

File:

A017/21

Applicant:

Susan and Emanuele Punzo

Address:

51 Endless Circle, Kleinburg

Agent:

Lucas Cocomello

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

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson

Hearing Date: Thursday, April 29, 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: 9

A017/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, April 29, 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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto: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:** Susan and Emanuele Punzo

**Agent:** Lucas Cocomello

**Property:** 51 Endless Circle, Kleinburg

**Zoning:** The subject lands are zoned R1 and subject to the provisions of Exception 9(1379)(1378) under By-law 1-88 as amended

**OP Designation:** Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential")

**Related Files:** None

**Purpose:** Relief from By-law 1-88, as amended, is being proposed to permit the construction of a proposed cabana and swimming pool in the rear yard. Relief is also being requested to permit the existing, unenclosed loggia.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A maximum lot coverage of 35% is permitted.	1. To permit a maximum lot coverage of 39.09%. (Dwelling including Loggia 35.40%, Proposed Cabana 3.69%)
2. A minimum rear yard setback of 7.5m to the proposed accessory structure is required.	2. To permit a minimum rear yard setback of 1.12m to the proposed accessory structure (Cabana)
3. A minimum interior side yard setback of 1.2m to the proposed accessory structure is required.	3. To permit a minimum interior side yard setback of 0.91m to the proposed accessory structure (Cabana).
4. A maximum height of 3.0m to the closest part of the roof for the accessory structure is required.	4. To permit a maximum height of 3.61m to the closest part of the roof for the accessory structure (Cabana).
5. A minimum of 60% (71.89m2) of rear yard soft landscaping is required for that portion of the rear yard in excess of 135 sq.m.	5. To permit a minimum of 42.18% (50.54m2) of rear yard soft landscaping for the portion of the rear yard in excess of 135 sq.m.

Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit [www.vaughan.ca](https://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: None

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 April 14, 2021

Applicant confirmed posting of signage on April 14, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2015
Cabana, In Ground Pool and Loggia	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): The proposed variances requested were necessary due to the fact that within the intimidate development and adjacent development, this property contains one of the smallest rear yard areas in comparison to the majority of the lots within the area.

Adjournment Request: None

Building Standards (Zoning Review):

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

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m2

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential")

The Owner is requesting permission to construct a cabana and pool with the above-noted variances. The proposed rear yard setback to the cabana is considered minor in nature as the rear of the lot is adjacent to an open space buffer area along Highway 27. The proposed interior side yard setback of 0.91 m to the cabana is at a pinch point, and expands to 1.51 m at the opposite end, above the required 1.2 m. The proposed variance for the height of the cabana applies only to the nearest portion of the roof, while the cabana remains compliant with the maximum building height of 4.5 m permitted under Zoning By-law 1-88. The proposed variances for lot coverage and rear yard soft landscaping are considered minor as soft landscaping is provided along the edges of the property, minimizing drainage impacts on neighbouring residences.

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 A017/21. subject to the following condition(s):

Parks Development - Forestry:

Forestry is requesting any boulevard trees in close proximity to driveway or proposed construction access route to be protected at 1.2m from trunk with light duty snow fencing details (MLA-107B), to be installed prior to the start of construction and remain until completed. Applicable if trees are present on the boulevard.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence  
N/A

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)  
None

**Staff Recommendations:**

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Farzana Khan  905-832-8585 x 3608 <a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>	1. The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard from 60% to 42.18% in order to mitigate potential impacts on the municipal storm water system.  2. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering 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](mailto:cofa@vaughan.ca)

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

**Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](mailto: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

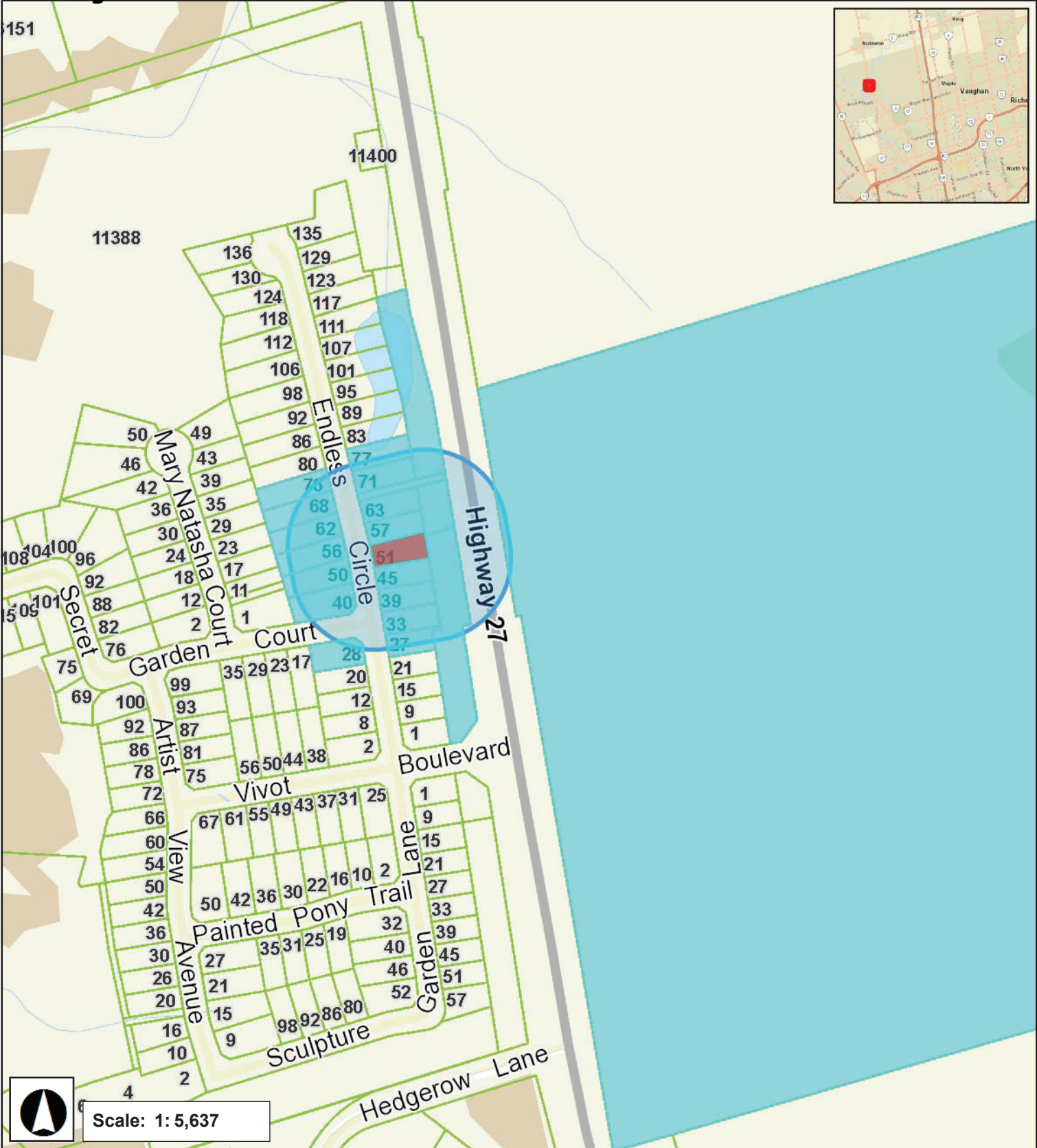




# A017/21 - Notification Map

51 Endless Circle, Kleinburg

## Kirby Road



REVISED

4:31 pm, Mar 26, 2021

SCOPE OF WORK

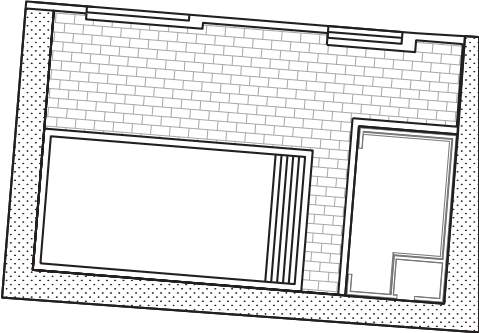
PROPOSED POOL AND EQUIPMENT PAD

SITE STATISTICS

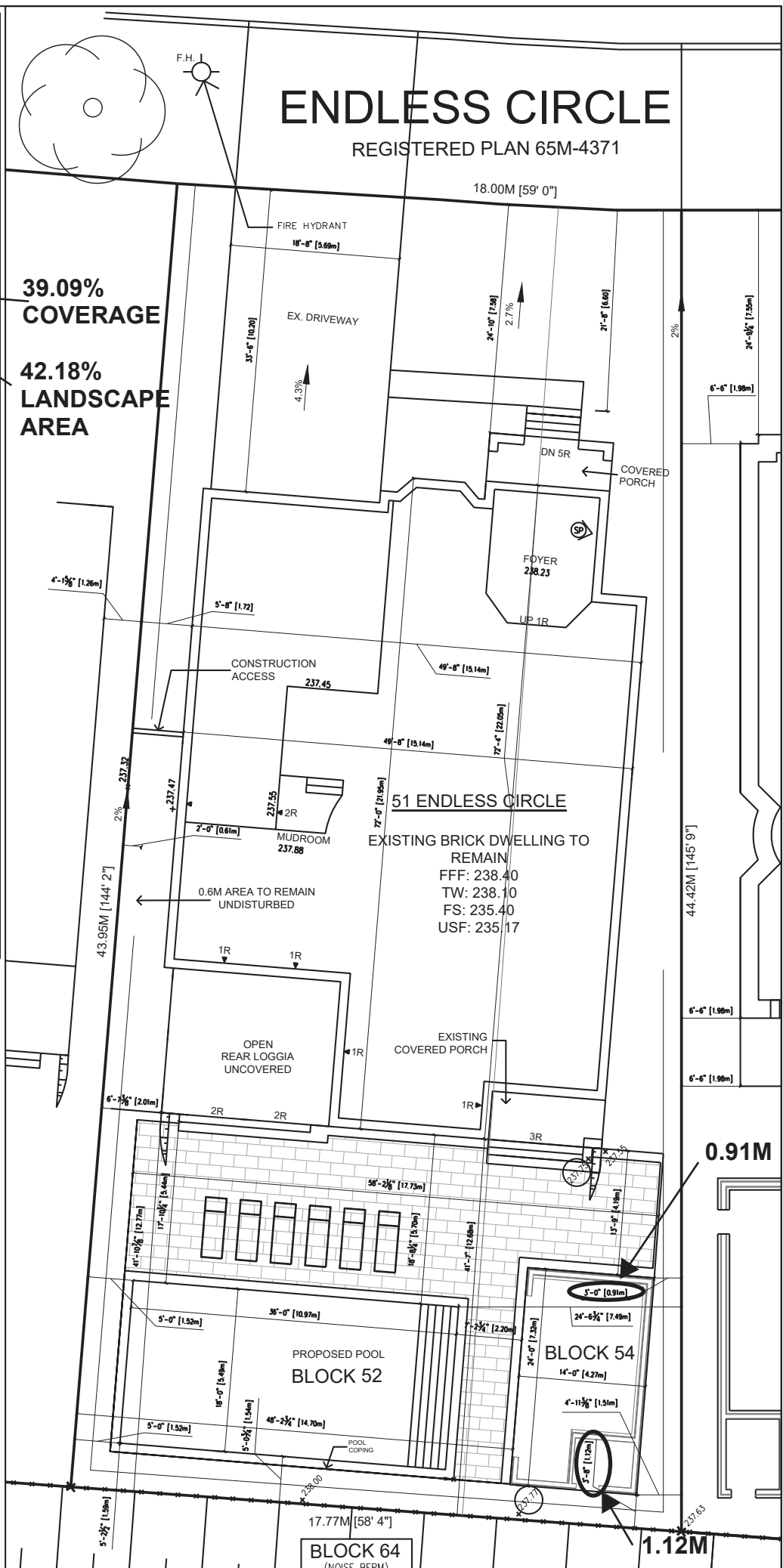
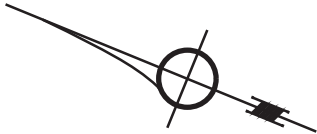
	METRIC	IMPERIAL
LOT AREA	845.35 S.M.	9099.27 S.F.
EX. HOUSE COVERAGE	286.28 S.M.	3081.44 S.F.
EX. FRONT PORCH AREA	6.77 S.M.	72.89 S.F.
EX. REAR PORCH AREA	6.19 S.M.	66.67 S.F.
EX. TOTAL COVERAGE(35.40%)	299.24 S.M.	3221.00 S.F.
POOL AREA	60.20 S.M.	648.00 S.F.
CABANA AREA (3.69%)	31.22 S.M.	336.00 S.F.
PROP. COVERAGE(39.09%)	330.46 S.M.	3557.00 S.F.

REAR YARD LANDSCAPE AREA 42.18%

REAR YARD AREA	254.83 S.M.	2742.98 S.F.
POOL AREA	60.20 S.M.	648.00 S.F.
CABANA AREA	31.22 S.M.	336.00S.F.
HARDSCAPE AREA	138.95 S.M.	1495.65 S.F.
GRASS AREA	50.54 S.M.	544.00 S.F.
REAR YARD AREA <135 S.M. (REAR YARD AREA)	119.83 S.M.	1289.84 S.F.



NORTH ARROW



Proposal:

1. To permit a maximum lot coverage of 39.09% (Dwelling including Loggia 35.40%, Proposed Cabana 3.69%)
2. To permit a minimum rear yard setback of 1.12m to the proposed accessory structure (Cabana)
3. To permit a minimum interior side yard setback of 0.91m to the proposed accessory structure (Cabana).
4. To permit a maximum height of 3.61m to the closest part of the roof for the accessory structure (Cabana).
5. To permit a minimum of 42.18% (50.54m2) of rear yard soft landscaping for the portion of the rear yard in excess of 135 sq.m.

PROJECT

51 ENDLESS CIRCLE,  
VAUGHAN, ON

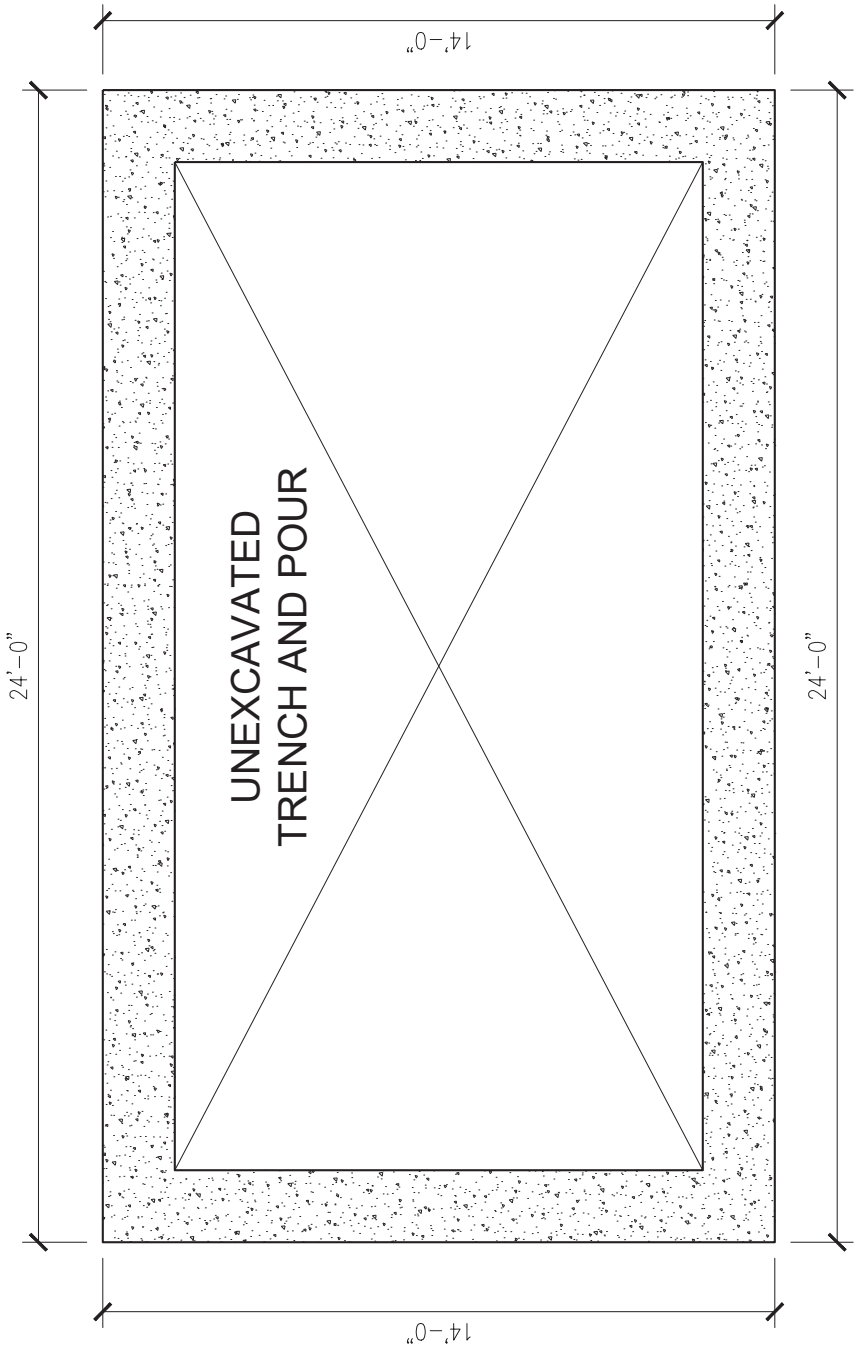
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SITE PLAN

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DATE:	JAN. 2021
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NOTES

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SEAL



PROJECT

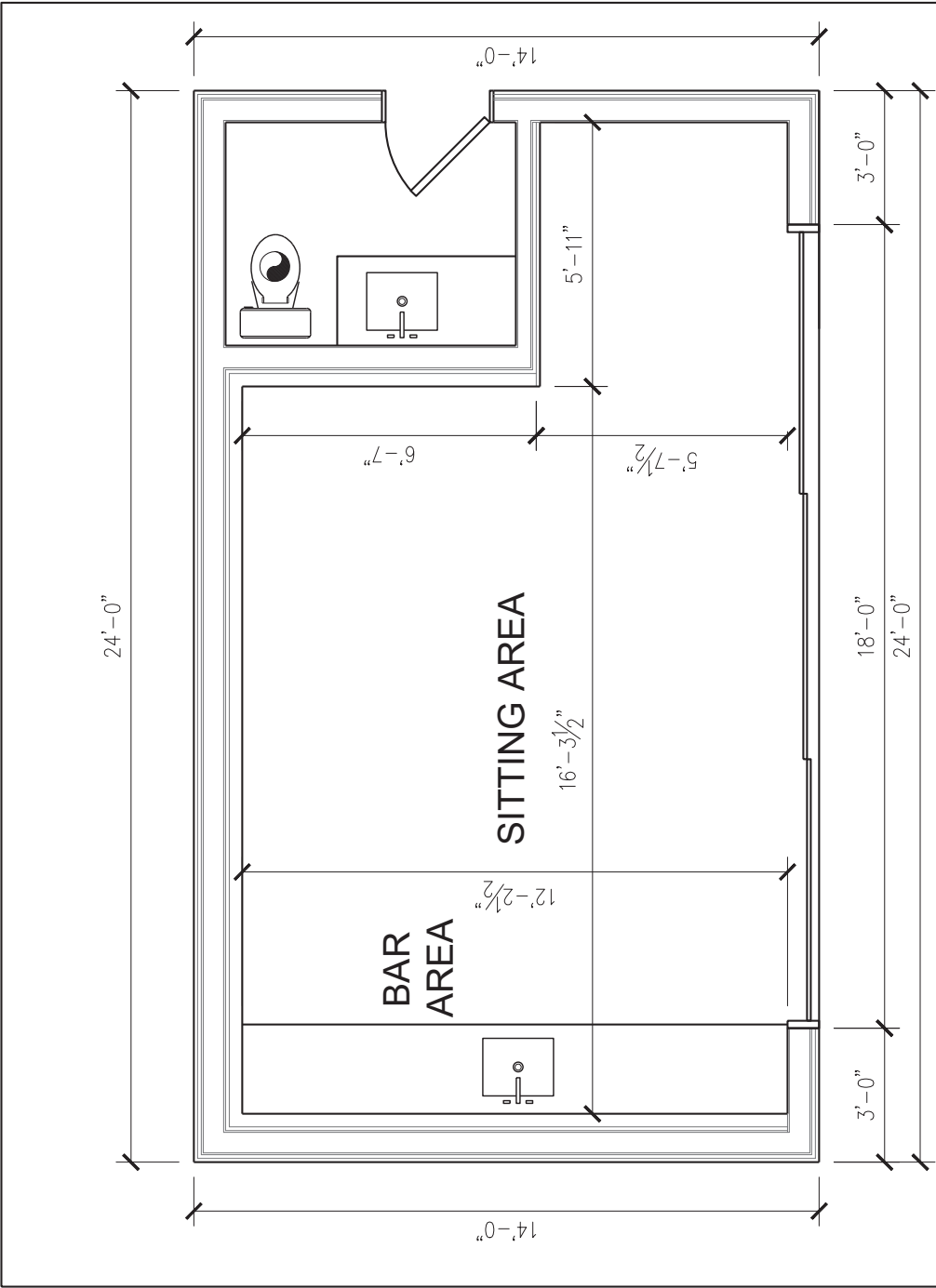
51 ENDLESS CIRCLE,  
VAUGHAN, ON

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FOUNDATION PLAN

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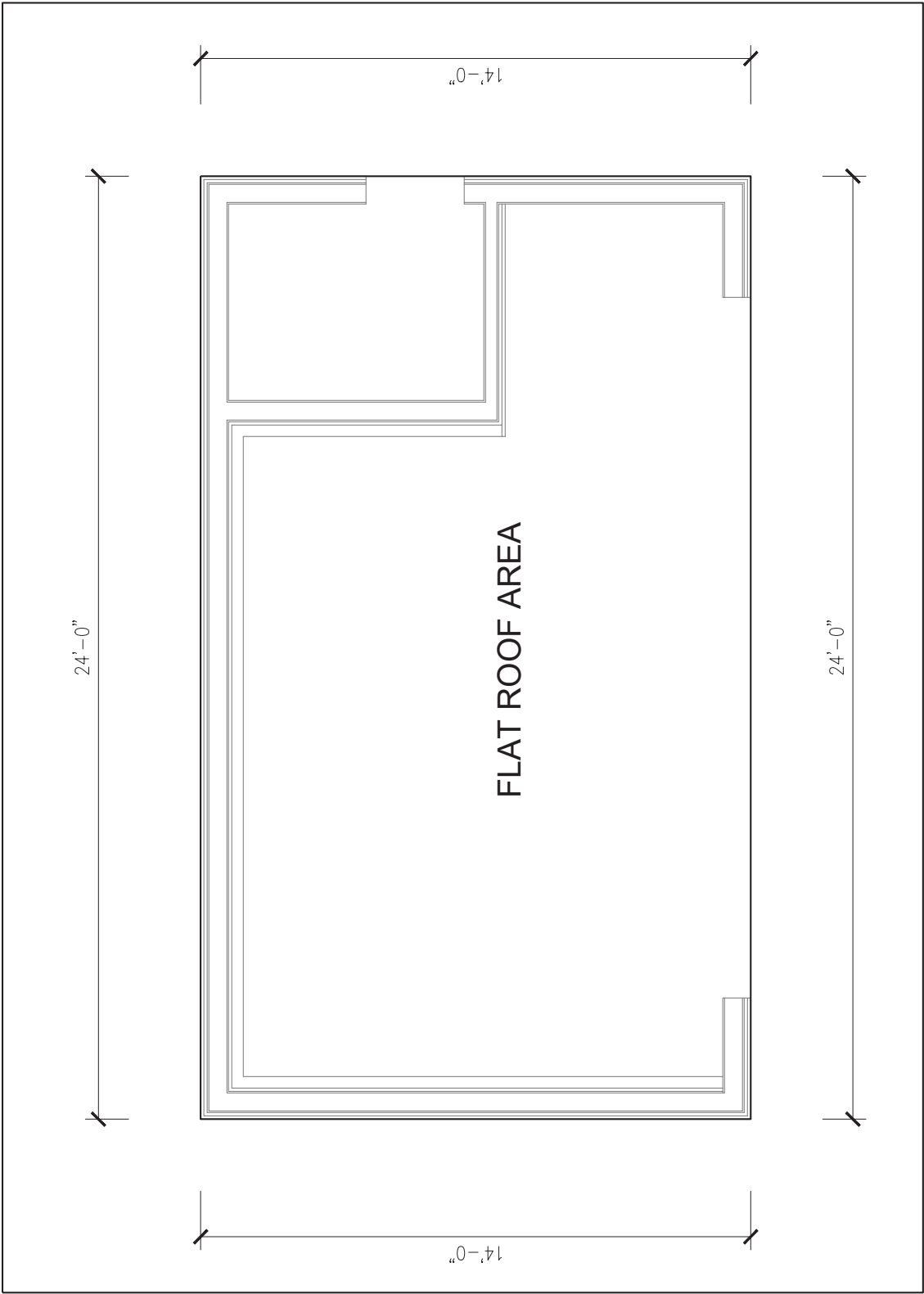
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GROUND FLOOR PLAN

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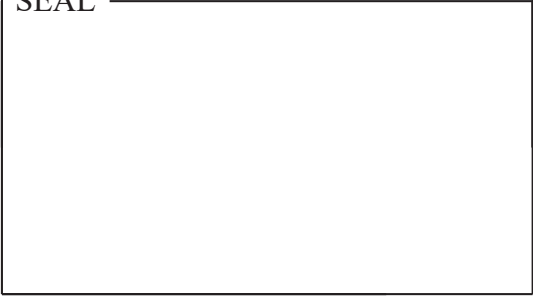


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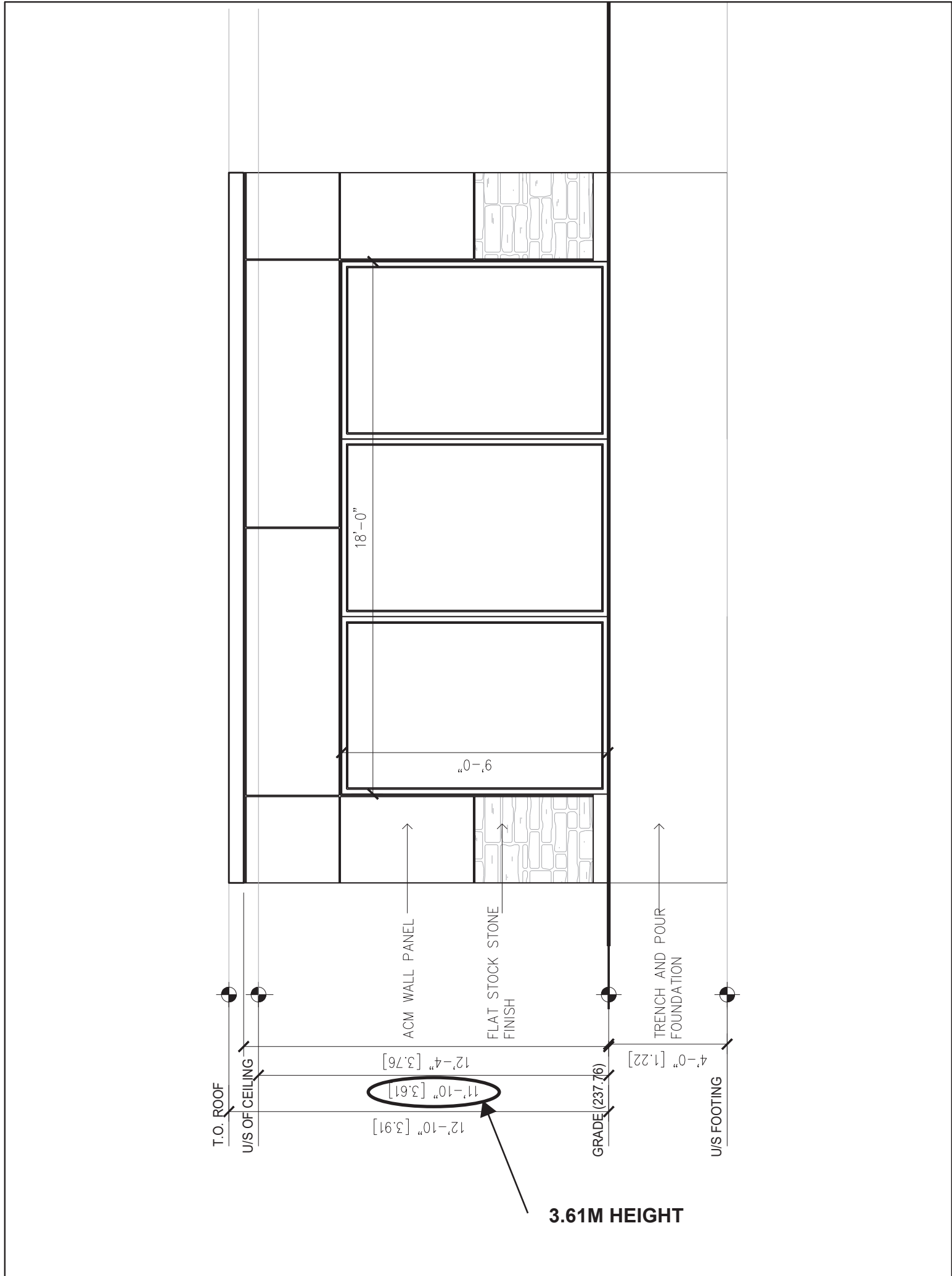
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PAGE

ROOF PLAN

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SEAL



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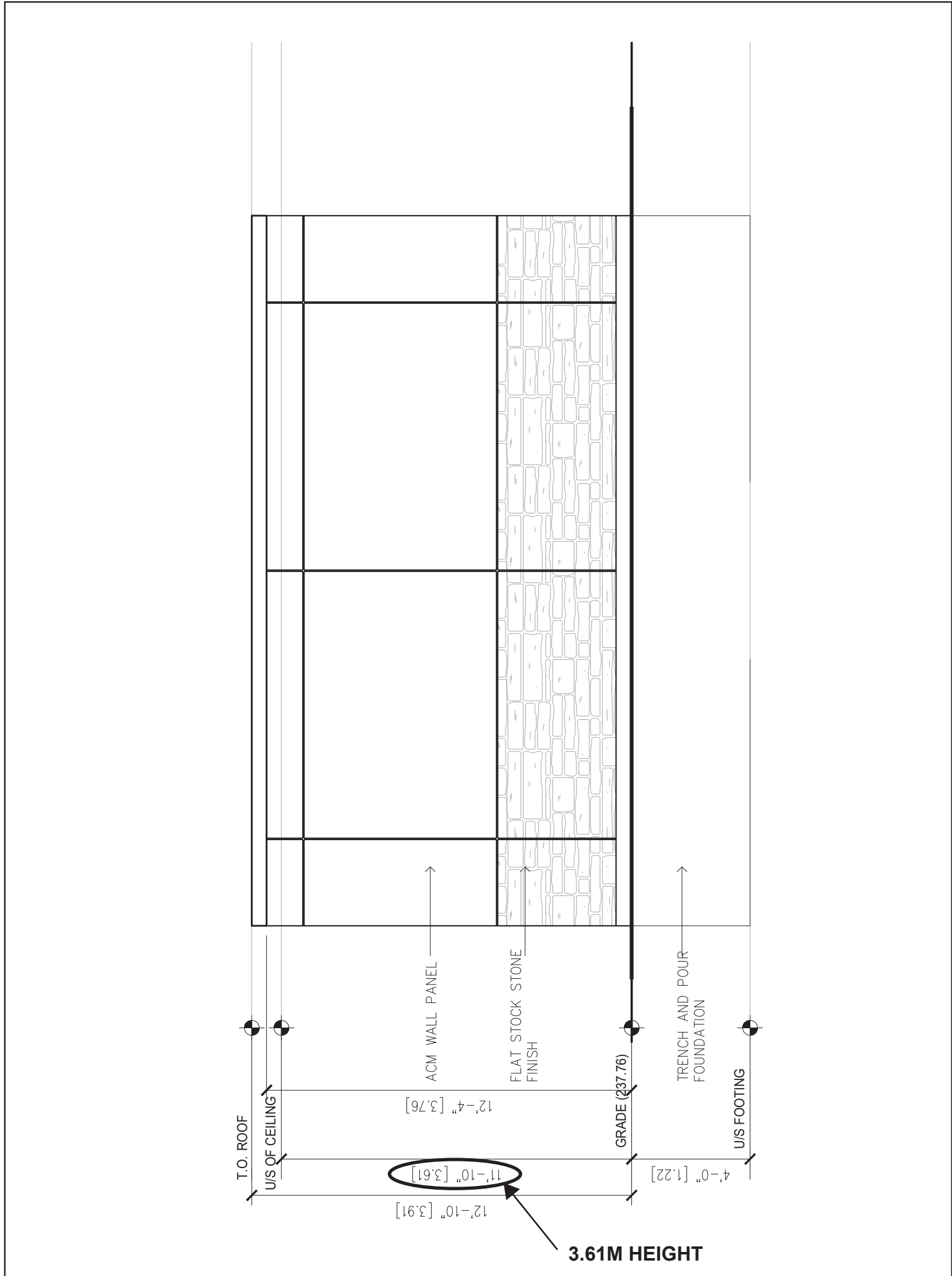
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SOUTH ELEVATION

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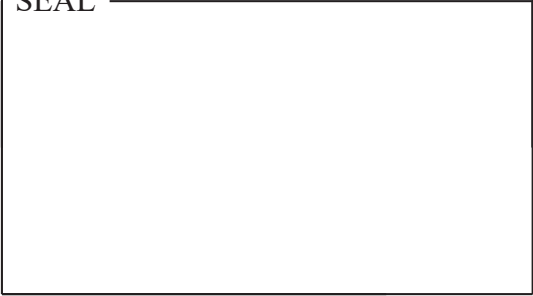


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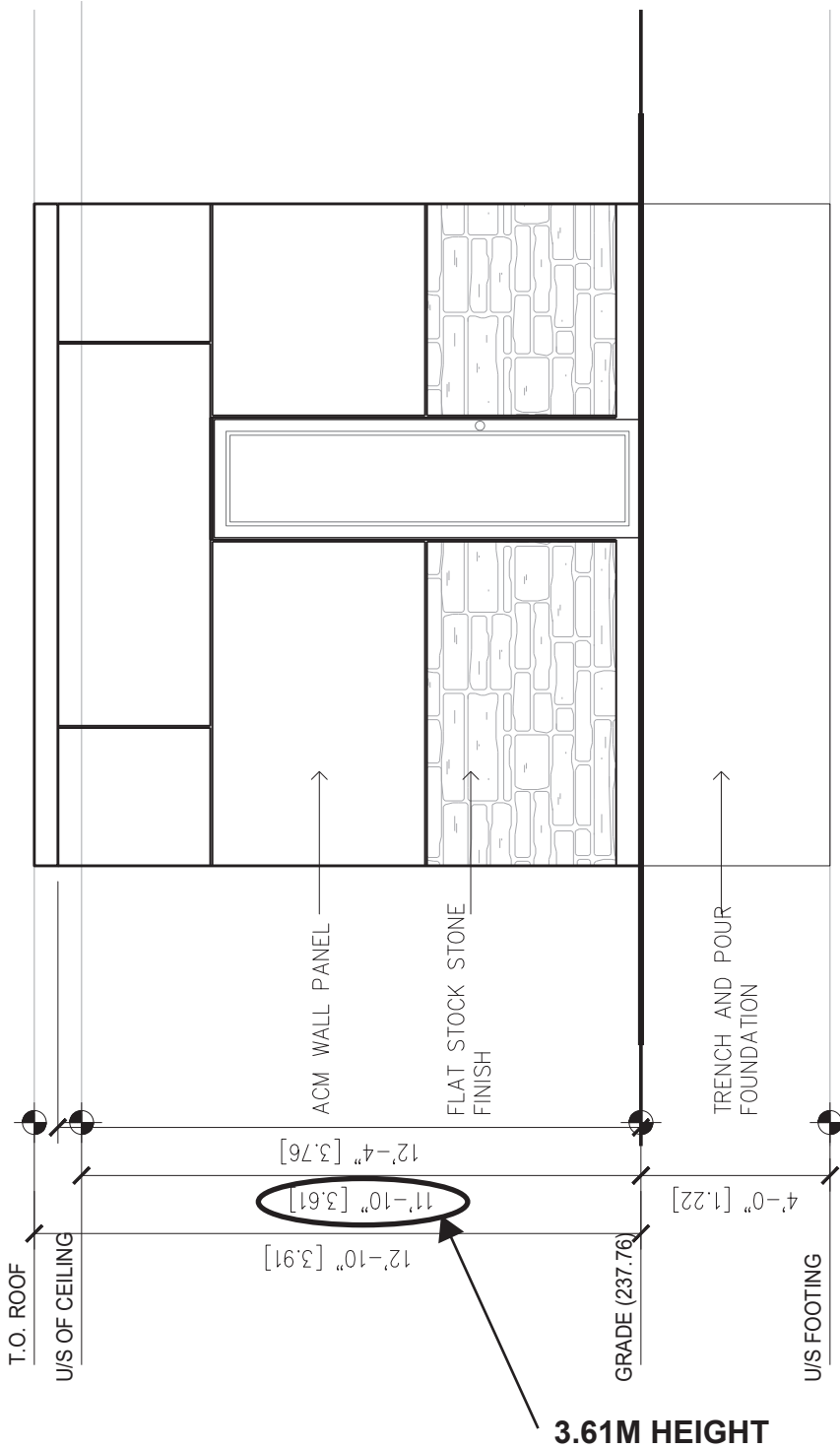
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NORTH ELEVATION

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PROJECT

51 ENDLESS CIRCLE,  
VAUGHAN, ON

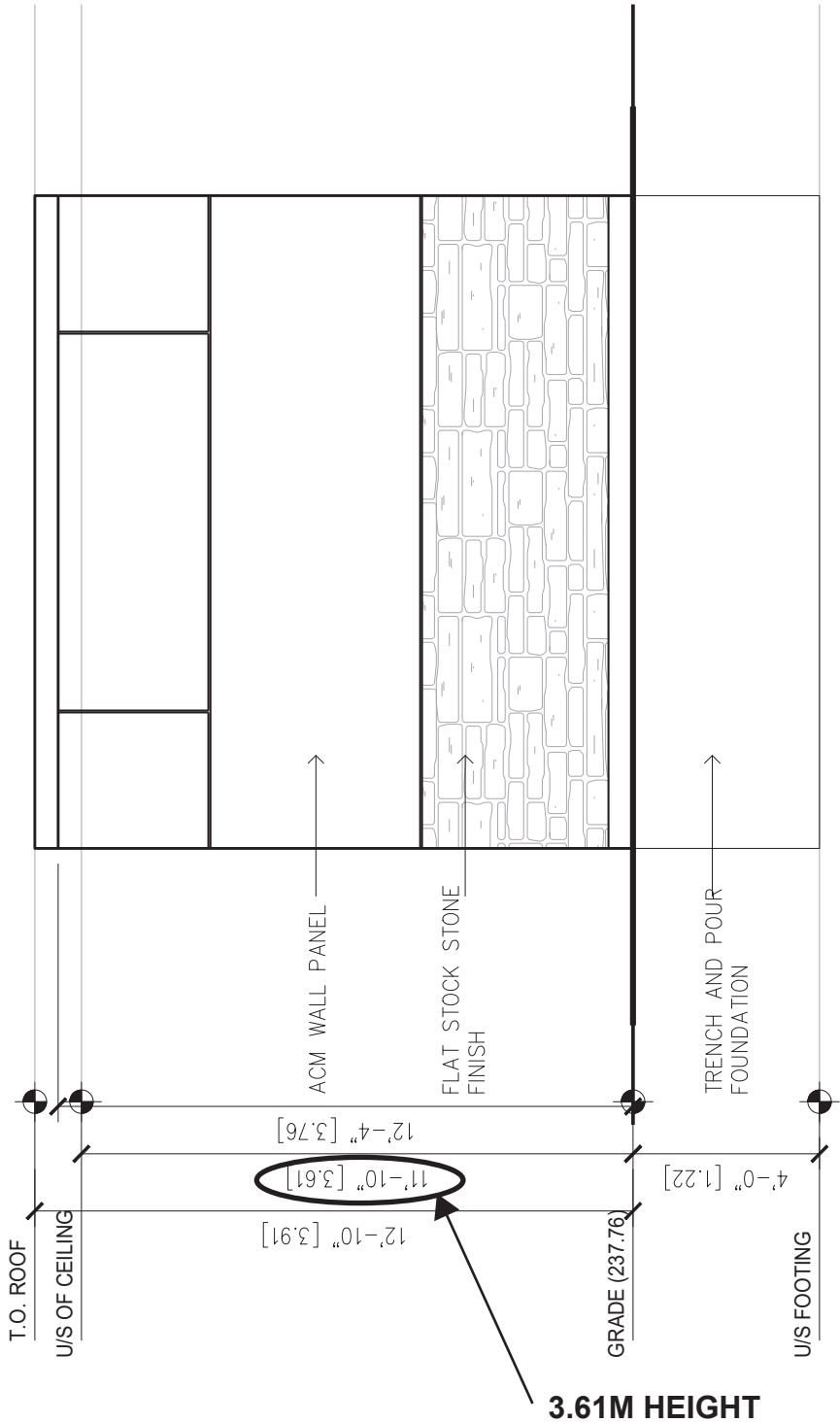
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EAST ELEVATION

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SEAL



PROJECT

51 ENDLESS CIRCLE,  
VAUGHAN, ON

PAGE

WEST ELEVATION

APPROVED BY:	TS
DATE:	JAN. 2021
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PROJECT No.	2020SE196

A2.4

**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, 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](mailto:stephen.cranley@alectrautilities.com)

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

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

## MacPherson, Adriana

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**Subject:** FW: A017/21 - Request for Comments

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**From:** Hurst, Gabrielle <Gabrielle.Hurst@york.ca>  
**Sent:** March-09-21 11:57 AM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Cc:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] RE: A017/21 - Request for Comments

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

*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](mailto:Gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

## MacPherson, Adriana

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**Subject:** FW: A017/21 - Request for Comments

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**From:** Blaney, Cameron (MTO) <[Cameron.Blaney@ontario.ca](mailto:Cameron.Blaney@ontario.ca)>

**Sent:** March-03-21 5:54 PM

**To:** MacPherson, Adriana <[Adriana.MacPherson@vaughan.ca](mailto:Adriana.MacPherson@vaughan.ca)>

**Subject:** [External] RE: A017/21 - Request for Comments

Hello Adriana,

MTO has no concerns, but the lot is close to the GTA West planned highway and permits may be required. Please have the applicant have MTO review plans before construction.

**Cameron Blaney | Corridor Management Planner | Simcoe & York**

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7<sup>th</sup> Floor, Building D | Downsview, Ontario | M3M 0B7

416-358-7871

[Cameron.Blaney@ontario.ca](mailto:Cameron.Blaney@ontario.ca)