



File: A131/20

Applicant: Andrea Harold Franks

Address: 27 Basie Gate, 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	<input checked="" type="checkbox"/>	
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)	<input checked="" type="checkbox"/>	

Adjournment History: None

Background History: None



Minor Variance  
Application

Agenda Item: 7

A131/20

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

**Date & Time of Live Stream Hearing:** Thursday, January 14, 2021 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](mailto:cofa@vaughan.ca)

To make an electronic deputation at the meeting please contact the Committee of Adjustment at [cofa@vaughan.ca](mailto: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:** Andrea Harold Franks

**Agent:** None

**Property:** 27 Basie Gate, 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:** 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 installation of a proposed pool in the rear yard and (pool) equipment pad to be located in the easterly 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 private swimming pool shall be constructed not nearer to any rear or interior side lot line than 1.5 metres. [4.1.1 i)]	1. The proposed private swimming pool is proposed 1.0 metres from the rear lot line and 1.1 metres from the interior side lot line.
2. Ground mounted pool equipment shall be permitted in the interior side yard with a minimum setback of 0.6 metres. [3.14 h) i)	2. The proposed pool equipment shall is 0.34 metres from the side lot line.

**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](https://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 December 17, 2020

Applicant confirmed posting of signage on December 29, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	2004
In Ground Pool	TBC
Pool Equipment Pad	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): To permit construction of an in-ground pool in the rear yard and pool equipment, allowing us to maximize the enjoyment and use of the backyard for entertaining family.

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.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting to permit the construction of an in-ground swimming pool and pool equipment pad with the above noted variances.

The Development Planning Department has no objection to the variances given the 1.0m rear yard setback to the pool is to a pinch point (south-west corner of the pool) increasing in distance to 1.4m as it connects to the 1.1m easterly interior side yard setback. The 1.1m reduction allows for the Owner to maintain a large amount of softscape along the rear lot line. The pool equipment is located next to the air conditioner and sits on top of a permeable pad helping any potential impact caused by a reduced side yard setback. The Development Engineering Department reviewed the proposal and have no concerns.

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):

There are no cultural heritage concerns for this application

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A131/20 as the applicant provided a supporting letter from the adjacent neighbor and updated their design by placing the pool equipment on a floating concrete slab. Also, the existing air conditioning unit is wall mounted.

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](https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx) to learn how to apply for the pool permit.

Parks Development - Forestry:

As per a site meeting conducted on 12/8/20 with the applicant/owner and pool installation contractor, light duty tree protection shall be required for the 29cm DBH municipally owned tree located on the front boulevard. Forestry will not require the applicant/owner obtain a "Tree Removal & Protection Permit" nor will forestry place a condition on the file.

**By-Law and Compliance, Licensing and Permit Services:**  
No Comment.

**Financial Planning and Development Finance:**  
No comment no concerns

**Fire Department:**  
No comment no concerns

**Schedule A – Plans & Sketches**

**Schedule B – Public Correspondence**  
A131/20 – Public Correspondence (33 Basie Gate, Thornhill)

**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, the following conditions are recommended: 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](mailto: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.

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**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](mailto:CofA@vaughan.ca)

Schedule A: Plans & Sketches

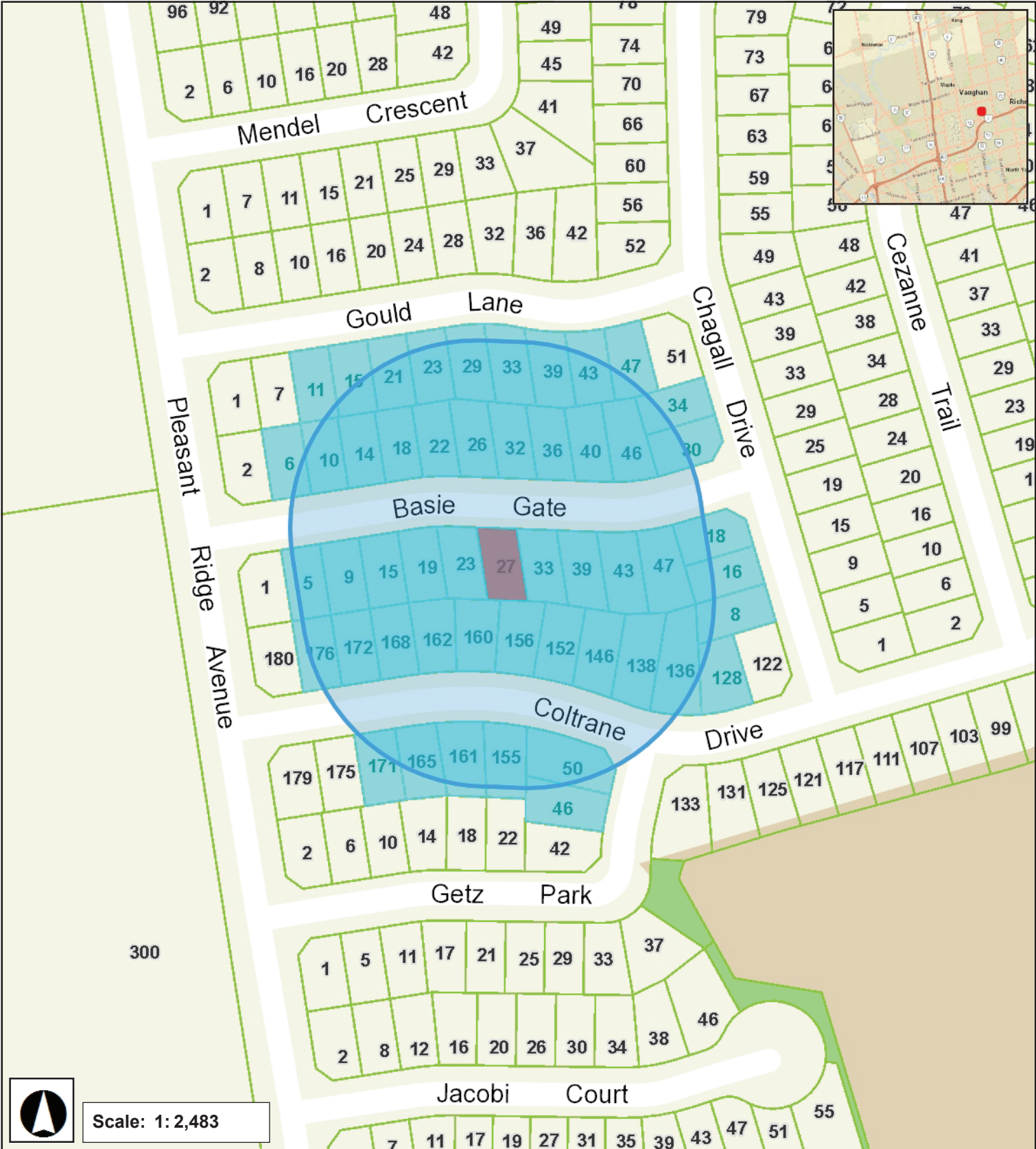
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map  
Plans & Sketches



# A131/20 - Notification Map

27 Basie Gate, Thornhill



Highway 7

November 25, 2020 10:47 AM

1. The proposed private swimming pool is proposed 1.0 metres from the rear lot line and 1.1 metres from the interior side lot line.
2. The proposed pool equipment is 0.34 metres from the side lot line.

# A131/20

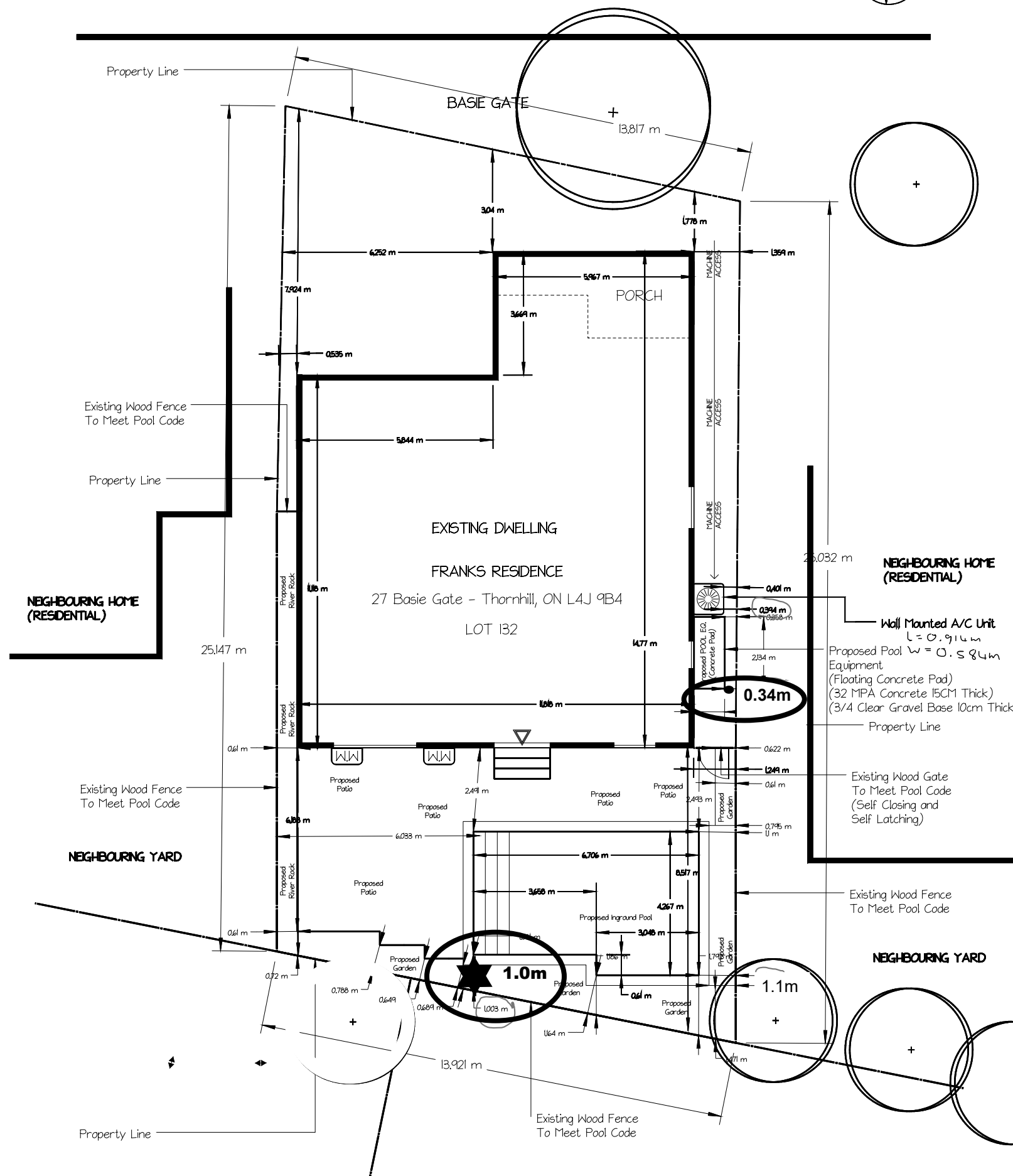
0 1 2 3 4 5 10  
SCALE IN METERS

↑ PROPOSED DRAINAGE

27 Basie Gate - Thornhill, ON L4J 9B4  
LOT 132

scale	150	date	2020/10/13	revision	1
drawn by	RT	checked by	RT	drawing #	GRA - 1

ALL RETAINING WALLS  
TO BE COMPLIANT WITH  
SCHEDULE "O" AND ZONING  
BY-LAWS





SURVEYOR'S REAL PROPERTY

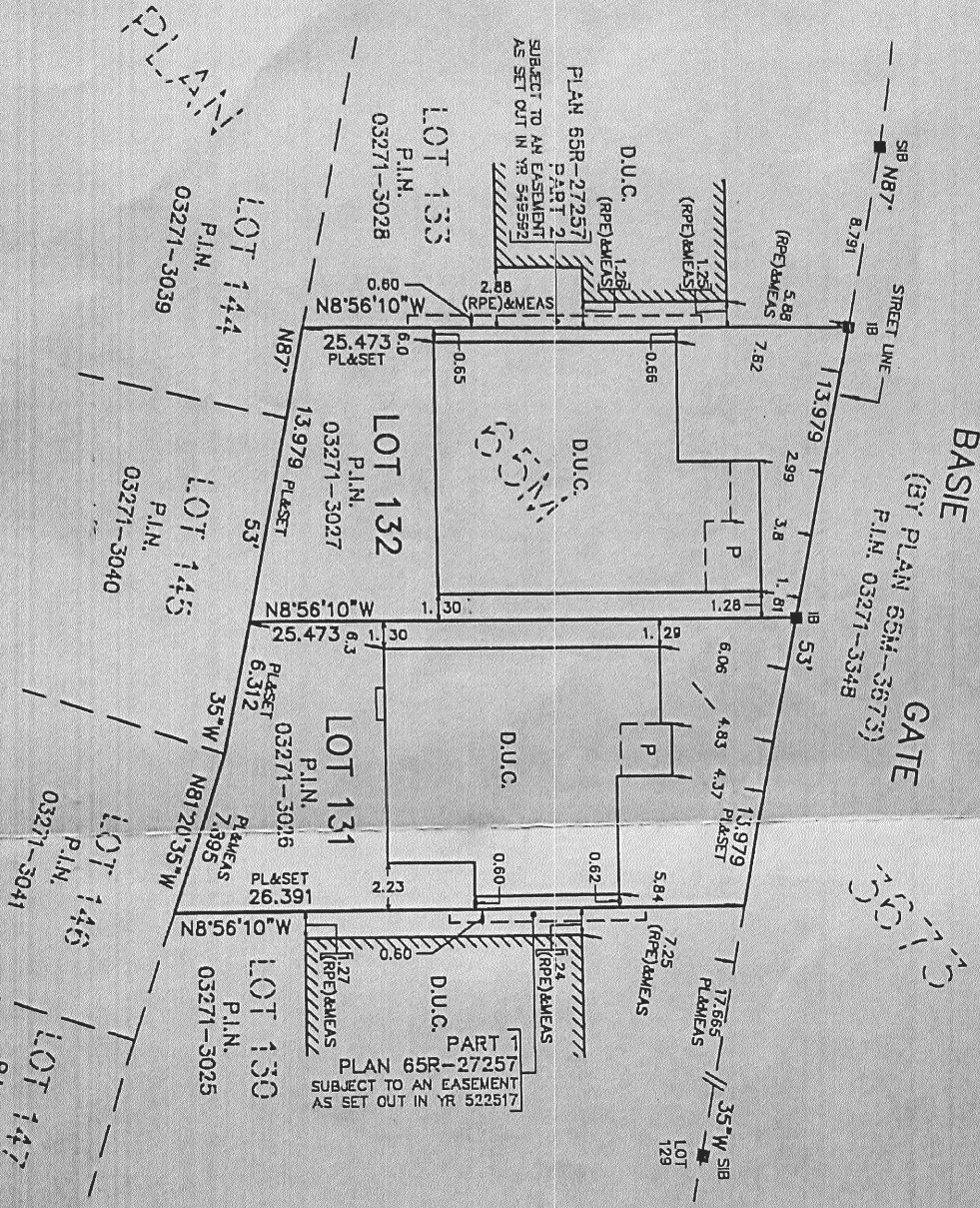
PART 1  
PLAN OF LOTS 131 AND 132  
PLAN 65M-3673  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300  
10m 3m 0 10m 20m 30 metres  
RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.  
METRIC  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

IB IRON BAR  
SIB DENOTES IRON BAR  
D.U.C. DENOTES DWELLING UNDER CONSTRUCTION  
P.L.N. DENOTES PROPERTY IDENTIFIER NUMBER  
PL DENOTES PLAN 65M-3673  
P DENOTES PORCH  
(RPE) DENOTES RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

ALL FOUND MONUMENTS BY HOLDING JONES VANDERVEEN INC. O.L.S.  
ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
SOUTH LIMIT OF BASIE GATE AS SHOWN ON  
PLAN 65M-3673 HAVING A BEARING OF N87°53'35"W.



THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  2. THE SURVEY WAS COMPLETED ON THE 2<sup>nd</sup> DAY OF Sept. 2004

DATE Oct. 29<sup>th</sup> 2004

2. Singh  
T. SINGH  
ONTARIO LAND SURVEYOR

RECEIVED  
NOV 17 2020  
VAUGHAN COMMITTEE  
OF ADJUSTMENT

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1535765

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR  
In accordance with  
Regulation 1026, Section 29(3).

**RPE**  
RADY-PENTEK & EDWARD SURVEYING LTD.  
ONTARIO LAND SURVEYORS  
465 WILSON AVENUE, DOWNSVIEW, ONTARIO  
Tel. (416) 635-5000 Fax (416) 635-5001  
Website: www.rpesurveying.ca  
DRAWN: V.K. CHECKED: T.S.  
CAD FILE No. 3673-131 JOB No. 03-083

**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.

**A131/20 – Public Correspondence (33 Basie Gate, Thornhill)**

Michael Lekhtman

33 Basie Gate, Thornhill, ON., L4J 9B4 (Lot # 130)



November 9<sup>th</sup> 2020

Attention: City of Vaughan – Minor Variance Department

To Whom It May Concern,

I am the neighbour who lives immediately east of Andrea Harold Franks and Steven Franks of 27 Basie Gate, Thornhill, ON., L4J9B4. It is my understanding that our neighbours are applying for a Minor Variance to enable them to place an Inground Swimming Pool in their backyard and the Pool Equipment on the east side yard of their yard.

This letter serves to support their Minor Variance Application which will enable them to:

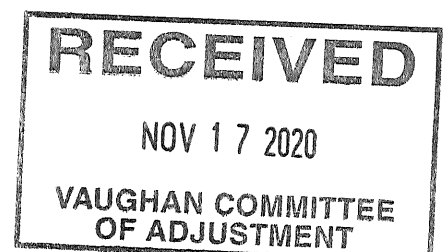
- 1) Place the pool equipment on the east side of their property with a setback of 0.341m from our property line.
- 2) Place the inground pool on the east side of their property with a setback of 0.914m from our property line.

Please do not hesitate to reach out to me directly should you have any questions or concerns.

Regards.

Michael Lekhtman

A handwritten signature in dark ink, appearing to read 'Michael Lekhtman', written over a light blue circular stamp.



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](mailto:stephen.cranley@alectrautilities.com)

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

**Email:** [tony.donofrio@alectrautilities.com](mailto:tony.donofrio@alectrautilities.com)

## MacPherson, Adriana

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**Subject:** FW: A131/20 - Request for Comments

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**From:** Wong, Anson <Anson.Wong@york.ca>  
**Sent:** November-26-20 11:10 AM  
**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>  
**Cc:** Vigneault, Christine <Christine.Vigneault@vaughan.ca>  
**Subject:** [External] RE: A131/20 - Request for Comments

Hi Adriana,

The Regional Municipality of York has completed its review of Minor Variance Application **A131/20** (MVAR.20.V.0435) and has no comment.

Thanks,

**Anson Wong** | Associate Planner, Programs and Process Improvement,  
Planning and Economic Development, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
1-877-464-9675 ext. 71516 | [anson.wong@york.ca](mailto:anson.wong@york.ca) | [www.york.ca](http://www.york.ca)

*Our Values: Integrity, Commitment, Accountability, Respect, Excellence*



## **MacPherson, Adriana**

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**Subject:** FW: A131/20 - Request for Comments

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

**Sent:** November-25-20 1:31 PM

**To:** MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

**Cc:** Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

**Subject:** [External] RE: A131/20 - Request for Comments

Good Afternoon Adriana,

MTO has reviewed the subject land(s) located at 27 Basie Gt. 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*

*437.833.9453*