



File: A169/21

Applicant: Frank Abate & Liliana Lozzo

Address: 28 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"/>	<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	<input checked="" type="checkbox"/>	
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)		

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: 16

A169/21

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](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

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

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

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

Applicant: Frank Abate & Liliana Lozzo

Agent: Fausto Cortese Architects Inc.

Property: 28 Johnswood Crescent, Woodbridge

Zoning: The subject lands are zoned RV3, Residential Urban Village Zone Three, and subject to the provisions of Exception 9(1019) 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 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 Rear yard setback of 7.5 metres is required (Schedule A1).	1. To permit a minimum Rear yard setback of 3.3 metres to an Accessory structure.
2. A minimum Interior side yard setback of 0.6 metres is required (Schedule A1, Note 15).	2. To permit a minimum Interior side yard setback of 0.43 metres to an Accessory structure.

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 clients needs. As built cabana does not comply to existing zoning but is minor in nature and therefore looking for relief.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 21-113781, Order to Comply for, Issue Date: May 29, 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.

Regarding the existing stone retaining wall, the applicant shall be advised as per Section 4.1.1 j), the maximum height of any retaining wall constructed on a property line between two (2) residential lots shall be one (1) metre. Height shall be measured from the finished ground level to the highest point of the wall. A retaining wall which exceeds one (1) metre in height must be set back from the nearest property line a distance equal to its height. If the height of the wall on one side is different than the height on the other side, for the purposes of this paragraph the height of the wall shall be the greater of the two.

The existing setback in the interior side yard to the ground mounted pool equipment appears to be inaccurate. The minimum required setback to the equipment shall be 0.6 metres from the interior lot line.

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 in the rear yard with the above-noted variances. On August 11, 2021, Development Planning ('DP') and Development Engineering ('DE') staff conducted a site visit and noted that a portion of the eaves of the cabana extended into the interior side yard further than what is depicted on the application.

The Owner intends to remove this portion of the eaves to align with the submitted application, to address concerns regarding drainage and visibility of the structure. Should this application be approved, a condition to this effect is included in the conditions of approval.

The DP Department has no objection to the reduced rear yard setback of 3.3 m to the cabana, as the space provided is sufficient with existing landscaping screening the rear of the cabana. The requested interior side yard setback of 0.43 m is measured at a pinch point and expands to 0.97 m at its greatest extent, with more than half of the structure complying with the required 0.6 m setback. The cabana is also compliant with the height and area requirements of the Zoning By-law, is partially covered and unenclosed, and is appropriately sized for the rear yard.

The DE Department has reviewed the application and have no concerns with drainage along the interior side yard, subject to additional Low-Impact Development measures to be followed. Accordingly, the DP Department has no objection to the requested 0.43 m interior side yard setback.

The DP 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 condition:

The Owner provides photographic documentation which shows the works to reduce the existing eave overhang have been completed as per the submitted Site Plan.

Development Engineering:

The Development Engineering (DE) is satisfied with the updated drawing received on August 23, 2021 showing the reduced cabana roof overhang, weeping tiles installation toward the catch basin and the submitted video showing the water flow.

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 Development Engineering (DE) Department does not object to variance application A169/21 subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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.

Parks Development - Forestry:
No comment no concerns

By-Law and Compliance, Licensing and Permit Services:
No comment 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
MTO – Located outside of MTO permit control area
TRCA – 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 Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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

	Department/Agency	Condition
		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	Development Planning Michael Torres 905-832-8585 x 8933 Michael.Torres@vaughan.ca	The Owner provides photographic documentation which shows the works to reduce the existing eave overhang have been completed as per the submitted Site Plan.

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](https://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.

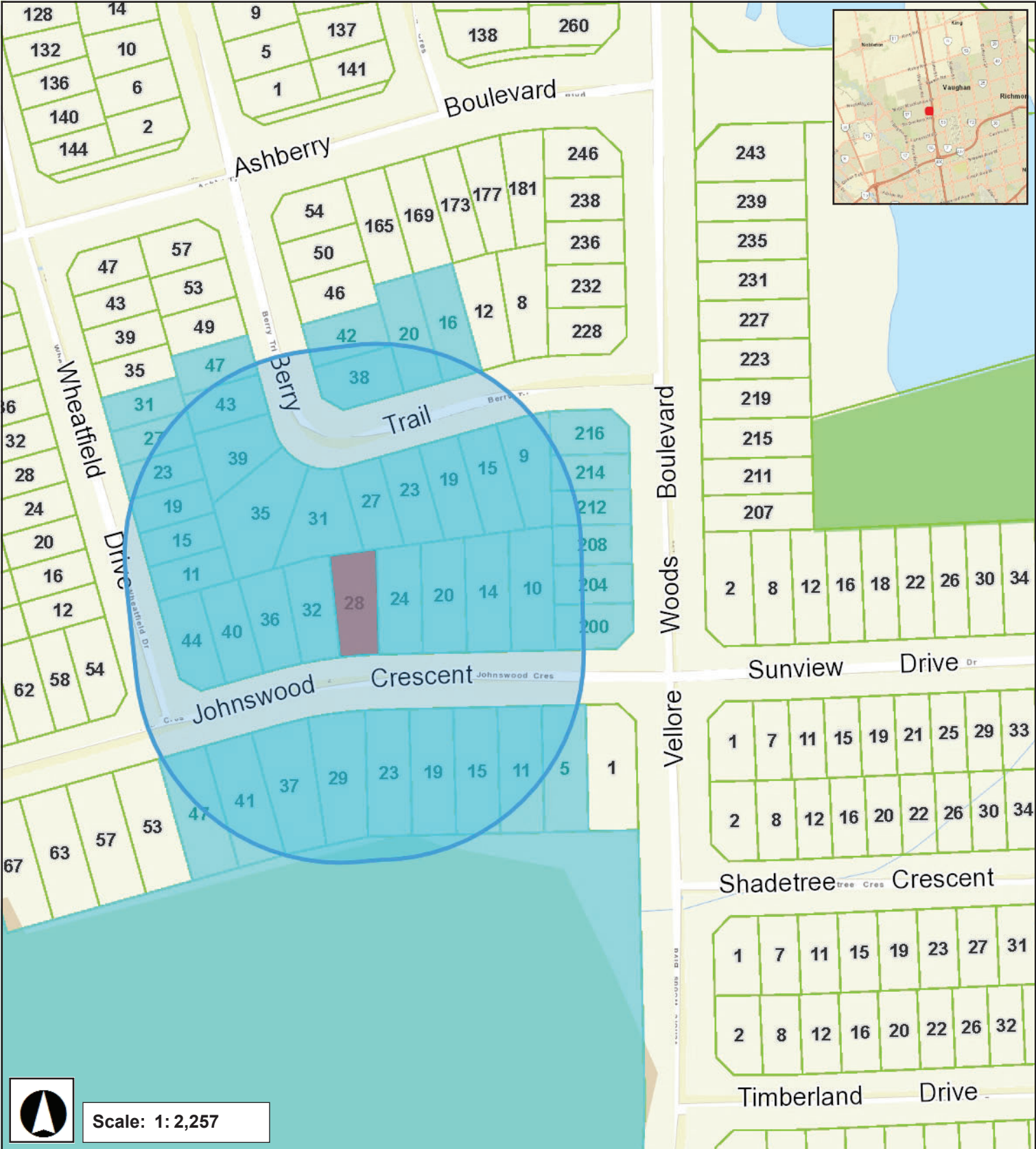
Location Map
Plans & Sketches



LOCATION MAP - A169/21

20 JOHNSWOOD CRESCENT, WOODBRIDGE

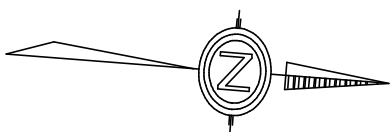
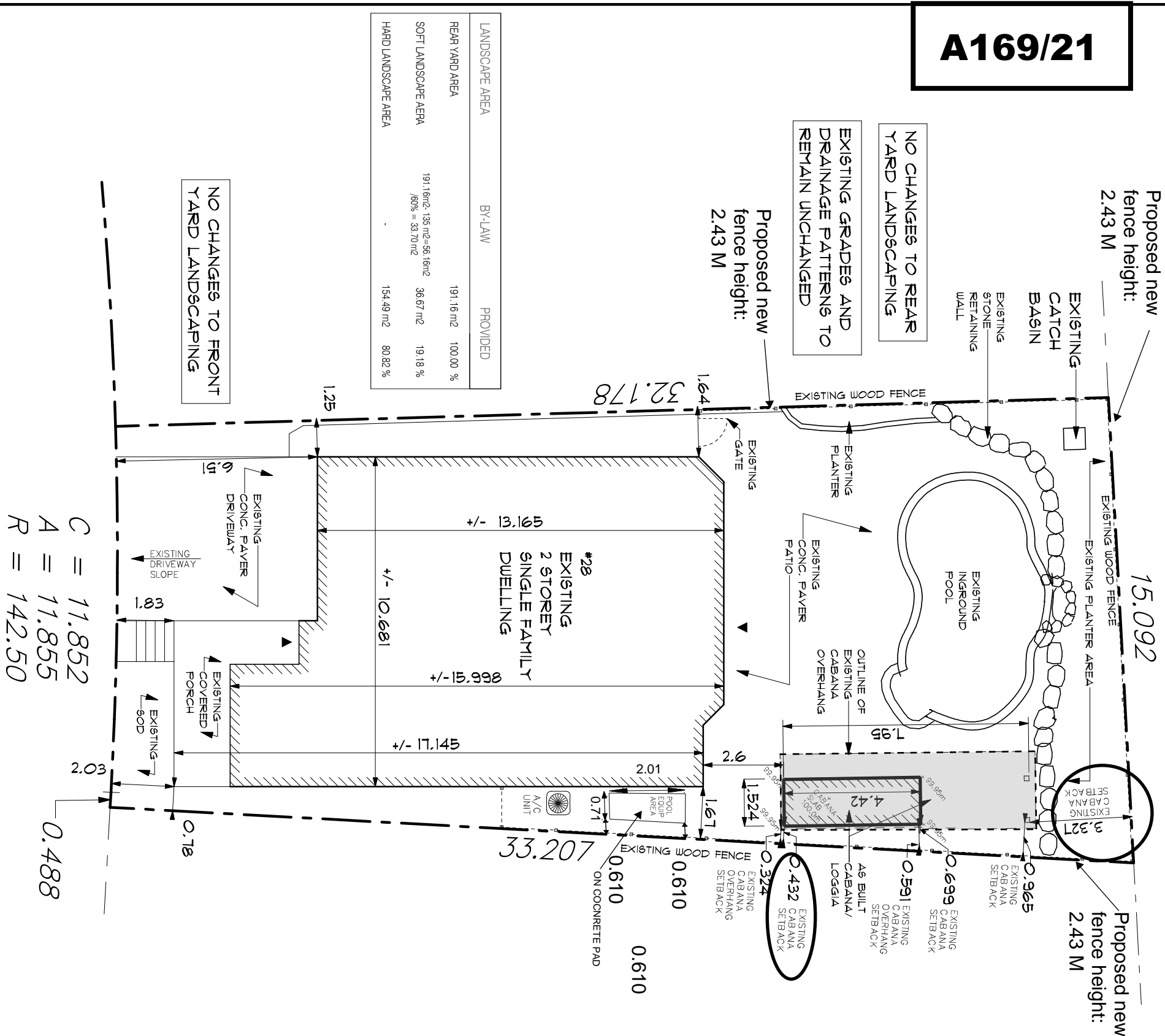
Major Mackenzie Drive



Rutherford Road

August 13, 2021 4:23 PM

A169/21



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Lotfi

REGISTERED PLAN 65M-341-

CITY OF VAUGHAN

REGIONAL MUNICIPALITY OF YORK

ONTARIO

SCALE 1:150

THIS SITE PLAN HAS BEEN PREPARED FOR ORIENTATION PURPOSES BASED ON FIELD MEASUREMENTS AND SURVEY PROVIDED BY OWNER DATED JAN. 17, 2002 AND IT DOES NOT REPRESENT LEGAL OR SURVEY DIMENSIONS. IF LEGAL OR SURVEY DIMENSIONS ARE REQUIRED REFERENCE MUST BE MADE TO A LEGAL SURVEY OF THE SUBJECT PROPERTY.

LEGEND

- ▲ DENOTES ENTRY POINTS
○○○○○ DENOTES EXISTING ELEVATION

NOTE:
GEODETIC ELEVATION
ARE IN METERS.

SITE STATISTICS

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4804.40 sq.ft. 446.34 sq.m

EXISTING COVERAGE

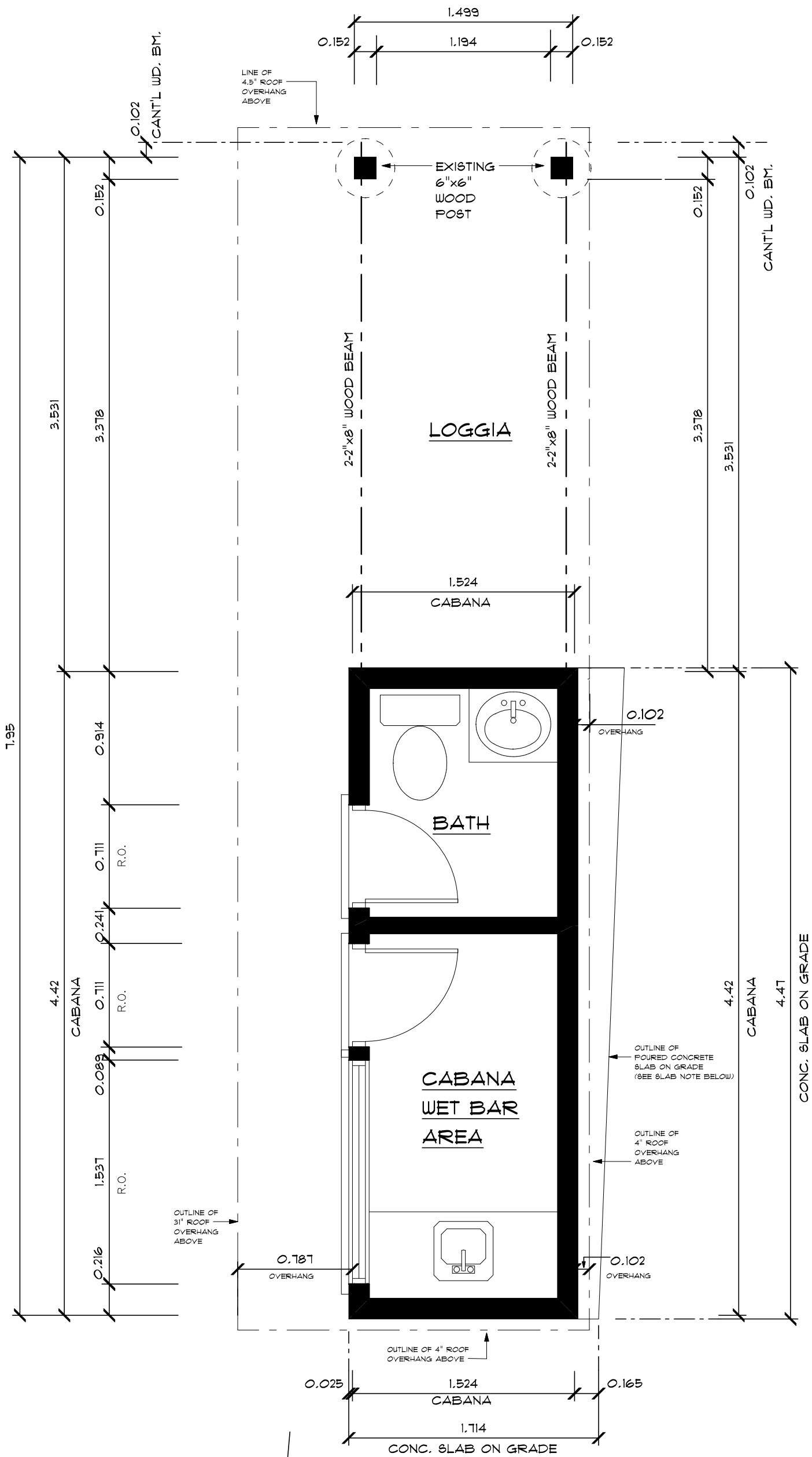
EXISTING DWELLING	1623.20 sq.ft. 150.80 sq.m.
EXISTING FRONT COVERED PORCH	138.90 sq.ft. 12.90 sq.m.
EXISTING CABANA PLUS OVERHANG	235.10 sq.ft. 21.84 sq.m.
EXISTING TOTAL COVERAGE (41.6%)	1937.20 sq.ft. 185.55 sq.m.

REAR YARD LANDSCAPING STATISTICS

REAR LOT AREA	2057.60 sq.ft.	191.16 sq.
EXISTING CABANA	130.40 sq.ft.	12.11 sq.m.
EXISTING PATIO/RETAINING WALL	1224.20 sq.ft.	113.73 sq.m.
EXISTING PLANTER AREA	397.80 sq.ft.	36.96 sq.
EXISTING POOL	305.20 sq.ft.	28.35 sq.ft.

1	JUNE 3/21	COMMITTEE OF ADJUSTMENT
No.	DATE:	ISSUED:
SCALE:		PAGE NO.
AS SHOWN		1 of 4

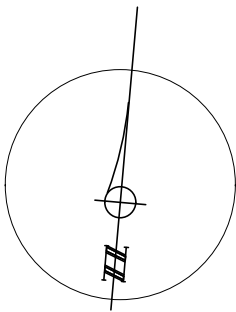
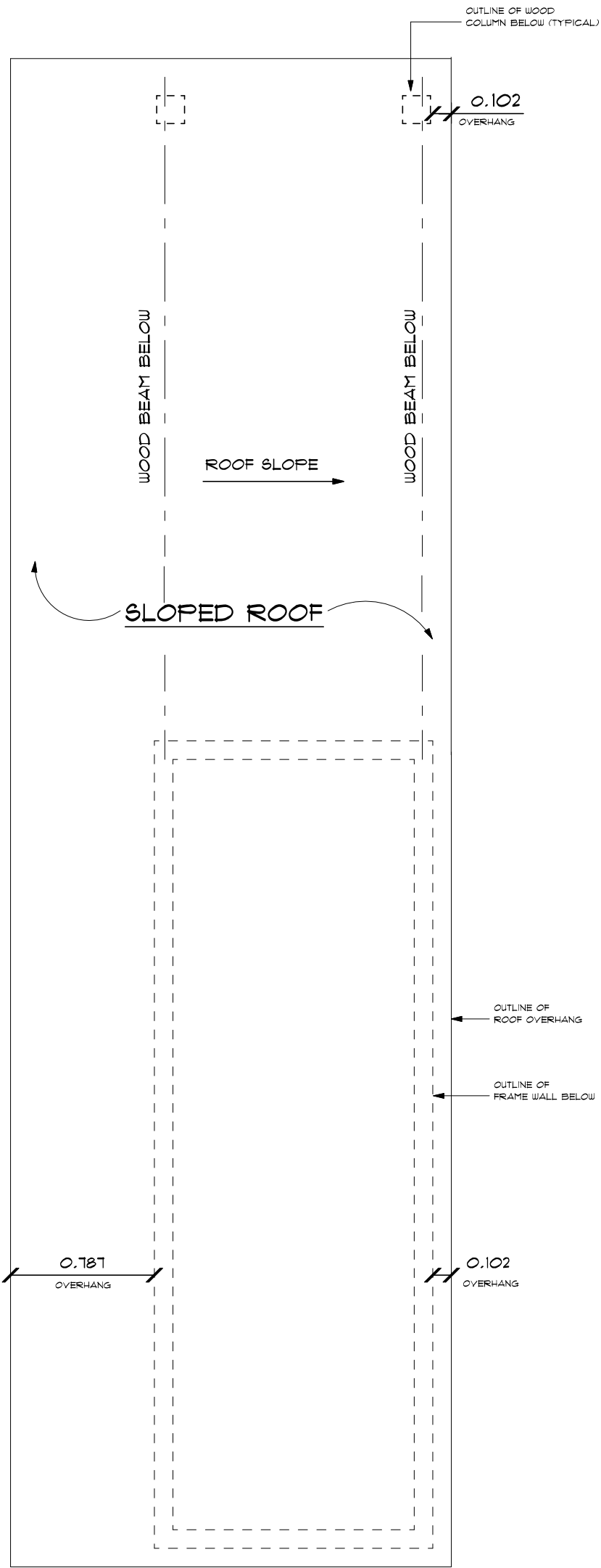
CLIENT	ABATE RESIDENCE	DRAWING TITLE
PROJECT	AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4	CABANA/LOGGIA ELEVATION



GROUND FLOOR PLAN

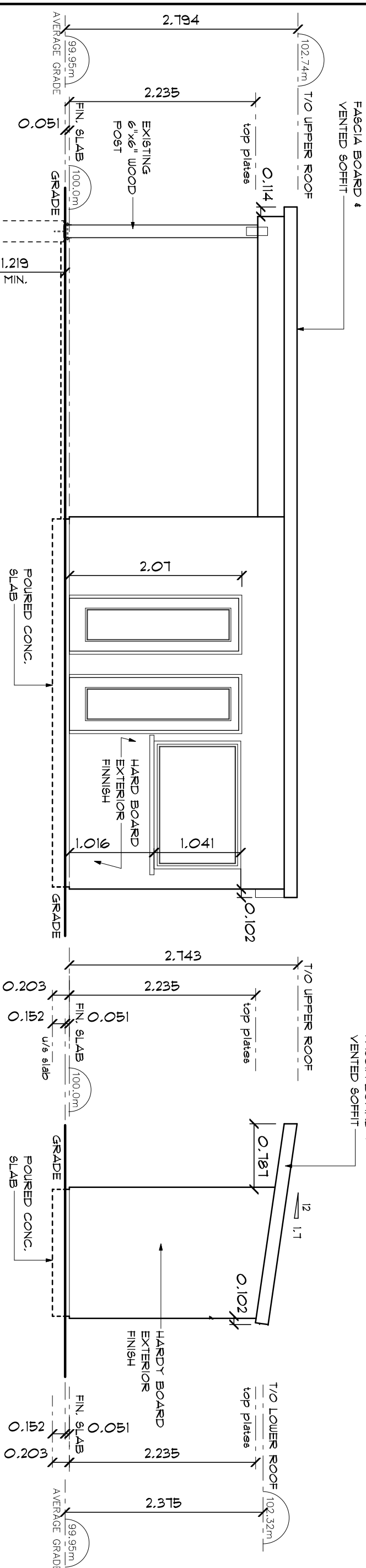
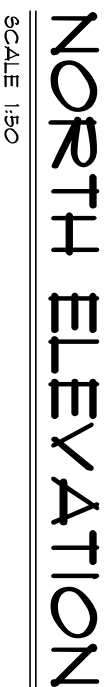
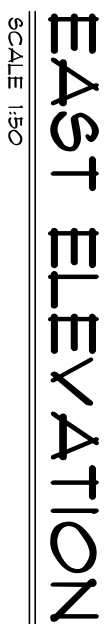
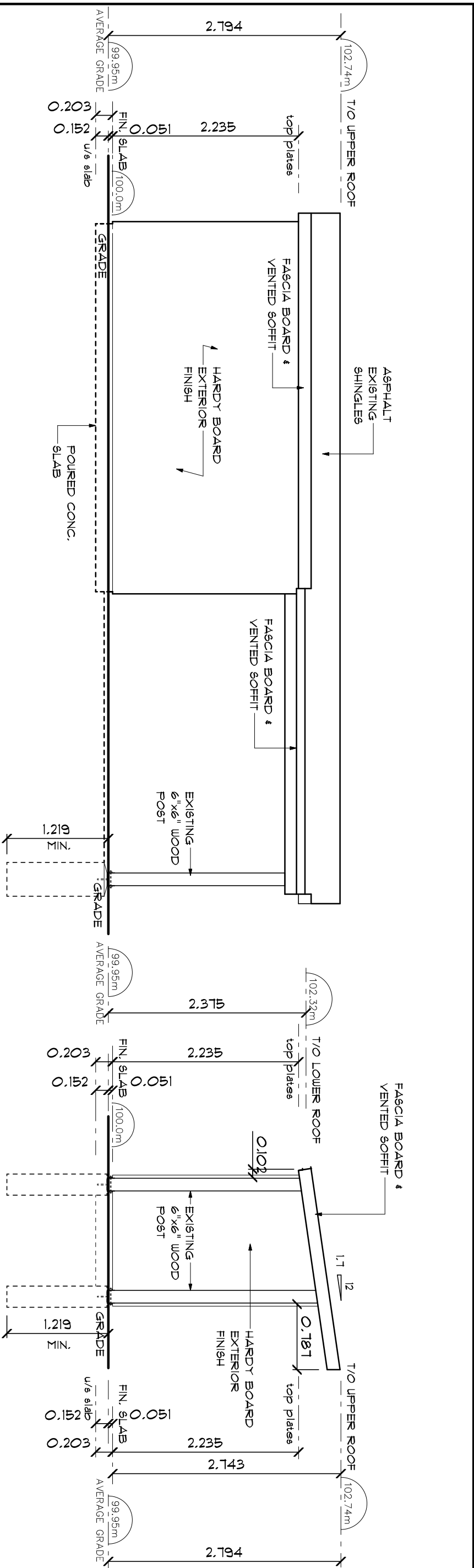
SCALE 1:30

CLIENT ABATE RESIDENCE		DRAWING TITLE GROUND FLOOR PLAN			
PROJECT AS BUILT CABANA/LOGGIA © 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4					
				1	JUNE 3/21
				COMMITTEE OF ADJUSTMENT	
		No.		DATE:	
				ISSUED:	
		SCALE:		PAGE NO.	
		AS SHOWN		2 of 4	



ROOF PLAN
SCALE 1:30

CLIENT ABATE RESIDENCE		DRAWING TITLE ROOF PLAN				
PROJECT AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4						
		1	JUNE 3/21	COMMITTEE OF ADJUSTMENT		
		No.	DATE:	ISSUED:		
		SCALE: AS SHOWN				PAGE NO. 3 of 4



CLIENT	ABATE RESIDENCE	DRAWING TITLE		
PROJECT	AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4	CABANA/LOGGIA ELEVATION		
			1	JUNE 3/21
			No.	DATE:
			COMMITTEE OF ADJUSTMENT	
			ISSUED:	
		SCALE:	PAGE NO.	
		AS SHOWN	4 of 4	

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
- MTO – Located outside of MTO permit control area
- TRCA – 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), 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: stephen.cranley@alectrautilities.com

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

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>

Sent: August-17-21 12:13 PM

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

Subject: [External] RE: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

Good afternoon,

As the property at 28 Johnswood Cres 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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

From: York Plan <yorkplan@trca.ca>

Sent: August-09-21 4:07 PM

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

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

TRCA has no concerns with regard to the above noted application.

Should further clarification be required, please contact the undersigned at your earliest convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca/101-Exchange-Avenue-Vaughan-ON-L4K-5R6) | [trca.ca](https://www.trca.ca)



Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)
Attachments: A169-21 - Circulation.pdf

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: August-20-21 9:37 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

Good morning 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 | www.york.ca