



File: A119/19

Applicant: Antonella Verni

Address: 94 Vineyard Ct Woodbridge ON

Agent: None

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	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation		
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

Agenda Item: 09

A119/19

Ward: 3

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date of Hearing: Thursday, October 31, 2019

Applicant: Antonella Verni

Agent: None.

Property: 94 Vineyard Court, Woodbridge

Zoning: The subject lands are zoned R2, Residential One and OS1, Open Space Conservation Zone and subject to the provisions of Exception 9(476) under By-law 1-88 as amended.

OP Designation: VOP 2010: "Low-Rise Residential" and "Natural Areas"

Related Files: None.

Purpose: Relief from the Zoning By-law is being requested to permit the existing pergola, and wooden deck (open and unenclosed).

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 to an accessory structure (pergola).	1. To permit a minimum interior side yard setback of 0.61 metres to an accessory structure (pergola).
2. A minimum interior side yard setback of 1.2 metres is required to an accessory structure (deck).	2. To permit a minimum interior side yard setback of 0.46 metres to an accessory structure (deck).
3. A minimum setback of 7.5 metres is required to an OS1 zone for an accessory structure (pergola).	3. To permit a 0 metre setback to an OS1 Open Space Conservation Zone for accessory structure (pergola).
4. A minimum setback of 5.7 metres is required to an OS1 zone for an accessory structure (deck).	4. To permit a 0 metre setback to an OS1 Open Space Conservation Zone for accessory structure (deck).
5. No building or structure other than for conservation or flood control projects is permitted within the OS1 Open Space Conservation Zone.	5. To permit an encroachment to a maximum of 1.51 metres within an OS1 Open Space Conservation Zone for an accessory structure (pergola).
6. No building or structure other than for conservation or flood control projects is permitted within the OS1 Open Space Conservation Zone.	6. To permit an encroachment to a maximum of 2.76 metres within an OS1 Open Space Conservation Zone for an accessory structure (deck).

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

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 16, 2019

Applicant confirmed posting of signage on September 27, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	1984
Pergola, Wooden Deck and Concrete Deck	2019

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to a pre existing concrete deck off the house, the pergola and deck would fall in the middle of this concrete deck.

Adjournment Request: N/A**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: Order No. 19-000107, Order to Comply for the construction of a deck and pergola, has been undertaken prior to obtaining the required building permit. Issue Date: Jul 15, 2019

A Building Permit has not been issued for the pergola and deck. A building permit may also be required for the existing concrete deck. The Ontario Building Code requires a building permit for structures that exceed 10m².

The Applicant shall be advised that a minimum setback of 5.7 metres is required from the closest point of the future stairs from the existing concrete deck to the OS1 Zone boundary line will be required.

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

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

VOP 2010: "Low-Rise Residential" and "Natural Areas"

The Owner is requesting permission to continue construction of a pergola and a free standing deck in the rear yard with the above-noted variances.

Development Planning staff attended the site on September 6, 2019 and observed the partially constructed structures. Variances #1, #3 and #5 are considered minor in nature as the pergola is uncovered and unenclosed and will not have adverse impact on the neighbouring property. Variances #2, #4 and #6 respecting the free standing deck are considered minor as the deck is open underneath and will not adversely impact drainage.

The subject lands are located partially within the Toronto and Region Conservation Authority's Regulated Area of the Humber River Watershed. TRCA staff have reviewed the works on October 1, 2019 and have advised that they have no objections to the minor variance application.

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

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No comments or concerns

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A119/19 subject to the following condition:

All property line swales of 0.6m are to be re-instated to existing conditions to allow for proper drainage and to prevent any drainage from entering neighboring lots.

Parks Development:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No comments 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

TRCA – comments with conditions
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

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	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required \$580.00 review fee for Minor Variance Application A119/19.
2	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	All property line swales of 0.6m are to be re-instated to existing conditions to allow for proper drainage and to prevent any drainage from entering neighboring lots.

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 8394
E CofA@vaughan.ca

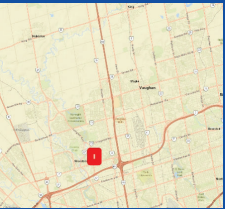
Schedule A: Plans & Sketches

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



Map Information:



Title:

LOCATION MAP - A119/19

94 Vineyard Court, Woodbridge

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:4,514

0 0.07 km



Created By:

Infrastructure Delivery
Department
September 23, 2019 2:19 PM

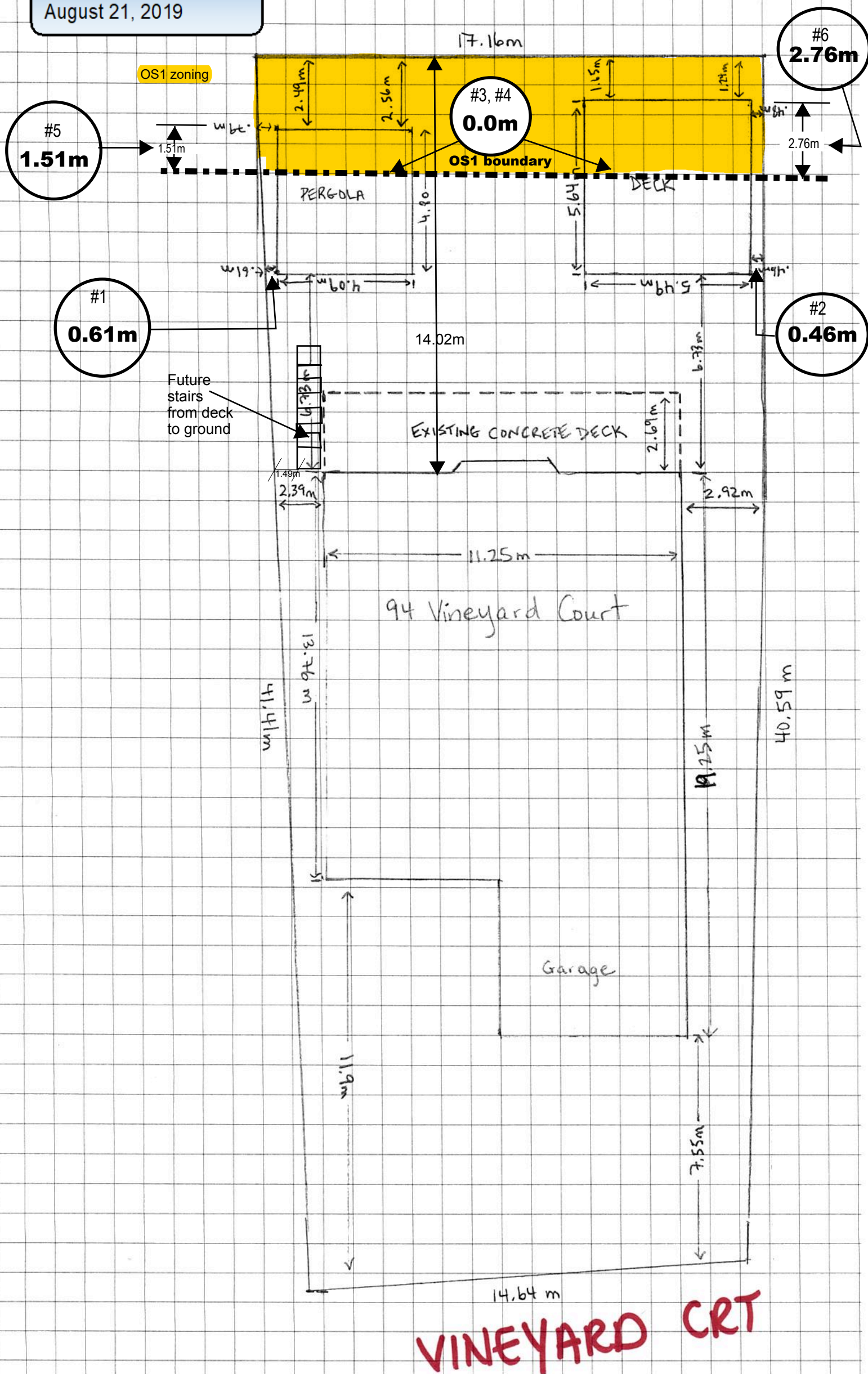
Projection:
NAD 83
UTM Zone
17N

RAVINE

Revised

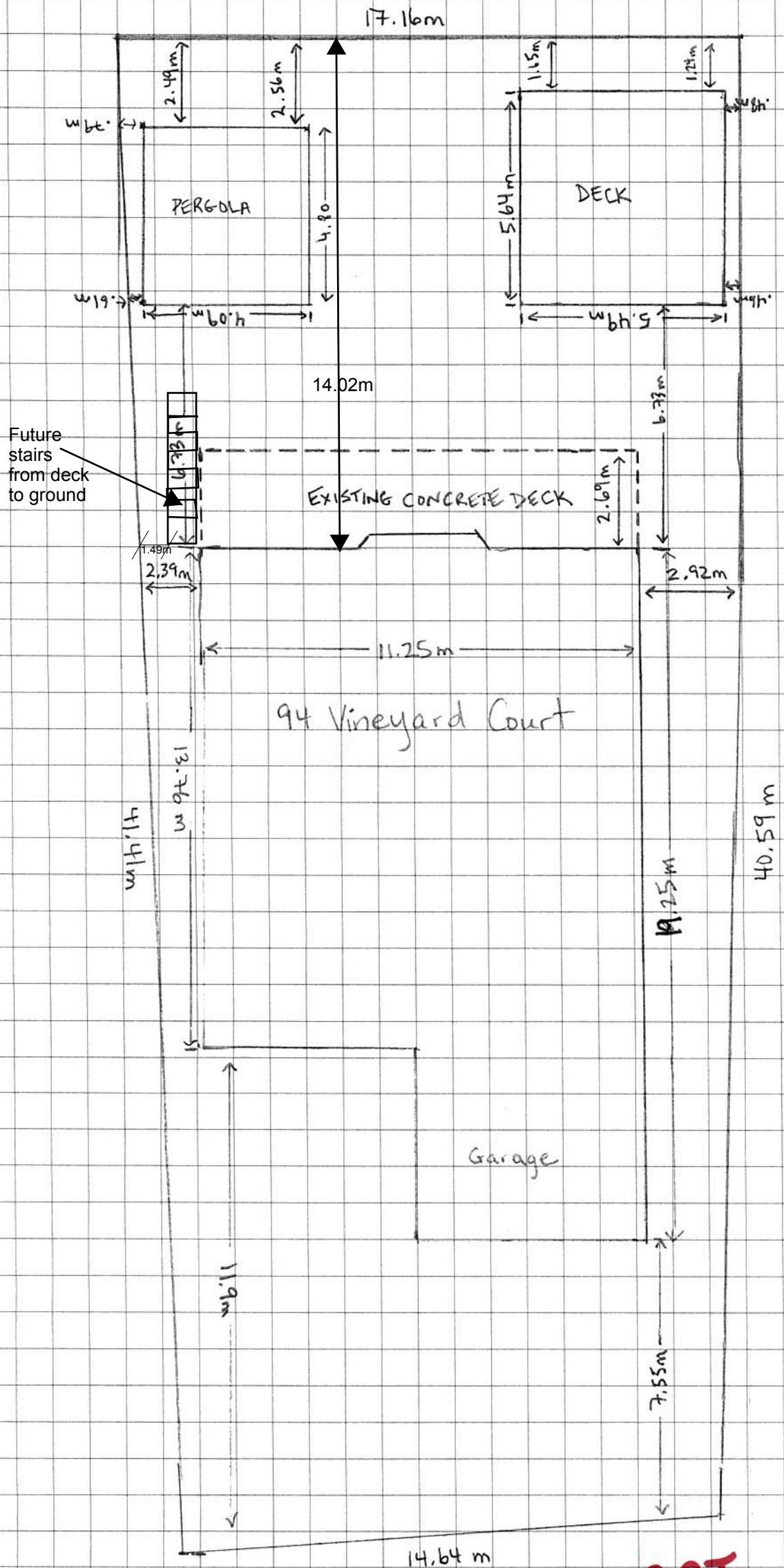
August 21, 2019

A119/19



RAVINE

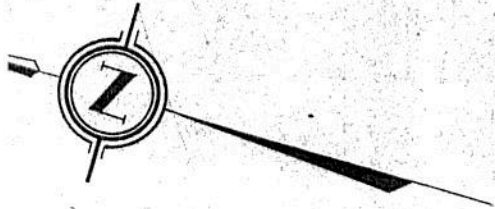
A119/19



VINEYARD CRT







REGISTERED

BLOCK

DATE: DECEMBER 18th, 1986

DATE: 21 JAN. 1987

BKEA
B.K. EDWARDS
ONTARIO LAND SURVEYOR

Dep. J. Salter
LAND REGISTRAR FOR THE
LAND TITLES DIVISION OF
YORK REGION (No. 65)

PLAN OF SURVEY OF
PART OF BLOCK 201
REGISTERED PLAN 65M-2177
TOWN OF VAUGHAN
THE REGIONAL MUNICIPALITY OF YORK

SCALE: 1:500
B.K. EDWARDS OLS
1986

NOTES:
BEARINGS SHOWN HEREON ARE ASTRONOMIC, DERIVED FROM THE
SOUTHERLY LIMIT OF BLOCK 201 HAVING A BEARING OF N73°58'40"E
IN ACCORDANCE WITH REGISTERED PLAN 65M-2177.
• DENOTES MONUMENT PLANTED
• DENOTES MONUMENT FOUND
SIB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
922 DENOTES SCHAEFFER & REINTHALER, OLS

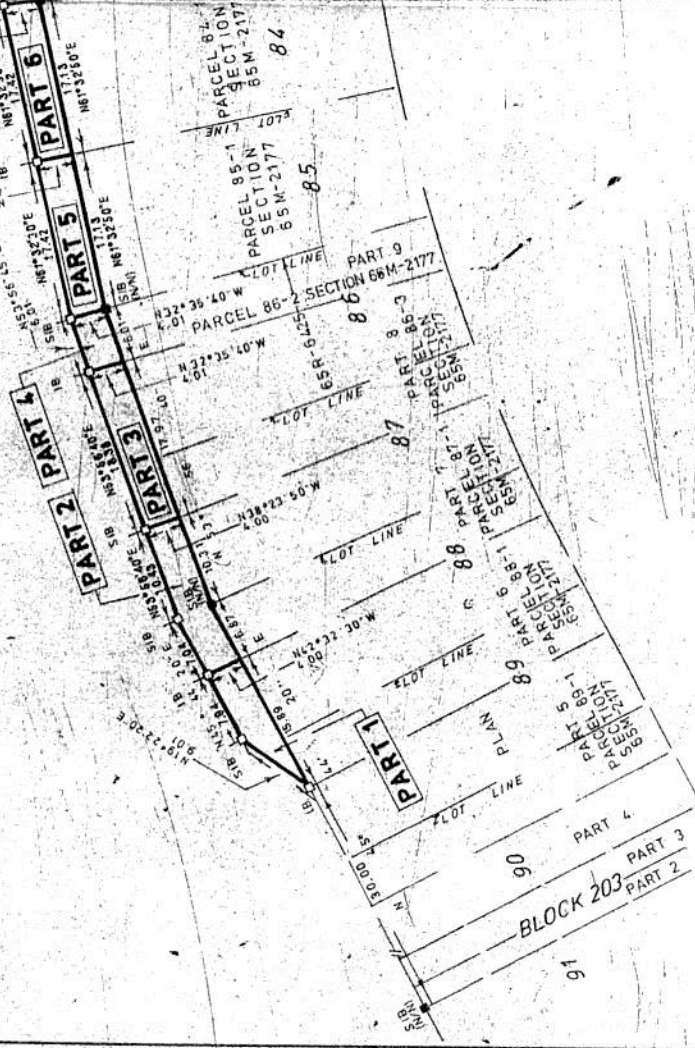
CAUTION:
THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.

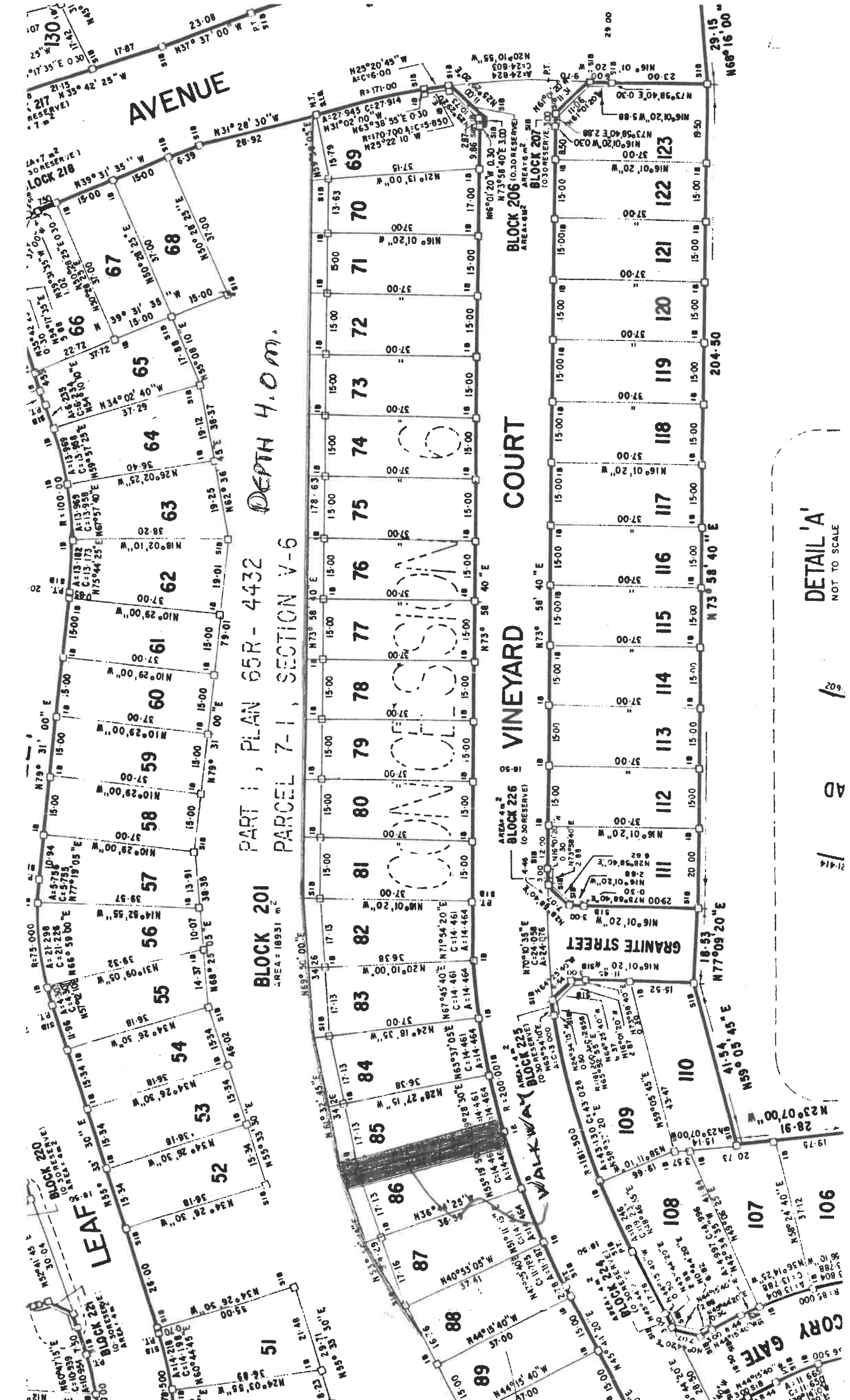
SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS
MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 17th DAY OF DECEMBER, 1986.

DATED: DECEMBER 18th, 1986

BKEA
B.K. EDWARDS
ONTARIO LAND SURVEYOR





PART I, PLAN 65R-4432
PARCEL 7-1, SECTION V-6

BLOCK 201
AREA = 18931 m²

DEPTH 4.0m

DETAIL 'A'
NOT TO SCALE

AD
21/14

CORY GATE

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.

- TRCA – comments with conditions
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections

October 1, 2019

CFN: 60819.24

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

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

Dear Christine:

**Re: Minor Variance Application A119/19
94 Vineyard Court
PLAN 65M2177 Part of Lot 87, Lot 88
City of Vaughan
Owner: Antonella Verni**

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on September 17, 2019. TRCA staff has reviewed the application and offers the following comments:

Background

The purpose of Application A119/19 is to request the following:

1. To permit a minimum interior side yard setback of 0.61 metres to an accessory structure (pergola).
2. To permit a minimum interior side yard setback of 0.46 metres to an accessory structure (deck).
3. To permit a 0 metre setback to an OS1 Open Space Conservation Zone for accessory structure (pergola).
4. To permit a 0 metre setback to an OS1 Open Space Conservation Zone for accessory structure (deck).
5. To permit an encroachment to a maximum of 1.51 metres within an OS1 Open Space Conservation Zone for an accessory structure (pergola).
6. To permit an encroachment to a maximum of 2.76 metres within an OS1 Open Space Conservation Zone for an accessory structure (deck).

It is TRCA's understanding that the purpose of the above variance is to permit construction of a pergola and a wooden deck on the subject property.

Applicable TRCA Policies and Regulations

Living City Policies (LCP):

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

Ontario Regulation 166/06:

The subject lands are located partially within the TRCA's Regulated Area of the Humber River Watershed due to the presence of a watercourse with associated flood plain to the west of the subject property. In accordance with the *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. From our review of the submitted materials, TRCA staff have no further

concerns with the proposed development. We have received the permit application and it is currently under review.

Application-Specific Comments

As noted above, a portion of the subject property is located within TRCA's Regulated Area of the Humber River Watershed due to the proximity to an estimated flood plain at the rear of the lot. TRCA has reviewed the materials and has no concerns with the proposed variances.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580.00 Variance – Residential – Minor review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendations

From our review of the submitted materials TRCA has **no objection** to the approval of Minor Variance A119/19 subject to the following condition:

- 1) That the applicant provides the required \$580.00 review fee for Minor Variance Application A119/19.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Further, we trust these comments are of assistance.

TRCA will continue to work closely with the City of Vaughan, the applicant, and their consultants to ensure that TRCA's expectations for meeting our requirements are met. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Hamedeh Razavi
Planner I
Planning and Development
Extension 5256

HR/cb



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

Providence, Lenore

Subject: FW: (A119/19) MVAR.19.V.0389 - 94 Vineyard Court

From: Skouros, Julia <Julia.Skouros@york.ca>

Sent: September-30-19 1:11 PM

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

Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: (A119/19) MVAR.19.V.0389 - 94 Vineyard Court

Hi Lenore,

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 Joseph McMakin, Associate Planner at ext. 71516 or by email at joseph.mcmackin@york.ca

Best,