



File: A126/19

Applicant: Shawna Grafstein-Rich

Address: 74 Pepperberry Rd Thornhill

Agent: Fausto Cortese

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	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: A280/16 (see next page for details)

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, October 17, 2019



Minor Variance Application

Agenda Item: 23

A126/19

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, October 17, 2019

Applicant: Shawna Grafstein-Rich

Agent: Fausto Cortese

Property: 74 Pepperberry Rd Thornhill ON

Zoning: The subject lands are zoned RV3, Residential Urban Village Zone, and subject to the provisions of Exception 9(1063) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan ('VOP') 2010: Low-Rise Residential

Related Files: None

Purpose: Relief from the By-law is being requested to permit an existing pergola and architectural feature walls (privacy fence) located in the rear yard.

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

By-law Requirement	Proposal
1. A minimum Interior side yard setback of 1.2 metres is required.	1. To permit a minimum Interior Side yard setback of 0 metres to a Pergola.
2. A minimum Rear yard setback of 2.082 metres and 1.872 metres to the Architectural Features are required.	2. To permit a minimum Rear yard setback of 0.1 metres, 0.2 metres and 0.16 metres to Architectural features greater than 1.8 metres in height (Privacy Fences).
3. A maximum building height of 2.5 metres is required.	3. To permit a maximum building height of 2.67 metres for an accessory structure (Pergola).

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A280/16	Interior side yard & rear yard setbacks of 0.91m to swimming pool; interior side yard setback of 0.30m to pool equipment and air conditioning unit.	Approved August 11, 2016

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 October 2, 2019

Applicant confirmed posting of signage on September 30, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	1990

Applicant has advised that they cannot comply with By-law for the following reason(s):
Items have been constructed to provide privacy from neighbours.

Adjournment Request: The applicant was provided an opportunity to adjourn the application prior to the issuance of public notice to address Planning staff concerns, which included a letter signed and dated from the adjacent neighbour (sharing fence with the attached pergola). Letter included in Schedule B.

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:

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

The Owner is requesting permission to maintain three architectural features at the rear of the property and a pergola along the interior side yard.

The Development Planning and Development Engineering Department conducted a site visit on Friday, September 17, 2019. The Owner is requesting an interior side yard setback of 0.0m to the existing pergola which is indicated in the owner's Committee of Adjustment Application and attached to the adjacent subject lands shared fence. Upon review, Development Engineering has no drainage concerns as the pergola has no roof and will allow water to seep through (Variance #1). The pergola has a maximum building height of 2.67m where 2.5m is required (Variance #3). The variance is considered minor in nature and is appropriate for the neighbourhood.

The Owner is requesting permission to maintain three architectural features with a rear yard setback of 0.1m, 0.2m and 0.164m where 2.082m and 1.872m are required for the noted architectural features. The features which resemble fencing, provide for privacy and are considered minor in nature. Upon site inspection, Development Engineering noted that pet grave and surface rocks allow for proper drainage. Development Engineering has no concerns with the features.

Accordingly, 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.

The Development Planning Department recommends approval for the variance.

Cultural Heritage (Urban Design):

No response.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A126/19. The pergola and architectural features do not affect the property line swales drainage and the owner has implemented appropriate LID (Low-Impact Development) measures to prevent excessive drainage to neighboring lots.

Parks Development:

No concerns.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Letter of Support –78 Pepperberry Road, Thornhill

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
 Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance A280/16

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

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.

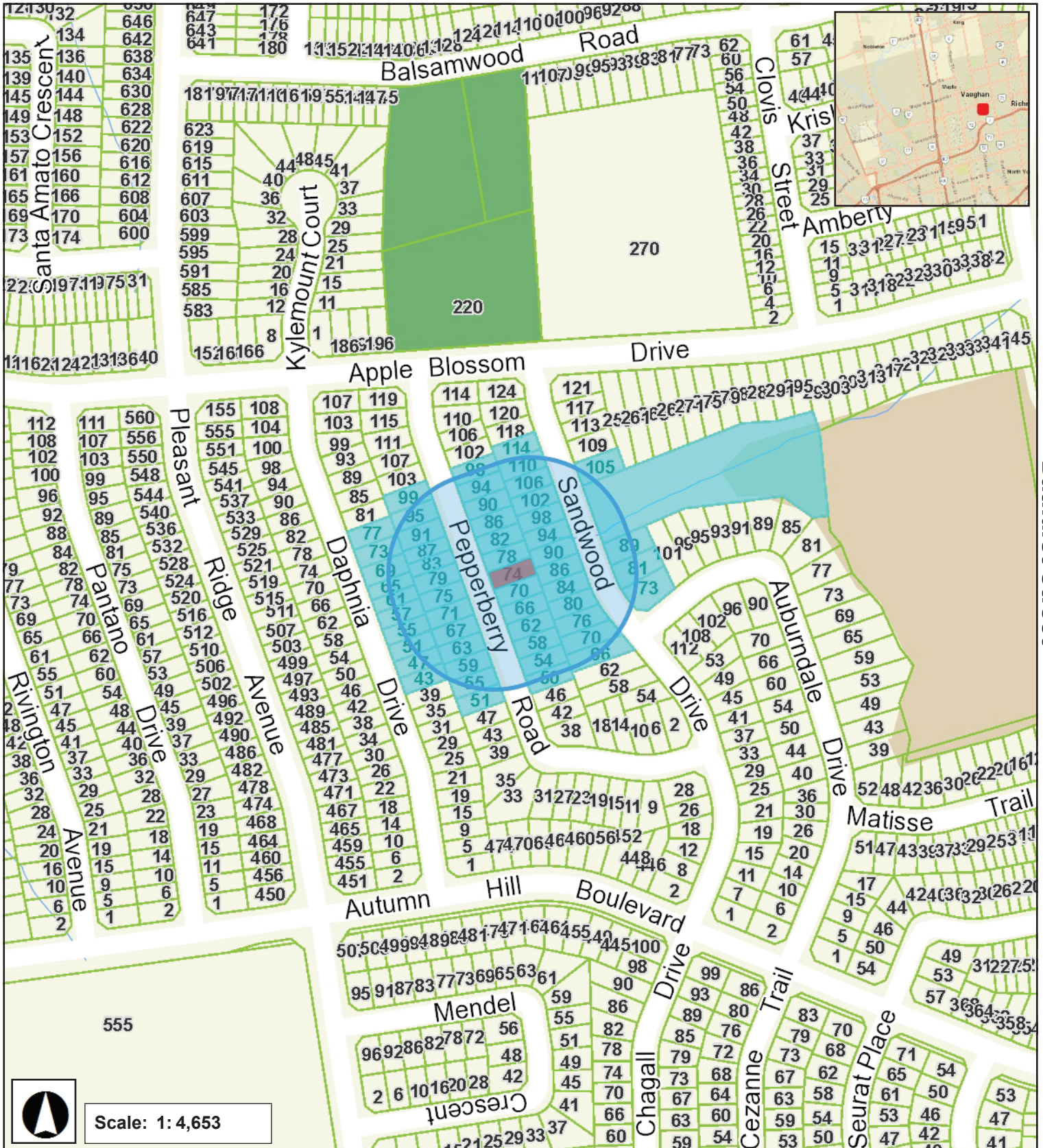
**Location Map
Sketches**



LOCATION MAP A126/19

74 PEPPERBERRY ROAD, THORNHILL

Rutherford Road

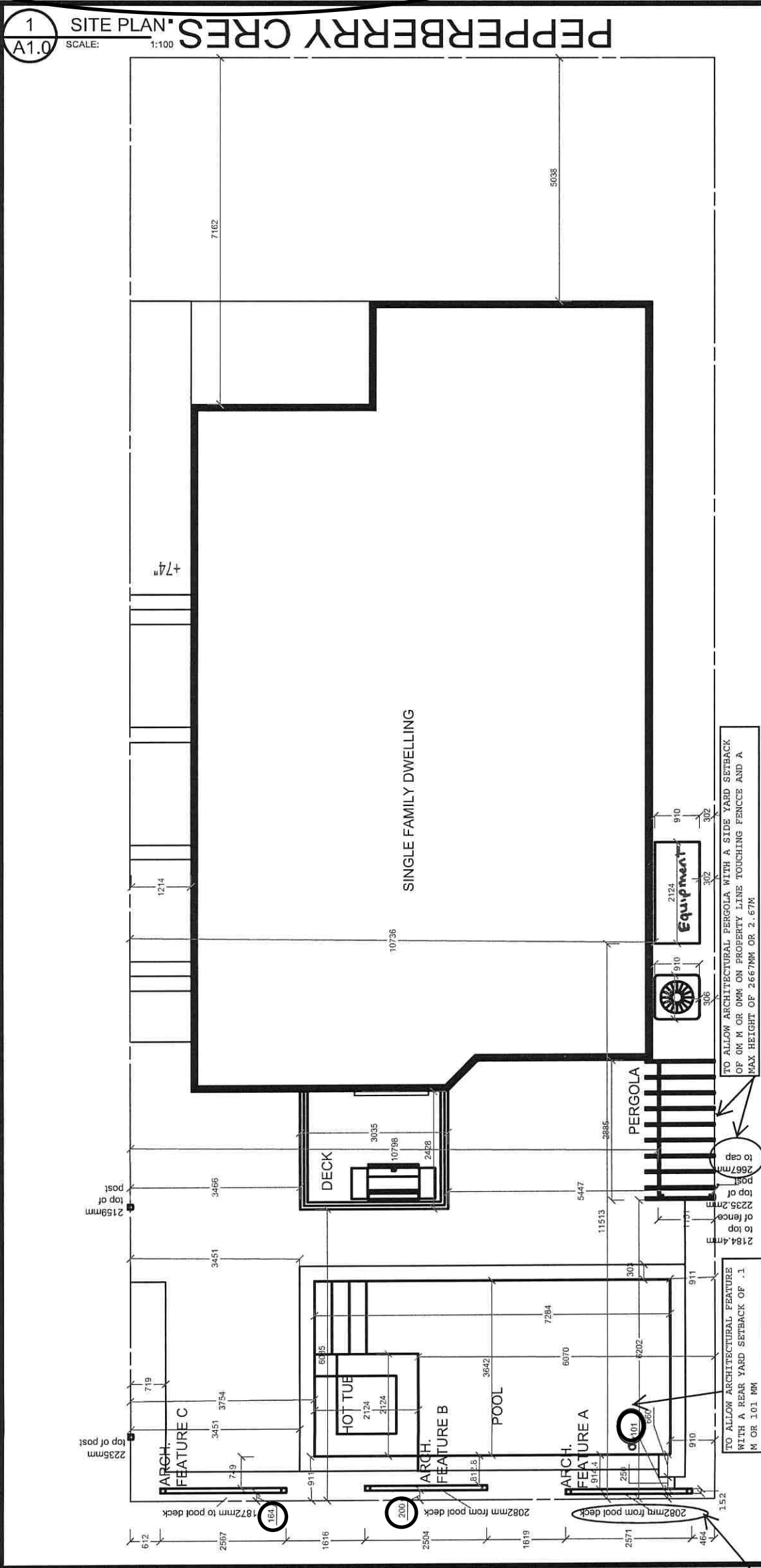


Highway 7

September 24, 2019 11:43 AM

**0m interior side yard setback to Pergola
0.1m, 0.2m & 0.164m to architectural feature**

A126/19



ISSUED FOR CONSTRUCTION	
ISSUED FOR BID	
ISSUED FOR BUILDING PERMIT	
ISSUED FOR SITE PLAN APPROVAL	
SUBMITTALS	
CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT	
FCA	
FAUSTO CORTESE ARCHITECTS	
3590 RUTHERFORD RD. UNIT 7 VAUGHAN, ONTARIO, L4H 3T8 416-806-7000 FCORTESE@FCARCHITECTS.CA	
PROJECT:	
74 PEPPERBERRY CRES CITY OF VAUGHAN	
DRAWING:	
SITE PLAN	
RELATED:	
DATE:	PROJECT NO:
JULY 2016	
SCALE:	DRAWING NO:
AS NOTED	
DRAWN BY:	REVIEWED BY:
	A1.0

TO ALLOW ARCHITECTURAL FEATURE WITH A MAX HEIGHT OF 2.0M OR 2082MM
Privacy fence 1.8

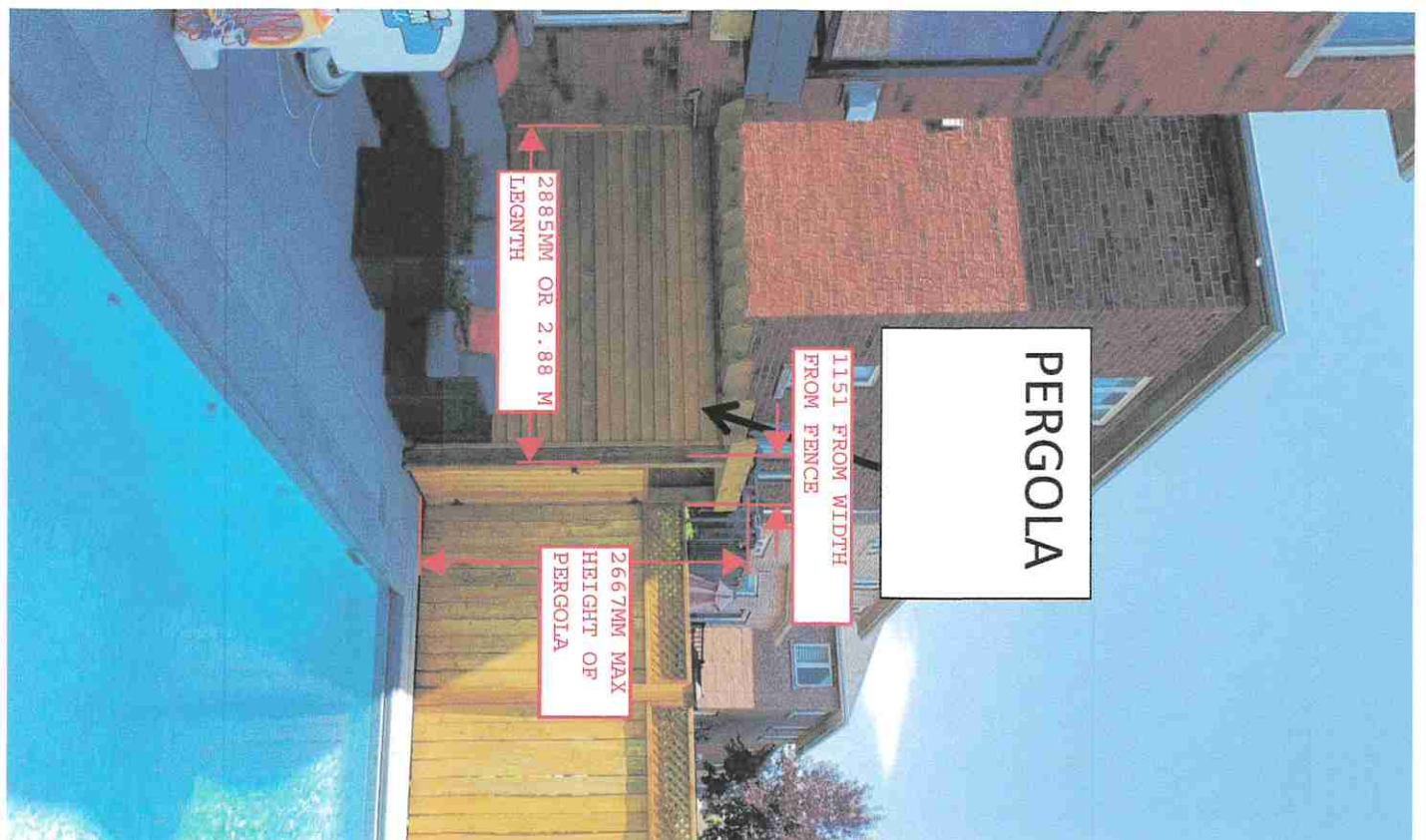
FILE NAME: 1901 SCALE: 1:100

PERGOLA

1151 FROM WIDTH
FROM FENCE

2667MM MAX
HEIGHT OF
PERGOLA

2885MM OR 2.88 M
LENGTH

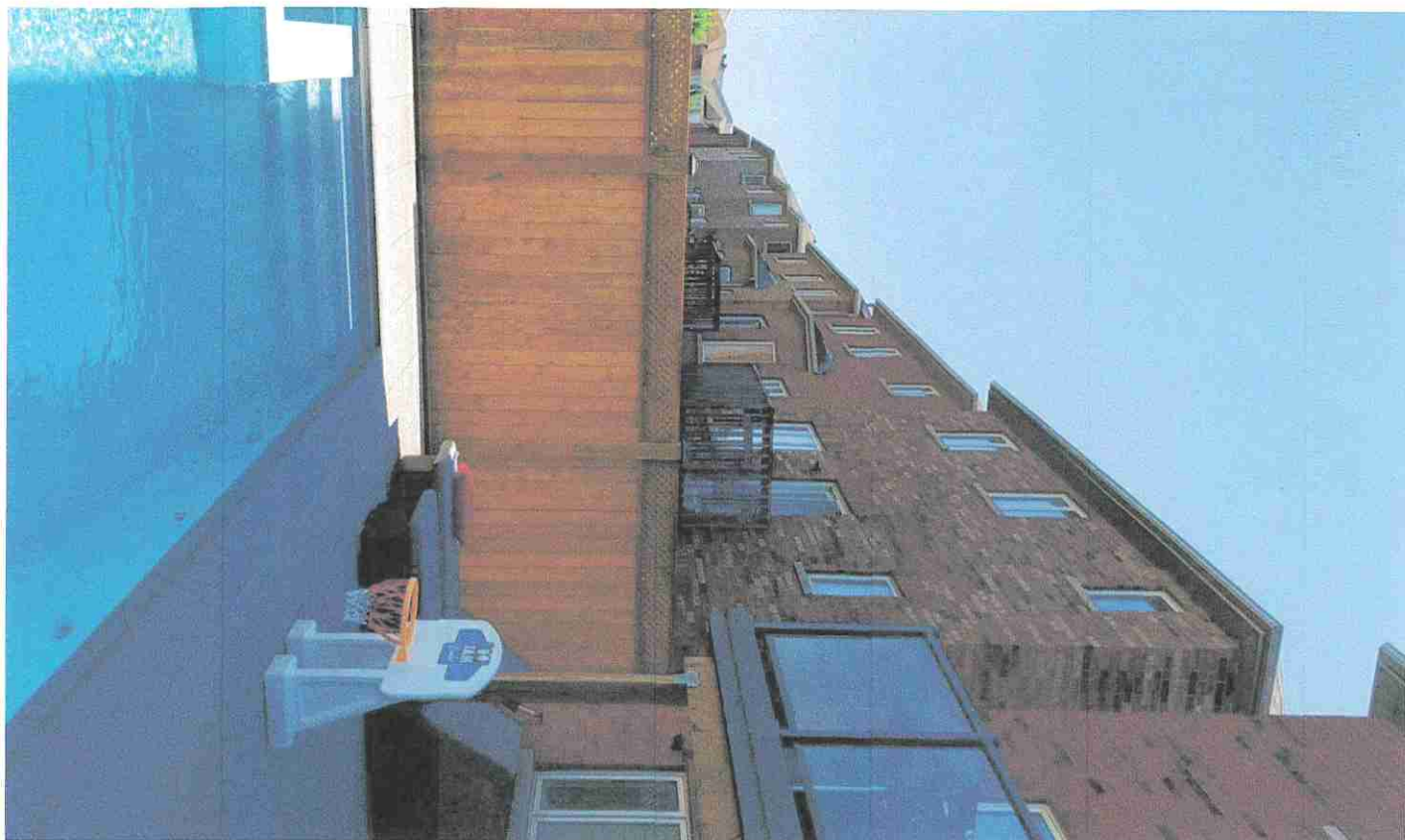


ARCH.
FEATURE A

ARCH.
FEATURE B

ARCH.
FEATURE C





ARCH.
FEATURE A

ARCH.
FEATURE B

ARCH.
FEATURE C





PERGOLA

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.

Letter of Support –78 Pepperberry Road, Thornhill

September 30th 2019

City of Vaughan
Committee of Adjustments

To Whom It May Concern:

RE: Minor Variance File No. A126/19
74 Pepperberry Rd, Vaughan, ON

I Talyah Breslin residing at 78 Pepperberry Rd am writing in support of the application for variance at the above referenced address. I have reviewed the information provided and spoken to the homeowner of the above address and would like to offer my support for this application. If you have any questions, feel free to contact me at the phone number provided.

Sincerely,

Name Talyah Breslin

Address 78 Pepperberry Rd.

Thornhill, Ont

L4J 8W4

Phone # 

Signature 

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



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: A126/19 - REQUEST FOR COMMENTS

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: September-25-19 9:24 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: FW: A126/19 - REQUEST FOR COMMENTS

Hello Pravina,

The Regional Municipality of York has completed its review of the above Minor Variance Application-A126/19 (74 Pepperberry Road) and has no comments. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,

Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

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

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



Please consider the environment before printing this email.

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A280/16

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A280/16

APPLICANT: SHAWNA RICH

PROPERTY: Part of Lot 14, Concession 2 (Lot 162 of Registered Plan 65M-3591) municipally known as 74 Pepperberry Road, Thornhill.

ZONING: The subject lands are zoned RV3 Residential, subject to Exception 9(1063) under By-law 1-88 as amended.

PURPOSE: To permit the construction of a proposed in-ground swimming pool.

PROPOSAL:

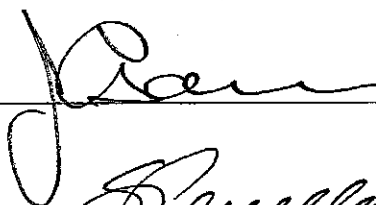
1. To permit a minimum interior side yard setback of 0.91 metres to the swimming pool.
2. To permit a minimum rear yard setback of 0.91 metres to the swimming pool.
3. To permit a minimum interior side yard setback of 0.30 metres to the pool equipment and air conditioning unit.

BY-LAW REQUIREMENT:

1. A minimum interior side yard setback of 1.5 metres is required.
2. A minimum rear yard setback of 1.5 metres is required.
3. A minimum interior side yard setback of 1.2 metres is required.

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 By-law and the Official Plan will be maintained.




The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.


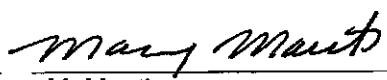
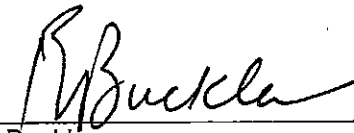
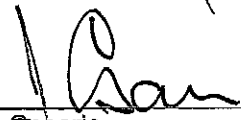
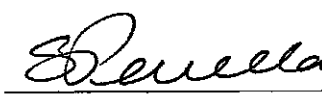
THAT Application No. **A280/16**, **SHAWNA RICH**, be **APPROVED**, in accordance with the sketches attached

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: 

Signed by all members present who concur in this decision:

 H. Zheng, Chair	 M. Mauti, Vice Chair	 R. Buckler, Member
 J. Cesario, Member		 A. Perrella, 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:	AUGUST 11, 2016
Last Date of Appeal:	AUGUST 31, 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".

NOTE: 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

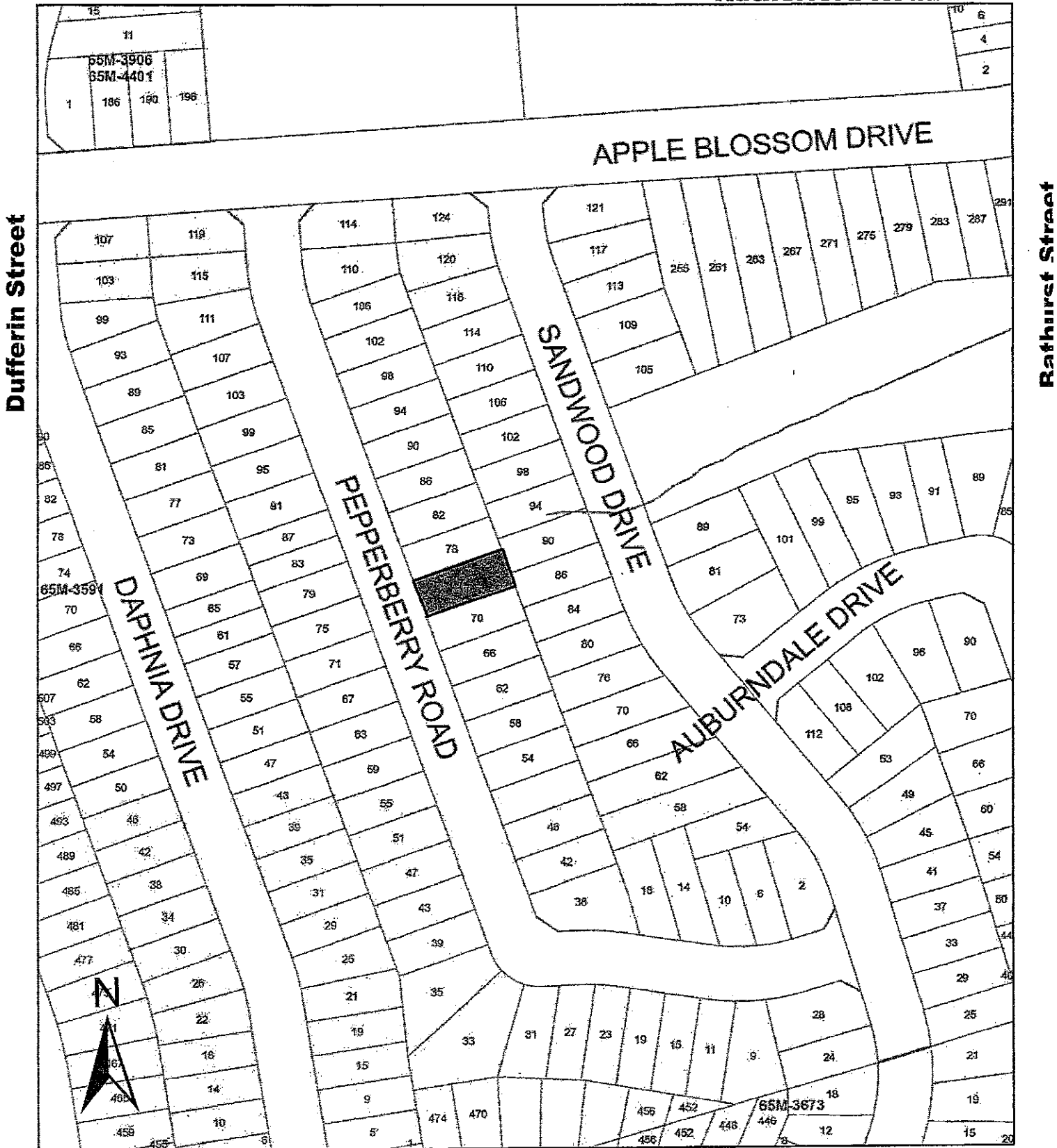
IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS: **AUGUST 31, 2017**



Location Map - A280/16

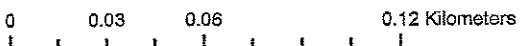
74 Pepperberry Road, Thornhill

Rutherford Road



Regional Road 7

City of Vaughan



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 without warranties of any kind, either expressed or implied.