

ITEM: 6.10	REPORT SUMMARY MINOR VARIANCE APPLICATION FILE NUMBER A072/25
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Report Date: Friday, July 4, 2025

THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING  
DEPARTMENTS & AGENCIES (SEE SCHEDULE B):

Additional comments from departments and agencies received after the publication of the report will be made available on the City’s [website](#).

Internal Departments <small>*Comments Received</small>	Conditions Required		Nature of Comments
Committee of Adjustment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions
Development Engineering	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Finance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
By-law & Compliance	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

External Agencies <small>*Comments Received</small>	Conditions Required		Nature of Comments <small>*See Schedule B for full comments</small>
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

PUBLIC & APPLICANT CORRESPONDENCE (SEE SCHEDULE C)				
All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.				
Correspondence Type	Name	Address	Date Received <small>(mm/dd/yyyy)</small>	Summary
Public	Bernie Di Vona (President, Pine Valley Village Community Association)	N/A	07/02/2025	Letter of Support

BACKGROUND (SCHEDULE D, IF REQUIRED)	
<small>* Background Information contains historical development approvals considered to be related to this file. This information should not be considered comprehensive.</small>	
Application No. (City File)	Application Description <small>(i.e. Minor Variance Application; Approved by COA / OLT)</small>
A051/23	On May 11, 2023, Variance #1 APPROVED by COA. Variance #2 REFUSED by COA. Applicant chose to appeal the decision to the Ontario Land Tribunal.  On April 11, 2024, the Ontario Land Tribunal upheld the original decision of the COA.

ADJOURNMENT HISTORY	
<small>* Previous hearing dates where this application was adjourned by the Committee and public notice issued.</small>	
Hearing Date	Reason for Adjournment <small>(to be obtained from NOD_ADJ)</small>
N/A	N/A

SCHEDULES	
Schedule A	Drawings & Plans Submitted with the Application
Schedule B	Comments from Agencies, Building Standards & Development Planning
Schedule C (if required)	Public & Applicant Correspondence
Schedule D (if required)	Background

	<b>MINOR VARIANCE APPLICATION</b> <b>FILE NUMBER A072/25</b>
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CITY WARD #:	3
APPLICANT:	Nada & Charles Francis Di Maria
AGENT:	Daniel Venturuzzo (Verus Design Inc.)
PROPERTY:	194 Polo Crescent, Woodbridge
ZONING DESIGNATION:	See below.
VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:	Vaughan Official Plan 2010 ('VOP 2010'): "Low Rise Residential"
RELATED DEVELOPMENT APPLICATIONS:	N/A
PURPOSE OF APPLICATION:	Relief from the Zoning By-law is being requested to permit the existing shed and reduction in soft landscaping requirements.

The following variances have been requested from the City’s Zoning By-law:

The subject lands are zoned R1A(EN) – First Density Residential Zone (Established Neighbourhood) under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum required interior side yard for a residential accessory structure that is less than 2.8m in height shall be 1.5m. Section 4.1.2.1a	To permit a minimum interior side yard of 0.76m for a residential accessory structure
2	Any portion of a yard in excess of 135.0m² shall be comprised of a minimum 60% soft landscape. Section 4.19.1 1	To permit a rear yard in excess of 135.0m² to be comprised of a minimum 45% soft landscape.

HEARING INFORMATION
<b>DATE OF MEETING:</b> Thursday, July 10, 2025 <b>TIME:</b> 6:00 p.m. <b>MEETING LOCATION:</b> Vaughan City Hall, Woodbridge Room (2 <sup>nd</sup> Floor), 2141 Major Mackenzie Drive <b>LIVE STREAM LINK:</b> <a href="http://Vaughan.ca/LiveCouncil">Vaughan.ca/LiveCouncil</a>
PUBLIC PARTICIPATION
<p>If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the <a href="#">Request to Speak Form</a> and submit to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a></p> <p>If you would like to submit written comments, please quote file number above and submit by mail or email to:</p> <p><b>Email:</b> <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a></p> <p><b>Mail:</b> City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1</p> <p>To speak electronically, pre-registration is required by completing the <a href="#">Request to Speak Form</a> on-line and submitting it to <a href="mailto:cofa@vaughan.ca">cofa@vaughan.ca</a> no later than NOON on the last business day before the meeting.</p> <p><b>THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.</b></p>

INTRODUCTION
<p>Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.</p> <p>Section 45(1) of the Planning Act sets the criteria for authorizing minor variances to the City of Vaughan’s Zoning By-law. Accordingly, review of the application may consider the following:</p>

INTRODUCTION	
That the general intent and purpose of the by-law will be maintained. That the general intent and purpose of the official plan will be maintained. That the requested variance(s) is/are acceptable for the appropriate development of the subject lands. That the requested variance(s) is/are minor in nature.  Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.	

COMMITTEE OF ADJUSTMENT	
Date Public Notice Mailed:	June 26, 2025
Date Applicant Confirmed Posting of Sign:	June 23, 2025
Applicant Justification for Variances: <small>*As provided in Application Form</small>	Already built
Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
COMMENTS:	
None	
Committee of Adjustment Recommended Conditions of Approval:	None.

BUILDING STANDARDS (ZONING)	
**See Schedule B for Building Standards (Zoning) Comments	
Building Standards Recommended Conditions of Approval:	None

DEVELOPMENT PLANNING	
**See Schedule B for Development Planning Comments.	
Development Planning Recommended Conditions of Approval:	None

DEVELOPMENT ENGINEERING	
<a href="#">Link to Grading Permit</a> <a href="#">Link to Pool Permit</a> <a href="#">Link to Curb Curt Permit</a> <a href="#">Link Culvert Installation</a>	
The Owner/Applicant must submit an application and obtain an approved Grading Permit prior to starting any work on the property related to the proposed cabana. Please note that a Grading Permit is required for any in-ground structure larger than 10 m². The Owner/Applicant is responsible for ensuring that positive drainage is maintained and that the construction does not create any surface drainage issues on adjacent private or public lands, in accordance with the City of Vaughan's Engineering Standards.  To apply for a Grading Permit, please visit the Engineering Permits page on the City of Vaughan's website: <a href="https://www.vaughan.ca/about-city-vaughan/departments/development-engineering/engineering-permits">https://www.vaughan.ca/about-city-vaughan/departments/development-engineering/engineering-permits</a> to apply for a Grading Permit. A Lot Grading and/or Servicing Plan must be included as part of the Grading Permit application. Detailed engineering drawings are required to confirm that stormwater runoff will not be directed onto neighbouring lots or exceed the capacity of the municipal stormwater management system.  For questions or additional information, please contact: <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .  The Development Engineering Department does not object to the Minor Variance application A072/25.	
Development Engineering Recommended Conditions of Approval:	None

PARKS, FORESTRY & HORTICULTURE (PFH)	
No comments received to date.	
PFH Recommended Conditions of Approval:	None

DEVELOPMENT FINANCE	
No comment no concerns	
Development Finance Recommended Conditions of Approval:	None

BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES	
Charges submitted for existing cabana in rear yard	
BCLPS Recommended Conditions of Approval:	None

BUILDING INSPECTION (SEPTIC)	
No comments received to date.	
Building Inspection Recommended Conditions of Approval:	None

FIRE DEPARTMENT	
No comments received to date.	
Fire Department Recommended Conditions of Approval:	None

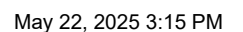
RECOMMENDED CONDITIONS OF APPROVAL SUMMARY		
Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application, as required by Ontario Regulation 200/96, the following conditions have been recommended:		
#	DEPARTMENT / AGENCY	CONDITION
	None	
<i>All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.</i>		

IMPORTANT INFORMATION
<b>CONDITIONS:</b> It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency ( <b>see condition chart above for contact</b> ). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.
<b>APPROVALS:</b> Making any changes to your proposal after a decision has been made may impact the validity of the Committee’s decision.
An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings submitted with the application and subject to the variance approval.
A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City’s Zoning By-law.
Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City’s Zoning By-law) shown on the elevation plans submitted with the application.
Architectural design features that are not regulated by the City’s Zoning By-law are not to be considered part of an approval unless specified in the Committee’s decision.
<b>DEVELOPMENT CHARGES:</b> That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.
That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment.



IMPORTANT INFORMATION
<p>That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment</p> <p>That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.</p> <p><b>NOTICE OF DECISION:</b> If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will <b>not</b> receive notice.</p>







SCHEDULE B:  
COMMENTS FROM AGENCIES, BUILDING STANDARDS &  
DEVELOPMENT PLANNING

Internal Departments *Comments Received	Conditions Required		Nature of Comments
Building Standards (Zoning)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Development Planning	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Recommend Approval/No Conditions

External Agencies *Comments Received	Conditions Required		Nature of Comments *See Schedule B for full comments
Alectra	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
Region of York	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments
TRCA	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	General Comments

**Date:** May 29<sup>th</sup> 2025

**Attention:** **Christine Vigneault**

**RE:** Request for Comments

**File No.:**

**Related Files:** **A072-25**

**Applicant:** Verus Design Inc.

**Location** 194 Polo Crescent



**COMMENTS:**

- ☐ We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- ☒ We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- ☐ We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

**References:**

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

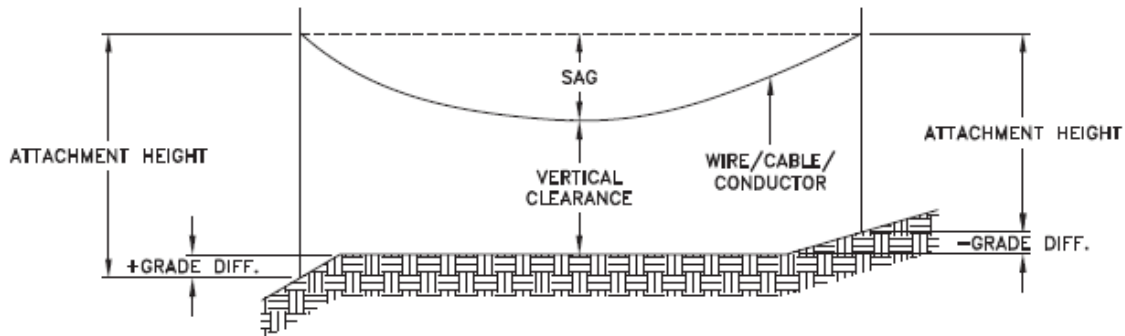
Mr. Stephen Cranley, C.E.T  
Supervisor, Distribution Design, ICI & Layouts (North)  
**Phone:** 1-877-963-6900 ext. 31297

**E-mail:** [stephen.cranley@alectrautilities.com](mailto:stephen.cranley@alectrautilities.com)

Mitchell Penner  
Supervisor, Distribution Design-Subdivisions  
**Phone:** 416-302-6215

**Email:** [Mitchell.Penner@alectrautilities.com](mailto:Mitchell.Penner@alectrautilities.com)

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS</u> AND <u>BICYCLES</u> ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG  
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)  
 + GRADE DIFFERENCE  
 + 0.3m (VEHICLE OR RAILWAY LOCATION)  
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

**NOTES:**

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

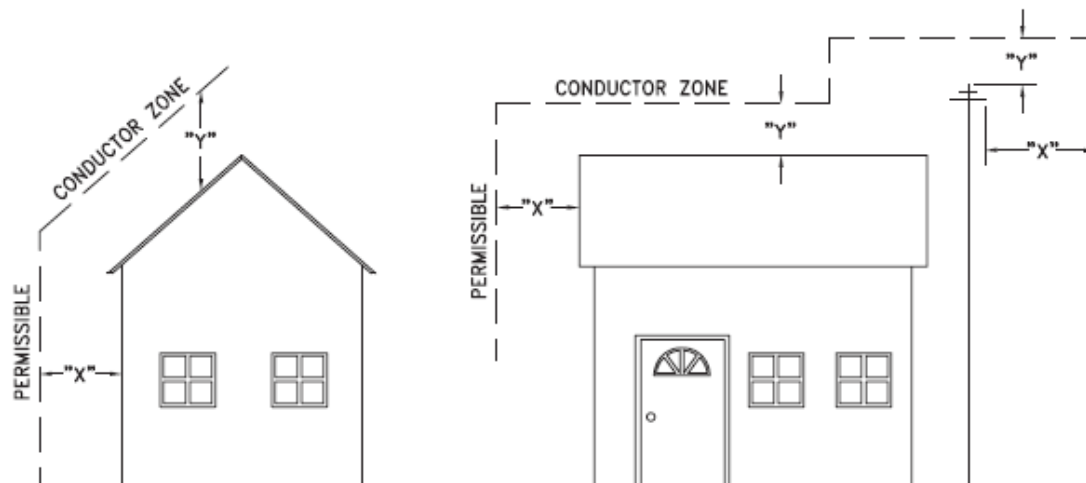
**REFERENCES**

SAGS AND TENSIONS | SECTION 02

**MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS**

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

### NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

### MINIMUM VERTICAL & HORIZONTAL CLEARANCES OF CONDUCTORS FROM BUILDINGS OR OTHER PERMANENT STRUCTURES (CONDUCTORS NOT ATTACHED TO BUILDINGS)

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:

PS:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working folder\Section 3\3-4\DWG 03-4 R0 May 5, 2010.dwg, 5/5/2010 8:22:02 AM, Adobe PDF

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Debbie Dadwani, P.Eng.	2010-MAY-05
Name	Date
P.Eng. Approval By: <u>D. Dadwani</u>	

**To:** Committee of Adjustment

**From:** Bernd Paessler, Building Standards Department

**Date:** June 25, 2025

**Applicant:** Verus Design Inc.

**Location:** 194 Polo Crescent  
PLAN 65M3625 Lot 10

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

**Zoning Classification:**

The subject lands are zoned R1A(EN) – First Density Residential Zone (Established Neighbourhood) under Zoning By-law 001-2021, as amended.

#	Zoning By-law 001-2021	Variance requested
1	The minimum required interior side yard for a residential accessory structure that is less than 2.8m in height shall be <b>1.5m</b> .  <b>Section 4.1.2.1a</b>	To permit a minimum interior side yard of <b>0.76m</b> for a residential accessory structure
2	Any portion of a yard in excess of 135.0m <sup>2</sup> shall be comprised of a minimum <b>60%</b> soft landscape.  <b>Section 4.19.1 1</b>	To permit a rear yard in excess of 135.0m <sup>2</sup> to be comprised of a minimum <b>45%</b> soft landscape.

**Staff Comments:**

**Stop Work Order(s) and Order(s) to Comply:**

Order No. 24-133570, Order to Comply, Issue Date: Oct 02, 2024

**Building Permit(s) Issued:**

Building Permit No. 22-139595 for Shed/Gazebo - New, Issue Date: (Not Yet Issued)  
Building Permit No. 25-109687 for Shed/Gazebo - New, Issue Date: Apr 03, 2025

**Other Comments:**

General Comments	
1	The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit/site plan approval.

**Conditions of Approval:**

If the committee finds merit in the application, the following conditions of approval are recommended.

\* Comments are based on the review of documentation supplied with this application.

**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



**From:** [Cameron McDonald](#)  
**To:** [Committee of Adjustment Mailbox](#)  
**Subject:** [External] RE: A072/25 (194 Polo Crescent) - REQUEST FOR COMMENTS, CITY OF VAUGHAN  
**Date:** May-30-25 3:56:12 PM

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**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Hello,

Based on a review of our screening mapping, I can confirm that the subject property is not located within TRCA's Regulated Area. As such, any site alteration or development on the property would not require a permit from the TRCA.

Based on the above, we have no comments/requirements.

Regards,

**Cameron McDonald**

Planner I

Development Planning and Permits | Development and Engineering Services

T: [\(437\) 880-1925](tel:(437)880-1925)

E: [cameron.mcdonald@trca.ca](mailto:cameron.mcdonald@trca.ca)

A: [5 Shoreham Drive, Toronto, ON, M3N 1S4](#) | [trca.ca](http://trca.ca)



**From:** [Development Services](#)  
**To:** [Committee of Adjustment Mailbox](#)  
**Subject:** [External] RE: A072/25 (194 Polo Crescent) - REQUEST FOR COMMENTS, CITY OF VAUGHAN  
**Date:** Friday, May 30, 2025 11:01:46 AM

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**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Good morning,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Regards,

**Gabrielle Hurst MCIP, RPP**

Associate Planner, Development Planning, Economic and Development Services Branch  
Corporate Services Department

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 8V3

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**SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE**

Correspondence Type	Name	Address	Date Received (mm/dd/yyyy)	Summary
Public	Bernie Di Vona (President, Pine Valley Village Community Association)	N/A	07/02/2025	Letter of Support

**From:** [Bernie Di Vona](#)  
**To:** [Committee of Adjustment Mailbox](#)  
**Subject:** [External] Re: A072/25 Minor Variance Application - 194 Polo Crescent - Public Notice (Committee of Adjustment)  
**Date:** Wednesday, July 2, 2025 10:59:08 AM

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**CAUTION!** This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

the Pine Valley Village Community Association, supports the minor variance application.  
NOH a072, Polo Drive.

The impact is non existent with an existing shed, and the buffer is internal to the site only for use.

Bernie DiVona  
President, PVVCA

SCHEDULE D: BACKGROUND

Application No. (City File)	Application Description (i.e. Minor Variance Application; Approved by COA / OLT)
A051/23	<p>On May 11, 2023, Variance #1 APPROVED by COA. Variance #2 REFUSED by COA. Applicant chose to appeal the decision to the Ontario Land Tribunal.</p> <p>On April 11, 2024, the Ontario Land Tribunal upheld the original decision of the COA.</p>

**NOTICE OF DECISION**  
**MINOR VARIANCE APPLICATION A051/23**  
Section 45 of the Planning Act, R.S.O, 1990, c.P.13

<b>DATE OF HEARING:</b>	Thursday, May 11, 2023
<b>APPLICANT:</b>	Charles & Nada Di Maria
<b>AGENT:</b>	Verus Design Inc.
<b>PROPERTY:</b>	194 Polo Crescent, Woodbridge
<b>ZONING DESIGNATION:</b>	See Below
<b>VAUGHAN OFFICIAL PLAN (2010) DESIGNATION:</b>	Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
<b>RELATED DEVELOPMENT APPLICATIONS:</b>	None
<b>PURPOSE OF APPLICATION:</b>	Relief from the Zoning By-law is being requested to permit an existing cabana.

The following variances have been requested from the City's Zoning By-law:

**The subject lands are zoned R1A(EN) – First Density Residential Zone (Established Neighbourhood) under Zoning By-law 001-2021, as amended.**

#	Zoning By-law 001-2021	Variance requested
1	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. [Section 4.1.2.b] <b>APPROVED</b>	To permit a residential accessory structure (Cabana) with a height greater than 2.8m to be located at a minimum of 0.6m from the rear lot line. <b>APPROVED</b>
2	<del>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. [Section 4.1.2.b]</del> <b>REFUSED</b>	<del>To permit a residential accessory structure (Cabana) with a height greater than 2.8m to be located at a minimum of 0.6m from the interior side lot line.</del> <b>REFUSED</b>

Having regard to the requirements of Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including the written and oral submissions related to the application, it is the decision of the Committee:

**THAT** Variance #1 (see above) pertaining to Application No. **A051/23** for **194 Polo Crescent, Woodbridge** be **APPROVED**, in accordance with the drawings and plans submitted with the application and subject to the following condition(s):

#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval "if required". If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency.		
It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency ( <b>see condition chart below for contact</b> ). This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.		
1	Development Engineering <a href="mailto:lan.reynolds@vaughan.ca">lan.reynolds@vaughan.ca</a>	The Owner / Applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading



#	DEPARTMENT / AGENCY	CONDITION(S) DESCRIPTION
		Division of the City's Development Engineering Department for final Lot Grading and/or Servicing Permit prior to any work being undertaken on the property. Please visit the Grading Permit page at City of Vaughan website to learn how to apply for the Grading Permit. If you have any questions about Grading Permit, please contact the Development Engineering Department by email at <a href="mailto:DEPermits@vaughan.ca">DEPermits@vaughan.ca</a> .

REASONS:

Variance #1 is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this variance meets all four tests under Section 45(1) of the Planning Act:

1. The general intent and purpose of the by-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance is acceptable for the appropriate development of the subject lands.
4. The requested variance is minor in nature.

**AND THAT** Variance #2 (see above) pertaining to Application No. **A051/23** for 194 Polo Cr Woodbridge be **REFUSED**, as it is the opinion of the Committee that this variance fails to meet all four tests under Section 45(1) of the Planning Act:

1. The general intent and purpose of the by-law will not be maintained.
2. The general intent and purpose of the official plan will not be maintained.
3. The requested variance is not acceptable for the appropriate development of the subject lands.
4. The requested variance is not minor in nature.

PUBLIC WRITTEN & ORAL SUBMISSIONS

Public correspondence considered by the Committee of Adjustment in the making of this decision.

WRITTEN SUBMISSIONS:

Name	Address	Date Received (mm/dd/yyyy)	Summary
Ralph Greco	182 Polo Crescent	05/02/2023	Letter of Objection
Rob Costabile	188 Polo Crescent	05/02/2023	Letter of Objection
Unknown	Unknown	05/05/2023	Letter of Objection
Anna Palmieri-Salerno	164 Polo Crescent	05/10/2023	Letter in Support
John Arcadi	57 Velmar Drive	05/09/2023	Letter in Support
	54 Green Manor Crescent, 216 Village Green Drive, 51 Mellings Drive and 1 Colucci Drive	05/10/2023	Petition in Support

ORAL SUBMISSIONS:

Name	Address	Submission (Hearing) Date (mm/dd/yyyy)	Summary
Robert Costabile	188 Polo Crescent	05/11/2023	Spoke in Opposition

In accordance with Procedural By-law 069-2019, public written submissions on an Application shall only be received by the Secretary Treasurer until **noon** on the last business day prior to the day of the scheduled Meeting.

WRITTEN SUBMISSIONS RECEIVED PAST DEADLINE:

Name	Address	Date Received (mm/dd/yyyy)	Summary
None			

IMPORTANT INFORMATION
<p>Making any changes to your proposal/development after a decision has been made may impact the validity of the Committee's decision.</p> <p>An approval obtained from the Committee of Adjustment, where applicable, is tied to the building envelope shown on the plans and drawings attached to this decision.</p> <p>A building envelope is defined by the setbacks of the buildings and/or structures shown on the plans and drawings submitted with the application, as required by Ontario Regulation 200/96. Future development outside of an approved building envelope, where a minor variance was obtained, must comply with the provisions of the City's Zoning By-law.</p> <p>Elevation drawings are provided to reflect the style of roof (i.e. flat, mansard, gable etc.) to which a building height variance has been applied. Where a height variance is approved, building height is applied to the style of roof (as defined in the City's Zoning By-law) shown on the elevation plans submitted with the application.</p> <p>Architectural design features that are not regulated by the City's Zoning By-law are not to be considered part of an approval unless specified in the Committee's decision.</p>

MEMBERS PRESENT WHO CONCUR IN THIS DECISION:

<i>J. Kalpin</i>	<i>A. Perrella</i>	ABSENT
J. Kalpin Member	A. Perrella Chair	M. Milunsky Member
<i>S. Kerwin</i>		<i>B. Bell</i>
S. Kerwin Vice Chair		B. Bell Member

DATE OF HEARING:	May 11, 2023
DATE OF NOTICE:	May 18, 2023
LAST DAY FOR *APPEAL: *Please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal.	May 31 2023 4:30 p.m.
CERTIFICATION: I hereby certify that this is a true copy of the decision of the City of Vaughan's Committee of Adjustment and this decision was concurred in by a majority of the members who heard the application.  <i>Christine Vigneault</i> Christine Vigneault Manager Development Services & Secretary Treasurer to the Committee of Adjustment	

Appealing to The Ontario Land Tribunal  
The Planning Act, R.S.O. 1990, as amended, Section 45

The applicant, the Minister or a **specified person** or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal as payable on an appeal from a committee of adjustment to the Tribunal.

When **no appeal is lodged** within twenty days after the giving of notice the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Please email and courier all appeals and prescribed fees to:

Office of the City Clerk - Committee of Adjustment  
2141 Major Mackenzie Drive  
Vaughan Ontario, L6A 1T1  
[cofa@vaughan.ca](mailto:cofa@vaughan.ca)

If you have questions regarding the appeal process, please email [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

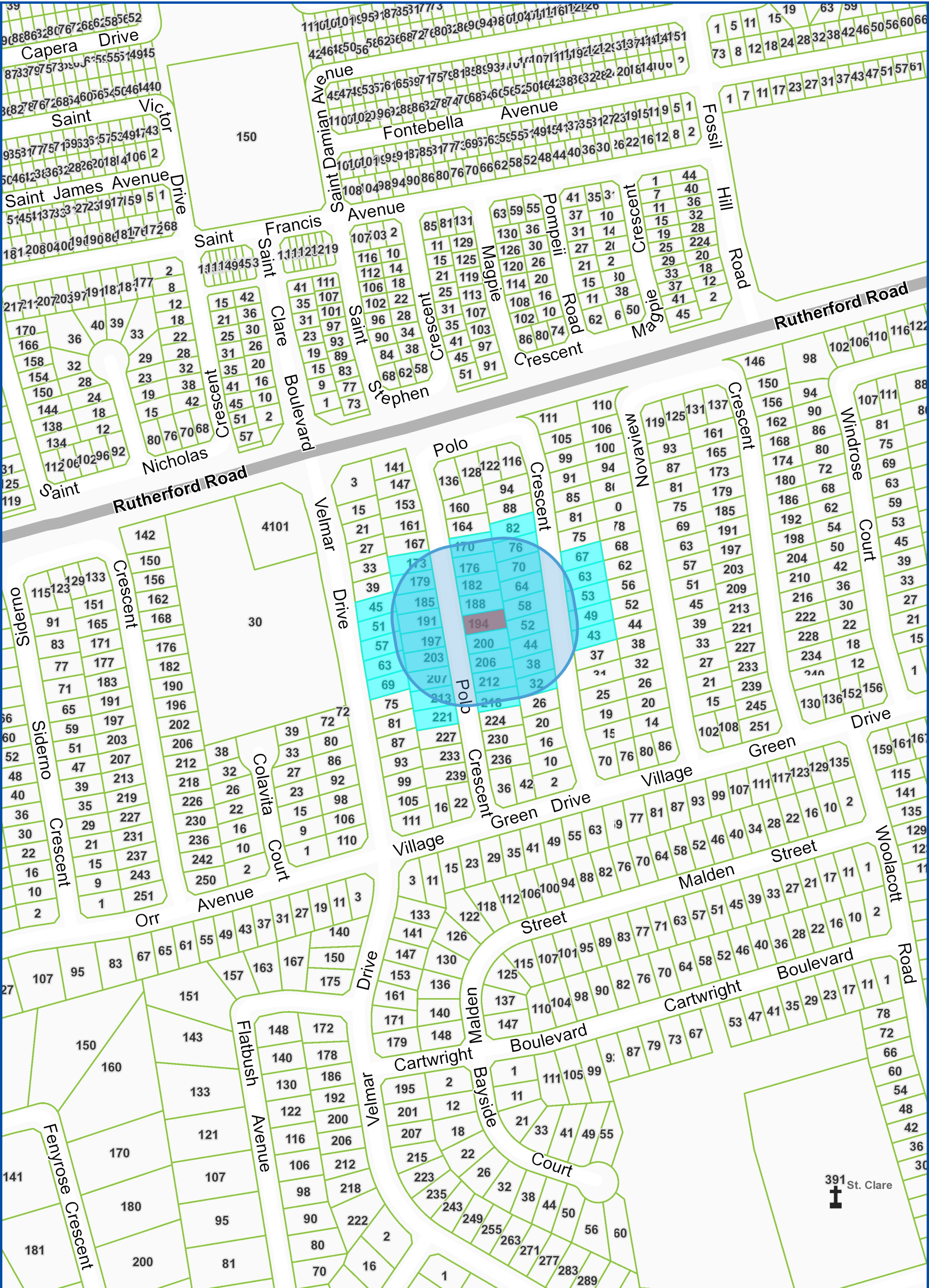
Appeal Fees & Forms

**ONTARIO LAND TRIBUNAL (OLT):** The OLT appeal fee is \$400 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. The OLT Appeal Fee must be paid by certified cheque or money order payable to the "Minister of Finance". OLT appeals must be filed with the Secretary Treasurer, City of Vaughan.

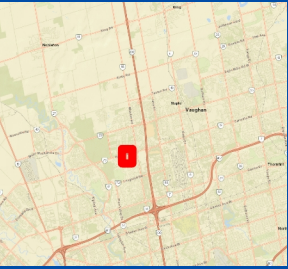
**City of Vaughan OLT Processing Fee:** [See Fee Schedule](#)

\*Please note that all fees are subject to change.





Map Information:



Title:

194 Polo Crescent, Woodbridge

NOTIFICATION MAP - A051/23

Disclaimer:

Every reasonable effort has been made to ensure that the information appearing on this map is accurate and current. We believe the information to be reliable, however the City of Vaughan assumes no responsibility or liability due to errors or omissions. Please report any discrepancies to Infrastructure Programming.



Scale: 1: 4,514  
0 0.07 km



Created By:  
Infrastructure Delivery  
Department  
April 20, 2023 3:34 PM

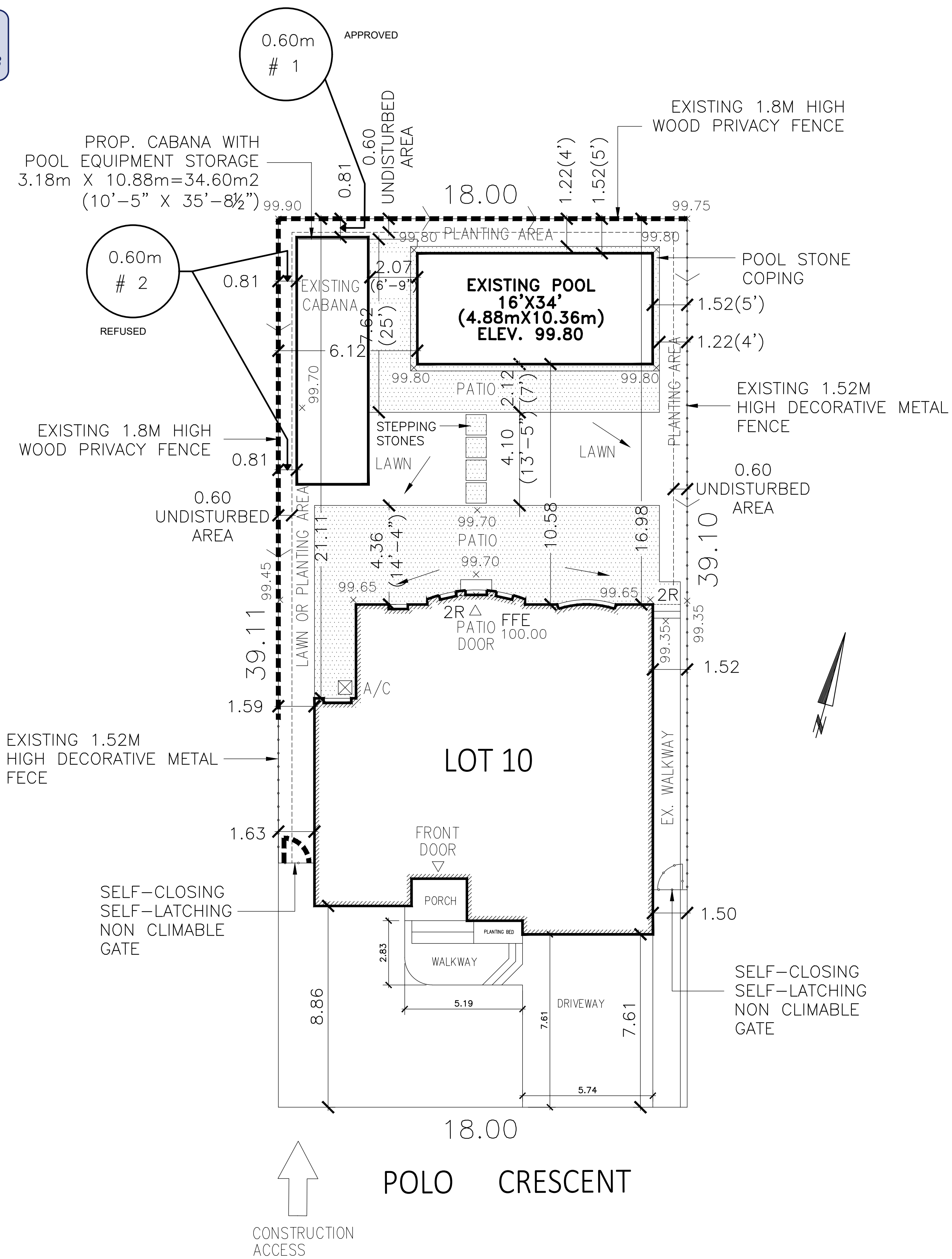
Projection:  
NAD 83  
UTM Zone  
17N

WESTON ROAD



RECEIVED

By Christine Vigneault at 7:56 pm, Apr 17, 2023



REAR YARD AREA CALCULATION

Total Back Yard 305.09m2 100%  
60% Minimum Softscape Required  
305.09m2 - 135m2 = 179.09m2 X 60% = 102.05m2

Softscape (Planting/Sod) 108.83m2  
Hardscape (Shed/Stone Patio/Water) 210.86m2

NOTE:

ALL PERIMETER GRADE ALONG THE PROPERTY LINE UN-CHANGED

FRONY YARD AREA CALCULATION

Total Back Yard 136.98m2 100%  
Min. Landscape Req. 68.49m2 50%  
Min. Soft Landscaping Req. 41.09m2 60%

Softscape (Planting/Sod) 81.08m2  
Hardscape (Driveway/Walkiway) 55.90m2

QUALIFICATIONS

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

Nick Menonna 23967 BCR  
Name Signature

Daniel Venturuzzo 29448 BCR  
Name Signature

VERUS DESIGN INC. 110512 BCR  
Firm Name

PROPOSED CABANA

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** April 11, 2024

**CASE NO(S):** OLT-23-000583

**PROCEEDING COMMENCED UNDER** subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Charles DiMaria
Subject:	Minor Variance
Description:	To permit a cabana
Reference Number:	A05/23
Property Address:	194 Polo Crescent
Municipality/UT:	City of Vaughan
OLT Case No.:	OLT-23-000583
OLT Lead Case No.:	OLT-23-000583
OLT Case Name:	DiMaria v. Vaughan (City)

**Heard:** October 25, 2023 and November 20, 2023 by  
Video Hearing

**APPEARANCES:**

**Parties**

Charles DiMaria

City of Vaughan

**Counsel**

Alexandra Whyte

Zaynab Al-waadh

**DECISION DELIVERED BY JENNIFER GOLD AND ORDER OF THE TRIBUNAL**

[1] Charles DiMaria (“Applicant”) appealed the May 2023 decision of the Committee of Adjustment (“COA”) of the City of Vaughan (“City”) to approve an application for two minor variances for the property at 194 Polo Crescent (“Subject Property”). The Applicant



requires the variances to permit an already-constructed cabana in the rear yard of the Subject Property and sought relief from s. 4.1.2.b of Zoning By-law No. 001-2021 ("ZBL") as follows:

1. To permit a residential accessory structure (cabana) with a height greater than 2.8 metres ("m") be located at a minimum 0.6 m from the rear lot line, whereas the ZBL requires a rear yard setback of 2.4 m [s. 4.1.2.b] ("Variance #1"); and
2. To permit a residential accessory structure (cabana) with a height greater than 2.8 m to be located at a minimum of 0.6 m from the interior side lot line, whereas the ZBL requires an interior side yard setback of 2.4 m [s. 4.1.2.b] ("Variance #2").

[2] In its decision, the COA approved Variance #1 with a condition regarding lot grading and/or servicing and refused Variance #2. According to the Staff Report issued for the COA hearing, the City's Development and Planning Department had no objection to Variance #1 for the reduced rear yard setback to the cabana as it will not pose adverse visual impacts on the neighbouring property to the rear. However, the Development and Planning Department objected to Variance #2. The City's Development Engineering Department recommended a condition of approval that the Applicant obtain a Lot Grading Permit from the Development Inspection and Lot Grading Division of the City's Development Engineering Department, as the proposed cabana is greater than 10 square metres ("m<sup>2</sup>"). The Applicant is agreeable to this condition.

[3] David Igelman, a planner qualified to give expert land use planning opinion evidence, testified in support of the application. Joshua Cipolletta, a planner with the City, qualified to give expert land use planning opinion evidence, testified against the application. The Tribunal received a request for Party status from Mr. Rob Costabile who owns the property directly adjacent to the Subject Property. After informing him of the role

of a Party and role of a Participant, Mr. Costabile withdrew his request for Party status and was granted Participant status. His written submission was reviewed by the Tribunal.

[4] The Tribunal received the following that were marked as Exhibits for the hearing:

Exhibit No. 1: Witness Statement of David Igelman dated October 16, 2023  
including his Acknowledgment of Expert's Duty

Exhibit No. 2: Document Book of the Applicant

Exhibit No. 3: Document Book of the City

Exhibit No. 4: Witness Statement of Joshua Cipolletta dated October 16, 2023  
including his Acknowledgment of Expert's Duty

## **BACKGROUND**

[5] The Subject Property is located within an existing neighbourhood which consists of mostly single-detached residential dwellings that are typically one to two storeys in height. The Subject Property is currently occupied by a two-storey single-detached residential dwelling, an existing pool and the cabana which the Applicant seeks to legalize. The cabana consists of an enclosed washroom, pool equipment room, and a covered outdoor lounge area. The roof of the cabana is a flat roof although it does slope downwards from the south to the north which results in a slight lower height of 2.7 m in closer proximity to the adjacent dwelling at 188 Polo Crescent as compared to the peak of the roof closer to the pool.

[6] Although the variances sought remain the same, the application before the COA was based on an assumption of the wall thickness as at the time as details of specific siding material were not determined and the cabana did not have siding on it. Since then, confirmation of the siding materials to be placed on the main walls of the cabana have

been confirmed and the proposed setbacks to the side and rear lot lines have been increased to 0.76 m from the previously proposed 0.6 m. As such, the two variances requested are the following:

1. Requested Variance #1

*To permit a residential accessory structure (cabana) with a height greater than 2.8 m to be located at a minimum of 0.76 m from the rear lot line.*

(Section 4.1.2.b of ZBL 001-2021 requires that 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)

2. Requested Variance #2

*To permit a residential accessory structure (cabana) with a height greater than 2.8 m to be located a minimum of 0.76 m from the interior side lot line*

(Section 4.1.2.b of ZBL 01-2021 requires that 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 (s. 4.1.2.b, ZBL 001-2021).

## LEGISLATIVE FRAMEWORK

[7] An appeal pursuant to s. 45 of the *Planning Act* (the “Act”) is a hearing *de novo* and the Applicant bears the onus of demonstrating that the four tests as set out in s. 45(1) have been met, namely that each of the requested variances:

- (a) maintains the general intent and purpose of the Official Plan (“OP”);
- (b) maintains the general intent and purpose of the ZBL;

- (c) is minor in nature; and
- (d) is desirable for the appropriate development or use of the land building or structure.

[8] In addition, s. 3(5) of the Act requires that a decision of the Tribunal affecting a planning matter, in this case the application for variance, must be consistent with the Provincial Policy Statement, 2020 (“PPS”). The Tribunal must also have regard to matters of Provincial interest, as well as regard for the decision of the COA and the information considered by it in the course of making that decision.

[9] The opinion of the Applicant’s planner, David Igelman, was that the proposed variances met the four tests as per s. 45(1) of the Act and is consistent with the PPS and Growth Plan for the Greater Golden Horseshoe (“Growth Plan”). The opinion of the City’s planner, Joshua Cipolletta, was that Variance #2 did not meet three out of the four tests; specifically, that it is (a) not minor in nature, (b) not desirable or appropriate for the use of the land, and (c) does not maintain the general intent and purpose of the Zoning By-law. He also opined that Variance #2 is not appropriate from a land use planning perspective.

### **Maintain the General Intent and Purpose of the OP**

[10] The York Regional Official Plan designates the Subject Property as “Community Areas” as per Map 1A – Land Use Designations map. Policy 4.2.2 of the York Region Official Plan states that Community Areas shall contain a wide range and mix of housing types, sizes, tenures that include options that are affordable to residents at all stages of life. The Subject Property is designated “Low-Rise Residential” by the Vaughan Official Plan 2010 (“VOP 2010”). This designation permits residential units, parks and open spaces, small-scale community facilities, small-scale convenience retail, places of worship, a daycare within a school, place of worship or community centre, home occupations, and

public safety services. The Subject Property is located within an Established Community Area according to Schedule 1 of VOP 2010.

[11] Policy 2.1.3.2(e) lists “ensuring the character of established communities are maintained” as one of several key planning objectives of VOP 2010. Mr. Igelman opined that the requested variances fit within the character of this neighbourhood and that similar conditions for accessory structures exist within the neighbourhood.

[12] While the York Region Official Plan and VOP 2010 do not identify details related to the specific location and built form of accessory structures within a residential lot, an accessory structure like a cabana is consistent with the York Region Official Plan and VOP 2010.

### **Maintains the General Intent and Purpose of the ZBL**

[13] The Subject Property is zoned “R1A (EN) First Density Residential Zone (Established Neighbourhood)” under the ZBL. Policy 4.1.2.1b of the ZBL requires a minimum setback of 2.4 m from any lot line if the height of a residential accessory structure is greater than 2.8 m. With an existing height of 2.9 m, Variance #2 is proposing a setback of 0.76 m from the interior side lot line. The minimum setback of 2.4 m from any lot line for residential accessory structures greater than 2.8 m in height is a change from the previous zoning that required a setback of 1.5 m from the interior side yard and 7.5 m from the rear side yard. The adoption the current ZBL increased the permitted setbacks for accessory structures with a height greater than 2.8 m in all residential zones from the interior side lot line by 0.9 m.

[14] The intent of the ZBL, particularly Policy 4.1.2.1b, is to provide adequate access from the front to the rear of a property, ensure the character of the neighbourhood is maintained, allow for open space for outdoor amenity space and landscaped area, allow for additional open space for stormwater infiltration and runoff, ensure appropriate separate distances between buildings or structures to lot lines. The intent is also to restrict

the proximity of accessory structures that exceed a certain height to address issues such as massing and privacy. Given the features of the cabana in this matter, privacy does not appear to be a concern. Any issue regarding stormwater infiltration and runoff could be addressed by a Lot Grading Permit from the Development Inspection and Lot Grading Division of the City's Development Engineering Department. Massing is not an issue for Variance #1 as it takes up less of a building footprint along the rear yard at 3.18 m. The building footprint of the cabana all along the side yard is 10.88 m in length. Given its proximity to the interior lot line, it is clear that there is significant massing imposed upon the neighbouring property. On this basis, Variance #2 does not maintain the general intent of the ZBL.

### **Are the Variances Minor in Nature?**

[15] While the variances sought may seem minor when considering what would be permitted as-of-right, the Tribunal cannot ignore the impact on adjacent properties. The written submission of Mr. Costabile expressed concern regarding the visual impact of the cabana and how the size of the cabana affects beauty, spaciousness, sunlight and privacy. This submission is consistent with evidence of Mr. Cipolletta who opined that the reduction in setback from 2.4 m to 0.76 m will negatively impact the neighbouring property if the setback is to accommodate a cabana with a length of 10.88 m, in combination with its height.

[16] Both experts referred to other properties in the neighbourhood with accessory structures. Some were approved by the City and others do not appear to have sought the necessary approvals. While this evidence was helpful, each proposal should be considered on its own merits, both in terms of quantitative factors such as its height and size and how it compares to the requirements to ZBL and what is permitted as-of-right, and qualitative factors such as its overall impact in terms of its visual characteristics, massing

and privacy. As stated in *Toronto Standard Condominium Corp. #1517 v. Toronto (City) Committee of Adjustment* <sup>1</sup>:

Firstly, whether it is “minor” or not cannot be regarded as a robotic exercise of the degree of numeric deviation, but must be held in light of the fit of appropriateness, the sense of proportion, a due regard to the build and planned environ, the reasons for which the requirement is instituted, the suggested mitigation conditions to address the possible concerns and last, but not the least, the impact of the deviation.

[17] The visual impact of the cabana on the interior side lot line and massing impact is significant. The same concerns do not exist regarding the rear lot line. While Variance #1 is minor, Variance #2 is not minor.

### **Desirable for the Appropriate Development of the Land**

[18] Accessory structures like cabanas appear to be abundant in the residential area around the Subject Property. Some may or may not conform with the ZBL. While a cabana may be desirable for the appropriate development of land and this residential community, large cabanas that contravene the intent and requirements of the ZBL and adversely affect neighbours are not desirable. The photographs shown during the hearing show the cabana to be an imposing structure. Its size in relation to the proposed setback in Variance #2 is undesirable.

[19] The Tribunal finds that Variance #1 in relation to the cabana is minor and meets the four tests of a minor variance as set out in s. 45(1) of the Act. The Tribunal finds that Variance #2 in relation to the cabana is not minor in nature and does not meet the four tests of a minor variance.

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<sup>1</sup> 2006 CarswellOnt 3996

**ORDER**

[20] **THE TRIBUNAL ORDERS** that the appeal is dismissed and Variance #1 to the City of Vaughan By-law No. 001-2021, is authorized as follows:

1. To permit a residential accessory structure (cabana) with a height greater than 2.8 m be located at a minimum 0.76 m from the rear lot line, whereas a rear yard setback of 2.4 m is required.
2. The approval is subject to the following condition:
  - The Applicant shall submit the final Lot Grading and/or Servicing Plan to the Development Inspection and Lot Grading Division of the City's Development Engineering Department for final Lot Grading and/or Servicing Permit prior to any work being undertaken on the property.
3. Variance #2 is not authorized.

*"Jennifer Gold"*

JENNIFER GOLD  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.