



File: A033/20

Applicant: Cristina Giovanatto and Paul M. Lapalme

Address: 190 Willis Road, Woodbridge

Agent: None.

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"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA	<input checked="" type="checkbox"/>	Conditions Cleared
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.



Minor Variance
Application

Agenda Item: 19

A033/20

Ward: 2

Staff Report Prepared By: Lenore Providence, 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](https://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 see Important Information on next page for instructions or contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon on the last business day prior to the scheduled hearing.

- Applicant:** Cristina Giovanatto and Paul M. Lapalme
- Agent:** None.
- Property:** 190 Willis Road, Woodbridge ON
- Zoning:** The subject lands are zoned R3 and subject to the provisions of Exception under By-law 1-88 as amended
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): Woodbridge Centre Secondary Plan (VOP 2010, Volume 2, Section 11.11): "Low-Rise Residential"
- Related Files:** None.
- Purpose:** Relief from the By-law is being requested to permit the installation of a proposed pool and related equipment. Relief is also being sought to permit the existing deck.

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

By-law Requirement	Proposal
1. A pool shall be completely located in the rear yard.	1. To permit a pool not completely in the rear yard.
2. A minimum interior side yard of 1.5 metres is required to the pool.	2. To permit a minimum interior side yard setback of 0.9 metres to the pool.
3. A minimum rear yard of 1.5 metres is required to the pool.	3. To permit a minimum rear yard setback of 0.9 metres to the pool.
4. A minimum rear yard setback of 6.0 metres is required to the pool equipment.	4. To permit the minimum rear yard setback of 0.6 metres to the pool equipment.
5. A minimum front yard setback of 2.7 metres is required to a porch/deck.	5. To minimum front yard setback of 2.2 metres to a porch/deck.

Background (previous applications approved by the Committee on the subject land): N/A

Adjournment History: N/A

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	1932, second storey 2004
Deck	+/- 2010
Inground pool	Proposed

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to the irregular shape of the lot and the zoned location of the backyard there is no other reasonable location for the area. The house orientation is such that the front door, driveway and road access are facing the zoned back yard.

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 Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2.

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

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

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Vaughan Official Plan 2010 ('VOP 2010'): "Low Rise Residential", Volume 2, Section 11.11
Woodbridge Centre Secondary Plan

The Owner is requesting permission to maintain a deck and construct a pool with the above noted variances.

The subject lands are located on the northeast side of the Riverside Drive and Willis Drive intersection. The existing dwelling is situated closer towards Riverside Drive and is accessed by a driveway off Willis Drive. The frontage along Riverside Drive is defined as the front yard by Zoning By-law 1-88, despite the driveway and dwelling facing Willis Road.

Variance 1 is considered minor in nature as it is a technical variance. Zoning By-law 1-88 requires the swimming pool to be located in the rear yard only. Rear yard is defined as “the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the nearest building or structure...” The swimming pool is not placed in the technical defined “rear yard”; however, the swimming pool is placed in an area effectively used as a rear yard and has no adverse impacts on the neighbouring lots.

Variances 2, 3 and 4 are considered minor in nature as the setbacks are appropriate for the lot fabric and do not adversely impact the neighbouring property. Variance 5 is also considered minor in nature as the variance is an encroachment of 0.5 m, and along with the pool will be extensively screened by the large elevation difference and existing vegetation along Riverside Drive.

The subject lands are located within the Toronto and Region Conservation Authority's ('TRCA') Regulated Area as they are located within a built-up valley corridor associated with the Humber River. TRCA staff have reviewed the proposal on April 27, 2020 and have advised that they have no objections to the minor variance application.

Accordingly, the Development Planning Department is of the opinion that the variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):
No comments or concerns

Development Engineering:

The owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please contact Development Engineering at developmentengineering@vaughan.ca to apply.

The Development Engineering (DE) Department does not object to variance application A033/20.

Parks, Forestry and Horticulture Operations:

Forestry Comment(s):

A Private Property Tree Removal & Protection Permit (Construction/Infill) is required for the removal/injury to trees (over 20cm at base) on the subject property and trees located within 6 meters of the subject property, as per By-Law 052-2018;

Municipal By-law 052-2018 directs that municipal and private trees shall be protected during all phases of construction. MLA-107B Light Duty Tree Hoarding Protection Detail (Snow Fence) shall be used for trees within the road allowance and MLA-107A Heavy Duty Tree Protection Detail (Plywood) for all other trees;

Applicant shall inform Vaughan Forestry once Tree Protection has been installed, for Vaughan Forestry to inspect and approve according to specifications;

Tree protection & preservation methods must be followed according to City of Vaughan By-law 052-2018;

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns

Financial Planning and Development Finance:

No comments or concerns

Fire Department:

No comments or concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None.

Schedule C - Agency Comments

TRCA – comments (conditions cleared)

MTO – Located outside of MTO permit control area

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None.

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.

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

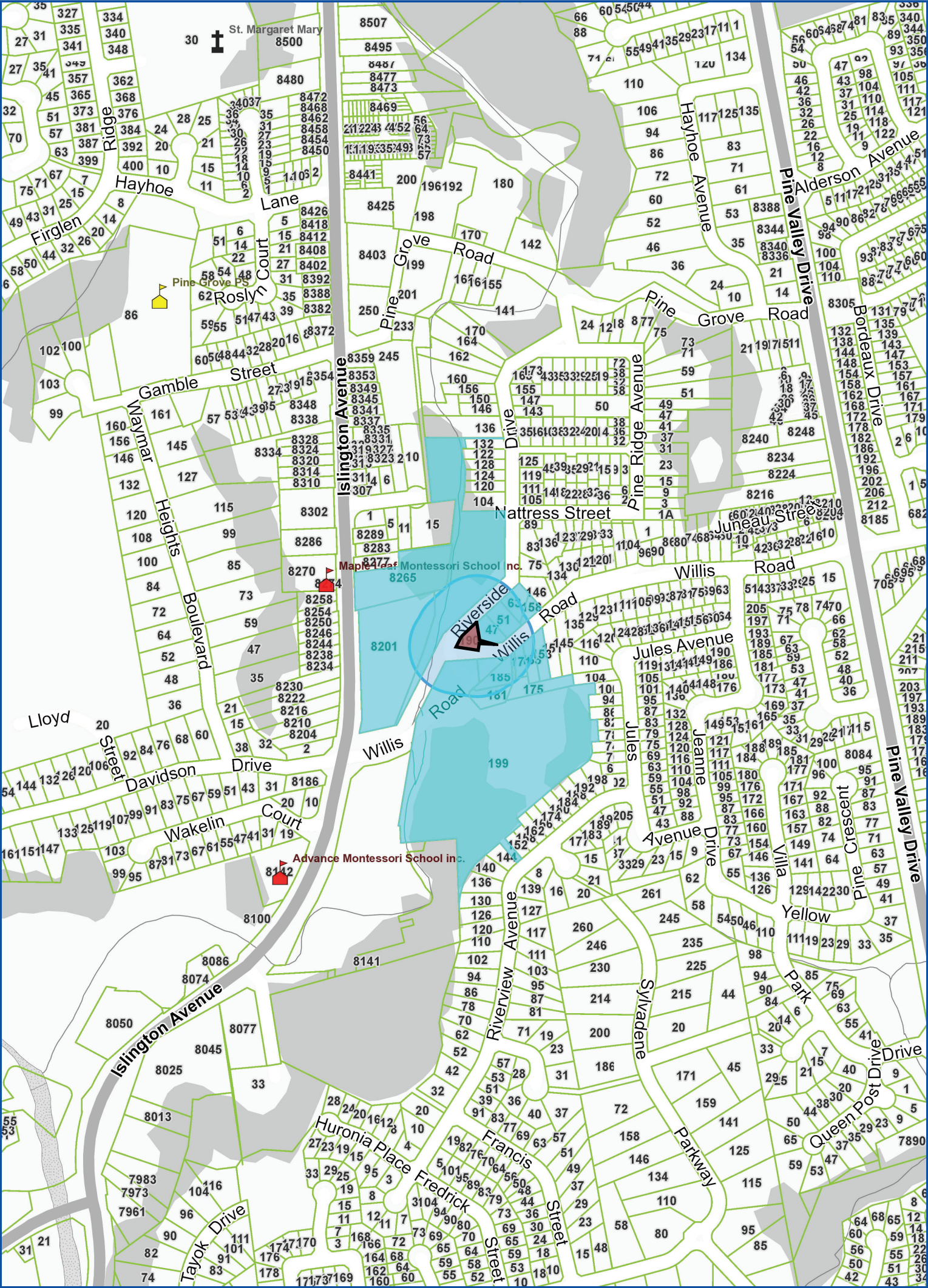
T 905 832 8585 Extension 8394
E CofA@vaughan.ca

Schedule A: Plans & Sketches

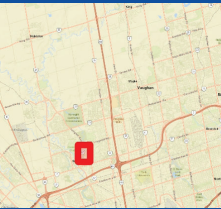
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches

LANGSTAFF ROAD



Map Information:



Title:

190 WILLIS ROAD, WOODBRIDGE

LOCATION MAP - A033/20

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: 6,773

0 0.11 km



Created By:
Infrastructure Delivery
Department
May 12, 2020 3:36 PM

Projection:
NAD 83
UTM Zone
17N

REVISED
April 7, 2020

A033/20

Existing DECK
2.2 m set back
VARIANCE
(Less than 2.7
setback)

0.9m
#2

PROPOSED
VARIANCES

POOL IS PARTLY IN
SIDEYARD

pool equipment
(set back less than
6m required)

0.6m
#4

2.2m
#5

0.9m
#3

RIVERSIDE DR

Lot area 673.3 m²
Frontage 35.97 m
Depth 38.9 m
irregular

Christine GIOVANATTO
revision date 07 Apr 2020

	42124 INSIDE OUT PERMANENT QUALITY	CLIENT: GIOVANNATO RESIDENCE 190 WILLIS RD WOODBRIDGE ON	DRAWN BY: A. ROBINSON REVISIONS BY: S. FORDHOE	
		DIVISION: POOL PERMIT	DATE: 10/15/2013 SCALE: 1:100	

UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

RIVERSIDE

DRIVE (BY REGISTERED PLAN M-1110)

PIN 03296-0056(LT)

147°12'30"E (REFERENCE BEARING)

27.72

CLH 3.5N

SSIB(GP)

CLH 0.1W

3.71

N23°30'40"W

CLH 0.1W

LIMITS CONFIRMED BY
PLAN BA-134 (P.L. M-1110)

REG'D.

REG'D

LOT 35

PART 2

03296 - 0156(LT)

-PLAN-

1 STY.
ALUM. DWG.
NO. 190

ADD:

LIMITS CONFIRMED BY
PLAN 8A-134 (PL. M-1110)

0058(LT)

PART 1

PART 6

03296

WILLIS

ROAD

(DEDICATED BY REGIS:

PART 7

PART OF WILLIS ROAD STOPPED UP AND CLOSED BY BY-LAW 280-85(LT332231)



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.-

- TRCA – comments (conditions cleared)
- MTO – Located outside of MTO permit control area
- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – 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 & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Providence, Lenore

Subject: FW: RESPONSE: A033-20 - REQUEST FOR COMMENTS - 190 Willis Rd, Woodbridge (Full circulation)

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

Sent: April-27-20 2:23 PM

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

Subject: [External] RESPONSE: A033-20 - REQUEST FOR COMMENTS - 190 Willis Rd, Woodbridge (Full circulation)

Good afternoon Lenore,

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

Regards,

Gabrielle

Gabrielle Hurst mcip rpp | Associate Planner, Community Planning and Development Services | Corporate Services
The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

April 27, 2020

CFN 62574.13
Ex-Ref CFN 60764.24, 62667

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

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

Dear Christine:

Re: Minor Variance Application A033/20
190 Willis Road, M1115, Lots 35 and 36
City of Vaughan, Region of York
Owner: Paul Marcellipalme and Christina Giovanatto

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on April 20, 2020. TRCA staff has reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

Background

The purpose of application A033/20 is to request the following:

1. To permit a pool not completely in the rear yard.
2. To permit a minimum interior side yard setback of 0.9 metres to the pool.
3. To permit a minimum rear yard setback of 0.9 metres to the pool.
4. To permit the minimum rear yard setback of 0.6 metres to the pool equipment.
5. To minimum front yard setback of 2.2 metres to a porch/deck.

It is our understanding that the purpose of the noted variances is to permit the construction of a 37.4 sq. m swimming pool at the rear yard.

Applicable TRCA Policies and Regulations

Living City Policies (LCP):

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

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

Ontario Regulation 166/06:

The subject property is within TRCA's Regulated Area because it is located within a built-up valley corridor associated with the Humber River. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

As a part of a concept development application to determine feasible locations for a swimming pool on the subject property, TRCA staff conducted a site visit on November 6, 2019. As a part of the site visit, TRCA staff assessed the existing conditions of the slope on the property. The proponent subsequently submitted a permit application (1201/19/VAUG) for the construction of a new pool, to TRCA. As a part of the concept development and permit process, TRCA reviewed a Slope Stability Assessment which determined the position of the Long-Term Stable Top of Slope (LTSTOS) and is satisfied with its conclusions. TRCA and the proponent subsequently discussed the establishment of an appropriate buffer between the swimming pool and the LTSTOS. Based on a review of the plans submitted with this variance application, TRCA is satisfied that the proponent has demonstrated best efforts to maximize the setback between the swimming pool and LTSTOS in order to avoid any long-term slope instability or erosion impacts.

TRCA is satisfied that the proposal complies with the intent of the Living City policies and Ontario Regulation 166/06 and has no objections to the proposed variances.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the above, TRCA staff have **no objection** to the approval of Minor Variance Application A033/20, subject to the following conditions:

1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.
2. The applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from TRCA for the proposed works.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I,
Development Planning and Permits

HR/jb

C: gotochristine@gmail.com

Providence, Lenore

Subject: FW: A033-20 - 190 Willis Rd, Woodbridge - TRCA Comments

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

Sent: May-20-20 12:31 PM

To: Providence, Lenore <Lenore.Providence@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>; Christine LaPalme <gotochristine@gmail.com>; Christine Giovanatto <christine@lear-copackaging.ca>

Subject: [External] FW: A033-20 - 190 Willis Rd, Woodbridge - TRCA Comments

Good afternoon Lenore,

Please be advised that the following TRCA conditions, regarding the approval of the above noted application, has been cleared:

1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.
2. The applicant successfully obtains a permit pursuant to Ontario Regulation 166/06 from TRCA for the proposed works.

Should you have any questions, please do not hesitate to contact me.

Regards,

Hamedeh Razavi MURP

Planner I

Development Planning and Permits | Development and Engineering Services

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

