

<b>ITEM: 6.19</b>	<b>COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A283/22 25 SHALE CRESCENT, 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 type="checkbox"/>	Recommend <b>Partial Approval</b>
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 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	Melita & Eyal Sager	21 Shale Crescent	08/11/2022	Letter of Support
Agent			10/03/2022	Application Cover Letter
Agent			04/25/2023	Planning Justification Letter

**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>
None		

**ADJOURNMENT HISTORY**

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

None	
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**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A283/22  
25 SHALE CRESCENT, MAPLE**

<b>ITEM NUMBER: 6.19</b>	<b>CITY WARD #: 4</b>
<b>APPLICANT:</b>	Melita and Eyal Sager
<b>AGENT:</b>	Millennium Landscape Design & Construction
<b>PROPERTY:</b>	25 Shale Crescent, 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 and deck.

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

**The subject lands are zoned R3 – Residential Zone Three and subject to the provisions of Exception 14.874 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 001-2021	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 0.66 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 0.45 metres to the accessory building.
4	The existing uncovered deck and steps may encroach up to 0.6 metres from the interior side lot line. Table 4-1	To permit the existing deck and steps to encroach up to 0.0 metres from the interior side lot line.
5	A maximum rear yard encroachment for the existing uncovered deck and steps shall be 2.4 metres. Table 4-1	To permit a maximum encroachment of 4.8 metres into the required rear yard for the existing deck and steps.

**The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1231) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
6	A maximum encroachment of 0.3 metres is permitted into the minimum required interior side yard for the deck and stairs [Section 3.14 c)]	To permit a minimum interior side yard of 0.0 metres to the existing uncovered deck and steps.
7	A maximum rear yard encroachment for the existing uncovered deck and steps is 1.8 metres. [Section 3.14 c)]	To permit a maximum encroachment of 6.3 metres into the required rear yard for the existing uncovered deck and steps.

**HEARING INFORMATION**

**DATE OF MEETING:** Thursday, June 22, 2023  
**TIME:** 6:00 p.m.  
**MEETING LOCATION:** Vaughan City Hall, Woodbridge Room (2<sup>nd</sup> Floor), 2141 Major Mackenzie Drive  
**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)

## HEARING INFORMATION

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

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to [cofa@vaughan.ca](mailto:cofa@vaughan.ca) no later than NOON on the last business day before the meeting.

**THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY 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>	June 9, 2023	
<b>Date Applicant Confirmed Posting of Sign:</b>	June 7, 2023	
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	During the building process we had contractors assure us that permits were obtained and things were being built to the correct standards. This was not the case and no permits were obtained, however the structure was already built. The contractors were no longer cooperating, so we took over the permit process and a grading permit was issued, but deficiencies were identified with the building permit. Due to the structure already built and contractors no longer available we must apply for a minor variance.	
<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 <b>after</b> 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

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

\*\*See Schedule B for Development Planning Comments. The Development Planning Department recommends **approval** of Variances 1 and 2, and **refusal** of Variances 3, 4, 5 and 6.

<b>Development Planning Recommended Conditions of Approval:</b>	None
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### DEVELOPMENT ENGINEERING COMMENTS

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

The Owner/Applicant has received a letter from The Neighbour at 21 Shale Crescent, in favor of the existing cabana. The Neighbor also confirmed that they have not experienced any unusual flooding caused by the cabana's construction. Development Engineering no longer has any concerns with the 0.45m setback based off the support letter's comments.

The Owner/Applicant has received a Grading Permit from the Development Engineering (DE) Department for the proposed cabana in September of 2022.

The Development Engineering Department does not object to the Minor Variance application A283/22.

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

Forestry has no comments 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 comments received to date.

<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
	None	

**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.

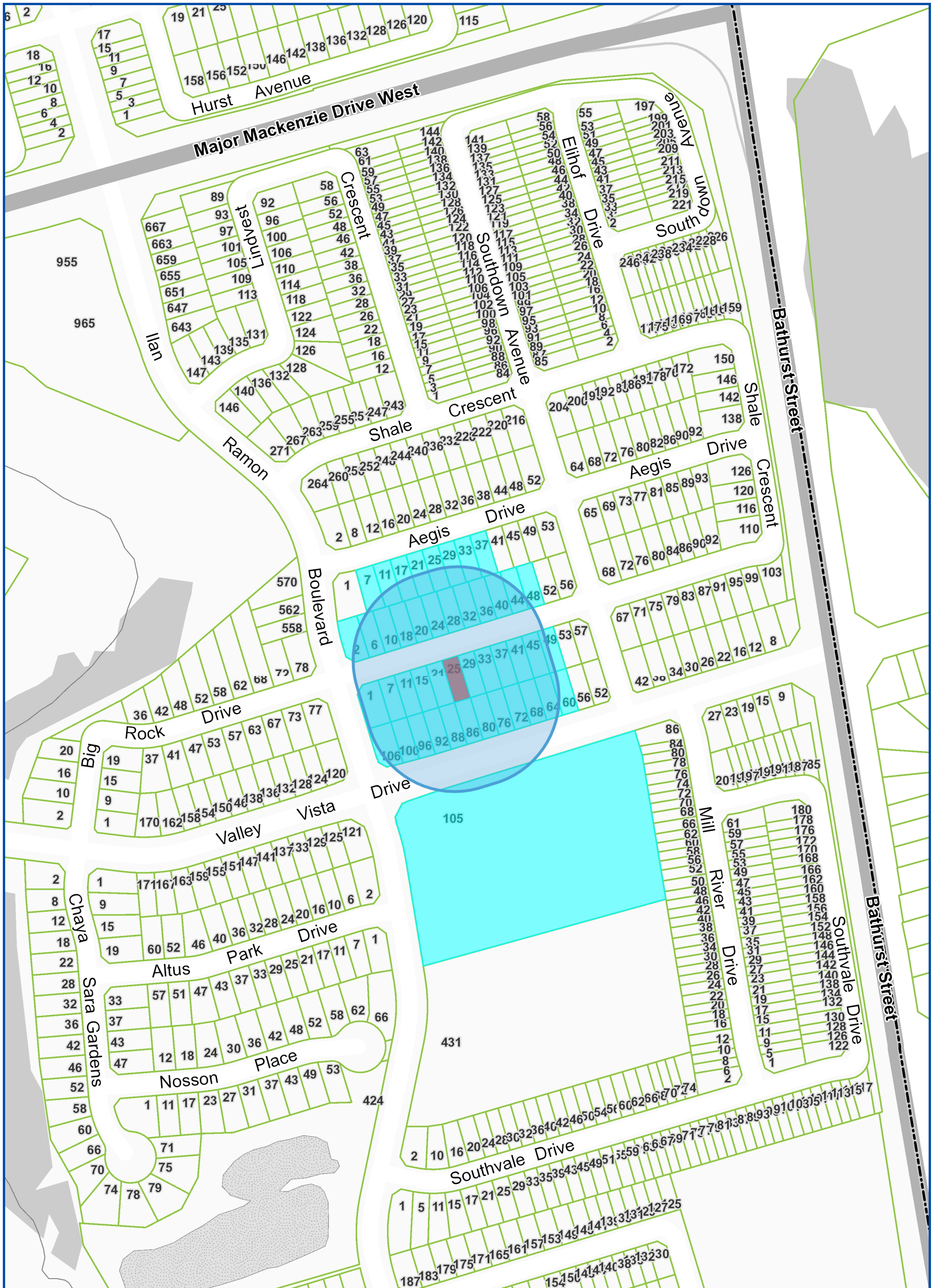
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

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

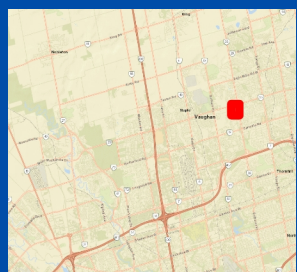
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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



Map Information:



Title:

# 25 Shale Crescent, Maple

NOTIFICATION MAP A283/22

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1: 3,580

0 0.06 km



Created By:

Infrastructure Delivery  
Department

November 22, 2022 8:08 AM

Projection:  
NAD 83  
UTM Zone  
17N





**LEGEND :**

	EXISTING BUILDING
	PROP. CABANA
	S.O.D.
	PROPERTY LINE

DESCRIPTION	AREAS			SETBACKS	
	IMPERIAL	METRIC	%	DESCRIPTION	DIST.
LOT AREA	4228	392.8		FRONT	5.0m
LOT COVERAGE	1910	177.4	45.2	REAR	8.70m
CABANA AREA	156	14.5	3.7	EAST SIDE	1.20m
HARDSCAPE AREA	679	63.1	16.1	WEST SIDE	1.20m
SOFTSCAPE AREA	1483	137.8	35.1		

# RECEIVED

May 26, 2023  
Committee of Adjustment

"DO NOT SCALE"  
CONTRACTOR MUST VERIFY ALL INFORMATION  
PRIOR TO COMMENCEMENT OF THE WORK. ALL  
DRAWINGS & SPECIFICATIONS ARE PROPERTY OF  
ORANA INC. AND MUST BE RETURNED UPON  
COMPLETION OF THE WORK. DRAWINGS ARE NOT  
TO BE USED FOR OTHER PROJECTS WITHOUT THE  
WRITTEN CONSENT OF THE DESIGNER.

MUNICIPAL SEAL

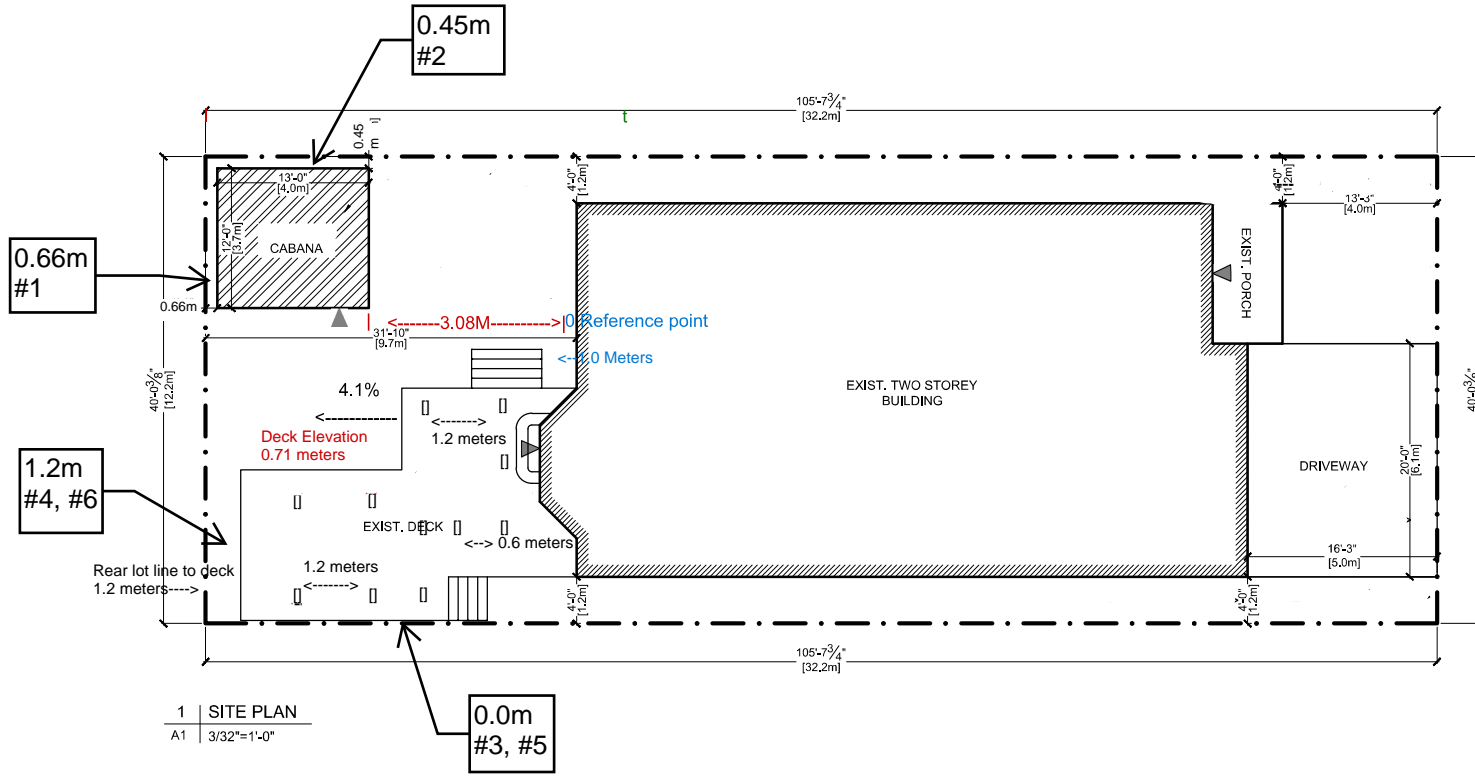
CONSULTANTS SEAL



Legend

Deck Foundation Plan/  
Legend

- i. Structural 0.254 meter sono tube, 6x6 post in 1.2 meters concrete
- ii. Deck foundation- Augured 1.2 meter holes with 0.254 meter sono tubes 6x6 posts in concrete
- iii. Deck elevations- 0.71 meters
- iv. Deck Cross Section detail- Spacing for the joist is standard 16" max done from 2x6 Beams were done by 2x8



1 | SITE PLAN  
A1 | 3/32"=1'-0"

SHALE CRESCENT

REV.	DESCRIPTION	BY	DATE
A	REVIEW		27.04.2022
STATUS: REVIEW			



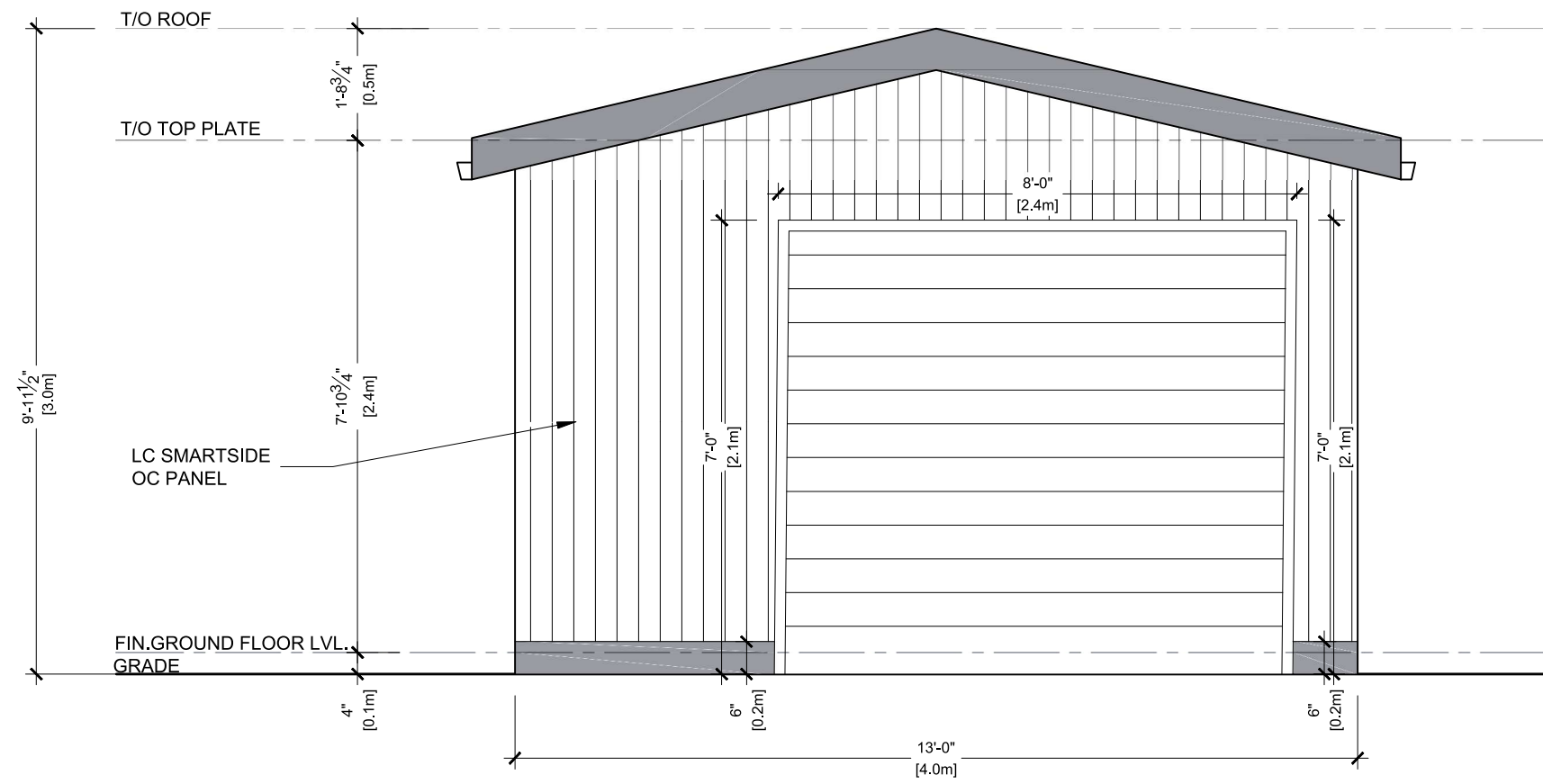
CLIENT:	Kristian Seeman		
SITE:	25 Shale Crescent, Vaughan, ON, Canada		
TITLE:	SITE PLAN		
SCALE: 1/16" = 1'-0"	DATE: 27.04.2022	DRAWN: YS	CHECKED: DS
PROJECT NO: 22-36	DRAWING NO: A1	REVISION:	A

**RECEIVED**

By Christine Vigneault at 7:34 am, May 16, 2023

\*DO NOT SCALE\*  
 CONTRACTOR MUST VERIFY ALL INFORMATION  
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MUNICIPAL SEAL:



1 | ELEVATION 1  
 A4 | 3/8"=1'-0"

REV:	DESCRIPTION:	BY:	DATE:
A	REVIEW	YS	27.04.2022
STATUS: REVIEW			



CLIENT: Kristian Seeman

SITE: 25 Shale Crescent, Vaughan, ON, Canada  
 TITLE: ELEVATION 1

SCALE AT 11" x 17": 3/8"=1'-0"	DATE: 27.04.2022	DRAWN: YS	CHECKED: DS
PROJECT NO: 22-36	DRAWING NO: A4	REVISION: A	

\*DO NOT SCALE\*  
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MUNICIPAL SEAL:



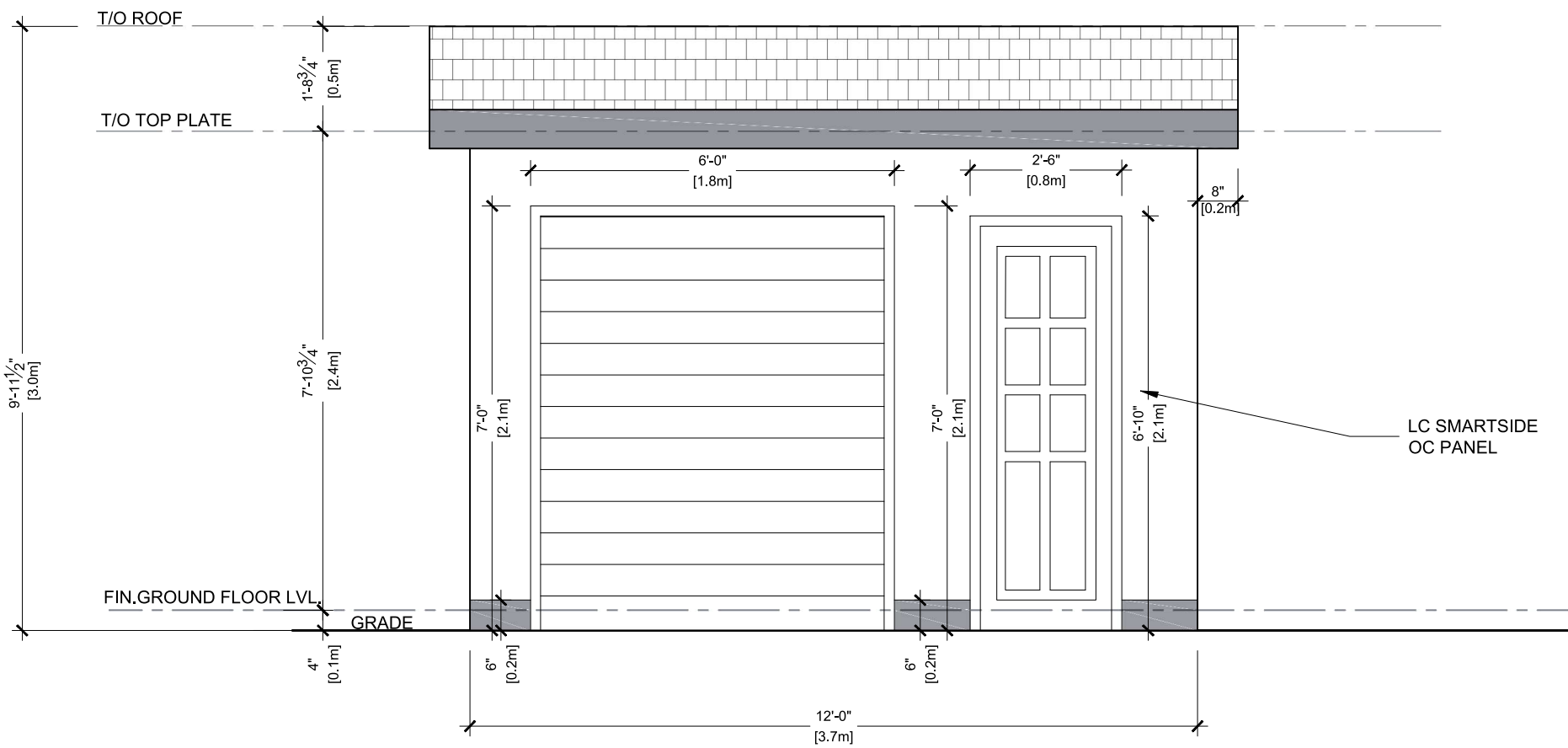
REV:	DESCRIPTION:	BY:	DATE:
A	REVIEW	YS	27.04.2022
STATUS: REVIEW			



CLIENT: Kristian Seeman

SITE: 25 Shale Crescent, Vaughan, ON, Canada  
 TITLE: ELEVATION 2

SCALE AT 11" x 17": 3/8"=1'-0"	DATE: 27.04.2022	DRAWN: YS	CHECKED: DS
PROJECT NO: 22-36	DRAWING NO: A5	REVISION: A	



LC SMARTSIDE  
 OC PANEL

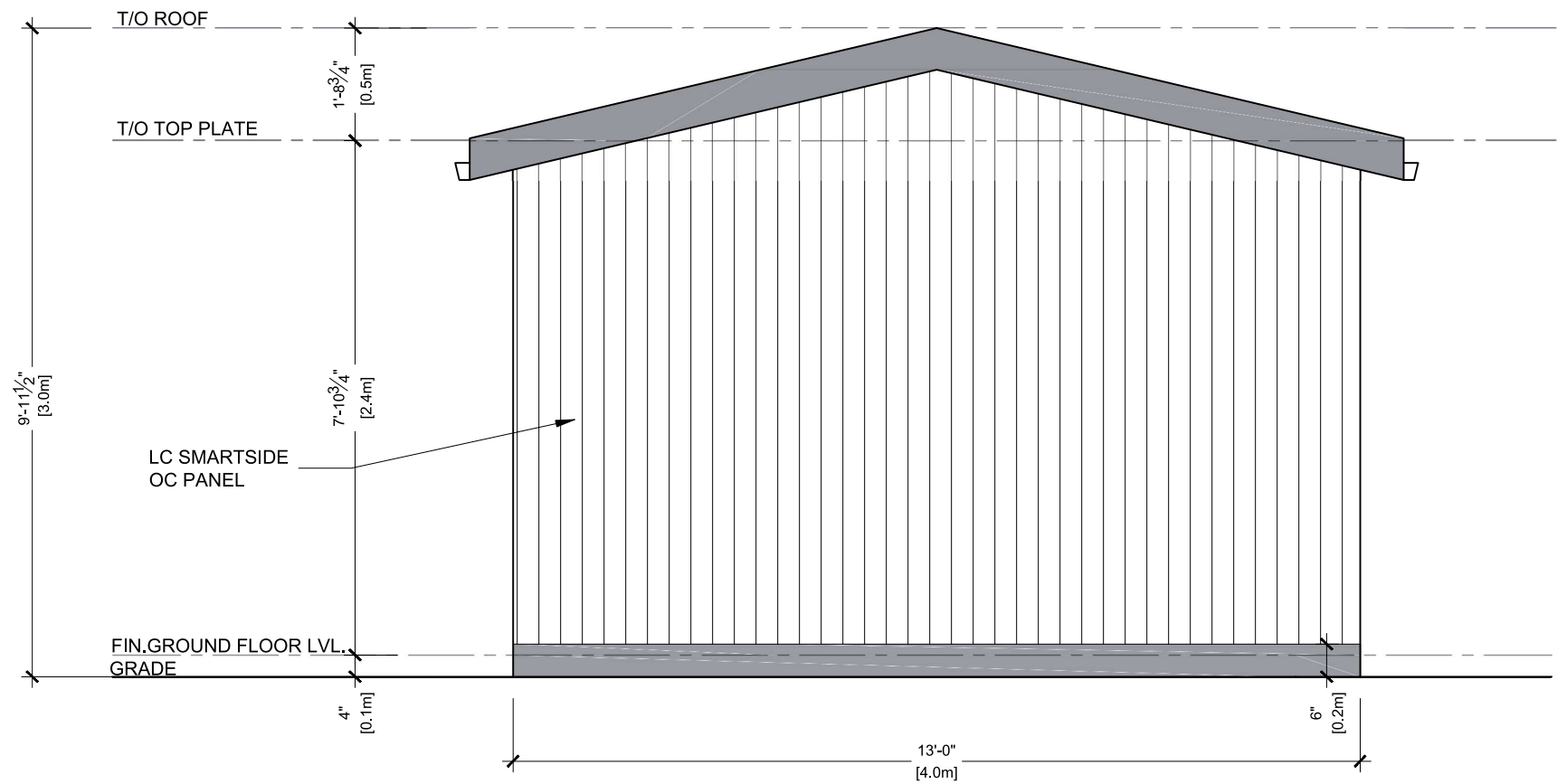
1 | ELEVATION 2  
 A5 | 3/8"=1'-0"

\*DO NOT SCALE\*  
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 WRITTEN CONSENT OF THE DESIGNER.

MUNICIPAL SEAL:



-	-	-	-
-	-	-	-
A	REVIEW	YS	27.04.2022
REV:	DESCRIPTION:	BY:	DATE:
STATUS: REVIEW			



1 | ELEVATION 3  
 A6 | 3/8"=1'-0"



CLIENT: Kristian Seeman

SITE: 25 Shale Crescent, Vaughan, ON, Canada  
 TITLE: ELEVATION 3

SCALE AT 11" x 17": 3/8"=1'-0"	DATE: 27.04.2022	DRAWN: YS	CHECKED: DS
PROJECT NO: 22-36	DRAWING NO: A6	REVISION: A	

\*DO NOT SCALE\*  
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MUNICIPAL SEAL:



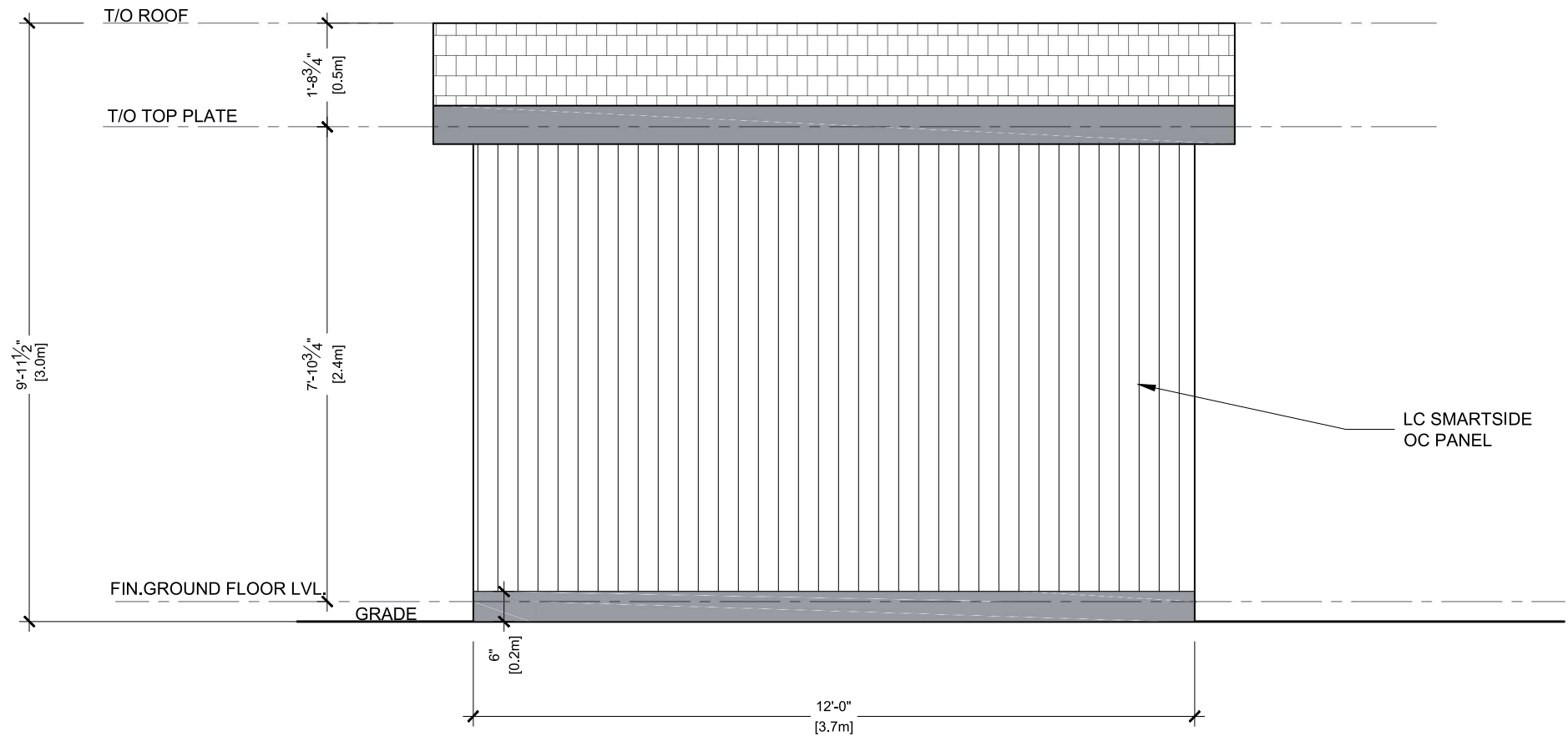
-	-	-	-
-	-	-	-
A	REVIEW	YS	27.04.2022
REV:	DESCRIPTION:	BY:	DATE:
STATUS: REVIEW			



CLIENT: Kristian Seeman

SITE: 25 Shale Crescent, Vaughan, ON, Canada  
 TITLE: ELEVATION 4

SCALE AT 11" x 17": 3/8"=1'-0"	DATE: 27.04.2022	DRAWN: YS	CHECKED: DS
PROJECT NO: 22-36	DRAWING NO: A7	REVISION: A	



1 | ELEVATION 4  
 A7 | 3/8"=1'-0"

**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				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
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Partial Approval
Building Standards (Zoning)	X	X		General Comments

**Date:** November 8<sup>th</sup> 2022

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

**RE:** Request for Comments

**File No.:** **A283-22**

**Related Files:**

**Applicant** Melita and Eyal Sager

**Location** 25 Shale Crescent



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

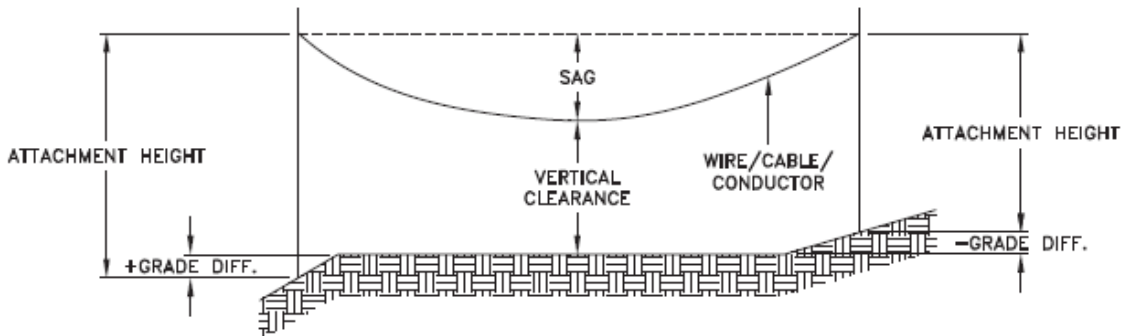
**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

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

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



LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)				
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u>	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG  
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)  
 ± GRADE DIFFERENCE  
 + 0.3m (VEHICLE OR RAILWAY LOCATION)  
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

**NOTES:**

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

**CONVERSION TABLE**

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

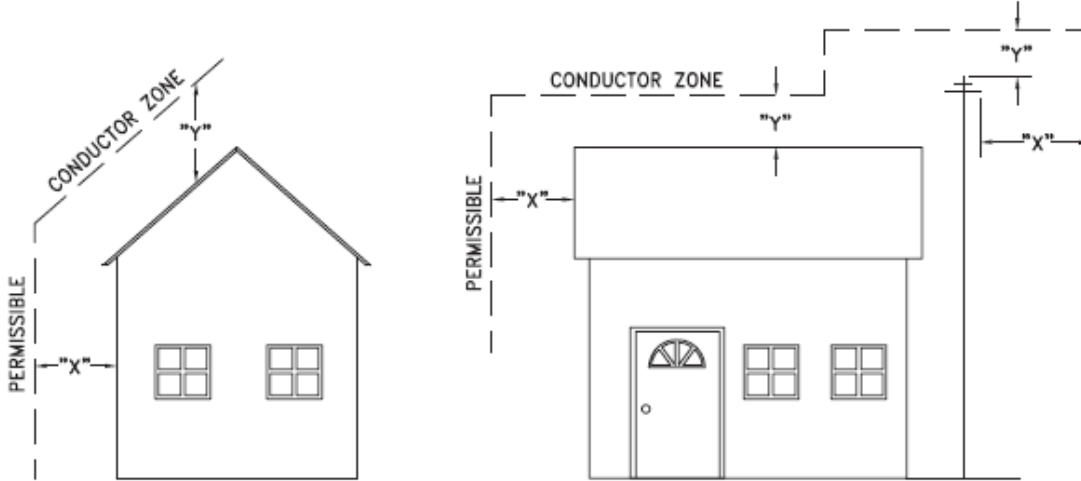
**REFERENCES**

SAGS AND TENSIONS | SECTION 02

**MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS**

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

**NOTES**

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

**MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)**

**Certificate of Approval**  
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04  
Debbie Dadwani, P.Eng. 2010-MAY-05  
Name Date  
P. Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:  
PS\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 3-1-02\WG 03-4 R0 May 5, 2010.dwg, 5/5/2010 10:22:02 AM, Adobe PDF

**To:** Committee of Adjustment  
**From:** Lindsay Haviland, Building Standards Department  
**Date:** May 24, 2023  
**Applicant:** Melita and Eyal Sager  
**Location:** PLAN 65M3985 Lot 12 municipally known as 25 Shale Crescent  
**File No.(s):** A283/22

**Zoning Classification:**

The subject lands are zoned R3 – Residential Zone Three and subject to the provisions of Exception 14.874 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	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 0.66 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 0.45 metres to the accessory building.
4	The existing uncovered deck and steps may encroach up to 0.6 metres from the interior side lot line. Table 4-1	To permit the existing deck and steps to encroach up to 0.0 metres from the interior side lot line.
5	A maximum rear yard encroachment for the existing uncovered deck and steps shall be 2.4 metres. Table 4-1	To permit a maximum encroachment of 4.8 metres into the required rear yard for the existing deck and steps.

The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1231) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
6	A maximum encroachment of 0.3 metres is permitted into the minimum required interior side yard for the deck and stairs [Section 3.14 c)]	To permit a minimum interior side yard of 0.0 metres to the existing uncovered deck and steps.
7	A maximum rear yard encroachment for the existing uncovered deck and steps is 1.8 metres. [Section 3.14 c)]	To permit a maximum encroachment of 6.3 metres into the required rear yard for the existing uncovered deck and steps.

**Staff Comments:**

**General Comments:**

1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
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**Stop Work Order(s) and Order(s) to Comply:**

Order No. 22-125280, Order to Comply - Issue Date: Jul 13, 2022

**Building Permit(s) Issued:**

Building Permit No. 22-116981 for Shed/Gazebo - (Not Yet Issued)  
 A building permit is required for the deck.

**Conditions of Approval:**

None

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

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** June 22, 2023  
**Name of Owner:** Melita Sager Eyal Sager  
**Location:** 25 Shale Crescent  
**File No.(s):** A283/22

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

1. To permit a minimum rear yard of 0.66 metres to the accessory building.
2. To permit a minimum interior side yard of 0.45 metres to the accessory building.
3. To permit the existing deck and steps to encroach up to 0.0 metres from the interior side lot line.
4. To permit a maximum encroachment of 4.8 metres into the required rear yard for the existing deck and steps.

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

1. A minimum rear yard of 2.4 metres is required to the accessory building.
2. A minimum interior side yard of 2.4 metres is required to the accessory building.
3. The existing uncovered deck and steps may encroach up to 0.6 metres from the interior side lot line.
4. A maximum rear yard encroachment for the existing uncovered deck and steps shall be 2.4 metres.

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

5. To permit a minimum interior side yard of 0.0 metres to the existing uncovered deck and steps.
6. To permit a maximum encroachment of 6.3 metres into the required rear yard for the existing uncovered deck and steps.

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

5. A maximum encroachment of 0.3 metres is permitted into the minimum required interior side yard for the deck and stairs.
6. A maximum rear yard encroachment for the existing uncovered deck and steps is 1.8 metres.

**Official Plan:**

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

**Comments:**

The Owner is requesting permission to permit the existing cabana and uncovered deck with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 2 for the existing cabana as the reduction to the rear yard setback will not pose a significant adverse massing impact to the abutting properties. The cabana complies with the height provisions. The rear yard is graveled and provides sufficient space for maintenance access. Given that the interior side yard is graveled, and that the cabana's eave and gutter is not located in the interior side yard, the reduced setback of 0.45 m maintains sufficient area for some maintenance access and will not significantly adversely impact the abutting properties. The Development Engineering Department has also reviewed correspondence provided by the Owners of 21 Shale Crescent, noting that the reduced side yard setback has not resulted in ponding, pooling, or damming on their property, and has no objection to Variances 1 and 2.

The Development Planning Department is not in a position to support Variances 3, 4, 5 and 6 for the encroachment of the existing deck and stairs into the interior side yard and the deck into the required rear yard. While Development Engineering has reviewed the above noted variances and have no concerns with the encroachment of the deck and stairs into the required interior side yard and rear yard from a lot grading and drainage

perspective, Development Planning is of the opinion that a 0.0 interior side yard setback and a 6.3 metre encroachment into the rear yard will impact the functionality and maintenance of the rear yard by providing little to no access around the deck structure, and will result in significant massing and privacy impacts to abutting properties. The Development Planning Department has conducted a review of the wider neighbourhood to determine if any similar variances have been approved through Minor Variance and it has been confirmed that the proposal is not consistent with previous approvals in the neighbourhood.

Amongst other functions, an interior and side yard setback maintains appropriate distance between a lot line and structure and/or building. Three functions of providing this setback are to:

- (1) Provide adequate separation of mass between properties,
- (2) Provide adequate separation of activity (i.e. use) that is related structure/building use between properties; and
- (3) Provide adequate space to perform maintenance to the face of the building/structure facing the lot line along with performing maintenance to the lands in between.

The Development Planning Department is of the opinion that an appropriate distance is not provided between the lot line and the existing deck and that the three listed functions of an interior and side yard setback have not been maintained.

With respect to function 1, the existing deck does not provide adequate separation of mass between properties as the 0.71 m high deck spans nearly the entire depth of the rear yard. The height of the deck elevates the activity and items placed upon it, which has resulted in the installation of a privacy screen on top of it in relation to the side lot line in order to better screen the activity and items visible above the fence.

With respect to function 2, noise generated from this activity would also be more impactful to the abutting properties due to the proximity of the deck to the lot lines and the elevation of the deck in relation to the nearby fencing. Placing the deck and stairs so close to the side lot line also requires all pedestrians who use the east side yard to pass between the front and rear yards to use the elevated deck to access the rear yard. Additional setback is needed in order to pull the activity away from the lot lines and also provide sufficient space to establish adequate buffering measures, such as screening vegetation.

With respect to function 3, a minimum interior side yard of 0.0 metres to the existing uncovered deck and steps is not adequate space to perform maintenance to the side fence or portion of the deck facing the interior lot line, nor is it adequate space to perform maintenance to the lands in between. There are cedar trees which occupy the entirety of the space between the deck and rear fence. A maximum rear yard encroachment that results in a rear yard setback of 1.2 metres is not adequate space to perform maintenance to the south side of the deck or the lands in between.

As such, the Development Planning Department is not in a position to support Variances 3, 4, 5 and 6 for the encroachment of the existing deck and stairs into the interior side yard and the deck into the required rear yard.

The Development Planning Department is of the opinion that Variances 1 and 2 are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-laws, and are desirable for the appropriate development of the land.

#### **Recommendation:**

The Development Planning Department recommends **approval** of Variances 1 and 2, and **refusal** of Variances 3, 4, 5 and 6, as noted above.

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

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

None

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

Michelle Perrone, Planner 1  
David Harding, Senior Planner

**Lenore Providence**

---

**Subject:** FW: [External] RE: A283/22 (25 Shale Crescent) - City of Vaughan, Request for Comments

**From:** Development Services <[developmentservices@york.ca](mailto:developmentservices@york.ca)>

**Sent:** Thursday, November 10, 2022 11:52 AM

**To:** Christine Vigneault <[Christine.Vigneault@vaughan.ca](mailto:Christine.Vigneault@vaughan.ca)>

**Cc:** Committee of Adjustment <[CofA@vaughan.ca](mailto:CofA@vaughan.ca)>

**Subject:** [External] RE: A283/22 (25 Shale Crescent) - City of Vaughan, Request for Comments

Hi Christine,

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

Many thanks,

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

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 x73012 | [christine.meehan@york.ca](mailto:christine.meehan@york.ca) | [www.york.ca](http://www.york.ca)

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**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**


<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received</b> (mm/dd/yyyy)	<b>Summary</b>
Public	Melita & Eyal Sager	21 Shale Crescent	08/11/2022	Letter of Support
Agent			10/03/2022	Application Cover Letter
Agent			04/25/2023	Planning Justification Letter

October 3, 2022

To Whom it May Concern:

Millennium Landscapes Design & Construction is a landscape construction company that has been working with Melita & Ayel Rudner to complete a backyard landscape project. The project included a deck and a cabana which was subcontracted out to a carpenter. The first contractor hired had started a building permit application (22 116981 000 00 D). This contractor could not fulfill his obligations with the project so it was then subcontracted out to another contractor HomeFix by Drew Shacklady. He assured both me and the homeowners that the permits were issued and continued to build and complete the project. However, the building and grading permits were never completed or issued. Millennium Landscape Design & Construction took over the permit applications. A grading permit was successfully issued but there were some deficiencies identified for the cabana. As previously mentioned, this structure has already been completed so the drawings could not be changed to receive the building permit. We have opted to apply for a minor variance to rectify the situation. We have collected letters from the neighbours ensuring they have no complaints with the Cabana.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Ferreira". The signature is stylized with loops and a long horizontal stroke extending to the right.

Justin Ferreira

Owner

Millennium Landscape Design & Construction

416.433.9970

[justin@millenniumldc.com](mailto:justin@millenniumldc.com)

Gallery: [millenniumldc.com](http://millenniumldc.com)



Melita and Eyal  
Sager  
25 Shale Crescent  
Vaughan ON L6A 0Z3

E-mail: [REDACTED]

Please print Name:

Home owner address:

SARI LIEM  
21 SHALE CRES  
VAUGHAN L6A 0Z3

November 16, 2022

Dear Recipient:

We are neighbours of Melita and Eyal Sager who reside at 25 Shale Crescent  
Vaughan ON L6A 0Z3.

We understand they have been renovating their backyard to include a new deck and  
cabana.

We are comfortable with the construction and permanent existence of both: the height  
and location of the cabana, and the deck size and proximity to the east side of their  
property.

There has been no pooling, ponding or damming on our property as a result of the  
construction in their backyard.

Sincerely,

Sari Liem

Print Name Here

[Signature]

Sign name here

Date Nov 16/2022



land use planning  
&  
development

23 Foxwood Road. Thornhill, ON L4J 9C4 Tel:  
905.889.1564 | Fax: 905.889.6309 Website:  
mplaninc.com

April 25, 2023

**Received**

April 25, 2023

**A283/23**

Lenore Providence  
Administrative Coordinator - Committee of Adjustment  
City of Vaughan | Office of the City Clerk  
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

RE: A283/23 (25 Shale Crescent) Planning Justification Letter

Dear Ms. Providence,

MPlan Inc. was retained by the owners of 25 Shale Crescent to assist with their Minor Variance Application for their as built rear yard deck and cabana. Prior to being retained, MPlan Inc. reviewed the Committee of Adjustment File and visited the site on multiple occasions to confirm that the variances could be supported from a planning perspective. This resubmission and Planning Justification Letter is in support of the development.

Upon being retained it was clear that the plans that were submitted and the as built structure did not match. It was discovered that the plans submitted with the application display the original concept plan for the development. This concept plan was altered slightly during construction by reducing the overall height of the structure and altering the roof design from a flat roof to a peak roof. The plans have been revised to indicate the actual dimensions of the as built rear yard deck and accessory building. The revised plans indicate that the height and rear yard setback variances for the accessory building are no longer required.

**Site and Surrounding Area**

The subject property is located within a low-rise residential neighbourhood generally located north of Major Mackenzie Drive W and west of Bathurst Street. The subdivision is approximately 10-15 years old and consists of detached, semi-detached, and townhouse dwellings.

An anecdotal look around the neighbourhood indicates that there are multiple structures that would have required similar variances. Based on a review of variances in the neighbourhood it appears that there are only a few properties with similar variances that were requested. A further anecdotal look around the neighbourhood during a neighbourhood visit indicates that there are multiple developments that would have required similar variances but there are no records of applications. This is not surprising since it is common knowledge that many people do not apply for variances when constructing decks and accessory structures. Regardless of the legality of many of

these structures, they have become part of the built form character of the neighbourhood.

## **Description of Development**

The proposed development consists of a rear deck which extends from the rear of the dwelling and extends to the east side of the property, providing access to a hot tub. At the southwest corner of the rear yard is a cabana made of cedar with two openings that face the rear yard and is closed towards the neighbouring properties to provide privacy for the homeowner and neighbours.

## **History**

The proposed development was built in the summer of 2021. The owner hired a contractor to design and build the deck, hot tub, cabana, and surrounding landscaping. It was the owners understanding that all permits were obtained for the structures prior to construction beginning and being completed. At some point the owners received a visit from a building inspector who deemed that some of the structures were not compliant with the Zoning By-law.

This led to an application for the Minor Variance. The owner submitted the original plans that were provided and received a notice of the required variances based on those set of plans. Later it was realised that the plans that were originally submitted were altered during construction by reducing the height of the overall structure and changing the roof from a flat roof to a peak roof.

Urban Design Staff reviewed the 1<sup>st</sup> circulation of the proposed development concept for the site as mentioned above, submitted on November 15, 2022, and provide the following comment:

### **Site Plan:**

1. The cabana structure is excessively high and too close to the common property boundaries and can adversely impact the neighboring properties. Staff advises on reducing the height the minimum requirements per code or increasing the setbacks to 1.5 meters minimum to provide hedge planting to visually screen the structure.

In the Urban Design Comments of November 15, 2022, based on the old plan, it was suggested that the Applicant either reduce the height of the accessory building to be compliant with the Zoning By-law or move the structure.

This comment was based on the first submission with a height variance required for the Accessory Building of 3.8m. The revised plans show that the height has been reduced to 2.7m and the structure is compliant with the maximum permitted height and minimum

rear yard setback for an Accessory Building in By-law 001-2021, which will be discussed in the next section. The reduction in height is compliant with the By-law and satisfies the comments from Urban Design.

The owner has prepared revised plans which indicate the as-built situation of the rear yard development.

## **Revised Plans**

The owner has had revised plans prepared which indicate the as-built situation of the rear yard development. The revised plans show that the Accessory Building has a height of 3.0m to the top of the peak roof and a height of 2.4m to the eaves. The definition for height in Zoning By-law 001-2021 states that in the case of a sloped roof, the height shall be measured to the mean height between the eaves and the ridge.

*Height: Means in reference to a building or structure, the vertical distance measured from established grade to:*

- i. In the case of a flat roof, including any roof where more than half of the roof area has a slope of 15 degrees or less above the horizontal, the highest point of the roof surface or parapet, whichever is the greater;*
- ii. in the case of a sloped roof, the mean height between the eaves and the ridge; or,*
- iii. In the case of any structure with no roof, the highest point of the structure.*

The revised plans show that the height of the accessory building is 3.0m to the roof and 2.4m to the eaves, creating a mean height of 2.7m. Therefore, the height of the accessory building should be considered to be 2.7m based on the definition in By-law 001-2021. The accessory building (cabana) is within the maximum permitted height regulations for height in By-law 001-2021 (2.8m) and By-law 1-88 (3m).

Zoning By-law 001-2021 indicates that a residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. In all other cases, a residential accessory structure shall not be located closer than 0.6 m to any lot line. As stated earlier, the height of the structure in By-law 001-2021 is considered to be 2.7m and the 0.66m rear yard setback for the accessory building is compliant with the Zoning By-law.

Based on the revised plans, variances 1, 2, and 6 are no longer required.

## **Minor Variances**

The City of Vaughan Building Standards Department prepared a Zoning review dated January 3, 2023. Based on that review, ten variances were required in total for the

application. These variances are duplicated between the new Zoning By-law 001-2021 and the old Zoning By-law 1-88. There were 5 variances required from each By-law.

The revised plans have updated the measurements of the as built situation and the following changes have been made:

Zoning By-law 001-2021

**~~1. A maximum building height of 3.0 metres is permitted for the accessory building. S. 4.1.4~~**

~~To permit a maximum building height of 3.8 metres for the accessory building.~~

**This variance is no longer required based on the measurements in the revised plans.**

**~~2. 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 0.6 metres to the accessory building.~~

**Removed: This variance is no longer required based on the measurements in the revised plans.**

**~~3. 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 0.6 metres to the accessory building.~~

**Revised:**

A minimum interior side yard of 0.6 metres is required to the accessory building.

S.4.1.2

To permit a minimum interior side yard of 0.45 metres to the accessory building.

**4. The existing uncovered deck and steps may encroach up to 0.6 metres from the interior side lot line. Table 4-1**

To permit the existing deck and steps to encroach up to 1.2 metres from the interior side lot line. (0.0m interior side yard)

**5. A maximum rear yard encroachment for the existing uncovered deck and steps shall be 2.4 metres. Table 4-1**

To permit a maximum encroachment of 6.3 metres into the required rear yard for the existing deck and steps. (1.2m rear yard)

Zoning By-law 1-88

**6. A maximum building height of 3.0 metres is permitted measured from the average finished grade to the nearest part of the roof of the accessory building. S.4.1.1**

~~To permit a maximum building height of 3.048 metres to the nearest part of the roof of the accessory building.~~

**Removed: This will be removed based on the measurements in the revised plans.**

**7. A minimum rear yard of 7.5 metres is required to the accessory building. S.4.1.1**

~~To permit a minimum rear yard of 0.6 metres to the accessory building.~~

**Revised: To permit a minimum rear yard of 0.66 metres to the accessory building.**

**8. A minimum interior side yard of 1.2 metres is required to the accessory building. S.4.1.1**

~~To permit a minimum interior side yard of 0.6 metres to the accessory building.~~

**Revised: To permit a minimum interior side yard of 0.45 metres to the accessory building.**

**9. A minimum interior side yard of 1.2 metres is required to the existing uncovered deck and steps. S.3.14(l)**

To permit a minimum interior side yard of 0.0 metres to the existing uncovered deck and steps.

**10. A maximum rear yard encroachment for the existing uncovered deck and steps is 1.8 metres. (5.7 metre rear yard) S.3.14(c)**

To permit a maximum encroachment of 6.3 metres into the required rear yard for the existing uncovered deck and steps. (1.2m rear yard)

## **THE FOUR TESTS:**

### **Official Plan (General Intent and Purpose)**

The subject site is designated as Low-rise residential in the City of Vaughan Official Plan. This land use designation allows for residential units and other accessory uses that are no greater than 3 storeys in height.

The proposed development and requested variances will allow for a rear yard deck and rear yard accessory structure to a low-rise residential dwelling.

The proposed development conforms to the City of Vaughan Official Plan.

### **Zoning By-law (General Intent and Purpose)**

The subject lands are zoned R3 – Residential Zone Three and subject to the provisions of Exception 14.874 under Zoning By-law 001-2021, as amended. The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1231) under Zoning By-law 1-88, as amended.



### **Height of the Accessory Building (Variance 1 and 6).**

As stated earlier, the revised plans indicate the true size of the accessory building which is compliant with the Zoning By-law. Therefore, the variances related to the height of the accessory structure/building are no longer required in By-law 001-2021 or By-law 1-88.

### **Rear Yard Setback for the Accessory Structure (Variance 2 and 7).**

The accessory structure is setback 0.66 metres from the rear lot line which is the minimum required setback required in By-law 001-2021 for an accessory building that is not greater than 2.8m. Therefore, the variance is no longer required from By-law 001-2021 (Variance 2). This variance is still required in By-law 1-88 (Variance 7). This regulation is intended to ensure that proper drainage can occur between lots and to preserve the privacy and enjoyment of rear yard amenity space for adjacent properties. The setback to the rear yard lot line allows for drainage. The structure acts as a privacy screen between the neighbours and there is a row of trees planted behind the structure providing a buffer to the adjacent property from the rear yard.

### **Interior Side yard to the Accessory Building (Variance 3 and 8)**

In By-law 001-2021 the minimum required setback for an accessory building that is not greater than 2.8m is 0.6m (Variance 3). In By-law 1-88, a minimum interior side yard of 1.2 metres is required to the accessory building (Variance 8). The accessory structure is setback 0.45 metres from the west lot line. This regulation is intended to ensure that proper drainage can occur between lots and to preserve the privacy and enjoyment of rear yard amenity space for adjacent properties. Multiple properties in the neighbourhood have accessory structures with a similar setback. The location allows for drainage to flow adequately and allows for the applicants to utilize their backyard appropriately. The accessory structure is a wood structure which provides privacy between the neighbours and does not create any shadow impacts on the neighbouring property. It should be noted that a letter of support was received and submitted by the neighbour to the affected side yard.

### **A minimum interior side yard to the existing uncovered deck and steps (Variance 4 and 9).**

Variance 4 and Variance 9 relates to the sideyard setback of the uncovered deck. By-law 001-2021 allows an encroachment of 0.6m into the 1.2m sideyard setback for an uncovered deck and stairs (Variance 4). In By-law 1-88 a minimum interior side yard of 1.2 metres is required to the existing uncovered deck and steps (Variance 9). Whereas there is a 0.0m setback to the east side yard lot line. This regulation is intended to protect privacy between adjacent properties. It should be noted that the neighbour to the east has provided a letter of support for the proposed development. There is a large privacy fence erected and the neighbour to the east has large cedars planted along that

side yard lot line which provides a buffer to block any potential privacy impacts. There are no impacts on the adjacent property to the east.

**A maximum rear yard encroachment for the existing uncovered deck and steps is 1.8 metres (Variance 5 and 10).**

This variance relates to the setback of the deck from the rear yard. The permitted encroachment is 2.4 metres in By-law 001-2021 (Variance 5) and 1.8 metres in By-law 1-88 (Variance 10). This regulation is intended to control the rear yard amenity space and to preserve the privacy and enjoyment of rear yard amenity space for adjacent properties. A row of cedars has been planted along the rear lot line providing a buffer to the adjacent property from the rear yard to provide a privacy buffer between the lots.

For the reasons discussed above, the proposed development and associated minor variances meet the general intent and purpose of the Zoning By-law.

**Appropriate Development of Property**

The development of the rear yard deck and accessory building is a simple design that maximizes the usable space of the rear yard for outdoor amenity purposes. The accessory building has a height which is reduced from the previous plans and satisfies the comment from Urban Design. The building will not create shadow issues on neighbouring properties and will enhance privacy for adjacent neighbours. Cedars have been planted along the rear lot line to reduce any visual impacts of the accessory structure and provide privacy from the rear yard deck. The neighbour to the west has provided a letter of support for the proposed accessory building.

The rear yard deck extends along the east side of the rear yard. It is a small deck which allows for direct access to the hot tub from the dwelling. Overall, the size of the deck is modest and has received support from the neighbour to the east, which shares the lot line affected by the reduced setback.

When walking around the neighbourhood, it can be observed that there are many backyards with similar conditions including the same type of deck and accessory structure locations.

Therefore, the proposed development is appropriate for the subject property and the surrounding neighbourhood.

**Is the Variance Minor**

The test of whether a variance is minor relates to the impact it might have on adjacent properties.

The variances relating to side yard setback to the east side yard line will have no impact as there is a row of tall trees along the property line which provides screening between the two rear yards. The side yard setback along the west side yard is related to the

cabana, which acts as a privacy screen and has enough space to allow for drainage between the neighbouring properties. There are no shadow impacts on adjacent properties and the neighbour to the west has provided a letter of support for the proposed minor variance.

The variances related to the rear yard setback for the deck are minor as they only affect a small portion of the deck. A row of cedars have been planted along the rear property line as a buffer and provide additional privacy. There are no undesirable adverse impacts created by the proposed development on adjacent properties.

Therefore, it is my opinion that the variances are minor.

## **Conclusion**

The proposed application for Minor Variance meets the four tests under the Planning Act and therefore should be approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joshua Chitiz".

Joshua Chitiz, MCIP, RPP.

April 25, 2023