ITEM: 6.29

# COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A331/22

23 Woodland Trail Ct Woodbridge

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

#### **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	



### COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A331/22

23 Woodland Trail Ct Woodbridge

ITEM NUMBER:	CITY WARD #: 2
APPLICANT:	Michael & Denise Bascio
AGENT:	FRASCA Design & Planning
PROPERTY:	23 Woodland Trail Ct Woodbridge
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
(2010) BEGIONATION.	
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit a proposed cabana.

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

The subject lands are zoned R3A(EN) Residential (Established Neighbourhood) and subject to the provisions of Exception 14.654 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum rear yard of 2.4 metres is required to the accessory building. S.4.1.2	To permit a minimum rear yard of 0.91 metres to the accessory building.
2	A minimum interior side yard of 2.4 metres is required to the accessory building. S.4.1.2	To permit a minimum interior side yard of 1.22 metres to the accessory building.
3	A maximum building height of 3.0 metres is permitted to the highest point of the roof of the accessory building. S.4.1.4	To permit a maximum building height of 3.49 metres to the highest point of the roof.

#### **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

#### **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 <u>REGISTER TO SPEAK</u> OR <u>SUBMIT WRITTEN COMMENTS</u> ON THE ABOVE NOTED FILE(S) IS <u>NOON</u> 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.

#### INTRODUCTION

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:	February 17, 2023	
Date Applicant Confirmed Posting of Sign:	February 16, 2023	
Applicant Justification for Variances: *As provided by Applicant in Application Form	Setbacks seem to be too restrictive for	or a cabana.
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:  *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.		
Adjournment Fees: 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.  Committee of Adjustment Comments:  General Comments		

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

None

Committee of Adjustment Recommended

**Conditions of Approval:** 

DEVELOPMENT PLANNING COMMENTS	
**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:  None	

#### **DEVELOPMENT ENGINEERING COMMENTS**

<u>Link to Grading Permit</u> <u>Link to Pool Permit</u> <u>Link to Curb Curt Permit</u> <u>Link Culvert Installation</u>
As the proposed Cabana in the subject property is 25.64m2, 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)

The Development Engineering (DE) Department does not object to the variance application A331/22 subject to the following condition:

Development Engineering	The Owner/applicant shall submit a revised Lot Grading
Recommended Conditions of	and/or Servicing Plan to the Development Inspection and
Approval:	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.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Comments with condition	
PFH Recommended Conditions of Approval:	Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to any construction works on the subject property.

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS		
No comment no concerns		
BCLPS Recommended Conditions of Approval:	None	

BUILDING INSPECTION (SEPTIC) COMMENTS		
No comment received to date		
Building Inspection Recommended Conditions of Approval:	None	

FIRE DEPARTMENT COMMENTS		
No comment received to date		
Fire Department Recommended Conditions of Approval:	None	

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 conditions of approval, unless otherwise stated, are considered to be incorporated into the approva

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.

conse	consent from the respective department or agency.					
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION				
1	Development Engineering lan.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				
2	Parks, Forestry and Horticulture Operations zachary.guizzetti@vaughan.ca	permit link provided above to learn how to apply for lot grading and/or servicing approval.  Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit				
	Zacitary.guizzetti(@vaugitari.ca	through the forestry division prior to any construction works on the subject property.				

#### **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.

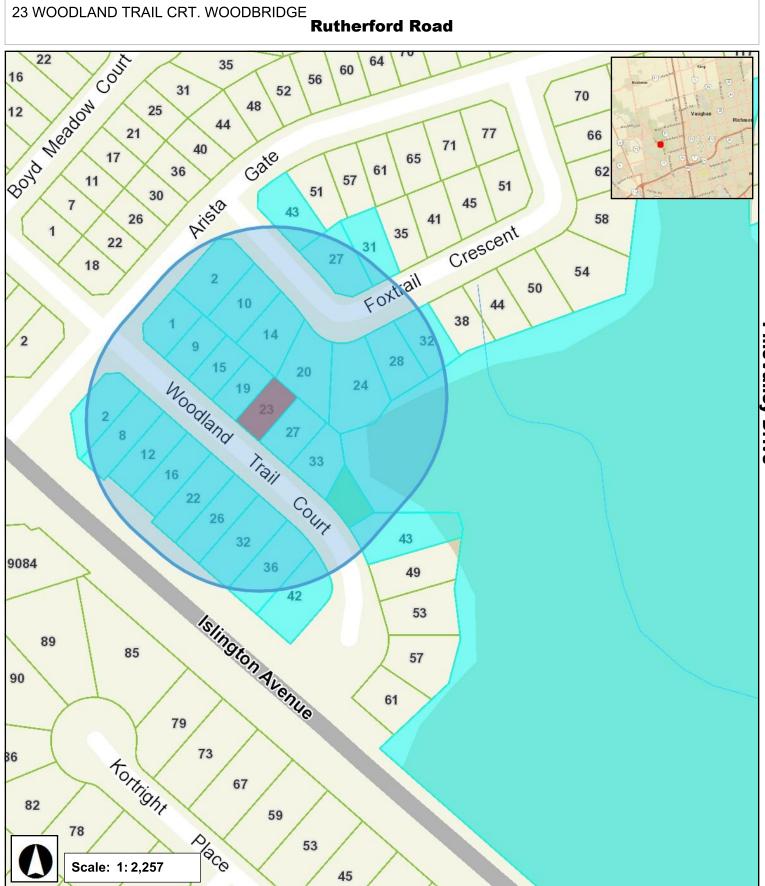
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

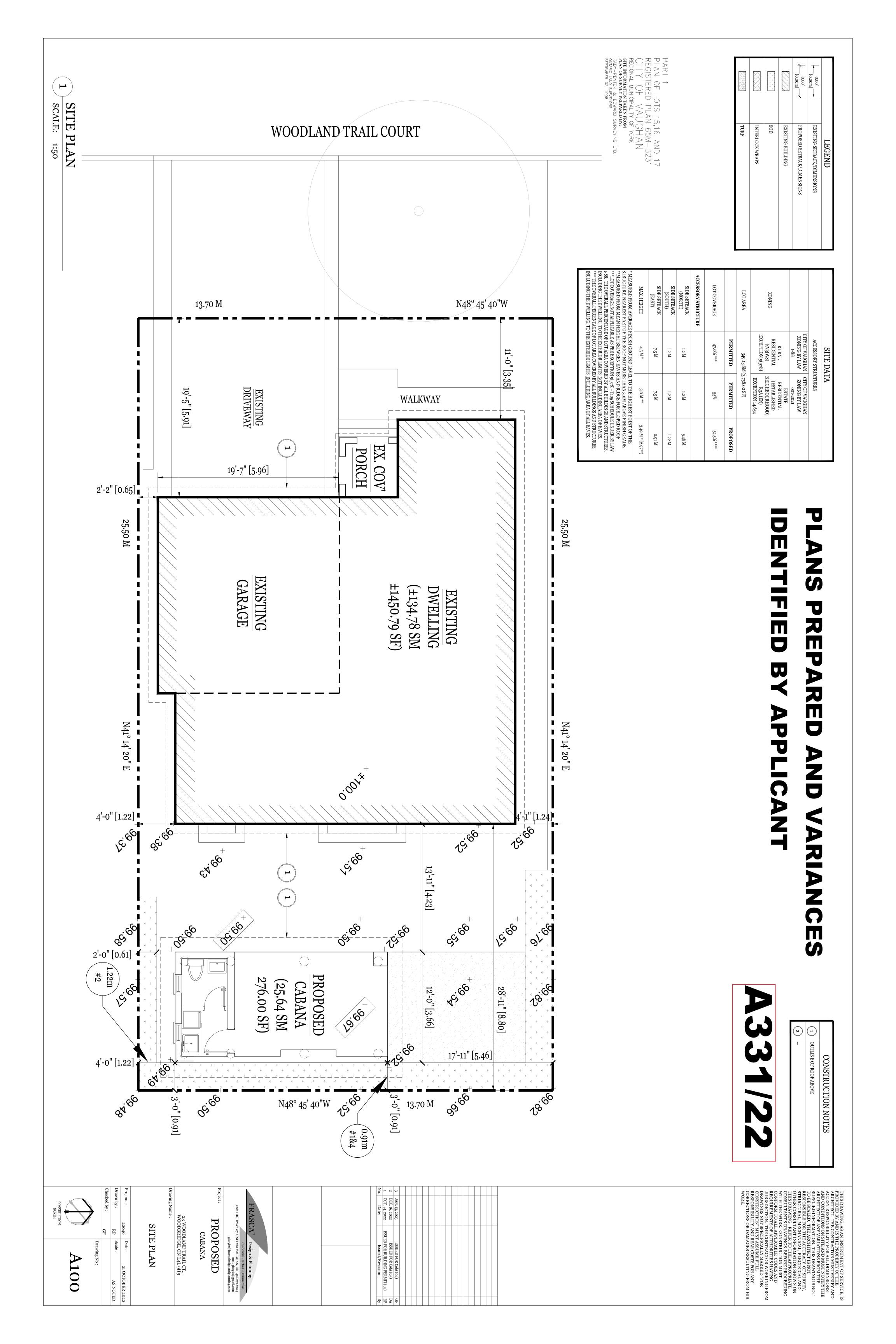
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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

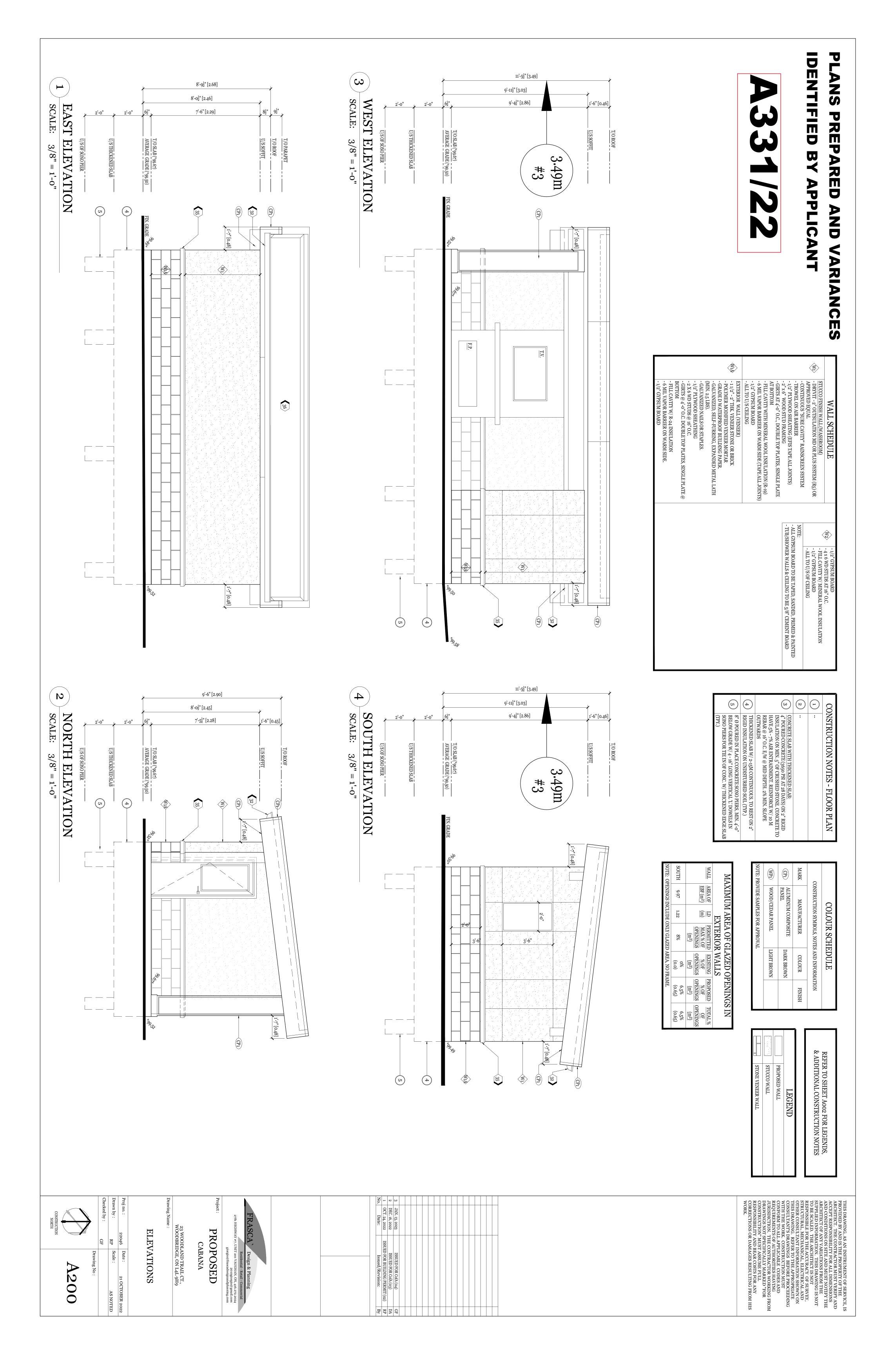
**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified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

## **SCHEDULE A: DRAWINGS & PLANS**









SCHEDULE B: STAFF & AGENCY COMMENTS							
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments			
TRCA	$\boxtimes$			No Comments Received to Date			
Ministry of Transportation (MTO)							
Region of York	$\boxtimes$			No Comments Received to Date			
Alectra	$\boxtimes$	×		General Comments			
Bell Canada	$\boxtimes$			No Comments Received to Date			
YRDSB							
YCDSB							
CN Rail							
CP Rail							
TransCanada Pipeline	$\boxtimes$			No Comments Received to Date			
Metrolinx							
Propane Operator							
Development Planning	Х	X		Recommend Approval/ No Conditions			
Building Standards (Zoning)	Х	Х		General Comments			





To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: February 21, 2023

Name of Owners: Michael and Denise Bascio

Location: 23 Woodland Trail Court

File No.(s): A331/22

#### Proposed Variance(s) (By-law 001-2021):

1. To permit a minimum rear yard of 0.91 m to the accessory building.

- To permit a minimum interior side yard of 1.22 m to the accessory building.
   To permit a maximum building height of 3.49 m to the highest point of the roof.

#### By-Law Requirement(s) (By-law 001-2021):

- 1. A minimum rear yard of 2.4 m is required to the accessory building.
- 2. A minimum interior side yard of 2.4 m is required to the accessory building.
- 3. A maximum building height of 3.0 m is permitted to the highest point of the roof of the accessory building.

#### Official Plan:

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

#### **Comments:**

The Owners are requesting relief to permit the construction of a cabana with the above noted variances.

The Development Planning Department has no objection to the proposed variances for the cabana. The reduction to the rear and interior side yard setbacks are not anticipated to pose adverse visual impacts to the neighbouring properties and an appropriate area for maintenance access is maintained. The Development Engineering Department has also reviewed the proposal and is satisfied that drainage in the rear yard will be maintained. The cabana roof that slants downwards from front (southwest) to back (northeast). This results in the southwest wall being taller than the northeast wall. The proposed 3.49 m height is measured to the top of the southwest wall of the cabana. The height measured to the top of the northeast wall of the cabana complies with the height requirements of Zoning By-law 001-2021. Since the southwest wall faces the rear wall of the house and is set back further from the lot line than the east wall, the proposed increase in height is not anticipated to pose adverse visual impacts to the neighbouring properties.

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

#### Recommendation:

The Development Planning Department recommends approval of the application, subject to the following conditions:

#### **Conditions of Approval:**

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

#### **Comments Prepared by:**

Joshua Cipolletta, Planner I David Harding, Senior Planner



To: Committee of Adjustment

From: Pia Basilone, Building Standards Department

**Date:** January 09, 2023

Applicant: Michael & Denise Bascio

**Location:** PLAN 65M3231 Lot 17 municipally known as 23 Woodland Trail

Court

**File No.(s):** A331/22

#### **Zoning Classification:**

The subject lands are zoned R3A(EN) Residential (Established Neighbourhood) and subject to the provisions of Exception 14.654 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum rear yard of 2.4 metres is required to the accessory	To permit a minimum rear yard
	building.	of 0.91 metres to the accessory
	S.4.1.2	building.
2	A minimum interior side yard of 2.4 metres is required to the	To permit a minimum interior
	accessory building.	side yard of 1.22 metres to the
	S.4.1.2	accessory building.
3	A maximum building height of 3.0 metres is permitted to the	To permit a maximum building
	highest point of the roof of the accessory building.	height of 3.49 metres to the
	S.4.1.4	highest point of the roof.

#### **Staff Comments:**

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

There are no outstanding Orders on file.

#### **Building Permit(s) Issued:**

Building Permit No. 22-137631 for Shed/Gazebo - New, (Not Yet Issued)

<sup>\*</sup> Comments are based on the review of documentation supplied with this application.



Date: January 16<sup>th</sup> 2023

Attention: Christine Vigneault

**RE:** Request for Comments

File No.: A331-22

**Related Files:** 

Applicant Michael & Denise Bascio

**Location** 3940 Hwy 7



#### **COMMENTS:**

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

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

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

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

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

#### References:

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

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

Mr. Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI & Layouts (North)

**Phone**: 1-877-963-6900 ext. 31297

**E-mail**: stephen.cranley@alectrautilities.com

Mitchell Penner

Supervisor, Distribution Design-Subdivisions

**Phone**: 416-302-6215

**Email:** Mitchell.Penner@alectrautilities.com

## SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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