

File: A160/19

Applicant: Jack & Maria Salvador

Address: 67 Spicewood Cr Kleinburg

Agent: Vulcan Design Inc.

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks Department	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
 Hearing Date: Thursday, January 16, 2020



Minor Variance
Application

Agenda Item: 11

A160/19

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, January 16, 2020

Applicant: Jack & Maria Salvador

Agent: Vulcan Design Inc.

Property: 67 Spicewood Cr Kleinburg ON

Zoning: The subject lands are zoned RD1 9(1316) and subject to the provisions of Exception under By-law 1-88 as amended

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): Low-Rise Residential

Related Files: None

Purpose: Relief from the by-law is being requested to permit the construction of a proposed cabana and swimming pool to be located in the rear yard.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A private swimming pool shall be constructed in the rear yard only.	1. To permit the location of a swimming pool not completely in the rear yard.
2. A minimum rear yard setback of 7.5 metres is required to the proposed cabana.	2. To permit a minimum rear yard setback of 1.4 metres to the proposed cabana.
3. A maximum encroachment of 0.5 metres for eaves and gutters are permitted of an Accessory Structure.	3. To permit a maximum encroachment of 0.6 metres into the required yard for eaves and gutters of the Cabana.
4. A maximum area of 67 sq.m for an accessory building is permitted.	4. To permit an accessory building (cabana) of 108.6 sq.m.
5. The nearest part of the roof shall not be more than 3.0 metres above finished grade for the Accessory Structure.	5. To permit the nearest part of the roof to be 3.35 metres above the finished grade.
6. A minimum of 60% of the portion of the rear yard in excess of 135sq.m shall be soft landscaping.	6. To permit a minimum of 58.6% soft landscaping for a rear yard area in excess of 135sq.m.

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:
Public notice was mailed on December 19, 2019

Applicant confirmed posting of signage on December 18, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	2012

Applicant has advised that they cannot comply with By-law for the following reason(s):
Homeowners desire a special swimming pool feature being located off the patio and an enlarged cabana for recreational uses.

Building Standards (Zoning Review):
Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2

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

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): Low-Rise Residential

The Owner is requesting permission to construct a cabana and a pool in the rear yard with the above-noted variances.

At the request of the Development Planning Department, the Owner has decreased the total area of the cabana from 124.9m2 to 108.6m2 by reducing the roof overhang. The revised reduction provides for an appropriately sized cabana on the lot. As such, Variances #2, 3, 4 and 5 are considered minor in nature. The rear lot line abuts open space and with a setback of 3.09m to the interior lot line, the cabana has no adverse impact on the neighbouring lots.

Variance #1 is considered minor in nature as it is a technical variance. Zoning By-law 1-88 requires the swimming pool to be located in the rear yard only. Rear yard is defined as “the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the nearest building or structure...” The swimming pool is not placed in the technical defined “rear yard”; however, the swimming pool is placed in an area effectively used as a rear yard and has no adverse impacts on the neighbouring lots. Variance #6 respecting the reduction of soft landscaping in the rear yard is minor as the requested 58.6% is a small deviation from the by-law requirement of 60%.

Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A160/19 subject to the following condition(s):

The owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the proposed cabana prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 21nd floor of the City Hall to apply for lot grading approval.

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

Parks Development:
No comments or concerns

By-Law and Compliance, Licensing and Permit Services:
No comments or concerns

Financial Planning and Development Finance:
No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
N/A

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)
None

Staff Recommendations:
Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers 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.

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:

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	1. The owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the proposed cabana prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 21nd floor of the City Hall to apply for lot grading 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 (letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification to the City's Development Engineering Department.

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

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. 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.

Notice to the Applicant – 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 to Public

WRITTEN SUBMISSIONS: 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information 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.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) 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.

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

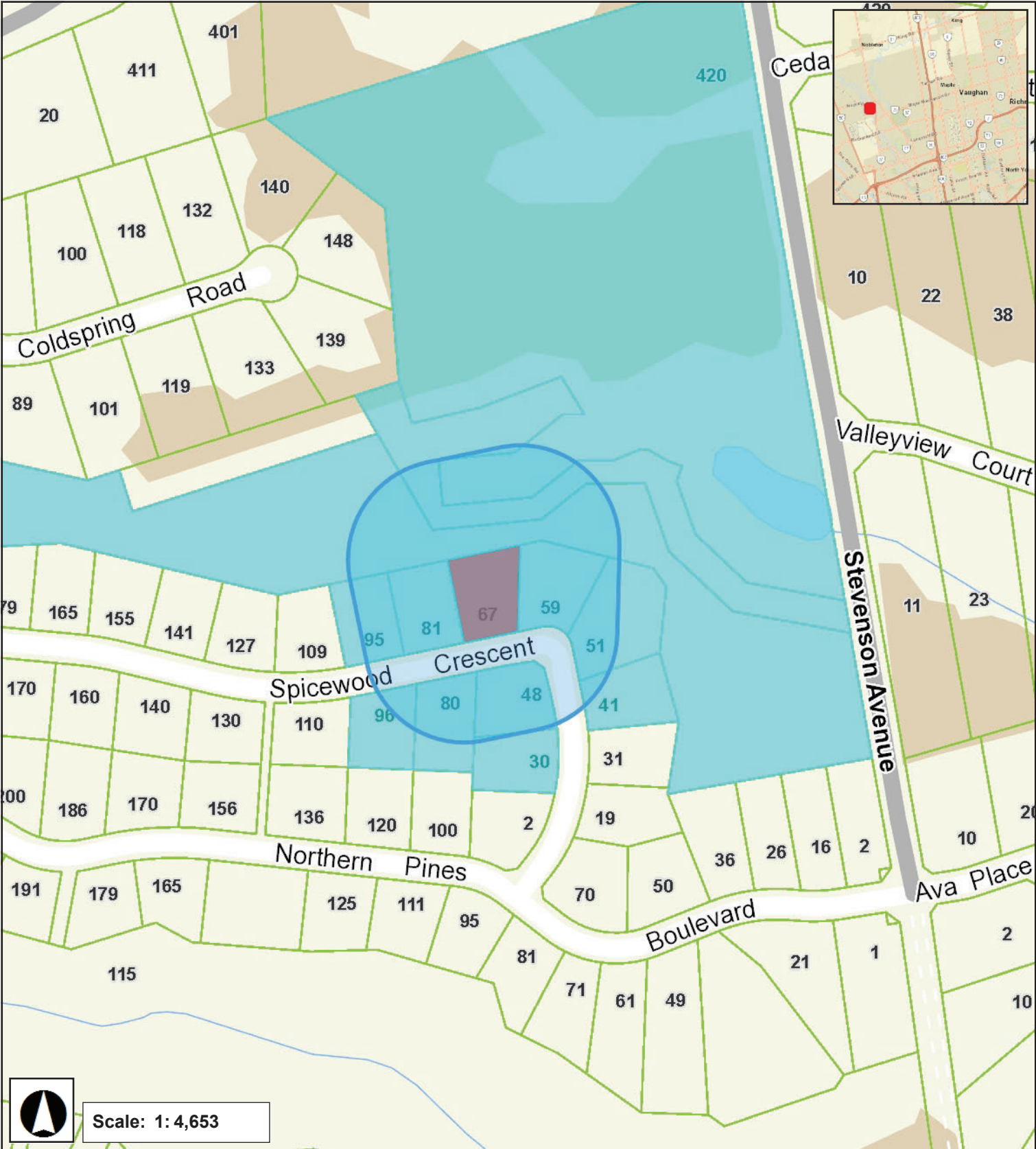
Location Map
Sketches



LOCATION MAP - A160/19

67 SPICEWOOD CRESCENT, KLEINBURG

Nashville Road

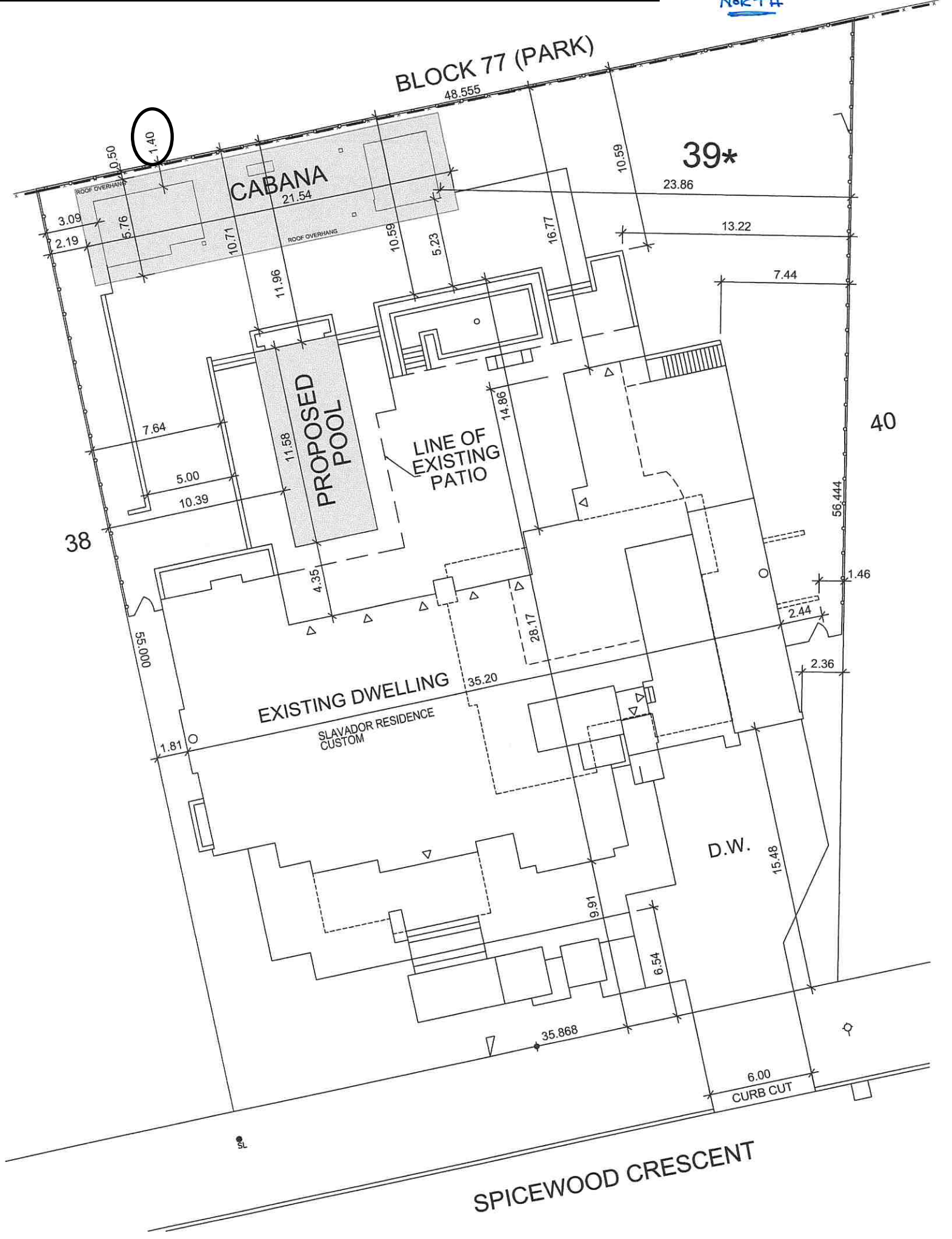


Scale: 1: 4,653

Major Mackenzie Drive

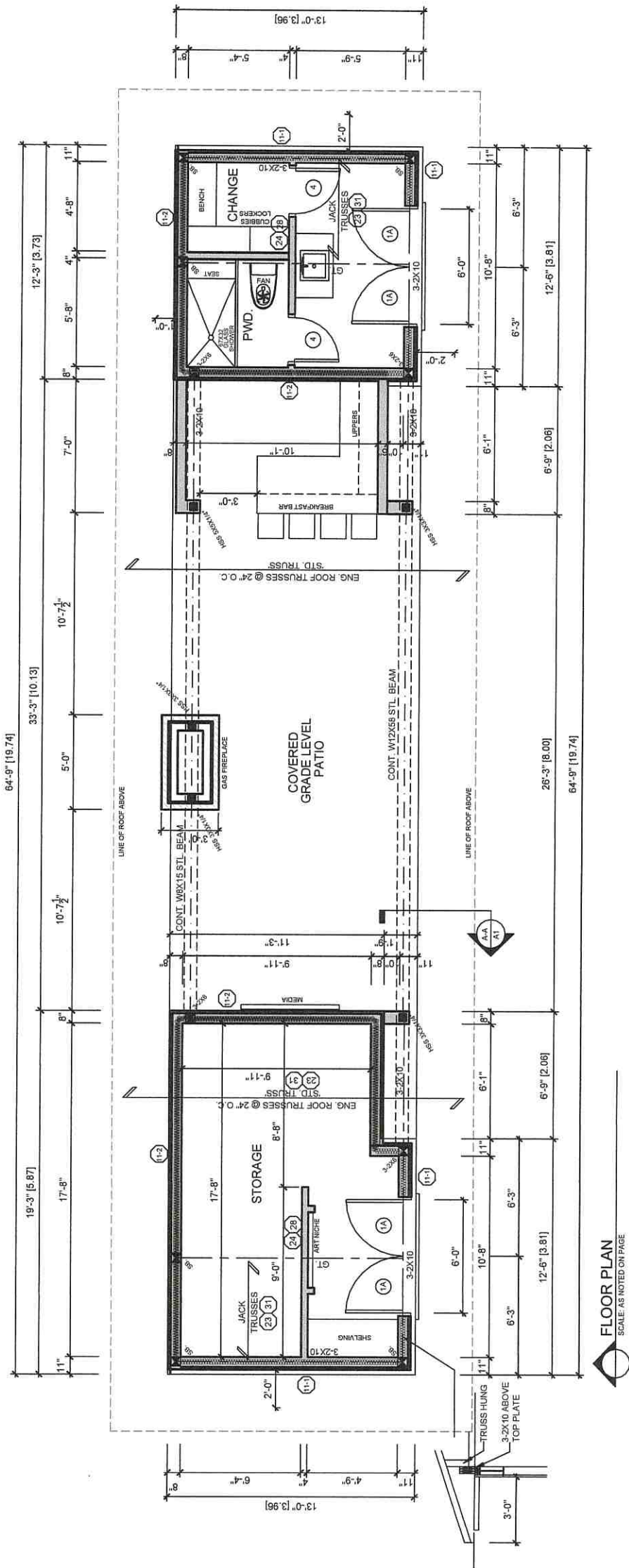
December 9, 2019 2:29 PM

Permit the location of a swimming pool not completely in rear yard
Permit accessory building (cabana) of 124.9sq.m.
Permit minimum 58.6% soft landscaping for a rear yard in excess of 135sq.m.



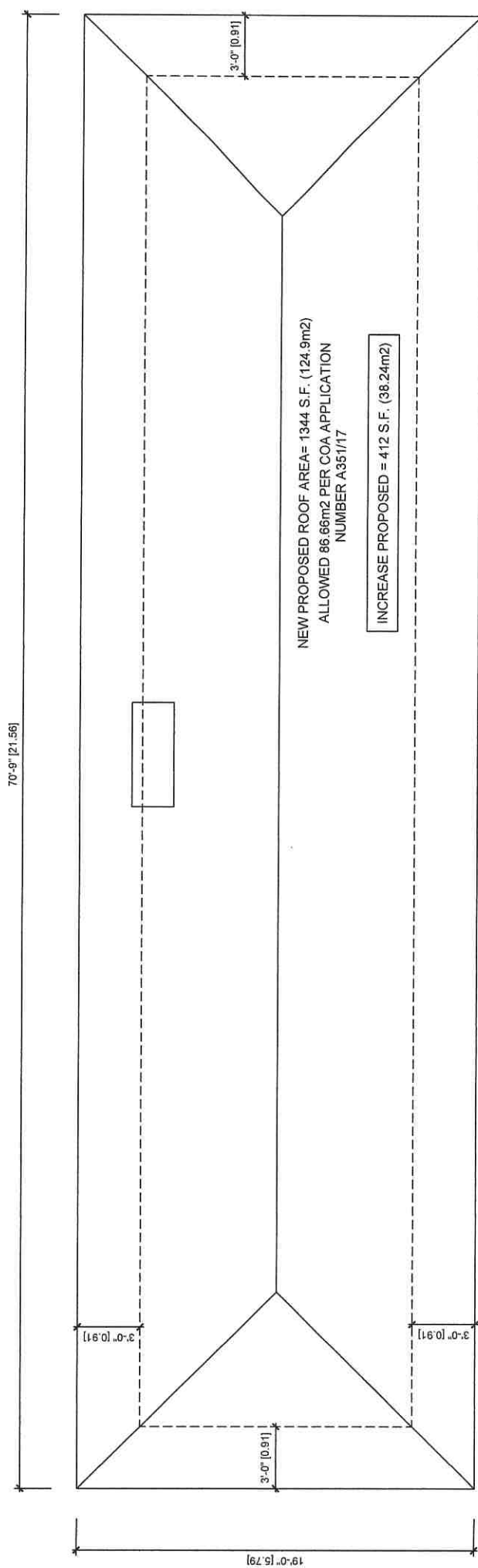


VULCAN DESIGN INC.



FLOOR PLAN
SCALE: AS NOTED ON PAGE

PROJECT/LOCATION:	CLIENT:	DATE:	DWN BY:	NOTE:
67 Spicewood Crescent KLEINBURG, ON	Private Residence	11-08-19	dc	1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES WHO WRITTEN PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION BY SITE SURVEY TO BE PROVIDED BY CLIENT.
SQUARE FEET: 842 SF / 78.22m ²				
SCALE: 3/16" = 1'-0"				

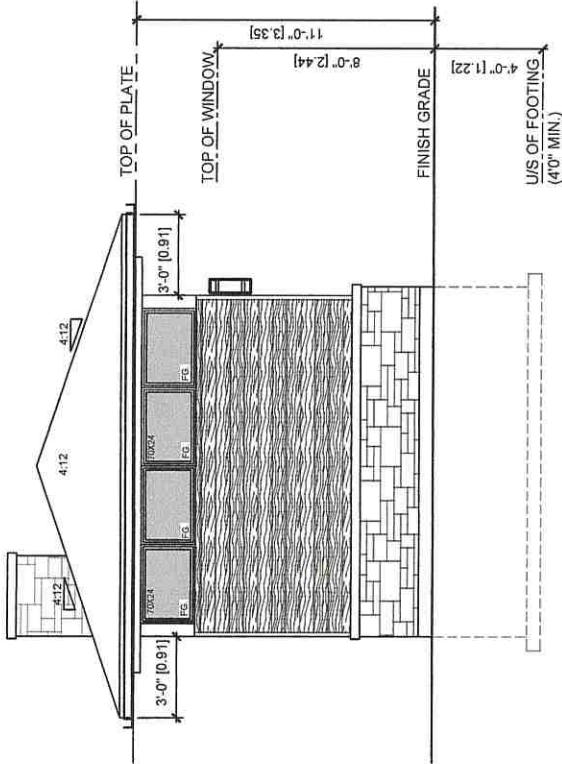


ROOF PLAN
SCALE: AS NOTED ON PAGE

PROJECT/LOCATION: 67 Spicewood Crescent KLEINBURG, ON	CLIENT: Private Residence	DATE: 11-08-19	DWN BY: dcb	NOTE: 1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY ANY OTHER PERSON WITHOUT PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN. SUBJECT TO CHANGE UPON VERIFICATION W/ SITE SURVEY TO BE PROVIDED BY CLIENT.
CSQAURE FEET: 842 SF / 78.22m2				
SCALE: 3/16" = 1'-0"				



VULCAN DESIGN INC.



PROPOSED WEST ELEVATION
SCALE AS NOTED ON PAGE

PROJECT/LOCATION:	CLIENT:	DATE:	DWN BY:	DATE:	DWN BY:	NOTE:
67 Spicewood Crescent KLEINBURG, ON	Private Residence	11-08-19	dcb			1. DRAWINGS NOT TO BE USED FOR CONSTRUCTION OR BY OTHER PARTIES WHO WRITER PERMISSION FROM DESIGNER 2. PRELIMINARY DESIGN, SUBJECT TO CHANGE UPON VERIFICATION OF SITE SURVEY TO BE PROVIDED BY CLIENT.
SQAURE FEET: 842 SF / 78.22m2						
SCALE: 3/16" = 1'-0"						

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: Response to A160/19 - REQUEST FOR COMMENTS
Attachments: A160-19 - Circulation.pdf

From: Development Services <developmentservices@york.ca>
Sent: December-06-19 3:23 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: Response to A160/19 - REQUEST FOR COMMENTS

Good afternoon Pravina,
The Regional Municipality of York has completed its review of the above minor variance application and has no comment.
Regards,
Gabrielle

Gabrielle Hurst | MCIP, RPP, C.Tech, Planning and Economic Development, Corporate Services

1-877-464-9675 ext. 71538

Our Mission: **Working together to serve our thriving communities – today and tomorrow**