



File: A064/19

Applicant: Adil Jaffer and Farhana Jaffer

Address: 119 Isernia Crescent, Woodbridge

Agent: Pool Craft

Please note that comments received after the preparation of this Staff Report (up until 12:00 p.m. on the scheduled hearing date) will be provided as an addendum.

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

Adjournment History: None

Background History: None



Minor Variance  
Application

Agenda Item: 8

A064/19

Ward: 3

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

**Date of Hearing:** Thursday, July 25, 2019

**Applicant:** Adil Jaffer and Farhana Jaffer

**Agent:** Pool Craft

**Property:** 119 Isernia Crescent, Woodbridge

**Zoning:** The subject lands are zoned RD3, Residential Detached Zone Three and subject to the provisions of Exception 9(1278) under By-law 1-88 as amended.

**OP Designation:** Low-Rise Residential

**Related Files:** None

**Purpose:** Relief from the By-Law is being requested to permit the construction of a proposed pool and a pool pad to be located in the rear yard. Relief is also being sought to permit the existing gazebo and deck also located in rear yard.

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

By-law Requirement	Proposal
1. A minimum exterior side yard setback of 3.5 metres is required to a swimming pool.	1. To permit a minimum exterior side yard setback of 1.28 metres to a swimming pool.
2. A minimum rear yard setback of 1.5 metres is required to a swimming pool.	2. To permit a minimum rear year side yard setback 1.3 metres to a swimming pool.
3. A minimum interior side yard setback of 1.2 metres is required to a deck.	3. To permit a minimum interior side yard setback of 0.03 metres to a deck.
4. A minimum rear yard setback of 5.4 metres is required to a deck.	4. To permit a minimum rear yard setback of 4.7 metres to a deck.
5. A minimum exterior side yard setback of 2.0 metres is required to external ground-mounted pool equipment on a pad.	5. To permit a minimum exterior side yard setback of 0.82 metres to external ground-mounted pool equipment on a pad.
6. A minimum rear yard setback of 7.2 metres is required to an accessory structure (gazebo).	6. To permit a minimum rear yard setback of 0.6 metres to an accessory structure (gazebo).
7. A minimum interior side yard setback of 1.2 metres is required to an accessory structure (gazebo).	7. To permit a minimum interior side yard setback of 0.6 metres to an accessory structure (gazebo).

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](http://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 **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

**Committee of Adjustment:**  
Public notice was mailed on July 10, 2019

Applicant confirmed posting of signage on July 10, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	2011
Gazebo	2015
Deck	2015
Pool and Pool Pad	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): (insert from application)

**Adjournment Request:**  
N/A

**Building Standards (Zoning Review):**  
Stop Work Order(s) and Order(s) to Comply: None

A permit application (19 - 67 EP) has been submitted to the Engineering Department for the proposed pool, but has not been issued to date.

A Building Permit may be required for the existing deck. Please contact the Building Standards Department at (905) 832-8565 for assistance.

The Applicant has confirmed in writing that the existing deck is uncovered, unexcavated and unenclosed.

The Applicant has confirmed in writing that the note on the Site Plan which reads "shed to be removed and new shed to replace it with pool equipment inside" is an error. The existing shed will be removed and not replaced.

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

**Building Inspections (Septic):**  
No comments or concerns

**Development Planning:**  
Low-Rise Residential

The Owner is requesting permission to construct a swimming pool and maintain an existing deck and gazebo in the rear yard with the above-noted variances. Development Planning and Development Engineering staff visited the subject property on June 17, 2019. Staff noted that the existing gazebo was not on the site plan and advised the Owner that relief would be required. The Owner has submitted a revised sketch indicating the location of the existing open and unenclosed gazebo.

Given the smaller size of the back yard, variances #1, #2 and #5 for the location of the pool and pool equipment is considered minor. The ground-mounted pool equipment will be located on a small pad and screened from the streetscape by the existing fence. Variances #6 and 7 are also considered minor as the existing gazebo does not exceed the maximum height requirement and is sufficiently setback from the interior and rear lot lines which will limit the impact on adjacent properties.

The Development Engineering Department has no objections to the requested variances. The existing deck is elevated and does not conflict with the drainage along the interior lot line. The Development Planning Department historically has not supported zero-lot line decks in excess of one foot in height above grade. The existing deck does not extend across the entirety of the interior lot line in the rear yard and is limited to 19” in height from the pavers to the top of the deck floor. The neighbouring property has existing trees along the interior lot line that mitigate potential visual impacts to the property. As such, Development Planning has no objection to Variances #3 and #4 as they are considered minor.

The Development Planning Department is of the opinion that the 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.

The Development Planning Department recommends approval of the application.

**Cultural Heritage (Urban Design):**  
No Cultural Heritage concerns with 119 Isernia Crescent.

**Development Engineering:**

The Development Engineering Department does not object to variance application A064/19.

Additional Comments:

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

The Development Engineering (DE) Department has reviewed the minor variance to permit a minimum interior side yard setback of 0.03 metres to an existing deck and has no concerns. The deck is elevated and does not conflict with the Engineering's typical 0.6m set for property line drainage.

**Parks Development:**

No Response.

**By-Law and Compliance, Licensing and Permit Services:**

No Response.

**Financial Planning and Development Finance:**

No Response.

**Fire Department:**

No Response.

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**

**Schedule C - Agency Comments**

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

**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 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.

**Please Note:**

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

**Conditions**

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

## Notice to the Applicant – Development Charges

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

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

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

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

## Notice to Public

**WRITTEN SUBMISSIONS:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Public written submissions on an Application shall only be received by the Secretary Treasurer until **4:00 p.m.** on the last business day **prior** to the day of the scheduled Meeting.

Written submissions can be mailed and/or emailed to:

City of Vaughan  
Committee of Adjustment  
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1  
[CofA@vaughan.ca](mailto:CofA@vaughan.ca)

**ORAL SUBMISSIONS:** If you wish to attend the meeting you will be given an opportunity to make an oral submission. Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings are audio recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

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

**NOTICE OF DECISION:** If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

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

**Adriana MacPherson**

T 905 832 8585 Extension 8360

E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

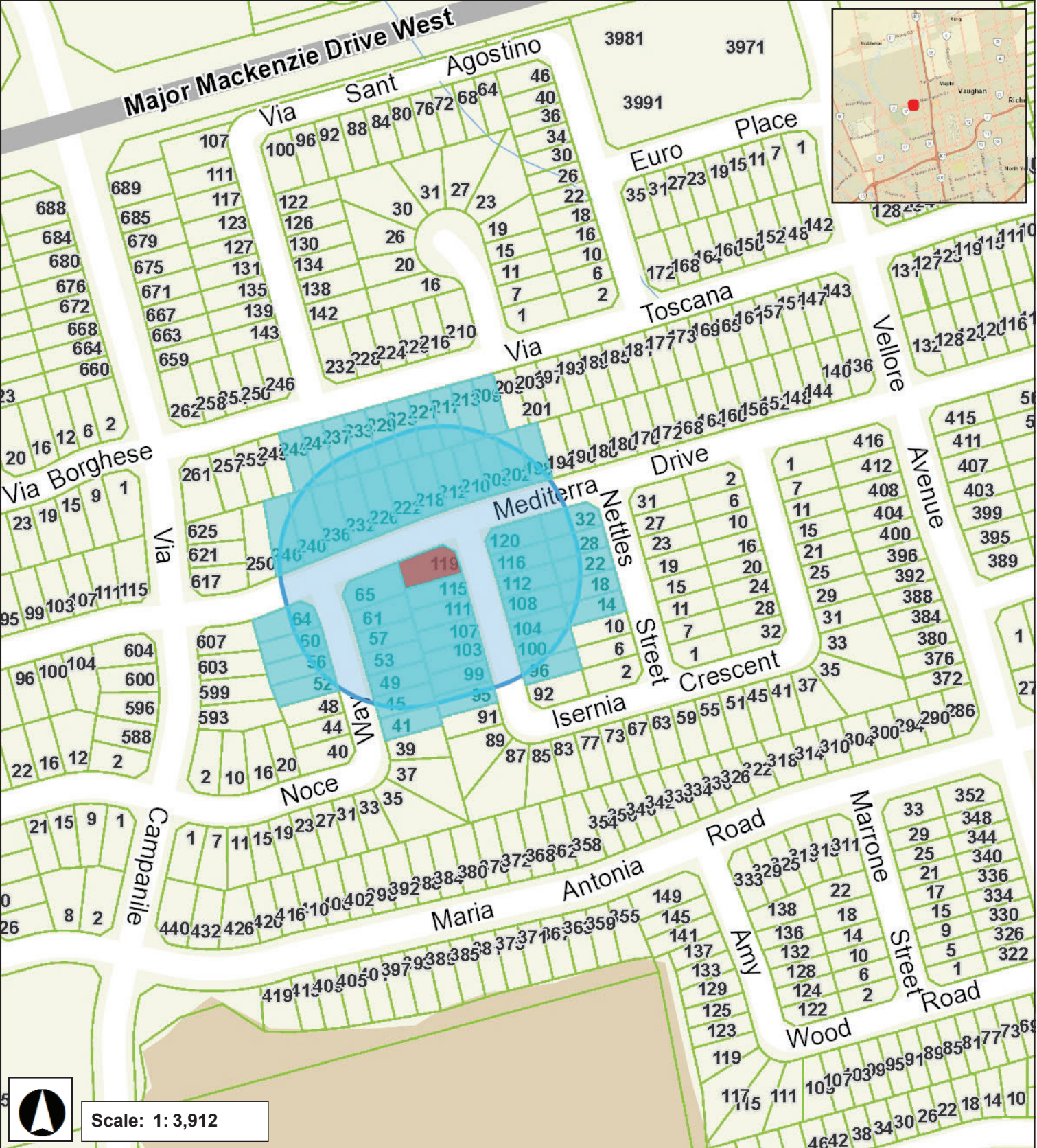
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

Location Map  
Sketches



119 Isernia Crescent, Woodbridge

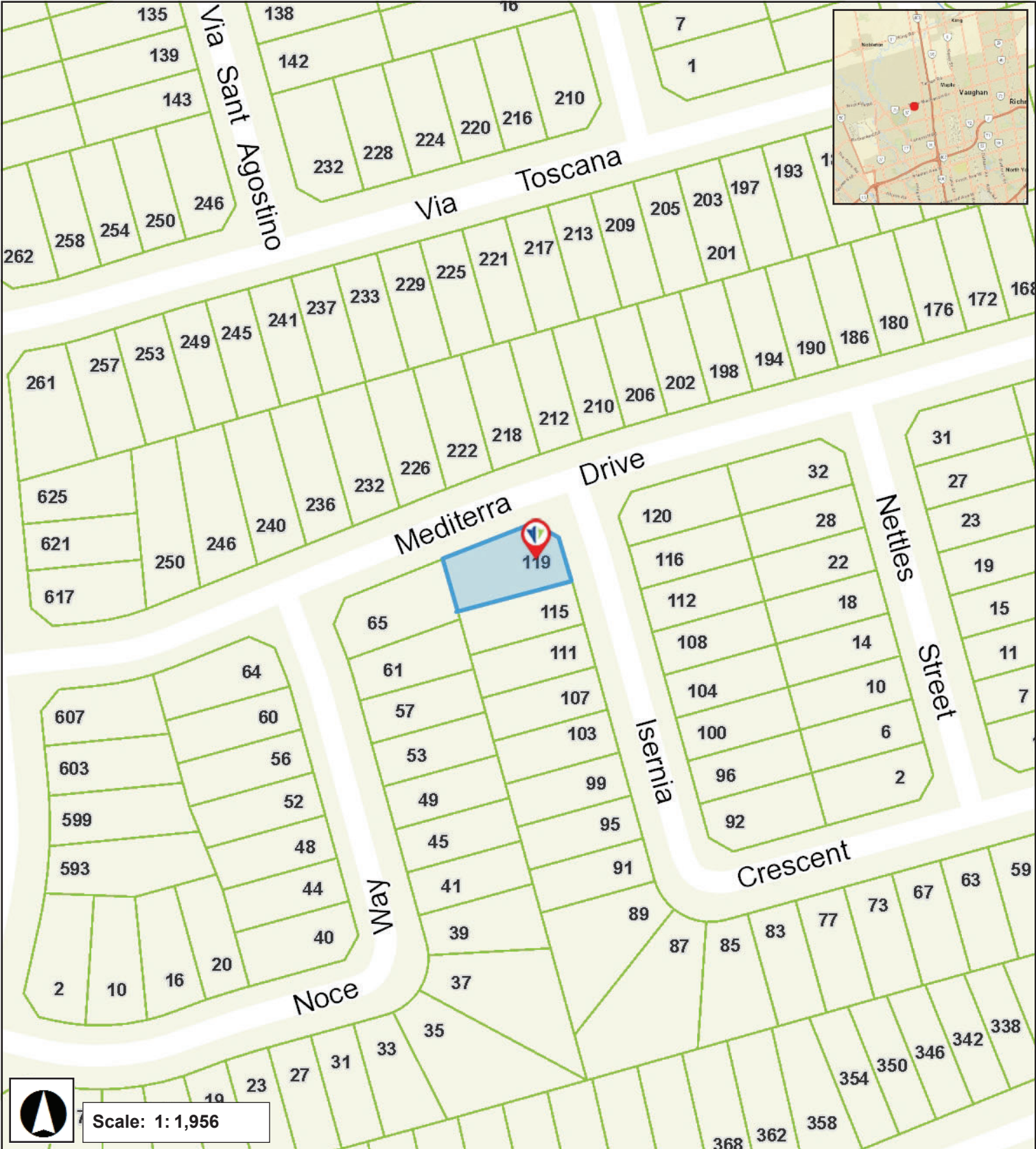






# A064/19 - Location Map

119 Isernia Crescent, Woodbridge  
Major Mackenzie Drive







**Schedule B: Public Correspondence Received**

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum. Written submissions from the public will only be accepted / processed until 12:00 p.m. on the date of the scheduled hearing.

**None**

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

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

## MacPherson, Adriana

---

**Subject:** FW: A064/19 - Response to Request for Comments

---

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

**Sent:** June-24-19 11:36 AM

**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

**Subject:** RE: A064/19 - Response to Request for Comments

Good morning Adriana,

The Regional Municipality of York has reviewed the above minor variance application and has no comment.

Regards,

Gabrielle





**COMMENTS:**

☐

We have reviewed the proposed Variance Application and have no comments or objections to its approval.

☒

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

☐

We have reviewed the proposed Variance Application and have the following concerns (attached below).

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

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

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

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

**References:**

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

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

Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI  
**Phone:** 1-877-963-6900 ext. 31297  
**Fax:** 905-532-4401  
**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

Mr. Tony D'Onofrio  
Supervisor, Subdivisions & New Services  
**Phone:** 1-877-963-6900 ext. 24419  
**Fax:** 905-532-4401  
**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)