

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.

Public	Feng Xin	16 Fanning Mills Circle	03/02/23	Letter retracting objection letter dated 02/25/23.
Public	Nick Minchella	28 Fanning Mills Circle	02/24/23	Letter of Objection
Public	Ebrahim Motaharynia	28 Fanning Mills Circle	02/24/23	Letter of Objection
Public	Zaheed Alibahi	32 Fanning Mills Circle	03/01/23	Letter of Objection
Public	Marjan Asmani Gowhartaj	48 Fanning Mills Circle	02/28/23	Letter of Objection
Public	Mohammad Mahdi	N/A	02/28/23	Letter of Objection
Public	Zaheed Alibahi	32 Fanning Mills Circle	03/01/23	Presentation in support of Objection Letter
Public	Marjan Asmani Gowhartaj	48 Fanning Mills Circle	04/11/23	Record of Complaint (received through Access & Privacy)

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
None		

ADJOURNMENT HISTORY

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

March 2, 2023	Minor Variance Application A272/22 was adjourned by the Committee of Adjustment to April 20, 2023 to permit time to address public comments.
April 20, 2023	Adjourned to accommodate statutory public notice



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A272/22
23 REDELMEIER COURT, MAPLE**

ITEM NUMBER: 6.5	CITY WARD #: 4
APPLICANT:	Richard & Yuin Yee Cheung
AGENT:	Michael Guido
PROPERTY:	23 Redelmeier Court, Maple
ZONING DESIGNATION:	See Below
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", subject to Site-Specific Policy 13.26, NW Corner of Major Mackenzie Drive & Bathurst Street.
RELATED DEVELOPMENT APPLICATIONS:	None
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the construction of a proposed deck.

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

The subject lands are zoned R3 – Third Density Residential Zone and subject to the provisions of Exception 14.1014 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The maximum permitted encroachment into the required rear yard for a balcony is 1.5 metres but in no case shall a balcony project greater than 3.0 metres beyond a main wall. [Table 4-1]	To permit a balcony to encroach a maximum of 2.11 metres into the required rear yard and to project 3.81 metres beyond the main wall of the dwelling (main floor level).
2	The maximum permitted encroachment into the required rear yard for a porch is 2.0 metres. [Table 4-1]	To permit a porch to encroach a maximum of 2.11 metres into the required rear yard (main floor level).
3	The minimum interior side yard setback required is 3.0 metres abutting lands identified as OS5. [Exception 14.1014, 4. A.]	To permit a minimum interior side yard setback of 2.15 metres to a platform (lower level).
4	The minimum interior side yard setback required is 3.0 metres abutting lands identified as OS5. [Exception 14.1014, 4. A.]	To permit a minimum interior side yard setback of 2.15 metres to a balcony (upper level).

The subject lands are zoned RD3 – Residential Zone and subject to the provisions of Exception 9(1385) under Zoning By-law 1-88, as amended.

	Zoning By-law 1-88	Variance requested
5	The maximum permitted encroachment into the required rear yard for an uncovered balcony is 1.8 metres. [Section 3.14 c)]	To permit a maximum encroachment into the required rear yard of 3.61 metres for an uncovered balcony.
6	A covered balcony is not permitted to encroach into the required rear yard. [Section 3.14 c)]	To permit a maximum encroachment of 3.61 metres for a covered balcony.
7	The maximum permitted encroachment into the required interior side yard for a balcony is 0.3 metres. [Section 3.14 c)]	To permit a maximum encroachment into the required interior side yard of 0.85 metres for a balcony.

HEARING INFORMATION

DATE OF MEETING: Monday, April 24, 2023

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, **Woodbridge Room**, 2141 Major Mackenzie Drive, Vaughan

LIVE STREAM LINK: 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

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

Date Public Notice Mailed:	February 9, 2023 & TBD	
Date Applicant Confirmed Posting of Sign:	February 6, 2023 & March 21, 2023	
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	Our original intent was to add a swim spa in our back yard. It was recommended that we place the swim spa near the back door to improve access and use throughout the year. We were later also advised that we should maintain a walkway between the swim spa and the house to improve access around the swim spa and that, for safety reasons, the walkway should be no less than 4 feet wide. (i.e. the thought was that if the walkway was too narrow, someone walking by might accidentally fall into it.) Since the swim spa was 8 feet wide, the result was that the deck ended up being 12 feet wide. I have spoken to a number of my neighbors about the deck. They were all supportive of the project. The feedback ranged from "doesn't bother me" to "really love it". And, they were also very appreciative that I had reached out to get their feedback on it.	
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: <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. *A revised submission may be required to address staff / agency comments received as part of the application review process. *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	
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.		

COMMITTEE OF ADJUSTMENT COMMENTS

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

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

Building Standards Recommended Conditions of Approval: None

DEVELOPMENT PLANNING COMMENTS

**See Schedule B for Development Planning Comments.

Development Planning Recommended Conditions of Approval: TBD

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 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 Department does not object to the Minor Variance application A272/22.

Development Engineering Recommended Conditions of Approval: None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Forestry: Forestry has no comments at this time

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 comments received to date.

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 comments received to date.

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

SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule B	Staff & 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:

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
1	Development Planning roberto.simbana@vaughan.ca	TBD
2	TRCA Kristen.Regier@trca.ca	<ol style="list-style-type: none"> 1. That the applicant provides the required fee amount of \$660 payable to the Toronto and Region Conservation Authority. 2. That the applicant obtains a permit for TRCA pursuant to Ontario Regulation 166/06 for the proposed works.

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.

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.

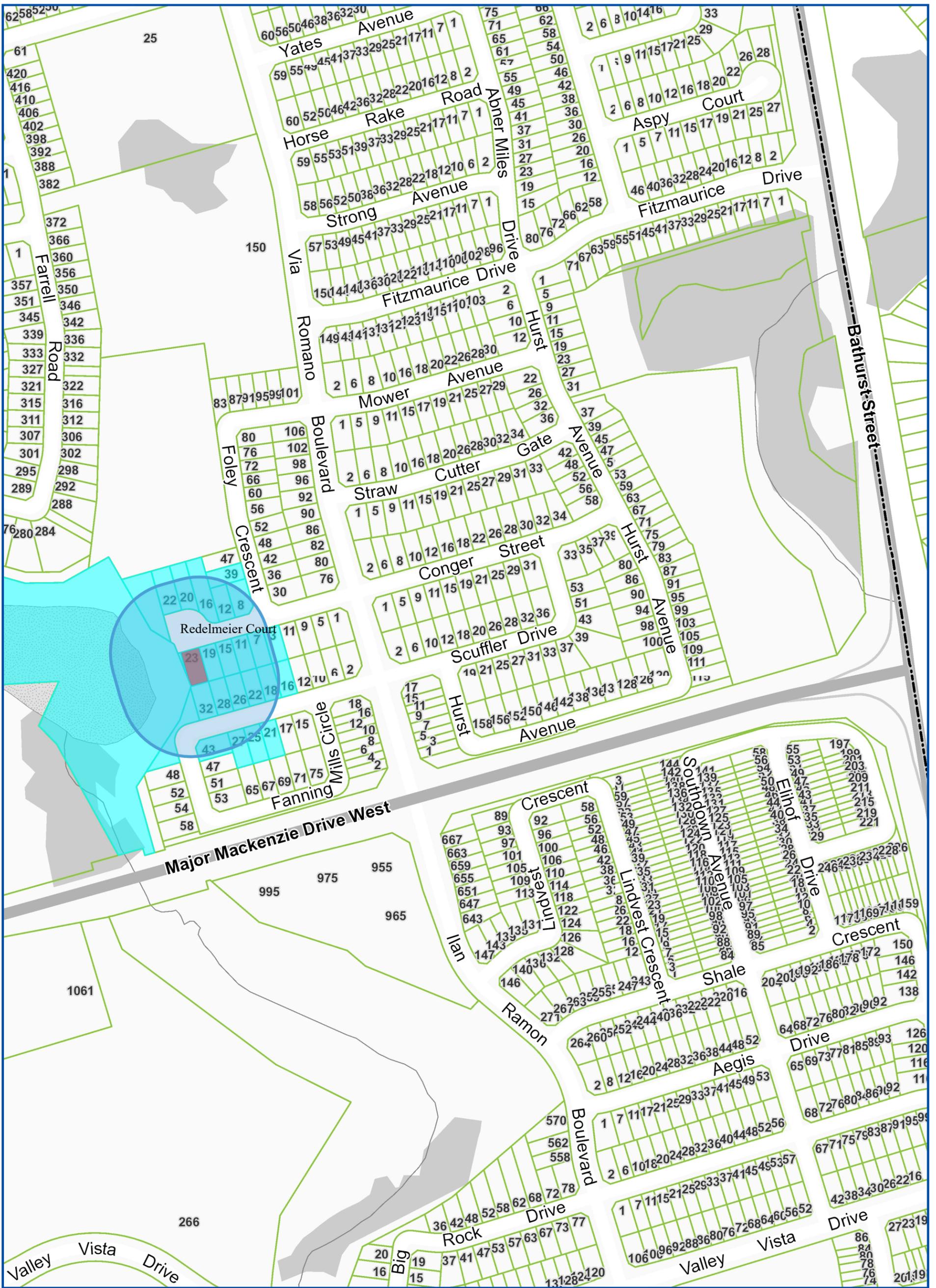
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.

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

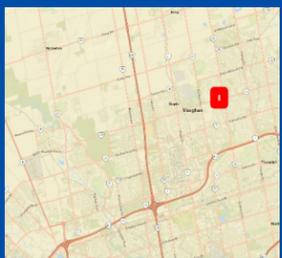
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the 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



Map Information:



Title:

NOTIFICATION MAP - A272/22

23 Redelmeier Court, Maple

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: 1:4,514

0 0.07 km



Created By:

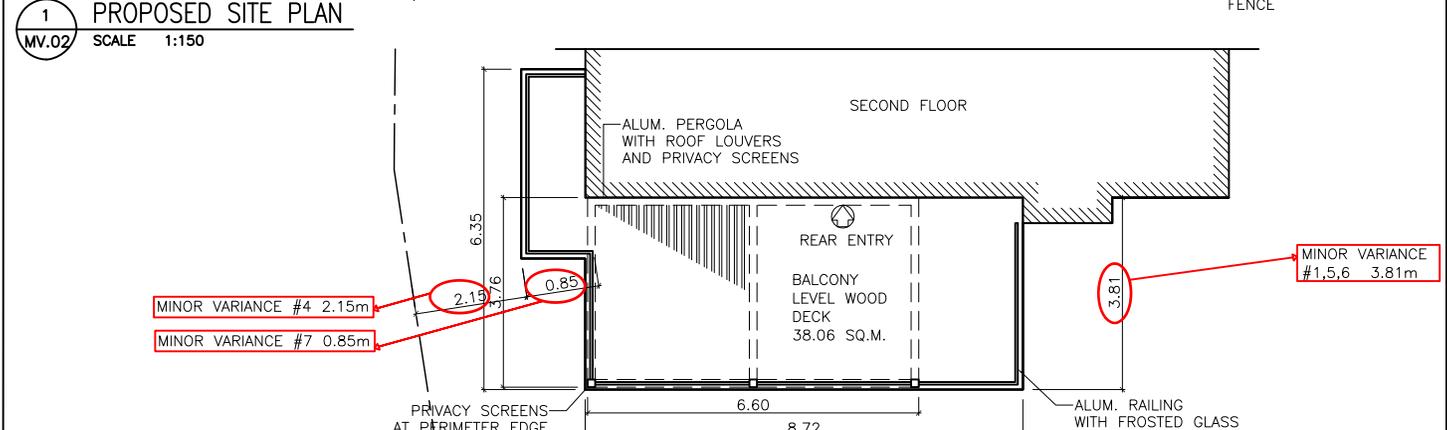
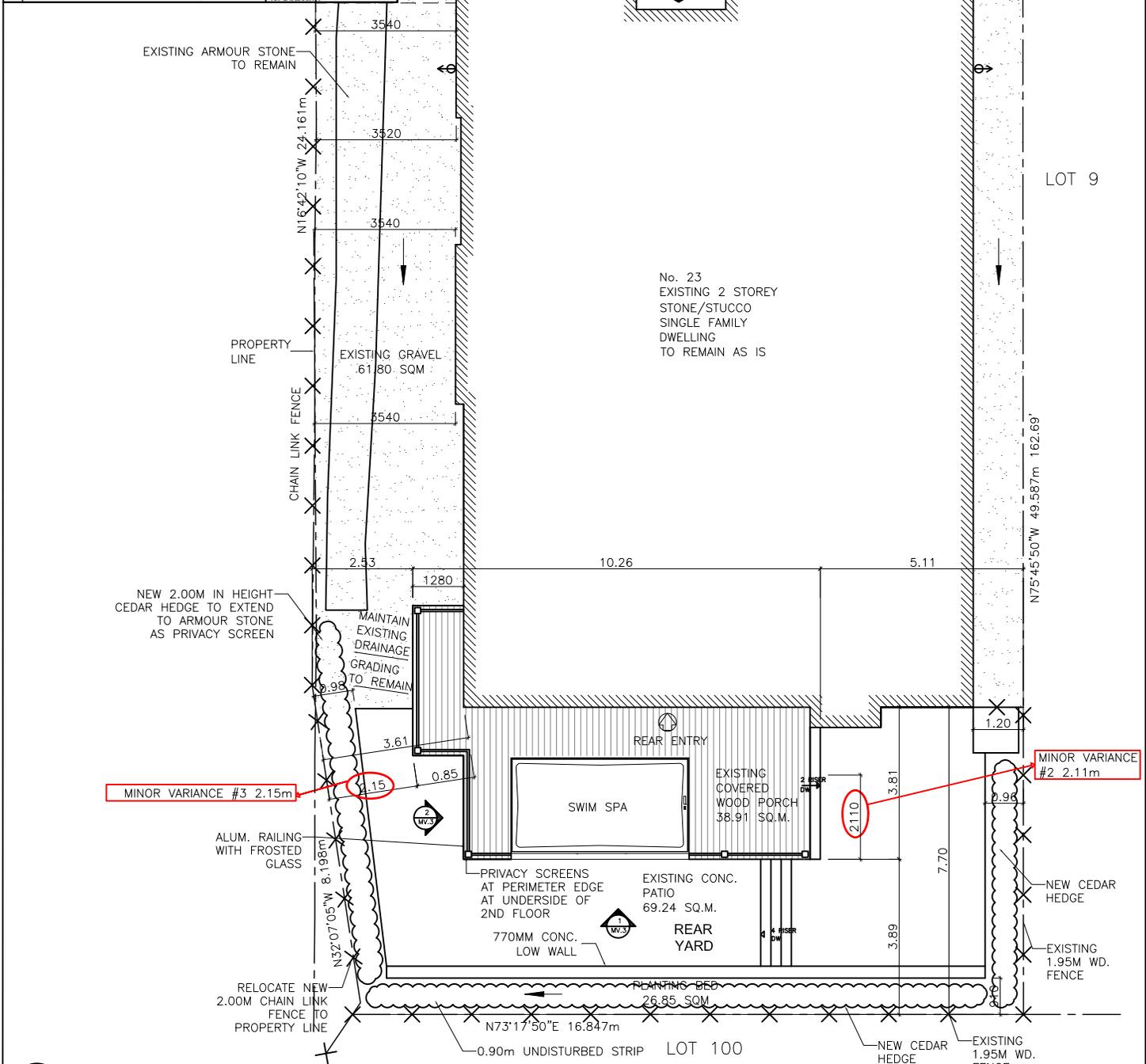
Infrastructure Delivery
Department
January 5, 2023 9:46 AM

Projection:
NAD 83
UTM Zone
17N

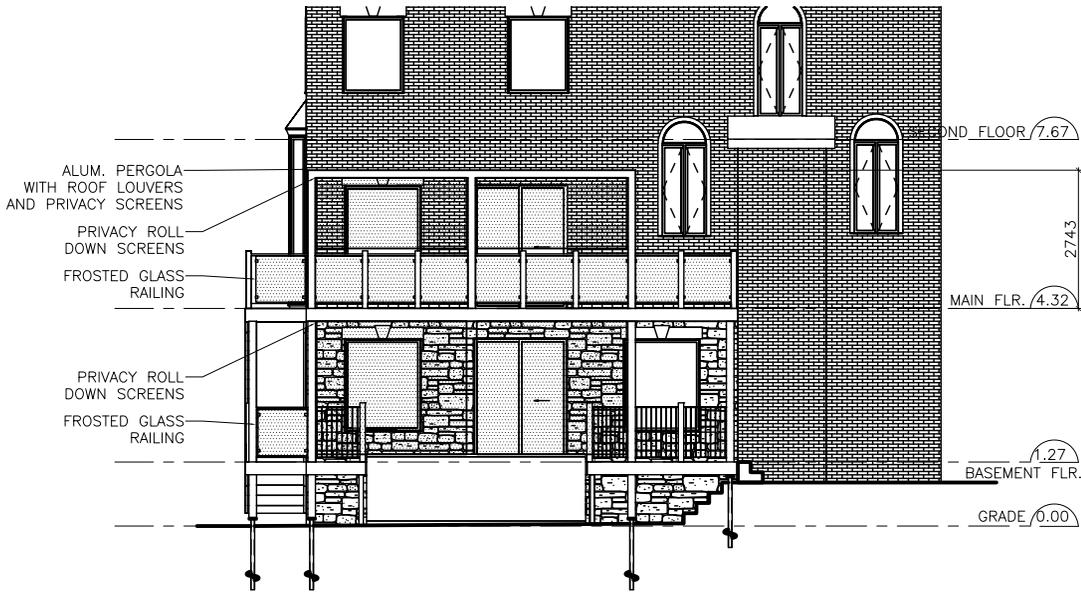
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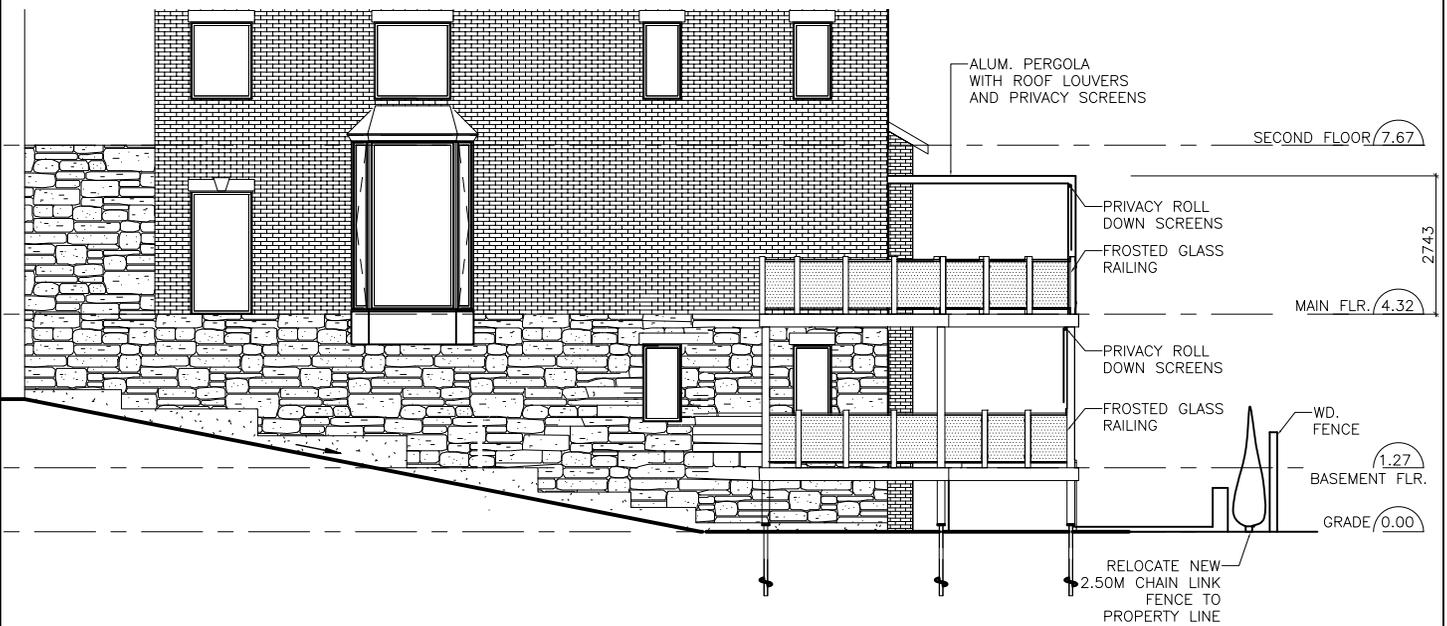
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<p>mEsh28architects 310 VELLORE PARK AVE. VAUGHAN, ON, L4H 0C5</p>	DATE: MARCH 27, 2023	DRAWN BY: M.G.	SCALE: 1:150	REVISION: 1-MINOR VARIANCE MAR 27/23	<p>CONSTRUCTION NORTH</p>
	DWG. TITLE: SITE PLAN & MAIN DECK FLOOR PLAN,			PROJECT NO. 03-2023	
SITE ADDRESS: 23 REDELMEIER CT. VAUGHAN, ON L6A 4Y8	PROJECT NAME PROPOSED DECK CHEUNG RESIDENCE			DWG. NO. MV.02	



1 PROPOSED REAR ELEVATION
MV.03 SCALE 1:150



1 PROPOSED REAR YARD LANDSCAPING
MV.03 SCALE 1:150

SITE STATISTICS AND ZONING MATRIX

Property Address—23 Redelmeier Court
 Authority Having Jurisdiction: City of Vaughan
 Project Description— Accessory Structure —(O.B.C. Part 9 Div. B)
 Vaughan Zoning By-Laws Applicable: 1-88 & 001-2021
 Scope of Work
 The project is submitted as Deck

ZONING STATISTICS: TWO-STOREY REAR DECK		
SETBACK		
REAR SETBACK	12' 9"	3.89 M
SIDE SETBACK	7' 1"	2.15 M
AREA		
DECK AREA	420 SF	39 M ²
HEIGHT		
FIRST STOREY	4' 2"	1.27 M
SECOND STOREY	14' 2"	4.32 M
REAR YARD		
REAR YARD AREA	1291.9 SF	120 M ²
SOFT LANDSCAPING	164.1 SF	15.3 M ²

ACCESSORY STRUCTURE SETBACKS — m			
	MIN. REQUIRED	EXISTING	PROPOSED
SOUTH REAR YARD	3.00m (1.5M)	N/A	3.81m VARIANCE #1,2,5&6
NORTH FRONT YARD	4.50m	N/A	N/A
WEST SIDE YARD	3.00m	N/A	2.15m VARIANCE # 3,4
EAST SIDE YARD	1.20m	N/A	5.10m
SIDE YARD ENCROACHMENT	0.30m	N/A	0.85m VARIANCE # 7

SURVEY CREDIT
 SURVEY INFORMATION TAKEN FROM:
 SURVEYOR'S PLAN OF SURVEY OF
 PART 1 PLANS OF LOTS 8 & 9
 REGISTERED PLAN 65M-4532
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK REGION

mEsh28architects
 310 VELLORE PARK AVE.
 VAUGHAN, ON, L4H 0C5

DATE:
MARCH 27, 2023

DRAWN BY:
M.G.

SCALE:
1:150

REVISION:
1—MINOR VARIANCE MAR 27/23

CONSTRUCTION NORTH

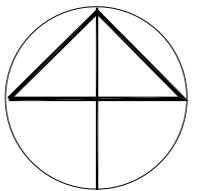
DWG. TITLE: SITE PLAN & MAIN DECK FLOOR PLAN,

PROJECT NO.
03-2023

SITE ADDRESS:
23 REDELMEIER CT.
VAUGHAN, ON
L6A 4Y8

PROJECT NAME
PROPOSED DECK
CHEUNG RESIDENCE

DWG. NO.
MV.03



SCHEDULE B: STAFF & AGENCY COMMENTS

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

Date: November 7th 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A272-22**

Related Files:

Applicant Richard & Yuin Yee Cheung.

Location 23 Redelmeier Court



Discover the possibilities

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:

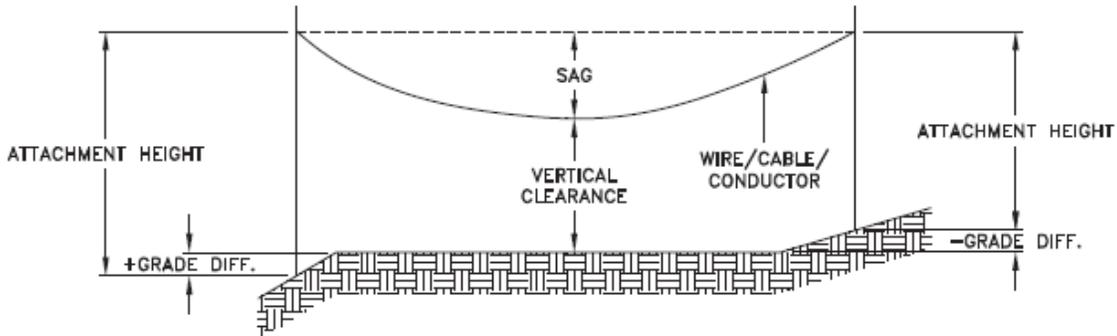
Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

E-mail: stephen.cranley@alectrautilities.com

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

Email: Mitchell.Penner@alectrautilities.com

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)				
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u>	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

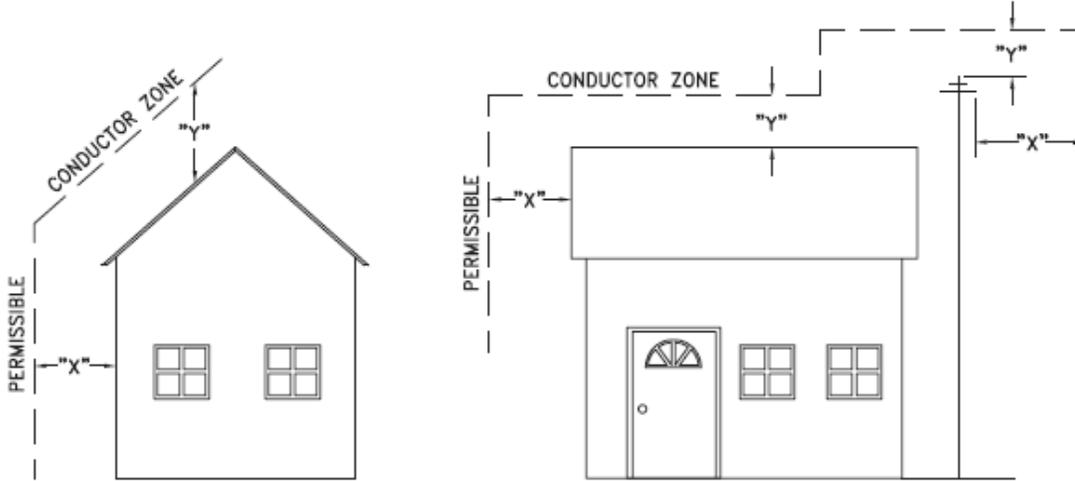
REFERENCES

SAGS AND TENSIONS | SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARANCE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

Certificate of Approval
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04
Debbie Dadwani, P.Eng. 2010-MAY-05
Name Date
P. Eng. Approval By: *D. Dadwani*

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
PS:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working files\Section 3-3-1\DWG 03-4 R0 May 5, 2010.dwg, 5/5/2010 10:22:02 AM, Adobe PDF

To: Committee of Adjustment
From: Christian Tinney, Building Standards Department
Date: March 30, 2023
Applicant: Richard & Yui Yee Cheung
Location: 23 Redelmeier Court,
 PLAN 65M4532 Lot 8
File No.(s): A272/22

Zoning Classification:

The subject lands are zoned R3 – Third Density Residential Zone and subject to the provisions of Exception 14.1014 under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The maximum permitted encroachment into the required rear yard for a balcony is 1.5 metres but in no case shall a balcony project greater than 3.0 metres beyond a main wall. [Table 4-1]	To permit a balcony to encroach a maximum of 2.11 metres into the required rear yard and to project 3.81 metres beyond the main wall of the dwelling (main floor level).
2	The maximum permitted encroachment into the required rear yard for a porch is 2.0 metres. [Table 4-1]	To permit a porch to encroach a maximum of 2.11 metres into the required rear yard (main floor level).
3	The minimum interior side yard setback required is 3.0 metres abutting lands identified as OS5. [Exception 14.1014, 4. A.]	To permit a minimum interior side yard setback of 2.15 metres to a platform (lower level).
4	The minimum interior side yard setback required is 3.0 metres abutting lands identified as OS5. [Exception 14.1014, 4. A.]	To permit a minimum interior side yard setback of 2.15 metres to a balcony (upper level).

The subject lands are zoned RD3 – Residential Zone and subject to the provisions of Exception 9(1385) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
5	The maximum permitted encroachment into the required rear yard for an uncovered balcony is 1.8 metres. [Section 3.14 c)]	To permit a maximum encroachment into the required rear yard of 3.61 metres for an uncovered balcony.
6	A covered balcony is not permitted to encroach into the required rear yard. [Section 3.14 c)]	To permit a maximum encroachment of 3.61 metres for a covered balcony.
7	The maximum permitted encroachment into the required interior side yard for a balcony is 0.3 metres. [Section 3.14 c)]	To permit a maximum encroachment into the required interior side yard of 0.85 metres for a balcony.

Staff Comments:

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

There are no outstanding Orders on file

Building Permit(s) Issued:

Building Permit No. 16-004572 for Single Detached Dwelling - Alteration, Issue Date: Jul 14, 2017
 Building Permit No. 16-004572 for Single Detached Dwelling - Alteration, Issue Date: Feb 02, 2018
 Building Permit No. 16-004572 for Single Detached Dwelling - New (Repeat Housing) (No Arch. Exam), Issue Date: Dec 21, 2016
 Building Permit No. 22-128159 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

Other Comments:

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
2	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
3	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

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.

November 23, 2022

CFN 66448.32

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Christine Vigneault
Secretary Treasurer
Committee of Adjustment
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Christine:

**Re: Minor Variance Application A272.22
Part of Lot 21, Concession 2
23 Redelmeier Court
City of Vaughan, Region of York
Owner: Richard and Yuin Yee Cheung**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on November 4, 2022. TRCA staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

It is our understanding that the purpose of the above noted application is to request the following variances under both the By-Law 01-2021 and 1-88:

By-Law 01-2021

1. To permit a maximum encroachment into the required rear yard of 2.69 m for an uncovered platform (deck), whereas a maximum encroachment into the rear yard of an uncovered platform of 2.4 m is permitted.
2. To permit a minimum interior side yard setback of 2.15 m, whereas a minimum interior side yard setback of 3.0 m is required.

By-Law 1-88

1. To permit a maximum encroachment into the required rear yard of 3.61 m for a deck, whereas a maximum encroachment into the required rear yard of a deck of 1.8 m is permitted.
2. To permit a maximum encroachment into the required interior side yard of 0.85 m for a deck, whereas a maximum encroachment into the required interior side yard of a deck of 0.3 m is permitted.

The variances are being requested to permit the construction of a pool, deck and related minor landscaping works.

Ontario Regulation 166/06

A portion of the subject lands are located within TRCA's Regulated Area due to a valley corridor associated with a tributary of the Don River. In accordance with Ontario Regulation 166/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Based on a review of the submitted materials, a portion of the proposed works are located within TRCA's Regulated Area. As such, a permit pursuant to Ontario Regulation 166/06 will be required to authorize the works. Details related to TRCA's permit application have been provided in Appendix 'A' of this letter for the proponent's reference.

Application-Specific Comments

As noted above, the subject property is regulated by TRCA due to the presence of a valley corridor associated with a tributary of the Don River. Based on a review of digital elevation mapping, the physical top of bank of the valley is located approximately 4-6 metres from the side (western) property line.

TRCA policies require a 6 metre setback from the furthest limit of a valley corridor for all non-habitable accessory structures (i.e., pools, sheds, decks) and minor landscaping.

Based on a review of the materials submitted with this minor variance application, TRCA staff are satisfied that the proposed works are appropriately set back from the adjacent valley corridor. As such TRCA staff have no objections to the requested variances.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$660 (Minor Variance – Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the comments noted above, TRCA has **no objection** to the approval of Minor Variance Application A272/22 subject to the following condition:

1. That the applicant provides the required fee amount of \$660 payable to the Toronto and Region Conservation Authority.
2. That the applicant obtains a permit for TRCA pursuant to Ontario Regulation 166/06 for the proposed works.

We trust these comments are of assistance. Should you have any questions, please contact me at 437-880-2129 or at Kristen.Regier@trca.ca

Sincerely,



Kristen Regier
Planner I
Development Planning and Permits

Appendix 'A': TRCA Permit Requirement Details

To initiate TRCA's permit review process, the following materials must be provided to TRCA:

1. Complete Application for Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (Residential/Development Projects) (Pursuant to Ontario Regulation 166/06). The application can be downloaded from the following website: <https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2021/10/08115745/4048-Permit-Application-for-DPP-Sept2021-fillable.pdf>
2. A digital copy of the following finalized plans/drawings are required.
 - Site plan – showing dimensions and location of all proposed works
 - Grading plan – identifying existing and proposed grades. If no grade changes are proposed, please include a note on the plans confirming existing grades are to be maintained.
 - Erosion and sediment control plan - Please add relevant TRCA erosion and sediment control notes 1, 2, and 4 for the following link to the site plan. <http://www.trca.on.ca/dotAsset/93458.pdf>. We would also be looking to ensure that a note confirming that a non-woven geotextile filter fabric, TERRAFIX 270R or equivalent silt fence would be installed around the work area during construction.
 - Landscape restoration plans – If any plantings are proposed please ensure that they are native, non-invasive species. For native species within TRCA jurisdiction, please see species ranked L1 to L5 on the following table:
3. Digital copy of a legal survey of the subject property.
4. Permit review fee of \$240 (Works on Private Residential Property – Minor Ancillary).

From: [Development Services](#)
To: [Pravina Attwala](#)
Cc: [Committee of Adjustment](#)
Subject: [External] RE: A272/22 (23 REDELMEIR COURT) - REQUEST FOR COMMENTS
Date: Friday, November 11, 2022 9:31:43 AM
Attachments: [image002.png](#)
[image004.png](#)

Hi Pravina,

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

Many thanks,

Christine Meehan, B.U.R.PL. | 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 x73012 | christine.meehan@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.

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Paul Koffman	2 Fanning Mills Circle	02/26/23	Letter of Objection
Public	Jiyeong Koh	12 Fanning Mills Circle	02/25/23	Letter of Objection
Public	Feng Xin	16 Fanning Mills Circle	02/25/23	Letter of Objection
Public	Feng Xin	16 Fanning Mills Circle	03/02/23	Letter retracting objection letter dated 02/25/23.
Public	Nick Minchella	28 Fanning Mills Circle	02/24/23	Letter of Objection
Public	Ebrahim Motaharynia	28 Fanning Mills Circle	02/24/23	Letter of Objection
Public	Zaheed Alibahi	32 Fanning Mills Circle	03/01/23	Letter of Objection
Public	Marjan Asmani Gowhartaj	48 Fanning Mills Circle	02/28/23	Letter of Objection
Public	Mohammad Mahdi	N/A	02/28/23	Letter of Objection
Public	Zaheed Alibahi	32 Fanning Mills Circle	03/01/23	Presentation in support of Objection Letter
Public	Marjan Asmani Gowhartaj	48 Fanning Mills Circle	04/11/23	Record of Complaint (received through Access & Privacy)

26 February 2023

Re: Minor Variance Application A272/22

Dear members of the Vaughan Committee of Adjustment:

I object to the minor variance applications at 23 Redelmeier Court.

I have concerns regarding privacy for adjacent properties from the perspective that should the variances be approved, similar projects will be approved elsewhere in the neighbourhood, impacting privacy for more residents. Approval will be the beginning of a slippery slope.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Kopelman', with a long, sweeping horizontal stroke at the end.

PAUL KOPELMAN
2 FANNING MILLS

February 25, 2023

Minor Variance Application A272/22

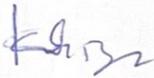
To the members of the Vaughan Committee of Adjustment,

I object to the four minor variance applications at 23 Redelmeier Court.

The structure built is unbecoming of the neighbourhood – it is an eyesore and detracts from the beautiful views of the ravine, and no doubt impacts the privacy of adjacent neighbours.

It is disingenuous of the owner of the property to have built the deck, which is clearly oversized given variances are being sought, without seeking a permit in advance. Approving the variances will open the doors for others to do the same on lots not designed for such sized structures.

Sincerely,



Jiyeong Koh.

12 Fanning Mills Circle. Maple.

February 25, 2023

Re: Minor Variance Application A272/22, 23 Redelmeier Court

Dear Members of the Vaughan Committee of Adjustment,

I am writing to object to the four minor variance applications relating to the above property.

Approval of the variances will set an unacceptable precedent in the neighbourhood, giving license to others to follow suit, thereby eroding the desired characteristics of the neighbourhood.

Yours sincerely,



Feng Xin



16 Fanning Mills cir. Maple.

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] About application A272/22
Date: Thursday, March 2, 2023 4:46:28 PM

Dear Sir/Mandan:

This is Feng from 16 Fanning Mills Cir, Maple; I'm writing this letter regarding Application A272/22 about the deck located at 23 redelmeier Crt, I thought carefully these days about this issue, as long as they solve the dispute is fine. I would like to withdraw my signed letter of objection, I prefer stay neutrality, hope all the neighbors have good relationships with each other, shouldn't bring this on the table.

Thanks a lot and hope you have a wonderful day.

Get [Outlook for iOS](#)

Pravina Attwala

Subject: FW: [External] Minor Variance Application A272/22 - Objection

From: Nick Minchella
Sent: February-24-23 10:58 AM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] Minor Variance Application A272/22 - Objection

To the Vaughan Committee of Adjustment:

I am writing to express my objection to the minor variance submitted by [23 Redelmeier Court](#). As residents of this community we all have a right to privacy and it's crucial we work together to maintain the high standards in our living area for all neighbours. As a new subdivision, by allowing this one deck, we will have a flurry of others who will rush to build equally enormous decks and ruin our privacy and the look and feel of our community.

Regards,

Nick Minchella

28 Fanning Mills Circle

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] Minor Variance Application A272/22
Date: Friday, February 24, 2023 10:13:26 PM

To whom it may concern,

I am writing regarding minor variance application A272/22 at 23 Redelmeier Court. I have a few concerns to highlight to the Committee:

1. The size of the deck being larger than permitted increases the likelihood of others in the neighbourhood seeking similar variances or building such structures without the appropriate approvals
2. The size of the deck impedes on the privacy in my backyard
3. While not as extreme as for my neighbours beside me and behind me, the size of the structure impedes on my view
4. The structure will have a negative impact on the value of my home

Sincerely,

Ebrahim Motaharynia

Owner of 28 Fanning Mills Circle

To: Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

From: Zaheed Alibhai, 32 Fanning Mills Circle, Vaughan, ON L6A 4Y9

Date: March 1, 2023

Re: Minor Variance Application A272/22

Dear Members of the Committee of Adjustment,

I am writing to express my objection to the four minor variance applications submitted by my rear neighbours, who reside at 23 Redelmeier Court, in relation to their recently constructed multi-level deck. As both a resident of Vaughan and a neighbour to 23 Redelmeier Court, I have strong concerns regarding the impact of this structure on my family, my property and the community as a whole.

Preface

It is important to bifurcate the minor variance applications into two parts:

- (i) In relation to the lower-level hot tub and deck area; and
- (ii) In relation to the upper-level deck and pergola structure

It is important to also consider the configuration/orientation of our properties that share a rear property line. The applicants' house has a walkout basement whereas ours does not. As such, the applicants' house is taller with a higher vantage point. The applicants' basement is on the same level our main floor, and the applicants' main floor is on the same level as our upper floor.

Lower-level deck

The applicants' lower-level deck comes out from their basement, in line with our main floor, and is for the hot tub and surrounding deck area. As per the applicants' justification for the variances, the deck is the size it is due to an advised need for a walkway around the hot tub. The applicants have young children, as do I, and as such I truly appreciate the need for safety. As such, while it is clearly larger than permitted under the zoning by-laws, I do not object to the variances in relation to the lower-level deck. The manner in which it has been constructed enables enjoyment by the applicants without significantly infringing on our view or privacy.

Upper-level deck

While there is a safety reason cited for the need for the lower-level deck to be constructed in the manner in which it has, there is no need for the upper-level deck to be as large as it is. A hot tub need not be covered (entirely or even partially). If the upper-deck has been built on the premise that the hot tub needs to be covered entirely, then I would object to the variances for the lower-deck as well.

In any case, I object to the variance applications insofar as they relate to the upper-deck and pergola, regardless of the status of the lower-deck. This is on the grounds of restriction of our view, but above all else the extensive invasion of our privacy.

Of course minor variances can be warranted in some cases, hence the ability to request them. However they are intended to be a remedy when the zoning by-laws cannot be met due to unique circumstances related to a property so as to ensure that a property owner is not deprived of normal rights to use their property. Simply *wanting* to have a larger than permitted deck is not a normal right to use a property if the size of the yard cannot support one without variances – especially in the event that adjacent neighbours are negatively impacted. Indeed, approving such variances would, as a result, deprive me of my normal rights to use my property given the view restrictions and visual intrusion that have been created.

Detailed rationale for objection:

1. Size of the structure

First and foremost, I object to the variance applications on the grounds that the deck is an encroachment that violates zoning legislation. The structure is too large – it is bulky and imposing, and does not comply with setback requirements, which were put in place to protect the interests of residents and the environment. The zoning by-laws prescribe the front, rear and side yard setbacks – the variances requested do not maintain the general intent and purposes of these by-laws in that they restrict my view and substantially reduce my privacy. Further, I am concerned that approving these variance applications will also set an uncomfortable precedent in the community, and from a wider perspective undermine the integrity of zoning laws in Vaughan.

The size of houses in the Upper West Side development take up a significant proportion of the overall lot size (as evident from the applicants' plan drawing). I knew residents would ultimately seek to demolish the standard builder's decks and build their own outdoor decks to enjoy the outdoors – as I also did. However, knowing that the back yards are relatively small, I took solace in knowing what the zoning requirements were and in essence knew upfront what the maximum size of any neighbouring deck could be, and hence what restrictions I would face in terms of views, and reduction in privacy. This was a key consideration when we purchased our property. The applicants' deck is significantly larger than the maximum permitted, which undermines the valid premise upon which I purchased my property.

Specifically, the variances requested are not minor in nature. While they may be seen as a matter of metres, it is important to consider these distances relative to the size of the back yards, whereby they are significant. Every centimetre of variance over the amounts provided for under the by-laws increases enjoyment for the applicants, with a direct decrease in my enjoyment and reduced privacy. A minor variance should not give rise to

negative repercussions for others, i.e. it cannot be solely for the convenience of the applicants at the expense of adjacent neighbours.

The structure is also incompatible with the established built form and character of the neighbourhood given the size of the lots, and also the configuration of the lots as detailed above. From a broader perspective, it also erodes the aesthetics of the streetscape.

I took great care to build my deck with a permit which I obtained proactively, ensuring that its size and height were all in accordance with Vaughan's zoning by-laws, and also advised my neighbours prior to construction. In essence I believe it is unfair that my neighbour can benefit from the same amenities without adhering to the same rules and regulations. Contrary to the applicants' comments for justification, I was not consulted prior to the construction despite being the most impacted. Needless to say I would have aired these same concerns at the time in relation to deviation from the zoning by-laws.

The deck has already been built, but I do not believe this should be a reason to grant the variance applications. Seeking forgiveness as opposed to permission is not acceptable, particularly when it negatively impacts the community as a whole.

2. Restriction of view and reduced privacy

As alluded to above, due to the violation of zoning by-laws, the deck has reduced my ravine view, which I had paid a premium for when purchasing my property. Appendix A includes photographs showing the impact of the view restrictions.

More concerning, however, is that my privacy has also been negatively impacted, specifically stemming from the applicants' upper deck due to the configuration of the lots whereby the applicants' main floor is in line with our upper floor. As a result, the applicants' upper-deck overlooks my back yard from a high vantage point. As shown in the photographs in Appendix A, wherever I am in my back yard, the applicants can look below from their deck and have full visibility into every corner of my yard. This is of course due to how close the new structure comes to the rear property line, and is particularly concerning to me as a parent as I have young children who like to play in the back yard but now do not feel comfortable to do so. In the same manner that the applicants are seeking safety for their children in relation to the hot tub area, I am seeking privacy for my family. One party cannot benefit at the expense of the other. The privacy impact on my family can naturally be mitigated by adhering to the zoning by-laws, as is their intent.

The reduced privacy is not limited to outdoor space, but also to our internal living area. Given the close proximity of the houses themselves, and the fact

that the applicants' house is higher than ours (i.e. as detailed above their main floor is level with our upper floor), they already were able to see into the main and upper levels of our home. The setback and encroachment by-laws are no doubt set at the levels they are to take into account the close proximity of the buildings. However the new large deck structure brings the applicants considerably closer to our home, giving them an even clearer line of sight into both our living area, as well as directly into our principal bedroom, such that we need to keep our curtains drawn more often than we would like, resulting in loss of natural light in our bedroom. Photographs illustrating the external and internal visual intrusion are also included in Appendix A.

The Official Plan for Vaughan is clear in that in relation to rear yards within large lot neighbourhoods the intention is to "*maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent visual lots*"; however the structure as built is in direct contravention to this core principle.

3. Reduction of property value

Moreover, approving the variance applications devalues my property and those of other neighbours who have complied with zoning regulations. This belief is ratified by having an independent realtor review the structure. A copy of the realtor's findings is enclosed in Appendix B.

The statutory tests

In order to approve the variance applications, all four of the statutory tests should be met:

1. Is the variance minor?

The variances are too important to be considered minor due to the impact on neighbouring properties. Due to the configuration of the lots, any deviation by the applicants from the maximum permitted encroachment and setbacks per the zoning by-laws is only for the benefit of the applicants, and directly impacts adjacent lots, specifically those on Fanning Mills Circle that are on lower vantage points, from the perspectives of view restriction and significant privacy reduction. The variances deprive neighbours of their normal rights to use their properties.

2. Is the variance desirable?

Naturally, the variances are desirable from the perspective of the applicants. However the question is whether the variances are desirable in a more holistic sense, i.e. from the perspectives of neighbouring lots, as well as from a planning and public interest perspective. The proposed variances are not desirable as they are not necessary to allow for reasonable and appropriate

use of the applicants' property and are solely for the convenience of the applicants. The proposed variances are certainly not desirable from the perspective of neighbouring lots given the view restrictions and significant reduction in privacy created. From a planning and public interest perspective the variances are not desirable given the precedent that would be set, opening the doors to similar structures throughout the neighbourhood contrary to the planning principles of the community.

3. Does the variance maintain the general intent and purpose of the Official Plan for Vaughan?

In relation to large lot neighbourhoods, the Official Plan for Vaughan provides policy not only in relation to lot frontage, area, coverage and dwelling types, but also specific intent for front, side and rear yards. Specifically in relation to rear yards the intent is to "*maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent residential lots*". As detailed above, the variances being sought clearly enhance visual intrusion. As such, the general intent and purpose of the Official Plan is not maintained.

4. Does the variance maintain the general intent and purpose of the zoning by-laws?

The zoning by-laws are a key vehicle to implement the Official Plan for Vaughan, because they translate the policies of the plan into detailed regulations. As such, the maximum permitted encroachment and setback levels are specifically set with reference to the intent of the Official Plan as noted above. A variance application may have merit if it does not infringe on an adjacent property, e.g. if a property backs out onto a ravine whereby there is no shared rear property line in which case visual intrusion can still be minimized with the variance. However this is not the case here, as there is a shared rear property line, and visual intrusion is not minimized by approving the variances. Such visual intrusion can only be minimized by building a structure that complies with the zoning by-laws.

In light of the above, none of the four statutory tests are met.

Summary

The structure as currently built, with its failure to adhere to setback and encroachment provisions results in inequity between 23 Redelmeier Court and the neighbouring properties, especially 32 Fanning Mills Circle. The structure as it stands raises the applicants' quality of life through increased enjoyment and property value, while simultaneously diminishing the quality of life of my family by restricting the enjoyment of our house, significantly reducing our privacy, and reducing our property value.

I therefore respectfully request that the Committee of Adjustment deny the variance applications submitted by my neighbour. I believe that approving these applications would undermine the integrity of zoning by-laws (both from the perspectives of maintaining the general intent and purpose of the zoning by-laws as well as maintaining the general intent and purpose of the Official Plan for Vaughan), reduce my property value, but most of all significantly impact my family's privacy and enjoyment of our property in a negative manner. I trust that the Committee of Adjustment will consider my objections and make a fair and reasonable decision.

Thank you for your attention to this matter.

Sincerely,



Zaheed Alibhai

32 Fanning Mills Circle, Vaughan, ON L6A 4Y9

Appendix A



Illustration of additional encroachment towards property line vs a deck built in line with zoning by-laws



Illustration of size of the deck, proximity to rear property line, and the obstructed view being created on the left hand side as a result of the pergola and the decking on the side of the house.



Illustration of the imposition of the deck and reduced privacy (visual intrusion). Note, we can see the underside of their deck which illustrates its bulk, height and how far out it is from the applicants' home/how close it is to our home. The applicants can look directly below and see our entire yard.



Illustration of the reduced privacy in our back yard as a result of the deck – shows the ability for the applicants to see anywhere in our yard (visual intrusion)



Additional illustration of the reduced privacy (visual intrusion) in our back yard as a result of the deck – shows the ability of the applicants to see anywhere in our yard



Illustration of reduction in privacy (visual intrusion) – the ability to see clearly into all parts of our yard as a result of increased depth of the deck as well as the side deck



Illustration of the reduced view as a result of the depth of the deck as well as the side deck



Additional illustration of the reduced view as a result of the depth of the upper deck as well as the side deck



The new view from our deck during construction – shows close proximity, neighbours being on top of us with ease of view into our yard, and the beginning of the restricted view on the left hand side (exacerbated by the pergola subsequently erected)



View from principal bedroom window showing both decreased privacy (visual intrusion) stemming from the depth of the deck and resulting closer proximity to the property line, and the restriction on the view (exacerbated with shutters on the pergola)



The view from our main level living area showing the close proximity to our home, made even closer with the additional depth of the new deck, resulting in reduced privacy (visual intrusion)

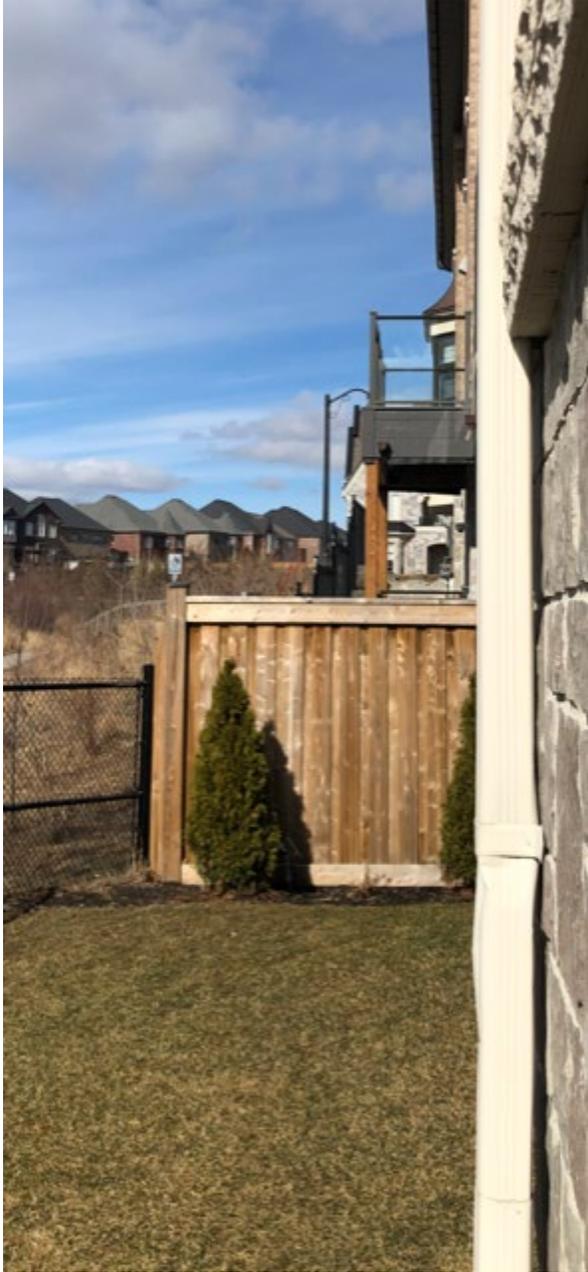


Illustration of decreased privacy (visual intrusion) on the side of our house as a result of the side deck

Appendix B

Century 21 Innovative Realty Inc. Brokerage
2855 Markham Road, Unit 300
Toronto, ON M1X 0C3

Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

February 20, 2023

Re: Minor Variance Application A272/22

Dear Members of the Committee of Adjustment,

I am writing regarding the recent construction of a deck by the resident of 23 Redelmeier Court, which is currently the subject of minor variance applications before your committee. As a realtor, I feel that I have a professional obligation to provide you with my expert opinion on the potential impact that this structure may have on the value of neighbouring properties.

In my professional experience, it is my belief that the construction of this deck is likely to result in a reduction in the value of neighbouring properties, including the property of Zaheed Alibhai and Salha Moloo located at 32 Fanning Mills Circle. The impact on property values may be as much as 5-10%, depending on the size and location of the properties.

The reason for the impact is that the deck, as it stands, may act as a deterrent to potential buyers who are looking for a property with a clear, unobstructed view of the surrounding landscape. Buyers are often willing to pay a premium for properties with good views, and it is my opinion that the construction of this deck, which obstructs the view from 32 Fanning Mills Circle, will make their property less attractive to potential buyers.

Furthermore, the deck also affects the privacy of the property at 32 Fanning Mills Circle, which may also negatively impact its value. Potential buyers are typically willing to pay more for properties with a high degree of privacy, and the presence of an imposing deck that overlooks a neighbouring property naturally acts as a deterrent.

In my professional opinion, the construction of this deck, without appropriate permits, represents a violation of zoning regulations that exist to protect the interests of residents and the community as a whole. The approval of the variance applications would not only legitimize this violation, but it would also set a dangerous precedent that could lead to further violations of zoning regulations in the future.

Thank you for considering my professional opinion on this matter.

Sincerely,



Ahsan Raza



Pravina Attwala

Subject: FW: [External] FILE NUMBER A272/22, 23 REDELMEIER COURT, MAPLE

From: Marjan Asmani

Sent: February-28-23 12:57 PM

To: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] FILE NUMBER A272/22, 23 REDELMEIER COURT, MAPLE

I am writing to you regarding the retroactive minor variance application by 23 Redelmeier Court in relation to their constructed deck. I did not receive a formal notice of the hearing but I wanted to write to you about the application. While I live around the corner, I am impacted by this as I have a direct line of sight of the deck – perhaps more so than others on Redelmeier Court who live across the road from number 23. I can see the oversized deck from all windows on the side house, porch, and side yard.

I want to note for the record my objection and concerns regarding the variance application for the following reasons:

1. Under the original deck, we had more privacy in our backyard. Even though we are around the corner, the increased deck size, and especially the new decking on the side of the applicant's house gives more of a direct line of sight into my property that was not there before.
2. Our lots are large, but so are the houses, leaving small backyards compared to other properties where lots are considerably larger. The deck as built is well suited for a large backyard – not the lot sizes we have. It is clear from my direct view from my home as well as walking through the ravine daily that the new deck encroaches a lot further than other decks that were presumably built in accordance with zoning by-laws. The by-laws are set at the levels they are for a specific reason – these are not suggested amounts but are calculated to ensure there is an adequate level of privacy and to ensure that we are not too close to each other's property lines. If the variance applications are approved, this would undermine Vaughan's by-laws as drafted and open the doors for others in the community to build other such large structures.
3. While the structure would likely not impact my property value as much as the direct neighbors, we cannot underestimate the trickle-down impact it can have. If approved, my neighbors and others want to build an oversized structure in the small backyard, which will lead to inequity between neighbors throughout the community. It is important that we adhere to the laws as drafted to maintain the integrity of the neighborhood, especially in the new subdivisions where the houses are not as spaced out and backyards are smaller than in the old subdivisions. I decided to extend the existing deck in 2020. I consulted several deck companies. They all suggested that I need to obtain a permit from the City. I consulted the planning department where I found that the application had to go through the committee of adjustment due to the desired deck would not meet the set zoning by-laws. There is no house on the back and north side of the property, however, there is one on the south side and it was vacant at the time. I was informed that it could prevent my application from moving forward due to the absence of the homeowner at the time of the filing and the probability of an objection from the homeowner in the future. It was clear to me that the City would greatly value the neighbors' input and the impact of variances on the neighbors' privacy and enjoyment of the outdoor living space. I had no choice rather than to have the backyard paved instead and used it as a sitting area. The next door is occupied now and most likely they want to extend the deck as the current deck is too narrow to be used for sitting arrangements. I am sure they have to go through the committee and I will definitely object to any oversized deck application as our houses are close to each other and it would interfere with my privacy and enjoyment of the backyard. They are in the same situation that I was in 2020. Allowing one homeowner to walk away with variances that don't seem to be minor but major, will open the door for other neighbors to challenge the zoning by-laws. This will be tricky when it comes to houses with different elevations being built back to back. 32 Fanning Mills is a lookout plan and the main floor is about 2 feet above the ground, while 23 Redelmier is a walkout basement and the basement is raised 5 feet above the ground and the main floor is 14 ft above the ground. Building a big structure on such a high elevation has an even greater impact on the 32 and 28 Fanning Mills homeowners' privacy, outdoor enjoyment, and property value.
4. I realize that ordinarily such variance applications are made in advance of construction, so as to obtain approval from all parties upfront. In this case, the structure is already built. As I learned from the City staff in July 2022, the homeowner filed an application for the permit but didn't get the permit. The city staff was shocked to hear that the homeowner has already started the work. I believe the homeowner was aware that the desired design didn't meet the zoning by-laws and decided to go ahead and build it anyway. I learned that even though the homeowner was aware of the building inspection after a complaint was filed with the City in July 2022, they didn't stop the work. I also learned that the homeowner told the neighbors that the building inspector told him that they could continue the work as there were a few variances. The variances seem to be more major than minor. The homeowner has built a big living space at a high elevation in a small backyard.

5. I hope the committee considers this case as if the deck wasn't constructed as the homeowner and their contractor were fully aware of the permit and chose not to get one as they knew what would have expected. If a homeowner decides to build whatever they wish in the backyard without obtaining the permit and then when they are caught they claimed that they have already built it, then every homeowner can do the same. There will be no point in having zoning by-laws and standards in place and no one needs to make sure they are implemented. The homeowner was in the same situation as I was in 2020. I chose to follow the City by-laws and not have a desired living space that I wished for and another homeowner chose to build it without a permit. There will be more homeowners who wish to add structures to their backyards and the City by-laws and standards should apply to all homeowners equally and should not allow people not to follow them as they wish. I am sure that the committee will look at this matter carefully to prevent any future occurrences.

I greatly appreciate your assistance in this matter

Regards,

Gowhartaj, Marjan Asmani
48 Fanning Mills

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] Minor Variance Application A272/22 Objection
Date: Tuesday, February 28, 2023 4:37:34 PM

Dear Members of the Vaughan Committee of Adjustment,

I object to the Minor Variance submitted by 23 Redelmeier Court. The deck is overreaching and out of place for anyone who goes out to enjoy a walk in the ravine and enjoy the natural environment – it does not match the aesthetic of the neighbourhood at all. By approving this deck, a precedent will be set to allow these massive structures to be built in our small backyards, diminishing privacy and ruining the aesthetic of our neighbourhood.

Best wishes,

Mohammed Mahdi, BScPhm, PharmD, R.Ph.



Minor Variance Hearing *A272/22*

Response from 32 Fanning Mills Circle, Vaughan, ON L6A 4Y9

Key concerns and rationale for objection

- Size of structure
- Restricted view
- Significant privacy reduction

To note:

- Configuration of lots – walkouts vs non-walkouts
- High building to lot ratio – we are already close to one another

Restricted view and privacy reduction

View

- Premium ravine lot – view impacted more than it should be

Privacy

- Privacy significantly reduced
- Applicants have full view of my entire yard – even the side yard is now visible
- Inside of my house is more visible as a result of the increased proximity

Photographs



- The new view from our deck during construction
- Shows close proximity, neighbours being on top of us with ease of view into our yard, and the beginning of the restricted view on the left hand side (exacerbated by the pergola subsequently erected)

Photographs



- Illustration of the reduced view as a result of the depth of the upper deck as well as the side deck

Photographs



- Illustration of the reduced view as a result of the depth of the upper deck as well as the side deck (exacerbated with side pergola shutter)

Photographs



- Illustration of the imposition of the deck and reduced privacy (visual intrusion).
- Note we can see the underside of their deck which illustrates its bulk, height and how close it is to our home
- The applicants can see our entire yard from their deck

Photographs



- Illustration of the reduced privacy in our back yard as a result of the deck
- Shows the ability of the applicants to see anywhere in our yard (visual intrusion)

Photographs



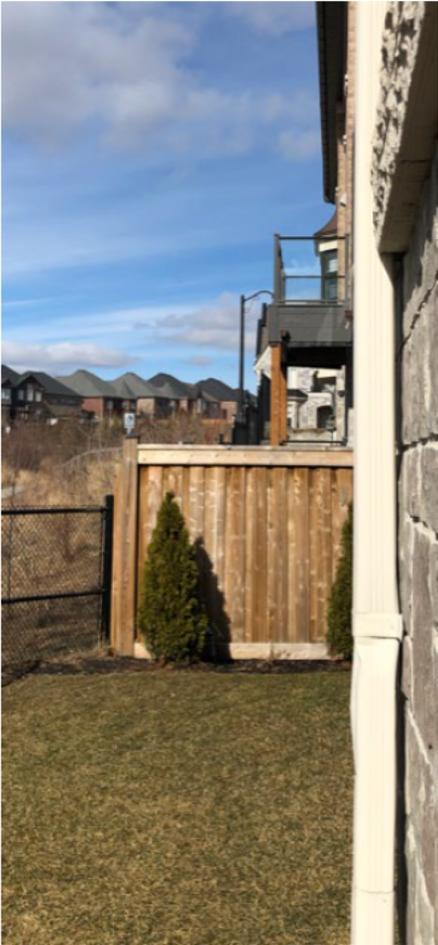
- Additional illustration of the reduced privacy (visual intrusion) in our back yard as a result of the deck
- Shows the ability of the applicants to see anywhere in our yard

Photographs



- Illustration of reduction in privacy (visual intrusion)
- The ability to clearly into all parts of our yard as a result of increased depth of the deck as well as the side deck

Photographs



- Illustration of decreased privacy (visual intrusion) on the side of our house as a result of the side deck

Photographs



- The view from our main floor living area showing the close proximity to our home, made even closer with the additional depth of the new deck, resulting in reduced privacy (visual intrusion)

Photographs



View from principal bedroom window showing:

- Decreased privacy (visual intrusion) stemming from the depth of the deck and resulting closer proximity to the property line; and
- The restriction on the view (exacerbated with shutters on the pergola)

Is the variance minor?

- The variances are too important to be considered minor due to the impact on neighbouring properties.
- Due to the configuration of the lots, any deviation by the applicants from the maximum permitted encroachment and setbacks per the zoning by-laws is only for the benefit of the applicants, and directly impacts adjacent lots, specifically those on Fanning Mills Circle that are on lower vantage points, from the perspectives of view restriction and significant privacy reduction.
- The variances deprive neighbours of their normal rights to use their properties.



Is the variance desirable?

- Only desirable to the applicants.
- The proposed variances are not desirable as they are not necessary to allow for reasonable and appropriate use of the applicants' property and are solely for the convenience of the applicants.
- Not desirable from the perspective of neighbouring lots given the view restrictions and significant reduction in privacy created.
- Not desirable from a planning and public interest perspective given the precedent that would be set, opening the doors to similar structures throughout the neighbourhood contrary to the planning principles of the community.



Does the variance maintain the general intent and purpose of the Official Plan for Vaughan?

- The Official Plan clearly states that the intent for rear yards in large lot neighbourhoods is to “*maintain the established pattern of setbacks for the neighbourhood to minimize visual intrusion on the adjacent residential lots*”.
- The variances being sought clearly enhance visual intrusion, not minimize. As such, the general intent and purpose of the Official Plan is not maintained.



Does the variance maintain the general intent and purpose of the zoning by-laws?

- A variance application may have merit if it does not infringe on an adjacent property, e.g. if a property backs out onto a ravine whereby there is no shared rear property line in which case visual intrusion can still be minimized with the variance.
- However this is not the case here, as there is a shared rear property line, and visual intrusion is not minimized by approving the variances.





Summary

- The four statutory tests are not met
- The variances create inequity between applicants' property and neighbouring properties
- The variances result in increased quality of life, enjoyment and value for the applicants with direct reduction in quality of life, enjoyment and value for neighbours

Pravina Attwala

Subject: FW: [External] Re: A272/22 (23 Redelmeier Court) - Public Correspondence Received

From: Richard Cheung

Sent: February-27-23 1:48 PM

To: Christine Vigneault <Christine.Vigneault@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>; Roberto Simbana <Roberto.Simbana@vaughan.ca>

Subject: [External] Re: A272/22 (23 Redelmeier Court) - Public Correspondence Received

Hi Christine,

Based on further consideration, I would like to request to adjourn the public hearing until April.

I would like more time to connect with these individuals and work with them to better understand their concerns and how I might be able to help mitigate them.

Thanks,

Richard Cheung

Silvana Lomangino

From: Vince D'Avino
Sent: Monday, July 25, 2022 3:01 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: 23 Redelmeier Crt, Compliment

Hi All,

Can I get a complaint file started for the above noted address. The Complaint is "large deck constructed without a permit".

Thank You (Simmy-lol)

Vince D'Avino
Building Inspections Supervisor
905-832-8511 Ext. 8322 | vince.davino@vaughan.ca

City of Vaughan | Building Standards Department
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1
Vaughan.ca



From: Karen Iaboni <Karen.Iaboni@vaughan.ca> **On Behalf Of** Standards, Building
Sent: Monday, July 25, 2022 9:23 AM
To: Vince D'Avino <Vince.D'Avino@vaughan.ca>
Subject: FW: Compliment

Good Morning
Please see email below.

Thank you
Karen

From: Access Vaughan - VOL <accessvaughan@vaughan.ca>
Sent: July-25-22 8:45 AM
To: Standards, Building <Buildingstandards@vaughan.ca>
Subject: FW: Compliment

Good morning,

We have received the email below and are forwarding to you for your action and/or response.

Thank you.

Folder #: 22 126579 000 00 CT
Issued Date: July 25, 2022

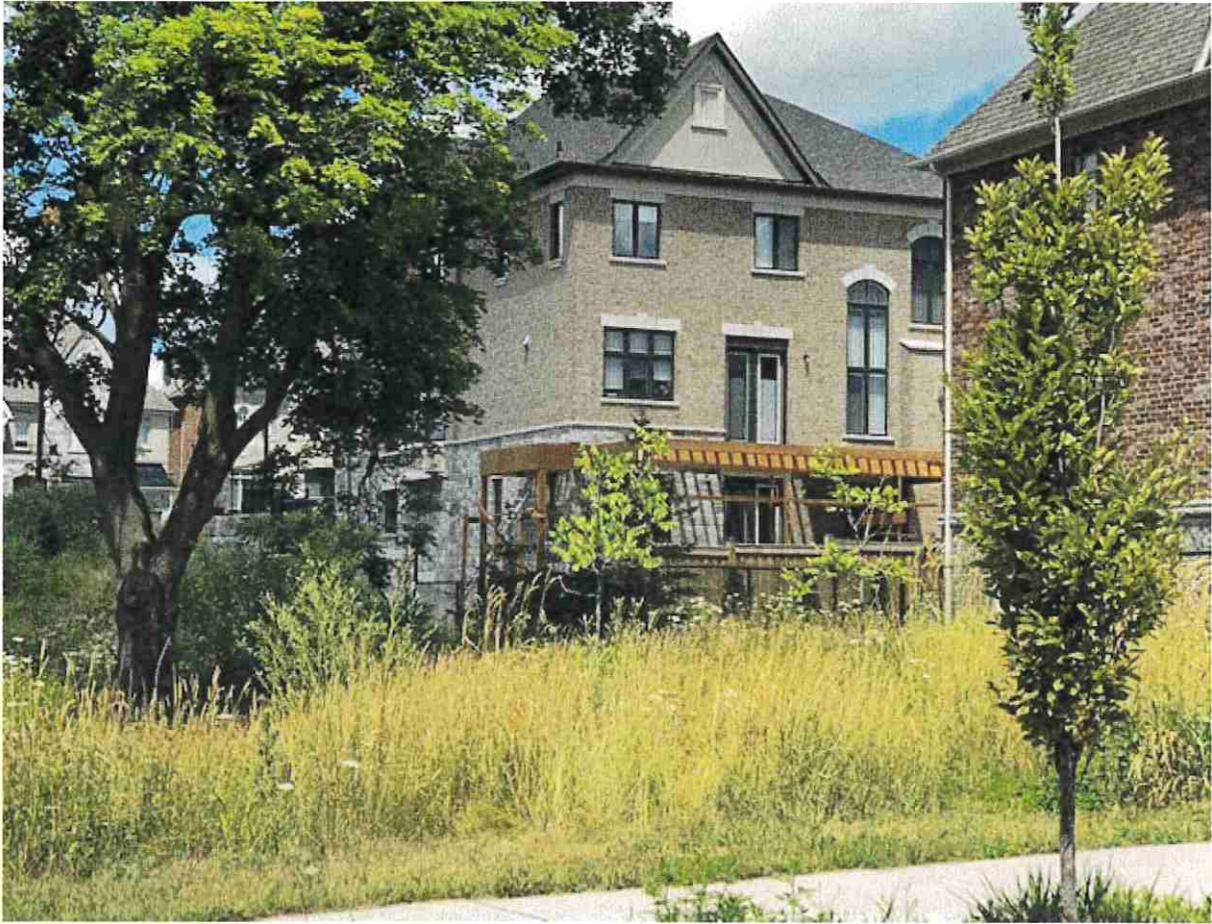
Address: 23 Redelmeler Court
Legal Description: PLAN 65M4532 Lot 8

Building Inspection	Inspection	Deficiency
Building Code Complaint Invest. 4.1	Jul 26, 2022	visited site met with homeowner [REDACTED] [REDACTED] introduced myself asked [REDACTED] was constructing a deck I asked [REDACTED] if we could look at [REDACTED] led me to the rear yard and noticed grade level deck with hot tub and a main floor deck. I informed [REDACTED] that [REDACTED] required a permit and that I would be issuing an OTC, once [REDACTED] secures a permit it will be cancelled, or compliance is not achieved legal action could commence. I also spoke to [REDACTED] on the telephone.
	Jul 28, 2022	Received phone call from [REDACTED] [REDACTED] he was inquiring on process of applying for a permit and what needs to be on each permit. I informed [REDACTED] to show all construction on the drawings and it will be reviewed at same time. [REDACTED] informed me that the contractor will be preparing drawings and applying for permit by end of next week. I informed [REDACTED] that if the application is received within 10 working days I would hold off on issuing OTC.
	Aug 12, 2022	Building permit application 22-128159 has been submitted and being processed.
	Sep 26, 2022	Checked Amanda deficiency letters sent sept. 13th
	Oct 18, 2022	COA 22-136714 being reviewed.
	Nov 24, 2022	Building permit application received and Application to COA is being reviewed.

Silvana Lomangino

From: Lou Di Bello [REDACTED]
Sent: Wednesday, August 03, 2022 8:14 AM
To: Lou Di Bello
Subject: [External] 23 Redelmeier





Lou