

	COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A046/22
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AGENDA ITEM NUMBER: 15	CITY WARD #: 1
APPLICANT:	Bekir Elmaagacli
AGENT:	Josh Berry - Anatolia Capital Corp
PROPERTY:	46 Briarose Avenue, Kleinburg
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the installation of a proposed pool.

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

*Please see **Schedule B** of this report for a copy of Development Planning 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.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments no concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments no concerns
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Real Estate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments no concerns
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comments no concerns
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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.				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Josh Berry		02/18/2022	Justification Letter

PREVIOUS COA DECISIONS ON THE SUBJECT LAND		
*Please see Schedule D for a copy of the Decisions listed below		
File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A224/18	08/22/2019	Approved by COA

ADJOURNMENT HISTORY	
* Previous hearing dates where this application was adjourned by the Committee and public notice issued.	
None	



COMMITTEE OF ADJUSTMENT REPORT MINOR VARIANCE APPLICATION A046/22

FILE MANAGER: Lenore Providence, Administrative Coordinator - Committee of Adjustment

AGENDA ITEM NUMBER: 15	CITY WARD #: 1
APPLICANT:	Bekir Elmaagacli
AGENT:	Josh Berry - Anatolia Capital Corp
PROPERTY:	46 Briarose Avenue, Kleinburg
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the installation of a proposed pool.

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

The subject lands are zoned RE(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.473 under Zoning By-law 001-2021, as amended .

#	Zoning By-law 01-2021	Variance requested
1	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [Section 4.21, By-law 001-2021, as amended]	To permit an outdoor swimming pool not in the rear yard.

The subject lands are zoned RR – Rural Residential and subject to the provisions of Exception 9(768) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
2	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [Section 4.1.1, By-law 1-88, as amended]	To permit an outdoor swimming pool not in the rear yard.

HEARING INFORMATION

Date & Time of Hearing: Thursday, May 5, 2022 at 6:00 p.m.

Watch the hearing live at:
[Vaughan.ca/LiveCouncil](https://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

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

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	
<p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p>	

COMMITTEE OF ADJUSTMENT COMMENTS		
Date Public Notice Mailed:	April 20, 2022	
Date Applicant Confirmed Posting of Sign:	April 14, 2022	
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	<p>The configuration of the lot and the single detached dwelling do not make it feasible to comply with the provision of the Zoning By-law requiring the in-ground pool to be located entirely within the rear yard.</p> <p>The proposed pool will be screened from adjacent properties as the pool is recessed below a retaining wall and a landscaping area. A rendering showing the location of the pool is included in the submission package for reference.</p>	
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None	
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:	No	
<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>		
Adjournment Fees:		
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 after the issuance of public notice.		
Committee of Adjustment Comments:	None	
Committee of Adjustment Recommended Conditions of Approval:	None	

BUILDING STANDARDS (ZONING) COMMENTS	
<p>The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.</p> <p>The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).</p> <p>The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001. Please note as of January 1, 2015 Accessible Parking Spaces are subject to the provisions of Ontario Regulation - O.Reg.413/12, Subsections 80.32 through 80.39, which supersede the current by-law requirements in By-law 1-88 as amended.</p> <p>Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure</p>	

BUILDING STANDARDS (ZONING) COMMENTS	
shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.	
An A/C unit and/or pool equipment shall be setback a minimum of 1.2 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING COMMENTS	
**See Schedule C for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING COMMENTS	
The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit the pool permit link provided above to learn how to apply for the pool permit.	
The Development Engineering (DE) Department does not object to the variance application A046/22.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
No comment no concerns	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE COMMENTS	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS	
No comment no concerns	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No comment no concerns	
Fire Department Recommended Conditions of Approval:	None

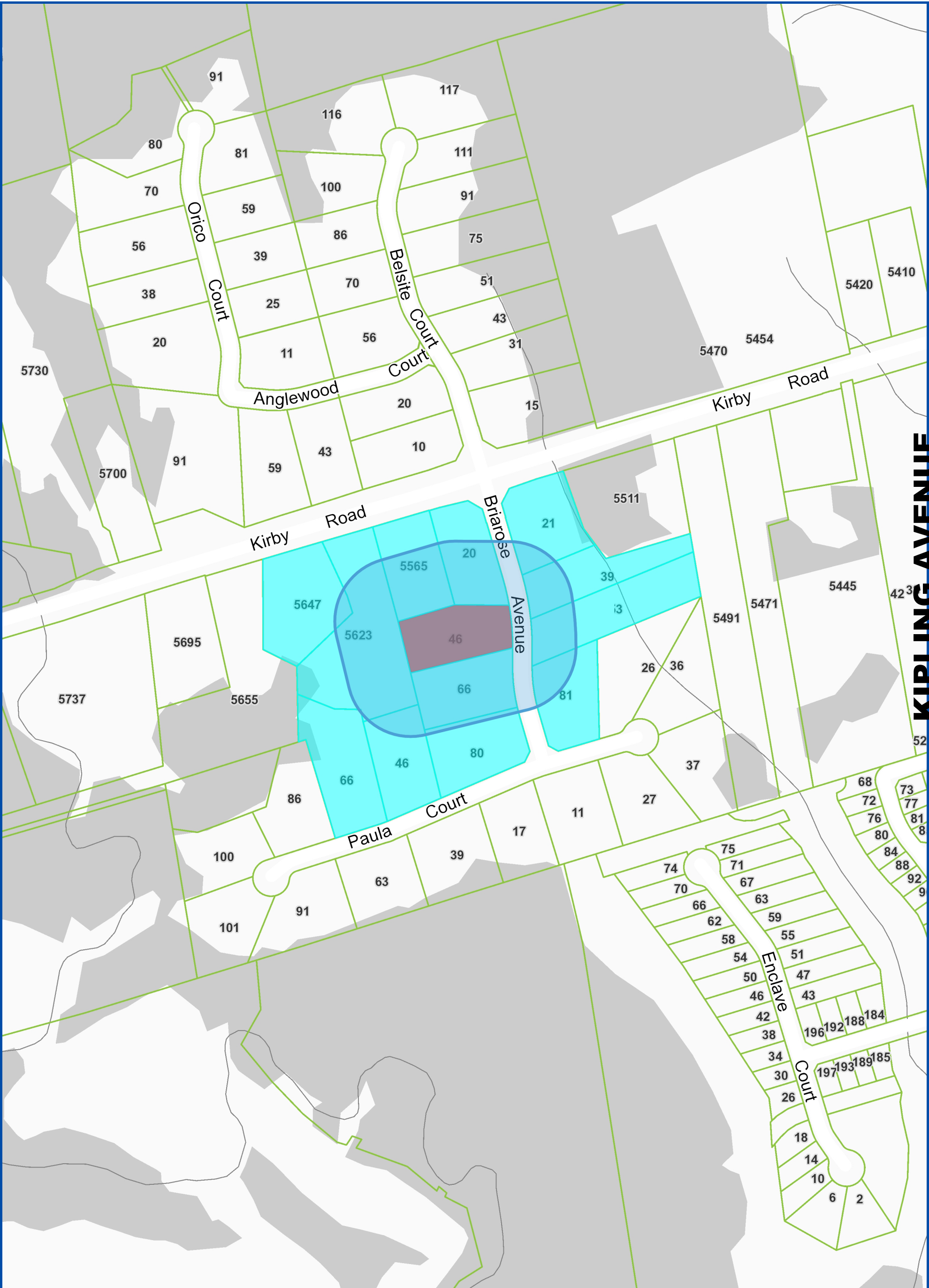
SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions 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: None

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	

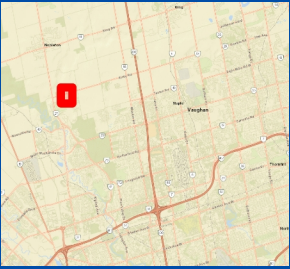
IMPORTANT INFORMATION – PLEASE READ
<p>CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.</p>
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>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.</p> <p>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.</p> <p>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</p> <p>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.</p>
<p>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.</p>

SCHEDULE A: DRAWINGS & PLANS



KIPLING AVENUE

Map Information:



Title: 46 BRIAROSE AVENUE, KLEINBURG

NOTIFICATION MAP - A046/22

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.

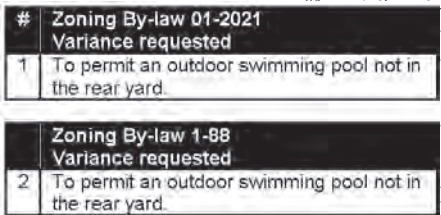


Scale: 1:5,012
0 0.08 km



Created By:
Infrastructure Delivery
Department
April 18, 2022 9:22 PM

Projection:
NAD 83
UTM Zone
17N





SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No comments no concerns
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: May 5, 2022

Name of Owner: Bekir Elmaagacli

Location: 46 Briarose Avenue

File No.(s): A046/22

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

1. To permit an outdoor swimming pool not in the rear yard.

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

1. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

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

2. To permit an outdoor swimming pool not in the rear yard.

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

2. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

Official Plan:

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

Comments:

The Owner is requesting to permit the construction of a pool with the above noted variances.

The Development Planning Department has no objection to the proposed variances as the pool is located in what is effectively used as the rear yard. The proposed pool also complies with all rear yard and side yard setback requirements.

In support of the application, the Owners have submitted an Arborist Report and Tree Inventory and Protection Plan prepared by Baker Turner Inc., dated March 27, 2019. The report inventoried 154 trees, 72 of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

Accordingly, the Development Planning Department can support the required 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-law, and is desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Joshua Cipolletta, Planner I
Chris Cosentino, Senior Planner

Date: March 31st , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A046-22**

Related Files:

Applicant Bekir Elmaagacli

Location 46 Briarose Avenue

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 & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

Mitchell Penner
Supervisor, Distribution Design-Subdivisions
Phone: 416-302-6215

Email: Mitchell.Penner@alectrautilities.com

Lenore Providence

Subject: FW: [External] RE: A046/22, 46 Briarose Avenue, Kleinburg - City of Vaughan Request for Comments

From: Development Services <developmentservices@york.ca>

Sent: April-14-22 10:01 AM

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

Cc: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A046/22, 46 Briarose Avenue, Kleinburg - City of Vaughan Request for Comments

Good morning Lenore,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Thank you,

Niranjn Rajejan, M.PI. | Associate Planner, Programs and Process Improvement, Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71512 | niranjn.rajejan@york.ca | 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.

Lenore Providence

Subject: FW: [External] RE: A046/22, REQUEST FOR COMMENTS - Vaughan - 70 Sandy's Drive, Woodbridge

From: York Plan <yorkplan@trca.ca>

Sent: April-19-22 12:23 PM

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

Cc: Hamedeh Razavi <Hamedeh.Razavi@trca.ca>

Subject: [External] RE: A046/22, REQUEST FOR COMMENTS - Vaughan - 70 Sandy's Drive, Woodbridge

TRCA wishes to confirm that it has **no interests or concerns with the above noted application.**

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property. Furthermore, the site is not within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, so no water balance would be required.

Should further clarification be required, please contact the undersigned at your convenience.

Mark Howard, BES, MLA, MCIP, RPP

Senior Manager – Toronto, Durham & York East Review Areas

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

T: [\(416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Applicant / Authorized Agent	Josh Berry		02/18/2022	Justification Letter

A046/22

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

February 18, 2022

**RE: Minor Variance Application
46 Briarose Avenue
Lot 2 on Registered Plan 65M-2667**

The purpose of the Minor Variance Application is to seek relief from the Zoning By-law to permit an in-ground pool that is not entirely located within the rear yard on the property located at 46 Briarose Avenue in the City of Vaughan. The in-ground pool is located in the lower level of the dwelling and will be screened from neighboring yards through the placement of the building and a retaining wall.

The following materials are submitted in support of the Minor Variance Application:

- Minor Variance Application
- Site Plan
- Building rendering showing location of the pool.

Please do not hesitate to contact the undersigned if you have any questions or require any further information.

Sincerely,



Josh Berry

SCHEDULE D: PREVIOUS COA DECISIONS ON THE SUBJECT LAND

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
A224/18	08/22/2019	Approved by COA

NOTICE OF DECISION
Minor Variance Application A224/18
 Section 45 of the Planning Act, R.S.O. 1990, c.P.13

Date of Hearing: Thursday, August 22, 2019

Applicant: Bekir Elmaagacli

Agent: Andrew Dean or Sandra Wojtecki

Property: 46 Briarose Ave Kleinburg ON

Zoning: The subject lands are zoned RR and subject to the provisions of Exception 9(768) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ("VOP 2010"): "Low-Rise Residential" and "Natural Area"

Related Files: None

Purpose: Relief from the by-law is being requested to permit the construction of a proposed single family dwelling.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A maximum lot coverage of 10% for the proposed single detached dwelling is permitted.	1. To permit a maximum lot coverage of 18.95% for the proposed single detached dwelling.
2. A maximum building height of 11.0m for the proposed single detached dwelling is permitted.	2. To permit a maximum building height of 12.95m for the proposed single detached dwelling.
3. A maximum driveway width of 9.0m is permitted.	3. To permit a maximum driveway width of 16.76m.

Sketch: A sketch illustrating the request has been attached to the decision.

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

THAT Application No. A224/18 on behalf of Bekir Elmaagacli be **APPROVED**, in accordance with the sketch submitted with the application (as required by Ontario Regulation 200/96) and subject to the following conditions:

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716 Jason.pham@vaughan.ca	1. 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.

Department/Agency	Condition
	2. The owner/applicant shall visit the City of Vaughan Transportation Services Division of the Transportation Services, Parks and Forestry Operations Department and arrange a site visit with City Staff to ensure that the proposed driveway does not conflict with existing street furniture, neighboring access, road alignment and/or anything else deemed relevant by City Staff upon inspection. In conjunction with this condition, the owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation Services Division.

For the following reasons:

- 1. The general intent and purpose of the by-law will be maintained.
- 2. The general intent and purpose of the official plan will be maintained.
- 3. The requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- 4. 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.

Written & oral submissions considered in the making of this decision were received from the following:



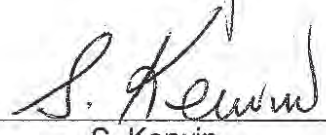
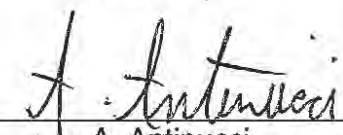
Public Written Submissions	Public Oral Submissions
* Public Correspondence received and considered by the Committee in making this decision	*Please refer to the approved Minutes of the Thursday , August 22, 2019 meeting for submission details.
None	Name: Address:

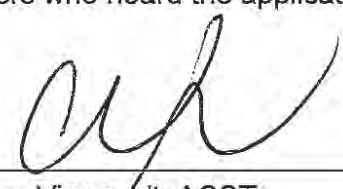
Late Written Public Submissions:

In accordance with the Committee of Adjustment Procedural By-law (069-2019) 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.

List late public submissions or include N/A

SIGNED BY ALL MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

ABSENT		
 H. Zheng Member	R. Buckler Chair	 A. Perrella Vice Chair
 S. Kerwin Member		 A. Antinucci Member

DATE OF HEARING:	Thursday, August 22, 2019
DATE OF NOTICE:	August 30, 2019
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	September 11, 2019 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan's Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <hr/> Christine Vigneault, ACST Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

Appealing to The Local Planning Appeal Tribunal
The *Planning Act*, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal (A1 Appeal Form) setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the Secretary-Treasurer of the fee prescribed by the Tribunal under the *Local Planning Appeal Tribunal Act*.

Note: A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal Fees & Forms

Local Planning Appeal Tribunal: The LPAT appeal fee is \$300 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The LPAT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". Notice of appeal forms (A1 Appeal Form – Minor Variance) can be obtained at www.elto.gov.on.ca or by visiting our office.

City of Vaughan LPAT Processing Fee: \$817.00 per application

*Please note that all fees are subject to change.

Conditions

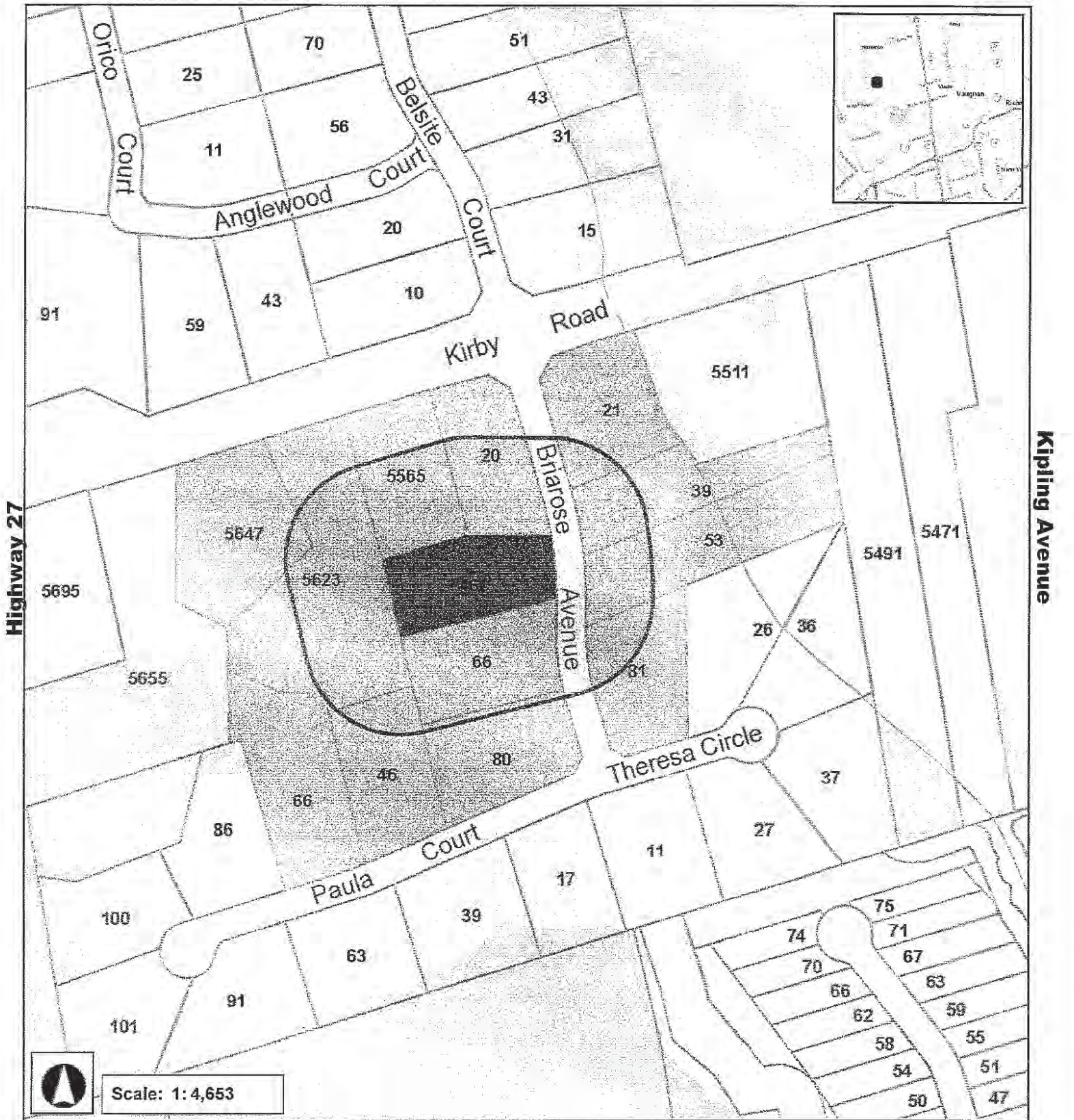
It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from each respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All applicable conditions must be cleared prior to the issuance of a Building Permit.



VAUGHAN

LOCATION MAP - A224/18

46 BRIAROSE AVENUE, KLEINBURG



Teston Road

August 1, 2019 2:14 PM

LOT COVERAGE = 18.95%

54.00

60.37

N 89° 32' 55" W

55.8

NO 1315 E

LOT 2

P.I.N. 03347-0015 (LIT)

65M-2667

N76°25'20"E

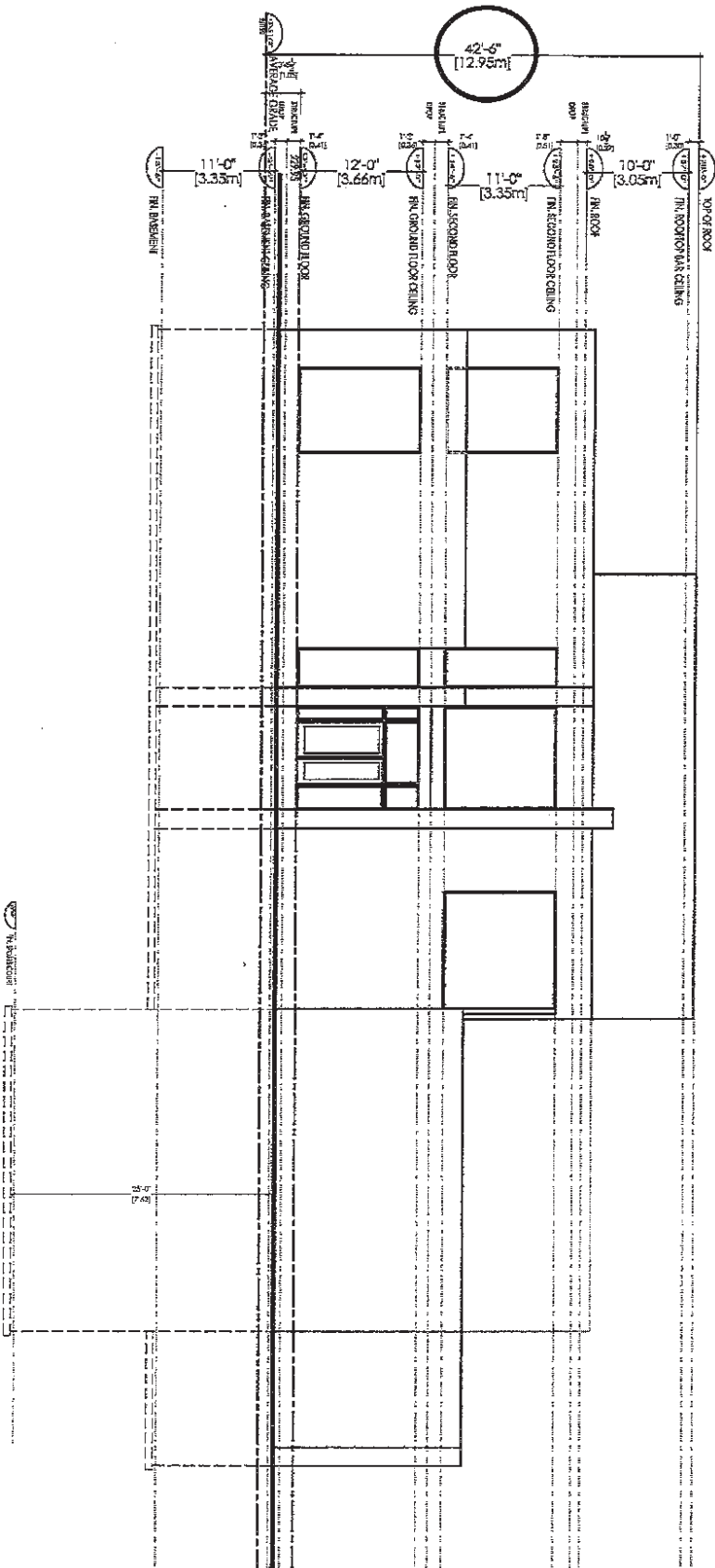

 SITE PLAN
 SCALE: 1:200

ELMAGACLI B & H RESIDENCE

RICHARD WENGLE
AICHAITEC 株式会社

46 BRIMROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
(84)

FRONT ELEVATION
SCALE: 1/200



ELMAGACIL B & H RESIDENCE

46 BRIAROSE AVENUE
TORONTO, ONTARIO
JULY 11, 2019
1841