

File: A204/21

Applicant: Anthony & Annamaria Di Donato

Address: 35 Painted Pony Tr Kleinburg

Agent: Albert Yerushalmi

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"/> | |
| 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 | | |
| Ministry of Transportation | | |
| Region of York | <input checked="" type="checkbox"/> | |
| Alectra (Formerly PowerStream) | <input checked="" type="checkbox"/> | |
| Public Correspondence (see Schedule B) | | |

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
 Hearing Date: Wednesday, December 8, 2021

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



Minor Variance Application

Agenda Item: 11

A204/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Wednesday, December 8, 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: Anthony & Annamaria Di Donato

Agent: Albert Yerushalmi

Property: 35 Painted Pony Tr Kleinburg

Zoning: The subject lands are zoned R1 9(1393) and subject to the provisions of Exception under By-law 1-88 as amended

OP Designation: City of 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 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 7.5m is required. (Schedule 'A') | 1. To permit a minimum rear yard setback of 2.02m to the proposed Cabana. |
| 2. A maximum lot coverage of 38.39% is permitted. (exception 1393) | 2. To permit a maximum lot coverage of 40.15%. (37.3% dwelling; 2.85% cabana) |
| 3. A minimum interior side yard setback of 1.2m is required. (exception 1393) | 3. To permit a minimum interior side yard setback of 0.92m to the proposed Cabana. |
| 4. A maximum encroachment of 1.5m into the rear yard is permitted for the pool equipment. (3.14.H) | 4. To permit a maximum rear yard encroachment of 5.08m for the pool equipment. |
| 5. A minimum rear yard setback of 1.5m is required. (4.1.1.i) | 5. To permit a minimum rear yard setback of 1.21m to the existing pool. |

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: 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 24, 2021

Applicant confirmed posting of signage on November 22, 2021

| Property Information | |
|----------------------|-----------------------|
| Existing Structures | Year Constructed |
| Dwelling | 2019 (Purchased 2020) |

Applicant has advised that they cannot comply with By-law for the following reason(s): Construction of the rear cabana at its proposed location creates a setback variance.

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

Building Permit No. 21-100355 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)

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

Building Standards Recommended conditions of approval: None

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 20.9 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)

As the subdivision is not assumed yet, the owner/applicant needs to provide Development Engineering Department with an acknowledgement letter/email from the developer/builder saying they are aware of the work taking place in the subject property to clear the condition #2.

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. Staff suggests the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts.

The Development Engineering (DE) Department does not object to variance application A204/21 subject to the following condition(s):

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

Parks Development - Forestry:

No comments no concerns.

By-Law and Compliance, Licensing and Permit Services:

No comments no concerns.

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

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 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. 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. 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 the acknowledgement letter/email from the developer/builder to the City’s Development Engineering Department. |

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

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.

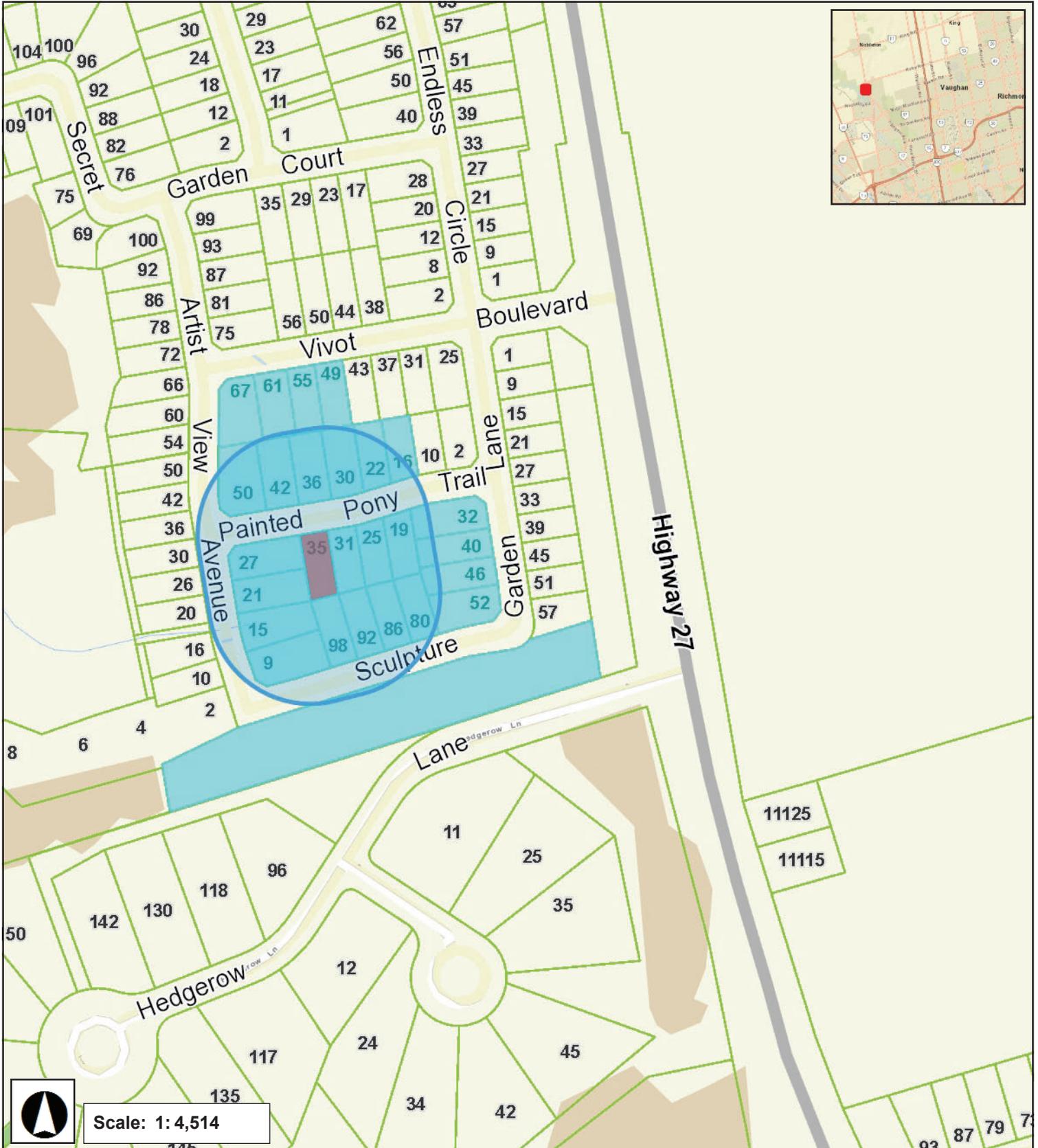
Location Map
Plans & Sketches



LOCATION MAP - A204/21

35 PAINTED PONY TRAIL, KLEINBURG

Kirby Road



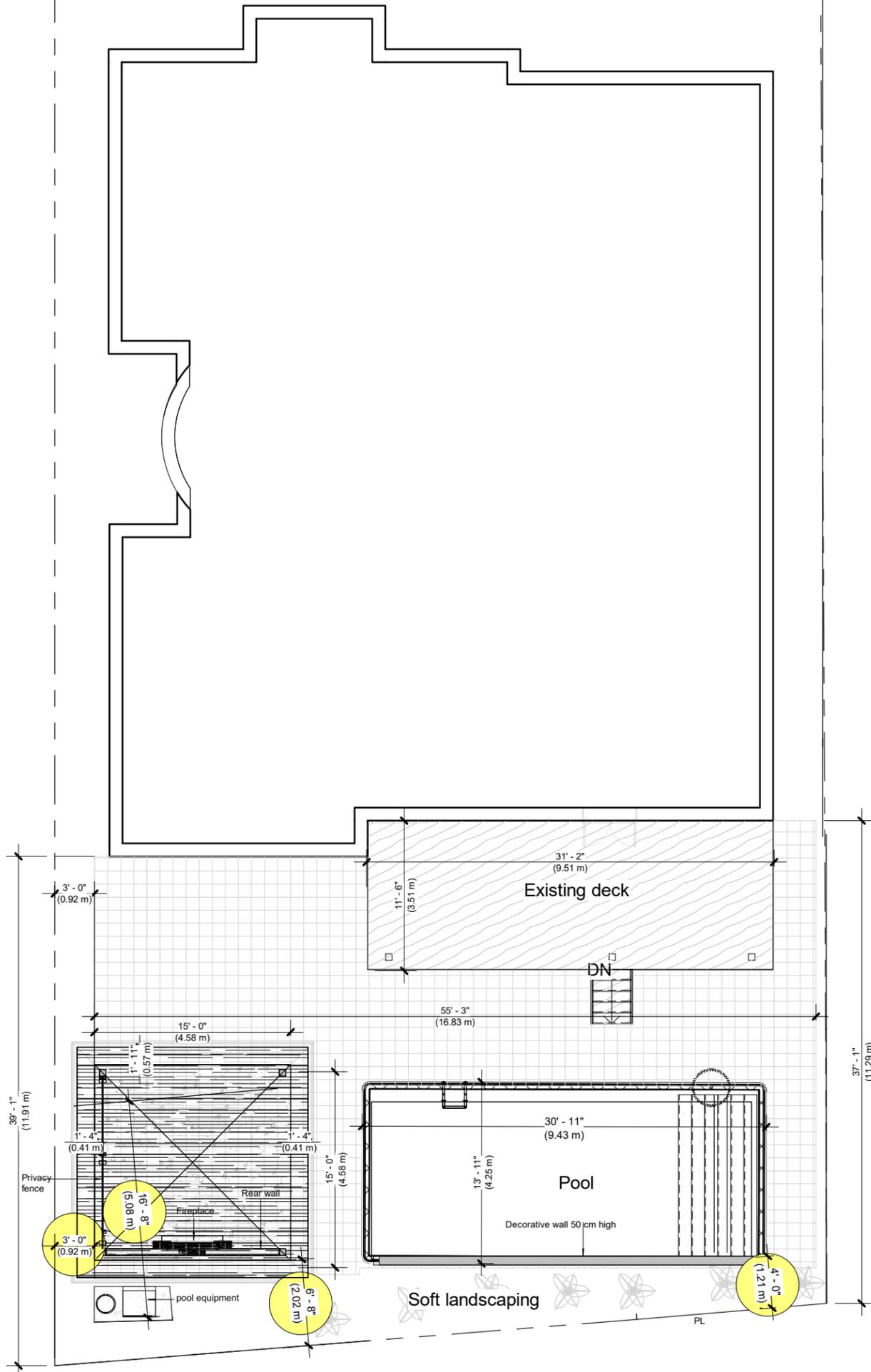
Scale: 1:4,514

Nashville Road

November 22, 2021 2:31 PM

Site Stats:

Lot area- 747.9 m²
 Existing coverage- 279/747.9=37.3%
Proposed coverage (including cabana):
299.90/747.0=40.15% (37.3% the house, 2.85% cabana)
 Rear yard area = 177 m²
 Swimming pool = 40.1
 Cabana = 20.98 m²
 Rear area (net) = 115.92
 Landscaping = 38.1 m² (32.86%)

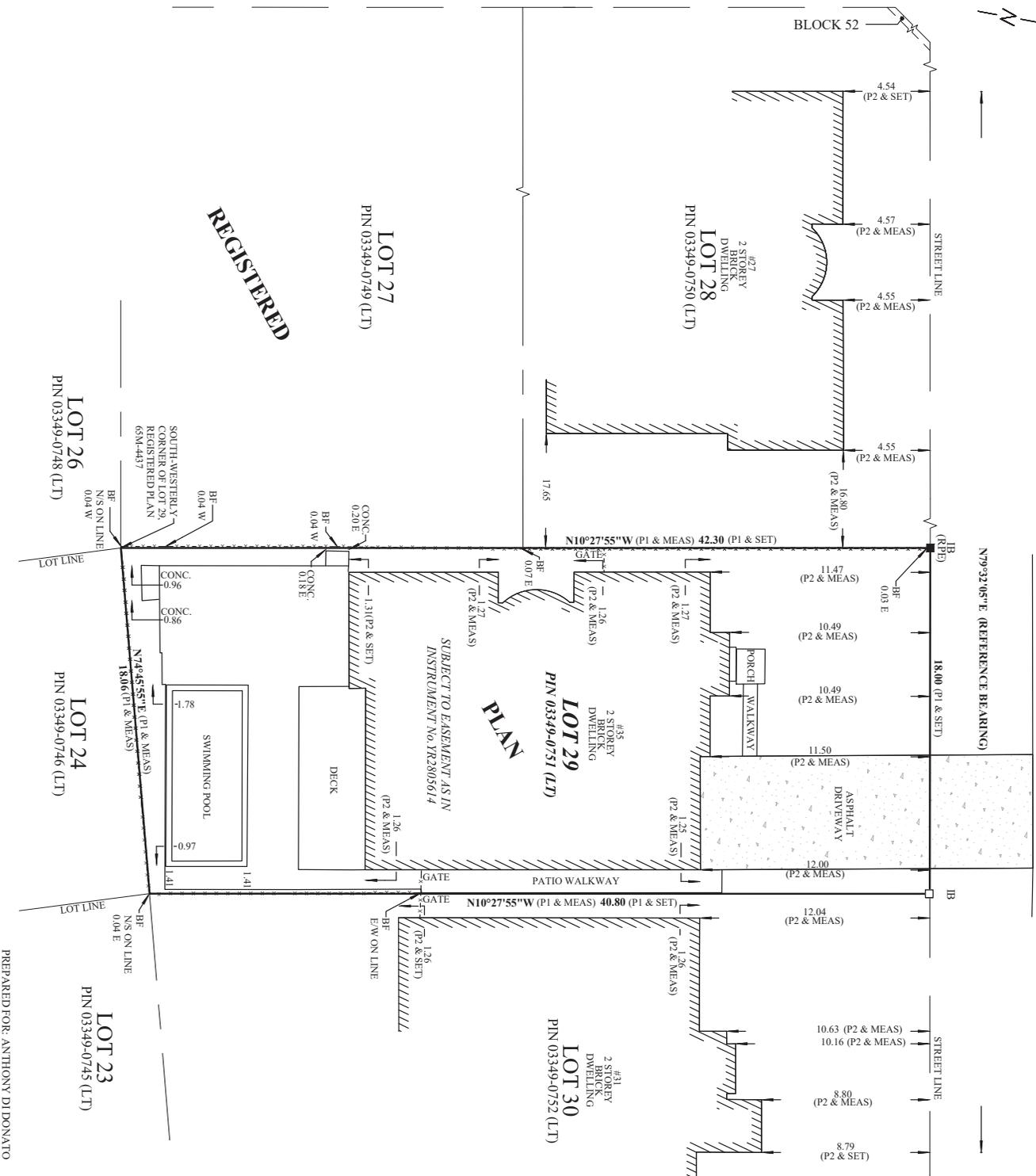


1 Site/Grade
 1" = 10'-0"

| | | | | | | | |
|--------------------|----------|------|---------|--|--|---|---|
| Drawn By | | Date | Revisio | Contractor to check and verify all dimensions and conditions on the job and report discrepancies to the designer before proceeding with the works. This drawing is the property of "Eden Engineering & Design" and any use of it should have the designer consent. Drawings are not to be scaled | | <p>34 Pheasant Valley Ct. Markham, ON L3T2H1 Tel : 416-876-0957 Fax : 905-248-3595 E-mail : info@edenengineering.ca</p> | 35 Painted Pony Trail Vaughan, ON. 1 |
| Checked By | AY | | | | | | |
| Project issue Date | 6.8.2021 | | | | | | |

PAINTED PONY TRAIL
(BY REGISTERED PLAN 65M-4437)
PIN 03349-0777 (LT)

ARTIST VIEW AVENUE



65M-4437

SURVEYOR'S REAL PROPERTY REPORT
PART I
PLAN OF SURVEY OF
ALL OF LOT 29
REGISTERED PLAN 65M-4437
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
THE INTENDED PLOT SIZE OF THIS PLAN IS 5396mm IN WIDTH BY 432mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200
© COPYRIGHT 2021, AK&M SURVEYING LTD.
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

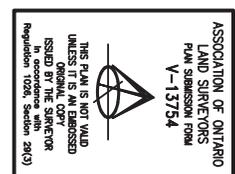
NOTES
BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PAINTED PONY TRAIL, HAVING A BEARING OF N79°32'05"E AS SHOWN P1
THIS ARE TAKEN TO THE FOUNDATION UNLESS NOTED OTHERWISE

PART 2: SURVEY REPORT
1) LOT 29, REGISTERED PLAN 65M-4437
2) SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. YR2805614
3) FENCES AND THEIR RELATIONSHIP TO THE PROPERTY LIMITS ARE SHOWN ON THE FACE OF THE PLAN

LEGEND
 DENOTES FOUND MONUMENT
 DENOTES PLANTED MONUMENT
 DENOTES IRON BAR
 DENOTES MEASURED
 DENOTES RADY-PENTIKER & EDWARD SURVEYING LTD.
 DENOTES REGISTERED PLAN 65M-4437
 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY RADY-PENTIKER & EDWARD SURVEYING LTD., O.L.S., DATED: MAY 30TH, 2017
 BF DENOTES BOARD FENCE
 CONC DENOTES CONCRETE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON 13TH DAY OF JULY, 2021

July 29th, 2021
DATE
MAYANK TANDON
ONTARIO LAND SURVEYOR
(Signature)
"This plan was signed with this scanned signature as a result of the emergency order related to the COVID-19 pandemic."



15 Great Plains Street
Brampton, Ontario
L6R-1Z5
Phone: (647) 914-3361
Email: info@akmsurvey.com

AK&M
AK&M SURVEYING LTD.

| | | | |
|---------------------|-----------------|---------------|----------------------|
| DATE: JULY 29, 2021 | CHECKED BY: MPT | DRAWN BY: GSG | PROJECT No.: 2021-54 |
|---------------------|-----------------|---------------|----------------------|

PREPARED FOR: ANTHONY DI DONATO

REGISTERED

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 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: December 08, 2021
Name of Owner: Anthony and Annamaria Di Donato
Location: 35 Painted Pony Trail
File No.(s): A204/21

Proposed Variance(s) (By-law 1-88):

1. To permit a minimum rear yard setback of 2.02 m to the proposed Cabana.
2. To permit a maximum lot coverage of 40.15%.
3. To permit a minimum interior side yard setback of 0.92 m to the proposed Cabana.
4. To permit a maximum rear yard encroachment of 5.08 m for the pool equipment.
5. To permit a minimum rear yard setback of 1.21 m to the existing pool.

By-Law Requirement(s) (By-law 1-88):

1. A minimum rear yard setback of 7.5m is required. (Schedule 'A')
2. A maximum lot coverage of 38.39% is permitted. (Exception 1393)
3. A minimum interior side yard setback of 1.2m is required. (Exception 1393)
4. A maximum encroachment of 1.5m into the rear yard is permitted for the pool equipment. (3.14.H)
5. A minimum rear yard setback of 1.5m is required. (4.1.1.i)

Official Plan:

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

Comments:

The Owner is proposing to construct a cabana and pool equipment, and to maintain an existing pool with the above-noted variances.

The Development Planning Department has no concern with the proposed location of the cabana. The proposed rear yard setback of 2.02 m is measured at a pinch point, while the proposed interior side yard setback of 0.91 m maintains an appropriate area for access and drainage. The proposed cabana will also comply with the height requirements of the Zoning By-law.

The total lot coverage consists of 37.3% for the existing dwelling and 2.85% for the proposed cabana. The requested increase in lot coverage to accommodate the proposed cabana is considered minor and consistent with previous approvals in the neighbourhood.

The Development Planning Department has no objection to the requested variances for the pool and pool equipment. The requested 1.21 m rear yard setback to the pool is only measured at a pinch point, and the area between the pool and the rear lot line will incorporate soft landscaping to provide appropriate drainage. The proposed pool equipment will be visually screened from adjacent properties due to an existing privacy fence along the rear and interior side yards.

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.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:
Michael Torres, Planner I
Chris Cosentino, Senior Planner

Date: November 12th , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A204-21**

Related Files:

Applicant Anthony Di Donato Annamaria Di Donato

Location 35 Painted Pony Trail



Discover the possibilities

COMMENTS:

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

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

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

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

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

References:

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

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

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Pravina Attwala

Subject: FW: A204/21 (35 PAINTED PONY TRAIL) - REQUEST FOR COMMENTS

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

Sent: November-15-21 11:42 AM

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

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

Subject: [External] RE: A204/21 (35 PAINTED PONY TRAIL) - 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