

VAUGHAN Staff Report Summary

Item 10

Ward 1

File: A085/21

Applicant: Rita Thomson

15 Creedmore Ct Kleinburg Address:

Ian Robertson Design Agent:

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

Staff Report Prepared By: Pravina Attwala Hearing Date: Thursday, June 10, 2021



Minor Variance Application

Agenda Item: 10

A085/21 Ward: 1

Staff Report Prepared By: Pravina Attwala, 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: Rita Thomson

Agent: Ian Robertson Design

Property: 15 Creedmore Ct Kleinburg

Zoning: The subject lands are zoned RD1, Residential and subject to the provisions of

Exception 9(1316) under By-law 1-88 as amended.

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

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 with attached garage and a swimming pool.

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 building height of 11 metres is	1. To permit a maximum building height of 11.15	
permitted. [Schedule A3]	metres for a dwelling.	
2. No garage shall project into the front yard or exterior yard more than 1.0 metre beyond the most distant point of any wall of the dwelling facing the street at the ground floor level and a maximum of 2.0 metres where there is a covered and unenclosed porch.[General Notes, Schedule A3]	2. To permit a garage to project a maximum of 3.35 metres into the front yard more than 1.0 metre beyond the most distant point of any wall of the dwelling facing the street at the ground floor level and a maximum of 2.0 metres where there is a covered and unenclosed porch.[General Notes, Schedule A3]	
3. A private swimming pool shall be constructed only	3. To permit a private swimming pool not to be	
in the rear yard. [Subsection 4.1.1]	located entirely in a rear yard.	

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 May 26, 2021

Applicant confirmed posting of signage on May 21, 2021

Property Information		
Existing Structures	Year Constructed	
Dwelling	Vacant Lot (Purchased 2020)	

Applicant has advised that they cannot comply with By-law for the following reason(s): The interpretation of the by-law does not consider accessory buildings that are attached to the main structure and in order to create unison between the house and the cabana it is not possible to comply with the height restrictions. The garage projection is a technicality as the more predominant main wall of the house is flush with the front wall of the garage the area of the cabana is greater than the 67m2 permitted however it is only 4.3% of the total lot area.

Adjournment Request: None

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.

A finished basement with kitchen, bedroom and living area is shown on the Basement Floor Plan. Zoning has reviewed this application for the construction of a single family dwelling unit only. A Secondary Suite is not permitted. The Applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit.

Building Inspections (Septic):

No response

Development Planning:

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

The Owner is requesting permission to construct a two-storey single family dwelling, inground pool, and cabana.

The Development Planning Department has no objection to the application as the proposed dwelling height of 11.15 m represents a minor deviation from the required height of 11 m. The garage projection does not physically intrude into the front yard as the garage remains flush with the front wall of the dwelling.

The pool not located entirely in the rear yard is technical in nature based on the rear yard definition of Zoning By-law 1-88. The required variance is a result of the irregular shape of the lot where the interior side yard is angled inwards toward the rear of the lot and the pool is effectively located in an area used as the rear yard behind the proposed dwelling.

Accordingly, 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.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A085/21 subject to the following condition(s):

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.

Please note retaining walls over 0.6m high shall be designed and certified by a professional engineer. Retaining walls greater than 1m in high needs a guiderail.

Parks Development - Forestry:

No comments no concerns

By-Law and Compliance, Licensing and Permit Services:

No comments no 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 Bylaws 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 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

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

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.

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 <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

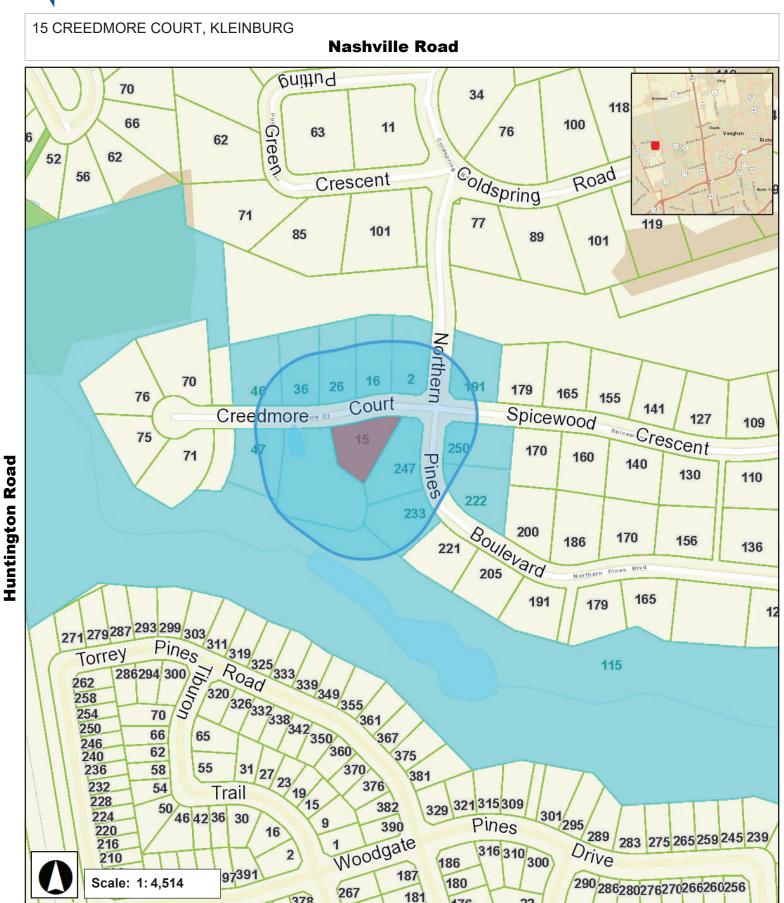
Schedule A: Plans & Sketches

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.

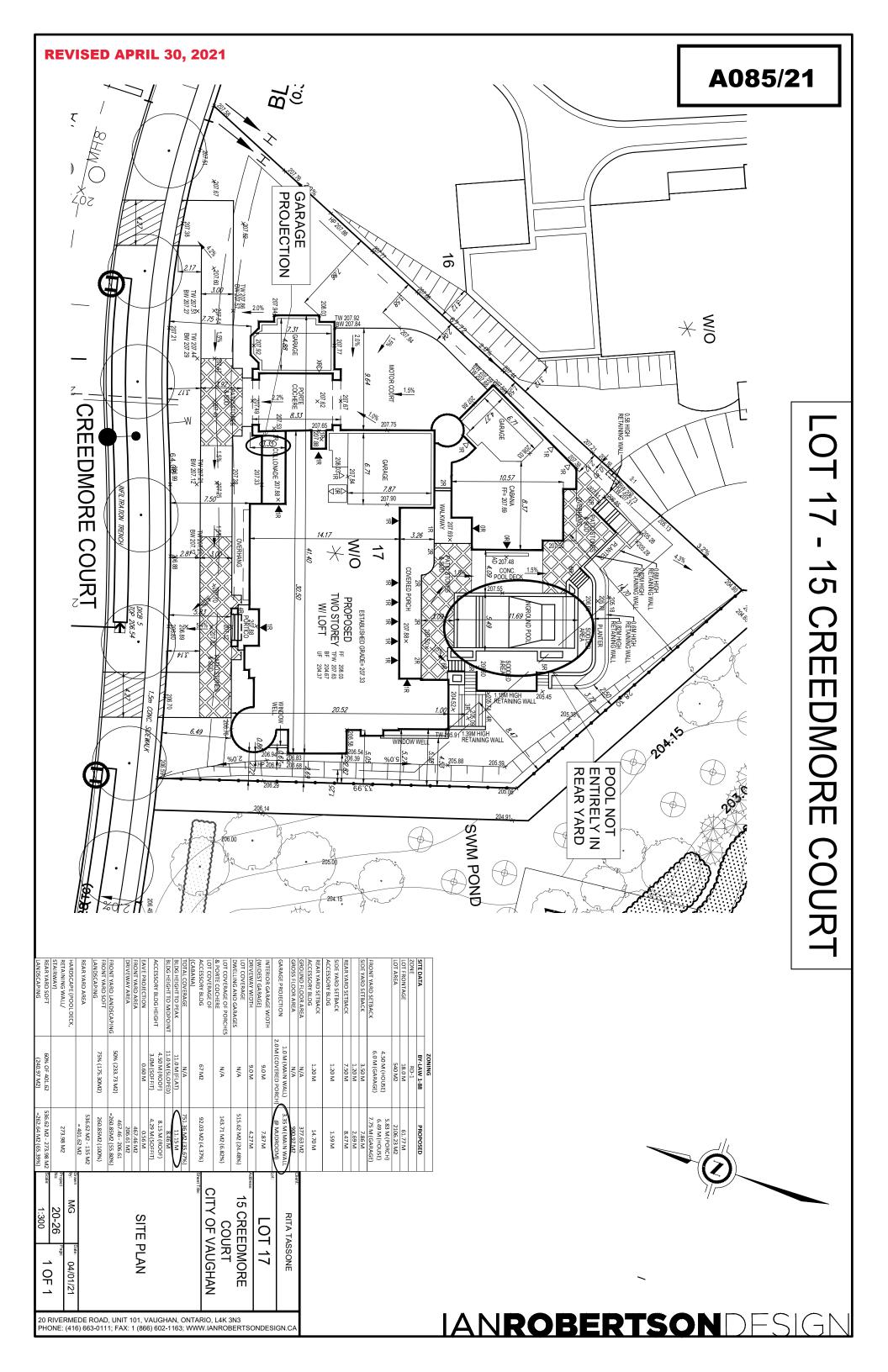
Location Map Plans & Sketches

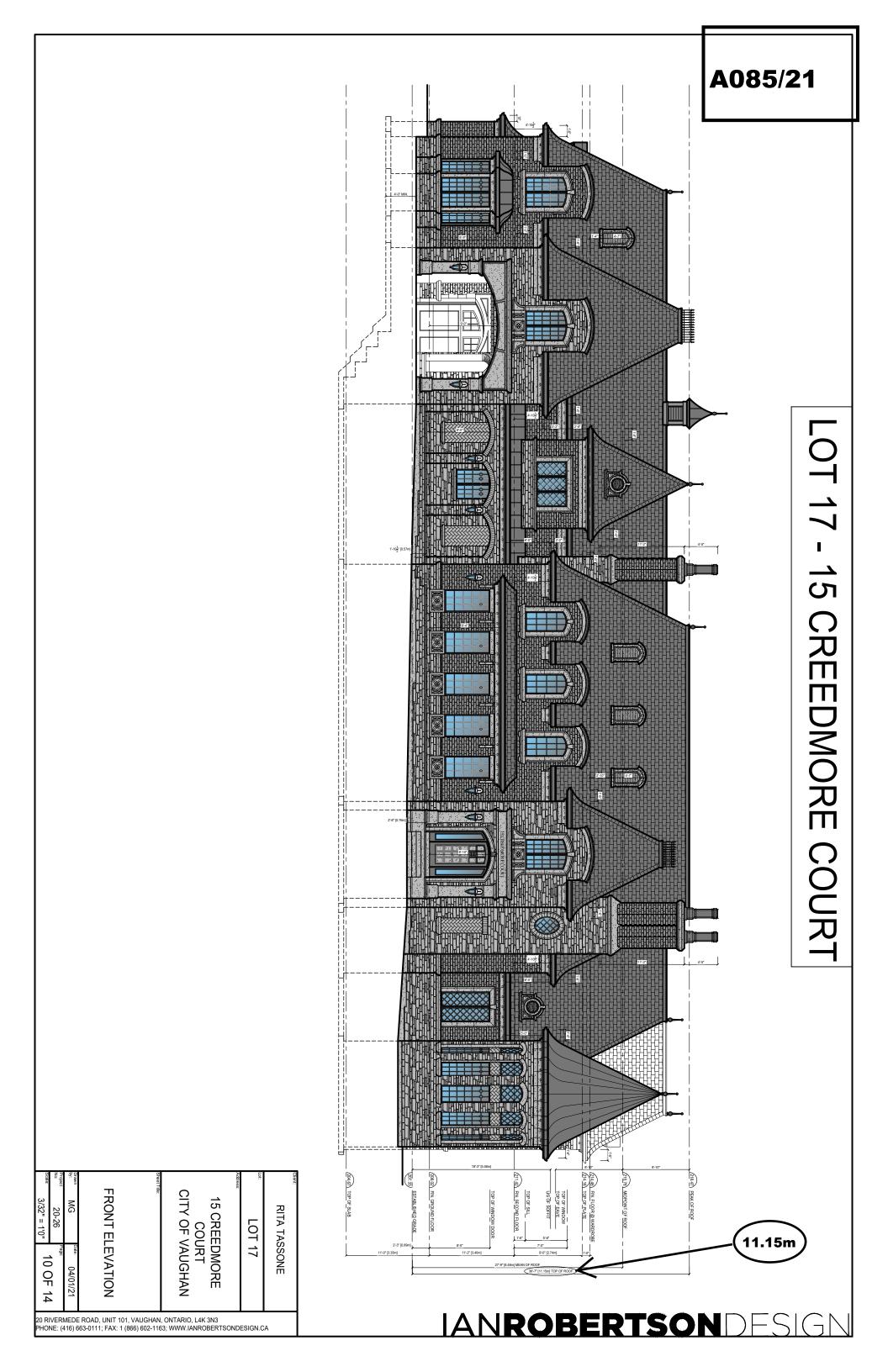


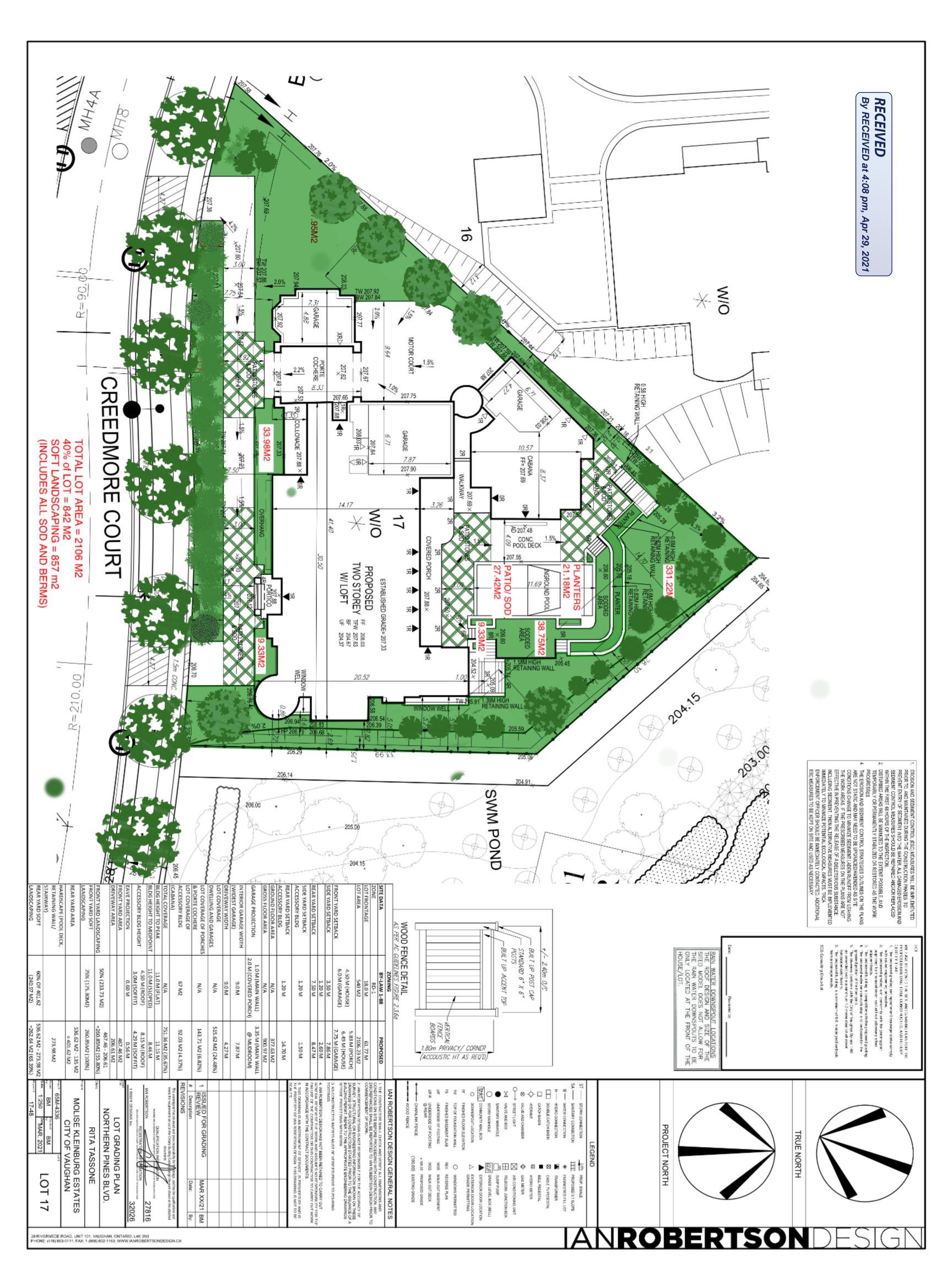
LOCATION MAP - A085/21



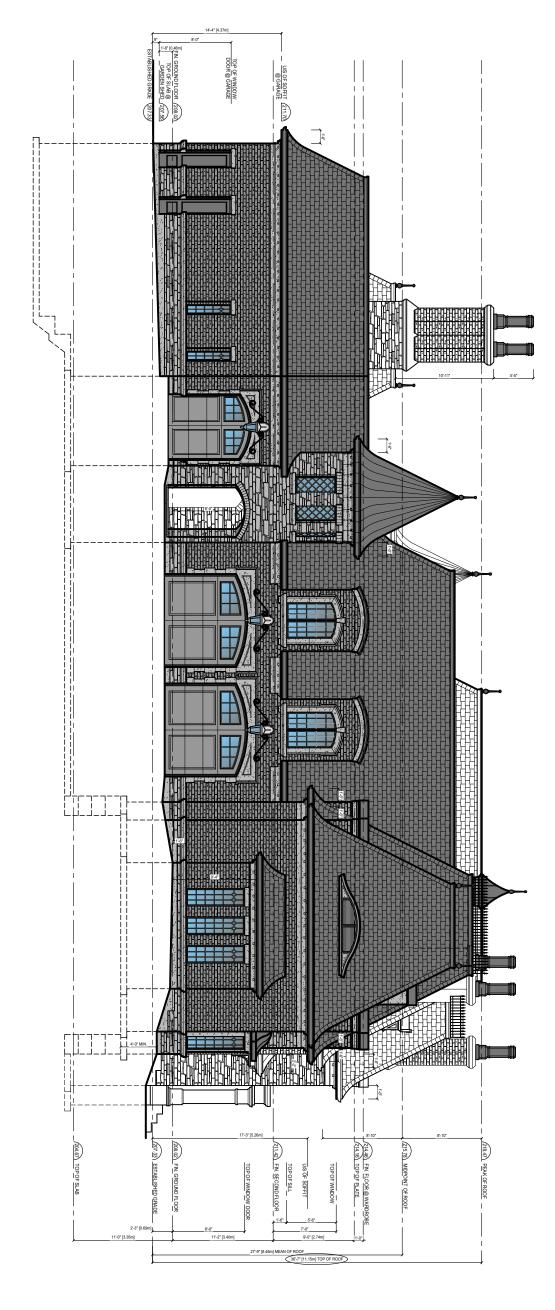
Major Mackenzie Drive



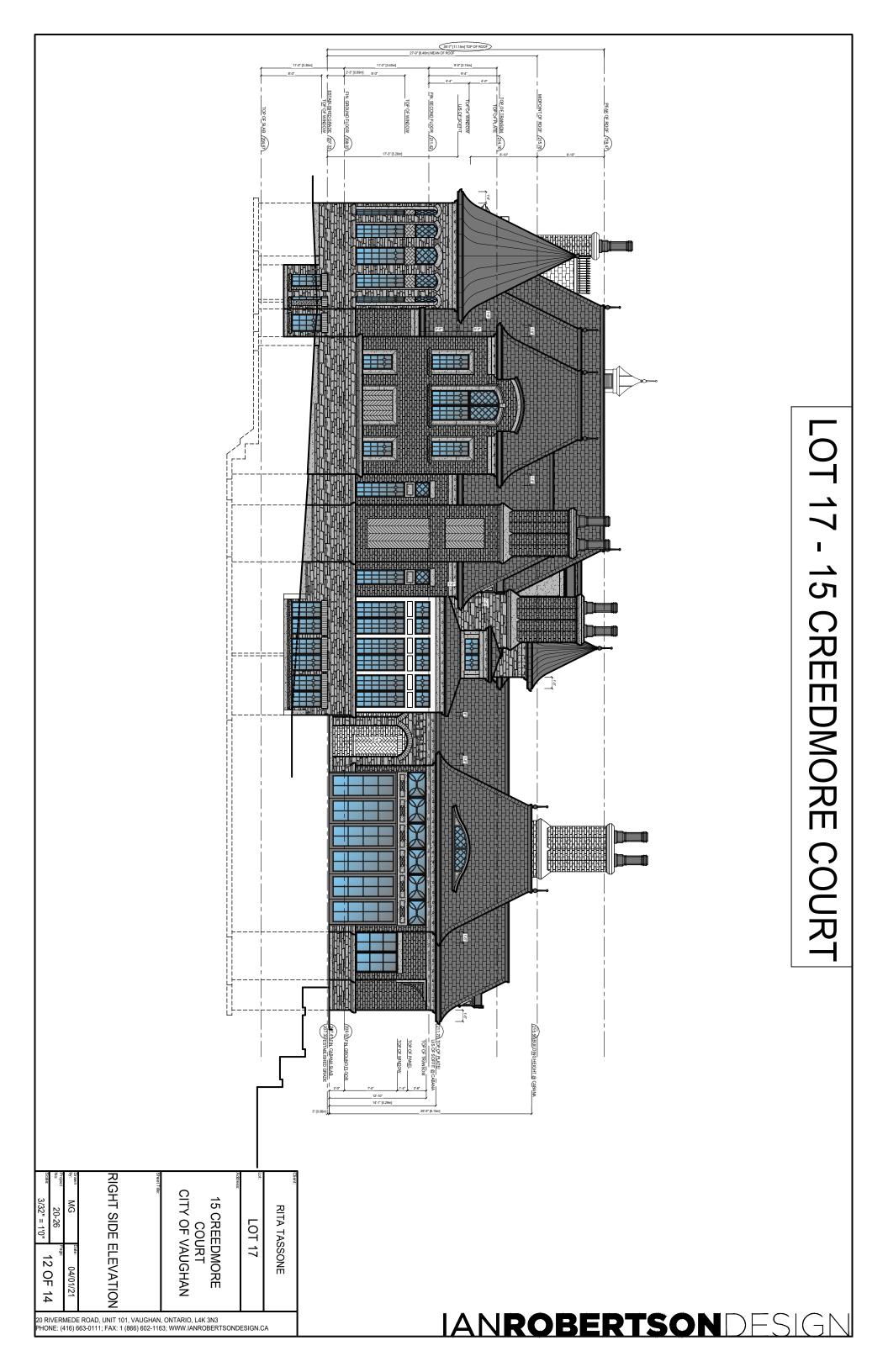


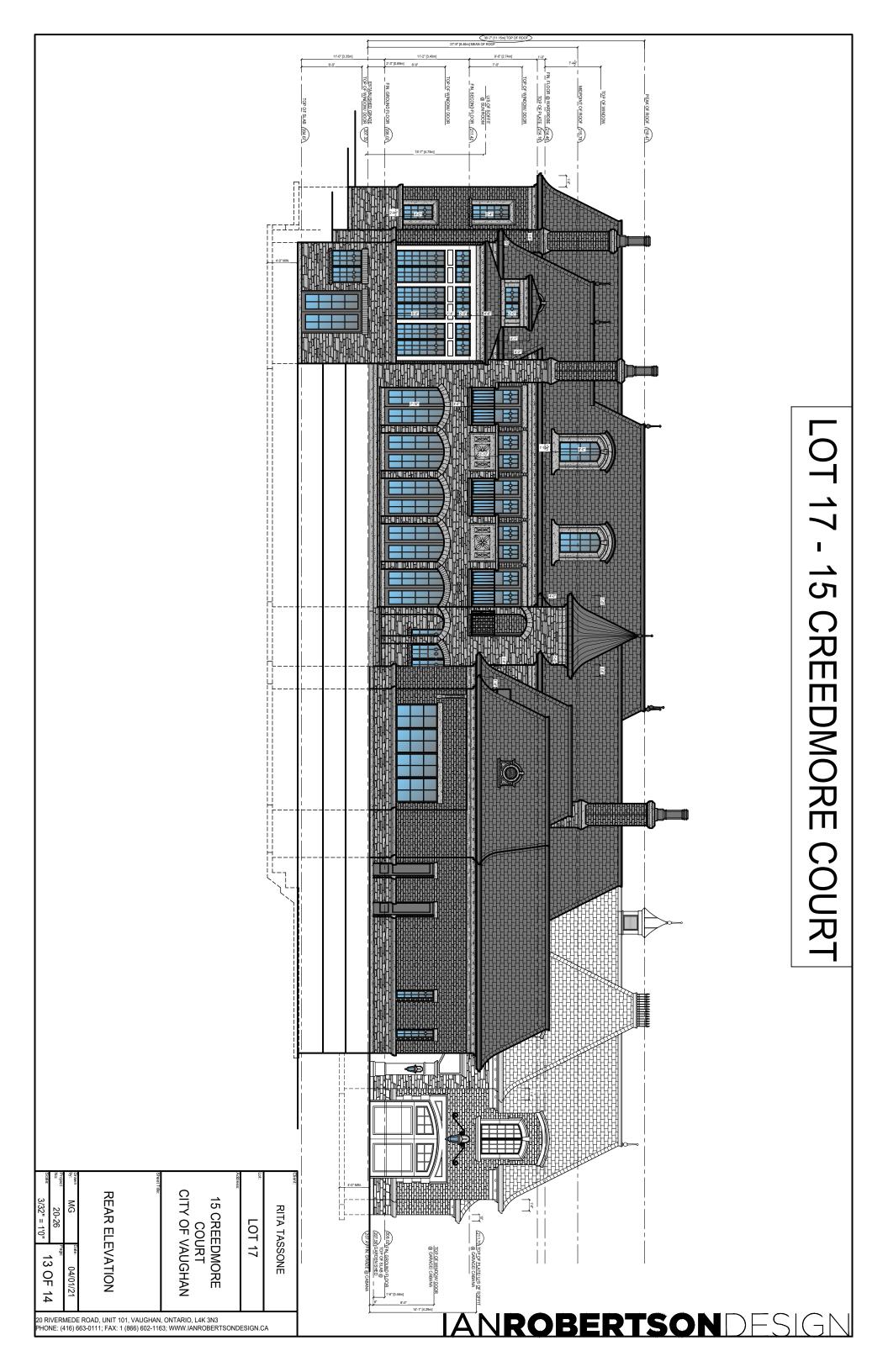


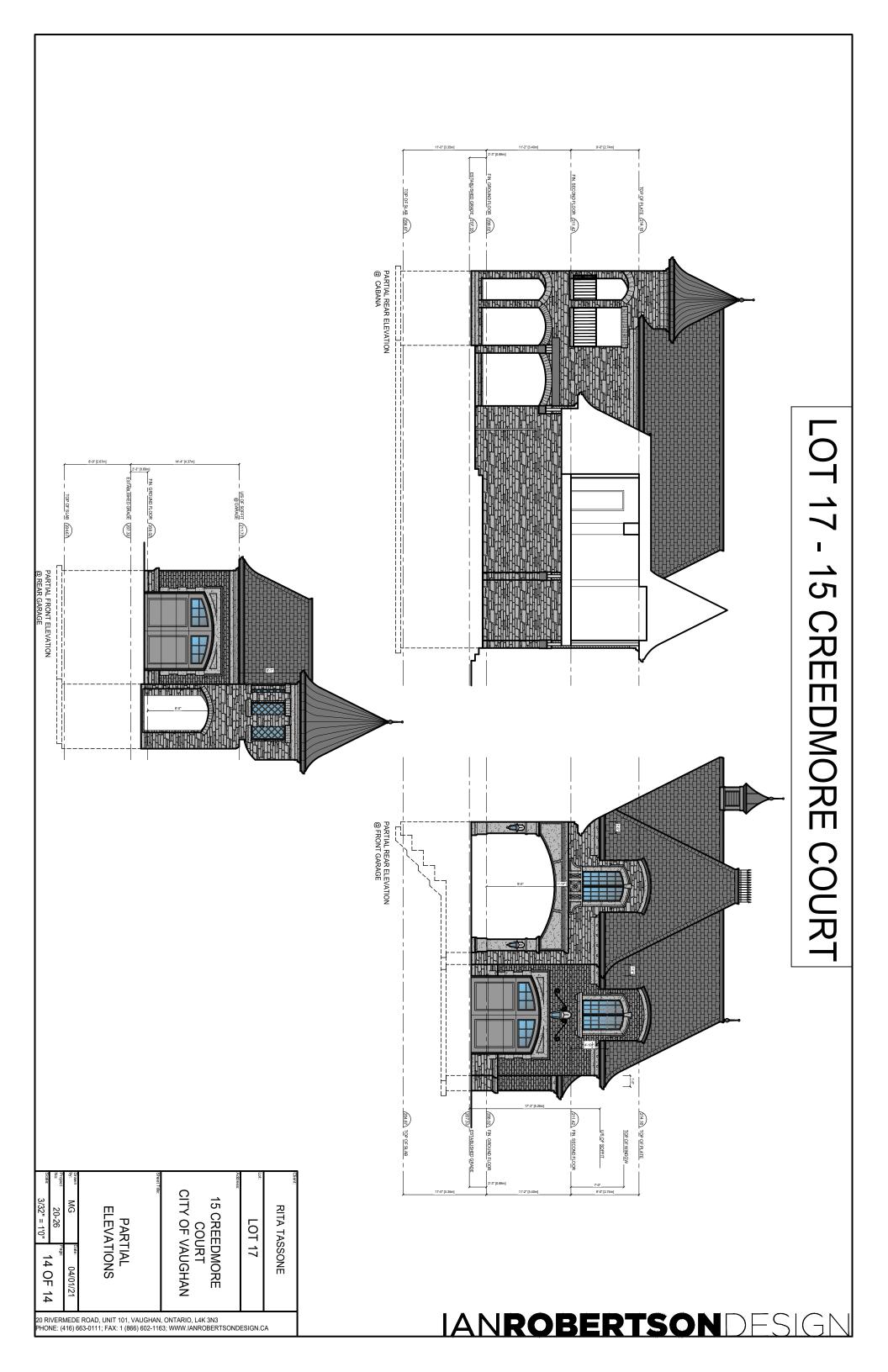
LOT 17 - 15 CREEDMORE COURT



Scale: 3/32" = 1'0" 11 OF 14	Date: 04/01/21	LEFT SIDE ELEVATION	15 CREEDMORE COURT CITY OF VAUGHAN	LOT 17	RITA TASSONE
20 RIVERMEDE ROAD, UNIT 101, VAUGHAN, ONTARIO, L4K 3N3 PHONE: (416) 663-0111; FAX: 1 (866) 602-1163; WWW.IANROBERTSONDESIGN.CA					







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.
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: stephen.cranley@alectrautilities.com

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

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A085/21 - REQUEST FOR COMMENTS

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

Sent: May-10-21 11:37 AM

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

Subject: [External] RE: A085/21 - 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

Attwala, Pravina

Subject: FW: A085/21 - REQUEST FOR COMMENTS

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

Sent: May-03-21 5:37 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] RE: A085/21 - REQUEST FOR COMMENTS

Good afternoon,

As the property at 15 Creedmore Court is outside of MTO permit control area, MTO has no comments.

Colin Mulrenin (he/him) I Corridor Management Officer I York

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