

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Mauro Peverini, Director of Development Planning

Date: November 12, 2020

Name of Owner: Dennis Marcantonio

Location: 2 Majesty Court

File No.(s): A088/20

Proposed Variance(s):

1. To permit a minimum rear yard setback of 3.66 m for the proposed cabana.
2. To permit a swimming pool not located in the rear yard.

By-Law Requirement(s):

1. A minimum rear yard setback of 7.5 m is required.
2. Accessory buildings and structures shall be located in the rear yard.

Official Plan:

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

Comments:

The Owner is requesting permission to construct a swimming pool and a cabana with the above-noted variances.

On October 2nd, 2020, Development Planning staff attended the subject property and observed existing mature trees along the front lot line and the established streetscape of the neighbouring properties to the west along the south side of Helen Street. The cabana was originally proposed to be located within the front yard having negative affects to both the mature trees and the established streetscape along Helen Street. At the request of the Development Planning Department, the Owner revised their proposal to address concerns with the cabana location and relocated it to the rear yard where it is appropriate and maintains the minimum interior side yard and complies with the maximum building height for an accessory structure. As the cabana maintains a 3.66 m setback to the rear lot line and is largely open and enclosed, it does not have any adverse impacts on the neighbouring lots.

The relief required for the location of the swimming pool is considered a technical variance. Zoning By-law 1-88 requires the swimming pool to be located in the rear yard only. Rear yard is defined as "the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the nearest building or structure..." The swimming pool is not placed in the technical defined "rear yard"; however, the swimming pool is placed in an area effectively used as a rear yard and has no adverse impacts on the neighbouring lots.

The Owners submitted an Arborist Report and Plan from Tree and Ravine Inc., dated October 9, 2020. The arborist report notes that 6 privately-owned trees will be injured due to the proposed construction activities. The Arborist Report and Plan was reviewed by the Urban Design and Cultural Heritage Division of the Development Planning Department and minor revisions are required. A condition to this effect has been included.

Accordingly, the Development Planning Department is of the opinion that the variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application, subject to the following condition:

Conditions of Approval:

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

1. That the Arborist Report and Tree Protection Plan, prepared by Tree and Ravine Inc., is approved to the satisfaction of the Development Planning Department.

Comments Prepared by:

Brandon Bell, Planner I
Margaret Holyday, Senior Planner