

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: May 12, 2022

Name of Owner: Luigi and Loredana Guarascio

Location: 17 Winterlude Court

File No.(s): A037/22

Proposed Variance(s) (By-law 001-2021):

1. To permit a maximum lot coverage of 43.13%.
2. To permit a minimum setback of 1.86 m from the rear lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
3. To permit a minimum setback of 1.12 m from the interior side lot line to the proposed accessory building/structure (Cabana and Overhead Trellis).
4. To permit a maximum accessory building (Cabana and Overhead Trellis) height of 4.41 m.
5. To permit a minimum of 82 m² (27%) of soft landscaping in the rear yard.
6. To permit a maximum accessory building (Covered Loggia) height of 3.2 m.
7. To permit a minimum setback of 1.20 m from the interior side lot line to the proposed accessory structure (Covered Loggia).
8. To permit a minimum setback of 1.30 m from the rear lot line to the proposed accessory structure (Covered Loggia).
9. To permit the proposed retaining wall to be set back 0.60 m where the height of the retaining wall is 1.52 m.
10. To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to encroach a maximum of 0.53 m into a required yard.
11. To permit the eaves of the proposed accessory structure (Cabana and Overhead Trellis) to be setback 0.59 m from the interior side lot line.
12. To permit the maximum height of the outdoor swimming pool (hot tub) to be a maximum of 2.01 m.
13. To permit the minimum setback of the outdoor swimming pool (hot tub) to be 1.12 m from the interior side lot line.

By-Law Requirement(s) (By-law 001-2021):

1. The maximum permitted lot coverage is 40%.
2. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
3. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
4. The maximum height of an accessory building and residential accessory structure shall be 3.0 m.
5. A minimum of 185 m² (60%) of soft landscaping in the rear yard is required.
6. The maximum height of an accessory building and residential accessory structure shall be 3.0 m.
7. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
8. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
9. A retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall.
10. Eaves and gutters are permitted to encroach a maximum of 0.5 m into a required yard.
11. A minimum distance of 0.6 m shall be required from any permitted encroachment to the nearest lot line.
12. The maximum height of an outdoor swimming pool shall be 2.0 m.
13. Where the height of an outdoor swimming pool is greater than 1.5 m, the minimum setback from any lot line shall be 3.0 m.

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

14. To permit a maximum lot coverage of 38.32%.

15. To permit a minimum rear yard of 1.86 m to the proposed accessory structure (Cabana and Overhead Trellis).
16. To permit a minimum interior side yard of 1.12 m to the proposed accessory structure (Cabana and Overhead Trellis).
17. To permit a minimum interior side yard of 1.20 m to the proposed accessory structure (Covered Loggia).
18. To permit a minimum rear yard of 1.30 m to the proposed accessory structure (Covered Loggia).
19. To permit the proposed retaining wall to be set back 0.60 m where the height of the retaining wall is 1.52 m.
20. To permit a minimum of 82 m² (27%) of soft landscaping in the rear yard.
21. To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 5.06 m.
22. To permit the proposed accessory structure (Cabana and Overhead Trellis) to have a maximum height of 3.76 m to the nearest part of the roof.
23. To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 4.51 m.
24. To permit the proposed accessory structure (Covered Loggia) to have a maximum height of 3.2 m to the nearest part of the roof.
25. To permit the eaves of the proposed accessory structures (Cabana and Overhead Trellis and Covered Loggia) to project a maximum of 0.53 m into a required yard.

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

14. The maximum permitted lot coverage is 35%.
15. A minimum rear yard of 7.5 m to the proposed accessory structure (Cabana and Overhead Trellis) is required.
16. A minimum interior side yard of 1.5 m to the proposed accessory structure (Cabana and Overhead Trellis) is required.
17. A minimum interior side yard of 1.5 m to the proposed accessory structure (Covered Loggia) is required.
18. A minimum rear yard of 7.5 m to the proposed accessory structure (Covered Loggia) is required.
19. A retaining wall which exceeds 1.0 m in height must be set back from the nearest property line a distance equal to its height.
20. A minimum of 185m² (60%) of soft landscaping in the rear yard is required.
21. The maximum height of any accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 m.
22. The nearest part of the roof of an accessory building or structure shall not be more than 3.0 m above finished grade.
23. The maximum height of any accessory building or structure measured from the average finished ground level to the highest point of the said building or structure shall be 4.5 m.
24. The nearest part of the roof of an accessory building or structure shall not be more than 3.0 m above finished grade.
25. Eaves shall not project more than 0.5 m into a required yard.

Official Plan:

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

Comments:

The Owner is requesting to permit the construction of a cabana with overhead trellis, covered loggia, and retaining wall, with the above noted variances.

The existing dwelling has a lot coverage of 33.59%, while the proposed accessory structures will have a lot coverage of 4.73%, and the eaves will have a lot coverage of 4.81%. The coverage for accessory structures is consistent with previous approvals in the neighbourhood and will not pose a significant visual impact to the adjacent properties. As such, the Development Planning Department has no objection to Variances 1 and 14 for the increase in lot coverage.

The Development Planning Department has no objection to Variances 6, 7, 8, 17, 18, 23 and 24 for the proposed covered loggia as the proposed height and setbacks are minor

in nature and will not pose a significant visual impact to the adjacent properties. All proposed setbacks also maintain an appropriate area for access and drainage.

The Development Planning Department has no objection to Variances 2, 3, 4, 15, 16, 21, and 22 for the proposed cabana as the increase in height is to keep a consistency between the top of the roofs for the cabana and the covered loggia. The rear yard has an uneven elevation which creates the disparity in the requested variances for the two structures. However, the cabana would have the same visual impact to the neighboring properties as the covered loggia as they reach the same maximum height when viewed from the rear. All proposed setbacks also maintain an appropriate area for access and drainage.

The Development Planning Department has no objection to Variances 5 and 20 for the proposed reduction in rear yard soft landscaping as the subject property maintains an appropriate balance of soft landscaping, and permeable pavers will be used for the paved area in order to maintain proper drainage.

The Development Planning Department is not in position to support Variances 9 and 19 for the proposed retaining wall as the Development Engineering Department has reviewed the submitted site plan and elevations and have requested that either the retaining walls be reduced to 1.0 m or any wall above 1.0 m be designed, inspected and certified by a Professional Engineer and shall be served by guards or otherwise treated to reduce any public hazard. A retaining wall which exceeds 1.0 meter in height must also be set back from the nearest property line or distance equal to its height.

The Development Planning Department has no objection to Variances 10, 11 and 25 as the proposed encroachment for the eaves on the accessory structures are minor in nature and will not pose a significant visual impact to the adjacent properties.

The Development Planning Department has no objection to Variances 12 and 13 for the proposed hot tub, as the variance to height is minor in nature and the proposed setback maintains an appropriate area for safe access.

Accordingly, the Development Planning Department cannot support Variances 9 and 19 and is of the opinion that the proposal is not minor in nature and is not desirable for the appropriate development of the land.

The Development Planning Department can support Variances 1-8, 10-18, and 20-25 and are of the opinion that the proposal is minor in nature, maintain 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 **refusal** of Variances 9 and 19, and **approval** of Variances 1-8, 10-18, and 20-25.

Conditions of Approval:

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

None

Comments Prepared by:

Joshua Cipolletta, Planner I

Chris Cosentino, Senior Planner