

ITEM #: 6.9

**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A252/22
170 Arnold Ave, Thornhill**

COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

*Please see **Schedule B** of this report for a copy of Staff and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Refusal
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X	X	Recommend Approval w/Conditions
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X			No Comments Recieved to Date
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A252/22
170 Arnold Ave Thornhill**

FILE MANAGER: Pravina Attwala, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.9	CITY WARD #: 5
APPLICANT:	Noah Tenser & Clara Serruya
AGENT:	Richard Wengle Architect Inc.
PROPERTY:	170 Arnold Ave Thornhill
ZONING DESIGNATION:	See below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed single family dwelling, covered porte-cochere (canopy) a cabana and swimming pool.

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

The subject lands are zoned R1E(EN) – First Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.403 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	Maximum permitted encroachment into a required yard by a permanent canopy is 0.6m. [Table 4-1]	To permit a permanent canopy (covered porte Cochere) to encroach 7.79m into the required front yard.
2	The maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage shall be 10% or 67.0 m ² , whichever is less. [Section 4.1.3.1]	To permit a maximum lot coverage of 151.49 m ² of the proposed accessory building and structure (cabana and permanent canopy).
3	Maximum permitted lot coverage is 20%. [Table 7-3]	To permit a maximum lot coverage of 29.97% (including principal building, covered porte cochere, and cabana).
4	The maximum building height shall be 8.66 m. [Section 4.5.1.b.]	To permit a maximum height of 11.0m for the replacement dwelling.

The subject lands are zoned R1V – Old Village Residential Zone and subject to the provisions of Exception 9(662) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot. [Section 4.1.c]	To permit an accessory structure (covered porte cochere) in the front yard.
6	Minimum required front yard is 9.79m. [Schedule A, Footnote 11 and Section 4.1.1.c]	To permit a minimum front yard of 1.09m to an accessory structure (covered porte cochere).
7	Maximum permitted lot coverage is 20%. [Schedule A]	To permit a maximum lot coverage of 29.97% (including principal building, cabana and porte cochere).
8	The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed ten percent (10%) or 67 square metres, whichever is the lesser. [4.1.1.a]	To permit a cabana with a maximum lot area coverage of 98.51 square metres.

HEARING INFORMATION

DATE OF MEETING: Thursday, December 8, 2022
TIME: 6:00 p.m.
MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan
LIVE STREAM LINK: Vaughan.ca/LiveCouncil

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca
If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

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

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider the following:

- 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.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed:	November 24, 2022
Date Applicant Confirmed Posting of Sign:	November 21, 2022
Applicant Justification for Variances: *As provided by Applicant in Application Form	Dwelling program exceeds building coverage permitted. Covered porte-cochere over driveway in front yard requires relief for front yard setback.
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	On November 18, 2022 Development Planning provided the following to the applicant: Development Planning staff recognizes no changes were applied with respects to reducing the maximum building height and lot coverage, as a result the proposed built form does not uphold the general intent and purpose of OPA 15 and the Zoning By-laws. Additionally, the porte-cochere front yard setback is not consistent nor compatible to the abutting properties in the

COMMITTEE OF ADJUSTMENT COMMENTS

	<p>neighbourhood which will adversely impact the streetscape.</p> <p>As a result, Development Planning staff will be <u>recommending refusal</u> of minor variance application file A252/22. Regardless of this fact, it is the discretion of Committee to render a decision pertaining to new developments in large lot neighbourhoods.</p> <p>On November 21, 2022 the applicant advised that they would be proceed with the application as is.</p>
<p>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</p> <p>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</p> <p>*A revised submission may be required to address staff / agency comments received as part of the application review process.</p> <p>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</p>	No
<p>Adjournment Fees:</p> <p>In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.</p> <p>An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.</p>	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS

**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments. The Development Planning Department recommends refusal of the application	
Development Planning Recommended Conditions of Approval:	N/A

DEVELOPMENT ENGINEERING COMMENTS

Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
<p>As the proposed dwelling in the subject property is 466.56m², the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m² requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached)</p> <p>Development Engineering (DE) staff reached out to the applicant and discussed concerns regarding a potential for increased stormwater runoff caused by the 9.97% additional hardscaping. To address this concern, the Applicant revised their proposal to include permeable paver walkways to reduces surface runoff.</p> <p>The owner/applicant shall contact Transportation and Fleet Management Services (Joint Operations Centre) if there is any work required related to the driveway culvert. Please visit the culvert work link provided above for more information.</p> <p>The Development Engineering (DE) Department does not object to the variance application A259/22 Subject to the following Condition(s)</p>	
Development Engineering Recommended Conditions of Approval:	The Owner/applicant shall submit a revised Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development

DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#)
 [Link to Pool Permit](#)
 [Link to Curb Curt Permit](#)
 [Link Culvert Installation](#)

Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the grading permit link provided above to learn how to apply for lot grading and/or servicing approval

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Applicant/owner shall obtain tree removal permit.

PFH Recommended Conditions of Approval:

Applicant/owner shall obtain tree removal permit from forestry division

DEVELOPMENT FINANCE COMMENTS

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Demolition development charge credits valid for a period of 48 months from date of demolition permit issuance. After 48 months, full development charges apply as per by-laws.

Development Finance Recommended Conditions of Approval:

none

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comments received to date.

BCLPS Recommended Conditions of Approval:

N/A

BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.

Building Inspection Recommended Conditions of Approval:

N/A

FIRE DEPARTMENT COMMENTS

No comments received to date.

Fire Department Recommended Conditions of Approval:

N/A

SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

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

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “**if required**”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering ian.reynolds@vaughan.ca	The Owner/applicant shall submit a revised Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the grading permit link provided above to learn how to apply for lot grading and/or servicing approval
2	Parks, Forestry and Horticulture Operations zachary.quizzetti@vaughan.ca	1) Applicant/owner shall obtain tree removal permit from forestry division

IMPORTANT INFORMATION – PLEASE READ

CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (**see condition chart above for contact**). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.

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 OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee’s decision you will **not** receive notice.

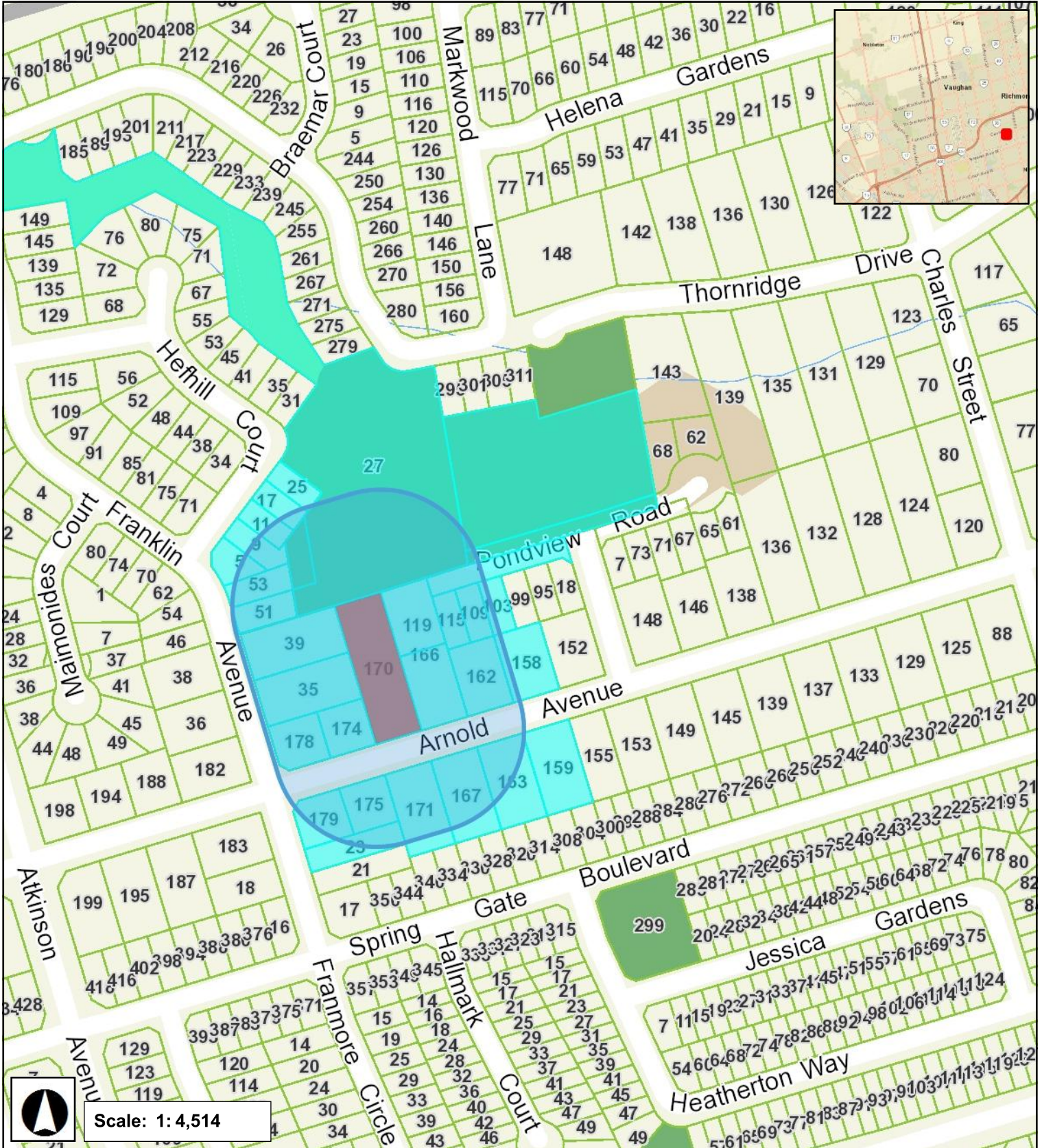
SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A252/22

170 ARNOLD AVENUE, THORNHILL

Highway 7



Bathurst Street

Yonge Street

Steeles Avenue West

November 18, 2022 12:23 PM

LEGEND

- HAZARDOUS TREE
- TREE REMOVAL NOT REQUIRING PERMIT
- TREE REMOVAL REQUIRING PERMIT
- TREE REQUIRING PERMIT TO INJURE
- TREES TO BE PROTECTED
- LIGHT OR HAND HELD EQUIPMENT IN THIS AREA DURING DEMOLITION AS PER ARBORIST REPORT
- 8FT. HIGH PLYWOOD TREE PROTECTION
- 4FT. HIGH SNOW FENCE ON WOOD FRAME, TREE PROTECTION
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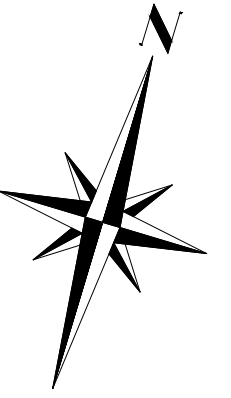
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5	Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot. [Section 4.1.d]	To permit an accessory structure (covered porte cochere) in the front yard.
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RECEIVED

By RECEIVED at 9:11 am, Nov 07, 2022

PLANS PREPARED BY APPLICANT

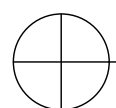
A252/22



TENSER/SERRUYA RESIDENCE

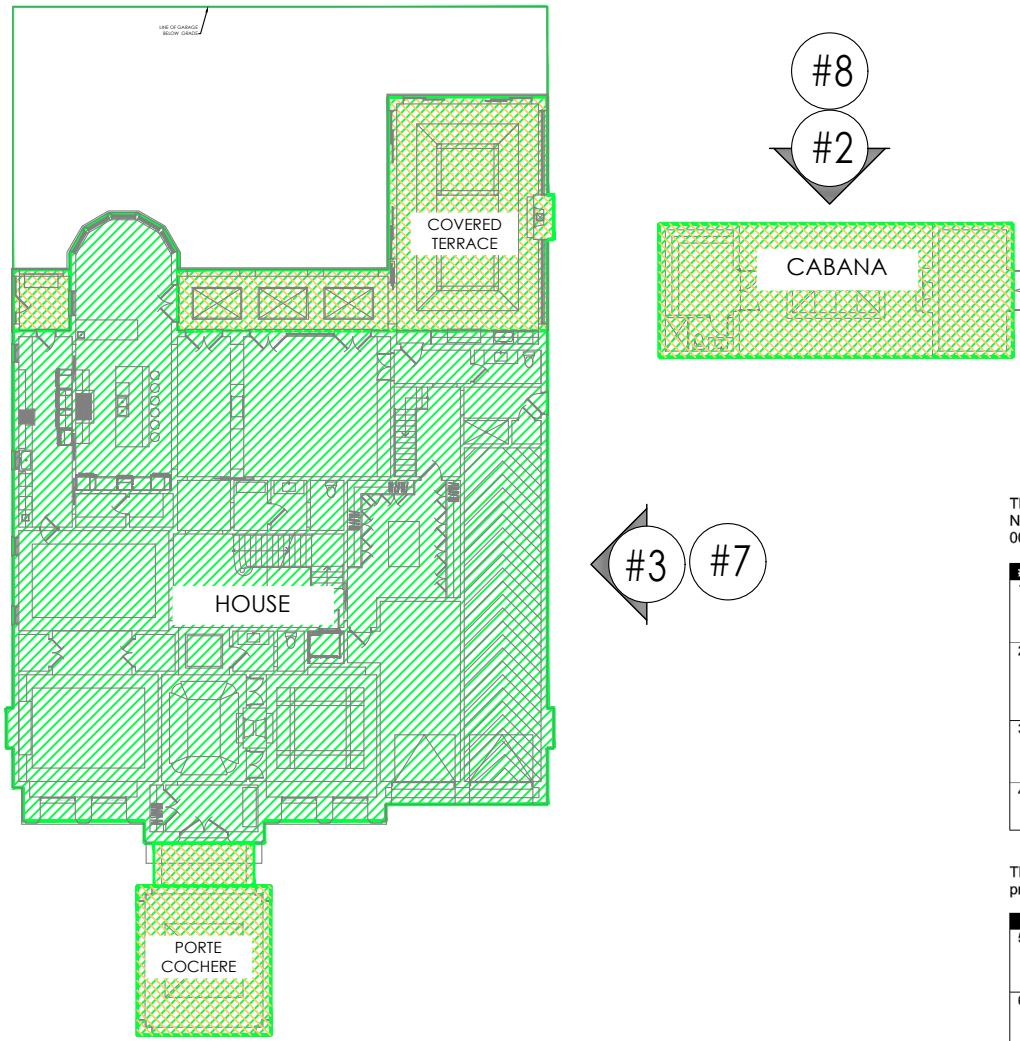
170 ARNOLD AVENUE
THORNHILL, ONTARIO

PROJECT NO. 2161



SITE PLAN
SCALE 1/32" = 1'-0"

PLANS PREPARED BY APPLICANT



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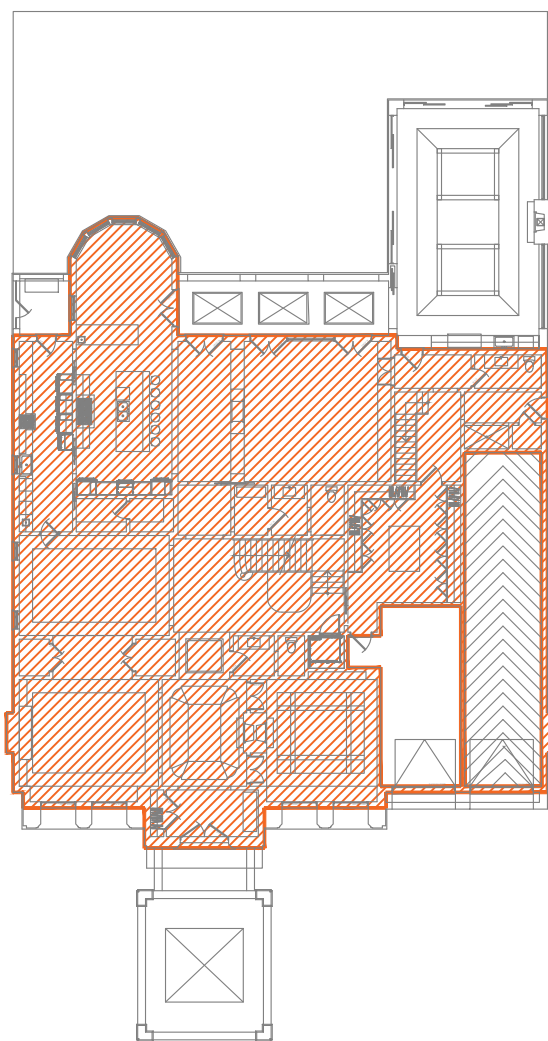
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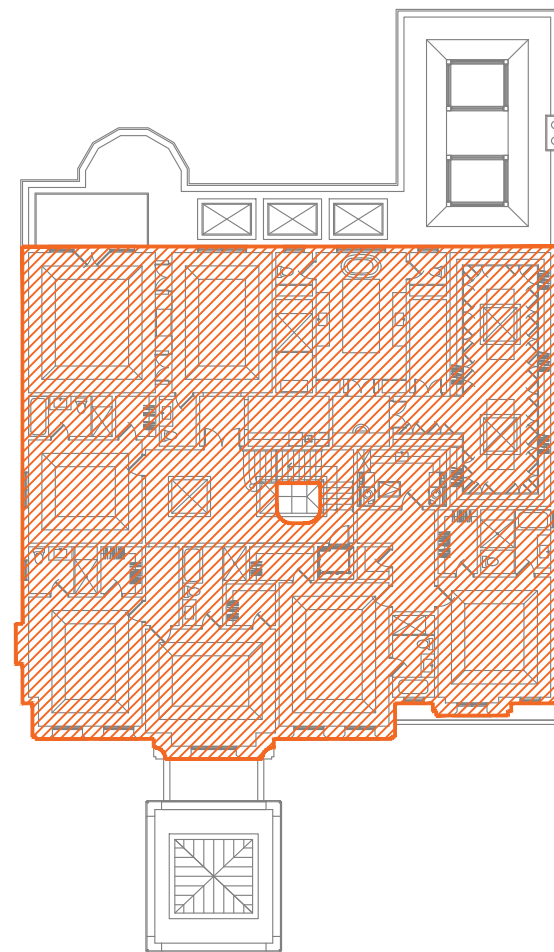
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LOT AREA = 29901.30 ft ² . (2777.83 m ²) PERMITTED COVERAGE : 20%	
HOUSE COVERAGE AREA:	6146.76 S.F (571.03 m ²) (20.56%)
OUTDOOR COVERED TERRACE AREAS:	1208.85 S.F (112.30 m ²) (4.04%)
COVERED PORTE COCHERE:	543.13 S.F (50.46 m ²) (1.82%)
TOTAL COVERAGE*:	7898.74 S.F (733.79 m ²) (26.42%)
CABANA COVERAGE*:	1060.40 S.F (98.51 m ²) (3.55%)

* =VARIANCE REQUIRED



GROUND FLOOR GFA = 5022.15 S.F. (466.56 m²)



SECOND FLOOR GFA = 5818.16 S.F. (540.51 m²)

TOTAL GFA AREA = 10840.31 S.F. (1007.07m ²) (36.25%) LOT AREA = 29901.30 FT ² . (2777.83 M ²)

TENSER/SERRUYA RESIDENCE

170 ARNOLD AVENUE
THORNHILL, ONTARIO

2161



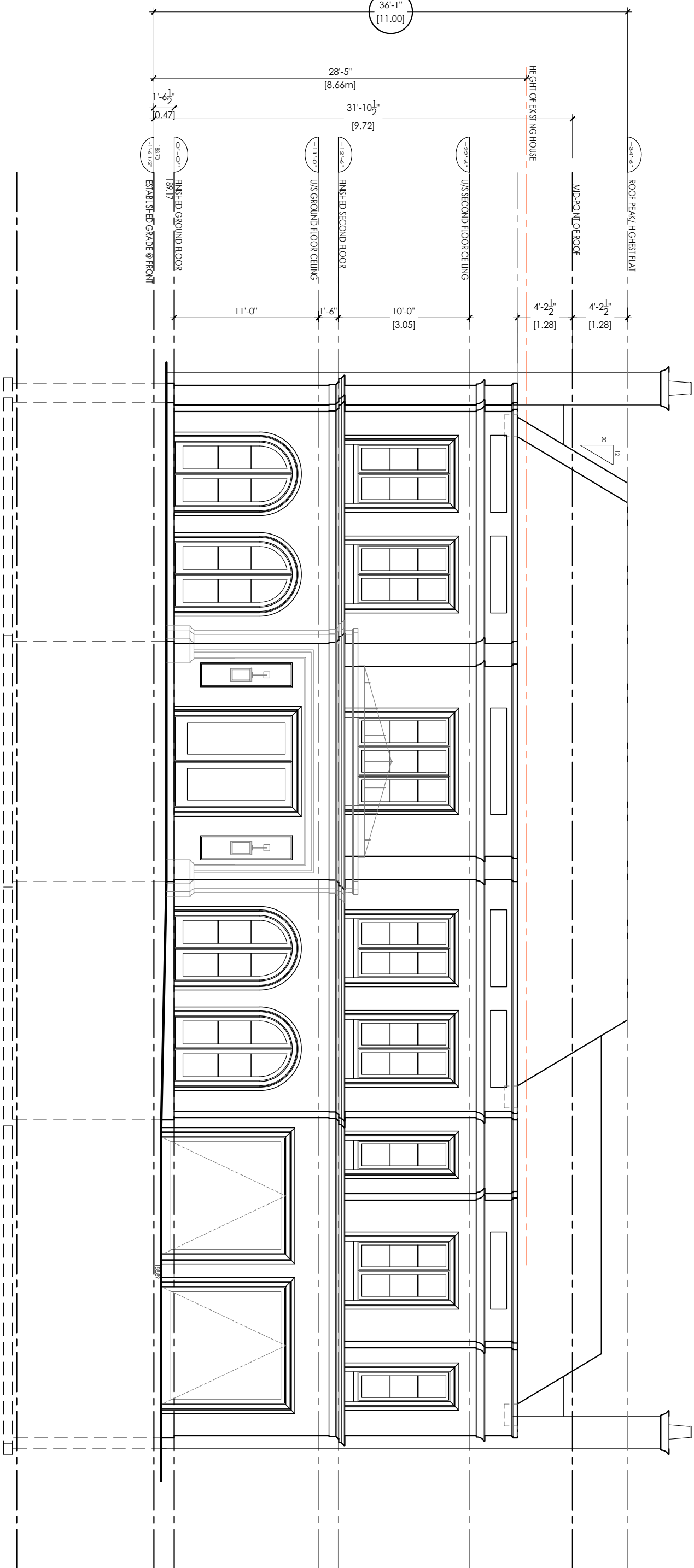
RICHARD WENGLER
ARCHITECT INC.



AREA CALCULATIONS
SCALE: N/A

PLANS PREPARED BY APPLICANT

#4
36'-1"
[11.00]



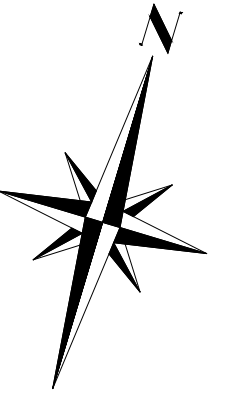
RICHARD WENGLE
ARCHITECT INC.

TENSER/SERRUYA RESIDENCE

170 ARNOLD AVENUE
THORNHILL, ONTARIO

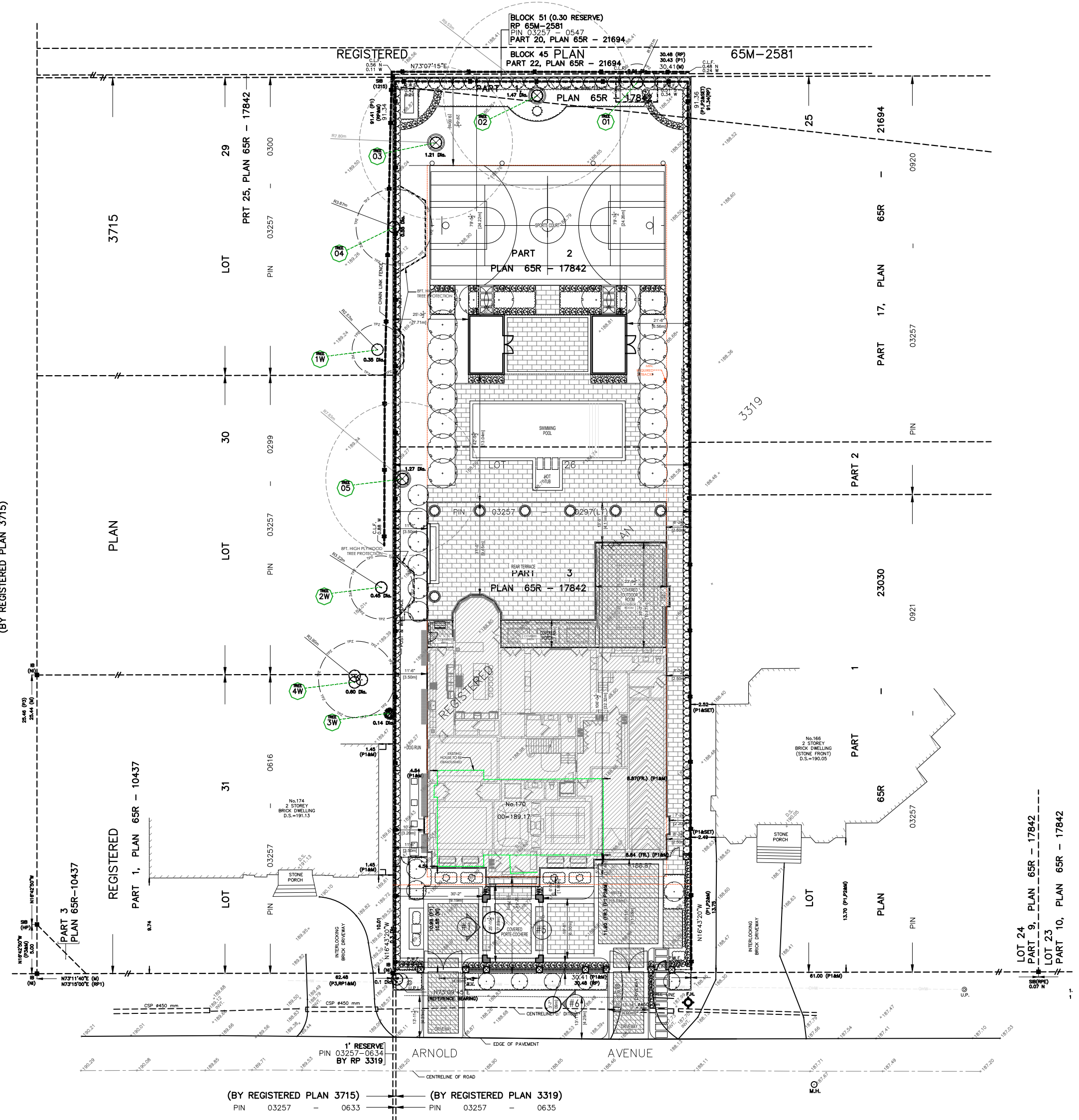
2161

FRONT ELEVATION
SCALE: 1/8" = 1'-0"



LEGEND

- HAZARDOUS TREE
- TREE REMOVAL NOT REQUIRING PERMIT
- TREE REMOVAL REQUIRING PERMIT
- TREE REQUIRING PERMIT TO INJURE
- TREES TO BE PROTECTED
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TENSER/SERRUYA RESIDENCE

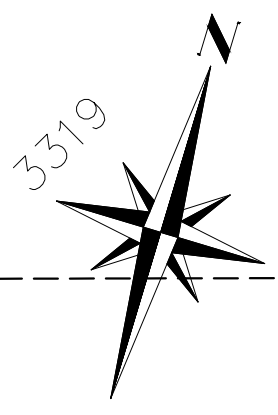
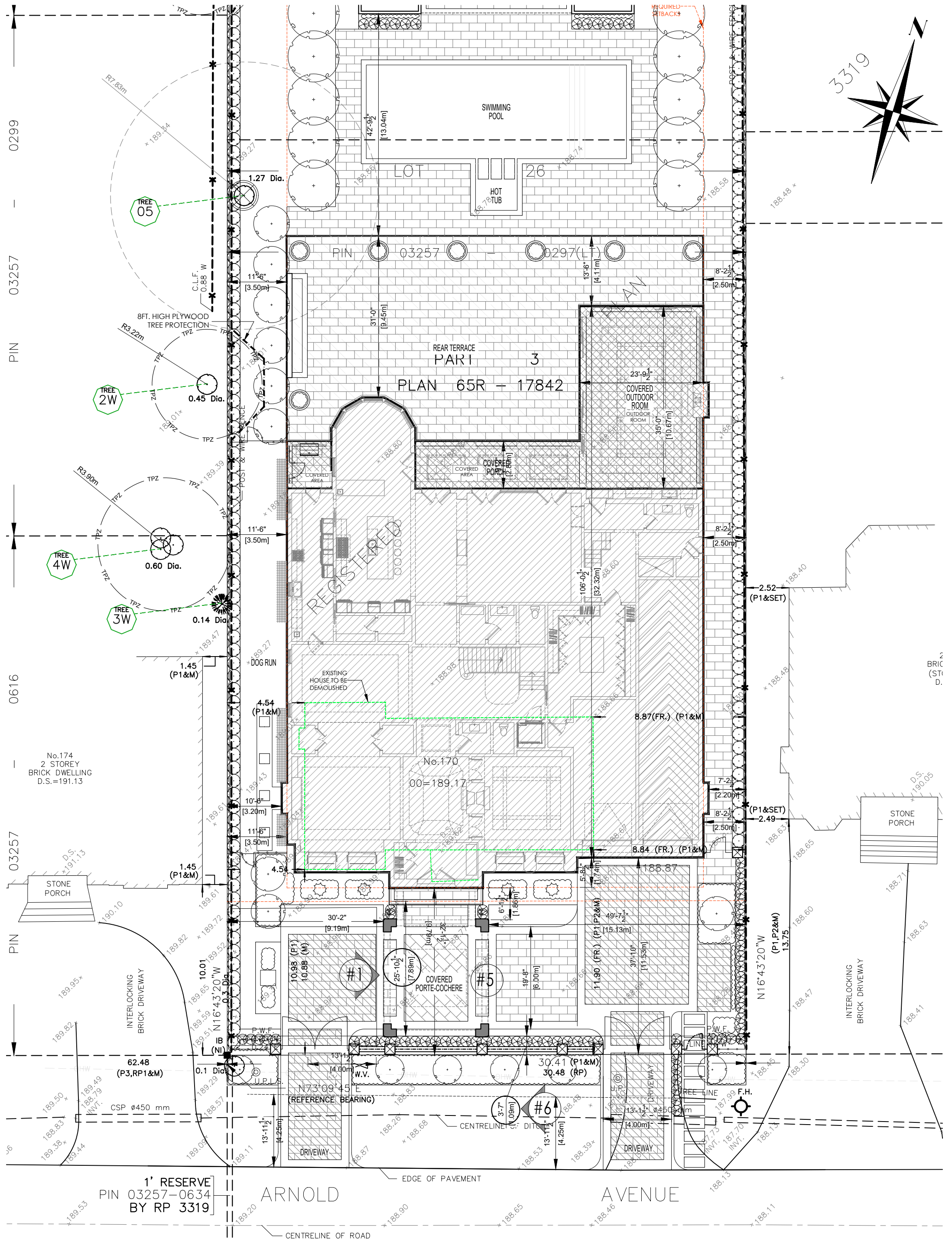
170 ARNOLD AVENUE
THORNHILL, ONTARIO

PROJECT NO. 2161

**SITE PLAN/
LANDSCAPE PLAN**
SCALE 1/32" = 1'-0"



RICHARD WENGLER
ARCHITECT INC.



REGISTERED PLAN 3715) ——— (BY REGISTERED PLAN 3319)
 03257 — 0633 ——— PIN 03257 — 0635

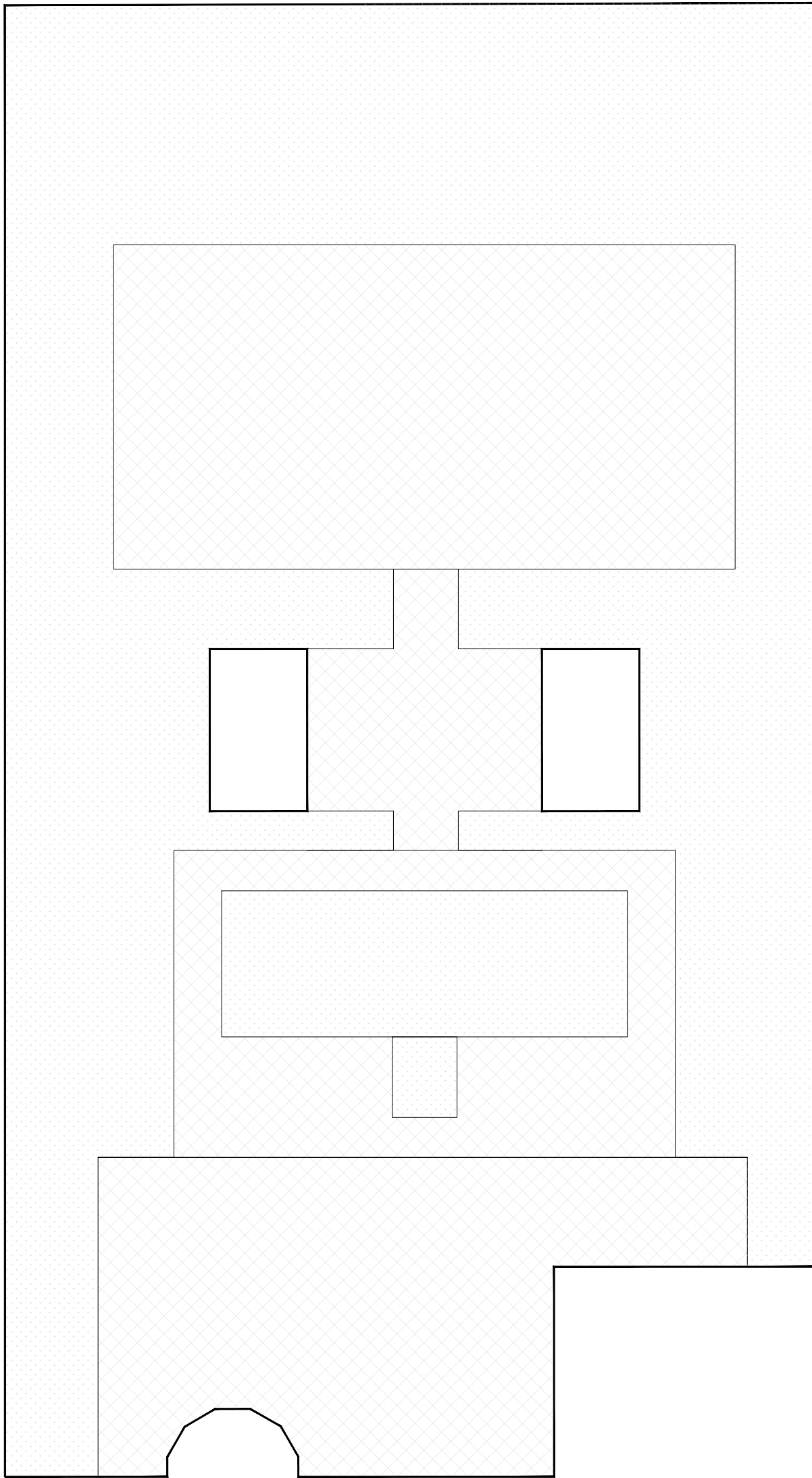
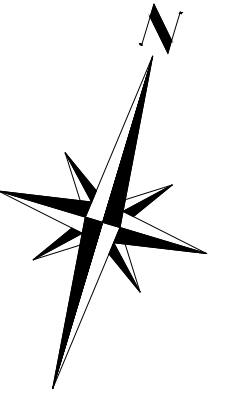


TENSER/SERRUYA RESIDENCE



170 ARNOLD AVENUE
 THORNHILL, ONTARIO

PROJECT NO. 2161

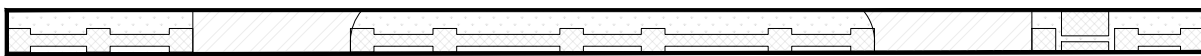
SITE PLAN
-CLOSE UP
 SCALE 1/16" = 1'-0"




REAR YARD AREA: $1551.82 \text{ SM} - 135 \text{ SM} = 1416.82 \text{ SM}$

-  HARD LANDSCAPED AREA
701.73 SM
-  SOFT LANDSCAPED AREA
850.09 SM (60%)

FRONT YARD AREA: 33.30 SM



HARD PAVED SURFACES (DRIVEWAY)


 8.85 SM (26.58%) OF FRONT YARD

LANDSCAPE OPEN SPACE PROVIDED

24.45 SM (73.42%) OF FRONT YARD

SOFT LANDSCAPE AREA CALCULATION

 HARD LANDSCAPED AREA:
9.64 SM

 SOFT LANDSCAPED AREA:
14.81 SM (60.56%)

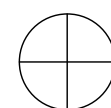


RICHARD WENGLER
ARCHITECT INC.

TENSER/SERRUYA RESIDENCE

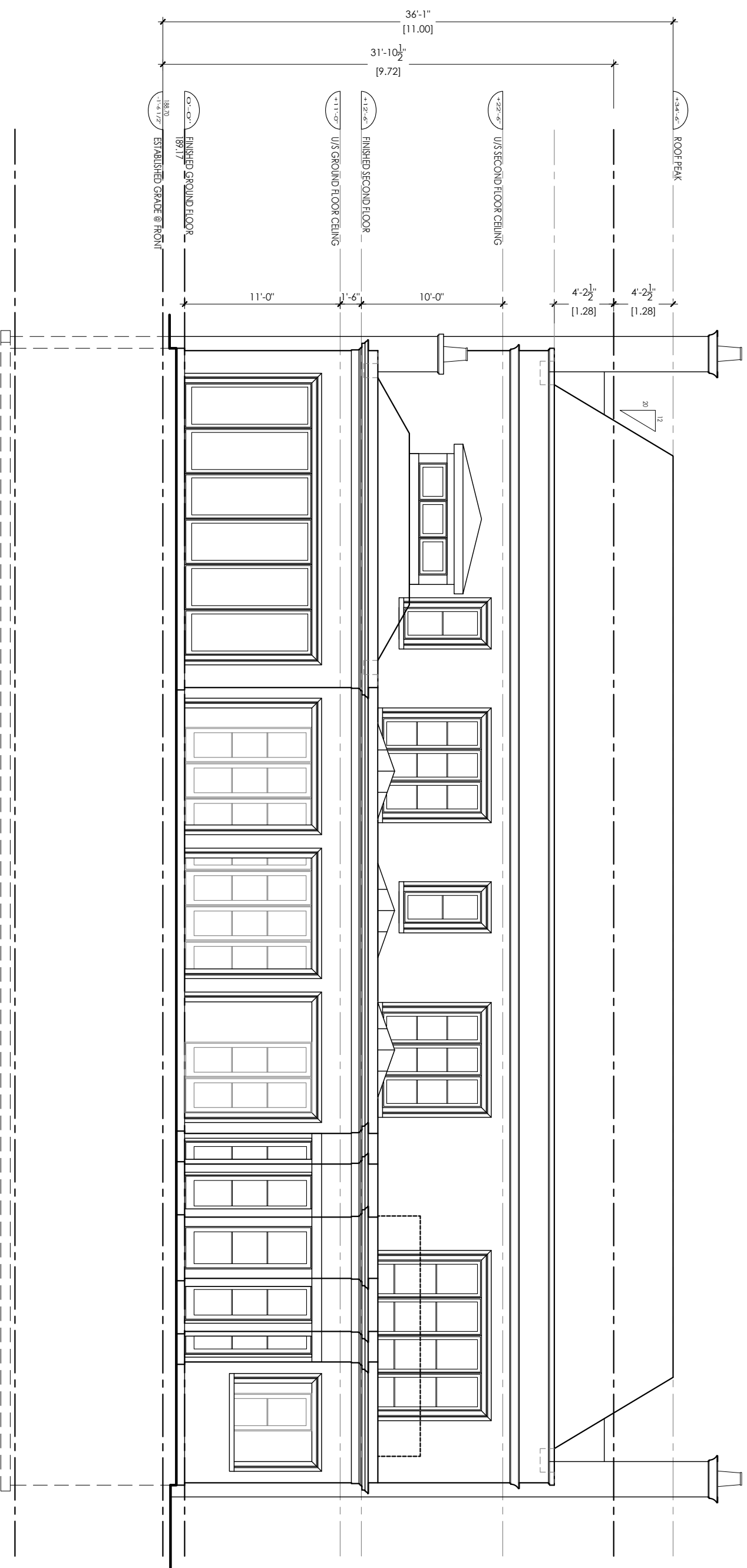
170 ARNOLD AVENUE
THORNHILL, ONTARIO

PROJECT NO. 2161



LANDSCAPE
CALCULATION

SCALE 1/16" = 1'-0"



36'-1" [11.00]
 31'-10¹/₂" [9.72]
 ROOF PEAK
 U/S SECOND FLOOR CEILING
 FINISHED SECOND FLOOR
 U/S GROUND FLOOR CEILING
 FINISHED GROUND FLOOR
 ESTABLISHED GRADE @ FRONT

4'-2¹/₂" [1.28] 4'-2¹/₂" [1.28]
 11'-0" 1'-6" 10'-0"

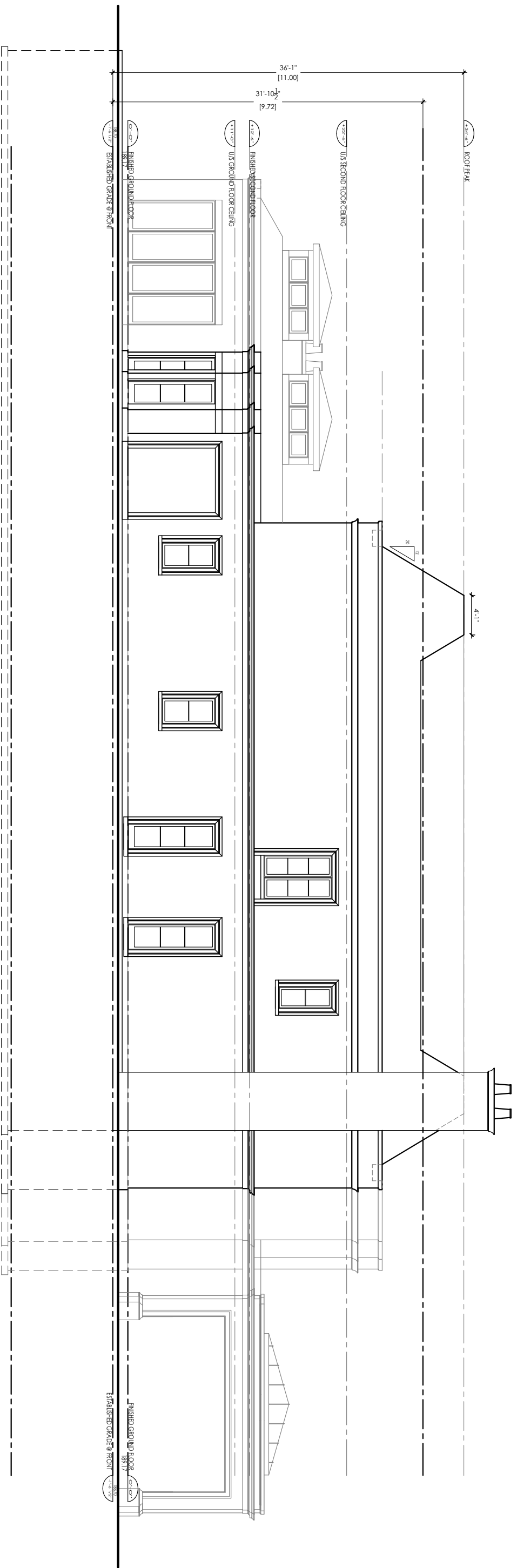
20
12

TENSER/SERRUYA RESIDENCE

170 ARNOLD AVENUE
 THORNHILL, ONTARIO

2161

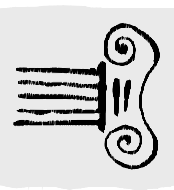




TENSER/SERRUYA RESIDENCE

170 ARNOLD AVENUE
 THORNHILL, ONTARIO

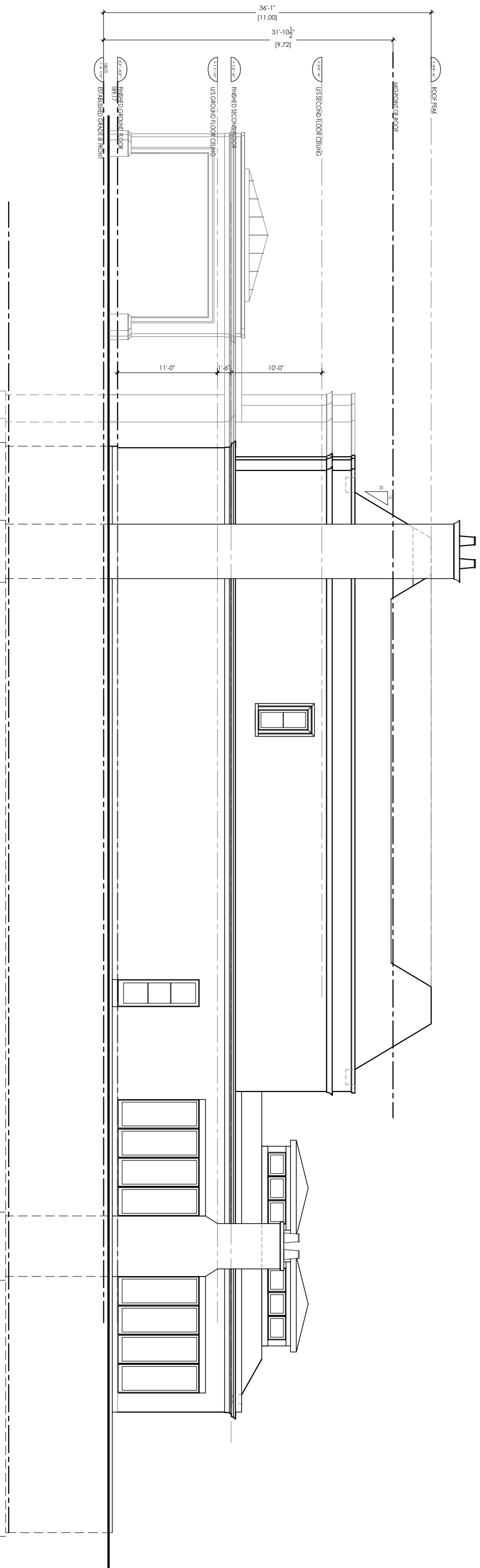
RICHARD WENGLE
 ARCHITECT INC.



WEST ELEVATION



SCALE: 3/32" = 1'-0"

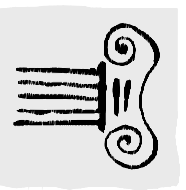


TENSER/SERRUYA RESIDENCE

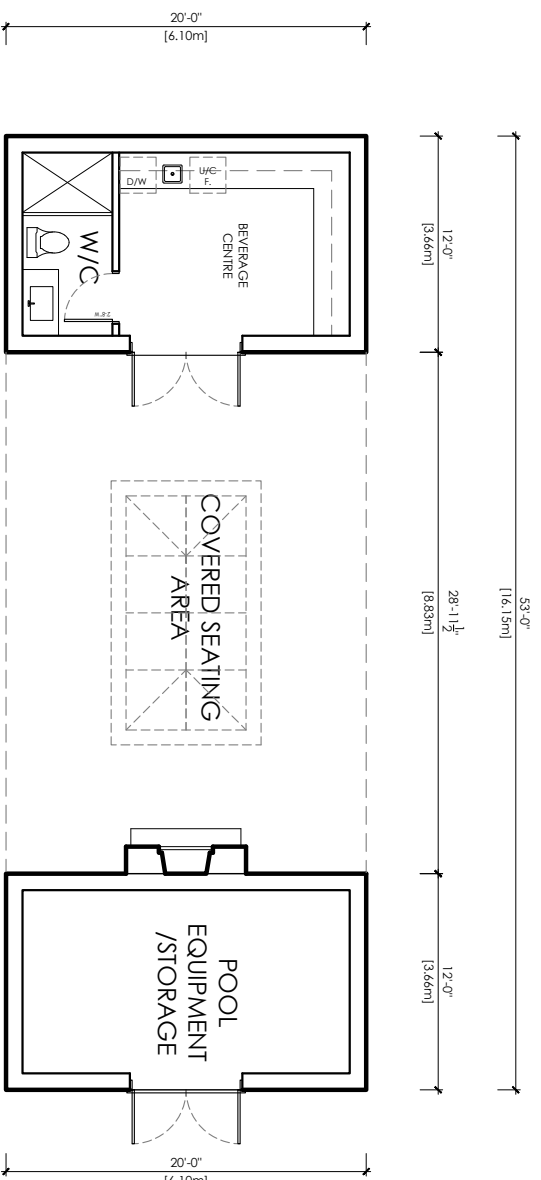
170 ARNOLD AVENUE
 THORNHILL, ONTARIO

2161

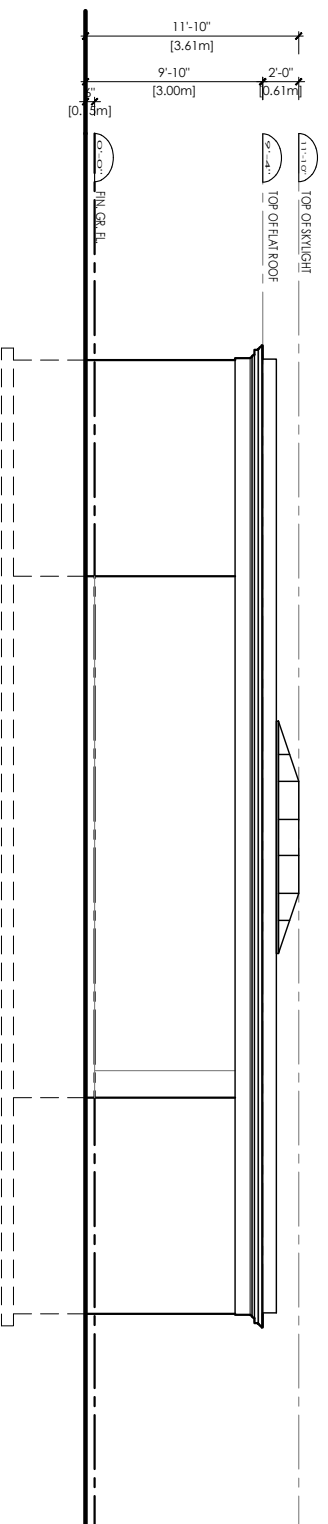
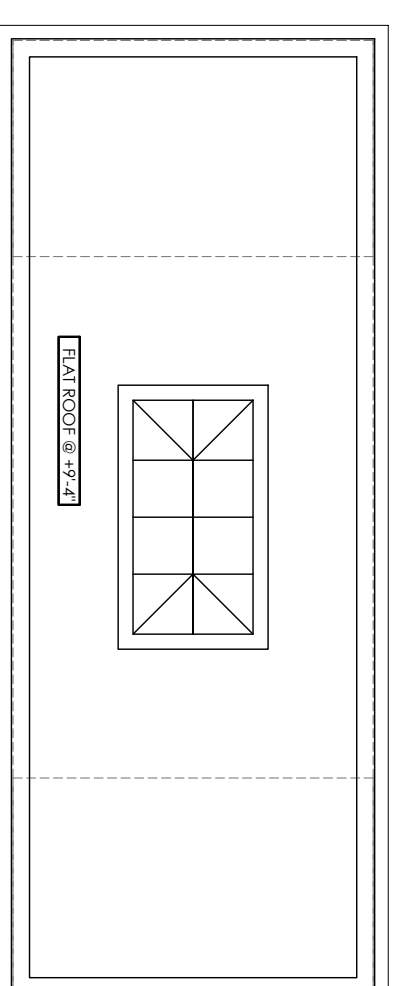
EAST ELEVATION
 SCALE: 3/32" = 1'-0"



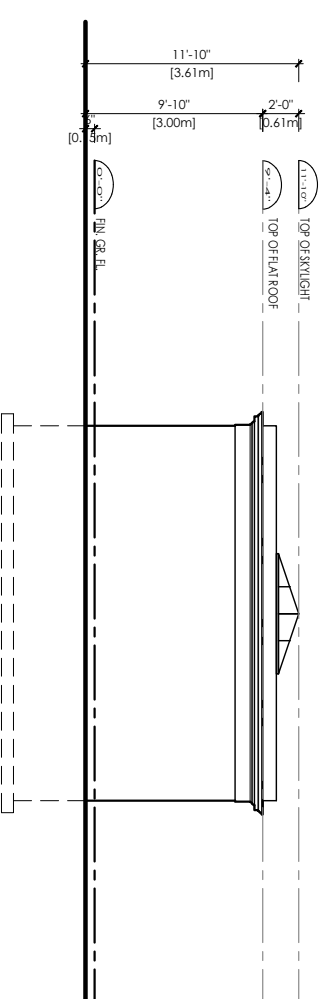
RICHARD WENGLE
 ARCHITECT INC.



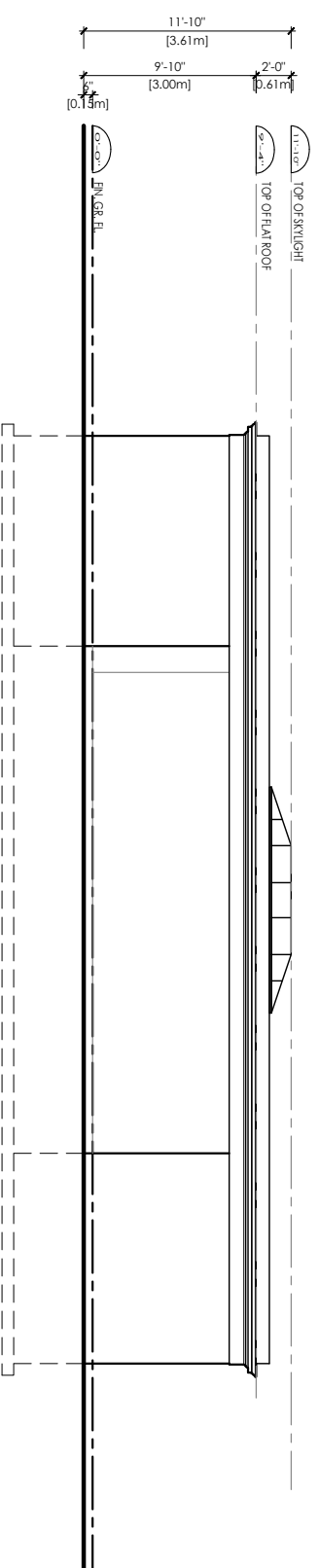
FLOOR AREA: 22.32 SM EACH.
TOTAL=44.64 SM



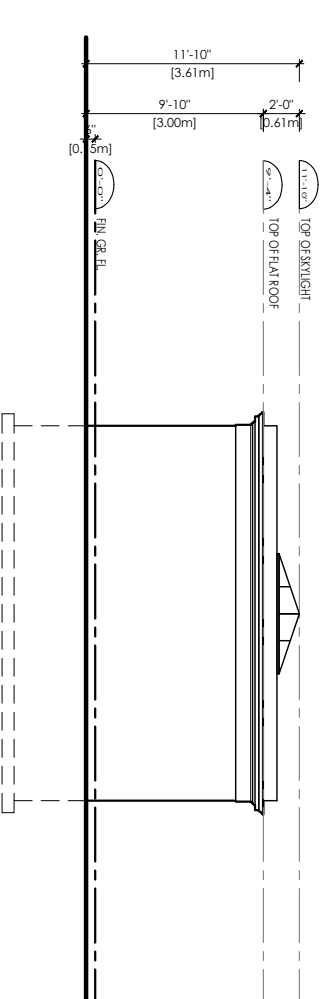
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



RICHARD WENGLE
ARCHITECT INC.

TENSER/SERRUYA RESIDENCE

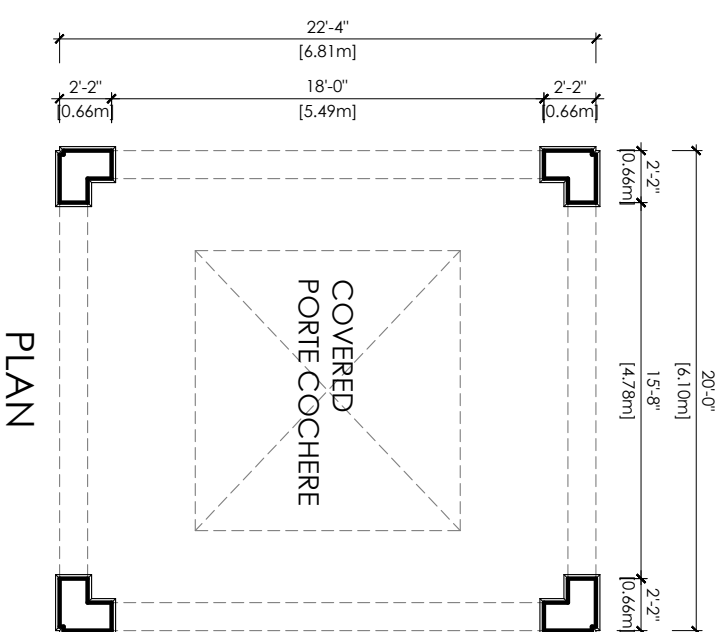
170 ARNOLD AVENUE
THORNHILL, ONTARIO

2161

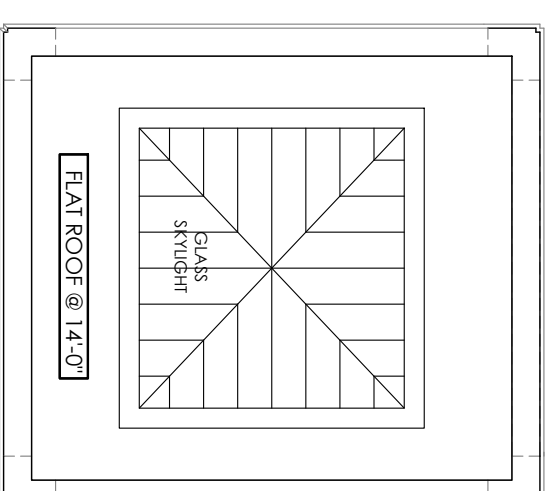
ACCESSORY
STRUCTURE-CABANA



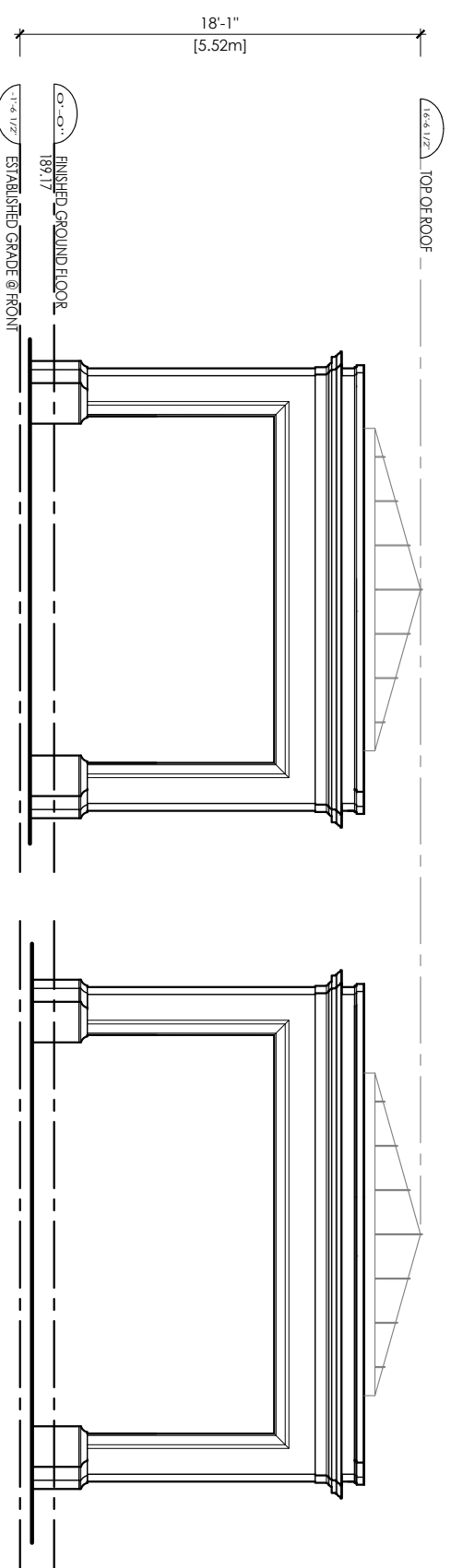
SCALE: 3/32" = 1'-0"



PLAN

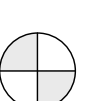


ROOF PLAN



SOUTH AND NORTH
ELEVATION

WEST AND EAST
ELEVATION



SCHEDULE B: STAFF & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X			No Comments Recieved to Date
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Refusal
Building Standards (Zoning)	X	X		General Comments

To: Committee of Adjustment
From: Punya Marahatta, Building Standards Department
Date: November 3, 2022
Applicant: Noah Tenser & Clara Serruya
Location: 170 Arnold Avenue
 PLAN RP3319 Lot 26
File No.(s): A252/22

Zoning Classification:

The subject lands are zoned R1E(EN) – First Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.403 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	Maximum permitted encroachment into a required yard by a permanent canopy is 0.6m. [Table 4-1]	To permit a permanent canopy (covered porte Cochere) to encroach 7.79m into the required front yard.
2	The maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage shall be 10% or 67.0 m ² , whichever is less. [Section 4.1.3.1]	To permit a maximum lot coverage of 151.49 m ² of the proposed accessory building and structure (cabana and permanent canopy).
3	Maximum permitted lot coverage is 20%. [Table 7-3]	To permit a maximum lot coverage of 29.97% (including principal building, covered porte cochere, and cabana).
4	The maximum building height shall be 8.66 m. [Section 4.5.1.b.]	To permit a maximum height of 11.0m for the replacement dwelling.

The subject lands are zoned R1V – Old Village Residential Zone and subject to the provisions of Exception 9(662) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot. [Section 4.1.c]	To permit an accessory structure (covered porte cochere) in the front yard.
6	Minimum required front yard is 9.79m. [Schedule A, Footnote 11 and Section 4.1.1.c]	To permit a minimum front yard of 1.09m to an accessory structure (covered porte cochere).
7	Maximum permitted lot coverage is 20%. [Schedule A]	To permit a maximum lot coverage of 29.97% (including principal building, cabana and porte cochere).
8	The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed ten percent (10%) or 67 square metres, whichever is the lesser. [4.1.1.a]	To permit a cabana with a maximum lot area coverage of 98.51 square metres.

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

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

Other Comments:

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

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

* Comments are based on the review of documentation supplied with this application.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: November 28, 2022
Name of Owners: Noah Tenser and Clara Serruya
Location: 170 Arnold Avenue
File No.(s): A252/22

Proposed Variance(s) (By-law 01-2021):

1. To permit a permanent canopy (covered porte cochere) to encroach 7.79 m into the required front yard.
2. To permit a maximum lot coverage of 151.49 m² of the proposed accessory building and structure (cabana and permanent canopy).
3. To permit a maximum lot coverage of 29.97% (including principal building, covered porte cochere, and cabana).
4. To permit a maximum height of 11.00 m for the replacement dwelling.

By-Law Requirement(s) (By-law 01-2021):

1. Maximum permitted encroachment into a required yard by a permanent canopy is 0.6m. [Table 4-1]
2. The maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage be 10% or 67.0 m², whichever is less. [Section 4.1.3.1]
3. Maximum permitted lot coverage is 20%. [Table 7-3]
4. The maximum building height shall be 8.66 m. (Section 4.5.1.b.)

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

5. To permit an accessory structure (covered porte cochere) in the front yard.
6. To permit a minimum front yard of 1.09 m to an accessory structure (covered porte cochere).
7. To permit a building a maximum lot coverage of 29.97% (including principal building, cabana and porte cochere).
8. To permit a cabana with a maximum lot area coverage of 98.51 square metres.

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

5. Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot. [Section 4.1.c]
6. Minimum required front yard is 9.79 m. [Schedule A, Footnote 11 and Section 4.1.1.c]
7. Maximum permitted lot coverage is 20%. [Schedule A]
8. The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed ten percent (10%) or 67 square metres, whichever is the lesser. [4.1.1.a]

Official Plan:

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

Comments:

The Owners are requesting permission to replace the existing derelict one-storey dwelling with a two-storey single-detached dwelling, cabana, and canopy with the above noted variances. Development Planning staff identified significant concerns with the variances early on in the submissions process. The Owners have elected to continue with the original application.

The Subject Lands are identified in Schedule 1B of Vaughan Official Plan 2010 ('VOP 2010') as being within an Established Large-Lot Neighbourhood. Policies 9.1.2.2 and 9.1.2.3 outline criteria (i.e., front yard, lot coverage, building height and mass) to be considered when dealing with an application to redevelop property within established neighbourhoods. These guidelines ensure new development complements the existing neighbourhood character with respect to characteristics such as building placement and scale.

The Subject Lands are within the R1V – Residential Old Village ('R1V') Zone category by By-law 1-88. In 2004, Vaughan City Council directed Development Planning staff to undertake a comprehensive study and review of the redevelopment occurring on neighbourhoods with the R1V Zone category. The objective was to establish development criteria that balanced the evolution of neighbourhoods with existing built form and character. As a result of the report, a maximum 26% lot coverage for 1-storey detached dwellings not exceeding 7m in height, and 23% lot coverage for 2-storey detached dwellings was determined to be appropriate in R1V Zones. These coverages relate to the enclosed space related/attached to the dwelling. Some additional lot coverage above those maximums may be considered through site specific analysis for accessory structures and covered but unclosed porches and decks.

Vaughan Council endorsed Comprehensive Zoning By-law 001-2021 on October 20, 2021, which zones the Subject Lands "First Density Residential Zone" ('R1E (EN)') subject to Exception 14.403. As defined in By-law 001-2021, the permitted maximum building height (8.66 m) is calculated based on the existing building height plus 3.0 m. Development Planning staff is of the opinion the purpose of this provision is to ensure scale and mass increases gradually to maintain neighbourhood character.

The maximum lot coverage of 29.97% (Variances 3 and 7) is divided between the main dwelling (20.56%), outdoor covered terrace (4.04%), covered canopy (1.82%) and cabana (3.55%). The outdoor covered terrace is considered part of the main dwelling as the majority of its components are designed by to be isolated from the elements. This contributes to the overall massing of the home and expands its livable space. The outdoor covered terrace consists of a barbeque area on the northwest corner of the dwelling, a covered porch abutting the family room, and a covered outdoor room. The barbeque area will only be accessible to the outside via a door, and functions like a room rather than outdoor space. The covered porch is only open to the rear yard on one side. The outdoor room is 7.26 m x 10.67 m, has two skylight-like structures, has windows along the east wall and sliding glass doors which will act as walls on the north and west walls. The terrace elements in combination with the dwelling, create a lot coverage of about 24.60%, above the 23% deemed appropriate for 2 storey dwellings within this neighbourhood. Adverse massing impacts are anticipated. As the Subject Land is the largest lot within the immediate neighbourhood, but maintains a frontage equal to that of the surrounding lots, the increased mass of the proposed built form will appear even more significant in relation to abutting built form as lot coverage is derived as a percentage of lot area.

A maximum building height of 11 m (Variance 4) does not maintain the general intent and purpose of By-law 001-2021 as it produces a dwelling with a mass and scale that does harmoniously fit in with the surrounding dwellings.

Equally as impactful is the placement of the covered canopy (Variances 1, 5, and 6) relative to Arnold Avenue. The proposed 1.09 m front yard setback is inconsistent with the established building line on the north side of the street. Staff have reviewed all houses on the north side of Arnold Avenue between Franklin Avenue and Edward Street with the exception of 178 Arnold Avenue, which is oriented towards Franklin Avenue, and have determined that the closest dwelling is 152 Arnold Avenue, which maintains a front yard setback of approximately 9.2 m with its covered porch. The reduction to the front yard would bring an already substantial built form closer to the road. Adverse impacts to neighbourhood character are anticipated by Development Planning staff and are also noted by Urban Design staff below.

In support of the application, the Owner submitted an Arborist Report, prepared by Lakeshore Tree Services Inc., dated October 24, 2022. Urban Design has reviewed the submitted material and are concerned by how the consistency of the streetscape will be impacted if the cantilevered covered entry is too close to the public street. To minimize the negative visual impact and maintain the street character urban design staff have suggested removing the structure entirely or shifting the building footprint further into the rear to comply with the Zoning By-laws.

With respect to Variances 2 and 8, the maximum lot coverage of all accessory structures is more than doubling the area permitted, causing a disproportioned balance between the softscape and hardscape features on-site. Considering the lot's size, this coverage increase is also anticipated to be more significant in terms impacts.

Development Planning staff is of the opinion the increases in height, coverage, covered canopy placement, and size of cabana are inconsistent with recent approvals in the

area, do not uphold the existing character of the neighbourhood, nor are in-line with the 2004 comprehensive study. The Development Planning Department is of the opinion that the proposal is not minor in nature, does not maintain the general intent and purpose of the Official Plan and Zoning By-laws, and is not desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends refusal of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I

David Harding, Senior Planner

Pravina Attwala

Subject: FW: [External] RE: A252/22 (170 ARNOLD AVENUE) - REQUEST FOR COMMENTS

From: Development Services <developmentsservices@york.ca>

Sent: October-26-22 4:22 PM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A252/22 (170 ARNOLD AVENUE) - REQUEST FOR COMMENTS

Hello Pravina,

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

Many thanks,

Christine Meehan, B.U.R.PL. | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 x73012 | christine.meehan@york.ca | www.york.ca

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

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SCHEDULE C: APPLICANT & PUBLIC CORRESPONDENCE

None