

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** September 19, 2022  
**Name of Owners:** Mario Valdo Natale Asta & Michael Anthony Cambareri  
**Location:** 88 Hurricane Avenue  
**File No.(s):** B012/22, A172/22 & A173/22

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**Proposal:** To divide a lot in two and apply for variances to facilitate the construction of a dwelling proposed for each lot.

### **B0012/22**

The Owners have submitted Consent Application File B012/22 to sever a 512.2 m<sup>2</sup> portion of the subject lands identified as "Lot B" on the submitted site plan, and to retain a 455.9 m<sup>2</sup> portion of the subject lands identified as "Lot A", for the purpose of creating a new residential lot fronting onto Fran Drive.

### **A172/22 (Retained Lands)**

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

1. To permit a minimum front yard setback of 3.33 m to the porch.
2. To permit a maximum height of the proposed building of 9.5 m.

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

1. Minimum front yard setback is 4.5 m.
2. Maximum permitted building height is 8.5 m.

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

3. To permit a minimum required front setback of 3.33 m to the porch.
4. To permit a minimum setback of 5.7 m to a garage which faces a lot line.

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

3. Minimum required front setback is 4.5 m.
4. A minimum setback to a garage which faces a lot line shall be 6.4 m.

### **A173/22 (Severed Lands)**

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

1. To permit the maximum height of the proposed building of 9.5 m.
2. To permit a minimum front yard setback of 4.13 m to the porch.

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

1. Maximum permitted building height is 8.5 m.
2. Minimum front yard setback is 4.5 m.

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

3. To permit a minimum setback of 5.7 m to a garage which faces a lot line.
4. To permit a minimum required front yard setback of 4.13 m to the porch.

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

3. A minimum setback to a garage which faces a lot line shall be 6.4 m.
4. Minimum required front yard setback is 4.5 m.

#### **Official Plan:**

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

**Comments:**B012/22

The Owners are proposing to sever the subject lands to develop two new single-family dwellings on the proposed severed (Lot B) and retained lands (Lot A) with the above noted variances. The severed and retained lands meet the minimum lot frontage and lot area requirements of the “R2A – Second Density Residential Zone” and “R3 - Residential Zone” under Zoning By-laws 001-2021 and 1-88 respectively.

The subject lands are a corner lot in an existing mature low-rise residential neighbourhood characterized by one and two-storey single-family dwellings with lot frontages in the range of approximately 14 m to 30 m. Recently approved Consent Applications along Hurricane Avenue and Fran Drive resulted in infill development consisting of smaller lots accommodating new single-family dwellings. In 2021, the Committee of Adjustment (‘Committee’) approved Consent Application File B005/21 and Minor Variance Application Files A088/21 and A089/21 at 41 Hurricane Avenue which created two lots for new two-storey single-family detached dwellings to the east of the subject lands. The result of these applications is infill residential development that respects and reinforces the physical character of the established neighbourhood.

The subject lands are designated “Low-Rise Residential” by VOP. The subject lands are not located within identified Large Lot Neighbourhoods on Schedule 1B of VOP 2010. However, the policy text of 9.1.2.3 (a-h) prevails given that the neighbourhood is generally characterized by detached houses located on lots with frontages exceeding 20 m. The large lot policies speak to looking to the adjoining lot fabric (configuration, area, frontage, etc.) when determining the appropriateness of a consent. As the Zoning By-law implements an Official Plan, the zone provisions are to be used as a guide to assess whether the proposed development is appropriate with respect to the large lot policies.

The lot frontage of the severed and retained lands, 15.24 m and 18.68 m respectively, comply with the requirements of Zoning By-laws 001-2021 and 1-88, and are similar to previous approvals in the neighbourhood. The proposed lot area for the severed and retained lands, 512.2 m<sup>2</sup> and 455.9 m<sup>2</sup> respectively, also comply with the requirements of Zoning By-laws 001-2021 and 1-88 and are similar to previous approvals in the neighbourhood.

Although the proposed severed and retained lands are smaller in lot frontage and lot area than the adjoining lot to the east, the proposal does not contravene policies 9.1.2.3 (a-b) because the lots exceed the frontage and area requirements of Zoning By-laws 001-2021 and 1-88 and respect the existing lotting fabric.

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Variances 1 and 3 for the proposed 3.33 m front yard setback is measured at a pinch-point at the southwestern corner of the porch to the rounded corner of the property. The porch setback will appear greater as the travelled portion of the road is more than 5 m away at the pinch point. The building footprint of the dwelling complies with the required 4.5 m front yard setback. Urban Design staff have reviewed the proposal and require architectural treatment to the façade facing Hurricane Avenue. A condition to this effect is included in the Conditions of Approval. Therefore, the Development Planning Department has no objection to the proposed variances as the dwelling, in combination with the architectural treatment, is not anticipated to have significant adverse impacts on the neighbouring properties and maintains the existing streetscape of the neighbourhood.

The Development Planning Department has no objection to Variance 2 for the proposed height of the dwelling as it maintains the existing character of the neighbourhood and is in line with previous approvals along Hurricane Avenue.

The Development Planning Department has no objection to Variance 4 as the decreased setback to the garage, which will only be fully utilized at its southwest corner, is minor in nature and complies with Zoning By-law 001-2021, which was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect.

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The Development Planning Department has no objection to Variance 1 for the proposed height of the dwelling as it maintains the existing character of the neighbourhood and is in line with previous approvals along Hurricane Avenue.

The Development Planning Department has no objection to Variances 2 and 4 for the proposed 4.13 m front yard setback as it is measured at a pinch-point, from the southwestern corner of the porch to the corner of the property. The porch setback will appear greater as the travelled portion of the road is more than 5 m away at the pinch point. The decrease in setback is minor in nature and the building footprint of the dwelling complies with the required 4.5 m front yard setback.

The Development Planning Department has no objection to Variance 3 as the decreased setback to the garage is minor in nature and complies with Zoning By-law 001-2021. The requested relief will only be fully utilized at its southwest corner.

In support of the application, the Owners have submitted an Arborist Report and Tree Inventory and Preservation Plan prepared by Thomas Watson Consulting Arborists Inc., dated April 26, 2022. The report inventoried eight trees, three of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

Accordingly, the Development Planning Department has no objection to the requested severance and is of the opinion that the proposal maintains the intent of the severance policies in VOP 2010 and the consent criteria stipulated in Section 51(24) of the Planning Act, R.S.O. 1990, c P.13. The Development Planning Department is also of the opinion that the requested variances for the proposal are minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and is desirable for the appropriate development of the lands.

**Recommendation:**

The Development Planning Department recommends approval of the application, subject to the following conditions:

**Conditions of Approval:**

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

1. That the final Elevation Plans showing the architectural treatment be approved to the satisfaction of the Development Planning Department.
2. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department.

**Comments Prepared by:**

Joshua Cipolletta, Planner I  
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