

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: July 26, 2024
Name of Owner: Daniela De Cotis
Location: 46 Pierina Court
File No.(s): A067/24

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 **1.18 m** from the rear lot line.
2. To permit a lot coverage of **69.14 m²** for all residential accessory structures.
3. To permit a maximum building height of **3.56 m** for the residential accessory structure (Cabana).
4. To permit an outdoor swimming pool (Hot Tub) in the interior side yard.
5. To permit a portion of the rear yard over **135 m²** to be comprised of a minimum of **52%** soft landscape.
6. To permit a minimum interior side yard of **1.11 m** for the residential accessory structure (shed).

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. The maximum permitted lot coverage of all residential accessory structures shall be **10%** or **67 m²** whichever is less. The maximum permitted lot coverage of residential accessory structures is **67 m²**.
3. The maximum permitted building height for a residential accessory structure (Cabana) is **3.0 m**.
4. An outdoor swimming pool (Hot Tub) shall only be permitted in the rear of the lot.
5. In an R4A Zone any portion of a rear yard in excess of **135 m²** shall be comprised of a minimum **60%** soft landscape.
6. The minimum required interior side yard for the existing residential accessory structure (shed) is **1.2m**.

Official Plan:

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

Comments:

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

The Development Planning Department has no objection to Variances 1 and 3 to permit a residential accessory structure (Cabana) with a height of 3.56 m (Variance 3) to be located a minimum of 1.18 m from the southeast interior side lot line (Variance 1). The cabana's footprint is comprised of 1 longer rectangle and a second, compact rectangle offset from the longer one's southwest side. The offset portion contains a storage room. The northeast wall of the Cabana is parallel to the rear wall of the house, and thus, due to its orientation and shape, has an irregular setback to the southeast interior side lot line. At its northeast corner, the Cabana's wall is closer to the southeast interior side lot line. The wall then travels away from the lot line as it progresses southwest before coming back towards the lot line to accommodate the compact, offset rectangle portion of the cabana. The requested 1.18 m setback from the south interior side lot line is measured at a pinch-point from the southeast corner of the storage room portion of the proposed Cabana, increasing to approximately 1.87 m at the southwest corner of the storage room, and to 3.05 m at the Cabana's greatest extent (immediately east of the storage room). There is a second pinch point measured at the northeast corner of the cabana with a distance of 1.49 m from the south interior side lot line.

The 0.56 metre increase in maximum building height for the accessory structure is not anticipated to pose any adverse massing or privacy impact on the neighbouring property to the south (48 Pierina Court), or properties to the west (171 & 175 Lio Avenue). The Cabana has a flat-roof design, and minimal eave projections for the southeast and southwest wall faces. The Cabana is relatively long in relation to the southeast interior side lot line, but its spatial separation from said lot line is not uniform and it also maintains a great amount of spatial separation from the existing dwelling. As noted above, the interior side yard setback is measured at two pinch points, and the Cabana will be partially buffered/screened by the existing wooden privacy fence, in addition to existing trees and privacy wooden features on the neighbouring property to the south (48 Pierina Court). The modest height increase, when paired with the varied setbacks from the lot lines and existing privacy features, mitigates the massing concerns resulting with the increased proximity of said taller building to the lot lines and the 1.18 m minimum setback provides ample space for safe access and maintenance purposes.

The Development Planning Department has no objection to Variance 2 to permit an increased maximum lot coverage of 69.14 m² for all accessory structures. The proposed 2.14 m² increase is negligible from a visual perspective given the greater area of the lot. Development Planning Department is of the opinion that even after consideration of the increased lot coverage, sufficient rear yard amenity space is provided and therefore the variance does not adversely impact the function of the rear yard or the neighbouring rear yards.

The Development Planning Department has no objection to Variance 4 to permit an outdoor swimming pool (hot tub) in the interior side yard as the hot tub is located close to the rear of the house within a wide portion of the south interior side yard that effectively functions as part of the rear yard. The hot tub maintains a minimum distance of 2.5 m to the closest lot line, which is the south interior side lot line.

Variance 5 seeks to permit a minimum rear yard soft landscape of 52% 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.

The Development Planning Department does not object Variance 6 to permit a minimum interior side yard setback of 1.11 m for the existing accessory structure (shed). The requested 1.11 m setback from the interior side lot line is measured at a pinch-point from the southeast corner of the shed, increasing to approximately 1.90 m at the southwest corner of the shed. The requested minimum interior side yard setback maintains sufficient space for safe access and maintenance if required. The existing accessory structure complies with maximum building height requirements and minimum rear yard setback requirements of the Zoning By-law. It is of the opinion of the Development Planning Department that the modest mass of the shed, in tandem with the varying setback to the interior side lot line, will not pose any adverse massing or privacy concerns on the neighbouring property to the south (48 Pierina Court), or properties to the west (171 & 175 Lio Avenue).

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:

Nicholas Del Prete, Planner
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