

**ITEM 6.14:**

**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A199/22  
127 LADY JESSICA DR MAPLE**

**COA REPORT SUMMARY**

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING  
DEPARTMENTS & AGENCIES:**

\*Please see **Schedule B** of this report for a copy of Staff and Agency correspondence.

*Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.*

<b>DEPARTMENTS</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
Committee of Adjustment	X	X		General Comments
Building Standards -Zoning Review *Schedule B	X	X		General Comments
Building Inspection (Septic)	X			No Comments Recieved to Date
Development Planning *Schedule B	X	X		Recommend Approval/No Conditions
Development Engineering	X	X		Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	X	X		No Comments or Concerns
By-law & Compliance, Licensing & Permits	X	X		No Comments or Concerns
Development Finance	X	X		No Comments or Concerns
Real Estate				
Fire Department	X	X		No Comments or Concerns
<b>AGENCIES</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X	X		General Comments
Alectra *Schedule B	X	X		General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				

**PUBLIC & APPLICANT CORRESPONDENCE**

\*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) 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.

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
None				

**PREVIOUS COA DECISIONS ON THE SUBJECT LAND**

\*Please see **Schedule D** for a copy of the Decisions listed below

<b>File Number</b>	<b>Date of Decision</b> MM/DD/YYYY	<b>Decision Outcome</b>
None		

**ADJOURNMENT HISTORY**

\* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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**COMMITTEE OF ADJUSTMENT REPORT  
MINOR VARIANCE APPLICATION  
A199/22  
127 Lady Jessica Dr Maple**

**FILE MANAGER: Pravina Attwala, Administrative Coordinator - Committee of Adjustment**

<b>ITEM NUMBER: 6.14</b>	<b>CITY WARD #: 4</b>
<b>APPLICANT:</b>	Francis Patafio
<b>AGENT:</b>	Land Design Canada
<b>PROPERTY:</b>	127 Lady Jessica Dr Maple
<b>ZONING DESIGNATION:</b>	See below.
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): Oak Ridges Moraine Settlement Area” by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and “Low-Rise Residential” by Schedule 13 – Land Use
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit the installation of a proposed swimming pool and related pool equipment.

The following variances have been requested from the City’s Zoning By-law:

**The subject lands are zoned R2A – Second Density Residential Zone and subject to the provisions of Exception 14.850 under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 01-2021	Variance requested
1	A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line. [4.13 3]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 m.
2	Wall mounted pool equipment is permitted to encroach a maximum of 0.6 metres into a minimum required yard. [4.13, Table 4-1]	To permit wall mounted pool equipment to encroach a maximum of 0.92 m into the required south interior side yard.
3	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21 2]	To permit an outdoor swimming pool (hot tub) to be located not entirely in the rear yard.

**The subject lands are zoned RD2 - Residential Detached Zone Two and subject to the provisions of Exception 9(1205) under Zoning By-law 1-88, as amended.**

	Zoning By-law 1-88	Variance requested
4	A private swimming pool shall be constructed only in the rear yard. [4.1.1 i)]	To permit a private swimming pool (hot tub) to be located not entirely in the rear yard.
5	External wall-mounted pool equipment shall be permitted in the interior side yard with a minimum setback of 0.3 metres. [3.14 h)]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 metres.

**HEARING INFORMATION**

**DATE OF MEETING:** Thursday, August 18, 2022  
**TIME:** 6:00 p.m.  
**MEETING LOCATION:** Vaughan City Hall, Council Chamber, 2141 Major Mackenzie Drive, Vaughan  
**LIVE STREAM LINK:** [Vaughan.ca/LiveCouncil](http://Vaughan.ca/LiveCouncil)

**PUBLIC PARTICIPATION**

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to [cofa@vaughan.ca](mailto:cofa@vaughan.ca)  
 If you would like to submit written comments, please quote file number above and submit by mail or email to:  
**Email:** [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

## HEARING INFORMATION

**Mail:** City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

**THE DEADLINE TO REGISTER TO SPEAK OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.**

## INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider 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.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

## COMMITTEE OF ADJUSTMENT COMMENTS

<b>Date Public Notice Mailed:</b>	August 3, 2022
<b>Date Applicant Confirmed Posting of Sign:</b>	July 25, 2022
<b>Applicant Justification for Variances:</b> <small>*As provided by Applicant in Application Form</small>	Better location and easier connection of gas/electrical
<b>Adjournment Requests (from staff):</b> <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
<b>Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:</b>  <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</small>  <small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small>  <small>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</small>	No
<b>Adjournment Fees:</b> In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.  An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff <b>after</b> the issuance of public notice.	
<b>Committee of Adjustment Comments:</b>	General Comments
<b>Committee of Adjustment Recommended Conditions of Approval:</b>	None

## BUILDING STANDARDS (ZONING) COMMENTS

\*\*See Schedule B for Building Standards (Zoning) Comments

<b>Building Standards Recommended Conditions of Approval:</b>	None
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## DEVELOPMENT PLANNING COMMENTS

\*\*See Schedule B for Development Planning Comments.

<b>Development Planning Recommended Conditions of Approval:</b>	None
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## DEVELOPMENT ENGINEERING COMMENTS

[Link to Grading Permit](#)  
 [Link to Pool Permit](#)  
 [Link to Curb Curt Permit](#)  
 [Link Culvert Installation](#)

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit the grading permits page at City of Vaughan website to learn how to apply for the Pool Permit. If you have any question about Pool Grading Permit, please contact the Development Engineering Department through email at DEPermits@vaughan.ca.

As the applicant confirmed that the reduced setback pool equipment will be wall mounted, the Development Engineering (DE) Department does not object to variance application A199/22.

<b>Development Engineering Recommended Conditions of Approval:</b>	None
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## PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Forestry has no comment at this time

<b>PFH Recommended Conditions of Approval:</b>	None
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## DEVELOPMENT FINANCE COMMENTS

No comment no concerns

<b>Development Finance Recommended Conditions of Approval:</b>	None
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## BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

<b>BCLPS Recommended Conditions of Approval:</b>	None
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## BUILDING INSPECTION (SEPTIC) COMMENTS

No comment

<b>Building Inspection Recommended Conditions of Approval:</b>	None
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## FIRE DEPARTMENT COMMENTS

No comment no concerns

<b>Fire Department Recommended Conditions of Approval:</b>	None
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## SCHEDULES TO STAFF REPORT

\*See Schedule for list of correspondence

<b>Schedule A</b>	Drawings & Plans Submitted with the Application
<b>Schedule B</b>	Staff & Agency Comments
<b>Schedule C</b> (if required)	Correspondence (Received from Public & Applicant)
<b>Schedule D</b> (if required)	Previous COA Decisions on the Subject Land

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:

## SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
	None	

## IMPORTANT INFORMATION – PLEASE READ

**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 (**see condition chart above for contact**). 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.

## IMPORTANT INFORMATION – PLEASE READ

**APPROVALS:** Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.

**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 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.

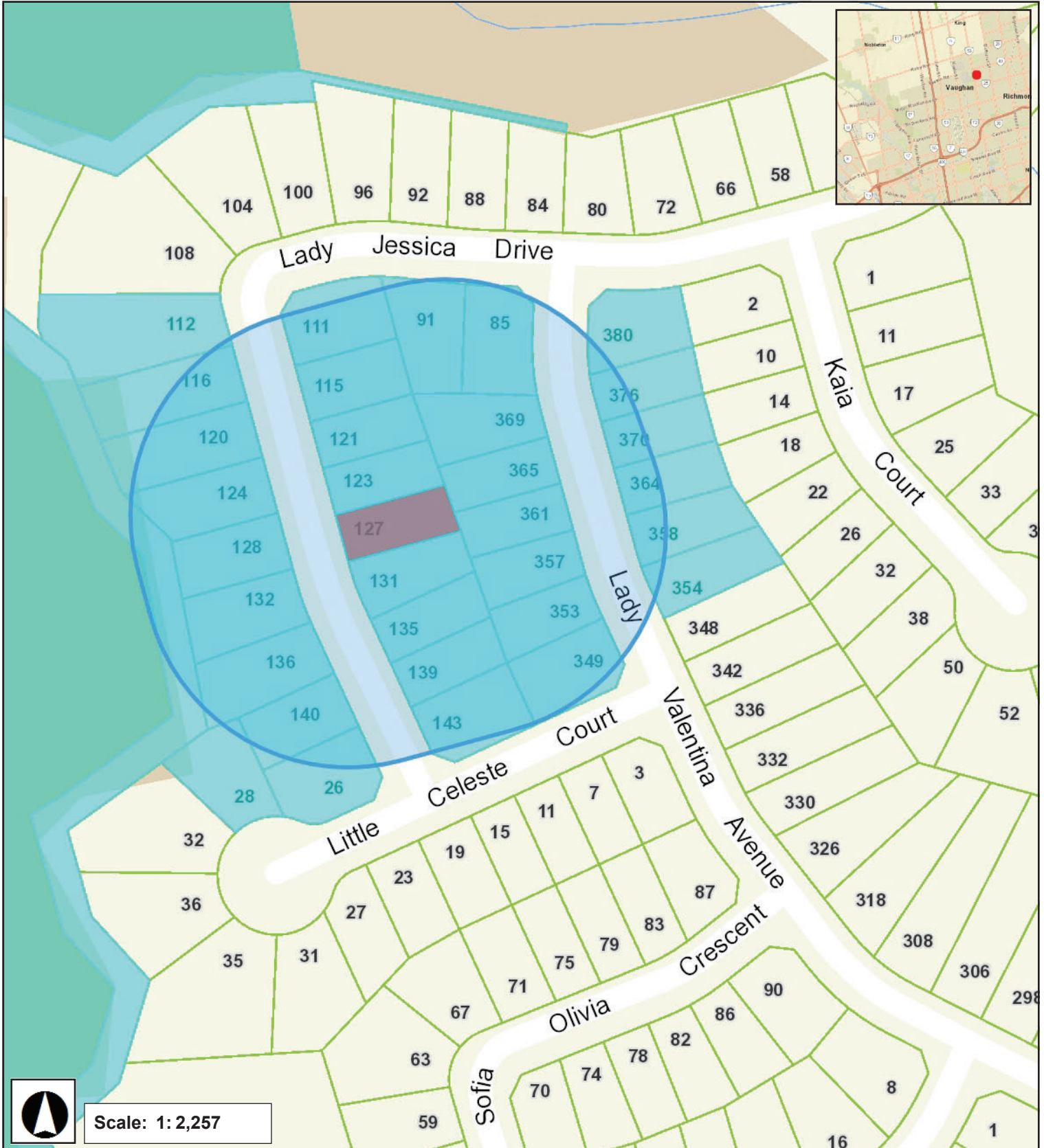
**SCHEDULE A: DRAWINGS & PLANS**



# LOCATION MAP - A199/22

127 LADY JESSICA DRIVE, MAPLE

**Teston Road**



**Major Mackenzie Drive**

July 28, 2022 10:16 AM



DO NOT SCALE DRAWINGS

Note:  
 1) Contractor to check all dimensions, specifications, etc on site and shall be responsible for reporting any discrepancy to the engineer and/or designer.  
 2) These plans are to remain and the property of the designer and must be used in a professional capacity without the written approval of the designer.  
 3) All works to be in accordance with the Ontario Building Code.

**A199/22**

**RECEIVED**  
 By RECEIVED at 11:31 am, Aug 03, 2022

#	Zoning By-Law 01-2021	Variance requested
1	A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line. [4.13.3]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 m.
2	Wall mounted pool equipment is permitted to encroach a maximum of 0.6 metres into a minimum required yard. [4.13.1 Table 4-1]	To permit wall mounted pool equipment to encroach a maximum of 0.92 m into the required south interior side yard.
3	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21.2]	To permit an outdoor swimming pool (hot tub) to be located not entirely in the rear yard.

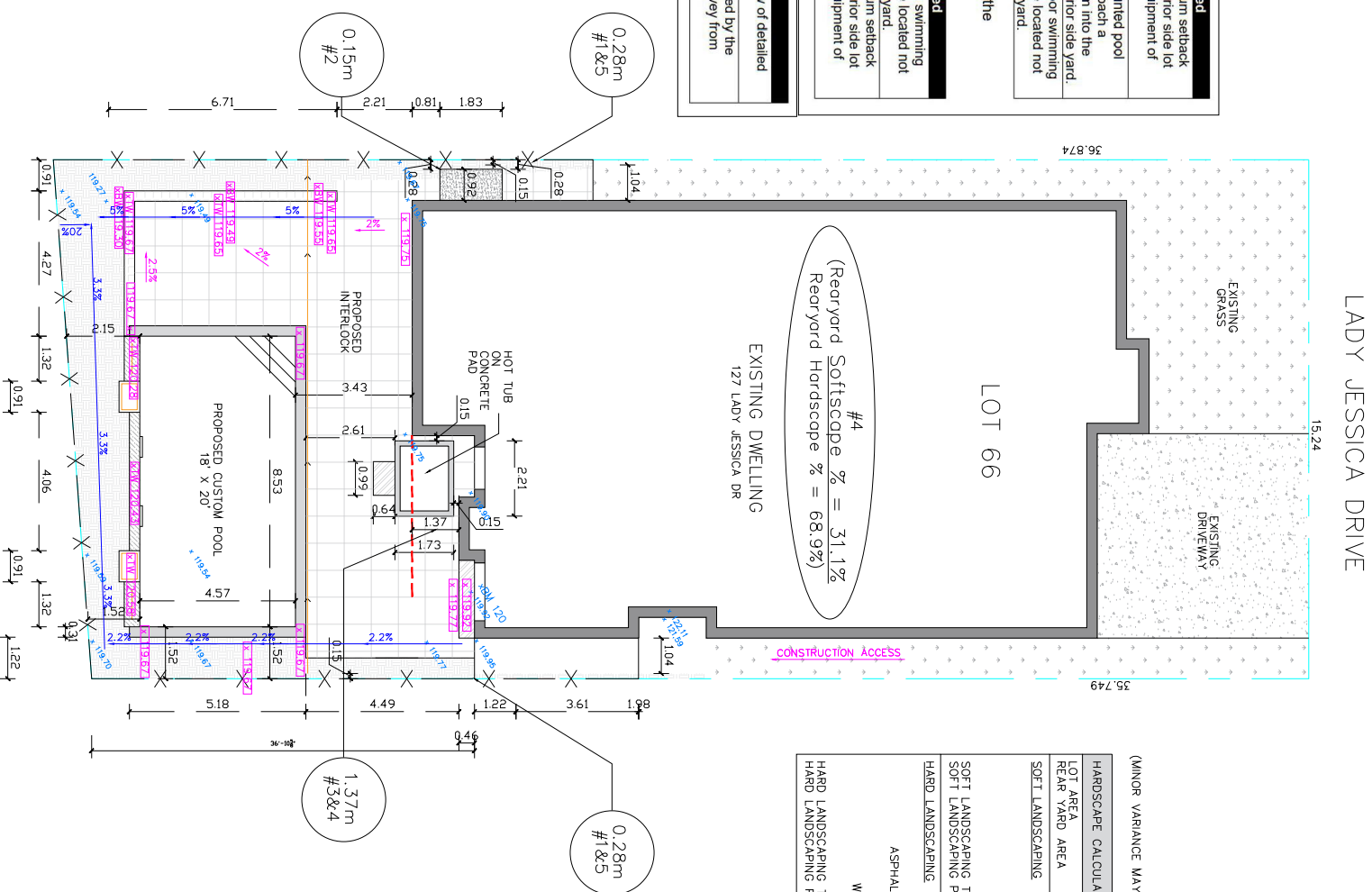
The subject lands are zoned RD2 - Residential Detached Zone Two and subject to the provisions of Exception 9(1205) under Zoning By-law 1-88, as amended.

Zoning By-law 1-88	Variance requested
4 A private swimming pool shall be constructed only in the rear yard. [4.1.1(j)]	To permit a private swimming pool (hot tub) to be located not entirely in the rear yard.
5 External wall-mounted pool equipment shall be permitted in the interior side yard with a minimum setback of 0.3 metres. [3.14(h)]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 metres.

**General Comments**  
 6 The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permissive plan approval.  
 7 Please note that this zoning review was carried out based on the information submitted by the applicant. Any Site Plan submitted to obtain a building permit must reference the survey from which the information was taken, or a reference survey must be provided.

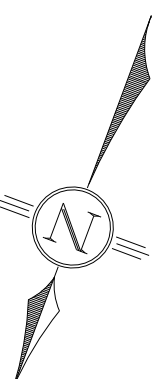
**PLANS PREPARED BY APPLICANT**

NOTES/DISCLAIMER:  
 LOT PLAN BASED ON SCANNED SURVEY. SURVEY MAY HAVE DEFICIENCIES MUST CONSTRUCT WITHIN ALL TOWN/CITY BYLAWS. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR APPLICANT TO ENSURE THE ACCURACY OF INFORMATION PROVIDED AND COMPLIANCE WITH ALL APPLICABLE BY-LAWS AND/OR REGULATIONS. ALL SETBACKS MUST BE MEASURED FROM THE WATER'S EDGE OF THE POOL. ALL RETAINING WALLS SHALL NOT EXCEED 1m IN HEIGHT



(MINOR VARIANCE MAY BE REQUIRED)

HARDSCAPE CALCULATIONS	
LOT AREA	553.40m <sup>2</sup>
REAR YARD AREA	64.22m <sup>2</sup>
SOFT LANDSCAPING	
POOL	39.02m <sup>2</sup>
CARDEN LAWN	90.40m <sup>2</sup>
SOFT LANDSCAPING TOTAL	172.18m <sup>2</sup>
SOFT LANDSCAPING PERCENTAGE	172.18/553.38 = 31.1%
HARD LANDSCAPING	
HOUSE	255.12m <sup>2</sup>
ASPHALT DRIVE	60.30m <sup>2</sup>
PAVERS	6.20m <sup>2</sup>
COPING	5.76m <sup>2</sup>
WALLS/STEPS	8.30m <sup>2</sup>
CONCRETE	5.50m <sup>2</sup>
HARD LANDSCAPING TOTAL	381.20m <sup>2</sup>
HARD LANDSCAPING PERCENTAGE	381.20/553.38 = 68.9%



**LEGEND**

- △ DENOTES MAIN LEVEL
  - ▽ DENOTES STEP UP / DOWN
  - M/C DENOTES AIR CONDITIONER
  - D DENOTES DOWNSPOUT
  - ⊙ DENOTES GAS
  - ⊕ DENOTES HYDRO
  - ↖ DENOTES DIRECTION AND GRADIENT OF DRAINAGE
  - ↗ DENOTES DIRECTION OF SWALE
  - 2x DENOTES DIRECTION OF SWALE
  - 2x DENOTES DIRECTION OF SWALE
  - HARD LANDSCAPE
    - ▨ DENOTES INTERLOCK
    - ▨ DENOTES STAIRS
    - ▨ DENOTES RETAINING WALL
    - ▨ DENOTES POOL COPING
    - ▨ DENOTES PEA GRAVEL
    - ▨ DENOTES ARCHITECTURAL CONCRETE
    - ▨ DENOTES WOOD
  - SOFT LANDSCAPE
    - ▨ DENOTES GRASS
    - ▨ DENOTES SOIL / MULCH
    - ▨ DENOTES ARMOUR STONE
    - ▨ DENOTES EXISTING SPOT ELEVATION
    - ▨ DENOTES PROPOSED SPOT ELEVATION
    - ▨ DENOTES BENCHMARK ELEVATION
    - ▨ DENOTES TOP OF WALL
    - ▨ DENOTES BOTTOM OF WALL
    - ▨ DENOTES TOP OF STEP
    - ▨ DENOTES GAS SERVICE
    - ▨ DENOTES EXISTING FENCE
    - ▨ DENOTES PROPERTY LINE
    - ▨ DENOTES 1.5m CONSTRUCTION LMT
    - DENOTES DECIDUOUS TREE WITH TRUNK DIAMETER
    - DENOTES CONIFEROUS TREE WITH TRUNK DIAMETER
    - ⊗ DENOTES TREE TO BE REMOVED
    - ⊗ DENOTES TREE TO BE REMOVED
  - TREE CANOPIES ARE DRAWN TO SCALE.
- | NO. | DATE      | REVISION/COMMENT |
|-----|-----------|------------------|
| 3   | May 24/22 | REVISION         |
| 2   | May 22/22 | REVISION         |
| 1   | May 14/22 | CONCEPT 1        |
- PROJECT:  
**127 Lady Jessica Dr**  
**Vaughan, ON, Canada**
- OWNER: XXX  
 DRAWING: LAYOUT PLAN  
 SCALE: 1:200  
 DATE: Aug 3, 2022  
 DRAWN BY: AZ  
 PROJ. No: \_\_\_\_\_

**S1**









**SCHEDULE B: STAFF & AGENCY COMMENTS**

<b>DEPT/AGENCY</b>	<b>Circulated</b>	<b>Comments Received</b>	<b>Conditions</b>	<b>Nature of Comments</b>
TRCA *Schedule B	X			No Comments Recieved to Date
Ministry of Transportation (MTO) *Schedule B				
Region of York *Schedule B	X			General Comments
Alectra *Schedule B	X			General Comments
Bell Canada *Schedule B	X			No Comments Recieved to Date
YRDSB *Schedule B				
YCDSB *Schedule B				
CN Rail *Schedule B				
CP Rail *Schedule B				
TransCanada Pipeline *Schedule B	X			No Comments Recieved to Date
Metrolinx *Schedule B				
Propane Operator *Schedule B				
Development Planning	X	X		Recommend Approval/no conditions
Building Standards (Zoning)	X	X		General Comments

**Date:** July 21<sup>st</sup> , 2022

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:** **A199-22**

**Related Files:**

**Applicant** Francis Patafio

**Location** 127 Lady Jessica Drive

**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, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

Stephen Cranley, C.E.T

Mitchell Penner

Supervisor, Distribution Design, ICI & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

Supervisor, Distribution Design-Subdivisions  
**Phone:** 416-302-6215

**E-mail:** [stephen.cranley@alecrautilities.com](mailto:stephen.cranley@alecrautilities.com)

**Email:** [Mitchell.Penner@alecrautilities.com](mailto:Mitchell.Penner@alecrautilities.com)



**Pravina Attwala**

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**Subject:** FW: [External] FW: A199/22 (127 LADY JESSICA DRIVE) - REQUEST FOR COMMENTS, CITY OF VAUGHAN  
**Attachments:** CIRC\_A199\_22.pdf; APPPLANS\_A199\_22.pdf

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**From:** Development Services <developmentsservices@york.ca>  
**Sent:** July-26-22 10:49 AM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** [External] FW: A199/22 (127 LADY JESSICA DRIVE) - REQUEST FOR COMMENTS, CITY OF VAUGHAN

Hello,

The Regional Municipality of York has completed its review of the minor variance application – A199/22 and has no comment.

Thank you,

**Maryam Ahmed, B.U.R.PL.** | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 x74528 | [maryam.ahmed@york.ca](mailto:maryam.ahmed@york.ca) | [www.york.ca](http://www.york.ca)

*Our Values: Integrity, Commitment, Accountability, Respect, Excellence*



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

Please consider the environment before printing this email.

**To:** Committee of Adjustment  
**From:** Garrett Dvernichuk, Building Standards Department  
**Date:** August 2, 2022  
**Applicant:** Francis Patafio  
**Location:** PLAN 65M4506 Lot 66 municipally known as 127 Lady Jessica Drive  
**File No.(s):** A199/22

**Zoning Classification:**

The subject lands are zoned R2A – Second Density Residential Zone and subject to the provisions of Exception 14.850 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 01-2021	Variance requested
1	A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line. [4.13 3]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 m.
2	Wall mounted pool equipment is permitted to encroach a maximum of 0.6 metres into a minimum required yard. [4.13, Table 4-1]	To permit wall mounted pool equipment to encroach a maximum of 0.92 m into the required south interior side yard.
3	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21 2]	To permit an outdoor swimming pool (hot tub) to be located not entirely in the rear yard.

The subject lands are zoned RD2 - Residential Detached Zone Two and subject to the provisions of Exception 9(1205) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
4	A private swimming pool shall be constructed only in the rear yard. [4.1.1 i)]	To permit a private swimming pool (hot tub) to be located not entirely in the rear yard.
5	External wall-mounted pool equipment shall be permitted in the interior side yard with a minimum setback of 0.3 metres. [3.14 h)]	To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 metres.

**Staff Comments:**

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

There are no outstanding Orders on file.

**Building Permit(s) Issued:**

A Building Permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10m<sup>2</sup>.

**Other Comments:**

General Comments	
6	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
7	Please note that this zoning review was carried out based on the information submitted by the applicant. Any Site Plan submitted to obtain a building permit must reference the survey from which the information was taken, or a reference survey must be provided.

**Conditions of Approval:**

If the committee finds merit in the application, the following conditions of approval are recommended.

\* Comments are based on the review of documentation supplied with this application.

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** August 3, 2022  
**Name of Owner:** Francis Patafio  
**Location:** 127 Lady Jessica Drive  
**File No.(s):** A199/22

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**Proposed Variance(s) (By-law 001-2021):**

1. To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 m.
2. To permit wall mounted pool equipment to encroach a maximum of 0.92 m into the required south interior side yard.
3. To permit an outdoor swimming pool (hot tub) to be located not entirely in the rear yard.

**By-Law Requirement(s) (By-law 001-2021):**

1. A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line.
2. Wall mounted pool equipment is permitted to encroach a maximum of 0.6 metres into a minimum required yard.
3. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

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

4. To permit a private swimming pool (hot tub) to be located not entirely in the rear yard.
5. To permit a minimum setback from the south interior side lot line to the pool equipment of 0.28 metres.

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

4. A private swimming pool shall be constructed only in the rear yard.
5. External wall-mounted pool equipment shall be permitted in the interior side yard with a minimum setback of 0.3 metres.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas and "Low-Rise Residential" by Schedule 13 – Land Use.

**Comments:**

The Owner is requesting to permit the construction of a swimming pool located in the rear yard with the above noted variances.

The Development Planning Department has no objection to Variances 1, 2 and 5 as the minimum setback of 0.28 m and the additional 0.32 m of encroachment into the south interior side yard for the proposed wall mounted pool equipment is minimal and is considered minor in nature. Access between the front and rear yards is maintained in the north interior side yard. In addition, Development Engineering has reviewed the requested variances and has no concerns with access and drainage.

The Development Planning Department has no objection to Variances 3 and 4 as the hot tub is to be located to the rear of the house within what effectively functions as part of the rear yard.

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, 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:**

Michelle Perrone, Planner 1  
David Harding, Senior Planner

**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

<b>Correspondence Type</b>	<b>Name</b>	<b>Address</b>	<b>Date Received (mm/dd/yyyy)</b>	<b>Summary</b>
None				