



File: A208/21

Applicants: Gulnara Aslanova Farhad Kizi and Yaghoub Hassan Poor

Address: 16 Asner Ave. Maple

Agent: Fatma Carikci

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Development Engineering	<input checked="" type="checkbox"/>	
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: None

Background History: None

Staff Report Prepared By: Lenore Providence

Hearing Date: November 18, 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: 12

A208/21

Ward: 4

Staff Report Prepared By: Lenore Providence Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, November 18, 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: Gulnara Aslanova Farhad Kizi and Yaghoub Hassan Poor

Agent: Fatma Carikci

Property: **16 Asner Avenue, Maple**

Zoning: The subject lands are zoned RD4 and subject to the provisions of Exception 9(1244) under By-law 1-88 as amended.

OP Designation: Concurrent applications before the Committee or related site plan/DA application

Related Files: None.

Purpose: Relief from By-law 1-88, as amended, is being requested to permit the existing side door entrance located in the southerly side yard.

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

By-law Requirement	Proposal
A minimum interior side yard setback of 1.8 metres is required to a door providing access to the dwelling or an attached garage.	To permit an interior side yard setback of 1.22 metres to a door.

Background (previous applications approved by the Committee on the subject land): None.

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: None.

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on November 3, 2021

Applicant confirmed posting of signage on November 2, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2007
Deck	2007

Applicant has advised that they cannot comply with By-law for the following reason(s): The side door was built with lack-of-information of the setback requirements by the owner. After getting the notice from the City, he had aware of that he did not have enough side setback for opening the side door. .The owner wants to keep this side door for entrance to basement easily because he does not have any other option.

Committee of Adjustment recommended conditions of approval: None.

Adjournment Request / File Review History: None.

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply:

Order No. 21-103778, Order to Comply for Construction of a side door access located on left side, has been undertaken prior obtaining the required building permit., Issue Date: Feb 26, 2021.

Building Permit No. 21-109768 for Single Detached Dwelling - Alteration, Issue Date: (Not Yet Issued).

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 comments received to date.

Development Planning:

Please see Schedule Schedule C for Development Planning comments/conditions.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A208/21.

Parks Development - Forestry:

No comment no concerns

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 - Development Planning & Agency Comments

Development Planning Comments – Recommend approval with conditions

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: 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: - None.

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 8394
E CofA@vaughan.ca

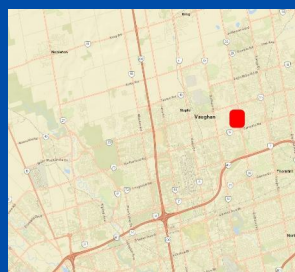
Schedule A: Plans & Sketches

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
Site Plan & Sketches



Map Information:



Title: 16 ASNER AVENUE, THORNHILL

NOTIFICATION MAP - A208/21

Disclaimer:
Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1:3,074
0 0.05 km

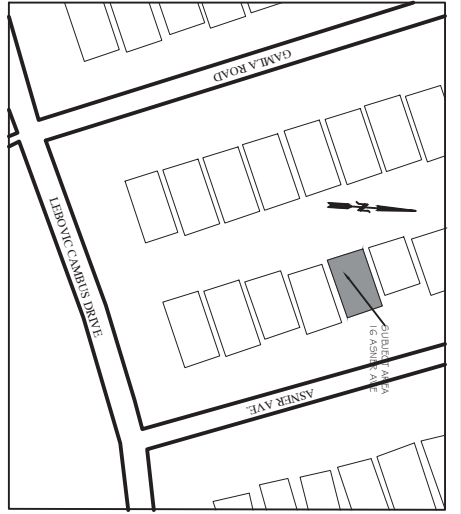


Created By:
Infrastructure Delivery
Department
November 2, 2021 3:13 PM

Projection:
NAD 83
UTM Zone
17N

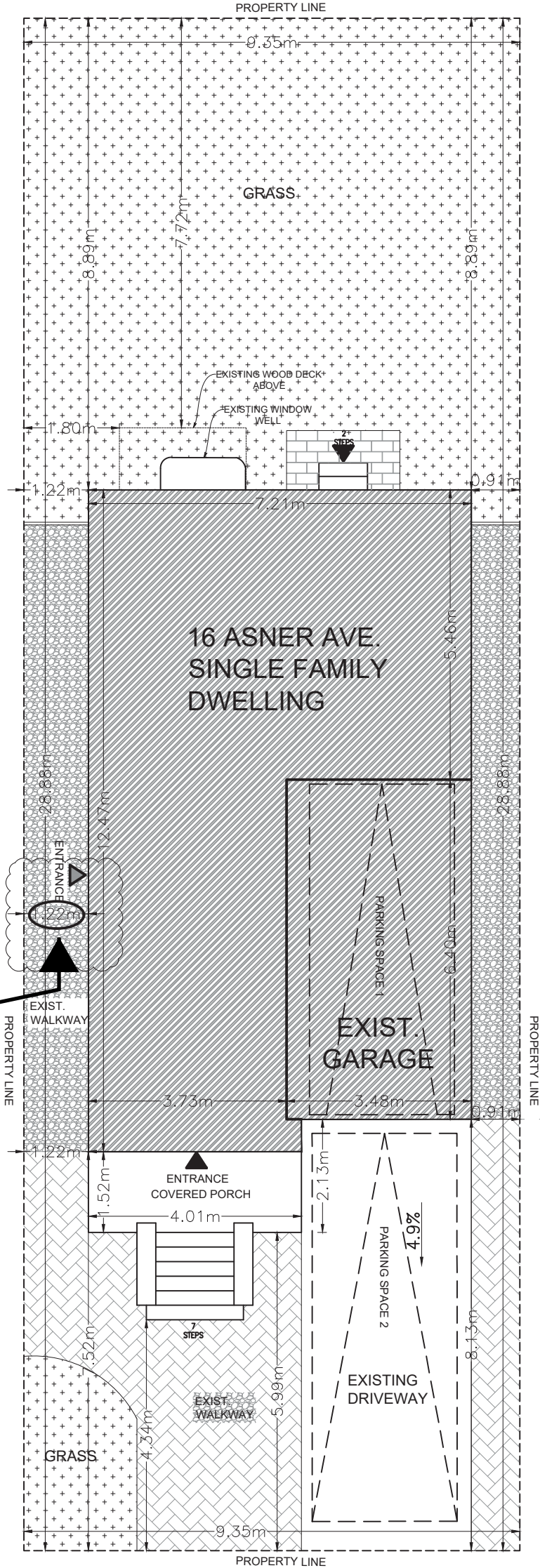
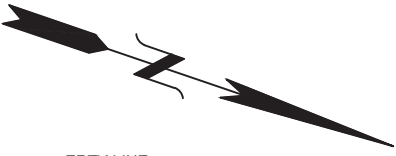
A208/21

KEY MAP



- GENERAL REQUIREMENTS**
1. CONTRACTOR SHALL GROSS CHECK ALL STRUCTURAL DRAWINGS AND DIMENSIONS WITH ARCHITECTURAL DRAWING.
 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN SITE.
 3. CONTRACTOR SHALL CONSIDER AND PERFORM ALL SAFETY MEASURES TO PROTECT LABORERS AND PUBLIC.
 4. CONTRACTOR SHALL VERIFY ALL OPENING SIZES.
 5. CONTRACTOR SHALL VERIFY ALL OPENING SIZES.
 6. NOTES AND DETAIL DRAWINGS TAKE PRECEDENCE OVER GENERAL STRUCTURAL NOTES AND TYPICAL DETAILS.
 7. CONTRACTOR SHALL CONSIDER IMMEDIATELY BEFORE PROGRESS IN CASE OF ANY UNUSUAL CONSTRUCTION CONDITION THAT JEOPARDIZE SAFETY OF LABOR AND/OR PUBLIC, AT THE TIME AND/OR IN FUTURE.
 8. IN CASE OF EXISTENCE OF DISCREPANCIES BETWEEN THE PROJECT SPECIFICATIONS AND THE GENERAL STRUCTURAL NOTES, THE MOST CONSERVATIVE OPTION WILL GOVERN, UNLESS ENGINEER REPLY OTHERWISE, AND THIS WILL BE THE BASIS FOR CONTRACTOR TO FILE ON ANY BACK CHARGES OR ADDITIONAL FEES.
 9. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING STRUCTURAL MEMBERS.
 10. IS REQUIRED TO ADDRESS ALL STRUCTURAL ISSUES AS APPLICABLE TO THE PROJECT'S SITE INSTRUCTION.
 11. BY DESIGN ENGINEER SUPERSEDES DESIGN DRAWINGS.
 12. TYPICAL STRUCTURAL DETAILS SHOWN ON DRAWINGS SHALL GOVERN THE WORK, IF DETAILS DIFFER ON OTHER DRAWINGS, THE MOST STRINGENT SHALL GOVERN.
 13. FLOOR JOISTS, STUDS AND ALL OTHER STRUCTURAL MEMBERS OTHER THAN SPECIFIED, SHALL COMPLY WITH MANUFACTURER'S SPECIFICATIONS.
 14. A PRE CONSTRUCTION MEETING SHALL BE ARRANGED BY CONTRACTOR TO REVIEW PLANS WITH DESIGN ENGINEER.
 15. STRUCTURAL PLANS ARE GENERAL AND SPECIAL STUDS TO EQUIP MEMBER SIZES CONSTRUCTION DETAILS INCLUDING SUPPORT LVL BEAM ON STEEL POSTS ARE RESPONSIBILITY OF BUILDER.

- NOTES**
1. SMOKE ALARM SHALL CONFIRM TO O.B.C. DIV. 8.9.10.19
 2. CARBON MONOXIDE DETECTORS SHALL BE INSTALLED AS PER OBC 9.35.4.
- S.A.**
 1. SMOKE ALARM SHALL HAVE A VISUAL SIGNALING COMPONENT INTEGRATED INTO THE SMOKE ALARM.
 2. SHALL HAVE A BATTERY BACKUP
 CARBON MONOXIDE DETECTOR



SITE PLAN

SCALE: 1/100

#	ISSUED FOR	DATE
1	ISSUED FOR PERMIT
2	ISSUED FOR PERMIT
3	RE-ISSUED FOR
4

CONTRACTOR MUST VERIFY ALL JOB DIMENSIONS, ALL DRAWINGS, DETAILS AND SPECIFICATIONS, AND REPORT ANY DISCREPANCIES TO ENGINEER BEFORE PROCEEDING WITH THE WORK. YOU NOT SCALE DRAWINGS, THESE DRAWINGS SHOW WHAT OF THE DESIGN ONLY ON EXISTING CONDITIONS AND MAY NOT REFLECT ALL DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED BY THE CONSULTANT. THE FOLLOWING DRAWINGS AND NOTES TO BE CONSIDERED AS PART OF THE CONSTRUCTION DRAWINGS:

PROJECT NAME
 16 ASNER AVE.
 MAPLE/ON
 FINISHED BASEMENT

CLIENT: WAJIBUR HASSANI POOR

1.22m



SCALE AS NOTED

DRAWN BY	A.P.
CHECKED BY	I.A.
DATE	AUGUST 2021
FILE NAME

PROJECT NO.
DWG. NO.	SP-1
REV. NO.	1

**Dimensions are in metric

16 ASNER AVE

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: **Development Planning & 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.-

Development Planning Comments – Recommend approval with conditions

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: November 18, 2021
Name of Owner: Yaghoub Hassan Poor and Gulnara Aslanova Farhad Kizi
Location: 16 Asner Avenue
File No.(s): A208/21

Proposed Variance(s):

1. The permit an interior side yard setback if 1.22 m to a door.

By-Law Requirement(s):

1. A minimum interior side yard setback of 1.8 m is required to a door providing access to the dwelling or an attached garage.

Official Plan:

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

Comments:

The Owner is requesting permission to maintain a side door to a single-family dwelling with the above noted variance.

Prior to finalizing comments, the Development Planning Department confirmed with the Building Standards Department that the purpose of this side entrance is to provide access to a finished basement for personal use. Furthermore, the floor plans show there is direct access from the main floor to the basement with no door separation that are typically seen in a true secondary suite. Therefore, section 4.1.8 (secondary suite provisions) of Zoning By-law 1-88 did not form part of this minor variance review.

The Development Planning Department has no objection to the variance, as a side yard reduction of 0.6 m does not inhibit the functionality and safe access to and from the basement level. Similar approvals for single detached dwellings have been supported by the Development Planning Department provided an interior yard setback of 1.2 m is maintained.

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.

Recommendation:

The Development Planning Department recommends approval of the application.

Conditions of Approval:

If the Committee finds merit in the application, the following conditions of approval are recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I
Letizia D'Addario, Senior Planner



Discover the possibilities

COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

Lenore Providence

Subject: FW: REQUEST FOR COMMENTS A208/21 (16 ASNER AVE. MAPLE)

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

Sent: October-06-21 2:20 PM

To: Lenore Providence <Lenore.Providence@vaughan.ca>

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

Subject: [External] RE: REQUEST FOR COMMENTS A208/21 (16 ASNER AVE. MAPLE)

Good afternoon Lenore,

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

Schedule D: Previous Approvals (Notice of Decision)

None.