



**File:** A086/21

**Applicant:** Marc De Piero

**Address:** 64 Rushworth Cres, Kleinburg

**Agent:** David Small Designs

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 type="checkbox"/> Negative Comment	Condition(s)
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input 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"/>	
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)	<input type="checkbox"/>	

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

Agenda Item: 11

**A086/21**

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 [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:** Marc De Piero

**Agent:** David Small Designs

**Property:** **64 Rushworth Crescent, Kleinburg**

**Zoning:** The subject lands are zoned R1 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"

**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. Relief is also being requested to permit an increased maximum driveway width.

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

<b>By-law Requirement</b>	<b>Proposal</b>
1. A maximum lot coverage of 30% is required.	1. To permit a maximum lot coverage of 34.49% (30.12% house, 4.37% covered porches).
2. The minimum interior side yard setback required is 1.52 metres to a window well.	2. To permit a minimum interior side yard setback of 0.89 metres to a window well
3. The maximum driveway width required is 6.0 metres.	3. To permit a maximum driveway width of 8.68 metres.

**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](http://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 26, 2021

Applicant confirmed posting of signage on May 26, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): The house was designed to conform to a 35% lot coverage as per current zoning allowances. We were informed by the zoning examiner through building permit review that the by-law had a clause attached that applied the requirement differently to lots developed before 1990. We were told that due to the age of the current development, the lot coverage was only 30%. We went through an exercise of what it would take to reduce the house footprint by 5% and it was far too punitive to the program requirements of the family. Since the new restriction is now 35% we find it unfair to restrict properties developed prior to 1990 from development potential offered to newer homes and ask that you consider this variance. The driveway width is appropriate for 2 vehicles.

**Adjournment Request:** None

**Building Standards (Zoning Review):**

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

Building Permit No. 21-104670 for Single Detached Dwelling - New, Issue Date: (Not Yet Issued)

Building Permit No. 21-104677 for Single Detached Dwelling - Residential Demolition, Issue Date: Mar 08, 2021

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:** No Recommendation

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

The Owner is proposing to construct a two-storey single-family dwelling with the abovenoted variances. The proposed maximum lot coverage consists of a dwelling coverage of 30.12% which represents a 0.12% increase from the requirements of the Zoning By-law.

The remaining 4.37% consists of covered porches which are open, unenclosed and will have minimal impacts on neighbouring residents. The Development Planning Department has no concern with Variance 1 as the proposed dwelling is similar in size and massing with existing dwellings in the neighbourhood. The Development Planning Department has no concern with Variance 2, as the window well will not impact drainage along the interior side yard and the main access to the rear is proposed along the opposite side of the dwelling. The proposed maximum driveway width of 8.68 m tapers toward the street to a width of 5.78 m, which has been reduced from 7.44 m. Although the proposed driveway is wider than its existing condition on the subject property, the front yard still maintains an appropriate balance of landscaping.

The Owner had also revised their proposal with additional tree planting in the front yard as a result of the recommendations from Development Planning and Urban Design staff. Staff are satisfied with the revisions and have no concern with Variance 3. An Arborist Report and Tree Preservation Plan, prepared by Welwyn Consulting on January 20, 2021, identified 9 trees to be removed on the subject property, with a total of 5 replacement trees required to be replanted and 10 replacement trees to be compensated in the form of cash-in-lieu to the Parks, Forestry and Horticulture Operations Department. At the request of Urban Design staff, the Owner revised the proposal to reduce the amount of hardscape in the rear yard to provide more tree planting. Urban Design staff are satisfied with the revisions and concur with the recommendations of the Arborist Report.

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 A086/21.

**Parks Development - Forestry:**

Tree removal/protection permit no. 2021-28 was issued on February 25, 2021. Hoarding was installed and approved by Forestry. The owner is required to plant 5 trees within one year of permit issuance (Feb.25, 2022)

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

No comments received to date

**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**

Public Correspondence (Di Renna)

**Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections

York Region – 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: None

**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.

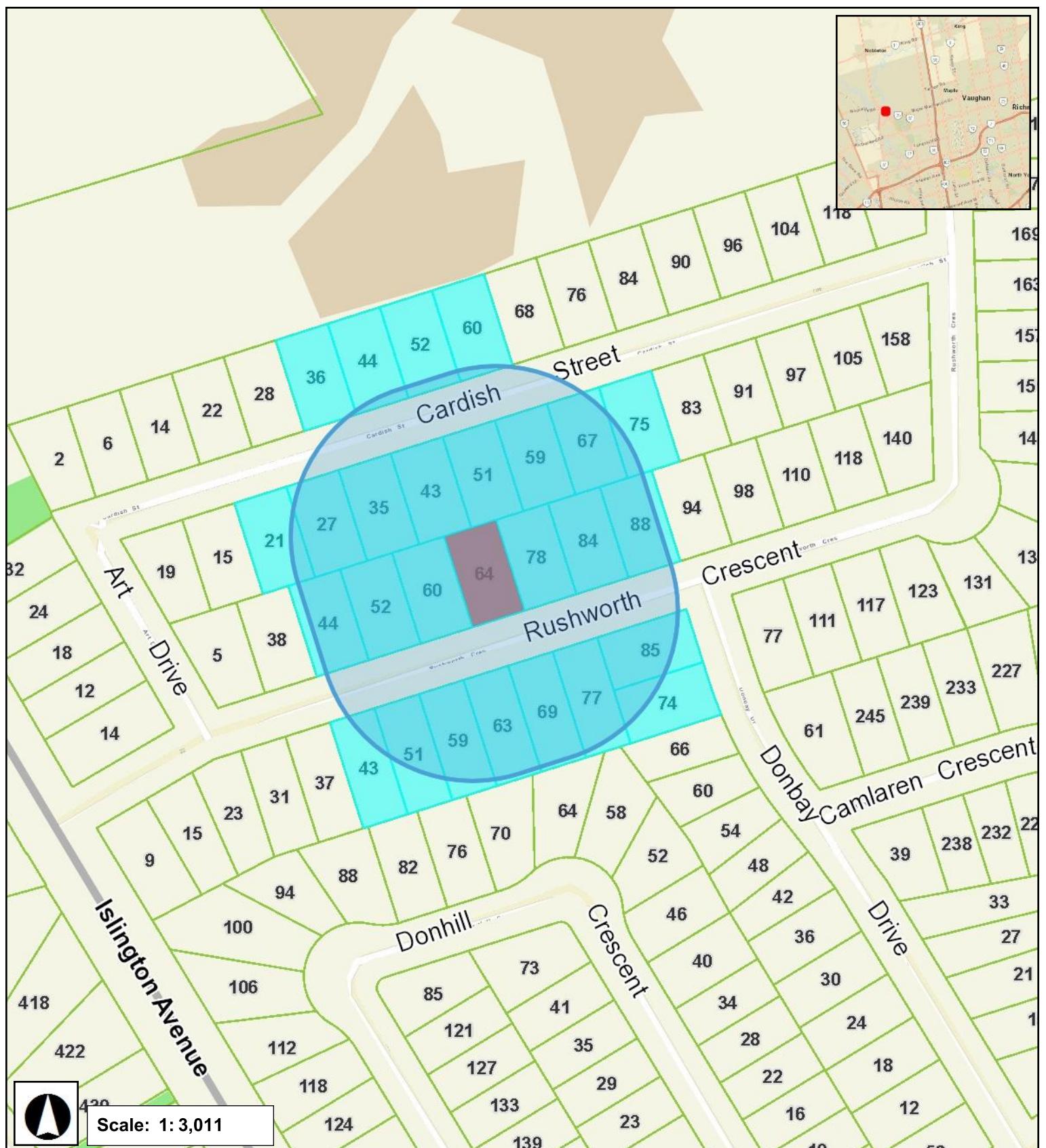
**For further information please contact the City of Vaughan, Committee of Adjustment**  
**Adriana MacPherson**  
T 905 832 8585 Extension 8360  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

## 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**

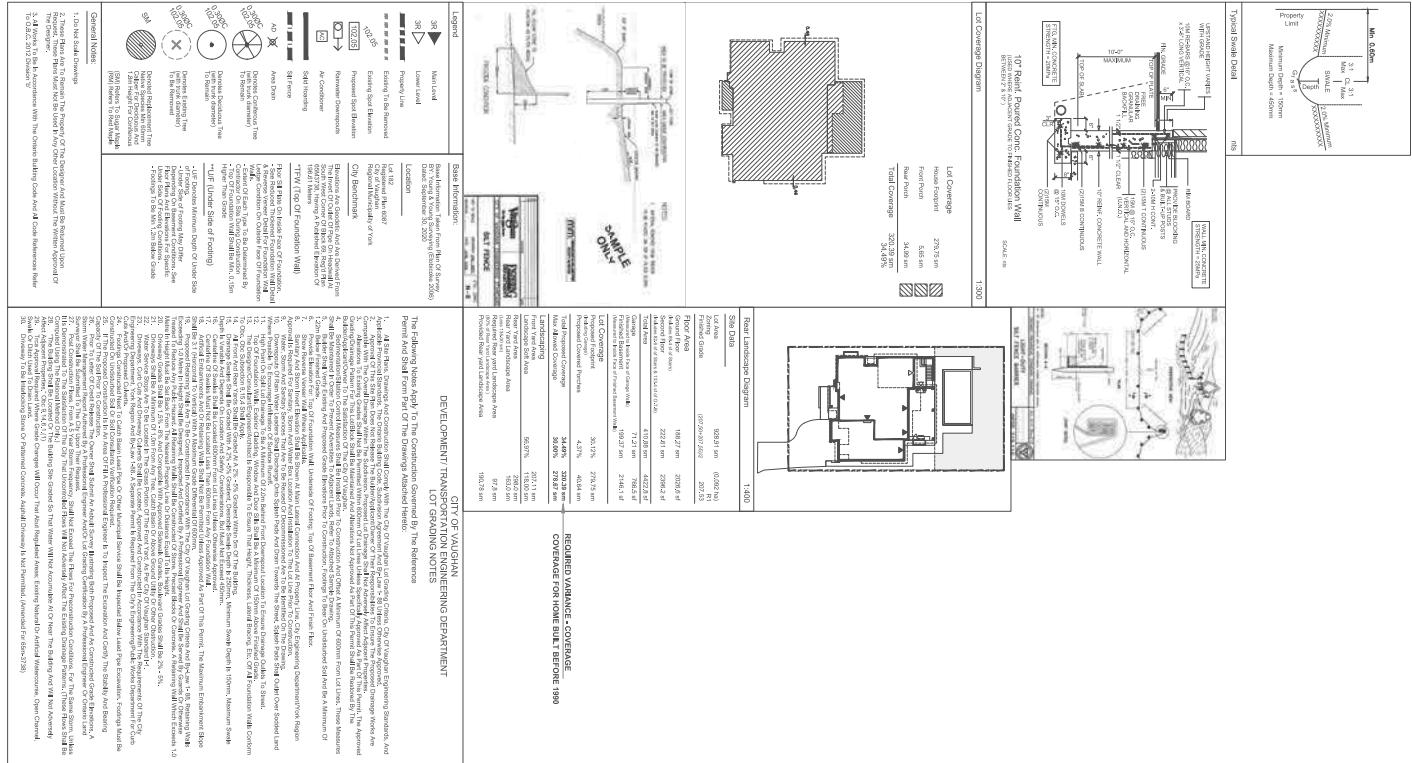
64 Rushworth Crescent, Kleinburg

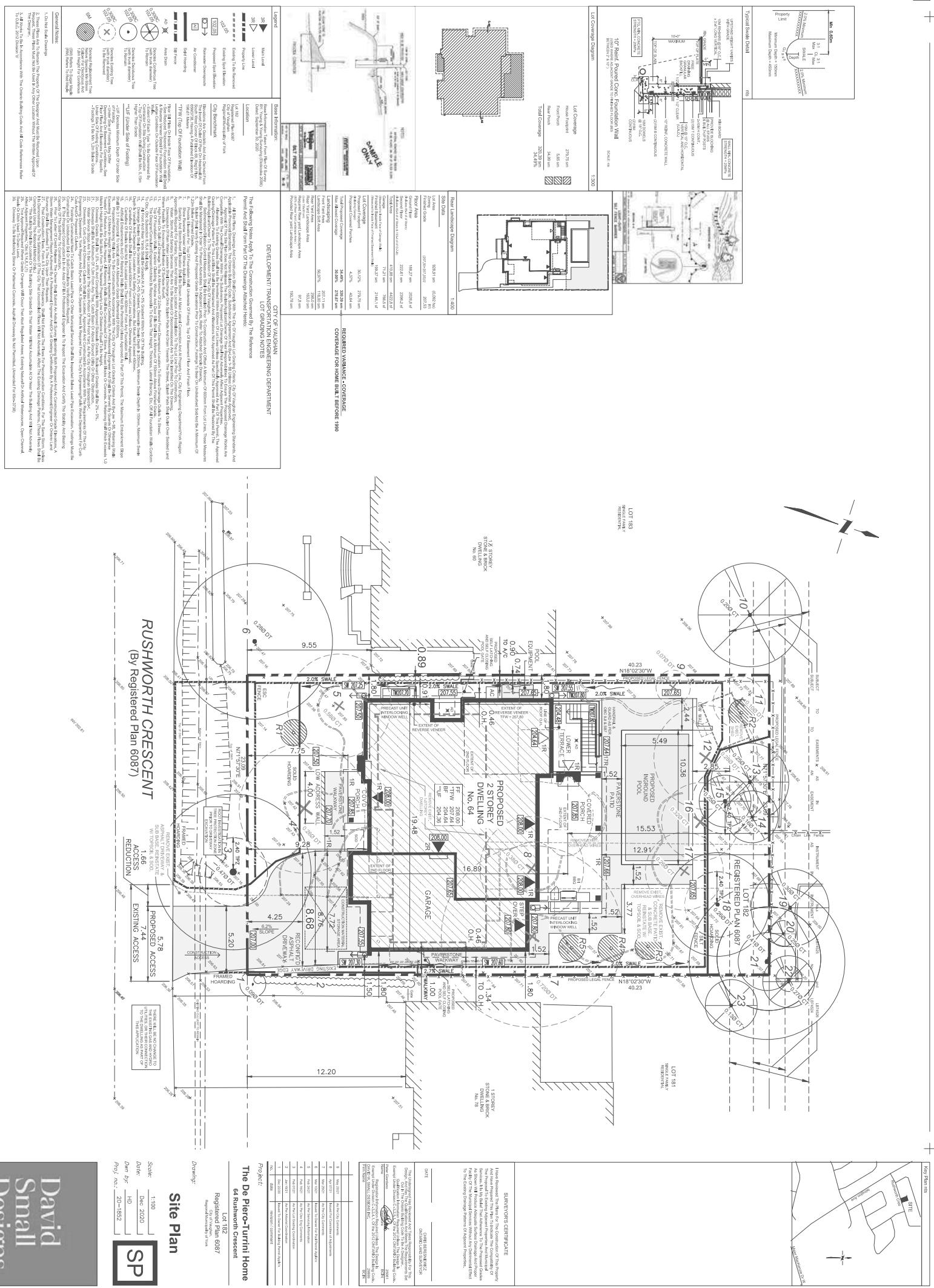
**Major Mackenzie Drive**

May 17, 2021 1:51 PM

## Proposal:

- To permit a maximum lot coverage of 34.49% (30.12% house, 4.37% covered porches).
- To permit a minimum interior side yard setback of 0.89 metres to a window well.
- To permit a maximum driveway width of 8.68 metres.





## **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.

### **Public Correspondence (Di Renna)**

**From:** [REDACTED]  
**To:** [Committee of Adjustment](#)  
**Subject:** [External] opposing variance requests  
**Date:** Wednesday, June 2, 2021 8:39:12 AM

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Hi there, I would like to oppose the variance requests for Minor Variance Application A086/21. The date of this hearing is June 10<sup>th</sup> at 6 pm to which I cannot make it. I would like to oppose the proposal to allow maximum coverage of the lot to 34.49%. I would also like to oppose the side yard set back and the maximum driveway proposal. I purposely move to this property for the privacy that it provided and it's distance from adjacent properties and homes. I believe these variances will infringe on my property's privacy. Please tell me how I go about filling out a public deputation form. Thanks for your help,

[REDACTED]  
Tania Di Renna | [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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## 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**

**York Region – No concerns or objections**

**MTO – Located outside of MTO permit control area**



Discover the possibilities

## COMMENTS:



We have reviewed the proposed Variance Application and have no comments or objections to its approval.



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



We have reviewed the proposed Variance Application and have the following concerns (attached below).

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

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

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

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

### References:

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

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

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

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

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

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

## **MacPherson, Adriana**

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**Subject:** FW: A086/21 - Request for Comments

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**From:** Development Services <developmentservices@york.ca>

**Sent:** June-01-21 1:52 PM

**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

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

**Subject:** [External] RE: A086/21 - 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](mailto:gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)

## **MacPherson, Adriana**

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**Subject:** FW: A086/21 - Request for Comments

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**From:** Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>  
**Sent:** May-03-21 5:39 PM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Cc:** Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>  
**Subject:** [External] RE: A086/21 - Request for Comments

Good afternoon,

As the property at 64 Rushworth Court is outside of 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  
7<sup>th</sup> Floor, Building D | Downsview, Ontario | M3M 0B7

[Colin.Mulrenin@ontario.ca](mailto:Colin.Mulrenin@ontario.ca)