



File: A035/20

Applicant: Susanne Sarah Reti

Address: 79 Mullen Dr Thornhill

Agent: Design Plan Services Inc.

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of 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)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<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: N/A

Staff Report Prepared By: Pravina Attwala  
Hearing Date: Thursday, July 9, 2020



**Minor Variance  
Application**

Agenda Item: 10

**A035/20**

Ward: 5

**Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Thursday, July 9, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](http://Vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto:cofa@vaughan.ca) or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

- Applicant:** Susanne Sarah Reti
- Agent:** Design Plan Services Inc.
- Property:** **79 Mullen Dr Thornhill**
- Zoning:** The subject lands are zoned R3 and subject to the provisions of Exception 466 under By-law 1-88 as amended.
- OP Designation:** City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"
- Related Files:** None
- Purpose:** Relief from the by-law is being requested to permit an existing secondary suite.

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

By-law Requirement	Proposal
1. A garage attached to the Single Family Detached dwelling shall not be converted into a Secondary Suite. [4.1.8 x.]	1. A portion of the existing garage has been converted into a Secondary Suite.
2. No garage or carport shall be constructed with dimensions less than 3.0 metres by 6.0 metres measured from the interior walls. [4.1.4.e)]	2. The proposed interior length of the attached garage is 5.02 metres.
3. A Parking Space means a rectangular area measuring at least 2.7 metres by 6.0 metres. [2.0, Definitions]	3. One proposed reduced parking space in the garage has a length of 5.02 metres.
4. An entrance to a Secondary Suite shall not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot. [4.1.8 vi. C.]	4. The entrance to the Secondary Suite is located closer to the front lot line than the main entrances of the residential dwelling units on the abutting lots.

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

For information on the previous approvals listed above please visit [www.vaughan.ca](http://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 **noon** on the last business day **prior** to the day of the scheduled Meeting.

**Committee of Adjustment:**

Public notice was mailed on June 24, 2020

Applicant confirmed posting of signage on June 20, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1980 (Purchased 2015)

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to existing conditions it is not possible to comply with the by-law

**Adjournment Request:** None.

**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 10m<sup>2</sup>

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:**

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

The Owner is requesting permission to maintain an existing Secondary Suite with the above noted variances.

The Development Planning Department has no objection to Variance 1 as a portion of the garage has been converted into a secondary suite entrance which meets Ontario Building Code ('OBC') Standards. This internal modification is to ensure the dedicated side entrance continues to provide access the existing secondary suite below grade yet remain independent (separated by a wall) from any activity taking place within the garage.

The Development Planning Department has no objection to Variances 2 and 3 as itsatisfies the OBC deficiency noted in Variance 1, a rear partition wall separating the entrance from the garage had to be added in thereby, reducing the existing length of the garage. The Owner is requesting that a length of 5.02 metres be permitted, which represents an overall reduction of 0.98 metres in terms of interior garage size and typical parking size. Given that the Owner requested the interior space of the garage be dedicated for a small sized car, Transportation Engineering reviewed the City of Vaughan (COV) "Review of Parking Standards Contains within the COV Comprehensive Zoning By-law" dated March 2010. As a result, Transportation Engineering has deemed the parking space (interior of garage) to meet the small sized parking space minimum requirement of 4.6 metre by 2.3 metre. Planning staff is of the opinion that this reduction will not create any adverse effects to the surrounding properties and maintains the capacity to account for three (3) vehicles (two standard and one small sized) on-site.

The Development Planning Department has no objection to Variance 4, as the potential implications are minimal and internal to the site. Furthermore, the by-law requirement of 1.2 metre setback to access the entrance is been met and safety measures to and from the secondary suite have been optimized.

The Development Planning Department has reviewed the application and is of the opinion that it 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 of the application.

**Development Engineering:**

The Development Engineering (DE) Department has reviewed the minor variance for the reduced garage parking length of 5.02m x 3.0m and based on reviewing with reference to the City of Vaughan "Review of Parking Standards Contains within the City of Vaughan's Comprehensive Zoning By-Law" dated March 2010, Development Engineering may deem the parking space to be a small sized parking space at a minimum of 4.6m x 2.3m. It was requested and acknowledged by the applicant through a signed acknowledgement letter stating the that the garage space shall be only used for small size cars (compact cars).

The Development Engineering (DE) Department does not object to the minor variance application A035/20.

**Parks, Forestry and Horticulture Operations:**

Forestry has no comments at this time.

**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**

A035/20 – Public Correspondence (18 Gilmore Crescent)

**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) N/A**

**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.

**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.

**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.

## 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

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** 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. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://www.vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit [www.vaughan.ca](http://www.vaughan.ca)

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video 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](mailto: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.

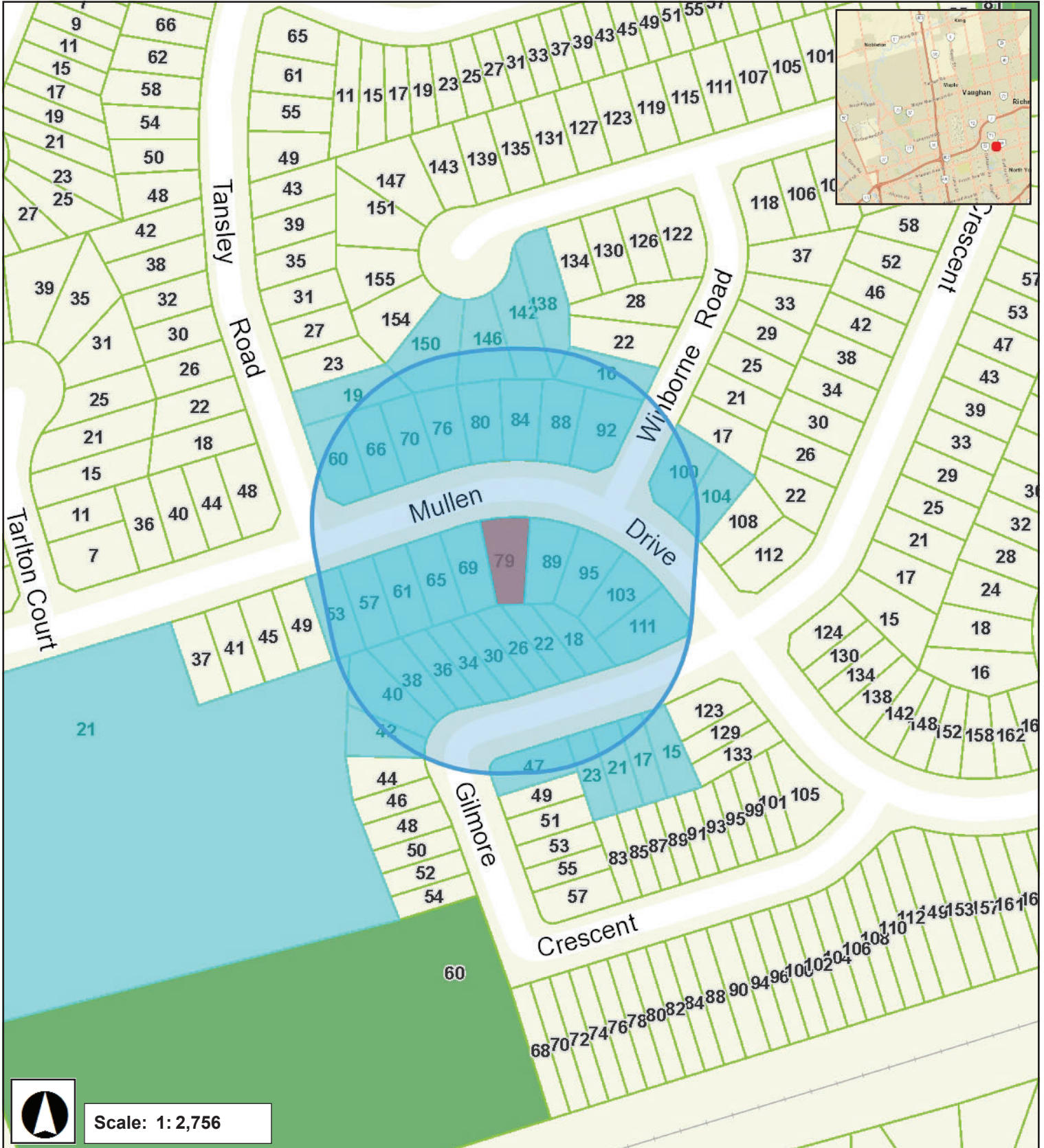
**Location Map**  
**Plans & Sketches**



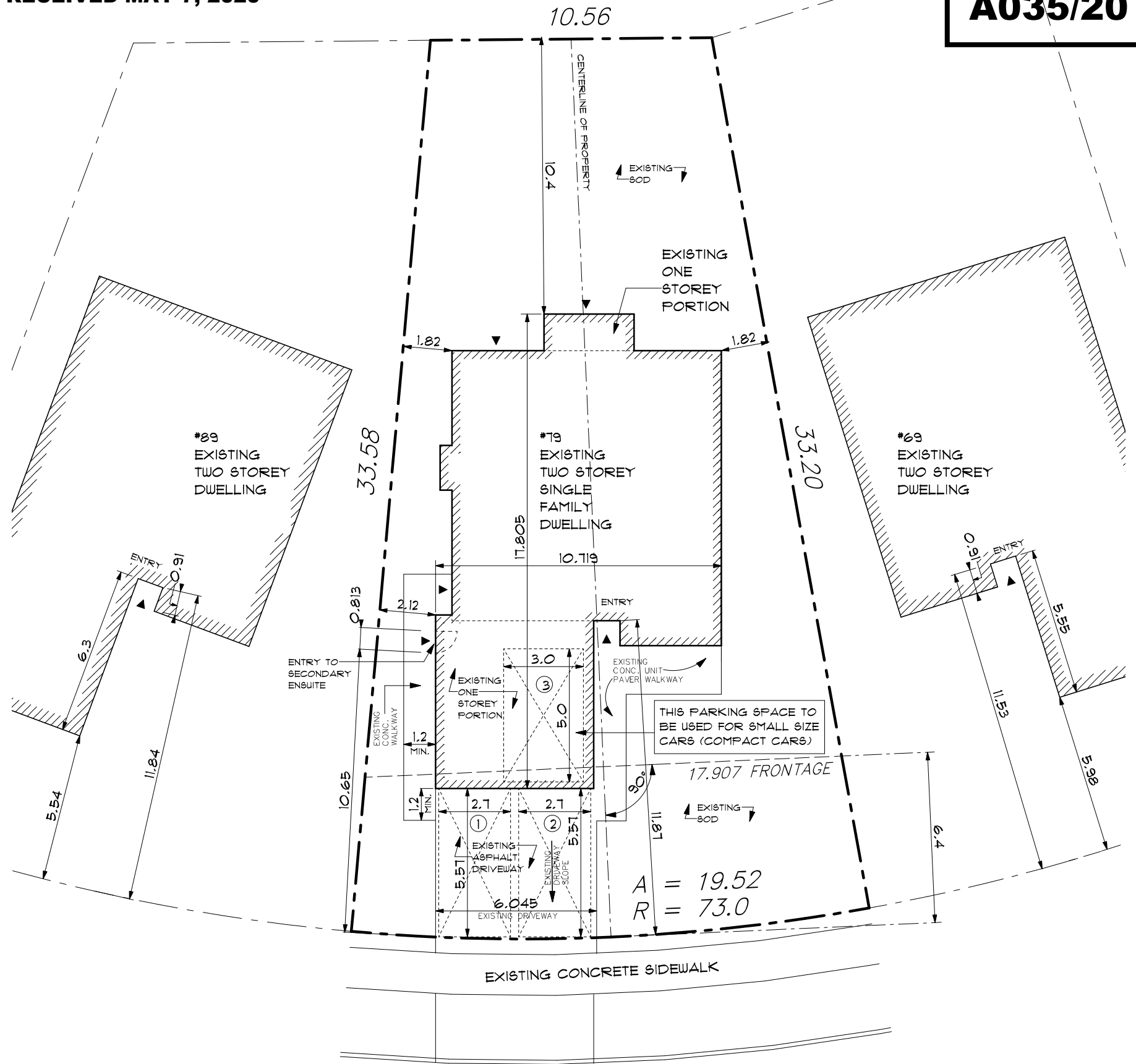
# LOCATION MAP - A035/20

79 MULLEN DRIVE, THORNHILL

## Centre Street



Steeles Avenue West



**LEGEND**

- ▲ DENOTES ENTRY POINTS
- ① DENOTES PARKING SPACE

**SITE STATISTICS**

LOT AREA 5435.00 sq.ft. 504.93 sq.m.

**EXISTING GROSS FLOOR AREA**

EXISTING BASEMENT FLOOR 1002.10 sq.ft. 93.10 sq.m.  
 EXISTING FIRST FLOOR 1191.10 sq.ft. 110.66 sq.m.  
 EXISTING SECOND FLOOR 1141.20 sq.ft. 106.02 sq.m.  
 EXISTING G.F.A. 3334.40 sq.ft. 309.78 sq.m.

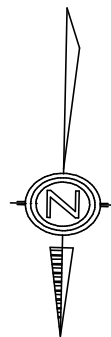
**EXISTING PARKING SPACES**

EXTERIOR PARKING SPACES  
 2.7m x 5.57m 2 SPACES

INTERIOR PARKING SPACE  
 3.0m x 5.0m 1 SPACE

TOTAL NUMBER 3 SPACES

MULLEN DRIVE



**SITE PLAN**  
 of  
**LOT 154**  
**REG. PLAN M-1924**  
 TOWN OF VAUGHAN  
 REGIONAL MUNICIPALITY OF YORK  
 ONTARIO

SCALE 1:175

THIS SITE PLAN HAS BEEN PREPARED FOR ORIENTATION PURPOSES BASED ON FIELD MEASUREMENTS AND INFORMATION TAKEN FROM SURVEY BY ANTON KIKAS LTD. DATED AUG. 28, 1980 AND IT DOES NOT REPRESENT LEGAL OR SURVEY DIMENSIONS. IF LEGAL OR SURVEY DIMENSIONS ARE REQUIRED, REFERENCE MUST BE MADE TO A LEGAL SURVEY OF THE SUBJECT PROPERTY.

**Portion of existing garage converted into secondary suite**  
**Parking space length in garage 5.02m**  
**Interior length of attached garage 5.02m**  
**Entrance to secondary suite located closer to front lot line than the main entrances of the residential dwelling units on the abutting lots**

	<b>MASTECH DESIGN INC.</b>	CLIENT SUSANNE SARAH RETI	DRAWING TITLE SITE PLAN		
	design / drafting 119 GRACEFIELD AVE. TORONTO, ONTARIO CANADA, M6L 1L4 PHONE: 416 241-5692 FAX: 416 241-0822 info@mastechdesign.ca	PROJECT PERMIT MAINTENANCE OF AN EXISTING SECONDARY SUITE @ 79 MULLEN DRIVE THORNHILL, ONTARIO L4J 2T6	DRAWN BY: F.T.	CHECKED BY: M.M.	SCALE: AS SHOWN
				2 MAY 2/20 REVISED AS PER 2nd ZONING REVIEW M.M.	1 MAR. 20/20 COMMITTEE OF ADJUSTMENT M.M.
				No. DATE: ISSUED:	PAGE NO. 1 of 1



METRIC: MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN SHOWING  
 LOTS 150 TO 155, PLAN M-1924  
 TOWN OF VAUGHAN  
 REGIONAL MUNICIPALITY OF YORK  
 SCALE 1 : 400

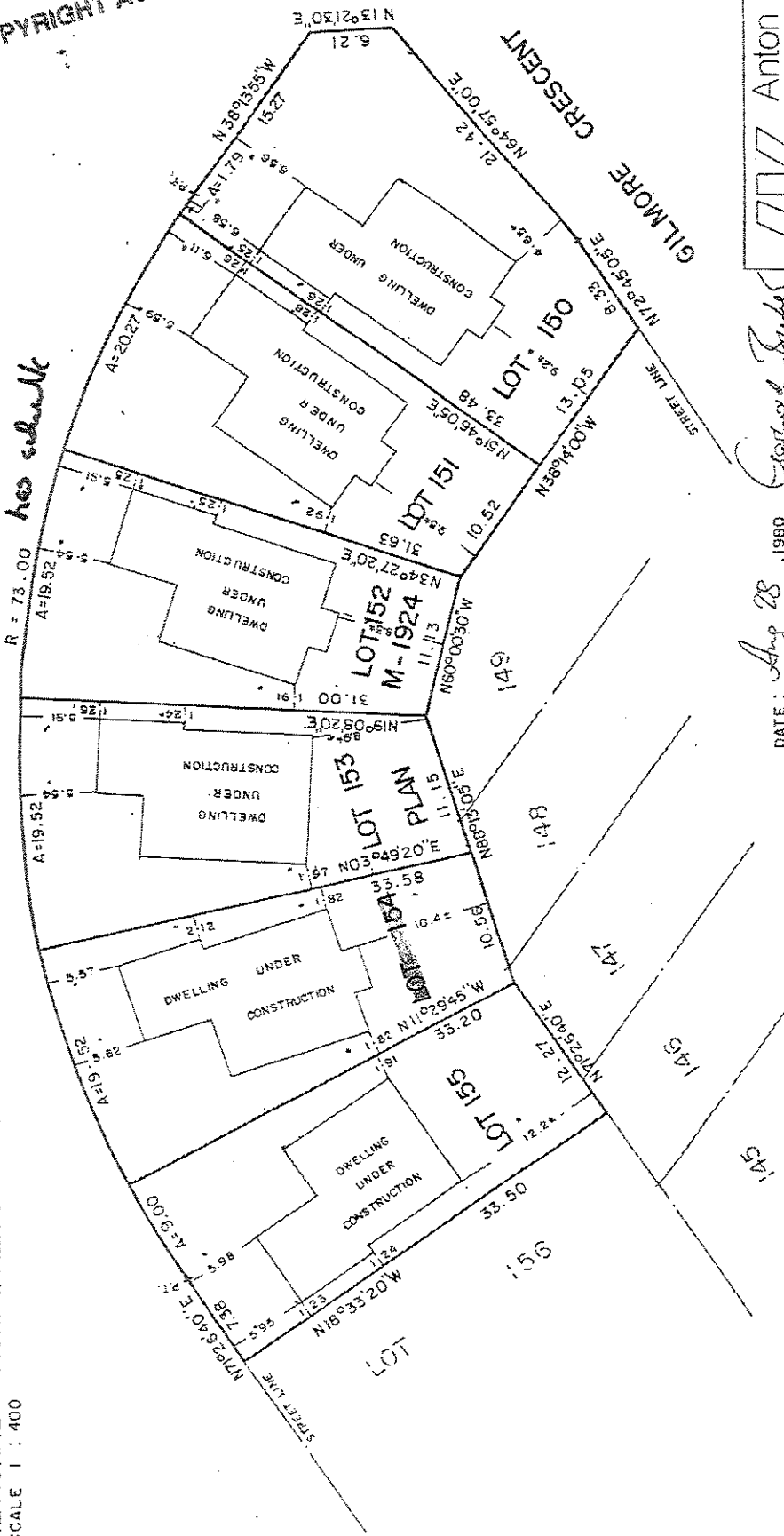
THE CITY OF VAUGHAN DOES NOT  
 WARRANT THE ACCURACY OR  
 CONTENT OF THE SURVEY

COPYRIGHT ACT APPLIES

MULLEN DRIVE

GILMORE CRESCENT

*has sidewalk*



DATE: *Aug 28*, 1980  
*Gerhard A. Becker*  
 GERHARD A. BECKER, O.L.S.

Anton Kikas Limited  
 Consulting Engineers  
 Ontario Land Surveyors—Planners  
 2020 Avenue Road, Toronto, M5M 4A1 Tel. 498-1901

## **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.

**A035/20 – Public Correspondence (18 Gilmore Crescent)**

**Subject:** FW: [External] 79 Mullen Drive - Request for Relief from By-Law 1-88

---

**From:** Rob Brown [REDACTED]  
**Sent:** June-25-20 12:20 AM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] 79 Mullen Drive - Request for Relief from By-Law 1-88

Re: Online Meeting request for relief from By-Law 1-88 for 79 Mullen Drive

We cannot attend the online meeting.

We are not in favour of the request for relief from By-Law 1-88 due to the fact that this is not the only "Secondary Suite" in nearby homes as well as the followin.

By-Law 1-88 has been violated in our neighbourhood over many years. Both the main part of the home and the secondary suite of one home at 95 Mullen only two houses east of 79 Mullen have been rented for many years. The main tenants and the secondary tenants have no interest in caring for the property. The landlords have only been interested in the revenue the property can generate. They do not maintain the property. Weeds grow in the rear yard to great height before they are cut. Various insect pests invade our property from their property destroying our lawn and garden. The home beside ours on Gilmore has fallen into disrepair over the years it has been rented. Weeds grow to great height there too. There are many other examples in our neighbourhood that suffer from this sort of willful neglect. What needs to be done is to enforce this by-law and any others that require landlords to maintain their properties in accordance with existing by-laws.

Sincerely,

Robert M. Brown  
Susan M. Brown  
18 Gilmore Crescent  
(Since 1981)

**Attwala, Pravina**

---

**Subject:** FW: [External] addendum

---

**From:** Rob Brown <[REDACTED]>  
**Sent:** June-25-20 1:53 PM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] addendum

Further to our previous message:

We received the paper document in the mail today outlining the facts in the matter of By-Law 188 infringement at 79 Mullen.

We did not realize the extent or nature of the "secondary suite" since we acted upon seeing the lawn sign at the property regarding the request for relief.

Having received the document we have additional concerns.

The de facto nature of the secondary suite suggests that it was created in blatant disregard for the conditions outlined in By-Law 188. Ignorance is not an excuse. Before undertaking the construction the required permits, and regulations should have been investigated. As stated in our previous message, there are other instances of secondary suites in the neighbourhood that were constructed with out the required permits etc. If prevention of more of the same is the desired goal this request should be denied. The secondary suite should be removed. That would send a clear message to others that it is their responsibility to check before constructing secondary suites. We urge enforcement of By-law 188 in this matter. Do not grant relief. To do so will send the wrong message that disregarding the By-laws is acceptable.

Please append these concerns to our previous objections.

Sincerely,

Robert M. Brown  
Susan M. Brown  
18 Gilmore Crescent

## **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.-

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



Discover the possibilities

### 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 & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

Mr. Tony D'Onofrio  
Supervisor, Subdivisions (Alectra East)  
**Phone:** 1-877-963-6900 ext. 24419

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

## Attwala, Pravina

---

**Subject:** FW: A035/20 - 79 MULLEN DRIVE, THORNHILL - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** May-29-20 9:19 AM

**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

**Subject:** [External] RE: A035/20 - 79 MULLEN DRIVE, THORNHILL - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

Good morning Pravina

The Regional Municipality of York has completed its review of the above minor variance and has no comment.  
Best,

*Gabrielle*

Gabrielle Hurst mcip rpp | Community Planning and Development Services | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

1-877 464 9675 ext 71538 | [Gabrielle.hurst@york.ca](mailto:Gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)