

File: A070/21

Applicant: Samuel & Jodi Lieff

Address: 28 Southvale Dr Maple

Agent: Joe Barbarino

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 | | |
| Development Planning | <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 | <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) | <input checked="" type="checkbox"/> | |

Adjournment History: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, May 20, 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: 2

A070/21

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, May 20, 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

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: Samuel & Jodi Lieff

Agent: Joe Barbarino

Property: 28 Southvale Dr Maple

Zoning: The subject lands are zoned RD4 - Residential Detached Zone Four and subject to the provisions of Exception 9(1231) 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 and related equipment and the existing A/C unit.

The pool is to be located in the rear yard and the pool equipment and A/C unit are to be located 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 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 private swimming pool is proposed to be constructed 1.0 metres from the rear lot line, and 1.0 metres from the interior side lot line. |
| 2. External Wall-Mounted Air Conditioner Units shall be permitted in an interior side yard with a minimum setback of 0.3 metres. [4.1.1 h) i)] | 2. The wall-mounted air conditioner unit in the west interior side yard has a setback of 0.02 metres from the side lot line. |

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

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: 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 May 5, 2021

Applicant confirmed posting of signage on May 3, 2021

| Property Information | |
|----------------------|------------------------------|
| Existing Structures | Year Constructed |
| Dwelling | 2008 (Purchased August 2012) |

Applicant has advised that they cannot comply with By-law for the following reason(s):
For the pool the backyard is not big so we would like to maximize space available. For pool equipment to save room in backyard and not to impede walkway access on east side. For a/c to not impede walkway access.

Adjournment Request: On May 3, 2021 The Development Planning Department requested the following changes:

1. The Development Planning Department requests that Variance #1 for the minimum rear and interior side yard setback of 0.91m to the proposed pool be increased to at least 1.0m.
2. Recommend relocation of existing A/C unit to the opposite side of the dwelling to provide for a more appropriate setback to the interior side yard.

The applicant was provided an opportunity to adjourn prior to the issuance of public notice to permit time for the submission of a revised application and to permit a zoning review to be completed.

Applicant revised Variance #1 from 0.91m to 1.0m and zoning confirmed variances on **May 7, 2021**.

The location of the A/C unit was not changed, however it was confirmed that the owner has obtained consent from the neighbour to the satisfaction of Development Engineering.

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. This zoning review is based on confirmation provided by the applicant that both the Central Air Conditioner and Pool Equipment will be wall mounted.

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owner is requesting permission to construct a pool, pool equipment, and to maintain an existing wall-mounted air conditioner ('A/C') unit with the above-noted variances.

The Development Planning Department has no objection to Variance 1, as the proposed rear and interior side yard setbacks to the pool allow for sufficient access and drainage and will not negatively impact neighbouring properties. With regards to Variance 2, the proposed interior side yard setback of 0.02 m is to an existing wall-mounted A/C unit, located within the westerly interior side yard.

The Development Planning Department does not typically support a reduced setback of this nature however, at the request of the Development Engineering Department, the Owner provided a letter of support from the immediate neighbour to the west. The letter confirms the neighbour has no concerns with the current location of the existing A/C unit. Development Engineering staff are satisfied with the letter provided and have no objections to the application.

It shall also be noted that the main access to the rear yard is provided through the easterly interior side yard. Given the support from Development Engineering, the Development Planning Department does not object to Variance 2. The Owner provided an Arborist Report, prepared by Wight Tree Service Inc., dated March 3, 2021, in support of the application. The Urban Design Division has reviewed the submitted report and concur with its recommendations.

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:

Given that the neighbor has consent the wall mounted A/C unit has no noise issues past 9 years, the Development Engineering (DE) Department does not object to variance application A070/21.

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 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 comment no concerns

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance:

No comment no concerns

Fire Department:

No comment no concerns

Schedule A – Plans & Sketches

Schedule B – Public Correspondence

A070/21 – Public Correspondence (Paulo Fante)

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: 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.

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 8002
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.

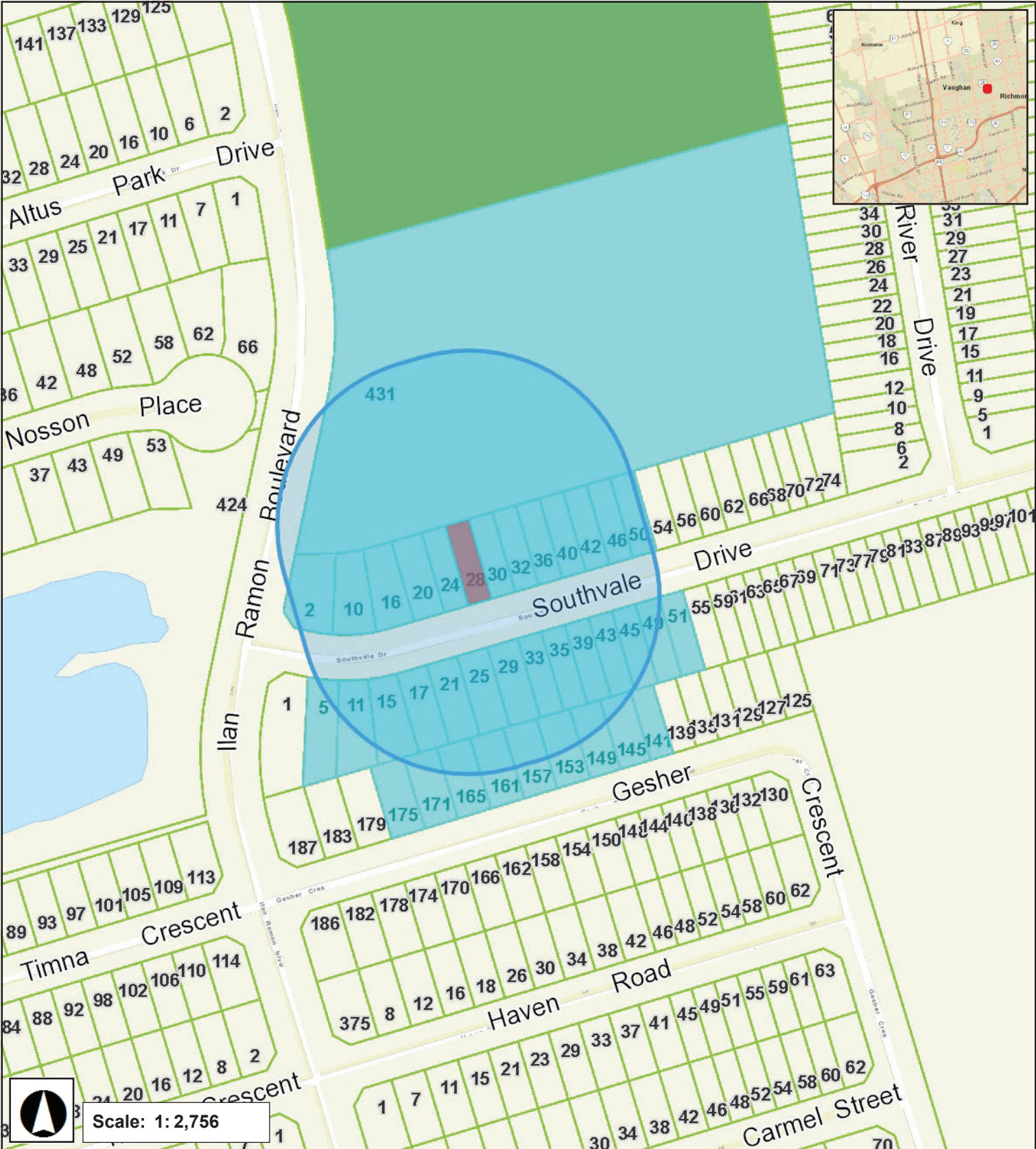
Location Map
Plans & Sketches



LOCATION MAP - A070/21

28 SOUTHVALE DRIVE, MAPLE

Major Mackenzie Drive



Rutherford Road

May 4, 2021 1:27 PM

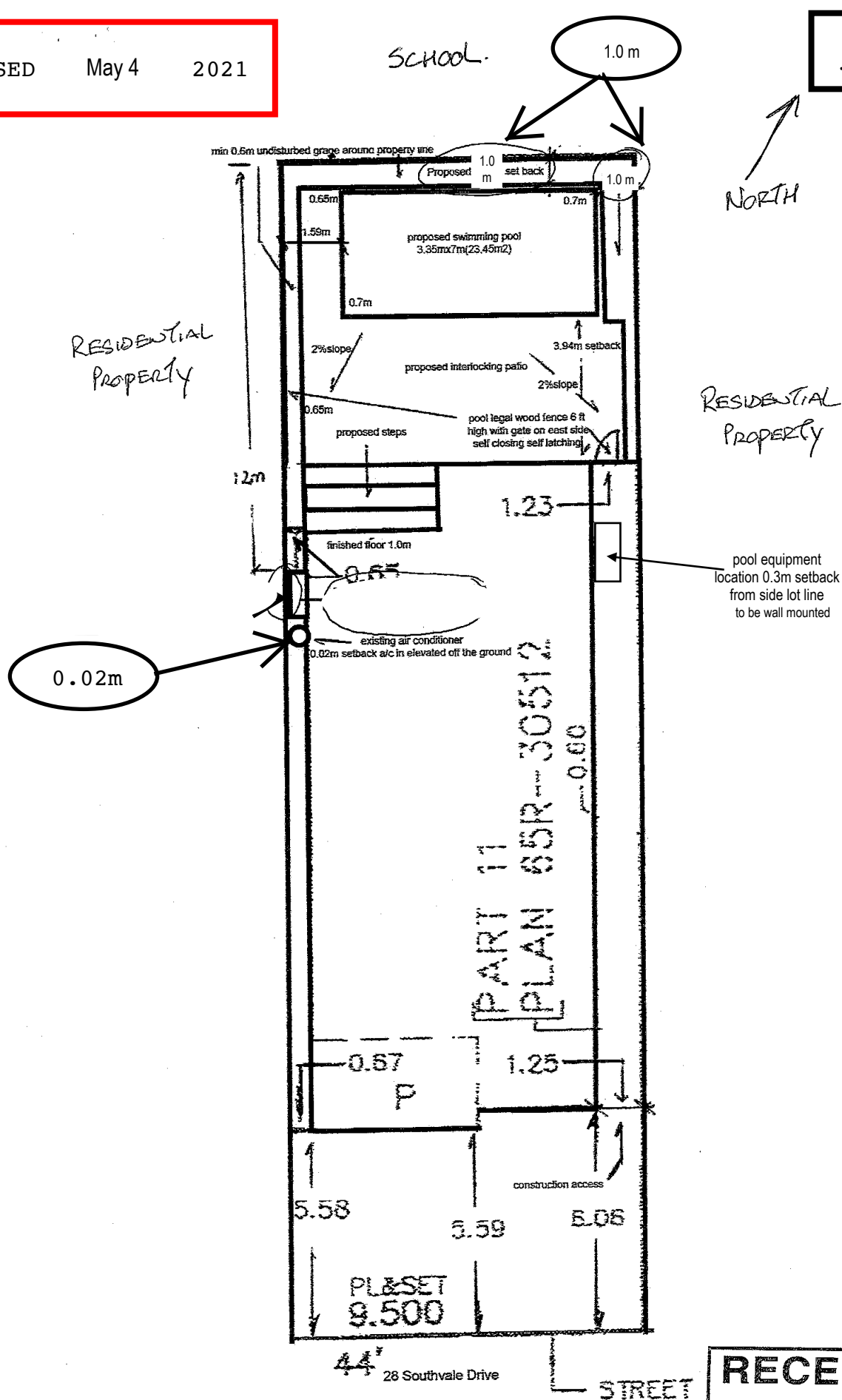
REVISED

May 4

2021

SCHOOL.

A070/21



RECEIVED

MAR 25 2021

VAUGHAN COMMITTEE
OF ADJUSTMENT

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.

A070/21 – Public Correspondence (Paulo Fante)

Jodi & Sammy Lieff
28 Southvale Drive
Maple, Ontario L6A0X2

Dear Neighbor,

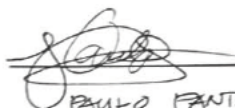
We need your confirmation for the city of Vaughan, in order to obtain a swimming pool enclosure.

As your neighbors, Jodi & Sammy Lieff, please confirm that we have been living next door to you for 9 years and that you are aware of the A/C unit mounted on the west wall of 28 Southvale, on the same side as your A/C unit and that this has been there since we moved in. Please confirm that this is not a nuisance to you.

Best regards

Jodi Lieff

Please sign here to confirm consent



PAULO FANTE


Date: 04/27/2021

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), 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

Attwala, Pravina

Subject: FW: A070/21 - REQUEST FOR COMMENTS

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>
Sent: April-16-21 11:42 AM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] RE: A070/21 - REQUEST FOR COMMENTS

Good morning,

As the property at 28 Southvale Drive is outside the MTO permit control area, MTO has no comments.

Colin Mulrenin (he/him) | Corridor Management Officer | York
Highway Corridor Management Section – Central Operations
159 Sir William Hearst Avenue | Ministry of Transportation
7th Floor, Building D | Downsview, Ontario | M3M 0B7
Colin.Mulrenin@ontario.ca

Attwala, Pravina

Subject: FW: A070/21 - REQUEST FOR COMMENTS

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-16-21 3:27 PM
To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A070/21 - REQUEST FOR COMMENTS

Good afternoon Pravina,
The Regional Municipality of York has completed its review of the above minor variance and has no comment.

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