

COMMITTEE OF THE WHOLE NOVEMBER 19, 2001

**ONTARIO MUNICIPAL BOARD HEARING
VARIANCE APPLICATION
ALLAN & CINDY KATCHKY
FILE: A232/01**

Recommendation

The Commissioner of Planning recommends:

THAT Council provide direction with respect to the City's position on an appeal the Committee of Adjustment's refusal of Variance Application A232/01 (Allan & Cindy Katchky).

Purpose

To seek direction from Council with respect to Staff's attendance at the Ontario Municipal Board hearing scheduled for December 4, 2001.

Background - Analysis and Options

The site is located on the south side of Renaissance Court, northwest of Westmount Boulevard and Bathurst Street, being Lot 200, Registered Plan 65M-2721 (155 Renaissance Court) in Lot 8, Concession 2, City of Vaughan. The lands are designated "Open Space" by OPA No.210 (Thornhill-Vaughan Community Plan) and zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(773).

On August 23, 2001, the Committee of Adjustment refused Variance Application A232/01 (Allan and Cindy Katchky) to permit a swimming pool in the rear yard with the following variances: minimum rear yard of 7.3m rather than the required 35m; the grading, removal and placing of fill within 27.5m of the rear lot line; and, the removal of trees within 27.5m from the rear lot line.

The Applicant proposed to locate the pool in a more open area of the well-treed rearyard, thereby minimizing tree removal. A report from a tree service was submitted verifying that the trees which had already been removed were smaller diameter, damaged and dying. The full tree preservation area shown in the By-law schedule for each lot on Renaissance Court, is not dimensioned but is about 8.0m wide. A small portion of the proposed pool (0.7m) will encroach into this area, with the majority of the treed area on the lot being preserved.

Three letters of support from the neighbouring landowners, and two letters of opposition from properties to the rear were received. Another letter was received expressing concerns about the removal of trees. The Applicant has appealed the decision to the Ontario Municipal Board (OMB) on the basis that the Committee did not consider the planning merits of their proposal and refused the application.

Conclusion

Having reviewed the proposal, the Community Planning Department was concerned that the proposed variances were not minor. Staff met on site with the Applicant to review alternative locations for the pool and concluded that the proposed location was the most appropriate, however, the matter should best proceed through an amendment to the Zoning By-law. The Committee refused the application and the appeal is scheduled to proceed to the OMB on December 4, 2001.

Attachments

1. Location Map
2. Pool Site Plan
3. Survey

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM

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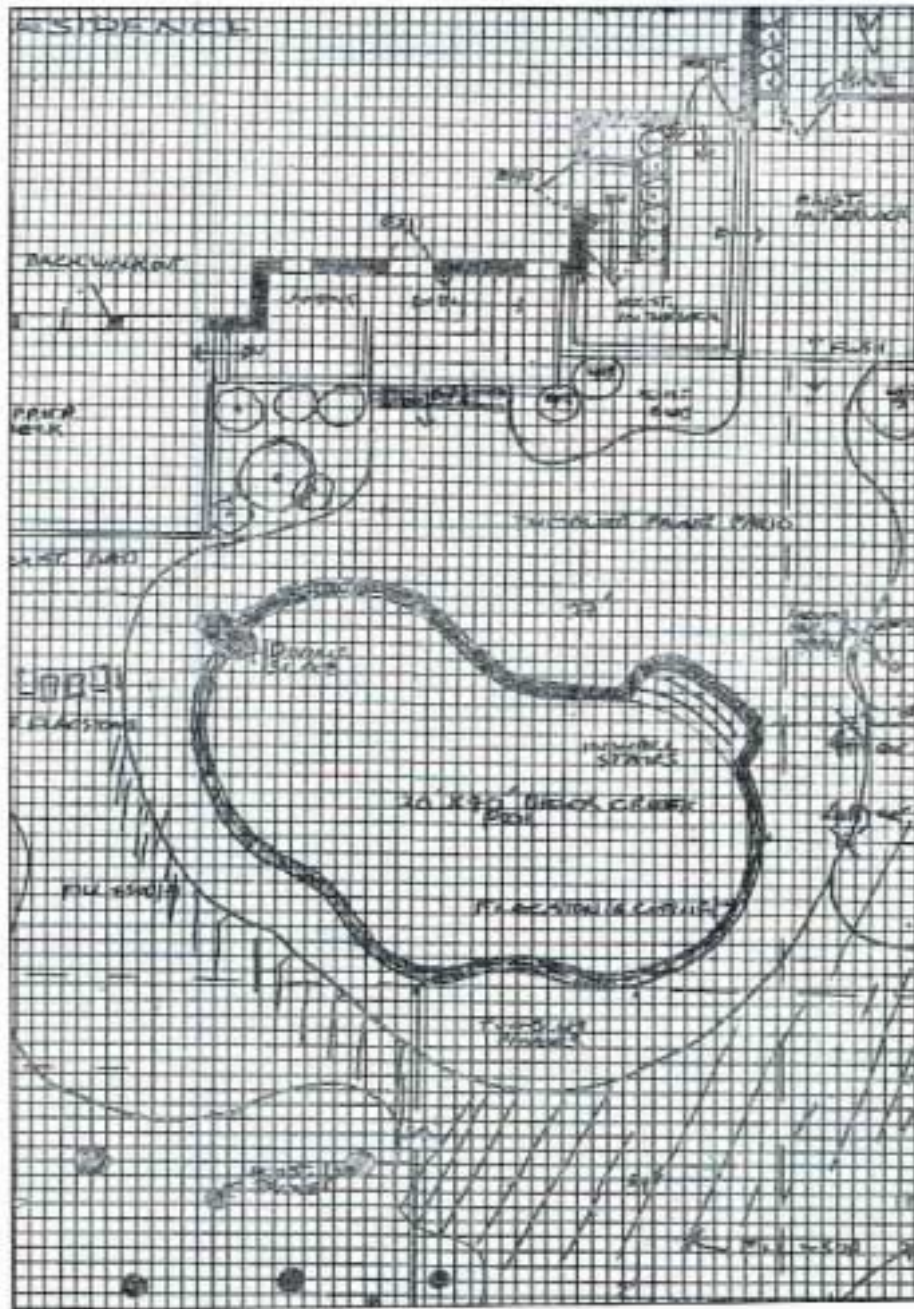


CENTRE STREET



SUBJECT LANDS

<p>ATTACHMENT '1' LOCATION MAP</p>	FILE #	REPORT #	DATE: 07/11/2001
	A232	PT. LOT 8, CON. 2	SCALE: NOT TO SCALE
	<p>CITY OF VAUGHAN PLANNING DEPARTMENT</p>		<p>APPLICANT: ALLAN & CINDY KATCHRY</p>



ATTACHMENT '2'
SITE PLAN

FILE #	REPORT #
A232	PT. LOT B, CON. 2

CITY OF VAUGHAN
PLANNING DEPARTMENT

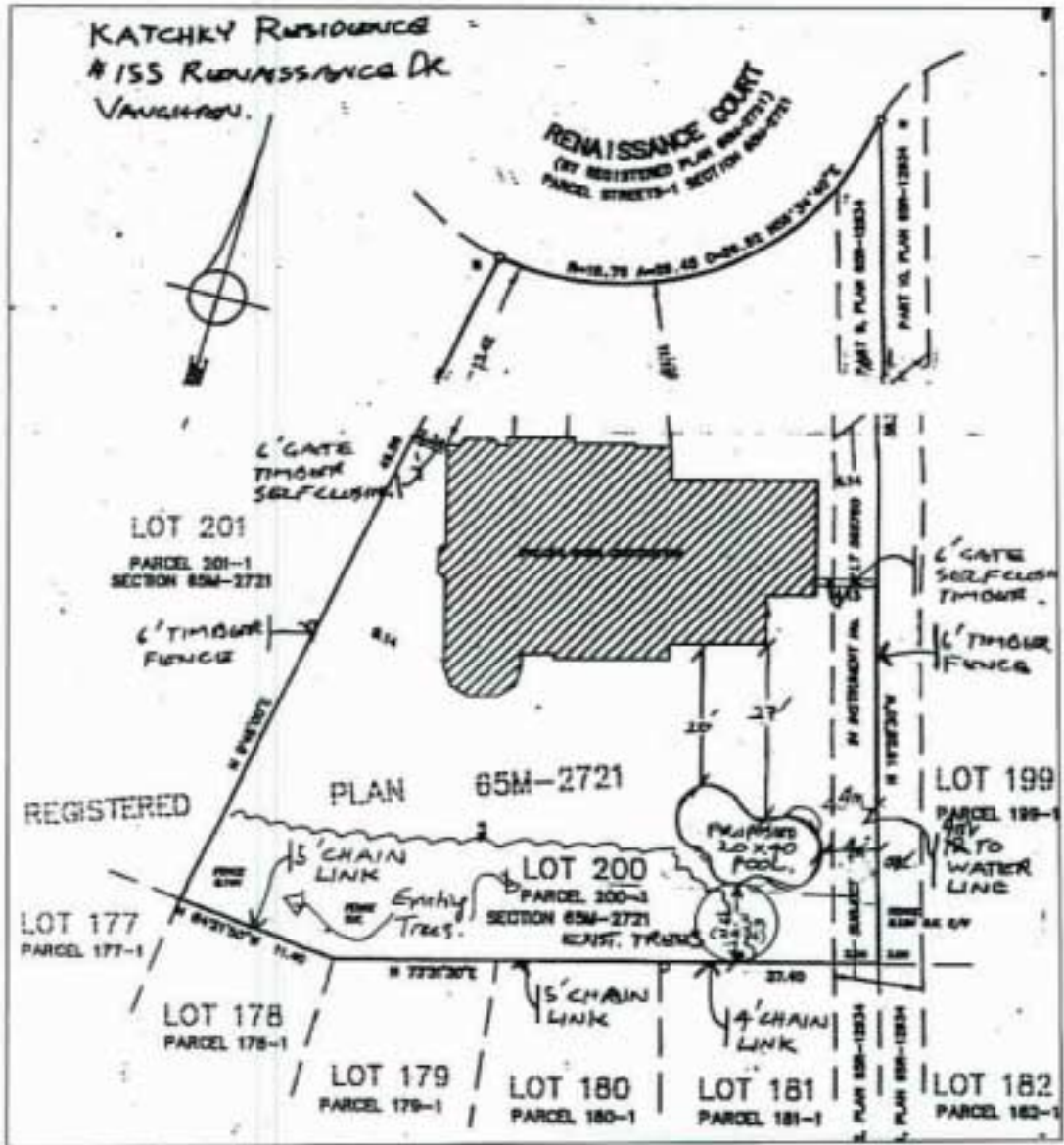
APPLICANT:
ALLAN & CINDY KATCHKY

DATE: 07/11/2001

SCALE: NOT TO SCALE

KATCHKY RESIDENCE
#155 RENAISSANCE DR
VAUGHAN.

RENAISSANCE COURT
(BY REGISTERED PLAN 85M-2721)
PARCEL STREETS-1 SECTION 85M-2721



ATTACHMENT '3' SURVEY	FILE #:	REPORT #:	DATE: 07/11/2001
	A232	FT. LOT B, CON. 2	SCALE: NOT TO SCALE
	CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT: ALLAN & CINDY KATCHKY	