

ITEM #: 6.4	COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A037/22 17 Winterlude Ct Kleinburg ADJOURNMENT REQUIRED
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COA REPORT SUMMARY

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

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

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

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review <i>*Schedule B</i>	X			General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning <i>*Schedule B</i>	X			Application Under Review
Development Engineering	X			Application Under Review
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X	X	X	Recommend Approval w/Conditions
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X	X		No Comments or Concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA <i>*Schedule B</i>	X	X		General Comments
Ministry of Transportation (MTO) <i>*Schedule B</i>				No Comments Recieved to Date
Region of York <i>*Schedule B</i>	X	X		General Comments
Alectra <i>*Schedule B</i>	X	X		General Comments
Bell Canada <i>*Schedule B</i>	X	X		No Comments or Concerns
YRDSB <i>*Schedule B</i>				
YCDSB <i>*Schedule B</i>				
CN Rail <i>*Schedule B</i>				
CP Rail <i>*Schedule B</i>				
TransCanada Pipeline <i>*Schedule B</i>	X			No Comments Recieved to Date
Metrolinx <i>*Schedule B</i>				
Propane Operator <i>*Schedule B</i>				

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.				
Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City’s Website.				
All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Steven Cardwell	2 Winterlude Ct	06/09/2022	Letter of Support
Public	Joanne Latobesi	11 Winterlude Ct	0/22/2022	Letter of Support
Public	Stephany Gurascio	18 Rosebud Ct	06/06/2022	Letter of Support
Public	Uzzo & Anna Calderaro	32 Winterlude Ct	05/06/2022	Letter of Support

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
Public	Parente Borean on behalf of Humberplex Developments Inc.	3883 Highway 7, Ste 207	05/12/2022	Letter of Opposition
Public	Anurag Mathur	12 Rosebud Ct	06/01/2022	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
None		

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
May 5, 2022	Adjourned Sine Die



COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A037/22
17 Winterlude Ct Kleinburg

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

ITEM NUMBER: 6.4	CITY WARD #: 1
APPLICANT:	Luigi & Loredana Guarascio
AGENT:	Andre Grisolia
PROPERTY:	17 Winterlude Ct 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 loggia, cabana and retaining wall to be located in the rear yard.

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

The subject lands are zoned R1B - First Density Residential Zone and subject to the provisions of Exception Zone 14.815 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021, as amended	Variance requested
1	The maximum permitted lot coverage is 40%. (7.2.2, Table 7-3)	To permit a maximum lot coverage of 43.13%. (+/-33.60% dwelling, +/-9.5% covered structures)
2	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.86 metres from the rear lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
3	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.12 metres from the interior side lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
4	The maximum height of an accessory building and residential accessory structure shall be 3.0 m. (Section 4.1.4 1, By-law 001-2021, as amended).	To permit a maximum accessory building (Cabana and Overhead Trellis) height of 4.44 metres. 4.54 metres *Variance confirmed by Zoning
5	A minimum of 185m² (60%) of soft landscaping in the rear yard is required. (Section 4.19.1 1, By-law 001-2021, as amended) In the R1B Zone, any portion of a yard in excess of 135.0 m² shall be comprised of a minimum 60% soft landscape. (Section 4.19.1 1, By-law 001-2021, as amended)	To permit a minimum of 82m² (27%) of soft landscaping in the rear yard. To permit the portion of the rear yard in excess of 135.0 m ² to be comprised of a minimum 59.81% soft landscape. *Variance confirmed by Zoning
6	The maximum height of an accessory building and residential accessory structure shall be 3.0 m. (Section 4.1.4 1, By-law 001-2021, as amended).	To permit a maximum accessory building (Covered Loggia) height of 3.2 metres . 4.44 metres *Variance confirmed by Zoning
7	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.20 metres from the interior side lot line to the proposed accessory structure (Covered Loggia).

#	Zoning By-law 001-2021, as amended	Variance requested
8	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.30 metres from the rear lot line to the proposed accessory structure (Covered Loggia).
9	A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall. (4.13, Table 4-1)	To permit the proposed retaining wall to be set back 0.60 metres where the height of the retaining wall is 1.52 1.0 metres.
10	Eaves and gutters are permitted to encroach a maximum of 0.5 metres into a required yard.(Section 4.13, Table 4-1, By-law 01-2021)	To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to encroach a maximum of 0.53 metres into a required yard.
11	A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line. (Section 4.13 3)	To permit the eaves of the proposed accessory structure (Cabana and Overhead Trellis) to be setback 0.59 metres from the interior side lot line.
12	The maximum height of an outdoor swimming pool shall be 2.0 m. (4.21 6)	To permit the maximum height of the outdoor swimming pool (hot tub) to be a maximum of 2.04 2.15 metres. <i>*Variance confirmed by Zoning</i>
13	Where the height of an outdoor swimming pool is greater than 1.5 m, the minimum setback from any lot line shall be 3.0 m.(4.21 6)	To permit the minimum setback of the outdoor swimming pool (hot tub) to be 1.12 metres from the interior side lot line.

The subject lands are zoned R1 – Residential Zone and subject to the provisions of Exception 9(1162) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
14	The maximum permitted lot coverage is 35%. (Schedule A, By-law 1-88, as amended).	To permit a maximum lot coverage of 38.32%
15	A minimum rear yard of 7.5 metres to the proposed accessory structure (Cabana and Overhead Trellis) is required. (Schedule A, By-law 1-88, as amended).	To permit a minimum rear yard of 1.86 metres to the proposed accessory structure (Cabana and Overhead Trellis).
16	A minimum interior side yard of 1.5 metres to the proposed accessory structure (Cabana and Overhead Trellis) is required. (Schedule A, By-law 1-88, as amended).	To permit a minimum interior side yard of 1.12 metres to the proposed accessory structure (Cabana and Overhead Trellis).
17	A minimum interior side yard of 1.5 metres to the proposed accessory structure (Covered Loggia) is required (Schedule A, By-law 1-88a.a.).	To permit a minimum interior side yard of 1.20 metres to the proposed accessory structure (Covered Loggia).
18	A minimum rear yard of 7.5 metres to the proposed accessory structure (Covered Loggia) is required (Schedule A, By-law 1-88a.a.).	To permit a minimum rear yard of 1.30 metres to the proposed accessory structure (Covered Loggia).
49	A retaining wall which exceeds one (1) metre in height must be set back from the nearest property line a distance equal to its height.(4.1.1 j))	To permit the proposed retaining wall to be set back 0.60 metres where the height of the retaining wall is 1.52 metres. <i>*Variance removed by Zoning</i>
19	A minimum of 185m² (60%) of soft landscaping in the rear yard is required. (Section 4.1.2, By law 1-88, as amended) In an R1 Zone, where the area of a rear yard of a lot is greater than 135 sq. m., a minimum of sixty percent (60%) of that portion of the rear yard in excess of 135 sq. m shall be composed of soft landscaping. (Section 4.1.2 b), By-law 1-88, as amended)	To permit a minimum of 82m² (27%) of soft landscaping in the rear yard. To permit the portion of the rear yard in excess of 135.0 sq. m. to be comprised of a minimum 59.81% soft landscape. <i>*Variance confirmed by Zoning</i>
20	The maximum height of any 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. (4.1.1 b)	To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 5.06 5.19 metres. <i>*Variance confirmed by Zoning</i>
21	The nearest part of the roof of an accessory building or structure shall not be more than three (3) metres above finished grade. (4.1.1 b)	To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 3.76 3.89 metres to the nearest part of the roof. <i>*Variance confirmed by Zoning</i>

	Zoning By-law 1-88	Variance requested
22	The maximum height of any 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. (4.1.1 b)	To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 4.54 5.09 metres. <i>*Variance confirmed by Zoning</i>
23	The nearest part of the roof of an accessory building or structure shall not be more than three (3) metres above finished grade. (4.1.1 b)	To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 3.2 3.78 metres to the nearest part of the roof. <i>*Variance confirmed by Zoning</i>
24	Eaves shall not project more than 0.5 metres into a required yard. (3.14 a)	To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to project a maximum of 0.53 metres into a required yard.

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
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 22, 2022
Date Applicant Confirmed Posting of Sign:	June 22, 2022
Applicant Justification for Variances: <i>*As provided by Applicant in Application Form</i>	Cannot comply due to rear yard and interior side yard setbacks
Adjournment Requests (from staff): <i>*Adjournment requests provided to applicant prior to issuance of public notice</i>	The applicant provided a revised submission t on June 23, 2022 to address Development Engineering comments with respect to the retaining wall as well as public comments pertaining to the landscaping. The applicant's revised plans included revised elevations/grading to address height of retaining wall Zoning Staff have reviewed the revised plans and confirmed on June 29 that based on the new elevations/grade provided, the variances pertaining to height have now increased. Given that the variances exceed what was

COMMITTEE OF ADJUSTMENT COMMENTS	
	<p>provided for in the statutory public notice, this application will require adjournment.</p> <p>The revised submission/variances will also need to be recirculated to staff and agencies for comment.</p>
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: *ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice. *A revised submission may be required to address staff / agency comments received as part of the application review process. *Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.	No
Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.	
Committee of Adjustment Comments:	None
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING) COMMENTS	
**See Schedule B for Building Standards (Zoning) Comments . Application under review	
Building Standards Recommended Conditions of Approval:	Under Review

DEVELOPMENT PLANNING COMMENTS	
**See Schedule B for Development Planning Comments. Application under review	
Development Planning Recommended Conditions of Approval:	Under Review

DEVELOPMENT ENGINEERING COMMENTS	
Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation Application under review	
Development Engineering Recommended Conditions of Approval:	Under Review.

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

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

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
Ensure pool permit #2021 104292 000 00 EP Engineering Permit is finalized with Engineering Department.	

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
BCLPS Recommended Conditions of Approval:	Ensure pool permit #2021 104292 000 00 EP Engineering Permit is finalized with Engineering Department.

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

FIRE DEPARTMENT COMMENTS	
Proposed Loggia shows some type of fireplace under the Flat Screen TV There is not note to the type of fuel. Electric, natural Gas, or propane. No solid fuel burning unit and chimney to be permitted.	
Fire Department Recommended Conditions of Approval:	None

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

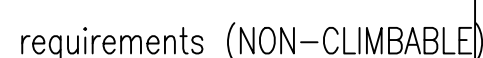
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL		
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Planning joshua.cipolletta@vaughan.ca	Application under review
2	Development Engineering farzana.khan@vaughan.ca	Application under review

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>

IMPORTANT INFORMATION – PLEASE READ
<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



AREA OF FRONT YARD-----	197.32 M2
AREA OF EXISTING DRIVEWAY-----	84.95 M2
AREA OF EXISTING HARD LANDSCAPE-----	13.43 M2
EXISTING FRONT COVERED PORCH-----	8.03 M2
EXISTING WALKWAY-----	17.98 M2
AREA OF EXISTING SOFT LANDSCAPE-----	80.96 M2



<p>The undersigned has reviewed and takes responsibility for this design, and has the Designer's approval and meets the requirements set out in the attached documents. On this Building Code design work shown on the attached documents.</p>		<p>8 FRIMETTE CRESCENT Toronto, ON M6N 4W6 416-846-3982 EMAIL: digitechdesigns@rogers.com</p>	
<p>QUALIFICATION INFORMATION Required unless design is exempted under 2.7.4. of the building code</p>		<p>TITLE: PROPOSED CABANA POOL AND POOL HOUSE/POOL EQUIPMENT ROOM AT 17 AT WINTERLUDE COURT IN THE CITY OF VAUGHAN</p>	
<p><small>ARTIST COPY</small> NAME _____ DESIGNATION INFORMATION _____ Required unless design is exempted under 2.7.4. of the building code</p>		<p>CLIENT: MR AND MRS GUARASCIO</p>	
<p>DIGITECH DESIGNS INC. FIRM NAME _____ BC2N</p>		<p>DATE: JUNE 2022 DRAWN BY: A. GRISOLIA SCALE: 1/8" = 1'-0"</p>	
<p>DRAWING NUMBER:</p>		<p>SP-1</p>	

SCHEDULE B: STAFF & AGENCY COMMENTS				
DEPT/AGENCY	Circulated	Comments Received	Conditions	Nature of Comments
TRCA *Schedule B	X	X		General Comments
Ministry of Transportation (MTO) *Schedule B				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	X		No Comments or Concerns
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			Application under review
Building Standards (Zoning)	X			General Comments

To: Committee of Adjustment
From: Garrett Dvernichuk, Building Standards Department
Date: June 29, 2022
Applicant: Luigi & Loredana Guarascio
Location: PLAN 65M3895 Lot 39 municipally known as 17 Winterlude Court
File No.(s): A037/22

Zoning Classification:

The subject lands are zoned R1B - First Density Residential Zone and subject to the provisions of Exception Zone 14.815 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021, as amended	Variance requested
1	The maximum permitted lot coverage is 40%. (7.2.2, Table 7-3)	To permit a maximum lot coverage of 43.13%.
2	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.86 metres from the rear lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
3	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.12 metres from the interior side lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
4	The maximum height of an accessory building and residential accessory structure shall be 3.0 m. (Section 4.1.4 1, By-law 001-2021, as amended).	To permit a maximum accessory building (Cabana and Overhead Trellis) height of 4.54 metres.
6	The maximum height of an accessory building and residential accessory structure shall be 3.0 m. (Section 4.1.4 1, By-law 001-2021, as amended).	To permit a maximum accessory building (Covered Loggia) height of 4.44 metres.
5	In the R1B Zone, any portion of a yard in excess of 135.0 m ² shall be comprised of a minimum 60% soft landscape. (Section 4.19.1 1, By-law 001-2021, as amended)	To permit the portion of the rear yard in excess of 135.0 m ² to be comprised of a minimum 59.81% soft landscape.
7	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.20 metres from the interior side lot line to the proposed accessory structure (Covered Loggia).
8	A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line. (Section 4.1.2 1, By-law 001-2021, as amended).	To permit a minimum setback of 1.30 metres from the rear lot line to the proposed accessory structure (Covered Loggia).
9	A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall. (4.13, Table 4-1)	To permit the proposed retaining wall to be set back 0.60 metres where the height of the retaining wall is 1.0 metres.
10	Eaves and gutters are permitted to encroach a maximum of 0.5 metres into a required yard. (Section 4.13, Table 4-1, By-law 01-2021)	To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to encroach a maximum of 0.53 metres into a required yard.
11	A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line. (Section 4.13 3)	To permit the eaves of the proposed accessory structure (Cabana and Overhead Trellis) to be setback 0.59 metres from the interior side lot line.
12	The maximum height of an outdoor swimming pool shall be 2.0 m. (4.21 6)	To permit the maximum height of the outdoor swimming pool (hot tub) to be a maximum of 2.15 metres.
13	Where the height of an outdoor swimming pool is greater than 1.5 m, the minimum setback from any lot line shall be 3.0 m. (4.21 6)	To permit the minimum setback of the outdoor swimming pool (hot tub) to be 1.12 metres from the interior side lot line.

The subject lands are zoned R1 – Residential Zone and subject to the provisions of Exception 9(1162) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
14	The maximum permitted lot coverage is 35%. (Schedule A, By-law 1-88, as amended).	To permit a maximum lot coverage of 38.32%.
15	A minimum rear yard of 7.5 metres to the proposed accessory structure (Cabana and Overhead Trellis) is required. (Schedule A, By-law 1-88, as amended).	To permit a minimum rear yard of 1.86 metres to the proposed accessory structure (Cabana and Overhead Trellis).
16	A minimum interior side yard of 1.5 metres to the proposed accessory structure (Cabana and Overhead Trellis) is required. (Schedule A, By-law 1-88, as amended).	To permit a minimum interior side yard of 1.12 metres to the proposed accessory structure (Cabana and Overhead Trellis).
17	A minimum interior side yard of 1.5 metres to the proposed accessory structure (Covered Loggia) is required (Schedule A, By-law 1-88a.a.).	To permit a minimum interior side yard of 1.20 metres to the proposed accessory structure (Covered Loggia).
18	A minimum rear yard of 7.5 metres to the proposed accessory structure (Covered Loggia) is required (Schedule A, By-law 1-88a.a.).	To permit a minimum rear yard of 1.30 metres to the proposed accessory structure (Covered Loggia).
19	In an R1 Zone, where the area of a rear yard of a lot is greater than 135 sq. m., a minimum of sixty percent (60%) of that portion of the rear yard in excess of 135 sq. m shall be composed of soft landscaping. (Section 4.1.2 b), By-law 1-88, as amended)	To permit the portion of the rear yard in excess of 135.0 sq. m. to be comprised of a minimum 59.81% soft landscape.
20	The maximum height of any 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. (4.1.1 b)	To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 5.19 metres.
21	The nearest part of the roof of an accessory building or structure shall not be more than three (3) metres above finished grade. (4.1.1 b)	To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 3.89 metres to the nearest part of the roof.
22	The maximum height of any 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. (4.1.1 b)	To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 5.09 metres.
23	The nearest part of the roof of an accessory building or structure shall not be more than three (3) metres above finished grade. (4.1.1 b)	To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 3.78 metres to the nearest part of the roof.
24	Eaves shall not project more than 0.5 metres into a required yard. (3.14 a)	To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to project a maximum of 0.53 metres into a required yard.

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. 13-001731 for Single Detached Dwelling - New, Issue Date: May 29, 2013
Building Permit No. 15-001193 for Single Detached Dwelling - Alteration, Issue Date: Apr 23, 2015
Building Permit No. 21-121613 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.
2	The information provided for grading/height is not consistent throughout all drawings submitted. The figure(s) that resulted in the largest height were used for the purposes of this review.

Conditions of Approval:

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

* Comments are based on the review of documentation supplied with this application.

Date: April 6th , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A037-22**

Related Files:

Applicant Luigi Guarascio, Loredana Guarascio

Location 17 Winterluide Court

COMMENTS:

- ☐
- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

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

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

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

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

References:

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

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

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

E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

Pravina Attwala

Subject: FW: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

From: Gordon, Carrie <carrie.gordon@bell.ca>

Sent: April-06-22 8:44 AM

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

Subject: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

Hello,

Bell Canada has no comments for this minor variance.

Kind regards,

Carrie Gordon

Carrie Gordon



Associate, External Liaison
Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

Pravina Attwala

Subject: FW: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

From: York Plan <yorkplan@trca.ca>

Sent: April-05-22 5:47 PM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

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

Subject: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

TRCA wishes to confirm that it has **no interests or concerns with the above noted application.**

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property.

Although the site is located within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, no water balance would be required recognizing this requirement would have been addressed through the subdivision approvals process.

Should further clarification be required, please contact the undersigned at your convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Manager – Toronto, Durham & York East Review Areas

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



Pravina Attwala

Subject: FW: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

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

Sent: April-11-22 1:48 PM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

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

Subject: [External] RE: City of Vaughan Request for Comments: A037/22 (17 WINTERLUIDE COURT)

Good afternoon Pravina,

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

Gabrielle

Gabrielle Hurst mcip rpp | Programs and Process Improvement | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Steven Cardwell	2 Winterlude Ct	06/09/2022	Letter of Support
Public	Joanne Latobesi	11 Winterlude Ct	0/22/2022	Letter of Support
Public	Stephany Gurascio	18 Rosebud Ct	06/06/2022	Letter of Support
Public	Uzzo & Anna Calderaro	32 Winterlude Ct	05/06/2022	Letter of Support
Public	Parente Borean on behalf of Humberplex Developments Inc.	3883 Highway 7, Ste 207	05/12/2022	Letter of Opposition
Public	Anurag Mathur	12 Rosebud Ct	06/01/2022	Letter of Support

File number A037/22

17 Winterlude Crt.

I am writing this letter to indicate my support. The project looks fantastic and I think it would be an excellent addition to the neighborhood. Both the Front and back Landscaping blends in with the neighborhood and would be a nice addition to our street.

On a personal note I know if there is any zoning By-law issues, the Guarascio's would attend to it immediately .



Steven Cardwell

2 Winterlude Crt



Pravina Attwala

Subject: FW: [External] File#A037/22

From: Joanne Latobesi

Sent: May-05-22 9:27 PM

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

Subject: [External] File#A037/22

To Whom it May Concern:

We live next door to the people in this variance and have no issues with their variances and approve of their plans for their backyard.

Joanne Latobesi
11 Winterlude Court
Kleinburg, Ontario

Pravina Attwala

Subject: FW: [External] 17 Winterlude- A037/22

From: Stephany Guarascio

Sent: June-02-22 6:03 PM

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

Subject: [External] 17 Winterlude- A037/22

To whom this may concern,

I am a resident of 18 Rosebud Court. I would like to advise that I have no issues with the landscape design for the subject property.

Thank you,

Stephany Guarascio

Pravina Attwala

Subject: FW: [External] #A037/22

-----Original Message-----

From: UZZO

Sent: May-05-22 6:48 PM

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

Subject: [External] #A037/22

Good day and To whom it may concern,

My name is Uzzo Calderaro (32 Winterlude Court) and I am a neighbour of the applicant (Lori and Lui) for variance application (File #A037/22). I am writing to formally support the variance application and approve the work they plan to do on their property.

If you have any questions you can call me anytime.

Kind regards,

Uzzo and Anna Calderaro

Sent from my iPhone



PARENTE • BOREAN
BARRISTERS AND SOLICITORS

May 12, 2022

Lawyer Direct Dial: (905) 850-6068

Email: gborean@parenteborean.com

Associate: (905) 850-6066 ext. 234

Email: cpresenza@parenteborean.com

DELIVERED VIA EMAIL: cofa@vaughan.ca

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Secretary Treasurer, Committee of Adjustment,

Re: Committee of Adjustment File No. A037/22
Hearing Date: Thursday, May 12, 2022; Item No. 6 (1)
Address: 17 Winterlude Court, Kleinburg (the “Property”)
Notice of Objection

Please be advised that we are the lawyers for Humberplex Developments Inc. (“Humberplex”) regarding the application by Luigi Guarascio and Loredana Guarascio (collectively the “Applicant”) for a number of minor variances for the Property.

Humberplex opposes and objects to the Applicant’s application for the minor variances for the Property as set out in File No. A037/22 (the “Application”).

The Parties

Humberplex is a residential property developer of a subdivision in the City of Vaughan, Ontario, which subdivision includes the Property.

The City of Vaughan is the municipality having jurisdiction for subdivision control and property standards with respect to the Property, and the City of Vaughan continues to hold security with respect to Humberplex’s development of the subdivision within which the Property is located.

The Applicant, as purchaser, purchased the Property from Humberplex, as vendor, pursuant to an agreement of purchase and sale (the “APS”). In the APS, Humberplex is referred to as the “Vendor” and the Applicant is referred to as the “Purchaser”.

The APS

The APS includes, among other things, provisions that require Humberplex's Architect, consulting engineer and landscape architect to approve all matters related to construction and grading of the Property.

The Applicant's proposed variances, and the Application itself, is in direct conflict with numerous terms and provisions of the APS between the parties, which impose strict obligations and covenants on the Applicant in favour of Humberplex. The Application should therefore be denied, or in the alternative, adjourned until such time as the Applicant is in compliance with its obligations and covenants under the APS.

The Proposed Variances

Given that there are twenty-five (25) variances being sought, it is imperative that a comprehensive review take place by Humberplex's consultants with respect to all of the variances being sought. It is noteworthy that as of today, the City's Development Planning Department has not commented with respect to the variances being sought.

Notwithstanding that Humberplex takes issue with the multitude of variances being sought. This Committee is well aware that Humberplex has diligently sought to ensure that there be no reduction to the soft landscaping requirement and that the soft landscaping standard be stringently maintained.

The variance being sought, specifically with respect to soft landscaping, if granted, shall dramatically reduce the soft landscaping for the area of the rear yard and not be in keeping with the development. This reduction in the soft landscaping is not minor in nature and accordingly, should not be granted by the Committee of Adjustment.

Humberplex has concerns about existing landscaping in the rear yard of the Property, specifically, the excessive amount of hard landscaping which taxes the stormwater management system design for the entire subdivision. The stormwater management system for the subdivision has been designed based on a runoff coefficient factor of 0.50, or a ratio of 50% impermeable surface to permeable surface coverage. By reducing the soft landscape areas (permeable surfaces), and correspondingly increasing the hard surface areas (impermeable surfaces), the Applicant will significantly increase the volume of runoff from the Property, far exceeding the allowable runoff for the subdivision. The Application is therefore unacceptable, as it may damage the stormwater management system for the entire subdivision.

The Proposed Variances are Not Minor in Nature

Given the significant number of variances being sought, and given the proposed reduction in soft landscaping for the Property, and the adverse impacts of same on the stormwater management system for the entire subdivision, the variance sought by the Applicant is not minor in nature.

Additionally, the Applicant has failed to comply with its obligations and covenants in the APS, most notably, failing to obtain Humberplex's consent to the Application in question. Should the

Committee intend to proceed with hearing the Application, it should, at the very least, adjourn this matter to allow the Applicant to seek Humberplex's consent and ensure that the Applicant is in compliance with his obligations and covenants under the APS.

I also attach hereto the Request to Speak Form.

All of which is respectfully submitted on behalf of Humberplex this 12th day of May, 2022.

Yours truly,

PARENTE, BOREAN LLP

Per:

*Gerard C. Borean **

*Executed pursuant to the *Electronic Commerce Act*

23932342.1

Encl.

From: [Anurag Mathur](#)
To: [Committee of Adjustment](#)
Subject: [External] 17 Winterlude Court, Kleinburg
Date: June-01-22 9:45:51 PM

Hi,

I am providing this email confirmation regarding case number a037-22 for 17 Winterlude Court, Kleinburg, ON. I am the owner of 12 Rosebud Court and have my lot to the side, backing onto 17 Winterlude. I am confirming that I have no concerns or objections to the proposed changes/variances/design of 17 Winterlude Court's landscaping.

Please contact me directly with any questions.

Thanks,

Anurag Mathur



Sent from [Mail](#) for Windows