

File: A169/21

Applicant: Frank Abate & Liliana Lozzo

Address: 28 Johnswood Cr Woodbridge

Agent: Fausto Cortese Architects Inc.

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

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

Adjournment History: September 9, 2021 & October 28, 2021 (see next page for details)

Background History: N/A

Staff Report Prepared By: Pravina Attwala
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: 25

A169/21

Ward: 3

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](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: Frank Abate & Liliana Lozzo

Agent: Fausto Cortese Architects Inc.

Property: **28 Johnswood Cr Woodbridge**

Zoning: The subject lands are zoned RV3, Residential Urban Village Zone Three, and subject to the provisions of Exception 9(1019) 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 existing cabana 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 is required (Schedule A1).	1. To permit a minimum Rear yard setback of 3.3 metres to an Accessory structure.
2. A minimum Interior side yard setback of 0.6 metres is required (Schedule A1, Note 15).	2. To permit a minimum Interior side yard setback of 0.43 metres to an Accessory structure.

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

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

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

Adjournment History:

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
October 28, 2021	N/A	Adjourned	Allow time to address neighbour concerns
September 9, 2021	N/A	Adjourned	Allow time to address neighbour concerns

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 3, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2001 (Purchased 2002)

Applicant has advised that they cannot comply with By-law for the following reason(s): Current zoning bylaw fence requirements do not allow adequate privacy for clients needs. As built cabana does not comply to existing zoning but is minor in nature and therefore looking for relief.

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: Order No. 21-113781, Order to Comply for , Issue Date: May 29, 2021

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.

Regarding the existing stone retaining wall, the applicant shall be advised as per Section 4.1.1 j), 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. If the height of the wall on one side is different than the height on the other side, for the purposes of this paragraph the height of the wall shall be the greater of the two.

The existing setback in the interior side yard to the ground mounted pool equipment appears to be inaccurate. The minimum required setback to the equipment shall be 0.6 metres from the interior lot line.

Building Inspections (Septic):

No comments received to date

Development Planning:

Please see Schedule C for Development Planning comments/conditions.

Development Engineering:

The Development Engineering (DE) is satisfied with the updated drawing received on August 23, 2021 showing the reduced cabana roof overhang, weeping tiles installation toward the catch basin and the submitted video showing the water flow.

As the proposed addition in the subject property is over 10 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.

The Development Engineering (DE) Department does not object to variance application A169/21 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. The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures and include the measures in the lot grading drawing to the satisfaction of DE to mitigate the impacts of additional storm runoff. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.

Parks Development - Forestry:

No comment no concerns

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

Public Correspondence (24 Johnswood Crescent) – Nature of Correspondence (reschedule application to December 8, 2021)

Public Correspondence (Sam Colosimo on behalf of 24 Johnswood Crescent) - Nature of Correspondence (Letter of objection)

Public Correspondence (24 Johnswood Crescent) - Nature of Correspondence (Photos)

Public Correspondence (31 Berry Trail) - Nature of Correspondence (Letter of objection)

Schedule C - Development Planning & Agency Comments

Development Planning Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance Application A001/17 (example delete if no previous approvals and insert “none”)

Staff Recommendations:

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

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

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

Should the Committee **adjourn** this application the following condition(s) is required: None

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

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. The owner/applicant shall demonstrate appropriate LID (Low-impact Development) measures and include the measures in the lot grading drawing to the satisfaction of DE to mitigate the impacts of additional storm runoff. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval.
2	Development Planning Michael Torres 905-832-8585 x 8933 Michael.Torres@vaughan.ca	The Owner provides photographic documentation which shows the works to reduce the existing eave overhang have been completed as per the submitted Site Plan.

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

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.

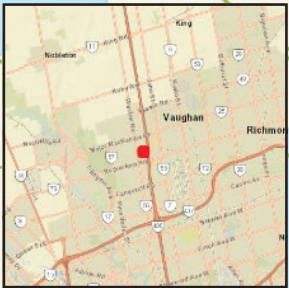
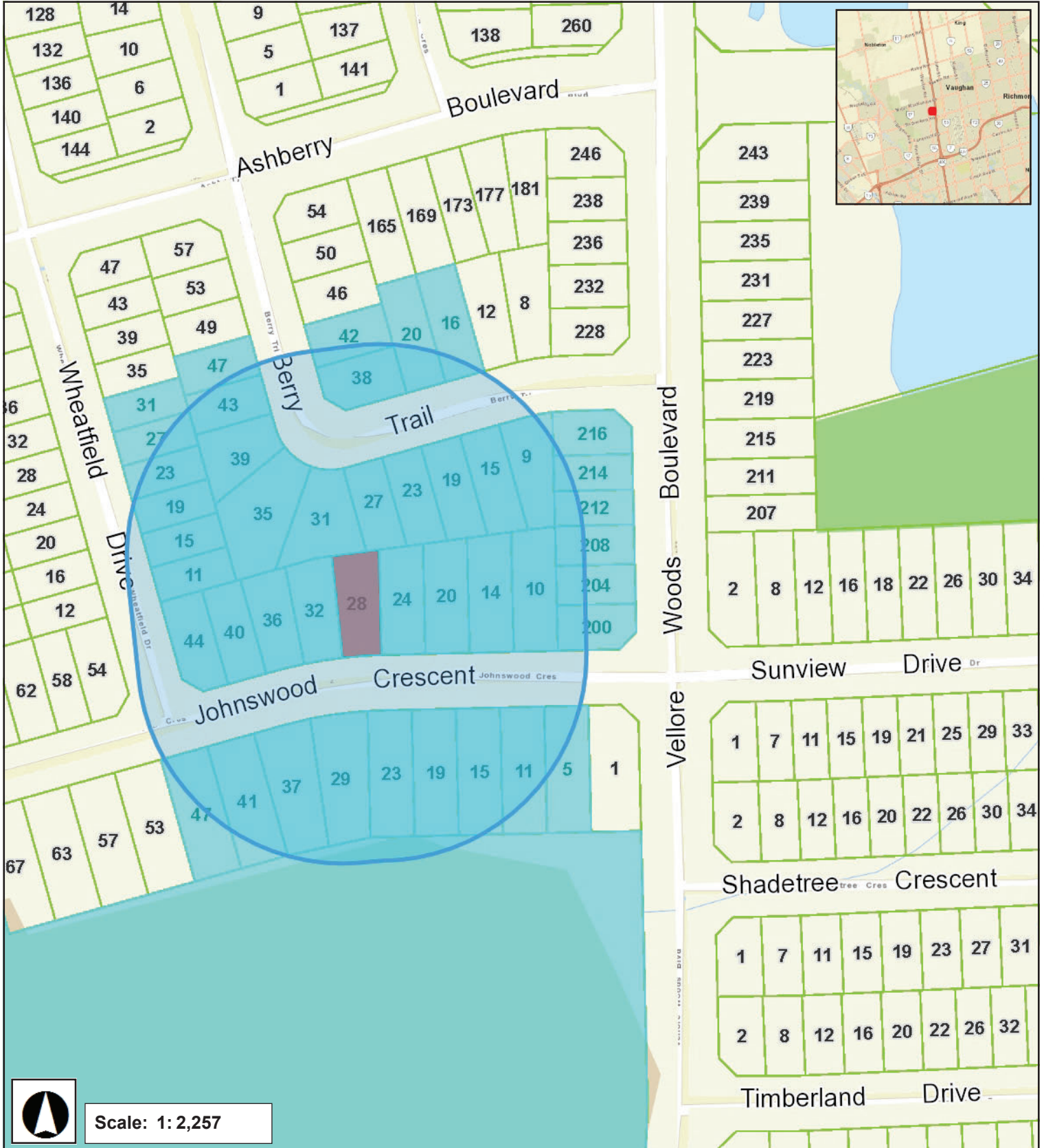
Location Map
Plans & Sketches




LOCATION MAP - A169/21

28 JOHNSWOOD CRESCENT, WOODBRIDGE

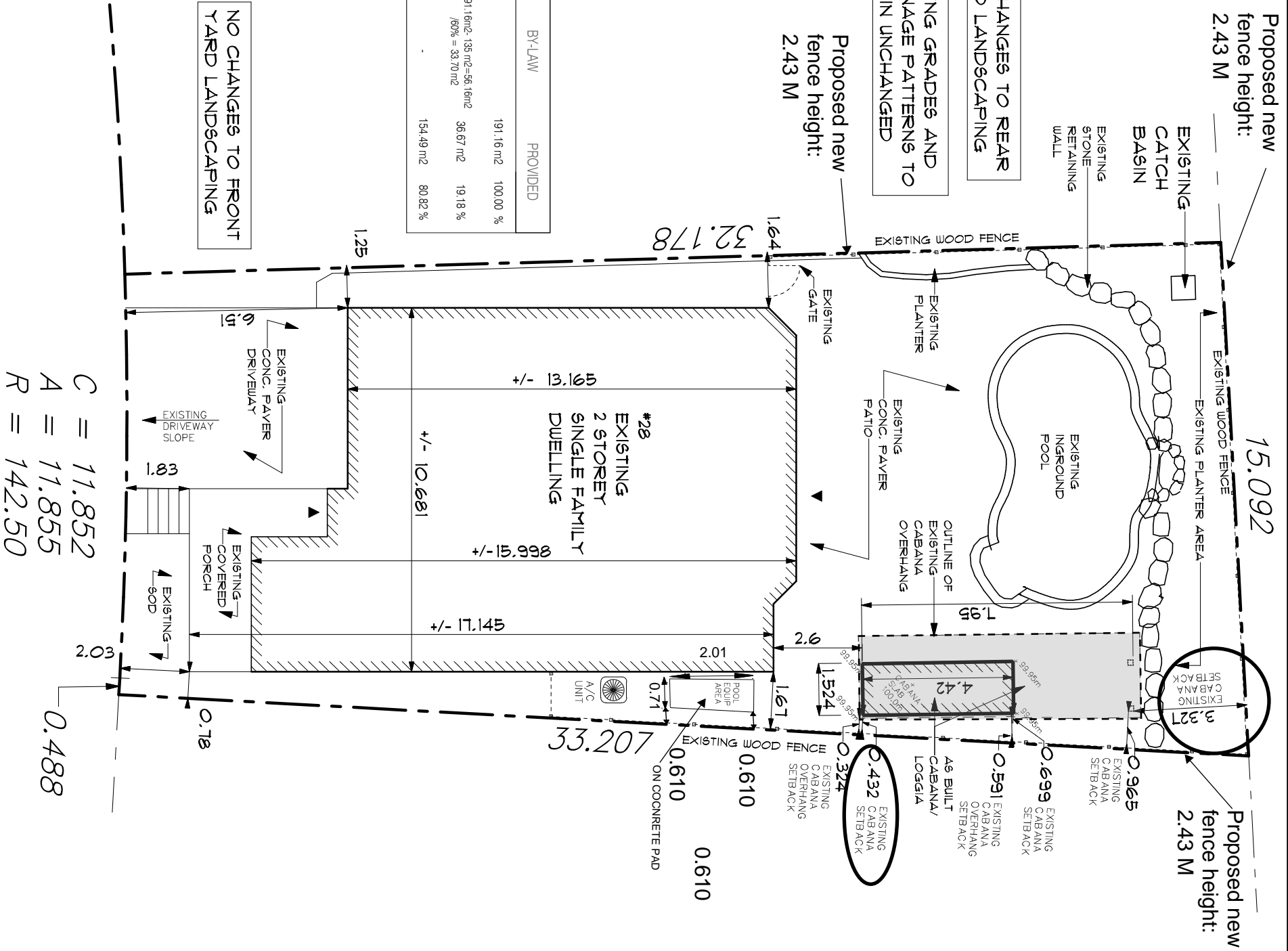
Major Mackenzie Drive



 Scale: 1: 2,257

Rutherford Road

A169/21



$C = 11.852$
 $A = 11.855$
 $R = 142.50$

SITE PLAN

LOT 177

REGISTERED PLAN 65M-3417

CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK
ONTARIO

SCALE 1:150

THIS SITE PLAN HAS BEEN PREPARED FOR ORIENTATION PURPOSES BASED ON FIELD MEASUREMENTS AND SURVEY PROVIDED BY OWNER DATED JAN. 17, 2002 AND IT DOES NOT REPRESENT LEGAL OR SURVEY DIMENSIONS. IF LEGAL OR SURVEY DIMENSIONS ARE REQUIRED, REFERENCE MUST BE MADE TO A LEGAL SURVEY OF THE SUBJECT PROPERTY.

- LEGEND**
- ▲ DENOTES ENTRY POINTS
 - x DENOTES EXISTING ELEVATION

NOTE:
GEODETIC ELEVATIONS ARE IN METERS.

SITE STATISTICS

LOT AREA 4804.40 sq.ft. 446.34 sq.m.

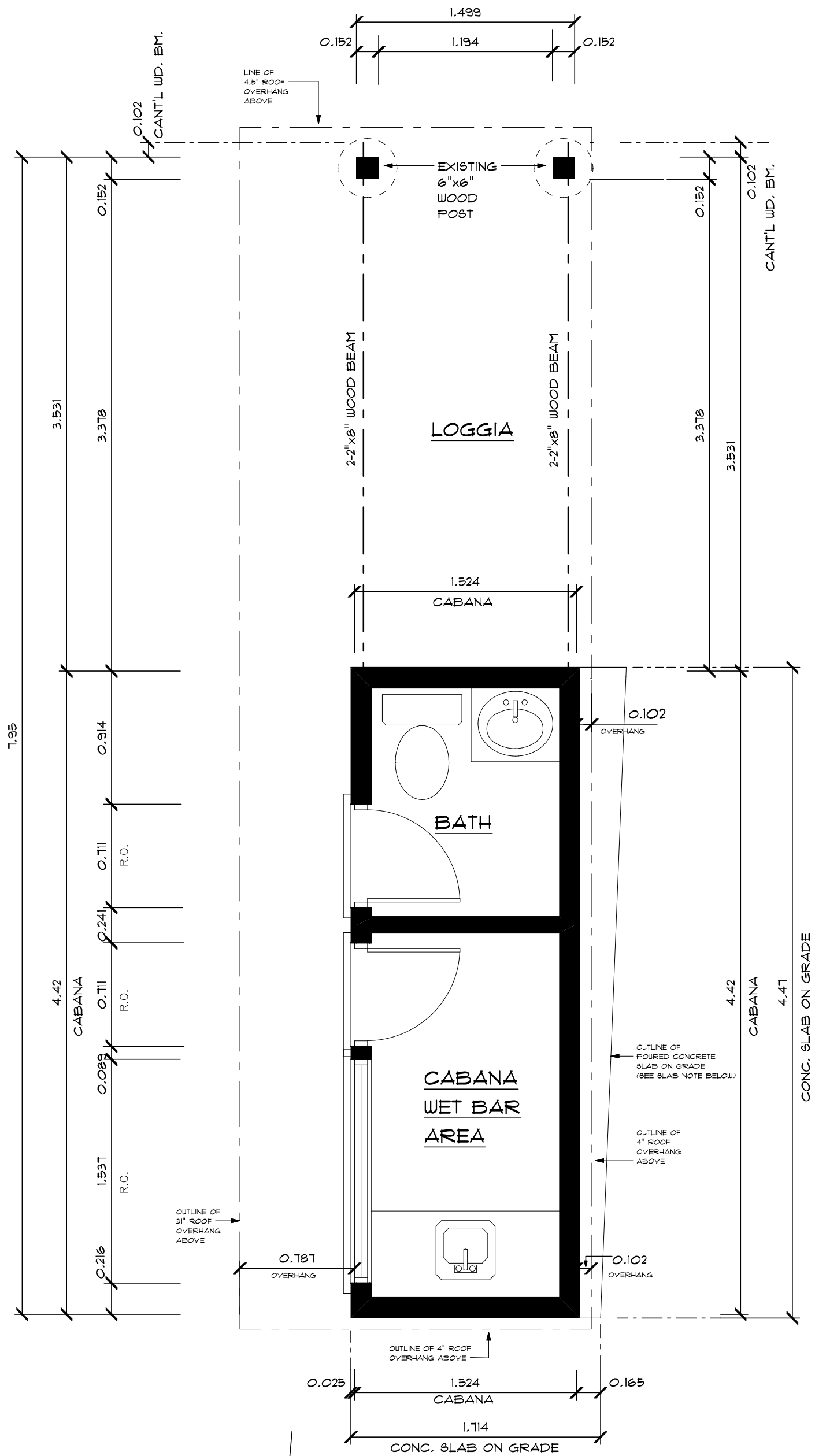
EXISTING COVERAGE

EXISTING DWELLING 1623.20 sq.ft. 150.80 sq.m.
 EXISTING FRONT COVERED PORCH 138.90 sq.ft. 12.90 sq.m.
 EXISTING CABANA PLUS OVERHANG 235.10 sq.ft. 21.84 sq.m.
 EXISTING TOTAL COVERAGE (41.6%) 1997.20 sq.ft. 185.55 sq.m.

REAR YARD LANDSCAPING STATISTICS

REAR LOT AREA 2057.60 sq.ft. 191.16 sq.m.
 EXISTING CABANA 130.40 sq.ft. 12.11 sq.m.
 EXISTING PATIO/RETAINING WALL 1224.20 sq.ft. 113.73 sq.m.
 EXISTING PLANTER AREA 397.80 sq.ft. 36.96 sq.m.
 EXISTING POOL 305.20 sq.ft. 28.35 sq.m.

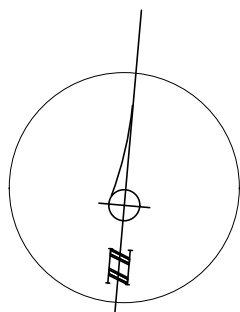
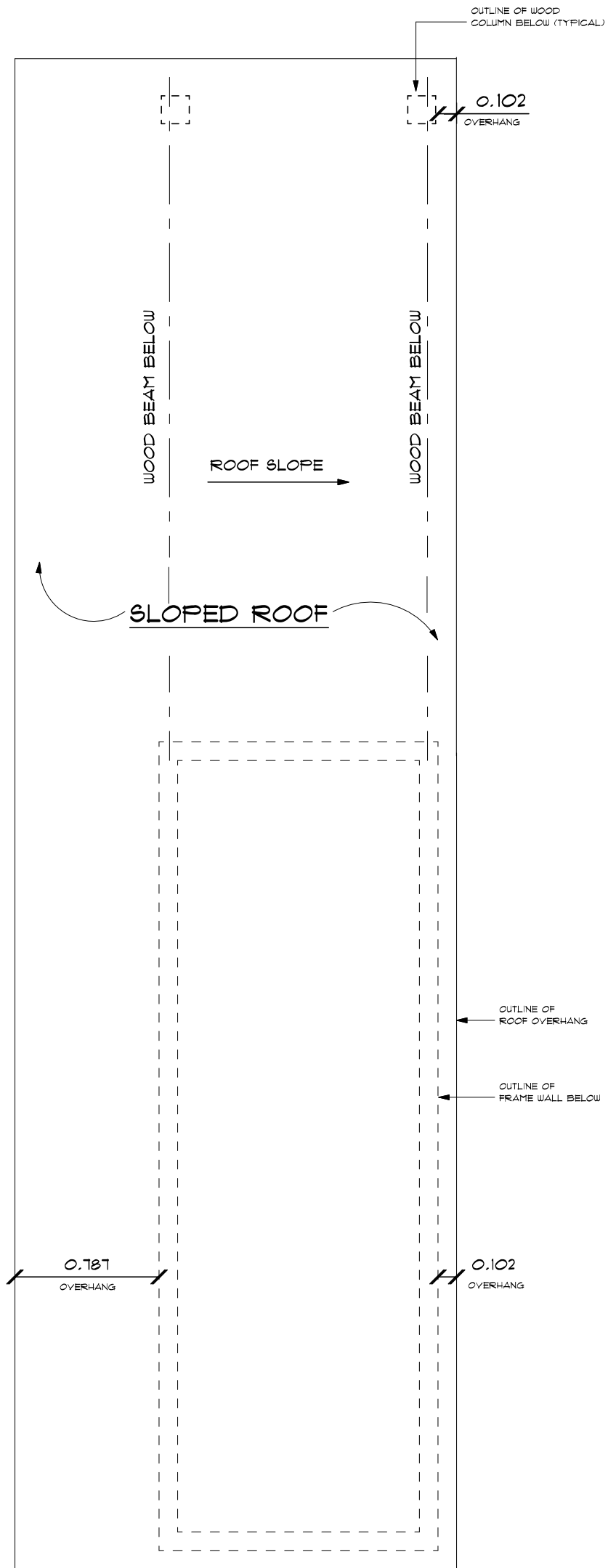
CLIENT ABATE RESIDENCE	DRAWING TITLE CABANA/LOGGIA ELEVATION	1 JUNE 3/21	COMMITTEE OF ADJUSTMENT
PROJECT AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4		No. DATE:	ISSUED:
		SCALE: AS SHOWN	PAGE NO. 1 of 4



GROUND FLOOR PLAN

SCALE 1:30

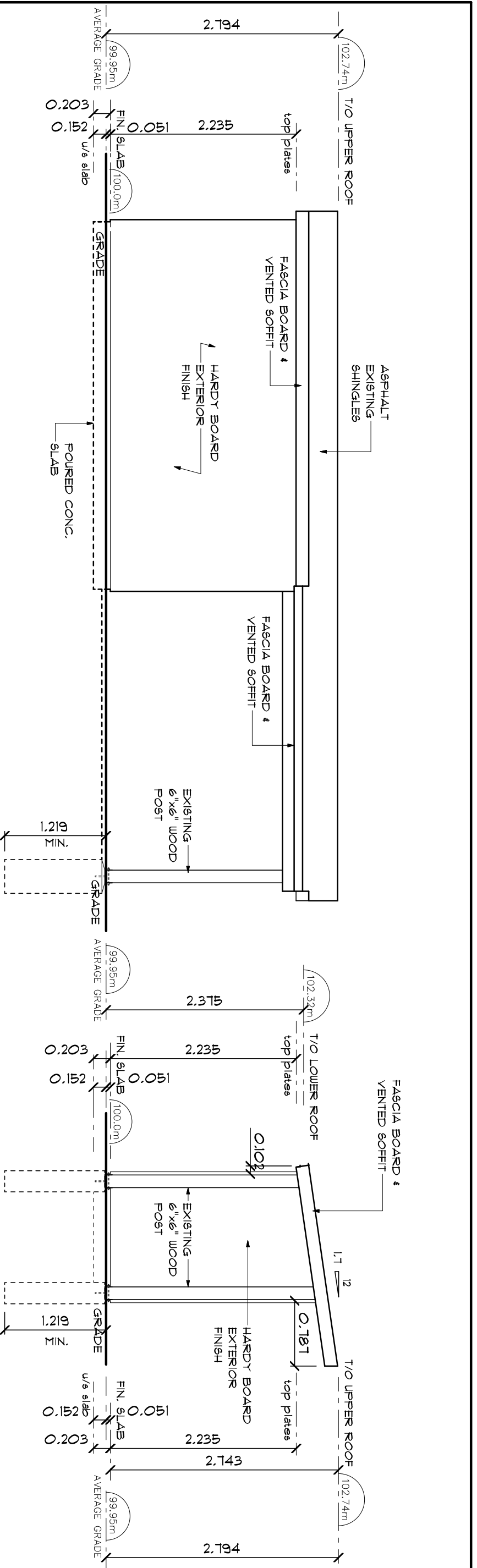
CLIENT ABATE RESIDENCE	DRAWING TITLE GROUND FLOOR PLAN		
PROJECT AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4		1	JUNE 3/21
		No.	DATE:
			COMMITTEE OF ADJUSTMENT
			ISSUED:
	SCALE: AS SHOWN		PAGE NO. 2 of 4



ROOF PLAN

SCALE 1:30

CLIENT ABATE RESIDENCE	DRAWING TITLE ROOF PLAN		
PROJECT AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4		1	JUNE 3/21
		No.	DATE:
			COMMITTEE OF ADJUSTMENT
			ISSUED:
	SCALE: AS SHOWN		PAGE NO. 3 of 4



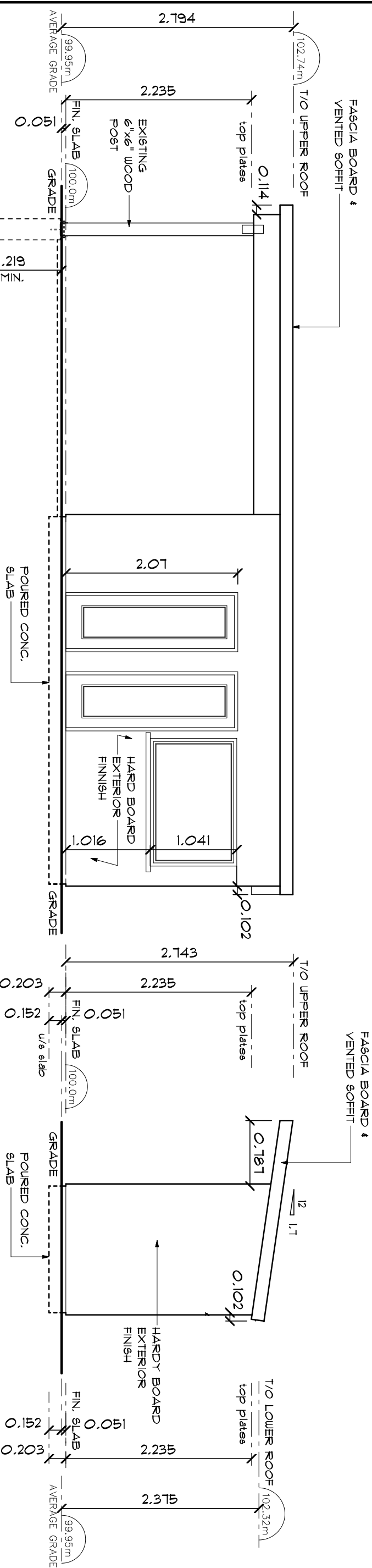
EAST ELEVATION

SCALE 1:50

NOTE:
GEODETIC ELEVATIONS
ARE IN DECIMAL FEET

NORTH ELEVATION

SCALE 1:50



WEST ELEVATION

SCALE 1:50

SOUTH ELEVATION

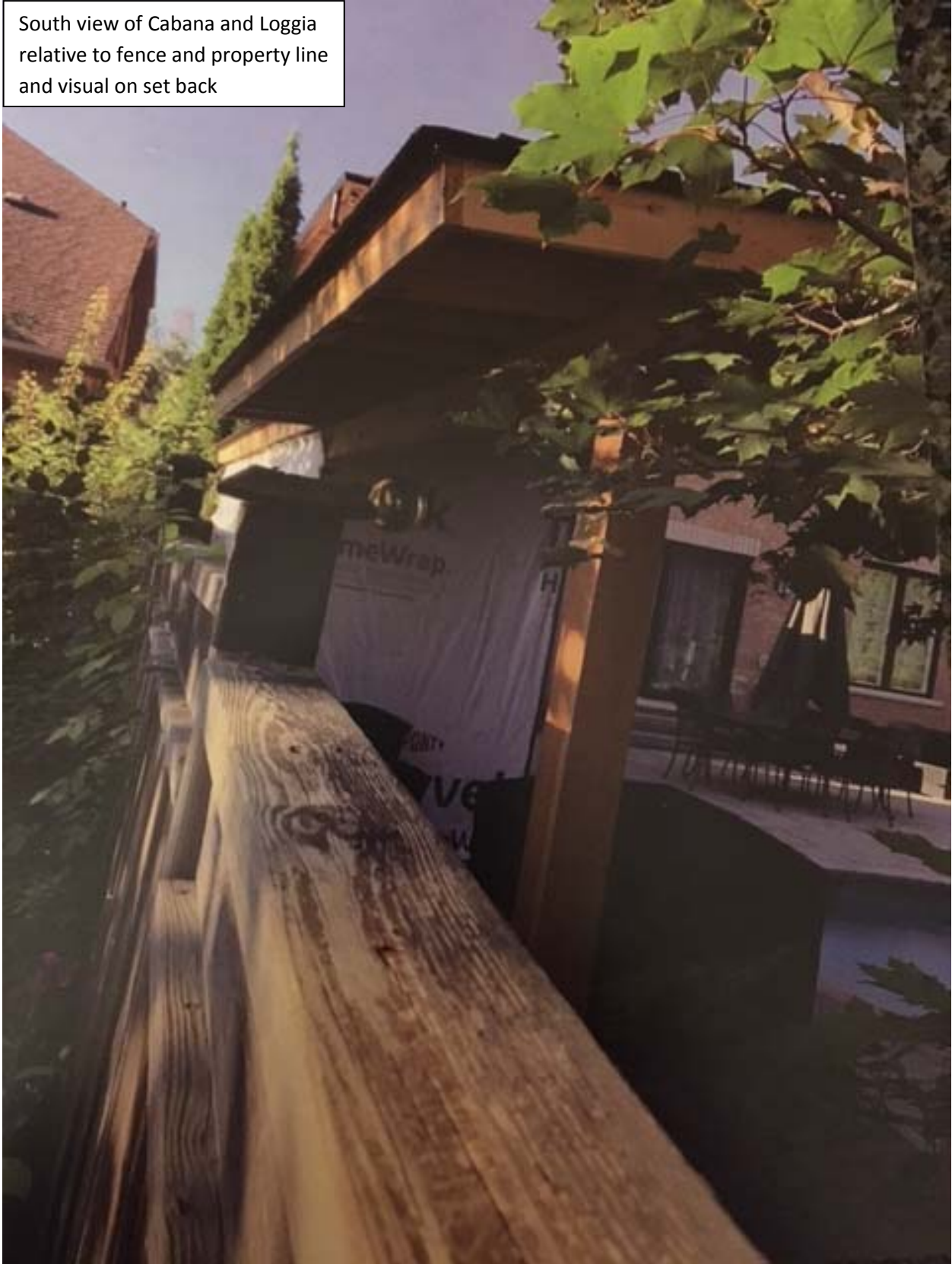
SCALE 1:50

CLIENT	ABATE RESIDENCE		DRAWING TITLE	CABANA/LOGGIA ELEVATION	
PROJECT	AS BUILT CABANA/LOGGIA @ 28 JOHNSWOOD CRESCENT CITY OF VAUGHAN REGIONAL MUNICIPALITY OF YORK ONTARIO M1E 3M4				
	1	JUNE 3/21	COMMITTEE OF ADJUSTMENT		
	No.	DATE:	ISSUED:		
SCALE:	AS SHOWN		PAGE NO.	4 of 4	

South View of Cabana and Loggia



South view of Cabana and Loggia relative to fence and property line and visual on set back



*View of Cabana from back yard
door facing northwest.
Approximately 10-12 feet from
door.*



North view of Cabana along fence line.

Closest to rear of home: set back from fascia approx. 15-16 inches or 12-13" from roof line. With an eaves trough set back will 11-12".

Furthest from rear of home : or "loggia" per drawing: Set back from fascia approx. 10-12" or 7-9" from roof line. With eavestrough estimated set back will be 6-8".



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.

Public Correspondence (24 Johnswood Crescent) – Nature of Correspondence (reschedule application to December 8, 2021)

Public Correspondence (Sam Colosimo on behalf of 24 Johnswood Crescent) - Nature of Correspondence (Letter of objection)

Public Correspondence (31 Berry Trail) - Nature of Correspondence (Letter of objection)

Pravina Attwala

Subject: FW: [External] 28 Johnswood Crescent A169/21-----PDF ADDIITIONS TO PETER CHIAROMONTE'S DEBUTATION

From: Sam Colosimo

Sent: Thursday, November 4, 2021 2:09 PM

To: Christine Vigneault <Christine.Vigneault@vaughan.ca>

Subject: RE: [External] 28 Johnswood Crescent A169/21-----PDF ADDIITIONS TO PETER CHIAROMONTE'S DEBUTATION

Hello Christine,

The neighbours to 28 Johnswood Crescent, Mr. and Mrs. Peter Chiaromonte (who reside at 24 Johnswood) are respectively asking that the application be rescheduled. They have a conflict for November 18, 2021 and ask that the application be heard December 9, 2021. I believe you have an application meeting set for December 9, 2021.

Kindly let me know.

Regards,

Sam Colosimo

Sam Colosimo

CSD Realty Holdings Inc.

65 Millwick Drive

North York, Ontario

M9L 1Y4

This document and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. Unless otherwise stated, opinions expressed in this document are those of the author and are not endorsed by the author's employer.

Pravina Attwala

Subject: FW: A169/21 - 28 Johnswood Crescent

Importance: High

-----Original Message-----

From: Sam Colosimo

Sent: Friday, September 3, 2021 2:33 PM

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

Cc: 'Sam Colosimo'

Subject: [External] RE: VARIANCE APPLICATION A169 AT 28 JOHNWOOD CRESCENT-PLEASE CONFIRM RECEIPT OF THIS EMAIL

Importance: High

Attention: Christine Vigneault, Manager of Development Services and Secretary Dear Christine,

Thank you for your time yesterday in addressing the variance application for 28 Johnswood Crescent.

As you mentioned the staff report recommendations will be available this Friday September 2, 2021. Kindly forward the report to this email address as you kindly offered.

Please be advised that I am communicating on behalf of Peter and Victoria Chiaromonte who reside at 24 Johnswood Crescent, the adjoining property immediately east of the subject property. They have been copied above on this email.

The Chiaromonte's are extremely concerned and distressed by the physical and visual encroachment of the structure built which includes a pool cabana, kitchen, bathroom and fire pit and pool equipment. The construction of thus has/will impair the peaceful enjoyment of their home and has/will significantly impair the value of their home.

More specifically:

1. Notwithstanding the issues identified in the variance application was the structure built in accordance with the Ontario Building Code or any other applicable municipal code and does it comply with size, height and coverage by laws and regulations? The Cabana is very large (approximately 25 feet in length) and runs along the fence between the applicant's property and the Chiaromonte's? It creates an unappealing visual barrier.

2. Were construction permits submitted and the applicable process including informing the neighbouring homes of the project conducted by the applicant?

3. Pool equipment installed between the applicants home and the Chiaromonte's is a concern for 2 reasons:

a) the equipment and related attachments encroach the property line or within 6-8 inches of the property line.

b) the surrounding fence to the equipment also encroaches and is built on over the property line and on the Chiaromonte's property.

c) the placement of this equipment subjects the Chiaromonte's to continual noise 24/7 both in their backyard and in their living room if they choose to open their window. It certainly impairs their quiet enjoyment of their home.

Is the pool equipment/location etc. installed in accordance with city by-laws and regulation?

In summary the Chiaromonte's feel that the enjoyment of their home and their value of their home has been impaired. Further, if this type of construction is allowed and sets a precedent for the neighbourhood it will certainly further negatively impact the appeal of the area and again home values.

They are asking for consideration in this regard.

Your direction and feedback is requested and welcomed.

Please confirm receipt of this email to ensure it reached you.

Regards,
Sam Colosimo

Pravina Attwala

Subject: FW: [External] RE: Notice of Hearing Minor Variance Application A169/21 & A168/21
Attachments: A169-21.PDF; A168-21.PDF; Minor Variance Application A169-21.pdf

From: Mohammad Kashani
Sent: September-02-21 8:28 PM
To: Committee of Adjustment <CofA@vaughan.ca>
Cc: Solmaz Zia
Subject: [External] RE: Notice of Hearing Minor Variance Application A169/21 & A168/21

From: Mohammad Kashani and Solmaz Zia owners of 31 Berry Trail, Vaughan ON. L4H 1Y5
To: City of Vaughan - Office of the City Clerk - Committee of Adjustment
Subject: Notice of Hearing Minor Variance Application **A169/21 & A168/21**

We are writing to express our objection to requested proposals by property owners of **28 & 40 Johnswood Crescent** to relief from By-Law 1-88, as amended, to permit the recently built cabana located in their backyards.

Our backyard neighbour, 28 Johnswood Crescent, have installed numbers of trees sit at an extreme close proximity to our shared fence, raised the grade and applied unnecessary lateral pressure to our shared fence by stock piling stones which jeopardizes the integrity of our shared fence and secondly obstructs the community ditch inlet catch basin located in their backyard.

We have similar concerns with 40 Johnswood Crescent. They are extremely loud. Despite our distanced backyards we can hear noises sometimes until 2 to 3 am in the early morning which is not acceptable.

They have built cabanas without permits which resulted in non-conformance and it is a source of noise outside of restricted time and level regulated by the Noise By-law 062-2018.

In addition, these cabanas are not environmental friendly structures as reduce the green space and permeable surfaces.

As a result we are objecting against both applications.

Thank you.

Mohammad Kashani and Solmaz Zia

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 Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Senior Manager of Development Planning
Date: September 09, 2021
Name of Owner: Frank Abate & Liliana Lozzo
Location: 28 Johnswood Crescent
File No.(s): A169/21

Proposed Variance(s):

1. To permit a minimum rear yard setback of 3.3 m to an accessory structure.
2. To permit a minimum interior side yard setback of 0.43 m to an accessory structure.

By-Law Requirement(s):

1. A minimum rear yard setback of 7.5 m is required (Schedule A1).
2. A minimum interior side yard setback of 0.6 m is required (Schedule A1, Note 15).

Official Plan:

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

Comments:

The Owner is requesting permission to maintain an existing cabana in the rear yard with the above-noted variances.

On August 11, 2021, Development Planning ('DP') and Development Engineering ('DE') staff conducted a site visit and noted that a portion of the eaves of the cabana extended into the interior side yard further than what is depicted on the application. The Owner intends to remove this portion of the eaves to align with the submitted application, to address concerns regarding drainage and visibility of the structure. Should this application be approved, a condition to this effect is included in the conditions of approval.

The DP Department has no objection to the reduced rear yard setback of 3.3 m to the cabana, as the space provided is sufficient with existing landscaping screening the rear of the cabana.

The requested interior side yard setback of 0.43 m is measured at a pinch point and expands to 0.97 m at its greatest extent, with more than half of the structure complying with the required 0.6 m setback. The cabana is also compliant with the height and area requirements of the Zoning By-law, is partially covered and unenclosed, and is appropriately sized for the rear yard. The DE Department has reviewed the application and have no concerns with drainage along the interior side yard, subject to additional Low-Impact Development measures to be followed. Accordingly, the DP Department has no objection to the requested 0.43 m interior side yard setback.

The DP 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 of approval is recommended:

1. The Owner provides photographic documentation which shows the works to reduce the existing eave overhang have been completed as per the submitted Site Plan.

Comments Prepared by:
Michael Torres, Planner I
Margaret Holyday, Senior Planner

Date: August 10th , 2021

Attention: **Pravina Attwala**

RE: Request for Comments

File No.: **A169-21**

Related Files:

Applicant Frank Abate, Liliانا Lozzo

Location 28 Johnswood Cres



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COMMENTS:

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

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

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

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

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

References:

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

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

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>

Sent: August-17-21 12:13 PM

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

Subject: [External] RE: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

Good afternoon,

As the property at 28 Johnswood Cres is outside of MTO PCA, MTO has no comments.

Colin Mulrenin (he/him) | Corridor Management Officer | York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7th Floor, Building D | Downsview, Ontario | M3M 0B7

Phone: 437-533-9427

Colin.Mulrenin@ontario.ca

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

From: York Plan <yorkplan@trca.ca>

Sent: August-09-21 4:07 PM

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

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

TRCA has no concerns with regard to the above noted application.

Should further clarification be required, please contact the undersigned at your earliest convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)
Attachments: A169-21 - Circulation.pdf

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: August-20-21 9:37 AM
To: Pravina Attwala <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] FW: REQUEST FOR COMMENTS A169/21 (28 JOHNSWOOD CRESCENT)

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