

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Bill Kiru, Acting Director of Development Planning
Date: February 4, 2021
Name of Owner: John Karkoutilan and Grace Sevazlian
Location: 19 Lady Bianca Court
File No.(s): A147/20

RECEIVED
January 28, 2021
Committee of Adjustment

Proposed Variance(s):

1. To permit a rear yard setback of 1.89 m from a deck to an OS5 Zone.
2. To permit a rear yard setback of 0.30 m from a pool to an OS5 Zone.
3. To permit a storage shed located in the interior side yard.
4. To permit 40% rear yard soft landscaping.

By-Law Requirement(s):

1. A minimum rear yard setback of 5.7 m is required to a deck.
2. A minimum rear yard setback of 1.5 m is required to a pool.
3. A storage shed shall be located in the rear yard.
4. A minimum of 60% of that portion of the rear yard in excess of 135 m² shall be composed of soft landscaping.

Official Plan:

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

Comments:

The Owner is requesting permission to construct an in-ground pool and expansion of an elevated rear yard deck with the above noted variances.

The subject lands are zoned "RD3 Residential Zone Three" and "OS5 Open Space Environmental Protection ('OS5') Zone" 3.5 m into the lot from the rear yard lot line. On December 11, 2014, the Committee of Adjustment approved Minor Variance File A326/14 to permit a reduction in rear yard setback of 4.61 m whereas, 7.5 m is required to the OS5 Zone and a rear yard setback of 4.53 m to an open and enclosed deck whereas 5.7 m is required.

No buildings or structures are permitted to be built within the OS5 Zone and cannot be included as landscaped area or a setback to the rear property line. With regards to variances 1 and 2, Development Planning is of the opinion a rear yard setback of 1.89 m to the proposed deck and 0.30 m to the pool is minor, given these distances do not accurately reflect the true setback to the rear lot line. Additionally the rear lot line is adjacent to a woodland feature, Policy Planning and Environmental Sustainability ('PPES') staff conducted a site visit and determined the woodland feature contains a 2.5m buffer area located west of the subject lands, which combined with the distance in the property's boundary to the pool (2.45 m), results in a total buffer of 4.95 m from the woodland. As a result, PPES deems this distance to be within the City's Tree Protection Protocol and is sufficient enough to ensure trees within the woodland will not be negatively impacted.

Development Planning has no objection to variances 3 and 4 since the proposed storage shed is placed away from the woodland feature and any noticeable disturbance to the neighbouring property to the north (23 Lady Bianca Court) is minimized as the subject property is a pie shaped lot, thereby, providing additional space along the interior lot lines. In terms of meeting the minimum (60%) rear yard soft landscape, it is important to note that a significant portion of soft landscape (manicured grass) was not used in the overall calculation as it forms part of the OS5 zone. The Development Engineering Department has reviewed the application in terms of water runoff and has expressed no concerns.

The Development Planning Department 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 condition of approval is recommended:

None

Comments Prepared by:

Roberto Simbana, Planner I

Margaret Holyday, Senior Planner