



File: A022/19

Applicant: Pouyan Khamassi

Address: 117 Farrell Road, Maple

Agent: Shahram Khamassi

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on 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"/>	
Urban Design	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: N/A



Minor Variance
Application

Agenda Item: 8

A022/19

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing: Thursday, March 21, 2019

Applicant: Pouyan Khamassi

Agent: Shahram Khamassi

Property: 117 Farrell Road, Maple

Zoning: The subject lands are zoned RD2 9(1385) and subject to the provisions of Exception under By-law 1-88 as amended.

OP Designation: VOP 2010: "Low-Rise Residential" and within the "Oak Ridges Moraine Settlement Area"

Related Files: None

Purpose: Relief from the By-Law is being requested to permit existing rear yard shed and covered deck.

*A104/18 approved rear yard setback to shed and covered deck.

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

By-law Requirement	Proposal
1. A minimum interior side yard setback of 1.2 metres is required.	1. To permit a minimum westerly interior side yard setback of 0.60 metres to the accessory building (shed).
2. A minimum interior side yard setback of 1.2 metres is required.	2. To permit a minimum westerly interior side yard setback of 1.18 metres to the covered deck.

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A104/18	Approved rear yard setback to Shed and Covered Deck	APPROVED

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

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

Adjournment History: N/A

Staff & Agency Comments

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Committee of Adjustment:
Public notice was mailed on March 6, 2019

Applicant confirmed posting of signage on March 8, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	2016
Covered Deck	2016
Shed	2016

Applicant has advised that they cannot comply with By-law for the following reason(s): In order to make use of irregular shaped land.

Adjournment Request: N/A
Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 18-003000 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

Building Permit No. 18-003002 for Alteration, Issue Date: (Not Yet Issued)

Building Inspections (Septic):
No comments or concerns

Development Planning:
VOP 2010: "Low-Rise Residential" and within the "Oak Ridges Moraine Settlement Area"

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

The Development Planning Department recommends approval of the application.

Urban Design:
There are no cultural heritage concerns for this application.

Development Engineering:
The Development Engineering Department has reviewed Minor Variance Application A022/19 for 117 Farrell Road and has no objection.

Parks Development:
No Response.

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

Financial Planning and Development Finance:
No comments or concerns

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
N/A

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections
MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)
A104/18 – Approved July 19, 2018

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.

Please Note:

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

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

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

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Notice to the Applicant – Development Charges

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

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

Notice to Public

WRITTEN SUBMISSIONS: 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, which must be delivered no later than **12:00 p.m.** on the scheduled public hearing date.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio 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

Schedule A: Plans & Sketches

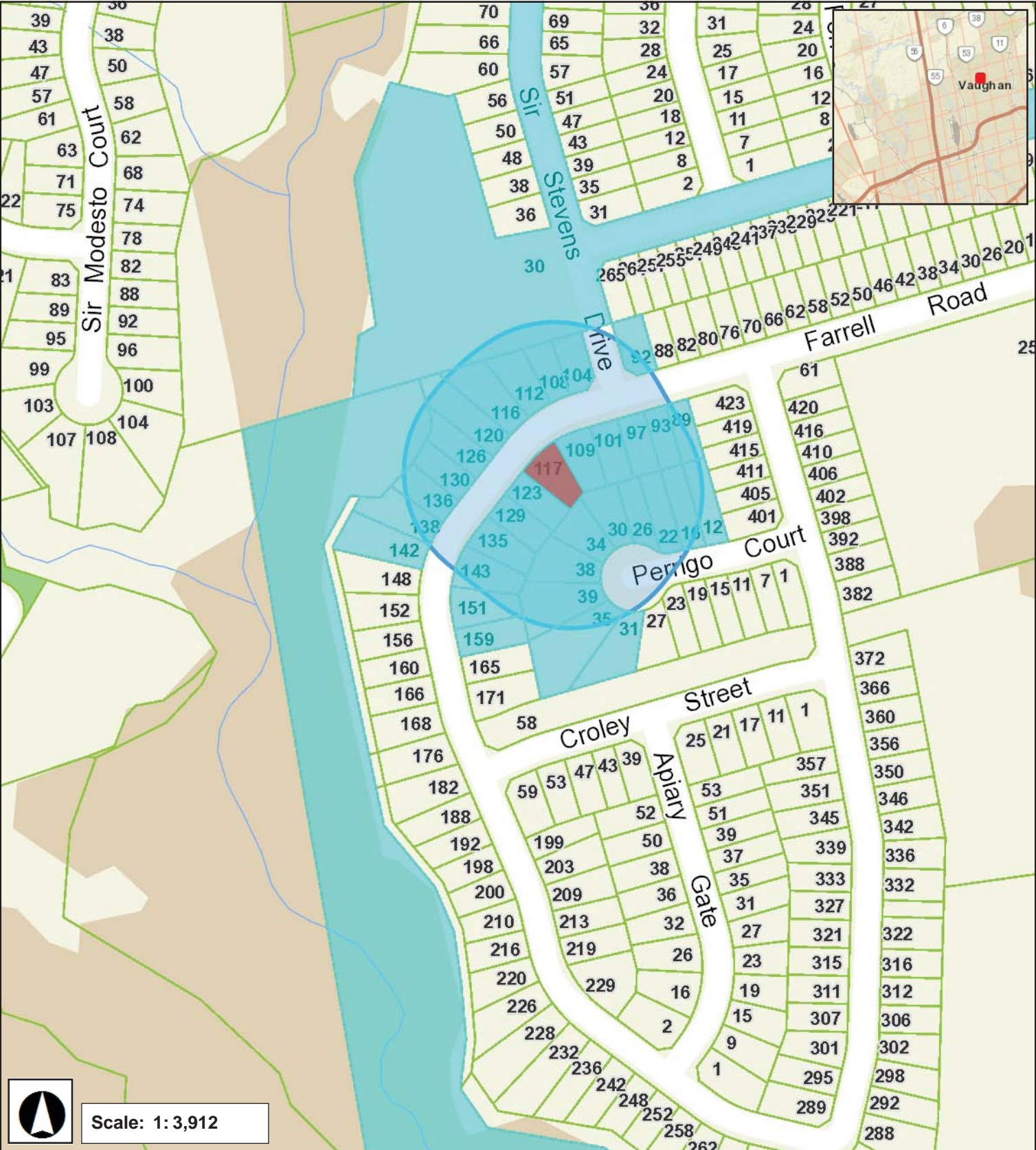
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



Buffer Map - A022/19

117 Farrell Road, Maple

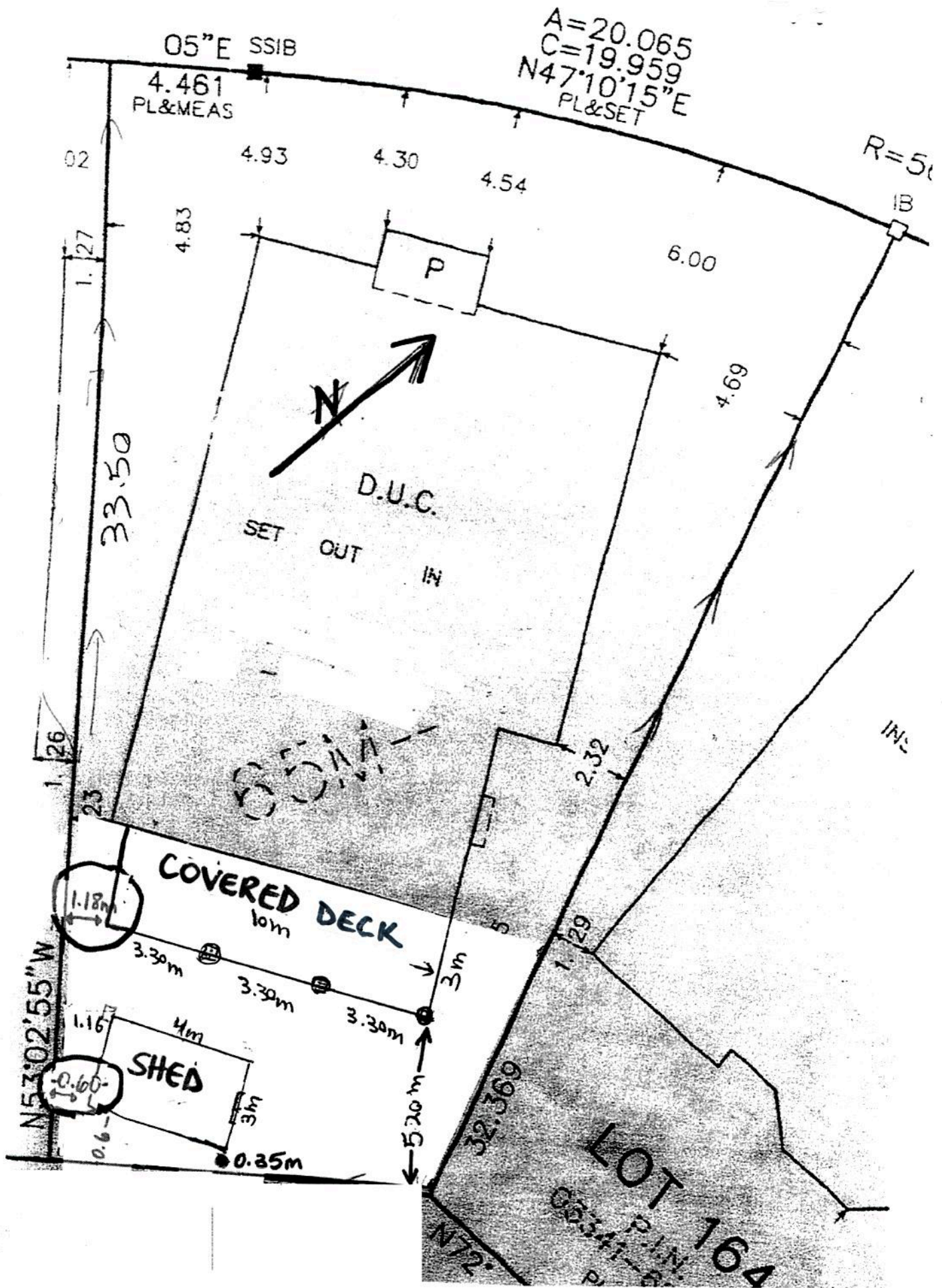


Major Mackenzie Drive

March 13, 2019 1:24 PM

A022/19

117 Farrell Road



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. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- MTO – Located outside of MTO permit control area



COMMENTS:

☐

We have reviewed the proposed Variance Application and have no comments or objections to its approval.

☒

We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).

☐

We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

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

MacPherson, Adriana

Subject: FW: MVAR.19.V.0067 (A022/19) - 117 Farrell Road - Pouyan Khamassi

From: McMackin, Joseph <Joseph.McMackin@york.ca>
Sent: February-22-19 1:35 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: MVAR.19.V.0067 (A022/19) - 117 Farrell Road - Pouyan Khamassi

Hi Adriana,

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

Please feel free to contact me if you have any further questions or concerns.

Best,

Joseph McMackin, B.URPI | Associate Planner
Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71516 | joseph.mcmackin@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Please consider the environment before printing this email.

MacPherson, Adriana

Subject: FW: Request for Comments

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>

Sent: February-19-19 2:02 PM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Cc: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Committee of Adjustment <CofA@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>; Mazzotta, Rob (MTO) <Rob.Mazzotta@ontario.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>

Subject: Request for Comments

Hi Christine,

MTO Highway Corridor Management Section has reviewed the location of the following Applications for Minor Variance:

A018/19 – 99 Klein Mills Rd., Kleinburg, ON.

A213/18 – 10930 Pine Valley Dr., Vaughan, ON.

A016/19 – 1600 Steeles Ave., Vaughan, ON.

A014/19 – 79 Crestwood Rd., Thornhill, ON.

A005/19 – 129 Villa Park Dr., Woodbridge, ON.

A002/19, A003/19 & A004/19 – 199 Arnold Ave., Thornhill, ON.

A009/19 – 111 Endless Circle, Kleinburg, ON.

A218/18 – 99 Heritage Estates Rd., Maple, ON.

A022/19 – 117 Farrell Road, Maple, ON.

The properties listed above appear to be located outside of the MTO Permit Control Area, and therefore an MTO Building & Land Use Permit from this office is not required. At this time, this office has no further comments.

Please do not hesitate to contact me if you have any further questions.

Thank you,

Paul Nunes | Corridor Management Officer

Ministry of Transportation | Corridor Management Section | York Region

159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7

(416) 235-5559 | paul.nunes@ontario.ca



Confidentiality Warning: This message and any attachments may contain PRIVILEGED and CONFIDENTIAL INFORMATION and is intended only for the use of the recipient(s). If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you have received this message in error, please immediately notify the sender by return e-mail, and delete this message and any attachments from your system. Thank you.

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A104/18

NOTICE OF DECISION
Minor Variance Application A104/18
 Section 45 of the Planning Act, R.S.O, 1990, c.P.13

Date of Hearing: Thursday, July 19, 2018
Applicant: Pouyan Khamassi
Agent Shahram Khamassi
Property: **117 Farrell Rd, Maple**
Zoning: The subject lands are zoned RD2 Residential Detached Zone Two and subject to the provisions of Exception 9(1385) under By-law 1-88 as amended.
OP Designation: VOP 2010: "Low-Rise Residential" within the "Oak Ridges Moraine Settlement Area"
Related Files: None
Purpose: Relief from the By-Law is being requested to permit continued construction of a rear yard shed.

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

By-law Requirement	Proposal
1. A minimum rear yard setback of 7.5 metres is required to the accessory building.	1. To permit a minimum rear yard setback of 0.35 metres to the accessory building (shed).
2. A minimum rear yard setback of 7.5 metres is required to the covered porch.	2. To permit a minimum rear yard setback of 5.20 metres to the covered porch.

Sketch: A sketch illustrating the request has been attached to the decision.

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

THAT Application No. A104/18 on behalf of Pouyan Khamassi be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Brad Steeves 905-832-8585 x 8977 brad.steeves@vaughan.ca	1) Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder of the minor variance and proposed work to the property in question and provide a copy of the notification to the City.

For the following reasons:

1. The general intent and purpose of the by-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are acceptable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

Please Note:


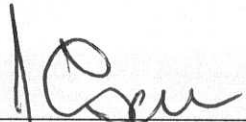
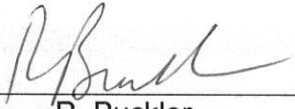


Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.


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.

Written & oral submissions considered in the making of this decision were received from the following:

Public Written Submissions	Public Oral Submissions
* Public Correspondence received and considered by the Committee in making this decision	*Please refer to the approved Minutes of the Thursday , July 19, 2018 meeting for submission details.
Name: Address: Nature of Correspondence:	Name: Address:
Name: Address: Nature of Correspondence:	Name: Address:
Name: Address: Nature of Correspondence:	Name: Address:

SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

		
H. Zheng Member	J. Cesario Chair	R. Buckler Vice Chair
		
M. Mauti Member		A. Perrella Member

DATE OF HEARING:	Thursday , July 19, 2018
DATE OF NOTICE:	July 27, 2018
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	August 08, 2018 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan's Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  Christine Vigneault, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

Appealing to The Local Planning Appeal Tribunal
The Planning Act, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (A1 Appeal Form) setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Local Planning Appeal Tribunal Act*.

Note: A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal Fees & Forms

Local Planning Appeal Tribunal: The LPAT appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The LPAT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (A1 Appeal Form – Minor Variance) can be obtained at www.elfto.gov.on.ca or by visiting our office.

City of Vaughan LPAT Processing Fee: \$793.00 per application

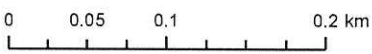
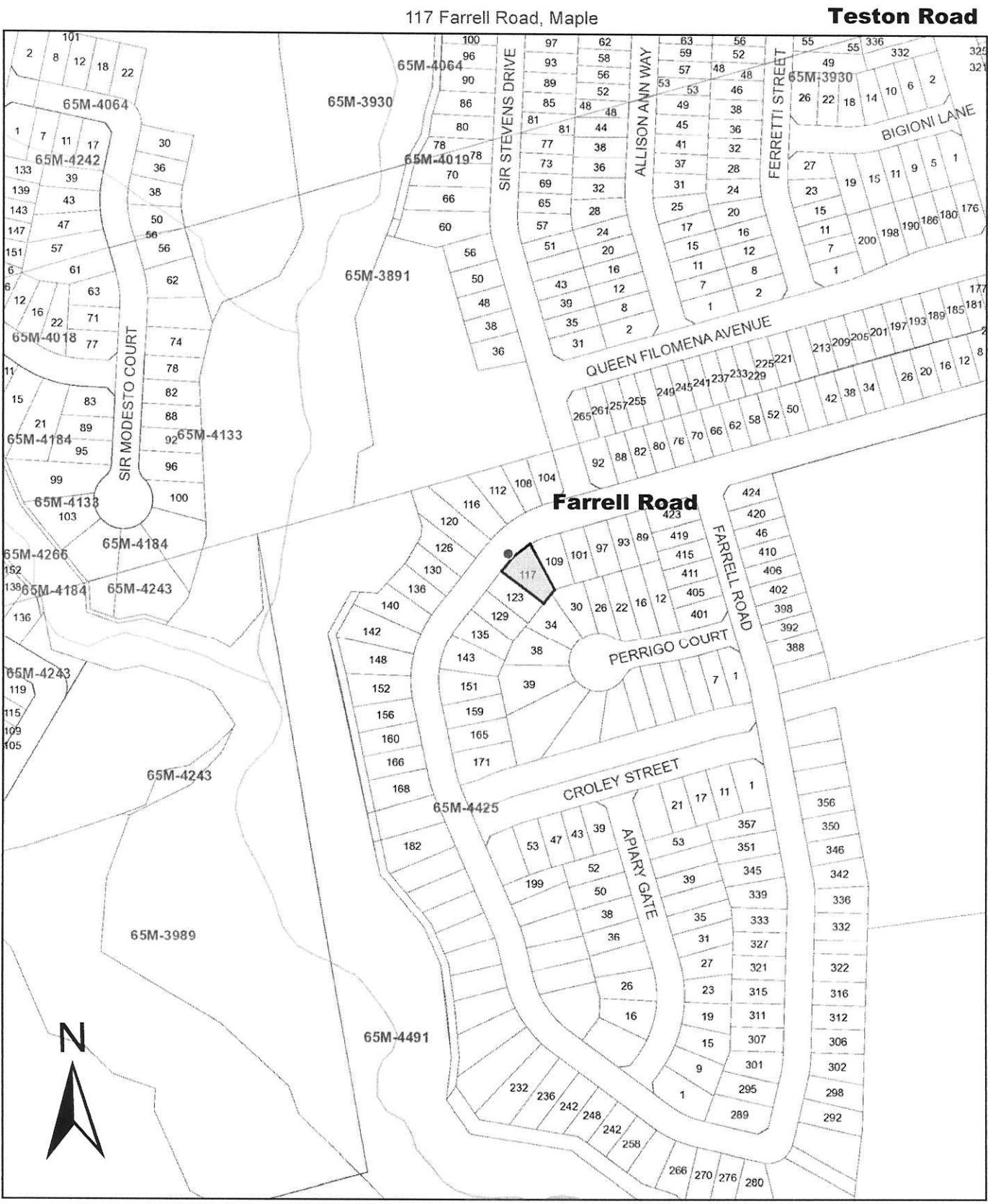
*Please note that all fees are subject to change.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from each respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All applicable conditions must be cleared prior to the issuance of a Building Permit.



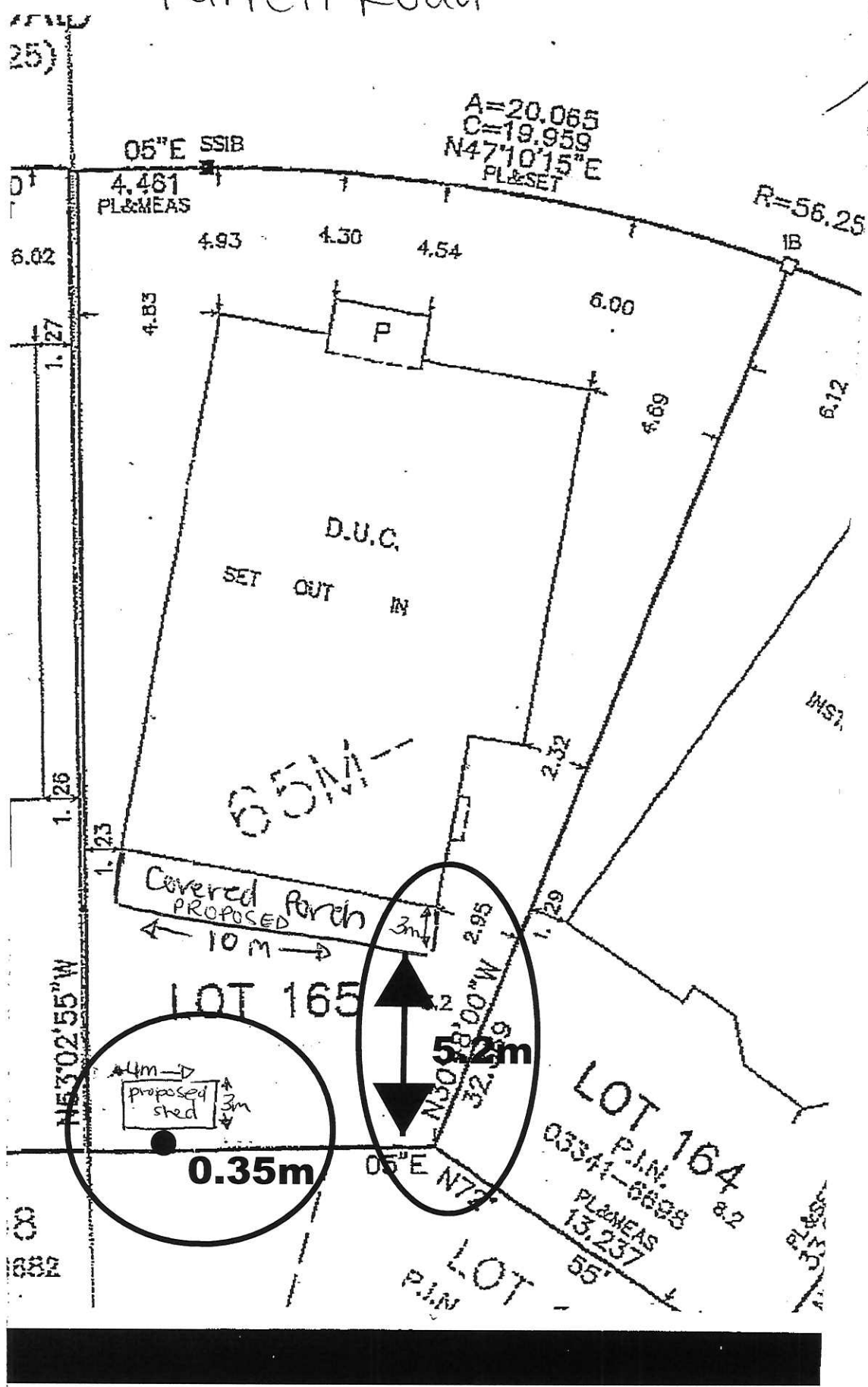
Location Map - A104/18



The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.

A104/18

Farrell Road



Shed-

