

ITEM #: 6.13

**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A120/22
96 Secret Garden Ct Kleinburg**

COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

*Please see **Schedule B** of this report for a copy of Staff 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	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Approval/No Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X	X		No Comments or Concerns
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X	X		No Comments or Concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X	X		General Comments
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

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
Public	Mike Cornacchia	92 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Dennis Favaro	88 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Angelo Aciano	100 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Arif Rashid	24 Mary Natasha Court	06/01/2022	Letter of Support

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	
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**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A120/22
96 Secret Garden Ct Kleinburg**

FILE MANAGER: Pravina Attwala, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.13	CITY WARD #: 1
APPLICANT:	Elisabeth & Mary Cusato & Michael Bartolomeo
AGENT:	Daniel Ferraro
PROPERTY:	96 Secret Garden Ct Kleinburg
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed cabana, swimming pool and installation of pool equipment.

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

The subject lands are zoned R1A First Density Residential Zone and subject to the provisions of Exception 14.1009 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Section. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Section. 4.1.4 1	To permit a building height of 4.14m 4.12m for the residential accessory structure. (Cabana). Variance revised using Zoning Review Waiver
3	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard. Section 4.13 Table 4-1	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.
4	The minimum required soft landscaping for the portion over 135m2 is 60%. Section 4.19.1 1.	To permit a minimum of 54.4% soft landscaping for the portion over 135m2.

The subject lands are zoned R1 Residential Zone and subject to the provisions of Exception 9(1378) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	The maximum permitted height to the nearest part of the roof is 3.0m for the accessory structure. (Cabana). Section 4.1.1 b)	To permit a height of 3.42m 3.12m to the nearest part of the roof of the accessory structure. (cabana). Variance revised using Zoning Review Waiver
6	The minimum required soft landscaping for the portion over 135m2 is 60%. Section 4.1.2 b)	To permit a minimum of 54.4% soft landscaping for the portion over 135m2.
7	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard. Section 3.14 h ii)	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.

HEARING INFORMATION

DATE OF MEETING: Thursday, June 16, 2022

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan

LIVE STREAM LINK: Vaughan.ca/LiveCouncil

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.

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:	June 2, 2022
Date Applicant Confirmed Posting of Sign:	June 4, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	Existing bylaws do not accommodate for the proposed design
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	Planning requested revisions to building height. COA requested adjournment to permit time for Zoning staff to review revised submission received on 05/30/2022.
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*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.</small>	Yes
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

**See Schedule B for Building Standards (Zoning) Comments

Building Standards Recommended Conditions of Approval:	None
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DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.

Development Planning Recommended Conditions of Approval:	None
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DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

As the proposed cabana in the subject property is 42.71 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 Development Engineering (DE) Department does not object to variance application A120/22 subject to the following condition(s):

Development Engineering Recommended Conditions of Approval:	<ol style="list-style-type: none">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 the grading permit link provided above to learn how to apply for lot grading and/or servicing approval.2. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder about the proposed work to the subject property and provide a copy of the acknowledgement letter/email from the developer/builder to the City's Development Engineering Department.
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PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Forestry has no comment at this time.

PFH Recommended Conditions of Approval:	None
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DEVELOPMENT FINANCE COMMENTS

No comment no concerns

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

No comment no concerns

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

No comments received to date

Building Inspection Recommended Conditions of Approval:	None
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FIRE DEPARTMENT COMMENTS

No comment 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	Staff & 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	<ol style="list-style-type: none"> 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 the grading permit link provided above to learn how to apply for lot grading and/or servicing approval. 2. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder about the proposed work to the subject property and provide a copy of the acknowledgement letter/email from the developer/builder 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.

IMPORTANT INFORMATION – PLEASE READ

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.

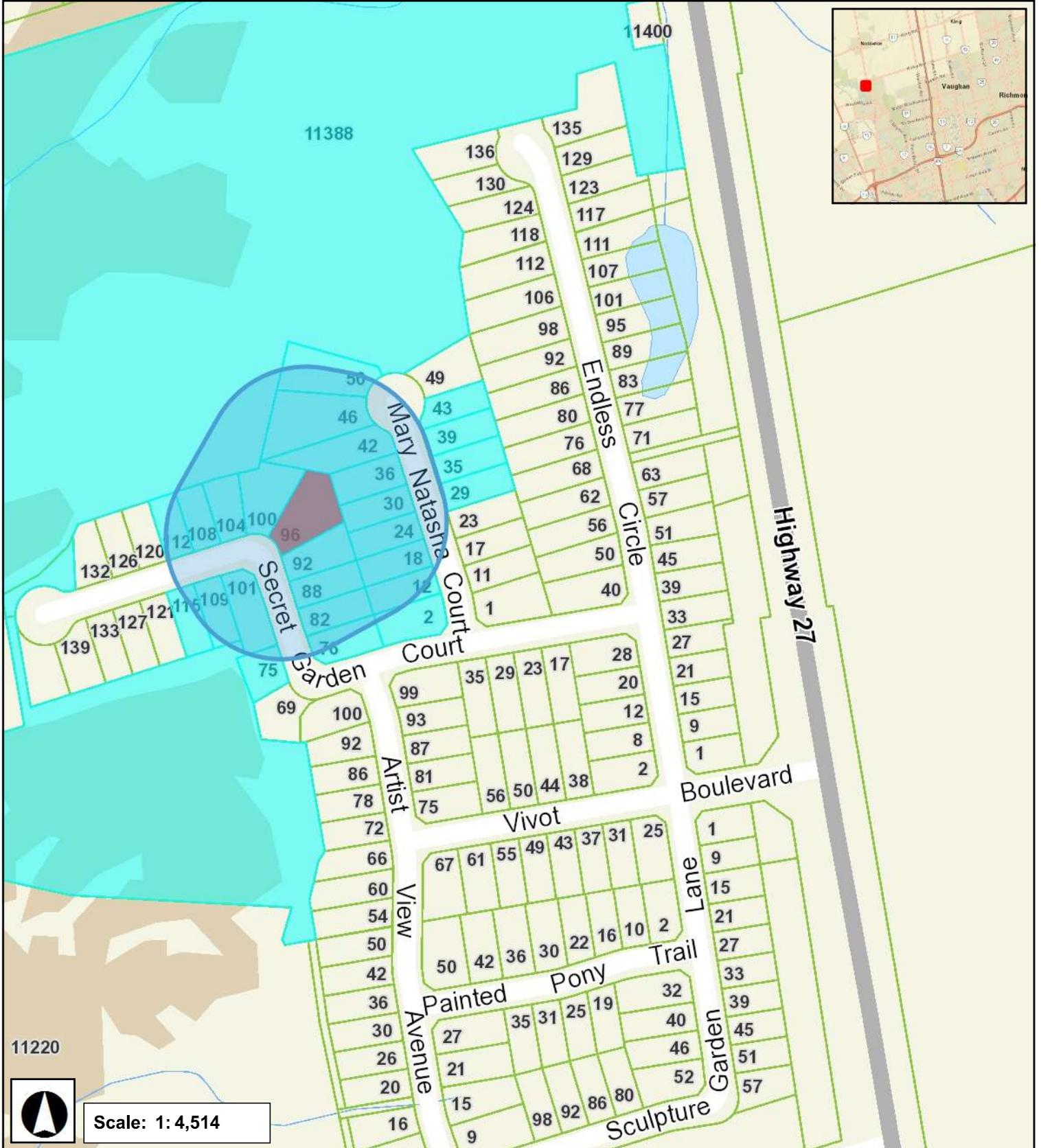
SCHEDULE A: DRAWINGS & PLANS



LOCATION MAP - A120/22

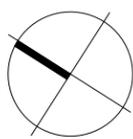
96 SECRET GARDEN CT. KLEINBURG

Kirby Road

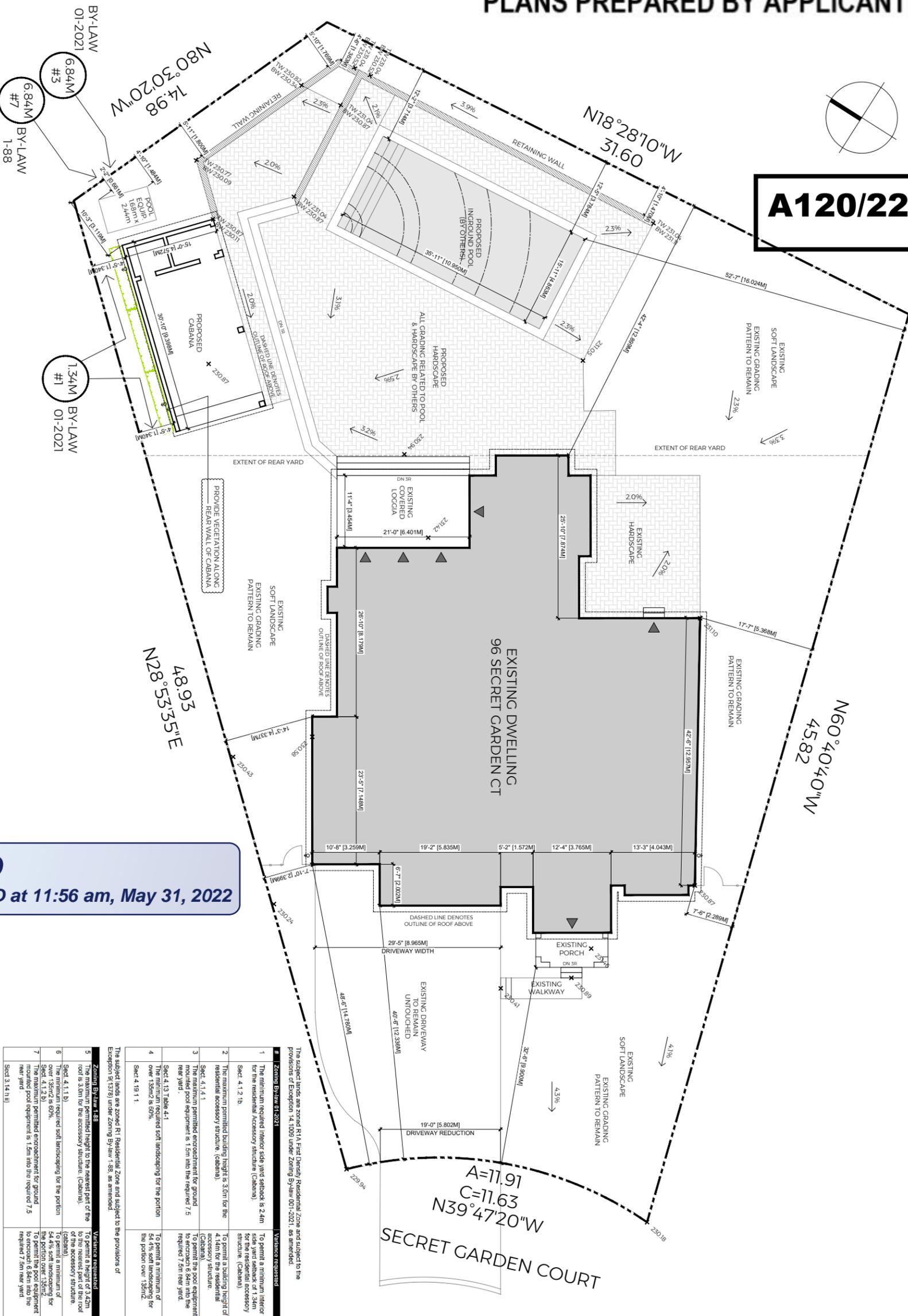


Nashville Road

May 30, 2022 3:41 PM



A120/22



RECEIVED
By RECEIVED at 11:56 am, May 31, 2022

PROJECT NUMBER: 21-113
DATE: 07-12-2021
SCALE: 1:200
DRAWN BY: DF
CHECKED BY: DF

This subject lands are zoned R1 First Density Residential Zone and subject to the provisions of Exemption 14, 1099 under zoning 59-101-001-002, 1, as amended.

#	Zoning By-Law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential accessory structure (Cabana).	To permit a minimum interior side yard setback of 1.5m for the residential accessory structure (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure (Cabana).	To permit a building height of 4.0m for the residential accessory structure (Cabana).
3	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard.	To permit the pool equipment to encroach 0.5m into the required 7.5 rear yard.
4	The minimum required soft landscaping for the portion over 1.55m ² is 50%.	To permit a minimum of 54.4% soft landscaping for the portion over 1.55m ² .
5	The maximum permitted height to the highest part of the roof is 3.0m for the accessory structure (Cabana).	To permit a height of 4.2m for the accessory structure (Cabana).
6	The minimum required soft landscaping for the portion over 1.55m ² is 50%.	To permit a minimum of 54.4% soft landscaping for the portion over 1.55m ² .
7	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard.	To permit the pool equipment to encroach 0.5m into the required 7.5 rear yard.

This subject lands are zoned R1 Residential Zone and subject to the provisions of Exemption 9(1378) under zoning By-law 1-88, as amended.

GENERAL NOTES

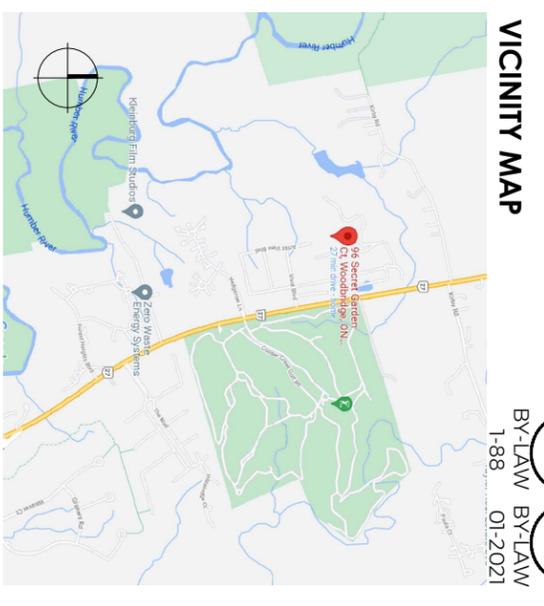
1. ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO CONTINUATION OF WORK.
2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONARY MEASURES UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT AS REQUIRED BY THE MINISTRY OF LABOUR.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY'S ENGINEERING DEPARTMENT.
4. ALL WORK IN THE MUNICIPAL ROAD ALLOWANCE SHALL MEET THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY'S ENGINEERING DEPARTMENT. THE CONTRACTOR IS REQUIRED TO OBTAIN & PAY FOR PERMIT TO WORK IN MUNICIPAL ROW.
5. PRIOR TO THE COMMENCING ANY WORK ON THE INSTALLATION OF SERVICES & GRADING, AN APPROVED SET OF PLANS AND SPECIFICATIONS MUST BE AVAILABLE ON THE JOB SITE AND SHALL REMAIN THERE WHILE WORK IS BEING DONE.
6. THE OWNERS OF THE UTILITIES MUST BE INFORMED AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION ON ANY EXISTING MUNICIPAL ROAD ALLOWANCE. ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED AND MARKED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION, SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE GOVERNING BODY AT THE CONTRACTOR'S EXPENSE.
7. PRIOR TO COMMENCING ANY CONSTRUCTION, ALL SEWER OUTLET INFORMATION, BENCHMARKS, ELEVATIONS, DIMENSIONS AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND VERIFIED AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
8. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THERE IS NO INTERRUPTION OF ANY SURFACE OR SUBSURFACE DRAINAGE FLOW THAT WOULD ADVERSELY AFFECT NEIGHBORING PROPERTIES.

Site Statistics All Units in Metric Lot Frontage: 6.41 - Zone RD

Lot Depth	48.93	Rear Yard Soft Landscaping	566.79
Lot Area	1446.44	Hardscape (pool excl.)	235.44
Zone	R1	Proposed Cabana	42.71
Lot Coverage	336.32	Pool Area	53.37
Exis. Front Porch & Stairs	7.95	Total Covered Area	331.52
Exis. Rear Yard Loggia	29.34	Proposed Cabana	259.07
Total	423.02	Provided Soft Landscape	235.27
Total Coverage (w/ eaves)	29.24%	Provided (%)	54.4%

Note: Where the area of a rear yard of a lot is greater than 135 sq. m., a minimum of sixty percent (60%) of that portion of the rear yard in excess of 135 sq. m. shall be composed of soft landscaping.

Req'd = (566.79 - 135) * 60% = 259.07 sq. m.



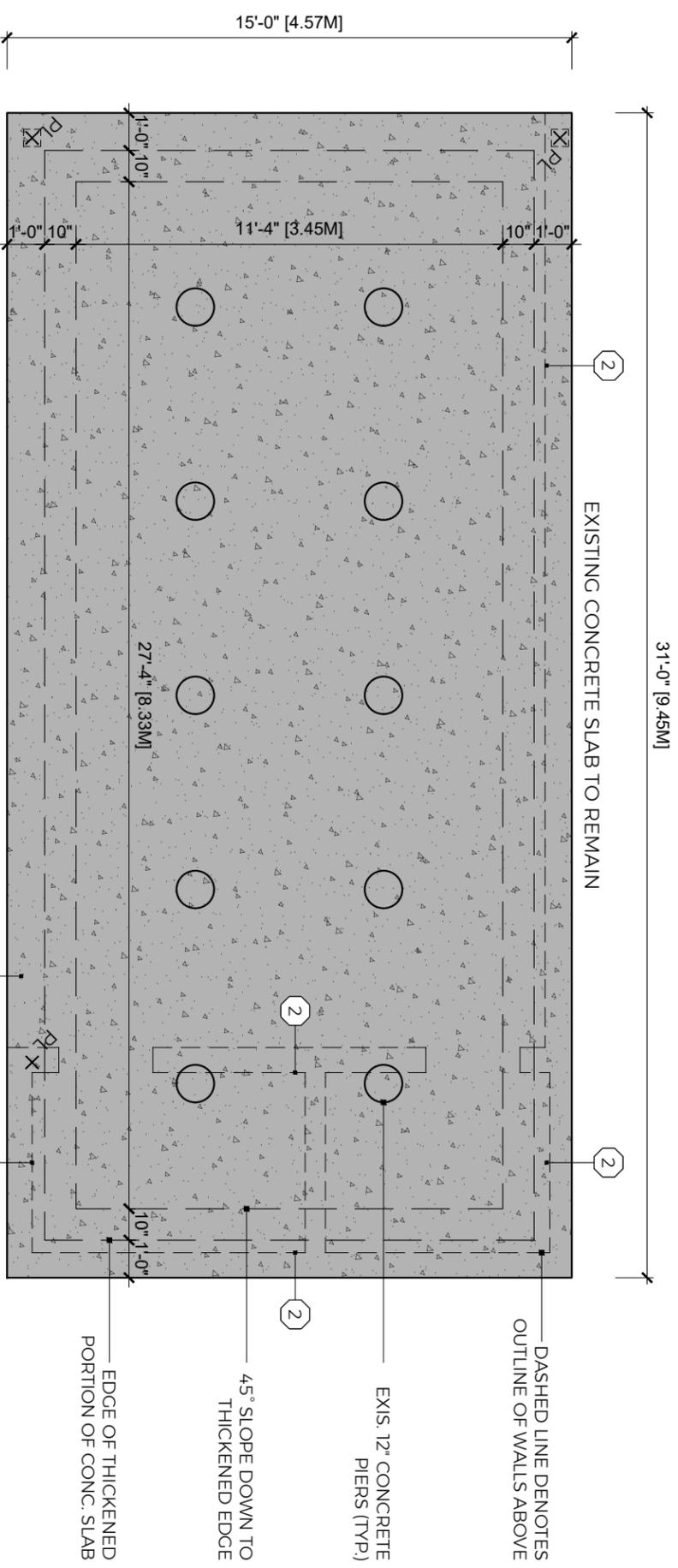
DANIEL
FERRARO
DESIGNS

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BY-LAW 01-2021 #3 6.84M
BY-LAW 1-88 #7 6.84M
BY-LAW 01-2021 #1 1.34M



1 FOUNDATION PLAN
A2 1:50

CONTRACTOR TO INSPECT
& APPROVE CONDITION OF EXISTING CONC.
SLAB PRIOR TO CONSTRUCTION START

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PROJECT NUMBER:

21-13

DATE:

07-12-2021

SCALE:

AS-NOTED

DRAWN BY:

DF

CHECKED BY:

DF

PROPOSED PLANS

PROPOSED CABANNA
AT

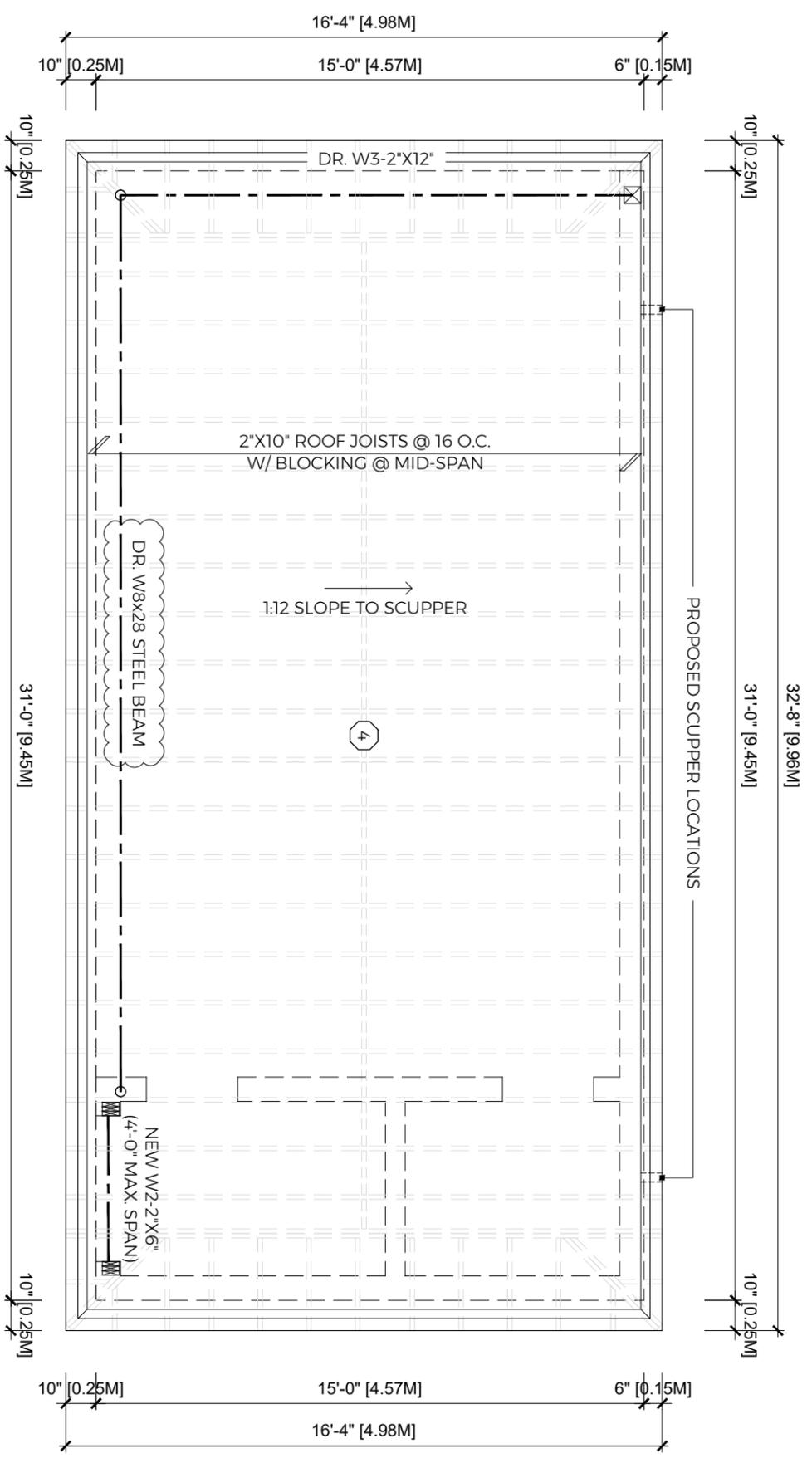
96 SECRET GARDEN CT

DRAWING NUMBER:

A2

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1 ROOF PLAN
 A4 1:50

PROPOSED PLANS

PROPOSED CABANNA
 AT
96 SECRET GARDEN CT

DRAWING NUMBER:

PROJECT NUMBER: 21-13

DATE: 07-12-2021

SCALE: AS-NOTED

DRAWN BY: DF

CHECKED BY: DF

DELETED

DANIEL
FERRARO
DESIGNS

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THIS DRAWING IS NOT TO BE SCALED.

THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., INFORMATION SHOWN ON THIS DRAWING. REFER TO THE APPROPRIATE CONSULTANTS DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST VERIFY ALL DIMENSIONS AND CONDITIONS ON THE FIELD BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS WORK.

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PROJECT NUMBER:

21-13

DATE:

07-12-2021

SCALE:

AS-NOTED

DRAWN BY:

DF

CHECKED BY:

DF

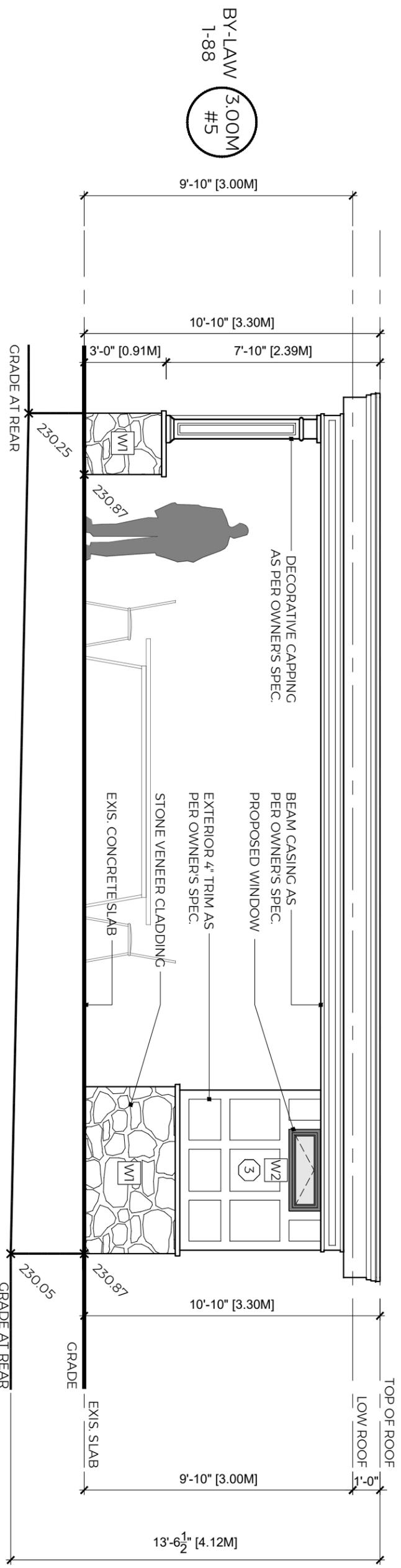
PROPOSED SECTION

DRAWING NUMBER:

PROPOSED CABANA
AT

96 SECRET GARDEN CT

A5



BY-LAW
1-88
3.00M
#5

4.12M
#2
BY-LAW
01-2021

1 WEST (FRONT) ELEVATION
A6 1:50

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DESIGNS

THIS DRAWING IS NOT TO BE SCALED.
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PROJECT NUMBER: 21-13

DATE: 07-12-2021

SCALE: AS-NOTED

DRAWN BY: DF

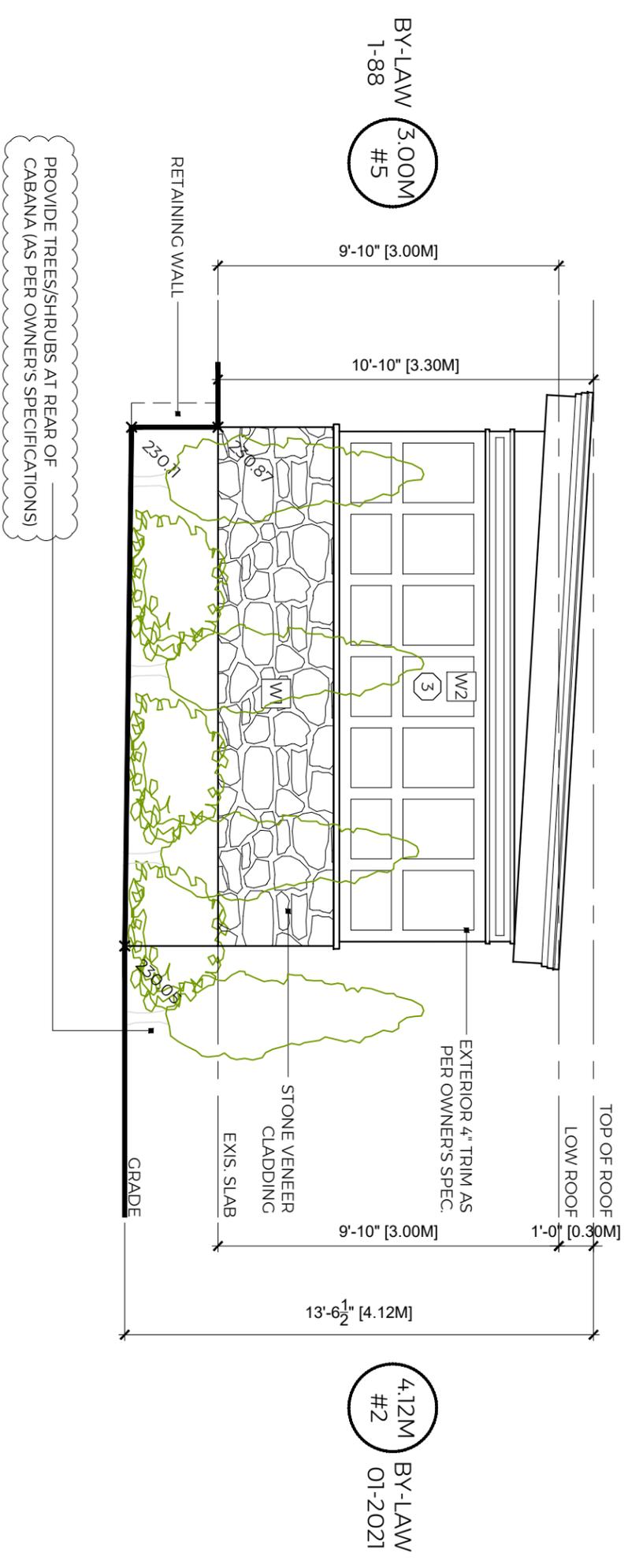
CHECKED BY: DF

DRAWING NUMBER:

PROPOSED
ELEVATIONS
PROPOSED CABANNA
AT

96 SECRET GARDEN CT

A6



BY-LAW 3.00M #5
1-88

4.12M #2
BY-LAW 01-2021

1 NORTH (RIGHT) ELEVATION
A7 1:50

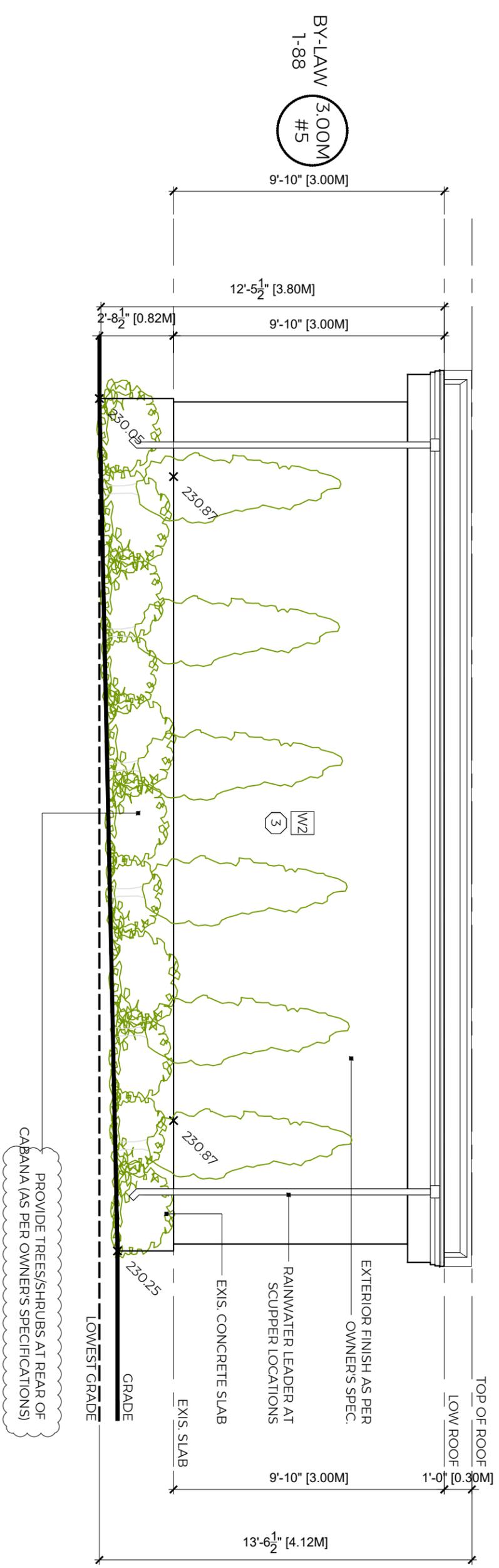
PROVIDE TREES/SHRUBS AT REAR OF CABANA (AS PER OWNERS SPECIFICATIONS)

THIS DRAWING IS AN INSTRUMENT OF SERVICE & PROVIDED BY AND IS THE PROPERTY OF DANIEL FERRARO DESIGN. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT DANIEL FERRARO DESIGN'S WRITTEN PERMISSION IS STRICTLY PROHIBITED. THIS DRAWING IS NOT TO BE SCALED. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, ETC., INFORMATION SHOWN ON THIS DRAWING. REFER TO THE APPROPRIATE CONSULTANTS' DRAWINGS BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS WORK. THE COPYRIGHT OF THIS DRAWING IS VESTED IN DANIEL FERRARO DESIGNS AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS WRITTEN PERMISSION.

PROJECT NUMBER: 21-13
DATE: 07-12-2021
SCALE: AS-NOTED
DRAWN BY: DF
CHECKED BY: DF

PROPOSED
ELEVATIONS
PROPOSED CABANA
AT
96 SECRET GARDEN CT

DRAWING NUMBER:



BY-LAW
1-88
3.00M
#5

W2
3

4.12M
#2
BY-LAW
01-2021

1 EAST (REAR) ELEVATION
A8 1:50

PROVIDE TREES/SHRUBS AT REAR OF CABANA (AS PER OWNER'S SPECIFICATIONS)

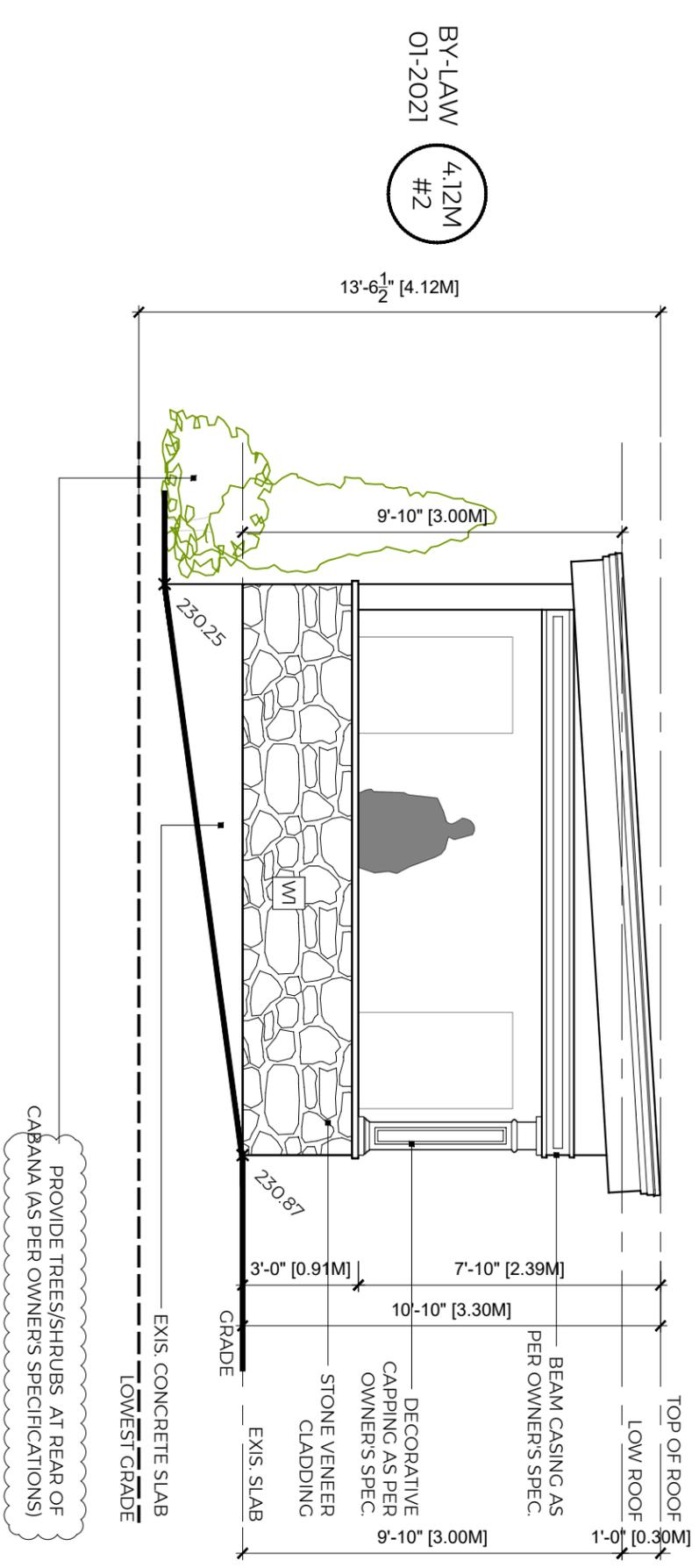
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THE COPYRIGHT OF THIS DRAWING IS VESTED IN DANIEL FERRARO DESIGNS AND IT MAY NOT BE REPRODUCED IN WHOLE OR PART OR USED FOR THE MANUFACTURE OF ANY ARTICLE WITHOUT THE EXPRESS WRITTEN PERMISSION.

PROJECT NUMBER: 21-113
DATE: 07-12-2021
SCALE: AS-NOTED
DRAWN BY: DF
CHECKED BY: DF

PROPOSED
ELEVATIONS
PROPOSED CABANA
AT

96 SECRET GARDEN CT

DRAWING NUMBER:



BY-LAW
01-2021
4.12M
#2

3.00M
#5
BY-LAW
1-88

1 SOUTH (LEFT) ELEVATION
A9 1:50

PROVIDE TREES/SHRUBS AT REAR OF CABANA (AS PER OWNER'S SPECIFICATIONS)

THE DRAWING AS AN INSTRUMENT OF SERVICE IS PROVIDED BY AND IS THE PROPERTY OF DANIEL FERRARO DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THE DRAWING. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE EXPRESS WRITTEN PERMISSION OF DANIEL FERRARO DESIGNS IS STRICTLY PROHIBITED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED BY THE CLIENT AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.

PROJECT NUMBER: 21-113
DATE: 07-12-2021
SCALE: AS-NOTED
DRAWN BY: DF
CHECKED BY: DF

PROPOSED ELEVATIONS
PROPOSED CABANA
AT
96 SECRET GARDEN CT

DRAWING NUMBER:

A9

SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
Development Planning	X	X		Recommend Approval/No Conditions
Building Standards (Zoning)	X			General Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X	X		General Comments
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: June 7, 2022
Name of Owners: Elisabeth Cusato, Mary Cusato & Michael Bartolomeo
Location: 96 Secret Garden Court
File No.(s): A120/22

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

1. To permit a minimum interior side yard setback of 1.34 m for the residential accessory structure (Cabana).
2. To permit a building height of 4.12 m for the residential accessory structure (Cabana).
3. To permit the pool equipment to encroach 6.84 m into the required 7.5 m rear yard.
4. To permit a minimum of 54.4% soft landscaping for the portion over 135 m².

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

1. The minimum required interior side yard setback is 2.4 m for the residential Accessory structure (Cabana).
2. The maximum permitted building height is 3.0 m for the residential accessory structure (Cabana).
3. The maximum permitted encroachment for ground mounted pool equipment is 1.5 m into the required 7.5 m rear yard.
4. The minimum required soft landscaping for the portion over 135 m² is 60%.

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

5. To permit a height of 3.41 m to the nearest part of the roof of the accessory structure (Cabana).
6. To permit a minimum of 54.4% soft landscaping for the portion over 135 m².
7. To permit the pool equipment to encroach 6.84 m into the required 7.5 m rear yard.

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

5. The maximum permitted height to the nearest part of the roof is 3.0 m for the accessory structure (Cabana).
6. The minimum required soft landscaping for the portion over 135 m² is 60%.
7. The maximum permitted encroachment for ground mounted pool equipment is 1.5 m into the required 7.5 m rear yard.

Official Plan:

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

Comments:

The Owners are requesting to permit the construction of a cabana and pool equipment with the above noted variances.

The Development Planning Department has no objection to Variance 1 as the reduction to the interior side yard setback is consistent with previous approvals in the neighbourhood and will not have adverse impacts to the abutting property. The interior side yard setback of 1.34 m also maintains an appropriate area for access and drainage.

The Development Planning Department has no objection to Variances 2 and 5 for the proposed height of the cabana as it is located on a slope, with the height measurement measured from the lowest grade. The cabana has a height of 3.3 m along the southern and western sides and extends to a maximum height of 4.12 m at the northeast corner. Vegetation is proposed along the northwest and northeast walls of the cabana to help screen it from the neighbouring properties and to mitigate the visual impact caused by the decrease in grade.

The Development Planning Department has no objection to Variances 3 and 7 for the proposed reduction in rear yard soft landscaping as the variances are minor in nature and the subject property maintains an appropriate balance of soft landscaping to preserve drainage on the property.

The Development Planning Department has no objection to Variances 4 and 6 as the 0.66 m setback proposed to the rear lot line for the pool equipment is measured at a pinch-point, which expands to 1.48 m at its greatest extent. The proposal maintains an appropriate area for access. The Development Engineering Department has also reviewed the proposed pool equipment location and is satisfied that drainage will be maintained.

Accordingly, the Development Planning Department can support the requested 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-laws, 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

David Harding, Senior Planner

To: Committee of Adjustment
From: Bernd Paessler, Building Standards Department
Date: June 1, 2022
Applicant: Elisabeth & Mary Cusato & Michael Bartolomeo
Location: PLAN 65M4377 Lot 39 municipally known as 96 Secret Garden Court
File No.(s): A120/22

Zoning Classification:

The subject lands are zoned R1A First Density Residential Zone and subject to the provisions of Exception 14.1009 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Sect. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Sect. 4.1.4 1	To permit a building height of 4.12m for the residential accessory structure. (Cabana).
3	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard . Sect 4.13 Table 4-1	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.
4	The minimum required soft landscaping for the portion over 135m2 is 60%. Sect 4.19.1 1.	To permit a minimum of 54.4% soft landscaping for the portion over 135m2.

The subject lands are zoned R1 Residential Zone and subject to the provisions of Exception 9(1378) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	The maximum permitted height to the nearest part of the roof is 3.0m for the accessory structure. (Cabana). Sect. 4.1.1 b)	To permit a height of 3.41m to the nearest part of the roof of the accessory structure. (cabana).
6	The minimum required soft landscaping for the portion over 135m2 is 60%. Sect. 4.1.2 b)	To permit a minimum of 54.4% soft landscaping for the portion over 135m2.
7	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard . Sect 3.14 h ii)	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 16-003906 for Single Detached Dwelling - New (Repeat Housing) (No Arch. Exam), Issue Date: Dec 16, 2016

Building Permit No. 22-102077 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

* Comments are based on the review of documentation supplied with this application.

Date: May 11th , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A120-22**

Related Files:

Applicant Elizabeth Cusato, Mary Cusato, Michael Bartolomeo

Location 96 Secret Garden Court

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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Stephen Cranley, C.E.T

Mitchell Penner

Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

E-mail: stephen.cranley@alecrautilities.com

Email: Mitchell.Penner@alecrautilities.com

Pravina Attwala

Subject: FW: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

From: Gordon, Carrie <carrie.gordon@bell.ca>

Sent: May-12-22 2:27 PM

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

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

Subject: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

Hello Pravina,

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

Carrie Gordon



Associate, External Liaison
Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Pravina Attwala

Subject: FW: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

From: Stephen Bohan <Stephen.Bohan@trca.ca>

Sent: May-13-22 9:10 AM

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

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

Subject: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

The subject property is not located within TRCA's Regulated Area. As such, any site alteration or development on the property would not require a permit and TRCA's Planning and Regulatory policy interests are not impacted.

TRCA has no comments and no objection to the application.

Stephen Bohan

Planner

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5743

E: stephen.bohan@trca.ca

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



Pravina Attwala

Subject: FW: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

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

Sent: May-16-22 2:59 PM

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

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

Subject: [External] RE: A120/22 (96 SECRET GARDEN COURT) - REQUEST FOR COMMENTS CITY OF VAUGHAN

Good afternoon Pravina,

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

Gabrielle

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

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Mike Cornacchia	92 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Dennis Favaro	88 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Angelo Aciano	100 Secret Garden Ct.	06/01/2022	Letter of Support
Public	Arif Rashid	24 Mary Natasha Court	06/01/2022	Letter of Support

RECEIVED

By RECEIVED at 12:15 pm, Jun 01, 2022

May 15, 2022

Committee of Adjustment

Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

To the members of the committee of adjustment:

Re: 96 Secret Garden Court, Vaughan ON

(A120-22)

I, Mike Cornacchia owner of 92 Secret Garden Court am in support of the proposed build at 96 Secret Garden Court and have no issue with the following variances:

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Sect. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Sect. 4.1.4 1	To permit a building height of 4.14m for the residential accessory structure. (Cabana).
3	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard . Sect 4.13 Table 4-1	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.
4	The minimum required soft landscaping for the portion over 135m2 is 60%. Sect 4.19.1 1.	To permit a minimum of 54.4% soft landscaping for the portion over 135m2.

	Zoning By-law 1-88	Variance requested
5	The maximum permitted height to the nearest part of the roof is 3.0m for the accessory structure. (Cabana). Sect. 4.1.1 b)	To permit a height of 3.42m to the nearest part of the roof of the accessory structure. (cabana).
6	The minimum required soft landscaping for the portion over 135m ² is 60%. Sect. 4.1.2 b)	To permit a minimum of 54.4% soft landscaping for the portion over 135m ² .
7	The maximum permitted encroachment for ground mounted pool equipment is 1.5m into the required 7.5 rear yard . Sect 3.14 h ii)	To permit the pool equipment to encroach 6.84m into the required 7.5m rear yard.

May 15, 2022

Committee of Adjustment

Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

To the members of the committee of adjustment:

Re: 96 Secret Garden Court, Vaughan ON

(A120-22)

I, Dennis Favaro owner of 88 Secret Garden Court am in support of the proposed build at 96 Secret Garden Court and have no issue with the following variances:

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Sect. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Sect. 4.1.4 1	To permit a building height of 4.14m for the residential accessory structure. (Cabana).
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	Zoning By-law 1-88	Variance requested
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May 15, 2022

Committee of Adjustment

Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

To the members of the committee of adjustment:

Re: 96 Secret Garden Court, Vaughan ON

(A120-22)

I, ANGELO (+ ACI ANO) owner of 100 SECRET GARDEN COURT am
in support of the proposed build at 96 Secret Garden Court and have no issue
with the following variances:

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Sect. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Sect. 4.1.4 1	To permit a building height of 4.14m for the residential accessory structure. (Cabana).
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May 15, 2022

Committee of Adjustment

Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T1

To the members of the committee of adjustment:

Re: 96 Secret Garden Court, Vaughan ON

(A120-22)

I, ARIF RASTU owner of 24 MARY NATASHA CRT am
in support of the proposed build at 96 Secret Garden Court and have no issue
with the following variances:

#	Zoning By-law 01-2021	Variance requested
1	The minimum required interior side yard setback is 2.4m for the residential Accessory structure (Cabana). Sect. 4.1.2 1b.	To permit a minimum interior side yard setback of 1.34m for the residential accessory structure. (Cabana).
2	The maximum permitted building height is 3.0m for the residential accessory structure. (cabana). Sect. 4.1.4 1	To permit a building height of 4.14m for the residential accessory structure. (Cabana).
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	Zoning By-law 1-88	Variance requested
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