

# Planning Justification Report

Committee of Adjustment Minor Variance for

Parminder Rai

44 Vaughan Mills Road, Vaughan, Ontario

Attention: Committee of Adjustment

Date: August 29, 2023

## INTRODUCTION

Empire Design Company has been retained by the owner of 44 Vaughan Mills Road to provide a planning justification report for the proposal of a detached accessory structure to the side yard in the rear amenity space.

Our proposal is for a new cabana structure which requires variances for the following:

- Insufficient side yard setback

The requested variance is close in comparison and relation to neighboring properties within the surrounding district. There are similarities amongst the majority of dwellings along the streetscape of Vaughan Mills Road having a similar proposal as ours and we feel that we are not out of character in this instance.

**Based on the four tests of the Planning Act s45, testing for a minor variance, we have evaluated the requested variances against these tests, as follows:**

1. Is the variance minor in nature?

The proposed variance will not increase the massing on the property where it is considered as over-development within the planning and zoning requirements. The cabana roof structure should not pose any interference for coverage or visibility or reduction of sunlight to the adjacent opposing neighbor. The proposed insufficient side yard setback will not visually pose any impact of massing as the wall height is less than 48" above the top of the existing fence height.

Based on this, we feel the variance can be considered minor in nature.

2. Does the variance maintain the intent and purpose of the Official Plan?

Our proposal will be compatible and complimentary with respect to size, width and length in relation to the lot size and building and will not adversely affect the designation of the official plan. This proposal in scale, height, massing and architectural character will resemble similar structures within the surrounding district. We feel that our proposal does not pose any impact but blends into the character of the neighborhood.

We are in the opinion that this variance meets the intent and purpose of the Official Plan.

3. Does the variance meet the intent and purpose of the Zoning Bylaw?

The side yard setback does not meet the requirements of the zoning bylaw. This reduction in side yard setback is necessary in order to place the structure away from the pool edge as required by law. In addition, there is no area further into the rear yard to place the structure due to conservation limitations.

Based on this, we feel that our proposal still maintains the general intent and purpose of the Zoning Bylaw.

4. Is the variance desirable for the appropriate development of the lands?

Our proposal of a detached one storey structure will be most desirable within this scope. Having a low pitched flat roof will be more appealing the adjacent opposing neighbor to provide ample natural light upon the neighboring property rather than a sloped pitched roof. The proposed cabana is set back from the existing property line to maintain the current surface drainage patterns. There will be no adversity in drainage patterns.

Therefore, we believe this variance is currently desirable for the appropriate development of the lands within this district.

SUMMARY:

PROPERTY LOCATION

The subject land is located between the Pine Grove and Elder Mills districts.

SURROUNDING LAND USES

All the lands within this property district are all urban with low density residential uses.

PROPOSAL

To erect a detached cabana structure.

### OFFICIAL ZONING

The subject property is zoned [R2A] with exception 426 regulated under the current zoning bylaw.

### OFFICIAL PLAN

Under the current land use policies, these lands are regulated as Second Density Residential.

### CONCLUSIONS

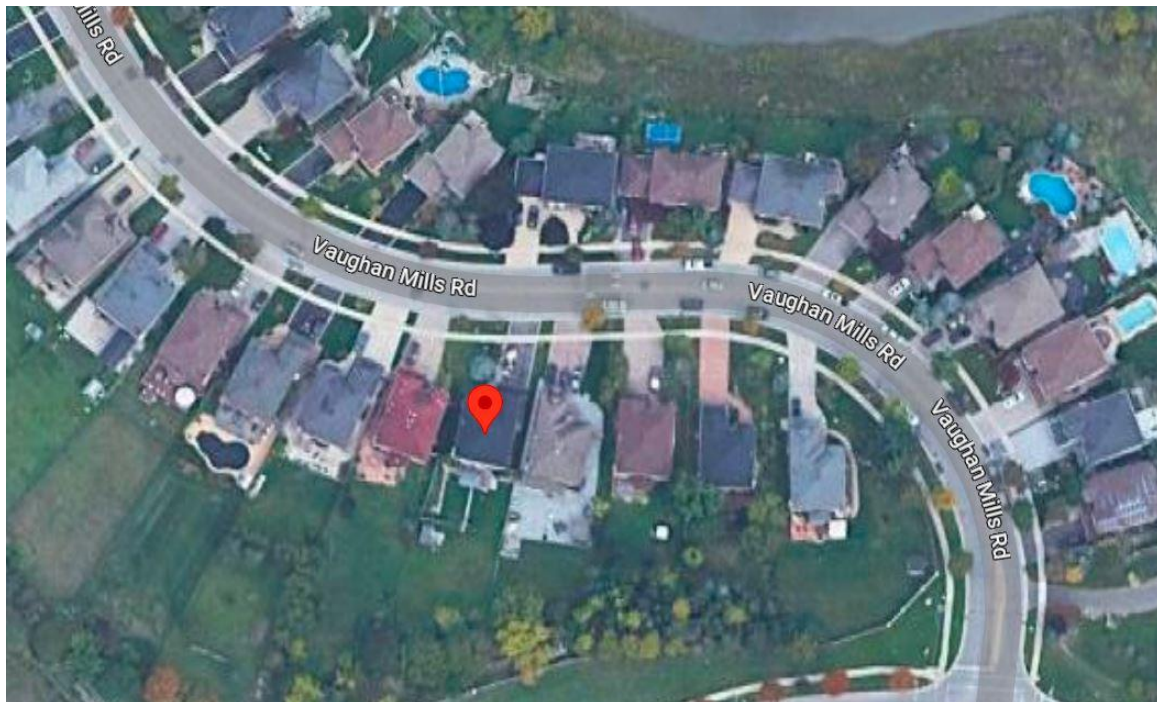
The current zoning depicts a minimum side yard setback of 2.4M. In our instance, this cannot be achieved due to the existing conservation toe of slope and existing pool structure previously approved by the City of Vaughan.

In consideration, the cabana structure has been designed in such a way whereas not to pose any detriment to the opposing neighbor.

Further, the owner has progressed through all City procedures in order to allow this structure to be proposed.

Therefore, we feel that we have met the four tests of the Planning Act RSO 1990.

### IMAGES:



**CURRENT GOOGLE MAPS IMAGE OF SURROUNDING LANDS**



**CURRENT TRCA CONSERVATION MAP**

This aerial identifies the current toe of slope offered by the conservation authority.

We feel that all efforts have been taken into account to allow our proposal to proceed without adversely affecting the neighboring properties and also meeting similar characteristics within the neighborhood and district.

Further, we feel that all owners and occupants within this desired district should be able to enjoy all the amenities of their rear yard with their families.

We are hoping the committee finds this application minor and favorable and grants permission for approval to proceed with this development.

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