



File: A067/20

Applicant: Massimo DeMarco

Address: 9 Siderno Crescent, Woodbridge

Agent: Frank Rotundo

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"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/>	

Adjournment History: None

Background History: None



Minor Variance
Application

Agenda Item: 9

A067/20

Ward: 3

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, September 10, 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 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: Massimo DeMarco

Agent: Frank Rotundo

Property: 9 Siderno Crescent, Woodbridge

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

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

Related Files: None

Purpose: Relief from the By-law is being requested to permit a proposed cabana 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 interior side yard setback of 1.5 metres is required.	1. To permit a southerly interior side yard setback of 0.76 metres to the accessory building.
2. A minimum rear yard setback of 7.5 metres is required.	2. To permit a minimum rear yard setback of 1.22 metres to the accessory building.
3. A maximum building height of 3.0 metres is permitted from the average finished grade to the nearest part of the roof.	3. To permit a maximum building height of 3.05 metres from the average finished grade to the nearest part of the roof for the accessory building.

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 August 26, 2020

Applicant confirmed posting of signage on August 20, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2000
Cabana	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Cannot comply with a 7.5m rear yard setback as this is not practical for the lot size. Cannot comply with a 1.5 m side yard setback, this is excessive for a structure this size.

Adjournment Request: None

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).

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.
Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.

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.

An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to construct a cabana in the rear yard with the above-noted variances. At the request of the Development Engineering Department, the Owner has increased the proposed interior side yard setback from 0.61 m to 0.76 m to provide a 0.61 m roof overhang which will help prevent water from draining onto the neighbouring property. The proposed rear yard setback is considered minor as the cabana complies with the overall building height requirement of 4.5 m and is appropriately sized for the lot. As such, the proposed cabana will not have adverse impacts on the neighbouring properties.

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 Response.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A067/20 subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading approval prior to any work being undertaken on the property (cabana > 10m2). Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Parks, Forestry and Horticulture Operations:

Recommended condition of approval:

The city owned boulevard tree needs to have tree protection hoarding installed at 1.8m from trunk of tree on all sides prior to the start of site work.

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

Public Correspondence - Letters of Support from 1, 15 & 243 Siderno Crescent.

Schedule C - Agency Comments

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.

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 Engineering Jason Pham 905-832-8585 x 8716 jason.pham@vaughan.ca	The Owner/applicant shall submit the final Lot Grading Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading approval prior to any work being undertaken on the property (cabana > 10m2). Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

	Department/Agency	Condition
2	Parks, Forestry and Horticulture Operations Zachary Guizzetti 905-832-8585 x Zachary.Guizzetti@vaughan.ca	The city owned boulevard tree needs to have tree protection hoarding installed at 1.8m from trunk of tree on all sides prior to the start of site work.

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 [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

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.

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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.

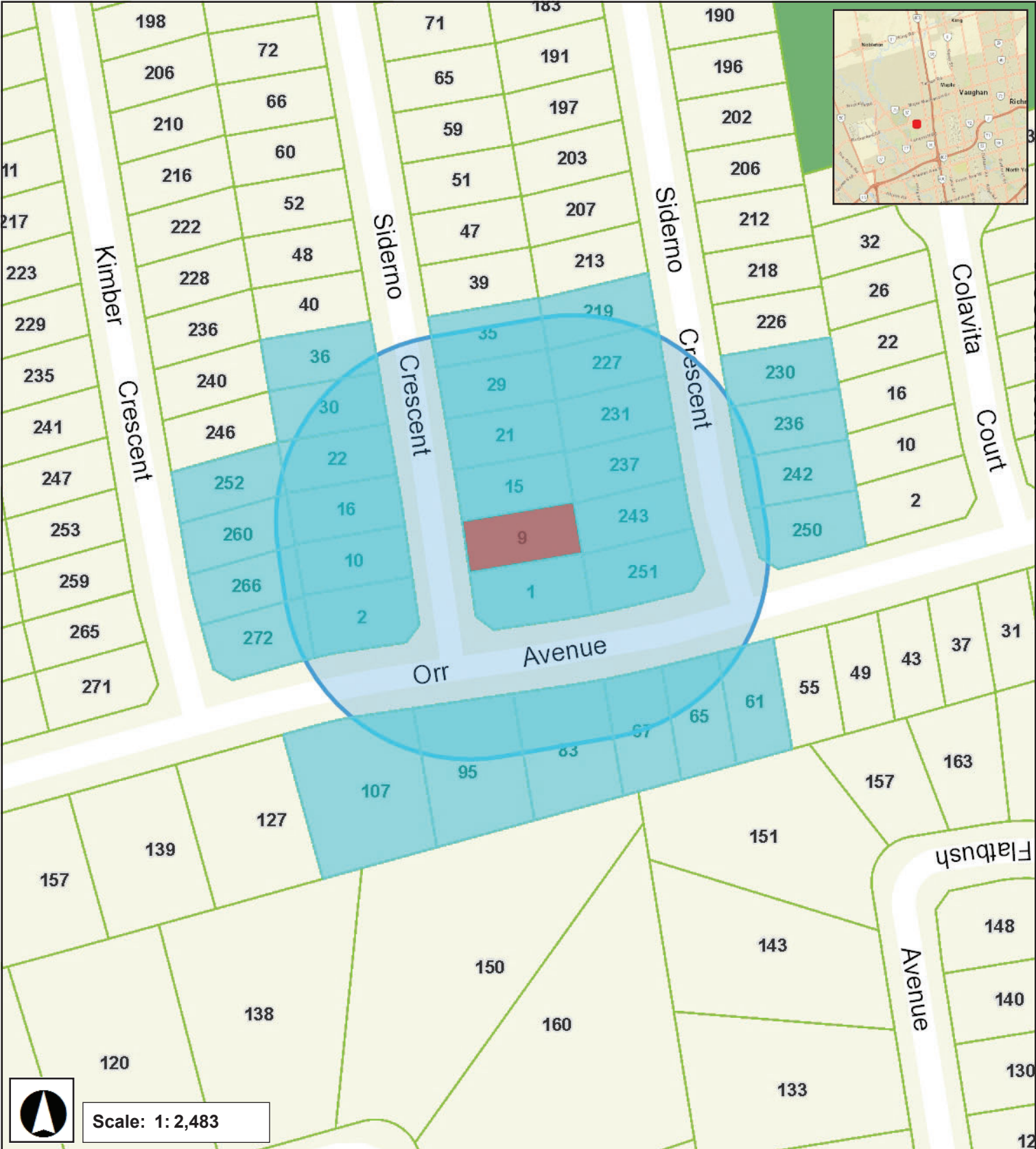
Location Map
Plans & Sketches



A067/20 - Notification Map

9 Siderno Crescent, Woodbridge

Rutherford Rd



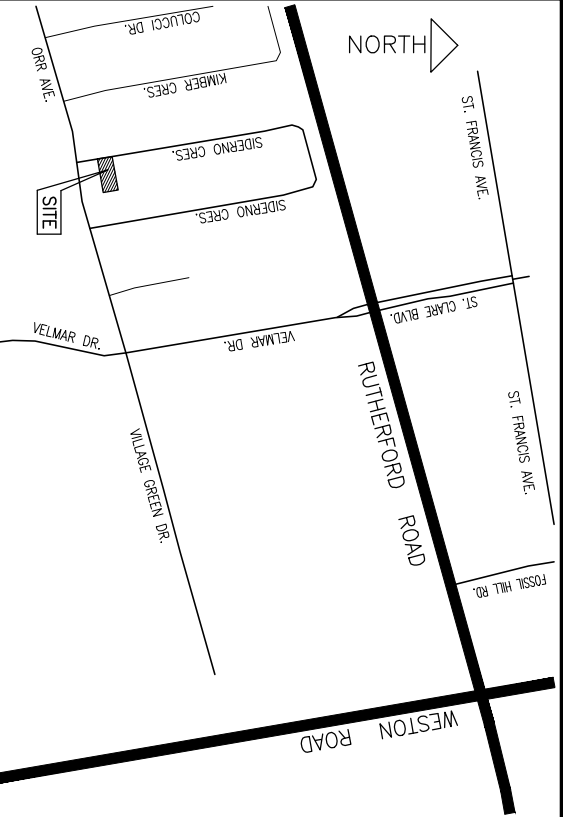
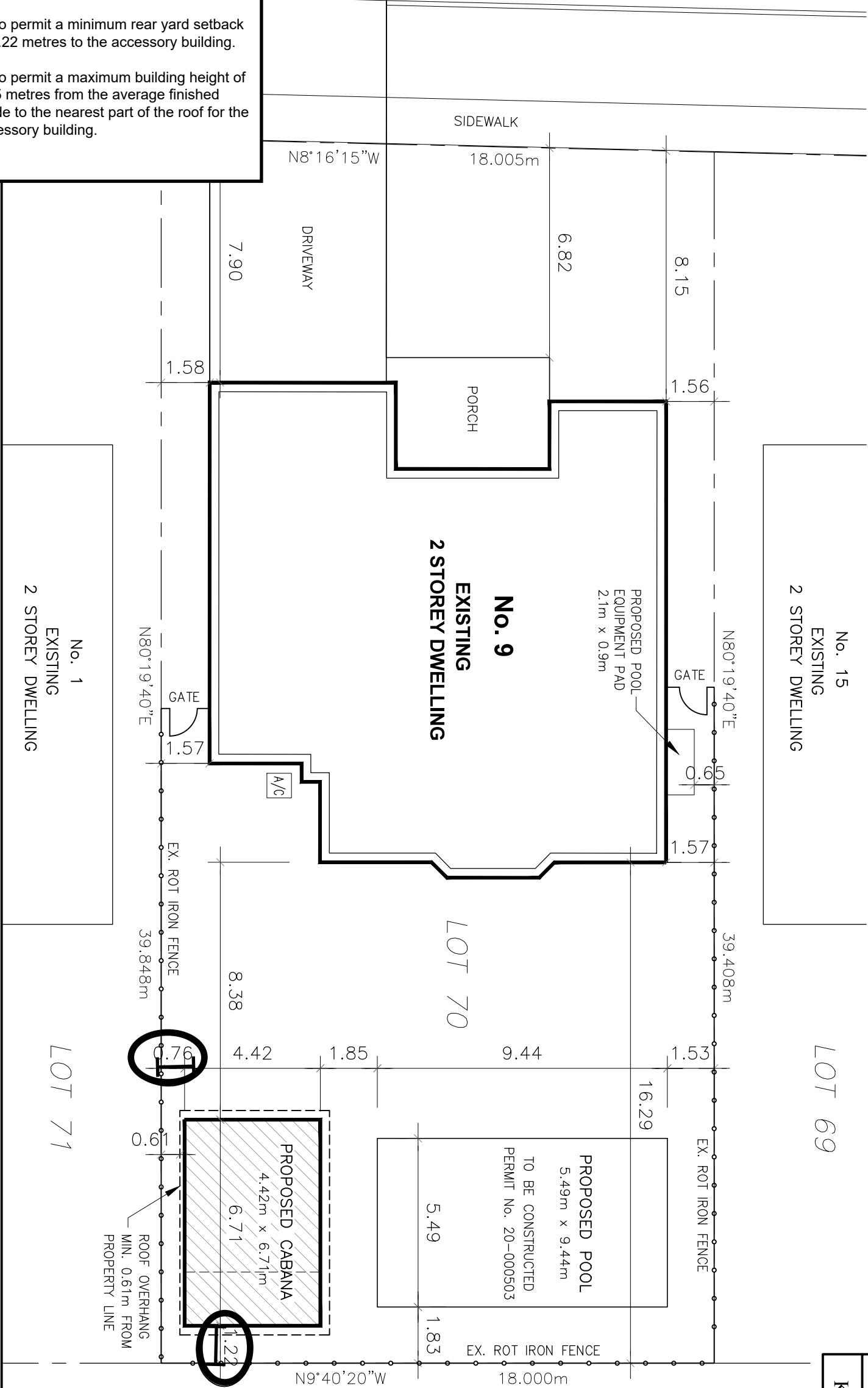
Scale: 1: 2,483

SURVEY INFORMATION PREPARED BY
GUIDO PAPA SUVERYING LTD., OLS.
DATED DECEMBER 06, 2000
SURVEYOR'S REAL PROPERTY REPORT
PART 1 PLAN OF
LOTS 66,67,68,69 AND 70
REGISTER PLAN 65M-3432
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



SIDERNO CRES

- Proposal:**
1. To permit a southerly interior side yard setback of 0.76 metres to the accessory building.
 2. To permit a minimum rear yard setback of 1.22 metres to the accessory building.
 3. To permit a maximum building height of 3.05 metres from the average finished grade to the nearest part of the roof for the accessory building.



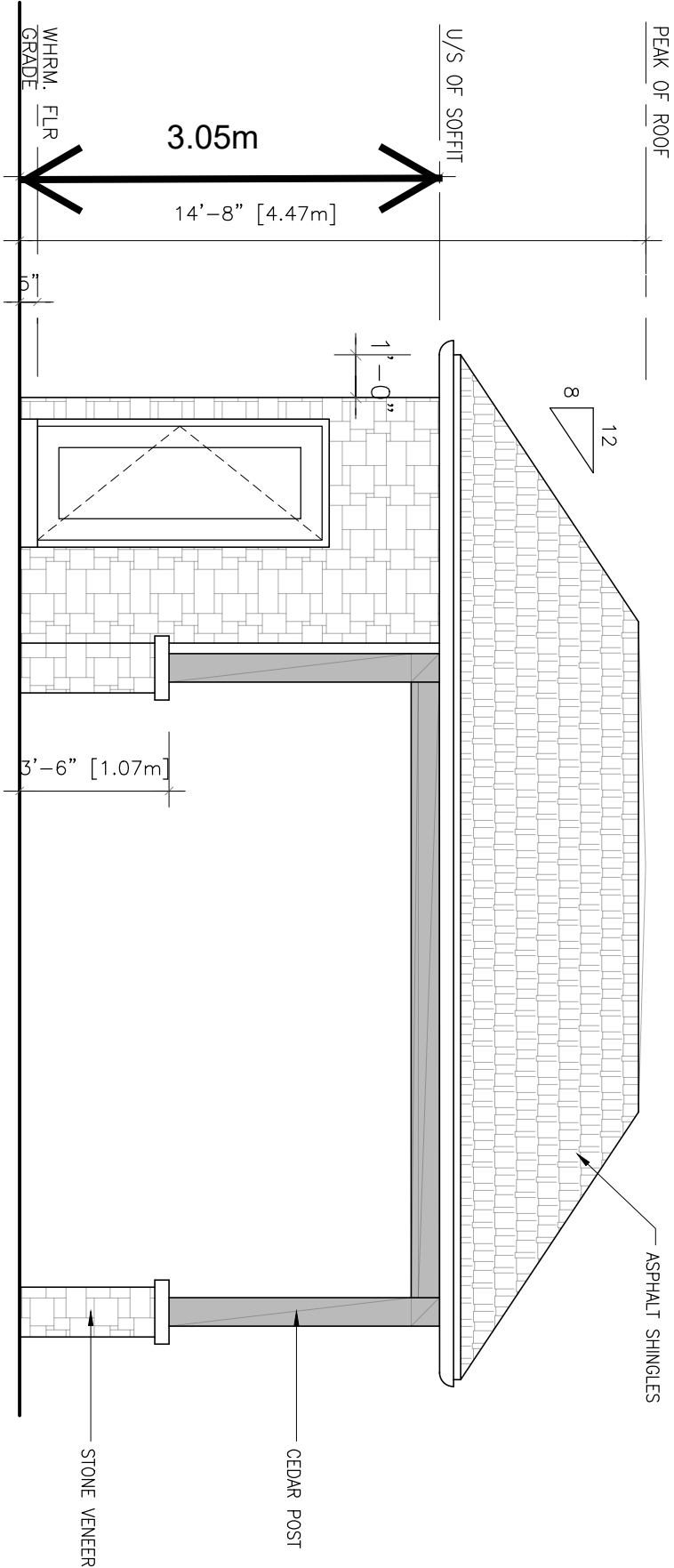
KEY PLAN NOT TO SCALE

SITE STATISTICS

LOT AREA	-	713.29 m2	7,678 s.f.
	EX. DWELLING FOOTPRINT (NOT INCLUDING PORCH)	-	206.10 m2 2,219 s.f.
POOL AREA	-	28.89 %	
	-	51.83 m2	558 s.f.
PROPOSED CABANA	-	FLOOR AREA	29.66 m2 319 s.f.
	-	COVERAGE	4.16 %
	-	SIDE YARD SETBACK	0.76 m 2'-6"
	-	REAR YARD SETBACK	1.22 m 4'-0"
	-	HEIGHT OF ROOF	4.47 m 14'-8"
	-	HEIGHT OF SOFFIT	3.05 m 10'-0"

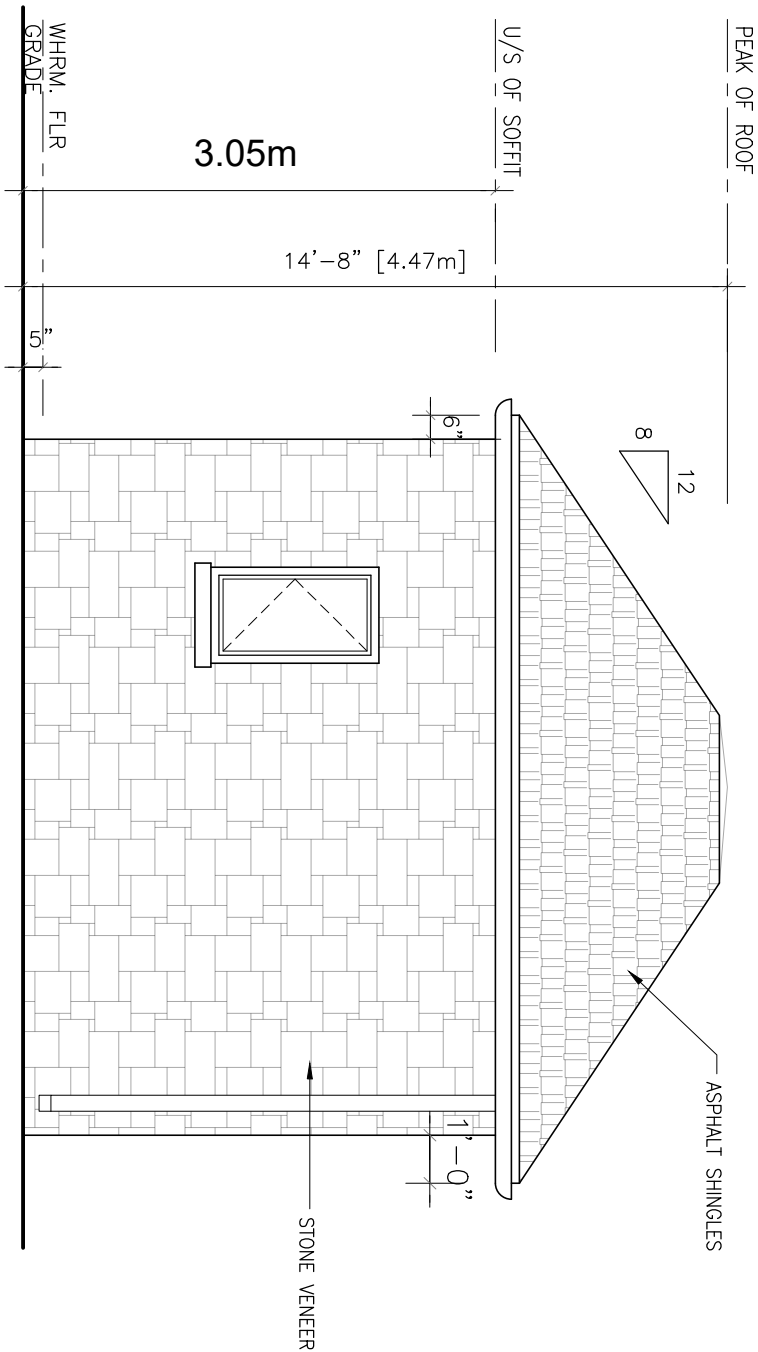
SITE PLAN

SCALE: 1:150



NORTH ELEVATION

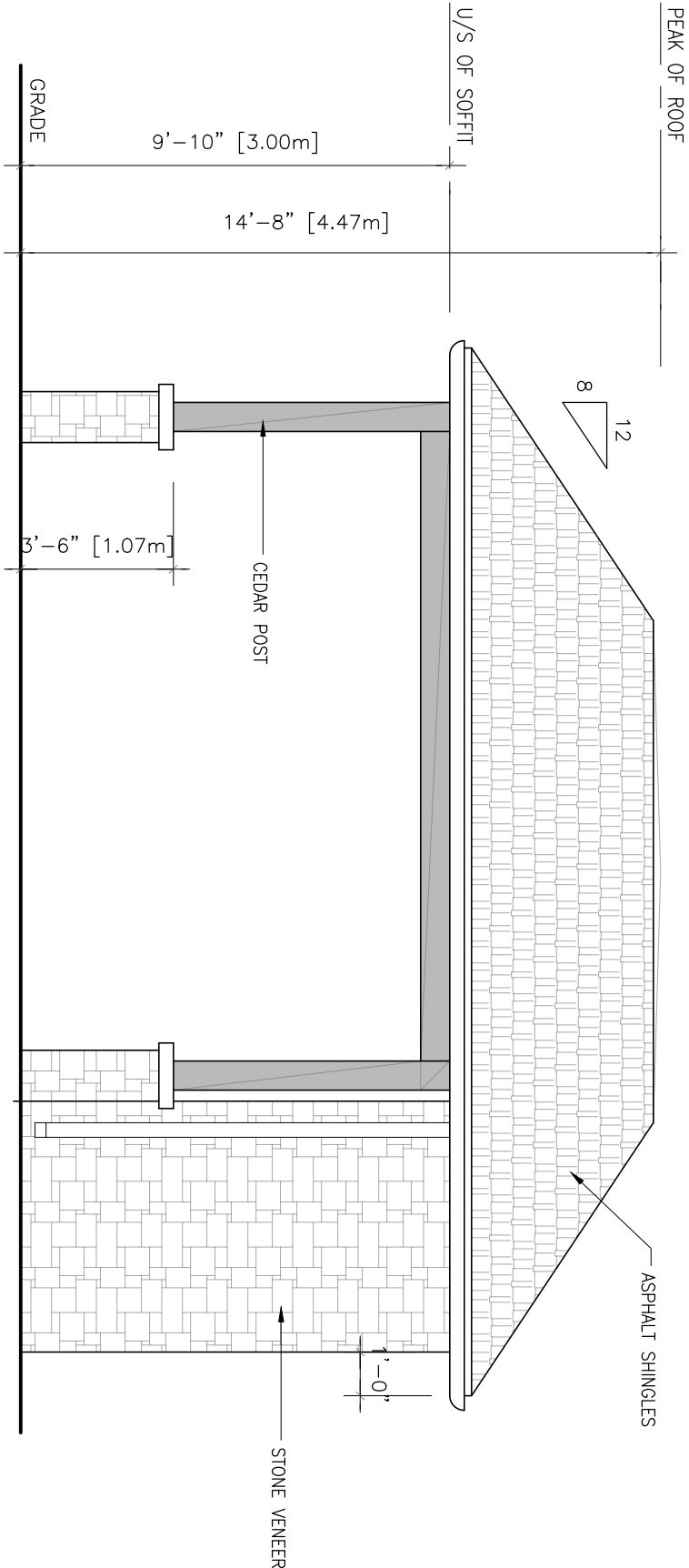
SCALE: 1/4" = 1'-0"



EAST ELEVATION

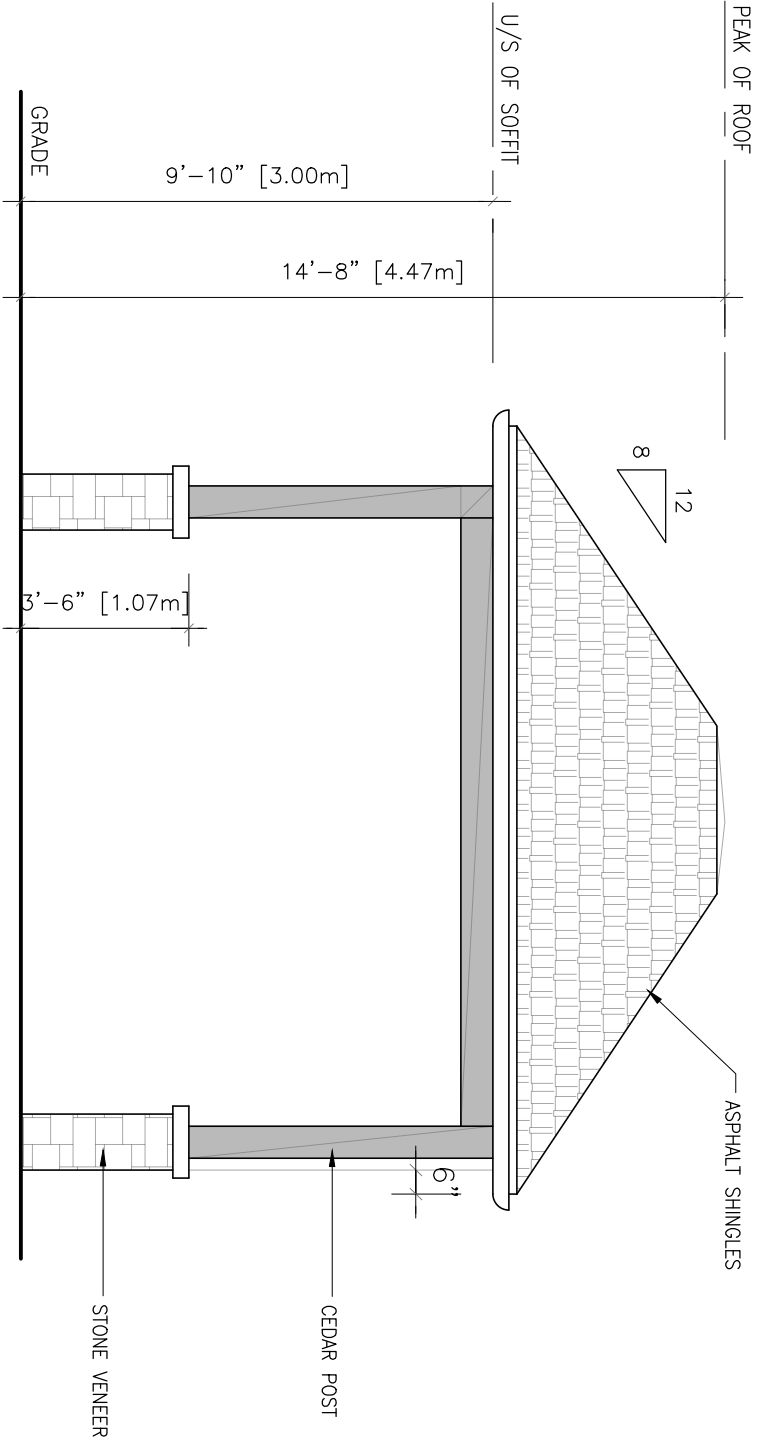
SCALE: 1/4" = 1'-0"

Drawing Title	
NORTH & EAST ELEVATIONS	
Project:	
9 SIDERNO CR. PROPOSED CABANA VAUGHAN, ON.	
Contractor must check and verify all dimensions and conditions on the job, and report any discrepancies to the Designer before proceeding with the work. DO NOT SCALE DRAWINGS.	
No.	Revision
1	JUL. 17/20 ISSUED FOR COMMITTEE OF ADJUSTMENT
2	AUG. 17/20 REISED ROOF OVERHANG
Scale	
AS SHOWN	
Date	
Project Number	
A.3	



SOUTH ELEVATION

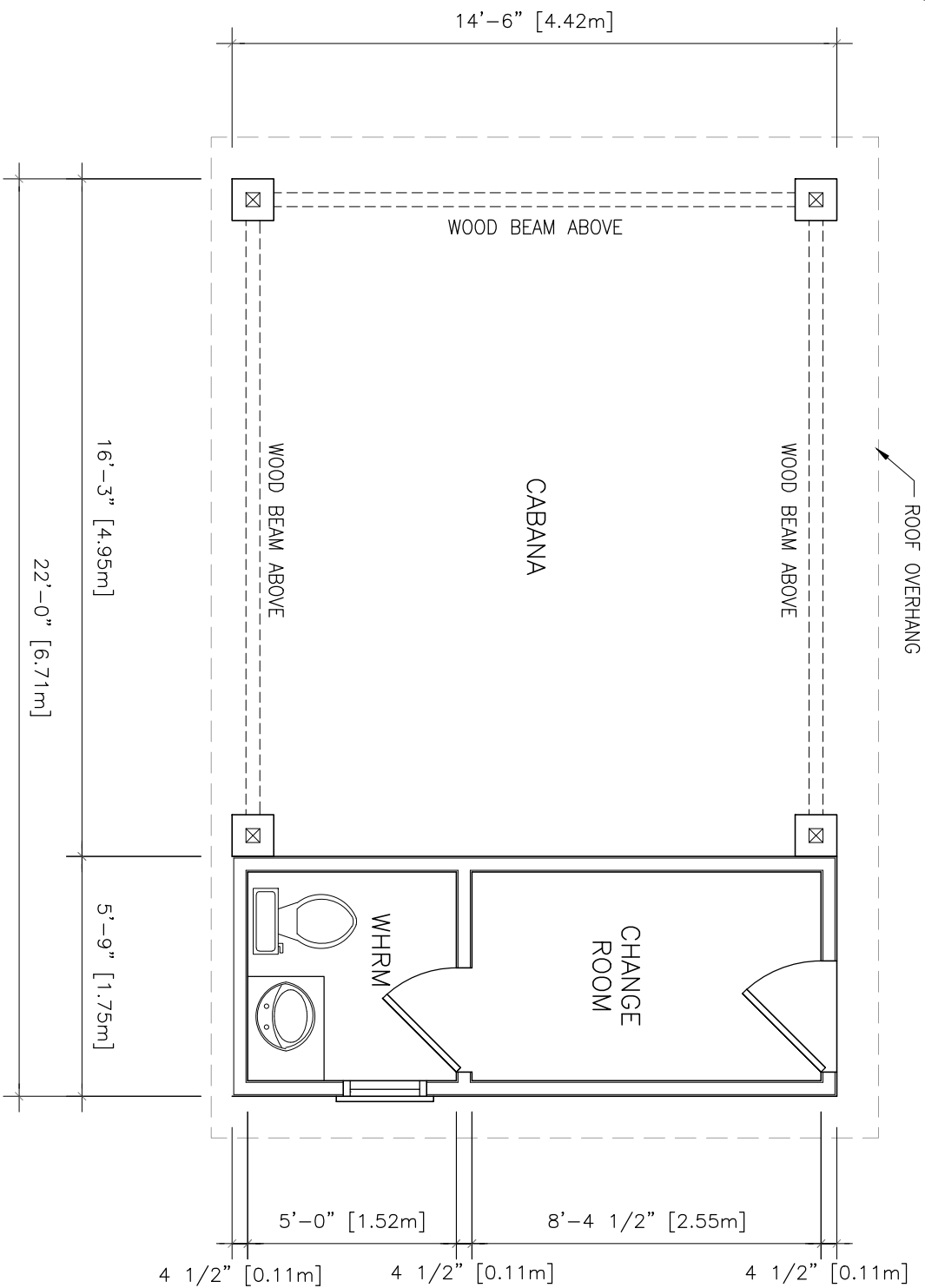
SCALE: 1/4" = 1'-0"



WEST ELEVATION

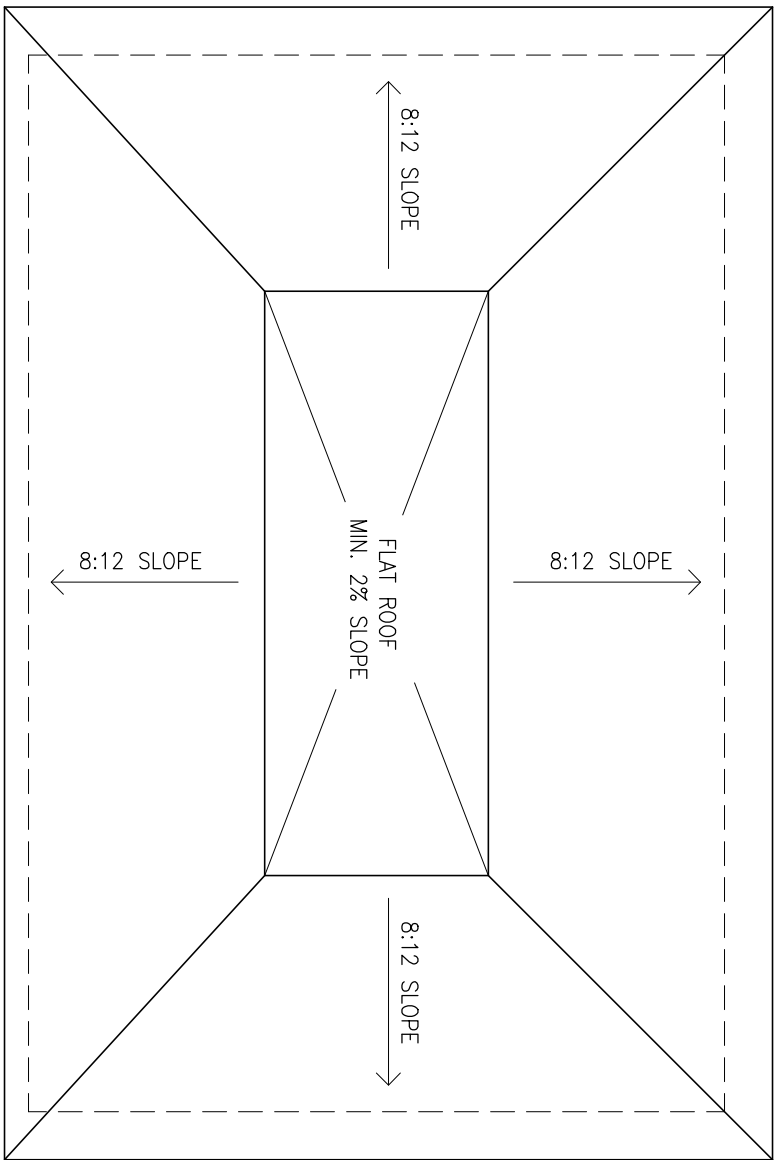
SCALE: 1/4" = 1'-0"

2	AUG. 17/20	REVISED ROOF OVERHANG	
1	JUL. 17/20	ISSUED FOR COMMITTEE OF ADJUSTMENT	
No.	Date	Revision	
Contractor must check and verify all dimensions and conditions on the job, and report any discrepancies to the Designer before proceeding with the work. DO NOT SCALE DRAWINGS.			
Project:			
9 SIDERNO CR. PROPOSED CABANA VAUGHAN, ON.			
Drawing Title			
SOUTH & WEST ELEVATIONS			
Scale	Drawing Number		
AS SHOWN			
Date			
Project Number	A.4		



GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"



ROOF PLAN

SCALE: 1/4" = 1'-0"

2	AUG. 17/20	REVISED ROOF OVERHANG
1	JUL. 17/20	ISSUED FOR COMMITTEE OF ADJUSTMENT
No.	Date	Revision

Contractor must check and verify all dimensions and conditions on the job, and report any discrepancies to the Designer before proceeding with the work.

DO NOT SCALE DRAWINGS.

Project:

9 SIDERNO CR.
PROPOSED CABANA
VAUGHAN, ON.

Drawing Title

GROUND FLOOR PLAN & ROOF PLAN

Scale	AS SHOWN	Drawing Number
Date		
Project Number		
		A.2

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.

Public Correspondence - Letters of Support from 1, 15 & 243 Siderno Crescent.

Date: July 29, 2020

To: **City of Vaughan - Committee of Adjustment**

Re: 9 Siderno Cres. - Application for Variance to reduce the side yard and rear yard setbacks for a new Cabana.

I am signing this letter in support of my neighbour's application for a minor variance.

(LOT 71)

I live at 1 SIDERNO CRES and the reduced side yard and rear yard setbacks poses no intrusion onto our property.

~~I do not have any concerns with the location of the Cabana, based on the size of the lot.~~ CONCERNS FOR THE CABANA TO BE LOCATED 0.61m FROM THE BACK AND 1.22m FROM THE SIDE

I feel there is no need for the Committee of Adjustment to deny this application. FENCE.

Sincerely,

Name: ZVONIMIR GEORGICJEV

Address: 1 SIDERNO CRES UNIT 1, WOODBRIDGE

Tel: [REDACTED]

Signature: [Signature]

Date: July 29, 2020

To: **City of Vaughan - Committee of Adjustment**

Re: 9 Siderno Cres. - Application for Variance to reduce the side yard and rear yard setbacks for a new Cabana.

I am signing this letter in support of my neighbour's application for a minor variance.

(LOT 69)

I live at 15 Siderno Cres. and the reduced side yard and rear yard setbacks poses no intrusion onto our property.

I do not have any concerns with the location of the Cabana, based on the size of the lot.

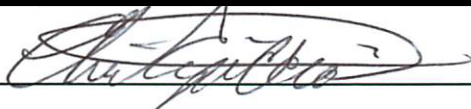
I feel there is no need for the Committee of Adjustment to deny this application.

Sincerely,

Name: Elvio Caponiccio

Address: 15 Siderno Cres.

Tel: [REDACTED]

Signature: 

Date: July 29/2020

To: **City of Vaughan - Committee of Adjustment**

Re: 9 Siderno Cres. - Application for Variance to reduce the side yard and rear yard setbacks for a new Cabana.

I am signing this letter in support of my neighbour's application for a minor variance.

(LOT 42)

I live at 243 SIDERNO CRES. and the reduced side yard and rear yard setbacks poses no intrusion onto our property.

I do not have any concerns with the location of the Cabana, based on the size of the lot.

I feel there is no need for the Committee of Adjustment to deny this application.

Sincerely,

Name:

Philip D. Mucci

Address:

243 SIDERNO CRES.

Tel:

[REDACTED]

Signature:

Philip Mucci

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

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

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

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: A067/20 - Request for Comments

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

Sent: September-02-20 1:50 PM

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

Subject: [External] RE: A067/20 - Request for Comments

Good afternoon Adriana,

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

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | 1-877 464 9675 ext 71538 |

Gabrielle.hurst@york.ca | www.york.ca