



**File:** A125/20

**Applicant:** Adam & Koula Nix

**Address:** 305 Belview Ave Woodbridge

**Agent:** None

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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		
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

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Background History: N/A

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Staff Report Prepared By: Pravina Attwala  
Hearing Date: Thursday, February 4, 2021



**Minor Variance  
Application**

Agenda Item: 7

**A125/20**

Ward: 3

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

**Date & Time of Live Stream Hearing:** Thursday, February 4, 2021 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:** Adam & Koula Nix

**Agent:** None

**Property:** **305 Belview Ave Woodbridge**

**Zoning:** The subject lands are zoned R3 and subject to the provisions of Exception 9(476) 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 existing shed 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 1.2 metres is required to an accessory structure.	1) To permit a minimum interior side lot line of 0.46 metres to an accessory structure.
2) A minimum rear yard setback of 7.5 metres is required to an accessory structure.	2) To permit a minimum rear yard setback of 0.46 metres to an accessory structure.

**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 January 21, 2021

Applicant confirmed posting of signage on January 20, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	Built 1985 (Purchased 2018)

- Applicant has advised that they cannot comply with By-law for the following reason(s):
- Growing large fruit trees to be stored in the winter
- Storing larger yard equipment ex. Snow blower, lawn mower, rototiller etc.
- Elderly mother will be moving in and need the extra storage space
- We have a growing family and need the storage space for hanging bicycles in the winter to allow garage winter
- Parking
- Due to our irregular shape lot, esthetically the shed was positioned on a slight angle to be squared with the house
- This decision has made one corner 4" too close to the fence.

**Adjournment Request:** None.

**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: Order No. 20-000067, Order to Comply for Garden Shed without a permit, Issue Date: Sep 25, 2020

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.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

**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 accessory structure (garden shed) with the above noted variances.

The Development Planning Department has no objection to the variances, as the rear and interior side yard setbacks of 0.46m is taken from a pinch point increasing in distance to 1.83m at the south-west corner of the property. The Owner has indicated that the garden shed was placed to align with the existing dwelling. Additionally, the Development Engineering Department has reviewed the application and has no further concerns given the existing accessory structure (garden shed) is surrounded by soft landscape.

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**

Although the rear and side yard setback (0.46m) of the existing shed is lower than the minimum (0.6m) requirements, the applicant provided a consent from the surrounded neighbors.

The Development Engineering (DE) Department does not object to variance application A125/20.

**Parks Development - Forestry:**

No comments or concerns

**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**

A125/20 – Public Correspondence (Petition of Support from 292 Belview Avenue; 1 Firefly Crescent; 311 Belview Avenue; 295 Belview Avenue)

A125/20 – Public Correspondence (1 Firefly 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)**

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](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](http://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.

**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**

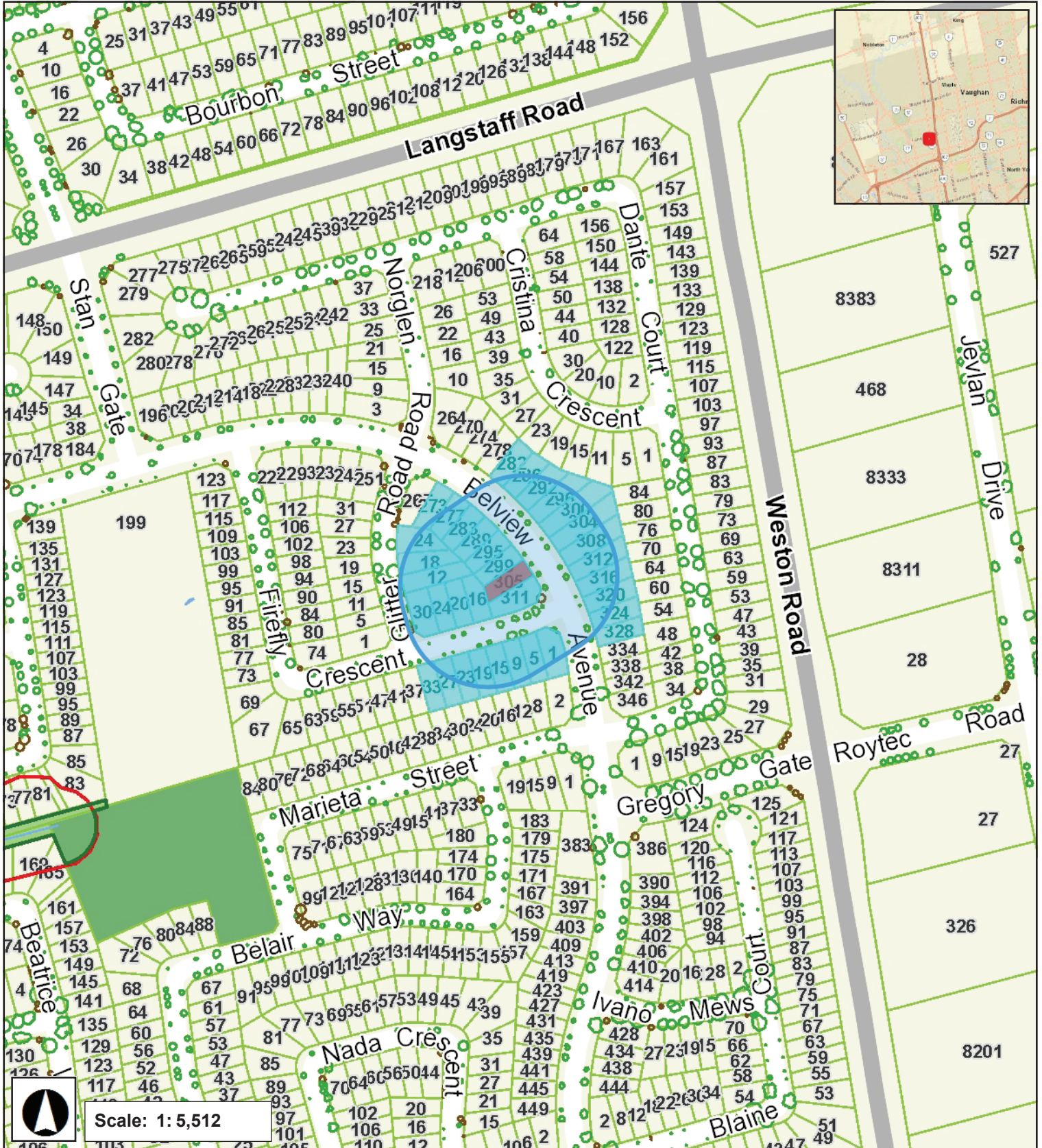
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

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

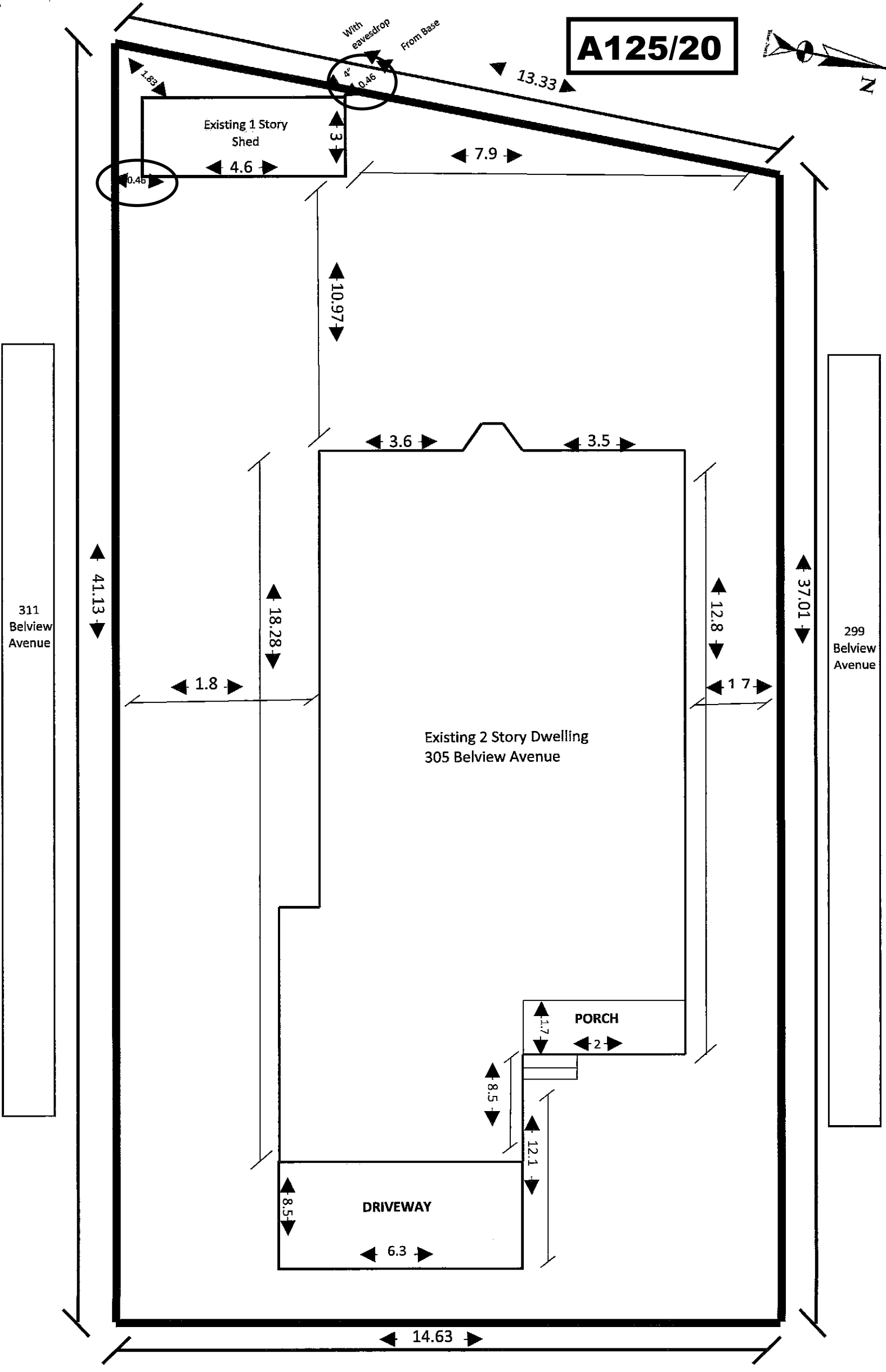
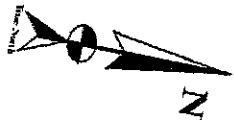


# LOCATION MAP - A125/20

305 BELVIEW AVENUE, WOODBRIDGE

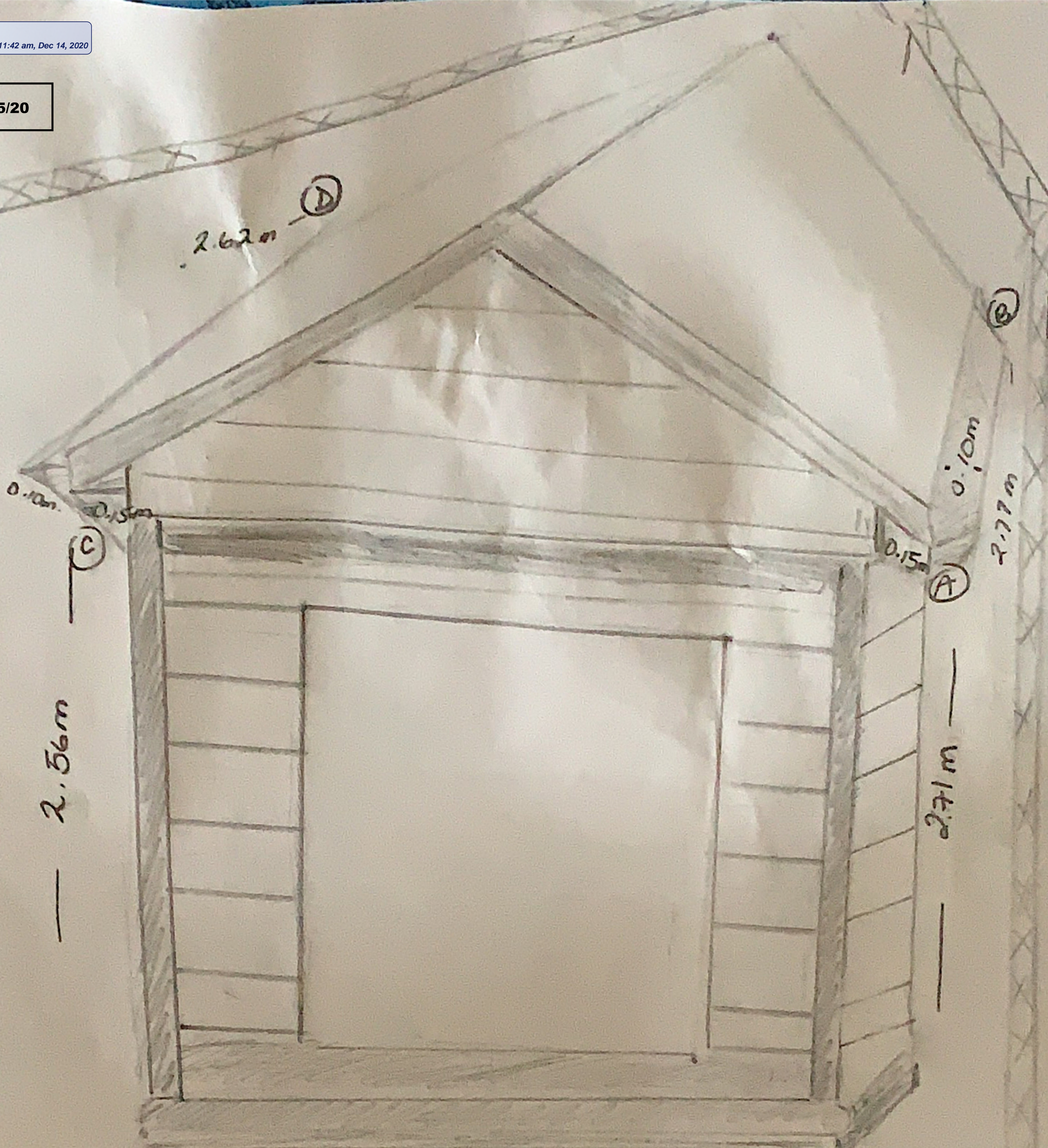


**A125/20**





A125/20



305 BELVIEW AVENUE  
WOODBRIDGE, ON  
L4L 7V8

Soffet = 0.15m  
Eaves = 0.10m

- Ground to soffet (A) = 2.71m (Front)
- Ground to soffet (B) = 2.77m (Back)
- Ground to soffet (C) = 2.56m (Front)
- Ground to soffet (D) = 2.62m (Back)









## **Schedule B: Public Correspondence Received**

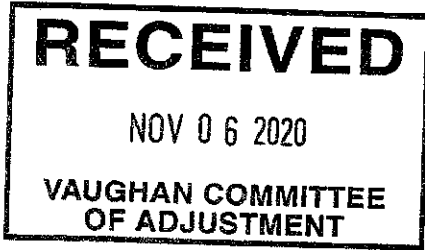
Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

**A125/20 – Public Correspondence (Petition of Support from 292 Belview Avenue; 1 Firefly Crescent; 311 Belview Avenue; 295 Belview Avenue)**

**A125/20 – Public Correspondence (1 Firefly Crescent)**

October 29<sup>th</sup>, 2020

Attn: Office of the City Clerk  
c/o Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan ON L6A 1T1





Re: Minor Variance Application – Neighbor Approvals  
305 Belview Avenue, Vaughan ON L4L 7V8

We, Adam William Nix and Koula Nix owners of 305 Belview Avenue, Vaughan ON are applying for a minor variance.

Please accept the following approvals from our neighbors who have agreed to the building of our garden shed and continue to have no discrepancies with it.

Name(s) of Owner(s)	Signature(s)	Address
SALVATORE GALUFFO/ADELINA GIANINI		299 BELVIEW AVE WOODBRIDGE L4L 9N9
LUIA Testa/Nick Throu		1 Firefly Cres
MARIO NERO		NOV-1-2020 311 BELVIEW
CARMELINA DIASCANIO CARLO DIASCANIO		NOV 2, 2020 295 BELVIEW AVE.

Regards,

Adam William Nix                      Koula Nix

**Attwala, Pravina**

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**Subject:** FW: [External] Minor variance application A125/20

-----Original Message-----

From: nick thurlow

Sent: January-27-21 8:20 PM

To: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] Minor variance application A125/20

Good Evening, my name is Nicholas Thurlow, I am the home owner of 1 firefly cres. Woodbridge Ontario. I send this email with the intentions of supporting my neighbours the Nix family at 305 Belview Ave. Woodbridge Ontario. For their Minor variance application A125/20. The Nix family lives 2 doors down from me. We have absolutely no issues with the construction of their new storage shed and hope the the city accepts their application for the minor variance.

Thank you,

Nicholas Thurlow

1 Firefly Cres.

Woodbridge Ontario

L4L7V8

Sent from my iPhone

## **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**





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### 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

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**Subject:** FW: A125/20 - REQUEST FOR COMMENTS

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

**Sent:** January-04-21 11:36 AM

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

**Subject:** [External] RE: A125/20 - REQUEST FOR COMMENTS

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