

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: July 3, 2024
Name of Owners: Daniel Battiston & Andrea Jammehdiabadi
Location: 505 Wycliffe Avenue
File No.(s): A075/24

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

1. To permit a residential accessory structure (Cabana) with a height greater than **2.8 m** to be located a minimum of **1.14 m** from the rear lot line.
2. To permit a residential accessory structure (Cabana) with a height greater than **2.8 m** to be located a minimum of **0.62 m** from the easterly interior side lot line.
3. To permit a minimum distance of **0.47 m** from the eaves of the residential accessory structure (Cabana) to the easterly interior side lot line.
4. To permit a residential accessory structure (Shed) with a height greater than **2.8 m** to be located a minimum of **0.39 m** from the westerly interior side lot line.
5. To permit a maximum building height of **3.26 m** for the residential accessory structure (Shed).
6. To permit a minimum distance of **0.15 m** from the eaves of the residential accessory structure (Shed) to the westerly interior side lot line.
7. To permit a minimum of **47.30% (56.53 m²)** of the area of the rear yard in excess of **135 m²** to be comprised of soft landscaping.

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

1. A residential accessory structure (Cabana) 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 (Cabana) with a height greater than **2.8 m** shall not be located closer than **2.4 m** to any lot line.
3. A minimum distance of **0.6 m** shall be required from any permitted encroachment to the nearest lot line.
4. A residential accessory structure (Shed) with a height greater than **2.8 m** shall not be located closer than **2.4 m** to any lot line.
5. A maximum building height of **3.0 m** is permitted for the residential accessory structure (Shed).
6. A minimum distance of **0.6 m** shall be required from any permitted encroachment to the nearest lot line.
7. In the R1B Zone, any portion of a yard in excess of **135 m²** shall be comprised of a minimum of **60% (71.64 m²)** soft landscape.

Official Plan:

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

Comments:

The Owners are requesting relief to permit the existing accessory structures (Cabana and Shed) and existing rear yard landscaping with the above noted variances.

The Development Planning Department has no objection to Variances 1 through 3 to permit a residential accessory structure (Cabana) with a height greater than 2.8 m to be located a minimum of 1.14 m from the rear line and to be located a minimum of 0.62 m from the interior side lot line (0.47 m measured to the eaves). The proposed encroachments into the rear yard setback (Variance 1) and the interior side yard setback (Variance 2) provide sufficient space to accommodate maintenance access and the eaves (Variance 3) maintain a setback to the lot lines. The Cabana has a flat roof design, is only enclosed on one side, and complies with maximum lot coverage and building height requirements within Zoning By-law 001-2021 for accessory structures. While the Cabana has a long wall facing the interior side lot line, adverse massing impacts on the neighbouring property to the southeast, 501 Wycliffe Avenue, resulting

from the wall's proximity to the lot line, are further mitigated by the existing tall wooden privacy fence and existing vine plantings. The fence and plantings help partially screen the Cabana. Additionally, the rear (northeastern) wall of the Cabana abuts an accessory structure on the neighbouring rear property to the northeast (30 Kortright Place). As such, the proposed Cabana is not anticipated to pose any adverse use (privacy) or massing impacts to the two abutting properties to the southeast (501 Wycliffe) or northeast (30 Kortright Place).

The Development Planning Department has no objection to Variances 4 through 6 to permit the existing accessory structure (Shed). Variance 4 is to permit an interior side yard setback (0.39 m) measured to the walls and 0.15 m to the eaves of the structure (Variance 6). The Shed has a proposed maximum height of 3.26 m and has a flat roof design with the requested height relief (Variance 5) measured between the established grade to the top of the roof. The structure is relatively modest in mass and complies with the maximum lot coverage requirements within Zoning By-law 001-2021 for accessory structures. The proposed minimum setbacks from the interior side lot line for the Shed are not anticipated to pose significant adverse impacts to the abutting property to the northwest (511 Wycliffe Avenue) as the eaves are minimal and they maintain a setback to the property line. Adverse massing impacts resulting from the shed's wall's proximity to the north-western lot line due to its height is further mitigated by the existing tall wooden privacy fence and the spatial separation present between the accessory structure and the dwelling. 511 Wycliffe Avenue contains a number of mature trees along the mutual side lot line, providing a vegetative buffer between its interior side yard and the Shed structure considered in this application. The Shed maintains an appropriate rear yard setback and there is an existing mature tree located in between the Shed wall and mutual rear lot line of the abutting neighbour (30 Kortright Place) to help partially screen the Shed. Development Engineering Department Staff have also reviewed the proposal and are satisfied that drainage will be maintained. As such, the Development Planning Department is of the opinion that the Shed will have minor massing and visual (privacy) impacts on the properties to the north and the west.

Variance 7 seeks to permit a minimum rear yard soft landscape of 47.30% (56.53 m²) for the portion of the yard exceeding 135 m². The Development Planning Department has no objection to the proposed reduction in rear yard soft landscaping. The proposed reduction in soft landscaping is minor in nature and will maintain an appropriate permeable area to facilitate drainage, reduce urban heat island effects, and facilitate the establishment of vegetation to create a balance between the existing hardscape in the rear yard. The Development Engineering Department has also reviewed the proposal and is satisfied that drainage in the rear yard will be maintained. As such, the Development Planning Department is of the opinion that the proposed reduction in rear yard soft landscaping is desirable and appropriate for the development of the land and does not adversely impact the surrounding neighbours or character of the existing neighbourhood.

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:

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