



**File:** A222/21

**Applicant:** Ghassan Haddad & Andrew Gebrane

**Address:** 106 Vittorio De Luca Dr Townhouse 29  
Woodbridge

**Agent:** Clinton Archer

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection		
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
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: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala  
Hearing Date: Wednesday, December 8, 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: 14

**A222/21**

Ward: 2

**Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Wednesday, December 08, 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](http://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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto: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:** Ghassan Haddad & Andrew Gebrane

**Agent:** Clinton Archer

**Property:** **106 Vittorio De Luca Dr Townhouse 29, Woodbridge**

**Zoning:** The subject lands are zoned RM2 9(700) and subject to the provisions of Exception DA.03.071 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 uncovered existing uncovered wood deck located in the rear yard.

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

By-law Requirement	Proposal
A maximum encroachment of 1.8m into the rear yard is permitted for a deck. (3.14.c)	To permit a deck to encroach into the rear yard a maximum of 3.05 metres.

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

For information on the previous approvals listed above please visit [www.vaughan.ca](http://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 24, 2021

Applicant confirmed posting of signage on November 16, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2007 (Purchased 2020)

Applicant has advised that they cannot comply with By-law for the following reason(s): Current owner bought this property not knowing the deck was built by previous owners without a building permit. An order to comply was issued to the current owner on January 19, 2021. The current owner would like to keep the deck for its intended use as one of the reasons for purchasing this property.

Committee of Adjustment recommended conditions of approval: None

**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: Order No. 21-100833, Order to Comply for Construction of a rear deck has been completed prior to obtaining the required building permit.

Stages of Construction: Completed. Issue Date: Jan 19, 2021

Building Permit No. 21-119633 for Street Townhouse - Alteration, Issue Date: (Not Yet Issued)

Building Permit No. 16-001685 for Street Townhouse - Alteration, 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.

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

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Standards Recommended conditions of approval: None

**Building Inspections (Septic):**

No comments received to date

**Development Planning:**

Please see Schedule C for Development Planning comments/conditions.

**Development Engineering:**

The Development Engineering (DE) Department does not object to variance application A222/21.

**Parks Development - Forestry:**

No comments no concerns.

**By-Law and Compliance, Licensing and Permit Services:**

No comments no concerns.

**Development Finance:**

No comment no concerns

**Fire Department:**

No comments received to date

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**

None

**Schedule C - Development Planning & Agency Comments**

Development Planning Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

**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: N/A

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.

**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](mailto:cofa@vaughan.ca)

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](http://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](http://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](mailto: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.

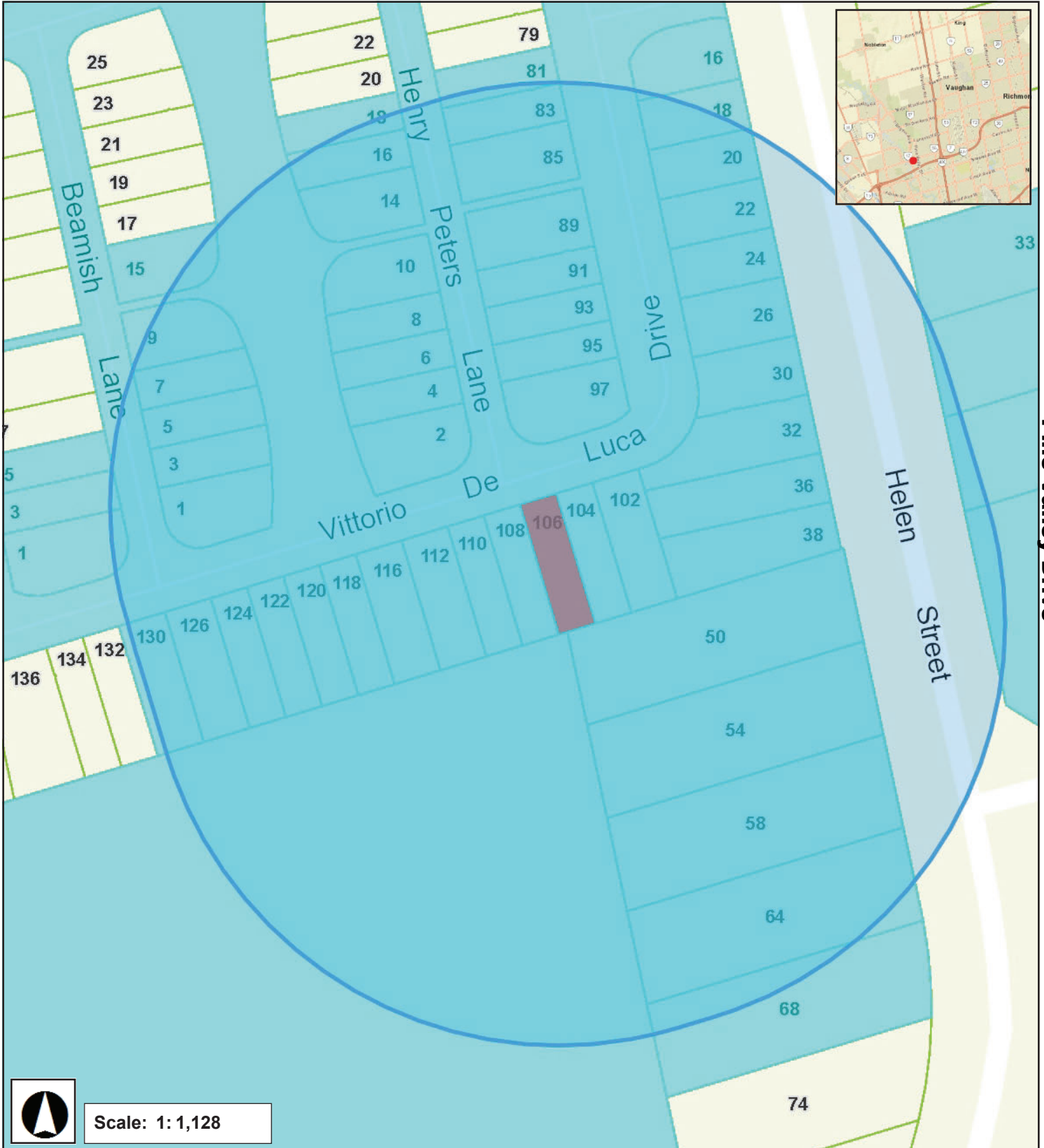
**Location Map**  
**Plans & Sketches**



# LOCATION MAP - A222/21

106 VITTORIO DE LUCA DR. WOODBRIDGE

**Highway 7**



TOWNHOUSE 29  
 PLAN 65M3920 BLOCK 1  
 PLAN 65R29604 PART 27  
 CITY OF VAUGHAN  
 REGIONAL MUNICIPALITY OF YORK

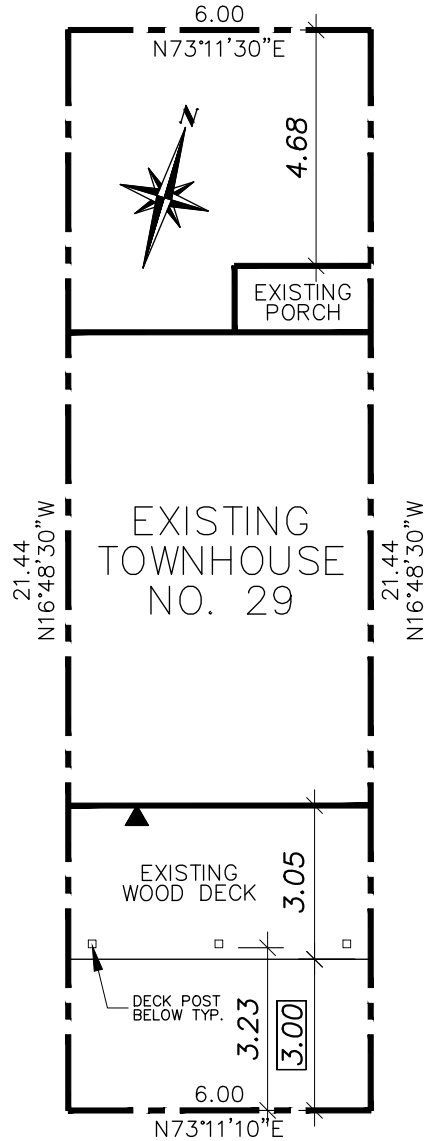
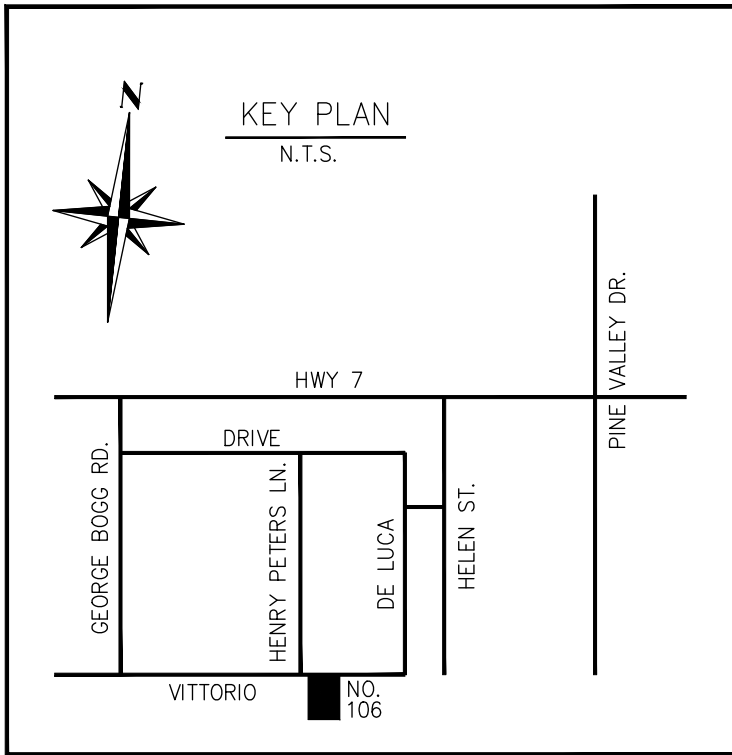
**RECEIVED**  
 By RECEIVED at 1:46 pm, Nov 16, 2021

**A222/21**

LEGEND

▶ ENTRY POINTS INTO BUILDING

VITTORIO DE LUCA DRIVE



REVISIONS NO.	DATE	DESCRIPTION
1	NOV. 16/2021	REV. DECK TITLE FROM 'PROPOSED' TO 'EXISTING'

I CLINTON ARCHER DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF ARCHER DESIGN AND CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C.  
 QUALIFIED DESIGNER BCIN - 116858  
 FIRM BCIN - 119310

SIGNATURE: *Clinton Archer*

PROJECT HADDAD	DRAWING WOOD DECK	
SCALE 1/100	DATE JULY 19 2021	MODEL TYPE V-O17
DRAWN BY C.A.	CHK'D BY C.A.	PROJECT NO. 2021-017
PROJECT LOCATION VAUGHAN	FILE NO. 2021-017	DRAWING NO. S1

**ARCHER**  
 DESIGN + CONSULTING

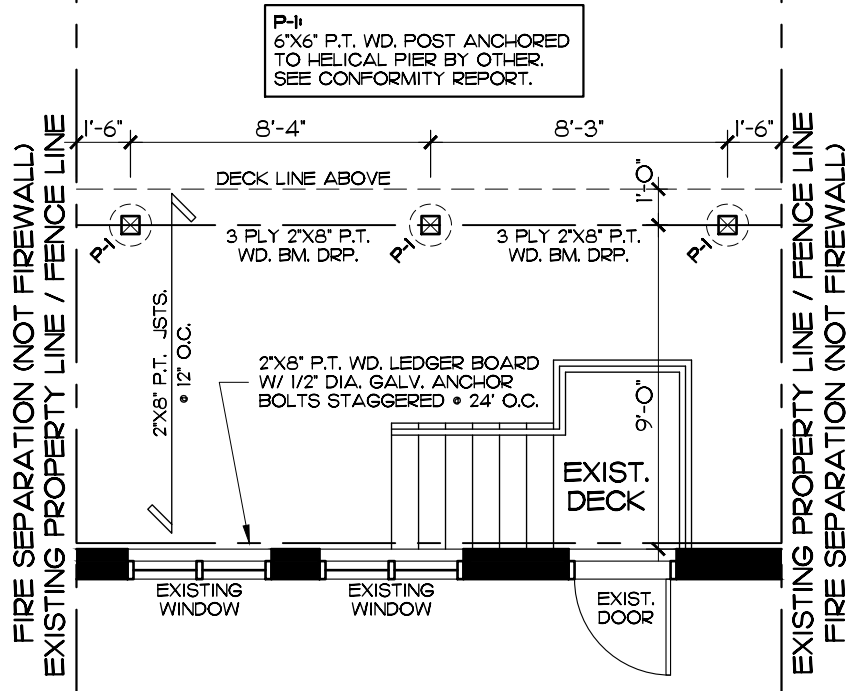
Phone 705-641-1065  
 Phone: 647-688-3494  
 EMAIL : carcher@archerdesign.ca  
 WEBSITE: archerdesign.ca

OWNERS INFORMATION  
 GHASSAN HADDAD  
 106 VITTORIO DE LUCA DR.  
 VAUGHAN, ON.

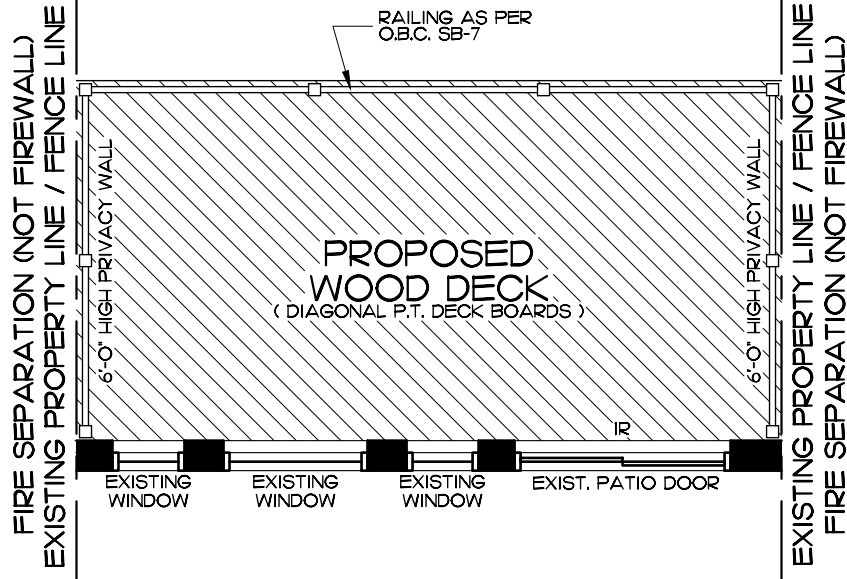




# GROUND FLOOR PLAN



# MAIN FLOOR PLAN



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

**ARCHER**  
DESIGN + CONSULTING

Phone: 647-688-3494  
EMAIL : carcher@archerdesign.ca  
WEBSITE: archerdesign.ca

OWNERS INFORMATION :  
GUS HADDAD  
106 VITTORIO DE LUCA DRIVE,  
VAUGHAN, ON.  
L4L 3S3

D01



















## **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**

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** December 08, 2021  
**Name of Owner:** Ghassan Haddad and Andrew Gebrane  
**Location:** 106 Vittorio De Luca Drive  
**File No.(s):** A222/21

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**Proposed Variance(s) (By-law 1-88):**

1. To permit a deck to encroach into the rear yard a maximum of 3.05 m.

**By-Law Requirement(s) (By-law 1-88):**

1. A maximum encroachment of 1.8m into the rear yard is permitted for a deck.  
(3.14.c)

**Official Plan:**

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

**Comments:**

The Owner is proposing to maintain an existing rear yard deck with the above-noted variance.

The existing deck is elevated 4.6 m above-ground, is accessed via the second floor and encroaches approximately halfway into the rear yard, which maintains an appropriate area of useable open space. The rear yard partially abuts a school field, as well as the rear yard of a neighbouring residential property, which is visually screened by existing trees. The Development Planning Department therefore considers the requested rear yard encroachment minor in nature.

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.

**Recommendation:**

The Development Planning Department recommends approval of the application.

**Conditions of Approval:**

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

None

**Comments Prepared by:**

Michael Torres, Planner I

Chris Cosentino, Senior Planner

**Date:** October 27<sup>th</sup> , 2021

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:** **A222-21**

**Related Files:**

**Applicant** Ghassan Haddad, Andrew Gebrane

**Location** 106 Vittorio De Luca Drive



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](mailto:stephen.cranley@alectrautilities.com)

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

**Pravina Attwala**

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**Subject:** FW: A222/21 (106 VITTORIO DE LUCA DRIVE) - REQUEST FOR COMMENTS

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

**Sent:** November-10-21 3:49 PM

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

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

**Subject:** [External] RE: A222/21 (106 VITTORIO DE LUCA DRIVE) - 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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)