



**File:** A128/19

**Applicant:** Abraham Simach

**Address:** 28 Asner Ave Maple

**Agent:** None

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

Adjournment History: December 12, 2019 (see next page for details)

Background History: N/A

Staff Report Prepared By: Pravina Attwala  
Hearing Date: Thursday, February 6, 2020



**Minor Variance Application**

Agenda Item: 15

**A128/19**

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

**Date of Hearing:** Thursday, February 6, 2020

**Applicant:** Abraham Simach

**Agent:** None

**Property:** **28 Asner Ave Maple**

**Zoning:** The subject lands are zoned RD4 and subject to the provisions of Exception 9(1244) 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 extension to the existing deck located at the rear of the existing dwelling.

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

By-law Requirement	Proposal
The required minimum rear yard is 7.5m. [4.22.3, Schedule A3]	The proposed exterior deck is 4.4m from the rear lot line.

**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:**

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
December 12, 2019	N/A	Adjournment	Applicant requested adjournment due to a scheduling conflict

**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 January 22, 2020

Applicant confirmed posting of signage on January 20, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2018
Deck	Approx. 2009

Applicant has advised that they cannot comply with By-law for the following reason(s): I had a deck 8½" x 22½" and it was too small in depth, hence I enlarged it by 3½" (1.0m). I want to cut the curb in the front driveway and move the stairs to the end of the porch. Deck has a 1.8m high privacy screen on both sides.

**Adjournment Request: N/A**

**Building Standards (Zoning Review):**

Stop Work Order(s) and Order(s) to Comply: Order No. 19-000090, Order to Comply for, Issue Date: Jun 10, 2019

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:**

Official Plan: Vaughan Official Plan 2010: Low-Rise Residential

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 above noted variance.

**Development Engineering:**

The owner/applicant shall apply and obtain the necessary curb cut permit through the Transportation Services Division.

The Development Engineering (DE) Department does not object to variance application A128/19.

**Parks, Forestry and Horticulture Operations:**

Preservation and protection of the 10cm (DBH) road allowance Honey Locust tree Shall be required;

Hoarding (tree protection) detail MLA 107B shall be utilized;

1.2 Meters of tree protection in all directions from base of tree trunk shall be utilized where applicable. Abut to hard structure/surface edge (i.e. sidewalk, driveway);

Further encroachment on to the boulevard not permitted. Maintain 1 metre distance from aforementioned road allowance tree to interlock driveway extension;

No privately owned trees measuring 20cm (DBH) or above were noted on the site;

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

No Response.

**Financial Planning and Development Finance:**

No comment no concerns

**Fire Department:**

No comment no concerns

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**

December 17, 2019 – Additional photos from applicant

December 16, 2019 – Letter from applicant with additional photos addressing letters of objection

December 17, 2019 – Yoram Meartsi, 27 Asner Avenue – No objections

December 14, 2019 – Yoram Meartsi, 27 Asner Avenue – Letter of objection

December 12, 2019 – Letter from applicant with photos

December 11, 2019 - Letter from the applicant addressing letter of objection

December 10, 2019 - Qing-Chong You, 22 Asner Avenue – Letter of objection

December 5, 2019 – Ariel & Rita Motlis, 33 Gamla Road – no objections

**Schedule C - Agency Comments**

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

**Schedule D - Previous Approvals (Notice of Decision)**

None

**Staff Recommendations:**

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

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

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

Should the Committee 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**

T 905 832 8585 Extension 8002  
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.

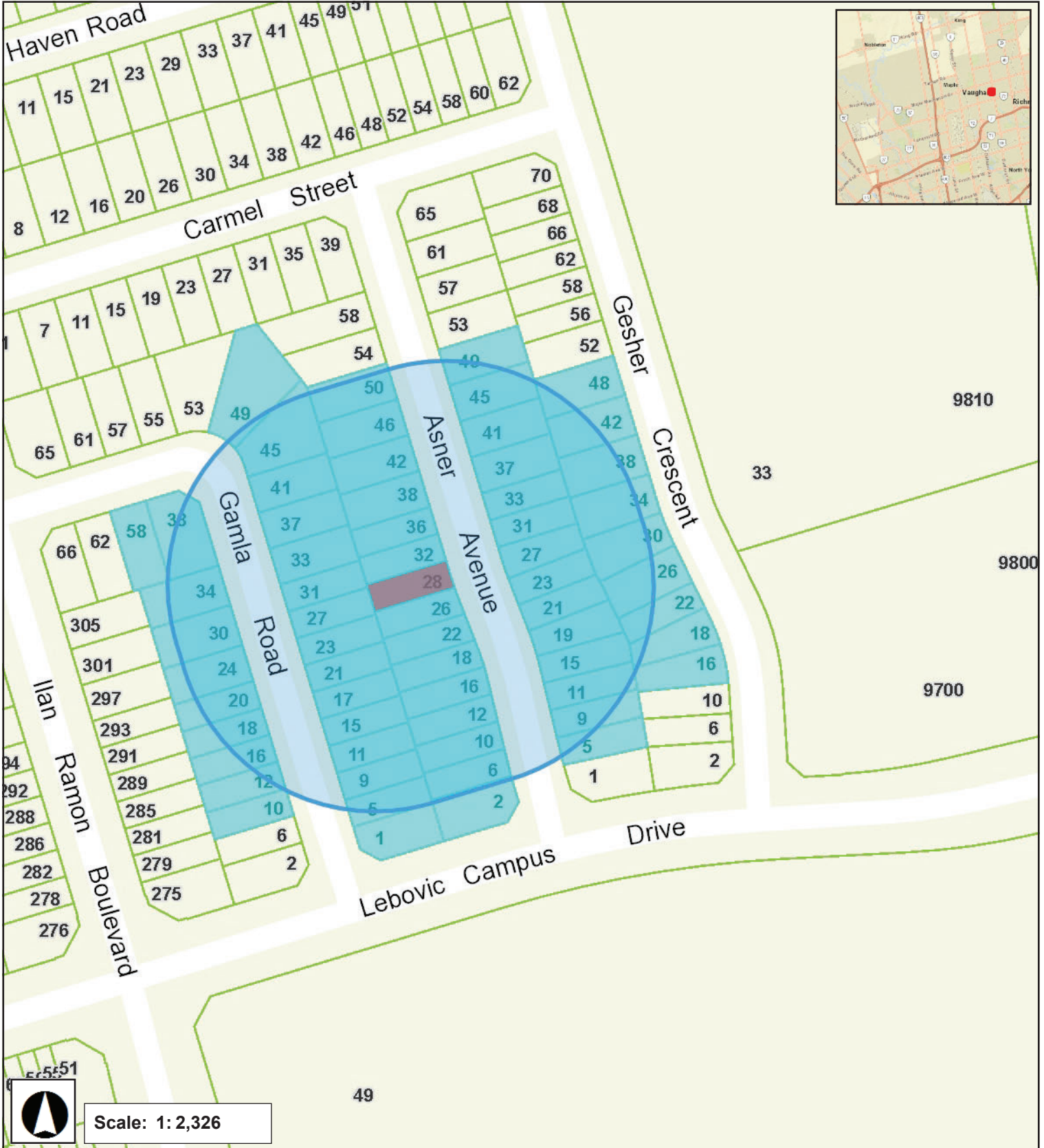
**Location Map  
Sketches**



# LOCATION MAP A128/19

28 ASNER AVENUE, MAPLE

## Major Mackenzie Drive



Rutherford Road

November 20, 2019 12:30 PM



(BY REGISTERED PLAN 65M-3962)

PIN 03341-2215(LT)

A128/19

REVISED NOVEMBER 19, 2019

70% Hard landscape

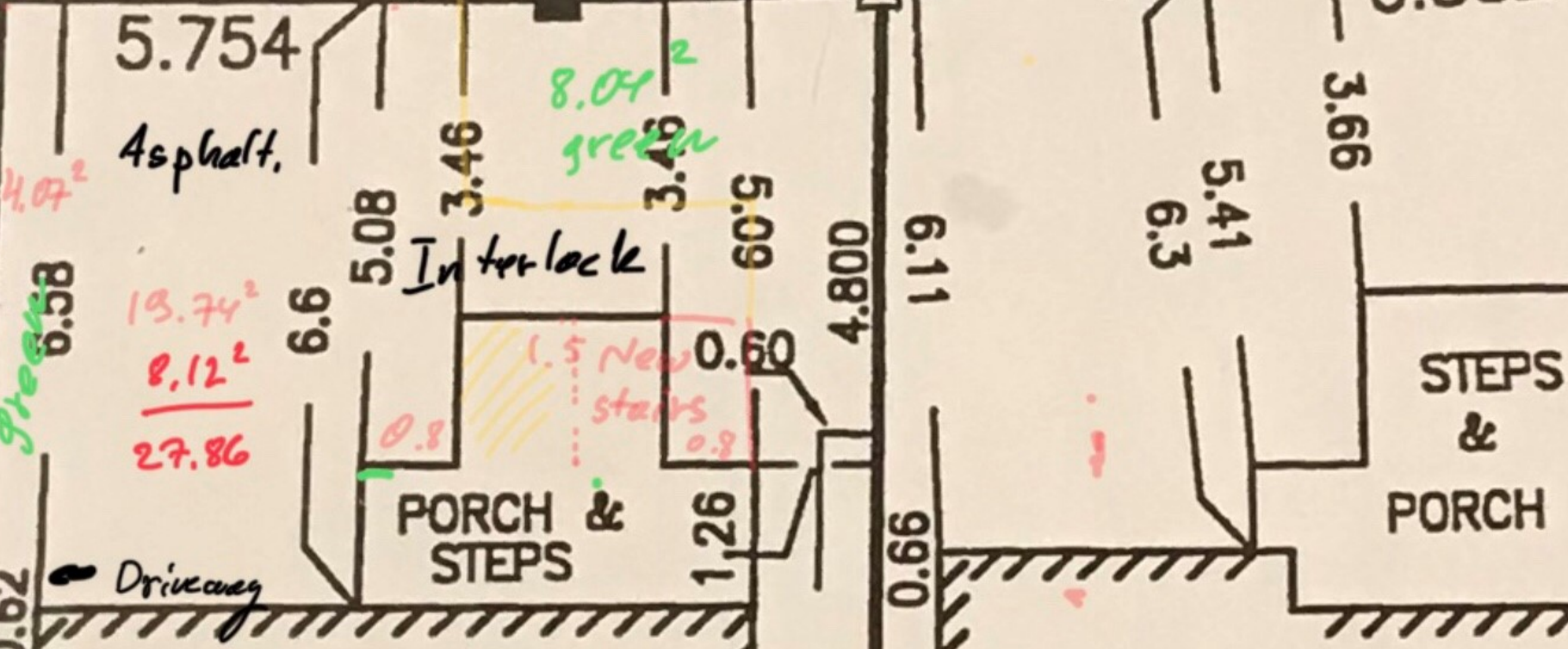
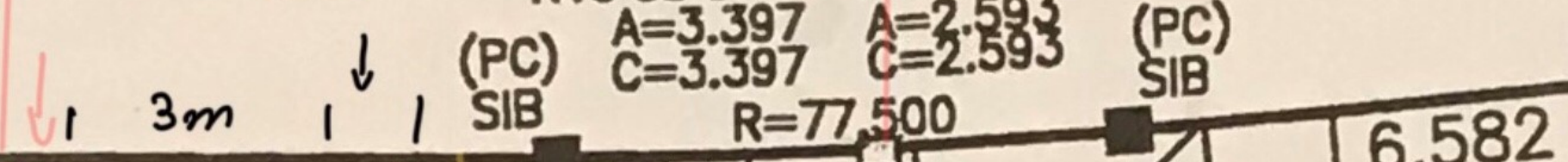
Suggested extend 30% green  
1.2m

N19°08'35"W N21°21'30"W

A=3.397 A=2.593  
C=3.397 C=2.593

R=77.500

(RING)



PLAN 65R-30177  
PART 31

PLAN 65R-3017  
PART 30

CF

TWE=207.79

CF

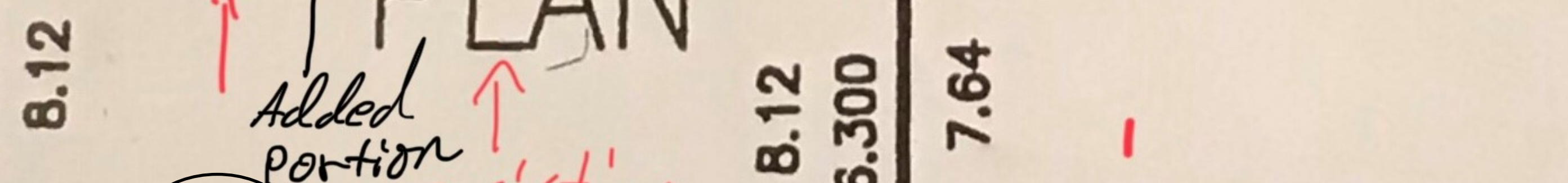
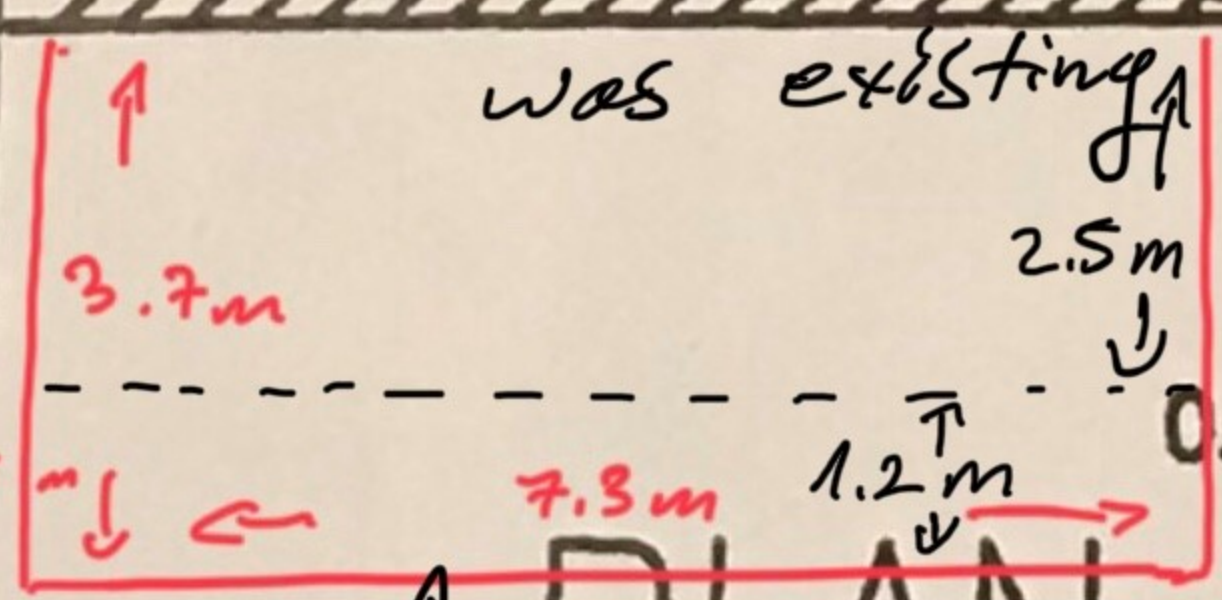
TWE=207.58

LOT 133

PIN 03341-2008(LT)

LOT 132

PIN 03341-2007(LT)



9.150

9.150



## **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.

**December 17, 2019 – Additional photos from applicant**

**December 16, 2019 – Letter from applicant with additional photos addressing letters of objection**

**December 17, 2019 – Yoram Meartsi, 27 Asner Avenue – no objections**

**December 14, 2019 – Yoram Meartsi, 27 Asner Avenue – Letter of objection**

**December 12, 2019 – Letter from applicant with photos**

**December 11, 2019 - Letter from the applicant addressing letter of objection**

**December 10, 2019 - Qing-Chong You, 22 Asner Avenue – Letter of objection**

**December 5, 2019 – Ariel & Rita Motlis, 33 Gamla Road – no objections**

## Attwala, Pravina

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**Subject:** FW: Minor Variance of Application by 28 Asner Avenue, Maple

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**From:** Qing-Chong You [REDACTED]  
**Sent:** December-10-19 10:12 PM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** Minor Variance of Application by 28 Asner Avenue, Maple

**ATTN:**  
**City of Vaughan**  
**Committee of Adjustment**  
**2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1**

Dear Committee of Adjustment:

We have received the Notice of Hearing for the Minor Variance of Application for 28 Asner Avenue, Maple. Unfortunately, we will not be able to attend the hearing. However, I am writing to express our opposition to this Application given that:

1. The proposed exterior deck distance from rear lot line will be much less than the By-law required distance.
2. The new exterior deck will greatly impact the beauty of the corridor of all the rear yards behind each unit. The new exterior deck will be almost sitting in the middle of the rear yards between two back-to-back units. Further, the current closed deck decoration (screens on two sides of the deck) is one bad example, which blocks the view and beauty of the rear yard corridor. The rear deck should not be taken as an extension of a residential unit.
3. A large deck would potentially attract more activities such as a gathering party on a deck, creating noises to the neighbours. It can be used for other purposes such as storage, impacting the view and beauty of the rear yard corridor.
4. A large deck will block the sunshine of the neighbouring units.
5. A large deck will not be compatible with other current decks of the neighbours.
6. Lastly and most importantly, if such a variance is approved, other units can apply for the same thing. The rear yard corridor would be out of control. I may ask, what are the purposes of defining the by-law requirements?

Thank you for hearing and considering the concerns that I am raising.

Regards,

Qing Chong You  
Owner  
22 Asner Avenue  
Maple, ON L6A 0W6

Sent from [Mail](#) for Windows 10

## Attwala, Pravina

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**Subject:** FW: A128/19 - LETTER OF OBJECTION and LETTER OF SUPPORT

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**From:** abraham simach [REDACTED]  
**Sent:** December-11-19 8:45 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** Re: A128/19 - LETTER OF OBJECTION and LETTER OF SUPPORT

I see what the neighbour says.  
Fortunately my next door neighbour has a smaller back yard with the same size deck as mine.  
My deck is in line with next door neighbour.  
Also up the street there's more more decks same size as the one I made.  
I can't see his point proven.  
As far as the privacy screens  
They are the to give me more privacy as well as to the neighbour.

Avi Simach

## Attwala, Pravina

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**From:** abraham simach [REDACTED]  
**Sent:** December-12-19 1:56 PM  
**To:** Attwala, Pravina  
**Subject:** Re: A128/19 - LETTER OF OBJECTION and LETTER OF SUPPORT

Hello Pravina

Attached two pictures showing that my neighbours deck is within the same line as my deck and up the road there are more decks same depth and same size yard.

Thank you











**Attwala, Pravina**

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**Subject:** FW: Application A128/19, 28 Asner Ave

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**From:** Eric Motlis [REDACTED]  
**Sent:** December-05-19 11:34 AM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** Application A128/19, 28 Asner Ave

Further to this hearing on variance request, as neighbour at 33 Gamla Rd, I HAVE NO OBJECTION to this application.

Ariel and Rita Motlis

**Attwala, Pravina**

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**Subject:** FW: ASNER 28 and ASNER 27, Maple -Pool and,Deck installation

**From:** Yoram Meartsi

**Sent:** December-17-19 6:32 AM

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

**Subject:** RE: ASNER 28 and ASNER 27, Maple -Pool and,Deck installation

Dear Pravina,

I have checked the address on your letter and it seems that there is an error here.

Asner 28 has no connection to my lot as it is at the other side of the street (ASNER). Also Asner 28 did not build a pool or have a pool.

When I wrote my email as a response to your letter I was referring to the lot with their backyard facing my backyard which is in fact 28/30 Geshar Crescent.

We have no issues with 28 Asner House. We cannot see their backyard or deck or any other issues.

28/30 Geshar Crescent are the ones who recently built a pool at their backyard and a deck around the Pool.

Thank you

Yoram M.

**Attwala, Pravina**

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**Subject:** FW: ASNER 28 and ASNER 27, Maple -Pool and,Deck installation

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**From:** Yoram Meartsi  
**Sent:** December-14-19 11:21 AM  
**To:** Committee of Adjustment <CofA@vaughan.ca>  
**Subject:** ASNER 28 and ASNER 27, Maple -Pool and,Deck installation

Dear Sir/madam,

We Are The Neighbors at 27 Asner Avenue our backyard is facing the backyard of 28 Asner Avenue .

We noticed that the swimming pool construction is already completed swimming pool is already installed deck is already installed .

our major concern is related to two major issues:

1. First one is the fact that the deck and the pool are a meter high above ground creating a situation where people are walking on the deck at 28 Asner Avenue can now see and scope into our backyard with no privacy. They can entirely see what's going on in our yard and our house our kitchen is facing the backyard and our backyard is adjacent. they walk and see the entire backyard because the fence is NOW is now 1 meter high instead of being 2 meters high.

2.The other issue is the fact that the deck is very close to the fence I don't have measurements but I believe it's really close to our fence so it's jeopardizing our privacy.

These are the two main concerns. With respect to drainage we don't know yet anything is ot going to affect us because pool was just installed in the winter and it wasn't in use yet in the summer so we only going to see the affect on water flow in the summer of 2020.

We suggest to raise the fence between 27 and 28 asner by additional meter. We also ask to guarantee that water will NOT be now flowing into our yard from 28 Asner.

If this will be completed, we believe that it should be resolved.

Thank you

Yoram and Ronit Meartsi

Sent from my Samsung Galaxy smartphone.

## Attwala, Pravina

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**Subject:** FW: A128/19 - LETTER OF OBJECTION

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**From:** abraham simach <[REDACTED]>  
**Sent:** December-16-19 9:06 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** Re: A128/19 - LETTER OF OBJECTION

I really don't understand what are these neighbours talk about  
They kind of formed a force against me and my deck, I don't have any pool installed and it's just showing the lack of any knowledge of what's done.  
The neighbour at 22 went to them because they speak the same language and asked them to form a letter against without even checking any facts.  
This is a really not acceptable situation where they don't even know me and didn't even come to check and see anything.  
They talk about water overflow from my yard and that I have a pool that is one meter high, with all due respect but this is all nonsense.  
I have attached a picture to show you my "pool"  
If you see a pool in backyard please let me know so I can enjoy it next summer.  
I have put these trees so I get more privacy, in hope that the trees will grow as high as possible giving me the most privacy from neighbours.  
I'm a single dad, and I'm only trying to give my kids as much convenience and comfort in the new place that I got. I'm not interfering with anyone's business and I just want to have privacy









Avi Simach  
Vinyl Fence Forever  
196 wildcat rd. North York



**Attwala, Pravina**

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**Subject:** FW: A128/19 - LETTER OF OBJECTION

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**From:** abraham simach [REDACTED]  
**Sent:** December-16-19 9:07 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** Re: A128/19 - LETTER OF OBJECTION

I also think that 27 asner is across of me and they facing Gesher

Avi Simach  
Vinyl Fence Forever  
196 wildcat rd. North York  
[REDACTED]

**Attwala, Pravina**

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**Subject:** FW: A128/19 - LETTER OF OBJECTION

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**From:** abraham simach [REDACTED]  
**Sent:** December-16-19 9:50 AM  
**To:** Attwala, Pravina <Pravina.Attwala@vaughan.ca>  
**Subject:** Re: A128/19 - LETTER OF OBJECTION

Hello Pravina

I have to say that I'm very surprised by that letter and I feel harassed by those neighbours that never came in to greet or check anything before writing letters, they only assume, they assume that I have pool and assume that I will have parties in my house, with all due respect no one can tell me what to do in my personal bubble.

I also would like to add that before doing anything with these letters coming from neighbours it should be checked thoroughly and verified. The city have all the information and can easily see that I don't have a pool and that this letter has no grounds or base.

How can I interfere with someone's backyard when I live on 28 asner and the complaining letter came from 27 asner. It's on the other side of the road so he can't even see my deck.

I think that it's a proof that there's only one person that pushing and conspiring against me, while we never had any interaction of any sort.

Sincerely

Avi Simach  
Vinyl Fence Forever  
196 wildcat rd. North York  
[REDACTED]

**Attwala, Pravina**

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**From:** abraham simach [REDACTED]  
**Sent:** December-17-19 3:38 PM  
**To:** Attwala, Pravina  
**Subject:** Deck pictures

I just wanted to add those pictures to the file before the hearing.



















## **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 11:02 AM  
**To:** Vigneault, Christine  
**Subject:** (A128/19) MVAR.19.V.0457 - 28 Asner Avenue

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 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)

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