



Report Committee of Adjustment

Filing Date: January 3, 2024
Hearing Date: February 20, 2024

File: A-2024-0003

**Owner/
Applicant:** **MARIAMMA KOSHY & KIZHAKKETHIL MATHEN SAMUEL MANGATTU**

Address: **11 Horatio Court**

Ward: WARD 7

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0003 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances 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;
 3. That the applicant obtain a building permit for the constructed roofed porch within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Existing Zoning:

The property is zoned 'Residential Townhouse A (4)- Special Section 127 (R3A(4)-127)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To vary Schedule 'C' Section 127(a) and (b) of the by-law to allow an existing roofed porch to the rear of the welling located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C' Section 127 (a) and (b) of the by-law; and
2. To permit a lot coverage of 30.35%, whereas the by-law permits a maximum lot overage of 25%.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Medium Density' in the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variances are considered to maintain 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 vary Schedule 'C' Section 127(a) and (b) of the by-law to allow an existing roofed porch to the rear of the welling which will be located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule 'C' Section 127 (a) and (b) of the by-law. The intent of the by-law which regulates a property via a Schedule C provision is to provide a depiction of the building area on the property. This type of regulation is typically associated with the City's older neighbourhoods. The roofed porch that covers 42.24 sq. m. (454.66 sq. ft.), contributes to a total lot coverage of 93.63 sq. m. (1007.82 sq. ft.). The existing porch is one storey in height, and located in the rear yard of the lot. City Staff are of the opinion that the patio in the rear yard contributes to the amenity area and it will not significantly impact the recreational area. Engineering Staff have not indicated any concerns surrounding drainage on the subject land. Due to the size and sitting of the porched area, it is not anticipated to detract from the intended planned function of the subject property or character of the neighbourhood. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 seeks to permit a lot coverage of 30.35%, whereas the by-law permits a maximum coverage of 25%. The intent of the by-law in regulating the maximum permitted lot coverage for a residential dwelling is to ensure that the size of the addition is appropriate in relation to the size of the property and that it does not detract from the provision of outdoor amenity area on the property. The increased lot coverage resulting from the addition is not considered to detract from the provision of outdoor

amenity space or generate negative impacts. Subject to the conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 seeks to permit a roofed porch structure in the rear yard of a single detached home, varying from Schedule 'C' (a) and (b). The subject property is located within an established low density residential neighbourhood characterized by single-detached dwellings. Additionally, the proposed one storey addition is not anticipated to impact privacy, sightlines, or drainage. Subject to the recommended conditions of approval, the requested variance is considered desirable and appropriate development of the land.

Variance 2 is requested to increase the maximum lot coverage of the property to 30.35%, whereas 25% lot coverage is currently permitted. The total lot area is 308.46 sq. m. (3320.24 sq. ft.). With the roof addition accounting for an additional coverage of 42.24 sq. m. (454.66 sq. ft), the increase is considered slight and not thought of as one that would contribute to a sense of overdevelopment or loss of neighbourhood character. Despite the increased lot coverage, sufficient amenity space remains. Variance 2 is deemed desirable for the appropriate development of the land.

4. Minor in Nature

A requested variance seeks to vary Schedule 'C' Section 127(a) and (b) of the by-law to allow a proposed roofed porch to the rear of the welling located outside the approved building envelope, which will increase the permitted lot coverage on the property. The existing porch is located within the lands zoned 'Residential' and is not anticipated to significantly impact the subject property, adjacent properties, or the neighbourhood. Secondly, the variance to increase the permitted lot coverage by 5.35% is not anticipated to result in negative site conditions on the subject parcel as it is not considered overdevelopment. The submitted Concept Plan indicates that sufficient amenity space is provided within the rear yard of the subject property and that the parcel will not be dominated by structures or cause drainage concerns. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

