

ITEM #: 6.26	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A228/22 41 Card Lumber Cr Kleinburg ON
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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 <i>*Schedule B</i>	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X	X		Recommend Approval/No Conditions
Development Engineering	X	X		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
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
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA <i>*Schedule B</i>	X	X	X	Recommend Approval w/Conditions
Ministry of Transportation (MTO) <i>*Schedule B</i>	X	X		General Comments
Region of York <i>*Schedule B</i>	X			No Comments Recieved to Date
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X			
YRDSB <i>*Schedule B</i>				
YCDSB <i>*Schedule B</i>				
CN Rail <i>*Schedule B</i>				
CP Rail <i>*Schedule B</i>				
TransCanada Pipeline <i>*Schedule B</i>	X			No Comments Recieved to Date
Metrolinx <i>*Schedule B</i>				
Propane Operator <i>*Schedule B</i>				

PUBLIC & APPLICANT CORRESPONDENCE				
<i>*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.</i>				
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
None				

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
<i>*Please see Schedule D for a copy of the Decisions listed below</i>		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
None		

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



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A228/22
41 Card Lumber Cr Kleinburg ON**

FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

ITEM NUMBER: 6.26	CITY WARD #: 1
APPLICANT:	Roxanne Grittani
AGENT:	None
PROPERTY:	41 Card Lumber Cr 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 deck.

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

The subject lands are zoned R3 Residential and subject to the provisions of Exception 14.1006 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
	None	

The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1376) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
1	A minimum rear yard of 7.5 metres is required to the covered portion of the deck/balcony. Schedule A	To permit a minimum rear yard of 4.65 metres to the covered portion of the deck.
2	A minimum rear yard of 5.7 metres is required to the uncovered portion of the deck/balcony. Section 3.14	To permit a minimum rear yard of 4.65 metres to the uncovered portion of the deck.

HEARING INFORMATION

DATE OF MEETING: Thursday , September 22, 2022

TIME: 6:00 p.m.

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

LIVE STREAM LINK: [Vaughan.ca/LiveCouncil](https://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:	September 8, 2022
Date Applicant Confirmed Posting of Sign:	September 6, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	We cannot comply with the provisions of the city's zoning by-law because it only allows us to make a 7 foot wide deck and that would be very restrictive when trying to have table and chairs outside. Existing Permit No. 22 119216 000 00 A
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	No
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.</small> <small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small> <small>*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
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

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

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The Development Engineering (DE) Department does not object to variance application A228/22.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Parks: Forestry: Forestry has no comment Horticulture:	
PFH Recommended Conditions of Approval:	None

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

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

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

FIRE DEPARTMENT COMMENTS	
None	
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

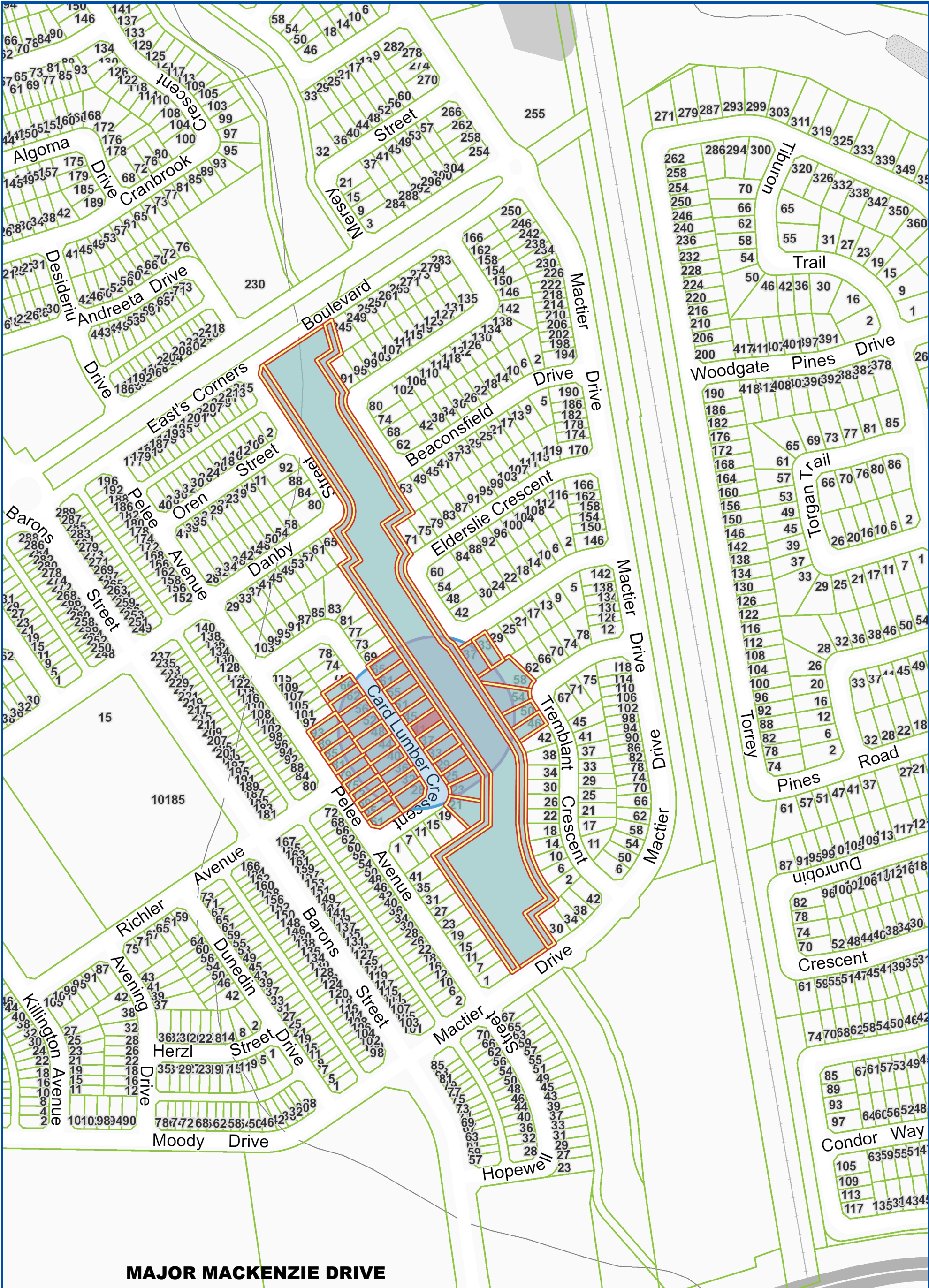
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

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	TRCA hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

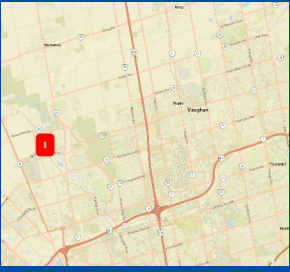
IMPORTANT INFORMATION – PLEASE READ
CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to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

IMPORTANT INFORMATION – PLEASE READ	
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>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.</p> <p>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.</p> <p>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</p> <p>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.</p>	
<p>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.</p>	

SCHEDULE A: DRAWINGS & PLANS



Map Information:



Title:

41 CARD LUMBER CRESCENT,
KLEINBURG

NOTIFICATION MAP - A228/22

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:4,514

0 0.07 km



Created By:

Infrastructure Delivery
Department
August 30, 2022 7:20 PM

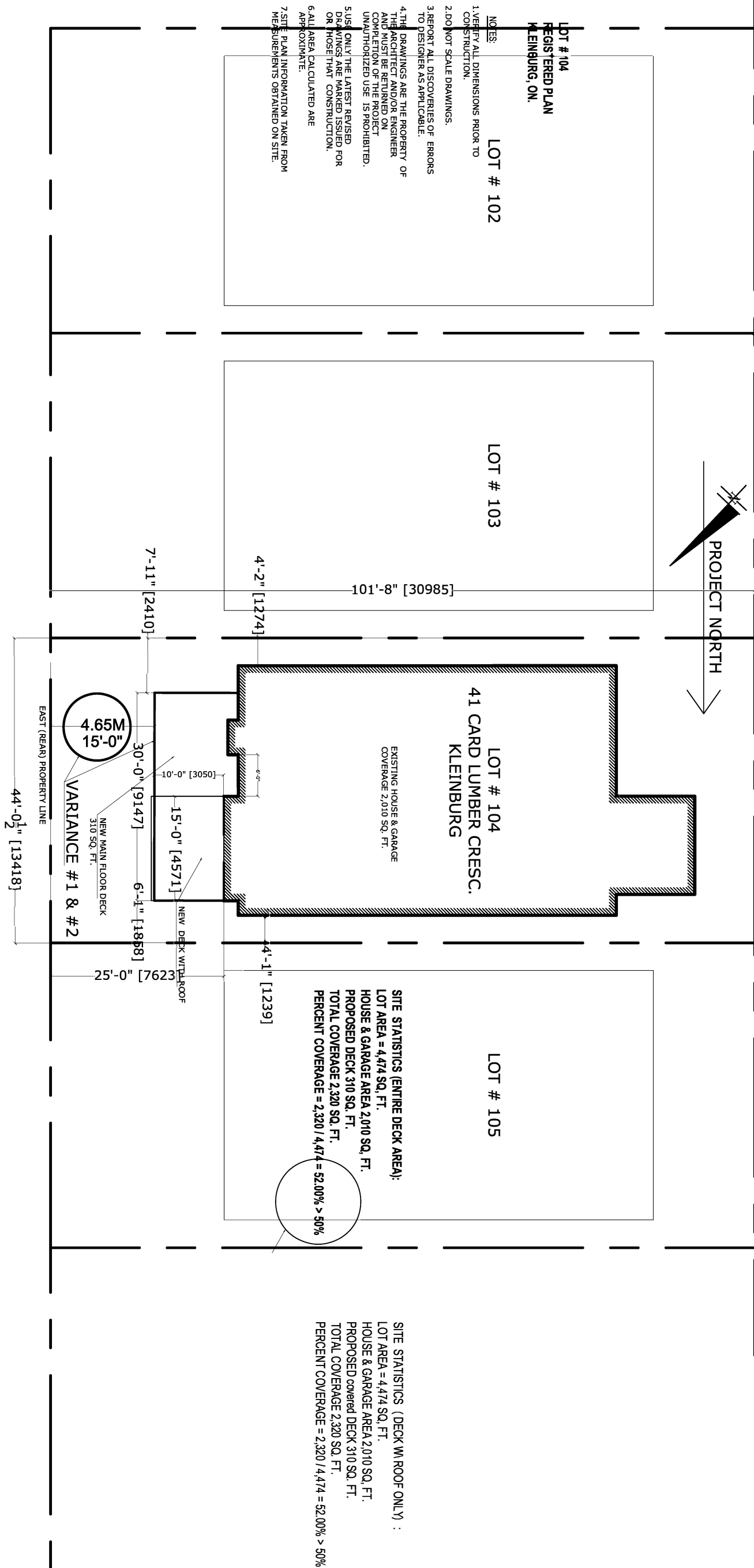
Projection:
NAD 83
UTM Zone
17N

IDENTIFIED BY APPLICANT

Received

August 26, 2022

41 CARD LUMBER CRESC., KLEINBURG



JIRI TICHY ENGINEERING
71 CARSBROOKE RD.,
Toronto, M9C3C7
416-622-6854

4.			
3.			
2.	ISSUED FOR VARIANCE HEARING	20.08.25	
1.	ISSUED FOR COORDINATION	20.05.26	
No.	Description	Date	By

REVISIONS

CLIENT:

PROJECT:

PROPOSED DECK
41 DECK LUMBER CRES.
KLEINBURG, ONTARIO

SHEET TITLE:

SITE PLAN

SCALE:

$$1/16'' = 1'-0''$$

S1

SCHEDULE B: STAFF & AGENCY COMMENTS

DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
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			No Comments Recieved to Date
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			
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		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: September 14, 2022

Name of Owner: Roxanne Grittani

Location: 41 Card Lumber Crescent

File No.(s): A228/22

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

1. To permit a minimum rear yard of 4.65 m to the covered portion of the deck.
2. To permit a minimum rear yard of 4.65 m to the uncovered portion of the deck.

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

1. A minimum rear yard of 7.5 m is required to the covered portion of the deck/balcony.
2. A minimum rear yard of 5.7 m is required to the uncovered portion of the deck/balcony.

Official Plan:

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

Comments:

The Owner is requesting relief to permit the construction of a deck, the north portion of which will be covered, with the above noted variances. The deck is proposed over a walkout basement, providing outdoor amenity space for the main level of the dwelling.

The Development Planning Department has no objection to the proposed variances for the proposed deck as the projection into rear yard is limited to the length of the deck which does not cover the entire rear wall of the dwelling. The deck also complies with all side yard setback requirements. The property backs onto the Natural Heritage Network as identified in Schedule 2 of the VOP 2010. As such, no massing impacts to the rear are anticipated. The Environmental Planning Branch and the Toronto and Region Conservation Authority have no concerns with the proposed rear yard setback. The development will not pose a significant visual impact to the abutting residential properties to the north and south as the deck improves upon the side yard setbacks established by the dwelling. The deck also complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

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-law, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

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

None

Comments Prepared by:

Joshua Cipolletta, Planner I
David Harding, Senior Planner

To: Committee of Adjustment

From: Pia Basilone, Building Standards Department

Date: August 17, 2022

Applicant: Roxanne Grittani

Location: PLAN 65M4374 Lot 104 municipally known as 41 Card Lumber Crescent

File No.(s): A228/22

Zoning Classification:

The subject lands are zoned R3 Residential and subject to the provisions of Exception 14.1006 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
	None	

The subject lands are zoned RD3 Residential Detached Zone Three and subject to the provisions of Exception 9(1376) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
1	A minimum rear yard of 7.5 metres is required to the covered portion of the deck/balcony. Schedule A	To permit a minimum rear yard of 4.65 metres to the covered portion of the deck.
2	A minimum rear yard of 5.7 metres is required to the uncovered portion of the deck/balcony. Section 3.14	To permit a minimum rear yard of 4.65 metres to the uncovered portion of the deck.

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. 22-119216 for Single Detached Dwelling - Alteration, (Not Yet Issued)

General Comments	
1	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Conditions of Approval:

none

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

Date: September 2nd , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A228-22**

Related Files:

Applicant Roxanne Grittani

Location 41 Card Lumber Crescent

COMMENTS:

- ☐ We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alecrautilities.com

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

Email: Mitchell.Penner@alecrautilities.com

Lenore Providence

Subject: FW: [External] TRCA Comment - A228/22 - 41 Card Lumber Crescent, Kleinburg - CFN 66448.20
Attachments: APPCIRC_A228_22.pdf

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

Sent: September-12-22 1:19 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

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

Subject: [External] TRCA Comment - A228/22 - 41 Card Lumber Crescent, Kleinburg - CFN 66448.20

Good afternoon,

Please note that the subject property is partially located within TRCA Regulated Area. TRCA issued a permit to facilitate the construction of the proposed deck on July 15, 2022 (TRCA Permit No. C-220846). Based on a review of the plans submitted with this variance application, TRCA is satisfied that the noted works are consistent with the plans that were approved as a part of the TRCA Permit C-220846 . As such, TRCA has no concerns with the proposed variance.

Fees

By copy of this letter, the applicant is advised that the 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 A228.22 subject to the following condition:

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

I trust these comments are of assistance. Please let me know if you have any questions.

Sincerely,

Hamedeh Razavi MURP

Planner

Development Planning and Permits | Development and Engineering Services

T: [437-880-1940](tel:437-880-1940)

E: Hamedeh.Razavi@trca.ca

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



SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

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