Ward \#1

File: A011/19

Applicant: Josef Kaufmann and Anne Elizabeth Kaufmann

## Address: 25 Gosling Road, Maple

## Agent: None

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 | Positive Comment <br> Negative Comment | Condition(s) |
| :---: | :---: | :---: |
| Committee of Adjustment | $\square$ |  |
| Building Standards | $\boxed{\square}$ |  |
| Building Inspection | $\checkmark$ |  |
| Development Planning | $\checkmark$ |  |
| Cultural Heritage (Urban Design) | $\square$ |  |
| Development Engineering | $\boxed{\square}$ | $\sqrt{\square}$ |
| Parks Department |  |  |
| By-law \& Compliance |  |  |
| Financial Planning \& Development | $\sqrt{\square}$ |  |
| Fire Department |  |  |
| TRCA |  |  |
| Ministry of Transportation | $\checkmark$ |  |
| Region of York | $\checkmark$ |  |
| Alectra (Formerly PowerStream) | $\square$ |  |
| Public Correspondence (see Schedule B) | $\checkmark$ |  |

Adjournment History: April 18, 2019

## Background History: None

Staff Report Prepared By: Adriana MacPherson Hearing Date: Thursday, May 30, 2019

Minor Variance
Application
A011/19
Agenda Item: 5

Ward: 1

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing: Thursday, May 30, 2019
Applicant: Josef Kaufmann and Anne Elizabeth Kaufmann

Agent:
Property:
Zoning:
OP Designation: VOP 2010: "Low-Rise Residential"
Related Files:
Purpose:
None
25 Gosling Road, Maple amended.

None

The subject lands are zoned R1V Old Village Residential, under By-law 1-88 as

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

The proposed single family dwelling is a bungalow with loft.

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

| By-law Requirement | Proposal |
| :--- | :--- |
| 1. A maximum lot coverage of $23 \%$ is permitted. | 1. To permit a maximum lot coverage of <br> $29.03 \%$ for the dwelling and all covered <br> areas (26.70\% Dwelling, 1.76\% Covered <br> Deck, $0.57 \%$ Front Covered Porch). |
| 2. A maximum floor area of a loft shall not exceed <br> $25 \%$ of the floor area below or 70 m 2 of loft area. | 2. To permit a maximum loft area of 43.10\% of the <br> ground floor area (115.74m2 loft area). |

## 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:

| Hearing Date: | Members Absent <br> from Hearing: | Status of <br> Adjournment: <br> (i.e. date/sine die) | Reason for Adjournment: |
| :--- | :--- | :--- | :--- |
| April 18, 2019 | None | Adjourned to May <br> $30^{\text {th }}$ or sooner | Application adjourned to determine if additional variances <br> are required to support the proposed bungaloft. |
|  |  | Committee requested that additional information be <br> provided with respect to approvals at 27 \& 29 <br> Goodman and 28 Malaren Avenue (See Schedule <br> D). |  |

## Staff \& Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will 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.

## Committee of Adjustment:

Public notice was mailed on May 15, 2019
Applicant confirmed posting of signage on May 14, 2018

| Property Information |  |  |
| :--- | :--- | :--- |
| Existing Structures | TBC |  |
| Dwelling | Tear Constructed |  |

Applicant has advised that they cannot comply with By-law for the following reason(s): Cannot comply with Zoning By-Law restrictions.

Adjournment Request: None.
Building Standards (Zoning Review):
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.

## Building Inspections (Septic):

No comments or concerns

## Development Planning:

The Owner is requesting permission to construct a 1-storey dwelling with a loft with the above noted variance.

The Owner reduced the originally proposed dwelling coverage from $28.82 \%$ to $26.99 \%$ to be more consistent with the character of other 1-storey dwellings in the area.

The proposed dwelling coverage was further reduced to $26.70 \%$ subsequent to the April 18, 2019 Committee of Adjustment hearing where the application was adjourned in order to determine if additional variances were required to support the proposed 1 -storey dwelling with loft.

Zoning By-law 1-88 permits a maximum lot coverage of $23 \%$ for a 1 -storey dwelling where the maximum building height is 7 m . The maximum height of the proposed dwelling is 8.43 m , and therefore a maximum lot coverage permission of $20 \%$ was applied by the Building Standards Department.

The Development Planning Department does not object to the proposed lot coverage for the 1 -storey dwelling as it is consistent with the character of the area. No other variances are required for the proposal.

The subject lands contain existing mature trees which will be impacted by the proposed development. As such, an Arborist Report was submitted by Twin Oaks Service Ltd., dated January 14, 2019, which identified that 1 tree will be removed to accommodate the proposal, requiring the replacement of 4 trees which will be planted on the subject lands. The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the submitted Arborist Report and concurs with its recommendations.

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

The Development Planning Department recommends approval of the application.

## Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

## Development Engineering:

The Development Engineering (DE) Department has reviewed Minor Variance Application A011/19 for 25 Gosling Road and offers the following comments and condition:

The proposed increase in lot coverage is significant therefore the owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall for lot grading and/or servicing approval.

We also offer these comments:

1. City Standard 2.2.9.1(f) states that a driveway culvert shall be illustrated if existing ditches are running across proposed driveway entrances. Applicant is required to apply to the Development Engineering Department 2nd floor, City Hall for both culvert design installation and removal requirements. Please note that the owner will be responsible for any fees regarding culvert removal, and also for culvert installation as they are on City property.
2. A tree permit will be required for the removal of trees.

## Parks Development:

No Response.

## By-Law and Compliance, Licensing and Permit Services:

No Response.
Financial Planning and Development Finance:
No comment, no concerns.

## Fire Department:

No Response.

## Schedule A - Plans \& Sketches

## Schedule B - Public Correspondence

Petition in Support - 27 \& 29 Weller Crescent, 28 \& 31 Malaren Street, 14, 16, 22, 23, 24 \& 28 Gosling Road \& 29 Goodman Crescent

## 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 at 27 \& 29 Goodman Avenue \& 28 Malaren Avenue

A321/13 (27 Goodman Avenue) - C of A Decision, approved increased lot coverage
A267/15 (28 Malaren Avenue) - C of A Decision, approved increased Lot Coverage, Building Height \& Max.
Loft Area for bungaloft.
A317/15 (29 Goodman Avenue) - C of A Decision (Refused)
OMB Approval (A317/15) - Increased Lot Coverage, Building Height \& Max. Loft Area
A073/17 (27 Goodman Avenue) - C of A Decision, increased lot coverage

## 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:
$\checkmark$ That the general intent and purpose of the by-law will be maintained.
$\checkmark$ That the general intent and purpose of the official plan will be maintained.
$\checkmark$ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
$\checkmark$ 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 have been recommended:

|  | Department/Agency | Condition |
| :--- | :--- | :--- |
| 1 | Development Engineering | The proposed increase in lot coverage is significant therefore <br> the owner/applicant shall submit the final Lot Grading and/or <br> Brad Steeves |
|  | Servicing Plan to the Development Inspection and Lot Grading <br> 905-832-8585 x 8977 <br> brad.steeves@vaughan.ca | division of the City's Development Engineering Department for <br> approval. |

## 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 Adriana MacPherson<br>T 9058328585 Extension 8360<br>E CofA@vaughan.ca

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

## V Vaughan <br> A011/19 - Buffer Map

25 Gosling Road, Maple

## Major Mackenzie Drive






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## 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.

Petition in Support - 27 \& 29 Weller Crescent, 28 \& 31 Malaren Street, 14, 16, 22, 23, 24 \& 28 Gosling Road \& 29 Goodman Crescent


SE SCHILLER

Chairperson, Committee of Adjustment Planning Department City of Vaughan
Subject: 25 Gosling Road, Maple, ON
I have been informed of the proposed development located at 25 Gosling Road and I am not opposed to the variances requested by my neighbour.

Sincerely,
${ }^{\text {mamore Pa do. D. Tommasino }}$
(Signature)

(Address) 28 hos ling Ko.
(Name) FRANK BERMNANDO (Signature)

(Address) 29 weller Cress
(Name) Dino Juno (Signature)

(Address) 27 Weller Crescait
(Name) $D \odot N G \triangle O L D$ (Signature)
Al- as.
(Address) 24 GOSLING



SE SCHILLER

Chairperson, Committee of Adjustment Planning Department City of Vaughan
Subject: 25 Gosling Road, Maple, ON
I have been informed of the proposed development located at 25 Gosling Road and I am not opposed to the variances requested by my neighbour.

Sincerely,
(Name) Pado.D. Tommasino
(Signature)

(Address) 78 Gus ing Rd.
(Name) FPANK PERADARD
(Signature)

(Address) 29 weller Cress.
(Name) Dino Nunno
(Signature)

(Address) 27 Weller Crescait
(Name) $D O N \in \triangle O \angle D$ (Signature)

(Address) $24 G 48 L N G$

(Address)

## 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

## MacPherson, Adriana

$\begin{array}{ll}\text { Subject: } & \text { FW: A011/19-Request for Comments } \\ \text { Attachments: } & \text { A011-19-Circ.pdf }\end{array}$

From: Wong, Tiffany [Tiffany.Wong@york.ca](mailto:Tiffany.Wong@york.ca)
Sent: March-13-19 2:54 PM
To: Committee of Adjustment [CofA@vaughan.ca](mailto:CofA@vaughan.ca)
Subject: FW: A011/19 - Request for Comments
Hello Christine,

The Regional Municipality of York has completed its review of the above Minor Variance Application-A011/19 ( 25 Gosling Road) and has no comments. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,
Tiffany Wong, B.E.S. |Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y $6 Z 1$ 1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Please consider the environment before printing this email

## MacPherson, Adriana

| From: | Caple, Corey (MTO) [Corey.Caple@ontario.ca](mailto:Corey.Caple@ontario.ca) |
| :--- | :--- |
| Sent: | March-06-19 9:07 AM |
| To: | Committee of Adjustment |
| Cc: | Della Mora, Dan (MTO); Mazzotta, Rob (MTO) |
| Subject: | FILE: A-011/19, 26 Gosling Road |

To The Committee of Adjustments, City of Vaughan.

## RE: FILE: A-011/19, 26 Gosling Road.

The above property-project is outside the permit control area (PCA) therefore the MTO has no comments, at this time.

Regards,

## Mr. Corey Caple

Corridor Management Officer
Ministry of Transportation
Central Region, Corridor Management Section
159 Sir William Hearst Ave., 7th Floor
Toronto, Ontario
M3M 0B7
Tel. 416-235-4351
Fax. 416-235-4267

## Schedule D <br> Previous Approvals at 27 \& 29 Goodman Avenue \& 28 Malaren Avenue

A321/13 (27 Goodman Avenue) - C of A Decision, approved increased lot coverage A267/15 (28 Malaren Avenue) - C of A Decision, approved increased Lot Coverage, Building Height \& Max. Loft Area for bungaloft.
A317/15 (29 Goodman Avenue) - C of A Decision (Refused)
OMB Approval (A317/15) - Increased Lot Coverage, Building Height \& Max. Loft Area
A073/17 (27 Goodman Avenue) - C of A Decision, increased lot coverage

## Ontario Municipal Board <br> Commission des affaires municipales de l'Ontario



CASE NO(S).:
PL151144

PROCEEDING COMMENCED UNDER subsection 45(12) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:
Subject:
Variance from By-law No.:
Property Address/Description:
Municipality:
Municipal File No.:
OMB Case No.:
OMB File No.:
OMB Case Name:

Heard:

## APPEARANCES:

## Parties

D'Addurno Investments Inc.

D'Addurno Investments Inc. (previously by Marion Alberta Gillham)
Minor Variance
1-88, as amended
29 Goodman Crescent/ Part of Lot 19, Concession 4 (being Part of Lot 110, Plan 5590)
City of Vaughan
A317/15
PL151144
PL151144
D'Addurno Investments Inc. v. Vaughan (City)

August 4, 2016 in Vaughan, Ontario

## MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON AUGUST 4, 2016 AND ORDER OF THE BOARD

[1] This matter was initially heard by this panel of the Board on April 1, 2016 and was subject to an Interim Decision which issued on April 15, 2016. The Interim Decision noted a heard date of April 11, 2016 which is hereby corrected. This decision should be read in conjunction with the Board's Interim Decision which is provided as Attachment 1
to this decision. In that interim decision, the Board had several concerns with respect to the massing of the roof structure of the proposed dwelling, the proposed loft area, and the proposed dwelling lot coverage. The Board gave the Applicant/Appellant (D'Addurno Investments Inc.) an opportunity to redesign the proposed bungalow with loft and to address the Board's concerns. The Board was clear in its interim decision that should the Applicant/Appellant decline this opportunity then the Board will issue a final decision on the matter.
[2] The Applicant/Appellant accepted the Board's offer and proceeded to re-design the roof structure of the dwelling and requested a continuation of the hearing. The Board heard planning evidence from the same qualified planner (Mark Yarranton).
[3] Mr. Yarranton testified that the proposed bungalow with a loft has been redesigned so as to reduce the massing of the roof structure when viewed from the street. The revised plans and building elevations are found in Exhibit 6, Tab 3 and are provided as Attachment 2 to this decision. He testified that a different type of roof design was used (pitch roof) which resulted in a slight decrease in the requested variance to maximum loft area. As a result of the re-design, two of the three variances sought were revised as follows:

## [4] Revised Minor Variances:

1. To permit a maximum lot coverage of $29.3 \%$ (dwelling-26.7\% covered and unenclosed porches $-2.6 \%$ ), whereas, a maximum lot coverage of $26.7 \%$ is permitted for a single storey dwelling with loft;
2. To permit a maximum building height of $\mathbf{7 . 6 1}$ metres, whereas, a maximum building height of 7.0 metres is permitted for single storey dwelling with loft; and
3. To permit a maximum loft area of $\mathbf{4 1 . 5 8 \%}\left(79.8 \mathrm{~m}^{2}\right)$ of the ground floor area, whereas, a maximum loft area of $25 \%$ or $70 \mathrm{~m}^{2}$ (whichever is the lesser) of the ground floor area is permitted for a single storey dwelling.
[5] The Board determined that pursuant to s. 45(18.1) of the Planning Act ("Act") that
the revisions were minor and that no further notice was required.
[6] Mr. Yarranton testified that the neighbourhood consists of a variety of housing styles and is experiencing significant re-investment especially through the construction of replacement homes. He testified that the proposed dwelling design (bungalow with a loft) was compatible with the existing physical character of the neighbourhood and that the requested variances to the Zoning By-Law No. 1-88 ("ZBL") were within the range of approvals given by the Committee of Adjustment in this area. It was his opinion that the minor variances satisfied the statutory tests found in s. 45(1) of the Act in that they maintained the general intent of the Official Plan and the ZBL, they were desirable for the appropriate development and were minor.
[7] Gerhard Schiller, a participant at the previous proceedings re-emphasized his objection that even with the re-design, that it was in his view, a "monster home" and did not fit in with the existing physical character.
[8] The Board preferred the planning evidence of Mr. Yarranton on the re-designed proposal and found that it will be compatible with the existing homes in the area. The Board also noted his planning evidence that this neighbourhood is experiencing significant re-investment in the form of replacement homes. The Board found that the minor variances satisfy the four tests found in s. 45(1) of the Act. The Board attached certain conditions to its approval. These conditions relate to the prohibition of the conversion of attic space into habitable space and that the covered loggia at the rear would not be enclosed to create year round habitable space to the satisfaction of the City of Vaughan ("City") planning and building departments.

## ORDER

[9] The Board orders that the appeal is allowed and the revised minor variances to By-law No. 1-88 are authorized subject to the following:

1. The proposed dwelling is built in substantial conformance with the building
elevations attached hereto as Attachment 2;
2. The owner shall provide written confirmation from a certified arborist indicating that root pruning has been completed in accordance with the arborist report to the satisfaction of the City's Planning Department;
3. The attic shall at all times not be converted to habitable space to the satisfaction of the City's Building and Development Planning department; and
4. The covered loggia at the rear of the proposed dwelling and as shown on the site plan shall at all times not be enclosed so as to create year round habitable space to the satisfaction of the City's Building and Development Planning department.
[10] Board Rule 107 states:
5. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.
[11] Pursuant to Board Rule 107, this decision takes effect on the date that it is emailed by Board administrative staff to the clerk of the municipality where the property is located.
"Jason Chee-Hing"

JASON CHEE-HING MEMBER

If there is an attachment referred to in this document, please visit www.elto.gov.on.ca to view the attachment in PDF format.

## Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## Ontario Municipal Board Commission des affaires municipales de l'Ontario



CASE NO(S).:
PL151144

PROCEEDING COMMENCED UNDER subsection 45(12) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:
Subject:
Variance from By-law No.:
Property Address/Description:
Municipality:
Municipal File No.:
OMB Case No.:
OMB File No.:
OMB Case Name:

Heard:

## APPEARANCES:

## Parties

D'Addurno Investments Inc.

D'Addurno Investments Inc. (previously by Marion Alberta Gillham)
Minor Variance
1-88, as amended
29 Goodman Crescent/ Part of Lot 19, Concession 4 (being Part of Lot 110, Plan 5590)
City of Vaughan
A317/15
PL151144
PL151144
D'Addurno Investments Inc. v. Vaughan (City)

April 11, 2016 in Vaughan, Ontario

## Counsel

G. Borean

## INTERIM DECISION DELIVERED BY JASON CHEE-HING

[1] D'Addurno Investments Inc. ("Applicant", "Appellant", and "Proponent") has appealed the decision of the City of Vaughan ("City") Committee of Adjustment ("COA") to refuse the minor variances sought for the subject property located at 29 Goodman Crescent ("Goodman"). The Applicant sought variances to the Zoning By-law ("ZBL")

No. 1-88 for maximum lot coverage, maximum building height and maximum loft area within a single-storey residential dwelling.
[2] The Applicant was represented by counsel, Gerald Borean and retained a qualified planner, Mark Yarranton to give planning evidence in support of the variances. The Applicant intends to demolish the existing dwelling and construct a new one-storey detached dwelling with a loft.
[3] There was one participant, Gerhard Schiller who lives in the neighbourhood, spoke in opposition to the requested variances. The City was not present at the proceedings.

## [4] The Revised Minor Variances:

1. To permit a maximum lot coverage of 29.3 percent (dwelling is 26.7 percent and unenclosed porches is 2.6 percent) whereas the ZBL permits a maximum of 23 percent.
2. To permit a maximum building height of 9.89 metres (" $m$ ") whereas the ZBL permits a maximum building height of 7 m .
3. To permit a maximum loft area of 43.3 percent ( 83.1 square metres ("sq. m")) whereas the ZBL permits a maximum loft area of 25 percent or 70 sq. m whereas the ZBL requires a maximum of 25 percent or 70 sq. m.(whichever is the lesser) of the ground floor area for a single storey dwelling.
[5] During the hearing, the Applicant proposed to reduce the requested maximum building height variance to 9.89 m . Pursuant to s. 45(18.1) of the Planning Act ("Act"), the Board found the revision to Variance 2 to be minor and that no further notice was required.
[6] Mr. Yarranton proffered opinion evidence in support of the minor variances as revised. He gave the opinion that the variances both individually and cumulatively met the four statutory tests found in the Act in that they maintain the general intent of the Official Plan ("OP") and the ZBL, they were desirable for the appropriate development of the lands and that they are minor.
[7] In support of his planning opinion, Mr. Yarraton testified that the neighbourhood is experiencing significant re-investment in the form of replacement of older homes with new one-storey bungalows with lofts and two-storey detached dwellings. He testified that this neighbourhood consists of the older ranch style bungalows built in the 1950s as well as newer replacement homes. The lots are large and the neighbourhood is mature. He provided examples of recent COA decisions which approved minor variances for both one-storey bungalows with loft and two-storey detached dwellings within the immediate area (Exhibit 1). It was his opinion that the minor variances being sought are in the range of similar variances approved by the COA.
[8] It was his opinion that the proposed bungalow with a loft would be compatible with the existing character of the neighbourhood. It was his opinion that the proposed height of the dwelling was consistent with the heights of dwellings found within the neighbourhood. In his opinion the increase to maximum lot coverage and maximum loft area were acceptable as one could not discern either the proposed lot coverage or the amount of loft area when viewing the proposed home from the street.
[9] In his submissions, Mr. Borean referred the Board to the letters of support for the proposal from the abutting owners. Mr. Borean also referred the Board to the staff planning report which recommended approval of the minor variances with conditions to the COA. The City's planning staff in recommending support of the variances found that the proposed lot coverage, height and loft area to be consistent with the approvals in the area.
[10] Mr. Schiller lives at 48 Lancer Drive which is within proximity of the subject property. He is opposed to the proposed increase in lot coverage which in his view would be significantly above what the COA has approved in this area. He was concerned that the proposed one-storey bungalow has the appearance of a two-storey home and that the variances are not minor and if approved will result in the construction of another "monster" home within the neighbourhood.
[11] The Board reviewed all the submissions, exhibits and the evidence (both expert and lay) presented in making its findings. The Board has several concerns with the proposal and in particular, the requested variance to height. The Applicant proposes a one-storey bungalow with a mansard style roof. The ZBL performance standard states that for this style of roof structure height is measured to the highest point of the roof.
[12] In response to questions from the Board on the height of the proposed dwelling, the Applicant, after consulting with its architect reduced the height of the dwelling by one metre to 9.89 m . This reduction of one metre was realized by reducing the massing of the mansard roof structure. The Board continues to have concerns with the massing of the mansard roof.
[13] The ZBL maximum height requirement for a single-storey dwelling with a loft in a R1V (Old Village Residential) zone is 7 m . The intent of this maximum height standard is to retain the form and massing of a one-storey dwelling while allowing for increased lot coverage of 23 percent (compared to maximum lot coverage of 20 percent for twostorey dwellings). This performance standard is found in ZBL No. 121-2004 which amends ZBL No. 1-88 (Tab 9, Exhibit 1). The Board finds that the height of the proposed dwelling at 9.89 m does not maintain the general intent of the ZBL nor is it minor.
[14] Although Mr. Yarranton did a comparative analysis of the difference in how height is measured for different styles of roof structures, he did not provide the Board with evidence of existing bungalows/lofts with a mansard roof which could support the
height of 9.89 m that is being proposed. The only comparable provided of a bungalow/loft with a mansard roof is 23 Jackson Street. Based on the photograph of this property, it appears that the height of the dwelling is substantially less than what is being proposed.
[15] The planning staff report which supported the variances being requested refers to the proposed loft area as being acceptable within the peaked roof portion of the dwelling. The proposed roof is not a peaked structure, it is a mansard roof. The height of a dwelling is measured differently for a dwelling with a peaked roof. It is unclear what is meant by "peaked roof portion" and there was no planner from the City to speak to the planning staff report.
[16] Additionally, the planning staff report which was submitted as part of the Applicant's evidence stated that the proposed lot coverage, height and loft area to be consistent with the approvals in the area. However, there was no analysis of such approvals contained in the staff report to support this opinion (Tab 22, Exhibit 1).
[17] With respect to the remaining two variances (maximum lot coverage and maximum loft area), the Board finds that they are outside the upper range of approvals given by the COA for similar variances within the neighbourhood. The approval of all three variances is required to permit the proposal as presently before the Board. The Board is concerned with the cumulative impact of the three requested variances. The Board is not inclined to grant the variances based on the evidence presented and submissions made.
[18] The Board heard evidence and submissions that the Applicant's representatives had worked with City planning staff in the developing the proposal. Given the particular circumstances in this matter, the Board will give the Applicant 10 days from the date of issuance of this interim decision to instruct its architect to revise the proposal and reduce the massing of the mansard style roof such that the height of the dwelling is
compatible with similar built forms in the neighbourhood. Additionally, the Applicant is to reduce the loft area to be within the range of approvals given by the COA.
[19] The Board will continue with this hearing as required should the Applicant be willing to revise the proposal and present it to the Board at a later date.
[20] The Applicant has 10 days from the date of issuance of this decision to communicate its written intent to the Board. If the Applicant does not wish to revise its height and loft area variances or if the Board does not hear back from the Applicant within the 10 days, then the Board will proceed to issue its final decision in this matter.

If there is an attachment referred to in this document, please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248
DOCUMENT \#1. A.


|  | Existing Retained |  | New |  | Proposed Imperial | Metric | \% Coverage |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Imperial (sf) | Metric (m2) | Imperial (sf) | Metric (m2) |  |  |  |
| Building Footprint | 0.0 | 0.0 | 2,488.7 | 231.20 | 2,488.7 sf | 231.20 m2 | 26.7\% |
| All Covered Porches | 0.0 | 0.0 | 244.9 | 22.75 | 244.9 sf | 22.75 m 2 | 2.6\% |
| Total Coverage | 0.0 | 0.0 | 2,733.6 | 253.95 | 2,733.58 sf | 253.95 m 2 | 29.3\% |



| Accessory Building | 0.0 | 0.0 | 0.0 | 0.00 | 0.0 sf | 0.00 m 2 | $0.0 \%$ |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |




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DOCUMENT \#1. G.

ROOF RIDGE

DOCUMENT \#1. I.


DOCUMENT \#1. J.


|  | NOTICE OF DECISION |
| :--- | :--- |
| MINOR VARIANCES |  |

A sketch is attached illustrating the request.


THAT the Committee is of the opinion that the variances sought, can not be considered minor and are not desirable for the appropriate development and use of the land. The general intent and purpose of the Bylaw and the Official Plan will not be maintained.

## THAT Application No. A317/15, MARION ALBERTA GILLHAM, be REFUSED.

## CARRIED

CHAIR:


Signed by all members present who concur in this decision:


## CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, BES, MCIP, RPP Manager of Development Services and Secretary-Treasurer to Committee of Adjustment

## Date of Hearing: OCTOBER 22, 2015 <br> Last Date of Appeal: NOVEMBER 11, 2015

## APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the $\$ 650.00$ processing fee, paid by certified cheque or money order, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of $\$ 125.00$ for each application appealed, paid by certified cheque or money order, made payable to the "ONTARIO MINISTER OF FINANCE".

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

REVISED SEPTEMBER 29, 2015 TO



## AS PER BUILDING COMMENTS

A317/15


VVaughan Location Map - A317/15
29 Goodman Crescent, Maple

$\xrightarrow{0},{ }^{0.03},{ }^{0.06}, \quad, \quad, \quad 0.12$ Kilometers
The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, provided by the City of Vaughan witthout warranties of any kind, eithe

COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

|  |  |
| :--- | :--- |
| FILE NUMBER: | A317/15 |
| APPLICANT: | MARION ALBERTA GILLHAM |

A sketch is attached illustrating the request.


THAT the Committee is of the opinion that the variances sought, can not be considered minor and are not desirable for the appropriate development and use of the land. The general intent and purpose of the Bylaw and the Official Plan will not be maintained.

Approved by OMB
THAT Application No. A317/15, MARION ALBERTA GILLHAM, be REFUSED.
Aug 192016
CARRIED
CHAIR:


Signed by all members present who concur in this decision:


## CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, BES, MCIP, RPP Manager of Development Services and Secretary-Treasurer to Committee of Adjustment

## Date of Hearing: OCTOBER 22, 2015 <br> Last Date of Appeal: NOVEMBER 11, 2015

## APPEALS

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REVISED SEPTEMBER 29, 2015 TO



## AS PER BUILDING COMMENTS

A317/15


VVaughan Location Map - A317/15
29 Goodman Crescent, Maple

$\xrightarrow{0},{ }^{0.03},{ }^{0.06}, \quad, \quad, \quad 0.12$ Kilometers
The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, provided by the City of Vaughan witthout warranties of any kind, eithe

## NOTICE OF DECISION

MINOR VARIANCES


A sketch is attached illustrating the request.

MOVED BY:


THAT the Committee is of the opinion that the variance sought, can be considered minor and is desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

THAT Application No. A321/13, GIUSEPPE AGRIPPA, be APPROVED, in accordance with the sketches attached


## CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, BES, MCIP, RPP Manager of Development Services and Secretary-Treasurer to Committee of Adjustment

## Date of Hearing:

OCTOBER 3, 2013

## Last Date of Appeal: <br> OCTOBER 23, 2013

## APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

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NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

## CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:

## Maximum Lot Coverage $=\mathbf{2 9 . 6 \%}$

( $23 \%$ Dwelling $+4.8 \%$ Gazebo/Pergola $+1.8 \%$ covered porch)



COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

## NOTICE OF DECISION

## MINOR VARIANCES

FILE NUMBER: A073/17

| APPLICANT: | GIUSEPPE AGRIPPA |
| :--- | :--- |
| PROPERTY: | Part of Lot 19, Concession 4 (Lot 111 of Registered Plan 5590), municipally known as <br> 27 Goodman Crescent, Maple. |
| ZONING: | The subject lands are zoned R1V and subject to the provisions of Exception under <br> By-law 1-88 as amended |
| PURPOSE: | To permit the construction of a single family dwelling, and permit the <br> maintenance of an existing shed, pool and gazebo. |
| PROPOSAL: | To permit a lot coverage of $29.6 \%(23 \%-$ dwelling, $1.8 \%-$ front porch, $4.8 \%-$ <br> gazebo). |
| BY-LAW | A maximum lot coverage of $20 \%$ is permitted. |
| REQUIREMENT: |  |

BACKGROUND Other Planning Act Applications
INFORMATION: The land which is the subject in this application was also the subject of another application under the Planning Act:

A321/13 - APPROVED Oct 3 2013- To permit Lot Coverage 29.6\% (dwelling 23\%, Gazebo/pergola 4.8\%, front porch 1.8\%)
A072-11 - APPROVED - March 10/11- To permit lot coverage of 26.6\% (21.7\% dwelling, 4.9\% gazebo)

A sketch is attached illustrating the request.

MOVED BY:

SECONDED BY:


THAT the Committee is of the opinion that the variances sought, can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the Bylaw and the Official Plan will be maintained.

The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

THAT Application No.A073/17, GIUSEPPE AGRIPPA, be APPROVED, in accordance with the sketches attached

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

Signed by all members present who concur in this decision:


## CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, ACST(A), MCIP, RPP Manager of Development Services and Secretary-Treasurer to Committee of Adjustment

| Date of Hearing: | April 06, 2017 |
| :---: | :--- |
| Last Date of Appeal: | April 26, 2017 |

## APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the $\$ 708.00$ processing fee, paid by certified cheque or money order, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of $\$ 300.00$ for each application appealed, paid by certified cheque or money order, made payable to the "ONTARIO MINISTER OF FINANCE".

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## CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:





# NOTICE OF DECISION <br> MINOR VARIANCES 

FILE NUMBER:

## A267/15

| APPLICANT: | RODOLFO \& ROSE BUSSOLI |
| :--- | :--- |
| PROPERTY: | Part of Lot 19, Concession 4 (Lot 100, Registered Plan No. 65M-5590) municipally <br> know as 28 Malaren Road, Maple |
| ZONING: | The subject lands are zoned R1V, Old Village Residential Zone under By-law 1-88 as <br> amended. |

PRIOR to the hearing the agent amended the application and sketch as follows:

> By amending variance \#1 maximum lot coverage $29.57 \%$ (dwelling $24.72 \%$, porch \& loggia $4.85 \%$
> NOT ...... $33.8 \%$ (dwelling $26 \%$, porch. Loggia and veranda $7.8 \%$ )

By amending variance \#2 maximum building height 7.93m NOT 8.10m

By amending variance \#3 - maximum loft area 41.58\% NOT 55.1\%

| PURPOSE: | To permit the construction of a new residential single detached dwelling. |
| :---: | :---: |
| PROPOSAL: | 1. To permit a maximum lot coverage of $\mathbf{3 3 . 8 \%}$ (dwelling-26\%, porch, loggia and veranda-7.8\%). 29.57\% (dwelling 24.72\%, porch \& loggia 4.85\% |
|  | 2. To permit a maximum building height 8.10 metres. 7.93 m |
|  | 3. To permit a maximum loft area of $\mathbf{5 5 . 1 \%}(99.22 \mathrm{~m} 2) \mathbf{4 1 . 5 8 \%}$ of the floor below. |
| BY-LAW | 1. A maximum lot coverage of $23 \%$ is permitted for a single storey dwelling. |
| REQUIREMENT: | 2. A maximum building height of 7.0 metres is permitted for a single storey dwelling. <br> 3. A maximum loft area of $25 \%(45.02 \mathrm{~m} 2)$ of the floor below is permitted. |

Sketches are attached illustrating the request.

MOVED BY:

SECONDED BY:


THAT the Committee is of the opinion that the variances sought, can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the Bylaw and the Official Plan will be maintained.

THAT Application No. A267/15, RODOLFO \& ROSE BUSSOLI, be APPROVED AS AMENDED, in accordance with the sketches attached

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR:


Signed by all members present who concur in this decision:


## CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, BES, MCIP, RPP
Manager of Development Services and Secretary-Treasurer to
Committee of Adjustment

## Date of Hearing: SEPTEMBER 17, 2015

Last Date of Appeal: OCTOBER 7,2015

## APPEALS

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CONDITIONS
IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:

OCTOBER 7, 2016

## LOT COVERAGE = 29.57\%

(Dwelling $24.72 \%$, Porch \& Loggia $4.85 \%$ )


## LOFT AREA (G.F.A. 41.58\%)

28 M@ Maren Rod.
Concept 17
MAX. COVERAGE ( $23.0 \%$ - DWELLING) $=2,144$ sq.ft MAX. HEIGHT $=7.0 \mathrm{M}\left(22^{\prime}-11^{\prime \prime}\right)$ (TO MID-POINT)

LOFT FLOOR PLAN
LOFT FLOOR AREA $=777$ sq.ft. $-42.63 \%$ ( 455 sq.ft. max $-25 \%$ ) STAR AREA $=58$ sq.ft


## Revised Sketch September 16, 2015

28 Ma@@ren Rad
Concept 17



ARyIsTs wppession




City of Vaughan


The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan witthout warranties of any kind, either

