



File: A102/20

Applicant: Josh and Carli Kaufman

Address: 48 Matisse Trail, 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		
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

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, February 4, 2021



Minor Variance Application

Agenda Item: 4

A102/20

Ward: 4

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, February 4, 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

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:** Josh and Carli Kaufman
- Agent:** Art Simpatico
- Property:** **48 Matisse Trail, 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 ("VOP 2010"): "Low-Rise Residential and Natural Areas"
- Related Files:** None
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit a proposed swimming pool, cabana and deck.

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

By-law Requirement	Proposal
1. Minimum rear yard setback of 1.5m is required.	1. To permit a minimum rear yard setback of 1.21m for the proposed swimming pool.
2. Minimum setback of 10.0m to the OS4 Open Space Woodlot Zone is required.	2. To permit a minimum setback of 5.81m from an OS4 Open Space Woodlot Zone for the proposed swimming pool.
3. Minimum interior (west) side yard setback of 1.5m is required.	3. To permit a minimum interior (west) side yard setback of 1.21m for the proposed swimming pool.
4. Minimum rear yard setback of 0.6m is required.	4. To permit a minimum rear yard setback of 0.58m for the proposed Cabana.
5. Minimum setback of 10.0m to the OS4 Open Space Woodlot Zone is required	5. To permit a minimum setback of 3.83m from an OS4 Open Space Woodlot Zone for the proposed Cabana.
6. Maximum height of 2.5m is permitted for the proposed cabana	6. To permit a maximum height of 3.20 for the proposed cabana.
7. Minimum setback of 10.0m to the OS4 Open Space Woodlot Zone is required.	7. To permit a minimum setback of 9.04m from an OS4 Open Space Woodlot Zone for the proposed deck.

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 January 20, 2021

Applicant confirmed posting of signage on January 16, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2004
Cabana	TBC
In Ground Pool	TBC
Deck	Old Deck to be demolish, new deck TBC

Applicant has advised that they cannot comply with By-law for the following reason(s):

- 1) My backyard is rather small when you consider the bylaw of 10 meters. I cannot install a pool in my backyard if the pool needs to be 10M from the wood lot.
- 2) With the modified deck, we are placing the new staircase where the air conditioner sits now (East side of deck). We need to move the A/C to allow for proper ventilation.
- 3) We require to put the pool equipment in the cabana to maximize the space in the backyard and will allow it to be covered during the winter months to avoid damage as a result of the winter weather.

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" and "Natural Areas"

The Owner is requesting permission to construct an in-ground pool, cabana and replacement of a rear yard deck with the above noted variances.

The rear yard of the subject lands abut three residential properties, located more than 6m from the Natural Heritage (Woodlot) Feature and does abut the OS4 Open Space Woodlot Zone ('OS4'). Nonetheless, the Zoning staff has confirmed the property is subject to Site-Specific Exception 9(1063) and must adhere to more restrictive setbacks to the OS4 Zone.

Development Planning in consultation with the Policy Planning and Environmental ('PPES') staff are of the opinion that variances 1,2 and 3 are minor, given the swimming pool is centrally located on-site, maintains a rear and interior side yard setback that provides safe access around the water's edge (pool) and sufficiently distanced to the OS4 zone and woodlot feature.

The proposed accessory structure - cabana (variances 4, 5 and 6), is appropriate given the cabana occupies a small area (5.90m²), is placed on top a concrete pad and is closely in line with the Zoning By-law. In terms of its distance (3.83m) to the OS4 zone, the Development Planning Department reviewed the proposal with Forestry and PPES staff and determined the placement of the cabana does not impact any surrounding vegetation. Additionally, the increase of 0.7m in height for a proposed cabana is compatible to other accessory structures in the immediate neighbourhood and not visible from the street.

Lastly, the Development Planning Department has no objection to variance 7 since the reduction is minimal and is improving an existing deficiency, as the Owner will be demolishing a larger deck to construct a smaller deck.

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 A102/20

Parks Development - Forestry:

No comment.

By-Law and Compliance, Licensing and Permit Services:

No comment.

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

Region of York – No concerns or objections

Schedule D - Previous Approvals (Notice of Decision)

None

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended: 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.

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.

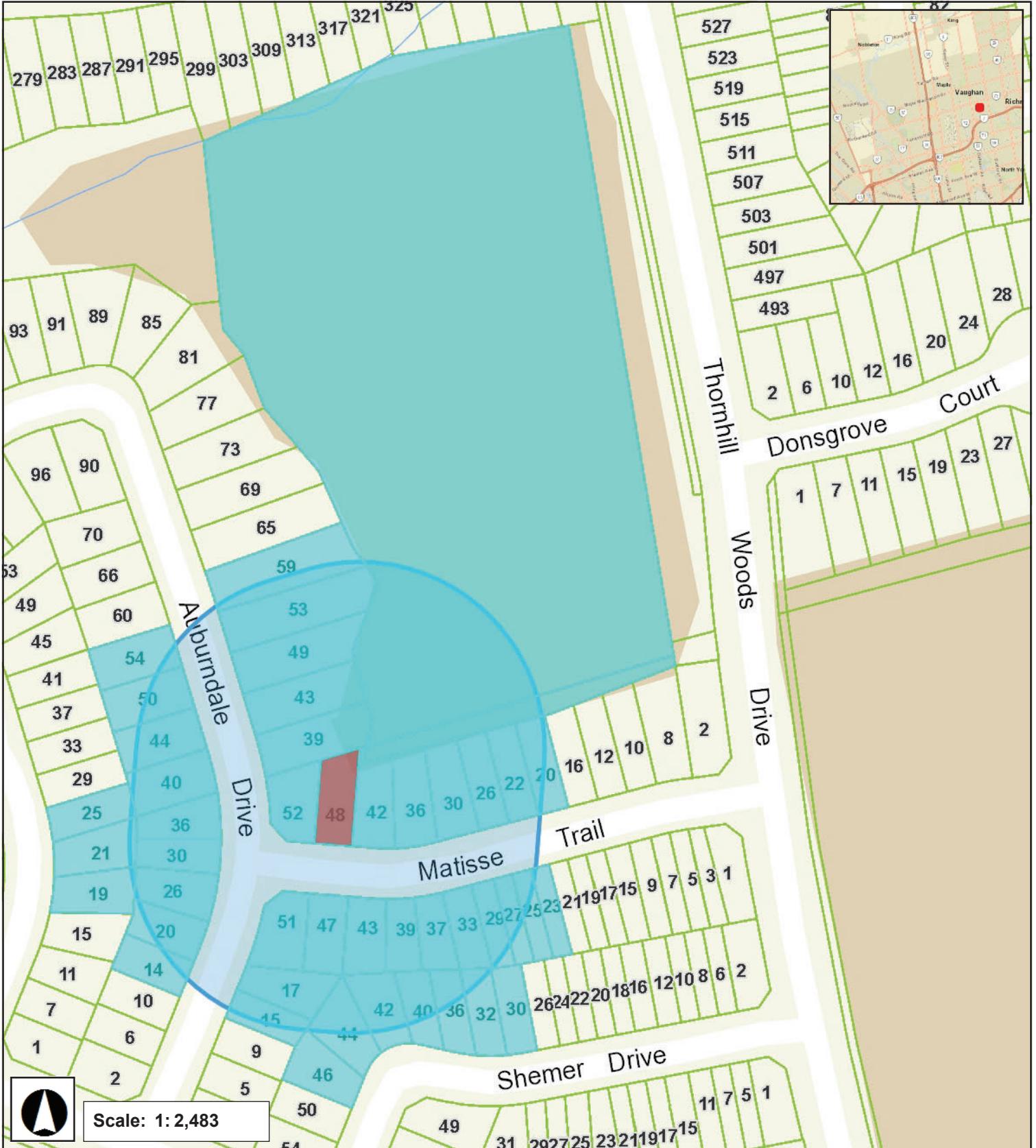
Location Map
Plans & Sketches



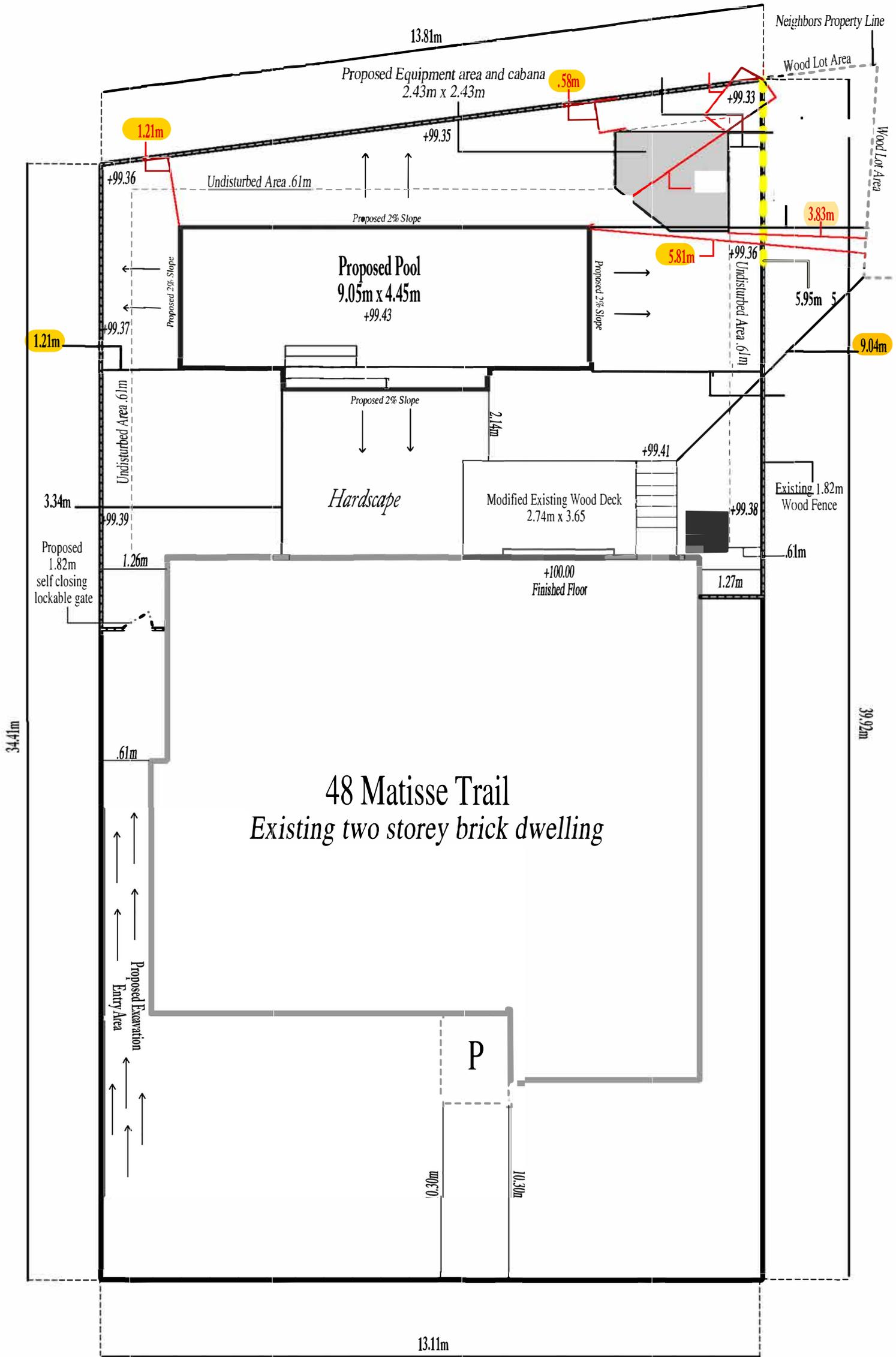
A102/20 - Notification Map

48 Matisse Trail, Thornhill

Rutherford Road



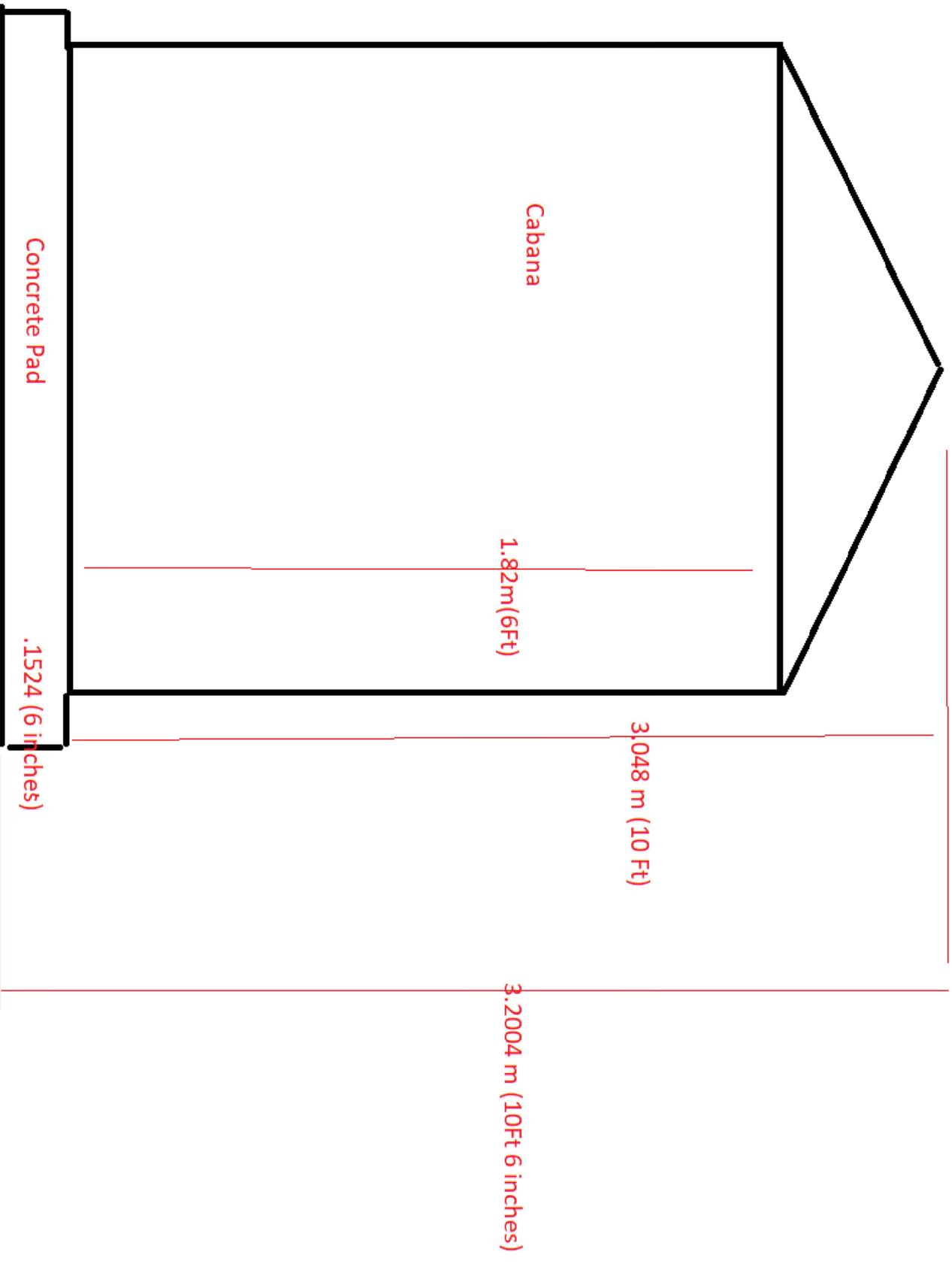
N



48 Matisse Trail

Proposal:

1. To permit a minimum rear yard setback of 1.21m for the proposed swimming pool.
2. To permit a minimum setback of 5.81m from an OS4 Open Space Woodlot Zone for the proposed swimming pool.
3. To permit a minimum interior (west) side yard setback of 1.21m for the proposed swimming pool.
4. To permit a minimum rear yard setback of 0.58m for the proposed Cabana.
5. To permit a minimum setback of 3.83m from an OS4 Open Space Woodlot Zone for the proposed Cabana.
6. To permit a maximum height of 3.20 for the proposed cabana.
7. To permit a minimum setback of 9.04m from an OS4 Open Space Woodlot Zone for the proposed deck.



SURVEYOR'S REAL PROPERTY REPORT

PART 1
PLAN OF LOTS 316, 317, 318 AND 319
PLAN 65M-3673
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300
 10m 5m 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.

AUBURNDALE DRIVE

(BY PLAN 65M-3591)

BLOCK 299 (0.30 RESERVE) P.L.N. 03271-2018

BLOCK 447 (RPE) (0.30 RESERVE) P.L.N. 03271-3342

BLOCK 448 (0.30 RESERVE) P.L.N. 03271-3343

BLOCK 212

LOT 212

LOT 315

LOT 316

LOT 317

LOT 318

LOT 319

LOT 320

PLAN 65R-26840 PART 9

PLAN 65R-26840 PART 10

PLAN 65M-3673

PLAN 65R-26840 PART 11

MATTISSE TRAIL (BY PLAN 65M-3673)

STREET LINE

CHAIN LINK FENCE

FENCE

IRON BAR

STANDARD IRON BAR

SHORT STANDARD IRON BAR

D.W.C. DENOTES DWELLING UNDER CONSTRUCTION

P.L.N. DENOTES PROPERTY IDENTIFIER NUMBER

PL DENOTES PLAN 65M-3673

PLI DENOTES PLAN 65M-3591

P DENOTES PORCH

(RPE) DENOTES RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.

ALL FOUND MONUMENTS BY HOLDING JONES VANDERVEEN INC. O.L.S. UNLESS NOTED OTHERWISE.

ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHWEST LIMIT OF MATTISSE TRAIL AS SHOWN ON PLAN 65M-3673 HAVING A BEARING OF N75°18'59"E.

DATE *May 06* 2004

ONTARIO LAND SURVEYOR

35901 283 387

NOTES

- DENOTES MONUMENT SET
- DENOTES IRON BAR
- ▣ DENOTES STANDARD IRON BAR
- ▤ DENOTES SHORT STANDARD IRON BAR
- D.W.C. DENOTES DWELLING UNDER CONSTRUCTION
- P.L.N. DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES PLAN 65M-3673
- PLI DENOTES PLAN 65M-3591
- P DENOTES PORCH
- (RPE) DENOTES RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.
- ALL FOUND MONUMENTS BY HOLDING JONES VANDERVEEN INC. O.L.S. UNLESS NOTED OTHERWISE.
- ALL TIES TO CONCRETE FOUNDATION.
- BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHWEST LIMIT OF MATTISSE TRAIL AS SHOWN ON PLAN 65M-3673 HAVING A BEARING OF N75°18'59"E.

PART 2 (SURVEY REPORT)

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE
 ADDITIONAL COMMENTS: NOTE THE LOCATION OF CHAIN LINK FENCE ALONG THE REAR OF LOTS 317 TO 319
 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 SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 27th DAY OF March 2004

ONTARIO LAND SURVEYOR

[Signature]

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN SUBMISSION FORM
 1506201

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1126, Section 29(3).



RADY-PENTEK & EDWARD SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 465 WILSON AVENUE, DOWNSVIEW, ONTARIO
 Tel: (416) 635-5000 Fax: (416) 635-5001
 Website: www.rpsurveying.ca
 DRAWN: V.K.
 CHECKED: T.S.
 CAD FILE No. 3673-316 JOB No. 03-083

THIS REPORT WAS PREPARED FOR ASPEN RIDGE HOMES AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

© RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S. 2003

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

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

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

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: A102/20 - Request for Comments

From: Wong, Tiffany <Tiffany.Wong@york.ca>
Sent: December-08-20 3:08 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Subject: [External] RE: A102/20 - Request for Comments

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

Regards,

Tiffany Wong, B.E.S. | Associate Planner, Programs and Process Improvement,
Planning and Economic Development, Corporate Services

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71521 | tiffany.wong@york.ca | www.york.ca

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



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