



File: A008/21

Applicant: Ivana Garito

Address: 259 Bourbon Street, 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)<br><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"/>                  |   |
| Development Engineering                     | <input checked="" type="checkbox"/>                  | <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)      | <input checked="" type="checkbox"/>                  |   |

Adjournment History: Adjournment Fee Applicable

Background History: None

Staff Report Prepared By: Adriana MacPherson  
Hearing Date: Thursday, April 29, 2021

**\*Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).**



## Minor Variance Application

Agenda Item: 7

A008/21

Ward: 3

Staff Report Prepared By: **Adriana MacPherson, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Thursday, April 29, 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](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](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:** Ivana Garito

**Agent:** None

**Property:** **259 Bourbon Street, Woodbridge**

**Zoning:** The subject lands are zoned R2, Residential and subject to the provisions of Exception No.'s 9(382)(438) 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 cabana to be 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 rear yard setback of 7.5 metres is required to an accessory structure (cabana). [Subsection 4.1.1 c].          | 1. To permit a minimum rear yard setback of 1.5 metres to an accessory structure (cabana).          |
| 2. A minimum exterior side yard setback of 4.5 metres is required to an accessory structure (cabana). [Subsection 4.1.1. c] | 2. To permit a minimum exterior side yard setback of 1.0 metres to an accessory structure (cabana). |

**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](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: 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 April 14, 2021

Applicant confirmed posting of signage on April 14, 2021

| Property Information |                  |
|----------------------|------------------|
| Existing Structures  | Year Constructed |
| Dwelling             | 1986             |
| Cabana               | TBC              |

Applicant has advised that they cannot comply with By-law for the following reason(s): The request to construct said cabana does not comply with existing by-laws as the request encroaches past both accessory side yard and rear yard setbacks. The house is a corner lot.

**Adjournment Request:** Applicant was provided an opportunity to adjourn the application to address Planning staff comments:

Planning staff have advised that they are not supportive of the proposed exterior yard setback and are a greater exterior yard setback and better elevation drawings.

Applicant advised on April 15 no modifications were being made to application.

### 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.

Proposed lot coverage has been calculated based on statistics provided in the application (Cabana 32.5 m2+ Dwelling 312 m2 = 344.5 m2 / Lot area 996.6 m2 = 34.57%).

An air conditioning unit shall comply with the requirements of Subsection 3.14, Permitted Yard Encroachments and Restrictions, Zoning Bylaw 1-88.

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

### Building Inspections (Septic):

No comments or concerns

### Development Planning:

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

Application under review.

### Development Engineering:

The Development Engineering (DE) Department does not object to variance application A008/21. subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at [DEPermits@vaughan.ca](mailto:DEPermits@vaughan.ca) or visit [https://www.vaughan.ca/services/residential/dev\\_eng/permits/Pages/default.aspx](https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx) to learn how to apply for lot grading and/or servicing approval.

### Parks Development - Forestry:

The applicant/owner shall install tree protection hoarding, to be inspected and approved by Forestry prior to any site work starting.

Recommended condition of approval:

The applicant/owner shall apply for a Private Tree Removal and Protection permit.

### By-Law and Compliance, Licensing and Permit Services:

No comments received to date

**Development Finance:**

No comment no concerns

**Fire Department:**

No comments received to date

**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)**

List Application Numbers i.e. Minor Variance A001/17

**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:**

|   | <b>Department/Agency</b>  | <b>Condition</b>  |
|---|---|---|
| 1 | Committee of Adjustment<br>Christine Vigneault<br><br>905-832-8585 x 8332<br><a href="mailto:christine.vigneault@vaughan.ca">christine.vigneault@vaughan.ca</a> | Applicant to provide payment of Adjournment Fee (see Fee Schedule) prior to the rescheduling of Application A008/21, if required. |

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:

|   | <b>Department/Agency</b>   | <b>Condition</b>  |
|---|--|---|
| 1 | Development Planning<br>Roberto Simbana<br><br>905-832-8585 x 8810<br><a href="mailto:roberto.simbana@vaughan.ca">roberto.simbana@vaughan.ca</a>                             | Application under review.   |
| 2 | Development Engineering<br>Farzana Khan<br><br>905-832-8585 x 3608<br><a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>                                   | The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit <a href="https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx">https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</a> to learn how to apply for lot grading and/or servicing approval. |
| 3 | Parks, Forestry and Horticulture Operations<br>Zachary Guizzetti<br><br>905-832-8585 x3614<br><a href="mailto:Zachary.Guizzetti@vaughan.ca">Zachary.Guizzetti@vaughan.ca</a> | The applicant/owner shall apply for a Private Tree Removal and Protection permit.   |

## 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.

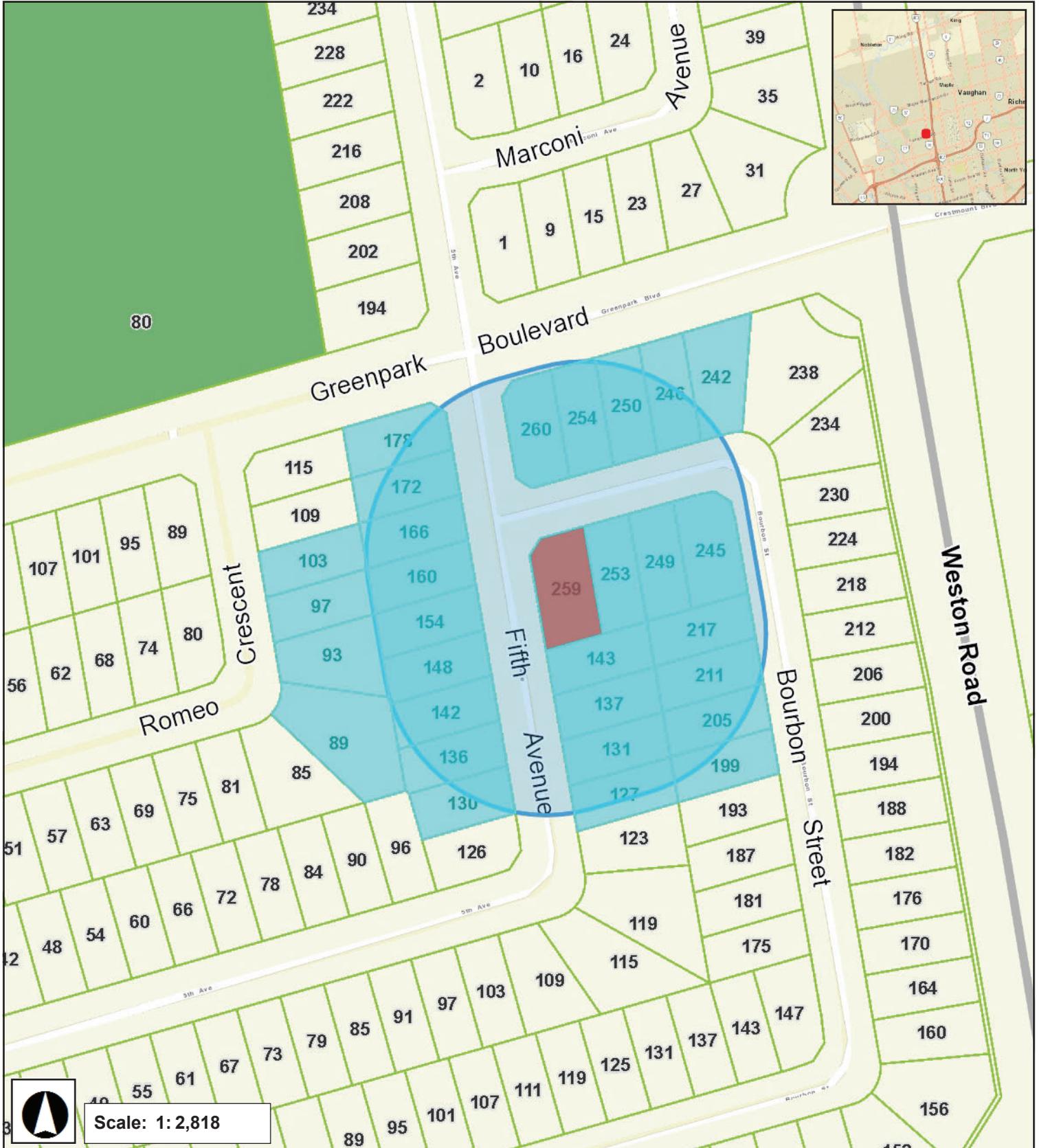
**For further information please contact the City of Vaughan, Committee of Adjustment**  
**Adriana MacPherson**  
T 905 832 8585 Extension 8360  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

## **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**

259 Bourbon Street, Woodbridge



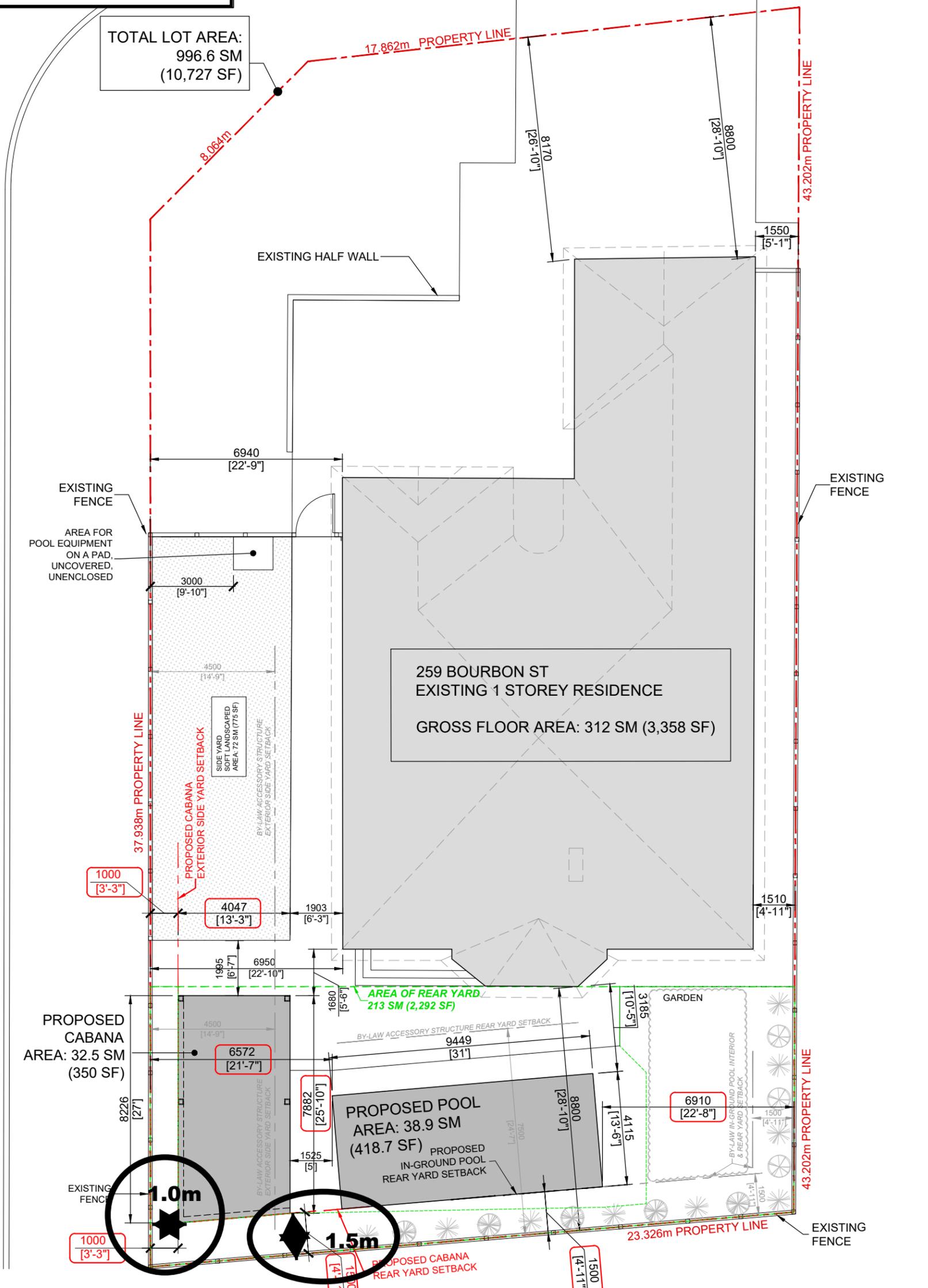
**Proposal:**

1. To permit a minimum rear yard setback of 1.5 metres to an accessory structure (cabana).
2. To permit a minimum exterior side yard setback of 1.0 metres to an accessory structure (cabana).

**BOURBON STREET**

**FIFTH AVENUE**

TOTAL LOT AREA:  
996.6 SM  
(10,727 SF)



ZONING BY-LAW 1-88 CITY OF VAUGHAN REQUIREMENTS:

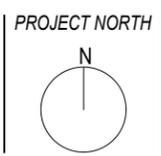
|   |  |
|---|--|
| LOT COVERAGE %:                         | 35 %   |
| ACCESSORY STRUCTURE OVER 10sm SETBACKS: | 7.5m FROM REAR PROPERTY LINE<br>1.2m FROM INTERIOR PROPERTY LINE<br>4.5m FROM FIFTH Ave. PROPERTY LINE<br>4.5m MAX HEIGHT<br>3.0m FROM FINISHED GRADE TO U/S OF FINISHED CEILING |
| IN-GROUND POOL SETBACKS:                | MINIMUM 1.5 FROM REAR PROPERTY LINE<br>MINIMUM 1.5 FROM INTERIOR PROPERTY LINE<br>MINIMUM 4.5 FROM FIFTH Ave. PROPERTY LINE  |

|                             |                      |
|-----------------------------|----------------------|
| SITE STATISTICS:            |                      |
| LOT AREA:                   | 996.6 SM (10,727 SF) |
| EXISTING GROSS FLOOR AREA:  | 312 SM (3,358 SF)    |
| EXISTING LOT COVERAGE %:    | 31.3%                |
| EXISTING AREA OF REAR YARD: | 213 SM ( 2,292 SF)   |

|  |  |
|--|--|
| PROPOSED GROSS FLOOR AREA:               |  |
| CABANA STRUCTURE                         | 32.5 SM (350 SF)                       |
| TOTAL PROPOSED G.F.A.                    | 312 SM + 32.5 SM = 344.5 SM (3,708 SF) |
| PROPOSED LOT COVERAGE %:                 | 34.5%                                  |
| PROPOSED SOFT REAR YARD LANDSCAPED AREA: | 75.8 SM (816 SF)                       |
| SOFT REAR YARD LANDSCAPED AREA :         | 35.5%                                  |

**bau & ós studio**

703-330 Spadina Rd Toronto ON M5R 2V9  
t: 416-602-3381 e: info@bauandcos.com  
w: www.bauandcos.com



PROJECT NORTH  
PROJECT NAME  
**259 Bourbon St.  
Private Residence  
Accessory Structures**

SHEET NAME  
**Proposed Site Plan**

DATE  
**MAR - 18 - 2021**  
SCALE  
**1:150**

DRAWING NO.  
**A-1.1**





## **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

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)

## MacPherson, Adriana

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**Subject:** FW: A008/21 - Request for Comments

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

**Sent:** February-25-21 9:14 AM

**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

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

**Subject:** [External] RE: A008/21 - Request for Comments

Good morning Adriana,

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)

## MacPherson, Adriana

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**Subject:** FW: A008/21 - Request for Comments  
**Attachments:** A008-21 - CIRC.pdf

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**From:** Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>  
**Sent:** February-23-21 10:37 AM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Subject:** [External] FW: A008/21 - Request for Comments

Hello Adriana,

This site is not within MTO permit control and MTO has no concerns.

**Cameron Blaney | Corridor Management Planner | Simcoe & York**  
Highway Corridor Management Section – Central Operations  
159 Sir William Hearst Avenue | Ministry of Transportation  
7<sup>th</sup> Floor, Building D | Downsview, Ontario | M3M 0B7  
416-358-7871  
[Cameron.Blaney@ontario.ca](mailto:Cameron.Blaney@ontario.ca)