

File: A155/21

Applicant: Roberto & Palma Mancuso

Address: 43 Mary Natasha Ct Kleinburg

Agent: J-R Home Designer 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"/>	
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		
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: 10

A155/21

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](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: Roberto & Palma Mancuso

Agent: J-R Home Designer Inc.

Property: 43 Mary Natasha Ct Kleinburg

Zoning: The subject lands are zoned R1 Residential Zone One and subject to the provisions of Exception No. 9(1378) under By-law 1-88 as amended.

OP Designation: City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Site Specific Policy 13.21: North Humber Extension Area 1.

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana and pool equipment pad 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 setback of 7.5 metres is required from the rear lot line to the nearest part of the accessory building (cabana). S.4.1.1.	1. To permit a minimum setback of 1.2 metres from the rear lot line to the nearest part of the accessory building (cabana).
2. A minimum setback of 6.0 metres is required to the pool equipment from the rear lot line. S.3.14(h).	2. To permit a minimum setback of 0.60 metres from the rear lot line to the nearest part of the pool equipment on a pad. <i>*Variance revised and confirmed by Zoning Waiver.</i>

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 16, 2021

Applicant confirmed posting of signage on September 6, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2017

Applicant has advised that they cannot comply with By-law for the following reason(s):
It is difficult to comly with zoning by law regarding the scope of proposal.

Adjournment Request: The applicant submitted a revised application and Zoning Waiver Form (to address Development Planning comments) to proceed to the September 30, 2021 Committee of Adjustment hearing.

Zoning confirming requested variances on September 16, 2021.

Building Standards (Zoning Review):

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

Building Permit No. 16-001925 for Single Detached Dwelling - New: Issue Date: Sep 21, 2016
Building Permit No. 21-110646 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Building Inspections (Septic):

No comments received to date

Development Planning:

Official Plan: City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Site Specific Policy 13.21: North Humber Extension Area 1.

The Owner is proposing to construct a cabana and pool equipment pad in the rear yard with requested rear yard setback variances.

In response to comments received by Development Engineering, the Owner has revised the application, increasing the proposed minimum rear yard setback to the pool equipment pad from 0.46 m to 0.6 m, to allow for adequate drainage along the rear yard. The Owner has also removed proposed hardscaping along the interior side yards to improve water drainage. Accordingly, the Development Planning Department has no objection to the requested rear yard setback variance for the pool equipment pad.

The Development Planning Department does not object to Variance 1 for the proposed rear yard setback of 1.2 m to the cabana. The proposed setback to the cabana is considered appropriate, given the maximum height of the structure at 2.64 m is well below the maximum height of 4.5 m as permitted under the Zoning By-law. The size and scale of the cabana is consistent with accessory structures approved in the surrounding neighbourhood.

A portion of the subject lands are located within a Toronto and Region Conservation Authority ('TRCA') Regulated Area. The TRCA has reviewed the application and have no concerns with the proposed works.

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.

Development Engineering:

The Development Engineering (DE) Department does not object to Minor Variance Application A155/21.

Submitted drawings show proposed pool. To pursue this, owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. 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 the pool permit.

Staff has established that the property is in an unassumed subdivision, and that a No Objection Certificate (N.O.C.)/notification or authorization from the builder/developer is necessary before any work may begin.

Development Engineering Conditions:
Staff have confirmed that the property is located within an unassumed subdivision. 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
Application Justification Letter

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)
None

Staff Recommendations:
Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee **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	Staff have confirmed that the property is located within an unassumed subdivision. 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](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

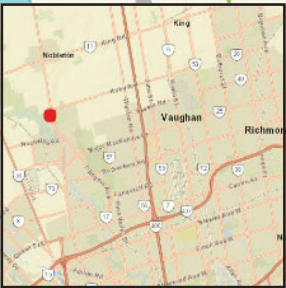
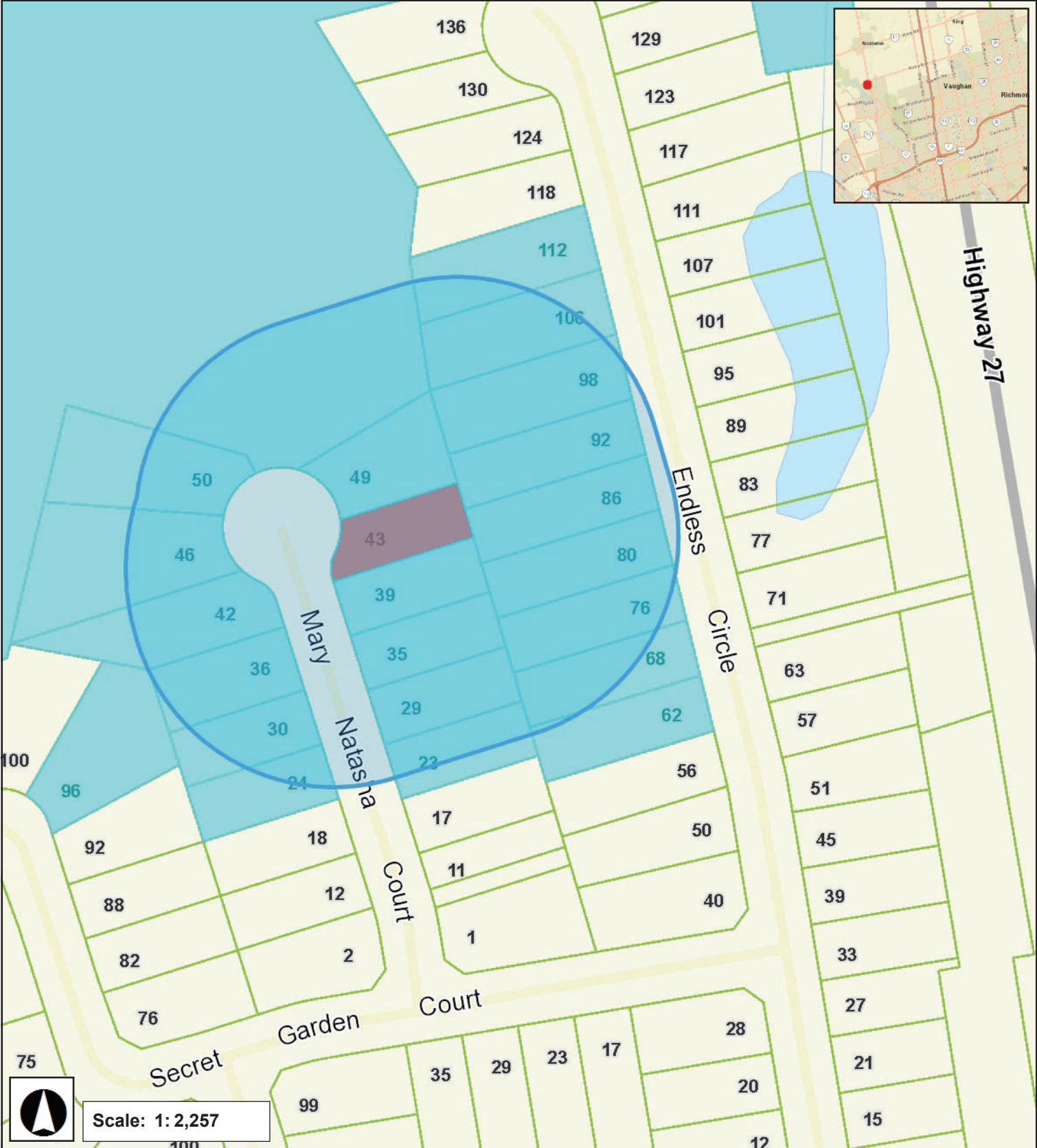
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



LOCATION MAP - A155/21

43 MARY NATASHA COURT, KLEINBURG
Kirby road

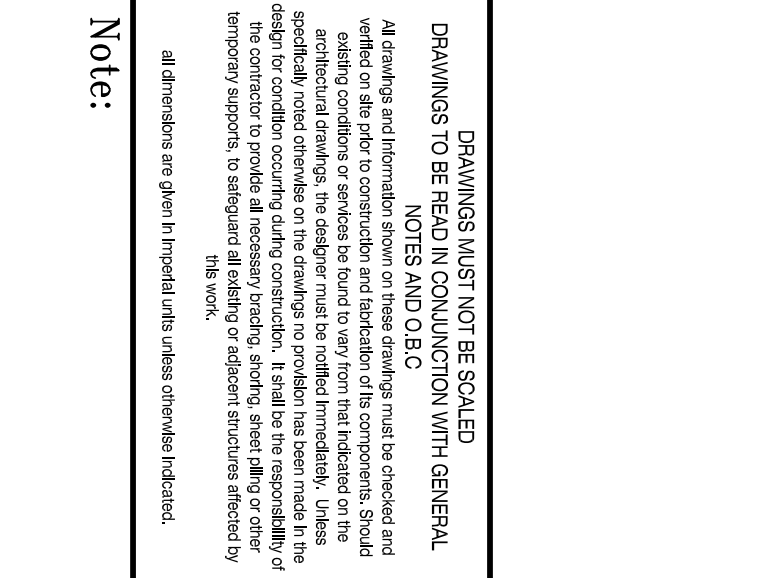


Nashville Road

RECEIVED
By RECEIVED at 4:41 pm, Sep 15, 2021

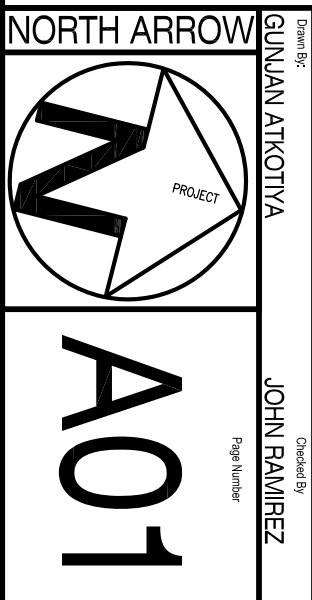


INFORMATION TAKEN FROM PLAN OF SURVEY



Drawing Title List

- A1 – Title Sheet & Site Plan
- A2 – Floor Plans & Wall Section
- A3 – East & West Elevations
- A4 – North & South Elevations
- A5 – Building Section & Notes




<p>THE UNDERSIGNED HAS REVIEWED AND TAKE RESPONSIBILITY FOR THIS DESIGN AND HAS THE AUTHORITY TO SIGN AND SUBMIT THE DESIGN TO THE BOARD OF DIRECTORS AND HOLDING COMPANY TO BE A DESIGNER.</p> <p>QUALIFICATION INFORMATION</p>	
<p>JOHN RAMIREZ</p>	<p>32725</p>
NAME	SSN
SIGNATURE	11013
<p>DESIGNATION INFORMATION</p>	
<p>J-R MOLE DESIGNER INC.</p>	
<p>COMPANY TITLE:</p>	

NEW CABANA & SWIMMING POOL

TITLE SHEET & SITE PLAN

Scale: AS NOTED


NORTH ARROW 	Drawn By GUILLAN ATKOTIVA
A01	Checked By JOHN RAMIREZ Page Number

all dimensions are given in Imperial units unless otherwise indicated.

No.	Description	YTD M/LD	By
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

THE UNDERSIGNED HAS DESIGNATED THE FOLLOWING AS THE QUALIFICATION INFORMATION THAT THE UNDERSIGNED HAS DESIGNATED FOR THE PURPOSES OF THE REGISTRATION OF THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET FORTH IN THE NORTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION



JOHN RAMIREZ	32125
NAME	SIGNATURE
REGISTRATION INFORMATION	BCIN 1101313
J-R HOME DESIGNER INC.	BCIN
COMPANY NAME:	



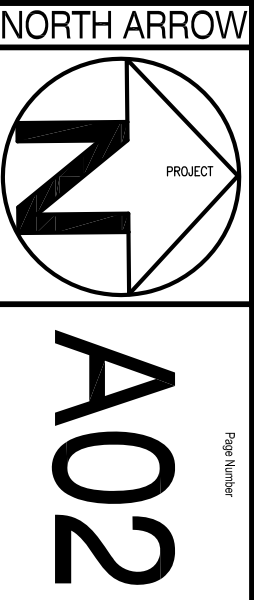
J-R Home Designer Inc.
371 Strawberry Crest, Waterloo, ON N2K 3J3, T416.737.9413
E: John@jrhomedesigner.com, www.jrhomedesigner.com

PROJECT ADDRESS:

43 MARY NATASHA COURT
VAUGHAN, ONTARIO

FLOOR PLANS & WALL SECTION

AS NOTED	Checked By:	JOHN RAMIREZ
	Drawn By:	GUNJAN ATKOTIYA

[illegible]

Architectural drawing of a roof plan for a building. The drawing shows a rectangular roof with dimensions 22'-0" [6.71m] by 20'-8". The roof is divided into sections by a central vertical line and two horizontal lines. The central vertical line is labeled "GRAVEL ON 3 PLY FELT ROOFING 3/4" PLYWOOD SHEATHING ON 2X2 PURLINS @ 400 O.C. PERPENDICULAR TO ROOF JOIST". The two horizontal lines are labeled "2% SLOPE TO SCUPPER". The roof is surrounded by a parapet wall with a height of 8". Three scuppers are shown: one on the left side, one on the right side, and one on the bottom side. The scuppers are labeled "SCUPPER". The drawing also shows three roof drains, each labeled "1 A05". The roof drains are located at the corners of the roof. The drawing includes dimensions for the roof, parapet wall, and roof drains.

EXTERIOR

GRAVEL ON 3 PLY FELT ROOFING 3" PLYWOOD SHEATHING ON 2X2 RAFTERS @ 40" O.C. PERPENDICULAR TO ROOF JOIST

CANT STRIP

ALUMINUM COPING

2x4" SPRUCE PASCIA BOARD

1 1/2"

7 1/2"

1 1/2"

1'-0"

PRE-FINISHED ALUMINUM PASCIA BOARD & VENTED SLOTTI FINISH AS PER ELEVATIONS

2-2x6" TOP PLATE

ROOF RAFTER AS PER PLAN

TOP OF PLATE

1 1/2"

5 1/2"

1 1/2"

INTERIOR

MINIMUM 2x4" SILL PLATE, NED TO TOP OF POURED CONC. PD. WALL WITH 8" LONG x 1/2" ANCHOR BOLTS C/W NUT AND WASHER WITH HOOK. ANCHOR BOLTS TO BE SPACED NOT MORE THAN 7'-10" O.C. AND EMBEDDED NOT LESS THAN 4" INTO CONC. PROVIDE SILL GASKET BETWEEN PLATE AND FOUNDATION WALL. PROVIDE NON-SHINK GROUT TO LEVEL PLATE.

GARAGE SLAB:

3" (75) 32MPa (4640psi) CONC. SLAB WITH 5-8% AIR ENTRAINMENT ON 4" (100) COARSE GRANULAR FILL WITH COMPACTED SUB-BASE OR COMPACTED NATIVE FILL. SLOPE TO FRONT @ 1% MIN.

FINISHED CONC. SLAB

FINISHED GRADE

SLOPE GRADE AWAY FROM BUILDING

EXCAVATED TO REMOVE ALL ORGANIC MATERIAL

BEAR ON UNDISTURBED SOIL

NOTE: POURED CONC. FOOTING ON NATURAL UNDISTURBED SOIL OR COMPACTED CAPACITY OF 150 KIP.

8'-0" [2.43mm]

Note:



DESIGNER.
QUALIFICATION INFORMATION



VAUGHAN, ONTARIO

DRAWING SHEET:
SOUTH & EAST ELEVATIONS

Page Number





GENERAL NOTES

1. MINIMUM CONCRETE STRENGTH SHALL BE 15MPa AT 28 DAYS. ALL EXTERIOR CONCRETE SHALL BE 32MPa w/ 5%-8% AIR ENTRAINMENT.

2. FOOTINGS
ALL FOOTINGS SHALL REST ON NATURAL UNDISTURBED SOIL OR COMPACT GRANULAR FILL

3. CONCRETE
MINIMUM COMPRESSIVE STRENGTH 32MPa @ 28 DAYS W/ 5% TO 8% AIR ENTRAINMENT

4. EXTERIOR STAIRS	4 7/8" MINIMUM
7 7/8" RISER MAXIMUM	
8 1/2" RUN MINIMUM	14" MAXIMUM
9 1/4" TREAD MINIMUM	14" MAXIMUM

5. PRE-ENGINEERED GUARDS
42" HIGH GUARD RAILING WHERE DISTANCE
HEIGHT IS GREATER THAN 5-11".
36" FOR LESSER HEIGHTS. MAXIMUM 4"
BETWEEN VERTICAL PICKETS

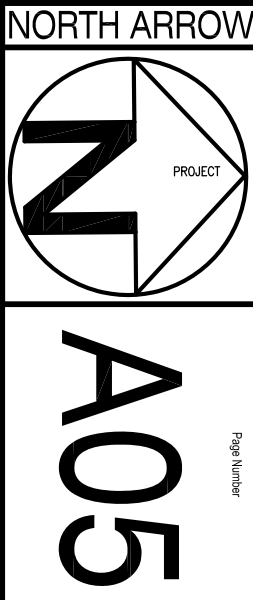
QUALIFICATIONS AND MEETS THE REQUIREMENTS SET FORTH IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION



Note: all dimensions are given in Imperial units unless otherwise indicated.

Note:



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF LOTS 24, 25 AND 26
PLAN 65M-4377
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300
10m 5m 0 10m 20metres

RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

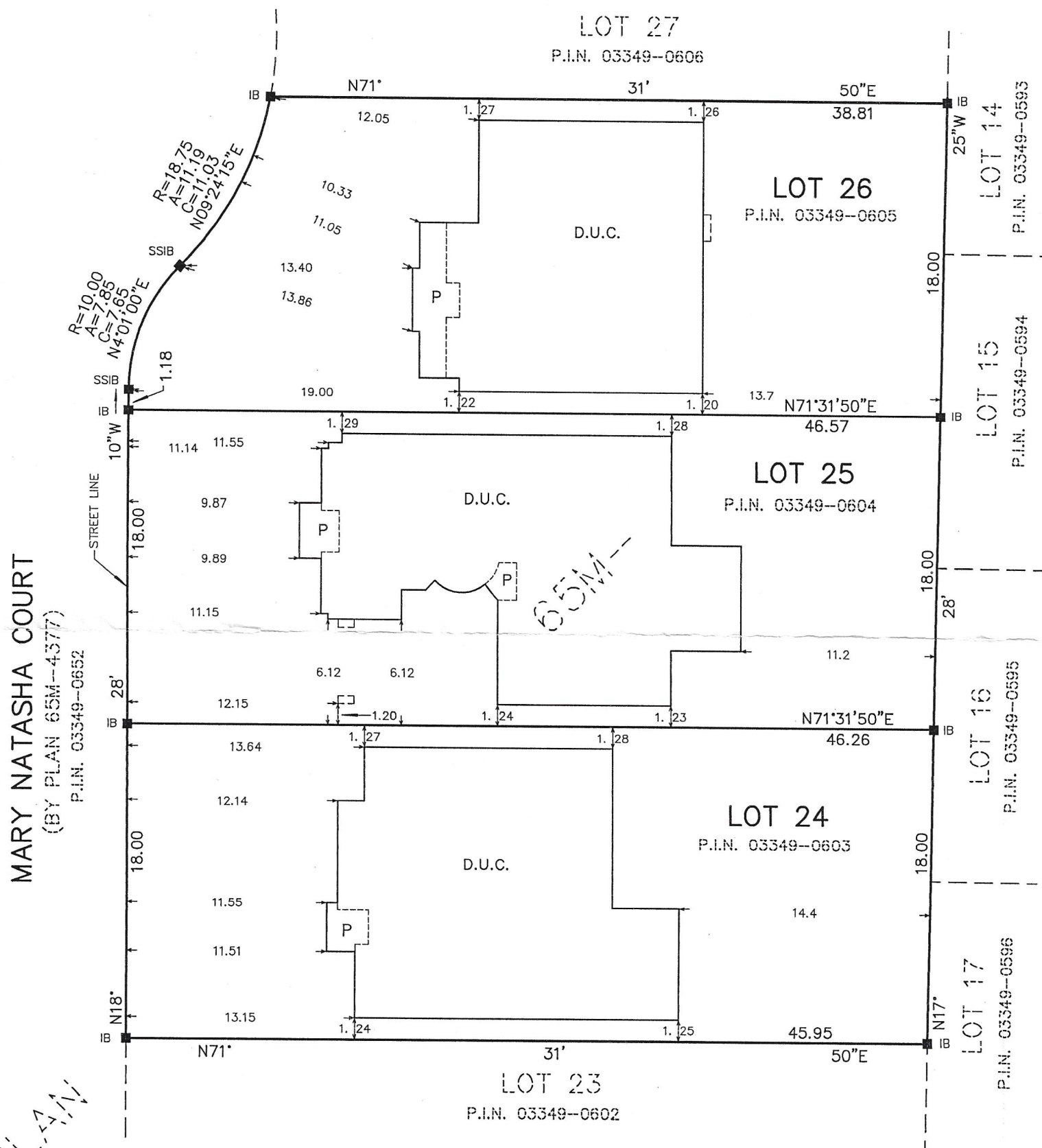
SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF NOVEMBER, 2016.

DATE April 3, 2017.

T. SINGH
T. SINGH
ONTARIO LAND SURVEYOR



NOTES

- DENOTES MONUMENT FOUND
- IB DENOTES IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER
- D.U.C. DENOTES DWELLING UNDER CONSTRUCTION
- P DENOTES PORCH

ALL FOUND MONUMENTS BY RADY-PENTEK & EDWARD SURVEYING, LTD., O.L.S.

ALL TIES TO CONCRETE FOUNDATIONS.

BEARINGS ARE GRID AND ARE REFERRED TO THE EASTERLY LIMIT OF MARY NATASHA COURT AS SHOWN ON PLAN 65M-4377 HAVING A BEARING OF N18°28'10\"W.

THIS REPORT WAS PREPARED FOR
SORBARA GROUP
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER PARTIES.

©RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2017.



RADY-PENTEK & EDWARD SURVEYING LTD.

ONTARIO LAND SURVEYORS
643 Chrislea Road, Suite 7
Woodbridge, Ontario L4L 8A3
Tel. (416) 635-5000 Fax (416) 635-5001
Tel. (905) 264-0881 Fax (905) 264-2099
Website: www.r-pe.ca

DRAWN: V.H.
JOB No. 14-142

CHECKED: S.G./T.S.
CAD FILE No. 4377-24

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.

Application Justification Letter



371 Strawberry Crescent

Waterloo, ON

N2K 3J3

(416) 737-9413

john@jrhomedesigner.com

www.jrhomedesigner.com

September 15, 2021

Office of the City Clerk — Committee of Adjustment

2141 Major Mackenzie Drive, 1st Floor

Vaughan, ON

L6A 1T1

RE: 43 Mary Natasha Court

Dear Committee Members,

I, John Ramirez, Founder of J-R Home Designer Inc., represent the property owners of **43 Mary Natasha Court**. The subject property owners and I request that the Committee of Adjustment approve minor variances to the City's Zoning By-law 1-88. This letter will provide some rationale supporting our request under s.45(1) of the *Planning Act*.

We request that the Committee of Adjustment authorize minor variances to By-law 1-88, as amended, to permit the following additions to the subject property:

1. To permit a minimum setback of **1.2 metres** from the rear lot line to the nearest part of the accessory building (cabana) whereas By-law 1-88 requires a minimum setback of 7.5 metres from the rear lot line to the nearest part of the accessory building (cabana); and
2. To permit a minimum setback of **0.46 metres** from the rear lot line to the nearest part of the pool equipment on a pad, whereas By-law 1-88 requires a minimum setback of 6.0 metres to the pool equipment from the rear lot line.

NOTE: We have changed our original minimum setback of 0.46 metres from the rear lot line to the nearest part of the pool equipment on a pad to **0.60 metres**, which is Engineering's typical minimum necessary setback requirement for storm drainage as per the City Engineer's comments.

OP Designation and Zoning

The subject lands are zoned R1 Residential Zone One and subject to the provisions of Exception No. 9(1378) under By-law 1-88 as amended.

The subject property is in **Ward 1 Maple/Kleinburg**, southwest of the Kirby Road and Highway 27 intersection. The neighbourhood consists of new construction two-storey detached homes.

Proposed Cabana in the Rear Yard

The proposed cabana will be built in the rear yard and occupy 28.65 sq.m of gross floor area (GFA). The cabana dimensions will be 4.27m (W) x 6.71m (L) x 2.64M (H). The cabana requires a rear yard setback of 1.22 metres and a side yard setback of 10.08 metres.

The cabana will be used for socializing and lounging as it offers spacious comfort and allows the occupants to enjoy the outdoors. The cabana will be located next to the new in-ground pool to complement the overall rear yard design.

The proposed cabana dimensions comply with By-law 1-88 maximum height and side yard setbacks requirements.

*Please refer to **Diagram A** for the proposed cabana in the rear yard of the subject property.*

[illegible]

THE PROPOSED MINOR VARIANCES SATISFY THE FOUR TESTS UNDER THE *PLANNING ACT*

Variance 1, [4.1.1 Accessory Buildings and Structures]

To permit a minimum setback of **1.2 metres** from the rear lot line to the nearest part of the accessory building (cabana) whereas By-law 1-88 requires a minimum setback of 7.5 metres from the rear lot line to the nearest part of the accessory building (cabana). S.4.1.1.

The existing design of the dwelling's rear yard—specifically the steps and soft landscape—does not allow for the proposed cabana to be built with the required setback of 7.5 metres. Furthermore, a setback of 7.5 metres will place the cabana close to the existing dwelling, and it will look like an additional structure.

Moreover, the proposed cabana will have a low visual impact on the neighbouring properties because the fence will cover most of the building, as shown in **Diagrams B** and **C**.

Finally, placing the cabana at the requested 1.2 metres setback reduces the noise range emitted from the pool equipment, which is designed to be built behind the cabana. Our design places the pool equipment pad on the furthest point away from the neighbouring dwellings, so the pool equipment noise does not disturb the neighbours.

The proposed minimum setback of 1.2 metres is minor, appropriate for the development of the land, and maintains the general intent and purpose of the Official Plan and the Zoning By-laws.

*Please refer to **Diagram B** and **Diagram C** for a rendering of the proposed cabana from the vantage point of the neighbouring properties.*

Diagram B



Diagram C



Variance 2, [3.14 Permitted Yard Encroachments and Restrictions]

To permit a minimum setback of **0.46 metres** from the rear lot line to the nearest part of the pool equipment on a pad, whereas By-law 1-88 requires a minimum setback of 6.0 metres to the pool equipment from the rear lot line. S.3.14(h).

NOTE: We have changed our original minimum setback of 0.46 metres from the rear lot line to the nearest part of the pool equipment on a pad to **0.60 metres**, which is Engineering's typical minimum necessary setback requirement for storm drainage as per the City Engineer's comments.

The proposed pool equipment pad is integrated with the proposed cabana because it allows for a unified and subtle design that is accessible, compatible, and accommodating by being adjacent to the pool. However, as seen on **Diagram D**, the proposed pad requires a side yard setback of 0.60 metres to keep it hidden and away from the neighbouring dwellings to prevent the pool equipment noise from disturbing the neighbours.

Conclusion

The minor variances requested satisfy the four tests in s.45(1) of the *Planning Act* and cause no adverse impacts on the abutting properties and neighbourhood in general.

The variances, individually and collectively, represent good planning because they allow for a compatible backyard design layout that is trendy, sociable, and considerate.

We respectfully request that the Committee of Adjustment approve the application and authorize all the variances that the City Zoning Examiner has identified.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ramirez', with a stylized flourish at the end.

John Ramirez
Founder, J-R Home Designer Inc.

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

Date: August 25th , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A155-21**

Related Files:

Applicant Roberto Mancuso, Palma Mancuso

Location 43 Mary Natasha Court

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 - A155/21 (43 MARY NATASHA COURT)

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

Sent: September-02-21 1:15 PM

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

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

Subject: [External] RE: REQUEST FOR COMMENTS - A155/21 (43 MARY NATASHA COURT)

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