



**Filing Date:** April 14<sup>th</sup>, 2021

**Hearing Date:** May 11<sup>th</sup>, 2021

**File:** A-2021-0096

**Owner/  
Applicant:** **RUTHGERUS JACOBUS DAMEN AND MARIA LIGAYA DAMEN**

**Address:** 36 Cranmore Court

**Ward:** 2

**Contact:** Xinyue (Jenny) Li, Planner 1

---

### Recommendations:

That application A-2021-0096 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 Public Notice;
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 Single Detached (R1D-296)', according to By-law 270-2004, as amended.

#### Requested Variances:

The applicant is requesting the following variances:

1. To permit a portion of a proposed open sided roof structure attached to the dwelling to project 5.74m (18.83 ft.) into the required rear yard resulting in a setback of 1.86m (6.10 ft.) to the rear lot line whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.) for an open sided roof structure into the required rear yard with a resulting required setback of 5.6m (18.38 ft.).

## **Current Situation:**

### **1. Conforms to the Intent of the Official Plan**

The property is designated 'Residential' in the official Plan and 'Medium Density Residential' in the Snelgrove-Heart Lake (Area 1). The Residential designation supports the current use and the requested variance is not considered to have significant impacts within the context of the Official Plan.

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 Single Detached R1D-296', according to By-law 270-2004, as amended.

The variance requested is to permit a portion of a proposed open sided roof structure to be attached to the dwelling to project 6.14m into a required rear yard setback resulting in a reduced setback of 1.86m whereas the by-law permits a maximum encroachment of 2.0m for an open sided roof structure into a required rear yard depth with a resulting setback of 5.6m as required. The intent of the by-law in requiring a minimum rear yard setback is to ensure that sufficient area is provided for in the rear yard for amenity on the property. The proposed open sided roof structure will support the home owners use their portable hot tub and other outdoor amenity activities in the rear yard. It will positively contribute to the use of the amenity area and will not detract from its functionality or ability to provide outdoor amenity space for the dwelling. The remaining rear yard spaces that would not be covered by the roof structure will also provide sufficient area for outdoor activities.

Subject to the recommended conditions of approval, the requested variance is considered to maintain the intent of the Zoning By-law.

### **3. Desirable for the Appropriate Development of the Land**

The requested variance is intended to facilitate an open sided roof structure attached to dwelling to project 6.14m into a required rear yard setback resulting in a reduced setback of 1.86m in the rear yard of the residential property. The proposed open sided roof structure positively contributes to the use of the amenity area and does not detract from its functionality or ability to provide outdoor amenity space for the dwelling.

Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance is related to a proposed open sided roof structure in the rear yard is not anticipated to have negative impacts on the overall provision of the amenity space needed for the residential dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Xinyue' or 'Jenny', with a large, sweeping loop at the end.

Xinyue (Jenny) Li,  
Planner I, Development Services