

File: A003/21

Applicant: Marco & Concetta Guglielmi

Address: 9 Giotto Cr Maple

Agent: None

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, February 25, 2021

***Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).**



Minor Variance
Application

Agenda Item: 14

A003/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, February 25, 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: Marco & Concetta Guglielmi

Agent: None

Property: 9 Giotto Cr Maple

Zoning: The subject lands are zoned R4 Residential Zone Four, and subject to the provisions of Exception No. 9(1056), 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 installation of a proposed swimming 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 the swimming pool.	1. To permit a minimum rear yard setback of 3.0 metres to the inground swimming pool.
2. A minimum interior side yard setback of 1.5 metres is required to the swimming pool.	2. To permit a minimum interior side yard setback of 1.2 metres to the swimming pool.
3. A minimum rear yard setback of 9.0 metres is required to the accessory building	3. To permit a minimum rear yard setback of 7.5 metres to the accessory building (shed).

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 February 10, 2021

Applicant confirmed posting of signage on February 5, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	Approx 2000 (Purchased 2011)

Applicant has advised that they cannot comply with By-law for the following reason(s): The area is zoned R4 with exception 9 (10560) the map that regulates the area is E-1155. Under T-Schedule (T-105). It requires 9 meter setback from the rear fence for any type of above structures which includes swimming pools.

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

The applicant has confirmed the concrete patio is on grade.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is proposing to construct an inground swimming pool and accessory shed in the rear yard with the above noted variances.

The rear of the subject lands abut a stream corridor associated with the Don River Watershed, which are Core Features of the Natural Heritage Network and subject to the policies of Section 3 of VOP 2010. In support of the application, the Owner submitted an Arborist Report dated January 17, 2021, prepared by Jonathan O'Neill, identifying two trees on adjacent lands to the east of the subject lands that will be impacted by the excavation works proposed. Urban Design and Policy Planning and Environmental Sustainability staff have reviewed the submitted Arborist Report and concur with the recommendations of the Arborist Report to protect the existing trees. Staff also recommend providing a naturalized planting buffer inside the rear lot line to enhance the adjacent features. The Owner has reviewed this recommendation and will be providing a softscape buffer at the rear of the property. The Development Planning Department concur with the recommendations provided by staff and has no objection to the proposed variances for the location of the pool.

The Development Planning Department has no objection to Variance 3, as the accessory shed is considered appropriate. Accordingly, 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.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A003/21.

Parks Development - Forestry:

Construction/Infill Tree Permit Application and Arborist Report received and is under review with Forestry.

Forestry has 30 days to process the application once all requirements have been met. Case number 816624 for reference.

Tree Declaration Form not filled out property, applicant must submit new form that includes trees within 6 meters of property line being impacted by pool construction.

By-Law and Compliance, Licensing and Permit Services:

No comments or concerns.

Financial Planning and Development Finance:

No comment no concerns.

Fire Department:
No comments or concerns.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
None

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	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	1. The applicant obtains a revision to TRCA permit no. C-200957, to authorize the proposed shed structure and modified pool design. 2. The applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.

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.

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.

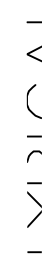
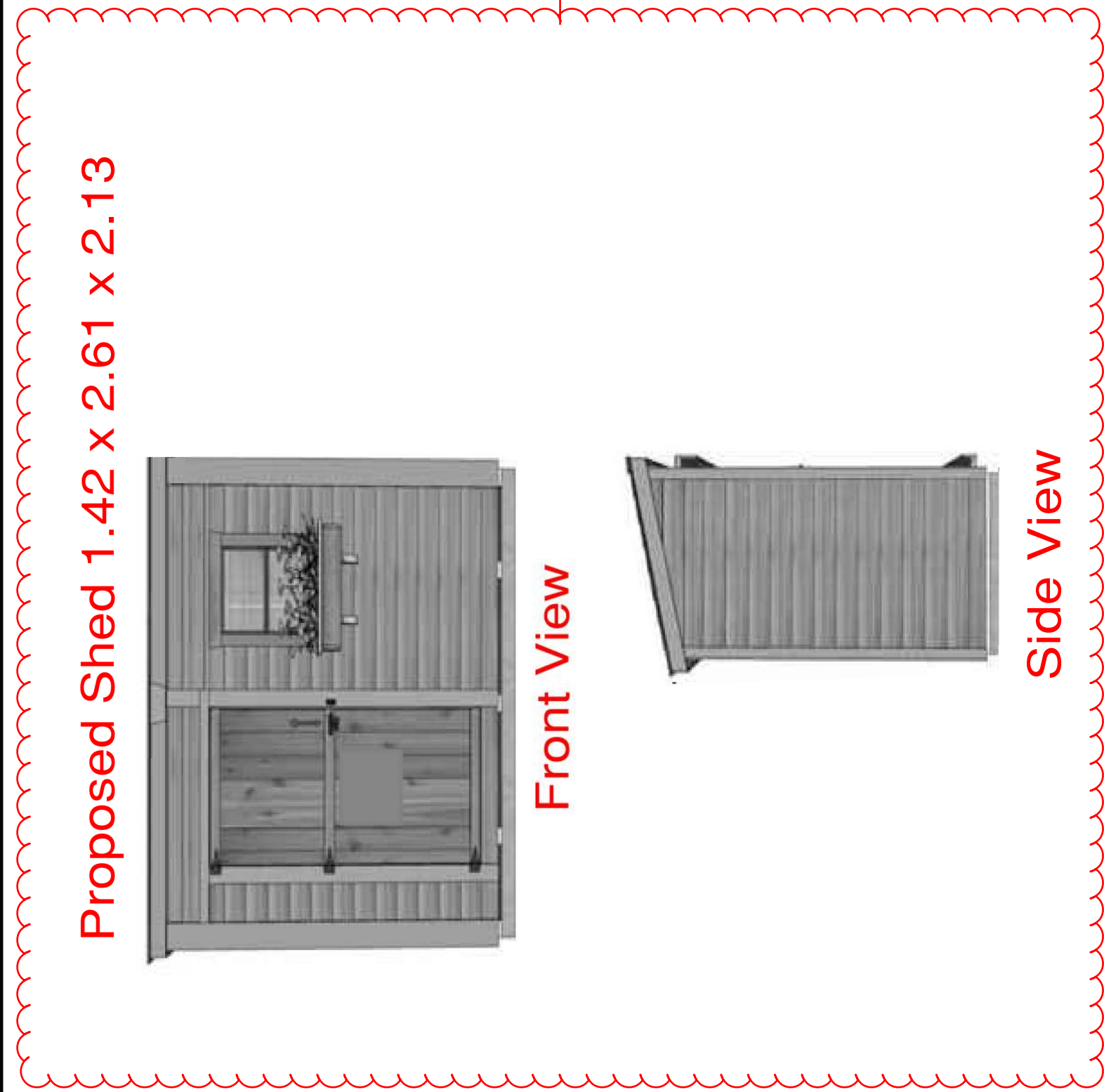
For further information please contact the City of Vaughan, Committee of Adjustment

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

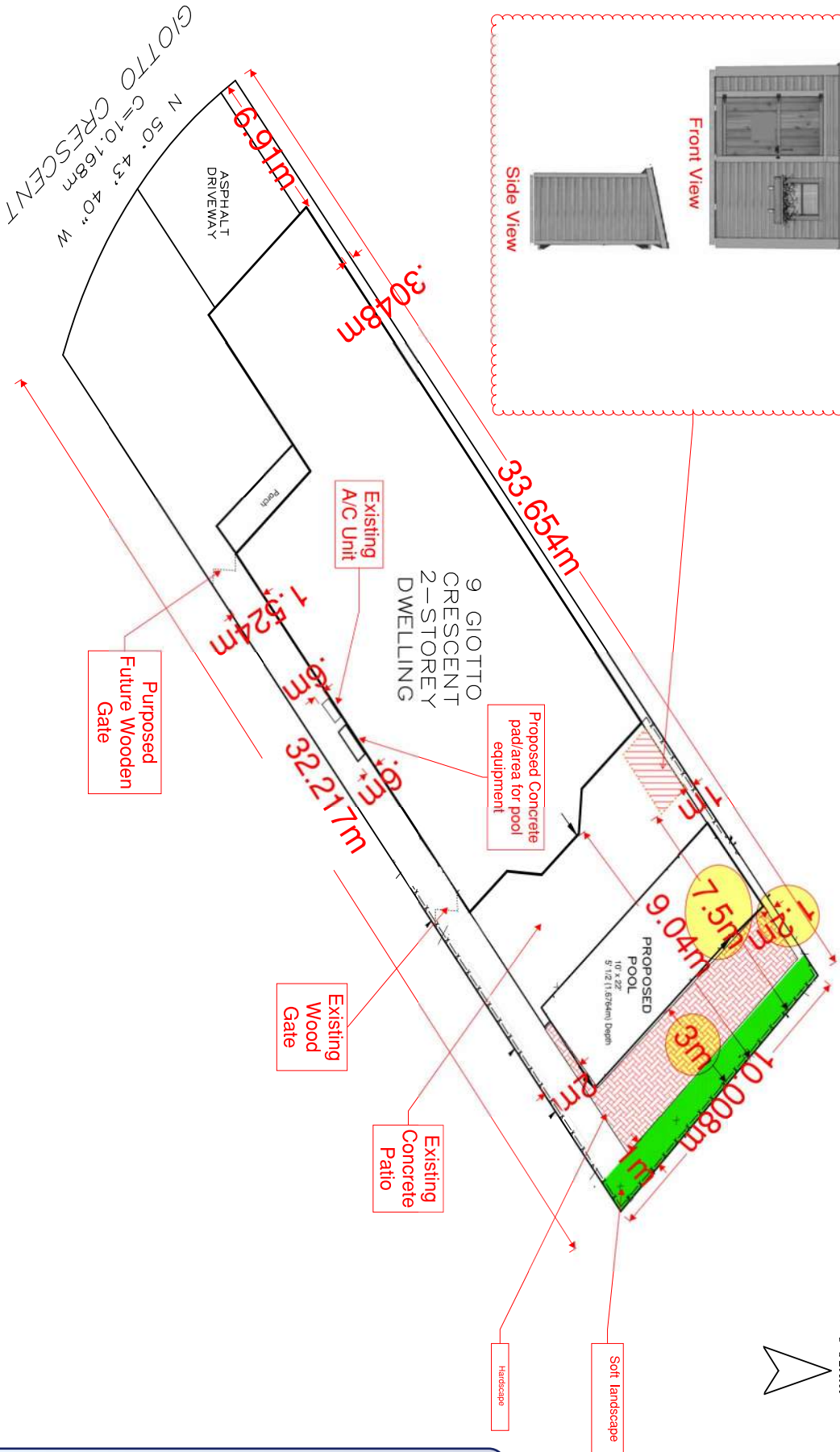
[illegible]

Proposed Shed 1.42 x 2.61 x 2.13

Front View



Side View



RECEIVED

By RECEIVED at 11:35 am, Feb 18, 2021

REFERENCE DRAWINGS

ISSUE

REVISIONS

1.000000

Minor Variance

February 18, 2021

9 Giotto Crescent
Rear Yard Pool
Vaughan, Ontario

R006

DWG NO.

TITLE

NO. DATE

ISSUED FOR

REV. DATE

SCALE: NTS

FULL SIZE ONLY

Schedule B: Public Correspondence Received

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

None

Schedule C: Agency Comments

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

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- 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: A003/21 - REQUEST FOR COMMENTS

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

Sent: February-02-21 3:27 PM

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

Subject: [External] RE: A003/21 - REQUEST FOR COMMENTS

Good afternoon Pravina,

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

Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca

February 10, 2021

CFN 64195.03
Ex Ref CFN 63732 & 35070.16

SENT BY E-MAIL: CofA@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 A003-21
9 Giotto Crescent - PLAN 65M3479 Lot 12
City of Vaughan, Region of York
Owner: Marco & Concetta Guglielmi**

This letter acknowledges receipt of the above noted application, received by the Toronto and Region Conservation Authority (TRCA) on January 27, 2021. 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 A003-21 is to request the following:

1. To permit a minimum rear yard setback of 3.0 metres to the inground swimming pool.
2. To permit a minimum interior side yard setback of 1.0 metres to the swimming pool.
3. To permit a minimum rear yard setback of 7.5 metres to the accessory building (shed).

The purpose of the noted variances is to permit the construction of an inground swimming pool and a shed in the rear yard.

Applicable TRCA Policies and Regulations

Living City Policies (LCP)

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long-term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

Ontario Regulation 166/06

The subject property is entirely within TRCA's Regulated Area due to the presence of a Regional Storm flood plain associated with a tributary of the Don River on the east of the subject property. 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

TRCA staff issued a permit (permit no. C-200957) on October 28, 2020, to facilitate the construction of an inground swimming pool on the subject property. Based on a review of the submitted materials, it appears that the location of the swimming pool is slightly modified, and a shed is proposed in addition to the previously approved plans. As such, the proponent will need to obtain a permit revision to authorize the proposed shed structure and modified pool design. A list of the permit revision requirements has been included in Appendix 'A'.

The submitted arborist report indicates that excavation associated with the proposed swimming pool will impact two trees located on adjacent lands to the east of the property. To reduce the impact of the construction on the trees, TRCA recommends that the proponent follow the arborist report's recommendations to protect the trees.

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 A003-21 subject to the following conditions:

1. The applicant obtains a revision to TRCA permit no. C-200957, to authorize the proposed shed structure and modified pool design.
2. The applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.

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

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

Cc: Simbana, Roberto <Roberto.Simbana@vaughan.ca>
Holyday, Margaret <Margaret.Holyday@vaughan.ca>
Marco and Concetta Guglielmi marcoquglielmi66@gmail.com

Appendix 'B': TRCA Permit Requirements

The subject lands are regulated by TRCA pursuant to Ontario Regulation 166/06. As such, a permit will be required from our office for the construction of the proposed shed.

To initiate the process to revise TRCA Permit C-200957, the following materials must be submitted in hard copy to TRCA:

1. Complete Permit Re-Issuance/Minor Revision 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 link: https://s3-ca-central-1.amazonaws.com/trcaca/app/uploads/2018/10/17175054/Permit-Re-Issuance-Application-Form-October-2016_new.pdf
2. A digital copy of the following plans is required:
 - a) Updated site plan identifying the location (i.e., distance to the property lines) and dimensions of the shed and the swimming pool.
 - b) Grading Plan – If no grading (i.e., placement of fill or excavation) is proposed, please just add a note on the site plan stating, “All existing grades will remain unchanged”.
 - c) Erosion and Sediment Control Plan.
3. Permit revision fee of \$105 (50% of the original permit fee of \$210). TRCA's permit fee schedule can be found by visiting the following site: <https://trca.ca/planning-permits/apply-for-a-permit/>.