

### COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A243/21

<b>AGENDA ITEM NUMBER: </b> 03	CITY WARD #: 4
APPLICANT:	Iouri Melekhovets and Tatiana Volossiouk
AGENT:	Daniel Falzon
PROPERTY:	79 Cedarpoint Ct Maple ON
ZONING DESIGNATION:	The subject lands are zoned RD3 9(1275) and subject to the provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None.
PURPOSE OF APPLICATION:	Relief from the Zoning By-law, is being requested to permit the construction of a proposed gazebo in the rear yard.

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

\*Please see **Schedule B** of this report for a copy of Development Planning 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	×			General Comments
Building Standards (Zoning Review)	×	×		General Comments
Building Inspection (Septic)	×			
Development Planning	×			Recommend Approval/No Conditions
Development Engineering	×	×		Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	$\boxtimes$	$\boxtimes$		No Comments no concerns
By-law & Compliance, Licensing & Permits	×	×		No Comments no concerns
Development Finance	$\boxtimes$			Recommend Approval/No Conditions
Real Estate				
Fire Department	×	×		No Comments no concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	×	×		Recommend Approval w/Conditions
Ministry of Transportation (MTO)	×			
Region of York	×	×		Recommend Approval/No Conditions
Alectra	×	×		Recommend Approval/No Conditions
Bell Canada	$\boxtimes$			
YRDSB				
YCDSB				
CN Rail				
OD D "				
CP Rail		i e		
CP Rail TransCanada Pipeline Metrolinx				

### **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
A179/16	05/19/2016	Approved by COA
A264/15	09/17/2015	Approved by COA

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 A243/21

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AGENT:	Daniel Falzon
PROPERTY:	79 Cedarpoint Ct Maple ON
ZONING DESIGNATION:	The subject lands are zoned RD3 9(1275) and subject to the
	provisions of Exception under By-law 1-88 as amended
VAUGHAN OFFICIAL PLAN	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
(2010) DESIGNATION:	
RELATED DEVELOPMENT	None.
APPLICATIONS:	
PURPOSE OF APPLICATION:	Relief from the Zoning By-law, is being requested to permit the
	construction of a proposed gazebo in the rear yard.

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

The subject lands are zoned R3 – Third Density Residential Zone and subject to the provisions of Exception 14.915 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. [4.1.2 b]	To permit a residential accessory structure with a height greater than 2.8 m to be located closer than 2.4 m to any lot line. (1.31 metre rear yard setback, 1.72 metre interior side yard setback)
2	In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m. [4.1.4 1]	To permit a maximum height of 3.29 metres for a residential accessory structure.

The subject lands are zoned RD3 – Residential Detached Zone Three and subject to the provisions of Exception 9(1275) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
3	A minimum rear yard setback of 7.5 metres is required. [Schedule A3]	To permit a minimum rear yard setback of 1.31 metres for an accessory structure (gazebo).
4	The minimum interior side yard shall be 3.5 metres on a lot abutting a non-residential use including a walkway, Greenway, buffer block or stormwater management pond. [Schedule A3, Specific Zone Note 3i)]	To permit a minimum interior side yard setback of 1.72 metres for an accessory structure (gazebo).
5	The maximum width of a driveway at the street curb and a curb cut shall be six (6) metres. [4.1.4 fi)]	To permit a maximum driveway width and a curb cut of 6.63 metres at the street curb.
6	The portion of the driveway between the street line and the street curb shall not exceed six (6) metres in width. [4.1.4 fiii)]	To permit the portion of the driveway between the street line and the street curb to be 8.38 metres in width.
7	A maximum driveway width of 8.55 metres is permitted on the lot, based on a lot frontage of 17.1 metres, per Surveyor's Certificate dated December 10, 2009. [4.1.4 fv)]	To permit a maximum driveway width of 8.72 metres on the lot.

### **HEARING INFORMATION**

DATE & TIME OF HEARING: March 3, 2022 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

### **PUBLIC PARTICIPATION**

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a Public Deputation Form to cofa@vaughan.ca by noon on the last business day prior to the hearing.

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 must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca

For more information, please visit the City of Vaughan website.

### 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:	February 16, 2022
Date Applicant Confirmed Posting of Sign:	February 23, 2022
Applicant Justification for Variances: *As provided by Applicant in Application Form	Irregular lot shape.
Adjournment Requests (from staff):  *Adjournment requests provided to applicant prior to issuance of public notice	No

### Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:

\*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.

### **Adjournment Fees:**

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.

Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

### **BUILDING STANDARDS (ZONING) COMMENTS**

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

No

### **BUILDING STANDARDS (ZONING) COMMENTS**

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

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001. Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

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

line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

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	
The Development Engineering (DE) Department does not object to variance application A243/21.	
Development Engineering None Recommended Conditions of	
Approval:	

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry has no comments at his time	
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	None	
Approval:	None	

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

FIRE DEPARTMENT COMMENTS	
No comment no concerns	
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					
	<b>required</b> ". 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.					
#	· · · · · · · · · · · · · · · · · · ·					
1	1 TRCA 1. That the applicant provides the required fee					
	hamedeh.razavi@trca.ca amount of \$610.00 payable to the Toronto and					
		Region Conservation Authority.				

### **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.

**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.

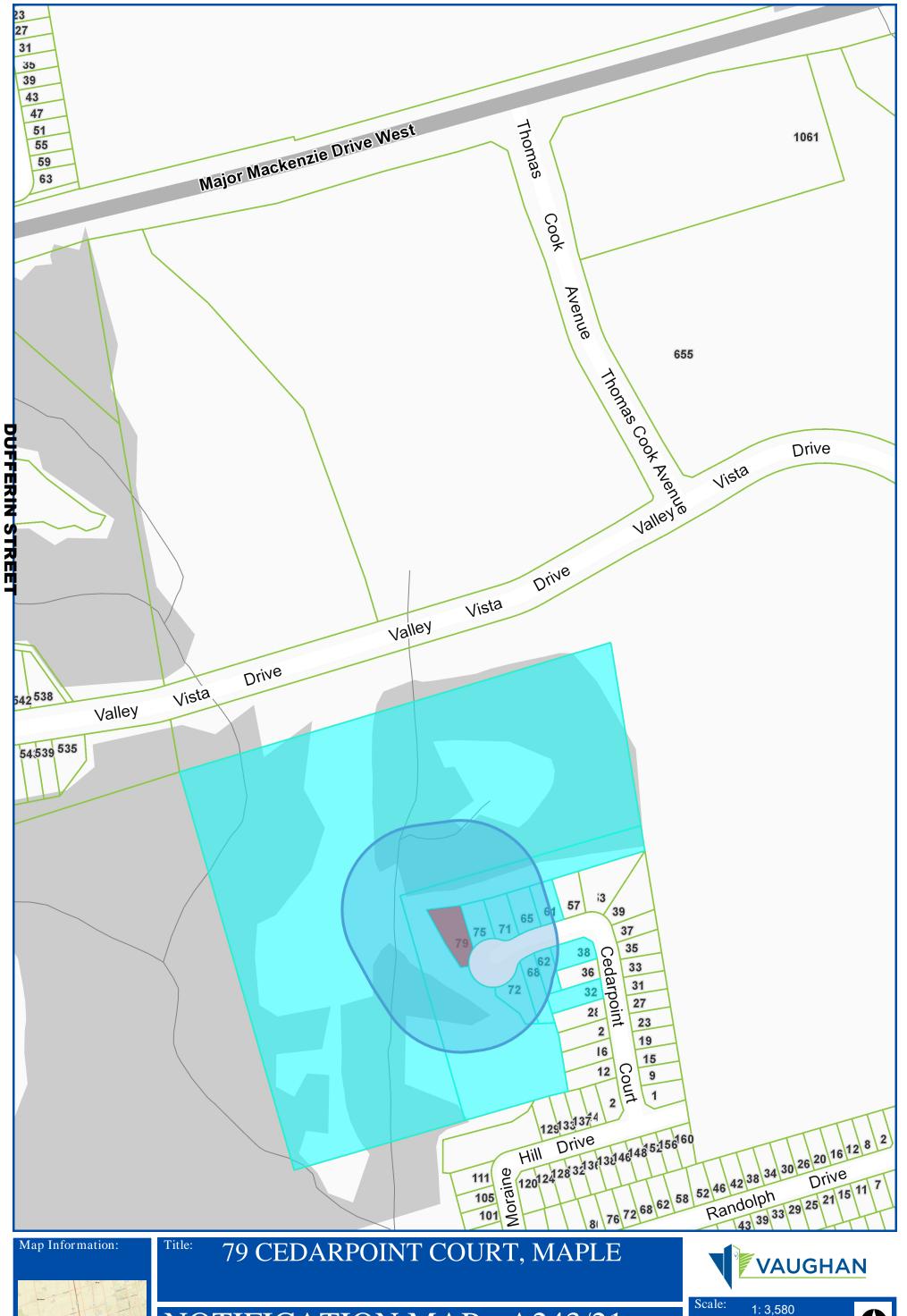
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

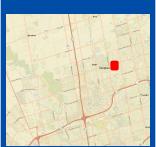
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

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**







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 esponsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



February 15, 2022 11:54 AM

Department



UTM Zone

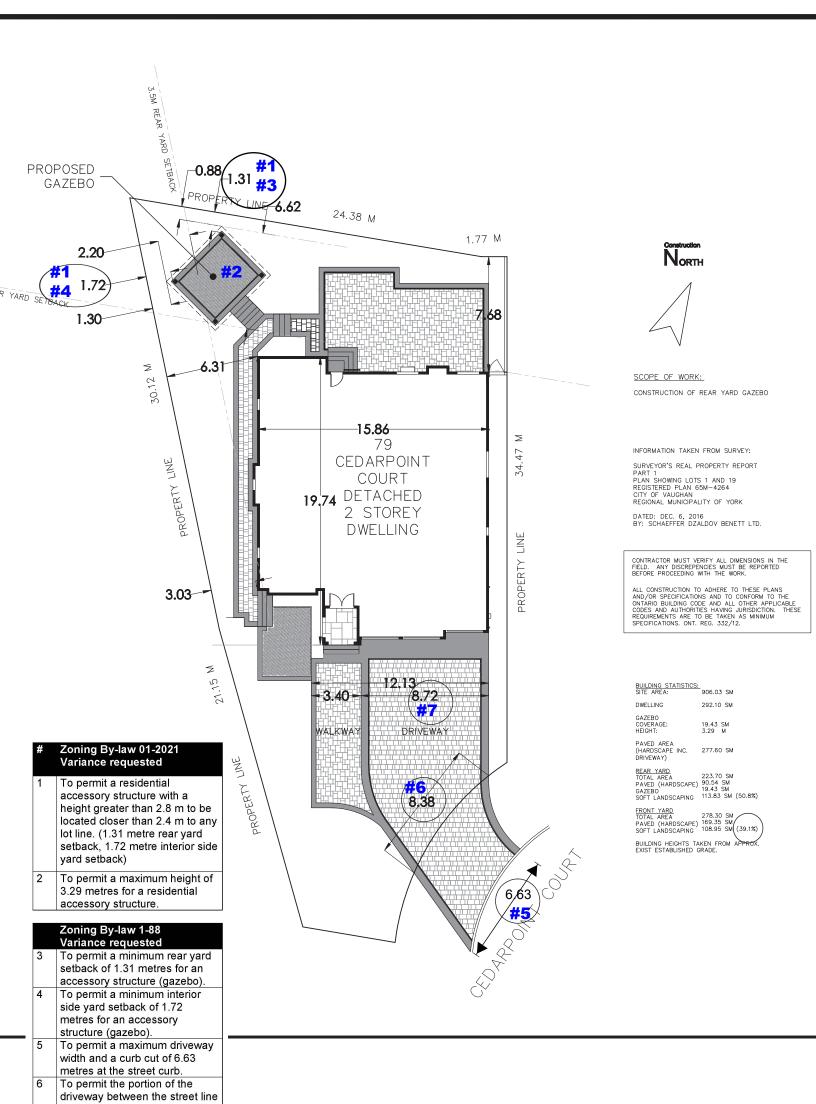
## Revised

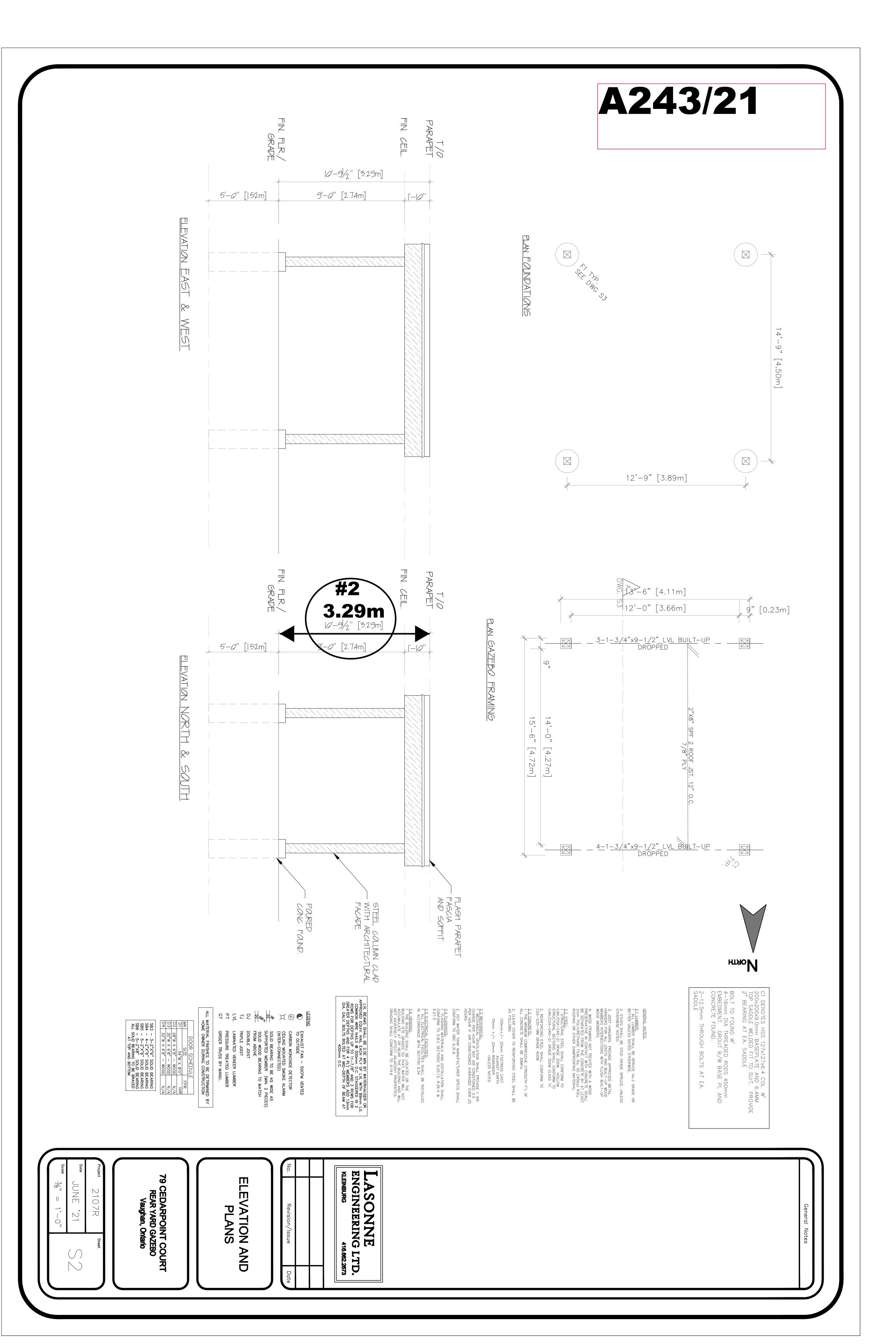
January 28, 2022

and the street curb to be 8.38

To permit a maximum driveway width of 8.72 metres on the lot.

metres in width.





NEW January 14, 2022

A243/21

THERE ARE NO PROPOSED GRADING ALTERATIONS REQUIRED AS PART OF THE PROPOSED WORK

3.03

21.15 M

ب 40 • ALL PROPERTY DIMENSION:
N METERS UNLESS
OTHERWISE NOTED

PROPERTY LINE

79 CEDARPOINT COURT COURT DETACHED 2 STOREY DWELLING

INFORMATION TAKEN FROM SURVEY:
SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN SHOWING LOTS 1 AND 19
REGISTERED PLAN 65M-4264
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

DATED: DEC. 6, 2016 BY: SCHAEFFER DZALDOV BENETT LTD. PROPOSED
GAZEBO
2.20
2.20
1.72

PROPERTY LINE 6.62
24.38
6.31

 $\leq$ 

PRIVER CUT

PAVED AREA (HARDSCAPE INC. DRIVEWAY)

BUILDING STATISTICS: SITE AREA:

292.10 SM 292.10 SM 19.43 SM 3.29 M

WALKWAY

PROPERTY LINE

PROPERTY LINE 34.47 M

CONTRACTOR MUST VERIFY ALL DIMENSIONS IN THE FIELD. ANY DISCREPENCIES MUST BE REPORTED BEFORE PROCEEDING WITH THE WORK.

ALL CONSTRUCTION TO ADHERE TO THESE PLANS AND/OR SPECIFICATIONS AND TO CONFORM TO THE ONTARIO BUILDING CODE AND ALL OTHER APPLICAB CODES AND AUTHORITIES HAVING JURISDICTION. THE REQUIREMENTS ARE TO BE TAKEN AS MINIMUM SPECIFICATIONS. ONT. REG. 332/12.

SCOPE OF WORK:

CONSTRUCTION OF REAR YARD GAZEBO

North

FRONT YARD
TOTAL AREA

PAVED (HARDSCAPE) 169.35 SM
SOFT LANDSCAPING

BUILDING HEIGHTS TAKEN FROM APPROX.
EXIST ESTABLISHED GRADE.

79 CEDARPOINT COURT CABANA
Vaughan, Ontario

Project 2107R

Scale 1:125

Revision/Issue Date

LASONNE ENGINEERING LTD.

### SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	$\boxtimes$			Recommend Approval w/Conditions
Ministry of Transportation (MTO)	$\boxtimes$			
Region of York				Recommend Approval/No Conditions
Alectra	$\boxtimes$			Recommend Approval/No Conditions
Bell Canada	$\boxtimes$			
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx				
Propane Operator				
Development Planning	×			Recommend Approval/No Conditions

### memorandum



To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

**Date:** March 3, 2022

Name of Owner: Iouri Melekhovets and Tatiana Volossiouk

**Location:** 79 Cedarpoint Court

File No.(s): A243/21

### Proposed Variance(s) (By-law 01-2021):

- 1) To permit a residential accessory structure with a height greater than 2.8 m to be located closer than 2.4 m to any lot line. (1.31 m rear yard setback, 1.72 m interior side yard setback)
- 2) To permit a maximum building height of 3.29 m for a residential accessory structure.

### By-Law Requirement(s) (By-law 01-2021):

- 1) A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. [4.1.2 b)]
- 2) In any residential zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m [4.1.4 1]

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

- 3) To permit a minimum rear yard setback of 1.31 m for an accessory structure (gazebo).
- 4) To permit a minimum interior side yard setback of 1.72 m for an accessory structure (gazebo).
- 5) To permit a maximum driveway width and a curb cut of 6.63 m at the street curb.
- 6) To permit the portion of the driveway between the street line and the street curb to be 8.38 m in width.
- 7) To permit a maximum driveway width of 8.72 m on the lot.

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

- 3) A minimum rear yard setback of 7.5 m is required. [Schedule A3]
- 4) The minimum interior side yard shall be 3.5 m on a lot abutting a non-residential use including a walkway, greenway, buffer block or stormwater management pond. [Schedule A3, specific zone note 3i)]
- 5) The maximum width of a driveway at the street curb and a curb cut shall be six (6) m. [4.1.4 fi)]
- 6) The portion of the driveway between the street line and the street curb shall not exceed six (6) m in width. [4.1.4 fiii)]
- 7) A maximum driveway width of 8.55 m is permitted on the lot, based on a lot frontage of 17.1 m, per Surveyor's Certificate date December 10, 2009. [4.1.4 fv)]

### Official Plan:

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

### Comments:

The Owners are requesting permission to construct an accessory structure (gazebo) in the rear yard and maintain an existing driveway with the above noted variances.

The Development Planning Department has no objection to the variances, as the proposal remains compatible and consistent with the surrounding structures in the area. For Variances #1, #2, #3 and #4, the decrease in setbacks and increase in height are appropriate given the gazebo is measured at a pinch point and is not in direct line of sight to any abutting properties.

For Variances #5, #6, and #7, the Urban Design Division of the Development Planning Department have reviewed the increase in street curb, curb cut, and driveway width and provided no objection as the variances will not negatively impact the streetscape.

### memorandum



The Development Planning Department is of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are 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 condition of approval is recommended:

None

### **Comments Prepared by:**

Roberto Simbana, Planner I Chris Cosentino, Senior Planner



### **COMMENTS:**

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

### **Lenore Providence**

**Subject:** FW: [External] RE: Request for Comments A243/21 (79 Cedarpoint Ct. Maple)

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

## Sent: January-31-22 10:20 AM

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

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

Subject: [External] RE: Request for Comments A243/21 (79 Cedarpoint Ct. Maple)

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

### Gabrielle

**Gabrielle Hurst mcip rpp** | Programs and Process Improvement | Planning and Economic Development Branch | Corporate Services Department | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca



February 22, 2022 CFN 66448.01 X-Ref CFN 65869

### SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

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

Dear Christine:

Re: Minor Variance Application A243.21

Part of Lot 19, Concession 2

79 Cedarpoint Court

City of Vaughan, Region of York

Owner: Iouri Melekhovets, Tatiana Volossiouk

Agent: Lasonne Engineering Limited c/o Daniel Falzon

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on January 31, 2022. 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.

#### Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following variances under both Zoning By-Law 01-2021 and By-Law 1-88:

### By-Law 01-2021

1. To permit a residential accessory structure with a height greater than 2.8 m to be located closer than 2.4 m to any lot line. (1.31 metre rear yard setback, 1.72 metre interior side yard setback),

- whereas a residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
- 2. To permit a maximum height of 3.29 metres for a residential accessory structure, whereas in any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m.

### By-Law 1-88

- 1. To permit a minimum rear yard setback of 1.31 metres for an accessory structure (gazebo), whereas a minimum rear yard setback of 7.5 metres is required.
- 2. To permit a minimum interior side yard setback of 1.72 metres for an accessory structure (gazebo), whereas the minimum interior side yard shall be 3.5 metres on a lot abutting a non-residential use including a walkway, Greenway, buffer block or stormwater management pond.
- 1. To permit a maximum driveway width and a curb cut of 6.63 metres at the street curb, whereas the maximum width of a driveway at the street curb and a curb cut shall be six (6) metres.
- 2. To permit the portion of the driveway between the street line and the street curb to be 8.38 metres in width, whereas the portion of the driveway between the street line and the street curb shall not exceed six (6) metres in width.
- 3. To permit a maximum driveway width of 8.72 metres on the lot, whereas a maximum driveway width of 8.55 metres is permitted on the lot, based on a lot frontage of 17.1 metres, per Surveyor's Certificate dated December 10, 2009.

The noted variances are being requested to facilitate the construction of a gazebo at the rear yard.

### **Ontario Regulation 166/06**

A portion of the subject lands are located within TRCA's Regulated Area due to the presence of an unevaluated wetland to the northwest and a Provincially Significant Wetland to the southwest of the subject property. 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**

The north and west of the subject property are adjacent to an Open Space block established as part of the Draft Plan of Subdivision 19T-03V01 (Phase 2A). The natural features were delineated through the subdivision process, appropriate buffers were applied, and a portion of lands were conveyed to TRCA.

TRCA issued a permit to facilitate the construction of a gazebo at the rear yard and landscaping at the front and rear yard on October 8, 2021 (TRCA Permit No. C-211179).

Based on a review of the plans submitted with this variance application, TRCA is satisfied that the noted works are consistent with the plans that were approved as a part of the TRCA Permit C-211179. As such, TRCA has no concerns with the proposed variance.

#### 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.

### Recommendations

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A243.21 subject to the following condition:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,

Hamedeh Razavi

Planner I

**Development Planning and Permits** 

HR/mh

## SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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

## SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A179/16	05/19/2016	Approved by COA
A264/15	09/17/2015	Approved by COA



### **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:** 

A179/16

APPLICANT:

**Thornhill Ravine Development Corporation** 

**PROPERTY:** 

Part of Lot 19, Concession 2 (Lot 5 of Registered Plan 65M-4264) municipally known

as 79 Cedarpoint Court, Maple.

**ZONING:** 

The subject lands are zoned RD3, Residential Detached Zone Three, subject to

Exception 9(1275) under By-law 1-88 as amended.

**PURPOSE:** 

To permit the construction of a residential dwelling with attached garage

**PROPOSAL:** 

1. To permit a maximum interior garage width of 8.6 metres.

2. To permit a garage to project 3.35 metres into the front yard where there is a

covered and unenclosed porch.

**BY-LAW** 

1. A maximum interior garage width of 6.096 metres is permitted.

**REQUIREMENT:** 

2. No garage shall project into the front yard more than 2.0 metres beyond the most distant point of any wall at the ground floor level where there is a covered and

unenclosed porch.

BACKGROUND INFORMATION:

**Other Planning Act Applications** 

The land which is the subject in this application was also the subject of another application

under the Planning Act:

A264/15- Reducing side yard setback to 0.3m- APPROVED on Sept 17 2015

A sketch is attached illustrating the request.

MOVED BY: May Maul

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. A179/16, Thornhill Ravine Development Corporation, be APPROVED, in accordance with the sketches attached

### **COMMITTEE OF ADJUSTMENT VARIANCE**

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:

H. Zheng, Chair M. Mauti, Vice Chair R. Buckler Member

Member

A. Perrella, Member cella

<u>CERTIFICATION</u>

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:** 

MAY 19, 2016

**Last Date of Appeal:** 

**JUNE 8, 2016** 

### **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 \$125.00 for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

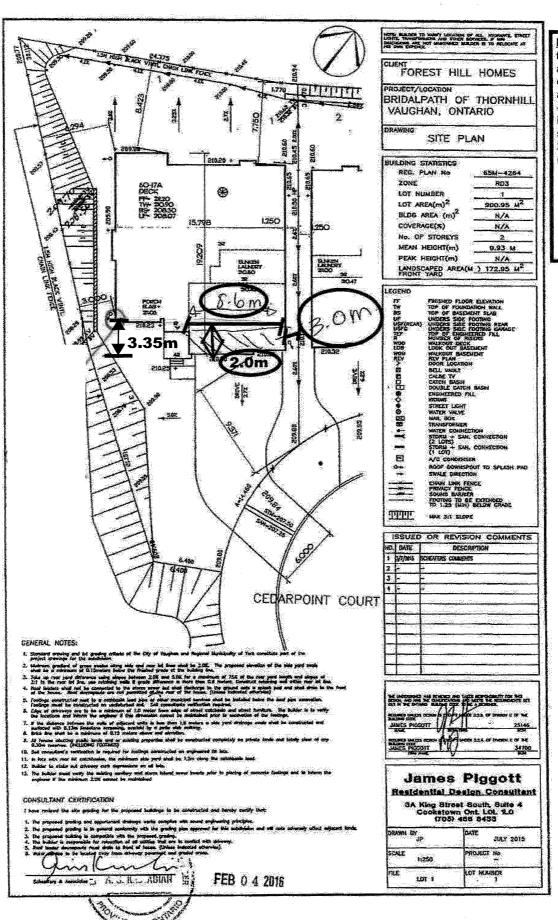
<u>NOTE</u>: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the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

JUNE 8, 2017

A179/16



Proposal: To permit the construction of a residential dwelling with attached garage

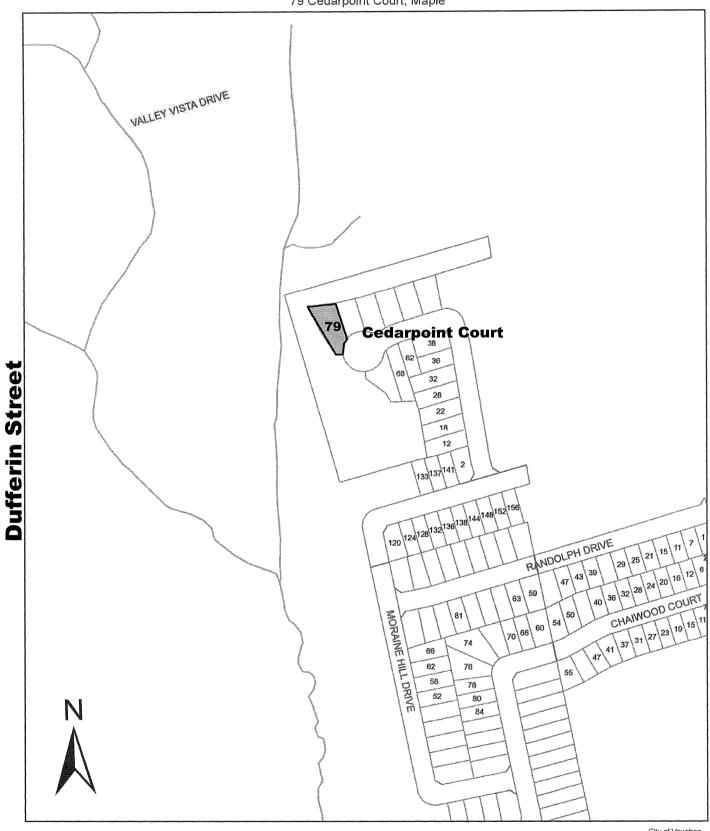
- To permit an increase in garage size (width) from 2.504m to 8.6m (increase of 6.096M)

- To permit an increase in projection of garage into front yard of 1.0m to 3.35m



## Location Map- A179/16

79 Cedarpoint Court, Maple



City of Vaughan

0.2 Kilometers Rutherford Road

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 expressed or implied.



### COMMITTEE OF ADJUSTMENT

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

## NOTICE OF DECISION

**FILE NUMBER:** 

A264/15

**APPLICANT:** 

THORNHILL RAVINES DEVELOPMENT CORPORATION

PROPERTY:

Part of Lot 19, Concession 2 (Lot 1, Registered Plan 65M-4264), municipally known

as 79 Cedarpoint Court, Maple.

**ZONING:** 

The subject lands are zoned RD3, Residential Detached Zone Three and subject to

the provisions of Exception 9(1275) under By-law 1-88 as amended.

**PURPOSE:** 

To permit the construction of a proposed two-storey single family detached

dwelling.

required.

PROPOSAL:

1. To permit a minimum interior side yard of 3.0 metres on a lot abutting a non-

residential use.

**BY-LAW REQUIREMENT:** 

1. A minimum interior side yard of 3.5 metres on a lot abutting a non-residential use is

**BACKGROUND** 

**INFORMATION:** 

**Other Planning Act Applications** 

The land which is the subject in this application was also the subject of another application

under the Planning Act:

Plan of Subdivision - 19T-03V01 (Subdivision plan as part of community planning of Block 11)

Zoning By-law Amendment - Z.03.003

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.

THAT Application No. A264/15, THORNHILL RAVINES DEVELOPMENT CORPORATION, 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.

CHAIR:

: Devela

Signed by all members present who concur in this decision:

A. Perrella,

Chair

H. Zheng,

Vice Chair

R. Buckler,

Member

J. Cesario Member M. Mauti, Member

**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**

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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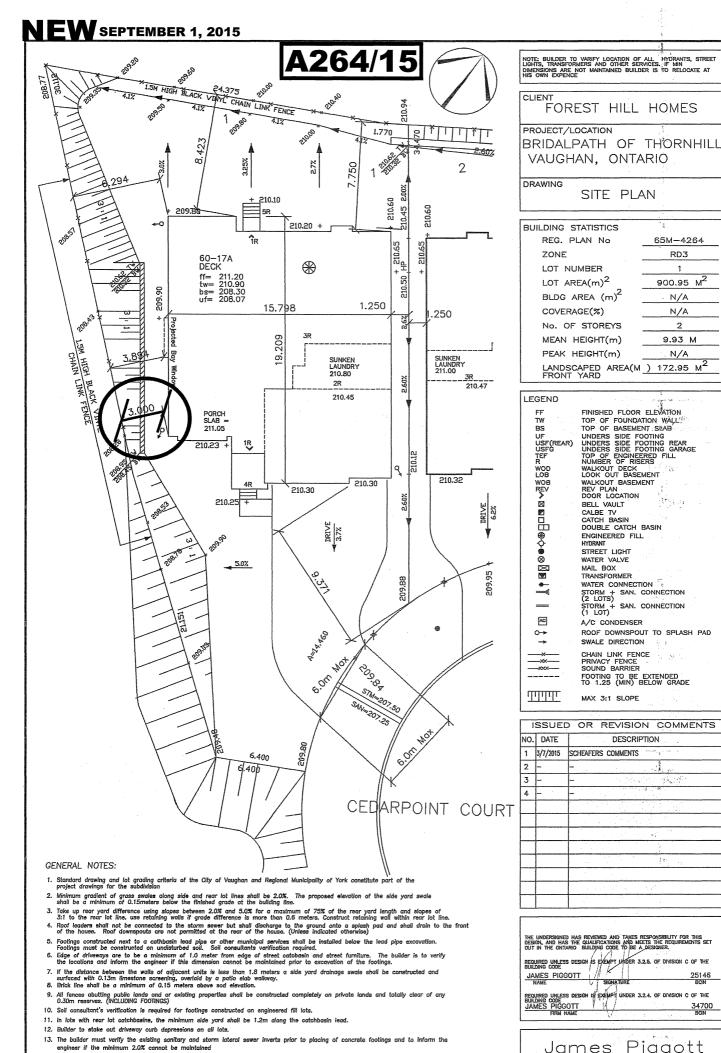
Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$650.00 processing fee, paid by **certified cheque** 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".

<u>NOTE</u>: 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:

OCTOBER 7, 2016



James Piggott Residential Design Consultant

3A King Street South, Suite 4 Cookstown Ont. LOL 1LO (705) 458 8433

DRAWN BY JP	DATE JULY 2015
SCALE 1:250	PROJECT: No
FILE LOT 1	LOT NUMBER

CONSULTANT CERTIFICATION

I have reviewd the site grading for the proposed buildings to be constructed and hereby certify that:

- 1. The proposed grading and appurtenant drainage works complies with sound engineering principles.
  2. The proposed grading is in general conformity with the grading plan approved for this subdivision and will note adversely affect adjacent law.
  3. The proposed building is compatible with the proposed grading.
  4. The builder is responsible for relocation of all utilities that are in conflict with driveway.
  5. Roof leader downspouts must drain to front of house. (Unless indicated otherwise).
  6. Water service to be located away from driveway pavement and graded areas.

Scheaffers & Associates



## Location Map - A264/15

79 Cedarpoint Court

