



File: A079/21

Applicant: 2256376 Ontario Inc.

Address: 41 Thornbank Road, Thornhill

Agent: Guitberg Group Inc.

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"/>	
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<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)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
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: 14

A079/21

Ward: 5

Staff Report Prepared By: Adriana MacPherson, 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

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: 2256376 Ontario Inc.

Agent: Guitberg Group Inc.

Property: 41 Thornbank Road, Thornhill

Zoning: The subject lands are zoned R1V and subject to the provisions of Exception 9(662) 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 proposed construction of a proposed single family dwelling, cabana and swimming pool.

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

By-law Requirement	Proposal
1. A maximum lot coverage of 20% is permitted (Schedule A, By-law 1-88a.a.).	1. To permit a maximum lot coverage of 24.32% (20.5% house, 1.82% porch, 2.0% cabana)
2. A maximum building height of 9.5 metres is permitted (Schedule A, By-law 1-88a.a.).	2. To permit a maximum building height of 11.0 metres.
3. A pool is permitted in the rear yard only (Section 4.1.1, By-law 1-88a.a.).	3. To permit a pool not in the rear yard.

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 May 5, 2021

Applicant confirmed posting of signage on May 1, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	1950
Cabana	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): New constructions necessitates minor variances.

Adjournment Request: On May 5, 2021 The Development Planning Department requested that the application be adjourned in order to permit time to address Urban Design comments.

To address these comments, the applicant provided a proposal on May 7 with the following updates:

- Shape of rear pool patio has been changed to allow for trees protection
- Front driveway location was adjusted to allow for tree protection

The applicant confirmed that the proposed changes would not impact the variances being requested.

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. The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).

Building Inspections (Septic):

No comments or concerns

Development Planning:

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

The Owners are requesting relief to construct a 2-storey single-family dwelling with an attached garage with the above noted variances. The Development Planning Department has no objection to the variances, as the maximum lot coverage of 24.32% (dwelling with attached garages 20.5%, covered porches 1.82%, cabana 2%) and maximum building height of 11 m for the detached dwelling unit remains compatible to other newly built dwellings in the area.

Previously, Committee of Adjustment approved 69 Thornbank Road (File A259/16 permitting a maximum building height of 11 m and lot coverage of 24.62%), 3 Thornbank Road (File A079/15 permitting a lot coverage of 23.89%), and 29 Thornbank Road (File A323/14 permitting a maximum building height of 10.8 m).

Development Planning staff recognizes the location of the pool is not technically in the rear yard as defined by Zoning By-law 1- 88, however, is located behind the dwelling and is in the Owner's rear amenity area. The Owners have submitted an Arborist Report (prepared by Redbud Forestry Consultants, dated on March 8, 2021) to justify the extensive amount of vegetation being removed on-site. The Urban Design Division of the Development Planning Department has reviewed the Arborist Report and recommends the Owner relocate the driveway slightly to the east to help preserve public tree #3. Additionally, Urban Design staff has communicated with the agent that all neighboring trees with risk of injury require letters of consent from the abutting Owners. In response, the Owners have modified their site plan to demonstrate tree #3 is no longer being impacted by the proposed driveway and will work with Forestry staff to obtain all the necessary permits. Urban Design staff are satisfied and have no further 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.

Development Engineering:

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.

The owner/applicant shall contact Transportation and Fleet Management Services (Joint Operations Centre) for any work required related to the driveway culvert removal and installation.

The Development Engineering (DE) Department does not object to variance application A079/21 subject to the following condition(s):

The Owner/applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City's Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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 lot grading and/or servicing approval.

Parks Development - Forestry:

Applicant/owner shall apply for a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.

Applicant/owner shall amend the arborist report to the satisfaction of the forestry division.

Prior to permit issuance, Forestry staff shall inspect and approve the tree protection (Hoarding). Tree protection shall be installed to the satisfaction of the Forestry division.

Tree protection & preservation methods must be followed according to City of Vaughan By-law 052-2018

Arborist recommendations are to be followed as outlined in the Arborist Report.

Applicant/owner to install the tree protection hoarding as per the arborist report prior to any site works. Applicant/owner shall be liable for any tree damages as a result of construction as per By-law 052-2018.

Recommended condition of approval:

Applicant/owner shall apply for a "Private Property Tree Removal & Protection" permit through the forestry division prior to building permit approval.

By-Law and Compliance, Licensing and Permit Services:

No comments received to date

Development Finance

That the payment of the City Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and City-wide Development Charge By-law in effect at time of payment.

That the payment of Region of York Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Regional Development Charges By-laws in effect at time of payment.

That the payment of Education Development Charge is payable to the City of Vaughan prior to issuance of a building permit in accordance with the Education Act and York Region District School Board and York Catholic District School Board Development Charges By-laws in effect at time of payment.

That the payment of applicable Area Specific Development Charges are payable to the City of Vaughan prior to issuance of a building permit in accordance with the Development Charges Act and Area Specific Development Charge By-laws in effect at time of payment.

Fire Department:

No comments received to date

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 submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. 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 lot grading and/or servicing approval.
2	Parks, Forestry and Horticulture Operations Andrew Swedlo 905-832-8585 x3615 Andrew.Swedlo@vaughan.ca	Applicant/owner shall apply for a “Private Property Tree Removal & Protection” permit through the forestry division prior to building permit approval.

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.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

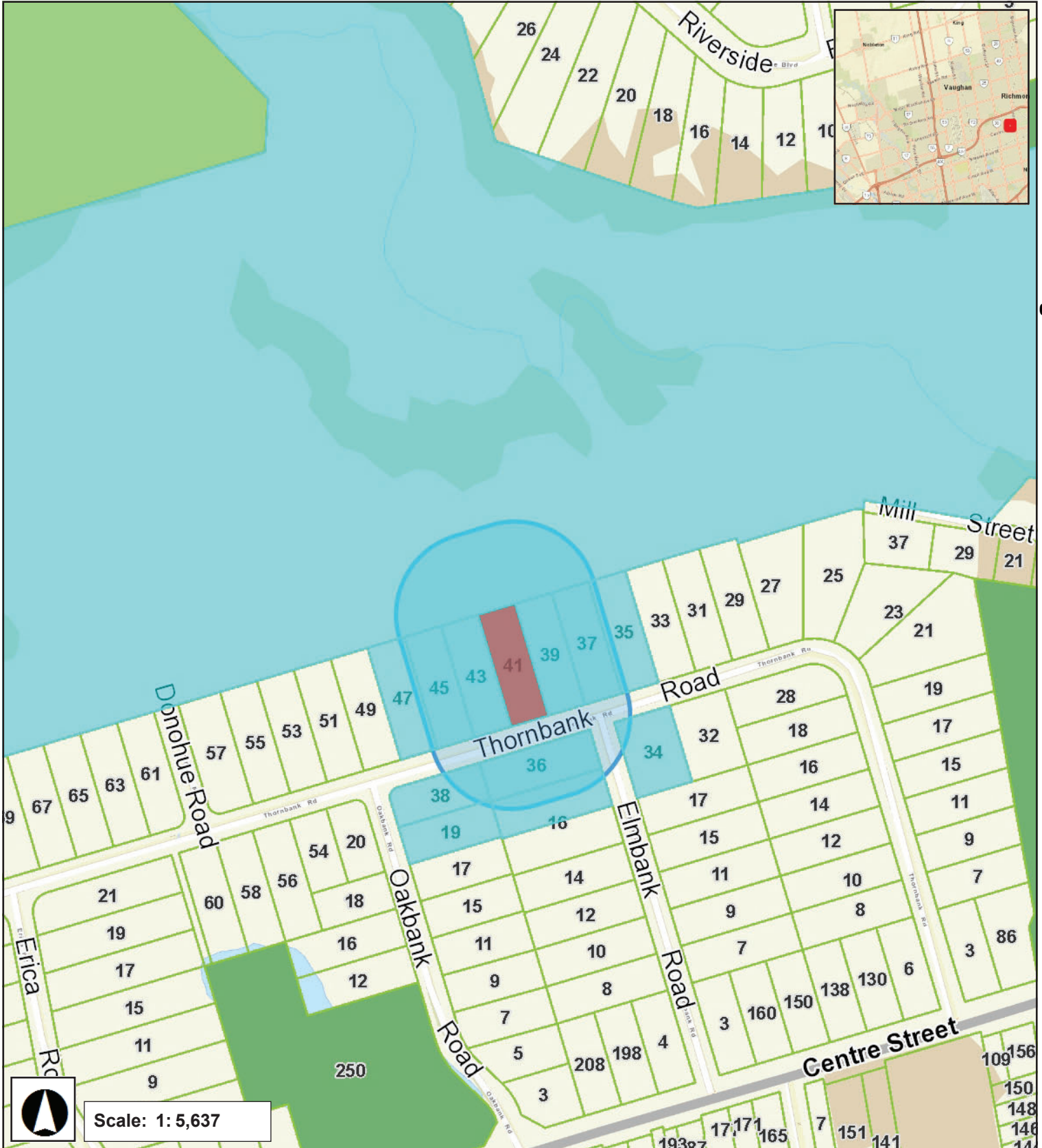
E CofA@vaughan.ca

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**

41 Thornbank Road, Thornhill

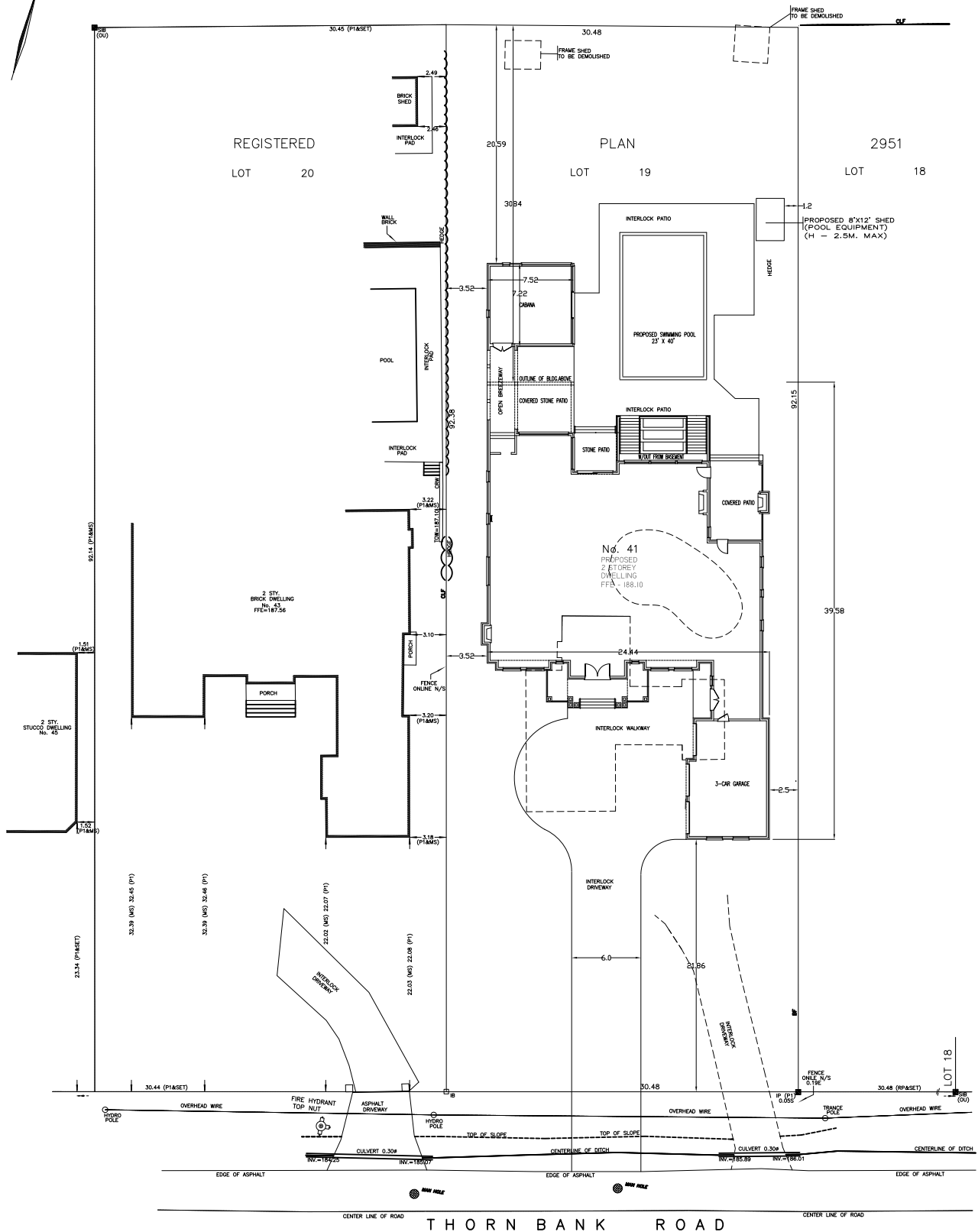


Yonge Street

Proposal:

1. To permit a maximum lot coverage of 24.32% (20.5%-house, 1.82%-porch, 2.0%-cabana)
2. To permit a maximum building height of 11.0 metres.
3. To permit a pool not in the rear yard.

TOTAL REAR YARD: 992 SQ.M.
 POOL: 86 SQ.M.
 GRASS: 616 SQ.M.



SITE PLAN

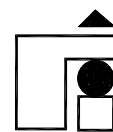
SCALE 1:500

DERIVED FROM
 SURVEYOR'S REAL PROPERTY REPORT
 LOT 19
 REGISTERED PLAN 2951
 CITY OF VAUGHAN

REGIONAL MUNICIPALITY OF YORK
 ALTIMAP LAND SURVEYORS INC.
 ONTARIO LAND SURVEYORS
 JUNE 29, 2020

CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE
 USED FOR ANY REALESTATE TRANSACTIONS.

GUITBERG GROUP INC.



33 BELVEDERE CRES.
 RICHMOND HILL
 ONTARIO, L4C 8W1
 TEL. (905) 508-7436
 EMAIL: VICGUITBERG@ROGERS.COM

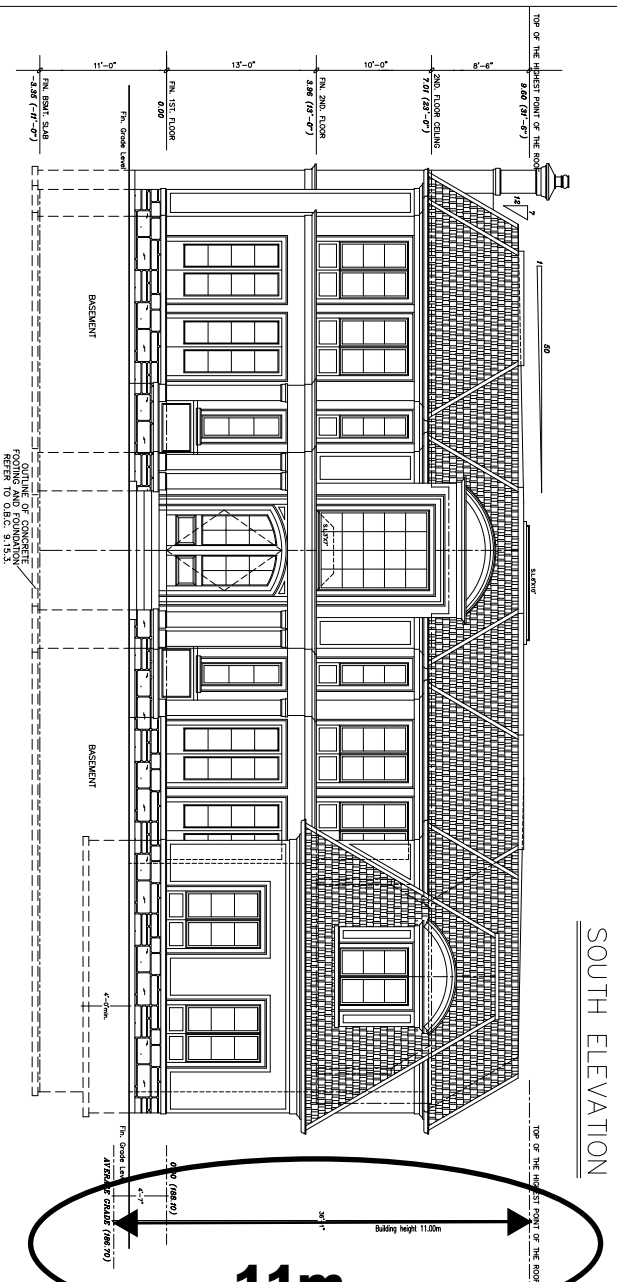
PRIVATE RESIDENCE
 AT # 41 THORNBANK ROAD
 CITY OF VAUGHAN, ON

SITE COVERAGE CALCULATION		
SITE COVERAGE(REQ.20%)	575.0 M ² - 6182.00 sq.ft. (20.5%)	HOUSE ONLY
SITE COVERAGE(REQ.20%)	51.00 M ² - 540.00 sq.ft. (1.82%)	COVERED PORCHES
SITE COVERAGE(REQ.20%)	55.00 M ² - 585.00 sq.ft. (2.0%)	POOL CABANA
	24.32%	TOTAL

SITE PLAN

REVISED: May 06, 2021

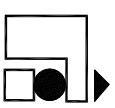
SOUTH ELEVATION



Building height 11.00m

11m

SOUTH ELEVATION



33 BELVEDERE CRES.
 RICHMOND HILL
 ONTARIO, L4C 8W1
 TEL. (905) 508-7436
 FAX. (905) 508-7453

GUTBERG GROUP INC.

PRIVATE RESIDENCE
 AT # 41 THORN BANK ROAD
 CITY OF VAUGHAN, ON

SOUTH ELEVATION

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



Discover the possibilities

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

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: A079/21 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>
Sent: April-27-21 12:13 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Committee of Adjustment <CofA@vaughan.ca>
Subject: [External] RE: A079/21 - Request for Comments

Good afternoon Adriana,
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

MacPherson, Adriana

Subject: FW: A079/21 - Request for Comments

From: Mulrenin, Colin (MTO) <Colin.Mulrenin@ontario.ca>
Sent: April-27-21 2:23 PM
To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>
Cc: Blaney, Cameron (MTO) <Cameron.Blaney@ontario.ca>
Subject: [External] RE: A079/21 - Request for Comments

Good afternoon,

As the property at 41 Thornbank Road is outside of 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