



Committee of Adjustment

66 Artist View Avneue, Woodbridge

Prepared For:

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Subject Lands Description

The dwelling is located in the neighbourhood known as the "North Humber Extension Area" and is composed of suburban residential dwellings. The neighbourhood is set amongst the woodlands and rolling terrain of the Humber River valleylands. It derives its distinctive character through an effort to reflect open natural space, collective community features, and holistic residential forms that fit within the architectural style of the streetscape. On the western side of the neighborhood, there are open space valleylands with a tableland woodlot of existing mature trees. Along the south edge, a linear park provides a green buffer between the proposed development and the existing residential neighborhood to the south. The nearest major intersection is Kirby Rd and Highway 27.

The property is partially a view terminus lot (Figure 1) with a frontage of 15.6m, and a lot area of 858.67 SQ.M.

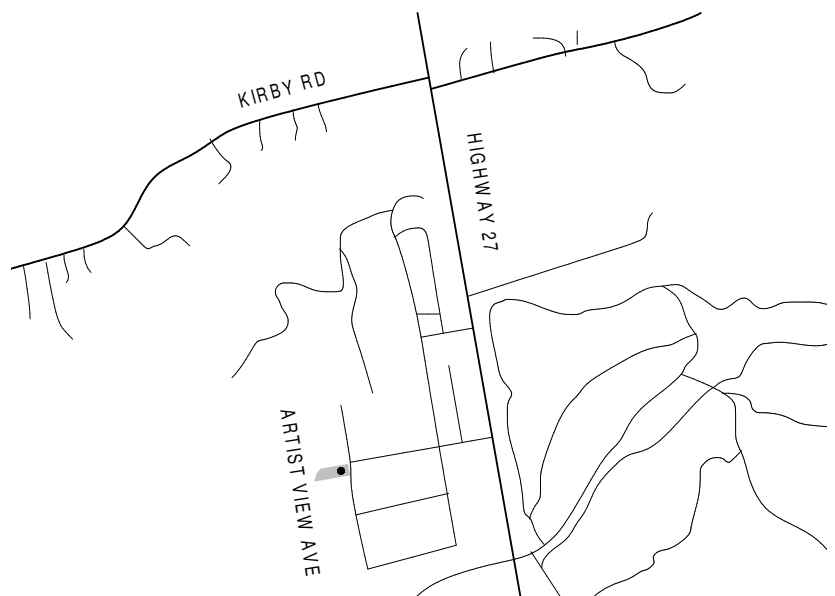


Fig. 1 – Context map - Grey region indicates the subject lands location in the neighbourhood



Official Plan & Official By-Law

The proposal for 66 Artist View Avenue is to construct a new two storey detached residential dwelling with a two car garage, a covered rear and front porch and a swimming pool. The intent of the proposal is to provide a multi-generational home to suit the owner's longterm spatial needs for living and caring for extended family needs. The design of this dwelling compliments the proposed architectural style of the community and neighbourhood in scale, height, and materiality. As such, it has been supported by the Control Architect and Subdivision Engineer.

Part of the home programming is to provide a healthy environment - including incorporating outdoor seasonal space. The covered front and rear porch is proposed to provide an indoor/outdoor experience as well as promoting socially interactive and pedestrian friendly residential streets that also shelter from the weather.

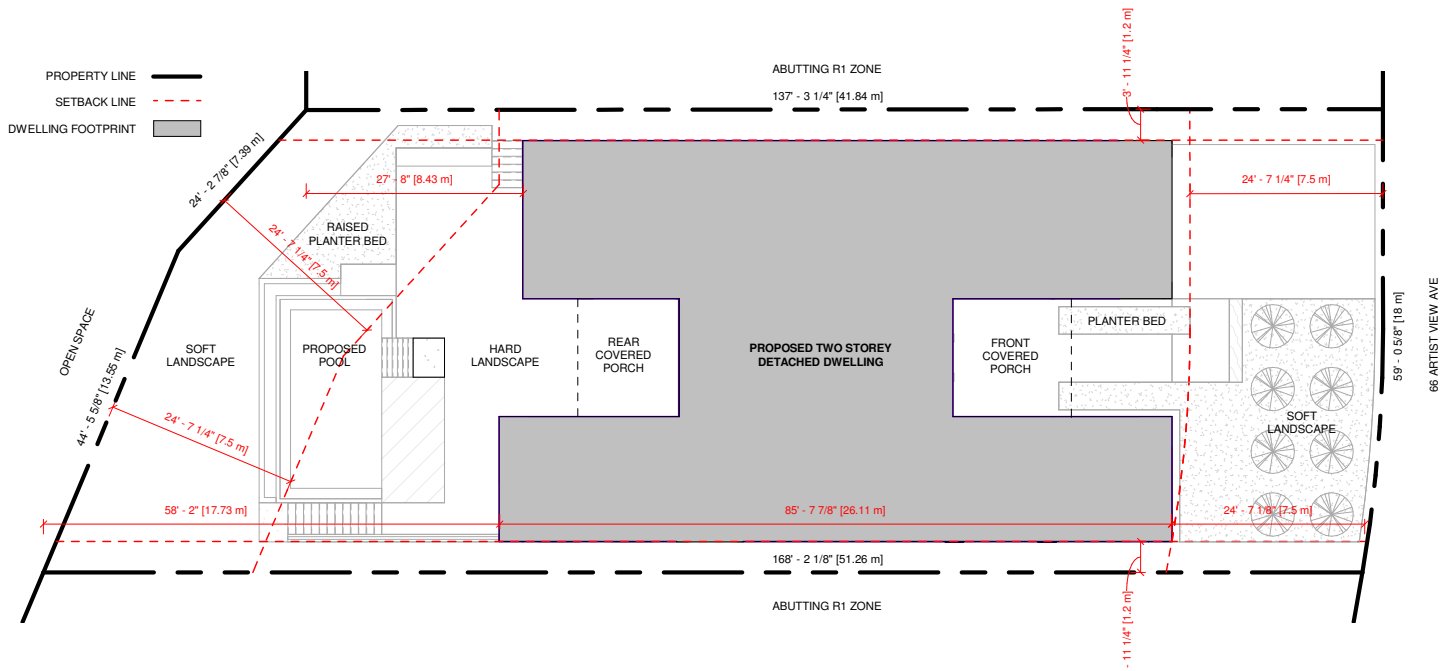


Fig. 2 – Proposed Development on lot with Zoning Setbacks and Building placement, shape + orientation.



The subject property is designated as R1 in the City of Vaughan By-law 1-88. The permitted uses for the lands are single family detached dwellings. The proposed land use and built-form complies with what is permitted in the By-law, except for lot coverage percentage, interior side yard setback on the south, and the rear yard setback on the west.

Table A provides an analysis of the zoning requirements and the proposed development.

Table A - Zoning Requirements and Proposed Development

	Zoning Standard	Required In R1 Zone	Existing	Proposed
1	Max. Lot Coverage	35% (300.53 sq.m)	N/A	44.15% (379.13 sq.m)
2	Min. Interior Side Yard Setback	1.2m	N/A	0.9m
3	Min. Rear Yard Setback for Deck	5.7m	N/A	3.79m

The zoning variances requested in this application are in response to the constraints posed by the By-law requirements. These restrictions include a 35% lot coverage allowance, a 1.2m interior side yard setback, and a 5.7m rear yard setback allowance for the deck.



Requested Variances

A Minor Variance application has been submitted to permit construction to the existing site and requires relief of zoning provisions for the following items:

City of Vaughan 1-88 By-Law

1. Schedule 'A' Standards for the Residential (R1) Zone

Lot Coverage

- The maximum permitted lot coverage is 35%.
- The proposed lot coverage is 44.15%.

2. Schedule 'E-1507' Standards for the Residential (R1) Zone Minimum

Interior Side Yard Setback

- The minimum permitted side yard setback is 1.2m
- The proposed side yard setback is 0.9 m

3. By law 1-88a.a. Schedule A Section 3.14

Rear Yard Setback Encroachment

- The maximum rear yard encroachment of an exterior porch may extend 1.8m - which is a 5.7m rear yard setback for the deck.
- The proposed encroachment is 3.71m - which is a 3.79m rear yard setback for the deck.



LOT COVERAGE

Our proposal includes two elements that are impacting the lot coverage. The proposed front and rear covered porches as required by the Control Architect of the subdivision are planned as outdoor entertaining space in relation to the landscaping and architectural style of the dwelling. For a multi-generational home, access to sufficient outdoor covered spaces is essential for their well-being when they are confined at the house for extended periods of time. These outdoor covered spaces become more of a necessity than a luxury in this case. Outdoor gathering spaces have become more important in recent months and should be supported by planning in reaction to health Canada CDC and Covid protocols. In total, these two proposed covered structures will add 3.48% to the proposed lot coverage which will be 44.15%. Without these areas, the rest of the calculated lot coverage falls at 40.67%, which is within the maximum approved CofA lot coverage of 35%-41.53% in the area and within what staff have expressed are willing to support.

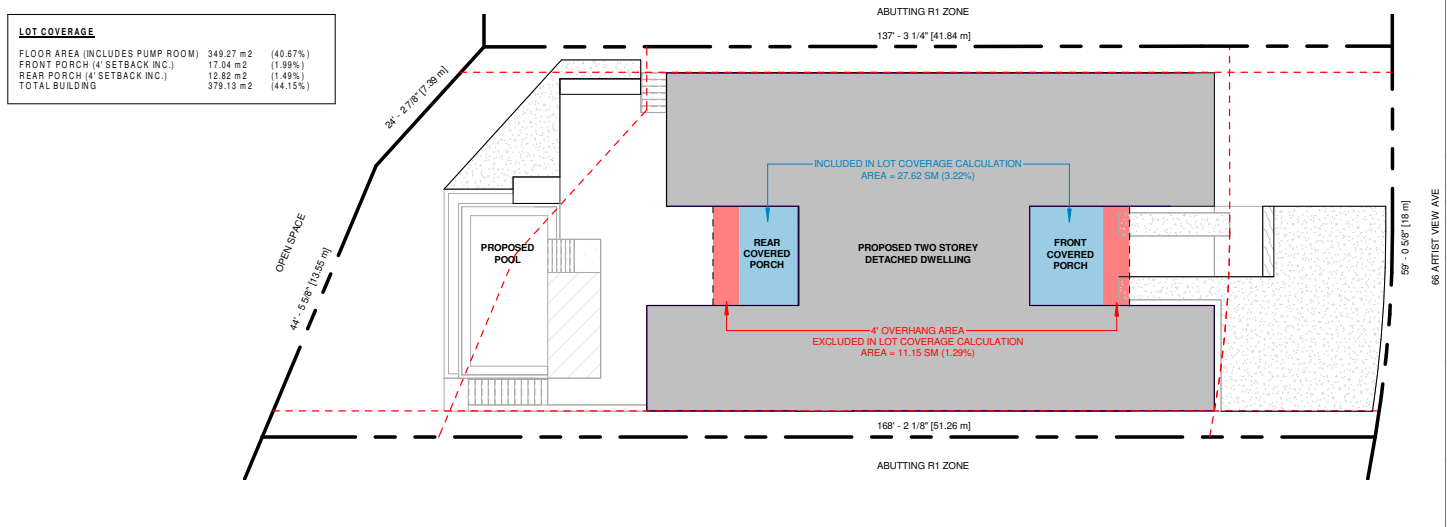


Fig. 3 – Proposed Dwelling and Covered Porch Areas at the Front and Rear - typical calculation with 4'-0" exclusion



In addition, the method of calculating lot coverage burdens our proposal requiring us to request further relief than we would require if we had a simple 4'-0" overhang. If you take into account the max. allowable 4'-0" as an eave exclusion, we can see that the method of calculating coverage as a calculation prejudices our proposal.

If our proposal has a 4'-0" overhang around the perimeter of the home (shown in Fig.4), the entire overhang would physically cover 16.62%. However, it would add 0% to the coverage calculation.

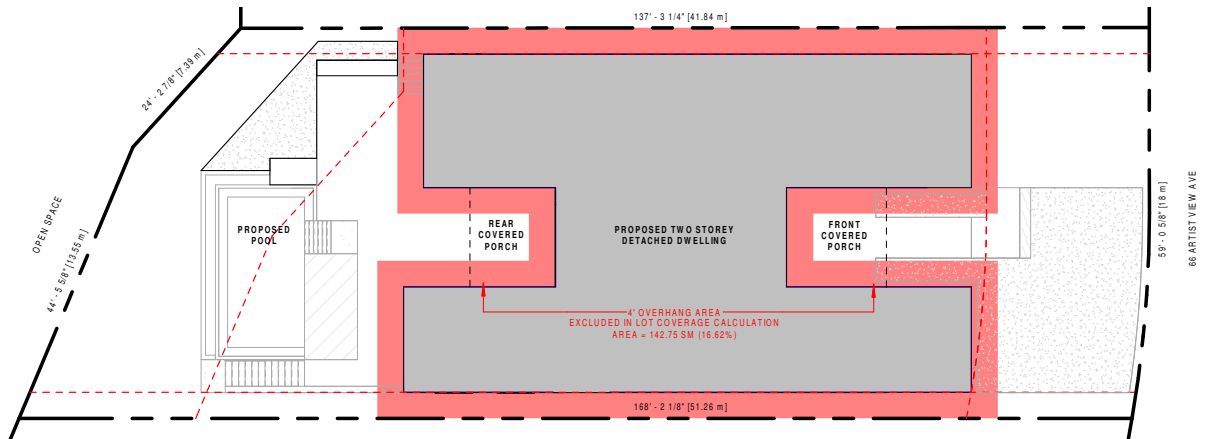


Fig. 4 – Method B of Calculating Lot Coverage, Full Eave Coverage Area

The same perimeter overhang from the above example is also highlighted in Fig.5 in red for the courtyards. This accounts for 3.22% in physical coverage and is calculated as 3.22% coverage in our proposal - but would have contributed 0% coverage if it was eave only.

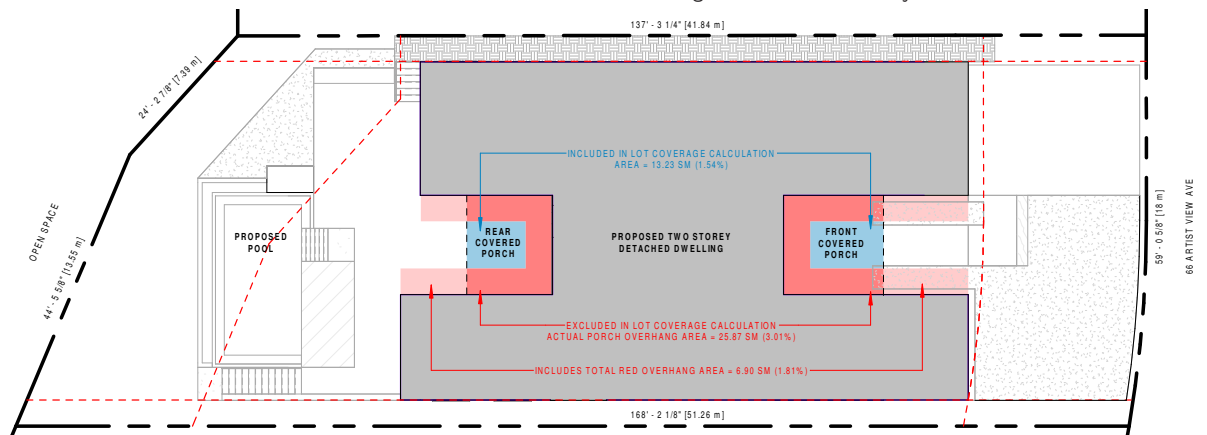


Fig. 5 – Method A of Calculating Lot Coverage, for Courtyard Eaves



Hearing Date: June 30th, 2021

Additionally, the 4'-0" perimeter eave would have physically covered an additional 1.81% in **physical coverage** in both courtyard spaces and would have contributed 0% in **calculated coverage**.

The coverage difference between Fig 3 and Fig 5 is highlighted in blue. This accounts for an additional 1.54% beyond a perimeter 4'-0" eave, but is actually calculated as contributing 4.55%.

We consider this to skew our coverage variance request. At minimum, we should be allowed to subtract; from our variance request, the area that an eave would be allowed, to the limit of the maximum. This would bring our actual total calculated coverage to 42.21%, which is only a 0.68% increase within which staff have previously supported and expressed would support.

We understand that this guideline for calculation cannot take into account all design circumstances. We also recognize that in this proposal, we are being burdened with a calculation guideline that is exaggerating our coverage increase by an additional 1.94%.

Calculations aside, the entire coverage increase is located internal to the building and the site's internal courtyards. Regardless of the calculation method, this proposal does not adversely affect any neighboring property.

Similar coverage variances have been historically supported. Here are some examples of applications that have roughly the same coverages as us in the neighborhood:

- File A072/19 Item 1 (Required: 35%, Approved: 40.71%) **[+5.71%]**
- File A287/16 Item 1 (Required: 35%, Approved: 41.4%) **[+6.4%]**



SIDE YARD SETBACK

A cantilevered bay encroachment of 0.3m is proposed into the 1.2m allowable southern interior side yard setback. In order to maintain an efficient bathroom layout, an extended area for the tub is required in order to accommodate for the design. In order to retain existing grades and undisturbed waterflow drainage for the grading, the proposed encroachment does not have foundation walls or footings to support it. Rather, it is a joist cantilevered condition.

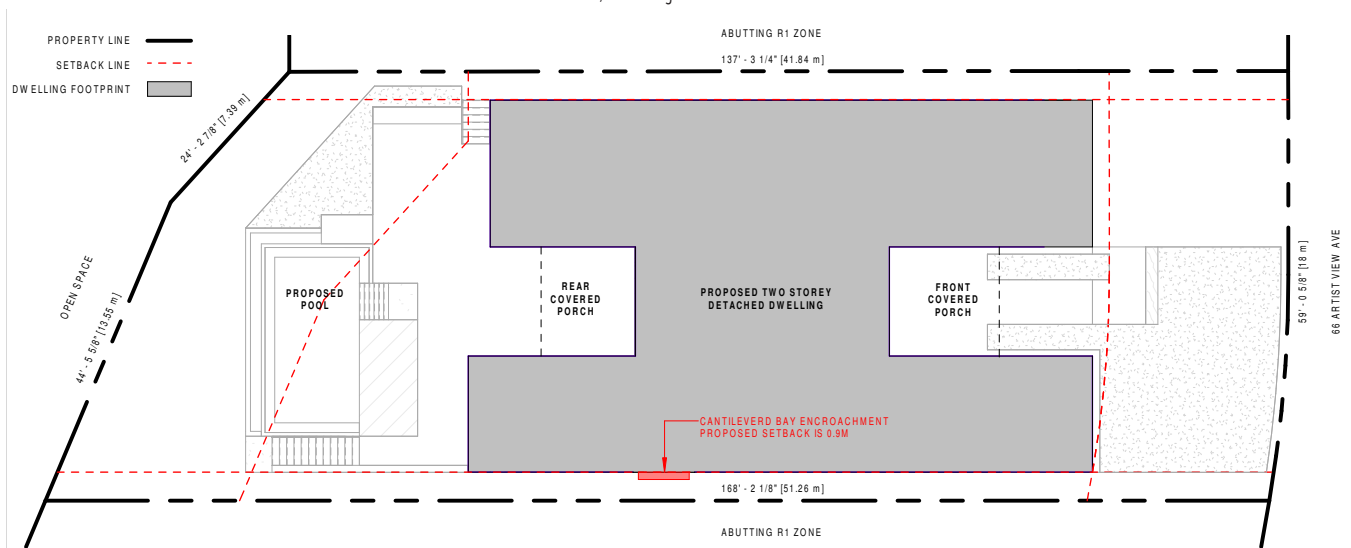


Fig. 6 – Portion of cantilevered bay that is impeding into the Interior Side Yard Setback (south)

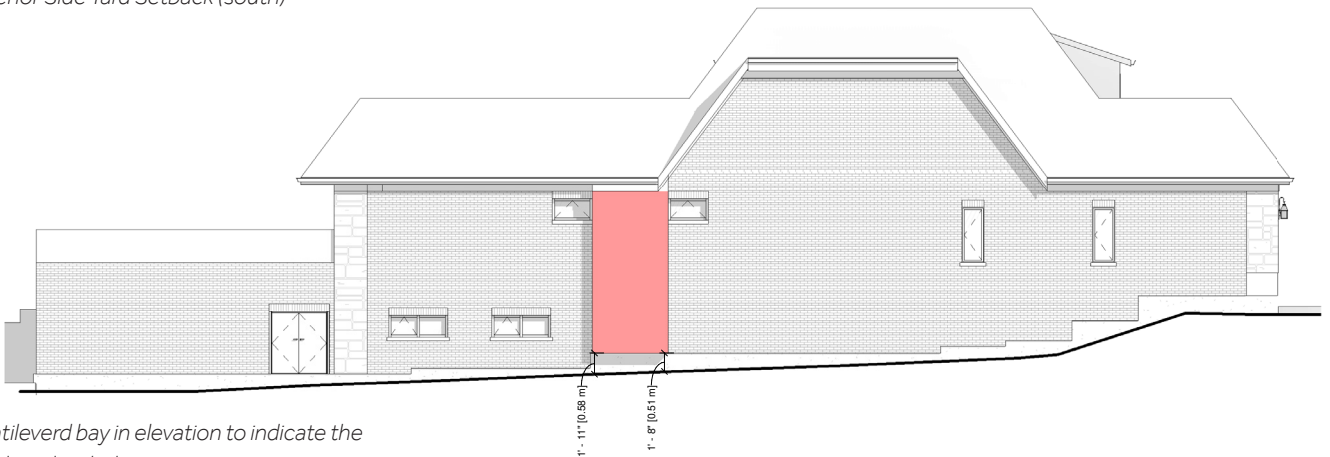


Fig. 7 – Cantilevered bay in elevation to indicate the uninterrupted grading below



Our proposal is consistent with similar applications that have been approved, including applications with smaller setbacks. Variances for side yard setback were granted and determined minor for the following properties:

- File A017/21 Item 3 (Required: 1.2m, Approved: 0.91m) **[+0.29m]**
- accessory structure and interior side yard setback
- File A048/21 Item 3 (Required: 1.2m, Approved: 0.91m) **[+0.29m]**
- accessory structure and interior side yard setback



REAR YARD SETBACK

In order to maximize the usable outdoor space for inhabitants, the deck is encroaching into the rear yard setback. This deck is proposed to be backfilled with slab on grade construction. The intention is to create livable outdoor spaces that can benefit the overall wellbeing of the inhabitants by maintaining areas of accessibility for elderly users with accessibility needs. Due to the steep change in grade that covers the majority of the backyard, the proposed deck offers full use of the space for all the inhabitants.

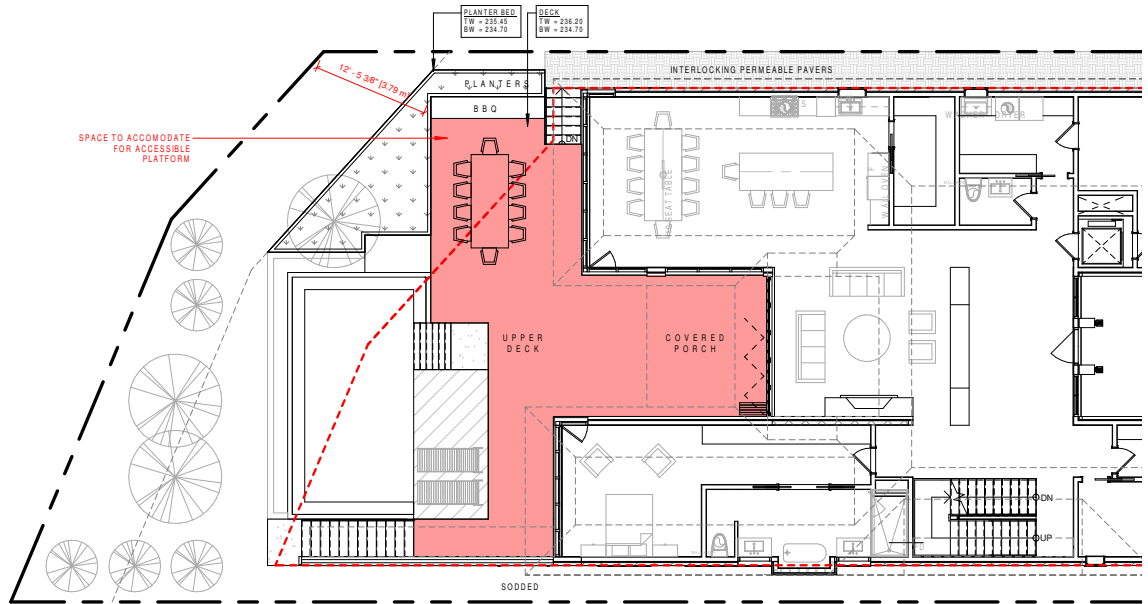


Fig. 8 – Proposed deck in plan

Our proposal is consistent with similar applications that have been approved, including applications with smaller setbacks. Variances for side yard setback were granted and determined minor for the following properties:

- File A009/19 Item 1 (Required: 7.5m, Approved: 1.44m) **[+6.06m]**
- accessory structure and rear yard setback
- File A048/21 Item 4 (Required: 7.5m, Approved: 2.94m) **[+4.56m]**
- accessory structure and rear yard setback
- File A101/20 Item 3 (Required: 1.5m, Requested: 6.3m) **[+4.8m]**
- encroachment of pool equipment into the rear yard setback



Conclusion

We feel the evidence contained within this report proves that the requested variances pass each of the four tests required under Subsection 45(1) of the Planning Act.

TEST 1
THE GENERAL INTENT OF THE OFFICIAL PLAN
IS MAINTAINED:

The proposal is in keeping with the intent of the Official Plan. The intent of the proposal is to update the subject property to contemporary dwelling standards. The proposal is similar in size to many other new construction homes in the neighbourhood, is consistent with the city's Official Plan to intensify and improve buildings in existing neighbourhoods, and maintains land use designations.

TEST 2
THE GENERAL INTENT OF THE ZONING BY-
LAW IS MAINTAINED:

The proposal is in keeping with the intent of the City of Vaughan By-laws in effect. The required variances are only proposed where it is functionally necessary. The variances do not represent significant departures from the regulations of the zoning by-law and are consistent with the intent and purpose of the by-law.

TEST 3
THE VARIANCE IS MINOR:

The variances are minor in nature and where applicable are supported by previously accepted variances. The proposed variances do not impede the function of the by-laws, nor do they negatively impact the neighbourhood, and should thus be considered minor.

TEST 4
THE VARIANCE IS DESIRABLE:

The variances are desirable because it will produce a proposal that is similar to and compatible with other dwellings in the community. The proposed detached garage is respectful of the existing site, and is comparable in scale to the other garages in the neighbourhood.