

ITEM #: 6.3	REPORT SUMMARY CONSENT APPLICATION FILE NUMBER B007/25
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Report Date: May 30, 2025

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES (SEE SCHEDULE B):

Additional comments from departments and agencies received after the publication of the report will be made available on the City’s [website](#).

Internal Departments *Comments Received	Conditions Required		Nature of Comments
Committee of Adjustment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	General Comments w/Conditions
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Application Under Review
Development Finance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

External Agencies *Comments Received	Conditions Required		Nature of Comments *See Schedule B for full comments
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

PUBLIC & APPLICANT CORRESPONDENCE (SEE SCHEDULE C)				
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
Applicant			04/07/2025	Application Cover Letter

BACKGROUND (SCHEDULE D, IF REQUIRED)	
* Background Information contains historical development approvals considered to be related to this file. This information should not be considered comprehensive.	
Application No. (City File)	Application Description (i.e. Minor Variance Application; Approved by COA / OLT)
N/A	N/A

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
Hearing Date	Reason for Adjournment (to be obtained from NOD_ADJ)
N/A	N/A

SCHEDULES	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Comments from Agencies, Building Standards & Development Planning
Schedule C (if required)	Public & Applicant Correspondence
Schedule D (if required)	Background



REPORT SUMMARY CONSENT APPLICATION FILE NUMBER B007/25

CITY WARD #:	4
APPLICANT:	Laura Faye Anava & Oren James Anava
AGENT:	Contempo Studio
PROPERTY:	108 Sir Modesto Court, Maple
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	N/A
PURPOSE OF APPLICATION:	Consent is being requested to establish an easement for a retaining wall over 108 Sir Modesto Court (servient land) in favour of the lands to the west, municipally known as 107 Sir Modesto Court. The easement for a retaining wall is described as Part 1 on the plan submitted.

HEARING INFORMATION

DATE OF MEETING: Thursday, June 5, 2025

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive

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

PUBLIC PARTICIPATION

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

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

Email: cofa@vaughan.ca

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

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

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

INTRODUCTION

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

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of this application considers the following:

- ✓ Conformity to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conformity to the City of Vaughan Official Plan.
- ✓ Conformity to the Provincial Policy Statements as required by Section 3 (1) of the Planning Act.

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	
Date Public Notice Mailed:	May 22, 2025
Date Applicant Confirmed Posting of Sign:	April 17, 2025
Applicant Justification for Variances: <small>*As provided in Application Form</small>	N/A
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
COMMENTS:	
N/A	
Committee of Adjustment Recommended Conditions of Approval:	1. That the applicant's solicitor confirms the legal description of the subject land (easement over servient land). 2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land. 3. That the applicant emails an electronic copy of the deposited plan of reference to cofa@vaughan.ca 4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.

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

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

DEVELOPMENT ENGINEERING	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
TBD	
Development Engineering Recommended Conditions of Approval:	TBD

PARKS, FORESTRY & HORTICULTURE (PFH)	
No comments received to date.	
PFH Recommended Conditions of Approval:	None

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

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

BUILDING INSPECTION (SEPTIC)	
No comments received to date.	

BUILDING INSPECTION (SEPTIC)		
Building Inspection Recommended Conditions of Approval:		None

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

RECOMMENDED CONDITIONS OF APPROVAL SUMMARY		
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	Committee of Adjustment cofa@vaughan.ca	1. That the applicant's solicitor confirms the legal description of the subject land (easement over servient land). 2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land. 3. That the applicant emails an electronic copy of the deposited plan of reference to cofa@vaughan.ca 4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule.
2	Development Engineering jonal.hall@vaughan.ca	TBD
<i>All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.</i>		

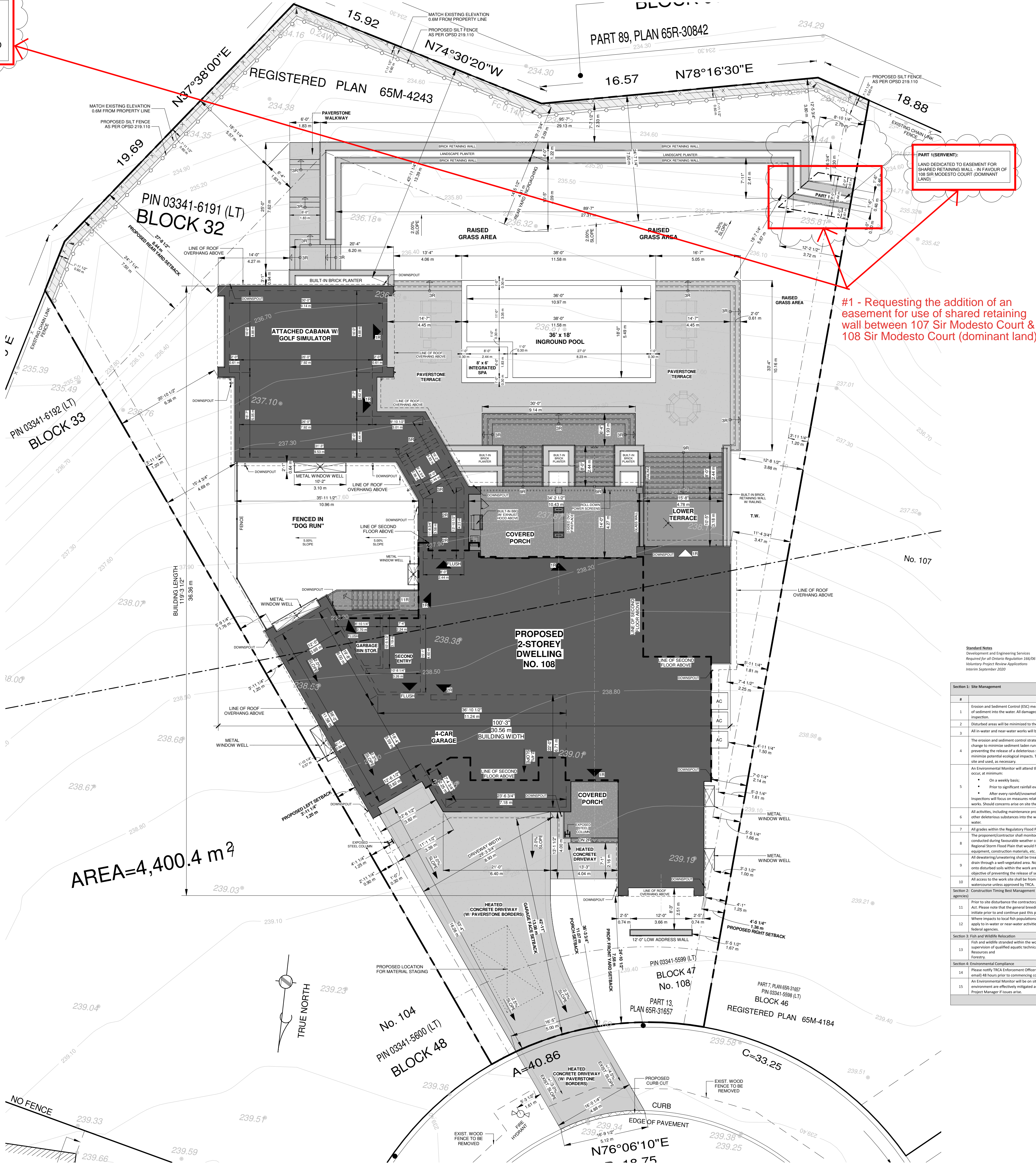
IMPORTANT INFORMATION – PLEASE READ	
CONDITIONS: Conditions must be fulfilled within two years from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible.	
DEVELOPMENT 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



EASEMENT DETAILS

PART 1 (SERVIENT LAND) - EASEMENT FOR USE OF CONTINUOUS SHARED RETAINING WALL FOR 108 SIR MODESTO COURT (DOMINANT LAND)



PROJECT STATISTICS	
Address:	108 Sir Modesto Court, Vaughan ON
Municipality:	York
Legal Lot Description:	Block 47, Registered Plan 65M-4184 Block 32, Registered Plan 65M-4243
Date:	8/2/2024

Zoning Designation:	R2A (R47, 650)
Lot Area (Total):	20,631.14 sq. ft. 1,916.88 m² 0.19 ha
Lot Frontage:	57.73 ft. 17.60 m
Lot Depth:	208.05 ft. 63.40 m

GROSS FLOOR AREA (FSI)	
Permitted	Proposed
Max FSI	0.39
Max GFA	2,998.88 sq. ft. 241.44 m²
First Floor	3,138.25 sq. ft. 291.55 m²
Second Floor	3,138.25 sq. ft. 291.55 m²
Plus Attached Cabana	1,362.94 sq. ft. 126.62 m²
Plus Attached Garage	1,297.88 sq. ft. 120.58 m²
Less Required Parking	331.91 sq. ft. 30.78 m²
GFA Total	8,066.64 sq. ft. 749.42 m²
Plus Attached Garage	1,297.88 sq. ft. 120.58 m²
Less Required Parking	331.91 sq. ft. 30.78 m²
GFA Total	8,066.64 sq. ft. 749.42 m²

LOT COVERAGE	
Permitted	Proposed
Max Building Footprint	5,290.44 sq. ft. 491.50 m²
Max Building Footprint (Excludes attached cabana)	108.47 sq. ft. 10.08 m²
Front Covered Porch	463.03 sq. ft. 42.82 m²
Max Main Building Structure Subtotal	5,861.94 sq. ft. 544.59 m²
Max Accessory Structure Subtotal	0.00 sq. ft. 0.00 m²
Max Total	5,861.94 sq. ft. 544.59 m²

ESTABLISHED GRADE	
Permitted	Proposed
Max Building Footprint	5,290.44 sq. ft. 491.50 m²
Max Building Footprint (Excludes attached cabana)	108.47 sq. ft. 10.08 m²
Front Covered Porch	463.03 sq. ft. 42.82 m²
Max Main Building Structure Subtotal	5,861.94 sq. ft. 544.59 m²
Max Accessory Structure Subtotal	0.00 sq. ft. 0.00 m²
Max Total	5,861.94 sq. ft. 544.59 m²

BUILDING HEIGHT	
Permitted	Proposed
Max Building Height	11.00 m 35.50 ft 10.21 m
Max Storeys	N/A

SETBACKS	
Permitted	Proposed
Min Front (North)	4.50 m 14.80 ft 7.58 m
Min Int. Right Side (West)	1.20 m 3.94 ft 1.20 m
Min Int. Left Side (East)	1.20 m 3.94 ft 1.20 m
Min Rear (South)	7.50 m 24.60 ft 8.44 m
Garage Face	5.70 m 18.70 ft 13.08 m
Uncovered Platform - Int. Side	0.60 m 1.97 ft N/A m
Uncovered Platform - Ext. Side	0.60 m 1.97 ft N/A m
Uncovered Platform - Front & Ext. Side	0.60 m 1.97 ft N/A m
Retaining Wall (values, see SP)	VARIABLES m VARIABLES ft

ENCLOSUREMENTS	
Permitted	Proposed
Access Stairs, Open, Unenclosed	0.30 m 0.00 ft 0.00 m
Front, Rear, Ext. Side Yard	1.80 m 0.00 ft 0.00 m
Window Mount - Any Yard	0.60 m N/A ft N/A m
Ground - Int. Side Yard	1.00 m 0.00 ft 0.00 m
Ground - Ext. Side Yard	1.50 m N/A ft N/A m
Ground - Front Yard	0.00 m N/A ft N/A m
Wall Mount - Int. Side Yard	0.60 m N/A ft N/A m
Wall Mount - Rear / Ext. Side	1.00 m N/A ft N/A m
Wall Mount - Front Yard	Not Permitted m N/A ft N/A m
Awning / Canopy	0.60 m 0.00 ft 0.00 m
Attached - Any Yard	0.60 m 0.00 ft 0.00 m
Retractable - Front Yard	1.80 m N/A ft N/A m
Retractable - Int. Side Yard	1.00 m N/A ft N/A m
Retractable - Ext. Side Yard	1.50 m N/A ft N/A m
Front, Rear, Ext. Side Yard	1.50 m N/A ft N/A m
Int. Side Yard	0.00 m N/A ft N/A m
Chimney / Fireplace Enclosure	0.60 m 0.00 ft 0.00 m
Any Yard	0.60 m 0.00 ft 0.00 m
Uncovered Platform w/ Height < or = 1.2m Above Grade, Including Access Stairs	0.60 m N/A ft N/A m
Int. Side Yard	0.60 m N/A ft N/A m
Rear / Ext. Side Yard	2.40 m N/A ft N/A m
Front Yard	Not Permitted m N/A ft N/A m
Uncovered Platform w/ Height > 1.2m Above Grade, Including Access Stairs	2.40 m 14.48 ft 4.41 m
Rear Yard	2.40 m N/A ft N/A m
Front, Int. & Ext. Side Yard	Not Permitted m N/A ft N/A m
Front Yard	Not Permitted m N/A ft N/A m
Any Yard	0.50 m 1.00 ft 0.30 m
Ornamental Building Feature	0.60 m N/A ft N/A m
Any Yard	0.60 m N/A ft N/A m
Porch, Including Access Stairs	2.00 m 0.00 ft 0.00 m
Front, Rear & Ext. Side Yard	Not Permitted m N/A ft N/A m
Int. Side Yard	Not Permitted m N/A ft N/A m
Window Projection	1.00 m N/A ft N/A m
Any Yard	1.00 m N/A ft N/A m

OUTDOOR POOL	
Permitted	Proposed
Max Height	2.00 m
Min Int. Side Setback	1.50 m 32.55 ft 9.92 m
Min Rear Setback	1.50 m 35.63 ft 10.88 m

ENCLOSUREMENTS	
Permitted	Proposed
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Front Yard	Not Permitted m N/A ft N/A m
Any Yard	0.50 m 1.00 ft 0.30 m
Ornamental Building Feature	0.60 m N/A ft N/A m
Any Yard	0.60 m N/A ft N/A m
Porch, Including Access Stairs	2.00 m 0.00 ft 0.00 m
Front, Rear & Ext. Side Yard	Not Permitted m N/A ft N/A m
Int. Side Yard	Not Permitted m N/A ft N/A m
Window Projection	1.00 m N/A ft N/A m
Any Yard	1.00 m N/A ft N/A m

OUTDOOR POOL	
Permitted	Proposed
Max Height	2.00 m
Min Int. Side Setback	1.50 m 32.55 ft 9.92 m
Min Rear Setback	1.50 m 35.63 ft 10.88 m

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Porch, Including Access Stairs	2.00 m 0.00 ft 0.00 m
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Front, Rear, Ext. Side Yard	1.50 m N/A ft N/A m
Int. Side Yard	0.00 m N/A ft N/A m
Chimney / Fireplace Enclosure	0.60 m 0.00 ft 0.00 m
Any Yard	0.60 m 0.00 ft 0.00 m
Uncovered Platform w/ Height < or = 1.2m Above Grade, Including Access Stairs	0.60 m N/A ft N/A m
Int. Side Yard	0.60 m N/A ft N/A m
Rear / Ext. Side Yard	2.40 m N/A ft N/A m
Front Yard	Not Permitted m N/A ft N/A m
Uncovered Platform w/ Height > 1.2m Above Grade, Including Access Stairs	2.40 m 14.48 ft 4.41 m
Rear Yard	2.40 m N/A ft N/A m
Front, Int. & Ext. Side Yard	Not Permitted m N/A ft N/A m
Front Yard	Not Permitted m N/A ft N/A m
Any Yard	0.50 m 1.00 ft 0.30 m
Ornamental Building Feature	0.60 m N/A ft N/A m
Any Yard	0.60 m N/A ft N/A m
Porch, Including Access Stairs	2.00 m 0.00 ft 0.00 m
Front, Rear & Ext. Side Yard	Not Permitted m N/A ft N/A m
Int. Side Yard	Not Permitted m N/A ft N/A m
Window Projection	1.00 m N/A ft N/A m
Any Yard	1.00 m N/A ft N/A m

OUTDOOR POOL	
Permitted	Proposed
Max Height	2.00 m
Min Int. Side Setback	1.50 m 32.55 ft 9.92 m
Min Rear Setback	1.50 m 35.63 ft 10.88 m

ENCLOSUREMENTS	
Permitted	Proposed
Access Stairs, Open, Unenclosed	0.30 m 0.00 ft 0.00 m
Front, Rear, Ext. Side Yard	1.80 m 0.00 ft 0.00 m
Window Mount - Any Yard	0.60 m N/A ft N/A m
Ground - Int. Side Yard	1.00 m 0.00 ft 0.00 m
Ground - Ext. Side Yard	1.50 m N/A ft N/A m
Ground - Front Yard	0.00 m N/A ft N/A m
Wall Mount - Int. Side Yard	0.60 m N/A ft N/A m
Wall Mount - Rear / Ext. Side	1.00 m N/A ft N/A m
Wall Mount - Front Yard	Not Permitted m N/A ft N/A m
Awning / Canopy	0.60 m 0.00 ft 0.00 m
Attached - Any Yard	0.60 m 0.00 ft 0.00 m
Retractable - Front Yard	1.80 m N/A ft N/A m
Retractable - Int. Side Yard	1.00 m N/A ft N

**SCHEDULE B:
COMMENTS FROM AGENCIES, BUILDING STANDARDS &
DEVELOPMENT PLANNING**

Internal Departments *Comments Received	Conditions Required		Nature of Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions

External Agencies *Comments Received	Conditions Required		Nature of Comments *See Schedule B for full comments
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

To: Committee of Adjustment

From: Niloufar Youssefi, Building Standards Department

Date: May 07, 2025

Applicant: Contempo Studio

Location: 108 Sir Modesto Court
PLAN 65M4184 Block 47

File No.(s): B007/25

Zoning Classification:

The subject lands are zoned R2A – Second Density Residential Zone and subject to the provisions of Exception 14.847 and 14.850 under Zoning By-law 001-2021, as amended.

The subject consent application is for the creation of an easement in favour of the land known municipally as 107 Sir Modesto Court and therefore, the Zoning By-law requirements for Lot Area, Lot Frontage and Lot Depth are not applicable.

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 24-136464 for Single Detached Dwelling - New, Issue Date: (Not Yet Issued)

Other Comments:

General Comments	
1	The related minor variance files A009/25 shall be read in conjunction with this application.
2	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
3	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Conditions of Approval:

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

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

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development and Parks Planning

Date: May 29, 2025

Name of Owners: Madison Saul, Adam Ryan Saul (107 Sir Modesto Court);
Laura Faye Anava, Oren James Anava (108 Sir Modesto Court)

Location: 107 Sir Modesto Court 108 Sir Modesto Court

File No.(s): B006/25, A011/25 B007/25, A009/25

A011/25 – 107 Sir Modesto Court**Proposed Variances:**

1. To permit an uncovered platform to encroach a maximum of **5.11 m** into the required rear yard.
2. To permit a minimum setback of **0.0 m** for the retaining wall at the east interior side lot line.
3. To permit a retaining wall with a height of **1.75 m** to be located at **1.36 m** from the rear lot line.
4. To permit a retaining wall (window well) with a height of **2.16 m** to be located at **0.57 m** from the interior lot line.
5. To permit an accessory building (cabana) with a maximum height of **5.82 m**.
6. To permit a minimum of **52.21%** (295.73 m²) of the required minimum landscaped rear yard to be composed of soft landscaping.

By-Law 001-2021 Requirement(s):

1. The maximum permitted encroachment of an uncovered platform is **2.4 m** into the required rear yard.
2. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
3. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
4. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
5. In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be **3.0 m**.
6. In the R2A Zone, any portion of a yard in excess of 135.0 m² shall be comprised of a minimum **60%** soft landscape.

A009/25 – 108 Sir Modesto Court**Proposed Variances:**

1. To permit access stairs to encroach a maximum of **1.93 m** into the minimum required rear yard.
2. To permit a minimum setback of **0.0 m** for the retaining wall at the west interior lot line.
3. To permit a retaining wall (window well) with a height of **2.04 m** to be setback a minimum of **1.0 m** from the west lot line.
4. To permit a retaining wall (window well) with a height of **2.02 m** to be setback a minimum of **0.57 m** from the east lot line.
5. To permit an uncovered platform (pavestone terrace/grassed area) with a floor height of 2.6 m to encroach into the minimum rear yard of 7.5 m a maximum of **4.41 m**.

By-Law 001-2021 Requirement(s):

1. The maximum permitted encroachment for an access stair is **1.8 m** into the minimum required rear yard of 7.5 m.
2. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
3. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
4. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.

5. An uncovered platform (paverstone terrace/grassed area) with a floor height greater than 1.2 m as measured above grade and including access stairs, is permitted to encroach **2.4 m** into the minimum required rear yard of 7.5m.

Official Plan:

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

Comments:

The Owners of 107 Sir Modesto Court and 108 Sir Modesto Court are seeking relief to permit a new single detached dwelling and accessory structures on each property. Two mutual access easements are proposed to permit the construction and maintenance of a contiguous stretch of retaining wall spanning the width of both properties.

B006/25, B007/25

Consent application files B006/25 and B007/25 are received for 107 Sir Modesto Court and 108 Sir Modesto Court to facilitate two mutual access easements required to service and maintain a proposed retaining wall that is contiguously located across both properties. The proposed retaining wall provides for a more consistent lot grading across the proposed rear yards of both properties.

Policy 10.1.2.36 of VOP 2010 permits the creation of private easements over existing lots. The proposed easement areas encompass the proposed retaining wall and a 0.6 m buffer around the retaining wall. Development Engineering staff have reviewed the proposed easement sketches and are satisfied that the easement areas will allow for mutual access and maintenance of the retaining wall.

A011/25 – 107 Sir Modesto Court

The Development and Parks Planning Department has no objections to Variances 1 and 3 to permit the encroachment of a raised platform 5.11 m into the minimum required rear yard and to permit the retaining wall on the outer edge of the raised platform, 1.75 m in height, to be located 1.36 m from the rear lot line. The grading of the property slopes downward toward the rear, and the proposed raised terrace and retaining walls provide a leveled rear yard. The spaces beyond the retaining wall are proposed to be sodded. The raised terrace and retaining wall are not anticipated to pose massing impacts on the neighbouring property to the west or the public trail to the south. Development Engineering staff have reviewed the retaining wall and have no concerns with the increased encroachment.

The Development and Parks Planning Department has no objections to Variance 2 to permit a retaining wall to be located 0.0 m from the east interior side lot line. The proposed retaining wall is oriented perpendicular to the eastern interior side lot line and connects to a segment of the retaining wall proposed on 108 Sir Modesto Court, east of the subject property. Consent applications B006/25 and B007/25 have been submitted to facilitate mutual access easements and have been reviewed to the satisfaction of Development Engineering staff.

The Development and Parks Planning Department has no objections to Variance 4 to permit a window well 2.16 m in depth to be setback 0.57 m from the east interior side yard. The remaining side yard is proposed to be sodded. The window well does not prohibit the movement of residents and goods between the front and rear yard, and additional access can be provided through the western interior side yard.

The Development and Parks Planning Department has no objections to Variance 5 to permit a height increase for the proposed cabana from 3 m to 5.82 m. The proposed height is measured from established grade, and the height is most perceived from the rear. The cabana maintains a compliant setback from all lot lines, and is not anticipated to incur massing impacts on neighbouring properties or the public trail to the south.

The Development and Parks Planning Department has no objections to Variance 6 to reduce the minimum soft landscaping in the portion of the rear yard in excess of 135 m² from 60% to 52.21%. The reduction represents approximately 44 m² of soft landscaping, which is minor given the size of the rear yard. Development Engineering staff have reviewed the variance and are satisfied that the reduced soft landscaping remains sufficient for stormwater management.

A009/25 – 108 Sir Modesto Court

The Development and Parks Planning Department has no objections to Variances 1 and 5 to permit a raised platform to encroach 4.41 m into the minimum required rear yard and for the access stairs to encroach 1.93 m into the minimum required rear yard. The grading of the property slopes downward toward the rear, and the proposed raised terrace provides a level grade within the rear yard. The access stairs located along the outer edge of the raised terrace provides access to the sodded areas beyond the raised terrace. The raised terrace and access stairs are not anticipated to incur any negative impacts on the public open space to the rear of the property.

The Development and Parks Planning Department has no objections to Variance 2 to permit the retaining wall to be setback 0.0 m from the western interior side lot line. The proposed retaining wall is oriented perpendicular to the side lot line and connects to the portion of the proposed retaining wall on 107 Sir Modesto Court, west of the subject property. Consent applications B006/25 and B007/25 have been submitted to facilitate mutual access easements and have been reviewed to the satisfaction of Development Engineering staff.

The Development and Parks Planning Department has no objections to Variances 3 and 4 to permit reduced setbacks to window wells located within the western and eastern interior side yards. The remaining interior side yards are proposed to be sodded. The setback reductions of 0.57 m to the west side lot line and 1.0 m to the east side lot line are sufficient to maintain access between the front and rear yards.

Accordingly, the Development and Parks Planning Department supports the requested variances and is of the opinion that the proposals are 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.

Recommendation:

The Development and Parks Planning Department recommends approval of files B006/25 and A011/25 (107 Sir Modesto Court), and files B007/25 and A009/25 (108 Sir Modesto Court).

Conditions of Approval:

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

None.

Comments Prepared by:

Harry Zhao, Planner

Janany Nagulan, Senior Planner

Date: April 15th 2025
Attention: Christine Vigneault
RE: Request for Comments

File No.: B007-25
Related Files:
Applicant: Contempo Studio
Location 108 Sir Modesto Court

COMMENTS:

- ☐ We have reviewed the proposed Consent Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent 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:

Stephen Cranley, C.E.T

Mitchell Penner

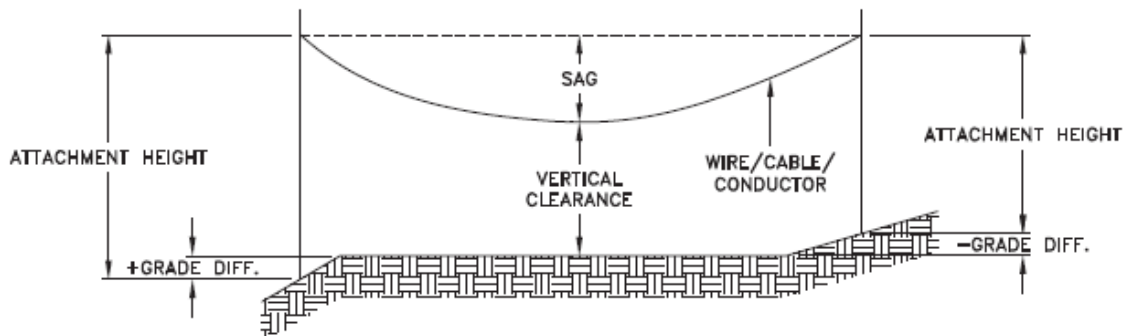
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

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

E-mail: stephen.cranley@alectrautilities.com

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u>	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

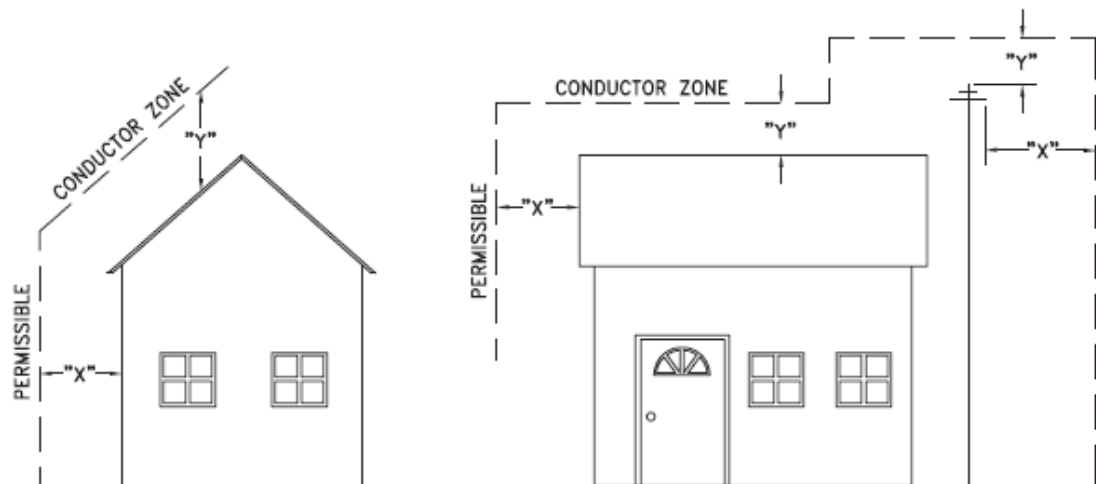
CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

REFERENCES	
SAGS AND TENSIONS	SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

- NOTES**
- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
 - THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
 - THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
 - BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
 - IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
 - DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
 - ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

**MINIMUM VERTICAL & HORIZONTAL CLEARANCES
OF CONDUCTORS FROM BUILDINGS OR OTHER
PERMANENT STRUCTURES (CONDUCTORS NOT
ATTACHED TO BUILDINGS)**

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Debbie Dadwani, P.Eng.	2010-MAY-05
Name	Date
P.Eng. Approval By: <u>D. Dadwani</u>	

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
P:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working folder\Section 03-4\03-4 RD May 5, 2010.dwg, 5/5/2010 9:22:02 AM,
Adobe PDF

April 16, 2025

PAR-DPP-2025-00574
Ex. Ref PER-DPP-2024-00004

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: Consent Application B007/25
108 Sir Modesto Court
City of Vaughan, Regional Municipality of York
Applicant: Contempo Studio**

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 April 15, 2025. TRCA staff have reviewed the application and offer the following comments for the consideration of the Committee of Adjustment.

Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following consent:

- To permit an easement on the existing subject lands in favour of the land known municipally as 107 Sir Modesto Court and therefore, the Zoning By-law requirements for Lot Area, Lot Frontage, and Lot Depth are not applicable.

Ontario Regulation 41/24

The subject property is located within TRCA's Regulated Area due to a Regional Storm flood plain hazard and Provincially Significant Wetland features associated with a tributary of the Don River Watershed. In accordance with Ontario Regulation 41/24, 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, unstable soils, or bedrock will not be affected.

Application-Specific Comments

Based on our review of the Consent application, the proposed easement is located entirely within the subject lands and within the buffer to TRCA regulated natural features and natural hazards. TRCA staff have no objection to the proposed easement.

Recommendations

Based on the comments noted above, TRCA has **no objection** to the approval of Consent Application B007/25.

We trust these comments are of assistance. Should you have any questions, please contact me at joshua.lacaria@trca.ca

Sincerely,

Joshua Lacaria
Planner
Development Planning and Permits | Development and Engineering Services

From: [Development Services](#)
To: [Committee of Adjustment Mailbox](#)
Subject: [External] RE: B007/25 - 108 SIR MODESTO COURT - REQUEST FOR COMMENTS, CITY OF VAUGHAN
Date: Wednesday, April 16, 2025 9:56:46 AM

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Good morning,

The Regional Municipality of York has completed its review of this consent for easement and has no comment.

Regards,

Gabrielle

Gabrielle Hurst MCIP, RPP | Associate Planner, Development Planning, Economic and Development Services Branch | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant			04/07/2025	Application Cover Letter

108 Sir Modesto Court - Consent Application - Cover Letter

To whom this letter may concern,

Please accept this cover letter as a formal explanation as to why our studio is pursuing a Consent Application with the City of Vaughan Committee of Adjustment.

Prior to such an explanation, it is important to note that homeowners of 108 Sir Modesto Court and the homeowners of this proposal's sister application at 107 Sir Modesto Court are family members. Both proposed dwellings will be constructed under the guidance of a single builder.

The reason for this application is to create an easement that allows for a retaining wall that is conjoined with the retaining wall located at 107 Sir Modesto Court.

Due to the design of the rear landscaping and the site's extreme front-to-rear grading condition, the need for a retaining wall was evident. In working with Civil Engineers, it was decided that adding a retaining wall that joins with the retaining wall at 107 Sir Modesto Court is the most feasible solution to mitigate the aggressive storm water runoff towards the rear of the property. It is critical to know that this storm water management solution was submitted to the City of Vaughan's Development Engineering department (*Permit No.:24-127603*) and the TRCA (*Permit No.: PER-DPP-2024-00004*) and was approved by each respected department/ authority.

For this application, it is recorded that 108 Sir Modesto Court remains the dominant land and the recorded servient lands associated with this application is the new easement to be added on the subject site and the lands associated within 107 Sir Modesto Court.

If any questions arise from this application, please do not hesitate to contact the undersigned.

Thank you,

Alexander R. Overholt
Senior Architectural Designer
905.328.9594
2025.04.04

SCHEDULE D: BACKGROUND

Application No. (City File)	Application Description (i.e. Minor Variance Application; Approved by COA / OLT)
N/A	N/A