

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Director of Development Planning
Date: September 06, 2024
Name of Owners: Deokalle Mahadan and Shameer A. Mootoo
Location: 73 View North Court
File No.(s): A101/24

Proposed Variance(s):

1. To permit the secondary suite to be accessible from an unobstructed hard landscape surface walkway measuring a minimum of **0.93 m** in width along the window wells.
2. To permit the access stair to encroach a maximum of **0.705 m** into the required interior side yard.
3. To permit the gross floor area of the proposed secondary suite to be **50.6%** of the total gross floor area of the principal dwelling.
4. To permit the accessory structure (Shed) with a height greater than 2.8 m to be located minimum **0.6 m** from the interior side lot line.
5. To permit the accessory structure (Shed) with a height greater than 2.8 m to be located minimum **1.93 m** from the rear lot line.

By-Law Requirement(s):

1. The entrance to the secondary suite be accessible from the street by an unobstructed hard landscaped surface walkway measuring a minimum of **1.2 m** in width, or from a driveway.
2. Access stairs are permitted to encroach a maximum of **0.3 m** into the minimum required interior side yard.
3. The maximum gross floor area of a secondary suite shall not exceed **45%** of the total gross floor area of the principal dwelling.
4. 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.
5. 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.

Official Plan:

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

Comments:

The Owners are seeking relief to permit an access walkway, 0.93 m in minimum width, to a basement secondary suite representing 50.6% of the total Gross Floor Area ("GFA") of the principal dwelling, as well as to permit an existing residential accessory structure (shed) with the above-noted variances.

The Development Planning Department has no objection to Variances 1 and 2 for the proposed access walkway to the proposed secondary suite. The secondary suite access is proposed to utilize an existing side door on the dwelling's southeast wall. The walkway must encircle most of the dwelling due to the close placement of the garage in relation to the southeast interior side lot line. The portion of the access walkway requiring relief is located along the northwest side wall of the dwelling. The minimum width of 0.93 m (Variance 1) is a result of two separate window wells encroaching into the northwest side of the access walkway. The northwest interior side yard where the access walkway is proposed has a width of 1.23 m, and is entirely paved with concrete. The secondary suite access pathway is proposed to occupy all of this space. While the two encroaching window wells cannot be walked over, they do not obstruct the use of the spaces above them, which can still be used to move large objects. The intent of the provision is to maintain access of sufficient width to the secondary suite to accommodate a variety of purposes. The reduction in walkway width to 0.93 m at the two proposed window wells is modest, and the intent of the access provision is maintained. The access stair encroachment of 0.705 m is located at the secondary suite entrance on the southeast side of the dwelling (Variance 2). The southeast interior side yard where the proposed secondary suite walkway and access stair are located has a maximum side yard setback of 1.21 m, and is entirely paved with concrete. While the stairs project into the side yard, it is important to

note that the stairs run parallel rather than perpendicular to the interior side lot line, keeping pedestrian traffic close to the dwelling's wall rather than directing it towards the lot line. The access stair encroachment provides 0.3 m of space between it and the lot line, which is sufficient space for maintenance and access.

The Development Planning Department has no objection to Variance 3 for the proposed secondary suite which represents 50.6% of the total GFA of the principal dwelling. The Zoning By-law excludes basements from the total GFA calculation. Therefore, only the main and second levels of the dwelling, comprising an area of 221.72 m², are used in the principal dwelling GFA calculation. With the proposed basement included, the total habitable space within the principal dwelling rises to 329.68m², and the secondary suite would occupy approximately 32.74% of the principal dwelling's GFA, a compliant status. Utilizing the basement as a secondary suite is not anticipated to alter the character of the building or neighbourhood. The secondary suite is accessory in relation to the primary dwelling unit due to its size and location relative to the principal dwelling unit.

The Development Planning Department has no objection to the existing accessory structure (shed) located 0.60m from the southeastern interior side lot line (Variance 4) and 1.93 m from the rear lot line (Variance 5). The shed is located in the north-east corner of the rear yard and is walled on all four sides. The shed is relatively modest in size and complies with the maximum height requirements and maximum lot coverage requirements of the Zoning By-law for accessory buildings and structures. The shed structure is not anticipated to have adverse use (privacy) or massing impacts on the neighbouring properties to the north-east (40 and 46 Mapes Avenue), and southeast (77 View North Court). The 0.60 m minimum interior side yard setback and 1.93 m rear yard setback provides sufficient space for maintenance and access. Development Engineering staff have also reviewed the application and do not have any concerns regarding drainage in the rear yard.

Accordingly, the Development Planning Department supports 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:

Harry Zhao, Planner 1

David Harding, Senior Planner