

**File:** A183/19**Applicant:** Israel and Stephanie Apter**Address:** 84 Hendel Drive, Thornhill**Agent:** None

Please note that comments received after the preparation of this Staff Report (up until 4:00 p.m. on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	
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)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, February 27, 2020



Minor Variance
Application

Agenda Item: 18

A183/19

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing:	Thursday, February 27, 2020
Applicant:	Israel and Stephanie Apter
Agent:	None
Property:	84 Hendel Drive, Thornhill
Zoning:	The subject lands are zoned RV3(W.S), Residential Urban Village Zone Three, and subject to the provisions of Exception 9(1063) 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 construction of a proposed in-ground swimming pool and pool equipment pad.

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 interior side yard setback of 1.5 metres is required to a private swimming pool.	1. To permit a minimum interior side yard setback of 1.0 metres to a private swimming pool.
2. A minimum rear yard setback of 1.5 metres is required to a private swimming pool.	2. To permit a rear yard setback of 1.0 metres to a private swimming pool.
3. A minimum interior side yard setback of 0.6 metres is required to external ground-mounted pool equipment on a pad, no enclosure.	3. To permit a minimum interior side yard setback of 0.47 metres to external ground-mounted pool equipment on a pad, no enclosure.

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: 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 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 February 12, 2020

Applicant confirmed posting of signage on February 12, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2005

Applicant has advised that they cannot comply with By-law for the following reason(s): Lot too small to accommodate pool and pool equipment, air conditioner connection located at side yard and insufficient space to accommodate air conditioner on side yard and comply with by-law.

Adjournment Request:

None

Building Standards (Zoning Review):

A Building Permit must be obtained from the Engineering Department for the private inground swimming pool.

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

Building Inspections (Septic):

No comments or concerns

Development Planning:

Vaughan Official Plan 2010: Low-Rise Residential

The Owner is requesting permission to construct a pool in the rear yard of the subject lands with the above variances. The Owner is proposing an interior side yard and rear yard setback of 1.0 metre to a private swimming pool where 1.5 metres is required (Variance#1 and #2). The Development Planning Department has reviewed the variances and consider them to be minor in nature and appropriate for the neighbourhood. The owner is proposing an interior side yard setback of 0.47 metres to external ground-mounted pool requirement where 0.6 metres is required (Variance #3). The Development Engineering has reviewed the application and associated setback requirements and has no concerns with the proposal.

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 variance application.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

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

The owner/applicant has updated the submitted drawing and proposed a clear wash base for pool pad equipment to allow for no obstruction to the drainage swales along property line. Development Engineering has accepted the proposal in the case that the property line swale does not get obstructed.

The Development Engineering (DE) Department does not object to minor variance application A183/19.

Parks, Forestry and Horticulture Operations:

Forestry has no comments at this time.

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

None

Schedule C - Agency Comments

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

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

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



A183/19 - Notification Map

84 Hendel Drive, Thornhill



Proposal:

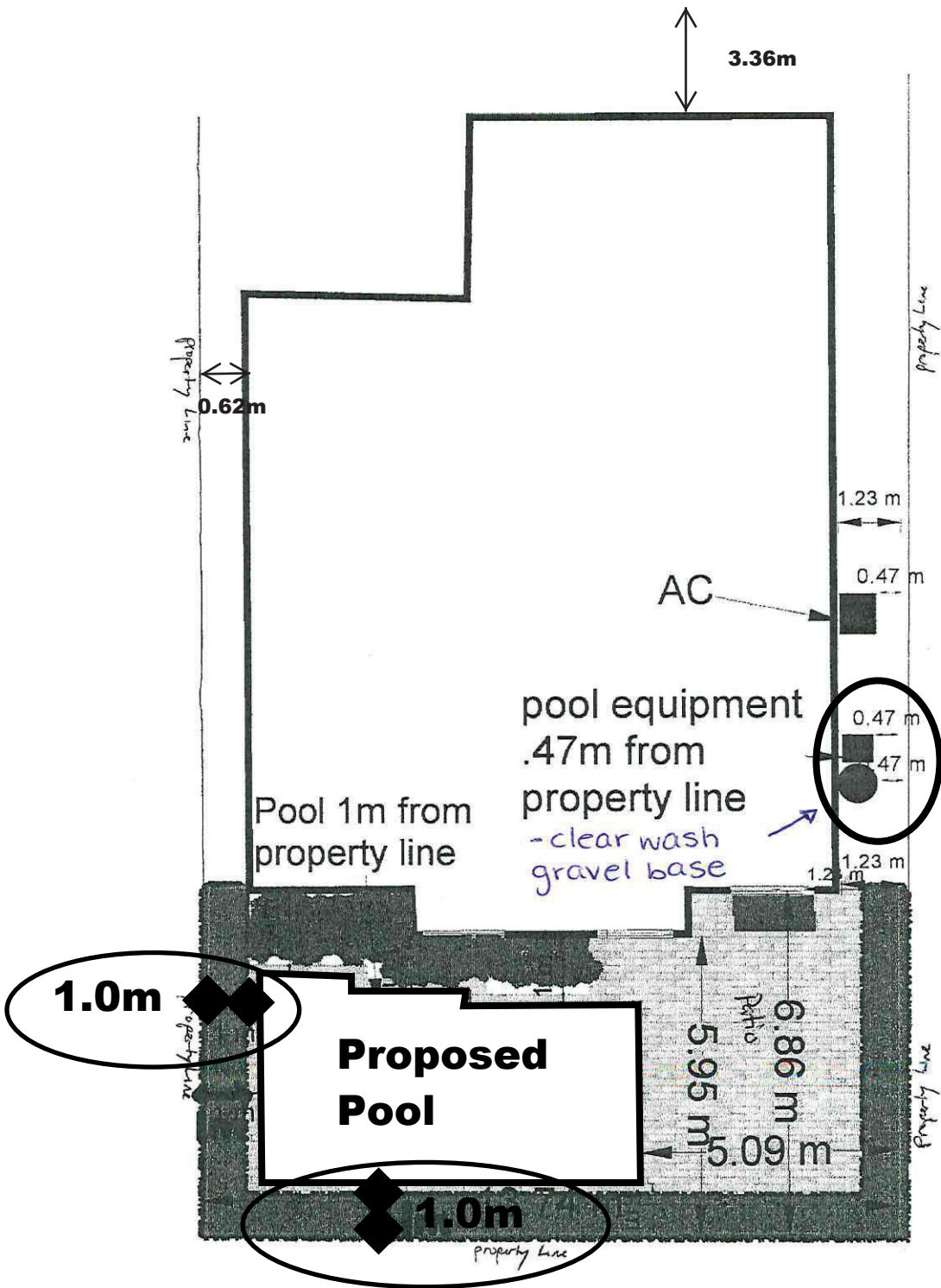
- 1. To permit a minimum interior side yard setback of 1.0 metres to a private swimming pool.
- 2. To permit a rear yard setback of 1.0 metres to a private swimming pool.
- 3. To permit a minimum interior side yard setback of 0.47 metres to external ground-mounted pool equipment on a pad, no enclosure.

REVISED Jan 16/20

A183/19



84 Hendel dr.



PART 1

SCALE 1:300

10m 5m 0 10m 20m 30 metres

METRIC

379

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
in accordance with
Regulation 1026, Section 29(3)

in accordance with
Resolution 1028, Session 29(3).

THIS REPORT WAS PREPARED FOR
ASPEN RIDGE HOMES
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER PARTIES.

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 23 DAY OF FEB., 2006

24

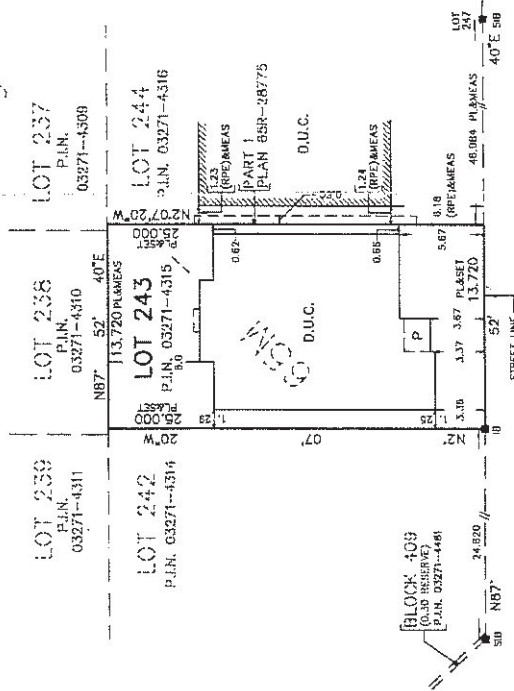
T. SINGH
ONTARIO LAND SURVEYOR

□ DENOTES MONUMENT SET
 ■ DENOTES MONUMENT FOUND
 ■ DENOTES IRON BAR
 SIB DENOTES STANDARD IRON BAR
 SIB DENOTES DWELLING UNDER CONSTRUCTION
 D.U.C. DENOTES PROPERTY IDENTIFIER NUMBER
 P.I.N. DENOTES PLAN 65W-3757
 PL DENOTES PORCH
 P DENOTES RADY-PENIEK & EDWARD SURVEY
 (RPE)

P DENOTES PORCH
(RPE) DENOTES RADY-PEN TEK & EDWARD SURVEYING LTD., O.L.S.

ALL FOUND MONUMENTS BY HOLDING
ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE GRID AND ARE REFERRED TO THE
NORTH LIMIT OF HENDEL DRIVE AS SHOWN
ON PLAN 65M-3757 HAVING A BEARING OF N87°52'40"E



HENDEL DRIVE

(2575--PC9 147d 2.8)

P.I.N. 03271-4519

RADY-PENTEK & EDWARD SURVEYING LTD.

ONTARIO LAND SURVEYORS
547 CHESTER A. ROAD, SUITE 7 WOODBRIDGE, ONTARIO

643 CHRISTLEA ROAD, SUITE 7, WOODBRIDGE
Tel. (416) 635-5000 Fax (416) 635-5001

Website: www.r-pe.ca

DRAWN: V.K. CHECKED: T.S.

CAD FILE No. 3757-243 JOB No. 04-224

Q

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.

None

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, 03-9), 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

MacPherson, Adriana

Subject: FW: A183/19 - Request for Comments

From: Development Services <developmentservices@york.ca>
Sent: January-23-20 1:05 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: RE: A183/19 - Request for Comments

Hi Adriana,

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 Sadaf Shahid, Planning Assistant at ext. 73012 or by email at sadaf.shahid@york.ca.

Best,

Sadaf Shahid | Planning Assistant

Planning and Economic Development Branch, Corporate Services Dept.

The Regional Municipality of York| 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 77807 | sadaf.shahid@york.ca | www.york.ca

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