

File: A175/21

Applicant: Mohammad Kamali & Banootooran
Kamali-Dashtarzheneh

Address: 102 Crestwood Rd Thornhill

Agent: In Roads Consultants

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"/>	<input checked="" type="checkbox"/>
Development Engineering	<input checked="" type="checkbox"/>	<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		
CNR	<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: A107/17, A108/17, A109/17, B012/17, B013/17 (see next page for details)

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, November 18, 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: 5

A175/21

Ward: 5

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , November 18, 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: Mohammad Kamali & Banootoran Kamali-Dashtarzheneh

Agent: In Roads Consultants

Property: 102 Crestwood Rd Thornhill

Zoning: The subject lands are zoned R2 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: Minor Variance A173/21 & A174/21

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling.

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 building height of 9.5 metres is permitted (Schedule A, By-law 1-88a.a.).	1. To permit a maximum building height of 10.5 metres . *variance amended by zoning waiver
2. A minimum interior side yard setback of 1.2 metres to the proposed fireplace pilasters	2. To permit a minimum interior side yard setback of 0.7 metres to the proposed fireplace pilasters. *variance removed by zoning waiver

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A107/17	Lot frontage 14.8m	Refused; Approved by LPAT
A108/17	Lot frontage 14.8m	Refused; Approved by LPAT
A109/17	Lot frontage 14.8m	Refused; Approved by LPAT
B012/17	Conveyance: Addition to an existing lot taken from lands to the West.	Refused; Approved by LPAT
B013/17	Conveyance: Addition to an existing lot taken from lands to the East.	Refused; Approved by LPAT
PL170635	LPAT Appeal	Approved May 24, 2018

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 November 5, 2021

Applicant confirmed posting of signage on November 4, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1950/1960 (Purchased April 2020)

Applicant has advised that they cannot comply with By-law for the following reason(s): To build a home comparable to the ones in the area.

Committee of Adjustment recommended conditions of approval:

Adjournment Request / File Review History:

On November 1, 2021 the applicant was provided with the following comments from Development Planning:

- The Subject Lands are in relation to previous Committee of Adjustment applications (i.e., B012/17, B013/17, A107/17, A108/17, and A109/17) which were approved on Thursday, April 27, 2017. I have reviewed the documents that were submitted for these previous files and noticed the conceptual site plan depicts a building footprint that is works within the parameters of the Zoning By-law 1-88. In addition, I have analyzed the immediate the neighbourhood to determine if other severed lots have proposed/constructed new 2-storey dwellings with similar variances to the ones identified in your application.
- Development Planning staff is of the opinion the reduced interior yard setbacks for A173/21, A174/21, 175/21 are not consistent and calls into question the appropriateness/desirability of the variances, given the Development Engineering Department has confirmed these reductions may cause water drainage/filtration issues on-site. The Development planning has no concerns with the maximum building height of 10 m, however, encourages the reduction of 98 and 102 Crestwood Road to meet the intent and purpose of the Zoning By-law 1-88.
- In addition, urban design comments have been attached for your review which need to be addressed prior to the planning recommendation report being finalized.
- In summary, the Development Planning Department **recommends these applications be adjourned** to provide the Owner with sufficient time to respond to these concerns.

In response to Development Planning comments, the applicant revised the proposal to remove the variances pertaining to interior side yard setbacks for A173/21, A174/21 and A175/21 and has submitted a Zoning Review Waiver to assume responsibility for identifying variances given the timing of the resubmissions. If additional variances subsequent to a decision of the Committee, new applications will be required to address further deficiencies.

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.

Applicant to remove fireplace projection from the proposed floor plans and elevations to match the revised site plan.

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

Building Inspections (Septic):

No comments received to date

Development Planning:

Please see Schedule C for Development Planning comments/conditions.

Development Engineering:

As the proposed dwelling in the subject property is 211.50 m², the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m² requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached)

The owner/applicant shall apply and obtain the necessary curb cut/ reinstating permit through the Transportation and Fleet Management Services. Please visit

https://www.vaughan.ca/services/residential/transportation/roads/curb_cuts_and_driveway_widening/Pages/default.aspx to learn how to apply for the curb cut/ reinstating permit.

The applicant is advised to maintain 0.6m setback between side yard interlock paving and the property line for drainage.

The Development Engineering (DE) Department does not object to variance application A175/21 subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Parks Development - Forestry:

Forestry has issued a tree removal permit for the subject site. Forestry is satisfied with the current plans and no additional information is required at this time.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Fire Department:

No comments no concerns

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

None

Schedule C - Development Planning & Agency Comments

Development Planning Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

CNR – comments with guidelines

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance Applications A107/17; A108/17; A109/17

Consent Applications B012/17; B013/17

LPAT Appeal #PL170635

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:

	Department/Agency	Condition
1	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 christine.vigneault@vaughan.ca	Applicant to provide payment of Adjournment Fee (see Fee Schedule) prior to the rescheduling of Application A175/21 , if required.

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 Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	The Owner submit a revised Arborist Report that is to be reviewed and approved by the Development Planning Department confirming tree #1 and #2 will be retained on-site.
2	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

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

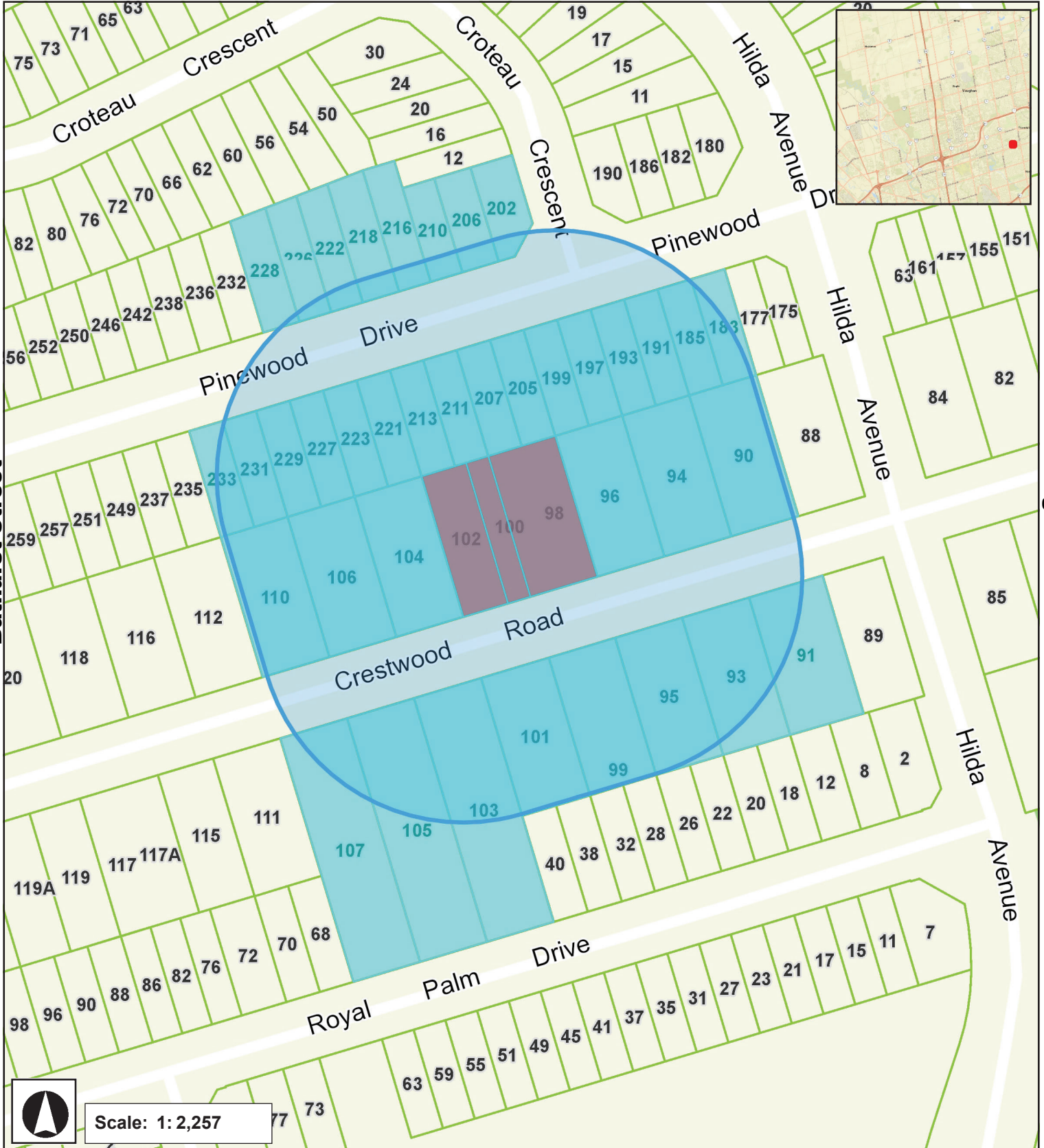
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



LOCATION MAP - A173/21, A174/21, A175/21

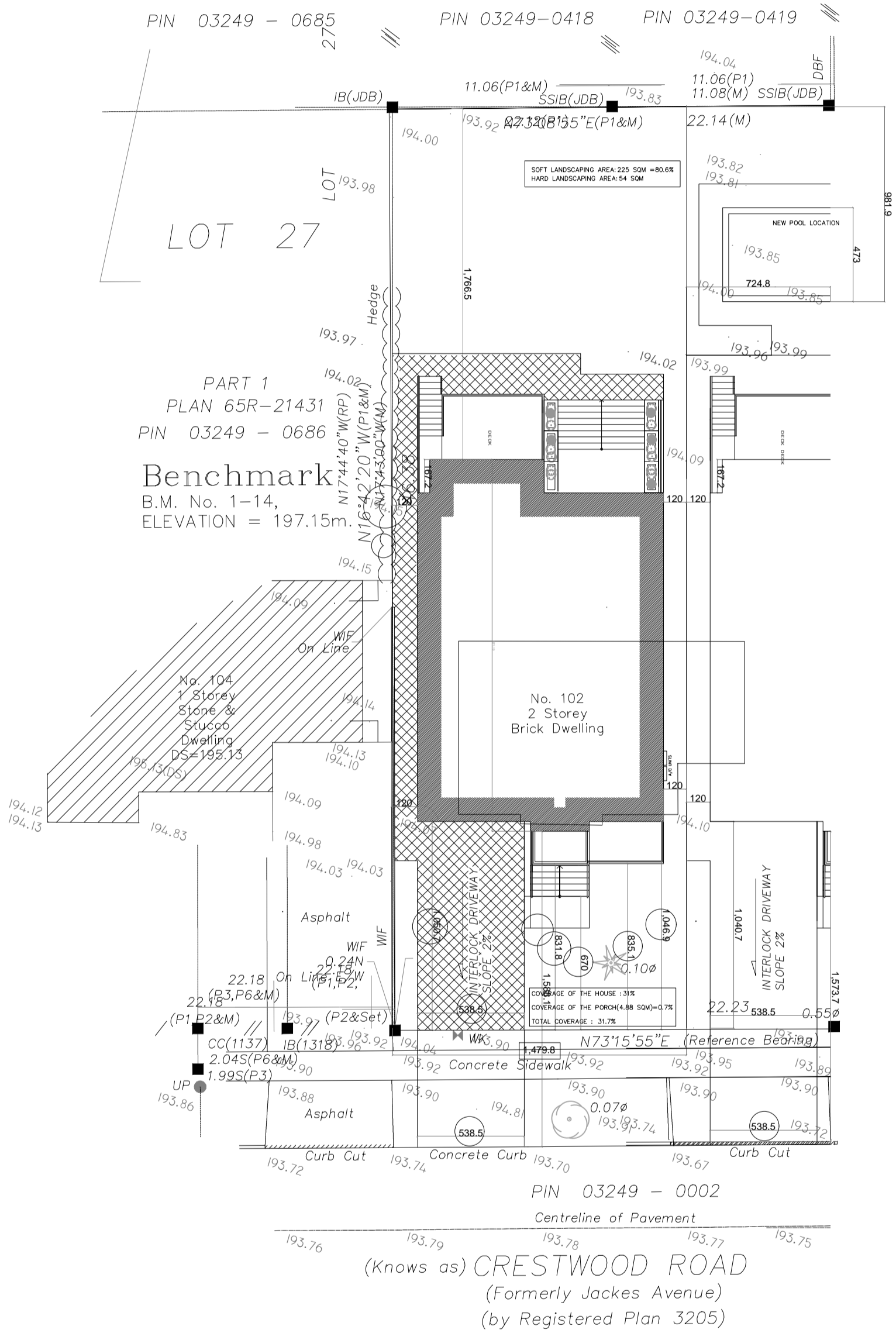
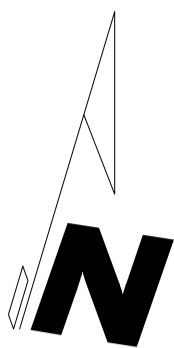
98, 100, 102 CRESTWOOD ROAD, THORNHILL



Steeles Avenue West

October 25, 2021 4:21 PM

ZONE	PERMITTED BUILDING & STRUCTURE	MIN. LOT FRONTAGE	MIN. LOT AREA	MIN. FRONT YARD SET BACK	MIN. REAR YARD SET BACK	MIN. SIDE YARD SET BACK	MAX. COVERAGE	MAX. FLOOR SPACE INDEX	MAX. HEIGHT	OFF-STREET PARKING
R2	ONE FAMILY DETACHED DWELLING	15 M	450 M ²	4.5 M	7.5 M	1.2 M	40%=273.20	-	9.5 M	1 SPACE PER UNIT BEHIND MAIN FRONT WALL
PROPOSED (BY DISTRICT) RESIDENTIAL DWELLING	ONE FAMILY DETACHED DWELLING	14.80 M	683 M ²	9.95 M	18.66 M	1.5 M	31%=211.5	2 STOREY	10.50 M	2 SPACE



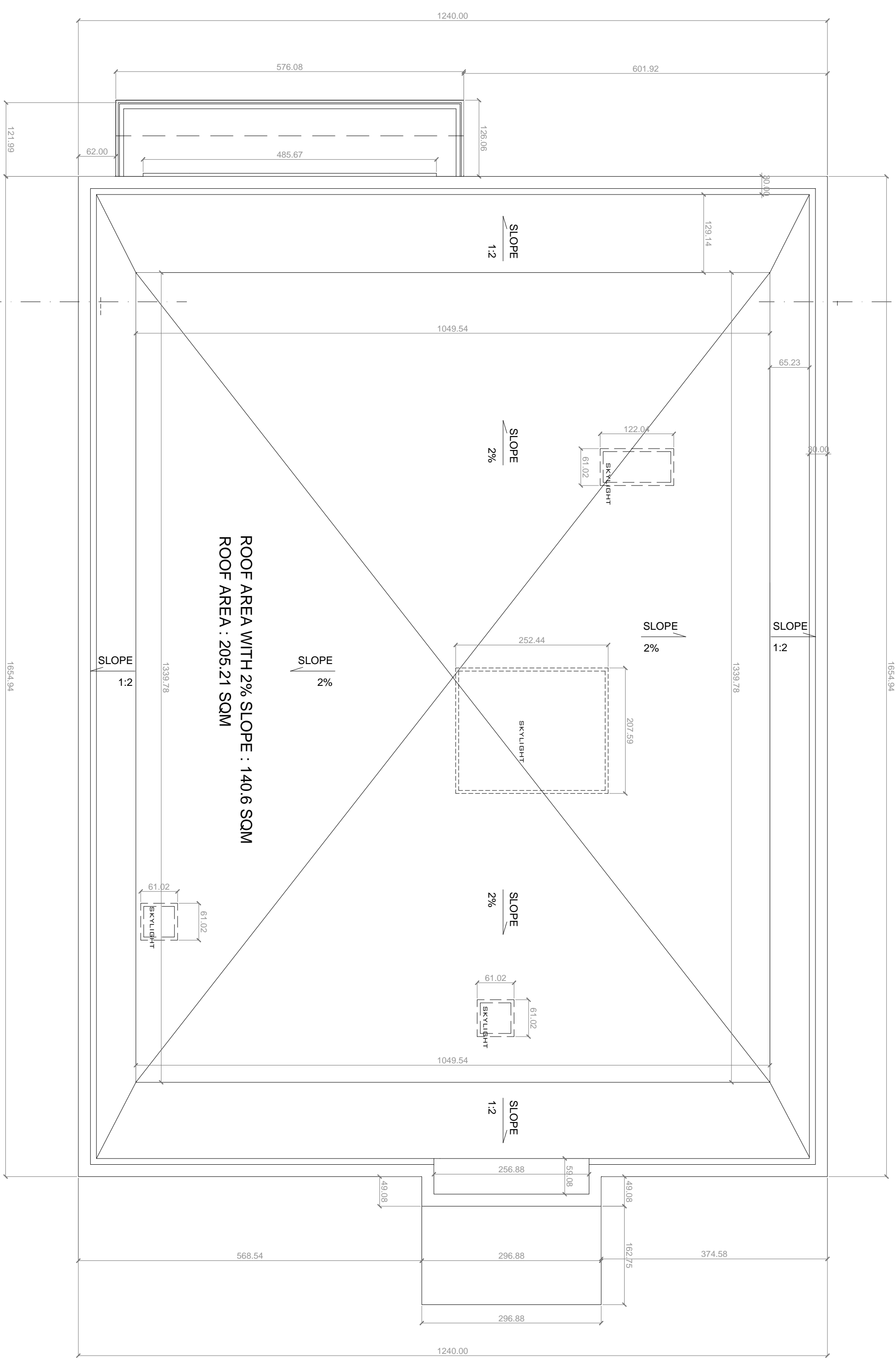
Benchmark
ELEVATIONS ARE GEODETIC AND REFERRED TO THE B.M. No. 1-14, ELEVATION = 197.15 m

SITE STATISTICS:

LOT AREA:	683 M ²
GROUND FLOOR FOOTPRINT	211.50 M ²
GROUND FLOOR LIVING AREA:	211.50 M ²
SECOND FLOOR LIVING AREA:	206.67 M ²
FINISHED BASEMENT AREA:	166.64 M ²
GROSS FLOOR AREA (including open spaces):	418.17 M ²

<p>Project</p> <p>PROPOSED TWO STOREY HOUSE AT: 102 CRESTWOOD RD. VAUGHAN, ON</p> <p>JANUARY 20, 2021</p>	<p>No. Revision Date</p> <table border="1"> <tr> <td>00</td> <td>FOR PERMIT</td> <td>2021/02/29</td> </tr> </table>	00	FOR PERMIT	2021/02/29	<p>ADDRESS: Toronto Office 1000 Dundas St. West M2N 6R9, Toronto, Canada Tel: 416-598-1953 Fax: 416-598-1953 email: masih.javanbakht@gmail.com</p> <p>M.J. IMPERIAL DESIGN INC</p>	<p>The M.J. IMPERIAL DESIGN is not responsible for the accuracy of survey, structural, mechanical, electrical, etc.</p> <p>Contractor shall check all dimensions on the work and report any discrepancy to the Architect before proceeding. Construction must conform to all applicable codes and requirements of municipalities having jurisdiction.</p> <p>All drawings, specifications and related documents are the copyright property of the M.J. IMPERIAL DESIGN INC and must be returned upon request. Reproduction of drawings, specifications and related documents in part or whole is forbidden without the M.J. IMPERIAL DESIGN permission.</p> <p>This drawing is not to be used for construction unless signed by the Designer.</p>	<p>Designed by: M.J.</p> <p>Checked by: J.D.</p> <p>Scale: 1"=1/4"</p> <p>Project No: 1885-21</p> <p>Date: 29-02-2021</p>	<p>Drawing Title</p> <p>SITE PLAN</p> <p style="font-size: 2em; font-weight: bold; text-align: center;">A00-1</p>
00	FOR PERMIT	2021/02/29						

A10



ROOF AREA WITH 2% SLOPE : 140.6 SQM
ROOF AREA : 205.21 SQM

REFER TO APPROVED TRUSS DRAWINGS FOR ROOF FRAMING LAYOUT AND SPECIFICATIONS FOR CORRECT BEARING, UP/LIFT AND ANCHORAGE.	INSTALL AND FLASH SKYLIGHTS AS PER MANUFACTURER'S INSTRUCTIONS. DOUBLE UP CEILING JOISTS/ROOF RAFTERS AT OPENING SKYLIGHT START TO BEHIND SKYLIGHT TO PROVIDE INSULATION, VAPOUR BARRIER AND INTERIOR FINISHES TO SUIT SKYLIGHTS TO COMPLY WITH OBC DIV. B PART 9.7.7 AND 5.10.1.1
BUILT-UP ROOFING MATERIAL FOR ROOF AREAS WITH SLOPE LESS THAN 1:6 MUST COMPLY WITH O.B.C. 9.26.11. MIN. 3 PLY ROOFING, PLUS WOOD-BASED SHEATHING WITH JOISTS TAMPED AND SHEATHING PRIMED WITH ASPHALT.	ROOFING MATERIAL SHALL CONFORM TO ART. 9.26.3.1 OBC
MATTIC VENTILATION MIN. 1 SF/300 SF W/50% NEAR RIDGE	

Project
PROPOSED TWO STOREY HOUSE AT:
102 CRESTWOOD RD.
 VAUGHAN, ON

JANUARY 20, 2021

No.	Revision	Date
00	FOR PERMIT	2021/02/18

M.J. IMPERIAL DESIGN INC
 ADDRESS
 1500 SHEPPARD AVENUE EAST, SUITE 304
 TORONTO, ONTARIO
 M2N 6R9, Canada
 TEL: 416-496-1533
 FAX: 416-496-1533
 EMAIL: meshh.jayvankhok@gmail.com

The M.J. IMPERIAL DESIGN is not responsible for the accuracy of survey, structural, mechanical, electrical, etc.
 Contractor shall check all dimensions on the work and report any discrepancy to the architect before proceeding. Contractor must comply to all applicable codes and requirements of jurisdiction being jurisdiction.
 All drawings, specifications and related documents are the copyright property of the M.J. IMPERIAL DESIGN INC and must be returned upon request. Reproduction of drawings, specifications and related documents in part or whole is forbidden without the M.J. IMPERIAL DESIGN permission.
 This drawing is not to be used for construction unless signed by the Designer.

Designed by: **M.J.**
 Checked by: **J.D.**
 Scale: **1"=1/4"**
 Project No: **1885-21**
 Date: **29-02-2021**

Drawing Title
ROOF PLAN

A04

Project
PROPOSED TWO STOREY HOUSE AT:
102 CRESTWOOD RD.
 VAUGHAN, ON

JANUARY 20, 2021

NO.	Revision	Date

M.J. IMPERIAL DESIGN INC
 ADDRESS: 54 York Court
 Toronto, Ontario
 M2N 6P9 Canada
 Tel: 416-496-3553
 Fax: 416-496-3553
 email: mashi.jwanibakht@gmail.com

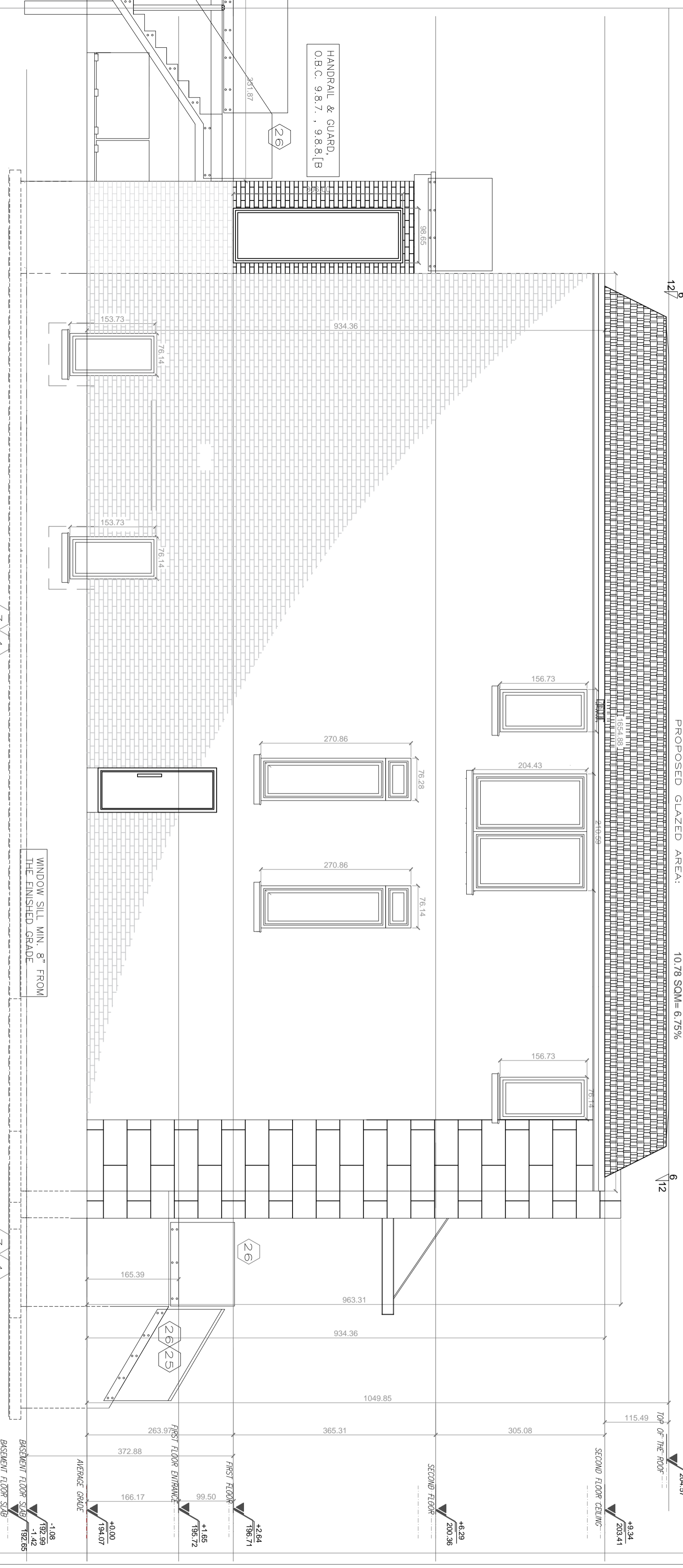
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 Contractor shall check all dimensions on the work and report any discrepancy to the Architect before proceeding. Contractors must comply to all applicable codes and requirements of applicable building jurisdiction.
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 This drawing is not to be used for construction unless signed by the Designer.

Designed by: **M.J.**
 Checked by: **J.D.**
 Scale: **1"=1/4"**
 Project No: **1885-21**
 Date: **29-02-2021**

Drawing Title
WEST ELEVATION

A06

GLAZED AREAS:
 AREA OF EXPOSED BUILDING FACE: 159.50 SQM
 MAX. ALLOWED GLAZED COVERAGE: 7%
 PROPOSED GLAZED AREA: 10.78 SQM= 6.75%



GEODETIC ELEVATION OF THE BASEMENT SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION BASED ON THE LOCATION OF UNDERGROUND SERVICES.

HANDRAIL & GUARD,
 O.B.C. 9.8.7, 9.8.8, 1B

Project
**PROPOSED TWO STOREY HOUSE AT:
 102 CRESTWOOD RD.
 VAUGHAN, ON**

JANUARY 20, 2021

No.	Revision	Date
00	FOR PERMIT	2021/02/29

M.J. IMPERIAL DESIGN INC
 ADDRESS:
 5001 YORKVILLE ST., UNIT 304
 NORTH YORK, ONTARIO
 M2N 6P9 Canada
 Phone: (416) 498-3383
 email: m.j.imperialdesign@gmail.com

The M.J. IMPERIAL DESIGN is not responsible for the accuracy of survey, structural, mechanical, electrical, etc.
 Contractor shall check all dimensions on the work and report any discrepancy to the Architect before proceeding. Contractors must conform to all applicable codes and requirements of Authority having jurisdiction.
 All drawings, specifications and related documents are the property of M.J. IMPERIAL DESIGN INC and must be returned upon request. Reproduction of drawings, specifications and related documents in part or whole is forbidden without the M.J. IMPERIAL DESIGN permission.
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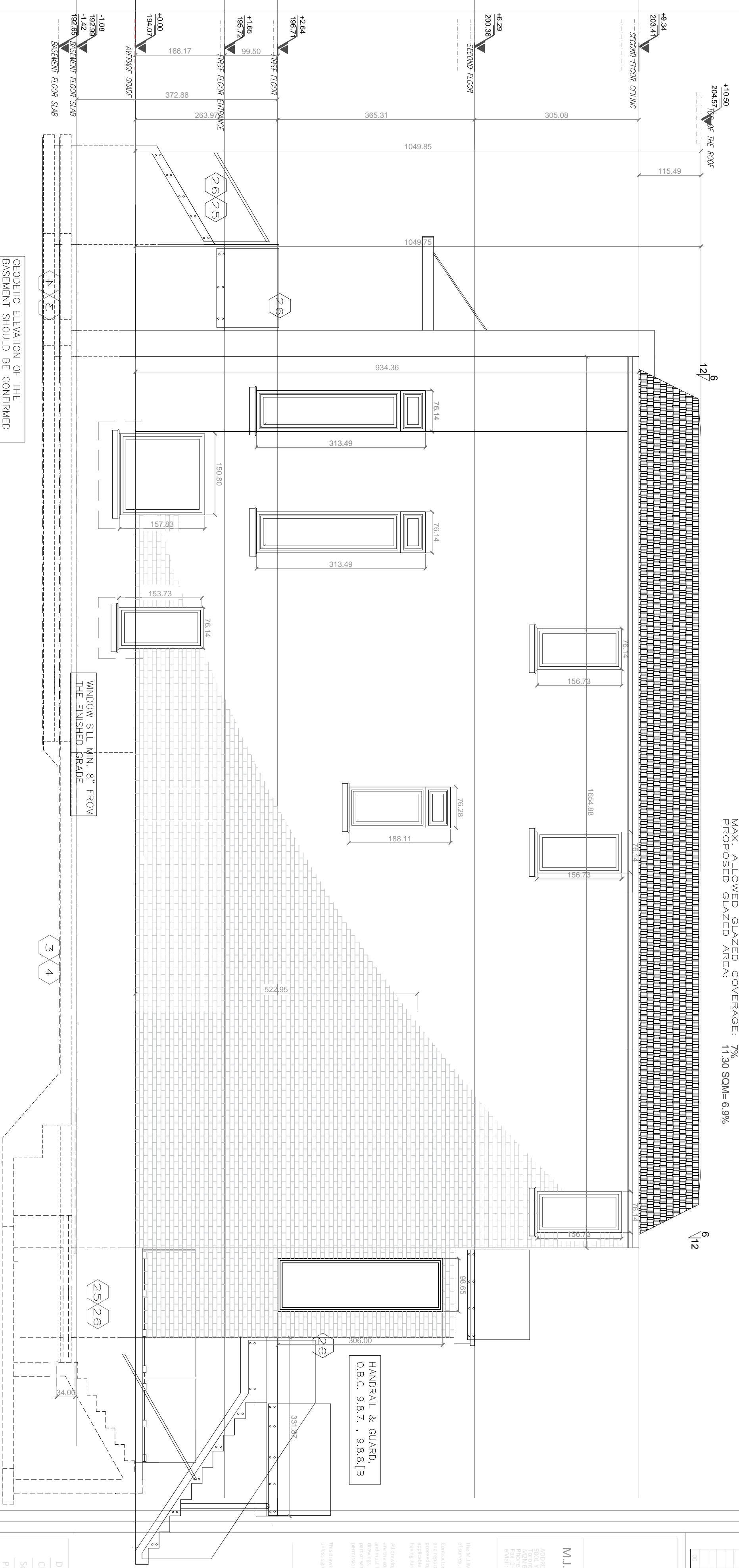
Designed by: **M.J.**
 Checked by: **J.D.**
 Scale: **1"=1/4"**
 Project No: **1885-21**
 Date: **29-02-2021**

Drawing Title
EAST ELEVATION

A07

GLAZED AREAS:
 AREA OF EXPOSED BUILDING FACE: 159.50 SQM
 MAX. ALLOWED GLAZED COVERAGE: 7%
 PROPOSED GLAZED AREA: 11.30 SQM= 6.9%

GEODETIC ELEVATION OF THE BASEMENT SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION BASED ON THE LOCATION OF UNDERGROUND SERVICES.



Project
PROPOSED TWO STOREY HOUSE AT:
102 CRESTWOOD RD.
 VAUGHAN, ON

JANUARY 20, 2021

No.	Revision	Date
00	FOR PERMIT	2021/02/25

M.J. IMPERIAL DESIGN INC

ADDRESS:
 5001 YORKING ST. UNIT 304
 MISSISSAUGA, ONTARIO
 L4V 1V5
 Phone: (905) 895-7091
 email: mjad@imperialdesign.com

The M.J. IMPERIAL DESIGN is not responsible for the accuracy of survey, structural, mechanical, electrical, etc.
 Contractor shall check all dimensions on the work and report any discrepancy to the Architect before proceeding. Construction must conform to all applicable Codes and Requirements of Authorities having jurisdiction.

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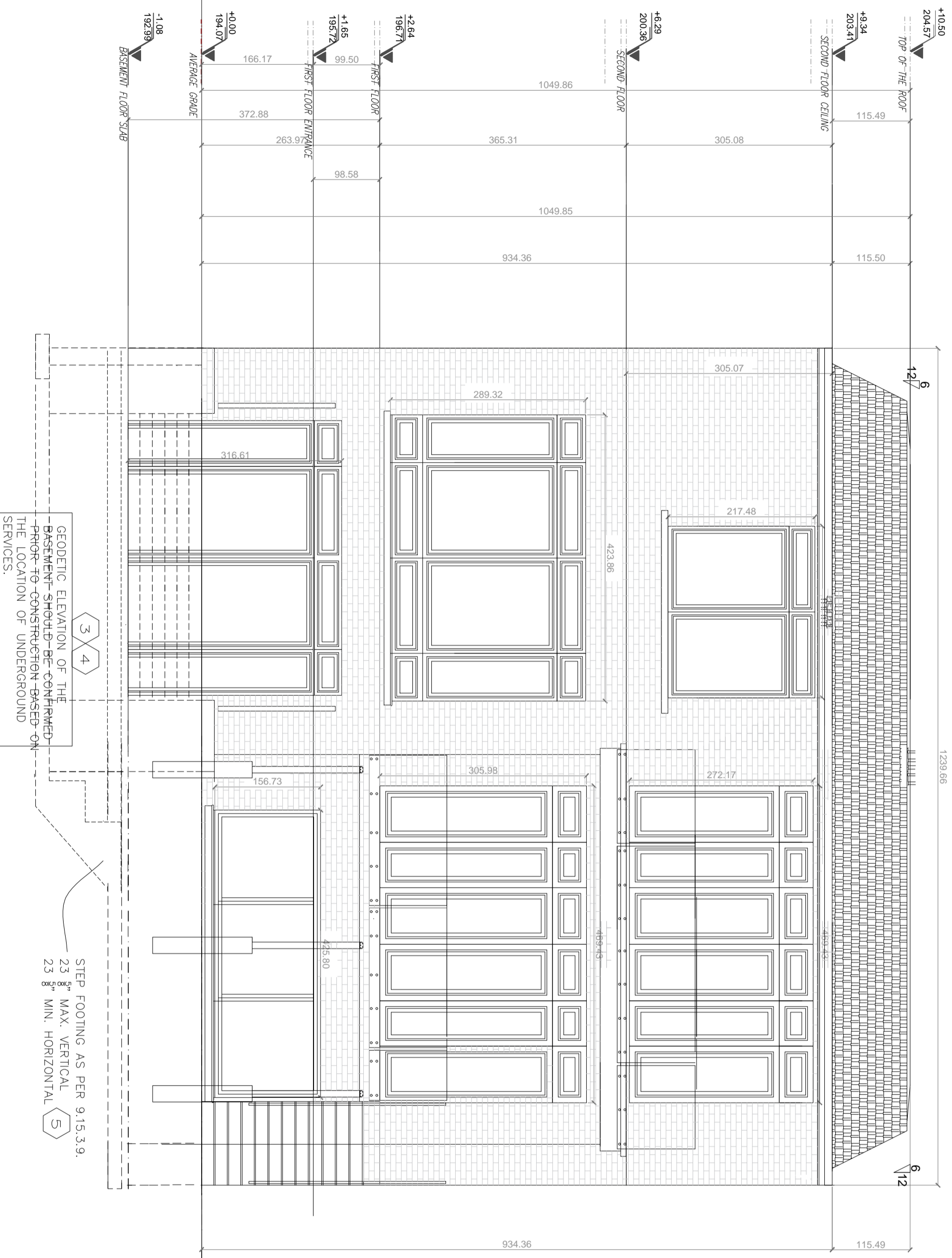
This drawing is not to be used for construction unless signed by the Designer!

Designed by:	M.J.
Checked by:	J.D.
Scale:	1:1/4"
Project No.:	1885-21
Date:	29-02-2021

Drawing Title

NORTH ELEVATION

A08



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: Development Planning & 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.-

Development Planning Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

CNR – comments with guidelines

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: November 18, 2021

Name of Owner: Mohammad Kamali & Banootooran Kamali-Dashtarzheneh

Location: 98, 100 and 102 Crestwood Road

File No.(s): A173/21, A174/21, and A175/21

Proposed Variance(s):

1. The permit a maximum building height of 10.5 m (A173/21 & A175/21) and 10 m (A174/21).

By-Law Requirement(s):

1. A maximum building height of 9.5 m is permitted (Schedule A, By-law.a.a.).

Official Plan:

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

Comments:

The Owner is requesting permission to construct three (3) two-storey dwellings with the above noted variances.

These minor variance applications are related to previous Committee of Adjustment files (B012/17, B013/17, A107/17, A108/17 & A109/17) approved on Thursday, April 27, 2017. In summary, the westerly portion of 100 Crestwood and easterly portion of 102 Crestwood Road were conveyed and combined for the purposes a creating a new lot. The associated variance applications were required to permit a deficiency in lot frontage for all lots resulting from the consent applications.

At the request of the Development Planning Department, the Owner removed the fire pilasters to comply with the interior side yard setbacks of Zoning By-law 1-88. Additionally, the maximum building height of 10.78 (A173/21) and 10.79 m (A175/21) were reduced to 10.5 m to produce dwellings that are compatible to other newly built two-storey homes on severed lots within the neighbourhood.

The Development Planning Department has no objection to the variances, as the maximum building height of 10.5 m (A173/21 & A174/21) is measured at the top of the roof line (mansard roof) which produces an overall mass and scale similar to dwellings in the immediate area. In respects to A174/21, a maximum building height increase of 0.5 m is minimal and will not cause a visual impact onto the existing streetscape.

In support of this application the Owner has submitted anArborist Report for 100 Crestwood Road, prepared by D. Andrew White, dated November 3, 2020. Urban design staff have reviewed the reports and recommends tree #1 (61 cm DBH Sugar Maple) and tree #2 (city tree) be retained. A condition to this effect will be placed in the recommendation section of the report.

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.

Recommendation:

The Development Planning Department recommends approval of the application, subject to a condition.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

1. The Owner submit a revised Arborist Report that is to be reviewed and approved by the Development Planning Department confirming tree #1 and #2 will be retained on-site.

Comments Prepared by:
Roberto Simbana, Planner I
Chris Cosentino, Senior Planner

Date: October 22nd , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A175-21**

Related Files:

Applicant Mohammad Kamali and Banootoran Kamali-Dashtarzheneh

Location 102 Crestwood Road



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: A175/21 (102 CRESTWOOD ROAD) - REQUEST FOR COMMENTS
Attachments: A175-21 - Circulation.pdf

From: Ashkan Matlabi <Ashkan.Matlabi@cn.ca> **On Behalf Of** Proximity
Sent: October-22-21 6:06 PM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] FW: A175/21 (102 CRESTWOOD ROAD) - REQUEST FOR COMMENTS

Hello,

Thank you for consulting CN on the application mentioned in subject. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Thank you and do not hesitate to contact me with any questions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca
T : 1-438-459-9190
1600, René-Lévesque Ouest, 11e étage
Montréal (Québec)
H3H 1P9 CANADA
wsp.com

Pravina Attwala

Subject: FW: A175/21 (102 CRESTWOOD ROAD) - REQUEST FOR COMMENTS

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

Sent: October-28-21 3:15 PM

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

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

Subject: [External] RE: A175/21 (102 CRESTWOOD ROAD) - REQUEST FOR COMMENTS

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

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Applications A107/17; A108/17; A109/17

Consent Applications B012/17; B013/17

LPAT Appeal #PL170635

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A107/17

APPLICANT: AHMAD ALIZADEH SAGHATI BITA FARAZMAND

PROPERTY: Part of Lot 26, Concession 1(Lot 19 of Registered Plan 65R-8966) municipally known as 100 Crestwood Road, Thornhill.

ZONING: The subject lands are zoned R2, Residential, under By-law 1-88, as amended

PURPOSE: To facilitate the retained lands and permit lot frontage of 14.08m

PROPOSAL: To permit a minimum lot frontage of 14.8 metres

BY-LAW REQUIREMENT: A minimum lot frontage of 15.0 metres

A sketch is attached illustrating the request.

MOVED BY: _____



SECONDED BY: _____



THAT the Committee is of the opinion that the variances sought, cannot be considered minor and are not desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will not be maintained.

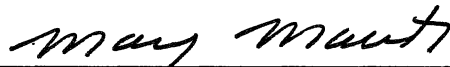


The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

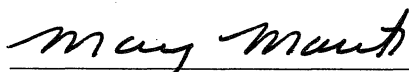
THAT Application No.A107/17, **AHMAD ALIZADEH SAGHATI BITA FARAZMAND**, be **REFUSED**.

CARRIED

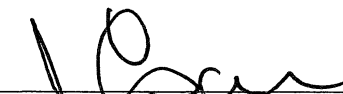
CHAIR: _____



Signed by all members present who concur in this decision:



M. Mauti,
Chair



J. Cesario,
Vice Chair



R. Buckler,
Member



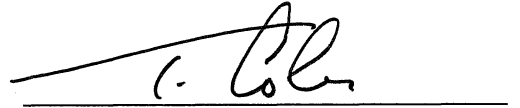
H. Zheng,
Member

ABSENT

A-Perrella,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, ACST(A), MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	May 11, 2017
Last Date of Appeal:	May 31, 2017

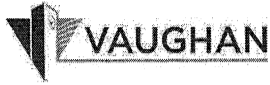
APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

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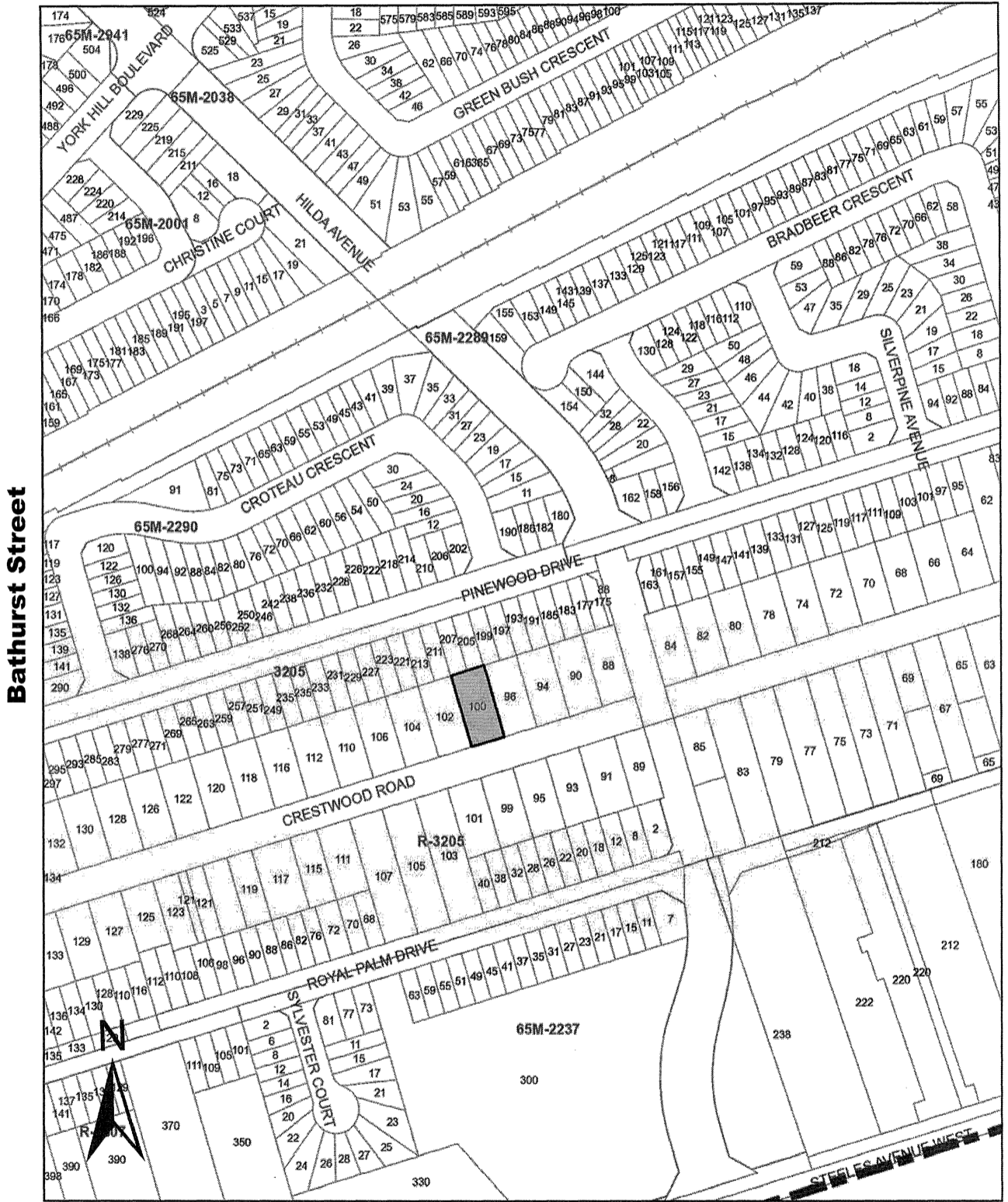
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Location Map - A107/17

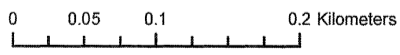
100 Crestwood Road, Thornhill



Bathurst Street

Steeles Avenue

City of Vaughan



The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.



NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A108/17

APPLICANT: SEYED-MEDHI SADROSSADAT-ZADEH FATEMEH SABETZADEH

PROPERTY: Part of Lot 26, Concession 1 (Lot 18 of Registered Plan 65R8966) municipally known as 102 Crestwood Road, Thornhill

ZONING: The subject lands are zoned R2, Residential, under By-law 1-88, as amended

PURPOSE: To facilitate the severance of retained lands and permit lot frontage of 14.8m.

PROPOSAL: To permit a minimum lot frontage of 14.8 metres

BY-LAW REQUIREMENT: A minimum lot frontage of 15.0 metres

A sketch is attached illustrating the request.

MOVED BY: _____



SECONDED BY: _____



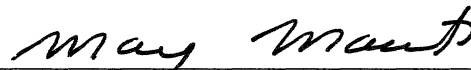
THAT the Committee is of the opinion that the variances sought, cannot be considered minor and are not desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will not be maintained.

The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

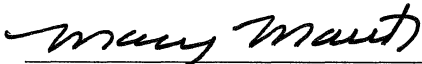
THAT Application No.A108/17, **SEYED-MEDHI SADROSSADAT-ZADEH FATEMEH SABETZADEH**, be **REFUSED**.

CARRIED


CHAIR: _____



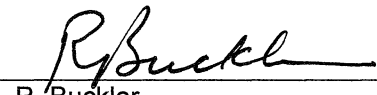
Signed by all members present who concur in this decision:



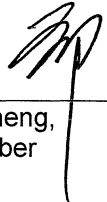
M. Mauti,
Chair



J. Cesario,
Vice Chair



R. Buckler,
Member



H. Zheng,
Member

ABSENT
A. Perrella,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, ACST(A), MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	May 11, 2017
Last Date of Appeal:	May 31, 2017

APPEALS

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Location Map - A108/17

102 Crestwood Road, Thornhill



City of Vaughan

Steeles Avenue

0 0.05 0.1 0.2 Kilometers

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NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A109/17

APPLICANT: AHMAD ALIZADEH SAGHATI, BITA FARAZMAND, SEYED-MEDHI SADROSSADAT-ZADEH & FATEMEH SABETZADEH

PROPERTY: Part of Lot 26, Concession 1 (Part of Lots 18 & 19 of Registered Plan 65R8966) municipally known as 100 & 102 Crestwood Road, Thornhill.

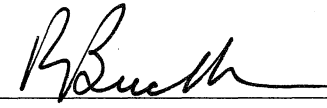
ZONING: The subject lands are zoned R2, Residential, under By-law 1-88, as amended

PURPOSE: To facilitate the severance of the subject lands and permit lot frontage of 14.8m.

PROPOSAL: To permit a minimum lot frontage of 14.8 metres

BY-LAW REQUIREMENT: A minimum lot frontage of 15.0 metres

A sketch is attached illustrating the request.

MOVED BY: _____ 

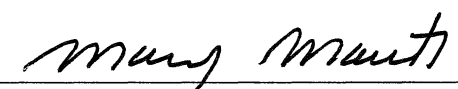
SECONDED BY: _____ 

THAT the Committee is of the opinion that the variances sought, cannot be considered minor and are not desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will not be maintained.

The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

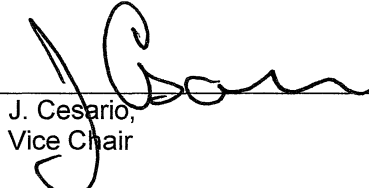
THAT Application No. A109/17, AHMAD ALIZADEH SAGHATI BITA FARAZMAND, SEYED-MEDHI SADROSSADAT-ZADEH FATEMEH SABETZADEH, be REFUSED.

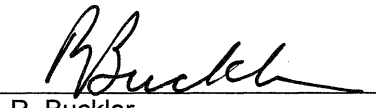
CARRIED

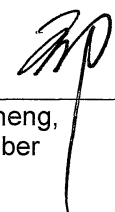
CHAIR: _____ 

Signed by all members present who concur in this decision:

_____ 
M. Mauti,
Chair

_____ 
J. Cesario,
Vice Chair

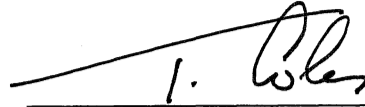
_____ 
R. Buckler,
Member

_____ 
H. Zheng,
Member

_____ **ABSENT**
A. Perrella,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, ACST(A), MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	May 11, 2017
Last Date of Appeal:	May 31, 2017

APPEALS

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Location Map - A109/17

100 & 102 Crestwood Road, Thornhill



City of Vaughan

Steeles Avenue



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COMMITTEE OF ADJUSTMENT

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

NOTICE OF DECISION CONSENTS

FILE NUMBER: B012/17

APPLICANT: AHMAD ALIZADEH SAGHATI BITA FARAZMAND

PROPERTY: Part of Lot 26, Concession 1 (Part of Lot 19 of Registered Plan 65R8966) municipally known as 100 Crestwood Road, Thornhill.

ZONING: The subject lands are zoned R2, Residential, under By-law 1-88, as amended

PURPOSE: **Conveyance: Addition to an existing lot taken from lands to the West.**
The purpose of this application is to request the consent of the committee of adjustment to convey parcel of land marked "A" on the attached sketch as an addition to an existing lot, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for residential purposes.

A sketch is attached illustrating the request.

The above noted application was heard by the Committee of Adjustment on May 11, 2017.

MOVED BY: R. Buckler

SECONDED BY: J. Cesario

The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

THAT Application No. B012/17, AHMAD ALIZADEH SAGHATI BITA FARAZMAND, be **REFUSED**.

CARRIED

CHAIR: Mary Mauti

Signed by all members present who concur in this decision:

Mary Mauti
M. Mauti,
Chair

J. Cesario
J. Cesario,
Vice Chair

R. Buckler
R. Buckler,
Member

H. Zheng
H. Zheng,
Member

~~A. Perrella~~
ABSENT
A. Perrella,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

Todd Coles
Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:	May 11, 2017
Date of Notice:	May 19, 2017
Last Date of Appeal:	June 08, 2017

APPEALS

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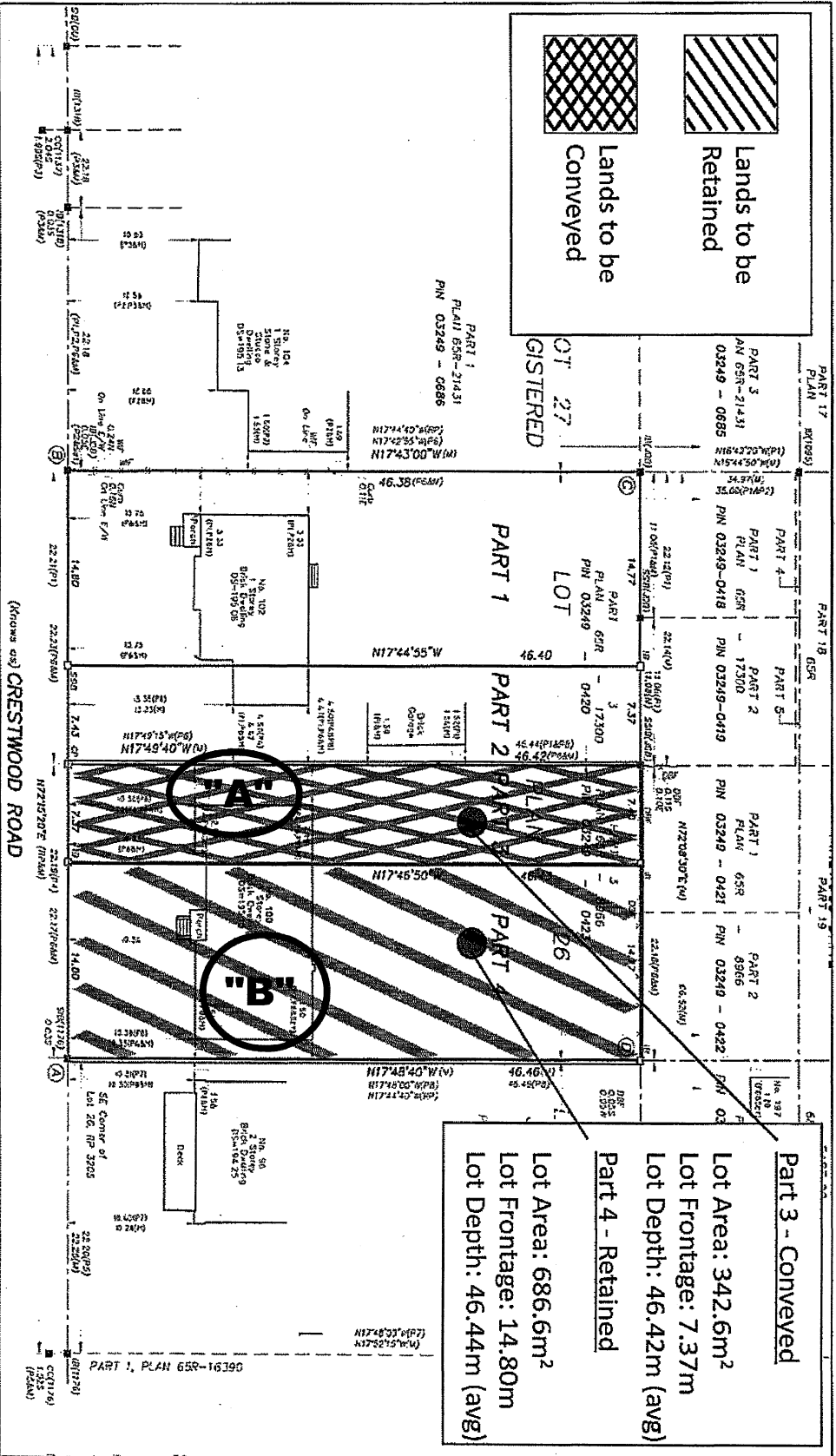
B012/17

JKO PLANNING SERVICES

27 Fiddler Crescent, Richmond Hill, ON, L4E 3E9 (416) 435-8876

Prop. Consent Severance Sketch
100 Crestwood Road
 Vaughan, Ontario

Designed By:
 Drawn By: CADD
 Date: March 2017
 Scale: 1:300
 Approved By:



B012/17, B013/17, A107/17, A108/17 & A109/17

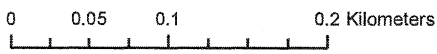
100 & 102 Crestwood Road, Thornhill



Yonge Street

Steeles Avenue

City of Vaughan



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COMMITTEE OF ADJUSTMENT

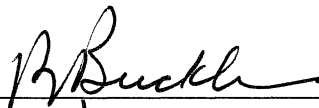
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

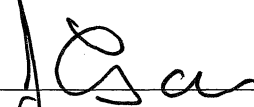
NOTICE OF DECISION
CONSENTS

FILE NUMBER: B013/17
APPLICANT: SEYED-MEDHI SADROSSADAT-ZADEH FATEMEH SABETZADEH
PROPERTY: Part of Lot 26, Concession 1 (Part of Lot 18 of Registered Plan 65R8966) municipally known as 102 Crestwood Drive, Thornhill.
ZONING: The subject lands are zoned R2, Residential, under By-law 1-88, as amended
PURPOSE: **Conveyance: Addition to an existing lot taken from lands to the East.**
The purpose of this application is to request the consent of the committee of adjustment to convey parcel of land marked "A" on the attached sketch as an addition to an existing lot, together with all required easements and right-of-ways, if required, and retain the lands marked "B" on the attached sketch for residential purposes.

A sketch is attached illustrating the request.

The above noted application was heard by the Committee of Adjustment on May 11, 2017.

MOVED BY: 

SECONDED BY: 

The Committee of Adjustment received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.


THAT Application No.B013/17, **SEYED-MEDHI SADROSSADAT-ZADEH FATEMEH SABETZADEH**, be **REFUSED**.


CARRIED


CHAIR: 

Signed by all members present who concur in this decision:


M. Mauti,
Chair


J. Cesario,
Vice Chair



R. Buckler,
Member


H. Zheng,
Member

ABSENT
A. Perrella,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.


Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment



Date of Hearing:	May 11, 2017
Date of Notice:	May 19, 2017
Last Date of Appeal:	June 08, 2017

APPEALS

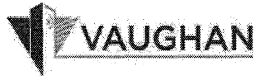
APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at elto.gov.on.ca/omb/. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the **\$708.00** processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of **\$300.00** for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

Sketch



Location Map - B013/17

102 Crestwood Road, Thornhill



City of Vaughan

Steeles Avenue



The City of Vaughan makes every effort to ensure that this map is free of errors but does not warrant that the map or its features are spatially, tabularly, or temporally accurate or fit for a particular use. This map is provided by the City of Vaughan without warranties of any kind, either expressed or implied.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: May 24, 2018

CASE NO(S): PL170635

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Ahmad Alizadeh Saghati, Bita Farazmand,
Fatemeh Sabetzadeh, Seyed-Mehdi
Sadrossadat-Zadet
Subject: Consent
Property Address/Description: 100 and 102 Crestwood Road
Municipality: City of Vaughan
Municipal File No.: B012/17
OMB Case No.: PL170635
OMB File No.: PL170635
OMB Case Name: Alizadeh Saghati v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Ahmad Alizadeh Saghati, Bita Farazmand,
Fatemeh Sabetzadeh, Seyed-Mehdi
Sadrossadat-Zadet
Subject: Minor Variance
Variance from By-law No.: 1-88
Property Address/Description: 100 and 102 Crestwood Road
Municipality: City of Vaughan
Municipal File No.: A107/17
OMB Case No.: PL170635
OMB File No.: PL170636

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Ahmad Alizadeh Saghati, Bita Farazmand,
Fatemeh Sabetzadeh, Seyed-Mehdi
Sadrossadat-Zadet

Subject: Consent
 Property Address/Description: 100 and 102 Crestwood Road
 Municipality: City of Vaughan
 Municipal File No.: B013/17
 OMB Case No.: PL170635
 OMB File No.: PL170637

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Ahmad Alizadeh Saghati, Bita Farazmand,
 Fatemeh Sabetzadeh, Seyed-Mehdi
 Sadrossadat-Zadet

Subject: Minor Variance
 Variance from By-law No.: 1-88
 Property Address/Description: 100 and 102 Crestwood Road
 Municipality: City of Vaughan
 Municipal File No.: A108/17
 OMB Case No.: PL170635
 OMB File No.: PL170638

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Ahmad Alizadeh Saghati, Bita Farazmand,
 Fatemeh Sabetzadeh, Seyed-Mehdi
 Sadrossadat-Zadet

Subject: Minor Variance
 Variance from By-law No.: 1-88
 Property Address/Description: 100 and 102 Crestwood Road
 Municipality: City of Vaughan
 Municipal File No.: A109/17
 OMB Case No.: PL170635
 OMB File No.: PL170639

Heard: November 14, 2017 in Vaughan, Ontario

APPEARANCES:

Parties

Ahmad Alizadeh Saghati, Bita
 Farazmand, Fatemeh Sabetzdeh,
 Sayed-Mehdi Sadrossadat-Zadet

Counsel*/Representative

A. Stewart

DECISION DELIVERED BY C. CONTI AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This is the Decision for an appeal by Ahmad Alizadeh Saghati, Bita Farazmand, Fatemeh Sabetzdehand Sayed-Mehdi Sadrossadat-Zadet (“Appellants”) against the refusal by the City of Vaughan (“City”) Committee of Adjustment (“Committee”) of applications for consent and for minor variances for two properties at 100 and 102 Crestwood Road, Vaughan. The applications propose dividing the two lots into three lots with the equal street frontage and then constructing a new single family dwelling on each lot.

[2] The subject properties are located in a residential area, to the north of Steeles Avenue, west of Yonge Street. The lots are located on the north side of Crestwood Road with frontages of approximately 22.17 metres (“m”) and 22.23 m and depths of approximately 46.42 m and 46.46 m. A two-storey dwelling is located on each lot. The proposed consents will sever 7.37 m from the frontage of the easterly lot and 7.43 m from the frontage of the westerly lot. The severed parcels will be combined to form one lot and when including the retained parcels three lots in total will be the result, each with 14.80 m frontage. The lots will have areas of 685.7 square metres (“sq m”), 686.1 sq m, and 686.6 sq m. The existing dwellings will be demolished to allow for the construction of the new dwellings.

[3] One variance from the provisions of City Zoning By-law No. 1-88 is required for each lot. The By-law requires that the lots have a minimum frontage of 15 m. As noted above, each proposed lot will have a frontage of 14.8 m.

[4] At the beginning of the proceeding the following individuals requested participant status which was granted on consent; Linda Russo, Carlo DiPanfilo, John Petosa, Ron Pansino, Maggie Wei, Silvano Novacco, Jim Canale, Paul Valenti, and Vasily Khmelevskikl.

ISSUE

[5] The main statutory requirements for the proposed consents are set out in s. 51 (24) of the *Planning Act* (“Act”). The proposed variances must meet the four tests as set out in s. 45 (1) of the Act, that is the variances must maintain the general purpose and intent of the Official Plan and By-law, they must be desirable for the use of the lands, and they must be minor.

EVIDENCE

[6] The Tribunal heard evidence on behalf of the Appellants from Jim Kotsopoulos, Principal of JKO Planning Services Inc. Mr. Kotsopoulos is a Registered Professional Planner who has approximately 30 years of experience. He was qualified by the Tribunal as an expert in land use planning.

[7] The Tribunal heard evidence from the participants, Linda Russo, Carlo DiPanfilo, John Petosa, Ron Pansino, Maggie Wei, Silvano Novacco, Jim Canale, Paul Valenti and Vasily Khmelevskiki.

[8] The City did not appear at the hearing and provided no evidence.

[9] The Appellants’ position was that the consents meet all the requirements of s. 51(24) of the Act and the variances meet the four tests under s. 45(1) of the Act and they should be approved. Mr. Kotsopoulos provided an analysis of the characteristics of other lots in the area. He indicated that Crestwood Road is a collector that runs east\west between Yonge Street and Bathurst Street. He noted that the lot fabric in the area is characterized by single-detached lots in a variety of sizes. Mr. Kotsopoulos referred to photographic evidence which illustrates 11 m lot frontages at 21, 23, 25 and 27 Crestwood Road (Exhibit 3, Tab, 31).

[10] Mr. Kotsopoulos stated that the Committee had approved a severance to create lots with 12.96 m frontage at 117 Crestwood, but he indicated that he was uncertain of

the status of the proposal (Exhibit 3, Tab 18). He referred to a Committee Decision for 168 Crestwood Road which approved two lots with 13.94 m frontages (Exhibit 3, Tab 17) and to a decision of the Ontario Municipal Board, now the Local Planning Appeal Tribunal, for 165 Crestwood Road which approved lots with frontages of 14.76 m (Exhibit 3, Tab 19). He stated that the lots at 161 and 163 Crestwood Road had 15 m frontages.

[11] Mr. Kotsopoulos' study included lots within a five to seven minute walk of the subject property (Exhibit 3, Tab 30). The area included the lots between Hilde Avenue in the east and Payson Avenue in the west, with the northern limit being Pinewood Drive and the southern limit being Royal Palm Drive. Mr. Kotsopoulos stated that many of the lots within this portion of Crestwood Road have lot frontages in the range of 20 m to 22 m. While there is some consistency along this stretch of Crestwood Road, Mr. Kotsopolous indicated that in the study area there was a variety of lot sizes and frontages.

[12] Mr. Kotsopoulos noted a Decision of the Committee for 168 Crestwood Road which approved a consent to create two lots with 13.49 m frontage (Exhibit 3, Tab 17).

[13] Mr. Kotsopoulos referred to the survey of the subject property (Exhibit 3, Tab 3) and the draft reference plan (Exhibit 3, Tab 4). He indicated that the proposed lot areas are well in excess of the By-law's requirements and that the only variances required are for a minor reduction in lot frontage, from 15 m to 14.8 m for each lot.

[14] In addition, Mr. Kotsopoulos provided a copy of the report from the City's Planning Department which recommended approval of the applications (Exhibit 3, Tab 12).

[15] Mr. Kotsopoulos addressed the requirements of s. 51(24) of the Act with regard to the proposed consents. He indicated that the consents will contribute to a varied supply of dwellings and that the consent is in the public interest and is not premature pursuant to s. 51(24)(b) of the Act. Regarding s. 51(24)(c), Mr. Kotsopoulos indicated

that consents comply with the Official Plan and the property is suitable, being located on a collector road within the middle of a residential area in proximity to transit. With regard to s. 51(24)(f), he stated that the dimension and shapes of the lots are appropriate and are compatible with the existing lot fabric. Mr. Kotsopoulos stated that the lots fit in with the surrounding area and that there are no natural restrictions pursuant to s. 51(24)(g). He also indicated that there are no issues with regard to s. 51(24)(i), (j), (k), (l) and (m). Mr. Kotsopoulos's opinion was that the consents have regard for the requirements of s. 51(24) of the Act.

[16] Mr. Kotsopoulos indicated that the proposal represents a modest form of intensification and will optimize the use of existing services. It was his opinion that the proposal is consistent with the Provincial Policy Statement, 2014 ("PPS").

[17] Mr. Kotsopoulos referred to the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan"). He indicated that the Growth Plan encourages intensification generally throughout the built up area and that it promotes the development of complete communities. He stated that the subject property is located in a built up area and will use existing infrastructure. The proposal provides for modest intensification in proximity to transit. Mr. Kotsopoulos' opinion was that the proposal conforms to the Growth Plan.

[18] Mr. Kotsopoulos stated that the subject property is designated as Urban Area in the Region of York Official Plan. He indicated that this designation was most suitable for intensification.

[19] Mr. Kotsopoulos noted that the property is designated as Low Rise Residential in the City of Vaughan Official Plan which permits detached dwellings, semi-detached dwellings and townhouses (Exhibit 3, Tab 27). He indicated that the property satisfies s. 9.2.3.1 of the Official Plan which provides for detached houses to be up to three storeys on a single lot and requires that in Community Areas that new detached houses must respect and reinforce the scale, massing, setback and orientation of other built and approved detached houses.

[20] Mr. Kotsopoulos referred to the consent provisions of the City's Official Plan. He indicated that the proposal does not require a plan of subdivision and it complies with s. 10.1.2.34 and s. 10.1.2.35 of the Official Plan. He stated that the consent is permitted under s. 10.1.2.36(a), and pursuant to s. 10.1.2.36(d) the proposed lots will not be smaller in area than the By-law requires. Furthermore, the frontage will be legalized through the variances. Regarding s. 10.1.2.38 there will be enough developable area on the proposed lots without encroaching into natural areas. There are no natural features on the lots and pursuant to s. 10.1.2.39 the Appellants are prepared to accept a condition on the approval to require an arborist's report for the potential protection of trees on the subject property.

[21] Mr. Kotsopoulos indicated that the proposal complies with s. 10.1.2.40 and the proposed use is consistent with the Official Plan as required in s. 10.1.2.41. Mr. Kotsopoulos stated that the proposal will not disturb the pattern of surrounding development as required in s. 10.1.2.42(a) of the Official Plan, and the land is not of sufficient size to require a plan of subdivision pursuant to s. 10.1.2.42(b). Furthermore, as required in s. 10.1.2.42(c) the proposal will not block access points or fragment ownership with regard to surrounding lands so as to hinder development options.

[22] With regard to s. 10.1.2.47(a)(i) to (vii) Mr. Kotsopoulos' evidence was that the proposal will not change the local pattern of lots, streets and blocks, it represents only a modest reduction in lot frontage and therefore is compatible with the size and configuration of existing lots, the proposal provides the same building type as those of nearby properties, the height and scale of nearby properties is respected, the setbacks will comply with the zoning requirements, the rear and side yard setbacks are in excess of the by-law requirements and there are not heritage buildings in the vicinity.

[23] Mr. Kotsopoulos testified that the proposed lots meet the access requirements under s. 10.1.2.47(b) in that the lots front onto a public street, Crestwood Road is not an arterial road, and no daylighting triangles are required. He also indicated that there are no servicing or conservation issues, and there should be no financial implications,

pursuant to s. 10.1.2.47(c), (d) and (e).

[24] It was Mr. Kotsopoulos' opinion that the proposed lots respect the character of the surrounding area, that the reduction in lot frontage is modest and that the proposed variances maintain the general purpose and intent of the Official plan.

[25] Mr. Kotsopoulos indicated that the subject property is zoned Residential (R2) in Zoning By-law No. 1-88. The zoning permits the proposed single detached residential use of the lots. Mr. Kotsopoulos stated that the only variance required from the provisions of the By-law is for the small reduction in lot frontage. All other standards of the By-law will be either maintained or exceeded. It was his opinion that the proposed variances maintain the general purpose and intent of Zoning By-law No. 1-88.

[26] Mr. Kotsopoulos stated that the proposal would facilitate development that fits with the surrounding context. The proposal respects the character of the area and would cause no adverse impacts on adjacent properties. It was Mr. Kotsopoulos's opinion that the variances are desirable for the appropriate use of the lands.

[27] Mr. Kotsopoulos indicated that the neighbourhood is characterized by a variety of frontages and massing. He emphasized that no adverse impacts are expected to be caused by the variances. He provided the opinion that the variances are minor.

[28] Mr. Kotsopoulos referred to the conditions that City staff recommended to be applied to the approval of the application. He indicated that the conditions are appropriate.

[29] Mr. Kotsopoulos stated that the proposal meets all applicable requirements. It is consistent with the PPS, conforms to the Growth Plan, the Region of York and City Official Plans, and with the intent of the By-law. Furthermore, the consents have regard for the requirements of s. 51(24) of the Act and the variances meet the four tests under s. 45(1) of the Act. He recommended that the consents and the variances be approved.

[30] The participants were opposed to the proposal and recommended that the Tribunal refuse the applications. The participants noted that the portion of Crestwood Road which includes the subject property is characterised by large lots and large single family dwellings. They contended that the large lot sizes with large frontages should be maintained. Many of the participants expressed concern that approval of the proposal would lead to similar applications for other properties which will eventually change the character of the neighbourhood. The Tribunal heard that the provisions of the By-law should be strictly maintained and that permitting reduced lot frontages to 14.8 m. is not acceptable.

[31] Mr. Pansino, who lives at 96 Crestwood immediately to the east of the subject property, expressed concerns similar to those raised by the other participants. He also stated that his dwelling is a solar home and raised concerns about the potential for one of the new dwellings to block sunlight from reaching his house.

[32] In summary, the participants maintained that the severances and variances were not appropriate and would harm the neighbourhood character. They maintained that the appeal should be denied and the applications refused.

ISSUES, ANALYSIS AND FINDINGS

[33] The Tribunal has carefully considered the evidence provided by the Appellant and the participants. The Tribunal's decision must be based upon planning considerations, in particular related to whether the proposed consent has regard for the provisions of s. 51(24) of the Act and if the variances meet the four tests under s. 45(1) of the Act. The expert planning opinion of Mr. Kotsopoulos supporting the proposal was uncontradicted. Furthermore, the report of the City Planning Department to the Committee recommended approval of the applications subject to conditions.

[34] The evidence raised by the participants noted that the portion of Crestwood Road in the vicinity of the subject property is characterized by larger lot frontages than proposed in the applications. However, approvals have been given for some smaller lot

frontages within this portion of Crestwood Road including for lots with 12.96 m frontage at 117 which is across the street and slightly west of the subject property.

[35] Furthermore, the zoning for this portion of Crestwood Road permits 15 m frontages. The Tribunal must conclude that lots with 15 m frontage represent an appropriate lot fabric for this section of Crestwood Road. In this regard the Tribunal agrees with the submissions of the Appellant that there is little difference between the 14.8 m frontages proposed for the lots and the 15 m frontage required in the By-law, and that the difference would be virtually imperceptible.

[36] A number of participants indicated that the provisions of the By-law should be strictly upheld and that there should be no reduction in the required lot frontage. However, the Act does not prohibit the consideration of variances to zoning provisions. In the current case all the standards of the By-law will be maintained except for the lot frontage requirement.

[37] In s. 10.1.2.47(a) of the City's Official Plan, consents must be evaluated based upon the compatibility of the proposed shape, size and use of the lots in relation to a number of factors including the local pattern of lots, streets and blocks and the size and configuration of existing lots. This provision does not indicate that proposed lots must be the same as existing lots. The term "compatible" implies that some flexibility can be exercised, that proposed lots must be similar to existing lots, and must be able to exist in harmony with the existing lot fabric. The Tribunal agrees with the evidence provided by Mr. Kotsopoulos that the proposed 14.8 m frontage lots will be compatible with the existing lots.

[38] Furthermore, the Tribunal was not provided with any area specific Official Plan policy that would restrict variances in the area that include the subject property or would require maintaining existing lot frontages. The Official Plan does not identify the characteristics of the subject area for any special consideration or for preservation.

[39] In addition to the above factors, it is clear from the evidence that lots fronting

onto other streets in the area include many lots of smaller frontage (Exhibit 3, Tab 30). The Tribunal recognizes that some of these properties have different zoning than the subject property, but it is legitimate to include them in the neighbourhood area and to consider them as part of the larger lot fabric.

[40] In view of the above considerations, the Tribunal accepts and agrees with the planning opinion provided on behalf of the Appellant and finds that the proposed consents have regard for all provisions of s. 51(24) of the Act and the variances meet the four tests under s. 45(1) of the Act.

[41] The Tribunal finds that the proposal represents a modest form of intensification that is encouraged by the policies of the PPS and Growth Plan. The Tribunal finds that the applications are consistent with the PPS and conform to the Growth Plan.

[42] Based upon the evidence the Tribunal concludes that regard was given to matters of provincial interest, pursuant to s. 51(24)(a) of the Act. The Tribunal agrees with the Appellant's evidence that the consents are not premature. Furthermore, the evidence demonstrates that the proposal may be permitted under the York Region Official Plan and no provisions were raised that conflict with the proposal. The Tribunal agrees with Mr. Kotsopoulos' evidence that the proposal conforms to the City's Official Plan. The consents comply with all applicable provisions in the Consents section of the City's Official Plan including s. 10.1.2.34. to s. 10.1.2.42, and s. 10.1.2.47. The Tribunal finds that the proposal has regard to s. 51(24)(c) of the Act. The Tribunal finds that all other applicable requirements of s. 51(24) of the Act have been met including s. 51(24)(f) regarding the dimension and shapes of the proposed lots.

[43] Based upon the evidence the Tribunal finds that the variances meet the four tests under s. 45(1) of the Act. The variances will provide for a form of development that is compatible with the surrounding area and that is appropriate for the low density residential designation. Based upon the evidence the Tribunal finds that the variances comply with the requirements of s. 9.2.2.1 of the Official Plan and that the variances meet the general purpose and intent of the Official Plan.

[44] The evidence has demonstrated that the proposal will comply with all provisions of the zoning By-law except for the lot frontage requirement. The general purpose and intent of the By-law is to provide for standards that will permit development that complies with the requirements of the Official Plan. The proposed variances do not differ substantially from the By-law's requirement for lot frontage and are similar to approved variances for other lots in the area. The Tribunal finds that the variances maintain the general purpose and intent of the By-law.

[45] Based upon the evidence, the Tribunal finds that the variances are desirable for the appropriate use of the lands, The variances will result in reinvestment in the property and will maintain the character of the area.

[46] The Tribunal also finds that the variances are minor. The evidence has demonstrated that they will not cause significant negative impact and the magnitude of the variances in relation to the standards of the By-law for lot frontage is small.

[47] Furthermore, the Tribunal accepts and agrees with Mr. Kotsopoulos' evidence that the proposal is consistent with the PPS and complies with the Growth Plan.

[48] The Tribunal has reviewed the conditions recommended by City staff to be applied to the applications contained in Exhibit 3. One condition to be applied to both the variances and consents requires the submission of an arborist's report regarding the protection of trees. Another condition that is to be applied only to the consents is for a tree fee to be paid to the satisfaction of the City. The third condition to be applied only to the consents requires that the owner pay all property taxes. The conditions were supported through Mr. Kotsopoulos' evidence. The Tribunal finds that they are reasonable and they will be applied to the approval.

[49] During the hearing the Appellant offered to provide a 1.5 m setback for the dwelling on the easterly lot from the east lot line in order to ameliorate potential impacts on Mr. Pansino's solar home. The Tribunal finds that this is also a reasonable condition. The Tribunal has recently received suggested wording for this condition from the

Appellant which has been incorporated into the order below.

[50] Based upon consideration of all of the evidence and in view of the above findings, the Tribunal will allow the appeal and order the provisional consents to be given and authorize the variances. The appropriate order is provided below.

ORDER

[51] The Tribunal orders that the appeal is allowed and the provisional consents are to be given subject to the following conditions;

1. The owner shall provide a letter prepared by an ISA Certified Arborist indicating that the reconstruction, construction and post-construction recommendations to minimize the damage of neighbour trees are satisfactorily conducted by an ISA Certified Arborist and in accordance with industry standards, to the satisfaction of the Development Planning Department.
2. The Owner shall pay a Tree Fee, approved by Council as of the date of granting the consents. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department.
3. The Owner shall pay all property taxes as levied. Payment is to be made by certified cheque, to the satisfaction of the City of Vaughan Financial Planning and Development Finance Department.

And furthermore, the variances to City of Vaughan Zoning By-law No. 1-88 are authorized subject to the following conditions:

1. To be applied to all lots: The owner shall provide a letter prepared by an ISA Certified Arborist indicating that the reconstruction, construction and

post-construction recommendations to minimize the damage of neighbour trees are satisfactorily conducted by an ISA Certified Arborist and in accordance with industry standards, to the satisfaction of the Development Planning Department.

2. To be applied to the easterly lot only: A new dwelling constructed on the east lot (Part 4) shall have a minimum side yard setback of 1.5 m to the east side lot line only.

“C. Conti”

C. CONTI
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248