

# COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A055/22

AGENDA ITEM NUMBER: 21	CITY WARD #: 4
APPLICANT:	Igor Perett
AGENT:	Albert Yerushalmi
PROPERTY:	15 Wallenberg Dr Maple
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed accessory structure in the rear yard which is proposed to function as a sauna.

### 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 Recieved to Date
Development Planning	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Development Engineering	$\boxtimes$	$\boxtimes$		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	$\boxtimes$	$\boxtimes$		No Comments or Concerns
By-law & Compliance, Licensing & Permits	$\boxtimes$			No Comments Recieved to Date
Development Finance	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Real Estate				
Fire Department	$\boxtimes$	$\boxtimes$		No Comments or Concerns
AGENCIES	Circulated	<b>Comments Received</b>	Conditions	Nature of Comments
TRCA	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Ministry of Transportation (MTO)				
Region of York	$\boxtimes$			No Comments or Concerns
Region of York Alectra				No Comments or Concerns No Comments or Concerns
Alectra	$\square$	$\boxtimes$		No Comments or Concerns
Alectra Bell Canada	$\square$	$\boxtimes$		No Comments or Concerns
Alectra Bell Canada YRDSB	$\square$	$\boxtimes$		No Comments or Concerns
Alectra Bell Canada YRDSB YCDSB				No Comments or Concerns
Alectra Bell Canada YRDSB YCDSB CN Rail				No Comments or Concerns
Alectra Bell Canada YRDSB YCDSB CN Rail CP Rail				No Comments or Concerns

# 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         Decision Outcome           MM/DD/YYYY         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 A055/22

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

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PROPERTY:	15 Wallenberg Dr Maple
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VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning	None
amendments etc.	
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed accessory structure in the rear yard which is proposed to function as a sauna.

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

The subject lands are zoned R3 Residential and subject to the provisions of Exception 14.886 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. (S.4.1.2)	To permit a minimum rear yard of 1.34 metres.
2	A minimum interior side yard of 2.4 metres is required. (S.4.1.2)	To permit a minimum interior side yard of 0.97 metres.
3	A maximum building height of 3.0 metres is permitted to the highest point of the roof. (S.4.1.4)	To permit a maximum building height of 3.71 metres to the highest point of the roof.

The subject lands are zoned RD3 Residential Detached Zone Three, and subject to the provisions of Exception 9(1244) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
4	A minimum rear yard of 7.5 metres is required.	To permit a minimum rear yard of 1.34
	(S.4.1.1)	metres.
5	A minimum interior side yard of 1.2 metres is	To permit a minimum interior side yard of
	required. (S.4.1.1)	0.97 metres to the highest point of the
		roof.

# HEARING INFORMATION

DATE & TIME OF HEARING:Thursday , April 14, 2022 at 6:00 p.m.As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

# PUBLIC PARTICIPATION

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a **<u>Request to Speak Form</u>** to <u>cofa@vaughan.ca</u> by noon on the last business day prior to the hearing.

Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to <u>cofa@vaughan.ca</u>

For more information, please visit the City of Vaughan website.

### INTRODUCTION

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

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

That the general intent and purpose of the by-law will be maintained.

That the general intent and purpose of the official plan will be maintained.

That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. That the requested variance(s) is/are minor in nature.

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

COMMITTEE OF ADJUSTMENT COMMENTS				
Date Public Notice Mailed:	March 29, 2022			
Date Applicant Confirmed Posting of Sign:	March 29, 2022			
Applicant Justification for Variances:	The size and height of the structure s	lightly go beyond		
*As provided by Applicant in Application Form	what is allowed in the By-Law.			
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:	No		
<ul> <li>*ZRW Form may be used by applicant in instance and zoning staff do not have an opportunity to rev issuance of public notice.</li> <li>*A revised submission may be required to addres part of the application review process.</li> <li>*Where a zoning review has not been completed provided to the applicant to adjourn the proposal</li> </ul>				
Adjournment Fees: In accordance with Procedural By-law 069-2019, after the issuance of public notice where a reques issuance of public notice. An Adjournment Fee can only be waived in instan Committee or staff <b>after</b> the issuance of public not	e applicant prior to the			
Committee of Adjustment Comments:	None			
	1			

BUILDING STANDARDS	(ZONING)	COMMENTS

None

Stop work orders and orders to comply: There are no outstanding Orders on file

Committee of Adjustment Recommended

**Conditions of Approval:** 

BUILDING STAN	DARDS (ZONING) COMMENTS				
	Building Permit(s) Issued: A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2				
The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.					
The subject lands may be subject to Ontario Conservation Authority.	Regulation 166/06 (TRCA - Toronto and Region				
Building Standards Recommended Conditions of Approval:	None				
DEVELOPMEN	NT PLANNING COMMENTS				
**See Schedule C for Development Planning	g Comments.				
Development Planning Recommended Conditions of Approval:	None				
DEVELOPMENT	ENGINEERING COMMENTS				
	ment does not object to variance application A055/22.				
Development Engineering Recommended Conditions of Approval:	None				
PARKS, FORESTRY &	HORTICULTURE (PFH) COMMENTS				
Forestry: Forestry has no comments at this					
PFH Recommended Conditions of Approval:	Forestry: None				
DEVELOPME	NT FINANCE COMMENTS				
No comment no concerns					
Development Finance Recommended Conditions of Approval:	None				
<b>BY-LAW AND COMPLIANCE, LIC</b>	ENSING AND PERMIT SERVICES COMMENTS				
No comment received to date					
BCLPS Recommended Conditions of Approval:	None				
BUILDING INSPE	CTION (SEPTIC) COMMENTS				
No comment received to date					
Building Inspection Recommended Conditions of Approval:	None				
Conditions of Approval:					
Conditions of Approval:	None ARTMENT COMMENTS				
Conditions of Approval: FIRE DEP					
Conditions of Approval: FIRE DEPA No comment no concerns Fire Department Recommended Conditions of Approval: SCHEDUL	ARTMENT COMMENTS None ES TO STAFF REPORT				
Conditions of Approval: FIRE DEPA No comment no concerns Fire Department Recommended Conditions of Approval: SCHEDUL *See Sche	ARTMENT COMMENTS				
Conditions of Approval:         FIRE DEPA         No comment no concerns         Fire Department Recommended         Conditions of Approval:         SCHEDUL         *See Sche         Schedule A         Drawings & Plans         Schedule B	ARTMENT COMMENTS None ES TO STAFF REPORT edule for list of correspondence				

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: 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

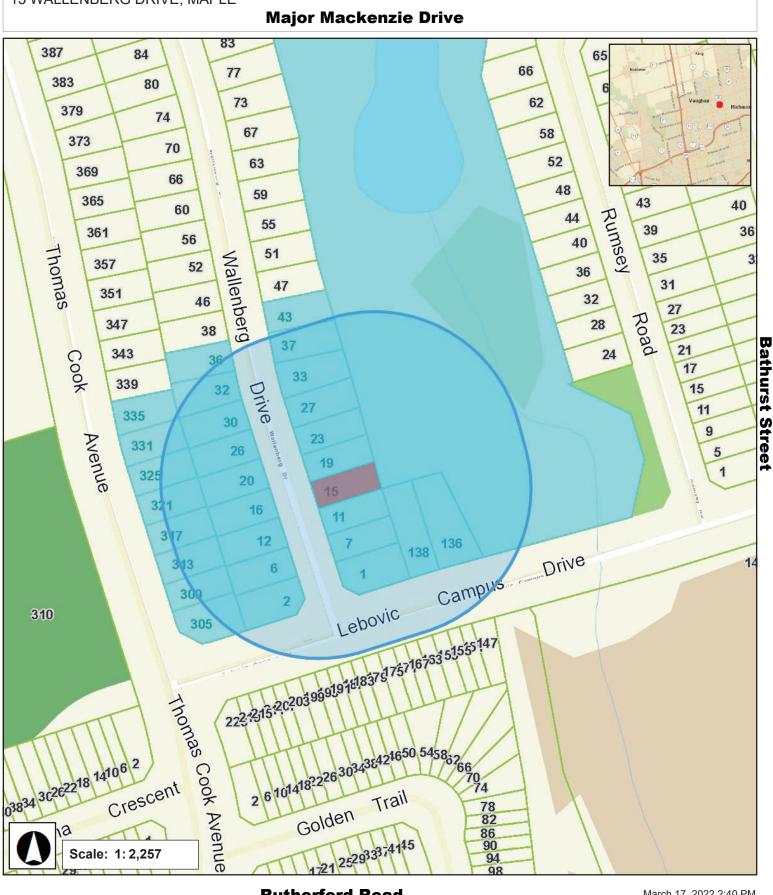
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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

## LOCATION MAP - A055/22 VAUGHAN

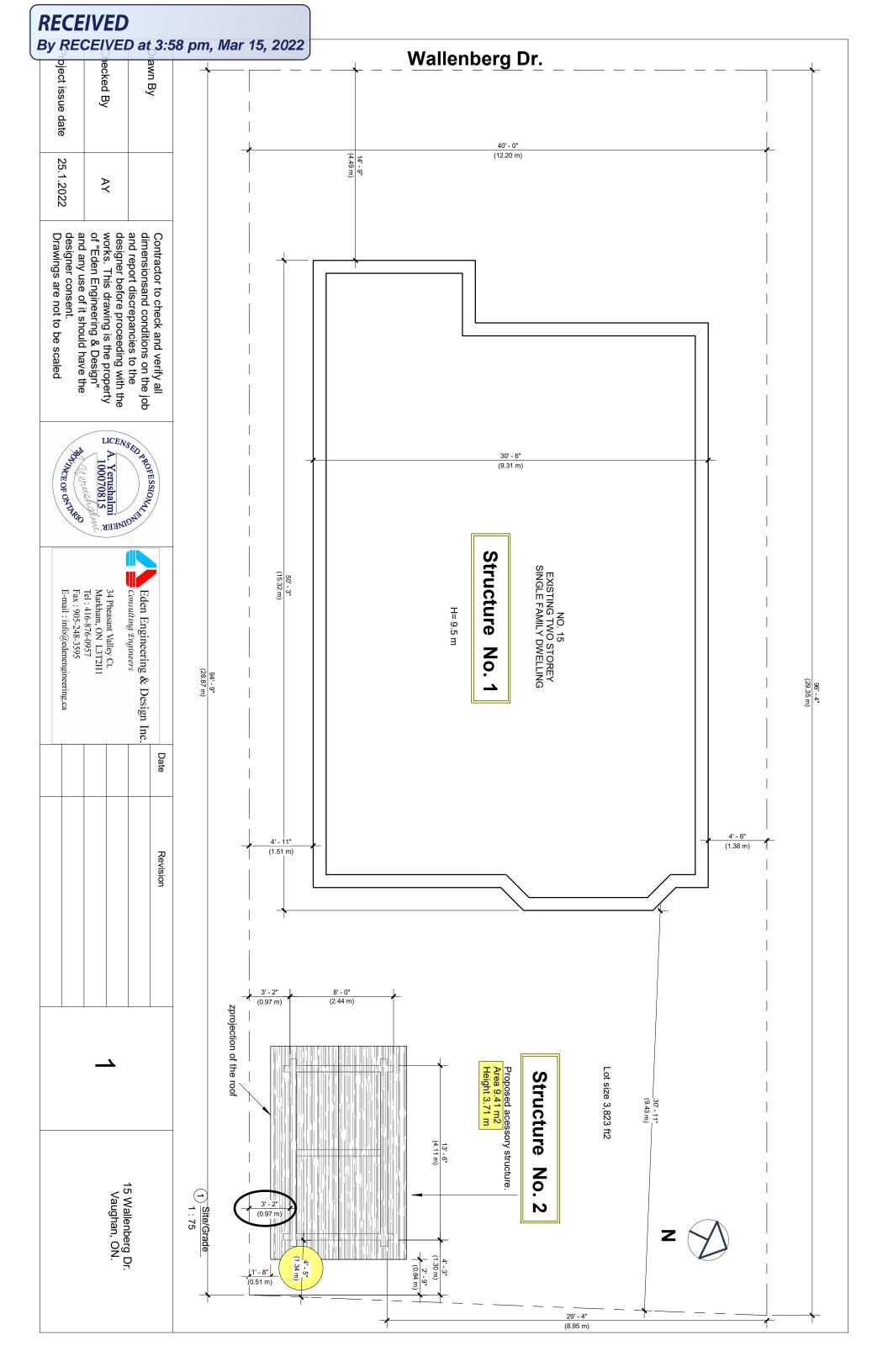
15 WALLENBERG DRIVE, MAPLE

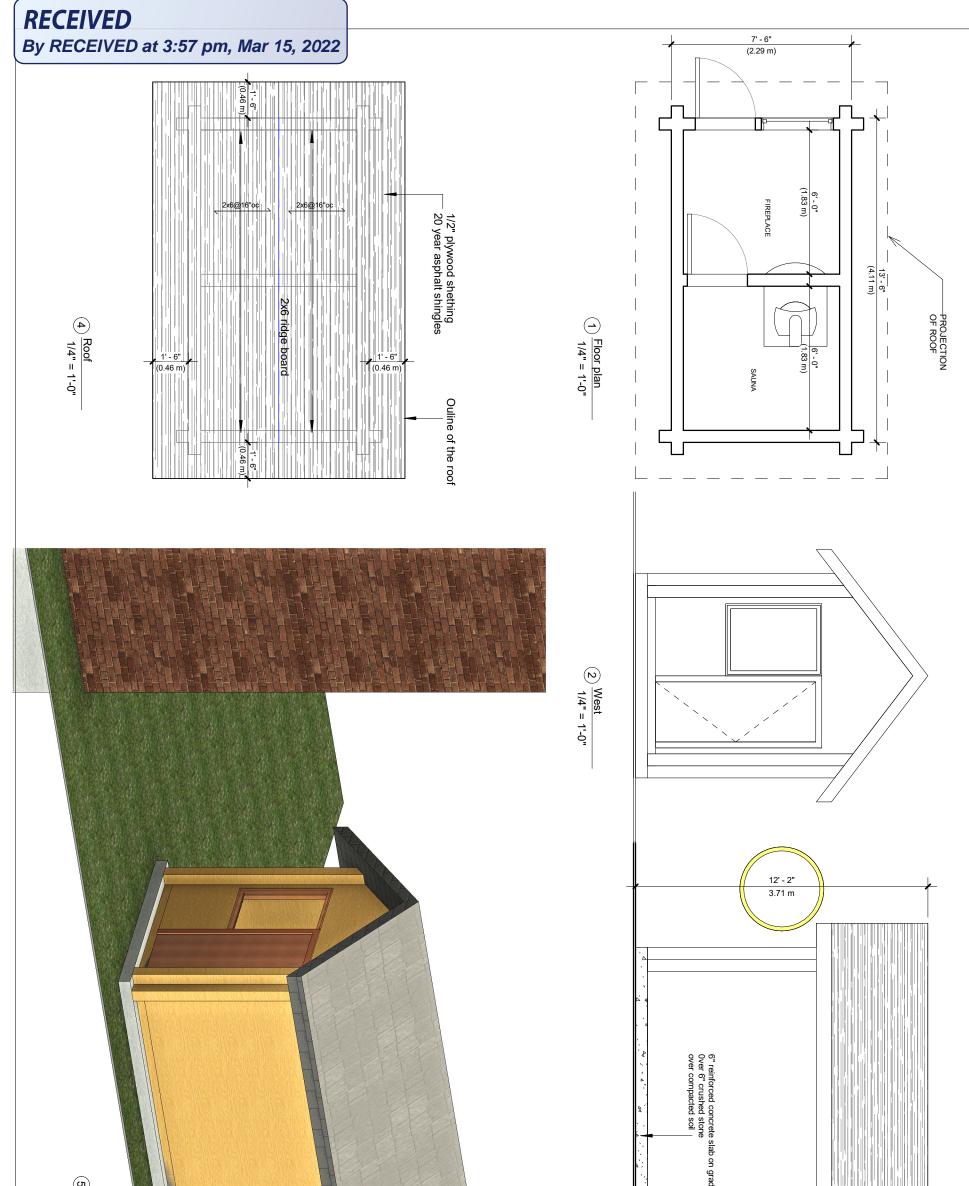


**Rutherford Road** 

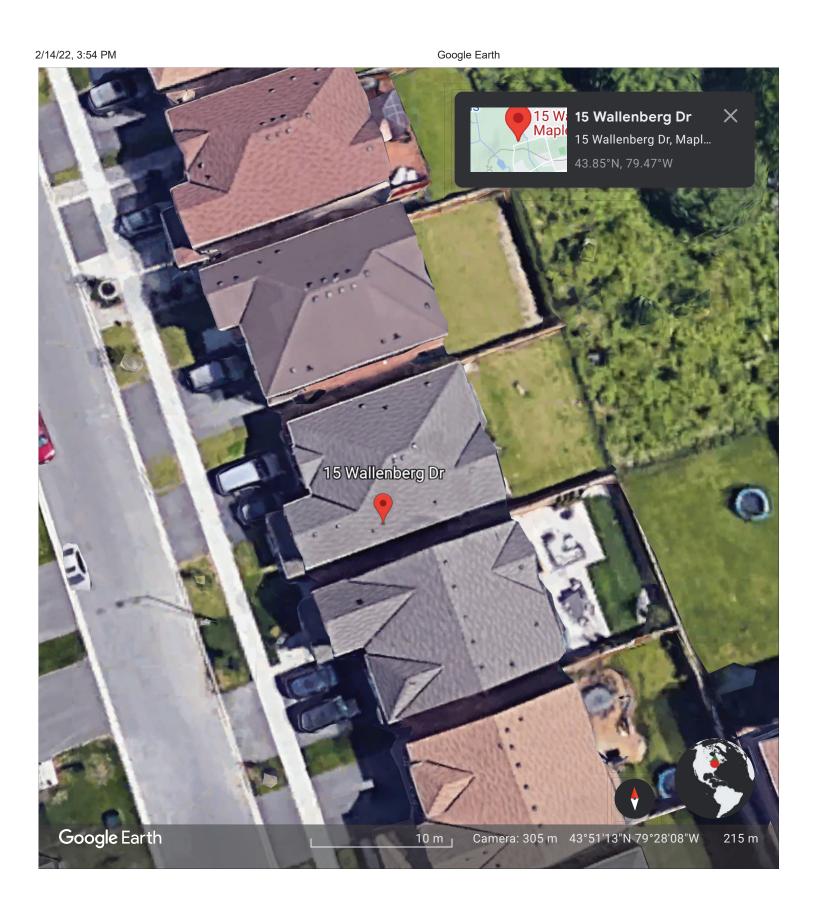
March 17, 2022 2:40 PM

**Dufferin Street** 





(5) <u>3D1</u>					(3) South 1/4" = 1-0"		
	Project issue date	Drawn Checked By	Eden 1 <i>consult</i> 34 Phea: Markhar Tel : 410 Fax : 900 E-mail :	LICENSED B	15 V Va	Contractor to dimensionsan and report dis designer befo works. This dr of "Eden Engi and any use c designer cons Drawings are	Date
N	25.	Αγ	Eden Engineering & Design Inc. Consulting Engineers 34 Pheasant Valley Ct. Markham, ON L3T2H1 Tel: 416-876-0957 Fax: 905-248-3595 E-mail : info@edenengineering.ca	LICENSED PROFESSION 100070815	15 W allenberg Dr. Vaughan, ON.	Contractor to check and verify all dimensionsand conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled	Revision



https://earth.google.com/web/search/15+Wallenberg+Drive,+Maple,+ON/@43.85376213,-79.46911156,217.17991233a,88.62321901d,35y,2.1181009... 1/1

# SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
Development Planning		$\boxtimes$		Recommend Approval/No Conditions
TRCA	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Ministry of Transportation (MTO)				
Region of York	$\boxtimes$	$\boxtimes$		No Comments or Concerns
Alectra	$\boxtimes$	$\boxtimes$	$\boxtimes$	No Comments or Concerns
Bell Canada	$\boxtimes$	$\boxtimes$		No Comments or Concerns
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				



То:	Christine Vigneault, Committee of Adjustment Secretary Treasurer				
From:	Nancy Tuckett, Director of Development Planning				
Date:	April 14, 2022				
Name of Owner:	Igor Perett				
Location:	15 Wallenburg Drive				
File No.(s):	A055/22				

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

- 1) To permit a minimum rear yard of 1.34 m.
- 2) To permit a minimum interior side yard of 0.97 m.
- 3) To permit a maximum building height of 3.71 m to the heighest point of the roof.

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

- 1) A minimum rear yard of 2.4 m is required. [Sect 4.1.2]
- 2) A minimum interior side yard of 2.4 m is required. [Sect 4.1.2]
- A maximum building height of 3 m is permitted to the highest point of the roof. [Sect 4.1.4]

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

- 4) To permit a minimum rear yard of 1.34 m.
- 5) To permit a minimum interior side yard of 0.97 m to the highest point of the roof.

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

- 4) A minimum rear yard of 7.5m is required. [S.4.1.1]
- 5) A minimum interior side yard of 1.2 m is required. [S.4.1.1]

#### **Official Plan:**

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

#### Comments:

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

The Development Planning Department has no objection to Variances 1, 2, 4 and 5, as the accessory structure provides adequate distance in the rear and interior lot line to not visually disrupt the adjacent properties. Additionally, the 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. For Variance 3, the Development Planning Department is of the opinion a height increase of 0.71 m is minor given the lot abuts a woodlot and remains below a maximum building height of 4.5 m permitted under By-law 1-88.

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.

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

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

None

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

Roberto Simbana, Planner I Chris Cosentino, Senior Planner



Date:March 21st , 2022Attention:Christine VigneaultRE:Request for CommentsFile No.:A055-22Related Files:Image: Comment of the second of

ApplicantIgor PeretLocation15 Wallenberg Drive



## COMMENTS:

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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*: <u>stephen.cranley@alectrautilities.com</u>

Mitchell Penner

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

Email: Mitchell.Penner@alectrautilities.com

# Pravina Attwala

Subject:

FW: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: March-16-22 7:32 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Subject: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

Hello,

Bell Canada has no comments for this minor variance.

Kind regards,

Carríe Gordon



Associate, External Liaison Right of Way Control Centre 140 Bayfield St, Fl 2 Barrie ON, L4M 3B1 T: 705-722-2244/844-857-7942 F :705-726-4600

# Pravina Attwala

Subject:

FW: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

From: York Plan <yorkplan@trca.ca>
Sent: March-16-22 8:36 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>
Subject: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

TRCA wishes to confirm that it has no interests or concerns with the above noted application.

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property.

Although the site is located within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, no water balance would be required recognizing this requirement would have been addressed through the subdivision approvals process.

Should further clarification be required, please contact the undersigned at your convenience.

**Mark Howard, BES, MLA, MCIP, RPP** Senior Planner – Vaughan Review Area Development Planning and Permits | Development and Engineering Services Toronto and Region Conservation Authority (TRCA)

T: <u>(416) 661-6600</u> ext 5269 E: <u>mark.howard@trca.ca</u> A: <u>101 Exchange Avenue, Vaughan, ON, L4K 5R6</u> | <u>trca.ca</u>



## **Pravina Attwala**

Subject:

FW: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

From: Development Services <developmentservices@york.ca>
Sent: March-23-22 10:59 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>; Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: City of Vaughan Request for Comments: A055/22 (15 WALLENBERG DRIVE)

#### Hi Pravina,

The Regional Municipality of York has completed its review of the above application. TRCA will be providing technical comments on behalf of York Region.

Thank you, Niranjan

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

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# SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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