



Report Committee of Adjustment

Filing Date: May 6, 2024
Hearing Date: June 18, 2024
File: A-2024-0144
**Owner/
Applicant:** Angelo Paparelli, Maria Paparelli
Address: 94 Twin Willow Crescent
Ward: WARD 2
Contact: Emily Mailling, Planning Technician

Recommendations:

That application A-2024-0144 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. Drainage from the covered porch roof must flow onto the applicant's property;
 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 – Special Section 603 (R1C-603)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a proposed roof structure to encroach 4.4 metres into the rear yard setback, resulting in a setback of 3.1 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure 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 Snelgrove-Heart Lake Secondary Plan (Area 1). 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 a proposed roof structure to encroach 4.4 metres into the rear yard setback, resulting in a setback of 3.1 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure 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 concerns on adjacent properties.

The size of the roof structure is proposed to be approximately 430 square feet and constructed along the rear wall of the dwelling. The structure is anticipated to remain limited in height and maintain side yard setback requirements. Therefore, although reduction to the rear yard setback is requested, the massing of the structure is not anticipated to negatively impact adjacent properties. A condition of approval is recommended that the open roof porch remains and it is not enclosed, as shown on the renderings that were provided by the applicant. Subject to the recommended 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 proposed roof structure to encroach 4.4 metres into the rear yard setback, resulting in a setback of 3.1 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure to the rear lot line. 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 roof 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 Variance is requested to permit a proposed roof structure to encroach 4.4 metres into the rear yard setback, resulting in a setback of 3.1 metres from the roof structure to the rear lot line, whereas the by-law permits a roof structure to encroach a maximum 2.0 metres into the rear yard setback, resulting in a required setback of 5.5 metres from the roof structure to the rear lot line. 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,

EMailling

Emily Mailling, Planning Technician

Appendix A: Site Visit Photos

