



File: A028/19

Applicant: Daniel and Anna Passero

Address: 106 Endless Circle, Kleinburg

Agent: Fausto Cortese

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: N/A



**Minor Variance  
Application**  
  
**A028/19**

**Agenda Item: 6**  
  
**Ward: 1**

**Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer**

**Date of Hearing:** Thursday, May 30, 2019

**Applicant:** Daniel and Anna Passero

**Agent:** Fausto Cortese

**Property:** **106 Endless Circle, Kleinburg**

**Zoning:** The subject lands are zoned R1, Residential and subject to the provisions of Exception 9(1378) under By-law 1-88 as amended.

**OP Designation:** VOP 2010: "Low-Rise Residential" subject to Site Specific Policy 13.21 "North Humber Extension Area 1."

**Related Files:** None

**Purpose:** Relief from the By-law is being requested to permit the construction of a proposed cabana located in the rear yard.

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.	1. To permit a minimum rear yard setback of 5.41 metres to an accessory structure (cabana).
2. A minimum of 254.95 m2 (60% of the portion of the rear yard area in excess of 135 m2) of soft landscaped area is required in the rear yard.	2. To permit a minimum of 207.42 m2 (48.81 % of the portion of the rear yard area in excess of 135 m2) of soft landscaped area in the rear yard.

**Background (previous applications approved by the Committee on the subject land):** None

For information on the previous approvals listed above please visit [www.vaughan.ca](http://www.vaughan.ca). To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

**Adjournment History:** None

**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 **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

**Committee of Adjustment:**  
Public notice was mailed on May 15, 2019

Applicant confirmed posting of signage on May 16, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	2018
Cabana	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Current design does not allow compliance.

**Adjournment Request:** None

**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: None

Building Permit No. 18-002907 was issued for a Cabana. Applicant to please contact an Applications Expeditor to determine if any permits are required due to the fact that the permit was issued for a cabana in a different location in the rear yard.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit, if required.

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

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:**

The Owner is requesting permission to construct a pool and cabana on the subject lands with the above noted variances. Development Planning staff conducted a site visit on the property on March 18, 2019. The subject property is partially located within TRCA's Regulated Area of the Humber River Watershed as it is located adjacent to a valley corridor associated with the Main Humber River. TRCA staff confirmed that the proposed works are sufficiently sited away from the erosion hazard associated with the valleylands in the rear. Accordingly, the TRCA has no objection to the proposal, subject to their conditions of approval, payment of the applicable TRCA review fee and that the applicant successfully obtain a permit revision to TRCA Permit C-180903 for the proposed works.

Development Planning staff have no concern with the rear yard setback to the proposed cabana or the reduction in rear yard soft landscaping as the variances will not have adverse impacts on the streetscape or adjacent properties. Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

**Cultural Heritage (Urban Design):**

There are no cultural heritage concerns for this application.

**Development Engineering:**

The Development Engineering Department has reviewed minor variance application A028/19 for 106 Endless Circle and we have no objections subject to the following conditions:

1. Staff have confirmed that the property is located within an unassumed subdivision. The owner/applicant shall provide satisfactory notification to the developer/builder of the minor variance and proposed work to this property. The owner/applicant shall provide a copy of the notification to the City.
2. TRCA approval must be received before the Development Engineering Department can make official comments.
3. The owner/applicant shall apply for a pool permit from the front counter at the Development Engineering Department on the 2nd floor of City Hall. This should have been done prior to installing the pool.
4. The owner/applicant must submit a final grading plan indicating how the original approved grading and site plan will change to accommodate their proposed plan. The owner/applicant shall demonstrate appropriate Low impact Development (LID) measures to the satisfaction of Development Engineering to address the increased lot coverage area in order to mitigate potential impacts on the municipal stormwater system.

**Parks Development:**

No Response.

**By-Law and Compliance, Licensing and Permit Services:**

No Response.

**Financial Planning and Development Finance:**

No comment, no concerns.

**Fire Department:**

No Response.

Schedule A – Plans & Sketches

Location Map  
Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections  
Region of York – No concerns or objections  
MTO – Located outside of MTO permit control area  
TRCA – Comments and conditions

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 have been recommended:

	Department/Agency	Condition
1	Development Engineering Brad Steeves  905-832-8585 x 8977 <a href="mailto:brad.steeves@vaughan.ca">brad.steeves@vaughan.ca</a>	<div>1. Staff have confirmed that the property is located within an unassumed subdivision. The owner/applicant shall provide satisfactory notification to the developer/builder of the minor variance and proposed work to this property. The owner/applicant shall provide a copy of the notification to the City.</div> <div>2. TRCA approval must be received before the Development Engineering Department can make official comments.</div> <div>3. The owner/applicant shall apply for a pool permit from the front counter at the Development Engineering Department on the 2nd floor of City Hall. This should have been done prior to installing the pool.</div> <div>4. The owner/applicant must submit a final grading plan indicating how the original approved grading and site plan will change to accommodate their proposed plan. The owner/applicant shall demonstrate appropriate Low impact Development (LID) measures to the satisfaction of Development Engineering to address the increased lot coverage area in order to mitigate potential impacts on the municipal stormwater system.</div>
2	TRCA Polina Bam  <a href="mailto:Polina.bam@trca.on.ca">Polina.bam@trca.on.ca</a> 416-416.661.6600 ext. 5256	<div>1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority; and</div> <div>2. That the applicant successfully obtains a permit revision to TRCA Permit C- 180963.</div>

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

**WRITTEN SUBMISSIONS:** 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan  
Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[CofA@vaughan.ca](mailto:CofA@vaughan.ca)

**ORAL SUBMISSIONS:** If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio 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  
Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](mailto: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. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

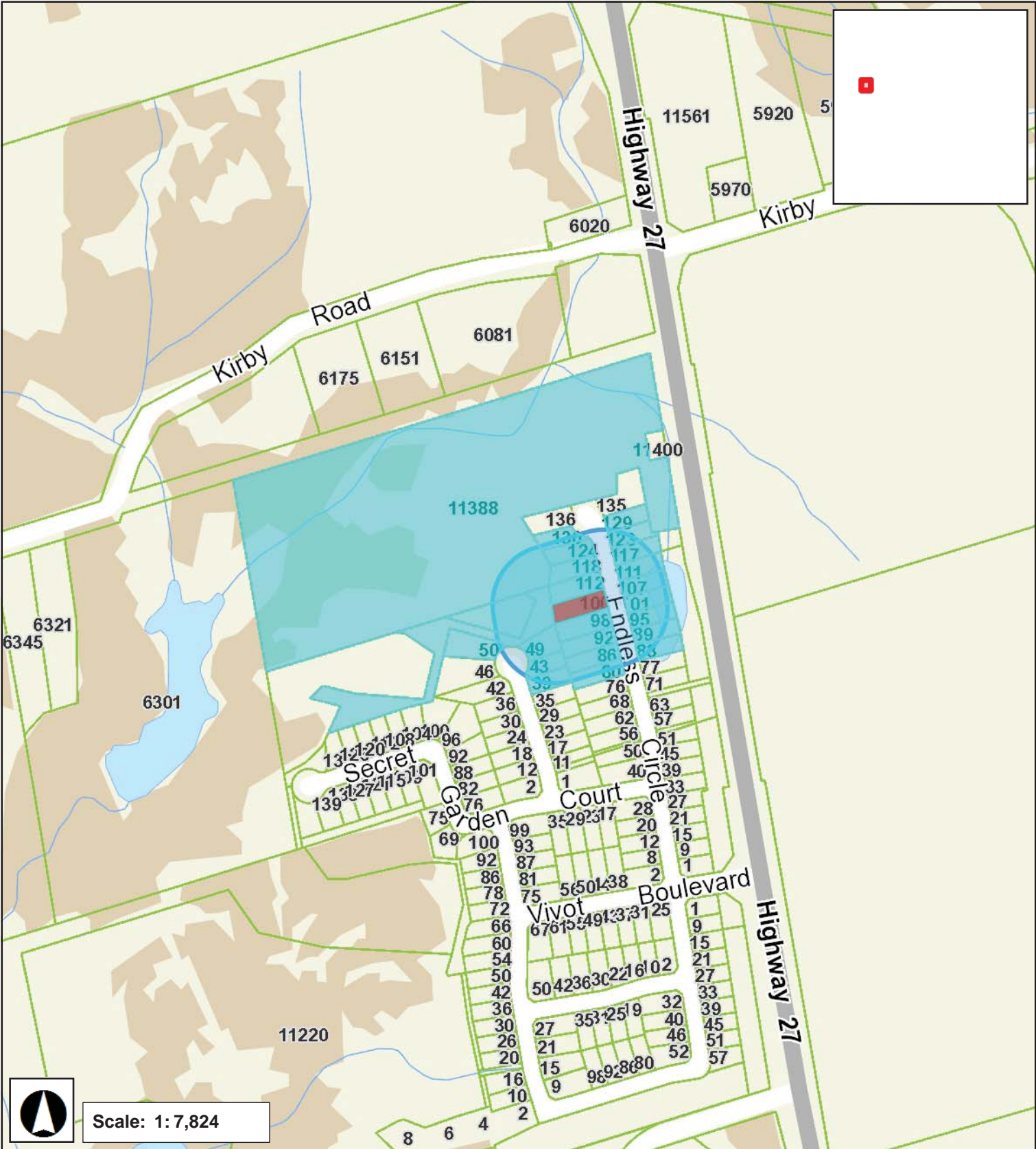
Location Map  
Sketches





# Notification Map - A028/19

106 Endless Circle, Kleinburg



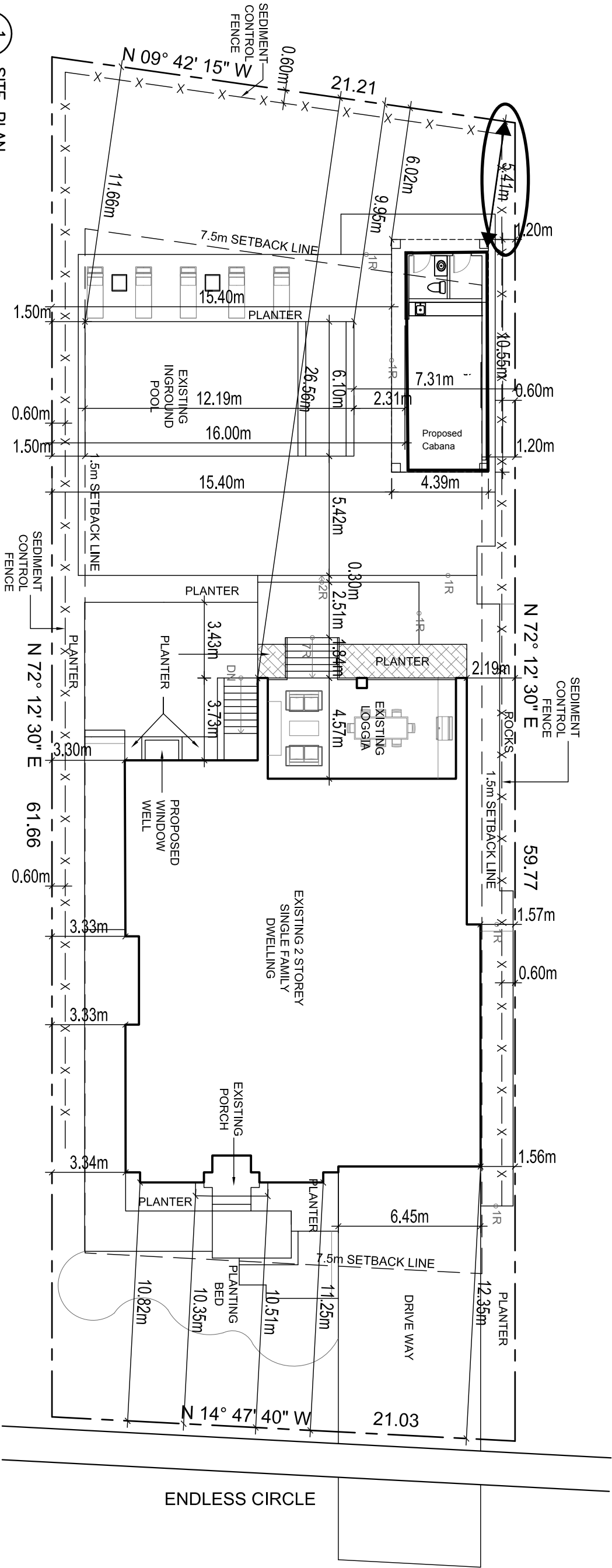


Location Map - A028/19

106 Endless Circle, Kleinburg







1 SITE PLAN  
A1.0 SCALE: 1:200

To permit a minimum of 48.81% Soft Landscape in rear yard

SITE DEVELOPMENT

ZONING R1 ( SINGLE FAMILY DETACHED DWELLING )	
LOT AREA	
TOTAL LOT AREA	1274.94 SQ.M.
HOUSE AREA	285.37 SQ.M.
HOUSE FOOT PRINT	3.86 SQ.M.
EXISTING PORCH	43.32 SQ.M.
EXISTING LOGGIA	46.29 SQ.M.
PROPOSED CABANA	46.31 SQ.M.
TOTAL FOOT PRINT	378.86 SQ.M.
BUILDING HEIGHT	BY-LAW
HEIGHT	9.50 M
LOT COVERAGE	ALLOWED
TOTAL COVERAGE	35%
SETBACKS	BY-LAW
FRONT YARD	7.50 M
REAR YARD	7.50 M
SIDE YARD	1.20 M
LANDSCAPE AREA	BY-LAW
FRONT YARD	60%
TOTAL FRONT YARD AREA	242.93 SQ.M.
DRIVE WAY	78.70 SQ.M.
LANDSCAPE AREA	164.23 SQ.M.(100%)
HARD LANDSCAPE AREA	37.42 SQ.M.(22.79%)
SOFT LANDSCAPE AREA	126.81 SQ.M.(77.21%)
REAR YARD	136 SQ.M.< 60%
TOTAL REAR YARD AREA	559.92 SQ.M.
TOTAL REAR YARD AREA - (136 SQ.M. (100%))	424.92 SQ.M.(100%)
HARD LANDSCAPE AREA(INCLUDED POOL AREA)	217.50 SQ.M.
SOFT LANDSCAPE AREA	207.42 SQ.M.(48.81%)

DRAWING:  
  
SITE PLAN

DATE:  
  
JUL 2018

SCALE:  
  
AS NOTED

DRAWN BY:  
  
REVIEWED BY:

PROJECT No.  
  
2018-22

DRAWING No.  
  
A1.0

PROJECT:  
  
PROPOSED  
CABANA  
AT  
106 ENDLESS CIRCLE  
  
CITY OF VAUGHAN

3590 RUTHERFORD RD. UNIT 7  
VAUGHAN, ONTARIO, L4H 3H8  
416-806-7000  
FCORTESE@FCARCHITECTS.CA

FAUSTO CORTESE  
ARCHITECTS

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER.  
DO NOT SCALE DRAWINGS.

ISSUED FOR CONSTRUCTION

ISSUED FOR BID

ISSUED FOR BUILDING PERMIT

ISSUED FOR SITE PLAN APPROVAL

REVISIONS

1 ISSUED FOR REVIEW

DATE

03/15/2019

PLOT SCALE: 1 FILE NAME: XREFS:

**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. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

None

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. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- MTO – Located outside of MTO permit control area
- TRCA – comments and conditions



**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](mailto: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](mailto:tony.donofrio@alectrautilities.com)

## MacPherson, Adriana

---

**Subject:** FW: A028/19 - Request for Comments - Regional Reaponse

---

**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

**Sent:** May-22-19 10:29 AM

**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

**Subject:** RE: A028/19 - Request for Comments - Regional Reaponse

Good Morning Adriana,

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

Gabrielle



April 1, 2019

CFN 60819.06

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

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

Dear Christine:

**Re: Minor Variance Application A028/19  
106 Endless Circle  
Lot 12, PLAN 65M 4377  
City of Vaughan  
Daniel and Anna Passero (Agent: Fausto Cortese)**

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and offers the following comments.

**Background**

It is our understanding that the purpose of the above-noted application is to request the following variances:

1. To permit a minimum rear yard setback of 5.41 metres to an accessory structure (cabana), where a minimum rear yard setback of 7.5 metres is required; and
2. To permit a minimum of 207.42 sq.m. (48.81% of the portion of the rear yard area in excess of 135 sq.m.) of soft landscaped area in the rear yard, where a minimum of 254.95 sq.m (60% of the portion of the rear yard area in excess of 135 sq.m.) of soft landscaped area is required in the rear yard.

It is our understanding that the purpose of Minor Variance Application A028/19 is to facilitate the construction of a 46.3 sq.m. (498.5 sq.ft.) cabana in the rear of the property. This proposal is being contemplated as part of an overall landscaping proposal which also includes an in-ground swimming pool, which has already been constructed.

**Applicable Policies and Regulations**

***Ontario Regulation 166/06:***

The subject property is partially within TRCA's Regulated Area of the Humber River Watershed as it is located adjacent to a valley corridor associated with the Main Humber River. Through the subdivision process, the valleylands in the rear of the property were delineated and included within an Open Space block and ultimately conveyed to TRCA. A small part of the buffer area from the valley Top of Bank is located on the subject property. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

***Living City Policies (LCP):***

In addition, The Living Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or

buffers. The LCP recommends that development not be permitted within the Natural System. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

#### **Application-Specific Comments**

As noted above, the subject lands are partially located within TRCA's Regulated Area of the Humber River Watershed. The applicant obtained a permit on October 23, 2018 in order to facilitate an approximately 61.0 sq.m. (656.6 sq.ft.) in-ground swimming pool and a 46.3 sq.m. (498.5 sq.ft.) cabana on the subject property (Permit C-180963). The works were approved roughly 9.05 metres from the rear lot-line. Based on a review of the submission documents provided as part of the subject Minor Variance application, the works are now being contemplated 6.02 metres from the rear lot-line, closer toward the valleylands.

TRCA has no objections to the amended design as the works are sufficiently sited away from the erosion hazard associated with the valleylands in the rear. However, an application for a permit revision will be required in order to reflect the amended design in proximity to the valley Top of Bank. Please contact the undersigned with respect to the permit revision process with TRCA.

#### **Fees**

By copy of this letter, the applicant is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580.00 (*Minor Variance - Minor*) review fee. This review fee is separate from the fee that would be required under the permitting process pursuant to Ontario Regulation 166/06. The applicant is responsible for the fee payment and should forward the application review 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 A028/19 subject to the following conditions:

1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority; and
2. That the applicant successfully obtains a permit revision to TRCA Permit C-180963.

I trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Polina Bam  
Planner I  
Planning and Development  
Extension 5256

63 PB/jb

cc: Fausto Cortese Architects c/o Fausto Cortese; fcortese@fcarchitects.ca