



File: A004/21

Applicant: Adam Firestone and Michele Zysman

Address: 46 Asner Ave Maple ON

Agent: Andrew Solari

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	<input checked="" type="checkbox"/>	
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	
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: Lenore Providence  
Hearing Date: Thursday, March 18, 2021

**\*Please note that additional comments may be received after the publication of the Staff Report. These comments will be processed as an addendum (see website for details).**



**Minor Variance  
Application  
  
A004/21**

Agenda Item: 04  
Ward: 4

**Staff Report Prepared By: Lenore Providence, Assistant Secretary Treasurer**

**Date & Time of Live Stream Hearing:** Thursday, March 18, 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](http://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:** Adam Firestone and Michele Zysman
- Agent:** Andrew Solari
- Property:** 46 Asner Avenue, Maple ON
- Zoning:** The subject lands are zoned RD3 and subject to the provisions of Exception 9(1244) 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.

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

By-law Requirement	Proposal
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)]	The private swimming pool is proposed to be constructed 1.06 metres from the rear lot line, and 1.06 metres from the south interior side line. [4.1.1 i)]

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

**Adjournment History:** N/A

**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 March 3, 2021

Applicant confirmed posting of signage on March 3, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2008

Applicant has advised that they cannot comply with By-law for the following reason(s): Impeding into required setback.

**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 10m<sup>2</sup>.

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 in the rear with the above noted variance.

The Development Planning Department has no objection with the variance, since the Owner increased both the interior and rear yard by 0.15m establishing a setback (1.06m) maintaining the general intent and purpose of Zoning By-law 1-88. Development Planning staff have confirmed with the Owner that the existing soft landscape between the water's edge and rear/interior lot line will remain undisturbed. Additionally, Development Engineering staff have reviewed the proposal with respect to water filtration/ runoff and have identified no issues.

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.

**Development Engineering:**

The Development Engineering (DE) Department does not object to variance application A004/21.

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](mailto: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**

No comments or concerns

**By-Law and Compliance, Licensing and Permit Services:**

No comments or concerns

**Financial Planning and Development Finance:**

No comments or concerns

**Fire Department:**

No comments or concerns

**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 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](http://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](http://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.

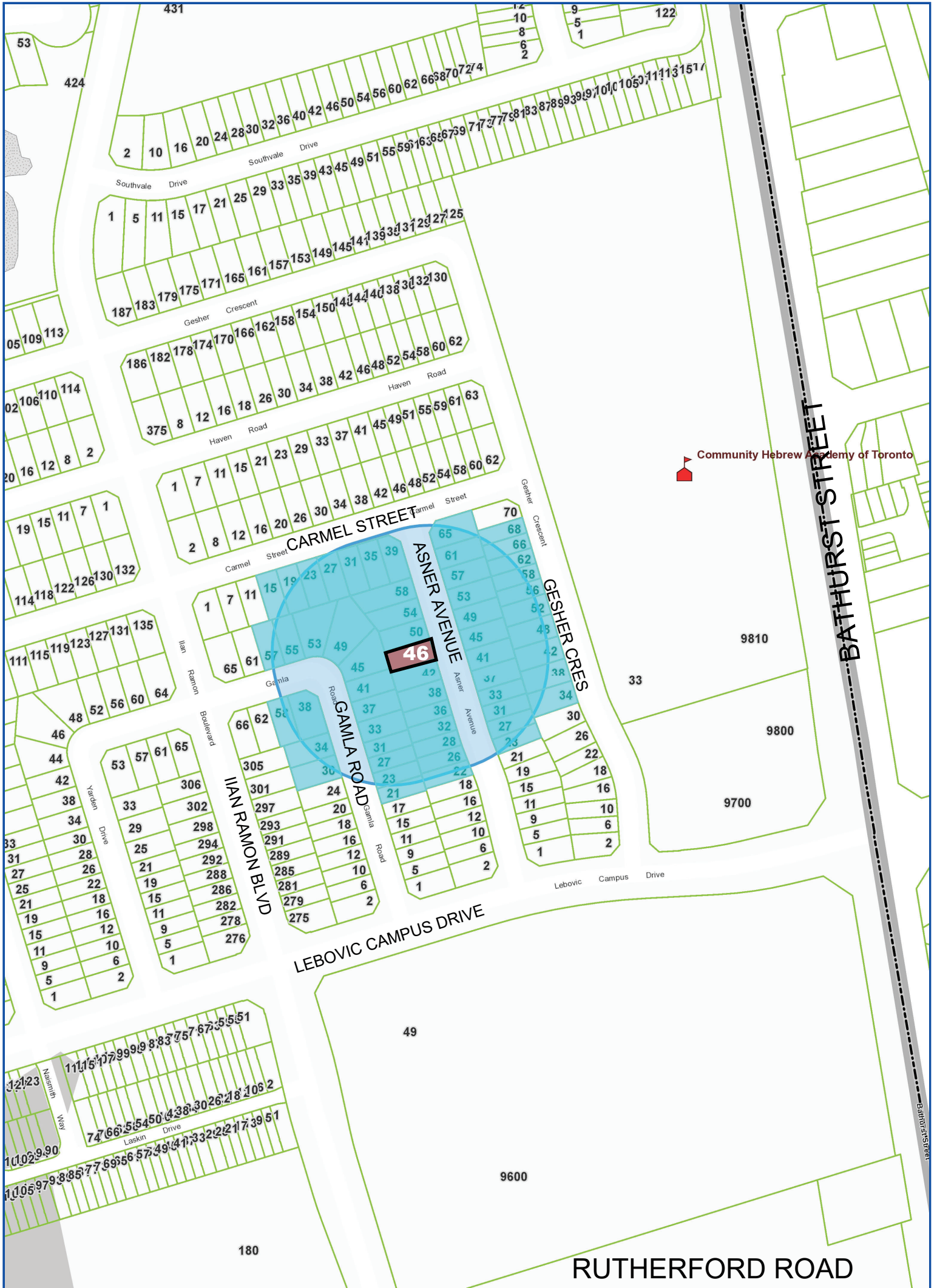
**For further information please contact the City of Vaughan, Committee of Adjustment**

T 905 832 8585 Extension 8394  
E [CofA@vaughan.ca](mailto:CofA@vaughan.ca)

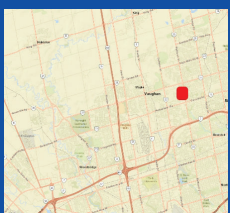
## **Schedule A: Plans & Sketches**

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**



**Map Information:**



**Title:**

NOTIFICATION MAP - A004/21

46 ASNER AVENUE, MAPLE

**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: 1:2,823

0 0.04 km



**Created By:**

Infrastructure Delivery  
Department  
February 22, 2021 4:17 PM

**Projection:**  
NAD 83  
UTM Zone  
17N

**NEW**

February 25, 2021

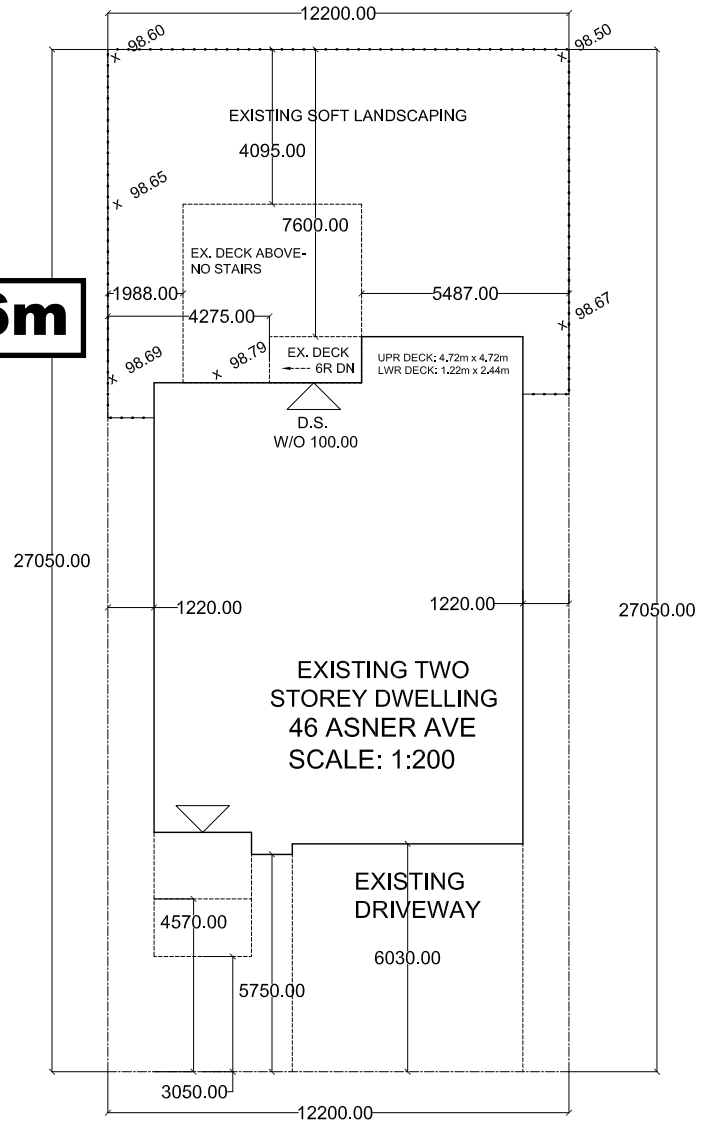
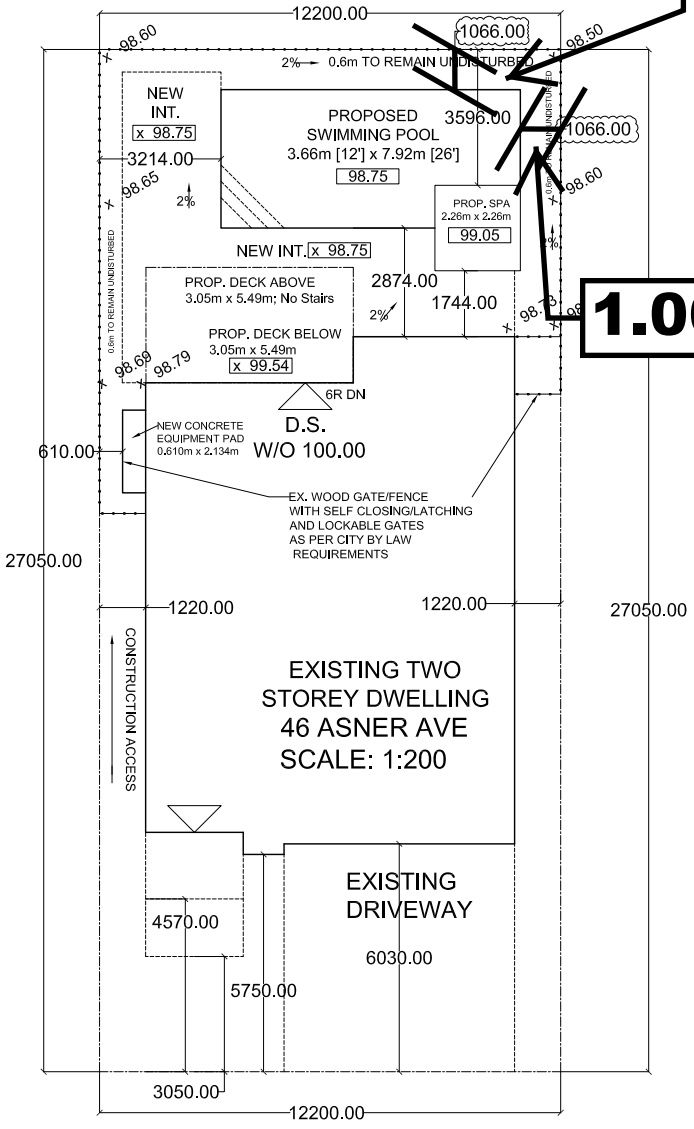
**A004/21**

**PROPOSED PLAN**

**EXISTING PLAN**

**1.06m**

**1.06m**



**ASNER AVE**

**ASNER AVE**



BACKYARD AREA: 92.72m <sup>2</sup>	
Minus 135m <sup>2</sup>	
Softscape 60 %-	
Pool -	
LANDSCAPE % EXISTING AND PROPOSED	
Hardscape:	
Softscape:	



**BANCHERI BROS  
INTERLOCK AND POOLS**

46 ASNER AVE

SCALE 1:200

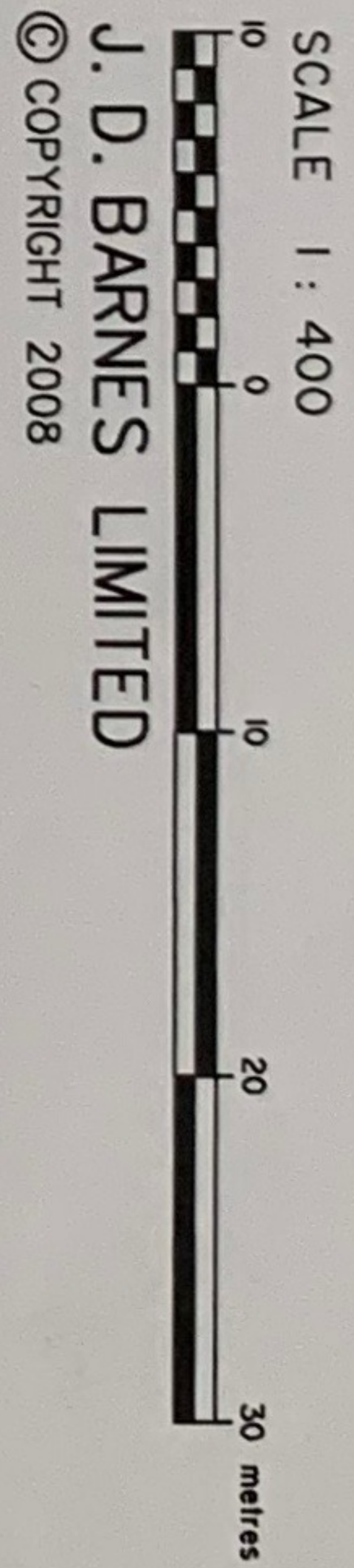
DEC 21 2020-  
SUBMITTED APP.

FEB 23 2021-  
REVISED PER CMNT.

FEB 24 2021-  
RESUBMIT TO CITY



**SURVEYOR'S REAL PROPERTY REPORT**  
**PART 1 - PLAN SHOWING**  
**LOTS 138, 139, 140 AND 141**  
**REGISTERED PLAN 65M-3962**  
**CITY OF VAUGHAN**  
**REGIONAL MUNICIPALITY OF YORK**



**METRIC** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**

- BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM THE EAST LIMIT OF ASNER AVENUE, HAVING A BEARING OF N 17°53'15" W, IN ACCORDANCE WITH REGISTERED PLAN 65M-3962
  - DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT SET
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - DUC DENOTES DWELLING UNDER CONSTRUCTION
  - P&S DENOTES REGISTERED PLAN 65M-3962 AND SET REGISTERED PLAN 65M-3962 AND MEASURED TOP OF FOUNDATION WALL ELEVATION
  - TW DENOTES TOP OF FOUNDATION WALL ELEVATION
  - GC DENOTES GARAGE CUT ELEVATION
  - CP DENOTES CONCRETE PORCH
  - S DENOTES STAIRS
  - STAIRS CALCULATED FROM REGISTERED PLAN 65M-3962
  - M DENOTES MEASURED
- ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION  
 ALL FOUND SURVEY MONUMENTS SET BY SCHAEFFER & DZALDOV LIMITED, OLS UNLESS NOTED OTHERWISE  
 COMPLIANCE WITH ONTARIO BUILDING CODE SETBACK REQUIREMENTS ARE NOT VERIFIED BY THIS SURVEY

**SURVEYOR'S CERTIFICATE**

1. I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON FEBRUARY 5, 2008.

*Michael J. Gorman*  
 DATE: March 7, 2008  
 MICHAEL J. GORMAN  
 ONTARIO LAND SURVEYOR

**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**PLAN SUBMISSION FORM**  
**1682293**

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

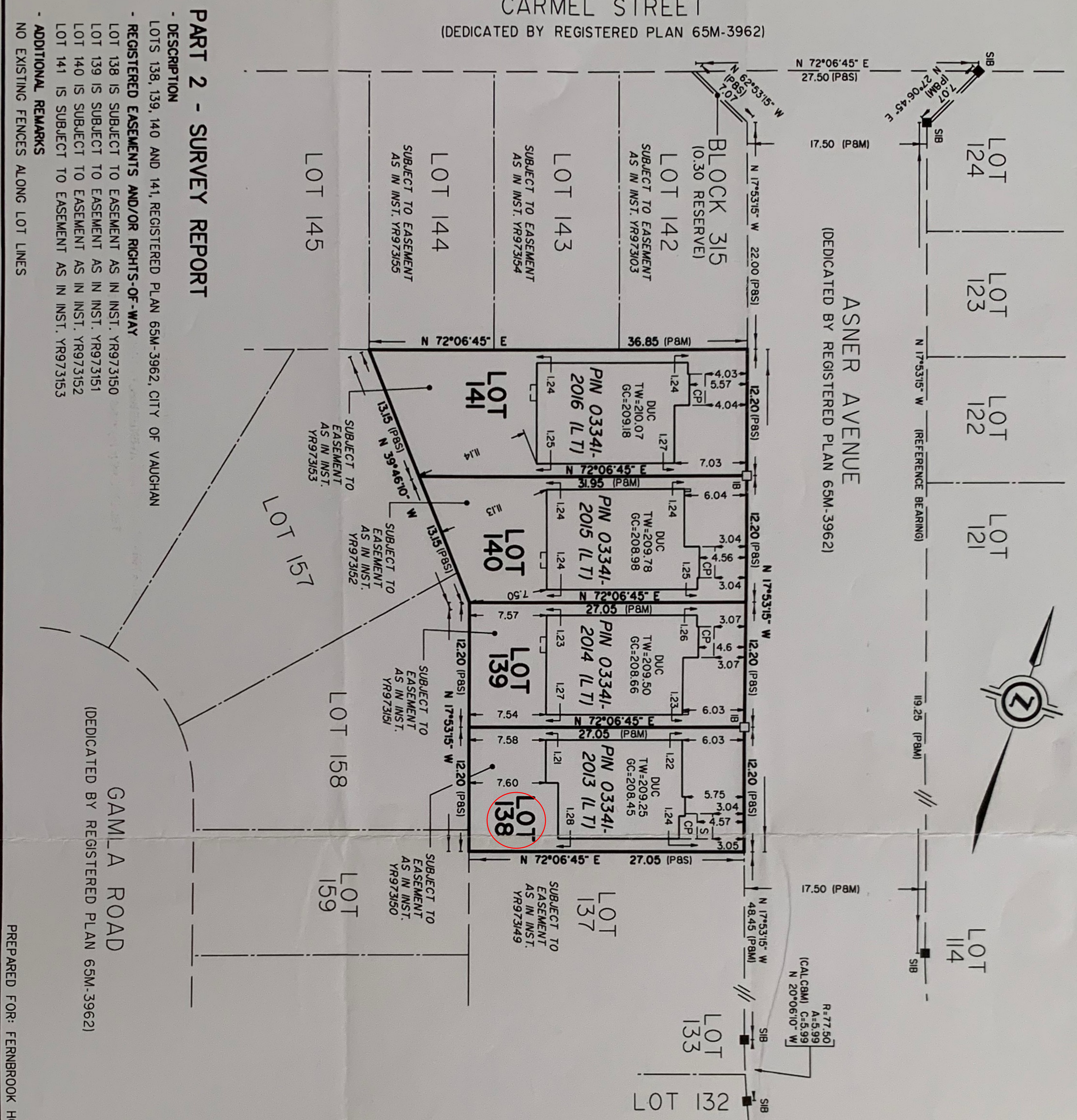
**J. D. BARNES LIMITED**  
 SURVEYING MARTINDALE

140 RENNERT DRIVE, SUITE 100, MARKHAM, ON L3R 6B3  
 T: (905) 477-3600 E: (905) 477-3882 www.jdbarnes.com

AD/MYP DRAWN  
 MJC CHECKED  
 JUL/12/07 DATED

07-21-659-00-138

PREPARED FOR: FERNBROOK HOMES



**CARMEL STREET**  
 (DEDICATED BY REGISTERED PLAN 65M-3962)

**ASNER AVENUE**  
 (DEDICATED BY REGISTERED PLAN 65M-3962)

**GAMLA ROAD**  
 (DEDICATED BY REGISTERED PLAN 65M-3962)

**PART 2 - SURVEY REPORT**

**- DESCRIPTION**  
 LOTS 138, 139, 140 AND 141, REGISTERED PLAN 65M-3962, CITY OF VAUGHAN

**- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY**  
 LOT 138 IS SUBJECT TO EASEMENT AS IN INST. YR973150  
 LOT 139 IS SUBJECT TO EASEMENT AS IN INST. YR973151  
 LOT 140 IS SUBJECT TO EASEMENT AS IN INST. YR973152  
 LOT 141 IS SUBJECT TO EASEMENT AS IN INST. YR973153

**- ADDITIONAL REMARKS**  
 NO EXISTING FENCES ALONG LOT LINES

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

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

**Providence, Lenore**

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**Subject:** FW: A004-21 - REQUEST FOR COMMENTS - 46 Asner Ave Maple (full circulation)

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

**Sent:** January-29-21 12:38 PM

**To:** Providence, Lenore <Lenore.Providence@vaughan.ca>

**Subject:** [External] RE: A004-21 - REQUEST FOR COMMENTS - 46 Asner Ave Maple (full circulation)

Good afternoon 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 | The Regional Municipality of York | 1-877  
464 9675 ext 71538 | [Gabrielle.hurst@york.ca](mailto:Gabrielle.hurst@york.ca) | [www.york.ca](http://www.york.ca)