

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer
From: Nancy Tuckett, Senior Manager of Development Planning
Date: January 20, 2022
Name of Owner: Dino and Nancy Teofilo
Location: 15 Naylor Street
File No.(s): A216/21

Proposed Variance(s) (By-law 01-2021):

- 1) To permit a minimum front yard of 8.80 m.
- 2) To permit a proposed minimum interior side yard of 1.50 m at the west side, and 1.50 m at the east side.
- 3) To permit the proposed eaves to encroach into the required yards a maximum of 0.56 m.
- 4) To permit a lot coverage of 31.56%.
- 5) To permit a maximum building height of 9.63 m.
- 6) To permit a retaining wall in the east required interior side yard that is 1.52 m high to be setback a minimum of 1.33 m from the interior side lot line.

By-Law Requirement(s) (By-law 01-2021):

- 1) The minimum required front yard shall be 9.02 m. [4.5.3 b]
- 2) The minimum required interior side yard is 4.9 m at the west side, and 4.51 m at the east side. [4.5.2]
- 3) Eaves are permitted to encroach into the required yard a maximum of 0.5 m. [4.13, Table 4-1]
- 4) The maximum permitted lot coverage is 20%. [7.2.2, Table 7-3]
- 5) The maximum building height shall be 8.5 m [4.5.1 b]
- 6) Within a required yard, a retaining wall shall be setback an equal distance to the height of the highest portion of the retaining wall. [4.13, Table 4-1]

Proposed Variance(s) (By-law 1-88):

- 7) To permit a minimum front yard of 8.80 m.
- 8) To permit a maximum building height of 9.63 m.
- 9) To permit a maximum lot coverage of 27.26%.
- 10) To permit the proposed eaves to encroach into the required yards a maximum of 0.56 m.
- 11) To permit the finished portion of the building between the roof and the ceiling of the top storey to be located under a flat roof, and to permit a maximum floor area of 115.85 m² or 41.68% of the floor below.
- 12) To permit the maximum lot coverage to be increased to 23% provided that the maximum building height does not exceed one storey and 11.45 m.
- 13) To permit a retaining wall 1.52 m high to be setback a minimum of 1.33 m from the east interior lot line.

By-law Requirement(s) (By-law 1-88):

- 7) The minimum required front yard is 9.92 m. [4.1.9, Schedule A, Note 11]
- 8) The maximum permitted building height is 9.5 m. [4.1.9, Schedule A]
- 9) The maximum permitted lot coverage is 23%. [4.1.9, Schedule A]
- 10) Eaves are permitted to encroach into a required yard a maximum of 0.5 m. [3.14 a)]
- 11) LOFT – Means the finished portion of a building between the roof and the ceiling of the top storey, located inside the sloping roof where the maximum floor does not exceed 25 % or 70 m², whichever is the lesser, of the floor below. [2.0 Definitions]
- 12) The maximum lot coverage may be increased to 23% provided that the maximum building height does not exceed one storey and 7.0 m. [Schedule A, Note 16]
- 13) A retained wall which exceeds one (1) metre in height must be setback from the nearest property line a distance equal to its height. [4.1.1 i)]

Official Plan:

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

Comments:

The Owner is requesting permission to construct a one-storey single family dwelling with a loft component in an established large-lot neighbourhood.

Acknowledging the proposal has been reviewed under the still in-effect By-law 1-88 and recently enacted (October 20, 2021) comprehensive By-law 01-2021, Development Planning staff recognize Variances 1/7, 3/10, 5/8 and 6/13 require the same relief.

At the request of the Development Planning Department the Owner has increased the front yard setback from 5.37 m to 8.80m, decreased the maximum building height from 11.24 m to 9.63 m, and reduced the maximum lot coverage from 27.36% to 27.26% to ensure the built form of the dwelling remains compatible with other newly built dwellings in the immediate neighbourhood. As currently proposed, Variances 1, 3, 4, and 7 reflect minor changes which continue to maintain the intent of both By-laws and will not adversely impact the adjoining lots. Additionally, a minimum interior side yard setback of 1.50 m (Variance 2) is appropriate in this site context, as newly constructed 1 and 2-storey dwellings maintain similar interior side yard setbacks. In terms of maximum building height (Variance 5 and 8) and lot coverage (Variance 9), the increases are reasonable and consistent to other approved one-storey dwellings in the area. The one-storey dwelling (with garage) occupies 24.50% of the maximum lot coverage, which is appropriate for a 1-storey dwelling, while the remaining 2.76% lot coverage is associated with the proposed covered front porch which is considered non-livable area. The discrepancy in maximum lot coverage noted in Variances 4 and 9 is caused by the fact that By-law 01-2021 includes the area under the eaves into the calculation of lot coverage. In this instance, the Development Planning Department is of the opinion that the encroachment increase of the eaves (Variances 3 and 10) is minimal, therefore, it will not contribute to the overall massing of the dwelling. With respects to Variances 6 and 13, the retaining wall provides a setback that is closely in line with the requirements of both by-laws and is appropriately distanced (5 m to 6 m) from the nearest wall of the adjacent property. The Development Engineering Department has reviewed the proposal and has no objection. Lastly, Variances 8 and 9 are associated to the 'Loft' area of this dwelling which exceeds what is currently permitted in By-law 1-88. The maximum floor area 115.85 m² (41.68%) will be fully enclosed within the peaked roof portion of the dwelling and will not physically or visually impact the streetscape. The Urban Design Division of the Development Planning Department has reviewed the revised material dated November 24, 2021 and has no further concerns.

The Development Planning Department is of the opinion that the requested 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.

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
Chris Cosentino, Senior Planner