



Staff Report Summary

Item # 20

Ward #4

File: A242/21

Applicant: Hasnain Versi and Zainab Habib

Address: 88 Ironbark Ct. Thornhill

Agent: Joanna Roberts-Swimming Pool Builders 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"/>	
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Transportation		
Region of York		
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: December 8, 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: 20

A242/21

Ward: 4

Staff Report Prepared By: Lenore Providence Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: **Wednesday, December 8, 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: Hasnain Versi and Zainab Habib

Agent: Joanna Roberts - Swimming Pool Builders Inc.

Property: **88 Ironbark Court, Thornhill ON**

Zoning: See below

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

Related Files: None

Purpose: Relief from By-law 1-88, as amended and By-law 01-2021 is being requested to permit the installation of a proposed (inground) swimming pool and hot tub.

The subject lands are zoned R3– Third Density Residential Zone and subject to the provisions of Exception 14.905 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance requested
1	An outdoor swimming pool shall only be permitted in the rear yard of a lot [4.21 2]	To permit an outdoor swimming pool (the proposed hot tub) in the side yard of the lot.
2	The minimum setback of an outdoor swimming pool to any lot line shall be 1.5m [4.21 3]	To permit the setback of an outdoor swimming pool to be a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line.

The subject lands are zoned RD3 – Residential Detached Zone Three and subject to the provisions of Exception 9(1264) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance requested
3	A private swimming pool shall be constructed not nearer to any rear or interior side lot line than 1.5 metres. [4.1.1 i)]	To permit a private swimming pool to be constructed a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line.
4	A private swimming pool shall be constructed only in the rear yard. [4.1.1 i)]	To permit the proposed hot tub (a private swimming pool as defined) to be constructed in the side yard.

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

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 24, 2021

Applicant confirmed posting of signage on November 19, 2021

Property Information	
Existing Structures	Year Constructed
Dwelling	2013
Pool and Hot Tub	Proposed

Applicant has advised that they cannot comply with By-law for the following reason(s): Desired configuration of pool and hot tub is not achievable entirely in the rear yard.

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:

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.

General Comments

1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.
2	The subject lands may be subject to Ontario Regulation 166/06 (TRCA - Toronto and Region Conservation Authority).
3	The subject lands may be subject to the Oak Ridges Moraine Conservation Act, RSO2001.

Building Inspections (Septic):

No comments received to date.

Development Planning:

Please see Schedule C for Development Planning comments.

Development Engineering:

The Development Engineering (DE) Department does not object to variance application A242/21 subject to the following condition(s):

- Staff have confirmed that the property is located within an unassumed subdivision. The Owner/applicant shall provide satisfactory notification to the developer/builder and approval (Letter or email) of the minor variance and proposed work to the property in question and provide a copy of the notification and approval to the City's Development Engineering Department.

Additional comments:

The Owner/applicant shall apply for a pool permit with the Development Engineering (DE) Department. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for the pool permit.

Parks Development – Forestry:

Forestry has no comments at this time

Parks Development –Horticulture:

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 comments received to date

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

TRCA – comments with conditions

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:

	Department/Agency	Condition
1	TRCA Hamedeh Razavi 416-661-6600 x 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. 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.

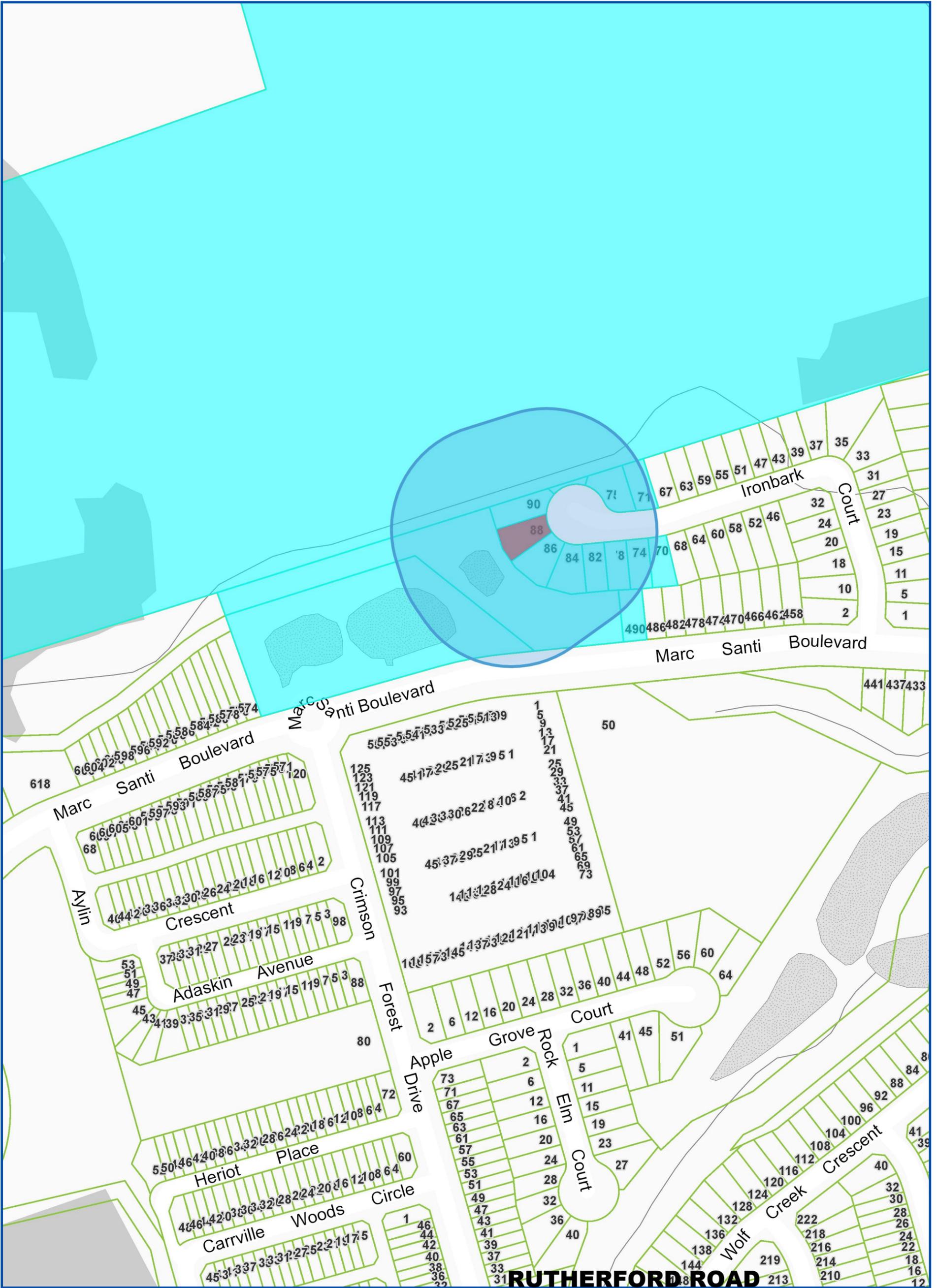
For further information please contact the City of Vaughan, Committee of Adjustment

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



DUFFERIN STREET

RUTHERFORD ROAD

Map Information:



Title: 88 IRONBARK COURT, MAPLE

NOTIFICATION MAP - A242/21

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: 3,031
 0 0.05 km



Created By:
 Infrastructure Delivery
 Department
 November 7, 2021 1:14 PM

Projection:
 NAD 83
 UTM Zone
 17N

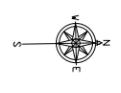
**1.14m
#2, #3**

**1.39m
#2, #3**

#1, #4
NEW VINYL POOL
91 LIN FT COPING

#1, #4
NEW HOT TUB

NOTES:
-NO NEW PLANTING PROPOSED



- #1 To permit an outdoor swimming pool (the proposed hot tub) in the side yard of the lot.**
- #2 To permit the setback of an outdoor swimming pool to be a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line.**
- #3 To permit a private swimming pool to be constructed a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line.**
- #4 To permit the proposed hot tub (a private swimming pool as defined) to be constructed in the side yard.**

1 LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

- Legend:**
- Existing Grade
 - Proposed Grade
 - Hardscape
 - Softscape



DRAWN BY:	JT	SALES:	JF
SCALE:	AS NOTED	DATE:	AUGUST 24 2021
PROJECT:	VERSİ RESIDENCE 88 IRONBARK CRT. VAUGHAN		
SIGNATURE:	DRAWING NUMBER: PERMIT		
	REVISION:		

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
Alectra (Formerly PowerStream) – No concerns or objections
TRCA – comments with conditions

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: December 08, 2021
Name of Owner: Hasnain Versi and Zainab Habib
Location: 88 Ironbark Court
File No.(s): A242/21

Proposed Variance(s) (By-law 01-2021):

1. To permit an outdoor swimming pool (the proposed hot tub) in the side yard of the lot.
2. To permit the setback of an outdoor swimming pool to be a minimum of 1.14 m from the rear lot line, and a minimum of 1.39 m from the interior side lot line.

By-Law Requirement(s) (By-law 01-2021):

1. An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21.2]
2. The minimum setback of an outdoor swimming pool to any lot line shall be 1.5 m.

Proposed Variance(s) (By-law 1-88):

3. To permit a private swimming pool to be constructed a minimum of 1.14 m from the rear lot line, and a minimum of 1.39 m from the interior lot line.
4. To permit the proposed hot tub (a private swimming pool as defined) to be constructed in the side yard.

By-Law Requirement(s) (By-law 1-88):

3. A private swimming pool shall be constructed not nearer to any rear or interior side lot line than 1.5 m. [4.1.1 i)]
4. A private swimming pool shall be constructed only in the rear yard. [4.1.1i)]

Official Plan:

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

Comments:

The Owner is requesting to construct a swimming pool and hot tub with the above noted variances.

The Development Planning Department has no objection to the proposed variances, as the reduction in setbacks to the pool and location of the hot tub presents no visual impact onto the right-of way. Variances 2 and 3 propose a rear yard setback of 1.14 m and interior yard setback of 1.39 m provides adequate distance around the water's edge for safe access. Additionally, the Development Engineering Department has reviewed the proposal with respect to water filtration/runoff and have identified no issues.

With respects to Variance 1 and 4, the Development Planning Department recognizes the hot tub is partially located in the interior side yard as technically defined by the By-laws, and therefore requires relief. However, the hot tub maintains the side and rear yard setback requirements, which mitigates any impact on the abutting properties.

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
Chris Cosentino, 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



November 29, 2021

CFN 64195.36

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

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

Dear Ms. Vigneault:

**Re: Minor Variance Application A242.21
88 Ironbark Court, PLAN 65M4199 Lot 19
City of Vaughan, Region of York
Owner: Hasnain Versi and Zainab Habib
Agent: Joanna Roberts c/o pool-builders**

This letter acknowledges receipt of the above-noted application circulated by the City of Vaughan. The materials were received by Toronto and Region Conservation Authority (TRCA) on November 14, 2021. TRCA staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*; the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of York, wherein we provide technical environmental advice related to provincial plans.

Background

It is our understanding that the purpose of the above noted application is to facilitate the construction of an inground pool and a hot tub.

Per Exception 14.905 under Zoning By-law 01-2021, the variances requested by the proponent include:

1. To permit an outdoor swimming pool (the proposed hot tub) in the side yard of the lot., whereas an outdoor swimming pool shall only be permitted in the rear yard of a lot.
2. To permit the setback of an outdoor swimming pool to be a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line., whereas the minimum setback of an outdoor swimming pool to any lot line shall be 1.5 m.

Per Exception 9(1264) under Zoning By-law 1-88, as amended, the variances requested by the proponent include:

1. To permit a private swimming pool to be constructed a minimum of 1.14 metres from the rear lot line, and a minimum of 1.39 metres from the interior side lot line., Whereas a private swimming pool shall be constructed not nearer to any rear or interior side lot line than 1.5 metres.

2. To permit the proposed hot tub (a private swimming pool as defined) to be constructed in the side yard., whereas a private swimming pool shall be constructed only in the rear yard.

Ontario Regulation 166/06

The subject property is partially located within TRCA's regulated area due to the presence of a valley corridor associated with the Don River on the west of the site. 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 partially located within TRCA Regulated Area. TRCA issued a permit to facilitate the construction of the proposed works on September 15, 2021 (TRCA Permit No. C-211077).

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-211077. 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 A230.21, 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.

TRCA trusts these comments are of assistance. Should you have any questions, please contact the undersigned at extension 5256 or at Hamedeh.Razavi@trca.ca

Sincerely,



Hamedeh Razavi
Planner I
Development Planning and Permits
HR/mh