

**ITEM #: 6.8**

**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A187/22  
51 Napier St, 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.*

<b>DEPARTMENTS</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
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	X	Recommend Approval w/Conditions
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	X	X	Recommend Approval w/Conditions
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
<b>AGENCIES</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X	X	X	Recommend Approval w/Conditions
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
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.

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

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

\*Please see **Schedule D** for a copy of the Decisions listed below

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

\*Please see **Schedule D** for a copy of the Decisions listed below

None		
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**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  
A187/22  
51 Napier Street, Kleinburg**

**FILE MANAGER: Adriana Bozzo, Administrative Coordinator - Committee of Adjustment**

<b>ITEM NUMBER: 6.8</b>	<b>CITY WARD #: 1</b>
<b>APPLICANT:</b>	Mario Barone and Nicole Monardo
<b>AGENT:</b>	Fausto Cortese Architects Inc.
<b>PROPERTY:</b>	51 Napier St, Kleinburg
<b>ZONING DESIGNATION:</b>	See Below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit the construction of a proposed addition to the existing dwelling (cabana) and a swimming pool.

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 interior side yard setback required is 1.5 metres. (Table 7-3)	To permit a minimum interior side yard setback of 0.92 metres.
2	An outdoor swimming pool shall only be permitted in the rear yard of a lot. (Section 4.21 2.)	To permit a swimming pool not entirely in the rear yard.

**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 interior side yard setback required is 1.5 metres. (Schedule 'A')	To permit a minimum interior side yard setback of 0.92 metres.
4	A private swimming pool shall be constructed only in the rear yard. (Section 4.1.1 i)	To permit a swimming pool not entirely in the rear yard.

**HEARING INFORMATION**

**DATE OF MEETING:** Thursday, August 18, 2022  
**TIME:** 6:00 p.m.  
**MEETING LOCATION:** Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan  
**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](http://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](mailto: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](mailto: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

<b>Date Public Notice Mailed:</b>	August 4, 2022
<b>Date Applicant Confirmed Posting of Sign:</b>	August 2, 2022
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	The garage is very narrow and need this variance to be able to have enough width. The interior setback is existing and the proposed addition is maintaining the setback.
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  <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>	No
<b>Adjournment Fees:</b> 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 <b>after</b> the issuance of public notice.	
<b>Committee of Adjustment Comments:</b>	None
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None

## BUILDING STANDARDS (ZONING) COMMENTS

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

<b>Building Standards Recommended Conditions of Approval:</b>	None
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## DEVELOPMENT PLANNING COMMENTS

**\*\*See Schedule B for Development Planning Comments.**

<b>Development Planning Recommended Conditions of Approval:</b>	<ol style="list-style-type: none"> <li>1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department.</li> <li>2. That all comments on Site Development Application DA.22.047 be addressed to the satisfaction of the Development Planning Department.</li> </ol>
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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 structures area in the subject property is over 10m<sup>2</sup>, 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 m<sup>2</sup> requires a

## DEVELOPMENT ENGINEERING COMMENTS

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

grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition.

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit the grading permits page at City of Vaughan website to learn how to apply for the Pool Permit. If you have any question about Pool Grading Permit, please contact the Development Engineering Department through email at [DEPermits@vaughan.ca](mailto:DEPermits@vaughan.ca).

The proposed work by the owner/ applicant is increasing the lot coverage area from 10% to 13.3% in the subject property. The added hardscape may have impact on City's Storm Water management system. Staff suggests the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts.

The owner/applicant shall contact Transportation and Fleet Management Services (Joint Operations Centre) if there is any work required related to the driveway culvert. Please visit the culvert work at City of Vaughan website for more information.

Although the typical required setback for a garage is 1.2m from the property line, the applicant confirmed that the proposed garage foundation is slab on grade and the applicant is installing weeping tiles to facilitate drainage. The Development Engineering (DE) Department does not object to variance application A187/22 subject to the following condition(s):

<b>Development Engineering Recommended Conditions of Approval:</b>	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 Permit prior to any work being undertaken on the property. Please visit the grading permits page at City of Vaughan website to learn how to apply for the grading permit. If you have any question about grading permit, please contact the Development Engineering Department through email at <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .
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## PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Parks: No Comments  
 Forestry: No Comments  
 Horticulture: No Comments

<b>PFH Recommended Conditions of Approval:</b>	Parks: None Forestry: Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to any construction works on the subject property. Horticulture: None
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## DEVELOPMENT FINANCE COMMENTS

No comment no concerns

<b>Development Finance Recommended Conditions of Approval:</b>	None
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## BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No Comments

<b>BCLPS Recommended Conditions of Approval:</b>	None
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## BUILDING INSPECTION (SEPTIC) COMMENTS

No Comments

<b>Building Inspection Recommended Conditions of Approval:</b>	None
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## FIRE DEPARTMENT COMMENTS

No comments

<b>Fire Department Recommended Conditions of Approval:</b>	None
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## SCHEDULES TO STAFF REPORT

\*See Schedule for list of correspondence

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Staff & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (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 Planning <a href="mailto:joshua.cipolletta@vaughan.ca">joshua.cipolletta@vaughan.ca</a>	1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department. 2. That all comments on Site Development Application DA.22.047 be addressed to the satisfaction of the Development Planning Department.
2	Development Engineering <a href="mailto:farzana.khan@vaughan.ca">farzana.khan@vaughan.ca</a>	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 Permit prior to any work being undertaken on the property. Please visit the grading permits page at City of Vaughan website to learn how to apply for the grading permit. If you have any question about grading permit, please contact the Development Engineering Department through email at <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .
3	Parks, Forestry and Horticulture Operations <a href="mailto:zachary.quizzetti@vaughan.ca">zachary.quizzetti@vaughan.ca</a>	Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to any construction works on the subject property.
4	TRCA <a href="mailto:hamedeh.razavi@trca.ca">hamedeh.razavi@trca.ca</a>	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

### 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.

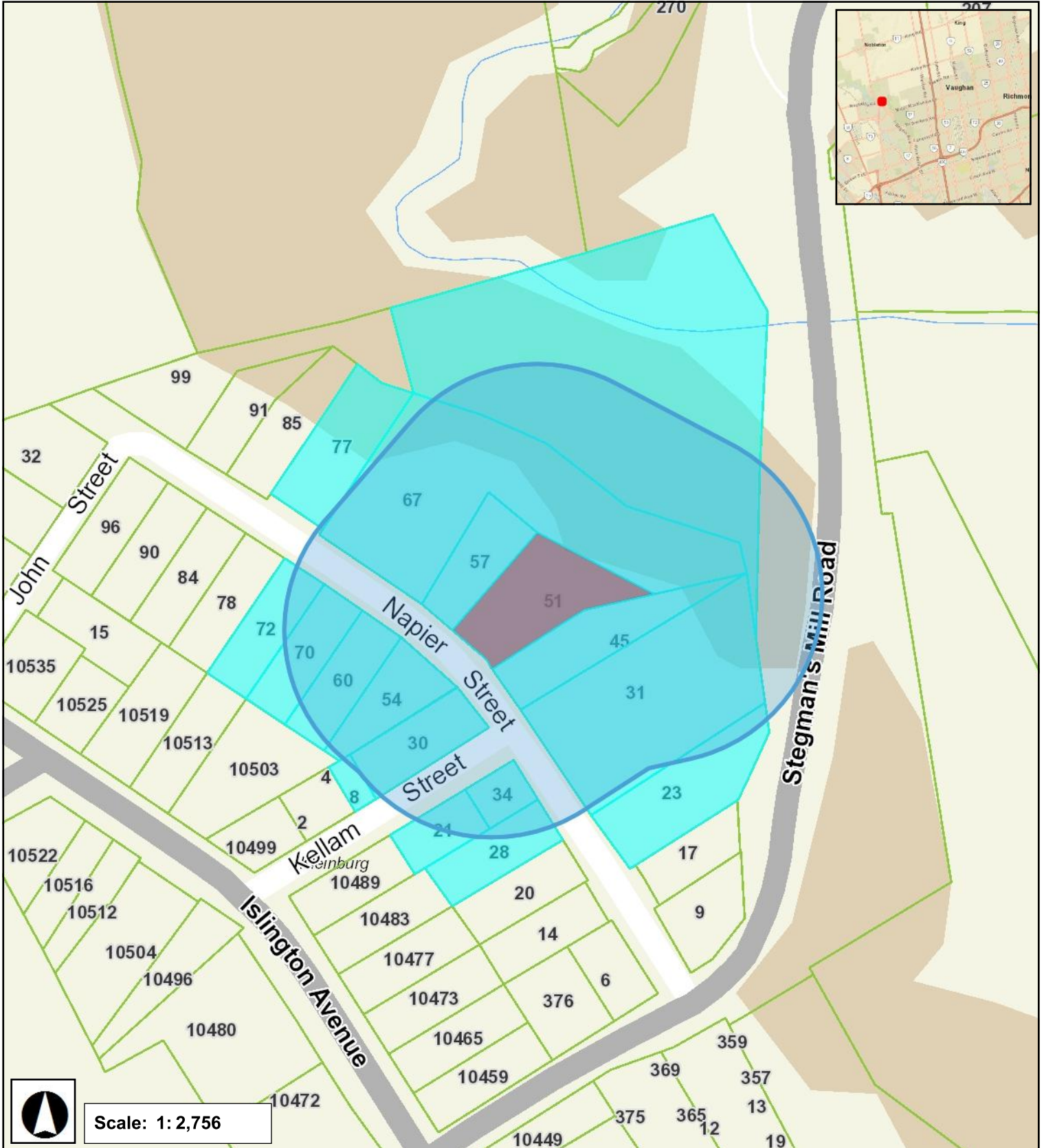
**SCHEDULE A: DRAWINGS & PLANS**





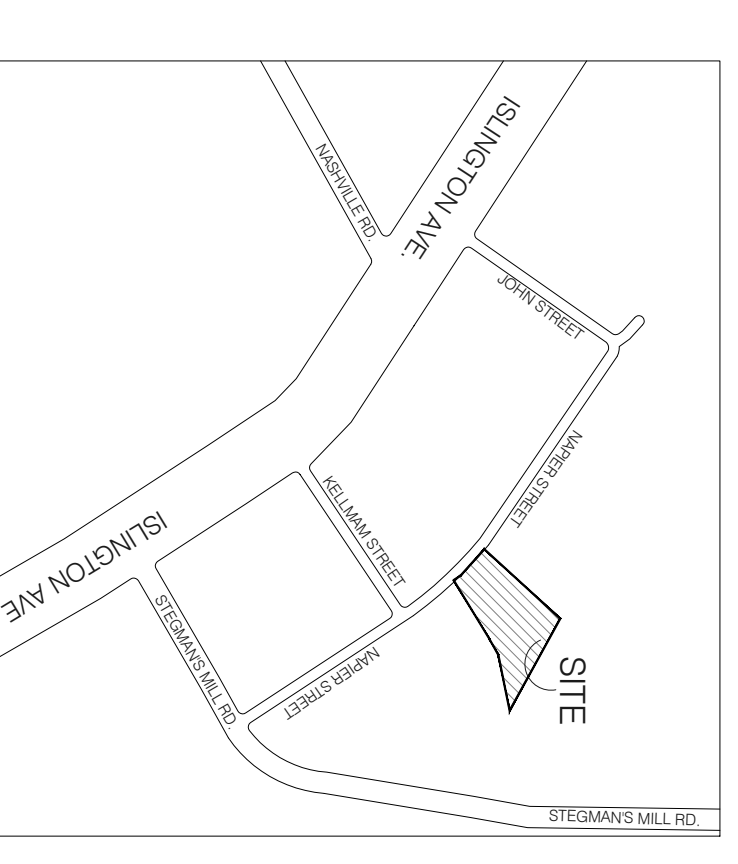
# A187/22 - Notification Map

51 Napier Street, Kleinburg



LEGEND

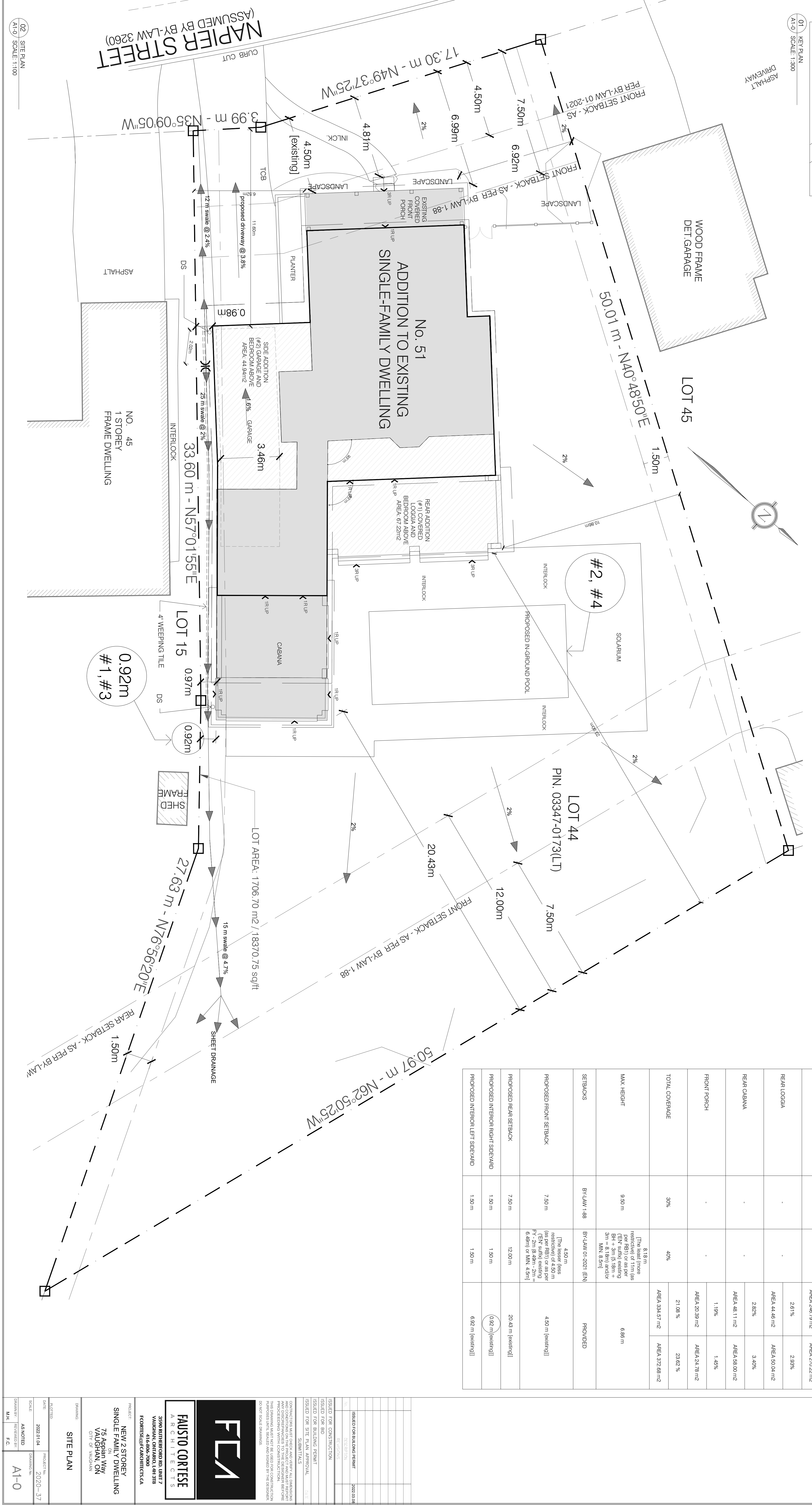
[Hatched Box]	EXISTING DWELLING
[Solid Grey Box]	ADDITION TO PROPOSED DWELLING



#	Zoning By-law 001-2021	Variance requested
1	The minimum interior side yard setback required is 1.5 metres. (Table 7-3) (Schedule 'A')	To permit a minimum interior side yard setback of 0.92 metres.
2	An outdoor swimming pool shall only be permitted in the rear yard of a lot. (Section 4.21(2))	To permit a swimming pool not entirely in the rear yard.
3	<b>Zoning By-law 1-88</b> The minimum interior side yard setback required is 1.5 metres. (Schedule 'A')	<b>Variance requested</b> To permit a minimum interior side yard setback of 0.92 metres.
4	A private swimming pool shall be constructed only in the rear yard. (Section 4.1(1))	To permit a swimming pool not entirely in the rear yard.

SITE DEVELOPMENT

ZONE	ZONE R1 (BY-LAW 1-88)	ZONE R1(BEVN)-306 (BY-LAW 01-2021)	PROVIDED
TOTAL LOT AREA	700 m <sup>2</sup>	600 m <sup>2</sup>	n/a
LOT COVERAGE	BY-LAW 1-88	BY-LAW 01-2021	PROVIDED
LOT FRONTAGE	18 m	18 m	21.28 m (EXISTING)
COVERPAGE	BY-LAW 1-88	BY-LAW 01-2021	BY-LAW 1-88 BY-LAW 01-2021
EXISTING HOUSE			AREA 246.79 m <sup>2</sup> AREA 270.22 m <sup>2</sup>
REAR LOGGIA			2.01% 2.99%
REAR CABANA			AREA 44.46 m <sup>2</sup> AREA 50.04 m <sup>2</sup> 2.82% 3.40%
FRONT PORCH			1.19% 1.45%
TOTAL COVERAGE	30%	40%	AREA 30.39 m <sup>2</sup> AREA 24.78 m <sup>2</sup> 21.09% 23.62%
MAX HEIGHT	9.50 m	8.18 m (The maximum height of 11m (as per R1) or as per CEV) or as per CEV + 3m (5.18m + 3m MIN 8.18m)	6.86 m
SETBACKS	BY-LAW 1-88	BY-LAW 01-2021 (EN)	PROVIDED
PROPOSED FRONT SETBACK	7.50 m	4.50 m (The minimum (existing) or 4.50 m (as per R1) or as per CEV) or as per CEV + 3m (MIN. 6.45m) or MIN. 4.5m)	4.50 m [existing]
PROPOSED REAR SETBACK	7.50 m	12.00 m	20.43 m [existing]
PROPOSED INTERIOR RIGHT SIDEYARD	1.50 m	1.50 m	0.92 m [existing]
PROPOSED INTERIOR LEFT SIDEYARD	1.50 m	1.50 m	6.92 m [existing]



**FAUSTO CORTESE ARCHITECTS**

3590 RUTHERFORD RD. UNIT 7  
VANCOUVER, BC V6L 2M9  
FORKTES@FAUSTOCORTESE.CA

PROJECT: NEW 2 STOREY SINGLE FAMILY DWELLING  
75 Aspen Way  
VANCOUVER, BC  
OWNER: [REDACTED]  
RESERVED BY: F.C.

**KEY PLAN**

DATE: 2022.01.04  
SCALE: 1:300  
DRAWING NO: A1-0

PROJECT NO: 2020-37

ISSUED FOR CONSTRUCTION PERMIT  
ISSUED FOR BLDG. APPROVAL  
ISSUED FOR BLDG. PERMIT

2022.08.06

2022.08.06

**SCHEDULE B: STAFF & AGENCY COMMENTS**

<b>DEPT/AGENCY</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X	X	X	Recommend Approval w/Conditions
Ministry of Transportation (MTO) *Schedule B	X			No Comments Recieved to Date
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
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				
Development Planning	X	X	X	Recommend Approval w/Conditions
Building Standards (Zoning)	X	X		General Comments

**To:** Committee of Adjustment  
**From:** Christian Tinney, Building Standards  
**Date:** July 18, 2022  
**Applicant:** Mario Barone Nicole Monardo  
**Location:** PLAN RP275 Part of Lot 45  
 PLAN RP275 Part of Lot 44 municipally known as 51 Napier Street  
**File No.(s):** A187/22

**Zoning Classification:**

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 interior side yard setback required is 1.5 metres. (Table 7-3)	To permit a minimum interior side yard setback of 0.92 metres.
2	An outdoor swimming pool shall only be permitted in the rear yard of a lot. (Section 4.21 2.)	To permit a swimming pool not entirely in the rear yard.

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 interior side yard setback required is 1.5 metres. (Schedule 'A')	To permit a minimum interior side yard setback of 0.92 metres.
4	A private swimming pool shall be constructed only in the rear yard. (Section 4.1.1 i)	To permit a swimming pool not entirely in the rear yard.

**Staff Comments:**

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

There are no outstanding Orders on file

**Building Permit(s) Issued:**

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m<sup>2</sup>

**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.
2	Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

**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.

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** August 10, 2022  
**Name of Owners:** Mario Barone and Nicole Monardo  
**Location:** 51 Napier Street  
**File No.(s):** A187/22

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

1. To permit a minimum interior side yard setback of 0.92 m.
2. To permit a swimming pool not entirely in the rear yard.

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

1. The minimum interior side yard setback required is 1.5 m.
2. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

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

3. To permit a minimum interior side yard setback of 0.92 m.
4. To permit a swimming pool not entirely in the rear yard.

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

3. The minimum interior side yard setback required is 1.5 m.
4. A private swimming pool shall be constructed only in the rear yard.

**Official Plan:**

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

**Comments:**

The Owners are requesting relief to permit the construction of two, two-storey additions to the existing dwelling with the above noted variances. The works will fully incorporate the two-storey garage behind and linked to the dwelling via a narrow one-storey room, into the dwelling. One addition is proposed off the dwelling's southeastern side wall in front of the garage, and the other off the dwelling's northeastern rear wall and northwest of the garage.

The Development Planning Department has no objection to Variances 1 and 3 for the proposed interior side yard setback to facilitate the works. The 0.92 m setback is already existing along a portion of the dwelling (southeastern garage wall) and the addition will maintain this setback. The applicant has confirmed that the proposed foundation for the addition is slab on grade and that weeping tiles will be installed to facilitate drainage. The Development Engineering Department reviewed the proposal and has no objection. The proposed additions were reviewed by the Heritage Vaughan Committee. Its recommendation to permit the development was approved by Council on June 7, 2022.

The Development Planning Department has no objection to Variances 2 and 4 for the proposed pool as it is located within what is effectively used as the rear yard. The pool also complies with all rear yard and side yard setback requirements which allows for safe access around the pool area.

In support of the application, the Owner submitted a Tree Inventory & Protection Plan prepared by The Urban Arborist Inc., dated April 22, 2022. The report inventoried 30 trees, nine of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations. Urban Design staff has also requested that the Owner submit a Landscape Plan to show the planting of replacement trees within the front yard setback and close to the driveway, but not within the drip-line of existing trees. Conditions to this effect have been recommended in the Conditions of Approval.

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, subject to the following conditions.

**Conditions of Approval:**

If the Committee finds merit in the application, the following conditions of approval are recommended:

1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department.
2. That all comments on Site Development Application DA.22.047 be addressed to the satisfaction of the Development Planning Department.

**Comments Prepared by:**

Joshua Cipolletta, Planner I  
David Harding, Senior Planner

August 8, 2022

CFN 66448.16

**SENT BY E-MAIL: Christine.Vigneault@vaughan.ca**

Christine Vigneault  
Secretary Treasurer  
Committee of Adjustment  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

Dear Christine:

**Re: Minor Variance Application 187.22  
Part of Lot 24, Concession 8  
51 Napier Street  
City of Vaughan, Region of York  
Owner: Mario Barone and Nicole Monardo  
Agent: Fausto Cortese c/o Fausto Cortese Architects**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on July 22, 2022. TRCA staff have reviewed the application and offer the following comments for the consideration of the Committee of Adjustment.

**Purpose of the Application**

It is our understanding that the purpose of the above noted application is to request the following variances under both Zoning By-Law 01-2021 and By-Law 1-88:

**By-Law 01-2021**

1. To permit a minimum interior side yard setback of 0.92 metres, whereas the minimum interior side yard setback required is 1.5 metres.
2. To permit a swimming pool not entirely in the rear yard, whereas an outdoor swimming pool shall only be permitted in the rear yard of a lot.

**By-Law 1-88**

1. To permit a minimum interior side yard setback of 0.92 metres, whereas the minimum interior side yard setback required is 1.5 metres.
2. To permit a swimming pool not entirely in the rear yard, whereas a private swimming pool shall be constructed only in the rear yard.

The noted variances are being requested to permit an inground pool not entirely within the rear yard and additions to the rear of the existing dwelling.

**Ontario Regulation 166/06:**

A portion of the subject property is located within TRCA's Regulated Area due to the presence of a valley corridor associated with the Humber River at the rear of lot (i.e., northeast). In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

**Application-Specific Comments**

Based on a review of TRCA's available digital elevation mapping, the valley slope to the northeast of the property is approximately 28 metres high with a relatively steep slope inclination, approximately 1.7 Horizontal: 1 Vertical. It is the position of TRCA that the physical top of the slope is approximately 3 – 4 metres behind the rear property (northern) property line, coincident with a contour elevation of 218 metres above sea level (masl). Based on a review of the submitted materials, TRCA staff are satisfied that the proposed works are sufficiently setback greater than 10 metres from the top of bank. As such, TRCA has no objection to the requested variances.

**Fees**

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$610.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

**Recommendations**

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A187.22 subject to the following conditions:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at [Hamedeh.Razavi@trca.ca](mailto:Hamedeh.Razavi@trca.ca)

Sincerely,



Hamedeh Razavi  
Planner  
Development Planning and Permits

HR/sb



**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](mailto:stephen.cranley@alecrautilities.com)

**Email:** [Mitchell.Penner@alecrautilities.com](mailto:Mitchell.Penner@alecrautilities.com)

## Adriana Bozzo

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**Subject:** FW: [External] RE: A187/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (51 Napier Street, Kleinburg)

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**From:** Development Services <developmentsservices@york.ca>

**Sent:** August-08-22 12:14 PM

**To:** Adriana Bozzo <Adriana.Bozzo@vaughan.ca>

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

**Subject:** [External] RE: A187/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (51 Napier Street, Kleinburg)

Good afternoon Adriana,

The Regional Municipality of York has completed its review of the above application. TRCA will be providing technical comments on behalf of York Region.

Thank you,  
Niranjan

**Niranjan Rajevan, M.Pl.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71521 | [niranjan.rajevan@york.ca](mailto:niranjan.rajevan@york.ca) | [www.york.ca](http://www.york.ca)

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**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

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

**SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
None		