

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** February 24, 2023  
**Name of Owners:** Luigino Bada & Gina Pace  
**Location:** 18 Napa Hill Court  
**File No.(s):** A334/22

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

1. To permit a minimum rear yard setback of 4.20 m to the porch.
2. To permit a minimum setback of 4.20 m for the porch from the OS4 lands.
3. To permit a minimum interior side yard setback for the residential accessory building (shed) of 0.60 m.
4. To permit a minimum interior side yard setback for the residential accessory building (gazebo) of 0.75 m.
5. To permit a minimum interior side yard setback for the residential accessory building (pergola) of 0.89 m.
6. To permit a minimum setback of 0.60 m for the residential accessory building (Shed) from the OS4 lands.
7. To permit a minimum setback of 5.0 m for the residential accessory building (Gazebo) from the OS4 lands.
8. To permit a minimum setback of 0.70 m for the residential accessory building (Shed) from the OS4 lands.
9. To permit a maximum 2.70 m encroachment for the existing uncovered platform into the required 7.5m rear yard setback.
10. To permit a minimum setback of 4.80 m for the existing uncovered platform from the OS4 lands.

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

1. The minimum required rear yard setback for the porch is 7.5 m.
2. The minimum required setback for the porch from the OS4 lands is 7.5 m.
3. The minimum required interior side yard setback for a residential accessory building (Shed) is 1.2 m.
4. The minimum required interior side yard setback for a residential accessory building (Gazebo) is 1.2 m.
5. The minimum required interior side yard setback for a residential accessory structure (Pergola) is 1.2 m.
6. The minimum required setback for the Residential accessory building (Shed) from the OS4 lands is 7.5 m.
7. The minimum required setback for the Residential accessory building (Gazebo) from the OS4 lands is 7.5 m.
8. The minimum required setback for the Residential accessory structure (Pergola) from the OS4 lands is 7.5 m.
9. The maximum permitted encroachment for the existing uncovered platform is 2.4 m into the required 7.5 m rear yard setback.
10. The minimum required setback for the existing uncovered platform from the OS4 lands is 7.5 m.

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

11. To permit a maximum 2.70 m encroachment for the existing uncovered platform into the required 7.5 m rear yard setback.

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

11. The maximum permitted encroachment for the existing uncovered platform is 1.8 m into the required rear yard setback.

**Official Plan:**

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

**Comments:**

The Owners are requesting relief to permit the construction of a covered porch addition and maintain existing structures (i.e., gazebo, pergola, shed) on-site with the above noted variances.

The Development Planning Department has no objection to the above noted variances for the reduction in rear and interior side yard setbacks and rear yard encroachment, as they are minor, will not impact the function of the abutting uses, and maintain an appropriate area for access, maintenance, and drainage. The reductions maintain sufficient rear yard amenity space and the proposed covered porch addition is not anticipated to impact the abutting properties as well as the OS4 lands. The dwelling is at an angle to the rear lot line, which creates a pinch-point between it and the south corners of the covered porch addition and existing gazebo. Comparably, the rear and interior side yard setbacks for the existing pergola and shed are appropriate in this site context recognizing no variance for maximum height is triggered and no neighbouring property is being adversely impacted.

The rear yard of the subject lands abuts an OS4 Open Space Woodlot Zone under Zoning By-law 1-88, which is in place due to the woodland feature known as Baker's Woods. Within the VOP 2010, Baker's Woods is identified as an Environmentally Significant Area and Area of Natural and Scientific Interest by Schedule 3. In support of the minor variance application, the Owners submitted an Arborist Report and Tree Preservation Plan, prepared by Cinerea Urban Forestry Services, dated February 2, 2023. As noted by Environmental Planning, a reduction in the typical Vegetation Protection Zone ('VPZ') may be considered under Section 3.3.3.2 of VOP 2010 if an evaluation is carried out to determine whether the proposed development provides sufficient distance to maintain or enhance existing functions of the woodland. Urban Design and Environmental Planning staff concur with the findings of the report acknowledging the proposed works will be contained within the site and no surrounding trees will be impacted. Further, the closest tree associated with the woodland feature is approximately 5 m away from the property boundary, providing sufficient spatial buffer between the woodland and development. Additionally, the Development Engineering Department has reviewed this application in terms of water runoff, servicing and grading and have no further comments.

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:**

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