

COMMITTEE OF THE WHOLE FEBRUARY 7, 2005

ONTARIO MUNICIPAL BOARD HEARING VARIANCE APPLICATION FILE A288/04 NADIA SORTINO

Recommendation

The Commissioner of Planning recommends that this report BE RECEIVED for information.

Purpose

To provide information concerning an appeal of the Committee of Adjustment's refusal of Variance Application A288/04, scheduled for an Ontario Municipal Board Hearing on February 21, 2005.

Background - Analysis and Options

The site is located southeast of Major Mackenzie Drive and Jane Street, on the east side of Kale Crescent (11 Kale Crescent) being part of Block 222 on Registered Plan 65M-3543, in Part of Lot 20, Concession 4, City of Vaughan (Attachment #1). The lands are designated "Medium Density Residential" by OPA #350 (Maple Community Plan), and zoned RVM1 (A) Residential Urban Village Multiple Zone One by By-law 1-88, subject to Exception 9(1104).

On October 14, 2004, the Committee of Adjustment refused a variance to permit the maintenance of an existing wooden deck located at the rear of the property (Attachment #2). The applicant requested a rear yard setback of 0.45m to the existing deck, whereas the by-law requires a minimum setback of 5.5m. The deck is presently built with a zero rear yard setback.

The deck was built at the extreme rear portion of the rear yard measuring 5.8m (19ft) across the full width of the rear yard, 3.6m (11.8ft) in depth and 0.38m (1.25ft) above the ground. The applicant's dwelling is a townhouse. The rear yard is enclosed with a 1.8m (6.0ft) high wooden fence. Between the deck stairs and the rear of the townhouse is an area consisting of patio stones and a small elevated deck (about 1.5m) located adjacent to the sliding glass doors to the dwelling.

On August 20, 2004, Committee of Adjustment Staff in the Clerk's Department received a petition of support from the applicant's abutting neighbours at 9 and 15 Kale Crescent in Maple. The neighbour at 35 Macbride Crescent, abutting the applicant's rear yard, appeared at the Committee of Adjustment meeting in opposition of the proposed variance.

The Committee of Adjustment expressed concerns regarding the proposed 0.45m rear yard. The Committee asked the applicant if she would be agreeable to increasing the rear yard variance to 2.6m. The applicant explained to the Committee that the requested 0.45m rear yard setback would reduce the deck to the existing rear support columns, and that any further reduction would affect the entire deck structure.

In the letter of appeal, the applicant referred the application to the OMB on the grounds that the Planning Department supported the application, that the impact of this request is minor in nature, and that the impact of other permitted accessory structures would not be any less intrusive than this structure.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

Given that the deck is 0.38m above grade, the Development Planning Department had no objection to Variance Application A299/04. The matter is scheduled to proceed to the OMB on February 21, 2005 and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

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Respectfully submitted,

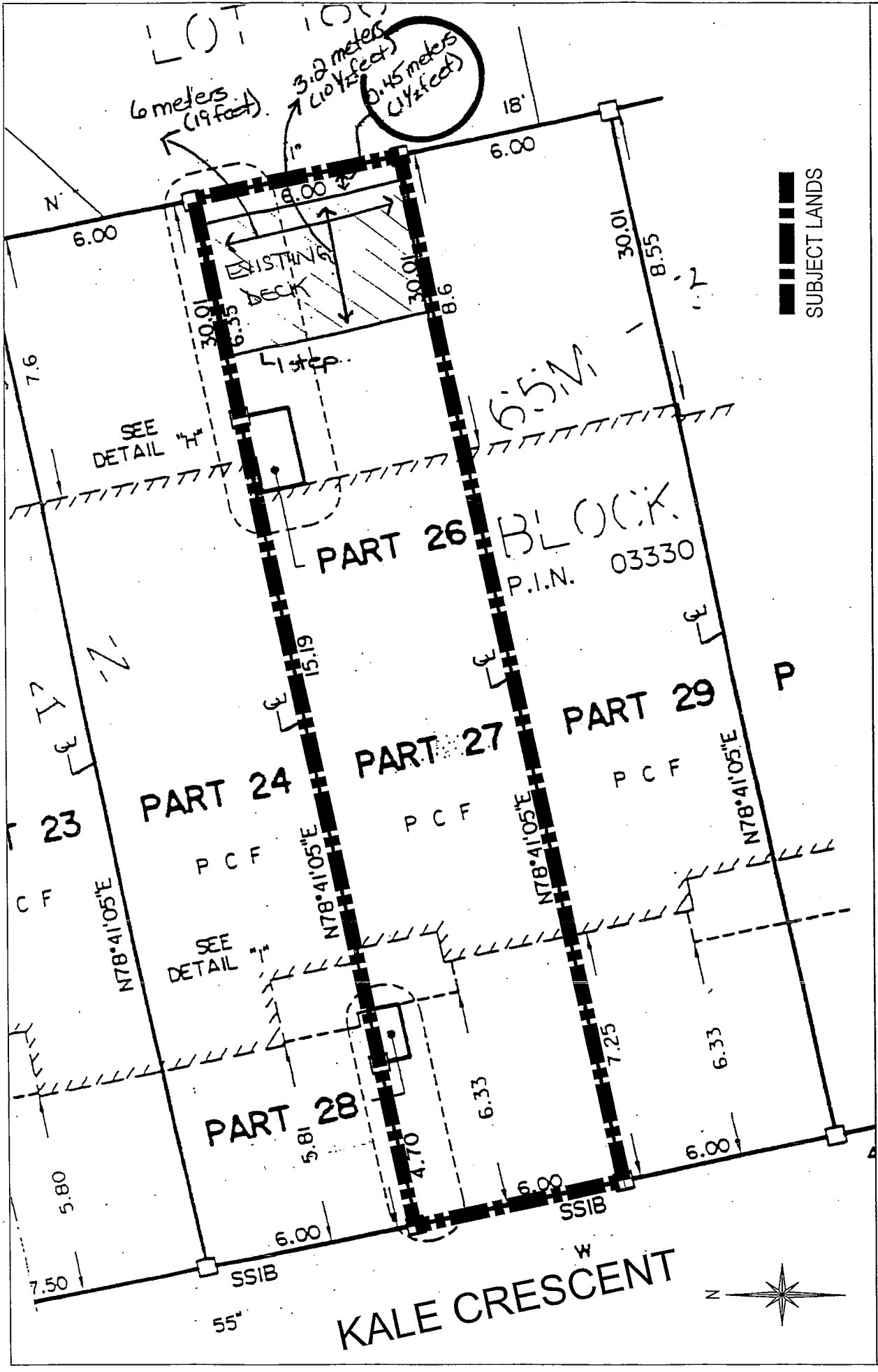
JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

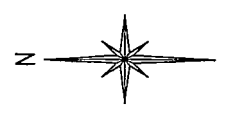
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SUBJECT LANDS



Attachment
2

File No.: A288/04
Not to Scale
January 12, 2005

CITY OF
Vaughan

Development Planning Department

Site Plan

Part Block 222, Plan 65M-3543
Concession 4
11 Kale Crescent, Maple

APPLICANT:
NADIA SORTINO

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