

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

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

**Date:** January 19, 2022

**Name of Owners:** Massimo Catricala and Mahsa Mani

**Location:** 27 Hurst Avenue

**File No.(s):** A294/22

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**Proposed Variance(s) (By-law 01-2021):**

- 1) To permit a maximum encroachment of 5.24 m into the required rear yard of 6 m for the steps and a maximum encroachment of 2.67 m into the required rear yard of 6 m for the uncovered platform (main deck).

**By-Law Requirement(s) (By-law 01-2021):**

- 1) A maximum encroachment of 2.4 m is permitted into the required rear yard of 6 m for the uncovered platform and steps (minimum rear yard of 4.2 m required). [Table 4-1]

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

- 2) To permit a maximum encroachment of 4.17 m into the required rear yard of 7.5 m for the uncovered deck and a maximum encroachment of 6.74 m into the required rear yard of 7.5 m for the steps.

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

- 2) A maximum encroachment of 1.8 m is permitted into the required rear yard of 7.5 m for the uncovered deck and steps (minimum rear yard of 5.7 m required). [S.3.14 c]

**Official Plan:**

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential", subject to Site-Specific Policy 13.26, NW Corner of Major Mackenzie Drive & Bathurst Street

**Comments:**

The Owners are requesting permission to maintain a 2-storey deck and access stairs in the rear yard with the above noted variances.

Development Planning Department staff conducted a site visit on December 12, 2022, to determine the potential implications to the surrounding properties. The Subject Lands, which slope down towards the open space abutting the rear lot line, facilitated the walk-out basement design of the dwelling. A two-storey deck to provide access from the main floor to the rear yard is a reasonable use that facilitates access from the main floor to the rear yard. The other lots along the east side of Hurst Avenue are similarly graded, have walkout basement designs, and decks off the main floor. Therefore, the principle of a deck off the main floor of the walkout basement design is consistent with other newly erected decks on abutting and nearby properties.

In this instance, the existing deck does not run the full extent of the dwelling's rear wall. Therefore, the bulk of the deck's mass including the stairs, is related to its projection into the rear yard. It should be noted the deck under By-law 001-2021 represents a minor encroachment increase of 0.27 m which is reasonable given the site context. Recognizing the attached stairs encroach 6.7 m into the required 7.5 m rear yard, Development Planning is concerned this may create some massing and privacy concerns for the abutting and nearby residential rear yards. To mitigate the massing and privacy impacts of the deck and stair projections, the Owners placed frosted screen paneling on the north and south sides of the deck. However, Urban Design advises that additional measures are required to soften the impacts. Urban Design has requested hedges be planted along the interior side lot lines to mitigate the adverse massing and privacy impacts. Development Planning staff agree with this request and deem it a suitable mitigation measure to address any adverse massing and privacy impacts the added deck/stair depth may pose. A condition to this effect is included within the recommendation section.

The Development Planning Department is of the opinion that the requested variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-laws, and are desirable for the appropriate development of the land.

**Recommendation:**

The Development Planning Department recommends approval of the application, subject to a condition.

**Condition of Approval:**

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

- 1) The Owners shall plant a hedge along each interior side lot line within the rear yard to screen the deck and stairs from the abutting residential lots. The placement and composition of the hedges shall be to the satisfaction of the Development Planning Department. The Owner shall provide photographic imagery satisfactory to the Development Planning Department that confirms the hedges are of the appropriate vegetation and have been planted in the appropriate locations.

**Comments Prepared by:**

Roberto Simbana, Planner I  
David Harding, Senior Planner