



File: A136/20

Applicant: Willowgate Holdings Limited

Address: 45 Napier Street, Kleinburg ON

Agent: Robert Lavechia
KLM Planning Partners Inc.

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	☒ Positive Comment	Condition(s) ☒ ☒
	☒ Negative Comment	
Committee of Adjustment	☒	
Building Standards	☒	
Building Inspection	☒	
Development Planning	☒	☒
Cultural Heritage (Urban Design)	☒	
Development Engineering	☒	☒
Parks, Forestry and Horticulture Operations	☒	
By-law & Compliance	☒	
Financial Planning & Development	☒	
Fire Department		
TRCA	☒	☒
Ministry of Transportation		
Region of York	☒	
Alectra (Formerly PowerStream)	☒	
Correspondence (see Schedule B)	☒	

Adjournment History: None

Background History: None



**Minor Variance
Application**

Agenda Item: 11

A136/20

Ward: 1

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, February 4, 2021 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: Willowgate Holdings Limited

Agent: Robert Lavechia - KLM Planning Partners Inc.

Property: **45 Napier Street, Kleinburg ON**

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

OP Designation: "Low-Rise Residential" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 1; and "Village Residential" by VOP 2010, Volume 2, Chapter 12.4 - Kleinburg Core.

Related Files: None.

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling and accessory structure (cabana). The cabana is to be located in the rear yard. Relief is also being requested to facilitate Site Plan Application DA.19.076.

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 northerly interior side yard setback of 1.2 metres to the dwelling.
2. A minimum interior side yard setback of 1.2 metres is required to the stairs and the stairs shall not exceed one-storey in height.	2. To permit a southerly interior side yard setback of 0.6 metres to the two sets of stairs and to permit the stairs to exceed one-half storey.
3. The maximum lot coverage of 30% is permitted.	3. To permit a maximum lot coverage of 40% (26.3% - House, 9% Terrace, 4.7% Cabana).

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 January 20, 2021

Applicant confirmed posting of signage on January 15, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1966
Pool	1987
Garage	1966

Applicant has advised that they cannot comply with By-law for the following reason(s): See Planning Justification letter (Schedule B).

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.

Please contact the Clerk’s Department regarding the Fence By-law and the front gate.

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 applicant confirms 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 open pool equipment on a pad shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard.

The accessory building (cabana) shall not be used as a Secondary Suite under By-law 1-88 a.a.

The lot coverage has been calculated as follows: (26.3% dwelling, 9.0% terraces, 4.7% accessory building).

Building Inspections (Septic):

No comments or concerns

Development Planning:

The Subject Lands are designated "Low-Rise Residential" by Vaughan Official Plan 2010 ('VOP 2010'), Volume 1; and "Village Residential" by VOP 2010, Volume 2, Chapter 12.4 - Kleinburg Core.

The Owner is proposing to construct a new 2-storey single-family dwelling with a pool and cabana in the rear yard with the above-noted variances, as proposed through Site Development Application DA.19.076. The subject property is located in the Kleinburg-Nashville Heritage Conservation District and received Heritage Vaughan approval on October 21, 2020. DA.19.076 must be approved to the satisfaction of the Development Planning Department, a condition to this effect is included in the recommendation of this report.

The new single-family dwelling and cabana has a total proposed lot coverage of 40% (26.3% dwelling, 9% terrace and 4.7% cabana). The terrace portion of the dwelling contains livable space beneath it and is therefore contributing the lot coverage on the site, however; the terrace does not create any adverse impacts to the streetscape or neighbouring properties. The main dwelling has a lot coverage of 26.3% which is consistent with other approvals in the vicinity. The reduced side yard setbacks of 1.2 m on the northerly lot line and 0.6 m on the southerly lot line are considered minor in nature as they are small reductions and will not impact the streetscape. Development Engineering staff have reviewed the proposed 0.6 m setback along the southerly lot line and have no objections.

The proposed cabana in the rear yard complies with the required setbacks and maximum building height requirement of Zoning By-law 1-88 and therefore will not have any adverse impacts on the neighbouring lots or the natural area located in the rear of the property. The rear (eastern portion) of the subject lands contains a valley corridor which is regulated by the Toronto and Region Conservation Authority ('TRCA'). TRCA reviewed this application and the related Site Development Application DA.19.076 and have no objection subject to their conditions.

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, subject to the following condition:

1. That related Site Development Application DA.19.076 be approved to the satisfaction of the Development Planning Department.

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 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 owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation Services Division.

The Development Engineering (DE) Department does not object to variance application A136/20 subject to the following condition(s):

1. 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 Development - Forestry:

No comments or concerns

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns.

Financial Planning and Development Finance:

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

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Fire Department:

No comment.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Application Justification Letter

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

TRCA – comments with conditions

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 Farzana Khan 905-832-8585 x 3608 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.
2	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	1. The applicant obtains a permit pursuant to Ontario Regulation 166/06 to authorize the proposed cabana structure. 2. The applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.
3	Development Planning Roberto Simbana 905-832-8585 x 8810 Roberto.simbana@vaughan.ca	That related Site Development Application DA.19.076 be approved to the satisfaction of the Development Planning Department.

Conditions

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

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

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

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

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

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://www.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.

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.

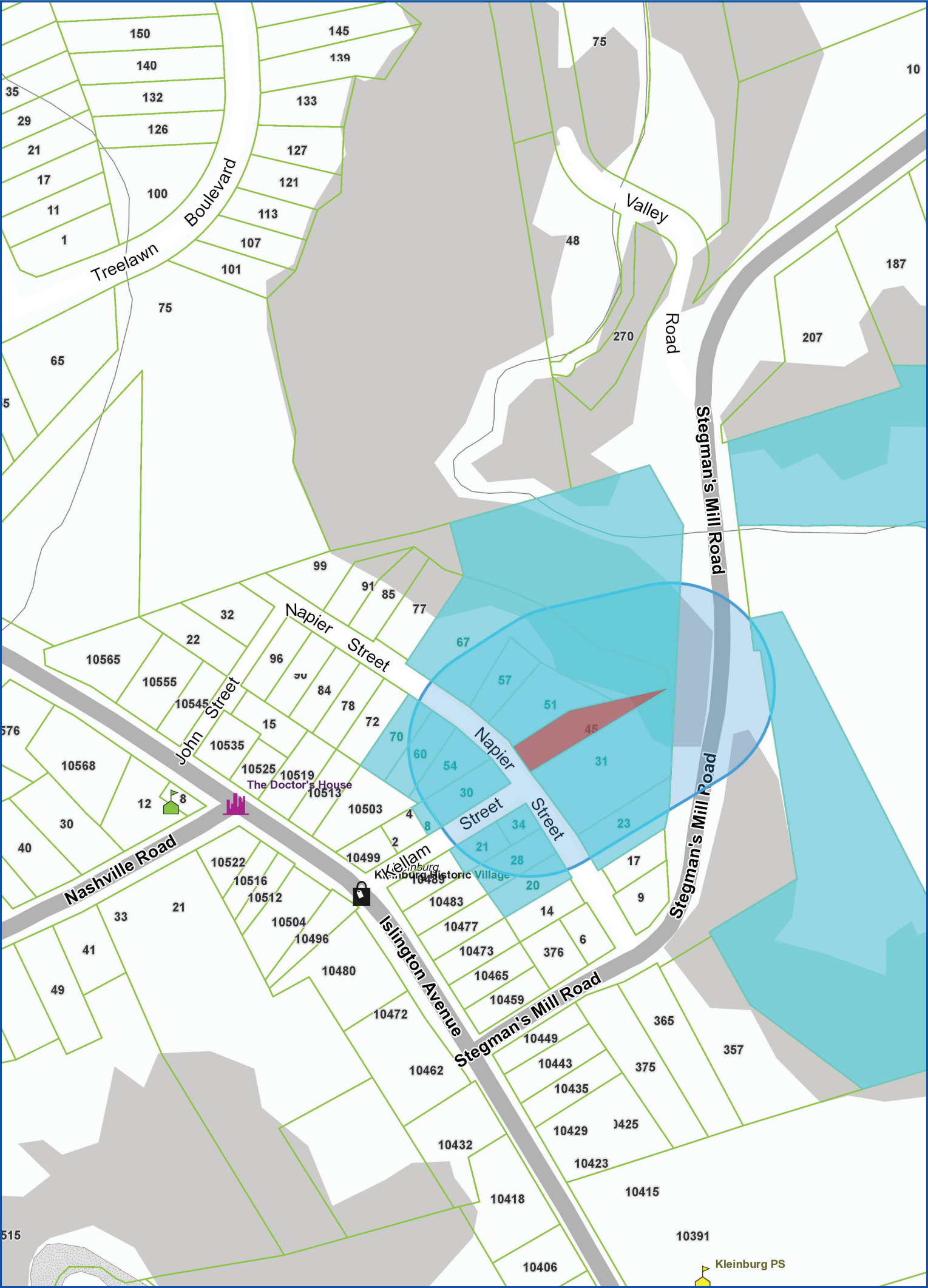
For further information please contact the City of Vaughan, Committee of Adjustment

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

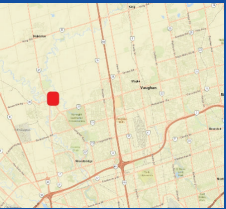
Schedule A: Plans & Sketches

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



Map Information:



Title:

45 NAPIER STREET, KLEINBURG

NOTIFICATION MAP - A136/20

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: 1:3,051
0 0.05 km



Created By:
Infrastructure Delivery
Department
November 26, 2020 6:00 PM

Projection:
NAD 83
UTM Zone
17N

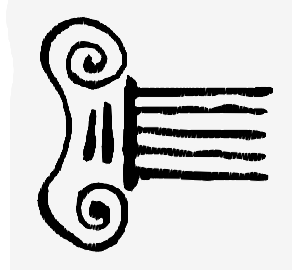
Signature: _____ Date: _____

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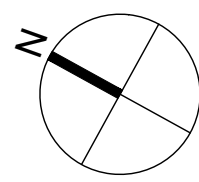
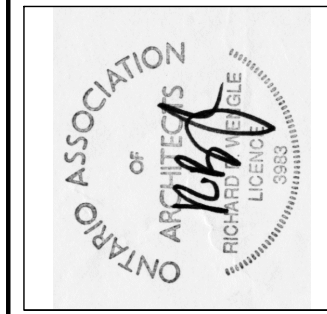
3.	SPA SUBMISSION 3			31/07/2020
2.	SPA SUBMISSION 2			27/04/2020
1.	SPA SUBMISSION			21/10/2019
No.	Issued For			Date d/m/y

SITE PLAN AND PROJECT STATS

PRIVATE RESIDENCE
45 NAPIER STREET
KLEINBURG, ONTARIO

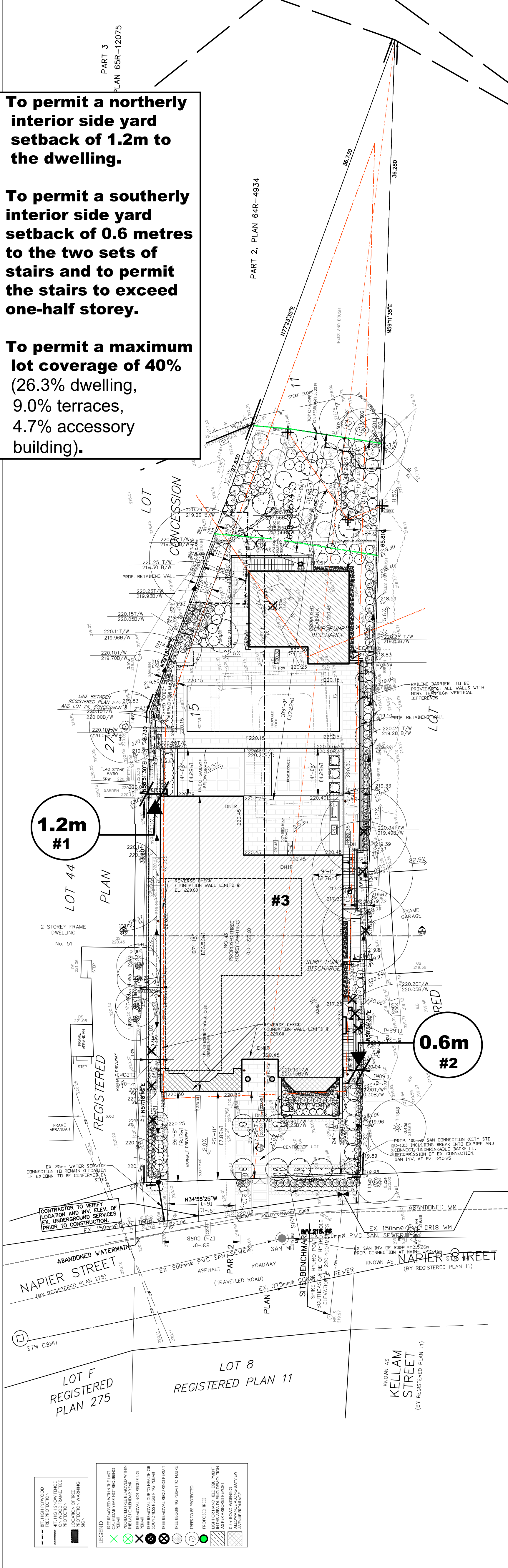


102 Avenue Road
Toronto, Ontario M5R 2H3
T: (416) 787-7575 / F: (416) 787-0635
e-mail: mail@nrwainc.ca

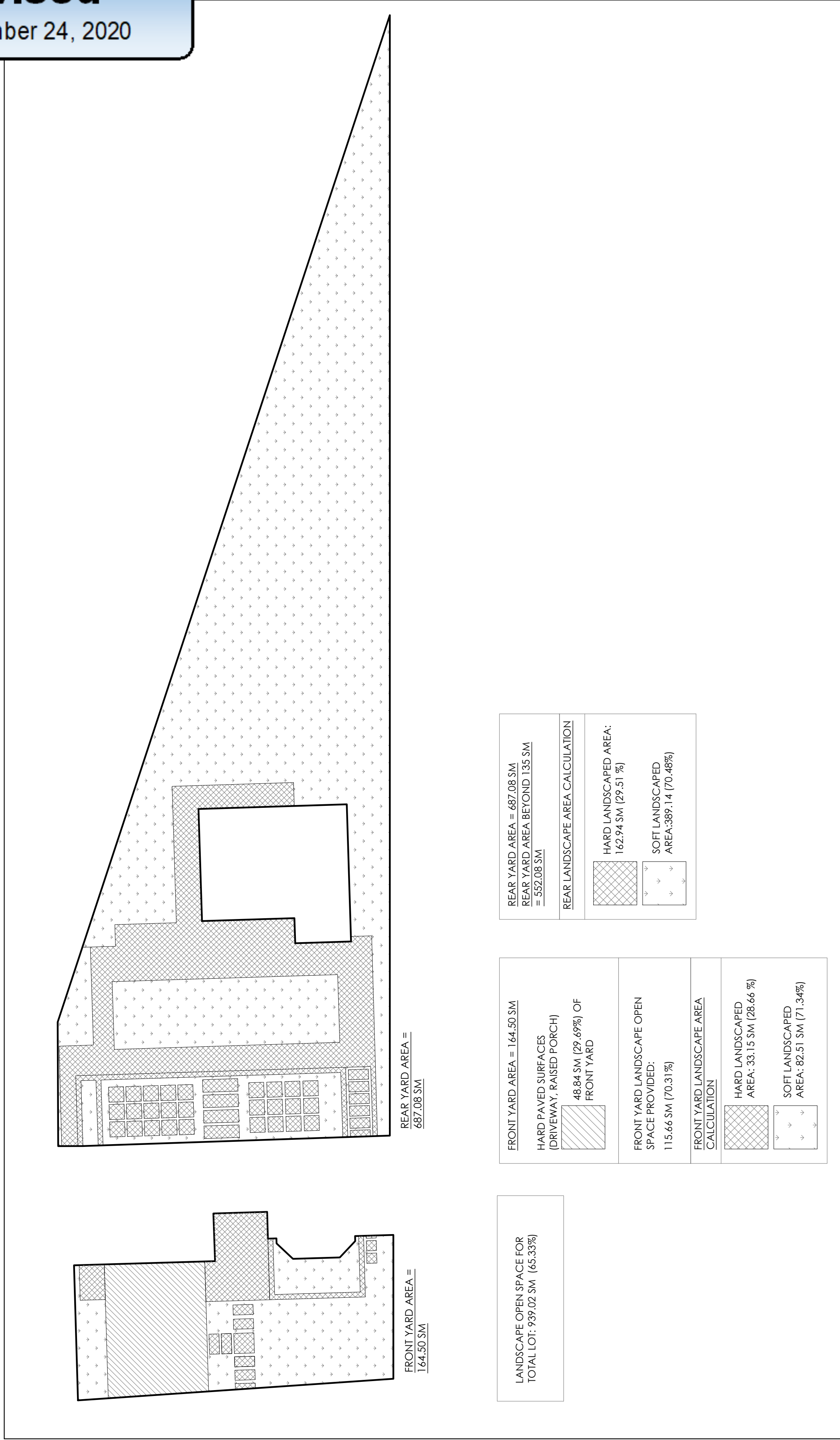


Checked by: RW
Project No.: 1752

A1.0

PART 3
PLAN 65R-12075

Revised
November 24, 2020



REAR YARD AREA = 687.08 SM REAR YARD AREA BEYOND 135 SM = 552.08 SM	REAR LANDSCAPE AREA CALCULATION
 HARD LANDSCAPED AREA: 162.94 SM (29.51 %)	 SOFT LANDSCAPED AREA: 389.14 (70.48%)

FRONT YARD AREA = 164.50 SM HARD DRIVEWAY SURFACES, (PAVED, RAISED PORCH) 48.84 SM (29.69%) OF FRONT YARD 	FRONT YARD LANDSCAPE OPEN SPACE PROVIDED: 115.66 SM (70.31%)	FRONT YARD LANDSCAPE AREA CALCULATION	HARD LANDSCAPED AREA: 53.15 SM (28.66 %) 	SOFT LANDSCAPED AREA: 82.51 SM (71.44%) 
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LANDSCAPE OPEN SPACE FOR
TOTAL LOT: 939.02 SM (65.33%)

TOTAL LOT: 939.02 SM (65.33%)

Statistics		
45 Napier Street City of Vaughan Lot 15, Registered Plan 11		
Zoning Designation	R1	
Lot Frontage:	19.19 m	
Lot Width (at FYS):	19.41 m	
Lot Depth:	103.20 m	
Lot Area:	1437.26 sm	
Finished Basement Area:	224.75 sm	
Front Yard Area:	164.50 sm	
Rear Yard Area Beyond 135 sm:	552.06 sm	
GFA: Ground Second Third Total	Proposed:	298.47 sm
		234.81 sm
		167.43 sm
		700.71 sm
Coverage*	Proposed:	377.90 sm (26.3%)
		House: 130.00 sm (9.0%)
		Terrace: 67.00 sm (4.7%)
		Total: 574.90sm (40%)
Setbacks:	Front	7.5 m
	Rear	7.68 m
	Side (n)	1.2 m
	Side (s)	1.5 m
Height to top of Flat:	9.5 m	9.5 m
Height to mid point :	9.5 m	8.55 m
Note: the height is measured from the average grade at the front house elevation to the flat roof or to the midpoint between the highest eave and the highest ridge of the roof.		
Height of Cabana:	4.5 m	4.0 m
Single Driveway width:	6.0 m	6.0m
Note: Taken at curb		
Landscape open space for total lot:		149.79 sm (10% min)
Front Yard Landscape open space:		82.25 sm (50% min)
Front Yard Soft Landscape open space:		49.35 sm (60% or above min)
Rear Yard Soft Landscape area:		331.25sm (60% min)
Rear Yard Soft Landscape area:		389.14sm (70.48%)
Total		939.02 sm (65.35%)

*Variance requested

2 PROJECT STATISTICS

A10 SCALE: NTS

3 LANDSCAPE CALCULATIONS

A10 SCALE: NTS

This drawing is not to be scaled.

Issued for Construction _____
Signature: _____
Date: _____

No.	Revision	Date

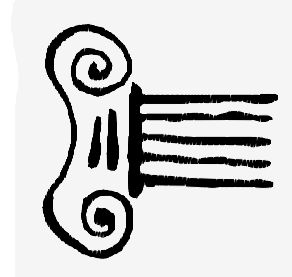
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Drawing Title
SITE PLAN
CLOSE UP

Project

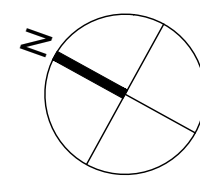
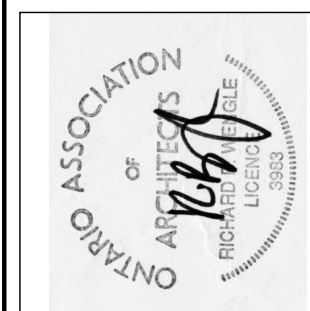
PRIVATE RESIDENCE

45 NAPIER STREET
KLEINBURG, ONTARIO



RICHARD WENGLE

ARCHITECT INC.
102 Avenue Road
Toronto, Ontario M5R 2H3
T: (416) 787-7575 / F: (416) 787-0635
e-mail: mail@rwainc.ca

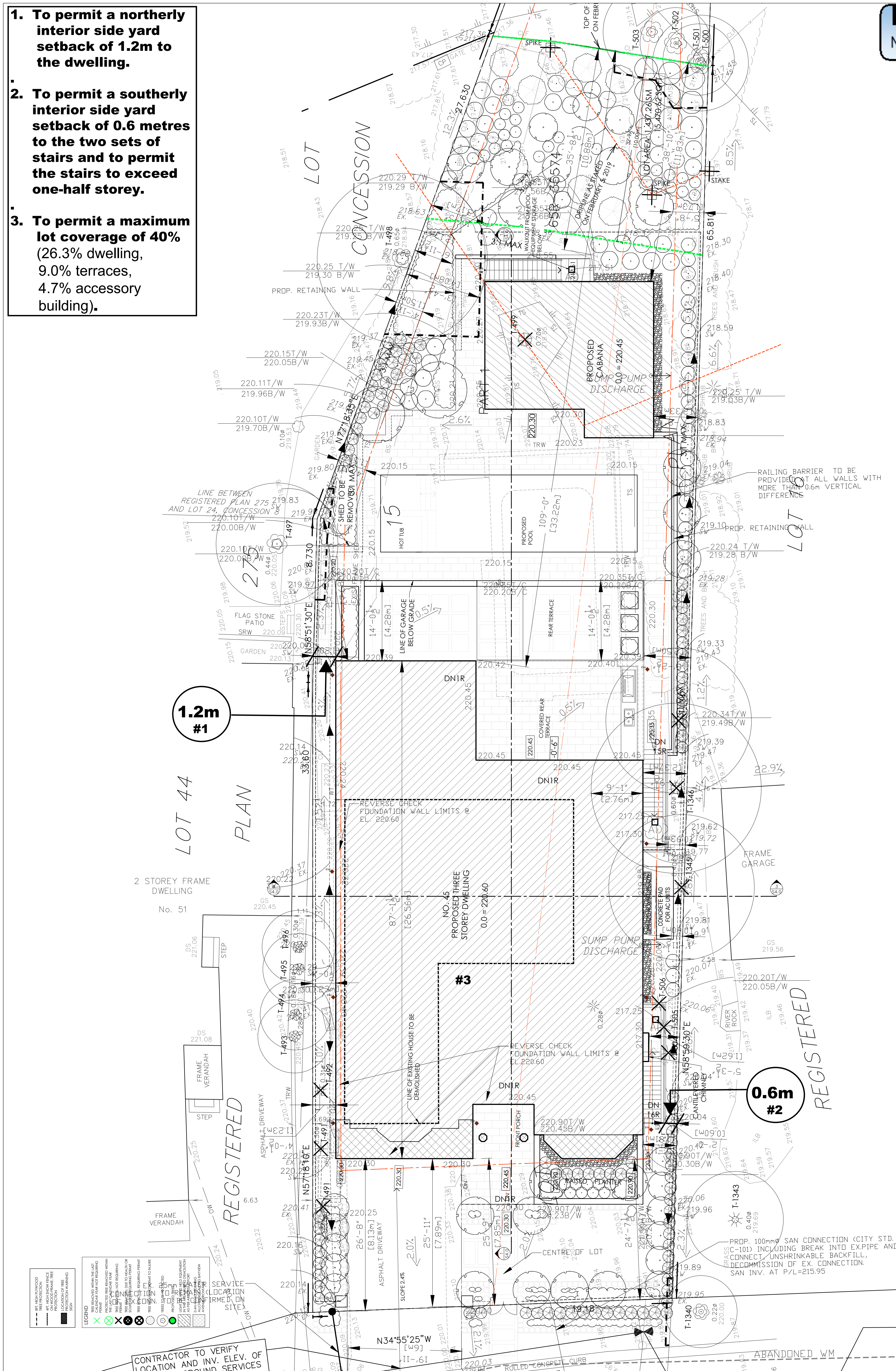


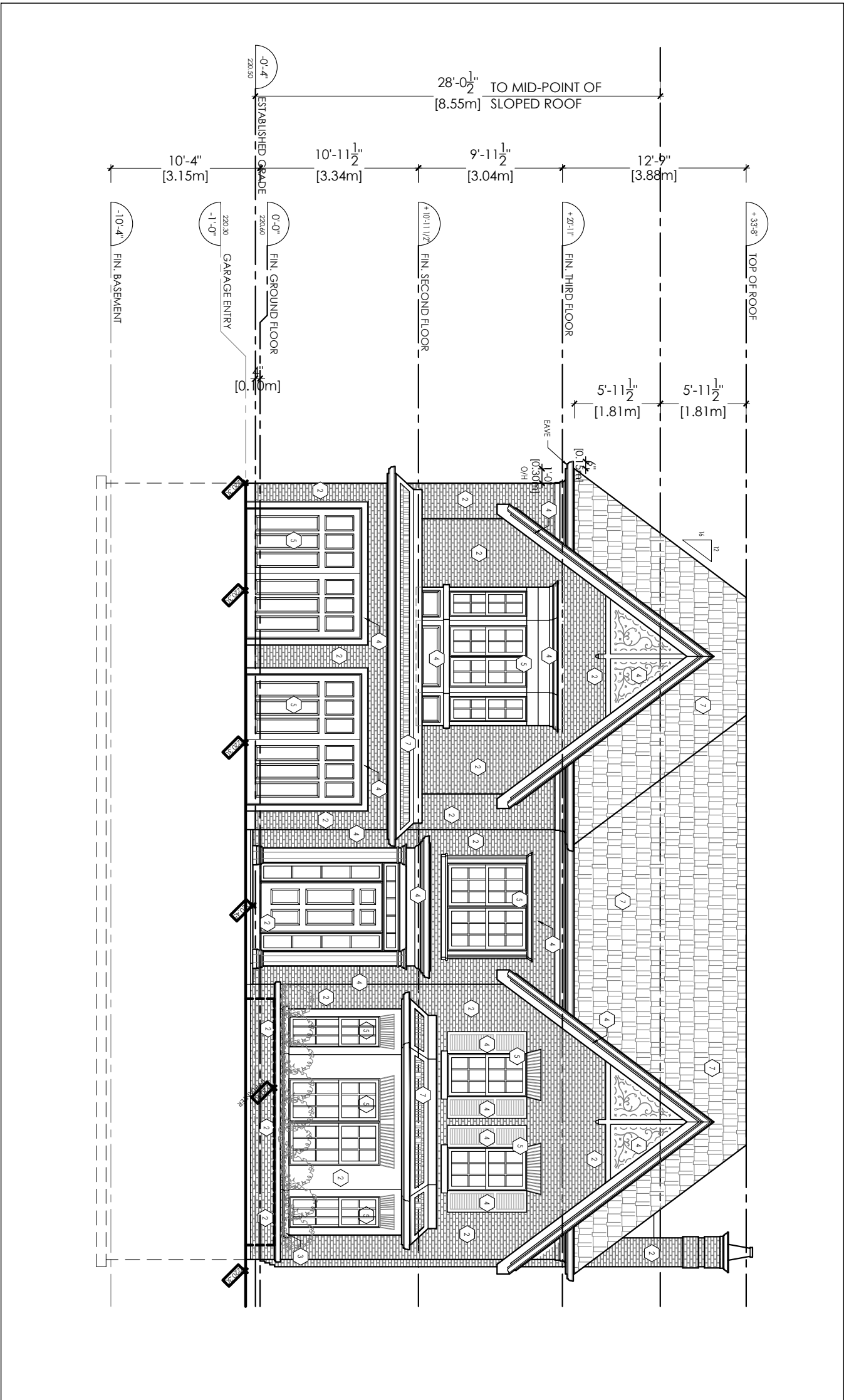
A1.1

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Drawn by:	NT
Checked by:	RW
Project No.:	1752

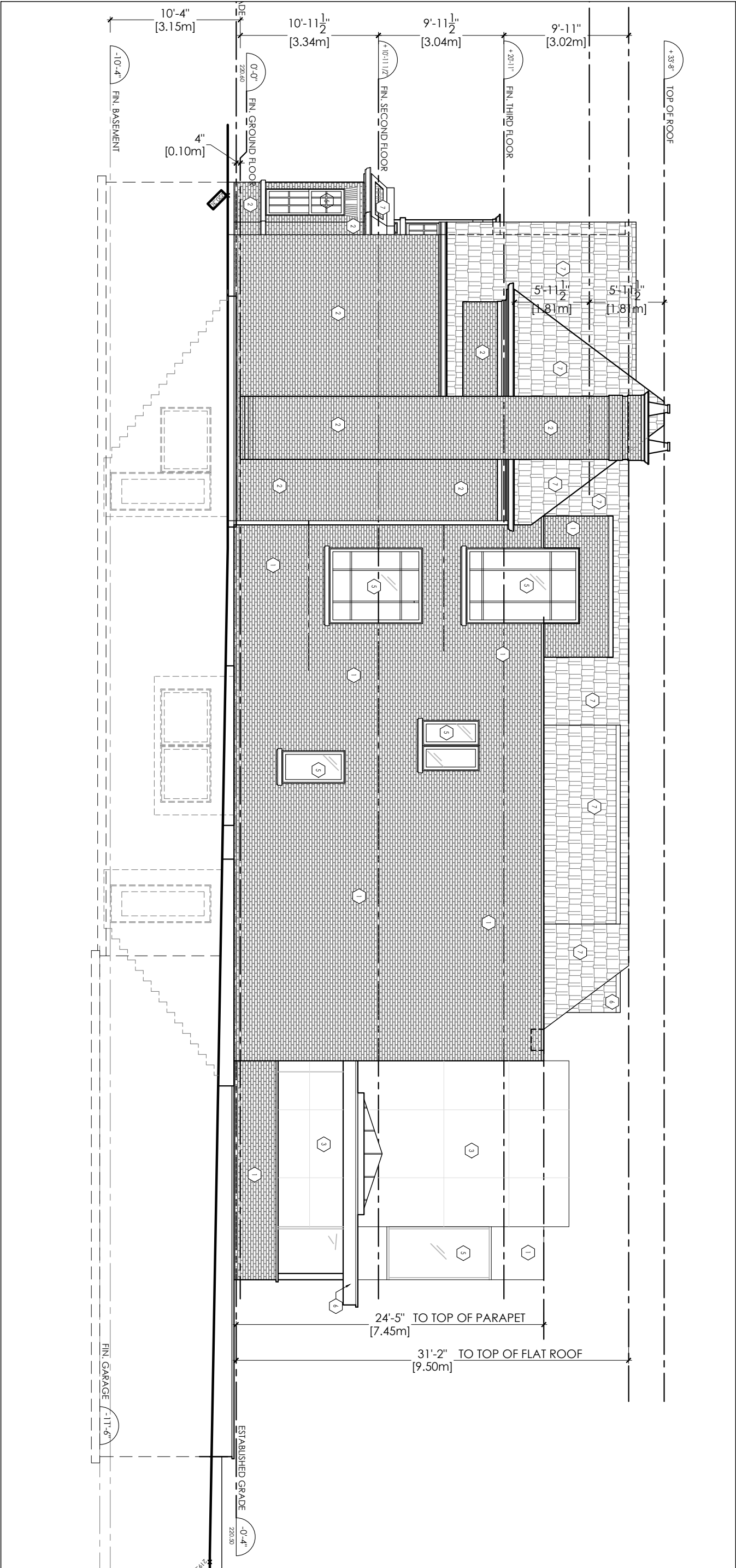
1. **To permit a northerly interior side yard setback of 1.2m to the dwelling.**
2. **To permit a southerly interior side yard setback of 0.6 metres to the two sets of stairs and to permit the stairs to exceed one-half storey.**
3. **To permit a maximum lot coverage of 40%**
(26.3% dwelling,
9.0% terraces,
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building).

Revised
November 24, 2020

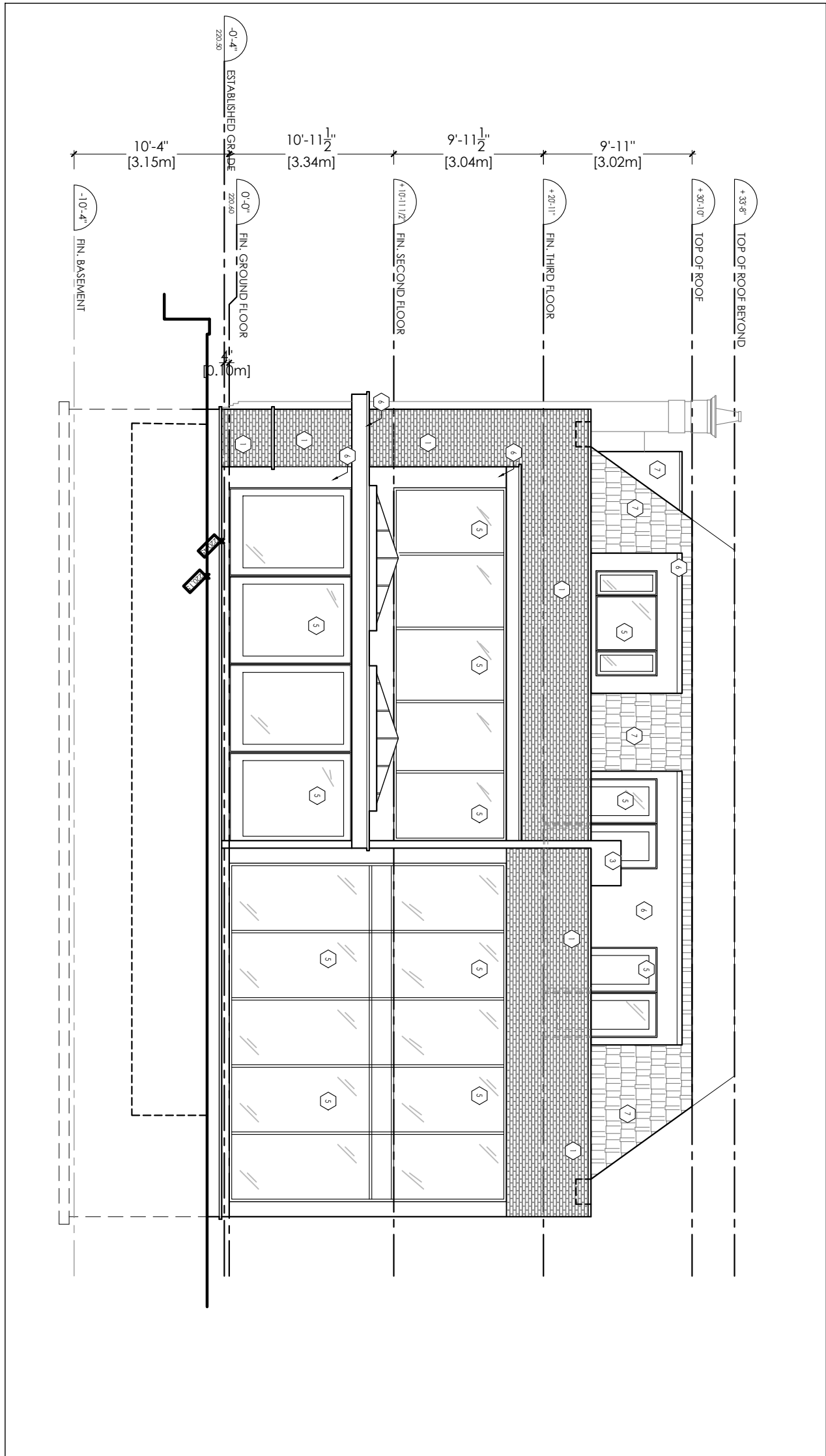




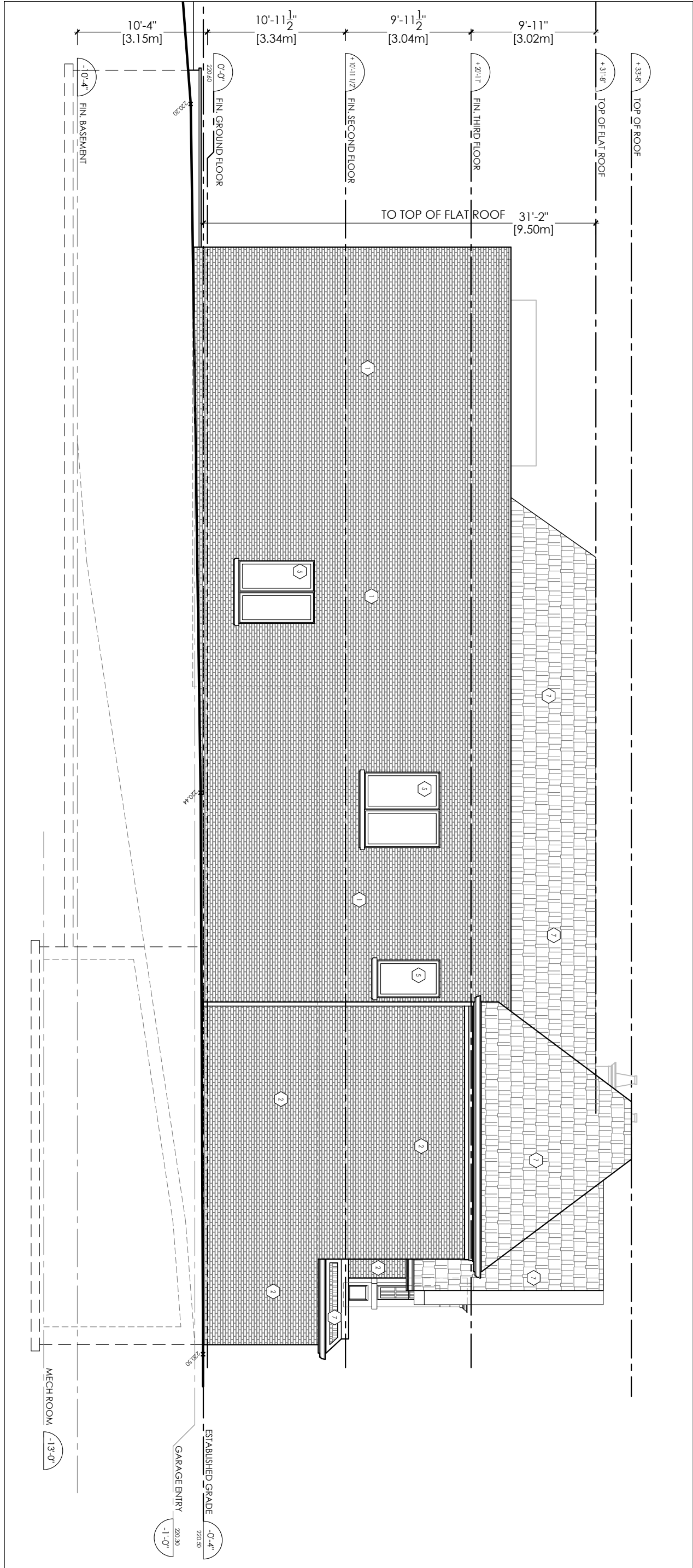
1 FRONT (WEST) ELEVATION
SCALE: 1:100
A3.0



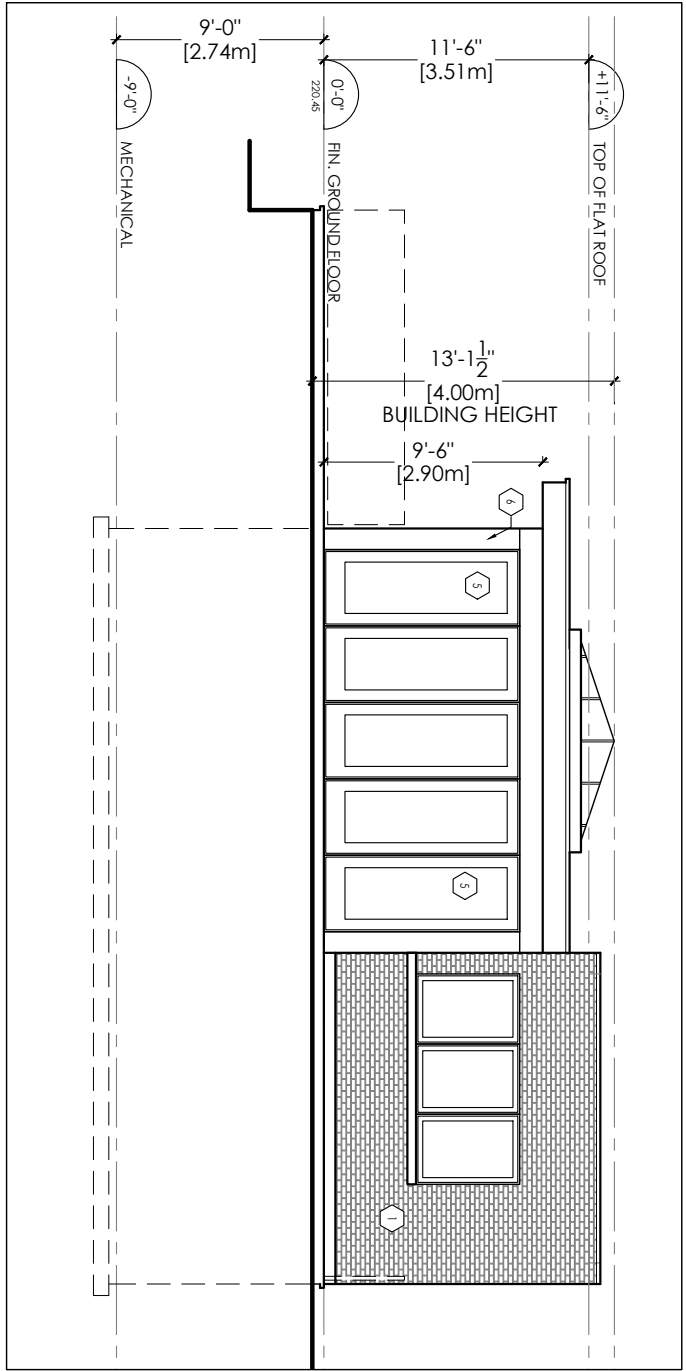
2 SIDE (SOUTH) ELEVATION
SCALE: 1:100
A3.0



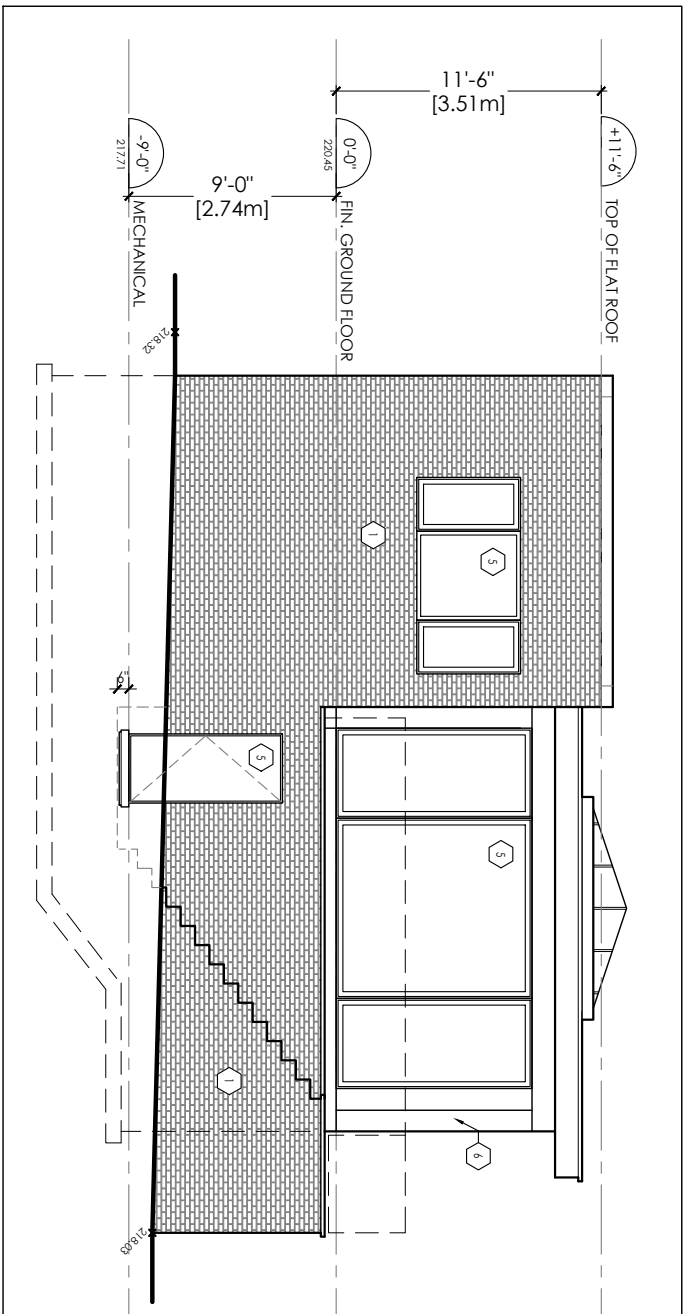
3 REAR (EAST) ELEVATION
SCALE: 1:100
A3.0



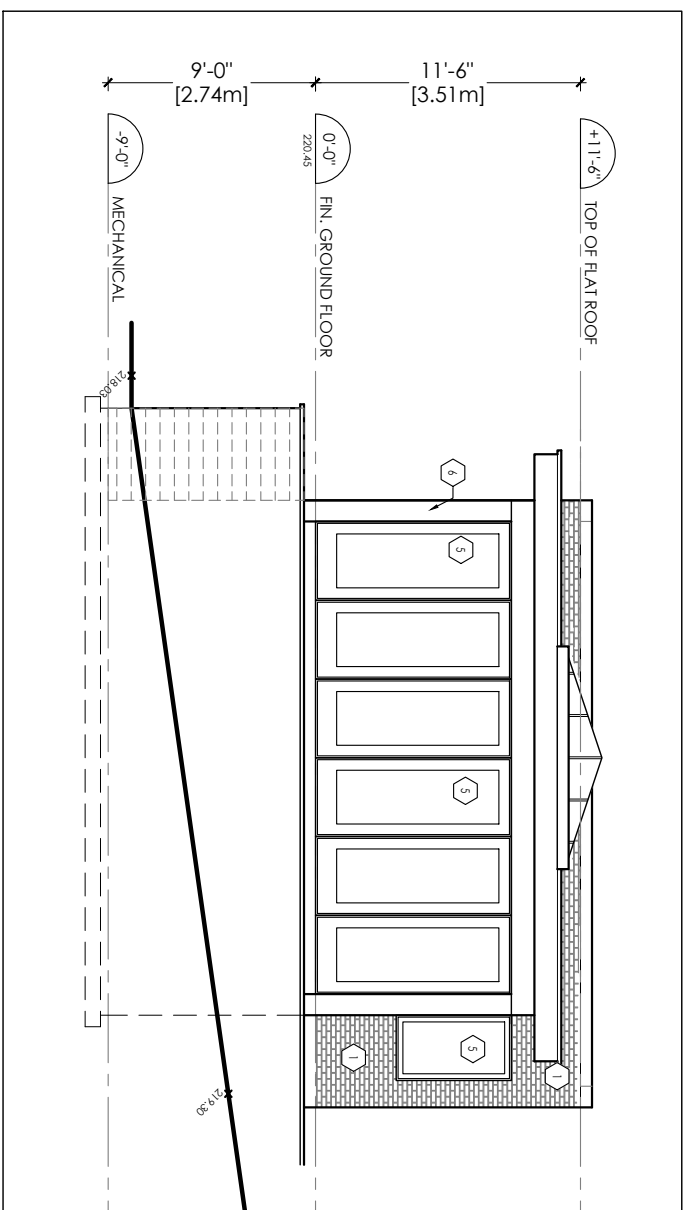
4 SIDE (NORTH) ELEVATION
SCALE: 1:100
A3.0



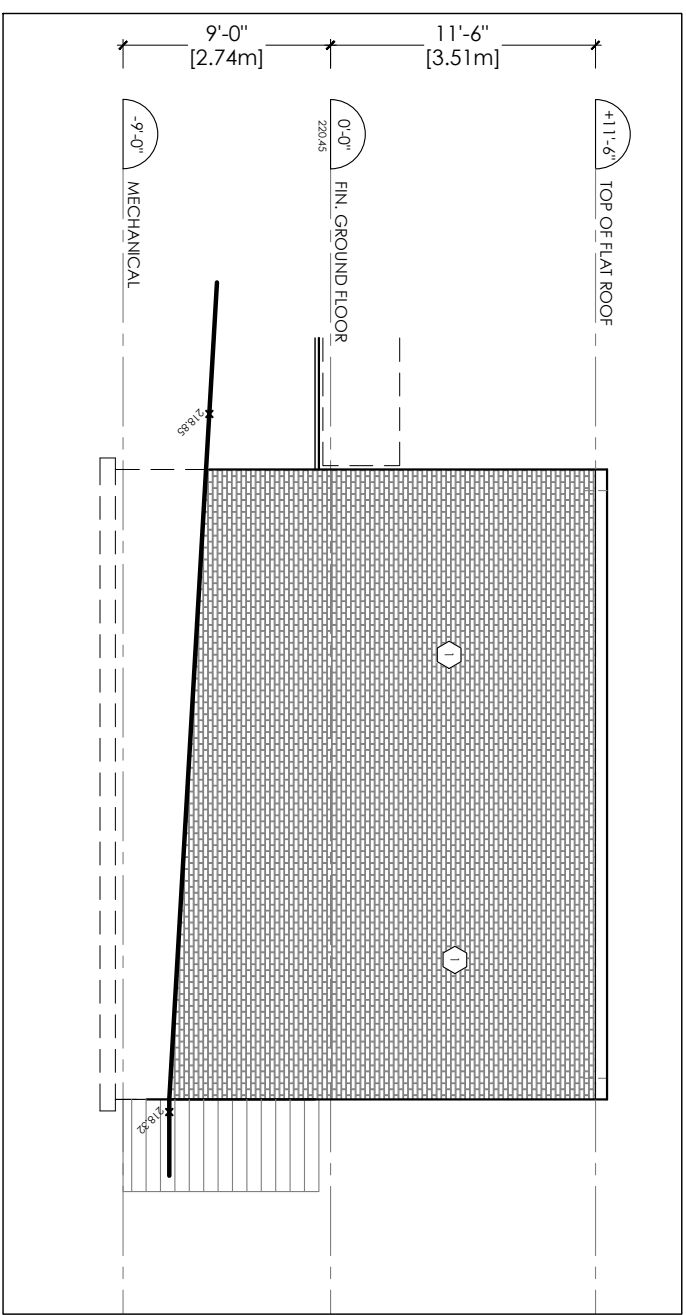
5 CABANA FRONT ELEVATION
SCALE: 1:100
A3.0



6 CABANA REAR ELEVATION
SCALE: 1:100
A3.0



7 NORTH ELEVATION
SCALE: 1:100
A3.0



8 SOUTH ELEVATION
SCALE: 1:100
A3.0

- LEGEND
- ① DARK GREY BRICK
 - ② BUFF/BEIGE BRICK
 - ③ INDIANA BUFF Limestone
 - ④ PAINTED WOOD TRIM-DARK CHARCOAL
 - ⑤ ALUMINUM CLAD WINDOWS-DOORS - DARK CHARCOAL
 - ⑥ ALUMINUM PANEL - DARK CHARCOAL
 - ⑦ DARK GREY SLATE ROOF

The Architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. engineering information shown on the drawing. Refer to the appropriate engineering drawings before proceeding with work.

Contractor shall check all dimensions on the work and report any discrepancy to the Architect before proceeding. Construction must conform to all applicable Codes and Requirements of Authorities having jurisdiction.

All drawings, specifications and related documents are the copyright property of the Architect and must be returned upon request. Reproduction of drawings, specifications and related documents in part or whole is forbidden without the Architect's permission.

This drawing is not to be scaled.

This drawing is not to be used for construction unless signed by the Architect.

Issued for Construction

Signature: _____

Date: _____

NO.	Revision	Date

3	SFA SUBMISSION 3	31/07/2020
2	SFA SUBMISSION 2	27/04/2020
1	SFA SUBMISSION 1	21/10/2019
NO.	Issued for	Date of/rev

Drawing Title

ELEVATIONS

Project

PRIVATE RESIDENCE

45 NAPIER STREET

KLEINBURG, ONTARIO

RICHARD WENGLE

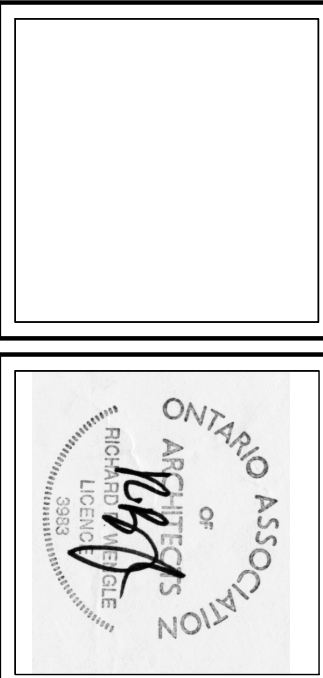
ARCHITECT INC.

102 Avenue Road

Toronto, Ontario M5R 2H3

T: (416) 781-7975 F: (416) 781-4035

e-mail: rwa@rwa.ca

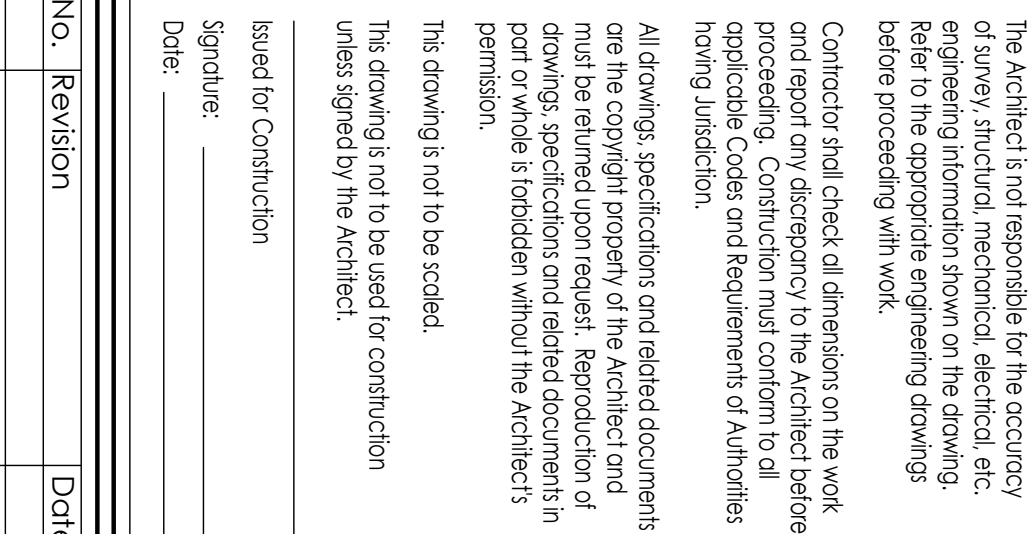


Scale: A3.0

Drawn by: NT

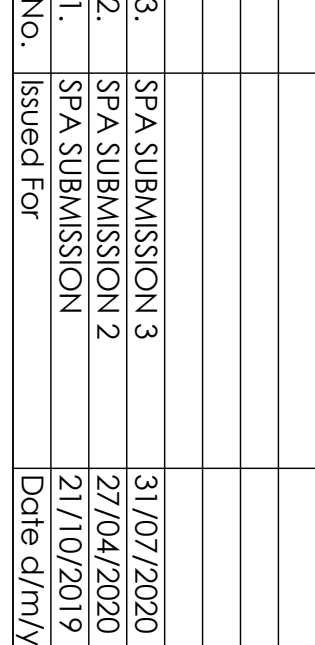
Checked by: RW

Project No.: 1752



SCALE: 1:150

SCALE: 1:150



SCALE: 1:100

SCALE: 1:100



SCALE: 1:100

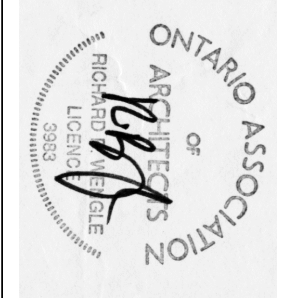
SCALE: 1:100

3.	SPA SUBMISSION 3	31/07/2020
2.	SPA SUBMISSION 2	27/04/2020
1.	SPA SUBMISSION	21/10/2019
No.	Issued For	Date d/m/y

SECTIONS

PRIVATE RESIDENCE
45 NAPIER STREET
KLEINBURG, ONTARIO

Toronto, Ontario M5R 2H3
(416) 787-7575 / F: (416) 787-0635
e-mail: mail@rwainc.ca



Project No.: 1752

A4.0

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.

Application Justification Letter



64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
T. 905.669.4055
F. 905.669.0097
klmplanning.com

P-3030

November 9, 2020

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Attention: Christine Vigneault

RE: Willowgate Holdings Limited
Minor Variance Application
Part of Lot 15 Registered Plan 11
45 Napier Street
City of Vaughan, Regional Municipality of York

Ms. Vigneault,

On behalf of our client Willowgate Holdings Limited, we are pleased to submit the enclosed materials in support of a Minor Variance Application at their lands in the Kleinburg area of the City of Vaughan:

1. One (1) hard copy of the Minor Variance Application Form completed by KLM Planning Partners;
2. One (1) hard copy of the Private Property Tree Removal Application Form completed by KLM Planning Partners;
3. One (1) hard copy of the Site Plan, Floor Plans, Elevations and Sections prepared by Richard Wengle Architect, dated July 31, 2020;
4. One (1) hard copy Tree Protection and Replacement Plan prepared by The Urban Arborist, dated July 31, 2020
5. One (1) hard copy of the Arborist Report prepared by The Urban Arborist, dated July 31, 2020
6. One (1) hard copy of the City of Vaughan Building Standards Department Memorandum, dated September 15, 2020;
7. One (1) digital copy of the above noted items .

The lands are known municipally as 45 Napier Street and legally described as Lot 15 of Registered Plan 11 (the "Subject Lands"), being near the intersections of Islington Avenue and Highway 27. The Subject Lands are approximately 0.1436 hectares (0.355 acres.) in size with

Planning • Design • Development

approximately 19 meters of frontage on Napier Street and a depth of approximately 100 metres. The existing lot is currently occupied by a vacant and boarded up single detached residential dwelling and is irregular in shape, sloping downwards towards the rear. The property is designated *Low Rise Residential* by Schedule 13 – Land Use Plan of the City of Vaughan Official Plan and zoned R1 *Residential Zone* by the City of Vaughan Zoning By-law 1-88, as amended.

The existing dwelling and accessory structure are proposed to be demolished and replaced by a new single detached dwelling and accessory structure. The Subject Lands are within the Kleinburg-Nashville Heritage Conservation District and the current Site Plan has received endorsement from City of Vaughan Heritage Committee at its meeting of October 21, 2020.

Through the processing of the Site Plan application, zoning deficiencies have been identified and corresponding relief is being requested from the Committee of Adjustment in order to implement the Site Plan. The September 15, 2020 memorandum from the Building Standards Department, which is enclosed, notes deficiencies related to maximum lot coverage, minimum interior side yard setback and encroachment permissions for stairs.

Accordingly, the proposed variances and planning rationale for the four tests of a minor variance as provided for in Section 45(1) of the Planning Act, R.S.O 1990, c. P.13, is provided below.

Proposed Minor Variances and Planning Rationale

1. A maximum lot coverage of 40% shall be permitted;
Whereas
A maximum lot coverage of 30% is permitted.

The general intent and purpose of the Official Plan and Zoning By-law are to provide for single family residential dwelling units that are reasonably sized on their respective lots. The lot coverage of 40% includes the single detached dwelling, accessory structure (cabana) and terrace. The portion of the lot coverage related to the single detached home and cabana are 26.18% and 4.7% respectively, for a total of 30.88% coverage which is largely in keeping with the maximum permissions. The terrace, which is generally less than 0.3 higher than the surrounding grade, and is therefore indiscernible from a deck or patio, and has no visual impact. This terrace is the top of the underground basement structure which accommodates parking spaces thereby removing the same from the streetscape. This terrace, and the request for increased lot coverage, has no impact on surrounding properties and helps to create a positive streetscape and environment free from parked motor vehicles and is desirable.

2. A minimum interior side yard of 1.2 shall be permitted;
Whereas
A minimum interior side yard of 1.5m is required.

The general intent and purpose of the Official Plan and Zoning By-law are to provide for single family residential dwelling units that are appropriately set back from their interior side lot lines. The exterior main walls of the proposed dwelling are set back a minimum of 1.8 and 1.2 metres of the south and north interior lot lines respectively which together average the required setback. The proposed dwelling has been offset from the centre of the lot so that the two sets of stairs into the proposed basement can be provided on the south side of the dwelling where the setback to the dwelling is increased to 1.8 metres. This allows for stairs to be provided while still maintaining the City's engineering design criteria for drainage along side lot lines requiring a ditch and minimum setback of 0.6 metres. The requested setback reduction of 0.3m is minor in nature and desirable in nature given that the setback to the dwelling has been increased on one side. The requested 1.2 metre interior side yard setback is common for recently constructed single detached dwellings in Vaughan and results in a desirable streetscape.

3. Stairs that are more than one half storey in height and provide access to a basement may encroach up 0.6 metres to an interior side yard;

Whereas

Stairs more than one half storey in height are not permitted in an interior side yard.

The general intent and purpose of the Official Plan and Zoning By-law are to provide for single family residential dwellings with permission and flexibility for building element encroachments. This variance is required to allow two sets of stairs which access the basement to be provided in the interior side yard. It is important to note due to the irregularity of the lot, while 0.6 metres to the stairs is provided at the front, at the rear, the setback to the stairs is approximately 0.9 metres. The resulting 0.6 metre setback to a staircase at its narrowest point allows for compliance with the City's engineering design criteria as noted above. In addition, these stairs are almost entirely below grade and therefore have no visual impact from the street or abutting property. This variance will allow convenient access to the basement, will have no adverse or technical impact and is desirable given the redevelopment of the lands.

Trusting this is satisfactory, if you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

KLM PLANNIN PARTNERS INC.,

A handwritten signature in dark ink, appearing to read 'Rob Lavecchia', with a long horizontal line extending to the right.

Rob Lavecchia, B.U.R.Pl.
Senior Planner II

Schedule C: Agency Comments

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

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- TRCA – comments with conditions

January 18, 2021

CFN 62574.34
Ex Ref CFN 59065.25

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

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

Dear Ms. Vigneault:

**Re: Minor Variance Application A136/20
Part Lot 24, Concession 8
45 Napier Street
City of Vaughan, Region of York
Willowgate Holdings Limited (Agent: KLM Planning Partners)**

This letter acknowledges receipt of the above noted application, received by the Toronto and Region Conservation Authority (TRCA) on December 8, 2020. TRCA staff has reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

Background

It is our understanding that the purpose of application A136/20 is to request the following:

1. To permit a northerly interior yard setback of 1.2 metres to the dwelling, whereas a minimum interior side yard setback of 1.5 metres is required.
2. To permit a southerly interior yard setback of 0.6 metres to two sets of stairs dwelling, whereas a minimum interior side yard setback of 1.2 metres is required.
3. To permit a maximum lot coverage of 40%, whereas a maximum lot coverage of 30% is permitted.

The purpose of the noted variances is to permit the construction of single family detached dwelling and an accessory structure (cabana).

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

A portion of the subject property is within TRCA's Regulated Area due to a valley corridor associated with a tributary of the Humber River that traverses the eastern portion of the site. 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. In this regard, TRCA must be contacted prior to any works taking place in the Regulated Area.

Application-Specific Comments

As noted above, the eastern portion of the site is regulated by TRCA due to the presence of a valley corridor. TRCA staff have been involved in reviewing the proposed development through a site development application (municipal file no. DA.19.076). As a part of the site development review process the limits of the valley corridor were delineated and an appropriate buffer established. Details related to restoration plantings and erosion and sediment control during construction were also reviewed. The proposed works shown on the submitted variance application reflect the works that were shown on the plans TRCA staff recommended approval for as a part of DA.19.076.

As previously noted during the site development process, a permit under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) will be required for a portion of the proposed works (i.e., cabana structure). A list of TRCA's permit requirements has been provided in Appendix 'A' for the applicant's reference.

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 A136/20, subject to the following conditions:

1. The applicant obtains a permit pursuant to Ontario Regulation 166/06 to authorize the proposed cabana structure.

2. The applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5743 or at stephen.bohan@trca.ca

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Bohan".

Stephen Bohan
Planner

Development Planning and Permits | Development and Engineering Services

Appendix 'A': TRCA Permit Requirements

In order to initiate the permit review process for the proposed cabana structure, the following materials must be submitted (digitally) to TRCA:

1. Complete Application for Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (Residential/Development Projects) (Pursuant to Ontario Regulation 166/06). The application can be downloaded from the following website: https://trca.ca/wp-content/uploads/2016/11/TRCA-PERMIT-APPLICATION-FORM_new.pdf
2. The following plans/drawings:
 - Site plan
 - Grading Plan
 - Erosion and Sediment Control Plan
 - Landscape Plan
3. One Copy of a legal survey of the subject property.
4. Permit Review fee of \$210 (Works on Private Residential Property – Minor Ancillary Residential). TRCA's fee schedule can be found by visiting the following site: <https://trca.ca/planning-permits/apply-for-a-permit/>

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: A136-20 - REQUEST FOR COMMENTS - 45 Napier Street, Kleinburg (Full circulation)

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: December-01-20 3:53 PM
To: Providence, Lenore <Lenore.Providence@vaughan.ca>
Subject: [External] RE: A136-20 - REQUEST FOR COMMENTS - 45 Napier Street, Kleinburg (Full circulation)

Hello Lenore,
The Regional Municipality of York has completed its review of the minor variance application and has no comment.
Regards,

Tiffany Wong, B.E.S. | 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. 71521 | tiffany.wong@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



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