



File: A187/18

Applicant: Boris Kisliv

Address: 368 Highcliffe Drive, Thornhill

Agent: Eden Engineering & Design Inc.

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None

Background History: None



Minor Variance
Application

Agenda Item: 5

A187/18

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing:	Thursday, June 13, 2019
Applicant:	Boris Kisliv
Agent:	Eden Engineering & Design Inc.
Property:	368 Highcliffe Drive, Thornhill
Zoning:	The subject lands are zoned R3 and subject to the provisions of Exception 9(460) under By-law 1-88 as amended.
OP Designation:	VOP 2010: "Low-Rise Residential"
Related Files:	None
Purpose:	Relief from the By-Law is being requested to permit the construction of a proposed secondary suite located in the basement of the existing dwelling.

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

By-law Requirement	Proposal
1. No part of an attached garage shall be converted into a Secondary Suite.	1. To permit a portion of the garage to be converted into part of the secondary suite unit.
2. The Secondary Suite entrance is required to be located on the side or rear wall of the dwelling.	2. To permit the Secondary Suite entrance to be located in the front yard.
3. The Secondary Suite entrance shall not be located closer to the front lot line than the main entrance of the abutting lot.	3. To permit the Secondary Suite entrance to be located closer to the front lot line than the main entrance of the abutting lot.

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

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: None

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until 4:00 p.m. on the last business day prior to the day of the scheduled Meeting.

Committee of Adjustment:
Public notice was mailed on May 29, 2019

Applicant confirmed posting of signage on May 25, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	1997

Applicant has advised that they cannot comply with By-law for the following reason(s): The secondary unit requires the variances.

Adjournment Request:
None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: None

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

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

Exterior steps and stairs are not permitted to encroach beyond 1.2m from the interior side lot line

Building Inspections (Septic):

No comments or concerns

Development Planning:

The Owner is requesting permission to make interior and exterior alterations to allow the continued use of a secondary suite with the above noted variances.

The Owner revised the previous proposal which identified the entrance to the secondary suite on the north side of the building within the side yard, however the entrance did not maintain the required 1.2 m side yard setback and unobstructed path for emergency access. The entrance to the secondary suite is now proposed on the south side of the garage, and oriented inward to the property, with minimal exposure to the street. The Development Planning Department has no objection to the location of the door which accesses the secondary suite (Variances 2 and 3).

A portion of the garage area will be converted into a staircase which leads to the basement of the dwelling, where the secondary suite is located. This area has been interpreted to be part of the secondary suite, however it contains no living space and will only contain the enclosed staircase which leads to the basement. The minimum required 3 parking spaces will still be maintained on the lot. As such, the Development Planning Department has no objection to Variance 1.

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

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A187/18.

Additional Notes:

- 1) Following a revised submission of the plans, the Owner is now proposing interior garage renovations to incorporate a secondary suite entrance from the garage rather than the side yard as previously proposed (revised due to inadequate existing side yard setback). The current proposal identifies one (1) parking space within the garage with adequate dimensions (3.5m wide by 6.29m long) and two (2) parking spaces within the driveway with adequate length (6.54m).

Transportation Division of DE has reviewed the current proposal and albeit the width of the driveway is slightly under the minimum required for two (2) parking spaces (i.e. 6m), Transportation has no objection to the minor reduction of 0.11m (i.e. 5.89m wide).

- 2) It appears the existing house location indicates a side yard setback of approx. 0.6m to the garage. The Owner shall confirm any additional required variances with Zoning & Development Planning.

Parks Development:

No Response.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment, no concerns.

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections
MTO - No concerns outside permit control area

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

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

Should the Committee 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.

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

WRITTEN SUBMISSIONS: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

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

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

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

Adriana MacPherson

T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

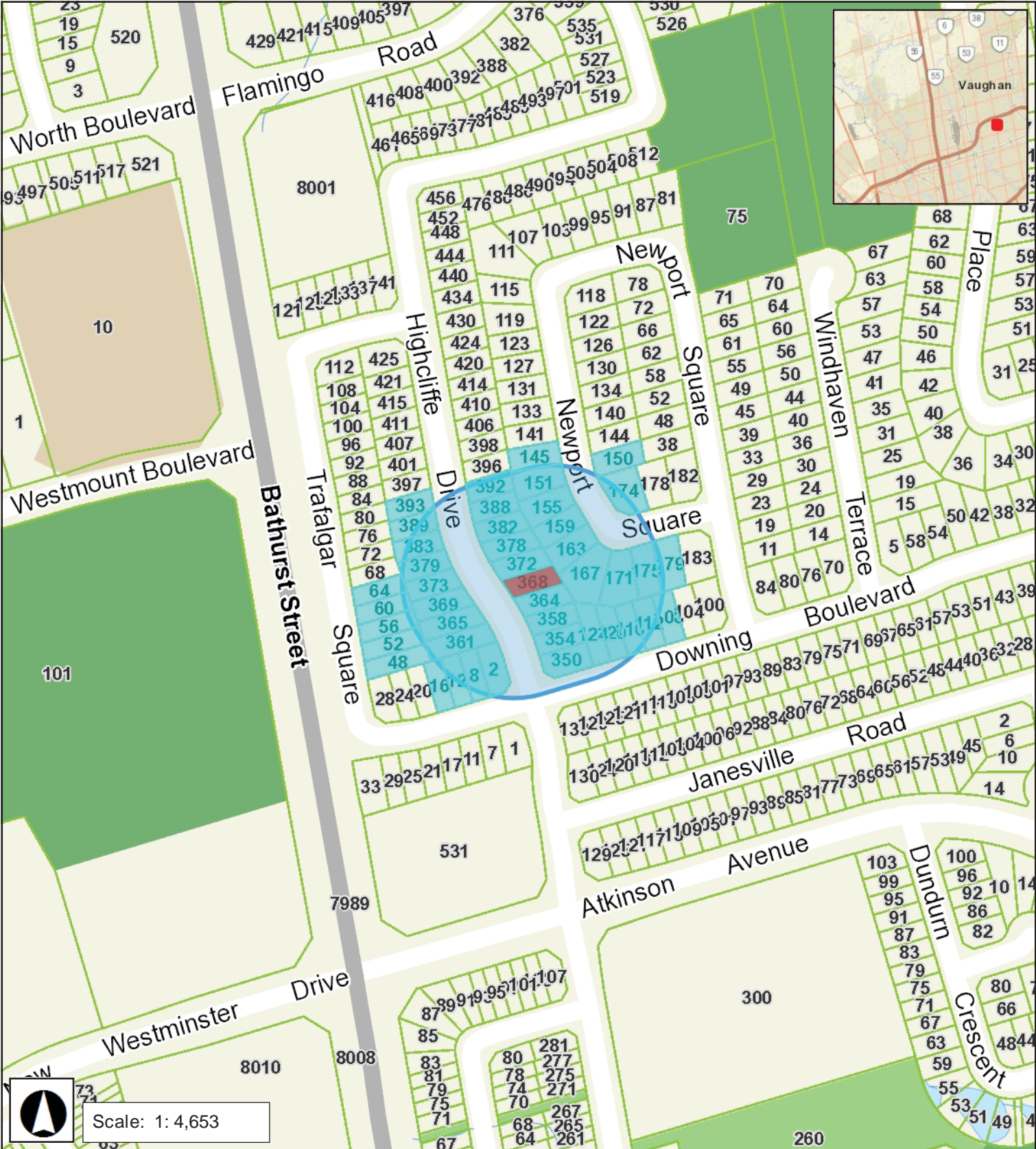
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



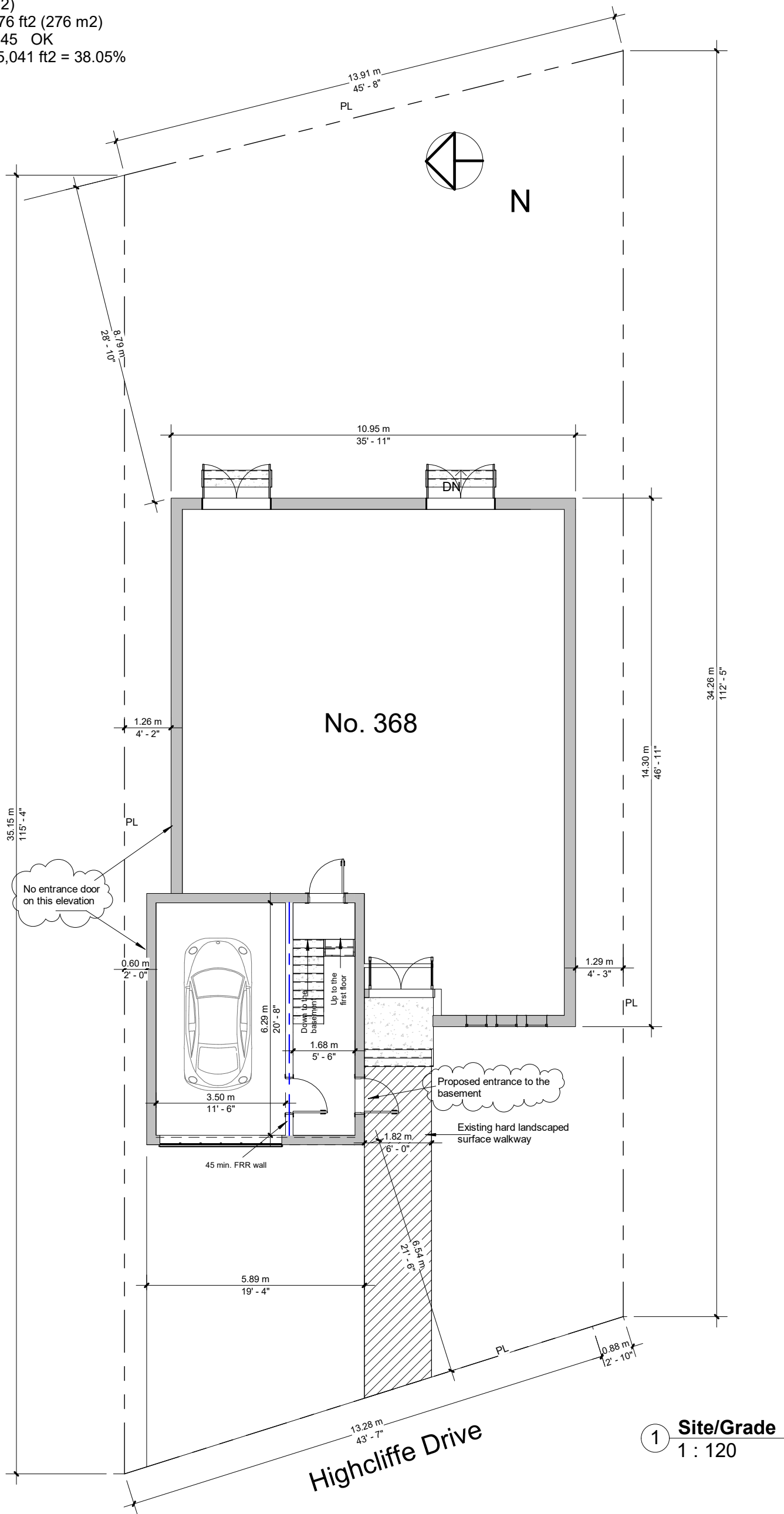
A187/18 - Buffer Map

368 Highcliffe Drive, Thornhill

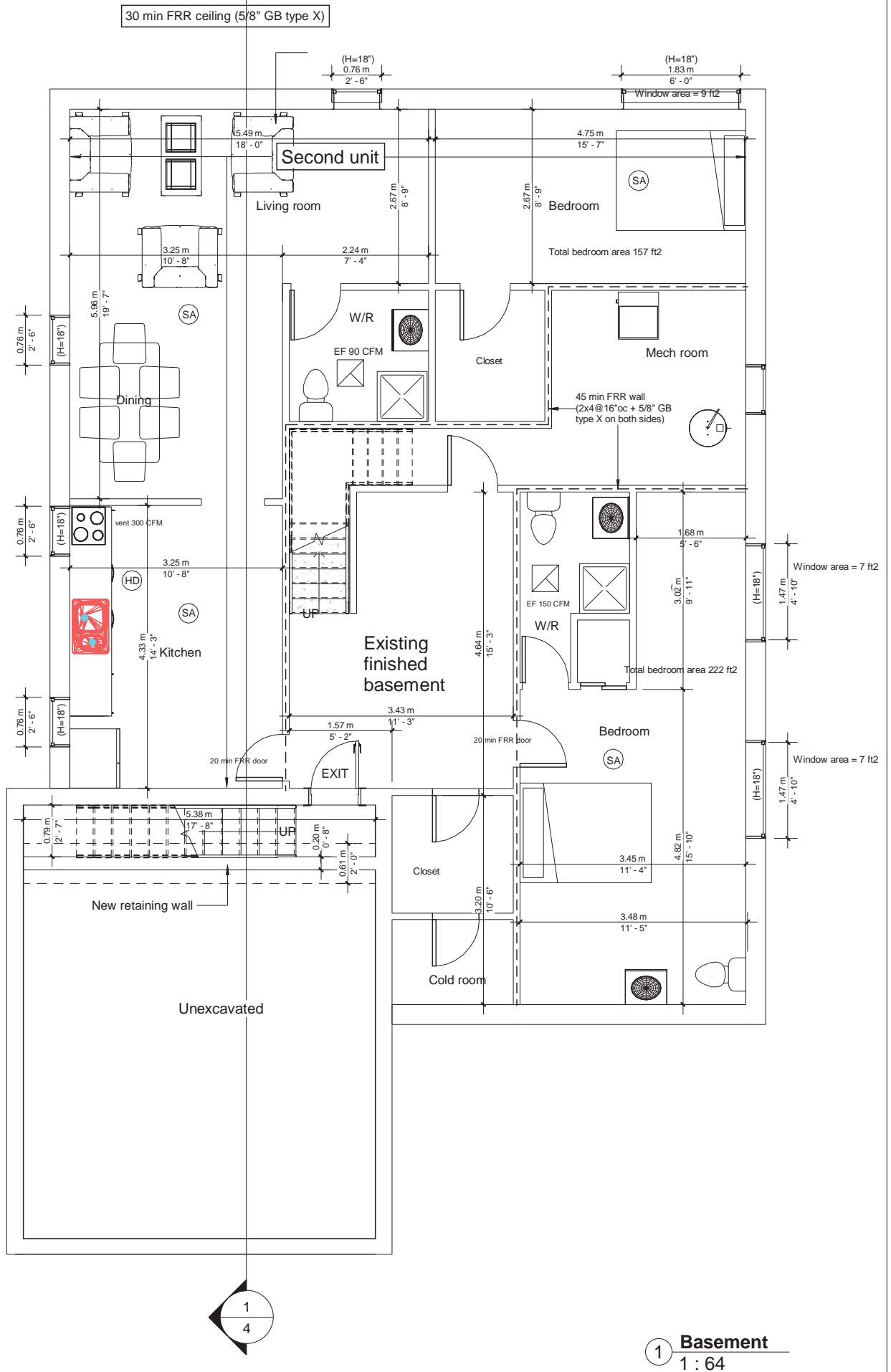


- Proposal:**
- 1. To permit a portion of the garage to be converted into part of the secondary suite unit.
 - 2. To permit the Secondary Suite entrance to be located in the front yard.
 - 3. To permit the Secondary Suite entrance to be located closer to the front lot line than the main entrance of the abutting lot.

First floor area : 1,488 ft2 (138 m2)
Second floor : 1,488 ft2 (138 m2)
Totoal first + second floor : 2,976 ft2 (276 m2)
1,106 ft2 / 2,976 ft2 = 0.37 < 0.45 OK
Proposed coverage 1,918 ft2/ 5,041 ft2 = 38.05%



Drawn By		Date	Revision	Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled		<p>Eden Engineering & Design Inc. Consulting Engineers</p> <p>34 Pheasant Valley Ct. Markham, ON L3T2H1 Tel : 416-876-0957 Fax : 905-248-3595 E-mail : info@edenengineering.ca</p>	368 Highcliffe Dr. Vaughan, ON.
		24.12.2018	Increase in garage length (depth)				
		22.1.2019	Change the location of the walkout door				
Checked By		18.2.2019	Change the location of the basement stairs				
Date	20.6.2018						1



Drawn By	Date	Revision
	24.12.2018	Increase in garage length (depth)
Checked By		
Date	20.6.2018	

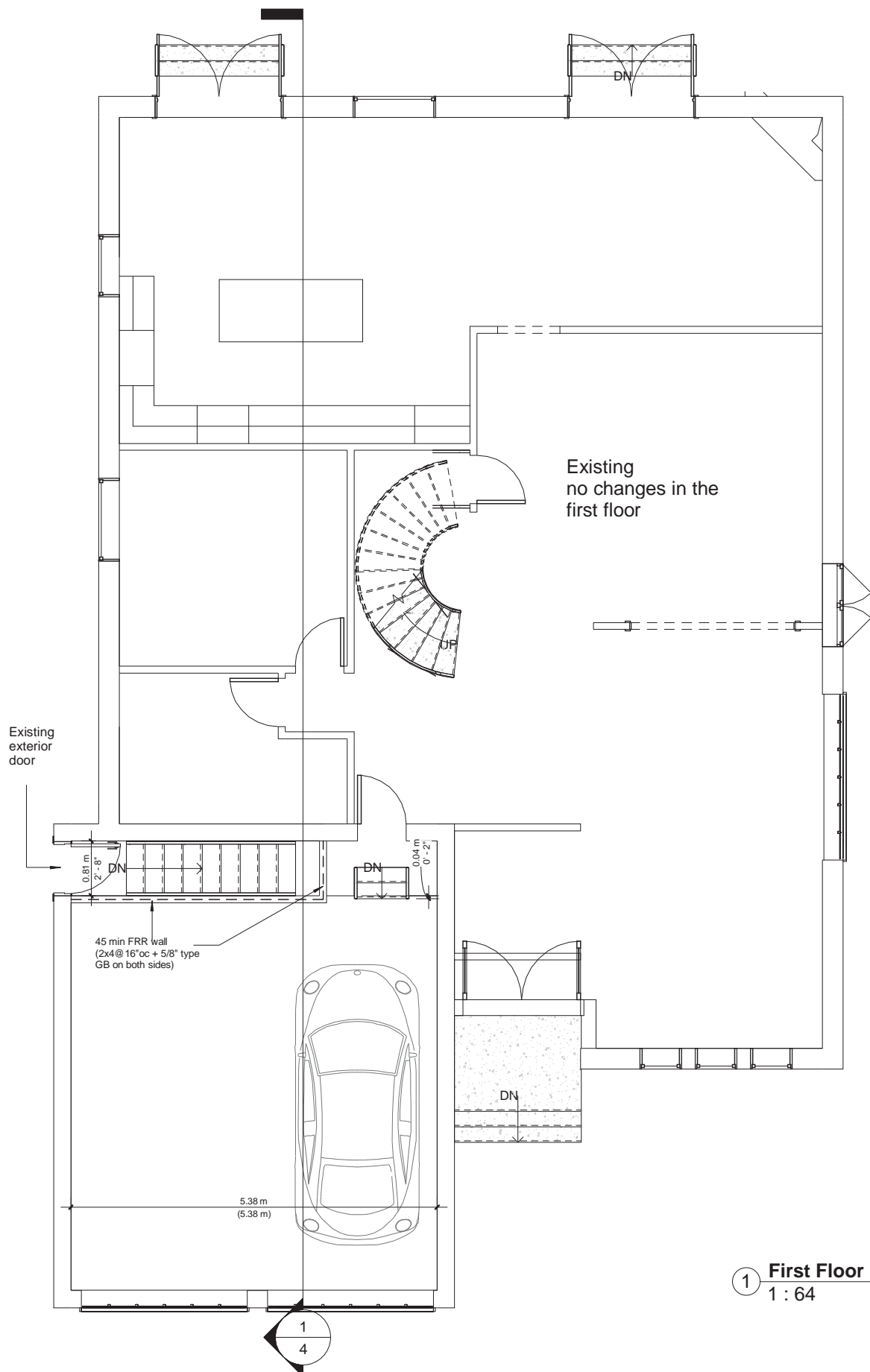
Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled



20.6.2018
A. Yerushalmi
100070815
PROVINCE OF ONTARIO

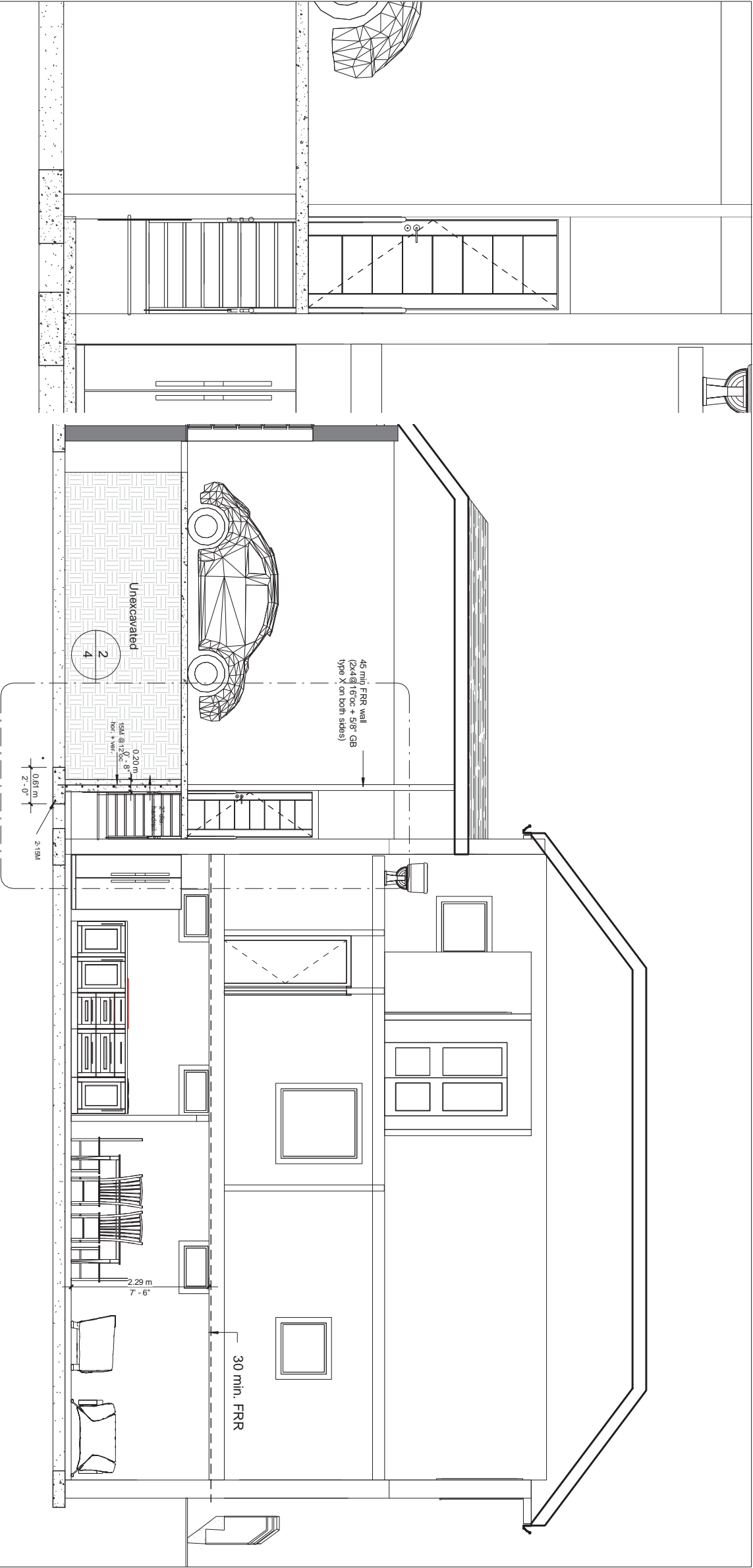
Eden Engineering & Design Inc.
Consulting Engineers
34 Pheasant Valley Ct.
Markham, ON L3T2H1
Tel : 416-876-0957
Fax : 905-248-3595
E-mail : info@edenengineering.ca

368 Highcliffe Dr.
Vaughan, ON.

2



Drawn By		Date	Revision	Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled		 Eden Engineering & Design Inc. <i>Consulting Engineers</i>	34 Pheasant Valley Ct. Markham, ON L3T2H1 Tel : 416-876-0957 Fax : 905-248-3595 E-mail : info@edenengineering.ca	368 Highcliffe Dr. Vaughan, ON.	3
		24.12.2018	Increase in garage length (depth)						
Checked By									
Date	20.6.2018								



2 Section 1 - Callout 1
1 : 32

1 Section 1
1 : 64

Drawn By		Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled		 Eden Engineering & Design Inc. <i>Consulting Engineers</i> 34 Pleasant Valley Ct. Markham, ON L3T2H1 Tel : 416-576-0957 Fax : 905-248-3595 E-mail : info@edenengineering.ca	Date	Revision	4	368 Highcliffe Dr. Vaughan, ON.
Checked By	AY							
Project issue date	2.6.2018							

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- MTO - No concerns, outside permit control area

MacPherson, Adriana

Subject: FW: A187/18 - Request for Comments
Attachments: A187-18 - Circ.pdf

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: November-07-18 2:59 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: FW: A187/18 - Request for Comments

Good Afternoon Adriana,
The Regional Municipality of York has completed its review of the above Minor Variance application and has no comment.
Regards,

Gabrielle Hurst, MCIP.RPP. C.Tech

Programs and Process Improvement | Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | Our Values: Integrity, Commitment, Accountability, Respect, Excellence



COMMENTS:

☐

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

☒

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

☐

We have reviewed the proposed Variance Application and have the following concerns (attached below).

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

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

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

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

References:

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

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

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: REQUEST FOR COMMENTS

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: October-29-18 11:59 AM
To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>
Cc: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>
Subject: REQUEST FOR COMMENTS

Hello Christine,

MTO Highway Corridor Management Section has reviewed the locations of the following Applications for Minor Variance:

- A183/18** - 133 Longview Cr Woodbridge ON
- A187/18** - 368 Highcliffe Dr, Thornhill, ON

The properties listed above appear to be located outside of the MTO Permit Control Area, and therefore an MTO Building & Land Use Permit from this office is not required. At this time, this office has no further comments.

Please do not hesitate to contact me if you have any further questions.

Thank you,

Paul Nunes | Corridor Management Officer
Ministry of Transportation | Corridor Management Section | York Region
159 Sir William Hearst Avenue, 7th floor Building D, Downsview, ON M3M 0B7
(416) 235-5559 | paul.nunes@ontario.ca



A Strong Transportation Future Together

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