

File: A102/21

Applicant: Marco and Katerina Deluca

Address: 272 Hunterwood Chase, Maple

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		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
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, 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: 19

A102/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, 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](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: Marco and Katerina Deluca

Agent: None

Property: 272 Hunterwood Chase, Maple

Zoning: The subject lands are zoned R1 and subject to the provisions of Exception 9(1306) 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 construction of a proposed gazebo to be located in the rear yard. The proposed gazebo will replace the existing pergola.

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

By-law Requirement	Proposal
1. A minimum rear yard setback of 7.5 metres to the proposed Gazebo is required (Schedule A, By-law 1-88a.a.).	1. To permit a minimum rear yard setback of 1.5 metres to the proposed Gazebo.
2. A minimum interior side yard setback of 1.5 metres to the proposed Gazebo is required (Schedule A, By-law 1-88a.a.).	2. To permit a minimum interior side yard setback of 1.3 metres to the proposed Gazebo.
3. A minimum rear yard soft landscaping of 60% (41.7sq. metres) is required (Section 4.1.2, By-law 1-88a.a.).	3. To permit a minimum rear yard soft landscaping of 37% (25.7 sq. 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 26, 2021

Applicant confirmed posting of signage on May 25, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2010
Deck	2010
Pergola	2014

Applicant has advised that they cannot comply with By-law for the following reason(s): Pergola structure already exists since property purchase. We would like to keep existing dimensions to fix/amend the structure. Moving it now would cost a great deal of money we are not prepared to spend. In a small yard, there is no better location for the structure. Existing yard is not big enough to comply with the current regulations. We desire to upgrade the structure to raise neighbourhood stature.

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

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than 3.0 metres above finished grade. An A/C unit and/or pool equipment 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 (Section 3.14, By-law 1-88a.a.). The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001. The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Building Inspections (Septic):
No comments or concerns

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

The Owner is requesting permission to construct a gazebo and reduction in rear soft landscape to an existing two-storey dwelling. Development Planning Department has no objections to the variances, given the accessory structure (gazebo) is unenclosed and complies with height/area provisions of Zoning By-law 1-88. With respects to the reduction in rear yard soft landscape, Development Planning staff recognizes the Owner inherited the property with a soft landscaping of 19.12 sq.m. (34.1%) and since then made improvements to increase it to 37%. In addition, the Development Engineering Department is satisfied with the reduction subject to a condition of approval.

The Development Planning Department is of the opinion 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 Planning Department recommends approval of the application.

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A102/21 subject to the following condition(s):

The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard from 60% to 37% in order to mitigate potential impacts on the municipal storm water system.

Parks Development - Forestry:
No comments received to date.

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
Applicant Correspondence – Received May 26, 2021

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)
None

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

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

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

Should the Committee 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 Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard from 60% to 37% in order to mitigate potential impacts on the municipal storm water system.

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

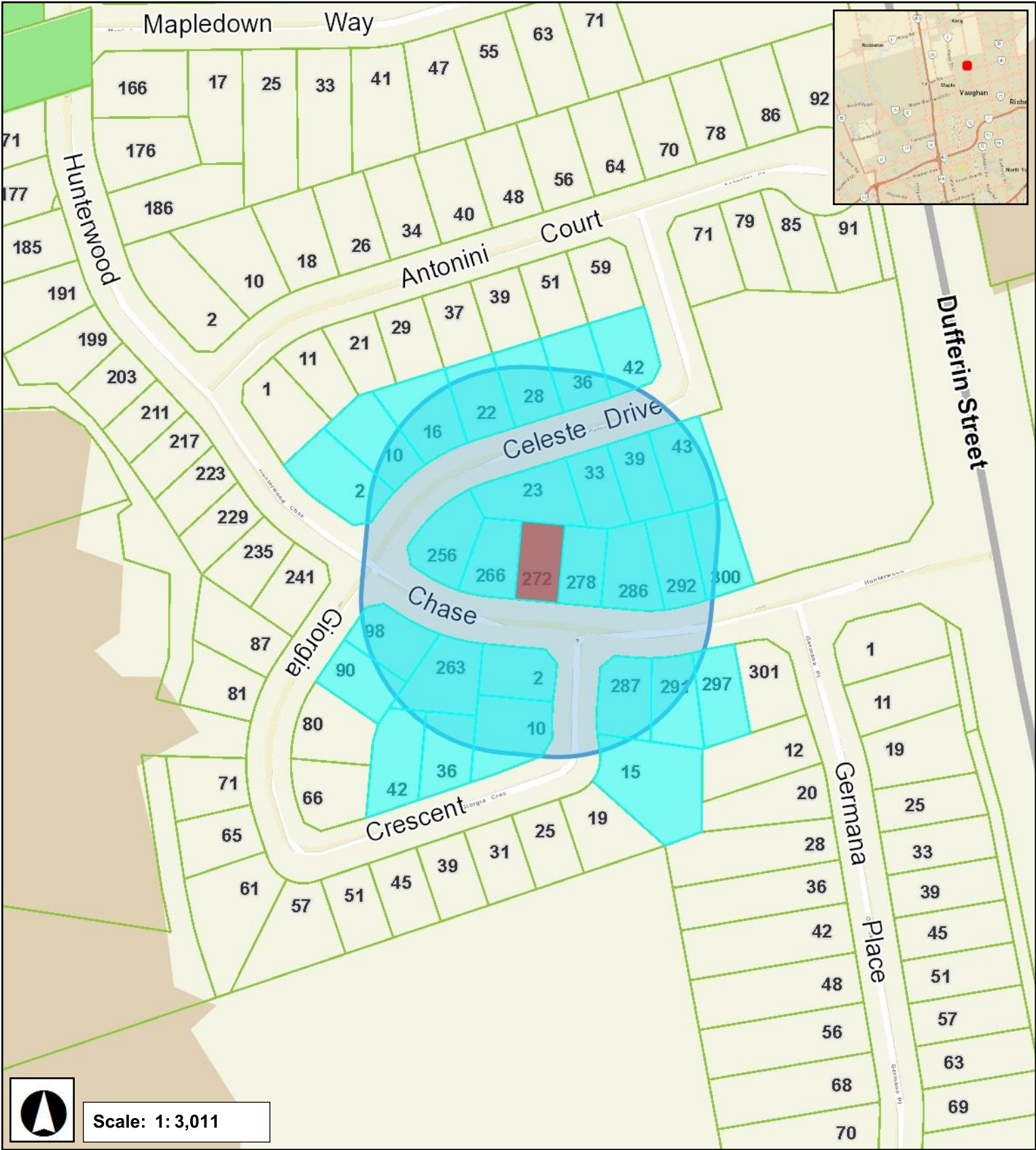
E CofA@vaughan.ca

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.

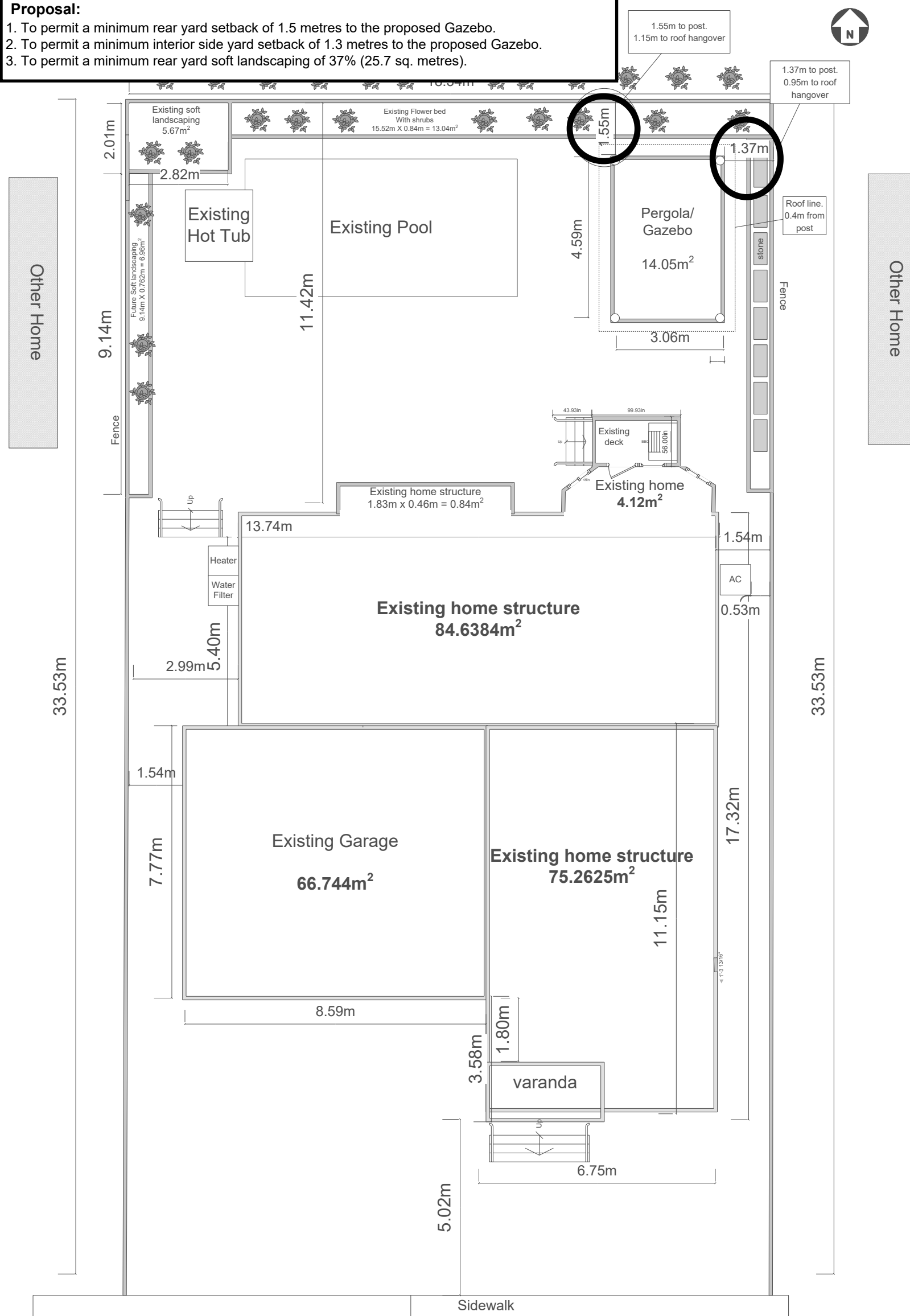
Location Map
Plans & Sketches

272 Hunterwood Chase, Maple



Proposal:

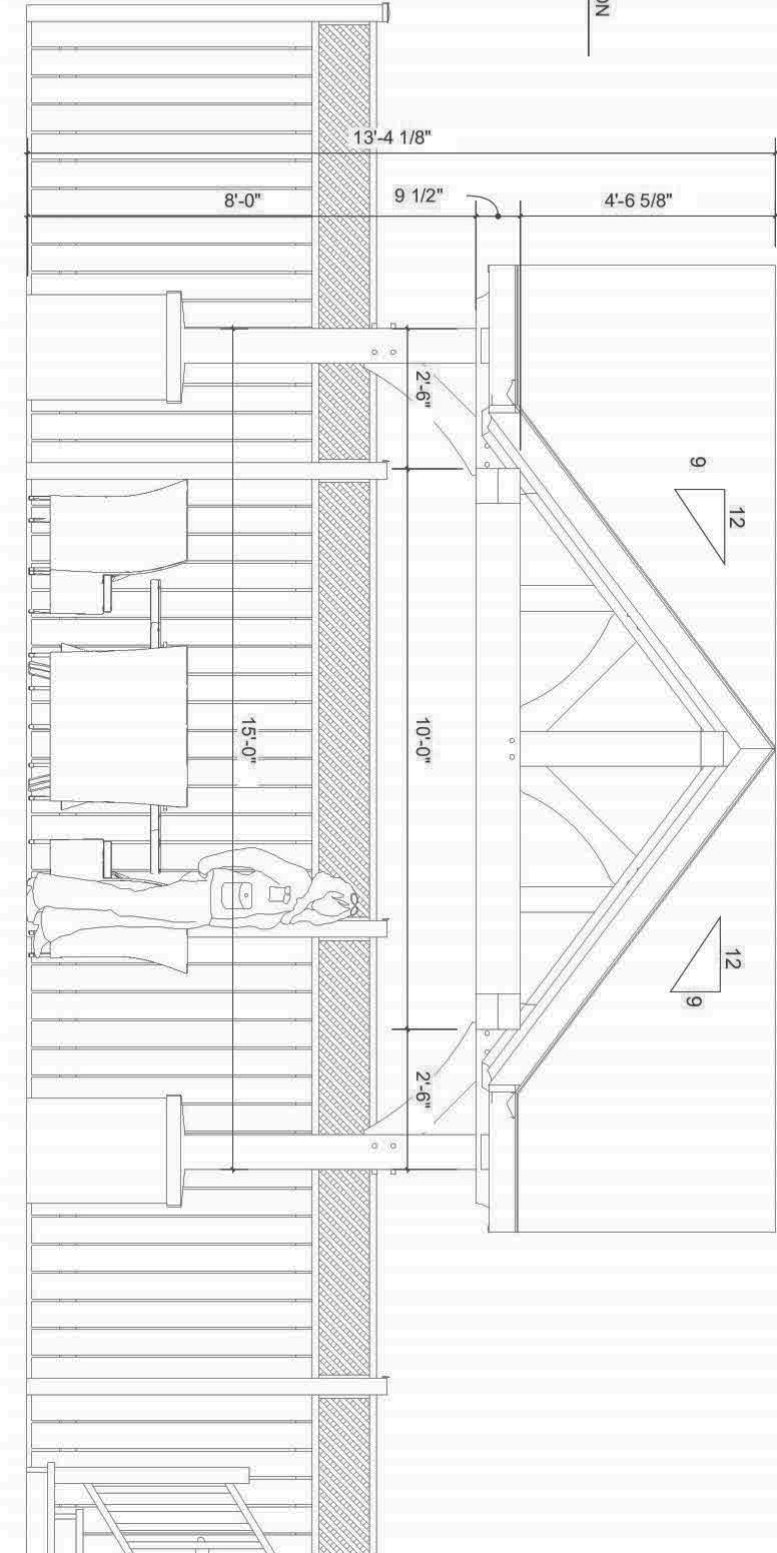
1. To permit a minimum rear yard setback of 1.5 metres to the proposed Gazebo.
2. To permit a minimum interior side yard setback of 1.3 metres to the proposed Gazebo.
3. To permit a minimum rear yard soft landscaping of 37% (25.7 sq. metres).



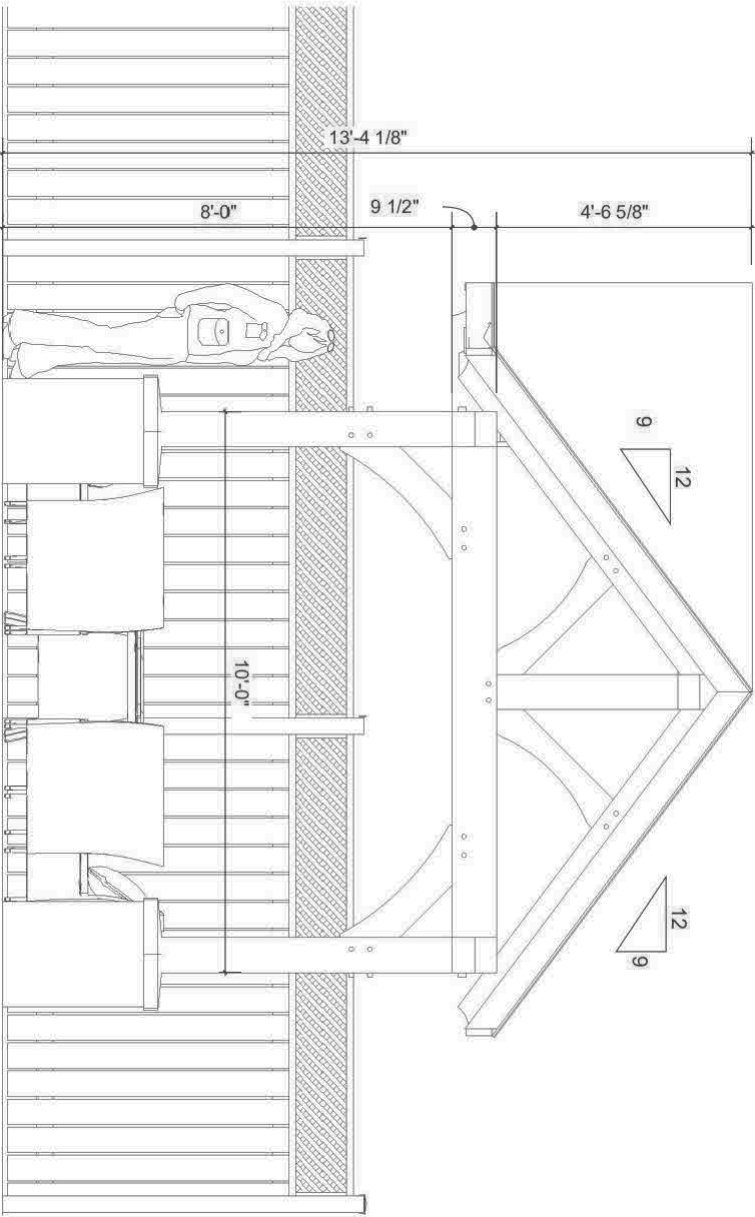
Lot size: 33.53 x 18.34 = **615m²**
House coverage: 84.6384m + 66.744m + 75.2625m + 4.12m = **230.76m²**
Existing Deck: **5.2m²**
Gazebo structure: **14.05m²**
Total coverage = **250.01m²**
250.01 / 615 = 40% coverage

272 Hunterwood Chase

1 WEST ELEVATION
SS Scale: 3/8" = 1'-0"



2 SOUTH ELEVATION
SS Scale: 3/8" = 1'-0"



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.

Applicant Correspondence – Received May 26, 2021

MacPherson, Adriana

Subject: FW: Planning comments for A102/21 (272 Hunterwood Chase)

From: Marco Deluca [REDACTED]

Sent: May-26-21 11:35 PM

To: Simbana, Roberto <Roberto.Simbana@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Cc: Holyday, Margaret <Margaret.Holyday@vaughan.ca>; Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Subject: [External] RE: Planning comments for A102/21 (272 Hunterwood Chase)

Hi Adriana,

I spoke with Roberto and I just wanted to clarify my application for the committee.

It seems back property measurements used by others are from the rear property line to the closest wall. I was measuring to the furthest wall. If I use this measurement, my rear property measures 191.10m^2 . Subtracting 135m^2 (per bylaw) that leaves my rear property with 56.10m^2 . My yard, as inherited has soft landscaping of 19.14m^2 , which is **34.1% soft land**.

Through this process, I agreed to add more soft landscaping. I budgeted \$4,000 to add another 6.7m^2 . That gives me a total of 25.84m^2 of soft landscaping in the rear yard, **resulting in 46.1% soft landscaping**. It leaves me within range of my neighbours.

I am not opposed to adding more soft land, but contractor costs right now are astronomical. Additionally we are not sure where to add the soft land, given the current structure.

Rear Property Measurements: $10.42\text{m} \times 18.34\text{m} = 191.10\text{m}^2$.

Roberto, please correct me if I misstated or missed something we discussed.

Thank you,

Marco

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.-

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

COMMENTS:

- ☐

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

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: A102/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: May-19-21 11:54 AM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A102/21 - 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: A102/21 - Request for Comments

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

Sent: May-12-21 10:58 AM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Subject: [External] RE: A102/21 - Request for Comments

Hello Adriana,

This site (**272 Hunterwood Chase Maple ON**) is not within MTO permit control area and MTO has no concerns.

Cameron Blaney | Corridor Management Planner | Simcoe & York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

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

416-358-7871

Cameron.Blaney@ontario.ca