

ITEM #: 6.11	<b>COMMITTEE OF ADJUSTMENT REPORT</b> <b>MINOR VARIANCE APPLICATION</b> <b>A119/22</b> <b>39 Velmar Dr. Woodbridge</b>
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**COA REPORT SUMMARY**

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:**

*\*Please see **Schedule B** of this report for a copy of Staff and Agency correspondence.*

*Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City’s Website.*

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review <i>*Schedule B</i>	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X	X		Recommend Approval/No Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		General Comments
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA <i>*Schedule B</i>	X	X		General Comments
Ministry of Transportation (MTO) <i>*Schedule B</i>	X			No Comments Recieved to Date
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X	X		General Comments
YRDSB <i>*Schedule B</i>				
YCDSB <i>*Schedule B</i>				
CN Rail <i>*Schedule B</i>				
CP Rail <i>*Schedule B</i>				
TransCanada Pipeline <i>*Schedule B</i>	X			No Comments Recieved to Date
Metrolinx <i>*Schedule B</i>				
Propane Operator <i>*Schedule B</i>				

PUBLIC & APPLICANT CORRESPONDENCE				
<i>*Please see <b>Schedule C</b> of this report for a copy of the public &amp; applicant correspondence listed below.</i>				
<p>The deadline to submit public comments is <b>noon on the last business day prior to the scheduled hearing date.</b></p> <p>Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City’s Website.</p> <p>All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.</p>				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Umberto Mau	Unknown	05/30/2022	Letter of Support
Public	Anonymous	Unknown	06/25/2022	Letter of Opposition

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
<i>*Please see <b>Schedule D</b> for a copy of the Decisions listed below</i>		
File Number	Date of Decision	Decision Outcome

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see <b>Schedule D</b> for a copy of the Decisions listed below		
	MM/DD/YYYY	
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A119/22

FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER: 6.11	CITY WARD #: 3
APPLICANT:	Sergio Aguilar and Laura Arocha
AGENT:	Valencia Enterprises Inc. (Enrique Valencia)
PROPERTY:	39 Velmar Drive, Woodbridge
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS: <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed cabana and to permit the existing shed and pool in the rear yard.

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

The subject lands are zoned R1A(EN) Residential under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum interior side yard of 2.4 metres is required for the accessory building (shed). Section 4.1.2	To permit a minimum interior side yard of 0.61 metres for the accessory building (shed).
2	A minimum interior side yard of 2.4 metres is required for the accessory building (cabana). Section 4.1.2	To permit a minimum interior side yard of 0.61 metres for the accessory building (cabana).
3	A minimum rear yard of 2.4 metres is required to the accessory building (cabana). Section 4.1.2	To permit a minimum rear yard of 0.61 metres to the accessory building (cabana).
4	A maximum building height of 3.0 metres measured to the mid-point of the roof is required for the accessory building (cabana). Section 4.1.4	To permit a maximum building height of 3.13 metres to the mid-point of the roof.
5	Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 metres from the rear lot line. Table 4-1	To permit hard landscaping to encroach into the minimum required rear yard up to 0.3 metres from the rear lot line.
6	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres.	To permit the minimum setback of the outdoor swimming pool to be a minimum of 1.43 metres.

The subject lands are zoned R1 Residential under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
7	A maximum building height of 2.5 metres is required for the accessory building (shed). Section 4.1.1	To permit a maximum building height of 2.9 metres for the accessory building (shed).
8	A minimum interior side yard of 1.5 metres is required to the accessory building (cabana). Section 4.1.1 and Schedule “A”	To permit a minimum interior side yard of 0.61 metres for the accessory building (cabana).
9	A minimum rear yard of 7.5 metres is required to the accessory building (cabana). Section 4.1.1 and Schedule A	To permit a minimum rear yard setback of 0.61 metres for the accessory building (cabana).
#	Zoning By-law 1-88	Variance requested

10	A private swimming pool shall be not nearer to any interior side lot line than 1.5 metres. Section 4.1.1	To permit the private swimming pool to be a minimum of 1.43 metres from the interior side lot line.
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**HEARING INFORMATION**

**DATE OF MEETING:** July 7, 2022

**TIME:** 6:00 p.m.

**MEETING LOCATION:** Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

**PUBLIC PARTICIPATION**

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

If you would like to submit written comments, please quote file number above and submit by mail or email to:

**Email:** [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**Mail:** City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

**THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.**

**INTRODUCTION**

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

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

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

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

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	June 22, 2022	
Date Applicant Confirmed Posting of Sign:	June 22, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	Accessory structure is within rear yard and side yard setback. Height is 0.62m above due to roof construction.	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:	No	
*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.		
*A revised submission may be required to address staff / agency comments received as part of the application review process.		
*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.		
<b>Adjournment Fees:</b> In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.  An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff <b>after</b> the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	



BUILDING STANDARDS (ZONING) COMMENTS	
**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS	
<a href="#">Link to Grading Permit</a> <a href="#">Link to Pool Permit</a> <a href="#">Link to Curb Curt Permit</a> <a href="#">Link Culvert Installation</a>	
<p>As the proposed cabana in the subject property is 22.1m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached)</p> <p>Given that the owner and the neighbor has confirmed that there are no flooding issues because of the decreased setback of the existing rear yard hard landscaping.</p> <p>The Development Engineering (DE) Department does not object to variance application A119/22 subject to the following condition(s):</p>	
Development Engineering Recommended Conditions of Approval:	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 final lot grading and/or servicing approval prior to any work being undertaken on the property. To apply for a grading permit please contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the grading permit link provided above to learn how to apply for lot grading and/or servicing approval.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
<p>Parks:</p> <p>Forestry: Forestry has no comment at this time.</p> <p>Horticulture:</p>	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments received to date.	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No comments received to date.	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

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

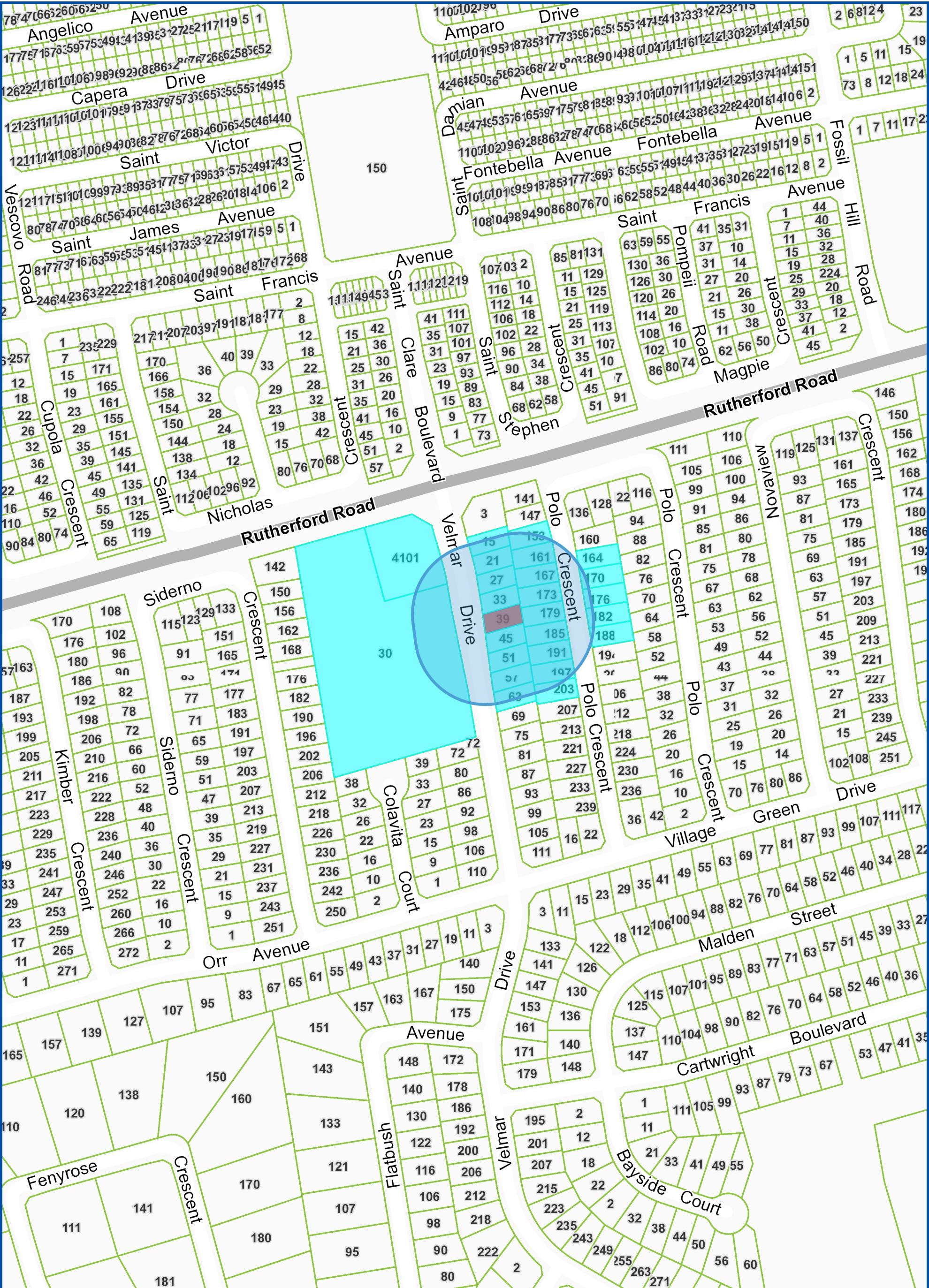
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering <a href="mailto:farzana.khan@vaughan.ca">farzana.khan@vaughan.ca</a>	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 final lot grading and/or servicing approval prior to any work being undertaken on the property. To apply for a grading permit please contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the grading permit link provided above to learn how to apply for lot grading and/or servicing approval.

IMPORTANT INFORMATION – PLEASE READ
<b>CONDITIONS:</b> 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 ( <b>see condition chart above for contact</b> ). 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.
<b>APPROVALS:</b> Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.  An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.  A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.  Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.  Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.
<b>DEVELOPMENT CHARGES:</b> 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

IMPORTANT INFORMATION – PLEASE READ
Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.
<b>NOTICE OF DECISION:</b> 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 <b>not</b> receive notice.

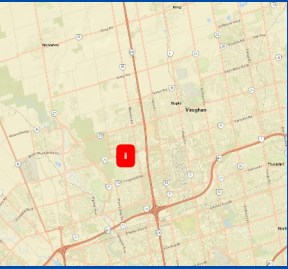
**SCHEDULE A: DRAWINGS & PLANS**





WESTON ROAD

Map Information:



Title: 39 VELMAR DRIVE, WOODBRIDGE

NOTIFICATION MAP - A119/22

Disclaimer:

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



Scale: 1:4,514

0

0.07 km

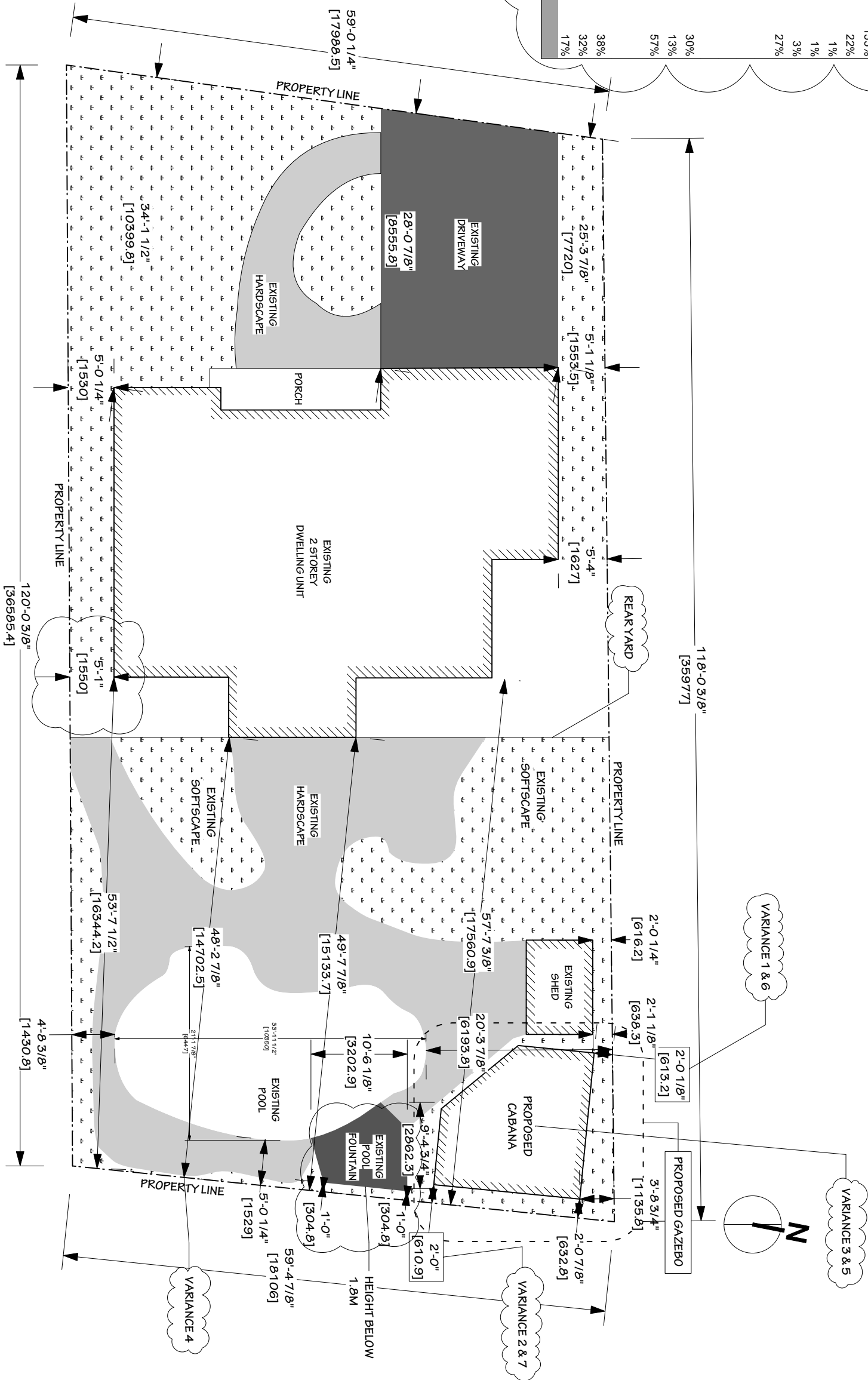


Created By:  
Infrastructure Delivery  
Department  
June 19, 2022 11:24 PM

Projection:  
NAD 83  
UTM Zone  
17N



SITE PLAN STATISTICS				
DESCRIPTION	AREA [m2]	AREA [ft2]	REQUIRED	GIVEN
LOT AREA	= 649.31 m2	6986.58 ft2	420.00 m2	155%
BUILDING AREA	= 141.92 m2	1527.10 ft2		22%
PORCH	= 7.57 m2	81.49 ft2		1%
EXISTING SHED	= 6.90 m2	74.29 ft2		1%
PROPOSED GAZEBO	= 21.04 m2	226.37 ft2		3%
LOT COVERAGE	= 177.44 m2	1909.24 ft2	-	27%
PROPOSED LANDSCAPING				
FRONT YARD	= 160.60 m2	1728.08 ft2		
DRIVEWAY	= 48.44 m2	521.20 ft2		30%
LANDSCAPE HARD	= 21.26 m2	228.70 ft2		13%
LANDSCAPE SOFT	= 90.90 m2	978.13 ft2		57%
REAR YARD	= 272.38 m2	2930.77 ft2		
LANDSCAPE HARD	= 103.54 m2	1114.08 ft2		38%
LANDSCAPE SOFT	= 87.39 m2	940.35 ft2		32%
SWIMMING POOL	= 46.83 m2	503.87 ft2		17%



## Received

June 22, 2022

**A119/22**

## PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT

[illegible]

SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X	X		General Comments
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments



**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

**From:** Nancy Tuckett, Director of Development Planning

**Date:** June 29, 2022

**Name of Owners:** Sergio Aguilar and Laura Arocha

**Location:** 39 Velmar Drive

**File No.(s):** A119/22

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

1. To permit a minimum interior side yard of 0.61 m for the accessory building (shed).
2. To permit a minimum interior side yard of 0.61 m for the accessory building (cabana).
3. To permit a minimum rear yard of 0.61 m to the accessory building (cabana).
4. To permit a maximum building height of 3.13 m to the mid-point of the roof.
5. To permit hard landscaping to encroach into the minimum required rear yard up to 0.3 m from the rear lot line.
6. To permit the minimum setback of the outdoor swimming pool to be a minimum of 1.43 m.

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

1. A minimum interior side yard of 2.4 m is required for the accessory building (shed).
2. A minimum interior side yard of 2.4 m is required for the accessory building (cabana).
3. A minimum rear yard of 2.4 m is required to the accessory building (cabana).
4. A maximum building height of 3.0 m measured to the mid-point of the roof is required for the accessory building (cabana).
5. Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 m from the rear lot line.
6. The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 m.

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

7. To permit a maximum building height of 2.9 m for the accessory building (shed).
8. To permit a minimum interior side yard of 0.61 m for the accessory building (cabana).
9. To permit a minimum rear yard setback of 0.61 m for the accessory building (cabana).
10. To permit the private swimming pool to be a minimum of 1.43 m from the interior side lot line.

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

7. A maximum building height of 2.5 m is required for the accessory building (shed).
8. A minimum interior side yard of 1.5 m is required to the accessory building (cabana).
9. A minimum rear yard of 7.5 m is required to the accessory building (cabana).
10. A private swimming pool shall be not nearer to any interior side lot line than 1.5 m.

**Official Plan:**

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

**Comments:**

The Owners are requesting relief to permit the construction of the proposed cabana, and to permit the existing pool and shed with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 7 for the existing shed. The interior side yard setback of 0.61 m maintains an appropriate area for access and drainage and will not impact the neighbouring properties. The increased

height of the shed is minor in nature and complies with the height requirements of Zoning By-law 001-2021.

The Development Planning Department has no objection to Variances 2, 3, 8 and 9 for the proposed rear yard setback of 0.61 m and interior side yard setback of 0.61 m for the cabana. The reduction in setbacks maintain an appropriate area for access and drainage and will not impact the neighbouring properties. They are also measured at pinch-points, with the rear yard setback expanding to 0.63 m at its greatest extent and the side yard setback expanding to 1.14 m at its greatest extent.

The Development Planning Department has no objection to Variance 4 for the proposed height of the cabana as the increase is minor in nature and the cabana is not anticipated to pose a significant visual impact to the neighbouring property.

The Development Planning Department has no objection to Variance 5 for the existing fountain as the Development Engineering Department has reviewed the reduced setback and is satisfied that drainage along the rear yard will be maintained.

The Development Planning Department has no objection to Variances 6 and 10 for the proposed pool. The proposed interior side yard setback of 1.43 m maintains an appropriate area for safe access and maintenance.

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the land.

**Recommendation:**

The Development Planning Department recommends approval of the application.

**Conditions of Approval:**

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

None

**Comments Prepared by:**

Joshua Cipolletta, Planner I  
David Harding, Senior Planner

**To:** Committee of Adjustment

**From:** Pia Basilone, Building Standards Department

**Date:** June 10, 2022

**Applicant:** Sergio Aguilar and Laura Arocha

**Location:** PLAN 65M2948 Lot 6 municipally known as 39 Velmar Drive

**File No.(s):** A119/22

**Zoning Classification:**

The subject lands are zoned R1A(EN) Residential under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum interior side yard of 2.4 metres is required for the accessory building (shed). Section 4.1.2	To permit a minimum interior side yard of 0.61 metres for the accessory building (shed).
2	A minimum interior side yard of 2.4 metres is required for the accessory building (cabana). Section 4.1.2	To permit a minimum interior side yard of 0.61 metres for the accessory building (cabana).
3	A minimum rear yard of 2.4 metres is required to the accessory building (cabana). Section 4.1.2	To permit a minimum rear yard of 0.61 metres to the accessory building (cabana).
4	A maximum building height of 3.0 metres measured to the mid-point of the roof is required for the accessory building (cabana). Section 4.1.4	To permit a maximum building height of 3.13 metres to the mid-point of the roof.
5	Hard landscaping is permitted to encroach into a minimum required yard up to 0.6 metres from the rear lot line. Table 4-1	To permit hard landscaping to encroach into the minimum required rear yard up to 0.3 metres from the rear lot line.
6	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 metres.	To permit the minimum setback of the outdoor swimming pool to be a minimum of 1.43 metres.

The subject lands are zoned R1 Residential under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
7	A maximum building height of 2.5 metres is required for the accessory building (shed). Section 4.1.1	To permit a maximum building height of 2.9 metres for the accessory building (shed).
8	A minimum interior side yard of 1.5 metres is required to the accessory building (cabana). Section 4.1.1 and Schedule "A"	To permit a minimum interior side yard of 0.61 metres for the accessory building (cabana).
9	A minimum rear yard of 7.5 metres is required to the accessory building (cabana). Section 4.1.1 and Schedule A	To permit a minimum rear yard setback of 0.61 metres for the accessory building (cabana).
10	A private swimming pool shall be not nearer to any interior side lot line than 1.5 metres. Section 4.1.1	To permit the private swimming pool to be a minimum of 1.43 metres from the interior side lot line.

**Staff Comments:**

**Stop Work Order(s) and Order(s) to Comply:**

Order No. 21-132915, Order to Comply, Issue Date: Nov 23, 2021

**Building Permit(s) Issued:**

Building Permit No. 21-133839 for Shed/Gazebo (Not Yet Issued)

**Other Comments:**

A minimum of 60% of soft landscaping has been provided in the front yard.

**Conditions of Approval:**

none

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

**Date:** June 10<sup>th</sup> , 2022

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

**RE:** Request for Comments

**File No.:** **A119-22**

**Related Files:**

**Applicant** Sergio Aguilar & Laura Arocha

**Location** 39 Velmar Drive

**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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Stephen Cranley, C.E.T

Mitchell Penner

Supervisor, Distribution Design, ICI & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

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

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

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

**Lenore Providence**

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**Subject:** FW: [External] RE: A119/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

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**From:** Development Services <developmentservices@york.ca>  
**Sent:** June-14-22 5:24 PM  
**To:** Lenore Providence <Lenore.Providence@vaughan.ca>  
**Subject:** [External] RE: A119/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hi Lenore,

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

Thank you,

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

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 x74528 | [maryam.ahmed@york.ca](mailto:maryam.ahmed@york.ca) | [www.york.ca](http://www.york.ca)  
*Our Values: Integrity, Commitment, Accountability, Respect, Excellence*



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Please consider the environment before printing this email.

**Lenore Providence**

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**Subject:** FW: [External] RE: A119/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

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**From:** Gordon, Carrie <carrie.gordon@bell.ca>

**Sent:** June-13-22 7:26 AM

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

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

**Subject:** [External] RE: A119/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hello,

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

*Carrie Gordon*



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



SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Umberto Mau	Unknown	05/30/2022	Letter of Support
Public	Anonymous	Unknown	06/25/2022	Letter of Opposition

**From:** Anonymous

**Sent:** Saturday, June 25, 2022

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

**Subject:** CONFIDENTIAL: File A119/22

Hello,

Please see my comments below, to be submitted in relation to the file number above. Please distribute my comments on an anonymous basis and provide me the outcome of the decision.

Comments: I recommend that this application be disapproved. The structure was attempted to be built last year without consultation, in violation of multiple by-laws. Despite multiple resident complaints and visits by City staff, construction continued in the backyard until the end of last summer. The structure is currently half built, in total disregard of neighboring properties. The structure and plan is inconsistent with residences within the subdivision and will lead to nuisance concerns for neighboring properties. Multiple residents have complained over the past year regarding the premature and non-compliant construction and plan, as it currently stands.



Enrique Valenci [redacted]

**Valencia Enterprise Inc. - 39 Velmar Dr./179 Polo Crescent - Flooding - City Concern**

2 messages

**Enrique Valenci** [redacted] Fri, May 27, 2022 at 8:49 AM  
To [redacted]  
Cc: sergio aguila [redacted], William V [redacted]

Good Morning sir,

Pleasure meeting you yesterday and thank you for taking the time to speak with me and your rear yard neighbour, Sergio.

As you may have noticed we are building a gazebo in the rear yard. Due to unfortunate circumstances with a previous contractor, we have been forced to go into the Committee of Adjustments process.

As per the city's request, we'd like to confirm there has been no flooding or water concerns on your side of the property as Sergio has also confirmed he has not experienced anything either.

If you would be so kind as to confirm this email in order to please City's request, it would be greatly appreciated.

Thank you Sir.

If you have any questions or concerns, please do not hesitate to contact us. My contact info is below.

Enjoy the rest of your day!

**Umberto Mau** [redacted] Mon, May 30, 2022 at 3:00 PM  
To: Enrique Valenci [redacted]  
Cc: sergio aguila [redacted], William V [redacted]

I have no problem of water on my back yards thanks

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**From:** Enrique Valencia [redacted]  
**Sent:** Friday, May 27, 2022 8:49:15 AM  
**To:** [redacted]  
**Cc:** sergio aguila [redacted]; William V [redacted]  
**Subject:** Valencia Enterprise Inc. - 39 Velmar Dr./179 Polo Crescent - Flooding - City Concern

[Quoted text hidden]