

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

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

**Date:** July 02, 2025

**Name of Owners:** Charles DiMaria, Nada DiMaria

**Location:** 194 Polo Crescent

**File No.(s):** A072/25

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**Proposed Variance(s):**

1. To permit a minimum interior side yard of **0.76 m** for a residential accessory structure.
2. To permit a rear yard in excess of 135.0 m<sup>2</sup> to be comprised of a minimum **45%** soft landscape.

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

1. The minimum required interior side yard for a residential accessory structure that is less than 2.8 m in height shall be **1.5 m**.
2. Any portion of a yard in excess of 135.0 m<sup>2</sup> shall be comprised of a minimum **60%** soft landscape.

**Official Plan:**

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

**Comments:**

The Owners are seeking relief to permit a cabana and reduced soft landscaping in the rear yard with the above noted variances.

Minor variance application A051/23 was submitted in 2023 to reduce the rear and north interior side yard setbacks to permit a cabana in the rear yard with a floor area of 34.6 m<sup>2</sup>. Development Planning recommended for refusal due to the anticipated massing impacts on the northerly neighbour. The Committee of Adjustment approved the rear setback reduction and refused the northerly side yard setback reduction. The decision was appealed to the Ontario Land Tribunal (OLT). An Order was issued by the OLT on April 11, 2024, upholding the refusal of the northerly side yard setback.

The current minor variance application (File A072/25) contemplates a revised design consisting of a lanai (unenclosed pergola) and a fully enclosed cabana. The lanai is zoning compliant and has received a building permit.

The Development and Parks Planning Department has no objections to Variance 1 to reduce the setback from the proposed cabana to the northerly side lot line. The proposed cabana has a floor area of 10.88 m<sup>2</sup> and a length of 3.42 m along the northerly side lot line. The proposed flat-roof cabana has a height of 2.44 m and is compliant with the maximum height provision. A 1.8 m-tall wood fence exists along the northerly side lot line to provide privacy screening. The proposed 0.76 m setback is sufficient for access, maintenance, stormwater retention, and is not anticipated to incur massing impacts on the northerly neighbour.

The Development and Parks Planning Department has no objections to Variance 2 to decrease the minimum soft landscaping for the portion of the rear yard in excess of 135 m<sup>2</sup> to 45%. The reduction represents approximately 27 m<sup>2</sup> of soft landscaping. Development Engineering staff have reviewed the proposed reduction and do not anticipate any impacts on the stormwater management functions in the rear yard. The proposed reduction is minor and meets the intent of the zoning provision.

Accordingly, the Development and Parks Planning Department supports the requested variance 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 and Parks 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

Janany Nagulan, Senior Planner