



File: A084/21

Applicant: Eugene Popa

Address: 228 Via Campanile, Woodbridge

Agent: None

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, July 22, 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: 6

A084/21

Ward: 3

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, July 22, 2021 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil).

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant: Eugene Popa

Agent: None

Property: 228 Via Campanile, Woodbridge

Zoning: The subject lands are zoned RV3(WS) - Residential Urban Village Zone Three and subject to the provisions of Exception 9(1024) 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 swimming pool and cabana to be located in the rear yard. Relief is also being requested to permit external ground mounted pool equipment in the southerly side yard.

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

By-law Requirement	Proposal
1. External Ground-Mounted Swimming Pool equipment shall be permitted in the interior side yard with a minimum setback of 0.6 metres. [3.14 h) i)]	1. The proposed External Ground-Mounted Swimming Pool equipment is proposed in the interior side yard with a minimum setback of 0.33 metres.
2. A private swimming pool shall be constructed not nearer to any rear or interior side lot line than 1.5 metres. [4.1.1 i)]	2. The private swimming pool is proposed with a minimum setback of 0.9 metres to the rear lot line and 0.9 metres to the interior side lot line.
3. The minimum required rear yard is 6.0 metres. [4.15.6, Schedule A1]	3. The minimum proposed rear yard of the accessory building (cabana) is 0.6 metres.
4. The minimum required interior side yard is 1.2 metres. [4.15.6, Schedule A1]	4. The minimum proposed interior side yard of the accessory building (cabana) is 0.6 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. 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 July 7, 2021

Applicant confirmed posting of signage on July 5, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2006
Gazebo/Shed	TBC
In Ground Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): We cannot comply with the By-law due to the small size of the backyard and the asymmetrical, trapezoid shape of the lot. On the south side, the backyard has a depth of only 7.26 m from the back of the house to the lot line. Although the lot is relatively tight, we would like to maximize the use of the outdoor area by installing an inground swimming pool and a wood garden shed combined with a gazebo.

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:

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

The Owner is requesting permission to construct a ground-mounted pool equipment on a concrete pad, pool, and cabana with the above-noted variances. The rear of the subject lands abuts a municipally owned significant woodland feature, and in accordance with VOP 2010, development and site alteration is typically not permitted within woodlands or their 10 m Minimum Vegetation Protection Zone (VPZ). The proposed development is located within the 10 m VPZ of the feature, however Policy 3.3.3.2 of VOP 2010 does permit reductions, provided an appropriate evaluation is conducted to determine the impact of the proposed development to the feature. An Arborist Report, prepared by Green Bird Horticultural Ltd. on June 5, 2021, was submitted in support of the application. The findings of the Arborist Report identify no trees within the significant woodland feature will be impacted by the proposed works. Policy Planning and Environmental Sustainability staff have reviewed the report and concur with its conclusions.

At the request of the Development Planning and Development Engineering Departments, the Owner revised Variances 3 and 4, increasing the minimum rear and interior side yard setbacks to the cabana from 0.5 m to 0.6 m to address concerns related to drainage. The proposed rear yard setback of 0.6 m is considered minor as the rear yard setback increases to 0.9 m at its greatest extent, and the rear of the property does not abut a residential property. The requested 0.6 m interior side yard setback maintains an appropriate space for drainage along the side yard. It is also noted that the cabana is compliant with the height and area requirements of the Zoning By-law.

On this basis, the Development Planning Department has no objection to Variances 3 and 4. With regards to Variance 1, the Development Engineering Department has reviewed the requested interior side yard setback to a ground-mounted pool equipment and has no concerns with the requested variance. The requested variances for a rear and interior side yard setback of 0.9 m to the proposed pool are to a pinch point at the rear increasing to 1.5 m and is considered minor and will not adversely impact neighbouring properties.

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 Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.

The Development Engineering (DE) Department does not object to variance application A084/21 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 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 received to date.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Public Correspondence (222 Via Campanile and 232 Via Campanile) - Letters of Support

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)

N/A

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Notice to the Applicant – Development Charges

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

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting Vaughan.ca/LiveCouncil. To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

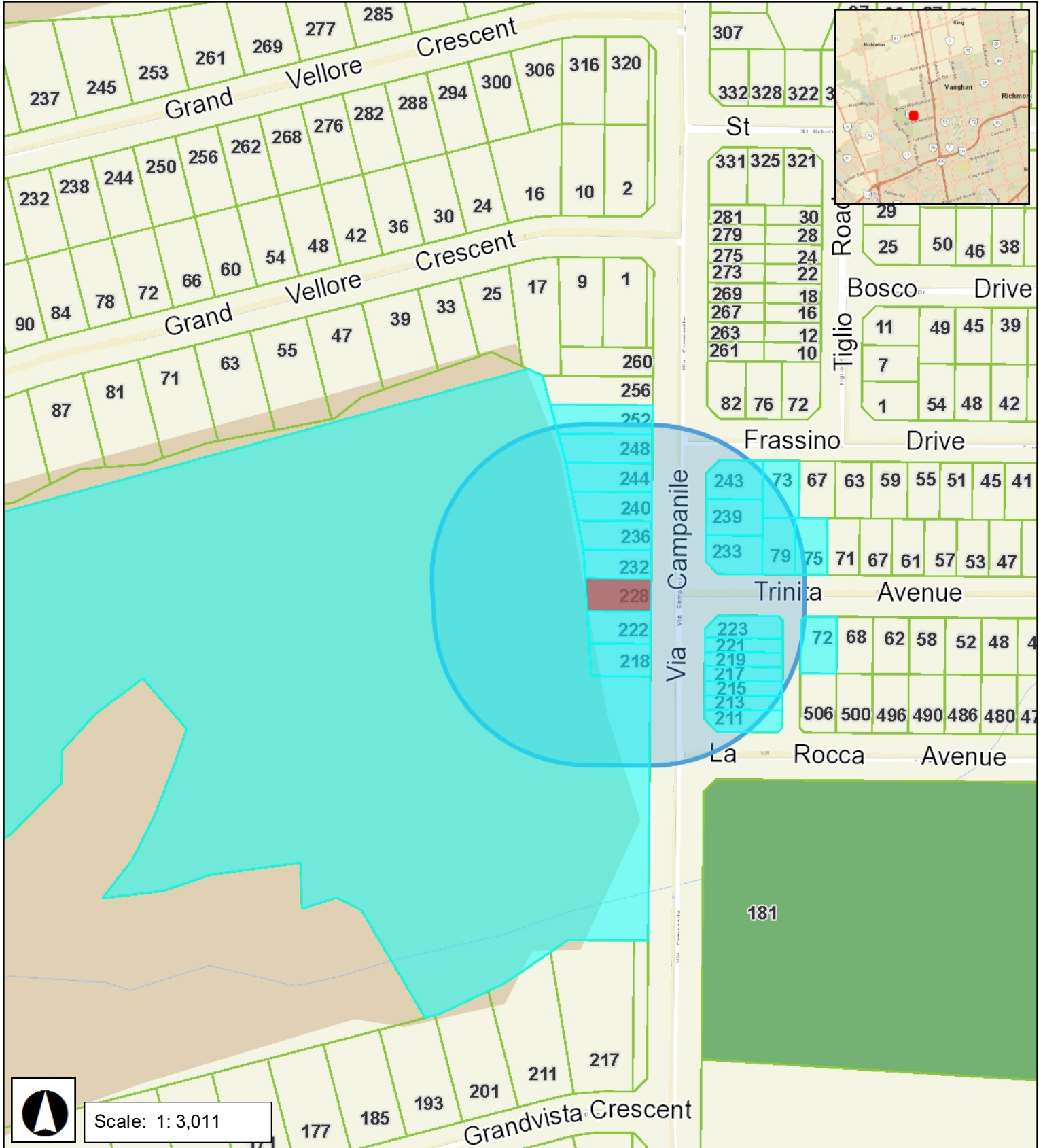
Schedule A: Plans & Sketches

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

Location Map

Plans & Sketches

228 Via Campanile, Woodbridge

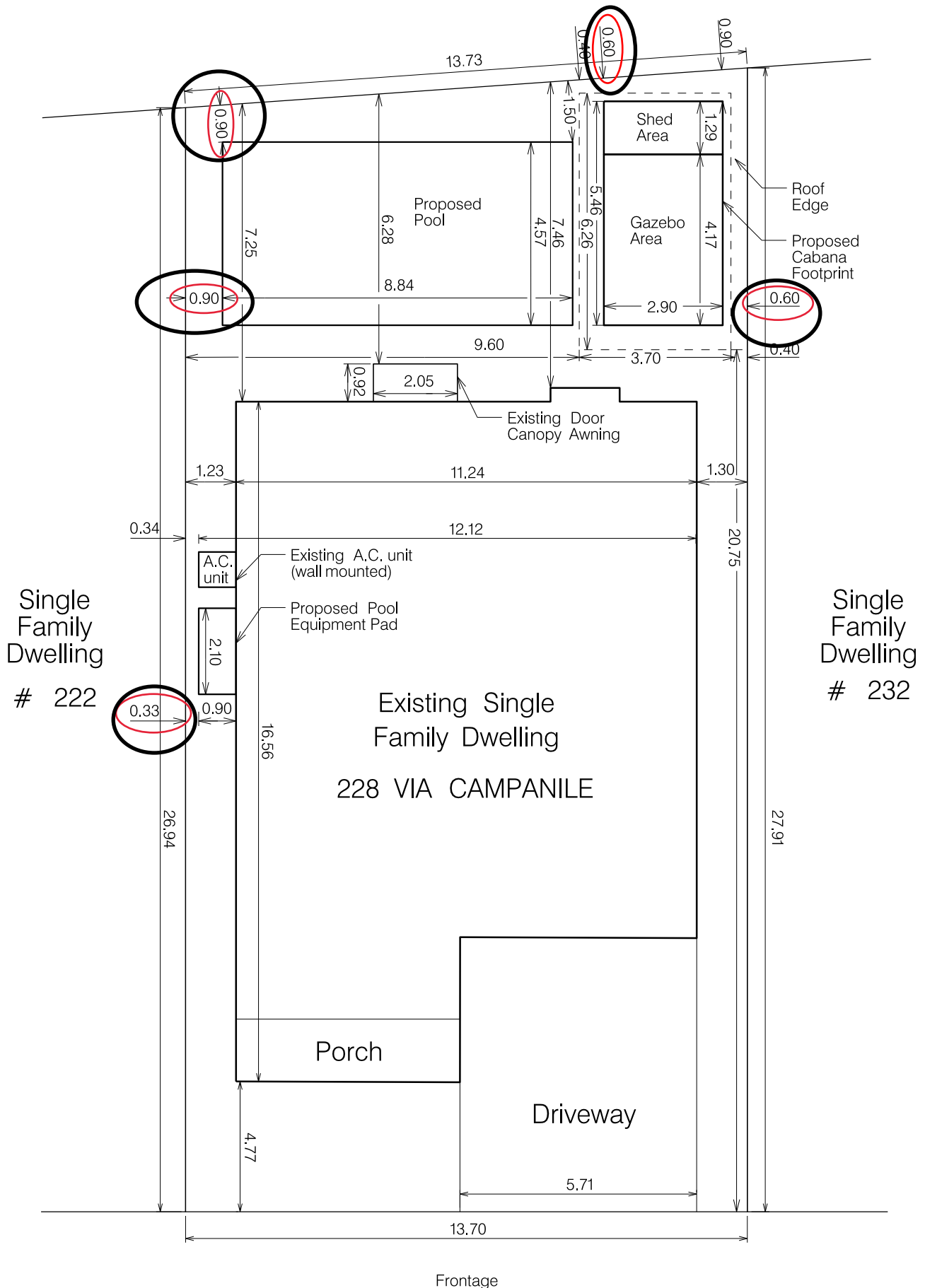


Scale: 1: 3,011

Proposal:

1. The proposed External Ground-Mounted Swimming Pool equipment is proposed in the interior side yard with a minimum setback of 0.33 metres.
2. The private swimming pool is proposed with a minimum setback of 0.9 metres to the rear lot line and 0.9 metres to the interior side lot line.
3. The minimum proposed rear yard of the accessory building (cabana) is 0.6 metres.
4. The minimum proposed interior side yard of the accessory building (cabana) is 0.6 metres.

A084/21

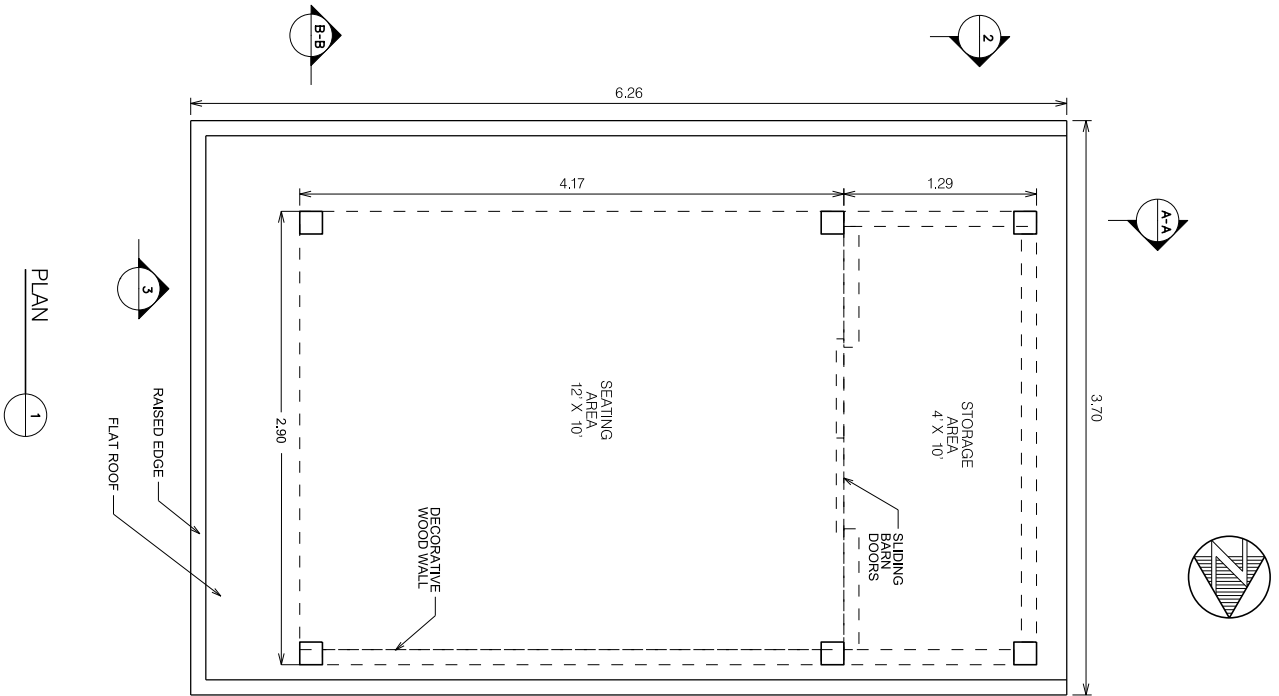


REVISED
May 30, 2021

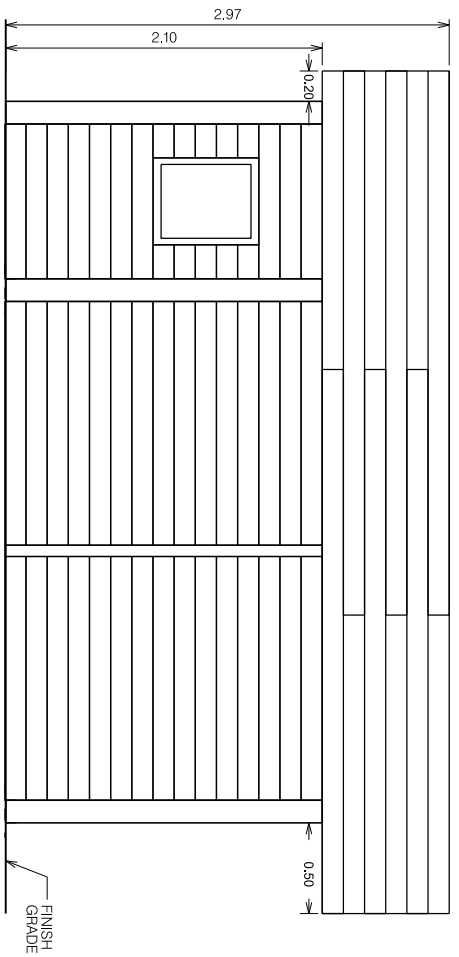
DESIGNED _____
CHECKED _____
APPROVED _____
SCALE _____

228 VIA CAMPANILE
SITE PLAN

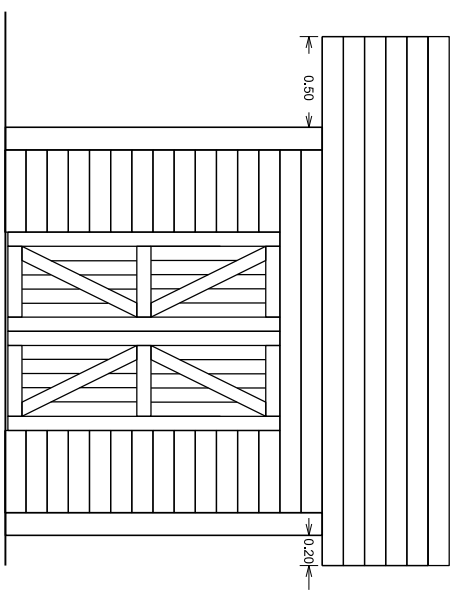
MINOR VARIANCE DRAWING REV. 1



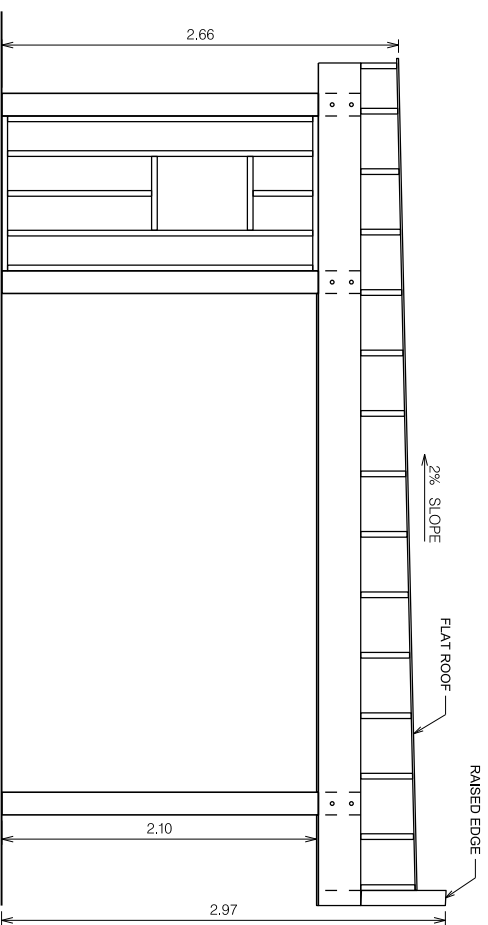
PLAN 1



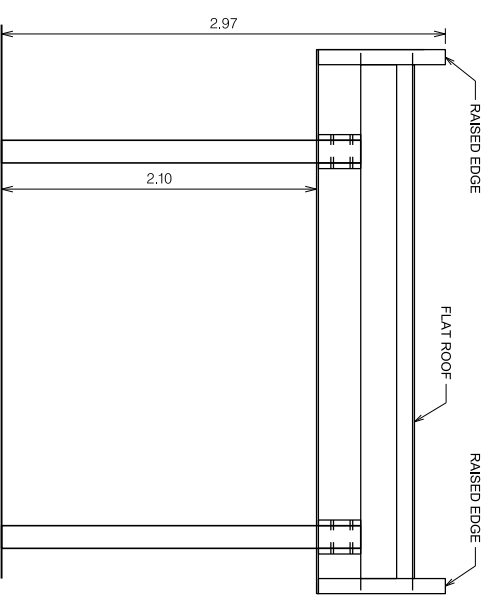
FRONT VIEW 2



SIDE VIEW 3



SECTION A-A



SECTION B-B

REVISED
May 30, 2021

WOOD CABANA
PLAN ELEVATIONS, AND SECTIONS

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 (222 Via Campanile and 232 Via Campanile) - Letters of Support

March 15, 2020

Attention: City of Vaughan – Committee of Adjustment

To Whom It May Concern,

I am the neighbour who lives immediately south of Mariana Popa and Eugen Popa of 228 Via Campanile, Woodbridge, ON, L4H 3J8.

It is my understanding that our neighbours are applying to the City of Vaughan – Committee of Adjustment for a Minor Variance to enable them to install an Inground Swimming Pool in their backyard and the Pool Equipment on a concrete pad on the south side of their yard.

This letter serves to support their Minor Variance Application which will enable them to:

1. Place the pool equipment on a concrete pad adjacent to the house, on the south side of their property with a setback of 0.33 m from our property line.
2. Place the inground swimming pool on the south side of their property with a setback of 0.90 m from our property line.

Please do not hesitate to reach out to me directly should you have any questions or concerns.

Best Regards,



Michael Di Leo
222 Via Campanile
Woodbridge, ON



March 16, 2020

Attention: City of Vaughan – Committee of Adjustment

To Whom It May Concern,

I am the neighbour who lives immediately north of Mariana Popa and Eugen Popa of 228 Via Campanile, Woodbridge, ON, L4H 3J8.

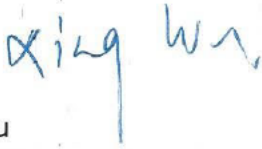
It is my understanding that our neighbours are applying to the City of Vaughan – Committee of Adjustment for a Minor Variance to enable them to install an Inground Swimming Pool and a Gazebo / Shed Accessory Structure in their backyard.

This letter serves to support their Minor Variance Application which will enable them to:

1. Place the Gazebo / Shed Accessory Structure on the north side of their property with a setback of 0.50 m from our property line.

Please do not hesitate to reach out to me directly should you have any questions or concerns.

Best Regards,



Xing Wu
232 Via Campanile
Woodbridge, ON



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

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

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

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

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

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Adriana MacPherson

Subject: FW: A084/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: May-19-21 11:33 AM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A084/21 - Request for Comments

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

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877
464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca