



File: A133/21

Applicant: Lorne and Ashley Sederoff

Address: 40 Rock Elm Court, Maple

Agent: Serenity Decks

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"/>	
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)	<input checked="" type="checkbox"/>	

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, July 22, 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: 12

A133/21

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, July 22, 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: Lorne and Ashley Sederoff

Agent: Serenity Decks

Property: 40 Rock Elm Ct

Zoning: The subject lands are zoned RD3 and subject to the provisions of Exception 9(1264) 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 existing shed, pergola and deck 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 minimum rear yard setback of 7.5m is required. (Schedule A3)	1. To permit a minimum rear yard setback of 5.39m for the proposed Cabana.
2. A minimum rear yard setback of 7.5m is required. (Schedule A3)	2. To permit a minimum rear yard setback of 7.48m for the proposed Pergola.
3. A minimum interior side yard setback of 1.2m is required. (Schedule A3)	3. To Permit a minimum interior side yard setback of 0.64m for the proposed Cabana.
4. A minimum interior side yard setback of 1.2m is required. (Schedule A3)	4. To permit a minimum interior side yard setback of 0.64m for the proposed Pergola.
5. A minimum interior side yard setback of 1.2m is required. (Schedule A3)	5. To permit a minimum interior side yard setback of 0.64m for the proposed deck.

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 July 7, 2021

Applicant confirmed posting of signage on July 7, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	Unknown
Pergola/Cabana	Unknown
Deck	Unknown
Shed	Unknown

Applicant has advised that they cannot comply with By-law for the following reason(s): Structure was built and we are asking for Minor Variance to accommodate structure. We have planted hedges to provide privacy and are happy to work with city to satisfy any additional considerations.

Adjournment Request: None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 21-103115, Order to Comply for, Issue Date: Feb 11, 2021

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m²

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

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to maintain existing accessory structures in the rear of the existing single-family dwelling. In support of this minor variance application the Owner has submitted an arborist report, prepared by Central Tree Care Ltd., dated June 22, 2021, which provides a tree inventory and recommendations for the protection of the surrounding vegetation. Urban design staff has reviewed the report and are satisfied with the findings.

The Development Planning Department has no objections to the proposed variances, as the existing structures are minimal and further mitigated by the vegetative buffer area that exists between 40 and 36 Rock Elm Court. Development Planning staff is of the opinion that the structures are appropriate for the development of the lot as they remain unenclosed and comply with the height and area provisions of Zoning By-law 1-88. Additionally, Development Engineering staff have reviewed the submission and confirmed the setbacks to the accessory structures provide sufficient distance for water drainage.

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 A133/21.

Parks Development - Forestry:

Forestry has no comments at this time.

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

Public Correspondence (31 Crimson Forest Drive) – Letter of Support
 Public Correspondence (29 Crimson Forest Drive) – Letter of Support

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
 Region of York – No concerns or objections
 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: N/A

	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 \$610.00 payable to the Toronto and Region Conservation Authority.

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 Ontario Land Tribunal (OLT) 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

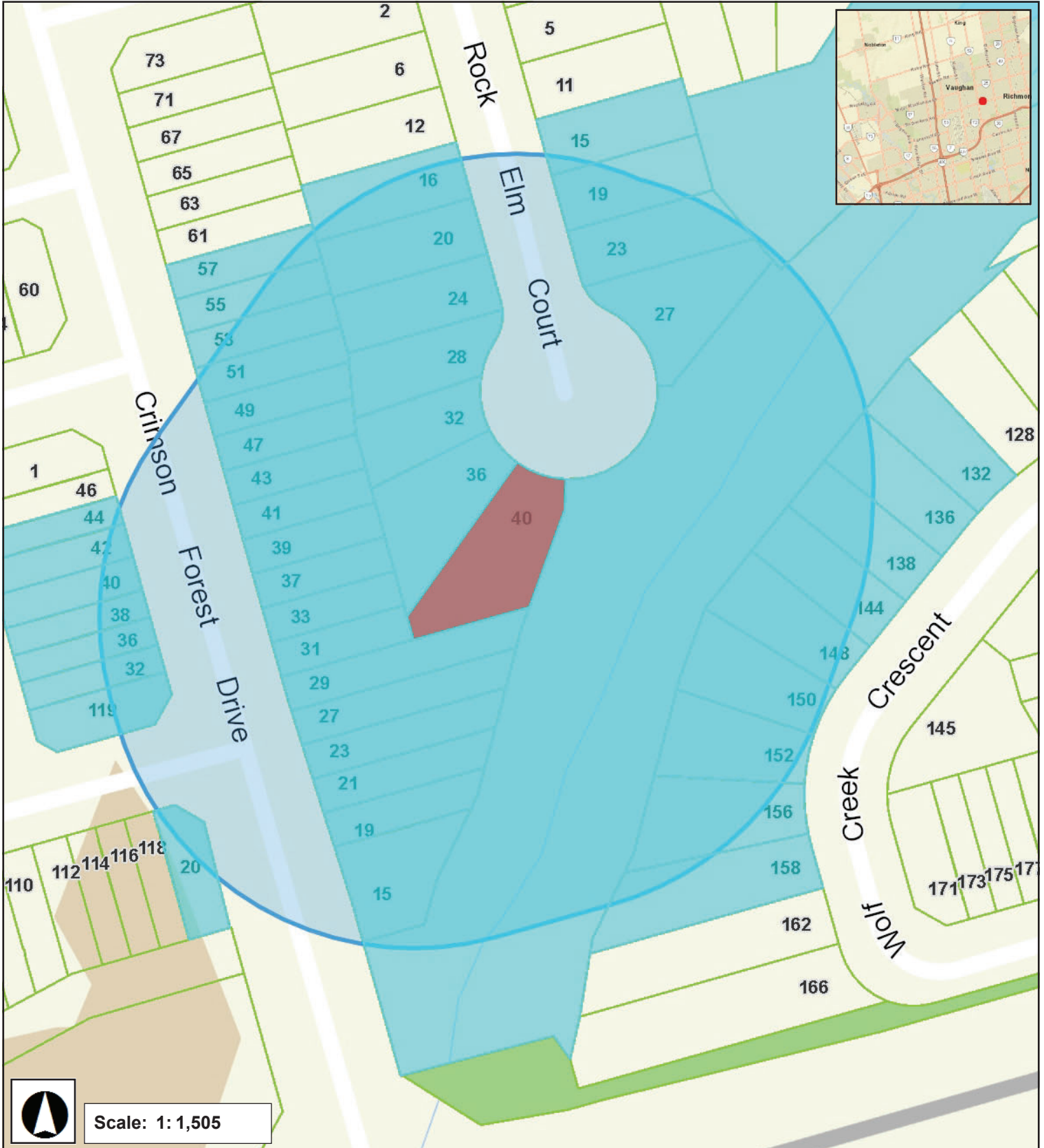
Schedule A: Plans & Sketches

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

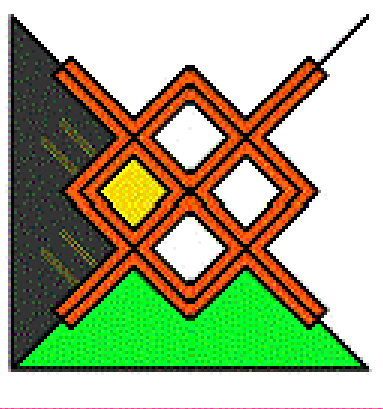
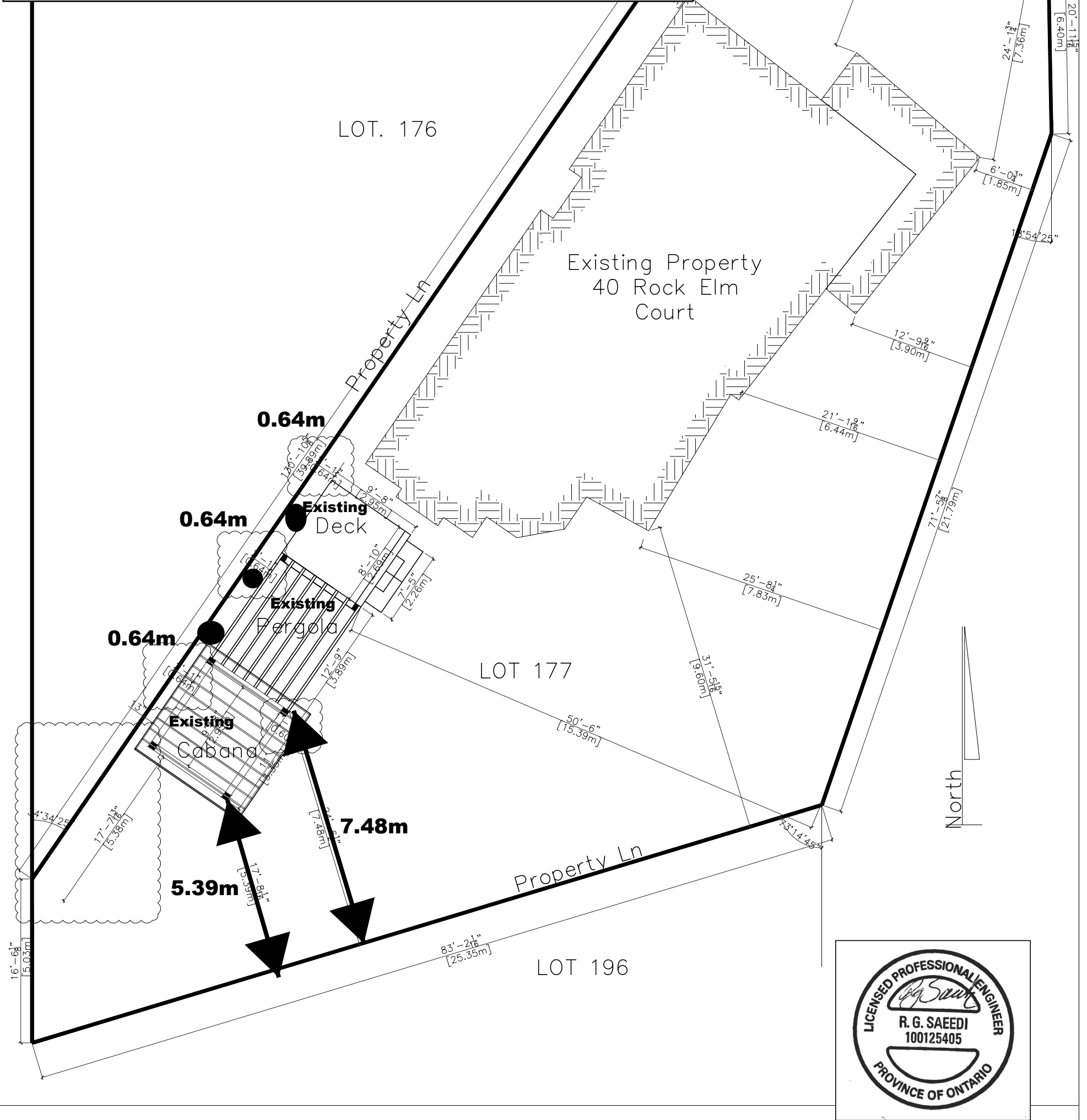
40 Rock Elm Court, Maple



Rutherford Road

Proposal:

1. To permit a minimum rear yard setback of 5.39m for the proposed Cabana.
2. To permit a minimum rear yard setback of 7.48m for the proposed Pergola.
3. To Permit a minimum interior side yard setback of 0.64m for the proposed Cabana.
4. To permit a minimum interior side yard setback of 0.64m for the proposed Pergola.
5. To permit a minimum interior side yard setback of 0.64m for the proposed deck.



ARP Canada Inc.

Engineering & Building Services

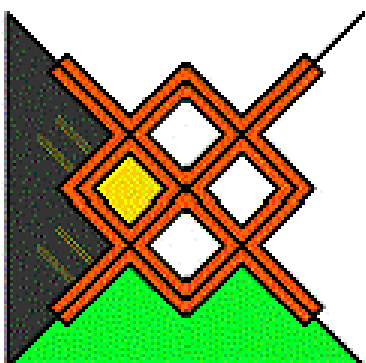
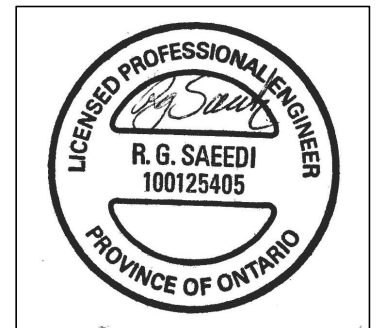
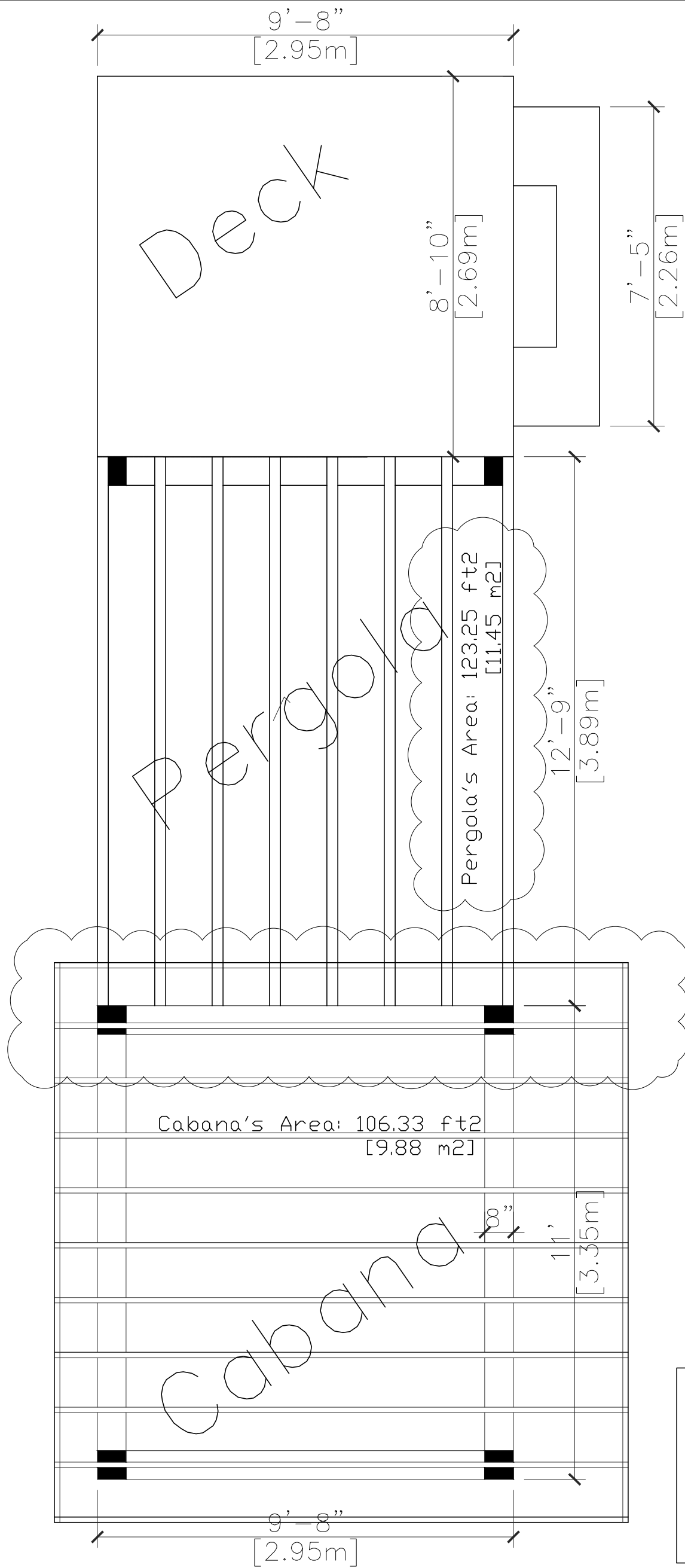
647-955-4528
info@arpcanada.com

40 ROCK ELM CRT.
VAUGHAN

SITE PLAN

Jun. 04, 2021
40 Rock Elm Crt
Vaughan

File Name:	Designed By:	Scale:
	R G Saeedi	3/32" = 1'-0"
Drawing No.:	Checked By:	Unit:
	S-00	FT
Date:	Size:	Rev.1 Jan.13,21
DEC. 07, 2020		Rev.2 May03,21
		Rev.3 Jun.04,21



ARP Canada Inc.

Engineering &
Building Services

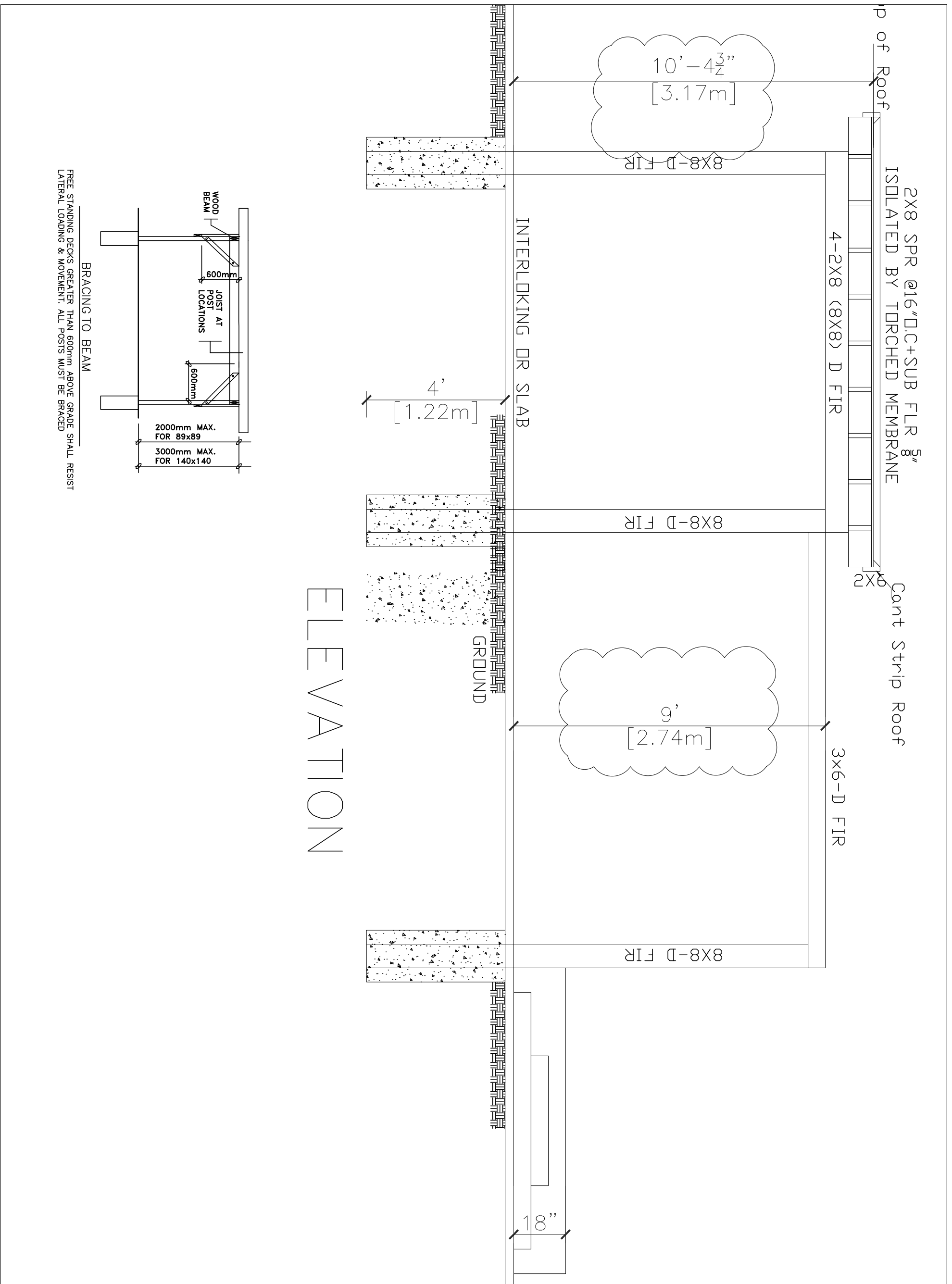
647-955-4528
info@arpcanada.com

40 ROCK ELM COURT
VAUGHAN

OVERHEAD SHADE

Jun. 04, 2021
40 Rock Elm Crt
Vaughan

File Name:	Designed By: R G Saeedi	Scale: 3/8" = 1'-0"
	Checked By:	Unit: FT
Drawing No.: S-01	Date:	Rev.1 Jan.13,21
	Size:	Rev.2 May03,21
		Rev.3 Jun04,21



ELEVATION



ARP Canada Inc.
 Engineering &
 Building Services
 647-955-4528
 info@arpcanada.com



Jun. 04, 2021
 40 Rock Elm Crt
 Vaughan

File Name:	Designed By: R G Saeedi	Scale: 1" = 1'-0"
	Checked By: ET	Units: ET
	Date: MAY.10. 21	Size:

34 LAKEVIEW Ave.
 GORMLEY

DECK &
 RETAINING WALL
 STRUCTURAL PLAN

Drawing No.: Rev.1 Jun. 04,2021
 S-01

BRACING TO BEAM
 FREE STANDING DECKS GREATER THAN 600mm ABOVE GRADE SHALL RESIST LATERAL LOADING & MOVEMENT. ALL POSTS MUST BE BRACED

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.

Public Correspondence (31 Crimson Forest Drive) – Letter of Support

Public Correspondence (29 Crimson Forest Drive) – Letter of Support

WILLIAM DOLMAN

31 Crimson Forest Drive

Maple, L6A 4C4



Committee of Adjustments, City of Vaughan

Re: A133/21

My wife and I live behind 40 Rock Elm Court and share a property line at the rear of our properties.

I received the Notice of a Hearing scheduled for July 22, 2021 at 6:00 pm, however I will not be in town on that day. I would have attended to give my support to the application, but I hope this email will suffice.

The structure that currently exists in their backyard is both well build and aesthetically pleasing. It does not impact negatively to our property or our neighbours. They have also planted trees along the fences of their neighbours that offer privacy. What they are asking for in the application for the variance is not unreasonable and in fact quite minor. Moving the existing structures a few feet would not alter and/or improve any negative concerns someone might have and be an unnecessary cost to the homeowners.

We are fortunate to have good neighbours on all sides of our property which is not always the case in many communities.

Again, we fully support the application.

William and Fern Dolman

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] Minor Variance- A133/21- Sederoffs
Date: Tuesday, July 13, 2021 5:43:31 PM

Subject:
Minor Variance- A133/21- Sederoffs

To City of Vaughan Staff and Representatives,

From: Kay and Alex Cohen, owners of 29 Crimson Forest Drive

Please accept this letter as support for the Sederoff Variance application.

As the owners of 29 Crimson Forest Drive, our property is behind 40 Rock Elm Court and we share a property line at the south side of the lot.

Please allow this letter to convey our support for the backyard project that the Sederoffs (40 Rock Elm Court) have constructed in their yard.

The backyard is beautiful and the structure is very appealing. In fact, we feel this project increases our property value and are happy to look out on their backyard.

The Sederoffs are respectful and kind neighbours who have our full support,

In addition:

I would like to attend the hearing and speak on behalf of the Sederoffs. Please forward the call in details for the meeting.

Thank you
Kay and Alex Cohen

Sent from my iPhone

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
TRCA – comments with conditions



Discover the possibilities

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Adriana MacPherson

Subject: FW: A133/21 - Request for Comments (40 Rock Elm Court)

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

Sent: July-05-21 2:35 PM

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

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

Subject: [External] RE: A133/21 - Request for Comments (40 Rock Elm Court)

Good afternoon 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

June 9, 2021

CFN 64195.21

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

Dear Ms. Vigneault:

Re: Minor Variance Application A133.21
40 Rock Elm Court, PLAN 65M4004 Lot 177
City of Vaughan, Region of York
Owner: Lorne and Ashley Sederoff
Agent: Allysyn Hudson

This letter acknowledges receipt of the above noted application circulated by the City of Vaughan, Committee of Adjustment. The materials were received by Toronto and Region Conservation Authority (TRCA) on June 29, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Applications

It is our understanding that the purpose of the above noted application is to facilitate the construction of a deck, pergola, and cabana. More specifically, application A133.21 is to request the following:

1. To permit a minimum rear yard setback of 5.39m for the proposed Cabana.
2. To permit a minimum rear yard setback of 7.48m for the proposed Pergola.
3. To Permit a minimum interior side yard setback of 0.64m for the proposed Cabana.
4. To permit a minimum interior side yard setback of 0.64m for the proposed Pergola.
5. To permit a minimum interior side yard setback of 0.64m for the proposed deck.

Ontario Regulation 166/06

The subject land is partially located within TRCA's Regulated Area of the Don River Watershed due to a flood plain to the east of the subject property. 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

As noted above, a portion of the subject property is located within TRCA's Regulated Area. Based on a review of the submitted materials, the proposed development is not located within TRCA's Regulated Area. As such, it is the opinion of TRCA staff that the current proposal will not impact any natural features or associated hazards and TRCA's policy interests are not affected. Based on the above, TRCA staff have **no objection** with the proposed variance and a permit from this office for the proposed works is not required.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$610.00 (Minor 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 A133.21, subject to the following condition:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

C: Simbana, Roberto <Roberto.Simbana@vaughan.ca>
Holyday, Margaret <Margaret.Holyday@vaughan.ca>