

File: A087/19**Applicant:** Heidi Falckh**Address:** 290 Nashville Rd Kleinburg**Agent:** Soscia Professional Engineerings Inc.

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 | Condition(s) |
|---|--|---|
| | <input checked="" type="checkbox"/> Negative Comment | <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 | | |
| Cultural Heritage (Urban Design) | <input checked="" type="checkbox"/> | |
| Development Engineering | <input checked="" type="checkbox"/> | |
| Parks Department | <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: April 16, 2015 (see next page for details)

Background History: A014/14, A158/10, A123/08, A032/85 (see next page for details)

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, August 8, 2019



Minor Variance
Application

A087/19

Agenda Item: 6

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date of Hearing: Thursday, August 8, 2019

Applicant: Heidi Falckh

Agent: Soscia Professional Engineerings Inc.

Property: 290 Nashville Rd Kleinburg

Zoning: The subject lands are zoned RR Rural Residential, and subject to the provisions of Exception No. 9(197) under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Natural Area"

Related Files: None

Purpose: Relief from the By-law is being requested to permit the existing accessory structures (identified as a garden shed, pump shed and cabana on the sketch submitted with the application) and pool to be located within the front and interior side yard. Relief is also being requested to permit the existing retaining wall.

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 interior side yard setback of 4.2 metres is permitted to the deck and steps. | 1. To permit the maintenance of an interior side yard setback of 0.0 metres to the deck, 0.85 metres to the steps located on the north side of the deck and 3.59 metres to the steps located on the southeast side of the deck. |
| 2. A minimum interior side yard setback of 4.5 metres is permitted and a minimum front yard setback of 15.0 metres. | 2. To permit an interior side yard setback of 3.49 metres and a front yard setback of 0.0 metres to the accessory building (garden shed). |
| 3. A minimum front yard setback of 15 metres is permitted. | 3. To permit a front yard setback of 0.0 metres to the accessory building (pump shed). |
| 4. A minimum front yard setback of 15 metres is permitted. | 4. To permit a minimum front yard setback of 5.05 metres to the accessory building (cabana). |
| 5. A private swimming pool shall be located in the rear yard only. | 5. To permit the pool to be located in the front and interior side yard. |
| 6. A retaining wall between two residential lots shall be setback the equal distance to its height. | 6. To permit the maintenance of the existing retaining wall no. 1 with an interior side yard setback of 0.0 metres. |
| 7. All accessory structures shall be located completely in the rear yard. | 7. To permit the location of all accessory structures (garden shed, cabana and the shed pump) to be located in the front yard and interior side yard. |

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

| Application No.: | Description: | Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent |
|------------------|--|--|
| A014/14 | Interior side yard setback of 0.0 metres to the deck, 0.85 metres to the steps located on the north side of the deck and 3.59 metres to steps located on the southeast side of the deck; Interior side yard setback of 3.49 metres and a front yard setback of 0.0 metres to the accessory building (garden shed); Front yard setback of 0.0 metres to the accessory building (pump shed); Front yard setback of 5.05 metres to the accessory building (cabana); Pool to be located in the front and interior side yard; Retaining wall no. 1 interior side yard setback of 0.0 metres; | Adjourned Sine Die April 16, 2015 |

| Application No.: | Description: | Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent |
|------------------|--|--|
| | Location of all accessory structures (garden shed, cabana and the shed pump) to be located in the front yard and interior side yard. | |
| A158/10 | Cabana, garden shed & pool equipment to be located in the front yard; 5.0m height of accessory structure. | Approved June 24, 2010 |
| A123/08 | minimum front yard setback 10.97m | Approved June 5, 2008 |
| A032/85 | for a front yard setback to the dwelling | Approved April 2, 1985 |

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:

| Hearing Date: | Members Absent from Hearing: | Status of Adjournment: (i.e. date/sine die) | Reason for Adjournment: |
|----------------|------------------------------|--|-------------------------|
| April 16, 2015 | N/A | Adjourned Sine Die – File closed. | Address TRCA concerns |

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 24, 2019

Applicant confirmed posting of signage on July 26, 2019

| Property Information | |
|--------------------------------------|------------------|
| Existing Structures | Year Constructed |
| Dwelling and all existing structures | 1990 |

Applicant has advised that they cannot comply with By-law for the following reason(s): All accessory buildings are existing on this property. Placement of structures fits well with the property limitations. Encroachments are existing.

Adjournment Request: The applicant was provided an opportunity to adjourn the application prior to the issuance of public notice in order to address planning comments provided (requirement of arborist report, TRCA & York Region comments and Heritage approval).

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

Building Permit No. 07-005614 for Single Detached Dwelling - Alteration, Issue Date: May 15, 2009
Building Permit No. 10-001430 for Shed/Gazebo - New, Issue Date: Jul 16, 2010
Building Permit No. 07-005614 for Single Detached Dwelling - HVAC Only, Issue Date: Apr 14, 2009
Building Permit No. 13-004896 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued)

This file relates to A014/14.

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

Heritage approval may be required.

Please note Section 4.1.1(b) that states the maximum height of an accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three(3) metres above finished grade.

Encroachment Agreement(s) may be required for the structures that encroach over the property line. Please contact the Clerk’s Department at (905)832-8504.

Building Inspections (Septic):
No comments or concerns

Development Planning:
Application under review.

Cultural Heritage (Urban Design):
Site is within HCD so application MUST go through Heritage Vaughan approval; site is clear of archaeology.

Development Engineering:
The Development Engineering (DE) Department does not object to variance application A087/19.

Parks Development:
No comments or concerns

By-Law and Compliance, Licensing and Permit Services:
No comments or concerns

Financial Planning and Development Finance: Prepared by: Nelson Pereira
No comment no concerns

Fire Department:
No Response.

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)
Minor Variance A014/14
Minor Variance A158/10 – To be provided as addendum
Minor Variance A123/08 – To be provided as addendum
Minor Variance A032/85 – To be provided as addendum

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, the following conditions have been recommended:

| | Department/Agency | Condition |
|---|--|--|
| 1 | TRCA Coreena Smith 416-661-6600 x 5269 csmith@trca.on.ca | 1. The Owner register the encroachment agreement between Toronto and Region Conservation Authority (TRCA) and Heidi Falckh on title to the Falckh lands for the part of the retaining wall, deck and safety rail that encroach on TRCA lands and provide TRCA proof of registration to the satisfaction of TRCA. 2. The Owner withdraws its permit application submitted to TRCA pursuant to Ontario Regulation 166/06, as amended, for the deck, steps, fireplace and supporting retaining walls (Application No. 0855/13/VAUG – TRCA CFN 49846). 3. The Owner submits the standard variance application fee of \$830.00 payable to TRCA. |

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

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

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. Correspondence will only be accepted until 12:00 p.m. on the date of the scheduled hearing.

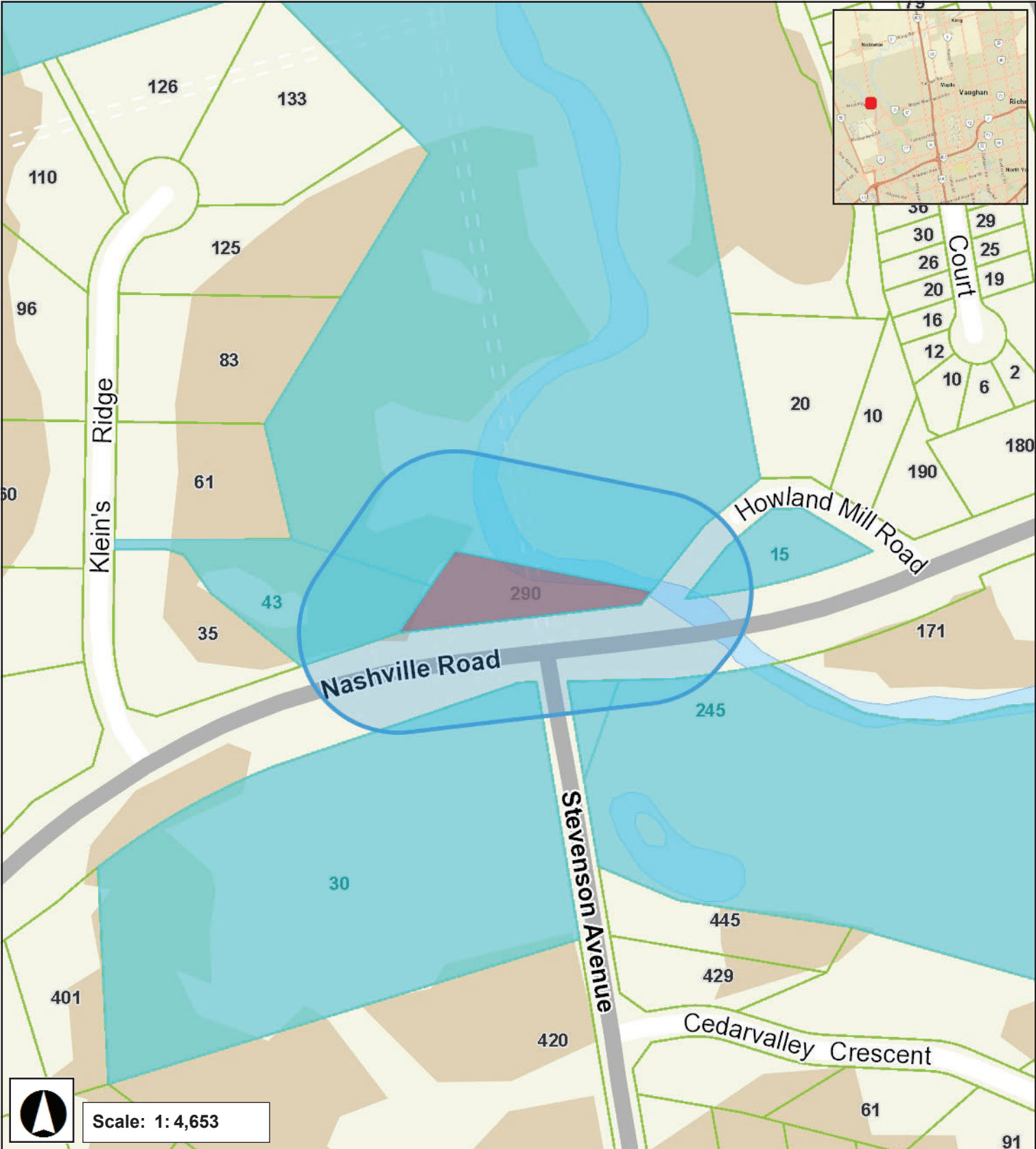
Location Map
Sketches



LOCATION MAP A087/19

290 NASHVILLE ROAD, KLEINBURG

Kirby Road



SURVEYOR'S REAL PROPERTY REPORT

PART A) PLAN OF SURVEY OF

PART OF LOT 24 CONCESSION 8,
PART OF EAST HALF OF LOT 25 CONCESSION 9,
AND PART OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS 8 & 9
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

ELEVATION

ELEVATIONS ARE REFERRED TO THE CITY OF
VAUGHAN BENCHMARK NO. 00819708052 HEAVING
ELEVATION OF 218.626 METRES.

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT
NASHVILLE ROAD AS SHOWN ON PLAN 5372 HAVING A
BEARING OF N83°19'30"W.

RR-RESIDENTIAL USE

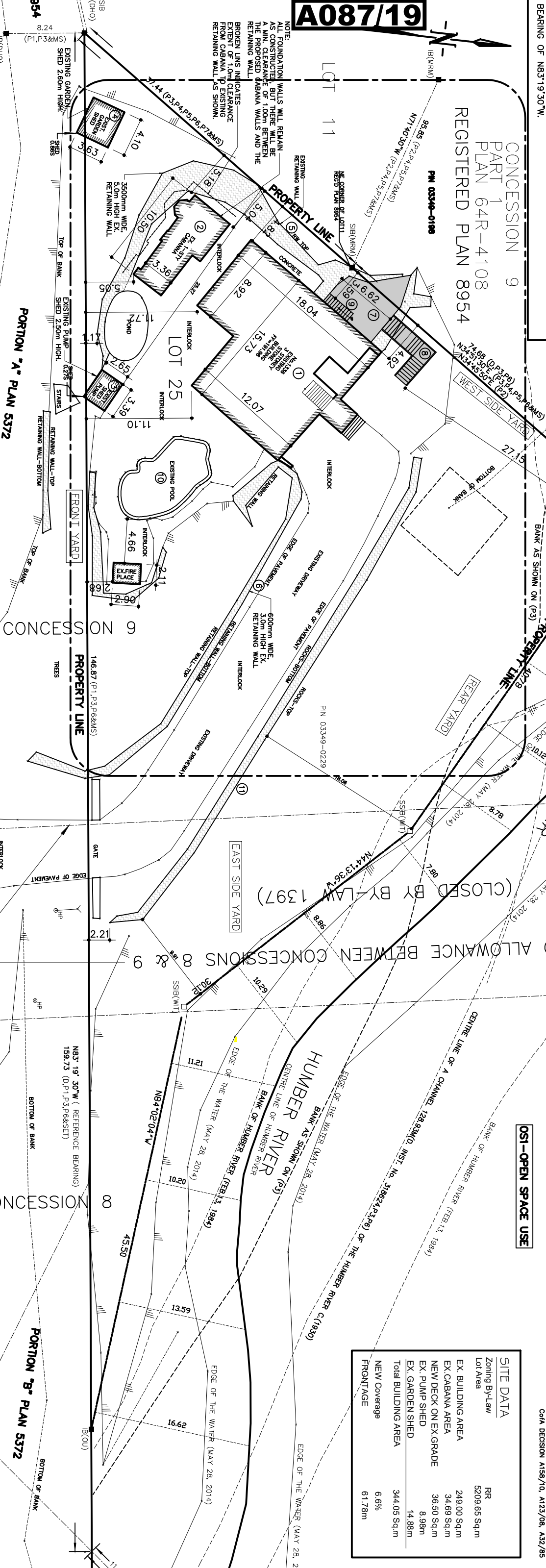
CONCESSION 9
PART 1
PLAN 64R-4108
REGISTERED PLAN 8954

PM 03346-0186

A087/19

LOT 11

NOTE:
FOUNDATION WALLS WILL REMAIN
AS CONSTRUCTED BUT THERE WILL BE
A MIN. CLEARANCE OF 1.00m BETWEEN
THE PROPOSED CABANA WALLS AND THE
RETAINING WALL.
BROKEN LINES INDICATES
EXTENT OF 1.00m CLEARANCE
BETWEEN PROPOSED CABANA
RETAINING WALL AS SHOWN.



PM 03346-0186

| STRUCTURE/ BUILDINGS | MIN. FRONTYARD SETBACK | | MIN. REARYARD SETBACK | | MINIMUM WEST INTERIOR SIDE | | (N/A) MINIMUM EXTERIOR SIDE | | MIN. HEIGHT REQUIRED(EAVE) | | MAX. BUILDING/ STRUCT. HT | |
|----------------------------|---------------------------|----------|--------------------------|----------|-------------------------------|----------|--------------------------------|----------|-------------------------------|----------|------------------------------|----------|
| | REQUIRED | PROVIDED | REQUIRED | PROVIDED | REQUIRED | PROVIDED | REQUIRED | PROVIDED | REQUIRED | PROVIDED | REQUIRED | PROVIDED |
| 1 EX. DWELLING | 15.0m | ±11.10m | — | 29.83m | — | 4.62m | — | — | — | — | — | — |
| 2 EX. CABANA | 15.0m | *5.05m | 15.0m | — | 4.50m | 5.04m | 4.50m | 4.5m | 4.5m | ±5.0m | — | — |
| 3 EX. PUMP SHED | 15.0m | * 0.0 | 15.0m | — | 4.50m | 25.27m | 4.50m | 4.5m | 2.50m | 2.50m | — | — |
| 4 EX. GARDEN SHED | 15.0m | * 0.0 | 15.0m | — | 4.50m | *3.49m | 4.50m | 4.5m | 2.90m | 2.90m | — | — |
| 5 1-EX. RETAINING WALL | 5.0m | 1.17m | 5.0m | 31.22m | 5.0m | *0.0 | — | — | — | 5.0m | — | — |
| 6 2-EX. RETAINING WALL | 3.0m | — | 3.0m | 25.42m | 3.0m | 20.12m | — | — | — | 3.0m | — | — |
| 7 EX. ON GRADE DECK | — | — | — | 32.78m | 4.20m | *0.0 | 4.20m | — | — | — | — | — |
| 8 STAIR NO.2 | — | — | — | 27.15m | 4.20m | *.85m | — | — | — | — | — | — |
| 9 STAIR NO.1 | — | — | — | — | 4.20m | *3.59m | — | — | — | — | — | — |
| 10 EX. POOL | — | 3.61m | — | 39.06m | — | 24.23m | — | — | — | — | — | — |
| 11 3-EX. RETAINING WALL | 1.0m | 2.21m | 1.0m | 9.91m | 1.0m | 10.26m | — | — | — | 0.62m | — | — |

* DENOTES REQUESTED VARIANCE
+ DENOTES APPROVED AS PER
COTA DECISION A158/10, A123/06, A32/85

OS1-OPEN SPACE USE

| SITE DATA | |
|----------------------|--------------|
| Zoning By-Law | RR |
| Lot Area | 5209.65 Sq.m |
| EX. BUILDING AREA | 249.00 Sq.m |
| EX CABANA AREA | 34.69 Sq.m |
| NEW DECK ON EX GRADE | 36.50 Sq.m |
| EX. PUMP SHED | 8.98m |
| EX. GARDEN SHED | 14.88m |
| Total BUILDING AREA | 344.05 Sq.m |
| NEW Coverage | 6.6% |
| FRONTAGE | 61.78m |

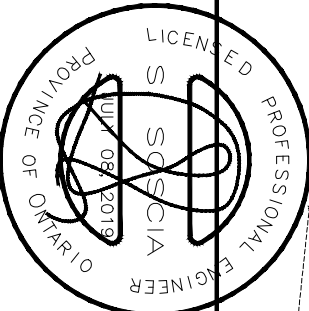
A-AGRICULTURAL USE

REGIONAL ROAD NO. 49
(NASHVILLE ROAD)

PM 03346-0002

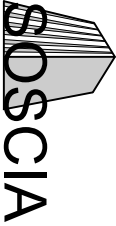
PORTION "A" PLAN 5372

PORTION "B" PLAN 5372



1 (OVERALL) SITE PLAN

SCALE: 1:400



PROFESSIONAL ENGINEERS INC.
10376 YONGE STREET SUITE 307
RICHMOND HILL, ON L4C 3B8
WWW.SOSCIA.ORG
T 905.237.5410
F 905.237.5413

Title:
PROPOSED
MINOR VARIANCE
SUBMISSION
290 NASHVILLE ROAD
VAUGHAN, ON.

| | | | | | |
|---|-----------|----------|---------------|-----------|--------|
| 3. RESUBMIT TO COA | 08/07/19 | Drawn: | N.R. | Job no. | 10-020 |
| 2. SUBMISSION TO COA | 25/06/19 | Checked: | S.S. | D'wg. no. | A1 |
| 1. REVISION TO EXISTING APP. NO.13-4896 | 04/06/19 | Date: | JULY 08, 2019 | | |
| No: | Revision: | Date: | | | |

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**
- TRCA – comments with conditions**



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

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

July 29, 2019

CFN: 60819.16
EXREF CFN: 50323.06, 48662.04, 49846,
43470.08, 43862, 30139.03 & 30356

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 A087/19
290 Nashville Road
Part Lot 24, Concession 8
City of Vaughan
Owner: Heidi Falckh
Agent: Soscia Professional Engineers Inc.**

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on July 9, 2019. TRCA staff has reviewed the application and offers the following comments:

Background

It is our understanding that the purpose of the above-noted variance application is to permit the maintenance of a deck, steps, garden shed, pump shed, cabana, pool and retaining wall. The specifics relating to each of the variances requested are provided in the Notice of Hearing circulated by the City of Vaughan dated July 24, 2019.

Site Context

The subject property is situated within the Humber River valley corridor. The site slopes from west to east, down to the Humber River. The northeast portion of the property is within the Regional Storm Floodplain.

The subject property is entirely within an area regulated by TRCA pursuant to the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 166/06), as amended. A permit is required from TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution, or the conservation of land may be affected by the development.

TRCA staff reviews all permitting requirements in concert with *The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority* (LCP).

Application-Specific Comments

The subject variance application speaks to the maintenance of structures that have already been constructed or are in the process of being constructed. These works are in proximity to the existing residence and outside the Regional Storm Floodplain. The works constitute development under Ontario Regulation 166/06 and would trigger the need for a permit from TRCA given the property's location with the Humber River valley corridor.

The Owner submitted a similar variance application in 2014 to the Committee of Adjustment (File No. A014/14). At that time, TRCA staff recommended conditional approval of the variances subject to:

- The Owner obtaining a permit from TRCA for the deck, steps, fireplace and supporting retaining walls;
- The Owner submitting a survey from an accredited Ontario Land Surveyor (OLS) confirming that the deck, steps and supporting retaining walls do not encroach onto the adjacent private and TRCA-owned lands and that all structures, including but not limited to the retaining walls, deck, steps and cabana are set back from all property lines pursuant to the requested variances to the satisfaction of TRCA; and,
- The Owner submitting the variance application fee for File No. A014/14.

Subsequent to that, TRCA received a survey of the site and payment of the 2014 variance fee.

Based on the updated data, the status of each of the structures from a TRCA perspective is outlined below:

Deck, Steps and Fireplace

Based on site visits conducted by TRCA staff in April and October 2013, we noted that the deck and supporting retaining walls northwest of the existing residence had already been partially constructed. The steps had yet to be installed. A fireplace had also been constructed southeast of the existing home. These works were started without a permit from TRCA and a violation notice was issued to the Owner on April 16, 2013.

The Owner submitted a permit application to our office pursuant to Ontario Regulation 166/06 seeking approval for the deck, steps, fireplace and supporting retaining walls (Application No. 0855/13/VAUG – TRCA CFN 49846). In order for staff to review this application, several supporting pieces of information were requested, including but not limited to a letter from a civil/structural engineer as it relates to the long-term structural integrity of these works, compensation for any vegetation removals that may have occurred, and confirmation the deck, steps and supporting retaining walls do not encroach onto adjacent private and TRCA-owned lands. A complete listing of the information required by TRCA staff was provided to the Owner on September 11, 2014.

Through submission of the site survey and subsequent site visits by TRCA staff in April, May and September 2015, it was confirmed that a portion of the deck and retaining walls northwest of the existing residence are on TRCA lands. Based upon geotechnical staff review, the removal of the encroaching portion of the lower retaining wall is not feasible due to the steep slope and significant amount of fill being retained. Removal of the encroaching wall could initiate further movement of the fill materials behind the wall. As the upper retaining walls are connected to the lower retaining walls, it is anticipated that the upper walls would also be vulnerable to failure if there was movement of the existing fill materials caused by removal of the lower wall. It was ultimately recommended that the encroaching portion of the wall not be removed to mitigate any further adverse effects to the slope.

Accordingly, the Owner requested that TRCA enter into an agreement as a way of resolving that portion of the encroaching retaining wall and associated deck structure on TRCA lands. Resolution #B83/19 was approved at TRCA's Executive Committee meeting held on July 5, 2019 to allow TRCA to enter into an encroachment agreement with Heidi Falckh as a means of resolving the encroachment (<https://pub-trca.escribemeetings.com/FileStream.ashx?DocumentId=4926>), which was subsequently approved at TRCA's Board of Directors meeting held on July 26, 2019. This encroachment agreement will transfer the risk and liability of the encroaching structures to the Owner and regulate its ongoing use, while ensuring that the structure can remain in place and mitigate any adverse effects to the slope. As a condition of this variance, TRCA is requesting confirmation that the encroachment agreement has been registered on title.

While the encroachment onto TRCA lands has been resolved, TRCA staff is not able to recommend approval of the permit application for these works as they are not in keeping with TRCA's policies or the tests for permit approval. TRCA staff is asking that the Owner withdraw their TRCA permit application as a condition on this variance application. The works will not be recognized by TRCA and will remain as a noted violation on the site. Also, TRCA is not requesting that these structures be removed at this time due to the potential negative impacts to the slope and other existing structures up-slope of these works.

Garden Shed and Pump Shed

With respect to the garden shed and pump shed, TRCA staff noted through a previous variance application (File No. A158/10) that we did not recognize these structures as they were built several years earlier without TRCA permits. TRCA staff comments on these two buildings remain unchanged.

Pool

TRCA staff further note that the pool on the subject property, which is also the subject of this variance application, appears to have been constructed without a permit from TRCA. However, given the age of the pool, TRCA staff is not requesting a permit under Ontario Regulation 166/06 for the pool; instead, we will not recognize this structure.

Cabana and Retaining Wall

The cabana and large retaining wall around the cabana were completed several years ago. Works on these two projects started without the prior written approval of TRCA and violation notices were issued by TRCA staff on June 28, 2010 and April 26, 1999. The Owner subsequently submitted permit applications to facilitate the continued construction of these structures and, after an extensive review, permits were approved by TRCA to facilitate their completion (Permit No. C-10537 and C-99223). TRCA staff has no concerns with these two structures and the requested variances.

Fees

By copy of this letter, the Owner is advised that TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$830.00 Variance Application review fee. The Owner is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendations

In light of the above, TRCA staff recommends that the following **conditions** be included on Minor Variance Application A087/19 should it be approved by the Committee of Adjustment:

1. The Owner register the encroachment agreement between Toronto and Region Conservation Authority (TRCA) and Heidi Falckh on title to the Falckh lands for the part of the retaining wall, deck and safety rail that encroach on TRCA lands and provide TRCA proof of registration to the satisfaction of TRCA.
2. The Owner withdraws its permit application submitted to TRCA pursuant to Ontario Regulation 166/06, as amended, for the deck, steps, fireplace and supporting retaining walls (Application No. 0855/13/VAUG – TRCA CFN 49846).
3. The Owner submits the standard variance application fee of \$830.00 payable to TRCA.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Further, we trust these comments are of assistance.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Coreena Smith, EP, MCIP, RPP
Acting Senior Manager, Development Planning and Permits
Extension 5269
/cs

cc: By Email
Nicholas C. Tibollo
Nicole Rogano, Soscia Professional Engineers Inc.
Michael Di Febo & Pia Basilone, City of Vaughan
Brian Moyle, Anthony Syhlonyk & Nadia Wells, TRCA

J:\DSS\York Region\Vaughan\A087-19 - 290 Nashville Road.docx

Attwala, Pravina

Subject: FW: A087-19 – 290 Nashville Road

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

Sent: July-24-19 1:29 PM

To: Di Febo, Michael <Michael.DiFebo@vaughan.ca>; 'Nicole Rogano' <n.rogano.projects@gmail.com>

Cc: Attwala, Pravina <Pravina.Attwala@vaughan.ca>; Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Borcescu, Nick <Nick.Borcescu@vaughan.ca>; Holyday, Margaret <Margaret.Holyday@vaughan.ca>; ntibollo@tibollolaw.com; Sandro Soscia <ssoscia@sosciaeng.ca>

Subject: RE: A087-19 – 290 Nashville Road

Good Afternoon,

I have been speaking with our Development Engineer. With respect to the Region's concerns, we will permit the maintenance of any existing variances within our Right-of-way, but no future variances will be permitted.

Regards,

Gabrielle

Gabrielle Hurst MCIP, RPP, C. Tech

Community Planning and Development Services | Planning and Economic Development Branch | Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1

O 1-877-464-9675 ext. 71538 | gabrielle.hurst@york.ca | Our Values: Integrity, Commitment, Accountability, Respect, Excellence

Attwala, Pravina

Subject: FW: A087/19 - REQUEST FOR COMMENTS
Attachments: A087-19 - Circulation.pdf

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: July-17-19 8:59 AM
To: Committee of Adjustment <CofA@vaughan.ca>
Subject: FW: A087/19 - REQUEST FOR COMMENTS

Hello Pravina,

The Regional Municipality of York has completed its review of the above Minor Variance Application-A087/19 (290 Nashville Road) and has no comments. Please feel free to e-mail me in regards to any questions or concerns.

Thank you,
Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca
Our Values: Integrity, Commitment, Accountability, Respect, Excellence



Please consider the environment before printing this email.

Schedule D: Previous Approvals (Notice of Decision)

- Minor Variance A014/14
- Minor Variance A158/10 – To be provided as addendum
- Minor Variance A123/08 – To be provided as addendum
- Minor Variance A032/85 – To be provided as addendum

NOTICE OF DECISION

MINOR VARIANCES

FILE NUMBER: A014/14

APPLICANT: HEIDI FALCKH

PROPERTY: Part of Lot 24, Concession 8, (Lot 24/25, municipally known as 290 Nashville Road, Kleinburg).

ZONING: The subject lands are zoned RR, Rural Residential Zone, and subject to the provisions of Exception 9(197) under By-law 1-88 as amended.

PRIOR to the hearing the applicant amended the application and sketch as follows:

By removing 'To permit an interior side yard setback of 5.04 metres to the accessory building (cabana)'

PURPOSE: To permit the maintenance of a new on grade deck, wood stairs and other accessory buildings, as follows:

PROPOSAL:

1. To permit an interior side yard setback of 0.0 metres to the deck, 0.85 metres to the steps located on the north side of the deck and 3.59 metres to steps located on the southeast side of the deck.
2. To permit an interior side yard setback of 3.49 metres and a front yard setback of 0.0 metres to the accessory building (garden shed).
3. To permit a front yard setback of 0.0 metres to the accessory building (pump shed).
4. ~~To permit an interior side yard setback of 5.04 metres~~ and a front yard setback of 5.05 metres to the accessory building (cabana).
5. To permit the pool to be located in the front and interior side yard.
6. To permit the maintenance of the existing retaining wall no. 1 with an interior side yard setback of 0.0 metres.
7. To permit the location of all accessory structures (garden shed, cabana and the shed pump) to be located in the front yard and interior side yard.

BY-LAW REQUIREMENT:

1. A minimum interior side yard setback of 4.2 metres is permitted to the deck and steps.
2. A minimum interior side yard setback of 4.5 metres is permitted and a minimum front yard setback of 15.0 metres.
3. A minimum front yard setback of 15 metres is permitted.
4. ~~A minimum interior side yard setback of 4.5 metres is permitted~~ and a minimum front yard setback of 15 metres is permitted.
5. A private swimming pool shall be located in the rear yard only.
6. A retaining wall between two residential lots shall be setback the equal distance to its height; therefore, a minimum interior side yard setback of 5.0 metres is required.
7. All accessory structures shall be located completely in the rear yard.

BACKGROUND INFORMATION: Other Planning Act Applications
The land which is the subject in this application was also the subject of another application under the Planning Act:
Minor Variance Applications:
A158/10 - APPROVED June 24, 2010 - cabana, garden shed & pool equipment to be located in the front yard; 5.0m height of accessory structure.
A123/08 - APPROVED June 5, 2008 - minimum front yard setback 10.97m
A032/85 - APPROVED April 2, 1985 - for a front yard setback to the dwelling.

Sketches are attached illustrating the request.

MOVED BY:

SECONDED BY:

THAT Application No. A014/14, HEIDI FALCKH, be **ADJOURNED SINE DIE**.

CARRIED.

CHAIR: Perrella

Signed by all members present who concur in this decision:

Perrella
A. Perrella,
Chair

H. Zheng
H. Zheng,
Vice Chair

R. Buckler
R. Buckler,
Member

J. Cesario
J. Cesario,
Member

M. Mauti
M. Mauti,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.

T. Coles
Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

| | |
|-------------------------|-----------------------|
| Date of Hearing: | APRIL 16, 2015 |
|-------------------------|-----------------------|

PART A) PLAN & SURVEY OF
PART OF LOT 24 CONCESSION 8,
PART OF EAST HALF OF LOT 25, CONCESSION 9,
AND PART OF THE ROAD ALLOWANCE BETWEEN
CONCESSIONS 8 & 9
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

BEARING REFERENCE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT
NASHVILLE ROAD AS SHOWN ON PLAN 5372 HAVING A
BEARING OF N83°19'30"W.



| SITE DATA | |
|-----------------------|-------------|
| Zoning By-Law | RR |
| Lot Area | 5289.65 Sqm |
| EX BUILDING AREA | 16.75 Sqm |
| EX CAYANA AREA | 41.31 Sqm |
| NEW DECK ON EX GARAGE | 21.70 Sqm |
| EX POLE SHED | 4.41m |
| EX GARDEN SHED | 15.09m |
| TOTAL BUILDING AREA | 298.77 Sqm |
| NEW Coverage | 4.98 % |
| PROVIDE | 61.78m |

* DENOTES VARIANCE REQUIRED
* DENOTES APPROVED AS PER
CFAA DECISION A156/10

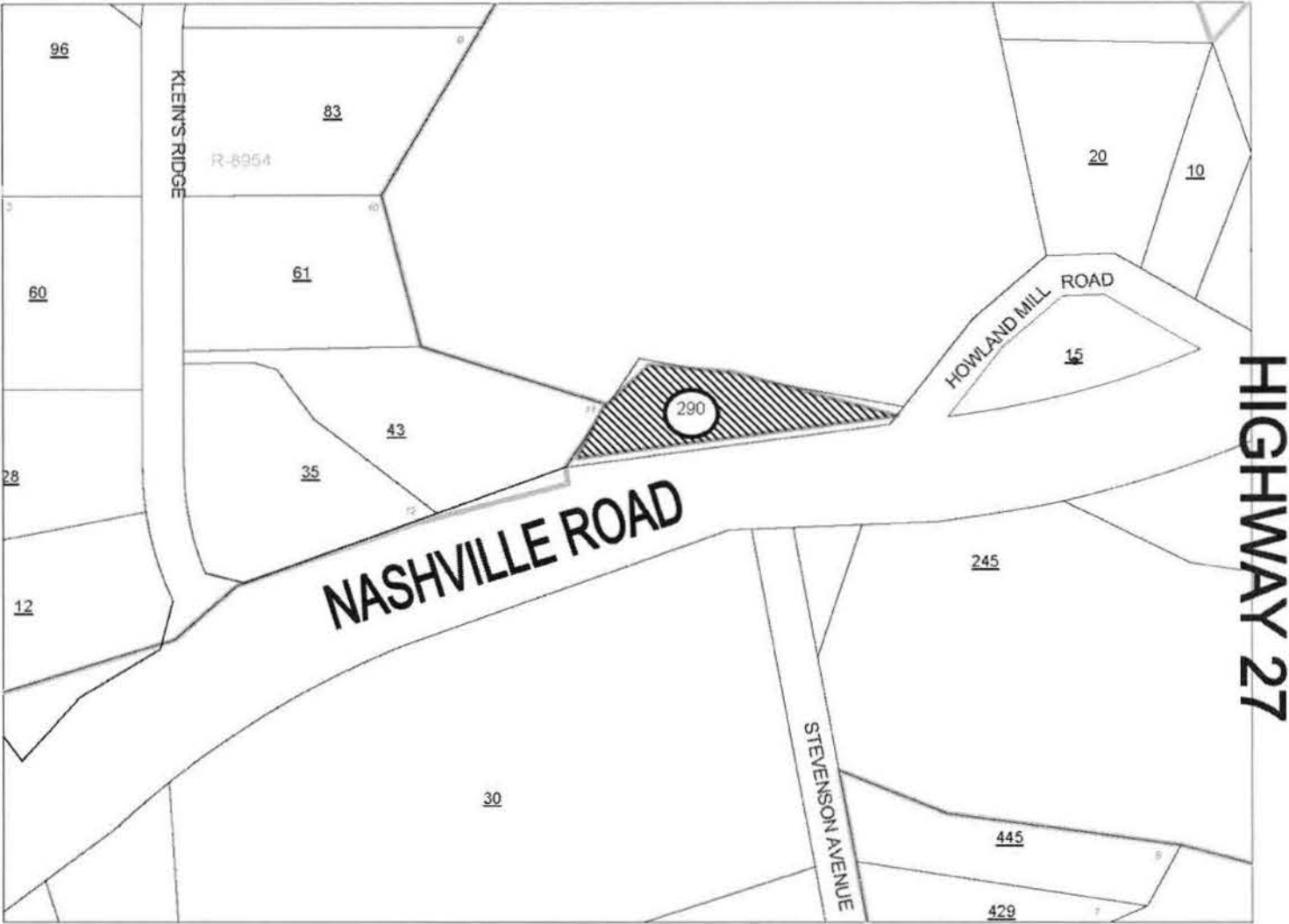
A-1 SCALE: 1:400

PROFESSIONAL ENGINEERS INC.
10378 YONCE STREET, SUITE 307
RICHMOND HILL, ON L4C 3B8
WWW.AECOM.CA
T 905.277.5410
F 905.277.5413

**PROPOSED:
ON GRADE DECK &
2-NEW WOOD STAIRS**
290 NASHVILLE ROAD
VAUGHAN, ONTARIO

| | | | | | |
|-----|-----------|----------|----------|----------|--------|
| | | Drawn: | N.R. | Job no. | 15-044 |
| | | Checked: | S.S. | Dwg. no. | A-1 |
| No: | Revision: | Date: | Date: | | |
| | | | AUG17-10 | | |

15-044
wg. no.
A-1



MAJOR MACKENZIE DRIVE



COMMITTEE OF ADJUSTMENT
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

| | | |
|--|--------------|---|
| | FILE NUMBER: | A014/14 |
| | APPLICANT: | HEIDI FALCKH |
| | | Subject Area Municipally known as 290 Nashville Road, Kleinburg |