VAUGHAN Staff Report Summary

File:	A036/20
Applicant:	Alik Mertarchyan & Eva Ovakimyan
Address:	161 Thornhill Woods Dr Thornhill
Agent:	Professional Floor Plans Inc.

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	\checkmark ×
Committee of Adjustment		
Building Standards		
Building Inspection		
Development Planning		\checkmark
Cultural Heritage (Urban Design)		
Development Engineering		\checkmark
Parks, Forestry and Horticulture Operations		
By-law & Compliance		
Financial Planning & Development		
Fire Department		
TRCA		
Ministry of Transportation		
Region of York		
Alectra (Formerly PowerStream)		
Public Correspondence (see Schedule B)		

Adjournment History: N/

Background History: N/A

Staff Report Prepared By: Pravina Attwala Hearing Date: Thursday, July 9, 2020



Minor Variance Application Page 2 Agenda Item: 11

A036/20

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:	Thursday, July 9, 2020 at 6:00 p.m.						
Stream Hearing:	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 <u>cofa@vaughan.ca</u>						
	To make an electronic deputation at the meeting please contact the Committee of Adjustment at <u>cofa@vaughan.ca</u> or 905-832-8504. Ext. 8332						
	Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.						
Applicant:	Alik Mertarchyan & Eva Ovakimyan						
Agent:	Professional Floor Plans Inc.						
Property:	161 Thornhill Woods Dr Thornhill						
Zoning:	The subject lands are zoned RV3(WS) and subject to the provisions of Exception 9(1063) under By-law 1-88 as amended						
OP Designation:	City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential"						
Related Files:	None						
Purpose:	Relief from the by-law is being requested to permit the existing inground pool, pool equipment and gazebo located in the rear yard.						

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

By-law Requirement	Proposal
1. A minimum rear yard setback of 7.5 metres is	1. To permit a minimum rear yard setback of 2.42
required.	metres to a swimming pool.
2. A minimum rear yard setback of 7.5 metres is	2. To permit a minimum rear yard setback of 0.64
required.	metres to an accessory structure.
3. A minimum rear yard setback of 6.0 metres is	3. To permit a minimum rear yard setback of 1.4
required.	metres to a pool equipment.
4. A minimum interior yard yard setback of 1.2 metres is	4. To permit a minimum interior yard setback of 0.12
required.	metres to an accessory structure.
5. A minimum interior yard yard setback of 0.60 metres	5. To permit a minimum interior yard setback of 0.45
is required.	metres to a pool equipment.

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

For information on the previous approvals listed above please visit <u>www.vaughan.ca</u>. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: N/A

Staff & Agency Comments

Committee of Adjustment:

Public notice was mailed on June 24, 2020

Applicant confirmed posting of signage on June 24, 2020

Property Information					
Existing Structures Year Constructed					
Dwelling	2008, 2013 (Purchased 2020)				

Applicant has advised that they cannot comply with By-law for the following reason(s): All structures including the in-ground swimming pool are already constructed.

Adjournment Request: None.

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.

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.

An A/C unit and/or pool equipment shall be setback a minimum of 0.6 metres from the interior side lot line; and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No comments or concerns

Development Planning:

Official Plan: City of Vaughan Official Plan ('VOP 2010'): "Low-Rise Residential" The Owner is requesting permission to maintain an existing in-ground pool, pool equipment, shed and gazebo with the above noted variances.

The Development Planning Department has no objection to Variance 1, as a rear yard setback of 2.42m to an existing pool (accessory use) poses no adverse effects on the surrounding properties given there is no associated mass and scale factors to consider. In addition, Development Planning staff have reviewed other rear yard swimming pools in the neighborhood and acknowledge the reduction to be appropriate for the area.

The Development Planning Department has no objection to Variances 2 and 3, as Development Engineering has concluded that a minimum setback of 0.6 metres is provided to allow for appropriate water drainage onsite. Additionally, Policy Planning and Environmental Sustainability ('PPES') staff have conducted a site visit and are of the opinion that a reduced setback to a vegetation protection zone ('VPZ') in relation to natural heritage feature (e.g., Woodland) should be validated and justified. The Development Planning Department concur with PPES's recommendation and the importance of ensuring all existing works do not negatively impact the significant woodland feature which directly abuts this property. A condition of approval to this effect has been included in the recommendation.

Development Planning staff are of the opinion that Variances 4 and 5 do not embody interior yard setbacks typically supported by Development Planning. However, the Development Planning Department has no further objections since it's been confirmed by Development Engineering staff during their site inspection that any water drainage and runoff issues caused by a setback of 0.12 metres to an existing structure and 0.45 metres to a pool equipment is mitigated by the amount of on-site soft landscape and open space area in the rear. Furthermore, Development Engineering has provided planning staff with letter from the Owners of 165 Thornhill Woods Drive confirming there has been no water runoff/drainage issues along their southeast property line since the accessory structures were constructed (approximately 2013).

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.

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If the Committee finds merit in the application, the following condition of approval is recommended:

A letter of opinion from a professional arborist/environmental consultant confirming the existing vegetation protection zone is sufficient and will not result in negative impacts to the adjacent woodland feature.

Development Engineering:

The applicant/agent has confirmed the accessory structure has been constructed since 2010 and has had no drainage issues reported since. The applicant/agent has provided a signed supportive letter from the adjacent neighbor confirming they have no issues with the existing accessory structure. Revised drawings were submitted indicating the eased troughs and rain water leader for the accessory structure to prevent any spilling to the neighbor's property and allow proper drainage along the property line.

The Development Engineering (DE) Department does not object to variance application A036/20 subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading approval for the existing gazebo on the property. Please visit or contact Development Engineering at developmentengineering@vaughan.ca for lot grading and/or servicing approval.

Parks, Forestry and Horticulture Operations:

Forestry has no comments at this time.

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

A036/20 - Public Correspondence (165 Thornhill Woods Drive, Thornhill)

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:

- \checkmark That the general intent and purpose of the by-law will be maintained.
- \checkmark 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.
- \checkmark 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 Planning	A letter of opinion from a professional arborist/environmental		
	Roberto Simbana	consultant confirming the existing vegetation protection zone is sufficient and will not result in negative impacts to the adjacent		
	905-832-8585 x 8810 roberto.simbana@vaughan.ca	woodland feature.		

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	Department/Agency	Condition
2	Development Engineering	The Owner/applicant shall submit the final Lot Grading to the
	Jason Pham	Development Inspection and Lot Grading division of the City's
		Development Engineering Department for final lot grading
	905-832-8585 x 8716	approval for the existing gazebo on the property. Please visit or
	jason.pham@vaughan.ca /	contact Development Engineering at
		developmentengineering@vaughan.ca for lot grading and/or
		servicing approval.

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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;

Notice to Public

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 <u>cofa@vaughan.ca</u>

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting <u>Vaughan.ca/LiveCouncil</u>. To make an electronic deputation, residents must complete and submit a <u>Public Deputation Form</u> no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit <u>www.vaughan.ca</u>

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.

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 8002 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

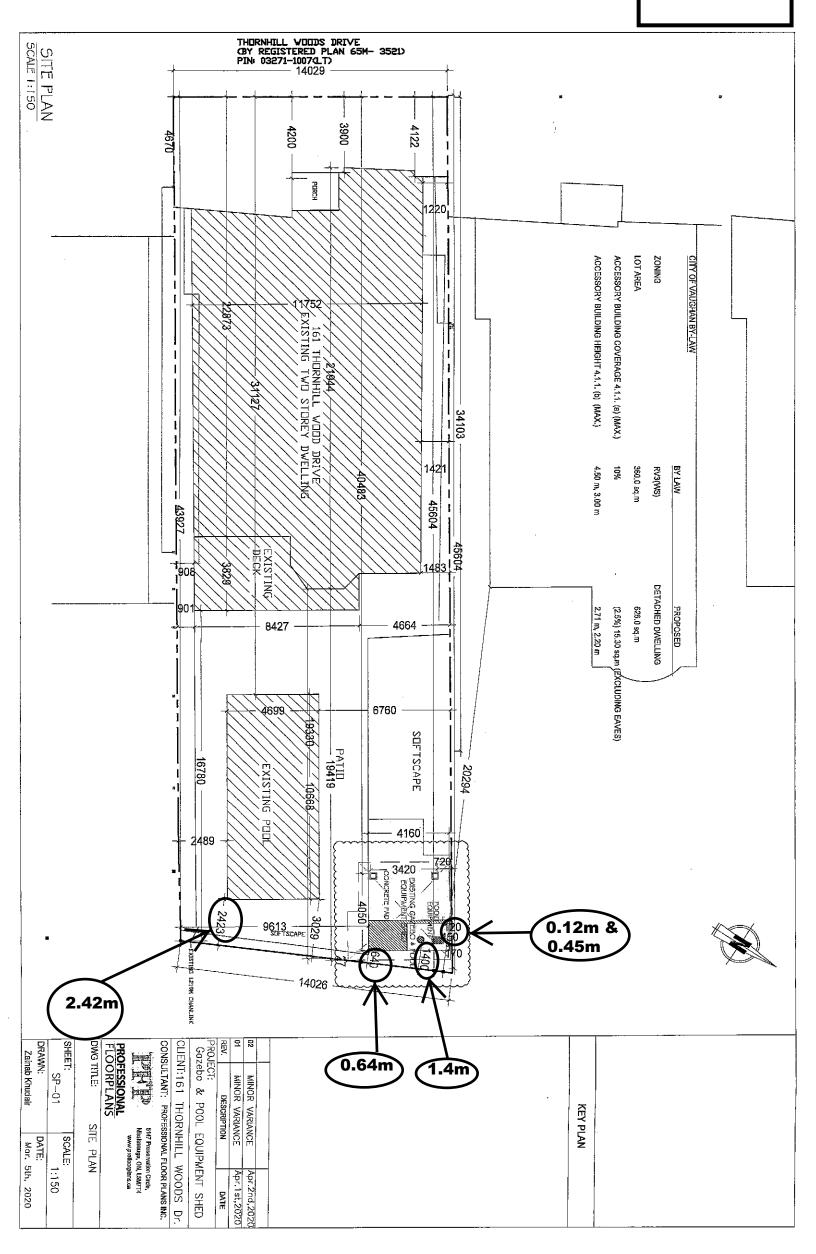


VAUGHAN LOCATION MAP - A036/20

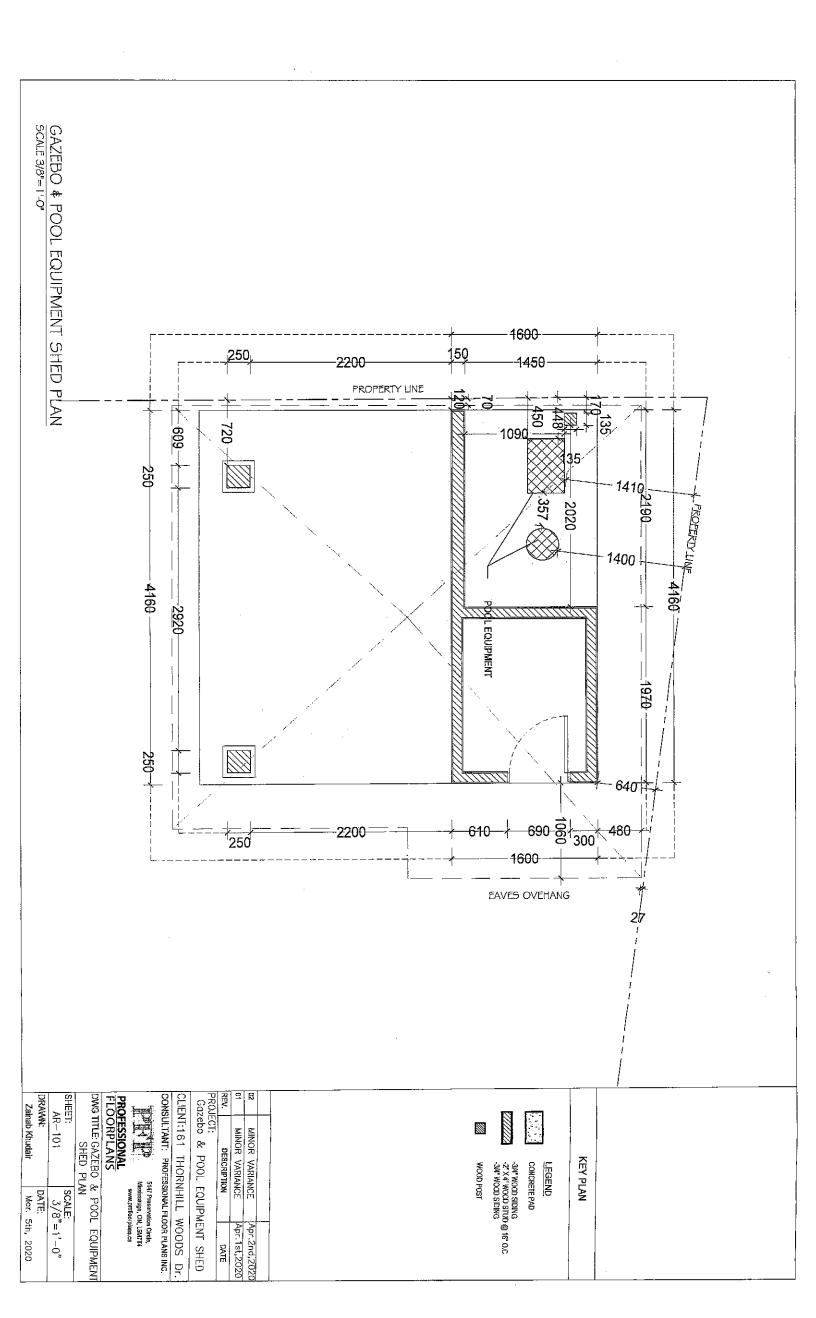
Dufferin Street

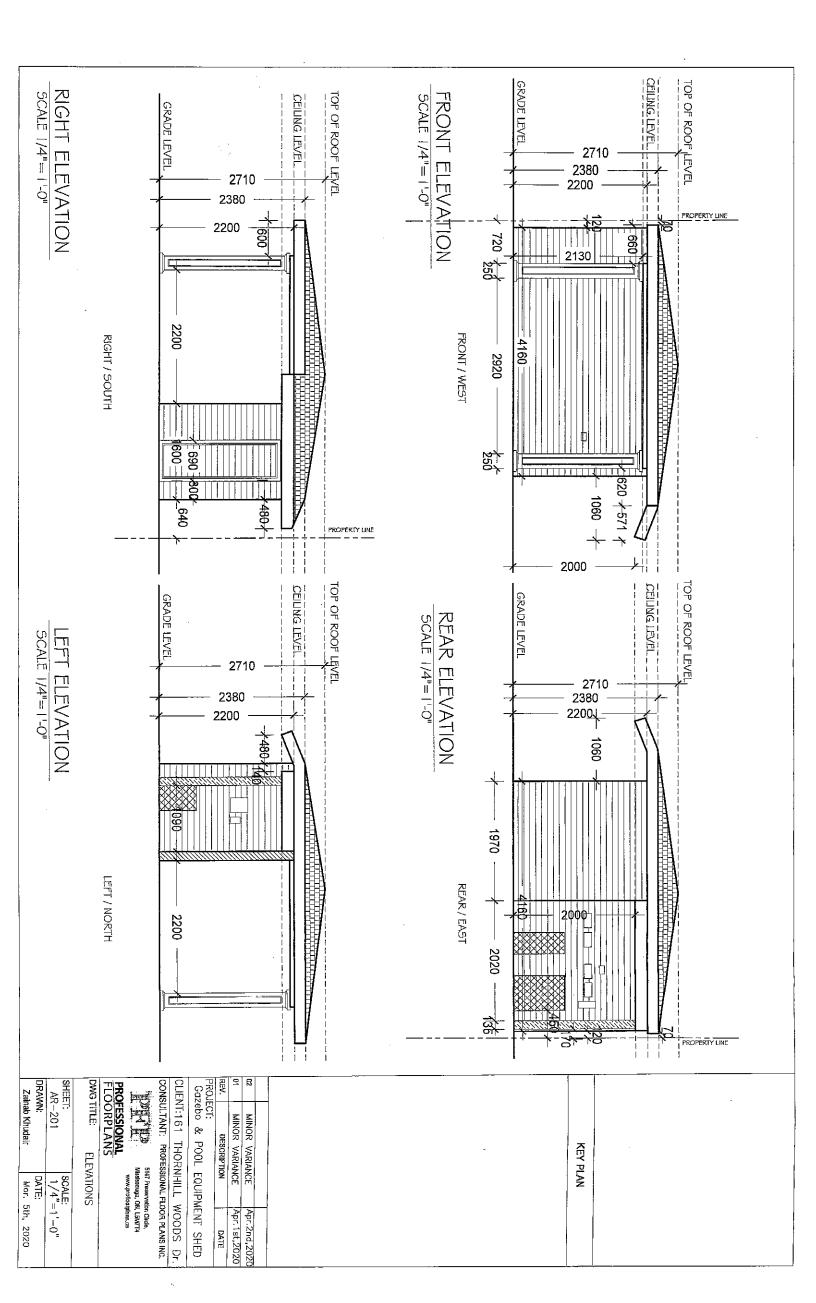
Langstaff Road

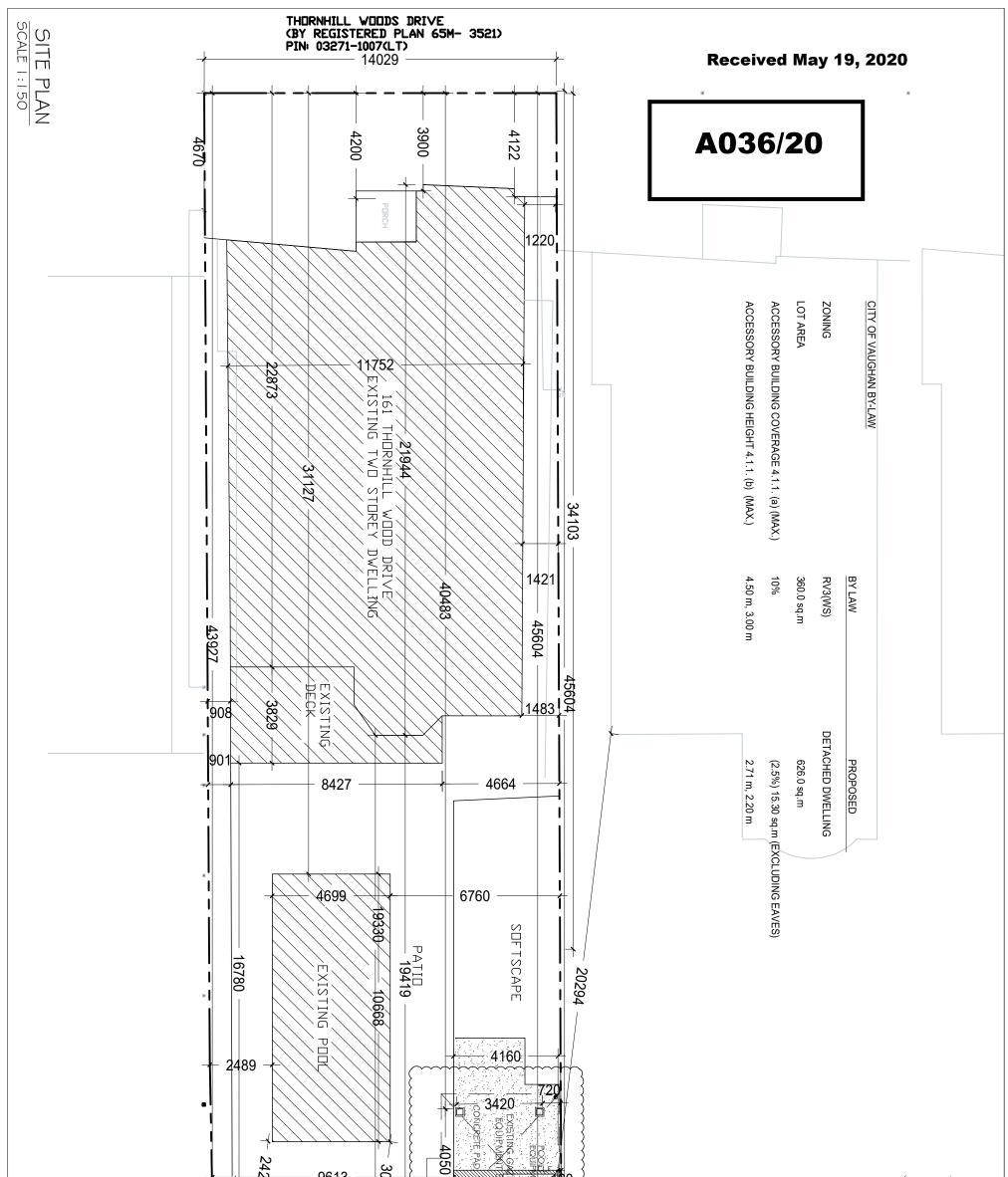
May 4, 2020 11:35 AM



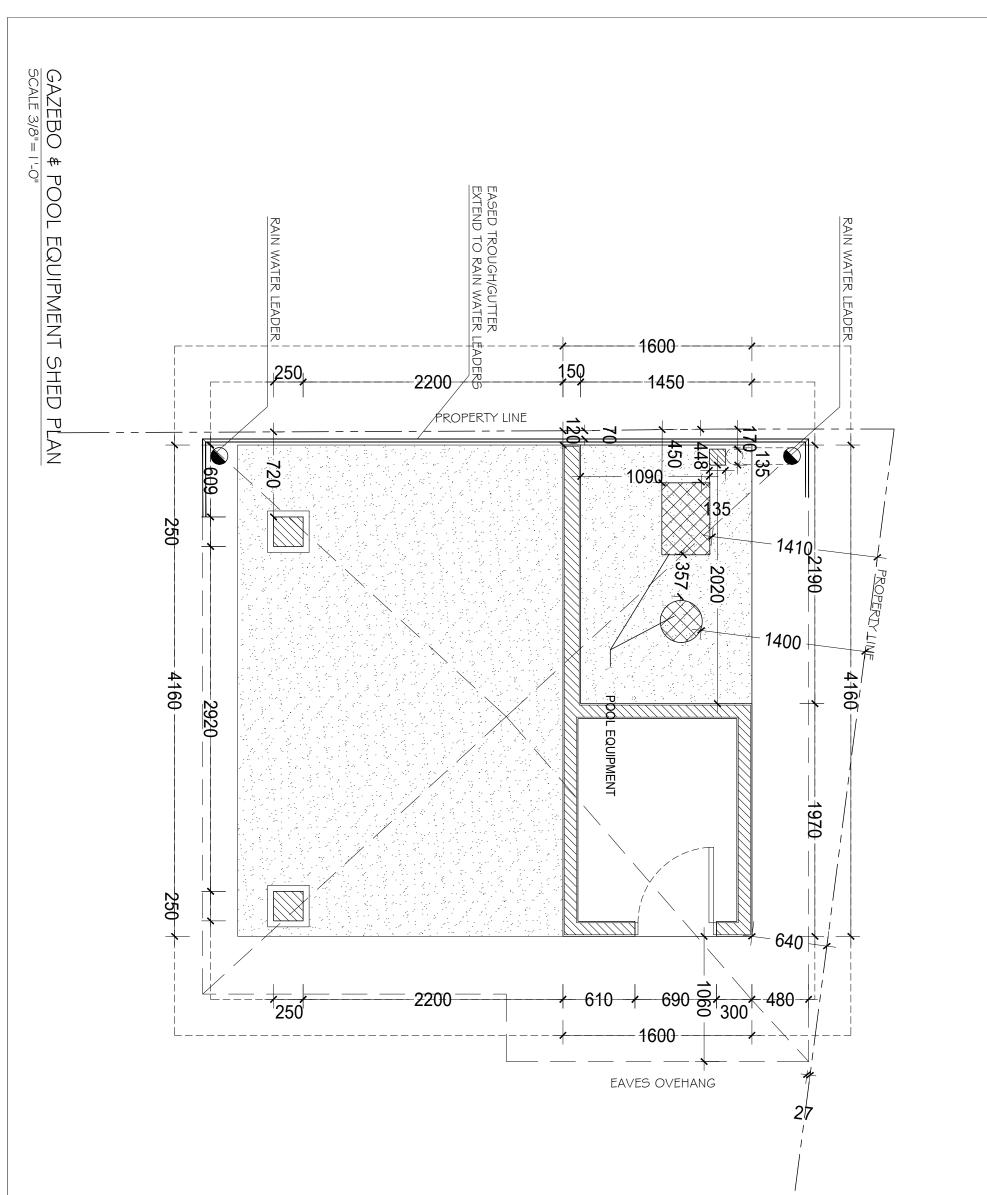
A036/20



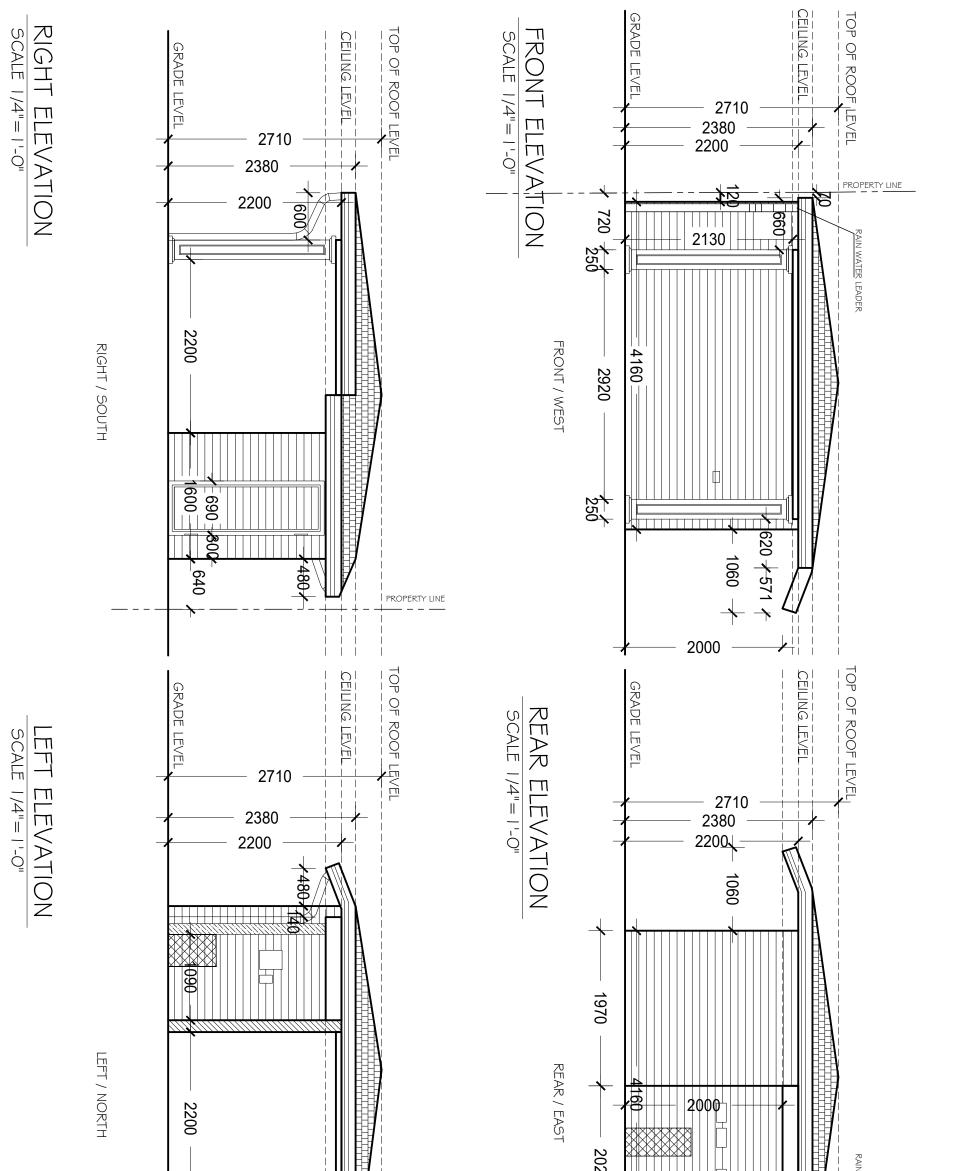




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DRAWN: Zainab Khudair	SHEET: SP-01	DWG TITLE: S	PROFESSIONAL FLOORPLANS	PFFP	CONSULTANT: PROFES)) 	PROJECT: Gazebo & POOI	묘	02 MINOR VARIA	KEY PLAN	
DATE: Mar. 5th, 2020	SCALE: 1:150	SITE PLAN	-	5147 Preservation Circle, Mississauga, ON, L5M7T4 www.profloorplans.ca	PROFESSIONAL FLOOR PLANS INC.		FOUIPMENT SHED	ION DATE	NCF Apr.2nd,2020		



PROFESSIONAL FLOORPLANS DWG TITLE: GAZEBO & POOL EQUIPMENT SHED PLAN SHEET: AR-101 SCALE: 3/8"=1'-0" DRAWN: Zainab Khudair DATE: Mar. 5th, 2020	PROJECT: Gazebo & POOL EQUIPMENT SHED CLIENT:161 THORNHILL WOODS Dr. CONSULTANT: PROFESSIONAL FLOOR PLANS INC. S147 Preservation Circle, Mississauga, ON, L5M7T4 www.profeorplans.ca	03 MINOR VARIANCE May19th,2020 02 MINOR VARIANCE Apr.2nd,2020 01 MINOR VARIANCE Apr.1st,2020 REV. DESCRIPTION DATE	LEGEND CONCRETE PAD -3/4" WOOD SIDING -2" X 4" WOOD SIDING WOOD SIDING WOOD POST	KEY PLAN



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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.

A036/20 – Public Correspondence (165 Thornhill Woods Drive, Thornhill)

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City of Vaughan I Office of the City Clerk 2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1 vaughan.ca

Attn: Pravina Attwala Assistant Secretary Treasurer to Committee of Adjustment 905-832-8585, ext. 8002 <u>pravina.attwala@vaughan.ca</u>

Dear Ms. Attwala I, Milan and Ljiljono. Solog owner of 165 Thornhill Woods Dr. would like to inform the committee of adjustment that my property is not impacted by any excess drainage from the shed at 161 Thornhill Woods Dr. adjacent to my south east property line.

I have no concerns in regards to this shed and I support my neighbour in his application to legalize this shed.

Kindly feel free to contact me for any questions

Name:

Address: 165 Thornhill Woods Dr., Thornhill, ON L4J 8R7

l'iljeus sobot

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.-

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. х

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: <u>stephen.cranley@alectrautilities.com</u>

Mr. Tony D'Onofrio Supervisor, Subdivisions (Alectra East) Phone: 1-877-963-6900 ext. 24419

Email: tony.donofrio@alectrautilities.com

Attwala, Pravina

Subject: FW: A036/20 - 161 THORNHILL WOODS DRIVE, THORNHILL - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

From: Development Services <developmentservices@york.ca>
Sent: May-07-20 9:15 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Subject: [External] RE: A036/20 - 161 THORNHILL WOODS DRIVE, THORNHILL - REQUEST FOR COMMENTS (Vaughan Committee of Adjustment)

Good morning Pravina,

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

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 | <u>Gabrielle.hurst@york.ca</u> |<u>www.york.ca</u>