Ward 1

File: A107/21

Applicant: Robert & Milena Liburdi

61 Whisper Ln Kleinburg Address:

Agent: Fausto Cortese Architects Inc.

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	√ ×
Committee of Adjustment	V	
Building Standards	V	
Building Inspection		
Development Planning	$\overline{\checkmark}$	
Development Engineering	V	
Parks, Forestry and Horticulture Operations	V	$\overline{\checkmark}$
By-law & Compliance		
Financial Planning & Development	$\overline{\mathbf{V}}$	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	V	
Alectra (Formerly PowerStream)	V	
Public Correspondence (see Schedule B)		

Adjournment History: N/A	
Background History: N/Δ	

Staff Report Prepared By: Pravina Attwala Hearing Date: Wednesday, June 30, 2021



Minor Variance Application

Agenda Item: 8

A107/21 Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Wednesday, June 30, 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

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: Robert & Milena Liburdi

Agent: Fausto Cortese Architects Inc.

Property: 61 Whisper Ln Kleinburg

Zoning: The subject lands are zoned R1, Residential Zone, and subject to the provisions of

Exception 9(418)(83)(15) 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 and to permit increased maximum driveway

width.

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 Building Height of 9.5 metres is	1. To permit a maximum Building height of 11.50
permitted (Schedule A).	metres.
2. A maximum driveway width of 9.0 metres is	2. To permit a maximum driveway width of 11.73
permitted (Section 4.1.4 f) v)).	metres.
3. A maximum driveway width between the street line	3. To permit a maximum driveway width of 9.43
and the street of 6.0 metres is permitted (Section	metres on the portion of the driveway between the
4.1.4 f) iii)).	stree line and the street curb.
4. A maximum curb cut of 6.0 metres is permitted	4. To permit a maximum curb cut width of 6.85
(Section 4.1.4 f) i)).	metres.

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

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: 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 June 15, 2021

Applicant confirmed posting of signage on June 14, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1998 (Purchased 2019)

Applicant has advised that they cannot comply with By-law for the following reason(s): Proposed roof line design induces the building height that does not comply to the zoning by-law 1-88.

Adjournment Request: None

In response to the Development Planning comments, the applicant reduced variance #1 (building height) from 11.60m to 11.50m.

Building Standards (Zoning Review):

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

Building Permit No. 20-114819 for Single Detached Dwelling - Addition, Issue Date: (Not Yet Issued).

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

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority.

Building Inspections (Septic):

No response

Development Planning:

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

The Owner is proposing to construct a second-storey addition to an existing dwelling, and to maintain an existing driveway with the above-noted variances.

The second-storey addition is proposed to increase the maximum building height of the dwelling from 6 m to 11.5 m, reduced from the initially proposed 11.6 m. The Development Planning Department has no concerns with the proposed height, as the dwelling remains consistent with the character and scale of the existing neighbourhood as well as the estate and rural residential lots in the vicinity of the subject lands.

The Development Planning Department does not object to the variances for the existing driveway as the front yard maintains an appropriate balance of soft landscaping with tree planting on both sides of the driveway thereby reducing the visual impact.

In support of the application, the Owner provided an Arborist Report and Tree Protection Plan, prepared by P & A Urban Forestry Consulting Ltd. dated May 11, 2021. The report identified tree protection measures for 14 trees on the subject lands, with none proposed to be removed. The Urban Design Division has reviewed the report and concurs with its recommendations.

The subject lands abut a significant woodland feature contained within the City of Vaughan's Natural Heritage Network. Policy Planning and Environmental Sustainability staff have confirmed through the review of the submitted Arborist Report that the proposed works will not impact the feature.

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 A107/21.

Parks Development - Forestry:

No comment no concerns subject to the following conditions:

1. Applicant/Owner must obtain a private property tree removal/protection permit from the Forestry Division.

2. Tree Protection Fencing (Hoarding) must be installed in accordance with By-Law 052-2018 prior to the start of any demolition/construction activities on subject site.

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns

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:

- ✓ 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	Parks, Forestry and Horticulture	Applicant/Owner must obtain a private property tree
	Operations	removal/protection permit from the Forestry Division.
	Patrick Courchesne	2. Tree Protection Fencing (Hoarding) must be installed in accordance with By-Law 052-2018 prior to the start of any
	905-832-8585 x 3617 Patrick.Courchesne@vaughan.ca	demolition/construction activities on subject site.

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.

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 <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

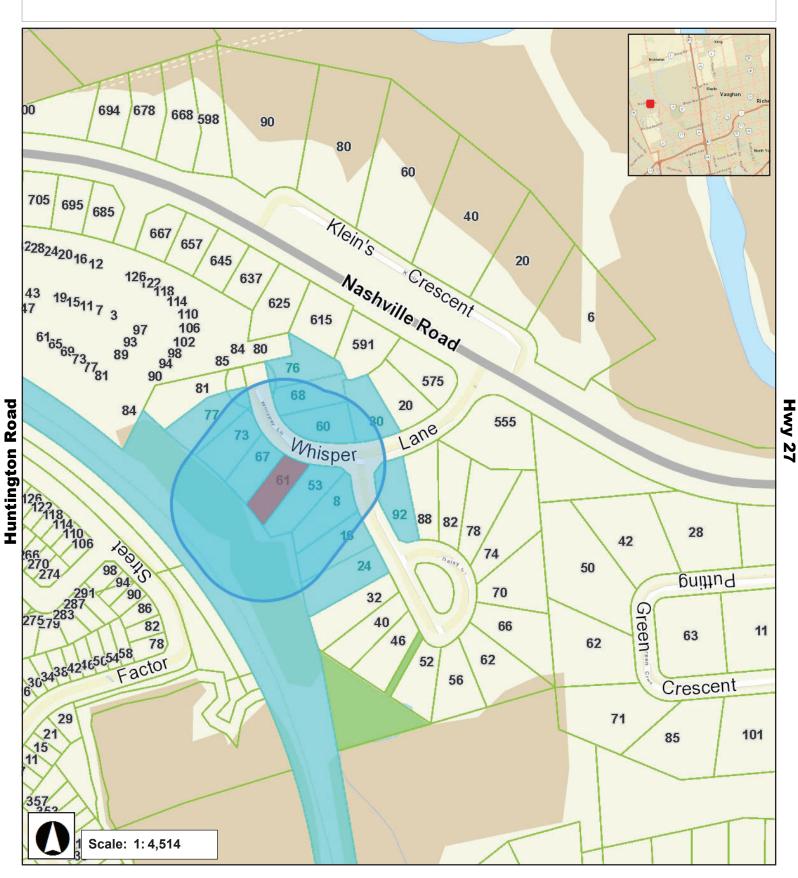
Schedule A: Plans & Sketches

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.

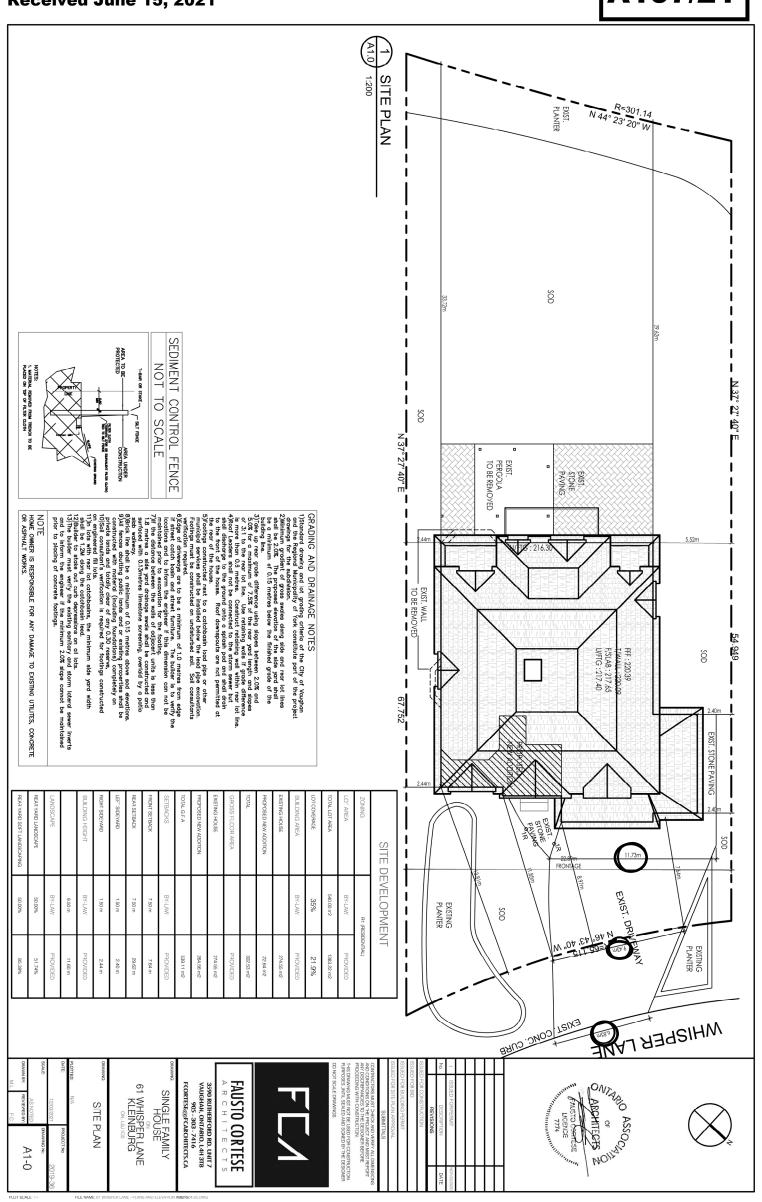
Location Map Plans & Sketches

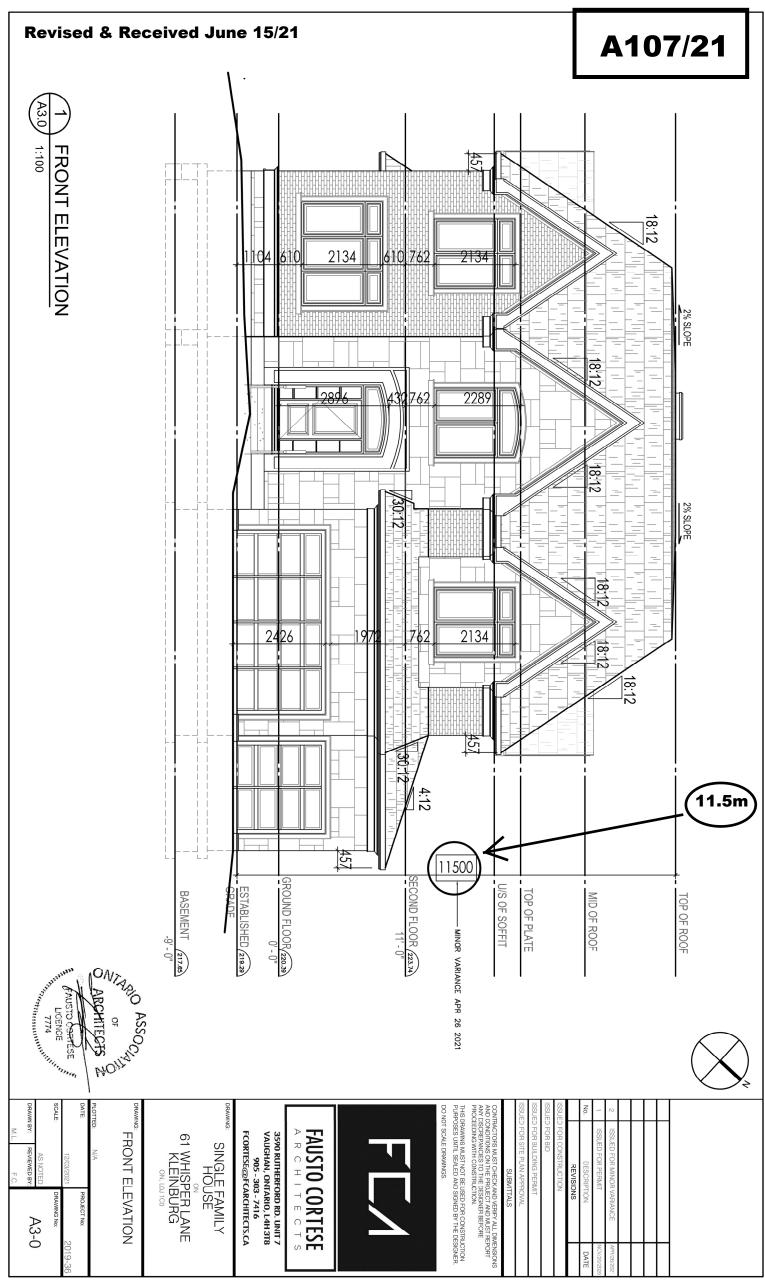
VAUGHAN LOCATION MAP - A107/21

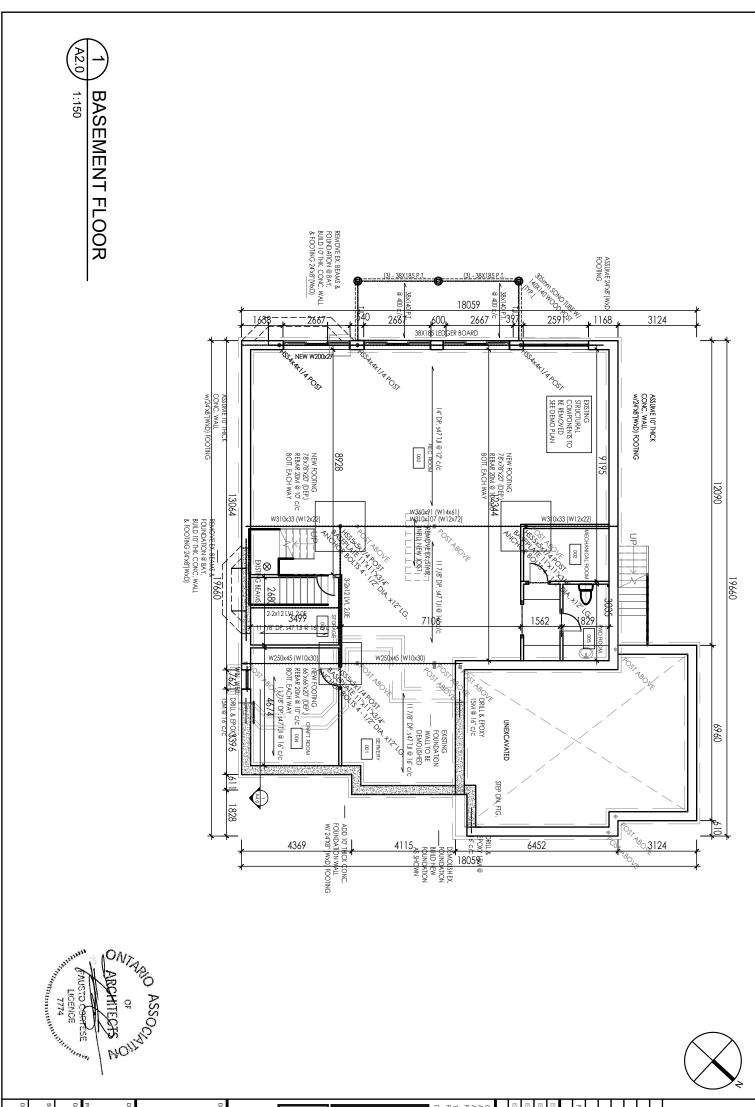
61 WHISPER LANE, KLEINBURG



Major Mackenzie Drive







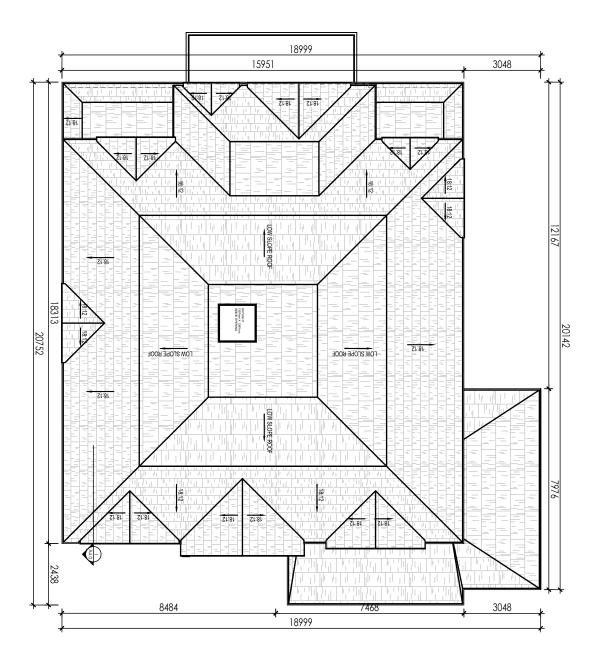
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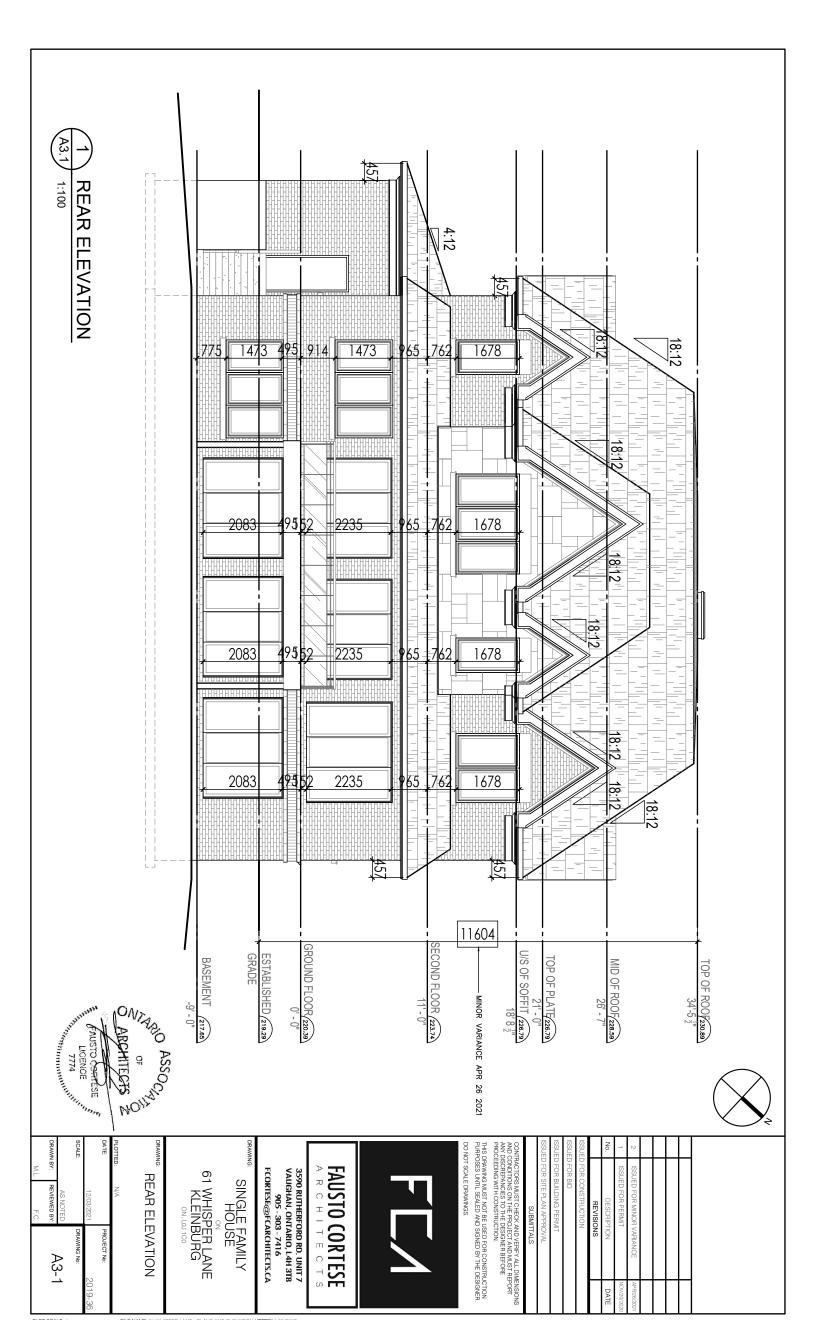


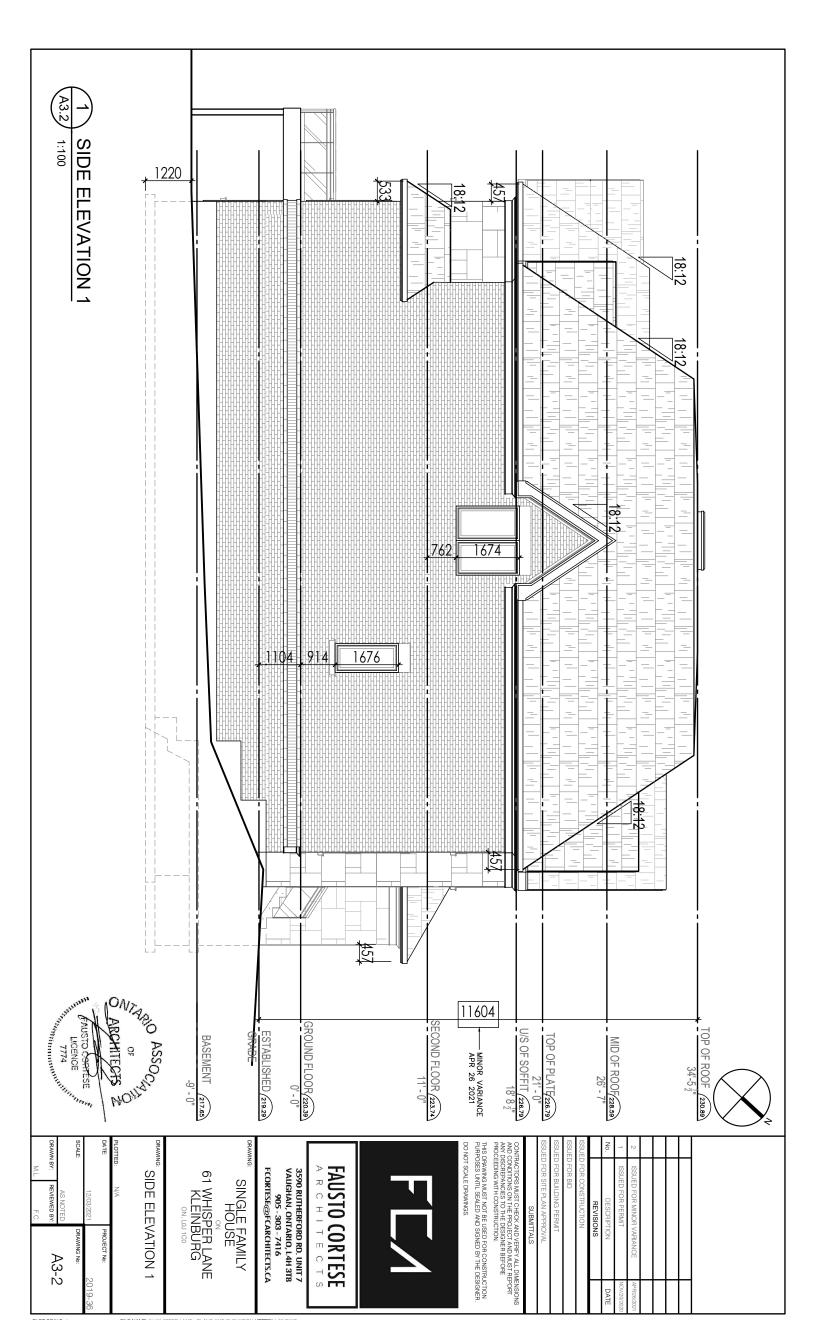


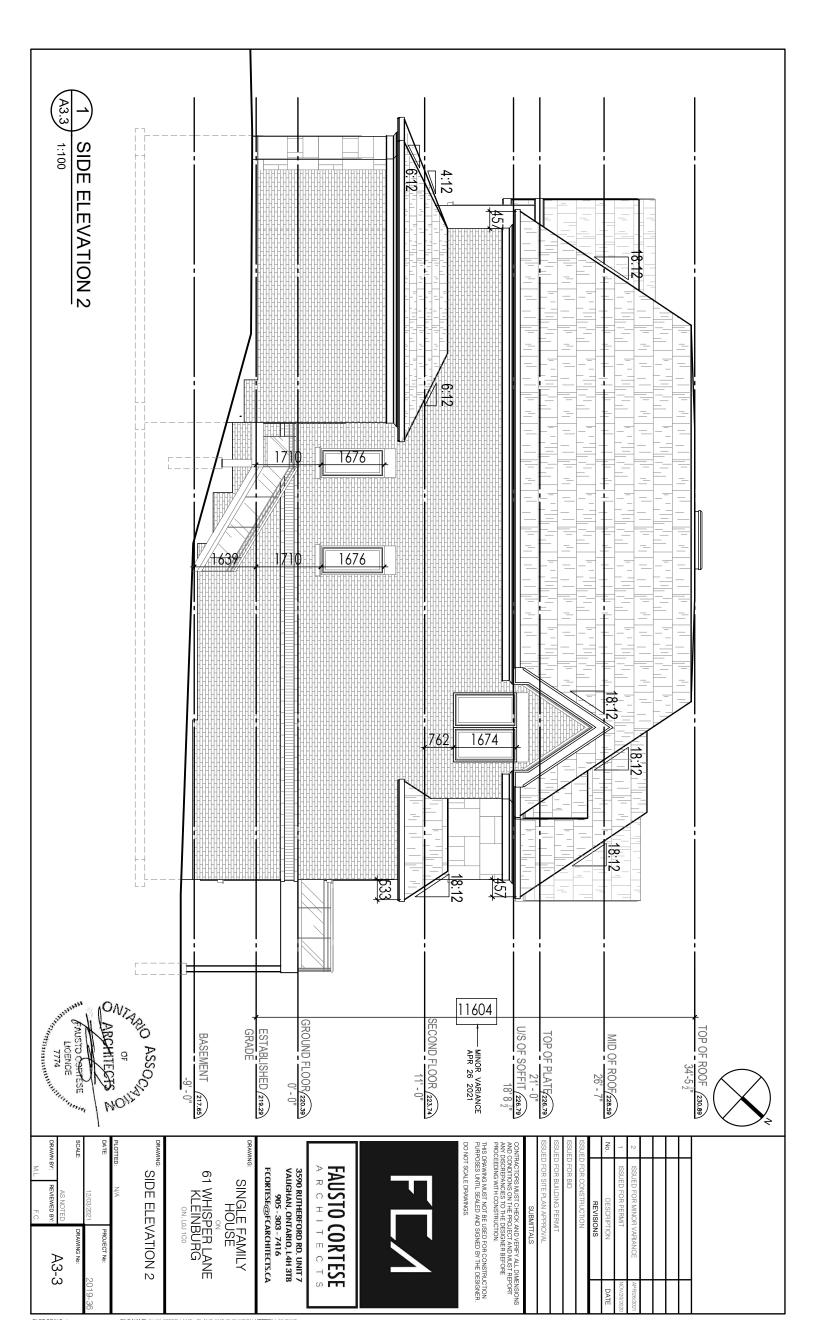




61 WHISPER LANE KLEINBURG ON, LOJ 100 PROVIED: N/A PROTED: 12/09/2021 PROJECT No: 2019 DRAWING No: AS NOTED DRA	ISSUED FOR MINOR VARIANCE 2 ISSUED FOR PERMIT NO. DESCRIPTION ISSUED FOR BUILDING PERMIT ISSUED FOR BUILDING PERMIT ISSUED FOR BUILDING PERMIT ISSUED FOR BUILDING PERMIT ISSUED FOR SITE PLAN APPROVAL SUBMITTALS CONTRACTORS MUST CHECK AND PROPER AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING MIT CONSTRUCTION THIS DEMINICALED AND SIGNED BY THE DESIGNER PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER DO NOT SCALE DRAWINGS. FAUSTO CONTRACIO, 144 3TB 9053037416 FCORTESE@FCARCHITECTS.CA DRAWINGS CINICALE EAMILY CINICALE EAMILY PANAMINGS CINICALE EAMILY CINICALE EAMILY CINICALE EAMILY CONTRACTORS CONTRACIO, 144 3TB 1053037416 105.
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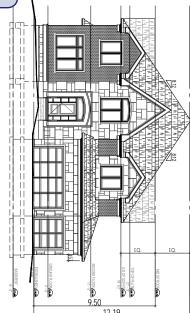
By RECEIVED at 1:38 pm, Jun 14, 2021



Scale: NTS

FRONT ELEVATION

ROOF DESIGN TO MEET BY-LAW MID OF ROOF: 9.50m TOTAL ROOF HEIGHT: 12.19m



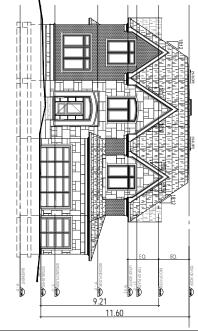
ROOF DESIGN TO MEET BY-LAW (MAX. 10% FLAT ROOF AREA)
MID OF ROOF: 9.50m

TOTAL ROOF HEIGHT: 12.19m

9.50

ROOF DESIGN FOR MINOR VARIANCE APPLICATION

MID OF ROOF: 9.21m TOTAL ROOF HEIGHT: 11.60m



CONTRACTORS MUST CHECK AND YERFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION. THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.

D FOR BUILDING PERMIT

SUBMITTALS

ISSUED FOR MINOR VARIANCE

ISSUED FOR PERMIT

REVISIONS DESCRIPTION

DATE

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PAUSIO CORTESE

3590 RUTHERFORD RD. UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
905 - 303 - 7416
FCORTISSE@FCARCHITECTS.CA

61 WHISPER LANE KLEINBURG SINGLE FAMILY HOUSE

FRONT ELEVATION

DRAWN BY: REVIEWED BY: A3-0

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



COMMENTS:

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

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

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: A107/21 - Minor Variance (61 Whisper Lane, Kleinburg) - REQUEST FOR COMMENTS

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

Sent: June-09-21 3:11 PM

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

Subject: [External] RE: A107/21 - Minor Variance (61 Whisper Lane, Kleinburg) - REQUEST FOR COMMENTS

Good afternoon Pravina,

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

Gabrielle

Gabrielle Hurst BAA 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 |