



File: A116/19

Applicant: Lousia Benoliel-Benitah

Address: 2 Forest Lane Drive, Thornhill

Agent: Paul Guest

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"/>	<input checked="" type="checkbox"/>
Parks Department		
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
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

A116/19

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date of Hearing:	Thursday, December 12, 2019
Applicant:	Lousia Benoliel-Benitah
Agent:	Paul Guest
Property:	2 Forest Lane Drive, Thornhill
Zoning:	The subject lands are zoned R3 Residential Zone Three, and subject to the provisions of Exception No. 9(641) under By-law 1-88 as amended.
OP Designation:	Vaughan Official Plan 2010: Low-rise Residential
Related Files:	None
Purpose:	Relief from the By-Law is being requested to permit the construction of a proposed inground pool and shed to be located in the exterior side 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 of 50% front yard landscaping is required, 60% of which shall be comprised of soft landscaping.	1. To permit a minimum of 45.79% front yard landscaping.
2. The accessory building shall be located in the rear yard only.	2. To permit the accessory structure (shed) not to be located in the rear yard only.
3. A minimum exterior side yard setback of 4.5 metres is required to the accessory structure (shed).	3. To permit a minimum exterior side yard setback of 1.63 metres to the accessory structure (shed).
4. A private swimming pool shall be located entirely in the rear yard.	4. To permit a private swimming pool not to be located entirely in the rear yard.
5. A minimum rear yard setback of 1.5 metres is required to the swimming pool.	5. To permit a minimum rear yard setback of 1.22 metres to the swimming pool.
6. A minimum exterior side yard setback of 4.5 metres is required to the swimming pool.	6. To permit a minimum exterior side yard setback of 3.09 metres to the swimming pool.

Background (previous applications approved by the Committee on the subject land): None

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: None

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 November 27, 2019

Applicant confirmed posting of signage on November 25, 2019

Property Information	
Existing Structures	Year Constructed
Dwelling	Approx. 2008
Shed	TBC

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

It is a corner lot and there is not enough room behind the house for a pool and a cabana.

**Adjournment Request:** N/A

**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 10m<sup>2</sup>.

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

**Building Inspections (Septic):**

No comments or concerns.

**Development Planning:**

Vaughan Official Plan 2010: Low-rise Residential.

The Owner is proposing the construction of a swimming pool and shed in the side yard of the Subject Lands that are situated on a corner lot.

Variance #1 and #2 requests minimum front yard landscaping of 45.79% and minimum exterior side yard soft landscaping of 49.83%. The proposed variances are existing conditions. The requested variances are minor in nature and appropriate for the Subject Lands.

Variance #3 proposes the accessory structure not be located entirely in the rear yard. The variance is minor in nature and appropriate for the neighborhood provided the Subject Lands are situated on a corner lot.

Variance #4 proposes an exterior side yard setback of 1.375 metres where 4.5 metres is required. The Development Planning Department has supported further reductions in the side yard setback to accessory structure and finds it minor in nature. The Development Engineering Department has identified no concerns with the proposed variance.

Variance #5 proposes a private swimming pool not be located entirely in the rear yard. The variance is minor in nature and appropriate for the neighborhood provided the Subject Lands are situated on a corner lot.

Variance #6 proposes a reduction in the rear yard setback from 1.5 metres to 1.222 metres. This variance is considered minor in nature and have been historically supported through the neighborhood. Variance #6 is appropriate for the neighborhood. The Development Engineering Department has identified no concerns with the proposed variance.

Variance #7 proposes an exterior side yard of 3.096 metres where 4.5 metres is required. The proposed setback of 3.096 metres is minor in nature and appropriate for the neighborhood. The Development Planning Department has historically been supportive of this type of reduction in the side yard setback to the swimming pool. The Development Engineering Department has identified no concerns with the proposed variance.

The Owner submitted an Arborist Report prepared by Centre Tree Care Ltd on July 24, 2019, and amended August 30, 2019. The Urban Design and Cultural Heritage Division of the Development Planning Department and Parks, Forestry and Horticulture Operations has reviewed the submitted Arborist Report and is satisfied.

The Development Planning Department is 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 minor variances.

**Development Engineering:**

Additional Comments:

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

The Development Engineering (DE) Department does not object to variance application A116/19 subject to the following conditions:

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

**Parks Development:**  
No Response.

**By-Law and Compliance, Licensing and Permit Services:**  
No Response.

**Financial Planning and Development Finance:**  
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

**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	Development Engineering Jason Pham  905-832-8585 x 8716 <a href="mailto:Jason.pham@vaughan.ca">Jason.pham@vaughan.ca</a>	The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact Development Engineering's front desk on the 2nd floor of City Hall to apply for lot grading and/or servicing approval.

**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

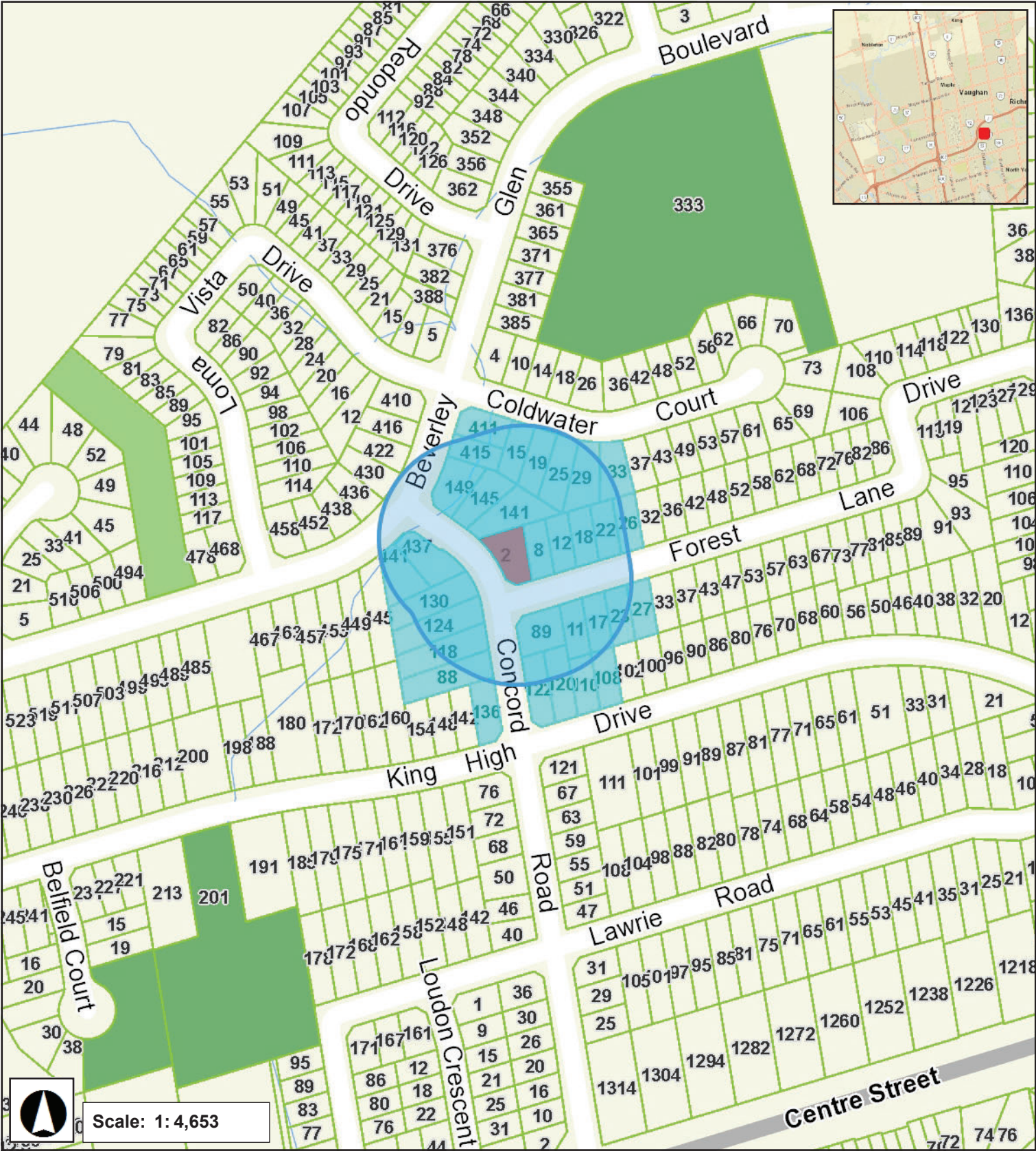




LOCATION MAP = A116/19

2 FOREST LANE DRIVE, THORNHILL

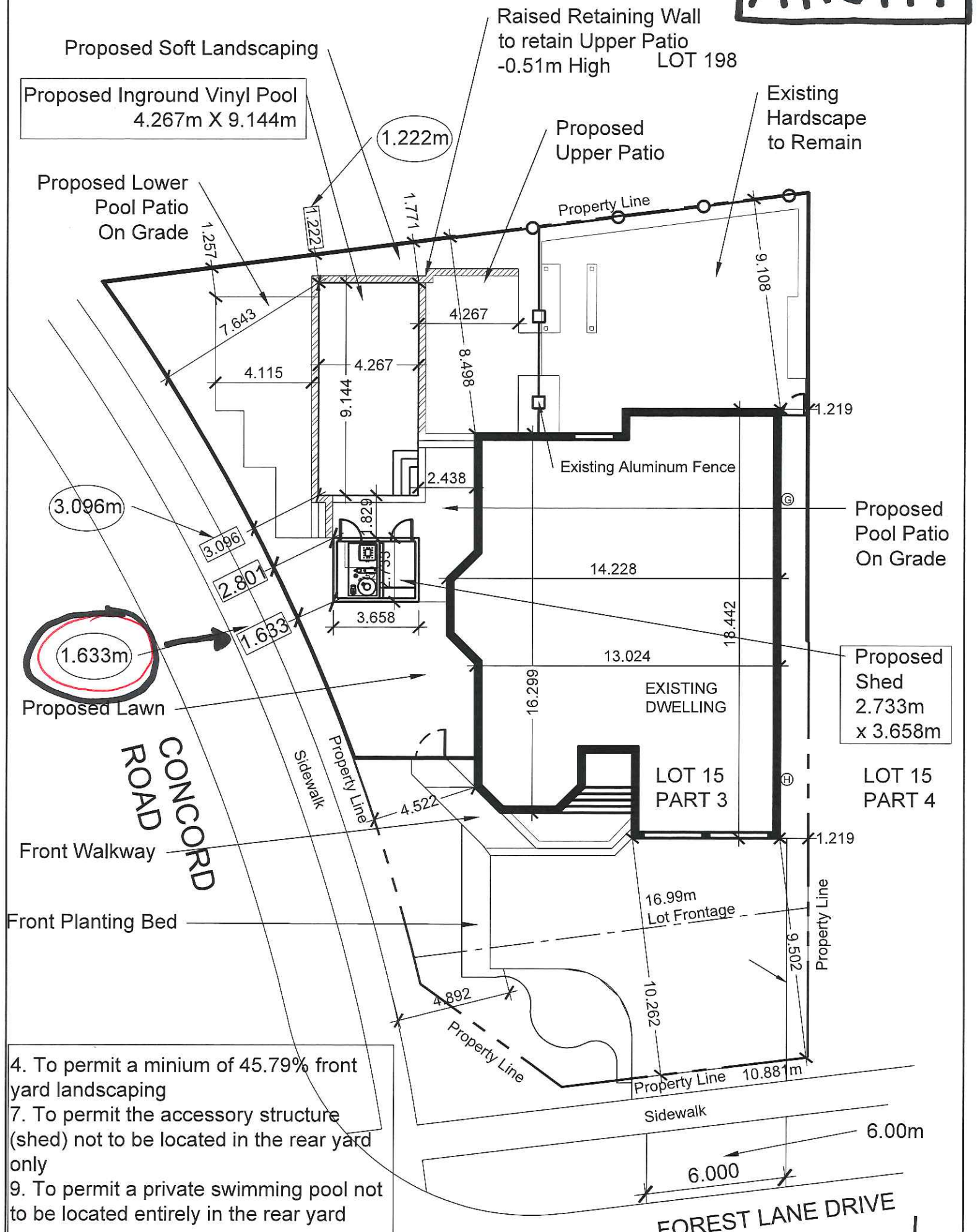
Highway 7





REVISED OCT 30/19

A116119



- 4. To permit a minimum of 45.79% front yard landscaping
- 7. To permit the accessory structure (shed) not to be located in the rear yard only
- 9. To permit a private swimming pool not to be located entirely in the rear yard

LEGEND/CALCULATION



Proposed Items/Setbacks requiring a variance

FRONT YARD COVERAGE: 179.95m<sup>2</sup>  
Proposed Driveway Coverage: 97.43m<sup>2</sup>  
Total Landscaping Coverage: 82.40m<sup>2</sup> (45.79%)  
Soft Landscape Coverage: 67.52m<sup>2</sup> (81.04%)

REAR YARD TOTAL COVERAGE: 213 m<sup>2</sup> (100%)  
Required Softscape Coverage: (213m<sup>2</sup>-135m<sup>2</sup>)x60% = 46.8m<sup>2</sup>  
Proposed Softscape Coverage in Rear Yard: 51.65m<sup>2</sup> (66.21%)

EXTERIOR SIDE YARD TOTAL COVERAGE: 116.13m<sup>2</sup>

TOTAL YARD COVERAGE: 782.33m<sup>2</sup> (100%)  
Existing Dwelling Coverage: 224.18m<sup>2</sup> (28.66%)  
Proposed Shed Coverage: 10.00m<sup>2</sup> (1.28%)

Total Lot Coverage: 234.18m<sup>2</sup> (29.93%)



**BETZ POOLS**

"A Lifetime of Fun!"

**Benitah Residence**  
2 Forest Lane Drive,  
Vaughan, ON

Designer ram	Scale 1:200	Date October 28, 2019
Salesman M.Luff	Pool	Drawing Site Plan

5688 Main Street, Box 760, Stouffville, Ontario, L4A 7Z9



**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



**COMMENTS:**

☐

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

☒

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

☐

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

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

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

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

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

**References:**

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

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

Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI  
**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)

**Vigneault, Christine**

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**From:** Skouros, Julia <Julia.Skouros@york.ca>  
**Sent:** Monday, November 18, 2019 11:05 AM  
**To:** Vigneault, Christine  
**Subject:** (A116/19) MVAR.19.V.0340 - 2 Forest Lane Drive

Hi Christine,

The Regional Municipality of York has completed its review of the above mentioned Minor Variance Application and has no comment.

Should you have any questions or concerns, please contact me using the information provided below.

Best,  
**Julia Elena**

**Julia Elena Skouros** | Assistant Planner, Community Planning, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 74886 | [Julia.Skouros@york.ca](mailto:Julia.Skouros@york.ca) | [york.ca](http://york.ca)

Our Mission: **Working together to serve our thriving communities – today and tomorrow**



**Attwala, Pravina**

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**Subject:** FW: A116/19 - REQUEST FOR COMMENTS

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**From:** Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>  
**Sent:** September-03-19 2:49 PM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** RE: A116/19 - REQUEST FOR COMMENTS

Hi Pravina,

The MTO has no comments or concerns regarding the subject Minor Variance Application at this time.

Regards,

KEVIN SCHOLZ  
Corridor Management Officer | Ministry of Transportation | Central Region | Corridor Management  
P: (416) 235-5383 | F: (416) 235-4267 | [Kevin.Scholz@Ontario.ca](mailto:Kevin.Scholz@Ontario.ca)  
159 Sir William Hearst Ave. - Building D M3M 0B7