



File: A059/20

Applicant: Adi Shaked

Address: 158 Rose Green Drive, Thornhill

Agent: Terra Nova Construction

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	<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)	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations		
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: 07

A059/20

Ward: 5

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, October 1, 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 contact the Committee of Adjustment at cofa@vaughan.ca 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: Adi Shaked

Agent: Terra Nova Construction

Property: 158 Rose Green Drive, Thornhill

Zoning: The subject lands are zoned R3, Residential and subject to the provisions of Exception 9(485) under By-law 1-88 as amended.

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed pergola and pool to be located in the rear yard. Relief is also being requested to permit pool equipment and an air conditioning unit in the westerly 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 rear yard setback of 1.5 metres is required to a private pool.	1. To permit a minimum rear yard setback of 1.0 metres to a private swimming pool.
2. A minimum interior side yard setback of 1.5 metres is required to a private pool.	2. To permit a minimum westerly interior side yard setback of 1.0 metres to a private swimming pool.
3. A minimum rear yard setback of 7.5 metres is required to a pergola.	3. To permit a minimum rear yard setback of 5.22 metres to a pergola.
4. A minimum interior side yard setback of 0.6 metres is required to uncovered and unenclosed pool equipment on a pad.	4. To permit a minimum interior side yard setback of 0.45 metres to uncovered and unenclosed pool equipment on a pad.
5. A minimum interior side yard setback of 0.6 metres is required to an air conditioning unit.	5. To permit a minimum interior side yard setback of 0.45 metres to an air conditioning unit.

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. 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 **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on September 16, 2020

Applicant confirmed posting of signage on September 21, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1985
Pergola	TBC
In-ground Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): Existing setback creates too much yard loss on an already very small backyard. I truly want to be able to bring joy to my kids lives for years to come with the installation of a pool.

Adjournment Request: None

Building Standards (Zoning Review):

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

A permit must be obtained from the Engineering Department for the proposed private swimming pool.

A building permit must be obtained from the Building Standards Department for the proposed pergola.

The Applicant has confirmed that the existing patio is on grade, and that the proposed pergola will be placed on grade.

The Applicant shall be advised that additional variances may be required upon review of detailed drawing for permit.

Building Inspections (Septic):

No comments or concerns.

Development Planning:

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

The Owner is requesting to permit an existing air conditioning (AC) unit in the side yard and the construct a proposed swimming pool, pergola and pool equipment with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 2, as the reduction is minor in nature and desirable for the area. The Owner has increased the rear and interior side yard from 0.6 metre to 1 metre to optimize the accessibility of the pool and provide adequate distance to the adjacent neighbours.

The Development Planning Department has no objection to Variance 3, as the variance for the proposed pergola is minor in nature and does not extend further into the rear yard than the existing rear patio. Additionally, the pergola massing remains proportionally balanced given the height and interior side yards comply to Zoning By-law 1-88.

The Development Planning Department has no objection to Variances 4 and 5, as the distance from the westerly interior side yard to the existing AC unit and proposed pool equipment does not inhibit access around the property. Furthermore, the Development Engineering staff have reviewed the reduced setbacks and have no concern.

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 application.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

The applicant has verified the proposed equipment pad with a setback of 0.45m will be ground mounted, uncovered with a permeable base to allow for drainage. Development Engineering Department will be okay with the proposed installation and will confirm for proper drainage through the pool permit inspection process.

The Development Engineering (DE) Department does not object to variance application A059/20.

Parks, Forestry and Horticulture Operations:

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

MTO – Located outside of MTO permit control area

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 and subject to the following conditions:
N/A

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
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil). To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) 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 www.vaughan.ca

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.

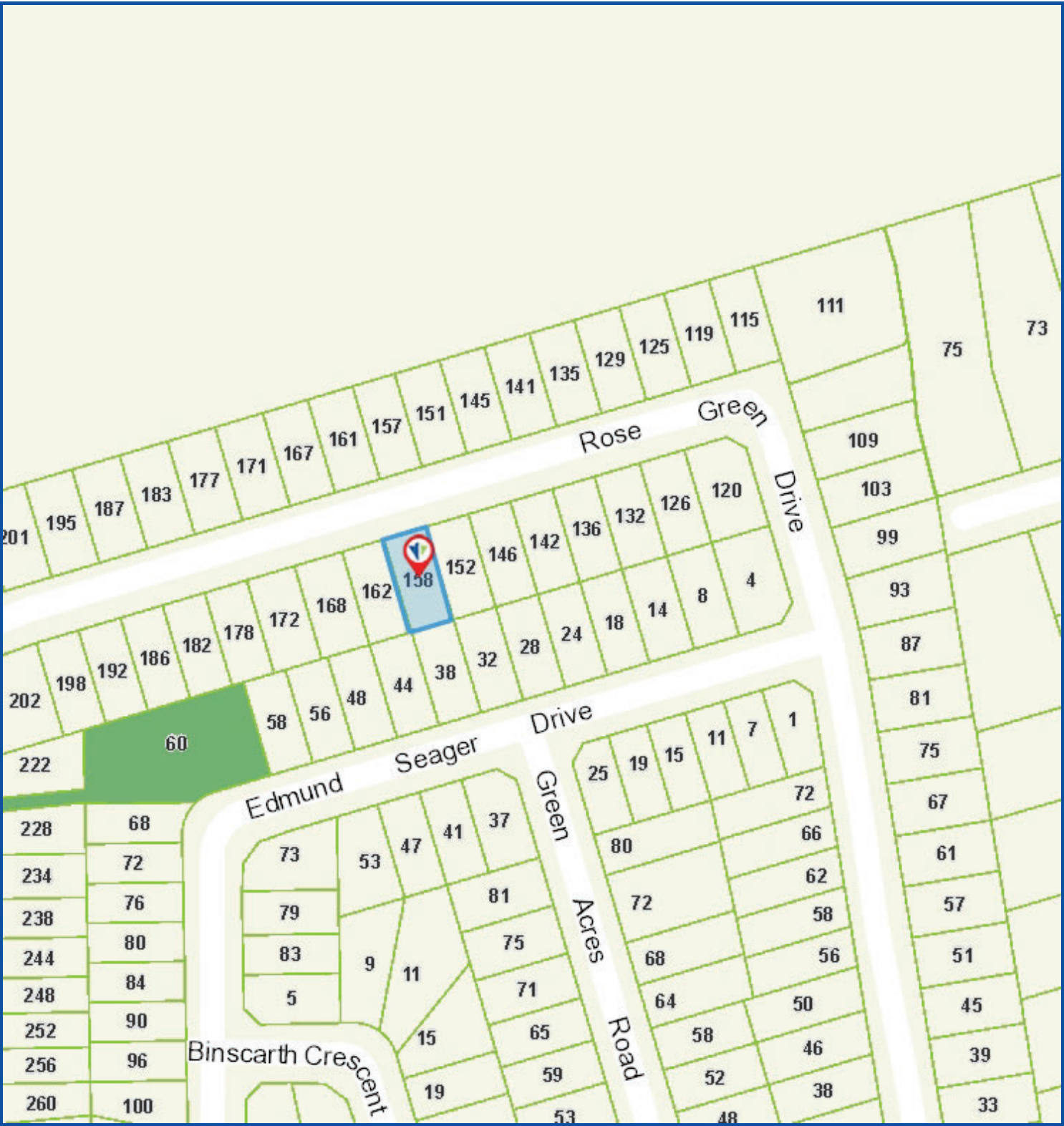
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment
Adriana MacPherson
T 905 832 8585 Extension 8360
E CofA@vaughan.ca

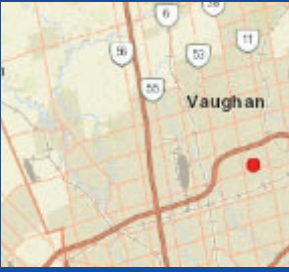
Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



Map Information:



Title:
A059/20 - Location Map

158 Rose Green Drive,
Thornhill

Disclaimer:

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 no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.

Centre Street

Scale: 1: 2,542
0 0.06 km



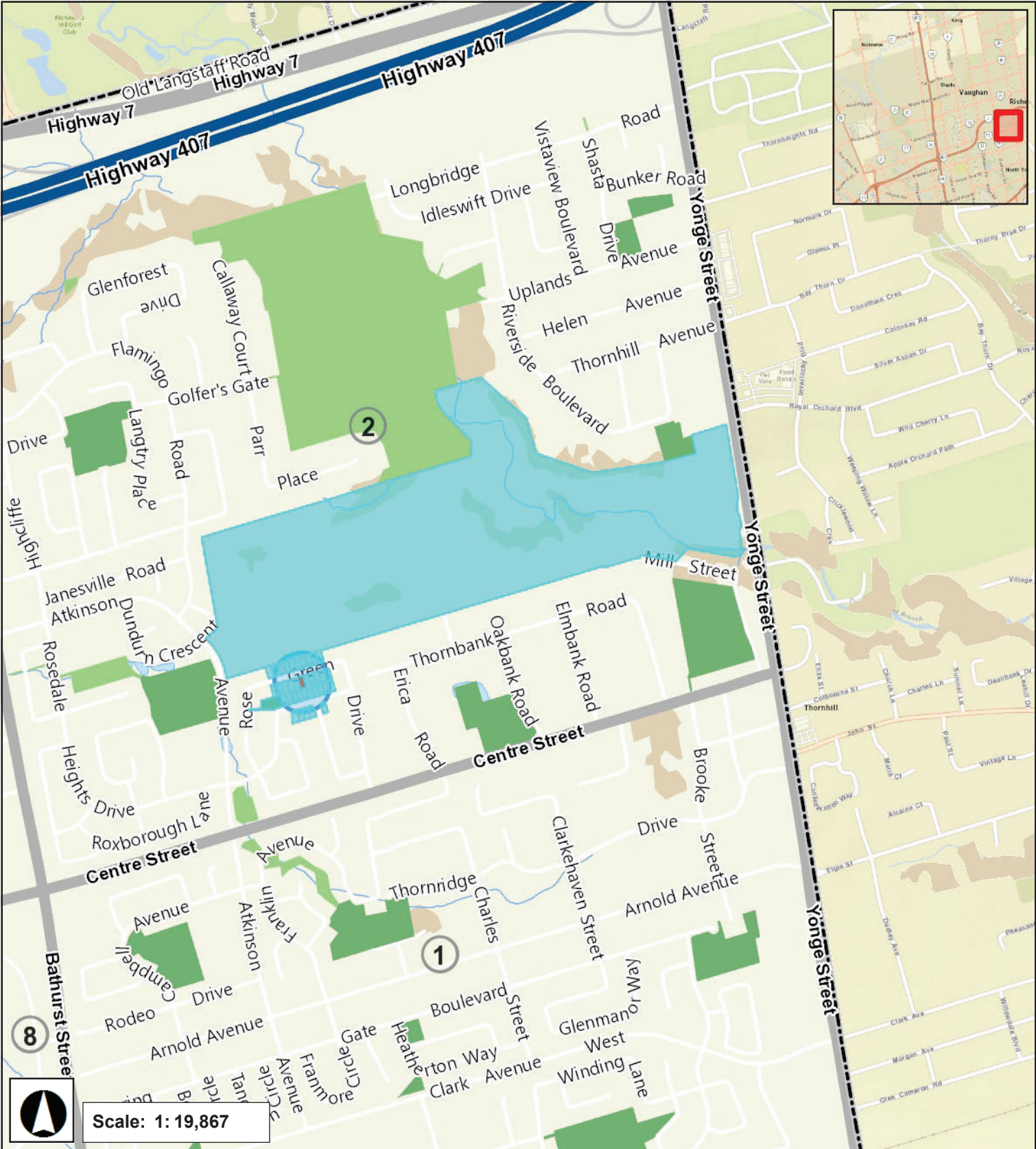
Created By:
Infrastructure Delivery
Department
September 13, 2020 6:14 PM

Projection:
NAD 83
UTM Zone
17N

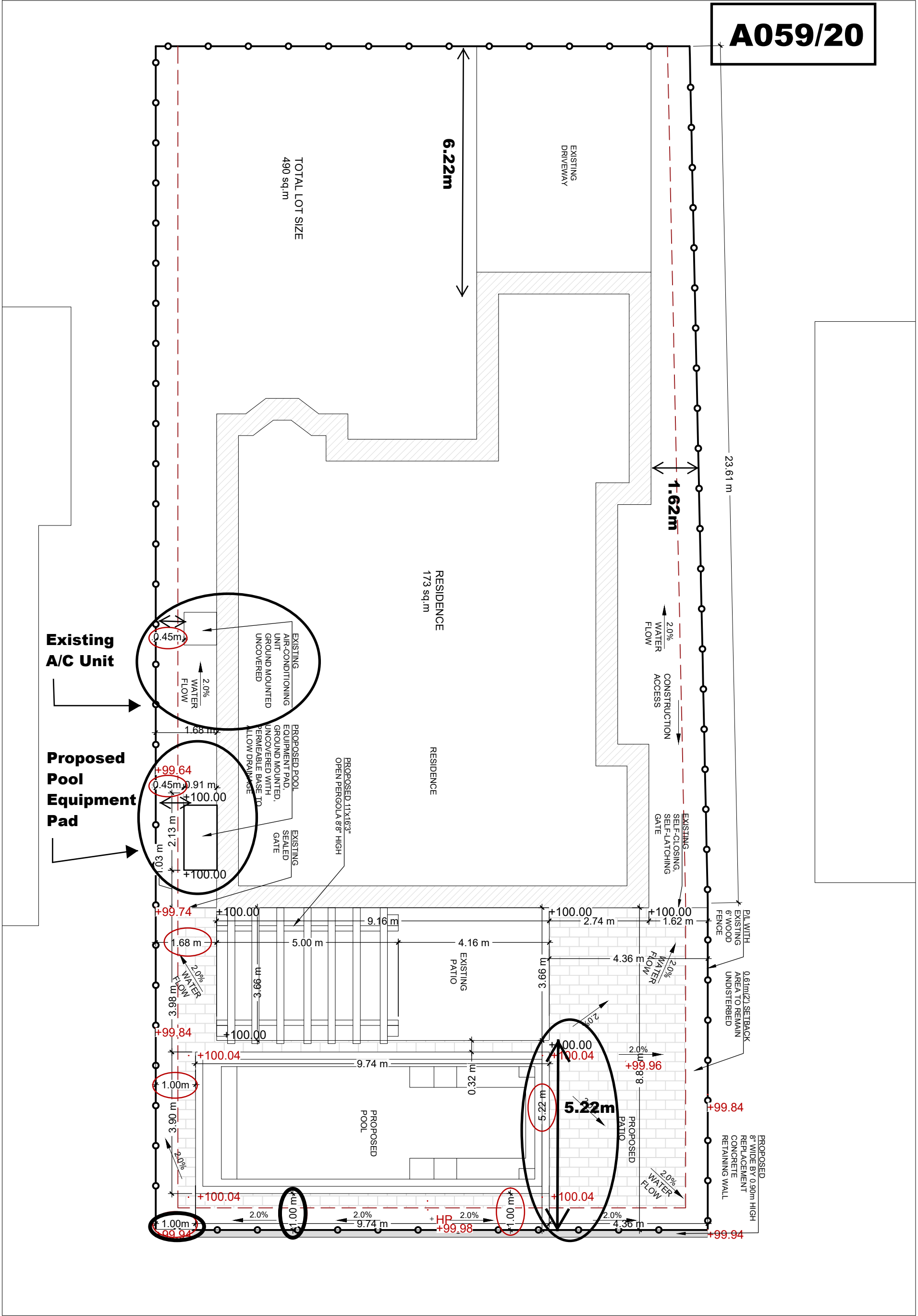


A059/20 - Notification Map

158 Rose Green Drive, Thornhill



A059/20



GENERAL NOTES

1. ALL MEASUREMENTS IN METERS OR AS SHOWN.
2. VERIFY ALL DIMENSIONS.
3. DO NOT SCALE DRAWINGS.
4. CHECK DRAWINGS AGAINST SPECIFICATIONS.
5. REPORT ANY DISCREPANCIES TO M.M. DESIGN BEFORE PROCEEDING.
6. DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF M.M. DESIGN.

LEGEND

No.	DATE	REVISION	BY

RESIDENCE
158 Rose Green Drive
Thornhill, ON
L4J 4R4

LANDSCAPE DESIGN

SITE PLAN

DRAWN: MM SCALE: 1:100

CHECKED: RT

PRINT DATE: 2020-09-16
DRAWN DATE: 2020-26-05

LP3



GENERAL NOTES

1. ALL MEASUREMENTS IN METERS OR AS NOTED
2. VERIFY ALL DIMENSIONS
3. DO NOT SCALE DRAWINGS
4. CHECK DRAWINGS AGAINST SPECIFICATIONS
5. REPORT ANY DISCREPANCIES TO M.M. DESIGN BEFORE PROCEEDING
6. DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF M.M. DESIGN

LEGEND

No.	DATE	REVISION	BY

RESIDENCE
158 Rose Green Drive
Thornhill, ON
L4J 4R4

LANDSCAPE DESIGN

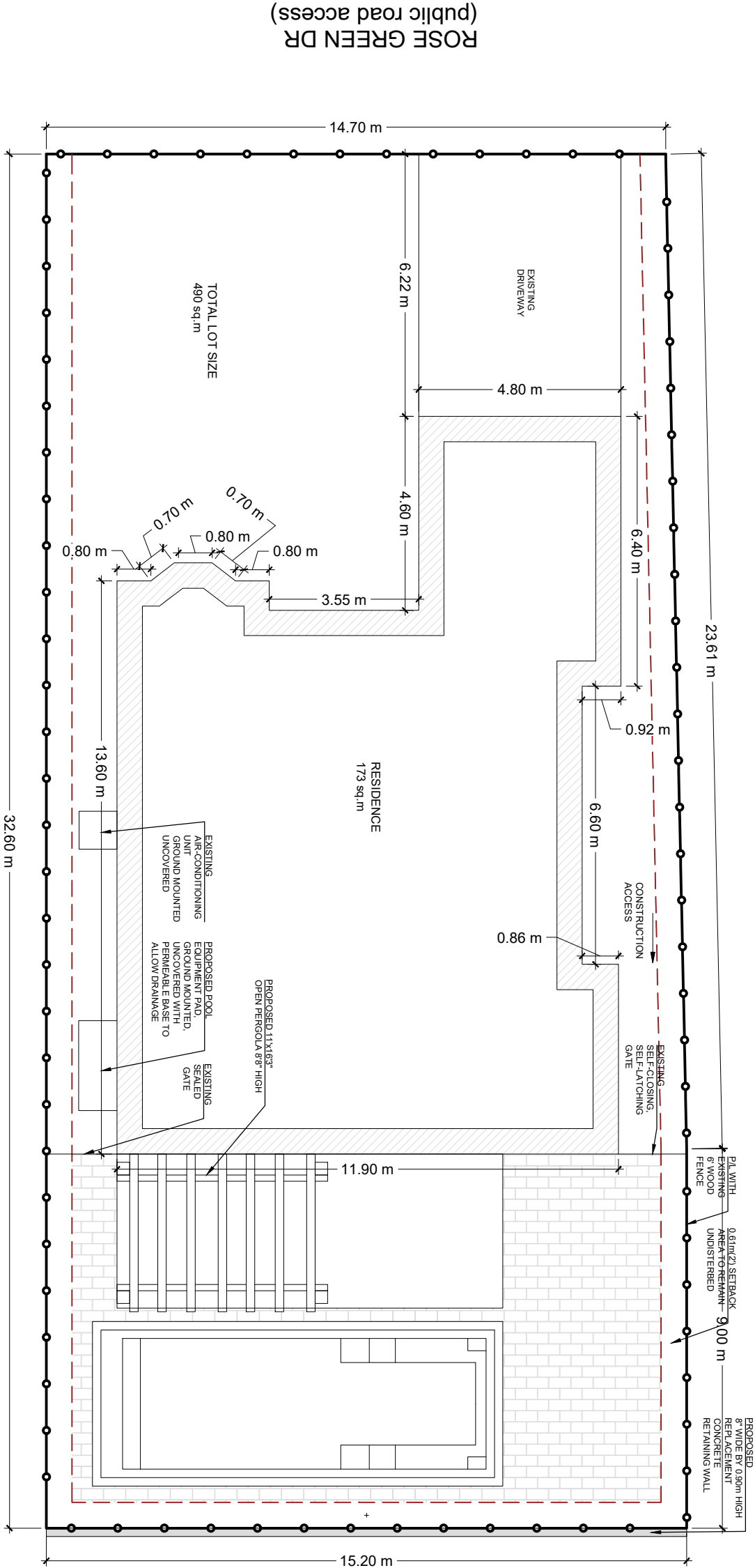
SITE PLAN

DRAWN	SCALE
MM	AS NOTED

CHECKED
RT

PRINT DATE	2020-09-12
DRAWN DATE	2020-26-05

DRAWING NO.	LP1
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LOT 39
158 ROSE GREEN DRIVE
REGISTERED PLAN 65M-2220

LOT 40

SITE PLAN

1

LP1

1:100

ASPECT	AREA	PERCENT
SOFTSCAPE	39m ²	29%
HARDSCAPE	96m ²	71%

- NOTES:
- EXISTING OVERLAND DRAINAGE TO REMAIN
 - EXISTING PATIO IS ON GRADE AND UNCOVERED



GENERAL NOTES

- ALL MEASUREMENTS IN METERS OR AS NOTED
- VERIFY ALL DIMENSIONS
- DO NOT SCALE DRAWINGS
- CHECK DRAWINGS AGAINST SPECIFICATIONS
- DESIGNER ASSUMES RESPONSIBILITY ONLY
- REPORT ANY DISCREPANCIES TO M.A. DESIGN BEFORE PROCEEDING
- DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF M.A. DESIGN

LEGEND

- +100.00 EXISTING ELEVATIONS
- +100.00 PROPOSED ELEVATIONS

No.	DATE	REVISION	BY

RESIDENCE
158 Rose Green Drive
Thornhill, ON
L4J 4R4

LANDSCAPE DESIGN

LAYOUT PLAN

DRAWN	SCALE
MM	AS NOTED

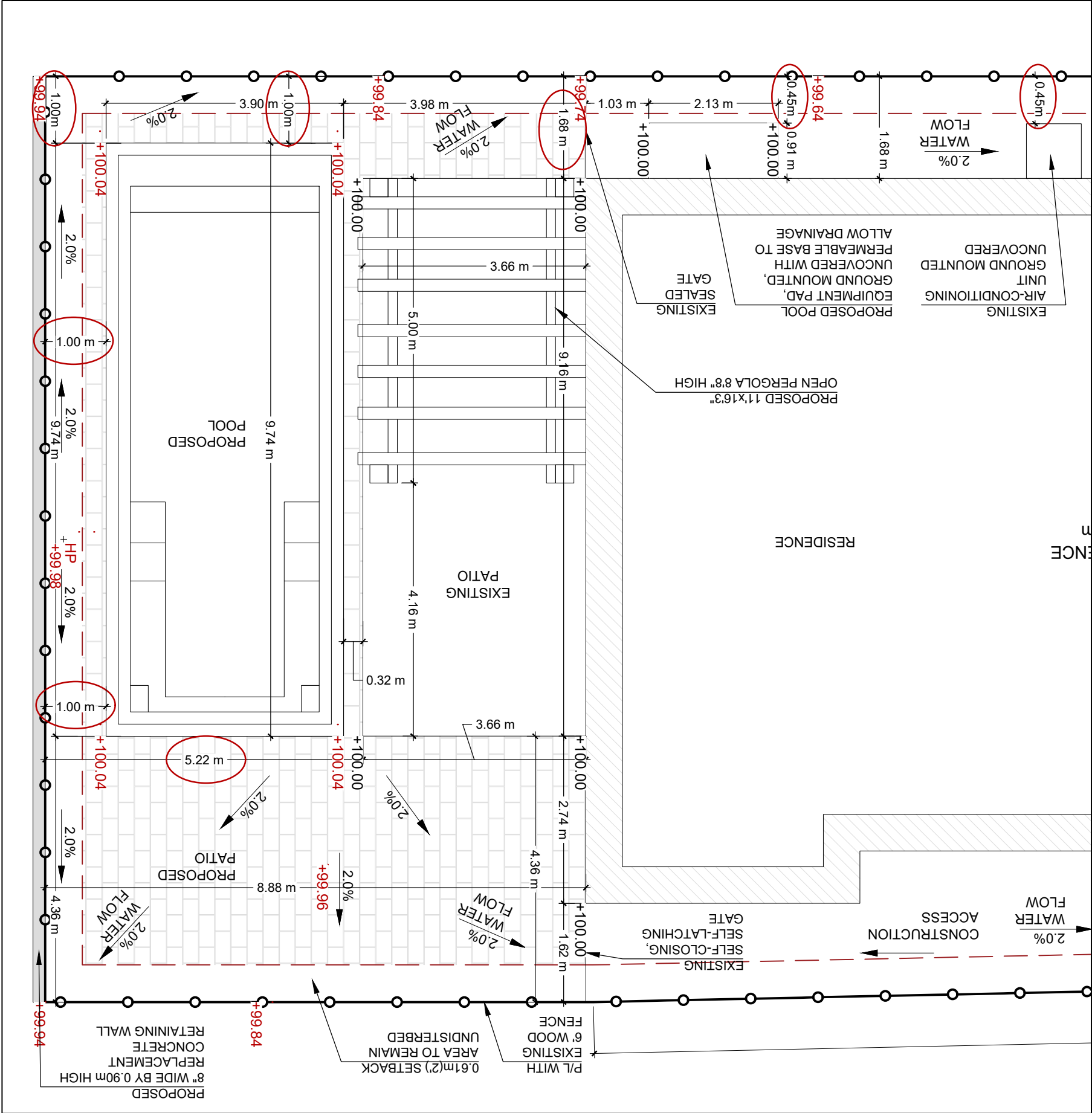
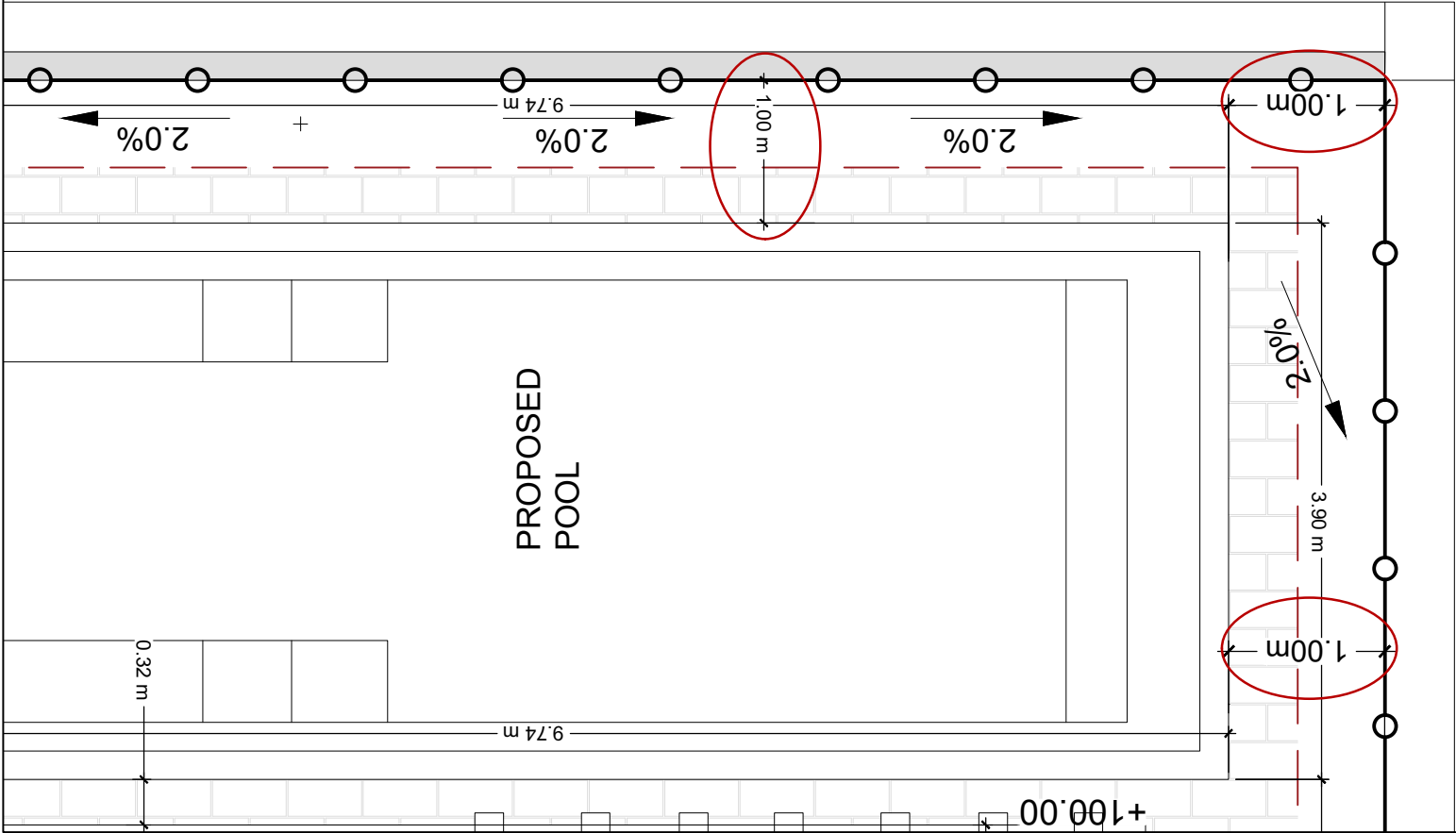
CHECKED

RT

PRINT DATE
2020-09-16

DRAWN DATE
2020-26-05

DRAWING NO.
LP2



1 LAYOUT PLAN

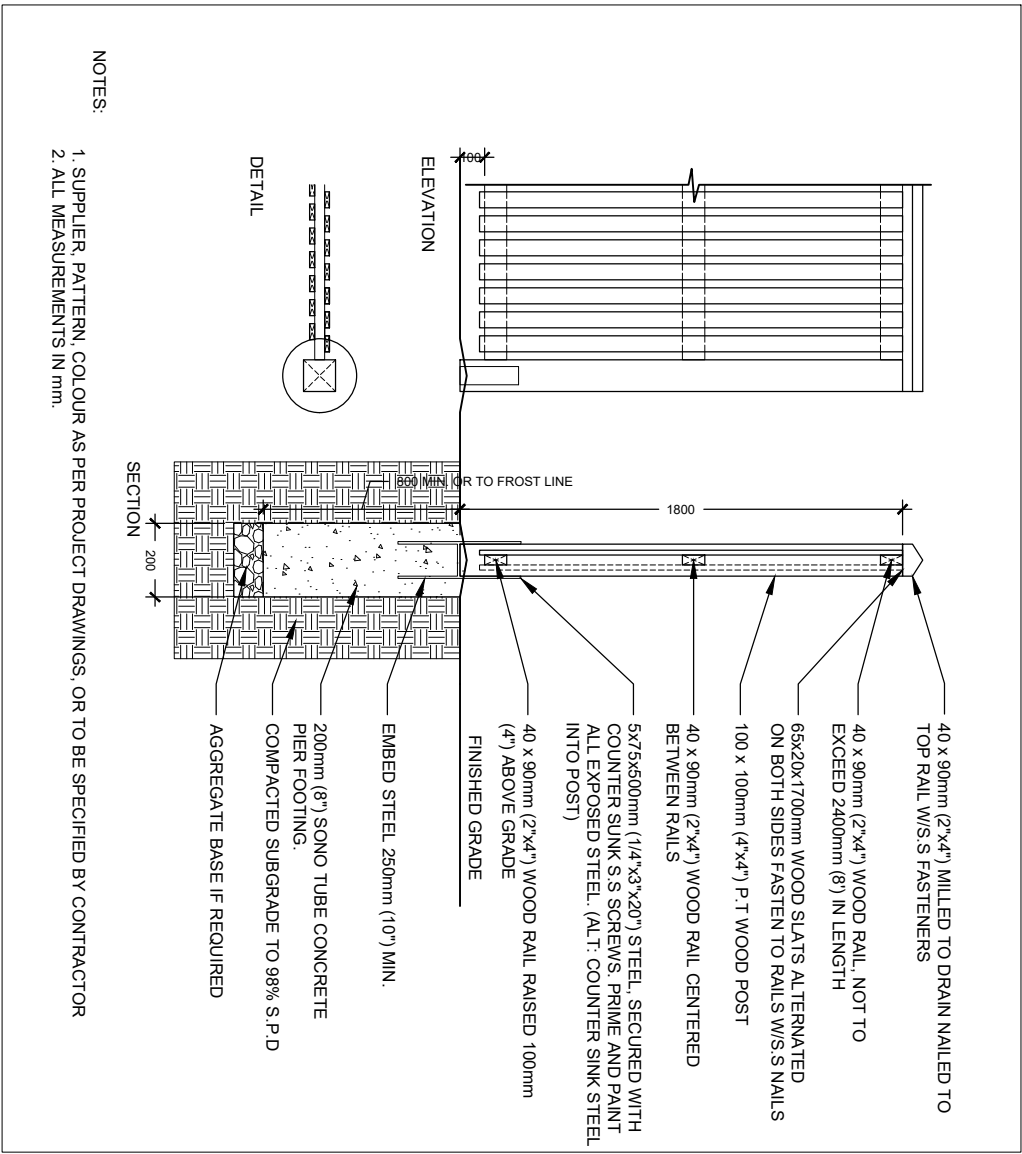
LP2

2 POOL PLAN

LP2

1:75

1:50

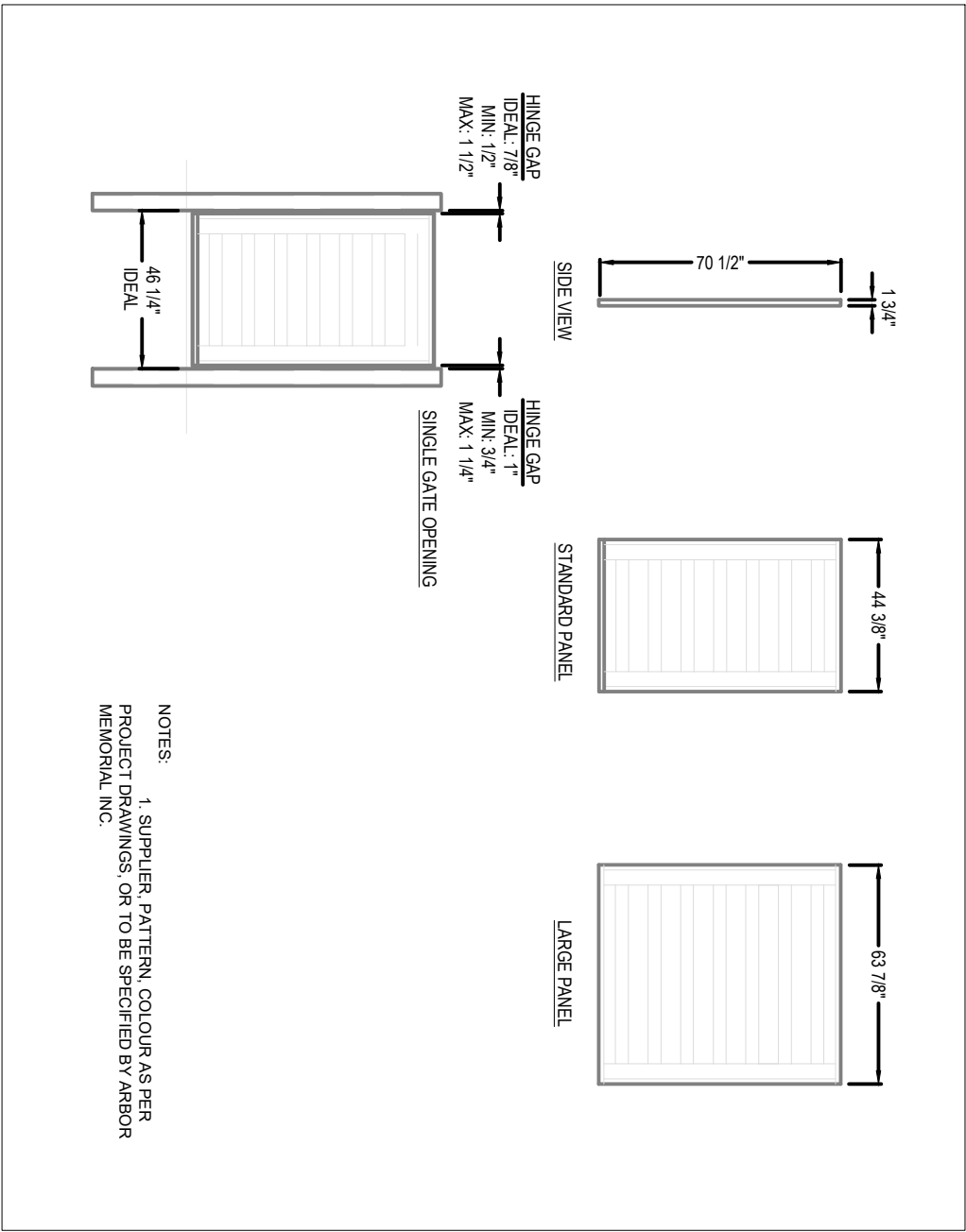


1

FENCE DETAIL

D1

N.T.S.



2

GATE DETAIL

D1

N.T.S.

GENERAL NOTES		
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3. DO NOT SCALE DRAWINGS		
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5. DESIGNER IS NOT RESPONSIBLE FOR ANY DISCREPANCIES TO M.M. DESIGN BEFORE PROCEEDING		
7. DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF M.M. DESIGN		
LEGEND		
DETAILS		
DRAWN	SCALE	
MM	AS NOTED	
CHECKED		
RT		
PRINT DATE	2020-07-07	
DRAWN DATE	2020-26-05	
DRAWING NO.	D1	

No.	DATE	REVISION	BY

RESIDENCE

158 Rose Green Drive

Thornhill, ON

L4J 4R4

LANDSCAPE DESIGN

DETAILS

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.-

- Alectra (Formerly PowerStream) – No concerns or objections
- Region of York – No concerns or objections
- MTO – Located outside of MTO permit control area

COMMENTS:

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

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

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

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

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

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

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

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

MacPherson, Adriana

Subject: FW: RESPONSE: A059/20 - Request for Comments

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

Sent: September-03-20 9:23 AM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: [External] RESPONSE: A059/20 - Request for Comments

Good morning Adriana,

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

Regards

Gabrielle

Gabrielle Hurst MCIP RPP | 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

From: [Hajjar, Alexander \(MTO\)](#)
To: [MacPherson, Adriana](#)
Cc: [Vigneault, Christine](#); [Della Mora, Dan \(MTO\)](#); [Scholz, Kevin \(MTO\)](#); [Committee of Adjustment](#)
Subject: [External] RE: A059/20 - Request for Comments
Date: Tuesday, August 25, 2020 4:00:26 PM
Attachments: [image002.png](#)

Good Afternoon Adriana,

MTO has reviewed the subject land(s) located at 158 Rose Green Drive. in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

Alexander Hajjar
*Transportation Technician
Highway Corridor Management Section
Ministry of Transportation, MTO
416.235.4504*