



Report Committee of Adjustment

Filing Date: June 3, 2021
Hearing Date: July 13, 2021

File: A-2021-0129

**Owner/
Applicant:** IGINO TEOLIS

Address: 38 Davenhill Road

Ward: WARD 8

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0129 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; and,
2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is requesting two variances to facilitate a proposed 16.2 sq. m (174.37 sq. ft.) elevated deck located in the rear yard of the two-storey townhouse dwelling.

Existing Zoning:

The property is zoned 'Residential Townhouse A (R3A-3446)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a landscaped open space of 31.82% of the lot area whereas the by-law requires a minimum of 35% of the lot area to be landscaped open space;

2. To permit a landscaped open space of 42.44 sq. m (456.82 sq. ft.) abutting the rear wall of the dwelling whereas the by-law requires a minimum landscaped open space area of 45 sq. m (484.38 sq. ft.) abutting the rear wall of the dwelling.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Residential' in the Official Plan and 'Low/Medium Density Residential' in the Bram East Secondary Plan (Area 41). The nature and extent of the proposed variances, subject to the recommended conditions of approval, 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 a landscaped open space of 31.82% of the lot area whereas the by-law requires a minimum of 35% of the lot area to be landscaped open space. Variance 2 is requested to permit a landscaped open space of 42.44 sq. m (456.82 sq. ft.) abutting the rear wall of the dwelling whereas the by-law requires a minimum landscaped open space area of 45 sq. m (484.38 sq. ft.) abutting the rear wall of the dwelling. The intent of the by-law in regulating the minimum landscaped open space and the minimum landscaped open space area abutting a rear wall of a dwelling is to ensure that the size of a dwelling and related structures do not detract from the provision of outdoor amenity space.

The proposed deck requires a 3.18% reduction in the minimum landscaped open space and a 2.56 sq. m (27.55 sq. ft.) reduction to the landscaped open space abutting the rear wall of the dwelling. Given the size and elevated design of the deck, it is not considered to reduce the provision of outdoor amenity space on the property. The existing outdoor amenity space is at grade level in the rear yard is maintained. The requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances to permit reductions in the landscaped open space and landscaped open space abutting a rear wall are required to facilitate the construction of a proposed deck. The proposed deck is intended to enhance the outdoor amenity space on the property and the associated variances are not anticipated to negatively impact access to or provision of amenity space. Subject to the recommended conditions of approval, the proposed variances are considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The applicant is requesting two variances to facilitate a proposed 16.2 sq. m (174.37 sq. ft.) elevated deck located in the rear yard of the two-storey townhouse dwelling. The variances are not anticipated to reduce the provision of amenity space or create adverse impacts on-site or off-site. The proposed

deck will contribute to additional outdoor amenity space for the owners of the property. Subject to the recommended conditions of approval, the requested variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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