



Committee of Adjustment

18 Leor Court, Maple

Prepared For:

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Subject Lands Description

The subject property is located at 18 Leor Court in Maple and has the legal description 'Lot 6 Registered Plan 65M-3879'. The property is located on the west side of Leor Court and is currently zoned as Residential Urban Village zone (RV3) under Zoning By-law 1-88 and Third Density Residential Zone R3A(EN) under Zoning By-law 01-2021. The predominant land use surrounding the property is single family detached dwellings.

Currently there is an existing single family detached dwelling and an in ground pool on site. The proposed development is for an accessory structure (cabana) in the rear yard.

Neighbourhood Description

The dwelling is located in Vaughan, Ontario. It is situated in the area of Maple in Vaughan, Vellore Village, Patterson and Concord are nearby neighbourhoods.

The neighbourhood consists of newly constructed two-storey dwellings. The houses feature a wide range of architectural materials, styles and building forms.

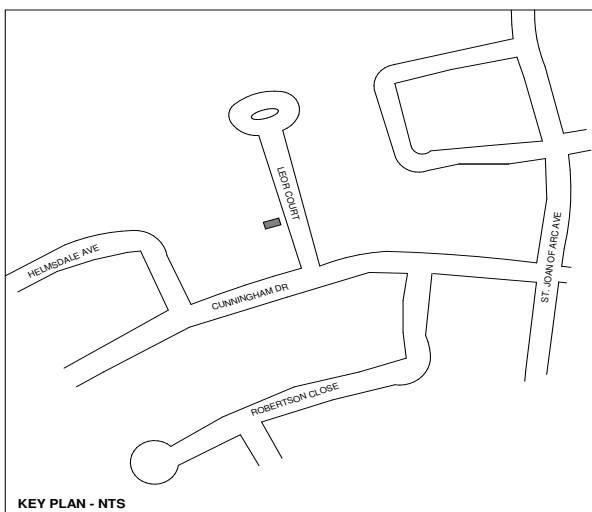
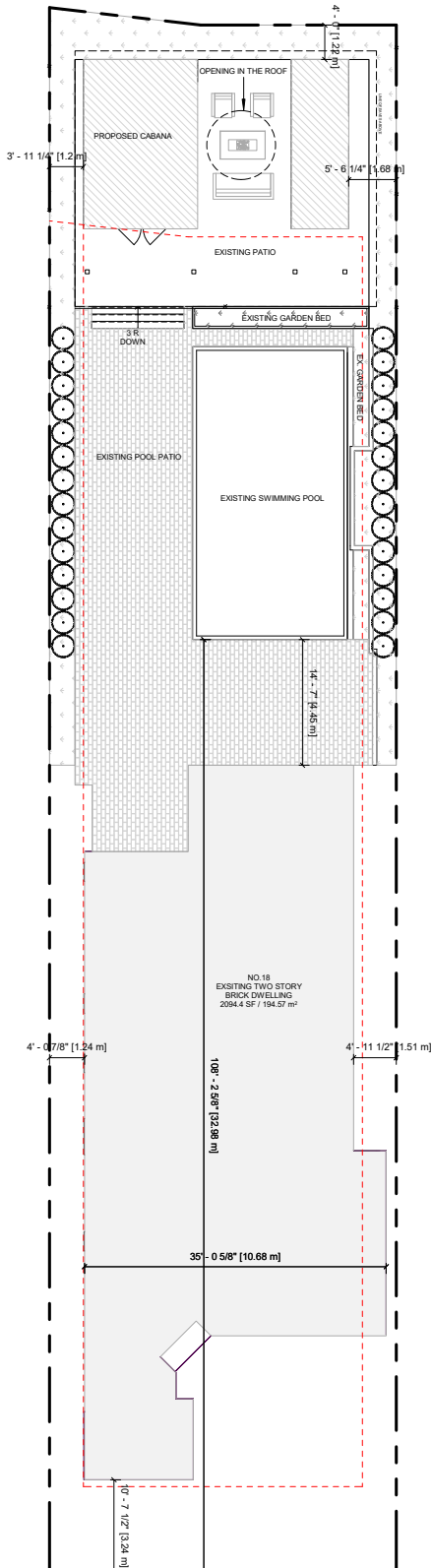


Fig. 1 –Context map - Grey region indicates the subject lands location in the neighbourhood



The property has a frontage of 12.20 m, and a lot area of 669.11 SQ.M. Figure 2 demonstrates the placement, shape, and orientation of all the existing structures and the proposed cabana on the subject land in relation to the zoning setbacks.

Official Plan & Official By-Law

The proposal for 18 Leor Court is to construct a new accessory structure to be used as a cabana. The intent of the proposal is to provide the home owners and their family a structure to support the pool programming and enhance their outdoor living space. The design of the cabana compliments the existing site and neighbourhood in scale, height and massing.

The subject property is designated as Residential Urban Village Zone RV3 under Zoning By-law 1-88 and Third Density Residential Zone R3A(EN) under Zoning By-law 01-2021. The permitted uses for the lands are urban residential detached dwellings. The proposed land use complies with what is permitted in the By-law.

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

Fig. 2– Existing Dwelling And Proposed Cabana
Site Plan with Zoning Setback



Table A - Zoning Requirements and Proposed Development

	Zoning Standard	Old- Required In RV3 Zone	New - Required In RV3(EN) Zone	Proposed
1	Height greater than 2.8 m minimum rear yard setback	-	2.4m	1.22m
2	Height greater than 2.8 m minimum Interior side yard setback	-	2.4m	1.2m
3	maximum lot coverage	-	10% or 67 m2	13.4% or 89.56 m2
4	maximum height	-	3.0 m	3.21 m
5	minimum Rear yard Setback	7.5m	-	1.22m

A minor variance is required to permit the proposed development.

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 New 1-2021 Zoning By-Law

1. By-law 01-2021 Section 4.1.2.1 b

Rear Yard Setback

- When the height is greater than 2.8 the minimum permitted rear yard setback is 2.4 m
- The proposed rear yard setback is 1.22 m

2. By-law 01-2021 Section 4.1.2.1 b

Interior Side Yard Setback

- When the height is greater than 2.8 the minimum permitted interior side yard setback is 2.4 m
- The proposed interior side yard setback is 1.2 m



3. By-law 01-2021 Section 4.1.3, sentence 2

Lot Coverage

- The maximum lot coverage is 10% or 67 m²
- The proposed lot coverage is 14.43% or 96.55 m²

4. By-law 01-2021 Section 4.1.4, sentence 1

Height

- The maximum permitted height is 3.0 m
- The proposed maximum height is 3.23 m

City of Vaughan Old 1-88 Zoning By-Law

5. By-law 1-88 Schedule (A1)

Rear yard Setback

- The minimum permitted rear yard setback is 7.5m
- The proposed minimum rear yard setback is 1.22m



Planning - Justification

VARIANCE 1 - REAR YARD SETBACK

An accessory structure with a height greater than 2.8m can not be Located closer than 2.4m to any lot line. The placement and programming of the cabana results in a setback of 1.22m from the rear lot line. The location of the existing pool dictates the location of any further development. We cannot locate the cabana and associated spaces closer to the pool. The pool and cabana are separated by 1.42m, this is the minimum walkway needed to service the pool.

The programming of the pool includes: 1- A change room/ bathroom
2- pool equipment , 3- small indoor sitting area, and 4- comfortable outdoor covered area. The majority of the building is area 4, therefore the rear setback relief we are requesting is 50% roof line and only 50% wall.

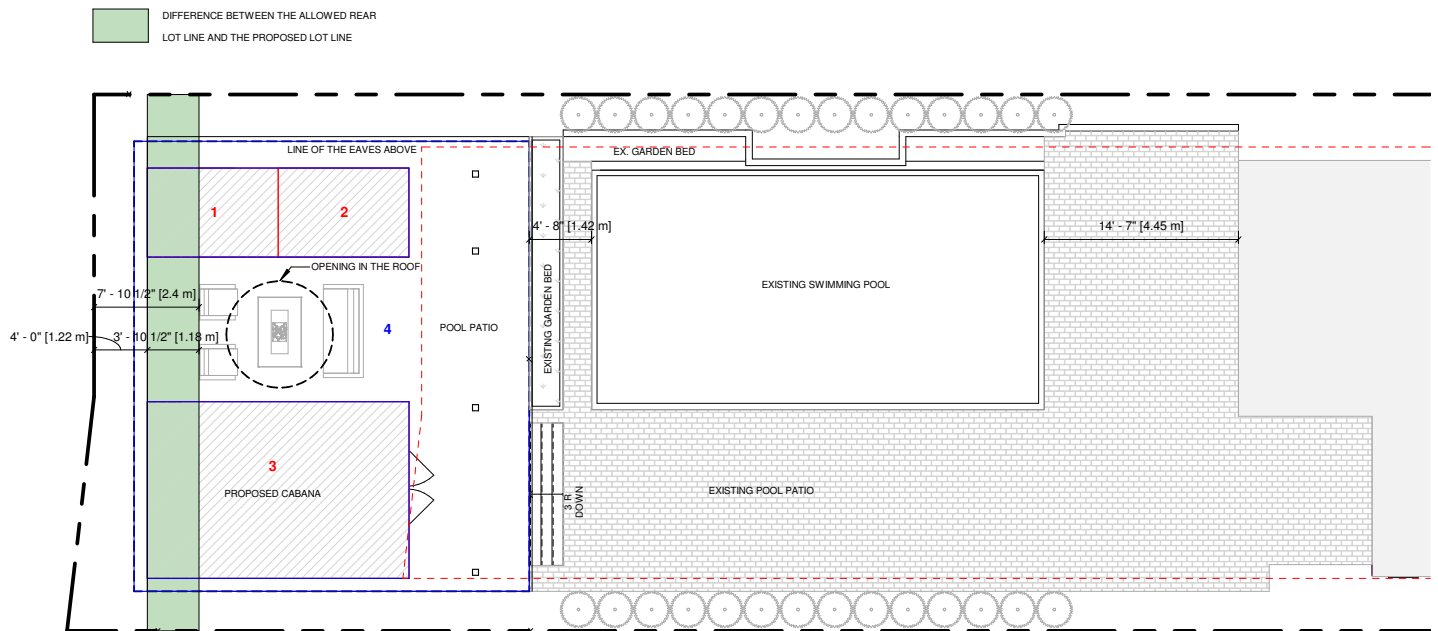


Fig. 3A- Proposed Site Plan With New Rear Yard Setback



Additionally, the height of the structure is measured from the established grade at the front wall that includes the main entrance. However we have a covered outdoor space as part of the cabana.

This covered area is being considered part of the building in Variance 3 but is not considered to be part of the building when calculating height. Because of this we would debate that the building entrance is located at the stairs (blue line on Fig. 3 B) as this is where one first enters the building with a door or without.

If we accept this as the entrance and recalculate the average grade and the building height as shown in Fig. 3 B height H2, the variance will be eliminated.

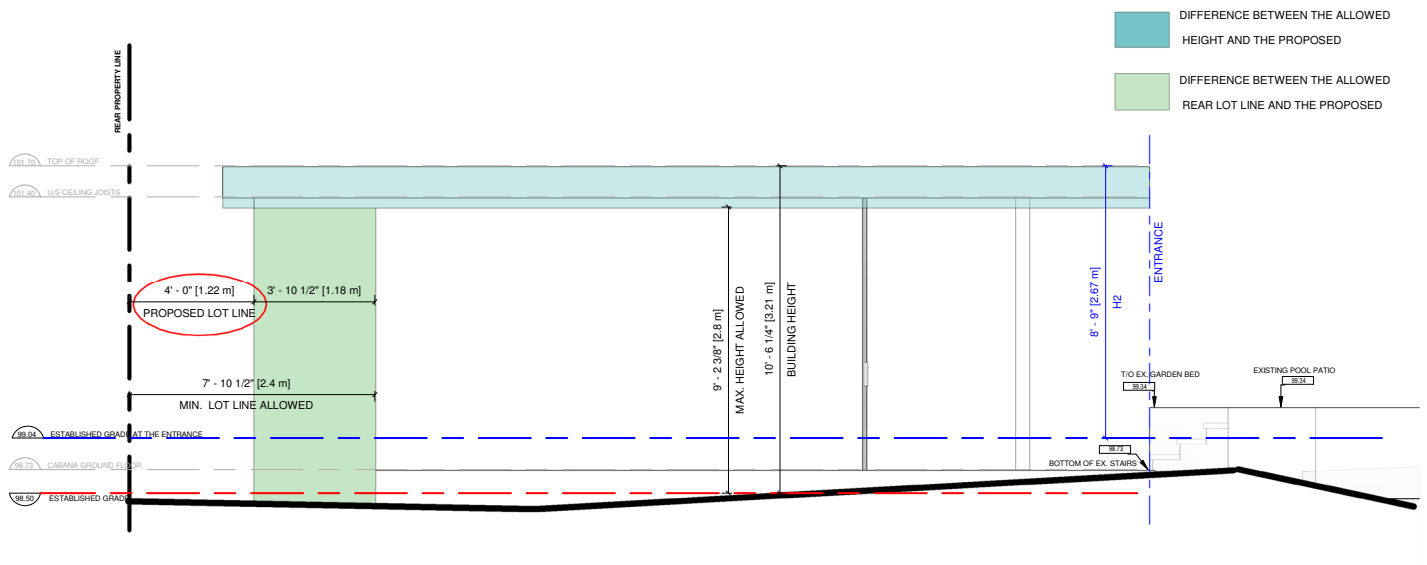


Fig. 3 B– Proposed South Elevation With Rear Yard Setback



VARIANCE 2 - INTERIOR SIDE YARD SETBACK

This variance is the side yard setback version of the variance 1 which was for the rear yard setback. We are not encroaching into the allowed side yard setback that is 1.2m and the only reason we have this variance is because of the building height.

Our argument here is the same as variance 1 and to prevent being repetitive, please refer to page 6. If we were to consider the stair as the entrance, our proposed height would be 2.67m which is lower than the allowed 2.8m.



Fig.4 – Proposed East (Front) Elevation With Interior Lot Line Setback.

Variances for interior side yard setback were granted and determined minor for the following properties:

- File A003/21 - 9 Giotto Crescent (Required: 1.5m, Approved: 1.2m) **[+0.3m]**
- File A260/21 - 18 Leor Court (Required: 2.4m, Requested: 1.2m) **[+1.2m]**



VARIANCE 3 - LOT COVERAGE





The lot coverage is calculated differently according to the two by-laws.
Bylaw 01-2021: Indoor cabana space + outdoor covered roof = total Lot coverage

Bylaw 1-88: Indoor cabana space + (outdoor covered roof - projected eaves)= total Lot coverage

Although the calculations are different, the maximum allowed lot coverage for the accessory structure stayed the same on both bylaws.

In our proposal the eave projection area of 3.74% is added in to the lot coverage calculation which brings the total to 13.25%. If we exclude the eaves area the proposed lot coverage will be below the 10% allowable.

Further, as per our conversations with development planning department and to put their feedback into action, we reduced the lot coverage from 96.55 m² to 88.59 m² which is around 1.18% reduction.

	CABANA: 5.43% (36.29 m ²)
	COVERED PATIO: 4.08% (27.3 m ²)
	AREA OF THE EAVES: 3.74% (25 m ²)
TOTAL LOT COVERAGE: 13.25% (88.59 m ²)	
	AREA REDUCED FROM THE LOT COVERAGE: 1.18% (7.96 m ²)

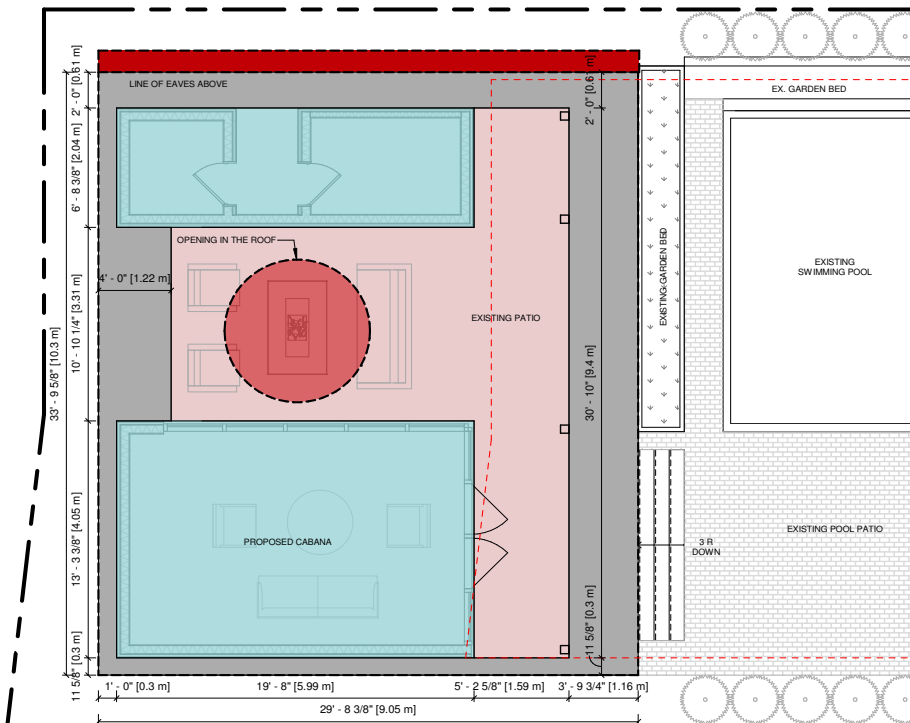


Fig. 5- Proposed Cabana With Lot Coverage Breakdown.



VARIANCE 4 - HEIGHT

The building height is calculated by using existing grades. Our first debate here is regarding the grades used in our drawings which are taken from the under construction site of the pool patio and are lower than the approved grades in the pool permit. The owner removed the organic layer of top soil while constructing the pool and has not restored it in anticipation of the cabana construction.

If the grades were restored and building height was properly calculated, the overall height would be 3 m and this variance would be eliminated.

We already presented our second argument for the height on page 6 Variance 1 regarding the average grade at the stairs.

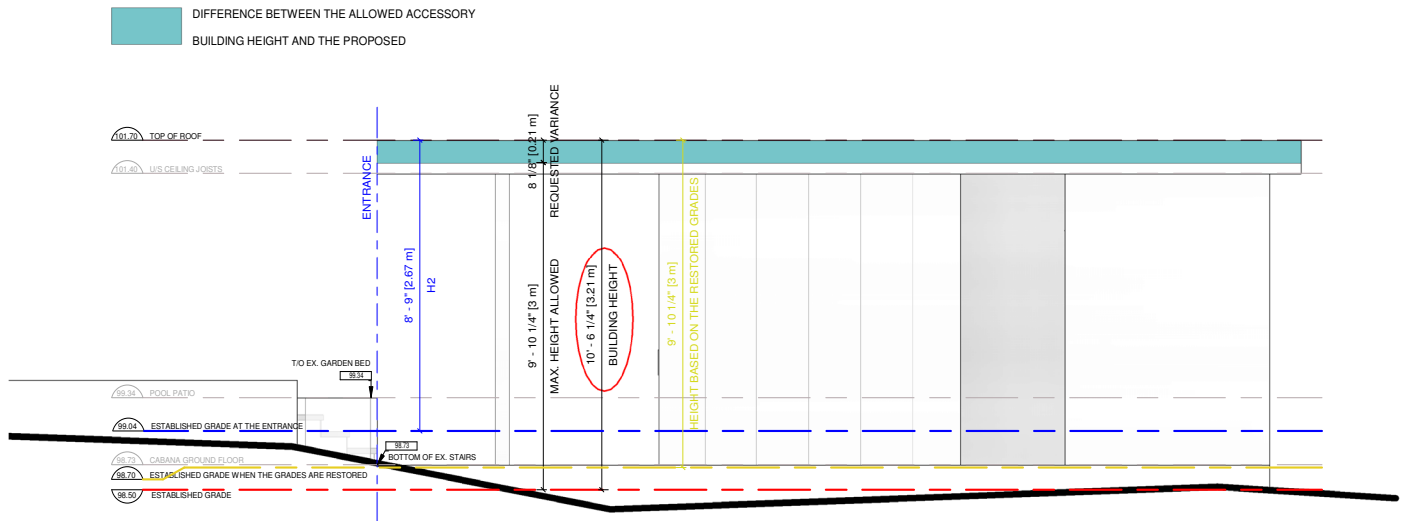


Fig. 6 – Proposed North Elevation.

Variances for height were granted and determined minor for the following properties:

- File A199/10- 141 Princeton Gate (Required: 2.5m, Approved: 2.9m) **[+0.4m]**
- File A260/21 -18 Leor Court (Required: 3m, Requested: 3.21m) **[+0.21m]**



VARIANCE 5 - REAR YARD SETBACK

As per Zoning By-law 1-88, the permitted rear yard setback to an accessory structure is 7.5m. The proposed setback of 1.22m is more in keeping with the new Zoning By-law 01-2021. Zoning by-law 1-88 is replaced by 01-2021. The 1-88 is not accommodating to modern landscape expectations of country land owners.

In order to maximize the usable outdoor space for the home owners and their family, the pool cabana is encroaching into the rear yard setback. The placement of the cabana was in response to the existing dwelling and in-ground pool on the site. As demonstrated in fig. 7 below, the most appropriate location for the cabana was adjacent to the rear lot line. Locating the cabana along the interior side yard would have resulted in very limited circulation space around the pool and would put the pool under shade for most of the day. We are proposing to encroach into the rear yard setback in order to maintain usable outdoor space that will benefit the overall wellbeing of the inhabitants.

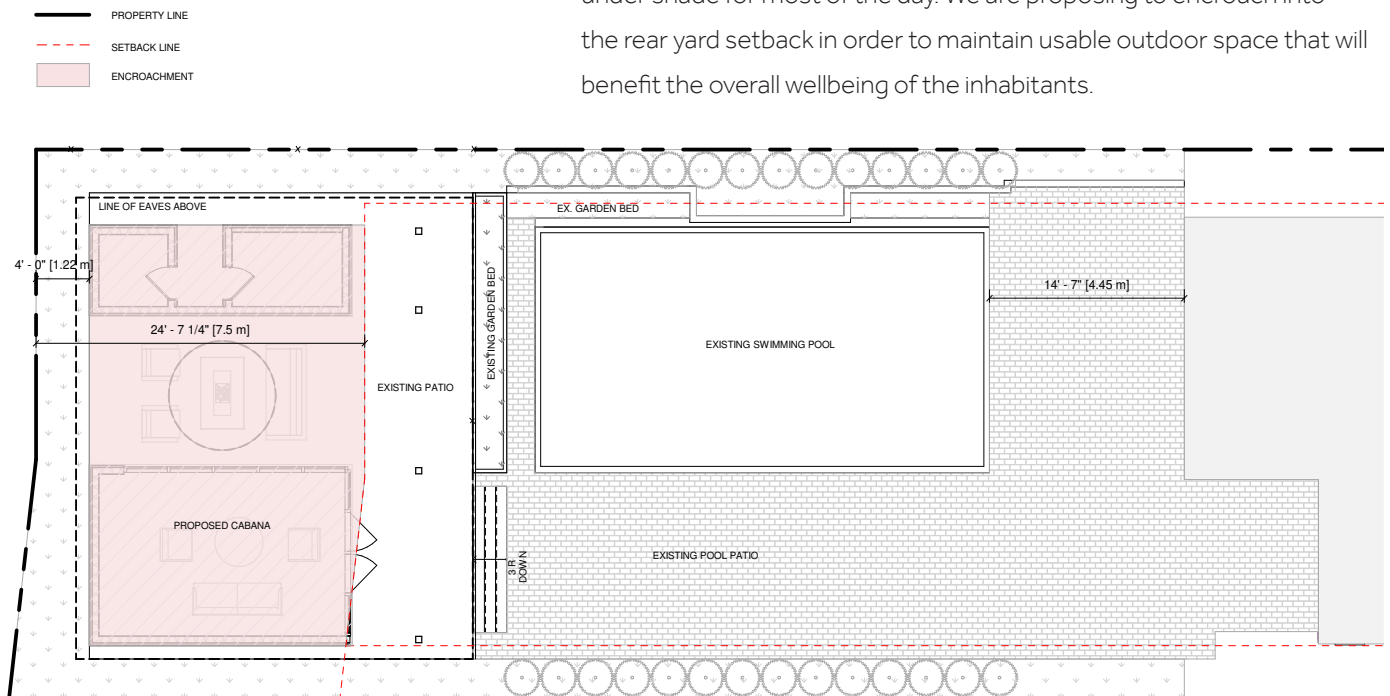


Fig. 7– Proposed Cabana With Rear Yard encroachments



Additionally, the two bylaws contradict each other on the location of the accessory structure. Bylaw 01-2021 would allow an accessory structure to be located within 0.6 - 2.4 meters from the property line when the height is at 2.8m or lower. We have provided justifications for the setback in Variances 1 & 2.

There are several examples of past approvals listed below:

- File A003/21 - 9 Giotto Crescent (Required: 7.5m, Approved: 9m) **[+1.5m]**
- File A015/20 - 44 Lamar Street (Required: 7.5m, Approved: 4.45m) **[+3.05m]**
- File A313/71 - 16 Kildrummy Gate (Required: 7.5m, Approved: 1.34m) **[+6.16m]**
- File A199/10 - 141 Princeton Gate (Required: 7.5m, Approved: 0.6m) **[+6.9m]**
- File A036/19 - 110 Robertson Close (Required: 9.0m, Approved: 1.52m) **[+7.48m]**
- File A260/21 - 18 Leor Court (Required: 7.5m, Requested: 1.22m) **[+6.28m]**



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 an accessory structure allowed in 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 new cabana is respectful of the existing site, and is comparable in scale to the other accessory structures in the neighbourhood.