

COMMITTEE OF THE WHOLE OCTOBER 1, 2001

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION
ANGELO & MARIO GAUDIO
FILE: A152/01**

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction respecting the City's position regarding an appeal to the Committee of Adjustment's approval of Variance Application A152/01 (Angelo and Mario Gaudio).

Purpose

To obtain direction from Council with respect to attendance at the Ontario Municipal Board hearing scheduled for October 29, 2001.

Background - Analysis and Options

The site is located southwest of Vaughan Mills Road and Rutherford Road, being Lot 12, Registered Plan 65M-2989 (246 Deerchase Circle) in Lot 14, Concession 8, City of Vaughan. The lands are designated "Low Density Residential" by OPA No.240 (Woodbridge Community Plan) and zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(665).

On June 28, 2001, the Committee of Adjustment approved Variance Application A152/01 (Angelo and Maria Gaudio), to permit a decrease in the minimum rear yard from 10m to 0.97m for an existing garden shed.

The shed is 4.88 m (16 ft) by 3.66 m (12 ft), resulting in an area of 17.86 sq.m (192.26 sq.ft). An accessory structure of this size must maintain the same setbacks as the main dwelling. While a typical rear yard is 7.5m, the subject lot abuts an OS1 Open Space Conservation Zone (West Branch Humber River), which is the basis for the increased 10m structural setback requirement.

The property owner to the north at 47 Gidleigh Park Crescent appealed the approval of the application to the Ontario Municipal Board (OMB), on the basis that the shed obstructs the view of the ravine and that the applicant did not approach him prior to building. The applicant submitted a favourable petition from 29 surrounding residents.

Conclusion

The Community Planning Department did not support the variance on the basis that the significant reduction in the rear yard abutting an OS1 Zone was not in keeping with the intent of the Zoning By-law. There is a concern that a reduced setback next to an OS1 Zone may be a precedent for future applications of the same nature, particularly in the same area. This matter is scheduled to proceed to the OMB on October 29, 2001, and Council's direction is requested.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Glenn White, Planner, ext. 8213

Bianca M. V. Bielski, Manager, Development Planning, ext. 8485

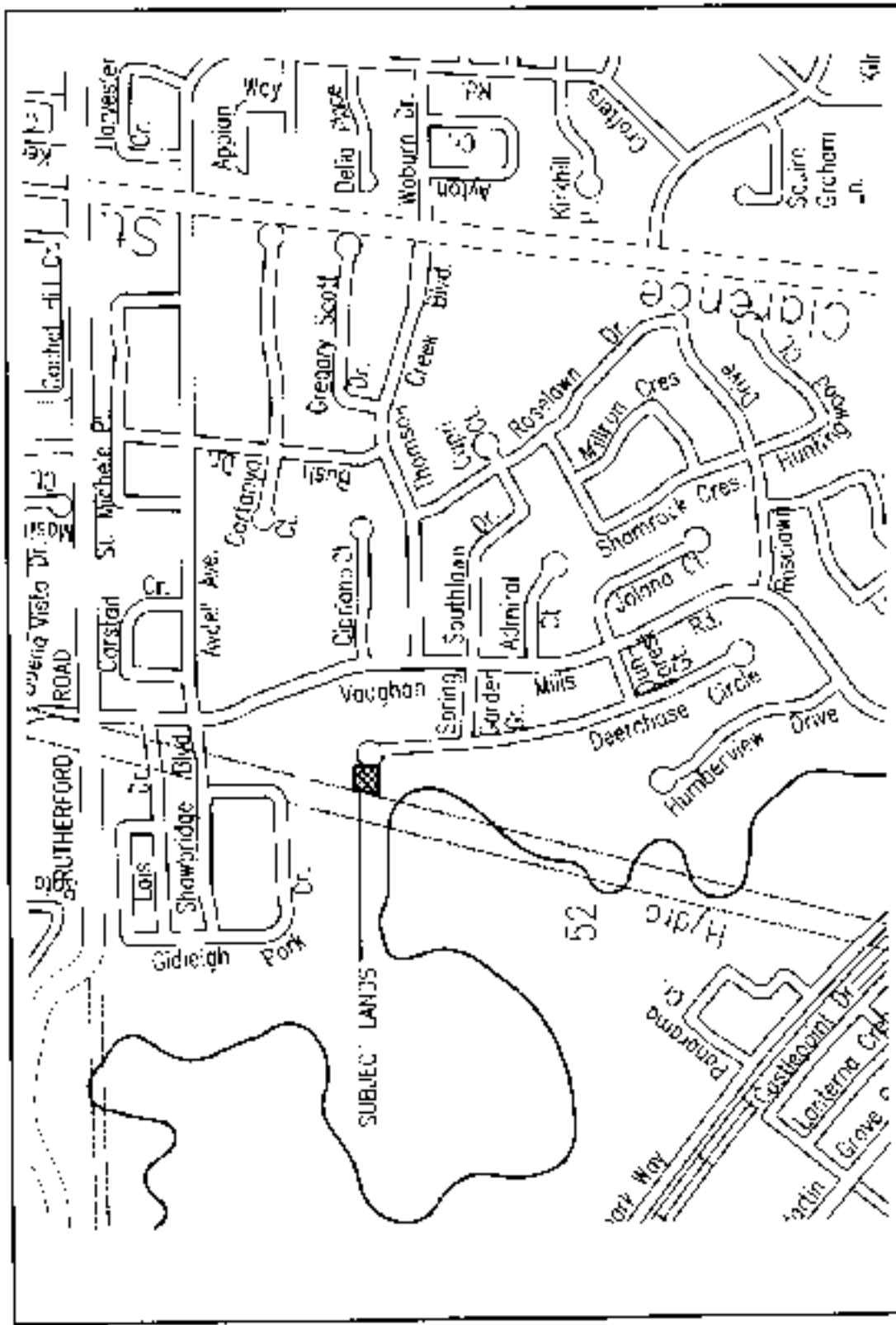
Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM

O:\Directory Structure\2001\Draft\Holdcw\CW1001\Item 24 - A15201a-
attach.doc



ATTACHMENT '1' LOCATION MAP		FILE # 415270	RECORD # 100000 PART OF 14, CONC. B	SUBJECT LANDS 	DATE: 06/13/2001 SCALE: NOT TO SCALE
		CITY OF VAUGHAN PLANNING DEPARTMENT		APPLICANT: ANGLO-IND USA+ CANAD	

