

	COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A094/22
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AGENDA ITEM NUMBER: 6.13	CITY WARD #: 1
APPLICANT:	Amanda & Mark Bonitatibus
AGENT:	Fausto Cortese Architects Inc.
PROPERTY:	22 John Street, Kleinburg
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 Zoning By-law is being requested to permit the construction of a pergola in the northerly side yard and to permit the existing retaining wall.

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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments or Concerns
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<div><div>PUBLIC & APPLICANT CORRESPONDENCE</div><div><div>*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.</div><div>The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.</div><div>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.</div><div>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.</div></div></div>				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

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

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



COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A094/22

FILE MANAGER: Adriana MacPherson, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER: 6.13	CITY WARD #: 1
APPLICANT:	Amanda & Mark Bonitatibus
AGENT:	Fausto Cortese Architects Inc.
PROPERTY:	22 John Street, Kleinburg
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS: <small>*May include related applications for minor variance, consent, site plan, zoning amendments etc.</small>	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a pergola in the northerly side yard and to permit the existing retaining wall.

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

The subject lands are zoned R1B(EN) – First Density Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.336 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum required interior side yard setback for a residential accessory structure that exceeds 2.8m is 2.4m. (Section 4.1.2 1b.)	To permit a setback of 0.91m from the interior side yard for the residential accessory structure.
2	A Retaining wall which exceeds 1.0m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38m. Section 4.13 Table 4-1	To permit a setback of 0.78m from the required interior side yard for the retaining wall.

The subject lands are zoned R1 –Residential Zone under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
3	The minimum required interior side yard setback is 1.5m for the residential accessory structure. Schedule A	To permit an interior side yard setback of 0.91m for the residential accessory structure.
4	A Retaining wall which exceeds 1.0m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38m. Section 4.1.1 j.	To permit a setback of 0.78m from the required interior side yard for the retaining wall.
5	An accessory building or structure shall be located in the rear yard. Section 4.1.1 c)	To permit the accessory structure in the side yard.

HEARING INFORMATION

DATE & TIME OF HEARING: Thursday, May 26, 2022 at 6:00 p.m.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

If you wish to speak to the Committee of Adjustment on an application please complete and submit a [Request to Speak 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:	May 10, 2022
Date Applicant Confirmed Posting of Sign:	May 9, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	The design doesn't allow for compliance with City's Zoning By-law.
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	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.	No
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 instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS	
Stop work orders and orders to comply: Order No. 21-103932, Order to Comply for , Issue Date: Feb 26, 2021 Order No. 22-104651, Order to Comply for OTC sent registered mail, Issue Date: Feb 16, 2022 Building Permit(s) Issued: Building Permit No. 21-104269 for Single Detached Dwelling - Alteration, Issue Date: Jul 20, 2021	
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 are located in a Heritage Conservation district Kleinberg/Nashville contact Development Planning at developmentplanning@vaughan.ca The existing frame shed located at the southwest corner of the property is over the property line please remove or relocate in compliance with zoning bylaw 1-88 and 001-2021 as amended.	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
<p>As the proposed canopy in the subject property is 44.59m2, 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)</p> <p>The existing retaining walls on both sides of the property have been examined by the development engineering department. Given the relatively steep grade sloping towards the back of the property, the department has assessed that the existing distance between the property line and the retaining walls is sufficient after reviewing further information provided by the Owner/Applicant.</p>	
Development Engineering Recommended Conditions of Approval:	The Owner/applicant shall submit a revised 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 the grading permit link provided above to learn how to apply for lot grading and/or servicing approval.

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
<p>Parks: No response</p> <p>Forestry: Forestry has no comment at this time.</p> <p>Horticulture: No response</p>	
PFH Recommended Conditions of Approval:	Parks: None Forestry: None Horticulture: None

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

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
None	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
None	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No response	
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.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering farzana.khan@vaughan.ca	The Owner/applicant shall submit a revised 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 the grading permit link provided above to learn how to apply for lot grading and/or servicing approval.

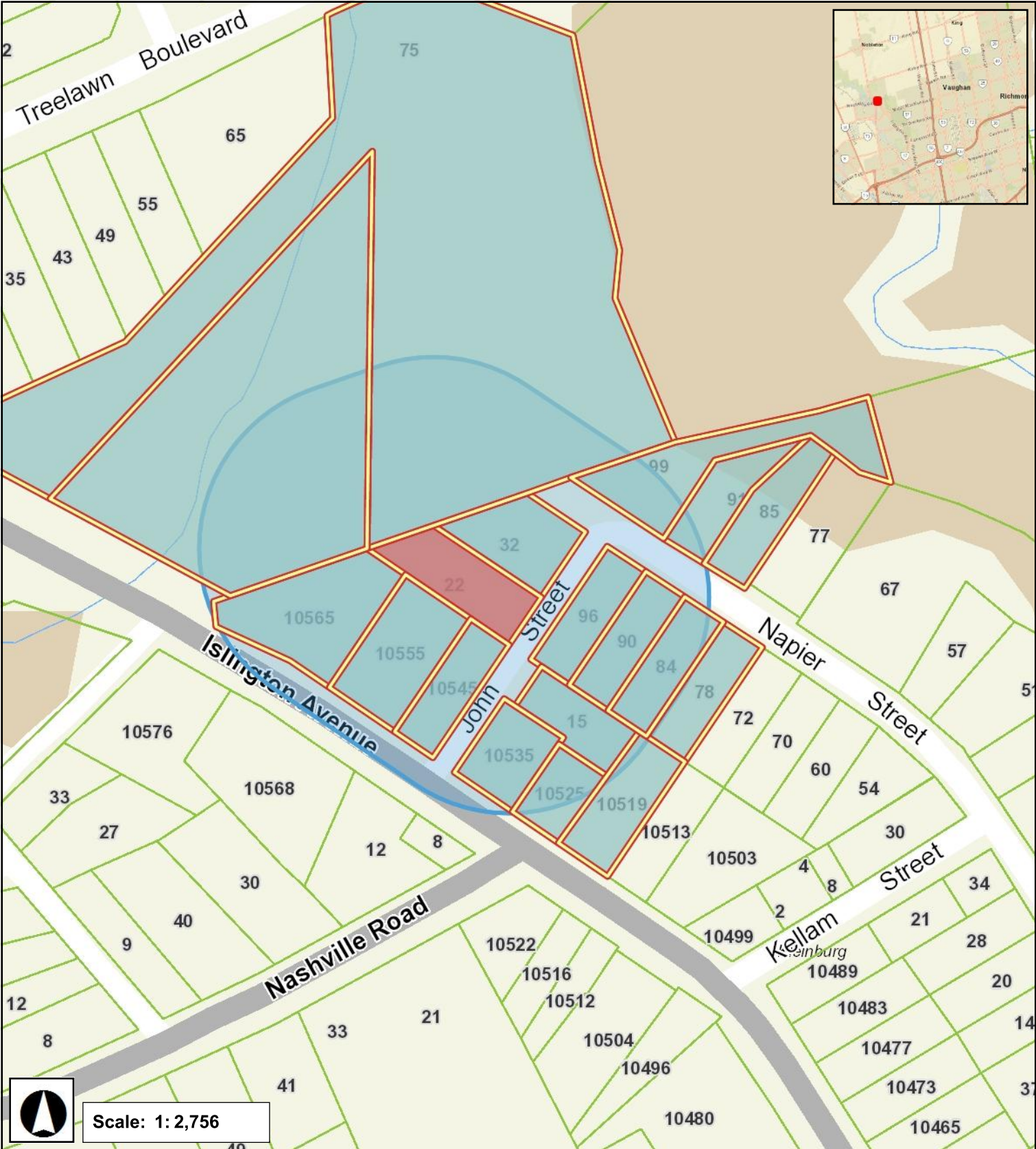
IMPORTANT INFORMATION – PLEASE READ
CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to 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



A094/22 - Notification Map

22 John Street, Kleinburg



Major Mackenzie Drive

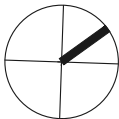
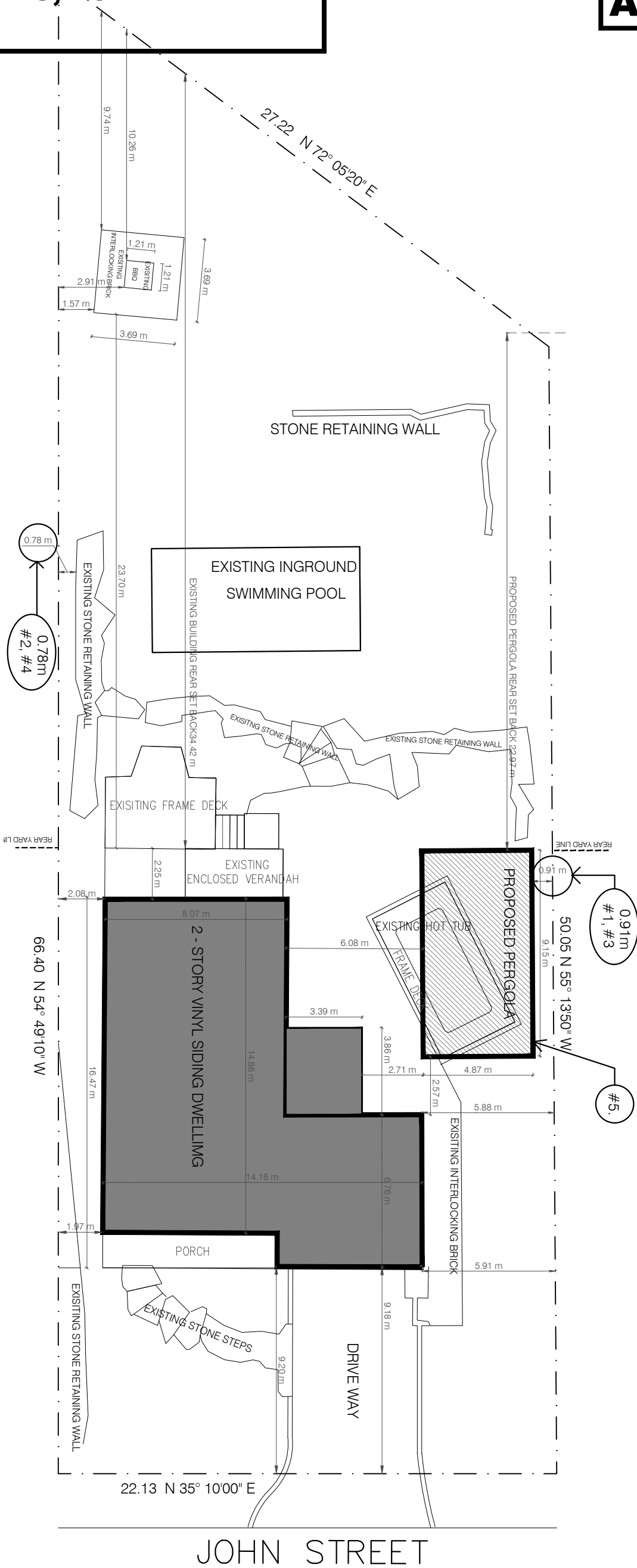
May 2, 2022 1:43 PM

APRIL 13, 2022

A094/22

#	Zoning By-law 001-2021	Variance requested
1	The minimum required interior side yard setback for a residential accessory structure that exceeds 2.8m is 2.4m.	To permit a setback of 0.91m from the interior side yard for the residential accessory structure.
2	A Retaining wall which exceeds 1.0m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38m.	To permit a setback of 0.78m from the required interior side yard for the retaining wall.

	Zoning By-law 1-88	Variance requested
3	The minimum required interior side yard setback is 1.5m for the residential accessory structure.	To permit an interior side yard setback of 0.91m for the residential accessory structure.
4	A Retaining wall which exceeds 1.0m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38m.	To permit a setback of 0.78m from the required interior side yard for the retaining wall.
5	An accessory building or structure shall be located in the rear yard.	To permit the accessory structure in the side yard.



1	MV Submission	2022-09-02
No	Description	DATE
	REVISIONS	

ISSUED FOR CONSTRUCTION
ISSUED FOR BID
ISSUED FOR BUILDING PERMIT
ISSUED FOR SITE PLAN APPROVAL

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER.

DO NOT SCALE DRAWINGS.

FAUSTO CORTESE
ARCHITECTS

3590 KUIHERFORD RD. UNIT 1 /
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTI@FCARCHITECTS.CA

DRAWING:

PROPOSED
PERGOLA
ON
22 JOHN STREET
KLEINBURG, VAUGHAN, ON

KLEINBURG, VAUGHAN, ON

DRAWING:
SITE PLAN

PLOTTED:	N/A
DATE:	PROJECT No:

SCALE: _____ DRAWING No: _____

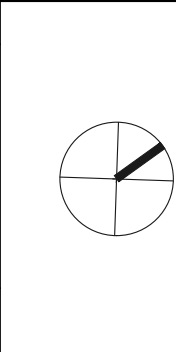
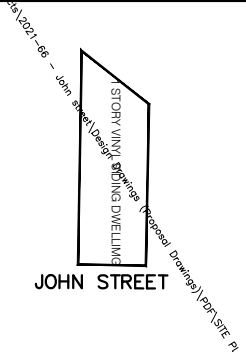
AS NOTED	
DRAWN BY: BSH	REVIEWED BY: F.C.

A 1-0

22 JOHN STREET , KLEINBURG, VAUGHAN

SITE DEVELOPMENT

R1B (EN)			
ZONING			
	BY LAW 1-88	ZONING BY LAW 01-2021	PROVIDED
LOT AREA	540 m2	600m2	1276.63 m2(1374.1 sqf)
LOT FRONTAGE	18m	18m	22.13
LOT COVERAGE- EXISTING DWELLING	35%	40%	15.47%(197.54 m2, 2126.30 sq.f)
LOT COVERAGE- PROPOSED PERGOLA	10% OR 67 m2	-	3.49%(44.59m479.96 sq.f)
LOT COVERAGE- TOTAL	35%	40 %	18.96% (242.13 m2606.26 sq.f)
FRONT SETBACK-EXISTING DWELLING	7.5m	9.0 m	9.18 m
REAR SETBACK-EXISTING DWELLING	7.5 m	12 m	34.42 m
INTERIOR SIDEYARD- EXISTING DWELLING	1.5 m	1.5 m	1.97m- 5.88 m
REAR SET BACK- PROPOSED PERGOLA	7.5 m	9.0 m	22.97 m
INTERIOR SET BACK- PROPOSED PERGOLA	1.5 m	2.4 m (height >2.8 m) 0.6 m (height < 2.8 m)	0.91 m
BUILDING HEIGHT -EXISTING DWELLING	9.5 m	11 m	6 m
BUILDING HEIGHT- PROPOSED PERGOLA	4.5 m	3 m	2.95 m
REAR YARD AREA			665.63m2(7164.78 sq.f)
REAR YARD SOFT LANDSCAPE	318 m2(665.63-135x 60%)	-	86.7% -577.43 m2(6215.40 sq.f)



1	1st Submission	2022-09-02
No.	Description	DATE
REVISIONS		

ISSUED FOR CONSTRUCTION
ISSUED FOR BID
ISSUED FOR BUILDING PERMIT
ISSUED FOR SITE PLAN APPROVAL
SUBMITTALS

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.

FCM

ARCHITECTS

3590 RUTHERFORD RD. UNIT 7

VAUGHAN, ONTARIO, L4H 3T8

416-806-7000

FCORTES@FCARCHITECTS.CA

DRAWINGS

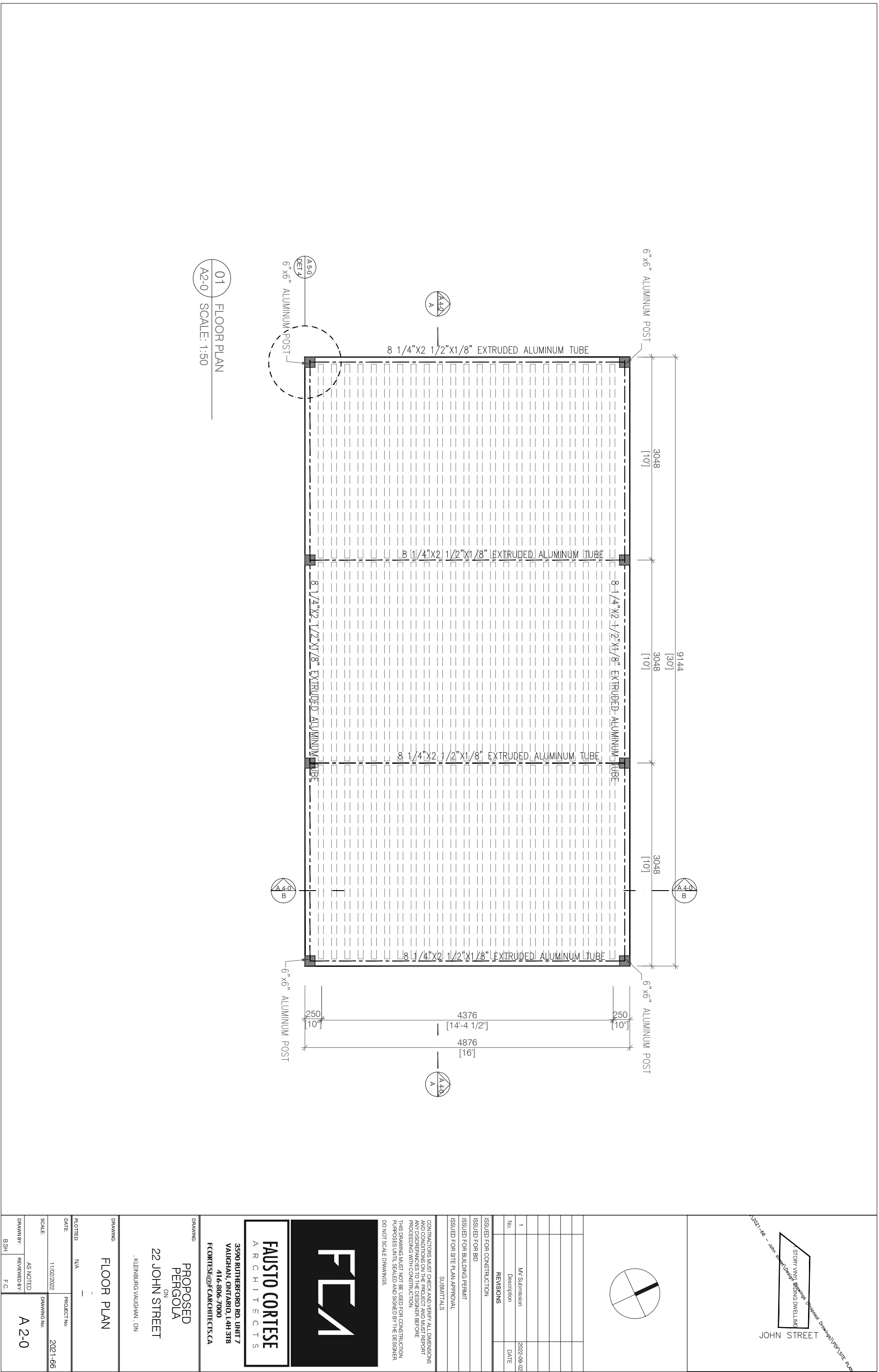
PROPOSED PERGOLA

ON

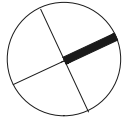
22 JOHN STREET

KLEINBURG, VAUGHAN, ON

DRAWINGS		SITE STATISTICS	
DATE:	11/02/2022	PROJECT No:	2021-66
SCALE:	AS NOTED	DRAWING No:	A 1-1
DRAWN BY:	BSH	REVIEWED BY:	F.C.



12021-66 - John Street Pergola (Proposed Drawing) FOR SITE PLAN	
STORY VIEW: PERGOLA DWELLING	
JOHN STREET	
DRAWINGS	
FLOOR PLAN	
DATE:	PROJECT No:
11/02/2022	2021-66
SCALE:	DRAWING No:
AS NOTED	A 2-0
DRAWN BY:	REVIEWED BY:
BSH	F.C.



1	MV Submission	2022-09-02	
No.	Description	DATE	
	REVISIONS		

ISSUED FOR BID
ISSUED FOR BUILDING PERMIT
ISSUED FOR SITE PLAN APPROVAL

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FAUSTO CORTESE
ARCHITECTS

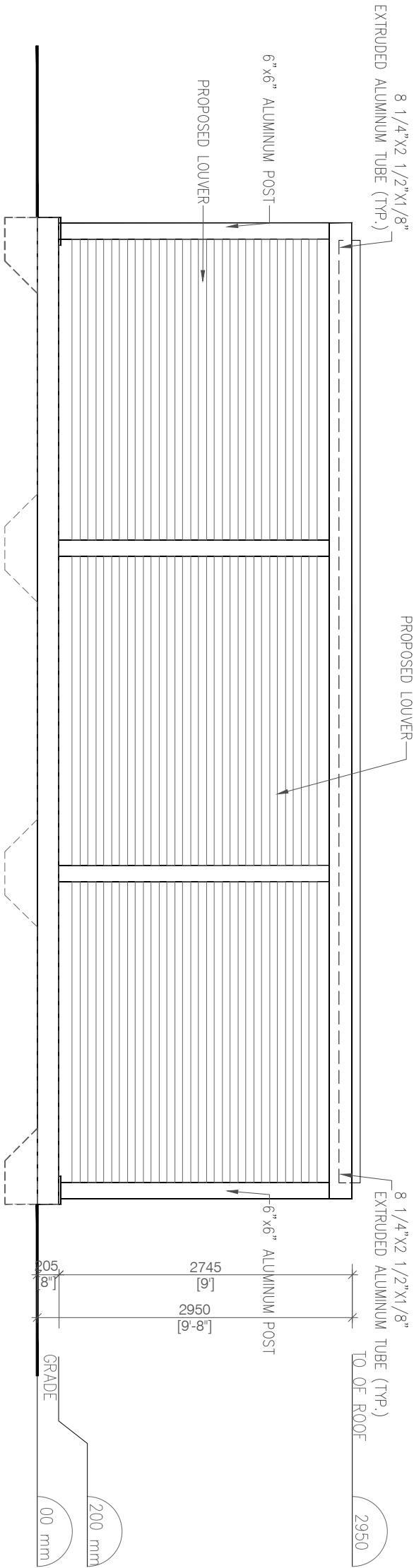
3590 RUIHERFORD RD. UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTI@FCARCHITECTS.CA

PROPOSED
PERGOLA
ON
22 JOHN STREET
KLEINBURG VAUGHAN, ON

DRAWING:
ROOF & FOUNDATION PLAN

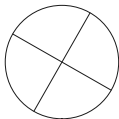
DATE:	11/02/2022	PROJECT NO:	2021-66
SCALE:	AS NOTED	DRAWING NO:	A 2-1
DRAWN BY:	REVIEWED BY:		
BSH	F.C.		

[illegible]



01 NORTH ELEVATION
A3-1 SCALE: 1:50

STORY VINYL CLADDING DWELLING
JOHN STREET



1	MY Submission Description	2022-09-02 DATE
REVISIONS		

ISSUED FOR CONSTRUCTION

ISSUED FOR BID

ISSUED FOR BUILDING PERMIT

ISSUED FOR SITE PLAN APPROVAL

SUBMITTALS

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.
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FCV

FAUSTO CORTESE
ARCHITECTS

3590 RUTHERFORD RD. UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTESE@FCARCHITECTS.CA

DRAWINGS:

PROPOSED
PERGOLA
ON
22 JOHN STREET
KLEINBURG, VAUGHAN

DRAWINGS
ELEVATIONS

DATE: 11/02/2022

SCALE: 2021-066

DRAWN BY: AS NOTED
REVIEWED BY: F.C.
BSH

SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Ministry of Transportation (MTO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions

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
E-mail: stephen.cranley@alectrautilities.com

Mitchell Penner
Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215
Email: Mitchell.Penner@alectrautilities.com

Adriana MacPherson

Subject: FW: [External] RE: A094/22 - REQUEST FOR COMMENTS (22 John Street, CITY OF VAUGHAN)

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

Sent: May-03-22 1:27 PM

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

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

Subject: [External] RE: A094/22 - REQUEST FOR COMMENTS (22 John Street, CITY OF VAUGHAN)

Good afternoon Adriana,

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

Gabrielle

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

Adriana MacPherson

Subject: FW: [External] RE: A094/22 - REQUEST FOR COMMENTS (22 John Street, CITY OF VAUGHAN)

From: York Plan <yorkplan@trca.ca>

Sent: May-02-22 9:39 AM

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

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

Subject: [External] RE: A094/22 - REQUEST FOR COMMENTS (22 John Street, CITY OF VAUGHAN)

TRCA wishes to confirm that it has **no interests or concerns with the above noted application.**

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property.

Although the site is located within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, no water balance would be required recognizing this requirement would have been addressed through the subdivision approvals process.

Should further clarification be required, please contact the undersigned at your convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Manager – Toronto, Durham & York East Review Areas

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: May 26, 2022

Name of Owner: Mark and Amanda Bonitatibus

Location: 22 John Street

File No.(s): A094/22

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

1. To permit a setback of 0.91 m from the interior side yard for the residential accessory structure.
2. To permit a setback of 0.78 m from the required interior side yard for the retaining wall.

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

1. The minimum required interior side yard setback for a residential accessory structure that exceeds 2.8 m is 2.4 m.
2. A Retaining wall which exceeds 1.0 m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38 m.

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

3. To permit an interior side yard setback of 0.91 m for the residential accessory structure.
4. To permit a setback of 0.78 m from the required interior side yard for the retaining wall.
5. To permit the accessory structure in the side yard.

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

3. The minimum required interior side yard setback is 1.5 m for the residential accessory structure.
4. A Retaining wall which exceeds 1.0 m shall be setback an equal distance to the height of the highest portion of the retaining wall. Proposed height is 1.38 m.
5. An accessory building or structure shall be located in the rear yard.

Official Plan:

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

Comments:

The Owner is requesting to permit the existing retaining wall and the construction of a pergola with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 3 as the reduction to the interior side yard setback for the proposed pergola will not have adverse impacts to the neighbouring properties and maintains an appropriate area for drainage. The proposed pergola will also comply with all height requirements of the Zoning By-law.

The Development Planning Department has no objection to Variances 2 and 4 as the Development Engineering Department has reviewed the existing retaining walls and has assessed that the existing distance between the property line and the retaining walls is sufficient.

The Development Planning Department has no objection to Variance 5 as the proposed pergola is located in what is effectively used as the rear yard and will be screened by the existing fence. The location of the pergola 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.

In support of the application, the Owners have submitted a Tree Inventory & Protection Plan prepared by The Urban Arborist Inc., dated March 10, 2022. The report inventoried

30 trees, none of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

Accordingly, the Development Planning Department can support the required variances and 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:

Joshua Cipolletta, Planner I

Chris Cosentino, Senior Planner

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

None