

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

**From:** Nancy Tuckett, Director of Development Planning

**Date:** May 9, 2023

**Name of Owners:** Richard and Yuin Yee Cheung

**Location:** 23 Redelmeier Court

**File No.(s):** A272/22

---

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

- 1) To permit a balcony to encroach a maximum of 2.11 m into the required rear yard and to project 3.81 m beyond the main wall of the dwelling (main floor level).
- 2) To permit a porch to encroach a maximum of 2.11 m into the required rear yard (main floor level).
- 3) To permit a minimum interior side yard setback of 2.15 m to a platform (lower level).
- 4) To permit a minimum interior side yard setback of 2.15 m to a balcony (upper level).

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

- 1) The maximum permitted encroachment into the required rear yard for a balcony is 1.5 m but in no case shall a balcony project greater than 3.0 m beyond a main wall. [Table 4-1]
- 2) The maximum permitted encroachment into the required rear yard for a porch is 2.0 m. [Table 4-1]
- 3) The minimum interior side yard setback required is 3.0 m abutting lands identified as OS5. [Exception 14.1014, 4. A.]
- 4) The minimum interior side yard setback required is 3.0 m abutting lands identified as OS5. [Exception 14.1014, 4. A.]

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

- 5) To permit a maximum encroachment into the required rear yard of 3.61 m for an uncovered balcony.
- 6) To permit a maximum encroachment of 3.61 m for a covered balcony.
- 7) To permit a maximum encroachment into the required interior side yard of 0.85 m for a balcony

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

- 5) The maximum permitted encroachment into the required rear yard for an uncovered balcony is 1.8 m. [Section 3.14.c]]
- 6) A covered balcony is not permitted to encroach into the required rear yard. [Section 3.14 c)]
- 7) The maximum permitted encroachment into the required interior side yard for a balcony is 0.3 m. [Section 3.14.c)]

**Official Plan:**

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential"

**Comments:**

The Owners are requesting permission to maintain a covered balcony (upper level) and porch (lower level) within the rear yard of an existing single-detached dwelling with the above noted variances. Development Planning recognizes By-law 1-88 does not permit encroachments for a covered balcony; however, these considerations have been accounted for in By-law 001-2021.

Planning staff conducted a site visit on February 6, 2023, which confirmed a rear yard balcony and deck existed on-site. The existing balcony and porch provide a very modest rear and interior side yard setbacks. The increased encroachments (0.89 m) defined through By-law 001-2021 are minimal and is generally consistent to the newly constructed rear yard deck of the adjacent neighbour to the east. The Owners, in consultation with Development Planning, had initially decided to plant cedar hedge trees along a portion of the westerly lot line and along the rear lot line of the property to

mitigate any massing impacts to the public trail system to the west. However, due to the correspondence received the Owners agreed to extend the plantings along the easterly side of the rear yard to assist in screening the built form and to increase privacy.

The Development Planning Department has no objection to the Variances, as the proposed balcony and porch are sufficiently set back from the west, south, and east lot lines to ensure the hedges will create a well-established vegetative buffer area to assist in screening the built features. Due to the above analysis, Development Planning and Development Engineering are of the opinion there will be no negative massing, use, or drainage impacts.

The Development Planning Department is of the opinion that the requested variance is minor in nature, maintains the general intent and purpose of the Official Plan and Zoning By-laws, and are desirable for the appropriate development of the land.

**Recommendation:**

The Development Planning Department recommends approval of the application, subject to a condition.

**Condition of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That prior to the issuance of a building permit, the Owners shall submit a letter of undertaking to carry out the following within 1 year of the issuance of said building permit:
  - a. Plant cedar hedge trees at least 2 metres in height in the location depicted in the Site Plan attached to this decision to the satisfaction of the Urban Design Division - Development Planning Department; and
  - b. Submit photographic evidence to the satisfaction of the Urban Design Division of Development Planning Department confirming the completion of the planting works.

**Comments Prepared by:**

Roberto Simbana, Planner  
David Harding, Senior Planner