VAUGHAN Staff Report Summary

Ward #1

File:	A150/21
Applicant:	Jacqueline Posa
Address:	50 Northern Pines Blvd, Kleinburg
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	$\checkmark$ ×
Committee of Adjustment		
Building Standards		
Building Inspection		
Development Planning		
Development Engineering		
Parks, Forestry and Horticulture Operations		
By-law & Compliance		
Financial Planning & Development		
Fire Department		
TRCA		
Ministry of Transportation		
Region of York		
Alectra (Formerly PowerStream)		
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 Page 2 Agenda Item: 13

A150/21

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.	
Stream nearing.	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 <u>cofa@vaughan.ca</u>	
	To make an electronic deputation at the meeting please contact the Committee of Adjustment at <u>cofa@vaughan.ca</u> 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:	Jacqueline Posa	
Agent:	Fausto Cortese Architects Inc.	
Property:	50 Northern Pines Blvd, Kleinburg	
Zoning:	The subject lands are zoned RD1 Residential Detached Zone One, and subject to the provisions of Exception No. 9(1316) 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 Cabana 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	1. To permit a minimum setback of 1.2 metres from
the rear lot line to the nearest part of the accessory	the rear lot line to the nearest part of the
building.	accessory building (cabana).
2. The lot area covered by all accessory buildings	2. To permit the maximum lot area covered by the
shall not exceed 67m2.	accessory building (cabana) to be 100.25 m2.
3. Where the area of a rear yard of a lot is greater	3. To permit a minimum of 40.1% of rear yard soft
than 135m2, a minimum of 60% of that portion of	landscaping of the rear yard in excess of 135m2.
the rear yard in excess of 135m2 shall be	
composed of soft landscaping.	

# Background (previous applications approved by the Committee on the subject land): None

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: 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 28, 2021

Property Information		
Existing Structures	Year Constructed	
Dwelling	2014	
Cabana	TBC	

Applicant has advised that they cannot comply with By-law for the following reason(s): The design doesn't conform to the zoning by-law.

#### 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.

Please be aware that the minimum setback of 1.5 metres is required from the interior side lot line and rear lot line to the nearest part of the pool as this review has been based on the cabana and rear yard landscaping only.

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 0.60 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard setback of 7.5 metres.

#### **Building Inspections (Septic):**

No comments or concerns

#### **Development Planning:**

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

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

The proposed cabana features a maximum building height of 4.5 m which is compliant with the requirements of the Zoning By-law. The minimum rear yard setback of 1.2 m to the cabana is at a pinch-point and widens to a greater extent, and the cabana is consistent in size and scale with other accessory structures located within the neighbourhood. The Development Planning Department has no concern with Variances 1 and 2.

The Owner has revised the rear yard soft landscaping in excess of 135 m2 from 35.5% to 40.1%. The Development Planning Department has no concern with Variance 3, provided that the Owner demonstrate appropriate Low-Impact Development (LID) measures to the satisfaction of the Development Engineering Department to address the reduced soft landscaping coverage in the rear yard in order to mitigate potential impacts on the municipal storm water system.

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:**

Cabana Grading Permit: The Owner/applicant submitted drawings propose a structure (cabana) that is 100.25 sq. meters. Any structure greater than 10 sq. meters requires a Lot Grading permit from the Inspection & Lot Grading Division of Development Engineering Department, City of Vaughan

The owner is proposing works that result in the decrease in the soft landscaping area of lot coverage area by 19.9%. The additional lot coverage may have an impact on the City's storm water system. Staff recommend the owner to introduce Low-impact Development (LID) measures provided as part of a future lot grading permit e.g. Infiltration trenches, flower gardens, Bioswales, Permeable pavement.

## Staff Report A150/21

The Development Engineering (DE) Department does not object to variance application A 150/21 subject to the following condition(s):

- Cabana Grading Permit: 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. <u>https://www.vaughan.ca/services/residential/dev\_eng/permits/Pages/default.aspx</u> to learn how to apply for lot grading and/or servicing approval.
- The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures to the satisfaction of DE to address the reduced soft landscaping coverage in the rear yard from 60 % to 40.1% in order to mitigate potential impacts on the municipal storm water system.

# 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 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 Engineering	1. Cabana Grading Permit: The Owner/applicant shall submit the
	Iqbal Soomro	final Lot Grading and/or Servicing Plan to the Development
		Inspection and Lot Grading division of the City's Development
	905-832-8585 x 3608	Engineering Department for final lot grading and/or servicing
	Iqbal.Soomro@Vaughan.ca	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/Pag
		es/default.aspx to learn how to apply for lot grading and/or
		servicing approval.
		2. The owner/applicant shall demonstrate appropriate LID (Low-
		impact Development) measures to the satisfaction of DE to
		address the reduced soft landscaping coverage in the rear yard
		from 60 % to 40.1% in order to mitigate potential impacts on the
		municipal storm water system.

# Conditions

# **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.

**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 <u>cofa@vaughan.ca</u>

**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 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.

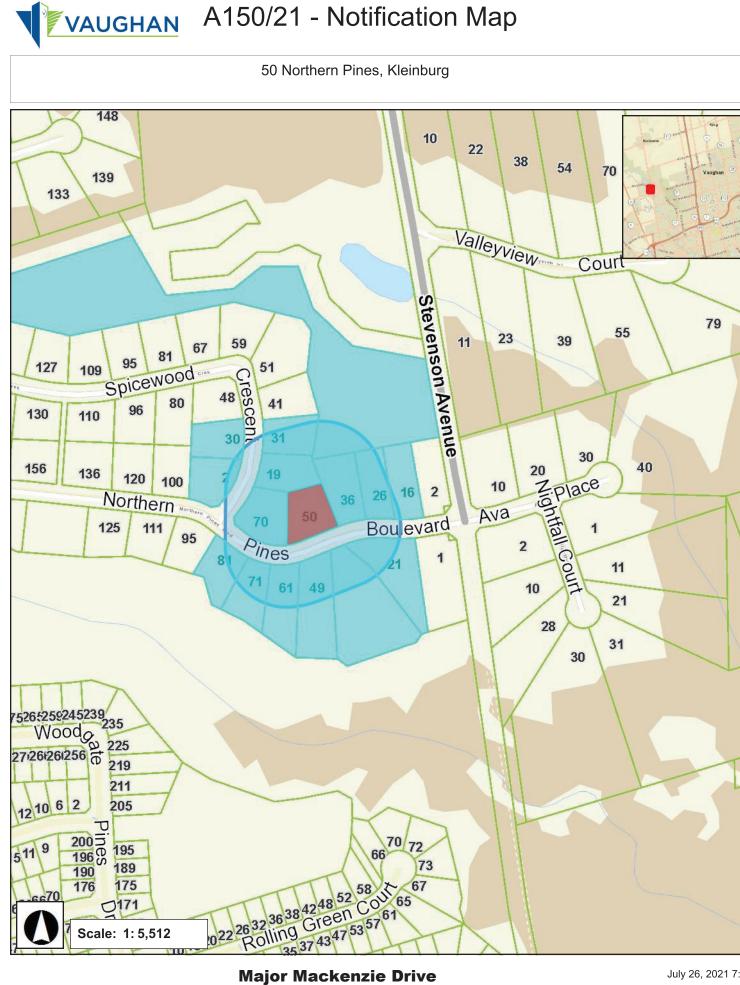
# For further information please contact the City of Vaughan, Committee of Adjustment Adriana MacPherson

T 905 832 8585 Extension 8360 E <u>CofA@vaughan.ca</u>

# 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

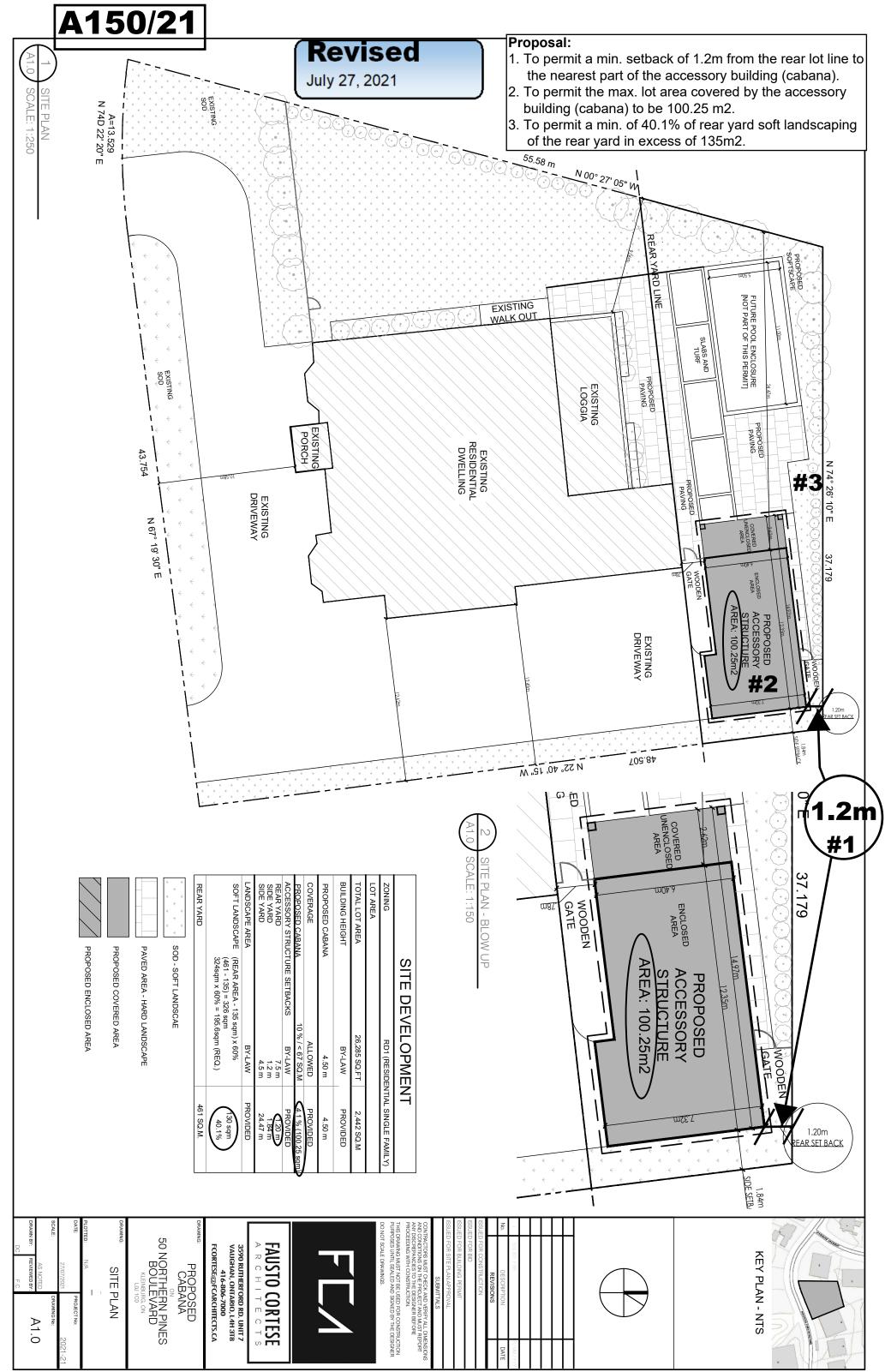


**Major Mackenzie Drive** 

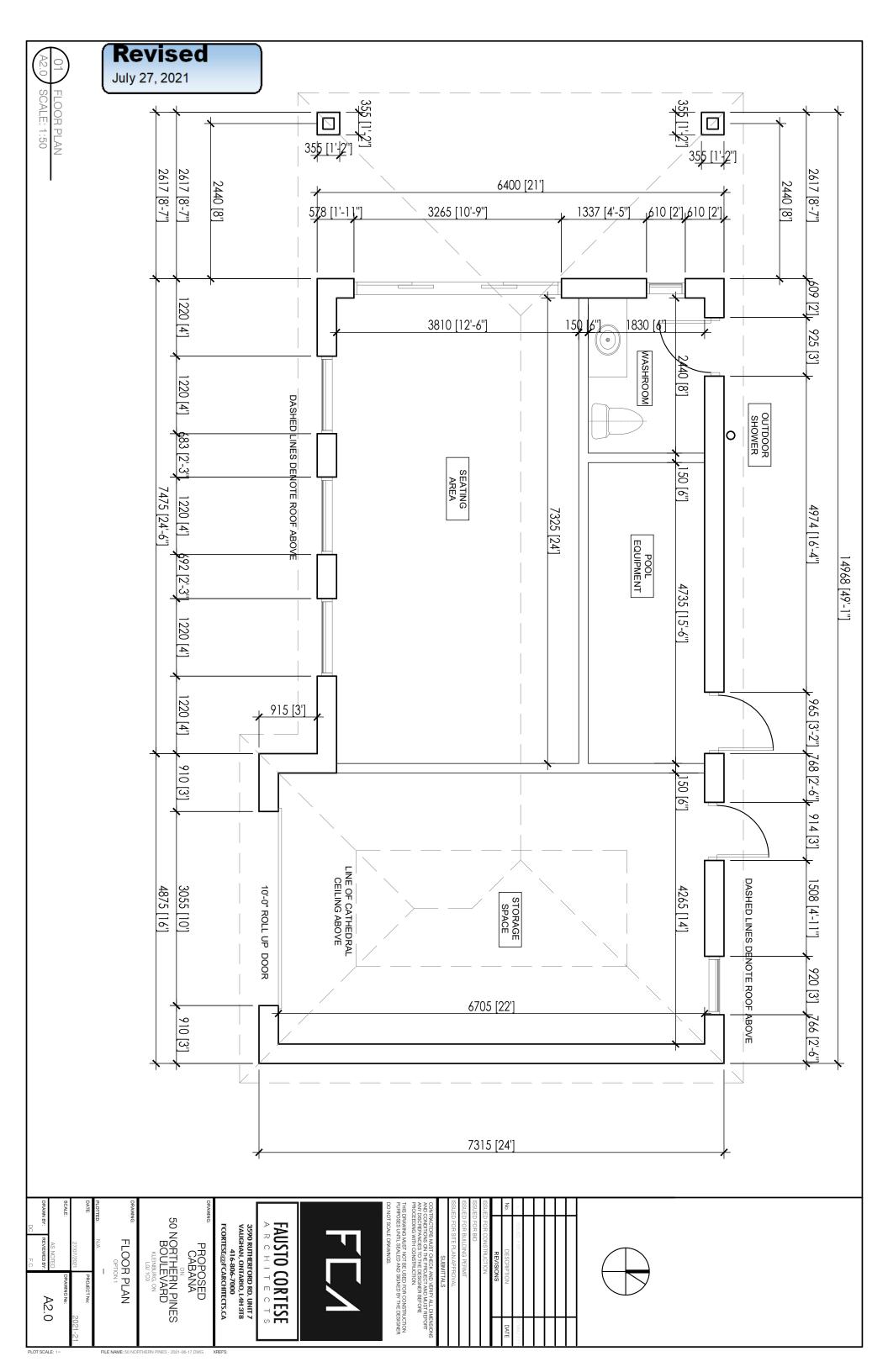
July 26, 2021 7:38 AM

85

**Highway 27** 

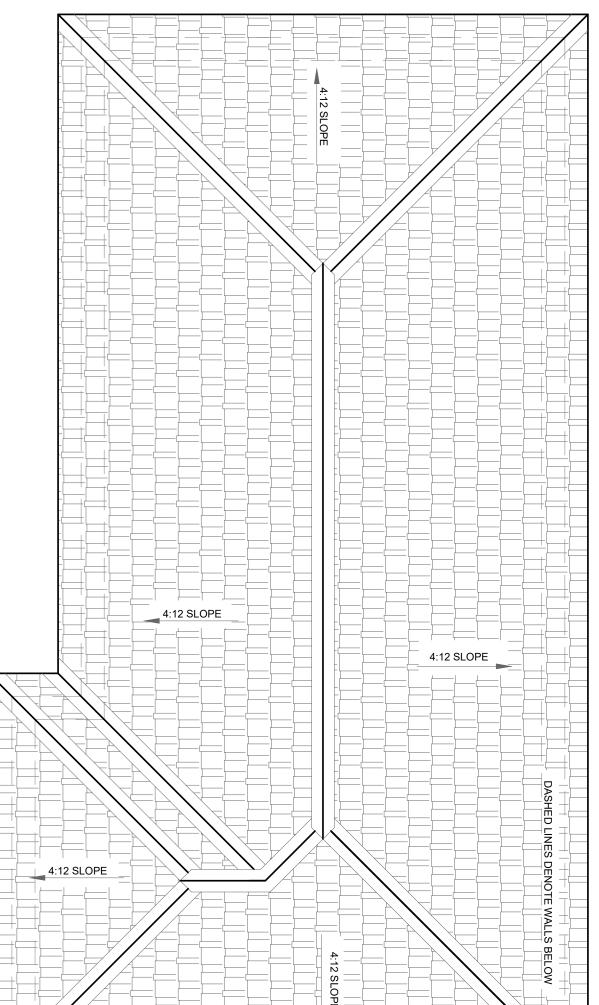


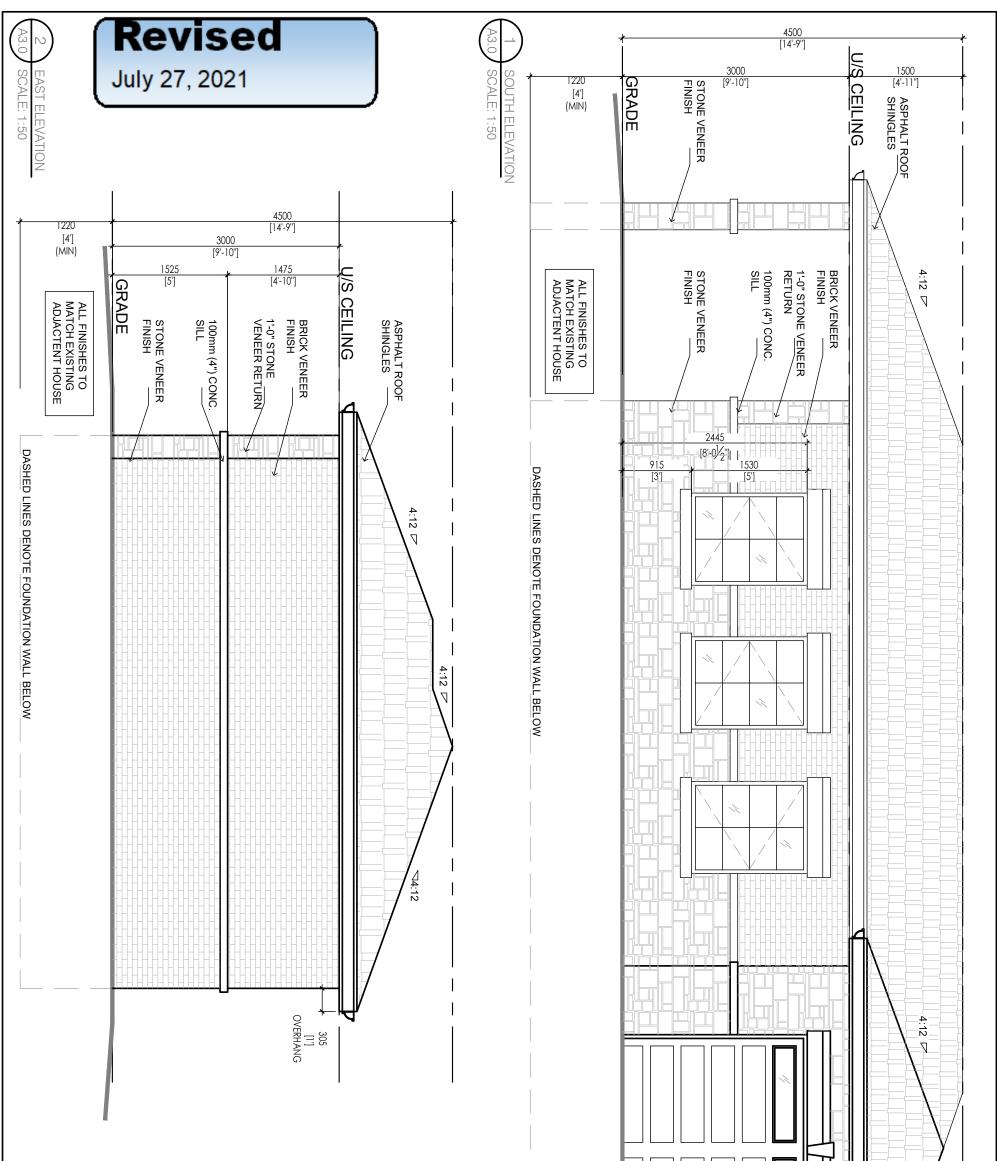
PLOT SCALE: 1= FILE NAME: 50 NORTHERN PINES - 2021-06-17.DWG XREFS:





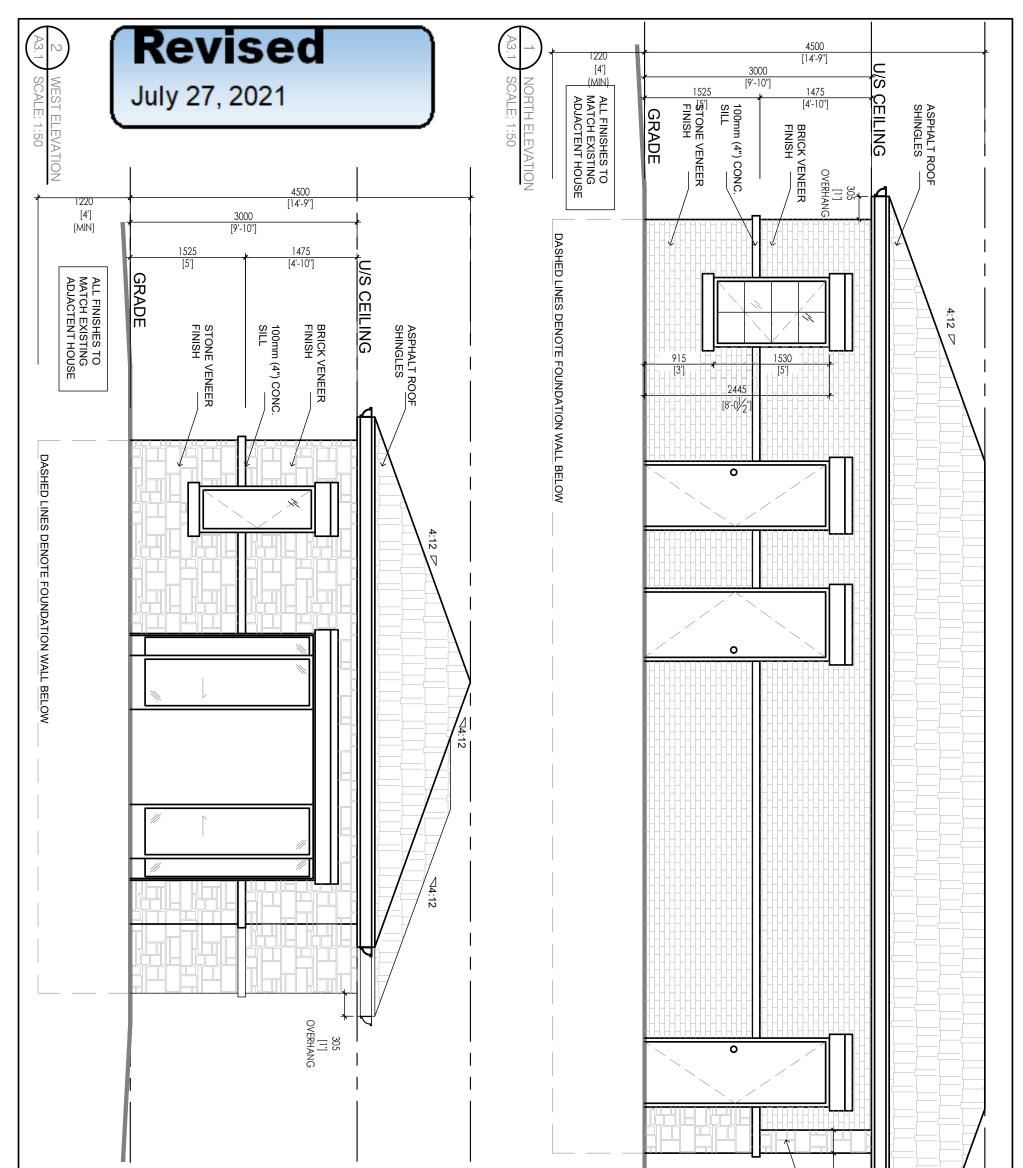
# Revised July 27, 2021





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PLOT SCALE: 1 = FILE NAME: 50 NORTHERN PINES - 2021-06-17.DWG



			1:0" STONE VENEER
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# 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**

Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections



# COMMENTS:

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

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

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

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

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

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

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

#### **References:**

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

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

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

*E-mail*: <u>stephen.cranley@alectrautilities.com</u>

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

Email: tony.donofrio@alectrautilities.com

# **Adriana MacPherson**

Subject: FW: A150/21 - Request for Comments (50 Northern Pines Blvd)

From: Development Services <developmentservices@york.ca>
Sent: July-14-21 1:51 PM
To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A150/21 - Request for Comments (50 Northern Pines Blvd)

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 | <u>gabrielle.hurst@york.ca</u> |<u>www.york.ca</u>