



File: A031/19

Applicant: Leslie Balsamo

Address: 539 Velmar Dr Woodbridge

Agent: Davide Pellegrini

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

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning		
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A



Minor Variance
Application

Agenda Item: 19

A031/19

Ward: 3

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, May 16, 2019

Applicant: Leslie Balsamo

Agent: Davide Pellegrini

Property: 539 Velmar Dr Woodbridge

Zoning: The subject lands are zoned R2, Residential Zone, and subject to the provisions of Exception 9(769) under By-law 1-88 as amended.

OP Designation: VOP 2010: "Low-Rise Residential"

Related Files: None

Purpose: Relief from the By-law is being requested to permit the construction of a proposed single family dwelling.

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

By-law Requirement	Proposal
1. A minimum Interior side yard setback of 1.5 metres is required.	1. To permit a minimum Interior Side yard setback of 1.2 metres to a dwelling (north side).
2. A minimum Interior side yard setback of 1.5 metres is required.	2. To permit a minimum Interior side yard setback of 1.2 metres to a dwelling (south side).
3. A minimum Interior side yard setback of 1.5 metres is required.	3. To permit a minimum Interior side yard setback of 1.2 metres to a side door.
4. A maximum lot coverage of 35% is permitted.	4. To permit a maximum lot coverage of 42.86%. (42.21% dwelling; 0.65% porch)
5. A maximum Encroachment of 0.3 metres is permitted.	5. To permit a maximum Encroachment of 1.3 metres for the front porch.
6. A maximum Encroachment of 0.3 metres is permitted.	6. To permit a maximum Encroachment of 3 metres for the front porch stairs.
7. A maximum Encroachment of 0.3 metres is permitted.	7. To permit a maximum Eave encroachment of 0.5 metres into the interior side yards.
8. A maximum Encroachment of 0.3 metres is permitted.	8. To permit a maximum Front yard Encroachment of 0.5 metres for a front Bay Window and portico.

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

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

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

Adjournment History: N/A

Staff & Agency Comments

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

Committee of Adjustment:
Public notice was mailed on May 1, 2019

Applicant confirmed posting of signage on May 2, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	Existing (1992)

Applicant has advised that they cannot comply with By-law for the following reason(s): Siting the home on the irregular pie shape lot, respecting the 7.5m front yard setback requirements, creates a pinch point at the rear of the dwelling requiring relief from the by-law. The design of the home includes a 2-car tandem garage space the additional coverage requiring relief from the by-law.

Adjournment Request:

Development Planning staff requested additional time to accommodate submission/review of a planning opinion letter (provided by the applicant on May 2 & 8, 2019) regarding their proposal and review of the proposal.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 19-000041 for Single Detached Dwelling - Residential Demolition, Issue Date: Jan 16, 2019.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Application under review.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns with this application.

Development Engineering:

Development Engineering has reviewed minor variance application A031/19 for 539 Velmar Drive and have no objections.

Parks Development:

Condition of Approval:

Tree protection will be required for City Linden tree through the Private Tree Permit Process.

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns

Financial Planning and Development Finance:

No comments or concerns

Fire Department:

No Response.

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

Malone Given Parsons - Planning Opinion Letter (May 2, 2019)

Malone Given Parsons - Planning Opinion Letter (May 8, 2019)

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

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

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96 the following conditions are recommended:

	Department/Agency	Condition
1	<div>Parks & Forestry Operations Adelina Deluca 905-832-8585 x 6145 adelina.deluca@vaughan.ca</div>	Tree protection will be required for City Linden tree through the Private Tree Permit Process

Please Note:

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

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

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

Conditions

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

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

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

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

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

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

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

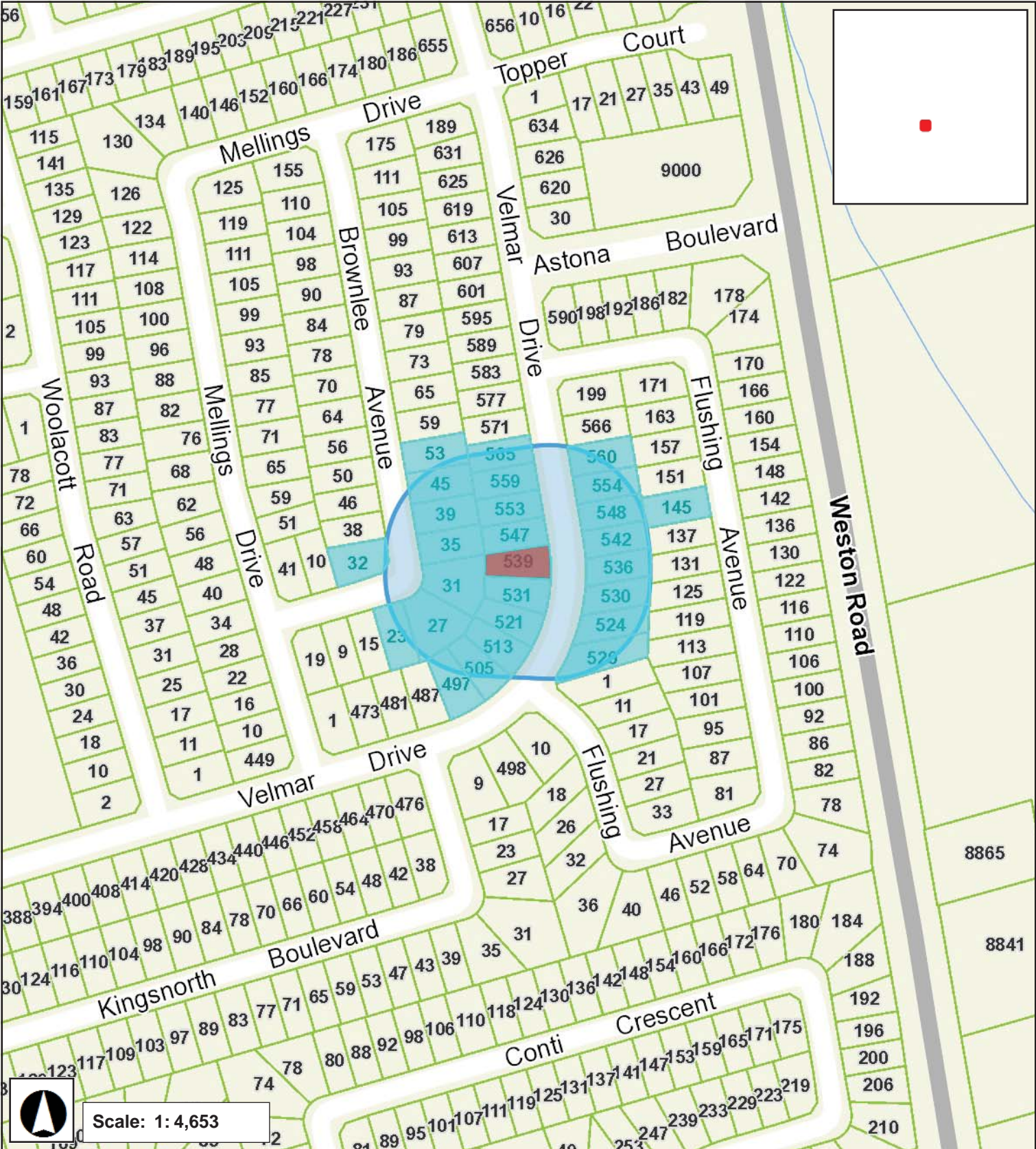
Location Map
Sketches



LOCATION MAP - A031/19

539 VELMAR DRIVE, WOODBRIDGE

Rutherford Road



Langstaff Road

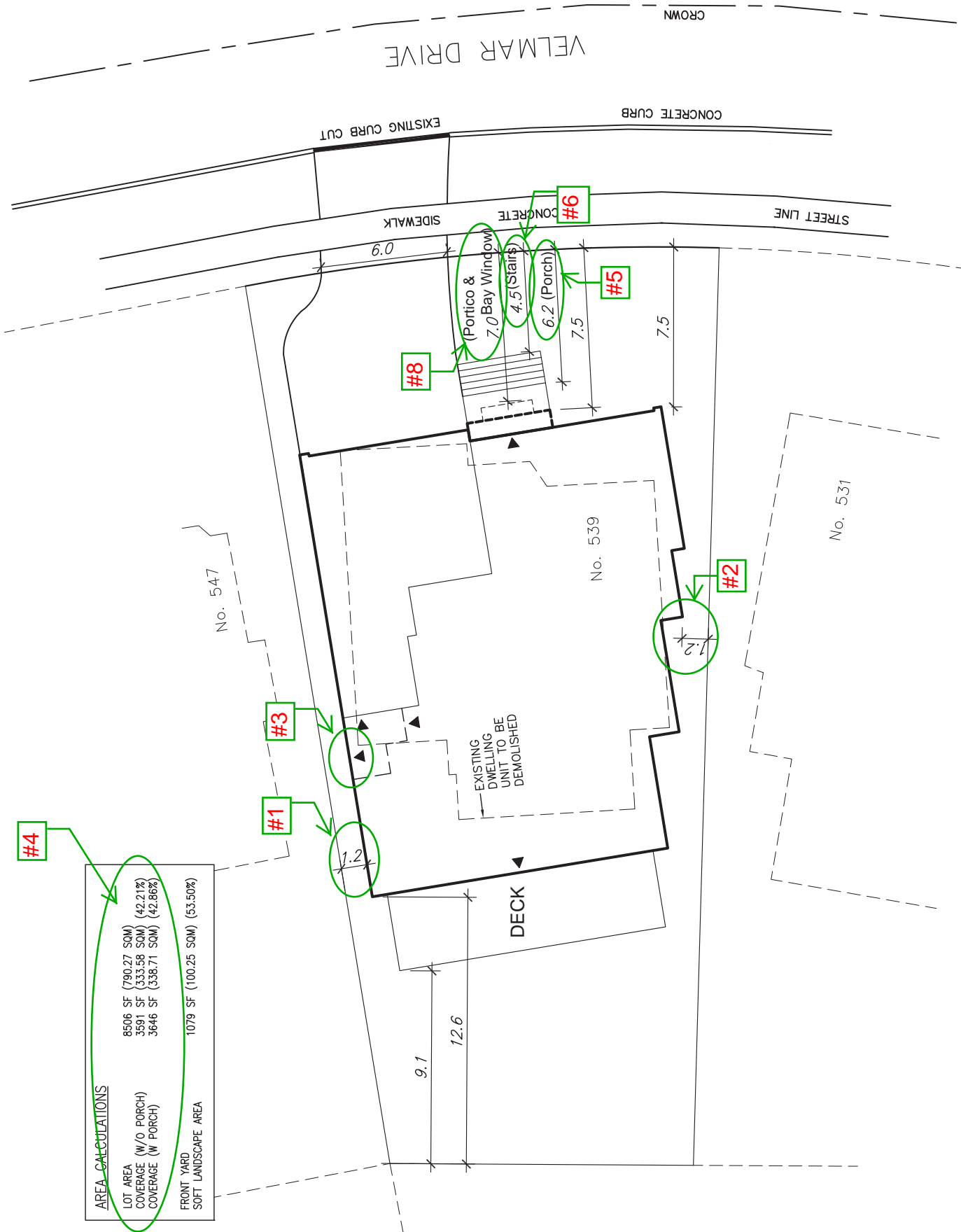
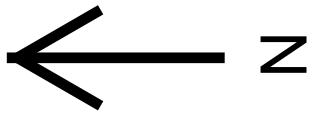
April 30, 2019 3:53 PM

RECEIVED

April 12, 2019

Committee of Adjustment

A031/19

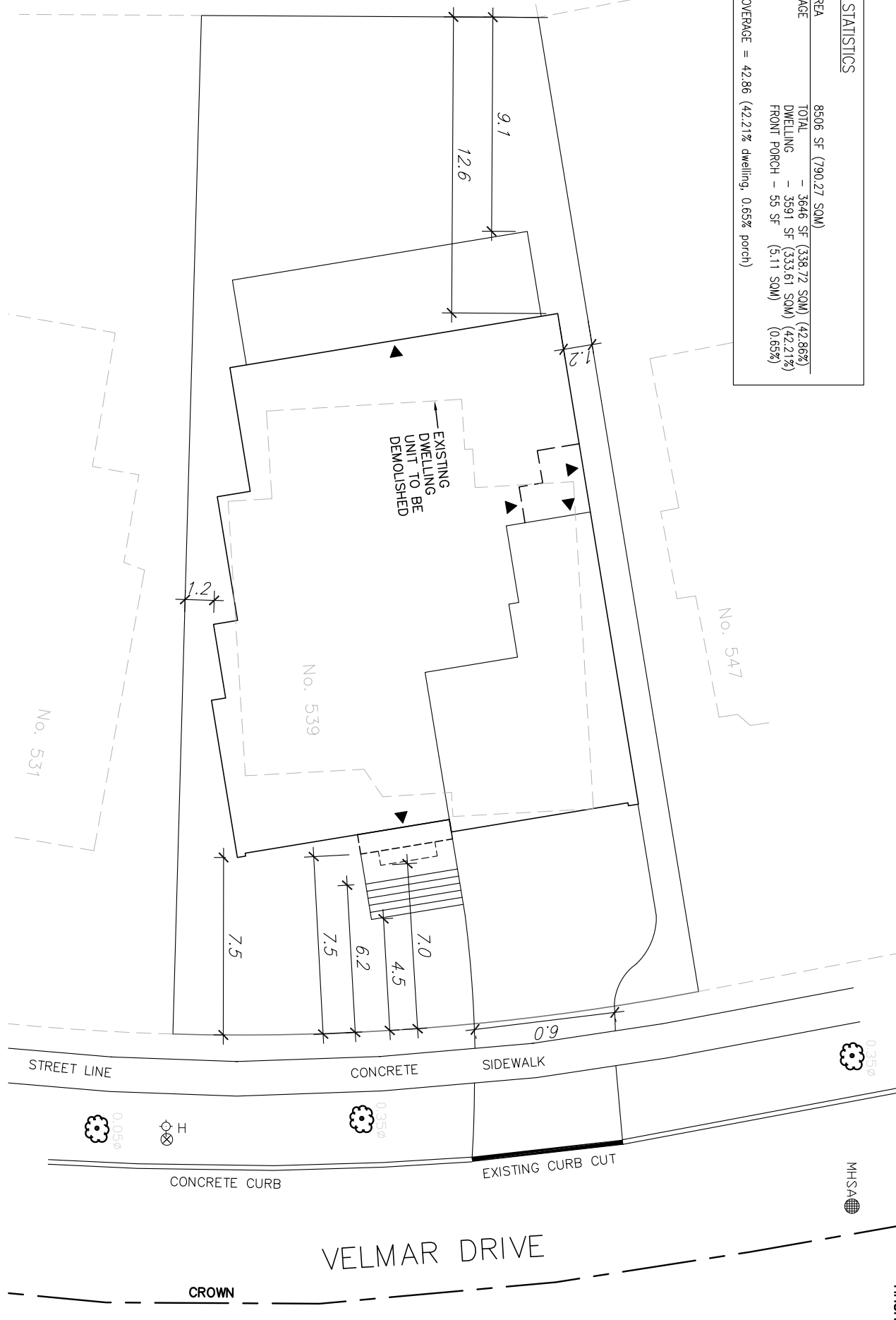


AREA CALCULATIONS

LOT AREA	8506 SF (790.27 SQM)
COVERAGE (W/O PORCH)	3591 SF (333.58 SQM) (42.21%)
COVERAGE (W PORCH)	3646 SF (338.71 SQM) (42.86%)
FRONT YARD SOFT LANDSCAPE AREA	1079 SF (100.25 SQM) (53.50%)

SITE STATISTICS	
LOT AREA	8506 SF (790.27 SQM)
COVERAGE	TOTAL - 3646 SF (338.72 SQM) (42.86%) DWELLING - 3591 SF (333.61 SQM) (42.21%) FRONT PORCH - 55 SF (5.11 SQM) (0.65%)
LOT COVERAGE = 42.86 (42.21% dwelling, 0.65% porch)	

SITE STATISTICS	
LOT AREA	8506 SF (790.27 SQM)
COVERAGE	TOTAL - 3646 SF (338.72 SQM) (42.86%) DWELLING - 3591 SF (333.61 SQM) (42.21%) FRONT PORCH - 55 SF (5.11 SQM) (0.65%)
LOT COVERAGE = 42.86 (42.21% dwelling, 0.65% porch)	



Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

Malone Given Parsons – Planning Opinion Letter received May 2, 2019
Malone Given Parsons – Planning Opinion Letter received May 8, 2019

RECEIVED

May 8, 2019

Committee of Adjustment

Don Given
905 513 0170 x109
DGiven@mgp.ca

May 8, 2019

MGP File: 15-2373

Ms. Christine Vigneault,
Secretary-Treasurer Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Dr,
Vaughan, ON, L6A 1T1

via email: CofA@vaughan.ca

Dear Ms. Vigneault:

**RE: 539 Velmar Dr, Woodbridge, City of Vaughan
Minor Variance Application A031/19
Planning Opinion Letter**

This letter is written in response to your request for a Planning Opinion to examine the Minor Variance Application for lands municipally known as 539 Velmar Drive ("Subject Property"), in Woodbridge and the City of Vaughan. The Subject Property is approximately 0.08 ha (0.20 acres) and legally described as Lot 65 of Plan 65M-2701. The property is irregular in shape and is best described as a reverse pie lot - wider at the front yard and narrows towards the rear yard.

The Subject Property is located west of Weston Road, south of Rutherford Road, and north of Valeria Boulevard and part of a larger residential community constructed in the late 1980's and 1990's. This community is in transition from an older housing style to new contemporary replacement dwellings.

Application for Minor Variance

It is our understanding that there is a proposal to demolish and construct a single detached dwelling with a contemporary design and built form typology that is consistent with current architectural and urban design characteristics.

The replacement dwelling requires the following variances to City of Vaughan Zoning By-law 1-88, as amended:

A minimum Interior side yard setback of 1.2 metres to a dwelling (north side) where 1.5 metres is required.

A minimum Interior side yard setback of 1.2 metres to a dwelling (south side) where 1.5 metres is required.

A minimum Interior side yard setback of 1.2 metres to a side door where 1.5 metres is required.

A maximum lot coverage of 42.86% where 35% is permitted.

A maximum Encroachment of 1.3 metres for the front porch where 0.3 metres is permitted.
A maximum Encroachment of 3 metres for the front porch stairs where 0.3 metres is permitted.

A maximum Eave encroachment of 0.5 metres into the interior side yards where 0.3 metres is permitted.

A maximum Front yard Encroachment of 0.5 metres for a front Bay Window and portico where 0.3 metres is permitted.

The purpose of this letter is to assess the requested variance to the maximum lot coverage in the context of the four minor variance tests. In our opinion, the proposed variance to the maximum lot coverage maintains the intent of the Official Plan and Zoning bylaw, are minor in nature and desirable and should be approved.

Application for Minor Variance and the Planning Act

Section 45(1) of the Planning Act outlines four tests to which applications for minor variance must comply. A description of how the requested variance meets each of the four tests is outlined below.

The general intent and purpose of the City's Official Plan is maintained

The City of Vaughan Official Plan designates the Subject Property as "Community Areas" in Schedule 1 – Urban Structure and "Low-Rise Residential" on Schedule 13 – Land Use.

Under Policy 9.1.2.2, new development within Community Areas that have established development are to be designed to respect and reinforce the existing physical character of the surrounding area. In particular, the follow elements are highlighted:

- a. the local pattern of lots, streets and blocks;
- b. the size and configuration of lots;
- c. the building type of nearby residential properties;
- d. the heights and scale of nearby residential properties;
- e. the setback of buildings from the street;
- f. the pattern of rear and side-yard setbacks; and
- g. conservation and enhancement of heritage buildings, heritage districts and cultural heritage landscapes.
- h. the above elements are not meant to discourage the incorporation of features that can increase energy efficiency (e.g. solar configuration, solar panels) or environmental sustainability (e.g. natural lands, rain barrels).

The proposed dwelling respects and reinforces the above elements. With respect to criteria f), no variance to the rear yard is required but a variance to the interior side-yard setback is requested. However, the City has approved the same requested standard elsewhere in the surrounding area. As such, it has been determined as appropriate in the surrounding area and the requested variance continues to respect and reinforce the existing physical character.

Further, it is our opinion that Policy 9.1.2.3 does not apply as it makes reference to "older, established residential neighbourhoods that are characterized by large lots and/or by their

historical architecture or landscape value”. The intent of this policy is to protect areas at, or near, the core of the founding communities within the City of Vaughan and also Heritage Conservation Districts. The surrounding area is not characterized by large-lots; therefore, Policy 9.1.2.3 is not applicable.

It should be noted that the City undertook a Low-Rise Residential Policy Review in 2016 which resulted in Council’s adoption of Official Plan Amendment 15 (OPA 15). OPA 15 is pending Regional approval. OPA 15 proposes to amend Policy 9.1.2.3 to add Schedule 1B which identifies Vaughan’s established large-lot neighbourhoods, and does not include the subject property (see Attachment 1). OPA 15 also clarifies that older established residential neighbourhoods are those characterized “exclusively or predominantly by Detached Houses on generally large lots with frontages exceeding 20 metres”.

The subject property is not part of a neighbourhood that is characterized as exclusively or predominantly large lots. This is confirmed through the Low-Rise Residential Policy Review which characterized the established Community Areas and confirms the character of this residential neighbourhood. The subject property has a frontage of less than 20m and is contained within an area identified as a Medium-Lot Neighbourhood and is excluded from Schedule 1B of OPA 15. Therefore, Policy 9.1.2.3 is not intended to apply to the subject property.

The Low-Rise Residential policies (Section 9.2.2.1) permit low rise forms no greater than three storeys, generally in the form of detached houses, semi-detached houses, townhouses, and public and private institutional buildings. The uses permitted in the Low-Rise Residential designation includes residential units, home occupations, private home day care for a maximum of five children, and small-scale convenience retail.

Under Policy 9.2.3.1 of the Official Plan, detached houses are described as “a Low-Rise Residential building, up to three storeys in height, situated on a single lot and not attached to any other residential building”. The Official Plan policies further directs the scale, massing, setback and orientation of detached houses to respect and reinforce the scale, massing, setback and orientation of other built and approved detached houses in the immediate area.

The proposed dwelling is a detached house that is consistent with the building typology in the immediate area, being single-detached houses. The proposed replacement dwelling respects and reinforces the existing scale, massing and orientation of the detached houses in the immediate area. As shown on the Context Plan (see Attachment 2) and the Streetscape Plan (see Attachment 3), the replacement dwelling does not create a visible departure from the existing context.

While a variance to the interior side yard setback is also being sought, the same variance has been approved in the surrounding area. No variances are required for the front or rear yards. As such, the proposed dwelling is contained within a building envelope that respects and reinforces the setbacks of the existing community.

Therefore, it is our opinion that the proposed lot coverage variance will respect and reinforce the existing scale, massing, setback and orientation of the immediate area.

Given the above, it is our opinion that the proposed variance application maintains the intent and purpose of the Official Plan.

The general intent and purpose of the City's Zoning By-law is maintained

The Subject Property is zoned "R2 Residential Zone" with site-specific exception 9(769) in the City's Zoning By-law 1-88, as amended.

The R2 Zone permits single family detached dwellings, which is consistent with the Official Plan. Exception 9(769) provides site-specific zone requirements and the maximum permitted yard encroachments in the R2 Zone, among other things.

The maximum lot coverage for the parent R2 Zone is 40% under Zoning By-law 1-88, while Exception 9(769) reduces this provision to 35%. Maximum lot coverage provisions can be viewed as a secondary control to regulate the building envelope on a site. The primary control for this however is the setback requirements.

For relatively smaller and urban residential properties, the maximum lot coverage provision becomes redundant in conjunction with the minimum setback requirements. On a residential property, the minimum yard setbacks ensure sufficient space between dwellings, between the dwelling and the street, and for outdoor amenity.

The zoning standards are a numerical expression of the neighbourhood character and which is ultimately experienced from the street. The reduced side yard setbacks is appropriate as it will not impact or offend the character of the neighbourhood insomuch as it will continue to provide a similar pattern of interior side yards. From the street, a reduction of the interior side yard setback of 0.3 metres (1 foot) is imperceptible especially given the reverse pie-shape of the lot.

At the time of writing this letter, the City's engineering department has not raised any concerns with the requested 1.2 metre interior side yard setbacks. From a technical perspective, there is sufficient distance between the proposed dwelling and the lot line to accommodate side yard drainage, among other things.

From the street, other elements which would impact the visual character of the neighbourhood include building height and front yard setback. No variances are requested to either building height or front yard back.

Lot coverage further ensures sufficient open space on a lot remains with the construction of a building. It should be noted that no variance is being requested to the minimum landscape area provision.

It is our opinion that the minor variance to the maximum lot coverage will not affect the general intent of the City's Zoning by-law. While the maximum lot coverage applicable to the subject lands is 35%, this is a site-specific provision. The R2 Zone requirements in the parent bylaw permit a maximum lot coverage of 40% as of right and as such, the requested variance should be considered in the context of the parent zoning bylaw. This is evidently and appropriate approach given approvals granted by the Committee of Adjustment to increase the lot coverage beyond the 35% and 40% minimum lot coverage provisions.

For example, in October 2016, the Committee of Adjustment approved a maximum lot coverage of 40.91% at 46 Cartwright Boulevard (approximately 450m northwest of the Subject Property), which was a combination of the main dwelling and accessory buildings, in October 2016 (A352/16). The proposal to increase the maximum lot coverage maintains sufficient setbacks between dwellings.

The cumulative impact of the approval of these two variances does not result in a house design or size that is out of character with the existing neighbourhood. Therefore, the variance from the lot coverage (and the interior side yard) does not set an unacceptable precedent that would allow the construction of a dwelling that is contrary to the character of the neighbourhood.

It is therefore our opinion that approval of the variance will maintain the general intent of the City's Zoning By-law.

The request is minor in nature; and the requested variance is desirable for the appropriate development or use of the land, building or structure

It is our opinion that the requested variance to the maximum lot coverage provision is minor in nature. As noted above, the maximum lot coverage provision of the parent R2 zone was amended by Exception 9(769) and individual properties have been approved for further variances. Therefore, the proposed increase to a maximum lot coverage of 42.86% is not a significant departure from the parent R2 zone (40%) and a similar percentage has been approved in the neighbourhood (40.91%).

The impact of the proposed lot coverage is shown on the Context Plan which demonstrates that the resulting building footprint is comparable to the existing neighbourhood. The proposed building does not affect yard setbacks and maintains a sufficient distance between dwellings, between the dwelling and the street, and outdoor amenity space that is respectful of the existing neighbourhood. The proposed building will result in a height and massing that is consistent with the neighbourhood.

The impact of the proposed lot coverage is also imperceptible from the street, as shown on the Streetscape Plan. The reverse pie shape of the lot results in the lot fanning out towards the street. This results in a side yard that is significantly greater than the 1.2 metre or even 1.5 metres when measured at the front main wall on the south side of the dwelling.

The proposed dwelling respects the front and rear yards and only requests a minor variance for the interior side yard which has been approved elsewhere and deemed appropriate in this neighbourhood. To mitigate the impacts on the reduced interior side yard, the south side wall of the dwelling has a "saw tooth design". This results in the majority of the side wall meeting and exceeding the 1.2 metre requested setback except for a pinch point at the mid way point.

While we recognize that a variance to the interior side yard and the maximum lot coverage are required to accommodate the proposed dwelling, the cumulative impact of the approval of these two variances does not result in a house design or size that is out of character with the existing neighbourhood. Therefore, the variance from the lot coverage (and the interior

side yard) does not set an unacceptable precedent that would allow the construction of a dwelling that is contrary to the character of the neighbourhood.

Further, the variance is desirable as the increased lot coverage allows the achievement of a contemporary architectural style that emphasizes the main entrance of a dwelling by pulling forward the porch, front door and facade of the dwelling towards the street while remaining consistent with front yard setback.

By virtue of compliance with the front and rear yard setbacks, the proposed dwelling is able to achieve a consistent main front wall which is a desirable urban design principle. However, the impact of delivering on this objective has the effect of increasing the maximum lot coverage to 42.21%.

In addition, it should be noted that the front porch is included in the calculation of lot coverage. Achieving this contemporary dwelling design has the effect of further increasing the lot coverage by 0.65% to 42.86%.

Given the above, it is our opinion that the proposed variance is minor in nature and desirable.

As demonstrated, the proposed variance to the maximum lot coverage maintains the intent of the Official Plan and Zoning bylaw, are minor in nature and desirable and should be approved.

I trust the enclosed information is sufficient to support the applications. Should you have any questions, please contact the undersigned.

Yours very truly,

Malone Given Parsons Ltd.



Don Given, MCIP, RPP

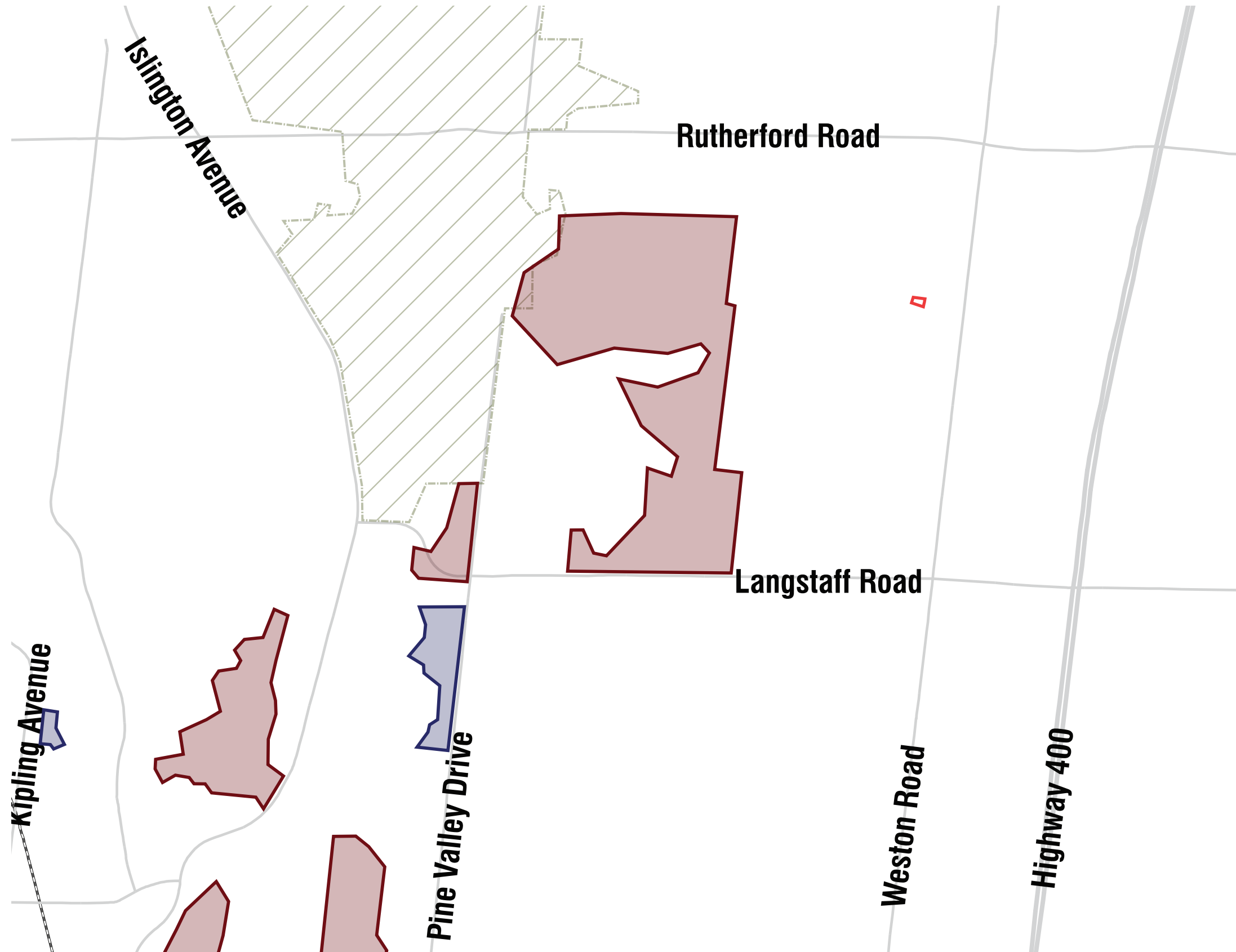
Attachment 1: Excerpt of Schedule 1B – Vaughan's Established Large-Lot Neighbourhoods
Attachment 2: Context Plan
Attachment 3: Streetscape Plan

cc: Client

SCHEDULE 1B

**Areas Subject to Policy 9.1.2.3
- Vaughan's Established
Large-Lot Neighbourhoods**

- 30m+ (100ft+)
- 21m to 29m (70ft to 95ft)
- Subject Property - 539 Velmar Road



Schedule modified by Malone Given Parsons, May 2019







Attachment 3: Streetscape Plan

RECEIVED

May 2, 2019

Committee of Adjustment

Don Given
905 513 0170 x109
DGiven@mgp.ca

May 1, 2019

MGP File: 15-2373

Ms. Christine Vigneault,
Secretary-Treasurer Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Dr,
Vaughan, ON, L6A 1T1

via email: CofA@vaughan.ca

Dear Ms. Vigneault:

**RE: 539 Velmar Dr, Woodbridge, City of Vaughan
Minor Variance Application A031/19
Planning Opinion Letter**

This letter is written in response to your request for a Planning Opinion to examine the Minor Variance Application for lands municipally known as 539 Velmar Drive ("Subject Property"), in Woodbridge and the City of Vaughan. The Subject Property is approximately 0.08 ha (0.20 acres) and legally described as Lot 65 of Plan 65M-2701. The property is irregular in shape and is best described as a reverse pie lot - wider at the front yard and narrows towards the rear yard.

The Subject Property is located west of Weston Road, south of Rutherford Road, and north of Valeria Boulevard and part of a larger residential community constructed in the late 1980's and 1990's. This community is in transition from an older housing style to new contemporary replacement dwellings.

Application for Minor Variance

It is our understanding that there is a proposal to demolish and construct a single detached dwelling with a contemporary design and built form typology that is consistent with current architectural and urban design characteristics.

The replacement dwelling requires the following variances to City of Vaughan Zoning By-law 1-88, as amended:

- 1) A minimum Interior side yard setback of 1.2 metres to a dwelling (north side) where 1.5 metres is required.
- 2) A minimum Interior side yard setback of 1.2 metres to a dwelling (south side) where 1.5 metres is required.
- 3) A minimum Interior side yard setback of 1.2 metres to a side door where 1.5 metres is required.
- 4) A maximum lot coverage of 42.86% where 35% is permitted.**

- 5) A maximum Encroachment of 1.3 metres for the front porch where 0.3 metres is permitted.
- 6) A maximum Encroachment of 3 metres for the front porch stairs where 0.3 metres is permitted.
- 7) A maximum Eave encroachment of 0.5 metres into the interior side yards where 0.3 metres is permitted.
- 8) A maximum Front yard Encroachment of 0.5 metres for a front Bay Window and portico where 0.3 metres is permitted.

The purpose of this letter is to assess the requested variance to the maximum lot coverage in the context of the four minor variance tests.

Application for Minor Variance and the Planning Act

Section 45(1) of the Planning Act outlines four tests to which applications for minor variance must comply. A description of how the requested variance meets each of the four tests is outlined below.

The general intent and purpose of the City's Official Plan is maintained

The City of Vaughan Official Plan designates the Subject Property as “Community Areas” in Schedule 1 – Urban Structure and “Low-Rise Residential” on Schedule 13 – Land Use. The Low-Rise Residential policies (Section 9.2.2.1) permit low rise forms no greater than three storeys, generally in the form of detached houses, semi-detached houses, townhouses, and public and private institutional buildings. The uses permitted in the Low-Rise Residential designation includes residential units, home occupations, private home day care for a maximum of five children, and small-scale convenience retail.

Under Policy 9.2.3.1 of the Official Plan, detached houses are described as “a Low-Rise Residential building, up to three storeys in height, situated on a single lot and not attached to any other residential building”. The Official Plan policies further directs the scale, massing, setback and orientation of detached houses to respect and reinforce the scale, massing, setback and orientation of other built and approved detached houses in the immediate area.

The proposed dwelling is a detached house that is consistent with the building typology in the immediate area, being single-detached houses. The proposed replacement dwelling respects and reinforces the existing scale, massing and orientation of the detached houses in the immediate area. As shown on the Context Plan (see Attachment 1) and the Streetscape Plan (see Attachment 2), the replacement dwelling does not create a visible departure from the existing context.

While a variance to the interior side yard setback is also being sought, the same variance has been approved in the surrounding area. No variances are required for the front or rear yards. As such, the proposed dwelling is contained within a building envelope that respects and reinforces the setbacks of the existing community.

Therefore, it is our opinion that the proposed lot coverage variance will respect and reinforce the existing scale, massing, setback and orientation of the immediate area.

Given the above, it is our opinion that the proposed variance application maintains the intent and purpose of the Official Plan.

The general intent and purpose of the City's Zoning By-law is maintained

The Subject Property is zoned "R2 Residential Zone" with site-specific exception 9(769) in the City's Zoning By-law 1-88, as amended.

The R2 Zone permits single family detached dwellings, which is consistent with the Official Plan. Exception 9(769) provides site-specific zone requirements and the maximum permitted yard encroachments in the R2 Zone, among other things.

The maximum lot coverage for the parent R2 Zone is 40% under Zoning By-law 1-88, while Exception 9(769) reduces this provision to 35%. Maximum lot coverage provisions can be viewed as a secondary control to regulate the building envelope on a site. The primary control for this however is the setback requirements.

For relatively smaller and urban residential properties, the maximum lot coverage provision becomes redundant in conjunction with the minimum setback requirements. On a residential property, the minimum yard setbacks ensure sufficient space between dwellings, between the dwelling and the street, and for outdoor amenity.

Lot coverage further ensures sufficient open space on a lot remains with the construction of a building. It should be noted that no variance is being requested to the minimum landscape area provision.

It is our opinion that the minor variance to the maximum lot coverage will not affect the general intent of the City's Zoning by-law. While the maximum lot coverage applicable to the subject lands is 35%, this is a site-specific provision. The R2 Zone requirements in the parent bylaw permit a maximum lot coverage of 40% as of right and as such, the requested variance should be considered in the context of the parent zoning bylaw. This is evidently and appropriate approach given approvals granted by the Committee of Adjustment to increase the lot coverage beyond the 35% and 40% minimum lot coverage provisions.

For example, in October 2016, the Committee of Adjustment approved a maximum lot coverage of 40.91% at 46 Cartwright Boulevard (approximately 450m northwest of the Subject Property), which was a combination of the main dwelling and accessory buildings, in October 2016 (A352/16). The proposal to increase the maximum lot coverage maintains sufficient setbacks between dwellings.

It is therefore our opinion that approval of the variance will maintain the general intent of the City's Zoning By-law.

The request is minor in nature; and the requested variance is desirable for the appropriate development or use of the land, building or structure

It is our opinion that the requested variance to the maximum lot coverage provision is minor in nature. As noted above, the maximum lot coverage provision of the parent R2 zone was amended by Exception 9(769) and individual properties have been approved for further variances. Therefore, the proposed increase to a maximum lot coverage of 42.86% is not a

significant departure from the parent R2 zone (40%) and a similar percentage has been approved in the neighbourhood (40.91%).

The impact of the proposed lot coverage is shown on the Context Plan which demonstrates that the resulting building footprint is comparable to the existing neighbourhood. The proposed building does not affect yard setbacks and maintains a sufficient distance between dwellings, between the dwelling and the street, and outdoor amenity space that is respectful of the existing neighbourhood. The proposed building will result in a height and massing that is consistent with the neighbourhood.

The impact of the proposed lot coverage is also imperceptible from the street, as shown on the Streetscape Plan. The reverse pie shape of the lot results in the lot fanning out towards the street which. This results in side yards that is significantly greater than the 1.2 metre or even 1.5 metre setback when measured at the front main wall of the dwelling.

The proposed dwelling respects the front and rear yards and only requests a minor variance for the interior side yard which has been approved elsewhere and deemed appropriate in this neighbourhood. To mitigate the impacts on the reduced interior side yard, the south side wall of the dwelling has a “saw tooth design”. This results in the majority of the side wall meeting and exceeding the 1.2 metre requested setback except for a pinch point at the mid way point.

While we recognize that a variance to the interior side yard and the maximum lot coverage are required to accommodate the proposed dwelling, the cumulative impact of the approval of these two variances does not result in a house design or size that is out of character with the existing neighbourhood. Therefore, the variance from the lot coverage (and the interior side yard) does not set an unacceptable precedent that would allow the construction of a dwelling that is contrary to the character of the neighbourhood.

Further, the variance is desirable as the increased lot coverage allows the achievement of a contemporary architectural style that emphasizes the main entrance of a dwelling by pulling forward the porch, front door and facade of the dwelling towards the street while remaining consistent with front yard setback.

By virtue of compliance with the front and rear yard setbacks, the proposed dwelling is able to achieve a consistent main front wall which is a desirable urban design principle. However, the impact of delivering on this objective has the effect of increasing the maximum lot coverage to 42.21%.

In addition, it should be noted that the front porch is included in the calculation of lot coverage. Achieving this contemporary dwelling design has the effect of further increasing the lot coverage by 0.65% to 42.86%.

Given the above, it is our opinion that the proposed variance is minor in nature and desirable.

As demonstrated, the proposed variance to the maximum lot coverage maintains the intent of the Official Plan and Zoning bylaw, are minor in nature and desirable and should be approved.

I trust the enclosed information is sufficient to support the applications. Should you have any questions, please contact the undersigned.

Yours very truly,

Malone Given Parsons Ltd.

A handwritten signature in blue ink, appearing to read "Don Given", is positioned above the printed name.

Don Given, MCIP, RPP

Attachment 1: Context Plan

Attachment 2: Streetscape Plan



Attachment 1: Context Plan



Attachment 2: Streetscape Plan

Schedule C: Agency Comments

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

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



COMMENTS:

☐

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

☒

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

☐

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

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

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

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

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

References:

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

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

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

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

Attwala, Pravina

Subject: FW: A031/19 - Response to Revised REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: April-30-19 2:04 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Subject: RE: A031/19 - Response to Revised REQUEST FOR COMMENTS

Good afternoon Pravina,

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

Regards,

Gabrielle

Gabrielle Hurst, B.A.A. MCIP.RPP. C.Tech

Associate Planner |Community Planning and Development Services | Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Attwala, Pravina

Subject: FW: A031/19 - REQUEST FOR COMMENTS

From: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>
Sent: March-14-19 9:30 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>
Subject: RE: A031/19 - REQUEST FOR COMMENTS

RE: A031/19 – Request for Comments
Minor Variance Application
539 Velmar Dr.
Woodbridge, ON

Hi Pravina,

The Ministry has no comments or concerns regarding the subject proposal, at this time. The subject proposal will not require a Building and Land Use Permit from the Ministry as it is located outside of the Ministry's Permit Control Area.

Regards,

KEVIN SCHOLZ

Corridor Management Officer | Ministry of Transportation | Central Region | Corridor Management
P: (416) 235-5383 | F: (416) 235-4267 | Kevin.Scholz@Ontario.ca
159 Sir William Hearst Ave. - Building D M3M 0B7