

ITEM #: 6.9	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A113/22 14 Napier Street, 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 *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Approval/No Conditions
Development Engineering	X	X		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		General Comments
By-law & Compliance, Licensing & Permits	X			No Comments Recieved to Date
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X			No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B	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				

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
<p>The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.</p> <p>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.</p> <p>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.</p>				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public Correspondence	Mario Zuccaro	6 Napier Street	06/14/2022	Letter of Support
Public Correspondence	Nancy Artuzzi	20 Napier Street	06/14/2022	Letter of Support

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A045/19	05/30/2019	Approved
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
A113/22
14 Napier St, Kleinburg**

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

ITEM NUMBER: 6.9	CITY WARD #: 1
APPLICANT:	Matteo Iacovelli
AGENT:	XCI Design + Architecture
PROPERTY:	14 Napier Street, Kleinburg
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed pergola and installation of pool equipment in the rear yard. Relief is also being requested to permit the existing cabana.

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

The subject lands are zoned R1B(EN) – Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.336 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	A minimum rear yard setback of 2.4 metres to the proposed Residential Accessory Structure (Cabana and Pergola) is required. [Section 4.1.2, By-law 001-2021 as amended]	To permit a rear yard setback of 1.2 metres to the proposed Residential Accessory Structure (Cabana and Pergola).
2	A minimum rear yard setback of 10.5 metres to the pool equipment is required. [Section 4.13, By-law 001-2021 as amended]	To permit a minimum rear yard setback of 2.8 metres to the pool equipment.
3	A maximum height of 3.0 metres for the proposed Residential Accessory Structure (Cabana and Pergola) is permitted. [Section 4.1.4, By-law 001-2021 as amended]	To permit a maximum height of 3.4 metres for the proposed Residential Accessory Structure (Cabana and Pergola).
4	A maximum lot coverage of 40% is permitted.	To permit a maximum lot coverage of 43.4%

The subject lands are zoned R1 – Residential Zone under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	A minimum rear yard setback of 7.5 metres to the proposed Residential Accessory Structure (Cabana and Pergola) is required. [Schedule A, By-law 1-88a.a.]	To permit a minimum rear yard setback of 1.2 metres to the proposed Residential Accessory Structure (Cabana and Pergola).
6	A maximum lot coverage of 40% is permitted. [Schedule A, By-law 1-88a.a.]	To permit a maximum lot coverage of 39.8%
7	A minimum rear yard setback of 6.0 metres to the pool equipment is required. [Section 3.14, By-law 1-88a.a.]	To permit a minimum rear yard setback of 2.8 metres to the pool equipment.

HEARING INFORMATION

DATE OF MEETING: Thursday, July 7, 2022

TIME: 6:00 p.m.

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

LIVE STREAM LINK: [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

HEARING INFORMATION	
PUBLIC PARTICIPATION	
If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the Request to Speak Form and submit to cofa@vaughan.ca If you would like to submit written comments, please quote file number above and submit by mail or email to: Email: cofa@vaughan.ca Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1	
THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.	

INTRODUCTION	
Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee. Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application may consider the following: That the general intent and purpose of the by-law will be maintained. That the general intent and purpose of the official plan will be maintained. That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. That the requested variance(s) is/are minor in nature. Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.	

COMMITTEE OF ADJUSTMENT COMMENTS	
Date Public Notice Mailed:	June 24, 2022
Date Applicant Confirmed Posting of Sign:	June 15, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	To permit a maximum total lot coverage of 39.7%. Previous C of A allowed 32% dwelling and 2% pergola for total of 34%.To permit rear yard setback of 1.51m to open pergola (accessory structure) To permit 2.9m rear yard setback to existing pool equipment
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice. *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.</small>	No
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

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

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

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation	
The proposed work by the owner is increasing the lot coverage in the subject property. The added hardscape may have impact on City's Storm Water management system. Stuff suggests the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Parks: No comments Forestry: Forestry has no comment at this time. Horticulture: No comments	
PFH Recommended Conditions of Approval:	Parks: No comments Forestry: None Horticulture: No comments

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

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

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

FIRE DEPARTMENT COMMENTS	
No comments	
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: None

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.

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
	None <hr/>	

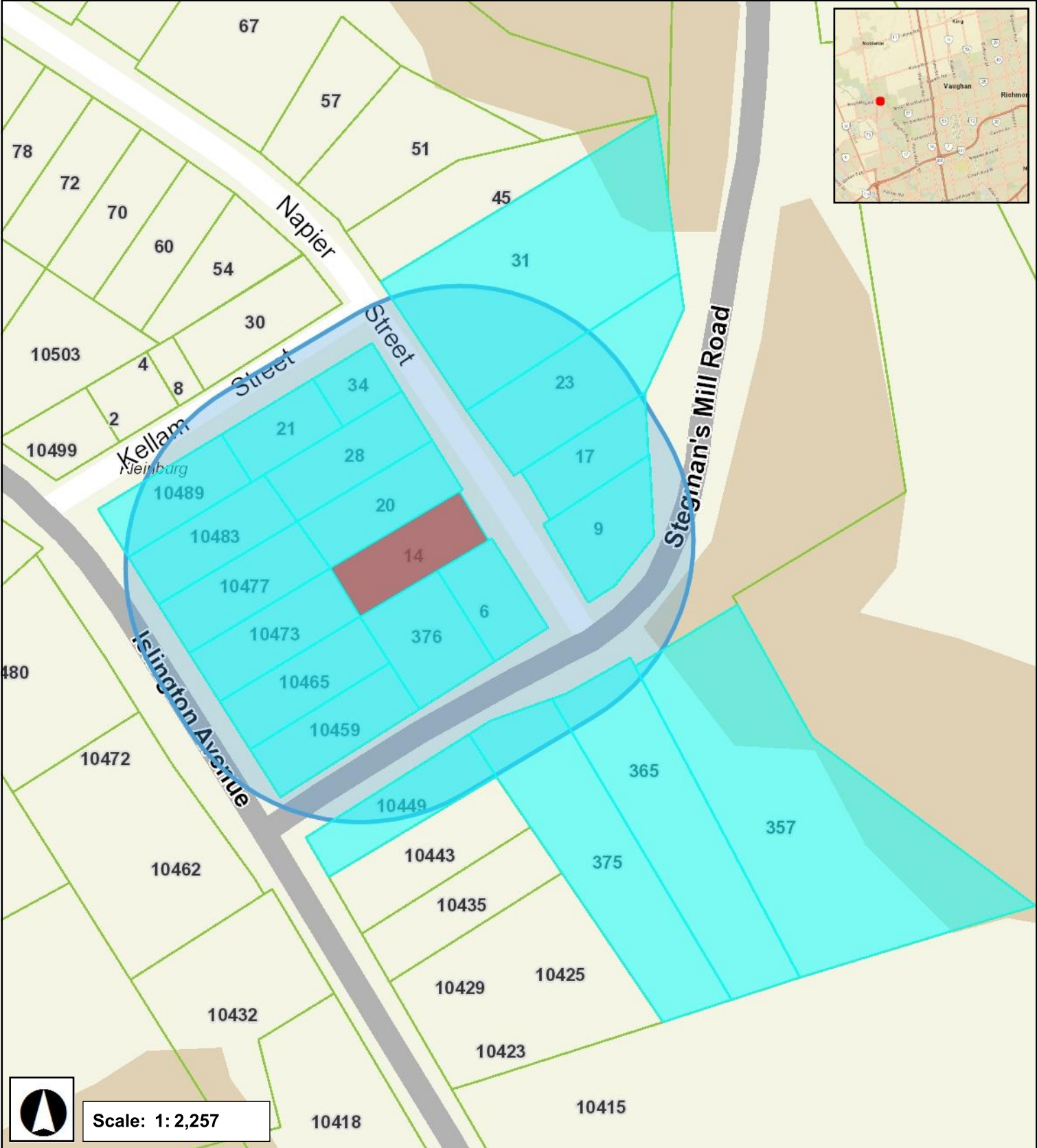
IMPORTANT INFORMATION – PLEASE READ		
<p>CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer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

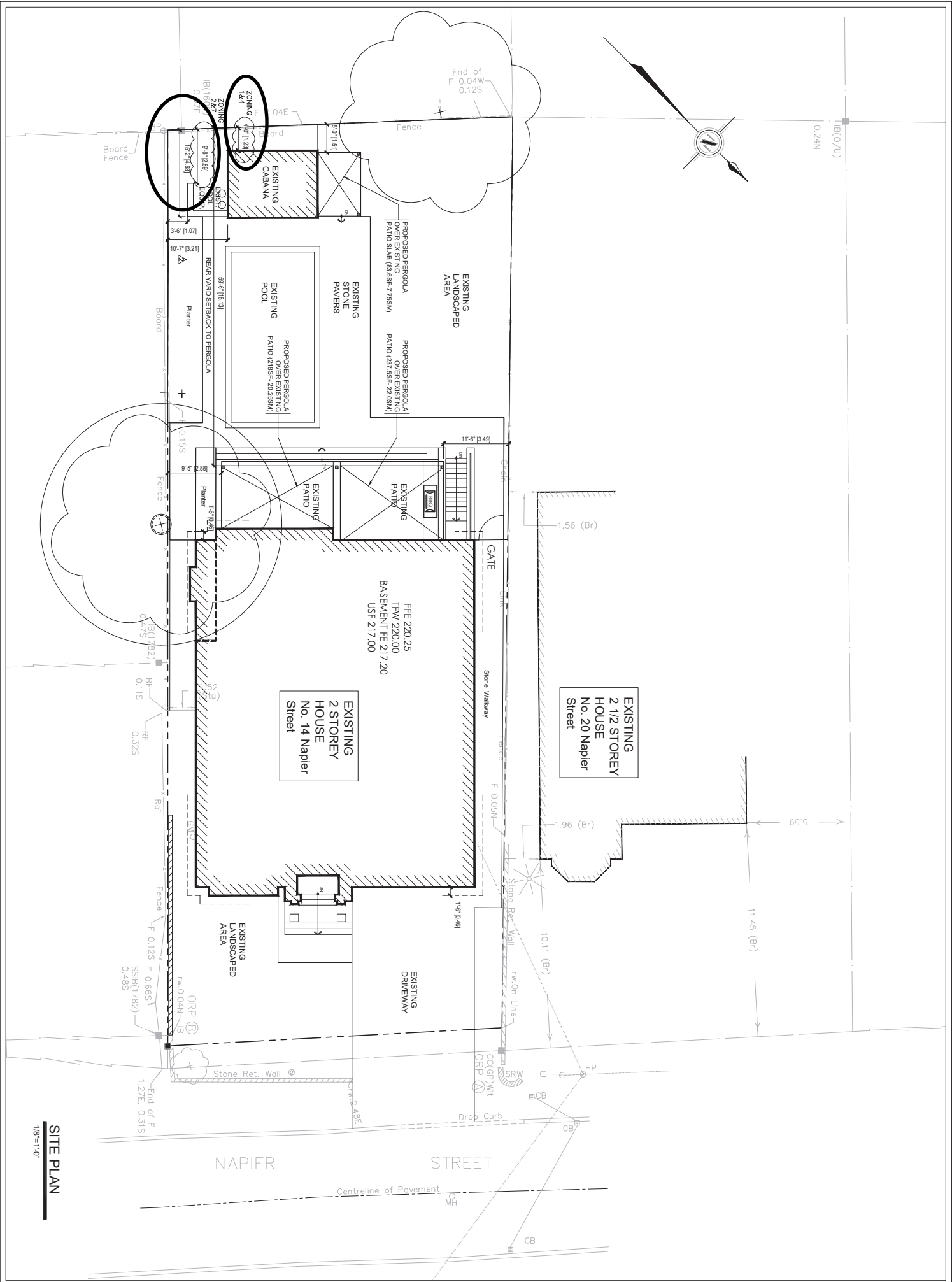
SCHEDULE A: DRAWINGS & PLANS



A113/22 - Notification Map


14 Napier Street, Kleinburg






NOTES:		
1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.		
2. DO NOT SCALE DRAWINGS.		
3. REPORT ALL DISCREPANCIES OF PERIOD DIMENSIONS OR DIMENSIONS TO THE ARCHITECT PRIOR TO CONSTRUCTION.		
4. USE ONE SET OF REVISIONS FOR ALL DIMENSIONS.		
5. THE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE ARCHITECT'S WRITTEN PERMISSION.		
6. ALL AREA CALCULATIONS ARE APPROXIMATE.		
No.	Issued for	Date
1	DESIGN REVIEW	20Jul21
2	PERMIT APPLICATION	29Jul21
3	PERMIT CLARIFICATION	8Oct21
4	ZONING CLARIFICATION	8Feb22
5	COMMITTEE OF ADJUSTMENT	30Mar22
6	COMMITTEE OF ADJUSTMENT	21Apr22
7	ZONING CLARIFICATION	9Jun22

Revisions	No.	Date	Item
1	9Jun22		Zoning Clarifications
2	21Apr22		COA Highlights



ASSOCIATION OF ARCHITECTS OF ONTARIO
ELIZABETH W. MAUGHAN
LICENSE 1698



DESIGN ARCHITECTURE

57 MAUGHAN CRESCENT
M4L 3E8
TORONTO, ONTARIO

p4161 689-9247
elizabeth@karchitect.com
*ARCHITECTURE www.karchitect.com

PROPOSED
PERGOLAS

14 NAPIER STREET
KLEINBURG ONTARIO

Drawing Title

SITE PLAN

Scale	Drawn	Project No.
1/8"=1'-0"	RH	2109
Date	Checked	Drawing No.
07/20/2021	EV	A1.0

- NOTES
1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
 2. DO NOT SCALE DRAWINGS.
 3. REPORT ALL DISCREPANCIES OF PERIOD DIMENSIONS OR DIMENSIONS TO THE ARCHITECT IMMEDIATELY TO THE ARCHITECT OR ENGINEER AS APPLICABLE.
 4. USE ONLY MATERIALS AND METHODS SPECIFIED IN THESE DRAWINGS. ANY MATERIALS OR METHODS NOT SPECIFIED IN THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND/OR ENGINEER AND MUST BE RETURNED TO THE ARCHITECT IMMEDIATELY UPON COMPLETION OF THE PROJECT. ANY UNAUTHORIZED USE IS PROHIBITED.
 6. ALL AREA CALCULATIONS ARE APPROXIMATE.

No.	Issued for	Date
1	COMMITTEE OF ADJUSTMENT	21Apr'22
2	ZONING CLARIFICATION	9Jun'22

2	9Jun'22 Zoning Clarification
1	21Apr'22 COA Highlights
No.	Date
Item	

Revisions



37 MAUGHAN CRESCENT
MILTON, ONTARIO
M6L 3E8
p6416 689-9247
elizabeth@caarchitecture.com
*ARCHITECTURE www.caarchitecture.com

PROPOSED
PERGOLAS
14 NAPIER STREET
KLEINBURG ONTARIO

Drawing Title

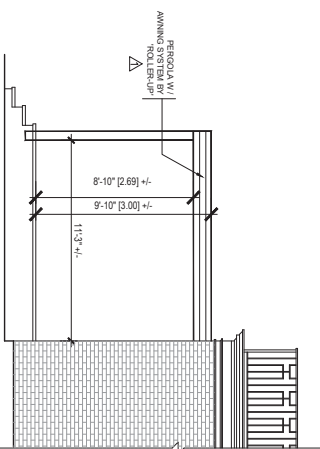
SITE PLAN
STATISTICS

Scale	Drawn	Project No.
1/8"=1'-0"	RH	2109
Date	Checked	Drawing No.
07/20/2021	EV	A1.1

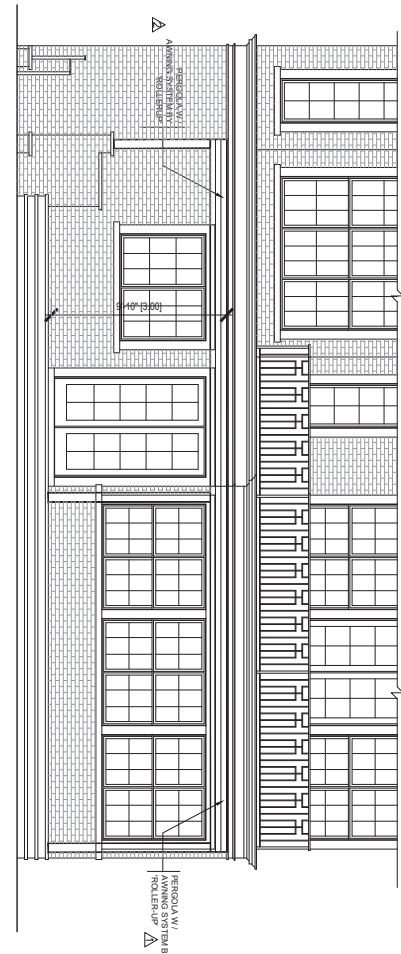
NOTES

1. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION
2. DO NOT SCALE DIMENSIONS
3. REPORT ALL DISCOVERIES OF ERRORS, OMISSIONS OR CONFLICTS IMMEDIATELY TO THE ARCHITECT OR DESIGN TEAM AS APPLICABLE
4. USE ONLY LATEST REVISED DRAWINGS OR THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION."
5. THE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND/OR ENGINEER AND MUST BE RETURNED ON COMPLETION OF THE PROJECT. ANY UNAUTHORIZED USE IS PROHIBITED.
6. ALL AREA CALCULATIONS ARE APPROXIMATE.

No.	Issued for	Date
1	DESIGN REVIEW	20Jul21
2	PERMIT APPLICATION	29Jul21
3	PERMIT CLARIFICATION	8Oct21
4	ZONING CLARIFICATION	8Feb22
5	PERMIT CLARIFICATION	14Feb22
6	COMMITTEE OF ADJUSTMENT	30Mar22
7	ZONING CLARIFICATION	9Jun22

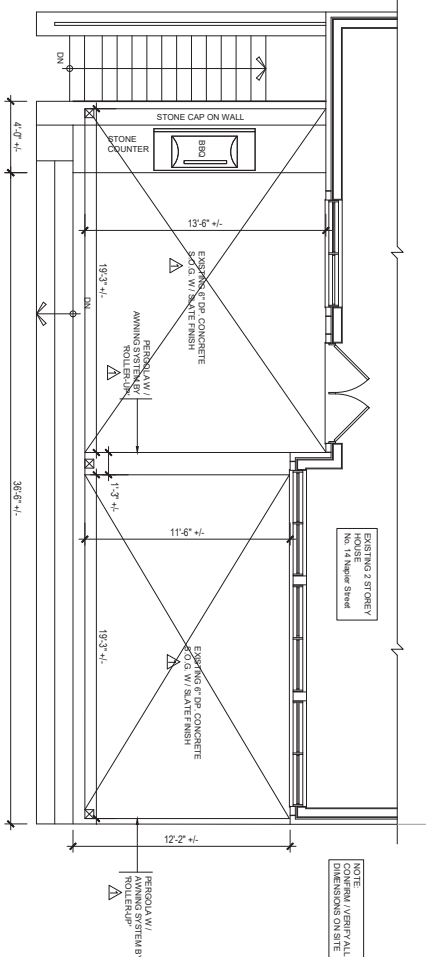


HOUSE EXIST. PART SOUTH ELEVATION
PROPOSED PERGOLA

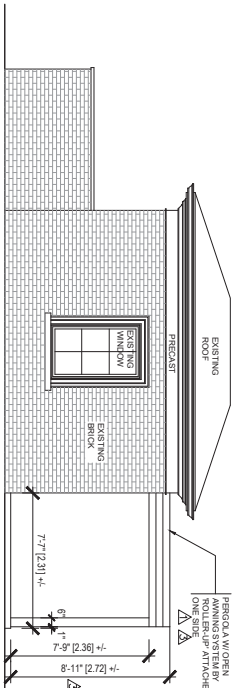
 $1/4" = 1'-0"$ 

HOUSE-EXIST. WEST ELEVATION
PROPOSED PERGOLA

1/4" = 1'-0"

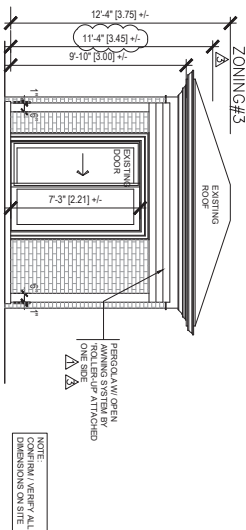
PART EXIST. FIRST FLOOR / PATIO PLAN
PROPOSED PERGOLA

1/4" = 1'-0"



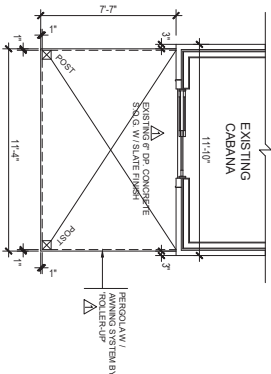
EXIST. CABANA EAST ELEVATION
PROPOSED PERGOLA

1/4" = 1'-0"



EXIST. CABANA NORTH ELEVATION
PROPOSED PERGOLA

1/4" = 1'-0"



**EXIST. CABANA PART FLOOR PLAN
PROPOSED PERGOLA**

1/4" = 1'-0"

Scale 1/8"=1'-0"	Drawn RH	Project No. 2109
Date 12/29/20	Checked EV	Drawing No. A2.1



ONTARIO
ASSOCIATION
OF
ARCHITECTS
Elizabeth W. Vandertuin
Licence
6596

DESIGN
+ ARCHITECTURE

57 MAUGHAN CRESCENT
TORONTO, ONTARIO
M4L 3E6

p4(16) 699-9247
elijah@xcarchitecture.com
www.xcarchitecture.com

PROPOSED
PERGOLAS
14 NAPIER STREET
KLEINBURG ONTARIO

EXISTING PLAN

SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X			General Comments
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		Recommended Approval/No conditions
Building Standards (Zoning)	X	X		General Comments

To: Committee of Adjustment
From: Sarah Scauzillo, Building Standards Department
Date: June 10, 2022
Applicant: Matteo Iacovelli
Location: PLAN RP11 Lot 1 municipally known as 14 Napier Street
File No.(s): A113/22

Zoning Classification:

The subject lands are zoned R1B(EN) – Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.336 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	A minimum rear yard setback of 2.4 metres to the proposed Residential Accessory Structure (Cabana and Pergola) is required. [Section 4.1.2, By-law 001-2021 as amended]	To permit a rear yard setback of 1.2 metres to the proposed Residential Accessory Structure (Cabana and Pergola).
2	A minimum rear yard setback of 10.5 metres to the pool equipment is required. [Section 4.13, By-law 001-2021 as amended]	To permit a minimum rear yard setback of 2.8 metres to the pool equipment.
3	A maximum height of 3.0 metres for the proposed Residential Accessory Structure (Cabana and Pergola) is permitted. [Section 4.1.4, By-law 001-2021 as amended]	To permit a maximum height of 3.4 metres for the proposed Residential Accessory Structure (Cabana and Pergola).
4	A maximum lot coverage of 40% is permitted.	To permit a maximum lot coverage of 43.4%

The subject lands are zoned R1 – Residential Zone under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	A minimum rear yard setback of 7.5 metres to the proposed Residential Accessory Structure (Cabana and Pergola) is required. [Schedule A, By-law 1-88a.a.]	To permit a minimum rear yard setback of 1.2 metres to the proposed Residential Accessory Structure (Cabana and Pergola).
6	A maximum lot coverage of 30% is permitted. [Schedule A, By-law 1-88a.a.]	To permit a maximum lot coverage of 39.8%
7	A minimum rear yard setback of 6.0 metres to the pool equipment is required. [Section 3.14, By-law 1-88a.a.]	To permit a minimum rear yard setback of 2.8 metres to the pool equipment.

Staff Comments:

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 19-001539 for Single Detached Dwelling - New (Infill Housing) L of C Included
, Issue Date: Sep 24, 2019
Building Permit No. 19-001539 for Single Detached Dwelling - Alteration, Issue Date: Nov 08, 2019
Building Permit No. 21-130074 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: June 29, 2022

Name of Owner: Matteo Iacovelli

Location: 14 Napier Street

File No.(s): A113/22

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

1. To permit a rear yard setback of 1.2 m to the proposed Residential Accessory Structure (Cabana and Pergola).
2. To permit a minimum rear yard setback of 2.8 m to the pool equipment.
3. To permit a maximum height of 3.4 m for the proposed Residential Accessory Structure (Cabana and Pergola).
4. To permit a maximum lot coverage of 43.4%.

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

1. A minimum rear yard setback of 2.4 m to the proposed Residential Accessory Structure (Cabana and Pergola) is required.
2. A minimum rear yard setback of 10.5 m to the pool equipment is required.
3. A maximum height of 3.0 m for the proposed Residential Accessory Structure (Cabana and Pergola) is permitted.
4. A maximum lot coverage of 40% is permitted.

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

5. To permit a minimum rear yard setback of 1.2 m to the proposed Residential Accessory Structure (Cabana and Pergola).
6. To permit a maximum lot coverage of 39.8%.
7. To permit a minimum rear yard setback of 2.8 m to the pool equipment.

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

5. A minimum rear yard setback of 7.5 m to the proposed Residential Accessory Structure (Cabana and Pergola) is required.
6. A maximum lot coverage of 30% is permitted.
7. A minimum rear yard setback of 6.0 m to the pool equipment is required.

Official Plan:

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

Comments:

The Owner is requesting relief to permit the construction of three pergolas: one attached to the existing cabana and two covering the existing patio abutting the dwelling's rear wall, and to permit the existing pool equipment with the above noted variances.

The Development Planning Department has no objection to Variances 1, 3 and 5 for the proposed cabana pergola as the increase in height and reduction to the rear yard setback is consistent with the previous approval for the existing cabana on the property. The pergola will not have any adverse impacts to the parking lot located southwest of the rear lot line and the proposed rear yard setback of 1.2 m maintains an appropriate area for access and drainage. The pergola height of 3.4 m also complies with Zoning By-law 01-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

The Development Planning Department has no objection to Variances 2 and 7 as the 2.8 m setback to the rear lot line for the pool equipment maintains an appropriate area for access and drainage and the abutting use to the southwest a parking lot. The Development Engineering Department has also reviewed the proposed pool equipment location and is satisfied that drainage will be maintained.

The existing dwelling and cabana have lot coverages of 32% and 1.9% respectively, and the proposed pergolas will have a total lot coverage of 5.6%. By-law 001-2021 currently includes eaves as part of the lot coverage calculation whereas By-law 1-88 does not. All building eaves will have a lot coverage of 3.6%. The two patio pergolas are proposed along the rear wall of the dwelling and stop short of either side wall. The pergolas would comply with all height and setback requirements, so they will not pose a significant visual impact to the neighbouring properties. The proposed lot coverage of 39.8% would also comply with Zoning By-law 01-2021 once the eaves are removed from the calculation as part of a general housekeeping amendment to be heard at the June 28th, 2022 Council meeting. As such, the Development Planning Department has no objection to Variances 4 and 6 for increased lot coverage.

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

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

None

Comments Prepared by:

Joshua Cipolletta, Planner I

David Harding, Senior Planner

COMMENTS:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | We have reviewed the proposed Variance Application and have no comments or objections to its approval. |
| <input checked="" type="checkbox"/> | We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below). |
| <input type="checkbox"/> | We have reviewed the proposed Variance Application and have the following concerns (attached below). |

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

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

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

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

References:

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

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

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

E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

Adriana Bozzo

Subject: FW: [External] RE: A113/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (14 Napier Street, Kleinburg)

From: Development Services <developmentservices@york.ca>

Sent: June-13-22 4:05 PM

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

Subject: [External] RE: A113/22 - REQUEST FOR COMMENTS, CITY OF VAUGHAN (14 Napier Street, Kleinburg)

Hello Adriana,

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

Many thanks,

Christine Meehan, 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 x73012 | christine.meehan@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.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public Correspondence	Mario Zuccaro	6 Napier Street	06/14/2022	Letter of Support
Public Correspondence	Nancy Artuzzi	20 Napier Street	06/14/2022	Letter of Support

14 June, 2022

**Committee of Adjustment File #A113/22:
14 Napier Street
Kleinburg, ON
L4H 3N5**

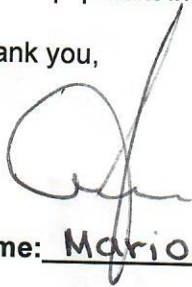
To: City of Vaughan Committee of Adjustment

Re: Minor Variance

We have reviewed the application for Minor Variance submitted by Matteo Iacovelli, the homeowner of 14 Napier Street, Kleinburg.

We have no objection to this application to permit Proposed Pergolas and Existing Cabana and Pool Equipment in the rear yard.

Thank you,

A handwritten signature in dark ink, appearing to be 'Mario Zuccaro', written over a horizontal line.

Name: Mario Zuccaro

Address: 6 Napier St.

Kleinburg, ON

14 June, 2022

**Committee of Adjustment File #A113/22:
14 Napier Street
Kleinburg, ON
L4H 3N5**

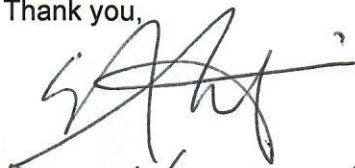
To: City of Vaughan Committee of Adjustment

Re: Minor Variance

We have reviewed the application for Minor Variance submitted by Matteo Iacovelli, the homeowner of 14 Napier Street, Kleinburg.

We have no objection to this application to permit Proposed Pergolas and Existing Cabana and Pool Equipment in the rear yard.

Thank you,



Name: NANCY ARTUZZI

Address: 20 NAPIER ST. KLEINBURG.

Kleinburg, ON

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A045/19	05/30/2019	Approved

NOTICE OF DECISION
Minor Variance Application A045/19
 Section 45 of the Planning Act, R.S.O., 1990, c.P.13

Date of Hearing: Thursday, May 30, 2019
Applicant: Matteo Iacovelli
Agent JTF Homes
Property: **14 Napier St Kleinburg**
Zoning: The subject lands are zoned R1 Residential Zone One, under By-law 1-88 as amended.
OP Designation: The Subject Lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 ("VOP 2010"), Volume 1; and "Village Residential" by VOP 2010, Volume 2, Chapter 12.4 - Kleinburg Core.
Related Files: None
Purpose: Relief from the by-law is being requested to permit the construction of a proposed single family dwelling and accessory structure (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 front yard setback of 7.5 metres is required.	1. To permit a minimum front yard setback of 6.04 metres to the covered porch.
2. A maximum lot coverage of 30% is permitted.	2. To permit a maximum total lot coverage of 34.51% for the dwelling and accessory buildings. (32.49% dwelling, 2.02% cabana)
3. A minimum front yard setback of 5.7 metres is required.	3. To permit a minimum front yard setback of 5.4 metres to the steps.
4. A minimum interior side yard setback of 1.5 metres is required.	4. To permit a minimum interior side yard setback of 1.07 metres for the accessory buildings.
5. A minimum rear yard setback of 7.5 metres is required.	5. To permit a minimum rear yard setback of 1.16 metres for the accessory buildings.

Sketch: A sketch illustrating the request has been attached to the decision.

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

THAT Application No. A045/19 on behalf of Matteo Iacovelli be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Planning Brandon Bell 905-832-8585 x 8112 Brandon.bell@vaughan.ca	That related Site Development File DA.18.100 be approved to the satisfaction of the Development Planning Department.

2	<p>Development Engineering Jason Pham</p> <p>905-832-8585 x 8716 Jason.pham@vaughan.ca</p>	<p>1. The owner/applicant shall obtain site plan approval for the related Site Development Application (DA.18.100) from the Development Engineering Department.</p> <p>2. The owner/applicant shall apply for a pool permit with the Development Engineering Department. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply.</p> <p>3. 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 approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.</p>
---	---	---

For the following reasons:

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

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.


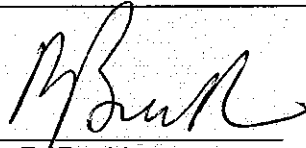
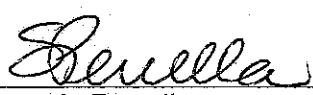
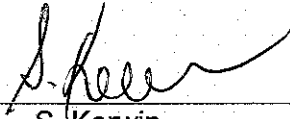
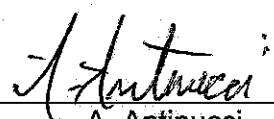
Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

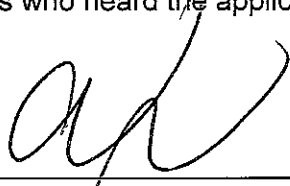
Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of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

Written & oral submissions considered in the making of this decision were received from the following:

Public Written Submissions	Public Oral Submissions
* Public Correspondence received and considered by the Committee in making this decision	*Please refer to the approved Minutes of the Thursday , May 30, 2019 meeting for submission details.
None	Name: Address:

SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

		
H. Zheng Member	R. Buckler Chair	A. Perrella Vice Chair
		
S. Kerwin Member		A. Antinucci Member

DATE OF HEARING:	Thursday, May 30, 2019
DATE OF NOTICE:	June 7, 2019
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	June 19, 2019 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan's Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <hr/> Christine Vigneault, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

Appealing to The Local Planning Appeal Tribunal
The *Planning Act*, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (A1 Appeal Form) setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Local Planning Appeal Tribunal Act*.

Note: A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal Fees & Forms

Local Planning Appeal Tribunal: The LPAT appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The LPAT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (A1 Appeal Form – Minor Variance) can be obtained at www.elto.gov.on.ca or by visiting our office.

City of Vaughan LPAT Processing Fee: \$817.00 per application

*Please note that all fees are subject to change.

Conditions

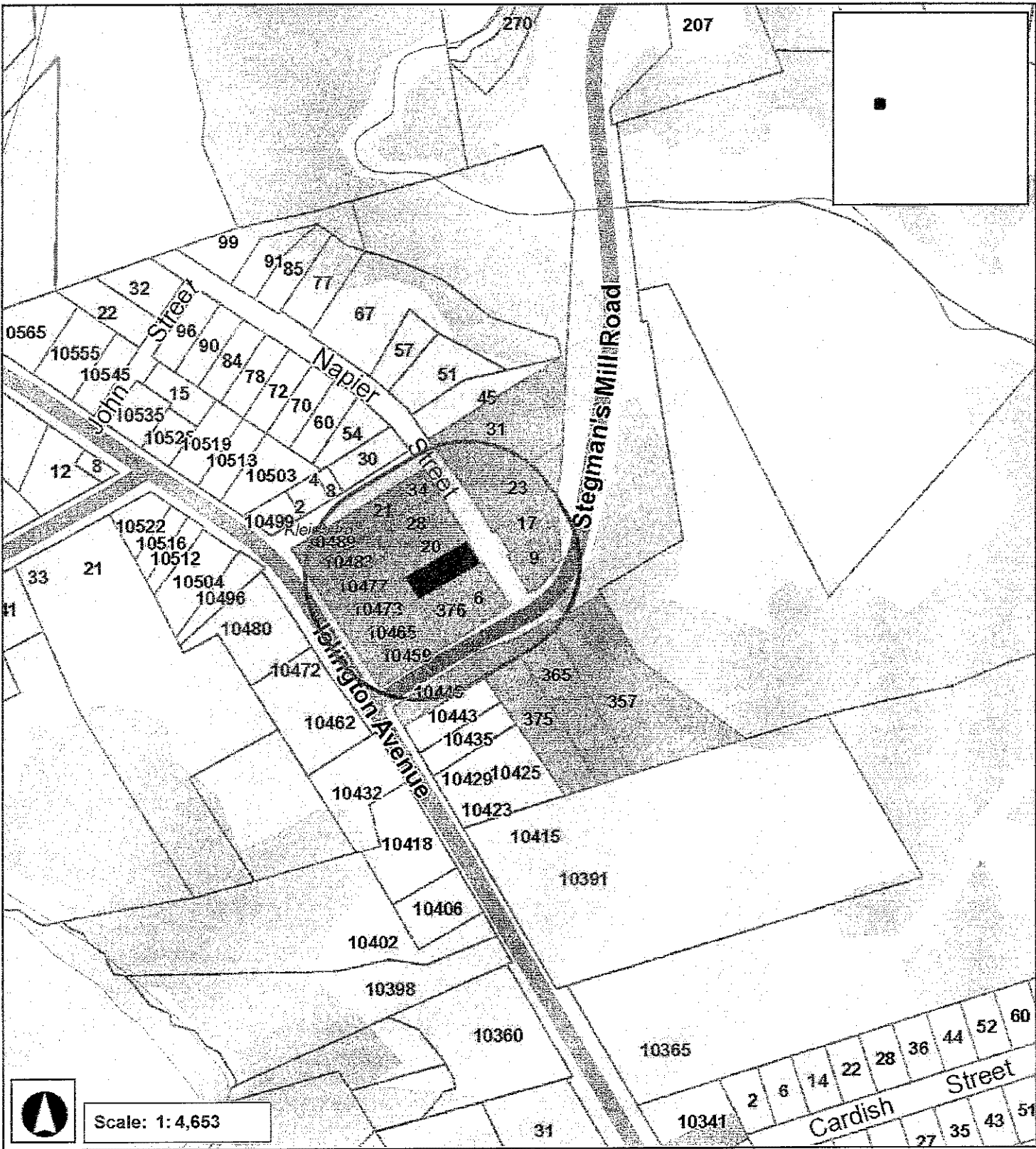
It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from each respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All applicable conditions must be cleared prior to the issuance of a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



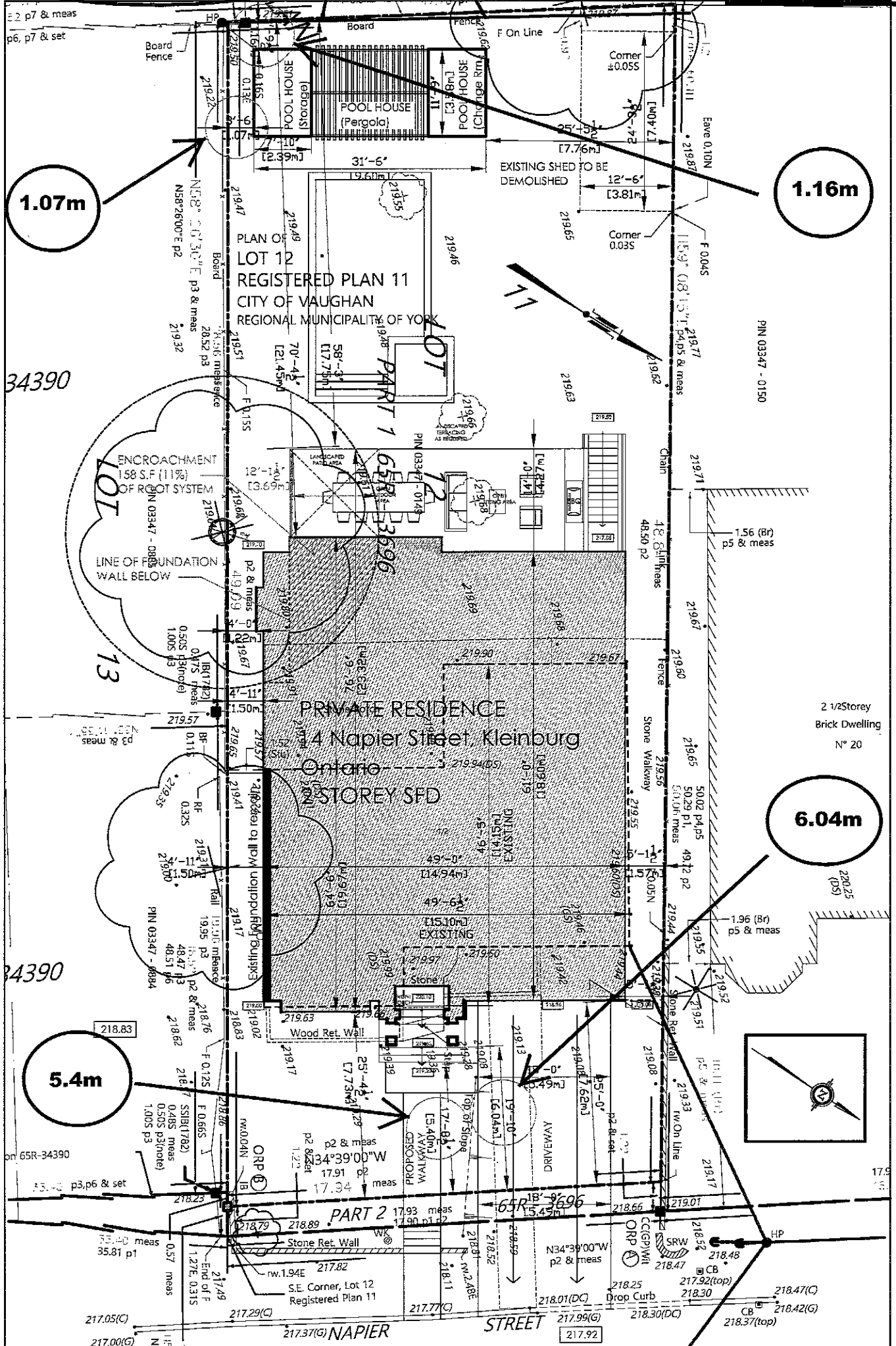
VAUGHAN

LOCATION MAP - A045/19

14 NAPIER STREET, KLEINBURG



A045/19



No.	REVISION	PROJECT TITLE:			
1	CofA- MARCH 28-19	PRIVATE RESIDENCE - 14 NAPIER STREET, KLEINBURG			
		SHEET TITLE: SITE PLAN	SCALE: 1/16"=1'-0"	DRAWN BY:	PROJECT NO:
			DATE: MARCH 2019	CHECKED BY:	DWG. NO: A1