



File: A076/20

Applicant: Mitzy and Carlos Alarcon

Address: 120 Josephine Road, 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"/>	<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)		

Adjournment History: None

Background History: None



Minor Variance
Application

Agenda Item: 14

A076/20

Ward: 3

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, October 1, 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](https://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: Mitzy and Carlos Alarcon

Agent: None

Property: 120 Josephine Road, Woodbridge

Zoning: The subject lands are zoned RV2(WS) and subject to the provisions of Exception 9(1024) under By-law 1-88 as amended

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed pool and 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 a pool.	1) To permit a minimum interior side yard setback of 0.91 meters to the pool.
2) A minimum rear yard setback of 1.5 metres is required to a pool.	2) To permit a minimum rear yard setback of 1.22 metres to the pool.
3) A minimum rear yard setback of 6.0 metres is required to an accessory structure (gazebo).	3) To permit a minimum rear yard setback of 0.6 metres to an accessory structure (gazebo).
4)A minimum interior side yard setback of 1.2 metres is required to an accessory structure (gazebo).	4)To permit a minimum interior side yard setback of 0.6 metres to any accessory structure (gazebo).

Background (previous applications approved by the Committee on the subject land): None

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: None

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 September 16, 2020

Applicant confirmed posting of signage on September 12, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2008
Gazebo	Existing
Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): To gain more pool and amenity space.

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 10m2

The applicant shall note the minimum setback to the pool equipment located in the interior side yard shall be a minimum of 0.6 metres.

The nearest part of the roof (of the gazebo) shall not be more than 3.0 metres above finished grade.

The applicant shall be advised that additional variances may be required upon review of detailed drawings for building permit and the additional information requested.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to construct a pool and maintain an existing gazebo in the r with the above-noted variances.

Variances 1 and 2 are considered minor in nature as the proposed pool is appropriately sited on the lot and will not have adverse impacts on adjacent properties. The existing gazebo has a height of 3.5 m which is under the maximum accessory structure height of 4.5 m and is situated 0.6 m from the rear and the interior lot lines. The floor area of the open and unenclosed cabana is 9 m² and is used as a seating area. As such, Variances 3 and 4 are minor in nature. In addition, Development Engineering staff have reviewed the proposed works and have no objection to the minor variances.

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

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

Additional Comments:

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.

The Development Engineering (DE) Department does not object to variance application A076/20.

Parks, Forestry and Horticulture Operations:

Recommended condition of approval:

Applicant/owner shall install hoarding around city owned boulevard tree to the satisfaction of Vaughan Forestry. Build hoarding according to design detail MLA 107B. Forestry to inspect hoarding prior to removing condition.

By-Law and Compliance, Licensing and Permit Services:

No comments.

Financial Planning and Development Finance:

No comment no concerns.

Fire Department:

No comments.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

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, the following conditions have been recommended:

	Department/Agency	Condition
1	Parks, Forestry and Horticulture Operations Zachary Guizzetti 905-832-8585 x3614 Zachary.Guizzetti@vaughan.ca	Applicant/owner shall install hoarding around city owned boulevard tree to the satisfaction of Vaughan Forestry. Build hoarding according to design detail MLA 107B. Forestry to inspect hoarding prior to removing condition.

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](https://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.

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.

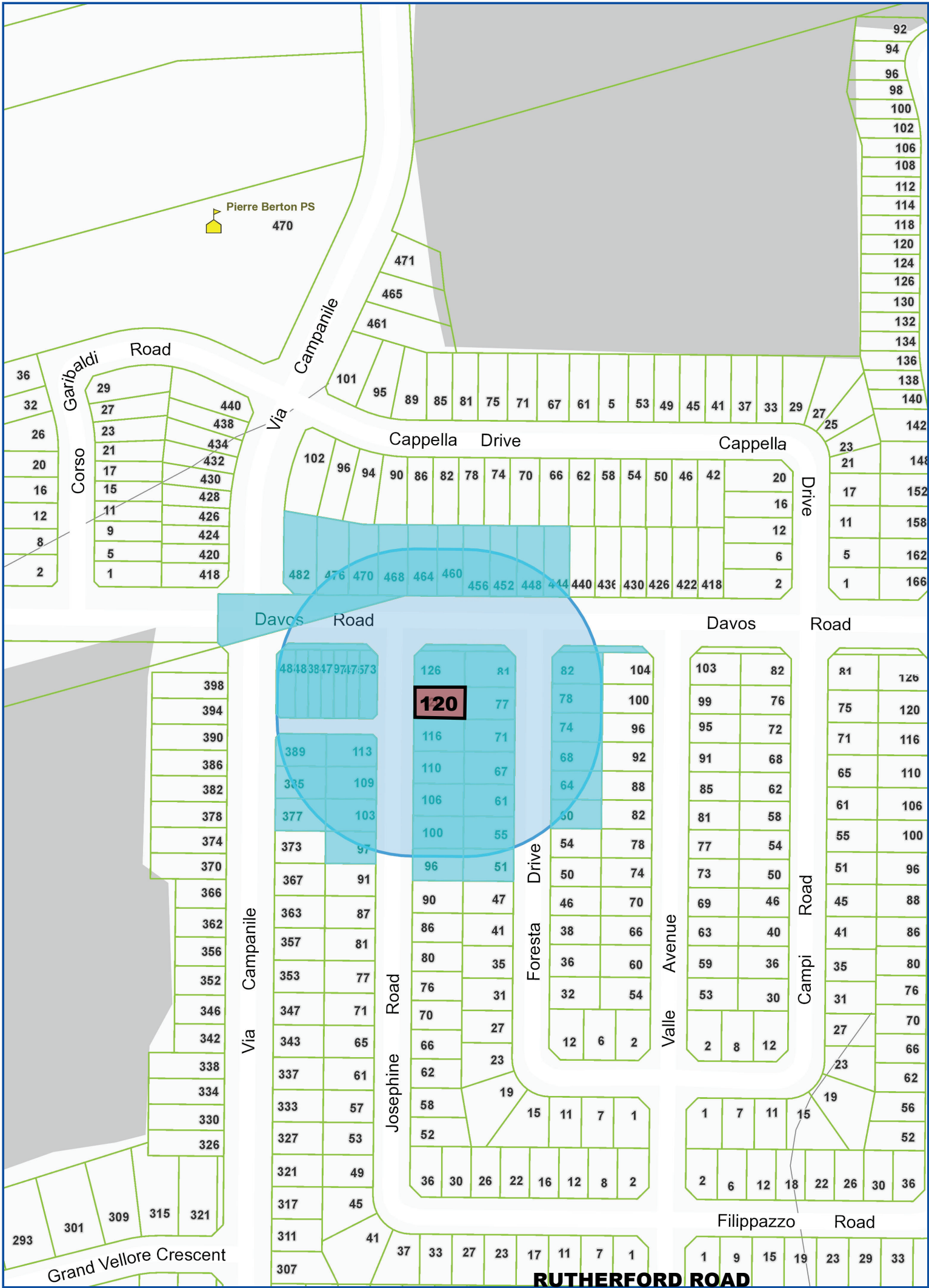
For further information please contact the City of Vaughan, Committee of Adjustment
Lenore Providence
T 905 832 8585 Extension 8394
E CofA@vaughan.ca

Schedule A: Plans & Sketches

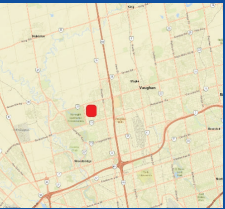
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches

PINE VALLEY DRIVE



Map Information:



Title:

LOCATION MAP - A076/20

120 Josephine Road, Woodbridge

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.



Scale: 1:2,317
0 0.04 km

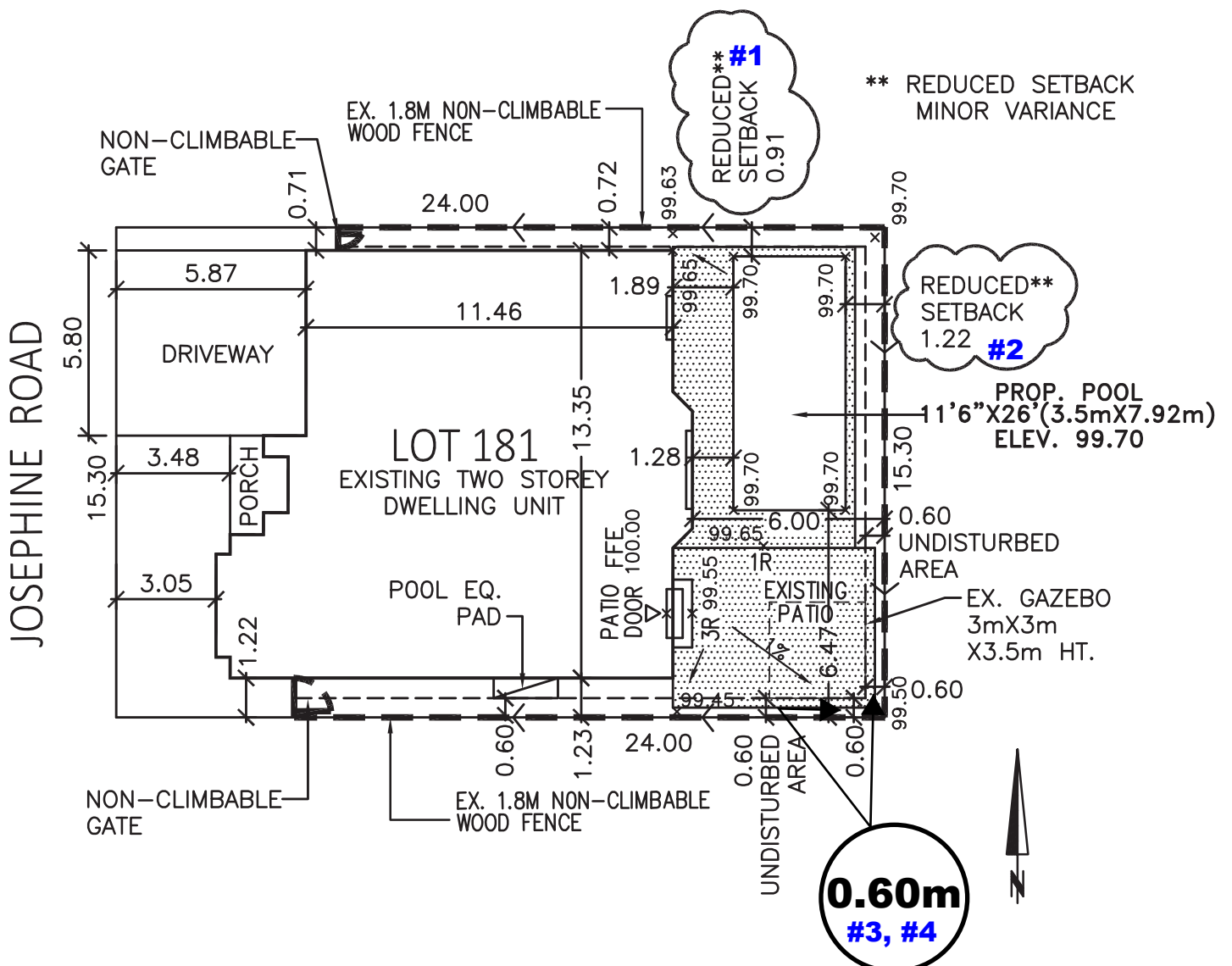


Created By:
Infrastructure Delivery
Department
September 14, 2020 5:57 AM

Projection:
NAD 83
UTM Zone
17N

NOTE:

ALL PERMITER GRADE ALONG THE PROPERTY
LINE UN-CHANGED



NOTE:

ALL PERMITTER GRADE ALONG THE PROPERTY
LINE UN-CHANGED

PROPOSED POOL PLAN

LOT 181 - 120 Josephine Road, Vaughan

August 10, 2020, REV. August 13, 2020

REV. August 24, 2020

Scale 1:200

- #1 To permit a minimum interior side yard setback of 0.91 meters to the pool.**
#2 To permit a minimum rear yard setback of 1.22 metres to the pool.
#3 To permit a minimum rear yard setback of 0.6 metres to an accessory structure (gazebo).
#4 To permit a minimum interior side yard setback of 0.6 metres to any accessory structure (gazebo).

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM

1704980



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3).

NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 65M-3922
- P DENOTES PORCH
- (RPE) DENOTES RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

ALL FOUND MONUMENTS BY HOLDING JONES
VANDERVEEN INC., O.L.S.

ALL TIES TO CONCRETE FOUNDATION

BEARINGS ARE GRID AND ARE REFERRED TO THE
EAST LIMIT OF JOSEPHINE ROAD AS SHOWN ON
PLAN 65M-3922 HAVING A BEARING OF N00°32'20"E

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 17th DAY OF JUNE, 2008

DATE Aug. 1st, 2008

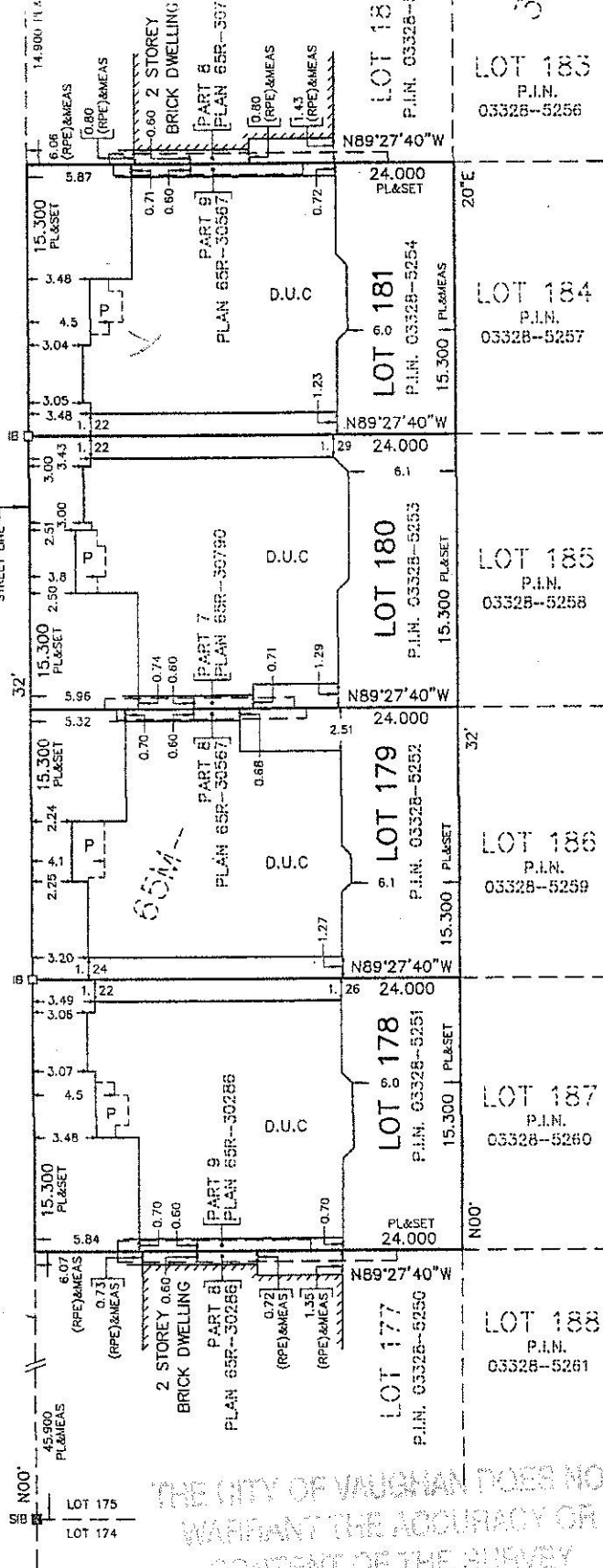
J. SINGH
ONTARIO LAND SURVEYOR

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

©RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2008

JOSEPHINE ROAD

(BY PLAN 65M-3922)
P.I.N. 03328-5702



A076/20



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.

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.-

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

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, 03-9), 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

E-mail: stephen.cranley@alectrautilities.com

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

Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: [External] RE: A076-20 - REQUEST FOR COMMENTS - THIS ONE - 120 Josephine Rd Woodbridge, (full circulation)

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

Sent: September-04-20 8:52 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A076-20 - REQUEST FOR COMMENTS - THIS ONE - 120 Josephine Rd Woodbridge, (full circulation)

Good Afternoon Lenore,

MTO has reviewed the subject land(s) located at 120 Josephine Rd. 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

From: Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Sent: September 3, 2020 1:24 PM

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

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>

Subject: FW: A076-20 - REQUEST FOR COMMENTS - THIS ONE - 120 Josephine Rd Woodbridge, (full circulation)

Dan Della Mora

Senior Project Manager

Dan.DellaMora@ontario.ca

Providence, Lenore

Subject: FW: A076-20 - REQUEST FOR COMMENTS - 120 Josephine Rd Woodbridge, (full circulation)

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

Sent: September-14-20 3:39 PM

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

Subject: [External] RE: A076-20 - REQUEST FOR COMMENTS - 120 Josephine Rd Woodbridge, (full circulation)

Good afternoon Lenore,

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 | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca