

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** October 18, 2023  
**Name of Owners:** Robert Chiumminto and Rachele Leonardo  
**Location:** 39 Kortright Place  
**File No.(s):** A112/23

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

1. To permit a residential accessory structure to be located 1.52 m from the rear lot line.
2. To permit a residential accessory structure to be located 1.6 m from the interior side lot line.
3. To permit a maximum height of 3.43 m for a residential accessory structure.
4. To permit the area of the rear yard in excess of 135 m<sup>2</sup> to be 50.32% soft landscape.

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

1. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
2. A residential accessory structure with a height greater than 2.8 m shall not be located closer than 2.4 m to any lot line.
3. In any Residential zone, the maximum height of an accessory building and residential accessory structure shall be 3.0 m.
4. In the R1B Zone, any portion of a yard in excess of 135.0 m<sup>2</sup> shall be comprised of a minimum 60% soft landscape.

**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 residential accessory structure (cabana) and the proposed rear yard hard landscaping, with the above-noted variances.

The Development Planning Department has no objection to Variances 1, 2, and 3 for the proposed cabana. The proposed cabana is a partially open structure and will have a flat roof design with a maximum height of 3.43 m. The Subject Lands abut Islington Avenue to the rear. The reduction to the rear yard setback is minor in nature as a partially open structure will present less mass overall when viewed from the street. The proposed rear and interior side yard setbacks provide sufficient space for future plantings, if desired, which can mitigate the impact of the proposed structure on the neighbouring properties. The reduction to the setbacks will also maintain an appropriate area for maintenance access. As such, the cabana will not pose adverse massing and privacy impacts to the neighbouring properties.

Upon recommendations from the Development Planning Department, the Owners have revised their application to provide for additional rear yard soft landscaping. The Development Planning Department has no objection to Variance 4 as the reduction in soft landscaping is minor in nature and will maintain an appropriate balance of soft landscaping to facilitate drainage, reduce urban heat island effects, and facilitate the establishment of vegetation. The Development Engineering Department has also reviewed the proposal and is satisfied that drainage in the rear yard will be maintained.

In support of the application, the Owners have submitted an Arborist Report and Tree Protection Plan prepared by Davey Resource Group, dated August 18, 2023. The report inventoried 20 trees, none of which are proposed to be removed. One City tree is proposed to be injured. Forestry staff has recommended a condition that the Owner shall obtain a "Private Property Tree Removal & Protection" permit through the Forestry

Division prior to any construction works on the subject property. 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-law, and is desirable for the appropriate development of the land.

**Recommendation:**

The Development Planning Department recommends approval 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  
David Harding, Senior Planner