



Report Committee of Adjustment

Filing Date: February 20th, 2023

Hearing Date: March 19th, 2024

File: A-2024-0030

**Owner/
Applicant:** Michael Mohan, Fatima Nazreen Baksh
Abdul Rauf Qamar

Address: 16 Portrush Trail

Ward: WARD 5

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0030 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 the existing open roof porch remain open and not enclosed;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the applicant obtain a building permit for the open roof 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; and
 5. 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 Semi-Detached A – Special Section 1313 (R2A-1313)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing open roof porch to encroach 4.76 metres into the rear yard setback, resulting in a setback of 2.34 metres from the open roof porch to the rear lot line, whereas the by-law permits an open roof porch to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.0 metres from the open roof porch to the rear lot line.

Current Situation:

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

The property is designated 'Residential' in the Official Plan and 'Low Density Residential' in the Credit Valley Secondary Plan (Area 45). The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variance is considered to maintain 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 an existing open roof porch to encroach 4.76 metres into the rear yard setback, resulting in a setback of 2.34 metres from the open roof porch to the rear lot line, whereas the by-law permits an open roof porch to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.0 metres from the open roof porch to the rear lot line. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient space is provided for the amenity area in the rear of the property and to ensure sufficient space is provided for drainage. Additionally, this rear yard setback requirement is put into place to minimize privacy and building massing concerns on adjacent properties.

The open roof porch structure was constructed without planning and building permit approvals. The applicant is requesting the variance to allow the structure to remain and to facilitate the legalization of the structure through building permit review. In order to maintain the intent of the Zoning By-law and to ensure that the structure does not pose negative impacts, a condition of approval is recommended that the open roof porch remains unenclosed, as shown on the plans that were provided by the applicant. Subject to the recommended conditions of approval, the variance is considered to maintain the intent and purpose of the Zoning By-Law.

3. Desirable for the Appropriate Development of the Land

The Variance is requested to permit an existing open roof porch to encroach 4.76 metres into the rear yard setback, resulting in a setback of 2.34 metres from the open roof porch to the rear lot line. The regulation aims to maintain adequate space within the rear yard for various purposes, such as outdoor activities, landscaping, and privacy, while preventing structures from encroaching too closely to property lines. The reduced rear yard setback is not anticipated to negatively impact the rear yard amenity area for the property, nor is it considered to 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 structure is generally 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 variance is requested to permit an existing open roof porch to encroach 4.76 metres into the rear yard setback, resulting in a setback of 2.34 metres from the open roof porch to the rear lot line. As the open roof porch is existing, a condition has been included in the report, citing that a building permit should be obtained within 60 days of the Committee's decision. A condition of approval is recommended that the extent of the variance be limited to that shown on the sketch attached to the notice of decision to ensure that the setback is consistent with what is presented in this application and that the porch is not enclosed. Subject to the recommended conditions of approval, the requested variance is considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor