

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: April 19, 2023
Name of Owners: Michael and Gabriella Fraidakis
Location: 29 Orleans Circle
File No.(s): A033/23

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

1. To permit a minimum rear yard setback of 1.2 m to the rear addition.
2. To permit a minimum interior side yard setback of 0.60 m to the rear addition.
3. To permit the outdoor swimming pool that will not be in the rear yard of the lot.

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

1. The minimum required rear yard setback is 7.5 m to the rear addition.
2. The minimum required interior side yard setback is 1.2 m to the rear addition.
3. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

Official Plan:

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

Comments:

The Owners are requesting relief to permit the construction of a rear addition to the dwelling and recognize the existing pool, with the above noted variances.

The Development Planning Department is not in position to support Variances 1 and 2 for the reduced rear and interior side yard setbacks to the proposed addition. The addition, to be attached to the rear wall on the west side of the dwelling, proposes an enclosed washroom and storage room, covered sitting/eating, and covered outdoor kitchen. A flat roof ranging in height from approximately 3.92 m to 4.06 m is proposed.

The distance between the dwelling and rear lot line varies from approximately 8.3 m to 9.9 m. The Subject Property is one of a series of lots along the south side of Orleans Circle with modest rear yards. A function of the rear and interior side yard setback provisions is to restrict the built form's proximity to said lot lines to in order to address items such as massing and privacy. It is staff's opinion that permitting an addition to project into the rear and side yards to the point where only a 1.2 m rear yard setback and 0.6 m interior side yard setback remain is a substantial deviation from the zoning by-law's intent, is not minor in nature, nor desirable and appropriate for the use of the land. Adverse massing and privacy impacts are anticipated to the abutting and nearby rear yards within this area, and it will alter the character of the rear yard of the subject property. Height, as a function of the massing, cannot be adequately mitigated as the roof of the addition must connect above the main floor's rear double doors and windows, and the main floor is at a higher elevation than the rear yard. A 0.6 m side yard with an approximately 0.3 m roof overhang and nearby privacy fence is anticipated to be a very difficult space to establish screening vegetation. The 1.2 m rear yard is also anticipated to be a difficult space to establish screening vegetation due to the height of built form to be screened and that access through this yard needs to be maintained since the storage room door is to face the reduced rear yard.

The washroom, storage, and some covered amenity functions of the addition may be accommodated within a smaller detached cabana. A cabana, as an accessory building, would be separated from the dwelling and lower in height as it would no longer need additional ceiling height to clear the main floor's rear double doors and windows. This would also address the massing impacts associated with such a substantial projection of the dwelling. The cabana could also include a smaller pergola style covered dining/amenity area to provide shelter from the elements. The outdoor kitchen space could remain as an open, uncovered area which would maintain its function while providing sufficient space between the cabana and the dwelling. As such, staff believe there are more appropriate built form alternatives which could provide for the desired

uses. A detached cabana proposal would reduce the height and massing impacts currently anticipated with the proposed addition.

The Development Planning Department is not in position to support Variance 3 as the variance is only required to recognize the existing pool if the proposed addition were to be approved. The pool is currently located in the rear yard of the lot. The addition would shift the rear yard to the 1.2 m strip between the addition and rear lot line. A smaller detached cabana structure would not alter the depth of the rear yard. As such, the proposed variance is not necessary for the continued use of the pool in the current situation or in a potential detached cabana proposal.

Accordingly, the Development Planning Department cannot support the requested variances and is of the opinion that the proposal is not minor in nature, does not maintain the general intent and purpose of the Zoning By-law, and is not desirable and appropriate for the development of the land.

Recommendation:

The Development Planning Department recommends **refusal** 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:

Joshua Cipolletta, Planner I

David Harding, Senior Planner