

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer  
**From:** Nancy Tuckett, Director of Development Planning  
**Date:** September 05, 2024  
**Name of Owners:** Robert & Rose Iaboni  
**Location:** 110 Pine Valley Crescent  
**File No.(s):** A108/24

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**Proposed Variances (By-law 001-2021):**

1. To permit a maximum building height of **10.22 metres**.
2. To permit an interior side yard of **9.75 metres** to the dwelling and **7.45 metres** to the porch including access stairs on the west side of the dwelling.
3. To permit a maximum driveway width of **14.84 metres**.
4. To permit an accessory building (cabana) attached below grade to the principal building to be considered a detached accessory building.
5. To permit a maximum lot coverage of **129.88 m<sup>2</sup>** for all accessory buildings and residential accessory structures.
6. To permit an accessory building (cabana) with a maximum height of **4.17 metres** from established grade.
7. To permit ground mounted air conditioner to encroach a maximum of **13.32 metres** into the required rear yard.

**By-Law Requirements (By-law 001-2021):**

1. The maximum building height permitted is **9.5 metres**.
2. The minimum interior side yard permitted is **35.84 metres**.
3. The maximum driveway width permitted is **9.0 metres**.
4. A building or structure shall not be interpreted as an accessory building or accessory structure, respectively, if it is attached to the principal building in any way.
5. In any Residential Zone, the maximum lot coverage of all accessory buildings and residential accessory structures excluding an accessory detached garage shall be **67.0 m<sup>2</sup>**.
6. In any Residential Zone, the maximum height of an accessory building and residential accessory structure shall be **3.0 metres**.
7. The maximum encroachment permitted of a ground mounted air conditioner is **1.5 metres** into the required rear yard.

**Official Plan:**

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

**Comments:**

The Owners are requesting relief to permit the construction of a two-storey single detached dwelling at 110 Pine Valley Crescent and cabana in the rear yard. A porch and access stairs are also proposed on the west side of the dwelling. The Subject Lands are situated on a large square-shaped lot within the "Pinewood Estate" subdivision (hereafter referred to as the 'neighbourhood' or 'surrounding neighbourhood').

The Development Planning Department has no objection to Variance 1 for the proposed maximum dwelling height of 10.22 m, measured from average grade to the mid-point of the roof, which is at its highest point at the 2-storey middle portion and is approximately 6.85 m at its lowest point on the east side. The Subject Lands are located within an Established Neighborhood as per Schedule A of the City's Comprehensive Zoning By-law 001-2021. A provision within the Established Neighborhood suffix stipulates that the maximum building height shall be 9.5 m. An intent of this provision is to maintain the character of certain existing neighbourhoods by regulating the gradual increase of building heights when new development occurs. The neighbourhood consists of a variety of dwelling ages, styles and heights which range from 1-to-2 storeys. The requested 0.72 m height increase is measured from the average grade to the mid-point of the

dwelling's highest portion of the roof. The roof, which is a mansard design, presents an angled, shingled surface to all lot lines and as such adds minimal mass where the added height is proposed. A 2-storey dwelling is proposed, which is in keeping with the other 2 storey dwellings within the neighbourhood. A maximum increase of 0.72 m to the permissible height for the proposed dwelling is minor in nature and is not anticipated to have adverse massing impacts to the existing neighbourhood, the abutting property to the east (126 Pine Valley Crescent) or to the west (84 Pine Valley Crescent), nor the existing streetscape to the front (Pine Valley Crescent).

The Development Planning Department has no objection to Variance 2 for the proposed reduced minimum interior side yard of 9.75 m on the west side of the dwelling and 7.45 m on west side of the proposed porch and access stairs. The proposed minimum setbacks are measured at the west side wall of the dwelling (and of the porch/access stairs on the west side of the dwelling) which expand to 13.00 m at the north end of the west wall and 17.00 m at the south end of the west wall. An intent of this provision is to maintain the character of certain existing neighbourhoods by regulating the gradual increase of building setbacks established by the existing built form on the lot when new development is proposed. In this case, the proposed setbacks from the interior side lot lines continue to be generous, allowing sufficient spatial separation between the residence and the abutting lot lines and allowing sufficient space for the establishment of vegetation. As such, it is anticipated that the proposed dwelling setbacks will not result in adverse massing concerns on the abutting properties or on the existing streetscape of Pine Valley Crescent where generous spatial separation between dwellings is common. There are large existing trees along the west property line shared with 84 Pine Valley Crescent, which are proposed to be maintained, that will assist to provide a vegetative buffer.

The Development Planning Department has no objection to Variance 3 for the proposed maximum driveway width. There is a single driveway entrance centred along the front lot line, which splits into a "T" design as it approaches the dwelling, with each edge of the "T" running along the front of the house to the garage doors at each side. The driveway generally maintains a drive aisle width between 4.7 and 6 metres, becoming wider at the "T" to facilitate vehicle turning. The maximum driveway width is measured at the "T". The portion of the driveway running from the front lot line to halfway towards the "T" maintains a width of 6 m, well below the requirements of the Zoning By-law. The front yard is sufficiently sized to maintain an appropriate area of soft landscaping and vegetation in conjunction with the driveway design proposed. Replacement trees are proposed in the front yard to maintain the existing character of the neighbourhood and maintain canopy cover. As such, the proposed driveway fits the character of the neighbourhood and is not anticipated to have negative impacts to the existing streetscape.

The Development Planning Department does not object to Variances 4, 5, & 6 associated with the proposed residential accessory structure (Cabana). Variance 4 is solely required due to the proposed underground tunnel that will connect the Cabana and the existing dwelling. Staff have no objection to this variance as the cabana will appear to be a detached structure above grade and will largely function as an accessory structure due to its distance from the dwelling and the nature of the attachment (tunnel). Variance 5 is requested to permit an increase in maximum lot coverage for accessory structures to allow for a Cabana with a larger footprint. The proposed 62.88 m<sup>2</sup> increase is minimal from a visual perspective when considering the area of the large residential lot and size of the dwelling. In terms of footprint, the Cabana will maintain an accessory scale relationship to the dwelling. Variance 6 is to permit an increased maximum accessory building height of 4.17 m. The proposed Cabana complies with all setback requirements of the Zoning By-law and is proposed to be located central in the rear yard with respect to the side lot lines. As such, no adverse use (privacy) or massing impacts are anticipated on the abutting properties to the east (126 Pine Valley Crescent) or west (84 Pine Valley Crescent).

As per the submitted planting plan, the applicant is proposing 11 hedge row plantings behind the Cabana to provide a vegetative buffer that will partially screen the structure from the neighbouring property to the north (221 Golf Avenue) to mitigate any perceived massing concerns with the increased maximum accessory building height. Further, the proposal for increased accessory structure lot coverage and maximum building height aligns with similar Minor Variance approvals in the surrounding neighbourhood. For example, 284 Pine Valley Crescent (Minor Variance Application file A317/11) was approved with a proposed maximum area of 141 m<sup>2</sup> for accessory structures and 25

Meadowland Court (Minor Variance Application file A347/17) was approved with a proposed maximum area of 93.04 m<sup>2</sup> and a maximum accessory building height of 6.45 m. This speaks to the large scale of the lots to accommodate larger accessory structures and the footprint sizes of the dwellings the structures are accessory to within the neighbourhood. As such, it is of the opinion of the Development Planning Department that the proposed accessory structure (Cabana) is desirable for the development of the land and will not adversely impact the functionality of the rear yard as ample amenity space is provided, nor the neighbouring properties or the greater neighbourhood.

The Development Planning Department has no objection to Variance 7 to permit the proposed Cabana's ground mounted air conditioner to encroach a maximum of 13.32 metres into the required rear yard. The rear yard is sizeable, the rear lot line is heavily screened by vegetation, and the Cabana only faces a portion of the long rear lot line. As such, no adverse use impacts are anticipated on any of the neighbouring properties.

In support of the application, the Owners submitted an Arborist Report and Tree Protection Plan prepared by GreenPrint Consulting Arborists, dated July 22, 2024. The letter inventoried a total of forty-nine (49) trees within 6 metres of the proposed area of construction and confirms that thirty-three (33) of the surrounding trees and plantings located both on the applicant's and neighbour's properties will be preserved through construction, while the fifteen (15) trees are proposed to be removed and one (1) tree is proposed to be injured and a permit application will be submitted. 42 replacement trees and cash-in-lieu will be required. Urban Design Staff have reviewed the Arborist Report and Tree Protection Plan and concur with its recommendations but requests a condition to ensure the preservation of Tree #17 (see condition of approval below) due to its significant 83 cm trunk size.

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 with the following condition of approval.

**Condition of Approval:**

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

1. That a revised Site Plan and Arborist Report retaining tree 17 is submitted to the satisfaction of Urban Design and Development Planning Staff.

**Comments Prepared by:**

Nicholas Del Prete, Planner  
David Harding, Senior Planner