

<b>ITEM: 6.12</b>	<b>COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A278/22 51 Hawker Road, Maple</b>
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**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING  
DEPARTMENTS & AGENCIES:**

\*Please see **Schedule B** of this report for a copy of Development Planning 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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Recommend Approval w/Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**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
Public	Flavia and Durarte DaSilva	49 Hawker Road, Maple	10/23/2022	Letter of Support
Public	Mike and Enza Belperio	37 Hawker Road, Maple	10/23/2022	Letter of Support
Public	See Petition	37, 49, 45, 46, 36, 56, 66, 67, 50, 41, 37, 60, 37, 65, Hawker	12/12/2022	Petition in Support

**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.

		Road; 8 Glenside Drive; and 97, 90, 82, 36 Seafield road		
Public	Durarte DaSilva	49 Hawker Road, Maple	12/13/2022	Letter to Engineering

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

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

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
A091/20	10/22/2020	Approved by COA

**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  
A278/22  
51 Hawker Road, Maple**

<b>ITEM NUMBER: 6.12</b>	<b>CITY WARD #: 1</b>
<b>APPLICANT:</b>	Gina Luchetta
<b>AGENT:</b>	Michael Guido
<b>PROPERTY:</b>	51 Hawker Road, Maple
<b>ZONING DESIGNATION:</b>	See Below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit an existing cabana.

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

**The subject lands are zoned R3(EN) – Third Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.581 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 001-2021	Variance requested
1	A minimum rear yard setback of 2.4m is required to the residential accessory building (Cabana). [4.1.2.1.b]	To permit a minimum rear yard setback of 1.44m to the residential accessory building (Cabana)
2	A minimum side yard setback of 2.4m is required to the residential accessory building (Cabana). [4.1.2.1.b]	To permit a minimum side yard setback of 0.63m to the residential accessory building (Cabana)
3	A maximum building height of 3.0m is permitted for the residential accessory building (Cabana). [4.1.4]	To permit a maximum building height of 3.20m for the residential accessory building (Cabana).
4	Eaves and gutters may encroach a maximum of 0.5m into the required rear yard. [Schedule T-93]	To permit a maximum rear yard encroachment of 0.63m for the eaves.

**The subject lands are zoned R3 –Residential and subject to the provisions of Exception 9(893) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
6	A minimum rear yard setback of 9.0m is required to the accessory building (Cabana). [4.1.1.c]	To permit a minimum rear yard setback of 1.44m to the accessory building (Cabana)
7	A minimum side yard setback of 2.4m is required to the accessory building (Cabana). [4.1.1.c]	To permit a minimum side yard setback of 0.63m to the accessory building (Cabana)
8	Eaves and gutters may encroach a maximum of 0.5m into the required rear yard. [Schedule T-93]	To permit a maximum rear yard encroachment of 0.63m for the eaves.

## HEARING INFORMATION

**DATE OF MEETING:** Thursday, March 2, 2023

**TIME:** 6:00 p.m.

**MEETING LOCATION:** Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](http://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](mailto: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](mailto: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

<b>Date Public Notice Mailed:</b>	February 17, 2023	
<b>Date Applicant Confirmed Posting of Sign:</b>	February 16, 2023	
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	The rear yard setback of 6:00m and 1.20 interior side setbacks do not aid the owner's landscape design and pool location.	
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None	
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  <small>*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.  *A revised submission may be required to address staff / agency comments received as part of the application review process.  *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.</small>	No	
<b>Adjournment Fees:</b> 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.  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.		
<b>Committee of Adjustment Comments:</b>	None	
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None	

## BUILDING STANDARDS (ZONING) COMMENTS

**\*\*See Schedule B for Building Standards (Zoning) Comments**



### BUILDING STANDARDS (ZONING) COMMENTS

<b>Building Standards Recommended Conditions of Approval:</b>	None
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### DEVELOPMENT PLANNING COMMENTS

\*\*See Schedule B for Development Planning Comments.

<b>Development Planning Recommended Conditions of Approval:</b>	The Owner shall remove the eave along the southerly wall of the cabana and provide photographic imagery satisfactory to the Development Planning Department.
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### DEVELOPMENT ENGINEERING COMMENTS

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

The Development Engineering Department has previously issued a grading permit for the proposed cabana, back it January of 2021. The issued permit will still be valid for the purposes of Minor Variance application A278/22.

The Owner/Applicant has received a letter from The Neighbour at 49 Hawker Road, in favor of the existing walkway located on the north side yard. The Neighbour also confirmed that they have not experienced any unusual flooding caused by its construction.

The Development Engineering Department does not object to the Minor Variance application A278/22.

<b>Development Engineering Recommended Conditions of Approval:</b>	None
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### PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry has no comment at this time.

<b>PFH Recommended Conditions of Approval:</b>	None
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### DEVELOPMENT FINANCE COMMENTS

No comment no concerns

<b>Development Finance Recommended Conditions of Approval:</b>	None
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### BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

<b>BCLPS Recommended Conditions of Approval:</b>	None
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### BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.

<b>Building Inspection Recommended Conditions of Approval:</b>	None
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### FIRE DEPARTMENT COMMENTS

No comments received to date.

<b>Fire Department Recommended Conditions of Approval:</b>	None
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### SCHEDULES TO STAFF REPORT

\*See Schedule for list of correspondence

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Staff & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (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 Planning <a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>	The Owner shall remove the eave along the southerly wall of the cabana and provide photographic imagery satisfactory to the Development Planning Department

**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**

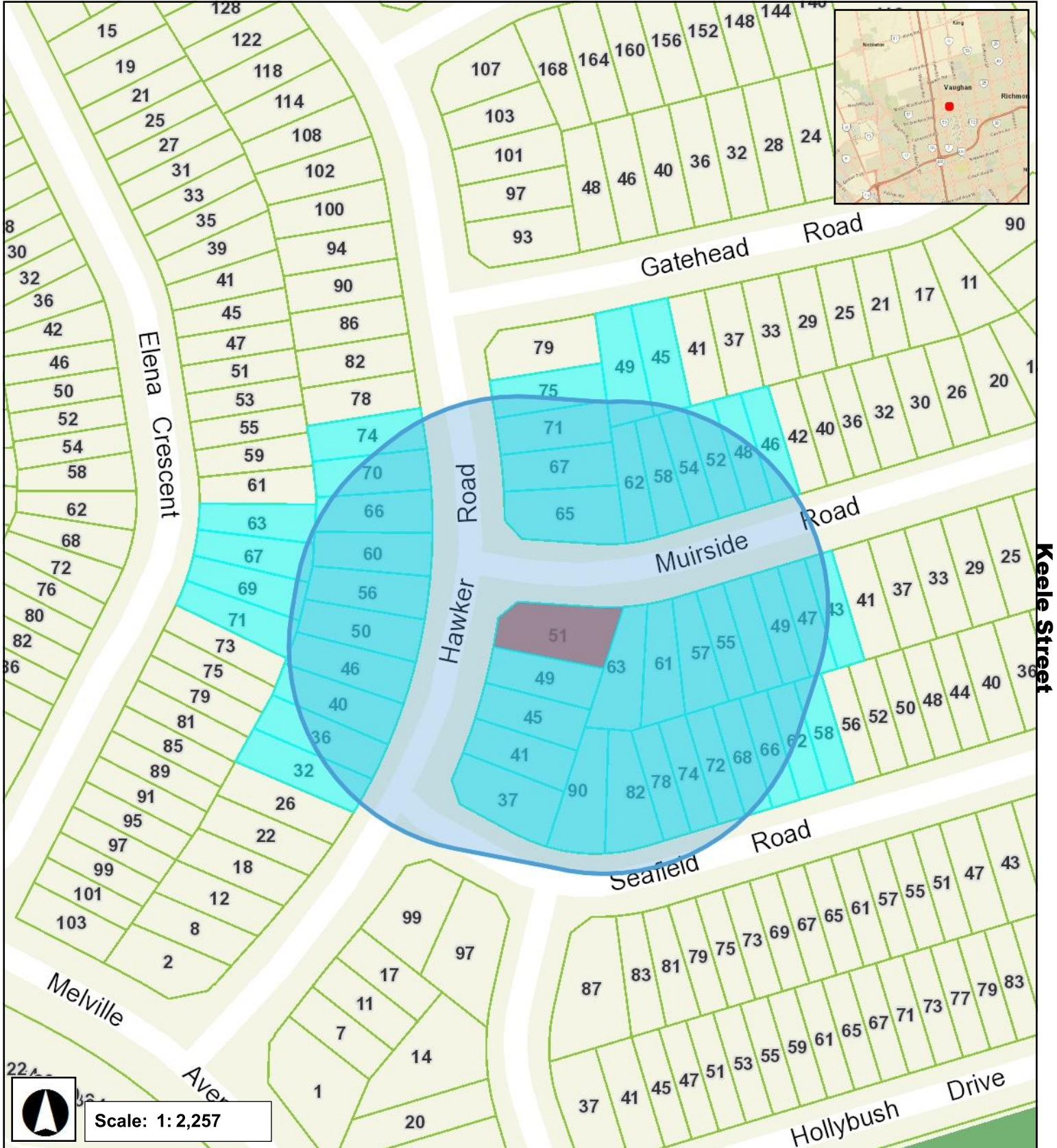




# LOCATION MAP - A278/22

51 HAWKER ROAD, MAPLE

## Major Mackenzie Drive



Scale: 1: 2,257

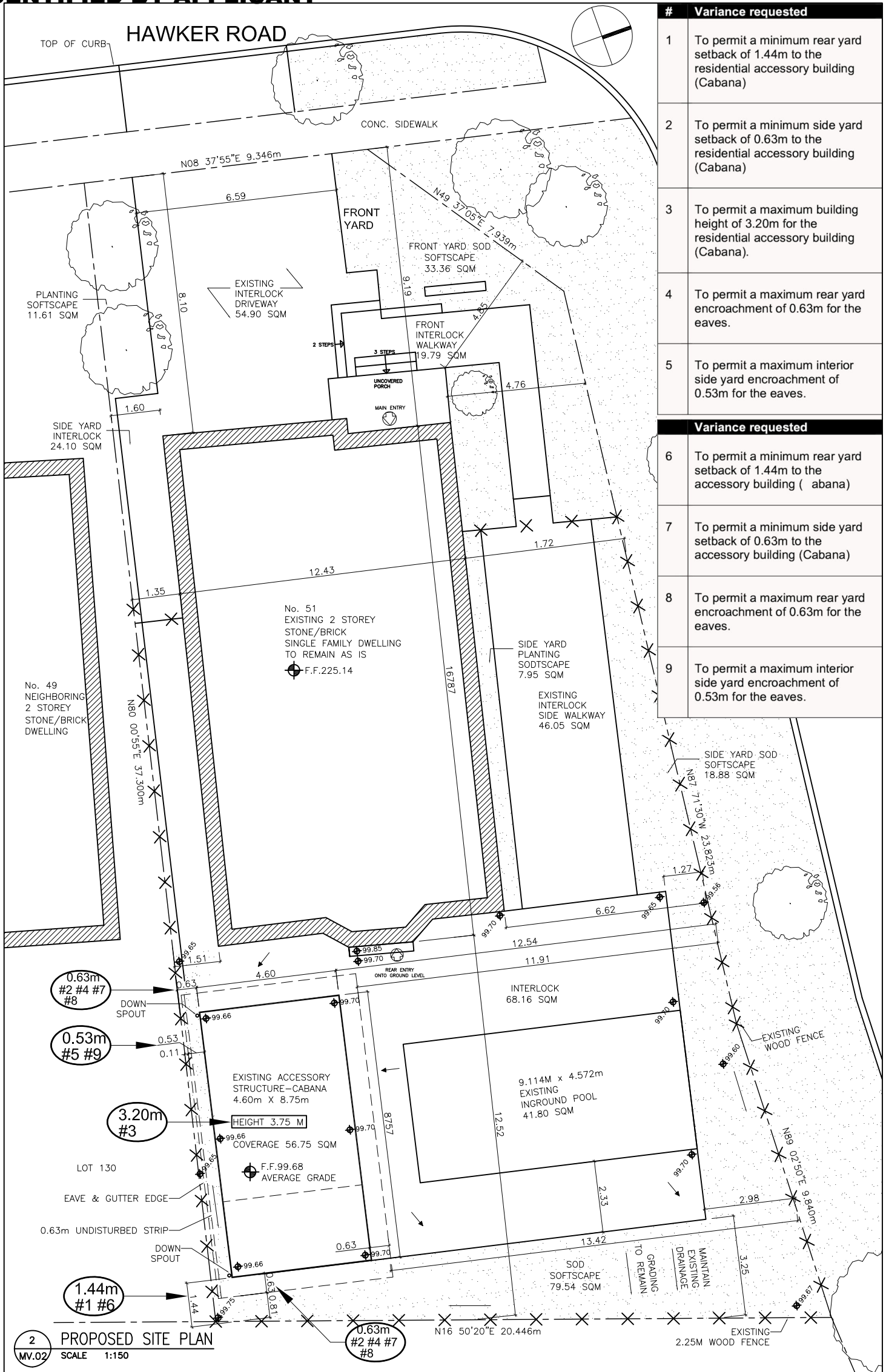
Rutherford Road

January 26, 2023 10:07 AM



**PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT**

**A278/22**



**mEsh28** architects  
 310 VELLORE PARK AVE.  
 VAUGHAN, ON, L4H 0C5

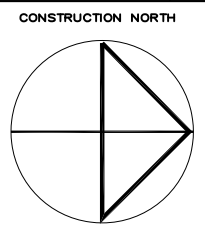
DATE: OCT 03, 2022  
 DRAWN BY: M.G.  
 SCALE: 1:150  
 REVISION: 4-SUBMITTED for COA NOV 11/22

DWG. TITLE: SITE PLAN, ZONING MATRIX AND PROPOSED LANDSCAPING PLAN  
 PROJECT NO. 12-2022

SITE ADDRESS:  
 51 HAWKER ROAD  
 MAPLE, ON  
 L6A 2H6

PROJECT NAME  
 OUTDOOR REAR CABANA  
 LUCHETTA RESIDENCE

DWG. NO.  
**MV.02**



**SCHEDULE B: STAFF & AGENCY COMMENTS**

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

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** February 10, 2023  
**Name of Owner:** Gina Luchetta  
**Location:** 51 Hawker Road  
**File No.(s):** A278/22

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

- 1) To permit a minimum rear yard of 1.44 m to the residential accessory building (cabana).
- 2) To permit a minimum side yard of 0.63 m to the residential accessory building (cabana).
- 3) To permit a maximum building height of 3.20 m for the residential accessory building (cabana).
- 4) To permit a maximum rear yard encroachment of 0.63 m for the eaves.

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

- 1) A minimum rear yard of 2.4 m is required to the residential accessory building (cabana). [4.1.2.1.b]
- 2) A minimum interior side yard of 2.4 m is required to the residential accessory building (cabana). [4.1.2.1.b]
- 3) A maximum building height of 3 m is permitted for the residential accessory building (cabana). [4.1.4]
- 4) Eaves and gutters may encroach a maximum of 0.5 m into the required rear yard. [Schedule T-93]

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

- 5) To permit a minimum rear yard of 1.44 m to the accessory building (cabana).
- 6) To permit a minimum side yard of 0.63 m to the accessory building (cabana).
- 7) To permit a maximum rear yard encroachment of 0.63 m for the eaves.

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

- 5) A minimum rear yard of 9 m is required to the accessory building (cabana). [4.1.1.c]
- 6) A minimum side yard of 2.4 m is required to the accessory building (cabana). [4.1.1.c]
- 7) Eaves and gutters may encroach a maximum of 0.5 m into the required rear yard [Schedule T-93]

**Official Plan:**

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

**Comments:**

The Owner is requesting permission to recognize an accessory structure (cabana) with the above noted variances.

Minor variance file A091/20 was approved by Committee on October 22, 2020, which permitted a minimum rear yard setback of 0.63 m and interior side yard setback of 0.61 m to a proposed shed of modest size, as well as minimum exterior side yard setback of 2.13 m to a pool. The fully enclosed portion of the cabana is within the general area of the approved shed. The covered, unenclosed area of the cabana extends back towards the dwelling. At 0.1 m, Development Planning Department staff had concerns with the proximity of the constructed eave/gutter to the interior side lot line. The close proximity to the side lot line in combination with the height increase exacerbated the massing impacts. Through discussions with the Urban Design Division of Development Planning, and the Owners, it was determined that removing the eave along the southerly wall of the cabana is a suitable mitigation measure to address the adverse impacts associated with the building's proximity to the south lot line. A condition to this effect is recommended. The application was updated accordingly and resulted in two variances being eliminated from this minor variance application.



The Development Planning Department has no objection to the Variances, as the accessory structure maintains the rear and interior yard setbacks previously established by Committee for the the smaller shed. Additionally, a maximum building height increase of 0.20 m is minimal and will help ensure the scale of the cabana does not pose any major massing impacts onto the abutting lots. Development Engineering Department has confirmed the accessory structure will not pose any water filtration and drainage issues since it provides more than a minimum 0.60 m clearance from any lot line.

The Development Planning Department is of the opinion that the requested variances are 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.

**Recommendation:**

The Development Planning Department recommends approval of the application, subject to a condition.

**Conditions of Approval:**

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

- 1) The Owner shall remove the eave along the southerly wall of the cabana and provide photographic imagery satisfactory to the Development Planning Department.

**Comments Prepared by:**

Roberto Simbana, Planner I  
David Harding, Senior Planner

**To:** Committee of Adjustment  
**From:** Faegheh Gholami, Building Standards Department  
**Date:** November 29, 2022  
**Applicant:** Gina Luchetta  
**Location:** 51 Hawker Road  
 PLAN 65M3062 Lot 140  
**File No.(s):** A278/22

**Zoning Classification:**

The subject lands are zoned R3(EN) – Third Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.581 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	A minimum rear yard setback of 2.4m is required to the residential accessory building (Cabana). [4.1.2.1.b]	To permit a minimum rear yard setback of 1.44m to the residential accessory building (Cabana)
2	A minimum side yard setback of 2.4m is required to the residential accessory building (Cabana). [4.1.2.1.b]	To permit a minimum side yard setback of 0.63m to the residential accessory building (Cabana)
3	A maximum building height of 3.0m is permitted for the residential accessory building (Cabana). [4.1.4]	To permit a maximum building height of 3.20m for the residential accessory building (Cabana).
4	Eaves and gutters may encroach a maximum of 0.5m into the required rear yard. [Schedule T-93]	To permit a maximum rear yard encroachment of 0.63m for the eaves.
5	Eaves and gutters may encroach a maximum of 0.5m into the required interior side yard. [Schedule T-93]	To permit a maximum interior side yard encroachment of 0.53m for the eaves.

The subject lands are zoned R3 –Residential and subject to the provisions of Exception 9(893) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
6	A minimum rear yard setback of 9.0m is required to the accessory building (Cabana). [4.1.1.c]	To permit a minimum rear yard setback of 1.44m to the accessory building (Cabana)
7	A minimum side yard setback of 2.4m is required to the accessory building (Cabana). [4.1.1.c]	To permit a minimum side yard setback of 0.63m to the accessory building (Cabana)
8	Eaves and gutters may encroach a maximum of 0.5m into the required rear yard. [Schedule T-93]	To permit a maximum rear yard encroachment of 0.63m for the eaves.
9	Eaves and gutters may encroach a maximum of 0.5m into the required interior side yard. [Schedule T-93]	To permit a maximum interior side yard encroachment of 0.53m for the eaves.

**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 10m<sup>2</sup>

**Other Comments:**

<b>General Comments</b>	
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.



**Date:** November 30<sup>th</sup> 2022

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:** **A278-22**

**Related Files:**

**Applicant** Gina Luchetta

**Location** 51 Hawker Road



Discover the possibilities

### 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 & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

Mitchell Penner  
Supervisor, Distribution Design-Subdivisions  
**Phone:** 416-302-6215

**Email:** [Mitchell.Penner@alectrautilities.com](mailto:Mitchell.Penner@alectrautilities.com)

**From:** [Development Services](#)  
**To:** [Christine Vigneault](#); [Committee of Adjustment](#)  
**Subject:** [External] RE: A278/22 (51 Hawker Road) - Request for Comments (City of Vaughan)  
**Date:** Friday, December 16, 2022 3:18:35 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Hi Christine,

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

Many thanks,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

**Niranjan Rajevan, M.Pl.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71521 | [niranjan.rajevan@york.ca](mailto:niranjan.rajevan@york.ca) | [www.york.ca](http://www.york.ca)

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



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

Please consider the environment before printing this email.

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**From:** Christine Vigneault <Christine.Vigneault@vaughan.ca>  
**Sent:** Tuesday, November 29, 2022 5:32 PM  
**To:** rowcentre@bell.ca; carrie.gordon@bell.ca; Development Services <developmentservices@york.ca>; yorkplan@trca.ca; engineeringadmin@powerstream.ca; TCenergy@mhbcplan.com; Kristen Regier <Kristen.Regier@trca.ca>  
**Cc:** Pravina Attwala <Pravina.Attwala@vaughan.ca>  
**Subject:** A278/22 (51 Hawker Road) - Request for Comments (City of Vaughan)  
**Importance:** High

**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to [isitsafe@york.ca](mailto:isitsafe@york.ca) then delete it from your inbox. If you think you may have clicked on a phishing link, report it to the IT Service Desk, ext. 71111, and notify your supervisor immediately.

Hello,

Please email comments and recommendations on the above noted application to [cofa@vaughan.ca](mailto:cofa@vaughan.ca). If you wish to be notified of the decision, please confirm in writing.



The deadline to submit comments on this application is **January 4, 2023**.

Should you have any questions or require additional information please contact the undersigned.

Regards,

**Christine Vigneault, AMP, ACST**  
**Manager, Development Services & Secretary Treasurer to the Committee of Adjustment**  
905-832-2281, ext. 8332 | [christine.vigneault@vaughan.ca](mailto:christine.vigneault@vaughan.ca)

**City of Vaughan | Office of the City Clerk**  
2141 Major Mackenzie Dr., Vaughan ON L6A 1T1  
[vaughan.ca](http://vaughan.ca)

This e-mail, including any attachment(s), may be confidential and is intended solely for the attention and information of the named addressee(s). If you are not the intended recipient or have received this message in error, please notify me immediately by return e-mail and permanently delete the original transmission from your computer, including any attachment(s). Any unauthorized distribution, disclosure or copying of this message and attachment(s) by anyone other than the recipient is strictly prohibited.

**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
Public	Flavia and Durarte DaSilva	49 Hawker Road, Maple	10/23/2022	Letter of Support
Public	Mike and Enza Belperio	37 Hawker Road, Maple	10/23/2022	Letter of Support
Public	See Petition	37, 49, 45, 46, 36, 56, 66, 67, 50, 41, 37, 60, 37, 65, Hawker Road; 8 Glenside Drive; and 97, 90, 82, 36 Seafield road	12/12/2022	Petition in Support
Public	Durarte DaSilva	49 Hawker Road, Maple	12/13/2022	Letter to Engineering

To: City of Vaughan, Committee of Adjustments for Minor Variance Applications

From: Mike and Enza Belperio  
37 Hawker Road, Maple, ON L6A 2H6

Re: **Application for Minor Variance**  
51 Hawker Road, Maple ON L6A 2H6

Date: October 23, 2022

To whom it may concern, we are homeowners and long-time residents in the City of Vaughan located in close proximity to the subject property. We are aware of the Application for minor variance being submitted by the owner of 51 Hawker Road with regards to Accessory Structure/Cabana. We are writing to express our support to permit the proposed development.

It is without a doubt the property improvements will add value to our neighbourhood. It is refreshing to see homeowners take pride in their properties and beautify our community. The property owners at 51 Hawker Road take pride in their property and have always maintained their property impeccably.

In our opinion, these variances are minor in nature and are in line with the intended land use in our area.

We support this Application for Minor Variance and have no objections to the accessory structure, it's overall design, measurements, or location.

If you have any questions or wish to further discuss, please do not hesitate to contact us at [REDACTED] or via email [REDACTED]

Kindest regards,

Mike and Enza Belperio

[REDACTED]



October 23, 2022

City of Vaughan  
Committee of Adjustment

File: A278/22 - 51 Hawker Road Maple L6A 2H6

We are the owners of 49 Hawker Road, the property that directly abuts 51 Hawker Rd. We are in support of the construction of the shed/structure located in the rear yard with its location, design, height and area dimensions.

We have no objections to the property owners' Application for Minor Variance regarding all aspects of the structure. This upgrade not only adds value to the property but increases the value of all the surrounding properties in the area.

Best Regards,



Flavia DaSilva  
49 Hawker Rd



Duarte DaSilva  
49 Hawker Rd



Letter Of Support For Rear Cabana/Shed

Dear Sir/Madam,

We are in support of the rear cabana/shed that was constructed in 2021 as is at the property address 51 Hawker Road Maple, Ontario owned by Mr. & Mrs. Luchetta.

Name: MIKE BELLO Signature: [REDACTED]

Address: 37 HAWKER RD Tel: [REDACTED]

Name: Flavia DaSilva Signature: [REDACTED]

Address: 49 Hawker Rd Tel: [REDACTED]

Name: TIGRAN NAJARYAN Signature: [REDACTED]

Address: 45 HAWKER RD Tel: [REDACTED]

Name: Dave & Wendy Rodgis Signature: [REDACTED]

Address: 46 Hawker Rd Tel: [REDACTED]

Name: Michael + Leona Volpe Signature: [REDACTED]

Address: 36 Hawker RD Tel: [REDACTED]



Name: Carla Anong Signature: [REDACTED]



Address: 8 Glenside Dr Tel: [REDACTED]



Letter Of Support For Rear Cabana/Shed



Dear Sir/Madam,



We are in support of the rear cabana/shed that was constructed in 2021 as is at the property address 51 Hawker Road Maple, Ontario owned by Mr. & Mrs. Luchetta.


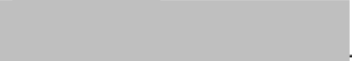
Name: Tony Tino Signature:   
Address: 56 Hawker Road Tel: 

Name: Pino Lionetti Signature:   
Address: 66 Hawker Rd Tel: 

Name: Onofrio Loppreato Signature:   
Address: 67 Hawker Rd Tel: 

Name: Sandi Sava Signature:   
Address: 50 Hawker Rd. Tel: 

Name: Christine Franzoi Signature:   
Address: 41 Hawker Rd Tel: 

Name: Julia Belperio Signature:   
Address: 37 Hawker Rd Tel: 


Letter Of Support For Rear Cabana/Shed

Dear Sir/Madam,


We are in support of the rear cabana/shed that was constructed in 2021 as is at the property address 51 Hawker Road Maple, Ontario owned by


Mr. & Mrs. Luchetta.

*Buyer Luchetta*  
*60 Hawker Rd, Maple ON L6A 2H6*


Name: ENZA BELPERIO Signature: 


Address: 37 HAWKER RD. Tel: 


Name: Phon Narong Signature: 


Address: 65 Hawker Rd Tel: 


Name: John Fidalgo Signature: 


Address: 97 SEAFIELD RD. Tel: 


Name: JOEY NICASTRO Signature: 

Address: 90 SEAFIELD RD Tel: 

Name: JOE DIAMANTI Signature: 

Address: 82 SEAFIELD RD Tel: 

Name: Palma Amato Signature: 

Address: 36 Seafield Rd Tel: 

**SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

<b>PREVIOUS COA DECISIONS ON THE SUBJECT LAND</b>		
<small>*Please see Schedule D for a copy of the Decisions listed below</small>		
<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
A091/20	10/22/2020	Approved by COA



**NOTICE OF DECISION**  
**Minor Variance Application A091/20**  
 Section 45 of the Planning Act, R.S.O., 1990, c.P.13

**Date of Hearing:** Thursday, October 22, 2020  
**Applicant:** Gina Luchetta  
**Agent:** Tony Luchetta  
**Property:** 51 Hawker Rd Maple  
**Zoning:** The subject lands are zoned R3, Residential Zone and subject to the provisions of Exception 9(893) under By-law 1-88 as amended  
**OP Designation:** Vaughan Official Plan 2010 ("VOP 2010"): "Low-Rise Residential"  
**Related Files:** None  
**Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed pool and shed to be located in the rear yard.

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

By-law Requirement	Proposal
1) A minimum rear yard setback of 9.0 metres is required to an accessory structure (shed).	1) To permit a minimum rear yard setback of 0.63 metres to an accessory structure (shed).
2) A minimum interior side yard setback of 1.2 metres is required to an accessory structure (shed).	2) To permit a minimum interior side yard setback of 0.61 metres to an accessory structure (shed).
3) A minimum exterior side yard setback of 4.5 metres is required to a pool.	3) To permit a minimum exterior side yard setback of 2.13 metres to a pool.

**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. A091/20 on behalf of Gina Luchetta 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 Jason Pham  905-832-8585 x 8716 <a href="mailto:jason.pham@vaughan.ca">jason.pham@vaughan.ca</a>	The Owner/applicant shall submit the final 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 <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> or visit <a href="https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx">https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</a> to learn how to apply for lot grading and/or servicing approval
2 Parks, Forestry and Horticulture Operations Patrick Courchesne  905-832-8585 x 3617 <a href="mailto:Patrick.Courchesne@vaughan.ca">Patrick.Courchesne@vaughan.ca</a>	1. Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed. (applicable to Private and Public trees) as per By-Law 052-2018; 2. MLA 107B or ULA 110B Light Duty Tree protection fencing (Snow Fence) may be used where traffic sight

Department/Agency	Condition
	lines will be affected within the road allowance, as per By-Law 052-2018; 3. Tree protection measures (Hoarding) must be installed to the satisfaction of Vaughan Forestry, prior to approval of application;

**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:**

It is the responsibility of the owner/applicant and/or authorized agent to address any condition(s) of approval noted in this decision to the satisfaction of the commenting department or agency. Once conditions have been satisfied, the Secretary Treasurer will be in a position to issue a clearance letter which is required prior to the issuance of a Building Permit.

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.

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

<b>Public Written Submissions</b> * Public Correspondence received and considered by the Committee in making this decision	<b>Public Oral Submissions</b> *Please refer to the approved Minutes of the Thursday , October 22, 2020 meeting for submission details.
Name: Joe Nicaastro Address: N/A Nature of Correspondence: Letter of Support	None

**Late Written Public Submissions: N/A**

Public written submissions on an Application shall only be received by the Secretary Treasurer until **noon** on the last business day prior to the day of the scheduled Meeting.

**MEMBERS PRESENT WHO CONCUR IN THIS DECISION:**

<i>Hao Zheng</i>	<i>Assunta Perrella</i>	<i>Robert Buckler</i>
H. Zheng Vice Chair	A. Perrella Chair	R. Buckler Member
<i>Steve Kerwin</i>		<i>Adolfo Antinucci</i>
S. Kerwin Member		A. Antinucci Member

<b>DATE OF HEARING:</b>	<b>October 22, 2020</b>
<b>DATE OF NOTICE:</b>	<b>October 30, 2020</b>
<b>LAST DAY FOR *APPEAL:</b> *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	<b>November 12, 2020 4:30 p.m.</b>
<b>CERTIFICATION:</b> 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.  <div align="center"><i>Christine Vigneault</i></div> <hr/> Christine Vigneault, AMP, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

\*Electronic signatures have been used to process this decision as approved by the Committee of Adjustment at the May 28, 2020 hearing.

**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*.

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.

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time. Please mail or courier appeals and prescribed fees to:

Office of the City Clerk - Committee of Adjustment  
2141 Major Mackenzie Drive  
Vaughan Ontario, L6A 1T1

If you have questions regarding the appeal process, please email [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**Appeal Fees & Forms**

**Local Planning Appeal Tribunal:** The LPAT appeal fee is \$400 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". Appeal forms (A1 Appeal Form – Minor Variance) can be obtained at [www.eto.gov.on.ca](http://www.eto.gov.on.ca) or by contacting our office at 905-832-8585 Ext. 8332 or [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**City of Vaughan LPAT Processing Fee:** \$841.00 per application

\*Please note that all fees are subject to change.





# LOCATION MAP - A091/20

51 HAWKER ROAD, MAPLE

