



File: A048/21

Applicant: Frank and Nadia Di Nardo

Address: 57 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	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"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations		
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, May 20, 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: 1

A048/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, May 20, 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: Frank and Nadia Di Nardo

Agent: Lucas Cocomello

Property: 57 Endless Circle, Kleinburg

Zoning: The subject lands are zoned R1 and subject to the provisions of Exception 9(1378) 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 pool and cabana 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 maximum lot coverage of 35% is permitted. (Schedule A)	1. To permit a maximum lot coverage of 39.30% (Dwelling 32.13%, Covered Outdoor Cooking area 2.46%, Covered Porch 0.38% and proposed Cabana 4.33%)
2. A minimum interior side yard setback of 1.5m is required to the proposed swimming pool.	2. To permit a minimum interior side yard setback of 1.02m to the proposed swimming pool.
3. A minimum interior side yard setback of 1.2m is required 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. A minimum rear yard setback of 7.5m is required to the proposed accessory structure (Cabana).	4. To permit a minimum rear yard setback of 2.94m to the proposed accessory structure (Cabana)
5. A maximum height of 3.0m is permitted to the closest part of the roof for the accessory structure (Cabana).	5. To permit a maximum height of 3.04m to the closest part of the roof for the accessory structure (Cabana).

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. 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 May 5, 2021

Applicant confirmed posting of signage on April 28, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2015
Cabana	TBC
Pool	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 intimate 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: On May 3, 2021 The Development Planning Department requested that Variance #2 for the minimum interior side yard setback of 0.91m to the proposed swimming pool be increased to at least 1.0m. The applicant was provided an opportunity to adjourn prior to the issuance of public notice to permit time for a zoning review to be completed.

Applicant revised proposal to 1.02m and zoning confirmed variances on May 4, 2021.

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

Building Permit No. 14-001024 for Single Detached Dwelling - Alteration, Issue Date: Jul 18, 2014
Building Permit No. 14-001024 for Single Detached Dwelling - New, Issue Date: Jun 17, 2014
Building Permit No. 14-001024 for Single Detached Dwelling - Alteration, Issue Date: Sep 26, 2019

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

Applicant to provide rear yard soft landscaping calculations.

Building Inspections (Septic):
No comments or concerns

Development Planning:
City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"

The Owner is requesting permission to construct a pool and cabana with the above-noted variances. The Development Planning Department has no objections with the proposed lot coverage as the existing coverage of 34.97% remains within the requirements of the Zoning By-law 1-88. The additional coverage of 4.33% is associated with the cabana and is considered to be minor in nature.

The proposed swimming pool is setback 1.02 m from the interior lot line, resulting in a deficiency of 0.48 m. The Development Engineering Department confirmed that the proposed interior side yard setback provides sufficient drainage along the side of the property and does not have any objections to the requested variance. Given that the rear of the property is abutting an open space buffer area that sufficiently sets the property back from Highway 27, the Development Planning Department has no concerns regarding the Variances for the proposed cabana.

Accordingly, the Development Planning Department can support the required variances and 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 A048/21. Subject to the following condition(s):

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.as to learn how to apply for the pool permit.

Parks Development - Forestry:

No comments received to date.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

No comment no concerns

Fire Department:

No comments received 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 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.

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

Adriana MacPherson

T 905 832 8585 Extension 8360

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.

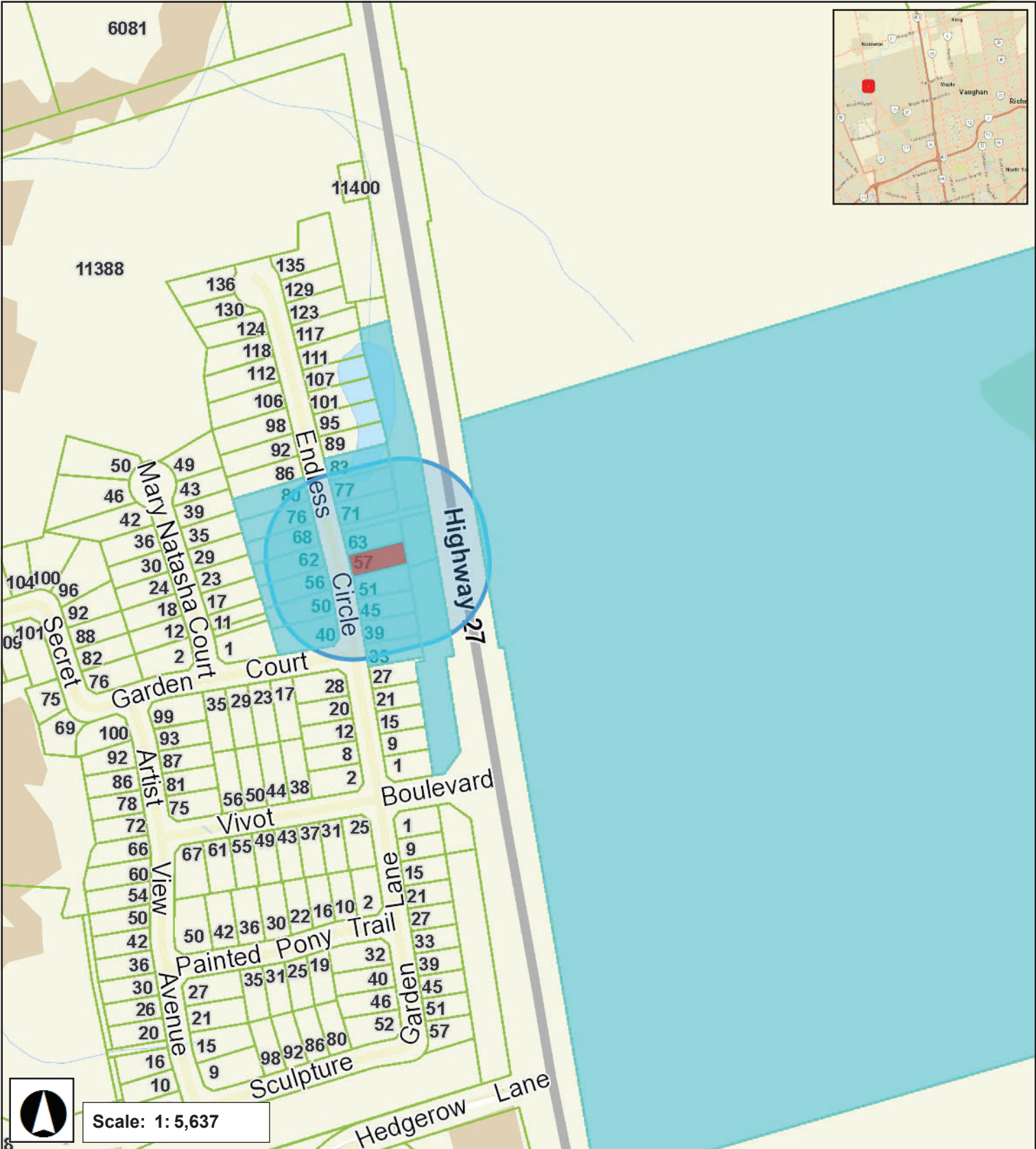
Location Map
Plans & Sketches



A048/21 - Notification Map

57 Endless Circle, Kleinburg

Kirby Road



SCOPE OF WORK

PROPOSED POOL AND CABANA

SITE STATISTICS

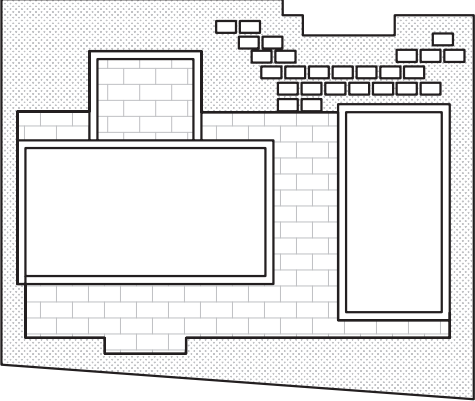
	METRIC	IMPERIAL
LOT AREA	811.39 S.M.	8733.73 S.F.
EX. COVERAGE(34.97%)	283.70 S.M.	3053.72 S.F.
POOL AREA	44.59 S.M.	480.00 S.F.
CABANA AREA (4.33%)	35.12 S.M.	378.00 S.F.
PROP. COVERAGE(39.30%)	318.82 S.M.	3431.72 S.F.

REAR YARD LANDSCAPE AREA - 76.50%

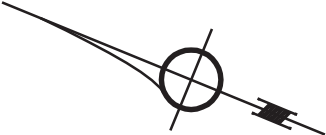
TOTAL REAR YARD AREA	255.54 S.M.	2750.60 S.F.
POOL AREA	44.59 S.M.	480.00 S.F.
CABANA AREA	35.12 S.M.	378.00 S.F.
HARDSCAPE AREA	83.66 S.M.	900.49 S.F.
GRASS AREA	92.17 S.M.	992.11 S.F.
REAR YARD AREA <135 S.M. (REAR YARD AREA)	120.54 S.M.	1297.48 S.F.

REAR YARD LANDSCAPE AREA
REAR LANDSCAPED AREA(60%)
(ZONING BYLAW)
REAR LANDSCAPED AREA(60+%)
(PROPOSED)
SOFTSCAPE AREA

	72.32 S.M.	778.45 S.F. (60%)
	92.17 S.M.	992.11 S.F.



NORTH ARROW



Proposal:

1. To permit a maximum lot coverage of 39.30% (Dwelling 32.13%, Covered Outdoor Cooking area 2.46%, Covered Porch 0.38% and proposed Cabana 4.33%)

2. To permit a minimum interior side yard setback of 1.02m to the proposed swimming pool.

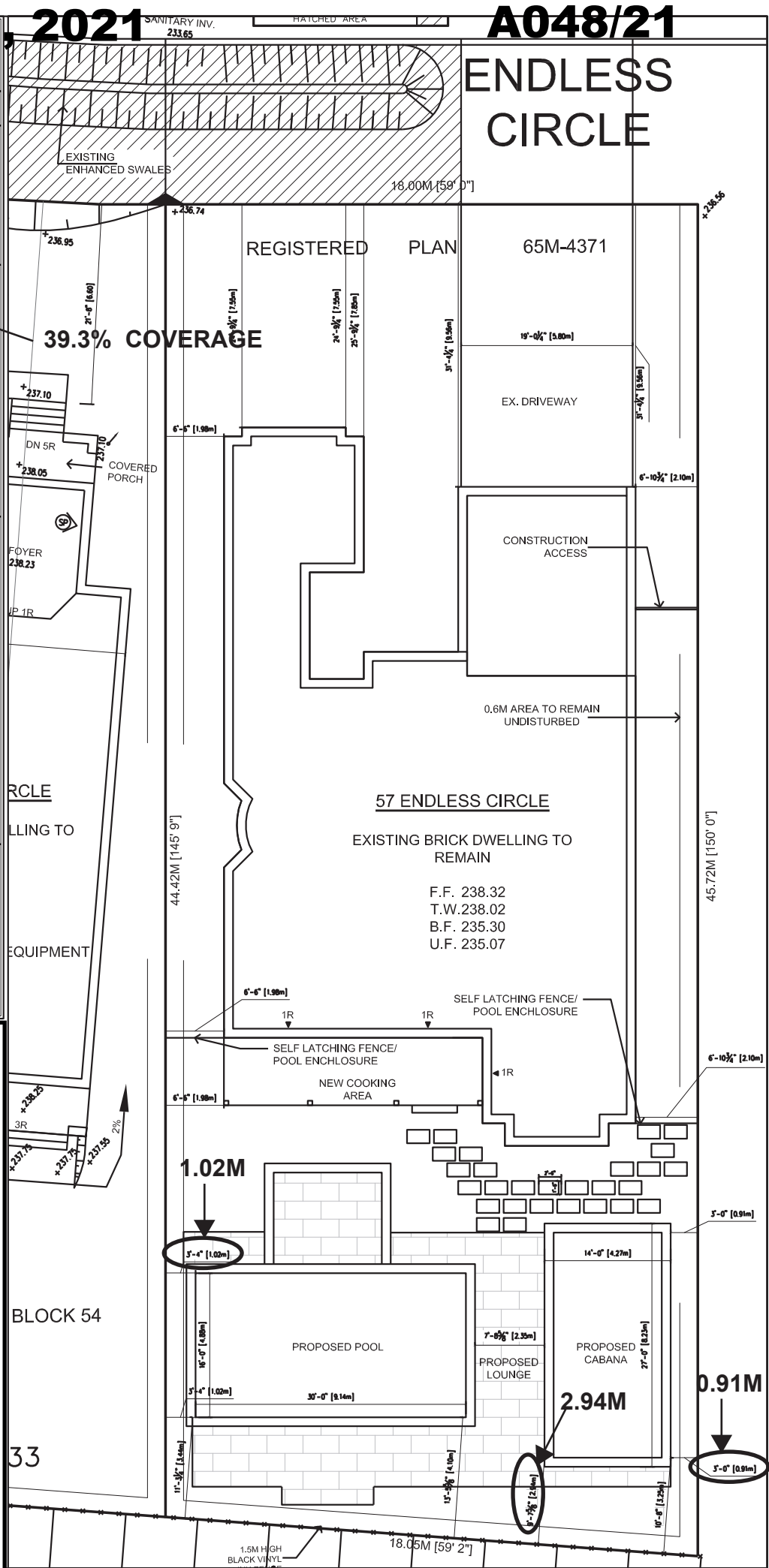
3. To permit a minimum interior side yard setback of 0.91m to the proposed accessory structure (Cabana).

4. To permit a minimum rear yard setback of 2.94m to the proposed accessory structure (Cabana).

5. To permit a maximum height of 3.04m to the closest part of the roof for the accessory structure (Cabana).

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



REAL

SE SCHILLER ENGINEERING

PROJECT

57 ENDLESS CIRCLE,
VAUGHAN, ON

PAGE

SITE PLAN

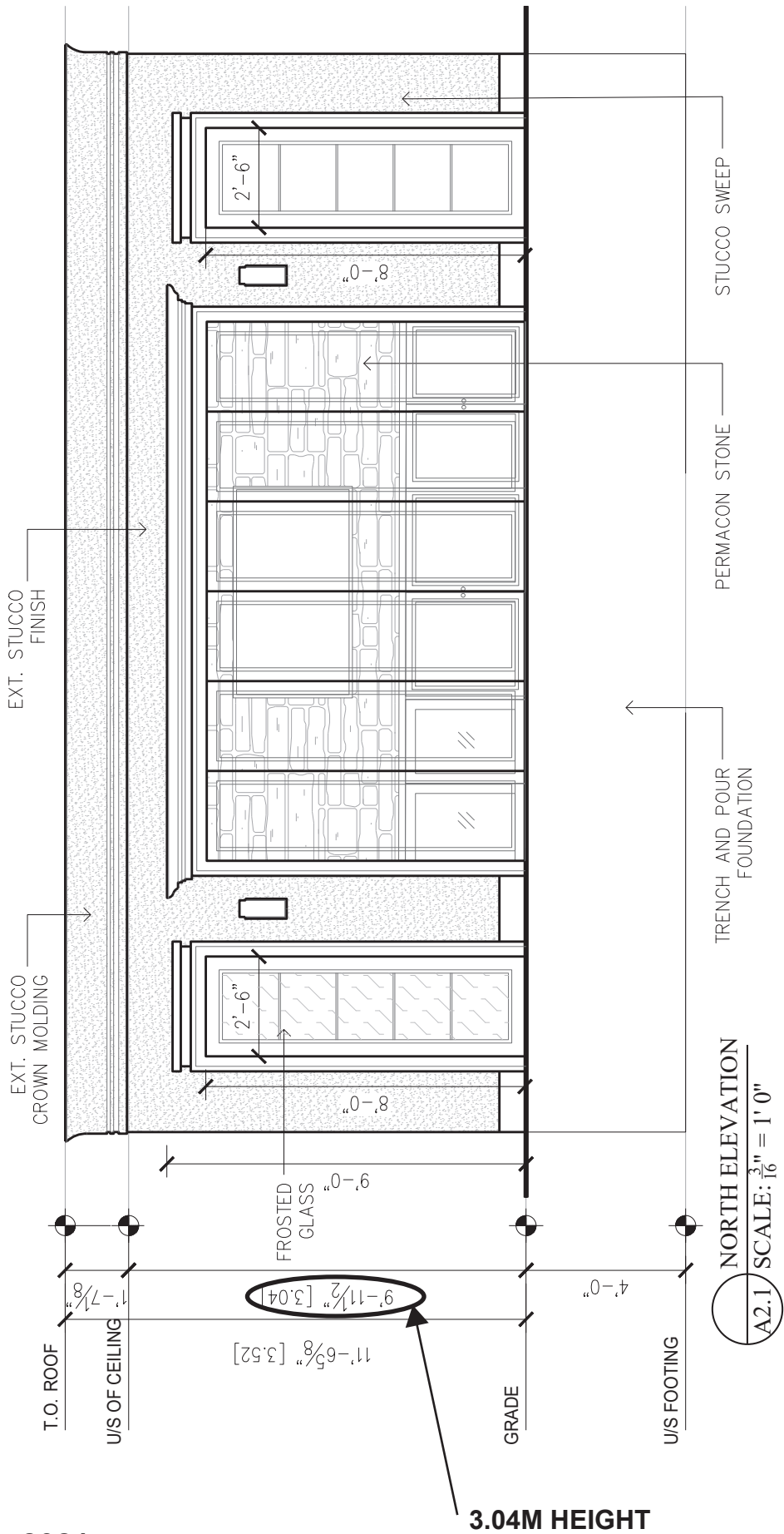
APPROVED BY: TS

DATE: JAN. 2021

SCALE: 1/16"=1'-0"

PROJECT No. 2020SE196

A1.0



REVISED MAY 3, 2021

NOTES

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SEAL

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ENGINEERING LTD.

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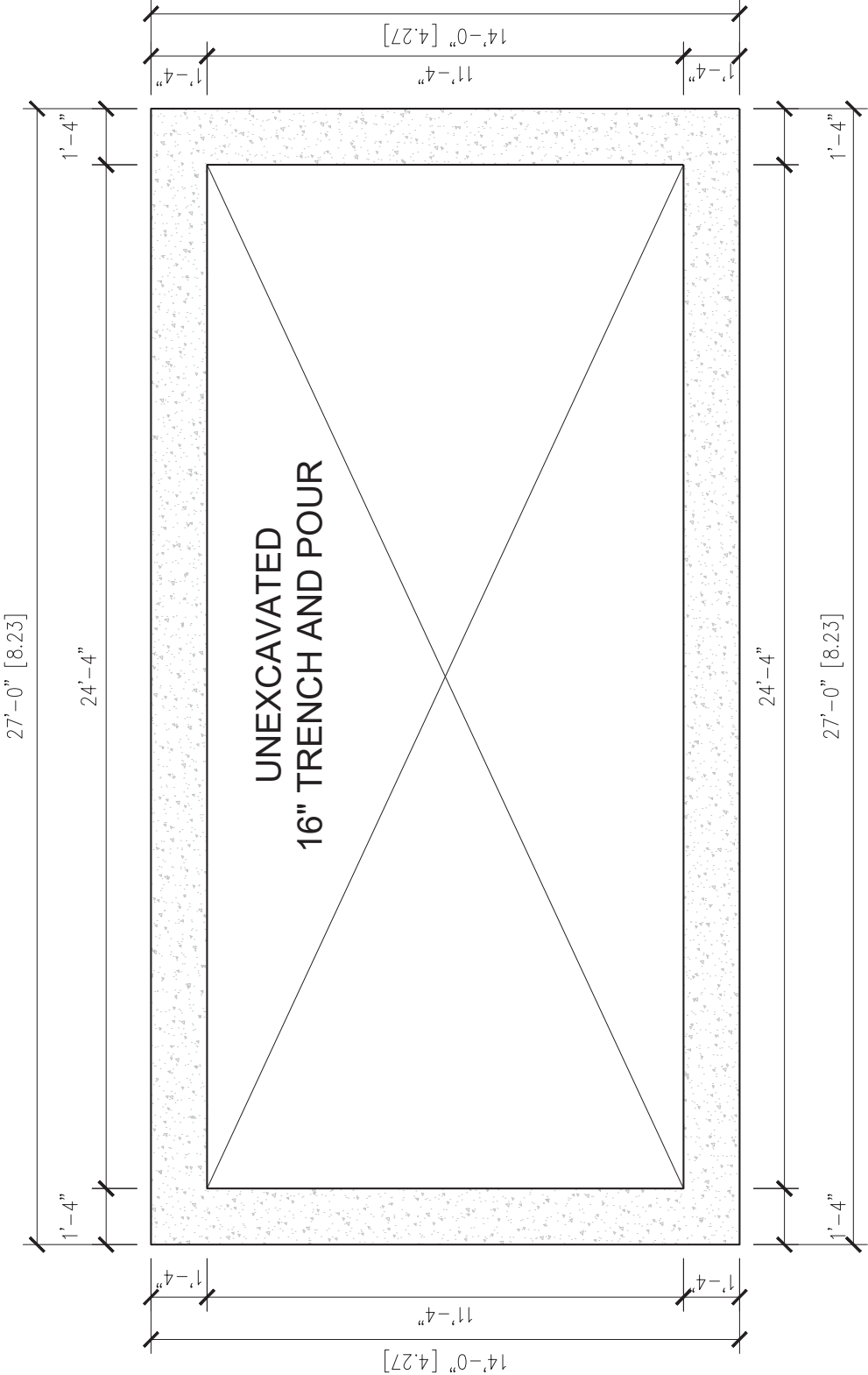
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NORTH ELEVATION

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SCALE:	$\frac{1}{4}"=1'-0"$
PROJECT No.	2020SE196

A2.1



FOUNDATION PLAN
A1.1 SCALE: $\frac{3}{16}" = 1' 0"$

REVISED MAY 3, 2021

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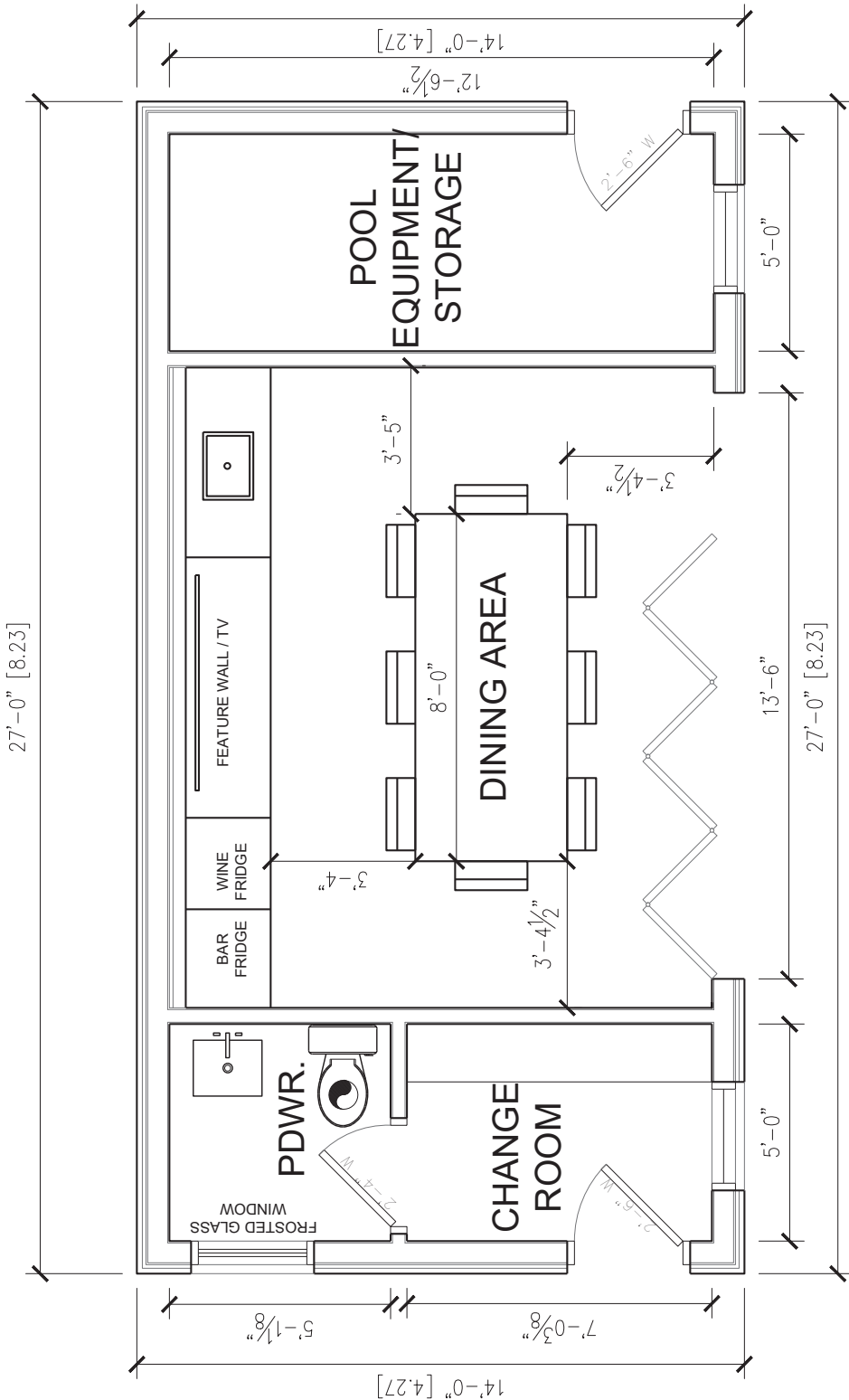
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FOUNDATION PLAN

APPROVED BY:	TS
DATE:	JAN. 2021
SCALE:	$\frac{1}{4}"=1'-0"$
PROJECT No.	2020SE196

A1.1



GROUND FLOOR PLAN
A1.2 SCALE: 3/16" = 1' 0"

REVISED MAY 3, 2021

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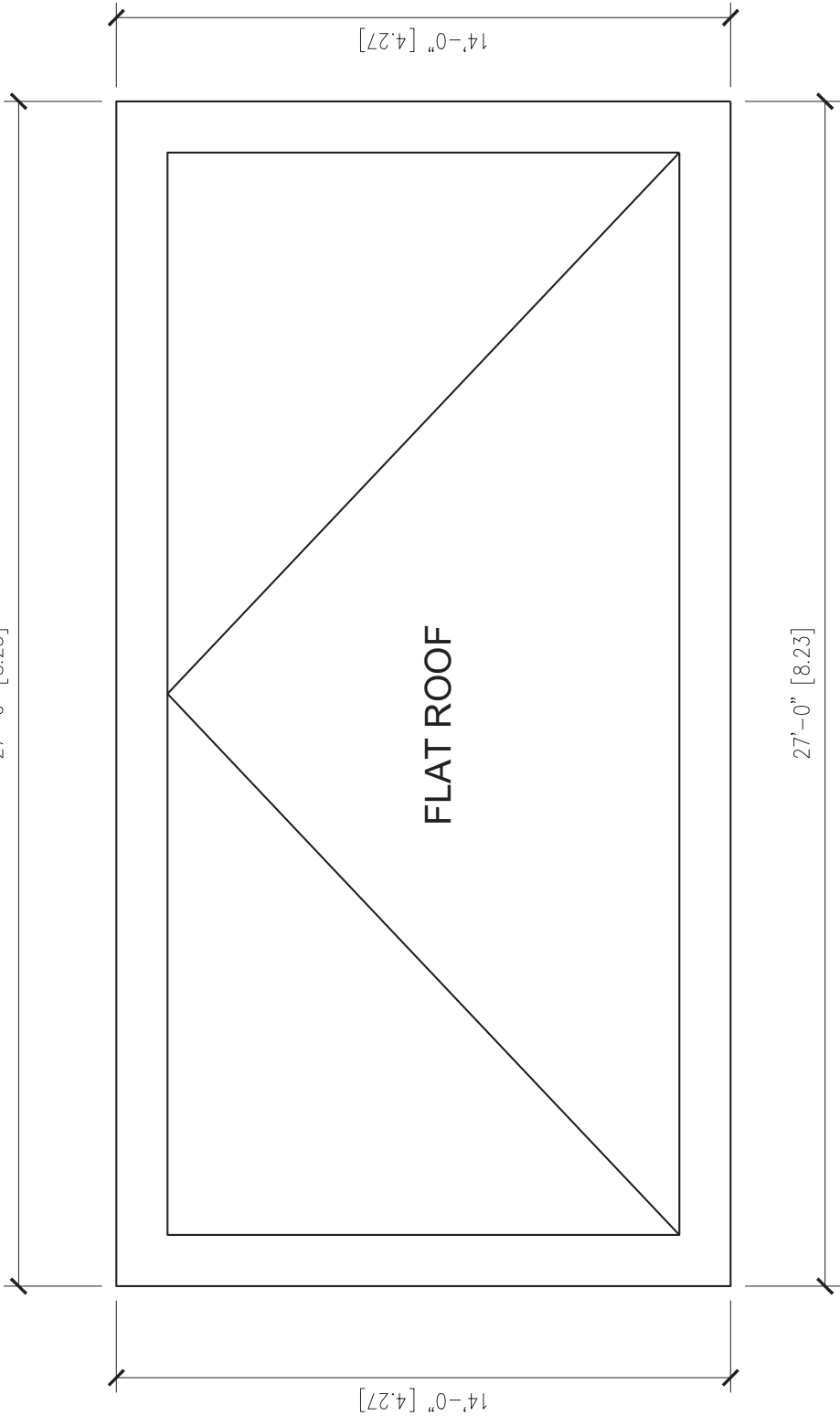
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GROUND FLOOR PLAN

APPROVED BY:	TS
DATE:	JAN. 2021
SCALE:	1/4"=1'-0"
PROJECT No.	2020SE196

A1.2



ROOF PLAN
A1.3
SCALE: $\frac{3}{16}" = 1' 0"$

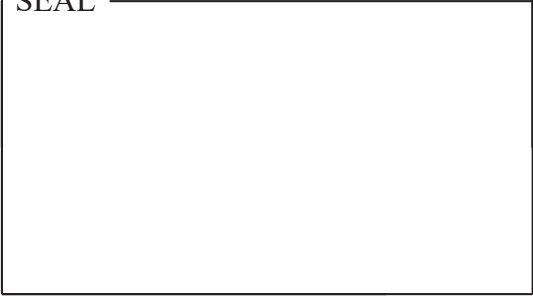
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SEAL



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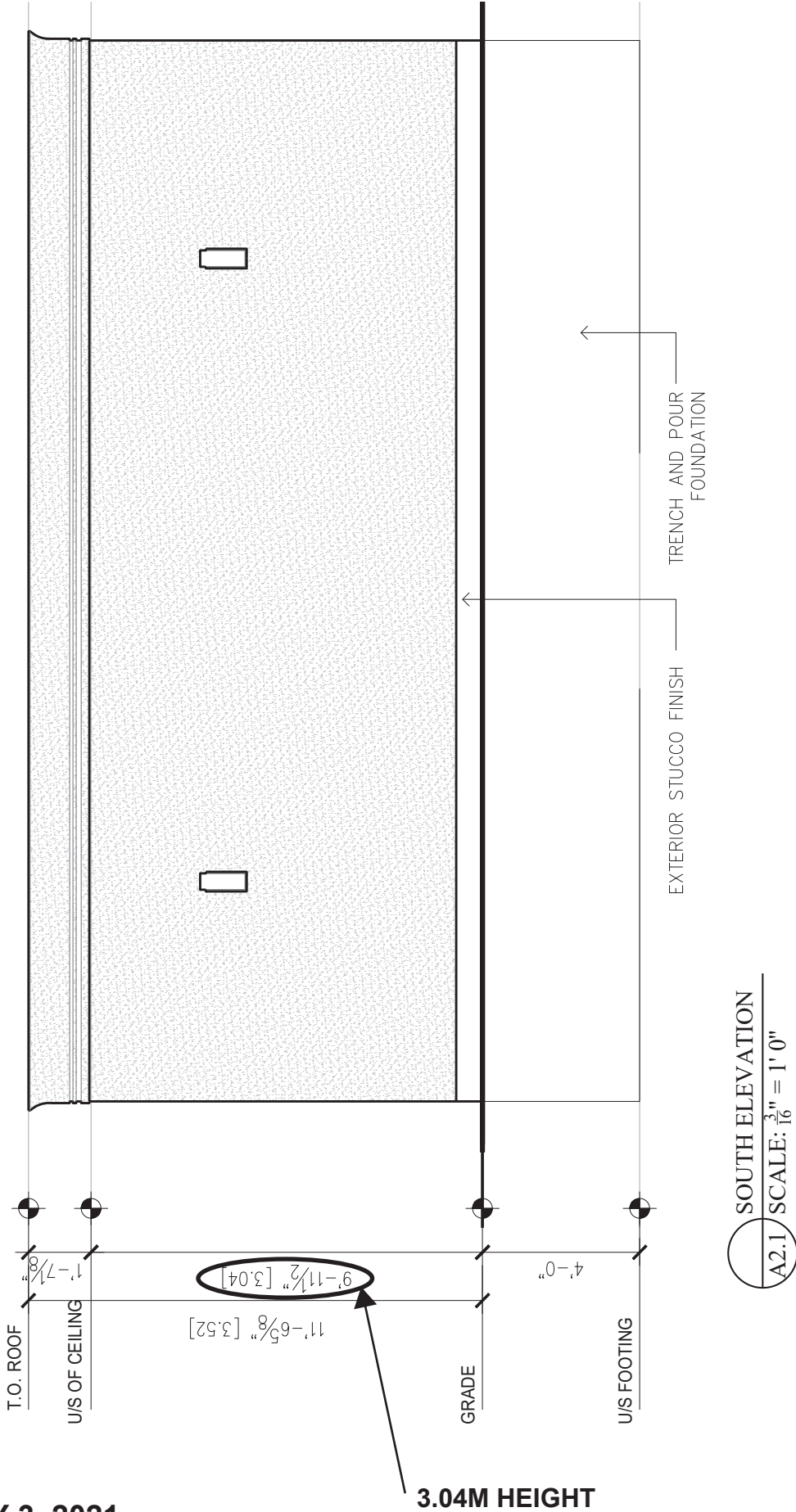
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ROOF PLAN

APPROVED BY:	TS
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PROJECT No.	2020SE196

A1.3



REVISED MAY 3, 2021

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SEAL



PROJECT

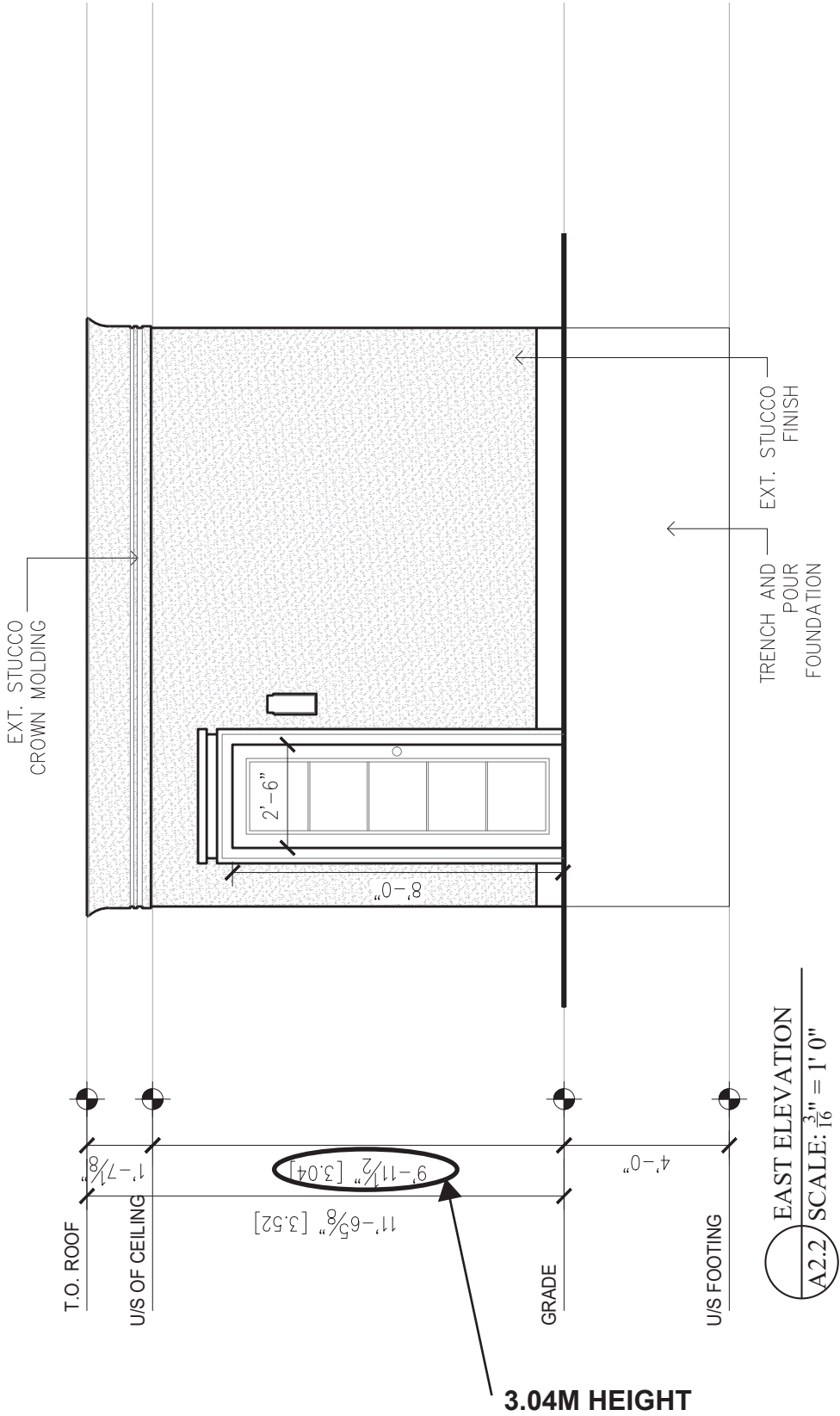
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SOUTH ELEVATION

APPROVED BY:	TS
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PROJECT No.	2020SE196

A2.2



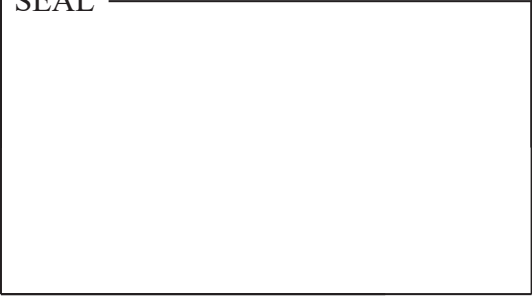
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SEAL



PROJECT

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EAST ELEVATION

APPROVED BY:	TS
DATE:	JAN. 2021
SCALE:	$\frac{1}{4}" = 1'-0"$
PROJECT No.	2020SE196

A2.3

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

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

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: A048/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-21-21 12:11 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A048/21 - Request for Comments

Good afternoon 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 | www.york.ca

MacPherson, Adriana

Subject: FW: A048/21 - Request for Comments

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>
Sent: April-15-21 2:34 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] RE: A048/21 - Request for Comments

Good afternoon,

As the property at 57 Endless Circle is outside the MTO permit control area, MTO has no comments.

Colin Mulrenin (he/him) | Corridor Management Officer | York
Highway Corridor Management Section – Central Operations
159 Sir William Hearst Avenue | Ministry of Transportation
7th Floor, Building D | Downsview, Ontario | M3M 0B7
Colin.Mulrenin@ontario.ca