

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: September 15, 2022
Name of Owners: Shana and Soloman Hindel
Location: 33 Sisley Crescent
File No.(s): A208/22

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

1. To permit a minimum rear yard setback of 1.55 m from an OS4, Open Space Woodlot Zone to the proposed swimming pool.
2. To permit a minimum rear yard setback of 0.77 m from an OS4, Open Space Woodlot Zone to external ground-mounted pool equipment.
3. To permit a minimum setback of 6.87 m from an OS4, Open Space Woodlot Zone to a deck.

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

1. A minimum rear yard setback of 10 m is required from an OS4, Open Space Woodlot Zone to the proposed swimming pool.
2. A minimum rear yard setback of 8.5 m is required from an OS4, Open Space Woodlot Zone to the external ground-mounted pool equipment.
3. A minimum setback of 10 m is required from an OS4, Open Space Woodlot Zone to the proposed deck.

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

4. To permit a minimum rear yard setback of 1.55 m from an OS4, Open Space Woodlot Zone to the proposed swimming pool.
5. To permit a minimum rear yard setback of 0.77 m from an OS4, Open Space Woodlot Zone to external ground-mounted pool equipment.
6. To permit a minimum setback of 6.87 m from an OS4, Open Space Woodlot Zone to a deck.

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

4. A minimum rear yard setback of 10 m is required from an OS4, Open Space Woodlot Zone to the proposed swimming pool.
5. A minimum rear yard setback of 8.5 m is required from an OS4, Open Space Woodlot Zone to external ground-mounted pool equipment.
6. A minimum setback of 10 m is required from an OS4, Open Space Woodlot Zone from an OS4, Open Space Woodlot Zone to the proposed deck.

Official Plan:

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

Comments:

The Owners are requesting relief to permit the construction of a pool, pool equipment, and deck with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 4 for the proposed pool. The proposed rear yard setback of 1.55 m maintains an appropriate area for safe access. Environmental Planning staff has also reviewed the reduction to the rear yard setback for the pool and have no objection to the proposed variances.

The Development Planning Department has no objection to Variances 2 and 5 for the proposed pool equipment as the proposed encroachment is minor in nature and maintains an appropriate area for access and maintenance. Environmental Planning staff has also reviewed the reduction to the rear yard setback for the pool equipment and have no objection to the proposed variances.

The Development Planning Department has no objection to Variances 3 and 6 for the proposed deck. The deck, which is proposed over a walkout basement, will facilitate

access between the main floor and the rear yard. The reduced rear yard depth is sufficient for other amenity uses, as a pool is proposed between the deck and rear lot line. The deck complies with all side yard setback requirements and will not pose a significant visual impact to the neighbouring properties. The property also abuts significant woodland features to the rear. In accordance with the VOP 2010, these features are identified as "Core Features" of the Natural Heritage Network (NHN) and are subject to the relevant policies within Chapter 3. Environmental Planning staff have reviewed the materials provided and determined that no natural heritage features will be impacted because of the minor variance. Therefore, the reduction in rear yard setback maintains an appropriate distance to prevent any adverse impacts to the neighbouring property.

In support of the application, the Owners have submitted an Arborist Report and Tree Protection Plan prepared by P & A Urban Forestry Consulting Ltd., dated August 8, 2022. The report inventoried nine trees, none of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

The subject lands are within an area of archaeological potential in the City's database of archaeological resources. As such, the Owner is advised that the following standard clauses apply:

- i. Should archaeological resources be found on the Subject Lands during excavation and construction activities, all work must cease, and both the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan's Planning Department shall be notified immediately.*
- ii. In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Bereavement Authority of Ontario of the Ministry of Government and Consumer Services.*

Accordingly, the Development Planning Department can support the requested variances and is of the opinion that the proposal is 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 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:

Joshua Cipolletta, Planner I
David Harding, Senior Planner