VAUGHAN

Staff Report Summary

Item # 10

Ward # 1

File: A136/19

Applicant: Gramoz Mulla

Address: 42 Elena Cr Maple ON L6A 2J4

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	☑ Positive Comment ☒ Negative Comment	Condition(s) ☑ ☒
Committee of Adjustment	☑	
Building Standards	☑	
Building Inspection	☑	
Development Planning	☑	
Cultural Heritage (Urban Design)	☑	
Development Engineering	☑	
Parks & Forestry Department	☑	
By-law & Compliance		
Financial Planning & Development	☑	
Fire Department	☑	
TRCA		
CN Rail	☑	
Ministry of Transportation		
Region of York	☑	
Alectra (Formerly PowerStream)	☑	
Public Correspondence **(see Schedule B)**		

Adjournment History: None

Background History: None

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, December 12, 2019

Minor Variance Application

Agenda Item: 10

A136/19

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date of Hearing: Thursday, December 12, 2019

Applicant: Gramoz Mulla

Agent: None.

Property: **42 Elena Crescent, Maple ON**

Zoning: The subject lands are zoned R4, Residential and subject to the provisions of Exception 9(893) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010: "Low-Rise Residential"

Related Files: None

Purpose: Relief from the by-law is being requested to permit the existing deck located in the rear yard and to permit the construction of a proposed cover (roof) over a portion of the existing deck.

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 rear yard setback of 9.0 metres is required.	1. To permit a minimum rear yard setback of 7.26 metres to a covered portion of a deck.
2. A minimum rear yard setback of 7.2 metres is required.	2. To permit a minimum rear yard setback of 6.0 metres to an uncovered portion of a deck.
3. A minimum interior side yard setback of 1.2 metres is required.	3. To permit a minimum northerly interior side yard setback of 1.05 metres to a 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 November 27, 2019

Applicant confirmed posting of signage on November 25, 2019

Property Information	
Existing Structures	**Year Constructed**
Dwelling	1997

Applicant has advised that they cannot comply with By-law for the following reason(s): It is not possible to comply with the provisions of the by-law because of the lack of adequate space available for the table during the summer to enjoy it.

Adjournment Request: N/A

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit Application No. 19-001467 for covered deck (Not Yet Issued)

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

Building Inspections (Septic):
No comments or concerns

Development Planning:
Vaughan Official Plan 2010: Low-Rise Residential.

The Owner is requesting permission to construct a covered rear yard porch with the above variances.

The proposed rear yard setback of 7.26 metres to the covered portion of a deck where 9.0 metres is required (Variance #1) and proposed rear yard setback of 6.0 metres to an uncovered portion of a deck where 7.2 metres is required (Variance #2) is consistent with other approvals in the area and an appropriate building type for the neighbourhoods' built form. The proposed covered porch and deck meet both side yard setback and height requirements minimum the impacts to neighbours.

The Owner submitted an Arborist Letter prepared by Ash Urban Forestry dated September 25, 2019, and amended October 18, 2019. The Urban Design and Cultural Heritage Division of the Development Planning Department and Parks, Forestry and Horticulture Operations has reviewed the submitted Arborist Report and is satisfied.

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

The Development Planning Department recommends approval for the minor variance application.

Cultural Heritage (Urban Design):
No Response.

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A136/19.

Parks Development:
There is no significant woody vegetation that would warrant the need for a Tree Removal & Protection Permit pursuant to Municipal By-law 052-2018 within the development site; Forestry has no further comments.

By-Law and Compliance, Licensing and Permit Services:
No Response.

Financial Planning and Development Finance:
No comment no concerns

Fire Department:
No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
None.

Schedule C - Agency Comments
CN Rail – No concerns or objections
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.

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.

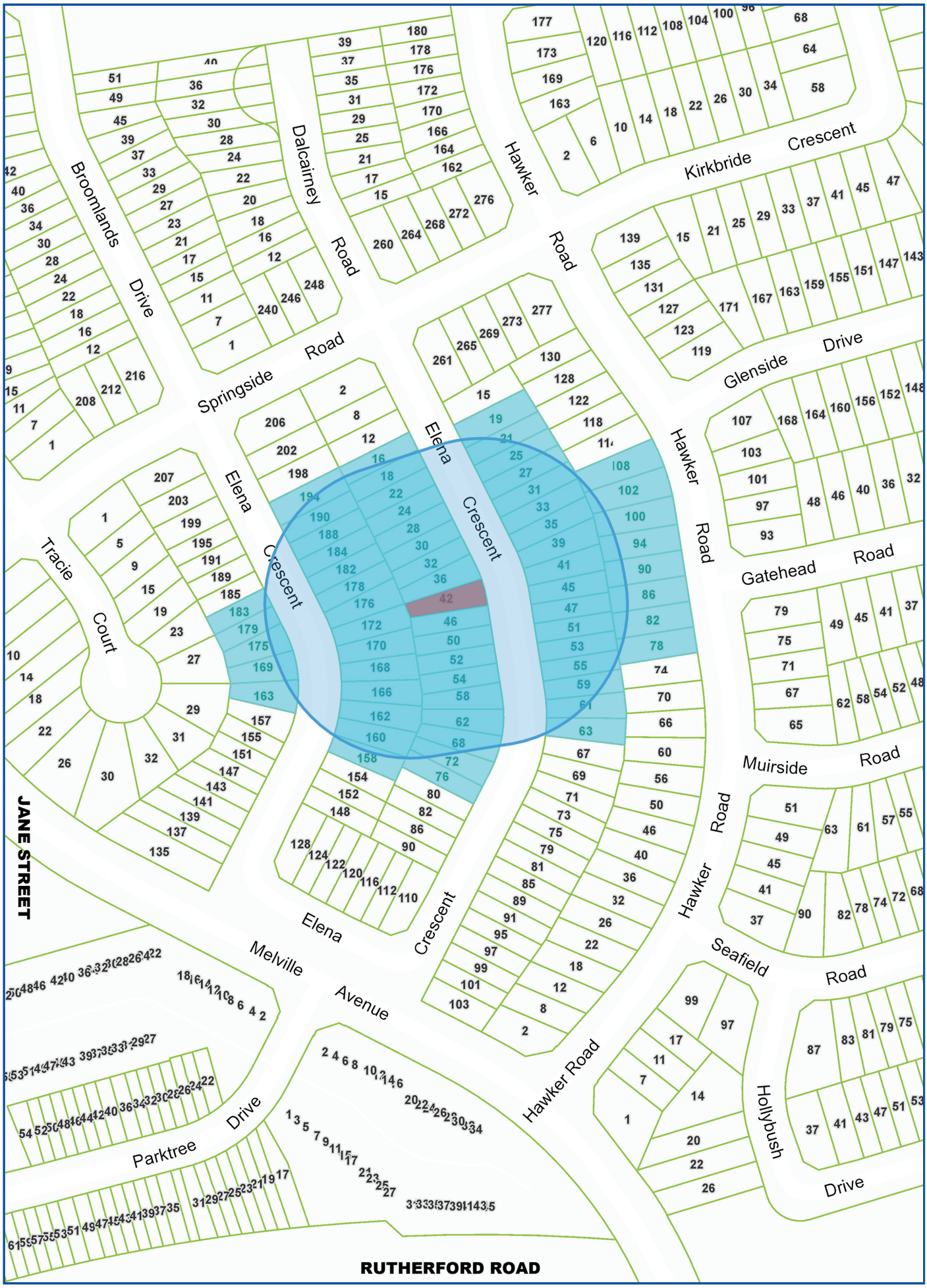
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

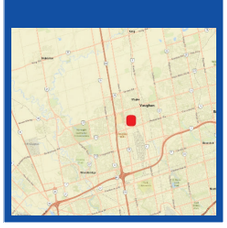
Schedule A: Plans & Sketches

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:

NOTIFICATION MAP - A136/19

42 ELENA CRESCENT, MAPLE

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.

VAUGHAN

Scale: 1: 2,257
0 0.04 km

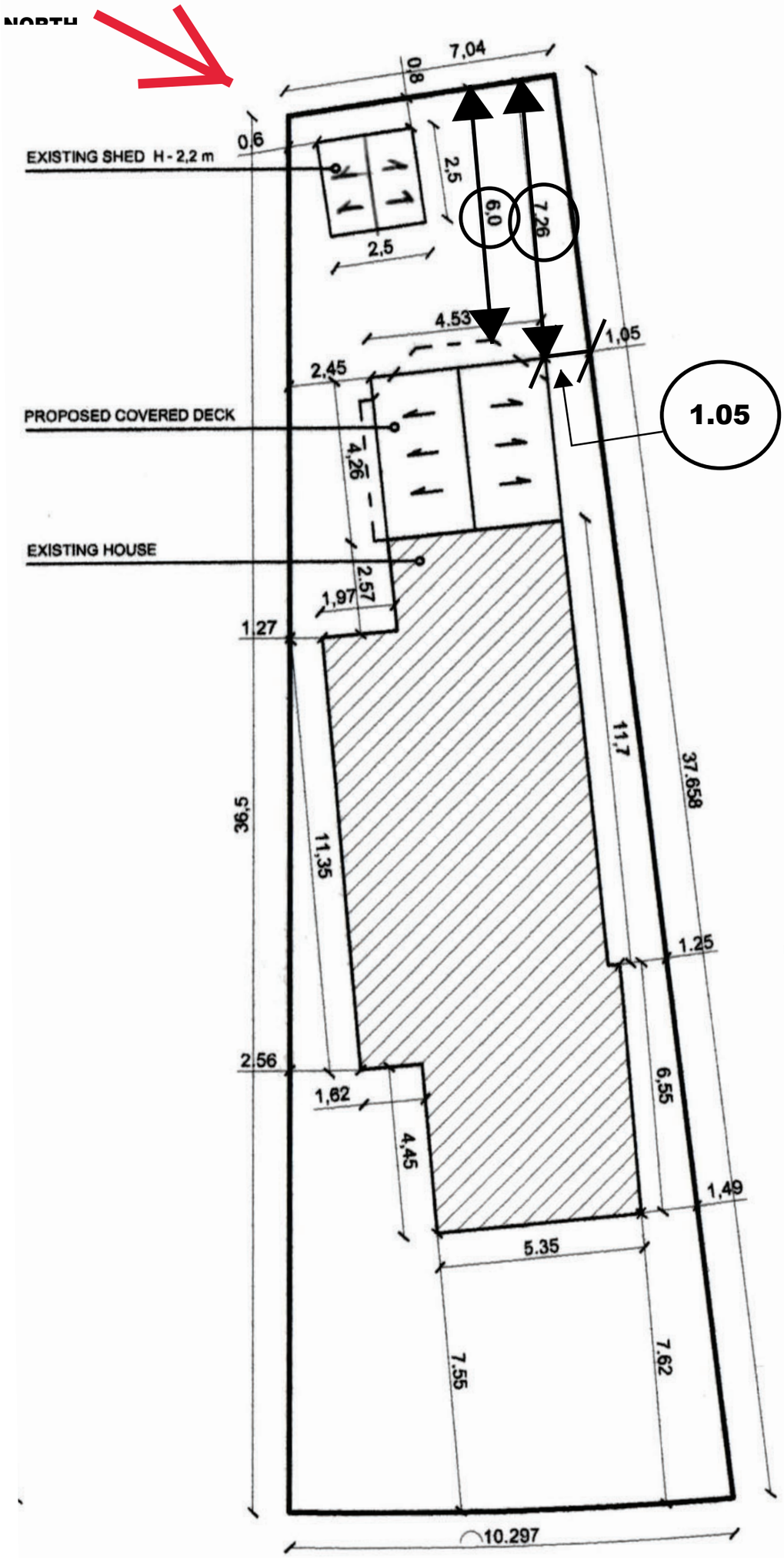
Created By:
Infrastructure Delivery Department
November 20, 2019 12:55 PM

Projection:
NAD 83
UTM Zone 17N

Revised
October 23, 2019

PROPOSED

A136/19



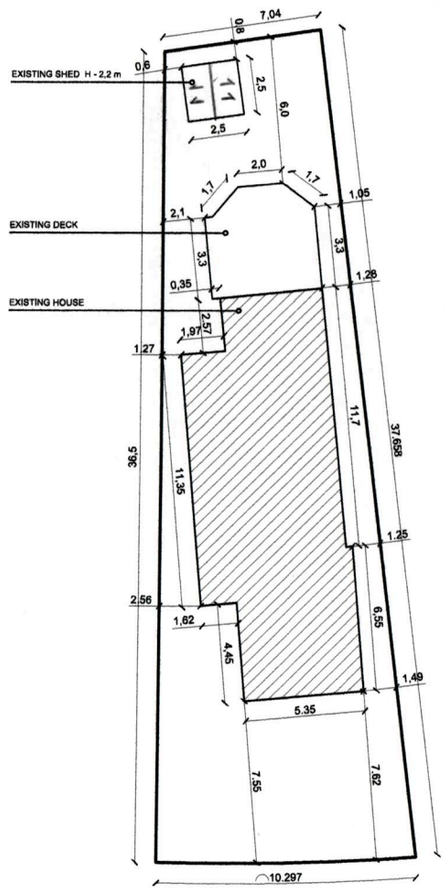
ELENA CRESCENT

A136/19

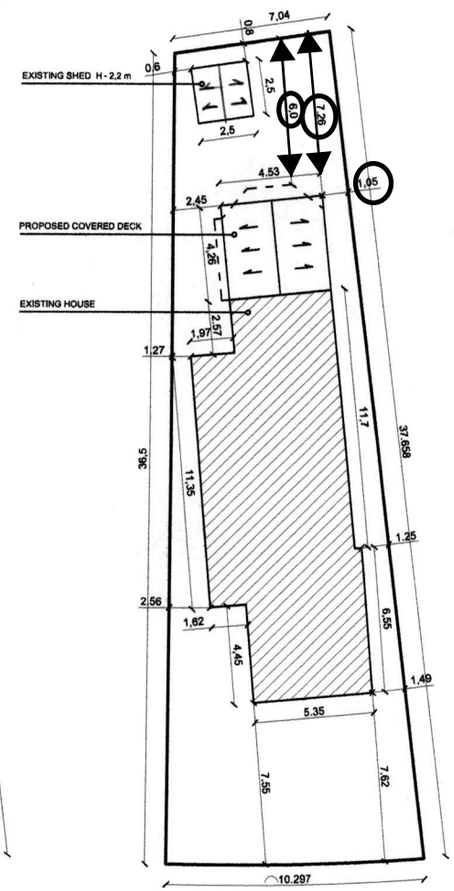
NORTH

Revised
October 23, 2019

EXISTING



PROPOSED



SITE PLAN

PROPERTY : 430 SQ METER
BUILDING STRUCTURE : 110 SQ METER
COVERED DECK STRUCTURE : 17.6 SQ METER

CONNICA
INTERIOR DESIGN
2515 Bathurst Street,
Toronto, ON
cell: (647) 982-1041

GENERAL NOTES:
ALL DRAWINGS ARE PROPERTY OF CONNICA DESIGN LTD
DRAWINGS ARE NOT TO SCALE
DRAWINGS ISSUED FOR REVIEW

REVISIONS

ISSUED FOR REVIEW
09/16/2019

PROJECT TITLE:
Residential Project
GRAMOZ MULLA

ADDRESS:
42 ELENA CRES.

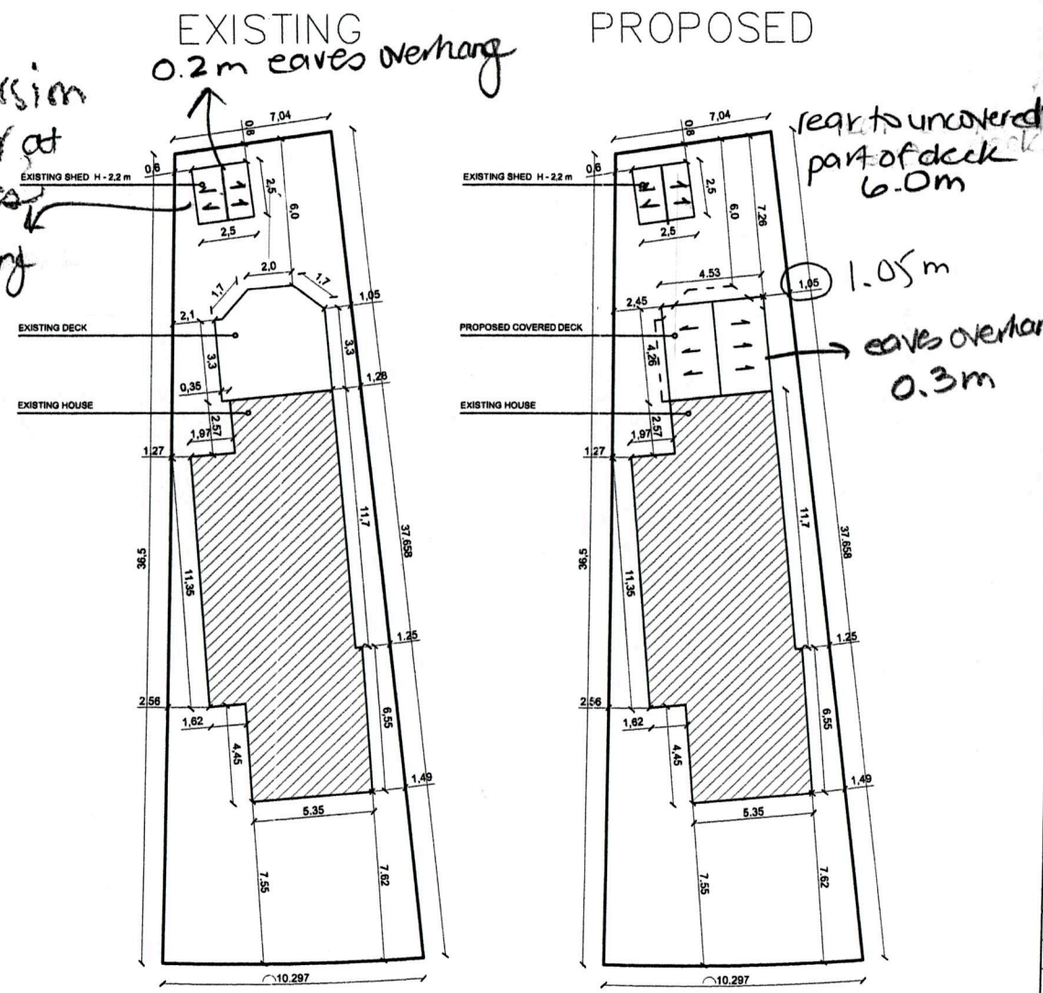
ISSUED	05/10/2019
SCALE	1 : 50
DATE	09/16/2019
DRAWN BY	Connica Design
REVISION	0
TITLE	SITE PLAN

A-01
DRAWING NO.

Oct 23, 19

Lenore,
As per my discussion with the Owner at front counter, notes are written by me.

Cath



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REVISIONS

ISSUED FOR REVIEW
09/16/2019

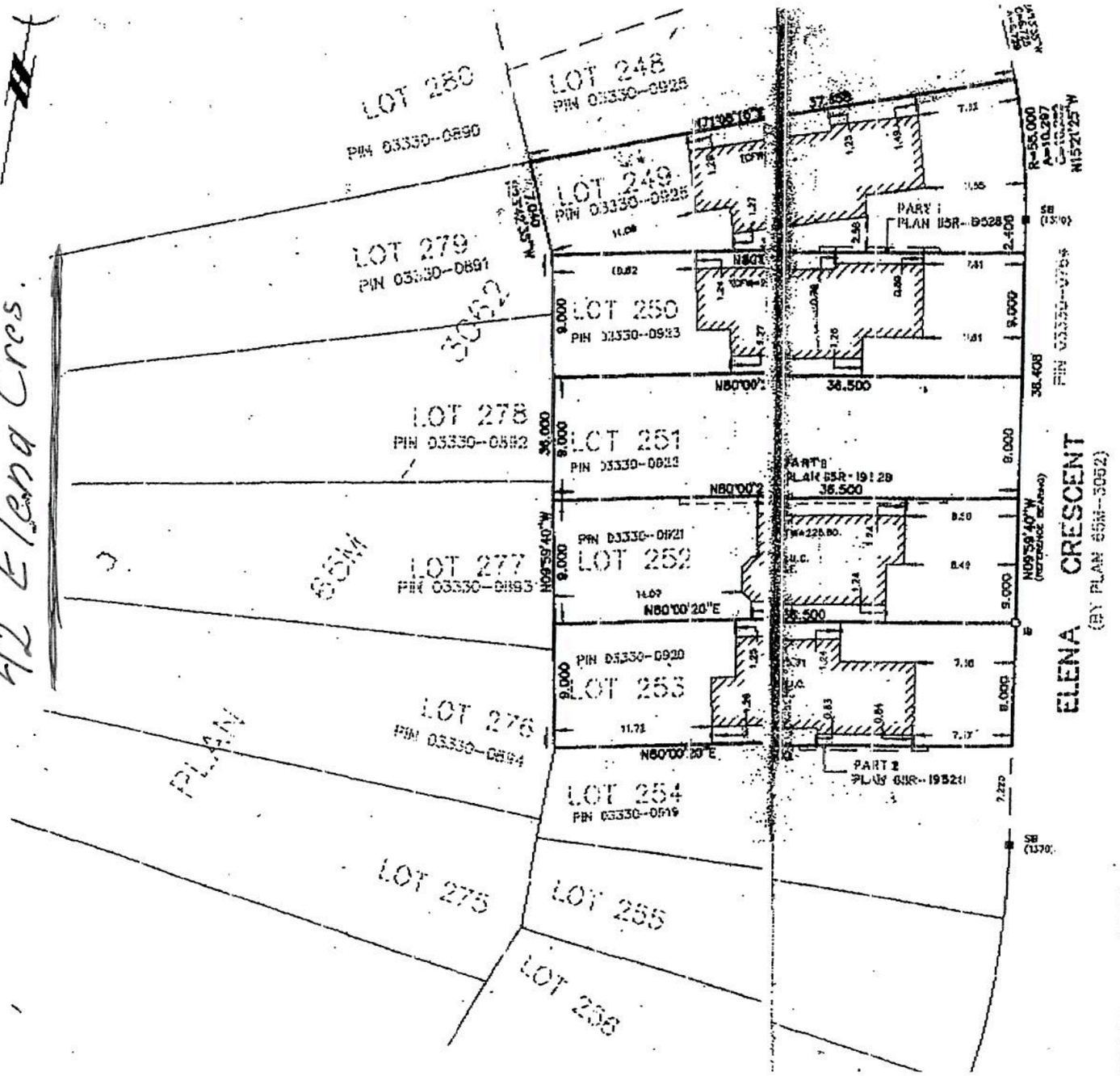
PROJECT TITLE:
Residential Project
GRAMOZ MULLA

ADDRESS:
42 ELENA CRES.

ISSUED	05/10/2019
SCALE	1 : 50
DATE	09/16/2019
DRAWN BY	Connica Design
REVISION	0
TITLE	SITE PLAN

A-01
DRAWING NO.

42 Elena Cres.



SCALE 1:500

5 0 5 10 15 20 25m

VLADIMIR KRCMAR LTD., O.L.S. 1997

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- □ DENOTES SURVEY MONUMENT PLANTED
- ■ DENOTES SURVEY MONUMENT FOUND
- SB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- D/C DENOTES DWELLING UNDER CONSTRUCTION
- PL DENOTES PLAN 65M-3052
- CF DENOTES CONCRETE FOUNDATION
- 1370 DENOTES VLADIMIR KRCMAR O.L.S.
- TCFW DENOTES TOP OF CONCRETE FOUNDATION WALL
- FF DENOTES FINISHED FLOOR

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF ELENA CRESCENT AS SHOWN ON PLAN 65M-3052 HAVING A BEARING OF N 09°59'40"W

PART 2

THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED AUGUST 29, 1997

THIS REPORT WAS PREPARED FOR MIDPARK HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE FIELD SURVEY REPRESENTED ON THIS PLAN WAS COMPLETED ON THE 31 DAY OF JULY , 1997.

AUGUST 29, 1997
DATE

MAJA KRCMAR
ONTARIO LAND SURVEYOR

© COPYRIGHT 1997 VLADIMIR KRCMAR LTD., O.L.S.
Unauthorized reproduction, distribution, alteration or use of this plan, in whole or in part, is strictly prohibited.

VLADIMIR KRCMAR LTD.
ONTARIO LAND SURVEYORS
1137 CENTRE STREET THORNHILL ONTARIO, L4J 3M6
TEL(905) 738-0023 FAX (416) 739-8132

FIELD: LP DRAWN: BA CHECKED: MK JOB No: 95X00232

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.

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

Providence, Lenore

Subject: FW: A136/19 - REQUEST FOR COMMENTS (Vaughan - Committee of Adjustment)
Attachments: ATT00001.txt

From: Proximity <proximity@cn.ca>

Sent: November-29-19 7:03 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: RE: A136/19 - REQUEST FOR COMMENTS (Vaughan - Committee of Adjustment)

Good afternoon Lenore

No comments from CN on this application.

Regards

Susanne

Susanne Glenn-Rigny

Senior Officer, Community Planning and Development | Corporate Services
T: **514-399-7844** | C: **514-919-7844**

Celebrating 100 years | Célébrons nos 100 ans

COMMENTS:

☐	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	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: MVAR.19.V.0480 (A136/19) - 42 Elena Crescent

From: Candy, Grace <Grace.Candy@york.ca>

Sent: November-26-19 9:45 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: MVAR.19.V.0480 (A136/19) - 42 Elena Crescent

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 Gabrielle Hurst, Associate Planner at ext. 71538 or by email at gabrielle.hurst@york.ca .

Best,

Grace Candy | Assistant Planner – Co-op Student, Community Planning, Corporate Services
---
The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 73012 | grace.candy@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**