



File: A015/21

Applicant: Brad & Stacey Diamond

Address: 26 Basie Gt Thornhill ON

Agent: Terra Nova Pools

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"/>	<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	<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

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

Agenda Item: 10

A015/21

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

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: Brad & Stacey Diamond

Agent: Robert Taddei - Terra Nova Pools

Property: **26 Basie Gate, Thornhill ON**

Zoning: The subject lands are zoned RV4(WS), Residential Urban Village Zone Four, 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 in the westerly side yard. Relief is also being sought to permit the existing 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 (Section 4.1.1 i)).	1. To permit a minimum Rear Yard setback of 1.0 metres to a pool.
2. A minimum Interior side yard setback of 1.5 metres is required (Section 4.1.1 i)).	2. To permit a minimum Interior side Yard setback of 1.0 metres to a pool.
3. A minimum Interior side yard setback of 0.6 metres is required (Section 3.14 h)).	3. To permit a minimum Interior side Yard setback of 0.43 metres to the ground mounted pool equipment.
4. A minimum Interior side yard setback of 0.3 metres is required (Section 3.14 h)).	4. To permit a minimum Interior side Yard setback of 0.23 metres to an AC unit.

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 February 27, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2004

Applicant has advised that they cannot comply with By-law for the following reason(s): Existing set back creates too much yard loss in on an already very small and irregularly shaped lot.

Adjournment Request: The applicant was provided an opportunity to adjourn the application prior to the issuance of public notice to permit time to address staff comments pertaining to the elevation of the pool equipment and A/C unit as well as the setback to the proposed pool.

Building Standards (Zoning Review):

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

Building Permit No. 03-001450 for Single Detached Dwelling - Alteration, Issue Date: Mar 25, 2004.

Other Comments:

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 proposing to construct an inground swimming pool, a pool equipment pad, and maintaining an existing wall-mounted air conditioner ('A/C') unit with the above noted variances.

Variances 1 and 2 are considered minor in nature as the proposed rear and interior side yard setbacks are to pinch points of the swimming pool, with the rear yard setback gradually increasing to 1.1 m at the northwest corner, and the interior side yard setback increasing to 1.86 m at the southeast corner. At the western side of the dwelling, the proposed pool equipment pad will sit on top a permeable pad, and the existing A/C unit is wall mounted, providing adequate room for drainage. The Development Engineering Department have reviewed this proposal and have no concerns.

Accordingly, 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 A015/21. subject to the following condition(s):

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.

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 comment no 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
 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 have been recommended:

	Department/Agency	Condition
1	Development Engineering Farzana Khan 905-832-8585 x 3608 Farzana.Khan@Vaughan.ca	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.

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

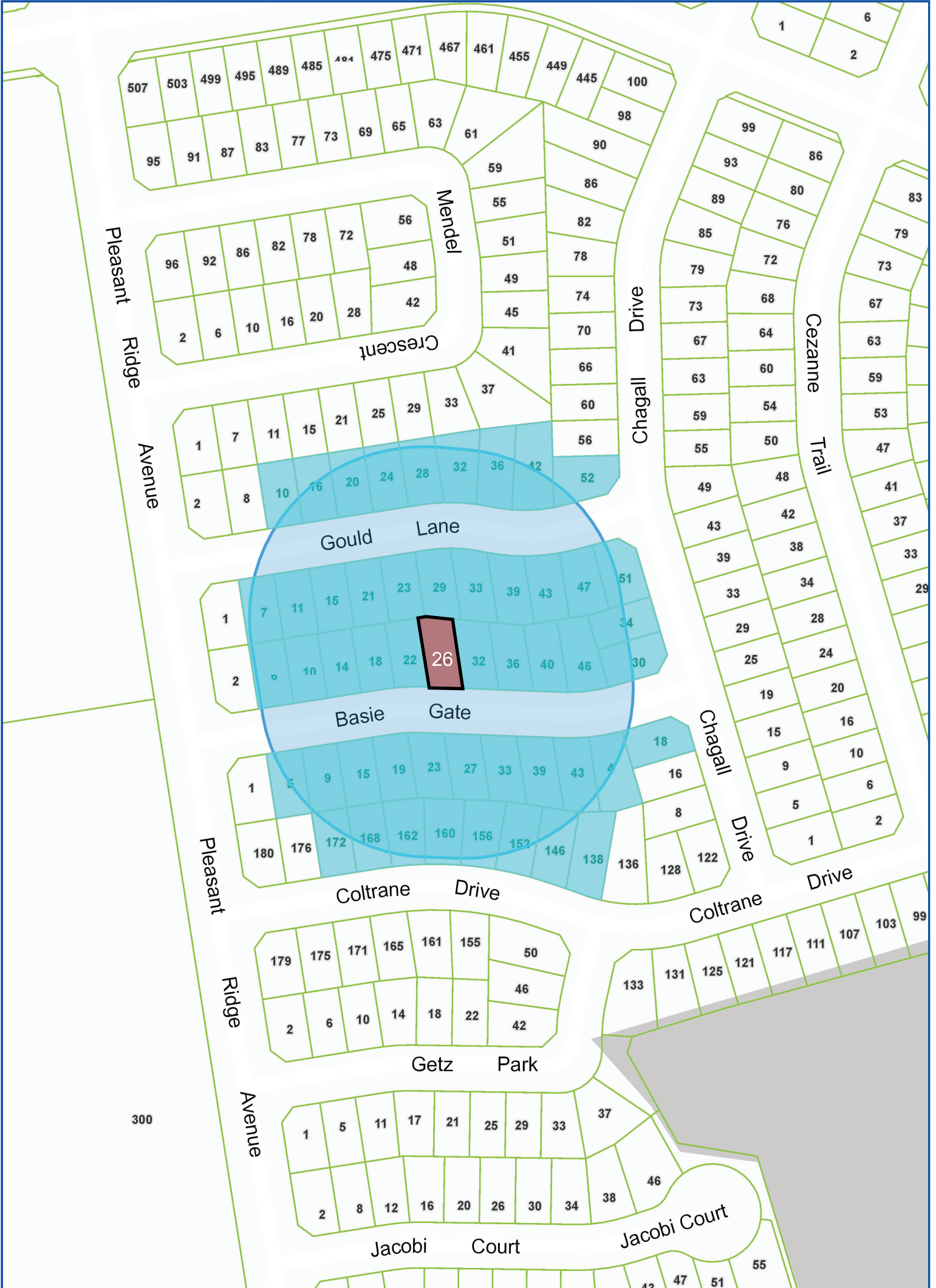
T 905 832 8585 Extension 8394
E CofA@vaughan.ca

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.

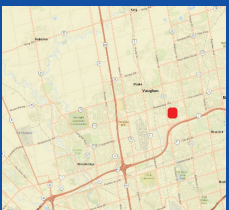
Location Map
Plans & Sketches

RUTHERFORD ROAD



DUFFERIN STREET

Map Information:



Title:

26 BASIE GATE, THORNHILL

NOTIFICATION MAP - A015-21

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: 1:1,879

0 0.03 km



Created By:

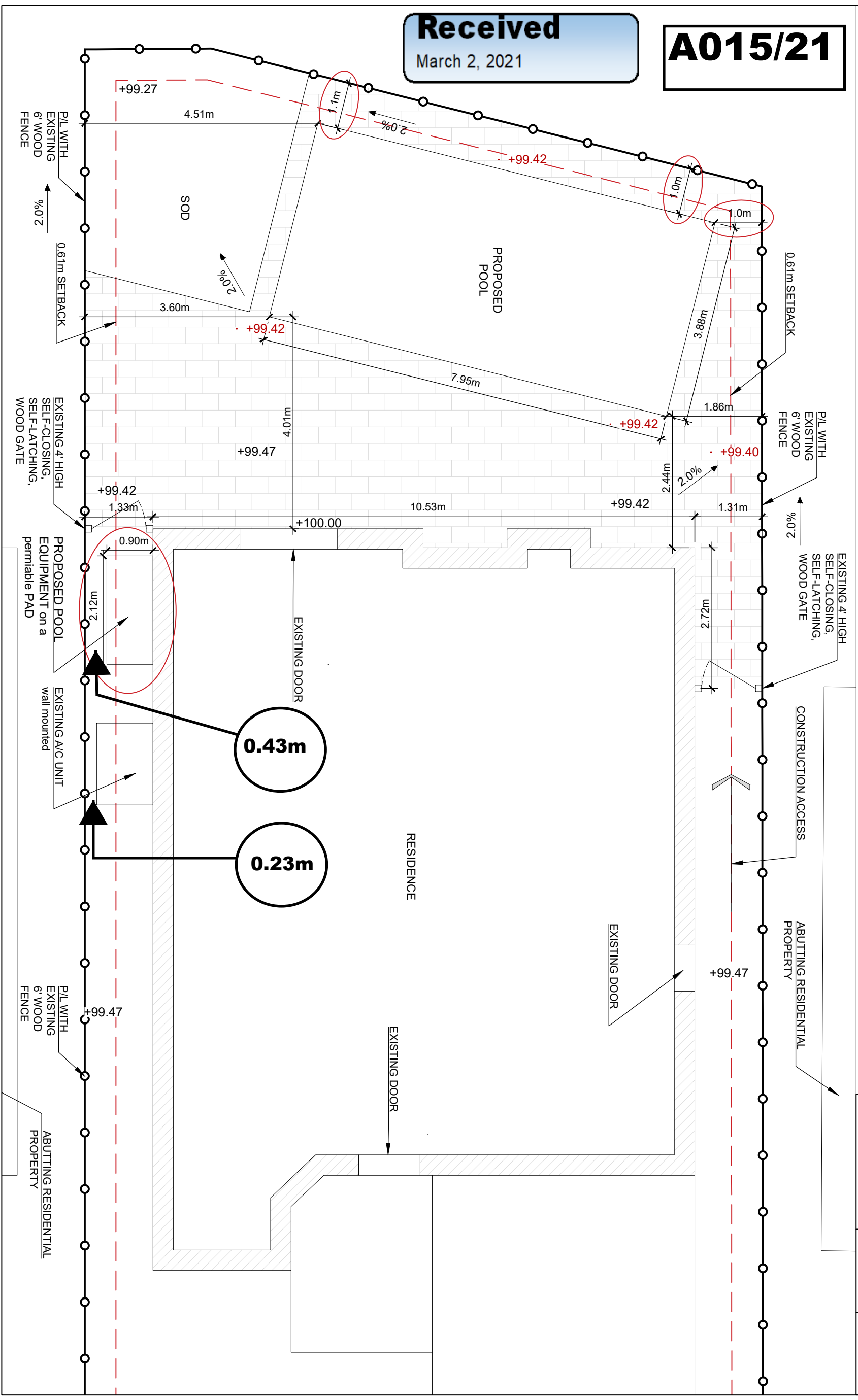
Infrastructure Delivery
Department
March 10, 2021 7:34 AM

Projection:
NAD 83
UTM Zone
17N

A015/21

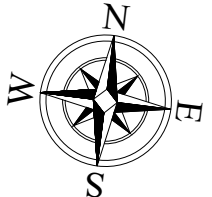
Received
March 2, 2021

ASPECT	AREA	PERCENT
SOFTSCAPE	100m ²	95%
HARDSCAPE	5m ²	5%



1 LAYOUT PLAN
LP2

1:75



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

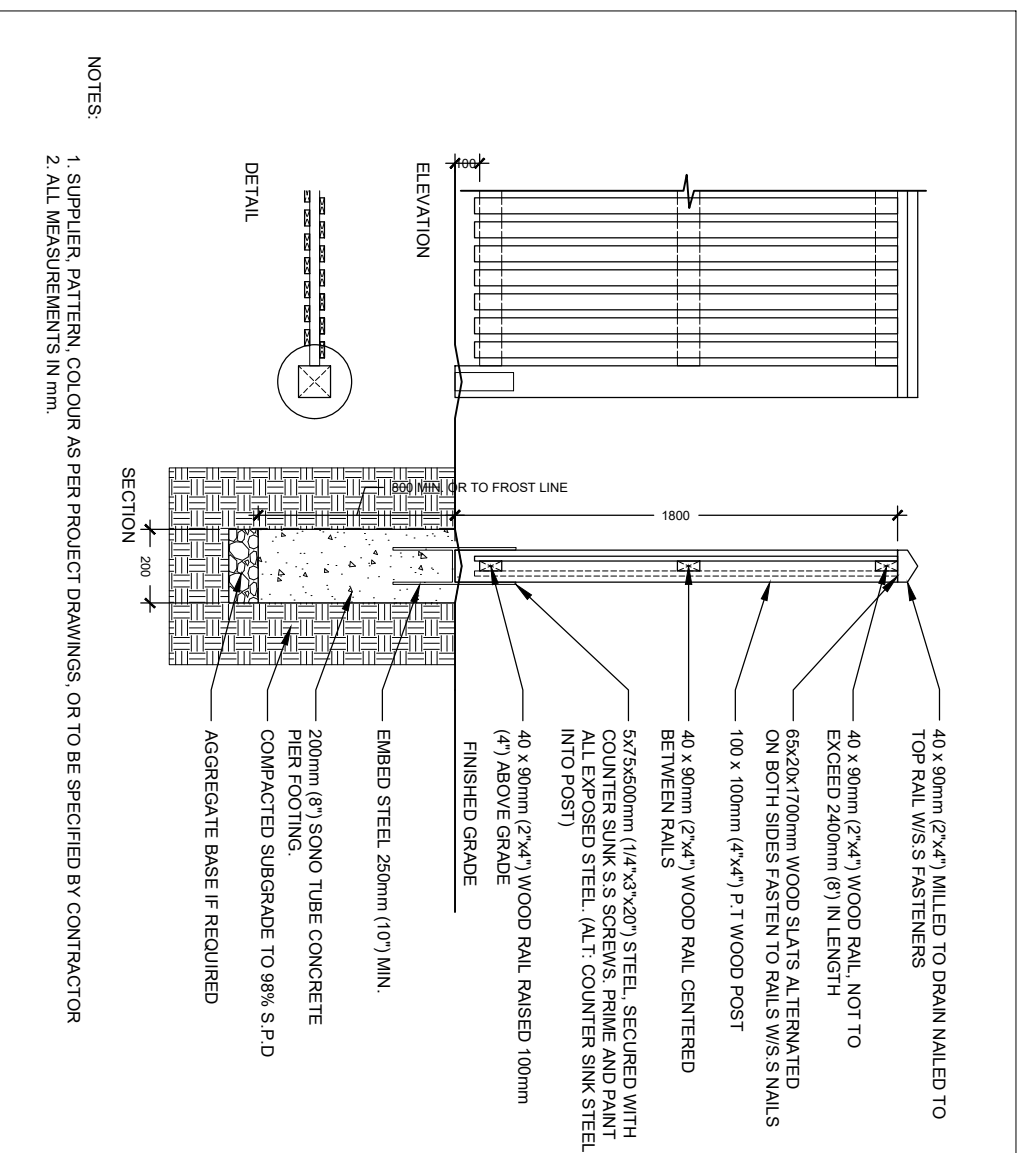
- NOTES:
 1. Minimum 0.61m setback to all property lines.
- PROPOSED VARIANCE
- +100.00 EXISTING ELEVATIONS
- +99.42 PROPOSED ELEVATIONS

No.	DATE	REVISION	BY

RESIDENCE
26 Basie Gate
Thornhill, ON
L4J 9B4

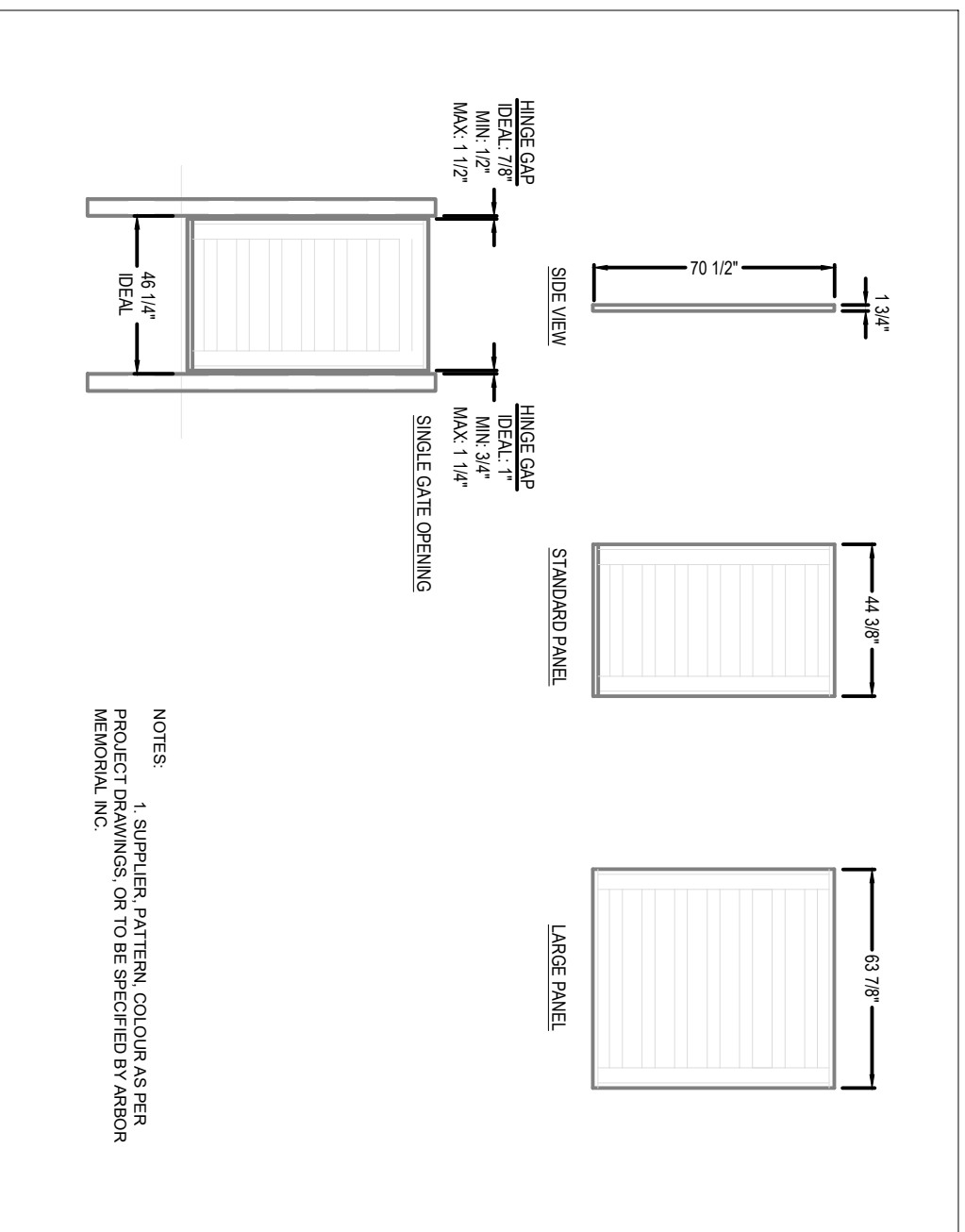
LANDSCAPE DESIGN
LAYOUT PLAN

DRAWN	SCALE
MM	AS NOTED
CHECKED	
RT	
PRINT DATE	2021-01-05
DRAWN DATE	2020-01-02
DRAWING NO.	LP2



1 FENCE DETAIL

N.T.S.



2 GATE DETAIL

N.T.S.

GENERAL NOTES

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

LEGEND

- NOTES:
1. GATES EQUIPPED WITH SELF-CLOSING SELF-LATCHING DEVICES.
 2. NO PROJECTIONS OR RAILS THAT WILL FACILITATE CLIMBING.
 3. FENCE TO GRADE WILL NOT EXCEED 2" IN HEIGHT.
 4. ALL FRONT AND REAR YARDS SHALL BE GRADED AT A 2%-5% GRADE WITHIN 6.0m OF SEE ATTACHED POOL PERMIT FOR FURTHER DETAILS.

No.	DATE	REVISION	BY

RESIDENCE
26 Basile Gate
Thorntill, ON
L4J 9B4

LANDSCAPE DESIGN

DETAILS

DRAWN	SCALE
MM	AS NOTED

CHECKED
RT

PRINT DATE 2020-11-17
DRAWN DATE 2020-17-11
DRAWING NO. D1

From: [REDACTED]
To: [REDACTED]
Subject: [REDACTED] - [REDACTED] - [REDACTED]
Date: 04/05/21 6:33:10 AM

Lenore,

See attached pictures of my AC unit.



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

Providence, Lenore

Subject: FW: A015-21 - REQUEST FOR COMMENTS - 26 Basie Gt Thornhill - (Full Circulation)

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

Sent: February-23-21 3:24 PM

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

Subject: [External] RE: A015-21 - REQUEST FOR COMMENTS - 26 Basie Gt Thornhill - (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 | www.york.ca

Providence, Lenore

Subject: FW: A015-21 - REQUEST FOR COMMENTS - 26 Basie Gt Thornhill - (Full Circulation)
Attachments: A015-21 - CIRCULATION.pdf

From: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>

Sent: February-23-21 10:32 AM

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

Subject: [External] FW: A015-21 - REQUEST FOR COMMENTS - 26 Basie Gt Thornhill - (Full Circulation)

Hello Lenore,

This site is not within MTO permit control and MTO has no concerns.

Cameron Blaney | Corridor Management Planner | Simcoe & York

Highway Corridor Management Section – Central Operations

159 Sir William Hearst Avenue | Ministry of Transportation

7th Floor, Building D | Downsview, Ontario | M3M 0B7

416-358-7871

Cameron.Blaney@ontario.ca