

File: A196/21

Applicant: Eduardo Soares & Isabel Rodrigues

Address: 54 Ellerby Sq N Woodbridge

Agent: MS Home Designs

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday , October 28, 2021

**Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).*



**Minor Variance
Application**

Agenda Item: 11

A196/21

Ward: 2

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday , October 28, 2021 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

Applicant: Eduardo Soares & Isabel Rodrigues

Agent: MS Home Designs

Property: **54 Ellerby Sq N Woodbridge**

Zoning: The subject lands are zoned R3 - Residential Zone and subject to By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

Related Files: None

Purpose: Relief from By-law 1-88, as amended, to permit the construction of a proposed inground swimming pool to be located partially in the easterly side yard.

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

By-law Requirement	Proposal
A private swimming pool shall be constructed only in the rear yard.	The proposed private swimming pool is proposed to be constructed in the side yard.

Background (previous applications approved by the Committee on the subject land): N/A

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

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

Adjournment History: N/A

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on October 6, 2021

Applicant confirmed posting of signage on October 6, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1980 (Purchased 2015)

Applicant has advised that they cannot comply with By-law for the following reason(s):
Cannot comply with zoning by-law because the proposed pool is at the rear of the existing dwelling but due to a technicality, the front lot line is not in front of the dwelling but on the side of the dwelling. Consequently, the proposed pool is located in the “side yard”.

Committee of Adjustment recommended conditions of approval: None

Building Standards (Zoning Review):

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

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

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

The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Building Inspections (Septic):

No comments received to date

Development Planning:

Official Plan: City of Vaughan Official Plan 2010 (‘VOP 2010’): “Low-Rise Residential”

The Owner is proposing to construct a swimming pool with the above-noted variances.

The subject property is an irregularly shaped lot, with a small easterly portion of the lot fronting directly onto Ellerby Square North, resulting in a condition where the north side of the property, where the pool is proposed to be located, is deemed to be a side yard.

The Development Planning Department can support the requested variance on the basis that the north side yard is effectively used as a rear yard and is similar in orientation to the adjacent properties along Ellerby Square North. The proposed swimming pool also complies with the rear yard and side yard setback requirements of Zoning By-law 1-88.

In support of the application, the Owner has submitted an Arborist Report and Tree Protection Plan, prepared by Canopy Consulting on August 12, 2021. The report identified 12 trees, with none proposed to be removed. Urban Design staff have reviewed the Arborist Report and concur with its recommendations.

The subject property is partially located within the Toronto and Region Conservation Authority (‘TRCA’) Regulated Area. The TRCA has reviewed the application and have no concerns with the proposed pool, as it is not located within the area of the subject property regulated by the TRCA.

Accordingly, the Development Planning Department of the opinion that the proposal is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A196/21.

Parks Development - Forestry:

Forestry has no comment at this time.

By-Law and Compliance, Licensing and Permit Services:

Fire Department:

Development Finance:

No comment no concerns

Fire Department:

No comments received to date

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections
TRCA – comments with conditions

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

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

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

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

Should the Committee **adjourn** this application the following condition(s) is required: None

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

	Department/Agency	Condition
1	TRCA Hamedeh Razavi 416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

Conditions

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

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.

Notice to the Applicant – Development Charges

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

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

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

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

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related 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.

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

T 905 832 8585 Extension 8002
E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

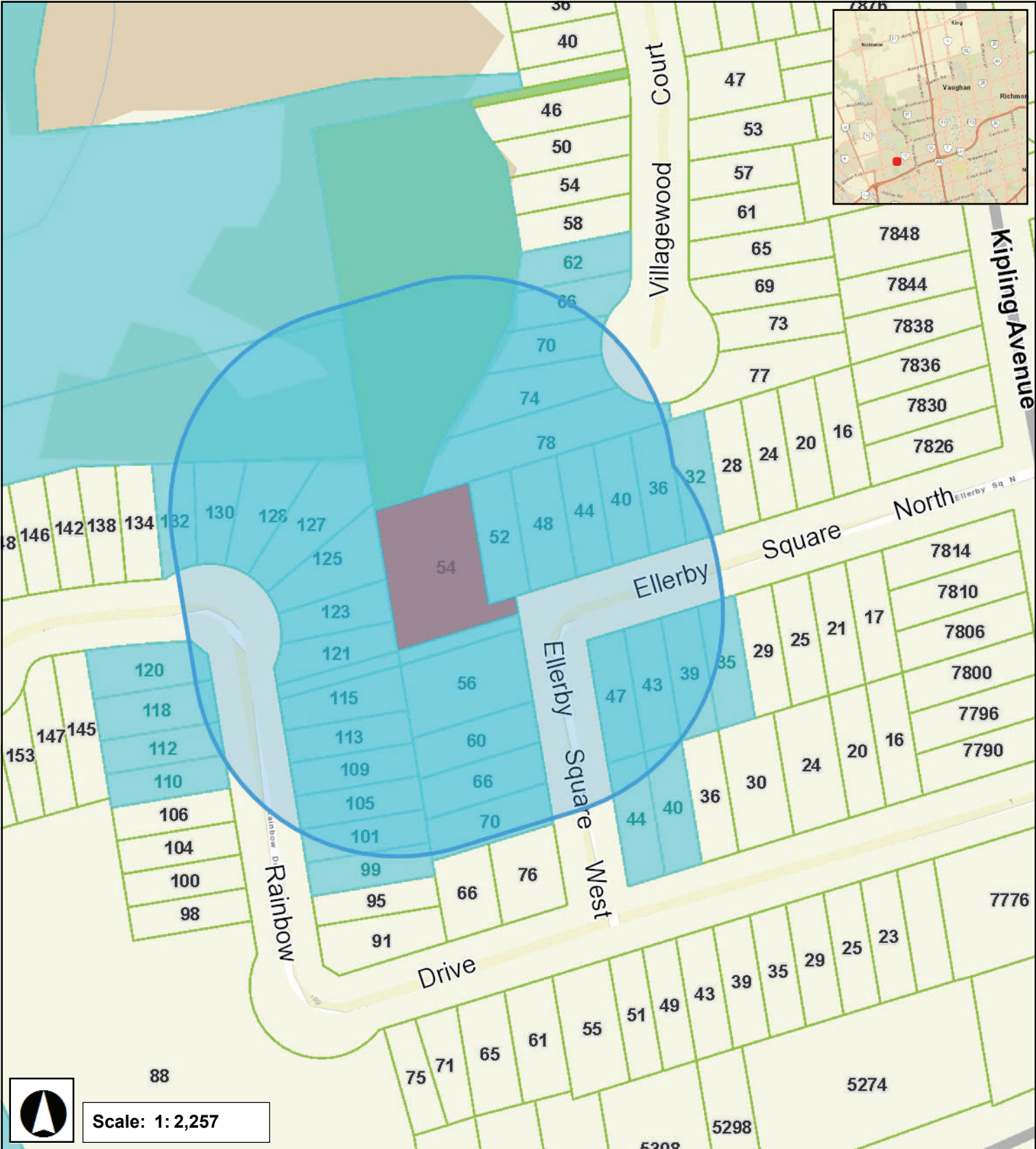
Location Map
Plans & Sketches



LOCATION MAP - A196/21

54 ELLERBY SQUARE NORTH, WOODBRIDGE

Langstaff Road



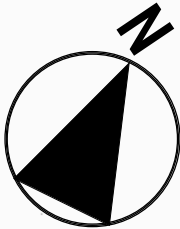
Highway 7

October 8, 2021 2:44 PM

SURVEY INFORMATION TAKEN FROM:

PLAN SHOWING PART OF LOT 13, REGISTERED
PLAN 2073
TOWN OF VAUGHAN
CREATED BY: W.S. GIBSON & SONS LTD. OLS.
DATED FEBRUARY 20, 1978

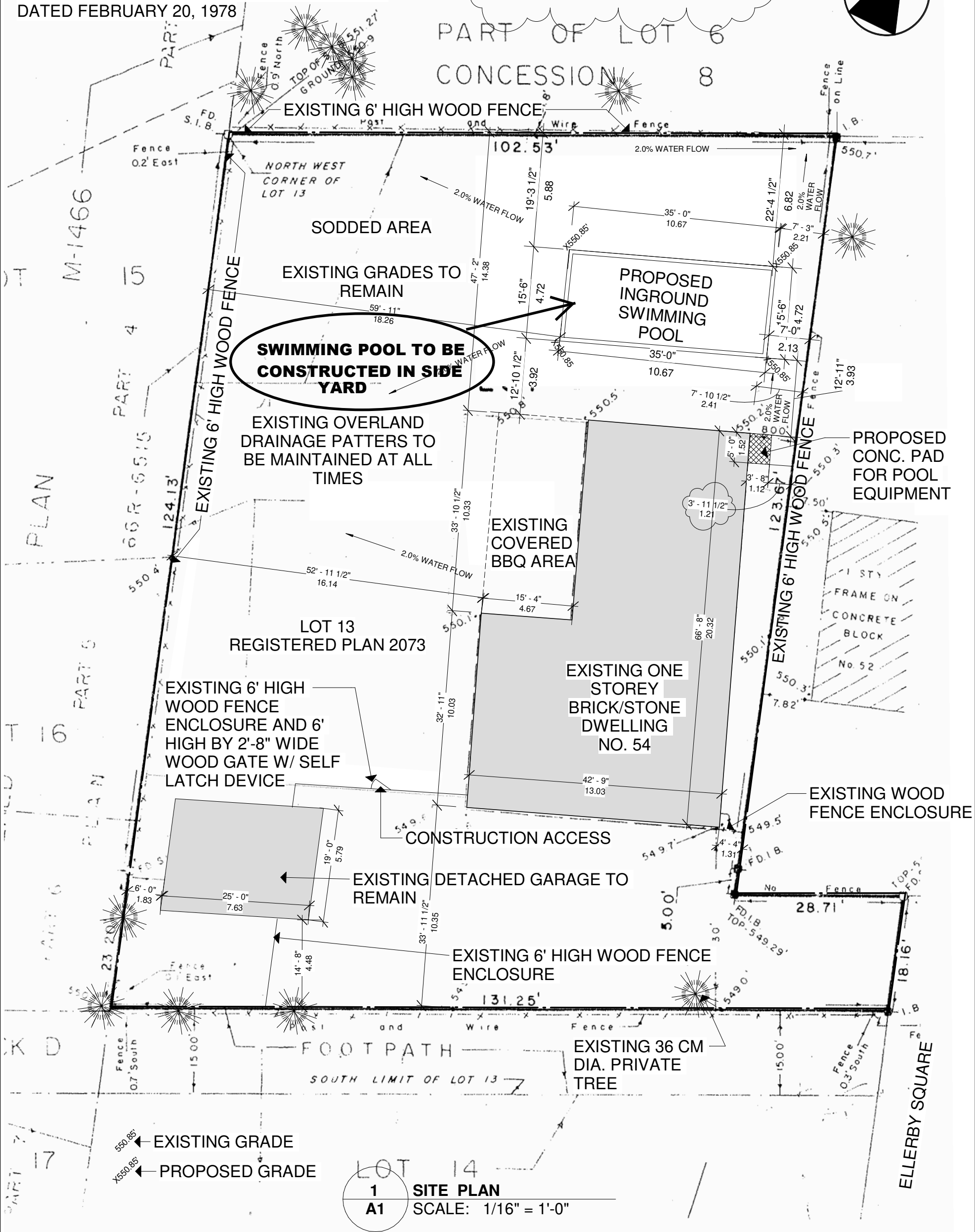
A196/21



EXISTING REAR YARD AREA= 9,100.98 S.F.
EXISTING GARAGE= 474.25 S.F.
EXISTING DRIVEWAY= 1,015.61 S.F.
EXISTING COVERED AREA= 517.49 S.F.

135M2= 1,453.13 S.F.
9,100.98-1,453.13= 7,647.85 S.F.
60% MIN. SOFT LANDSCAPING OF 7,647.85 S.F.= 4588.71 S.F.

EXISTING SOFT LANDSCAPING= 7,093.63 S.F. (92%)PROVIDED



MS HOME DESIGNS
Micaela@mshomedesigns.com
647.217.1184
MSHOMEDESIGNS.COM

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the

Required unless design is exempt under 3.2.4.3.(5) Division C of the building code

QUALIFICATION INFORMATION

MICAELA SILVA
NAME
43172
BCIN

REGISTRATION INFORMATION

Required unless design is exempt under 3.2.4.7. Division C of the building code

MS HOME DESIGNS
FIRM NAME
101941
BCIN

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY OMISSIONS OR DISCREPANCIES TO MS HOME DESIGNS BEFORE PROCEEDING WITH WORK.
ALL PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF MS HOME DESIGNS AND SHALL NOT BE COPIED IN PART OR IN WHOLE WITHOUT PRIOR WRITTEN PERMISSION.

SCOPE OF WORK:
PROPOSED NEW INGROUND SWIMMING POOL

AT 54 ELLERBY SQUARE

WOODBIDGE

SITE PLAN	
SCALE 1/16" = 1'-0"	DRAWN BY MICAELA SILVA
DATE JULY 2020	APPROVED BY MICAELA SILVA
PROJECT No. 2020-04	DRAWING No. A1

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.-

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- TRCA – comments with conditions

Date: October 1st , 2021

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A196-21**

Related Files:

Applicant: Eduardo Soares and Isabel Rodrigues

Location 54 Ellerby Square West

COMMENTS:

- ☐ We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

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

E-mail: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

October 8, 2021

CFN 64195.29

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

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

Dear Ms. Vigneault:

Re: Minor Variance Application A196.21
54 Ellerby Square West, PLAN RP2073 Part of Lot 13
City of Vaughan, Region of York
Owner: Eduardo Soares & Isabel Rodrigues
Agent: Micaela Silva

This letter acknowledges receipt of the above noted application circulated by the City of Vaughan, Committee of Adjustment. The materials were received by Toronto and Region Conservation Authority (TRCA) on September 29, 2021. 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.

Background

It is our understanding that the purpose of the above noted application is to request the following variance:

1. To permit a private swimming pool to be constructed in the side yard, whereas a private swimming pool shall be constructed only in the rear yard.

Ontario Regulation 166/06

The subject property is partially located within the TRCA's Regulated Area of the Humber River Watershed due to a valley corridor associated with a tributary of Humber River located to the north of the lot. 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.

Application-Specific Comments

As noted above, a portion of the subject property is located within TRCA's Regulated Area. However, based on a review of the submitted materials, the proposed works are not located within TRCA's Regulated Area. As such, it is the opinion of TRCA staff that the current proposal will not impact any natural features or associated hazards and TRCA's policy interests are not affected. TRCA staff have no concerns with the proposed variance.

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 \$610.00 (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 above, TRCA staff have **no objection** to the approval of Minor Variance Application A196.21, subject to the following condition:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits

HR/mh

Pravina Attwala

Subject: FW: A196/21 (54 ELLERBY SQUARE N) - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: October-04-21 9:03 AM

To: Pravina Attwala <Pravina.Attwala@vaughan.ca>

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

Subject: [External] RE: A196/21 (54 ELLERBY SQUARE N) - REQUEST FOR COMMENTS

Good morning Pravina,

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

Gabrielle

Gabrielle Hurst mcip rpp | Community Planning and Development Services | The Regional Municipality of York | 1-877 464 9675 ext 71538 | gabrielle.hurst@york.ca | www.york.ca