Ward #5

File:	A018/20
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**Applicants:** Mareyam Ghatreh and

Fariba Kamran-Samani

37 Idleswift Drive, Thornhill Address:

Elmira Zarrabi Agent:

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	Positive Comment	Condition(s)
	Negative Comment	<b>√</b> ×
Committee of Adjustment	V	
Building Standards	V	
Building Inspection	V	
Development Planning	V	
Cultural Heritage (Urban Design)	V	
Development Engineering	V	$\overline{\checkmark}$
Parks, Forestry and Horticulture Operations	$\overline{\checkmark}$	$\overline{\mathbf{V}}$
By-law & Compliance		
Financial Planning & Development	$\overline{\checkmark}$	
Fire Department	V	
TRCA	V	$\overline{\checkmark}$
Ministry of Transportation	V	
Region of York	V	
Alectra (Formerly PowerStream)	V	
Public Correspondence (see Schedule B)		

Adjournment History: None.	
Background History: None.	
***************************************	

Staff Report Prepared By: Lenore Providence Hearing Date: Thursday, June 11, 2020



## Minor Variance Application

Agenda Item: 11

**A018/20** Ward: 5

Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:

Thursday, June 11, 2020 at 6:00 p.m.

As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at Vaughan.ca/LiveCouncil

Please submit written comments by mail or email to:

City of Vaughan

Office of the City Clerk – Committee of Adjustment 2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1

cofa@vaughan.ca

To make an electronic deputation at the meeting please see Important Information on

next page for instructions or contact the Committee of Adjustment at

cofa@vaughan.ca or 905-832-8585. Ext. 8332.

Written comments and public deputation requests must be received by noon

on the last business day prior to the scheduled hearing.

Applicant: Mareyam Ghatreh-Samani and Fariba Kamran-Samani

Agent: Elmira Zarrabi

Property: 37 Idleswift Drive, Thornhill ON

**Zoning:** The subject lands are zoned R1V and subject to the provisions of Exception under

By-law 1-88 as amended

**OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

Related Files: None.

**Purpose:** Relief from the by-law is being requested to permit the construction of a proposed

single family dwelling.

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

By-law Requirement	Proposal
1. The maximum lot coverage is 20%. [4.1.9,	1. The proposed lot coverage is 22.71% (Dwelling
Schedule "A"].	22.35% covered porch 0.36%).
2. The maximum building height is 9.5 metres. [4.1.9,	2. The proposed building height is 10.65 metres.
Schedule "A"].	

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

Adjournment History: N/A

## **Staff & Agency Comments**

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

## **Committee of Adjustment:**

Public notice was mailed on May 27, 2020

Applicant confirmed posting of signage on May 26, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1958 (to be demolished)
Deck	Proposed
Balconies	Proposed

Applicant has advised that they cannot comply with By-law for the following reason(s): The building is located on a high slope, the height of the building is calculated from the top of the roof and average grade at front wall. The coverage variance is requested to accommodate the 4 car garage.

### 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 10m2.

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

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

The subject lands appear to be subject to the Greenbelt Act.

### **Building Inspections (Septic):**

No comments or concerns

### **Development Planning:**

City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"

The Owner is requesting permission to construct a 2-storey dwelling with above noted variances.

The proposed dwelling coverage of 22.71% (variance 1) is considered minor in nature and an appropriate form of development, given the dwelling's mass is being contained in the depth of the lot, while maintaining the front, side and rear yard setbacks in an R1V Old Village Residential Zone. The proposed building height of 10.65 m (variance 2), represents an increase of 1.15 m, which in terms of scale remains compatible with other 2-storey dwelling homes in the area and will only apply to a small portion of the flat roof (measured from finished grade to the top of flat roof).

An Arborist Report (prepared by D. Andrew White, dated March 2, 2020) and Tree Preservation Plan identifies the existing trees located on the Subject Lands and along the shared property line will be enclosed by protective barriers prior to, during and after construction activities have taken place.

The Development Planning Department has reviewed the application and is of the opinion that it 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 application.

### Cultural Heritage (Urban Design):

No comments or concerns

## **Development Engineering:**

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

The Development Engineer (DE) Department does not object to variance application A018/20 subject to the following condition(s):

1) 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 and pay the required fees.

### Parks, Forestry and Horticulture Operations:

Prior to permit issuance the arborist report shall be amended in the following area(s):

- Replace "Woodbridge" with "Thornhill"- Introduction (first paragraph);
- Include in the report the following statement: "all pruning of roots and branches shall be conducted by an ISA certified arborist or equivalent, or under the supervision of an ISA certified arborist or equivalent and shall be in accordance with good arboricultural standards and practices";
- Include in the report the following statement: "all works within the prescribed TPZ (tree protection zones) shall be monitored by an ISA certified arborist or equivalent and shall be in accordance with good arboricultural standards and practices";

The Forestry Department does not object to variance application A018/20 subject to the following condition(s):

- Applicant shall apply for a Private Property Tree Removal & Protection (CONSTRUCTION OR INFILL)
  permit;
- 2) The applicant shall amend the Arborist Report to the satisfaction of the Forestry department;

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

No Response.

### **Financial Planning and Development Finance:**

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

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges Bylaws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment

That the payment of applicable Special Area Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Special Area Development Charge By-laws in effect at time of payment.

### **Fire Department:**

No comments or concerns

Schedule A - Plans & Sketches

## Schedule B – Public Correspondence

None.

### Schedule C - Agency Comments

TRCA – comments with conditions
MTO – Located outside of MTO permit control area
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, the following conditions have been recommended:

	Department/Agency	Condition
1	Development Engineering Jason Pham 905-832-8585 x 8716	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
	jason.pham@vaughan.ca	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 and pay the required fees.
2	Parks, Forestry and Horticulture Operations Andrew Swedlo 905-832-8585 x 3615 Andrew.Swedlo@yaughan.ca	<ol> <li>Applicant shall apply for a Private Property Tree Removal &amp; Protection (CONSTRUCTION OR INFILL) permit;</li> <li>The applicant shall amend the Arborist Report to the satisfaction of the Forestry department;</li> </ol>
3	TRCA Hamedeh Razavi  416-661-6600 x 5256 hamedeh.razavi@trca.ca	That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.

### **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.

### **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.

## **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;

**PLEASE NOTE:** As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

**PUBLIC CONSULTATION DURING OFFICE CLOSURE:** Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

**ELECTRONIC PARTICIPATION:** During the COVID-19 emergency, residents can view a live stream of the meeting at **vaughan.ca/LiveCouncil.** To make an electronic deputation, residents must contact the Committee of Adjustment no later than **noon** on the last business prior to the day of the scheduled hearing (see above for contact details).

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video 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.

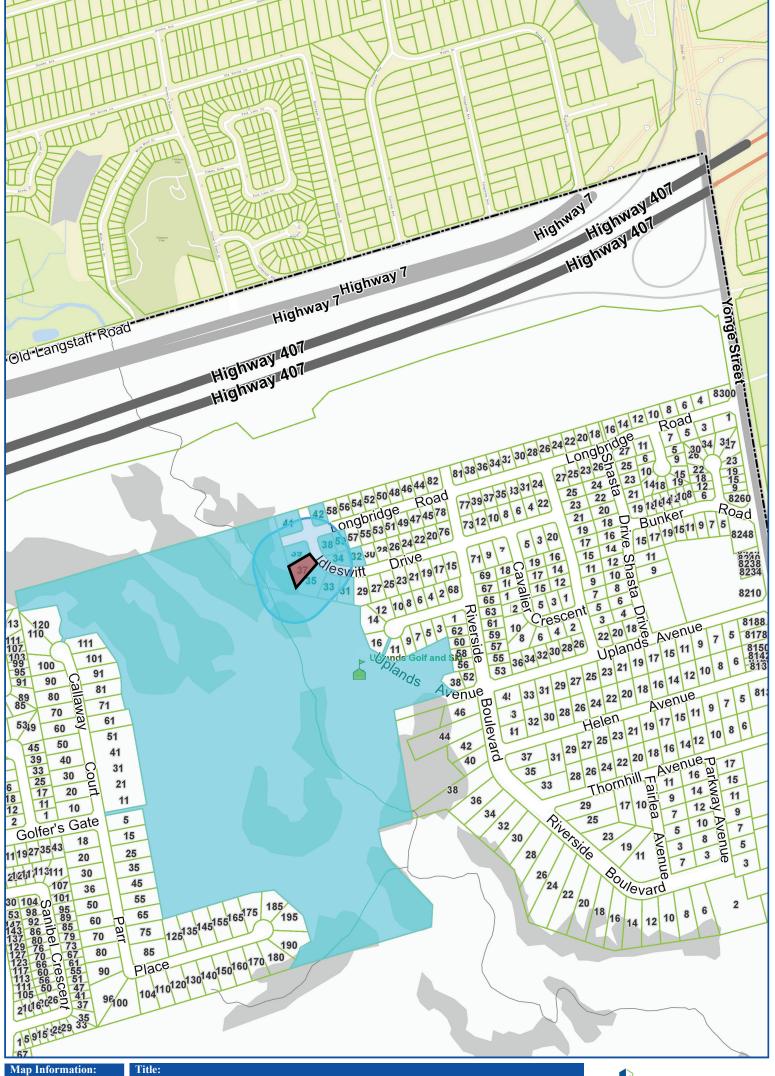
For further information please contact the City of Vaughan, Committee of Adjustment

T 905 832 8585 Extension 8394 E <u>CofA@vaughan.ca</u>

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.

Location Map Plans & Sketches





37 IDLESWIFT DRIVE, THORNHILL

NOTIFICATION MAP - A018/20

Disclaimer:

DISCIAITHEF:
Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes ne responsibility of liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



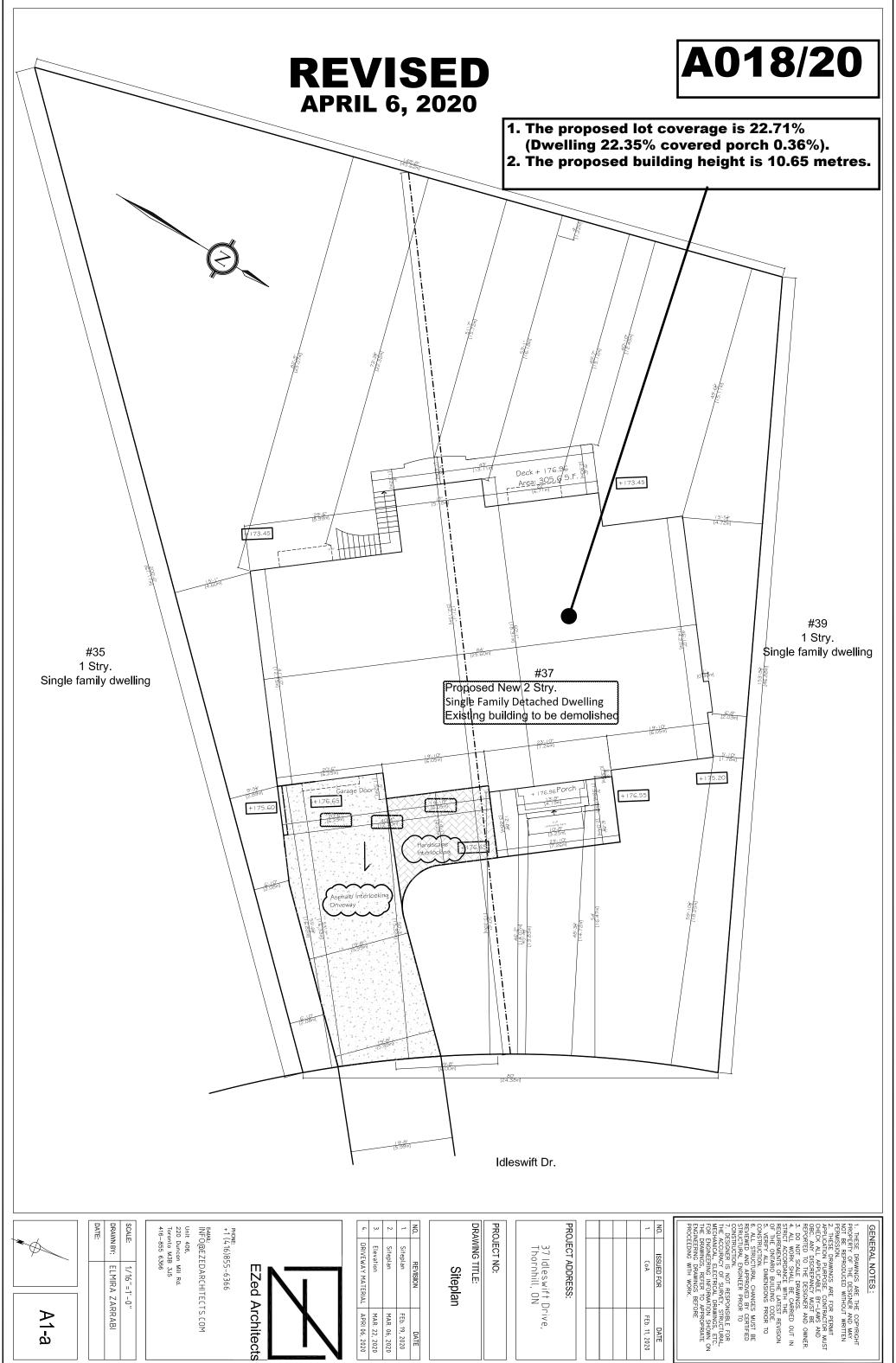
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0.12 km



Created By: Infrastructure Delivery Department April 23, 2020 3:29 PM

Projection: NAD 83 UTM Zone



ELMIRA ZARRABI

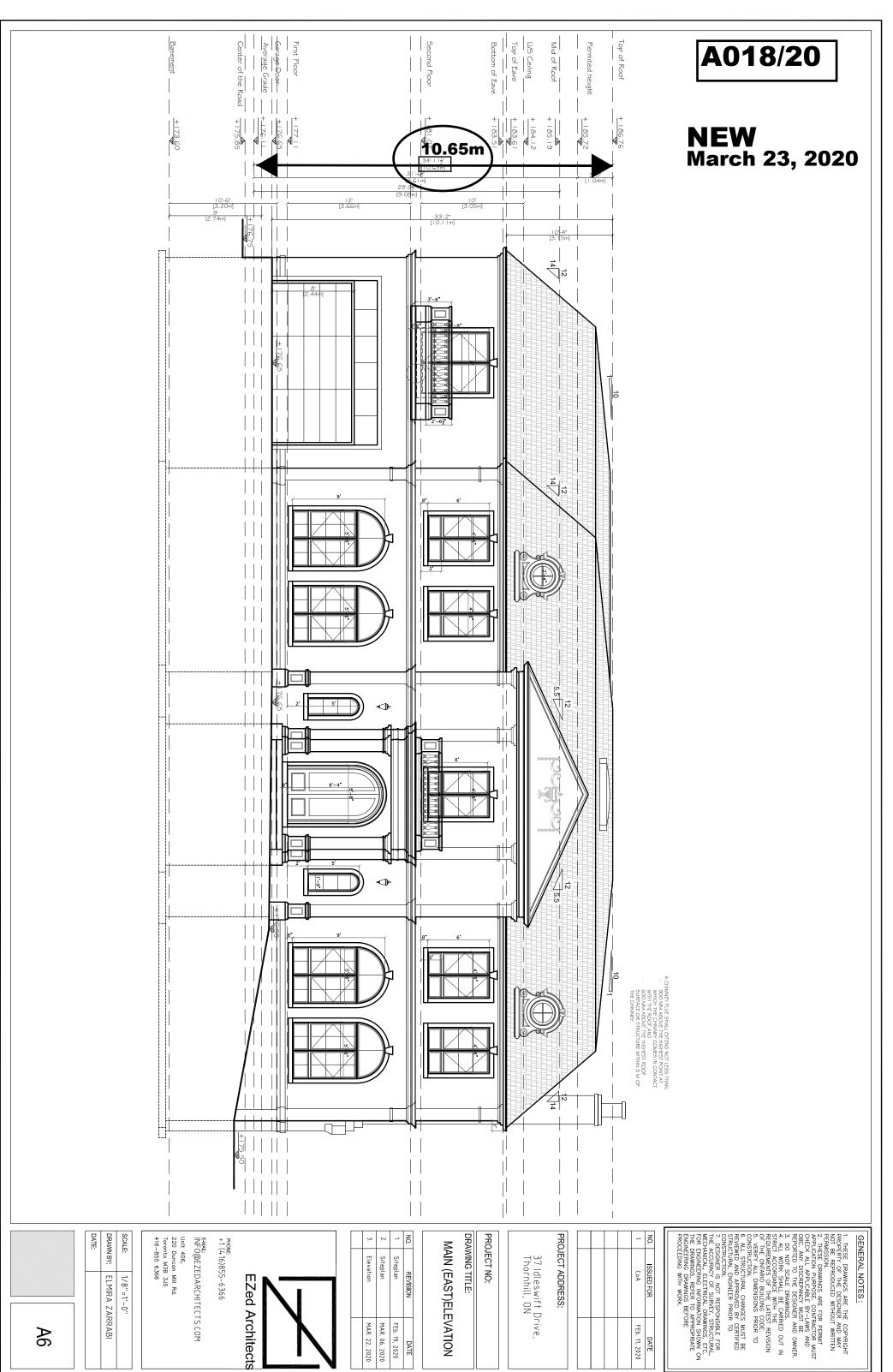
EZed Architects

REVISION	DATE
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iiteplan	MAR. 06, 2020
levation	MAR. 22, 2020
RIVEWAY MATERIAL	APRI 06, 2020

REVISION	DATE
iteplan	FEb. 19, 2020
iteplan	MAR. 06, 2020
levation	MAR. 22, 2020
IVEWAY MATERIAL	APRI 06, 2020

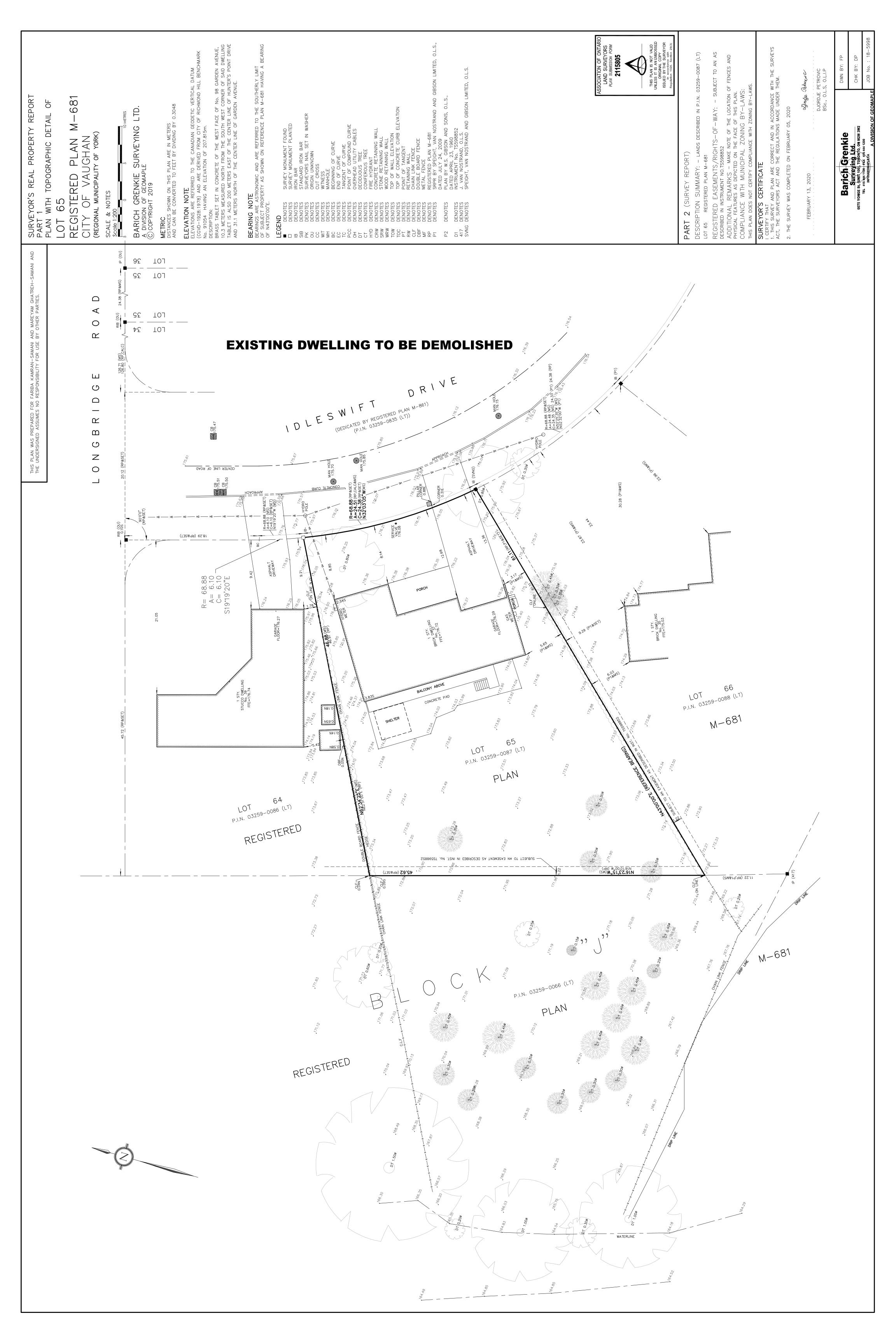
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·	REVISION	DATE
	Siteplan	FEb. 19, 2020
	Siteplan	MAR. 06, 2020

FEb. 11, 2020

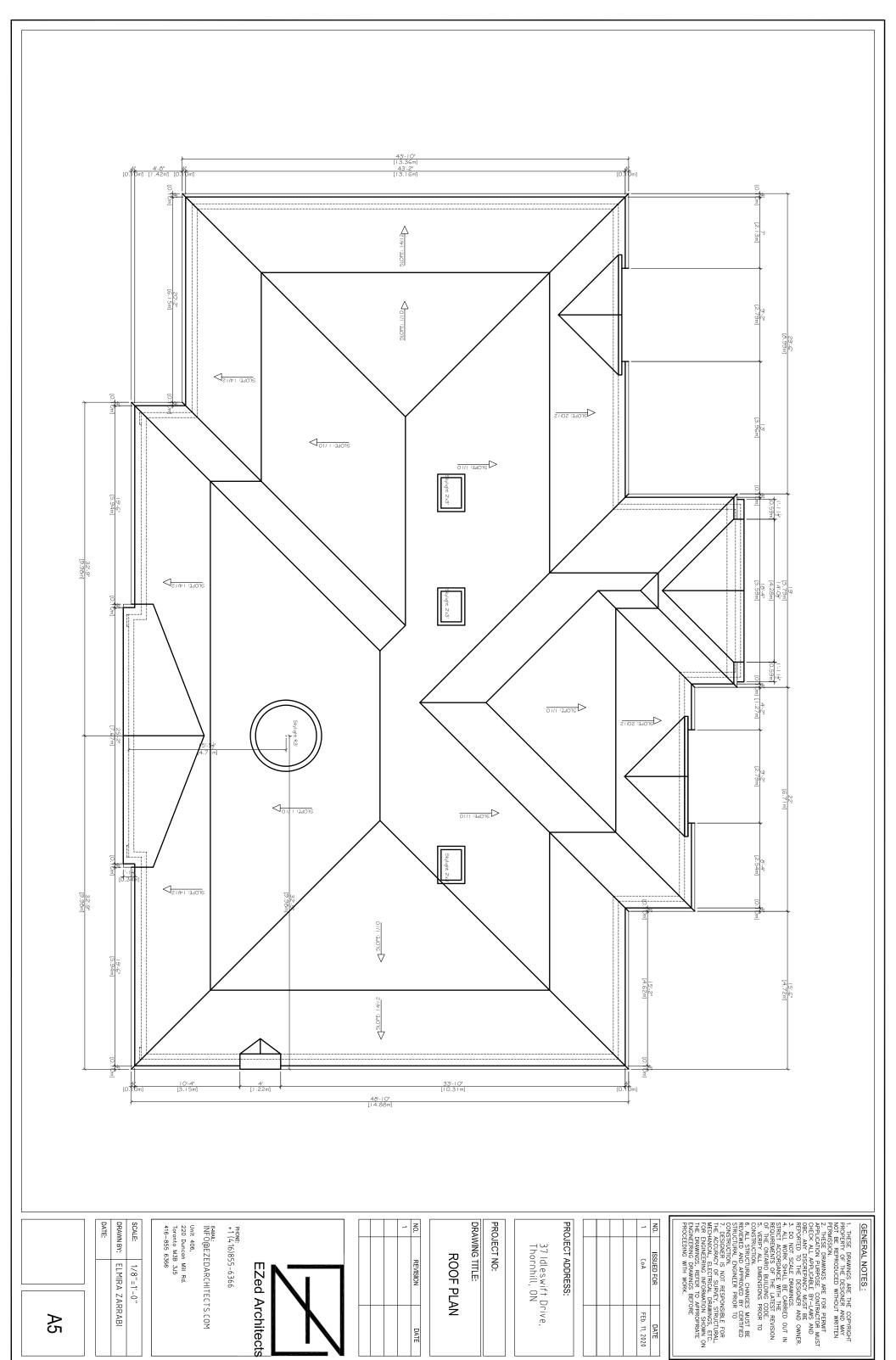


DATE

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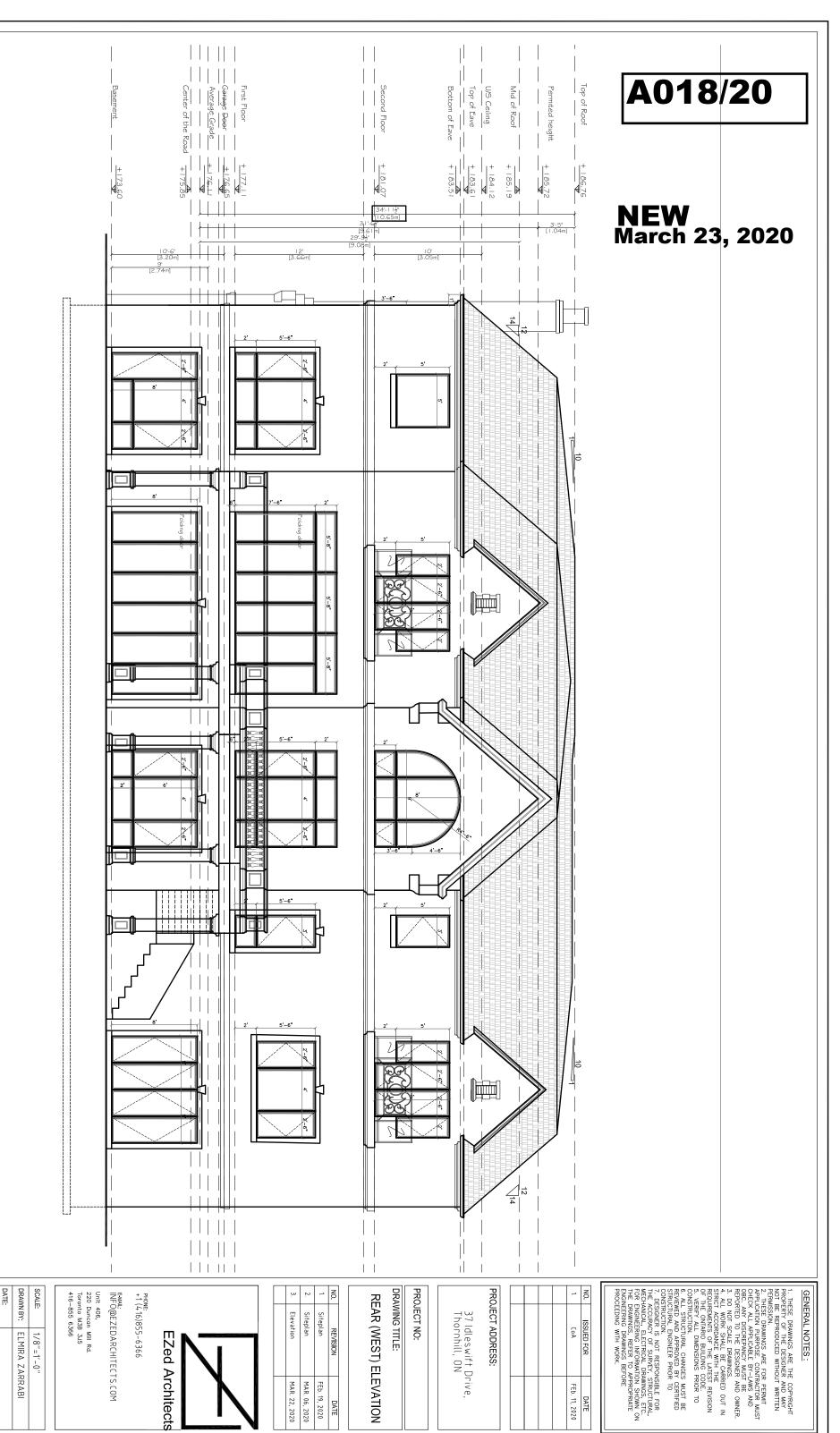




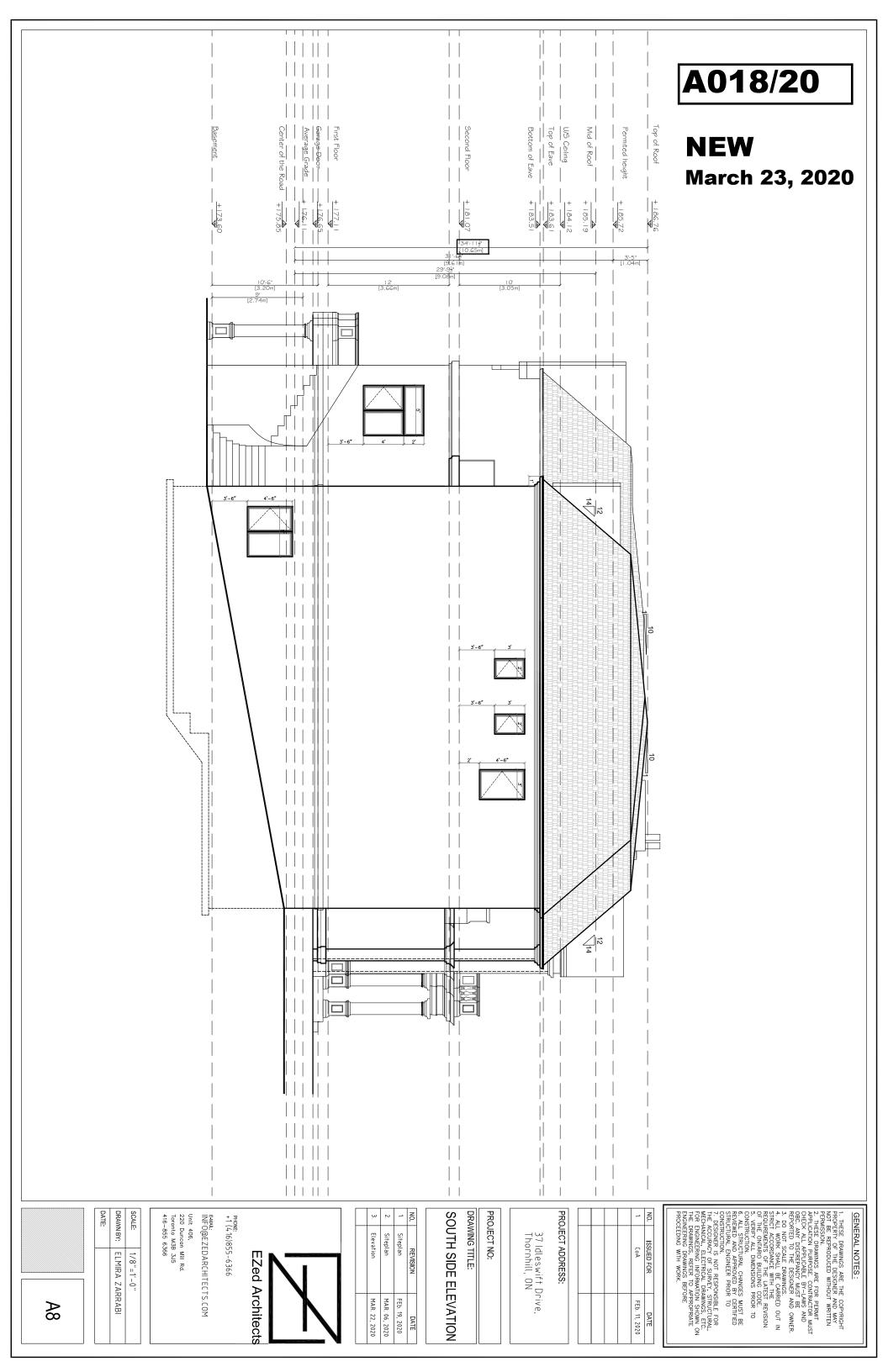


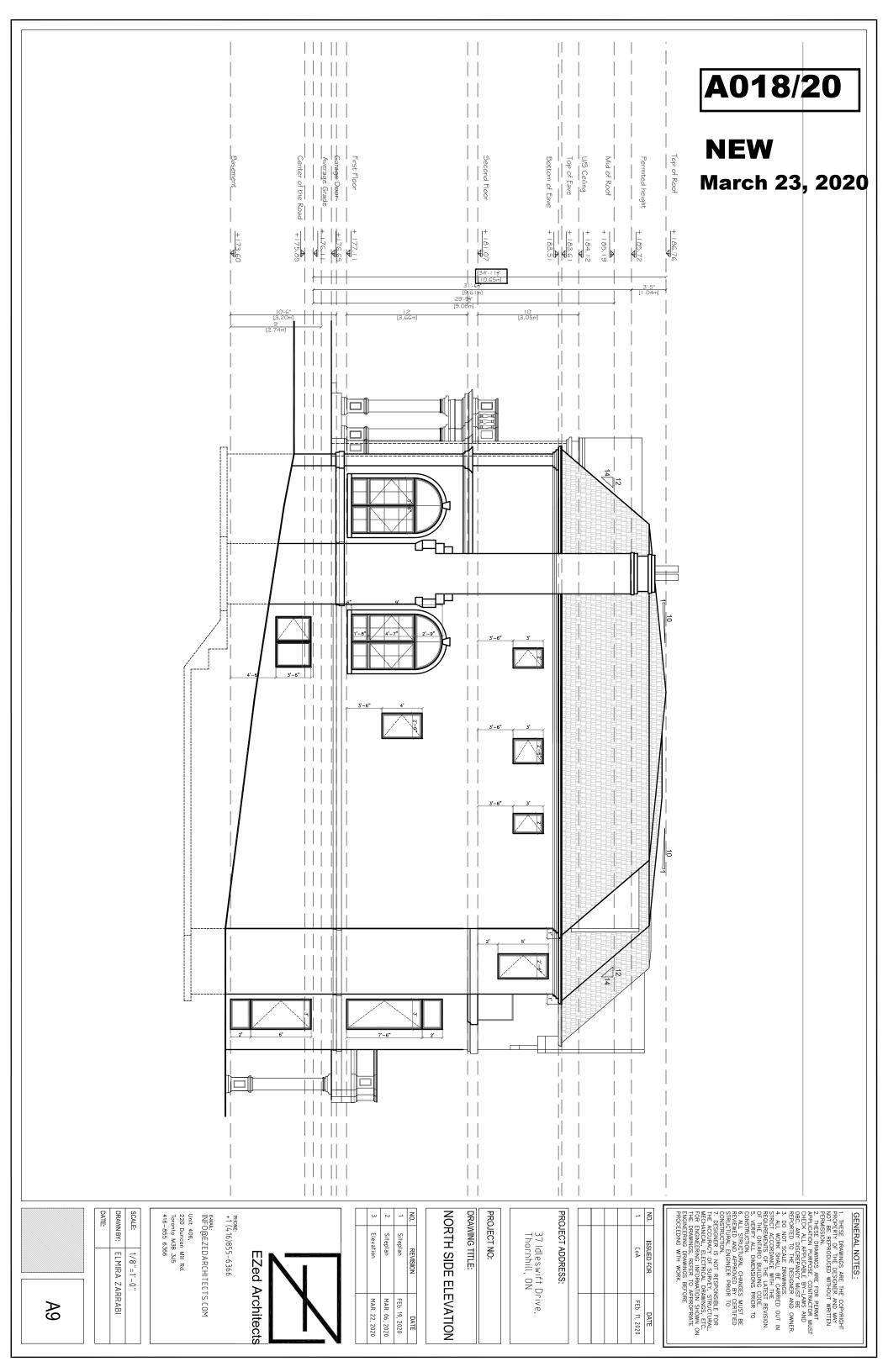
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A7





# 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.

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.-

TRCA – comments with conditions
MTO – Located outside of MTO permit control area
Alectra (Formerly PowerStream) – No concerns or objections
Region of York – No concerns or objections



April 8, 2020 CFN 62574.12

### SENT 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 Christine:

Re: Minor Variance Application A018/20

37 Idleswift Drive, PLAN M681 Lot 65 City of Vaughan, Region of York

Owner: Mareyam Ghatreh-Samani and Fariba Kamran-Samani

(Agent: Elmira Zarrabi c/o EZed Architects)

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on March 24, 2020. TRCA staff has reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

#### **Background**

The purpose of Application A018/20 is to request the following:

- 1. The proposed lot coverage is 22.71%.
- 2. The proposed building height is 10.65 metres.
- 3. The proposed width of the driveway is 12.3 metres in width.
- 4. The proposed parking is in the front yard on a portion of the driveway not used to gain direct access to a garage or carport, or rear or side yard parking space.

It is our understanding that the purpose of the noted variances is to permit the construction of a new two storey single-family dwelling.

### **Applicable TRCA Policies and Regulations**

### Living City Policies (LCP):

The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) describes a 'Natural System' made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long-term protection and enhancement. The LCP also provides policies for developing adjacent to, and in, the Natural System (where permitted), while meeting natural hazard management requirements, and maintaining and enhancing the functions of the protected Natural System. These policies also seek to integrate the natural and built environments, maximizing opportunities for

Ms. Vigneault April 8, 2020

ecosystem services from across the entire landscape. It is these policies that guide TRCA's review of the subject application, along with those found in other Provincial and municipal plans, documents and guidelines.

### Ontario Regulation 166/06:

The subject property is partially located within the TRCA's Regulated Area of the Don River Watershed due to the presence of a valley corridor associated with a tributary of Don River to the west of the subject property. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses),* development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

### **Application-Specific Comments**

As noted above, a portion of the subject property is located within TRCA's Regulated Area. Based on a review of the submitted materials, the proposed development is not located within the Regulated Area. The current proposal will not impact any natural features or associated hazards and TRCA's policy interests are not affected; therefore, TRCA staff have no concern regarding the proposed variance.

#### **Fees**

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$580.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

### **Recommendation**

Based on the above, TRCA staff have **no objection** to the approval of Minor Variance Application A018/20, subject to the following condition:

1. That the applicant provides the required fee amount of \$580.00 payable to the Toronto and Region Conservation Authority.

I trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,

Hamedeh Razavi

Planner I

**Development Planning and Permits** 

HR/jb

Cc: <u>bez.samani1@gmail.com</u>

Elmira@ezedarchitects.com

From: Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>

Sent: March 25, 2020 3:29 PM

**To:** Providence, Lenore **Cc:** Scholz, Kevin (MTO)

Subject: [External] Re: A018/20 (37 Idleswift Dr. Thornhill) REQUEST FOR COMMENTS

Hi Lenore,

MTO Highway Corridor Management Section has reviewed the location of the above-referenced application. Please be advised that the subject land is located outside of MTO Permit Control Area.

As a result, an MTO Permit is not required from this office.

Regards,

Dan

### **Dan Della Mora**

Senior Project Manager
Ministry of Transportation – Central Region - Highway Corridor Management Section
159 Sir William Hearst Ave. 7<sup>th</sup> Floor, Downsview, ON M3M 0B7
416-235-4081
Dan.DellaMora@ontario.ca



### **COMMENTS:**

	We have reviewed the proposed Variance Application and have no comments or objections to its approval.
X	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 & Layouts (North)

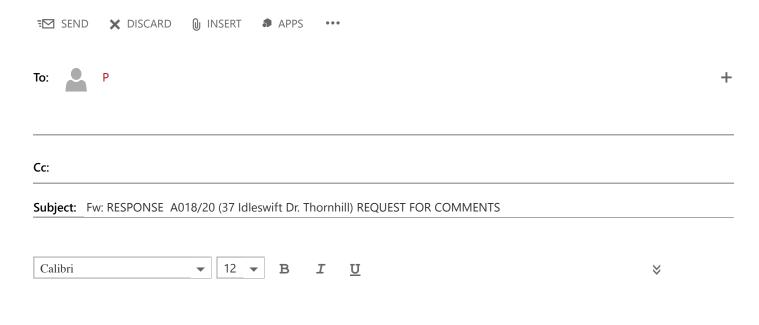
**Phone**: 1-877-963-6900 ext. 31297

**E-mail**: stephen.cranley@alectrautilities.com

Mr. Tony D'Onofrio

Supervisor, Subdivisions (Alectra East) **Phone**: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com



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

Sent: March 27, 2020 3:49 PM

To: Providence, Lenore

Subject: [External] RESPONSE A018/20 (37 Idleswift Dr. Thornhill) REQUEST FOR COMMENTS

### Good afternoon Lenore,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

## Gabrielle

Gabrielle Hurst mcip rpp | Associate Planner, Community Planning and Development Services | Corporate Services The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1 1-877 464 9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca