



File: A016/21

Applicant: Pavel Baev

Address: 69 Yellowood Circle, Thornhill

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		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations		
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: 8

A016/21

Ward: 4

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

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: Pavel Baev

Agent: None

Property: **69 Yellowood Circle, Thornhill**

Zoning: The subject lands are zoned RVM1(WS-A) and subject to the provisions of Exception 9(752) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the existing deck and enclosed addition located in the rear yard. The enclosed addition (noted as a storage area in application) was constructed below the deck.

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 setback of 3.6 metres is required to a deck.	1. To permit a minimum rear yard setback of 3.32 metres to a deck.
2. A minimum rear yard setback of 6.0 metres is required to an enclosed addition.	2. To permit a minimum rear yard setback of 3.47 metres from an enclosed addition.

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 April 14, 2021

Applicant confirmed posting of signage on April 14, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2000
Deck with Shed Storage below	Approx. 2000

Applicant has advised that they cannot comply with By-law for the following reason(s): Deck is existing and was built around 20 years ago. Everything is existing as I purchased home about 12 years ago.

Adjournment Request: The applicant was provided an opportunity to adjourn the application prior to the issuance of public notice to permit time to address Planning concerns with the size of the storage space/shed located underneath the existing deck.

The applicant advised that they were unable to make changes to the pre-existing structure, due to the structural integrity

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 20-110660, Order to Comply for, Issue Date: Sep 04, 2020.

Building Permit No. 19-002312 for Single Detached Dwelling - Addition, Issue Date: (Not Yet Issued)

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:

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

Application under review.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A016/21.

Parks Development - Forestry:

No comments received to date.

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**

A016/21 – Applicant 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 **adjourn** this application the following condition(s) is required:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	Applicant to provide payment of Adjournment Fee (see Fee Schedule) prior to the rescheduling of Application A016/21, 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:

	Department/Agency	Condition
1	Development Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	Application under review.

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.

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.

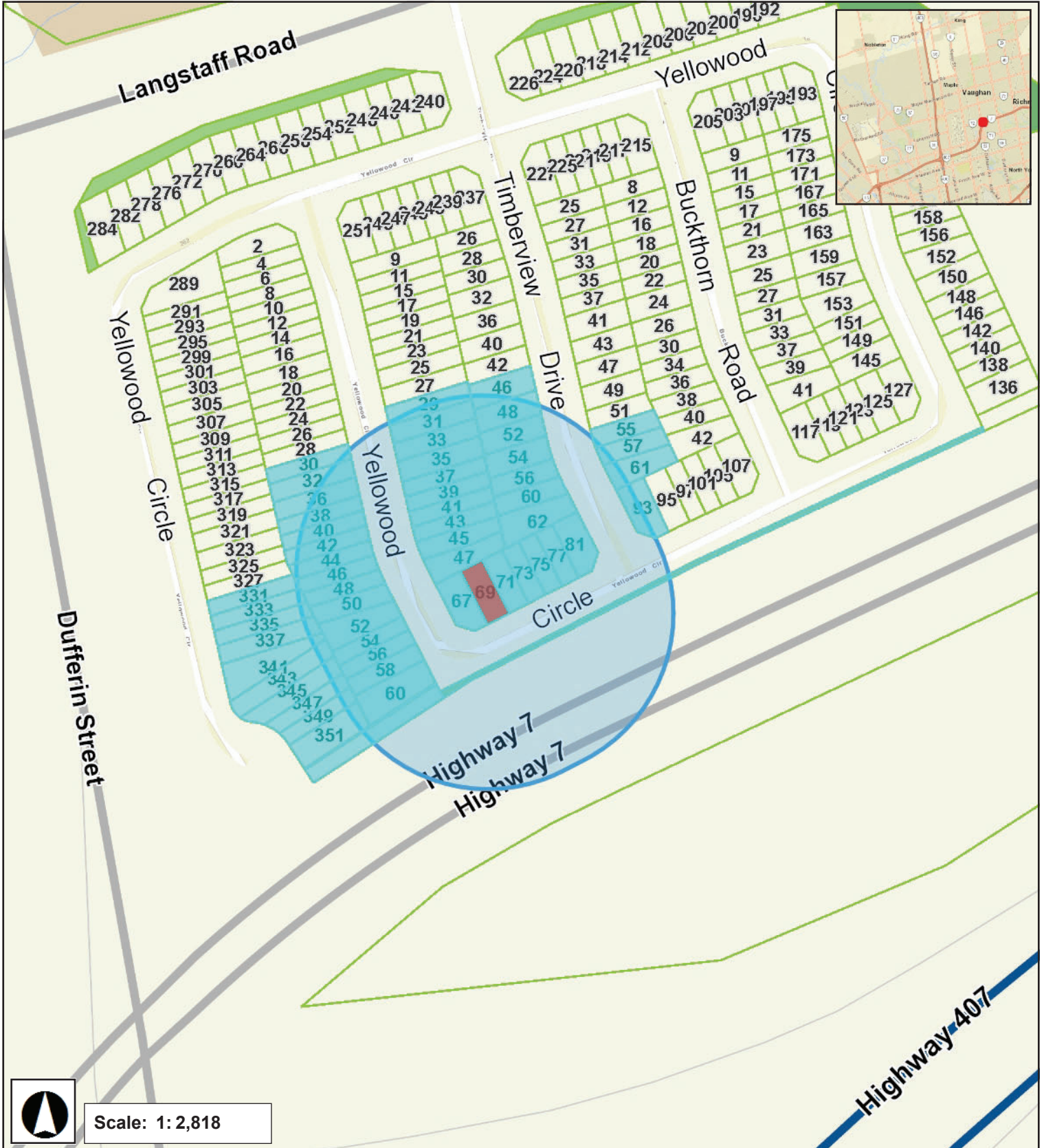
For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

Schedule A: Plans & Sketches

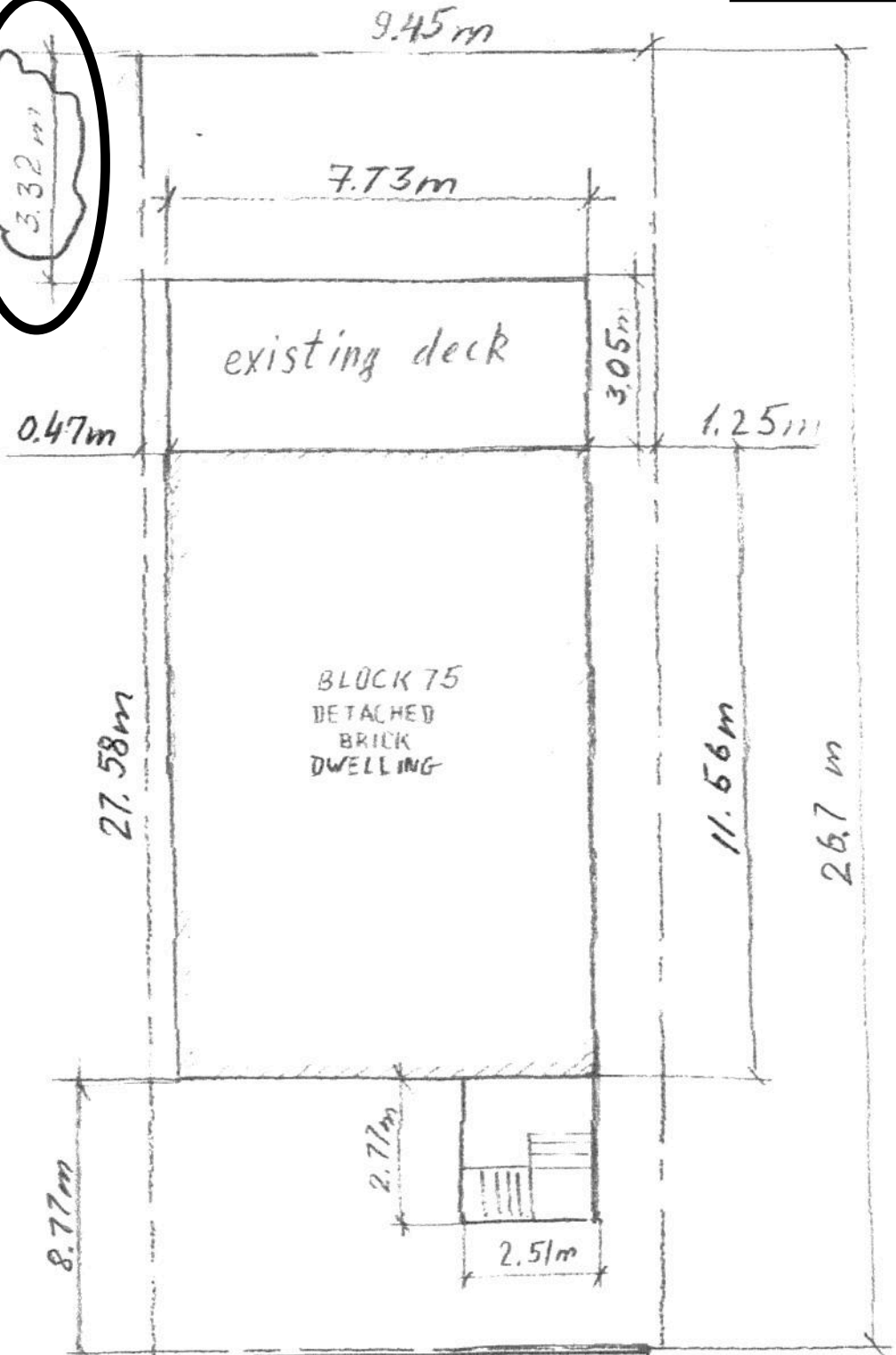
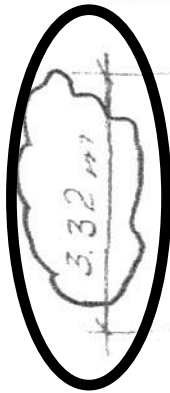
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches

69 Yellowwood Circle, Vaughan



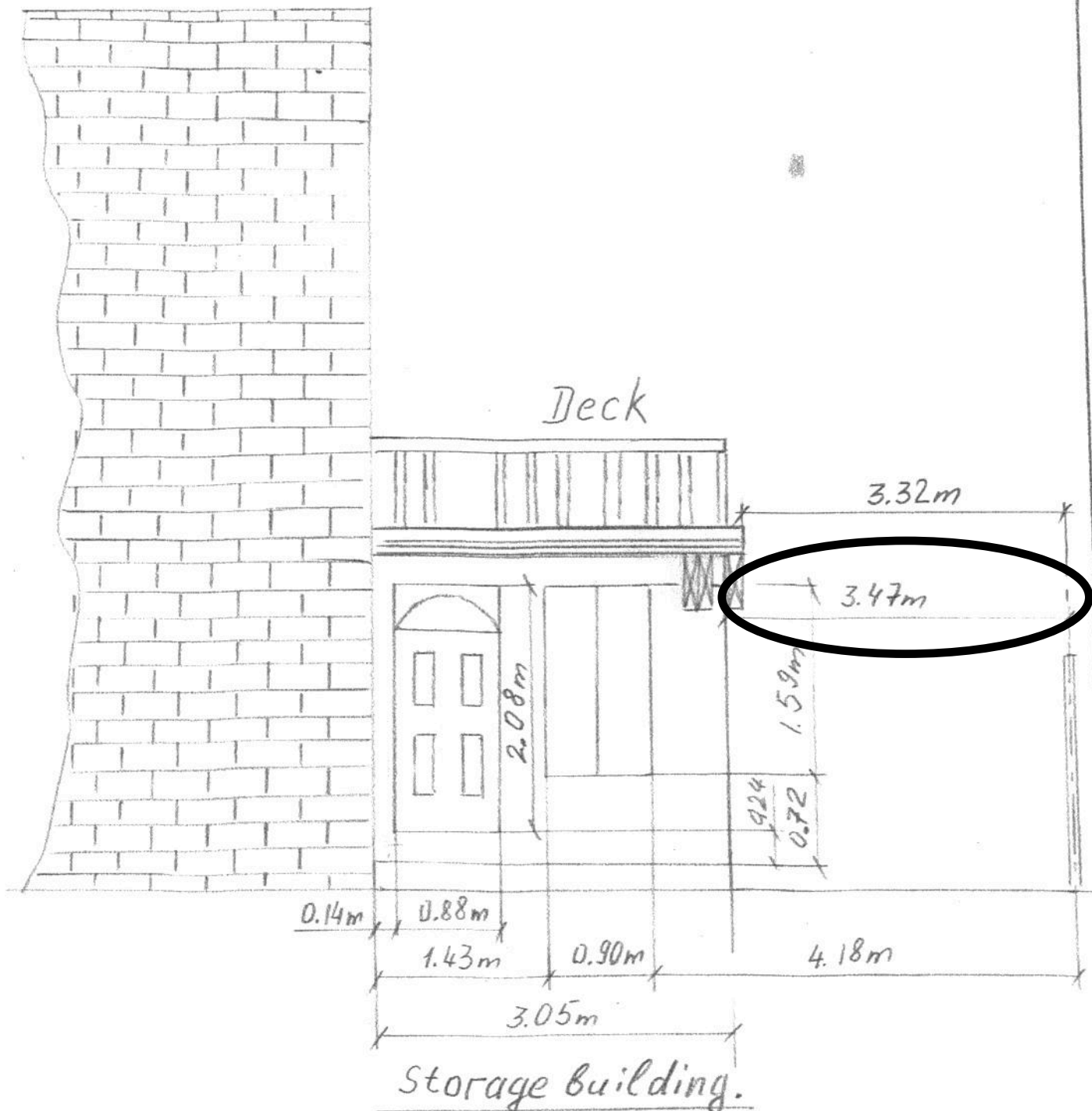
Scale: 1:2,818



69 Yellowwood Cir

Yellowwood Cir.

CLIENT PAVEL BAEV	SCALE 1:125	PROJECT NO
PROJECT 69 Yellowwood Cir. DECK THORNHILL	DATE	DWG NO 1 of 3
DRAWING TITLE SITE PLAN	DRAWN BY PAVEL BAEV	



⊙ REAR ELEVATION

CLIENT PAVEL BAEV	SCALE 1:50	PROJECT NO
PROJECT 69 YELLOWOOD CIR. THORNILL	DATE	DWG NO
DECK AND STORAGE BUILDING		2 of 3
DRAWING TITLE	DRAWN BY	



1 REAR ELEVATION
A-2

CLIENT PAVEL BAEV	SCALE 1:100	PROJECT NO
PROJECT 69 YELLOWWOOD OR THORHILL DECK AND STRUCTURE	DATE	DWG NO 3 of 3
DRAWING TITLE REAR ELEVATION	DRAWN BY	

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.

A016/21 – Applicant Correspondence

MacPherson, Adriana

Subject: FW: [External] Re: A016/21 (69 Yellowood Circle) - Action Required
Attachments: Picture 3.jpg; Picture 2 -February 2005.jpg; Capture+_2021-04-15-12-55-46.png; Capture+_2021-04-15-12-56-14.png; Capture+_2021-04-15-13-09-57~2.png; Website HouseSigma.docx; Picture 1 -March 2009.jpg

From: Elena A [REDACTED]
Sent: April-16-21 12:19 PM
To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: [REDACTED]
Subject: Re: [External] Re: A016/21 (69 Yellowood Circle) - Action Required

Hello Christine and Adriana,

We are confirming that we are unable to make changes to the pre-existing structure, due to the structural integrity. All requested drawings by the Building Department were signed by a professional engineer and have been submitted and approved. We would like to keep the original Committee of Adjustment hearing scheduled for Thursday, April 29, 2021 at 6:00 pm.

The public notice sign was installed on April 14, 2021 and a confirmation form has been emailed on April 14, 2021. (Attached Picture 3;)

Proposal for the existing deck:

- To permit a minimum rear yard setback of 3.32 metres to a deck.

By-Law Requirements:

- A minimum rear setback of 3.6 metres is required to a deck

As per the application, the existing deck is 0.28m (28cm) over the standard and the existing storage underneath the deck is supporting the deck (confirmed through an engineer), and is only half the size, leaving lots of space underneath.

I am attaching a copy of the original listing, with photos proving that the house was purchased with the pre-existing structures, and can be viewed on the website <https://housesigma.com>

And we also have a photo (pictures 2 attached) of the neighbours February 2005 listing for 47 Yellowood Cir., located behind 69 Yellowood Cr., showing that the deck was already existing.

Please find attached photos and a word document with links to all original listings (screenshots also attached).

Thank you.

Regards,

Elena Baev

Website HouseSigma :

<https://housesigma.com>

<https://housesigma.com/web/en/login>

The listing of the house that sold in March 2009 at address 69 Yellowwood Cir. Thornhill there is the existing rear yard deck there.

https://housesigma.com/web/en/map?listing_days=0&sold_days=90&de_list_days=90&house_type=%5B%22all%22%5D&list_type=%5B1%5D&listing_price=%5B0,6000000%5D&rent_price=%5B0,0%5D&bedroom_range=%5B%220%22%5D&bathroom_min=0&garage_min=0&basement=%5B%5D&max_maintenance_fee=0&school_condition=%7B%22elementary%22%3A1,%22secondary%22%3A1,%22public%22%3A1,%22catholic%22%3A1,%22match_score%22%3A0%7D&show_school=0&show_comparison=1&square_footage=%5B0,4000%5D&front_feet=%5B0,100%5D&open_house_date=0&description=&zoom=21¢er=%7B%22lat%22%3A43.82249652997198,%22lng%22%3A-79.47613459831246%7D



Picture # 1 - March 2009; 69 Yellowwood Cir. Thornhill;

Back to year 2005 when the house at 47 Yellowwood Cir. Thornhill has been sold (February 2005) there is already the existing deck at 69 Yellowwood Cir.

The link of the house at 47 Yellowwood Cir. Thornhill behind the house at 69 Yellowwood Cir.

https://housesigma.com/web/en/map?listing_days=0&sold_days=90&de_list_days=90&house_type=%5B%22all%22%5D&list_type=%5B1%5D&listing_price=%5B0,6000000%5D&rent_price=%5B0,0%5D&bedroom_range=%5B%220%22%5D&bathroom_min=0&garage_min=0&basement=%5B%5D&max_maintenance_fee=0&school_condition=%7B%22elementary%22%3A1,%22secondary%22%3A1,%22public%22%3A1,%22catholic%22%3A1,%22match_score%22%3A0%7D&show_school=0&show_comparison=1&square_footage=%5B0,4000%5D&front_feet=%5B0,100%5D&open_house_date=0&description=&zoom=19¢er=%7B%22lat%22%3A43.822672484589695,%22lng%22%3A-79.47598010285219%7D



Picture # 2- February 2005; 47 Yellowood Cir. Thornhill; (House 47 Yellowood Cir. behind 69 Yellowood Cir. Thornhill)







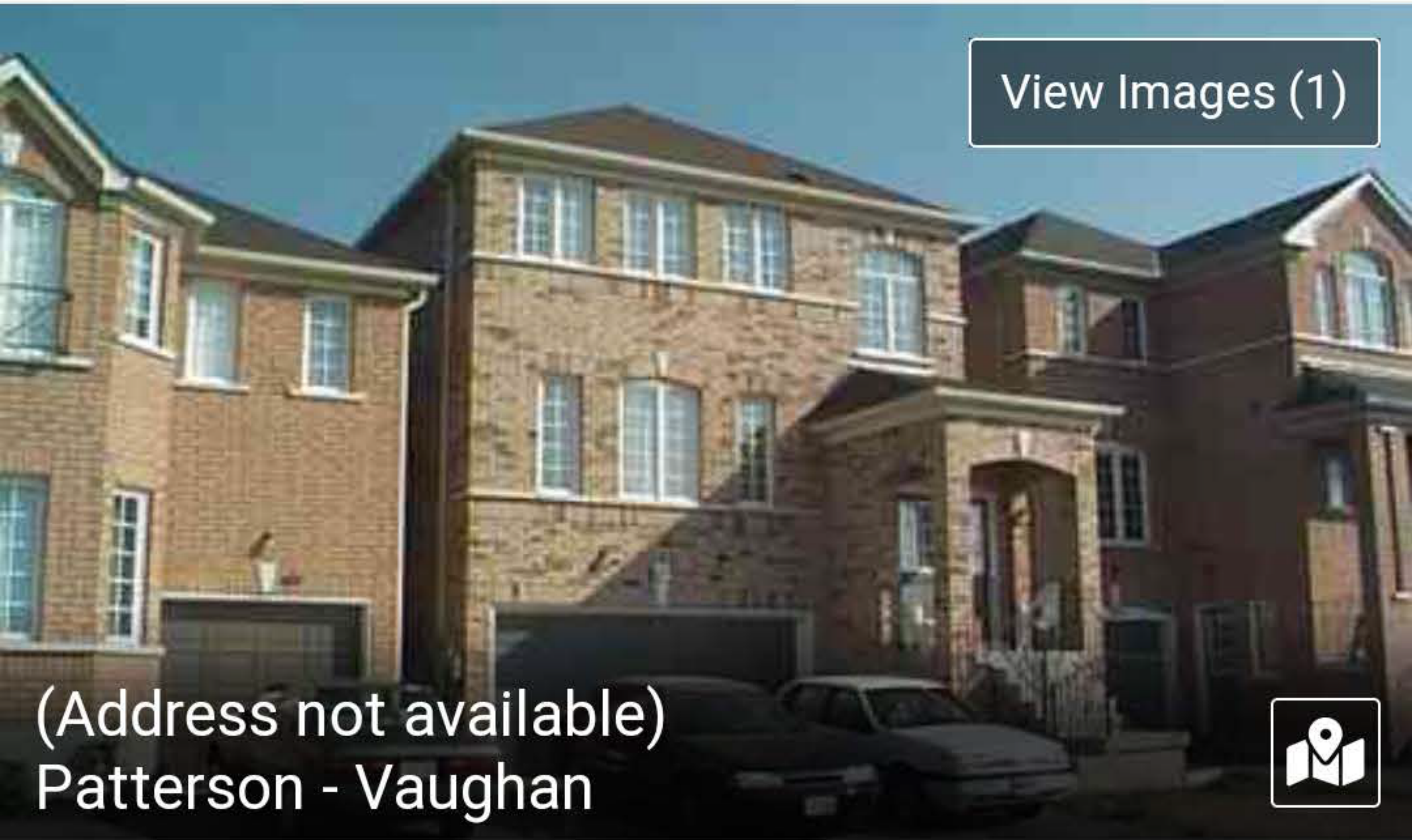
PUBLIC NOTICE
MINOR VARIANCE APPLICATION
CITY FILE: A31(2)
69 YELLOWOOD CIRCLE

DATE & TIME OF LIVE STREAM
PUBLIC HEARING:
APRIL 26, 2023 AT 6:00 P.M.

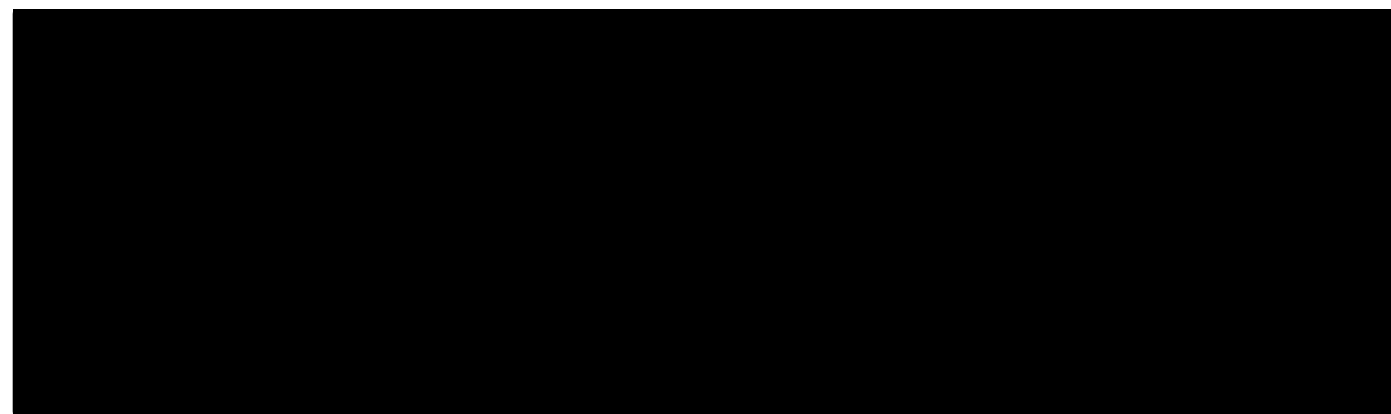
PURPOSE OF APPLICATION:
REQUEST FOR VARIANCE TO ALLOW THE USE OF THE PROPERTY TO BE USED AS A HOME OFFICE AS PERMITTED BY ZONING BY-LAW 2016-01-001.

ADDITIONAL INFORMATION:
FOR MORE INFORMATION, CONTACT:
CITY OF VAUGHAN
3000 SHEPPARD AVENUE EAST, SUITE 100
VAUGHAN, ONTARIO L4K 4R2
905.709.2200

 VAUGHAN



(Address not available)
Patterson - Vaughan



Link

Sold in Jul 2004



4 Bedroom



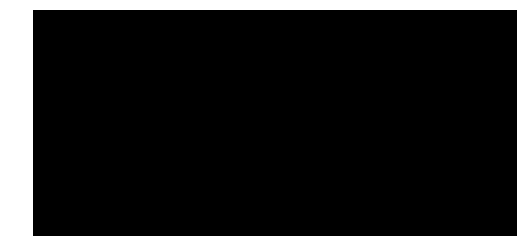
4 Bathroom



2.0 Garage

Property History

Buy/sell history for (Address not available), Vaughan (Link)

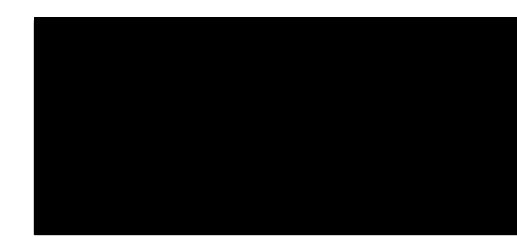


Sold

List: 2009-03-06 | End: 2009-03-18

View

N1573649

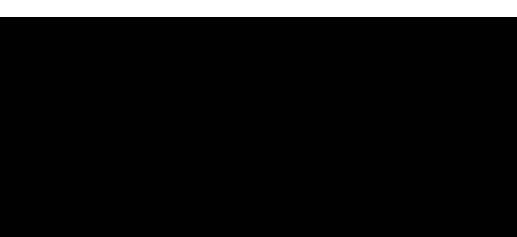


Expired

List: 2008-10-29 | End: 2009-02-28

View

N1501930



Sold

List: 2004-06-01 | End: 2004-07-28

N472880

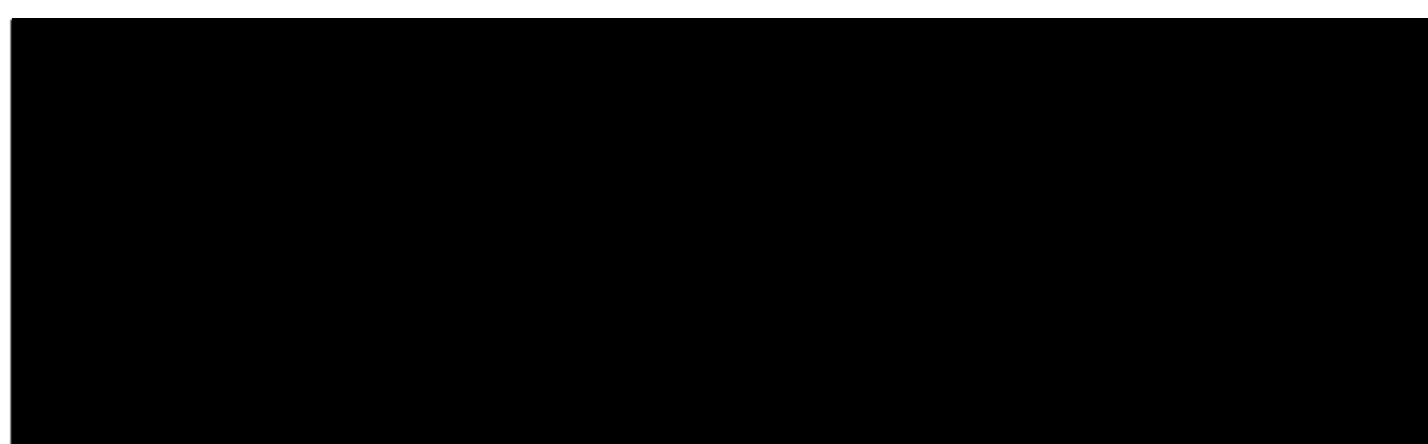
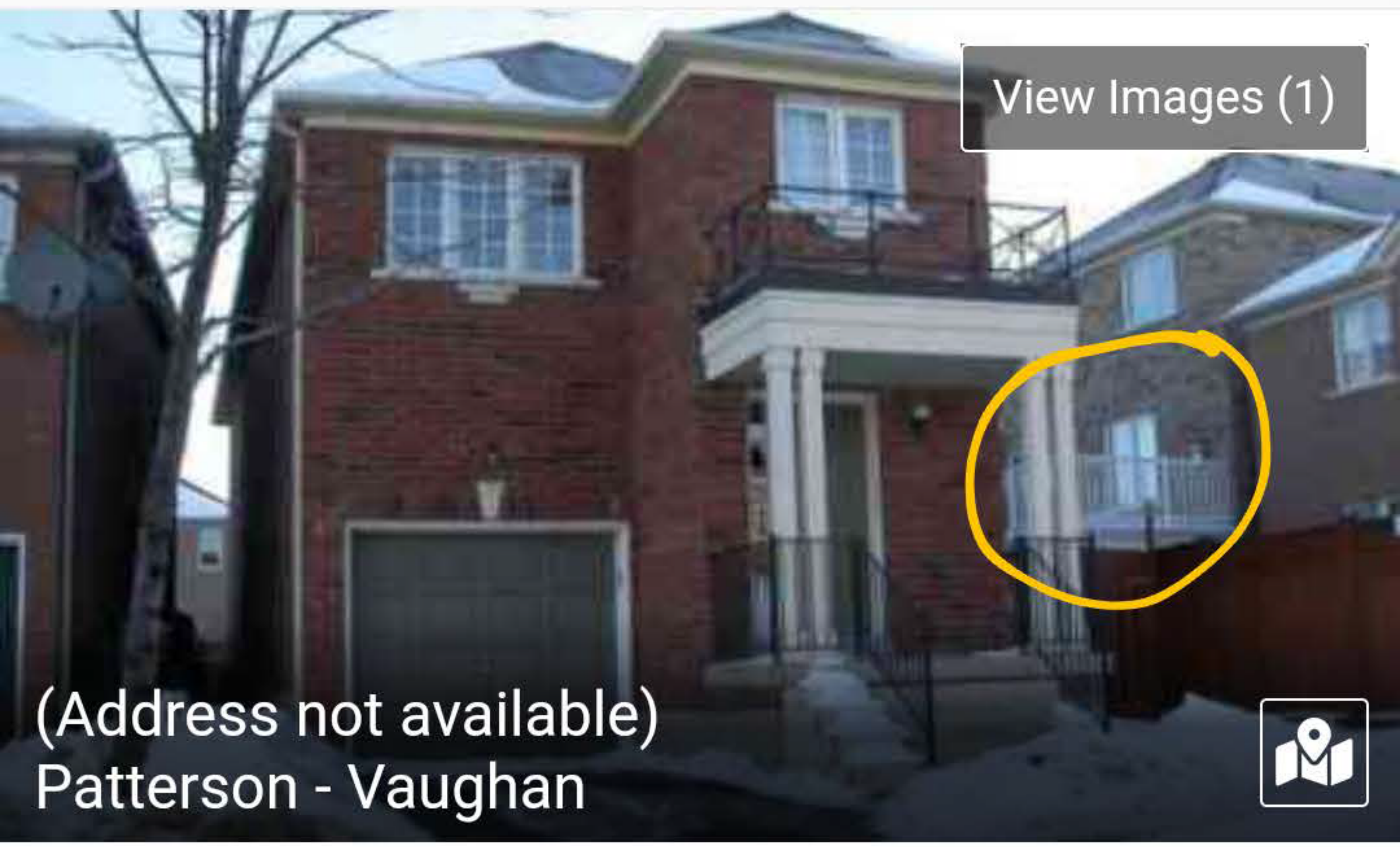
☆ Save List

😊 Contact Agent



Photos





[Link](#)

Sold in Feb 2005



3 Bedroom



3 Bathroom



1.0 Garage

Property History

Buy/sell history for (Address not available), Vaughan ([Link](#))

Sold

List: 2005-01-30 | End: 2005-02-05

N602614

[Similar Sold](#)

[Similar Rent](#)



Save List

Contact Agent

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

MacPherson, Adriana

Subject: FW: A016/21 - Request for Comments

From: Development Services <developmentsservices@york.ca>

Sent: April-07-21 11:09 AM

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

Subject: [External] RE: A016/21 - Request for Comments

Good morning Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

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

MacPherson, Adriana

Subject: FW: A016/21 - Request for Comments

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>
Sent: March-31-21 5:02 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] RE: A016/21 - Request for Comments

Good afternoon,

The property at 69 Yellowood Circle is not within the MTO permit control area and MTO has no comments.

Colin Mulrenin | Corridor Management Officer | York
Highway Corridor Management Section – Central Operations
159 Sir William Hearst Avenue | Ministry of Transportation
7th Floor, Building D | Downsview, Ontario | M3M 0B7
Colin.Mulrenin@ontario.ca