

File: A116/19

Applicant: Lousia Benoliel-Benitah

Address: 2 Forest Lane Drive, Thornhill

Agent: Paul Guest

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, January 16, 2020



Minor Variance
Application

Agenda Item: 13

A116/19

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing: Thursday, December 12, 2019

Applicant: Lousia Benoliel-Benitah

Agent: Paul Guest

Property: 2 Forest Lane Drive, Thornhill

Zoning: The subject lands are zoned R3 Residential Zone Three, and subject to the provisions of Exception No. 9(641) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010: Low-rise Residential

Related Files: None

Purpose: Relief from the By-Law is being requested to permit the construction of a proposed inground pool and shed to be located in the exterior side 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 of 50% front yard landscaping is required, 60% of which shall be comprised of soft landscaping.	1. To permit a minimum of 45.79% front yard landscaping.
2. The accessory building shall be located in the rear yard only.	2. To permit the accessory structure (shed) not to be located in the rear yard only.
3. A minimum exterior side yard setback of 4.5 metres is required to the accessory structure (shed).	3. To permit a minimum exterior side yard setback of 1.63 metres to the accessory structure (shed).
4. A private swimming pool shall be located entirely in the rear yard.	4. To permit a private swimming pool not to be located entirely in the rear yard.
5. A minimum rear yard setback of 1.5 metres is required to the swimming pool.	5. To permit a minimum rear yard setback of 1.22 metres to the swimming pool.
6. A minimum exterior side yard setback of 4.5 metres is required to the swimming pool.	6. To permit a minimum exterior side yard setback of 3.09 metres to the swimming pool.

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

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

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

Adjournment History:

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
Dec 12, 2019	None	Adjourn to Jan 16/2020	To permit time for the applicant to address sightline (fence) concerns with Development Engineering.

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 4:00 p.m. on the last business day prior to the day of the scheduled Meeting.

Committee of Adjustment:
Public notice was mailed on November 27, 2019

Applicant confirmed posting of signage on November 25, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	Approx. 2008
Shed	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): It is a corner lot and there is not enough room behind the house for a pool and a cabana.

Adjournment Request: N/A

Building Standards (Zoning Review):

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

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

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

Building Inspections (Septic):

No comments or concerns.

Development Planning:

Vaughan Official Plan 2010: Low-rise Residential.

The Owner is proposing the construction of a swimming pool and shed in the side yard the Subject Lands which is a corner lot abutting Forest Lane Drive and Concord Road.

The Owner is requesting a minimum front yard landscaping of 45.79% (Variance #1). The proposed variance is existing condition and considered minor in nature.

The Owner is proposing the accessory structure and swimming pool to be located in the rear and exterior yard (Variance #2 and Variance #4), The variance is minor in nature as the lot is a pie shaped corner lot having a large exterior side yard amenity space.

The Owner is proposing an exterior side yard setback of 1.633 metres to the shed (Variance #3), an rear yard setback of 1.222 metres to the swimming pool (Variance #5) and an exterior side yard setback of 3.096 metres to the swimming pool (Variance #6). These variances are considered minor in nature and have been historically supported throughout the neighbourhood.

The Development Engineering Department has reviewed the application and has no concerns with the proposed variance.

The Owner submitted an Arborist Report prepared by Centre Tree Care Ltd on July 24, 2019, and amended August 30, 2019. The Urban Design and Cultural Heritage Division of the Development Planning Department and Parks, Forestry and Horticulture Operations has reviewed the submitted Arborist Report and is satisfied.

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.

The Development Planning Department recommends approval of the minor variances.

Development Engineering:

December 12, 2019 Comments:

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply.

The Development Engineering (DE) Department does not object to variance application A116/19 subject to the following conditions:

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

January 16, 2020 Comments:

The agent for Minor Variance application A116/19, 2 Forest Lane Drive, has provided an updated site plan to address the sight and safety along concerns along the rear property line adjacent to neighboring property raised during the committee meeting. Development Engineering and Transportation Engineering have reviewed the proposed site plan and have found the site plan to be acceptable and provides adequate sight for the passing of pedestrians on the sidewalk.

Parks Development:
No Response.

By-Law and Compliance, Licensing and Permit Services:
No Response.

Financial Planning and Development Finance:
No comment, no concerns.

Fire Department:
No Response.

Schedule A – Plans & Sketches

Schedule B – Public Correspondence
141 Concord Rd., 145 Concord Rd., 149 Concord Rd., Thornhill.

Schedule C - Agency Comments
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections

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

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

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

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

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@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. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

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.

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.

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

WRITTEN SUBMISSIONS: 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. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan
Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
CofA@vaughan.ca

ORAL SUBMISSIONS: If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio 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 Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

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

Adriana MacPherson

T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

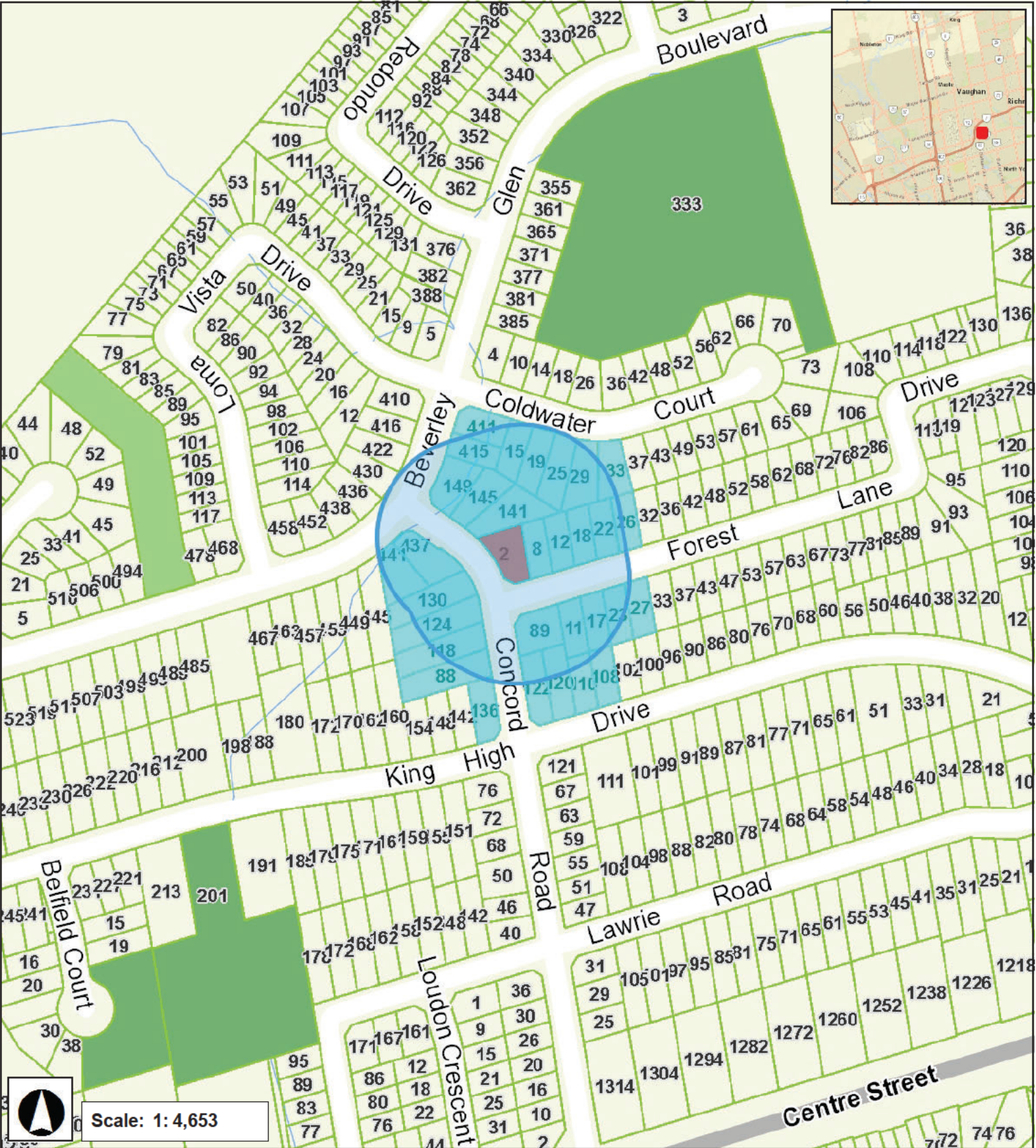
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

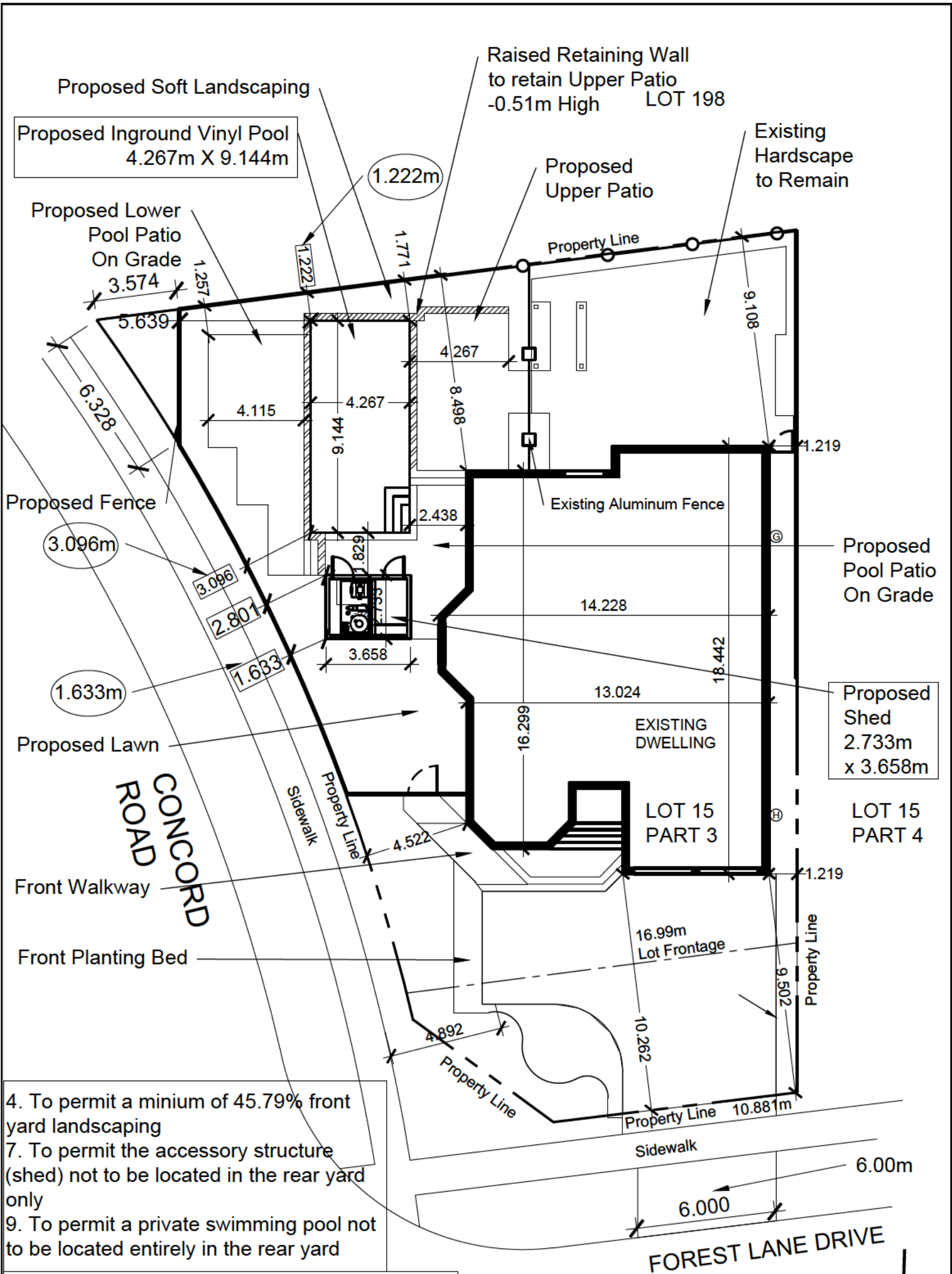
Location Map
Sketches



LOCATION MAP = A116/19

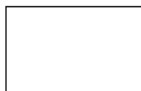
2 FOREST LANE DRIVE, THORNHILL





- 4. To permit a minimum of 45.79% front yard landscaping
- 7. To permit the accessory structure (shed) not to be located in the rear yard only
- 9. To permit a private swimming pool not to be located entirely in the rear yard

LEGEND/CALCULATION



Proposed Items/Setbacks requiring a variance

FRONT YARD COVERAGE: 179.95m²
Proposed Driveway Coverage: 97.45m²
Total Landscaping Coverage: 82.40m² (45.79%)
Soft Landscape Coverage: 67.52m² (81.94%)

REAR YARD TOTAL COVERAGE: 213 m² (100%)
Required Softscape Coverage: (213m²-135m²)x60% = 46.8m²
Proposed Softscape Coverage in Rear Yard: 51.65m² (66.21%)

EXTERIOR SIDE YARD TOTAL COVERAGE: 116.13m²
Total Landscaping Coverage: 94.67m² (81.52%)
Soft Landscaping Coverage: 57.48m² (60.71%)

TOTAL YARD COVERAGE: 782.33m² (100%)
Existing Dwelling Coverage: 224.18m² (28.66%)
Proposed Shed Coverage: 10.00m² (1.28%)

Total Lot Coverage: 234.18m² (29.93%)

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"A Lifetime of Fun"

Benitah Residence
2 Forest Lane Drive,
Vaughan, ON

Designer rlam	Scale 1:200	Date October 3, 2019
Salesman M.Luff	Pool	Drawing Site Plan

5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9

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. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

141 Concord Rd., 145 Concord Rd., 149 Concord Rd., Thornhill.

WRITTEN SUBMISSION DIRECTED TO CITY OF VAUGHAN, COMMITTEE OF ADJUSTMENT

To: **All members of Committee of Adjustment City of Vaughan, (CofA@vaughan.ca)**

Alan Shefman, Ward 5 Councillor, (alan.shefman@vaughan.ca)

Christine Vigneault (Mgr, Dev. Services & Secretary Treasurer to CofA),
(christine.vigneault@vaughan.ca)

From: **Property Owners of municipal addresses 141 concord rd., 145 concord rd., 149 concord rd., Thornhill ON. L4J 7S2**

██

████████████████████, Vjollca Starova

Ted Szilagy, Robyn Szilagy

Subject: **Committee of Adjustment, Dec. 12, 2019, regarding application A116/19**

Request to adjust & modify design/sketch for application A116/19, to mitigate safety risk

Date: **December 10, 2019**

We, support the application A116/19 submitted by owner of 2 forest lane drive to build a pool in their property in compliance with city of Vaughan bylaws. Any investment that is made in increasing value of neighborhood properties is supported and welcome. The benefit of the project is that it appears owners of 2 forest lane will as well cut among others, a tall tree in particular located in the back yard of 2 forest line drive and south side of 141 concord rd which poses risk to both homes mentioned above, in case that tree falls. (Picture provided as appendix for reference).

Background: Traffic on concord rd. is very heavy. There is one stop sign on forest lane drive and no stop sign at intersection forest lane drive & concord rd. and one speed bump on Concord rd.; and despite this, cars speed up and have caused accidents in the past on concord rd. in front of 141 and 145 concord rd. properties. This is due to heavy traffic and the way the concord road is built which involves a curve at intersection forest lane drive and concord before the intersection with Beverly Glenn Blvd.

In the current or as is state, the concord rd. curve represents a blind spot for owners of these properties and drivers who cannot see incoming or outgoing traffic on concord rd. View is currently also blurred by cars parked on concord road (picture provided as appendix/reference). Most residents park their cars and back out from their driveway; as it is it is very difficult at times to park in the owner driveway or get out of the driveway.

The way homes are built on concord rd. and the concord rd. curve provides currently a limited line of sight, however with application A116/19 that line of sight will be obstructed either completely or partially.

Implications/Risk identified in current sketch submitted with Application A116/19: The proposed sketch to build the pool on the side of 2 forest line property, which includes also one upper and one lower patio, in addition to the patio build along the whole (most) of backyard of 2 forest lane ensures a

unobstructed view for 2 forest lane drive property, both sides of driveway. The proposed pool for 2 forest line is proposed to be built on the side of 2 front lane drive property which corresponds to the front lawns/yards of all concord properties; in particular of concord rd. (141, 145, 149) impacted properties. This poses a **safety concern because it obstructs line of sight & view for those properties/owners** because the pool requires an enclosure to be built, which is also shown in the sketch submitted. Fence around the proposed pool and proposed patios as per bylaw will have to be a private fence, and 4 feet to 6 feet tall.

The proposed sketch/design and enclosure required by by law will block/obstruct line of sight completely for 141 concord residents/owners as they drive in or out of their home and has some significant sight blocking/obstructed view for 145 Concord and 149 Concord rd. residents/owners which as a result will increase likelihood of more accidents that could involve beside cars, pedestrians walking on the sidewalk that cannot be seen, cars driving on concord rd., kids going to school et. In addition, because of elevation the fence in some areas will be higher than 4-6 feet. This will not allow for 141,145,149 concord residents to enjoy their property. If design and sketch is left unchanged the city it is assumed takes the responsibility for the damages, accidents and liabilities.

Sight distance triangle for 2 forest lane applies to 141 and 144 and 149 Concord rd. owners/residents and incoming and outgoing traffic from the curve of Concord rd. to Beverly Glenn Blvd. As an example, 145 concord has complied to the line of sight distance triangle allowing for all homes on concord rd. and Beverly Glenn to have a clear line of sight of both roads.

Observation: The area has a lot of young children and kids that walk on sidewalk to go to school and/or come back from school home, sidewalk is used by concord and other street residents to walk dogs, just walk in the neighborhood and this zoning change impacts safety of our kids, residents of this area and poses a safety risk that city of Vaughan should consider seriously when a decision is made.

Objecting current sketch / design and requesting that owner redesigns the sketch/design in a different way to mitigate safety risk and considering line of sight distance triangle for 141, 145 and 149 concord rd. properties from concord rd. curve (as outlined in the attached marked in red outline) to Beverly Glenn Blvd and forest lane residents stopping at stop sign at forest lane and concord intersection.

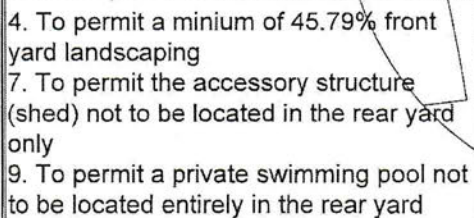
We support the project as mentioned with the condition the new sketch/design to allow for clear line of sight and unobstructed view from the curve of concord rd. to the driveways of 141, 145 and 149 concord road and Beverly Glenn Blvd. as marked in red color on the proposed sketch/design.

Best regards,

Request includes the following attachments:

- 1. Unobstructed view triangle to be considered in the new design***
- 2. Enclosed and with this email is the request for sending us the decision in writing to owners of 141, 145 and 149 Concord Rd***
- 3. Pictures outlined in the above request showing tree, cars parked and traffic***
- 4. Short videos outlining current heavy traffic on Concord rd.***

A116119



EXTERIOR SIDE YARD TOTAL COVERAGE: 116.13m2

5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9









Schedule C: 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. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



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
Phone: 1-877-963-6900 ext. 31297
Fax: 905-532-4401
E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions & New Services
Phone: 1-877-963-6900 ext. 24419
Fax: 905-532-4401
Email: tony.donofrio@alectrautilities.com

Vigneault, Christine

From: Skouros, Julia <Julia.Skouros@york.ca>
Sent: Monday, November 18, 2019 11:05 AM
To: Vigneault, Christine
Subject: (A116/19) MVAR.19.V.0340 - 2 Forest Lane Drive

Hi Christine,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Should you have any questions or concerns, please contact me using the information provided below.

Best,
Julia Elena

Julia Elena Skouros | Assistant Planner, Community Planning, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 74886 | Julia.Skouros@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

Attwala, Pravina

Subject: FW: A116/19 - REQUEST FOR COMMENTS

From: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>
Sent: September-03-19 2:49 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: RE: A116/19 - REQUEST FOR COMMENTS

Hi Pravina,

The MTO has no comments or concerns regarding the subject Minor Variance Application at this time.

Regards,

KEVIN SCHOLZ
Corridor Management Officer | Ministry of Transportation | Central Region | Corridor Management
P: (416) 235-5383 | F: (416) 235-4267 | Kevin.Scholz@Ontario.ca
159 Sir William Hearst Ave. - Building D M3M 0B7