File: A176/21

Applicant: Pasquale & Lisa Nudo

Address: 19 Zoran Ln Maple

Frasca Design & Planning Agent:

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	Positive Comment	Condition(s)
	Negative Comment	√ ×
Committee of Adjustment	$\overline{\checkmark}$	
Building Standards	V	
Building Inspection		
Development Planning	$\overline{\square}$	
Development Engineering	$\overline{\checkmark}$	$\overline{\mathbf{V}}$
Parks, Forestry and Horticulture Operations	V	
By-law & Compliance	V	
Financial Planning & Development	V	
Fire Department	V	
TRCA		
Ministry of Transportation		
Region of York	$\overline{\checkmark}$	
Alectra (Formerly PowerStream)	V	
Public Correspondence (see Schedule B)		
Adjournment History: N/A		
Pockground History N/A		
Background History: N/A		

Staff Report Prepared By: Pravina Attwala Hearing Date: Thursday, November 18, 2021



Minor Variance Application

Agenda Item: 6

A176/21 Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday, November 18, 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: Pasquale & Lisa Nudo

Agent: Frasca Design & Planning

Property: 19 Zoran Ln Maple

Zoning: The subject lands are zoned RD4 and subject to the provisions of Exception 9(1205)

under By-law 1-88 as amended.

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction

of a proposed cabana and swimming pool to be located in the rear yard.

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

	By-law Requirement	Proposal
1	. A minimum rear yard setback of 7.5 metres to the	1. To permit a minimum rear yard setback of 0.76
	proposed accessory structure is required	metres to the proposed accessory structure.
	(Schedule A3, By-law 1-88a.a.).	
2	. A minimum interior side yard setback of 1.2 metres	2. To permit a minimum interior side yard setback of
	to the proposed accessory structure is requried	0.61metres to the proposed accessory structure.
	(Schedule A3, By-law 1-88a.a.).	
3	. A minimum interior side yard setback of 1.5 metres	3. To permit a minimum interior side yard setback of
	to the proposed pool is required (Section 4.1.1, By-	1.0 metres to the proposed pool.
	law 1-88a.a).	

Background (previous applications approved by the Committee on the subject land): N/A

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on November 3, 2021

Applicant confirmed posting of signage on November 8, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2006-2008 (Purchased 2007)

Applicant has advised that they cannot comply with By-law for the following reason(s): Setbacks requirements seem to be too restrictive for a proposed cabana and proposed pool.

Committee of Adjustment recommended conditions of approval: None

Adjournment Request / File Review History: 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

Accessory structures are permitted in the rear yard only (Section 4.1, By-law 1-88a.a.).

Any architectural or design element, used in the hard landscaping of any yard, which is greater than 1.8 m in height shall be set back from the property line a distance equal to the height of said architectural or design element (Section 4.1, By-law 1-88a.a.).

External ground mounted Central Air Conditioner shall be permitted in the interior side yard with a minimum setback of 0.6 metres. External wall mounted Central Air Conditioner Units shall be permitted in the interior side yard having a minimum setback of 0.3 metres (Section 3.14, By-law 1-88a.a.).

The maximum height of any retaining wall constructed on a property line between two (2) residential lots shall be one (1) metre. Height shall be measured from the finished ground level to the highest point of the wall. A retaining wall which exceeds one (1) metre in height must be set back from the nearest property line a distance equal to its height (Section 4.1, By-law 1-88a.a.).

Building Inspections (Septic):

No comments received to date

Development Planning:

Please see Schedule C for Development Planning comments/conditions.

Development Engineering:

As the proposed cabana in the subject property is 29.63 m2, the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m2 requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached)

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.

Although the minimal setback to the proposed retaining wall is 0.15m, the applicant has confirmed that a perforated drain with filter socks will be used in the south side of the property to facilitate drainage. Therefore, the Development Engineering (DE) Department does not object to variance application A176/21 subject to the following condition(s):

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.

Parks Development - Forestry:

Resident/agent has confirmed Via email that the municipally owned right-of-way tree will be protected during the pool construction utilizing hoarding detail MLA 107B (light Duty) with a minimum distance of 1.8 Meters in all directions.

The Forestry division is satisfied with the applicant's current plans and no further action is required at this time

Please note that Forestry comments do not supersede the requirements of other commenting departments/agencies, including Development Planning with respect to the requirement of an Arborist Report and other tree protection requirements. Arborist Reports and other tree protection requirements may be required by other commenting departments to facilitate the review process of your application for the purpose of finalizing recommendations to the Committee of Adjustment.

By-Law and Compliance, Licensing and Permit Services:

No comments no concerns

Development Finance:

No comment no concerns

Fire Department:

No comment no concerns

Schedule A - Plans & Sketches

Schedule B - Public Correspondence

None

Schedule C - Development Planning & Agency Comments

Development Planning Comments Alectra (Formerly PowerStream) – No concerns or objections Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

Should the Committee adjourn this application the following condition(s) is required: N/A

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering	The Owner/applicant shall submit the final Lot Grading and/or Servicing
	Farzana Khan	Plan to the Development Inspection and Lot Grading division of the City's
		Development Engineering Department for final lot grading and/or servicing
	905-832-8585 x 3608	approval prior to any work being undertaken on the property. Please visit or
	Farzana.Khan@Vaughan.	contact the Development Engineering Department through email at
	<u>ca</u>	DEPermits@vaughan.ca or visit
		https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/defaul
		t.aspx to learn how to apply for lot grading and/or servicing approval.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Please Note:

Relief granted from the City's Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City's Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

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 <u>Vaughan.ca/LiveCouncil</u>. To make an electronic deputation, residents must complete and submit a <u>Public Deputation Form</u> 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 <u>www.vaughan.ca</u>

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8002 E CofA@vaughan.ca

Schedule A: Plans & Sketches

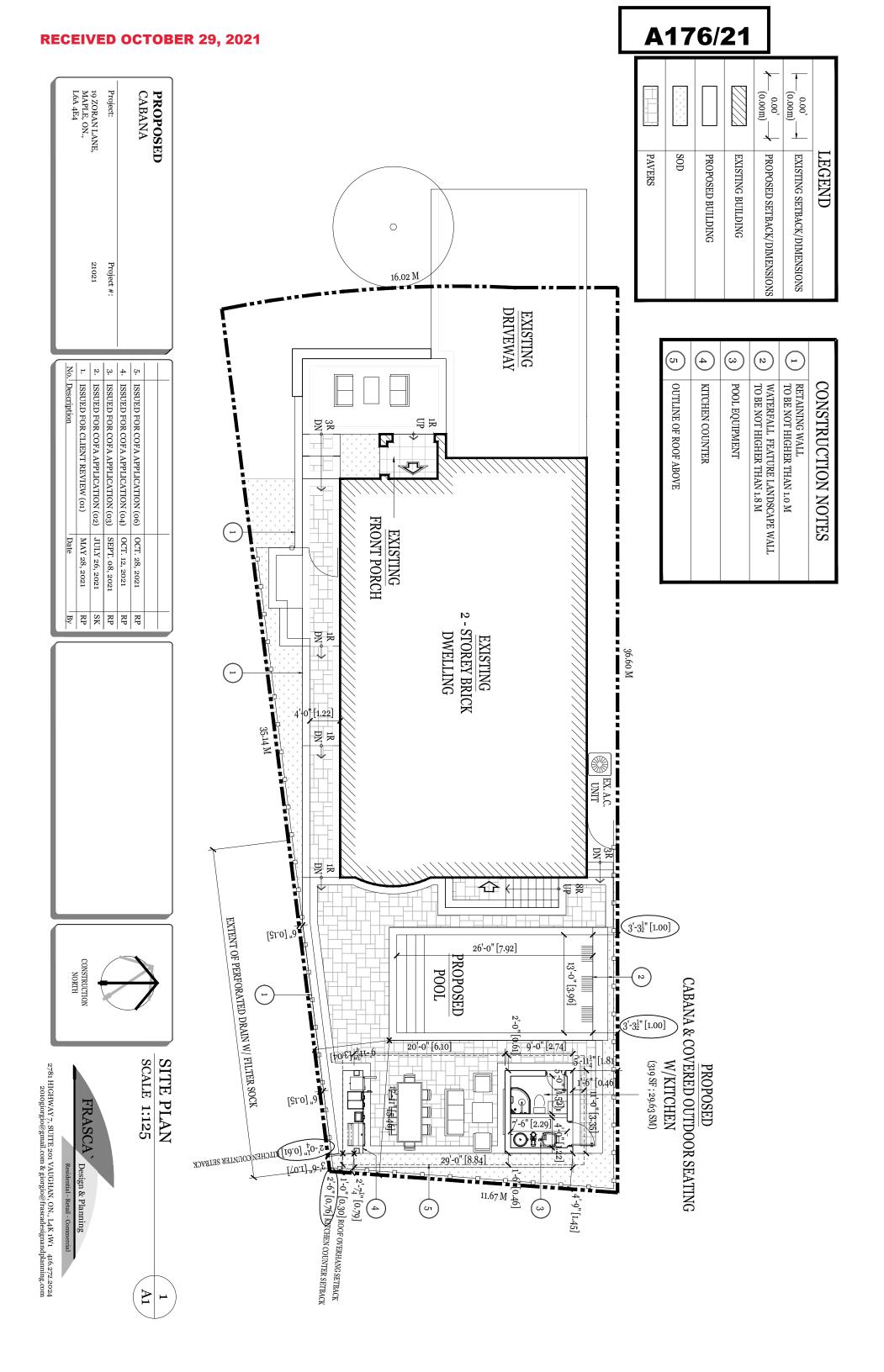
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

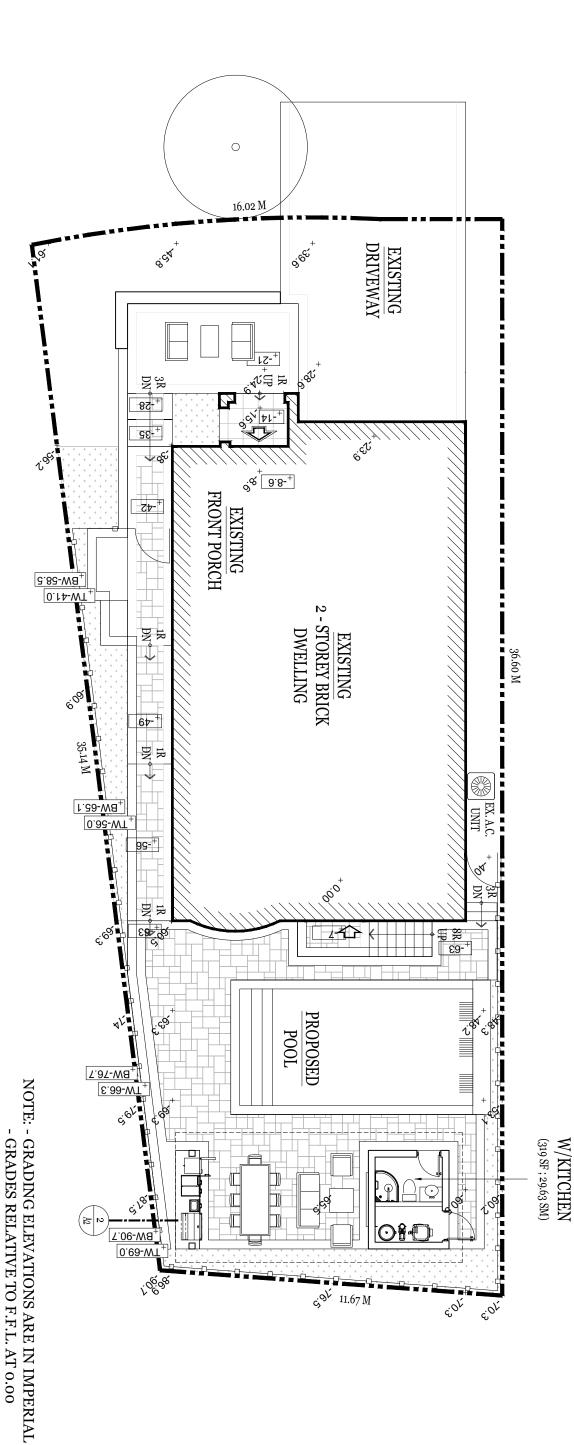
Location Map Plans & Sketches



LOCATION MAP A176/21

Major Mackenzie Drive





CABANA & COVERED OUTDOOR SEATING

PROPOSED

19 ZORAN LANE, MAPLE, ON., L6A 4E4

> Project #: 21021

No. | Description

ISSUED FOR COFA APPLICATION (06)
ISSUED FOR COFA APPLICATION (05)

OCT. 28, 2021 OCT. 26, 2021

RP RP

CONSTRUCTION NORTH

FRASCA

Design & Planning

2781 HIGHWAY 7, SUITE 201 VAUGHAN, ON., L4K 1W1 416.272.2024 2010giorgio@gmail.com & giorgio@frascadesignandplanning.com

SCALE 1:125

A1.1

GRADING PLAN

Project:

PROPOSED CABANA

SI	SITE DATA	
ACCESS	ACCESSORY STRUCTURES	
	CITY OF VAUGHAN	
SNINOZ	RD4	
LOT AREA	498.26 SM (5,363.33 SF)	5,363.33 SF)
	PERMITTED	PROPOSED
ACCESSORY STRUCTURE PROPOSED CABANA		
SIDE SETBACK (NORTH)	1.2 M	1.81 M
SIDE SETBACK (SOUTH)	1.2 M	0.61 M
REAR SETBACK (WEST)	7.5 M	0.76 M
MAX. HEIGHT (TO ROOF PEAK)	4.5 M	3.39 M
MAX. HEIGHT (TO NEAREST POINT OF ROOF)	3.0 M	3.00 M
LOT COVERAGE	N/A	5.95%
PROPOSED POOL		
SIDE SETBACK (NORTH)	1.5 M	1.0 M
SIDE SETBACK (SOUTH)	1.5 M	3.04 M
REAR SETBACK (WEST)	1.5 M	5.46 M

% 16.68	2+3) 3 <u>N/A</u>	TOTAL LOT COVERAGE (1+2+3) PERMITTED LOT COVERAGE N/A	TOTAL J PERMITT
5.94 %	29.63 SM (319.00 SF)		3. PROPOSED CABANA & COVERED OUTDOOR SEATING
0.97%		±4.83 SM (± 52.02 SF)	2. EXISTING FRONT PORCH
33 %	-	±166 SM (±1787.98 SF)	1. EXISTING DWELLING
LOT COVERAGE	PROPOSED	EXISTING	
	REAS	SITE AREAS	

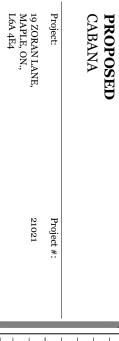
	REAR YARD	
	PERMITTED	AREAS
TOTAL REAR YARD AREA		151.37 SM
SOFT LANDSCAPING *	60% (MIN.) OF LANDSCAPED AREA IN EXCESS OF 135 SM SOFT LANDSCAPING 9.82 SM REQ'D	<u>SOD</u> 20.18 SM
* SOFT LANDSCAPING INCLUDES ONLY SOD	LUDES ONLY SOD	

	PERMITTED	AREAS
TOTAL REAR YARD AREA	-	151.37 SM
OFT LANDSCAPING *	60% (MIN.) OF LANDSCAPED AREA IN EXCESS OF 135 SM SOFT LANDSCAPING 9.82 SM REQ'D	<u>SOD</u> 20.18 SM
OFT LANDSCAPING INCLUDES ONLY SOD	CLUDES ONLY SOD	

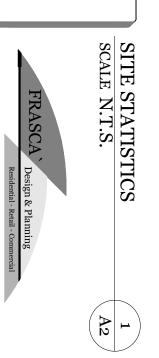
COMPACTED GRANULAR BASE	PERFORATED DRAIN 1'-11 ¹ / ₂ " [0.59] PROPERTY LINE
PERFORATED DRAIN W/ FILTER SOCK	INTERLOCKING-BLOCK RETAINING WALL * ** ** ** ** ** ** ** ** ** ** ** **

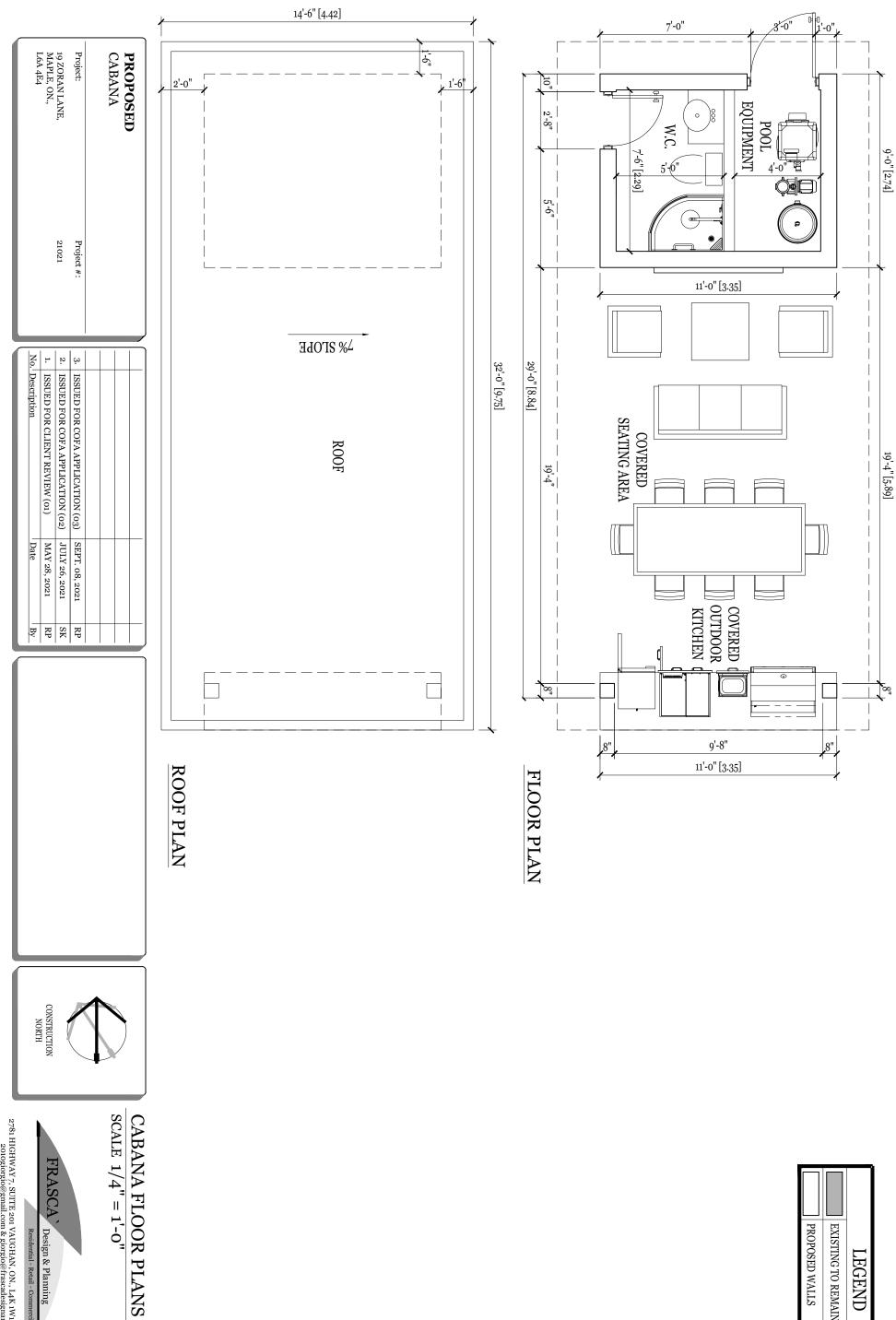
A2 SCALE 1/2" = 1'-0" RETAINING WALL DETAIL

	FRONT YARD	
	PERMITTED	AREAS
TOTAL FRONT YARD AREA		107.71 SM
LANDSCAPED AREA *	50 % (MIN.) 53.85 SM REQ'D	59.45 SM
SOFT LANDSCAPING **	60% (MIN.) OF LANDSCAPED AREA 35.67 SM REQ'D	SOD 37.28 SM
* LANDSCAPED AREA EXCLUDES DRIVEWAY ** SOFT LANDSCAPING INCLUDES ONLY SOD	* LANDSCAPED AREA EXCLUDES DRIVEWAY AND RETAINING WALLS ** SOFT LANDSCAPING INCLUDES ONLY SOD	NG WALLS









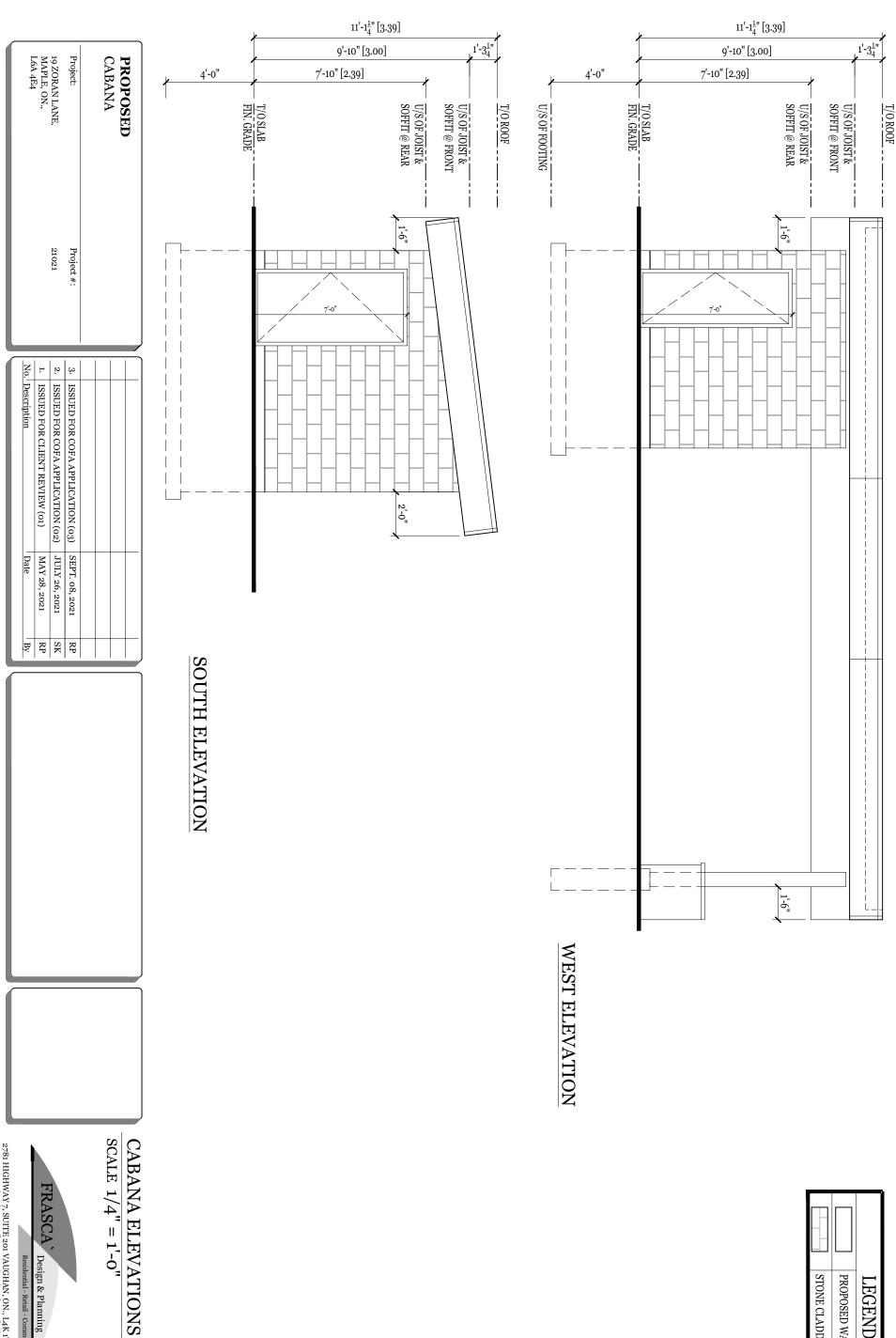
EXISTING TO REMAIN PROPOSED WALLS

LEGEND

2781 HIGHWAY 7, SUITE 201 VAUGHAN, ON., 14K 1W1 416.272.2024 2010giorgio@gmail.com & giorgio@frascadesignandplanning.com

Design & Planning

 A_3



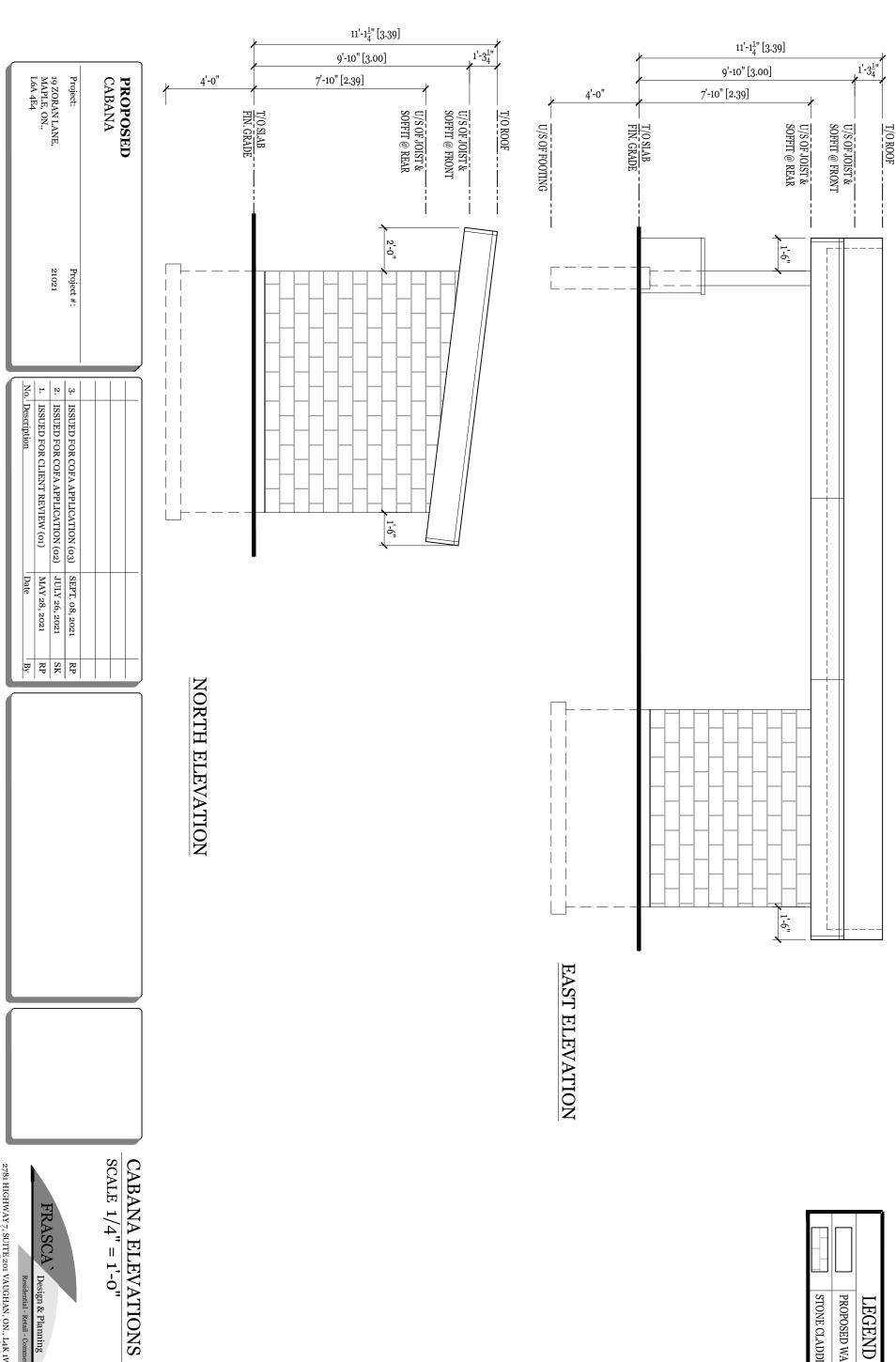
STONE CLADDING PROPOSED WALLS

LEGEND

2781 HIGHWAY 7, SUITE 201 VAUGHAN, ON., L4K 1W1 416.272.2024 2010giorgio@gmail.com & giorgio@frascadesignandplanning.com

Design & Planning

A



STONE CLADDING PROPOSED WALLS

LEGEND

2781 HIGHWAY 7, SUITE 201 VAUGHAN, ON., 14K 1W1 416.272.2024 2010giorgio@gmail.com & giorgio@frascadesignandplanning.com

A5

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.-

Development Planning Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections





To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: November 18, 2021

Name of Owner: Pasquale and Lisa Nudo

Location: 19 Zoran Lane

File No.(s): A176/21

Proposed Variance(s):

- 1. To permit a minimum rear yard of 0.76 m to the proposed accessory structure.
- 2. To permit a minimum interior side yard setback of 0.61 m to the proposed accessory structure.
- 3. To permit a minimum interior side yard setback of 1.0 m to the proposed pool.

By-Law Requirement(s):

- 1. A minimum rear yard setback of 7.5 m to the proposed accessory is required. (Schedule A3, By-law 1-88a.a.)
- 2. A minimum interior side yard setback of 1.2 m to the proposed accessory structure is required. (Schedule A3, By-law 1-88a.a.)
- 3. A minimum interior side yard setback of 1.5 m to the proposed pool is required (Section 4.1.1, By-law 1-88a.a.)

Official Plan:

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

Comments:

The Owner is requesting to construct an accessory structure (cabana) and in-ground swimming pool with the above noted variances.

The Development Planning Department has no objection to the variances for the proposed cabana, as the interior and rear yard setback to the cabana is measured at a pinch point which increases in distance and is specific to an unenclosed area of the cabana. It is important to note that only a small portion of the cabana is enclosed to accommodate a washroom and pool equipment in the northeast corner, where greater setbacks are provided. Additionally, the Development Planning Department can support the proposed interior side yard setback of 1.0 m to the pool as it provides adequate distance for safe access between the pool edge and the interior side yard fence and complies with all other setback requirements.

The Development Engineering Department has reviewed the information provided by the Owner and confirms a perforated drain with filter socks will be used at the south side of the property to ensure there are no issues with drainage on site.

The Development Planning Department is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner Letizia D'Addario, Senior Planner



Date: October 14th , 2021

Attention: Christine Vigneault

RE: Request for Comments

File No.: A176-21

Related Files:

Applicant: Pasquale Nudo & Lisa Nudo

Location 19 Zoran Ln



COMMENTS:

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T

Supervisor, Distribution Design, ICI & Layouts (North)

Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio

Supervisor, Subdivisions (Alectra East) *Phone*: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: A176/21 - (19 ZORAN LANE) - REQUEST FOR COMMENTS

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

Sent: October-18-21 10:58 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca> **Cc:** Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A176/21 - (19 ZORAN LANE) - REQUEST FOR COMMENTS

Good morning Pravina,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca | <a h