



File: A099/20

Applicant: Carlo Muia & Nicole Ceolin

Address: 27 Donbay Dr Kleinburg

Agent: Lucas Cocomello

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

Adjournment History: N/A

Background History: N/A



Minor Variance
Application

Agenda Item: 8

A099/20

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, November 12, 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: Carlo Muia & Nicole Ceolin

Agent: Lucas Cocomello

Property: 27 Donbay Dr Kleinburg

Zoning: The subject lands are zoned R1 and subject to the provisions 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 existing 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 rear yard setback of 7.5 metres is required.	1. To permit a rear yard setback of 7.1 metres to a Cabana.
2. A maximum height of 3.0 metres to the nearest part of a roof of an Accessory Building is required.	2. To permit a maximum height of 3.05 metres of an Accessory Building.
3. A minimum of 60% of that portion of the rear yard in excess of 135 sq. metres shall be composed of soft landscaping is required.	3. To permit a minimum of 52% rear yard soft landscaping.

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 28, 2020

Applicant confirmed posting of signage on October 28, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	Built 2018 – Purchased Land 2015

Applicant has advised that they cannot comply with By-law for the following reason(s): Zoning restrictions

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.

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.

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:

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

The Owner is requesting permission to maintain a cabana and hard landscaping in the rear yard with the above-noted variances.

The cabana is adequately located in the middle of the lot towards the rear lot line with a 2.03 m setback from the northerly interior lot line. The cabana maintains a maximum overall building height of 3.71 m with a height of 3.05 m to the nearest part of a roof and has no adverse impacts on the neighbouring properties as the interior yard setbacks are sufficient. The existing soft landscaped rear yard setback of 7.1 m is to a pinch point on the south side of the cabana and increases to 9.1 m at the opposite end. Development Engineering staff had no objections to the reduction in the soft landscaping in the rear yard.

Accordingly, the Development Planning Department is of the opinion that the requested 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.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A099/20 subject to the 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:

No comments or concerns.

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns.

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
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 **adjourn** this application the following condition(s) is required: N/A

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 Farzana Khan 905-832-2281 Farzana.khan@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.

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.

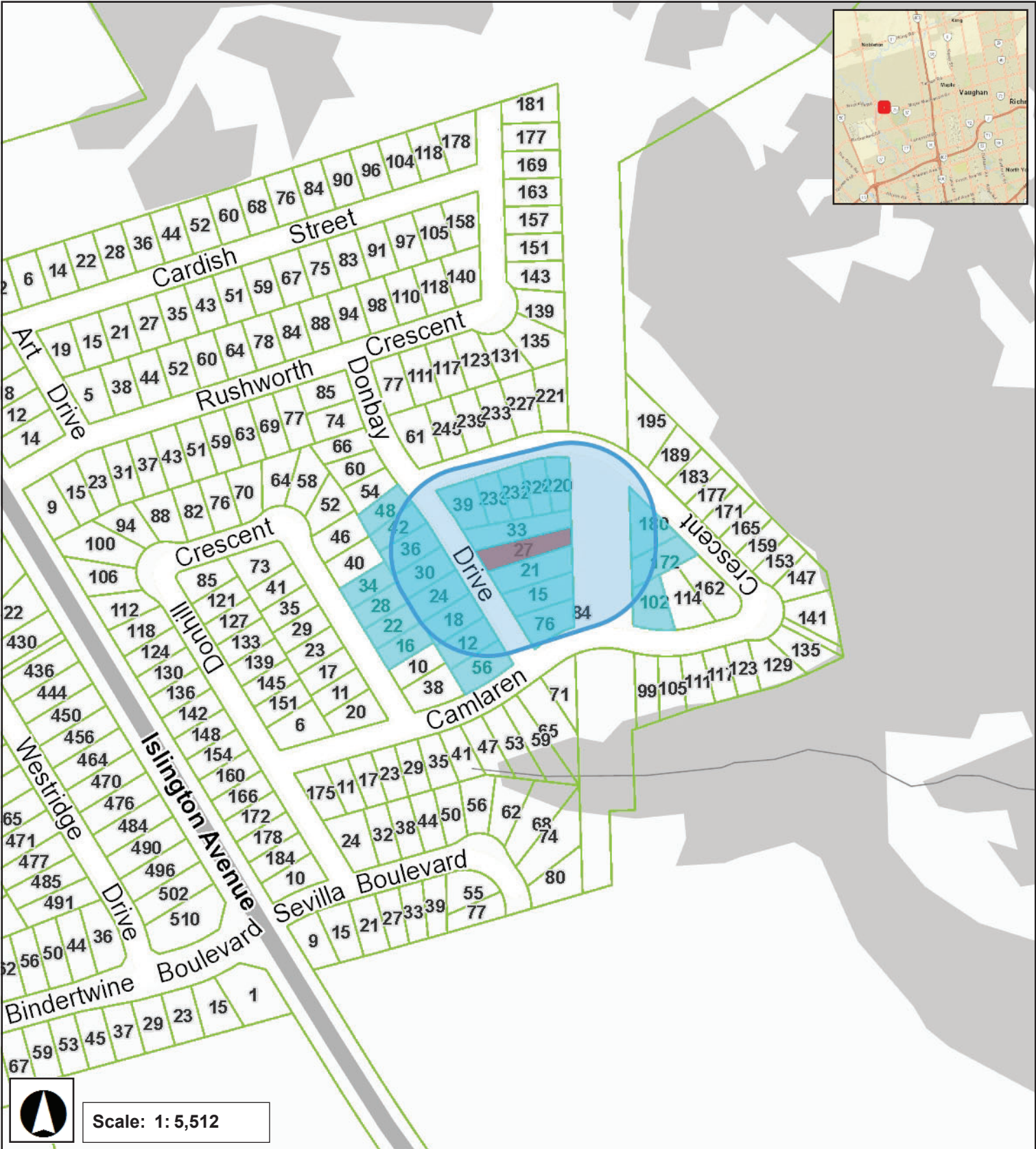
Location Map
Plans & Sketches




LOCATION MAP - A099/20

27 DONBAY DRIVE, KLEINBURG

Teston Road





Scale: 1: 5,512

Major Mackenzie Drive

October 15, 2020 3:34 PM

SCOPE OF WORK

PROPOSED SECOND STOREY ADDITION OVER EXISTING GARAGE + INTERIOR ALTERATIONS

SITE STATISTICS

	METRIC	IMPERIAL
LOT AREA	1146.98 S.M.	12346.00 S.F.
GROUND FLOOR AREA	182.54 S.M.	1968.02 S.F.
SECOND FLOOR AREA	250.01 S.M.	2691.07 S.F.
GFA	432.55 S.M.	4655.93 S.F.
GARAGE AREA	63.03 S.M.	678.44 S.F.
PORCH/STEP AREA	3.69 S.M.	39.67 S.F.
LOGGIA AREA	44.38 S.M.	477.74 S.F.
CABANA AREA	43.68 S.M.	470.15 S.F.
POOL AREA	47.57 S.M.	512 S.F.
COVERAGE	337.61 S.M.	3643.01 S.F.
COVERAGE INCLUDES DWELLING, GARAGE, LOGGIA, PORCH, AND CABANA		

ZONING INFORMATION

	ZONING	PROPOSED
ZONE	R1	
FRONTAGE	18.00M	19.05M
FRONT YARD	7.50M	11.01 M
SIDE YARD	1.50M	1.52M
SIDE YARD	1.50M	1.65M
REAR YARD	7.50M	37.92M
COVERAGE	35%	23.24%
MAX BUILDING HEIGHT	9.50M	
MAX BUILDING HEIGHT (ACCESSORY)	3.00M	3.71M
FRONT LANDSCAPE AREA	60%	64%
REAR LANDSCAPE AREA	60%	52%

FRONT YARD SOFTSCAPE AREA 64%

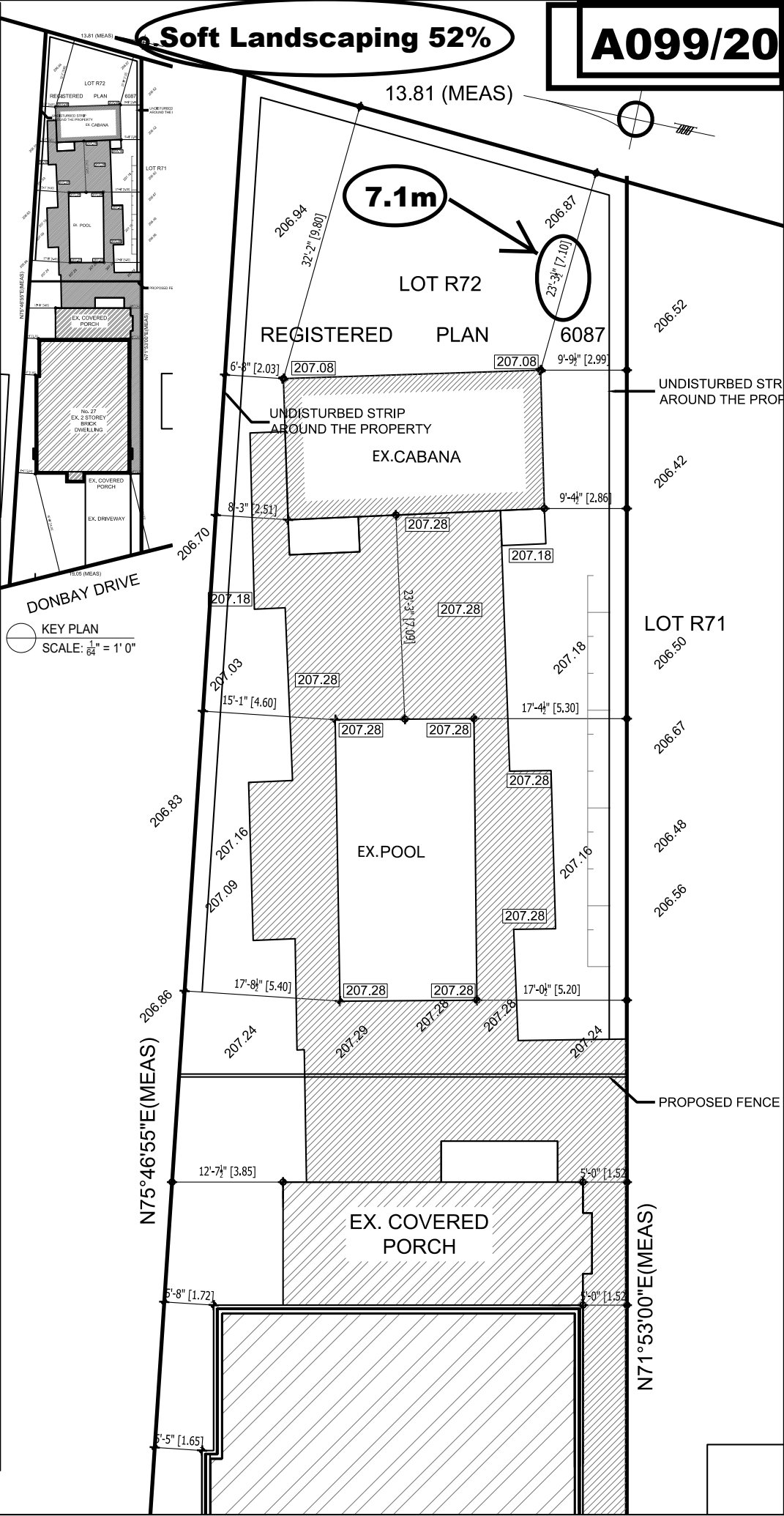
FRONT YARD AREA	230.89 S.M.	2485.26 S.F.
WALKWAY AREA	5.64 S.M.	60.66 S.F.
DRIVEWAY AREA	75.86 S.M.	816.56 S.F.
GRASS AREA	149.39 S.M.	1608.04 S.F.

REAR YARD LANDSCAPE AREA 52%

REAR YARD AREA	533.07 S.M.	5737.91 S.F.
CABANA AREA	43.68 S.M.	470.15 S.F.
POOL AREA	47.57 S.M.	512 S.F.
HARDSCAPE AREA	160.79 S.M.	1730.70 S.F.
GRASS AREA	281.04 S.M.	3025.06 S.F.

KEY PLAN

SCALE: 1/64" = 1' 0"



NOTES

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DRAWINGS SHALL NOT BE SCALED. THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL THE REQUIRED BUILDING PERMITS HAVE BEEN ISSUED.

SEAL

PROJECT

27 DONBAY DRIVE
VAUGHAN, ON

PAGE

SITE PLAN

APPROVED BY: TS

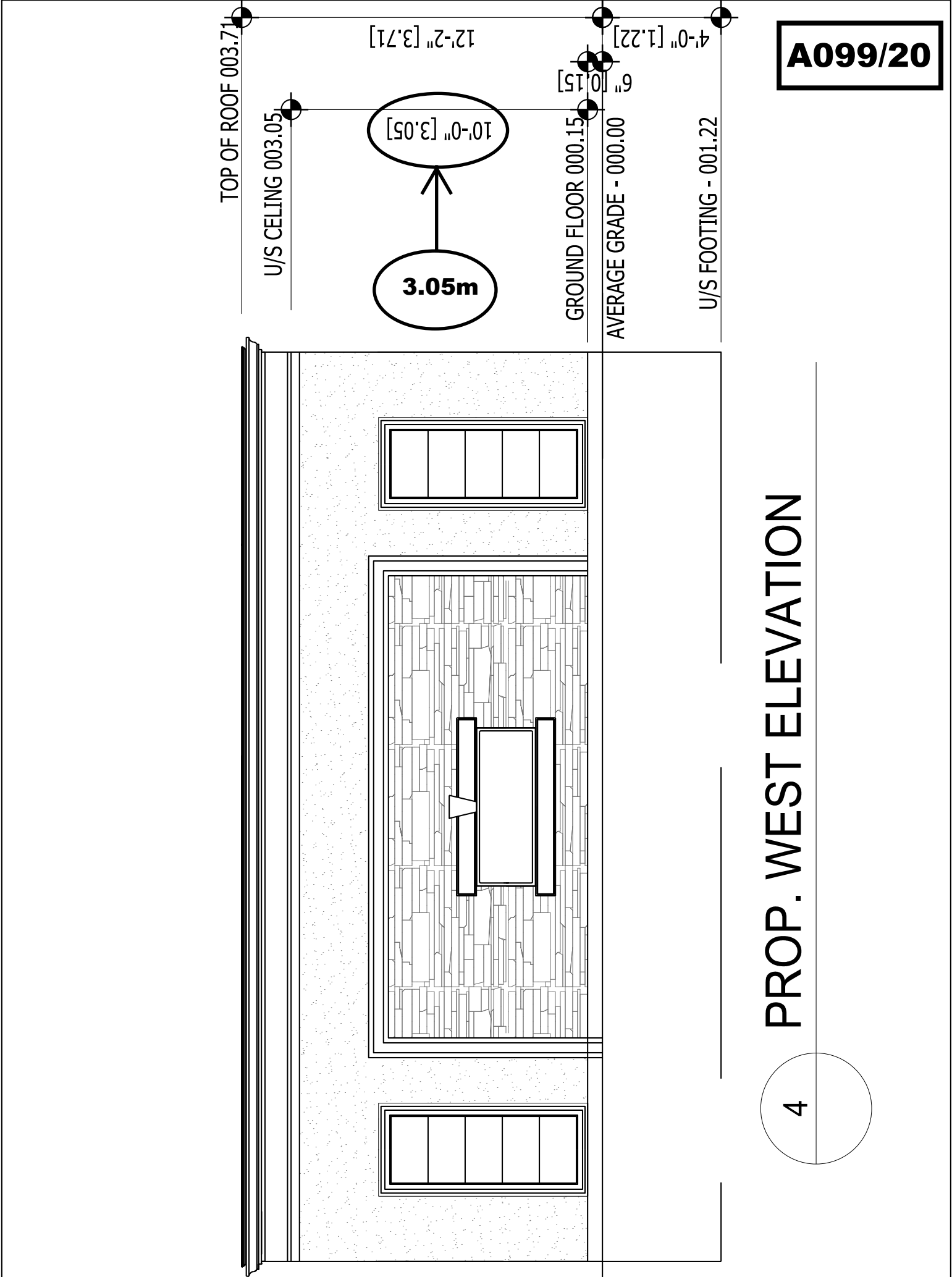
DATE: SEPT. 2020

SCALE: 1/16" = 1' 0"

PROJECT No. 2017SE242

A1.0

SE SCHILLER ENGINEERING LTD.

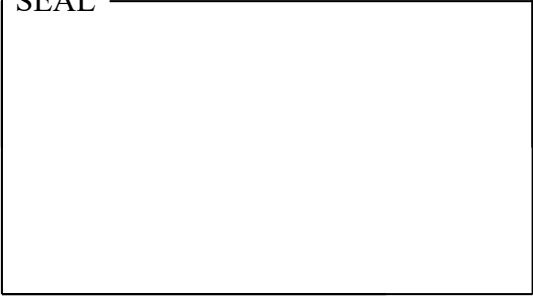


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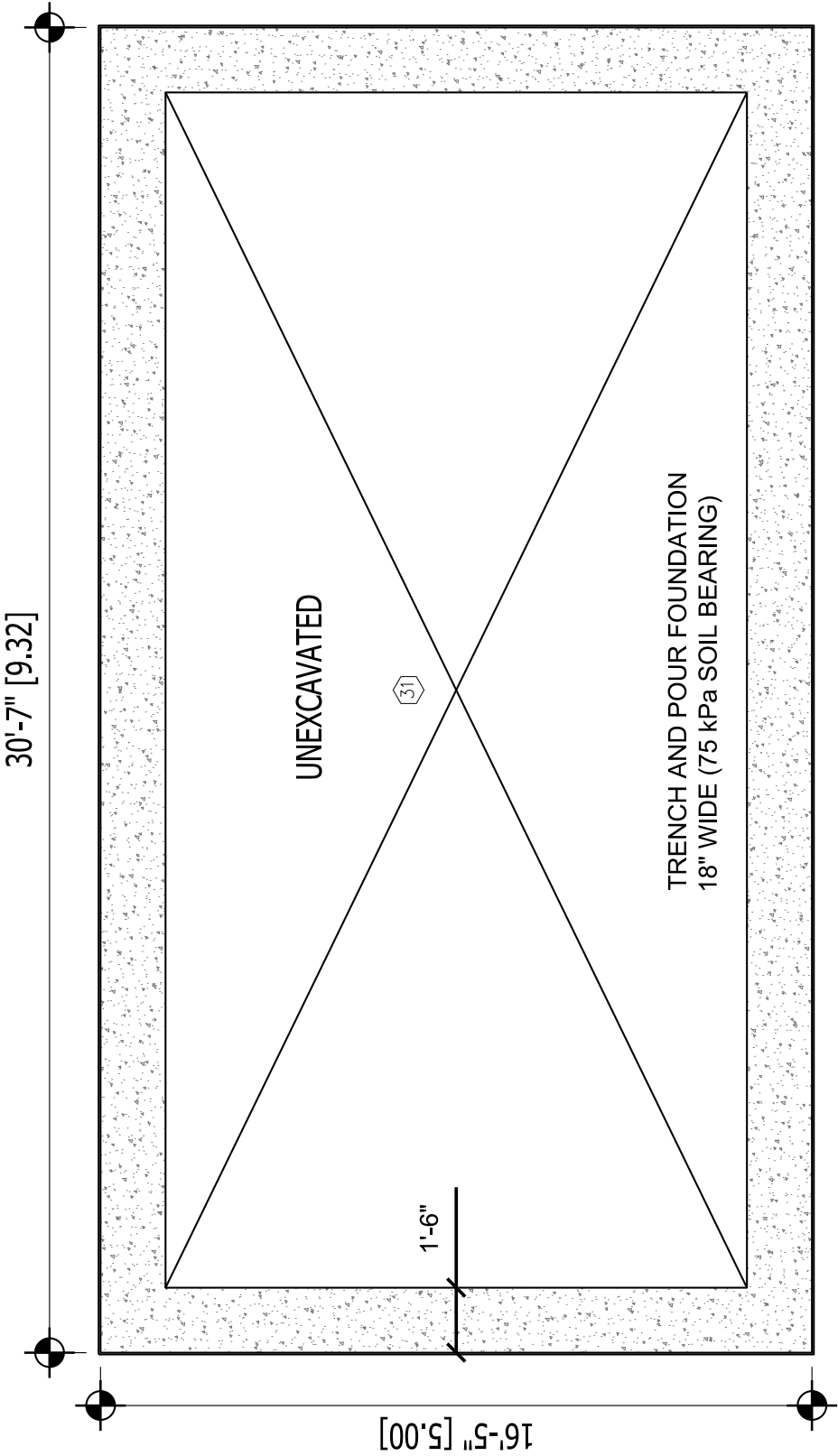
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27 DONBAY DRIVE
VAUGHAN, ON

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WEST ELEVATION

APPROVED BY: TS	A2.1
DATE: SEPT. 2020	
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1 FOUNDATION PLAN
A1.1
SCALE ($\frac{1}{4}$ "=1'-0")

NOTES

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ENGINEERING LTD.

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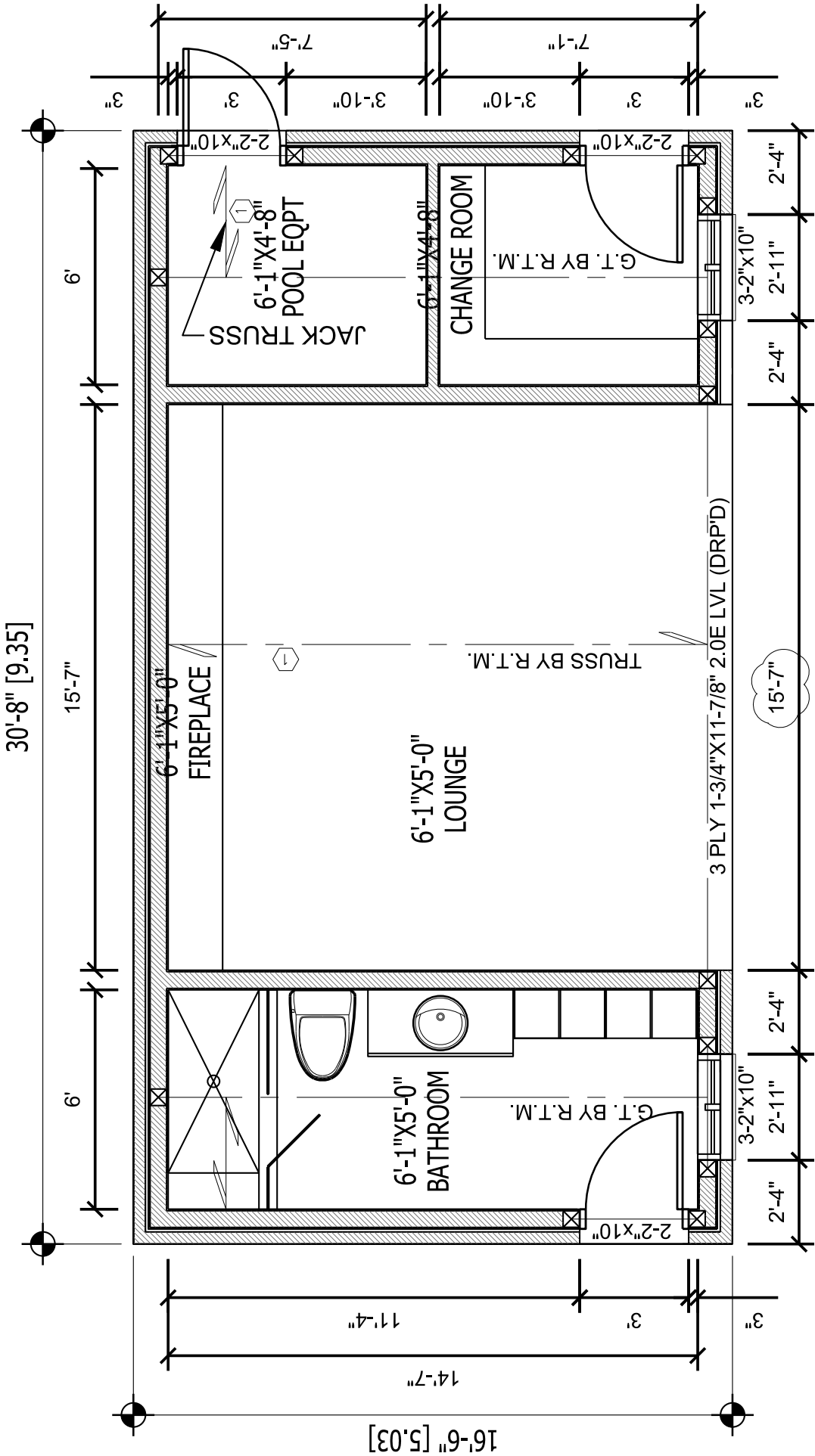
27 DONBAY DRIVE
VAUGHAN, ON

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FOUNDATION PLAN

APPROVED BY:	TS
DATE:	SEPT. 2020
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A1.1



GROUND FLOOR PLAN

SCALE (1/4"=1'-0")

2

A1.2

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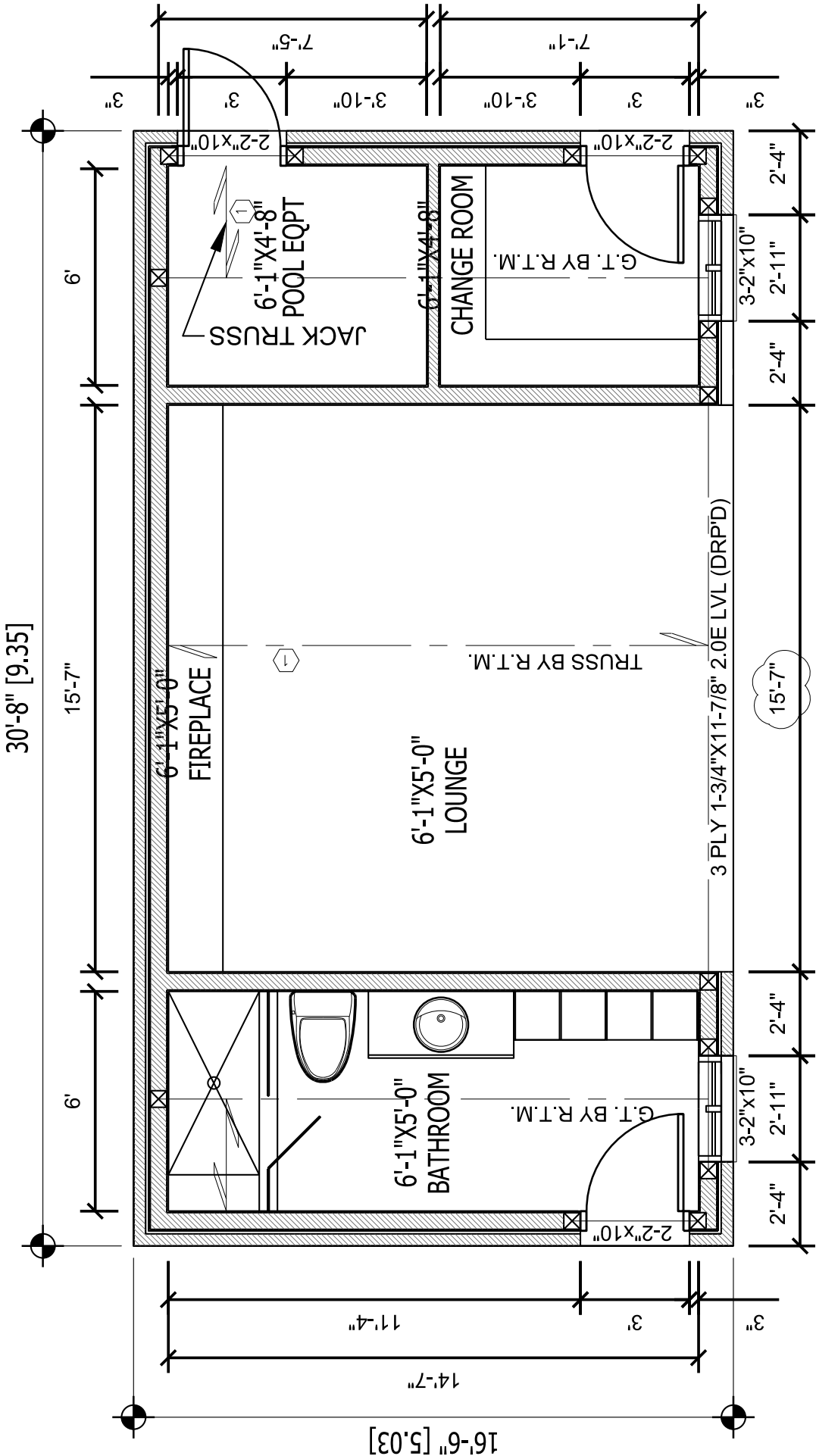
27 DONBAY DRIVE
VAUGHAN, ON

PAGE

GROUND FLOOR PLAN

APPROVED BY:	TS
DATE:	SEPT. 2020
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PROJECT No.	2017SE242

A1.2



GROUND FLOOR PLAN

SCALE (1/4"=1'-0")

2

A1.2

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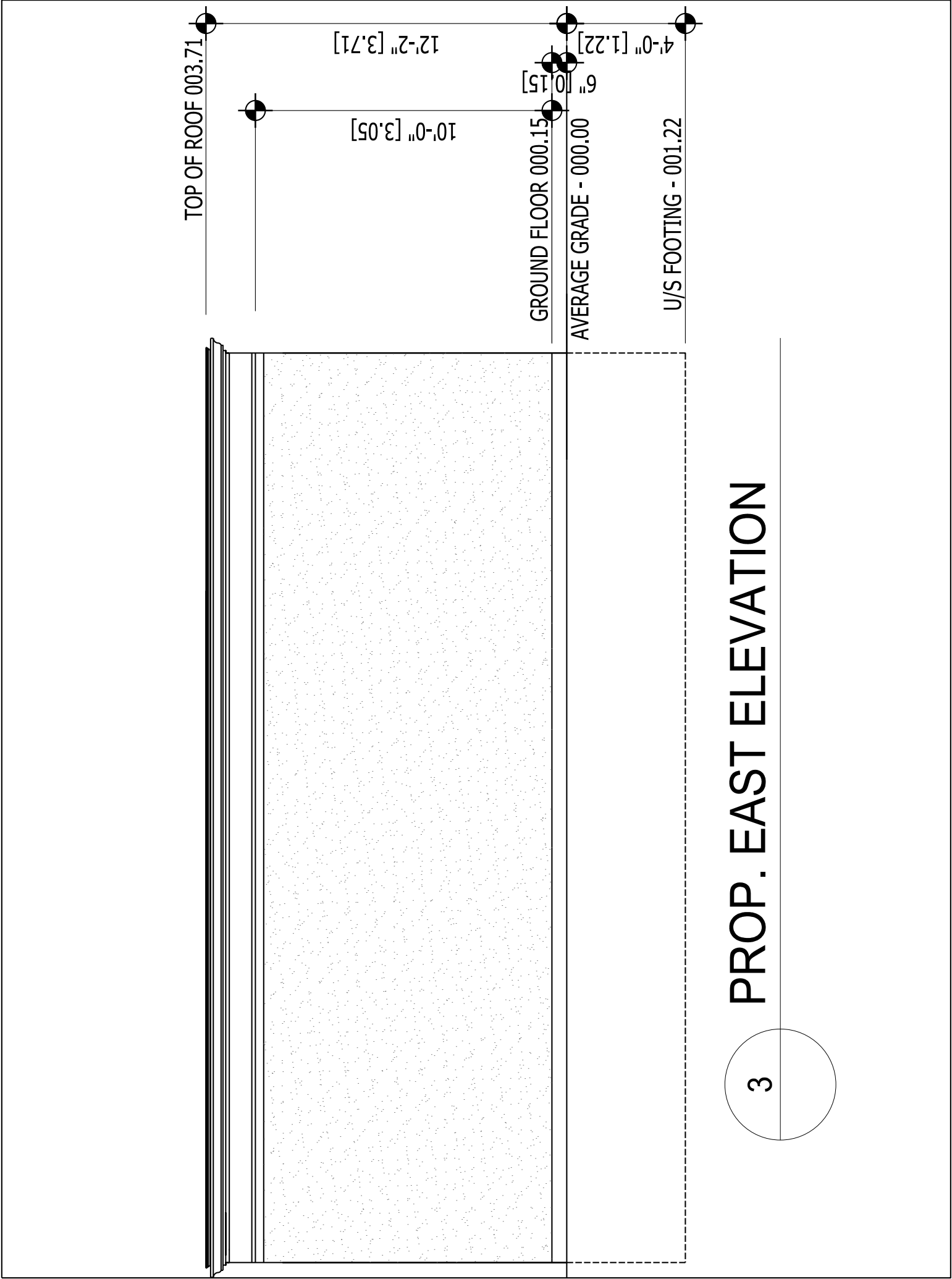
27 DONBAY DRIVE
VAUGHAN, ON

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ROOF PLAN

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A1.3

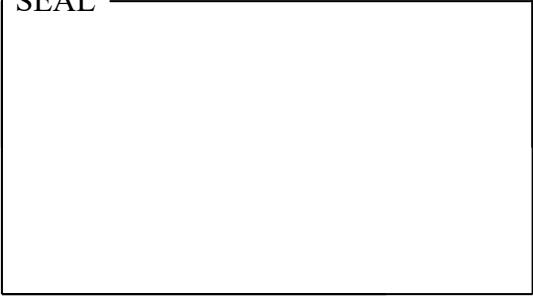


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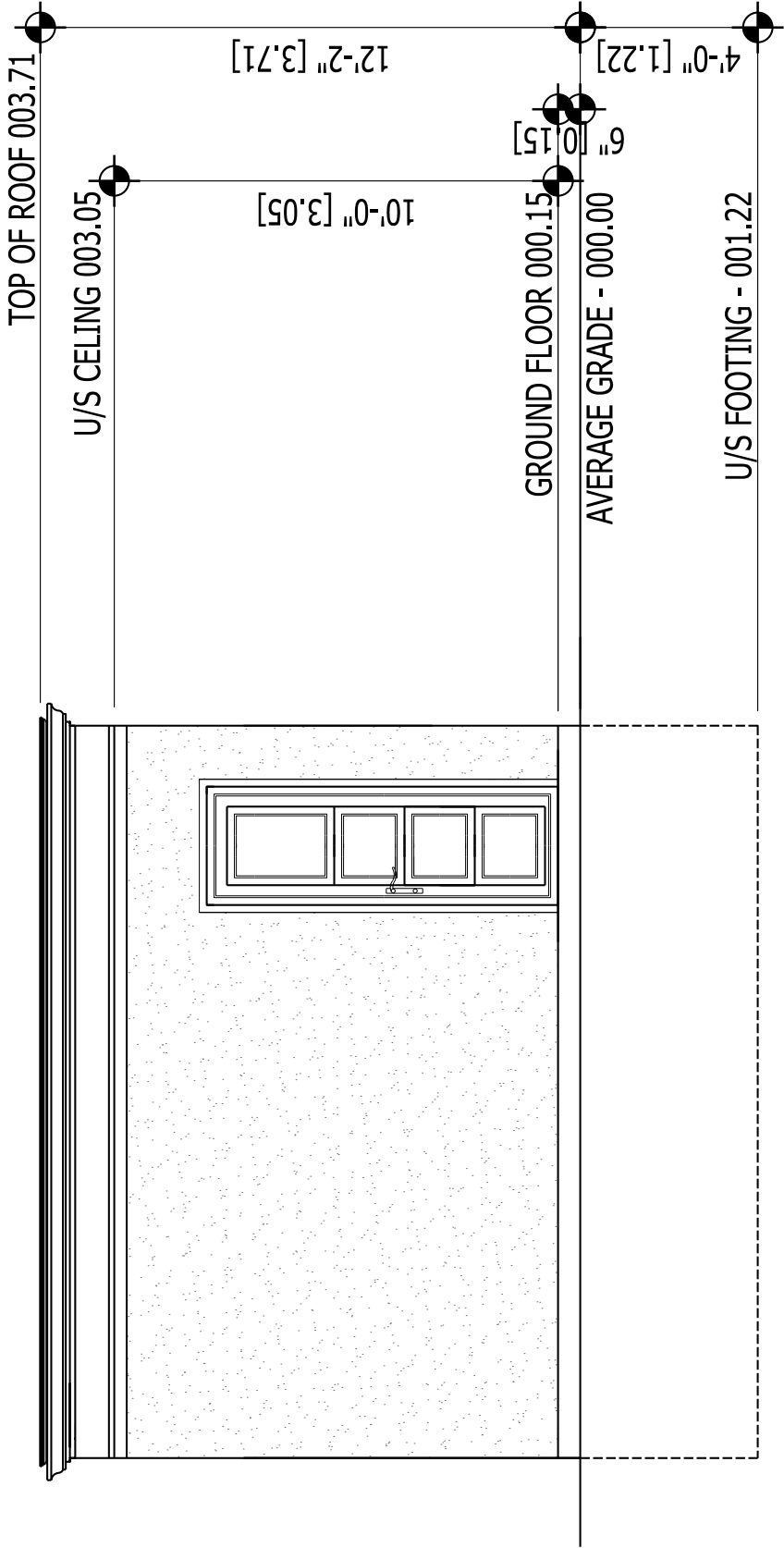
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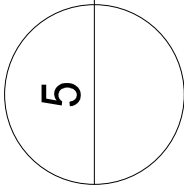
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EAST ELEVATION

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PROP. NORTH ELEVATION

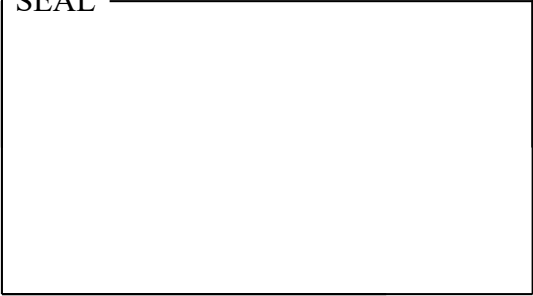


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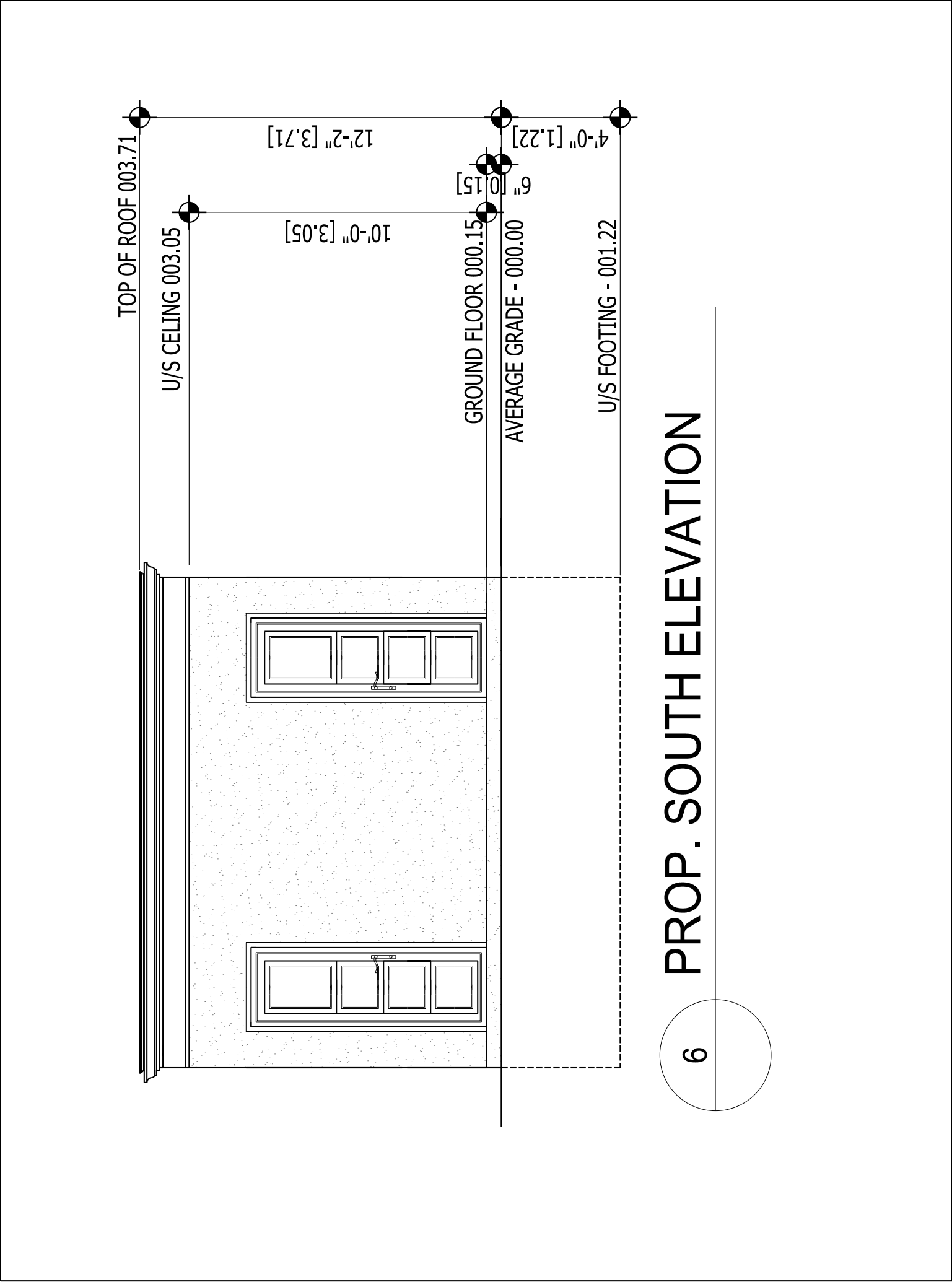
27 DONBAY DRIVE
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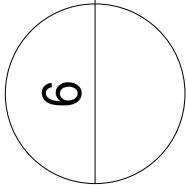
NORTH ELEVATION

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A2.3



PROP. SOUTH ELEVATION

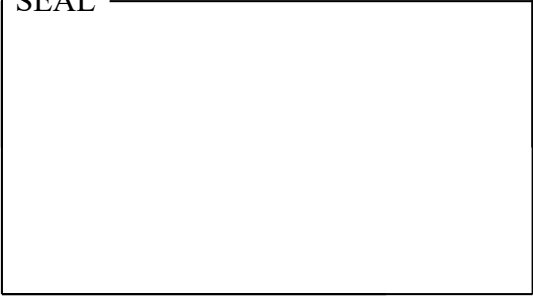


NOTES

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS PROVIDED BY AND IS THE PROPERTY OF THE DESIGNER. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND NOTIFY THE DESIGNER OF ANY VARIATIONS FROM THE SUPPLIED INFORMATION. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, MECHANICAL, ELECTRICAL INFORMATION SHOWN ON THIS DRAWING. REFER TOT HE APPROPRIATE ENGINEERING DRAWINGS (I.E. FLOOR LAYOUT, TRUSS LAYOUT) BEFORE PROCEEDING WITH THE WORK. CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

DRAWINGS SHALL NOT BE SCALED. THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL THE REQUIRED BUILDING PERMITS HAVE BEEN ISSUED.

SEAL



PROJECT

27 DONBAY DRIVE
VAUGHAN, ON

PAGE

SOUTH ELEVATION

APPROVED BY: TS	A2.4
DATE: SEPT. 2020	
SCALE: 1/4" = 1' 0"	
PROJECT No. 2017SE242	





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

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: A099/20 - REQUEST FOR COMMENTS

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

Sent: October-08-20 2:01 PM

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

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

Subject: [External] RE: A099/20 - REQUEST FOR COMMENTS

Good Afternoon Pravina,

MTO has reviewed the subject land(s) located at 27 Donbay Dr. 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

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
MTO – Located outside of MTO permit control area