

**File:** A174/19

**Applicant:** Amir & Kateryna Hashemi

**Address:** 76 Chaiwood Court, Maple

**Agent:** Pool Craft

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 <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
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		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
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"/> <input checked="" type="checkbox"/>	

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson  
 Hearing Date: Thursday, May 28, 2020



Minor Variance  
Application

Agenda Item: 9

A174/19

Ward: 4

Staff Report Prepared By: Adriana MacPherson, 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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto: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:** Amir & Kateryna Hashemi
- Agent:** Pool Craft
- Property:** 76 Chaiwood Court, Maple
- Zoning:** The subject lands are zoned RD3 and subject to the provisions of Exception 9(1263) 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
A minimum rear yard setback of 7.5 metres is required to an accessory structure.	To permit a minimum rear yard setback of 1.40 metres to the accessory structure

Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit [www.vaughan.ca](https://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: None

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

Staff Report A174/19		Page 3
Property Information		
Existing Structures		Year Constructed
Dwelling		2009
Cabana		TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Height and Overall size.

**Adjournment Request:** None

**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 approval.

Where the area of a rear yard of a lot is great than 135 sqm, a minimum of 60% of that portion of the rear yard in excess of 135 sqm shall be composed of soft landscaping.

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: Low-Rise Residential

The Owner is requesting permission to construct an accessory structure with the above-noted variance. The Owner is proposing a rear yard setback of 1.40 metre where 7.5 metres is required. The Subject Lands is a large irregular pie shaped lot and the proposal is minor in nature and appropriate for the neighborhood. The Development Engineering Department has reviewed the application and does not object to the proposal.

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

The Development Planning Department recommends approval of the minor variance application.

**Cultural Heritage (Urban Design):**  
 No Response.

**Development Engineering:**  
 The Development Engineering (DE) Department does not object to variance application A174/19 subject to the following conditions.

1. The owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the proposed cabana prior to any work being undertaken on the property (greater than 10m2 and therefore required a grading permit). Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading approval.
2. Staff have confirmed that the property is located within an unassumed subdivision. The owner/applicant shall provide satisfactory notification to the developer/builder (letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification to the City's Development Engineering Department.

DE Department has received confirmation that the owner/client has provided satisfactory notification to the Developer/builder of the minor variance and proposed work to the property in question and provided a copy to the City's Development Engineering Department. The owner/applicant has also reduced the cabana size to be less then 10m2 which will not require a grading approval from the Lot Grading division of the City's Development Engineering Department.

**Parks, Forestry and Horticulture Operations:**  
 No comments.

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

Fire Department:  
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Author Name	Author Address	Nature of Correspondence
Daniel Greenberg	Address not provided.	Letter of Objection
Irina Golikov	Address not provided	Letter of Objection
Kai and Chun Wang	62 Moraine Hill Drive	Letter of Objection
Trina Wang	66 Moraine Hill Drive	Request for adjournment from the March 19 hearing due to COVID-19
Multiple	Signatures were obtained for the following properties in support of the petition: <ul style="list-style-type: none"><li>- 59 Randolph Drive</li><li>- 63 Randolph Drive</li><li>- 73 Randolph Drive</li><li>- 76 Randolph Drive</li><li>- 77 Randolph Drive</li><li>- 80 Randolph Drive</li><li>- 81 Randolph Drive</li><li>- 87 Randolph Drive</li><li>- 90 Randolph Drive</li><li>- 95 Randolph Drive</li><li>- 70 Chaiwood Court</li><li>- 87 Chaiwood Court</li><li>- 91 Chaiwood Court</li><li>- 95 Chaiwood Court</li><li>- 40 Moraine Hill Drive</li><li>- 47 Moraine Hill Drive</li><li>- 48 Moraine Hill Drive - Does not agree with toilet concerns</li><li>- 58 Moraine Hill Drive</li><li>- 67 Moraine Hill Drive</li></ul>	Petition in Objection
Kevin Zhang	87 Chaiwood Court	Letter of Objection
Amir Hashemi	76 Chaiwood Court	Agent response to the following public concerns: <ul style="list-style-type: none"><li>- Drainage</li><li>- Cabana Height</li><li>- Odour (toilet)</li><li>- Sunlight</li><li>- Privacy/spacing</li><li>- Proximity of cabana to fence</li></ul>
Evita and Roman Levitin	96 Chaiwood Court	Notice from resident at 96 Chaiwood Court advising that they did not consent to participate in petition and request to be removed.
Chun Wang	62 Moraine Hill Drive	Letter to acknowledge that 96 Chaiwood Court was added to petition in error.

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)  
List Application Numbers i.e. Minor Variance A001/17

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.

### **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.

### **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.

### **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](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting at [vaughan.ca/LiveCouncil](http://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**

**Adriana MacPherson**

T 905 832 8585 Extension 8360

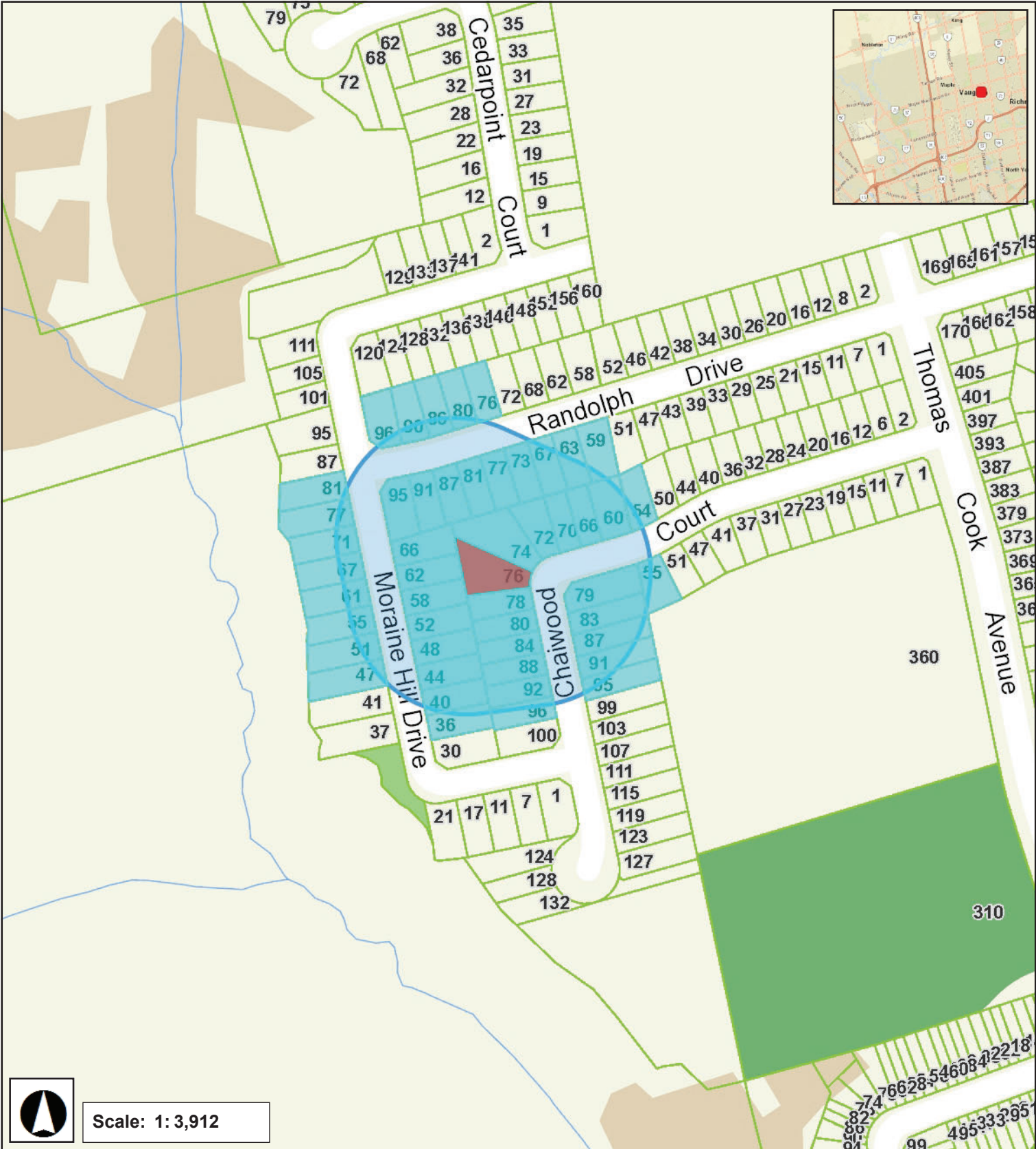
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

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  
Plans & Sketches

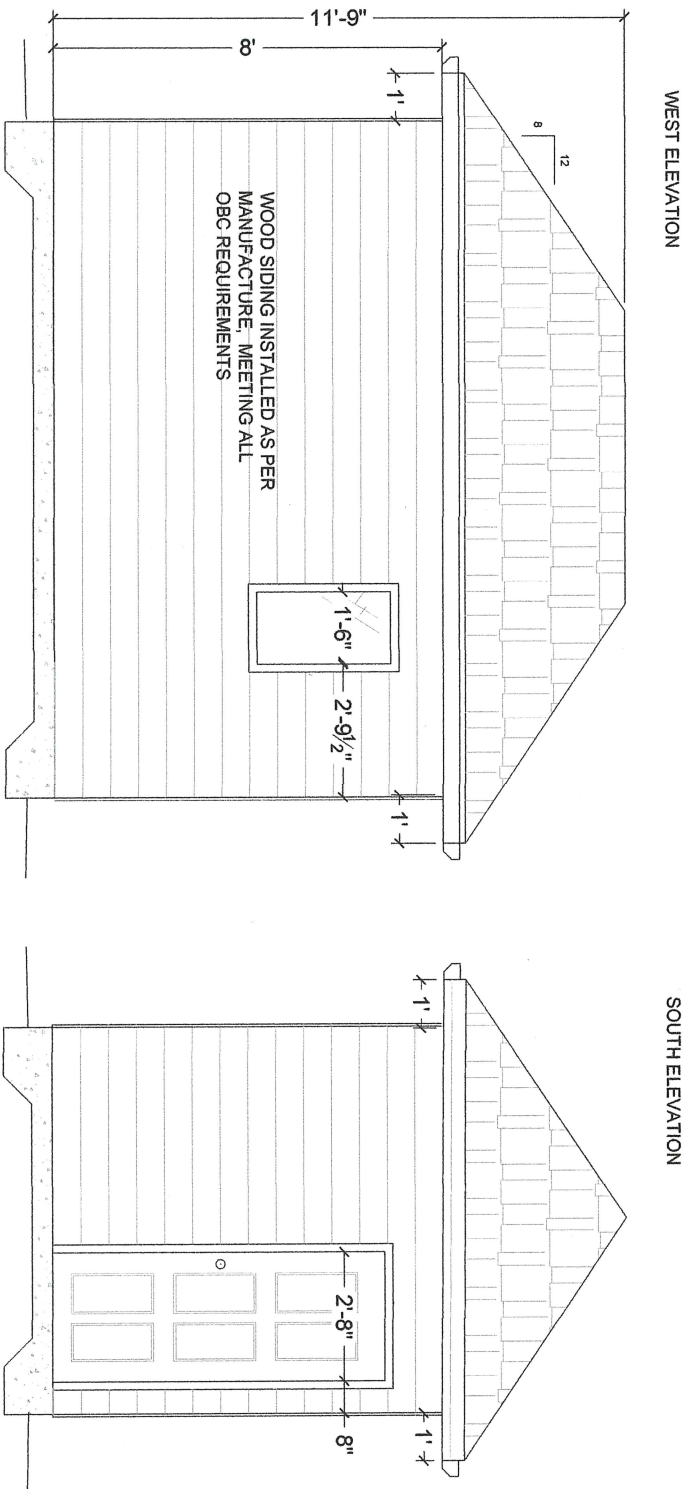
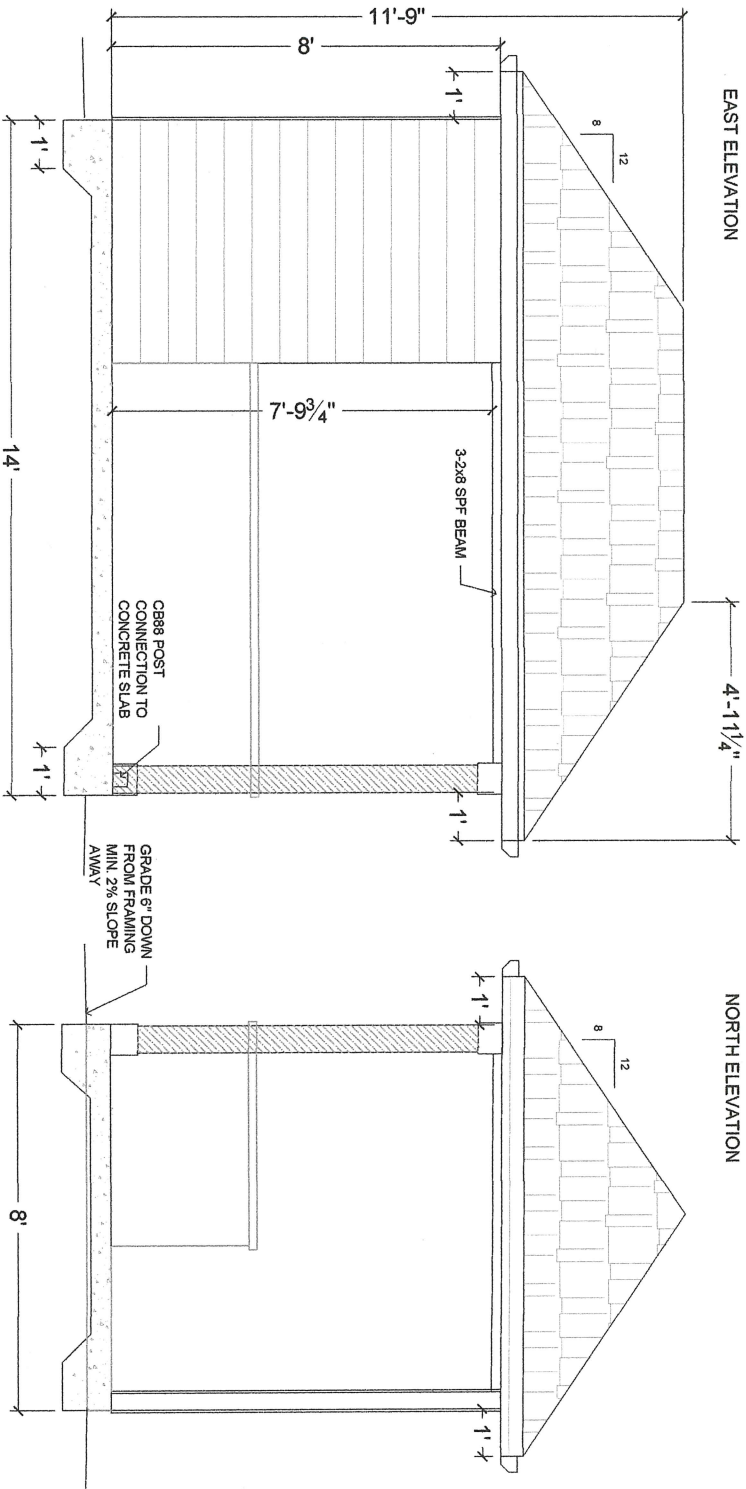
76 Chaiwood Court, Vaughan



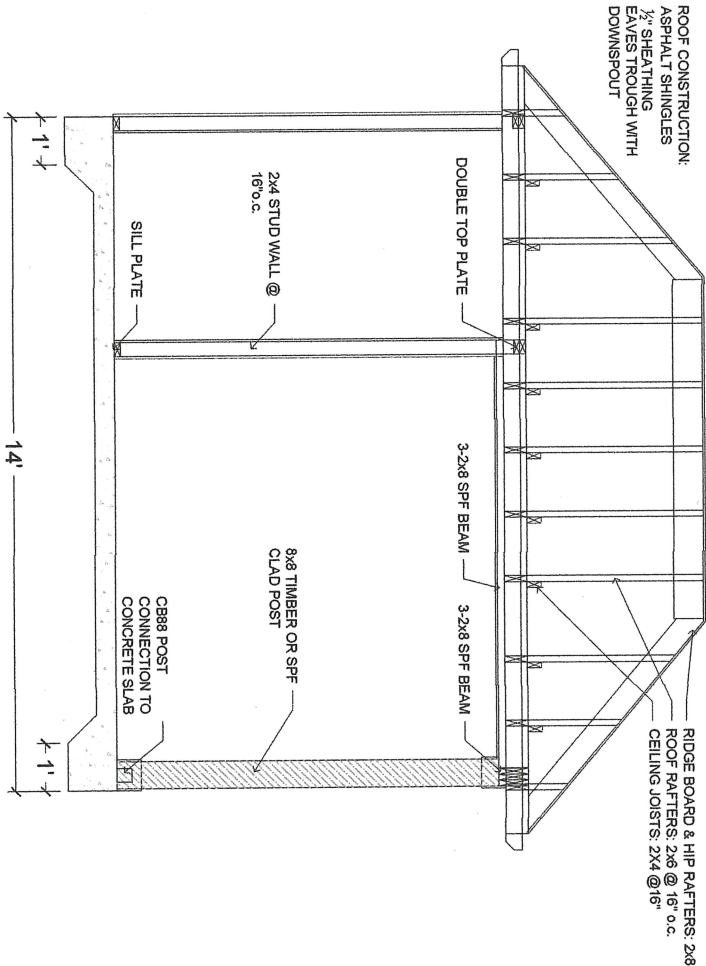





ELEVATIONS  
Scale: 1/4"=1'

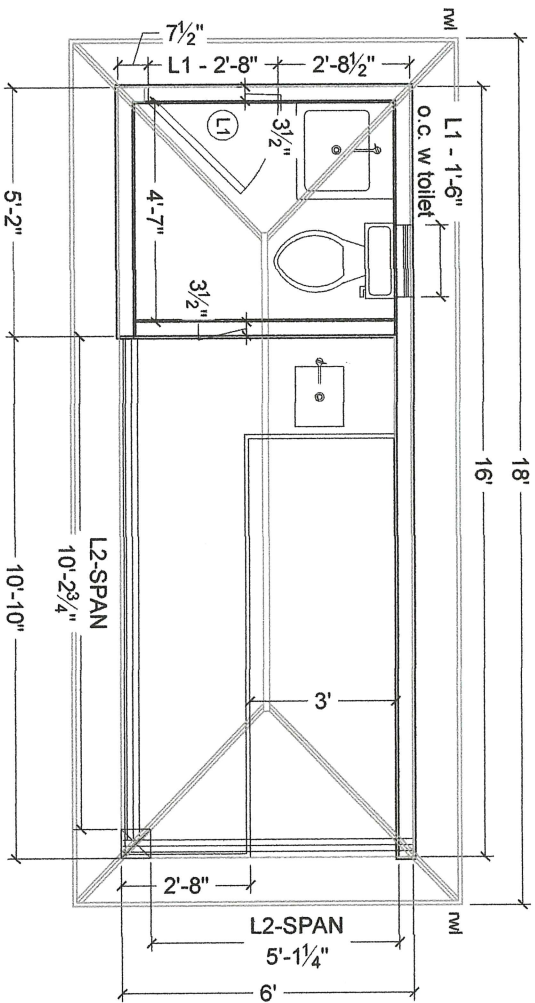


SECTION  
Scale: 1/4"=1'



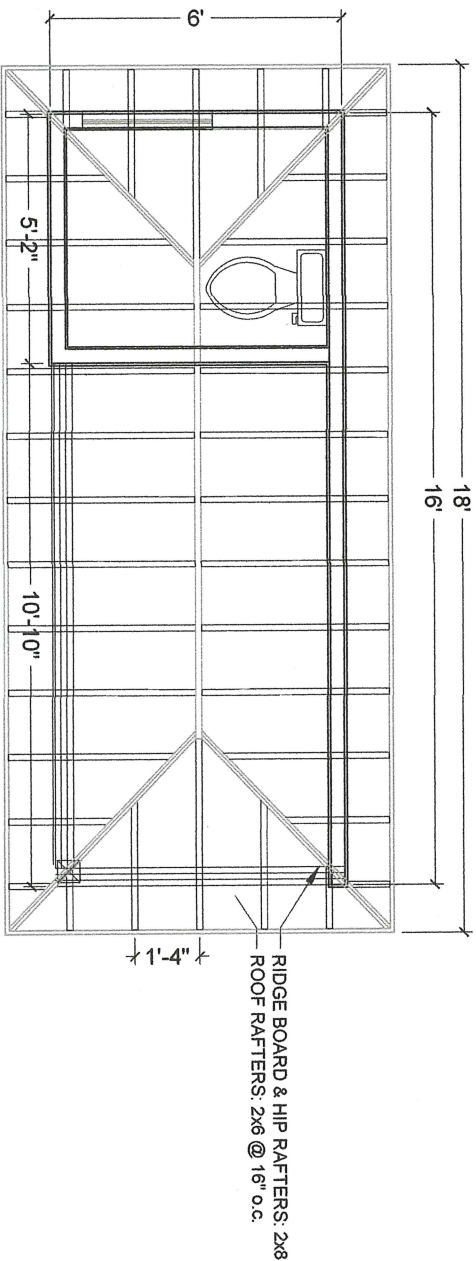
<b>NOTES</b>		<b>DESIGNER</b>		<b>NORTH</b>	<b>PROJECT</b>
DRAINAGE AS PER APPROVED POOL PERMIT PLAN		 DANA EVANS 209 MAPLE STREET UXBRIDGE ONTARIO 647-297-8300		<b>PROPOSED CABANA</b>  76 Chaiwood Court Maple, ON L6A 0V9	<b>DATE</b>  February 19 2020
ALL FRAMING TO BE SPF No. 1&2 OR GREATER  SNOW LOAD CALCULATIONS BASED ON OBC 2012 Ss 1.1, S <sub>f</sub> 0.4, C <sub>b</sub> 0.45 = 0.895					
The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.		DANA EVANS 100332 BCIN			
Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code		Registration Information Required unless design is exempt under Div. C - 3.2.4.1. of the building code			
209 DESIGN Firm Name		101521 BCIN			
4 REVISED FOR PERMIT APPLICN Feb 19/20		DRAWING		Elevations & Section	
3 REVISED FOR PERMIT APPLICN Nov 22/19		SCALE		AS NOTED	
2 REVISED FOR PERMIT APPLICN Nov 1/19		DWG. No		PAGE	
1 ISSUED FOR PERMIT APPLICN Oct 22/19		DESCRIPTION		2/3	

PLAN, BEAMS & LINTELS  
Scale: 1/4"=1'

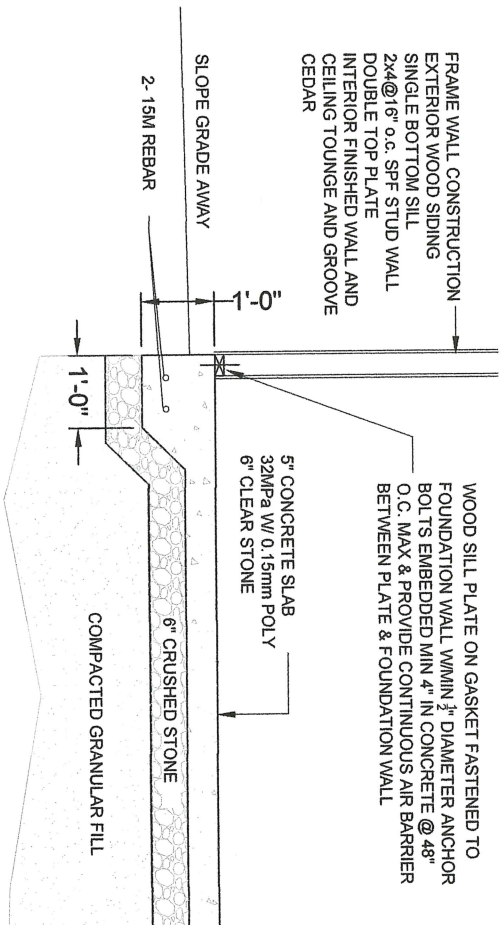


- ① LINTEL 2 - 2x6  
② LINTEL 3 - 2x6  
nw RAIN WATER LEADER

ROOF PLAN  
Scale: 1/4"=1'



DETAIL  
Scale: 3/8"=1'



NOTES

DRAINAGE AS PER APPROVED POOL PERMIT PLAN  
ALL FRAMING TO BE SPF No. 1&2 OR GREATER  
SNOWLOAD CALCULATIONS BASED ON OBC 2012 Ss  
1.1, S<sub>f</sub> 0.4, C<sub>d</sub> 0.45 = 0.895

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.  
Qualification Information  
Required unless design is exempt under Div. C - 3.2.5.1. of the building code

DAVA EVANS  
Name Signature 100332 BCIN  
Registration Information  
Required unless design is exempt under Div. C - 3.2.4.1. of the building code  
209 DESIGN 101521  
Firm Name BCIN

DESIGNER

DAVA EVANS  
209 MAPLE STREET  
UXBRIDGE ONTARIO  
647-297-8300  
DESIGN  
landscape + home

NORTH

PROJECT

PROPOSED CABANA  
76 Chaiwood Court  
Maple, ON  
L6A 0V9

DATE

February 19 2020

SCALE

AS NOTED

DRAWING

Plans & Detail

DWG. No

DATE

PAGE 3/3

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.

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Daniel Greenberg	Address not provided.	Letter of Objection
Irina Golikov	Address not provided	Letter of Objection
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Evita and Roman Levitin	96 Chaiwood Court	Notice from resident at 96 Chaiwood Court advising that they did not consent to participate in petition and request to be removed.
Chun Wang	62 Moraine Hill Drive	Letter to acknowledge that 96 Chaiwood Court was added to petition in error.



**From:** [REDACTED] **Daniel Greenberg**  
**To:** [Committee of Adjustment](#)  
**Subject:** [External] Deny the variances--A174/19 - A174/19 (76 Chaiwood Court, Maple)  
**Date:** Sunday, March 15, 2020 12:00:21 PM

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First, we all have a common understanding of how a toilet can be used and that it has the potential to emit odours and even pathogens.

Second, many of the adjacent, and nearby, properties have small children that play in the backyards. In some cases, children from neighbouring property could get as close as a few feet from the toilet on the applicants property if the variance is granted.

Third, there is no indication of an automatic door closing mechanism. This can lead to the door getting left open for periods of time, and odours escaping into the air within a short distance of neighbouring lands.

Fourth, the drawing does not show a floor drain for the toilet area. Any substances from the floor, especially those that are pathogen laden, can find a way into the small drainage allocation along the property line at the back. Smells, insects, and health risks can occur. Pushing the structure closer to the rear fence line, as the applicant has requested, reduces the containment potential and thereby, increases the exposure to smells, insects and related health risks for neighbouring properties.

Fifth, by asking for a reduction in the rear setback, the applicant is making it clear that they too want this structure as far from their home as possible. Clearly, there is a shared concern here between the applicant and us. We all feel it must be as far away from our homes as the rules allow.

Sixth, we live in a suburban setting. We do not have large rural lots where such a request would have little, if any, impact on the surrounding properties. Our enjoyment of our backyard for entertaining and family meals will be directly impacted.

Lastly, the height of the structure needn't approach the requested height of nearly 12 feet. This is almost six feet above the existing fence line. A flat roof, sloped to drain would suffice.

We appreciate the committee hearing our concerns and our request to deny the variances as requested.

Thanks and Best Regards

March 11 2020

City of Vaughan

Committee of Adjustment

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

CofA@vaughan.ca

Opposition for the variances of A174/19 - A174/19 (76 Chaiwood Court, Maple)

Dear Committee of Adjustment members:

We object to this Application A174/19 - A174/19 from 76 Chaiwood Court, Maple. The reasons are as follows:

1, The intent and purpose of a zoning by-law is to prescribe the front, rear and side yard set backs, building size, height and use. A minimum rear yard setback of 7.5 metres is required to an accessory structure is By-law Requirement. We paid for the purchase price and annual taxes for the enjoyment of these qualities and are entitled to protection from a reduction in zoning standards.

2, The character of the neighbourhood is deserving of protection and this will be a factor to be seriously considered by the Committee. Proposed Cabana is: out of scale; out of character; inappropriate; destabilizing the character of the neighbourhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.

3, The variance cannot be minor. First that it is too large or too important to be considered minor. This Variance is supposed to change the set back from 7.5 metres to 1.40 metres, The primary issues raised are related to loss of sunlight, privacy, views, spacing and openness which may result from the mass, height and bulk of the proposed

Cabana. There may also be issues related to trees, grass, drainage, and noise.

The drainage problems will be created by new Cabana, because the lot is the 2<sup>nd</sup> end lot to the stormwater drainage well in the street. That stormwater effects will harm public safety.

The sunlight will be blocked in the morning due to the height of the Cabana. That will be impact on our families' quality of life as will the loss of enjoyment in gardening and other outside activities in areas to suffer shadowing. And also the degree of comfort will decreased. The views and visual enjoyment of open areas shared by the community as a whole will have a negative impact, these impacts are including but not limited to the view, smell, sunlight and noise.

The Cabana with a toilet certainly will generate some bad smell, and that will be terrible if there are some problems for the sewer system. The odor will not only cause problems for one neighbor but also the entire neighborhood will be hurt.

4, From public interest perspective, this variance will affect the enjoyment of the entire community. There will be no trees and greens alone with the fence in all back yards if every property owner build a Cabana with a toilet in their back yard. We should keep fairness for the community and neighbors.

In conclusion, this variances will cause an unacceptable adverse impact upon the neighbourhood to the point where the intent and purpose of the zoning by-law is not maintained. We strongly oppose this variances.

Sincerely



Irina golikov

March 15 2020

City of Vaughan

Committee of Adjustment

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

CofA@vaughan.ca

Opposition for the variances of A174/19 - A174/19 (76 Chaiwood Court, Maple)

Dear Committee of Adjustment members:

We object to this Application A174/19 - A174/19 from 76 Chaiwood Court, Maple. The reasons are as follows:

1, The intent and purpose of a zoning by-law is to prescribe the front, rear and side yard set backs, building size, height and use. A minimum rear yard setback of 7.5 metres is required to an accessory structure is By-law Requirement. It speaks to matters such as spacing, privacy, density, light and air and gives us as neighbourhood its built form and character. A proposed Variance will change the set back to a minimum rear yard setback of 1.40 metres to the accessory structure, which is not compatible with existing houses in the neighbourhood with respect to size, set back and side yards and sensitive to issues such as privacy and detrimental to the streetscape or the character of the neighbourhood. This will affect the degree of spaciousness, sunlight and privacy that was dictated by the zoning by-laws existing when the neighbourhood was developed. We paid for the purchase price and annual taxes for the enjoyment of these qualities and are entitled to protection from a reduction in zoning standards. Being residents, we

should be able to rely upon a municipalities former zoning policies and it is a breach of trust when they are diminished.

2, The character of the neighbourhood is deserving of protection and this will be a factor to be seriously considered by the Committee. New development should be compatible and respect the established physical character of the neighbourhood. Proposed Cabana is: out of scale; out of character; inappropriate; destabilizing the character of the neighbourhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.

3, The variance cannot be minor. First that it is too large or too important to be considered minor. This Variance is supposed to change the set back from 7.5 metres to 1.40 metres, and there will cause an unacceptable adverse impact upon our properties in the immediate and general area to the point where the intent and purpose of the zoning by-law is not maintained. The issues that may arise related to the general area are that the Cabana is incompatible with the established built house, fence, trees, landscaping and character of the neighbourhood and that it erodes the aesthetics of the streetscape. The primary issues raised are related to loss of sunlight, privacy, views, spacing and openness which may result from the mass, height and bulk of the proposed Cabana. There may also be issues related to trees, grass, drainage, and noise.

The drainage problems will be created by new Cabana, because the lot is the 2<sup>nd</sup> end lot to the stormwater drainage well in the street. That stormwater effects will harm public safety.

The sunlight will be blocked in the morning due to the height of the Cabana. That will be impact on our families quality of life as will the loss of enjoyment in gardening and other outside activities in areas to suffer

shadowing. And also the degree of comfort will decreased. The views and visual enjoyment of open areas shared by the community as a whole will have a negative impact.

The Cabana with a toilet certainly will generate some bad smell, and that will be terrible if there are some problems for the sewer system. The odor will not only cause problem for one neighbor but also the entire neighborhood will be hurt.

4, From public interest perspective, this variance will affect the enjoyment of the entire community. There will be no trees and greens alone with the fence in all back yards if every property build a Cabana with a toilet in their back yard. We should keep fairness for the community and neighbors.

5, Our house (62 Moraine Hill Dr) is built close the backyard fence. It is only 6.04 Metres from the end of the house to the fence (please see attachment). So the Cabana will be very close to the house and there will be no enough space for our enjoyment in the back yard. Also have the above issues I mentioned relating to the view, smell, sunlight and noise.

6, We all have a common understanding of how a toilet can be used and that it has the potential to emit odours and even pathogens.

7, there is no indication of an automatic door closing mechanism. This can lead to the door getting left open for periods of time, and odours escaping into the air within a short distance of neighbouring lands.

8, the drawing does not show a floor drain for the toilet area. Any substances from the floor, especially those that are pathogen laden, can find a way into the small drainage allocation along the property line at the back. Smells, insects, and health risks can occur. Pushing the structure closer to the rear fence line, as the applicant has requested,

reduces the containment potential and thereby, increases the exposure to smells, insects and related health risks for neighbouring properties.

9, by asking for a reduction in the rear setback, the applicant is making it clear that they too want this structure as far from their home as possible. Clearly, there is a shared concern here between the applicant and us. We all feel it must be as far away from our homes as the rules allow.

10, we live in a suburban setting. We do not have large rural lots where such a request would have little, if any, impact on the surrounding properties. Our enjoyment of our backyard for entertaining and family meals will be directly impacted.

11, the height of the structure needn't approach the requested height of nearly 12 feet. This is almost six feet above the existing fence line. A flat roof, sloped to drain would suffice.

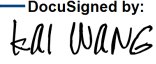
Lastly, It will have negative impact on the value of the properties in the area.

In conclusion, this variances will cause an unacceptable adverse impact upon the neighbourhood to the point where the intent and purpose of the zoning by-law is not maintained. We strongly oppose this variances.

Sincerely


Owners of 62 Moraine Hill Dr, Maple, L6A 0Z8

Kai Wang

DocuSigned by:  
  
A92FCDBD602A40A...

15-Mar-20

Chun Wang

DocuSigned by:  
  
561D902295B54ED...

3/15/2020

**From:** [REDACTED]  
**To:** [Committee of Adjustment](#); [Vigneault, Christine](#); [MacPherson, Adriana](#)  
**Subject:** [External] Request for a hearing adjournment--A174/19 - A174/19 (76 Chaiwood Court, Maple)  
**Date:** Sunday, March 15, 2020 11:39:22 PM

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Dear Christine and committee of adjustment,

We want to request a hearing adjournment, due to current circumstances of coronavirus (COVID-19). We have to follow Minister of Health Canada's instructions, reduce the chance to explore in the public meeting. To protect ourselves and our community, we ask a delay hearing date, so that our neighbors can attend the meeting and present our submissions to committee members.

Your consideration will be highly appreciated.

Best Regards

-----  
***Chun Wang&Kai Wang***

62 Moraine Hill Dr, Vaughan, L6A 0Z8

[REDACTED]



March 11 2020

City of Vaughan

Committee of Adjustment

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

**CofA@vaughan.ca**

**Opposition for the variances of A174/19 - A174/19 (76 Chaiwood Court, Maple)**

Dear Committee of Adjustment members:

We object to this Application A174/19 - A174/19 from 76 Chaiwood Court, Maple. The reasons are as follows:

1, The intent and purpose of a zoning by-law is to prescribe the front, rear and side yard set backs, building size, height and use. A minimum rear yard setback of 7.5 metres is required to an accessory structure is By-law Requirement. We paid for the purchase price and annual taxes for the enjoyment of these qualities and are entitled to protection from a reduction in zoning standards.

2, The character of the neighbourhood is deserving of protection and this will be a factor to be seriously considered by the Committee. Proposed Cabana is: out of scale; out of character; inappropriate; destabilizing the character of the neighbourhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.

3, The variance cannot be minor. First that it is too large or too important to be considered minor. This Variance is supposed to change the set back from 7.5 metres to 1.40 metres, The primary issues raised are related to loss of sunlight, privacy, views, spacing and openness which may result from the mass, height and bulk of the proposed

Cabana. There may also be issues related to trees, grass, drainage, and noise.

The drainage problems will be created by new Cabana, because the lot is the 2<sup>nd</sup> end lot to the stormwater drainage well in the street. That stormwater effects will harm public safety.

The sunlight will be blocked in the morning due to the height of the Cabana. That will be impact on our families quality of life as will the loss of enjoyment in gardening and other outside activities in areas to suffer shadowing. And also the degree of comfort will decreased. The views and visual enjoyment of open areas shared by the community as a whole will have a negative impact, these impacts are including but not limited to the view, smell, sunlight and noise.

The Cabana with a toilet certainly will generate some bad smell, and that will be terrible if there are some problems for the sewer system. The odor will not only cause problems for one neighbor but also the entire neighborhood will be hurt.

4, From public interest perspective, this variance will affect the enjoyment of the entire community. There will be no trees and greens alone with the fence in all back yards if every property owner build a Cabana with a toilet in their back yard. We should keep fairness for the community and neighbors.

In conclusion, this variances will cause an unacceptable adverse impact upon the neighbourhood to the point where the intent and purpose of the zoning by-law is not maintained. We strongly oppose this variances.

Sincerely

Owners of 62 Moraine Hill Dr, Maple, L6A 0Z8 Kai Wang& Chun Wang





Owners of 81 Randolph Dr, Vaughan, L6A0Z8

SHA CHEN 陈莎

80 Randolph Dr, Vaughan, L6A0Z8

Hudson 2850

87 Randolph Dr, Vaughan, L6A0Z8

Bojun Shi

77 Randolph Dr, Vaughan, L6A0Z8

ZHIHUA XIE

73 Randolph Dr, Vaughan, L6A0Z8

Xinlu Tong

63 Randolph Dr, Vaughan, L6A0Z8

Yue Zhang

59 Randolph Dr, Vaughan, L6A0Z8

Jiang Yuan 江元

91 Chaiwood Crt, Vaughan, L6A0V9

Ye Poon

87 Chaiwood Crt, Vaughan, L6A0V9

Lily Wang

66 Chaiwood Crt, Vaughan, L6A0V9

70 Chaiwood Crt, Vaughan, L6A0V9

58 Moraine Hill Dr

Daniel Greenberg

Owners of

76 Randolph Dr, Vaughan, L6A 0Z8



86 Randolph Dr, Vaughan, L6A 0Z8

90 Randolph Dr, Vaughan, L6A 0Z8



96 Randolph Dr, Vaughan, L6A 0Z8

67 Randolph Dr, Vaughan, L6A 0Z8



91 Randolph Dr, Vaughan, L6A 0Z8


95 Randolph Dr, Vaughan, L6A 0Z8



66 Moraine Hill Dr, Vauhan, L6A 0Z8

52 Moraine Hill Dr, Vauhan, L6A 0Z9

48 Moraine Hill Dr, Vauhan, L6A 0Z9

 regarding Toilet we don't agree!



44 Moraine Hill Dr, Vauhan, L6A 0Z9

Owners of

40 Moraine Hill Dr, Vauhan, L6A 0Z9

[REDACTED]

36 Moraine Hill Dr, Vauhan, L6A 0Z9

*B. Nalepa* VIKTOR  
GAURUSH

*Valeri Stavets, Inna Stavets*

[REDACTED]

81 Moraine Hill Dr, Vauhan, L6A 0Z8

77 Moraine Hill Dr, Vauhan, L6A 0Z8

71 Moraine Hill Dr, Vauhan, L6A 0Z8

67 Moraine Hill Dr, Vauhan, L6A 0Z8

*Alexander Sermen*

[REDACTED]

61 Moraine Hill Dr, Vauhan, L6A 0Z8

55 Moraine Hill Dr, Vauhan, L6A 0Z8

51 Moraine Hill Dr, Vauhan, L6A 0Z9

47 Moraine Hill Dr, Vauhan, L6A 0Z9

*Leon*

Owners of

96 Chaiwood Crt, Vaughan, L6A0Z9



92 Chaiwood Crt, Vaughan, L6A0Z9

88 Chaiwood Crt, Vaughan, L6A0Z9

84 Chaiwood Crt, Vaughan, L6A0Z9

80 Chaiwood Crt, Vaughan, L6A0V9

*[Handwritten signature]*

55 Chaiwood Crt, Vaughan, L6A0V9

79 Chaiwood Crt, Vaughan, L6A0V9

83 Chaiwood Crt, Vaughan, L6A0V9

95 Chaiwood Crt, Vaughan, L6A0Z9

*S. Boly*

*Yulia + GEORGE  
BARSKY*



60 Chaiwood Crt, Vaughan, L6A0V9

54 Chaiwood Crt, Vaughan, L6A0V9

**From:** [REDACTED]  
**To:** [Committee of Adjustment](#)  
**Subject:** [External] Deny the variances--A174/19 - A174/19 (76 Chaiwood Court, Maple)  
**Date:** Monday, March 16, 2020 4:48:03 PM

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March 16, 2020

City of Vaughan  
Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1 [CofA@vaughan.ca](mailto:CofA@vaughan.ca)  
**Subject : Opposition for the variances of A174/19 - A174/19 (76 Chaiwood Court, Maple)**

**Dear Committee of Adjustment members:**

Our name are Kejian Zhang and Xinlei Wang , owners of 87 Chaiwood Court, Maple .  
We are here writing to you that we object to this Application A174/19 - A174/19 from 76 Chaiwood Court, Maple.

The reasons are as follows:

**First,** It is not a good practice to build a toilet at the back yard. we all have a common understanding of how a toilet can be used . It has the potential to emit odours and even pathogens. It may also promote growth of virus and bugs which may impact our community environment.

**Second,** many of the adjacent, and nearby, properties have small children that play in the backyards. In some cases, children from neighbouring property could get as close as a few feet from the toilet on the applicants property if the variance is granted.

**Third,** there is no indication of an automatic door closing mechanism. This can lead to the door getting left open for periods of time, and odours escaping into the air within a short distance of neighbouring lands.

**Fourth,** the drawing does not show a floor drain for the toilet area. Any substances from the floor, especially those that are pathogen laden, can find a way into the small drainage allocation along the property line at the back. Smells, insects, and health risks can occur. Pushing the structure closer to the rear fence line, as the applicant has requested, reduces the containment potential and thereby, increases the exposure to smells, insects and related health risks for neighbouring properties.

**Fifth,** by asking for a reduction in the rear setback, the applicant is making it clear that they too want this structure as far from their home as possible. Clearly, there is a shared concern here between the applicant and us. We all feel it must be as far away from our homes as the rules allow.

**Sixth,** we live in a suburban setting. We do not have large rural lots where such a request would have little, if any, impact on the surrounding properties. Our enjoyment of our backyard for entertaining and family meals will be directly impacted.

**Lastly,** the height of the structure needn't approach the requested height of nearly 12 feet. This is almost six feet above the existing fence line. A flat roof, sloped to drain would suffice.

We appreciate the committee hearing our concerns and our request to deny the variances as requested.

Thanks and Best Regards

Kejian zhang and Xinlei Wang

87 Chaiwood Court





**From:** [REDACTED]  
**To:** [Attwala, Pravina; Committee of Adjustment](#)  
**Subject:** [External] A174/19 (76 Chaiwood Crt) Application  
**Date:** Monday, March 30, 2020 6:55:41 PM

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Dear Chair and Committee of Adjustment Members,

We are the owners of the house located at 76 Chaiwood Crt that is requesting minor variance with application A174/19 and would like to respond to various claims and issues raised by some neighbours.

**Drainage Issue** – Residents at 66 Moraine Hill Dr address Irina Golikov & George Golikov are the actual problem to the drainage of the yards. Their yard contains rear lot drainage catch basin which they have blocked. They have garden retaining wall and interlock patio stone that is built up tight all the way to the fence (touching the fence) blocking any water drainage coming from our yard as well as next door's 62 Moraine Hill. This water is supposed to run down to their yard where the rear lot drainage catch basin is located. Additionally, their interlock patio was also raised about 2 feet above the original grade completely blocking any flow of collected water. The City of Vaughan states that "no changes to the grade are permitted within two feet of any lot line."

We are committed to preserving proper water flow and drainage channels by hiring a reputable company to do our landscaping.

**Cabana Height Issue** - If we were to build exactly the same cabana but without the bathroom then we would not even require a permit and we could make it bigger and put it closer to the fence.

The City of Vaughan by-law already allows for construction of accessory structures and sheds that are bigger than our proposed accessory structures/cabana, even allowing it to be closer to the fence than what we are proposing.

The City of Vaughan by-law only requires permit for any shed or accessory structure that is 10 square metres or more. (107.64 square feet).

- Our proposed cabana/ accessory structure is 8.9 square metres (96 square feet) in area.

The City of Vaughan by-law permits accessory structure with the maximum height not exceeding 4.5 metres (14 feet 9 inches) from finished grade to the highest point on the structure. The accessory structure must not be closer than 2 feet from any lot line.

- Our proposed accessory structure/cabana is only 3.6 metres (11 feet 9 inches) in height and proposed to be 1.4 metres (4 feet 8 inches) away from the fence which is even less in height and distance and area than allowable accessory structures by by-law if it did not have plumbing.

Therefore, the only issue that the neighbours could raise is the bathroom, which is invalid because every single household contains a bathroom plumbing that is exactly the same as our proposed bathroom.

**Smell Issue** – *62 Moraine Hill Dr* neighbour is raising the issue of smell coming from the bathroom but it would be no different than the smell of their own bathrooms (4 to 5 toilets per dwelling) withing their own homes. Their indoor bathrooms also contain “pathogens” mentioned by *Kai Wang & Chun Wang* in their petition. We are committed to proper maintenance of the bathrooms (indoor or outdoor) that will be kept in pristine condition. Also, our hired contractor will be using accredited plumbing company that will construct bathroom plumbing in accordance with the city laws and permits from the city which will be inspected for proper construction and working order.

**Sun Light Issue** – We have conducted an investigation into the sunlight issue by taking pictures of the backyards of dwellings that neighbour our yard and oppose, at every single hour of day light, specifically *62 Moraine Hill* address. They do not receive almost any morning sunlight at this time. The afternoon sunlight is positioned in a way that if we were to construct a cabana, the shadow from it would fall onto our own property. Additionally, the neighbours that are directly backing into our yard, like *52 Moraine Hill*, *62 Moraine Hill*, *66 Moraine Hill Dr* have backyards that face East and therefore when the sun comes from the South our proposed cabana has no affect of their sunlight.

The neighbor, *Kai Wang & Chun Wang (66 Moraine Hill Dr)*, that are raising an issue of lack of potential morning sunlight have planted a Sugar Maple Tree and Oak Tree that are both located right in the middle end of their backyard, exact spot where we are proposing the cabana to be located. This maple tree is projected to grow *50 feet wide and 100 feet in height*, same with an oak tree, therefore blocking any potential sunlight to their own property. They will actually be blocking sunlight coming into our yard with their massive tree when it reaches full height.

**Privacy/Spaciousness Issue** - the argument of privacy is baseless because the structure will actually provide additional privacy for the neighbours directly backing onto our lot. Additionally, *Kai Wang & Chun Wang (66 Moraine Hill Dr)* planted Red Sugar Maple tree and an Oak Tree that will grow exponentially and create their own issue of privacy, view and spaciousness mentioned in complaint letter. Our proposed cabana would not interfere with anyone else’s backyard’s spaciousness issue since we are not encroaching.

**Distance from Fence** - *62 Moraine Hill Drive* is 8.76 metres from the end of the house to the end of the backyard, not 6.04 metres as mentioned by the *62 Moraine Hill Drive* petitioner *Kai Wang & Chun Wang*.

**Final notes:** Please note that *Kai Wang & Chun Wang (62 Moraine Hill Drive)* falsely included residents of 96 Chaiwood as being opposed to the construction. They are in favour and have sent a letter to Committee of Adjustments notifying that they did not give permission to be included in the petition.

Both of our next-door neighbours do not mind the proposed construction as well as many others living on the street.

Majority of people who signed the petition against approval of the cabana/accessory structure are dwellings in addressed which do not even have a direct view or proximity into our backyard and of our proposed cabana. They would not in any way be impacted by the cabana being built.

Thank you in advance for your time and consideration in this matter.

Respectfully,

Amir and Kateryna Hashemi  
Owners of 76 Chaiwood Crt

**From:** [REDACTED]  
**To:** [Attwala, Pravina; Committee of Adjustment](#)  
**Subject:** [External] URGENT information re: Application A174/19 76 Chaiwood Crt  
**Date:** Monday, March 23, 2020 9:39:25 PM

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Hello Pravina,

My name is Evie Levitin and my family and I live on 96 Chaiwood Crt. It was just brought to our attention that we have been fraudulently listed as a signature opposing this application.

On March 14, our dinner was interrupted by another neighbour. My husband did not have time to talk and asked that information was emailed to him for us to review in the evening. Once we reviewed the email we received, my husband and I were not in agreement with this petition and we did not take any action. We did not agree to sign it and we did not agree for our email, name or address to be included on this petition. It was falsely included which is fraud and an invasion of our privacy.

Please remove our names off this list. We take absolutely no issue with the building of this cabana. Furthermore, I would urge you to assess the rest of the signatures to ensure they were not falsely included as well.

Thank you in advance,

Evita and Roman Levitin  
96 Chaiwood Crt  
[REDACTED]

**From:** [REDACTED]  
**To:** [Committee of Adjustment](#); [Vigneault, Christine](#); [MacPherson, Adriana](#); [Attwala, Pravina](#)  
**Subject:** [External] Opposition submission of A174/19-A174/19(76 Chaiwood Court, Maple) From neighbors--Number changes  
**Date:** Monday, March 23, 2020 9:46:45 PM

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Dear committee of adjustment,

Regarding the opposition letter with neighbors signatures. Please count the neighbors with their signature on the letter.

**96 Chaiwood Crt, shouldn't be counted, because they didn't sign on the letter.**

I apologize for the inconvenience caused.

Thanks and Best Regards

-----  
*Chun Wang*

*62 Moraine Hill Dr*

[REDACTED]

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](mailto: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](mailto:tony.donofrio@alectrautilities.com)

MacPherson, Adriana

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**Subject:** FW: A174/19 - Request for Comments  
**Attachments:** A174-19 - Circ.pdf  
  
**Importance:** High

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**From:** Development Services <developmentservices@york.ca>  
**Sent:** February-04-20 11:00 AM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** FW: A174/19 - Request for Comments  
**Importance:** High

Good Morning Adriana,  
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  
-----  
1-877-464-9675 ext. 71538

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