



Report Committee of Adjustment

Filing Date: May 16, 2024
Hearing Date: June 18, 2024

File: A-2024-0167

**Owner/
Applicant:** **Marco Nunes
Johnathan Netta (Netta Designs Inc.)**

Address: **22 Kendra Court**

Ward: 2

Contact: Megan Fernandes, Assistant Development Planner

Recommendations:

That application A-2024-0167 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-sided roof structure 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.
-

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached C – Special Section 686', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed open-sided roof structure, attached to a main wall of a building, to encroach 3.77 metres into the required rear yard, resulting in a rear yard setback of 3.73 metres, whereas the by-law permits a maximum encroachment of 2.0 metres into the required yard; and
 - o Staff note that upon a site visit of the property, the open sided roof structure is existing.
2. To permit an interior side yard setback of 0.65 metres to a proposed open-sided roof structure, attached to a main wall of a building, whereas the by-law requires a minimum interior side yard setback of 1.2 metres on one side and 0.9 metres of the other side, with the minimum distance between detached dwellings not to be less than 2.1 metres.
 - o Staff note that upon a site visit of the property, the open sided roof structure is existing.

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' in the Snelgrove Heartlake Secondary Plan (Area 1). In relation to Council Endorsed Brampton Plan 2023, the subject property is designated as 'Residential' (Schedule 1A – City Structure) and 'Neighbourhoods' (Schedule 2 - Designations). The requested variances have 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 an existing open-sided roof structure, attached to a main wall of a building, to encroach 3.77 metres into the required rear yard, resulting in a rear yard setback of 3.73 metres, whereas the by-law permits a maximum encroachment of 2.0 metres into the required yard. 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.

Variance 2 is requested to permit an interior side yard setback of 0.65 metres to an existing open-sided roof structure, attached to a main wall of a building, whereas the by-law requires a minimum interior side yard setback of 1.2 metres on one side and 0.9 metres of the other side, with the minimum distance between detached dwellings not to be less than 2.1 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 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. The open-roofed structure is one-storey in height and the extent of the structure results in a 1.73m rear yard setback reduction and a 0.55m interior side yard setback reduction from what the by-law permits. Given the size of the rear yard, the location of the open-roofed structure and deck is not considered to limit the amenity area in the rear or restrict access to the rear yard. The existing house is a single detached dwelling and only has access to the rear yard on one side. The open-roofed structure is located on the opposite side of the path of travel to the rear

yard. Subject to the recommend conditions of approval, variances 1 and 2 maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to allow the existing site conditions relating to an open-roofed structure in the rear yard of the residential property. The overall size and location of the structure is not anticipated to cause negative visual impacts or contribute to a significant loss of outdoor amenity space. Although setback reductions are requested, the remaining area between structure and property lines is not anticipated to impact drainage or access. 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. Conditions of approval are recommended that the open roof porch remains unenclosed, as shown on the plans that were provided by the applicant and that the applicant obtain a building permit for the open roofed structure. The variances are considered desirable for the appropriate development of land. Subject to the recommended conditions, the proposed variance is desirable for the appropriate development of the land.

4. Minor in Nature

The subject property is located within an established residential area of the City with medium sized rear yards. Considering the size of the property, the existing open-roofed structure is not anticipated to detract from access to outdoor amenities or create adverse impacts on-site or off-site. 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 open roofed structure is not enclosed. Subject to the recommended conditions of approval, the requested variances are considered to be minor in nature.

Respectfully Submitted,

Megan Fernandes

Megan Fernandes, Assistant Development Planner

Site Visit Photos – Appendix A

