

Filing Date: February 10, 2021

Hearing Date: March 9, 2021

File: A-2021-0020

**Owner/
Applicant:** Deonarine Sheorattan And Shanta Nalini Misir

Address: 21 Seascape Crescent

Ward: 10

Contact: Shelby Swinfield, Development Planner

Recommendations:

That application A-2021-0020 is supportable, subject to the following conditions being imposed:

1. That the extend of the variances be limited to that show on the sketch attached to the Notice of Decision;
2. 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 Special Section 10.4 (R1F-10.4), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit a rear yard setback of 3.02m (9.91 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

Current Situation:

1. Conforms to the Intent of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low/Medium Density' in the Bram East Secondary Plan (Area 41).

In the case of the subject variance application, the request for a reduced rear yard setback relates to an expansion of an existing residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned 'Residential Special Section 10.4 (R1F-10.4), according to By-law 270-2004, as amended.

The requested variance is to permit a rear yard setback of 3.02m (9.91 ft.) whereas the by-law requires a minimum rear yard setback of 7.5m (24.60 ft.).

The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient outdoor amenity space is provided on the property for the main dwelling. In the case of the subject property, the proposed addition is only proposed on a portion of the rear yard.

The proposed reduced setback is not anticipated to negatively impact the provision of outdoor amenity space on the property, and will facilitate an addition to an existing residential dwelling. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variances are required to facilitate a sun room addition at the rear of the existing residential dwelling. Due to the size of the property, the reduced setback at the rear yard of the property is not anticipated to negatively impact the outdoor amenity area provided on the property and the sun room addition will complement the use of the dwelling.

Subject to the conditions of approval, the requested variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to permit a reduced rear yard setback is not anticipated to negatively impact the provision of the outdoor amenity space on the subject property and will facilitate an expansion of the residential dwelling. It is noted that this reduced setback is not proposed across the entirety of the dwelling but only a portion of the dwelling. A condition of approval is recommended that the extent of the variances 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. Subject to the recommended

conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

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Development Planner