

VAUGHAN Staff Report Summary

Item 14

Ward 1

Applicant: Azeem & Rehana Sheikh

10 Ava Pl Kleinburg Address:

Agent: Graham Barrett

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	Positive Comment	Condition(s)
	Negative Comment	√ ×
Committee of Adjustment	\square	
Building Standards	\square	
Building Inspection		
Development Planning	\square	
Development Engineering	\square	$\overline{\mathbf{V}}$
Parks, Forestry and Horticulture Operations	\square	$\overline{\mathbf{V}}$
By-law & Compliance	$\overline{\square}$	
Financial Planning & Development	$\overline{\square}$	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	$\overline{\square}$	
Alectra (Formerly PowerStream)	$\overline{\checkmark}$	
Public Correspondence (see Schedule B)	$\overline{\checkmark}$	
Adjournment History: N/A		
Background History: N/A		

Staff Report Prepared By: Pravina Attwala Hearing Date: Thursday, April 29, 2021



Minor Variance Application

Agenda Item: 14

A035/21 Ward: 1

Staff Report Prepared By: Pravina Attwala, 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

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: Azeem & Rehana Sheikh

Agent: Graham Barrett

Property: 10 Ava Pl Kleinburg

Zoning: The subject lands are zoned RR Rural Residential, and subject to the provisions of

Exception No. 9(577), 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 188, as amended, is being requested to permit the construction of

a proposed single family dwelling with attached garage and a cabana to be located

n 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 maximum lot coverage of 10% is permitted.	1. To permit a maximum lot coverage of 15.84%.
	(14.4% dwelling; 1.44% cabana)
2. A maximum driveway width of 9.0 metres is	2. To permit a maximum driveway width of 12.95
permitted.	metres.
	*Variance revised from Public Notice (16.71m)

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. 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 9, 2021

Property I	nformation
Existing Structures	Year Constructed
Dwelling	(Unsure 1990) - Dwelling destroyed by fire and do
	not have old survey showing previously existing
	conditions. (Purchased 2019)

Applicant has advised that they cannot comply with By-law for the following reason(s): Variance required to accommodate design and accessory structure.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit No. 09-005904 for In-Ground Pool, Issue Date: Oct 23, 2009

The lot coverage has been calculated as 14.4% for the dwelling and 1.44% for the accessory building (cabana).

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

An A/C unit shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard.

Building Inspections (Septic):

No comments received to date.

Development Planning:

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

The Owner is requesting permission to construct a 2-storey dwelling and cabana with the above noted variances. At the request of the Development Planning Department, the Owner has revised the proposed width of the driveway from 16.71 m to 12.95 m with additional planting on both sides of the driveway to provide screening and balance of the proposed hardscape. The Development Planning Department has no further concerns with the proposed variances.

In support of the application, the Owner submitted a Tree Inventory and Protection Plan prepared by The Urban Arborist Inc., dated February 17, 2021 which inventoried a total of 48 trees on the property, 2 of which are proposed to be removed. Urban Design staff have reviewed the report and concur with the recommendations.

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.

Development Engineering:

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 owner/applicant shall apply and obtain the necessary curb cut/ reinstating permit through the Transportation Services Division.

The Development Engineering (DE) Department does not object to variance application A035/21. subject to the following condition(s):

1. 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 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:

Applicant/owner shall amend the arborist report to the satisfaction of the forestry division.

Prior to permit issuance, Forestry staff shall inspect and approve the tree protection (Hoarding). Tree protection shall be installed to the satisfaction of the Forestry division. (if applicable).

Tree protection & preservation methods must be followed according to City of Vaughan By-law 052-2018.

Recommended condition of approval:

Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.

Parks Development - Parks:

Will need permission from TRCA if accessing backyard by open space area to north of property.

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments received to date.

Schedule A - Plans & Sketches

Schedule B - Public Correspondence

A035/21 - Public Correspondence (2 Northern Pines)

A035/21 – Public Correspondence (1 Nightfall Court)

A035/21 – Public Correspondence (2 Nightfall Court)

A035/21 – Public Correspondence (20 Ava Place)

A035/21 – Public Correspondence (30 Ava Place)

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:

	Department/Agency	Condition
1	Development Engineering	The Owner/applicant shall submit the final Lot Grading and/or
	Farzana Khan	Servicing Plan to the Development Inspection and Lot Grading
		division of the City's Development Engineering Department for final
	905-832-8585 x 3608	lot grading and/or servicing approval prior to any work being
	Farzana.Khan@Vaughan.ca	undertaken on the property. 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/Page
		s/default.aspx to learn how to apply for lot grading and/or servicing
		approval.

Department/Agency	Condition
Parks, Forestry and Horticulture Operations Patrick Courchesne	Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.
905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca	

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.

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 <u>Vaughan.ca/LiveCouncil</u>. To make an electronic deputation, residents must complete and submit a <u>Public Deputation Form</u> 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 <u>www.vaughan.ca</u>

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

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.

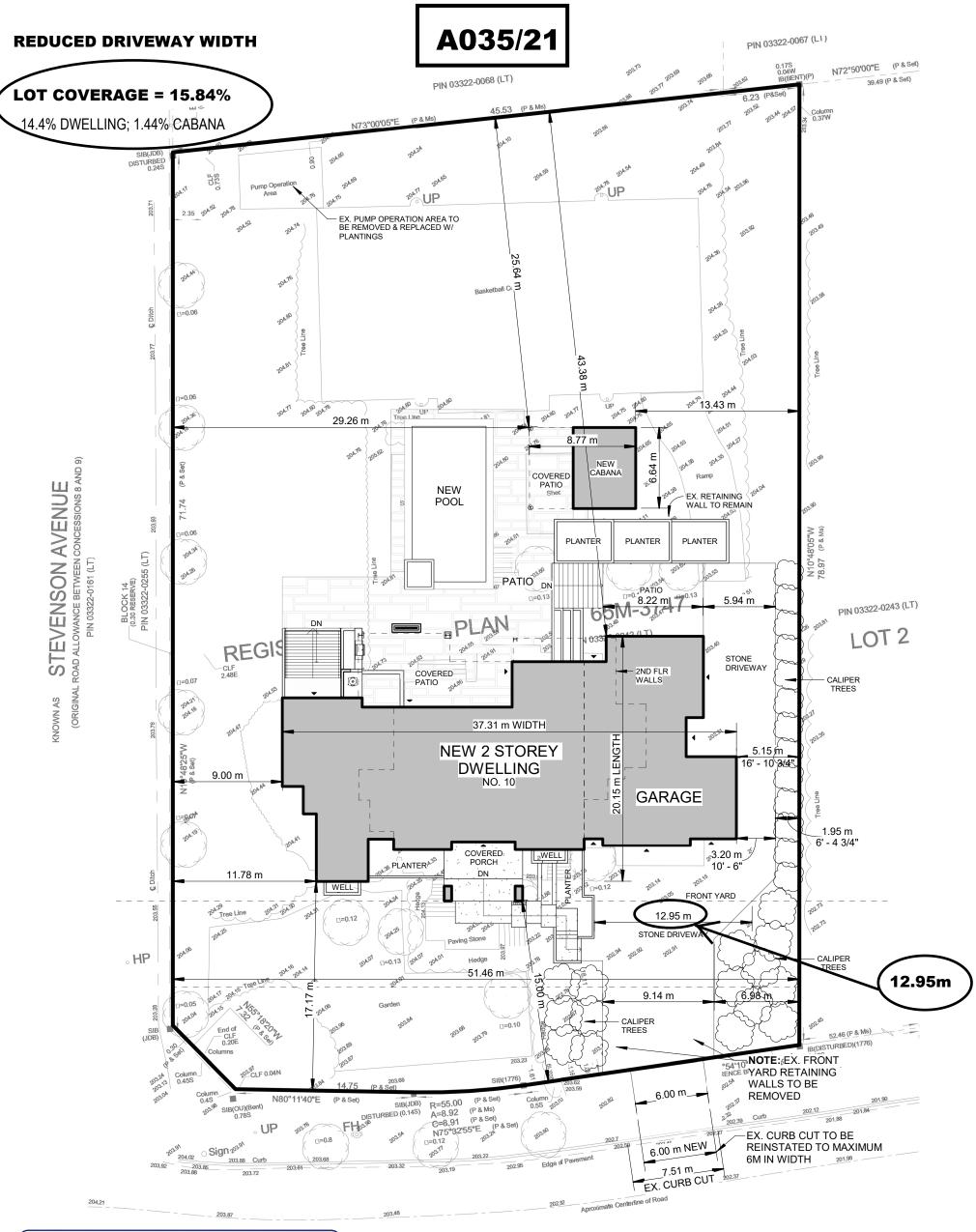
Location Map Plans & Sketches



VAUGHAN LOCATION MAP - A035/21

Major Mackenzie Drive

April 1, 2021 11:00 AM



RECEIVEDBy RECEIVED at 10:27 am, Apr 19, 2021

AVA PLACE
(BY REGISTERED PLAN 65M-3747)
DIN 03322-0261 (LT)



COVERAGE BREAKDOWN:

DWELLING: 487.91 M2 FRONT COVERED PORCH: 64.80 M2 REAR COVERED PORCH: 30.69 M2

TOTAL: 583.40 M2

VARIANCE REQUIRED --(INCL. FRONT & REAR COVERED PORCHES)

SITE PLAN

Scale: <u>1:300</u>

2021-04-19 9:22:59 AM

NEW CUSTOM HOME 10 AVA PLACE, KLIENBURG, ON

ZONING: RR	NG: LOT NO: PLAN 1 65M-						T AREA: 149.94 m ²		LOT FRON 51.46 m	ΓAGE:	LOT DEPTH: 78.97 m	
DESCRIPT	ION	PR	ED	%		MAX	%	SETBACKS	REQU	IIRED	PROPOSED	
LOT COVERAGE	AGE ⁽¹⁾ 583.40			m²	14.40	4	04.99 m²	10	FRONT YARD	1	5 m	15 m
ACCESSORY BUILDING 58.25 I			8.25 m	1 2	1.44				REAR YARD	15 m		45.12 m
FLOOR AREA ⁽²⁾	1ST FL 2ND FL								SIDE YARD (EAST)	4.	.5 m	5.15 m
	TOTAL	54	543.73 m²		13.42		N/A		SIDE YARD (WEST)	9 m		9 m
(1) COVERAGE CALCULATION INCLUDES COVERED PORCHES AND GARAGE					OF S	TOF	REYS		BUILDING		.5 m	8.85 m
(2) GROSS FLO NOT INCLUDE	OR AREA	CALCULATION	DOES	REC	Q'D.	2	PROP.	2	HEIGHT	9.	.0 111	0.00 111

10 AVA PLACE, KLIENBURG

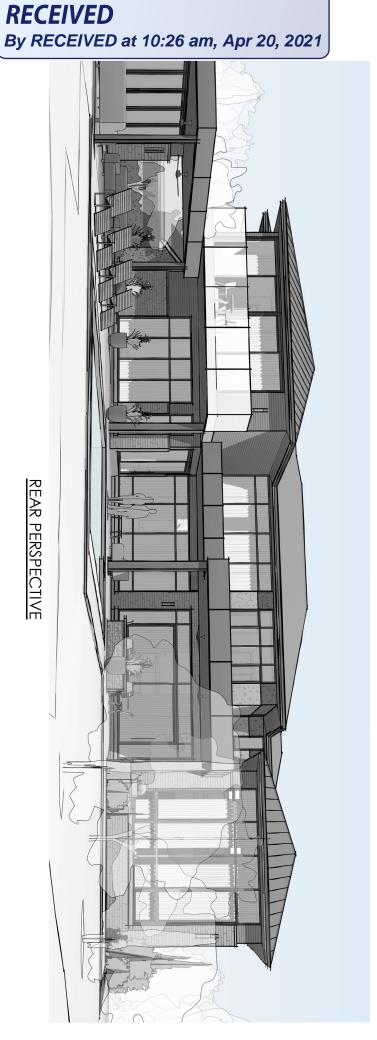
ZONING REVIEW & COMMITTEE OF ADJUSTMENT

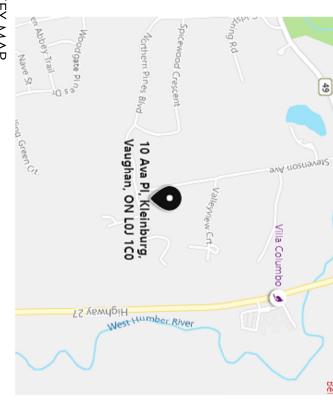
Villaggio Ristorante



A035/21



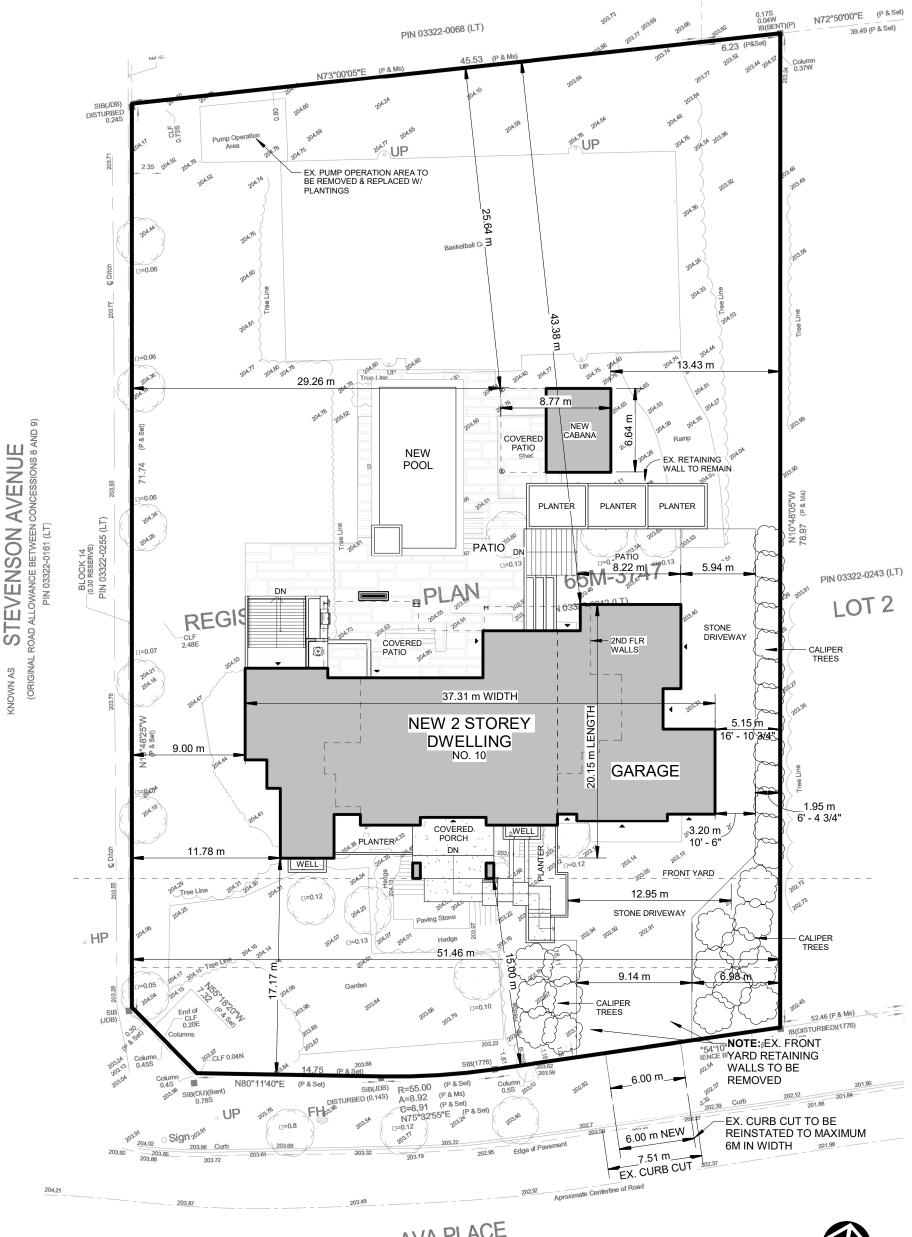




KEY MAP

	CAE	CAE	CAE	CAE	CAE	EAS	NOF	WES	SOL	2nd	MAI	BAS	SITE	TITL	
Scale:	CABANA - FLOOR PLAN	CABANA - EAST ELEVATION	CABANA - NORTH ELEVATION	CABANA - WEST ELEVATION	CABANA - SOUTH ELEVATION	EAST ELEVATION	NORTH ELEVATION	WEST ELEVATION	SOUTH ELEVATION	2nd FLOOR PLAN	MAIN FLOOR PLAN	BASEMENT PLAN	SITE PLAN	TITLE SHEET	DRAWING LIST - ZONING
2021-04-20 9:40:34 AM	Z4.5	Z4.4	Z4.3	Z4.2	Z4.1	Z03.4	Z03.3	Z03.2	Z03.1	Z02.4	Z02.3	Z02.2	Z02.1	Z01.1	- ZONING

ITLE SHEET



AVA PLACE
(BY REGISTERED PLAN 65M-3747)
DIN 03322-0261 (LT)



PIN 03322-0067 (L1)

COVERAGE BREAKDOWN:

DWELLING: 487.91 M2 FRONT COVERED PORCH: 64.80 M2 REAR COVERED PORCH: 30.69 M2

TOTAL: 583.40 M2

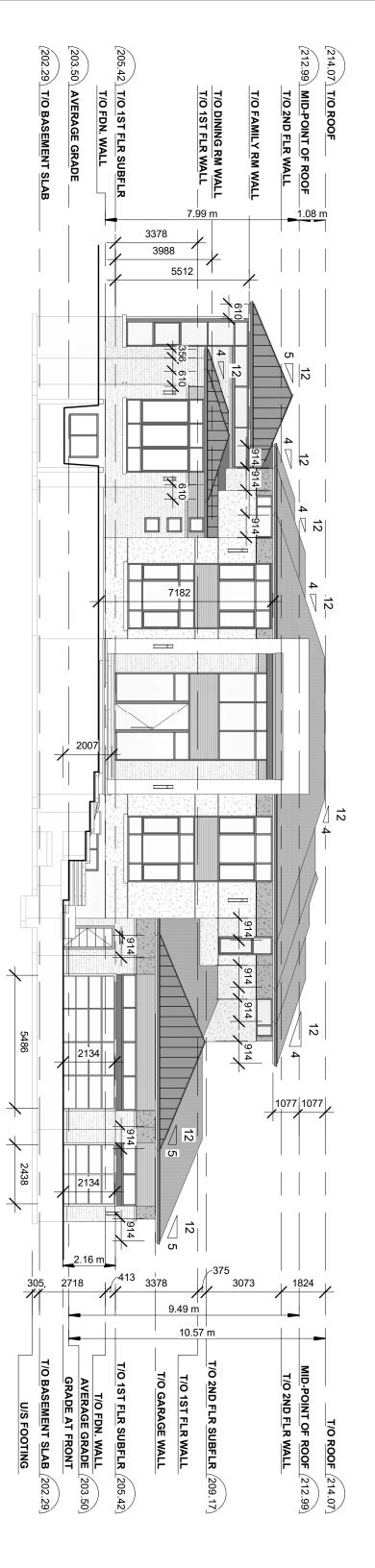
VARIANCE REQUIRED→ (INCL. FRONT & REAR COVERED PORCHES)

SITE PLAN Scale: 1:300

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NEW CUSTOM HOME
10 AVA PLACE, KLIENBURG, ON

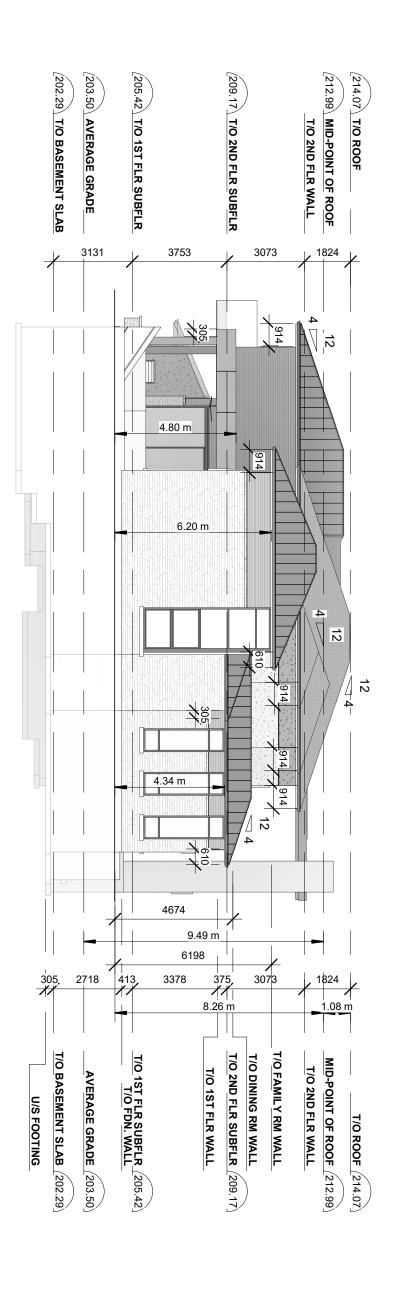
ZONING: RR									LOT FRON ⁻ 51.46 m	ΓAGE:	LOT DEPTH: 78.97 m	
DESCRIPTION PROPOS				SED	%		MAX	%	SETBACKS	REQL	JIRED	PROPOSED
LOT COVERAGE	OT 583.40 OVERAGE ⁽¹⁾			m²	14.40	4	04.99 m²	10	FRONT YARD	1	5 m	15 m
ACCESSORY BUILDING 58.25		8.25 n	n²	1.44	1			REAR YARD	15 m		45.12 m	
FLOOR AREA ⁽²⁾									SIDE YARD (EAST)	4.	.5 m	5.15 m
	TOTAL		543.73 m ²		13.42		N/A		SIDE YARD (WEST)		9 m	9 m
(1) COVERAGE CALCULATION INCLUDES COVERED PORCHES AND GARAGE				NO.	OF S	TOF	REYS		BUILDING	_	<i>E</i> m	0.40 m
(2) GROSS FLO	CALCULATION	DOES	RE	Q'D.	2	PROP.	2	HEIGHT	9.5 m		9.49 m	



SOUTH ELEVATION

Scale: 1 : 150

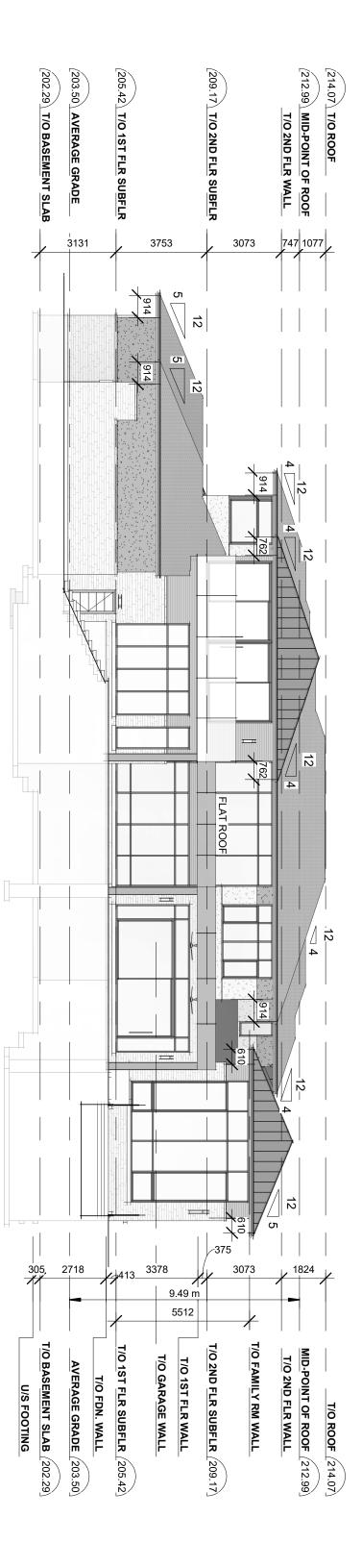
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WEST ELEVATION

Scale: 1 : 150

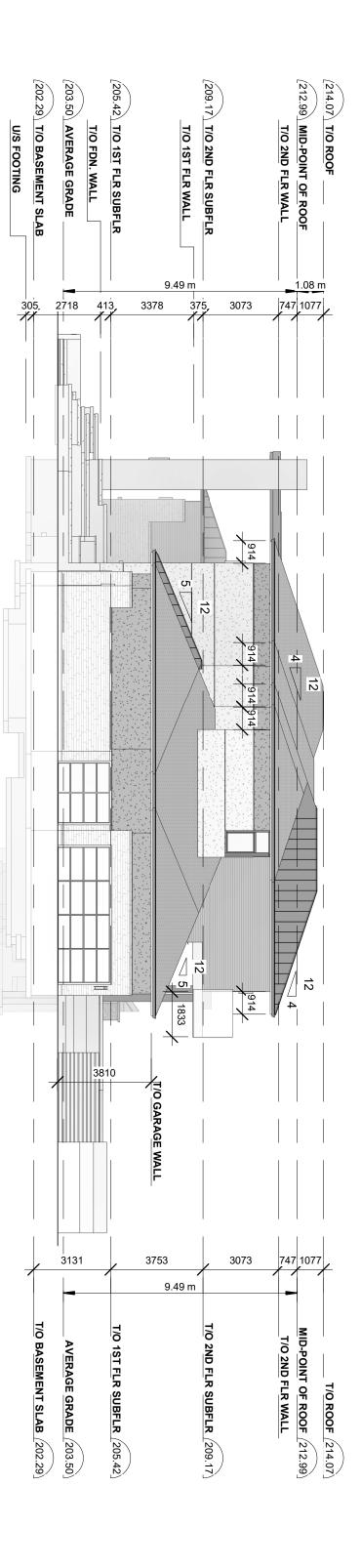
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NORTH ELEVATION

Scale: 1: 150

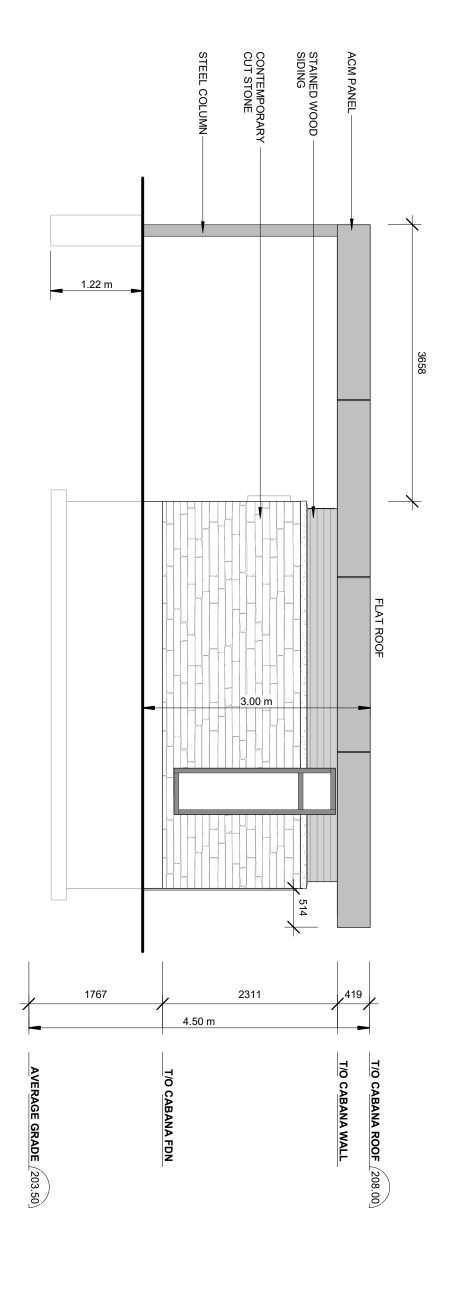
2021-04-20 9:41:01 AM



EAST ELEVATION

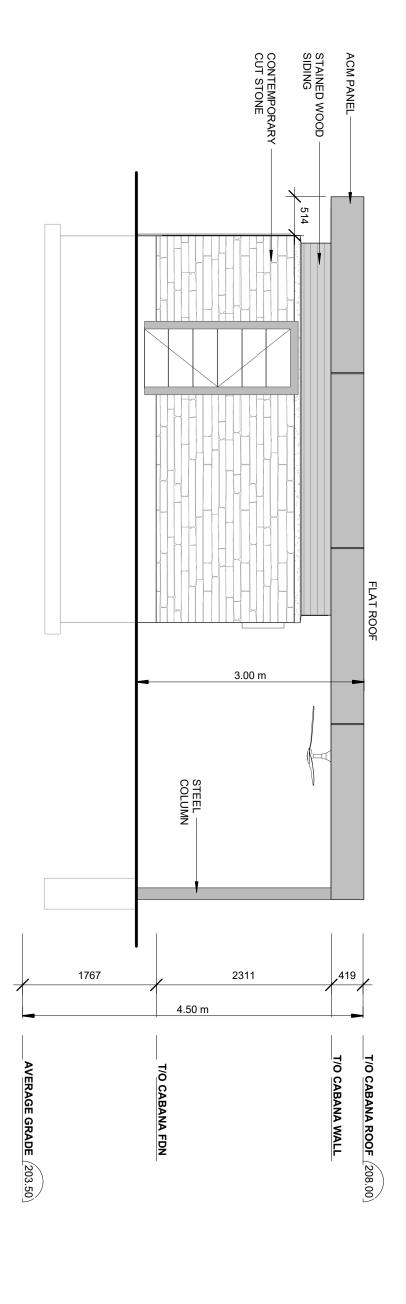
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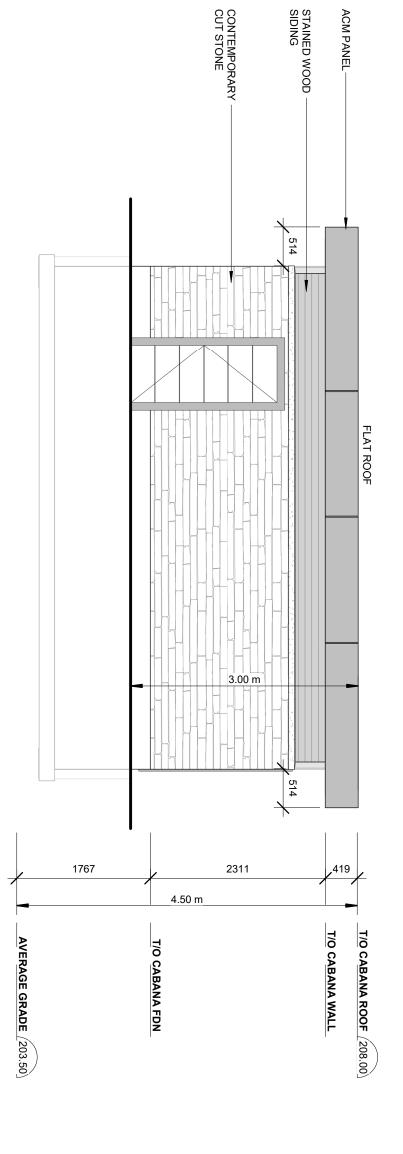


Scale: 1 : 50

2021-04-20 9:41:11 AM



FINE LINES DESIGN



NEW CUSTOM HOME 10 AVA PLACE, KLIENBURG, ON

Z4.4

Scale: 1 : 50

2021-04-20 9:41:22 AM

6642 COVERED PATIO 3658 3658 8769 8769 19' - 11'' CABANA 5112 <u>POOL</u> EQUIPMENT WASH. 6642

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.

A035/21 – Public Correspondence (2 Northern Pines) A035/21 – Public Correspondence (1 Nightfall Court) A035/21 – Public Correspondence (2 Nightfall Court)

A035/21 – Public Correspondence (20 Ava Place)

A035/21 - Public Correspondence (30 Ava Place)

Attention: Vaughan Committee of Adjustment
Re: Minor Variance Application – 10 Ava Place, Kleinburg
To Whom It May Concern:
I am aware of the proposal at 10 Ava Place and I have no objections. I support the owners in their efforts to improve their property.
SAIRA SHEIKH Name (please print)
Signature
2 Northern Pires, Hienburg, DWT Address
Telephone



Attention: Vaughan Committee of Adjustment
Re: Minor Variance Application – 10 Ava Place, Kleinburg
To Whom It May Concern:
I am aware of the proposal at 10 Ava Place and I have no objections. I support the owners in their efforts to improve their property.
Name (please print)
Signature
1 NIGHTALL COURT
Address
Telephone

Re: Minor Variance Application – 10 Ava Place, Kleinburg
To Whom It May Concern:
I am aware of the proposal at 10 Ava Place and I have no objections. I support the owners in their efforts to improve their property.
Name (please print)
Signature
2 Night fall
Address
Telephone

Attention: Vaughan Committee of Adjustment

I am aware of the proposal at 10 Ava F	Place and I have no o	bjections. I support	the owners in
their efforts to improve their property.			
Bocco MESITI			
Name (please print)			
,			
Signature			
Signature			
20 AVA PLACE, KLEIM	BURG.		
Address			
	. 19		
Telephone			

Attention: Vaughan Committee of Adjustment

To Whom It May Concern:

Re: Minor Variance Application – 10 Ava Place, Kleinburg



Re: Minor Variance Appl	cation – 10 Ava P	lace, Kleinburg			
To Whom It May Concer	n:				
I am aware of th their efforts to improve	e proposal at 10 / heir property.	Ava Place and I	have no object	ions. I support th	e owners i
MAMA C	OMENICO	MERIT	U		
Name (please print)					
 Signature		-			
30 AVA P	ACG	_			
Address					
		-			
Telephone					

Attention: Vaughan Committee of Adjustment

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



COMMENTS:

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	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

E-mail: temail: ony.donofrio@alectrautilities.com
temail: ony.donofrio@alectrautilities.com

Mr. Tony D'Onofrio

Supervisor, Subdivisions (Alectra East)

Phone: 1-877-963-6900 ext. 24419

Attwala, Pravina

Subject: FW: A035/21 - REQUEST FOR COMMENTS

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

Sent: March-16-21 10:41 AM

To: Attwala, Pravina < Pravina. Attwala@vaughan.ca> **Cc:** Committee of Adjustment < CofA@vaughan.ca>

Subject: [External] RE: A035/21 - REQUEST FOR COMMENTS

Good morning Pravina,

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 | <a h