

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Bill Kiru, Acting Director of Development Planning

Date: February 4, 2021

Name of Owner: Paul and Maddalena Gargarella

Location: 37 Tremblant Crescent

File No.(s): A134/20

Proposed Variance(s):

1. To permit a rear yard setback of 1.25m.
2. To permit a height of 3.35m to the nearest part of the roof of an accessory building.

By-Law Requirement(s):

1. A rear yard setback of 6.2m is required.
2. A maximum height of 3.0m is required to the nearest part of the roof an accessory building.

Official Plan:

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

Comments:

The Owner is requesting permission to maintain a covered loggia located in the rear yard with the above noted variances.

The subject lands are designated "Low-Rise Residential" by VOP 2010 and form part of an established residential subdivision in the Kleinburg community. Section 9.2.3.1 (b) of VOP 2010 identifies that existing and new detached houses are to respect and reinforce the scale, massing, setback, and orientation which maintains the existing character of the neighbourhood. The Development Planning Department considers the extension to the rear of the building to accommodate the covered loggia to be part of the main dwelling, thereby, creating a footprint that does not respect the scale and setback of the existing neighbourhood. Accordingly, the proposed reduction to the rear yard setback is neither appropriate nor compatible to the character in the immediate neighbourhood.

In terms of meeting the general intent and purpose of the Zoning By-law, a request to reduce the rear yard setback from 6.2m to 1.25m (0.84m to the projected eave) is not minor. The covered loggia covers an area equivalent to two-thirds the width of the existing dwelling and runs across the entire rear lot line of the abutting property (86 Mactier Drive) which will impact their sight line and reduce the enjoyment of their amenity space. The roof overhang is excessive and does not meet the general intent of the Zoning By-law. Planning staff is of the opinion that the proposed variances are not desirable for the appropriate development of the land, as it introduces an accessory building that is not in proportion to width of the dwelling, thereby, creating an unwanted precedence that can have a lasting impact on future variance applications.

The Development Planning Department reviewed the application pursuant to Section 45 (1) and is of the opinion that the proposal is not minor in nature, does not maintain the general intent and purpose of the Official Plan and Zoning By-law, and is not desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends refusal of the application.

Conditions of Approval:

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

None

Comments Prepared by:

Roberto Simbana, Planner I
Margaret Holyday, Senior Planner