

File: A108/20

Applicant: Krushnakant & Bhavna Shah

Address: 188 Upper Post Rd Maple

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)		
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	<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: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, December 3, 2020



Minor Variance Application

Agenda Item: 4

A108/20

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, December 3, 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: Krushnakant & Bhavna Shah

Agent: None

Property: **188 Upper Post Rd Maple**

Zoning: The subject lands are zoned RD1 9(1275) and subject to the provisions of Exception 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 sunroom and deck. The existing deck is to be demolished.

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

By-law Requirement	Proposal
1. The minimum rear yard setback of 7.5 metres is required.	1. To permit a minimum rear yard setback of 4.53 metres to a sunroom.
2. The minimum rear yard setback of 5.7 metres is required to a deck.	2. To permit a minimum rear yard setback of 4.53 metres to a deck.

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 November 18, 2020

Applicant confirmed posting of signage on November 17, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2011 (Purchased lot from builder Sept. 22, 2010)

Applicant has advised that they cannot comply with By-law for the following reason(s): Required setback 7.5m cannot be met as total setback from back of the house to fence is 7.6m. With proposed sunroom available setback 4.5m

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 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:

Official Plan: Vaughan Official Plan 2010 (VOP 2010): "Low-Rise Residential and within the Oak Ridges Moraine Settlement Area"

The Owner is requesting permission to construct a deck and sunroom in the rear yard with the above noted variances.

The Development Planning Department has no objection to the rear yard reduction as the proposed rear yard setback of 4.53 m is similar in distance to other decks in immediate neighbourhood. The one-storey sunroom and deck is a relatively small area that is centrally located, proportionally balanced to the width of the home and still maintains a large rear yard amenity area.

Policy Planning and Environmental Sustainability ('PPES') staff concluded that although the proposed sunroom and deck is located within the 10 m Vegetation Protection Zone of the woodland, a site visit confirmed that an existing 4-6 metres of buffer space exists from the rear property boundary. PPES staff is of the opinion that the existing buffer combined with a proposed rear yard setback of 4.53 m is sufficient to maintain the integrity of the adjacent woodland feature.

The Development Planning Department is of the opinion that the proposal 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.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A108/20,

Parks, Forestry and Horticulture Operations:

No comment no concerns

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

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 **adjourn** this application the following condition(s) is required: N/A

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: N/A

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.

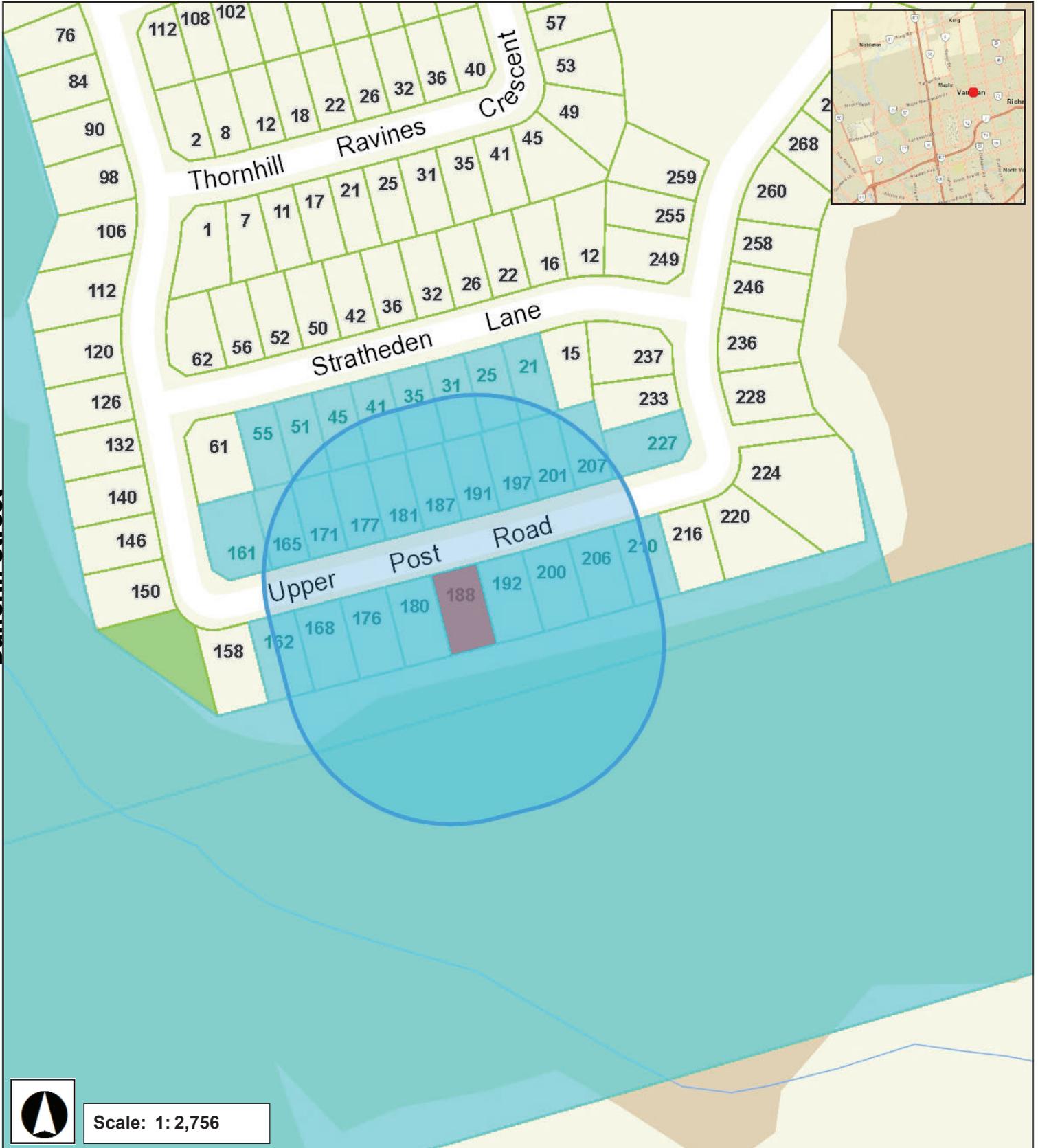
Location Map
Plans & Sketches



LOCATION MAP - A108/20

188 UPPER POST ROAD, MAPLE

Major Mackenzie Drive



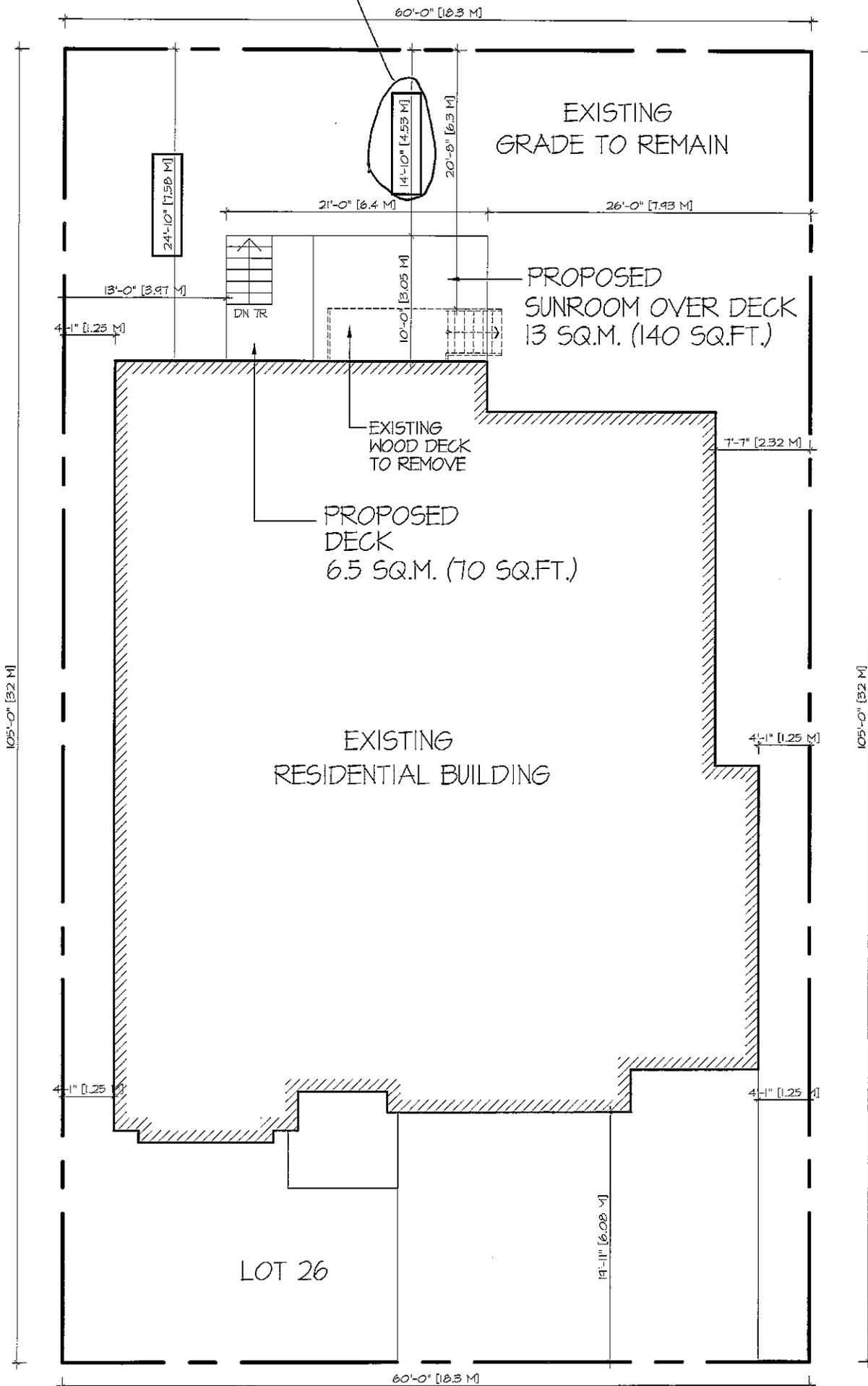
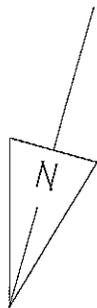
Rutherford Road

November 3, 2020 10:34 AM

**4.5M REAR YARD SETBACK
TO SUNROOM & DECK**

A108/20

*Proposed setback
minor variance
4.5 M
Required setback
7.5 M*



188 UPPER POST ROAD

188 UPPER POST ROAD

SITE PLAN

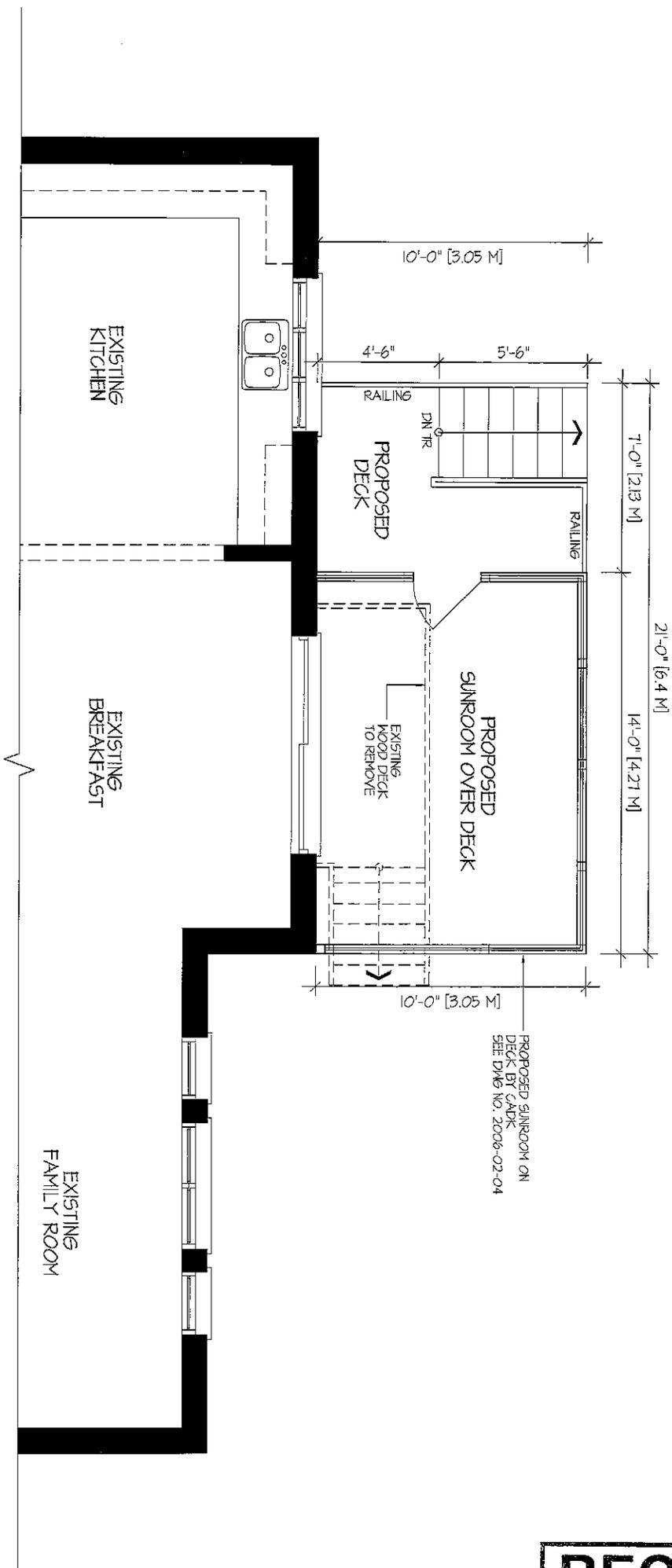
SCALE 3/32"=1'

PAGE No. 1 OF 4

RECEIVED

OCT 13 2020

VAUGHAN COMMITTEE
OF ADJUSTMENT



RECEIVED
 OCT 13 2020
 VAUGHAN COMMITTEE
 OF ADJUSTMENT

FIRST FLOOR PLAN

188 UPPER POST ROAD

SCALE 3/16" = 1'

PAGE No. 3 OF 4



PROPOSED SUNROOM ON
DECK BY CADK
SEE DWG NO. 2006-02-04

EXISTING GRADE TO REMAIN

REAR ELEVATION

188 UPPER POST ROAD

SCALE 3/16" = 1'

PAGE No. 4 OF 4

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OCT 13 2020
VAUGHAN COMMITTEE
OF ADJUSTMENT

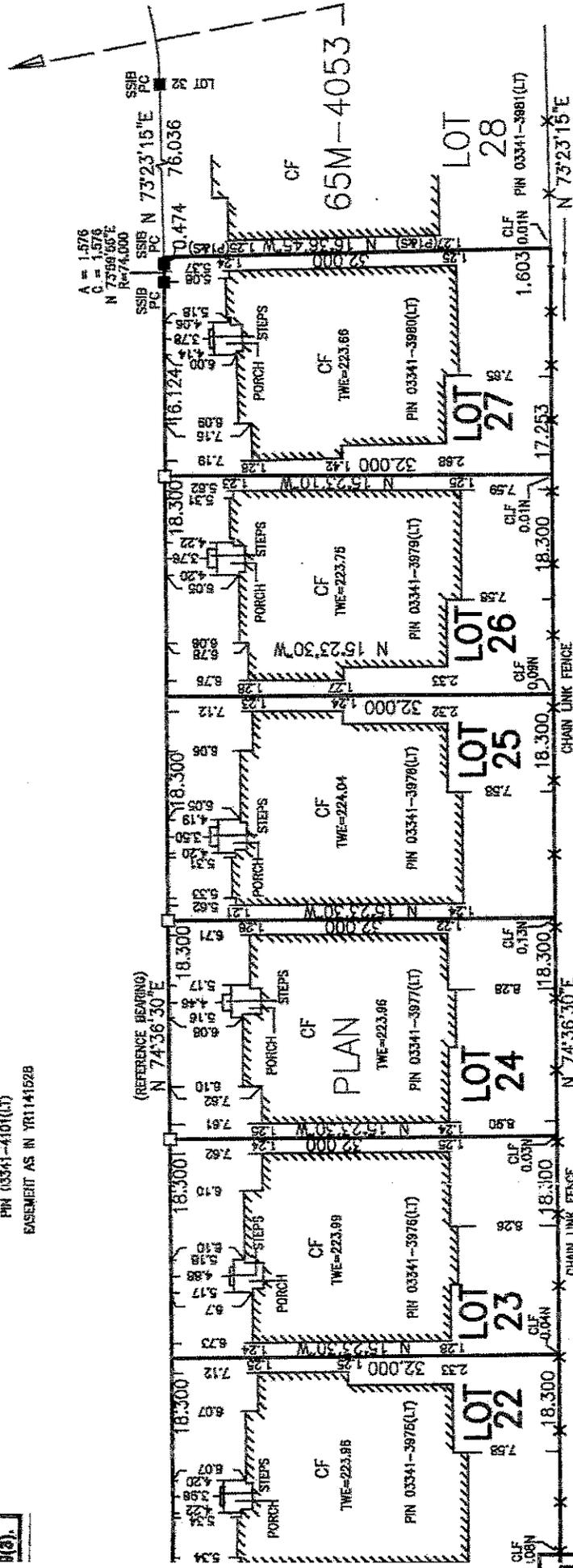
METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:
 ALL FOUND OR PLANTED MONUMENTS SHOWN HEREON ARE IRON BARS UNLESS NOTED OTHERWISE.
 ALL FOUND MONUMENTS SHOWN HEREON WERE PLANTED BY SCHAEFER & DZALDOV LTD., O.L.S. UNLESS NOTED OTHERWISE.
 ALL BOUNDARY INFORMATION SHOWN HEREON HAS BEEN SET OR MEASURED IN ACCORDANCE WITH REGISTERED PLAN 65M-4053 UNLESS NOTED OTHERWISE.

PART 2) SURVEY REPORT
 REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED. COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS: THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

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

UPPER POST ROAD
 (BY REGISTERED PLAN 65M-4053)
 PIN 03341-4101(LT)
 EASEMENT AS IN YR114152B



RECEIVED
 OCT 13 2020
 VAUGHAN COMMITTEE OF ADJUSTMENT

BLOCK 123
 PIN 03341 - 4076 (LT)

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



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: A108/20 - REQUEST FOR COMMENTS

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

Sent: October-20-20 10:15 AM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>

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

Subject: [External] RE: A108/20 - REQUEST FOR COMMENTS

Good Morning Pravina,

MTO has reviewed the subject land(s) located at 188 Upper Post 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

Attwala, Pravina

Subject: FW: A108/20 - REQUEST FOR COMMENTS

From: Wong, Anson <Anson.Wong@york.ca>

Sent: October-21-20 2:34 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: [External] RE: A108/20 - REQUEST FOR COMMENTS

Hi Pravina,

The Regional Municipality of York has completed its review of Minor Variance Application **A108/20** (MVAR.20.V.0376) and has no comment.

Thanks,

Anson Wong | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71516 | anson.wong@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

