

MINUTES OF THE MARCH 13, 2014 MEETING

The Minutes of the 5th Meeting of the
Vaughan Committee of Adjustment
for the year 2014
THURSDAY, MARCH 13, 2014

6:05 p.m.

Present at the meeting were:

A. Perrella– Chair
H. Zheng – Vice Chair
J. Cesario
L. Fluxgold
M. Mauti

Members of Staff present:

Todd Coles, Secretary-Treasurer
Mark Chiovitti, Assistant to the Secretary-Treasurer
Gillian McGinnis, Planner
Susan Okom, Plans Examiner
Frank Suppa, Engineering

1. INTRODUCTION OF ADDENDUM REPORTS

MOVED by M. Mauti
Seconded by H. Zheng

That the addendum reports be incorporated into the minutes and be on view at the back of the room in the Report Book.

CARRIED.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. ADOPTION OR CORRECTION OF MINUTES

MOVED by M. Mauti
Seconded by H. Zheng

THAT the minutes of the Committee of Adjustment Meeting of **Thursday, February 27, 2014**, be adopted as circulated.

CARRIED.

4. ADJOURNMENTS AND/OR DEFERRALS

None

5. ADMINISTRATIVE CORRECTIONS

None

MINOR VARIANCE PUBLIC HEARING:

Item # 6

FILE NUMBER: A049/14

APPLICANT: ANGELO AND SILVIA D'AVERSA

PROPERTY: Part of Lot 9, Concession 6, (Lot 15, Registered Plan M-1953, municipally known as 82 Alderson Avenue, Woodbridge)

ZONING: The subject lands are zoned R4, Residential Zone and subject to the provisions of Exception 9(451) under By-law 1-88 as amended.

PURPOSE: To permit the maintenance of existing one-storey additions to the existing two-storey single family detached dwelling.

PROPOSAL: 1. To permit a minimum exterior side yard setback of 3.59m.
2. To permit a minimum rear yard setback of 5.99m.

BY-LAW REQUIREMENT: 1. Minimum exterior side yard setback 4.5m.
2. Minimum rear yard setback 7.5m.

Phil Greco, the agent appeared on behalf of the applicant gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by M. Mauti
Seconded by H. Zheng

THAT Application No. **A049/14, ANGELO AND SILVIA D'AVERSA**, be **APPROVED**, in accordance with the attached sketch

CARRIED.

Item # 7

FILE NUMBER: A050/14

APPLICANT: RAFFAELINO AND LISA ANN MIRIGELLO

PROPERTY: Part of Lot 8, Concession 7 (Lot 18, Registered Plan No. 4134 municipally known as 99 Waymar Heights Boulevard, Woodbridge)

ZONING: The subject lands are zoned R1V, Old Village Residential Zone under By-law 1-88 as amended.

PURPOSE: To permit the construction of a two-storey single family dwelling.

PROPOSAL: 1. To permit a maximum building height of 12.9 metres.
2. To permit a front yard setback of 27.77 metres.

BY-LAW REQUIREMENT: 1. A maximum building height of 9.5 metres is permitted.
2. A minimum front yard setback of 35.16 metres is permitted.

Raffaelino Mirigello, the applicant gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by M. Mauti
Seconded by H. Zheng

THAT Application No. **A050/14, RAFFAELINO AND LISA ANN MIRIGELLO**, be **APPROVED**, in accordance with the attached sketch and following conditions:

1. The applicant submit the variance application review fee of \$315 payable to the Toronto and Region Conservation Authority, if required, to the satisfaction of the Toronto and Region Conservation Authority;
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

CARRIED.

Item # 8

FILE NUMBER: A051/14

APPLICANT: 1680994 ONTARIO LIMITED c/o Frankie Sicoli

PROPERTY: Part of Lot 5, Concession 9 (being Parts 20 and 21 on Registered Plan 65R-27456, municipally known as 6175 Highway #7, Unit #16)

- ZONING:** The subject lands are zoned EM3 Retail Warehouse Employment Area, and subject to the provisions of Exception 9(1013) under By-law 1-88 as amended.
- PURPOSE:** To permit the maintenance of a personal service shop (barber shop) in Unit #16.
- PROPOSAL:**
1. To permit a second personal service shop with a maximum floor area of 128.02m².
 2. To permit 649 parking spaces for the entire site.
- BY-LAW REQUIREMENT:**
1. One personal service shop is permitted with a maximum floor area of 185m² which exists.
 2. A minimum number of 655 parking spaces are permitted.

Danny Cardoso, the agent appeared on behalf of the applicant gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by J. Cesario
Seconded by H. Zheng

THAT Application No. **A051/14, 1680994 ONTARIO LIMITED c/o Frankie Sicoli**, be **APPROVED**, in accordance with the attached sketch

CARRIED.

Item # 9

- FILE NUMBER:** **A053/14**
- APPLICANT:** **SAVERIA and NICK RUTIGLIANO**
- PROPERTY:** Part of Lot 3, Concession 7 (Part of Lot 64, Registered Plan 65M-3563 and Part 1 on Plan 65R25349, municipally known as 151 Terra Road, Woodbridge).
- ZONING:** The subject lands are zoned R5, Residential Zone Five and subject to the provisions of Exception 9(1117) under By-law 1-88 as amended.
- PURPOSE:** To permit the maintenance if an existing driveway widening.
- PROPOSAL:** To permit a maximum driveway width of 6.05 metres. To permit a minimum of 20% of front yard landscaping, 100% of which will be all soft landscaping.
- BY-LAW REQUIREMENT:** A maximum driveway width of 3.75 metres is permitted. A minimum of 33% front yard landscaping shall be permitted, a minimum of 60% shall consist of soft landscaping.

Saveria Rutigliano, the applicant appeared before the Committee and gave a brief submission speaking to both the City's and the neighbours concerns.

No one appeared before the Committee in support of or in opposition to the request.

During the discussion between the Committee and the applicant, it was agreed to adjourn the application to allow time for the Planning Department to review the revised application.

MOVED by M. Mauti
Seconded by J. Cesario

THAT Application No. **A053/14, SAVERIA and NICK RUTIGLIANO**, be **ADJOURNED TO MARCH 27th, 2014** Meeting to allow time for the Planning Department to review the revised application.

CARRIED.

Item # 10

- FILE NUMBER:** **A054/14**
- APPLICANT:** **ALINA OSTROWSKA & GIUSEPPE PREZIO**
- PROPERTY:** Part of Lot 19, Concession 4, (Lot 79, Registered Plan 4626) municipally known as 9 Naylon Street, Maple

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

PURPOSE: To permit the construction of a single family dwelling, as follows:

PROPOSAL:

1. To permit a maximum building height of **11.0m** ~~44.74m~~ (top of flat roof).
2. To permit a maximum lot coverage of 24.19 % (dwelling /garage = 19.49% covered entries/back terrace = 4.7%).
3. To permit a minimum exterior side yard setback of 6.10 m.
4. To permit a minimum front yard setback of 9.0 m.

BY-LAW REQUIREMENT:

1. A maximum building height of 9.5 m is permitted.
2. A maximum lot coverage of 20% is permitted.
3. A minimum exterior side yard setback of 9.0 m is required.
4. A minimum front yard setback of 12.37 m (existing 13.74 m – 10%) is required.

Giuseppe Prezio, the applicant appeared before the Committee and gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

During the discussion between the Committee, applicant and the City departments, the applicant agreed to amend his application by reducing the maximum building height to 11m.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by M. Mauti
Seconded by H. Zheng

THAT Application No. **A054/14, ALINA OSTROWSKA & GIUSEPPE PREZIO**, be **APPROVED AS AMENDED**, in accordance with the attached sketch

CARRIED.

Item # 11

FILE NUMBER: **A055/14**

APPLICANT: **YORK REGION DISTRICT SCHOOL BOARD**

PROPERTY: Part of Lot 24, Concession 2 (Block 91/110, Registered Plan No. 65M-3924/65M-3893 municipally known as 575 Via Romano Boulevard, Maple)

ZONING: The subject lands are zoned RD3, Residential Detached Zone Three and subject to the provisions of Exception 9(1205) under By-law 1-88 as amended.

PURPOSE: To permit the continued construction of an Elementary School addition.

PROPOSAL:

1. To permit a driveway width of 7.0 metres at the westerly access driveway.
2. To permit a driveway width of 9.2 metres at the easterly access driveway.
3. To permit an aisle width of 4.95 metres abutting a parking area.

BY-LAW REQUIREMENT:

1. A driveway width of 7.5 metres is required.
2. A driveway width of 7.5 metres is required.
3. A parking area shall be provided with a means of access or driveway at least 5.4 metres in width.

Nicole Crabtree, The Ventin Group (Toronto) Ltd., Architects, the agent appeared on behalf of the applicant.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by H. Zheng
Seconded by J. Cesario

THAT Application No. **A055/14, YORK REGION DISTRICT SCHOOL BOARD**, be **APPROVED**, in accordance with the attached sketch and following conditions:

1. Prior to final approval of Minor Variance Application A055/14, site servicing and grading plans for Development Application DA13-075 shall be approved, if required, by the Development/

Transportation Engineering Department.

2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

CARRIED.

Item # 12

FILE NUMBER: A056/14

APPLICANT: BERKLEY COMMERCIAL (JANE) INC.

PROPERTY: Part of Lots 6 & 7, Concession 4, (municipally known as 7895 Jane Street, Concord).

ZONING: The subject lands are zoned A, Agricultural Zone and subject to the provisions under By-law 1-88 as amended.

PURPOSE: To permit the construction of a proposed temporary sales office

PROPOSAL:

1. To permit a minimum interior side yard setback of 5.8 metres to the temporary sales office.
2. To permit a minimum front yard setback of 3.5 metres to the temporary sale office.
3. To permit a minimum 17 parking spaces for the temporary sales office.
4. To permit a temporary sales office, which is intended for the purpose of selling or the taking of reservations for the purchase of residential units in a residential apartment condominium building without the zoning in full force and effect for the development, within which the units to be sold are located.

BY-LAW REQUIREMENT:

1. A minimum interior side yard setback of 15 metres is required to the temporary sales office.
2. A minimum front yard setback of 15 metres is required to the temporary sales office.
3. A minimum 18 parking spaces are required for the temporary sales office.
4. A temporary sales office shall not be permitted in any freestanding or multi-unit building or structure, which is intended for the purposes of selling or taking of reservations for the purchase of residential units in a residential apartment condominium building, unless the Zoning for the development, within which the units to be sold are located, is in full force and effect.

Kurt Franklin, Weston Consulting, the agent appeared on behalf of the applicant gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by M. Mauti
Seconded by L. Fluxgold

THAT Application No. **A056/14, BERKLEY COMMERCIAL (JANE) INC.**, be **APPROVED**, in accordance with the attached sketch and following conditions:

1. The applicant submit the variance application fee of **\$315** payable to the Toronto and Region Conservation Authority, if required, to the satisfaction of the Toronto and Region Conservation Authority
2. That the applicant successfully obtains an Ontario Regulation 166/06 permit for the proposed sales centre, if required, to the satisfaction of the Toronto and Region Conservation Authority;
3. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**
4. **Approval of these variances shall expire on March 13, 2017**

CARRIED.

Item # 13 & 14

FILE NUMBER: A057/14 & A058/14

APPLICANT: 1275620 ONTARIO INC.

PROPERTY: Part of Lot 17, Concession 3 (Lot 8, Registered Plan 65M-4396, municipally known as 11 Lady Bianca Court, Maple)

ZONING: The subject lands are zoned RD3, Residential, subject to Exception 9(1228), under By-law 1-88, as amended.

PURPOSE: To permit the construction of a single family residential dwelling, as follows:

A057/14 PROPOSAL:

1. To permit a minimum rear yard setback of 6.37 m to an OS5 Zone.
2. To permit a minimum rear yard setback of 4.07 m to an open and unenclosed deck/stairs.

A057/14 BY-LAW REQUIREMENT:

1. A minimum rear yard setback of 7.5 m is required.
2. A minimum rear yard setback of 5.7 m is required.

A058/14 PROPOSAL:

1. To permit a minimum rear yard setback of 4.52 m to an OS5 Zone.
2. To permit a minimum rear yard setback of 2.38 m to an open and unenclosed deck/stairs.

A058/14 BY-LAW REQUIREMENT:

1. A minimum rear yard setback of 7.5 m is required.
2. A minimum rear yard setback of 5.7 m is required.

BACKGROUND INFORMATION: A309/13 - APPROVED October 3, 2013 - 1. To permit a minimum rear yard setback of 4.40 m to an OS5 Zone.

19T-02V10 - Draft Plan Approved
Zoning By-law Amendment Z.10.014 - By-law No. 125-2010

Marlon DeSilva the agent appeared on behalf of the applicant gave a brief submission regarding the request.

No one appeared before the Committee in support of or in opposition to the request.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by M. Mauti
Seconded by H. Zheng

THAT Application No. **A057/14 & A058/14, 1275620 ONTARIO INC.**, be **APPROVED**, in accordance with the attached sketch

CARRIED.

Previously adjourned SINE DIE from the December 16, 2010 & January 12, 2013 meetings. Also adjourned from the February 27, 2014 meeting.

Item # 15

FILE NUMBER: A285/10

APPLICANT: VINCENZO AND MARY MONARDO

PROPERTY: Part of Lot 8, Concession 7, (Lot 12, Registered Plan 4632, municipally known as 187 Davidson Drive, Woodbridge).

ZONING: The subject lands are zoned R1 Residential Zone and subject to the provisions under By-Law 1-88 as amended.

PURPOSE: To permit the **maintenance of an existing retaining wall.**

PROPOSAL:

- 1) To maintain a minimum interior side yard setback of **1.62 metres** to the retaining wall (tier 2).
- 2) To maintain a minimum interior side yard setback of **1.93 metres** to the retaining wall (tier 3).

**BY-LAW
REQUIREMENT:**

- 1) A minimum interior side yard setback of 2.43 metres is required to the retaining wall (tier 2).
- 2) A minimum interior side yard setback of 5.0 metres is required to the retaining wall (tier 3).

Joseph Capone, the agent appeared on behalf of the applicant and submitted photographs of various properties in the vicinity.

Mauro Santilli, 183 Davidson Drive., Woodbridge, Ontario, L4L 1M2 appeared in opposition and submitted photographs and letter of objection. Mr. Santilli stated his concerns regarding the height and visual impact of the retaining wall.

No one else appeared before the Committee in support of or in opposition to the request.

During the lengthy discussions regarding the retaining wall, the Committee suggested and it was agreed by the applicant to provide vegetation satisfactory to address the neighbours' concerns.

The Committee is of the opinion that the variances sought can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

MOVED by L. Fluxgold
Seconded by J. Cesario

THAT Application No. **A285/10, VINCENZO AND MARY MONARDO**, be **APPROVED**, in accordance with the attached sketch and following conditions:

1. The landscaping at the base of the retaining wall be replaced with ivy and trees, to be designed by a landscape architect and identified on a landscape plan, to the satisfaction of the Urban Design Department, in consultation with the Parks Department.
2. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

CARRIED.

16. OTHER BUSINESS

None.

17. MOTION TO ADJOURN

MOVED by J. Cesario
Seconded by H. Zheng

THAT the meeting of Committee of Adjustment be adjourned at 6:44 p.m., and the next regular meeting will be held on **THURSDAY, MARCH 27, 2014.**

CARRIED.