VAUGHAN Staff Report Summary

Ward #1

File:	A101/21
Applicant:	Amanda and Michael Cornacchia
Address:	92 Secret Garden Court, Kleinburg
Agent:	Angelo Perna

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

Commenting Department	Positive Comment	Condition(s)
	Negative Comment	\mathbf{A}
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: None

Background History: None

Staff Report Prepared By: Adriana MacPherson Hearing Date: Thursday, June 10, 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 Page 2 Agenda Item: 18

A101/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:	 Thursday, June 10, 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 <u>Vaughan.ca/LiveCouncil</u>. 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
Applicant: Agent:	To make an electronic deputation at the meeting please contact the Committee of Adjustment at <u>cofa@vaughan.ca</u> 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. Amanda And Michael Cornacchia Angelo Perna
-	
Property:	92 Secret Garden Court, Kleinburg
Zoning:	The subject lands are zoned R1 9(1378) and subject to the provisions of Exception under By-law 1-88 as amended
OP Designation:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Site Specific Policy 13.21: North Humber Extension Area 1.
Related Files:	None
Purpose:	Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana with enclosed pool equipment 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 maximum height of 3.0m is permitted to the nearest part of the roof for the accessory structure (cabana). (4.1.1.b)	 To permit a maximum height of 3.05m to the nearest part of the roof for the accessory structure (cabana).
2. A minimum rear yard setback of 7.5m is required for the accessory structure (cabana). (schedule 'A')	2. To permit a minimum rear yard setback of 1.2m for the accessory structure (cabana).
 3. A maximum encroachment of 1.5m into the rear yard is permitted for the pool equipment. (3.14.H) 	3. To permit a maximum rear yard encroachment of 6.30m for the proposed pool equipment.
4. A minimum rear yard soft landscaping of 60% is required for the portion of the rear yard in excess of 135m2. (4.1.2.b)	4. To permit a minimum rear yard soft landscaping of 41.12% (77.73m2) for the portion of the rear yard in excess of 135m2.

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

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. 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 26, 2021

Applicant confirmed posting of signage on May 18, 2021

		Property Information	
	Existing Structures		Year Constructed
Dwelling		2018	
Cabana		TBC	

Applicant has advised that they cannot comply with By-law for the following reason(s): To provide additional outdoor space within the rear yard. The proposed cabana design and concept in conjunction with the placement of the pool will not allow compliance with the subject land zoning requirements.

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 ('VOP 2010'): "Low-Rise Residential", subject to Site Specific Policy 13.21: North Humber Extension Area 1.

The Owner is requesting permission to construct a cabana and enclosed pool equipment with the above-noted variances. The variances requested for the height of 3.05 m and rear yard setback of 1.2 m of the proposed cabana are considered to be minor in nature and are appropriate for the lot. The Development Planning Department does not object to the requested variance for the enclosed pool equipment (Variance 3). The distance measured from the pool equipment to the rear yard line is 1.2 m. The proposed rear yard encroachment and location of the enclosed pool equipment in the rear yard instead of the typical location in the interior side yard further minimizes any drainage or noise impacts on neighbouring dwellings.

The proposed rear yard soft landscaping of 41.12% maintains an appropriate balance of soft and hard landscaping at the rear yard, with soft landscaped areas proposed along the edges of the lot to reduce drainage impacts on adjacent properties. The requested variance also remains consistent with previous approvals in the immediate area. The Committee of Adjustment has previously approved a rear yard soft landscaping of 40% (Minor Variance File A144/19- 106 Endless Circle) and 42% (Minor Variance File A115/19 – 98 Endless Circle).

The Development Engineering Department has no concerns with the reduction of the rear yard landscaping, subject to the Owner demonstrating appropriate LID (Low-Impact Development) measures to the satisfaction of Development Engineering to address the reduced soft landscaping coverage in the rear yard in order to mitigate potential impacts on the municipal storm water system. 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 A101/21 subject to the following condition(s):

 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 <u>https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</u> to learn how to apply for lot grading and/or servicing approval.

Staff Report A101/21

- 2. 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 41.12% in order to mitigate potential impacts on the municipal storm water system.
- 3. 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.

Parks Development - Forestry:

No comments, no conditions.

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

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:

- \checkmark 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	1. The Owner/applicant shall submit the final Lot Grading and/or
	Farzana Khan	Servicing Plan to the Development Inspection and Lot Grading
		division of the City's Development Engineering Department for final
	905-832-8585 x 3608	lot grading and/or servicing approval prior to any work being
	Farzana.Khan@Vaughan.ca	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 in the rear yard from 60% to
		41.12% in order to mitigate potential impacts on the municipal storm
		water system.
		3. 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

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 <u>cofa@vaughan.ca</u>

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting <u>Vaughan.ca/LiveCouncil</u>. To make an electronic deputation, residents must complete and submit a <u>Public Deputation Form</u> 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 <u>www.vaughan.ca</u>

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.

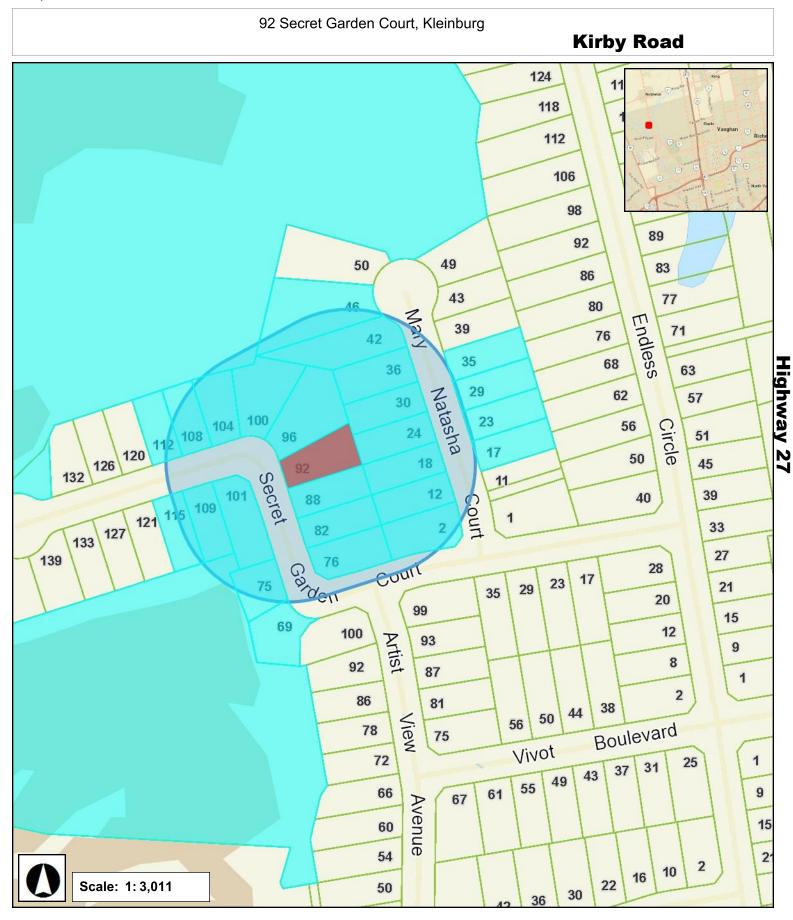
For further information please contact the City of Vaughan, Committee of Adjustment Adriana MacPherson

T 905 832 8585 Extension 8360 E <u>CofA@vaughan.ca</u>

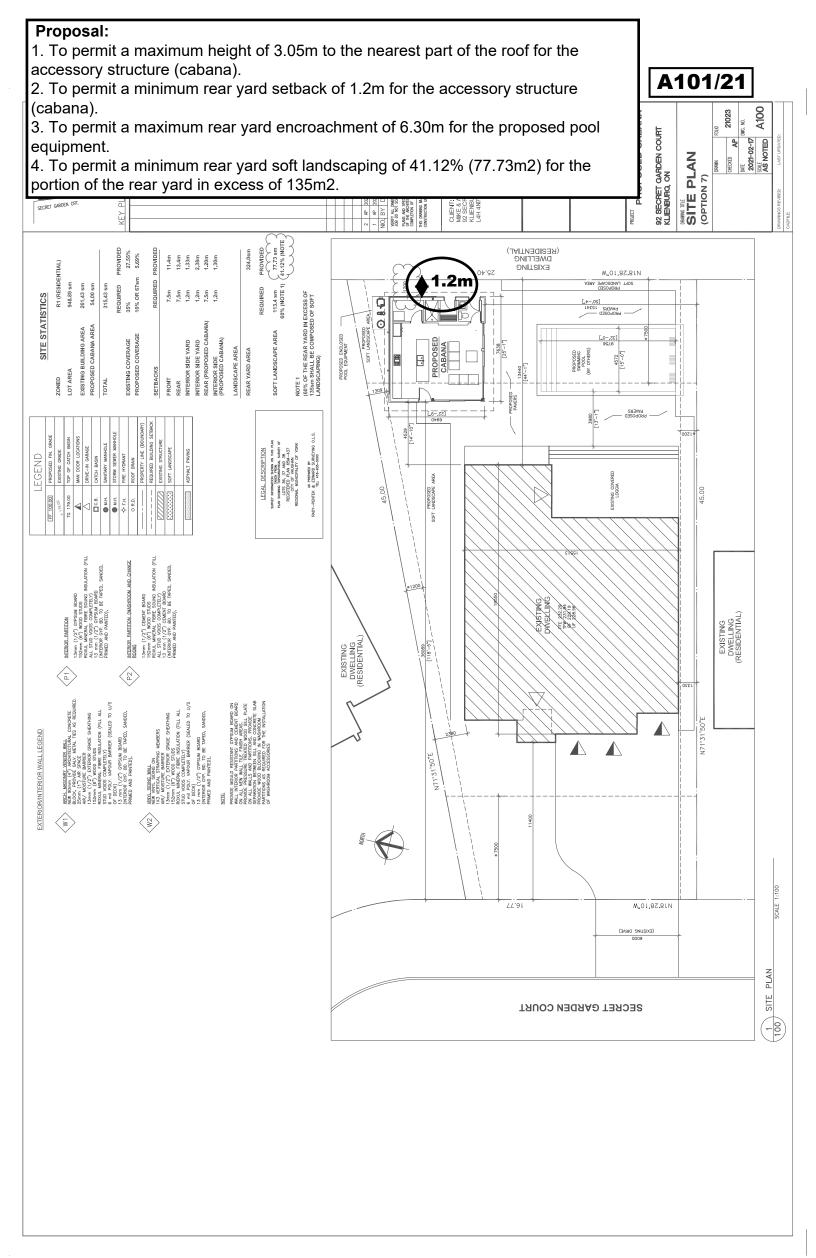
Schedule A: Plans & Sketches

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.

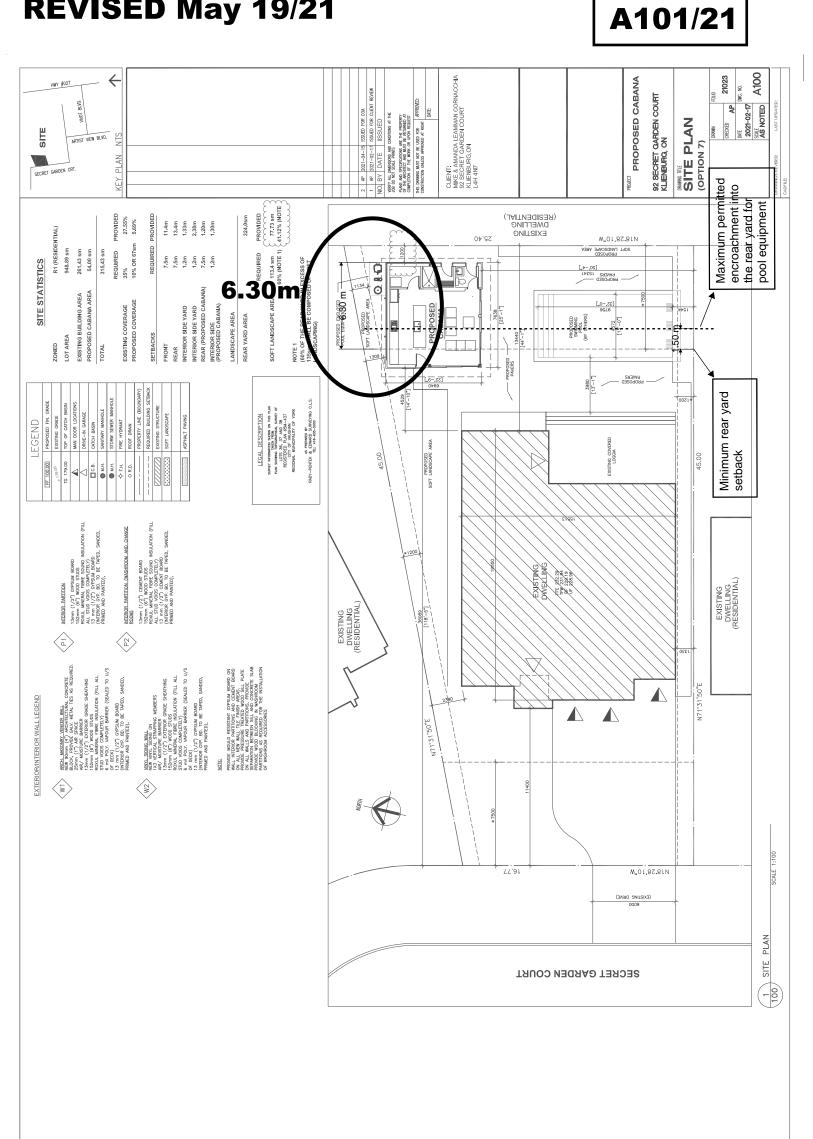
Location Map Plans & Sketches VAUGHAN A101/21 - Notification Map

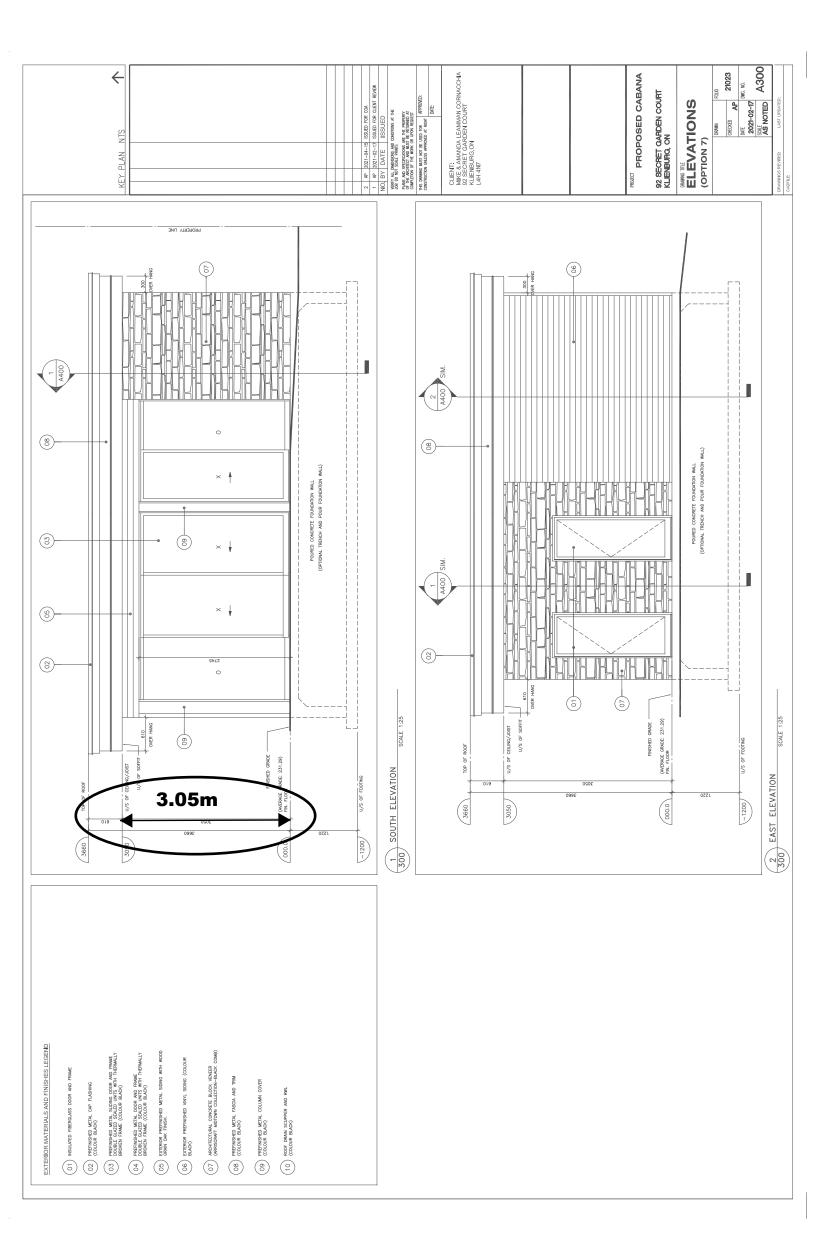


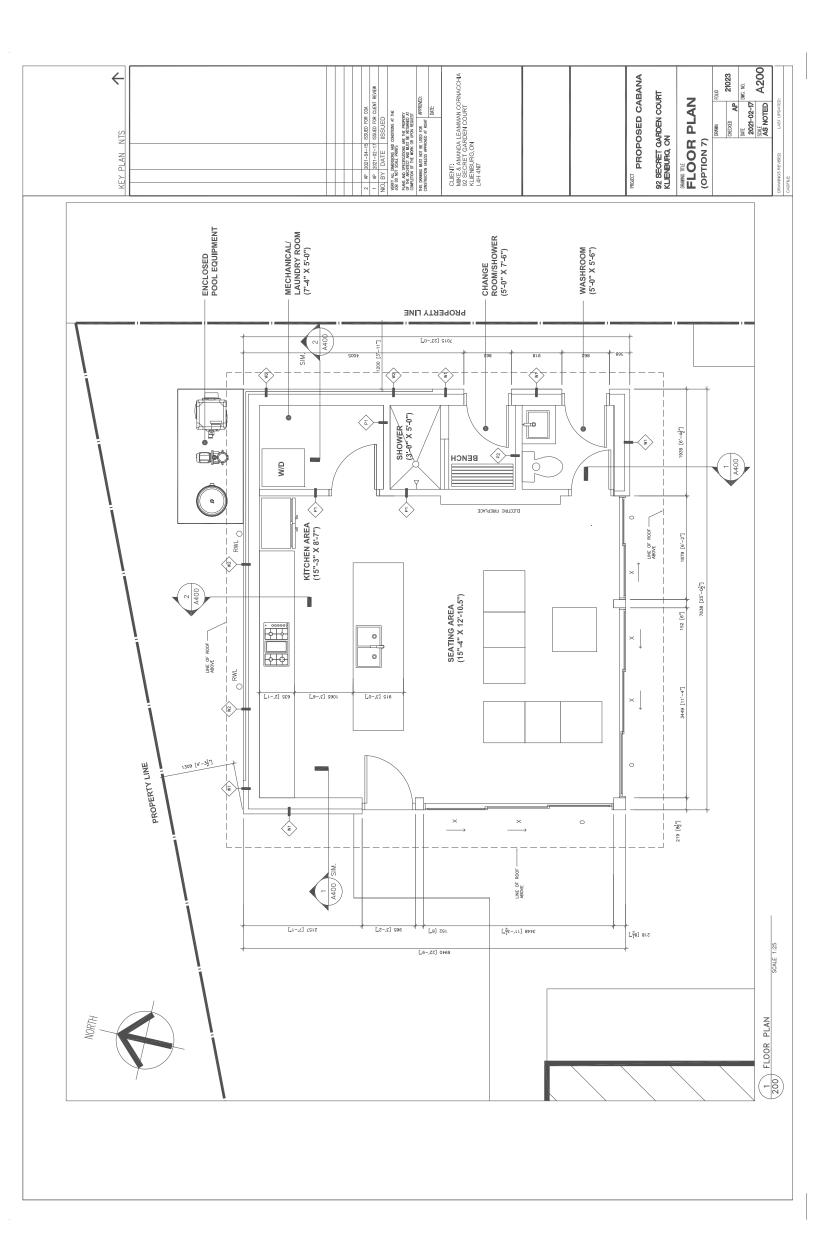
May 18, 2021 9:14 AM

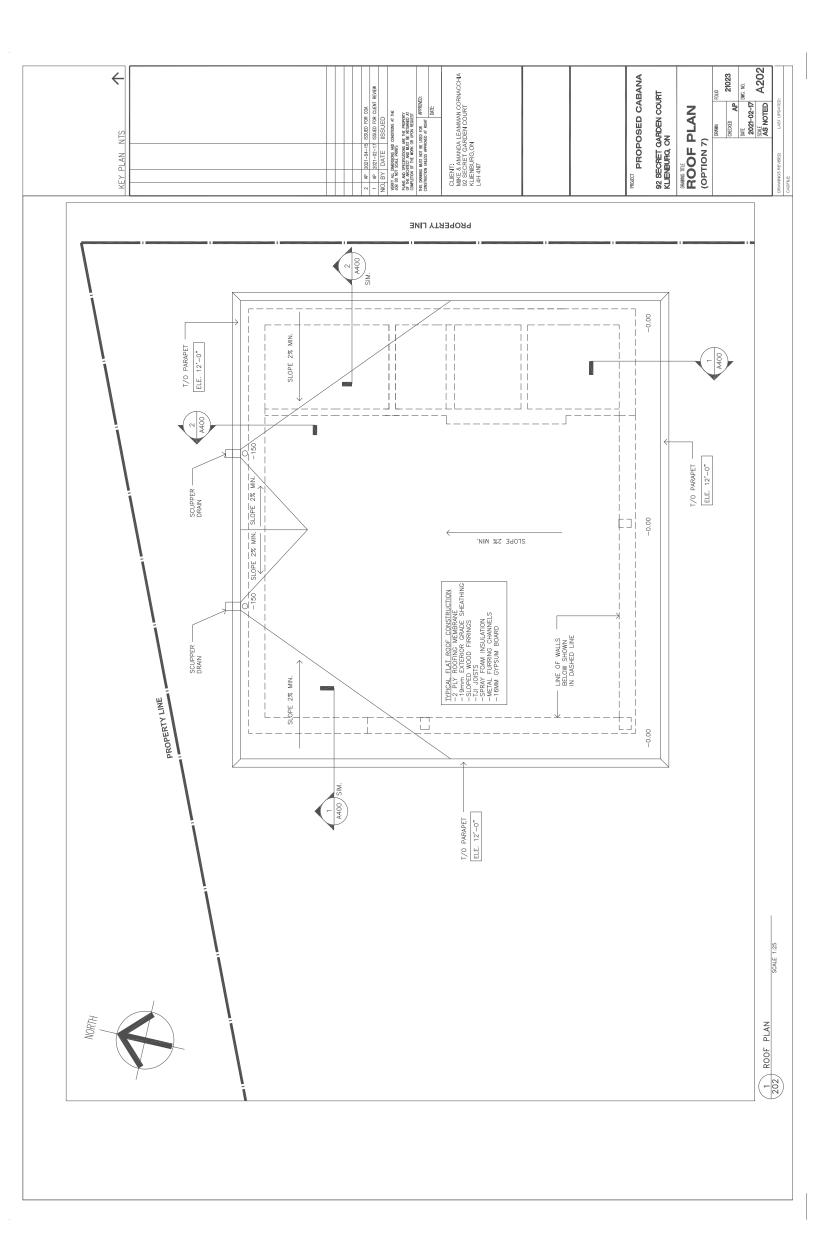


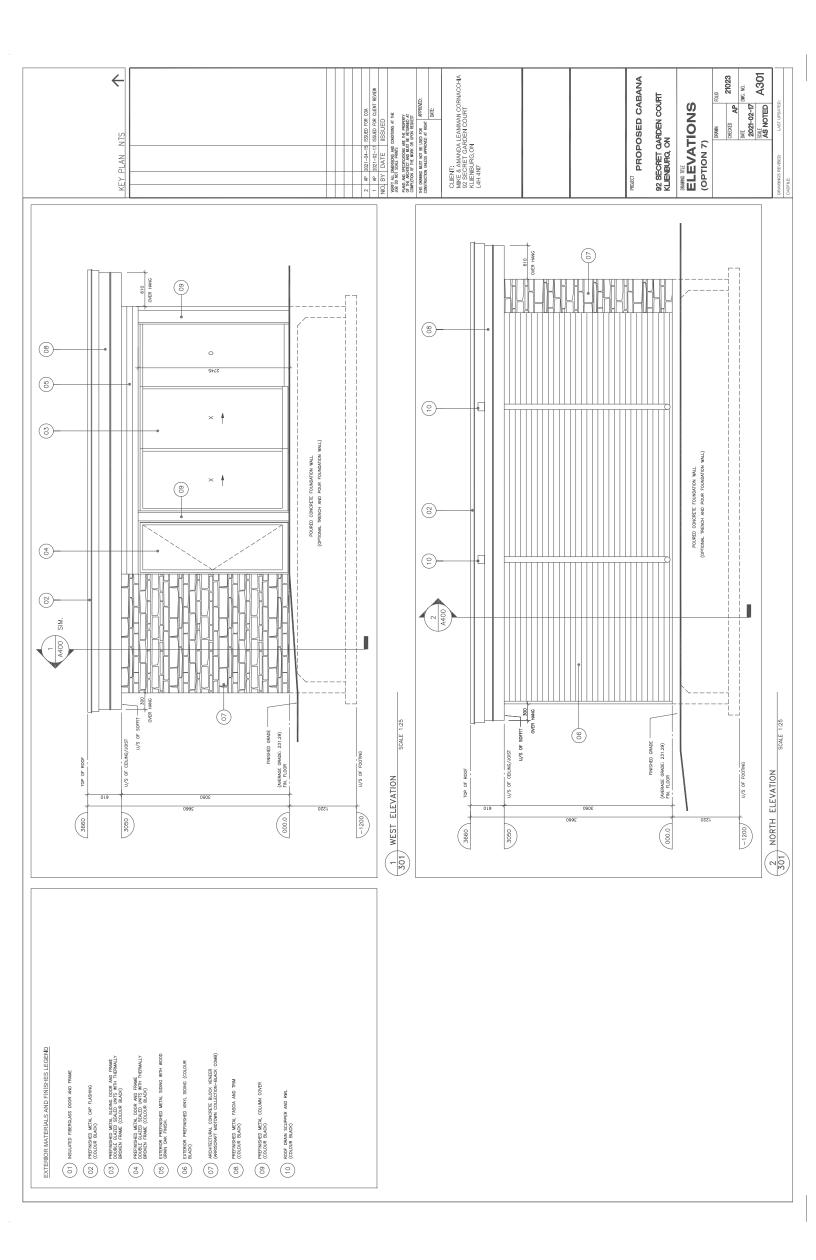


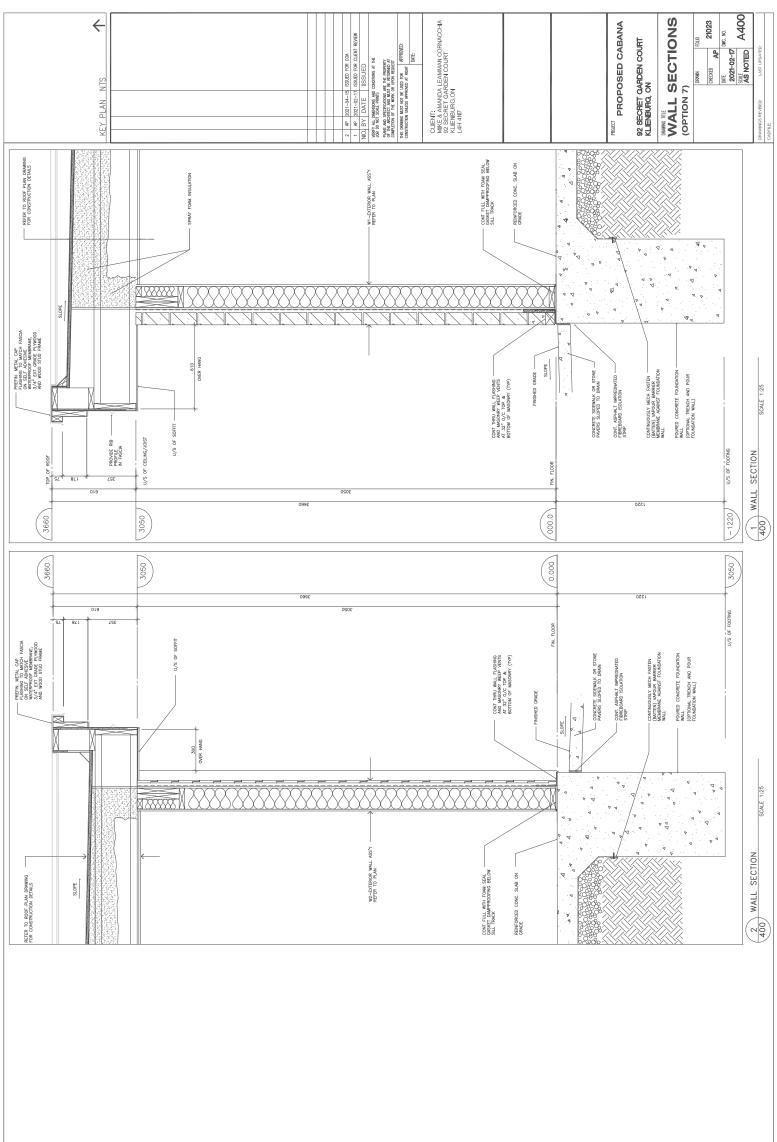


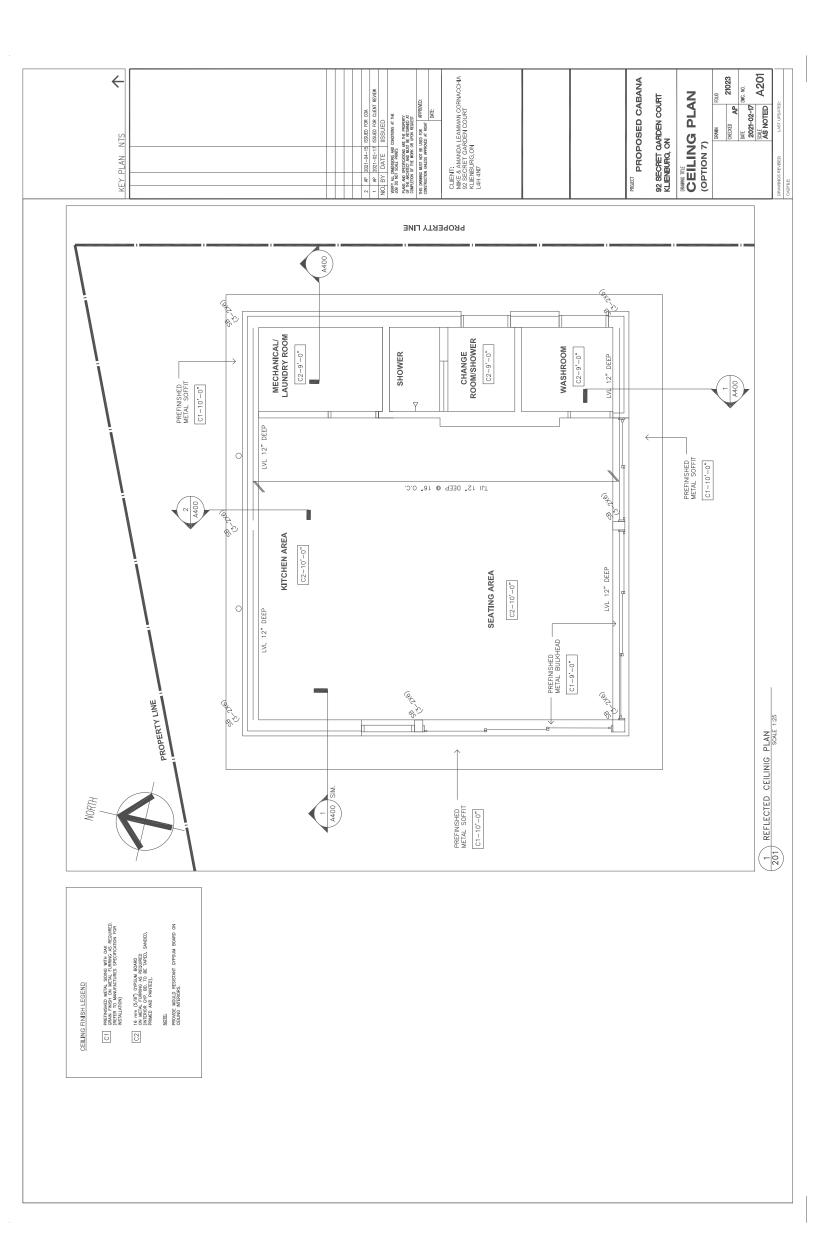












Schedule B: Public Correspondence Received

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

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections



COMMENTS:

_	
	Х

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: <u>stephen.cranley@alectrautilities.com</u>

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

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: Request for Comments: A101/21 (92 Secret Garden, Kleinburg)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: May-26-21 2:42 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: Request for Comments: A101/21 (92 Secret Garden, Kleinburg)

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 | <u>gabrielle.hurst@york.ca</u> |<u>www.york.ca</u>