



Report Committee of Adjustment

Filing Date: December 19, 2023

Hearing Date: January 23, 2024

File: A-2023-0414

**Owner/
Applicant:** Larry Castro and Marilyn De Guzman-Castro
Four Seasons Sunroom GTA (Nour Elgendy)

Address: 224 Sussexvale Drive

Ward: 9

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2023-0414 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 drainage on adjacent properties shall not be adversely affected and that drainage from the proposed roof must flow onto the applicant's property;
 3. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

In relation to this application, the existing addition was facilitated by Minor Variance Application A18-016 which requested the following variance:

1. To permit a rear yard setback of 3.48 metres (11.42 ft). to a proposed addition (single storey) whereas they by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

The variance requested above was approved by Committee on February 13, 2018 (Appendix C). The applicant is proposing to demolish the existing sunroom to facilitate the proposed new sunroom.

The applicant submitted a Minor Variance Application A-2023-0263 was presented in September 2023 with the following requested variances:

1. To permit a proposed deck to encroach 5.04 metres into the rear yard setback, resulting in a setback of 2.46 m from the deck to the rear lot line whereas the by-law permits a deck to encroach a maximum of 3 metres into the rear yard setback, resulting in a required setback of 4.5 m from the deck to the rear lot line;
2. To permit a rear setback of 3.37 m to a proposed addition to a single storey addition whereas the by-law requires a minimum rear yard setback of 7.5 metres.

Following a staff review of the application and surrounding context, the one storey addition, presented sightline and massing concerns. Staff recommended refusal of the application and the Committee denied the application.

Following the refusal, the applicant engaged in discussions with planning staff and has submitted a revised proposal.

Existing Zoning:

The property is zoned 'Residential Single Detached F – Special Section 2127 (R1F-11.6-2127)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 3.48 metres to a proposed single storey addition, whereas the by-law requires a minimum rear yard setback of 7.5 metres; and
2. To permit an interior side yard setback of 1.02 metres to a proposed deck, whereas the by-law requires a minimum interior side yard setback of 1.2 metres.

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 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2). The requested variance has no impact within the context of the policies of the Official Plan and Secondary Plan and maintains the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a rear yard setback of 3.48m to a proposed single storey addition, whereas the by-law requires a minimum rear yard setback of 7.5m. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space area is provided for the rear yard amenity area for the property.

The proposed single storey addition can be utilized as a form of passive recreational area which adds to the property's rear yard amenity space. As such, the proposed single storey addition is not anticipated to negatively impact the rear yard amenity area for the property. Furthermore, the massing of the proposed structure is not anticipated to pose negative visual impacts on adjacent properties. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit an interior side yard setback of 1.02 metres to a proposed deck, whereas the by-law requires a minimum interior side yard setback of 1.2 metres. The intent of the by-law in requiring a minimum interior side yard setback is to ensure that sufficient space is maintained for drainage and access to the rear yard.

The variance relates to a proposed deck which is to be utilized as a landing to a one storey addition. The structure is considered an addition because it is attached to the rear of the dwelling. The location and configuration of the porch are not considered to generate drainage impacts on the adjacent property due to eavestrough orienting the flow of water onto the subject property. The variance is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances are associated with a proposed single storey addition which encroaches into the required rear yard and interior side yard. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property nor will it cause privacy concerns for adjacent property's backyards. As the space is surrounded by a wooden fence located along the rear yard property line, the deck is screened in a manner that does not negatively impact neighbouring properties. Subject to the conditions of approval, the requested variance is desirable for the appropriate development of the land.

4. Minor in Nature

The variances are requested to permit a proposed new addition for a reduced rear yard setback and interior side yard setback to a one storey addition in the rear yard. Following a staff review of the revised proposal, the proposed sunroom is in keeping with the general character of the neighbourhood as other properties in this neighbourhood are two storey dwellings. This proposal presents a reduction in the size of the previously requested sunroom as well as modification to the roof line to address building massing concerns. The proposal satisfies all other requirements of the Zoning By-law and is not perceived to cause any adverse impacts to the property or adjacent properties, nor does it alter its residential use. The increased lot coverage and reduced interior side yard setbacks are minor and appropriate for the subject lands.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Appendix A – Site Visit Photos

