



**File:** A132/21

**Applicant:** Rocco & Silvana Agostino

**Address:** 117 Alistair Cr Kleinburg

**Agent:** Anthony Bartolini

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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		
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: N/A

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Background History: N/A

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Staff Report Prepared By: Pravina Attwala  
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: 11

**A132/21**

Ward: 1

**Staff Report Prepared By: Pravina Attwala, 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](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:** Rocco & Silvana Agostino

**Agent:** Anthony Bartolini

**Property:** 117 Alistair Cr Kleinburg ON

**Zoning:** The subject lands are zoned RD3 Residential Detached Dwelling Three and subject to the provisions of Exception No. 9(1376) under By-law 1-88 as amended.

**OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Area Specific Plan 12.7: Block 61 West - Nashville Heights

**Related Files:** None

**Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana located in the rear yard

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

By-law Requirement	Proposal
1. A minimum setback of 7.5 metres is required from the rear lot line to the nearest part of the accessory building (cabana). S.4.1.1.	1. To permit a minimum setback of 1.21 metres from the rear lot line to the accessory building (cabana).
2. A maximum building height of 3.0 metres is permitted measured from average finished grade to the nearest part of the roof for the accessory building (cabana). S.4.1.1.	2. To permit a maximum building height of 3.5 metres from average finished grade to the nearest part of the roof for the accessory building (cabana).

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

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: 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 July 7, 2021

Applicant confirmed posting of signage on July 5, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1990 (Purchased 2019)

Applicant has advised that they cannot comply with By-law for the following reason(s): Rear yard setback to proposed cabana; side yard setback to proposed cabana; underside of roof height to proposed cabana.

**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.

Applicant has confirmed:

That the hardscape around the pool is on grade.

That retaining walls are under 1.0 metres in height.

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

An A/C unit shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard of 7.5 metres.

**Building Inspections (Septic):**

No response

**Development Planning:**

Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Area Specific Plan 12.7: Block 61 West - Nashville Heights

The Owner is proposing to construct a cabana in the rear yard of the subject lands.

The proposed cabana is partially unenclosed and features a height of 3.5 m measured from the average finished grade to the nearest part of the roof, while the overall maximum building height of the cabana is under the Zoning By-law requirement of 4.5 m for accessory structures. The proposed interior side yard setback of 1.21 m maintains sufficient area for drainage, with the lower portion of the roof facing the adjacent property to the east.

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.

**Development Engineering:**

The Development Engineering (DE) Department does not object to variance application A132/21 subject to the following condition(s):

1. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.
2. 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:**

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 **adjourn** this application the following condition(s) is required: None

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>	1. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department. 2. 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 <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> 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.

**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 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**

T 905 832 8585 Extension 8002  
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**

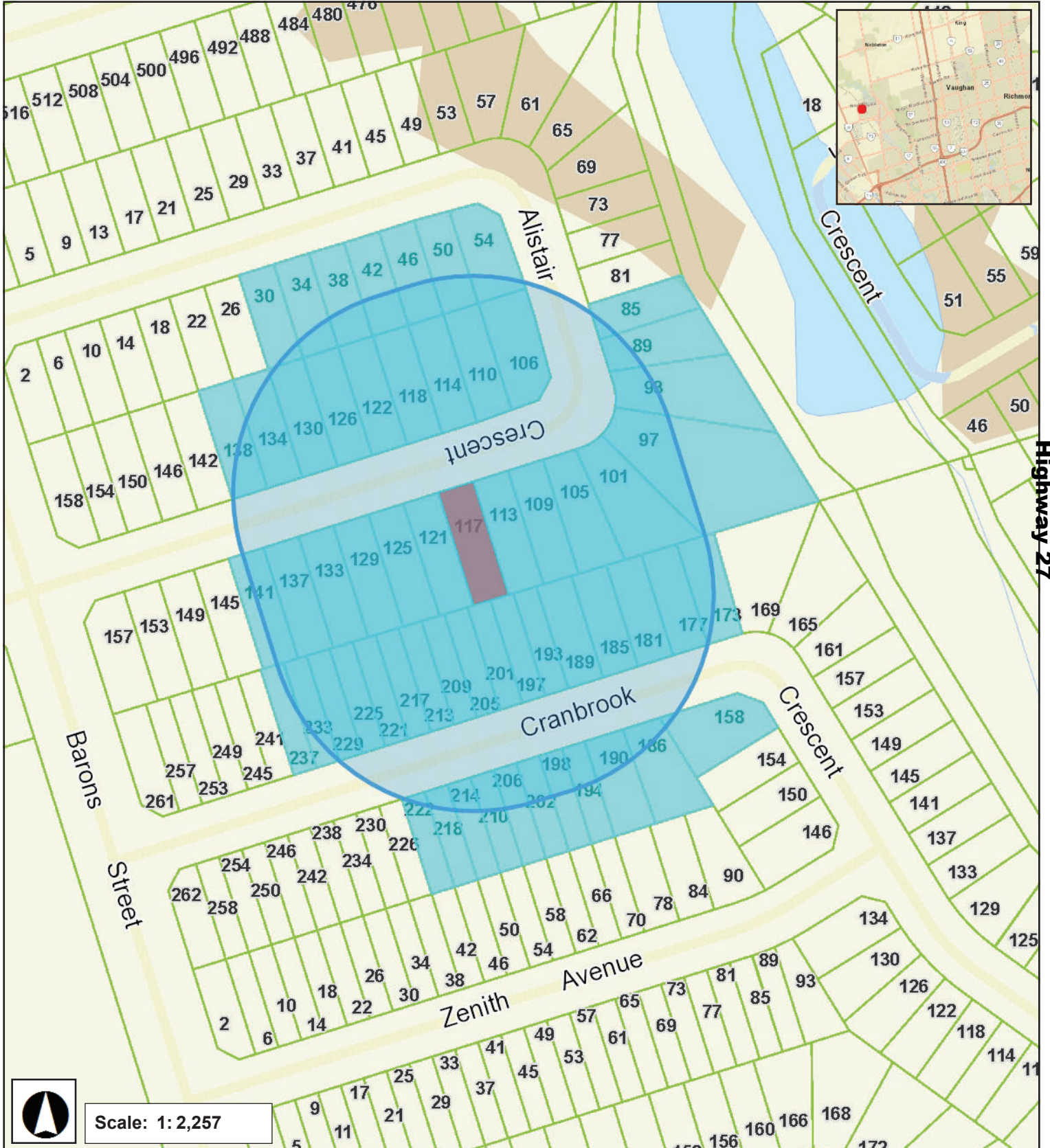




# LOCATION MAP - A132/21

117 ALISTAIR CRESCENT, KLEINBURG

## Nashville Road



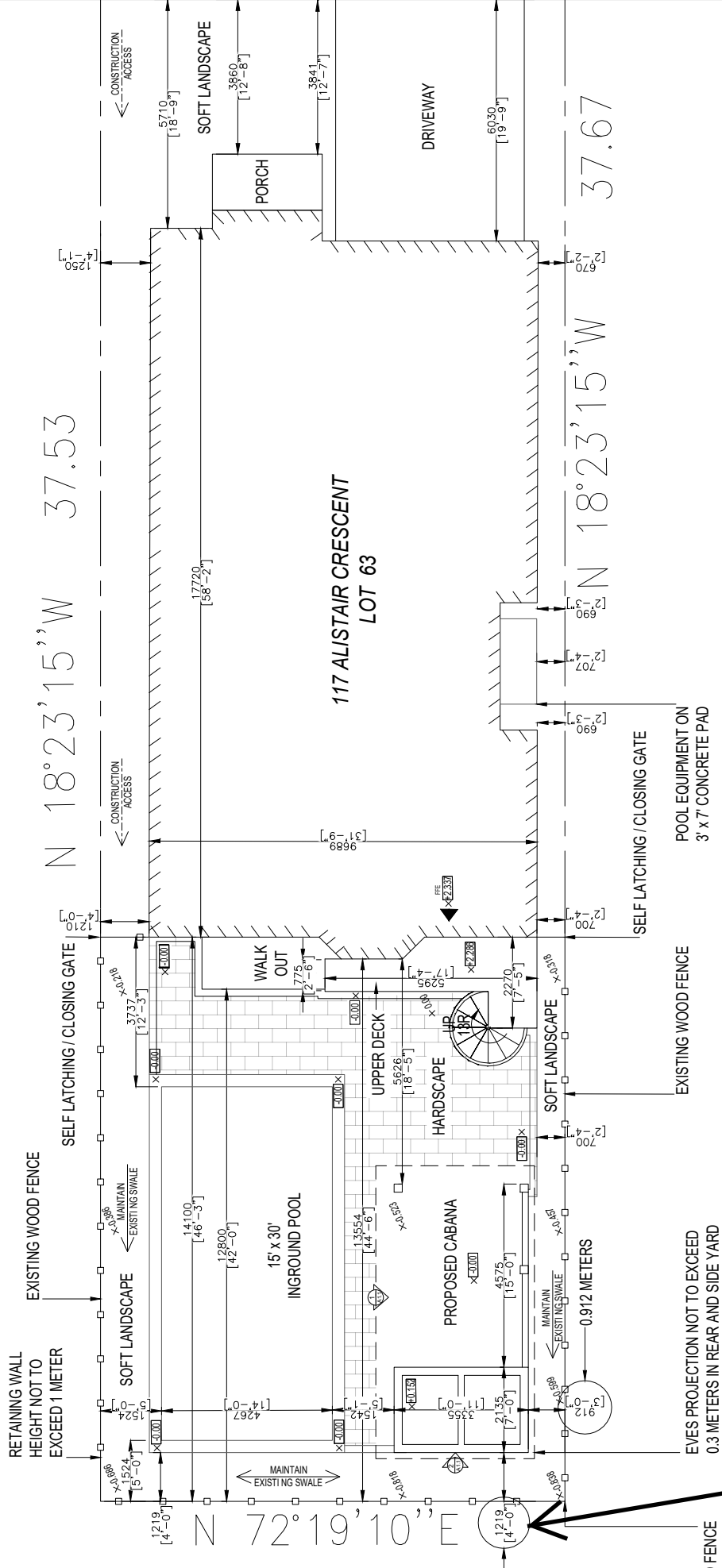
Major Mackenzie Drive

June 29, 2021 2:33 PM

**RECEIVED**  
By RECEIVED at 10:35 am, Jun 21, 2021

SITE DEVELOPMENT		RESIDENTIAL
ZONING	M2	SOFT
LOT AREA	435.3m <sup>2</sup>	4688.0sq/ft
TOTAL LOT AREA	M2	SOFT
OVERALL LOT AREAS	173.1m <sup>2</sup>	1883.4sq/ft
HOUSE FOOTPRINT	29.0m <sup>2</sup>	312.3sq/ft
CABANA FOOTPRINT	BY LAW	PROVIDED
LOT COVERAGE		39.7%
EXISTING HOUSE		6.6%
PROPOSED CABANA		46%
COVERAGE (BY LAW)	BY LAW	PROVIDED
LANDSCAPE AREA (REAR LOT)	NA	1882.4sq/ft
TOTAL REAR AREA	NA	421.6sq/ft
SOFT LANDSCAPE AREA	NA	1270.8sq/ft
HARD LANDSCAPE AREA	197.2m <sup>2</sup> - 155m <sup>2</sup> @ 6% + 13.3m <sup>2</sup>	PROVIDED
TOTAL SOFTSCAPE (%)	BY LAW	1180.3sq/ft
TOTAL LANDSCAPE AREA (WHOLE LOT)	NA	3505.7sq/ft
TOTAL SOFT LANDSCAPE AREA	NA	25%
TOTAL HARD LANDSCAPE AREA	NA	
TOTAL SOFTSCAPE (%) (WHOLE LOT)	NA	

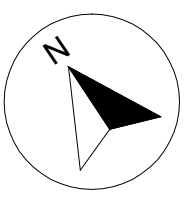
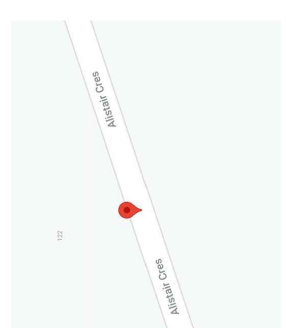
**LEGEND**  
 - - - Proposed Grades  
 - - - Existing Grades  
 x 1/8" Existing Grades  
 - - - Entrance Door  
 - - - Top Of Wall  
 - - - Bottom Of Wall  
 - - - Sediment Control  
 - - - Fence



# ALISTAIR CRESCENT

N 71°36'45" E

**A132/21**



No.	DESCRIPTION	REVISIONS

ISSUED FOR CONSTRUCTION  
 ISSUED FOR BID  
 ISSUED FOR BUILDING PERMIT  
 ISSUED FOR SITE PLAN APPROVAL  
 DATE

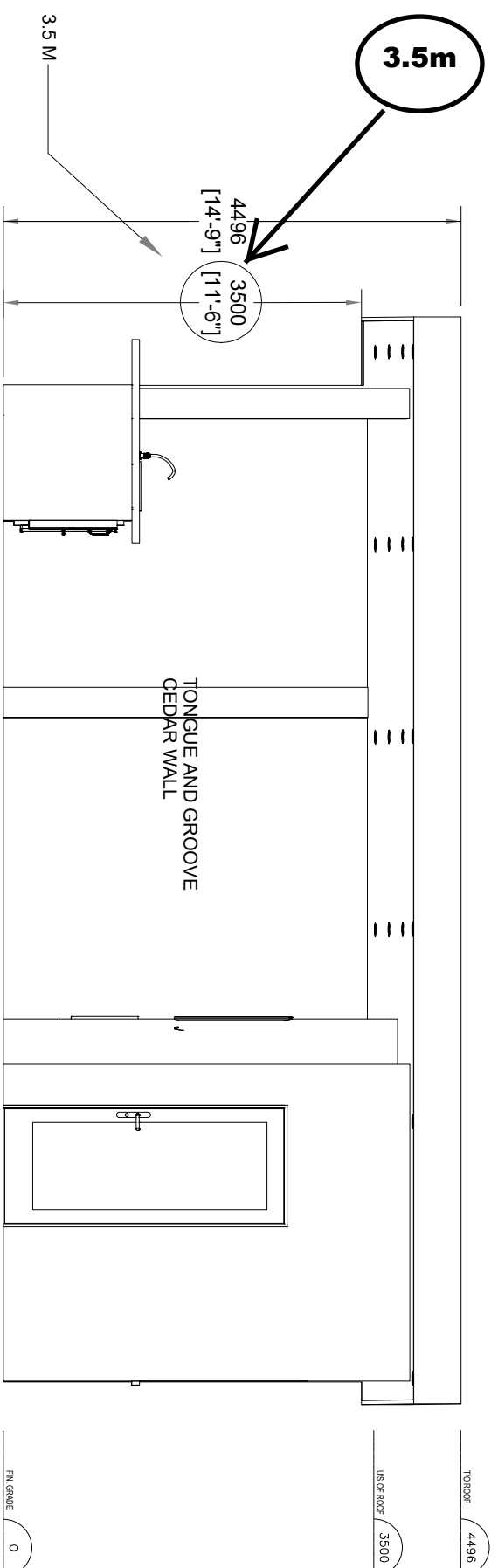
SUBMITTALS  
 CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.  
 THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER.  
 DO NOT SCALE DRAWINGS.



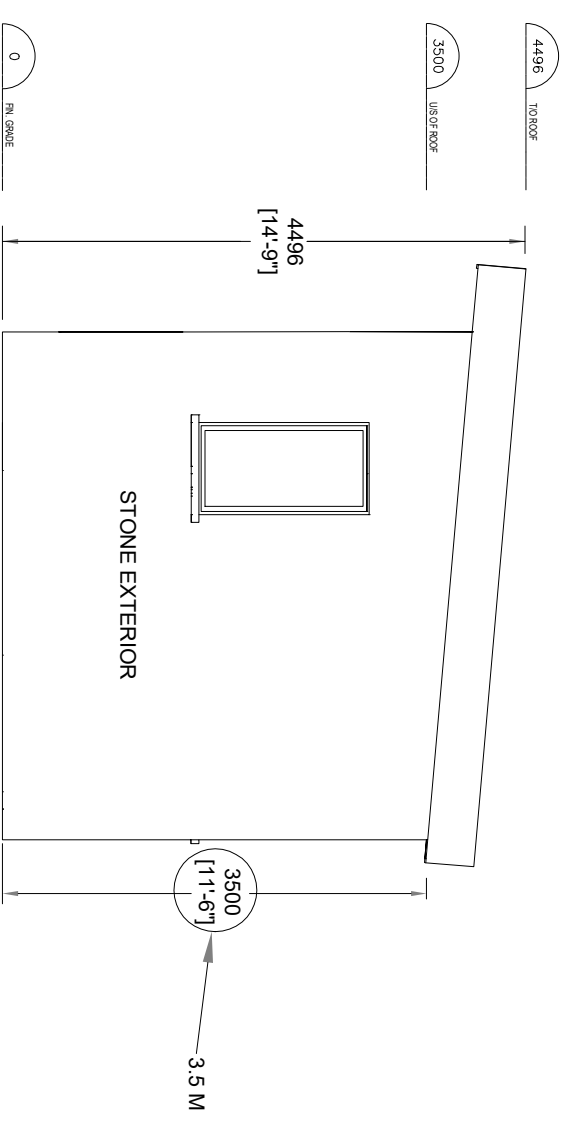
PROJECT: PROPOSED POOL ENCLOSURE  
 ON 117 ALISTAIR CRESCENT  
 VAUGHAN  
 DRAWING: SITE PLAN  
 PLOTTED: PROJECT No.  
 DATE: 2021-05-26  
 SCALE: AS NOTED  
 DRAWN BY: A1  
 REVIEWED BY:

**Site Plan**  
1:150





**1 FRONT ELEVATION OF CABANA**  
A1.1 1:50



**2 RIGHT SIDE ELEVATION OF CABANA**  
A1.1 1:50

No.	DESCRIPTION	DATE

ISSUED FOR CONSTRUCTION  
ISSUED FOR BID  
ISSUED FOR BUILDING PERMIT  
ISSUED FOR SITE PLAN APPROVAL

DATE

SUBMITTALS

CONTRACTORS MUST CHECK AND VERIFY 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.



PROJECT: PROPOSED CABANA  
ON 117 ALSTAIR CRESCENT  
VAUGHAN

DRAWING: ELEVATIONS

DATE: 2021-05-23	PROJECT NO.
SCALE: AS NOTED	DRAWING NO. A1.1
DRAWN BY: [REVIEWED BY]	

## **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.
- 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](mailto:stephen.cranley@alectrautilities.com)

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

## Pravina Attwala

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**Subject:** FW: A132/21 - MINOR VARIANCE (117 ALISTAIR CRESCENT)

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

**Sent:** June-24-21 12:29 PM

**To:** Pravina Attwala <Pravina.Attwala@vaughan.ca>

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

**Subject:** [External] RE: A132/21 - MINOR VARIANCE (117 ALISTAIR CRESCENT)

Good afternoon Pravina,

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)