



File: A158/21

Applicant: Station Gate Homes Inc

Address: 2 Enclave Court, Kleinburg

Agent: Nick Menonna

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	<input checked="" type="checkbox"/>	
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		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA	<input checked="" type="checkbox"/>	<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)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
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:11

A158/21

Ward: 1

Staff Report Prepared By: Adriana MacPherson, 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: Station Gate Homes Inc

Agent: Nick Menonna

Property: **2 Enclave Ct, Kleinburg**

Zoning: The subject lands are zoned RD1, Residential Detached Zone One, and subject to the provisions of Exception 9(1414) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "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 single family dwelling with attached garage.

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

By-law Requirement	Proposal
1. A maximum building height of 11 metres is permitted (Schedule A3)	1. To permit a Maximum building height of 13.38 metres.
2. A maximum interior garage width of 9 metres is permitted (Schedule A3, General Note A).	2. To permit a maximum Interior garage width of 13.56 metres.

Background (previous applications approved by the Committee on the subject land): None

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: None

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 August 23, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s):
Home buyer is customizing the construction of their new home to suit their current family needs.

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.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Development Planning Department recommends approval of the application, subject to the following conditions:

1. The Owner shall submit a Landscape Plan to the satisfaction of the Development Planning Department.
2. The Owner shall provide a letter from the Control Architect that states their acknowledgement of the application with no further comments.

Development Engineering: Prepared by: Farzana Khan

The Development Engineering (DE) Department does not object to variance application A158/21 subject to the following condition(s):

1. The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures and include the measures in the lot grading drawing to the satisfaction of DE to mitigate the impacts of additional storm runoff.
Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Additional comments:

1. As the proposed dwelling in the subject property is 323.97m², 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. (Condition attached)
2. The owner/applicant shall apply and obtain the necessary curb cut/ reinstating permit through the Transportation and Fleet Management Services. Please visit https://www.vaughan.ca/services/residential/transportation/roads/curb_cuts_and_driveway_widening/Pages/default.aspx to learn how to apply for the curb cut/ reinstating permit.

Parks Development - Forestry:

Forestry has no comment at this time.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

1. That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.
2. That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.
3. That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment
4. That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

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

TRCA – comments with conditions

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 Planning Michael Torres 905-832-8585 x 8933 Michael.Torres@vaughan.ca	1. The Owner shall submit a Landscape Plan to the satisfaction of the Development Planning Department. 2. The Owner shall provide a letter from the Control Architect that states their acknowledgement of the application with no further comments.
2	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 run off. 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.
3	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

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
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

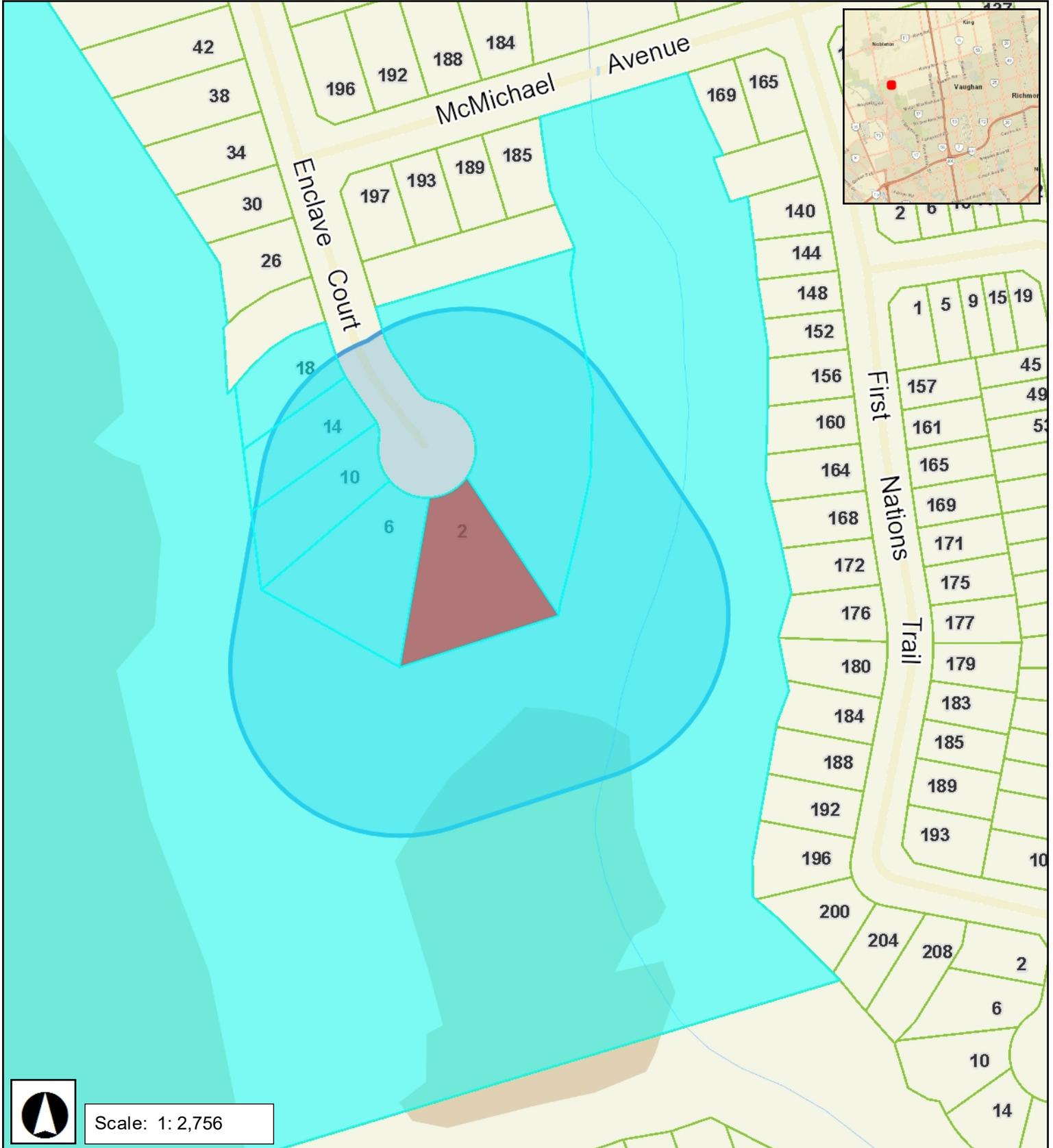
Schedule A: Plans & Sketches

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

2 Enclave Court, Kleinburg

Kirby Road



Proposal:
 1. To permit a Maximum building height of 13.38 metres.
 2. To permit a maximum Interior garage width of 13.56 metres.

Lot 35 Enclave Court
 Special

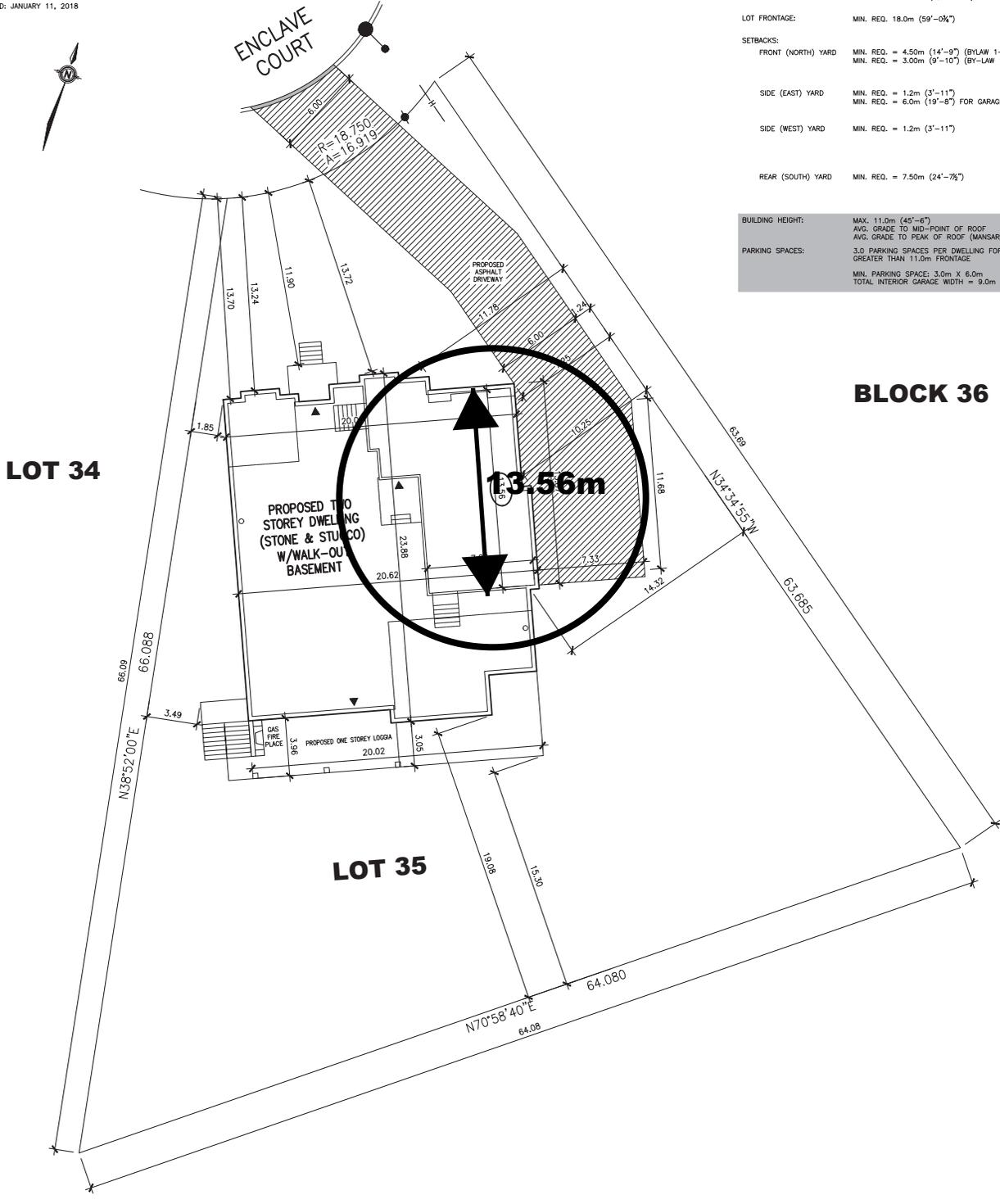
LEGAL DESCRIPTION

INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM:
 TOPOGRAPHICAL SURVEY OF
 PLAN OF SUBDIVISION OF PART OF LOTS 28 & 29
 REGISTERED PLAN 65M-4606
 CITY OF VAUGHAN
 (REGIONAL MUNICIPALITY OF YORK)

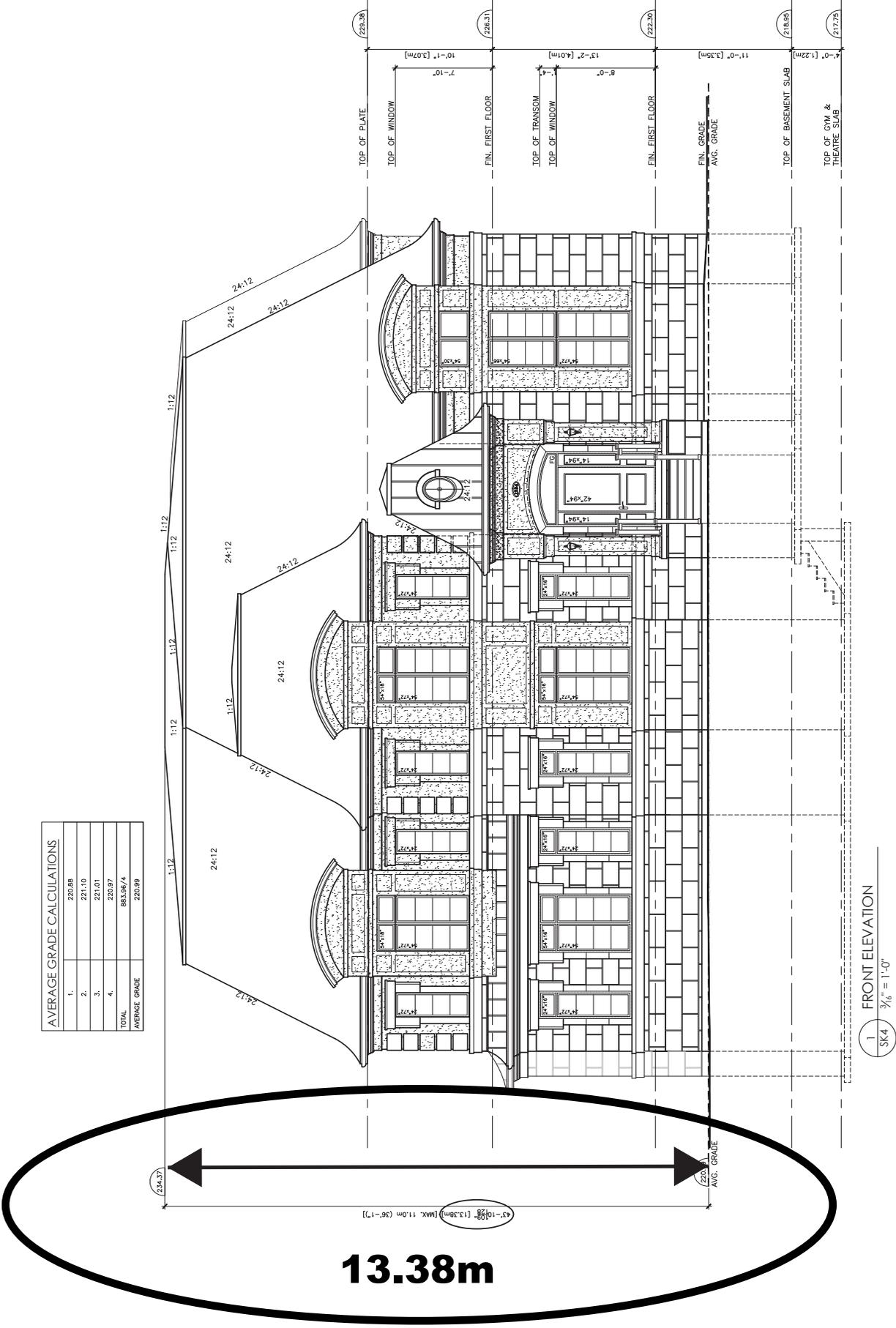
AS PREPARED BY:
 GUIDO PAPA SURVEYING
 A DIVISION OF J.D. BARNES LIMITED
 140 RENFREW DRIVE, SUITE 100
 MARKHAM, ON L3R 6B3
 T: 905-477-3600
 W: JBARNES.COM
 DATED: JANUARY 11, 2018

SITE INFORMATION:

ZONING:	ZONING BY-LAW 147-2014 & 1-88 RESIDENTIAL DETACHED ZONE ONE (RD1(H))	PROPOSED/ACTUAL
LOT AREA:	MIN. REQ. = 540m ² (5,812.51ft ²)	ACTUAL 2,369.37m ² (25,503.68ft ²)
LOT FRONTAGE:	MIN. REQ. 18.0m (59'-0¾")	ACTUAL 22.22m (72'-10 ¾")
SETBACKS:		
FRONT (NORTH) YARD	MIN. REQ. = 4.50m (14'-9") (BYLAW 1-88) MIN. REQ. = 3.00m (9'-10") (BY-LAW 147-2014)	PROPOSED = 13.24m (43'-5") TO DWELLING 11.90m (39'-0¾") TO PORCH
SIDE (EAST) YARD	MIN. REQ. = 1.2m (3'-11") MIN. REQ. = 6.0m (19'-8") FOR GARAGE	PROPOSED = 11.78m (38'-7¾") TO DWELLING PROPOSED = 7.25m (23'-9¾") TO GARAGE
SIDE (WEST) YARD	MIN. REQ. = 1.2m (3'-11")	PROPOSED = 1.85m (6'-0¾") TO DWELLING PROPOSED = 3.49m (11'-5¾") TO EXTERIOR STAIRS
REAR (SOUTH) YARD	MIN. REQ. = 7.50m (24'-7¾")	PROPOSED = 19.08m (62'-7") TO DWELLING PROPOSED = 15.30m (50'-2") TO LOGGIA
BUILDING HEIGHT:	MAX. 11.0m (45'-6") AVG. GRADE TO MID-POINT OF ROOF AVG. GRADE TO PEAK OF ROOF (MANSARD ROOF)	PROPOSED = 14.89m (48'-10¾") TO PEAK OF ROOF
PARKING SPACES:	3.0 PARKING SPACES PER DWELLING FOR LOTS GREATER THAN 11.0m FRONTAGE MIN. PARKING SPACE: 3.0m X 6.0m TOTAL INTERIOR GARAGE WIDTH = 9.0m	PROPOSED = 4 PARKING SPACES PROPOSED INTERIOR GARAGE WIDTH = 13.56m (44'-6") PROPOSED DRIVEWAY WIDTH @ GARAGE = 13.87m (45'-6")



1 SITE PLAN
 SPI 1:200



AVERAGE GRADE CALCULATIONS	
1.	220.88
2.	221.10
3.	221.01
4.	220.97
TOTAL	883.96/4
AVERAGE GRADE	220.99

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
TRCA – comments with conditions



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

Adriana MacPherson

Subject: FW: A158/21 - Request for Comments

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

Sent: August-27-21 2:08 PM

To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>

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

Subject: [External] RE: A158/21 - Request for Comments

Good afternoon Adriana,

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

September 20, 2021

CFN 64195.25

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Ms. Christine Vigneault, Secretary Treasurer
Committee of Adjustment, City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Vigneault:

**Re: Minor Variance Application A158.21
2 Enclave Court, PLAN 65M4606 Lot 35
City of Vaughan, Region of York
Owner: Station Gate Homes Inc.
Agent: Verus Design Inc. c/o Nick Menonna**

This letter acknowledges receipt of the above noted application circulated by the City of Vaughan, Committee of Adjustment. The materials were received by Toronto and Region Conservation Authority (TRCA) on August 16, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Applications

It is our understanding that the purpose of the above noted application is to permit the construction of a single-family dwelling. Specifically,

1. To permit a Maximum building height of 14.89 metres.
2. To permit a maximum Interior garage width of 13.56 metres.

Ontario Regulation 166/06:

The subject property is partially located within the TRCA's Regulated Area of the Humber River Watershed due to the presence of a valley corridor associated with a tributary of Humber River located on the southeast corner of the lot. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

As noted above, a portion of the subject property is located within TRCA’s Regulated Area. Based on a review of the submitted materials, the proposed works are not located within TRCA’s Regulated Area. As such, it is the opinion of TRCA staff that the current proposal will not impact any natural features or associated hazards and TRCA’s policy interests are not affected. TRCA staff have no concerns with the proposed variances.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$610.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the above, TRCA staff have **no objection** to the approval of Minor Variance Application A158.21, subject to the following condition:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/sb

Cc: Simbana, Roberto Roberto.Simbana@vaughan.ca
Holyday, Margaret Margaret.Holyday@vaughan.ca
Michael Torres Michael.Torres@vaughan.ca

Schedule D: Previous Approvals (Notice of Decision)

None