

File: A008/20

Applicant: Enzo and Amalia Garritano

Address: 48 Green Manor Crescent, Woodbridge

Agent: None

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None.

Background History: None.

Staff Report Prepared By: Lenore Providence
Hearing Date: Thursday, May 28, 2020



Minor Variance Application

Agenda Item: 13

A008/20

Ward: 3

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, May 28, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or **905-832-8504**. Ext. **8332**

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

- Applicant:** Enzo and Amalia Garritano
- Agent:** None.
- Property:** 48 Green Manor Crescent, Woodbridge
- Zoning:** The subject lands are zoned R1 and subject to the provisions of Exception under By-law 1-88 as amended
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): Low-Rise Residential
- Related Files:** None.
- Purpose:** Relief from the by-law is being requested to permit the existing cabana.

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

By-law Requirement	Proposal
1) A minimum rear yard setback of 7.5 metres is required to the accessory structure.	1) To permit a minimum rear yard setback of 1.22 metres to an existing accessory structure.
2) A minimum interior side yard setback of 1.5 metres is required to the accessory structure.	2) To permit a minimum interior side yard setback of 0.69 metres to an existing accessory structure (west).
3) A minimum rear yard landscape requirement of 84.6 sq. metres is required for a rear yard in excess of 135 sq. metres where the excess yard shall be 60% soft landscaping.	3) To permit a minimum rear yard soft landscape requirement of 70 sq.metres for a rear yard in excess of 135 sq. metres, in which the excess yard shall be 60% soft landscaping.

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

Adjournment History: N/A

Staff & Agency Comments

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

Committee of Adjustment:

Public notice was mailed on March 4, 2020

Applicant confirmed posting of signage on February 26, 2020 and May 5, 2020.

Property Information	
Existing Structures	Year Constructed
Dwelling	2003
Cabana	2019
Pool / Water Feature	2004 / 2009
Other: Raised Platform (inter-locking brick)	2019

Applicant has advised that they cannot comply with By-law for the following reason(s):

1. Cabana Complete. Cabana fits within height requirements and aesthetically pleasing
2. Setback due to nominal oversize (13m2 vs 10m2) is prohibitive (7.5m rear setback requirement)
3. Side setback requirement at 1.5m prohibitive due to existing pool.
4. Attempted to comply to softscape requirement but to onerous given existing pool.

Adjournment Request: N/A

Building Standards (Zoning Review):

Order No. 19-000396, Order to Comply for construction of a cabana (at the rear of the property) - No Permit, Issue Date: Sep 18, 2019

Building Permit No. 19-002133 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010 (“VOP 2010”): “Low-Rise Residential”

The Owner is requesting permission to maintain an existing cabana and hard landscaping in the rear yard with the above-noted variances.

The existing cabana has a height of 3.2 m which is under the maximum accessory structure height of 4.5 m and is situated 1.22 m from the rear lot line and 0.69 m from the interior lot line. The floor area of the cabana is 26.6 m², of which half is an open and unenclosed seating area. Variances #1 and #2 are considered minor in nature as the cabana does not exceed the maximum height requirement, is appropriately scaled for the subject property, and is partially open and unenclosed.

The proposed reduced soft landscaping (Variance #3) is considered minor as it will not have adverse impacts on the streetscape or adjacent properties. Development Engineering staff have no objections to the variances.

The Development Planning Department is of the opinion that the variances are is minor in nature, meet the general intent and purpose of the Zoning By-law, and are desirable and appropriate for the development of the land.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No comments or concerns

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A008/20.

Parks, Forestry and Horticulture Operations:

Forestry has no comments at this time.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

A008/20 – Anonymous - Objection letter
A008/20 - 176 and 182 Green Manor Cres – Objection Letter
A008/20 - 54 Green Manor Cres – Support letter
Presentation to Committee (Applicant)

Schedule C - Agency Comments

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

Schedule D - Previous Approvals (Notice of Decision)

None.

Staff Recommendations:

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

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

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

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

Please Note:

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

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

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

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Notice to the Applicant – Development Charges

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

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

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

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department;

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting at vaughan.ca/LiveCouncil. To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

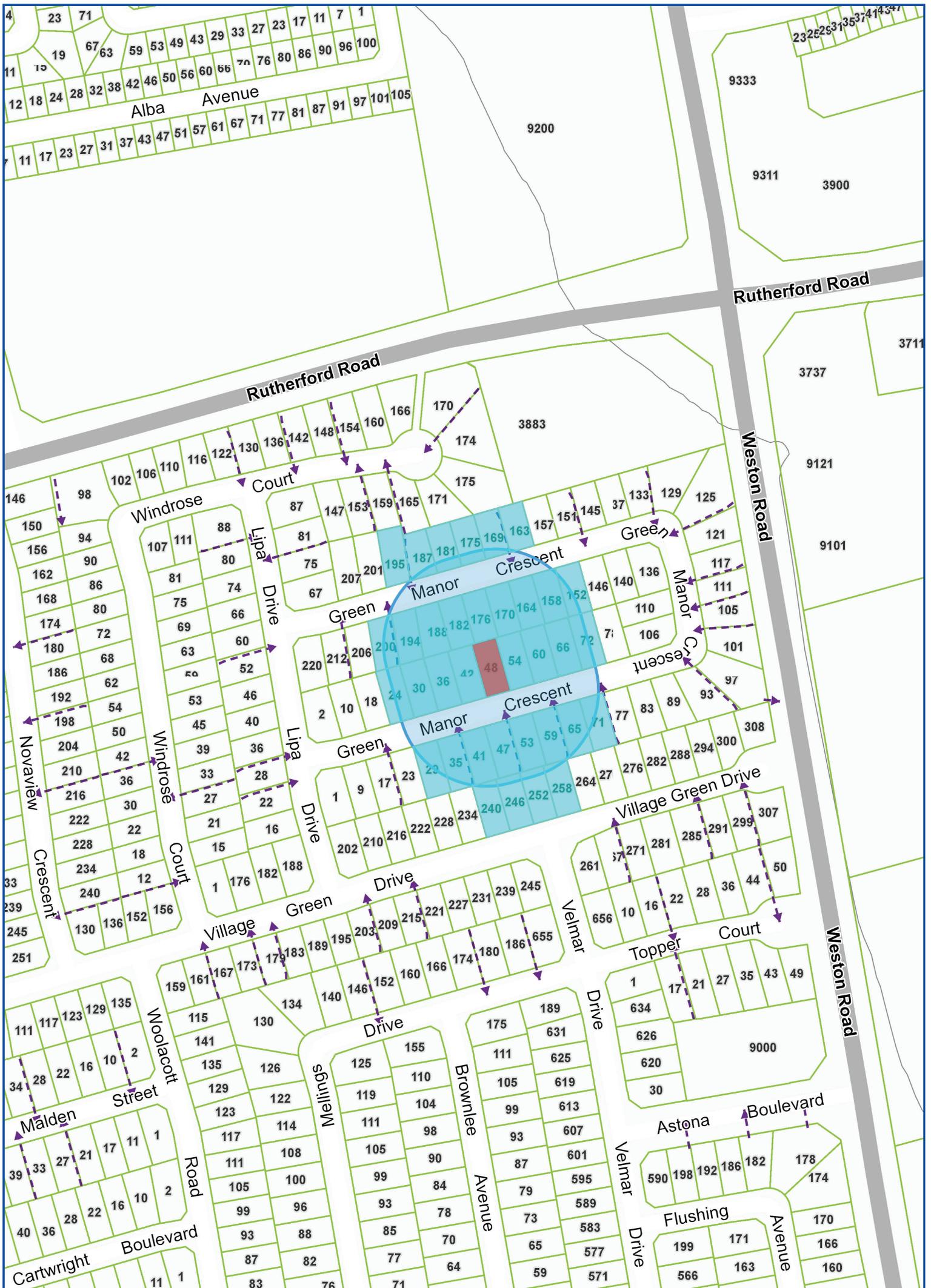
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394
E CofA@vaughan.ca

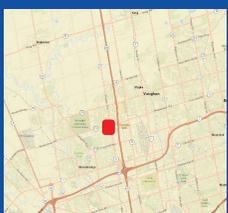
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

**Location Map
Sketches**



Map Information:



Title:

48 GREEN MANOR CRESCENT, WOODBRIDGE

NOTIFICATION MAP - A008/20

Disclaimer:

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



Scale: 1:3,580

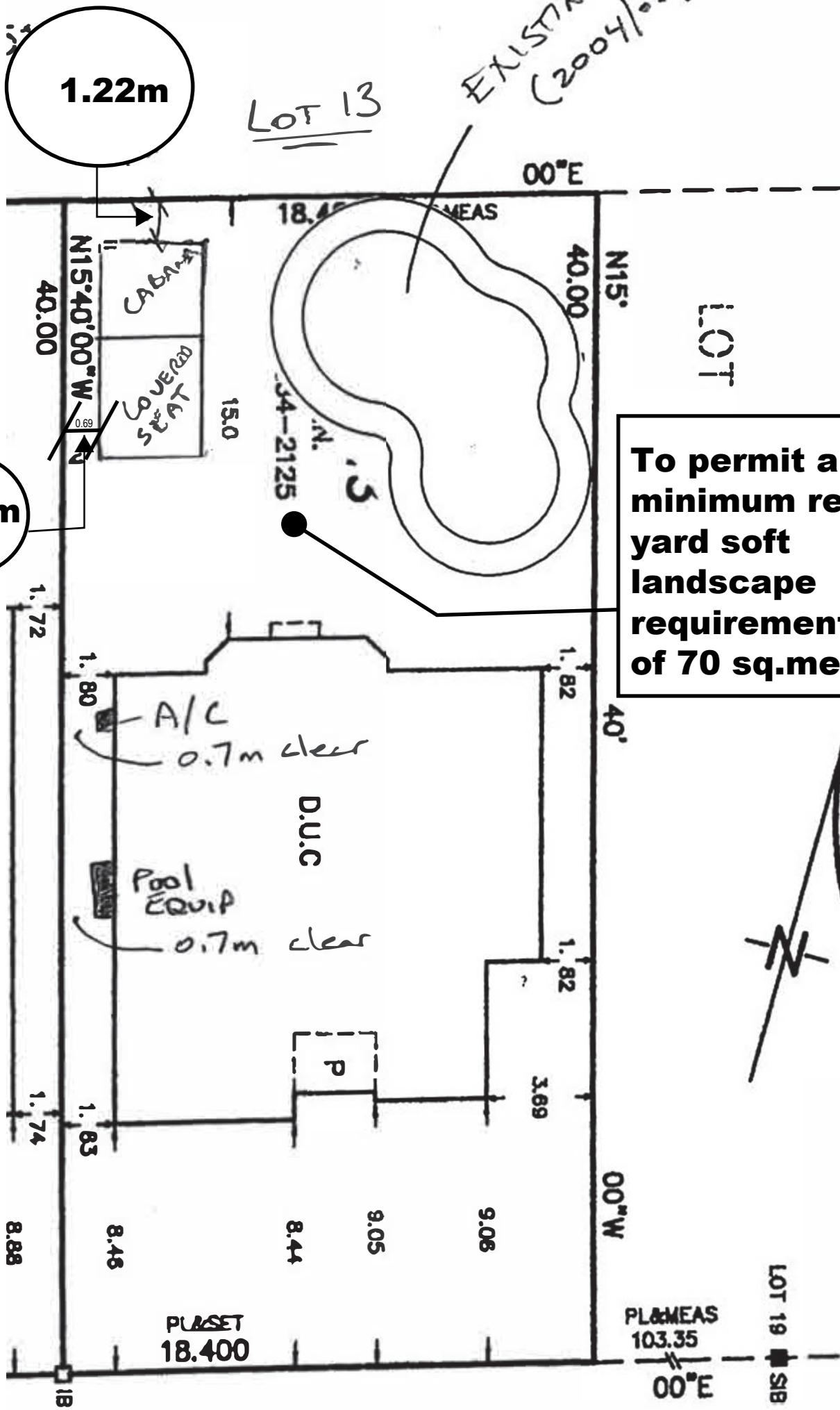
0 0.06 km



Created By:

Infrastructure Delivery
Department
February 27, 2020 4:07 PM

Projection:
NAD 83
UTM Zone
17N

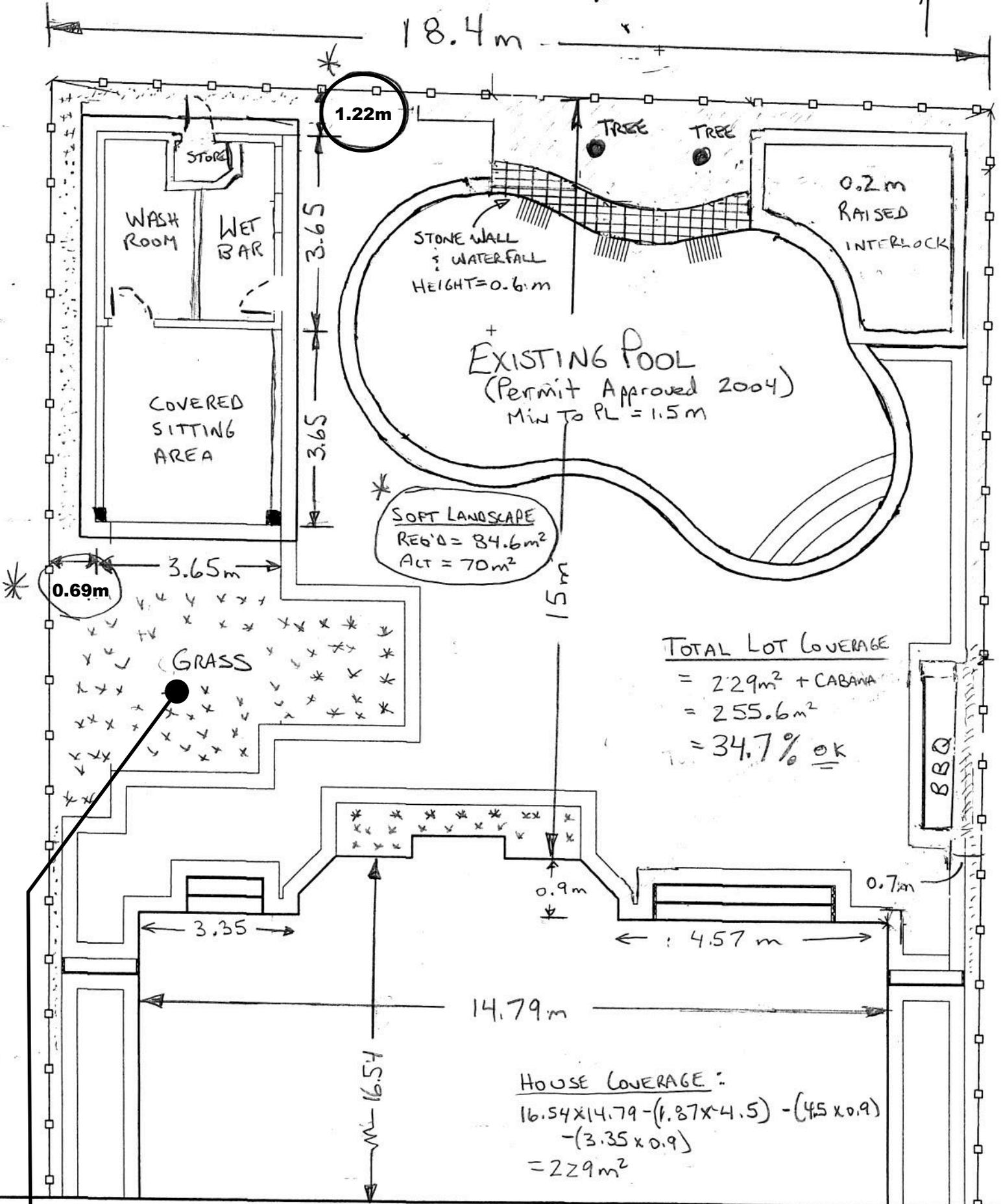


To permit a minimum rear yard soft landscape requirement of 70 sq.metres

ESCENT

55005

48 GREEN MANOR CRES, WOODBRIDGE (18.4m x 40.0m)
 LOT 13 PLAN 65M-3585



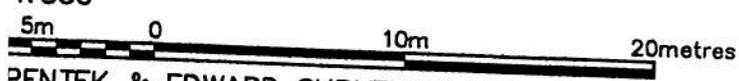
To permit a minimum rear yard soft landscape requirement of 70 sq.metres

A008/20

VEYOR'S REAL PROPERTY REPORT

T 1
 ↓ OF LOTS 11,12 AND 13
 ↓ 65M-3585
 OF VAUGHAN
 ONAL MUNICIPALITY OF YORK

1:300



PENTEK & EDWARD SURVEYING LTD., O.L.S.

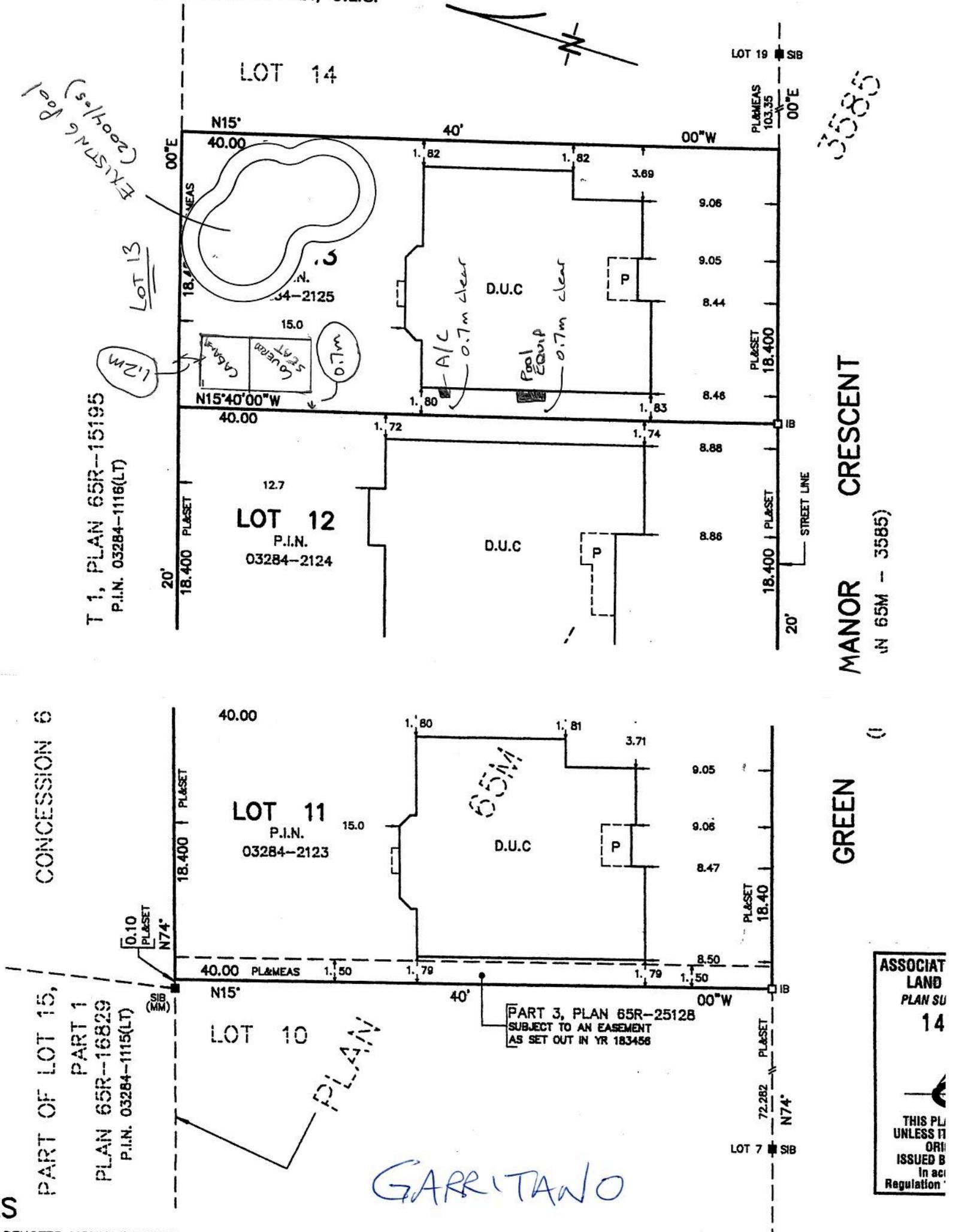
PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: PART 3, PLAN 65R-25128 SUBJECT TO AS SET OUT IN YR 183456

THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METERS. TO BE CONVERTED TO FEET BY DIVIDING BY 0.3048



3585

EXISTING Pool

T 1, PLAN 65R-15195
 P.I.N. 03284-1116(LT)

MANOR CRESCENT

(IN 65M - 3585)

GREEN

CONCESSION 6

PART OF LOT 15,
 PART 1
 PLAN 65R-16829
 P.I.N. 03284-1115(LT)

PLAN

GARRITANO

ASSOCIAT LAND PLAN SU 14

THIS PL UNLESS IT ORH ISSUED B In act Regulation

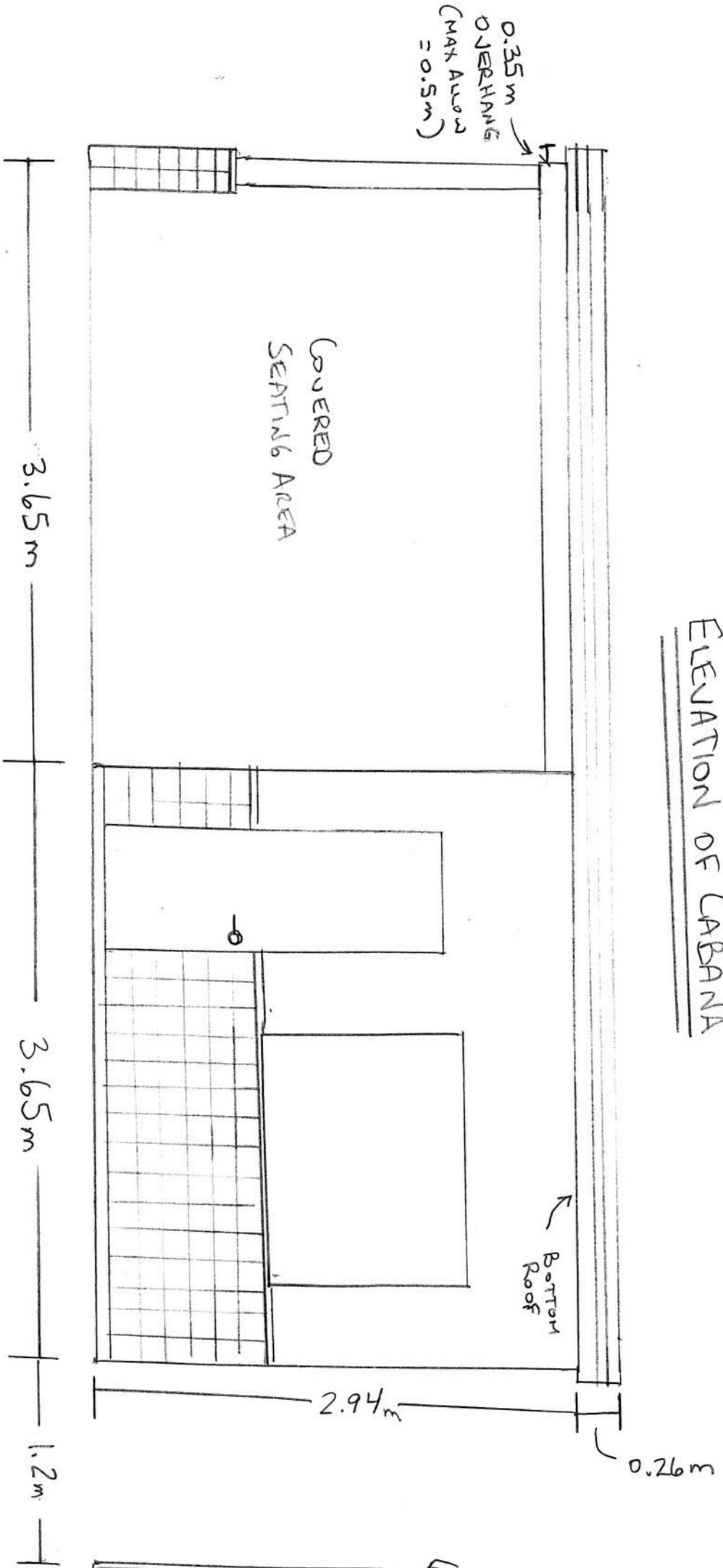
- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- DENOTES STANDARD IRON BAR
- DENOTES IRON BAR
- DENOTES DWELLING UNDER CONSTRUCTION

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT

48 GREEN MANOR CRES
LOT 13 PLAN 65M-3585

ELEVATION OF CABANA

















RON
Tyvek
HomeWrap
Tyvek
HomeWrap









Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

A008/20 – Anonymous -Objection letter
A008/20 - 176 and 182 Green Manor Cres – Objection Letter
A008/20 - 54 Green Manor Cres – Support letter
Presentation to Committee (Applicant)

RECEIVED

March 4, 2020

Committee of Adjustment

To City Hall of Maple

2141 Major McKenzie Dr.

Maple Ont.

Attn: COFA

Re. File #A008-20

48 Green Manor Cres., Woodbridge

No one is above the law. Justice must be served.

Concerned resident

Providence, Lenore

Subject: FW: [External] Opposing letter and Request for Decision Form for Minor Variance #A008/20
Attachments: Request for Decision Form.pdf

From: Sam Rizza [REDACTED]

Sent: March-18-20 1:59 PM

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

Subject: [External] Opposing letter and Request for Decision Form for Minor Variance #A008/20

Hi Christine Vigneault,

First of all, thank you for informing us of the Notice of Hearing minor variance application #A008/20. Unfortunately due to work time schedules we cannot attend in person.

Please see below our **letter of opposition** on behalf of 176 and 182 Green Manor Cres with the attached request for Decision form for Minor Variance #A008/20

Even though there are many residents and neighbors in close proximity to this structure who are opposed, I will address the reasons we oppose the rear and side setback of this building.

Yes we refer to the "structure" or "cabana" as a building. It was constructed with complete disregard to the esthetics of the community and neighborhood. Many of us are the original residents of this crescent in Woodbridge and there is no other structure which looms so large or presents such a huge footprint in the rear of a home. The sheer size of the structure, casts an ominous shadow on all three neighboring backyards. It reduces the amount of light in these areas and with some who are affected by "seasonal affective disorders", this building will have a negative effect. The mental health of all neighbors should definitely be taken into consideration in this case.

As well, some of those neighboring backyards are owned by seniors and often their only opportunity to move beyond their own homes is to spend leisure time in their backyards. This structure and the shadow it casts affects their vegetable and flower gardens and their own sense of well-being with the impact on sunshine in the area.

Finally, the structure was built in clear violation and total disregard to the zoning by laws for the city of Vaughan. The structure was constructed without a permit. How is it possible that a resident would be permitted to proceed without abiding by the city by-laws? Had a permit been applied for, all neighboring residences would have had the opportunity to share their opinions, understand the size and more than likely would have officially opposed it. Please note that while the structure was being constructed, numerous calls were made to the city expressing our concerns. While several visits may have been made to the residence by city officials, the homeowners proceeded and ignored the bylaw notices provided to them and informing them that they were not in compliance.

Why were they allowed to complete the structure?

Why would the city of Vaughan allow such disregard for by laws?

As residents and taxpayers of this city we are requesting that the structure be removed, relocated and sized in compliance with city bylaws regarding these types of structures.

Regards,

Sam Rizza

Email address [REDACTED]

Providence, Lenore

Subject: FW: [External] Minor Variance Application A008/20

From: Frank Mondelli - Toronto Capital [REDACTED]

Sent: May-16-20 1:40 PM

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

Subject: [External] **Minor Variance Application A008/20**

Applicant – Enzo and Amalia Garritano
Property – 48 Green Manor Crescent, Woodbridge

We (Josie and Frank Mondelli) reside at 54 Green Manor Crescent – neighbours of the Applicant.

We are in support of the Minor Variance Application.

The landscape work including the accessory structure are of high quality and good workmanship. Location of the accessory structure does not impact grading and drainage of the properties. We do not have catch basins in the rear and all drainage is from back to front.

We are also in support of the soft landscaping variance.
The landscaping work was well planned and appropriate for the residence.



FRANK MONDELLI

[REDACTED]

email: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Garritano Residence
48 Green Manor Cres,
Woodbridge

Minor Variance Application A008/20

May 28, 2020

1. Cabana – Overall context to backyard



2. Panoramic of Yard (skewed a bit)



3. West Property Line – Cabana 0.69 m to PL



4. North Property Line – Cabana 1.22 m to PL



5. Looking South West – context to house



Thank You

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.

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



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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

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

Providence, Lenore

Subject: FW: A008-20 - REQUEST FOR COMMENTS (VAUGHAN- Committee of Adjustment)

From: Guida, Diana <Diana.Guida@york.ca>

Sent: February-19-20 1:01 PM

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

Subject: RE: A008-20 - REQUEST FOR COMMENTS (VAUGHAN- Committee of Adjustment)

Hi Lenore,

The Regional Municipality of York has completed its review of the above minor variance application and has **no comment**.

Thank you,

Diana Guida | Planning Assistant

Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O: 1-877-464-9675 ext. 71550 | diana.guida@york.ca | www.york.ca

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Please consider the environment before printing this email.