



File: A050/21

Applicant: Kurt Oberparleiter

Address: 67 Hopewell Street, Kleinburg

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	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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: Adriana MacPherson
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: 2

A050/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, 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: Kurt Oberparleiter

Agent: None

Property: 67 Hopewell Street, Kleinburg

Zoning: The subject lands are zoned RD4 Residential Detached and subject to the provisions of Exception No. 9(1376) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Residential"

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction a proposed deck and the existing shed, both 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 maximum rear yard encroachment of 1.8 metres is permitted into the required rear yard setback. Therefore, a minimum rear yard setback of 5.7 metres is required to an open and unenclosed deck.	1. To permit a maximum rear yard encroachment of 3.5 metres to the open and unenclosed deck. Therefore, permitting a minimum rear yard setback of 4.0 metres.
2. A minimum exterior side yard setback of 4.5 metres is required to the accessory building (shed).	2. To permit an exterior side yard setback of 1.9 metres to the accessory building (shed).

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 May 3, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2014
Shed	Unknown
Deck (existing to be demolished new one is proposed)	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to the elevation of the house (main floor level is 1.68m above grade at the lowest point), the rear yard size (rear property line is 11.2m from house) and the slope of the rear yard (grade is 8.3% from side-to-side), a one level deck large enough to permit regular dining and seating area will create an unsightly monolith approx 1.7m in height. The area under the deck will be unusable due to the low headspace. The proposed deck would be two-level, which will allow for clear headspace with a much more efficient use of space under the deck. In order to maintain sufficient space for a seating/dining area and to accommodate stairs to the upper level, the deck needs to extend 1.7m farther than currently permitted.

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. 20-110988 for - Alteration, Issue Date: (Not Yet Issued)

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

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

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 or exterior side yard.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Residential"

The Owner is requesting permission to construct a rear deck with the above noted variances. At the request of the Development Planning Department, the Owner has reduced the overall height of the deck to match the deck height of the neighbouring property. The Owner is also proposing to plant trees along the interior side yard to reduce the overall visual impact to the neighbouring property, which is located at a lower grade to the subject property. The Development Planning Department has no further concerns with the proposed variances. The Development Planning Department has reviewed the proposal and is of the opinion that it 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 Development Engineering (DE) Department does not object to variance application A050/21.

Parks Development - Forestry:
Recommended condition of approval:

Applicant will required to obtain an access permit if entering from TRCA property.

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
TRCA – Comments with conditions

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 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	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.
2	Forestry Patrick Courchesne 905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca	Applicant will required to obtain an access permit if entering from TRCA property.

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

Adriana MacPherson

T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

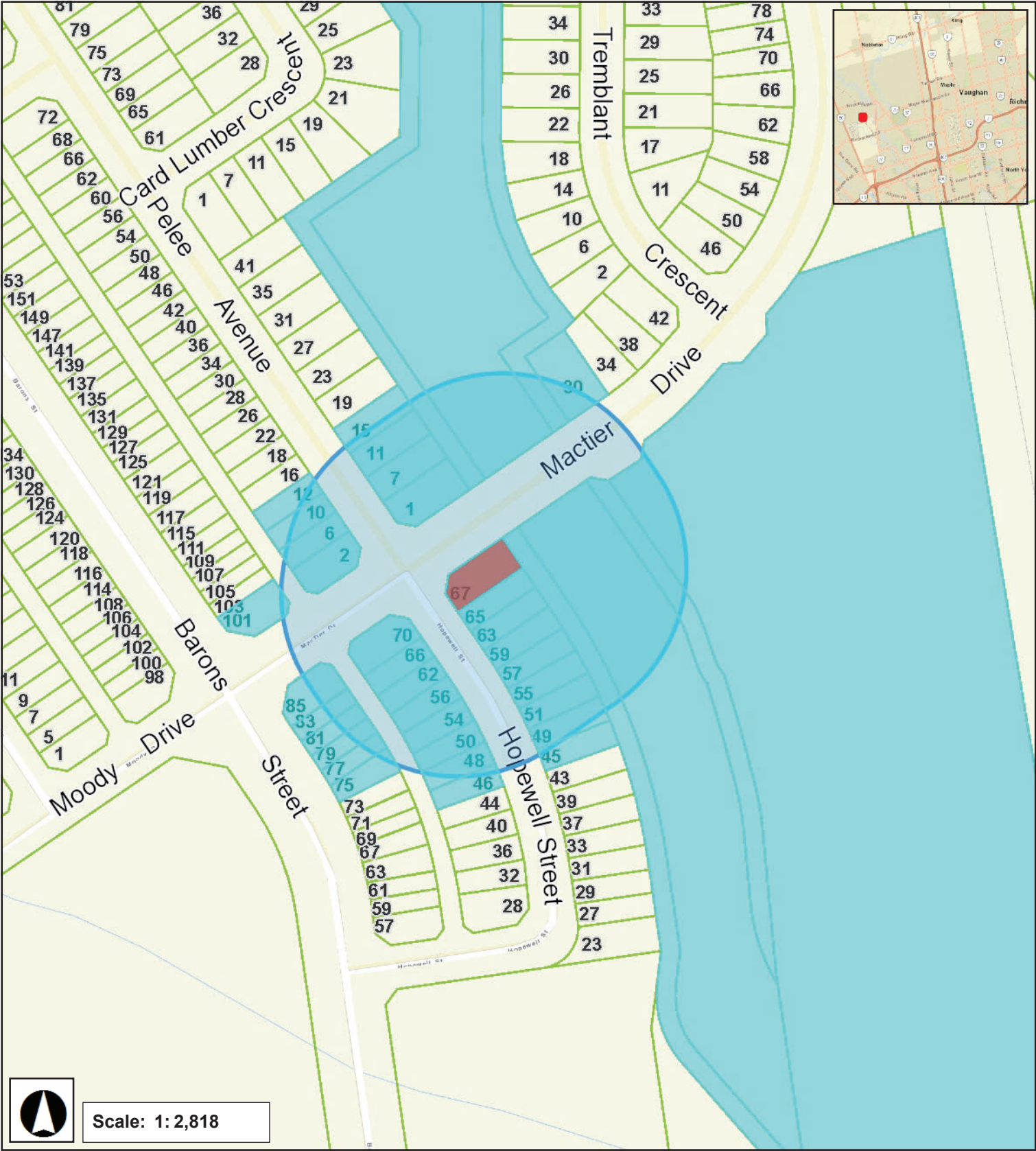
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



A050/21 - Notification Map

67 Hopewell Street, Kleinburg

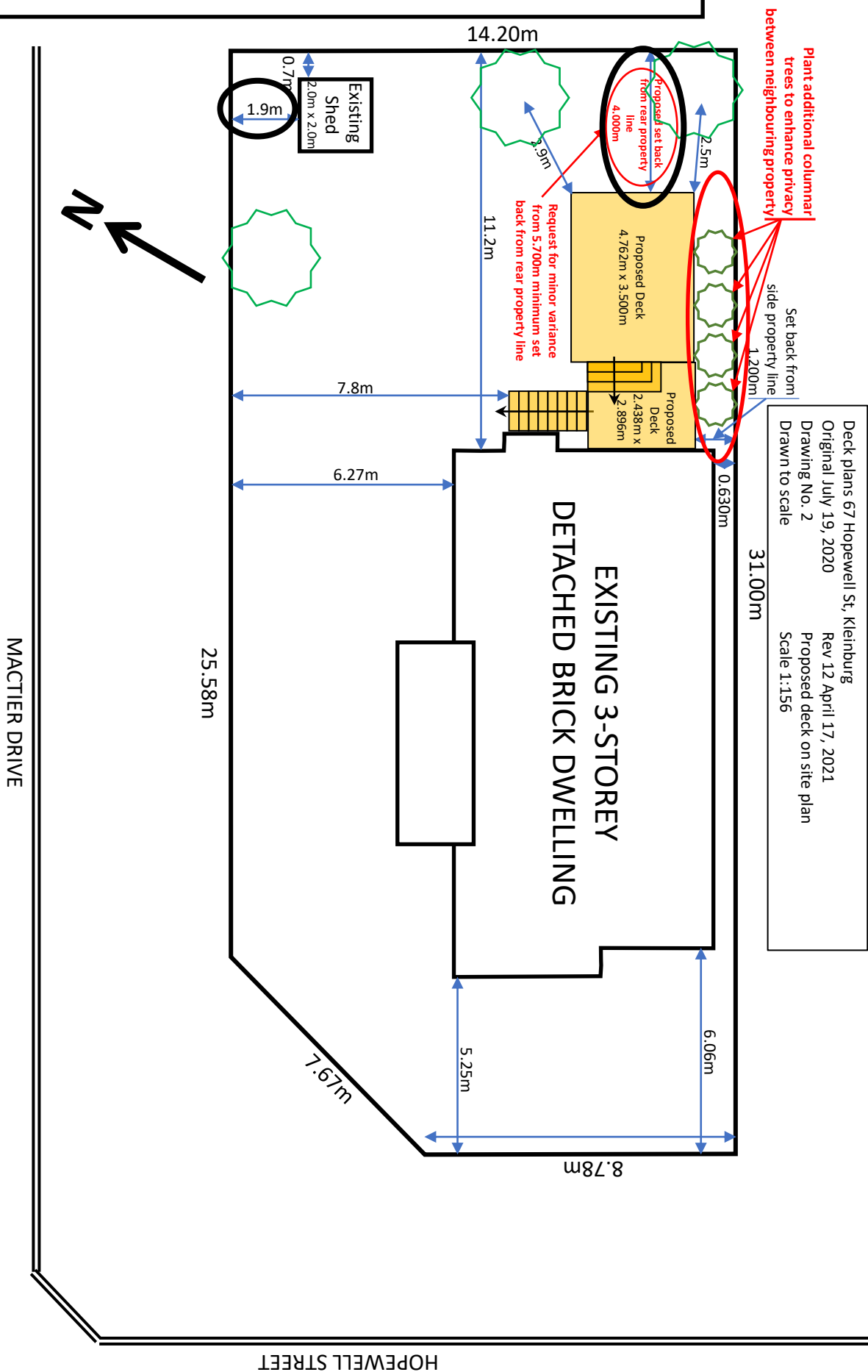


Highway 27

Major Mackenzie Drive

March 30, 2021 4:20 PM

1. To permit a maximum rear yard encroachment of 3.5 metres to the open and unenclosed deck. Therefore, permitting a minimum rear yard setback of 4.0 metres.
2. To permit an exterior side yard setback of 1.9 metres to the accessory building (shed).

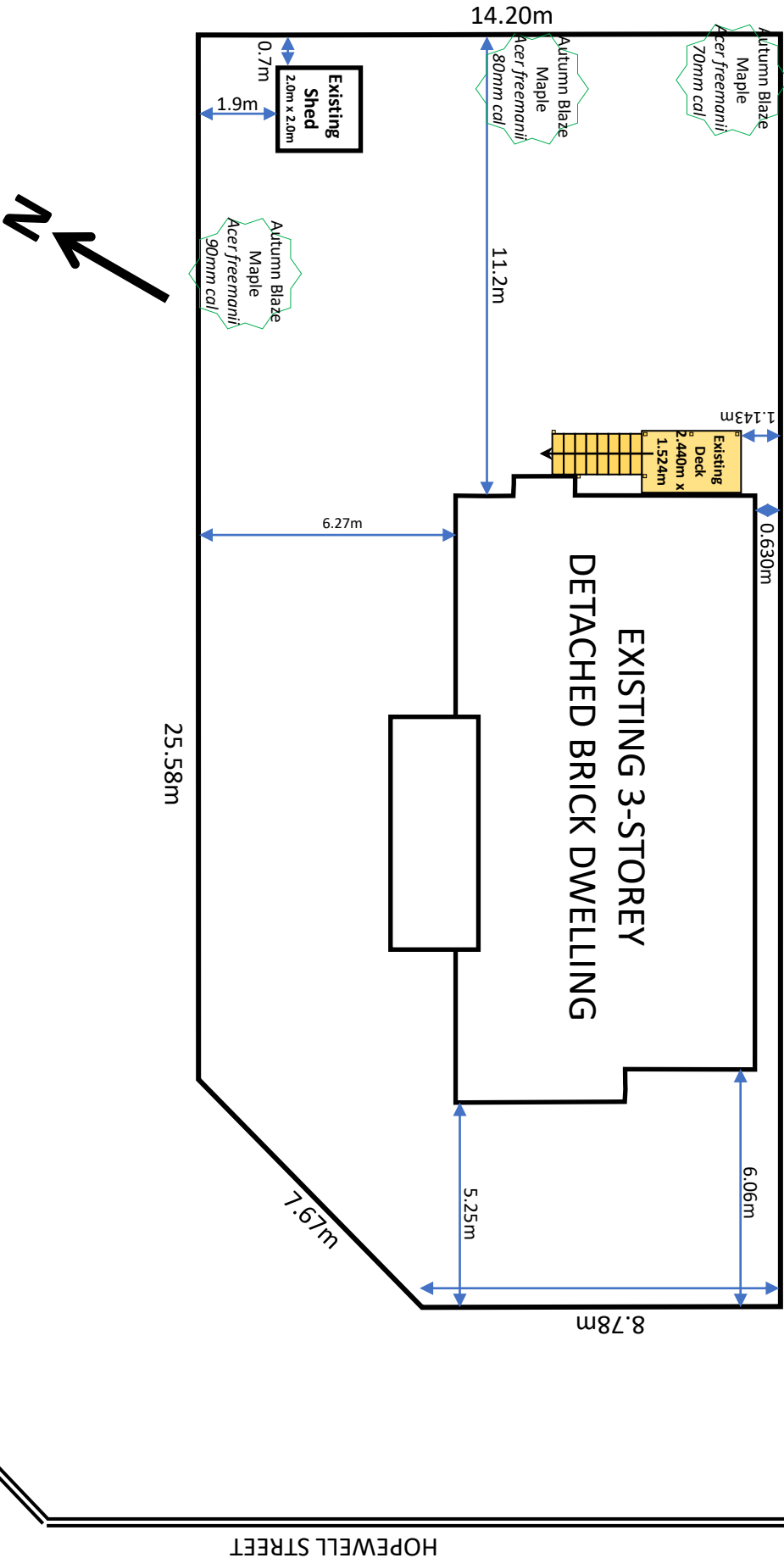


67 Hopewell Street, Kleinburg
Plan 65M4374 Lot 82

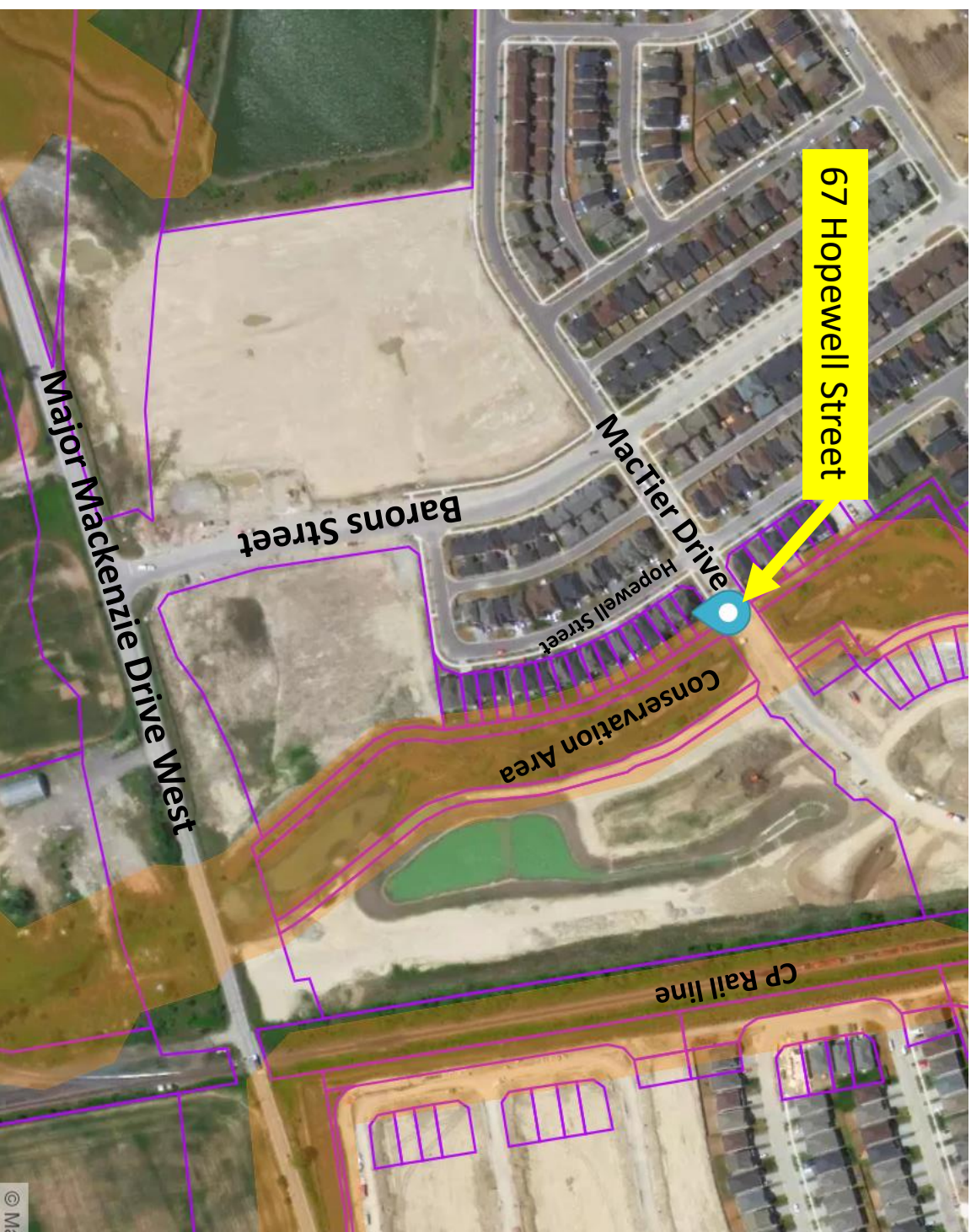
EXISTING SITE PLAN

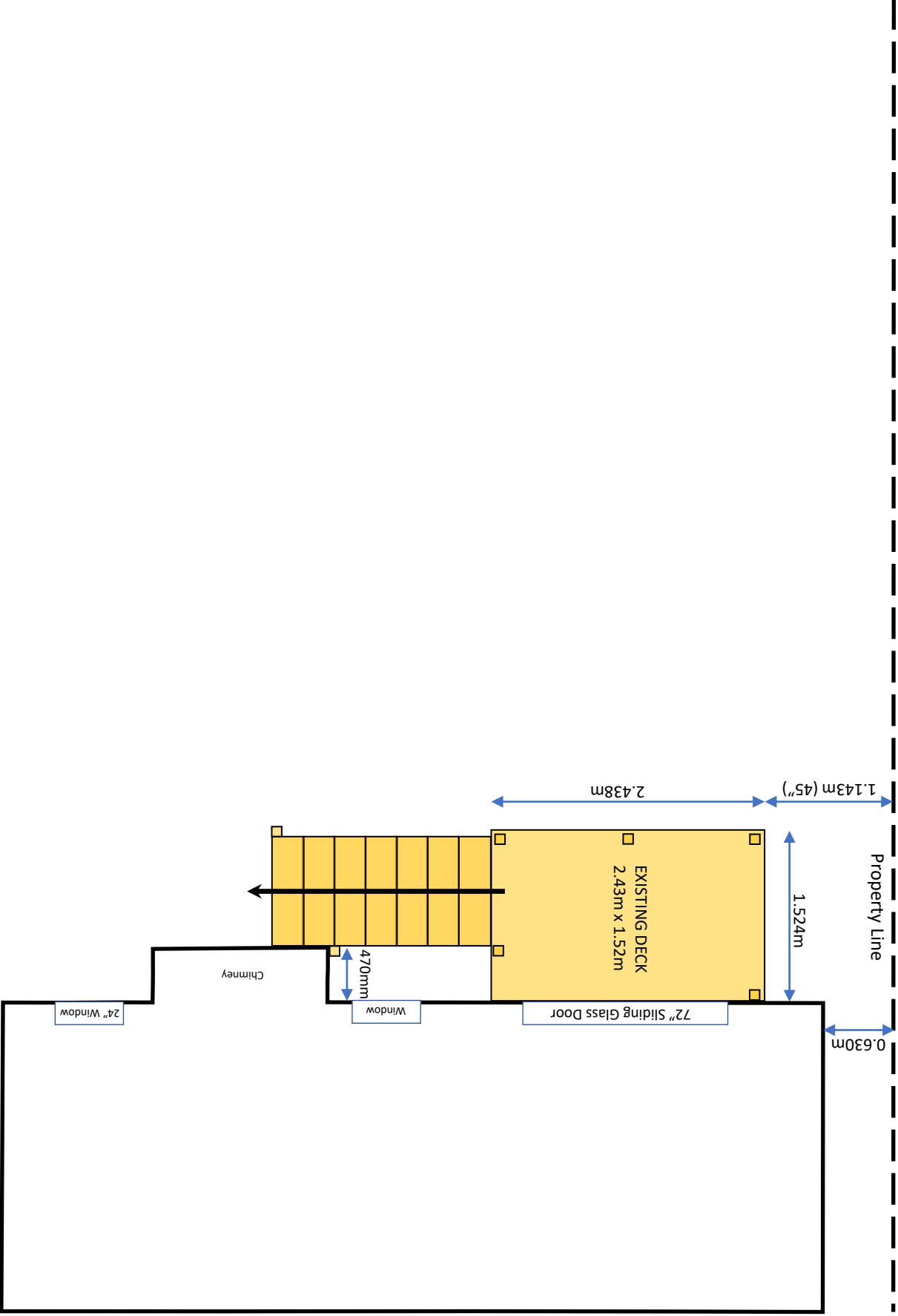
67 Hopewell Street, Kleinburg
Plan 65M4374 Lot 82

Deck plans 67 Hopewell St, Kleinburg
Original July 19, 2020 Rev 12 Apr 17, 2021
Drawing No. 1 Existing deck on site plan
Drawn to scale Scale 1:156



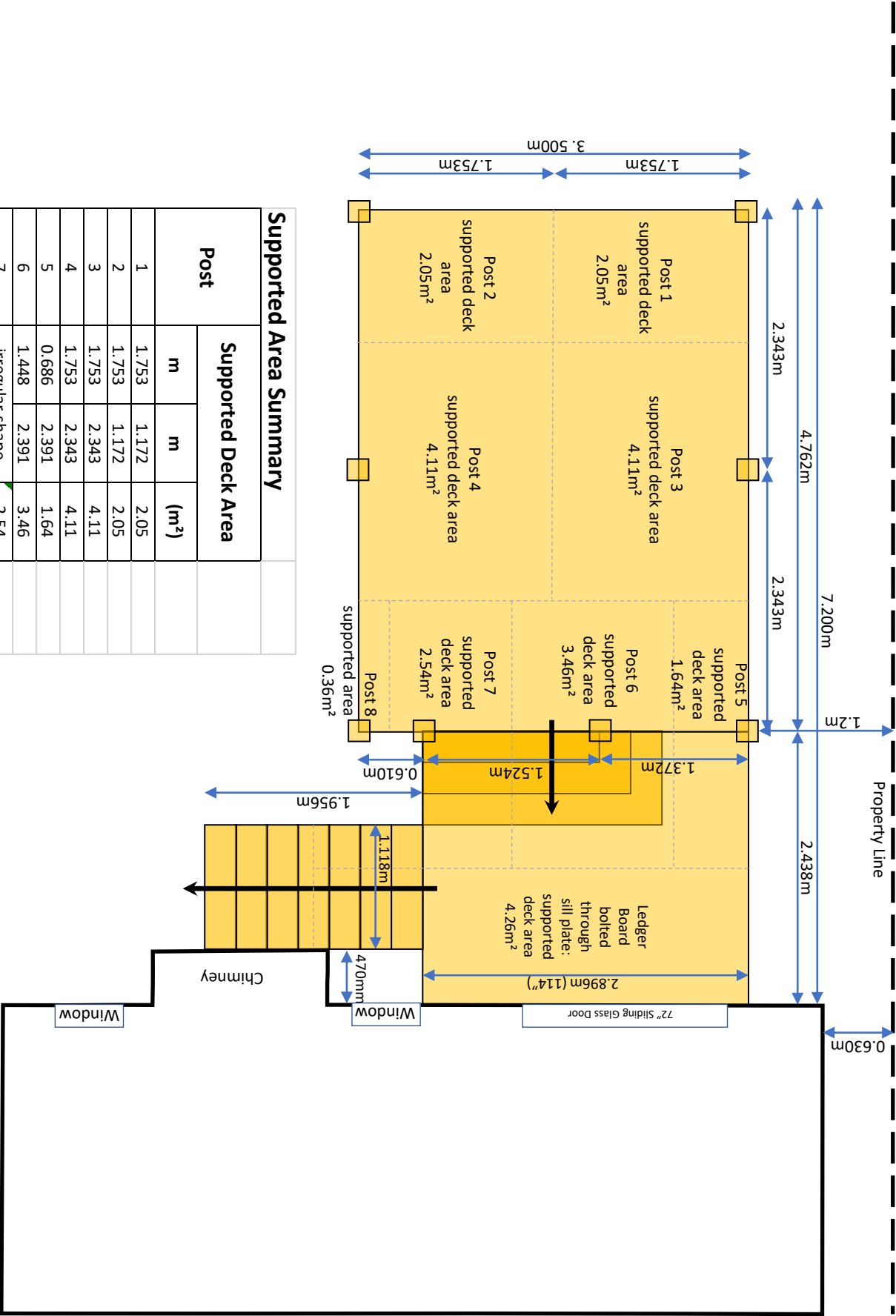
Location Map with Major Intersection





Deck plans 67 Hopewell St, Kleinburg
Original July 19, 2020
Drawing No. 3
Drawn to scale

Rev 12 April 17, 2021
Existing deck plan view
Scale 1:50



Supported Area Summary				
Post	Supported Deck Area			
	m	m	(m²)	
1	1.753	1.172	2.05	
2	1.753	1.172	2.05	
3	1.753	2.343	4.11	
4	1.753	2.343	4.11	
5	0.686	2.391	1.64	
6	1.448	2.391	3.46	
7	irregular shape		2.54	
8	0.305	1.172	0.36	
Ledger board	2.896	1.219	4.26	
Total Deck Area			24.58	

Note: Post 7 and Ledger board supported deck area includes stairs area

Deck plans 67 Hopewell St, Kleinburg

Original July 19, 2020

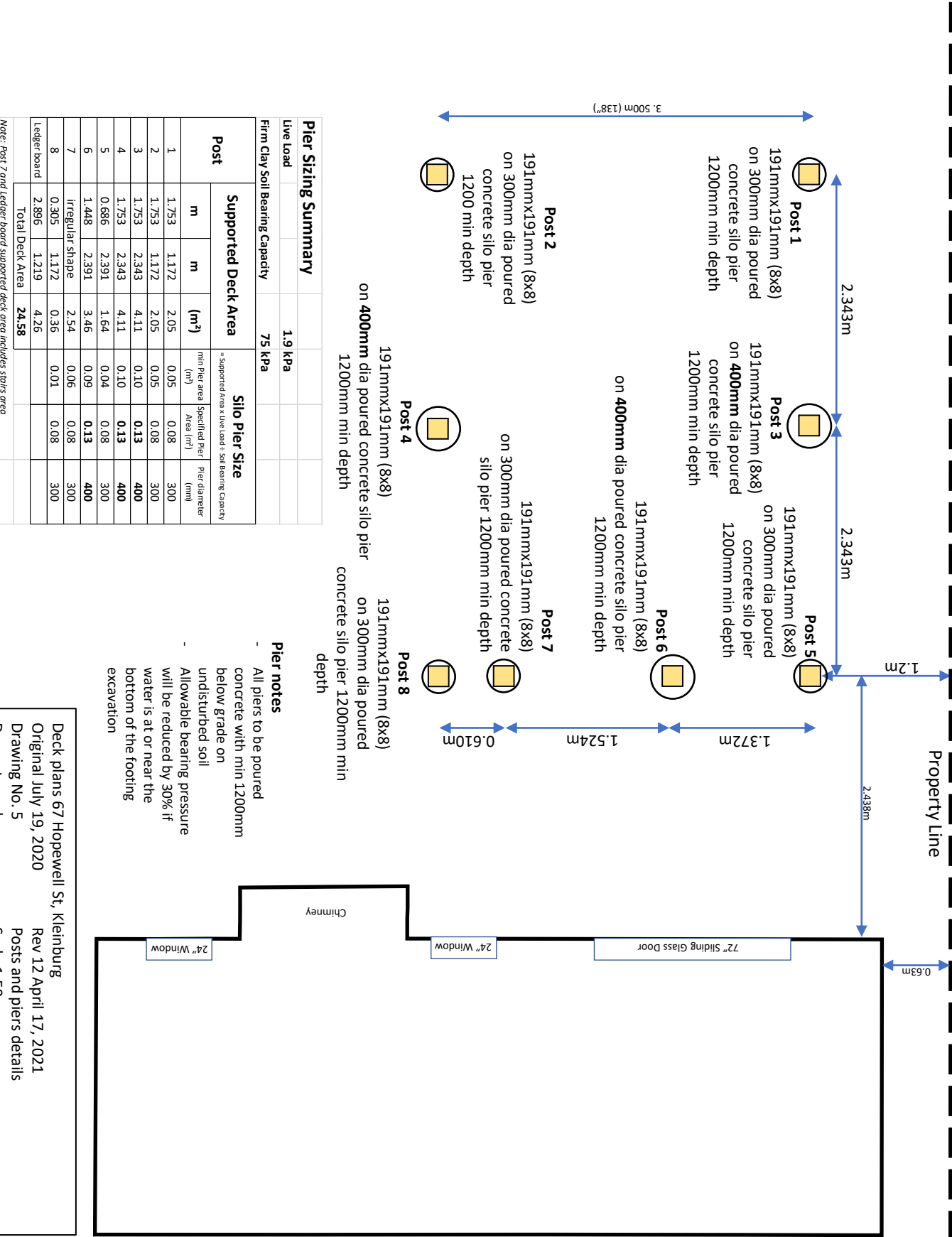
Drawing No. 4

Drawn to scale

Rev 12 April 17, 2021

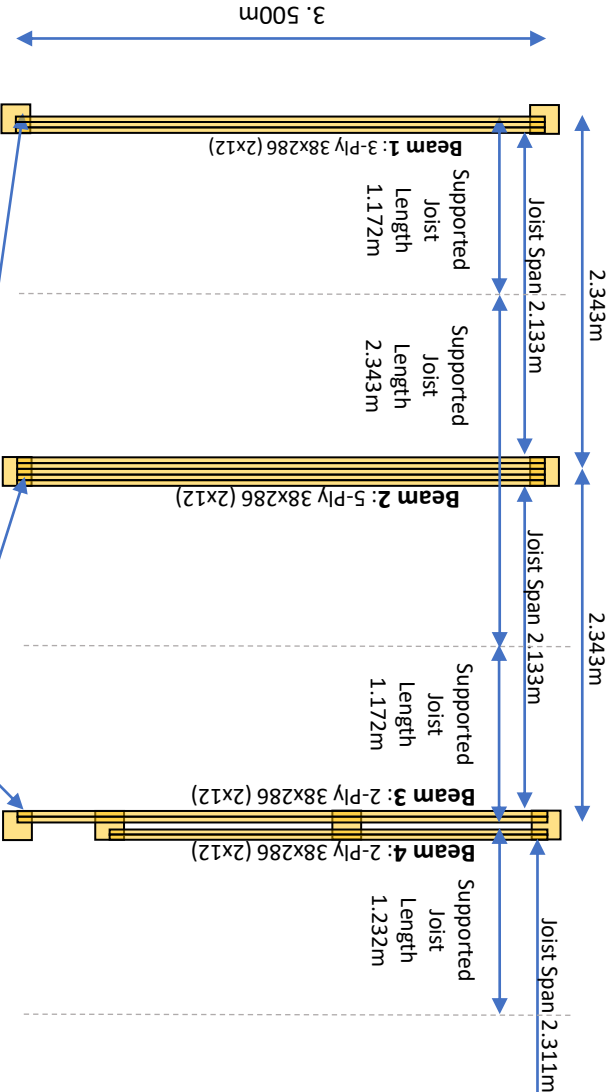
Proposed deck plan view

Scale 1:50

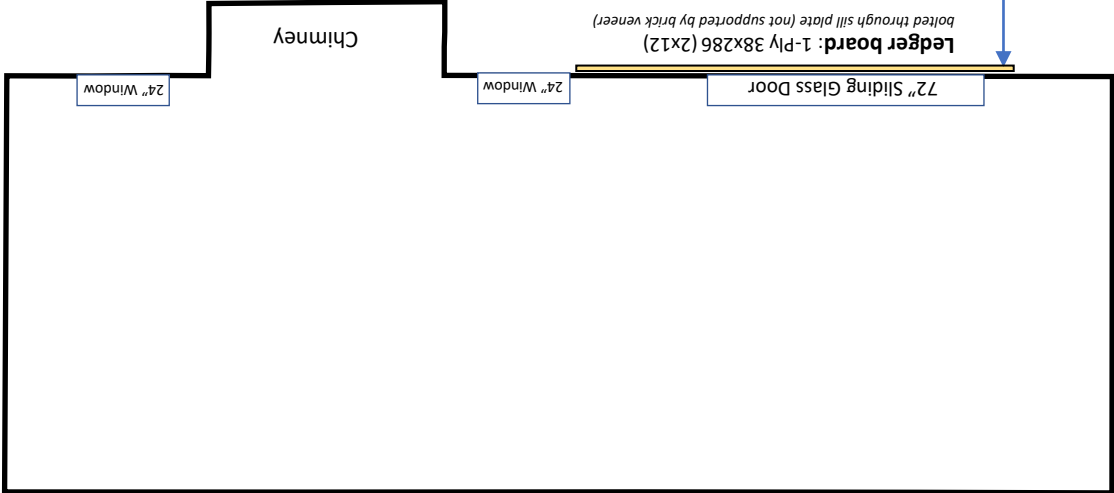


Deck plans 67 Hopewell St, Kleinburg
Original July 19, 2020
Drawing No. 5
Drawn to scale

Rev 12 April 17, 2021
Posts and piers details
Scale 1:50



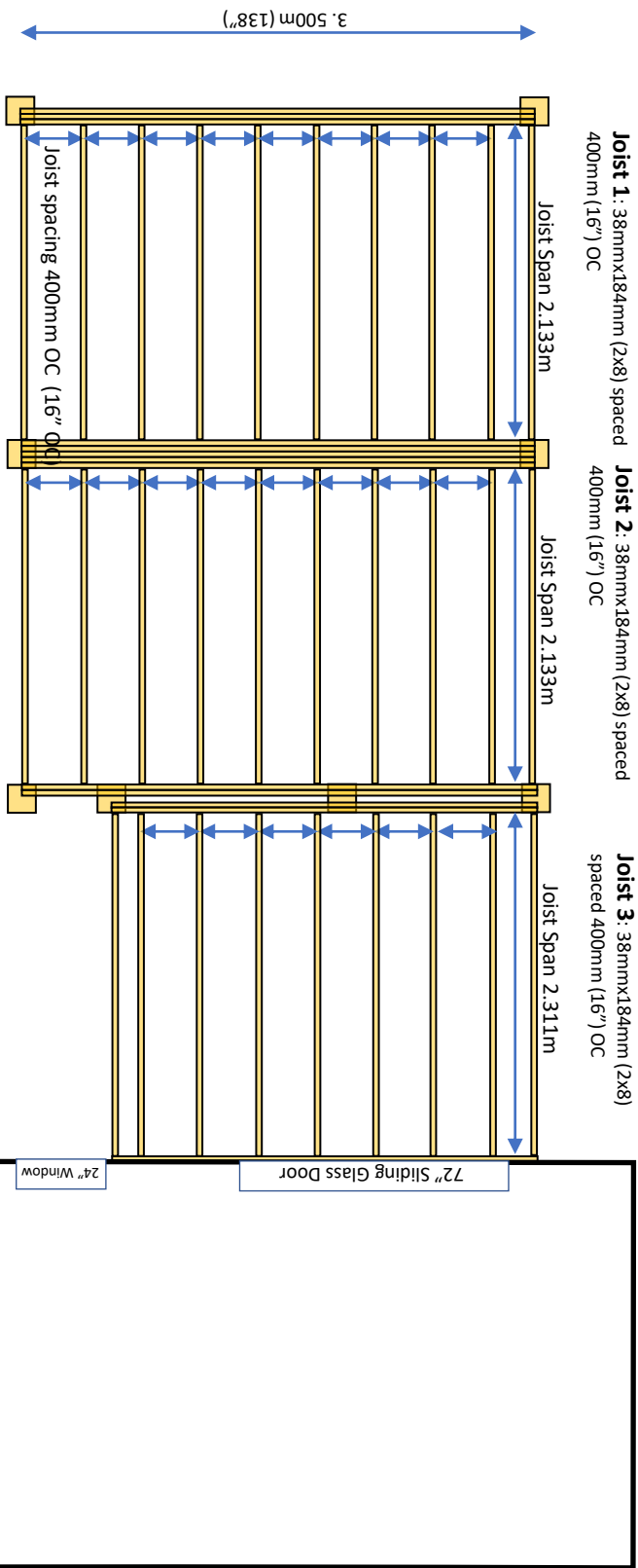
Ledger board: 1-Ply 38x286 (2x12)
bolted through sill plate (not supported by brick veneer)



All beams are supported on 140mm notch-outs in 191x191 vertical posts (8x8). Notch-out to provide load bearing area same as standard 140x140 post (6x6). Beams are fastened with 332x165 metal post&beam connectors.

Beam Sizing Summary

Beam ID	Pier Spacing	Supported Joist Length	Beam Size	
	mm	mm	Min beam	Specified Beam
1	3500	1172	3/38x235	3/38x286
2	3500	2343	3/38x286	5/38x286
3	1524	1172	2/38x140	2/38x286
4	1524	1232	2/38x140	2/38x286



Joist Notes:

- 1. Joist lumber to be No.2 SPF pressure-treated.
- 2. All joists connected to flush beams and ledger board with corrosion resistant joist hangers.
- 3. Joists spanning more than 2100mm are to have bridging at least every 2100mm OC.
- 4. Joist spacing 400mm OC max.
- 5. Floor boards to be minimum 38x140mm SPF pressure-treated
- 6. Floor boards to be fastened with minimum #7x76mm corrosion resistant screws
- 7. Under-deck water-proofing system to installed between joists to make underside of deck rain proof

Joist Sizing Summary				
Live Load		1.9 kPa		
Joist ID	Joist Spacing	Joist Span	Joist Size	
	mm	mm	Min size	Specified size
1	400	2133	38x140	38x184
2	400	2133	38x140	38x184
3	400	2311	38x140	38x184

Deck plans 67 Hopewell St, Kleinburg

Original July 19, 2020

Drawing No. 7

Drawn to scale

Rev 12 April 17, 2021

Joist details

Scale 1:50

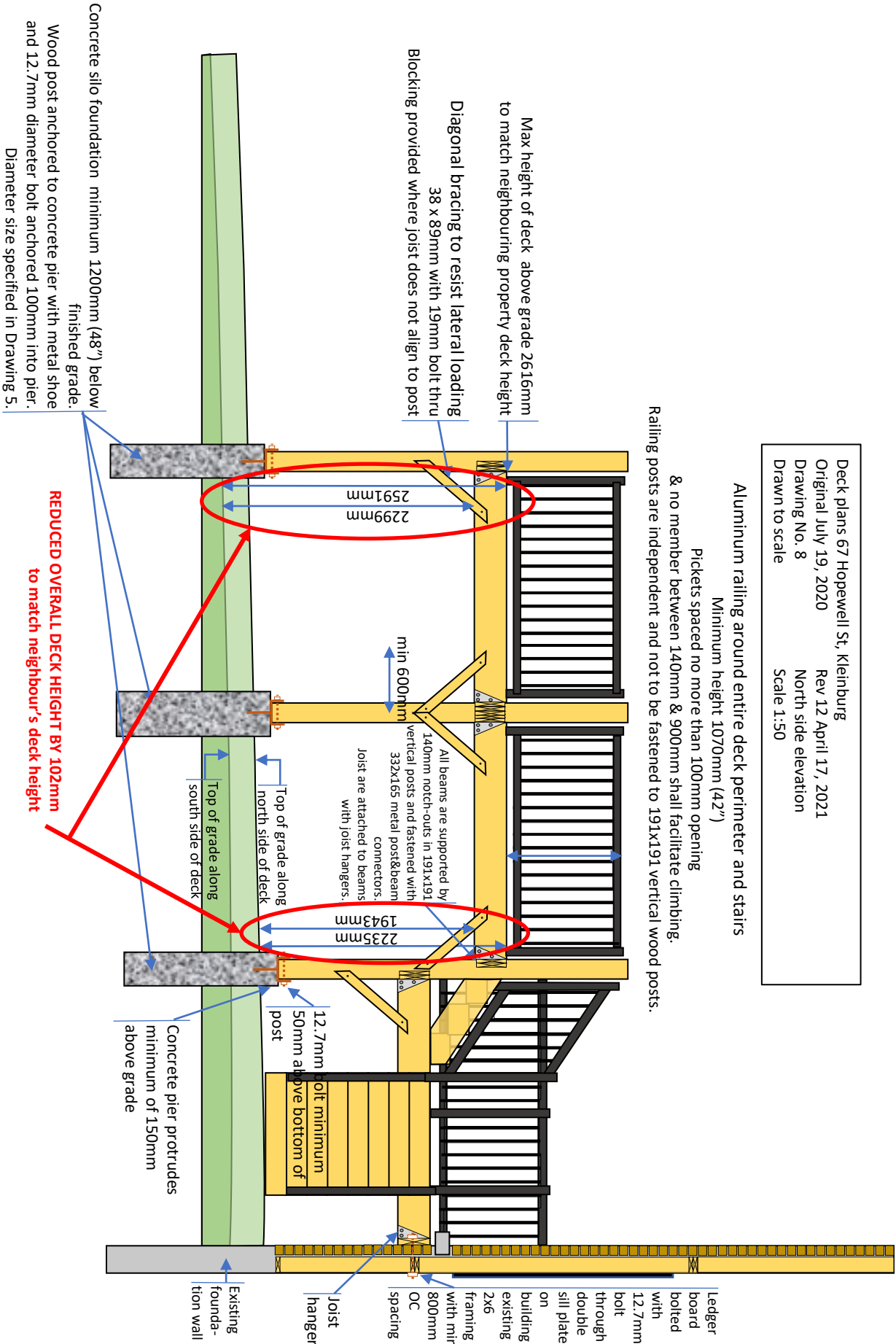
Deck plans 67 Hopewell St, Kleinburg
Original July 19, 2020 Rev 12 April 17, 2021
Drawing No. 8 North side elevation
Drawn to scale Scale 1:50

Aluminum railing around entire deck perimeter and stairs

Minimum height 1070mm (42")

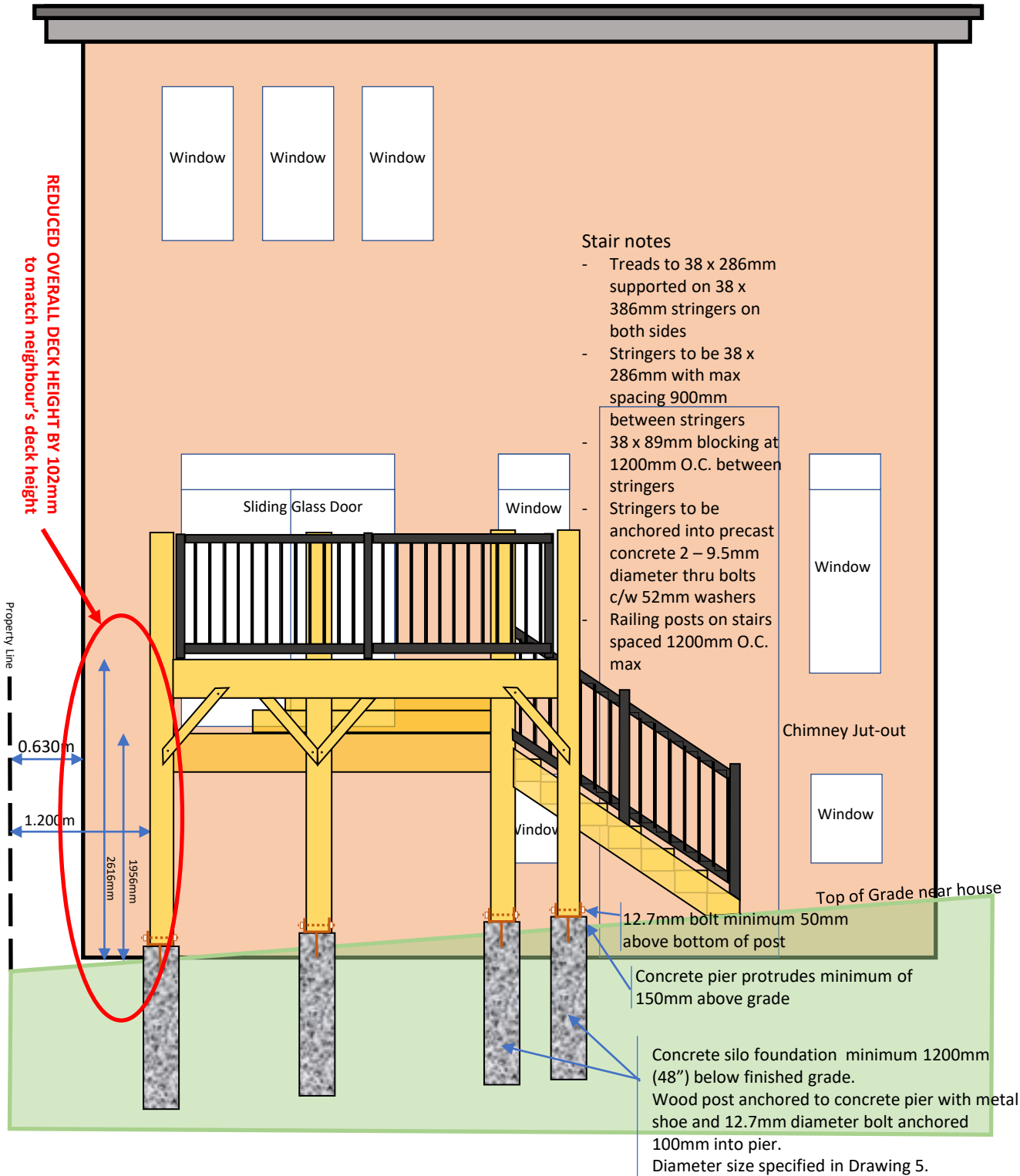
Pickets spaced no more than 100mm opening
& no member between 140mm & 900mm shall facilitate climbing.

Railing posts are independent and not to be fastened to 191x191 vertical wood posts.



Deck plans 67 Hopewell St, Kleinburg
Original July 19, 2020
Drawing No. 9
Drawn to scale

Rev 12 April 17, 2021
Rear elevation
Scale 1:50



67 Hopewell Street, Kleinburg

Current deck height comparison to neighbouring property



Note: Proposed deck at 67 Hopewell St to match current height of neighbour's deck

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
- TRCA – comments with conditions

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

MacPherson, Adriana

Subject: FW: [External] RE: A050/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-01-21 10:22 AM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A050/21 - 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: A050/21 - Request for Comments

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>
Sent: March-25-21 4:19 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] Re: A050/21 - Request for Comments

Good afternoon,

This site 67 Hopewell St. 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

April 14, 2021

CFN 64195.08
Ex-Ref CFN 63853

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Ms. Christine Vigneault, Secretary Treasurer
Committee of Adjustment - City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Re: Minor Variance Application A050.21
67 Hopewell Street, PLAN 65M4374 Lot 82
City of Vaughan, Region of York
Owner: Kurt Oberparleiter

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on March 25, 2021. TRCA staff have reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

Background

It is our understanding that the purpose of the noted variance is to facilitate the construction of a deck and recognize an existing shed. More specifically,

1. To permit a maximum rear yard encroachment of 3.5 metres into the required rear yard setback of 7.5 metres for the open and unenclosed deck. Therefore, permitting a minimum rear yard setback of 4.0 metres.
2. To permit an exterior side yard setback of 1.9 metres to the accessory building (shed).

Applicable TRCA Policies and Regulations

Living City Policies (LCP):

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long-term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents, and guidelines.

Ontario Regulation 166/06:

The subject property is regulated by TRCA due to a valley corridor and Regional Storm flood plain associated with a tributary of the Humber River which traverses the eastern portion of the lot. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

Based on the above, the subject property is partially located within TRCA Regulated Area. TRCA issued a permit to facilitate the construction of the proposed works on November 4, 2020 (TRCA Permit No. C-200980).

Based on a review of the plans submitted with this variance application, TRCA is satisfied that the noted works are consistent with the plans that were approved as a part of the TRCA Permit C-200980. As such, TRCA has no concerns with the proposed variance.

Fees

By copy of this letter, the applicant is advised that the application is subject to a \$580.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the above, TRCA staff have no objection to the approval of Minor Variance Application A050.21, subject to the following condition:

- 1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.**

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I, Development Planning and Permits

HR/mh