



File: A176/19

Applicant: Christina Rao and Jimmy Cannavicci

Address: 409 Maria Antonia Road, Woodbridge

Agent: John Every

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

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, June 11, 2020



**Minor Variance
Application**

Agenda Item: 6

A176/19

Ward: 3

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, June 11, 2020 at 6:00 p.m.

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

A live stream of the meeting is available at Vaughan.ca/LiveCouncil

Please submit written comments by mail or email to:

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

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

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

Applicant: Christina Rao and Jimmy Cannavicci

Agent: John Every

Property: **409 Maria Antonia Road, Woodbridge**

Zoning: The subject lands are zoned RD3, Residential and subject to the provisions of Exception 9(1279) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"

Related Files: None

Purpose: Relief from the By-law is being requested to permit the installation of a proposed in ground swimming pool and related equipment to be located in the rear yard.

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

By-law Requirement	Proposal
1. A minimum rear yard setback of 1.5 metres is required to a private swimming pool.	1. To permit a minimum rear yard setback of 1.06 metres to a private swimming pool.
2. A minimum interior side yard setback of 1.5 metres is required to a private swimming pool.	2. To permit a minimum interior side yard setback of 0.91 metres to a private swimming pool.
3. A minimum rear yard setback of 6.0 metres is required to unenclosed pool equipment on a pad.	3. To permit a minimum rear yard setback of 0.3 metres to unenclosed pool equipment on a pad.

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

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

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

Adjournment History: None

Staff & Agency Comments

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

Committee of Adjustment:

Public notice was mailed on May 27, 2020

Applicant confirmed posting of signage on May 25, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2009
In ground Pool and Pool Equipment Pad	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to the small size of the backyard.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

A permit shall be obtained from the Engineering Department for the proposed private swimming pool.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "Natural Areas"

The Owner is proposing to construct a pool with an equipment pad in the rear yard with the above-noted variances.

The subject lands back on to a significant woodland feature. As such, an Arborist Report was submitted by Wight Tree Service Inc., dated March 2nd, 2020, which identified that the trees associated with this woodland are located approximately 6 metres from the subject site and will not be damaged from the proposed construction. The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the submitted Arborist Report and concurs with its recommendations.

VOP 2010 Section 3.3.3.1 states that, development and site alteration abutting a woodland within the minimum vegetation protection zone (10 metres) is generally discouraged. The Policy and Environmental Sustainability Planning staff recommend that the Owner provides native plantings at the rear of the site to further enhance the adjacent woodland. The native plantings will also provide for a net ecological gain and justification for a reduced buffer. Should Committee approve the recommendation, a condition to this effect is included in the conditions of approval.

Given the smaller size of the back yard, the requested variances for the location of the pool and pool equipment are appropriate. Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application, subject to the following conditions:

1. That the Owner submit a planting plan consisting of native, non-invasive species for the area between the proposed pool and rear chain-link fence to the satisfaction of the Development Planning Department.
2. That the Owner implement the planting plan to the satisfaction of the Development Planning Department.

Cultural Heritage (Urban Design):

No response.

Development Engineering:

The Development Engineering (DE) Department requests adjournment for the proposed variance application A176/19 and provides the following comments listed below:

1. The minimal setback to the proposed ground pad for the pool equipment of 0.3m is less than Engineering's typical minimum required set back required for drainage (0.6m).
2. The Development Engineering Department will not permit any alteration to existing grades within 0.6m of the property line to maintain the property drainage swales.

Parks, Forestry and Horticulture Operations:

Conditions have been met to the satisfaction of Forestry.

By-Law and Compliance, Licensing and Permit Services:

No Response.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

TRCA – No concerns or objections

Staff Recommendations:

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

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

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

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

	Department/Agency	Condition
1	Development Planning Brandon Bell 905-832-8585 x 8112 brandon.bell@vaughan.ca	1. That the Owner submit a planting plan consisting of native, non-invasive species for the area between the proposed pool and rear chain-link fence to the satisfaction of the Development Planning Department. 2. That the Owner implement the planting plan to the satisfaction of the Development Planning Department.

Conditions

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

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.

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

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

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

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

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

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

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

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

For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

Schedule A: Plans & Sketches

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

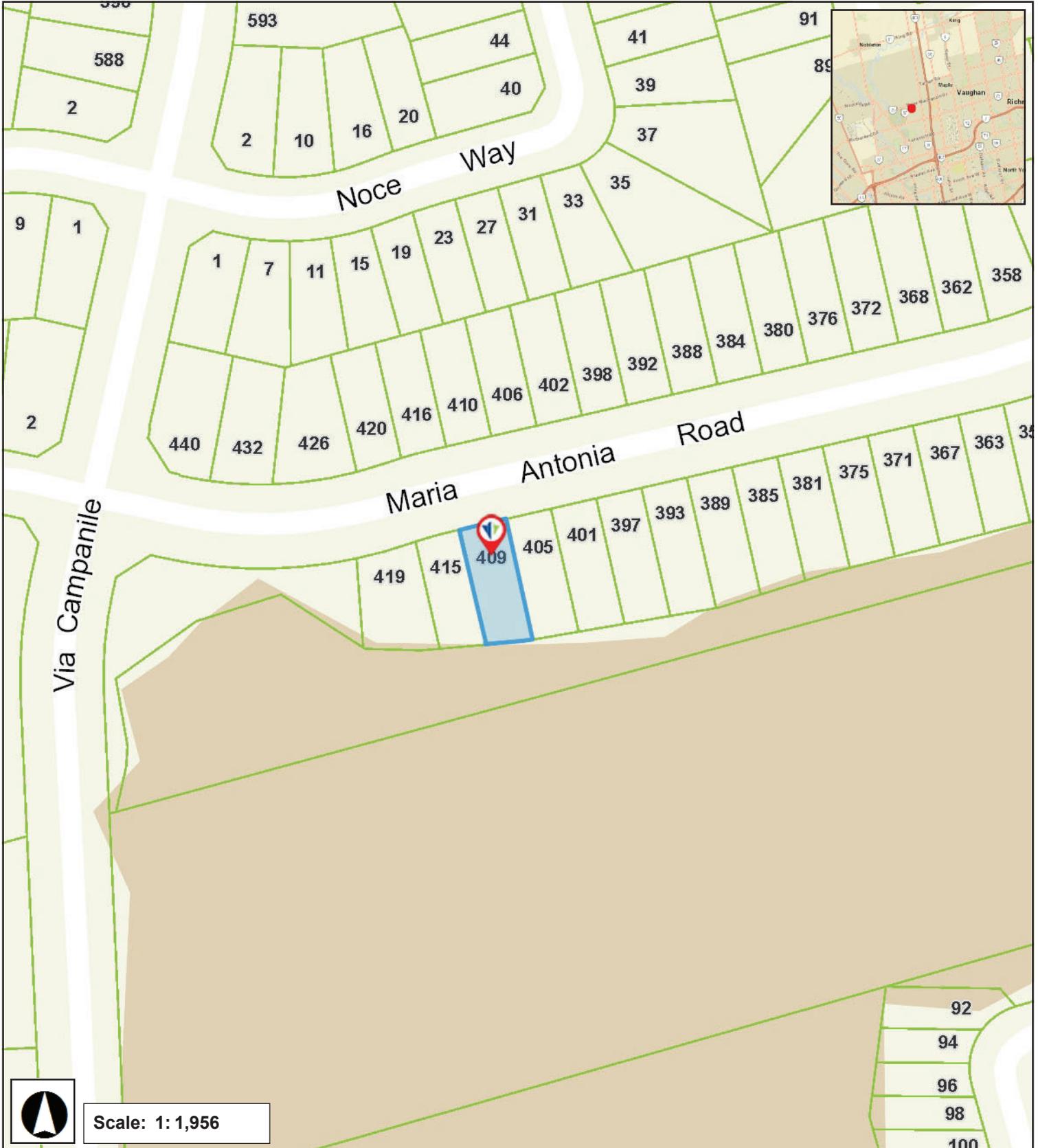
Location Map
Plans & Sketches



A176/19 - Notification Map

409 Maria Antonia Road, Woodbridge

Major Mackenzie Drive

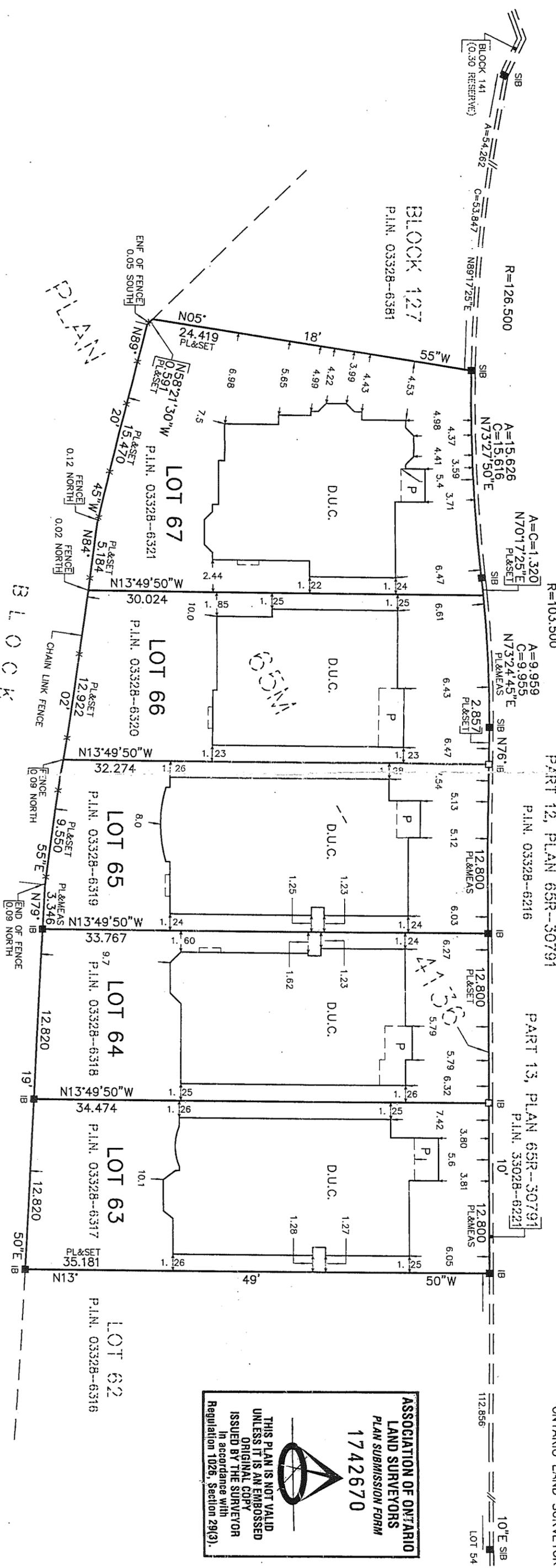


SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 63, 64, 65, 66 AND 67
PLAN 65M-4136
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300
 10m 5m 0 10m 20metres
 RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.
 METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- NOTES**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
 - P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
 - P DENOTES PORCH
 - PL DENOTES PLAN 65M-4136
- ALL FOUND MONUMENTS BY GUIDO PAPA SURVEYING LTD., O.L.S.
 ALL TIES TO CONCRETE FOUNDATION
 BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHEASTERLY LIMIT OF PART 13, PLAN 65R-30791 HAVING A BEARING OF N76°10'10"E.

PART OF LOT 19, CONCESSION 6
 PART 12, PLAN 65R-30791
 PART 13, PLAN 65R-30791

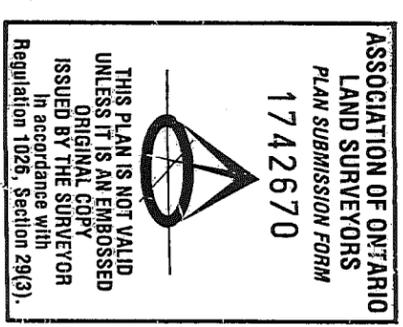


PART 2 (SURVEY REPORT)
 REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
 ADDITIONAL COMMENTS: NOTE THE LOCATION OF CHAIN LINK FENCE ALONG THE REAR OF LOTS 65, 66 AND 67
 THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 19 DAY OF May, 2009

DATE Aug. 26, 2009
 T. SINGH
 ONTARIO LAND SURVEYOR



THIS REPORT WAS PREPARED FOR STARLANE HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES
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RADY-PENTEK & EDWARD SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 643 Christle Road, Suite 7
 Woodbridge, Ontario L4L 8A3
 Tel. (416) 635-5000 Fax (416) 635-5001
 Tel. (905) 264-0881 Fax (905) 264-2099
 Website: www.r-pe.cd
 DRAWN: V.H.
 CHECKED: G.P./T.S.
 JOB No. 09-032 CAD FILE No. 4136-63

Schedule B: Public Correspondence Received

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

None

Schedule C: Agency Comments

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

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

TRCA – No concerns or objections

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:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

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

MacPherson, Adriana

Subject: FW: A176/19 - Request for Comments

From: Development Services <developmentservices@york.ca>

Sent: February-04-20 11:20 AM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: RE: A176/19 - Request for Comments

Good Morning Adriana,

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

Regards,

Gabrielle

Gabrielle Hurst | MCIP, RPP, Planning and Economic Development, Corporate Services

1-877-464-9675 ext. 71538

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

MacPherson, Adriana

Subject: FW: A176/19 (409 Maria Antonia Road) TRCA Comments

From: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>
Sent: Tuesday, March 17, 2020 10:20 AM
To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>
Subject: [External] RE: A176/19 (409 Maria Antonia Road)

Hi Christine,

The above noted property is not within TRCA's Regulated Area, so we do not provide comments.

Regards,

Hamedeh Razavi MURP
Planner I
Development Planning and Permits | Development and Engineering Services

T: [\(416\) 661-6600](tel:(416)661-6600) ext. 5256
E: Hamedeh.Razavi@trca.ca
A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)

