



Report Committee of Adjustment

Filing Date: April 21, 2023
Hearing Date: May 30, 2023

File: A-2023-0108

**Owner/
Applicant:** Sonia Bibra and Yogesh Sharma

Address: 38 Fenton Way

Ward: 10

Contact: Megan Fernandes, Planning Technician

Recommendations:

That application A-2023-0108 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The elevations of the proposed addition depict two washrooms located within the proposed building addition. As the proposed addition is attached to the principle dwelling, an additional variance for habitable space is not required.

Existing Zoning:

The property is zoned 'Residential Rural Estate Two RE2 Zone Special Section 1500 (RE2-1500)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a building addition with a side yard setback of 4.5m (14.76 ft.) whereas the by-law requires a side yard setback of 7.5m (24.60 ft.).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Residential' in the Official Plan and is located within the Toronto Gore Rural Estate Secondary Plan (Area 26) for which there is no Secondary Plan in place. The requested variance has no impact within the context of the policies of the Official Plan and maintains the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a building addition with a side yard setback of 4.5m whereas the by-law requires a side yard setback of 7.5m. The intent of the by-law in regulating the required side yard setback is to ensure that sufficient distance is maintained between the dwellings and that the massing of the building goes not impose upon the adjacent property.

The variance is requested to facilitate the construction of a cabana located on the southwest portion of the property and proposed dwelling. The location and the configuration of the proposed building addition is relative to the lot size and surrounding site context ensure that the 3m (9.84 ft.) reduction to the side yard setback will not generate adverse impacts related to privacy and massing as it is screened by existing landscaping. Given the size of the subject property and the existing vegetation, the remaining space in the side yard is considered to be sufficient space to maintain adequate drainage on the property and access to the rear yard. The area is also considered to provide appropriate separation between buildings. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variance is requested to permit a reduced side yard setback on the southwest side of the dwelling. The proposed setback will maintain sufficient space for drainage and access to the rear yard. The area subject to the variance is screened from abutting properties though existing landscaping providing a natural privacy buffer. The variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an estate residential area where the size and existing site conditions of the property ensure that the proposed addition is not anticipated to detract from outdoor amenity space or create adverse impacts on-site or off-site. The rear yard provides ample screening though existing landscaping and trees and therefore the location and scale of the addition is not anticipated to generate privacy or shadowing impacts. Subject to the recommended conditions of approval, the variance is minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Planning Technician