



File: A224/18

Applicant: Bekir Elmaagacli

Address: 46 Briarose Ave Kleinburg

Agent: Andrew Dean or Sandra Wojtecki

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 <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
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"/>	<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: N/A

Background History: N/A



Minor Variance
Application

A224/18

Agenda Item: 12

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, August 22, 2019

Applicant: Bekir Elmaagacli

Agent: Andrew Dean or Sandra Wojtecki

Property: 46 Briarose Ave Kleinburg ON

Zoning: The subject lands are zoned RR and subject to the provisions of Exception 9(768) under By-law 1-88 as amended.

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

Related Files: None

Purpose: Relief from the by-law is being requested to permit the construction of a proposed single family dwelling.

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

By-law Requirement	Proposal
1. A maximum lot coverage of 10% for the proposed single detached dwelling is permitted.	1. To permit a maximum lot coverage of 18.95% for the proposed single detached dwelling.
2. A maximum building height of 11.0m for the proposed single detached dwelling is permitted.	2. To permit a maximum building height of 12.95m for the proposed single detached dwelling.
3. A maximum driveway width of 9.0m is permitted.	3. To permit a maximum driveway width of 16.76m.

Background (previous applications approved by the Committee on the subject land): N/A

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: N/A

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 August 7, 2019

Applicant confirmed posting of signage on July 23, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	1970 (purchased 2017)

Applicant has advised that they cannot comply with By-law for the following reason(s):
The RR zoning designation is designed for rural areas, when applied to a site that is more accurately defined as suburban. The coverage and height requirements are too restrictive for the size of the lot compared to the surrounding real estate.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file

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.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Area"

The owner is requesting permission to permit a maximum lot coverage of 18.95% for the proposed single detached dwelling, building height of 12.95m for the proposed single detached dwelling, and maximum driveway width of 16.76m.

A site visit was conducted by Development Planning Staff on July 9, 2019. An arborist report was submitted on March 27, 2019 and prepared by Baker Turner Inc. A second revision, which incorporated several comments, was submitted to the satisfaction of the Urban Design Department on June 27, 2019.

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.

Cultural Heritage (Urban Design):

The subject property is not designated under the Ontario Heritage Act, is not included in the Register of Property of Cultural Heritage Value and is not noted as a property of interest to Cultural Heritage Division, as per the City of Vaughan Heritage Inventory. Therefore, there are no cultural heritage concerns regarding the subject property.

The subject property lies in an area identified as a being of high archaeological potential in the City's database of archaeological resources. An archaeological assessment will not be required; however, the owner is advised that standard clauses apply:

- i. Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport, the City of Vaughan's Policy Planning and Urban Design and Recreation and Culture Departments shall be notified immediately.
- ii. In the event that human remains are encountered during construction activities, the proponent must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A224/18 subject to the following condition(s):

- 1) 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. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply.
- 2) The owner/applicant shall visit the City of Vaughan Transportation Services Division of the Transportation Services, Parks and Forestry Operations Department and arrange a site visit with City Staff to ensure that the proposed driveway does not conflict with existing street furniture, neighboring access, road alignment and/or anything else deemed relevant by City Staff upon inspection. In conjunction with this condition, the owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation Services Division.

Parks Development:

No comment or concerns.

By-Law and Compliance, Licensing and Permit Services:

No comment or concerns.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
None

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections
MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)
None

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

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

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

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

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	1. 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. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply. 2. The owner/applicant shall visit the City of Vaughan Transportation Services Division of the Transportation Services, Parks and Forestry Operations Department and arrange a site visit with City Staff to ensure that the proposed driveway does not conflict with existing street furniture, neighboring access, road alignment and/or anything else deemed relevant by City Staff upon inspection. In conjunction with this condition, the owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation Services Division.

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

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

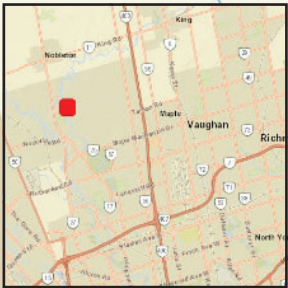
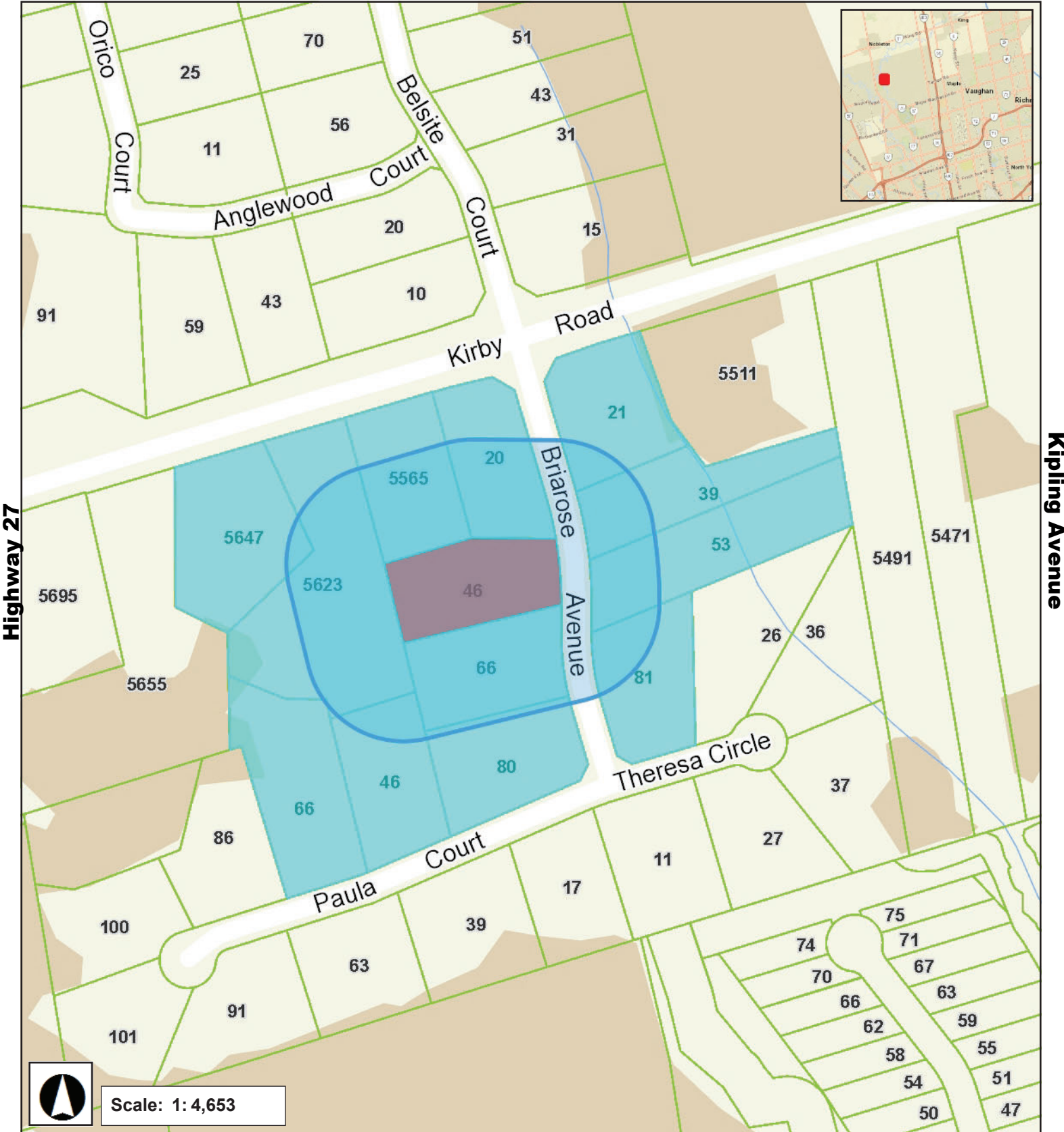
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map
Sketches



LOCATION MAP - A224/18

46 BRIAROSE AVENUE, KLEINBURG



Highway 27

Kipling Avenue



Scale: 1: 4,653

Teston Road

August 1, 2019 2:14 PM

A224/18

LOT COVERAGE = 18.95%

16.76m

PLAN

LOT 2

P.I.N. 03347-0075 (L1)

N76°25'20"E

N13°41'55"W

54.00

N73°40'30"E

60.37

N89°32'55"W

107.68

1°44'
N0°13'15"E

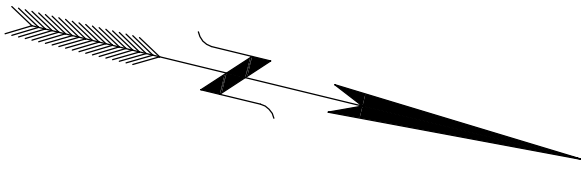
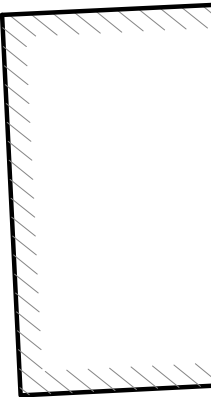
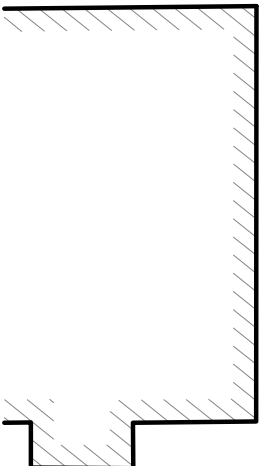
SITE PLAN
SCALE: 1:200



ELMAGACU B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841

RICHARD WENGLE
ARCHITECT INC.



91'-9"
[27.94m]

36'-10 1/2"
[11.23m]

34'-0 1/2"
[10.38m]

55'-0"
[16.76m]

113'-1 1/2"
[34.47m]

17'-5 1/2"
[5.32m]
(5.31m)

19'-11 1/2"
[6.08m]
(6.07m)

19'-6"
[4.57m]

40'-1 1/2"
[12.23m]

25'-9"
[7.85m]

44'-0"
[13.41m]

26'-6"
[8.08m]

15'-0"
[4.57m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

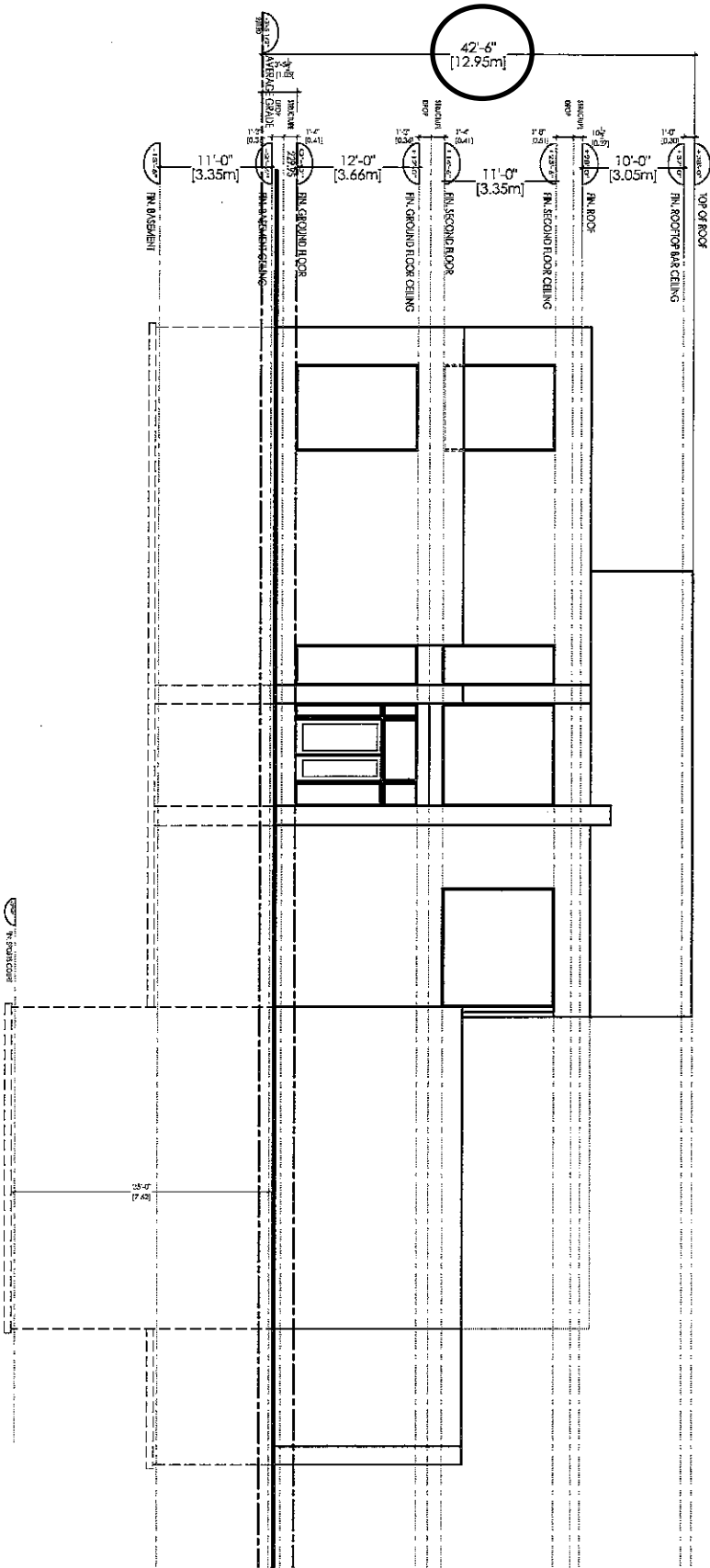
24'-0 1/2"
[7.33m]

24'-0 1/2"
[7.33m]

FRONT ELEVATION
SCALE: 1:200



RICHARD WENGLE
ARCHITECT INC.



ELMAGACIL B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841

N73°40'30"E

N89°32'55"W

65M-2667

LOT 2

P.I.N. 03347-0015 (L1)

SITE PLAN
SCALE: 1:800

ELMAGACIL B & H RESIDENCE

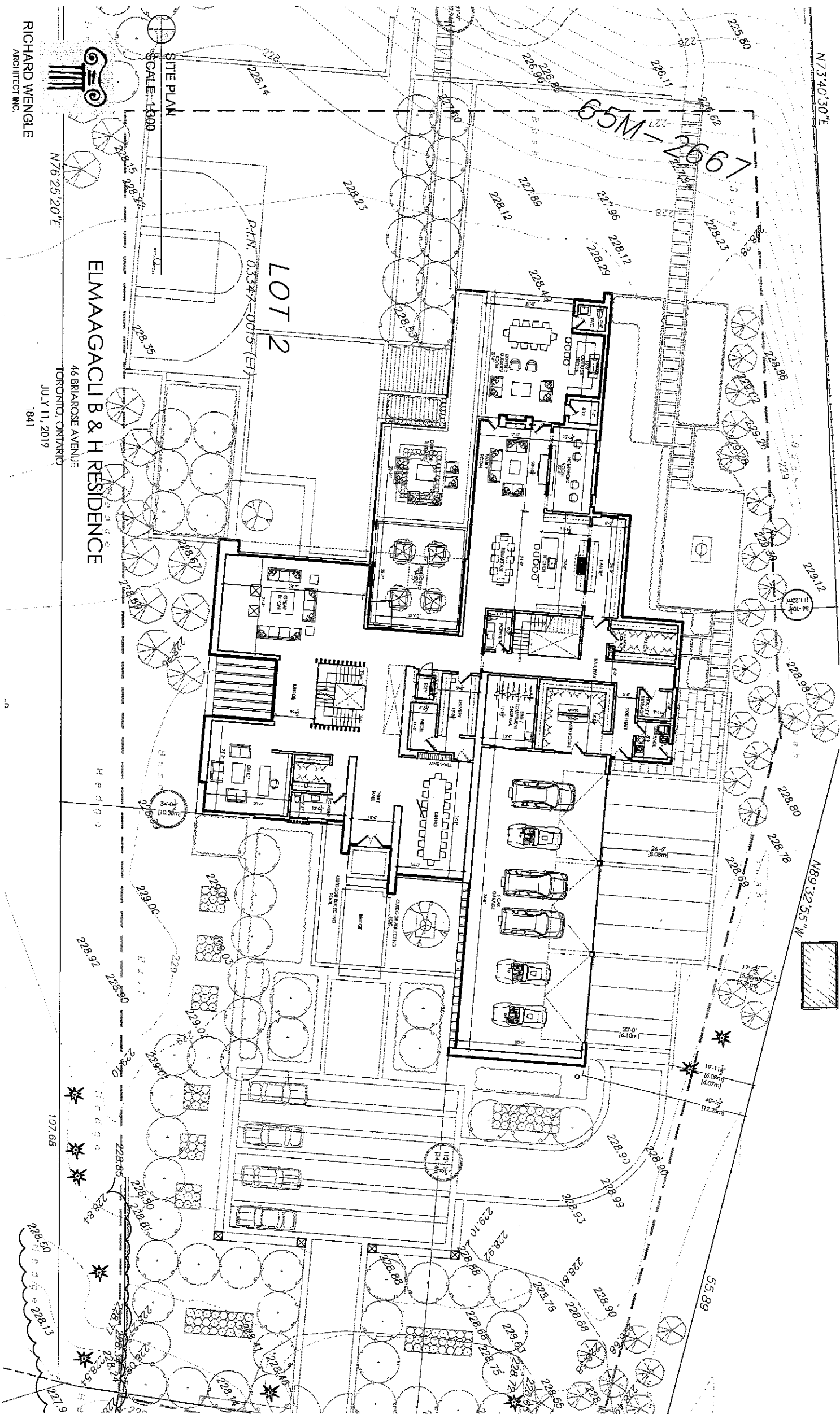
46 BRIAROSE AVENUE
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RICHARD WENGLE
ARCHITECT INC.

N76°25'20"E

107.68



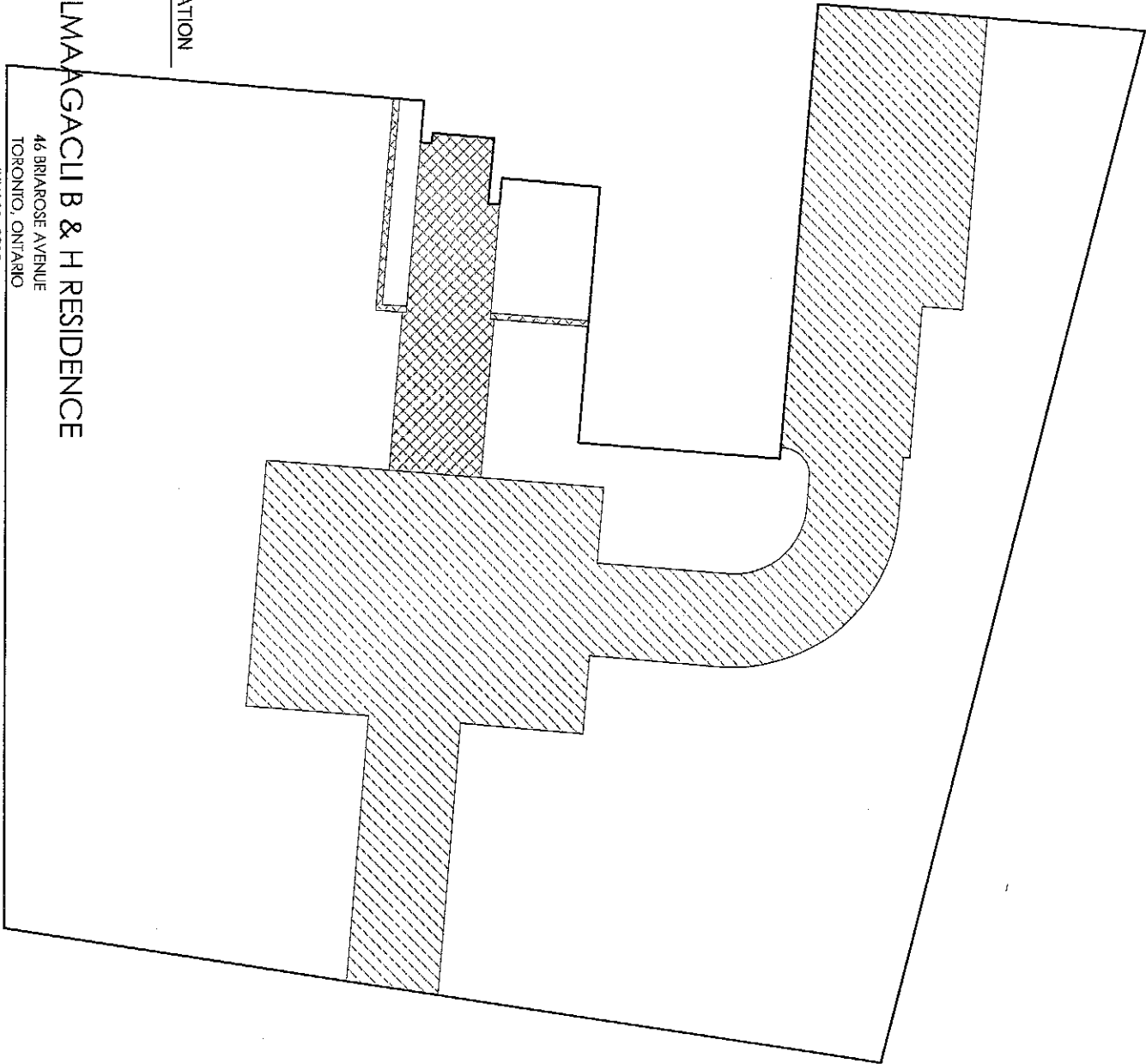


ELMAGACLI B & H RESIDENCE

46 BRIAROSE AVENUE
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FRONT YARD AREA: 2097.77 SM

HARDSCAPED AREA:

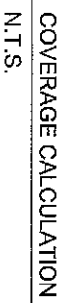
521.82 SM (24.87%) OF
FRONT YARD

LANDSCAPED AREA (1575.95 SM):

HARD LANDSCAPED
AREA
76.34 SM (4.84%)

SOFT LANDSCAPED
AREA
1499.61 SM (95.16%)

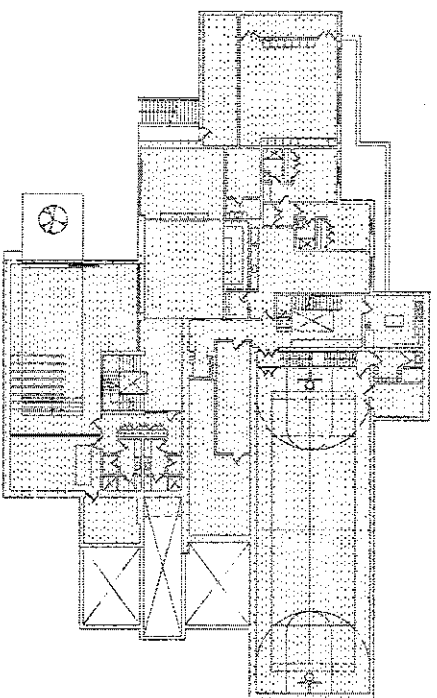
Architectural floor plan of the first floor of a building. The plan shows a large central hall with a circular staircase, a large rectangular room with a circular staircase, and a large rectangular room with a circular staircase. The plan also shows a large rectangular room with a circular staircase, a large rectangular room with a circular staircase, and a large rectangular room with a circular staircase. The plan is oriented with the entrance at the top.



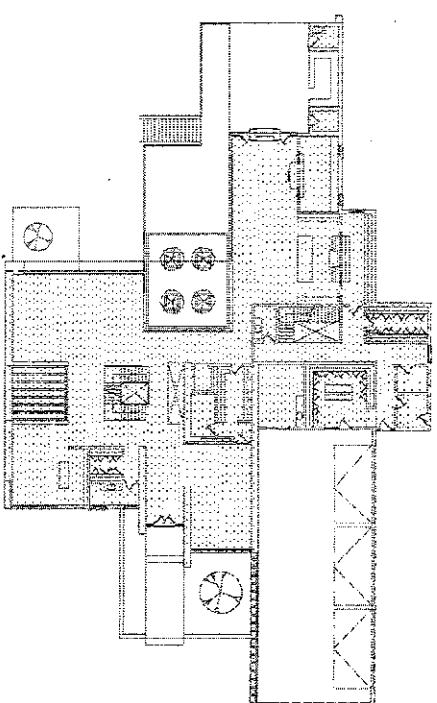
46 BRIAROSE AVENUE
TORONTO, ONTARIO

RICHARD WENGLE
ARCHITECT INC.

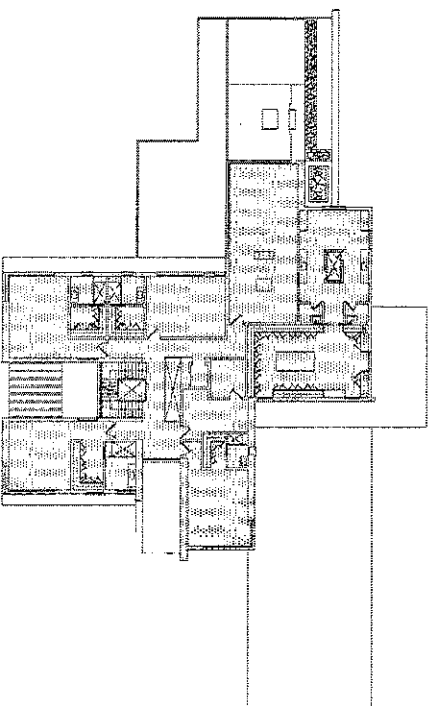
COVERAGE AREA=12, 109.05 S.F.
=1124.93 SM
=18.94%



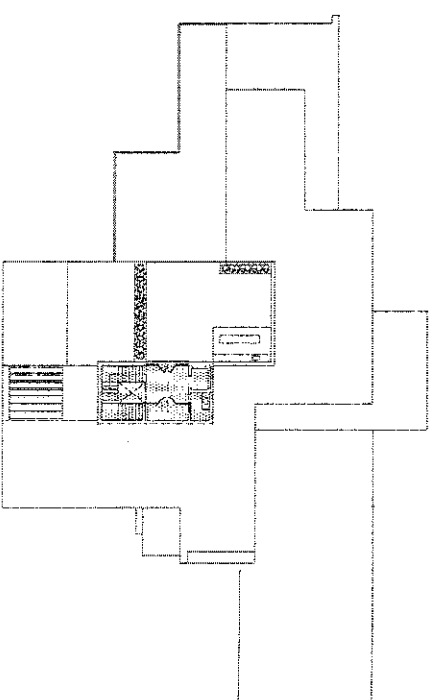
BASEMENT AREA: 12,066 S.F.



GROUND FLOOR AREA: 7,585 S.F.
(EXCLUDING GARAGE)

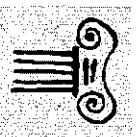


SECOND FLOOR AREA: 5,757 S.F.



THIRD FLOOR AREA: 508 S.F.

AREA CALCULATIONS
N.T.S.



ELMAGACIL B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
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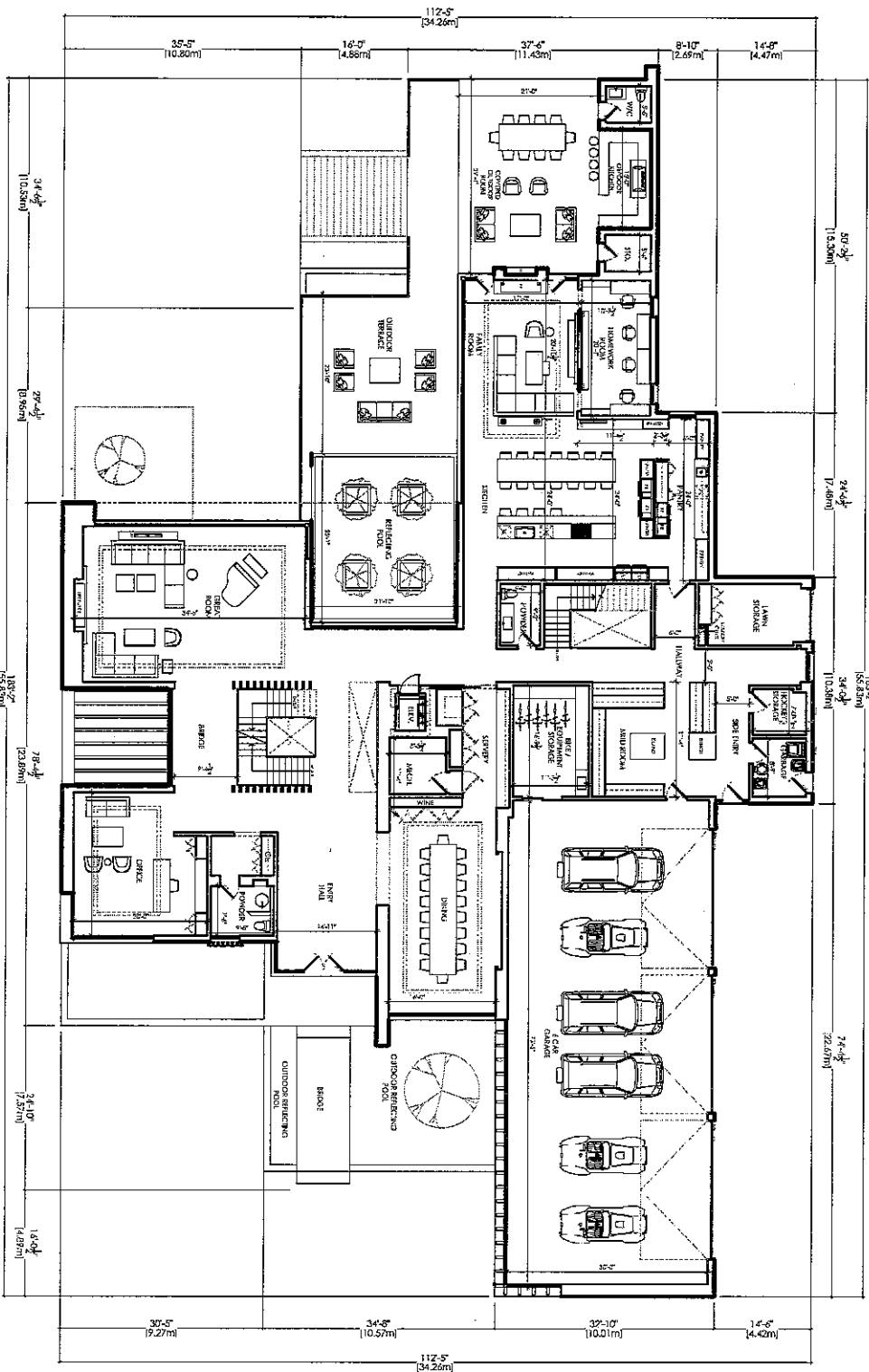
TOTAL ABOVE GRADE AREA: 13,850 S.F.

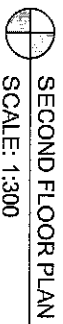


GROUND FLOOR PLAN
SCALE: 1:300

ELMAGACIL B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841





SECOND FLOOR PLAN

SCALE: 1:300



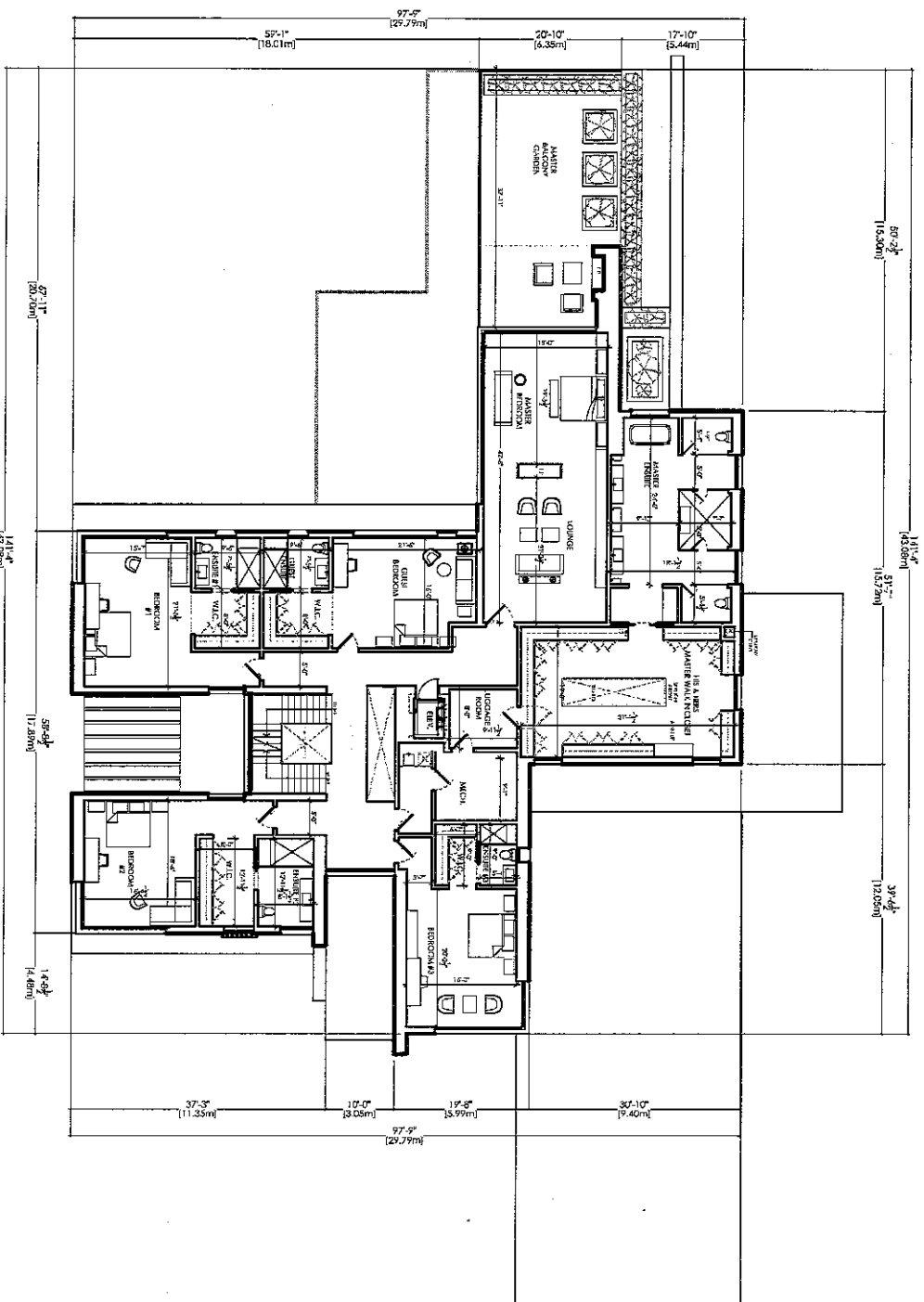
RICHARD WENGLE
ARCHITECT INC.

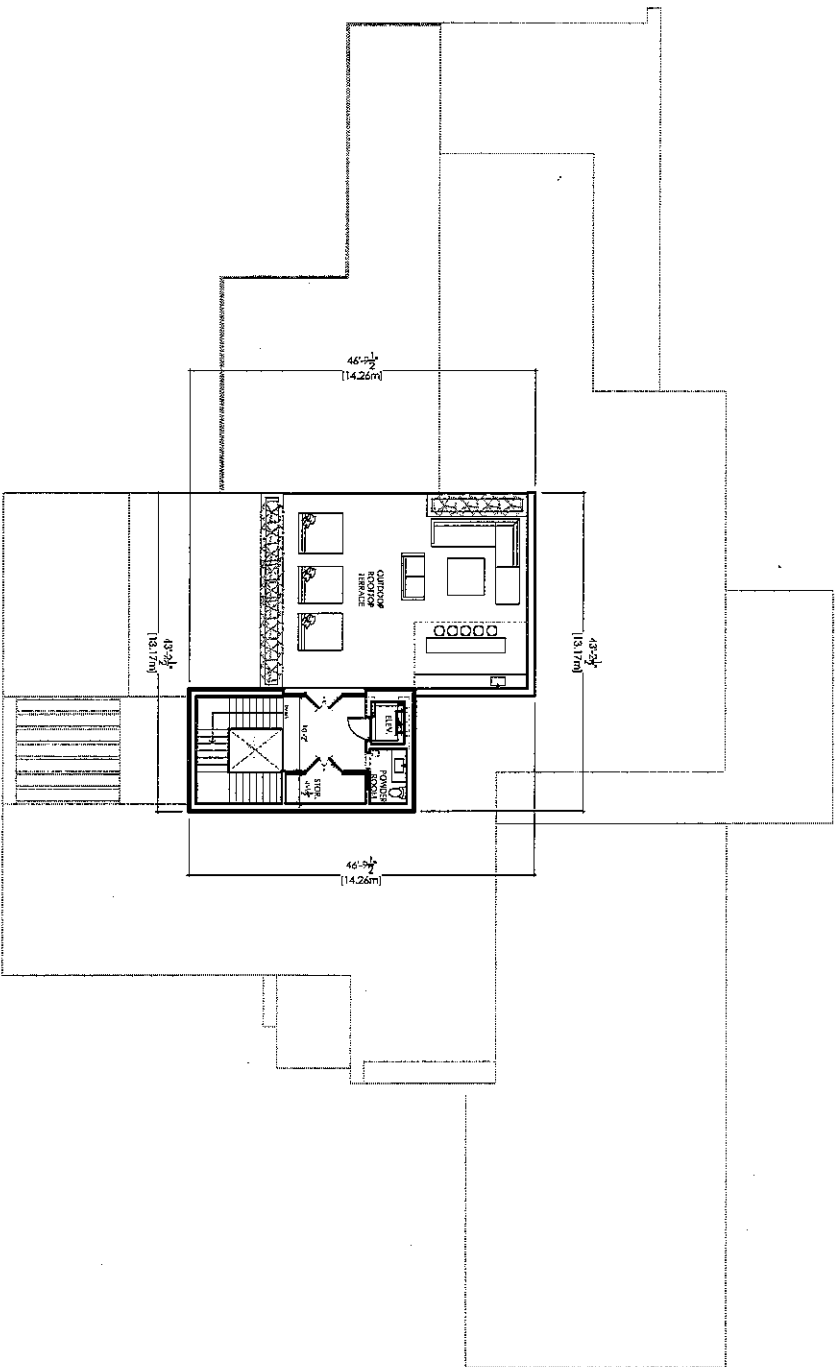
ELMAGAGACLI B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO

JULY 11, 2019

184]





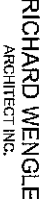
THIRD FLOOR PLAN
 SCALE: 1:300



RICHARD WENGLE
 ARCHITECT INC.

ELMAGACIL B & H RESIDENCE

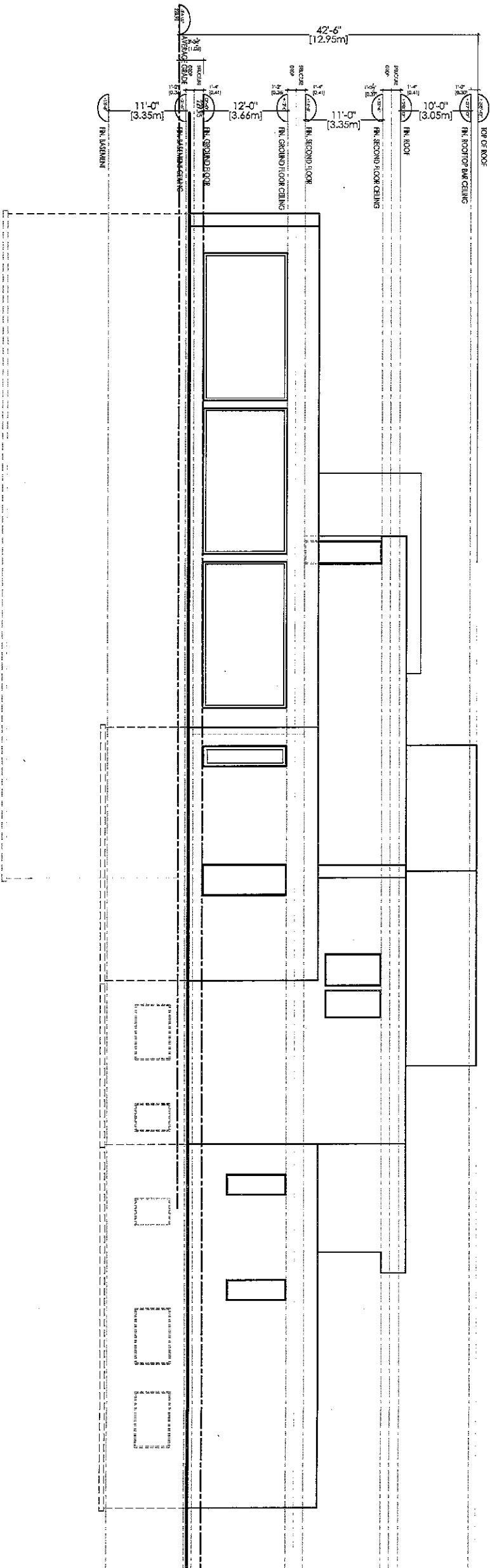
46 BRIAROSE AVENUE
 TORONTO, ONTARIO
 JULY 11, 2019
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BASEMENT FLOOR PLAN
SCALE: 1:300



46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841



SIDE (NORTH) ELEVATION
SCALE: 1:200



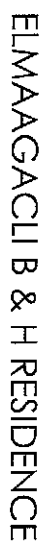
RICHARD WENGLE
ARCHITECT INC.

ELMAGACLI B & H RESIDENCE

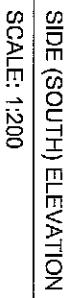
46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
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REAR ELEVATION
SCALE: 1:200



46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841



SIDE (SOUTH) ELEVATION

SCALE: 1:200



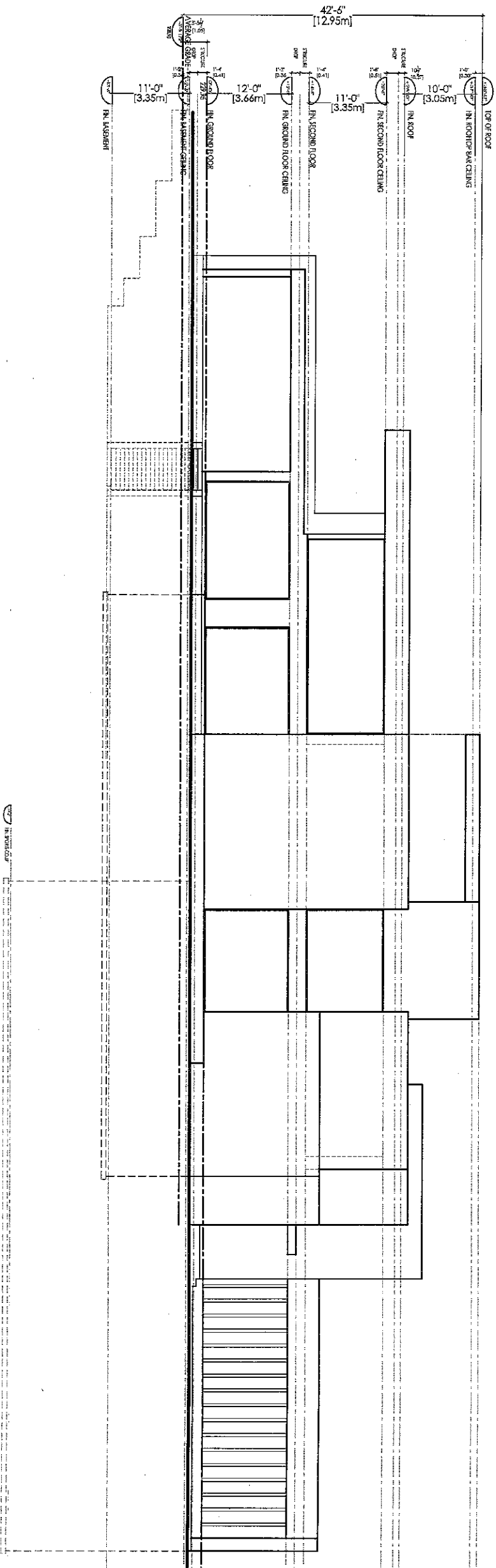
ELMAGAGACLI B & H RESIDENCE

46 BRIAROSE AVENUE

TORONTO, ONTARIO

JULY 11, 2019

1841



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 – Located outside of MTO permit control area



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

Attwala, Pravina

Subject: FW: Request for Comments

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>

Sent: December-28-18 1:09 PM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Subject: Request for Comments

Hi Christine,

MTO Highway Corridor Management Section has reviewed the location of the following Application for Minor Variance:

A224/18 - 46 Briarose Ave., Kleinburg, ON.

The property listed above appears 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



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Attwala, Pravina

Subject: FW: Minor Variance - MVAR.19.V.0282 (A224/18)

From: Shahid, Sadaf <Sadaf.Shahid@york.ca>
Sent: July-18-19 9:16 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: Minor Variance - MVAR.19.V.0282 (A224/18)

Hi Pravina,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Should you have any questions or concerns, please contact Sadaf Shahid, Assistant Planner at ext. 73012 or by email at sadaf.shahid@york.ca.

Best,

Sadaf Shahid | Planning Assistant
Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 73012 | sadaf.shahid@york.ca | www.york.ca

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