



Report Committee of Adjustment

Filing Date: March 19, 2024

Hearing Date: April 23, 2024

File: A-2024-0090

**Owner/
Applicant:** DEOWATI CHITAN & MC ROY CHITAN

Address: 15 Hercules Court

Ward: WARD 7

Contact: Ellis Lewis, Assistant Development Planner

Recommendations:

That application A-2024-0090 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 deck 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
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

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 permit a proposed deck in the interior side yard, whereas the by-law does not permit a deck to encroach in the required side yard; and
2. To vary Schedule C-Section 127 to permit a deck having an interior side yard setback of 1.55 m. (5.06 ft.), located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule C- Section 127 of the by-law.

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 1 Residential' 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 not 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 permit a proposed deck in the interior side yard, whereas the by-law does not permit a deck to encroach in the required side yard. Variance 2 seeks to vary Schedule 'C, Section 127 of the by-law to permit a deck to be located outside of the building envelope identified on Schedule 'C, whereas the by-law requires that all buildings and structures be constructed in accordance with Schedule 'C, Section 127. The intent of the by-law in requiring a minimum interior side yard setback distance is to ensure that sufficient space is provided to allow for drainage, while still allowing access to the rear yard. A clear path of travel is still provided, allowing residents to access the rear yard without issues. City Staff have also reviewed the application and are satisfied with the proposal as it does not negatively impact drainage on the subject parcel or abutting property. Subject to the conditions of approval, Variances 1 and 2 are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is being requested to permit a proposed deck in the interior side yard. Variance 2 is being sought to permit a deck having an interior side yard setback of 1.55 m. (5.09 ft.), located outside the approved building envelope, whereas the by-law requires that all buildings be constructed in accordance with Schedule C- Section 127 of the by-law. While the by-law does not permit a deck from encroaching in the side yard, Staff are satisfied with the proposal as the rear yard can be accessed without issues. Due to the size of the lot, plenty of open space will remain on the property after the stairs have been reconstructed. Staff do not have concerns regarding massing or the impact on

sightlines. As this property is a single detached home, access to the rear yard is provided on the opposite side of the dwelling. Subject to the recommended conditions of approval, Variances 1 and 2 are appropriate for the development of the land.

4. Minor in Nature

The requested variances seek to reconstruct a deck and associated steps within a side yard, leading to the rear of the property. Staff are of the opinion that the deck will not result in negative site conditions on the subject parcel as it is not considered overdevelopment, due to the large size of the lot. 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. As the deck will not span the entire width of the rear yard, it will not detract from the provision of outdoor amenity area on the property, especially as the rear yard setback is not reduced. In addition, concerns surrounding access to the rear yard are not anticipated as there is still a path to the rear of the home. The reduction is seen as minor and will not be invasive of abutting properties. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

Ellis Lewis

Ellis Lewis, Assistant Development Planner

Appendix A:

