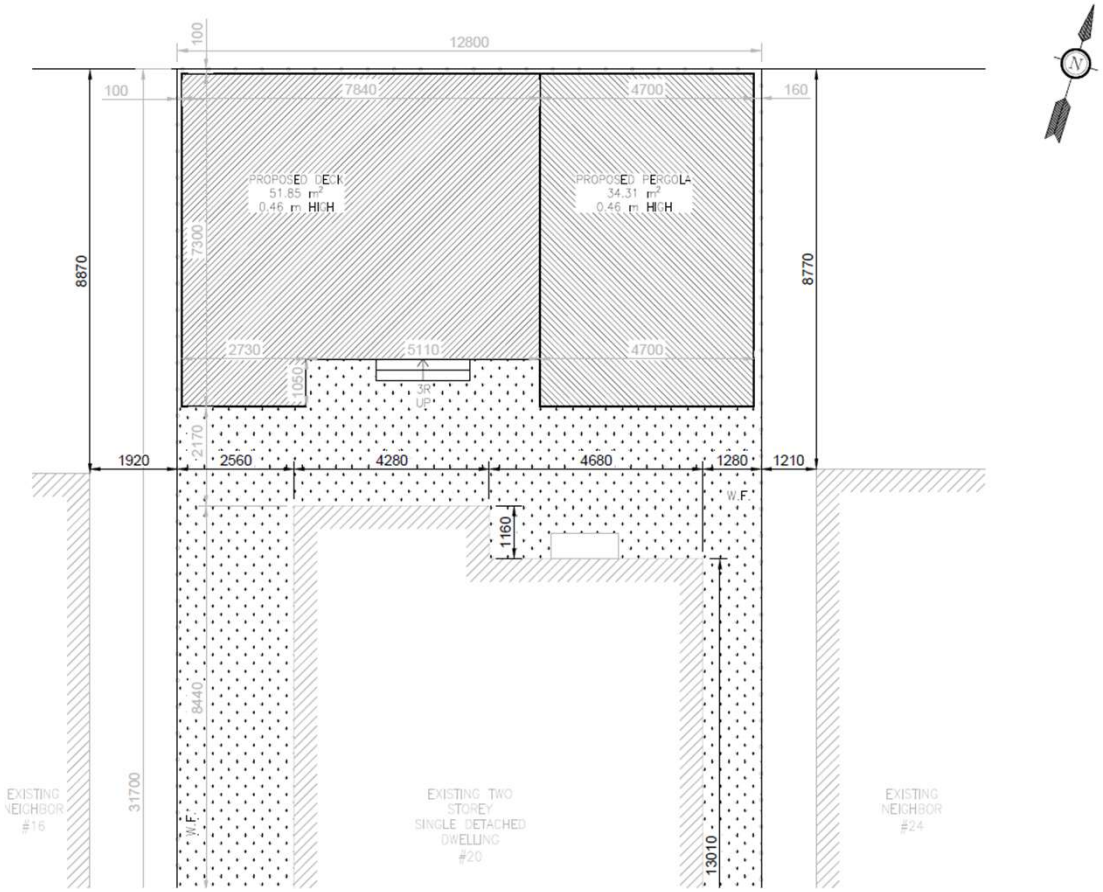
Original Application

PERMITMASTERS
EDMONTON VANCOUVER CALGARY



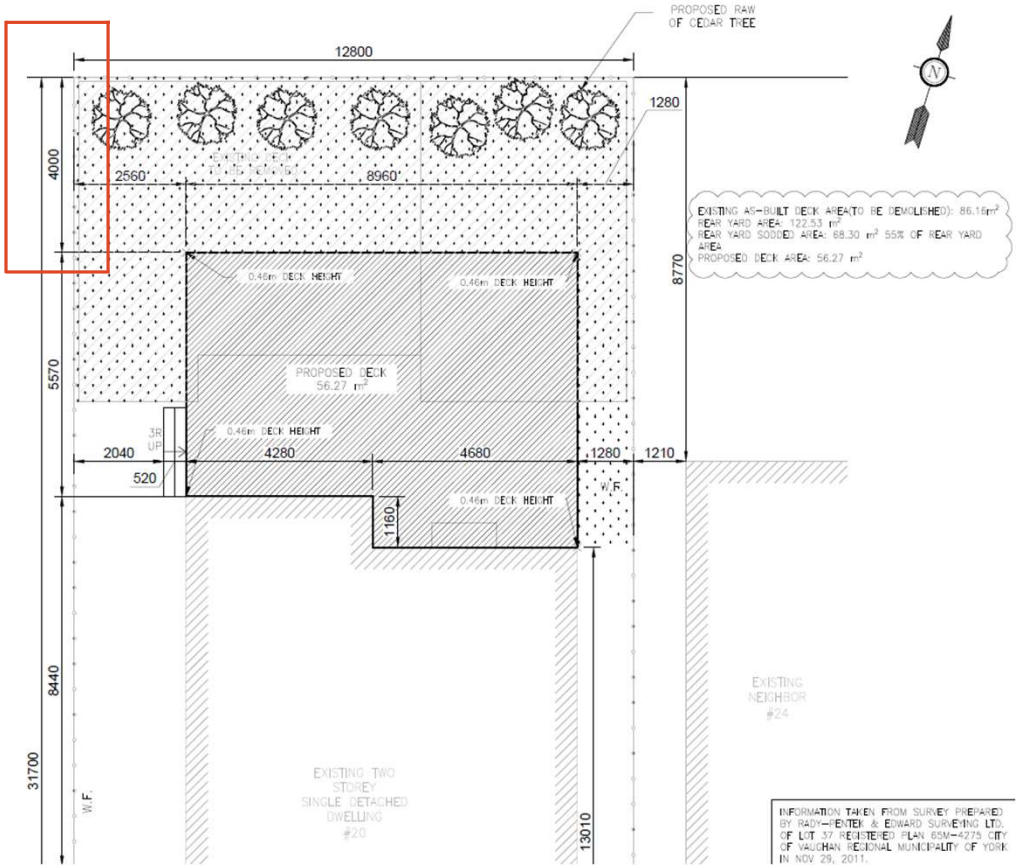
Original Application

PERMITMASTERS
EDMONTON VANCOUVER CALGARY



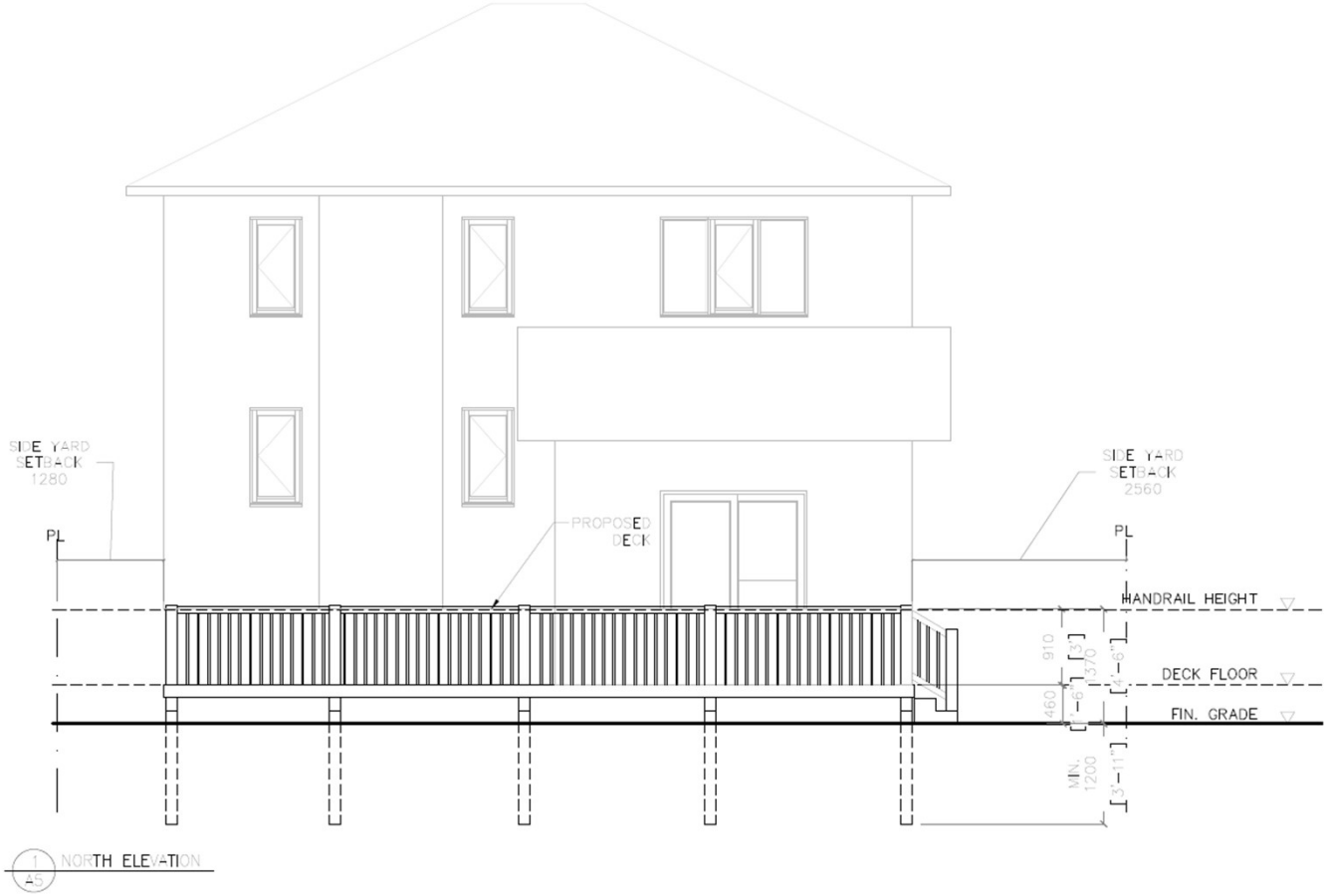
Final Submission

PERMITMASTERS
EDMONTON VANCOUVER CALGARY



Final Submission

PERMITMASTERS
EDMONTON VANCOUVER CALGARY



Questions?

THANK YOU FOR YOUR TIME!

www.permitmasters.ca

#920 736-8 Avenue SW
Calgary, AB T2P 1H4
(855) 475-2044
info@permitmasters.ca

#208 8657 - 51 Avenue NW
Edmonton AB, T6E 6A8
(855) 475-2044
info@permitmasters.ca

4th Floor, 36 King Street East
Toronto, ON M5C 1E5
(855) 475-2044
info@permitmasters.ca

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.
X	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

Providence, Lenore

Subject: FW: A165-19 -REQUEST FOR **REVISED** COMMENTS (Vaughan Committee of Adjustment)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: March-02-20 11:38 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: [External] RE: A165-19 -REQUEST FOR **REVISED** COMMENTS (Vaughan Committee of Adjustment)

Good Morning Lenore,

The Regional Municipality of York has completed its review of the above minor variance and has **no comment.**

Regards,

Gabrielle

Gabrielle Hurst | **MCIP, RPP**, Planning and Economic Development, Corporate Services

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1-877-464-9675 ext. 71538

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