



File: A060/21

Applicant: Gennady Yumshtyk

Address: 355 Woodland Acres Cres., Maple

Agent: Frank Falcone - INOVA design Inc.

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"/>	<input checked="" type="checkbox"/>
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None.

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, May 20, 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: 05

A060/21

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, May 20, 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: Gennady Yumshtyk

Agent: Frank Falcone - INOVA design Inc.

Property: 355 Woodland Acres Crescent, Maple ON

Zoning: The subject lands are zoned RR and subject to the provisions of Exception 9(173) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and within "Oak Ridges Moraine Countryside" area.

Related Files: None.

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling and to permit increased maximum driveway width. The existing dwelling is to be demolished.

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

By-law Requirement	Proposal
1. The maximum permitted lot coverage is 10%. [4.1.9, Schedule "A"]	1. The proposed maximum lot coverage is 14.9% (Dwelling 14.2%, Covered porches 0.5%, and Pergola 0.2%).
2. The maximum permitted building height is 9.5 metres. [4.1.9, Schedule "A"]	2. The proposed maximum building height is 11.50 metres. <i>*Revised from 12.0m as issued in public notice.</i>
3. Driveways located between a lot line abutting a street and a garage or dwelling wall in front yards shall have a maximum width of 9.0 metres where the lot frontage is 12.0 m or greater. [4.1.4 f) v)]	3. The proposed maximum width of the driveway in the front yard is 13.5 metres.

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. 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 May 5, 2021

Applicant confirmed posting of signage on April 12, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1978

Applicant has advised that they cannot comply with By-law for the following reason(s): Our variance for max building height could be considered significant in percentage terms, but when looking at the existing lot grading condition (a rear to front fall & a side to side cross fall), it becomes evident that there is merit in facilitating our proposal as a housing form, by enabling the scale of the dwelling to be proportionate with the size of the lot and how the proposed dwelling fits nestled into the lot.

We are also requesting a 14.9% max. lot coverage variance in order to permit the construction of the proposed dwelling, which exceeds the 10% maximum lot coverage allowed. We have witnessed numerous developed properties in our immediate neighbourhood. Many dwellings exceeding the maximum coverage (ranging from 14.6% to 22.47%) Watching the other properties develop, we sincerely believe that the character of our proposal would be the most desirable solution for the lot and the existing street-scape, while providing us with the dwelling requirements that our family needs.

We believe that our request for variance is minor in nature relative to the size of the adjacent dwellings and within the intent of planning policies for residential development.

Adjournment Request: On May 5, 2021 The Development Planning Department requested that Variance #2 for building height be reduced from 12.0m. The applicant was provided an opportunity to adjourn prior to the issuance of public notice to permit time for the submission of a revised application and to permit a zoning review to be completed.

Applicant revised Variance #2 from 12.0m to 11. 5m and zoning confirmed variances on May 7, 2021.

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.

Please note that a complete review against all applicable provisions of the zoning by-law could not be completed based upon the drawings submitted. The proposed variances have been confirmed, however the applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval. The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and within "Oak Ridges Moraine Countryside" area.

The Owner is requesting permission to construct a 2-storey single-family dwelling with the above noted variances.

At the request of the Development Planning Staff, the Owner reduced the height of the dwelling from 13 m to 11.5 m in order to conform with Policy’s 9.1.2.2, 9.1.2.3 and 9.2.3.1 of VOP 2010 and establish a built form that is compatible with other new developments in the area. The remaining variances are minor as a maximum lot coverage of 14.9% and driveway width of 13.5 are appropriate given the size of the lot, remaining consistent to other approved dwellings in the area. Furthermore, Policy Planning and Environmental Sustainability staff have confirmed the proposed dwelling will generally be located within the existing area of disturbance (i.e., existing dwelling footprint) and provides sufficient distance to the woodland.

In support of the application, the Owner submitted an Arborist Report prepared by Thomson Watson Consulting Arborists Inc., dated February 17, 2021 to determine which trees on-site will be removed, protected, and potentially impacted by the proposed development. Urban Design Division of the Development Planning Department has reviewed the findings of the report and recommend some minor changes to the landscape plan and tree protection plan. A condition to this affect is included in the Condition of Approval.

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, subject to the following condition of approval:

The Owner submit an updated landscape plan and tree protection plan to the satisfaction of the Urban Design Division of the Development Planning Department.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A060/21.

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.

Parks Development - Forestry:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns

Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Fire Department:

No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None.

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

None.

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

	Department/Agency	Condition
1	Development Planning Roberto Simbana 905-832-8585 x 88810 roberto.simbana@vaughan.ca	The Owner submit an updated landscape plan and tree protection plan to the satisfaction of the Urban Design Division of the Development Planning Department.

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](https://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.

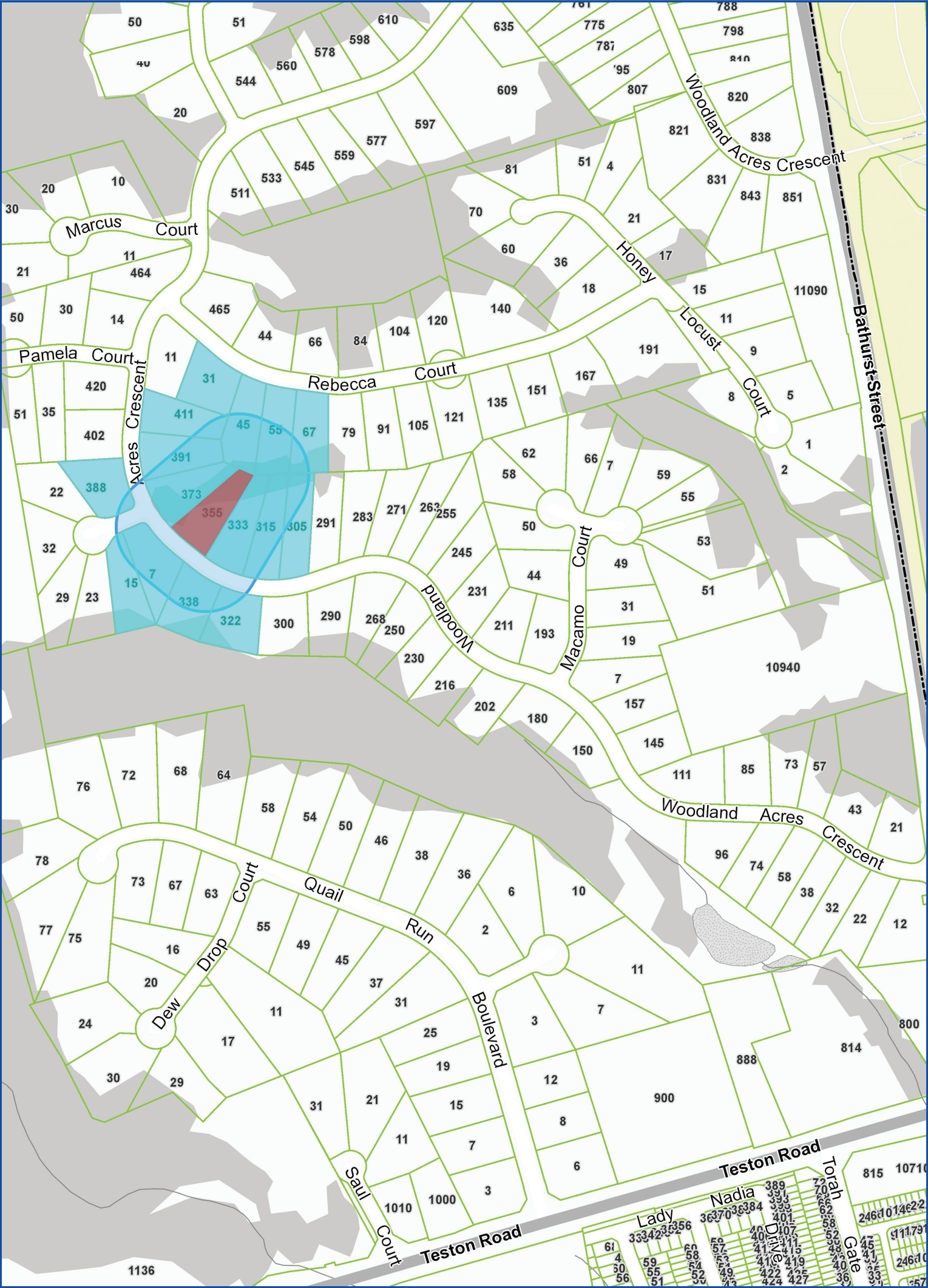
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

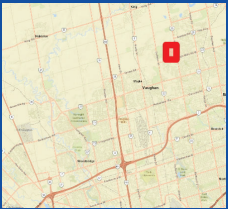
Schedule A: Plans & Sketches

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



Map Information:



Title:

355 WOODLAND ACRES CRESCENT, MAPLE

NOTIFICATION MAP - A060/21

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:5,838

0 0.09 km

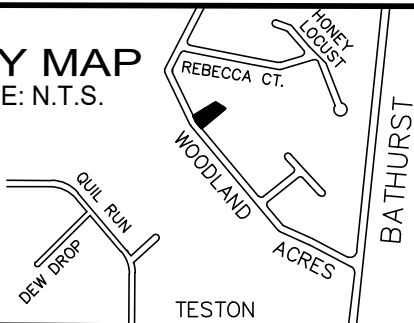


Created By:

Infrastructure Delivery
Department
March 18, 2021 6:27 PM

Projection:
NAD 83
UTM Zone
17N

KEY MAP
SCALE: N.T.S.



A060/21

DWELLING	ZONE RR	REQUIRED	PROPOSED
MIN. LOT FRONTAGE (m)		45	54.93
MIN. LOT AREA (m.s.q.)		540	4,067.15
MIN. FRONT YARD (m)		15.0	21.44
MIN. GARAGE SETBACK		15.0	17.00
MIN. SETBACK TO PORCH		15.0	20.05
MIN. REAR YARD (m)		15.0	58.15
MIN INTERIOR SIDE (m)		4.5	5.50 [W]
MIN INTERIOR SIDE (m)		4.5	6.55 [E]
MAX. LOT COVERAGE (%)	4067.15 [10%]	606.56 [14.9%]	VAR 1
MAX. BUILDING HEIGHT (m)	9.5	11.50	VAR 2
MAX. DRIVEWAY WIDTH (m)	9.0	13.50	VAR 3

REVISED SITING : 05 04 2021

REVISED BUILDING HGT: 05 06 2021

NEW

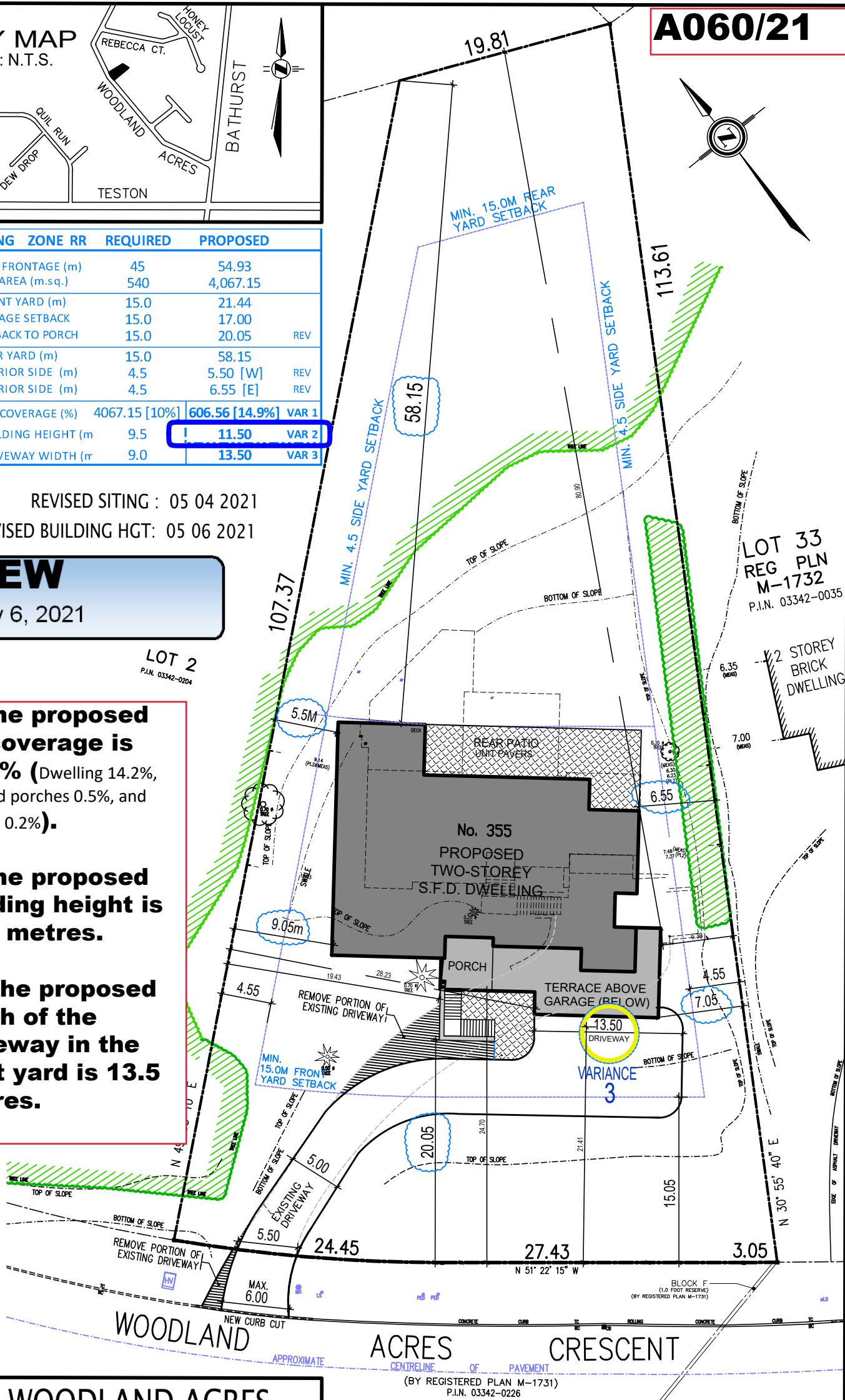
May 6, 2021

LOT 2
P.I.N. 03342-0204

1. The proposed lot coverage is 14.9% (Dwelling 14.2%, Covered porches 0.5%, and Pergola 0.2%).

2. The proposed building height is 11.5 metres.

3. The proposed width of the driveway in the front yard is 13.5 metres.



355 WOODLAND ACRES

LOT No. 01 DATE: FEB 21 2021
(MAY 6 2021- REVISION 3)

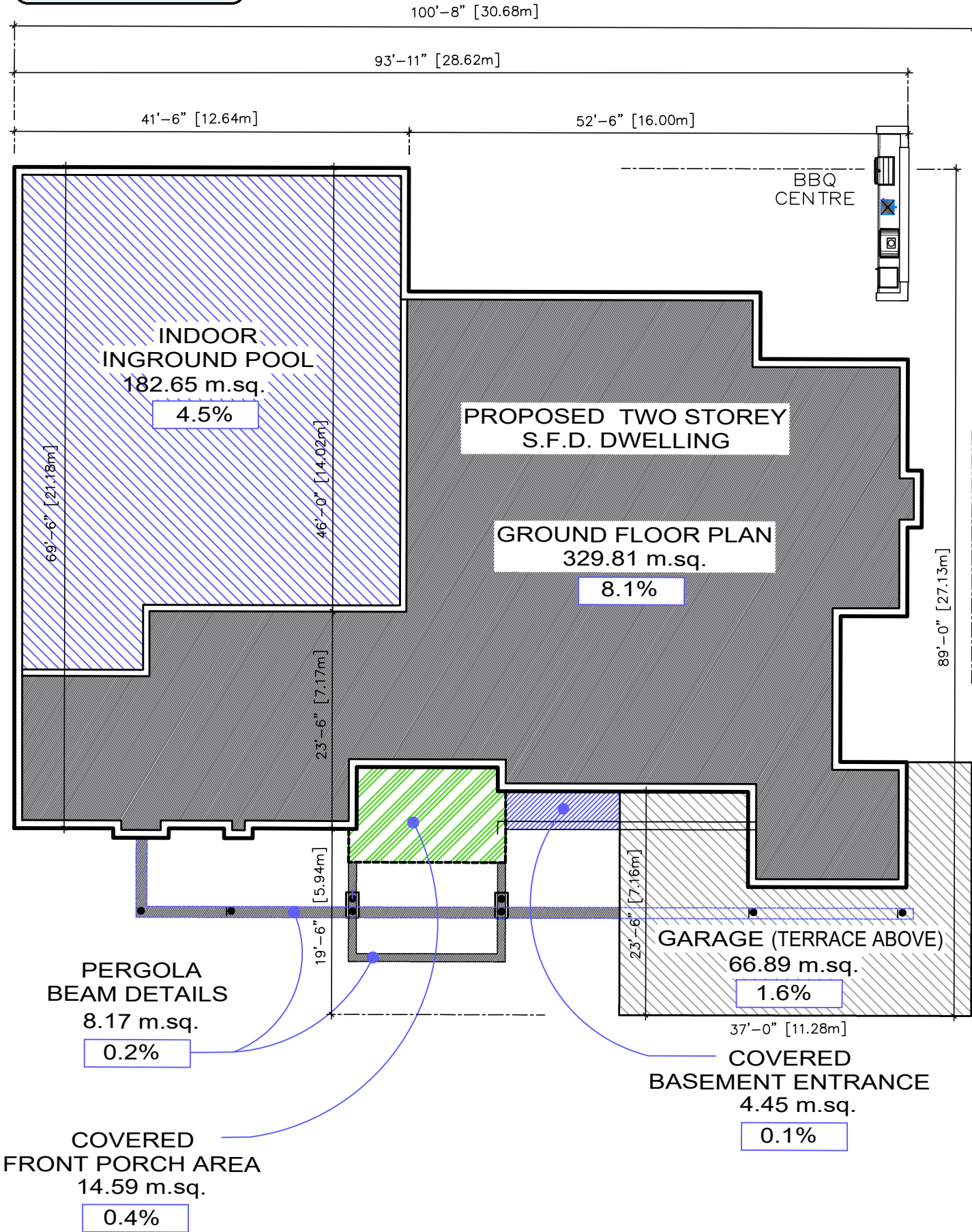
SCALE: 1:250 iNOVA design
TEL. No 416 580-3336
INOVADESIGN.CA

LOT 01, REG PLAN M-1731

PART 1,
PLAN OF LOT 1
REGISTERED PLAN M-1731
CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK

NOTE:

LEGAL SURVEY INFORMATION AND LOT DIMENSIONS SHOWN ON THIS PLAN ARE TAKEN FROM A PLAN PREPARED BY:
W A H B A. SURVEYING, ONTARIO LAND SURVEYORS
285 VAUGHAN VALLEY BLVD. WOODBRIDGE ON L4H3B5
TEL.905-851-1300 WWW.WAHBASURVEYING.COM
DATED: NOV 3rd 2020



MINOR VARIANCE REQUEST		REQUIRE	PROVIDED
VARIANCE	LOT AREA	4,067.15 M.SQ (43,778.44 SQ.FT.)	
1	LOT BUILDING COV. (INCLUDING ALL COVERED STRUCTURES)	10% MAX 406.72 M.SQ.	14.9% 606.56 M.SQ.

355 WOODLAND ACRES

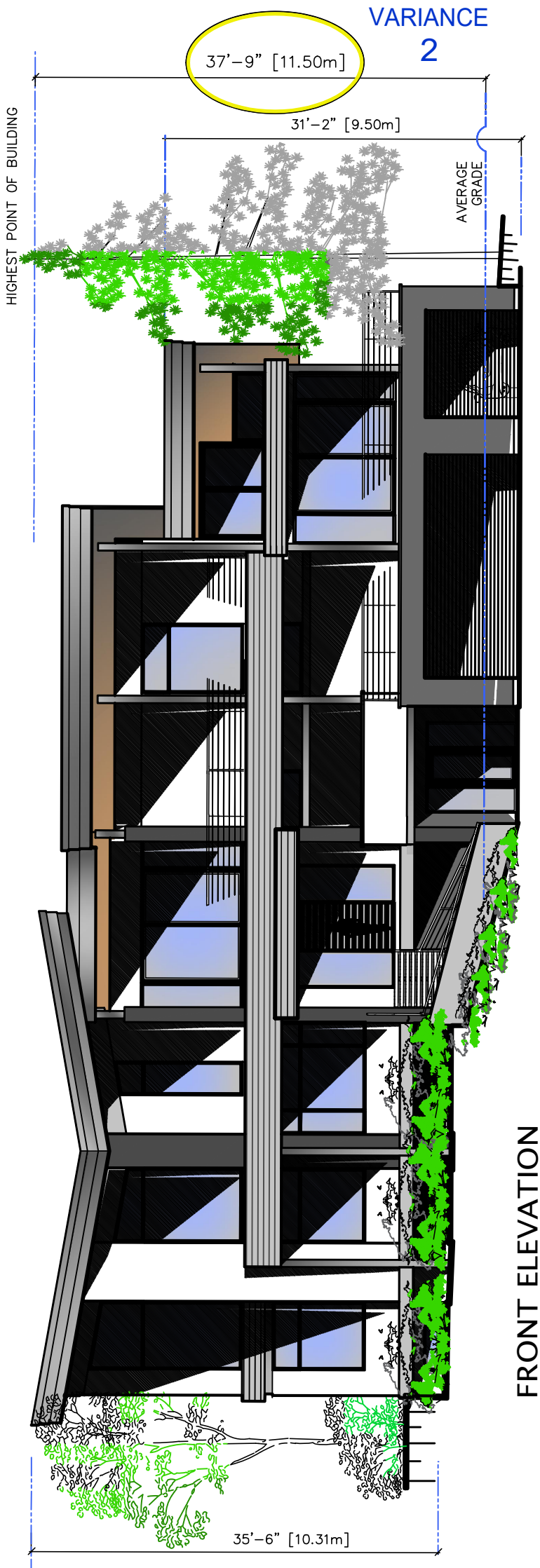
LOT No. 01 DATE: FEB 21 2021

SCALE: 1:250 iNOVA design
TEL: No 416 580-3336
INOVADESIGN.CA

LOT 01, REG PLAN M-1731
PART 1,
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CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK

SUMMARY OF COVERAGE BREAKDOWN

GROUND FLOOR AREA	329.81 m.sq.	8.1%
MAIN LEVEL POOL AREA	182.65 m.sq.	4.5%
GARAGE AREA	66.89 m.sq.	1.6%
FRONT PORCH AREA	14.59 m.sq.	0.4%
LOWER COVERED ENTERANCE	4.45 m.sq.	0.1%
PERGOLA BEAM DETAILS	8.17 m.sq.	0.2%
TOTAL LOT COVERAGE	606.56	14.9%



355 WOODLAND ACRES

LOT No. 01

DATE: FEB 21 2021
(MAY 6 2021- REVISION 3)

LOT 01, REG PLAN M-1731
PART 1, PLAN OF LOT 1
REGISTERED PLAN M-1731
CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK

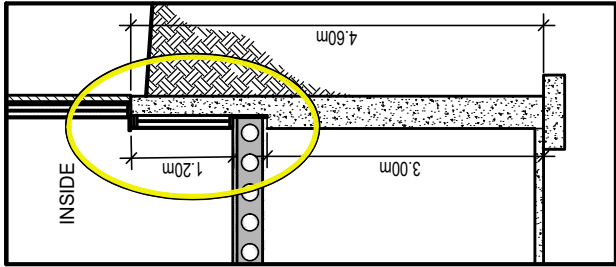
SCALE: 1:250

iNOVA design
TEL. No 416 580-3336
INOVADESIGN.CA

pg 3 REV

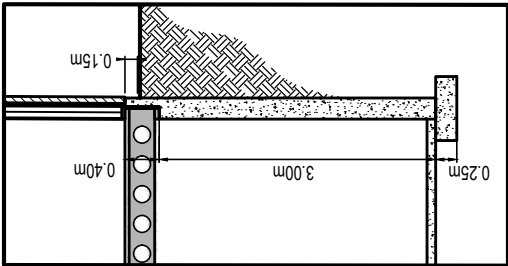
NEW

May 6, 2021



LOT 01 – FOUNDATION

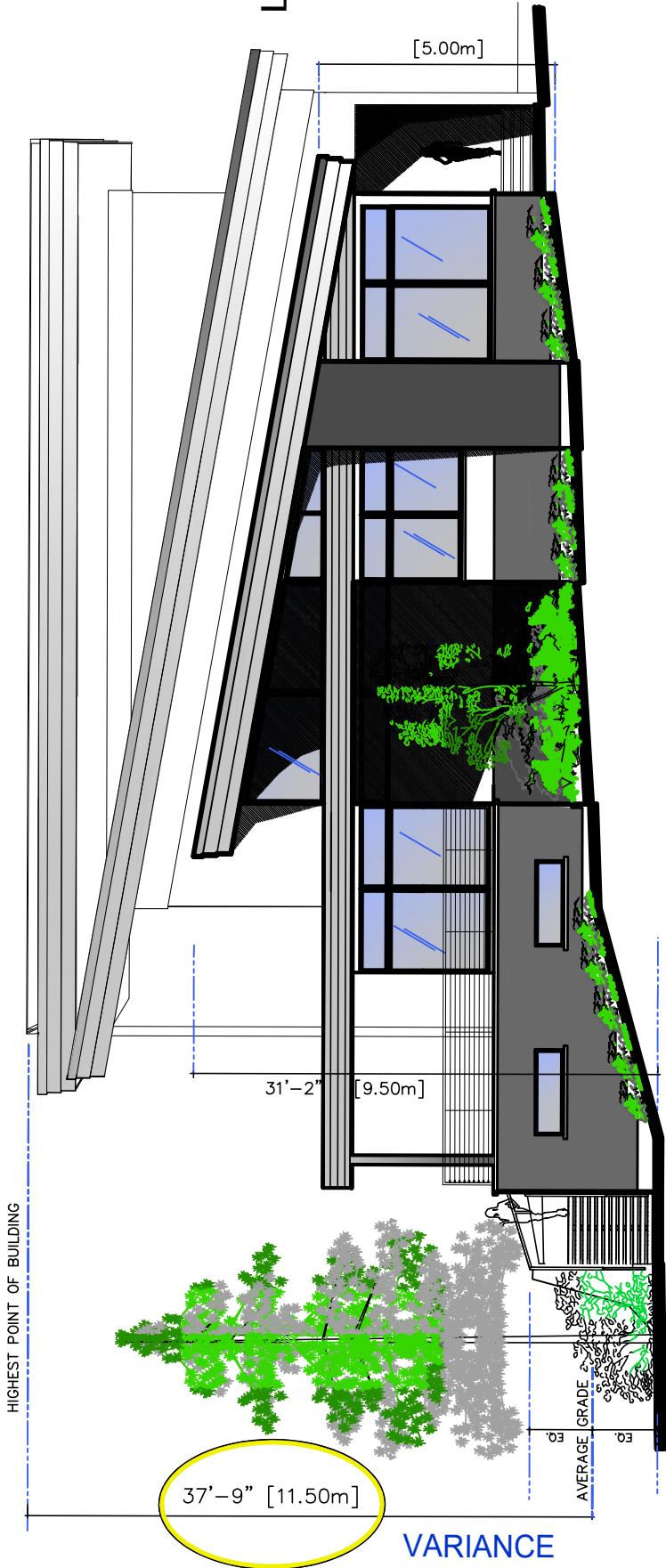
REQUIRES AN ENGINEERED RETAINING FOUNDATION WITH A REVERSE VENEER FOR DWELLING TO BE NESTLED INTO HILL



TYPICAL FOUNDATION

TYPICAL FOUNDATION ON A NORMAL LOT IN THE WOODLAND ACRES COMMUNITY

A060/21



RIGHT SIDE ELEVATION

355 WOODLAND ACRES

LOT No. 01

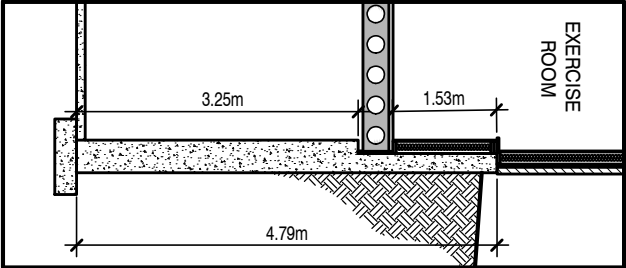
DATE: FEB 21 2021
(MAY 6 2021– REVISION 3)

LOT 01, REG PLAN M-1731
PART 1, PLAN OF LOT 1
REGISTERED PLAN M-1731
CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK

SCALE: 1:250

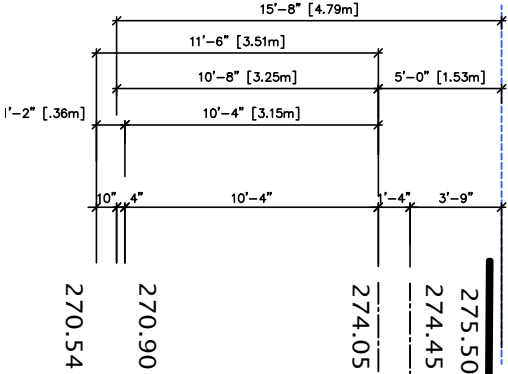
iNOVA design
TEL. No 416 580-3336
INOVADesign.CA

pg 4 REV

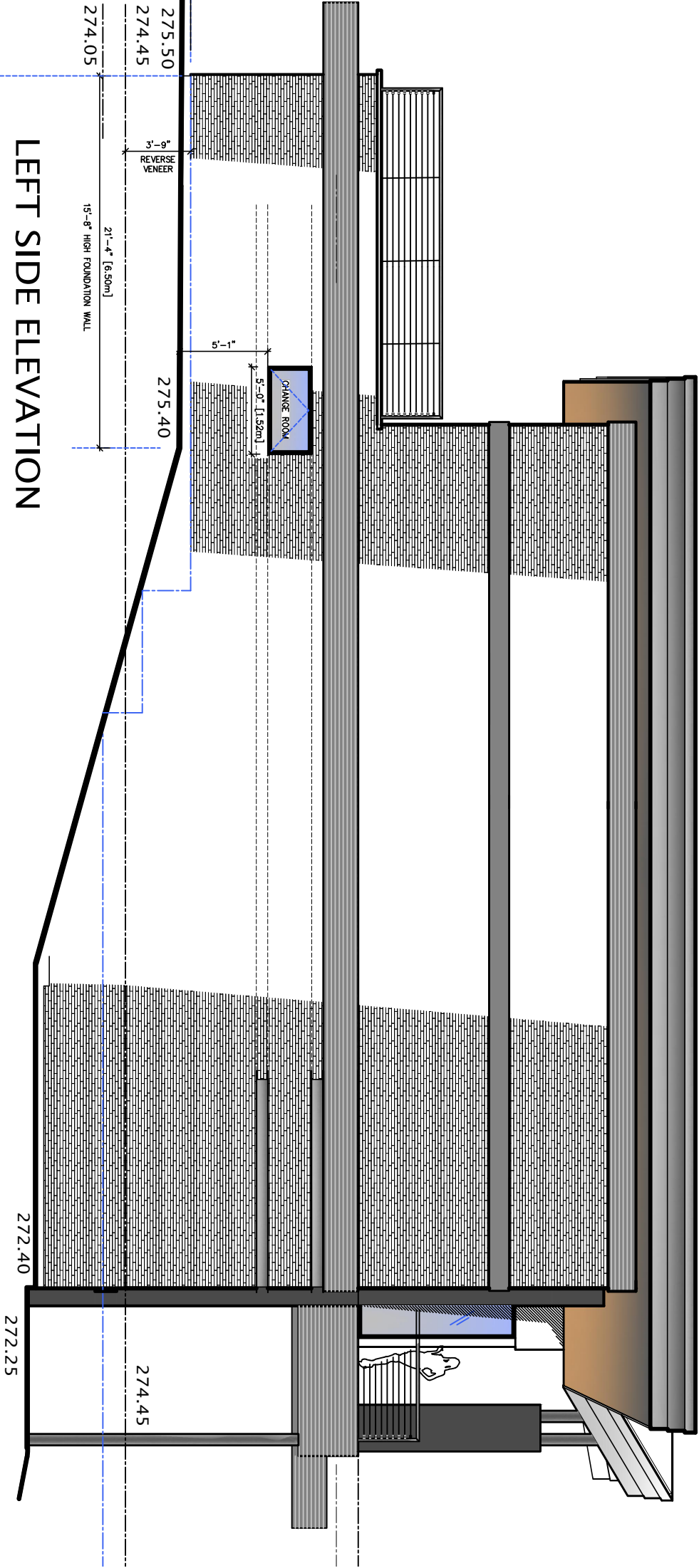


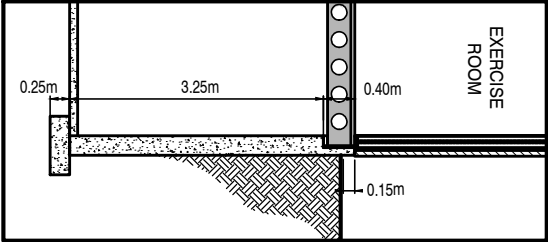
SECTION-B

t / wall 275.65



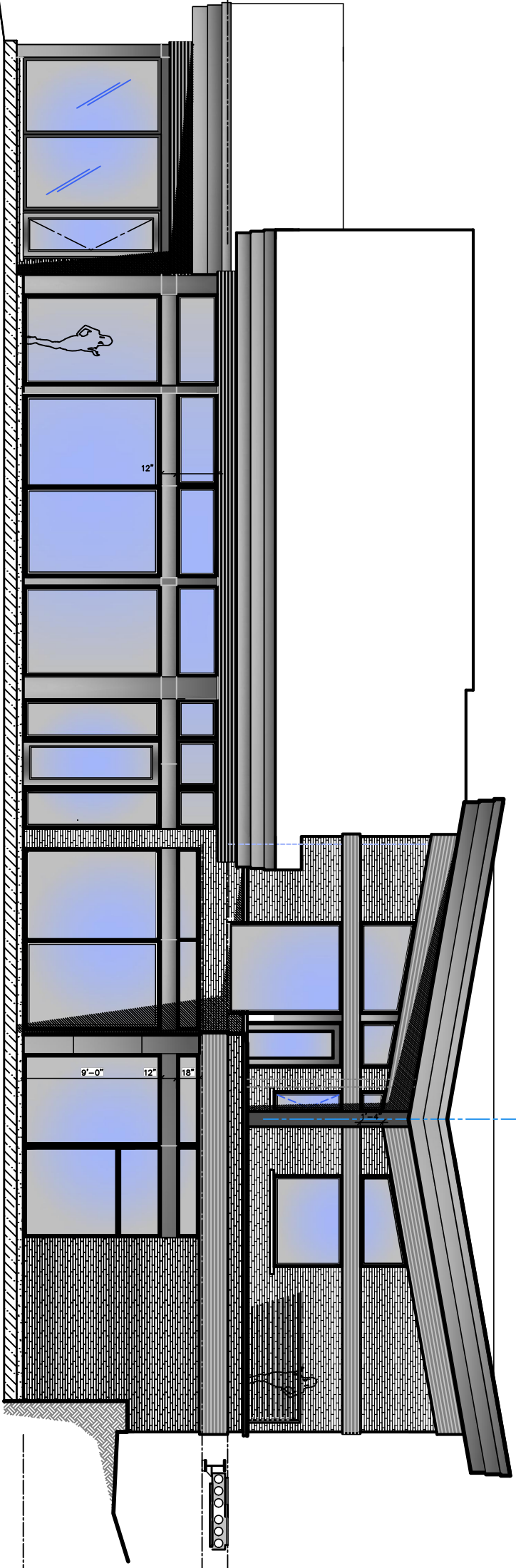
LEFT SIDE ELEVATION





SECTION-A

REAR ELEVATION



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), 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: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: [External] RE: A060-21 - REQUEST FOR COMMENTS - 355 Woodland Acres Cr Maple (Full Circuation)

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

Sent: April-01-21 9:03 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

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

Subject: [External] RE: A060-21 - REQUEST FOR COMMENTS - 355 Woodland Acres Cr Maple (Full Circuation)

Good morning Lenore,
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

Providence, Lenore

Subject: FW: [External] Re: A060-21 - REQUEST FOR COMMENTS - 355 Woodland Acres Cr Maple (Full Circuation)

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>

Sent: March-26-21 10:30 AM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>

Subject: [External] Re: A060-21 - REQUEST FOR COMMENTS - 355 Woodland Acres Cr Maple (Full Circuation)

Good morning,

This site 355 Woodland Acres Cr. is not within MTO permit control area and MTO has **no concerns**.

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