

2407 Gilbert Court  
Burlington, On  
L7P 4G4



April 6, 2021

Committee of Adjustment  
City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan, ON  
L6A 1T1

Mr. Chairman and Members of Committee

Re: Committee of Adjustment Application  
File A144-20

My name is John Zipay and I am representing Mr. Gino Ferrante who resides at 10 Olympia Gate and is an adjacent neighbour to the property which is the subject of the minor variance application. I only became aware of this application on April 6 and was retained as of April 6. Consequently staff did not have my submission prior to preparing their report.

The structure being proposed is a very large accessory structure, being 23 feet long (roof line to roof line), 9 feet wide and a height of 14.7 feet.

As you can see from the site plan drawing, an addition has previously been built on the rear of the main building. The construction of a 23 foot long cabana as proposed will, in effect, create a wall in relation to the view from the adjacent property. The proposed cabana extends beyond the face of the addition whereby the view from the abutting neighbours will consist of the cabana and main building facades. The impact will cause shadow, view and air flow impacts which Mr. Ferrante perceives to be as negative impacts on his property, and the general enjoyment of his property. Please see the attached letter from Mr. Ferrante.

From my observation, the size of the building appears to be completely out of character with the existing neighbourhood. As seen from the attached air photo, there are no accessory structures of the size being proposed. I am also advised by Mr. Ferrante that sewer and water lines have been installed to accommodate the proposed structure, yet

there is no mention of this in the staff report nor does there appear to be information to that effect in the public notice.

Mr. Ferrante had advised that he has not seen any details of the outside finishing materials of the structure and there does not appear to be any information or drawing which provides a clear depiction of what the building will look like. There is an elevation drawing, but it is of such poor quality and lacking in detail that it is impossible to ascertain what the building will look like especially as viewed from his side of the fence.

I submit to the Committee that the first variance for a rear yard setback reduction from 7.5m to 1.21m; which essentially permits the structure to locate in the required rear yard is not a minor variance.

With the exception for small storage sheds, Zoning By-Law 1-88 clearly stipulates that accessory structures may be permitted in a rear yard, but are subject to the same setback requirements (7.5m) as the main building. The intent of this section is to ensure that a large accessory structure when located in “the rear yard”, must also respect and maintain a “required rear yard” which is ensured by the 7.5m setback as stipulated in the Zoning By-Law. This ensures the preservation of open space and an amenity rear yard in residential plans of subdivision. An exception, under Section 4.1 of By-Law 1-88 is made for small storage sheds which are permitted in the “required” rear yard and are limited to a maximum size of 10 sq.m (107 sq. ft.) and 2.5m in height and 0.6m side and rear yard setbacks.

Clearly the zoning by-law did not intend for larger accessory structures to be located in what is considered as a required rear yard which is established by the standard rear yard setback of 7.5m.

In my opinion, the reduction from 7.5m to 1.21m for rear yard setback is not minor and not in keeping with the intent and purpose of the zoning by-law which is to restrict the construction of large accessory buildings from locating in the required rear yard. The “required rear yard” is established by the 7.5m setback and is designed to ensure that sufficient amenity space is preserved on a lot and that amenity space of neighbouring properties is not negatively impacted. The lot in question is not an estate lot which can accommodate a large accessory building and still maintain appropriate yard setbacks. My submission is that the proposed building is too large. The proposed variances for rear yard setback and location in side yard are not minor nor do they meet the general intent and purpose of the by-law for the reasons above.

It is also my opinion that the variances are not appropriate for the development of subject property. I have submitted an air photo of properties within proximity of the subject lands and as you can see from the photo, there are no accessory structures as large as what is being proposed. The proposed building is out of character with the neighbourhood.

Mr. Ferrante has submitted a letter expressing his concerns which I have attached for your consideration. Mr. Ferrante is concerned that the proposed structure will result in an unpleasant view by creating a wall along the property line, obstruct air flow and deprive his garden of sunlight.

While he has not mentioned it specifically, there could be an impact upon the sale value of his property with such a large structure being built so close to his property line and running the full length of the fence line in the rear yard.

Also attached is a photo submitted to me by Mr. Claudio Ferrante which would appear to show that water and sewer services have been installed to service the cabana, (blue pipe cold water, red pipe hot water and the blue stack with green tape – sewer connection). Has a permit been issued? Why has this work been done without approval of the variances?

In conclusion, it is requested that the application for minor variance, as submitted, not be approved as it fails to meet the tests as required under the Planning Act, and that a decision on the application be deferred for 30 days to allow for discussion with the Planning Department to determine if an alternative proposal may be acceptable.

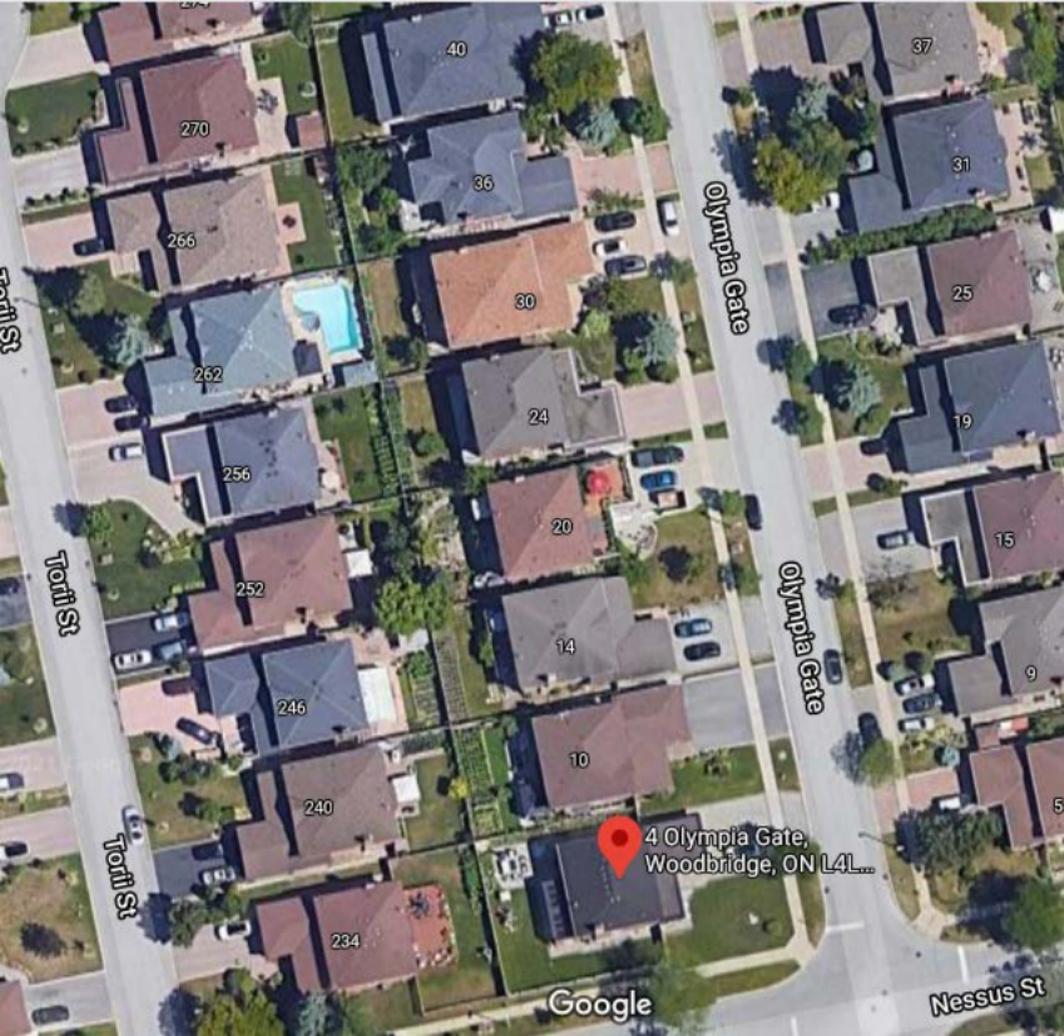
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Zipay', with a long horizontal flourish extending to the right.

John Zipay MSc. U.R.P., RPP

Cc: Mr. Ferrante  
Andriana MacPherson, City Clerk





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