

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: June 20, 2023
Name of Owner: Lino Tatone
Location: 36 Hayhoe Avenue
File No.(s): A065/23

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

1. To permit a minimum interior (north) side yard setback of 3.05 m.
2. To permit a minimum interior (south) side yard setback of 2.25 m.
3. To permit a maximum building height of 9.3 m.
4. To permit a 2.69 m retaining wall to be setback 1.02 m from the interior side property line.
5. To permit a maximum driveway width of 11.12 m.

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

1. A minimum interior (north) side yard setback of 4.91 m is required.
2. A minimum interior (south) side yard setback of 5.41 m is required.
3. A maximum building height of 8.5 m is permitted.
4. A 2.69 m retaining wall shall be setback 2.69 m from the interior side property line.
5. A maximum driveway width of 9.0 m is permitted.

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

6. To permit the building height of 9.27 m measured from the average finished grade at the front of the building to the mid-point of the roof surface.
7. To permit a 2.69 m retaining wall to be setback 1.02 m from the interior side property line.

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

6. The building height shall be measured from the average finished grade at the front of the building to the highest part point of the roof surface.
7. A 2.69 m retaining wall shall be setback 2.69 m from the interior side property line.

Official Plan:

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

Comments:

The Owner is requesting relief to permit the construction of a 2-storey single detached dwelling, retaining wall, and driveway, with the above noted variances. The existing single-storey single detached dwelling is proposed to be removed.

The subject lands are identified as part of an Established Neighbourhood through the "(EN)" suffix by Zoning By law 001-2021, so the setbacks established by the existing built form applies to the property. The property is also identified as being within a Large Lot Neighbourhood in VOP 2010. The underlying "RE – Estate Residential Zone" permits 4.5 m interior side yard setbacks, indicating that this can be a sufficient distance to maintain attractive landscaping to preserve the streetscape character that more expansive amenity areas create in large lot neighbourhoods.

The Subject Lands' south, and west lot lines are irregular. The portion of the south lot line closest to the proposed dwelling runs at a diagonal. A step-back in the south wall is proposed to address the diagonal lot line. Only the closest southeast corner of the dwelling would utilize the full extent of the requested relief for the south interior side yard setback, which expands to approximately 9.0 m at its greatest extent.

Upon recommendations from the Development Planning Department, the Owners have revised their application to increase the north interior side yard setback to 3.05 m. The 3.05 m setback is measured to the garage, which will not utilize the full extent of the height variance as the second floor above the garage, where it exists, is contained within the roof. The neighbouring property to the north also has trees and vegetation near the shared lot line, which will provide additional buffering between the dwellings. The proposed north and south interior side yard setbacks are sufficient in this case to maintain the enhanced sense of space between dwellings common to large lot neighbourhoods where additional landscaping is commonly placed. As such, the Development Planning Department has no objection to Variances 1 and 2 for the reduced interior side yard setbacks.

The Development Planning Department has no objection to Variances 3 and 6 for the proposed dwelling height. A 2-storey dwelling is proposed. The full extent of the height relief would only be utilized in the center section of the dwelling where the second-floor wall is fully exposed. As the built form approaches the interior lot lines, the second floor, where it exists, is completely contained within the roof, providing a massing similar to that of a single storey building. A hip style roof is proposed, which further mitigates potential massing impacts by reducing the surface area of the front facing exterior walls that would otherwise be visible with another design (e.g. gable style). Additionally, the roof over the centre section is proportional in height to the rest of the dwelling and ties the section together with its two lower sides in a fashion that assists in reducing its mass. As such, the height is appropriate for the size of the lot and is not anticipated to have negative massing impact to the neighbourhood or the existing streetscape.

A walkout basement design is proposed. Retaining walls are proposed on the southeast side of the dwelling to transition between the higher grade containing the driveway and landscaping at the front of the dwelling and the lower grade in the rear. The Development Planning Department has no objection to Variances 4 and 7 for the proposed retaining wall as the Development Engineering Department has reviewed the proposal and is satisfied that drainage in the front and south interior side yard will be maintained.

The Development Planning Department has no objection to Variance 5 for the proposed driveway. The 11.12 m driveway width is measured at the curb. The driveway leading from the dwelling towards the front lot line begins at a width of 6.0 m, narrows to 4.68 m at the lot line, and flares out as it approaches the curb. As such, the proposed driveway will not have adverse impacts to the existing streetscape as a high degree of front yard soft landscaping is being maintained.

In support of the application, the Owner has submitted an Arborist Report prepared by Central Tree Care Ltd., dated April 13, 2023, with a follow-up response dated May 24, 2023. The report inventoried 18 trees, seven of which were proposed to be removed. The follow-up response indicated an additional tree could be preserved; therefore, six trees are proposed to be removed. Urban Design staff have reviewed the report and concur with its recommendations.

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 the final Landscape Plan be approved to the satisfaction of the Development Planning Department.

Comments Prepared by:

Joshua Cipolletta, Planner

David Harding, Senior Planner