

File: A100/21

Applicant: Jodie Erlick

Address: 32 Elmway Ct Thornhill

Agent: Craig Bellamy

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"/> | <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: N/A

Background History: N/A

Staff Report Prepared By: Pravina Attwala
Hearing Date: Thursday, August 12, 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

A100/21

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, August 12, 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: Jodie Erlick

Agent: Craig Bellamy

Property: 32 Elmway Ct Thornhill

Zoning: The subject lands are zoned RV3(WS) - Residential Urban Village Zone Three 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", "Parks" and "Natural Areas"

Related Files: None

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed swimming pool and cabana.

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

| By-law Requirement | Proposal |
|---|--|
| 1. The minimum setback from an OS4 Open Space Woodlot Zone for all building, structures, and pools shall be 10.0 metres. [9(1063) ci), Schedule T-114] | 1. The minimum proposed setback from the OS4 Open Space Woodlot Zone to the swimming pool is 1.57 metres. |
| 2. The minimum setback from an OS4 Open Space Woodlot Zone for all building, structures, and pools shall be 10.0 metres. [9(1063) ci), Schedule T-114] 57 metres. | 2. The minimum proposed setback from the OS4 Open Space Woodlot Zone to the accessory building is 1.69 metres. |
| 3. The minimum required interior side yard is 1.2 metres. [9(1063) ci), Schedule T-114] | 3. The minimum proposed interior side yard to the accessory building is 0.65 metres. |

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 July 28, 2021

Applicant confirmed posting of signage on July 27, 2021

| Property Information | |
|----------------------|------------------|
| Existing Structures | Year Constructed |
| Dwelling | 2018 |

Applicant has advised that they cannot comply with By-law for the following reason(s): Complying with the by-law would position the pool too close to the rear of the house and decking, which would restrict thoroughfares and would not be safe.

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.

Please note that any architectural or design element, used in the hard landscaping of any yard, which is greater than 1.8 m in height shall be set back from the property line a distance equal to the height of said architectural or design element. [4.1.1 k)]

Two of the drawings submitted were illegible. Please note that that these were not considered as part of this zoning review.

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 response

Development Planning:
Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential", "Parks" and "Natural Areas"

The Owner is requesting permission to construct a cabana and swimming pool in the rear yard. Development Planning staff is of the opinion the proposed variances are appropriate for the development of lot and compatible to other rear yard amenity spaces within the surrounding area. The rear of the lot abuts a woodlot feature however, based on comments received from Policy Planning and Environmental Sustainability ('PPES') staff, the subject lands contain no natural heritage features and sufficient distance is provided, including an existing pedestrian pathway that in between this property's rear lot line and the nearest woodlot feature. Development Planning staff is of the opinion the variances provide sufficient distance to the abutting lands and are contained at the rear of the lot to lessen any potential impact on the streetscape. The Development Planning Department worked with the Owner to increase the interior side yard setback to 0.65m to account for the roof overhang (eave) and ensure a minimum distance of 0.60m is being maintained. Additionally, Development Engineering Department has reviewed the material submitted and is satisfied with the proposal.

The Development Planning Department is of the opinion 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 A100/21 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:

Resident/agent has confirmed Via email that the municipally owned right-of-way tree will be protected during the pool/cabana construction utilizing hoarding detail MLA 107B (light Duty) with a minimum distance of 1.2 Meters in all directions.

The Forestry division is satisfied with the applicant’s current plans and no further action is required at this time.

Please note that Forestry comments do not supersede the requirements of other commenting departments/agencies, including Development Planning with respect to the requirement of an Arborist Report and other tree protection requirements. Arborist Reports and other tree protection requirements may be required by other commenting departments to facilitate the review process of your application for the purpose of finalizing recommendations to the Committee of Adjustment.

By-Law and Compliance, Licensing and Permit Services:

No comment no concerns

Development Finance:

No comment no concerns

Fire Department:

No comment no 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 **adjourn** this application the following condition(s) is required: N/A

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. |

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 day 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 Ontario Land Tribunal (OLT) 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.

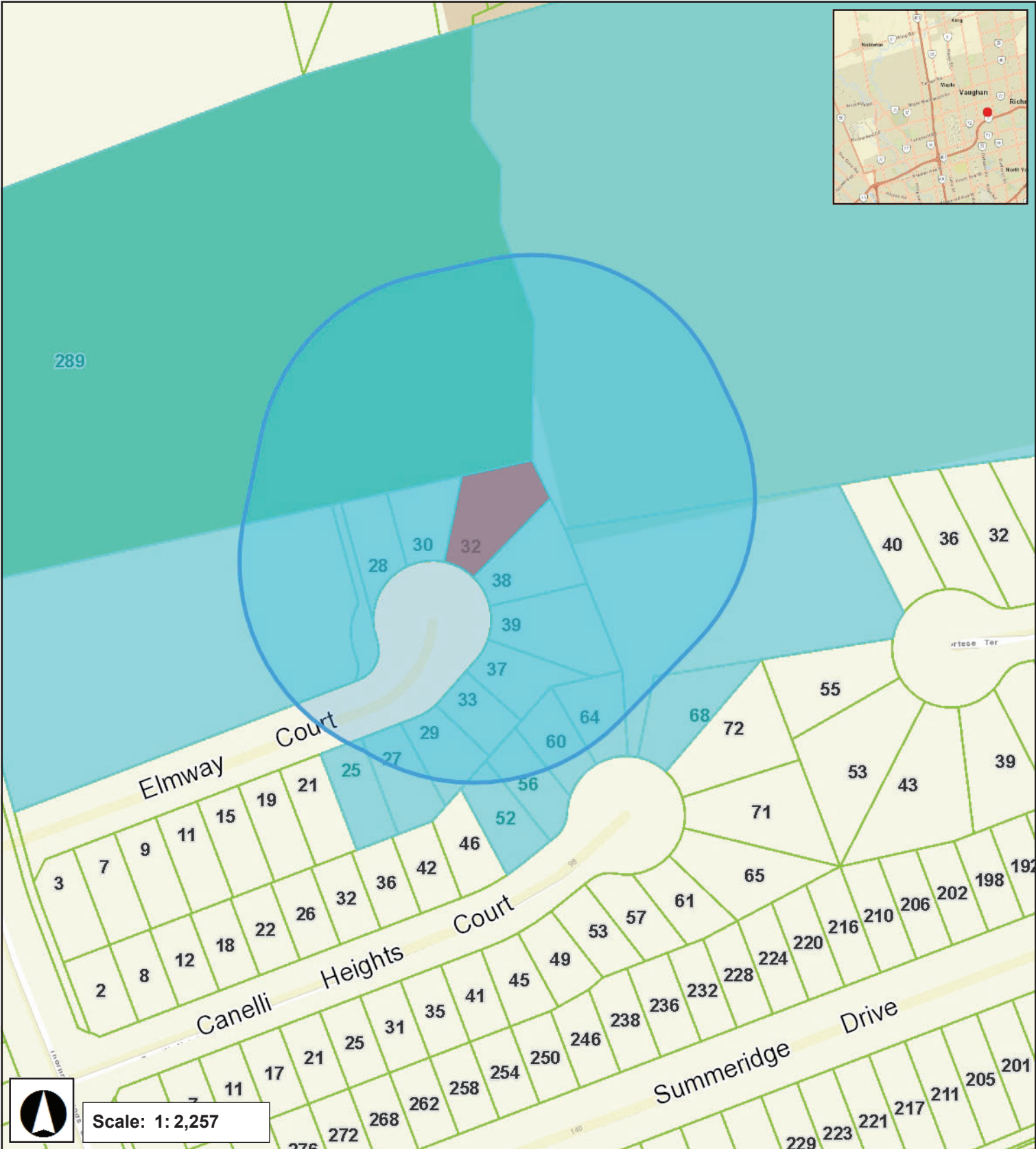
Location Map
Plans & Sketches



LOCATION MAP - A100/21

32 ELMWAY COURT, THORNHILL

Rutherford Road

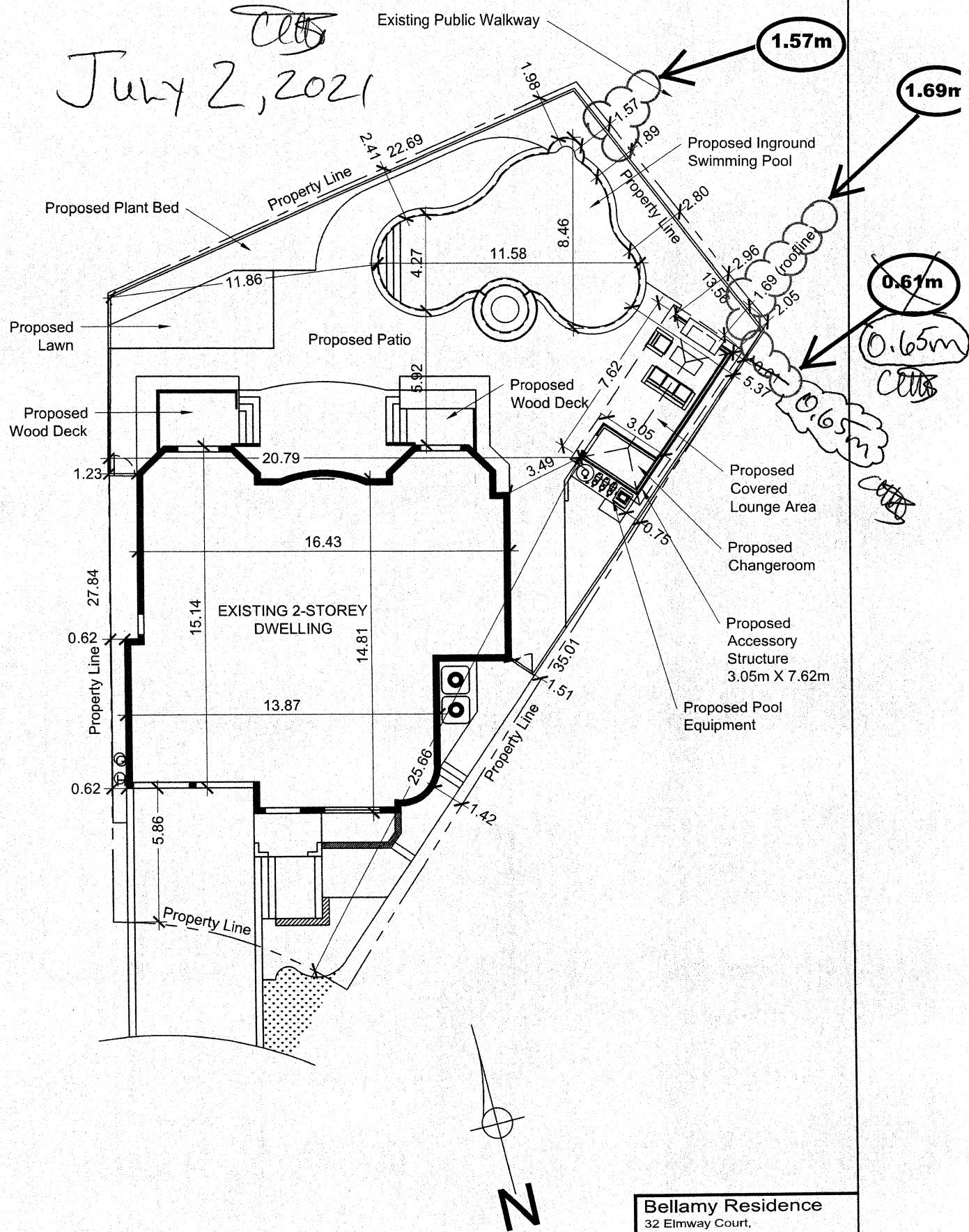


Scale: 1: 2,257

Langstaff Road

By RECEIVED at 9:49 am, May 21, 2021

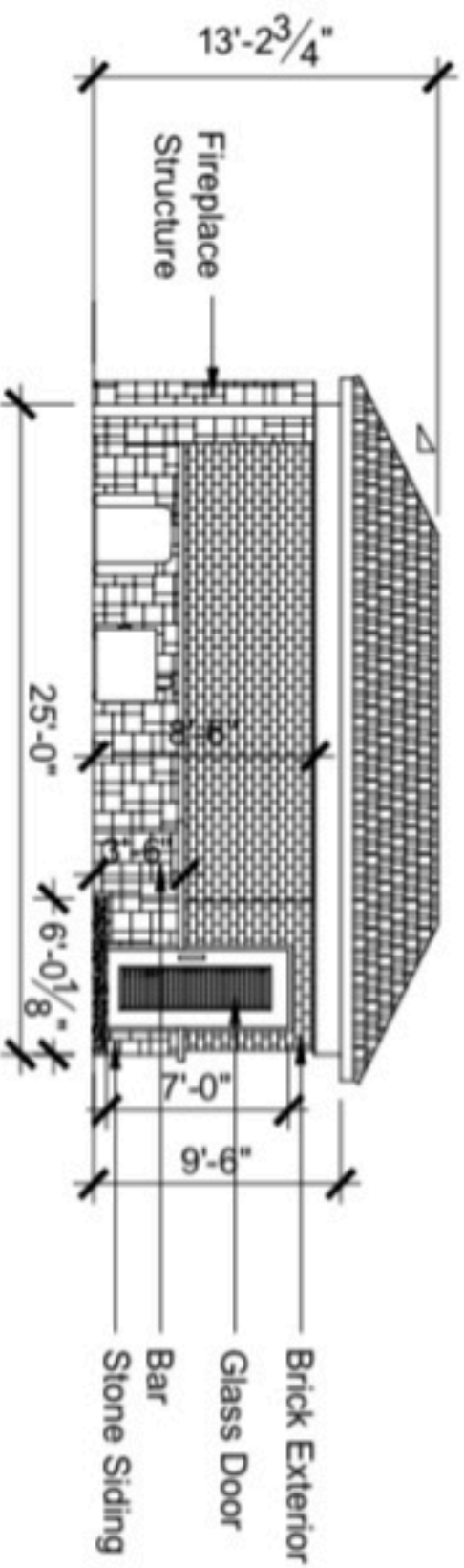
July 2, 2021



Bellamy Residence
32 Elmway Court,
Vaughan, ON

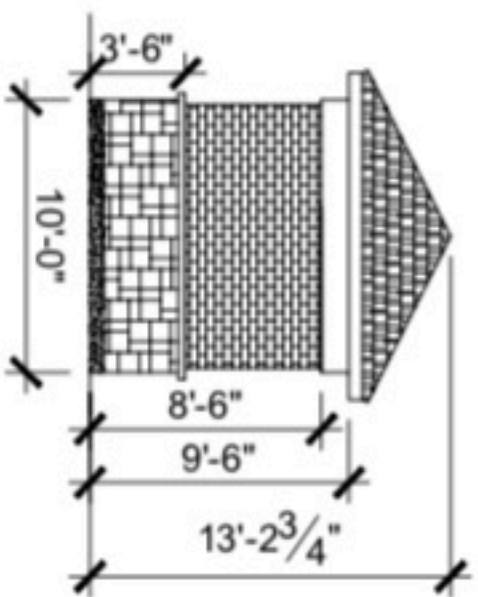
| | | |
|----------|-------------------|----------------------|
| Designer | Scale 1 = 150' | Date May 17, 2021 |
| Salsman | Pool as shown | Drawing Site Plan |

CABANA ELEVATION



RECEIVED

By RECEIVED at 9:58 am, May 21, 2021





DOES YOUR POOL ENCLOSURE MEET THE REQUIREMENTS?

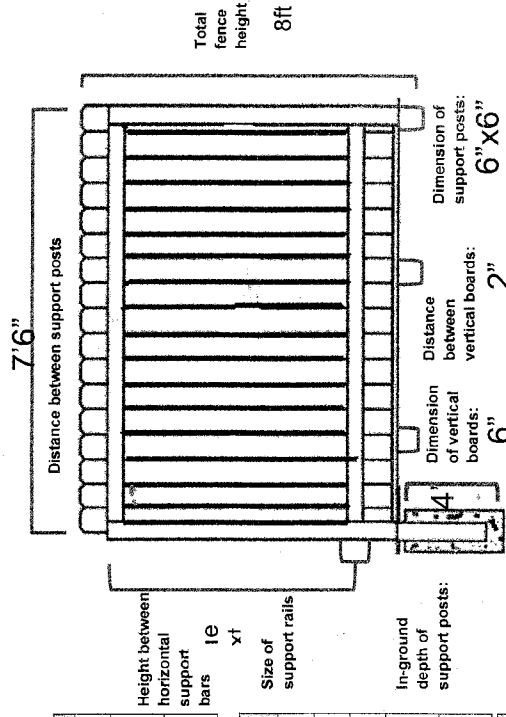
This checklist must be completed and returned with your application.

| GENERAL REQUIREMENTS | | YES | NO |
|---|--|-----|----|
| Are all sections of the fence and gate a minimum of 1.2 metres (4 feet)? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are there any projections, bracings, rails, or attachments on the outside of the fence and gate that could facilitate climbing? | | | |
| <input type="checkbox"/> | | | |
| Is the gap between the bottom of the gate and fence and the finished grade 5 centimeters (2 inches) or less? | | | |
| <input checked="" type="checkbox"/> | | | |
| GATES | | | |
| Are all gates constructed to be of equivalent strength as the supporting fence? | | | |
| <input checked="" type="checkbox"/> | | | |
| Do all gates have an equivalent degree of safety as the supporting fence? | | | |
| <input checked="" type="checkbox"/> | | | |
| Do all gates meet the height requirement of 1.2 metres (4 feet) as the fence? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are all gates equipped with self-closing hinges and self-latching devices on the inside of the gate at a point no less than 1.2 metres (4 feet) in height? | | | |
| <input checked="" type="checkbox"/> | | | |
| Will the gate be kept locked at all times? | | | |
| <input checked="" type="checkbox"/> | | | |
| WOOD FENCES | | | |
| Are wood support posts a minimum of 10.6 cm by 10.16 cm (4 inches by 4 inches)? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are wood support posts imbedded into the ground at a minimum depth of 0.6 metres (2 feet)? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are support posts spaced no greater than 2.4 metres (8 feet) apart? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are vertical boards a minimum of 2.54 cm by 10.16 cm (1 inch by 4 inches)? | | | |
| <input checked="" type="checkbox"/> | | | |
| Are top and bottom support rails a minimum of 5.08 cm by 10.16cm (2 inch by 4 inch)? | | | |
| <input checked="" type="checkbox"/> | | | |
| Where the horizontal top and bottom rails are spaced closer than 1.2 metres (4 feet) apart, are vertical boards spaced no more than 7.5cm (3 inches) apart? | | | |
| <input checked="" type="checkbox"/> | | | |
| Where the horizontal top and bottom rails are spaced more than 1.2 metres (4 feet) apart, are vertical boards spaced no more than 3.8cm (1 1/2 inches) apart? | | | |
| <input checked="" type="checkbox"/> | | | |

For any questions on fence requirements, please contact

By-Law & Compliance

905-832-2281 or bylaw.licensing@vaughan.ca



Applicant Name: Joe Barbarino

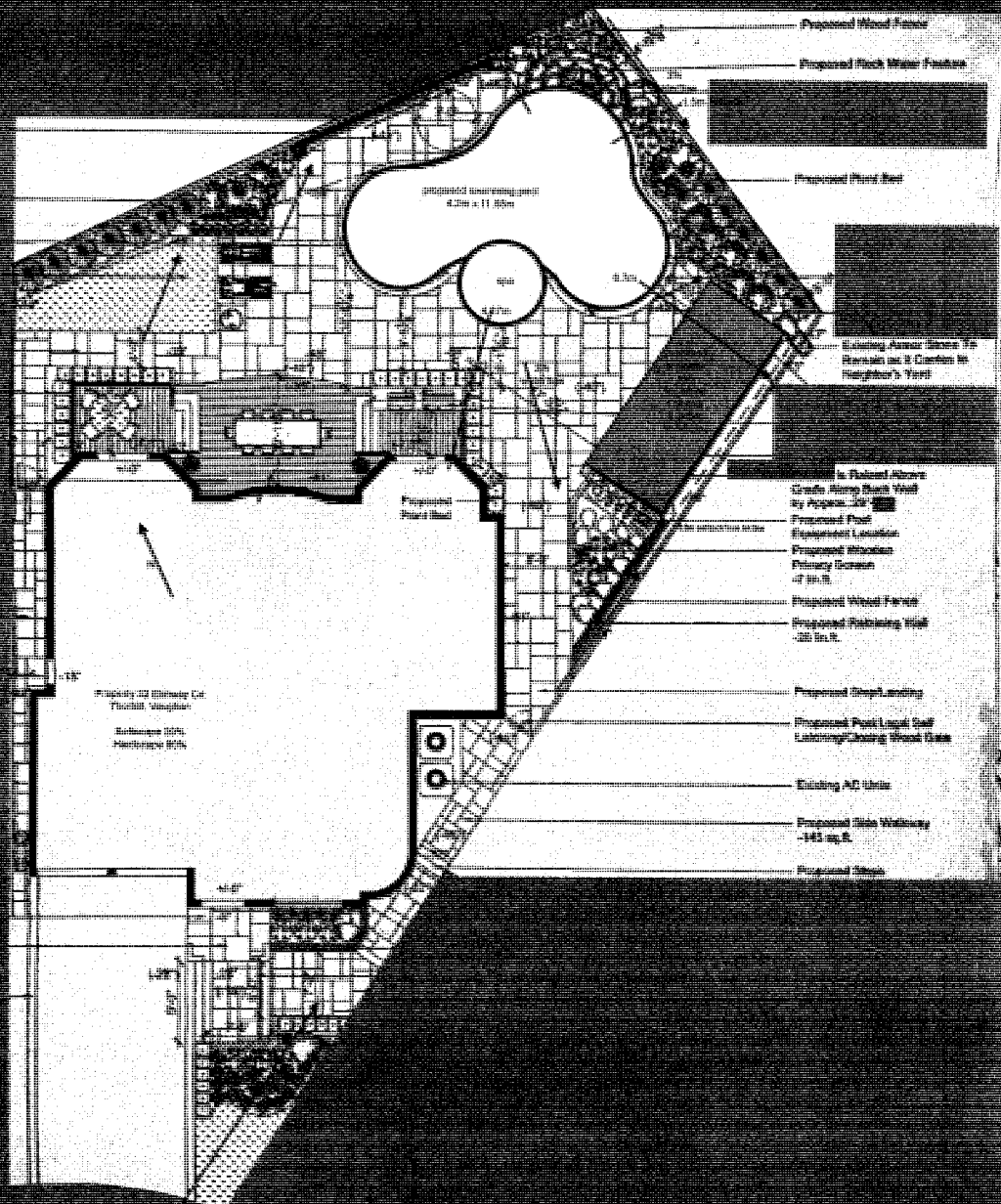
Property Address: 32 Elmway Crt , Thornhill

By signing below, I acknowledge and understand:

- that my responses on this checklist will be verified by a City of Vaughan By-law Enforcement Officer as a part of the final pool inspection process.
- that any discrepancies between responses on this form and physical fence constructed on subject property may result in the retention of my \$2000 pool enclosure security deposit held by the City of Vaughan and/or other penalties as per relevant bylaws

Signature:

Date: march 17/21



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

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: A100/21 - Minor Variance Application (32 Elmway Court, Thornhill) - Request for Comments

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

Sent: June-04-21 3:16 PM

To: Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Cc: Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A100/21 - Minor Variance Application (32 Elmway Court, Thornhill) - 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