

Filing Date: September 20, 2021

Hearing Date: October 26, 2021

File: A-2021-0222

**Owner/
Applicant:** JIGAR & BIRWA PATEL – TRISTAR DESIGN & BUILD

Address: 16 Blue Silo Way

Ward: 6

Contact: Noel Cubacub, Planner I

Recommendations:

That application A-2021-0222 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 drainage on adjacent properties shall not be adversely affected;
3. That the owner shall obtain a building permit for the proposed 2 storey rear yard addition following the Committee's final decision; and
4. 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 E – Special Section 2505 (R1E-2505)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a rear yard setback of 4.29 metres (14.07 ft.) to a proposed 2 storey

addition whereas the by-law permits a rear yard setback of 7.5 metres (24.61 ft.).

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 Huttonville Secondary Plan (Area 29). The Residential designation supports the current use and the variance has no significant impacts within the context of the Official Plan policies.

The nature and extent of the proposed variance, subject to the recommended conditions of approval, maintain the general purpose and intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned "Residential Single Detached E – Special Section 2505 (R1E-2505)" according to By-law 270-2004, as amended. The variance requested is to permit a rear yard setback of 4.29 metres (14.07 feet) whereas the by-law permits a rear yard setback of 7.5 metres (24.61 feet).

The intent of the by-law regulating the rear yard setback is to ensure that adequate amenity space is provided in the rear yard, and that the privacy of adjacent properties is not impacted. A condition of approval is recommended that the extent of the variances be limited to that shown on the sketch attached to the Public Notice to ensure that the size of the proposed addition remains as presented within this application.

Despite the reduced rear yard setback, the addition of the addition is not anticipated to negatively impact privacy on adjacent properties. Though the addition is two (2) storeys, the top of the addition is no higher than the main floor of the primary dwelling. Further, the rear yard amenity space is not compromised by the size and location of the addition.

Subject to the recommended conditions of approval, the requested variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to facilitate the construction of an addition on the ground floor. The proposed size of the addition is not anticipated to negatively impact the adjacent properties and will contribute positively to the outdoor amenity space on the property. A condition of approval is recommended that drainage on adjacent properties shall not be adversely affected to ensure that the proposed addition does not negatively impact drainage on adjacent properties.

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 proposed variance is not anticipated to negatively impact the subject property or

adjacent properties. The dwelling will continue to align with the character of the surrounding neighbourhood and no major privacy concerns are anticipated to arise as a result of the variance. A condition of approval has been recommended that the extent of the variance be limited to that shown on the sketch attached to the public notice to ensure that the rear yard setback is not decreased further.

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 read 'Noel Cubacub', written over a horizontal line.

Noel Cubacub
Planner I