

June 10, 2020

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive,  
Vaughan Ontario L6A 1T1

In respect of:  
Minor Variance Application A031/20  
Section 45 of the Planning Act, R.S.O., 1990,c.P.13  
55 Hallmark Court

We, the undersigned, are residents of Hallmark Court in Thornhill in the City of Vaughan.

Following are our concerns and comments in respect of the above-referenced Application.

Purpose of Application

The purpose of the Application is to “permit the construction of a proposed front yard, second storey addition over the existing garage”.

Several of the variances that are being requested have nothing to do with the construction of the second storey addition.

1. To permit a minimum garage size of 3.48 metres x 3.36 metres instead of the required minimum of 3 metres x 6 metres. The size of the garage was reduced from the original double garage to the existing garage during the previous renovation in 2014 – 2015. If this is contrary to the existing by-law how did the applicant pass the final inspection of the 2014 building permit? It does not appear that the footprint of the existing garage will be altered as a result of the second storey addition. Is it the purpose of this Application to obtain approvals for renovations that were done in 2014 – 2015 which would not be approved if they had been applied prior to their construction?
2. To permit a minimum of 26.27 m2 of Rear yard soft landscaping. How does the amount of Rear yard soft landscaping have any relevance to the “the construction of a proposed front yard, second storey addition over the existing garage”? The staff report indicates that “the owner/applicant has advised the site has maintained the same conditions for 6 years with no issues noted and plan to introduce more soft landscaping within their property”. Therefore, the same question must be asked, is it the purpose of this Application to obtain approvals for renovations that were done in 2014 – 2015 which would not be approved if they had been applied prior to their construction?
3. To permit a minimum Rear yard setback of 0.53 metres to an accessory structure as opposed to the 7.5 metres required. How does the amount of Rear yard setback to an accessory structure have any relevance to the “the construction of a proposed front yard, second storey addition over the existing garage”? Therefore, the same question must be asked, is it the purpose of this Application to obtain approvals for By-law infractions from previous renovations which would not be approved if they had been applied prior to their construction and have nothing to do with the current proposed addition?

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4. To permit a minimum interior side yard setback of 0.2 metres to an accessory structure instead of the 1.2 metres required by the By-law. How does the amount of side yard setback to an accessory structure have any relevance to the “the construction of a proposed front yard, second storey addition over the existing garage”? Therefore, the same question must be asked, is it the purpose of this Application to obtain approvals for By-law infractions from previous renovations which would not be approved if they had been applied prior to their construction and have nothing to do with the current proposed addition?

**Stormwater Management:**

- This property appears to already have minimal soft landscaping. Soft landscaping is critical to the good management of stormwater. Due to altered and more extreme weather patterns it has been recommended by experts that soft surface landscaping be INCREASED, not decreased. The amount of soft surface landscaping to facilitate drainage of stormwater from the surface down to the underlying layers of soil and gravel is critical in avoiding flooding. The City of Vaughan’s website states

“Stormwater has several environmental impacts. Excess runoff that doesn’t get soaked into the ground can pick up pollutants such as oil, pesticides bacteria and trash before flowing into the storm drains, drainage ditches and creeks. This water is not cleaned at a treatment plant first and it doesn’t get naturally filtered by the soil before it flows into rivers and lakes that supply our drinking water. It can cause higher and faster water flow during storms, resulting in flooding and property damage. It can erode rivers and streams and contribute waste and debris downstream. And it can also impact water quality and result in the reduction and loss of aquatic life and diversity.”

What will be done to ensure that adjacent properties and streets are not adversely affected due to improper or inadequate stormwater management at 55 Hallmark Court?

- Site Plan A031/20 shows soft landscaping (i.e. grass?) in the front of 55 Hallmark Court. Contrary to the site plan, there is NO soft landscaping in the front of #55. The adjacent property to the west (#54) has soft landscaping at the front of their property but it is not shared with #55. There is NO soft landscaping between #55 and #53, the adjacent property to the east.

**Accuracy of Submitted Information:**

**What standard of accuracy does the City of Vaughan require for the information submitted in permit application drawings?**

- The soft landscaping as shown on the plan on either side of the driveway does not exist. This area is paved and used for parking.
- The staff report states that “the owner/applicant has advised [they] plan to introduce more soft landscaping within their property”. What is this plan? Where are they planning on introducing more soft landscaping? Is the City prepared to accept this broad statement or does it require specifics?
- The staff report indicates that the dwelling was built in 2014. It is not clear whether this is an error by staff or in the information provided by the owner/applicant. The dwelling was built in 1981 and renovated in 2014.

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Perhaps a site visit by Building Standards is in order, prior to granting the permits, to obtain a firsthand and accurate understanding of the current situation.

Compliance with Municipal Permitting Requirements and Appropriateness of Retroactive Approval:

- The current application includes variance requests for work that was completed in a prior renovation. **What are the consequences to a property owner for undertaking construction and renovation which do not comply with the By-laws?** If the Application is granted and these abuses are approved, there appear to be none. **What messages are you sending to law abiding citizens who follow the rules and processes and respect the bylaws and standards? Do we really wish to send the message that it is permissible to ignore the requirements and then at some later date seek retroactive approval because it has been constructed?**
- The "Applicant has advised that they cannot comply with By-law for the following reason(s)
  1. Existing Garage was modified from a 2 Car-Garage to a 1 Car Garage and made smaller. Unable to comply with by-law requesting a garage with interior dimensions of 3.0m x 6.0m.
  2. Existing Landscaping does not comply with today's by-law requirements.
  3. & 4. Existing accessory structure does not meet today's setback requirements."

Prior to 2014 when the current owner acquired the property

- The garage complied with the by-law
- The landscaping complied with the by-law
- There was not an accessory structure that did not meet the setback requirements

It is troubling that the reason given for not being able to comply with the by-law requirements is a direct result of the changes made by the Applicant to the property.

Parking

- The amount of parking has been reduced by replacing a 2 car garage with a 1 car garage.
- There is no space in front of the house for street parking
- The driveway has been widened to do away with soft landscape to provide additional parking even to the extent that it encroaches on the neighbouring property
- Vehicles are often parked at the end of the driveway jutting into the roadway or in the middle of the court contrary to parking by-laws

Will this addition result in more people occupying the residence and exacerbate an already problematic parking situation?

Guarantee of Quiet Enjoyment of Property:

- During this property owner's previous renovations, there was significant disruption, noise and traffic congestion due to various trades parking on the street. This renovation was not completed in a timely manner but drawn out over an extended period of time. The impact was felt by the surrounding Hallmark Court residents and negatively affected the quiet enjoyment of their properties. Communication cables were severed during the construction, leading to disruption of cable and internet service to several



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surrounding houses that lasted for more that a week. Fences were removed without permission, creating unsafe conditions that required intervention by bylaw enforcement and peace officers.

- What actions will the City of Vaughan take to ensure that the property owner conducts this proposed project in a timely manner and in a manner that respects the right of the other Hallmark Court residents to quiet enjoyment of their properties?

Residents of Hallmark Court

NAME	ADDRESS	SIGNATURE
Paul Baineiman	40 Hallmark Court	PJB
Barb Baineiman	40 HALLMARK CT	Barb Baineiman
Samad Orang	36 Hallmark CT.	Samad Orang
NIGEL BOBET	37 HALLMARK CT	Nigel Bobet
ESTHER BOBET	37 HALLMARK CT	Esther Bobet

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NAME	ADDRESS	SIGNATURE
Linda Fingate	46 Hallmark Crt	L. Fingate



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E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

## REQUEST FOR DECISION A031/20

To be notified of the Committee's decision or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete this form and submit to the Secretary Treasurer, Committee of Adjustment.

Please provide a copy of the Committee's Decision with respect to A031/20:

Name: ESTHER BOBET

Address: 37 HALLMARK COURT, THORNHILL

Postal Code: L4J 3A4

Phone Number: [REDACTED]

Email Address: [REDACTED]

Date Request Submitted: JUNE 10, 2020

\*Please print and ensure form is legible