

VAUGHAN Staff Report Summary

Item # 15 Ward #4

| File: | A149/19 |
|------------|-------------------------|
| Applicant: | Philip and Ilona Milman |
| Address: | 35 Perrigo Court, Maple |
| Agent: | Curtis Nooven |

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 | Condition(s) |
|---|------------------|----------------|
| | Negative Comment | \checkmark × |
| Committee of Adjustment | | |
| Building Standards | | |
| Building Inspection | | |
| Development Planning | | |
| Cultural Heritage (Urban Design) | | |
| Development Engineering | | \checkmark |
| Parks Department | | |
| By-law & Compliance | | |
| Financial Planning & Development | | |
| Fire Department | | |
| TRCA | | |
| 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

A149/19

Ward: 4

Agenda Item: 15

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

| Date of Hearing: | Thursday, December 12, 2019 |
|------------------|---|
| Applicant: | Philip and Ilona Milman |
| Agent: | Curtis Nooyen |
| Property: | 35 Perrigo Court, Maple ON |
| Zoning: | The subject lands are zoned RD3, Residential Detached Zone 3, and subject to the provisions of Exception 9(1385) 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 construction of a proposed accessory structure (cabana) to be 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 Rear yard setback of 7.5 metres is | 1. To permit a minimum Rear yard setback of 2.16 |
| required. | metres to a cabana. |

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 22, 2019

| Property Information | | |
|----------------------|------------------|--|
| Existing Structures | Year Constructed | |
| Dwelling | 2016 | |

Applicant has advised that they cannot comply with By-law for the following reason(s): The design that has been put together and agreed on for my pool and backyard cabana structure(s) make it impossible for me to comply with the legal provisions the By-Law currently states in Vaughn. It is also important to note that given the shape of my lot there is not an alternative that would work for me to carry out any other design that would have everything comply with the provisions of the By-Law. Therefore, I would like to proceed with a committee of adjustment hearing to allow my family and I to have the design agreed to and completed as planned.

Adjournment Request: N/A

Building Standards (Zoning Review):

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

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2.

Staff Report A149/19

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Under review.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A149/19 subject to the following condition(s):

- 1. The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading approval.
- 2. Staff have confirmed that the property is located within an unassumed subdivision. The owner/applicant shall provide satisfactory notification to the development/builder and approval (later or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department

Forestry Development:

Under review.

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 – 171 Farrell Road, Maple

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)

None

Staff Recommendations:

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

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

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

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

| | Department/Agency | | Condition |
|---|-------------------------|----|---|
| 1 | Development Engineering | 1. | The Owner/applicant shall submit the final Lot Grading Plan to |
| | Jason Pham | | the Development Inspection and Lot Grading division of the |
| | | | City's Development Engineering Department for final lot |
| | 905-832-8585 x 8716 | | grading approval prior to any work being undertaken on the |
| | Jason.pham@vaughan.ca | | property. Please visit or contact Development Engineering's |
| | | | front desk on the 2nd floor of City Hall to apply for lot grading |
| | | | approval. |
| | | 2. | Staff have confirmed that the property is located within an |
| | | | unassumed subdivision. The owner/applicant shall provide |
| | | | satisfactory notification to the development/builder and |
| | | | approval (later or email) of the minor variance and proposed |
| | | | work to the property in question and provide a copy of the |
| | | | notification and approval to the City's Development |
| | | | Engineering Department |

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.

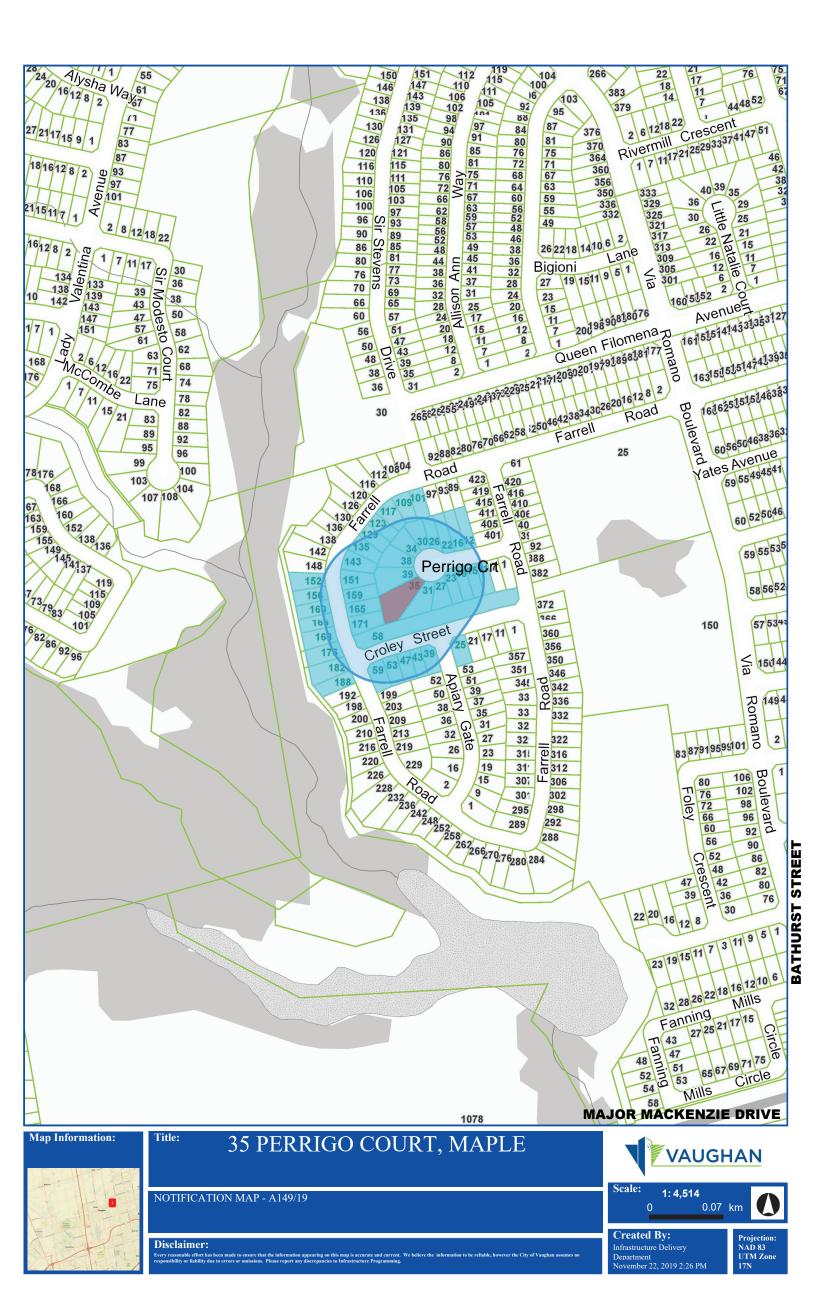
For further information please contact the City of Vaughan, Committee of Adjustment

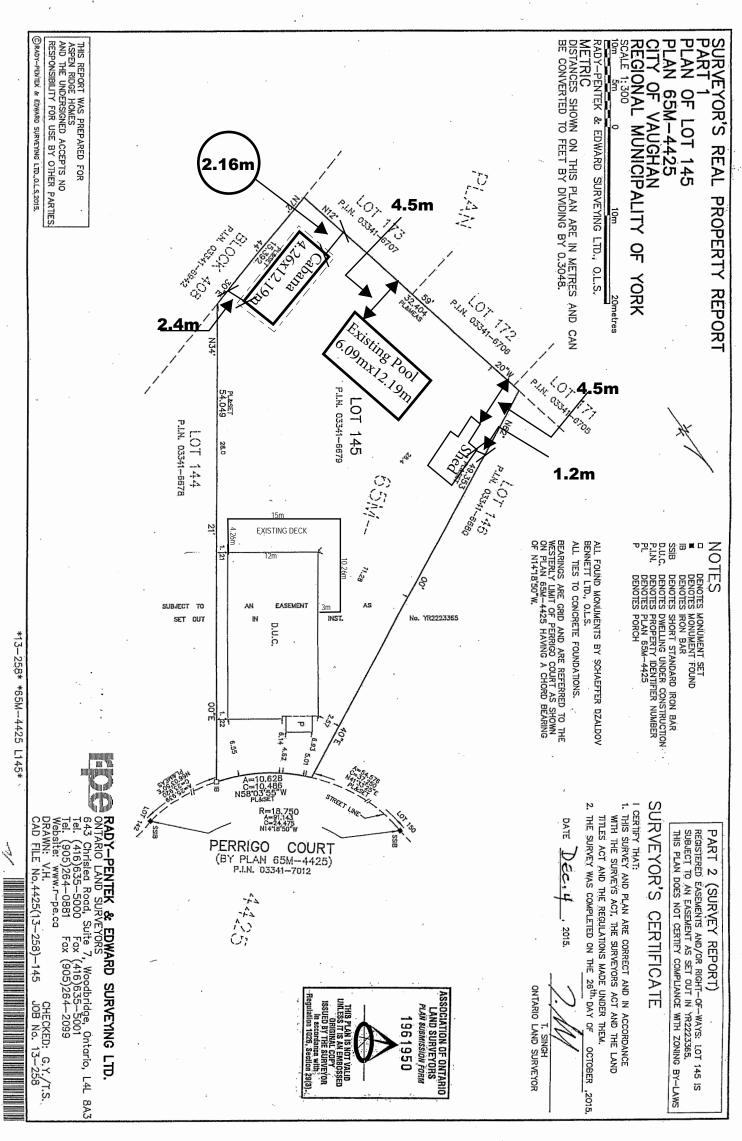
T 905 832 8585 Extension 8394 E CofA@vaughan.ca

Schedule A: Plans & Sketches

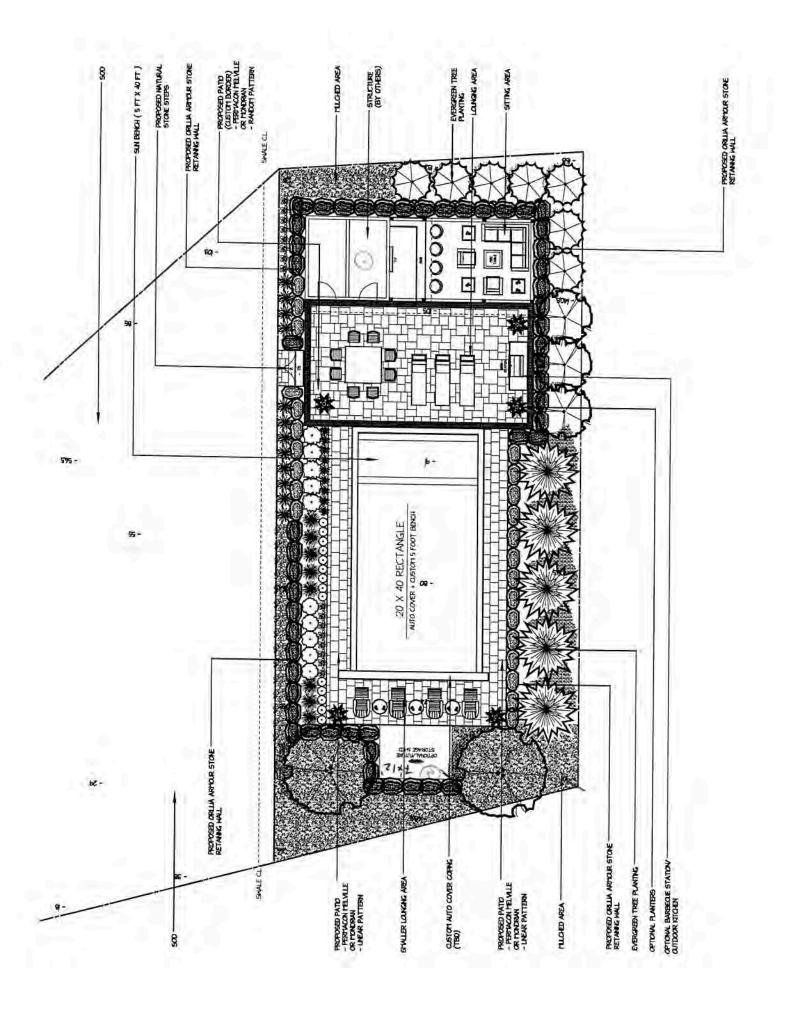
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

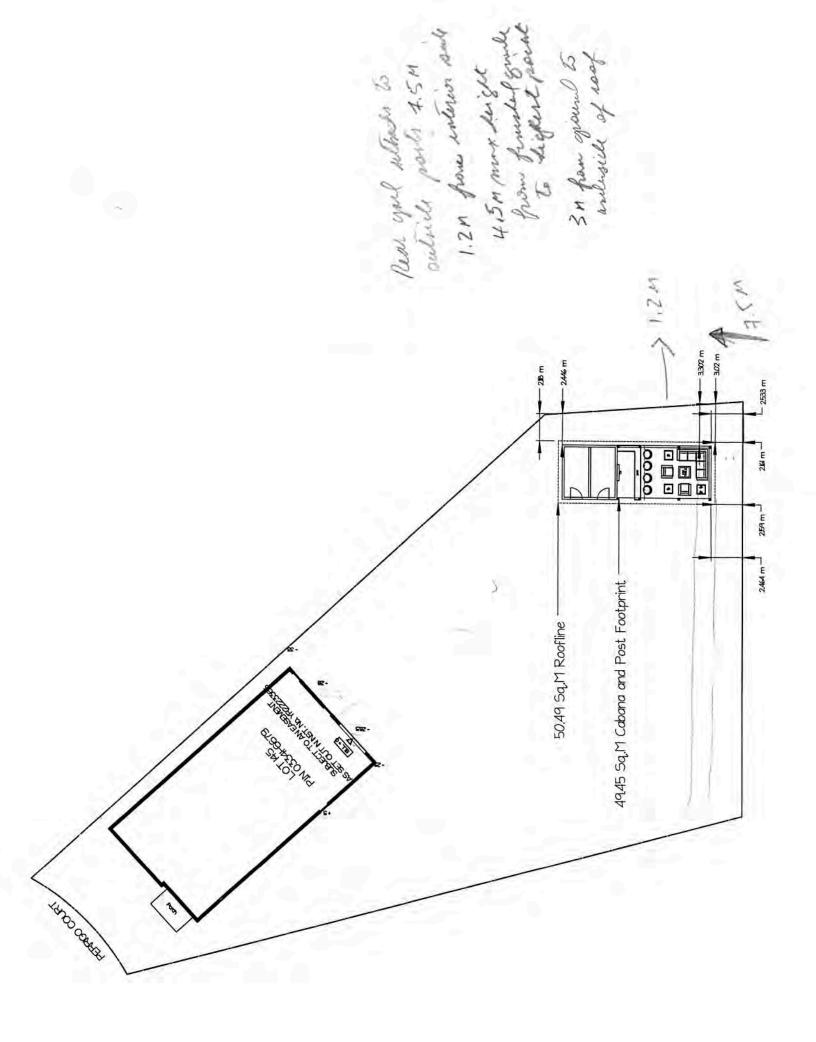
Location Map Sketches

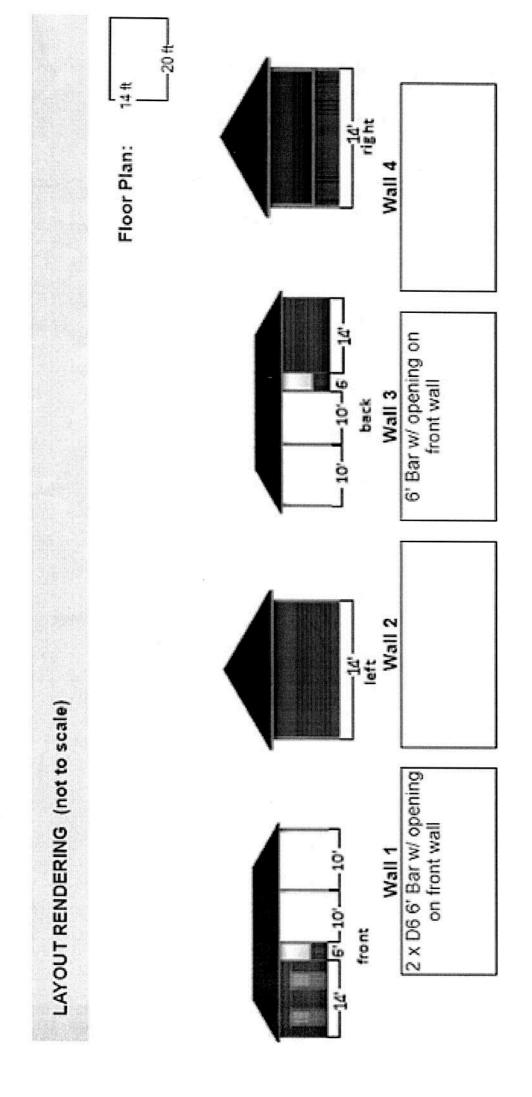




A149/19



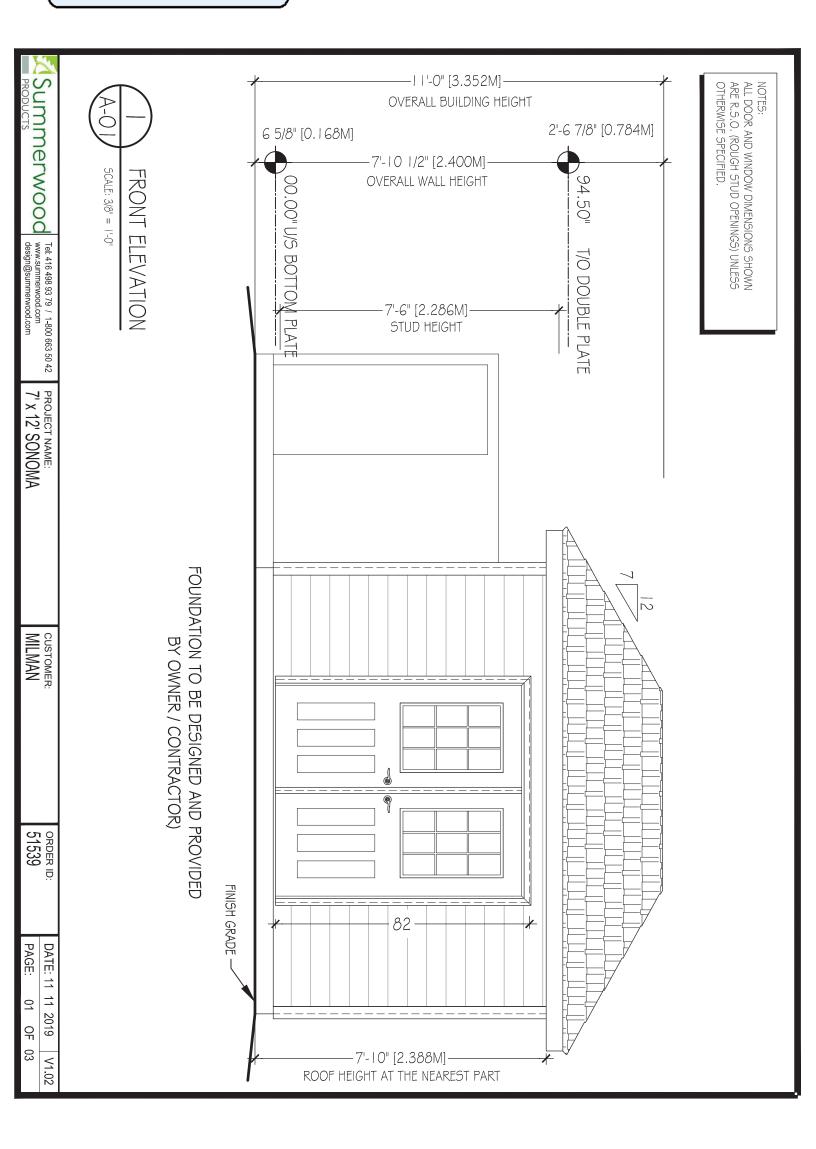


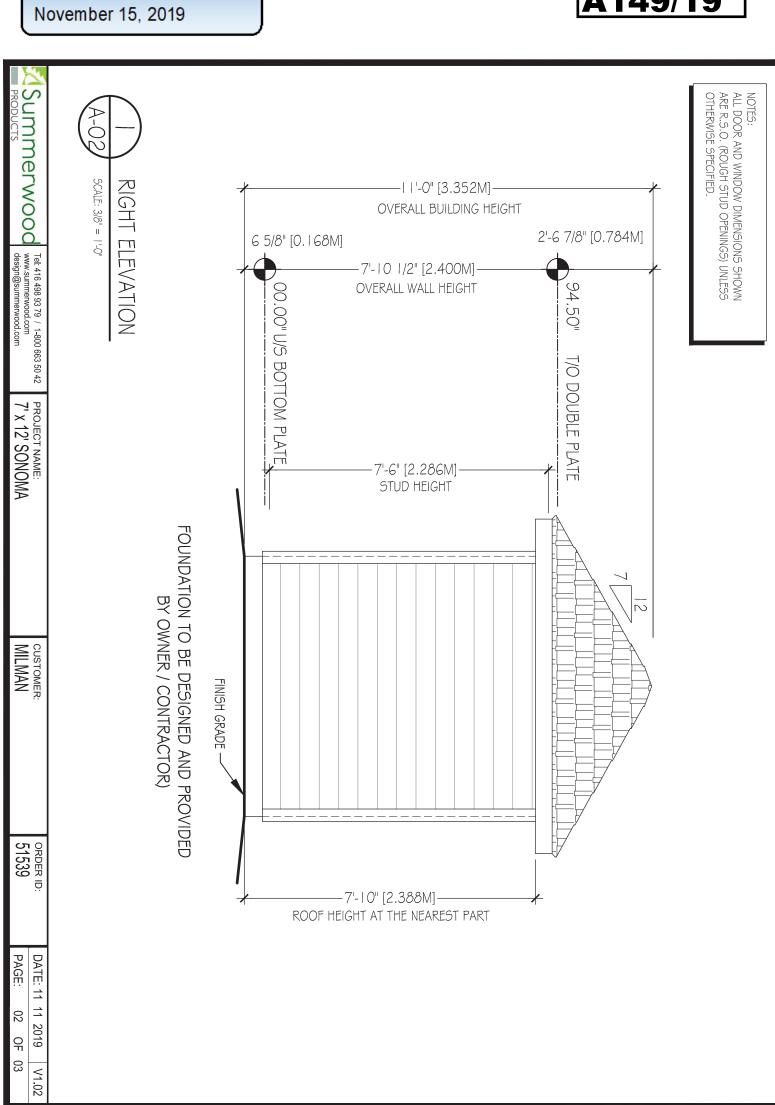


|) / 1-800 663 50 42 / Fax: 416 431 24 54 | Summerwood PLACEMENT DRAWINGS | PROJECT: 7' x 12' SONOMA CUSTOMER: MR. PHILIP MILMAN ADDRESS: 35 PERRIGO COURT, MAPLE, DATE: OCTOBER 15, 2019 VERSION: V1.01 | PLACEMENT DRAWINGS |
|--|------------------------------------|--|--------------------|
| / www.summerwood.com | ORDER ID: 51539 | IP MILMA AIGO COL ADA, LO R 15, 20 | RAWI |
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| design@summerwood.com / | CURTIS NOOYEN JIM HICKEY | | |
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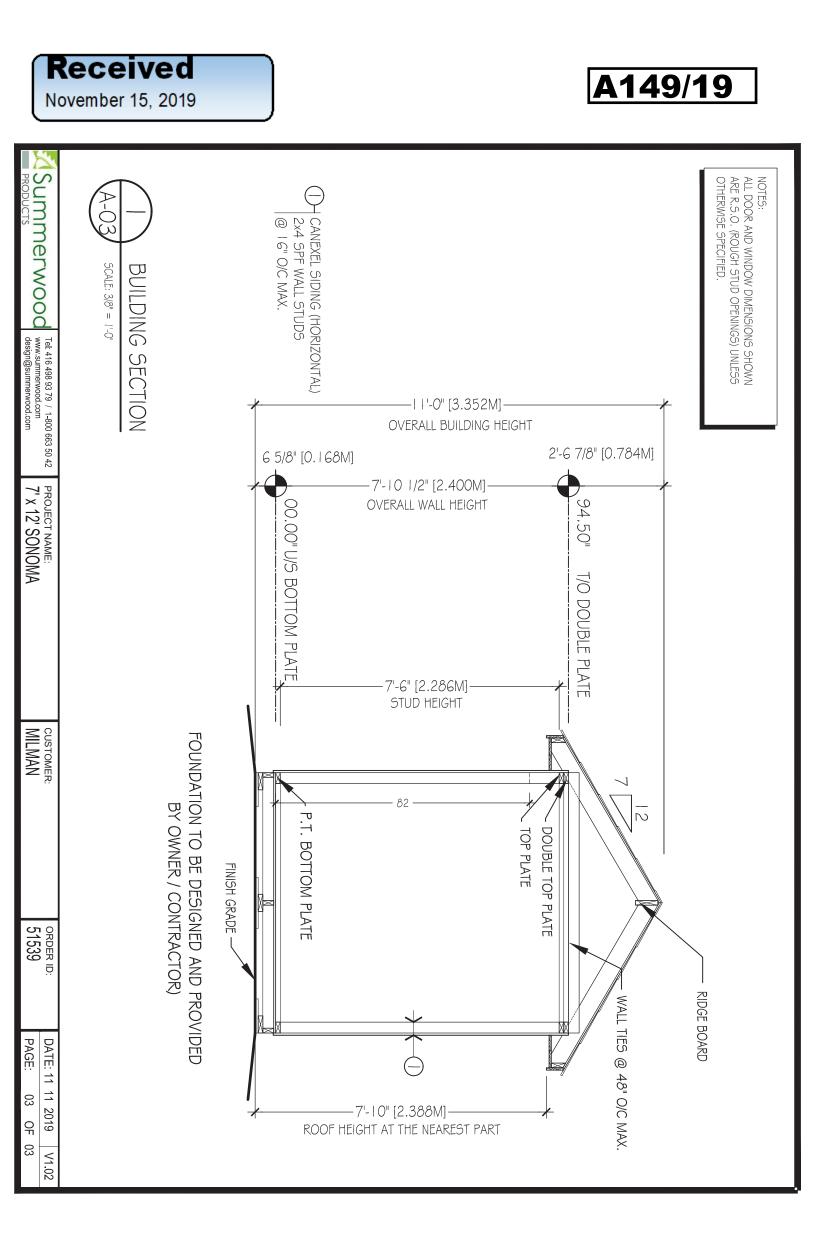


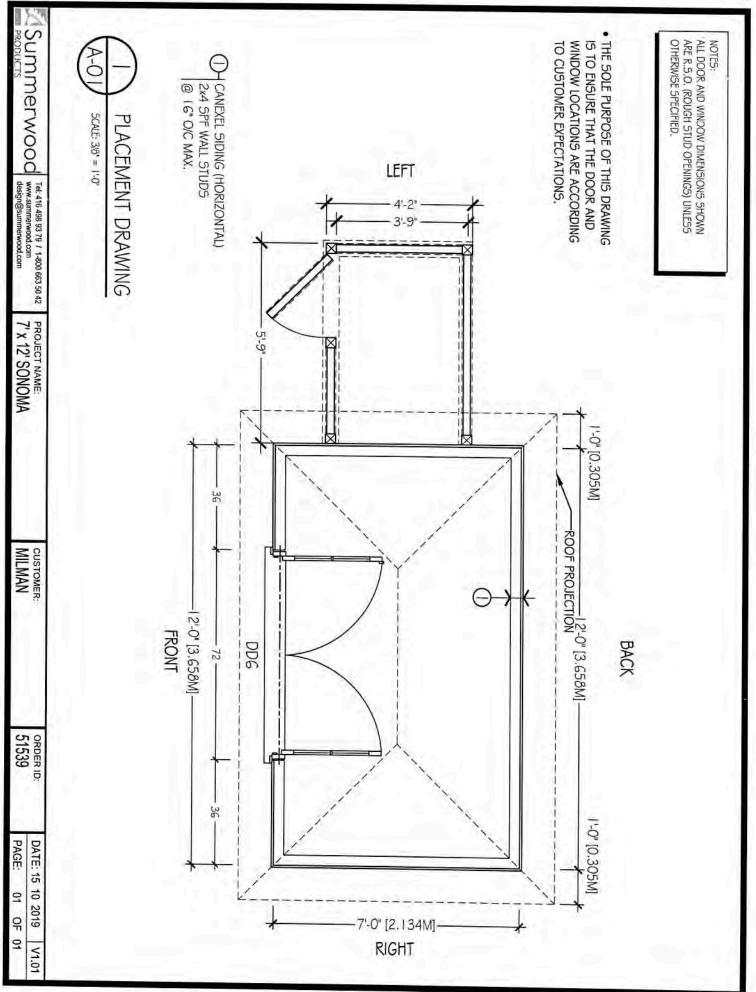


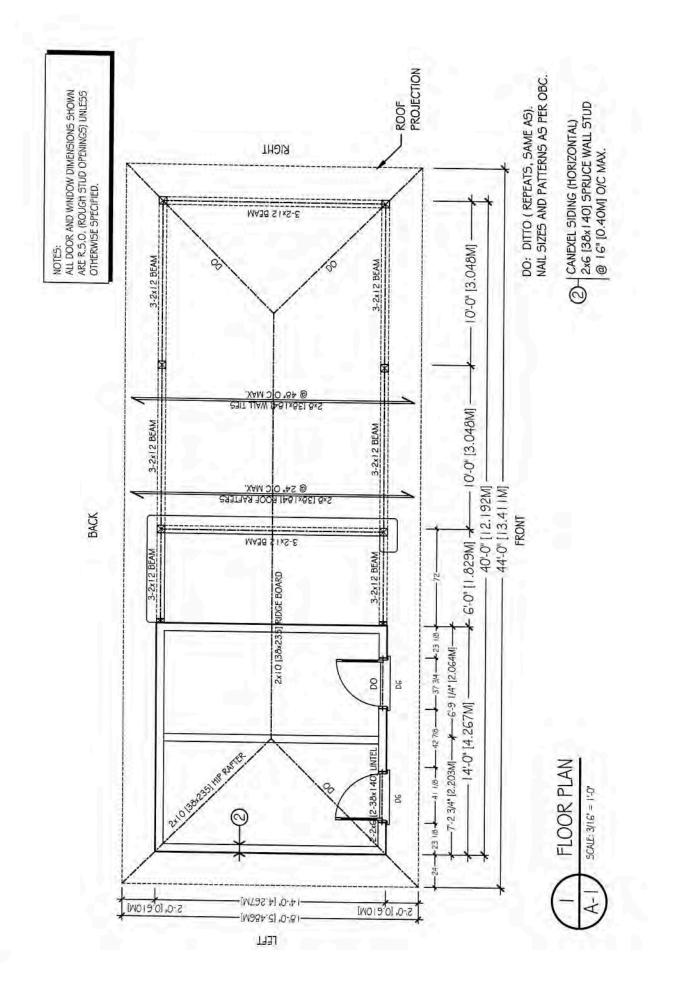


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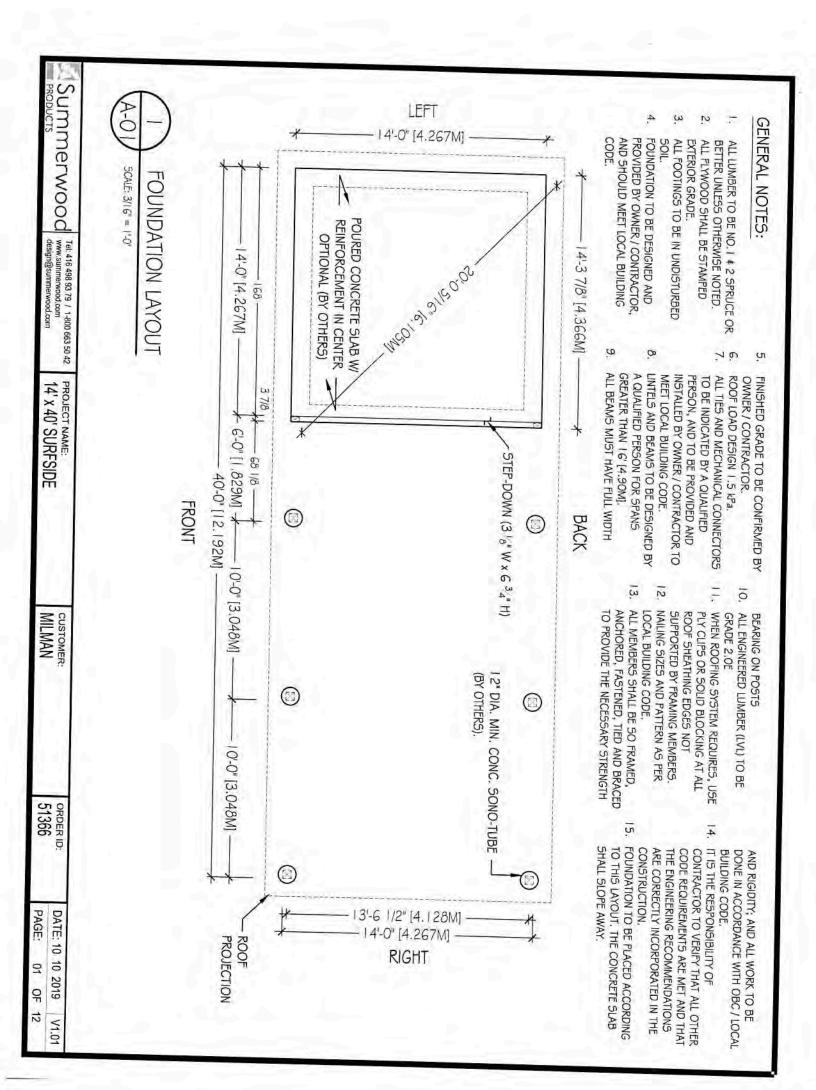
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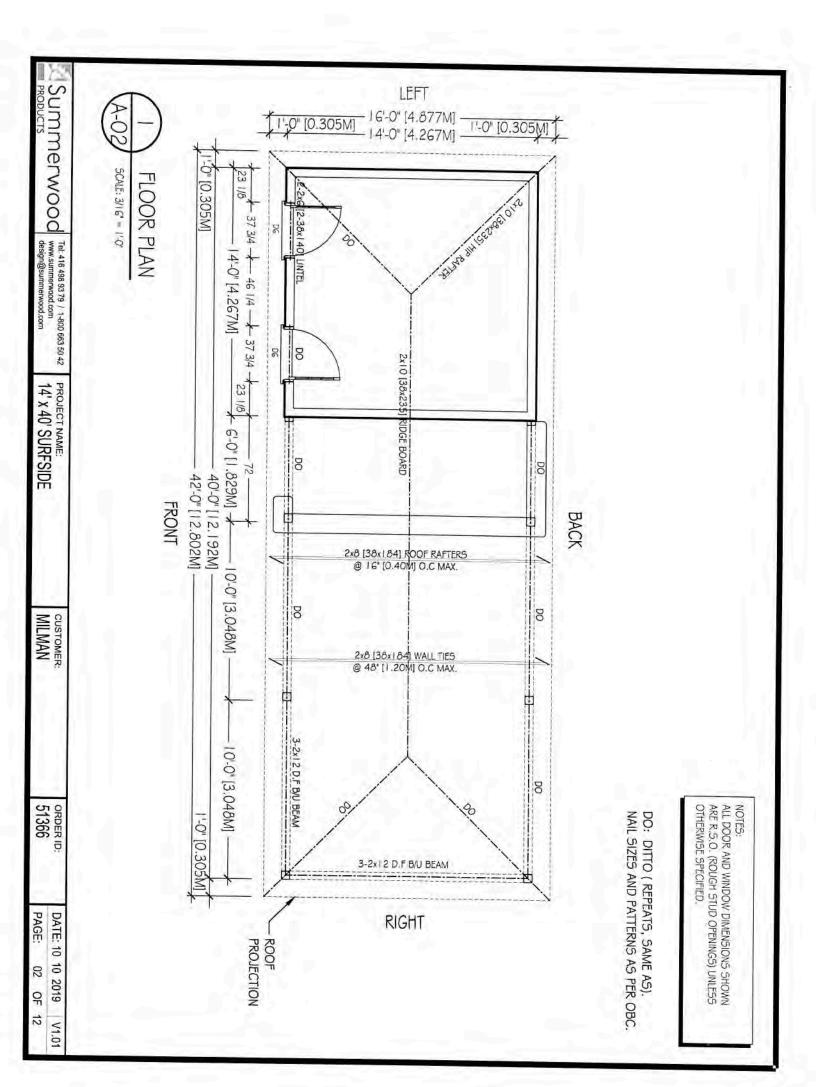


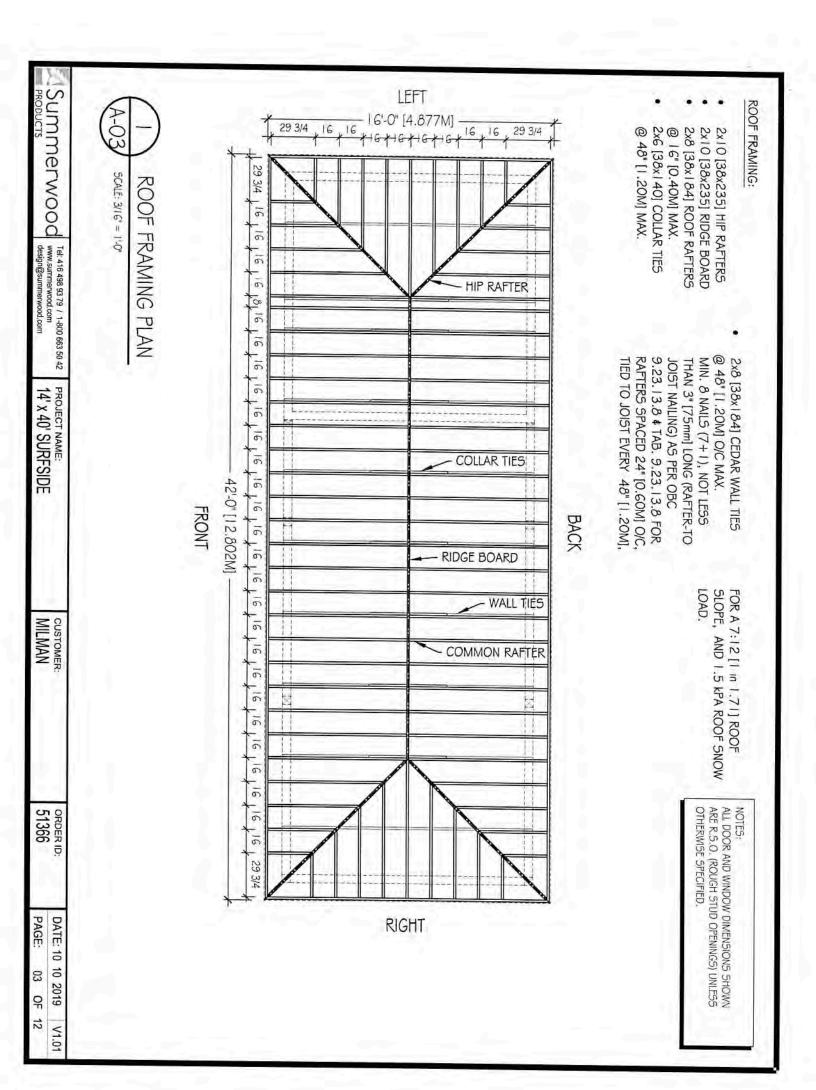


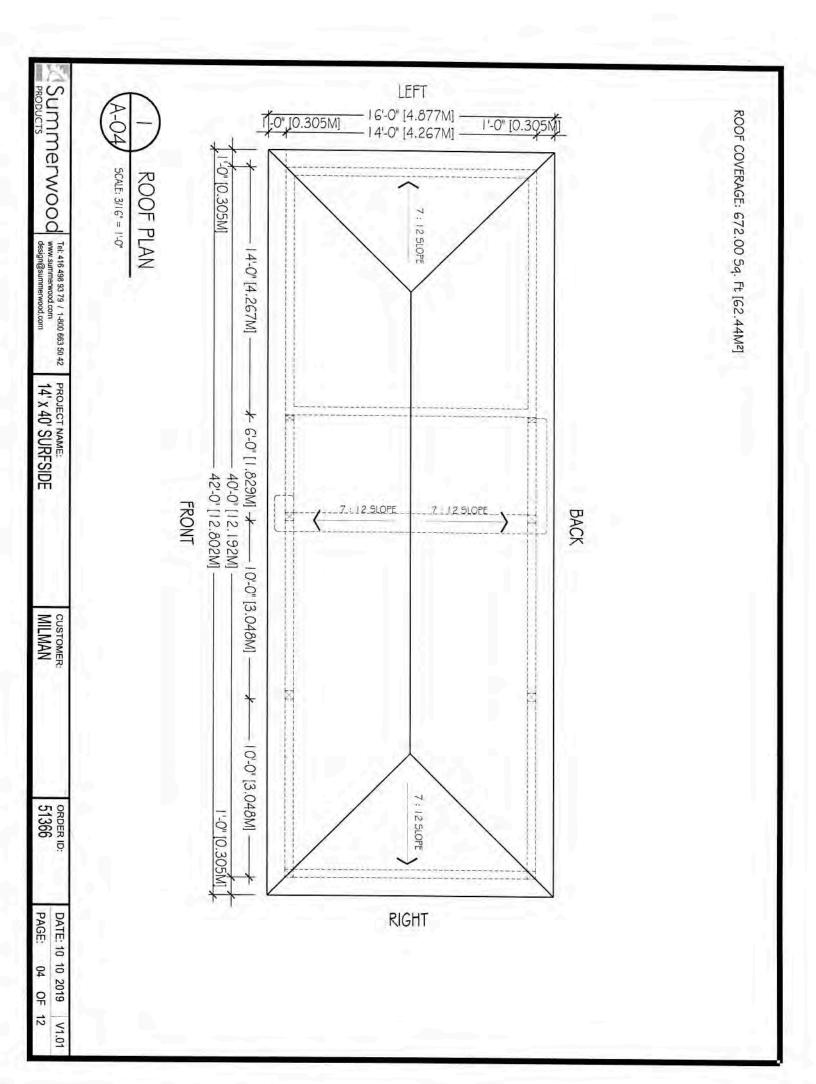


| PRODUCTS Tel: 416 498 \$3 79 / 1-800 663 50 42 / Fax: 416 431 24 54 | PROJECT: 14' x 40' SURFS CUSTOMER: MR. PHILIP MILMAN ADDRESS: 0N, CANADA, LGA C DATE: OCTOBER 10, 2019 VERSION: V1.01 |
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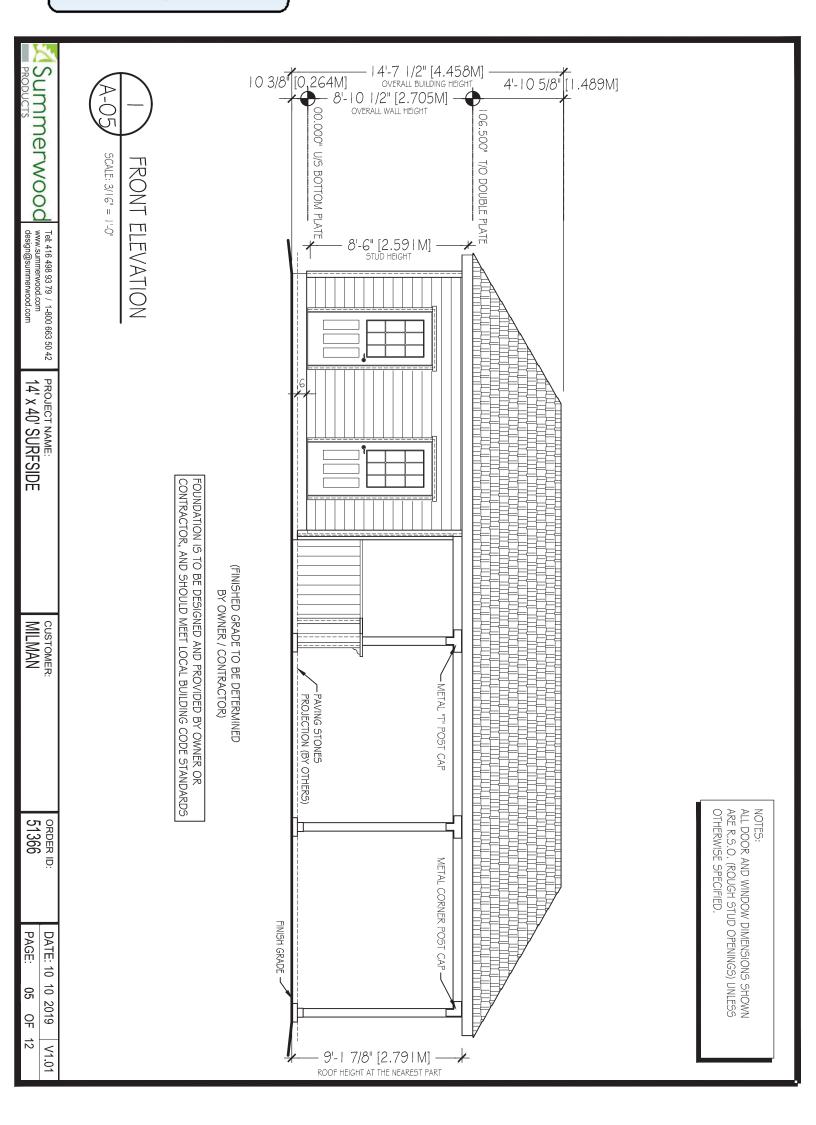






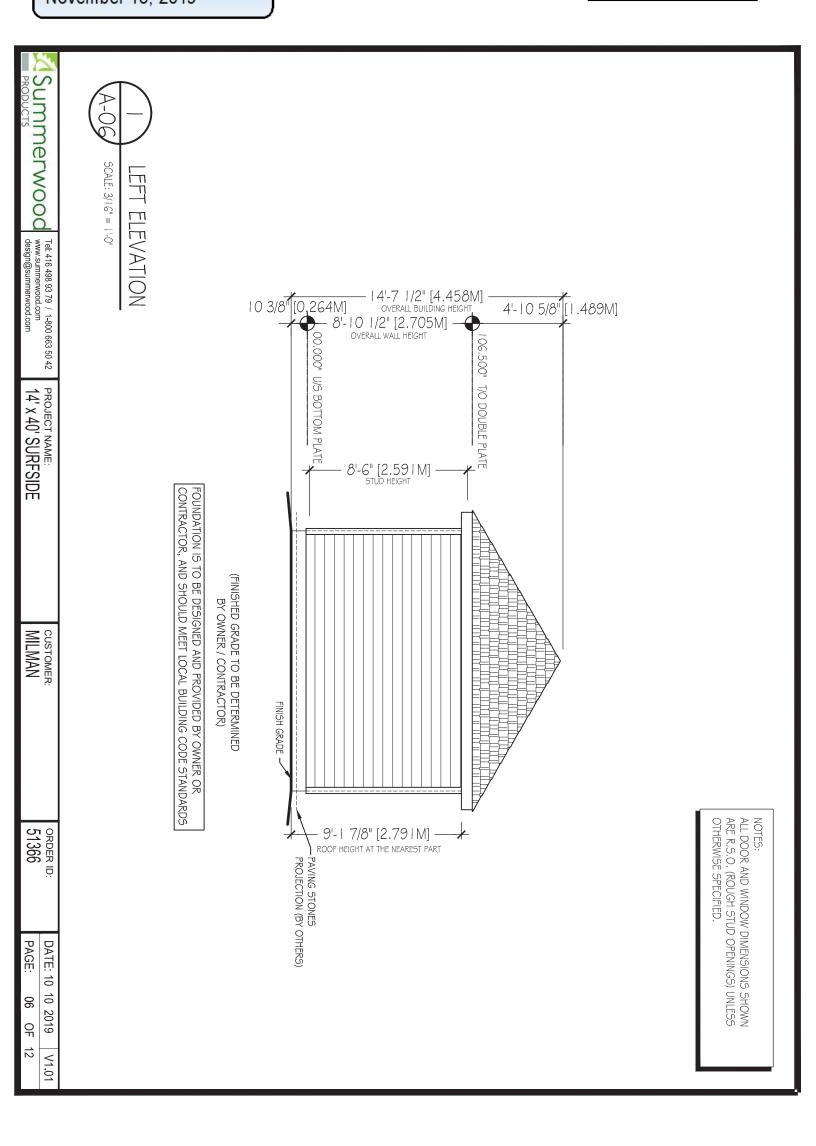
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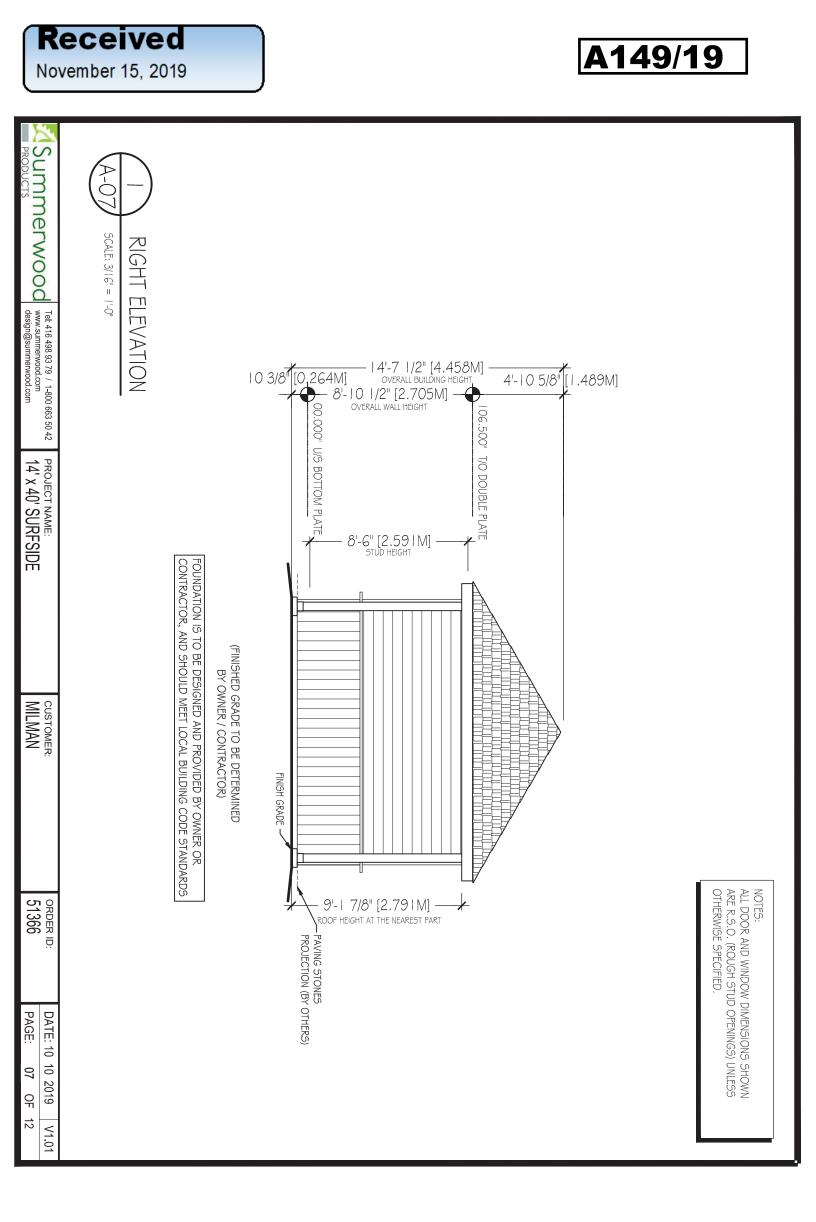




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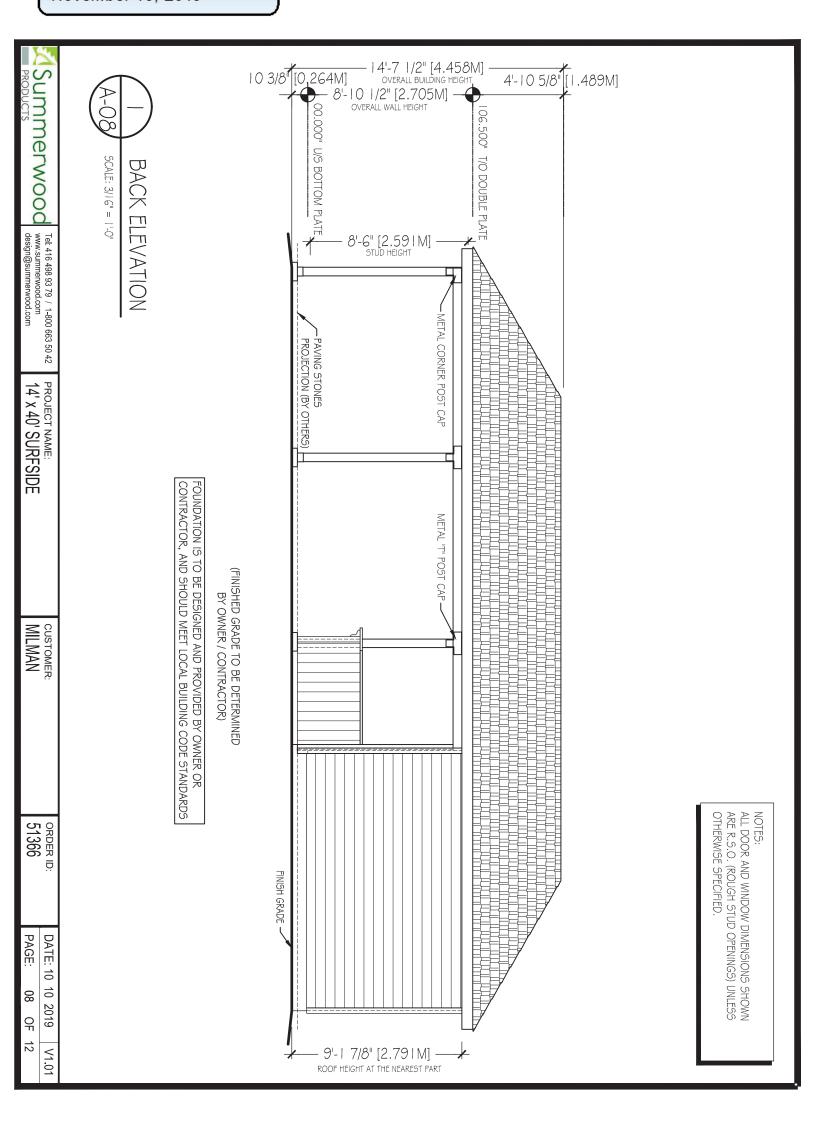
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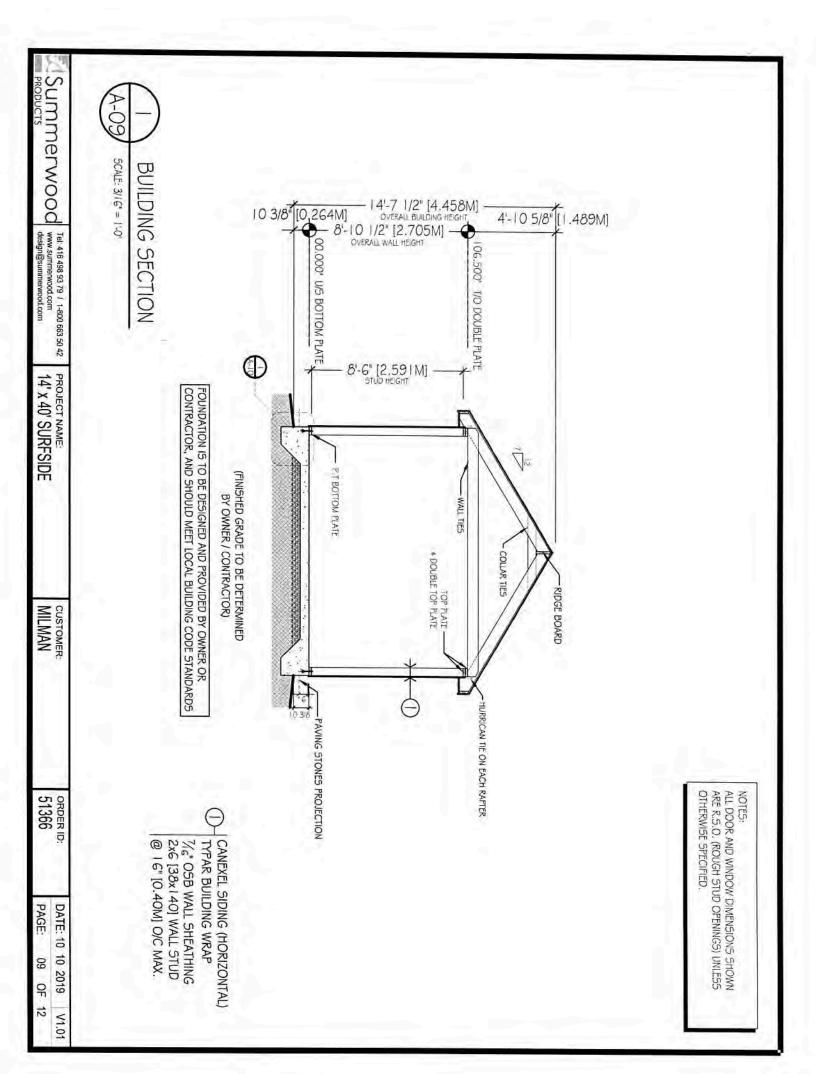


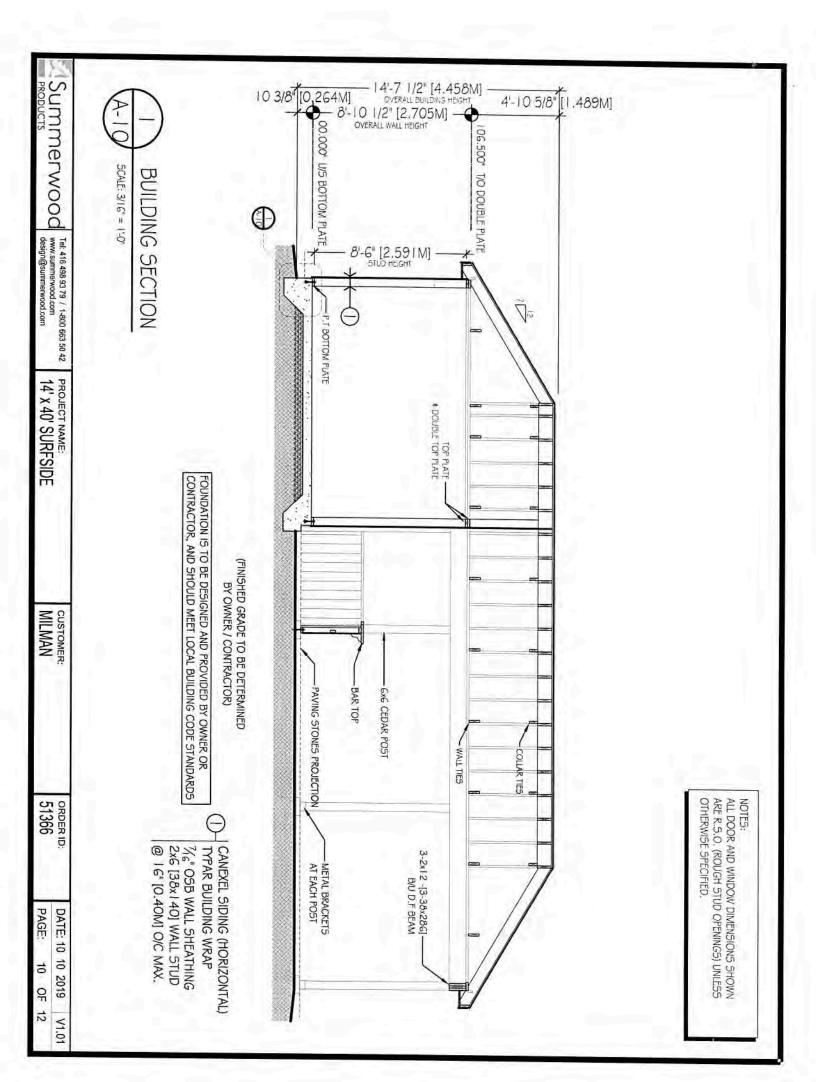


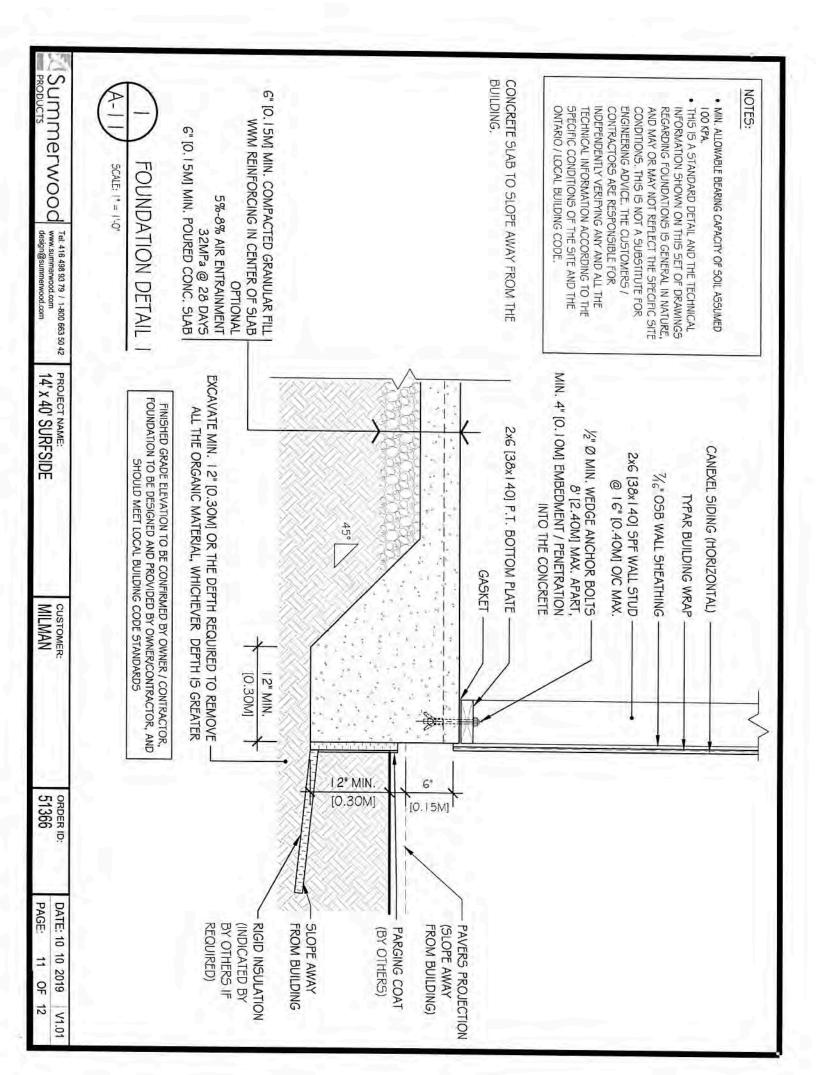
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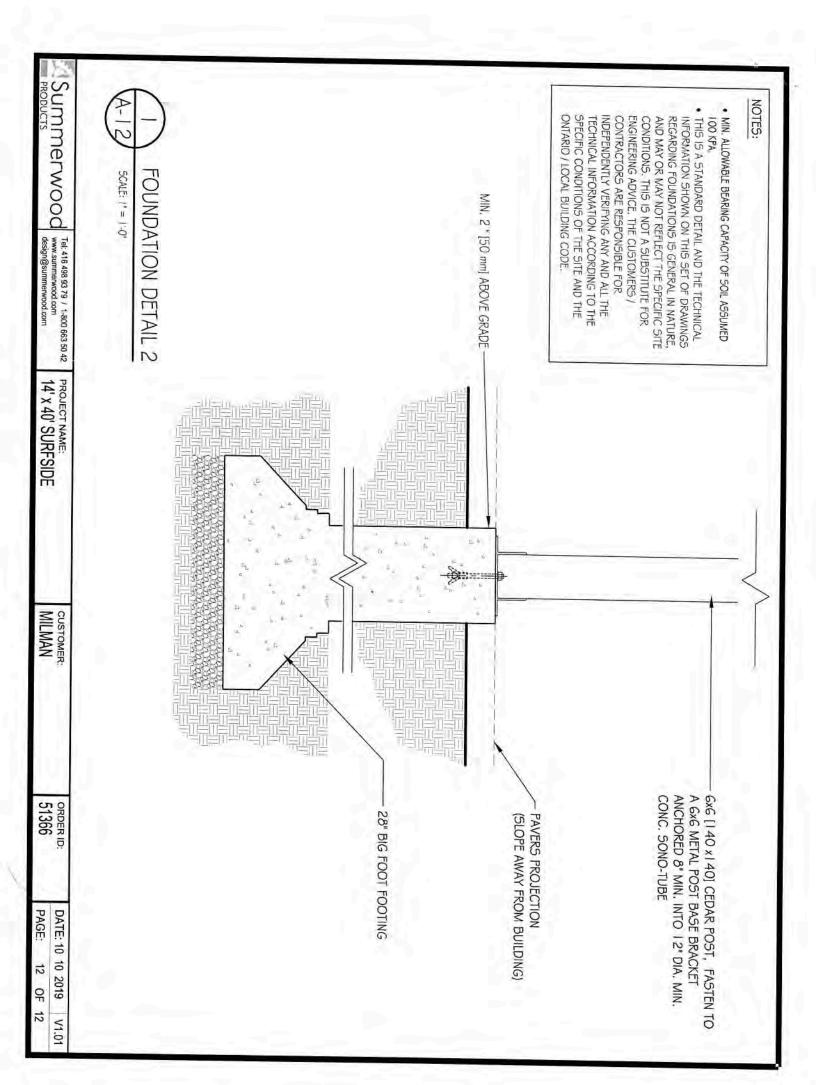






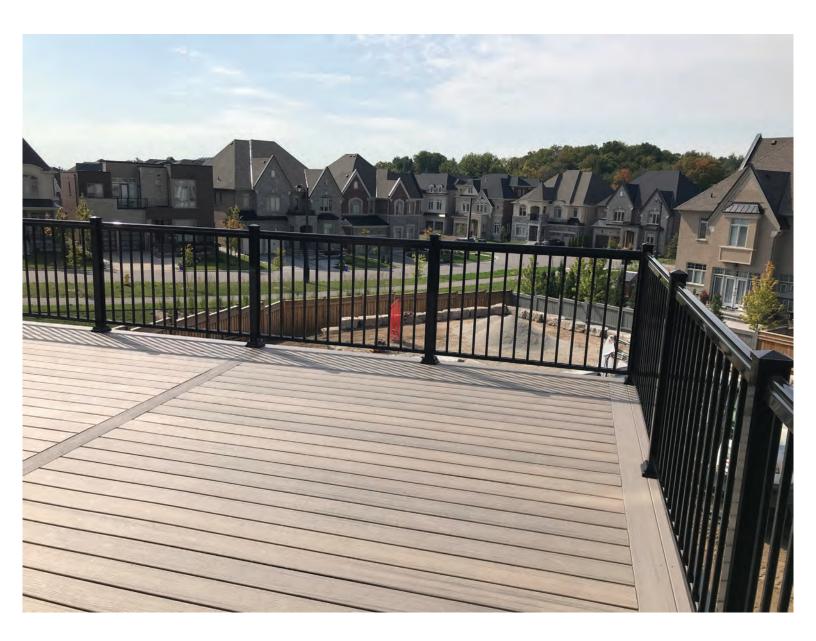


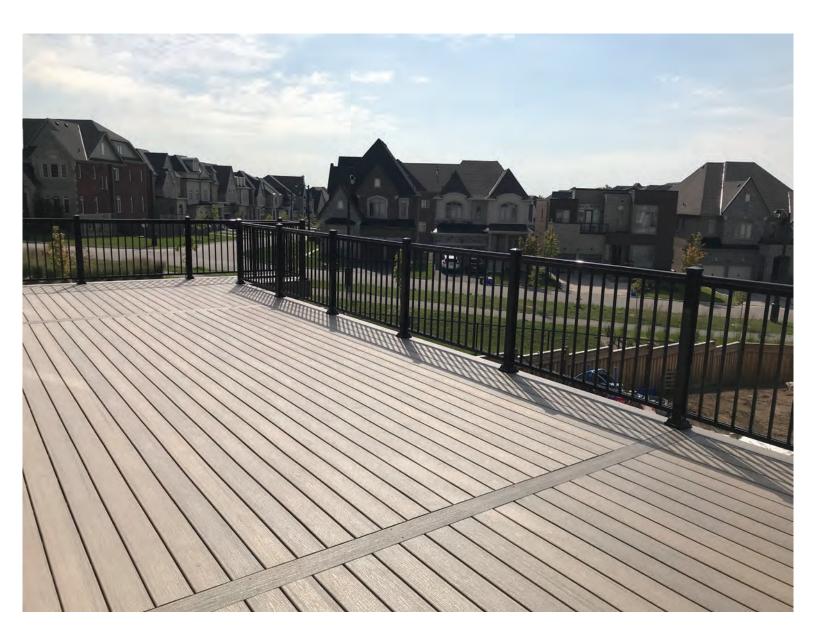


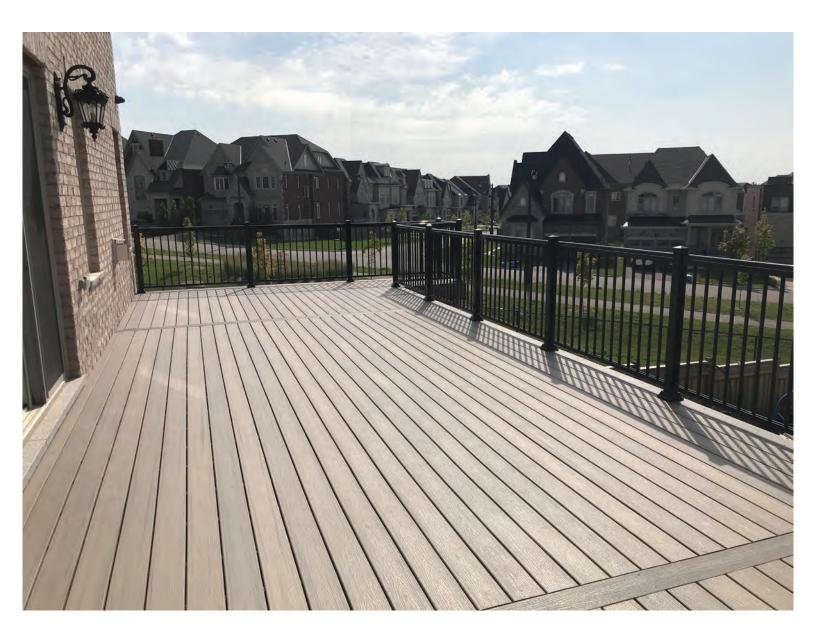


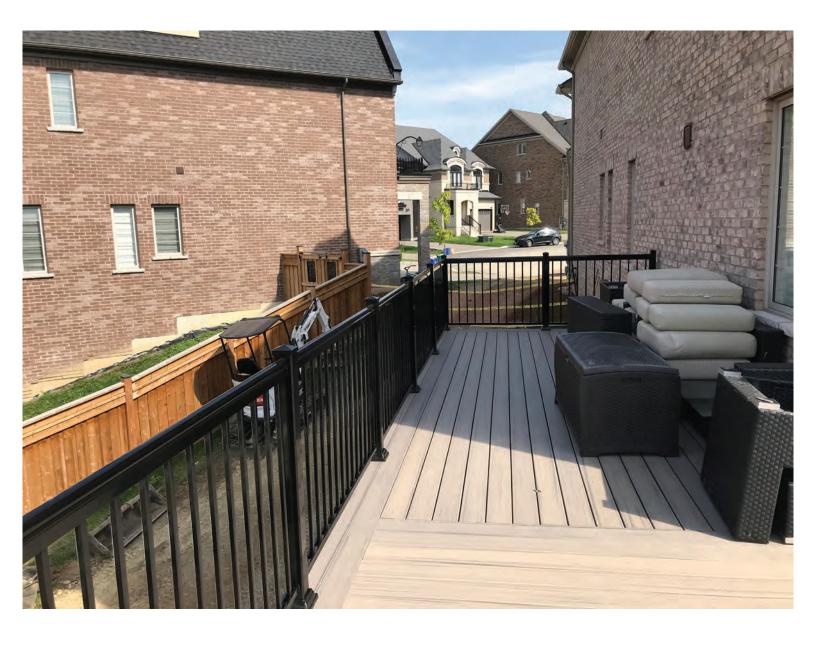












Schedule B: Public Correspondence Received

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 – 171 Farrell Road, Maple



PRIVATE & CONFIDENTIAL

Lenore Providence Assistant Secretary Treasurer to Committee of Adjustment City of Vaughan Office of the City Clerk 2141 Major Mackenzie Dr. Vaughan, ON L6A 1T1 Tel: 905-832-8585, ext. 8394 Lenore.providence@ vaughan.ca

Dear Ms. Providence.

My name is Alex Kernitzman, and I reside at 171 Farrell Road Maple ON L6A 4W6.

I am aware of the Minor Variance Application A149 19 at 35 Perrigo Court Maple ON L6A 4W8 for 2.16M rear yard setback and I have no issue with it.

Thanks in advance,



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. |
|---|--|
| 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*: <u>stephen.cranley@alectrautilities.com</u> 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: (A149-19) MVAR.19.V.0468 - 35 Perrigo Court

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

Sent: November-22-19 1:20 PM

To: Attwala, Pravina <<u>Pravina.Attwala@vaughan.ca</u>>
Cc: Vigneault, Christine <<u>Christine.Vigneault@vaughan.ca</u>>; Committee of Adjustment <<u>CofA@vaughan.ca</u>>
Subject: (A149-19) MVAR.19.V.0468 - 35 Perrigo Court

Hi Pravina,

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

Should you have any questions or concerns, please contact me using the information provided below.

Best,

Julia Elena Skouros | Assistant Planner, Community Planning, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1 1-877-464-9675 ext. 74886 | Julia.Skouros@york.ca | york.ca

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