

File: A154/21

Applicant: David & Dalia Zeharia

Address: 5 Honey Locust Ct Maple

Agent: INOVA design 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 <input checked="" type="checkbox"/> Negative Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
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"/>	<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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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: A194/15 (see next page for details)

Staff Report Prepared By: Pravina Attwala
 Hearing Date: Thursday, September 9, 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: 6

A154/21

Ward: 1

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, September 09, 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: David & Dalia Zeharia

Agent: INOVA design inc

Property: 5 Honey Locust Ct Maple

Zoning: The subject lands are zoned RR 9(173) and subject to the provisions of Exception under By-law 1-88 as amended.

OP Designation: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" within the Oak Ridges Moraine Countryside.

Related Files: None

Purpose: Relief from by-law 1-88 is being requested to permit the construction of a proposed inground pool and pool cabana located at the rear of the existing single family dwelling.

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 only in the rear yard.	1. To permit a swimming pool not entirely located in the rear yard.
2. An Accessory Building or Structure shall be located in the rear yard.	2. To permit an Accessory Structure (Cabana) in the interior side yard.
3. A maximum lot coverage of 10% is required.	3. To permit a maximum lot coverage of 15.5%. (14.59% dwelling & covered porches; 0.91% cabana)

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

Application No.:	Description:	Status of Approval: Approved/Refused/Withdrawn/ OMB/Concurrent
A194/15	Lot Coverage 14.59%; building height 11.5m	Approved

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 August 25, 2021

Applicant has confirmed posting of signage on August 26, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2018 (Purchased 2020)

Applicant has advised that they cannot comply with By-law for the following reason(s): Our variance to permit the pool & cabana not completely in the rear yard may be considered significant, but when looking at the lot, it becomes evident that there is merit in facilitating our proposal as a building form, by enabling the scale of the cabana to be proportionate with the size of the lot and how the proposed pool & cabana fits nestled into the lot.

We are also requesting an overall 13.9% max. lot coverage variance in order to permit the construction of the proposed pool cabana, which exceeds the 10% maximum lot coverage allowed. We have witnessed numerous developed properties in our immediate neighbourhood. Many dwellings exceeding the maximum coverage (ranging from 14.6% to 22.47%) Watching the other properties develop, we sincerely believe that the character of our proposal would be the most desirable solution for the lot and the existing streetscape, while providing us with the amenity requirements that our family needs.

We believe that our request for variance is minor in nature relative to the size of the adjacent dwellings and within the intent of planning policies for residential development.

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.

Additional information is required in regard to the existing lot area. The provided Land Survey (from Schaeffer Dzaldov Bennett LTD.) indicates the lot area as 4,047.3 square metres, whereas the application and the site statistics in the "Existing" area still show the existing lot area as 4,542.0 square metres in size. The proposed lot coverage however, has been updated to reflect the lot area of 4,047.3 square metres. Please revise application and site statistics to reflect the revised lot area.

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).

The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO 2001.

Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres and may encroach a maximum of 1.5 metres into the required rear yard or exterior side yard.

Building Inspections (Septic):

No response

Development Planning:

Official Plan: Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" within the Oak Ridges Moraine Countryside

Comments:The Owner is requesting to permit the construction of an in-ground swimming pool and accessory structure (cabana) to the existing single-family dwelling. Committee of Adjustment previously approved Minor Variance File A194/15 for a maximum lot coverage of 14.59% for the subject lands. Given the lot coverage increase of 0.91% is directly associated with a proposed cabana, Development Planning staff is of the opinion that the increase in lot coverage is minimal. The cabana complies with both the area and height provisions of Zoning By-law 1-88. With respect to the location of the swimming pool and cabana, the variance is technical in nature as the swimming pool and cabana is situated in the Owner's rear amenity area. In support of this application, the Owner submitted an Arborist Report and Tree Preservation Plan, prepared by Thomas Watson

Consulting Arborists Inc., dated August 24, 2021. Urban Design Staff reviewed the letter and has 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:

As the proposed cabana in the subject property is over 10 m², the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City's Development Engineering Department. Please note any in ground structure over 10 m² requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition attached)

The proposed work by the owner is increasing the lot coverage in the subject property. The added hardscape may have impact on City's Storm Water management system. Stuff requires the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts. Please provide DE with an updated drawing and LID brief explaining the measures taken prior to clearing the condition. (Condition attached)

As the subdivision is not assumed yet, the owner/applicant needs to provide Development Engineering Department with an acknowledgement letter/email from the developer/builder saying they are aware of the work taking place in the subject property to clear the condition #3.

The Development Engineering (DE) Department does not object to variance application A154/21 subject to the following condition(s):

1. 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. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 10% to 15.5% in order to mitigate potential impacts on the municipal storm water system.
3. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder about the proposed work to the subject property and provide a copy of the acknowledgement letter/email from the developer/builder to the City's Development Engineering Department.

Parks Development - Forestry:

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.

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 obtain 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 no concerns

Development Finance:

No comment no concerns

Fire Department:

No comments 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
TRCA – No concerns with conditions.

Schedule D - Previous Approvals (Notice of Decision)

Minor Variance A194/15

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: None

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	1. 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. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 10% to 15.5% in order to mitigate potential impacts on the municipal storm water system. 3. Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder about the proposed work to the subject property and provide a copy of the acknowledgement letter/email from the developer/builder to the City's Development Engineering Department.
2	Parks, Forestry and Horticulture Operations Andrew Swedlo 905-832-8585 x 3615 Andrew.Swedlo@vaughan.ca/	Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to building permit approval.
3	TRCA Hamedeh Razavi 416-661-6600 ext. 5256 Hamedeh.Razavi@trca.ca	That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

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 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.

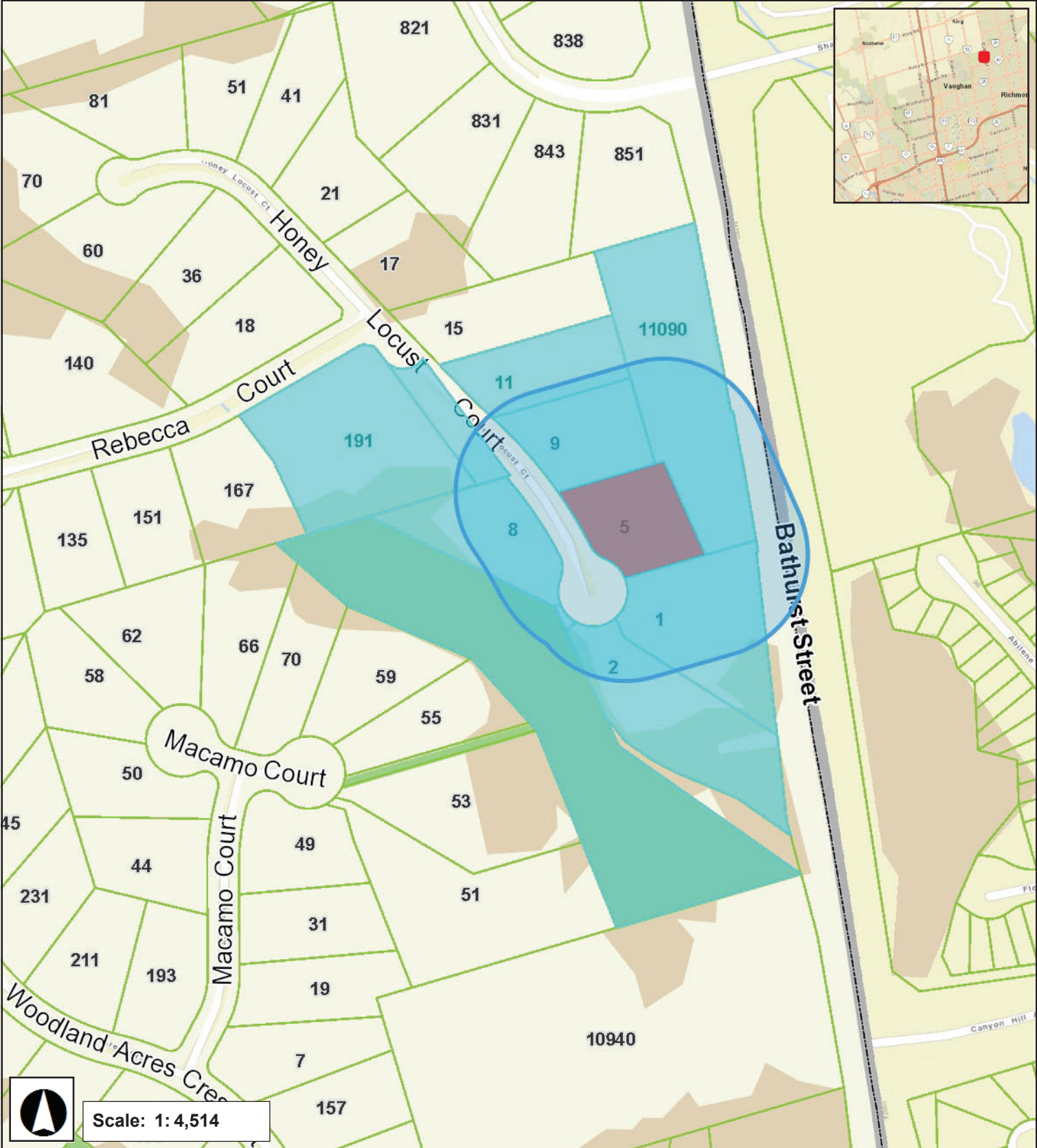
Location Map
Plans & Sketches



LOCATION MAP - A154/21

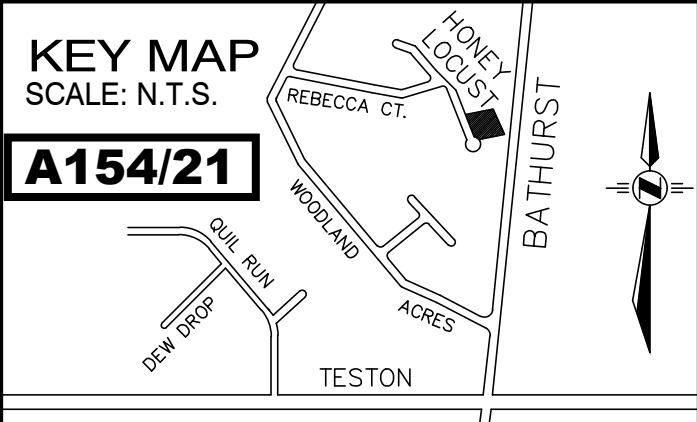
5 HONEY LOCUST COURT, MAPLE

Kirby Road



Teston Road

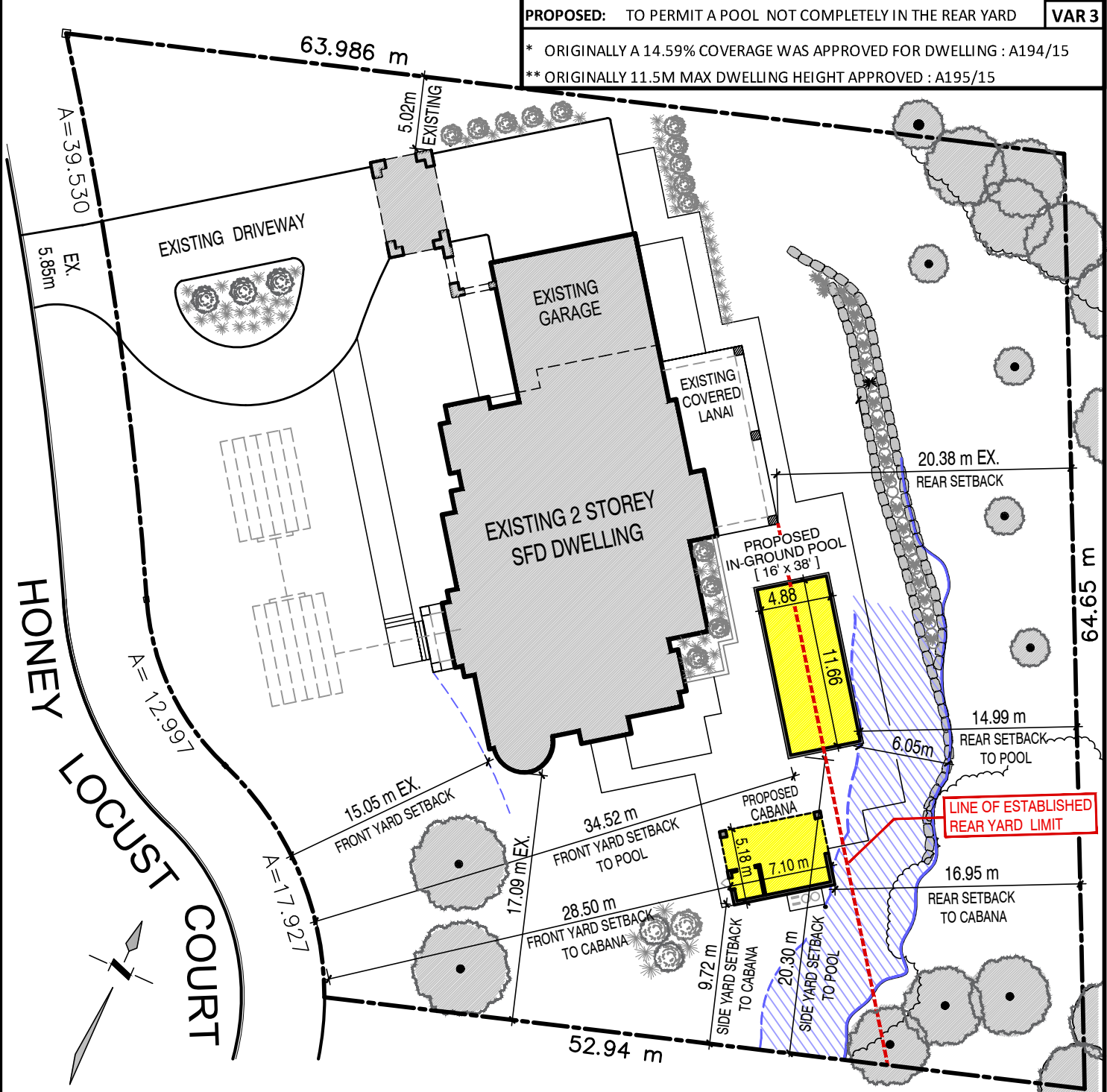
August 13, 2021 2:43 PM



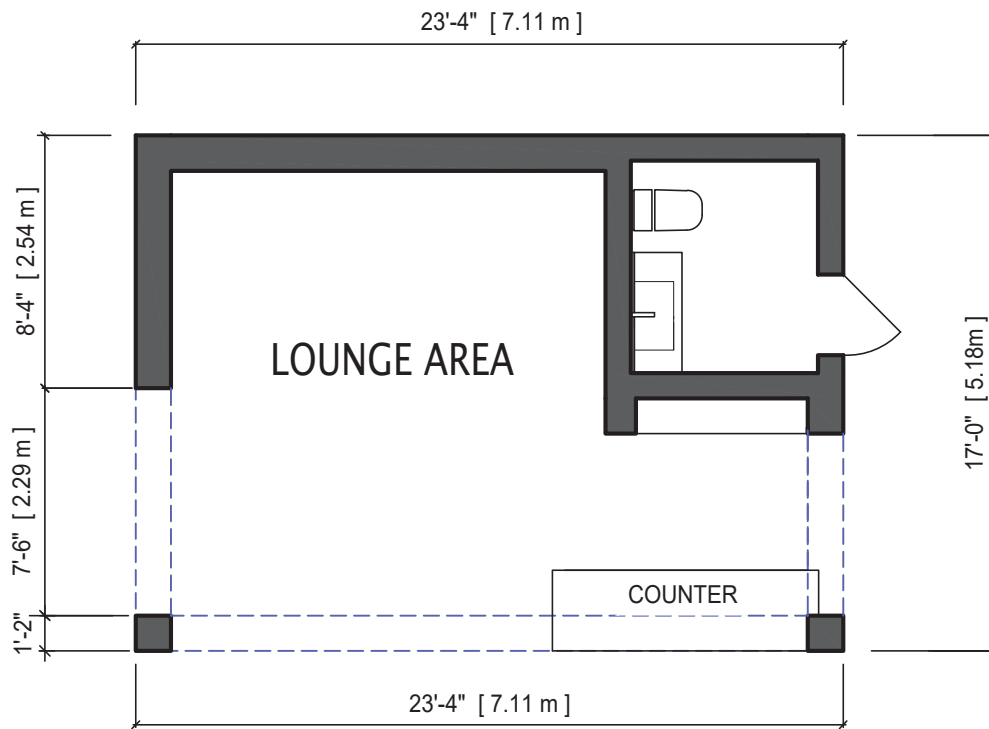
REVISED JULY 20/21	REQUIRED	EXISTING	
MIN. LOT FRONTAGE (m)	45	64	
MIN. LOT AREA (m.sq.)	4000	4,047.30	
MIN. FRONT YARD (m)	15.0	15.05	
MIN. REAR YARD (m)	15.0	20.38	
MIN INTERIOR SIDE (m)	4.5	17.09 [S]	
MIN INTERIOR SIDE (m)	4.5	5.02 [N]	
MAX. LOT COVERAGE (%)	473.91 [10%]	590.50 [14.59%]	*
MAX. BUILDING HEIGHT (m)	9.5	11.50	**
ACCESSORY STRUCTURE	REQUIRED	PROPOSED	
NEW MAX COVERAGE (%)	10%	* 15.50%	VAR 1
MIN. FRONT YARD (m)	15.0	28.60	
MIN. REAR YARD (m)	15.0	16.95	
MIN INTERIOR SIDE (m)	4.5	9.72 [S]	
MIN INTERIOR SIDE (m)	4.5	47.12 [N]	
REQUIRED: A CABANA SHALL BE PERMITTED IN THE REAR YARD ONLY			
PROPOSED: PERMIT A CABANA NOT COMPLETELY IN THE REAR YARD			
VAR 2			
INGROUND POOL	REQUIRED	PROPOSED	
REQUIRED: A POOL SHALL BE PERMITTED IN THE REAR YARD ONLY			
PROPOSED: TO PERMIT A POOL NOT COMPLETELY IN THE REAR YARD			
VAR 3			
* ORIGINALLY A 14.59% COVERAGE WAS APPROVED FOR DWELLING : A194/15			
** ORIGINALLY 11.5M MAX DWELLING HEIGHT APPROVED : A195/15			

LEGAL SURVEY INFORMATION AND LOT DIMENSIONS SHOWN ON THIS PLAN ARE TAKEN FROM A PLAN PREPARED BY SCHAEFFER & DZALDOV LIMITED, O.L.S., 64 JARDIN DRIVE, CONCORD, ONTARIO L4K 3P3 THE FINAL REGISTERED PLAN OF SUBDIVISION SHALL BE REFERRED TO FOR CONFIRMATION OF THE DATA.

NO CONSTRUCTION ZONE
6.0m SETBACK FROM NON-HABITABLE DEVELOPMENT TO THE EROSION HAZARD (THE TOE OF SLOPE)

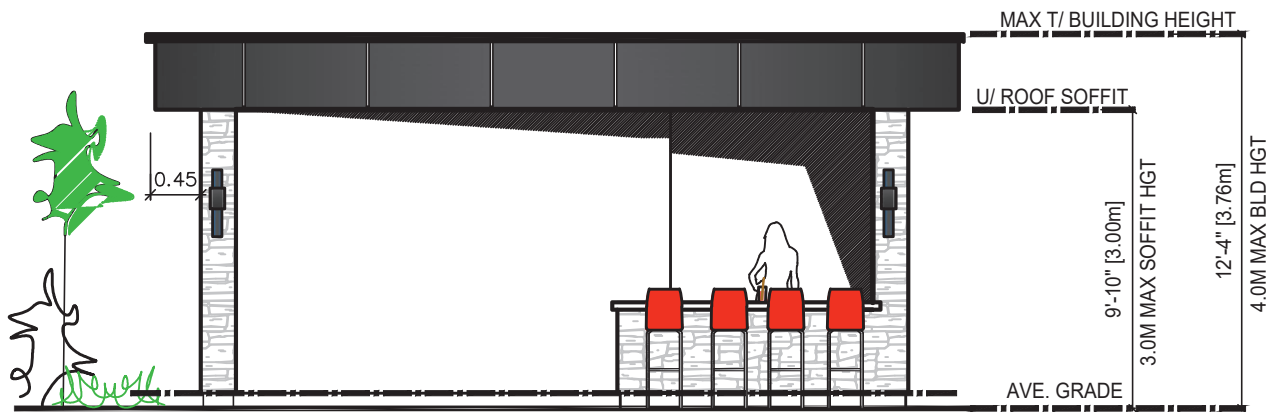


5 HONEY LOCUST COURT		AREA TABLE (CONFIRMED)	(M.SQ.)
LOT No. 04	DATE: JUNE 11 2021 07 / 15 /2021 REVISED	EXISTING GROUND FLOOR	406.17 10.04%
SCALE: 1:250	iNOVA design TEL. No 416 580-3336 INOVADESIGN.CA	EXISTING GARAGE AREA	86.76 2.14%
LOT 04 REG PLAN 65M-4244 CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK		EXISTING FRONT PORCH	8.03 0.20%
		EXISTING REAR LOGGIA	59.53 1.47%
		EXISTING PORTICO DRIVE	28.5 0.70%
		EXISTING SIDE ENTRANCE	1.51 0.04%
		EXISTING TOTAL COVERAGE:	590.5 14.59%
		PROPOSED CABANA	36.98 0.91%
		NEW TOTAL COVERAGE:	627.48 15.50%
		. 14.59% MAX LOT COVERAGE APPROVED UNDER (A194/15)	
		. LOT AREA REV. TO 4047 M.SQ. UNDER CONSENT B074/14 (DEC/14	

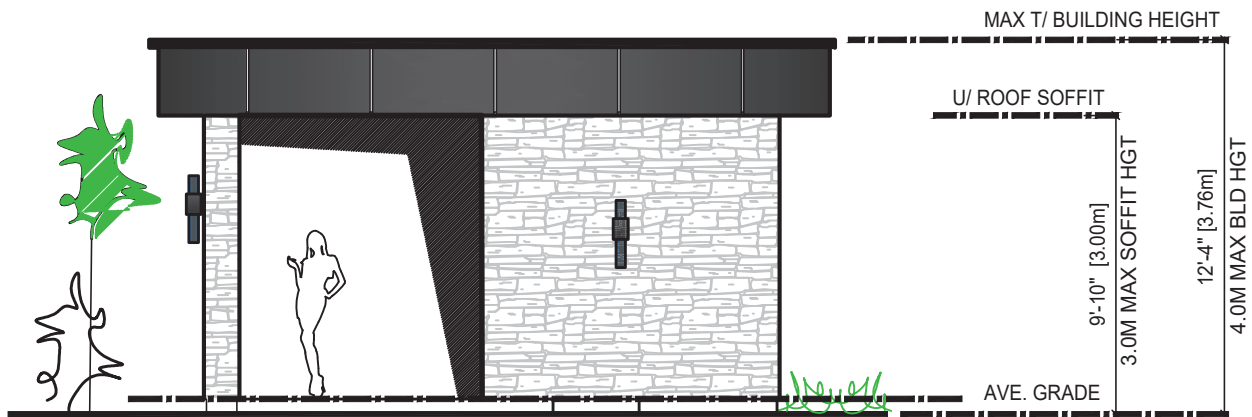


GROUND FLOOR PLAN PRESENTATION

: COVERAGE : 398 SQ.FT. (36.98 m.sq)



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

5 HONEY LOCUST COURT

LOT No. 04

DATE: JUNE 11 2021

SCALE: 1:250

iNOVA design

TEL: No 416 580-3336

INOVADESIGN.CA

LOT 04

REG PLAN 65M-4244

CITY OF VAUGHAN - REGIONAL MUNICIPALITY OF YORK

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
TRCA – No concerns with conditions.

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

Pravina Attwala

Subject: FW: REQUEST FOR COMMENTS - A154/21 (5 HONEY LOCUST COURT)

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

Sent: July-22-21 2:57 PM

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

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

Subject: [External] RE: REQUEST FOR COMMENTS - A154/21 (5 HONEY LOCUST COURT)

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

August 30, 2021

CFN 64195.23
Ex-Ref CFN 64690

SENT BY E-MAIL: Christine.Vigneault@vaughan.ca

Ms. Christine Vigneault, Secretary Treasurer
Committee of Adjustment - City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

**Re: Minor Variance Application A154.21
5 Honey Locust, PLAN 65M4244 Lot 4
City of Vaughan, Region of York
Owner: David Zeharia
Agent: Frank Falcone c/o iNOVA design Inc.**

This letter acknowledges receipt of the above noted application, received by Toronto and Region Conservation Authority (TRCA) on July 22, 2021. TRCA staff have reviewed the application and offers the following comments for the consideration of the Committee of Adjustment.

Background

It is our understanding that the purpose of the noted variance is to facilitate the construction of a Swimming pool and a cabana. More specifically,

1. To permit a swimming pool not entirely located in the rear yard.
2. To permit an Accessory Structure (Cabana) in the interior side yard.
3. To permit a maximum lot coverage of 15.5%.

Ontario Regulation 166/06

The subject property is regulated by TRCA since it is located on the valley floor of a tributary to the East Don River. In accordance with *Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses)*, development, interference or alteration may be permitted in the Regulated Area where it can be demonstrated to TRCA's satisfaction that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected.

Application-Specific Comments

Based on the above, the subject property is located within TRCA Regulated Area. TRCA issued a permit to facilitate the construction of the proposed works on April 13, 2021 (TRCA Permit No. C-210359).

Based on a review of the plans submitted with this variance application, TRCA is satisfied that the noted works are consistent with the plans that were approved as a part of the TRCA Permit C-210359. As such, TRCA has no concerns with the proposed variance.

Fees

By copy of this letter, the applicant is advised that the application is subject to a \$610.00 (Variance-Residential-Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

Based on the above, TRCA staff have **no objection** to the approval of Minor Variance Application A154.21, subject to the following condition:

1. That the applicant provides the required fee amount of \$610.00 payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I, Development Planning and Permits

HR/mh

Schedule D: Previous Approvals (Notice of Decision)

Minor Variance Application A194/15

NOTICE OF DECISION **MINOR VARIANCES**

FILE NUMBER: A194/15

APPLICANT: ELEANORE TZEMBELICOS AND ANN TZEMBELICOS

PROPERTY: Part of Lot 28, Concession 2, (Lot 4, Registered Plan 65M-4244), municipally known as 5 Honey Locust Court, Maple.

ZONING: The subject lands are zoned RR, Rural Residential Zone, and subject to the provisions of Exception 9(173) under By-law 1-88 as amended.

PURPOSE: To permit the construction of a proposed two-storey single family dwelling.

PROPOSAL: 1. To permit a maximum lot coverage of 14.59%.
2. To permit a maximum building height of ~~11.8~~ metres (to top of main roof).

BY-LAW REQUIREMENT: 1. A maximum lot coverage of 10% is permitted.
2. A maximum building height of 9.5 metres is permitted.

A sketch is attached illustrating the request.

MOVED BY:

may marts

SECONDED BY:

JP

THAT the Committee is of the opinion that the variances sought, can be considered minor and are desirable for the appropriate development and use of the land. The general intent and purpose of the By-law and the Official Plan will be maintained.

THAT Application No. **A194/15, ELEANORE TZEMBELICOS AND ANN TZEMBELICOS**, be **APPROVED**, *as amended* in accordance with the sketches attached and subject to the following conditions:

1. The applicant submits the variance application fee of **\$525.00** payable to the Toronto and Region Conservation Authority, if required, to the satisfaction of the Toronto and Region Conservation Authority;
2. The applicant obtains a permit pursuant to Ontario Regulation 166/06 from the TRCA for the proposed works, if required, to the satisfaction of the Toronto and Region Conservation Authority;
3. That if the condition(s) listed above is/are not fulfilled and the Building Permit is not applied for within twelve (12) months of the date this decision becomes final and binding, the said decision shall expire and shall be deemed to have been annulled and rescinded by the Committee. **(PLEASE NOTE THAT THIS TIME PERIOD CANNOT BE EXTENDED IN ANY WAY, FAILURE TO MEET THIS DEADLINE WILL RESULT IN REQUIRING A NEW APPLICATION AND FEE.)**

VERY IMPORTANT: IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT AND/OR AGENT TO OBTAIN AND PROVIDE A CLEARANCE LETTER FROM EACH AGENCY AND/OR DEPARTMENT LISTED IN THE CONDITIONS WHETHER "IF REQUIRED" APPEARS IN THE CONDITION OR NOT, AND FORWARD THIS CLEARANCE LETTER TO THE SECRETARY-TREASURER AS SOON AS THE CONDITIONS ARE FULFILLED.

FAILURE TO COMPLY WITH THIS PROCEDURE WILL RESULT IN A LETTER BEING FORWARDED BY THE SECRETARY-TREASURER INDICATING THIS FILE HAS LAPSED AND, THEREFORE, WILL NECESSITATE THAT A NEW APPLICATION BE SUBMITTED TO LEGALIZE THIS PROPERTY.

THIS MINOR VARIANCE DECISION IS NOT A BUILDING PERMIT AUTHORIZING CONSTRUCTION UNDER THE BUILDING CODE ACT, R.S.O. 1990, AS AMENDED. A BUILDING PERMIT MAY BE REQUIRED. PLEASE CONTACT THE BUILDING STANDARDS DEPARTMENT IN THE EVENT THAT YOU REQUIRE FURTHER CLARIFICATION.

CARRIED.

CHAIR:



Signed by all members present who concur in this decision:



A. Perrella,
Chair



H. Zheng,
Vice Chair



R. Buckler,
Member

ABSENT

J. Cesario,
Member



M. Mauti,
Member

CERTIFICATION

I hereby certify this to be a true copy of the decision of the Committee of Adjustment, and this decision was concurred in by a majority of the members who heard this application.



Todd Coles, BES, MCIP, RPP
Manager of Development Services
and Secretary-Treasurer to
Committee of Adjustment

Date of Hearing:

JULY 23, 2015

Last Date of Appeal:

AUGUST 12, 2015

APPEALS

APPEALS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 4:30 P.M. ON THE LAST DATE OF APPEAL NOTED ABOVE.

Should you decide to appeal this decision to the Ontario Municipal Board, a copy of an appeal form is available for download in Microsoft Word and Adobe Acrobat versions from the Ontario Municipal Board website at www.omb.gov.on.ca. If you do not have Internet access, these forms can be picked up at the City of Vaughan, Committee of Adjustment offices.

Please fill out Form A1 and follow the instructions as provided by the Ontario Municipal Board and submit your appeal to the City of Vaughan, Committee of Adjustment on or before the date stated above. You must enclose the completed form with the \$650.00 processing fee, paid by **certified cheque** or **money order**, to the "TREASURER, CITY OF VAUGHAN" and the appeal fee of \$125.00 for each application appealed, paid by **certified cheque** or **money order**, made payable to the "ONTARIO MINISTER OF FINANCE".

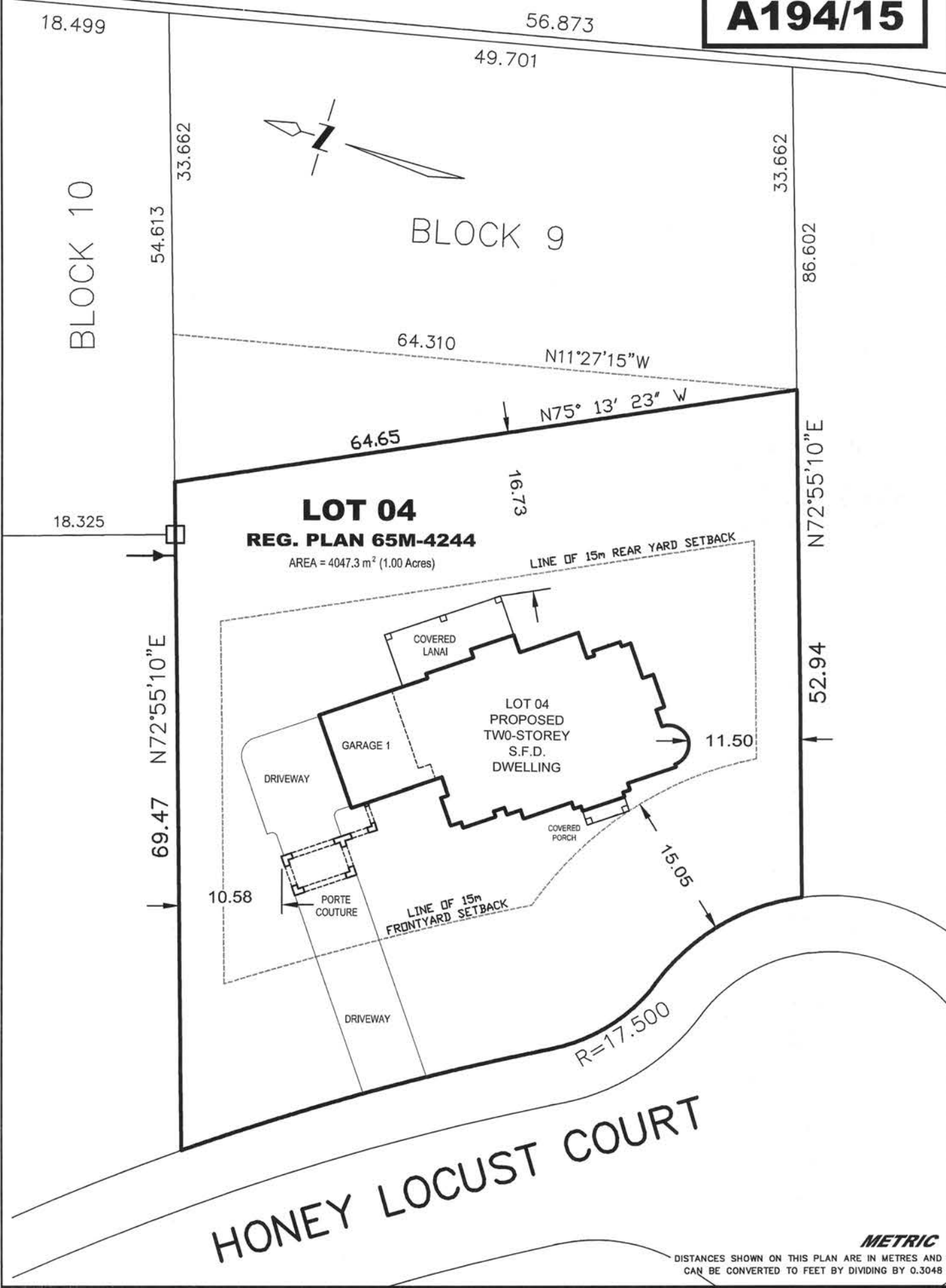
NOTE: The Planning Act provides for appeals to be filed by "persons". As groups or associations, such as residents or ratepayers groups which do not have incorporated status, may not be considered "persons" for the purposes of the Act, groups wishing to appeal this decision should do so in the name of individual group members, and not in the name of the group.

CONDITIONS

IF ANY CONDITIONS ARE IMPOSED ON THIS APPLICATION, THE FINAL DATE FOR FULFILLING THEM IS:

AUGUST 12, 2016

A194/15



METRIC

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

MINOR VARIANCE REQUEST		REQUIRE	PROVIDED
VARIANCE	LOT AREA	4047.3 M.SQ. (43,566.2 SQ.FT.)	
①	LOT BUILDING COVERAGE INCL. ALL COV. STRUCTURES	10% MAX 454.2 M.SQ. (4,889.13 SQ.FT)	14.59% 590.5 M.SQ. (6356.29 SQ.FT)
②	BUILDING HEIGHT TO MID POINT OF MAIN ROOF	9.5M (31'-2")	9.82M (32'-3")
	MAX. BUILDING HEIGHT TO TOP OF FLAT PORTION	9.5M (31'-2")	11.8M (38'-8")

i N O V A design inc.

SCHAEFFER & DZALDOV LIMITED
ONTARIO LAND SURVEYORS
64 JARDIN DRIVE CONCORD, ONTARIO L4K 3P3 TEL.(416)987-0101

SKETCH TO ILLUSTRATE SITEPLAN ON

LOT 04
REG. PLAN 65M-4244
CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK



NOTE : THIS PLAN COMPRISES ALL OF PINS 03342-0062, 03342-0217 AND 03342-0248.
 SUBJECT TO RIGHT-OF-WAY OVER PART 1, PLAN 65R-3897 AS SET OUT IN INST. No. LT 70762 (AFFECTS PART OF LOT 6 AND PART OF BLOCK 11).
 SUBJECT TO EASEMENT OVER BLOCK 11, REGISTERED PLAN 65M-2397 AS SET OUT IN INST. No. LT 296467 (AFFECTS PART OF LOT 1 AND PART OF HONEY LOCUST COURT).



COMMITTEE OF ADJUSTMENT

2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
Phone: (905)832-8585 Fax: (905)832-8535

	FILE NUMBERS:	A193/15 and A194/15
	APPLICANTS:	NIKITAS CONSTANTINE AND ANDREAS CONSTANTINE ELEANORE TZEMBELICOS AND ANN TZEMBELICOS
		Subject Area Municipally known as 15 and 5 HONEY LOCUST COURT, all respectively, MAPLE