

COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A246/21

AGENDA ITEM NUMBER: 12	CITY WARD #: 1
7.02.1137.112.111.110.1132.11.112	
APPLICANT:	Justin and Florence Royjaye
AGENT:	None
PROPERTY:	5 Boone Crescent, Kleinburg
ZONING DESIGNATION:	See below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Residential", with a maximum permitted height of 5-storeys and floor space index ('FSI') of 1.75 times the area of the lot, subject to Area Specific Plan 12.7: Block 61 West - Nashville Heights
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit a proposed side door to be located in the westerly side yard. The proposed side door is to accommodate a secondary suite.

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

*Please see **Schedule B** of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	\boxtimes	\boxtimes		General Comments
Building Standards (Zoning Review)	\boxtimes	\boxtimes		General Comments
Building Inspection (Septic)	\boxtimes			No Comments Recieved to Date
Development Planning	\boxtimes			Recommend Approval/No Conditions
Development Engineering	\boxtimes	\boxtimes		Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	\boxtimes	\boxtimes		No Comments or Concerns
By-law & Compliance, Licensing & Permits		\boxtimes		No Comments or Concerns
Development Finance	\boxtimes			No Comments or Concerns
Real Estate				
Fire Department	\boxtimes	\boxtimes		Recommend Approval/No Conditions
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	\boxtimes	\boxtimes		Recommend Approval/No Conditions
Ministry of Transportation (MTO)	\boxtimes			No Comments Recieved to Date
Region of York	\boxtimes			No Comments or Concerns
Region of York Alectra				
Region of York	\boxtimes	\boxtimes		No Comments or Concerns
Region of York Alectra	X			No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada				No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada YRDSB				No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada YRDSB YCDSB				No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada YRDSB YCDSB CN Rail				No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada YRDSB YCDSB CN Rail CP Rail				No Comments or Concerns No Comments or Concerns
Region of York Alectra Bell Canada YRDSB YCDSB CN Rail CP Rail TransCanada Pipeline				No Comments or Concerns No Comments or Concerns No Comments Recieved to Date

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) 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.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND			
*Please see Schedule D for a copy of the Decisions listed below			
File Number	Date of Decision	Decision Outcome	
	MM/DD/YYYY		
None			

ADJOURNMENT HISTORY
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.
None



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RELATED DEVELOPMENT APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning amendments etc.	None
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit a proposed side door to be located in the westerly side yard. The proposed side door is to accommodate a secondary suite.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned OS1 –Public Open Space Zone and subject to the provisions of Exception 14.890 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
	The proposal is in compliance with By-law 01-2021.	NONE

The subject lands are zoned R1 and subject to the provisions of Exception 9(563) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
1	The minimum interior side yard setback to a door shall be	To permit an interior side yard setback
	1.8 metres where a door providing access to the dwelling	of 1.23 metres to a door providing
	or an attached garage. (Schedule "A3", General Notes	access to the dwelling.
	C.)	

[C.)		
HEARING INFORMATION		
DATE & TIME OF HEARING: Thursday, January 20, 2022 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		

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

time.

If you wish to speak to the Committee of Adjustment on an application please complete and submit a <u>Public Deputation Form</u> to <u>cofa@vaughan.ca</u> **by noon** on the last business day prior to the hearing.

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 must be submitted by **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca

For more information, please visit the City of Vaughan website.

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider 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.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	January 5, 2022	
Date Applicant Confirmed Posting of Sign:	November 27, 2021	
Applicant Justification for Variances: *As provided by Applicant in Application Form	The Zoning By-law 1-88, Schedule "A C. requires the minimum interior side door shall be 1.8 metres where a doo to the dwelling or an attached garage metres is depicted on the Site Plan p	yard setback to a or providing access . Whereas 1.23
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice. *A revised submission may be required to address staff / agency comments received as part of the application review process. *Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.		
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.		
An Adjournment Fee can only be waived in instar Committee or staff after the issuance of public no		s requested by the
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	

BUILDING STANDARDS (ZONING) COMMENTS

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.

line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.		
Building Standards Recommended	None	
Conditions of Approval:		

DEVELOPMENT PLANNING COMMENTS

**See Schedule C for Development Planning Comments.

DEVELOPMEN	NT PLANNING COMMENTS
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT	ENGINEERING COMMENTS	
The Development Engineering (DE) Department does not object to variance application A246/21 subject to the following condition(s):		
Development Engineering Recommended Conditions of Approval:	Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.	

PARKS, FORESTRY &	HORTICULTURE (PFH) COMMENTS
No comment no concerns	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comment no concerns	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSF	PECTION (SEPTIC) COMMENTS
No comments received to date	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS

If Owners intentions are as stated to have a secondary suite in the basement owner will be required to go through the permit process for a secondary suite not just a entrance door.

We have reviewed the above noted package and have the following comments:

- 1. Ensure application/Permits submitted for review comply with applicable Ontario Building code requirements and all other referenced standards.
- 2. Owner or Representative shall take out a building permit and go through the process before starting any work on the secondary unit.

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Fire Department Recommended	None
Conditions of Approval:	

SCHEDULES TO STAFF REPORT		
*See Schedule for list of correspondence		
Schedule A	Drawings & Plans Submitted with the Application	
Schedule B	Development Planning & Agency Comments	
Schedule C (if required)	Correspondence (Received from Public & Applicant)	
Schedule D (if required)	Previous COA Decisions on the Subject Land	

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:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "**if required**". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

# DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "**if required**". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

	1 1 3 3	
1	Development Engineering	Staff have confirmed that the property is located
	farzana.khan@vaughan.ca_	within an unassumed subdivision. The
		Owner/applicant shall provide satisfactory
		notification to the developer/builder and approval
		(Letter or email) of the minor variance and
		proposed work to the property in question and
		provide a copy of the notification and approval to
		the City's Development Engineering Department.

IMPORTANT INFORMATION – PLEASE READ

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 (see condition chart above for contact). 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.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.

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.

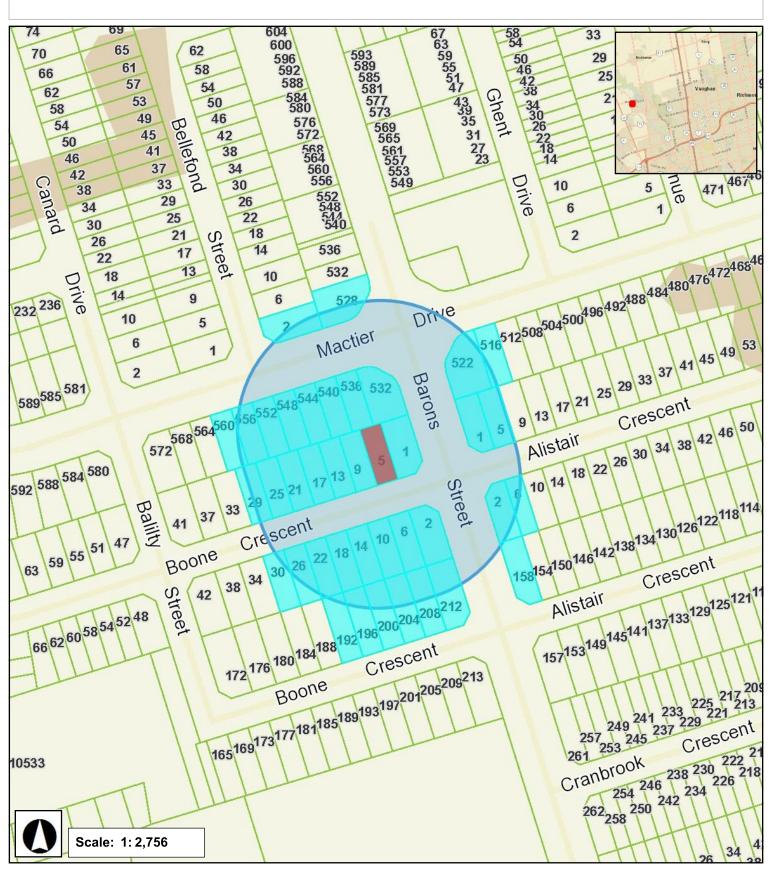
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

SCHEDULE A: DRAWINGS & PLANS



VAUGHAN A246/21 - Notification Map

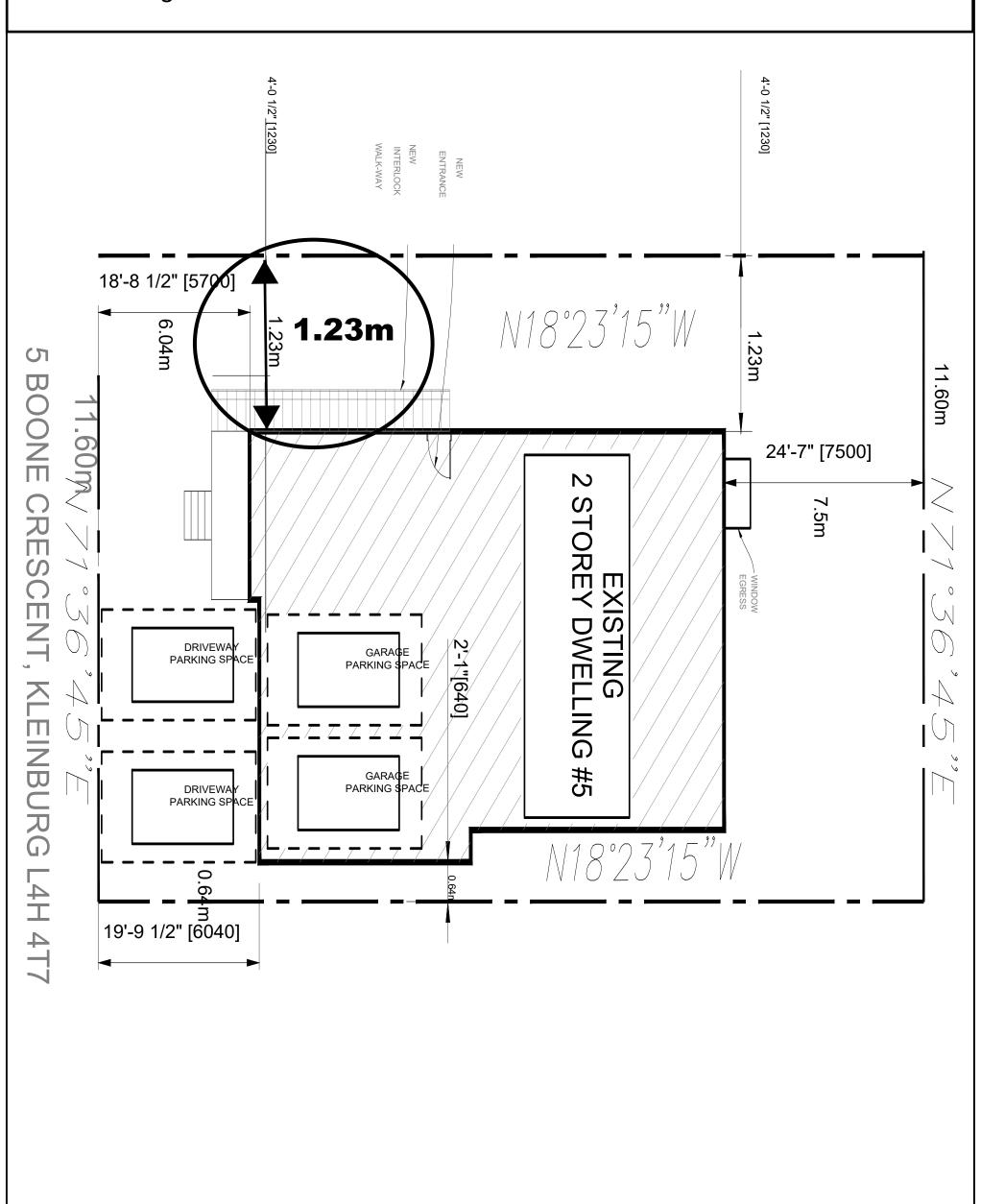
5 Boone Crescent, Kleinburg



Proposal:

Zoning By-law 1-88

1. To permit an interior side yard setback of 1.23 metres to a door providing access to the dwelling.



SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	\boxtimes	\boxtimes		Recommend Approval/No Conditions
Ministry of Transportation (MTO)	\boxtimes			No Comments Recieved to Date
Region of York	\boxtimes	\boxtimes		No Comments or Concerns
Alectra	\boxtimes	\boxtimes		No Comments or Concerns
Bell Canada	\boxtimes			No Comments Recieved to Date
YRDSB				
YCDSB				
CN Rail				
CP Rail				
TransCanada Pipeline				
Metrolinx	\boxtimes			No Comments Recieved to Date
Propane Operator				
Development Planning	\boxtimes			Recommend Approval/No Conditions



COMMENTS:

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
	We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T Supervisor, Distribution Design, ICI & Layouts (North)

Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com Email: ton

Mr. Tony D'Onofrio Supervisor, Subdivisions (Alectra East) **Phone**: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Adriana MacPherson

Subject: FW: [External] RE: A246/21 - Request for Comments (5 Boone Crescent, Vaughan)

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

Sent: December-09-21 9:34 AM

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

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

Subject: [External] RE: A246/21 - Request for Comments (5 Boone Crescent, Vaughan)

Good morning Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca | <a h

Adriana MacPherson

Subject: FW: [External] RE: A246/21 - Request for Comments (5 Boone Crescent, Vaughan)

From: York Plan <yorkplan@trca.ca> Sent: November-29-21 6:59 AM

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

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

Subject: [External] RE: A246/21 - Request for Comments (5 Boone Crescent, Vaughan)

Based on a review of our available screening mapping, I can confirm that the subject property is not located within TRCA's Regulated Area. Thus, any site alteration or development on the site would not require a permit from TRCA.

Additionally, although the lands are located within the Well Head Protection Area of the Source Protection Plan, it is presumed that any associated requirements were addressed at the subdivision stage and no further study is required.

Thus, TRCA has no concerns related to the subject application.

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority (TRCA)

T: <u>(416) 661-6600</u> ext 5269 E: mark.howard@trca.ca

A: 101 Exchange Avenue, Vaughan, ON, L4K 5R6 | trca.ca







To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: January 20, 2022

Name of Owner: Justin and Florence Rojaye

Location: 5 Boone Crescent

File No.(s): A246/21

Proposed Variance(s) (By-law 001-2021):

None.

By-Law Requirement(s) (By-law 001-2021):

The proposal is in compliance with By-law 001-2021.

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

1. To permit an interior side yard setback of 1.23 m to a door providing access to the dwelling.

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

1. The minimum interior side yard setback to a door shall be 1.8 m where a door providing access to the dwelling or an attached garage. (Schedule "A3", General Notes C.)

Official Plan:

City of Vaughan Official Plan 2010 ('VOP 2010'): "Mid-Rise Residential", with a maximum permitted height of 5-storeys and floor space index ('FSI') of 1.75 times the area of the lot, subject to Area Specific Plan 12.7: Block 61 West - Nashville Heights.

Comments:

The Owner is proposing to construct a side entrance for the purposes of a secondary suite with the above-noted variance.

The requested variance is considered minor in nature as the proposed entrance will not extend past the existing building envelope and no risers are required, maintaining a minimum 1.23 m wide path of travel to the entrance which meets the general intent and purpose of the Zoning By-law. The requested setback to the side entrance also complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

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

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

None