

	COMMITTEE OF ADJUSTMENT REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A239/21
---	--

AGENDA ITEM NUMBER: 8	CITY WARD #: 5
APPLICANT:	Mary Nirenberg and Jack Zavet
AGENT:	Joe Barbarino
PROPERTY:	119 Pondview Road, Thornhill
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None.
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the existing shed and the installation of a proposed swimming pool to be located in the rear yard.

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING DEPARTMENTS & AGENCIES:

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

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

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

PUBLIC & APPLICANT CORRESPONDENCE				
*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.				
The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date.				
Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City’s Website.				
All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.				
Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
None				

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.	
None	



**COMMITTEE OF ADJUSTMENT REPORT
MINOR VARIANCE APPLICATION
A239/21**

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

AGENDA ITEM NUMBER: 8	CITY WARD #:5
APPLICANT:	Mary Nirenberg and Jack Zavet
AGENT:	Joe Barbarino
PROPERTY:	119 Pondview Road, Thornhill ON
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None.
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the existing shed and the installation of a proposed swimming pool to be located in the rear yard.

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

The subject lands are zoned **R2A(EN) – Estate Residential Zone (Established Neighbourhood)**, and **R1E(EN) Estate Residential (Established Neighbourhood)**, and subject to the provisions of **Exception 14.660 and 14.403 under Zoning By-law 01-2021**.

#	Zoning By-law 01-2021	Variance requested
1	An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21.2]	To permit an outdoor pool not to be constructed in the rear yard.
2	A maximum lot coverage of 35% is permitted. [14.660]	To permit a maximum lot coverage of 35.11% (Dwelling 32.73%, Eaves/Soffit 1.5% & Shed 0.86%).

The subject lands are zoned **R2 and R1V, Residential**, and subject to the provisions of **Exceptions 9(985) and 9(662) under By-law 1-88 as amended**.

	Zoning By-law 1-88	Variance requested
3	A private swimming pool shall be constructed only in the rear yard. [4.1.1 h) i]	To permit a private swimming pool not to be constructed in the rear yard.
4	The accessory structure (existing shed) shall be located in the rear yard [4.1.1 c]	To permit an accessory structure (existing shed) not to be located in the rear yard.
5	Maximum permitted floor area of a garden or storage shed is 8 m2 for a lot with a lot frontage between 9.0 metres and 17.99 m. [4.1.1 e]	To permit an accessory structure (existing shed) with a floor area of 8.91 metres for a lot with a lot frontage of 12.0 metres.
6	A minimum interior side yard setback of 1.2 metres is required. 4.1.1 e] Note: Existing shed is located in the portion of the lands zoned R2. [4.1.1 c and Table 7-4].	To permit a minimum interior (easterly) side yard setback of 0.6 metres for a 8.91 m2 accessory structure (existing shed).

HEARING INFORMATION

DATE & TIME OF HEARING: Thursday, March 24, 2022 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.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

If you wish to speak to the Committee of Adjustment on an application please complete and submit a [Request to Speak Form](#) to cofa@vaughan.ca by noon on the last business day prior to the hearing.

HEARING INFORMATION
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 must be submitted by noon on the last business day prior to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca
For more information, please visit the City of Vaughan website.

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:	March 9, 2022
Date Applicant Confirmed Posting of Sign:	March 10, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	The pool cannot be built in the proper rear lot because of the property the rear lot is very narrow. The shed is existing and the homeowner would like to keep it and to move it to the rear lot it would have to be destroyed and re-built.
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. 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	
Stop work orders and orders to comply: There are no outstanding Orders on file.	
Building Permit(s) Issued: Engineering Permit No. 2021 106047 for a private swimming pool - not yet issued Building Permit No. 01-001836 for Single Detached Dwelling - New: May 24, 2001 Building Permit No. 01-001836 for Single Detached Dwelling - Alteration: Mar 20, 2002	
Building Standards Recommended Conditions of Approval:	None

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

DEVELOPMENT ENGINEERING COMMENTS	
<p>The Development Engineering (DE) Department does not object to variance application A239/21.</p> <p>The Owner/applicant shall apply for a pool permit for the proposed indoor pool with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.</p>	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS	
Forestry: Applicant has applied for a tree removal/protection permit. No additional comments at this time	
PFH Recommended Conditions of Approval:	Forestry: 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 response	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC) COMMENTS	
No response	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT COMMENTS	
No response	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT	
*See Schedule for list of correspondence	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

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

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

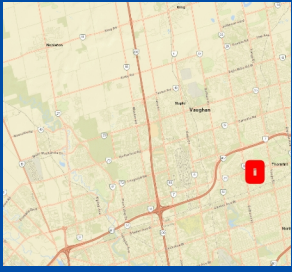
IMPORTANT INFORMATION – PLEASE READ
<p>CONDITIONS: It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency (see condition chart above for contact). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.</p>
<p>APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.</p> <p>An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.</p> <p>A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.</p> <p>Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.</p> <p>Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.</p>
<p>DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.</p> <p>That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.</p> <p>That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment</p> <p>That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.</p>
<p>NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee’s decision you will not receive notice.</p>

SCHEDULE A: DRAWINGS & PLANS



BATHURST STREET

Map Information:



Title:

119 PONDVIEW ROAD, THORNHILL

NOTIFICIATION MAP - A239/21

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.

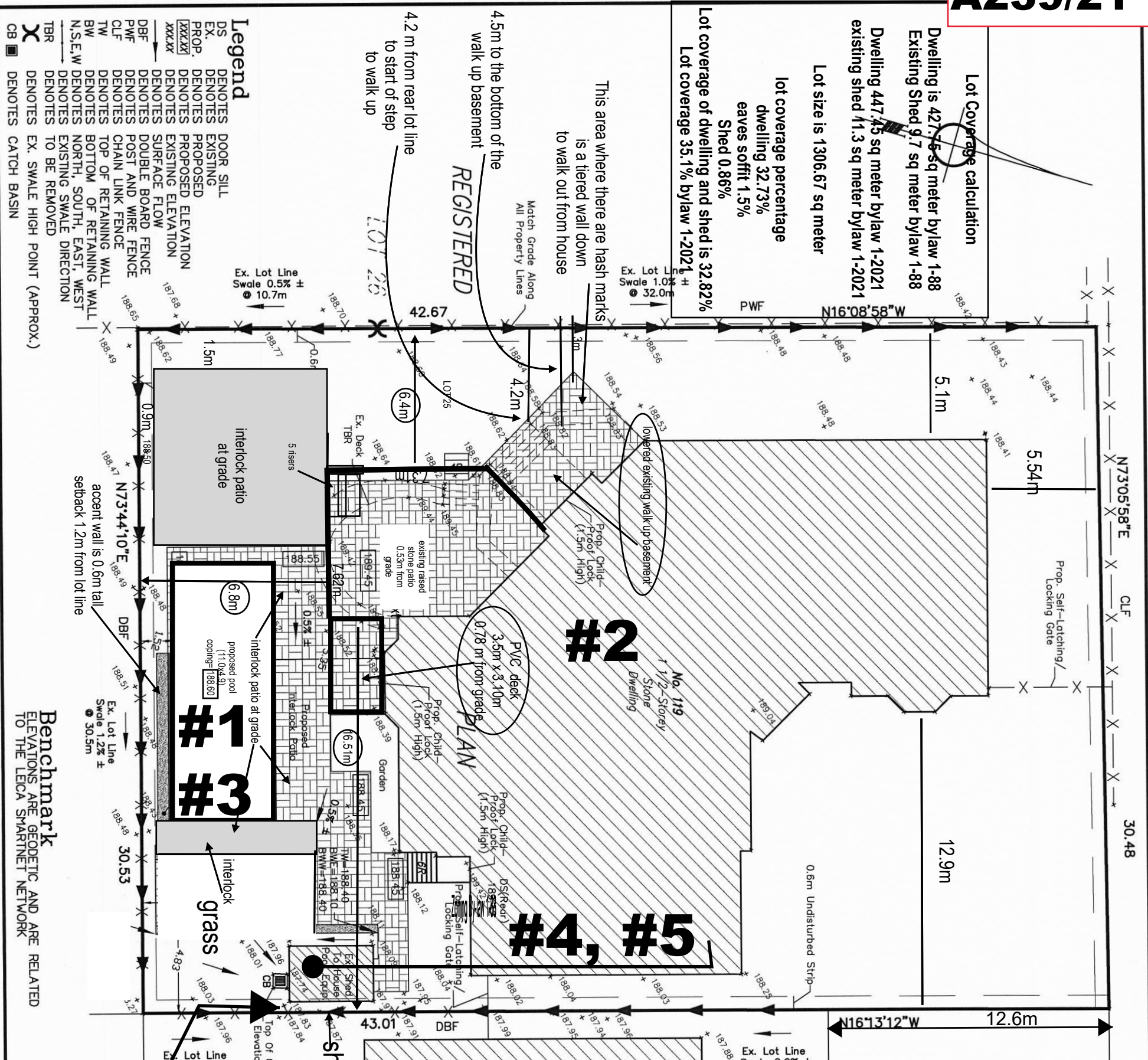


Scale: 1 : 4,802
0 0.08 km



Created By:
Infrastructure Delivery
Department
March 7, 2022 6:46 AM

Projection:
NAD 83
UTM Zone
17N



- Legend**
- DS DENOTES DOOR SILL
 - EX. DENOTES EXISTING
 - PROP. DENOTES PROPOSED
 - XXXXXX DENOTES PROPOSED ELEVATION
 - XXXXXX DENOTES EXISTING ELEVATION
 - DBF DENOTES DOUBLE BOARD FENCE
 - PWF DENOTES POST AND WIRE FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - TW DENOTES TOP OF RETAINING WALL
 - BW DENOTES BOTTOM OF RETAINING WALL
 - N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST
 - TBR DENOTES TO BE REMOVED
 - CB DENOTES CATCH BASIN

Benchmark
ELEVATIONS ARE GEODETIC AND ARE RELATED TO THE LEICA SMARTNET NETWORK

#	Zoning By-law 01-2021 Variance requested
1	To permit an outdoor pool not to be constructed in the rear yard.
2	To permit a maximum lot coverage of 35.11% (Dwelling 32.73%, Eaves/Soffit 1.5% & Shed 0.86%).

#	Zoning By-law 1-88 Variance requested
3	To permit a private swimming pool not to be constructed in the rear yard.
4	To permit an accessory structure (existing shed) not to be located in the rear yard.
5	To permit an accessory structure (existing shed) with a floor area of 8.91 metres for a lot with a lot frontage of 12.0 metres.
6	To permit a minimum interior (easterly) side yard setback of 0.6 metres for a 8.91 m2 accessory structure (existing shed).

POOL GRADING PLAN
PART OF LOT 25
REGISTERED PLAN 3319
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:200
1 2 3 4 5 10 15m

© COPYRIGHT
ertl surveyors 2020
Ontario Land Surveyors

Metric
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Notes

0.6m
#6

Revised
February 27, 2022

March 12th 2021
Date
Lawrence O. Ertl
Ontario Land Surveyor

ertl surveyors
Ontario Land Surveyors
www.es-ols.com

1234 RED STREET, UNIT 10, RICHMOND HILL L4B 1C1
TELEPHONE (905) 731-7834 FAX (905) 731-7832 EMAIL info@es-ols.com
DRAWING : PONDVIEW-RD-119-21059-POOL.dwg PROJECT : 21059
DESIGN BY KE, DRAWN BY KE, CHECKED BY LE

SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS

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

Date: March 1st , 2022

Attention: **Christine Vigneault**

RE: Request for Comments

File No.: **A239-21**

Related Files:

Applicant: Mary Nirenberg and Jack Zavet

Location 119 Pondview Road

COMMENTS:

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

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

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

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

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

References:

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

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

Stephen Cranley, C.E.T

Mitchell Penner

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: Mitchell.Penner@alectrautilities.com

Lenore Providence

Subject: FW: [External] RE: Request for Comments: A239/21 (119 Pondview Road, Thornhill)

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

Sent: February-28-22 12:16 PM

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

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

Subject: [External] RE: Request for Comments: A239/21 (119 Pondview Road, Thornhill)

Good afternoon Lenore,
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

Lenore Providence

Subject: FW: [External] RE: Request for Comments: A239/21 (119 Pondview Road, Thornhill)

From: York Plan <yorkplan@trca.ca>

Sent: February-28-22 8:36 AM

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

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

Subject: [External] RE: Request for Comments: A239/21 (119 Pondview Road, Thornhill)

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

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

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

Mark Howard, BES, MLA, MCIP, RPP

Senior Planner – Vaughan Review Area

Development Planning and Permits | Development and Engineering Services

Toronto and Region Conservation Authority (TRCA)

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

E: mark.howard@trca.ca

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



To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: March 24, 2022

Name of Owner: Mary Nirenburg and Jack Zavet

Location: 119 Pondview Road

File No.(s): A239/21

Proposed Variance(s) (By-law 01-2021):

- 1) To permit an outdoor pool not to be constructed in the rear yard.
- 2) To permit a maximum lot coverage of 35.11%.

By-Law Requirement(s) (By-law 01-2021):

- 1) An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21 2]
- 2) A maximum lot coverage of 35% is permitted. [14.660]

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

- 3) To permit a private swimming pool not to be constructed in the rear yard.
- 4) To permit an accessory structure (existing shed) not to be located in the rear yard.
- 5) To permit an accessory structure (existing shed) with a floor area of 8.91 m for a lot with a frontage of 12 m.
- 6) To permit a minimum interior (easterly) side yard setback of 0.6 m for a 8.91 m² accessory structure (existing shed)

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

- 3) A private swimming pool shall be constructed only in the rear yard. [4.1.1 h) i]
- 4) The accessory structure (existing shed) shall be located in the rear yard. [4.1.1 c]
- 5) Maximum permitted floor area of a garden or storage shed is 8 m² for a lot with a lot frontage between 9 m and 17 m. [4.1.1 e]
- 6) A minimum interior side yard setback of 1.2 m is required 4.1.1e] Note: Existing shed is located in the portion of the lands zoned R2. [4.1.1 c and Table 7-4]

Official Plan:

Vaughan Official Plan 2010 ("VOP2010"): "Low-Rise Residential"

Comments:

The Owners are requesting permission to maintain an accessory structure (existing shed) and construct a pool with the above noted variances.

Due to the dwelling's alignment to the right-of-way, the proposed swimming pool and existing shed are not considered to be located within the rear yard, as per the definition of a "rear yard" in both By-laws. Variances 1, 3 and 4 are technical in nature as the proposed pool and existing shed are effectively located in the rear yard amenity area of the subject lands. With respects to Variances 2 and 5, there are no proposed changes to the existing single-family dwelling and shed on-site, however, the maximum lot coverage is increasing as it includes the area underneath the eaves as defined in By-law 01-2021. Additionally, the reduction in interior side yard (Variance 6) is reasonable and has been reviewed by the Development Engineering Department who have raised no concerns relating to water drainage.

The Development Planning Department is of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I

Chris Cosentino, Senior Planner

SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE

None