



Committee of Adjustment Minutes

Hearing Date: September 9, 2021

DRAFT

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 was provided at **Vaughan.ca/LiveCouncil**

Time: 6:00 p.m.

Committee Member & Staff Attendance

Committee Members:	Assunta (Sue) Perrella (Chair) Stephen Kerwin (Vice-Chair) Adolfo Antinucci Robert Buckler Hao (Charlie) Zheng
Secretary Treasurer: Administrative Coordinator – CofA Zoning Staff: Planning Staff:	Christine Vigneault Lenore Providence Catherine Saluri Roberto Simbana
Members / Staff Absent:	None

Disclosure of Pecuniary Interest

Member	Nature of Interest
N/A	N/A

Adoption of August 12, 2021 Minutes

Required Amendment	Page Number
N/A	N/A

Moved By: A. Antinucci
Seconded By: H. Zheng

THAT the minutes of the Committee of Adjustment Meeting of Thursday, August 12, 2021, be adopted as circulated.

Motion Carried.

Adjournments

That the following adjournments be approved as requested:

Item Number	Application Number/Address	Adjournment Date	Reason for Adjournment
17	A172/21	N/A	Application withdrawn.

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 2. File:** A137/21 **Ward 3**
- Applicant:** Rob & AnnaRita DiStefano
- Agent:** Fausto Cortese Architects Inc. (Fausto Cortese)
- Address:** 23 Foresta Drive, Woodbridge
- 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.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Fausto Cortese, Fausto Cortese Architects Inc.

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Fausto Cortese explained the nature of the application.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: S. Kerwin

Seconded By: A. Antinucci

THAT Application No. A137/21 on behalf of Rob & AnnaRita DiStefano be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	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/pemits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 3. File:** A143/21 **Ward 3**
- Applicant:** Maryo Pola
- Agent:** Andrew Solari
- Address:** 646 Vellore Park Avenue, Woodbridge
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed cabana located in the rear yard and ground mounted pool equipment to be located in the westerly side yard. Relief is also being requested to permit the existing front yard landscaping.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation
Christopher Marchese

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Christopher Marchese explained the nature of the application and concurred with staff recommendations.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Antinucci, Mr. Marchese confirmed that the pool will be in-ground.

Moved By: A. Antinucci
Seconded By: R. Buckler

THAT Application No. A143/21 on behalf of Maryo Pola be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the reduced soft landscaping coverage in the front and rear yard, in order to mitigate potential impacts on the municipal storm water system.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 4. File:** A145/21 **Ward 5**
Applicant: Royle Leung
Agent: Sia Zanjani
Address: 59 Riverside Boulevard, Thornhill
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Sia Zanjani

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Sia Zanjani explained the nature of the application. He advised that the applicant worked with staff to reduce the size of the dwelling.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Buckler, Mr. Zanjani explained changes made to the proposal during the review stage.

Moved By: R. Buckler

Seconded By: S. Kerwin

THAT Application No. A145/21 on behalf of Royle Leung be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 20% to 23.94% in order to mitigate potential impacts on the municipal storm water system.
2	Parks, Forestry and Horticulture Operations Andrew Swedlo 905-832-8585 x3615 Andrew.Swedlo@vaughan.ca	Applicant/owner shall apply for a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 5. File:** A153/21 **Ward 4**
- Applicant:** 1834375 Ontario Inc.
- Agent:** MHBC Planning Limited (David McKay)
- Address:** 1890 Hwy 7, Vaughan
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of three (3) proposed 27-storey residential buildings with ground floor retail space and four (4) levels of underground parking. Relief is also required to facilitate Site Plan Application DA.19.016.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Eldon Theodore, MHBC Planning Limited

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Eldon Theodore explained the nature of the application and advised that the parking analysis submitted with the application was supported by staff.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: H. Zheng

Seconded By: A. Antinucci

THAT Application No. A153/21 on behalf of 1834375 Ontario Inc. be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	<ol style="list-style-type: none"> 1. A letter of agreement or copy of the agreement with the car-share operator will be required as a condition. Details must be included with respect to the number of car-share spaces (four spaces), number of years the parking spaces will be dedicated as car-share spaces, if memberships will be subsidized by the applicant, etc. 2. The parking spaces that will be allocated to the car-share operator must be labelled and identified on the site plan drawing. These spaces should be highly visible and conveniently located on the P1 or ground floor level. 3. A letter of agreement or copy of the agreement with the shuttle operator proposed for the site will be required as a condition. Details must be included with respect to the number of fleet vehicles, headway, capacity of each vehicle, areas that will be serviced, and length of the agreement (years of service to be provided).

	Department/Agency	Condition
		4. The location where pick-up / drop-off of the shuttle service will be facilitated on-site must be labelled on the site plan drawings.
2	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$1,155.00 payable to the Toronto and Region Conservation Authority.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 6. File:** A154/21 **Ward 1**
- Applicant:** David & Dalia Zeharia
- Agent:** INOVA design inc (Frank Falcone)
- Address:** 5 Honey Locust Court, Maple
- Purpose:** Relief from by-law 1-88 is being requested to permit the construction of a proposed inground pool and pool cabana located at the rear of the existing single family dwelling.

<p>Public Written Submissions</p> <p>* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)</p>
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Claudio Brutto

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Claudio Brutto explained the nature of the application and concurred with staff recommendations.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Buckler, Michael Torres, Planner, advised that the previous approval (A194/15 - 5 Honey Locust Court) was approved at 14.59%. He noted that the variance for lot coverage has been triggered by the proposed cabana.

Moved By: R. Buckler

Seconded By: A. Antinucci

THAT Application No. A154/21 on behalf of David & Dalia Zeharia be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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. 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. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 10% to 15.5% in order to mitigate potential impacts on the municipal storm water system. 3. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder about the proposed work to the subject property and provide a copy of

	Department/Agency	Condition
		the acknowledgement letter/email from the developer/builder to the City's Development Engineering Department.
2	Parks, Forestry and Horticulture Operations Andrew Swedlo 905-832-8585 x 3615 Andrew.Swedlo@vaughan.ca	Applicant/owner shall obtain a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.
3	TRCA Hamedeh Razavi 416-661-6600 ext. 5256 Hamedeh.Razavi@trca.ca	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 7. **File:** A156/21 **Ward 5**
- Applicant:** Steven & Alina Mayer
- Agent:** Lorne Rose Architect Inc. (Lorne Rose)
- Address:** 49 Michael Court, Thornhill
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of proposed addition to the rear and interior side yard (east) of the existing single family dwelling. Relief is also being requested to permit the existing shed located in the westerly side yard.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
Name: Jeffrey Cole Address: 55 Michael Court, Thornhill Nature of Correspondence: Confirming no ponding issues between properties.
Address: 41, 44, 45 and 55 Michael Court, 88 & 90 Theodore Court Nature of Correspondence: Petition of Support

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Lorne Rose, Lorne Rose Architect Inc.

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Lorne Rose explained the nature of the application. He advised that the existing dwelling was placed poorly on the irregular shaped lot, necessitating the variances being requested. He invited planning staff onsite to confirm impact of proposal on abutting lots and noted that the applicant has received and submitted neighbour support letters. Mr. Rose reviewed photos of development in the area and opined that the existing setback at 93 Michael Court was greater than what is being proposed. He noted that the rear yard, given the irregular lot shape, functions as an interior side yard and that thirty (30) foot cedars along the property line provide privacy.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Antinucci, Mr. Rose advised that the deck will be barely visible given the slope of the property. He noted that the rear yard setback is only applied to a pinch point and increases to 2.67 metres along the property line.

In response to Member Zheng, Michael Torres, Planner, advised that planning staff would like to see small improvement to proposed rear yard setback.

In response to Chair Perrella, Mr. Torres advised that regardless of public support letters, planning comments remain same. He noted that each application is based on its individual merits.

Mr. Rose commented that he was unsure why staff could not support the application given that the deck is below grade and covered by trees. He opined that it may be possible that staff did not understand the context of the site and invited staff to attend the site.

Chair Perrella suggested that the application be adjourned to the next available hearing date to permit time for staff to attend the site.

Moved By: S. Kerwin
Seconded By: H. Zheng

THAT Application No. A156/21 on behalf of Steven & Alina Mayer be **ADJOURNED**, to the September 30, 2021 hearing to permit time for staff to conduct a site visit.

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 8. File:** A157/21 **Ward**
- Applicant:** Fabio Marchese
- Agent:** Organica Studio + Inc. (Pasquale Aiello)
- Address:** 15 Gate House Court, Woodbridge
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single-family dwelling.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
Address: 8399 Kipling Avenue, 19 & 24 Gate House Court
Nature of Correspondence: Petition of Support

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Pasquale Aiello

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Pasquale Aiello explained the nature of the application and reviewed support letters.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: A. Antinucci
 Seconded By: S. Kerwin

THAT Application No. A157/21 on behalf of Fabio Marchese be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Iqbal Soomro 905-832-8585 x 3608 Iqbal.Soomro@Vaughan.ca	The owner/applicant shall obtain a revised lot grading permit by submitting the lot grading drawing to the Development Inspection and Lot Grading Division of the City's Development Engineering Department. The owner/applicant shall demonstrate the appropriate LID (Low-impact Development) measures and include them in the lot grading drawing to the satisfaction of DE to address the increased lot coverage from 40% to 51.6% to mitigate potential impacts of the additional storm water runoff. To learn how to apply for lot grading and/or servicing approval please contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit our website at: https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx
2	Parks, Forestry and Horticulture Operations Zachary Guizzetti 905-832-8585 x 3614 Zachary.Guizzetti@vaughan.ca	An arborist report is required if injury or destruction of anyone (1) or more trees having a DBH (diameter at breast height, 1.4m) and/or base diameter of twenty (20) centimeters or more, or any multi-stemmed tree(s) having a combined DBH and/or base diameter of twenty (20) centimeters, unless authorized by permit to do so pursuant to By-law 052-2018. All municipally owned trees of any size on or within 6 meters of the subject site shall be inventoried and included in the arborist report.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 9. File:** A159/21 **Ward 4**
- Applicant:** FCIB Holdings Ltd. (Fred Ceolin)
- Agent:** Aleksandar Ilievski
- Address:** 50 Nimacor Avenue, Concord
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed vestibule which will serve as the new main entrance to the existing building.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation
Aleksandar Ilievski

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Aleksandar Ilievski explained the nature of the application.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: H. Zheng
Seconded By: A. Antinucci

THAT Application No. A159/21 on behalf of FCIB Holdings Ltd. (Fred Ceolin) be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96).

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 10. File:** A160/21 **Ward 1**
Applicant: Saud Ahmed
Agent: Khanani Developments inc (Bilal Khanani)
Address: 23 Malaren Road, Maple
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed single-family dwelling.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation
 Bilal Khanani

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Bilal Khanani explained the nature of the application. He advised that the applicant worked closely with staff and reduced the proposed lot coverage from 26.1% to 24.82%.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: S. Kerwin
 Seconded By: H. Zheng

THAT Application No. A160/21 on behalf of Saud Ahmed be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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. 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.asp to learn how to apply for lot grading and/or servicing approval. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 20% to 26.19% in order to mitigate potential impacts on the municipal storm water system.
2	Parks, Forestry and Horticulture Operations Zachary Guizzetti 905-832-8585 x3614 Zachary.Guizzetti@vaughan.ca	Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to building permit approval.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 11. File:** A161/21 **Ward 2**
- Applicant:** Robert & Anne Antolini
- Agent:** None
- Address:** 86 Kortright Place, Woodbridge
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed covered patio at the rear of the existing dwelling.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Robert Antolini

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Robert Antolini explained the nature of the application.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: H. Zheng
 Seconded By: A. Antinucci

THAT Application No. A161/21 on behalf of Robert & Anne Antolini be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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. 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. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 30% to 39.58% in order to mitigate potential impacts on the municipal storm water system.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

12. File: A162/21 **Ward 4**
Applicant: Mariana & Alexander Gendelman
Agent: Acadia Design Consultants Inc.
Address: 11 Woodchuck Court, Thornhill
Purpose: Relief from By-law 1-88, as amended, is being requested to permit two existing canopy's located in the rear yard.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation
 Maxim Merchasin

Comments
 In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Maxim Merchasin explained the nature of the application.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Antinucci, Mr. Merchasin advised that the canopies were constructed approximately 3 – 4 months ago.

https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx
 Moved By: H. Zheng
 Seconded By: S. Kerwin

THAT Application No. A162/21 on behalf of Mariana & Alexander Gendelman be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	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.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 13. File:** A163/21 **Ward 2**
- Applicant:** Peter Lavorato and Julie Burns
- Agent:** None
- Address:** 38 Ventana Way, Woodbridge
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the installation of a proposed swimming pool.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
Name: Mary Mauti Address: 36 Mondavi Road Nature of Correspondence: Letter of Objection
Name: Robert Della Donne Address: 42 Ventana Way Nature of Correspondence: Letter of Support

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Peter Lavorato

Registered Public Deputations

Mary Mauti – 36 Mondavi Road

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Peter Lavorato explained the nature of the application. In response to the letter of objection, Mr. Lavorato advised that noise retention fences are typically only required in instances where a property backs onto a main road. He advised that there have been no noise complaints made to the City and opined that a noise retention fence would not be appropriate or apply in this situation. With respect to drainage, Mr. Lavorato advised that the shed was removed approximately three years ago, and to reduce impact on grading and demolition costs, the interlock and shed were removed slowly in stages. He confirmed that the shed and interlock were constructed approximately 20 years ago (the shed did not have footings and was built on concrete slab) and noted that there have not been any complaints regarding drainage due to the removal of the shed. Mr. Lavorato advised that a drone was used to accommodate planning staff request for recent photos of the subject land during Covid. He identified that the A/C unit and pool equipment were located on the west side of the property and reviewed the letter of support from 42 Ventana Way. In response to the concerns regarding the protection of trees at 36 Mondavi Road, Mr. Lavorato advised that Forestry staff reviewed the arborist report and tree inventory submitted with the application to confirm trees impacted by the proposed construction. He also provided that as a result of staff comments made at the submission stage the proposed setbacks to the pool were increased from 0.60 metres to 0.91 metres.

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, clarified that variances are typically rounded to 2 decimal places in order to avoid compliance issues at the building permit stage (i.e., 0.914 metres – 0.91 metres).

Chair Perrella called the public deputation.

Mary Mauti, 36 Mondavi Road, advised that she does not object to the proposed pool but has concerns regarding the size of the lot and the ability to accommodate a pool. She requested that as a condition of approval, an acoustic fence be installed given that the 0.91 metre setback to the pool and required two-foot swale will impact noise levels to her property. With respect to the shed, Ms. Mauti advised that she understood the shed to have foundation walls and footings and questioned whether a demolition permit had been obtained to remove the shed. Ms. Mauti provided the Committee with history of drainage issues on her property and advised that she

tried to rectify the issue by placing interlock in her rear yard. She provided photos showing areas of interlock that had sunken. She questioned how the two-foot swale would impact water run off to her property and opined that the lilac tree on her property meets the 20 cm requirement for tree protection. Ms. Mauti advised that due to existing maintenance easements registered on title of properties in the area, the existing fence along the applicant's side lot line should not be there. She also expressed concerns regarding privacy and enjoyment of her backyard.

In response to Ms. Mauti, Mr. Lavorato advised that he has lived at his property for eight years and was not aware of the shed or drainage issues. He explained that the shed was removed because it was rotting and had become a safety issue. With respect to privacy, Mr. Lavorato advised that he would be willing to close up the fence. He noted that there is an agreement with respect to the easement with his neighbour.

In response to Ms. Mauti, Mr. Lavorato reiterated that the drone was only used to take pictures of the subject land at the request of staff.

In response to Chair Perrella, Mr. Lavorato confirmed that he had spoken to his neighbours at 31 and 42 Ventana Way.

Chair Perrella questioned why Ms. Mauti was not consulted due to the impact of the proposal on her property. She opined that the variances were significant due to the proposed setbacks and the size of the property. She suggested that the neighbours meet to resolve the issues raised.

In response to Chair Perrella, regarding the impact of variance #1 (rear yard setback), Mr. Lavorato advised that it is his understanding that drainage and grading would be addressed at the installation/pool permit stage. He advised that he did not consult Ms. Mauti because the trees on her property were not required to be included in the review of the arborist report.

Christine Vigneault, Secretary Treasurer, advised that in response to Ms. Mauti's submission, Forestry confirmed that only trees 20 cm in diameter or greater are protected under the City's Tree Protection By-law and are required to be included in an Arborist Report. Development Engineering was also consulted to confirm swale requirement (0.60 metres). She reviewed Development Engineering comments and conditions contained in the staff report.

Mr. Lavorato commented and expressed concern that he was not aware of the condition of approval requested by Development Engineering.¹

Given that Mr. Lavorato was not aware of the condition of approval, Chair Perrella suggested that the application be adjourned to permit time to review the condition and discuss the proposal with Ms. Mauti.

In response to Mr. Lavorato, Ms. Vigneault clarified that noise complaints are addressed through the City's By-law Department. Development Engineering also confirmed that if a subdivision is assumed, any issues regarding drainage (caused by removal of shed) and registered easements should also be directed to By-law Enforcement.

Ms. Mauti opined that the lilac tree on her property meets the 20 cm requirements.

In response to Mr. Lavorato and his concerns raised regarding process, Ms. Vigneault advised that staff reports are provided to applicants prior to the hearing by email. The condition being requested by Development Engineering is a standard condition of approval that is applied to applications of this nature. She reviewed the condition of approval requiring that the owner/applicant demonstrate the appropriate low-impact development measures to address any potential impacts of storm water runoff due to the size of the backyard. She read aloud Development Engineering comments contained in the staff report to provide clarity regarding staff position and the requirement for low-impact development measures which may include rain barrels, flower beds, bioswales, permeable pavement etc. She explained the process for fulfilling conditions after an approval.

Mr. Lavorato agreed to provide Development Engineering with required plans/drawings and noted that he is willing to change proposed hardscape to softscape, if required. He indicated that he would like the Committee to render a decision on the application.

¹ Due to a technical issue, it was determined subsequent to the hearing that the applicant did not receive the staff report by email in advance of the Committee of Adjustment hearing on September 9, 2021. The staff report is emailed to applicants/agents and posted on the City's website approximately 1 week prior to the hearing. The staff report contains staff comments and recommended conditions of approval.

In response to Chair Perrella, Mr. Lavorato advised that he is also willing to close up the fence gaps.

Chair Perrella asked if anyone present wished to comment on this application.

Member Zheng commented that he agrees that the applicant should meet with Ms. Mauti to discuss her concerns.

In response to Mr. Lavorato, Ms. Mauti and the Committee, Ms. Vigneault reiterated that conditions of approval are addressed subsequent to a decision being made. She advised that the Committee of Adjustment's role is to determine whether the variances before them meet the prescribed tests under the Planning Act. She suggested that neighbour discussion also be directed to the variances requested and noted that grading and drainage is addressed subsequent to an approval through a separate process managed by Development Engineering Department.

Mr. Lavorato reiterated that he agrees to make necessary changes to landscape to meet Development Engineering requirements and would also alter the fence to remove the gaps to move forward with the application.

In response to Member Kerwin and Chair Perrella, Ms. Vigneault clarified that it would be difficult to enforce a condition of approval requiring the applicant to alter the fence (fences are regulated by the City's Fence By-law), however it would be acceptable to include a condition of approval requiring that the applicant provide an undertaking to modify the fence to remove the gaps to enhance privacy. The undertaking would be placed on file and would form part of the public record as part of the minutes.

Moved By: S. Kerwin

Seconded By: A. Antinucci

THAT Application No. A163/21 on behalf of be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Iqbal Soomro 905-832-8585 x 3608 Iqbal.Soomro@Vaughan.ca	The owner/applicant shall demonstrate the appropriate LID (Low-impact Development) measures and include them in the grading drawing to the satisfaction of DE in order to address the potential impacts of additional storm water runoff due to the small size of the backyard as indicated in the application.
2.	Committee of Adjustment Christine Vigneault 905-832-8585 x 8332 Christine.vigneault@vaughan.ca	The applicant provides an undertaking to modify the fence to remove the gaps to enhance privacy.

Member Buckler and Member Zheng stated that they were opposed to the Motion.

Ms. Vigneault clarified that the Chair can only refrain from voting in the event that there is an even number of members in accordance with Section 7.7 of By-law 069-2019 (to avoid a tie vote).

Chair Perrella commented that she would have liked to see the neighbours work together and respects Mr. Lavorato's position to go ahead with the application as is. She motioned that the application be refused.

In response to Mr. Lavorato, Ms. Vigneault clarified the appeal process.

In response to Mr. Lavorato, Ms. Vigneault reviewed the decision criteria under the Planning Act.

In response to Mr. Lavorato, Chair Perrella opined that the variance is not minor.

Motion Failed as per Section 7.2 (b) of By-law 069-2019 (see 'Other Business' section of September 9, 2021 minutes).

Moved By: R. Buckler²
Seconded By: C. Zheng

THAT Application No. A163/21 on behalf of be **REFUSED** for the following reasons:

For the Following Reasons:

1. The requested variances are not minor in nature.

Motion Carried.

Members Opposed to Motion: S. Kerwin, A. Antinucci

² Committee ratified the decision for A163/21 in accordance with By-law 069-2019 at the September 9, 2021 under Other Business.

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 14. File:** A165/21 **Ward 4**
Applicant: Sheri & Michael Kosturik
Agent: Nadia Khalil
Address: 338 Lauderdale Drive, Maple
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed deck and stairs located in the rear yard.

Public Written Submissions * Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Nadia Khalil

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Nadia Khalil explained the nature of the application.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: H. Zheng
 Seconded By: A. Antinucci

THAT Application No. A165/21 on behalf of Sheri & Michael Kosturik be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96).

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 15. File:** A168/21 **Ward 3**
Applicant: Giuseppe & Anna Maria Allevato & Sabrina Berardinucci
Agent: Fausto Cortese Architects Inc. (Fausto Cortese)
Address: 40 Johnswood Crescent, Woodbridge
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the existing cabana, installation of proposed privacy screens and the location of the existing pool equipment in the rear yard.

Public Written Submissions	
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)	
Name: Loida Rossana & Gilson Eduardo Address: 11 Wheatfield Drive Nature of Correspondence: Letter of Objection	
Name: Loida Rossana & Gilson Eduardo Address: 11 Wheatfield Drive Nature of Correspondence: Letter of Objection	
Name: Georgescu Address: 28 Wheatfield Drive Nature of Correspondence: Letter of Objection	
Name: Mohammad Kashani & Solmaz Zia Address: 31 Berry Trail Nature of Correspondence: Letter of Objection	
Name: Angelo & Christina Aresta Address: 32 Johnswood Crescent Nature of Correspondence: Letter of Objection	
Name: Joseph Azimi Address: 38 Berry Trail Nature of Correspondence: Letter of Objection	
Name: Julian Heller Address: For 11 Wheatfield Drive Nature of Correspondence: Letter of Objection	
Name: Petition Address: 12, 15, 23, 24, 28, 32 Wheatfield Dr. 11 Cattail Drive 27, 38 Berry Trail 23, 24, 32 Johnswood Crescent Nature of Correspondence: Petition of Objection	

Additional Addendum Reports received and provided to the Committee from: None

Late Public Correspondence (received past deadline):

Name: Duncan Richardson Address: 36 Johnswood Crescent Nature of Correspondence: Letter of Support
Name: Petition of Support Address: 14, 15, 20, 28, 29, 37, 41, 44, 54, 62, 63 Johnswood Crescent; 31 Wheatfield Drive Nature of Correspondence: Petition of Support

Representation

Fausto Cortese, Fausto Cortese Architects Inc.

Registered Public Deputations

Julian Heller, Julian Heller & Associates – 11 Wheatfield Drive

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Fausto Cortese explained the nature of the application and provide history of complaint with By-law Enforcement. He advised that the applicant is agreeable to enclose the pool equipment to reduce noise, however this would require that variance #3 be increased to 0.34 metres. Given that the enclosure would be lower than the existing fence, Mr. Cortese opined that the impact would be minimal.

Chair Perrella called upon the public deputation.

Julian Heller, Julian Heller & Associates, representing the owner of 11 Wheatfield Drive, expressed concerns that the cabana was constructed without a permit and that additional variances may be required. He reviewed photos with the Committee, demonstrating the impact the proposal had on his client's property. He reviewed the noise report conducted privately by the owner of 11 Wheatfield Drive which indicated that the noise level exceeded by-law requirements. He expressed concern that the proposal would set precedence and opined that the variances did not meet the four tests under the Planning Act and should be denied.

In response to Chair Perrella, Mr. Heller confirmed that the owner of 11 Wheatfield Drive objects to all variances being requested.

In response to Mr. Heller, Mr. Cortese advised that the applicant is not seeking a variance for building height and noted that the pictures provided were taken from a height above the fence line. He noted that 36 and 44 Johnswood Crescent are in support the proposal. He confirmed that the A/C unit was in proximity of pool equipment. He reviewed the standards of noise testing and confirmed that the enclosed portion of the cabana functions as a washroom. If the cooking area was not covered the structure would comply with the Zoning By-law. He reviewed requirements under the City's Fence By-law and reiterated that the owner is agreeable to enclose the pool equipment.

In response to Chair Perrella, Mr. Heller noted that if changes are going to be made to the application there should be opportunity to review the changes prior to a decision being made.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

In response to Member Zheng, Mr. Cortese reviewed MOE noise testing requirements.

In response to Member Buckler, Mr. Cortese reiterated that the owner is willing to enclose the pool equipment which would result in variance #3 being 0.34 metres.

Moved By: R. Buckler

Seconded By: A. Antinucci

THAT Application No. A168/21 on behalf of Giuseppe & Anna Maria Allevato & Sabrina Berardinucci be **ADJOURNED**, to October 28, 2021 meeting, or sooner, to permit time to discuss the proposal with his neighbours.

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 16. File:** A169/21 **Ward 3**
- Applicant:** Frank Abate & Liliana Lozzo
- Agent:** Fausto Cortese Architects Inc. (Fausto Cortese)
- Address:** 28 Johnswood Crescent, Woodbridge
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the existing cabana located in the rear yard.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
Name: Photos Address: 24 Johnswood Crescent Nature of Correspondence:
Name: Mohammad Kashani & Solmaz Zia Address: 31 Berry Trail Nature of Correspondence: Letter of Objection

Additional Addendum Reports received and provided to the Committee from: None.
Planning Comments – Received

Representation

Fausto Cortese, Fausto Cortese Architects Inc.

Registered Public Deputations

Julian Heller, Julian Heller & Associates – 11 Wheatfield Drive
Peter Chiaramonte – 24 Johnswood Crescent

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Fausto Cortese explained the nature of the application. He advised that the structure is quite small, and that the applicant discussed with neighbour prior to construction. The cabana replaced an old shed that was constructed much closer to the property line. He noted that the landscaping was completed in 2014.

Chair Perrella called upon the public deputations.

Julian Heller, Julian Heller & Associates, noted that the structure was similar to that applied for under Minor Variance Application A168/21. He expressed concerns regarding loss of southern exposure and precedence and noted that the structure was also built without a permit.

Peter Chiaramonte, 24 Johnswood Crescent, advised that he does not support the proposal. From his property all that is visible is a wall. He expressed concern regarding the location of the pool equipment and the impact on noise.

In response to Mr. Heller and Mr. Chiaramonte, Mr. Cortese explained that the overhang on the structure will be removed to reduce impact. He noted that the Committee has approved similar variances in the past and that there is a significant number of trees between the structure and neighbouring property.

In response to Chair Perrella, Mr. Heller advised that he would prefer to have the application adjourned to October 28.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

Moved By: A. Antinucci
Seconded By: R. Buckler

THAT Application No. A169/21 on behalf of Frank Abate & Liliana Lozzo be **ADJOURNED**, to October 28, 2021 meeting to permit time to discuss the proposal with his neighbours.

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 18. File:** A083/20 **Ward 1**
Applicant: Anna Cardwell
Agent: Ian Robertson Design (Bobbi-Jo Mackinnon)
Address: 2 Winterlude Court, Kleinburg
Purpose: Relief from By-law 1-88, as amended, is being requested to permit reduced minimum soft landscaping to accommodate the existing Bocce Court located in the rear/exterior side yard.

Public Written Submissions	
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)	
Name: Anthony Simone, Parente Borean LLP	Nature of Correspondence: Letter of Objection (Sept 20, 2020)
Name: Parente Borean LLP	Nature of Correspondence: Letter of Objection
Name: Parente Borean LLP	Nature of Correspondence: Letter of Objection
Name: Studio TLA	Nature of Correspondence: Request for Built Landscape Plans or Construction Details of the Bocce Court

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Ian Robertson

Registered Public Deputations

Gerard Borean, Parente, Borean LLP

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Gerry Borean, Parente Borean LLP, requested that the Committee adjourn the application to provide opportunity for his client to review recent submission and staff report.

Ian Robertson objected to the request for adjournment and noted that staff support the application. He noted that Mr. Borean’s client has had an opportunity to review the information.

Chair Perrella expressed support to adjourn the proposal to allow time for the submission to be reviewed by all parties.

Moved By: A. Antinucci

Seconded By: H. Zheng

THAT Application No. A083/20 on behalf of Anna Cardwell be **ADJOURNED**, to October 28, 2021 meeting to permit time to discuss the proposal with his neighbours.

Motion Carried

Members Opposed to Motion: None

Mr. Robertson questioned why the application was not adjourned to an earlier date.

In response to Mr. Robertson and the Committee, Christine Vigneault, Secretary Treasurer, advised that the Committee may make a motion to rescind the motion made to adjourn the application to the October 28, 2021 hearing date should they wish to provide an alternate hearing date.

Moved By: S. Kerwin
Seconded By: R. Buckler

THAT the motion to adjourn the Application No. A083/20 to October 28, 2021 be rescinded.

Motion Carried.

Members Opposed to Motion: None

Moved By: S. Kerwin
Seconded By: R. Buckler

THAT Application No. A083/20 on behalf of Anna Cardwell be **ADJOURNED**, to September 30, 2021 meeting to permit time to discuss the proposal with his neighbours.

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

- 19. File:** A100/21 **Ward 4**
Applicant: Jodie Erlick
Agent: Craig Bellamy
Address: 32 Elmway Court, Thornhill
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed swimming pool and cabana.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
Name: Aaron Platt, Davies Howe LLP Address: for 38 Elmway Court Nature of Correspondence: Letter of Objection
Name: Joseph Morano Address: 30 Elmway Court Nature of Correspondence: Subdivision agreement.
Name: Jason D'Elia Address: 21 Elmway Court Nature of Correspondence: Photo
Name: Joe Morano Address: 32 Elmway Court Nature of Correspondence: Letter of Objection
Name: Aaron Platt, Davies Howe LLP Address: for 38 Elmway Court Nature of Correspondence: Letter of Objection

Additional Addendum Reports received and provided to the Committee from: None.

Representation

Craig Bellamy

Registered Public Deputations

Joseph Morano – 30 Elmway Court
 Max Smirnov – 28 Elmway Court
 Jamie Cole, Davies & Howe – 38 Elmway Court

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Craig Bellamy explained the nature of the application. He provided the Committee with background/history on meeting with the complainants. He attended the office of Elmway Development in person to meet with the complainants and noted that the meeting was positive. After this meeting, Mr. Bellamy advised that there was further discussion with the owner of 38 Elmway Avenue regarding grading and drainage and the size of the cabana. He noted that the owners of 21 & 28 Elmway Avenue are not adjacent neighbours and do not have a direct sightline to the subject lands. He reviewed photos with the Committee, providing examples of similar development in the area and noted that some cabanas in the area appear to be larger than the proposal. Mr. Bellamy was agreeable to reduce the length of the cabana by approximately 25% to address concerns raised. He explained possible solutions to address drainage onsite, which included rerouting the existing swale. In closing, Mr. Bellamy noted that there have been no new concerns raised since the August 12, 2021 Committee of Adjustment hearing and he noted that several neighbours provided verbal agreement to support the proposal. He advised the Committee that grading, and drainage would be addressed subsequent to any approval, through the Development Engineering Department and that he hopes to work with the city and neighbours to build a quality structure.

Chair Perrella called upon the public deputations.

Joseph Morano, 30 Elmway Court, expressed concerns that there were no elevation plans submitted with the proposal and the potential impact on the existing swale/retaining wall. He noted that the setbacks to the proposed cabana should be more in keeping with the Zoning By-law.

Jaime Cole, Davies and Howe, spoke on behalf of the owners of 38 Elmway Court. He reviewed previous concerns raised in his correspondence provided to the Committee at the August 12, 2021 Committee of Adjustment hearing regarding proposed setbacks and drainage/grading. He noted that there have been no changes to the application. He opined that the variances to support the cabana are significant and impact his client's property. He opined that the variances are not minor and do not meet the four tests under the Planning Act and noted that the photos provided are not taken from the viewpoint of his client's property. The engineering firm retained by his client concluded that the information submitted with the application is insufficient to determine impact and that additional supporting materials are required. He advised that the street is not yet assumed by the City and that any changes to grading could have implications to the developer.

Max Smirnov, 28 Elmway, expressed concerns regarding the size and height of the cabana and opined that the structure is not in keeping with the character of the neighbourhood.

Christine Vigneault, Secretary Treasurer, advised that Development Engineering staff confirmed that the applicant would be able to obtain a grading permit. She explained that typically, if a subdivision is not assumed, Development Engineering staff would request a condition requiring the applicant to notify and obtain consent from developer.

In response to the public deputations, Mr. Bellamy reiterated that there are similar structures in the area and that no additional documents were submitted that would require review from the complainants. He advised that the location of the cabana and pool are the most appropriate and that other properties with similar development do not appear to have drainage issues.

In response to Chair Perrella, Michael Torres, Planner, noted that it is his understanding that the subdivision is assumed based on the comments provided by Development Engineering.

In response to Chair Perrella, Ms. Vigneault reviewed Development Engineering recommendations contained in the staff report. Based on these comments it does not appear that the subdivision agreement impacts the applicant's ability to obtain a grading permit.

Chair Perrella asked if anyone present wished to comment on this application.

In response to Member Antinucci, Mr. Torres advised that could not confirm status of the M-Plan at this time.

Ms. Vigneault noted that the M-Plan would not confirm whether or not the subdivision was assumed and that this would need to be confirmed with Development Engineering staff.

In response to Member Buckler, Mr. Bellamy noted that he would be willing to reduce the length of the cabana by approximately 25% and address drainage issues and that this could be facilitated without a change to the variances before the Committee.³

Moved By: A. Antinucci

Seconded By: S. Kerwin

THAT Application No. A100/21 on behalf of Jodie Erlick be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	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.

³ The Committee did not request a change to the proposal as part of their motion for approval.

For the Following Reasons:

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

Motion Carried.

Members Opposed to Motion: None

Applications Addressed by the Committee of Adjustment

Please Note: For complete application details please reference the Notice of Decision issued for each respective application. A copy can be obtained by submitting a written request to the Secretary Treasurer.

20. File: A136/21 **Ward 4**
Applicant: Robert Strmota
Agent: Joe Battaglia
Address: 71 William Bowes Boulevard, Maple
Purpose: Relief from By-law 1-88, as amended, is being requested to permit the existing garage and loggia located in the easterly side yard.

Public Written Submissions
* Public Correspondence received and considered by the Committee in making this decision (received prior to 12:00 p.m. of hearing date)
None

Additional Addendum Reports received and provided to the Committee from: None.

Representation
 Paul De Melo

Comments

In response to Chair Perrella, Christine Vigneault, Secretary Treasurer, reviewed the proposal, confirmed public written submissions/deputations and recommended conditions of approval.

Paul De Melo explained the nature of the application. He advised that the applicant is agreeable to remove the eaves to satisfy requirements from Development Engineering. He reviewed the previous approvals on the property and noted that the property abuts parkland and that Forestry and the TRCA have no objections to the application. He advised that the applicant concurs with recommendations from Development Engineering. No final permit has been issued for garage and the applicant is in process of selling property. He advised that the application should be considered on its individual merits and opined that the development meets the intent of the City's Official Plan and Zoning By-law. He noted that the structures have existed for approximately 3-6 years and there have been no complaints/negative impacts. Altering the proposal to accommodate an additional foot would not be desirable. He opined that the development is in keeping with the four tests under the Planning Act.

Chair Perrella reviewed Planning comments and noted that staff are not supportive of the development.

In response to Chair Perrella, Mr. De Melo advised that the applicant has discussed the application with staff.

Chair Perrella asked if anyone present wished to comment on this application. There was no response.

In response to Member Buckler, Mr. De Melo advised that any changes would require demolition of structure.

Member Buckler commented that if the proposal fails one test it is deemed to fail all tests.

In response to Member Buckler, Mr. De Melo advised that the variance is only applied to a pinch point and that any changes would require demolition of structure.

Member Antinucci commented that the development is too close to the public park.

Moved By: A. Antinucci
 Seconded By: H. Zheng

THAT Application No. A136/21 on behalf of Robert Strmota be **REFUSED** for the following reasons:

For the Following Reasons:

1. The general intent and purpose of the by-law will not be maintained.
2. The general intent and purpose of the official plan will not be maintained.
3. The requested variance(s) is/are not acceptable for the appropriate development of the subject lands.
4. The requested variance(s) is/are not minor in nature.

Motion Carried.

Members Opposed to Motion: None

Other Business

Christine Vigneault, Secretary Treasurer, requested that the Committee ratify the decision for A163/21 (38 Ventana Way), given that the motion to approve the application failed in accordance with Section 7.2 (b) of By-law 069-2019. A new motion to refuse the application is required given that the motion to approve the application did not receive majority support.

Moved By: R. Buckler

Seconded By: H. Zheng

THAT Application No. A163/21 on behalf of be **REFUSED** for the following reasons:

For the Following Reasons:

1. The requested variances are not minor in nature.

Motion Carried.

Members Opposed to Motion: S. Kerwin, A. Antinucci

Motion to Adjourn

Moved By: R. Buckler

Seconded By: H. Zheng

THAT the meeting of Committee of Adjustment be adjourned at 10:15 p.m., and the next regular meeting will be held on September 30, 2021.

Motion Carried.

September 9, 2021 Meeting Minutes are to be approved at the September 30, 2021 meeting:

Chair

Secretary-Treasurer