



File: A137/21

Applicant: Rob & Anna Rita DiStefano

Address: 23 Foresta Drive, 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	<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: None

Background History: None

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: 2

A137/21

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:** Rob & AnnaRita DiStefano
- Agent:** Fausto Cortese Architects Inc.
- Property:** **23 Foresta Drive, Woodbridge ON**
- Zoning:** The subject lands are zoned RV2(WS) Residential Urban Village Zone Two, and subject to the provisions of Exception 9(1024) under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
- Related Files:** Concurrent applications before the Committee or related site plan/DA application
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed covered loggia 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 from the rear lot line to the accessory building (shed) shall be 6.0 metres. S.4.1.1.	1. To permit a minimum setback of 0.97 metres from the rear lot line to the nearest part of the accessory building. (shed)
2. A minimum setback from the interior side lot line to the accessory building (shed) shall be 1.2 metres. S.4.1.1.	2. To permit a minimum setback of 0.61 metres from the interior side lot line to the nearest part of the accessory building. (shed)
3. A maximum encroachment for covered and unenclosed porches and loggias shall be 2.4 metres into the required rear yard setback of 6.0 metres. S.4.15.3.	3. To permit a maximum encroachment of 4.32 metres into the required rear yard setback of 6.0 metres for the covered loggia.
4. A maximum encroachment for eaves and gutters shall be 0.50 metres into the required yard. S.3.14	4. To permit a maximum encroachment for eaves and gutters of 0.76 metres for the covered loggia. *Variance removed

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	2003 (Purchased 2005)

Applicant has advised that they cannot comply with By-law for the following reason(s): Due to the size of the backyard, it is impossible to build a covered structure without infringing on the rear yard setback of 6m.

Adjournment Request: Applicant revised proposal (removing variance #4) to address the following Planning comments:

With a proposed rear yard setback of 0.92 m to the eaves and 1.68 m to the posts of the loggia, there are some concerns of the visual impacts on neighbouring properties at the rear considering the distance of the structure to the rear yard line with a peak height of 4.33 m. Consider increasing the rear yard setback by either reducing the eave projection or length of the loggia to the posts, so that the visual impact on the neighbouring rear yards is mitigated.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: Order No. 21-113009, Order to Comply for, Issue Date: May 20, 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.

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.

Building Inspections (Septic):

No response

Development Planning:

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

The Owner is proposing to maintain an existing shed and covered loggia with the above noted variances. Development Planning staff identified concerns with the existing loggia and the visual impact associated with the closeness of the structure to the rear yard neighbour. In response, the Owner has revised the eaves of the loggia, reducing the eave projection into the rear yard from 0.76 m to 0.15 m that has resulted in the removal of a previously identified variance for the encroachment of the eaves.

Development Planning staff are satisfied with the revisions to the covered loggia which mitigate the visual impact of the structure. With the revised eave encroachment, the Development Planning Department has no objection to the requested loggia encroachment of 4.32 m into the rear yard. The structure is unenclosed, less than half the width of the dwelling which allows for enough usable amenity area in the rear yard and is setback an appropriate distance from the interior side yard, which minimizes the visual impact of the structure on the adjacent neighbours.

The requested 0.97 m rear yard and 0.61 m interior side yard setbacks to the existing shed are measured at pinch points and expand to 1.34 m and 1.19 m respectively. The sheds are scaled appropriately to the neighbourhood and have minimal impact on neighbouring properties. The requested rear and interior side yard setbacks are thereby considered minor. 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) Department does not object to variance application A137/21 subject to the following condition(s):

As the proposed structures in the subject property are 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.

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. 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.

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

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

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



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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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A137/21 (23 FORESTA DRIVE)

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

Sent: July-22-21 3:32 PM

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

Subject: [External] RE: REQUEST FOR COMMENTS - A137/21 (23 FORESTA DRIVE)

Good afternoon,

As the property at 3 Foresta Drive is outside of MTO permit control, 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 - A137/21 (23 FORESTA DRIVE)

From: York Plan <yorkplan@trca.ca>

Sent: July-23-21 9:15 AM

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

Subject: [External] RE: REQUEST FOR COMMENTS - A137/21 (23 FORESTA DRIVE)

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)



Please note that TRCA's Offices are presently closed to visitors. The plan input and review function continues during the Coronavirus pandemic. In order to reduce the potential of transmission, TRCA requests that development planning and permit applications and materials be submitted digitally in PDF format. Paper submissions are discouraged and may result in extended timeframes for review.

All digital submissions and documents can be submitted to the following e-mail addresses:

Enquiries/ applications within Peel Region municipalities – peelplan@trca.ca

Enquiries/ applications within York Region municipalities – yorkplan@trca.ca

We thank you for your cooperation as we respond to the current situation.

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A137/21 (23 FORESTA DRIVE)

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

Sent: July-23-21 8:30 AM

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

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

Subject: [External] RE: REQUEST FOR COMMENTS - A137/21 (23 FORESTA DRIVE)

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