

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: June 21, 2023
Name of Owner: Dino Martelli
Location: 126 Pine Valley Crescent
File No.(s): A075/23

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

1. To permit a minimum westerly interior side yard setback of 6.21 m to a dwelling.
2. To permit a minimum easterly interior side yard setback of 5.0 m to a dwelling.
3. To permit a maximum encroachment of 0.91 m into the minimum required easterly interior side yard for an air conditioning unit and a generator.
4. To permit a maximum building height of 11.61 m for a dwelling.
5. To permit a maximum encroachment of 0.6 m for eaves and gutters for a dwelling.
6. To permit a minimum lot area of 3820.70 m².
7. To permit an outdoor swimming pool not to be in the rear yard of a lot.

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

1. A minimum westerly interior side yard setback of 9.16 m is required to a dwelling.
2. A minimum easterly interior side yard setback of 17.66 m is required to a dwelling.
3. A maximum encroachment of 0.6 m is permitted into the minimum required easterly interior side yard for an air conditioning unit and a generator.
4. A maximum building height of 9.5 m is permitted for a dwelling.
5. A maximum encroachment of 0.5 m is permitted into a minimum required yard for eaves and gutters for a dwelling.
6. A minimum lot area of 4000 m² is required.
7. An outdoor swimming pool shall only be permitted in the rear yard of a lot.

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

8. To permit a maximum encroachment of 0.6 m for eaves and gutters for a dwelling.
9. To permit a maximum encroachment of 0.91 m into the minimum required easterly interior side yard for an air conditioning unit and a generator.

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

8. A maximum encroachment of 0.5 m is permitted into a minimum required yard for eaves and gutters for a dwelling.
9. A maximum encroachment of 0.6 m is permitted into the minimum required easterly interior side yard for an air conditioning unit and a generator.

Official Plan:

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

Comments:

The Owner is requesting relief to permit the construction of a two-storey single detached dwelling and swimming pool 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 Development Planning Department has no objection to Variances 1 and 2 for the reduced interior side yard setbacks. The proposed reduction to the westerly interior side yard setback is minor in nature and is consistent with other interior side yard setbacks in the neighbourhood where landscaping is preserved. The full extent of the requested relief for the easterly interior side yard setback would only be utilized by the northeast wing of the dwelling. The wing, which makes up approximately half of the eastern elevation, is one-storey in height, and situated behind the motor court with its front-facing wall nearly in-line with the rear wall of the main part of the dwelling. The remainder of the eastern elevation, which has a second floor over part of the footprint, has a 10.49 m setback. Therefore, the building's second floor mass on the east side is located about double the distance away from the east lot line than the first floor. Both proposed side yard setbacks meet the minimum requirement of the "RE Zone" and 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.

The Development Planning Department has no objection to Variances 3 and 9 for the encroachment of the air conditioning unit and generator as the increased encroachment of 0.31 m is minor in nature given the side yard depths proposed. The reduction is not anticipated to be perceptible, is not anticipated to affect the ability to plant vegetation, and is unlikely to pose adverse use impacts to the neighbouring property to the east.

The Development Planning Department has no objection to Variance 4 for the proposed dwelling height. The full extent of the height relief would be utilized in the centre section of the dwelling. The height drops towards the sides. The northeast wing, portions of the dwelling near the east wall face containing the garage section, and the west side of the dwelling are all one-storey in height. The proposed height is also consistent with the heights of similar dwellings in the neighbourhood. 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.

The Development Planning Department has no objection to Variances 5 and 8 for the encroachment of the eaves as the increased encroachment of 0.1 m is minor in nature, is not anticipated to be perceptible, and as such is unlikely to pose adverse massing impacts to the neighbouring properties.

The Development Planning Department has no objection to Variance 6 for the minimum lot area as no new lots are being created. As such, the proposed variance is to recognize the existing condition of the lot.

The Development Planning Department has no objection to Variance 7 for the proposed pool as it is located behind the main part of the dwelling in what is to be effectively used as part of the rear yard. The pool also complies with all rear yard and side yard setback requirements.

In support of the application, the Owner has submitted an Arborist Report and Tree Inventory and Protection Plan prepared by Strybos Barron King Ltd., dated March 29, 2023, revised June 9, 2023. The revised report inventoried 59 trees, 30 of which 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