

Filing Date: March 26, 2021

Hearing Date: April 20, 2021

File: A-2021-0080

**Owner/
Applicant:** **BARTOLOMEO DIGIOVANNI AND CONNIE DIGIOVANNI / JEFF
DIGIOVANNI**

Address: **27 Leeward Drive**

Ward: **7**

Contact: Mark Michniak, Planner III, Development

Recommendations:

That application A-2021-0080 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;
 2. That drainage on adjacent properties shall not be adversely affected;
 3. That drainage from the proposed enclosure roof must flow onto the subject property;
 4. That the below grade entrance shall not be used to access an unregistered second unit;
 5. That the roofed structure which connects the dwelling at 27 Leeward Drive and the dwelling at 29 Leeward Drive be removed within 180 of the final date of the Committee's decision, and said removal be demonstrated to the satisfaction of the Director of Development Services, or that the structure be altered to comply with the Zoning By-law and Ontario Building Code to the satisfaction of the Chief Building Official and that a building permit be obtained for the alteration, if required;
 6. That a building permit be obtained for the below grade entrance and enclosure within 180 days of the final date of the Committee's decision; and
 7. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
-

Background:

The existing below grade entrance and stairway is currently unenclosed. It is the intention of the applicant to construct an enclosure in accordance with the Ontario Building Code (OBC).

Upon site inspection, a “roofed structure” (fence with a connected roof) that connects the dwelling at 27 Leeward Drive and the adjacent dwelling at 29 Leeward Drive was identified. As this is not permitted by the OBC it is recommended, as a condition of this approval, that the structure be removed or altered to comply with the OBC.

Existing Zoning:

The property is zoned “Residential Single Detached B(1) (R1B(1)-328)” and “Mature Neighbourhood” according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit an existing open roofed porch to encroach 2.65m (8.70 ft.) into the required rear yard, resulting in a setback of 5.1m (16.73 ft.) whereas the by-law permits a maximum encroachment of 2.0m (6.56 ft.), resulting in a rear setback of 5.75m (18.86 ft.);
2. To permit lot coverage of 39.3% whereas the by-law permits a maximum lot coverage of 30%;
3. To permit a side yard setback of 0.84m (2.76 ft.) to a proposed building addition enclosing the below grade stairs whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft.).

Current Situation:**1. Conforms to the Intent of the Official Plan**

The property is designated as “Residential” within the Official Plan and “Low Density Residential 1” within the Bramalea Secondary Plan (Area 3). The requested variances are not considered to have a significant impact with the context of the Official Plan policies. The requested variances are 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 B(1) (R1B(1)-328)” and “Mature Neighbourhood” according to By-law 270-2004, as amended.

Variance 1 is to permit an increased encroachment into rear setback for an existing

open roofed porch. The variance relates to the roof above the rear door to the dwelling. This roof does not detract from the provision of outdoor amenity space. Variance 1 is considered to maintain the general intent of the Zoning By-law.

Variance 2 is to permit an increased lot coverage. The intent of the by-law in regulating maximum lot coverage is to ensure that adequate outdoor amenity space is preserved. The property provides outdoor amenity space within both the front and rear yards. Variance 2 is considered to maintain the general intent of the Zoning By-law.

Variance 3 is to permit a reduced side setback to an enclosure to an existing below grade entrance and stairs. The intent of the by-law in maintaining a minimum side yard setback is to ensure adequate access to the rear yard is maintained and to provide sufficient room for drainage. In the case of this dwelling, the opposite side yard, while containing a shed and air conditioning unit, provides access to the rear yard. As a condition of approval, it is recommended that the enclosure is to direct the flow of runoff onto the subject property. Subject to the recommended conditions, variance 3 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is to permit an increased encroachment into rear setback for an existing open roofed porch. The variance relates to the roof above the rear door to the dwelling. This roof does not detract from the provision of outdoor amenity space. Variance 1 is considered to be desirable for the appropriate development of the land.

Variance 2 is to permit an increased lot coverage. The additional lot coverage does not impose upon neighbouring properties. As a condition of approval, it is recommended that the extent of the variances be limited to that shown on the sketch provided by the applicant and that drainage on adjacent properties shall not be adversely affected. Subject to the recommended conditions, variance 2 is considered to be desirable for the appropriate development of the land.

Variance 3 is to permit a reduced side setback to an enclosure to an existing below grade entrance and stairs. The intent of maintaining a minimum side yard setback is to ensure adequate access to the rear yard is maintained and to provide sufficient room for drainage. In the case of this dwelling, the opposite side yard, while containing a shed and air conditioning unit, provides access to the rear yard. As a condition of approval, it is recommended that the enclosure is to direct the flow of runoff onto the subject property. Additional conditions recommend that the entrance not be used to access an unregistered second unit and that a building permit is obtained for the below grade entrance and enclosure within 180 days of the final date of the Committee's decision. Subject to the recommended conditions, variance 3 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

Variance 1 is to permit an increased encroachment into rear setback for an existing open roofed porch. This roof does not detract from the provision of outdoor amenity space. Variance 1 is considered to be minor in nature.

Variance 2 is to permit an increased lot coverage. The additional lot coverage does not impose upon neighbouring properties nor impact outdoor amenity space. Subject to the recommended conditions, variance 2 is considered to be minor in nature.

Variance 3 is to permit a reduced side setback to an enclosure to an existing below grade entrance and stairs. Given that the opposite side yard provides access to the rear yard, the below grade entrance and enclosure will not impede access to the rear yard. Subject to the recommended conditions, variance 3 is considered to be minor in nature.

Respectfully Submitted,



Mark Michniak, Planner III, Development