ITEM 6.29:

# COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A244/22 38 Autumn Grove Ct Kleinburg COA REPORT SUMMARY 

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS \& AGENCIES:<br>*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 |  |  | Application Under Review |
| Development Engineering | X | X | X | Recommend Approval w/Conditions |
| Parks, Forestry and Horticulture Operations | 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 *Schedule B | X |  |  | No Comments Recieved to Date |
| 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 |  |  | 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.

| Correspondence <br> Type | Name | Address | Date <br> Received <br> (mm/dd/yyy) | Summary |
| :--- | :--- | :--- | :--- | :--- |
| None |  |  |  |  |


| PREVIOUS COA DECISIONS ON THE SUBJECT LAND |  |  |
| :--- | :---: | :---: |
| *Please see Schedule D for a copy of the Decisions listed below |  |  |

## ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None

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

| ITEM NUMBER: 6.29 | CITY WARD \#: $\mathbf{1}$ |
| :--- | :--- |
|  | Richard \& Cinzia Lisi |
| APPLICANT: | Walter Botter |
| AGENT: | 38 Autumn Grove Court, Kleinburg |
|  |  |
| PROPERTY: | See below. |
|  | VONING DESIGNATION: |
|  | Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" |
| VAUGHAN OFFICIAL PLAN <br> (2010) DESIGNATION: | None <br> RELATED DEVELOPMENT <br> APPLICATIONS: <br>  <br> PURPOSE OF APPLICATION:Relief from the Zoning By-law is being requested to permit the <br> construction of a proposed gazebo. |

The following variances have been requested from the City's Zoning By-law:
The subject lands are zoned R1B - First Density Residential Zone and subject to the provisions of Exception 14.786 under Zoning By-law 001-2021, as amended.

## \# $\quad$ Zoning By-law 01-2021

| 1 | A residential accessory structure with a height <br> greater than 2.8 m shall not be located closer <br> than 2.4 m to any lot line. [4.1.2. 1.b.] |
| :--- | :--- |
| 2 | The maximum permitted lot coverage is $30 \%$ <br> $[14.786 .1$ 1, Figure T-118] |
| 3 | In any Residential Zone, the maximum height <br> of an accessory building and residential <br> accessory structure shall be 3.0 m. <br> $[4.1 .4 .1]$ |

## Variance requested

To permit a residential accessory structure with a height greater than 2.8 m to be located 1.8 m from the rear lot line.
To permit a maximum lot coverage of $34.3 \%$. (30.0\%dwelling; 0.7\% covered porches; 3.6\% accessory structures)
To permit the maximum height of the accessory building (gazebo) to be 3.5 m .

The subject lands are zoned R1 - Residential Zone and subject to the provisions of Exception 9(1128) under Zoning By-law 1-88, as amended.

| 4 | Zoning By-law 1-88 <br> The minimum required year yard is 9.0 metres. <br> [9(1128) ai), Schedule "T-118"] |
| :--- | :--- |
| 5 | The maximum permitted lot coverage is 30\%. <br> $[9(1128)$ ai), Schedule "T-118"] |

## Variance requested

To permit a minimum rear yard of 1.8 metres for an accessory structure (gazebo).
To permit a maximum lot coverage of $34.3 \%$.
(30.0\%dwelling; 0.7\% covered porches; 3.6\% accessory structures)

## 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

## 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 <br> Sign: | September 2, 2022 |  |
| Applicant Justification for Variances: <br> *As provided by Applicant in Application Form | The desired size of the accessory structure was based on <br> providing what we felt was a comfortable space for our <br> family's needs and use. |  |
| Adjournment Requests (from staff): <br> *Adjournment requests provided to applicant prior to <br> issuance of public notice | None |  |
| Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <br> *ZRW Form may be used by applicant in instances where a revised submission is made, <br> and zoning staff do not have an opportunity to review and confirm variances prior to the <br> issuance of public notice. <br> *A revised submission may be required to address staff / agency comments received as <br> part of the application review process. <br> *Where a zoning review has not been completed on a revised submission, an opportunity is <br> provided to the applicant to adjourn the proposal prior to the issuance of public notice. <br> Adjournment Fees: <br> In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application <br> after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the <br> issuance of public notice. <br> An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the <br> Committee or staff after the issuance of public notice. <br> Committee of Adjustment Comments: None |  |  |
| Committee of Adjustment Recommended <br> Conditions of Approval: | None |  |

## BUILDING STANDARDS (ZONING) COMMENTS

**See Schedule B for Building Standards (Zoning) Comments
Building Standards Recommended
Conditions of Approval:

## DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments. Application under review

## Development Planning Recommended

 Conditions of Approval:
## DEVELOPMENT ENGINEERING COMMENTS

Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation As the proposed structures in the subject property is 33.51 m 2 , 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 2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached).

The proposed work by the owner/ applicant is increasing the lot coverage area from $30 \%$ to $34.3 \%$ in the subject property. The added hardscape may have impact on City's Storm Water management system. Stuff suggests the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts.

The Development Engineering (DE) Department does not object to variance application A244/22 subject to the following condition(s):

## Development Engineering Recommended Conditions of Approval:

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 DEPermits@vaughan.ca.

| PARKS, FORESTRY \& HORTICULTURE (PFH) COMMENTS |  |
| :--- | :--- |
| Forestry: Forestry has no comment. |  |
| PFH Recommended Conditions of <br> Approval: | None |

## DEVELOPMENT FINANCE COMMENTS

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

## BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comments received to date

| BCLPS Recommended Conditions of | None |
| :--- | :--- |
| Approval: |  |

## BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date

| Building Inspection Recommended | None |
| :--- | :--- |

## FIRE DEPARTMENT COMMENTS

No comments received to date

| Fire Department Recommended <br> Conditions of Approval: | None |
| :--- | :--- |


| SCHEDULES TO STAFF REPORT <br> *See Schedule for list of correspondence <br> Schedule A <br> Schedule B Srawings \& Plans Submitted with the Application |  |
| :--- | :--- |
| Schedule C (if required) | Corresponcy Comments |
| Schedule D (if required) | Previous COA Decisions on the Subject \& Applicant) |

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:

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 <br> joshua.cipolletta@vaughan.ca | Application under review |
| 2 | Development Engineering <br> farzana.khan@vaughan.ca | The Owner/applicant shall submit the final Lot <br> Grading and/or Servicing Plan to the <br> Development Inspection and Lot Grading division <br> of the City's Development Engineering <br> Department for final Lot Grading and/or Servicing <br> Permit prior to any work being undertaken on the <br> property. Please visit the grading permits page at <br> City of Vaughan website to learn how to apply for <br> the grading permit. If you have any question <br> about grading permit, please contact the <br> Development Engineering Department through <br> email at DEPermits@vaughan.ca. |

## IMPORTANT INFORMATION - PLEASE READ

CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.
APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.
DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will not receive notice.

38 AUTUMN GROVE COURT, KLEINBURG
Major Mackenzie Drive


Rutherford Road
August 31, 2022 8:28 AM

By RECEIVED at 10:30 am, Sep 14, 2022







| SCHEDULE B: STAFF \& AGENCY COMMENTS |  |  |  |  |
| :--- | :---: | :---: | :---: | :---: |
| DEPT/AGENCY | Circulated | Comments Received | Conditions | Nature of Comments |
| TRCA *Schedule B | X |  |  | No Comments Recieved to Date |
| Ministry of Transportation <br> (MTO) *Schedule B |  |  |  |  |
| Region of York *Schedule <br> 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 |  |  |  | No Comments Recieved to Date |
| CP Rail *Schedule B |  |  |  |  |
| TransCanada <br> Pipeline *Schedule B | X |  |  | Application under review |
| Metrolinx *Schedule B |  |  |  | General Comments |
| Propane <br> Operator *Schedule B |  |  |  |  |
| Development Planning | X |  |  |  |
| Building Standards <br> (Zoning) | X |  |  |  |


| To: | Committee of Adjustment |
| :--- | :--- |
| From: | Garrett Dvernichuk, Building Standards Department |
| Date: | September 2, 2022 |
| Applicant: | Richard \& Cinzia Lisi |
| Location: | PLAN 65M3738 Lot 5 municipally known as 38 Autumn Grove <br> Court |
| File No.(s): | A244/22 |

## Zoning Classification:

The subject lands are zoned R1B - First Density Residential Zone and subject to the provisions of Exception 14.786 under Zoning By-law 001-2021, as amended.

| $\#$ | Zoning By-law 01-2021 | Variance requested |
| :--- | :--- | :--- |
| 1 | A residential accessory structure with a height greater than <br> 2.8 m shall not be located closer than 2.4 m to any lot line. <br> [4.1.2. 1.b.] | To permit a residential accessory <br> structure with a height greater <br> than 2.8 m to be located 1.8 m <br> from the rear lot line. |
| 2 | The maximum permitted lot coverage is $30 \%$. <br> [14.786.1 1, Figure T-118] | To permit a maximum lot <br> coverage of 34.3\%. |
| 3 | In any Residential Zone, the maximum height of an accessory <br> building and residential accessory structure shall be 3.0 m. <br> $[4.1 .4 .1]$ | To permit the maximum height of <br> the accessory building (gazebo) <br> to be 3.5 m. |

The subject lands are zoned R1 - Residential Zone and subject to the provisions of Exception 9(1128) under Zoning By-law 1-88, as amended.

|  | Zoning By-law 1-88 | Variance requested |
| :--- | :--- | :--- |
| 4 | The minimum required year yard is 9.0 metres. <br> $[9(1128)$ ai), Schedule "T-118"] | To permit a minimum rear yard <br> of 1.8 metres for an accessory <br> structure (gazebo). |
| 5 | The maximum permitted lot coverage is $30 \%$. <br> $[9(1128)$ ai), Schedule "T-118"] | To permit a maximum lot <br> coverage of $34.3 \%$. |

## 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 $10 \mathrm{~m}^{2}$.

## 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.
utilities

| Date: | August 25 ${ }^{\text {th }}, 2022$ |
| :--- | :--- |
| Attention: | Christine Vigneault |
| RE: | Request for Comments |
| File No.: | A244-22 |
| Related Files: |  |
| Applicant | Richard Lisi \& Cinzia Lisi |
| Location | 38 Autumn Grove Court |

utilities
Discover the possibilities

## COMMENTS:

We have reviewed the proposed Variance Application and have no comments or objections to its approval.

We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below)

We have reviewed the proposed Variance Application and have the following concerns (attached below).

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

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

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

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

## References:

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

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

## Mr. Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI \& Layouts (North)
Phone: 1-877-963-6900 ext. 31297
E-mail: stephen.cranley@alectrautilities.com

## Mitchell Penner

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

Email: Mitchell.Penner@alectrautilities.com

| From: | Development Services |
| :--- | :--- |
| To: | Committee of Adjustment |
| Subject: | [External] FW: A244/22 (38 AUTUMN GROVE COURT) - REQUEST FOR COMMENTS |
| Date: | Wednesday, September 7, 2022 1:51:28 PM <br> Attachments: |
|  | image002.png <br> image004.png |

Hello,

The Regional Municipality of York has completed its review of the minor variance - A244/22 and has no comment.

Thank you,

Maryam Ahmed, B.U.R.PL. | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y $6 Z 1$
1-877-464-9675 x74528 | maryam.ahmed@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence
$f \times$ in

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

Please consider the environment before printing this email.

SCHEDULE C: PUBLIC \& APPLICANT CORRESPONDENCE

| Correspondence <br> Type | Name | Address | Date <br> Received <br> $(\mathrm{mm} / \mathrm{dd} / \mathrm{yyy})$ | Summary |
| :--- | :--- | :--- | :--- | :--- |
| None |  |  |  |  |

