



File: A179/21

Applicant: Akhigar Mikhaeal

Address: 65 Cupola Crescent, Woodbridge

Agent: Swimming Pool Builders Inc.
(Joanna Roberts)

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		
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, 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: 17

A179/21

Ward: 3

Staff Report Prepared By: Adriana MacPherson, 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

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:** Akhigar Mikhaeal
- Agent:** Swimming Pool Builders Inc. (Joanna Roberts)
- Property:** **65 Cupola Crescent, Woodbridge**
- Zoning:** The subject lands are zoned RV2(WS) and subject to the provisions of Exception 9(1024) 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 pool shed (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 6.0 metres is required.	1. To permit a minimum rear yard setback of 1.73 metres to an Accessory Building (pool shed).
2. A minimum exterior side yard setback of 3.0 metres is required.	2. To permit a minimum exterior side yard setback of 1.22 metres to an Accessory Building (pool shed).

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.

Public notice was mailed on September 15, 2021

Applicant confirmed posting of signage on September 13, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2004
Cabana	TBC
In ground Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s):
There is not enough space for the cabana in the rear yard unless we encroach on the required setback. Zoning by law requires 3m exterior side setback and we need to encroach on that to have a setback of 1.22m. By law requires 6m rear yard setback and we need to encroach on that to have a setback of 1.73m.

Adjournment Request: None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit No. 21-112728 for Shed/Gazebo - New, Issue Date: (Not Yet Issued).

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is proposing to construct a pool shed in the rear yard with a requested rear yard setback of 1.73 m, and exterior side yard setback of 1.22 m.

In support of the application, the Owner has submitted an Arborist Report, prepared by Davey Resource Group, dated July 22, 2021. Urban Design staff have reviewed the report and concur with its recommendations.

The Development Planning Department has no concerns with Variances 1 and 2. The reduced rear yard setback is appropriate for the proposed size and height of the shed. The existing privacy fence along the south side of the subject property and landscaping along the City boulevard will visually screen the structure from Rutherford Road, thereby mitigating the impact of the reduced exterior side yard.

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.

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) Department does not object to Minor Variance Application A 179/21 subject to the following comment(s):

The Owner is proposing modifications that would decrease the area of soft landscaping on the property. The additional hard scaping might influence the City's storm water management. Staff advise the Owner to implement Low-impact Development (LID) techniques such as infiltration trenches, flower gardens, bioswales, and permeable pavement where possible.

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**

None

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: N/A

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 day 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.

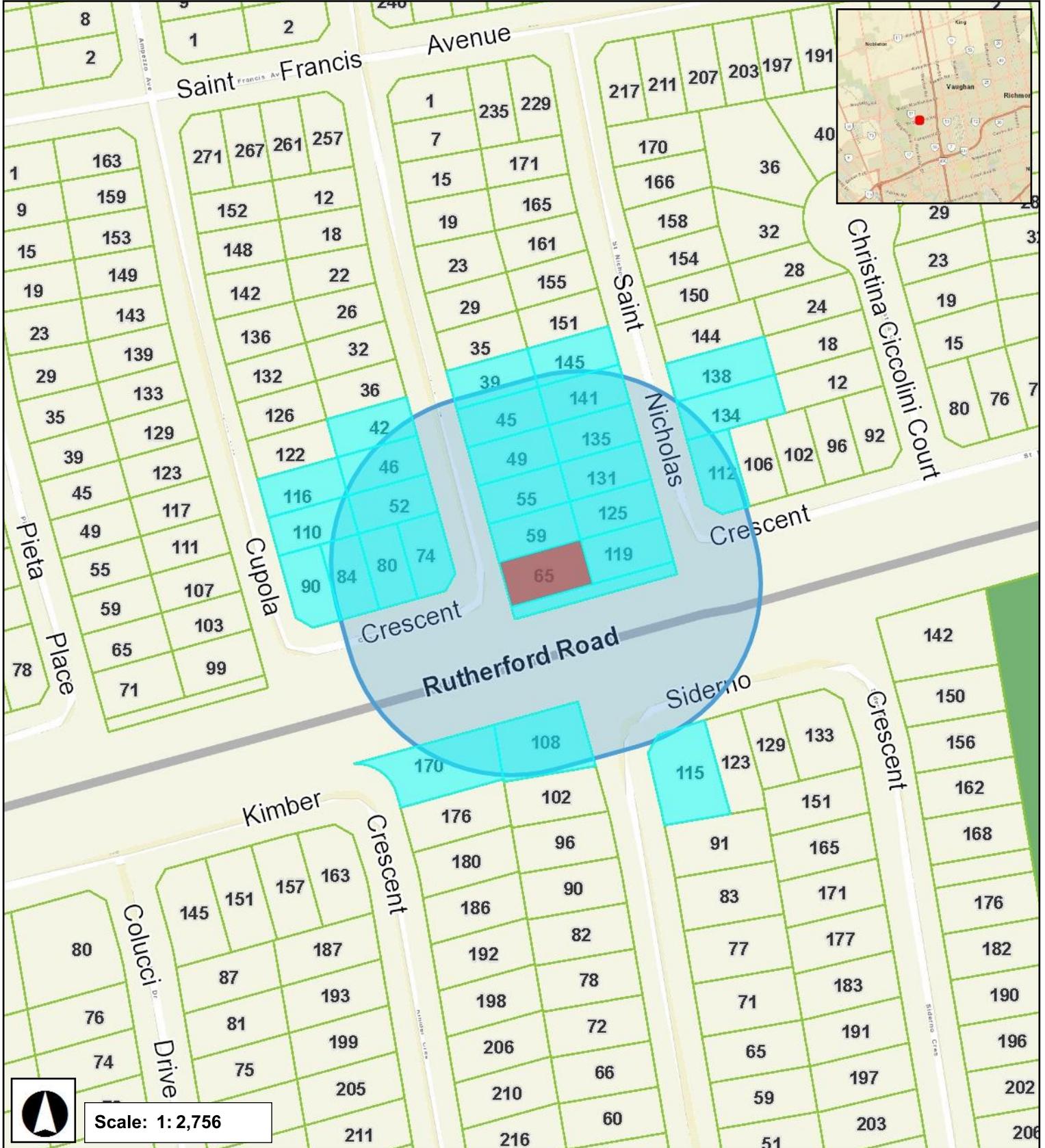
For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

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

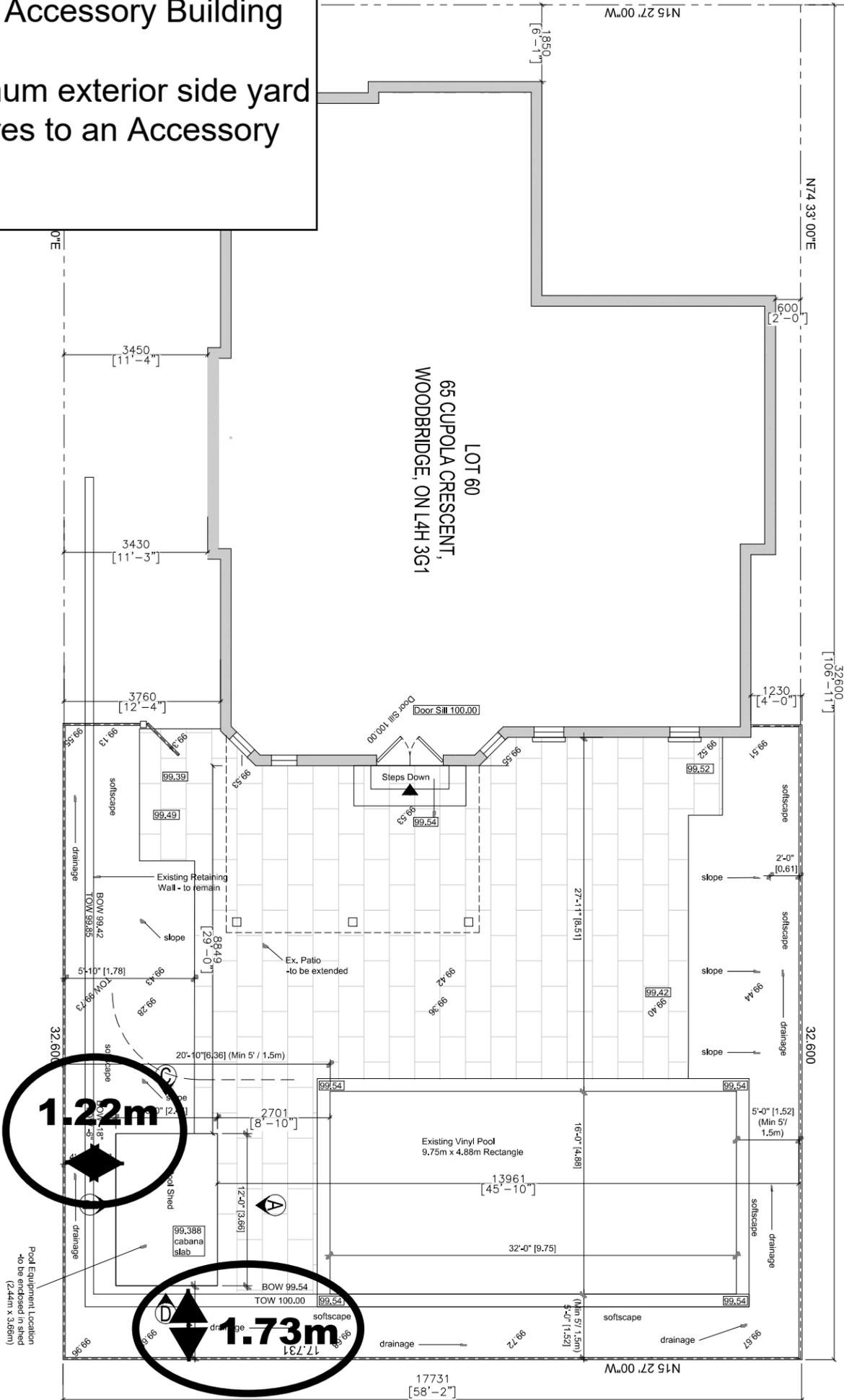
65 Cupola Crescent, Woodbridge



Pine Valley Drive

Proposal:

1. To permit a minimum rear yard setback of 1.73 metres to an Accessory Building (pool shed).
2. To permit a minimum exterior side yard setback of 1.22 metres to an Accessory Building (pool shed).

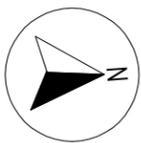


SITE DEVELOPMENT

ZONING	LOT AREA	SOFT
M2	576.7m ²	6229.3sqft
	TOTAL LOT AREA	1975.1sqft
	HOUSE AREA	183.4m ²
	SHED AREA	8.91m ²
	LOT COVERAGE	PROVIDED
	EXISTING HOUSE	31.7%
	CABANA/SHED	1.54%
	SETBACKS TO SHED	PROVIDED
	REAR SETBACK	1.73m
	SOUTH SETBACK (DISTANCE TO HOUSE)	8.849m
	SIDEYARD	13.891m
	SIDEYARD	1.220m
	LANDSCAPE AREA (REAR LOT)	PROVIDED
	TOTAL REAR AREA	282.7sqft
	SOFT LANDSCAPE AREA	121.16m ² = 1303.8sqm
	HARD LANDSCAPE AREA	76.28sqm = 821 sqft
		916.7sqft
		1905.6sqft

0.6m to remain unobstructed surrounding property

LEGEND
 1.50' = 45.72m
 1.22m = 4.00m
 1.73m = 5.67m
 1.22m = 4.00m
 1.73m = 5.67m



CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
 THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SCALED AND SIGNED BY THE DESIGNER.
 DO NOT SCALE DRAWINGS.



PROJECT: Cabana ON 65 Cupola Crescent Woodbridge, ON L4H 3G1

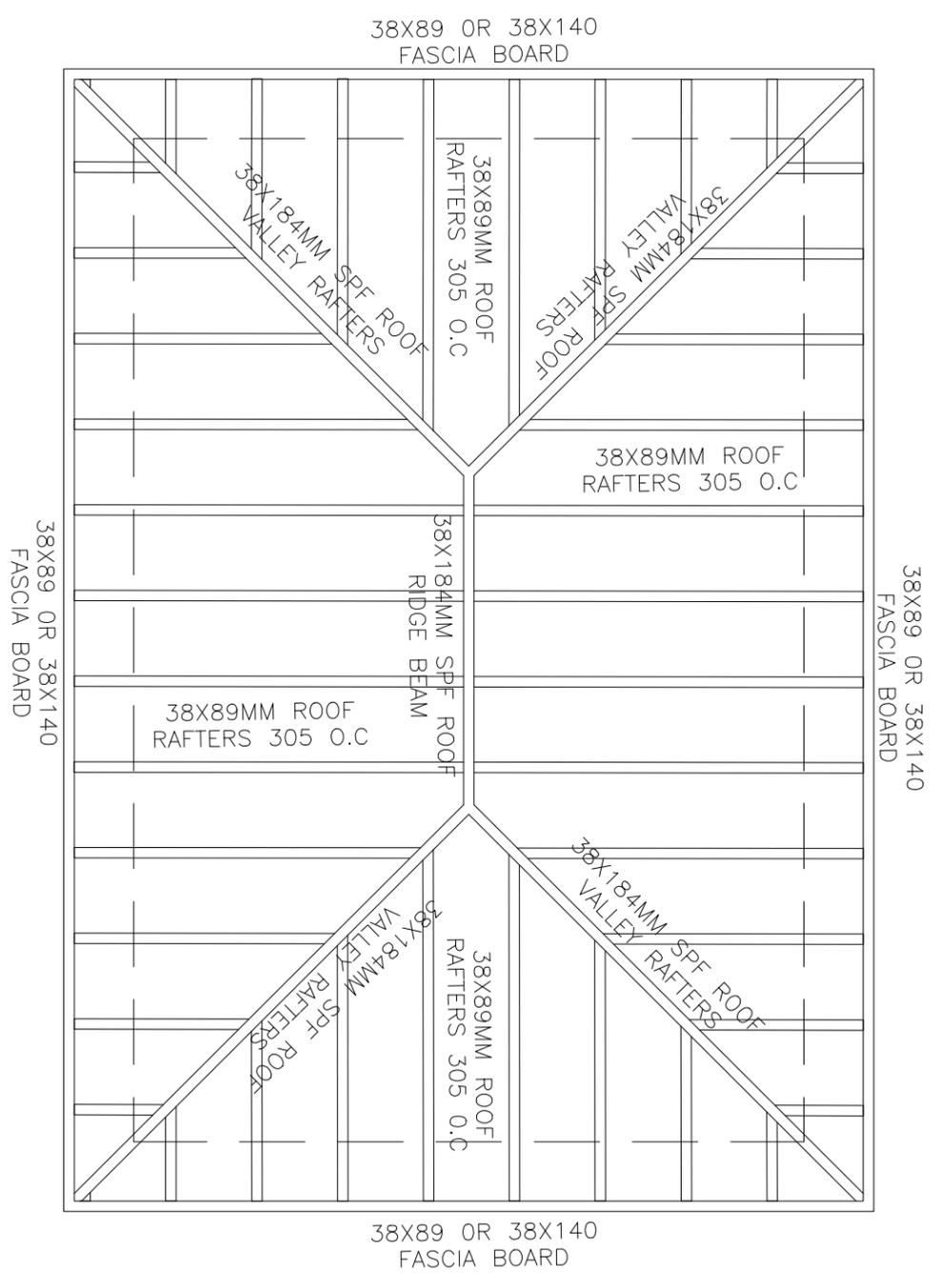
SITE PLAN

PLOTTED: 2021-04-03
 DATE: 2021-04-03
 SCALE: AS NOTED
 DRAWN BY: AS NOTED
 REVIEWED BY: AS NOTED
 DRAWING NO. A1



FOR STRUCTURAL ONLY

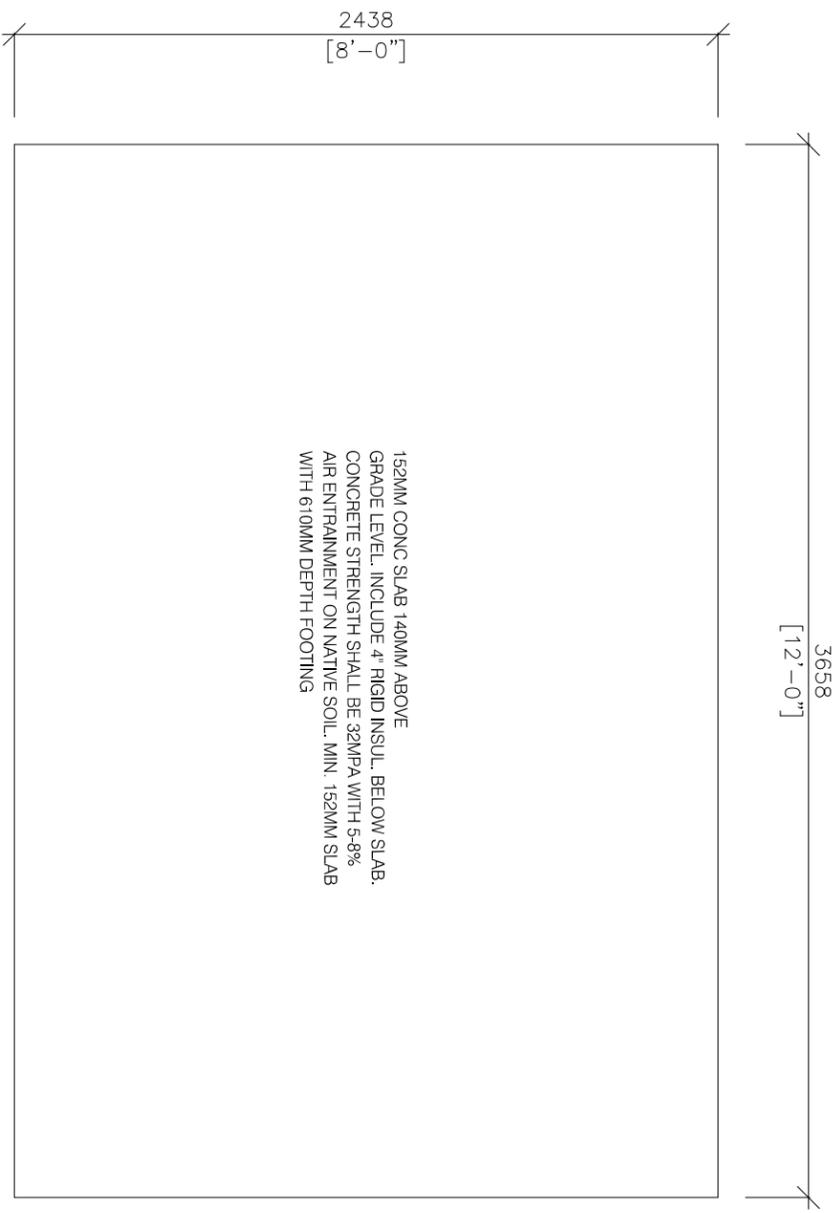
1 ROOF FRAMING PLAN
A2.1 1:25



		<p>PROJECT: Cabana ON 65 Cupola Crescent Woodbridge, ON L4H 3G1</p>	
<p>DRAWING: ROOF FRAMING</p>		<p>PROJECT NO.:</p>	
<p>PLOTTED: 2021-04-03</p>		<p>DATE: 2021-04-03</p>	
<p>SCALE: AS NOTED</p>		<p>DRAWING NO. A2.1</p>	
<p>DRAWN BY: REVIEWED BY:</p>		<p>PROJECT NO.:</p>	

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES IMMEDIATELY TO THE DESIGNER. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SCALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.

ISSUED FOR CONSTRUCTION	DATE
ISSUED FOR BID	
ISSUED FOR BUILDING PERMIT	
ISSUED FOR SITE PLAN APPROVAL	
SUBMITTALS	



1
A2.3
Foundation Plan
1:25



PROJECT: Cabana
ON
65 Cupola Crescent
Woodbridge, ON L4H 3G1

DRAWING: Foundation Plan

PLOTTED: 2021-04-03
DATE: 2021-04-03
PROJECT No.:

SCALE: AS NOTED
DRAWING No. A2.3
DRAWN BY: REVIEWED BY:



CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES IMMEDIATELY TO THE DESIGNER. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SCALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.

ISSUED FOR CONSTRUCTION

ISSUED FOR BID

ISSUED FOR BUILDING PERMIT

ISSUED FOR SITE PLAN APPROVAL

SUBMITTALS

DATE

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



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: A179/21 - Request for Comments (65 Cupola Crescent)

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

Sent: August-19-21 9:18 AM

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

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

Subject: [External] RE: A179/21 - Request for Comments (65 Cupola Crescent)

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 | Programs and Process Improvement | Planning and Economic Development Branch
| Corporate Services Department | The Regional Municipality of York | 1-877 464 9675 ext 71538 |
gabrielle.hurst@york.ca | www.york.ca

Schedule D: Previous Approvals (Notice of Decision)

None