

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: April 13, 2023

Name of Owners: Chris and Aphrodite Mikroyiannakis

Location: 26 Cherhill Drive

File No.(s): A341/22

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

- 1) To permit a minimum interior side yard setback of 1.37 m to the residential accessory structure.
- 2) To permit a maximum building height of 3.35 m for the residential accessory structure.

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

- 1) The minimum required interior side yard setback for the residential accessory structure is 2.4 m. [Sect 4.1.2 1. b)]
- 2) The maximum building height for the residential accessory structure is 3 m. [Table 4-1]

Official Plan:

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

Comments:

The Owners are requesting permission to maintain a residential accessory structure (cabana) with the above noted variances.

Following the feedback received by the public and Committee members on February 23, 2023, the Owners agreed to increase the height of the evergreen trees to 2.5 m (previously 2 m), plant 12 evergreen trees (previously 7-10) along the interior side lot line (southerly) and incorporate a new privacy screen (as illustrated on the site plan). Development Planning is supportive of these changes and believes the measures will further increase privacy between the subject lands and 30 Cherhill Drive. In carrying out the changes, any massing impacts associated with a reduction in interior (southerly) side yard and increase (38 cm) in maximum building height will be mitigated. A condition implementing the proposed mitigation measures is recommended below.

The Development Planning Department has no objection to the Variances, as only two small areas of the cabana are fully enclosed to accommodate a washroom and storage space. It should be noted that access to the proposed washroom is on the east side, which remains internal to the site. The west side of the cabana is walled, which will increase privacy between the cabana use on the subject lands and the abutting rear yard to the west. Most of the cabana remains covered but unenclosed and continues to comply with the maximum coverage and rear yard setback provisions for a residential accessory structure under Comprehensive Zoning By-law 001-2021.

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-law, 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. That prior to the issuance of a building permit, the Owners shall submit a letter of undertaking to carry out the following within 1 year of the issuance of said building permit:

- a. Plant twelve (12) coniferous trees 2.5 metres in height of a species satisfactory to the Urban Design Division - Development Planning Department in the location depicted in the Site Plan attached to this decision;
- b. Construct a privacy screening fence (2.4 m wide by 1.8 m high) and submit photographic evidence to the satisfaction of the Development Planning Department confirming its construction; and
- c. Submit photographic evidence to the satisfaction of the Urban Design Division of Development Planning Department confirming the completion of the planting works.

Comments Prepared by:

Roberto Simbana, Planner

David Harding, Senior Planner