



File: A091/20

Applicant: Gina Luchetta

Address: 51 Hawker Rd Maple

Agent: Tony Luchetta

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	<input checked="" type="checkbox"/>	
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Adjournment History: N/A

Background History: N/A



**Minor Variance
Application**

Agenda Item: 8

A091/20

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , October 22, 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: Gina Luchetta

Agent: Tony Luchetta

Property: **51 Hawker Rd Maple**

Zoning: The subject lands are zoned R3, Residential Zone and subject to the provisions of Exception 9(893) under By-law 1-88 as amended

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed pool and shed 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 9.0 metres is required to an accessory structure (shed).	1) To permit a minimum rear yard setback of 0.63 metres to an accessory structure (shed).
2) A minimum interior side yard setback of 1.2 metres is required to an accessory structure (shed).	2) To permit a minimum interior side yard setback of 0.61 metres to an accessory structure (shed).
3) A minimum exterior side yard setback of 4.5 metres is required to a pool.	3) To permit a minimum exterior side yard setback of 2.13 metres to a pool.

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

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: 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 October 7, 2020

Applicant confirmed posting of signage on October 6, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1998

Applicant has advised that they cannot comply with By-law for the following reason(s): Position of the in-ground pool will benefit from full day sun exposure and will reduce energy consumption. Location will provide privacy and will be in eyesight from indoors.

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.

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:

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

The Owner is requesting permission to construct an accessory structure (shed) and in-ground pool in the rear yard with the above noted variances.

The Development Planning Department has no objection to the location of the shed as the rear yard setback of 0.63 metres is to a pinch point, increasing at the opposite end. The Development Engineering Department has concluded that these reductions associated with the shed will not cause issues with respects to water drainage on-site, as the Owner has provided a minimum distance and placed it in an area that is surrounded by soft landscape.

The Development Planning Department has no objection to the reduction in exterior side yard setback to the pool as it will not cause any adverse impacts onto the surrounding properties nor is it visible from the street.

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.

Cultural Heritage (Urban Design):

There are no cultural heritage concerns for this application.

Development Engineering:

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. 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 the pool permit.

The Development Engineering (DE) Department does not object to variance application A091/20 subject to condition(s):

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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:

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;

Municipal By-law 052-2018 direct that if a tree is damaged or requires removal that monetary compensation and expenses shall be paid.

Recommended conditions of approval:

- 1. Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed. (applicable to Private and Public trees) as per By-Law 052-2018;
- 2. MLA 107B or ULA 110B Light Duty Tree protection fencing (Snow Fence) may be used where traffic sight lines will be affected within the road allowance, as per By-Law 052-2018;
- 3. Tree protection measures (Hoarding) must be installed to the satisfaction of Vaughan Forestry, prior to approval of application.

By-Law and Compliance, Licensing and Permit Services:

No comments.

Financial Planning and Development Finance:

No comment no concerns

Fire Department:

No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

A091/20 – Public Correspondence (Nicastro)

A091/20 – Applicant Correspondence

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

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 and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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	<div>Parks, Forestry and Horticulture Operations</div> <div>Patrick Courchesne</div> <div>905-832-8585 x 3617</div> <div>Patrick.Courchesne@vaughan.ca/</div>	<div>1. Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed. (applicable to Private and Public trees) as per By-Law 052-2018;</div> <div>2. MLA 107B or ULA 110B Light Duty Tree protection fencing (Snow Fence) may be used where traffic sight lines will be affected within the road allowance, as per By-Law 052-2018;</div> <div>3. Tree protection measures (Hoarding) must be installed to the satisfaction of Vaughan Forestry, prior to approval of application;</div>

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

T 905 832 8585 Extension 8002
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.

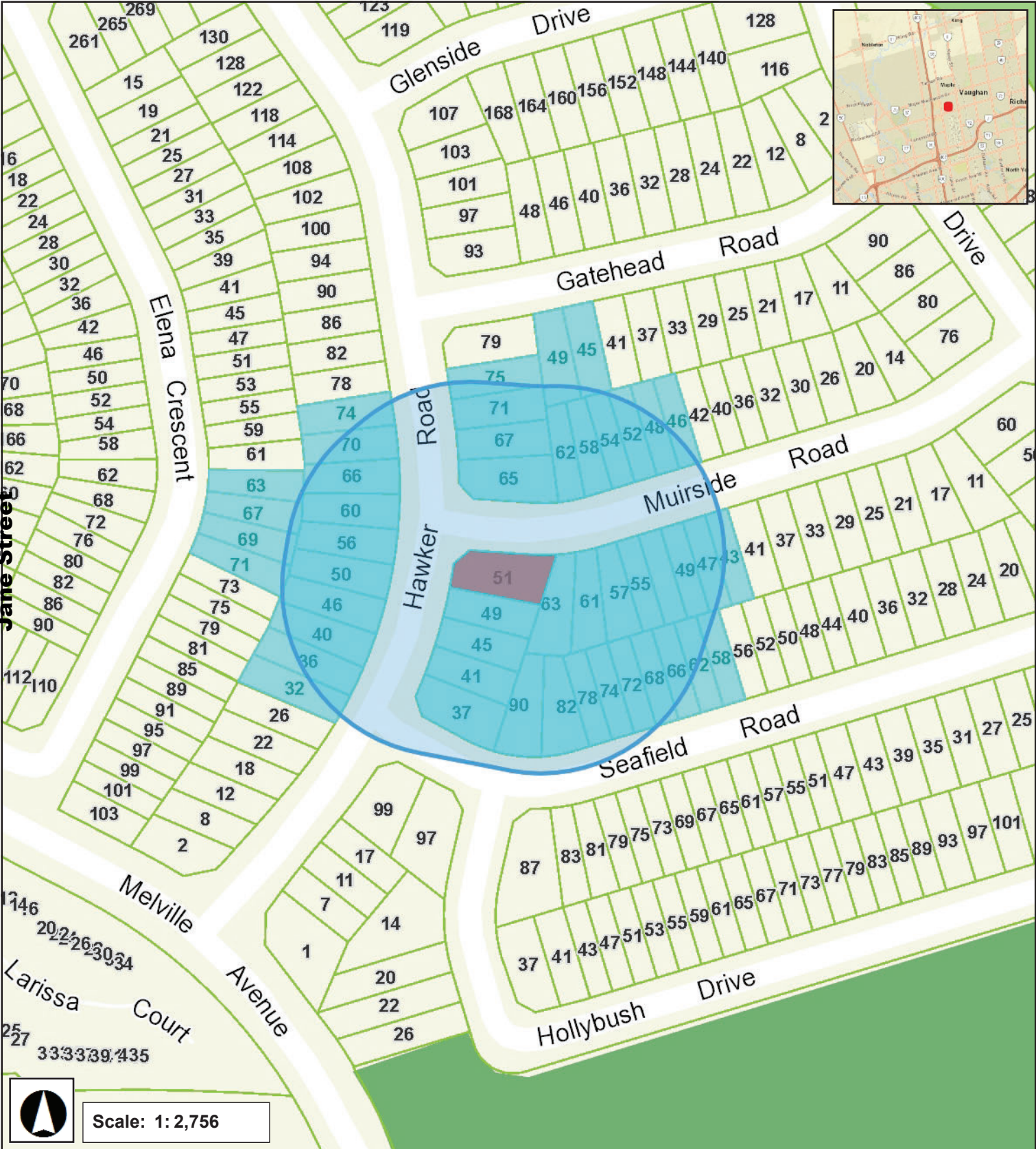
Location Map
Plans & Sketches



LOCATION MAP - A091/20

51 HAWKER ROAD, MAPLE

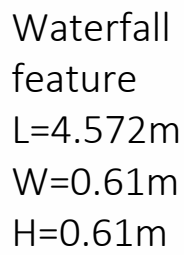
Major Mackenzie Drive



Rutherford Road

September 25, 2020 4:22 PM

A091/20



NOTE:

-no grade changes or hardscaping within 0.6m of the property line

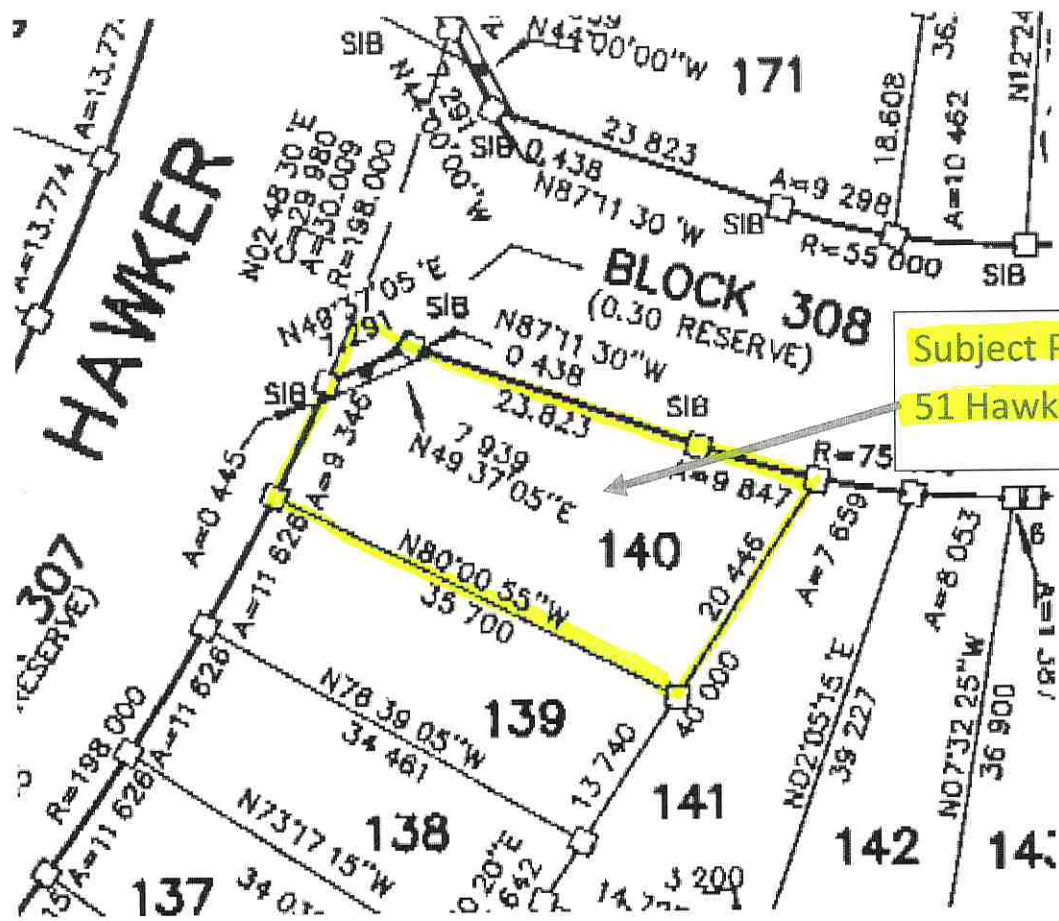


SCALE: 1/150
DATE: 2020-08-20
DRAWING: POOL PERMIT

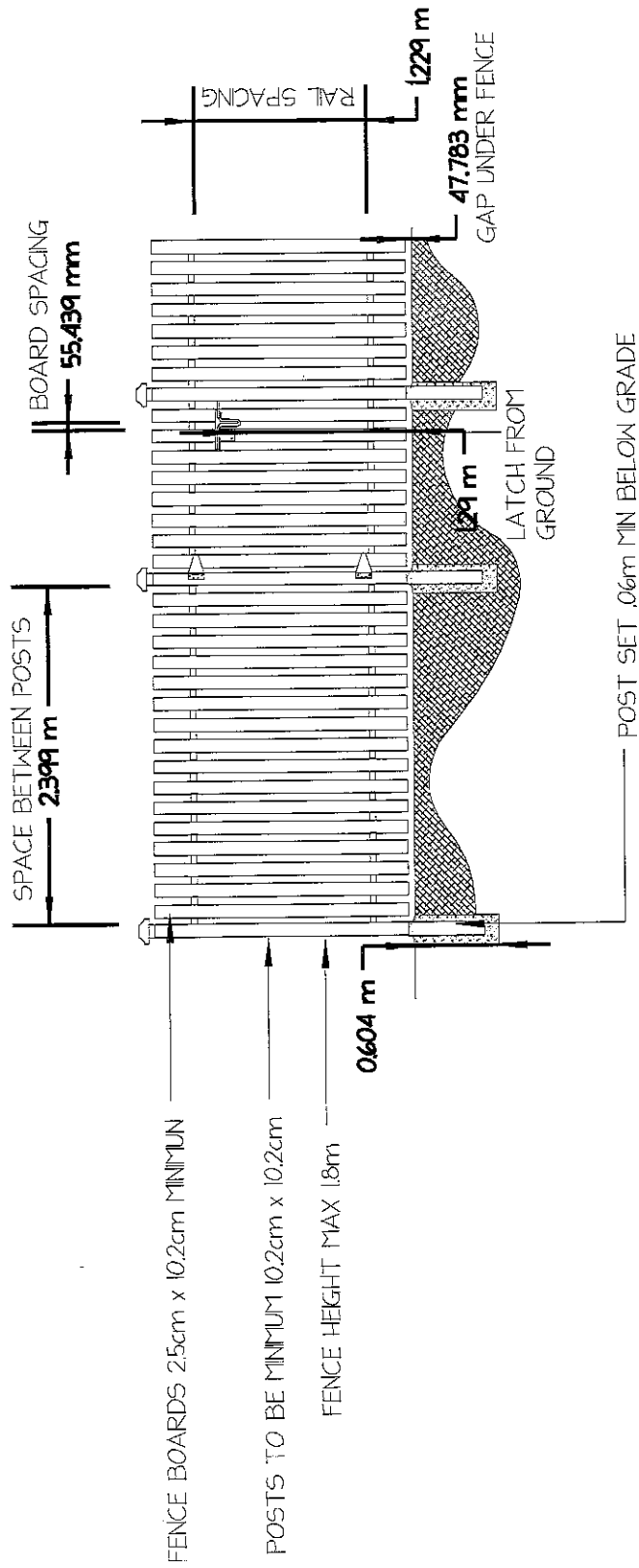
LEGEND:

→ DRAINAGE PATTERN

00.00 PROPOSED GRADES



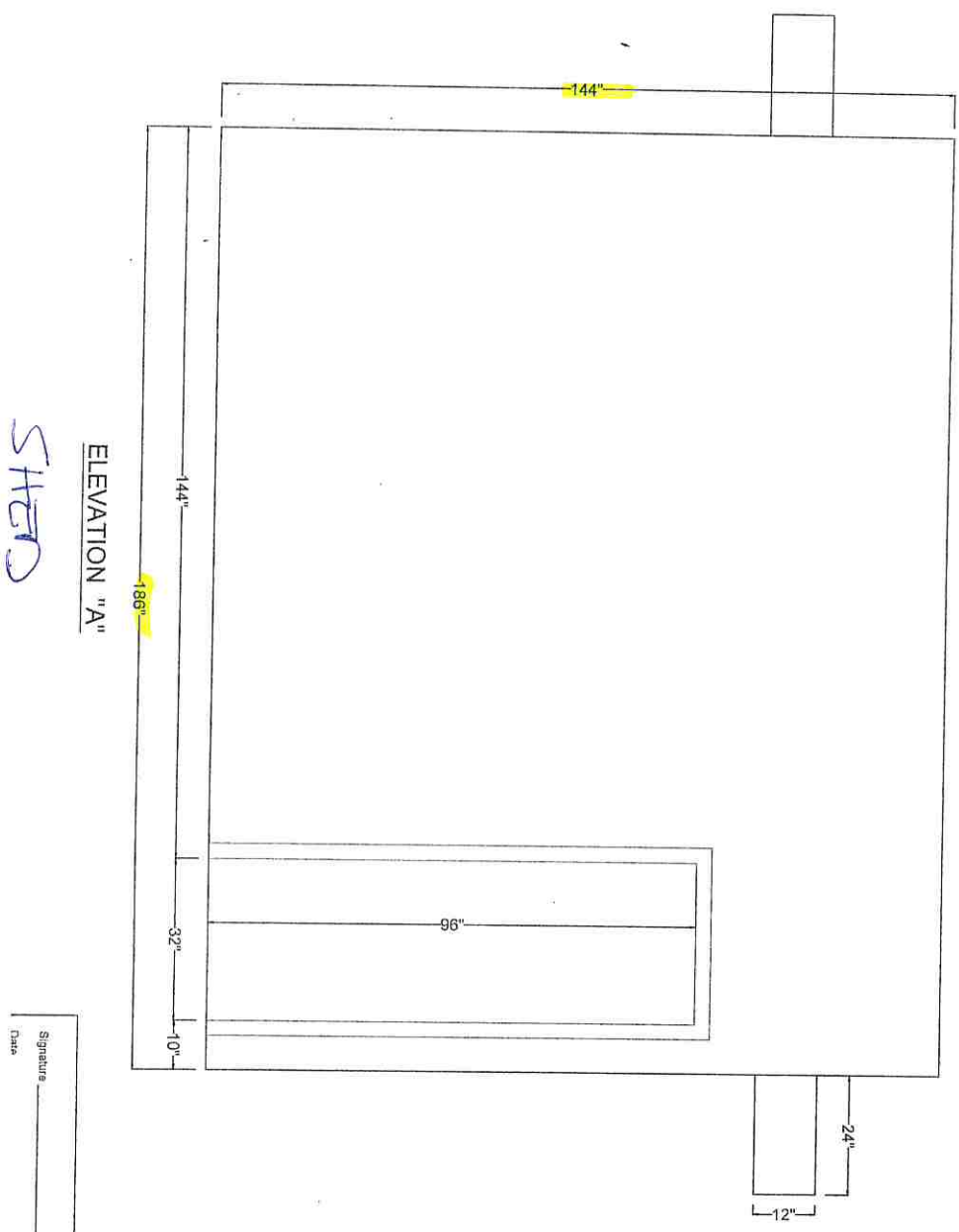
STANDARD WOOD BOARD FENCE DETAIL



51 HAWKER ROAD
VAUGHAN, ON
LOT #

SCALE: 1/150
DATE: 2020-08-22
DRAWING: POOL FENCE ENCLOSURE

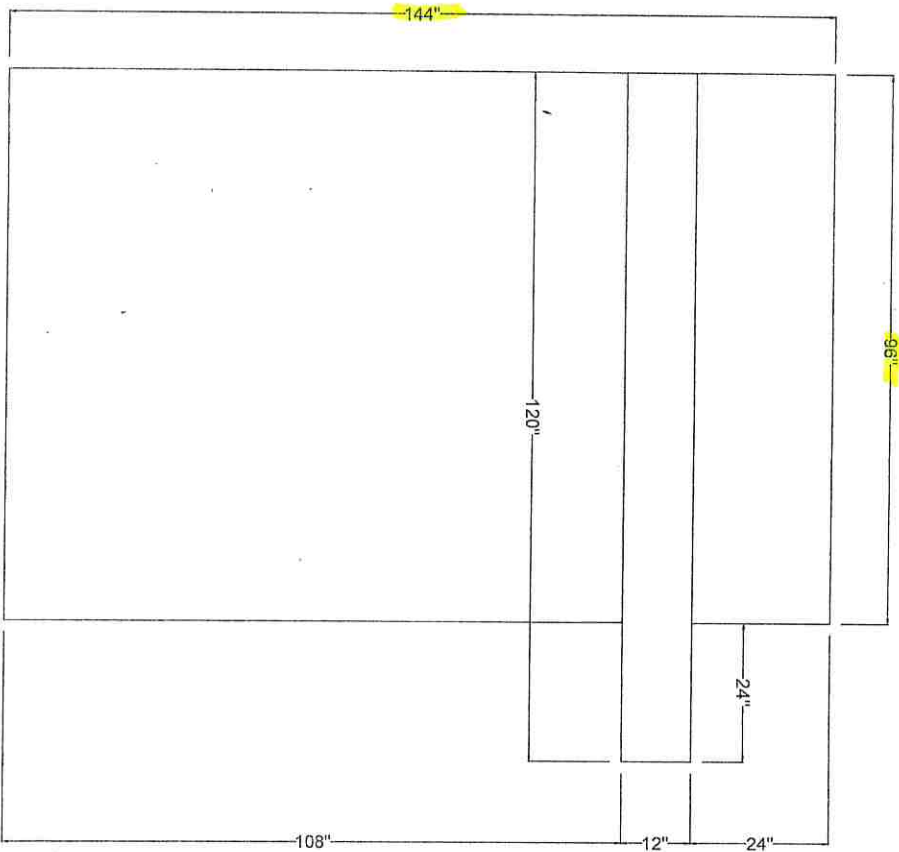
NOTES:
-ALL GATES MUST BE KEPT CLOSED AND LOCKED AT ALL TIME
-SELF LATCHING AND CLOSING GATE



ELEVATION "A"

SHED

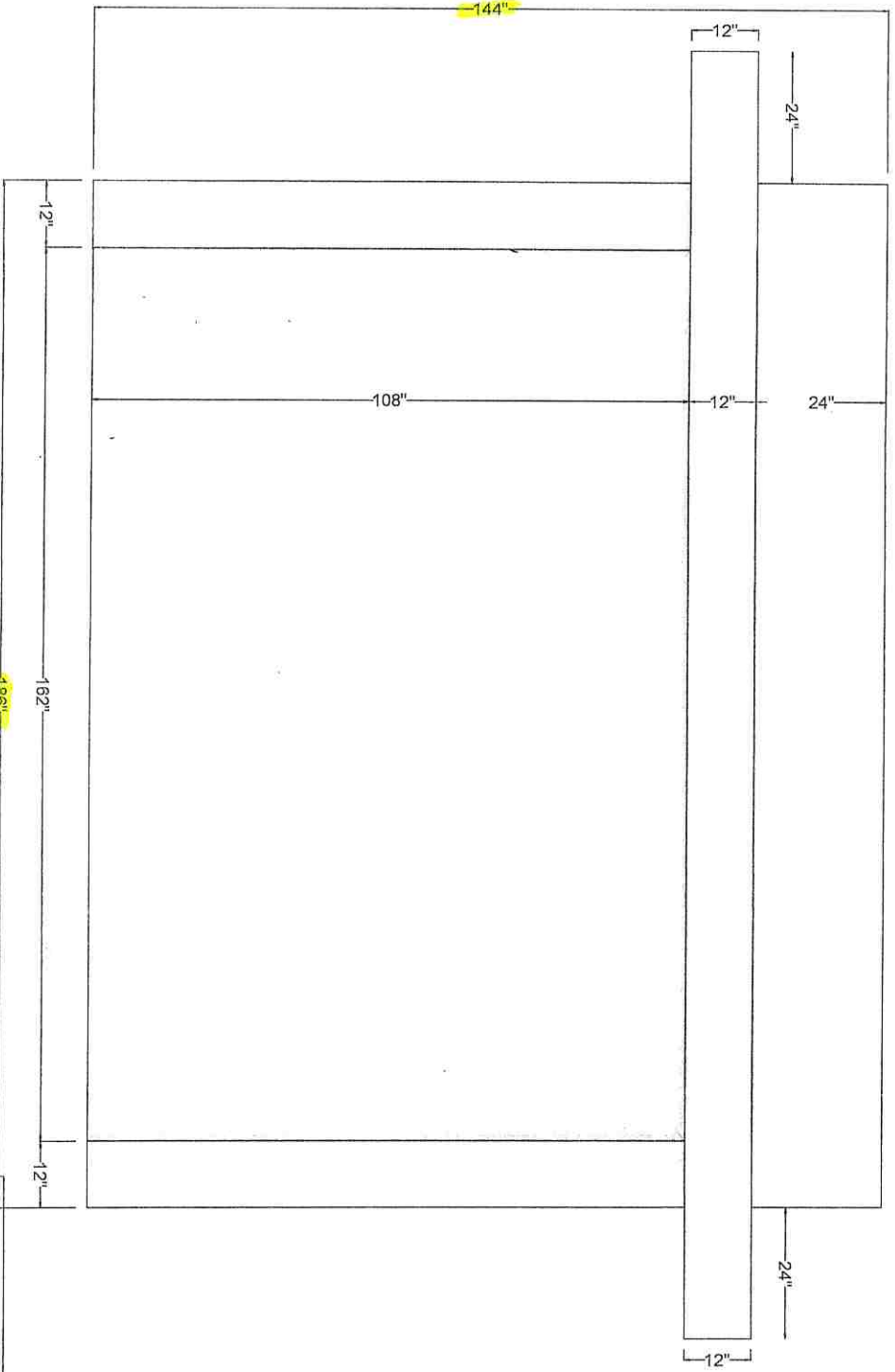
Signature _____
Date _____



ELEVATION "B"

SHED

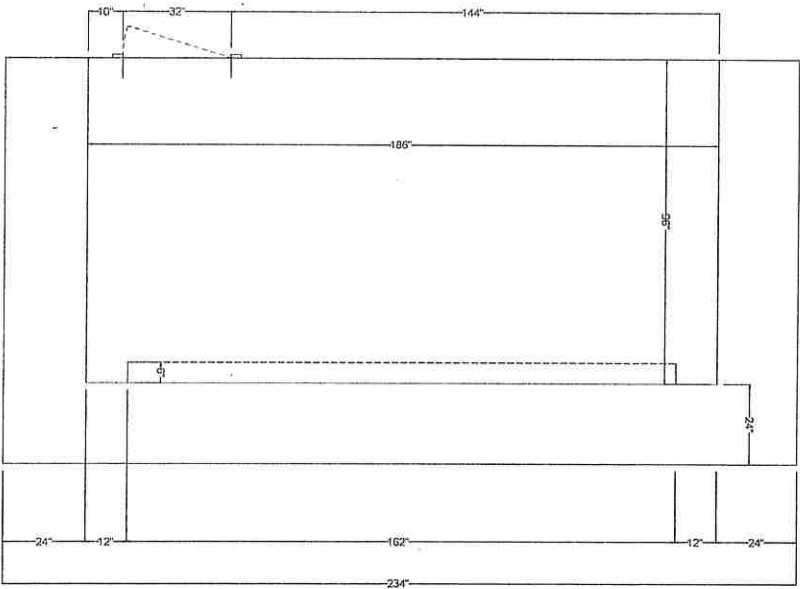
Signature_____
Date_____



Signature _____
Date _____

ELEVATION "C"
SHEW.

ELEVATION "A"



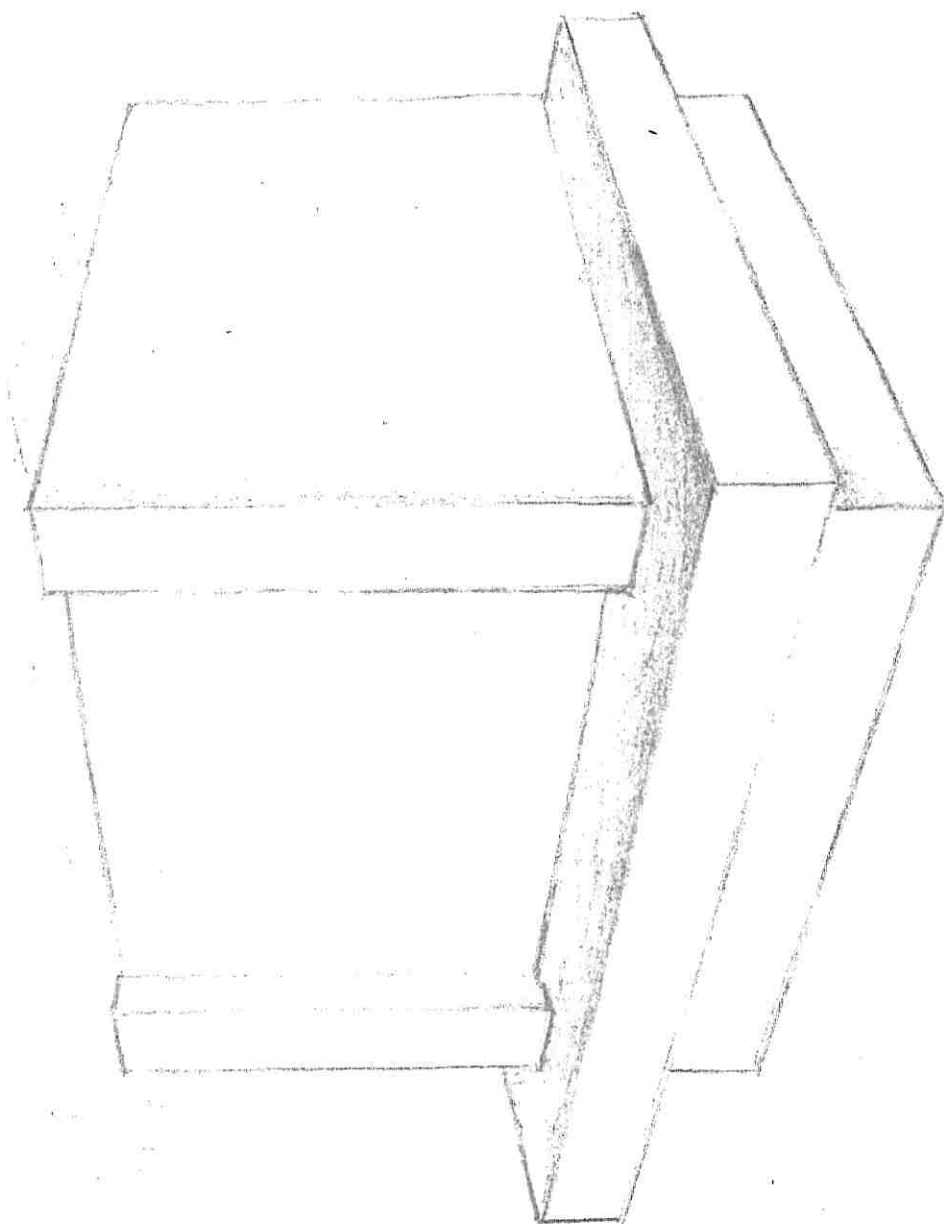
ELEVATION "B"

SIDE

ELEVATION "C"

Signature _____
Date _____

SHED



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.

A091/20 – Public Correspondence (Nicastro)
A091/20 – Applicant Correspondence

Attwala, Pravina

Subject: FW: [External] Notice of Hearing Minor Variance Application A091/20

From: JOE NICASTRO

Sent: October-09-20 7:48 PM

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

Cc: JOEY NICASTRO **Subject:** [External] Notice of Hearing Minor Variance Application A091/20

To whom it may concern,

I am opposing the 3 proposals to the By-law Requirement in said application A091/20 as I don't have a detailed plan and architectural rendering of the proposed structure to be built.

Also I would like to understand in greater detail how the existing shed structure will be linked to the new structure and will it meet/not exceed current By-law height maximums.

Further if there is going to be an additional fence required surrounding the pool area?

I'm submitting this as I have received it today and would like to give The Luchetta Family ample time to respond to my questions prior to the hearing.

Best regards,

Joey Nicastro

Attwala, Pravina

Subject: FW: A091/20 - LETTER OF OBJECTION

From: Tony Luchetta [REDACTED]
Sent: October-14-20 2:39 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>
Subject: [External] RE: A091/20 - LETTER OF OBJECTION

Good afternoon Pravina,
Thank you for the letter of objection from Mr. Joe Nicastro.
Please if you could be so kind to forward this email to him.

Hi Mr. Nicastro,
Thank you for giving me a chance to respond to your concerns.

- I will not be attaching the new shed one to the existing.
- Existing shed will be torn down and a new one is proposed to be built. Approximately 11.5m². I can provide a conceptual drawing.
- In regards to the fence no additional fence is required around the pool according to the bylaw as long as the property fenced and gates to be locked at entrances.

If any other information is required please do not hesitate to ask.
Have a great and safe day!

From: [REDACTED]
To: [Vigneault, Christine](#); [Attwala, Pravina](#)
Subject: [External] RE: A091/20 - LETTER OF OBJECTION
Date: Thursday, October 15, 2020 8:39:13 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image011.png](#)

Good morning,

➤ Please see attached the artist rendering.

➤ As for the time line the contractor said it will take a little longer than normal Due to the Covid situation that we are all facing. Getting material have been A little bit of a challenge. I am estimating 30-60 days from start date.

Please let me know if there is anything else that I can answer.
Have a great and safe day!

Ciao,



Tony Luchetta

Marble Trend Ltd.

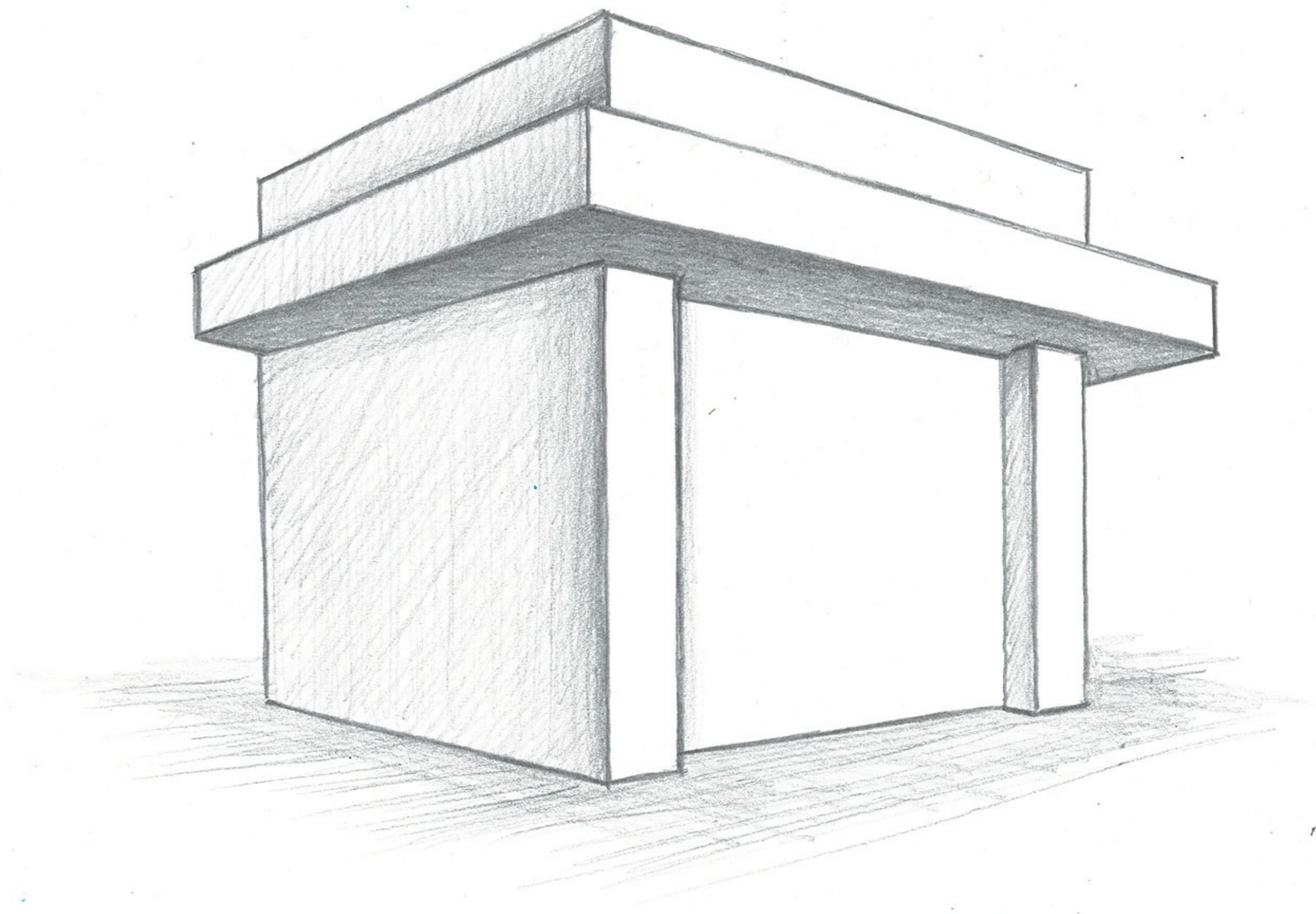
(416) 783-9911 x242 | tony@marbletrend.com

www.marbletrend.com



[VIEW MY PROJECT PORTFOLIO](#)





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
- MTO – Located outside of MTO permit control area
- TRCA – comments with conditions

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

Attwala, Pravina

Subject: FW: A091/20 - REQUEST FOR COMMENTS

From: Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

Sent: September-18-20 10:48 AM

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

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A091/20 - REQUEST FOR COMMENTS

Good Afternoon Pravina,

MTO has reviewed the subject land(s) located at 51 Hawker Rd. in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

Alexander Hajjar

Transportation Technician

Highway Corridor Management Section

Ministry of Transportation, MTO

416.235.4504

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Attwala, Pravina

Subject: FW: REGIONAL RESPONSE RE: A091/20 - REQUEST FOR COMMENTS

From: Wong, Anson <Anson.Wong@york.ca>
Sent: September-25-20 3:32 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: [External] REGIONAL RESPONSE RE: A091/20 - REQUEST FOR COMMENTS

Hi Pravina,

The Regional Municipality of York has completed its review of Minor Variance Application **A091/20** (MVAR.20.V.0337) and has no comment.

Thanks,

Anson Wong | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71516 | anson.wong@york.ca | www.york.ca

Our Values: Integrity, Commitment, Accountability, Respect, Excellence

