

COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A198/21

AGENDA ITEM NUMBER: 1	CITY WARD #: 5
APPLICANT:	Yao Quan
AGENT:	Battaglia Architect Inc.
PROPERTY:	16 Cavalier Crescent, Thornhill
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
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 the construction of a proposed single family dwelling.

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		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			Application Under Review
Development Engineering	\boxtimes		\boxtimes	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations			\boxtimes	Recommend Approval w/Conditions
By-law & Compliance, Licensing & Permits				Recommend Approval/No Conditions
Development Finance	\boxtimes	\boxtimes		Recommend Approval/No Conditions
Real Estate				Choose an item.
Fire Department	\boxtimes	\boxtimes		Recommend Approval/No Conditions
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	\boxtimes			No Comments Recieved to Date
Ministry of Transportation (MTO)				Choose an item.
Region of York		\boxtimes		Recommend Approval/No
		1		Conditions
Alectra				Conditions Recommend Approval/No Conditions
Alectra Bell Canada				Conditions Recommend Approval/No
				Conditions Recommend Approval/No Conditions
Bell Canada	\boxtimes			Conditions Recommend Approval/No Conditions
Bell Canada YRDSB				Conditions Recommend Approval/No Conditions
Bell Canada YRDSB YCDSB				Conditions Recommend Approval/No Conditions
Bell Canada YRDSB YCDSB CN Rail				Conditions Recommend Approval/No Conditions
Bell Canada YRDSB YCDSB CN Rail CP Rail				Conditions Recommend Approval/No Conditions

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
Applicant / Authorized Agent	Yao Quan	16 Cavalier Cr.	01/28/2022	Response to Staff Correspondence

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

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



COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A198/21

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AGENT:	Battaglia Architect Inc.
PROPERTY:	16 Cavalier Crescent, Thornhill
	,
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
(2010) DESIGNATION:	
RELATED DEVELOPMENT	None
APPLICATIONS: *May include related applications for minor variance, consent, site plan, zoning	
amendments etc.	
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit the construction of a proposed single family dwelling.

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

The subject lands are zoned R1E(EN) – First Density Residential Zone (Established Neighbourhood) under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	The maximum building height shall be the least (more restrictive) of: a. The requirement of the applicable zone; or b. The existing building height plus 3.0 m (existing 5.49 m + 3.0 m = 8.49 m), but in no case shall the maximum building height requirement be less than 8.5 m. Maximum permitted building height = 8.5 m. [4.5.1]	To permit a maximum building height of 10.35 metres.
2	For any proposed or new replacement dwelling that exceeds the existing height, and is greater than 9.5 m in height, the minimum interior side yard shall be the greater (more restrictive) of: a. The requirement of the applicable zone; b. The existing interior side yard; or c. 2.2 m. Interior side yard setbacks of 2.2 metres are required for the dwelling.	To permit a minimum interior side yard setback of 1.6 metres (north) and 1.65 metres (south).
3	A maximum lot coverage of 20% is permitted. [Table 7.3]	To permit a maximum lot coverage of 26.07% 25.10% (22.92% dwelling; 2.18% deck & porch) *Variance revised by zoning waiver
4	A maximum encroachment of 0.6 metres is permitted into a minimum required interior side yard of 2.2 metres for a chimney.	To permit a maximum encroachment of 0.7 metres into a minimum required interior side yard of 2.2 metres for a chimney.

The subject lands are zoned R1V, Residential under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	A maximum lot coverage of 20% is permitted. [Schedule A]	To permit a maximum lot coverage of 26.07% 25.10% (22.92% dwelling; 2.18% deck & porch) *Variance revised by zoning waiver
6	A maximum building height of 9.5 metres is permitted. [Schedule A]	To permit a maximum building height of 10.35 metres.

HEARING INFORMATION

DATE & TIME OF HEARING: Thursday, February 10, 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 time.

PUBLIC PARTICIPATION

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

If you wish to speak to the Committee of Adjustment on an application please complete and submit a Public Deputation Form to Cofa@vaughan.ca 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 26, 2022	
Date Applicant Confirmed Posting of Sign:	January 21, 2022	
Applicant Justification for Variances: *As provided by Applicant in Application Form	-Lot coverage exceeds 20% -Building Height exceeds 9.5m -Side yard setbacks less than 2.2m -Maximum encroachment for a chimn -Front yard landscaping less than 60°	
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *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		

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 instances where adjournment of an application is requested by the Committee or staff **after** the issuance of public notice.

Committee of Adjustment Comments:	General Comments
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. Building Standards Recommended Conditions of Approval:

DEVELOPMEN	NT PLANNING COMMENTS
Application Under Review	
Development Planning Recommended Conditions of Approval:	TBD

DEVELOPMENT ENGINEERING COMMENTS

The Development Engineering (DE) Department does not object to variance application A198/21

As the proposed dwelling in the subject property is 236.67 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 proposed work by the owner is increasing the lot coverage in the subject property. The added hardscape may have impact on City's Storm Water management system. Stuff requires the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts. Please provide DE with a LID brief explaining the measures taken prior to clearing the condition.

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.

Development Engineering Recommended Conditions of Approval:

- 1. 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.
- 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 20% to 28% in order to mitigate potential impacts on the municipal storm water system.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS No comments no concerns PFH Recommended Conditions of Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to any construction works on the subject property.

DEVELOPMENT FINANCE COMMENTS

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. Development Finance Recommended Conditions of Approval: None

BY-LAW AND COMPLIANCE, LICI	ENSING AND PERMIT SERVICES COMMENTS
No comments no concerns	
BCLPS Recommended Conditions of Approval:	None

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

FIRE DEPARTMENT COMMENTS			
No comments no concerns			
Fire Department Recommended Conditions of Approval:	None		

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.

	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			
1	Development Planning	Application under review			
	roberto.simbana@vaughan.ca				
2	Development Engineering	The Owner/applicant shall submit the final Lot Grading and/or			
	farzana.khan@vaughan.ca	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/Pag			
		es/default.aspx to learn how to apply for lot grading and/or			
		servicing approval.			
		The owner/applicant shall provide a brief to demonstrate the			
		appropriate LID (Low-impact Development) measures and show			
		the measures taken in the drawing to the satisfaction of DE to			
		address the increased lot coverage from 20% to 28% in order to			
		mitigate potential impacts on the municipal storm water system.			
3	Parks, Forestry and	Applicant/owner shall obtain a "Private Property Tree Removal &			
	Horticulture Operations	Protection" permit through the forestry division prior to any			
	andrew.swedlo@vaughan.ca	construction works on the subject property.			

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.

IMPORTANT INFORMATION - PLEASE READ

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

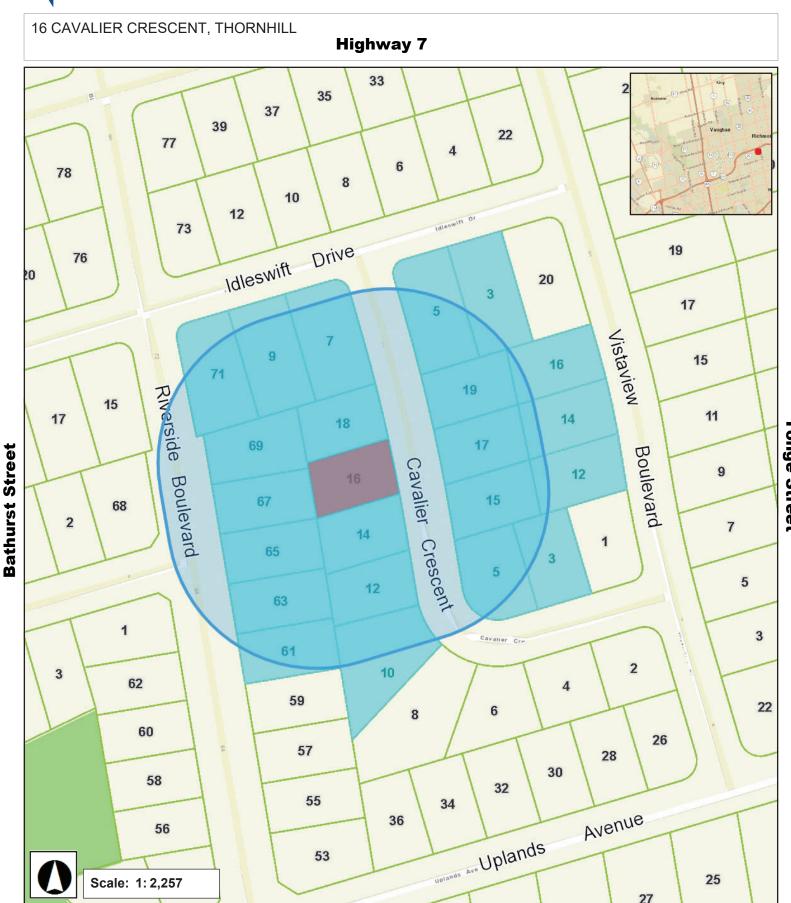
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

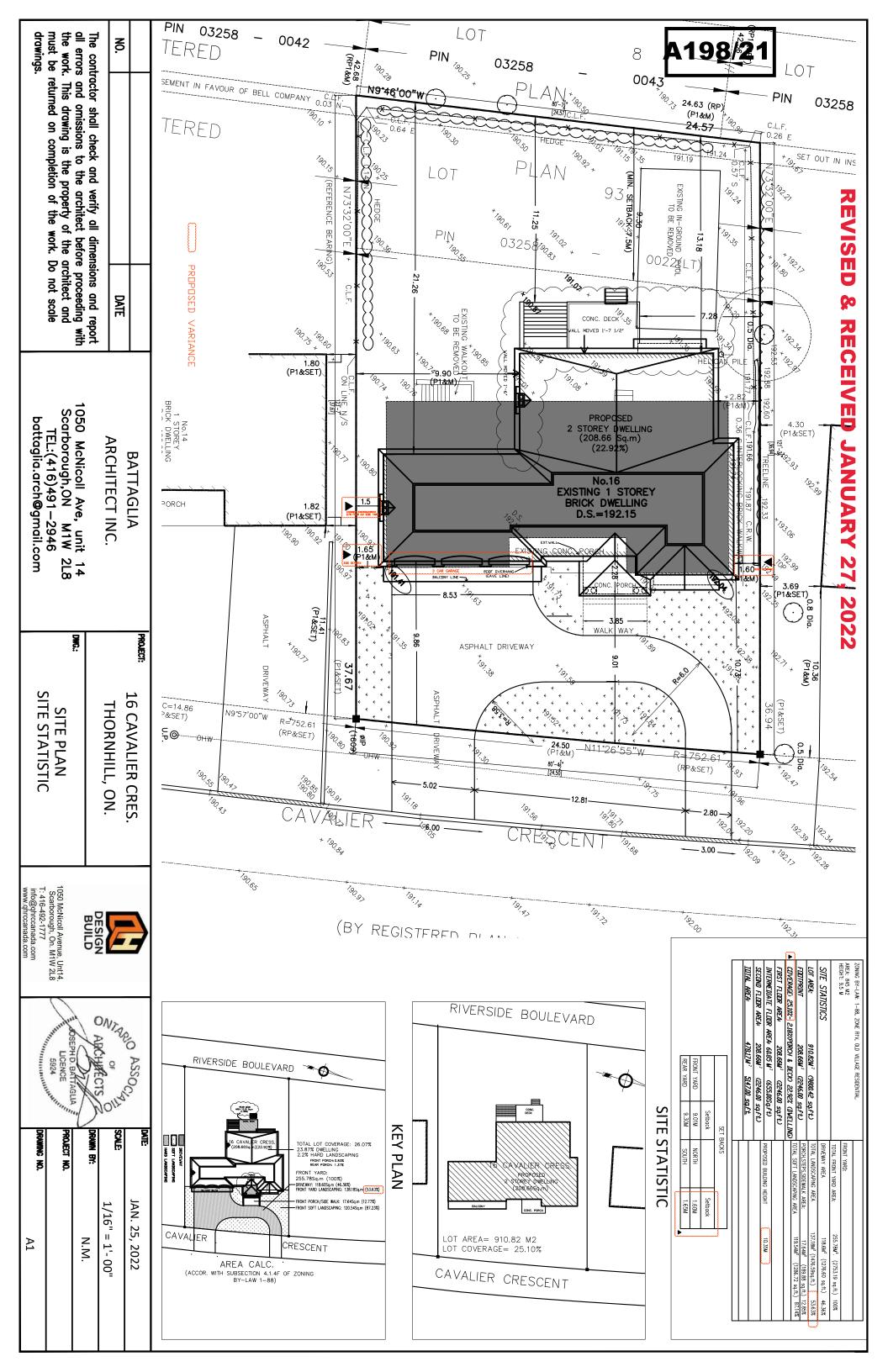
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified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

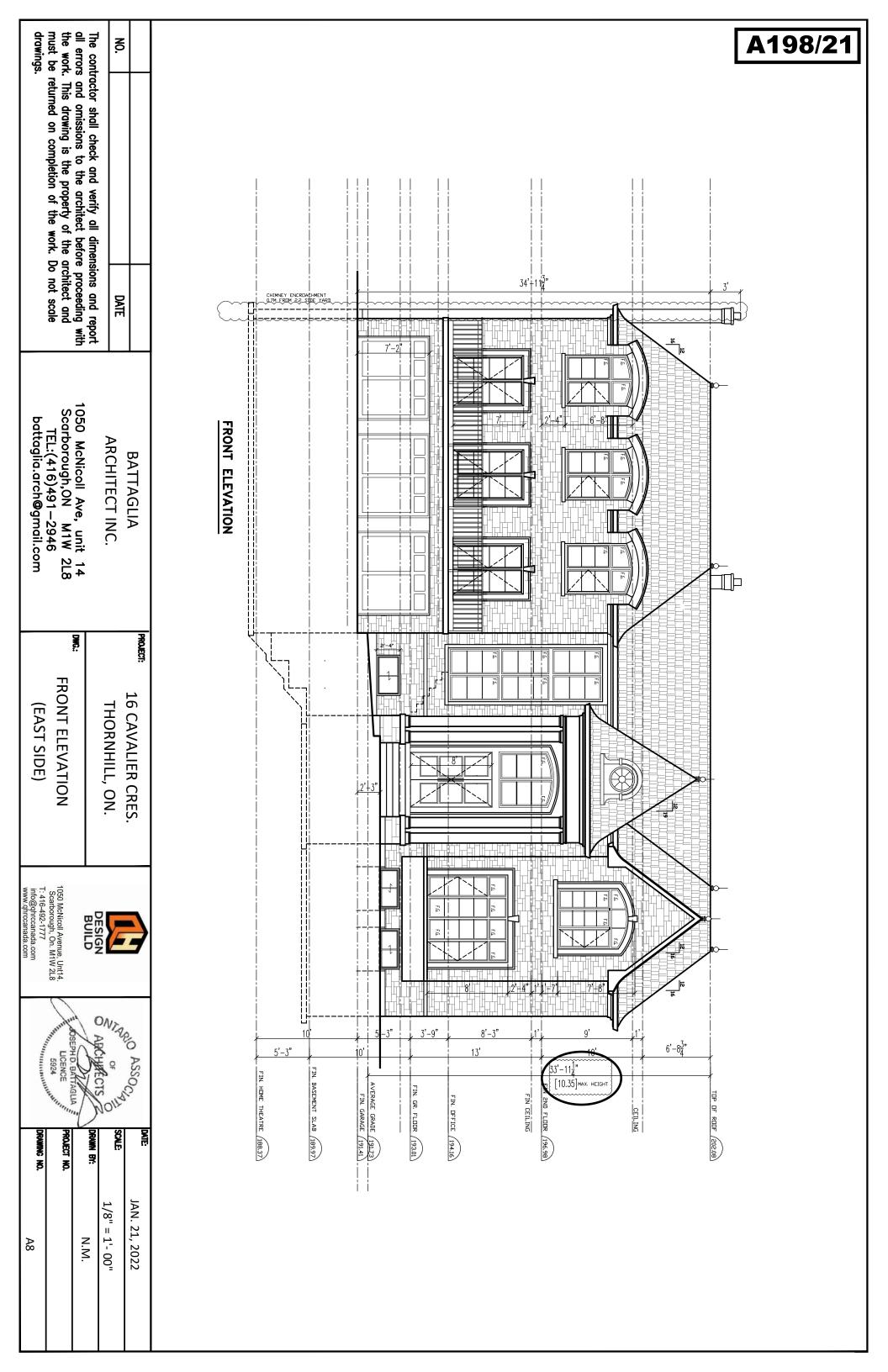
SCHEDULE A: DRAWINGS & PLANS

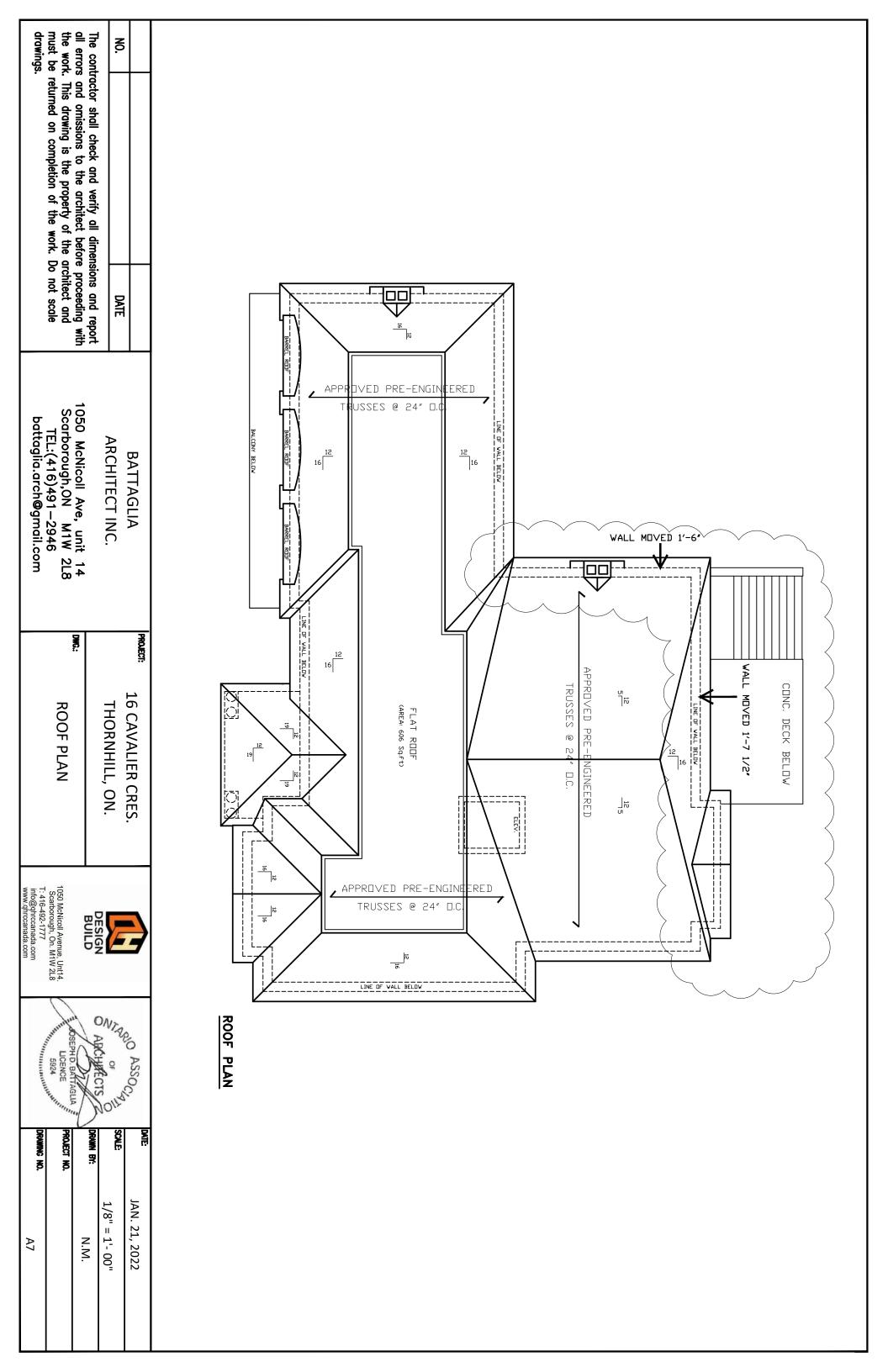


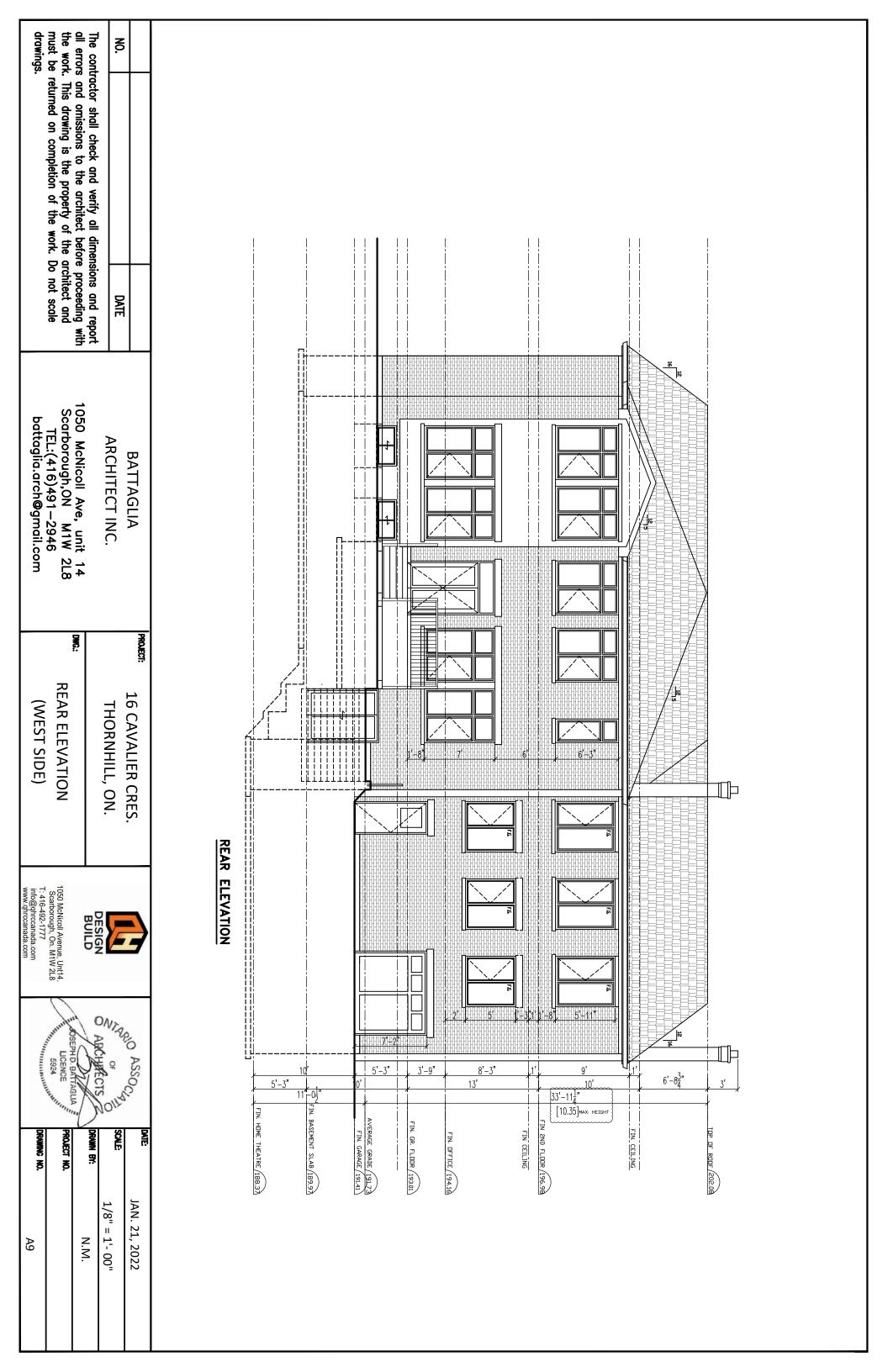
LOCATION MAP - A198/21

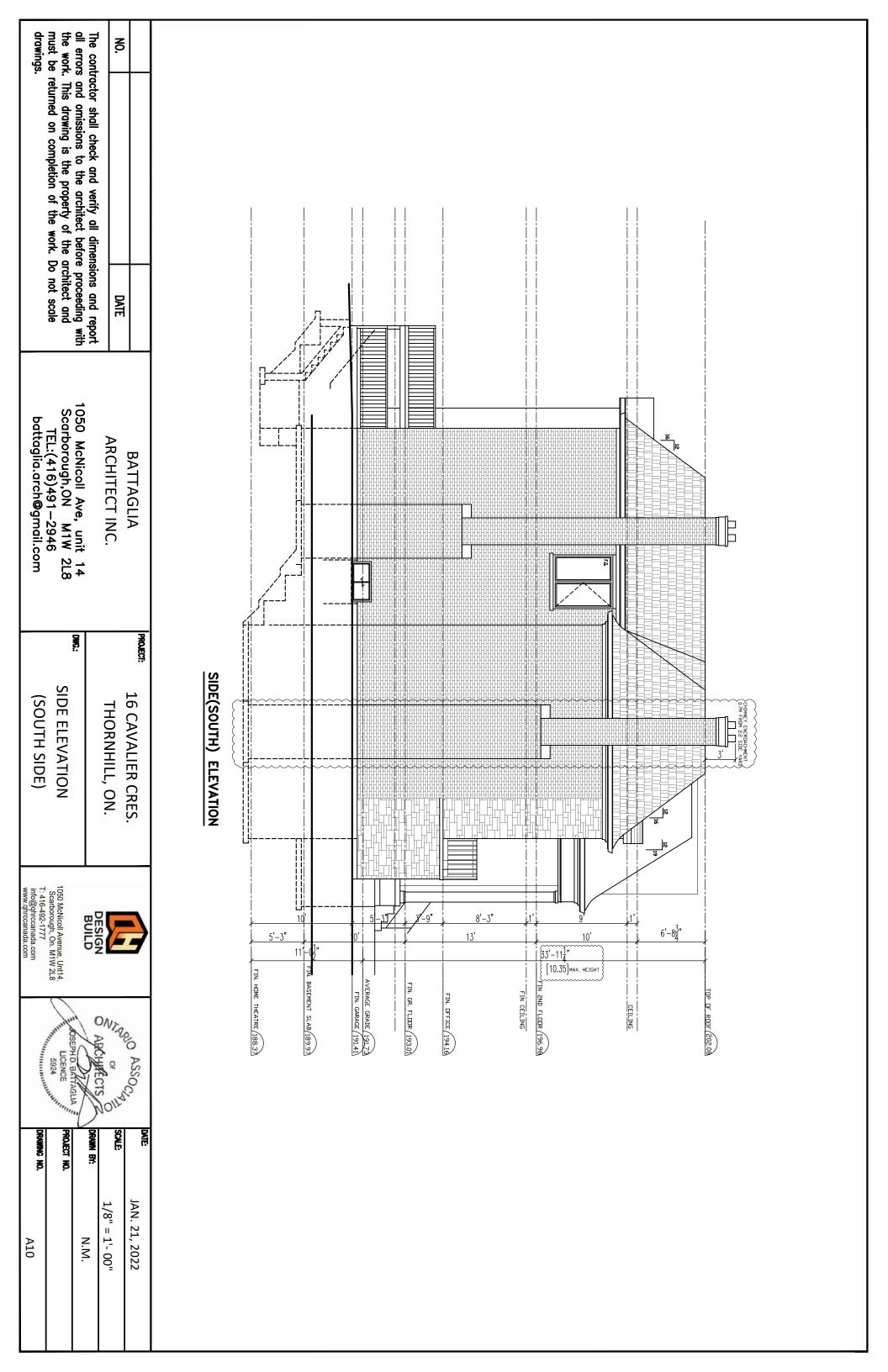


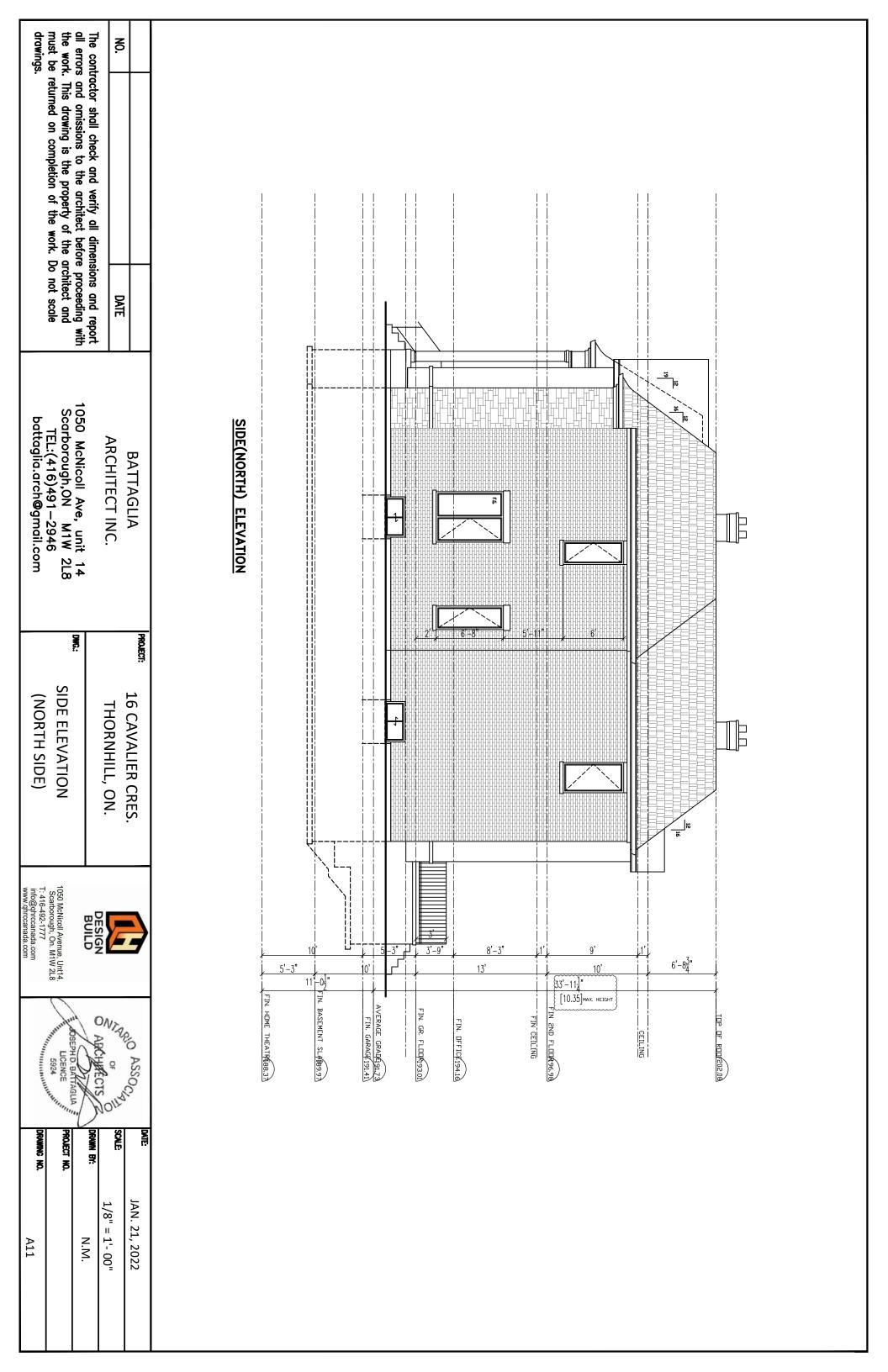


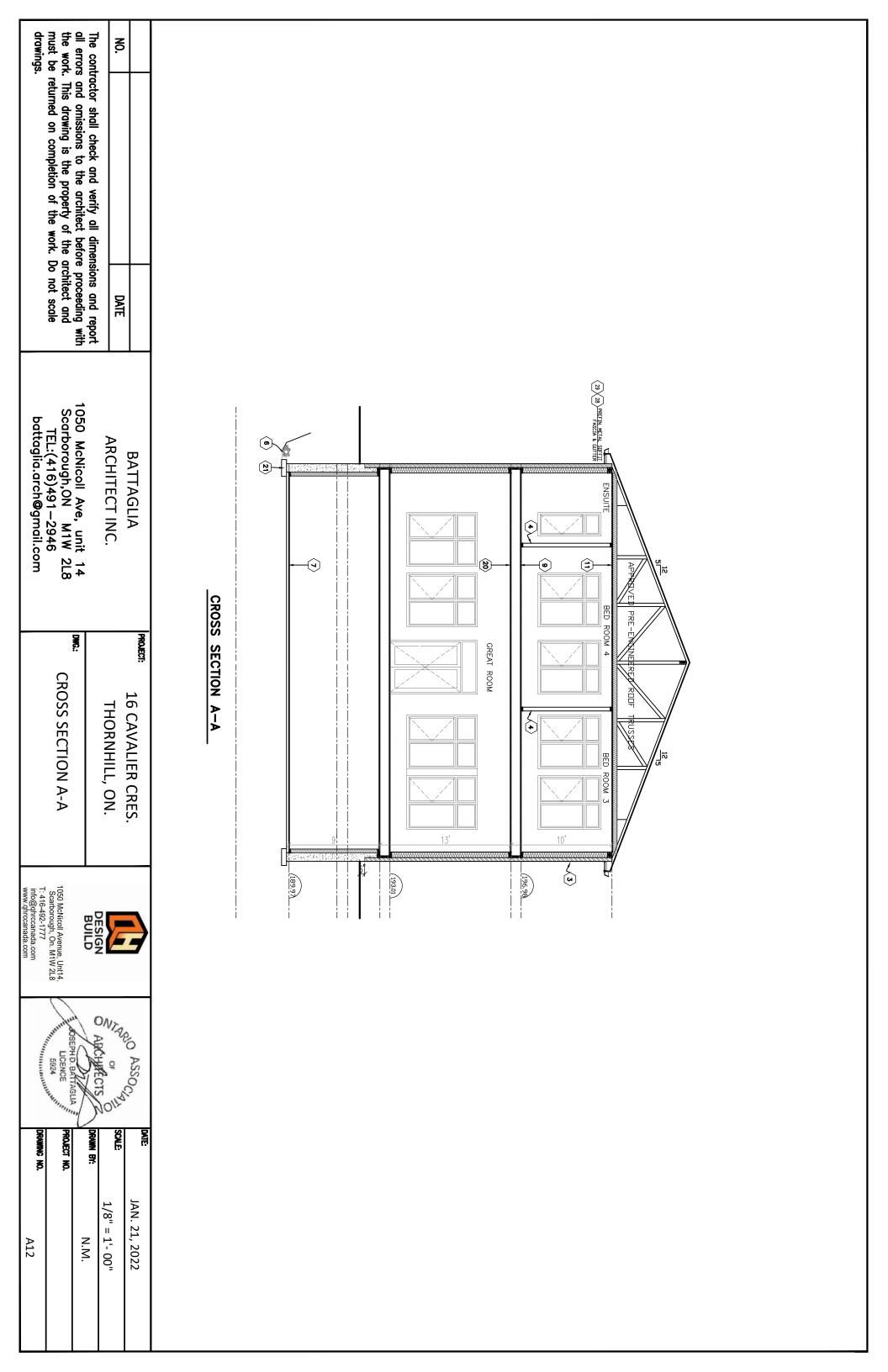












SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS					
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments	
Development Planning	×			Application Under Review	
TRCA				No Comments Recieved to Date	
Region of York	\boxtimes	\boxtimes		Recommend Approval/No Conditions	
Alectra		\boxtimes		Recommend Approval/No Conditions	
Bell Canada	\boxtimes			No Comments Recieved to Date	
YRDSB					
YCDSB					
CN Rail					
CP Rail					
TransCanada Pipeline					
Metrolinx					
Propane Operator					



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: tony.donofrio@alectrautilities.com

Phone: 1-877-963-6900 ext. 24419

Supervisor, Subdivisions (Alectra East)

Mr. Tony D'Onofrio

Pravina Attwala

Subject: FW: [External] RE: A198/21 (16 CAVALIER CRESCENT) - REQUEST FOR COMMENTS

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

Sent: December-17-21 9:10 AM

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

Subject: [External] RE: A198/21 (16 CAVALIER CRESCENT) - REQUEST FOR COMMENTS

Good morning 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 | <a h

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence	Name	Address	Date	Summary
Type			Received	_
			(mm/dd/yyyy)	
Applicant /	Yao Quan	16 Cavalier Cr.	01/28/2022	Response to Staff
Authorized				Correspondence
Agent				



I, Yao Quan, property owner of 16 Cavalier Cres confirm that the personal office as illustrated on the Intermediate Floor Plan (drawing A6) is for personal use only and not a Home Occupation. It will be used for storage of books, computers and other personal belongings.

Sincerely,