

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

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

**Date:** November 10, 2022

**Name of Owners:** Joe Disimone & Jennifer Ali

**Location:** 190 Mattucci Court

**File No.(s):** A203/22

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

1. To permit a maximum lot coverage of 91 m<sup>2</sup> for residential accessory structures.
2. To permit a maximum height of 3.88 m for a residential accessory structure (Pavilion).
3. To permit a maximum height of 3.65 m for a residential accessory structure (Shed).
4. To permit a maximum height of 3.35 m for a residential accessory structure (Pergola).

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

1. In any Residential Zone, the maximum lot coverage of all accessory buildings and residential accessory structures shall be 10% or 67 m<sup>2</sup>, whichever is less.
2. In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m.
3. In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m.
4. In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m.

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

5. To permit a minimum rear yard of 8.0 m (Shed).
6. To permit a maximum of the lot area covered by all accessory buildings and structures to be 108.65 m<sup>2</sup>.
7. To permit a maximum height of 5.08 m to the highest point of an accessory building (Pavilion).
8. To permit a maximum height of 3.1 m to the nearest part of the roof for an accessory structure (Pergola).
9. To permit a maximum lot coverage of 15.55%.

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

5. A minimum rear yard of 15.0 m is required.
6. The percentage of the lot area covered by all accessory buildings and structures other than those attached to the main building shall not exceed 10% or 67 m<sup>2</sup>, whichever is the lesser.
7. 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.
8. The nearest part of the roof of an accessory building or structure shall not be more than 3.0 m above finished grade.
9. A maximum Lot coverage of 10% is permitted.

**Official Plan:**

City of Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential" and "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 existing pavilion and shed, and the proposed pergola with the above noted variances.

The Development Planning Department has no objection to Variances 1 and 6 for the increase in maximum lot coverage for all accessory structures. The 108.65 m<sup>2</sup> lot

coverage under Zoning By-law 1-88 includes the area of the pergola, while the 91 m<sup>2</sup> lot coverage under Zoning By-law 001-2021 only includes the pavilion and shed. The increase in lot coverage is appropriate for the size of the lot and will not have adverse impacts to the neighbouring properties.

The Development Planning Department has no objection to Variances 2 and 7 for the height of the pavilion. The pavilion is located in the centre of the rear yard and complies with all setback requirements. The height of the pavilion is mitigated by the large rear yard and side yard setbacks, the least of which is 18.32 m, and as such is not anticipated to pose adverse massing impacts to the neighbouring properties.

The Development Planning Department has no objection to Variances 3 and 5 for the shed. The rear yard is within and abuts a significant woodland feature. The significant woodland is within the Greenbelt Plan Area. The shed is within the significant woodland feature. 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, which speaks to their protection from impacts. Environmental Planning staff have reviewed the materials provided and require edge management/ restoration planting to protect the feature edge of the woodland feature. A condition to this effect is recommended as a Condition of Approval. With the establishment of edge management/restoration planting, an appropriate buffer between the built form and natural feature will be maintained. The proposed shed height is not anticipated to adversely impact the natural feature.

The Development Planning Department has no objection to Variances 4 and 8 for the height of the pergola. The pergola is attached to the rear wall of the dwelling and is set back from the side walls. The proposed increase in height is minor in nature and it is not proposed in a prominent location. As a result, it is not anticipated to not pose adverse massing impacts to the neighbouring properties.

The dwelling, pavilion, shed and outdoor bathroom have lot coverages of 13.58%, 1.43%, 0.44% and 0.08% respectively. The increase in total lot coverage can be accommodated by the size of the lot and will not pose a significant visual impact to the adjacent properties. The lot coverage also 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. As such, the Development Planning Department has no objection to Variance 9 for the increase in lot coverage.

In support of the application, the Owners have submitted an Arborist Letter prepared by Four Seasons Tree Care and Service Ltd., dated October 5, 2022. The letter indicated that no trees were injured as a result of the construction on site. Urban Design staff have reviewed the letter and are satisfied with the inspection.

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 prior to the issuance of a building permit, the final Landscape Restoration Plan, which shall include plantings to enhance the woodland edge between the rear lot line, and shed and pavilion, be approved to the satisfaction of Policy Planning and Special Programs, Environmental Planning staff.

**Comments Prepared by:**

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