

VAUGHAN Staff Report Summary

Item # 19

Ward #1

File: A238/21

Applicant: Vincenzo Ippolito, Antonella Cina and

Josephine Cina

72 John Kline Lane, Kleinburg Address:

ARCH DWG Inc. (Enzo Loccisano) 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	\square	
Building Standards	\square	
Building Inspection		
Development Planning	\square	
Development Engineering	\square	
Parks, Forestry and Horticulture Operations	V	
By-law & Compliance	\square	
Financial Planning & Development		
Fire Department		
TRCA		
Ministry of Transportation		
Region of York	\square	
Alectra (Formerly PowerStream)	$\overline{\square}$	
Public Correspondence (see Schedule B)	_	
Adjournment History: None		

Adjournment History: None. Background History: None.

> Staff Report Prepared By: Lenore Providence Hearing Date: 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).

Agenda Report A238/21 Page 2



Minor Variance Application

Agenda Item: 19

A238/21 Ward: 1

Staff Report Prepared By: Lenore Providence Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday, 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

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: Vincenzo Ippolito, Antonella Cina and Josephine Cina

Agent: Enzo Loccisano - Arch Dwg Inc.

Property: 72 John Kline Lane, Kleinburg ON

Zoning: See below.

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

Related Files: None.

Purpose: Relief from By-law 1-88 and By-law 01-2021, as amended, is being requested to

permit the construction of a proposed secondary suite above the existing garage

and to permit the existing shed in the side yard.

The subject lands are zoned R1B (EN) and subject to the provisions of Exception 14.336 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	An entrance to a secondary suite shall be located on the side or rear wall of a dwelling or a common indoor vestibule (Section 5.20.10a, Bylaw 01-2021).	To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
2	An entrance to a secondary suite shall not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot (Section 5.20.10c, By-law 01-2021).	To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
3	An entrance to a secondary suite shall not be permitted on the same wall as the main entrance to the principal dwelling (Section 5.20.10c, Bylaw 01-2021).	To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the Single Detached Dwelling.

The subject lands are zoned R1 and subject to the provisions of Exception 9(563) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
4	An entrance to a secondary suite shall be located on the side or rear wall of a dwelling or a common indoor vestibule (Section 4.1.8 vi.a, Bylaw 1-88a.a.).	To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
5	An entrance to a secondary suite shall not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot (Section 4.1.8 vi.c, By-law 1-88a.a.).	To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
6	An entrance to a secondary suite shall not be permitted on the same wall as the main entrance to the Single Detached Dwelling (Section 4.1.8 vii, By-law 1-88a.a.).	To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the Single Detached Dwelling.
7.	An accessory structure shall be located in the rear yard only (Section 4.1.1c, By-law 1-88a.a.)	To permit an accessory structure located not in the rear yard.

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

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 24, 2021

Applicant confirmed posting of signage on November 16, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1993
Shed	Unknown

Applicant has advised that they cannot comply with By-law for the following reason(s): The existing secondary entry at the front wall will be the entry for the secondary suite. The shed is existing when house was recently purchased.

Committee of Adjustment recommended conditions of approval:

Adjournment Request / File Review History: None.

Adjournment was requested to provide time for the Applicant to submit an Arborist Report. An Arborist Report was received on November 22, 2021 and has been reviewed Development Planning Department.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply:

There are no outstanding Orders on file

Building Permit No. 21-118719 for Single Detached Dwelling - Addition, Issue Date: (Not Yet Issued)

A maximum of one secondary suite shall only be permitted within a Single Detached Dwelling (Section 4.1.8, By-law 1-88a.a.).

The walkway leading to the driveway from the secondary suite entrance is required to have a minimum width of 1.2 metres (Section 4.1.8, By-law 1-88a.a.).

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

Building Inspections (Septic):

No comments received to date.

Development Planning:

The Development Planning Department recommends approval of the application.

Please see Schedule C for Development Planning comments.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A238/21.

Parks Development - Forestry/ Horticulture:

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 None.

Schedule C - Development Planning & Agency Comments

Development Planning Comments – Recommend approval with conditions 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:

	Department/Agency	Condition
1	Committee of Adjustment	Applicant to provide payment of Adjournment Fee \$562.00
	Christine Vigneault	(\$579.00 if paid in 2022) prior to the rescheduling of Application A238/21 , if required.
	905-832-8585 x 8332	

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: None.

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.

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 <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.

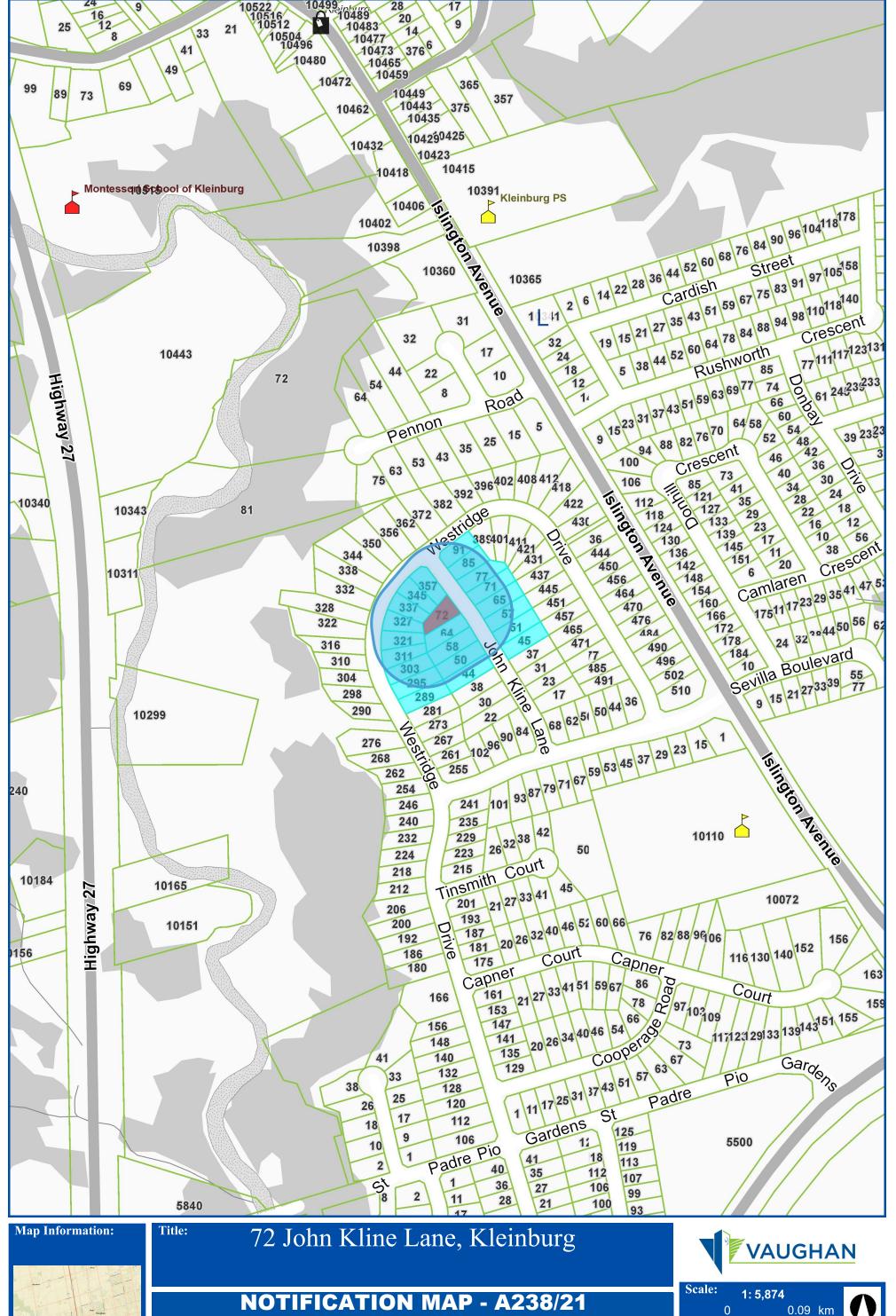
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified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

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

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 Site Plan & Sketches



Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be relia responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.

Created By:

November 15, 2021 10:52 AM

Infrastructure Delivery

Department

Projection: NAD 83 UTM Zone

SURVEYOR'S REAL PART 1 PLAN OF LOT 86

PROPERTY REPORT

COME NOTES)
EXISTING MALLS
TO REMAIN

REGISTERED PLAN 65M-2863 CITY OF VAUGHAN

Zoning By-law 01-2021

- #1 To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
- #2 To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
- #3 To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the Single Detached Dwelling.

Zoning By-law 1-88

Lane

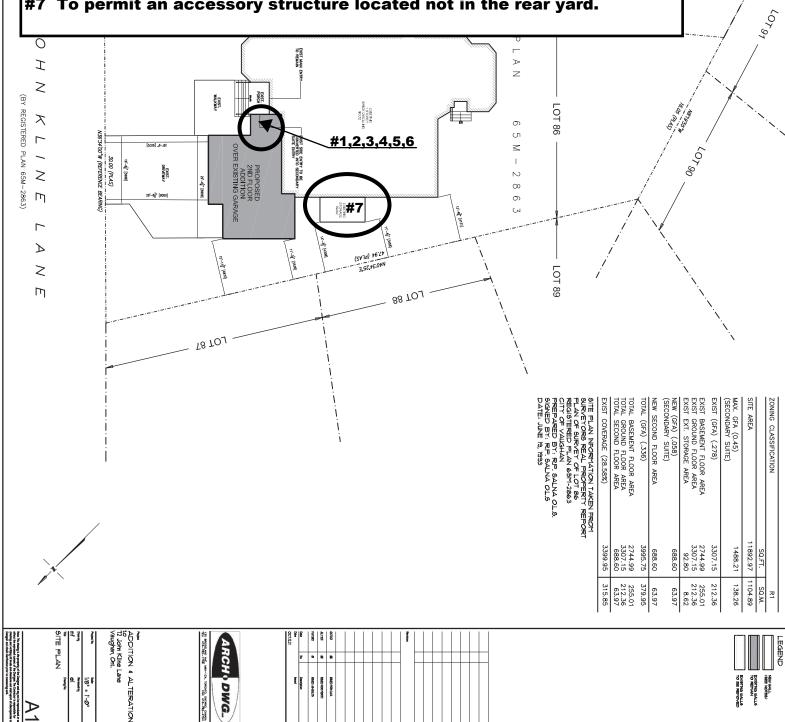
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|Revisuadity

- #4 To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
- #5 To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
- #6 To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the Single Detached Dwelling.
- To permit an accessory structure located not in the rear yard.

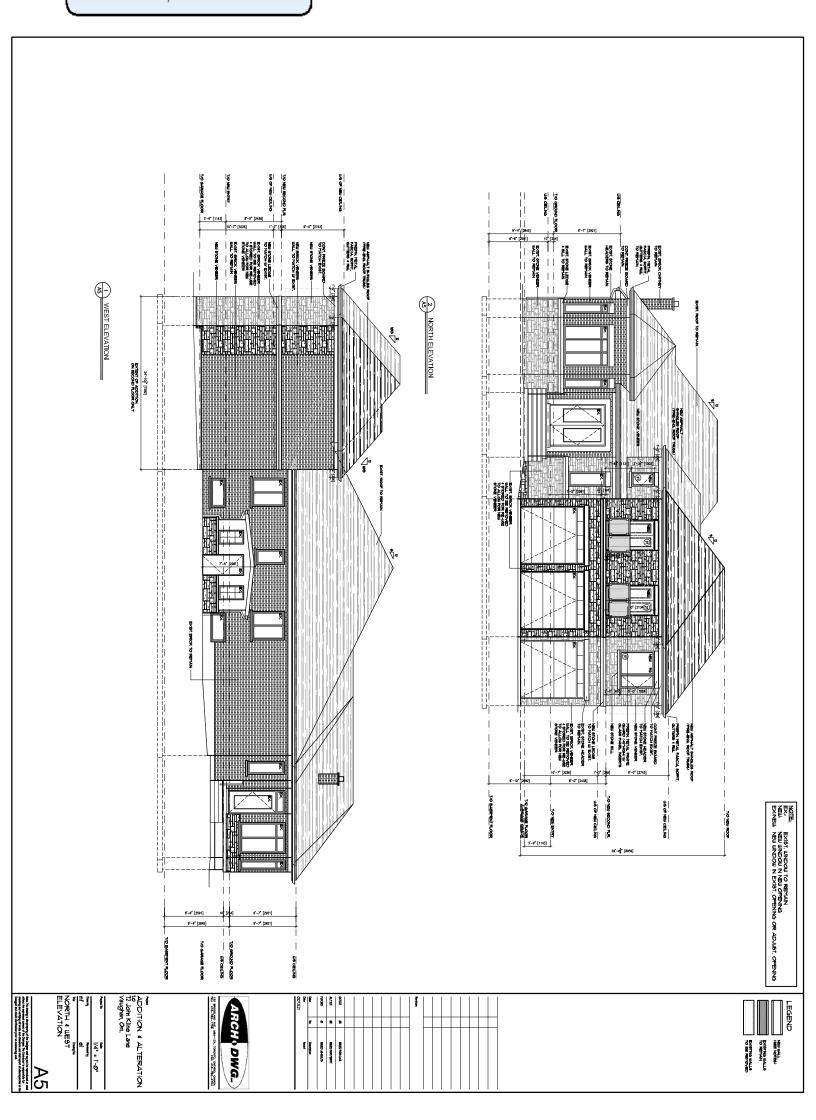
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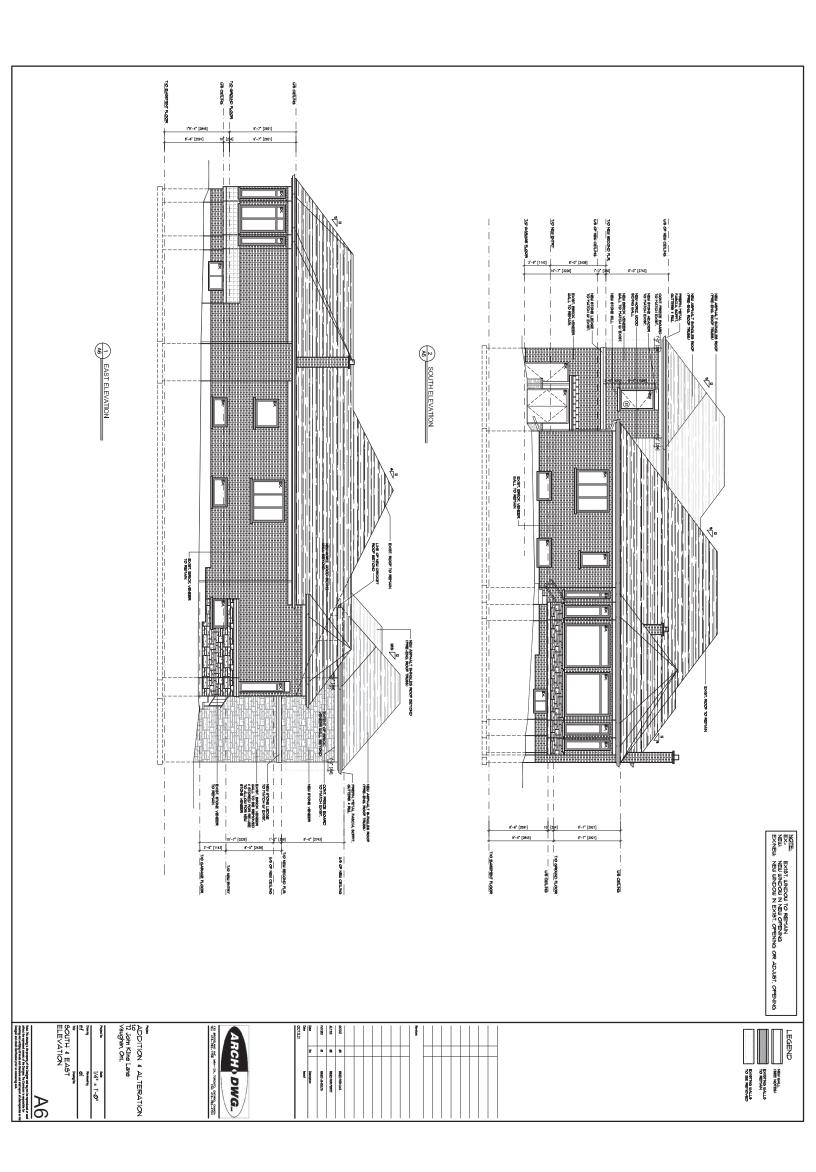
BRAED AS-BILLS

Description



October 20, 2021













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 – Recommend approval. 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: Antonella and Josephine Cina & Vincenzo Ippolito

Location: 72 John Kline Lane

File No.(s): A238/21

Proposed Variance(s) (By-law 01-2021):

- 1. To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
- 2. To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
- 3. To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the principal dwelling.

By-Law Requirement(s) (By-law 01-2021):

- 1. An entrance to a secondary suite shall be located on the side or rear wall of a dwelling or a common indoor vestibule (Section 5.20.10a, By-law 01-2021).
- 2. An entrance to a secondary suite shall not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot (Section 5.20.10c, By-law 01-2021).
- 3. An entrance to a secondary suite shall not be permitted on the same wall as the main entrance to the principal dwelling (Section 5.20.10c, By-law 01-2021).

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

- 1. To permit the proposed secondary suite entrance to be located on the front wall of the dwelling.
- 2. To permit the proposed secondary suite entrance to be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot.
- 3. To permit the proposed secondary suite entrance to be located on the same wall as the main entrance to the Single Detached Dwelling.
- 4. To permit an accessory structure located not in the rear yard.

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

- 1. An entrance to a secondary suite shall be located on the side or rear wall of a dwelling or a common indoor vestibule (Section 4.1.8 vi.a, By-law 1-88a.a.).
- 2. An entrance to a secondary suite shall not be located closer to the front lot line than the main entrance of the residential dwelling unit on the abutting lot (Section 4.1.8 vi.c, By-law 1-88a.a.).
- 3. An entrance to a secondary suite shall not be permitted on the same wall as the main entrance to the Single Detached Dwelling (Section 4.1.8 vii, By-law 1-88a.a.).
- 4. An accessory structure shall be located in the rear yard only (Section 4.1.1c, Bylaw 1-88a.a.)

Official Plan:

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

Comments:

The Owner is proposing to construct a second-floor addition to an existing one-storey single detached dwelling for the purposes of establishing a secondary suite, subject to the above-noted variances. The Owner is also proposing to permit an existing accessory structure to not be located within the rear yard.

The Development Planning Department has no objection to the requested variances for the proposed secondary suite. The proposed entrance to the secondary suite is separate from the main entrance of the dwelling and is recessed within the front porch which minimizes its visibility from the street. The second-floor addition that will accommodate the secondary suite does not expand the building envelope of the dwelling and is within the height requirements of the Zoning By-law. Therefore, the variances related to the proposed secondary suite are considered to be appropriate and minor in nature.

memorandum



The Development Planning Department has no objection to the requested variance to Zoning By-law 1-88 for an existing accessory structure to not be located within the rear yard. The accessory structure is not visible from the street as it is located behind the existing garage. The structure complies with all other requirements of Zoning By-law 1-88 and would not require a variance for its current location under Zoning By-law 01-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

The Owner has submitted an Arborist Report, Tree Inventory, and Tree Protection Plan, prepared by Phoenix Tree Care and Consulting, dated November 22, 2021. The report identified 25 trees, none of which are required to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

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



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), 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

Email: tony.donofrio@alectrautilities.com

Supervisor, Subdivisions (Alectra East)

Phone: 1-877-963-6900 ext. 24419

Mr. Tony D'Onofrio

Lenore Providence

Subject: FW: Request for Comments: A238/21 (72 John Kline Lane, Kleinburg)

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

Sent: November-23-21 12:04 PM

To: Lenore Providence < Lenore. Providence@vaughan.ca>

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

Subject: [External] RE: Request for Comments: A238/21 (72 John Kline Lane, Kleinburg)

Good afternoon Lenore,

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

Schedule D: Previous Approvals (Notice of Decision)

None.