

File: A190/21

Applicant: Johnny and Amber Mongillo

Address: 117 Jaimie Road, Thornhill ON

Agent: Joseph Mongillo

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None.

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, October 28, 2021

**Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).*



Minor Variance
Application

Agenda Item: 08

A190/21

Ward: 5

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, October 28, 2021 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant: Johnny and Amber Mongillo

Agent: Joseph Mongillo

Property: 117 Jaimie Road, Thornhill ON

Zoning: The subject lands are zoned R4, Residential Zone, and subject to the provisions of Exception 9(492) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

Related Files: None.

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the existing shed located in the exterior side yard.

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

By-law Requirement	Proposal
1. An accessory structure shall be located in the Rear yard [Section 4.1.1 c)].	1. To permit an Accessory structure in the Exterior side yard.
2. A minimum required yard of 4.5 metres is required [Schedule T-033].	2. To permit a minimum Exterior side yard setback of 0.6 metres to an Accessory Structure.
3. A maximum height of 3 metres is required [Section 4.1.1 b)].	3. To permit a maximum height of 3.24 metres to the nearest part of the roof of an Accessory structure.

Background (previous applications approved by the Committee on the subject land): None.

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: None.

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 **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on October 06, 2021

Applicant confirmed posting of signage on October 04, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	+/- 1985
Shed	2005 original, rebuilt in 2020

Applicant has advised that they cannot comply with By-law for the following reason(s): To permit better utilization of back yard Not obstructing neighbour's properties. To permit more privacy

Committee of Adjustment recommended conditions of approval: **None**.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply:
Order No. 20-115086, Order to Comply for , Issue Date: Dec 08, 2020

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2.

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

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Building Standards Recommended conditions of approval:

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to maintain an existing shed in the exterior rear yard with the above noted variances.

To appropriately evaluate this minor variance application, the Development Planning Department requested the Owner provide two photos of the existing accessory structure (shed) on-site from both the front and exterior lot lines. After reviewing the information, the Development Planning Department, in consultation with the Urban Design division, agreed that the visual impact of the shed onto the public right-of-way (i.e. streetscape and pedestrian walkway) can be partially mitigated with the addition of landscaping along the existing front yard fence, consisting of three (3) 2500 mm tall hedge trees. A condition to this effect will be placed in the Condition of Approval section of the report.

The Development Planning Department, in consultation with the Urban Design division, also considered the installation of landscaping within the 0.60 m exterior side yard setback between the shed and fence in order to further improve the visual impact of the shed but determined that any landscaping planted in this location would not survive due to the limited amount of space.

With the understanding that the Development Engineering Department does not have any water drainage concerns pertaining to this application and the Owner agreeing to the planting, the Development Planning Department has no objection to the variances.

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, subject to a condition.
Conditions of Approval:

1. The Owner submit photographic evidence that three (3) 2500 mm tall hedge trees have been planted along the front yard fence which is to be reviewed and approved by the Urban Design Division of the Development Planning Department.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A190/21.

Parks Development - Forestry:

Please note that Forestry comments do not supersede the requirements of other commenting departments/agencies, including Development Planning with respect to the requirement of an Arborist Report and other tree protection requirements. Arborist Reports and other tree protection requirements may be required by other commenting departments to facilitate the review process of your application for the purpose of finalizing recommendations to the Committee of Adjustment.

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections
TRCA – comments with conditions

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 **adjourn** this application the following condition(s) is required: None.

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 Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	The Owner submit photographic evidence that three (3) 2500 mm tall hedge trees have been planted along the front yard fence which is to be reviewed and approved by the Urban Design Division of the Development Planning Department.
2	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	1. The applicant successfully obtains a TRCA permit, pursuant to Ontario Regulation 166/06 to authorize the existing shed structure. Submission details and required fees are identified in Appendix ‘A’ of this letter. 2. The applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

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.

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.

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

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://www.v Vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit [www.vaughan.ca](https://www.v Vaughan.ca)

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video 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 Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

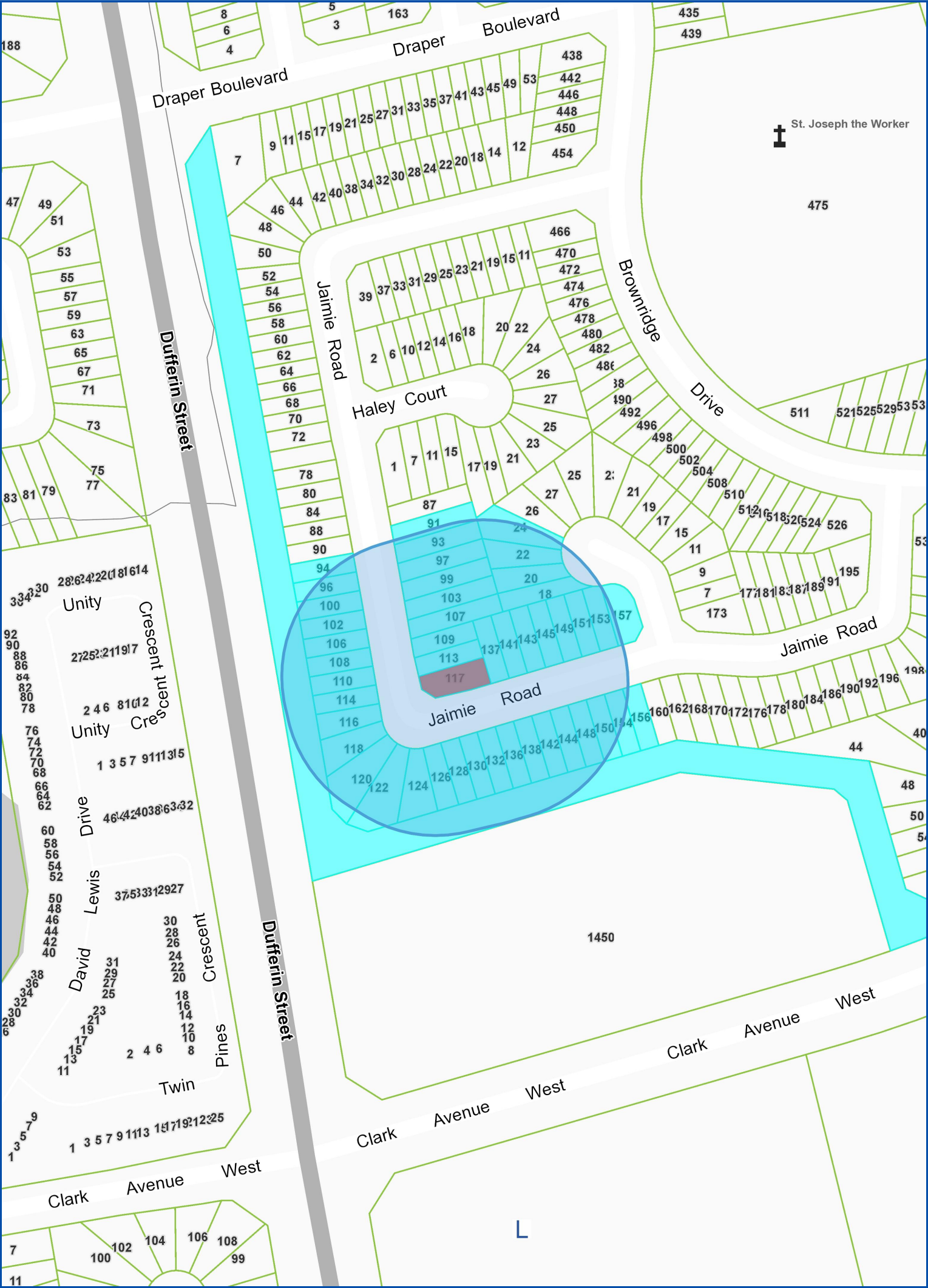
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

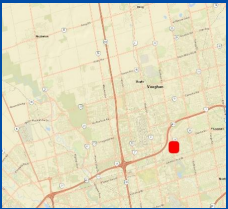
Schedule A: Plans & Sketches

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.

Location Map
Plans & Sketches



Map Information:



Title: 117 JAIMIE ROAD, THORNHILL

NOTIFICATION MAP - A190/21

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

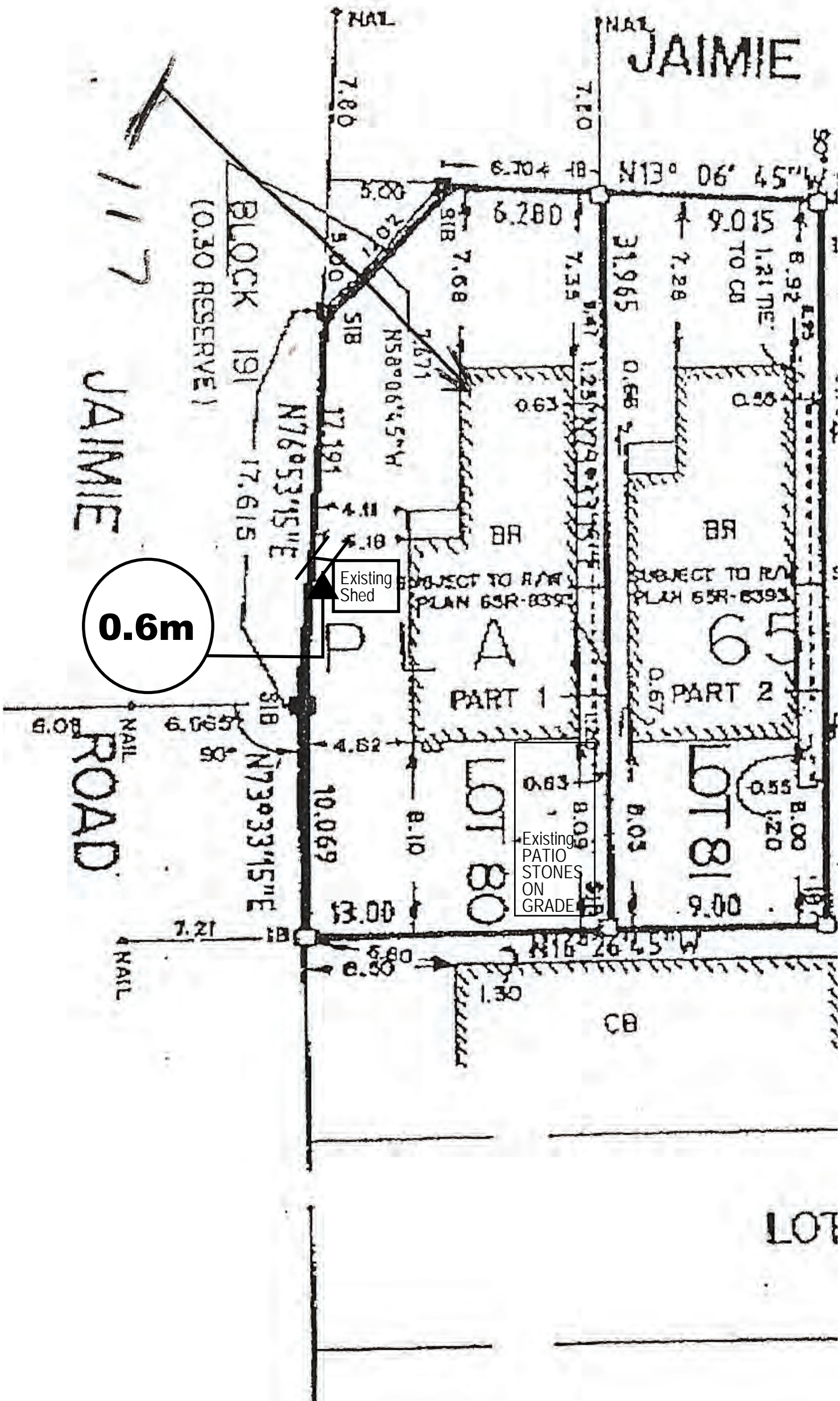


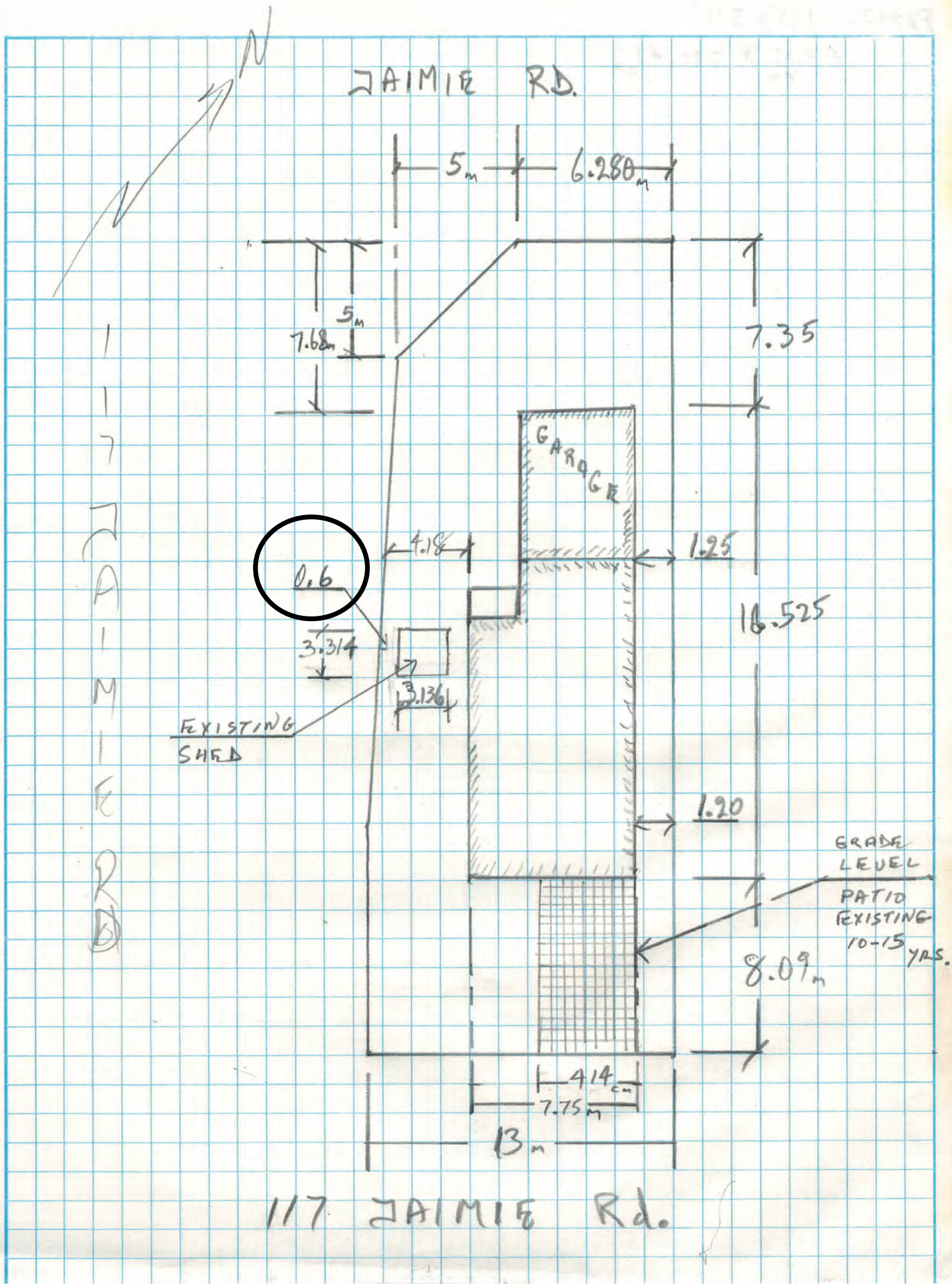
Scale: 1:2,317
0 0.04 km



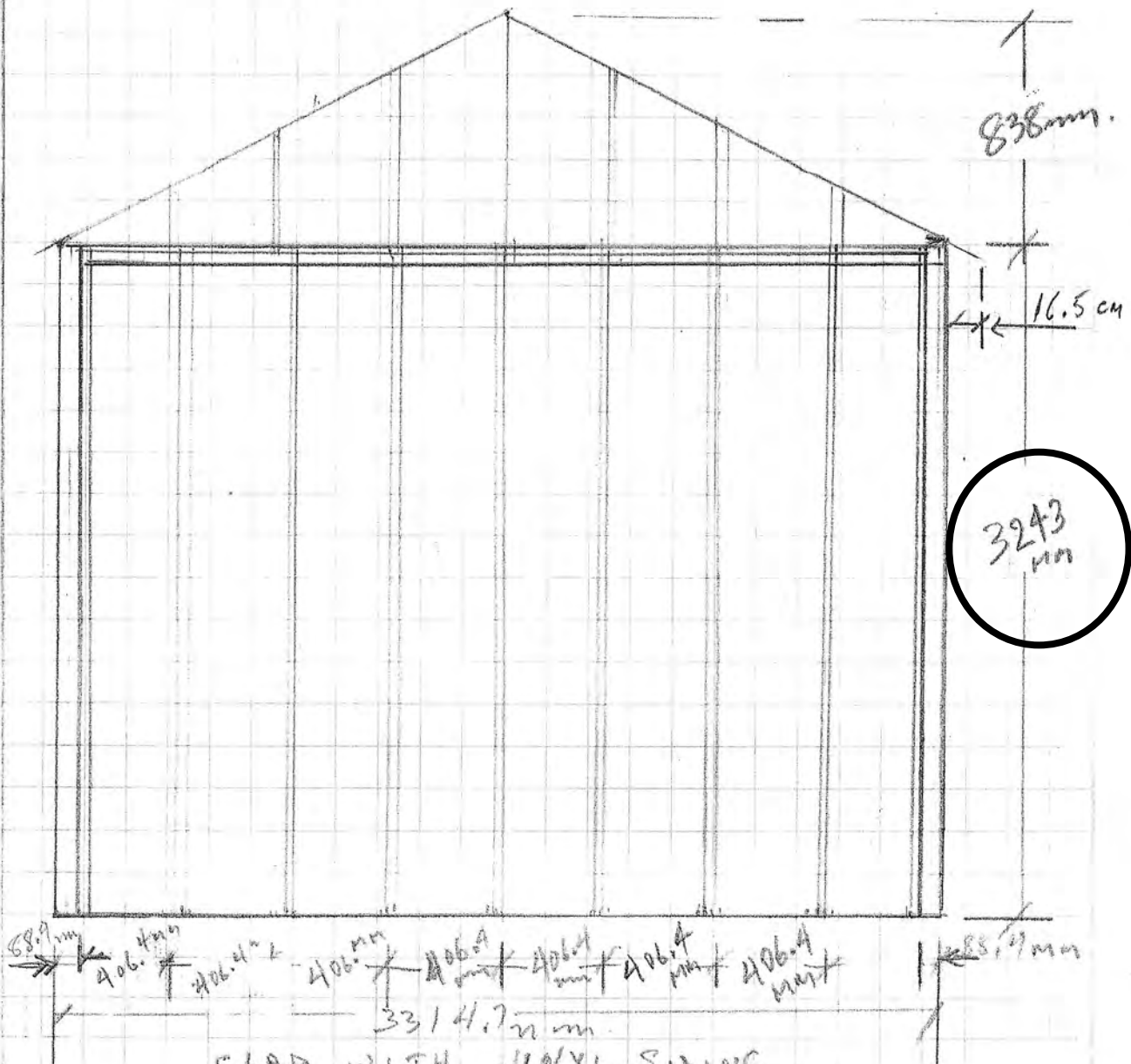
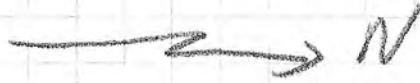
Created By:
Infrastructure Delivery
Department
August 30, 2021 12:54 PM

Projection:
NAD 83
UTM Zone
17N

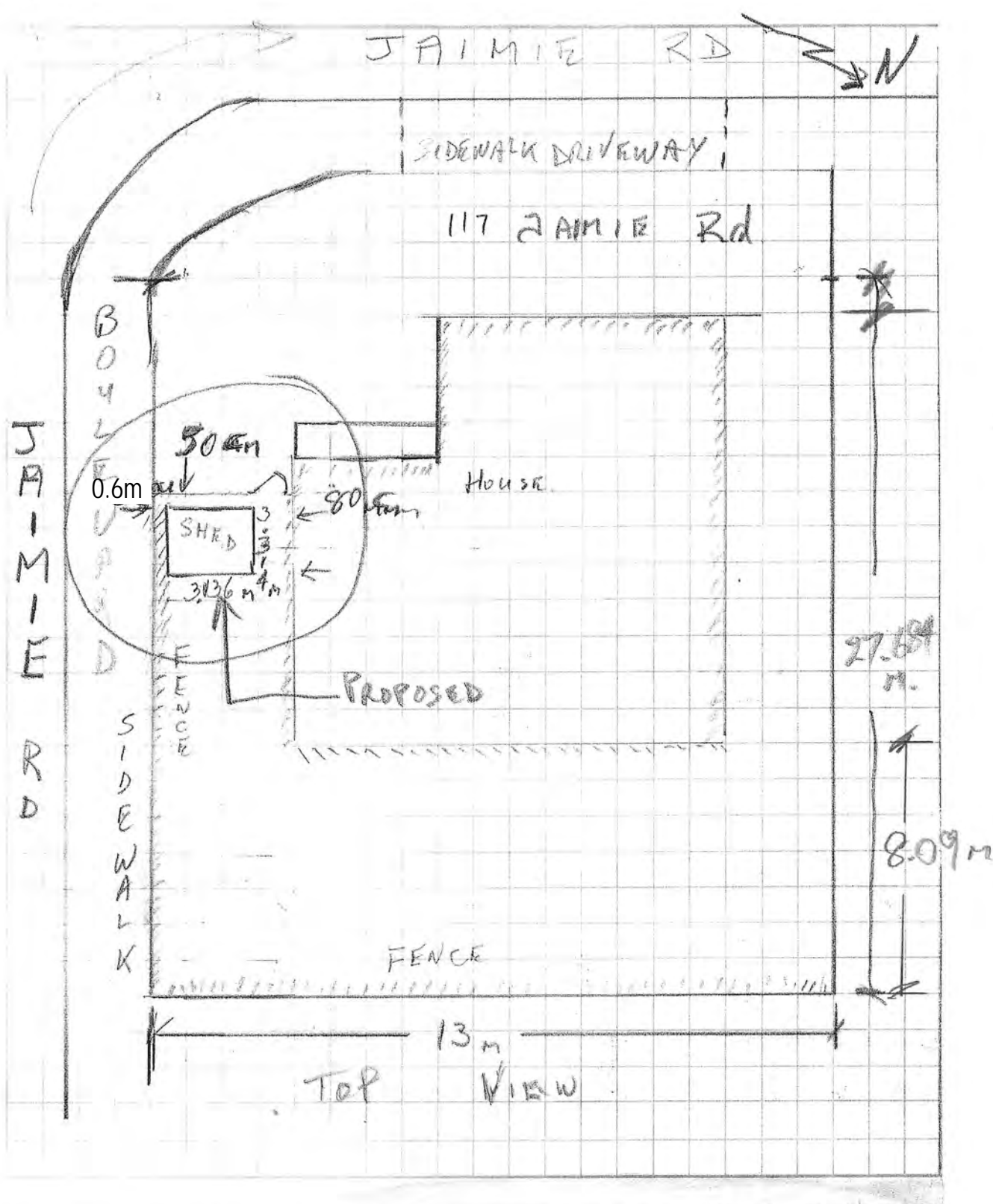




117 ZAMIE RD



SOUTH VIEW.

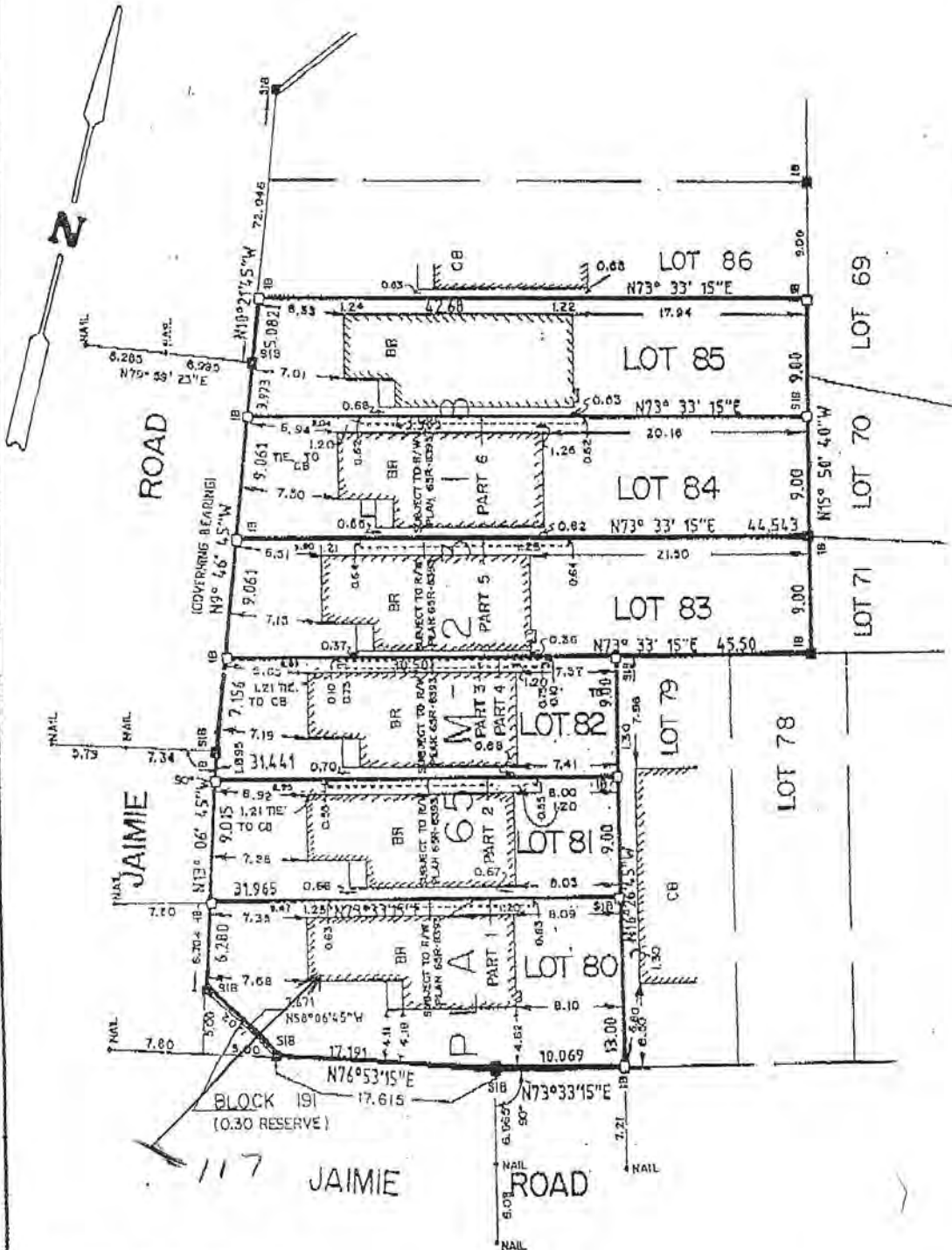


PLAN SHOWING BUILDING LOCATIONS ON
LOTS 80 TO 85 INCLUSIVE
PLAN 65 M - 2318
TOWN OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

METRIC
DISTANCES SHOWN ON
THIS PLAN ARE IN METRES
AND CAN BE CONVERTED
TO FEET BY DIVIDING BY
0.3048

SCALE 1:400

10m 0 10 20m



LOT 80 REVISED DEC 12, 1985
LOTS 86 AND 79 REVISED OCTOBER 8, 1985
BR DENOTES 2 STY. BRICK DWELLING
ALL FOUND MONUMENTS ARE BY SCHAEFFER &
REINTHALER LTD. O.L.S.
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
CB DENOTES CONCRETE BASEMENT

R SALNA COMPANY LTD.
ONTARIO LAND SURVEYOR
125 WELDRICK ROAD
RICHMOND HILL, ONT. L4G 3V2
PHONE: 884-3968, FILE: 85-26

NOTES AND LEGEND
BEARINGS ARE ASTROMOMIC AND ARE
DERIVED FROM THE EASTERLY LIMIT
OF JAIMIE ROAD AS SHOWN
ON REGISTERED PLAN 65 M - 2318
HAVING A BEARING OF N9°46'45"W.
□ DENOTES SURVEY MONUMENT SET
■ DENOTES SURVEY MONUMENT FOUND
● DENOTES FOUND TEMPORARY WITNESS
MONUMENTS.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY
THAT THE FIELD SURVEY REPRESENTED
ON THIS PLAN WAS COMPLETED ON THE
9TH DAY OF JULY, 1985

P. Salna
P. SALNA
ONTARIO LAND SURVEYOR
DATE: AUGUST 6, 1985

A190/21

RECEIVED

Agent sent to Eng. Dept
SEPTEMBER 22, 2021
Committee of Adjustment



RECEIVED

Agent sent to Eng. Dept
SEPTEMBER 22, 2021
Committee of Adjustment

A190/21



RECEIVED

Agent sent to Eng. Dept
SEPTEMBER 22, 2021
Committee of Adjustment

A190/21



RECEIVED

Agent sent to Eng. Dept
SEPTEMBER 22, 2021

Committee of Adjustment

A190/21



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.

None

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.-

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- TRCA – comments with conditions

COMMENTS:

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

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

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

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

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

References:

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

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

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Lenore Providence

Subject: FW: A190/21 - Request for Comments: (117 Jaimie Road, Woodbridge) **USE THIS ONE**

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

Sent: October-01-21 1:26 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A190/21 - Request for Comments: (117 Jaimie Road, Woodbridge) **USE THIS ONE**

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

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York| 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

October 6, 2021

CFN 64195.28

SENT BY E-MAIL: CofA@vaughan.ca

Christine Vigneault, Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Minor Variance Application A190.21
Lot 80 – Plan 65M2318
117 Jaimie Road
City of Vaughan, Region of York
Johnny and Amber Mongillo (Agent: Joseph Mongillo)**

This letter acknowledges receipt of the above noted application circulated by the City of Vaughan, Committee of Adjustment. The materials were received by Toronto and Region Conservation Authority (TRCA) on September 27, 2021. TRCA staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Background

It is our understanding that the purpose of the above noted application is to recognize the existing shed at the exterior side yard. Specifically,

1. To permit an Accessory structure in the Exterior side yard.
2. To permit a minimum Exterior side yard setback of 0.6 metres to an Accessory Structure.
3. To permit a maximum height of 3.24 metres to the nearest part of the roof of an Accessory structure.

Ontario Regulation 166/06:

The subject property is located entirely within TRCA’s Regulated Area due to a Regional Storm flood plain associated with a tributary of the Don River. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA’s satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

As noted above, the site is entirely within a Regional Storm flood plain. In other words, during a large-scale storm event the property could be inundated with flood waters. TRCA policies direct development and site alteration away from areas impacted by natural hazards, including flooding. TRCA policies

permit non-habitable accessory structures within a flood plain, provided the criteria of Section 8.5.1.7 of TRCA's Living City Policy can be achieved. When there is no feasible alternative location outside the flood plain area, consideration is given to locating the accessory structures in the flood plain provided floodproofing requirements are met (i.e., sign off from structural engineering confirming that the accessory structure can withstand the depths and velocities associated with the flood waters). Given the extent of the flood plain on the subject property (i.e., the entire property is within the flood plain), there is no feasible location to site the shed structure outside of the flood plain.

To recognize the shed structure, the proponent will need to obtain an after-the-fact permit from TRCA. A list of the after-the-fact permit requirements has been included in Appendix 'A'.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$610.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the above, TRCA staff have no objection to the approval of Minor Variance Application A190.21 subject to the following conditions:

1. The applicant successfully obtains a TRCA permit, pursuant to Ontario Regulation 166/06 to authorize the existing shed structure. Submission details and required fees are identified in Appendix 'A' of this letter.
2. The applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

Appendix 'A': TRCA Permit Requirements

The subject lands are regulated by TRCA pursuant to Ontario Regulation 166/06. As such, a permit will be required from our office to authorize the existing shed.

In order to initiate the process, the following materials must be digitally submitted to TRCA:

1. Complete Permit Re-Issuance/Minor Revision Application for Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (Residential/Development Projects) (Pursuant to Ontario Regulation 166/06). The application can be downloaded from the following link: https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2016/01/17185212/TRCA-PERMIT-APPLICATION-FORM-1_new.pdf
2. The following plans:
 - Site plan identifying the location (i.e., distance to the property lines) and dimensions of the shed.
 - Elevation/structural plans for shed – plans should be signed and stamped by same engineer who produces below noted letter/memo.
 - Grading Plan – If no grading (i.e., placement of fill or excavation) is proposed, please just add a note on the site plan stating, “All existing grades will remain unchanged”.
3. Letter/memo from a qualified structural engineer confirming that the cabana structure has been designed to withstand the depths and velocities associated with the Regional Storm flood plan. The water surface elevation at the property during the regional flood is 190.78 masl, and the velocity of water during a regional flood is 0.46 m/s.
4. Legal survey of the subject property.
5. Permit review fee of \$990.00 (\$495 fee for Works on Private Residential Property – Minor, plus a 100% premium levied for voluntary compliance related to resolution of a violation)

Schedule D: Previous Approvals (Notice of Decision)

None.