

File: A165/21

Applicant: Sheri & Michael Kosturik

Address: 338 Lauderdale Drive, Maple

Agent: Nadia Khalil

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		
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	<input checked="" type="checkbox"/>	
TRCA	<input checked="" type="checkbox"/>	
Metrolinx	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, September 9, 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: 16

A165/21

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, September 9, 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: Sheri & Michael Kosturik
Agent: Nadia Khalil
Property: 338 Lauderdale Drive Maple
Zoning: The subject lands are zoned RD4 9(1230) and subject to the provisions of Exception 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 deck and stairs located in the rear yard.

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

By-law Requirement	Proposal
1. A maximum rear yard encroachment of 1.8 metres is required to a deck.	1. To permit a minimum rear yard encroachment of 3.15 metres to an uncovered deck. **The location of the proposed deck has not changed however the type of variance has been revised to "rear yard setback" to accommodate a covered deck.
1. **To permit a minimum rear yard setback of 7.5 metres to a covered deck.	1. ** A minimum rear yard setback of 4.47 metres is required to a covered deck. *Revised notice issued on September 1, 2021 reflecting variance for rear yard setback.

Background (previous applications approved by the Committee on the subject land): N/A

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: 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 August 25, 2021

Applicant confirmed posting of signage on August 20, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2011

Applicant has advised that they cannot comply with By-law for the following reason(s):
The existing deck is too small and is 1.77m above grade. The relief will permit the use of outdoor deck, which is conveniently located adjacent to the kitchen and the living space and proposed 2-way fireplace.

Adjournment Request: In response to the following comments from Development Planning, provided on August 19, 2021, the applicant removed variance #2:

The Development Planning Department strongly encourages the expansion of a 2nd floor deck be scaled back to reduce any potential impact to the surrounding lots and remain consistent to similar approved structures. Development planning staff recommends the stairs be incorporated within the depth of the deck to have both variances 1 and 2 be at a minimum rear yard encroachment of 3.15 m.

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.

Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

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 the Oak Ridges Moraine Conservation Act, RSO 2001.

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 an uncovered deck and stairs in the rear yard. Development Planning Staff worked with the Owner who recessed the proposed stairs into the depth of the deck, thereby, reducing the minimum yard encroachment to 3.15 m from 3.95 m. Additionally, Development Planning staff recognizes the proposed deck is maintaining the existing height of the builder's deck for direct access to the ground floor of the single-family home and the rear yard setback is compatible with others in the area while the interior side yards setbacks remain compliant to Zoning By-law 1-88.

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:

The Development Engineering (DE) Department does not object to variance application A165/21.

Parks Development - Forestry:

No comments no concerns.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

No comment no concerns

Fire Department:

No comments no concerns

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

Metrolinx – Outside jurisdiction

TRCA – 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: 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](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 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

T 905 832 8585 Extension 8002
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.

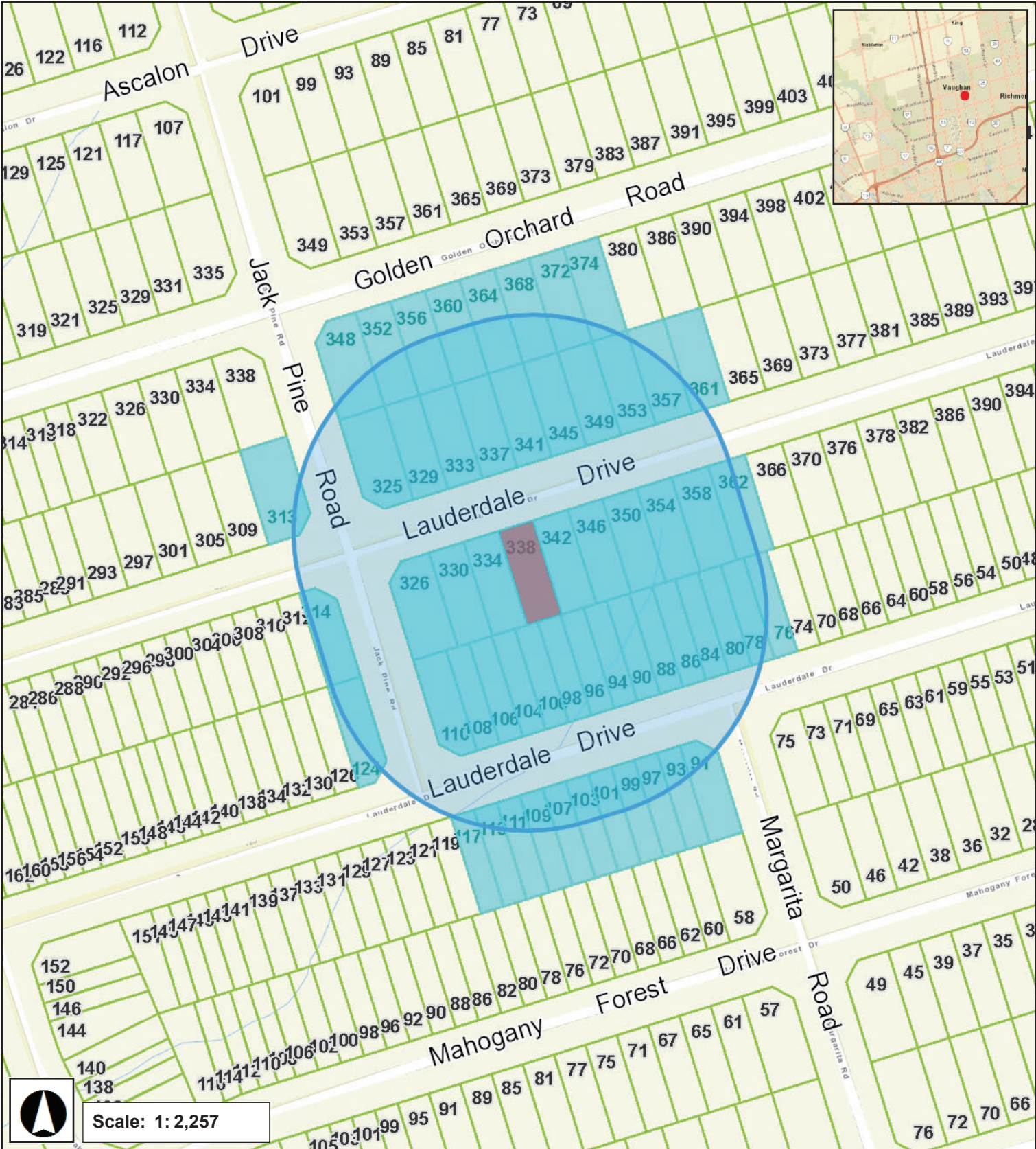
Location Map
Plans & Sketches



LOCATION MAP - A165/21

338 LAUDERDALE DRIVE, MAPLE

Major Mackenzie Drive



Scale: 1: 2,257

Rutherford Road

August 13, 2021 4:09 PM

RESIDENCE

338 LAUDERDALE DR, MAPLE, ONTARIO

NAME OF PROJECT: RESIDENCE

LOCATION: 338 LAUDERDALE DR.

PROJECT DESCRIPTION: ☐ NEW ☒ PART 11
☐ ADDITION 1.1.1 TO 11.4
☒ ALTERATION

MAJOR OCCUPANCY(S) C

NUMBER OF STOREYS: ABOVE GRADE 2 BELOW GRADE 1

NUMBER OF STREET/ACCESS ROUTES 1

1 MATRIX
SCALE: NTS

LIST OF DRAWINGS

- G01 MATRIX & SITE PLAN
- G02 SURVEY
- A01 EXISTING SECOND FLOOR PLAN
- A02 EXISTING BASEMENT FLOOR PLAN
- A03 EXISTING GROUND FLOOR PLAN
- A04 PROPOSED GROUND FLOOR PLAN
- A05 EXISTING/ PROPOSED REAR ELEVATIONS
- A06 EXISTING DECK & PROP. DECK SIDE ELEVATION

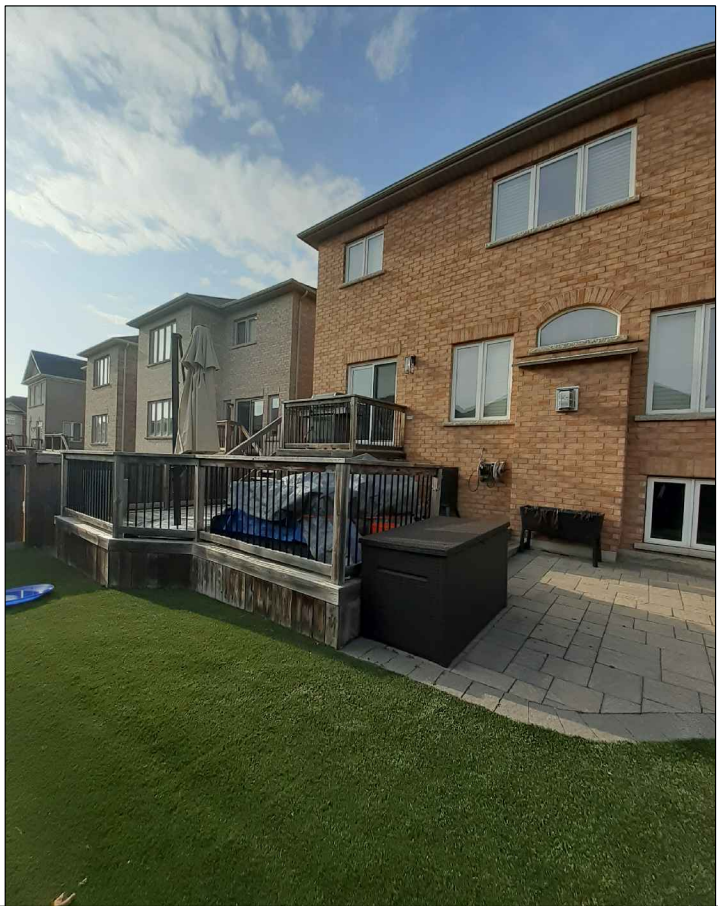
2 LIST OF DRAWINGS
SCALE: NTS

STATISTICS:

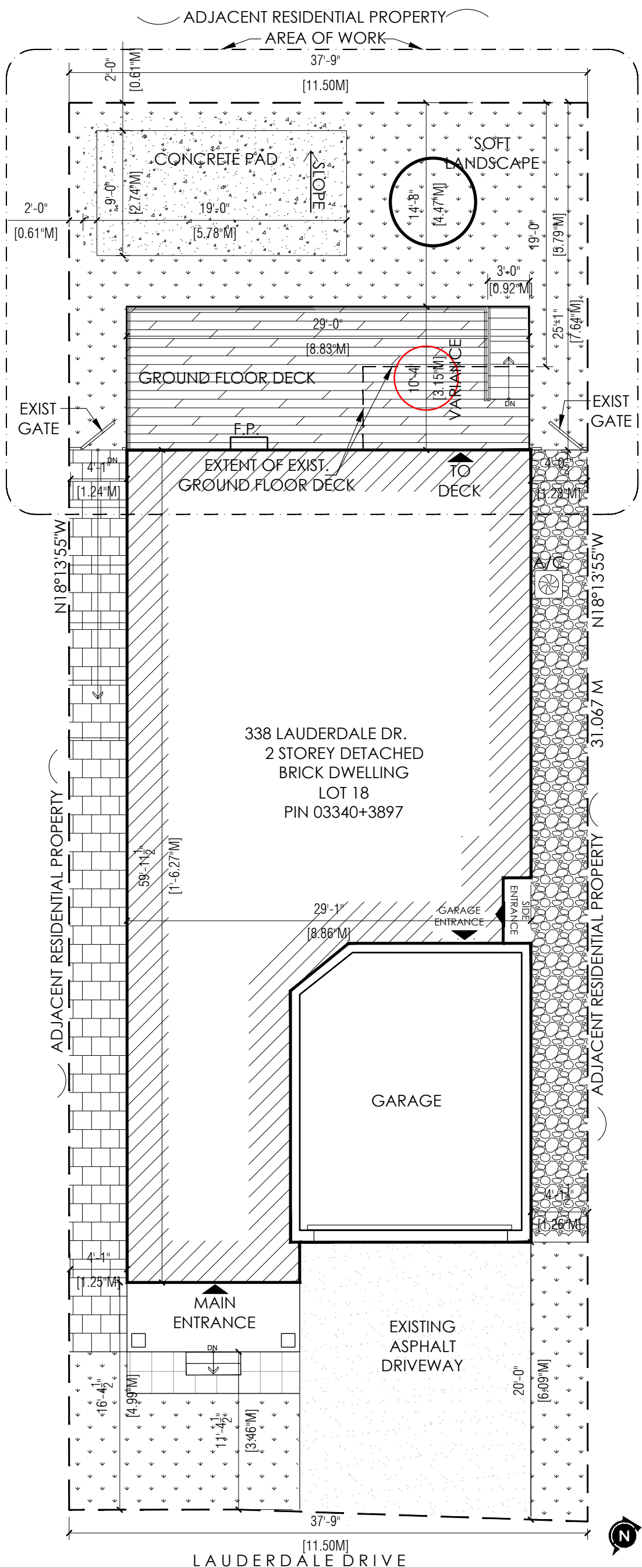
NUMBER OF STORIES 2

	EXIST.	PROPOSED	PROPOSED CHANGE
FRONT SETBACK	6.09 m	6.09 m	No Change
REAR SETBACK	7.64 m	3.55 m	YES
SIDE YARD SETBACK	1.24 m	1.24 m	No Change
SIDE YARD SETBACK	1.23 m	1.23 m	No Change

3 SITE STATISTICS
SCALE: $\frac{1}{8}" = 1'-0"$



3A EXISTING REAR YARD VIEW
SCALE: NTS



4 SITE PLAN
SCALE: $\frac{1}{8}" = 1'-0"$



ALL DRAWINGS ARE THE PROPERTY OF THE NK DESIGN AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS ARE NOT TO BE SCALED AND REPRODUCED.

ALL CONSTRUCTION IS TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

MATRIX & SITE PLAN

RESIDENCE
338 LAUDERDALE DRIVE
VAUGHAN, ON

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.
Name : Nadia Khalil
BCIN : 104328
Signature:

ISSUED FOR COA

PROJECT NO. 2108
REVISION NO. 02
SCALE: AS NOTED
DWN. BY: NK
DATE: 08 AUG 2021
DWG. NO. G01



MARKHAM, ON
Phone: 416-904-9871
nkdesign416@gmail.com

ALL DRAWINGS ARE THE PROPERTY OF THE NK DESIGN AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS ARE NOT TO BE SCALED AND REPRODUCED.

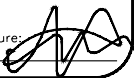
ALL CONSTRUCTION IS TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

EXISTING / PROPOSED REAR ELEVATION

RESIDENCE
338 LAUDERDALE DRIVE
VAUGHAN, ON

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Name : Nadia Khalil
BCIN: 104328

Signature: 

ISSUED FOR COA

PROJECT NO. 2108

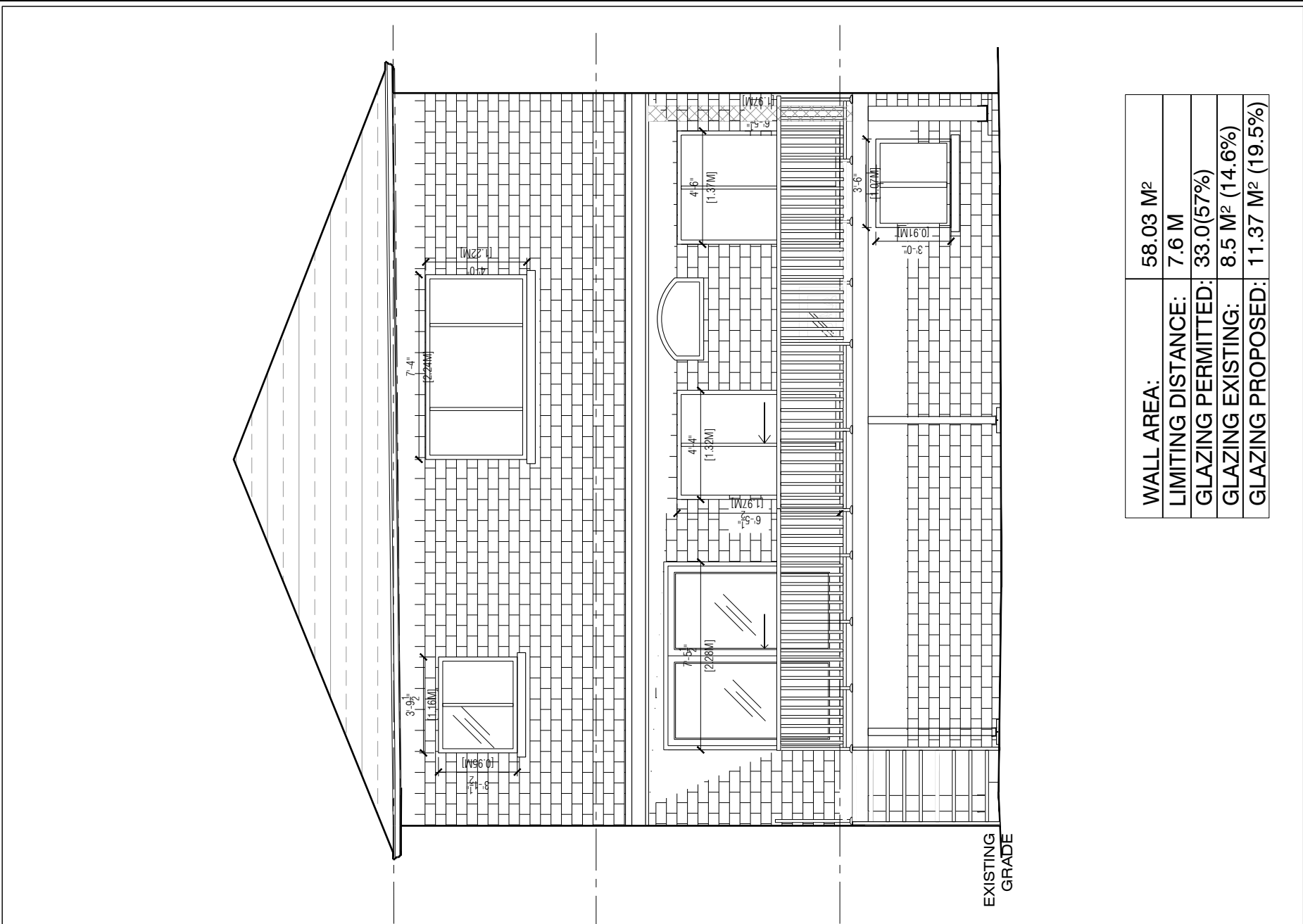
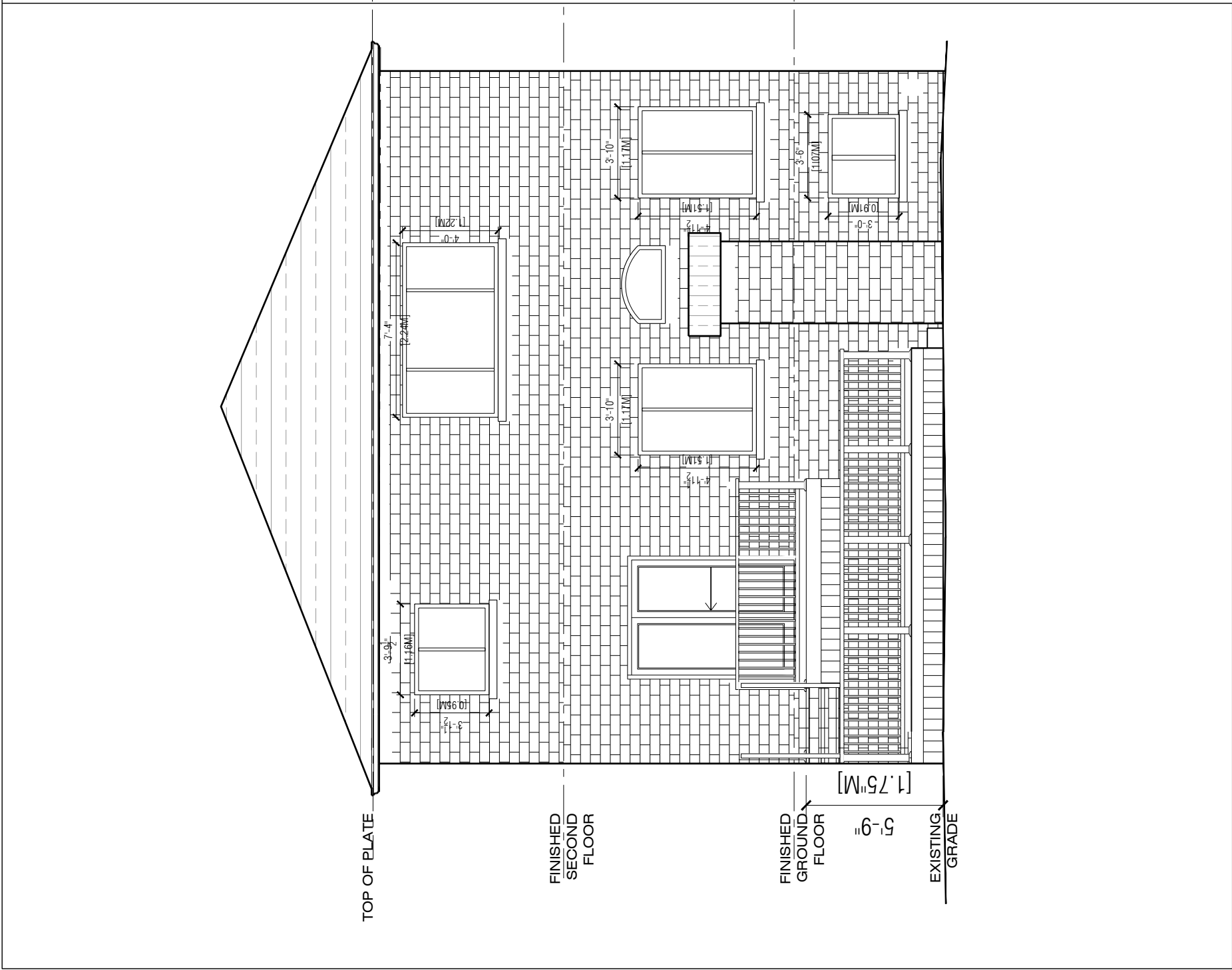
REVISION NO. 02

SCALE: AS NOTED

DWN. BY: NK

DATE: 08 AUG 2021

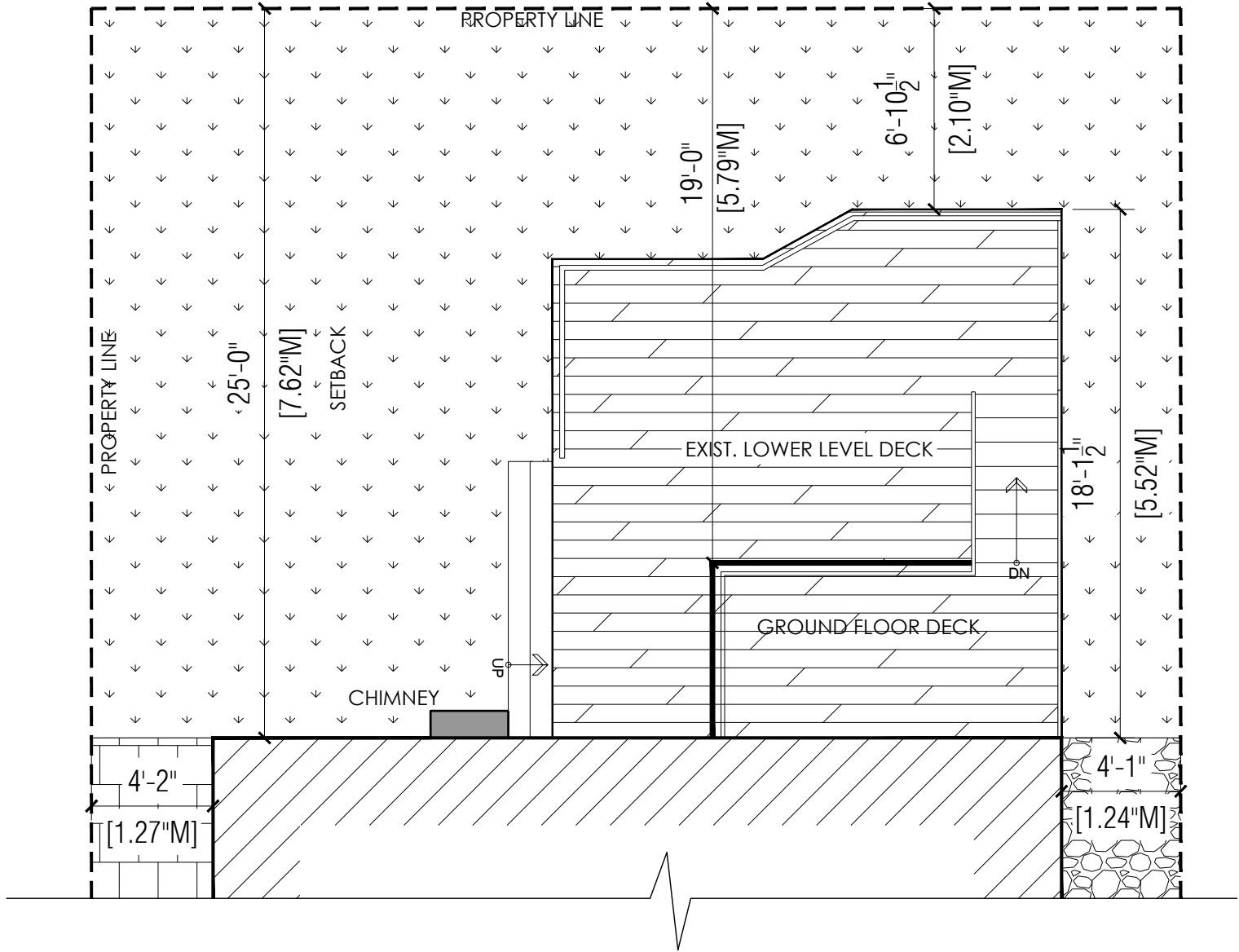
DWG. NO. **A05**



WALL AREA:	58.03 M ²
LIMITING DISTANCE:	7.6 M
GLAZING PERMITTED:	33.0(57%)
GLAZING EXISTING:	8.5 M ² (14.6%)
GLAZING PROPOSED:	11.37 M ² (19.5%)

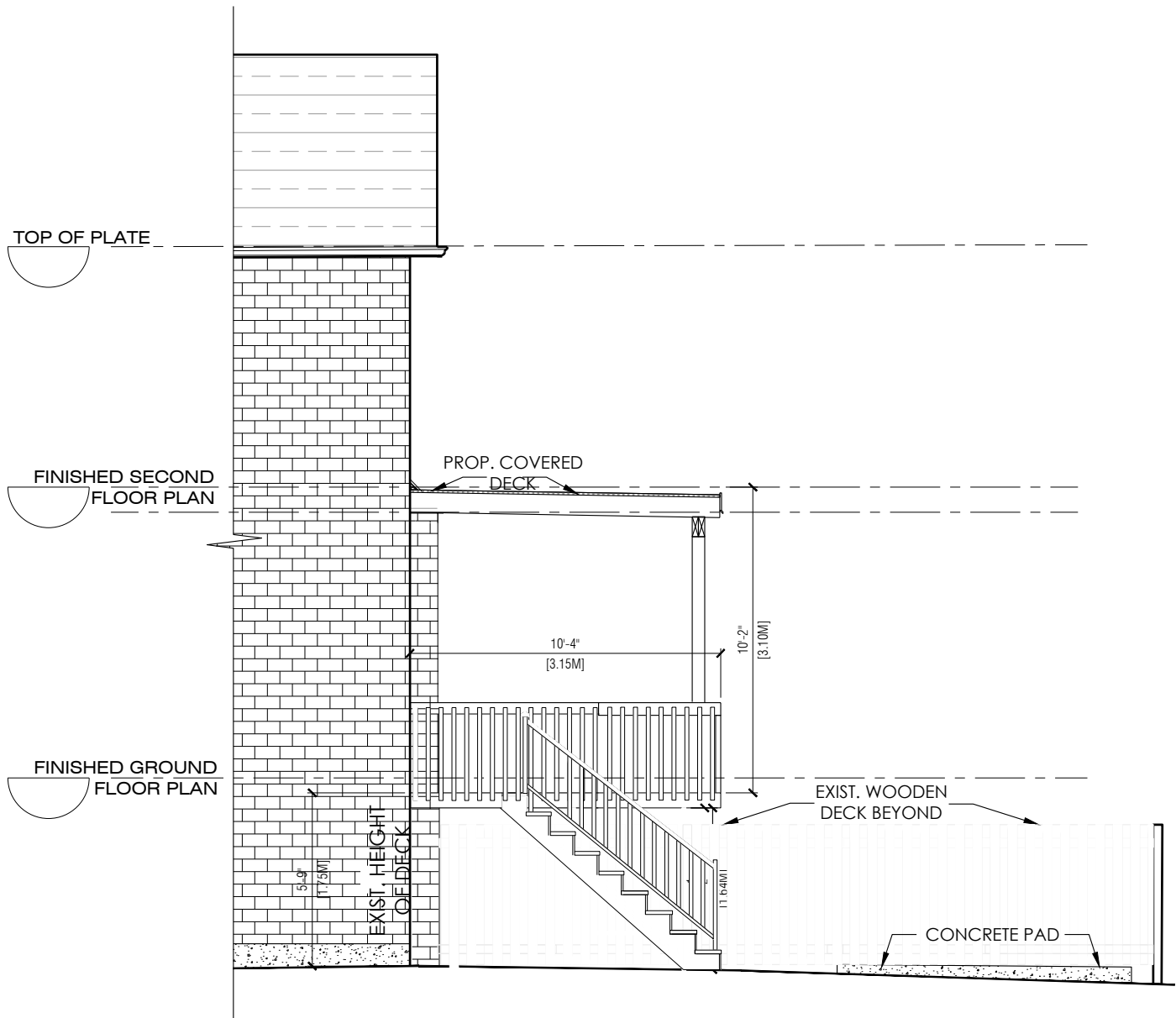
1 EXIST. REAR ELEVATION
SCALE: $\frac{1}{8}" = 1'-0"$

2 PROPOSED REAR ELEVATION
SCALE: $\frac{1}{8}" = 1'-0"$



1 EXISTING DECK PLAN

SCALE: 3/16" = 1'-0"



2 PROPOSED SIDE ELEVATION

SCALE: 3/16" = 1'-0"

nk
Interior Design

MARKHAM, ON
Phone: 416-904-9871
nkdesign416@gmail.com

ALL DRAWINGS ARE THE PROPERTY OF THE NK DESIGN AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE DESIGNER.

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

DRAWINGS ARE NOT TO BE SCALED AND REPRODUCED.

ALL CONSTRUCTION IS TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

**EXISTING DECK PLAN &
PROP. COVERED DECK ELEVATION**

RESIDENCE
338 LAUDERDALE DRIVE
VAUGHAN, ON

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Name : Nadia Khalil
BCIN: 104328

Signature:

ISSUED FOR COA

PROJECT NO. 2108
REVISION NO. 02
SCALE: AS NOTED
DWN. BY: NK
DATE: 08 AUG 2021
DWG. NO. **A06**

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
- Metrolinx – Outside jurisdiction
- TRCA – 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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)

From: Rail Data Requests <RailDataRequests@metrolinx.com>

Sent: August-06-21 9:49 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Subject: [External] RE: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)

Good morning,

Thank you for circulating the above listed application for 338 Lauderdale Drive for Metrolinx review. I note that the subject application is located greater than 300 meters from any rail corridor in which Metrolinx runs service. As such, it falls outside our Zone of Influence and we provide no comment at this time. Please remove Metrolinx from any future applications related to this site.

Thanks and please let me know if you have any questions.

ALEXANDRA GOLDSTEIN

Project Manager

Third Party Projects Review, Capital Projects Group

Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3

T: 416-202-5708



Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)

From: York Plan <yorkplan@trca.ca>

Sent: August-09-21 9:22 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)

TRCA has no concerns with regard to the above noted application.

Should further clarification be required, please contact the undersigned at your earliest convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K-5R6) | [trca.ca](https://www.trca.ca)



Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)
Attachments: A165-21 - Circulation.pdf

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: August-20-21 9:07 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] FW: REQUEST FOR COMMENTS - A165/21 (338 LAUDERDALE DRIVE)

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