

ITEM #: 6.8	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A185/22 35 Klein's Ridge, Kleinburg
--------------------	--

COA REPORT SUMMARY

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

Please see **Schedule B of this report for a copy of Staff and Agency correspondence.*

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review <i>*Schedule B</i>	X	X		General Comments
Building Inspection (Septic)	X	X		No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X	X	X	Recommend Partial Approval w/conditions.
Development Engineering	X	X	X	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	X	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			No Comments Recieved to Date
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X			No Comments Recieved to Date
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
Applicant	Weston Consulting			Planning Justification

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
A185/22
35 Klein's Rdge Kleinburg ON

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

ITEM NUMBER: 6.8	CITY WARD #: 1
APPLICANT:	Julia Grazia Tavernese
AGENT:	Weston Consulting Group Inc.
PROPERTY:	35 Klein's Ridge, Kleinburg
ZONING DESIGNATION:	See below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed single family dwelling with an attached (3 car) garage, a detached (1 car) garage and swimming pool.

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

The subject lands are zoned RE(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.19 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Minimum required rear yard setback is 15.0m. [Table 7-3]	To permit a minimum rear yard setback of 5.4m.
2	Minimum required exterior side yard setback is 10.0m. [Table 7-3]	To permit a minimum exterior side yard setback of 5.0m.
3	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [Section 4.21.2]	To permit an outdoor swimming pool in the front yard.
4	Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling. [Section 4.1.5.4.b]	To permit a minimum exterior side yard setback of 5.0 m for the detached private garage.
5	Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling. [Section 4.1.5.4.b]	To permit a detached garage to be located closer to the exterior side lot line than the main wall of the dwelling.
6	The minimum distance between a detached private garage and the nearest part of the principal dwelling shall be 6.0 m where the private garage is accessed via a driveway from the rear lot line or exterior side lot line. [Section 4.1.5.6]	To permit a minimum 2.0m distance between a detached private garage and the nearest part of the principal dwelling.
7	Maximum permitted height of a detached garage is 4.5m. [Section 4.1.5.2]	To permit of a maximum height of 5.9m of the detached garage.

#	Zoning By-law 01-2021	Variance requested
8	A maximum of one detached private garage or an attached private garage shall be permitted on a lot. [Section 4.1.5.1]	To permit two garages (one detached and one attached) on the lot.
9	Minimum required interior side yard setback is 4.5m. [Section 4.5.2.a]	To permit a minimum interior side yard setback of 2.2m.

The subject lands are zoned RR – Rural Residential and subject to the provisions of Exception 9(58) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
10	Minimum required rear yard setback is 15.0m. [Schedule A]	To permit a minimum rear yard setback of 5.4m.
11	Minimum required interior side yard setback is 4.5m. [Schedule A]	To permit a minimum interior side yard setback of 2.2m.
12	Minimum required exterior side yard setback is 9.0m. [Schedule A]	To permit a minimum exterior side yard setback of 5.0m.
13	Maximum permitted lot coverage is 10%. [Section A]	To permit a maximum lot coverage of 10.5%.
14	Minimum exterior side yard setback to an accessory building (detached garage) is 9.0m. [Section 4.1.1.c]	To permit a minimum exterior side yard setback of 5.0 m to an accessory building (detached garage).
15	The maximum height of any accessory building 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. [Section 4.1.1.b)]	To permit a maximum height of proposed detached garage of 5.9 metres to its highest point and 3.4 metres to the nearest part of the roof.
16	A private swimming pool shall be constructed only in the rear yard. [Section 4.1.1. i)]	To permit a private swimming pool in the front yard.

HEARING INFORMATION
<p>DATE OF MEETING: Thursday, October 27, 2022</p> <p>TIME: 6:00 p.m. MEETING LOCATION: Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan</p> <p>LIVE STREAM LINK: Vaughan.ca/LiveCouncil</p>
PUBLIC PARTICIPATION
<p>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</p> <p>If you would like to submit written comments, please quote file number above and submit by mail or email to:</p> <p>Email: cofa@vaughan.ca</p> <p>Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1</p>
<p>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.</p>

INTRODUCTION
<p>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.</p> <p>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:</p> <p>That the general intent and purpose of the by-law will be maintained.</p> <p>That the general intent and purpose of the official plan will be maintained.</p> <p>That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.</p> <p>That the requested variance(s) is/are minor in nature.</p> <p>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.</p>

COMMITTEE OF ADJUSTMENT COMMENTS	
Date Public Notice Mailed:	October 13, 2022
Date Applicant Confirmed Posting of Sign:	October 12, 2022
Applicant Justification for Variances: *As provided by Applicant in Application Form	Relief is required due to the unique environmental constraints and irregular shape and layout of the property.
Adjournment Requests (from staff): *Adjournment requests provided to applicant prior to issuance of public notice	<p>Development Planning advised the applicant on September 19, 2022:</p> <p>Upon further internal deliberation we are still unable to accept the proposed detached garage and require a revised plan that removes this structure. We are willing to accept the attached 3 car garage as currently shown, given that the requested TRCA setback has reduced the developable land area and there is no other alternative for the location of parking. We have revised the wording of your proposed variance to reflect this: "To permit a minimum exterior side yard setback of 5m for the garage portion of the dwelling, whereas a minimum required exterior side yard setback of 9m is required."</p> <p>If you wish to proceed without revising the proposal then Development Planning will be recommending partial approval of the application to the Committee. In this situation we will recommend approval of all the variances not associated with the detached garage, while recommending refusal of the variances that are associated with the detached garage.</p> <p>The applicant confirmed on September 20, 2022 that they will be proceeding with the application as is.</p>
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *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.	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:	<ol style="list-style-type: none"> 1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department. 2. That prior to the issuance of a building permit, the final Landscape Restoration Plan, the appropriate replacement of the trees in the landscape, and the

DEVELOPMENT PLANNING COMMENTS	
	appropriate mitigation measures to protect the remaining woodland trees and to restore the woodland edge be approved to the satisfaction of both the Toronto Region Conservation Authority and the Policy Planning and Special Programs, Environmental Planning staff.

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
<p>As the proposed dwelling area in the subject property is 569.87m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City’s Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached).</p> <p>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.</p> <p>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 page at City of Vaughan website for more information.</p> <p>The Development Engineering (DE) Department does not object to variance application A185/22 subject to the following condition(s):</p>	
Development Engineering Recommended Conditions of Approval:	<p>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.</p>

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Recommended condition of approval:	
PFH Recommended Conditions of Approval:	<p>Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to any construction works on the subject property.</p>

DEVELOPMENT FINANCE COMMENTS	
<p>That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.</p> <p>That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.</p> <p>That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.</p> <p>That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.</p> <p>Demolition development charge credits valid for a period of 48 months from date of demolition permit issuance. After 48 months, full development charges apply as per by-laws.</p>	

DEVELOPMENT FINANCE COMMENTS	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comments received to date.	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No comments received to date.	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Staff & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

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

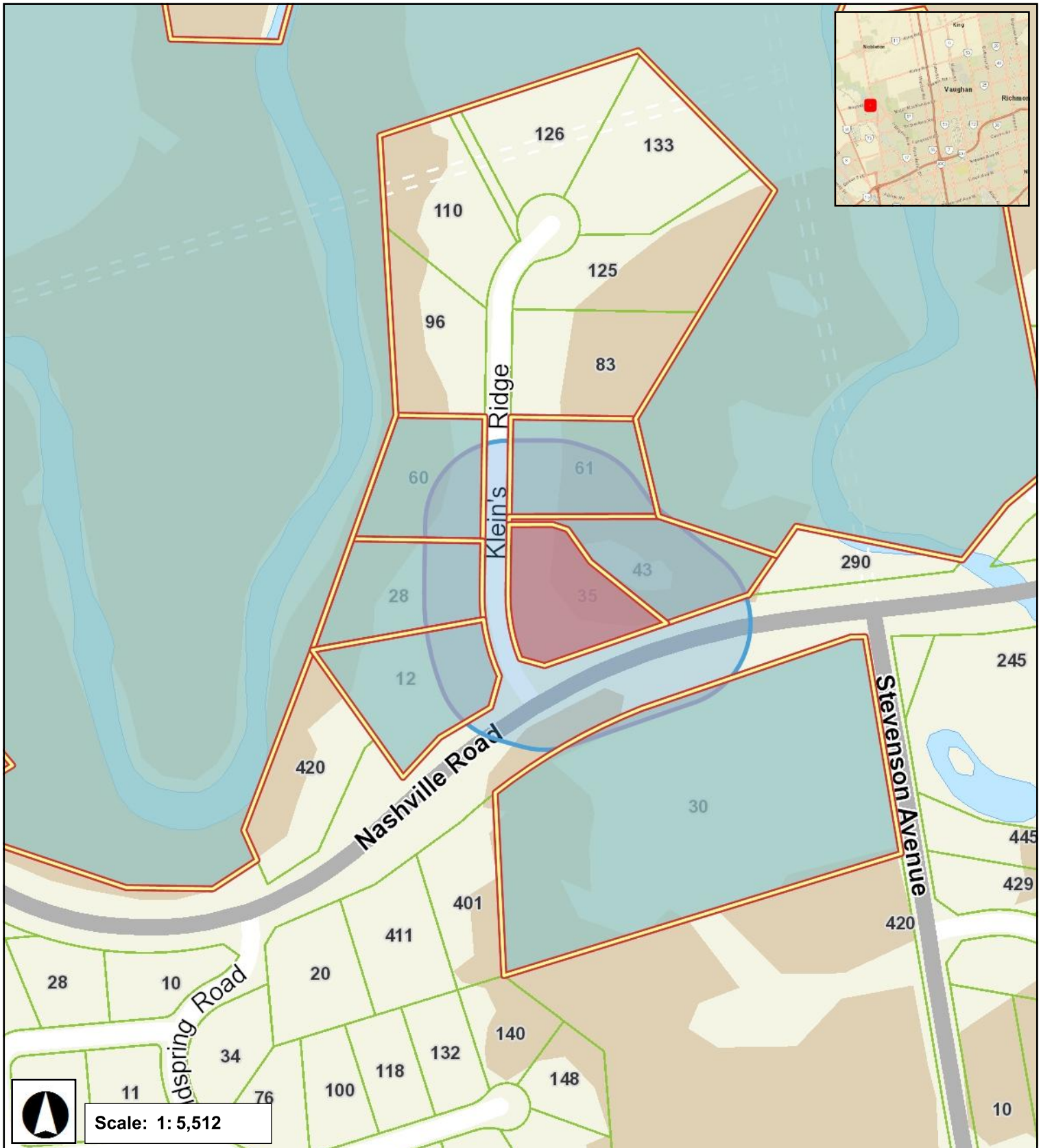
SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Planning joshua.cipolletta@vaughan.ca	1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department. 2. That prior to the issuance of a building permit, the final Landscape Restoration Plan, the appropriate replacement of the trees in the landscape, and the appropriate mitigation measures to protect the remaining woodland trees and to restore the woodland edge be approved to the satisfaction of both the Toronto Region Conservation Authority and the Policy Planning and Special Programs, Environmental Planning staff.
2	Development Engineering ian.reynolds@vaughan.ca	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.
3	Parks, Forestry and Horticulture Operations zachary.quizzetti@vaughan.ca	Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to any construction works on the subject property.

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
4	TRCA hamedeh.razavi@trca.ca	1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority. 2. The applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from TRCA for the proposed works.

IMPORTANT INFORMATION – PLEASE READ		
<p>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.</p>		
<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

35 Klein's Ridge, Kleinburg



SCHEDULE B: STAFF & AGENCY COMMENTS				
AGENCIES	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	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 Partial Approval w/conditions
Building Standards	X	X		General Comments

Lenore Providence

Subject: FW: [External] TRCA Comments - A185/22 - 35 Klein's Ridge, Vaughan - CFN 66448.18
Attachments: CIRC_A185_22.pdf

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

Sent: September-12-22 12:59 PM

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

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

Subject: [External] TRCA Comments - A185/22 - 35 Klein's Ridge, Vaughan - CFN 66448.18

Good afternoon,

Please note that TRCA staff have been involved with reviewing the proposed development since April 2021 as part of the Concept Development Application (CFN 64135.04). Based on a review of the submitted materials with this variance application, TRCA is satisfied that the proposed works are consistent with the plans that we agreed upon as a part of the previous application. As such, TRCA has no concerns with the proposed variances.

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 A185.22 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.
2. The applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from TRCA for the proposed works.

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](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



From: [Development Services](#)
To: [Committee of Adjustment](#)
Subject: [External] RE: A185/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (35 Klein"s Ridge, Vaughan)
Date: Tuesday, September 13, 2022 1:52:33 PM
Attachments: [image002.png](#)
[image004.png](#)

Hello,

The Regional Municipality of York has completed its review of the minor variance application A185/22 and has the following comment:

The site is located within the CTC Source Protection Region corresponding with the Toronto and Region Conservation Authority (TRCA) boundary. The site is within a Wellhead Protection Area D (WHPA-D) within proximity to a municipal well and within an Area of Concern for Groundwater. The site is also within a Highly Vulnerable Aquifer (HVA). While not anticipated, should the proposed development include bulk fuel ($\geq 2500\text{L}$) or bulk chemicals ($\geq 500\text{L}$) within the HVA, a Contaminant Management Plan (CMP) will be required prior to approval, for Water Resources review and approval. If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring. The applicant is advised to contact the Source Water Protection Admin at York Region at 1-877-464-9675 ext. 75139 or SourceWaterProtection@york.ca to discuss the proposed works and associated requirements from Water Resources.

The site is also within the Wellhead Protection Area Q (WHPA-Q) and the Significant Groundwater Recharge Area (SGRA). The applicant is advised to contact Don Ford at TRCA Don.Ford@trca.ca to discuss the proposed works and associated requirements. The approving body for compliance with the policy will be the local municipality.

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 6Z1
1-877-464-9675 x74528 | maryam.ahmed@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence



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

Please consider the environment before printing this email.

To: Committee of Adjustment
From: Punya Marahatta, Building Standards Department
Date: August 25, 2022
Applicant: Julia Grazia Tavernese
Location: PLAN RP8954 Lot 12 municipally known as 35 Klein's Ridge
File No.(s): A185/22

Zoning Classification:

The subject lands are zoned RE(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.19 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	Minimum required rear yard setback is 15.0m. [Table 7-3]	To permit a minimum rear yard setback of 5.4m.
2	Minimum required exterior side yard setback is 10.0m. [Table 7-3]	To permit a minimum exterior side yard setback of 5.0m.
3	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [Section 4.21.2]	To permit an outdoor swimming pool in the front yard.
4	Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling. [Section 4.1.5.4.b]	To permit a minimum exterior side yard setback of 5.0 m for the detached private garage.
5	Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling. [Section 4.1.5.4.b]	To permit a detached garage to be located closer to the exterior side lot line than the main wall of the dwelling.
6	The minimum distance between a detached private garage and the nearest part of the principal dwelling shall be 6.0 m where the private garage is accessed via a driveway from the rear lot line or exterior side lot line. [Section 4.1.5.6]	To permit a minimum 2.0m distance between a detached private garage and the nearest part of the principal dwelling.
7	Maximum permitted height of a detached garage is 4.5m. [Section 4.1.5.2]	To permit of a maximum height of 5.9m of the detached garage.
8	A maximum of one detached private garage or an attached private garage shall be permitted on a lot. [Section 4.1.5.1]	To permit two garages (one detached and one attached) on the lot.
9	Minimum required interior side yard setback is 4.5m. [Section 4.5.2.a]	To permit a minimum interior side yard setback of 2.2m.

The subject lands are zoned RR – Rural Residential and subject to the provisions of Exception 9(58) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
10	Minimum required rear yard setback is 15.0m. [Schedule A]	To permit a minimum rear yard setback of 5.4m.
11	Minimum required interior side yard setback is 4.5m. [Schedule A]	To permit a minimum interior side yard setback of 2.2m.
12	Minimum required exterior side yard setback is 9.0m. [Schedule A]	To permit a minimum exterior side yard setback of 5.0m.
13	Maximum permitted lot coverage is 10%. [Section A]	To permit a maximum lot coverage of 10.5%.
14	Minimum exterior side yard setback to an accessory building (detached garage) is 9.0m. [Section 4.1.1.c]	To permit a minimum exterior side yard setback of 5.0 m to an accessory building (detached garage).
15	The maximum height of any accessory building 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. [Section 4.1.1.b)]	To permit a maximum height of proposed detached garage of 5.9 metres to its highest point and 3.4 metres to the nearest part of the roof.

16	A private swimming pool shall be constructed only in the rear yard. [Section 4.1.1. i)]	To permit a private swimming pool in the front 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 10m2

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	The subject lands have been identified as historically significant property.
3	The subject lands are partially located within the Toronto and Region Conservation Authority (TRCA) screening limits in accordance with Ontario Regulation 166/06.

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: October 19, 2022

Name of Owner: Julia Grazia Tavernese

Location: 35 Klein's Ridge

File No.(s): A185/22

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

1. To permit a minimum rear yard setback of 5.4 m.
2. To permit a minimum exterior side yard setback of 5.0 m.
3. To permit an outdoor swimming pool in the front yard.
4. To permit a minimum exterior side yard setback of 5.0 m for the detached private garage.
5. To permit a detached garage to be located closer to the exterior side lot line than the main wall of the dwelling.
6. To permit a minimum 2.0 m distance between a detached private garage and the nearest part of the principal dwelling.
7. To permit of a maximum height of 5.9 m of the detached garage.
8. To permit two garages (one detached and one attached) on the lot.
9. To permit a minimum interior side yard setback of 2.2 m.

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

1. Minimum required rear yard setback is 15.0 m.
2. Minimum required exterior side yard setback is 10.0 m.
3. An outdoor swimming pool shall only be permitted in the rear yard of a lot.
4. Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling.
5. Where access is provided from a driveway crossing the exterior side lot line, the minimum setback from the exterior side lot line shall be 5.7 m and in no case shall the detached private garage be located closer to an exterior side lot line than the main wall of the dwelling.
6. The minimum distance between a detached private garage and the nearest part of the principal dwelling shall be 6.0 m where the private garage is accessed via a driveway from the rear lot line or exterior side lot line.
7. Maximum permitted height of a detached garage is 4.5 m.
8. A maximum of one detached private garage or an attached private garage shall be permitted on a lot.
9. Minimum required interior side yard setback is 4.5 m.

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

10. To permit a minimum rear yard setback of 5.4 m.
11. To permit a minimum interior side yard setback of 2.2 m.
12. To permit a minimum exterior side yard setback of 5.0 m.
13. To permit a maximum lot coverage of 10.5%.
14. To permit a minimum exterior side yard setback of 5.0 m to an accessory building (detached garage).
15. To permit a maximum height of proposed detached garage of 5.9 m to its highest point and 3.4 m to the nearest part of the roof.
16. To permit a private swimming pool in the front yard.

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

10. Minimum required rear yard setback is 15.0 m.
11. Minimum required interior side yard setback is 4.5 m.
12. Minimum required exterior side yard setback is 9.0 m.
13. Maximum permitted lot coverage is 10%.
14. Minimum exterior side yard setback to an accessory building (detached garage) is 9.0 m.
15. The maximum height of any accessory building measured from the average finished ground level to the highest point of the said building or structure shall be

- 4.5 m. The nearest part of the roof shall not be more than 3.0 m above finished grade.
16. 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 Owner is requesting relief to permit the construction of a single detached dwelling, detached garage, and pool with the above noted variances. The existing single detached dwelling will be demolished. The subject property is a corner lot on the northeast side of the intersection of Klein's Ridge and Nashville Road. About half of the east side of the property is forested ("Core Features" as per Schedule 2 of VOP 2010). The Klein's Ridge neighbourhood is estate residential in nature, characterized by large lots containing 1-2 storey dwellings set back from the road, and surrounded by natural vegetation and landscaped vegetative amenity spaces. The subject property's lot line abutting Nashville Road is defined as the front lot line, and Klein's Ridge the exterior side lot line. Due to the irregular shape of the lot, the rear yard setback is measured from the northwest corner; there is not rear lot line.

The Development Planning Department has no objection to Variances 1, 2, 10, and 12 for the proposed rear yard and exterior side yard setbacks. The northwest corner of the subject property is where the exterior and interior side yard lot lines intersect. As the rear yard setback is measured from this corner, and the corner is at the north end of the west lot line, the rear yard setback performs a very similar function to the exterior side yard setback applied to the west lot line.

The majority of the dwelling is proposed at least 12.6 m from Klein's Ridge, which complies with the exterior side yard setback requirements. The attached three car garage, which contains a second storey with a gable roof, is the only portion of the dwelling that will utilize the requested rear yard and exterior side yard relief. The relief is requested to locate the building footprint away from the slope to the east of the site and outside of the dripline of the trees upon the slope. The garage doors are to face south, perpendicular to Klein's Ridge, which provides opportunity to establish vegetation between the garage wall facing the road and the road, which is in keeping with the vegetated character of the street. Trees are also proposed to be planted along the north lot line to the northwest of the garage, providing added vegetation to better tie the garage in with the street. An attached garage is consistent with the existing character of the neighbourhood. The proposed decrease in setback solely for the attached garage is not anticipated to have significant adverse impacts to the existing streetscape and can be deemed minor in nature.

The Development Planning Department has no objection to Variances 3 and 16 as the proposed pool will be located within what will effectively be used as the rear yard due to the environmental constraints to the east. The pool is not anticipated to figure prominently in the Klein's Ridge streetscape as the subject property's topography will cause the pool to be a storey lower than the main floor of the dwelling, and the pool will be situated further back from Klein's Ridge than the closest part of the dwelling. In support of the application, the Owner has submitted an Arborist Report and Tree Protection Plan prepared by Green Bird Horticultural Ltd., dated April 4, 2022. The report inventoried 62 trees, 34 of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations. Tree plantings are proposed between the pool and the west exterior side lot line continuing down to Nashville Road, providing screening and privacy between the pool and Klein's Ridge. Trees along the south lot line are proposed to be retained and additional tree plantings are proposed. Privacy and screening along Nashville Road will be maintained. Both the tree preservation and supplemental plantings will provide the vegetative screening needed for privacy and to maintain the streetscape.

The Development Planning Department has no objection to Variances 9 and 11 for the proposed interior side yard setback. The western wall of the dwelling has multiple step backs along its length, with 2.2 m being the distance from the nearest wall. Most of the dwelling is set back about 3.3 m from the interior side yard lot line, but the northeastern portion of the dwelling complies with and/or exceeds the setback requirements. The

entirety of the north lot line(s) is bordered by a driveway providing access to 43 Klein's Ridge, which is set well away from the road. As such, the proposed setback is not anticipated to have adverse impacts to the neighbouring property and the absence of built form to the immediate north due to the driveway will maintain the increased amenity space found between dwellings in the neighbourhood.

The Development Planning Department is not in position to support Variances 4, 5, 6, 7, 8, 14, and 15 for the detached garage. The detached garage would be located opposite the attached garage, 2.0 m away from the dwelling and 5.0 m from Klein's Ridge. This brings additional built form closer to Klein's Ridge, rather than the single projection into the setback for the attached garage which would give the dwelling more of an "L" shape. The detached garage's proximity to the dwelling causes it to appear as a projection of the dwelling and its placement and orientation on the property establishes a courtyard-like appearance facing Klein's Ridge. Collectively, the detached garage's placement on the property, relation to the dwelling, and courtyard-like appearance creates a "C" shape to the built form that substantially increases the perceived mass of the built form facing Klein's Ridge. This does not respect the existing streetscape character established by deeper front yard setbacks along Klein's Ridge, the absence of detached garages, and relegating attached garages to a single location. The proposed detached garage is not in keeping with the intent of Zoning By-law 1-88 nor the existing character of the neighbourhood.

The intent of the detached garage provisions under Zoning By-law 001-2021 is to allow for detached garages on properties where attached garages cannot be accommodated or are not desired. The provisions prevent the establishment of multiple garages on a single property by allowing either one detached garage or one attached garage. The item storage function of the garage may be accommodated within a separate storage building south of the dwelling in a location which does not impact the character of the streetscape. The item storage function may also be accommodated within the proposed attached garage, which is approximately 4.8 m deeper than the 6 m standard parking space. As such, the detached garage is not in keeping with the intent of the By-laws nor the existing character of the neighbourhood.

Variance 13 seeks to increase the lot coverage to facilitate the construction of the detached garage. The proposed dwelling, covered porch, enclosed deck, and detached garage will have lot coverages of 8.67%, 0.47%, 0.83% and 0.44% respectively. The total lot coverage without the detached garage will be 9.98%, which complies with the requirement under Zoning By-law 1-88. While the lot is sufficiently sized to absorb the 0.5% increase, the relief is requested for a building which Development Planning cannot support. As such, the Development Planning Department is not in position to support Variance 13 for the increase in lot coverage as it is not required to facilitate the proposal without the detached garage.

Accordingly, the Development Planning Department cannot support Variances 4, 5, 6, 7, 8, 13, 14, and 15 and is of the opinion that the proposal is not minor in nature, does not maintain the general intent and purpose of the Zoning By-laws, and is not desirable for the appropriate development of the land.

The Development Planning Department can support Variances 1, 2, 3, 9, 10, 11, 12, and 16 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 **refusal** of Variances 4, 5, 6, 7, 8, 13, 14, and 15, and **approval** of Variances 1, 2, 3, 9, 10, 11, 12, and 16, 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; and

2. That prior to the issuance of a building permit, the final Landscape Restoration Plan, the appropriate replacement of the trees in the landscape, and the appropriate mitigation measures to protect the remaining woodland trees and to restore the woodland edge be approved to the satisfaction of both the Toronto Region Conservation Authority and the Policy Planning and Special Programs, Environmental Planning staff.

Comments Prepared by:

Joshua Cipolletta, Planner I

David Harding, Senior Planner

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant	Weston Consulting			Planning Justification



WESTON CONSULTING

planning + urban design

Office of the City Clerk,
City of Vaughan, Level 100
2141 Major Mackenzie Drive,
Vaughan, ON L6A 1T1

June 8, 2022

File 10467

Attn: Christine Vigneault, Secretary Treasurer to the Committee of Adjustment

Dear Madame,

**RE: Application for Minor Variance
35 Klein's Ridge,
City of Vaughan**

Weston Consulting is the Planner for Julia Grazia Tavernese, the legally registered owner of the property legally described as LT 12 PL 8954 VAUGHAN ; VAUGHAN (herein referred to as the "subject property"). The subject property is municipally known as 35 Klein's Ridge. This letter has been prepared in support of a proposed Minor Variance Application to seek relief from provisions of City of Vaughan Zoning By-law 1-88 and Comprehensive Zoning By-law 001-2021.

Description of the Subject Property

The subject property is located on the northeast corner of Klein's Ridge and Nashville Road (Regional Road 49), with a total site area of 8,141 sq. m (2.01 acres). The site has frontage on both Klein's Ridge and Nashville Road, with Nashville Road considered as the lot frontage in accordance with the definition provided by Zoning By-laws 1-88 and 001-2021. The subject property is surrounded by a mixture of low-rise, large-lot residential uses and natural features. There is a woodlot that begins on the eastern portion of the property, sloping down to the Humber River Valley farther to the East.

The City of Vaughan Official Plan ("VOP") Schedule 13 – Land Use designates the subject property as both "*Low-Rise Residential*" and "*Natural Areas*." The lands are zoned "*RR– Rural Residential Zone*" subject to Exception 9(58) by City of Vaughan Zoning By-law 1-88. The City's New Comprehensive Zoning By-law 001-2021 (adopted, under appeal) zones the subject property as "*RE(EN)-19 – Estate Residential Zone--Established Neighbourhood*" subject to Exception 19. Zoning By-laws 1-88 and 001-2021 both permit the use of the property for a single-detached dwelling unit on a large lot.

Description of the Proposed Development

The proposed development contemplates the replacement of the existing residential dwelling on the site with a new dwelling, associated outdoor amenity spaces, an accessory detached garage

and a private septic system. The outdoor amenity spaces include a pool, enclosed deck, a patio and a tennis court. Vehicle access will be provided by a private driveway off of Klein's Ridge. Parking for four vehicles (three within the attached garage and one within the accessory garage) is proposed. The total proposed residential GFA, excluding basement space is 890.75 sq. m. The ground floor area, including garage parking areas and covered projections including the front porch and deck is 1165.93 sq. m., which results in a total building coverage of 10.5% of the lot area. In accordance with the definitions of both by-laws, the swimming pool, detached 1-car garage and tennis court are not considered to be "Residential Accessory Structures".

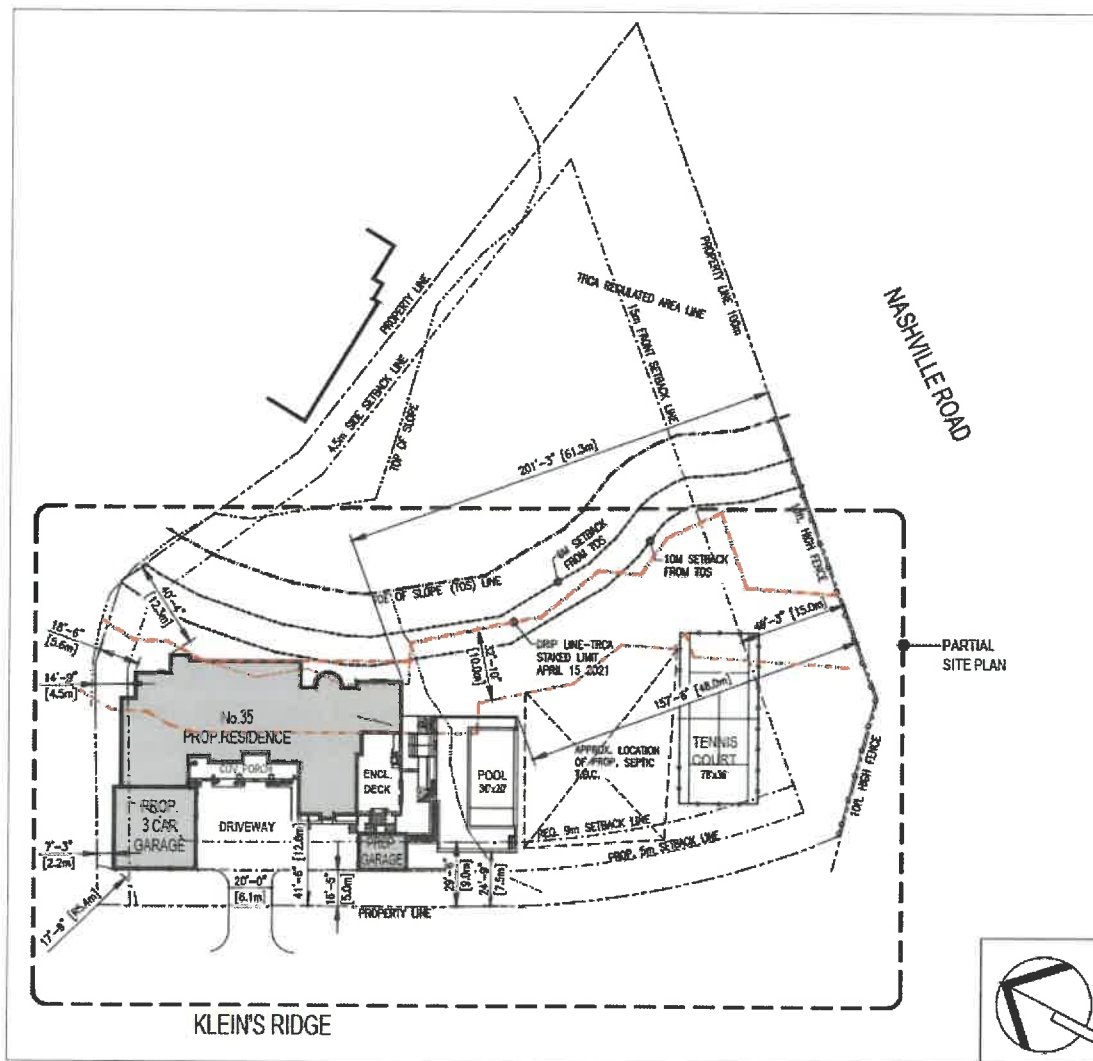


Figure 1: Site Plan

Toronto and Region Conservation Authority (TRCA) Permit Process

A Concept Development Application (TRCA File CFN 64135.04) was filed to delineate the development limit. The subject property is located partially within the TRCA's Regulated Area of the Humber River Watershed. A TRCA permit is required for any site alteration on the property within the regulated area. The proposed development has been revised since the initial Concept Development Application submission was made in 2021 based on comments and discussions with TRCA Staff in order to limit interference with the toe of slope and dripline.

The outcome of the discussions resulted in the current development concept, which minimizes encroachment of the proposed building, amenities and septic system into the 10 m setback from the staked dripline, with no encroachment into the required 10 m setback from the toe of the slope. The TRCA allowed for a modification of the staked dripline in the area where the existing house is currently situated on the property on the basis that the entirety of the new building footprint is outside of this modified dripline. In order to accomplish this, the proposed dwelling was shifted closer to the exterior property line, resulting in a setback of 5 m, whereas 9 m and 10 m are required by Zoning By-law 1-88 and 001-2021, respectively. In order to accommodate the required private septic system outside the required 10 m setback from the dripline, the proposed dwelling was also shifted to the west, resulting in a 2.2 m interior side-yard setback, whereas 4.5 m is required. A small portion of the pool and tennis court encroach into the 10 m setback from the dripline, which Staff noted could be supported as long as the average buffer is 10 m and the integrity of the trees is protected. A letter from the TRCA dated March 17, 2022 indicates that staff is satisfied with the configuration of the proposed development, which is depicted by the site plan enclosed with this submission.

Purpose of Application

The purpose of this application is to seek relief from the following provisions under the City's Zoning By-laws 1-88 and 001-2021:

- **Zoning By-Law 1-88**

A total of nine (9) variances are required from Zoning By-law 1-88:

- (Variance A) Rural Residential Zone Minimum Interior Side Yard:
Schedule "A" - Zone Requirement Table – Rural Residential lots are required to have a minimum 4.5 m interior side yard, whereas a 2 m interior side yard is proposed.
- (Variance B) Rural Residential Zone Minimum Exterior Side Yard:
Schedule "A" - Zone Requirement Table– Rural Residential lots are required to have a minimum 9 m exterior side yard, whereas a 5 m exterior side yard is proposed.

- (Variance C) Rural Residential Zone Minimum Rear Side Yard:
Schedule "A" - Zone Requirement Table– Rural Residential lots are required to have a minimum 15 m rear yard, whereas a 5 m rear yard is proposed.
- (Variance D) Rural Residential Zone Maximum Lot Coverage:
Schedule "A" Zone Requirement Table– Rural Residential lots are permitted a maximum lot coverage of 10%, whereas a lot coverage of 10.5% is proposed.
- (Variance E) General Provisions Section 4.1.1b Maximum Height of an Accessory Building or Structure: A maximum height of 4.5 m is permitted, whereas 6 m is proposed;
- Variance (F) General Provisions Section 4.1.1(i) Location of Accessory Structures: A private pool shall be constructed only in the rear yard, whereas a pool is proposed in the front yard.
- (Variance G) General Provisions Section 3.13 Minimum Landscaped Area:
Minimum Width of Landscape Strip – A minimum 6 m landscape strip is required along a lot line which abuts a street line whereas 5 m is proposed.
- (Variance H) General Provisions Section 4.1.1(c) Accessory Buildings and Structures: A detached garage is permitted within the exterior side yard, provided it is in compliance with the provisions of Schedules "A", "A1", and "A3", which require a 9 m exterior side yard, whereas 5 m is proposed.
- (Variance I) General Provisions Section 4.1.4(f)(v) Parking and Access Requirements – Dimensions of Driveways: Driveways on lots with a frontage greater than 12 m and located between a lot line abutting a street and a garage or dwelling wall in either front or exterior side yards shall have a maximum width of 9 m whereas 14 m is proposed.
- Comprehensive Zoning By-Law 001-2021

A total of nine (9) variances are required from Zoning By-law 001-2021:

- (Variance J) Estate Residential Zone Minimum Interior Side Yard:
Section 7.2.2 Table 7-3 – Estate Residential lots are required to have a minimum 4.5 m interior side yard, whereas a 2 m interior side yard is proposed.

- (Variance K) Estate Residential Zone Minimum Exterior Side Yard:
Section 7.2.2 Table 7-3 – Estate Residential lots are required to have a minimum 10 m exterior side yard, whereas a 5 m exterior side yard is proposed.
- (Variance L) Estate Residential Zone Minimum Rear Yard:
Section 7.2.2 Table 7-3 – Residential Estate lots are required to have a minimum of 15 m rear yard, whereas a 5 m rear yard is proposed.
- (Variance M) General Provisions Section 4.1.5(2) Requirements for Detached Private Garages in Residential Zones: The maximum height of a detached garage shall be 4.5 m, whereas a 6 m height from the ground to the roof is proposed.
- (Variance N) General Provisions Section 4.1.5(4)(b) Requirements for Private Detached Garages in Residential Zones: Where access is provided from a driveway crossing the exterior side lot line, the minimum setback shall be 5.7 m, whereas 5 m is proposed.
- (Variance O) General Provisions Section 4.1.5(6) Requirements for Private Detached Garages in Residential Zones: The minimum distance between a detached private garage and the nearest part of a principal dwelling shall be 6 m whereas 2 m is proposed.
- (Variance P) General Provisions Section 4.1.2.1(a) Location of Accessory Buildings and Structures: An accessory building and residential accessory structure shall be subject to the minimum front yard, interior side yard and exterior side yard requirements for the principal building on the lot, as indicated in the applicable zone. Estate Residential lots are required to have a minimum of 9 m exterior side yard from the principal residential dwelling, whereas the proposed detached garage proposes a 5 m exterior side yard.
- (Variance Q) General Provisions Section 4.21 Swimming Pools: An outdoor swimming pool shall only be permitted within the rear yard, whereas the proposed swimming pool is located within the front yard
- (Variance R) Section 6.7.3(2) Parking, Stacking and Loading Requirements: the maximum driveway width on a residential lot with a frontage of not less than 12 m shall be 9 m, whereas 14 m is proposed.

We note that, in accordance with Section 3.0 of Zoning By-law 001-2021 (Definitions) a detached garage is not considered a Residential Accessory Structure

It is important to note that the property is subject to Exception 19 which is indicated on Schedule E-60 of the Zoning By-law 1-88 as well as By-law 001-2021. In accordance with this exception, the lot line between the subject property and the adjacent property (lot 11) to the north of the property is deemed to be Interior Lot Line (See Figure 2). For this reason, the rear yard setback is measured from the intersection of the interior lot line and the exterior side lot line.

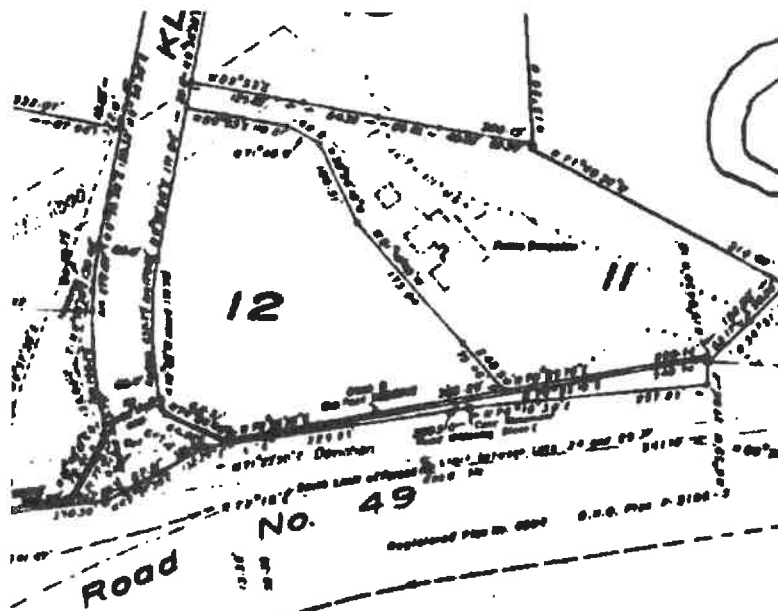


Figure 2 – Original Plan of Subdivision

Planning Justification and Analysis

Section 45(1) of the *Planning Act* directs that a minor variance may be granted if, in the opinion of the Committee of Adjustment, the following tests are met:

- The variance requested maintains the general intent and purpose of the Official Plan;
- The variance requested maintains the general intent and purpose of the Zoning By-law;
- The variance is desirable for the appropriate use of the land; and,
- The variance is minor in nature.

In addition, Section 45 (1.0.1) states that a minor variance must conform to any prescribed criteria and/or criteria established by the local municipality by by-law, if any. At this time there are no additional criteria. The following is a summary of how the proposed application meets the four tests under the *Planning Act*.

Maintains the General Intent and Purpose of the Official Plan

The subject property is within the Community Area of the VOP as indicated on Schedule 1-Urban Structure, which encourages the development of residential uses that respect and reinforce the existing physical character of communities. An existing residential dwelling is situated on the lot and the proposed variances are intended to allow for the redevelopment of the subject property

for a new residential dwelling, which is in keeping with the existing physical character of the surrounding community.

The subject property is designated Low-Rise Residential with a small portion at the rear of the site designated as Natural Areas. The intent of the Low-Rise Residential designation is to support residential buildings of a low-rise built-form, no greater than three storeys, (Section 9.2.2.1). The proposed development provides for a two-storey residential dwelling. The proposal conforms with the intention of maintaining a low-rise building typology and conforms with the use permissions of this land use designation. The requested variances allow for a residential redevelopment which respects the existing physical character of the neighbourhood and is in keeping with the height, massing, scale, orientation, lot pattern and dwelling type of the nearby residential properties, by minimizing the impacts of physical changes on the surrounding established neighbourhood, which is an objective under the Official Plan. It is our opinion that the proposed variances maintain the general intent and purpose of the Official Plan.

Maintains the General Intent and Purpose of the Zoning By-law

The requested variances maintain the general intent and purpose of City of Vaughan Zoning By-laws 1-88 and 001-2021 with respect to the Rural Residential and Estate Residential zone requirements. The intent of the mentioned zones under both Zoning By-laws are similar and are to provide the opportunity for these zones to be developed and used for residential purposes and to provide development restrictions to regulate how development is situated on the lot. Below is a summary of the requested variances with an explanation as to how they maintain the general intent and purpose of the Zoning By-law:

Required Yard Setbacks and Landscape Buffers:

1. Minimum Interior Side Yard: The proposed development proposes a minimum interior side yard of 2 m, whereas both by-laws require 4.5 m.
2. Minimum Exterior Side Yard: The proposed development proposes a minimum exterior side yard of 5 m, whereas By-law 1-88 requires 9 m and By-law 001-2021 requires 10 m.
3. Exterior Side Yard Setback from the Detached Garage: The proposed detached garage proposes a 5 m Side Yard Setback from Klein's Ridge, whereas both By-law 1-88 and By-law 001-2021 require the garage to meet the setback requirements of the zone.
4. Rear Yard Setback: the proposed development proposes a rear yard setback of 5 m, whereas both by-laws require 15 m.
5. By-law 1-88 requires a minimum 6 m landscape strip along a lot line which abuts a street line whereas 5 m is proposed, respectively.
6. By-law 001-2021 requires a minimum distance between a detached private garage and the nearest part of a principal dwelling of 6 m whereas 2 m is proposed.

The reduction in setbacks of the interior side, exterior side and rear yards are a result of the requirement for the proposed dwelling not to encroach into the 10 m setback from the modified dripline agreed to by the TRCA. The purpose of the setback requirements in the Zoning By-law as they relate to the subject property, are to create a neighbourhood character that consists of single dwellings on large lots that are setback far from the street and setback appropriately from

neighbouring properties. As the subject property is of an irregular shape, and contains environmental features that render a large portion of the property undevelopable, a reduction in the required setbacks of the interior side, exterior side and rear yards, as well as the required landscape buffer, is required to efficiently develop the subject property for a residential use while respecting the natural features on the site.

In addition, the interior side yard of the site abuts the driveway of the adjacent dwelling to the north on Lot 11 of the registered Plan of Subdivision, with the adjacent dwelling being set back substantially to the east. The area of the neighbouring site that would be impacted by this reduced setback does not contain any buildings or accessory structures other than the driveway. This results in a condition where the separation distance between the proposed dwelling and the existing dwelling on Lot 11 is substantial, and not impacted by the proposed reduction of the interior side yard setback.

Lot Coverage:

7. Maximum Lot Coverage: The proposed development proposes a lot of coverage of 10.5%, whereas both By-law 1-88 and By-law 001-2021 permit a maximum coverage of all buildings and structures to be not more than 10% of the lot area.

A maximum lot coverage of 10% results in a development that is characterized by a dwelling on a large lot that is primarily occupied by landscaping features. The proposed increase in lot coverage is minor, and primarily due to the inclusion of a covered porch and an enclosed deck. Without these features, the total lot coverage would be 9.2%. For this reason, it is our opinion that the intent of the by-law to minimize the building footprint and maintain a substantial portion of the property for natural features is maintained.

Maximum Building Height:

8. Maximum Height of Proposed Detached Garage: The proposed detached garage proposes a height of 6 m to the roof, whereas By-law 1-88 and By-law 001-2021 both require that the detached garage not exceed 4.5 m in height.

The accessory detached garage proposes a height that exceeds that which is permitted for accessory structures by Zoning By-Law 001-2021 and exceeds that which is permitted for detached private garages under By-law 1-88. This provision prevents accessory structures from overwhelming a site by being of an incompatible scale. The proposed detached garage is two-storeys and doubles as a garden shed and contains two levels. Due to the grading changes on the site, both levels of the structure are flush with the ground, resulting in a structure that appears shorter than as measured from average grade. If measuring from the highest grade where the vehicle garage is accessed from the driveway, the height of the garage to the top of the pitched roof will be 4.77 m, which would result in a variance of 0.27 m. The inclusion of a steep pitched roof that is in keeping with the design and scale of the proposed residential dwelling further reduces the visual impact of the structure, increasing compatibility with the scale of the site.

Maximum Driveway Width:

9. The maximum width of a driveway on a lot with a frontage of not less than 12 m shall be 9 m, whereas the proposed driveway has a width of 14 m.

The proposed driveway has a width that accommodates turning movements for vehicles on the site, in addition to providing access to the attached and detached garages. This space for turning movements is necessary due to the reduced setback from the exterior side yard from which the driveway access is proposed. The portion of the driveway that exceeds the permitted width is also flush with the nearest façade of the building, whereas the width of the driveway at the property line is 6.1 m, which is permitted. While the need for the proposed driveway width is functional in nature, relief is required from both By-law 1-88 and by-Law 001-2021.

Accessory Pool:

10. An outdoor swimming pool is permitted only in the rear yard per the general provision section of both By-law 1-88 and By-law 001-2021.

As the subject property does not have a typical rear yard due to its unique shape, as well as the site-specific provisions contained within the zoning exception which dictate how to define the interior side yard, this provision cannot be complied with. Additionally, a swimming pool could not be located behind the proposed dwelling, which in this case would be the interior side yard, as this would result in encroachment in protected natural features. The topology of the property, location of natural screening created by trees, as well as the substantial front yard setback created by the need to protect the natural features on the site, creates a condition where the front yard functions similar to how a rear yard would function on a more typical residential property as it will be screened well from the street. For this reason, the proposed pool is located in the ideal location, and maintains the general intent and purpose of the by-law.

As the requested variances seek to protect natural features on and adjacent to the site, due to the unique shape of the lot its self, and finally because the nature of the variances will not create a substantial impact on neighbouring properties, it is our opinion that the requested variances meet the general intent and purpose of both zoning by-laws.

Desirable and Appropriate

The proposed variances represent an appropriate use of the subject property and provide for a built-form which is compatible with what currently exists and is being developed in the surrounding neighbourhood. The proposed variances will provide for a greater design and improved functionality of the site, without adversely impacting the function and aesthetics of the surrounding residential area, in addition to protecting the environmentally sensitive portions of the subject property and adjacent lands. Weston Consulting undertook extensive discussions with the Toronto and Region Conservation Authority to understand the environmental constraints on the subject property and determine a configuration for the subject property that would minimize impact on natural heritage features. In particular, determining a configuration that would protect the toe of slope and minimize encroachment into the buffer area along the dripline of the trees. In exchange for limiting encroachments into the dripline buffer, the dwelling and outdoor amenities were moved farther north to allow for additional buffer and plantings along the southern portion of the property.

The proposed development is the result of the extensive discussions with the TRCA, and the authority has indicated support of the proposed development.

The proposal will not impact the immediately surrounding lots in terms of visibility or comfort as appropriate separation between the proposed dwelling and the immediately surrounding lots is maintained, and sufficient space is provided for screening with high-quality landscaping. It is our opinion that the proposed variances are desirable and appropriate and will not cause any adverse impacts on the surrounding area.

Minor in Nature

The variances requested are minor in scale and minimize impacts on the surrounding area. Due to the unique layout of the neighbouring property to the north, the location of the proposed dwelling is adjacent to the driveway of the neighbouring property, and set back substantially from the existing dwelling on that property. This eliminates any building separation issues with the neighbouring dwelling. The siting of the proposed development has been pushed more to the west and closer to the Klein's Ridge roadway in order to protect natural heritage features, as described previously. Despite the reductions in setbacks, the proposed dwelling is not sited within close proximity to other dwellings, and the landscape buffers between the buildings and the road as well as the interior side yard will allow for appropriate screening.

The exterior side yard is proposed as less than the required setback within the by-laws, however this setback is measured from the proposed attached garage, whereas the distance between the proposed dwelling wall (living space) and the exterior lot line is 12.6 m which exceeds the minimum requirements, resulting in a mitigation of potential privacy and screening concerns. The lot coverage exceeds the maximum 10% of the area of the lot by only 0.5%. When the proposed covered porch and deck are not included in the calculation of lot coverage, the total lot coverage would be 9.2%, which meets the requirement.

The proposed driveway is required to accommodate a circumstance in which an exterior side yard must act as a front yard for purposes of access and building orientation. The proposed pool is located in an appropriate area given the manner in which lot lines are defined by the Zoning By-laws and the subject property's shape. Finally, the proposed detached garage is of a height that exceeds the requirement primarily due to a combination of unique grading challenges on the subject property, in addition to the incorporation of a steep pitched roof to improve visual cohesion with the proposed dwelling. The perceived visual impact from the street and any neighbouring properties will therefore be less than the impact measured based on the height definitions within the By-laws. For all these reasons, we are of the opinion that the proposed variances are minor in nature.

Submission Materials

The following materials have been included with this submission:

- Plan of Survey;
- One copy of the architectural drawing set prepared by Joseph N Campitelli Architect;
- Minor Variance Justification Letter (this document);
- Application Fee in the amount of \$3,875 to be submitted separately;
- An Owner's Authorization Form;
- A Sworn Declaration;
- A Building Dimensions Chart;
- A Septic Form;
- A Setback Chart;
- A Variance Chart;
- A Tree Declaration; and,
- An online Minor Variance application form has been submitted.

Conclusion

It is our opinion that the proposed variances should be approved by the Committee of Adjustment as they satisfy all four tests prescribed by the *Planning Act* and represent good planning.

We trust that the enclosed materials are sufficient for Staff to facilitate their review. Should you have any questions or require further information, please contact the undersigned (ext. 309) or Jacob Lapointe (ext. 299).

Yours truly,

Weston Consulting

Per:



Jenna Thibault, B.Sc., M.PL, MCIP, RPP
Associate

c. R. Guetter, Weston Consulting
J. Tavernese