



File: A064/20

Applicant: Kamran A. and Golrokh Aminian

Address: 92 Napa Hill Court, Thornhill

Agent: None

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: 09

A064/20

Ward: 4

Staff Report Prepared By: Lenore Providence, 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](https://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: Kamran A. and Golrokh Aminian

Agent: None

Property: 92 Napa Hill Court, Thornhill

Zoning: The subject lands are zoned RV4(WS) and subject to the provisions of Exception 9(1063) 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 pool and mechanical room/change room. The existing shed in the rear yard is to be demolished.

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 7.50m is required.	1. To permit a minimum rear yard setback of 1.00m to the proposed pool.
2. A minimum rear yard setback of 7.50m is required.	2. To permit a minimum rear yard setback of 1.89m to the accessory structure.
3. A maximum height of 2.50m is permitted.	3. To permit a maximum height of 2.75m for the accessory structure (change room/mechanical room).

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	2002
In Ground Pool	TBC
Mechanical Room	TBC
Shed	To be demolished

Applicant has advised that they cannot comply with By-law for the following reason(s): To build the proposed structures, we would need more space on the land and therefore requesting approval for a minor variance in these setbacks.

Per my initial inquiry with the Development Planning Department, the current zoning at 92 Napa Hill Court is “RV4 – Residential Urban Village Zone”, subject to a minimum required setback of all structures from the OS4 zone (Sugarbush Park), which is 7.5 meters.

The application was also reviewed by the Engineering Department and a minimum 0.6m setback was required for drainage, with which we are complying and have amended the site development plan accordingly.

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 have the applicant to revise COA application based on revised comments.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting to permit a proposed swimming pool and accessory structure (pool equipment/change room) with the above noted variances.

In support of the pool (Variance 1) and accessory structure, the Owner submitted a Vegetation Assessment Report ('VAR') dated September 2, 2020 and prepared by Kuntz Forestry Consulting Inc. as the rear yard of the subject lands abut an open space woodlot zone. Policy Planning and Environmental Sustainability staff have reviewed the VAR) and agree with the findings indicating the closest tree is located 10 metres from the property boundary. Additionally, the VAR has confirmed that the excavation of the proposed in-ground swimming pool 1 metre north of the property boundary poses no risk to the surrounding vegetation, given the distance from the drip line and stems of trees. The Development Planning Department has no objection to the location of proposed pool as it is adequately distanced from the existing woodlands to the south.

The Development Planning Department has no objection to Variances 2 and 3, as the accessory structure complies with interior side yard setback, the height increase is minor and is situated in area that will not impact any neighbouring properties nor the abutting woodlot.

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.

Cultural Heritage (Urban Design):

No comments.

Development Engineering:

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.

The Development Engineering (DE) Department does not object to variance application A064/20.

Parks, Forestry and Horticulture Operations:

Forestry has no comments at this time.

By-Law and Compliance, Licensing and Permit Services:

No comments.

Financial Planning and Development Finance:

No comment no concerns.

Fire Department:

No comments.

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

None

Schedule C - Agency Comments

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

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, subject to 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://www.v 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](https://www.v 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.

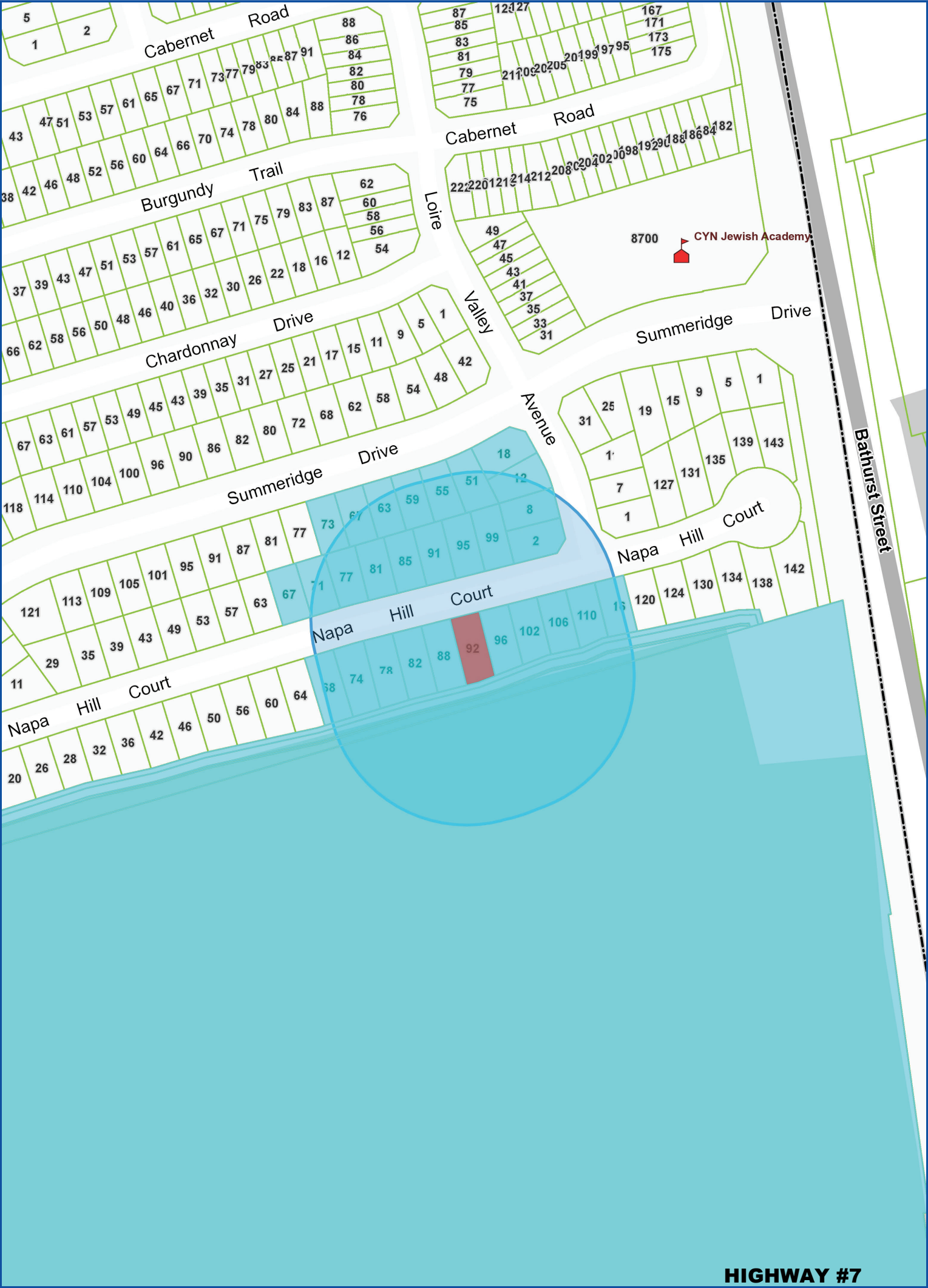
NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to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

For further information please contact the City of Vaughan, Committee of Adjustment
Lenore Providence
T 905 832 8585 Extension 8394
E CofA@vaughan.ca

Schedule A: Plans & Sketches

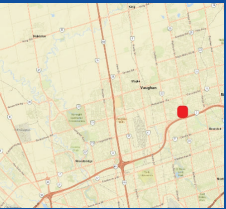
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



HIGHWAY #7

Map Information:



Title:

NOTIFICATION MAP - A064/20

92 NAPA HILL COURT, 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.



Scale: 1:2,280

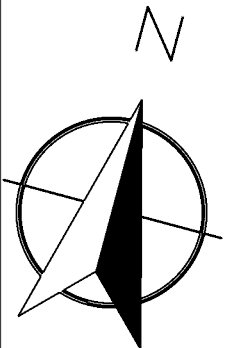
0 0.04 km



Created By:

Infrastructure Delivery
Department
September 22, 2020 1:56 PM

Projection:
NAD 83
UTM Zone
17N



96 NAPA HILL CT

5.92 m

14.19 m

30.75 m

10.64 m

13.90 m

DRIVEWAY

2.60 m

PORCH

1.44 m

3.55 m

0.96 m

7.80 m

1.22 m

5.57 m

20.11 m

12.31 m

31.80 m

11.72 m

EXISTING 2 STORY DWELING
92 NAPA HILL CT

6.20 m

11.30 m

4.76 m

2.00 m

0.60

4.00 m

#3

PROPOSED POOL
EQUIPMENT/CHANGE
ROOM

#2

0.10

3.66

1.89 m

9.14 m

4.42 m

1.10 m

1.87

1.69

5.65 m

#1

8.25 m

0.10

0.20

DEMOLISHED

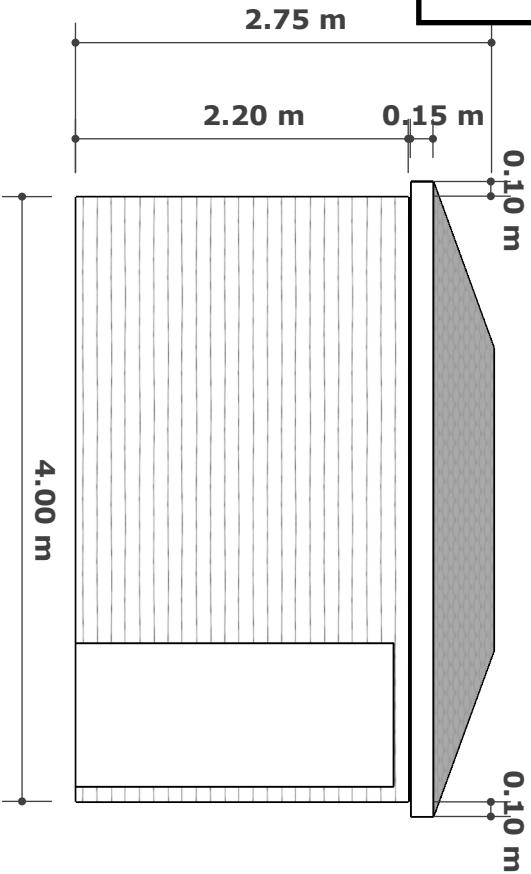
1. To permit a minimum rear yard setback of 1.00m to the proposed pool.
2. To permit a minimum rear yard setback of 1.89m to the accessory structure.
3. To permit a maximum height of 2.75m for the accessory structure

SCALE 1:100

SITE PLAN

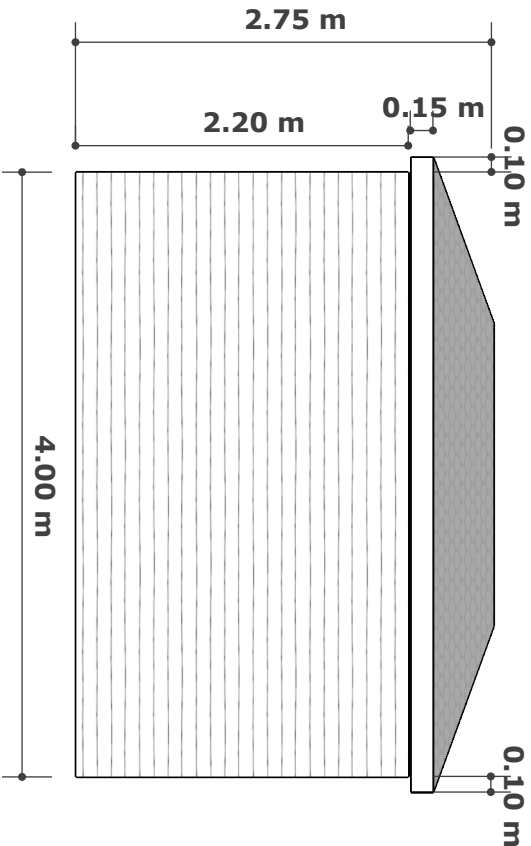
88 NAPA HILL CT

A064/20



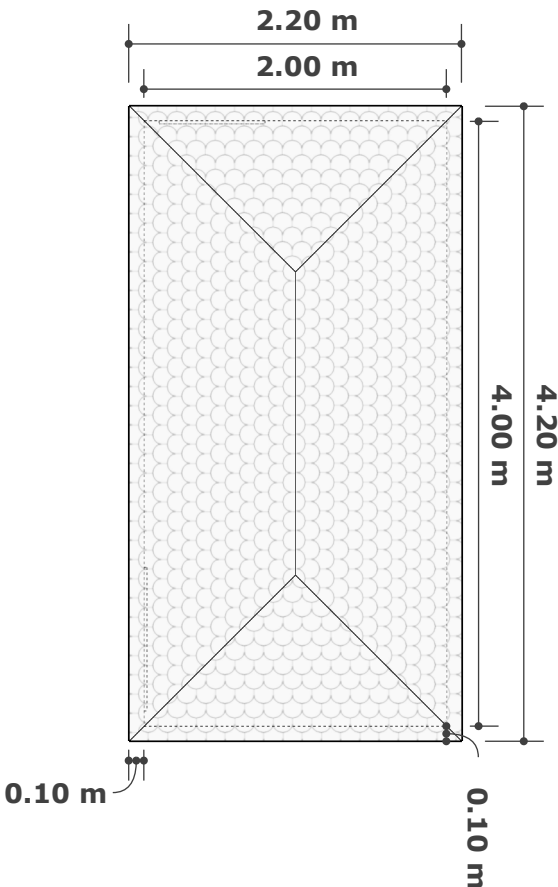
POOL EQUIPMENT/CHANGE ROOM EAST VIEW

SCALE 1:50



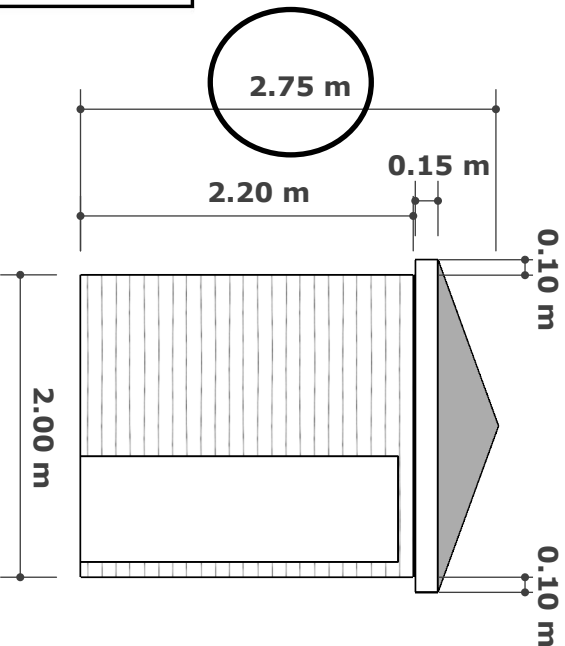
POOL EQUIPMENT/CHANGE ROOM WEST VIEW

SCALE 1:50



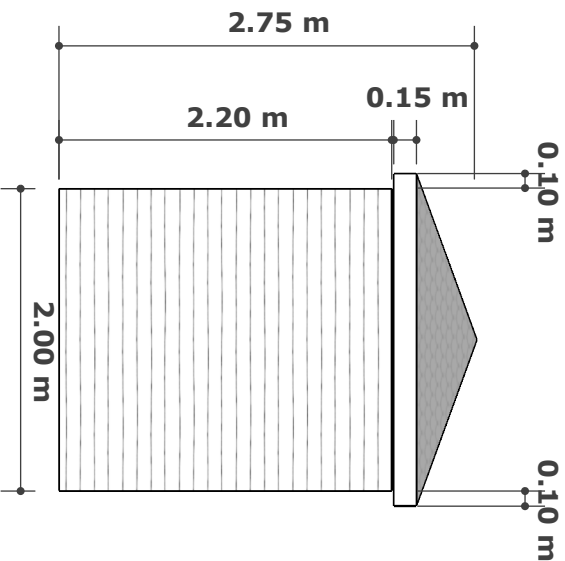
POOL EQUIPMENT/CHANGE ROOM TOP VIEW

SCALE 1:50



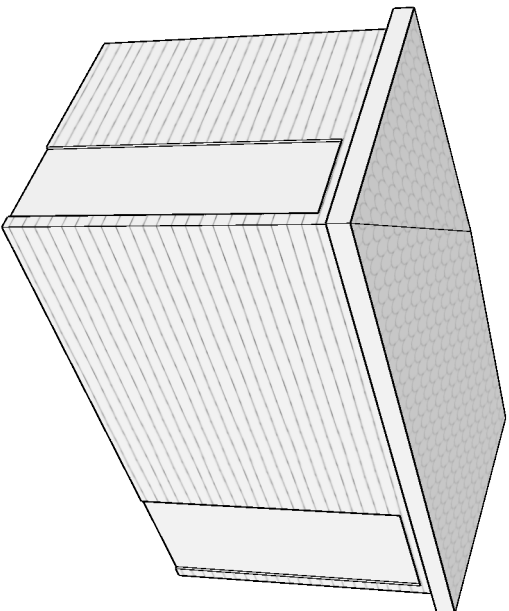
POOL EQUIPMENT/CHANGE ROOM SOUTH VIEW

SCALE 1:50



POOL EQUIPMENT/CHANGE ROOM NORTH VIEW

SCALE 1:50



POOL EQUIPMENT/CHANGE ROOM PERSPECTIVE

RECEIVED

August 26, 2020

Committee of Adjustment

AUTHOR NAME

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
MTO – Located outside of MTO permit control area
Region of York – No concerns.

Providence, Lenore

Subject: FW: [External] RE: A064/20 - REQUEST FOR COMMENTS - 92 Napa Hill Court, Thornhill (Full Circulation)

From: Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

Sent: August-13-20 11:32 AM

To: Vigneault, Christine <Christine.Vigneault@vaughan.ca>

Cc: Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Della Mora, Dan (MTO) <Dan.DellaMora@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A064/20 - REQUEST FOR COMMENTS - 92 Napa Hill Court, Thornhill (Full Circulation)

Good Morning Christine,

MTO has reviewed the subject land(s) located at 92 Napa Ct. in City of Vaughan. The subject lands are within the MTO permit control area and therefore does require a permit from Highway Corridor office. Applicants can visit <https://www.hcms.mto.gov.on.ca/> to apply for a permit.

Best Regards,

Alexander Hajjar

Transportation Technician

Highway Corridor Management Section

Ministry of Transportation, MTO

416.235.4504

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

Providence, Lenore

Subject: FW: [External] RE: A064/20 - REQUEST FOR COMMENTS - 92 Napa Hill Court, Thornhill (Full Circulation)

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

Sent: August-24-20 8:51 AM

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

Subject: [External] RE: A064/20 - REQUEST FOR COMMENTS - 92 Napa Hill Court, Thornhill (Full Circulation)

Good Morning Lenore,

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