

ITEM: 6.2	REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A014/24
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Report Date: March 28, 2024

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES (SEE SCHEDULE B):**

Additional comments from departments and agencies received after the publication of the report will be made available on the City's [website](#).

Internal Departments <small>*Comments Received</small>	Conditions Required		Nature of Comments
Committee of Adjustment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions
Development Finance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

PUBLIC & APPLICANT CORRESPONDENCE (SEE SCHEDULE C)				
<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 <small>(mm/dd/yyyy)</small>	Summary
None				

BACKGROUND (SCHEDULE D, IF REQUIRED)	
<p><small>* Background Information contains historical development approvals considered to be related to this file. This information should not be considered comprehensive.</small></p>	
Application No. (City File)	Application Description <small>(i.e. Minor Variance Application; Approved by COA / OLT)</small>
N/A	N/A

ADJOURNMENT HISTORY	
<small>* Previous hearing dates where this application was adjourned by the Committee and public notice issued.</small>	
Hearing Date	Reason for Adjournment <small>(to be obtained from NOD_ADJ)</small>
N/A	N/A

SCHEDULES	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Comments from Agencies, Building Standards & Development Planning
Schedule C (if required)	Public & Applicant Correspondence
Schedule D (if required)	Background



MINOR VARIANCE APPLICATION FILE NUMBER A014/24

CITY WARD #:	1
APPLICANT:	Ray Laboni & Sonia Laboni
AGENT:	John Sibenik
PROPERTY:	72 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 location of the ground mounted pool equipment and reduced soft landscaping requirements in the rear yard.

The following variances are being requested from the City's Zoning By-law to accommodate the above proposal:

The subject lands are zoned R1B(EN) First Density 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 maximum encroachment of 1.5 metres into the minimum rear yard is required for ground mounted pool equipment [Table 4-1]	To permit a maximum encroachment of 10.8 metres into the minimum rear yard for ground mounted pool equipment.
2	In an R1B zone, any portion of a yard in excess of 135.0 square metres shall be comprised of a minimum 60% soft landscape. [Section 4.19.11]	To permit a minimum of 10.22% of the rear yard in excess of 135.0 square metres to be soft landscape.

HEARING INFORMATION

DATE OF MEETING: Thursday, April 4, 2024

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive

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

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY 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

Date Public Notice Mailed:	March 21, 2024
Date Applicant Confirmed Posting of Sign:	March 18, 2024
Applicant Justification for Variances: <small>*As provided in Application Form</small>	Relief from the Zoning By-law is being requested to permit the location of the ground mounted pool equipment and reduced soft landscaping requirements in the rear yard.
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.</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
COMMENTS:	
None	
Committee of Adjustment Recommended Conditions of Approval:	None

BUILDING STANDARDS (ZONING)

**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING

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

DEVELOPMENT ENGINEERING

[Link to Grading Permit](#) [Link to Pool Permit](#) [Link to Curb Curt Permit](#) [Link Culvert Installation](#)

The Owner/Applicant shall submit an application for a Pool Grading Permit to the Development Engineering (DE) Department. For instructions on how to apply for the Pool Permit, please refer to the grading permits page on the City of Vaughan website. If you have any questions regarding the Pool Grading Permit, please feel free to reach out to the Development Engineering Department via email at DEPermits@vaughan.ca. The Development Engineering Department does not object to the Minor Variance application A014/24.

Development Engineering Recommended Conditions of Approval:	None
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PARKS, FORESTRY & HORTICULTURE (PFH)

Comments not received to date.

PFH Recommended Conditions of Approval:	None
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DEVELOPMENT FINANCE

No comment no concerns.

DEVELOPMENT FINANCE

Development Finance Recommended Conditions of Approval:	None
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES

Comments not received to date.

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC)

Comments not received to date.

Building Inspection Recommended Conditions of Approval:	None
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FIRE DEPARTMENT

Comments not received to date.

Fire Department Recommended Conditions of Approval:	None
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RECOMMENDED CONDITIONS OF APPROVAL SUMMARY

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
	None	

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.

IMPORTANT INFORMATION

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.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee's decision.

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.

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.

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.

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.

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.

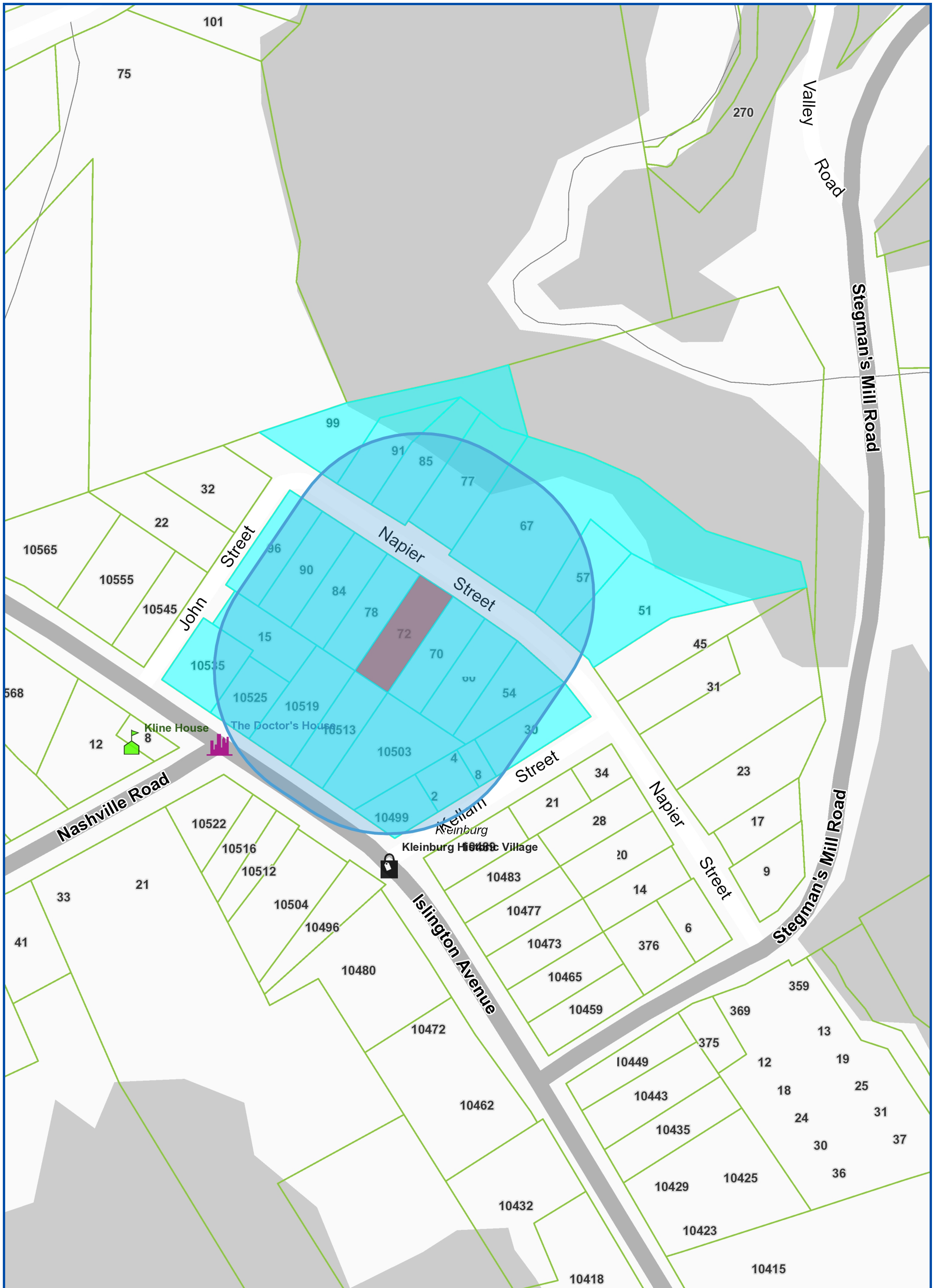
That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

IMPORTANT INFORMATION

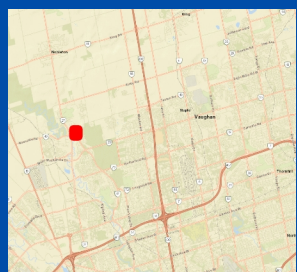
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the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

NOTICE 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.

SCHEDULE A: DRAWINGS & PLANS



Map Information:



Title:

NOTIFICATION MAP - A014/24

72 Napier Street, Kleinburg

Disclaimer:

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



Scale: 1:2,257

0 0.04 km



Created By:

Infrastructure Delivery
Department
March 8, 2024 12:45 PM

Projection:
NAD 83
UTM Zone
17N

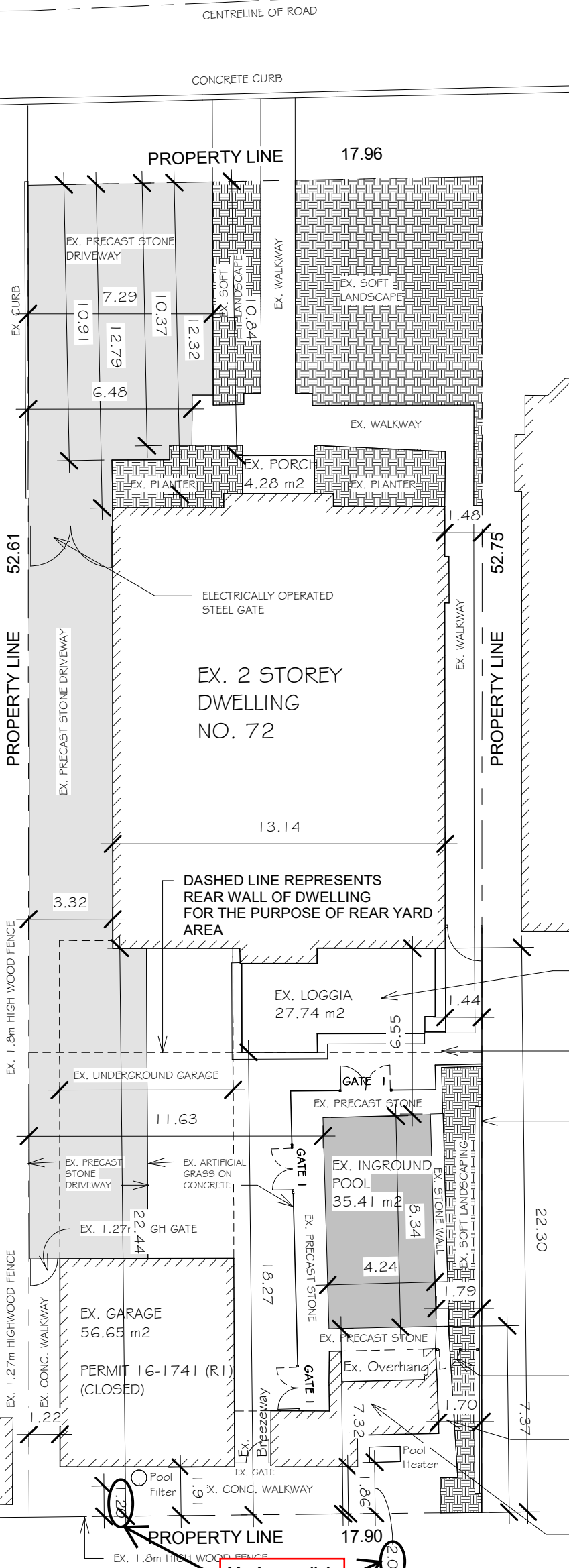
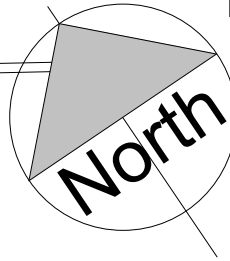
72 NAPIER STREET

RECEIVED

By providel at 3:20 pm, Feb 27, 2024

PLANS PREPARED AND VARIANCES IDENTIFIED BY APPLICANT

A014/24



SURVEY CREDIT

SURVEY INFORMATION OBTAINED FROM SURVEYOR'S REAL PROPERTY REPORT DATED JANUARY 16, 2023 & PREPARED BY AVANTI SURVEYING INC.

LEGAL DESCRIPTION

LOT 41, PLAN 275
CITY OF VAUGHAN

SITE DATA:

LOT AREA:	944.03 m ²
REAR YARD AREA INCLUDING POOL:	440.98 m ²
HOUSE FOOTPRINT:	233.32 m ²
FRONT PORCH:	4.28 m ²
LOGGIA:	27.74 m ²
GARAGE:	56.65 m ²
POOLHOUSE, OVERHANG & BREEZEWAY:	23.65 m ²
PROPOSED COVERAGE: (35.9%)	338.78 m ²

SOFT LANDSCAPE - REAR YARD

REAR YARD AREA	326.66 m ²
SOFT LANDSCAPE	19.597 m ²
REQ'D SOFT LANDSCAPE:	
$326.66 - 135 = 191.66$	
MIN. REQ'D SOFT LANDSCAPING: $191.66 \times 0.6 =$	114.996 m ²
PROVIDED SOFT LANDSCAPE: $19.597 / 191.66 =$	10.22%

SOFT LANDSCAPE - FRONT YARD

FRONT YARD AREA	228.80 m ²
PROVIDED SOFT LANDSCAPE:	105.96 m ²

NOTE : THERE IS A BASEMENT BENEATH THE LOGGIA

Variance # 2

SITE PLAN

SCALE 1:200

Variance # 1

EX. POOL-HOUSE
16.79 m²
PERMIT 17-1126 D
(CLOSED)

**SCHEDULE B:
COMMENTS FROM AGENCIES, BUILDING STANDARDS &
DEVELOPMENT PLANNING**

Department / Agency <small>*Comments Received</small>	Conditions Required		Nature of Comments
Building Standards (Zoning) *See Schedule B	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

Date: February 20th 2024

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A014-24**

Related Files:

Applicant John Sibenik

Location 72 Napier Street

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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Stephen Cranley, C.E.T

Mitchell Penner

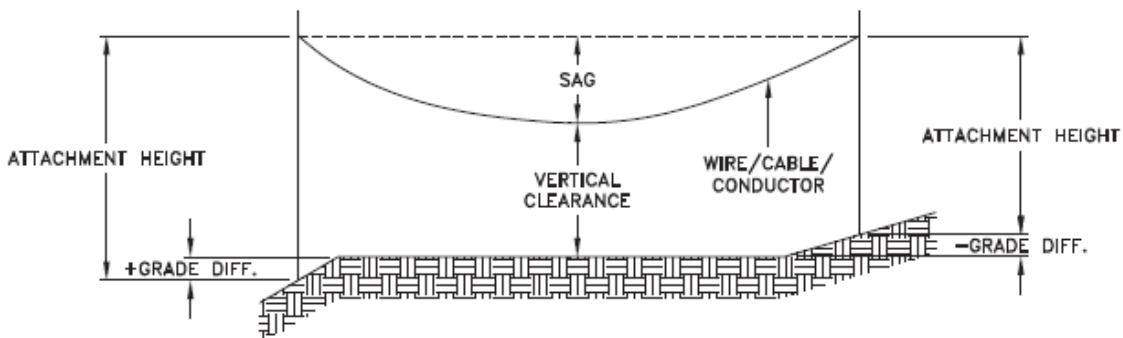
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

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

E-mail: stephen.cranley@alecrautilities.com

Email: Mitchell.Penner@alecrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO VEHICLES	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO PEDESTRIANS AND BICYCLES ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT RAILWAY CROSSINGS	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

REFERENCES

SAGS AND TENSIONS | SECTION 02

Certificate of Approval

This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

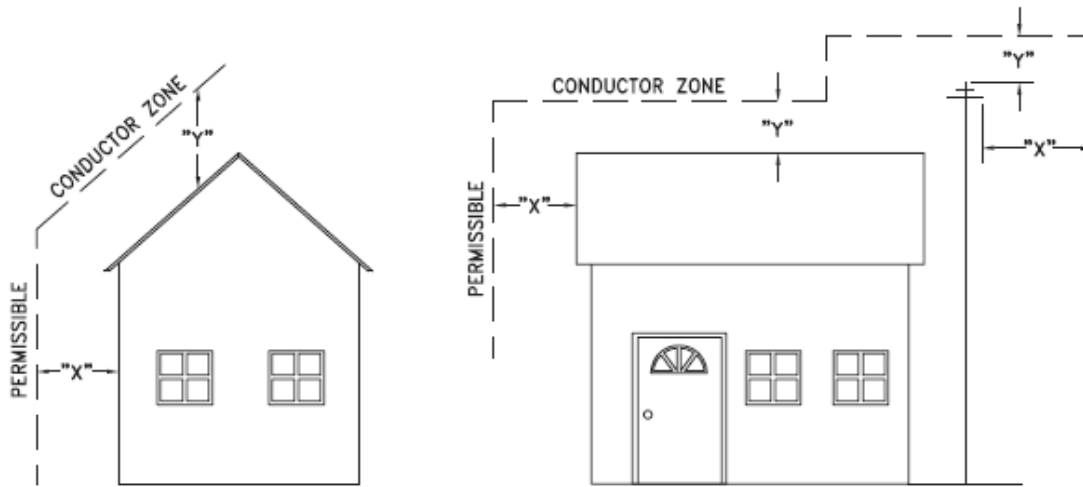
Joe Crozier, P.Eng. 2012-JAN-09

Name Date

P.Eng. Approval By: Joe Crozier

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

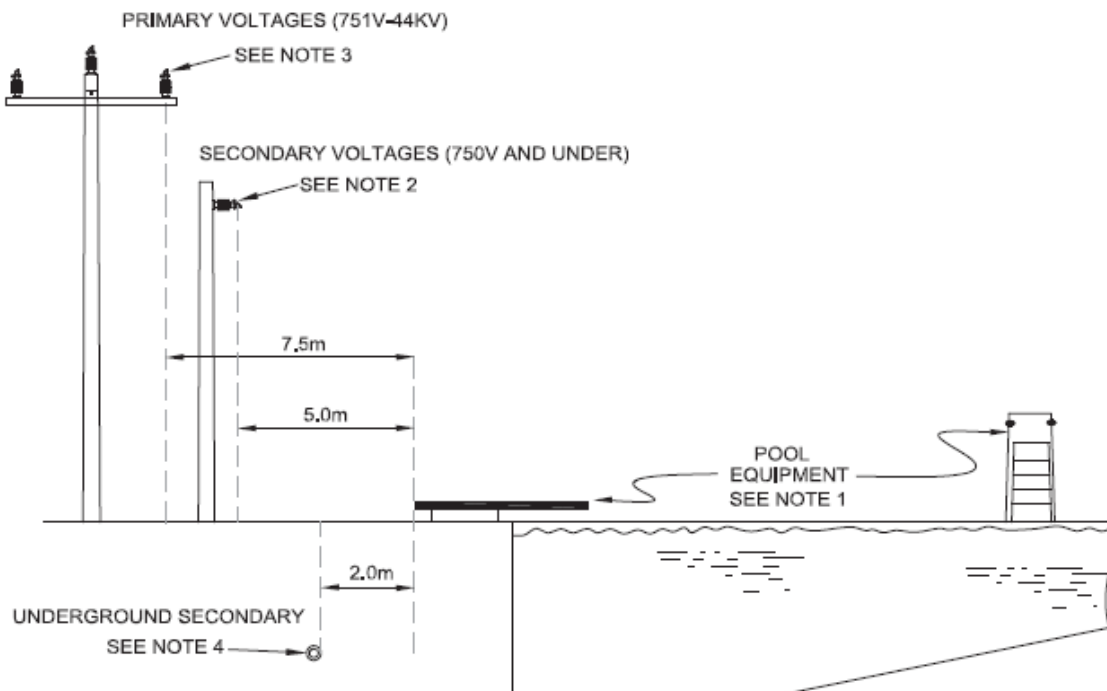
1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P.Eng. Approval By: D. Dadwani

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
PS\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working folder\Section 23-4\DWG 03-4 R0 May 5, 2010.dwg, 5/5/2010 9:22:02 AM, Adobe PDF



NOTES:

1. ANY STRUCTURE WITHIN 5.0 METRES OF POOL EDGE SHALL BE CONSIDERED PART OF THE POOL.
2. THERE SHALL NOT BE ANY OVERHEAD SECONDARY OR COMMUNICATION WIRING (750V OR LESS) ABOVE THE POOL, AND ABOVE OTHER ELEVATED SURFACES ASSOCIATED WITH THE POOL, INCLUDING BUT NOT RESTRICTED TO A DIVING STRUCTURE, SLIDE, SWINGS, OBSERVATION STAND, TOWER OR PLATFORM, OR ABOVE THE ADJACENT AREA EXTENDING 5.0M HORIZONTALLY FROM THE POOL EDGE.
3. THERE SHALL NOT BE ANY OVERHEAD PRIMARY WIRING (751V - 44KV) ABOVE THE POOL AND OTHER ELEVATED SURFACES ASSOCIATED WITH THE POOL, OR ABOVE THE ADJACENT AREA EXTENDING 7.5M HORIZONTALLY FROM THE POOL EDGE.
4. ANY UNDERGROUND CONDUCTORS SHALL BE 2.0M AWAY FROM POOL EDGE IN DUCT WITH NON-CONDUCTING JACKET. FOR DEPTH AND DUCT DETAILS REFER TO FIGURE 3 IN 25-100 FOR 200A SERVICE AND 25-101 FOR 400A SERVICE RESPECTIVELY, AS PER POWERSTREAM SERVICE DESIGN SPECIFICATIONS.
5. THESE DIMENSIONS APPLY TO ALL SIDES OF THE POOL.

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX.)
7.5m	24'-6"
5.0m	16'-3"
2.0m	6'-6"

REFERENCES

FIGURE 3, 25-100	SECTION 25
FIGURE 3, 25-101	SECTION 25

Certificate of Approval

This construction Standard meets the safety requirements of Section 4 of Regulation 22/04

Joe Crozier, P.Eng.	2013-JUN-12
Name	Date
P.Eng. Approval By:	Joe Crozier

MINIMUM CLEARANCES FOR CONDUCTORS ADJACENT TO SWIMMING POOLS

ORIGINAL ISSUE DATE: 2013-JUNE-12 REVISION NO: R0 REVISION DATE:

To: Committee of Adjustment
From: Sean Fitzpatrick, Building Standards Department
Date: February 27, 2024
Applicant: John Sibenik
Location: 72 Napier Street
 PLAN RP275 Lot 41
File No.(s): A014/24

Zoning Classification:

The subject lands are zoned R1B(EN) First Density 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 maximum encroachment of 1.5 metres into the minimum rear yard is required for ground mounted pool equipment [Table 4-1]	To permit a maximum encroachment of 10.8 metres into the minimum rear yard for ground mounted pool equipment.
2	In an R1B zone, any portion of a yard in excess of 135.0 square metres shall be comprised of a minimum 60% soft landscape. [Section 4.19.11]	To permit a minimum of 10.22% of the rear yard in excess of 135.0 square metres to be soft landscape.

Staff Comments:

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

There are no outstanding Orders on file

Other Comments:

General Comments	
1	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Conditions of Approval:

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

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

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: March 26, 2024
Name of Owners: Ray & Sonia Iaboni
Location: 72 Napier Street
File No.(s): A014/24

Proposed Variances (By-law 001-2021):

1. To permit a maximum encroachment of **10.8 metres** into the minimum rear yard for ground mounted pool equipment.
2. To permit a minimum of **10.22%** of the rear yard in excess of **135.0 square metres** to be soft landscape.

By-Law Requirements (By-law 001-2021):

1. A maximum encroachment of **1.5 metres** into the minimum rear yard is required for ground mounted pool equipment.
2. In an R1B zone, any portion of a yard in excess of **135.0 square metres** shall be comprised of a minimum **60%** soft landscape.

Official Plan:

Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" by Volume 1, Schedule 13 – Land Use, "Heritage Conservation Districts" (Kleinburg-Nashville Heritage Conservation District) by Volume 1, Schedule 14 B – Areas Subject to Area Specific Plans, and "Village Residential" within Volume 2, Section 12.4 – Kleinburg Core.

Comments:

The Owners are requesting relief to permit an existing pool filter and a backup generator in the rear yard with the above-noted variances.

Application History:

In 2015, the Owners submitted Site Development Application file DA.15.031 to permit reconstruction of the current existing dwelling on the subject property. In 2016, the Owners submitted Minor Site Plan Amendment Application file DA.16.085 to facilitate a revised front walkway and driveway, a revised detached garage in the rear yard, as well as a new cabana in the rear yard. Both applications were approved which allowed for the existing dwelling and current front/rear yard layout, along with the existing accessory structures, landscaping, walkways, and pool.

In order to facilitate the development proposed in previous Minor Site Plan Amendment Application file DA.16.085, relief from the Zoning By-law was required through a submitted Minor Variance Application (A437/16) to permit reduced rear yard and interior side yard setbacks, as well as an increased maximum height for the garage, and increased lot coverage for the proposed accessory structures which were all supported by Development Planning Staff and approved by the Committee of Adjustment.

Through the current Minor Variance Application (A014/24), relief is being sought to permit the location of the existing pool equipment and a generator, and to recognize the reduced soft landscaping in the rear yard established under By-law 1-88. As a variance for the pool equipment is now required, the property is being reviewed for compliance under the City's new Zoning By-law 001-2021. The reduced soft landscaping requirement is a new provision under Zoning By-law 001-2021 and was not in existence under Zoning By-law 1-88.

Analysis

Development Planning Staff have no objection to Variance 1 to permit a maximum encroachment of 10.8 metres into the minimum rear yard for ground mounted pool equipment (pool filter), which also allows for an encroachment of 9.98 metres for an existing backup generator. The pool filter and the generator are both located behind the accessory structures in the rear yard and maintains appropriate space for access and maintenance. At the rear, the subject property abuts a commercial parking lot (10513 Islington Avenue). As such, there are no adverse privacy, use, or noise impacts anticipated on the neighbouring properties through the introduction of the pool equipment as well as the generator and therefore, it can be deemed appropriate for the development of the land.

Development Planning Staff have no objection to Variance 2 to permit a reduction in the required minimum soft landscaping in the rear yard. As mentioned above, the current configuration of the rear yard was approved through a previous Site Development Application (DA.16.085), with the exception of the pool equipment location. The soft landscaping coverage provision did not exist under Zoning By-law 1-88 during when the Minor Site Plan Application and previous Minor Variance Application were completed. Therefore, the hard landscaping within the rear yard is being recognized as an existing legal non-complying condition. Additionally, the existing driveway and walkways contain tubing underneath to allow for a heated surface in the winter months and due to this, it would be very difficult to attempt to comply with the new by-law requirement. Development Engineering Staff have also reviewed the application and do not have any concerns regarding drainage. As such, Development Planning Staff are of the opinion that the proposed reduction in rear yard soft landscaping is desirable and appropriate for the development of the land and does not adversely impact the surrounding neighbours or existing character of the existing neighbourhood.

Accordingly, Development Planning Department staff can support the requested variances and are 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.

Recommendation:

Development Planning Department staff recommends approval of the application.

Condition of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None.

Comments Prepared by:

Nicholas Del Prete, Planner 1
David Harding, Senior Planner

Prabhdeep Kaur

From: Kristen Regier <Kristen.Regier@trca.ca>
Sent: Friday, February 16, 2024 1:09 PM
To: Committee of Adjustment
Cc: Prabhdeep Kaur
Subject: [External] RE: A014/24 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Hello,

The subject property at 72 Napier Street, Vaughan is not located within TRCA's Regulated Area. TRCA's Planning and Regulatory policy interests are not impacted.

As such, TRCA has no comments on the application.

Best,

Kristen Regier, MA (she / her)
Planner
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority (TRCA)

T: [437-880-2129](tel:437-880-2129)
E: kristen.regier@trca.ca
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



From: Prabhdeep Kaur <Prabhdeep.Kaur@vaughan.ca>
Sent: Friday, February 16, 2024 12:26 PM
To: rowcentre@bell.ca; carrie.gordon@bell.ca; developmentservices@york.ca; York Plan <yorkplan@trca.ca>; engineeringadmin@powerstream.ca; TCEnergy@mhbcpplan.com; Kristen Regier <Kristen.Regier@trca.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: A014/24 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

EXTERNAL SENDER

Hello,

Please email comments and recommendations on the above noted application to cofa@vaughan.ca. If you wish to be notified of the decision, please confirm in writing.

The deadline to submit comments on this application is **February 22, 2024**.

Should you have any questions or require additional information please contact the undersigned.

Committee of Adjustment, City of Vaughan

Cofa@vaughan.ca

905-832-8504

City of Vaughan | Office of the City Clerk

2141 Major Mackenzie Dr., Vaughan ON L6A 1T1

vaughan.ca



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Pravina Attwala

Subject: FW: [External] RE: A014/24 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

From: Development Services <developmentsservices@york.ca>
Sent: Friday, March 1, 2024 5:23 PM
To: Prabhdeep Kaur <Prabhdeep.Kaur@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A014/24 - REQUEST FOR COMMENTS, CITY OF VAUGHAN

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Hi Prabhdeep,

The Regional Municipality of York has completed its review of the minor variance application – A014/24 (72 Napier Street) and has no comment.

Please provide us with a digital copy of the notice of decision for our records.

Many thanks,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Niranjan Rajevan, M.P.I. | Associate Planner, Development Services, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | niranjan.rajevan@york.ca | www.york.ca

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SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

None

SCHEDULE D: BACKGROUND

None