



File: A168/21

Applicant: Giuseppe & Anna Maria Allevato & Sabrina Berardinucci

Address: 40 Johnswood Crescent, Woodbridge

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	<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		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
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: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, September 9, 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: 15

A168/21

Ward: 3

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, September 9, 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:** Giuseppe & Anna Maria Allevato & Sabrina Berardinucci
- Agent:** Fausto Cortese Architects Inc.
- Property:** **40 Johnswood Crescent, Woodbridge**
- Zoning:** The subject lands are zoned RV3 9(1019) 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, as amended, is being requested to permit the existing cabana, installation of proposed privacy screens and the location of the existing pool equipment 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 2.31m is required for the architectural element to the rear lot line. (4.1.1.K)	1. To permit a minimum setback of 0.62m for the proposed privacy screens to the rear lot line.
2. A minimum setback of 2.31m is required for the architectural element to the side lot line. (4.1.1.K)	2. To permit a minimum setback of 0.20m for the proposed privacy screen to the side lot line.
3. A minimum rear yard setback of 7.5m is required. (Schedule A1)	3. To permit a minimum rear yard setback of 1.24m for the proposed accessory structure (Cabana).
4. A maximum encroachment of 1.5m into the rear yard is permitted for the pool equipment. (3.14.H)	4. To permit a maximum rear yard encroachment of 7.16m for the proposed pool equipment.
5. A minimum side yard setback of 1.2m is required. (Schedule A1)	5. To permit a minimum side yard setback of 0.41m for the proposed accessory structure (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. 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 August 25, 2021

Applicant confirmed posting of signage on August 25, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2001 (Purchased 2002)

Applicant has advised that they cannot comply with By-law for the following reason(s): Current zoning bylaw fence requirements do not allow adequate privacy for client's needs. As built cabana does not comply to existing zoning but is minor in nature and therefore looking for relief.

Adjournment Request: None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 21-113604, Order to Comply for, Issue Date: May 27, 2021

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 response

Development Planning:

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

The Owner is requesting permission to maintain an existing cabana, privacy screens, and pool equipment in the rear yard with the above-noted variances. Development Planning and Development Engineering staff conducted a site visit of the subject property on August 11, 2021. The rear yard contains three privacy screens, two of which have setbacks to the rear yard at 0.62 m, and the other with an interior side yard setback of 0.20 m.

The privacy screens resemble fencing, will provide for additional privacy, and are only 0.31 m higher than the maximum height permitted for a rear yard fence. The visual impact on neighbouring properties is minimal and the reduced setbacks are considered minor in nature. The existing cabana is setback 1.24 m from the rear yard, and 0.41 m from the interior side yard.

The cabana is visually screened by the existing privacy fence, and the height of the cabana at 3.01 m, which is below the maximum height of 4.5 m for accessory structures, mitigates the visual impact on neighbouring properties. With regards to drainage, the Development Engineering Department does not object to the location of the cabana, subject to the Owner demonstrating appropriate Low-Impact Development (LID) measures to the satisfaction of the Development Engineering Department to mitigate the impacts of additional storm runoff. Thus, the Development Planning Department does not object to Variances 3 and 5.

The maximum encroachment of 7.16 m for the proposed pool equipment pad is measured 0.34 m from the rear lot line. The pool equipment is entirely screened by the existing privacy fence and will not cause any visual impact on neighbouring residences. The Development Engineering Department has indicated no objection to the location of the pool equipment pad, subject to the Owner demonstrating appropriate LID measures. Accordingly, the Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) is satisfied with the updated drawing received on August 24, 2021 showing weeping tiles will be installation to facilitate the drainage of the subject property.

Additional comments:

As the proposed addition in the subject property is over 10 m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City’s Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition.

The owner/ applicant will require to take the measures showed in the updated drawing received on August 24, 2021 and arrange a site visit or send evidence to Development Engineering to clear condition #2.

The Development Engineering (DE) Department does not object to variance application A168/21 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. The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures and include the measures in the lot grading drawing to the satisfaction of DE to mitigate the impacts of additional storm runoff. 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 will require to arrange a site visit with Development Engineering reviewer or submit acceptable evidence showing the proposed measures taken for storm water drainage works and does not create any ponding.

Parks Development - Forestry:

No comments no concerns.

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 (11 Wheatfield Drive) – Letter of Objection/Photos

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

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 Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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. The owner/applicant shall demonstrate

	Department/Agency	Condition
		<p>appropriate LID (Low-impact Development) measures and include the measures in the lot grading drawing to the satisfaction of DE to mitigate the impacts of additional storm runoff. 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.</p> <p>2. The owner/ applicant will require to arrange a site visit with Development Engineering reviewer or submit acceptable evidence showing the proposed measures taken for storm water drainage works and does not create any ponding.</p>
2	<p>Development Planning Michael Torres</p> <p>905-832-8585 x 8933 Michael.Torres@vaughan.ca</p>	Application under review

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

T 905 832 8585 Extension 8002
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

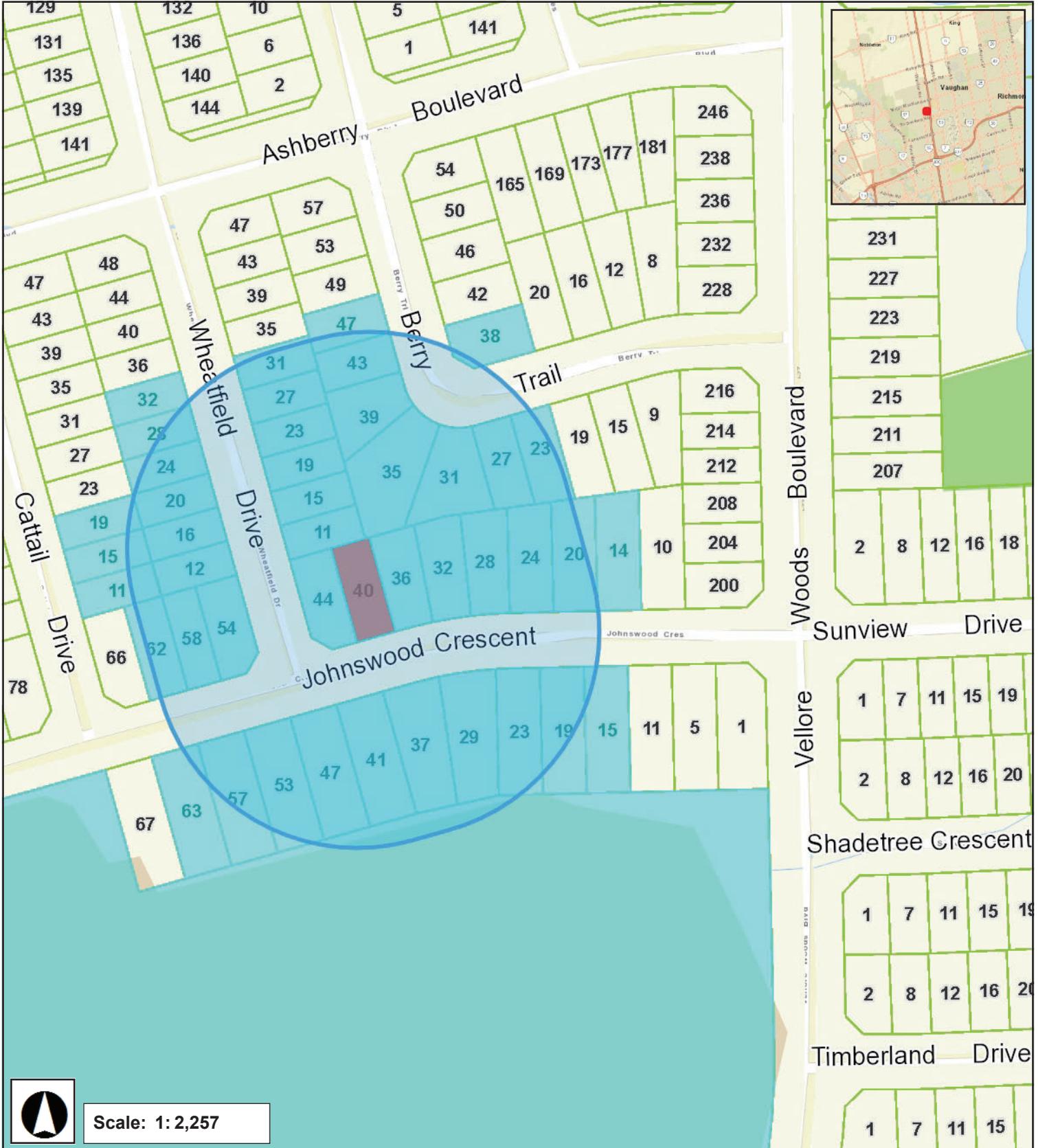
Plans & Sketches



LOCATION MAP - A168/21

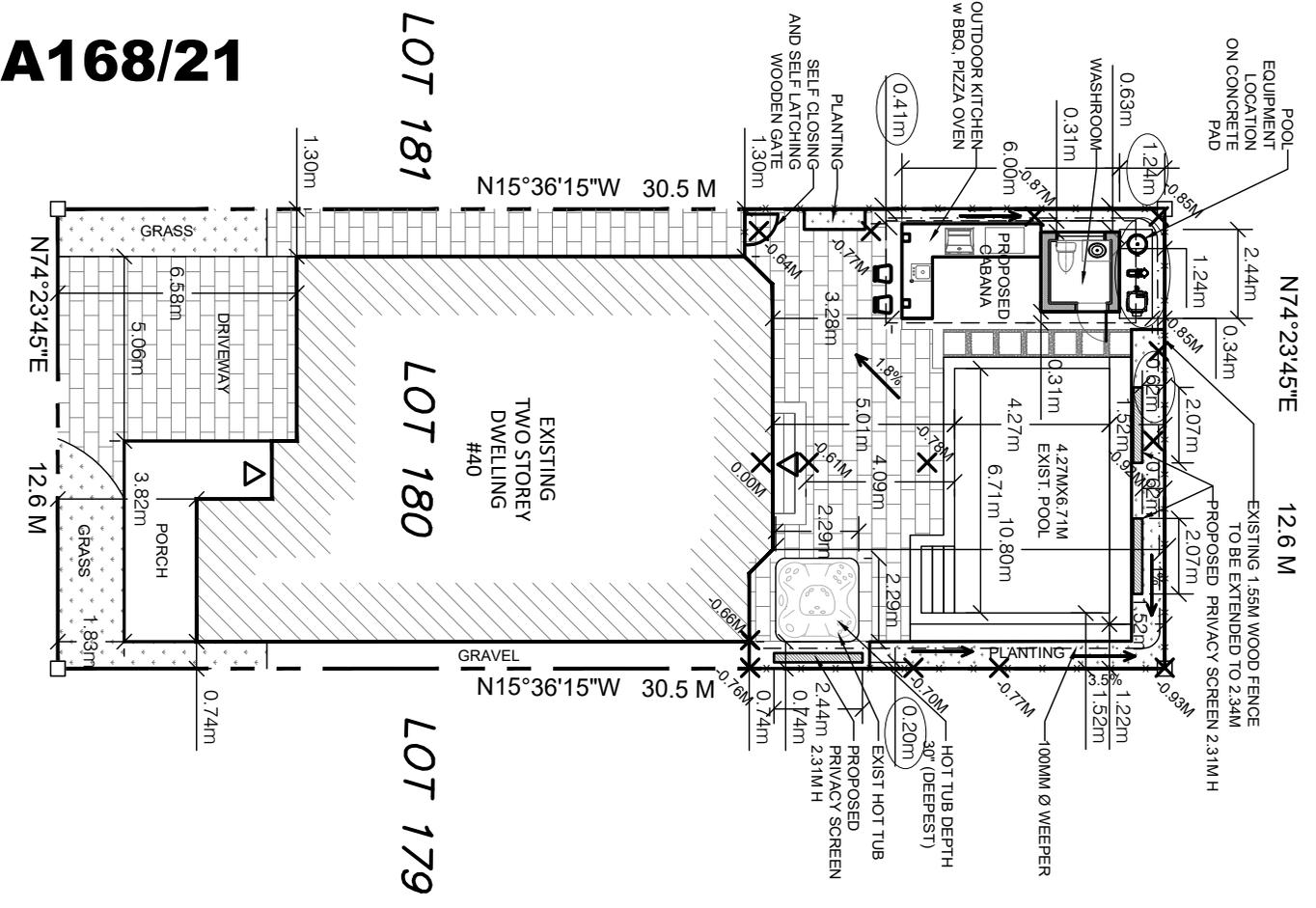
40 JOHNSWOOD CRESCENT, WOODBRIDGE

Major Mackenzie Drive



Rutherford Road

August 26, 2021 10:56 AM



A168/21

LOT 181

LOT 180

LOT 179

1 SITE PLAN
SCALE: 1:200

RECEIVED

By RECEIVED at 12:40 pm, Aug 25, 2021

LOT 180
REGISTERED PLAN 65M-3417 - PIN 03329 - 1311

SITE DEVELOPMENT			
ZONING	R03		
LOT AREA	m ²	SO/FT	
TOTAL LOT AREA	394.30 m ²	4136.61 SO/FT	
HOUSE AREA	m ²	SO/FT	
FOOTPRINT HOUSE	149.00 m ²	1603.94 SO/FT	
PROPOSED CABANA	14.01 m ²	150.80 SO/FT	
LOT COVERAGE	BY-LAW	PROVIDED	
EXISTING HOUSE		38.77%	
PROPOSED CABANA		3.66%	
COVERAGE (BY-LAW)	35%	42.42%	
ACCESSORY HEIGHT	BY-LAW	PROVIDED	
CABANA HEIGHT	4.9M MAX	3.01M	
SETBACKS	BY-LAW	PROVIDED	
CABANA			
FRONT SETBACK	9.00 m	N/A	
REAR SETBACK (25% of lot depth)	7.50 m	1.24 m	
RIGHT SIDE SETBACK	0.60 m	9.78 m	
LEFT SIDE SETBACK	1.20 m	0.68 m	
LANDSCAPE AREA	BY-LAW	PROVIDED	
REAR YARD AREA		139.44 m ²	100.00 %
SOFT LANDSCAPE AREA	139.44 - 135.12 = 4.44 m ² 80%	13.00 m ²	9.32 %
HARD LANDSCAPE AREA		126.44 m ²	90.68 %

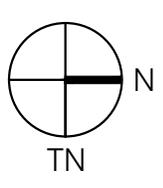


2 KEY PLAN
SCALE: 1:1000

NOTES:
 S.# : DENOTES SETBACK REFERENCE NUMBER
 L.S. : DENOTES LEFT SETBACK
 R.S. : DENOTES RIGHT SETBACK
 SW : DENOTES SWALE
 H.P. : DENOTES HIGHEST POINT
 FFE : DENOTES FINISHED FLOOR ELEVATION
 TFW : DENOTES TOP OF FOUNDATION WALL
 TBF : DENOTES TOP OF BASEMENT SLAB
 USF : DENOTES UNDER SIDE FOOTING
 TOW : DENOTES TOP OF WALL

LEGEND

	MAIN DOOR LOCATIONS
	EXISTING DWELLING
	EXISTING NEIGHBORS BUILDINGS
	EXISTING INTERLOCKING PAVERS
	EXISTING SOFT LANDSCAPE



<p>CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISPARANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.</p> <p>THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND SIGNED BY THE DESIGNER. DO NOT SCALE DRAWINGS.</p>	
<p>ISSUED FOR CONSTRUCTION</p>	
<p>ISSUED FOR BID</p>	
<p>ISSUED FOR BUILDING PERMIT</p>	
<p>ISSUED FOR SITE PLAN APPROVAL</p>	
<p>SUBMITTALS</p>	
No.	DESCRIPTION
<p>REVISIONS</p>	
No.	DATE
<p>DRAWING: NEW CABANA & OUTDOOR KITCHEN AT 40 JOHNSWOOD CRES CITY OF VAUGHAN</p>	
<p>PROJECT NO.: SITE PLAN</p>	
<p>DATE: 04/07/2019</p>	
<p>SCALE: AS NOTED</p>	
<p>DRAWING NO.: A1.0</p>	
<p>DRAWN BY: AS NOTED</p>	
<p>REVIEWED BY: F.C.</p>	
<p>PROJECT: NEW CABANA & OUTDOOR KITCHEN AT 40 JOHNSWOOD CRES CITY OF VAUGHAN</p>	
<p>DATE: 04/07/2019</p>	
<p>SCALE: AS NOTED</p>	
<p>DRAWING NO.: A1.0</p>	
<p>DRAWN BY: AS NOTED</p>	
<p>REVIEWED BY: F.C.</p>	

FAUSTO CORTESE ARCHITECTS

3590 RUTHERFORD RD. UNIT 7
VAUGHAN, ONTARIO, L4H 3T8
416-806-7000
FCORTESE@FARARCHITECTS.CA

WALL TYPES

EXTERIOR STONE WALL PARTITION

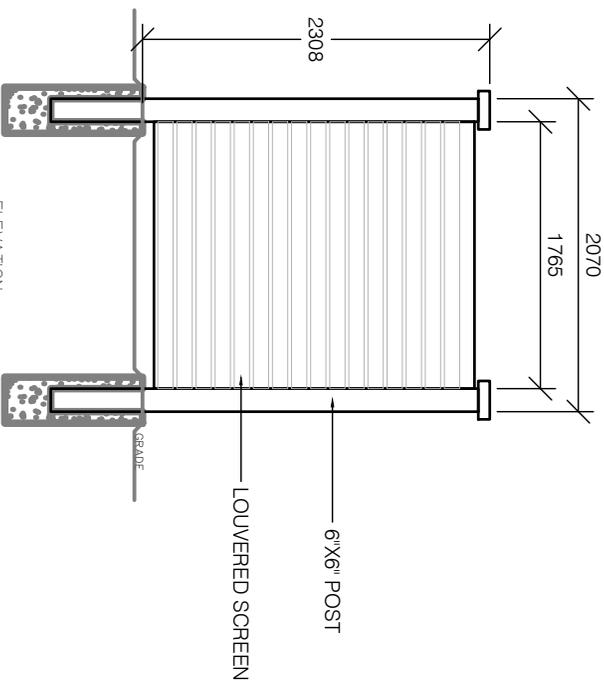
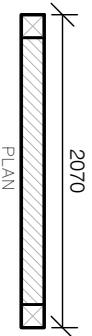
- W1
- 38MM STONE VENEER
- 25MM AIR SPACE
- 19MM WEATHING (PLYWOOD)
- 38MM X 140MM WOOD STUDS @ 406MM O/C
- 13MM INTERIOR GYPSUM BOARD

T = 235MM

EXTERIOR STONE WALL PARTITION

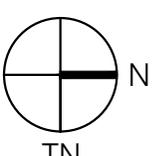
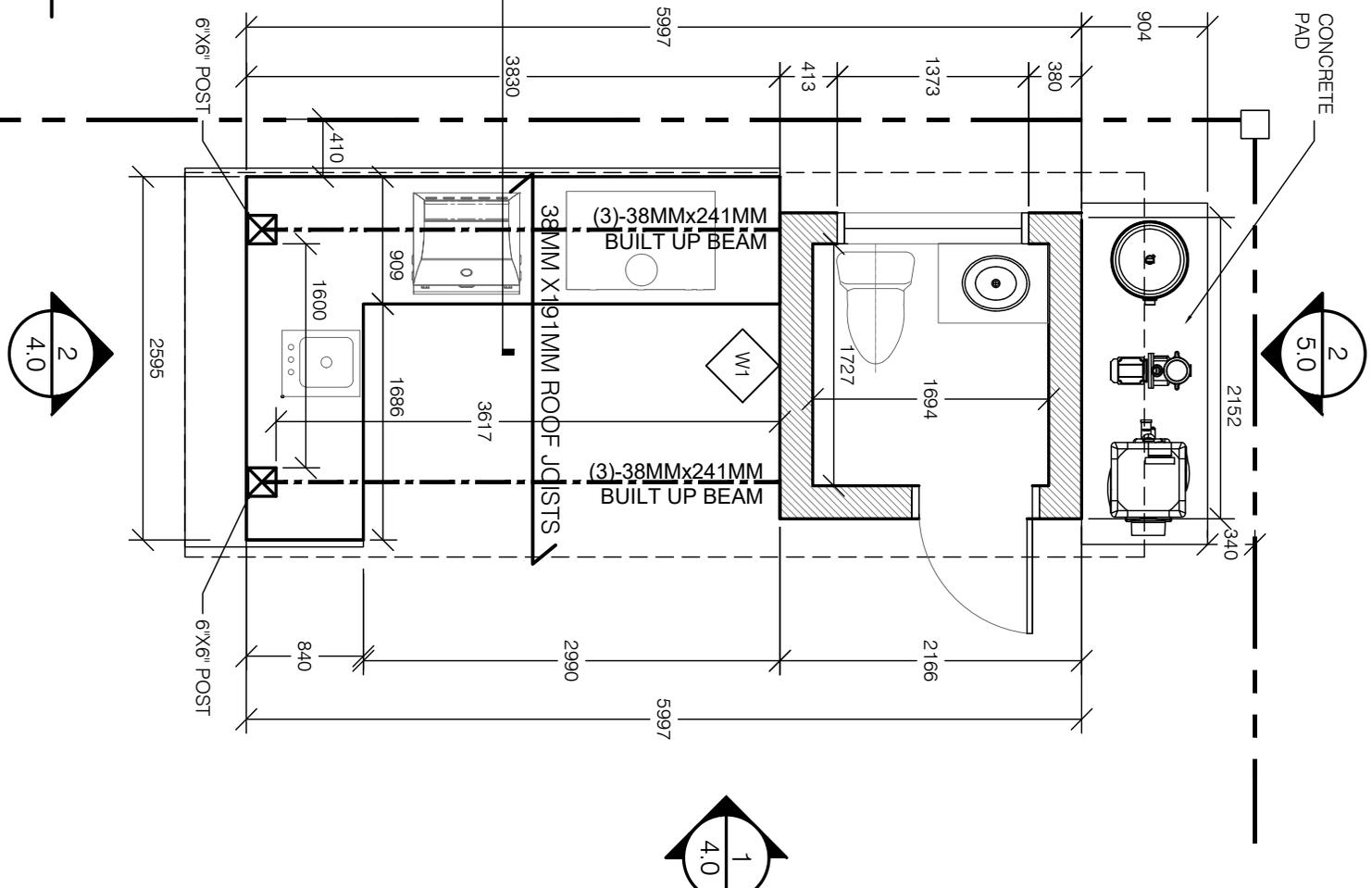
- W2
- 25MM WOOD SIDING
- 19MM WEATHING (PLYWOOD)
- 38MM X 140MM WOOD STUDS @ 406MM O/C
- 13MM INTERIOR GYPSUM BOARD

T = 197MM



ELEVATION

1 FLOOR PLAN
SCALE: 1:50



No.	DESCRIPTION	DATE
REVISIONS		
ISSUED FOR CONSTRUCTION		
ISSUED FOR BID		
ISSUED FOR BUILDING PERMIT		
ISSUED FOR SITE PLAN APPROVAL		

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.

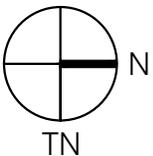


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416-806-7000
FCORTESE@FARCHECTS.CA

DRAWING:
NEW CABANA
& OUTDOOR KITCHEN
AT
40 JOHNSWOOD CRES
CITY OF VAUGHAN

DRAWING:
FLOOR PLAN
PLOTTED: N/A
DATE: 04/07/2019
PROJECT No.:
SCALE: AS NOTED
DRAWING No.:
DRAWN BY: F.C.
REVIEWED BY: F.C.

A2.0



No.	DESCRIPTION	DATE
REVISIONS		

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

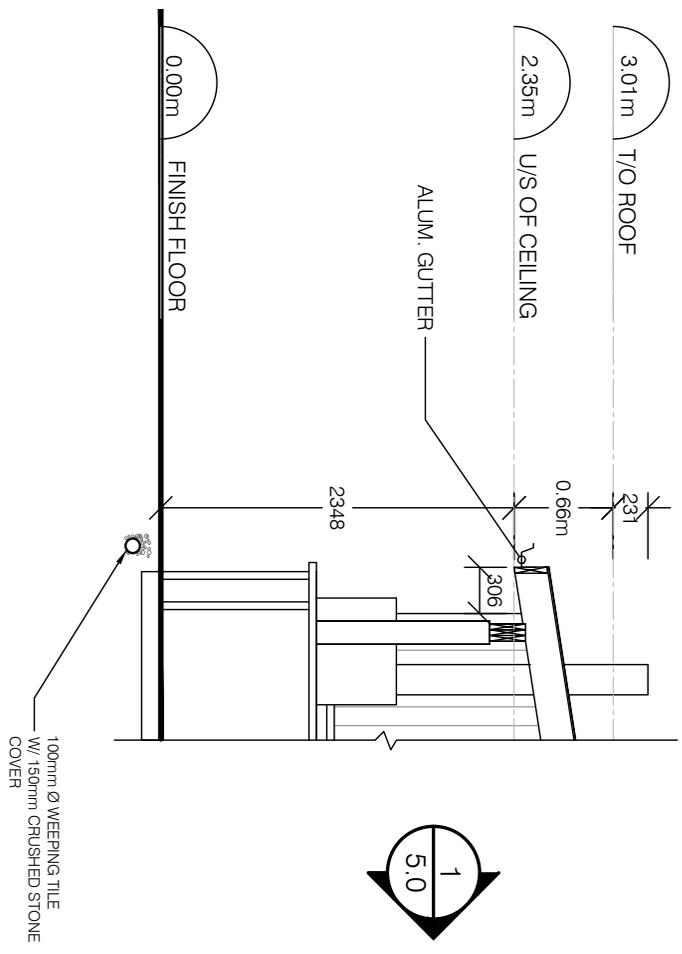
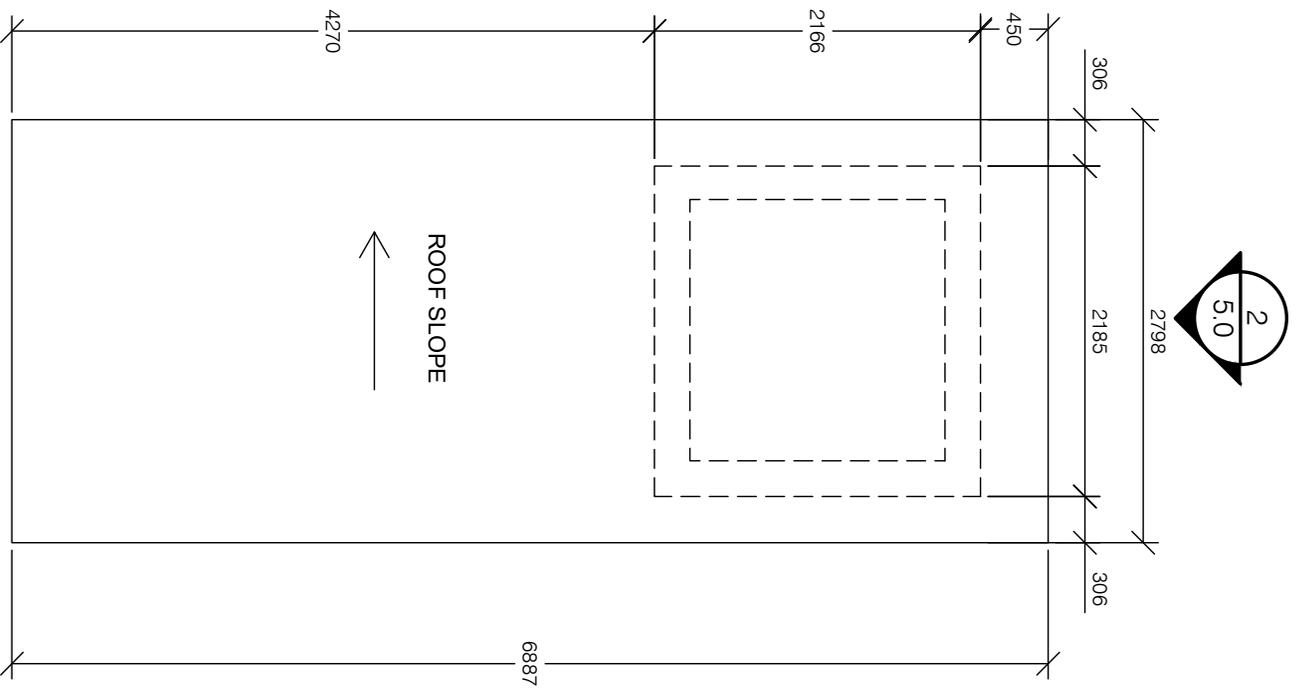
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DRAWING:
NEW CABANA
& OUTDOOR KITCHEN
AT
40 JOHNSWOOD CRES
CITY OF VAUGHAN

DRAWING:
ROOF PLAN
PLOTTED: N/A
PROJECT No.:
DATE: 04/07/2019
SCALE: AS NOTED
DRAWING No.:
DRAWN BY: AS NOTED
REVIEWED BY: F.C.



1 ROOF PLAN
A3.0 SCALE: 1:50

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 (11 Wheatfield Drive) - Letter of Objection/Photos

From: Rossana Lopez [REDACTED]
Subject: Assistance With The City of Vaughan By-law Office
Date: May 20, 2021 at 11:51 AM
To: rosanna.defrancesca@vaughan.ca
Cc: ByLaw.Licensing@vaughan.ca



Dear Councillor Ms. Defrancesca,

I am a resident of your constituency and have not been provided assistance by the City of Vaughan, so I am contacting you as a last resort.

There are two issues:

1. Our backyard neighbours, at **40 Johnswood Avenue**, have installed a pool heater which results in a significant amount of noise pollution
 - o The rumbling noise of the heater is extremely loud and causes such a disturbance, resulting in many sleepless nights and leaving us unable to perform with our work duties during the day from our house
2. Structures of approximately 14 feet plus in height has been erected, without our consent

Noise

We have contacted the City of Vaughan in both 2020 and 2021 around the noise issue. In 2020, a City of Vaughan staff member, Harinder Singh, identified that the homeowner was to enclose the pool heating unit to eliminate the issue. At that time we did not file a complaint as we trusted that the homeowner would undertake the proper measures to reduce the noise. As of 2021, the noise has increased, causing a large disturbance to my household. As a result of this noise increase, we again reached out to the City of Vaughan on May 14/15 at approximately 1:30AM (case #839587). After not hearing anything back from the City, we followed up and were informed that the file on this issue was closed as the homeowner did not answer the door when another City of Vaughan staff member, "Dufour" visited the homeowner. This was likely because the homeowner was having a social gathering of people at their pool that day. The pool heating unit operates almost 24/7, leaving us no respite from the noise.

Structures

In addition to the noise pollution, the neighbours have built structures quite close to our home, away from theirs, which is over 14 feet plus high and quite sizeable in square footage (I'd estimate it's approximately 450 + square feet). Privacy screens have also been built around their property which exceed the height guidelines. In addition, there has been electrical wiring installed around the structure for lights, in front of our kitchen window.

All in all, I'm confused as to why the City is not taking this issue seriously (since multiple conversations have been had with them) and why there are contractors (in this case Royal Stone Landscaping) who are allowed to recklessly build things that negatively impact the adjacent community.

I look forward to your help on these issues.

Thanks,

Gilson Eduardo
11 Wheatfield Drive

From: Rossana Lopez
Subject: Fwd: Further assistance on with the City of Vaughan bylaw
Date: August 13, 2021 at 10:19 AM
To: rosanna.defrancesca@vaughan.ca

RL

Good morning

As per Anna's request the following is a copy of the email sent to you on July 28th

I would also ask that any communication going forward is to be forwarded to

us in writing please. Regards

Loida & Gilson.

----- Forwarded message -----

From: Rossana Lopez
Date: Wed, Jul 28, 2021 at 7:37 PM
Subject: Further assistance on with the City of Vaughan bylaw
To: [<rosanna.defrancesca@vaughan.ca>](mailto:rosanna.defrancesca@vaughan.ca)
CC:

Thank you for your initial assistance in the noise/structure issues in the email sent to your office on May 20, 2021 at 11:51AM.

We have once again reached an impasse with the City of Vaughan. We received a voicemail from Sharon in City of Vaughan bylaw officetoday, advising us that there is no noise violation and the file is on hold as the homeowners have submitted a minor variance application.

This update took almost 2 months to receive. In the absence of information/guidance from the City of Vaughan, I had to reach out to the Ministry of the Environment, Conservation and Parks who advised me that:

- 1. The person who comes to measure the noise needs to be certified**
 - It was never identified whether the person who did the testing/reading ('the tester') that day was certified
- 2. The testing equipment needs to be calibrated and measured multiple times from different areas.**

The tester only conducted testing in one area of the homeowner's backyard. However, according to MOE, all points of noise reception should be considered - in both upper and lower levels of our home along with the outdoor living spaces both during the day and at night. According to the MOE, the nighttime reading should not exceed 45db. Additionally, the MOE also identified that the dBa should also be measured. However, the City of Vaughan has not advised us that this has been measured.

It is important to note, that the homeowner tried to mislead the tester in operating the pool's water pump instead of the water heater. The bylaw officer noticed this and told the homeowner to turn on the water heater, however it is assumed that the water heater operates at different levels of noise which causes the noise level to fluctuate. It must be confirmed whether the water heater was operating at its maximum power level, as it appeared as the noise was lower than usual (54-55db). Additionally, the reading was done at 10AM which is inconsistent with the peak noise times of 4PM - 7PM and 1AM - 4AM.

Finally, the tester did not want to enter our home to measure the sound as the rating was 54-55db, where the maximum allowance is 55db. Before conducting his measurement, the tester advised that if the reading was at 54db, he'd enter our home to conduct further measurement. When the testing was completed, I asked if he'd come into our home to continue testing the noise and he deemed it, "not necessary" and did not provide any further reasoning; going against his initial statement.

After being told that the pool heater measured at 54-55db, we purchased a noise meter. The readings have consistently indicated higher sound measurement. I understand that we have not used professional noise measurement gear, however I believe the recordings (which are available in a dropbox below) justify additional measurement by the City of Vaughan. As you'll see in the recordings of the dropbox, the noise is steadily at 59-61, with some instances of it being higher.

Hyperlink --> <https://drive.google.com/drive/folders/10rnaqnFfeKTsDsE9goTAfudtgRCPQ5I?usp=sharing> .
There is a specifically disruptive incident in the folder and is named "Jun 20 AM.MOV" with a reading of 65-72db.

We have been dealing with this issue for 7 months (Sep - Nov 2020 & April - Jul 2021). This noise is interfering with our quality of life as we are unable to sleep or even enjoy our home. I believe you'd agree that one's home should be one's safe space. The City of Vaughan allowing this machinery to operate has stolen that from us.

Ultimately, the question is, why is this machinery being allowed to operate if it does not operate in accordance with builder setback requirements in Ontario, as identified by the City of Vaughan bylaw officer? The MOE advised me to verify that the Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300) had been followed.

We'd appreciate you helping facilitate next steps with the City of Vaughan to

deal with this issue. We need our peaceful home back.

Rossana Lopez & Gilson Eduardo





HomeWrap

HOME DEPOT

HomeWrap

HOME DEPOT

DUPONT TYVEK HomeWrap

40 Johnswood

11 Wheatfield

Overview of By-Law Requirements

Issue #	By-Law Requirements:	40 Johnswood's Proposal:	Variance
1	A minimum setback of 2.31m is required for the architectural element to the rear lot line. (4.1.1.K)	To permit a minimum setback of 0.62m for the proposed privacy screens to the rear lot line.	1.69m
2	A minimum setback of 2.31m is required for the architectural element to the side lot line. (4.1.1.K)	To permit a minimum setback of 0.20m for the proposed privacy screen to the side lot line.	2.11m
3	A minimum rear yard setback of 7.5m is required. (Schedule A1)	To permit a minimum rear yard setback of 1.24m for the proposed accessory structure (Cabana).	6.26m
4	A maximum encroachment of 1.5m into the rear yard is permitted for the pool equipment. (3.14.H)	To permit a maximum rear yard encroachment of 7.16m for the proposed pool equipment.	-5.66m
5	A minimum side yard setback of 1.2m is required. (Schedule A1)	To permit a minimum side yard setback of 0.41m for the proposed accessory structure (Cabana).	0.79m

View of Equipment from 11 Wheatfield Drive



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

MTO – Located outside of MTO permit control area



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

From: [Mulrenin, Colin \(MTO\)](#)
To: [Christine Vigneault](#)
Subject: [External] RE: Request for Comments: A168/21 (40 Johnswood Crescent, Woodbridge)
Date: Tuesday, August 17, 2021 12:32:49 PM

Good afternoon,

As the property at 40 Johnswood Crescent is outside of MTO PCA, MTO has no comments.

Colin Mulrenin (he/him) | Corridor Management Officer | York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7th Floor, Building D | Downsview, Ontario | M3M 0B7

Phone: 437-533-9427

Colin.Mulrenin@ontario.ca

From: [Hurst, Gabrielle](#)
To: [Christine Vigneault](#)
Cc: [Committee of Adjustment](#)
Subject: [External] RE: Request for Comments: A168/21 (40 Johnswood Crescent, Woodbridge)
Date: Thursday, August 19, 2021 10:25:55 AM

Good morning Christine,
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