

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

**From:** Nancy Tuckett, Director of Development Planning

**Date:** October 26, 2022

**Name of Owners:** Rushikesh Bhatt, Pritibahen Bhatt and Rutvik Bhatt

**Location:** 11470 Highway 27

**File No.(s):** A183/22

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

1. To permit a minimum side yard setback of 10.39 m.
2. To permit the use of a single detached dwelling.
3. To permit a maximum building height of 11.82 m.
4. To permit a minimum front yard setback of 12.52 m.

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

1. A minimum side yard setback of 15.0 m is required.
2. A single detached dwelling is not permitted.
3. A maximum building height of 9.5 m is permitted.
4. A minimum front yard setback of 15.0 m is required.

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

5. To permit a maximum building height of 11.82 m.
6. To permit a joint ingress and egress driveway width of 6.0 m.
7. To permit a minimum front yard setback of 12.52 m.

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

5. A maximum building height of 11.0 m is permitted.
6. A parking area shall be provided with a means of access or driveway at least 5.4 m but not exceeding 7.5 m in width measured perpendicular to the centre line of the driveway, unless the driveway is a joint ingress and egress driveway, in which case the width shall be 7.5 m.
7. A minimum front yard setback of 15.0 m is required.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Natural Areas" by Schedule 13 – Land Use and "Greenbelt Natural Heritage System" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas

**Comments:**

The Owners are requesting relief to permit the construction of a single detached dwelling with the above noted variances. The subject property is a corner lot that is currently vacant. The lot line abutting Highway 27 is considered the front lot line, and the dwelling is proposed to face Highway 27.

The subject property is zoned the "A – Agricultural Zone" under Zoning By-law 1-88 and "EP – Environmental Protection Zone" under Zoning By-law 001-2021. Zoning By-law 001-2021 was enacted by Vaughan Council on October 20, 2021, but has been appealed to the Ontario Land Tribunal and is not in-effect. A single detached dwelling is permitted in the A Zone but not the EP Zone. The Applicant began working with the Toronto Region Conservation Authority ('TRCA') on a concept plan to delineate the development limit for the single detached dwelling in October 2020 under Zoning By-law 1-88. City of Vaughan Environmental Planning staff worked with the TRCA on the concept plan to delineate the development limits at this time. The permit application for the proposal was then submitted to the TRCA on April 14, 2022, and issued on April 25, 2022. Considering the above timeline of events, and that Zoning By-law 1-88 remains in effect, the Development Planning Department has no objection to Variance 2 to add a single detached dwelling to the list of permitted uses.

The Development Planning Department has no objection to Variances 1, 4 and 7 for the proposed front yard and side yard setbacks to the proposed dwelling. The main front and

side walls of the dwelling comply with both the 15.0 m front yard and 15.0 m side yard setback provisions. The 12.52 m front yard setback is measured from Highway 27 to the porte-cochere with rooftop patio located in front of the dwelling, while the 10.39 m side yard setback is measured to the 1-car detached garage on the south side of the dwelling. The encroachment of the porte-cochere and garage will not have adverse impacts to the neighbouring properties or to the existing streetscape.

The Owners revised their application to reduce the maximum height of the dwelling upon recommendations from the Development Planning Department. The Development Planning Department has no objection to Variances 3 and 5 for the revised proposed dwelling height. The full extent of the height relief would only be utilized by architectural elements on certain portions of the dwelling's roof. The height of the dwelling measured to the functional roof is approximately 9.9 m, or 0.4 m more than the requirement under Zoning By-law 001-2021. The proposed height is appropriate for the size of the lot and will not have a negative visual impact to the neighbourhood or the existing streetscape.

The Development Planning Department has no objection to Variance 6 for the proposed driveway. The intent of the 7.5 m driveway width within the "A – Agricultural Zone" is to permit two-way traffic through a parking area, which would serve more intensive agricultural uses. As the 6.0 m driveway is to provide access to a dwelling, the smaller driveway width can be considered sufficient to serve the less intensive use. The driveway width also complies with Zoning By-law 001-2021.

In support of the application, the Owners have submitted an Arborist Report and Tree Protection Plan prepared by Davey Resource Group, dated December 22, 2021. The report inventoried 69 trees, 17 of which are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

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, subject to the following condition:

**Condition of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That the final Landscape Plan be approved to the satisfaction of the Development Planning Department.

**Comments Prepared by:**

Joshua Cipolletta, Planner I  
David Harding, Senior Planner