



File: A068/20

Applicant: Adriana Rivera

Address: 21 Malden St Woodbridge

Agent: None

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)	<input checked="" type="checkbox"/>	
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		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, September 10, 2020



Minor Variance Application

Agenda Item: 10

A068/20

Ward: 3

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, September 10, 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

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

To make an electronic deputation at the meeting please contact the Committee of Adjustment at 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:** Adriana Rivera
- Agent:** None
- Property:** **21 Malden St Woodbridge**
- Zoning:** The subject lands are zoned R2, Residential and subject to the provisions of Exception 9(769) under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
- Related Files:** None
- Purpose:** Relief from the by-law is being requested to permit the existing gazebo 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 interior side yard setback of 1.5 metres is required to an accessory structure (cabana).	1. To permit a minimum interior side yard setback of 1.37 metres to an accessory structure (cabana).
2. A maximum lot coverage of 35% is permitted	2. To permit a maximum lot coverage of 38.96%. (35% dwelling; 3.96% gazebo)

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. 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 August 26, 2020

Applicant confirmed posting of signage on August 25, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	Purchased 1997
Gazebo	2007

Applicant has advised that they cannot comply with By-law for the following reason(s): The west side of the boundary the neighbor has built a fence as required as they have a pool, the fence is not on the property line rather it is infringing on my property, they also have a gazebo built covering the catch basin, this catch basin is divided in half by the property line, therefore this structure is partially on my property. I would like to have this corrected.

Adjournment Request: None

Building Standards (Zoning Review):

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

Building Permit No. 20-107222 for Shed/Gazebo - New: (Not Yet Issued)

A review of the building permit drawings indicate that the basement walk-up was shown and was reviewed at that time. The Applicant has advised that it is for personal use only, and not for a Secondary Suite.

The Applicant shall be advised that drawings submitted for Minor Variance Application shall match those for building permit.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to maintain an existing gazebo in the rear yard with the above-noted variances.

The variances are considered minor in nature as the gazebo encroaches 0.13 m into the required interior yard setback and maintains adequate open space and amenity area in the rear yard. The gazebo maintains a height of 3.2 m and is open and unenclosed, which will not create adverse impacts on neighbouring properties.

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

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A068/20.

Parks, Forestry and Horticulture Operations:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Public Correspondence - 27 Malden Street, Woodbridge

Applicant Correspondence - 21 Malden Street, Woodbridge (response to public correspondence)

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
 Region of York – No concerns or objections
 MTO – Located outside of MTO permit control area

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.

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

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting 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

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.

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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

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.

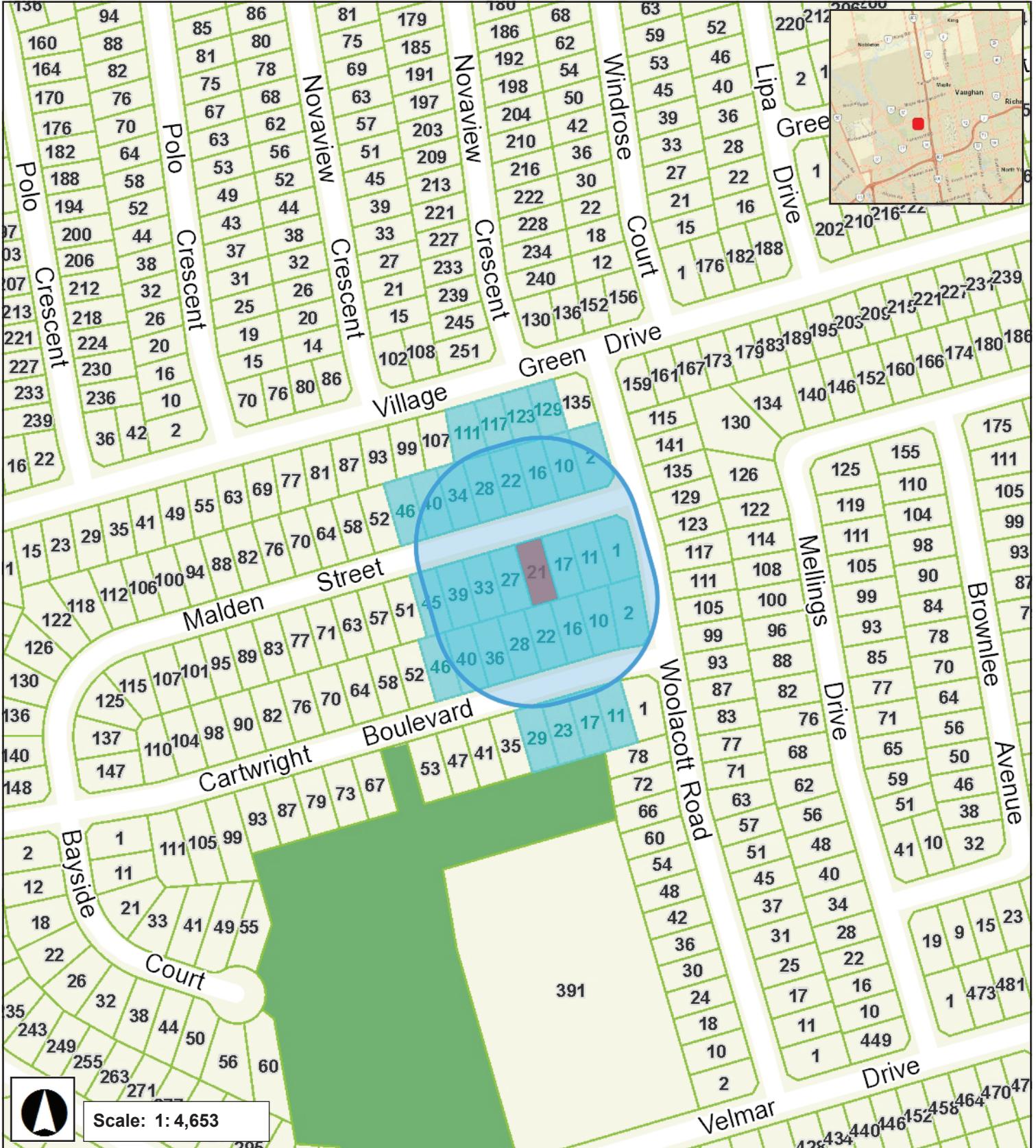
Location Map
Plans & Sketches



LOCATION MAP A068/20

21 MALDEN STREET, WOODBRIDGE

Rutherford Road



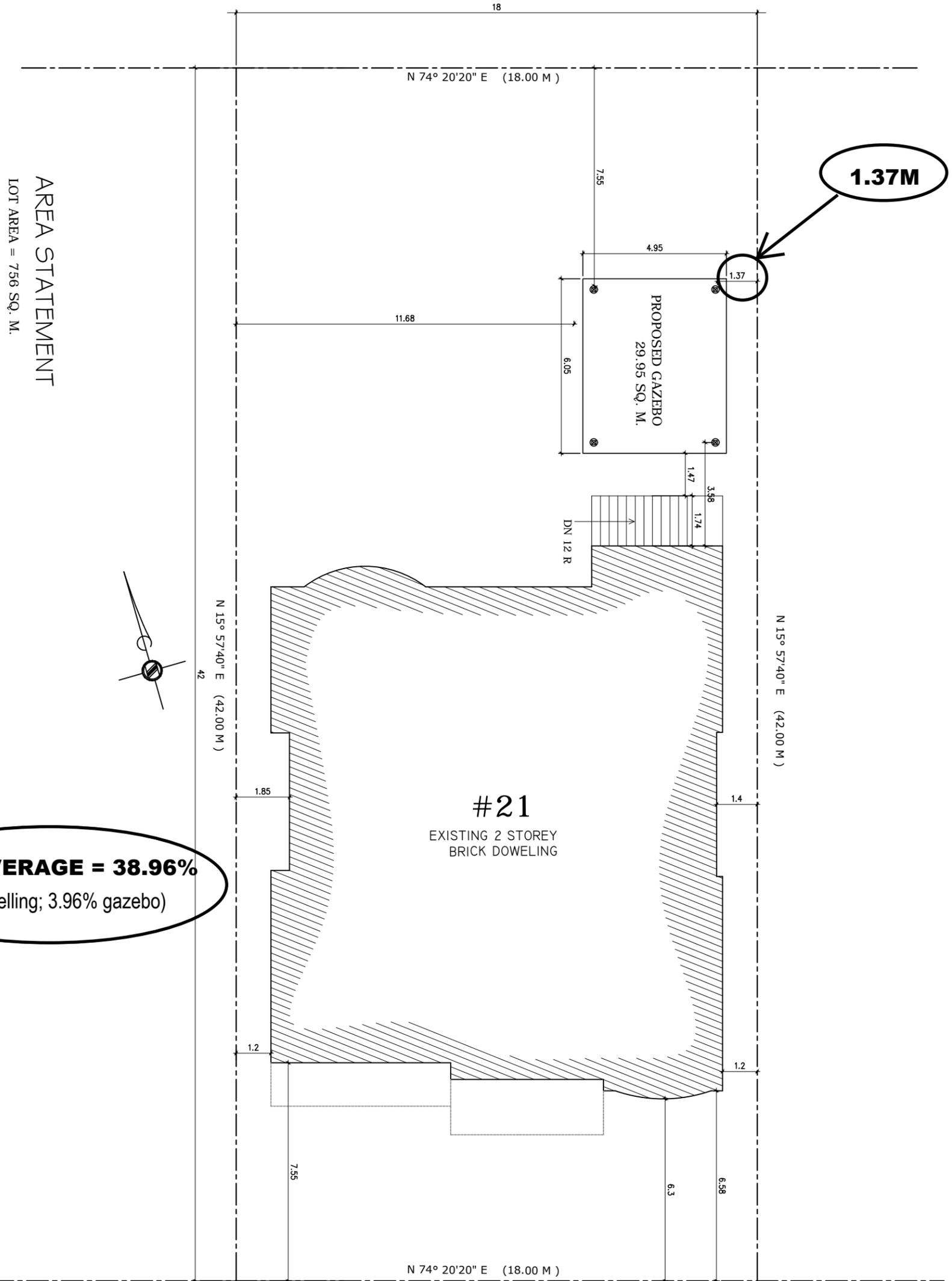
Scale: 1:4,653

Langstaff Road

August 24, 2020 2:04 PM

REVISED AUGUST 12, 2020

A068/20



AREA STATEMENT

LOT AREA = 756 SQ. M.

DWELLING FOOT PRINT AREA = 264.60 SQ. M.
 PROPOSED GAZEBO AREA = 29.95 SQ. M.
 TOTAL BUILT UP AREA = 294.55 SQ. M.
 COVERAGE ALLOWED 35% OF 756 SQ. M = 264.60 SQ. M.
 COVERAGE PROPOSED = 294.55 = 38.96 %

LOT COVERAGE = 38.96%
 (35% dwelling; 3.96% gazebo)

SITE PLAN
 SCALE - 1:150

MALDEN STREET



ALL DIMENSIONS ARE IN M UNLESS NOTED OTHERWISE

GENERAL NOTE:
 The contractor shall check and verify all dimensions and report all errors and omissions to the consultant. All drawings, specifications and related documents are the copyright property of DESIGN FINE LTD. and may not be reproduced without their permission. Do not scale drawings. This drawing shall not be used for construction purposes unless issued for construction and signed by DESIGN FINE LTD.

NO.	DATE	DESCRIPTION	BY
1	7/27/2020	GAZEBO SIZE REDUCED	BS
2	8/11/2020	REVISED FOR SETBACKS	BS

PROJECT:
 GAZEBO AT 21 MALDEN STREET, VAUGHAN

CLIENT:
 ADRIANNA AYALA



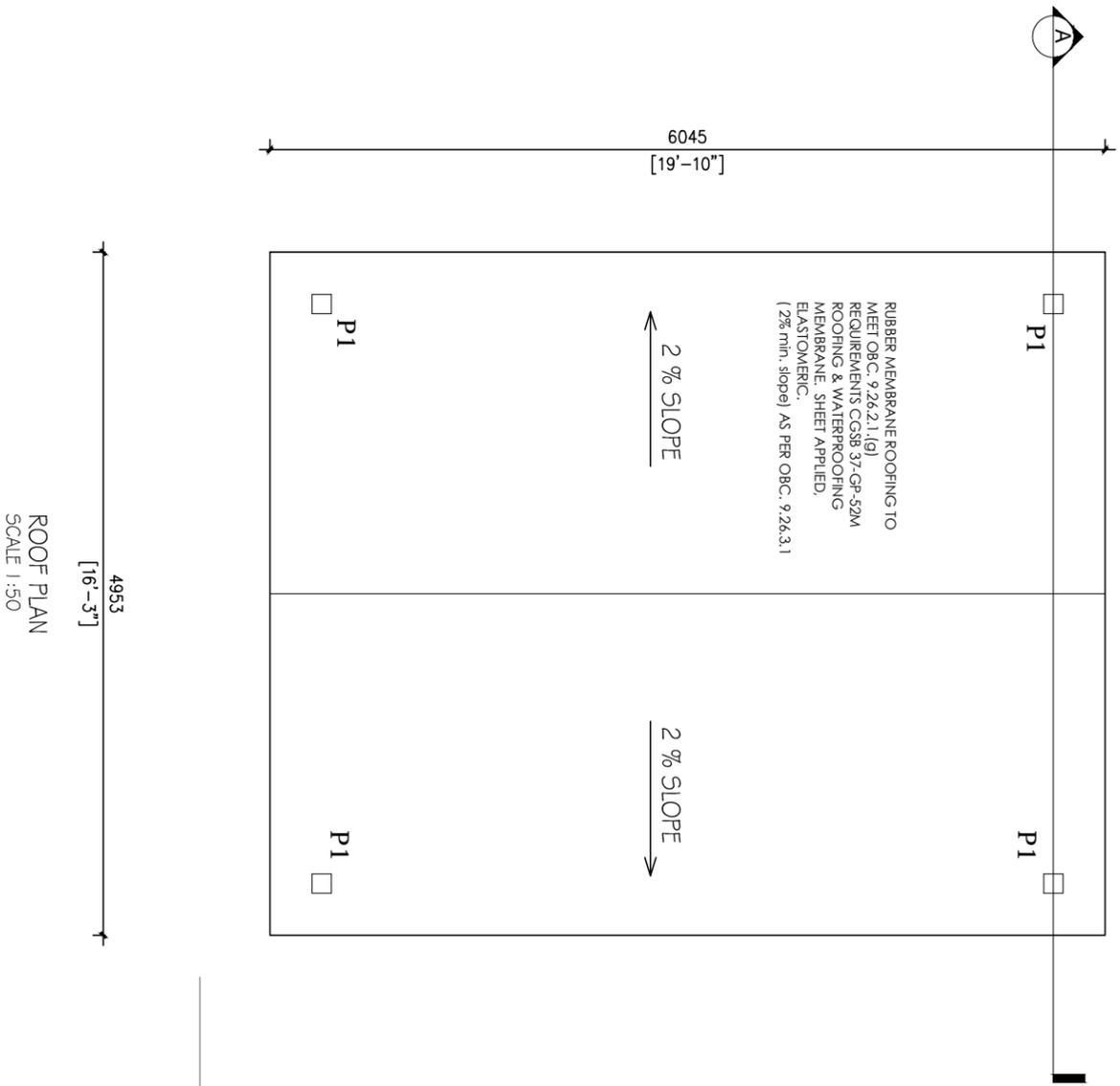
CONSULTING ENGINEERS

98 KENNEDY ROAD SOUTH
 BRAMPTON, ON L6W 3E7
 P: 905-452-8200 F: 905-452-8285
 www.finedesignfine.com

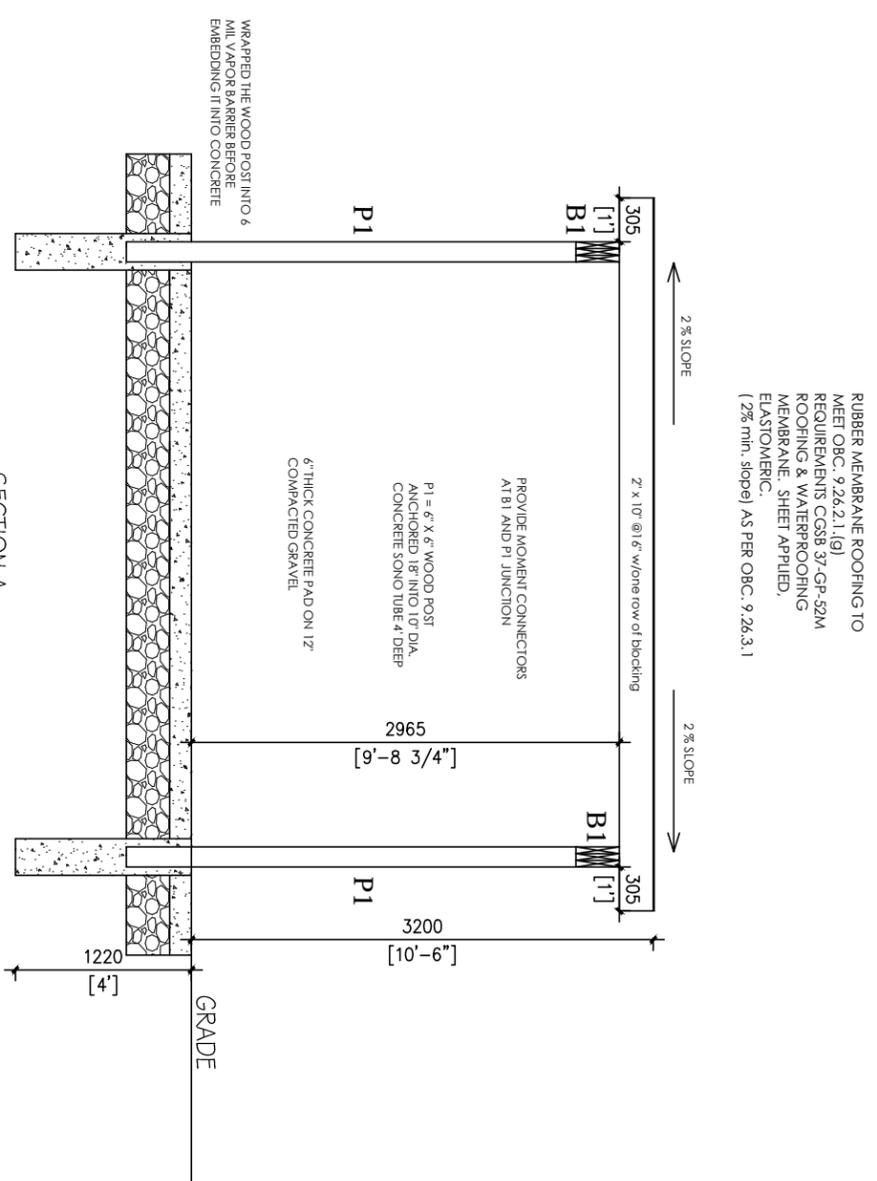
DRAWING TITLE:
 SITE PLAN

DESIGN:	SCALE:	DRAWING NO.:
BSS	AS NOTED	S1
DRAWN:	DATE:	
BSS	JUNE, 2020	
CHECKED:	PROJECT NO.:	
BSS	DPL-2019-026	

REVISED AUGUST 12, 2020



ROOF PLAN
SCALE 1:50



SECTION A
SCALE 1:50

GENERAL NOTE:
The contractor shall check and verify all dimensions and report all errors and omissions to the consultant. All drawings, specifications and related documents are the copyright property of DESIGN FINE LTD. and may not be reproduced without their permission. Do not scale drawings. This drawing shall not be used for construction purposes unless issued for construction and signed by DESIGN FINE LTD.

NO.	DESCRIPTION	BY
1	GAZEBO SIZE REDUCED	BS
2	SECTION REVISED	BS

REVISIONS:

PROJECT:
GAZEBO AT 21 WALDEN STREET, VAUGHAN

CLIENT:
ADRIANA AYALA



98 KENNEDY ROAD SOUTH
BRAMPTON, ON L6W 3E7
Ph: 905-452-8200 Fax: 905-452-8285
www.finedesignfine.com

DRAWING TITLE:
SECTION AND ROOF PLAN

DESIGN: SCALE: AS NOTED
DRAWN: DATE: JUNE, 2020
CHECKED: PROJECT NO: DFL-2019-026



ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE

DRAWING NO:
A2

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.

Public Correspondence - 27 Malden Street, Woodbridge

Applicant Correspondence - 21 Malden Street, Woodbridge (response to public correspondence)

To: Attwala Pravina

Re: Minor Variance A068/20

Date: August 31, 2020

This is in response to the letter email forwarded to me in regards to the minor variance application from my next door neighbor namely 27 Malden Street. As stated in the variance application I did contact the city prior to commencement of the construction of the Gazebo and explained that the gazebo had no walls nor attached to the existing building they instructed me that I can construct the structure. So I proceeded, yes the city by-law inspector was called in not as my neighbor states by someone who called the city, it was him who called the city instead of coming in to talk to me with any concerns. The city by-law officer even stated that there was not an issue on the construction of the gazebo. That is why I was never issued a stop work order. I stopped the work, in consideration of the city and the neighbor.

I have demonstrated the willingness to make changes and have complied with the city on eaves and gutters, as required by by-law. The planning department has reviewed the application and they have sent me an email on August 25, 2020 stating "We advised Committee of Adjustment staff that we had no concerns with the file." Further Mr. DiCaro states that I had no consideration for the neighbors, but yet he continues to infringe my property by placing his fence in my property, not the property line, and he built his gazebo on top of the catch basin, this catch basin should be between both properties but it is now in his property only. Further said gazebo is not 1.5 meters away from the property line. This has caused flooding on my property, so much so that I had to do whipping tile at the back of my property so that I eliminate the flooding problem. At this point I would like the city to rectify this issue and have him move the fence either on his property or on the property line; to remove his gazebo away from the catch basin and the 1.5 meters from the property line.

Adriana Rivera

Home owner of 21 Malden Street

Attwala, Pravina

Subject: FW: Minor Variance A068/20

From: Tony DiCaro [REDACTED] >
Sent: August-31-20 6:19 AM
To: Committee of Adjustment <CofA@vaughan.ca>
Cc: Joseph DiCaro [REDACTED]
Subject: [External] Minor Variance A068/20

Morning

I reside at 27 malden next door to the house in question

As for the application for a variance on the sole basis that the applicant never contacted the city before taking on this project, the variance should not be given. If they had been responsible and respectful to their neighbors and to the city laws they would of done their due diligence before taking on this project. At the end of the day a variance should not be given because the said applicant has already built the building and the only reason they have made an application is because someone has brought it to the attention of the city.

Thank you

Regards,

Tony DiCaro

DOLE Contracting Inc.
155 Strada Drive
Woodbridge, ON
L4L 5V9



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

MTO – Located outside of MTO permit control area



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

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A068/20 - , 21 MALDEN STREET, WOODBRIDGE - (REVISED SKETCHES ATTACHED) REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

From: Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

Sent: August-18-20 4:30 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Committee of Adjustment <CofA@vaughan.ca>

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Subject: [External] RE: A068/20 - , 21 MALDEN STREET, WOODBRIDGE - (REVISED SKETCHES ATTACHED) REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

Good Afternoon Pravina,

MTO has reviewed the subject land(s) located at 21 Malden St. in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

Alexander Hajjar

Transportation Technician

Highway Corridor Management Section

Ministry of Transportation, MTO

416.235.4504

Attwala, Pravina

Subject: FW: Response A068/20 - , 21 MALDEN STREET, WOODBRIDGE - (REVISED SKETCHES ATTACHED)
REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

Attachments: A068-20 - Circulation.pdf

From: Development Services <developmentservices@york.ca>

Sent: August-24-20 10:35 AM

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

Subject: [External] Response A068/20 - , 21 MALDEN STREET, WOODBRIDGE - (REVISED SKETCHES ATTACHED) 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.

Regards,

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 | www.york.ca