



File: A127/21

Applicant: Jason Monaco

Address: 130 Hedgerow Lane, Kleinburg

Agent: Weston Consulting

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"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, August 12, 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: 3

A127/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, August 12, 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:** Jason Monaco
- Agent:** Weston Consulting
- Property:** **130 Hedgerow Lane, Kleinburg**
- Zoning:** The subject lands are zoned RR 9(191) 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 is being requested to permit the construction of a proposed single family dwelling, swimming pool, retaining wall and reverse slope driveway.

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

By-law Requirement	Proposal
1. The minimum interior side yard setback of 2.61 metres is required to a retaining wall.	1. To permit an interior side yard setback of 0.6 metres to a retaining wall on the West side.
2. The minimum interior side yard setback of 1.51 metres is required to a retaining wall.	2. To permit an interior side yard setback of 0.81 metres to a retaining wall on the East side.
3. The maximum building height of 9.5 metres is required.	3. To permit a maximum building height of 11.14 metres.
4. The minimum front yard soft landscaped area of 60% is required.	4. To permit 57.97% front yard soft landscape area.
5. All driveways shall have a positive slope away from all parts of the building or structure.	5. To permit a reverse sloping driveway.
6. A private swimming pool shall be constructed only in the rear yard.	6. To permit a swimming pool not entirely located in the rear yard.
7. A maximum lot coverage of 10% is required.	7. To permit a maximum lot coverage of 22.04% (17.80% Dwelling; 4.24% Outdoor Room)

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. 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 28, 2021

Applicant confirmed posting of signage on July 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 proposed design does not confirm to the Zoning By-law and the Minor Variance application is required to authorize and permit the following:

To permit a retaining wall in the west side yard with a setback of 0.6 m; To permit a retaining wall in the east side yard with a setback of 0.81 m; Maximum building height: 11.14 m; Minimum soft landscaping in front yard: 57.97% To permit a reverse sloping driveway; To permit swimming pool not located entirely in the rear yard; Maximum Lot Coverage 22.04%

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.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade.

Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is proposing to construct a two-storey single-family detached dwelling with the above-noted variances. Through discussion with Development Planning staff, the Owner revised their application, eliminating two additional variances for a minimum interior side yard setback of 3.58 m on the west side and 3.29 m on the east side of the dwelling, whereas a 4.5 m setback to the dwelling is required. The Owner increased the interior side yard setbacks to the dwelling removing these variances as well as reducing the maximum lot coverage from 22.41% to 22.04%. The Owner also increased the interior side yard setback to the west side retaining wall from 0.54 m to 0.6 m, in response to Development Engineering comments. As a result of the increase in interior side yard setback to the west side retaining wall, the Owner has addressed concerns regarding drainage along the interior side yard.

The Development Planning Department considers Variances 1 and 2 minor in nature. The Development Planning Department has no concern with the requested dwelling height of 11.14 m, as the proposed dwelling is compatible in height and scale with existing residential dwellings in the neighbourhood and is consistent with previously approved building heights along Hedgerow Lane and Old Humber Crescent. The requested reduction in front yard soft landscape area is a result of the proposed at grade driveway layout and reverse slope driveway. The 2.03% reduction represents a minor deviation from the requirements of Zoning By-law 1-88. The Owner has also provided a Reverse Slope Driveway Report prepared by Husson on May 28, 2021, that examined the drainage system of the reverse sloped driveway.

The Development Engineering Department has reviewed the report and has no concerns with the driveway. Based on the definition of "rear yard" in Zoning By-law 1-88, the requested variance for the swimming pool not entirely located in the rear yard is a technical variance as a portion of the dwelling projects into the rear yard, however the pool will be located in an area that is effectively used as the rear yard. The Development Planning Department has no concern with the proposed location of the pool. The proposed lot coverage of 22.04% includes a dwelling coverage of 17.8% and 4.24% for the covered porch at the rear of the dwelling. The two-storey portion of the dwelling consists of only the front half of the dwelling, while the rear half of the dwelling will be one-storey in height.

The result of this design is a dwelling with an overall scale and massing that is similar in size to two-storey dwellings that have been constructed in the neighbourhood. With the revised interior side yard setbacks, the proposed dwelling now complies with all setback requirements of the Zoning By-law, thereby maintaining the intended building envelope of the "RR" zone. The Development Planning Department therefore considers the requested lot coverage variance minor in nature. The Owner has submitted an Arborist Report and Tree Inventory and Preservation Plan, prepared by Dillon Consulting Limited on April 19, 2021, in support of the application. The report inventoried 48 trees, 22 of which are proposed to be removed with a total of 42 replacement trees required to be planted.

The Urban Design Division has reviewed the report and concurs with its recommendations. Urban Design staff have also recommended that a Concept Landscape Plan be submitted to ensure an appropriate balance of softscape and hardscape as well as to enhance the streetscape. A recommendation to this effect has been included in the Conditions of Approval.

Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application, subject to the following conditions: Conditions of Approval: If the Committee finds merit in the application, the following conditions of approval are recommended:

1. The Owner shall submit a Concept Landscape Plan to the satisfaction of the Development Planning Department.

Development Engineering:

The Development Engineering (DE) is satisfied with the Storm Drainage letter dated May 28, 2021 prepared by Husson Engineering, which provides the justification how the reverse slope driveway is provided with adequate protection in the 100- year storm event.

Although the easterly proposed above ground driveway slope is higher than the City of Vaughan standard, however the proposed driveway currently matches existing grades within the boulevard.

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 owner/applicant shall apply and obtain the necessary curb cut/ reinstating permit through the Transportation and Fleet Management Services. Please visit https://www.vaughan.ca/services/residential/transportation/roads/curb_cuts_and_driveway_widening/Pages/default.aspx to learn how to apply for the curb cut/ reinstating permit.

Please note retaining walls over 0.6m high shall be designed and certified by a professional engineer. Retaining walls greater than 1m in height needs a guiderail. Please make the appropriate changes, if required, during the grading permit application.

The Development Engineering (DE) Department does not object to variance application A127/21 subject to the following condition(s):

1. The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca 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.
2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 10% to 22.04% in order to mitigate potential impacts on the municipal storm water system.

Parks Development - Forestry:

Tree Protection Fencing Details shall be current according to the City of Vaughan’s latest specifications dated April 7, 2016 or newer, either ULA 110A/ULA 110B or MLA 107A/MLA 107B as per By-Law 052-2018.

Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed. (Applicable to Private and Public trees) as per By-Law 052-2018.

Prior to permit issuance, Forestry staff shall inspect and approve the tree protection (Hoarding). Tree protection shall be installed to the satisfaction of the Forestry division. (if applicable).

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

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	Development Planning Michael Torres 905-832-8585 x 8933 Michael.Torres@vaughan.ca	The Owner shall submit a Concept Landscape Plan to the satisfaction of the Development Planning Department.

	Department/Agency	Condition
2	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	<ol style="list-style-type: none"> 1. The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca 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. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 10% to 22.04% in order to mitigate potential impacts on the municipal storm water system.
3	Parks, Forestry and Horticulture Operations Zachary Guizzetti 905-832-8585 x3614 Zachary.Guizzetti@vaughan.ca	Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit 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

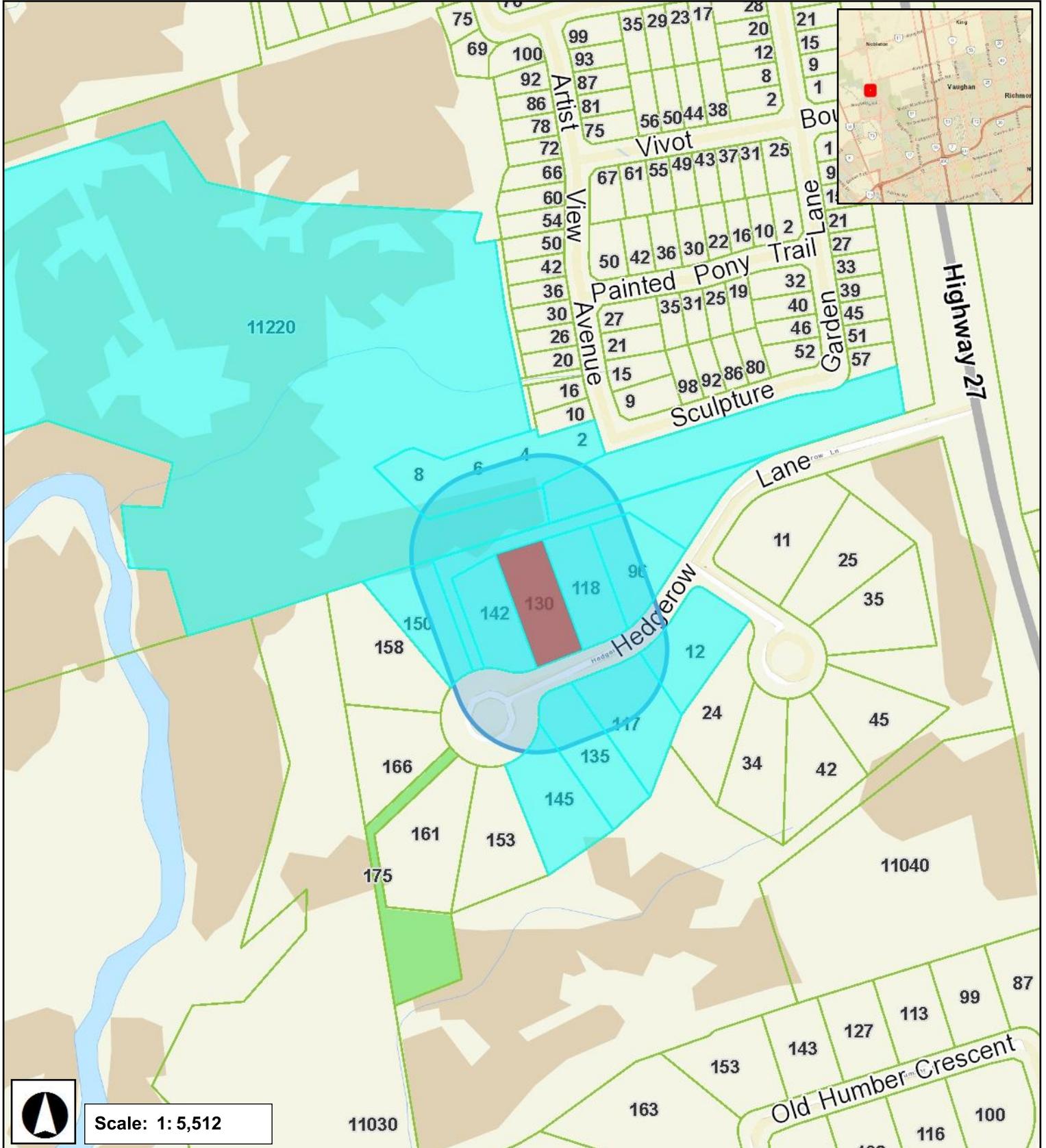
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map

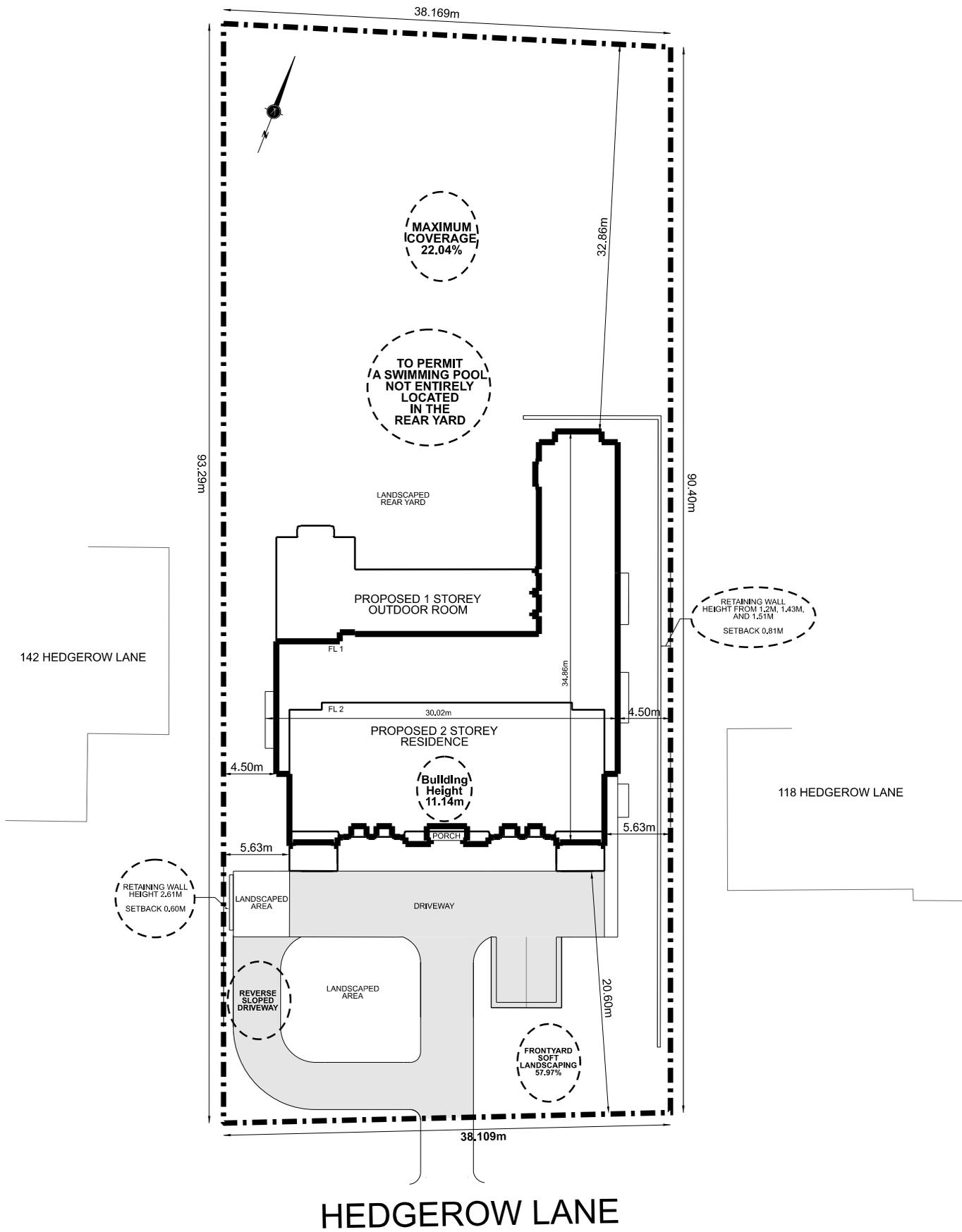
Plans & Sketches

130 Hedgerow Lane, Kleinburg

Kirby Road



Scale: 1: 5,512



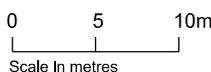
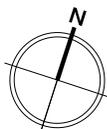
LEGEND

-  Property Boundary
-  Requested Minor Variances

Minor Variance Application File Number: A127/21
 Date: 2021-07-21

**SITE PLAN
 ILLUSTRATING
 MINOR VARIANCES**

**WESTON
 CONSULTING**



130 HEDGEROW LANE, KLEINBURG,
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK

Weston File Number: 10303

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



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

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: A127/21 - Request for Comments (130 Hedgerow Lane)

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

Sent: July-14-21 2:24 PM

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

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

Subject: [External] RE: A127/21 - Request for Comments (130 Hedgerow Lane)

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 | www.york.ca