



**COMMITTEE OF ADJUSTMENT
REPORT SUMMARY
MINOR VARIANCE APPLICATION
FILE NUMBER A266/21**

AGENDA ITEM NUMBER: 10	CITY WARD #: 5
APPLICANT:	Jonathan and Lisa Weinberg
AGENT:	Olusola Egunjobi
PROPERTY:	104 Downing Boulevard, Thornhill ON
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None.
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit the construction of a proposed cabana and unenclosed ground mounted pool equipment in the rear yard.

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

*Please see **Schedule B** of this report for a copy of Development Planning and Agency correspondence.

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

DEPARTMENTS	Circulated	Comments Received	Conditions	Nature of Comments
Committee of Adjustment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Standards (Zoning Review)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	General Comments
Building Inspection (Septic)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Recommend Approval w/Conditions
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comment no Concerns
By-law & Compliance, Licensing & Permits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comment no Concerns
Development Finance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Real Estate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Recieved to Date
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comment no Concerns
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

PUBLIC & APPLICANT CORRESPONDENCE

*Please see **Schedule C** of this report for a copy of the public & applicant correspondence listed below.

The deadline to submit public comments is **noon on the last business day prior to the scheduled hearing date.**

Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website.

All personal information collected because of this public meeting (including both written and oral submissions) 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.

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Brenda Maritzer	113 Downing Boulevard	02/02/2022	Letter of Opposition

PREVIOUS COA DECISIONS ON THE SUBJECT LAND

*Please see **Schedule D** for a copy of the Decisions listed below

File Number	Date of Decision MM/DD/YYYY	Decision Outcome
None		

ADJOURNMENT HISTORY

* Previous hearing dates where this application was adjourned by the Committee and public notice issued.

None	
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AGENDA ITEM NUMBER:	CITY WARD #: 5
APPLICANT:	Jonathan and Lisa Weinberg
AGENT:	Olusola Egunjobi
PROPERTY:	104 Downing Boulevard, Thornhill ON
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	None.
PURPOSE OF APPLICATION:	Relief from the City's Zoning By-law is being requested to permit the construction of a proposed cabana and unenclosed ground mounted pool equipment in the rear yard.

The following variances have been requested from the City's Zoning By-law:

The subject lands are zoned R3(EN) – Estate Residential Zone (Established Neighbourhood) and subject to the provisions of Exception 14.262 under Zoning By-law 01-2021.

#	Zoning By-law 01-2021	Variance Requested
1	The minimum rear yard setback to the residential accessory structure is 2.4m. Section 4.1.2 1. b).	To permit a rear yard setback of 1.47m to the residential accessory structure.
2	The minimum interior yard setback (west side) to the residential accessory structure is 2.4m. Section 4.1.2 1. b).	To permit an interior yard setback of 0.66m from west property line to the residential accessory structure.
3	The maximum permitted lot coverage is 45%. Exception 262 schedule T1.	To permit a lot coverage of 57.86%
4	The maximum permitted rear yard encroachment is 1.5m for unenclosed ground mounted pool equipment. Section 4.13 table 4.1.	To permit a maximum rear yard encroachment of 6.9 metres for unenclosed ground mounted pool equipment.

The subject lands are zoned R3 – Rural Residential and subject to the provisions of Exception 9(460) under Zoning By-law 1-88, as amended.

#	Zoning By-law 1-88	Variance Requested
5	The minimum rear yard setback for the accessory structure is 7.5m. Schedule A.	To permit a rear yard setback of 1.47m to the accessory structure.
6	The minimum interior yard setback (west side) is 1.2m to the accessory structure. Exception 460 schedule T1.	To permit an interior yard setback of 0.66m to the accessory structure.
7	The maximum permitted rear yard encroachment is 1.5m for unenclosed ground mounted pool equipment. Section 3.14 h) ii)	To permit a maximum rear yard encroachment of 6.9 metres for unenclosed ground mounted pool equipment.
8	The maximum permitted lot coverage is 45%. Exception 460 schedule T1.	To permit a lot coverage of 52.4% (Dwelling 49.65%, Cabana 2.75%).
9	The maximum projection of an eaves for an accessory structure is 0.30m. Section. 4.1.1 f) v)	To permit an eaves projection of 0.33m for the accessory structure.

HEARING INFORMATION

DATE & TIME OF HEARING: February 10, 2022 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.

PUBLIC PARTICIPATION

You can watch a live stream of the hearing at Vaughan.ca/LiveCouncil

If you wish to speak to the Committee of Adjustment on an application please complete and submit a [Public Deputation Form](#) to cofa@vaughan.ca by noon on the last business day prior to the hearing.

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 must be submitted by noon on the last business day prior to the day of the scheduled hearing. Written submissions can be emailed to cofa@vaughan.ca

[For more information, please visit the City of Vaughan website.](#)

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application may consider 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.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed:	January 26, 2022
Date Applicant Confirmed Posting of Sign:	January 24, 2022
Applicant Justification for Variances: <small>*As provided by Applicant in Application Form</small>	<ol style="list-style-type: none"> 1. Deficiency: The rear yard setback of 1.47 metres to the proposed accessory structure encroaches into the minimum required rear yard setback of 7.5 metres (taken to the exterior wall/post of structure). [Zoning By-law 1-88, as amended, Section 4.1.1] 2. Deficiency: The interior side yard setback of 0.66 metres to the proposed accessory structure encroaches into the minimum required interior yard setback of 1.2 metres (taken to the exterior wall/post of structure). [Zoning By-law 1-88, as amended, Section 4.1.1] 3. Deficiency: The maximum permitted encroachment for eaves and gutters of 0.3 m into a minimum required yard has been exceeded. 4. Deficiency: The overall percentage of the lot area covered by all buildings and structures over 8 square meters (measured to the outside walls), including the dwelling and all covered areas has been exceeded. Total overall coverage shall not exceed 45% of lot area. Note, please confirm the lot area as it appears not to correspond with the area based on the registered plan of subdivision. 5. Deficiency: The rear yard setback of 0.609 metres to the external pool equipment encroaches into the required minimum rear yard setback of 6.0metres.
Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small>	None
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant:	No

COMMITTEE OF ADJUSTMENT COMMENTS

*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.

*A revised submission may be required to address staff / agency comments received as part of the application review process.

*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.

Adjournment Fees:

In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice.

An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice.

Committee of Adjustment Comments:

The applicant was provided the following comments from Development Engineering on February 1, 2022:

Revised submission package provided on January 24, 2022 indicates a lot area breakdown based on numeric values that were provided by the Agent. However, zoning has found some inconsistencies with these figures and have informed planning that without an approved survey plan the exact lot area for the subject lands could not be determined. Furthermore, 'bluebeam' a program used by zoning and their records confirmed the total lot area to be less than what was indicated in the application.

No drawings of the dwelling itself were provided which depending on eave projection may be greater than a foot which is the general number used by zoning staff to calculate the total lot coverage under by-law 01-2021 (Variance #3). If the Building Department determine the eaves are greater than a foot during the permit review it will trigger the need for a subsequent variance, as the site plan submitted in the CofA application is tied to the 'Notice of Decision'.

The applicant was provided the following comments from Committee of Adjustment on February 2, 2022:

Based on the correspondence from Development Planning and the information submitted, it appears that there may be an error/discrepancy in calculating lot coverage.

Your application will maintain its place on the February 10, 2022 agenda, as per your request, however, please note that any approval will be tied to the information submitted and the plans provided.

Upon submission of a survey at the permit stage, should it be identified that a higher percentage of lot coverage is required the applicant will need to re-apply and submit fees for an additional minor variance application, which will be subject to review by Development Planning.

Committee of Adjustment Recommended Conditions of Approval: None

BUILDING STANDARDS (ZONING) COMMENTS

From the registered plan of survey. If you wish to revisit the lot area calculations and lot coverage requirements . Please provide an existing or up to date survey for the property.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

Building Standards Recommended Conditions of Approval: None

DEVELOPMENT PLANNING COMMENTS

Application Under Review

Development Planning Recommended Conditions of Approval: None

DEVELOPMENT ENGINEERING COMMENTS

As the proposed cabana in the subject property is 13.02 m², the owner/ applicant needs to obtain a lot grading permit from Development Inspection and Lot Grading division of the City’s Development Engineering Department. Please note any in ground structure over 10 m² requires a grading permit. Please contact COA application engineering reviewer after receiving the grading permit to clear the condition. (Condition #1 attached)

The proposed work by the owner is increasing the lot coverage in the subject property. The added hardscape may have impact on City’s Storm Water management system. Stuff requires the owner/applicant to introduce Low-impact Development (LID) measures (Bioswales, Permeable pavers, Rain Gardens, Rain Barrels etc.) to reduce the impacts. Please provide DE with a LID brief explaining the measures taken prior to clearing the condition. (Condition #2 attached)

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.

The Development Engineering (DE) Department does not object to variance application A266/21 subject to the following condition(s):

Development Engineering Recommended Conditions of Approval:	<ol style="list-style-type: none"> 1. The Owner/applicant shall submit the revised Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 45% to 52.4% in order to mitigate potential impacts on the municipal storm water system.
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PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS

Applicant/owner shall obtain a “Private Property Tree Removal & Protection” permit through the forestry division prior to any construction works on the subject property.

Applicant/owner shall amend the arborist report to the satisfaction of the forestry division. (if applicable).

Prior to permit issuance, Forestry staff shall inspect and approve the tree protection (Hoarding). Tree protection shall be installed to the satisfaction of the Forestry division. (If applicable).

Tree protection & preservation methods must be followed according to City of Vaughan By-law 052-2018.

Arborist recommendations are to be followed as outlined in the Arborist Report.

PFH Recommended Conditions of Approval:	None
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DEVELOPMENT FINANCE COMMENTS

No comment no concerns

Development Finance Recommended Conditions of Approval:	None
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BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS

No comment no concerns

BCLPS Recommended Conditions of Approval:	None
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BUILDING INSPECTION (SEPTIC) COMMENTS

No comments received to date.

BUILDING INSPECTION (SEPTIC) COMMENTS

Building Inspection Recommended Conditions of Approval:	None
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FIRE DEPARTMENT COMMENTS

No comments received to date.	
Fire Department Recommended Conditions of Approval:	None

SCHEDULES TO STAFF REPORT

*See Schedule for list of correspondence

Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Development Planning & Agency Comments
Schedule C (if required)	Correspondence (Received from Public & Applicant)
Schedule D (if required)	Previous COA Decisions on the Subject Land

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:

SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL

All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
1	Development Engineering farzana.khan@vaughan.ca	<ol style="list-style-type: none"> 1. The Owner/applicant shall submit the revised Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading division of the City’s Development Engineering Department for final lot grading and/or servicing approval prior to any work being undertaken on the property. Please visit or contact the Development Engineering Department through email at DEPermits@vaughan.ca or visit https://www.vaughan.ca/services/residential/dev_eng/permits/Pages/default.aspx to learn how to apply for lot grading and/or servicing approval. 2. The owner/applicant shall provide a brief to demonstrate the appropriate LID (Low-impact Development) measures and show the measures taken in the drawing to the satisfaction of DE to address the increased lot coverage from 45% to 52.4% in order to mitigate potential impacts on the municipal storm water system.

IMPORTANT INFORMATION – PLEASE READ

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 (**see condition chart above for contact**). 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.

APPROVALS: Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.

An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.

A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.

Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.

Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.

IMPORTANT INFORMATION – PLEASE READ

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.

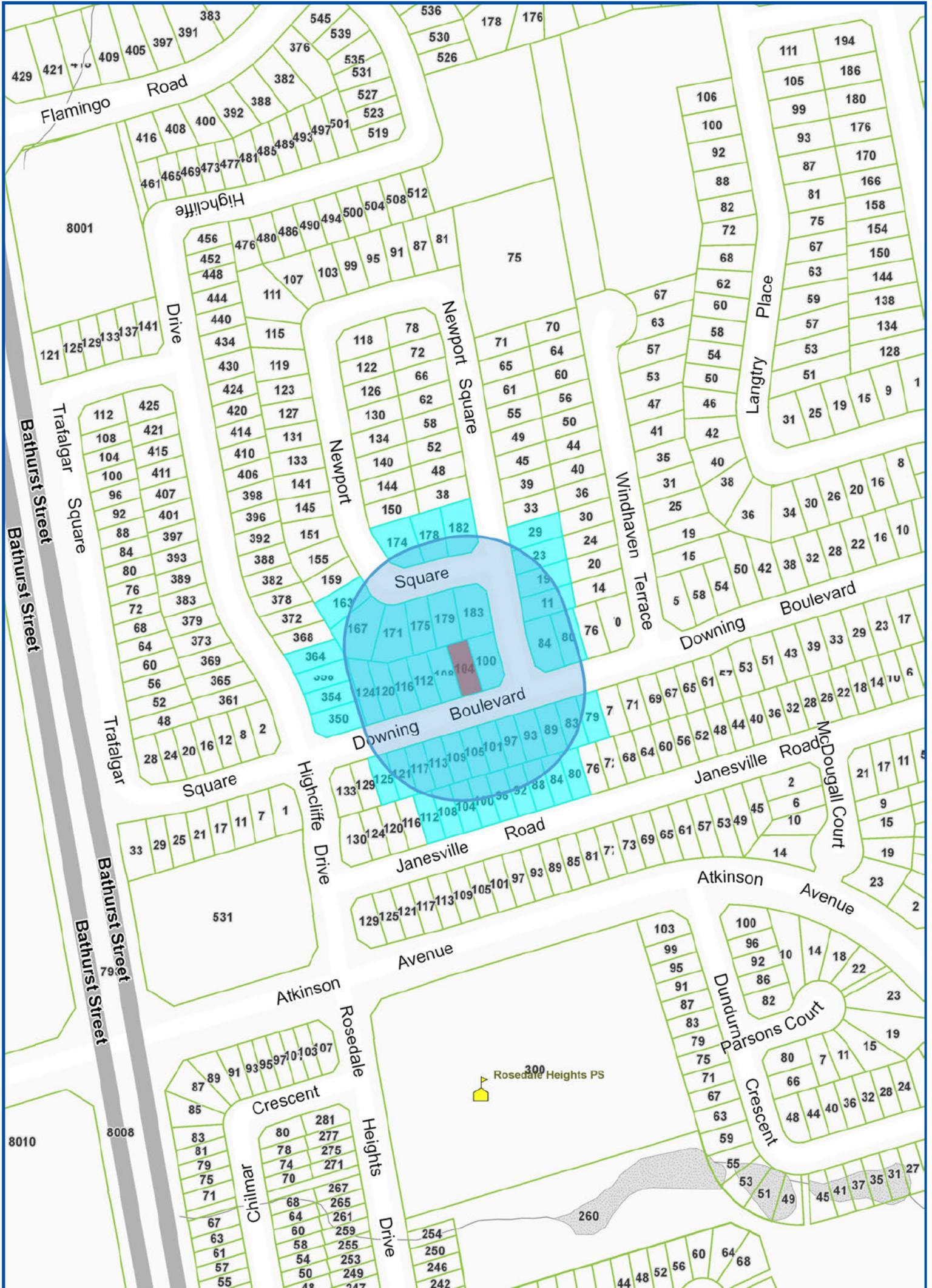
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.

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

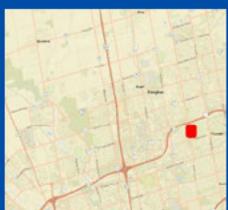
That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

NOTICE 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.

SCHEDULE A: DRAWINGS & PLANS



Map Information:



Title:

NOTIFICATION MAP - A266/21

104 DOWNING BOULEVARD, THORNHILL

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 the Infrastructure Program using:



Scale: 1:3,074

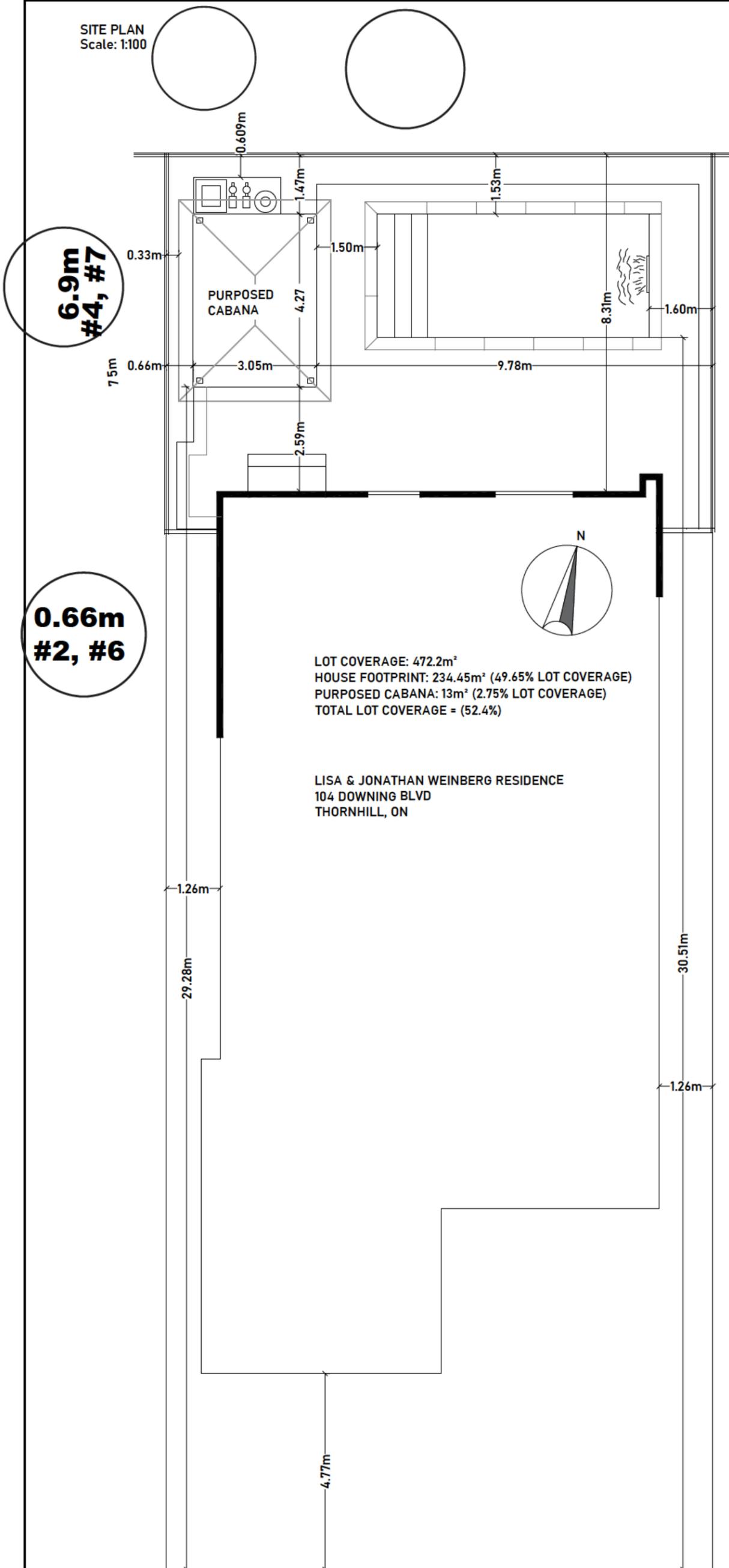
0 0.05 km



Created By:

Infrastructure Delivery
Department
December 14, 2021 1:25 PM

Projection:
NAD 83
UTM Zone
17N



6.9m
#4, #7

0.66m
#2, #6

LOT COVERAGE: 472.2m²
HOUSE FOOTPRINT: 234.45m² (49.65% LOT COVERAGE)
PURPOSED CABANA: 13m² (2.75% LOT COVERAGE)
TOTAL LOT COVERAGE = (52.4%)

LISA & JONATHAN WEINBERG RESIDENCE
104 DOWNING BLVD
THORNHILL, ON

**# Zoning By-law 01-2021
Variance requested**

1	To permit a rear yard setback of 1.47m to the residential accessory structure.
2	To permit an interior yard setback of 0.66m from west property line to the residential accessory structure.
3	To permit a lot coverage of 57.86% (Dwelling 49.65%, Eaves 5.46%, Cabana 2.75%).
4	To permit a maximum rear yard encroachment of 6.9 metres for unenclosed ground mounted pool equipment.

**Zoning By-law 1-88
Variance requested**

5	To permit a rear yard setback of 1.47m to the accessory structure.
6	To permit an interior yard setback of 0.66m to the accessory structure.
7	To permit a maximum rear yard encroachment of 6.9 metres for unenclosed ground mounted pool equipment.
8	To permit a lot coverage of 52.4% (Dwelling 49.65%, Cabana 2.75%).
9	To permit an eaves projection of 0.33m for the accessory structure.

DESIGNER



209 DESIGN
Dana Evans
15905 Sideroad 17
Sunderland Ontario
647-297-8300

No.	DESCRIPTION	DATE
2	REVISED FOR PERMIT APPLICN	JAN 2022
1	ISSUED FOR PERMIT APPLICN	SEPT 2021

The undersigned has reviewed and takes responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information
Required unless design is exempt under Div. C - 3.2.5.1. of the building code

DANA EVANS  100332
Name Signature BCIN

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

209 DESIGN 101521
Firm Name BCIN

PROJECT
PROPOSED CABANA
104 Downing Blvd
Vaughan, ON
L4J 7N4

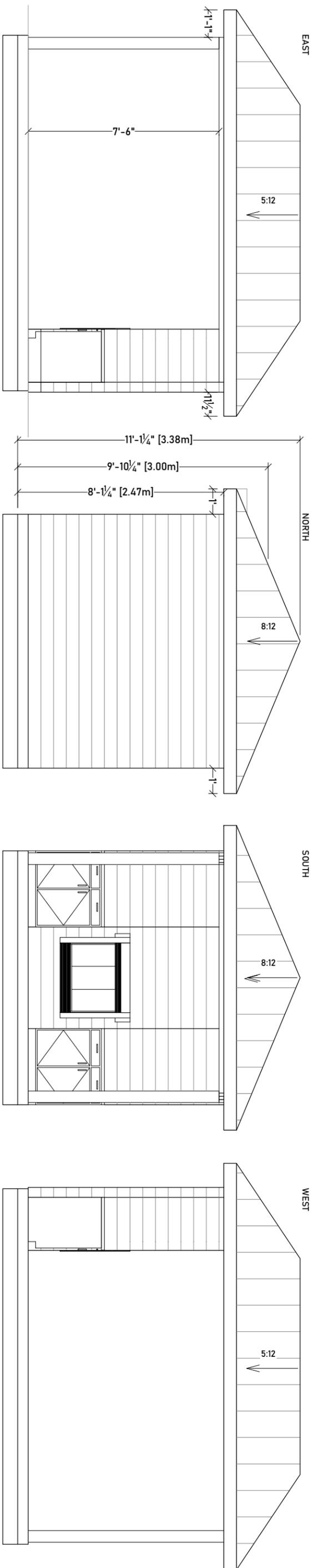
DATE JAN 12, 2022

SCALE 1:100

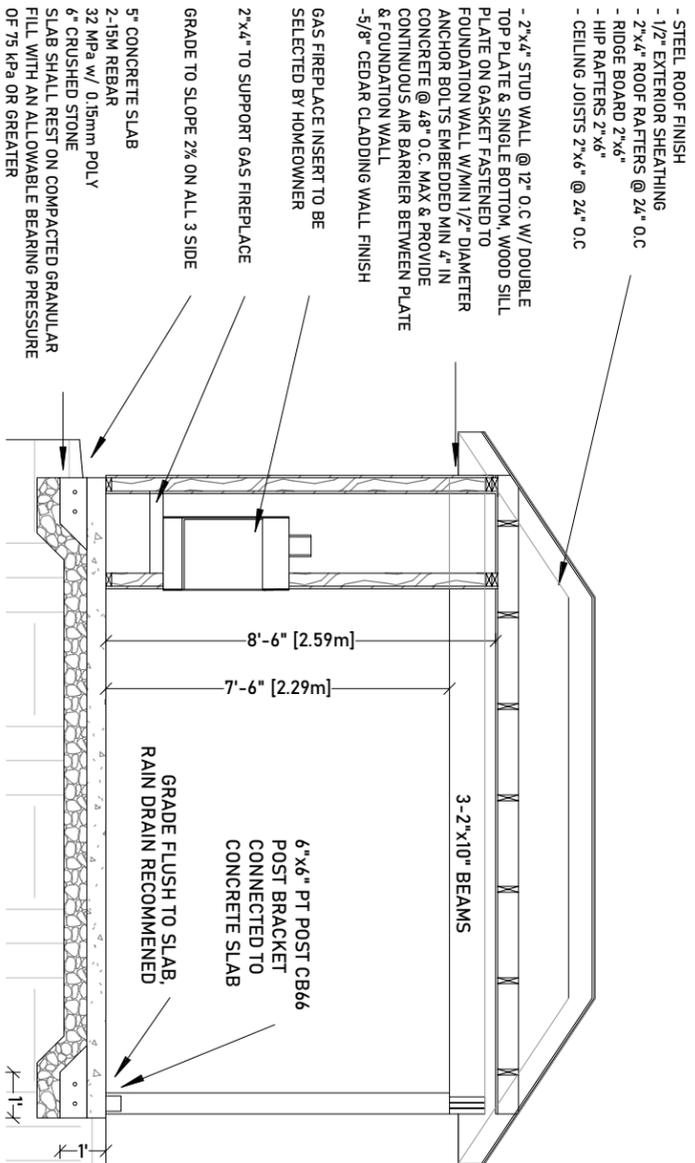
DRAWING SITE PLAN

DWG. No 21-057 PAGE 1/3

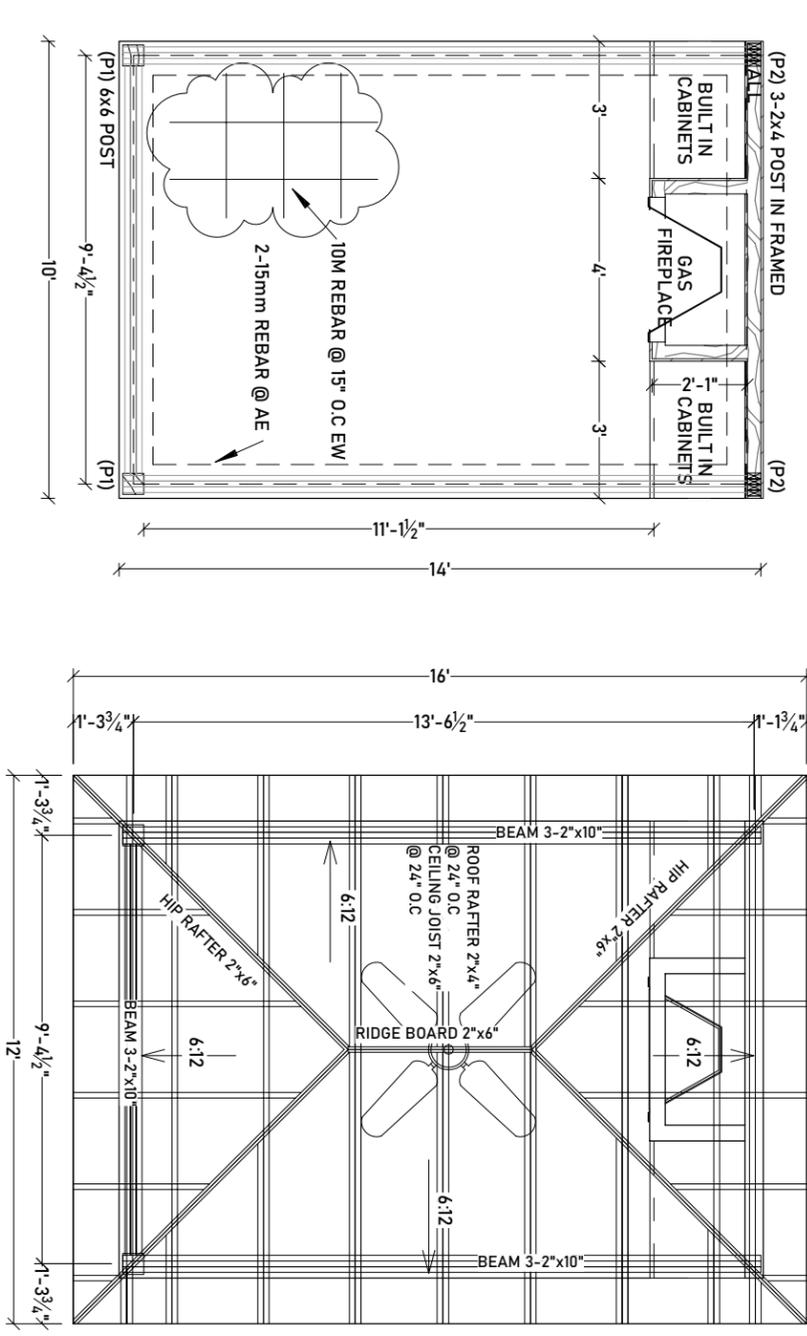
ELEVATIONS
Scale: 1/4"=1'



SECTION
Scale: 1/4"=1'



PLANS
Scale: 1/4"=1'



ALL FRAMING TO BE SPF No. 182 OR GREATER
SNOW LOAD CALCULATIONS BASED ON OBC 2012
Vaughan Ss 11, Sr 0.4, Ch 0.45 - 0.895kPa
(CNC The span Book - charts 15Pa, 31psf used to specify)
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS & REPORT ANY DISCREPANCIES TO THE DESIGNER & OR HOMEOWNER BEFORE PROCEEDING WITH WORK

THE INFORMATION HEREIN IS THE PROPERTY OF 209 DESIGN & FOR THE EXCLUSIVE USE OF THE CONTRACTED PARTY FOR THIS PROJECT ONLY & SHALL NOT BE USED FOR OTHER PROJECTS. PUBLISHED, COPIED OR COMMUNICATED TO A THIRD PARTY WITHOUT WRITTEN CONSENT OF 209 DESIGN.
DRAWINGS ARE NOT TO BE SCALED OR USED FOR ANY OTHER PURPOSES OUTSIDE OF THIS PROJECT WITHOUT PROPER CONSENT FROM THE HOMEOWNER.

THE UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN & HAS CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENTS
QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C - 32.51 OF THE BUILDING CODE
DANA EVANS
NAME SIGNATURE
REGISTRATION INFORMATION
209 DESIGN
FIRM NAME
10321
BNN

STAMPED & REVIEWED BY
DANA EVANS
15905 SIDEROAD 17
SUNDERLAND ONTARIO
447-297-8300
ADDRESS
104 DOWNING BLVD
THORNHILL, ON L4J 7N4
DRAWING
ELEVATIONS PLANS & SECTION
DATE
JAN 24, 2022
SCALE
1/4" = 1'-0"
DWG NO.
21-057
PAGE
1/2

NO.	DESCRIPTION	DATE	DWG NO.	PAGE
3	Revised for Minor Variance	Jan 2022		
2	Revised for Permit Application	Oct 2021		
1	Permit Application	Sep 2021		

SCHEDULE B: DEVELOPMENT PLANNING & AGENCY COMMENTS				
AGENCIES	Circulated	Comments Received	Conditions	Nature of Comments
TRCA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Comment no Concerns
Ministry of Transportation (MTO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No Comments Received to Date.
Region of York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Alectra	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions
Bell Canada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YRDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
YCDSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CN Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CP Rail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TransCanada Pipeline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Metrolinx	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Propane Operator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recommend Approval/No Conditions

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: February 10, 2022

Name of Owner: Jonathan and Lisa Weinberg

Location: 104 Downing Boulevard

File No.(s): A266/21

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

- 1) To permit a rear yard setback of 1.47m to the residential accessory structure.
- 2) To permit an interior yard setback of 0.66m from west property line to the residential accessory structure.
- 3) To permit a lot coverage of 57.86%.
- 4) To permit a maximum rear yard encroachment of 6.9 metres for unenclosed ground mounted pool equipment.

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

- 1) The minimum rear yard setback to the residential accessory structure is 2.4m. [Sect 4.1.2 1. b)]
- 2) The minimum interior yard setback (west side) to the residential accessory structure is 2.4m. [Sect 4.1.2 1. b)]
- 3) The maximum permitted lot coverage is 45%. [Exception 262 schedule T1]
- 4) The maximum permitted rear yard encroachment is 1.5m for unenclosed ground mounted pool equipment. [Section 4.13 table 4.1]

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

- 5) To permit a rear yard setback of 1.47 m to the accessory structure.
- 6) To permit an interior yard setback of 0.66 m to the accessory structure.
- 7) To permit a maximum rear yard encroachment of 6.9 m for unenclosed ground mounted pool equipment.
- 8) To permit a lot coverage of 52.4%.
- 9) To permit an eaves projection of 0.33 m for the accessory structure.

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

- 5) The minimum rear yard setback for the accessory structure is 7.5m. [Schedule A]
- 6) The minimum interior yard setback (west side) is 1.2m to the accessory structure. [Exception 460 schedule T1]
- 7) The maximum permitted rear yard encroachment is 1.5m for unenclosed ground mounted pool equipment. [Section 3.14 h) ii)]
- 8) The maximum permitted lot coverage is 45%. [Exception 460 schedule T1]
- 9) The maximum projection of an eaves for an accessory structure is 0.30m. [Sect. 4.1.1 f) v)]

Official Plan:

Vaughan Official Plan 2010 ("VOP2010"): "Low-Rise Residential"

Comments:

The Owners are requesting permission to construct an accessory structure (cabana) and ground mounted pool equipment with the above noted variances.

In discussion with the Development Planning Department, the Owner revised their application by reducing the maximum building height of the cabana from 3.58 m to 3 m in order comply with Zoning By-law 01-2021, thereby, eliminating the need for a variance.

The Development Planning Department has no objection to Variances 1, 2, 5 and 6, as the cabana will be screened by soft landscaping along the rear lot line and not be visible from the street. Additionally, the Development Engineering Department has confirmed the cabana will not pose any water filtration and drainage issues since it provides a minimum 0.60 m clearance from the property lines.

For Variance 8, the footprint of the single-detached dwelling has a lot coverage of 49.65%, which is an existing condition that does not comply with By-law 1-88, while the footprint of the proposed cabana has a lot coverage of 2.75%, which represents a minor increase in the total lot coverage of 52.4%. The maximum lot coverage of 57.86% identified under Variance 3 adds the area under the eaves for both the existing dwelling and proposed cabana per the requirements of By-law 01-2021, however the existing single-detached dwelling and proposed cabana are the same size.

The Development Planning Department has no objection to Variances 4, 7, and 9 as the ground mounted pool is sufficiently distanced to the adjacent dwellings and the increase in eave projection of 0.03 m for the cabana is minimal.

The Development Planning Department is of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are 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 condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I
Chris Cosentino, Senior Planner

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

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: [External] RE: Request for Comments: A266/21 - 104 Downing Boulevard, Thornhill

From: York Plan <yorkplan@trca.ca>

Sent: January-17-22 9:17 AM

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

Subject: [External] RE: Request for Comments: A266/21 - 104 Downing Boulevard, Thornhill

TRCA wishes to confirm that it has **no interests or concerns with the above noted application.**

Based on a review of our available mapping, the subject property is not within TRCA's Regulated Area. As such, a permit from TRCA pursuant to Ontario Regulation 166/06 would not be required for any development or site alteration on the property. Furthermore, the site is not within the Well Head Protection Area for Quantity control (WHPA-Q2) per the Source Protection Plan, so no water balance would be required.

Should further clarification be required, please contact me at your convenience.

Have a great day,
Mark

Mark Howard, BES, MLA, MCIP, RPP
Senior Planner – Vaughan Review Area
Development Planning and Permits | Development and Engineering Services
Toronto and Region Conservation Authority (TRCA)

T: [416\) 661-6600](tel:4166616600) ext 5269

E: mark.howard@trca.ca

A: [101 Exchange Avenue, Vaughan, ON, L4K 5R6](https://www.trca.ca) | [trca.ca](https://www.trca.ca)



Lenore Providence

Subject: FW: [External] RE: Request for Comments: A266/21 - 104 Downing Boulevard, Thornhill

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

Sent: January-20-22 9:34 AM

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

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

Subject: [External] RE: Request for Comments: A266/21 - 104 Downing Boulevard, Thornhill

Good morning 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 C: PUBLIC & APPLICANT CORRESPONDENCE

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Brenda Maritzer	113 Downing Boulevard	02/02/2022	Letter of Opposition

From: [REDACTED]
To: [Committee of Adjustment](#)
Subject: [External] A266/21
Date: Wednesday, February 2, 2022 3:29:24 PM

Pertaining to pool and cabana the structure should comply with current bylaw 01-2021. I have no privacy with a variance change to my neighbour's multi layered deck built very close to the fence line. Also the fact that we live on a tilted street the water from rain will collect in the pool and would overflow to the neighbour on the west side of the pool. Given I have overflow of surface water due to neighbours backyard amended to hard surface. I would not wish this problem on the neighbour on the west side. The neighbour would not be able to fight if there is overflow from pool and rainwater. Also how will the pool be drained given much water already crossing from their side of the street to my side when it rains which has increased over the years. Water flow needs to be priorities and noise level on west side. This is my opinion and oppose variance request. Brenda Maritzer homeowner at 113 Downing blvd. If you see something say something. As I have this problem the neighbour on the west side will have this. Thank you Brenda