Staff Report Summary **Item 19**

Ward 4

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	☑ Positive Comment ☒ Negative Comment	**Condition(s)** ☑ ☒
Committee of Adjustment	☑	
Building Standards	☑	
Building Inspection		
Development Planning	☑	
Development Engineering	☑	☑
Parks, Forestry and Horticulture Operations	☑	
By-law & Compliance	☑	
Financial Planning & Development	☑	
Fire Department	☑	
TRCA		
Ministry of Transportation		
Region of York	☑	
Alectra (Formerly PowerStream)	☑	
Public Correspondence **(see Schedule B)**	☒	

Adjournment History: August 12, 2021 (see next page for details)

Background History: N/A

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: 19

A100/21

Ward: 4

Staff Report Prepared By: Pravina Attwala, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing:	Thursday, September 9, 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:	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:

Hearing Date:	Members Absent from Hearing:	Status of Adjournment: (i.e. date/sine die)	Reason for Adjournment:
August 12, 2021	N/A	September 9, 2021	To permit time to discuss proposal / objections with neighbours.

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 has confirmed posting of signage on August 26, 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
Public Correspondence (38 Elmway Court – Aaron Platt, Davies Howe LLP)
Public Correspondence (30 Elmway Court) – Previous subdivision approval
Public Correspondence (21 Elmway Court) - Photo

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 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

	Department/Agency	Condition
		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 . 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

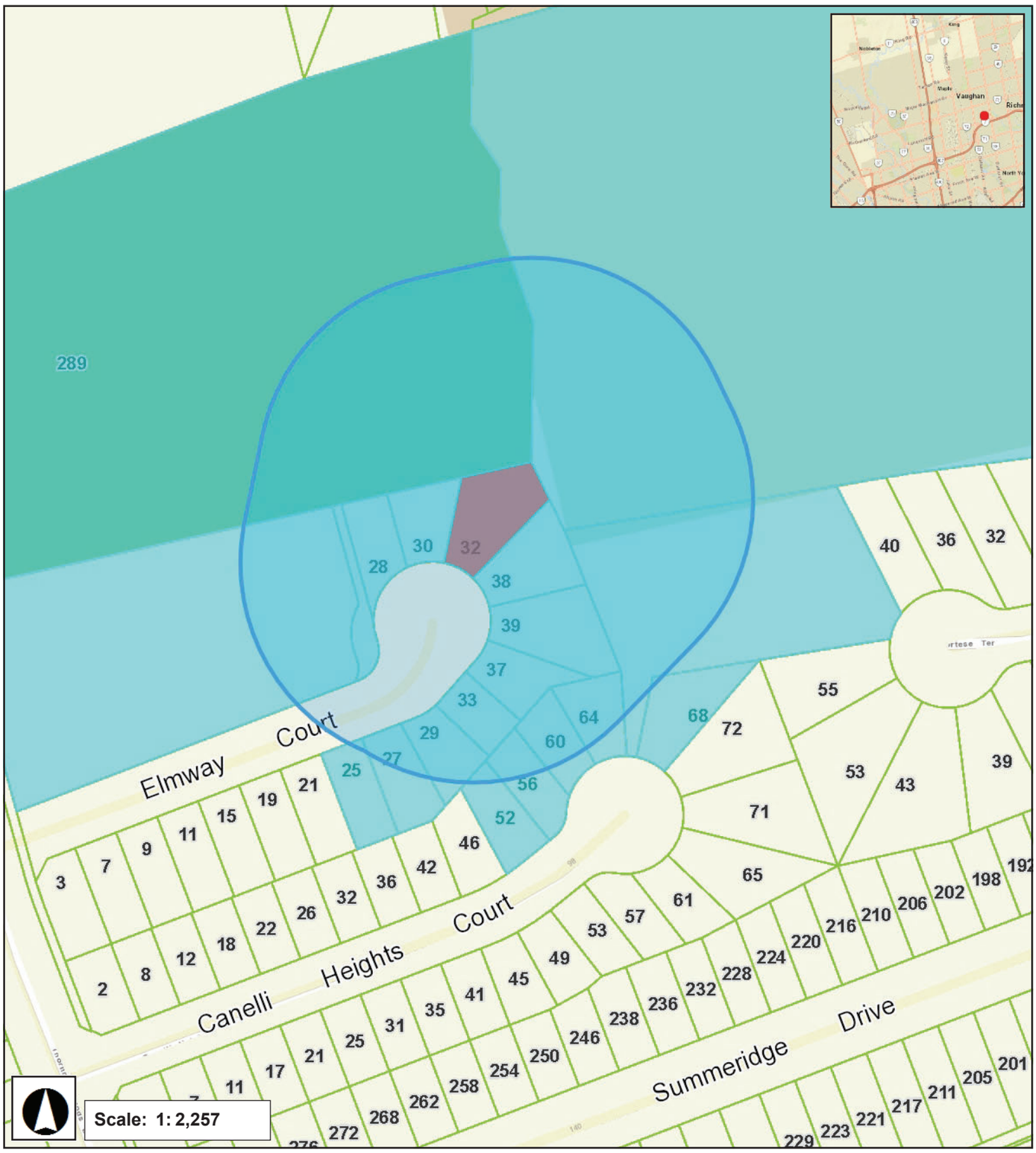
Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches

LOCATION MAP - A100/21

32 ELMWAY COURT, THORNHILL

Rutherford Road



Dufferin Street

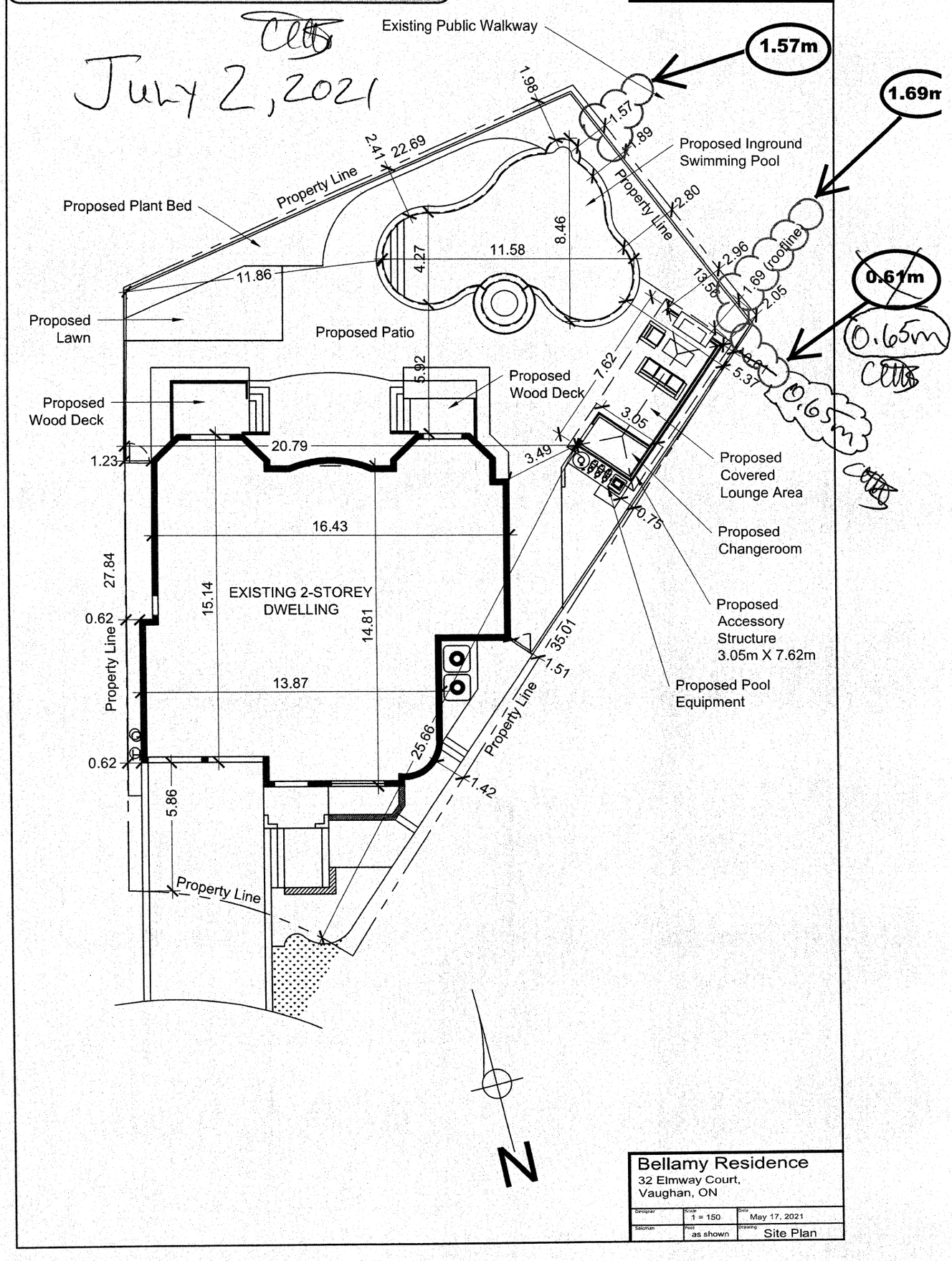
Bathurst Street

Langstaff Road

June 7, 2021 2:00 PM

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

A100/21

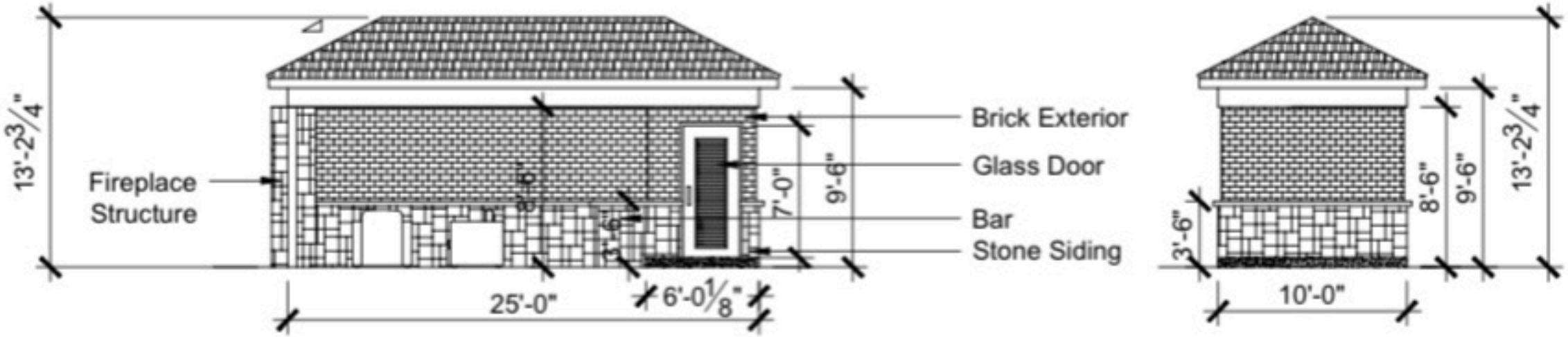


Bellamy Residence
32 Elmway Court,
Vaughan, ON

Designer	Scale	Date
	1 = 150	May 17, 2021
Salesman	Pool	Drawing
	as shown	Site Plan

CABANA ELEVATION

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



VAUGHAN

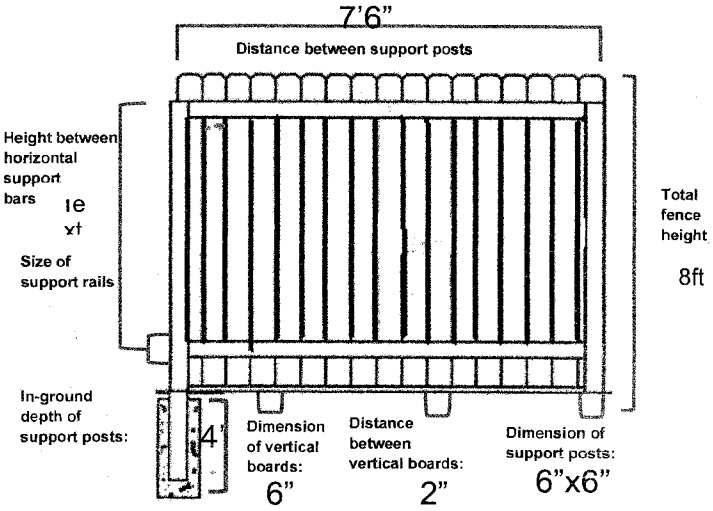
DOES YOUR POOL ENCLOSURE MEET THE REQUIREMENTS?

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)?	X	
Are there any projections, bracings, rails, or attachments on the outside of the fence and gate that could facilitate climbing?		X
Is the gap between the bottom of the gate and fence and the finished grade 5 centimeters (2 inches) or less?	X	

GATES	YES	NO
Are all gates constructed to be of equivalent strength as the supporting fence?	X	
Do all gates have an equivalent degree of safety as the supporting fence?	X	
Do all gates meet the height requirement of 1.2 metres (4 feet) as the fence?	X	
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?	X	
Will the gate be kept locked at all times?	X	

WOOD FENCES	YES	NO
Are wood support posts a minimum of 10.6 cm by 10.16 cm (4 inches by 4 inches)?	X	
Are wood support posts imbedded into the ground at a minimum depth of 0.6 metres (2 feet)?	X	
Are support posts spaced no greater than 2.4 metres (8 feet) apart?	X	
Are vertical boards a minimum of 2.54 cm by 10.16 cm (1 inch by 4 inches)?	X	
Are top and bottom support rails a minimum of 5.08 cm by 10.16cm (2 inch by 4 inch)?	X	
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?	X	
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 ½ inches) apart?	X	



Applicant Name: Joe Barbarino

Property Addres 32 Elmway Crt ,Thornhill

By signing below, I acknowledge and understand:

1. 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.
2. 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

For any questions on fence requirements, please contact
By-Law & Compliance
905-832-2281 or bylaw.licensing@vaughan.ca

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.

Public Correspondence (38 Elmway Court – Aaron Platt, Davies Howe LLP)
Public Correspondence (30 Elmway Court) – Previous subdivision approval
Public Correspondence (21 Elmway Court) - Photo

Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

Aaron I. Platt
Aaroni@davieshowe.com
Direct: 416.263.4500
Main: 416.977.7088
Fax: 416.977.8931

August 11, 2021

By E-Mail Only to *cofa@vaughan.ca*

Pravina Attwala
Assistant Secretary Treasurer
Office of the City Clerk
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan ON, L6A 1T1

Dear Ms. Attwala:

Re: Committee of Adjustment File No. A100/21 – 32 Elmway Court
Letter of Opposition
Mr. Elliot Steiner and Elm Thornhill Woods (2013) Inc.

We are counsel to Mr. Elliot Steiner and Elm Thornhill Woods (2013) Inc. ("**Elm**"). Elm is the developer of Elmway Court. Mr. Steiner is a principal of Elm, and is also the co-owner of 38 Elmway Court.

Mr. Steiner received the Public Notice advising of the Committee of Adjustment Hearing (the "**Hearing**") scheduled for August 12, 2021 concerning the above-noted application, which seeks to permit the construction of a proposed swimming pool and cabana (the "**Application**") in the backyard of 32 Elmway Court (the "**Subject Lands**"). Mr. Steiner's property is located directly to the south of the Subject Lands, and they share a mutual property line.

As an adjoining property owner, Mr. Steiner has significant concerns with the Application as currently constituted, which we will set out below and speak to further at the Hearing.

It is our submission that the Application does not meet the four-part test under ss. 45(1) of the *Planning Act.*

Cabana Setback

Our client is cognizant of the fact that no variances are required for the proposed cabana's height, mass, or square footage under the City's Zoning By-law 1-88 (the "**By-law**"). However, a significant variance is required to reduce the interior side yard setback from 1.2 metres to 0.65 metres in order to permit the construction of the cabana extremely close to Mr. Steiner's mutual property line.

It is important to recognize that a structure such as the proposed cabana is only permitted as-of-right *because* of the significant interior side-yard setback as set out in the By-law. By-law provisions and performance standards work together. Once the By-law performance standard relating to setbacks is varied, the other components of the cabana create significant impact on Mr. Steiner's property. The structure will become incredibly imposing upon Mr. Steiner's backyard and will create overlook and shadowing issues. Pictures of Mr. Steiner's backyard are shown in **Attachment "A"**.

Therefore, it is our submission that the Application does not meet the four-part test, as it is not minor and it does not maintain the purpose and intent of the By-law.

Water Drainage and Site Grading

The proposed pool and cabana will alter the grade of the Subject Lands and could significantly impact the drainage of the surrounding neighbourhood.

As part of the development of Elmway Court, Elm entered into a subdivision agreement with the City in 2015 (the "**Agreement**"). Section 8 of the Agreement concerns lot grading, and in particular ss. 8.7(b) states:

> "If the subsequent owner of a lot alters its grade after certification, the Owner [Elm] or the City is not responsible for the grading of such lot, and if the alteration adversely effects an adjacent lot, then the owner of the latter lot may enforce the provisions of this agreement which requires every owner to maintain his lot in accordance with the approved Lot Grading Plan."
>
> [Emphasis added]

On its face, this section of the Agreement stands for two important principles:

1. An owner of a property captured by this Agreement – that is, an owner of a property on Elmway Court – cannot alter the grade of their property, as it is contrary to the Agreement. This Agreement is registered on title to the Subject Lands and the applicant would have been aware of it when they purchased their property;

2. Because the altering of grade is not permitted, any adverse effects caused by same may be subject to legal action.

It is with this context in mind that the merits of the Application must be questioned. The applicant has submitted no documentation from an engineer describing the proposed grade change and its effect on neighbours. Worse still, the applicant is proposing to do something that is explicitly prohibited by virtue of the Agreement, which again, is registered on title and binds itself to the land.

In addition, the applicant has not considered the impact on the existing swale that runs between and near the rear of these properties, adjacent to a publicly used walking trail. It

would be deeply unfortunate if any grading changes cause drainage issues that would potentially lead to flooding of this swale, leaving a swampy and muddy public trailway. This is why the Agreement prohibits any grading changes to the properties on Elmway Court. The City and Elm worked together to ensure that these types of impacts would never occur. Therefore, it is our respectful submission that the Application fails the four-part test, as it is not desirable for the appropriate development and use of the Subject Lands.

Pictures of the swale as currently operating between the Subject Lands and 38 Elmway Court are shown in **Attachment "B".**

Conclusion

Taken together, it is our client's submission that the Application as presently constituted:

- In the very least should be deferred to allow the applicant time to submit proper, thorough, and comprehensive grading and drainage reports and plans and to revise the Application to limit the impact of the cabana on Mr. Steiner's property; or

- Should be refused as the Application does not meet the four tests as it is not minor, does not maintain the purpose and intent of the By-law, and is not appropriate for the development and use of the Subject Lands, and that the Application, on its face, contravenes the Agreement that is registered on title which prevents any grading changes.

Please find attached to this letter a Public Deputation From requesting that our associate Jamie Cole speak further to our clients' opposition to the application at the Hearing. Mr. Cole will be relying on the attachments to this letter during his presentation.

Do not hesitate to contact me should you have any questions or require any further information.

Yours truly,
DAVIES HOWE LLP

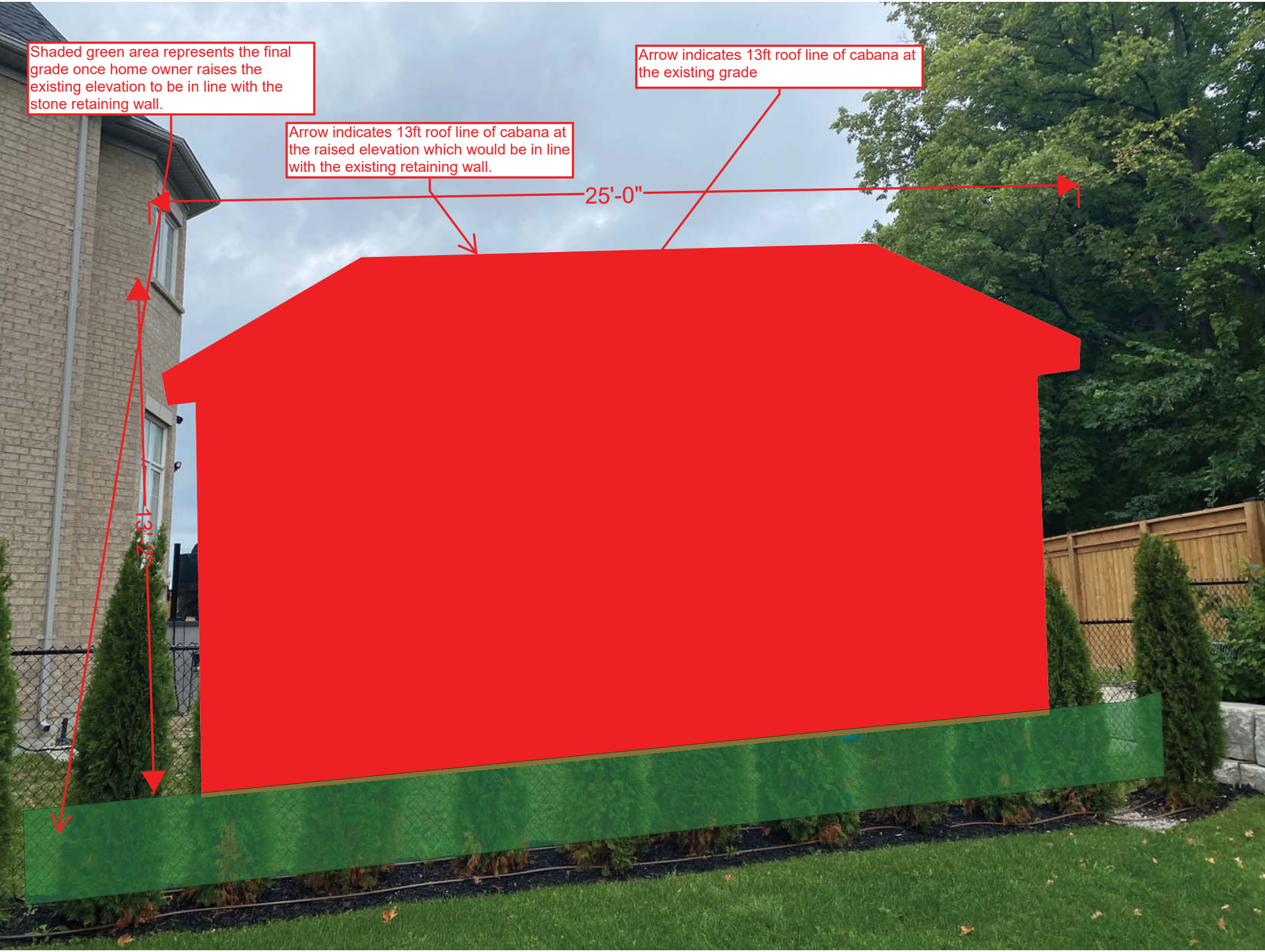
Aaron I. Platt

AP:JC
encl.: As above

copy: Client

Attachment “A”

25'-0"
13'-2"


Shaded green area represents the final grade once home owner raises the existing elevation to be in line with the stone retaining wall.
Arrow indicates 13ft roof line of cabana at the existing grade
Arrow indicates 13ft roof line of cabana at the raised elevation which would be in line with the existing retaining wall.
25'-0"
13'-2"

Attachment “B”

CITY OF VAUGHAN

SUBDIVISION AGREEMENT

FILE: ELM THORNHILL WOODS, 19T-14V003

DEVELOPER: ELM THORNHILL WOODS (2013) INC.

REG'D. PLAN NO. _____ DATE OF REGISTRATION: _____

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8.2 Prior to the issuance of building permits, the Owner shall complete the overall grading of all lots and blocks in the Plan to elevations acceptable to the City.

8.3 The Consultant shall indicate on the Construction Drawings referred to in Schedule "B" all objects or conditions which would affect the construction or occupancy of the buildings, including the location and base elevations of existing trees, existing contours, proposed elevations for the lots and buildings, the degree and limits of slopes over 5 horizontal to 1 vertical, restrictions on building types, proposed road elevations and grades, and the locations of sidewalks, hydrants, valve chambers, catch basins, or other objects in the road allowance which would affect driveway locations and grades.

8.4 All public property within a road allowance, other than pavement or sidewalks, shall be top soiled and sodded by the Owner at his expense to the satisfaction of the City.

8.5 The Owner shall complete the works in the park and any open space lands on the Plan as described in Schedule "C" and as shown on the approved construction drawings.

8.6 The Owner shall cover all lands disturbed directly or indirectly as a result of development and which are not covered by road allowances, walkways, buildings, driveways, etc., with at least 100mm of topsoil, unless they are already so covered, and provide dust and erosion controls, to the satisfaction of the City.

8.7 (a) In every agreement of purchase and sale, the Owner shall reserve the right of the Owner or the City, notwithstanding the completion of the sale of a lot, to enter upon the said lot for a period of two years after the completion of the sale or until assumption of the services, whichever date is later, in order to carry out any lot grading work which in the opinion of the City is required. The City shall notify the Owner in writing of the work required and if the Owner does not acknowledge within 48 hours that the work will be done or if the Owner does so acknowledge but does not complete the required work within 14 days of the notice the City may enter upon the lands and proceed to do the work at the Owner's expense in accordance with Subsection 16.2, except that if written notice is given by the City between November 1st of the first year and June 1st of the second year, the Owner shall complete the work prior to June 15th of the second year. If the City determines that an emergency exists, the City may proceed with the required work without notice at the expense of the Owner which may be recovered from the M.S.L.C.

(b) If the grading of the lot has been completed and a certificate issued pursuant to Subsection 20.1(c) and if the grading of such lot is satisfactory to the City's Engineering Department then, subject to the provisions of paragraph(c), the Owner is no longer responsible for the grading of such lot, provided that if a complaint is received by the City's Engineering Department prior to the assumption of services about an alteration to the grading, it shall determine whether there is an adverse effect and the party responsible. If the subsequent owner of a lot alters its grade after certification, the Owner or the City is not responsible for the grading of such lot, and if the alteration adversely affects an adjacent lot, then the owner of the latter lot may enforce the provisions of this agreement which requires every owner to maintain his lot in accordance with the approved Lot Grading Plan. The Owner is not responsible for any grading defect occurring after the assumption of services.

(c) Notwithstanding that a lot has been graded in accordance with the approved grading plan, if the plan was approved on the basis of incorrect information, the lot shall be regraded by the Owner in accordance with a revised plan approved by the Consultant and the City, all at the Owner's expense.

8.8 If at any time prior to the certification of a lot pursuant to Subsection 20.1(c), a problem arises with respect to the grading of a lot, the Owner shall report to the Director of Development Engineering & Infrastructure Planning Services in respect to it within 24 hours. If required by the Director, the Owner shall provide within seven (7) days of a written request, an "as built" grading plan prepared by his Consultant.

SECTION "23" VALIDITY

No waiver of any of the provisions of this agreement shall be deemed or shall constitute a waiver of any other provision (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided. Any waiver of, or consent to depart from, the requirements of any provisions of this agreement shall be effective only if it is in writing and signed by an authorized representative of the party giving it, and only in the specific instance and for the specific purpose for which it has been given. No failure on the part of any party to exercise, and no delay in exercising, any right under this agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

In the event that the Plan is not registered within twelve months of the execution of this agreement or within such extended period as may be mutually agreed upon by the parties hereto, then this agreement shall be null and void and of no effect. The City, its agents and/or authorized employees are hereby authorized and directed to sign, deliver, and register electronically this agreement.

IT IS DECLARED AND AGREED that this agreement and the covenants, provisoes, conditions and schedules herein contained shall enure to the benefit of and be binding upon the respective successors or assigns of each of the parties hereto:

IN WITNESS WHEREOF the Owner and the City have hereunto affixed their Corporate seals under the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED)

In the presences of:)

THE CORPORATION OF THE CITY OF VAUGHAN

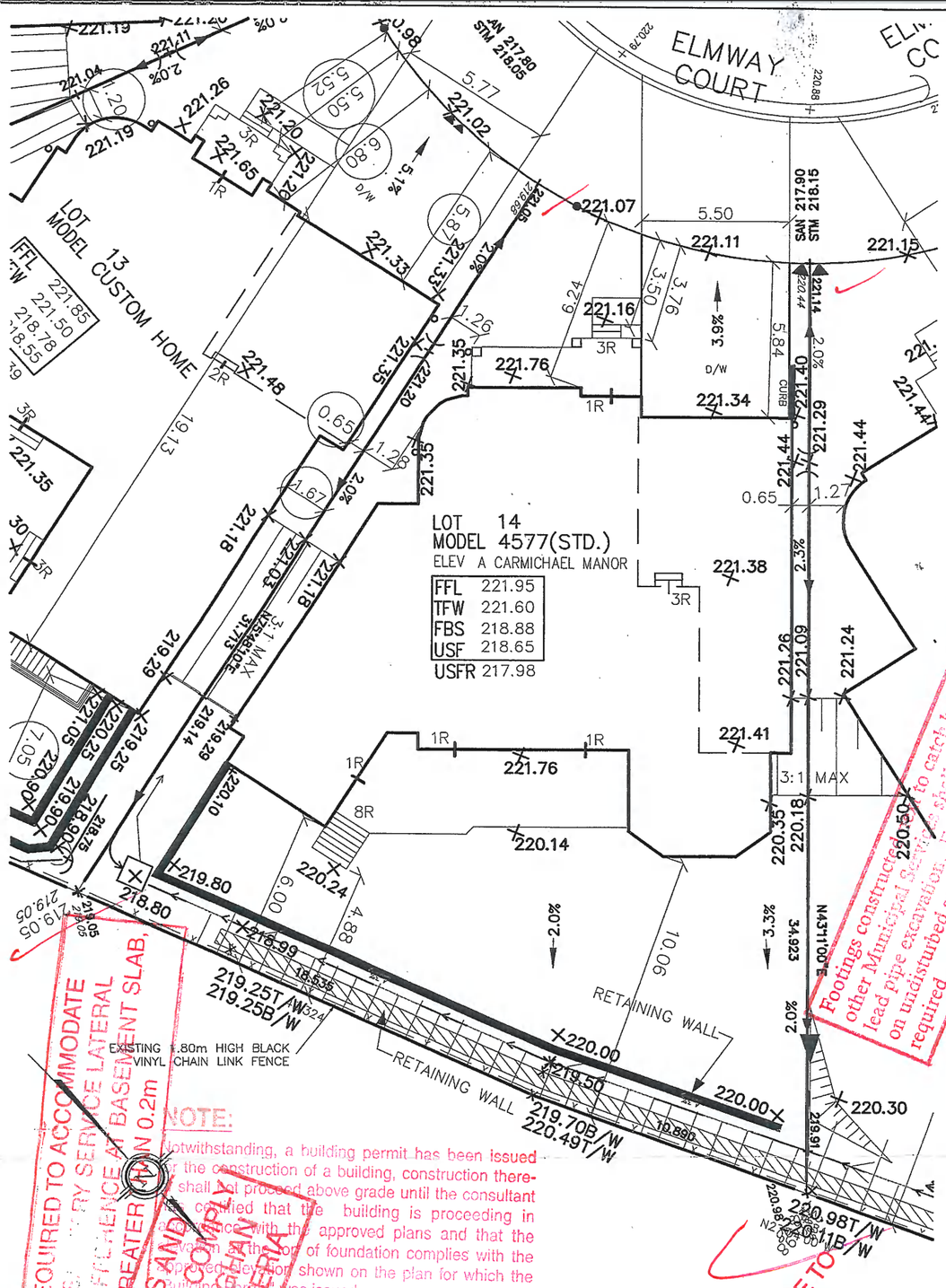
Hon. Maurizio Bevilacqua, Mayor

CITY OF VAUGHAN
APPROVED BY COUNCIL
DATE July 13, 2010
BY-LAW 196-2010
ITEM CW Rpt. 21/27 May 18/10
INITIAL AS

Jeffrey A. Abrams, City Clerk
I/We have the authority to bind the Corporation

ELM THORNHILL WOODS (2013) INC.

Joe Morano
I/We have the authority to bind the Corporation



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1) Standard drawing and lot grading criteria of the City of Vaughan in the Regional Municipality of York constitute part of the project drawings for the Subdivision.

2) Minimum gradient of grass swales along side and rear lot lines shall be 2%. The proposed elevation of the side yard shall be a minimum of 0.15M below the finished grade at the building line the maximum swale gradient shall be 5%.

3) Take up rear yard grade difference using slopes between 2% and 5% for a maximum of 75% of the rear yard length and slopes of 3 Horizontal and 1 Vertical maximum to the rear lot line. Use retaining walls if grade difference is more than 0.6M. Construct retaining walls within the rear lot line.

4) Edge of driveways is to be a minimum of 1.0M from edge of street catchbasin and street furniture. The Builder is to verify the location and to inform The Engineer if this dimension can not be maintained prior to excavation for the footings.

5) If the distance between the walls of adjacent units is less than 1.8M. A side yard drainage swale shall be constructed and surfaced with 0.13V limestone screening overland by patio slab walkway.

6) Brick line shall be 0.15M above Sod elevation.

7) All roof leaders shall discharge at the front of dwelling unit on to grassed areas on concrete splash pads, unless otherwise shown.

8) Footings constructed next to a catchbasin lead pipe or other Municipal services shall be installed below the lead pipe excavation. Footings must be constructed on Undisturbed soil. Soil Consultants verification is required.

9) All new fences abutting public lands and or existing properties shall be constructed including footings completely on private lands and totally clear of any Reserves or easements.

10) At lots with Rear lot Catchbasins, the MIN. side yard width shall be 1.20M along the Catchbasin lead.

12) Soil Consultants verification is required for footings constructed on Engineering Fill lots.

13) The Builder must verify the AS CONSTRUCTED on Sanitary and Storm services Inverts and inform the Engineer if the Minimum 2% grade can not be maintained prior to placing of concrete footings.

14) Top soil depth in Boulevard must be MIN. 0.45M and 0.15M in the lot.

15) Builder to stake out Curb Depression.

GRADING CERTIFICATION

I have reviewed the site and grading plan for the proposed Building to be constructed and / hereby Certify that:

1) The proposed grading and appurtenant drainage works comply with sound Engineering principles.

2) The proposed grading is in conformity with the grading plans approved for this Subdivision and will not adversely effect adjacent lands.

3) The proposed Building is compatible with proposed grading.

4) The builder is responsible for relocation of all utilities on the site which are not 1.0M clear from edge of Driveway, including street Catchbasin

5) Roof leader downspouts must drain to front of the House, unless otherwise shown.

6) The proposed water service valve Box is located in the grassed portion of the front yard.

OCT 1 2 2016

SCHAEFFER AND ASSOCIATE LTD.

Signature: Date:

A. S. KASSABIAN

PROVINCE OF ONTARIO — ASSOCIATION OF ARCHITECTS — JOHN H. BERESFORD LICENCE 3134

Footings constructed next to catch basin lead pipe or other Municipal Services shall be installed below lead pipe excavation. Footings must be constructed on undisturbed soil or Soil Consultants verification required.

RISER REQUIRED TO ACCOMMODATE SANITARY SERVICE LATERAL AT BASEMENT SLAB, SLAB MUST BE GREATER THAN 0.2m

ALL SLAB DEPTHS AND CONSTRUCTION TO COMPLY WITH CITY OF VAUGHAN CRITERIA

HIGHPOINT IN SPLIT LOT DRAINAGE TO BE A MINIMUM OF 0.1m BEHIND FRONT DRAINAGE OUTLETS TO ENSURE NO SWIMSHOUT LOCATION TO STREET.

NOTE:

Notwithstanding, a building permit has been issued for the construction of a building, construction therefor shall not proceed above grade until the consultant certified that the building is proceeding in accordance with the approved plans and that the elevation of the top of foundation complies with the approved elevation shown on the plan for which the building permit was issued.

GENERAL NOTES

* 1. Builder and Surveyor to confirm 3.30 difference between FFL and USF before proceeding with excavation. Report discrepancies to the Architect.

2. Surveyor is to comply with current subdivision zoning regarding setbacks in laying out the work. Any discrepancies are to be reported to the Architect and the builder immediatly.

3. The builder shall comply with all current standards for Local Municipal Subdivision Lot Drainage and Grading as they relate to max. & min. slopes for yards, swales & drives and clearances to street furniture and services for driveways.

4. The builder shall check and verify all given grade elevations and drainage prior to commencment of construction. Builder shall verify location of existing and proposed utilities prior to commencment of construction.

5. Footings to bear on natural undisturbed soil and be a min. of 1.22m below finished grade. Underside of footings shown are taken from architectural plans and may not represent actual footing level.

6. All dimensions and grade elevations are shown in metres.

7. Unless otherwise indicated, finished floor level is 0.50m above Specified House Grade at entry points to house and provision of 3 risers at entries must be made to gain entry into house. Maintain top of foundation wall min. 0.15m above finished grade.

8. Unprotected openings (windows, doors) must be min 1.2m from lot lines. Builder to verify location of all windows relative to lot line to maintain min. setback for unprotected openings.

9. These General Notes apply to all drawings for Siting & Grading including siting on individual sheets.

10. All front and rear yards shall be graded at a 2% – 5% grade within 6.0m of the dwelling unit.

11. Base curb elevation to be checked vs garage slab elevation to ensure adequate driveway grade before constructing garage.

12. Downspouts to discharge onto ground via splash pad.

FOR INFORMATION ONLY
CITY OF VAUGHAN
DEVELOPMENT / TRANSPORTATION ENGINEERING DEPARTMENT
PLANS EXAMINATION
RECEIVED OCT 1 7 2016

	DATE REVIEWED	INITIAL
ZONING		
GRADING	04/21/16	

LANDSCAPE CALCULATIONS	sq. m.	%
FRONT YARD AREA	44.54	
DRIVEWAY AREA	21.23	
LANDSCAPED FRONT YARD	23.31	52.3%
HARD LANDSCAPING	2.37	
SOFT LANDSCAPING	20.94	89.8%

LEGEND

- 211.0 PROPOSED GRADES @ LOT CORNER
- × 211.0 PROPOSED GRADE
-)(211.0 HIGH POINT @ PROPERTY LINE
- 211.0(HP) HIGH POINT @ BUILDING
- DIRECTION OF FLOW
- FFL FINISHED FLOOR LEVEL
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- STORM PIPE
- WATER PIPE
- HYDRO LINE
- GAS MAIN
- SOUND BARRIER FENCE
- 3/0 AWG TRIPLEX AL COMPT 600V XLPEI PVCJ SECONDARY CABLE

DATE	REF.	DESCRIPTION
10.11.16	FP	REV. MODEL PER CLIENT
05.30.15	FP	REV. PER CITY COMMENTS
01.08.15	CZ	NEW GRADING DWG.
06.29.15	CZ	FINAL SUBMISSION
06.11.15	CZ	REV. PER ENG.
06.01.15	CZ	REV. PER ENG.

DO NOT SCALE DRAWING

flanagan beresford & patteson architects
70 Silton Road, Unit 1
Woodbridge, Ontario, L4L 8B9, (905) 265-2688

ELM DEVELOPMENTS CORP.
THORNHILL WOODS DRIVE
VAUGHAN ONTARIO
LOT 14

Date	Checked By
04.08.15	
Job Number	**Drawn By**
14-1199	CZ
Scale	
1:200	
Cad Dwg.	**Sheet Number**
14-1199-SP1	SP1-14

OFFICE COPY

16-094EP(R2)

GENERAL NOTES

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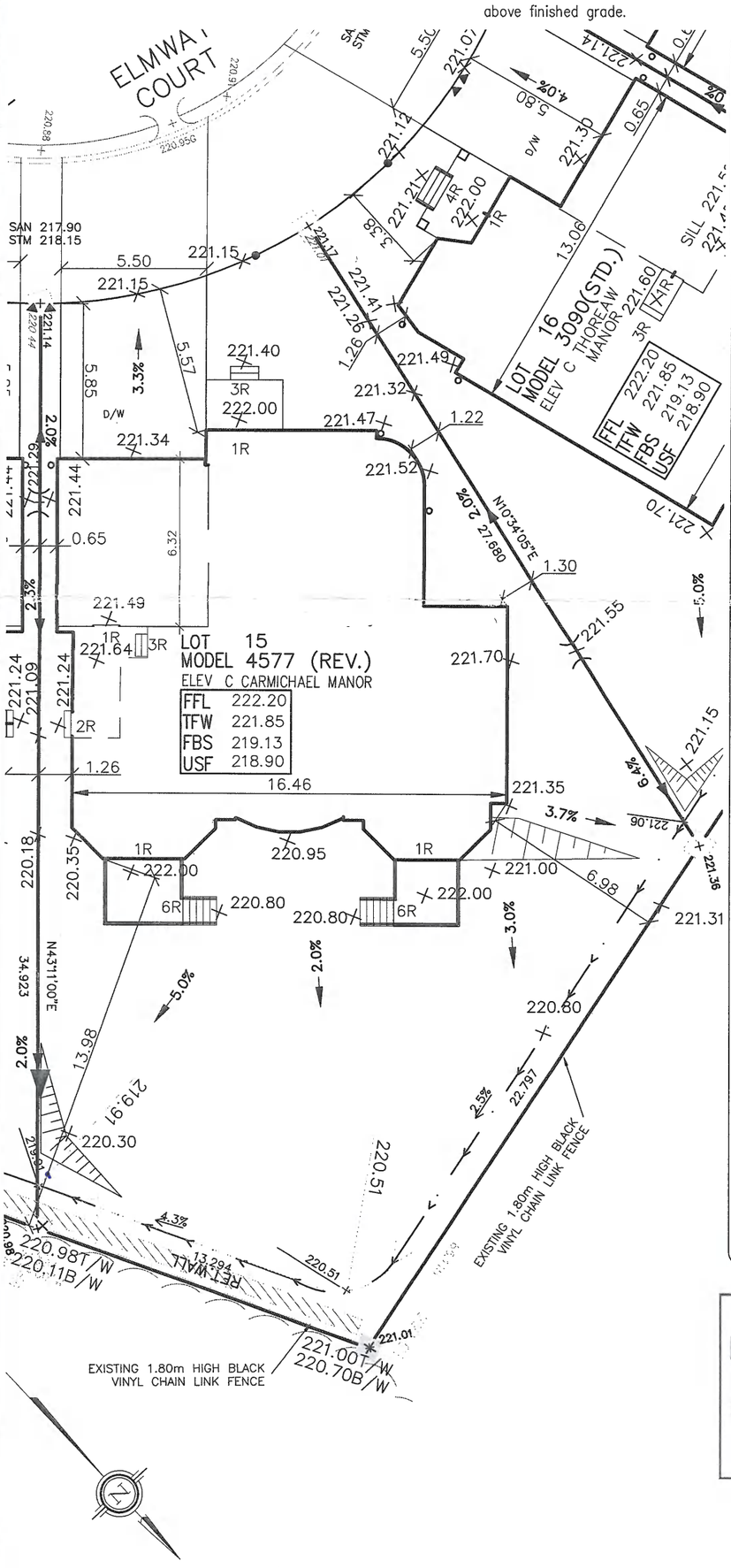

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SCHAEFFER AND ASSOCIATE LTD.

Signature: Date:

FEB 1 8 2016

LICENSED PROFESSIONAL ENGINEER
A. S. KASSABIAN
PROVINCE OF ONTARIO

LEGEND

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X 211.0	PROPOSED GRADE
)X(211.0	HIGH POINT @ PROPERTY LINE
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ONTARIO ASSOCIATION OF ARCHITECTS
JOHN H. BERESFORD
LICENCE
3134

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W Architect Inc.
DESIGN CONTROL REVIEW
DATE: FEB-17-2016 BY: KKA FINAL
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flanagan beresford & patteson architects
70 Silton Road, Unit 1
Woodbridge, Ontario, L4L 8B9, (905) 265-2688

ELM DEVELOPMENTS CORP.
THORNHILL WOODS DRIVE
VAUGHAN ONTARIO
LOT 15

Date 04.08.15	Checked By
Job Number 14-1199	Drawn By CZ
Scale 1:200	
Cad Dwg. 14-1199-SP1	Sheet Number SP1-15

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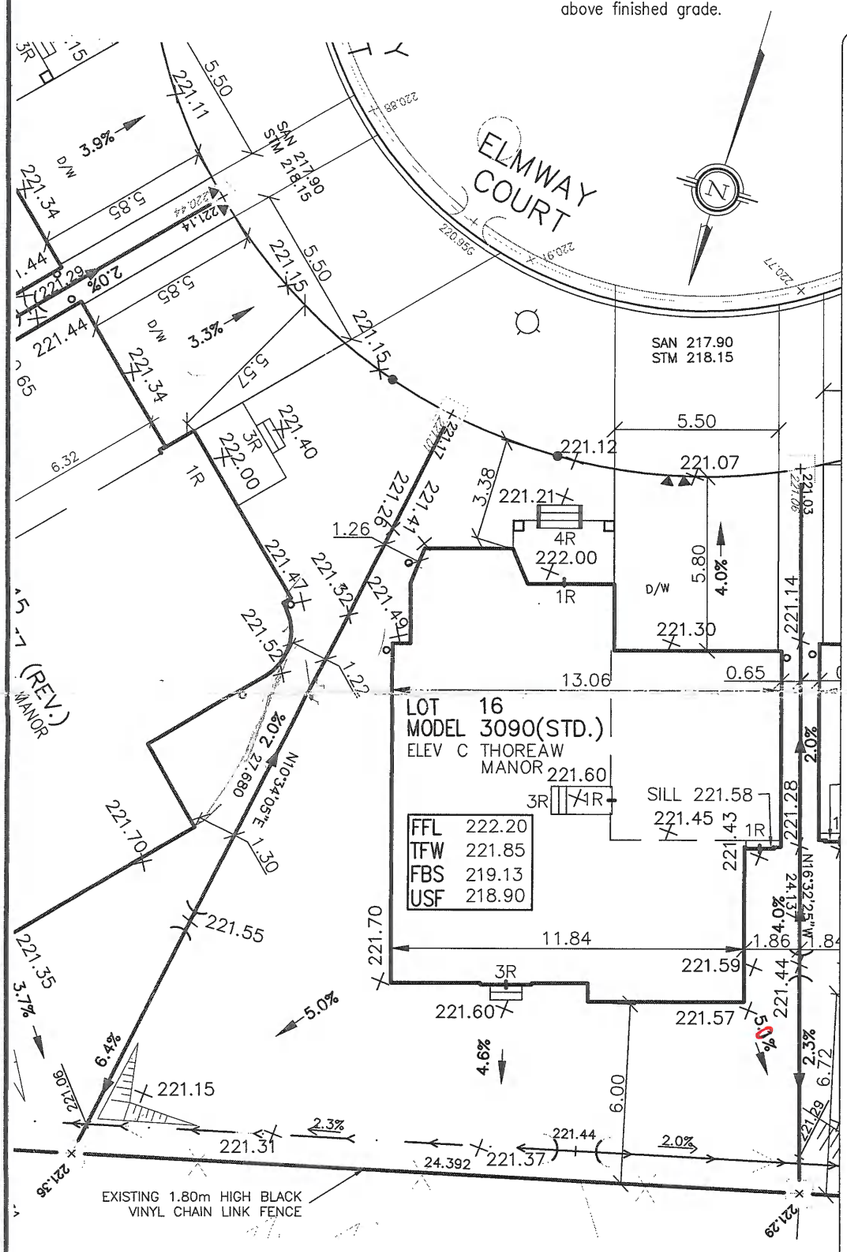

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SCHAEFFER AND ASSOCIATE LTD.

Signature: Date:

FEB 1 8 2016

LICENSED PROFESSIONAL ENGINEER A. S. KASSABIAN PROVINCE OF ONTARIO

LEGEND

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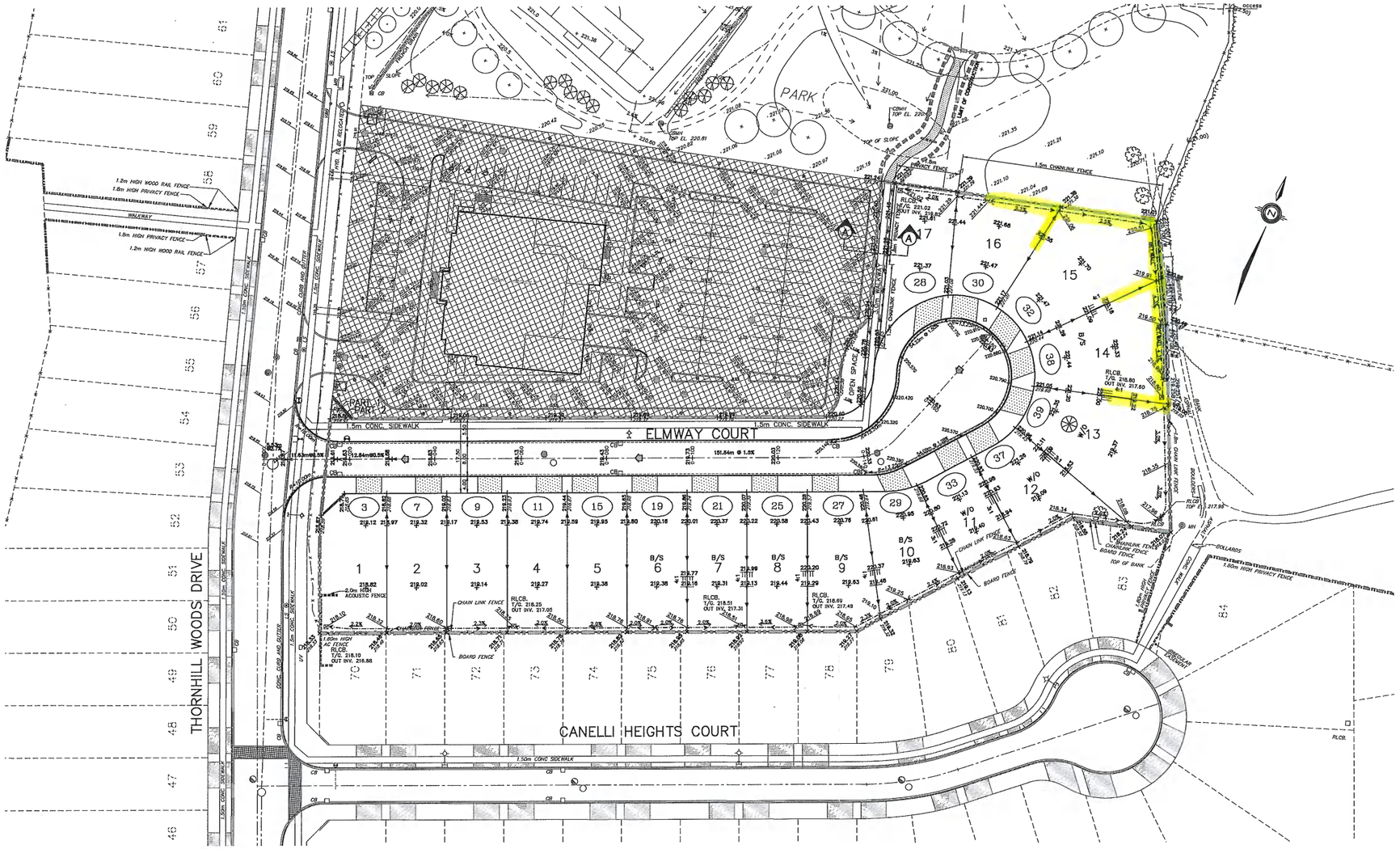
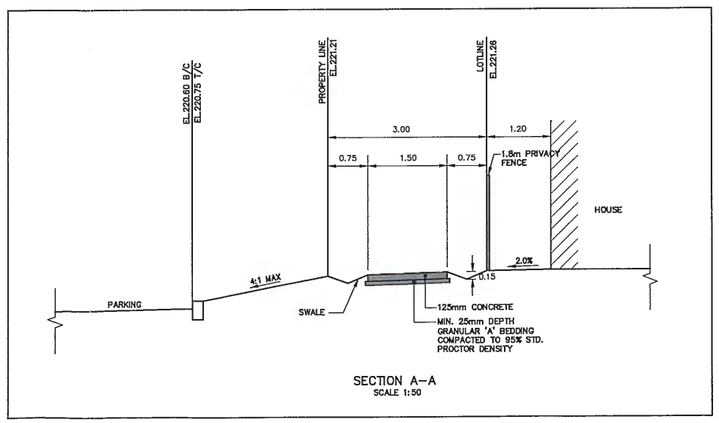
ELM DEVELOPMENTS CORP.
THORNHILL WOODS DRIVE
VAUGHAN ONTARIO
LOT 16

Date 04.08.15	Checked By
Job Number 14-1199	Drawn By CZ
Scale 1:200	
Cad Dwg. 14-1199-SP1	Sheet Number SP1-16

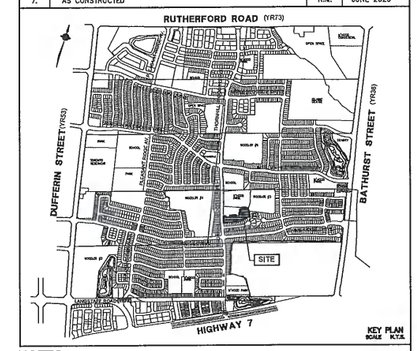




SECTION A–A
SCALE 1:50

REVISIONS

No.	DESCRIPTION	By	Date
1.	REVISED AS PER CITY COMMENTS.	FT	15/03/02
2.	PRIVACY AND CHAINLINK FENCE ON LOT 17 REVISED	FT	15/04/23
3.	RLCB 5 MOVED TO LOT 17	FT	15/05/08
4.	RETAINING WALL ADDED AT LOTS 14 & 15	FT	19/12/23
5.	REVISED AS PER CITY COMMENTS.	FT	16/01/12
6.	RLCB AT LOT 7 RELOCATED. SWALE ELEVATIONS AT LOTS 6 TO 9 ADJUSTED.	FT	16/05/02
7.	AS CONSTRUCTED	R.N.	JUNE 2020



NOTES:

1. THE LOCATION OF ALL UNDERGROUND AND ABOVE GROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON CONTRACT DRAWINGS, AND WHERE SHOWN THE ACCURACY OF THE LOCATION AND ELEVATION OF SUCH UTILITIES AND STRUCTURES ARE NOT GUARANTEED. PRIOR TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION OF SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITIES OF DAMAGE.
2. ALL AREAS DISTURBED DURING CONSTRUCTION OF SEWERS AND WATERMAINS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER, TO THE SATISFACTION OF THE CITY OF VAUGHAN AND REGION OF YORK ENGINEERING DEPARTMENT. GRASSED AREAS TO BE TOPPED WITH 100mm TOPSOIL AND SODDED AS PER OPSD 218.01 ALL EXISTING SERVICES TO BE ADJUSTED TO SUIT NEW GRADES.
3. FOR GENERAL NOTES REFER TO DWG. NO. GN–1.

LEGEND:

- DENOTES VALVE AND CHAMBER
- DENOTES HYDRANT
- DENOTES SINGLE CATCHBASIN
- DENOTES DOUBLE CATCHBASIN
- DENOTES Ex. CATCHBASIN
- DENOTES SANITARY MANHOLE
- DENOTES STORM MANHOLE
- 22.50 DENOTES PROPOSED ELEVATION
- 193.14 DENOTES EXISTING ELEVATION
- 198.50 DENOTES EXISTING CONTOUR
- DENOTES LIMIT OF SUBDIVISION
- DENOTES LIMIT OF CONSTRUCTION
- 25 DENOTES DENOTES MUNICIPAL HOUSE ADDRESS
- DENOTES OVERLAND FLOW ROUTE
- DENOTES ENGINEERED FILLED LOTS
- DENOTES PRIVACY FENCE
- DENOTES CHAINLINK FENCE

AS CONSTRUCTED JUNE 2020

BENCHMARK No.

ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE CITY OF VAUGHAN BENCH MARK No. SMB10–10, HAVING AN ELEVATION OF 205.344 METRES.

No.	Date	Issued for
4.	15/04/22	ISSUED FOR CONSTRUCTION
3.	15/04/14	ISSUED FOR REVISED SUBMISSION AS PER CITY COMMENTS
2.	14/11/27	ISSUED FOR PERFECT SUBMISSION
1.	14/09/24	ISSUED FOR PRE–PERFECT SUBMISSION

PROFESSIONAL ENGINEER — F. TCHOURKINE — JUNE 2020 — PROVINCE OF ONTARIO

APPROVED AS TO FORM IN RELIANCE UPON THE PROFESSIONAL SKILL AND ABILITY OF SCHAEFFERS CONSULTING ENGINEERS AS TO DESIGN AND SPECIFICATION

ANDREW D. PEARCE, C.E.T. — DIRECTOR OF DEVELOPMENT ENGINEERING & INFRASTRUCTURE PLANNING SERVICES — APRIL 2015 DATE

ELM THORNHILL WOODS (2013) INC.

SCHAEFFERS CONSULTING ENGINEERS
SCHAEFFER & ASSOCIATES LTD.
6 Ronrose Drive, Concord, Ontario L4K 4R3
Tel: (905) 738-6100
Fax: (905) 738-6875
E-mail: design@schaeffers.com

VAUGHAN

GRADING PLAN

65M–4481 CITY FILE: 19T–14V003

PROJECT No. 2014-4068		DRAWING No. GR-1	
DRAWN BY: A.M.	CHECKED BY: F.T.	DATE: SEP. 2014	
DESIGNED BY: A.M.	APPROVED BY: P.S		

SCALE: 1:500 0 5 10 15 20 25 30 35 40 45 50m

H:\As Constructed\4068-AC\4068AC-CAD\4068AC_GR-1.dwg, 2020-07-24 4:08:20 PM, RMallare

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

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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