

**NOTICE OF OBJECTION TO PROPOSED MINOR VARIANCES
AT 40 JOHNSWOOD CRESCENT, WOODBRIDGE**

**COMMITTEE OF ADJUSTMENT
DECEMBER 8, 2021 AT 6PM**

AGENDA ITEM #22 - FILE A168/21

OBJECTOR'S ADDENDUM DATED DECEMBER 6, 2021

The residents of 11 Wheatfield Drive, Rossana Lopez and Gilson Eduardo ("the objectors") oppose the variances sought by the owner of 40 Johnswood Crescent ("the applicants").

History and Overview

A detailed objection dated September 7, 2021 to the original 5 variances requested at the September 9, 2021 meeting of the Committee of Adjustments is already part of the file and should be read together with this addendum.

An adjournment of this matter was suggested by the Committee of Adjustment on September 9, 2021 to allow for discussion between the applicants and the objectors. A zoom meeting did take place, but these latest plans were never provided for comment, and no material improvements have been made by the applicants.

Specific Objections

1. The location of the pool equipment is unchanged.

In the prior application, a variance was requested (#4 as noted in the Staff Report for this hearing at page 3) to allow a rear yard encroachment of 7.16m for the pool equipment. The maximum encroachment permitted is 1.5m (By-law 3.14.h – External ground mounted ii)). This would have allowed the current location of the pool equipment directly next to the rear lot line adjoining the objectors rear and side yards.

However, instead of moving the pool equipment away from the lot line, the applicants have merely covered over the equipment with non-acoustic removeable siding and purport to be merely adjusting the variance requested for the cabana location.

This is an abuse of the variance process and seeks to hide the real purpose and effect of the proposal.

The pool equipment is still located 7.16m into the rear yard of the applicant's property. Covering it with siding and attaching it to the cabana does not make the by-law requirement disappear.

The effect of the location of the pool equipment is to create a noise which dramatically exceeds the noise by-laws of the City of Vaughan. There is an Acoustic Engineer Report by J.E. Coulter Associates dated September 7, 2021 which was previously submitted and is being relied upon now,

which shows that the pool equipment generates noise 9 – 18 db above the relevant limits. (See Tab 1 of original submissions dated September 7, 2021.)

The purpose of the by-law relating to location of pool equipment is to minimize noise and externalities. By placing the pool equipment next to the lot line, the applicants seek to transfer the burden of the pool equipment onto the objectors. This is unfair and contrary to the purpose of the by-law.

The applicants have not provided any sound engineering report to contradict the J.E. Coulter Associates report or to justify the use of removable siding panels around the equipment. The siding panels have no acoustic effect.

2. The cabana location is unchanged.

By adding the siding around the pool equipment, the applicants are increasing the variances requested for the cabana from 1.24m to 0.34m. i.e. 0.9m closer to the rear lot line.

The location of the cabana in the prior proposal was not acceptable. (See page 2 of original objection dated September 7, 2021 and photos attached to that and here).

In response to the Committee's suggestion in September to discuss the issues with the objectors, the applicants have increased, not minimized, their requests.

This is unacceptable to the objectors.

3. Privacy Screens are unchanged.

These privacy screens are still too high and too close to the rear and side lot lines. In particular, the privacy screens on the north side of 40 Johnswood Crescent should be moved southward away from the rear lot line over which it would loom. See photos attached.

4. Summary

The cabana and pool equipment and privacy screens have all been installed without building permits and without permissions from this Committee. No building permit was obtained for the construction of the cabana although required as it exceeds 10 m². There are active investigations and stop work orders as a result of the failure of the applicants to comply with the regulatory requirements, including violations of noise by-laws.

Refusal by the applicants to modify its proposal one iota, coupled with their willful ignoring of the building permit processes to date, underline the need for this application to be refused on the basis of the factors set out above, in the September 7, 2021 objection, and on the basis of the Committee's residual discretion to deny applicants who make no effort to accommodate the legitimate interests of their neighbours.

Date: December 6, 2021

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Zone with the exception of the minimum yard requirements and maximum lot coverage requirements which shall be those required in Schedule "A" for an RR Zone. For the purpose of this section, lots on the following registered plans shall be considered to be lots as defined in Section 2.0: M-661, 3541, 4005, 5300, 5582, 5590, 5624, 5757 and 6022.

For the purposes of this section the four (4) lots shown on Schedule "A" in Registered Instrument No. 43648 Vaughan shall be considered as being held under separate ownership.

3.12 SPECIAL USES PERMITTED

The following uses are permitted in all Zones:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed or abandoned. Such camps shall not be used for human habitation unless and until a Certificate of Occupancy is obtained from the City.
- b) A tool shed, scaffold or other building or structure incidental to construction on the premises where such construction is situate and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.
- c) "Abandoned" in this section means the failure to proceed expeditiously with the construction of a work.

3.13 MINIMUM LANDSCAPED AREA

Unless otherwise provided in this By-law, a minimum of ten percent (10%) of the area of every lot on which a building or structure is erected shall be used for no other purpose than landscaping.

Where an Institutional Use abuts the boundary of lands zoned Open Space or Residential, a strip of land not less than 2.4 metres in width, contained wholly on the lot on which the Institutional Use is located and abutting the boundary of the Open Space or Residential Zone, shall be used for no other purpose than landscaping. Such landscaped area shall not be included in the computing of the minimum landscaping requirements as set out above.

In addition, a strip of land not less than 6.0 metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.

3.14 PERMITTED YARD ENCROACHMENTS AND RESTRICTIONS

Every part of any required yard or required open space shall be open and unobstructed by any structure from the ground to the sky, except for the following:

- a) Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows, provided however, that the same shall not project more than 0.5 metres into a required yard;
- b) Exterior stairways shall be permitted in the rear yard only except that an exterior stairway not exceeding one-half storey in height shall be permitted in any yard;
- c) Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres;
- d) DELETED AS PER BY-LAW 050-2017
- e) Notwithstanding the yard requirements in this By-law and save as otherwise provided, the following shall be permitted in any required yard and shall not be included in computing lot coverage:
 - wheelchair ramp
 - drop awning
 - fence
 - retaining wall
 - sign (in accordance with City of Vaughan Sign By-law)
- f) Notwithstanding the yard requirements of this By-law, unless otherwise specifically provided, where open storage is permitted it shall only be located in a side and/or rear yard provided that no part thereof shall be nearer to a side or rear lot line than 1.5 metres or to a street line than 4.5 metres;

- g) A satellite dish shall be permitted only in the rear yard, provided such dishes are set back from the rear and side lot lines a minimum of 1.5 metres or the equivalent of the minimum side yard, whichever is greater. The maximum height of any such satellite dish shall be 4.5 metres measured from grade level to the highest point of the structure;

In Residential Zone only, where a satellite dish has a diameter less than 0.9 metres, the satellite dish shall be attached to the main building, and shall be no higher than the highest point of the roof.

- h) Notwithstanding the yard requirements of this By-law, the following shall be permitted in any required side yard or rear yard of residential lots:

External Ground-Mounted

- i) Central Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.8 metres.
- ii) Central Air Conditioner and/or Heat Pump Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads.

External Wall - Mounted

- i) Central Air Conditioner Units shall be permitted in the interior side yard having a minimum setback of 0.3 metres.
- ii) Central Air Conditioner Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads.

- l) Notwithstanding Paragraphs (a), (b) and (c), no encroachment permitted in an interior side yard shall be closer than 1.2 metres to a line except eaves, gutters, external central air conditioner and/or heat pump units;

3.15 OUTSIDE FLOODLIGHTING

Any outdoor floodlighting associated with the use of any lot in any Zone shall be directed inward and downward or in such a manner as to not directly illuminate any part of any adjacent lot.

3.16 ACCESSORY USES, BUILDINGS AND STRUCTURES

- a) Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, unless otherwise stated, that purpose shall include any building, structure or use accessory thereto.
- b) Unless otherwise stated in this By-law, any accessory building or structure shall be subject to the same minimum yard and setback requirements for the main building or use, provided that no accessory building or structure, other than a garage or carport, shall be erected closer to the front lot line than the main use or building on the same lot.
- c) No accessory building or structure shall be constructed on any lot prior to the time of construction of the main building to which it is accessory.

3.17 PORTIONS OF BUILDINGS BELOW GRADE

The minimum setback from the front lot line and the exterior lot line to the nearest part of a building below finished grade shall be 1.8 metres, except where the minimum yard for a Zone is less than 1.8 metres in which case the minimum setback shall be the same as such minimum yard(s). The minimum setback from the interior side lot line and the rear lot line to the nearest part of a building below finished grade shall be 0m.

3.18 YARD EXCEPTION TERRAIN UNSUITABILITY

If part of a lot is:

- a) usually covered by water or marsh; or
- b) is beyond the rim of a cliff or embankment having a slope of 30 degrees or more from the horizontal, or beyond the toe of such slope;

then any required yard shall be measured from the nearest part of any building or structure to the nearest part of such part of the lot.

3.19 PITS AND QUARRIES

average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade;

- c) Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot, provided that a garage or carport may be erected in a side yard or front yard, in compliance with the provisions of Schedules "A", "A1", and "A3";
- d) No accessory building or structure shall be used for human habitation;
- e) Notwithstanding the provisions of Paragraphs (a), (b), (c), and (d) above, the following provisions apply to a detached building used as a garden or storage shed only, and which is accessory to the residential use:

<u>Lot Frontage</u>	<u>Maximum Floor Area of a Garden or Storage Shed</u>
Less than 9.0m	6 sq.m
9.0 - 17.99 m	8 sq.m
18 m and greater	10 sq.m

- f) Where the maximum floor area of a garden or storage shed do not exceed the maximum provided in Paragraph (e) above, the following additional standards shall apply:
 - i) the garden or storage shed shall be located in the rear yard;
 - ii) the minimum rear and interior side yard shall be 0.6 metres;
 - iii) the minimum exterior side yard required shall be equal to that required for the main use on the same lot;
 - iv) the maximum height of the garden or storage shed shall not exceed 2.5 metres from finished grade to the highest point of the structure; and,
 - v) notwithstanding (ii) and (iii) above, eaves, gutters and other similar projections appurtenant to the garden or storage shed shall not encroach more than 0.3 metres into the required yard.
- g) Where the maximum floor area of a garden or storage shed exceeds the maximum stated in Paragraph (e) above, the structure shall be deemed to be an accessory structure and subject to the provisions in Paragraph (a), (b), (c), and (d).
- h) In computing lot coverage, a garden or storage shed shall not be included provided that it is:
 - i) constructed in accordance with the maximum floor area requirements set out in Subsection 4.1.1 (e); and,
 - ii) erected in the rear yard; and,
 - iii) used only as a garden or storage shed.
- i) A private swimming pool shall be constructed only in the rear yard and notwithstanding Subsection 3.16, not nearer to any rear or interior side lot line than 1.5 metres or to any exterior side lot line than the required setback of the main dwelling unit on the lot, notwithstanding any permitted exterior side yard reductions;
- j) Notwithstanding the provisions of Paragraph (b) above, 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; and,
- k) Any architectural or design element, used in the hard landscaping of any yard, which is greater than 1.8 m in height shall be set back from the property line a distance equal to the height of said architectural or design element. Such elements shall not be considered to be structures for the purposes of calculating any minimum yard requirements.

4.1.2 Minimum Soft Landscaped Area

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