

File: A036/21

Applicant: Liana Holly Pirillo

Address: 22 Rainbow's End Kleinburg

Agent: Fausto Cortese Architects 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 ☒ Negative Comment	Condition(s) ☒ ☒
Committee of Adjustment	☒	
Building Standards	☒	
Building Inspection		
Development Planning		
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)	☒	
Public Correspondence (see Schedule B)		

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
 Hearing Date: Thursday, April 8, 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: 15

A036/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , April 8, 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: Liana Holly Pirillo

Agent: Fausto Cortese Architects Inc.

Property: 22 Rainbow's End Kleinburg

Zoning: The subject lands are zoned R1, Residential and subject to the provisions of Exception 9(1162) under By-law 1-88 as amended.

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed accessory structure (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 [Schedule A].	1. To permit a minimum rear yard setback of 0.91 metres to an accessory structure (48.86 m2 cabana). * Applicant revised variance prior to the issuance of public notice to address staff comments. Revised proposal subject to zoning review.
2. A minimum of 60% of the rear yard in excess of 135 square metres (172.84 m2) shall be composed of soft landscaping. [Section 4.1.2 b)].	2. To permit a minimum of 43.6 % (125.85 m2) of the area of the rear yard in excess of 135 square metres to be composed of soft landscaping. * Applicant revised variance prior to the issuance of public notice to address staff comments. Revised proposal subject to zoning review.
3. A maximum rear yard encroachment of 1.5 metres is permitted [Section 3.14 h)].	3. To permit a maximum rear yard encroachment of 5.89 metres for unenclosed ground mounted pool equipment.

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 March 24, 2021

Applicant confirmed posting of signage on March 24, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2007 (Purchased 2020)

Applicant has advised that they cannot comply with By-law for the following reason(s):The design doesn't conform to the zoning bylaw.

Adjournment Request: Applicant was provided the following comments prior to the issuance of public notice:

- 1) DP recommends you consider increasing the rear side yard setback of 0.79m (variance 1) to a cabana to remain more consistent with similar approvals in the area.

***Applicant has revised variance to 0.91m, revised request subject to zoning review.**

- 2) The Development Planning Department is not in position to support a reduction of 38.7% in the rear yard landscape. We would like to work with you but note DP has supported similar minor variance applications proposing a reduction of 42-48%. It is the opinion of DP staff that reducing it below that standard will set an unwanted precedence.

***Applicant has revised variance to 43.6%, revised request subject to zoning review.**

- 3) No concerns with respect to variances 3.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Building Permit Application No. 07-005937 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit.

The Applicant advises that the existing stone face and stucco shed, as shown on the Survey and Site Plan, is to be removed. As a result, zoning has not reviewed the structure.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

Building Inspections (Septic):

No response

Development Planning:

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

Application under review.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A036/21. 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.
- 2) The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage from 60% to 38.7% in order to mitigate potential impacts on the municipal storm water system.

Parks Development - Forestry:

Prior to permit issuance, Forestry staff shall inspect and approve the tree protection (Hoarding). Tree protection shall be installed to the satisfaction of the Forestry division. (if applicable).

Tree protection & preservation methods must be followed according to City of Vaughan By-law 052-2018.

Arborist recommendations are to be followed as outlined in the Arborist Report.

Recommended condition of approval:

Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to the start of 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 to date.

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

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 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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. 2) The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage from 60% to 38.7% in order to mitigate potential impacts on the municipal storm water system.

	Department/Agency	Condition
2	Parks, Forestry and Horticulture Operations Patrick Courchesne 905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca/	Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to the start of construction.
3	Development Planning Roberto Simbana 905-832-8585 x 8810 roberto.simbana@vaughan.ca	Application under review

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

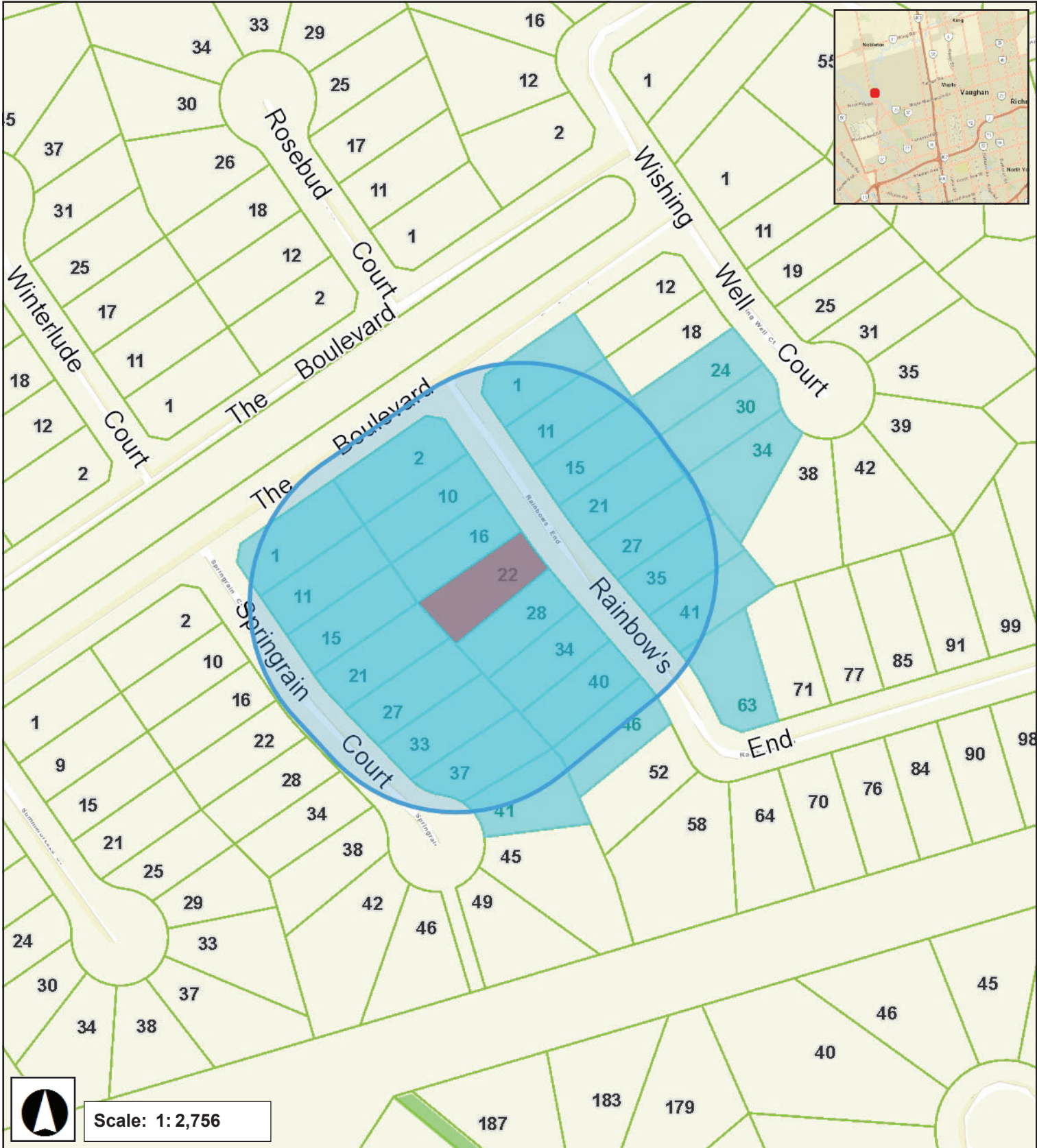


LOCATION MAP - A036/21

22 RAINBOW'S END, KLEINBURG

Kirby Road

Highway 27



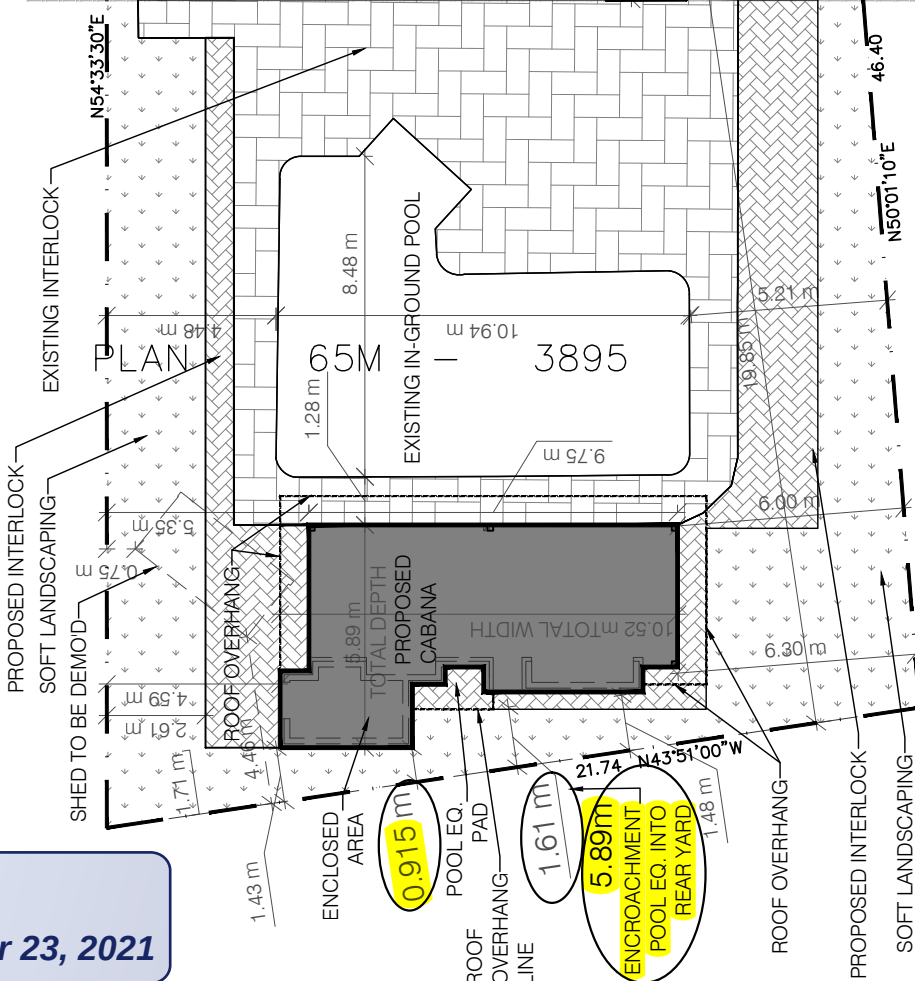
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Teston Road

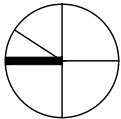
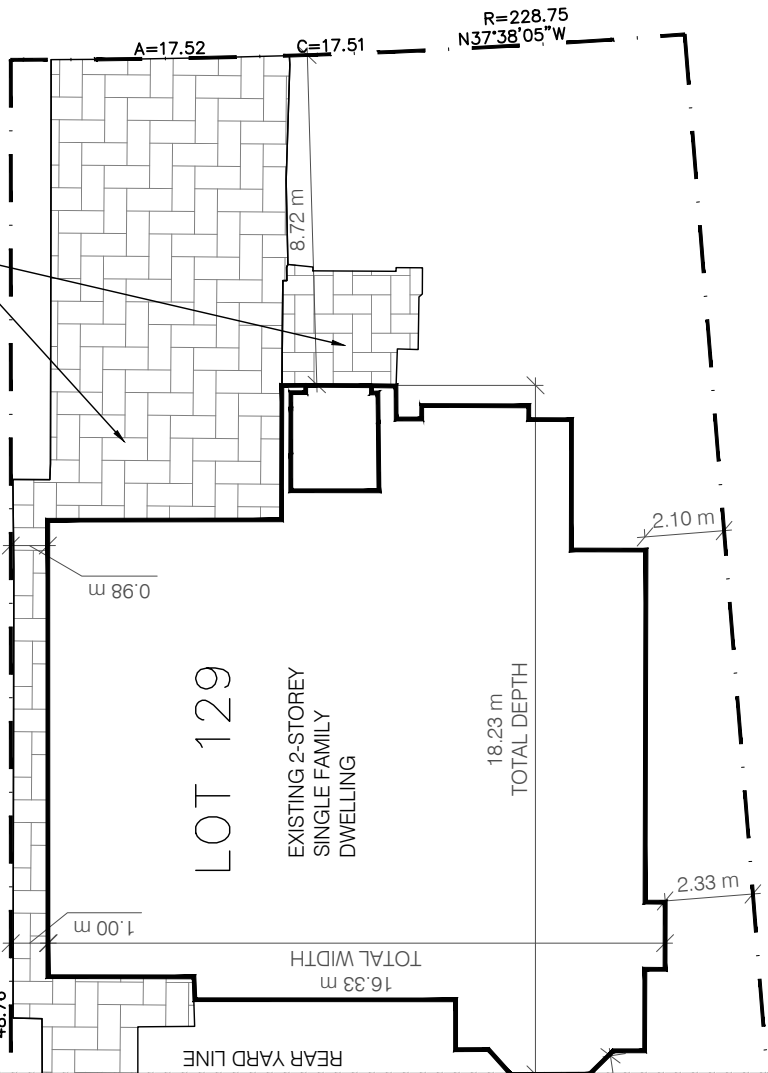
March 23, 2021 3:33 PM

By RECEIVED at 4:40 pm, Mar 23, 2021

SITE PLAN
SCALE: 1:2



SITE DEVELOPMENT			
ZONING	R1		
TOTAL LOT AREA	BY-LAW	PROVIDED	
	540.00 m2	935.74 m2	10072.31 SQ/FT
EXISTING HOUSE AREA	-	230.24 m2	2478.30 SQ/FT
PROPOSED CABANA AREA	MAX. 67 m2	47.24 m2	508.49 SQ/FT
EXISTING HOUSE COVERAGE	-		24.61%
PROPOSED CABANA COVERAGE	10%		5.05%
TOTAL COVERAGE	35 %		29.65%
FRONT YARD	7.50 m		8.72 m EXISTING HOUSE
REAR YARD	7.50 m		0.915 m CABANA 19.85 m EXISTING HOUSE
INTERIOR SIDE YARD	1.50 m		4.59 (W) , 6.30 (E) CABANA 0.98 (W), 2.10(E) EXISTING HOUSE
MAX HEIGHT - ACC. STRUCTURE	4.50 m		4.40 m
LANDSCAPE AREA	BY-LAW	PROVIDED	
REAR YARD AREA	-		423.07 m2
REAR YARD SOFT LANDSCAPE	172.84 m2 [60% EXCESS OF 135m2]		125.85 m2 [43.6% OF EXCESS OF 135m2]
REAR YARD HARD LANDSCAPE	-		287.22 m2



CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER.

DO NOT SCALE DRAWINGS.

FAUSTO CORTESE
ARCHITECTS

3590 RUTHERFORD RD., UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTESE@FCARCHITECTS.CA

PROPOSED
CABANA

22 RAINBOWS END

Woodbridge, ON
L4H 3N5

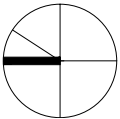
SITE PLAN

PLOTTED: N/A DATE:	PROJECT No:
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DRAWING No:	23/03/2021
SCALE:	

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A1.1



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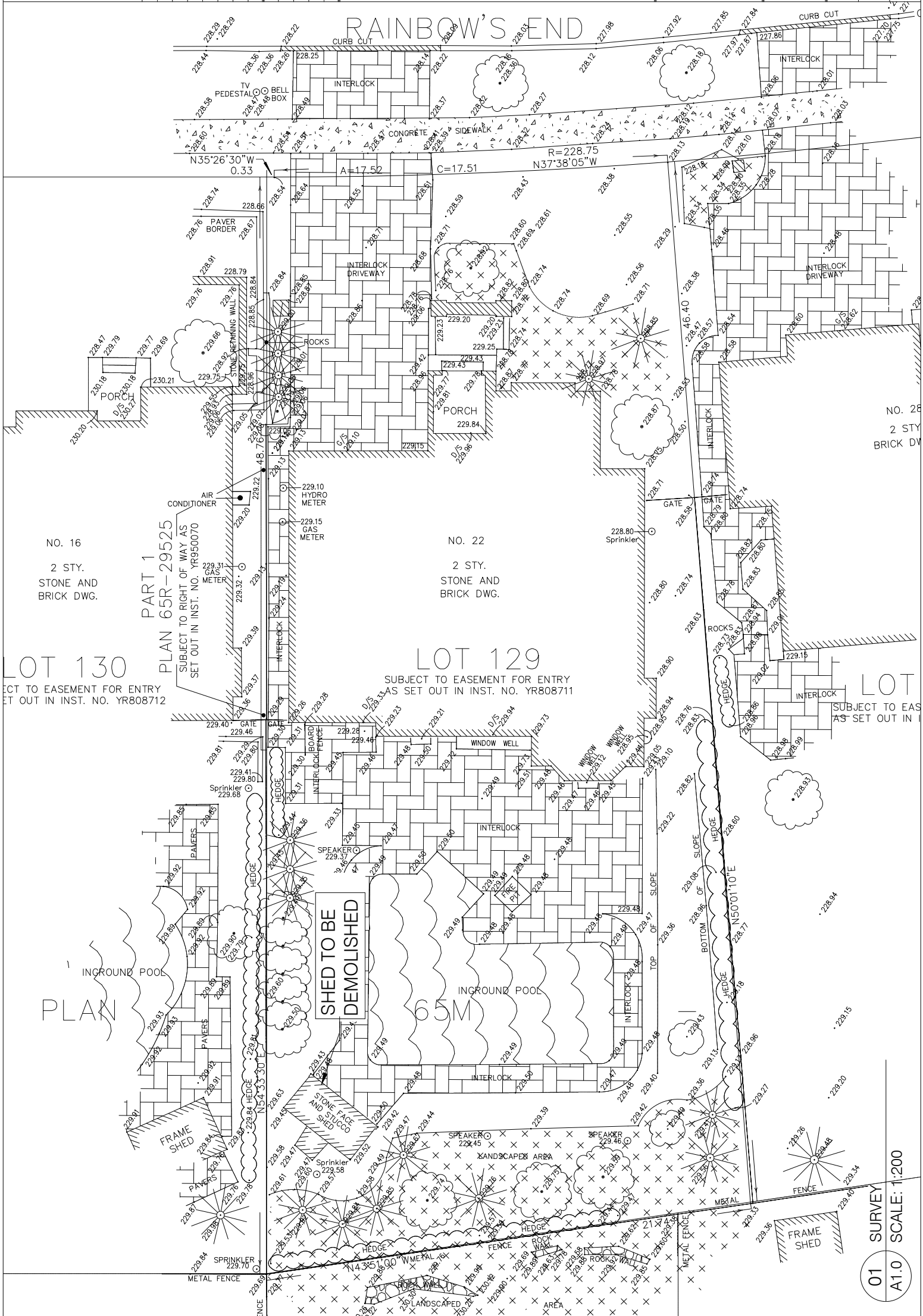
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FAUSTO CORTESE
ARCHITECTS

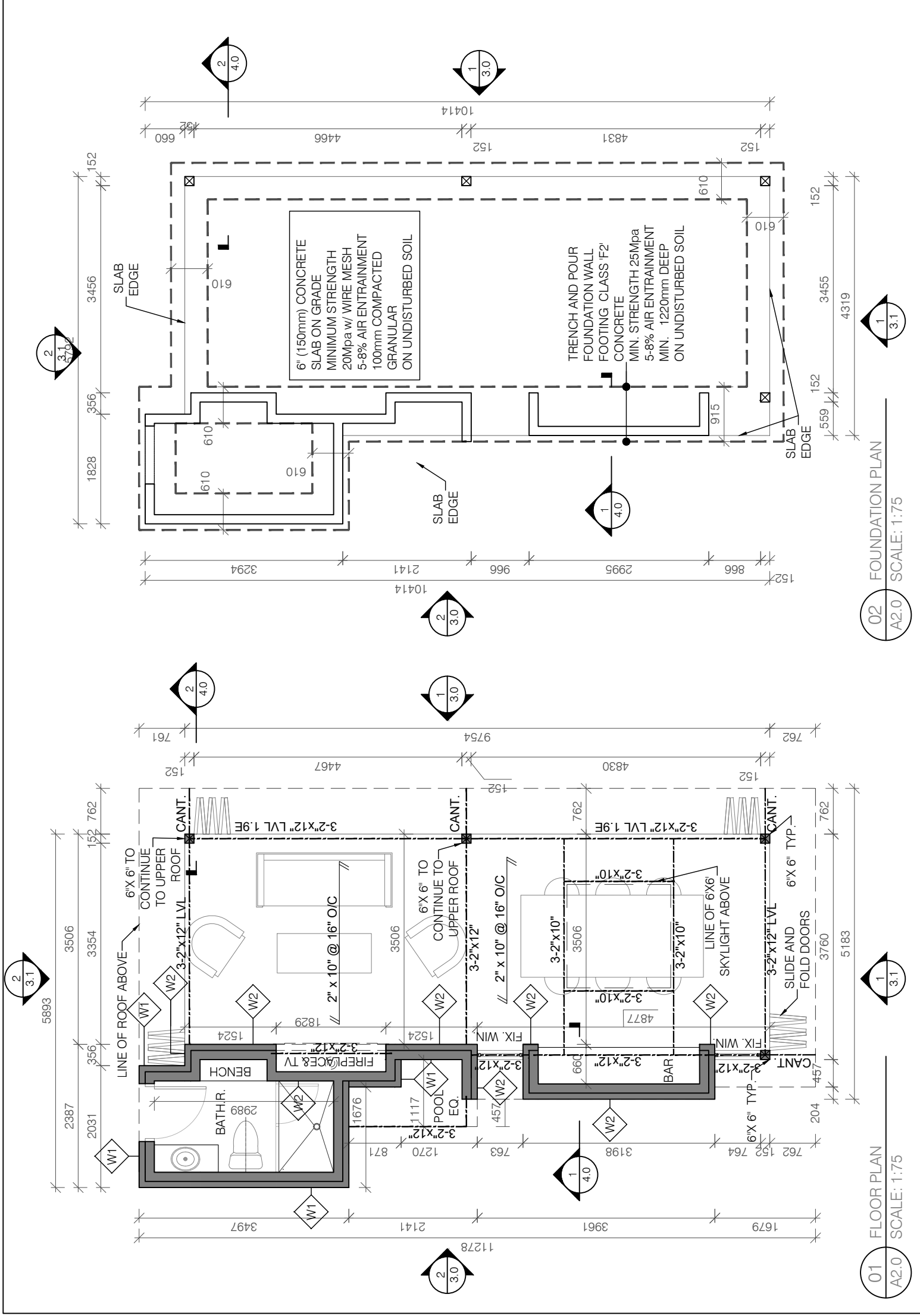
3590 RUTHERFORD RD. UNIT 7
VAUGHAN, ONTARIO L4H 3T8
416-806-7000
FCORTESE@FCARCHITECTS.CA

PROPOSED
CABANA
ON
22 RAINBOWS END

Woodbridge, ON
L4H 3N5

SURVEY

PROJECT No:	2020-45
DATE:	23/03/2021
SCALE:	AS NOTED
DRAWN BY:	REVIEWED BY:
S.H.	F.C.



1	ISSUED FOR	DESCRIPTION	DATE	8/06/2009	
No.					
REVISIONS					
ISSUED FOR CONSTRUCTION					
ISSUED FOR BID					
ISSUED FOR BUILDING PERMIT					
ISSUED FOR SITE PLAN APPROVAL					
SUBMITTALS					

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

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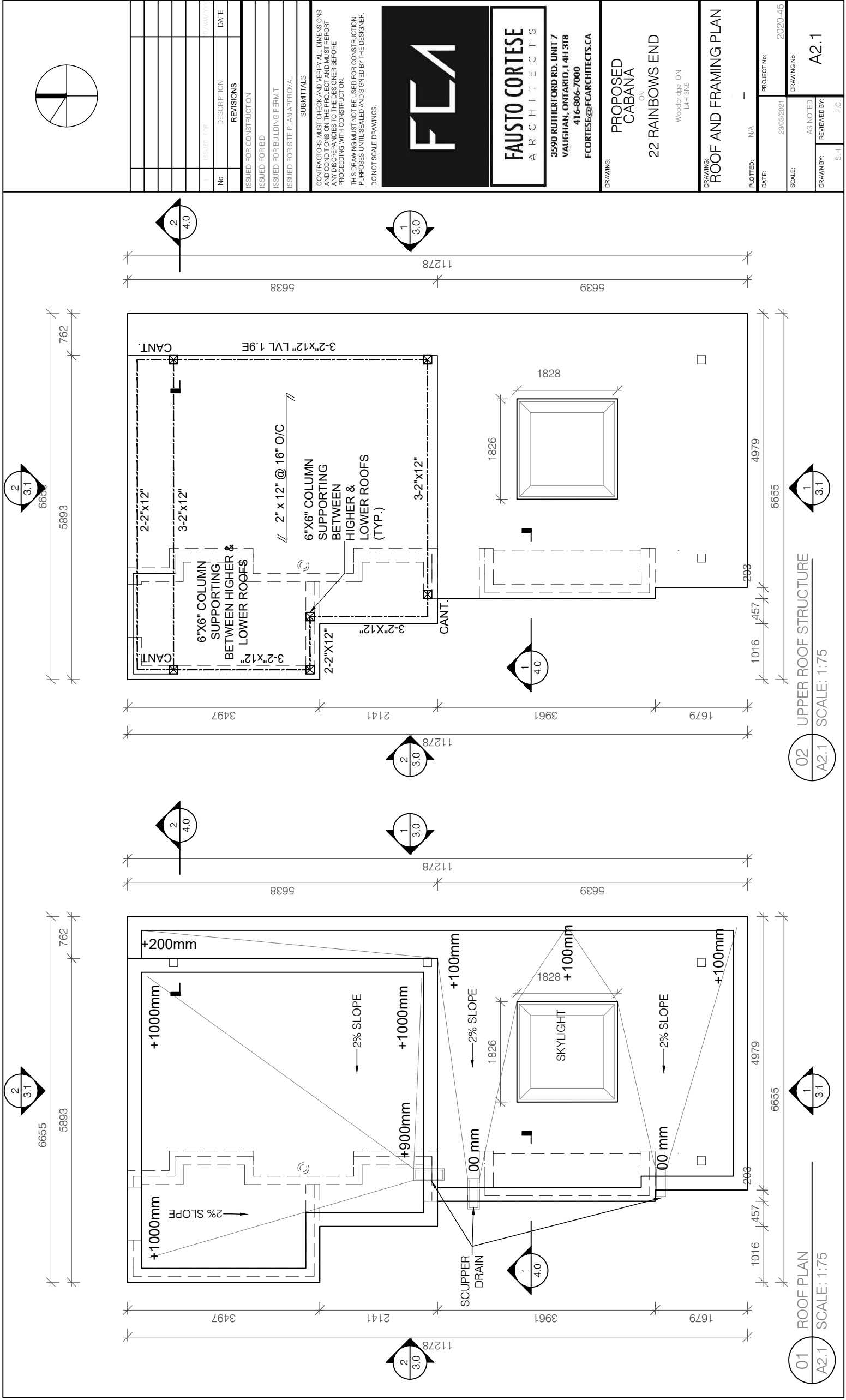
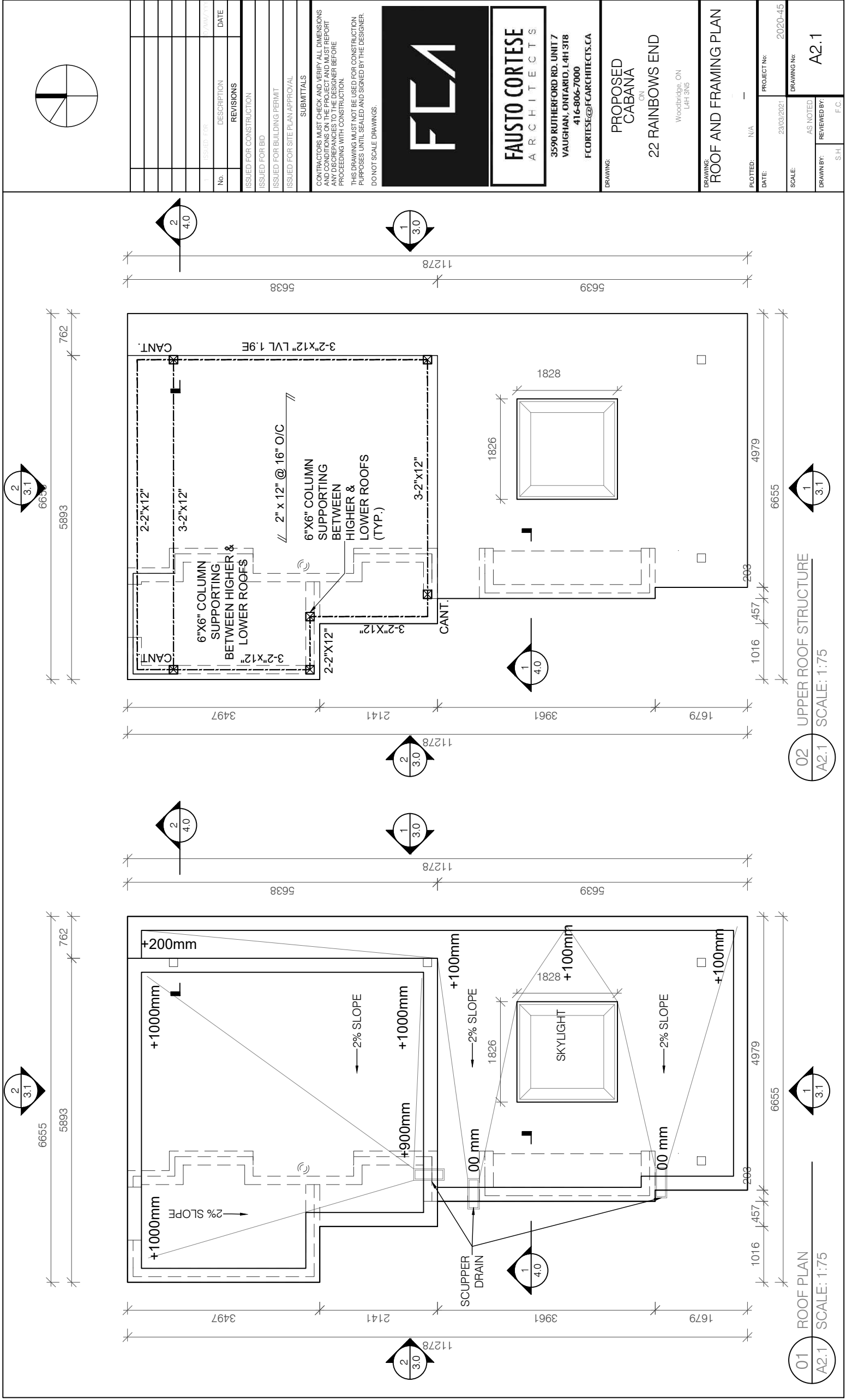
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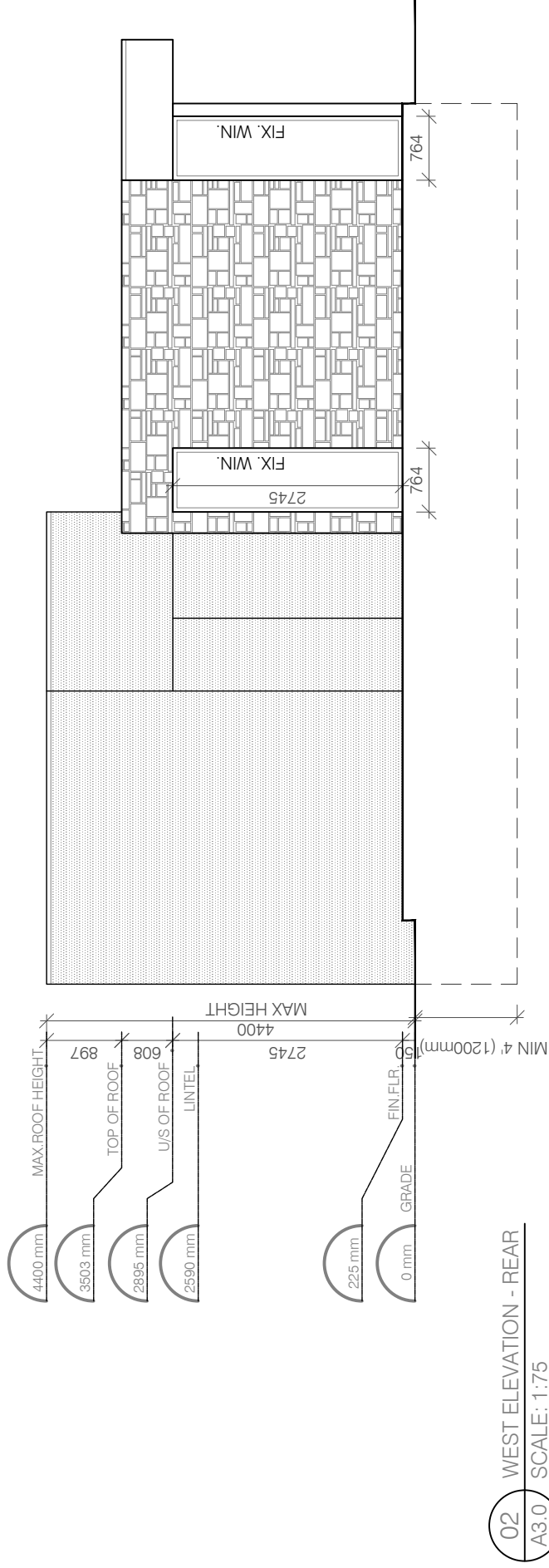
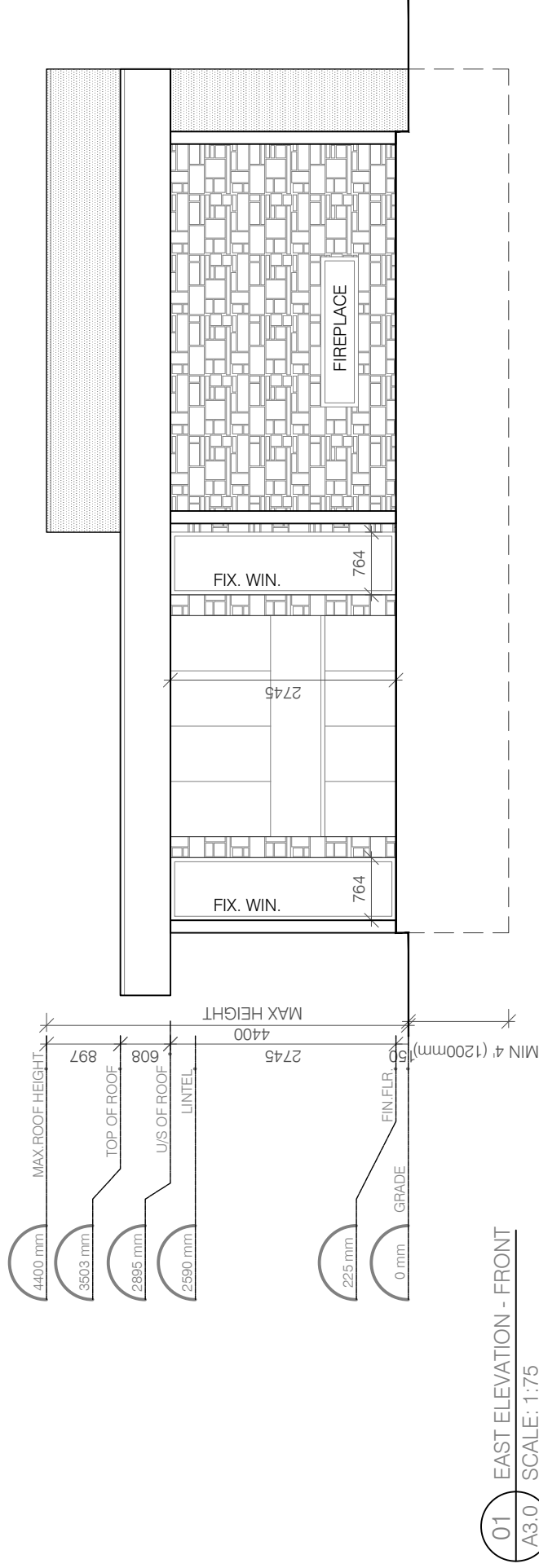
3590 RUTHERFORD RD. UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTESE@FCARCHITECTS.CA

DRAWING: PROPOSED CABANA ON 22 RAINBOWS END Woodbridge, ON L4H 3N5

DRAWING: FLOOR & FOUNDATION PLAN
PLOTTED: N/A

DATE:	23/03/2021	PROJECT No:	2020-45
SCALE:	AS NOTED	DRAWING No:	A2.0
DRAWN BY:		REVIEWED BY:	
S.H.		F.C.	



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CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

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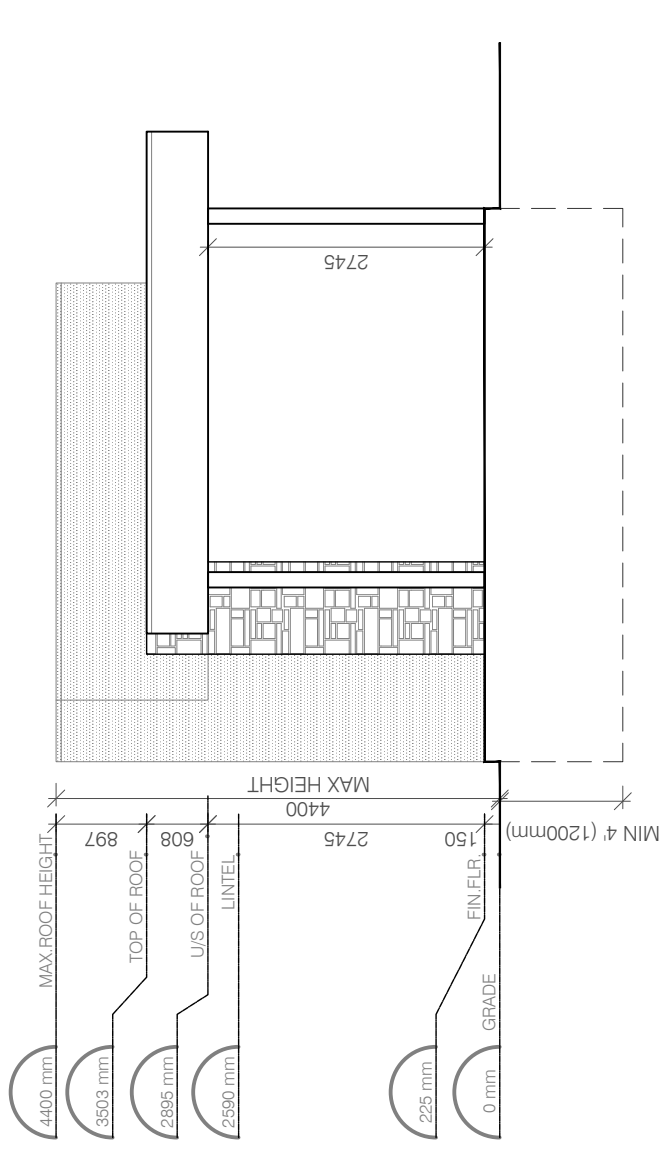
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22 RAINBOWS END

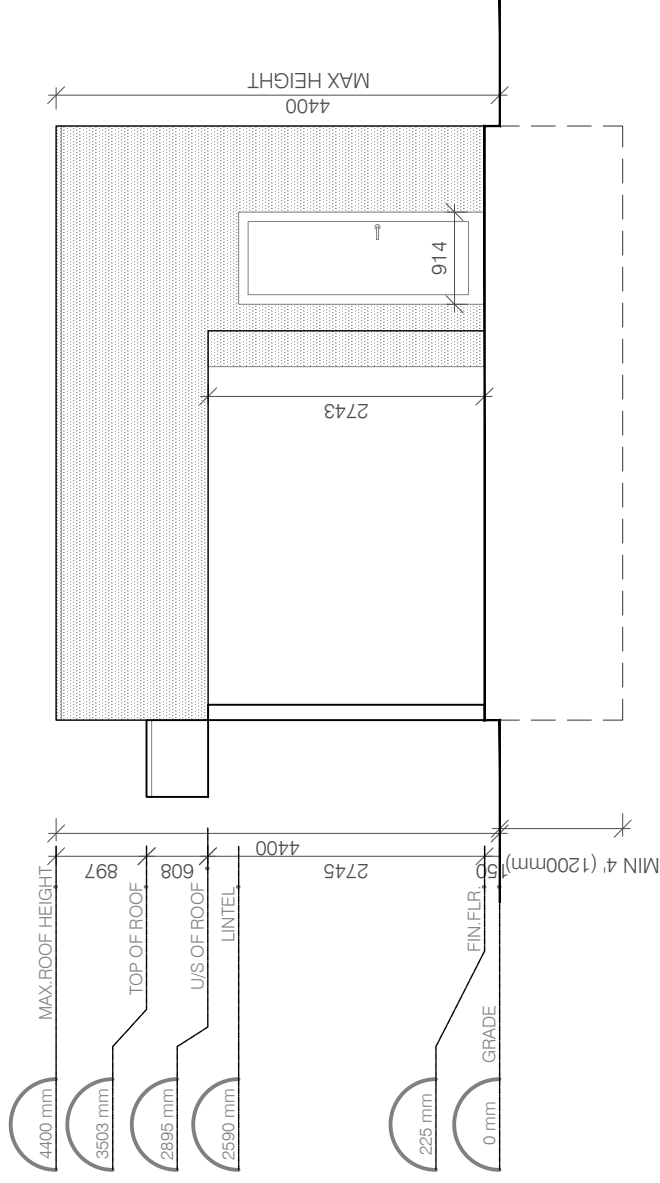
Woodbridge, ON
L4H 3N5

DRAWING:
FRONT & REAR ELEVATION

PROJECTED:	DATE:	23/03/2021	PROJECT NO:	2020-45
SCALE:		AS NOTED	DRAWING NO:	A3.0
DRAWN BY:	REVIEWED BY:			
S.H.	F.C.			



01 SOUTH ELEVATION
A3.1 SCALE: 1:75



02 NORTH ELEVATION
A3.1 SCALE: 1:75

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DRAWING

PROPOSED
CABANA

NC

22 RAINBOWS END

Woodbridge, ON
L4H 3N5

NG: SIDE ELEVATIONS

PLOTTED

1

DATE:

PROJECT No:

2020-45

2020-45

SCALE:

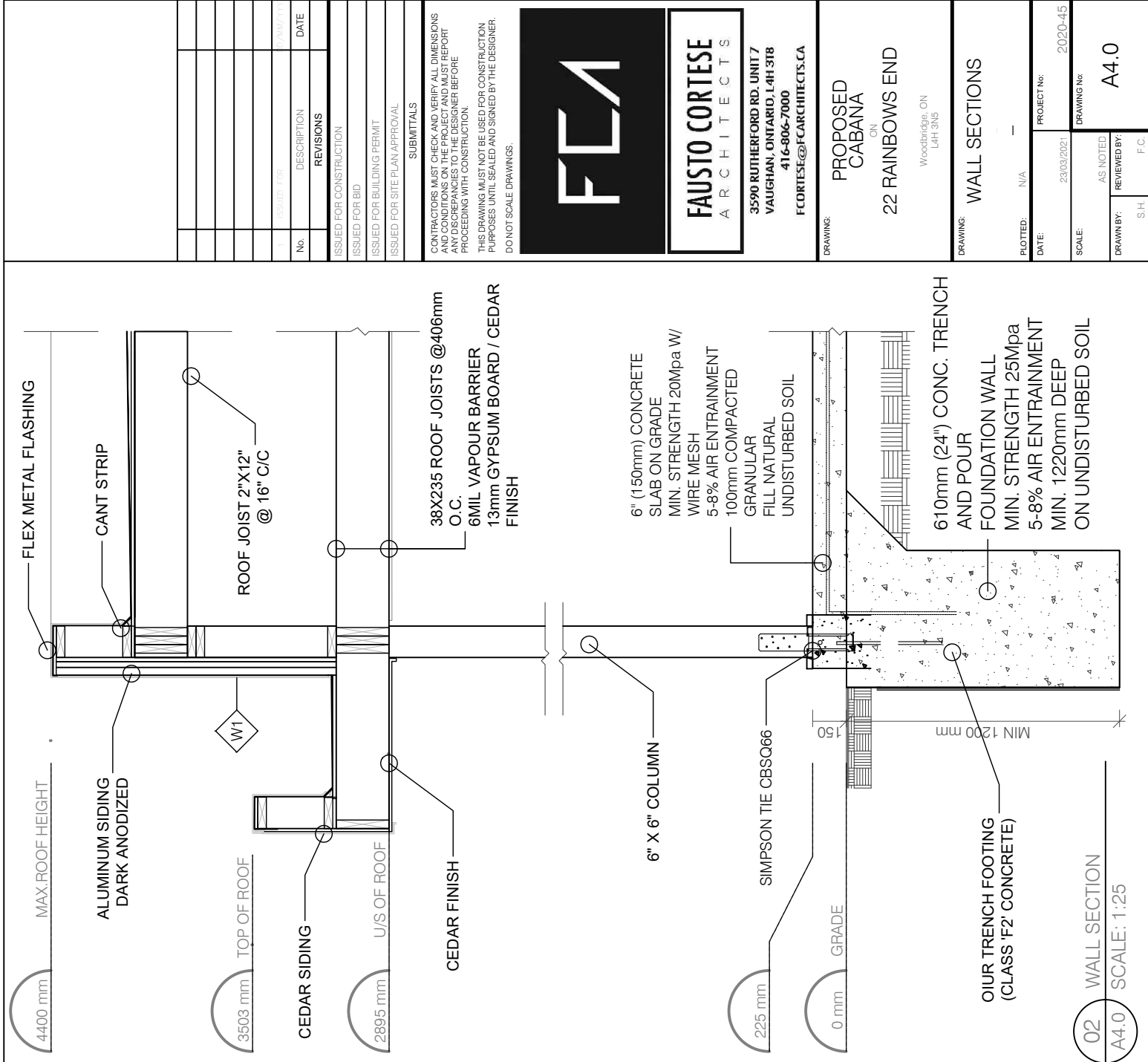
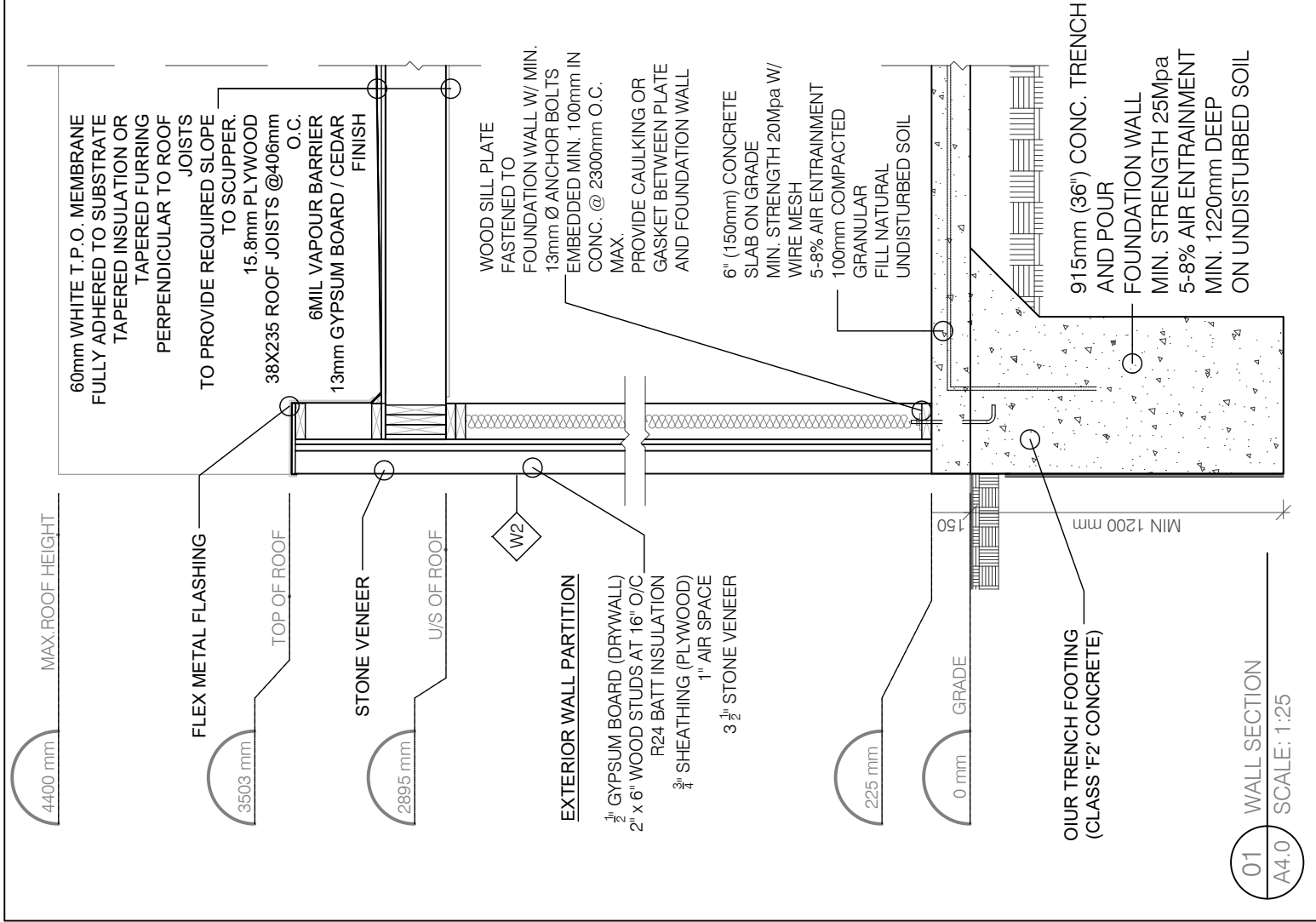
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DECLARATION

185

REVIEWED BY:

NG No: A3.1



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
- MTO – Located outside of MTO permit control area

COMMENTS:

- ☐ We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

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

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A036/21 - REQUEST FOR COMMENTS

From: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>

Sent: March-03-21 5:56 PM

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

Subject: [External] RE: A036/21 - REQUEST FOR COMMENTS

Hello Pravina,

22 Rainbow's End, Kleinburg is not within MTO permit control area and MTO has no concerns.

Cameron Blaney | Corridor Management Planner | Simcoe & York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7th Floor, Building D | Downsview, Ontario | M3M 0B7

416-358-7871

Cameron.Blaney@ontario.ca

Attwala, Pravina

Subject: FW: A036/21 - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: March-09-21 11:32 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A036/21 - REQUEST FOR COMMENTS

Good morning 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