



**File:** A049/21

**Applicant:** Kleinburg One Consulting Ltd.

**Address:** 15 Pennon Road, Kleinburg ON

**Agent:** George Shama - Great Room Inc.

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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	<input checked="" type="checkbox"/>	
By-law & Compliance	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None.

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Background History: None.

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Staff Report Prepared By: Lenore Providence  
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**

Agenda Item: 04

**A049/21**

Ward: 1

**Staff Report Prepared By: Lenore Providence, 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 [Vaughan.ca/LiveCouncil](http://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:** Kleinburg One Consulting Ltd.

**Agent:** George Shama - Great Room Inc.

**Property:** 15 Pennon Road, Kleinburg

**Zoning:** The subject lands are zoned R1V, Old Village Residential, 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 single family dwelling (with covered porch and loggia) and to permit increased maximum driveway width. The existing frame shed onsite is to remain.

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 Front yard setback of 12.25 metres is required (Schedule A, Note 11).	1. To permit a minimum Front Yard setback of 10.0 metres to a dwelling.
2. A maximum Lot Coverage of 20% is permitted (Schedule A).	2. To permit a maximum Lot Coverage of 27.4% (Dwelling 22.4%, Covered Porch 0.3%, Loggia 3.3%, and shed 1.4%).
3. A maximum Building Height of 9.5 metres is required (Schedule A).	3. To permit a maximum Building Height of 12.01 metres.
4. A maximum driveway width of 9 metres is permitted (Section 4.1.4 f) v)).	4. To permit a maximum Driveway width of 13.51 metres.
5. A maximum Driveway width and curb cut of 9 metres is permitted (Section 4.1.4 f) i)).	5. To permit a combined circular driveway width and curb cut width of 12.1 metres.
6. A maximum Encroachment of 0.5 metres is permitted (Section 3.14 a)).	6. To permit a maximum Eave encroachment of 0.71 metres.

**Background (previous applications approved by the Committee on the subject land): N/A**

**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 May 26, 2021

Applicant confirmed posting of signage on May 21, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1974
Shed	1990

Applicant has advised that they cannot comply with By-law for the following reason(s): The current zoning by-law is too restrictive with regards to replacement dwellings in this neighbourhood. The proposed design of the new replacement dwelling is already surrounded with newly built homes of similar size and character.

**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 10m<sup>2</sup>.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval. A ground mounted AC unit shall be setback a minimum of 0.6 metres from the interior lot line and may encroach a maximum of 1.5 metres into the required rear yard. A wall mounted AC unit shall be setback a minimum of 0.3 metres from the interior lot line and may encroach a maximum of 1.5 metres into the minimum required rear yard. The existing shed that is remaining on the property shall comply to section 4.1.1 b) regarding maximum permitted height. as the applicant cannot confirm the existing height. The shed located along the rear property line will be demolished as per the applicant.

**Building Inspections (Septic):**

No comments or concerns

**Development Planning:**

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

The Owner is proposing to construct a two-storey single-family dwelling and loggia with the above-noted variances.

Variance 1 for the front yard setback of 10 m to the proposed dwelling is considered minor in nature. Due to the angle of the front lot line, the east portion of the dwelling encroaches into the required 12.25 m front yard setback while most of the dwelling complies with the requirements of the Zoning By-law. As such, the Development Planning Department has no concern with Variance 1.

The proposed maximum lot coverage includes a dwelling coverage of 22.4%, with the proposed loggia, covered porch, and existing shed comprising 5% of the remaining lot coverage. Given the size of the lot and newer developments along Pennon Road that have similar maximum lot coverages, the proposed maximum lot coverage of 27.4% remains consistent and compatible within the neighbourhood. The proposed dwelling coverage of 22.4% also remains under 23%, a standard that has typically been supported by Development Planning and the Committee of Adjustment for two-storey dwellings in Old Village Residential (R1V) zones.

The maximum building height is compatible in scale with existing dwellings in the immediate area. Due to the design of the roof being interpreted as a flat roof, the proposed maximum building height of 12.01 m is measured from the average grade at the front wall to the peak of the roof, while the mid-point of the roof is measured to a height of 9.75 m. The front elevation provided with the application shows that visually the roof features more of a slope design, and with the mid-point measured at 9.75 m, would represent a small deviation from the height permissions of the Zoning By-law if the roof was considered sloped.

The maximum driveway width and curb cut width are considered minor in nature as the front yard maintains an appropriate amount of landscaping.

The proposed maximum eave encroachment of 0.71 m is a minor change from the requirements of Zoning By-law 1-88 and Development Planning has no concerns with the requested variance.

The Owner has provided an Arborist Report, prepared by Thomson Watson Consulting Arborists Inc., dated March 4, 2021, in support of the application. The report identified 11 trees that require removal and 12 trees to be replanted. The Urban Design Division has reviewed the submitted Arborist Report and concurs with its recommendations. In addition, Urban Design staff have requested a revised Landscape Plan be submitted ensuring large canopy trees in the front yard are provided. A recommendation to this effect has been included in the Conditions of Approval.

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, subject to the following Conditions of Approval:

**Conditions of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

1. The Owner provide a Landscape Plan with appropriate planting provided along the streetscape, to the satisfaction of the Development Planning Department.

**Development Engineering:**

The owner/applicant shall apply and obtain the necessary curb cut/ reinstating permit through the City of Vaughan Transportation Services Division.

The Development Engineering (DE) Department does not object to variance application A049/21. 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](mailto:DEPermits@vaughan.ca) or visit [https://www.vaughan.ca/services/residential/dev\\_eng/permits/Pages/default.aspx](https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx) to learn how to apply for lot grading and/or servicing approval.

**Parks Development - Forestry:**

No comments no concerns.

**By-Law and Compliance, Licensing and Permit Services:**

No comments no concerns.

**Development Finance:**

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

**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:

- ✓ 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:

	<b>Department/Agency</b>	<b>Condition</b>
1	Development Engineering Farzana Khan  905-832-8585 x 3608 <a href="mailto:Farzana.Khan@Vaughan.ca">Farzana.Khan@Vaughan.ca</a>	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 <a href="https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx">https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx</a> to learn how to apply for lot grading and/or servicing approval.
2	Development Planning Michael Torres  905-832-8585 x 8933 <a href="mailto:Michael.Torres@vaughan.ca">Michael.Torres@vaughan.ca</a>	The Owner provide a Landscape Plan with appropriate planting provided along the streetscape, to the satisfaction of the Development Planning 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](http://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](http://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**

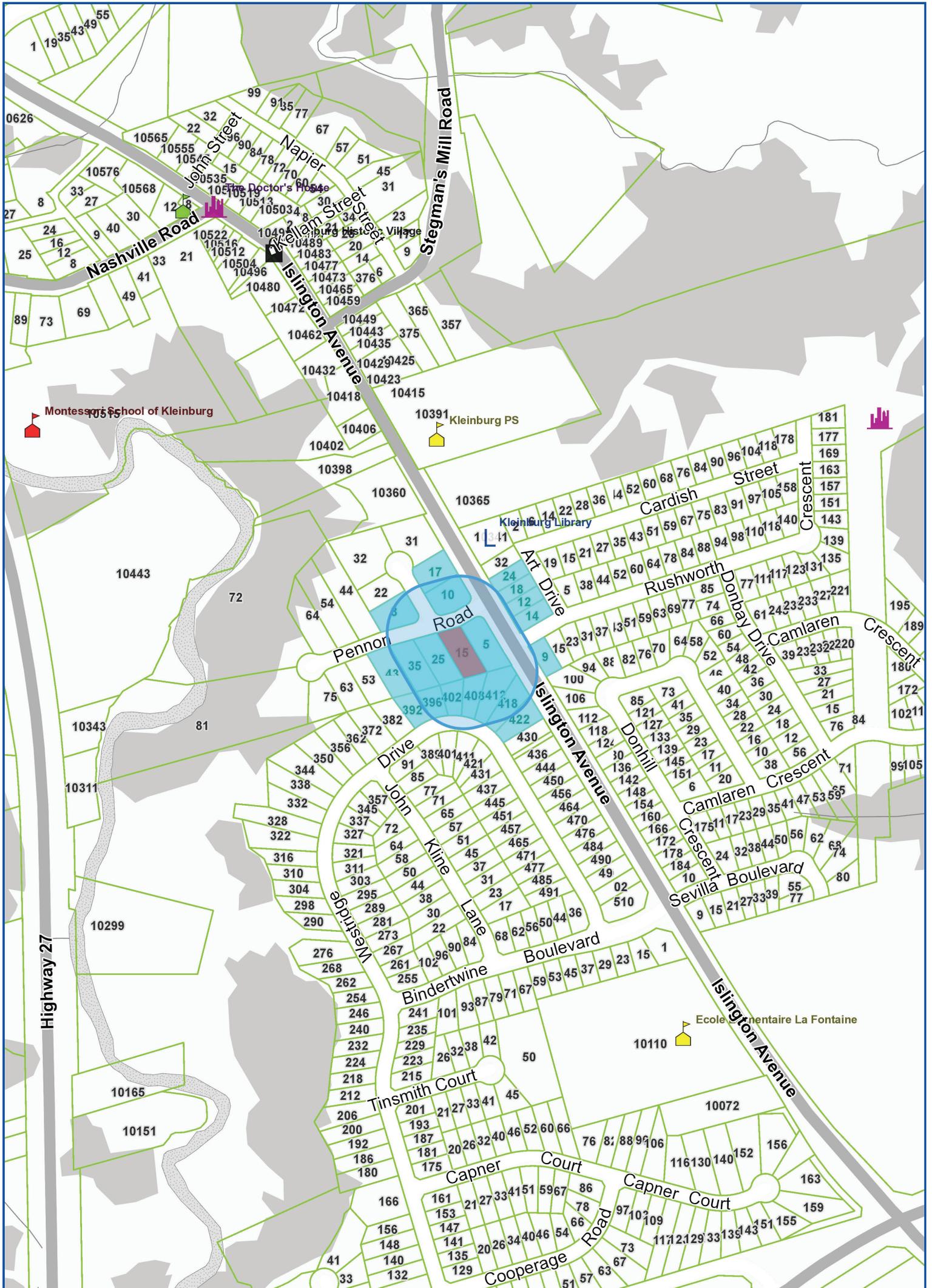
T 905 832 8585 Extension 8394  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

## **Schedule A: Plans & Sketches**

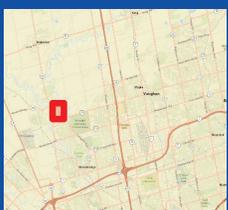
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

**Location Map**

**Plans & Sketches**



**Map Information:**



**Title:**

**15 PENNON ROAD, WOODBRIDGE**

**NOTIFICATION MAP - A049/21**

**Disclaimer:**

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



**Scale:** 1:6,362

0 0.10 km



**Created By:**

Infrastructure Delivery  
Department  
May 14, 2021 7:14 PM

**Projection:**  
NAD 83  
UTM Zone  
17N





## **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**



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### 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

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

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

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

**Providence, Lenore**

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**Subject:** FW: A049/21 - REQUEST FOR COMMENTS - 15 Pennon Road, Kleinburg (Full Circulation)

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

**Sent:** May-25-21 3:44 PM

**To:** Providence, Lenore <Lenore.Providence@vaughan.ca>

**Cc:** Committee of Adjustment <CofA@vaughan.ca>

**Subject:** [External] RE: A049/21 - REQUEST FOR COMMENTS - 15 Pennon Road, Kleinburg (Full Circulation)

Good afternoon Lenore,

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)