

ITEM #: 6.20

**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A180/22
45 Kylemount Court, Thornhill**

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 *Schedule B | X | X | | General Comments |
| Building Inspection (Septic) | X | | | No Comments Recieved to Date |
| Development Planning *Schedule B | X | X | | Recommend Approval/No Conditions |
| Development Engineering | X | X | | Recommend Approval/No Conditions |
| Parks, Forestry and Horticulture Operations | X | X | | No Comments or Concerns |
| 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 *Schedule B | X | | | General Comments |
| 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 | | | No Comments Recieved to Date |
| 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 | | | | |

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

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

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

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

| File Number | Date of Decision MM/DD/YYYY | Decision Outcome |
|--------------------|--|-------------------------|
| None | | |

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

| | |
|------|--|
| None | |
|------|--|



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A180/22
45 Kylemount Court, Thornhill**

FILE MANAGER: Adriana Bozzo, Administrative Coordinator - Committee of Adjustment

| | |
|--|--|
| ITEM NUMBER: 6.20 | CITY WARD #: 4 |
| APPLICANT: | Johnathan Rosenburg and Amanda Dolman |
| AGENT: | None |
| PROPERTY: | 45 Kylemount Court, Thornhill |
| ZONING DESIGNATION: | See Below |
| VAUGHAN OFFICIAL PLAN (2010) DESIGNATION: | Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" |
| RELATED DEVELOPMENT APPLICATIONS: | None |
| PURPOSE OF APPLICATION: | Relief from the Zoning By-law is being requested to permit the existing deck in the rear yard. |

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

The subject lands are zoned R4A(EN) – Fourth Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.729 under Zoning By-law 001-2021, as amended.

| # | Zoning By-law 001-2021 | Variance requested |
|---|---|--|
| 1 | The maximum permitted encroachment of access stairs into the rear yard is 1.8 metres. (Table 4-1) | To permit access stairs to encroach a maximum of 3.1 metres into the required rear yard. |

The subject lands are zoned RV4 – Residential Zone and subject to the provisions of Exception 9(1063) under Zoning By-law 1-88, as amended.

| # | Zoning By-law 1-88 | Variance requested |
|---|--|--|
| 2 | The maximum permitted encroachment of exterior stairs into the rear yard is 1.8 metres. (Section 4.15.2) | To permit exterior stairs to encroach a maximum of 3.1 metres into the required rear yard. |

HEARING INFORMATION

DATE OF MEETING: Thursday, July 28, 2022
TIME: 6:00 p.m.
MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan
LIVE STREAM LINK: 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
 If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: 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.

INTRODUCTION

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: | July 14, 2022 | |
| Date Applicant Confirmed Posting of Sign: | July 14, 2022 | |
| Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small> | Previous owner built the deck against city by-law requirement. | |
| Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small> | None | |
| Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*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.</small> | No | |
| Adjournment Fees: <small>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 after the issuance of public notice.</small> | | |
| 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 B for Development Planning Comments.

| | |
|---|------|
| Development Planning Recommended Conditions of Approval: | None |
|---|------|

DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

The Development Engineering (DE) Department does not object to the variance application A180/22.

| | |
|--|------|
| Development Engineering Recommended Conditions of Approval: | None |
|--|------|

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Parks: No comment
Forestry: Forestry has no comment.
Horticulture: No comment

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

| | |
|--|---|
| PFH Recommended Conditions of Approval: | Parks: None Forestry: None Horticulture: 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 comment | |
| BCLPS Recommended Conditions of Approval: | None |

BUILDING INSPECTION (SEPTIC) COMMENTS

| | |
|--|------|
| No comment | |
| Building Inspection Recommended Conditions of Approval: | None |

FIRE DEPARTMENT COMMENTS

| | |
|--|------|
| No comment | |
| 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 | Staff & 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 |
|------|---------------------|--------------------------|
| None | | |

IMPORTANT INFORMATION – PLEASE READ

CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (**see condition chart above for contact**). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

IMPORTANT INFORMATION – PLEASE READ

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.

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

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

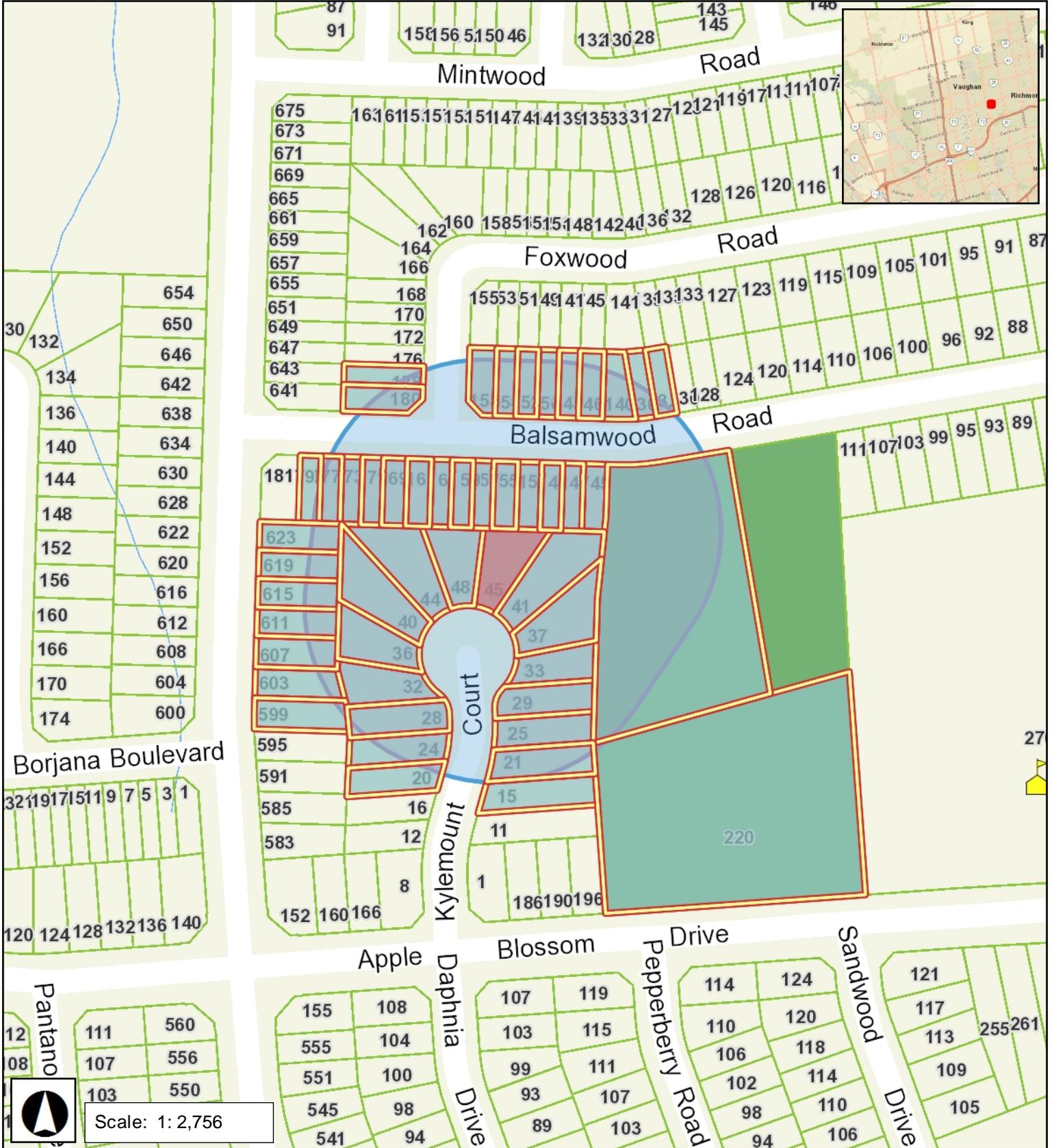
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

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

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

SCHEDULE A: DRAWINGS & PLANS

Rutherford Road



Scale: 1: 2,756

SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 25, 26, 27, 28,
29 AND 30
PLAN 65M-4401
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300
10m 5m 0 10m 20metres

RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

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

PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
ADDITIONAL COMMENTS: NOTE THE LOCATION OF CHAIN LINK FENCE ALONG THE REAR OF LOTS 25 TO 27.
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

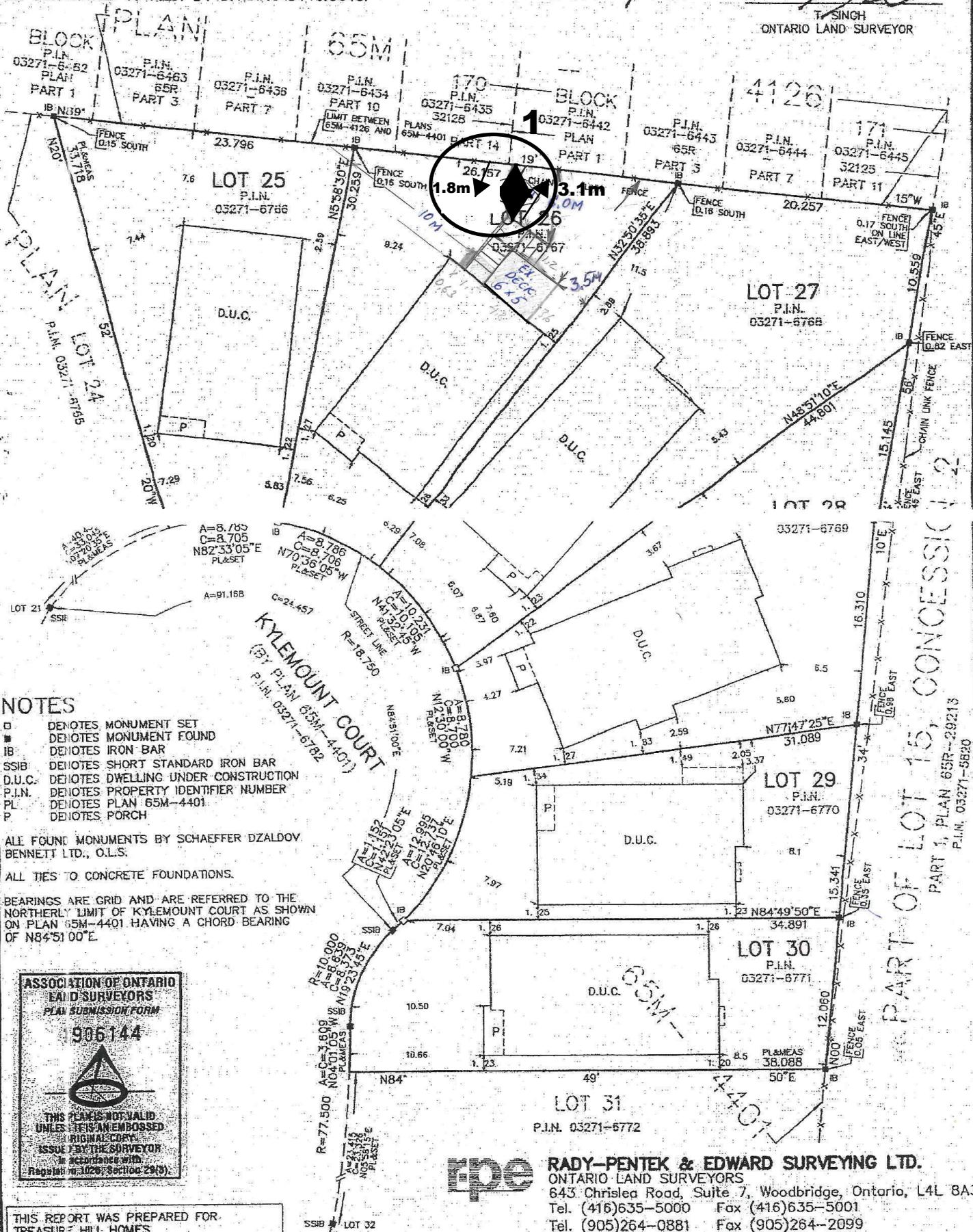
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULA
- 2. THE SURVEY WAS COMPLETED ON THE 10 DAY OF April, 2014.

DATE July 3, 2014.

T. Singh
T. SINGH
ONTARIO LAND SURVEYOR

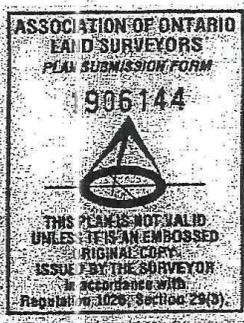


NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IB DENOTES IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 65M-4401
- P DENOTES PORCH

ALL FOUND MONUMENTS BY SCHAEFFER DZALDOV, BENNETT LTD., O.L.S.
ALL TIES TO CONCRETE FOUNDATIONS.

BEARINGS ARE GRID AND ARE REFERRED TO THE NORTHERLY LIMIT OF KYLEMOUNT COURT AS SHOWN ON PLAN 65M-4401 HAVING A CHORD BEARING OF N84°51'00"E.



THIS REPORT WAS PREPARED FOR TREASURE HILL HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.



RADY-PENTEK & EDWARD SURVEYING LTD.
ONTARIO LAND SURVEYORS
643 Chrislea Road, Suite 7, Woodbridge, Ontario, L4L 8A3
Tel. (416)635-5000 Fax (416)635-5001
Tel. (905)264-0881 Fax (905)264-2099
Website: www.r-pe.ca
DRAWN: V.H. CHECKED: G.Y./T.S.
CAD FILE No.4401-25 JOB No. 13-205

SCHEDULE B: STAFF & AGENCY COMMENTS

| DEPT/AGENCY | Circulated | Comments Received | Conditions | Nature of Comments |
|--|-------------------|--------------------------|-------------------|----------------------------------|
| TRCA *Schedule B | X | | | General Comments |
| 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 | | | No Comments Recieved to Date |
| 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: Committee of Adjustment
From: Christian Tinney, Building Standards Department
Date: June 24, 2022
Applicant: Johnathan Rosenburg Amanda Dolman
Location: PLAN 65M4401 Lot 26 municipally known as 45 Kylemount Court
File No.(s): A180/22

Zoning Classification:

The subject lands are zoned R4A(EN) – Fourth Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.729 under Zoning By-law 001-2021, as amended.

| # | Zoning By-law 001-2021 | Variance requested |
|---|---|--|
| 1 | The maximum permitted encroachment of access stairs into the rear yard is 1.8 metres. (Table 4-1) | To permit access stairs to encroach a maximum of 3.1 metres into the required rear yard. |

The subject lands are zoned RV4 – Residential Zone and subject to the provisions of Exception 9(1063) under Zoning By-law 1-88, as amended.

| # | Zoning By-law 1-88 | Variance requested |
|---|--|--|
| 2 | The maximum permitted encroachment of exterior stairs into the rear yard is 1.8 metres. (Section 4.15.2) | To permit exterior stairs to encroach a maximum of 3.1 metres into the required rear yard. |

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 16-003897 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

Other Comments:

| General Comments | |
|------------------|--|
| 1 | The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval. |

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

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

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: July 13, 2022
Name of Owner: Johnathan Rosenburg & Amanda Dolman
Location: 45 Kylemount Court
File No.(s): A180/22

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

1. To permit access stairs to encroach a maximum of 3.1 metres into the required rear yard.

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

1. The maximum permitted encroachment of access stairs into the rear yard is 1.8 metres.

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

2. To permit exterior stairs to encroach a maximum of 3.1 metres into the required rear yard.

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

2. The maximum permitted encroachment of exterior stairs into the rear yard is 1.8 metres.

Official Plan:

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

Comments:

The Owners are requesting to permit the existing deck stairs with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 2. The stairs wrap around the northwest and northeast sides of the deck within the rear yard. As the deck and stairs are at an angle to the rear lot line, only a portion of the stairs would utilize the full relief requested. The proposed setback between the rear lot line and stairs maintains sufficient space for access and drainage, will not have adverse impacts to the neighbouring properties, nor impact the function of the abutting uses.

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:

Michelle Perrone, Planner 1
David Harding, Senior Planner



Discover the possibilities

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

Mitchell Penner
Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

Adriana Bozzo

Subject: FW: [External] RE: A180/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (45 Kylemount Court, Vaughan)

From: Development Services <developmentsservices@york.ca>

Sent: July-08-22 5:33 PM

To: Adriana Bozzo <Adriana.Bozzo@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>; Kanji, Teema <Teema.Kanji@york.ca>

Subject: [External] RE: A180/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (45 Kylemount Court, Vaughan)

Hello Adriana,

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

Thank you,
Niranjan

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

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | niranjan.rajevan@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Please consider the environment before printing this email.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

None

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

None