VAUGHAN

Staff Report Summary

Item # 03

Ward # 4

File: A037/21

Applicant: Juliette and Donovan Hudson

Address: 17 Spruce Pine Crescent, Maple

Agent: Jim Drakopoulos - Drak Enterprises Inc
Dionne Hudson

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 ☒ Negative Comment	Condition(s) ☑ ☒
Committee of Adjustment	☑	
Building Standards	☑	
Building Inspection		
Development Planning	☑	
Development Engineering	☑	
Parks, Forestry and Horticulture Operations	☑	
By-law & Compliance	☑	
Financial Planning & Development	☑	
Fire Department	☑	
TRCA		
Ministry of Transportation	☑	
Region of York	☑	
Alectra (Formerly PowerStream)	☑	
Public Correspondence **(see Schedule B)**		

Adjournment History: None.

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, June 10, 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: #03

A037/21

Ward: 4

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday , June 10, 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: Juliette and Donovan Hudson

Agent: Jim Drakopoulos - Drak Enterprises Inc
Dionne Hudson

Property: **17 Spruce Pine Crescent, Townhouse 2 Maple**

Zoning: The subject lands are zoned RT1 Residential Townhouse one, and subject to the provisions of Exception No. 9(1226) 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 shed located in the rear yard. The shed has been constructed on top of the existing 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 maximum rear yard encroachment of 1.8 metres is permitted for the deck, into the required rear yard setback of 7.5 metres; 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 4.77 metres for the deck; therefore permitting a minimum rear yard setback of 2.73 metres to the deck.
2. A minimum interior side yard setback of 0.60 metres is required to the accessory building (shed).	2. To permit a minimum interior side yard setback of **0.40** metres to the accessory building (shed).
3. A maximum building height of 2.5 metres is required to an accessory building (shed) measured from the average finished grade to the highest part of the roof.	3. To permit a maximum building height of **2.58** metres for the accessory building (shed), measured from average finished grade to the highest part of the roof.

Background (previous applications approved by the Committee on the subject land): None.

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 26, 2021

Applicant confirmed posting of signage on May 28, 2021

Property Information	
Existing Structures	**Year Constructed**
Dwelling and Upper Deck (TBD)	2012
Replacement Upder Deck and new Decl	2019
Shed	2019

Applicant has advised that they cannot comply with By-law for the following reason(s): At the time of acquisition in 2012, the dwelling had an existing upper deck. In 2019 when the lower deck was constructed, the upper deck was replaced. The replaced upper deck was constructed for consistency, with the same original measurements. the lower deck is extended for use of the rear yard. due to neighbours altering the landscaping in their rear yards, water doesn't run off the property as it used to. (e.g., north neighbour has eliminated all their soft landscaping) water settles in our the rear yard along with the excrements from their dog), making it difficult for use and enjoyment. As a result of the extension of the lower deck, it encroaches the rear yard setback.

Adjournment Request: Applicant submitted a revised proposal and zoning waiver to address planning comments, updating variances number 2 (from 0.19m to 0.40m) and 3 (from 2.92m to 2.58m).

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: Order No. 19-000104, Order to Comply for Construction of a deck located in the rear yard has been undertaken prior to obtaining the required building permit., Issue Date: Jul 15, 2019,

Building Permit No. 19-001692 for Block Townhouse - (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.

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 of 7.5 metres.

Building Inspections (Septic):
No comments received to date

Development Planning:
Vaughan Official Plan 2010 (VOP 2010): “Low-Rise Residential"

The Owners are requesting permission to maintain an elevated deck and accessory structure (shed) with the above noted variances.

In discussion with the Owner, the Development Planning Department recommended improvements be made to ensure the proposal remains in line with the Zoning By-law. The Owner revised their application by reducing the maximum building height from 2.96m to 2.58 m and increasing the interior side yard setback from 0.19m to 0.40 m.

The Development Planning Department has no objection to the variances, as it represents an overall improvement and is appropriate for the development of the lot. Development Planning staff is of the opinion the reduction in rear yard setback to the deck is offset by the 2.73 m strip of soft landscape along the rear lot line. In respects to the interior side yard setback of 0.40 m to a shed, Development Engineering has confirmed the existing shed will not pose any water filtration and drainage issues since it sits on top of an elevated deck. An example where Committee has considered and approved an interior yard setback below the minimum setback of 0.60 m is for a property municipally located at 40 Dalcairney Road (A063/20, permitted a 0.35 m to an existing shed). With respects to a maximum height of 2.58 m, the increase is minor and will not cause a negative impact onto the abutting neighbours.

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:
Although the typical required setback of a shed from the property line is 0.6m, this shed is located in an elevated deck and not obstructing drainage flow, therefore, the Development Engineering (DE) Department does not object to variance application A037/21.

Parks Development - Forestry:
No comments received to date.

By-Law and Compliance, Licensing and Permit Services:
No comments or concerns

Development Finance:
No comment no concerns

Fire Department:
No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
Public Correspondence (resident address) – update file number and resident address only

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: None

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: None.

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.

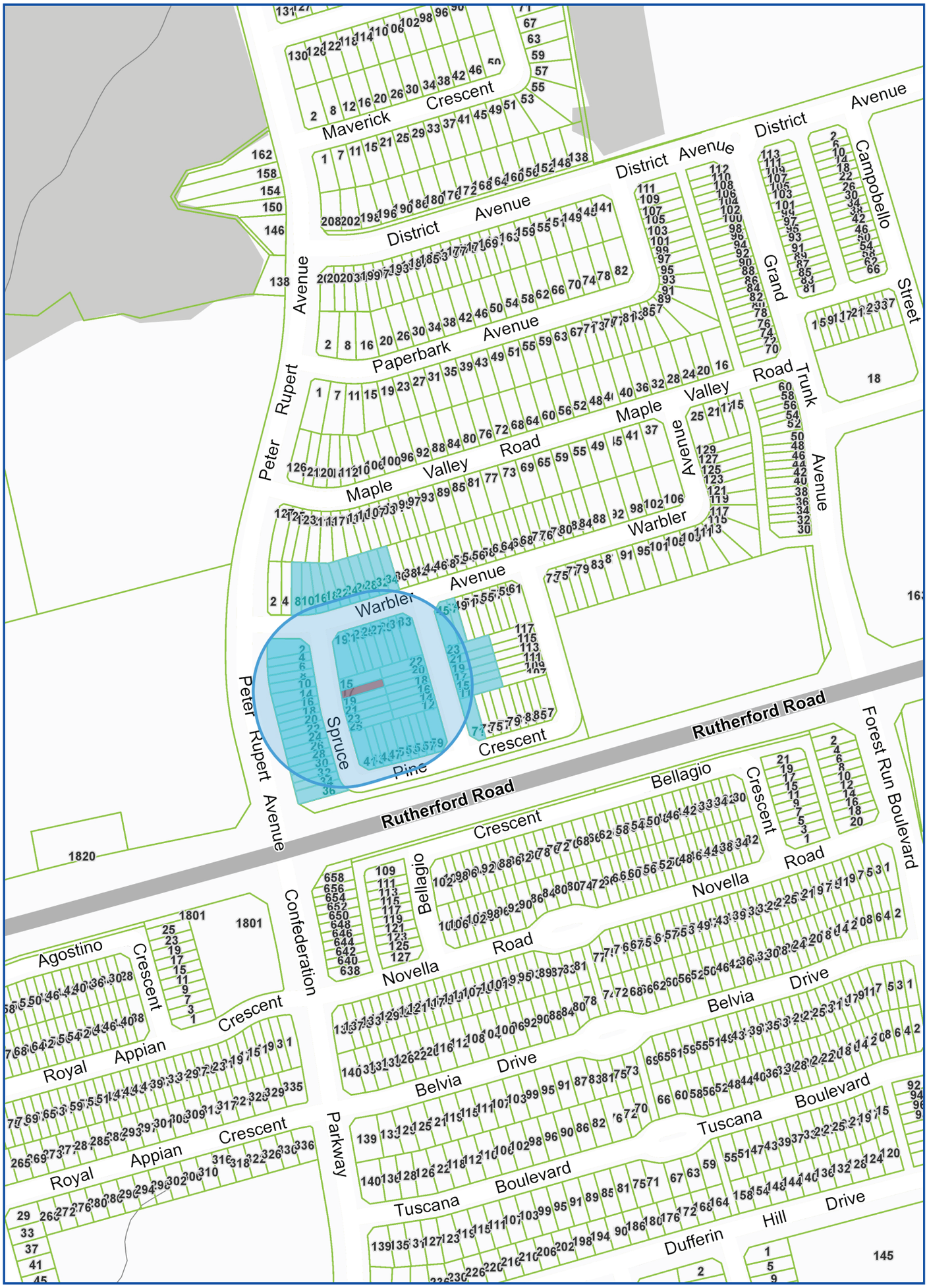
For further information please contact the City of Vaughan, Committee of Adjustment

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

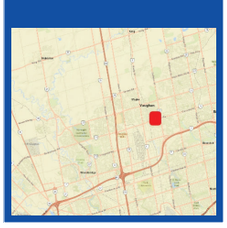
Schedule A: Plans & Sketches

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:

17 Spruce Pine Crescent, Maple

NOTIFICATION MAP - A037/21

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.

VAUGHAN

Scale: 1: 3,598

0 0.06 km

Created By:

Infrastructure Delivery Department

May 25, 2021 2:11 PM

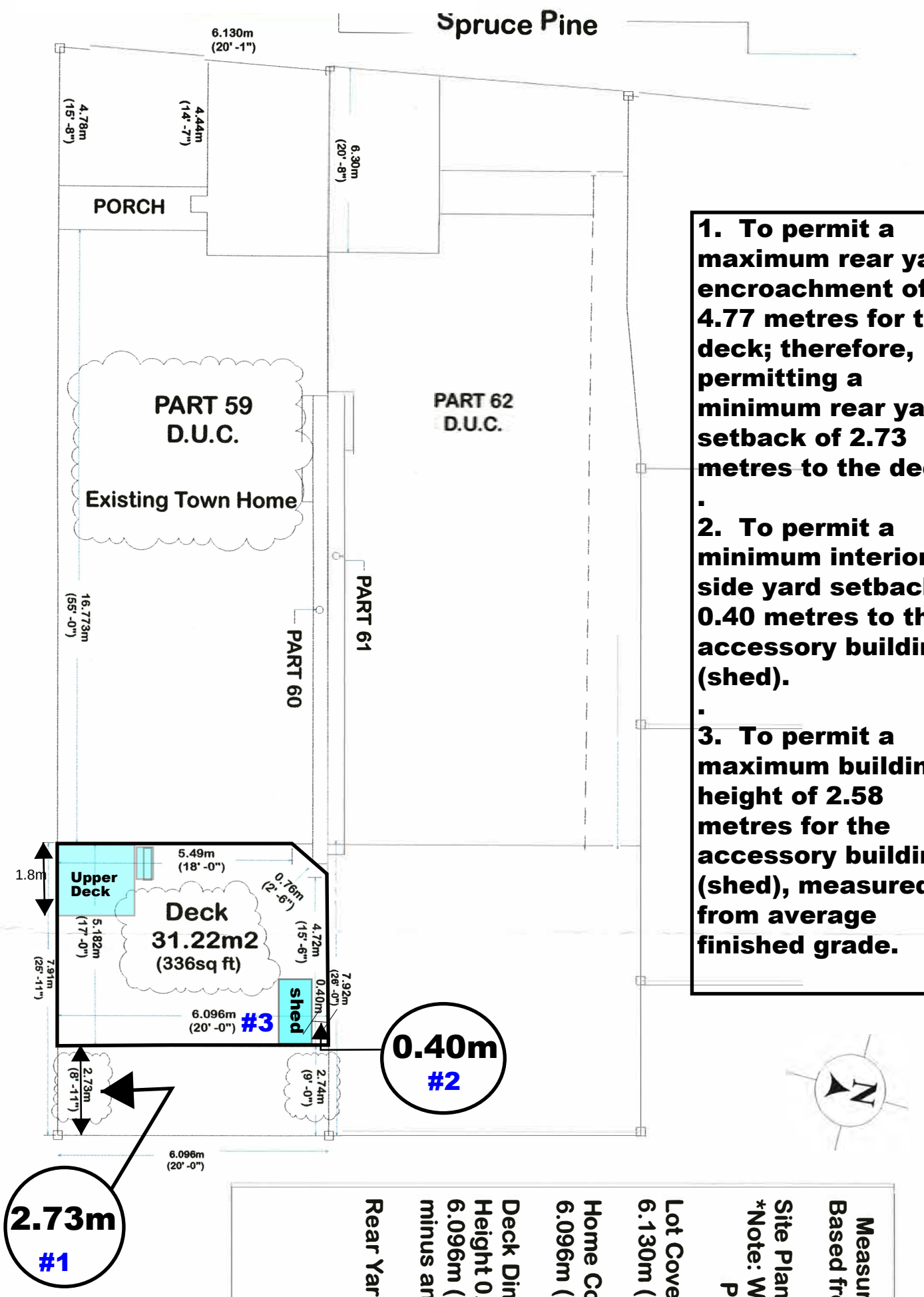
Projection:

NAD 83

UTM Zone 17N

Revised
May 21, 2021

A037/21



1. To permit a maximum rear yard encroachment of 4.77 metres for the deck; therefore, permitting a minimum rear yard setback of 2.73 metres to the deck.
.
2. To permit a minimum interior side yard setback of 0.40 metres to the accessory building (shed).
.
3. To permit a maximum building height of 2.58 metres for the accessory building (shed), measured from average finished grade.

Measurements and Details
Based from Homeowner's Registered Site Plan/Survey

Site Plan Measurements: - Meters
*Note: Written Dimensions of Site Plan has Precedence over Scaled Dimensions

Lot Coverage:
6.130m (20' -1") x 29.46m (96' -8") = 180.60m2 (1,944sq ft)

Home Coverage:
6.096m (20' -0") x 16.773m (55' -0") = 102.25m2 (1,100sq ft)

Deck Dimensions :
Height 0.584m (1' -11")
6.096m (20' -0") x 5.182m (17' -0") = 31.59m2 (340sq ft)
minus angle 0.35m2 = Deck Coverage 31.22m2 (336sq ft)

Rear Yard Setback: 2.74m (9' -0")
2.73m (8' -11")

DATE: Month / Day / Year

PAGE TITLE: Site Plan

Drawings

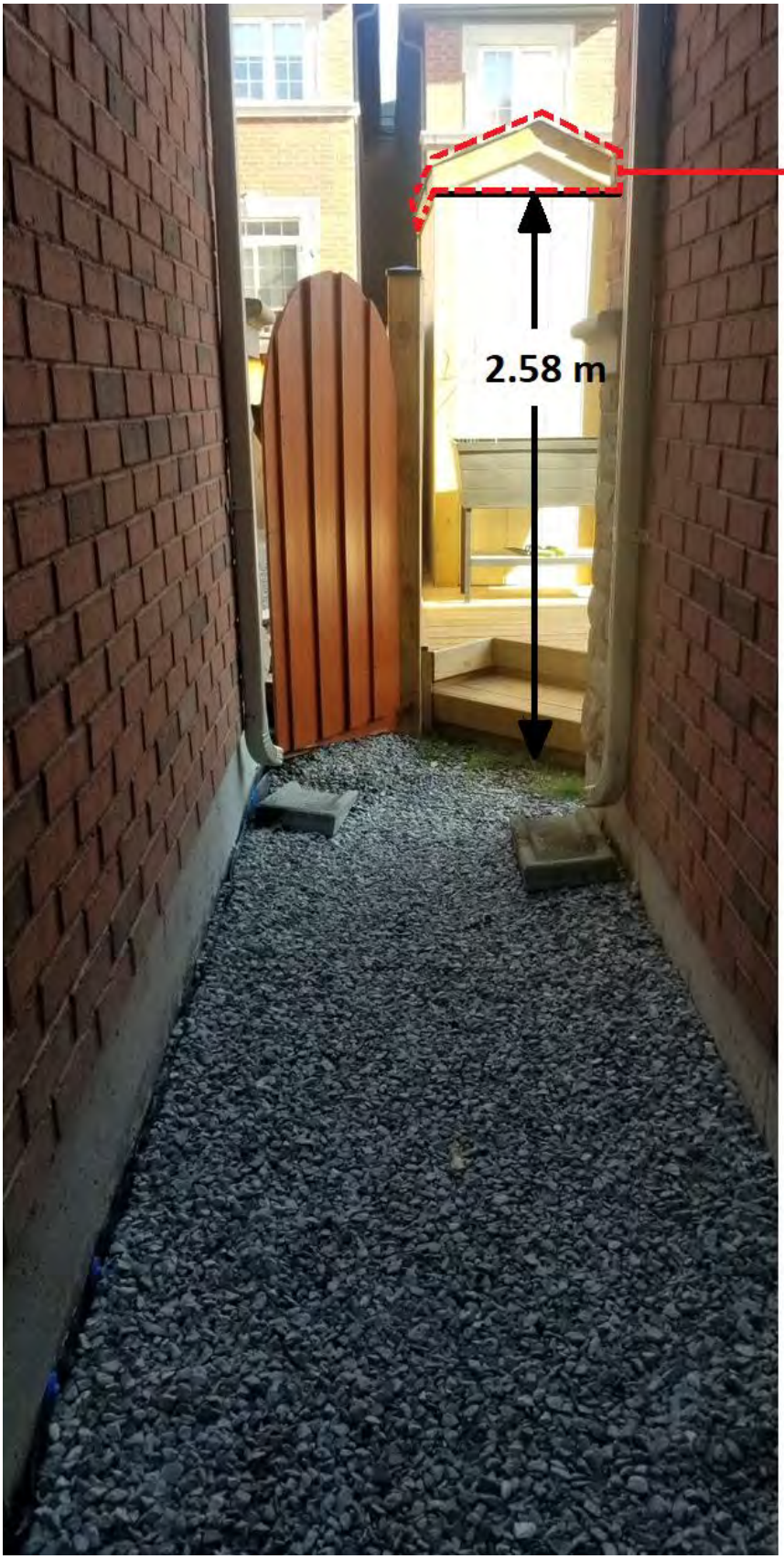
Homeowner: Juliette Hudson

S1

NEW

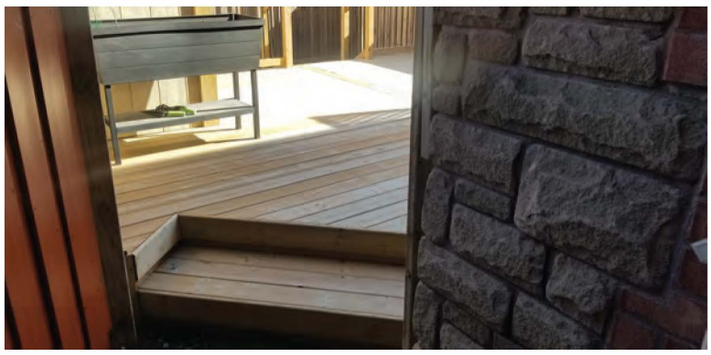
MAY 4, 2021

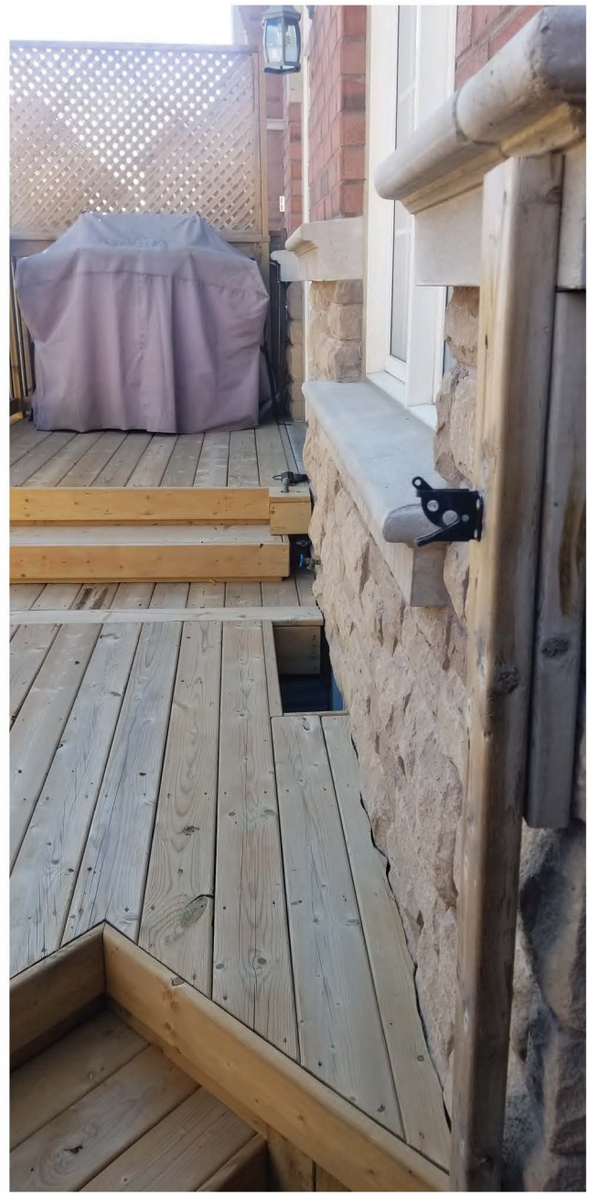
A037/21



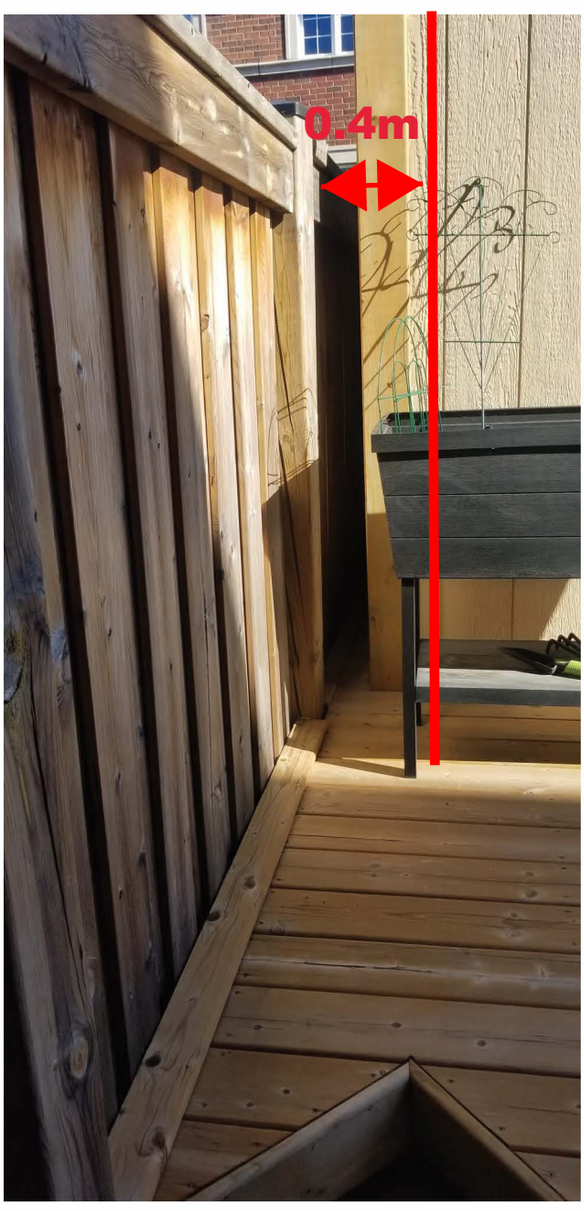
Gable roof on shed will be removed and replaced with a flat roof.

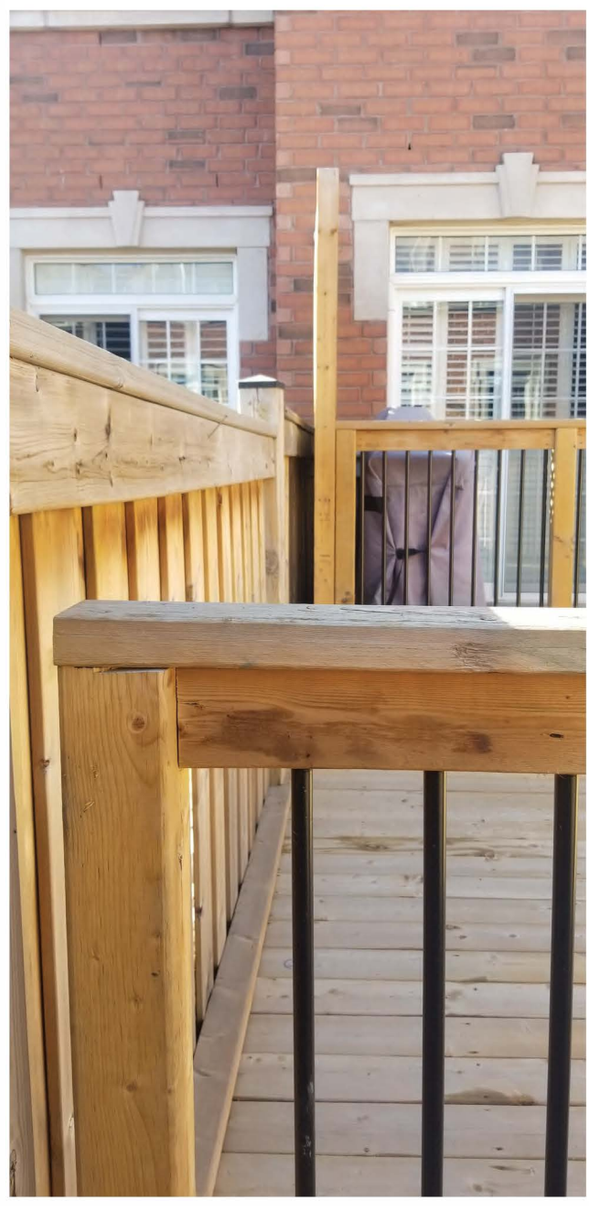
NEW
May 21, 2021





shed to be moved from 0.19m to 0.4m





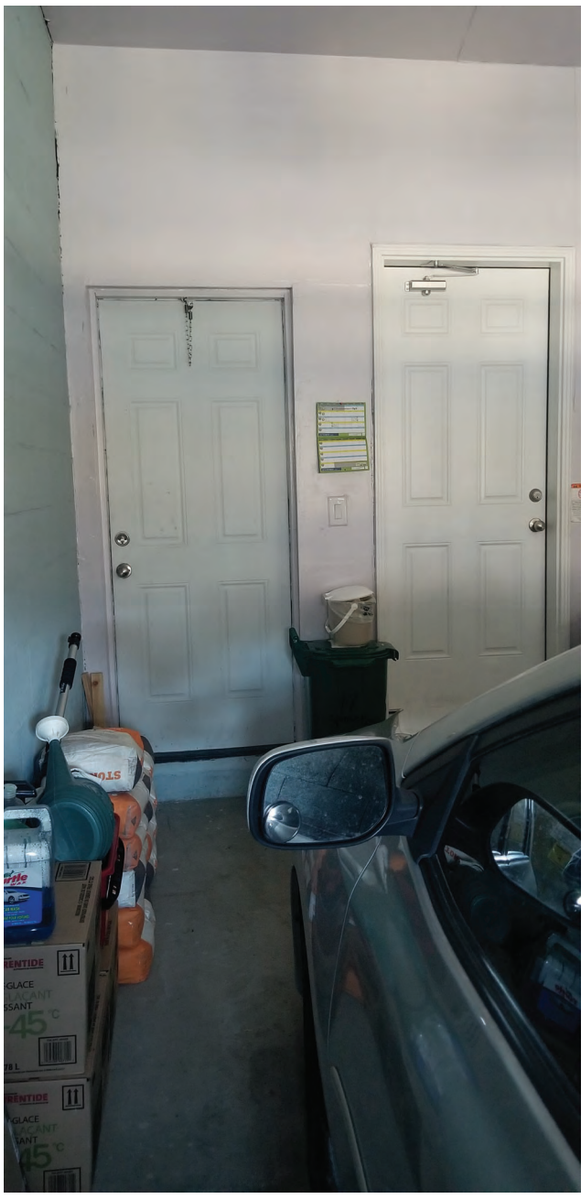
NEW
MAY 4, 2021

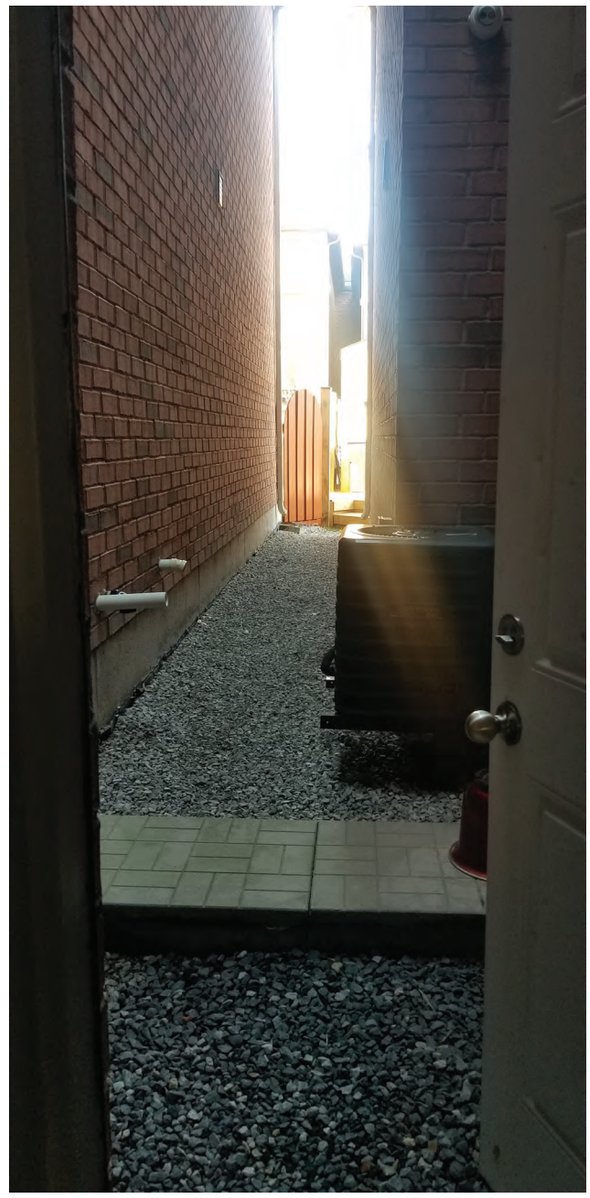
A037/21

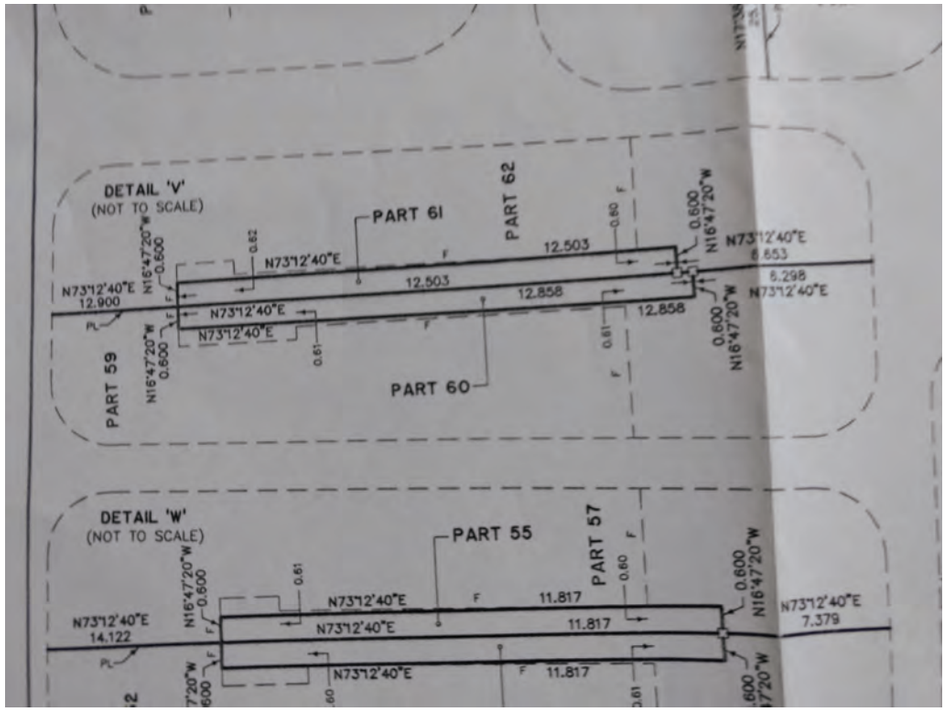
North side

South side

NEIGHBOURS



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(NOT TO SCALE)
PART 61
PART 62
PART 59
PART 60
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12.503
12.858
6.653
5.298
N16°47'20"W
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DETAIL 'W'
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PART 57
N73°12'40"E
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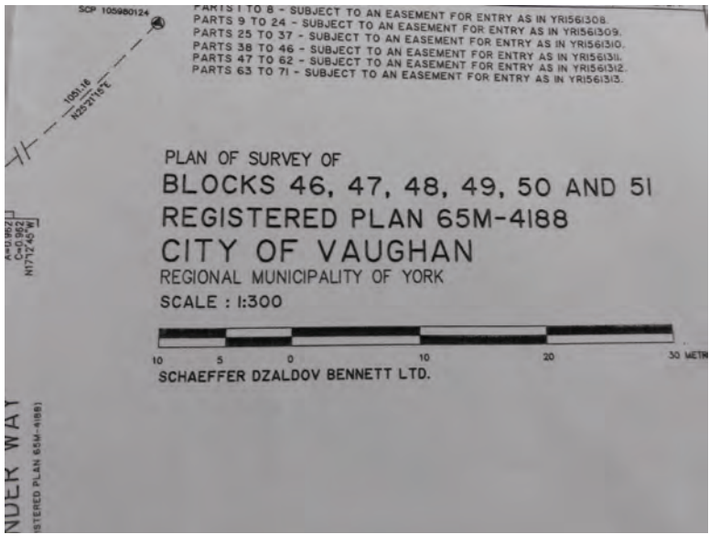
11.817
7.379


PARTS 1 TO 8 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561308.
PARTS 9 TO 24 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561309.
PARTS 25 TO 37 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561310.
PARTS 38 TO 46 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561311.
PARTS 47 TO 62 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561312.
PARTS 63 TO 71 - SUBJECT TO AN EASEMENT FOR ENTRY AS IN YR561313.
PLAN OF SURVEY OF
BLOCKS 46, 47, 48, 49, 50 AND 51
REGISTERED PLAN 65M-4188
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
SCALE : 1:300
10 5 0 10 20 30 METR
SCHAEFFER DZALDOV BENNETT LTD.

SPRUCE PINE CRESCENT
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PART 57
PART 59
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PART 61
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PART 71
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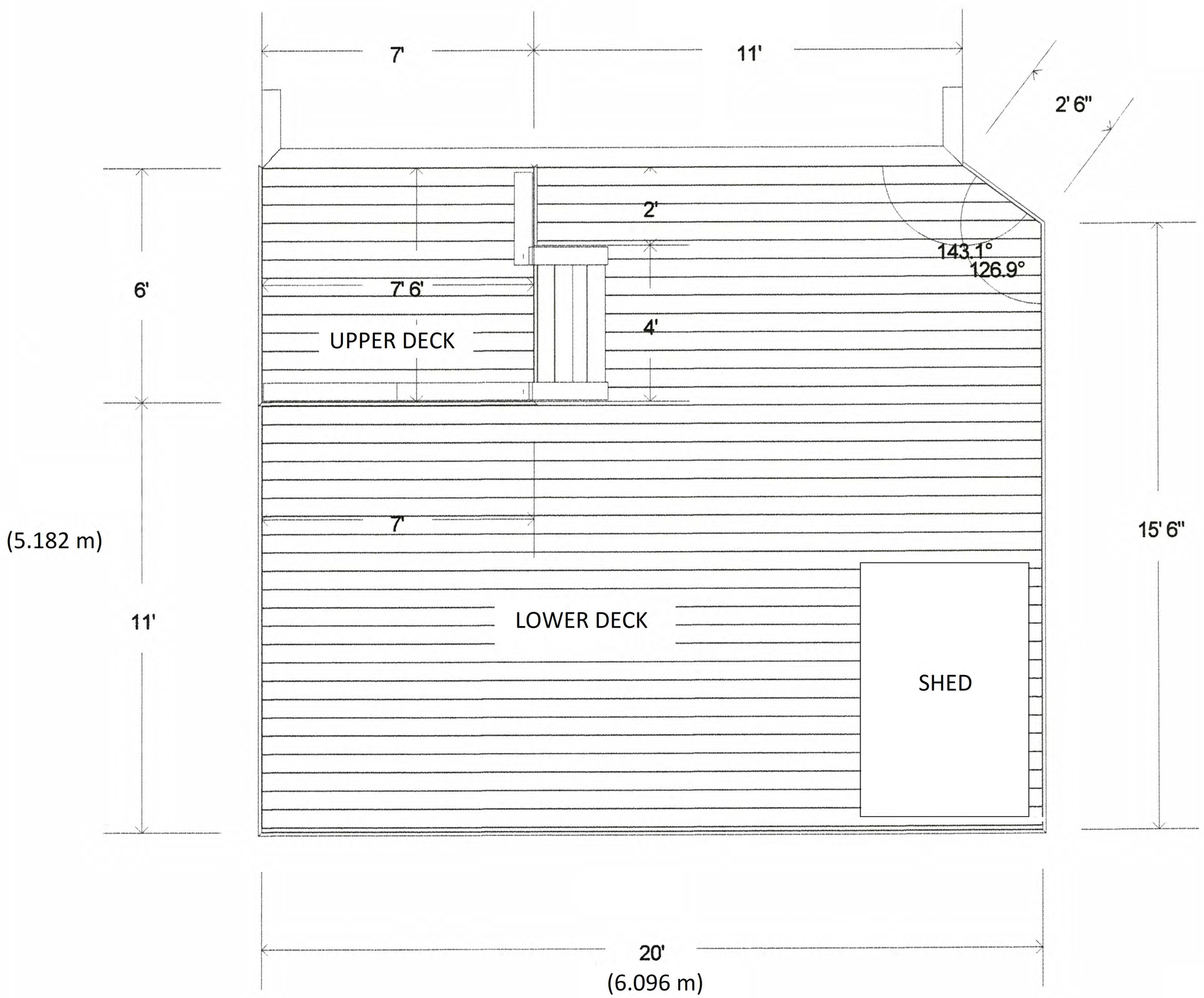
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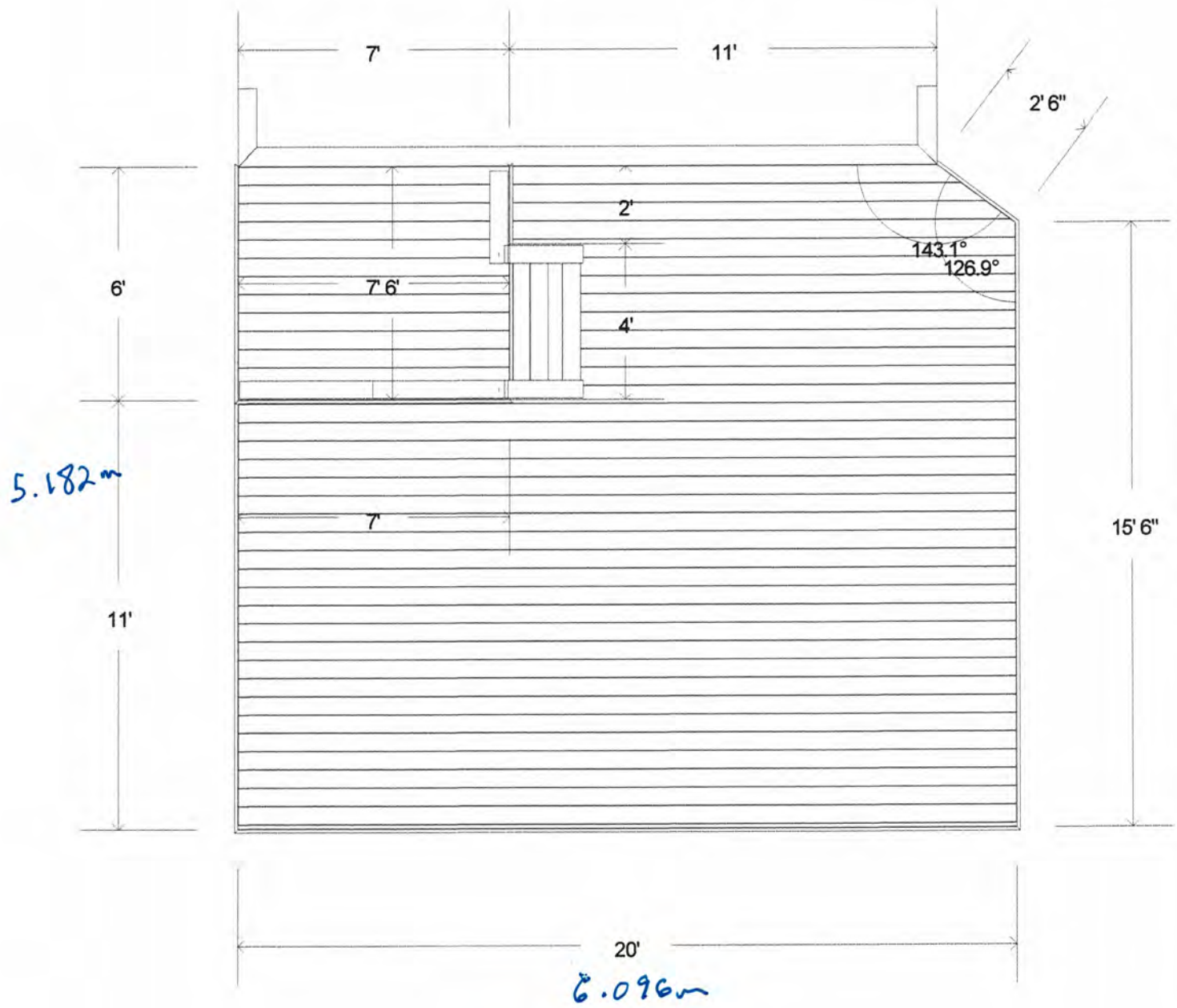
2'
143.1°
126.9°
6'
7' 6'
UPPER DECK
4'
7'
15' 6"
(5.182 m)
11'
LOWER DECK
SHED
20'
(6.096 m)



All lumber to be Sienna Pressure Treated

FOOTINGS:
Typical Concrete pier 12" diameter with flared bottom

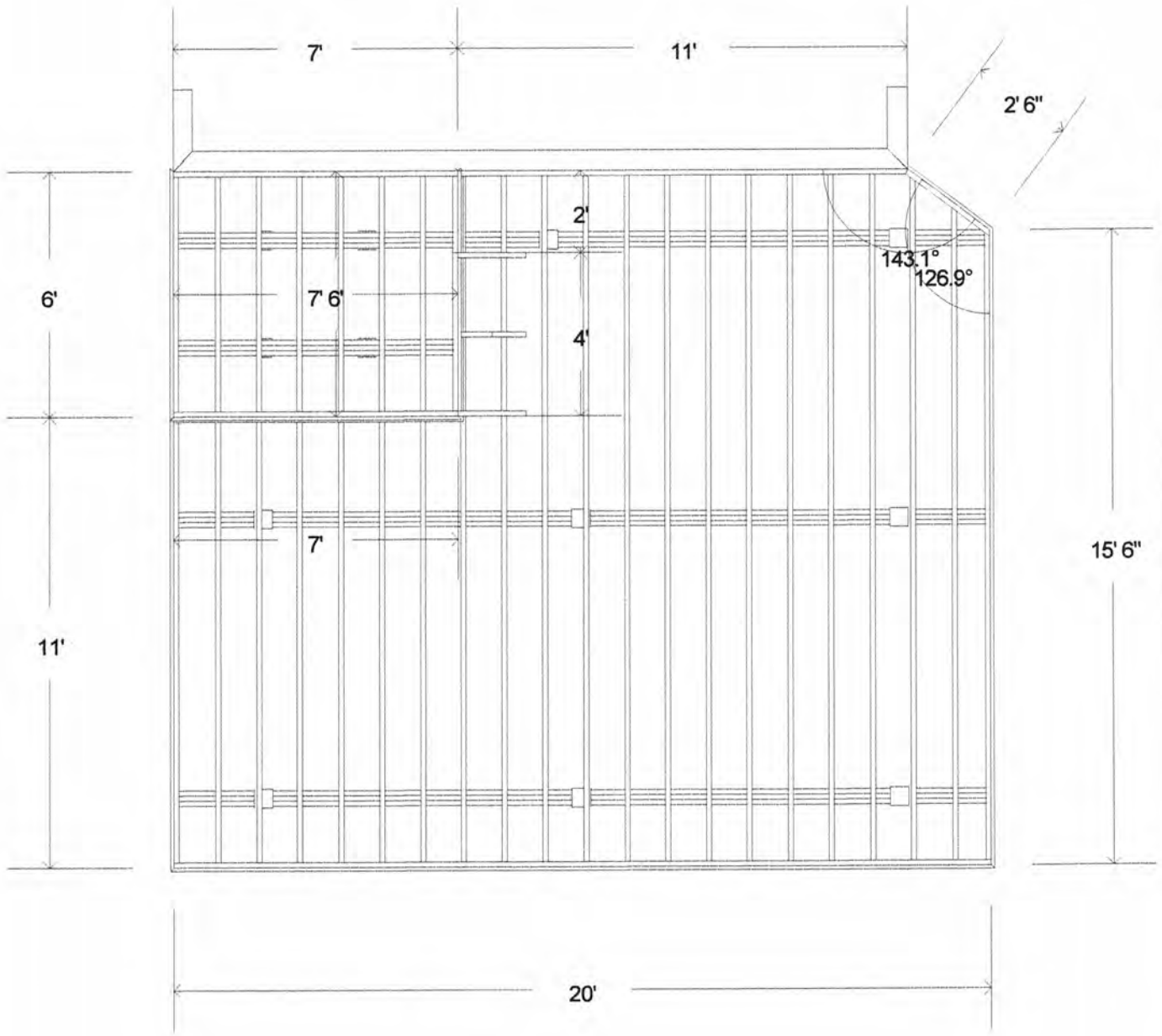
FRAMING:
2 x 8...ledger, joists @ 16" O/C and 3 ply Beam
6 x 6 posts spaced @ 8' O/C

DECKING:
5/4 x 6

RAILING:
Wood Frame with posts blocked into framing and metal baluster railing 36" or 42" above finished Decking As per SB-7... EA-1, EB-2. EC-1

All as per Deck details...1a, 1b, 2 and 3

	PLAN VIEW	Customer: JULIETTE HUDSON
09/05/2019	Scale: see legend	



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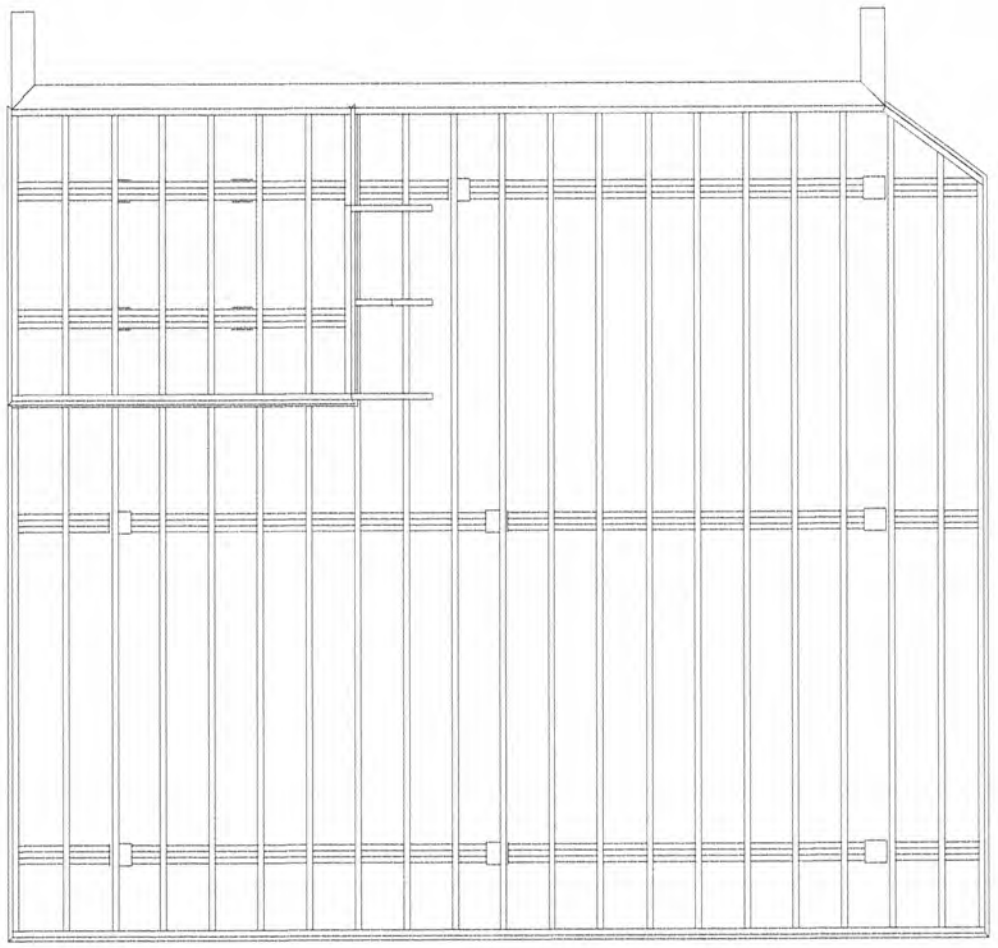
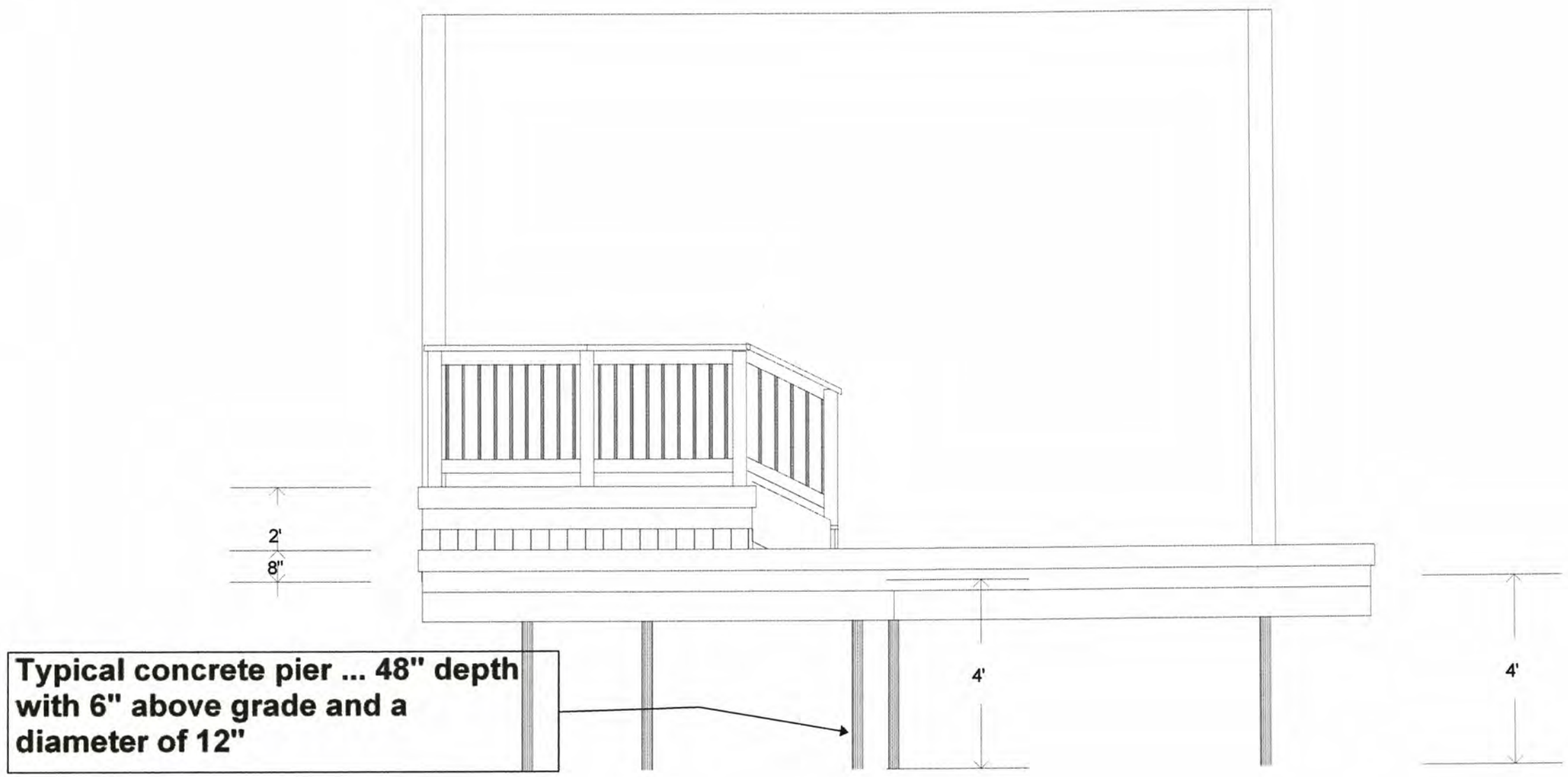
Wood Frame with posts blocked into framing and metal baluster railing 36" or 42" above finished Decking As per SB-7... EA-1, EB-2. EC-1

All as per Deck details...1a, 1b, 2 and 3

	PLAN VIEW STRUCTURAL	Customer:
09/05/2019	Scale: see legend	

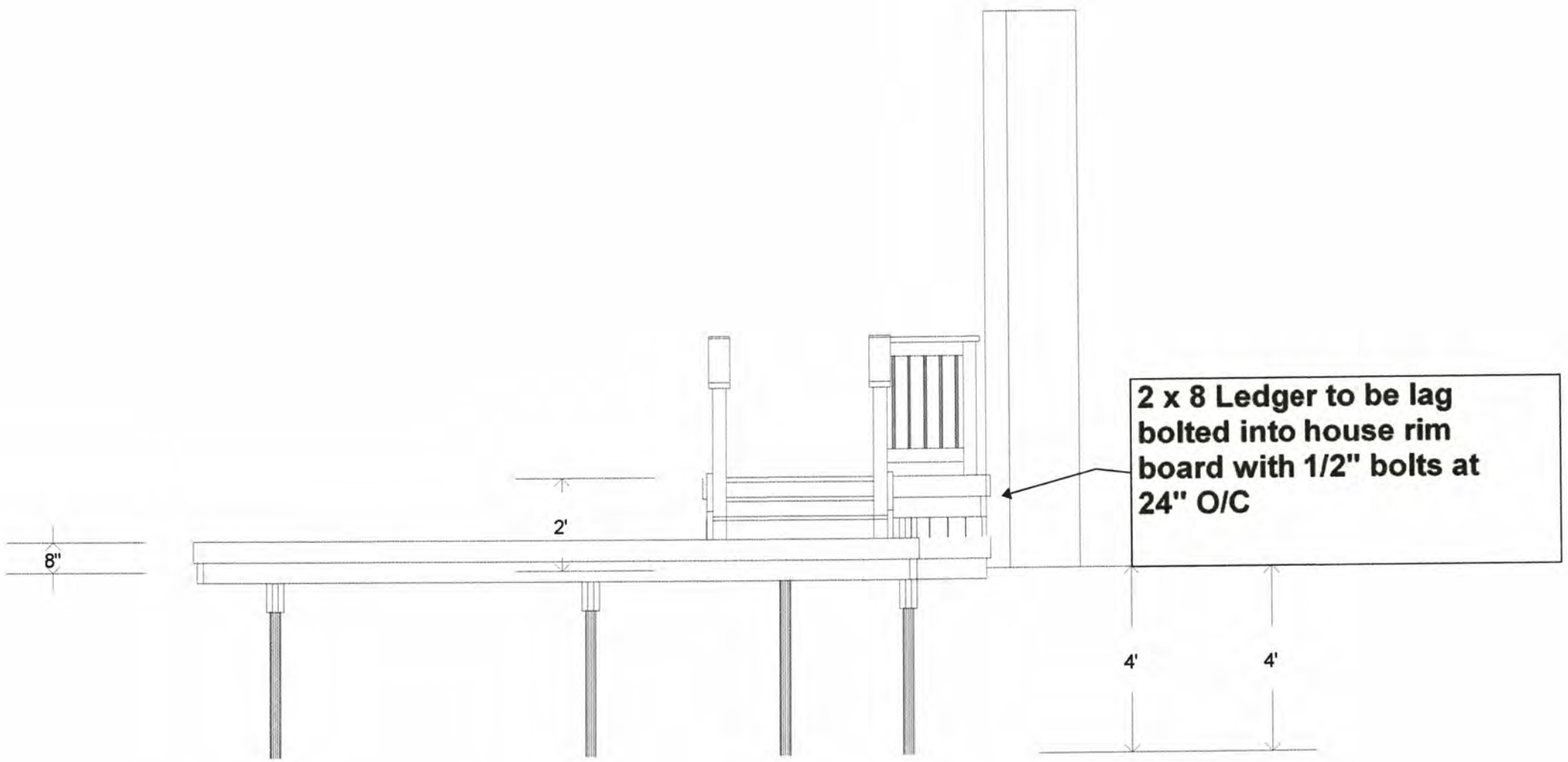


	FOOTING TRIANGULATION	Customer:
09/05/2019	Scale: see legend	



	FRONT VIEW RAIL	Customer:
09/05/2019	Scale: see legend	

0' 1 4 10 12



	RIGHT VIEW RAIL	Customer:
09/05/2019	Scale: see legend	

	3D VIEW	Customer:
09/05/2019	Scale: see legend	

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: A037/21 - REQUEST FOR COMMENTS - 17 Spruce Pine Crescent, Maple (Full Circulation)

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

Sent: March-24-21 3:54 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] Re: A037/21 - REQUEST FOR COMMENTS - 17 Spruce Pine Crescent, Maple (Full Circulation)

Good afternoon,

This site 17 Spruce Pine Cr. is not within MTO permit control area and MTO has no concerns.

Colin Mulrenin l Corridor Management Officer l York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue l Ministry of Transportation

7th Floor, Building D l Downsview, Ontario l M3M 0B7

Colin.Mulrenin@ontario.ca

Providence, Lenore

Subject: FW: A037/21 - REQUEST FOR COMMENTS - 17 Spruce Pine Crescent, Maple (Full Circulation)

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

Sent: March-30-21 2:56 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: [External] RE: A037/21 - REQUEST FOR COMMENTS - 17 Spruce Pine Crescent, Maple (Full Circulation)

Good afternoon Lenore,
The Regional Municipality of York has completed its review of the above minor variance and has no comment.
Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York| 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca |www.york.ca