



File: A134/21

Applicant: Angelo & Marianne Montano

Address: 1 Monica Ct Woodbridge

Agent: Anthony Cesario

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"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Cleared
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
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: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday , September 30, 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: 9

A134/21

Ward: 3

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , September 30, 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: Angelo & Marianne Montano

Agent: Anthony Cesario

Property: 1 Monica Ct Woodbridge

Zoning: The subject lands are zoned R3 and subject to the provisions of Exception 9(476) 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 cabana 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 7.5 metres is required [Schedule T-17, Exception 9(476)].	1. To permit a minimum rear yard setback of 0.76 metres for an accessory structure (cabana).
2. A minimum interior side yard setback of 1.2 metres is required. [Schedule T-17, Exception 9(476)].	2. To permit a minimum interior side yard setback of 1.06 metres for an accessory structure (cabana).

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 September 15, 2021

Applicant confirmed posting of signage on August 30, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1990

Applicant has advised that they cannot comply with By-law for the following reason(s):
Rear yard setback and interior side yard setback of the cabana do not comply with the zoning bylaw.

Adjournment Request: N/A...

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 21-111523, Order to Comply for the construction of a cabana without a permit - Issue Date: May 07, 2021

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

A maximum overall lot coverage of 40% is permitted. The applicant shall be advised that based on statistics provided for the existing dwelling and the proposed accessory structure, a lot coverage of 38.9 % is proposed [191.39 m² dwelling +33.5 m² cabana /576.85 m² lot area]. Calculations for lot coverage of 33.17 % for the existing dwelling is incorrect.

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

Building Inspections (Septic):

No comments received to date

Development Planning:

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

The Owner is proposing to construct a cabana in the rear yard with requested rear and interior side yard setback variances.

The Development Planning Department has no objection to Variances 1 and 2. The proposed interior side yard setback of 1.06 m is considered a minor reduction from the required 1.2 m, while the proposed rear yard setback of 0.76 m is measured at a pinch point and expands to 1 m at its greatest extent. The proposed cabana is within the permitted height and area requirements of the Zoning By-law, which helps to mitigate the impact of the reduced interior and rear yard setbacks.

In support of the application, the Owner has submitted an Arborist Report and Tree Inventory Plan prepared by Bright Leaf Ltd. on June 5, 2021. The report inventoried five trees, one of which is recommended for protection. Urban Design staff have reviewed the Arborist Report and concur with its recommendations.

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 Minor Variance Application A 134/21.

The Owner/Applicant submitted drawings to propose a structure (cabana) that is 33.5 sq. meters. Any structure greater than 10 sq. meters requires a lot grading permit from Development Inspection & Lot Grading Division of the City's Development Engineering Department, City of Vaughan. The owner is proposing works that result in the decrease in the soft landscaping area of lot coverage. The additional lot coverage may have an impact on the City's storm water system. Staff recommend the owner to introduce Low-impact Development (LID) measures provided as part of a future lot grading permit e.g., Infiltration trenches, flower gardens, Bioswales, Permeable pavement.

Development Engineering Condition:

The owner/applicant shall obtain a lot grading permit by submitting the lot grading drawing to the Development Inspection & Lot Grading Division of the City's Development Engineering Department. The owner/applicant shall demonstrate the appropriate LID (Low-impact Development) measures and include them in the lot grading drawing to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard in order to mitigate potential impacts of the additional storm water runoff. To learn how to apply for lot grading and/or servicing approval please contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit our website at: https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx

Parks Development - Forestry:

No comments no concerns.

By-Law and Compliance, Licensing and Permit Services:

No comments no concerns.

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Public Correspondence (168 Chancellor Drive, Woodbridge)

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

Should the Committee **adjourn** this application the following condition(s) is required: None

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The owner/applicant shall obtain a lot grading permit by submitting the lot grading drawing to the Development Inspection & Lot Grading Division of the City’s Development Engineering Department. The owner/applicant shall demonstrate the appropriate LID (Low-impact Development) measures and include them in the lot grading drawing to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard in order to mitigate potential impacts of the additional storm water runoff. To learn how to apply for lot grading and/or servicing approval please contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit our website at: https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx

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

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

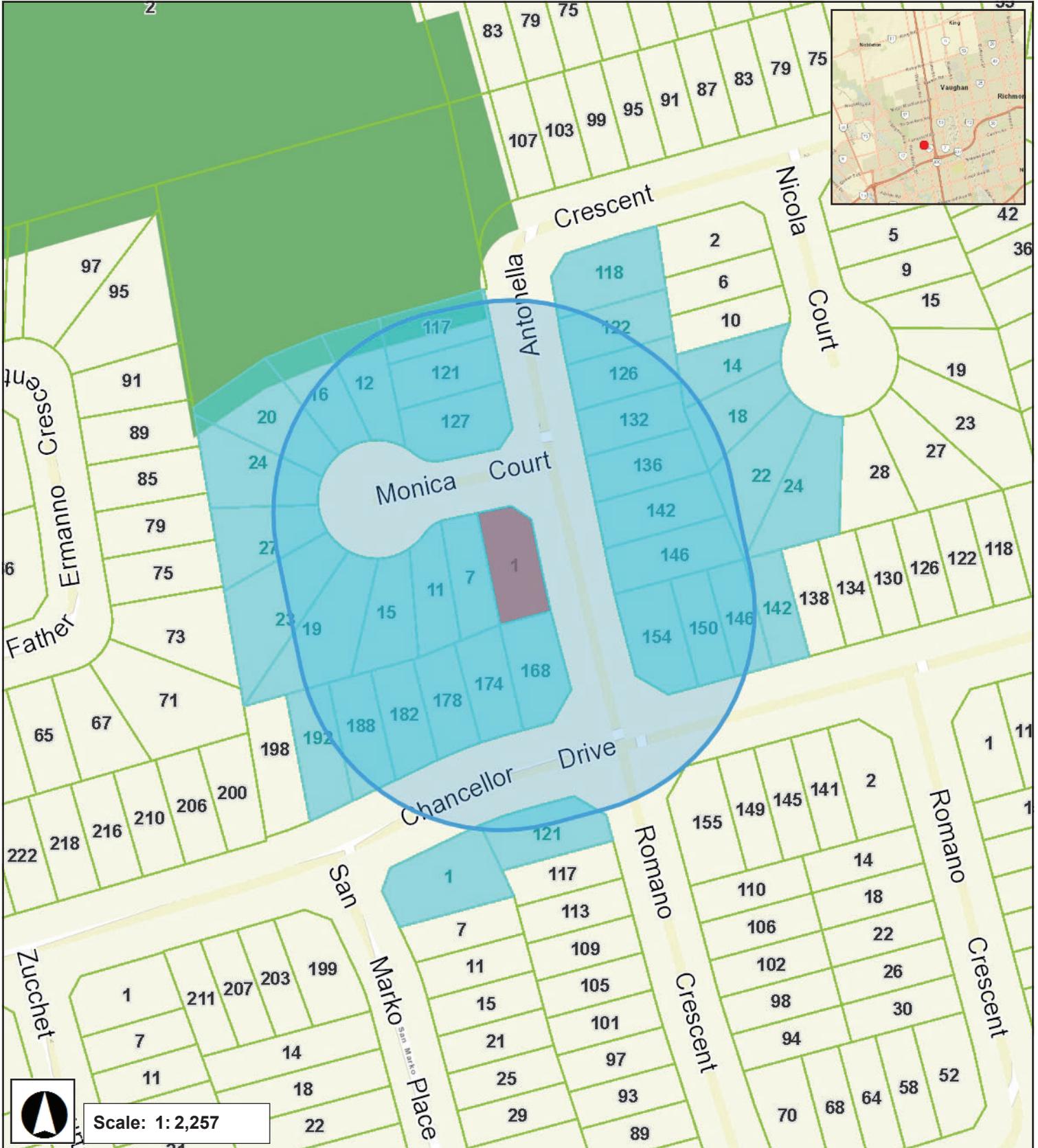
Plans & Sketches



LOCATION MAP - A134/21

1 MONICA COURT, WOODBRIDGE

Langstaff Road



Highway 7

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 (168 Chancellor Drive, Woodbridge)

July 15, 2021

Tamar Tatiashvili
168 Chancellor Drive
Woodbridge, Ontario
L4L-7N4

City of Vaughan
Committee of Adjustment
Attn: **Christine Vigneault**
Manager Development Services & Secretary-Treasurer
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A-1T1

Re: A134/21 – 1 Monica Court

Dear Ms. Vigneault,

We the undersigned, owners of 168 Chancellor Drive, petition the members of the Committee of Adjustment to support the application at 1 Monica Court to maintain the accessory structure (cabana) in the rear yard. We believe that the accessory structure, will not adversely affect our property or the surrounding area.

Thank you,

Sincerely,



Tamar Tatiashvili
168 Chancellor Drive
Woodbridge, Ontario
L4L-7N4

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

Date: August 30th , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A134-21**

Related Files:

Applicant Angelo and Mariane Montano

Location 1 Monica Court



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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A134/21 (1 MONICA COURT)

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

Sent: September-02-21 10:17 AM

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

Subject: [External] RE: REQUEST FOR COMMENTS - A134/21 (1 MONICA COURT)

As the property is located outside of MTO permit control, MTO has no comments.

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

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

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

Phone: 437-533-9427

Colin.Mulrenin@ontario.ca

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A134/21 (1 MONICA COURT)

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

Sent: September-03-21 3:25 PM

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

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

Subject: [External] RE: REQUEST FOR COMMENTS - A134/21 (1 MONICA COURT)

Good afternoon 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