



File: A094/21

Applicant: Paul Di Giannantonio

Address: 87 Klein Mills Rd Kleinburg

Agent: Dm Design And Emgineering 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		
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 30, 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: 7

A094/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , September 30, 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: Paul Di Giannantonio

Agent: Dm Design And Emgineering Inc.

Property: **87 Klein Mills Rd Kleinburg**

Zoning: The subject lands are zoned RD1 - Residential Detached Zone One and subject to the provisions of Exception 9(1413) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP2010'): "KN Low-Rise Residential I" by VOP 2010, Volume 2, Section 11.8 – North Kleinburg-Nashville Secondary Plan.

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana and swimming pool.

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

By-law Requirement	Proposal
1. A private swimming pool shall be constructed only in the rear yard. [4.1.1 i)]	1. The proposed private swimming pool is not proposed to be constructed only in the rear yard.
2. Any accessory building or structure shall be located in the rear yard. [4.1.1 c)]	2. The proposed accessory building (cabana) is not located entirely in the rear yard.

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 September 15, 2021

Applicant confirmed posting of signage on September 15, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2019

Applicant has advised that they cannot comply with By-law for the following reason(s): Irregular shaped Lot contains two rear property line. Placement of the cabana can comply with only one of the setbacks. The other is being requested to maximize the backyard space of the home.

Adjournment Request: N/A

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m².

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Please note that any proposed or existing air Conditioning unit shall comply with the requirements of subsection 3.14 h) (none has been shown on the drawings submitted for review).

Building Inspections (Septic):

No comments received to date

Development Planning:

Official Plan: Vaughan Official Plan 2010 ('VOP2010'): "KN Low-Rise Residential I" by VOP 2010, Volume 2, Section 11.8 – North Kleinburg-Nashville Secondary Plan.

The Owner is proposing to construct a covered patio, cabana, and pool in the rear yard.

The proposed pool and cabana are not considered to be located entirely within the rear yard, as per the definition of a 'rear yard' by Zoning By-law 1-88, due to the irregular shape of the subject property. The requested variances are technical in nature as the proposed pool and cabana are effectively located in an area used as the rear yard behind the proposed dwelling. Accordingly, the Development Planning Department has no objection to the requested variances.

The subject lands are located adjacent to lands within the Greenbelt Plan Area which contain an existing pedestrian pathway parallel to natural heritage features. Policy Planning and Environmental Sustainability staff have reviewed the application and have confirmed no impacts on nearby natural heritage features.

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.

Development Engineering:

The Development Engineering (DE) Department does not object to Minor Variance Application A094/21.

Staff have confirmed that the property is in an unassumed subdivision. No Objection Certificate (N.O.C.)/notification or permission from the builder/developer is required prior to any construction.

The Owner is proposing modifications that would decrease the area of soft landscaping on the property. The additional hard scaping might influence the City's storm water management. Staff advise the Owner to implement Low-impact Development (LID) techniques such as infiltration trenches, flower gardens, bioswales, and permeable pavement where possible.

Development Engineering Conditions:

The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

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

Applicant’s cover letter

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

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 **adjourn** this application the following condition(s) is required: None

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 Iqbal Soomro 905-832-8585 x 3624 Iqbal.soomro@vaughan.ca	The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

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.

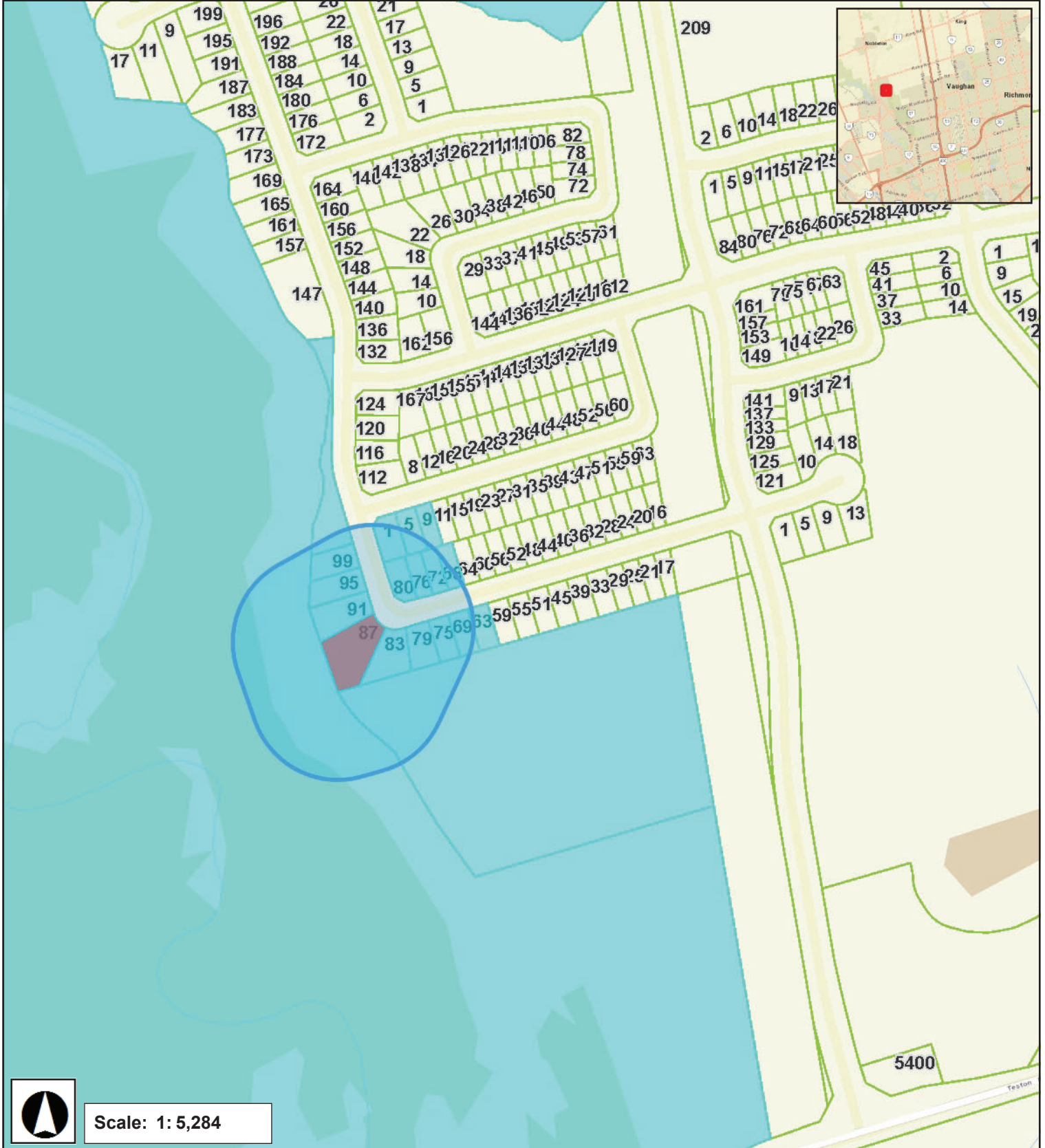
Location Map
Plans & Sketches



LOCATION MAP - A094/21

87 KLEIN MILLS ROAD, KLEINBURG

Kirby Road



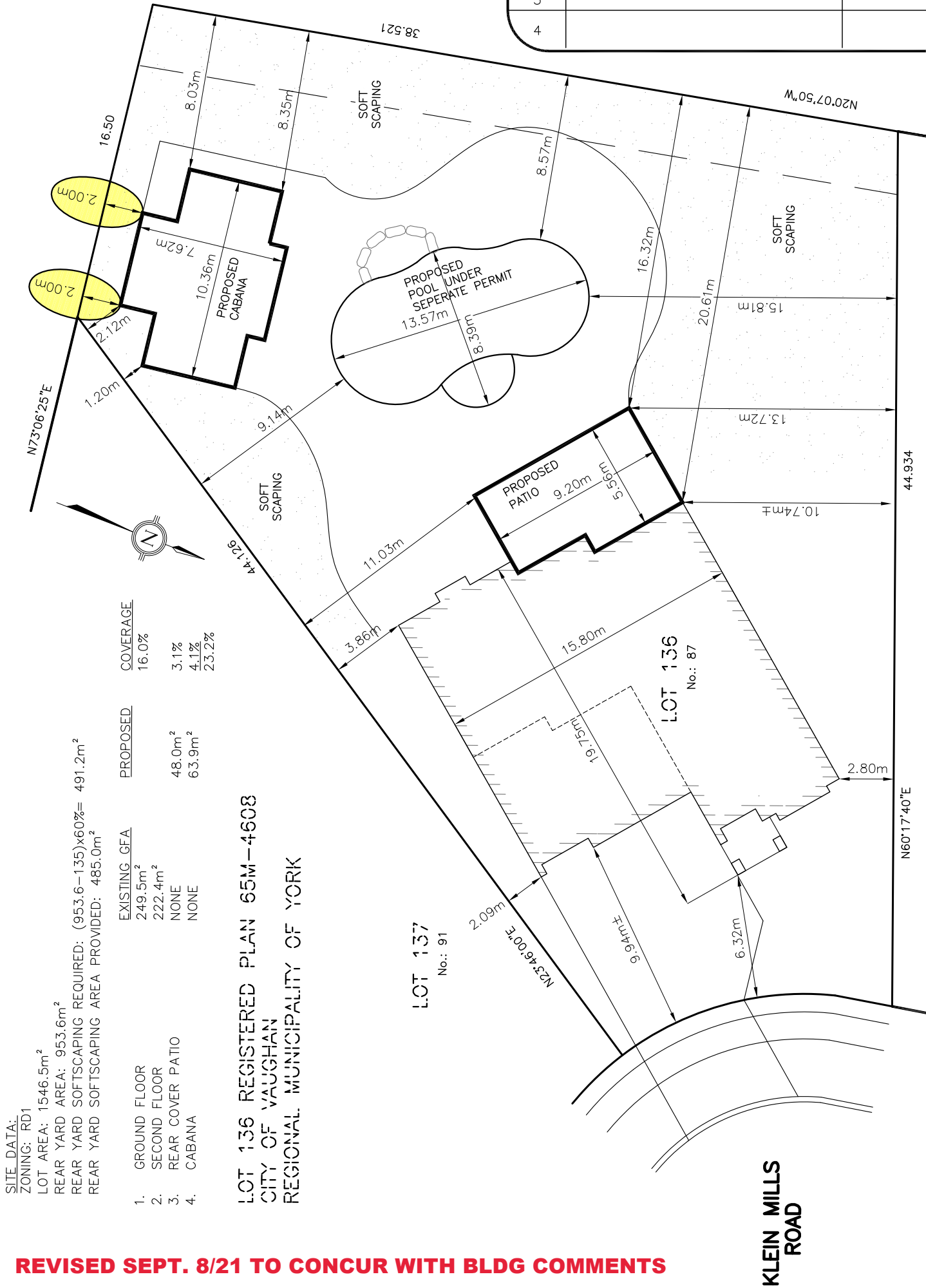
Teston Road

September 9, 2021 4:04 PM

1. Private swimming pool is not proposed to be constructed only in the rear yard

2. Accessory structure (cabana) not entirely located in the rear yard

NO.	DESCRIPTION	DATE
1	A094/21	
2		
3		
4		



REVISED SEPT. 8/21 TO CONCUR WITH BLDG COMMENTS



DM DESIGN AND ENGINEERING INC.

140 RUSHWORTH CRESCENT, KLEINBURG, ONTARIO,
L0J 1C0, T(647)524-5593, INFO.DMDE@GMAIL.COM

PROPOSED REAR YARD CABABA
87 KEIN MILL ROAD
KLEINBURG, ONT, L4H 4W1

DRAWN BY: AP	CHECKED BY: PD	SHEET: SP-1
DATE: APRIL 16/21	SCALE: 1:250	FILE: 20-120

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.

Applicant's cover letter

A094/21

RECEIVED

By RECEIVED at 10:34 am, Aug 27, 2021

To Whom it may concern:

We, Paul and Lisa Di Giannantonio, owners of Kleinburg Summit lot 4136 (87 Klein Mills Rd) are writing to state that the sole purpose of the cabana we are building in our backyard is to be used to accompany our swimming pool. It will only be used during the summer months. Our cabana will not be used as a separate dwelling whatsoever.

Lisa & Paul Di Giannantonio

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

TRCA – No concerns or objections

Date: September 10th , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A094-21**

Related Files:

Applicant Lisa and Paul Di Giannantoni

Location 87 Klein Ills Road



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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A094/21 (87 KLEIN ILLS ROAD)

From: York Plan <yorkplan@trca.ca>

Sent: September-09-21 8:31 AM

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

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

Subject: [External] RE: REQUEST FOR COMMENTS - A094/21 (87 KLEIN ILLS ROAD)

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) | [trca.ca](https://www.trca.ca)



Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A094/21 (87 KLEIN ILLS ROAD)

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: September-10-21 3:15 PM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: REQUEST FOR COMMENTS - A094/21 (87 KLEIN ILLS ROAD)

Good afternoon 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