



File: A183/21

Applicant: Michael Muia and Pamela Duca

Address: 68 Cardish Street, Kleinburg

Agent: Schiller Engineering Ltd.

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, November 18, 2021

**Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).*



Minor Variance Application

Agenda Item: 7

A183/21

Ward: 1

Staff Report Prepared By: **Adriana MacPherson, 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](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant: Michael Muia and Pamela Duca

Agent: Schiller Engineering Ltd.

Property: **68 Cardish Street, Kleinburg**

Zoning: The subject lands are zoned R1, Residential Zone, under By-law 1-88 as amended.

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

Related Files: None

Purpose: Relief from the By-law 1-88, as amended, is being requested to permit the construction of a proposed single family dwelling with attached covered loggia 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 Interior side yard of 1.5 metres is required (Schedule A).	1. To permit a minimum Interior side yard of 0.97 metres to a dwelling.
2. A maximum Lot coverage of 30% is required (Schedule A, Note 12).	2. To permit a maximum Lot coverage of 41.70% (Dwelling - 25.23%, Garage - 6.90%, Loggia - 9.19%, Porch - 0.38%).
3. A maximum Building Height of 9.5 metres is required (Schedule A).	3. To permit a maximum Building Height of 10.74 metres to a dwelling.

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

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

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

Adjournment History: None

Staff & Agency Comments

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

Committee of Adjustment:

Public notice was mailed on November 3, 2021

Applicant confirmed posting of signage on November 1, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	TBC
Loggia	TBC
Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s):
 Due to the zoning restrictions the bylaw prescribes, staying within certain zoning criteria would not allow us to put together a design that would satisfy the client wish list for the subject property.

Building Standards (Zoning Review):

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

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

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

A ground mounted A/C unit and/or pool equipment shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Standards Recommended conditions of approval:

Building Inspections (Septic):

No comments or concerns

Development Planning:

Please see Schedule C for Development Planning comments/conditions.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A183/21 subject to the following condition(s):

1. The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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 41.7% in order to mitigate potential impacts on the municipal storm water system.

Additional comments:

1. As the proposed dwelling in the subject property is 235.21 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)
3. The proposed work by the owner is increasing the lot coverage in the subject property. The added hardscape may have impact on City’s Storm Water management system. Stuff requires the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts. Please provide DE with a LID brief explaining the measures taken prior to clearing the condition. (Condition attached)

3. The owner/applicant shall contact Transportation and Fleet Management Services (Joint Operations Centre) for the work required related to the new driveway culvert.
Please visit:
https://www.vaughan.ca/services/residential/transportation/roads/culvert_installation/Pages/default.aspx for more information.
4. 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.

Parks Development - Forestry:

Applicant has applied for a tree removal and protection permit. Hoarding to be installed.

By-Law and Compliance, Licensing and Permit Services:

Ensure pool permit Obtained through Engineering Department.

Development Finance:

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

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Development Planning & Agency Comments

Development Planning - No concerns or objections
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 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 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 41.7% in order to mitigate potential impacts on the municipal storm water system.

Conditions

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

Please Note:

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

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

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

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting Vaughan.ca/LiveCouncil. To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

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

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

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

For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

Schedule A: Plans & Sketches

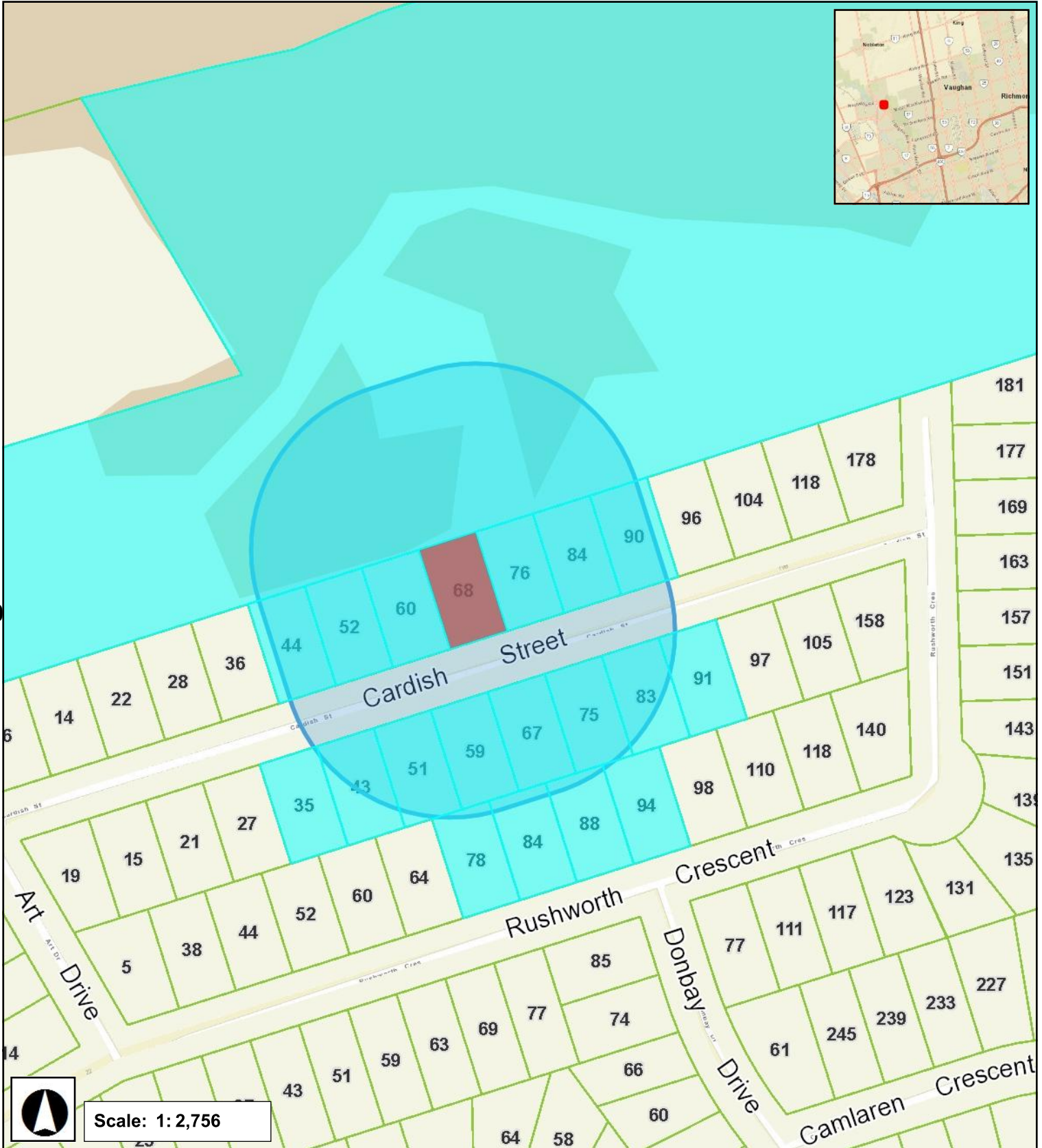
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

**Location Map
Plans & Sketches**



A183/21 - Notification Map

68 Cardish Street, Kleinburg



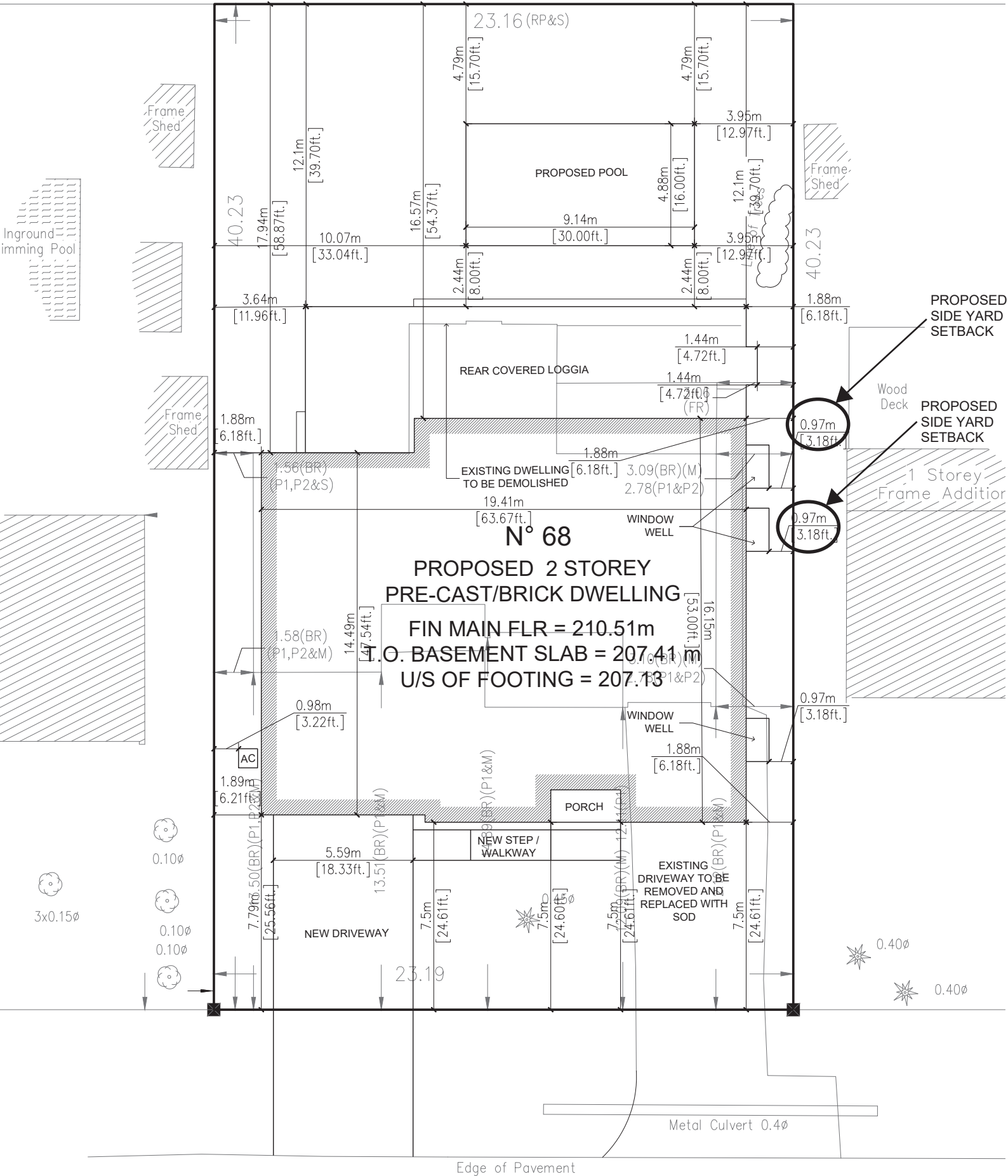
Major Mackenzie Drive

November 4, 2021 10:07 AM

Proposal:

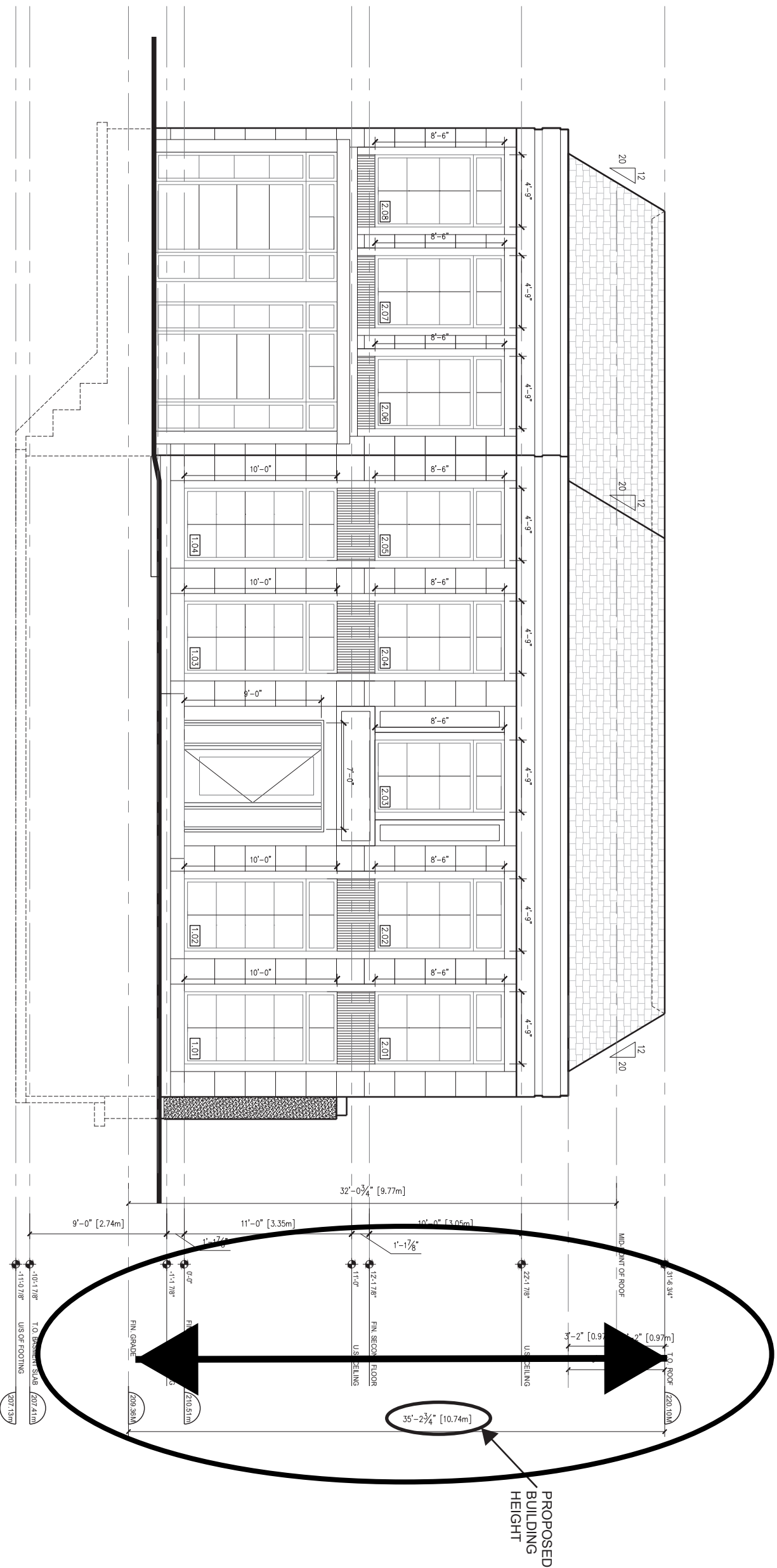
1. To permit a minimum Interior side yard of 0.97 metres to a dwelling.
2. To permit a maximum Lot coverage of 41.70% (Dwelling - 25.23%, Garage - 6.90%, Loggia - 9.19%, Porch - 0.38%).
3. To permit a maximum Building Height of 10.74 metres to a dwelling

A183/21



CARDISH

STREET



68 CARDISH STREET

PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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: Development Planning & 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 – No concerns or objections

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: Pamela Duca and Michael Muia
Location: 68 Cardish Street
File No.(s): A183/21

Proposed Variance(s):

1. To permit a minimum interior side yard of 0.97 m to a dwelling.
2. To permit a maximum lot coverage of 41.70%.
3. To permit a maximum building height of 10.74 m to a dwelling.

By-Law Requirement(s):

1. A minimum interior side yard of 1.5 m is required (Schedule A).
2. A maximum lot coverage of 30% is required (Schedule A, Note 12).
3. A maximum building height of 9.5 m is required (Schedule A).

Official Plan:

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

Comments:

The Owner is proposing to construct a two-storey single detached dwelling with the above-noted variances.

The Development Planning Department has no objection to Variance 1 concerning the reduction in interior side yard setback to the proposed dwelling, as the easterly interior side yard setback of 0.97 m is measured only to the window well projections. The main wall of the dwelling on the east side of the property is setback 1.88 m from the interior side yard and complies with Zoning By-law 1-88.

The proposed total lot coverage of 41.70% includes a dwelling coverage of 32.13%, which represents a minor increase from the maximum total lot coverage of 30% required. The remaining lot coverage of 0.39% for the front porch and 9.17% for the rear covered and unenclosed loggia are considered non-livable space and primarily contained within the rear yard which will not have an impact on the streetscape. The proposed total lot coverage and dwelling coverage is also consistent with previous Committee of Adjustment approvals in the neighbourhood. Therefore, the Development Planning Department considers the requested total lot coverage minor in nature.

The Development Planning Department has no objection to Variance 3 for the proposed maximum building height. Following discussions with the Development Planning Department on concerns with the original proposed building height, the Owner has revised the height of the proposed dwelling from 10.94 m to 10.74 m. The resulting building height is more consistent and compatible with new dwellings built in the neighbourhood.

In support of the application, the Owner has submitted an Arborist Report, Tree Inventory and Protection Plan, and Landscape Plan prepared by Dreamworks Tree Services, dated June 21, 2021. The report inventoried 14 trees, two of which are proposed to be removed. Urban Design staff have reviewed the Arborist Report and concur with its recommendations, with the Landscape Plan subject to minor revisions. A condition to this effect is included in the Conditions of Approval.

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

Recommendation:

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

Conditions of Approval:

If the Committee finds merit in the application, the following condition(s) of approval are recommended:

1. The Owner shall submit a revised Landscape Plan to the satisfaction of the Development Planning Department.

Comments Prepared by:

Michael Torres, Planner I

Chris Cosentino, Senior Planner

COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 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

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Adriana MacPherson

Subject: FW: A183/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: October-18-21 11:10 AM
To: Adriana MacPherson <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A183/21 - Request for Comments

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

Gabrielle

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